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PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

SENATE—*Tuesday, December 2, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable DONALD W. RIEGLE, JR., a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Our Father God, we know not what the future holds, but we know who holds it. Thou art the same yesterday, today, and forever. We would live in obedience to Thy sovereign will and walk in the light of Thy presence.

Be with all who serve in this place. Deliver us from sharp words that wound and scar. Grant that no contest or clash of opinion may lead to estrangement. But grant us civility in our bearing, clarity of mind, certainty of purpose. Bring us to the day's end with clean hands and pure hearts, with work well done, and at peace with Thee.

We pray in His name who is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., December 2, 1980.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DONALD W. RIEGLE, JR., a Senator from the State of Michigan, to perform the duties of the Chair.
>
> WARREN G. MAGNUSON,
> *President pro tempore.*

Mr. RIEGLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POLAND: MODERATION AND DETERMINATION

Mr. ROBERT C. BYRD. Mr. President, looking back over the dramatic events in Poland since the summer, two factors have stood out above all others. First, the voices of moderation have prevailed, among the leaders of the newly independent trade union movement as well as among the leaders of the Warsaw government. Second, the people of Poland, from the man in the street to the political elite, have emphasized their determination to settle their own problems free from outside intervention.

These two factors—moderation and determination—deserve our recognition, our attention, and our support. They deserve this and more, if for no other reason than they have been the key ingredients thus far in Poland's successful, but by no means certain, march toward progress and reform.

What comes next in Poland is unclear at best. The highly respected British journal, the Economist, sees the future in particularly difficult, if not dangerous, terms: "The way ahead is a minefield." Such an assessment is probably not far off the mark. Plain and simple, for the foreseeable future, the people and Government of Poland will have to contend with the twin problems of social turmoil and economic deterioration.

It is clear that the independent trade movement will grow and will continue to assert itself. The gains that have been registered so far are surely seen as just the beginning of a process designed to bring greater economic benefits and social justice to the working class. As the process gathers steam, it will give birth to additional demands and requirements.

This is not an unfamiliar scenario, but at each turn it will confront, as it already has, a relatively archaic and stultified economic and political structure, one that may or may not be able to accommodate the expectations of the union movement.

With or without these increased expectations, the Polish economy, internally and externally, is in dire straits. One observer recently summed up the internal situation this way:

> Nearly everything in Poland is in desperately short supply. The lines people commonly stand in to buy most anything from meat to chocolates to newspapers have grown longer since the summer's strikes and the quality of goods for sale is notably poorer.

On the external side, the story is much the same. There is a telltale shortage of the kinds of goods and services that Poland needs to sell internationally in order to manage successfully the $20 billion debt it has accumulated in recent years. Because of this burden, Polish authorities within the last month or so have sent out a gigantic economic SOS, requesting $9 to $12 billion in economic assistance and debt relief. The request to the United States alone amounted to $3 billion.

In general terms, then, this is the reality of Poland: Pressing demands for social reform and little or no cash on hand to pay for it. To be sure, it is not an enviable position. The only way out for both workers and Government officials is to recognize openly and honestly the reality of the situation and to continue to deal with it in a moderate but determined manner. So far they have done just that. What is needed now is more

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of the same—moderation and determination.

In the final analysis, then, we who are on the outside looking in must recognize that the only lasting solution to the problems confronting Poland will be a Polish solution—not a Soviet solution, nor an American solution, for that matter. And no amount of saber rattling or threats of outside military intervention can alter this fundamental fact of political life.

Should the leaders in Moscow overlook this basic principle, let Afghanistan serve as a constant reminder. There are no lasting military solutions to political problems—either in Afghanistan or in Poland. Indeed, like the rest of the world, the Soviets must come to accept the moderation and determination of the Polish people.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield to Mr. Proxmire such time as he may need.

Mr. PROXMIRE. I thank the majority leader.

ECONOMISTS NOW SAY WE ARE BETTER OFF AFTER 4 YEARS OF CARTER

Mr. PROXMIRE. Mr. President, this morning's Wall Street Journal had an astounding headline—the Wall Street Journal, mind you. It says: "Living Standard Gauge Shows Big Rise Since Carter Became President."

That is going to be big news to the American people. In the Wall Street Journal, I think it is particularly impressive. I have really tried hard, but I cannot resist calling this article to the attention of the Senate.

It declares that the answer to Ronald Reagan's very effective challenge, in speech after speech to the American people, when he would ask, "Are you better off after 4 years of Carter than you were in 1976?" The answer—say the economists—is clearly "Yes." The American people were better off in 1980 than they were in 1976, better off in terms of real income—after allowing fully for inflation and taxes and on a per capita basis.

In fact, the Wall Street Journal—which could never be said to be a flack for Carter—points out that the statistical improvement on a per capita—real income—basis clearly understates how much better off the American people were. Why? Because it does not include the so-called off-the-book income which the Wall Street Journal says may be as high as one-quarter of our gross national income and they contend this has been growing three times as fast as the rest of the economy. The statistics also do not include the improvement from transfer payments—that is, unemployment compensation, social security increases, and other benefits that have been deleted because the income reported reports after-tax income and eliminates what taxes buy.

At any rate, I shall not resist the temptation further. I ask unanimous consent to have the entire article, entitled "Living Standards Guage Shows Big Rise Since Carter Became President," printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Dec. 2, 1980]

Living-Standard Gauge Shows Big Rise Since Carter Became President

(By Alfred L. Malabre, Jr.)

[Chart referred to in article not reproduced.]

As a matter of fact, you are better off than you were four years ago.

In the election campaign, Ronald Reagan asked voters to ponder a question: "Are you better off than you were four years ago?" No small factor in his lopsided victory, analysts say, was a widespread conviction that things are markedly worse than four years ago, when President Carter gained the White House.

The analysis seems reasonable enough—except for one thing. The broad gauge by which economists commonly measure living standards shows not a decline since 1976 but an appreciable rise. Charted at the right, it reflects after-tax personal income, expressed in terms of the dollar's 1972 buying power to eliminate "growth" due merely to inflation; the figures are per capita, to allow for an expanding population.

When Mr. Carter took office, this living-standard gauge showed an annual rate of $4,200. In the third quarter of this year, it was at $4,448, a gain of nearly 6 percent during the Carter tenure.

MEASUREMENT PROBLEMS

Quite obviously, living standards can't be precisely defined through economic statistics. How can any statistical gauge accurately reflect such imponderables as the effect on living standards of rising crime and industrial pollution? If higher incomes lead us to eat richer foods, drive more and walk less, has our standard of living really improved, or are we simply less healthy than before?

Nonetheless, the fact remains that the main statistical indicator of living standards shows a pronounced increase, not only for the Carter years but also, as the chart makes clear, for the 1970s as a whole. The 10-year increase works out to about 28 percent. That's only slightly less steep than in the 1960s. In absolute terms, the living-standard gauge rose more in the 1970s than in the 1960s.

Some economists believe, it should be added, that the income numbers plotted in the chart may seriously understate the trend. Tax payments assuredly serve in part to improve living standards, they assert, and yet the gauge is an after-tax measure. It's also noted that the statistic fails to take into account the nation's swiftly expanding off-the-books economy. Recent estimates suggest that this so-called underground economy may be at least one-quarter the size of the official gross national product and may be growing perhaps three times faster.

In addition, the income gauge naturally doesn't encompass the large gains in the value of housing, over and above inflation, that most American homeowners have lately enjoyed.

"Putting all the facts together, the surprising truth appears to be that living standards generally have climbed a good deal over the past several years," remarks an economist at the National Bureau of Economic Research, a nonprofit group in Cambridge, Mass.

One factor acting to obscure the apparent living-standard rise is that some other statistics also bearing on wherewithal trends do show a decline. For example, inflation-adjusted hourly pay, including fringe benefits, is several percentage points lower now than when Mr. Carter assumed office. Such a yardstick, however, is obviously a far narrower gauge of living standards than the income measure shown in the chart. It fails to reflect, among other things, that there are some 10 million more people at work now than four years ago. Recently at close to 60 percent, the portion of the working-age population holding down jobs has been at record levels during most of the Carter administration.

To focus only on pay also misses sharp gains within other income areas. Income representing so-called transfer payments—Social Security, unemployment insurance, welfare and the like—has risen appreciably faster than paycheck pay in the Carter years. So has income deriving from stock dividends and interest payments. The extra-rapid rise of interest income, of course, reflects the high inflation of recent years. Levels of inflation and interest tend to move in tandem, economists explain, as lenders seek to protect against any anticipated long-term loss of the dollar's buying power.

If a case can be made that living standards have risen during the Carter years, are further gains a likely prospect during Mr. Reagan's approaching administration?

THE ROLE OF GROWTH

Another glance at the chart shows that the income gauge normally rises, except when recessions are in progress. A severe 16-month slump developed in late 1973 and, as indicated in the chart, income skidded. Another, shorter recession developed at the beginning of 1980, and again the chart shows an income drop. The lesson is that further gains will materialize if the Reagan years witness, in the main, economic growth.

Will they? The outcome is by no means certain. Experience teaches that inflation progressively worsens over the course of an expansion phase of the business cycle, and normally subsides only during the latter stages of recessions and just afterward. Thus, the record suggests that a successful battle against inflation means, at best, a highly sluggish economy. And this prospect, in turn, points to a time ahead of little or no living-standard gain, since the Reagan team has made clear that subduing inflation is among its high-priority aims.

Such considerations prompt a comment from an economist at New York's Conference Board, a nonprofit research organization: "It's entirely possible that four years from now, a Democratic challenger for the presidency, running against Reagan, will ask us whether we're better off than back in 1980, and then, unlike the current situation, we really will be worse off."

Whatever does take place in the years just ahead, the very recent decline in living standards that developed along with this year's recession is apparent in diverse ways.

Sindlinger & Co., a Media, Pa., firm that conducts assorted economic surveys by telephone, reports a recent, sharp increase in "doubling up." In a recent four months, Sindlinger estimates, some 500,000 households "were eliminated (mainly through) children, both married and single, moving in with their parents; older couples moving in with their children; and single people giving up their households to become roommates of other singles." Over the same span, it's noteworthy, vacancy rates were generally on the rise.

On a somewhat more frivolous note, a recent study by Providence's Industrial National Bank of Rhode Island suggests that living-standard problems have lately affected some of the relatively well-to-do. It finds that in a recent six months, jewelry buying, adjusted for inflation, fell "at a whopping 40 percent annual rate."

THE ARMENIAN MASSACRE

Mr. PROXMIRE. Mr. President, throughout their history, the Armenians have been ruthlessly persecuted by various other national groups.

For hundreds of years, the Ottomans considered the Armenians to be inferior citizens and, therefore, they taxed them unfairly and limited their freedom and mobility. The Russians made life difficult for the Armenians in the 19th century.

Centuries of oppression against the Armenians came to a head earlier in this century. On the pretense that Armenian traitors were responsible for the Russian victories against Turkey during the First World War, the Turks began to systematically destroy the Armenian population. Armenians were arrested, deported, tortured, and eventually slaughtered. Well over a million people were exterminated simply because they were different.

Mr. President, this barbarity is without doubt a clear case of genocide. The term "genocide" refers to the intent to eliminate a group of people because they were perceived to be of the wrong religion, to have the wrong color of skin, or to belong to the wrong ethnic group.

This inhumane and needless torture cannot be allowed to recur.

All of the nations of the world must unite to express universal condemnation of this heinous crime.

Most of the countries of the world have ratified the Genocide Convention, which deplores the barbarity of genocide and resolves that it will never happen again.

The United States, however, has never ratified the treaty. We are the only major industrialized nation that has not ratified the treaty. We cannot continue to give tacit approval to this crime, as we have done for over three decades.

Many nations have put aside their differences and united to show their concern for humanity. The United States must join them by ratifying the Genocide Convention.

The massacre of the Armenian people must never happen again.

I urge my colleagues to ratify the Genocide Convention immediately.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not to exceed 15 minutes and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUALMS ABOUT REAGAN'S ECONOMIC THINKING

Mr. PROXMIRE. Mr. President, this morning's New York Times carried an excellent article that was put together based on a speech by the majority leader in New York City some time ago. It is an article analyzing the economic problems confronting the incoming administration, a very thoughtful article. It points to the great difficulty of reconciling the pledges and promises of President-elect Reagan with the economic realities that he is going to have to face. I think it is such a thoughtful article—I read it over this morning with great pride because, of course, Senator BYRD is our majority leader—that I think it should be called to the attention of all Senators. Therefore, I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUALMS ABOUT REAGAN'S ECONOMIC THINKING

(By ROBERT C. BYRD)

Senate Democrats will cooperate with President-elect Reagan in attempting to achieve the general economic goals he outlined in his campaign. However, some of his specific recommendations may require rethinking in the post-election calm.

On Sept. 9, in his major campaign address on economic policy, Governor Reagan presented the following outline of his economic agenda:

He promised to reduce Government spending by 7 percent to 10 percent by 1984 or 1985.

He promised to enact a 30 percent cut in individual taxes over three years, dramatically revamp the depreciation schedule, and index personal-tax rates once the 30 percent individual rates are in place.

He promised to support a stable and predictable monetary policy.

As we measure President-elect Reagan's economic plan against the current economic backdrop, we must question how he hopes to control inflation and meet his promise to restore economic growth at the same time.

One might argue that Mr. Reagan has a long-term plan to dampen inflation by stimulating investment in new plant and equipment, and thus increase the growth in productivity. Everyone agrees that we do need modernized productive capacity, but we must recognize that the anti-inflationary payback from this effort is years away.

In the short run, he hopes to stimulate the economy with massive, historically unprecedented tax cuts which are unlikely to be offset even by his optimistic projected spending cuts. I believe that he cannot achieve a 7 percent to 10 percent cut in the Federal budget, while at the same time significantly increasing defense spending, without cutting deeply into many programs which he has promised to hold harmless.

Mr. Reagan has promised to make his budget cuts without "altering or taking back necessary entitlements already granted to the American people."

Let us examine the Federal budget. In rough terms, defense represents 24 percent of the budget. Mr. Reagan plans to increase this amount by more than the 5 percent real annual increase promised by President Carter. Interest on the debt is 9 percent of the budget.

Social Security, railroad, and Federal employee retirement and insurance equal 32 percent of the budget. These three items alone amount to 64 percent of the Federal budget—and that does not include veterans' benefits, unemployment insurance, Medicaid and Medicare—all of which are presumably "necessary entitlements already granted to the American people."

The answer, quite simply, is that defense spending cannot be increased and entitlements held harmless, and a 7 percent to 10 percent budget cut be achieved—unless programs such as revenue sharing, alternative fuels, water projects, and assistance to rails, ports, and road construction are slashed dramatically.

The President-elect has commented that his savings can be achieved by eliminating extravagances. Senate Democrats stand ready with our scalpels to cut extravagances as well.

But one man's extravagance is another's vital program. Any deep cuts into entitlement programs could jeopardize the newly elected President's credibility.

Given the difficulty of achieving spending cuts large enough to offset the enormous tax cuts he has promised, I fear that if Mr. Reagan persists in cutting taxes on the scale he has promised, he could preside over enormous budget deficits.

Inflation, already raging at 10 percent, will go higher should this occur.

In fact, inflation will not be controlled until we break the spiral of wages and prices which leads people to expect that prices will go ever upward.

Is this country so bankrupt of economic thought and national will that the only way to break this expectation is by putting our people through the wringer of prolonged recession, 10 percent unemployment, and 20 percent interest rates?

Yet I fear that this will be offered as our only alternative in the not-too-distant future unless President-elect Reagan does two things:

I hope he will reject the fiscal radicalism of the Roth-Kemp tax cut.

Second, I hope he will formulate an effective and fair incomes policy

Early in his term, Mr. Reagan will enjoy a high level of public support. To be effective, an incomes policy requires a strong leadership from the Oval Office—leadership which can mobilize public support.

I would hope that early in his term Mr. Reagan will bring together the best minds in the nation from business, labor, and the public to fashion a wage-price strategy. I believe that Congress would support this effort. I believe that the American people would welcome it.

To be sure, an incomes policy can only help to buy some time until productivity increases from fuller employment, and investment in new plant and equipment, can start paying off.

Mr. ROBERT C. BYRD. Mr. President, I thank the very distinguished Senator from Wisconsin for his thoughtfulness.

THE WEST FRONT OF THE CAPITOL

Mr. MOYNIHAN. Mr. President, one of the few tenets of naval doctrine which I learned as a midshipman and have somehow retained has to do with the combat station of a ship's executive officer, the second in command. The simple rule is that he should be anywhere the captain is not.

I raise this subject in the context of the forthcoming Inauguration, and do so with frank trepidation. As is now well known, this year for the first time in history the Inauguration will take place on the West Front of the Capitol. The vista will be splendid; the immediate environs, however, hazardous to the point of peril. Put plainly, the West Front is on the verge of collapse. A coat of paint is being slapped on the scabrous exterior, but the literally rotting wooden beams that brace the sagging west walls are adequate testimony to the interior ruin.

I will not predict that the unaccustomed jostle and commotion of an Inaugural ceremony will bring the walls down and the Dome with them, but prudence prohibits that such a likelihood be dismissed.

In the course of such a catastrophe, we would lose many Members of Congress and the Supreme Court. But these can either be replaced or done without. What we cannot do without is a President, and if it be the will of the Congress that the President-elect be exposed to this unprecedented peril, and if as I fully expect he chooses not to be deterred by the knowledge of what he faces, then I propose that the Vice President be simultaneously and quietly sworn in at some suitable site at a discreet distance. The reading room of the Library of Congress comes to mind: A setting of dignity and reflection, where he and his entourage would be spared the noise and dust coming from across the way.

Mr. President, should fortune smile and the Chief Executive survive this coming January 20, may we not hope that this brush with fate will inspire us all to repair the Capitol before it falls down quite of its own. There is something beyond the eccentric in our behavior in this matter. Throughout this century we have been adding about one building a decade to our collection here on Capitol Hill.

There has been a steady declining quality. On the House side, the Longworth Building was fair, the Cannon Building bad, the Rayburn Building historically hideous. On our side, the Russell Building was, may I put it thus, not bad, the Dirksen Building merely embarrassment, but the emergent Hart Building something like a criminal enterprise. Of the Supreme Court Building, shall we simply say that it is well the Romans never saw it. Only the Jefferson Building of the Library of Congress can claim any distinction, it being a respectable example of its period. On the other hand, the new Madison Building is so irretrievably vulgar that the overall record of eight decades of architectural deficit is amply established.

Shall we not, then, shore up our one treasure, the Capitol itself? Make it sound. Keep our future Presidents safe in their brief hour with us. And resolve before high heaven to build no more buildings in this accursed century.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. MOYNIHAN. Mr. President, I support S. 506, the Fair Housing Amendments Act of 1980. I am honored to be a cosponsor of this vital initiative, and am pleased that the Senate will consider it in the closing days of the session.

There is no doubt that this is the most important civil rights legislation of the last 12 years. It expands and strengthens the housing section of the Civil Rights Act of 1968, and affirms our continued concern that discrimination in housing become a thing of the past. After more than a decade of silence on one of the greatest domestic issues of the century, we once again rise to say in no uncertain terms that we will not tolerate the denial of any American's civil rights. Let no one doubt our tenacity of purpose; we concern ourselves when civil rights are threatened in particular because of our commitment to all civil rights.

One would like to think that additional fair housing legislation is unnecessary; that this is not so is an indication to us that whatever changes have occurred since the spring of 1968 when the Civil Rights Act of that year was enacted. The need continues for legislation to eliminate discriminatory practices and to resolve anew that we will not tolerate discrimination in any of its forms, no matter how small and individual, or large and pervasive. If we fail in this undertaking we will be saying that we do not care about civil rights at all, and indeed in doing so we will be turning our backs on one of the most significant domestic, and indeed international, questions of this century.

THE SUPERFUND BILL

Mr. MOYNIHAN. Mr. President, the State of New York has reason to be proud. Over 3 painful and confusing years, a group of gallant citizens—the Love Canal Homeowners Association—and a pair of aggressive dailies—the Buffalo Evening News and the Buffalo Courier-Express—succeeded in making a not so simple point to the Congress of the United States: The leaking of hazardous chemicals at the Love Canal in Niagara Falls was not an isolated event but indeed the ominous warning of a national epidemic.

The House has yet to act on the Senate's version of the superfund bill. The case for immediate passage could not be expressed better than in the following two editorials which appeared in the Buffalo papers on Sunday, November 30, 1980.

I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Buffalo Evening News, Nov. 30, 1980]

BIG GAIN FOR SUPERFUND

In just a little over two years, Love Canal has become a compelling national symbol of the risks lurking in abandoned chemical dumps buried beneath our modern industrial society. As much as anything else, Love Canal's powerful symbolism explains the Senate's overwhelming adoption of the "superfund" bill empowering Washington to clean up abandoned toxic dump sites and chemical spills.

When the current lame-duck session of Congress convened after the Nov. 4 election, the odds were heavy that "superfund" legislation, passed in the House but not in the Senate, was dead for this year. But no one wanted to bear the blame for killing it, thank goodness, and so, after extended negotiation and compromise, the Senate has now passed its own $1.6 billion measure.

The unassailable argument in its favor was the simple one made by Sen. Jennings Randolph, chairman of the Senate environmental panel. "We cannot afford another Love Canal," he said.

In simplest terms, the Senate bill covers all abandoned toxic dump sites in the nation and applies to chemical spills affecting ground water. It would permit the federal government to recover money from any party responsible for transportation or disposal of hazardous wastes released into the environment. The $1.6 billion fund would be financed 87.5 percent by levies on chemical firms and the remainder by general tax revenues.

In the process of negotiation and compromise, at least one strong feature of an earlier proposal was disappointingly eliminated. Neither the Senate nor the House bill would compensate victims of these hazardous wastes. The Senate did justifiably drop, however, a section on liability in legal suits that was too broad to be fair to the chemical industry.

Senate action does not automatically assure a final "superfund" law this year, although it certainly brightens prospects for this desired result. Differences between the Senate and House bills must still be reconciled and agreed upon. For example, the fund under the House formula would obtain 75 percent of its revenues (not the Senate's 87.5 percent) from taxes on an array of chemical products. The Senate bill would also apply the fund to a broader number of situations.

Whatever the details of a House-Senate compromise, the law should finally be adopted this year. Not to do so would prolong an already excessive delay. A recent U.S. surgeon general's report concluded that poisonous chemicals seeping into the environment pose "a major and growing public health problem.'" They all too aptly illustrate the gains of modern technology outracing society's ability to control the resulting wastes.

Sen. Daniel Moynihan, D-N.Y., called the superfund the "most important environmental legislation of this decade." Even with the measure's imperfections, that is probably true. Improvement of the law, such as restoring medical compensation for victims, can come later. But the law won't live up to the Moynihan billing unless Washington goes quickly to work in identifying and cleaning up the thousands of abandoned toxic waste sites around the country.

[From the Buffalo Courier-Express, Nov. 30, 1980]

PASS THE SUPERFUND

Now relegated to "lame-duck" status, the 96th Congress still has the opportunity to achieve historical stature for its environmental legislation. It already has enacted into law the preservation from development of over 100 million acres of Alaskan wildlands, and will be grappling this week with House and Senate versions of legislation establishing a "superfund" to provide money for emergency cleanups of dangerous chemical wastes. Although, like the Alaskan lands preservation law, the Senate bill is a compromise version of a broader measure, it is preferable to the House bill and should be accepted by the House to ensure passage this year of an emergency superfund.

The Senate bill has been criticized by environmentalists who object to the elimination of provisions compensating victims and enabling federal court action by toxic waste victims. On the other hand, the Chemical Manufacturers Association which represents chemical producers bearing the brunt of the revenue raising requirements, argues that half a loaf is not better and everyone should wait until next session to enact a superior law. But Sen. Daniel P. Moynihan, D-New York, who authored much of the tax provisions, has a positive reply to that somewhat cynical stand: By passing the Senate version "we're halfway there," he says. Considering what the legislation is dealing with, which is much more than Love Canal situations, we'd prefer to be halfway there than not at all.

Now paired down from $4.2-billion to $1.6-billion, the Senate bill would raise 87.5 percent of its revenue over a five-year period from taxes on approximately 600 companies which produce 11 petro-chemicals and 31 inorganic substances that are used in the synthesis of other chemicals. It would also levy an eight-tenths-of-a-cent tax on every barrel of domestic and foreign crude oil. The remaining 12.5 percent of the fund would come from the federal treasury.

The chemical substances chosen to be taxed are those which are considered hazardous in their own right or are major components of hazardous substances. One rational for this tax on the source of the substances is that it is far easier to administer an excise tax on a few hundred companies than one on all the potential users of such substances. The tax provisions should not let this bill be viewed as antiproducer or antibusiness because part of the cost of any product should reflect the expense of taking care of the waste. Even though the tax will most certainly be passed on to the consumer, that is a more proper way to pay for waste cleanups than having residents of the affected localities shoulder the burden or through a general tax on people as a whole.

While the bill taxes producers to cover most of the fund, it also aims to discourage the dumping of wastes by others with a liability scheme that enables replenishment of the fund through court action or presidentially levied penalties. And while the superfund has financial limits of approximately $360-million a year and requires a 10-percent state funding share for any project, it can be used for more purposes than the $1.2-billion House measure which applies only to abandoned waste dumps. It also covers such situations as removal of PCBs in the Hudson River, groundwater contamination, tank car spills—in other words, most any chemical spill on land or water. Moreover, it contains a provision enabling states, such as New York, which have spent funds since 1978 on chemical-waste cleanups to have those costs credited against future projects.

It is estimated by the federal Environmental Protection Agency that the cost of cleaning up the average abandoned hazardous waste site will be anywhere from $5-million to $20-million, with an estimated 50,000 sites around the country—300 of which are considered in need of priority attention—the EPA will have a difficult political task of determining which areas should be treated first. Charges of boondoggles are bound to arise from implementation of any super-fund law. But despite its inadequacies, the Senate measure deserves passage this week before Congress decides to adjourn. The Senate bill is the most responsible of the two because it offers the broadest capability to respond to any emergency. It should be remembered that was the original intent of the superfund.

RECESS FOR 1 HOUR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 hour.

There being no objection, the Senate, at 10:10 a.m., recessed until 11:10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BRADLEY).

RECESS UNTIL 12 MERIDIAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon today.

There being no objection, the Senate, at 11:11 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12 meridian, recessed for 30 minutes; whereupon, at 12:30 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The motion to proceed to the consideration of H.R. 5200.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 5200, an act to amend title VIII of the act commonly called the Civil Rights Act of 1963 to revise the procedures for the enforcement of fair housing, and for other purposes.

Robert C. Byrd, John Culver, Max Baucus, Bill Bradley, Donald Riegle, Thomas Eagleton, John H. Chafee, William Proxmire, Alan Cranston, Charles McC. Mathias, Howard M. Metzenbaum, Paul Sarbanes, Harrison Williams, Patrick Leahy, Daniel K. Inouye, Birch Bayh.

Mr. ROBERT C. BYRD. Mr. President, I am about to move to proceed to the consideration of the nomination of Mr. Breyer. I can do that while I have the floor, or I can ask unanimous consent that there be a quorum call and that I be recognized following the establishment of a quorum, or, at such time as the quorum call is rescinded, that I be recognized for the purpose of making this motion.

So I ask unanimous consent that I may suggest the absence of a quorum and that upon the establishment of a quorum or upon the rescinding of the quorum call, I be recognized; and at that time it would be my intention to move to take up the nomination of Mr. Breyer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION—THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, in conformity with the statement of intention that I made before suggesting the absence of a quorum, I move that the Senate go into executive session to consider the nomination of Stephen G. Breyer, of Massachusetts, to be U.S. circuit judge for the first circuit.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Stephen G. Breyer, of Massachusetts, to be U.S. circuit judge for the first circuit.

NOMINATION OF STEPHEN G. BREYER TO THE FIRST CIRCUIT COURT OF APPEALS

Mr. KENNEDY. Mr. President, it is a special privilege for me to express my strong support for President Carter's nomination of Stephen G. Breyer to the U.S. Court of Appeals for the first circuit. The Judiciary Committee has unanimously approved his nomination and I urge the Senate to confirm him.

Mr. Breyer is highly qualified by his background and experience for this position, and I believe that he will serve with great distinction on the court of appeals.

In a sense, all 17 of us on the Judiciary Committee—both Democrats and Republicans—take pride in this nomination, because it is a genuinely bipartisan appointment.

For the past 2 years, Mr. Breyer has served as Chief Counsel of our committee. During this time, all the members of the committee have come to know him well, to respect his outstanding ability, and to value his extraordinary fairness and objectivity.

Mr. Breyer served the committee while on leave from his position as professor on the faculty of Harvard Law School. His interest in the work of the committee was a direct outgrowth of his commitment to public service and to his preeminent record as a legal scholar in the area of deregulation.

More than any other scholar or expert in the field, Mr. Breyer was the architect of the landmark legislation that deregulated the airline industry in 1978 and the trucking industry in 1980. His intellectual ability and his legislative skill were essential elements in passing that legislation and bringing a new era of competition to our free enterprise system.

Mr. President, I could cite many other examples of Mr. Breyer's remarkable achievements. He possesses a rare combination of extraordinary intellect and practical experience that will enable him to serve with great distinction on the Federal bench. I believe he has the capacity and the potential to become one of America's finest judges, and I hope the Senate will approve his nomination.

CLOTURE MOTION

Mr. KENNEDY. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close the debate upon the nomination of Stephen G. Breyer to be U.S. circuit judge for the first circuit court of appeals.

Max Baucus, Dennis DeConcini, Howell Heflin, Howard M. Metzenbaum, Strom Thurmond, Orrin G. Hatch, Paul Laxalt, Donald Riegle, Birch Bayh, Joe Biden, Bill Bradley, Paul Sarbanes, Tom Eagleton, George Mitchell, Harrison Williams, and Robert C. Byrd.

Mr. THURMOND. Mr. President, I am very pleased today to speak on behalf of Stephen Breyer for the position of U.S. circuit judge for the first circuit court of appeals.

This is an extremely important position and one that should be filled by an individual with the highest qualifications. I believe that Mr. Breyer is that individual. He was a Marshall Scholar and graduated from Oxford in 1961. In 1964, he graduated from Harvard Law School where he was Articles Editor of the Law Review.

Mr. Breyer's career has been very distinguished. He served as Law Clerk to Justice Goldberg; as Special Assistant to the Assistant Attorney General, Antitrust Division, Department of Justice; Assistant Special Watergate Prosecutor; Professor of Law at Harvard Law School, and most recently as Chief Counsel of the Judiciary Committee. It was in this capacity that I was able to obtain firsthand knowledge of his many talents. Working with Mr. Breyer has been a pleasure. He is an extremely dedicated and conscientious individual and one that I feel possesses the traits required of a Federal judge. He has wisdom, knowledge, experience, integrity and of such great importance, he possesses judicial temperament.

Mr. President, I should just like to add that all of the minority members of the Judiciary Committee have worked very closely with Mr. Breyer for the last year and a half, and I think it is extremely important to note that not one single member of the committee voted against his nomination. That, to me, speaks for itself. I wholeheartedly endorse Stephen Breyer for the position of circuit judge.

Mr. HUMPHREY. Mr. President, a great many nominations are pending on the Executive Calendar. One cannot help wonder why this particular nomination is being acted upon today.

There are many who believe—and I am one of them—that it is unwise to act on any nominations or anything but the most substantive and pressing business in the closing hours of a lameduck Congress, especially in the case of nominations, when those nominations have been made by a lameduck President.

I must observe that this particular nomination has received unique handling by the Judiciary Committee and now by the Senate.

Some weeks back, prompted by contacts from attorneys in my State of New Hampshire about the rumor that Mr. Breyer was to be nominated for a position on the first circuit court of appeals, which circuit embraces my State, I instructed my staff to make inquiries of the staff of the Judiciary Committee and to express my interest in this nomination. At that time, my staff was told by the staff of the Judiciary Committee, in essence, that there was nothing to worry about—that, in fact, the nomination had not even been made.

On Friday of the week that staff conversation took place—I believe it was Friday; perhaps it was Thursday of that week—the President sent down the nomination; and notwithstanding the fact that I had expressed an interest in the nomination, I was given no word or indication by the Judiciary Committee, nor was my staff, that the nomination had come down.

After the committee staff had made the point that the matter was not pressing, since the nomination had not come down, one would have expected, under those circumstances, the staff to have informed me or my staff that now the nomination had come down.

But no such confirmation was forthcoming. The nomination came to the Senate on either a Thursday or a Friday. The very next Monday morning the confirmation hearings were held by the Judiciary Committee.

As Members know, there is a Senate rule which requires, I believe, 1 week advance notice of committee hearings, which I will admit can be waivered if the committee feels the matter is pressing. Obviously, the committee felt the matter was pressing because it scheduled hearings either 1 or 2 calendar days after the nomination arrived.

But, again, I have to express disappointment that not only was I not notified by the judiciary staff that the nomination had come down after expressing an interest in it. I must also express disappointment that to compound the lack of courtesy, neither I nor my staff were informed that the hearing would be held. My staff discovered the hearing by reading the CONGRESSIONAL RECORD. The Monday morning of the hearing, my chief legislative assistant discovered the hearing was being held by reading the CONGRESSIONAL RECORD, came to me and I rushed to the judiciary hearing room just as the hearing had concluded.

I must say that in that I had expressed interest in this nomination, and especially in that the nomination is one which affects my State, or at least the attorneys in my State who have to practice before this particular bench, and the citizens of my State who will have matters heard before this particular bench, inasmuch as that is the case, I feel even more strongly that the courtesy due me was grievously omitted.

I began by saying, Mr. President, that this nomination has received unique and, I would say, even bizarre treatment, because it is the only nomination moving through channels, because Senators affected by this nomination were not extended the usual courtesies, because the hearing was held without the customary notice.

But that is not the only set of bizarre circumstances, Mr. President. The confirmation hearing was held on Monday morning. Again, I point out, without the Senators involved being informed, other Senators from the States which comprise that circuit court, namely, Maine, New Hampshire, Massachusetts, and Rhode Island.

Not only were those Senators ignored and not extended the usual courtesies in the apparent haste of the Judiciary Committee to move this nomination, but in its very great haste to move it at a pace which can only be described as railroading, the committee voted to report out the nomination, not only in violation of the Senate rule which requires that a quorum be present, Mr. President, the committee reported out the nomination by telephone poll without even having a meeting.

Not only was a quorum not present, but a meeting was not held, such was the haste in regard to this particular nomination.

Well, the members of the Judiciary Committee later on realized their mistake, or perhaps, more importantly, the vulnerability they had created with respect to a point of order being lodged against the nomination, that a member of the Judiciary Committee moved here on the floor to lodge a point of order against the nomination for the irregular way it was reported out of committee, the way in which it was reported out of committee in violation of Senate rules, and the Chair ruled that the point of order was well taken, which, of course, it should have.

But there is more involved in that episode, as well, because this Senator was on the floor at the time seeking recognition, seeking the protection of the rules of the Senate, which are there to protect not only 100 Senators, not only 50 Senators, but even five, four, or even one. I was seeking the protection of those rules, Mr. President, seeking to prevent, very frankly, and it was obvious at the time, the Chair from reaching the point where it would rule on the point of order.

Though I was standing right at this very desk, with this very microphone attached to my pocket, though I repeatedly called for recognition, though I stated, "Mr. President, I am seeking recognition," the Chair, the gentleman occupying the Chair at the moment, clearly was aware I was seeking recognition. He looked up from his paper he was reading several times, but, nevertheless, denied me recognition, in violation of Senate procedure and courtesies immemorial.

More evidence, Mr. President, that this particular nomination has received a very curious status, a very curious status; more evidence that this particular nomination is being moved under bizarre and unique circumstances.

There is a burning desire in the hearts of someone, or some persons, to get this nomination through, come hell or high water.

So, the point of order was ruled as well taken. The nomination was returned to the committee, as it should have been.

The majority leader later on sought unanimous consent, as he currently has the right to do, to allow the Judiciary Committee to report out the bill the very day it met.

I point out, the Judiciary Committee met in the evening under, certainly, by normal standards, unusual conditions. Indeed, upon the recess of the Senate, to meet in the evening, on a Tuesday night. It happened the very evening we had adjourned for the Thanksgiving recess and, certainly, members of every committee were, like the rest of us, anxious to go home. But they met that evening. They delayed their taking a holiday to meet on this nomination and report it out. Further evidence that there is a great urgency on this nomination.

In seeking to protect my rights, I had to object to the request of the majority leader respectfully, and so the nomination could not be placed on the calendar until the close of business yesterday. Now, of course, it is being brought up.

I recite that history, Mr. President, so that the record will show the way in which this particular nomination has been handled, not according, I am afraid, to tradition, and even, in one instance, in violation of Senate rules.

(Mr. HEFLIN assumed the Chair.)

Mr. HUMPHREY. Now, why, Mr. President, is this particular nomination, when there are so many on the Executive Calendar, and, in addition to that, so many within the Judiciary Committee, so many judicial nominations, some 10 or a dozen, which have received confirmation hearings, if I am correct, why, with all these executive nominations, including other judges whose nominations are dear to the hearts of other Senators in this Chamber, why is this particular nomination being pressed?

I cannot answer that question, Mr. President. Perhaps others can.

But I will assert that it is most unwise for the Senate, as I stated in the beginning, to be moving to confirm a nomination in the closing week, the closing days, the closing hours, of a lameduck session, especially when that nomination has been made by a lameduck President, a man who will no longer be President in January, and I say this with all due respect and compassion, a man whose programs and outlook have been repudiated by the voters. I think it is most unfortunate.

I mentioned that there were other nominations on the Executive Calendar. Surely, if we are to make one exception and move the nomination which is now under consideration, we are doing a great injustice to these other persons on the Executive Calendar, and to those other persons nominated to the bench whose nominations are ready to be reported out by the Judiciary Committee, if it chooses to do so.

Think not only of the unfairness, but of the anguish to those nominees and their supporters here in the Senate, to their families, and to their supporters back home across the country.

I would like to read into the record, Mr. President, the names and some details about these nominations pending.

In regard to the Department of the Interior, there is pending the nomination of Thomas W. Fredericks, of Colorado—or as our friends from Colorado say, "Colorado." I guess they know how to pronounce it.

Mr. Fredericks has been nominated as an Assistant Secretary of the Interior, vice Forrest J. Gerard, resigned.

Mr. Fredericks' nomination was reported out on August 1, 1980. It has Calendar No. 257. It was reported out by Senator MELCHER of the Select Committee on Indian Affairs.

I think, Mr. President, before I continue with these other nominations, it would be better if I read into the RECORD the names of persons whose nominations are pending before the Judiciary Committee. There are a goodly number of them. In some cases, it appears to be about half the cases, the confirmation hearings have been held, if I properly understand the workings of the Judiciary Committee. Those nominations are ready to be reported out by the Judiciary Committee, should it choose to do so.

Andrew L. Jefferson of Texas has been nominated to the Fifth Circuit Court of Appeals. His nomination was received on October 12, 1979. Hearing was held on November 8, 1979, and that nomination is awaiting reporting out.

Howard F. Sachs has been nominated to the Eighth Circuit Court of Appeals. His nomination was reported on July 31 of this year, and a confirmation hearing was held on August 20, 1980. So that nomination has been awaiting further action by the Judiciary Committee now for over 3 months.

Eugene H. Nickerson of New York has been nominated to the Second Circuit Court of Appeals. His nomination was received on August 29, 1980. A hearing was held on September 15, 1980.

If I can borrow an expression that the press likes to use, Mr. Nickerson is twisting in the wind, as are all these other nominations, apparently.

Nicholas J. Bua of Illinois has been nominated to the Seventh Circuit Court of Appeals. The nomination was received September 11, 1980. His hearing has not been held.

Walter Heen of Hawaii; the nomination was received on February 28, 1980. The hearing was held on September 25, 1980.

That nomination is awaiting further action by the Committee on the Judiciary. Mr. Heen has been nominated to a district court judgeship.

James Sheffield of Virginia was nominated on April 10, 1980. His hearing was held on August 26, 1980. Mr. Sheffield's nomination is hanging fire in the Judiciary Committee.

James P. Jones of Viriginia was nominated to a district court judgeship on May 17, 1979; the hearing was held on August 26, 1980; and that nomination awaits further action by the Judiciary Committee.

John E. Sprizzo of New York was nominated to a district court judgeship on June 2, 1980. His confirmation hearing was held on August 5, 1980, and his nomination awaits further action by the Judiciary Committee.

Miguel A. Gimenez-Munoz of Puerto Rico was nominated on July 31, 1980, to a district court judgeship. His confirmation hearing has not been held.

S. Gerald Arnold of North Carolina was nominated to a district court judgeship on August 27, 1980. His confirmation hearings were held on September 15, 1980. Mr. Arnold's nomination is awaiting further action by the Judiciary Committee.

Gerald B. Lackey of Ohio was nominated to a district court judgeship on August 29, 1980. His confirmation hearing was held on September 15, 1980, and Mr. Lackey's nomination awaits further action by the Judiciary Committee.

Peter M. Lowry of Texas was nominated by the President to a district court judgeship on August 29, 1980. His confirmation hearing was held on September 23, 1980. Mr. Lowry's nomination awaits further action by the Judiciary Committee.

David G. Roberts of Maine was nominated to a district court judgeship on August 29, 1980. His confirmation hearing was held on September 23, 1980, and the nomination of Mr. Roberts awaits further action by the Judiciary Committee.

Raymond L. Finch of the Virgin Islands was nominated to a district court judgeship on September 11, 1980. Mr. Finch's confirmation hearing has not been held.

Ralph W. Nimmons of Florida was nominated on September 17, 1980. His confirmation hearing has not been held.

Israel L. Glasser of New York was nominated to a district court judgeship on September 17, 1980, and his confirmation hearing has not been held.

Philip Weinberg of New York was nominated to a district court judgeship on September 17, 1980, and his confirmation hearing has not been held.

There are other nominations, Mr. President, which have been submitted to the Committee on the Judiciary which are nonjudicial in nature but which, nevertheless, by their pendency, I think, show that the nomination which has now been brought to the floor has received unique, singular treatment by the Judiciary Committee.

Curtis Guyette has been nominated to the post of U.S. Marshal for Maryland and Pennsylvania. He was nominated on

April 30, 1980, and no hearings have been held.

Samuel F. Naples has been nominated to the post of U.S. Marshal for New Jersey. The date of the nomination was February 28, 1980. No hearings have been held.

Matt Garcia was nominated to a post with the Immigration and Naturalization Service on July 3, 1980. No action by the Judiciary Committee to date.

Leslie R. Green was nominated to a post on the U.S. Parole Commission on July 28, 1980. No action has been taken by the Judiciary Committee.

Leslie Foschio has been nominated to the post of U.S. attorney for New York. The date of the nomination was July 31, 1980. No action has been taken by the Judiciary Committee—that is, no confirmation hearing has been held.

Atlee Wampler was nominated to the post of U.S. attorney for Florida on September 11, 1980; no confirmation hearing has been held.

Nickolas Geeker, nominated for U.S. attorney; date of nomination September 11, 1980. No confirmation hearing has been held.

James L. Blackburn was nominated to the post of U.S. attorney on September 12, 1980. No confirmation hearing has been held.

Frank Jung was nominated to a post on the Federal Claims Settlement Commission on August 20, 1980. No hearing has been held.

Ralph W. Emmerson, also nominated to a post on the Federal Claims Settlement Commission. The date of the nomination was September 26, 1980. No confirmation hearing has been held.

So, Mr. President, according to this summary—presumably, it is reasonably accurate—there are four nominations for the U.S. Circuit Court of Appeals pending in the Judiciary Committee, three of which received hearings. There are 13 nominations for district court judgeships, all but 4 or 5 of which have received confirmation hearings. There are 10 nonjudicial nominations pending before the Judiciary Committee which have not received confirmation hearings.

I recite that data, Mr. President, to underline once again the unique, the singular, the bizarre treatment accorded to the nomination which has just been brought to the floor.

Although, in a literal sense, it does not really bear upon this particular nomination, I add that the Senate is not proposing to cheat President Carter of his effect upon the judicial system in this country by virtue of the reorganization of the judiciary authorized in 1978, I believe it was, which created a host of new judgeships across the country.

President Carter, in filling these judgeships, has the remarkable distinction of having appointed in the vicinity of 40 percent of all of the judges sitting on the Federal bench around the country. So, what is the motivation for ramrodding through this particular judgeship? I have puzzled over that and I have puzzled over that and I cannot answer my question. Perhaps others can.

Mr. President, I have mentioned, in a tangential sort of way, the effect that President Carter has been privileged to make upon the Federal judiciary. Surely, no President in modern times has so clearly left his imprint upon our judicial system. The question then comes to mind, what sort of imprint will the next President have upon our judicial system? To proceed further in that vein, I should like to read into the RECORD, Mr. President, a booklet published in 1980 by the Washington Legal Foundation entitled "Reagan and the Courts, the Prospect for Judicial Reform," authored by Charles E. Rice, with an introduction by Daniel J. Popeo and a foreword by our distinguished colleague, Senator ORRIN G. HATCH—who, as it happens, in a way, is my adversary in this particular matter.

It is striking, Mr. President, how alliances shift so rapidly and how very temporary are these alliances. A moment ago, before we moved to consideration of this executive business, the matter pending was the so-called fair housing bill. In that particular matter, Senator HATCH, whom I just alluded to, and I are allies. Indeed, we are here on the floor to argue at length against the provisions of that bill—not its intent, of course, but its provisions. We are and were allies on that particular effort, but it happens that we are adversaries, in a good-natured, gentlemanly sense, on this question now pending.

I shall read first, Mr. President, skipping over the introduction, to which I shall return, the foreword written by my friend and colleague (Mr. HATCH). I mean to use the word "friend" in a literal fashion. It is not hyperbole. He is my friend. Indeed, back in my struggle of just a little over 2 years ago to win election to the U.S. Senate, Senator HATCH, of Utah, was the first and, on reflection, I believe the only U.S. Senator to come to my State of New Hampshire to campaign for my election during the campaign.

Indeed, my association with Senator HATCH goes even farther back than my campaign for the U.S. Senate. It goes back to 2 years earlier, to his own campaign for the U.S. Senate in Utah. I say with pride that the remarkable campaign he waged and the surprising upset victory he procured was an inspiration to the Senator from New Hampshire, because, in 1978, the Senator now speaking was in very much the same situation as ORRIN HATCH was in in running for the U.S. Senate from Utah 2 years earlier; that is to say, we were both virtually unknown. Both had never held elective office. Neither was given any chance of winning by the pundits and the self-appointed experts.

And yet Senator HATCH, waging an uphill fight against an entrenched incumbent whose service in the Senate was I believe at least two terms in length, perhaps more, defeated that distinguished Senator and replaced him the following January.

And ORRIN HATCH's remarkable success against the odds, against all obstacles was an inspiration to me. It occurred to me that if he could do it, and I say this with all respect, then so could I, and I tried and I did. So in a way in a very real sense I owe my beginning to Senator HATCH. Those who may be annoyed or inconvenienced by my actions this morning can blame him.

So I will read the foreword to the booklet "Reagan and the Courts" written by Senator HATCH at this time:

> One of the least noted "achievements" of the 96th Congress has been its reconstruction of the judicial branch of the Federal government. As a result of passage of the Omnibus Judgeship Act of 1978, there were created 152 new Federal judgeships throughout the country. Combined with normal levels of judicial attrition, the effect has been that President Carter, in a single term of office, has been responsible for nominating (and the Senate responsible for confirming) nearly one-half of the total Federal judiciary. Whatever happens in the November election, President Carter will have left an indelible imprint upon the judicial branch that will be deeply felt until well into the next century.
>
> Despite this fact, great inattention has surrounded the confirmation process in the Senate. As a member of the Senate Judiciary Committee, which has jurisdiction over these nominations, I can attest to the perfunctory manner in which most of these nominations have been considered.

And if I can depart just for a moment from Senator HATCH's foreword, I do not think that the handling of this particular nomination now pending before the Senate if taken in the total context of the handling of other nominations can be described as anything very much different than perfunctory. I will not say it was perfunctory. Surely all of the requisite steps in the procedure were followed, but yet when we consider the history of other nominations, especially those before the Judiciary Committee, we have to wonder if the criticism here stated by Senator HATCH of his actions of his own committee do not at least in some measure apply to the handling of this particular nomination by the Judiciary Committee.

I return at this point to the text, Mr. President:

"This is, of course, nothing new," referring to the perfunctory manner in which most of these nominations have been considered.

> This is, of course, nothing new. The constitutional powers invested in Congress under Article II to offer "Advice and Consent" to these appointments has rarely been exercised in a manner that would afford Congress an equal role in this process, if indeed that was ever contemplated by the Framers.
>
> What is new, however, and what seems not to have been recognized by many observers, is that never before has there been such a substantial alteration in the composition of the judiciary in such a brief period of time.
>
> As I have written elsewhere, "the defects, flaws, and ideological biases that are countered, or at least tempered, by a nomination process that occurs over a long period of time are simply exacerbated when this process is compressed over a short period of time."

Departing again from the text, Mr. President, I wish to give further emphasis to this passage. Here we have a member, a respected member of the Judiciary Committee stating his opinion that the defects, flaws and ideological biases that are countered, or at least tempered, by a nomination process that occurs over a long period of time.

It would seem that the Senator, in writing his introduction to this booklet, is lamenting the perhaps past hasty actions by that committee and he says, further, that defects, flaws and ideological biases are exacerbated when this process is compressed over a short period of time.

I wonder how the Senator would define a short period of time. Would he define as a short period of time the passage of 1 or 2 calendar days between the receipt of the nomination from the President for a judgeship and the convening of confirmation hearings and subsequent to that the reporting out the same day of the nomination? Would the Senator define that as a short period of time and would he not worry as he seems to worry in this foreword that perhaps the defects, flaws and ideological biases that are countered would be instead exacerbated by compressing the period of time a nomination or this particular nomination was under consideration?

I think a reasonable man would have to conclude that perhaps the Senator would worry that compressing the nomination and confirmation process into 2 calendar days might possibly have the effect of exacerbating the kinds of things that the normal process, to use his words, "counter" and "temper."

To return to the text, Mr. President,

> Senate procedures, such as Senatorial courtesy, that can be justified when nominations are considered at sporadic intervals, are simply inappropriate when an entire branch of the national government is literally being refashioned over a period of months.
>
> Apart from the question of form, however, there is clearly no widespread appreciation of the extent to which the judiciary has been responsible for re-shaping so much of American society in recent decades. It has been the Federal judiciary, not the executive and certainly not the legislative branch, that has been in the forefront of change in recent years in such areas as race relations, crime and punishment, apportionment, women's rights, educational policies, land use planning, Federal-State relations, and the environment. It has been the Federal judiciary that has been at the cutting edge of a growing number of the controversies that have disrupted the domestic tranquility of our nation, including school prayer, "affirmative action," alien rights, and capital punishment.
>
> That the courts have sought to perform in this capacity, and "resolve" such issues, has been tragic for our political community. The sort of "give-and-take" and compromise and negotiation that characterizes the legislative forum, and which has traditionally been viewed as the best means for dealing with intractable national problems, is impossible in the judicial form.
>
> The point that Professor Rice correctly makes, in short, is that Presidents must know the mettle of the men that they appoint to the bench, not simply with respect to their experience and competence and judicial temperament, but also with respect to their view of the judicial role. It is important to know whether they are persons who, in the self-description of former Justice Douglas, are persons who would "rather create precedent than find one," or persons to whom the finality of the judicial decision is cause for caution and deference.
>
> While it is sometimes difficult to predict these matters with great accuracy, there is little doubt in my mind that the appointments of President Carter fall, by and large, in the former category. The preoccupation of the Carter administration with balance in their judicial appointments—racial balance, sexual balance, and ethnic balance—manifestly does not extend to jurisprudential balance. It is my impressionistic analysis, as an observer of the Omnibus Judgship process, that the cause of judicial activism and liberalism will be well served by the Carter judiciary. It is a conclusion that is confirmed by the few efforts at systematic analysis which have been undertaken in this area.
>
> I would hope that a President-elect Reagan would read and consider Professor Rice's observations. There will be no area in which a President Reagan will make a greater contribution to public policy than with respect to his nominations to the United States Supreme Court. It is by no means a fresh observation on my part to note that a majority of the Court is now over 70 years of age. There will be no other possible means for minimizing the damage that has already been done this Nation by the appointment and confirmation of the Carter judiciary. If the words of Governor Reagan, in accepting his nomination, are to be realized—"We have it in our power to begin the world over again"—there is no area in which it is more important to erect new foundations than in the judicial selection process.

Mr. President, earlier, in trying to draw attention to the bizarre, unique, and singular circumstances under which this particular nomination now pending was pushed to the point of appearing to be a subject of a railroading, I read into the RECORD the names, appointments, date of appointments, and date of confirmations of those who have been nominated to positions within the jurisdiction of the Judiciary Committee. I neglected to also read, as I had intended to earlier, the names, positions, and allied information of those who have been appointed and confirmed by relevant committees and placed on the calendar which are now pending but which evidently will be allowed to twist in the wind, unlike the nomination currently pending.

On August 1, 1980, Thomas W. Fredericks, of Colorado, was nominated to the post of Assistant Secretary of the Interior replacing Forrest J. Gerard who resigned. That nomination was reported by Senator MELCHER of the Select Committee on Indian Affairs.

On August 26, 1980, Mr. Jack Hood Vaughn, of the District of Columbia, was nominated to the post of an Assistant Administrator of the Agency for International Development vice Abelardo Lopez Valdez. That nomination was reported favorably by Senator PELL for Senator CHURCH from the Committee on Foreign Relations with a printed report together with additional views.

On September 18, James E. Jones, Jr., of Wisconsin, was nominated to the post of Chairman of the Special Panel on Appeals for a term of 6 years. This is a new position under Public Law 95–454. Mr. Jones' nomination was reported by Senator WILLIAMS of the Committee on Labor and Human Resources.

On September 18, Ethel Bent Walsh, of the Distict of Columbia, was nominated to be a member of the Equal Employment Opportunity Commission for the term of 5 years expiring July 1, 1985, and this nomination represents a reappointment. Mrs. Walsh's nomination was reported out of the Committee on Labor and Human Resources by Senator WILLIAMS.

On September 18, Steven L. Engelberg, of Maryland, was nominated to a post on the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983. His nomination represents a reappointment and was reported out of the Committee on Labor and Human Resources by Mr. WILLIAMS.

On September 18, Cecilia Denogean Esquer, of Arizona, was nominated to a position on the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983, which nomination was a reappointment and reported out by the Labor and Human Resources Committee by Mr. WILLIAMS.

On September 18, Hillary Diane Rodham, of Arkansas, was nominated to a post on the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983. That nomination is a reappointment and reported out by Mr. WILLIAMS of the Committee on Labor and Human Resources.

On September 18, Richard Allan Trudell, of California, was reported out by the Committee on Labor and Human Resources by Mr. WILLIAMS.

Mr. Trudell was nominated to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983, which nomination was a reappointment.

On September 18, the report on Josephine Marie Worthy, of Massachusetts, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1983, another reappointment, was placed on the calendar Mr. President, also out of the Committee on Labor and Human Resources by Mr. WILLIAMS.

On September 19, 1980, the nomination of Mr. John C. Truesdale, of Maryland, to be a member of the National Labor Relations Board for a term of 5 years, expiring August 27, 1985, was reported, Mr. Truesdale's nomination being a reappointment and the nomination being reported out of the Committee on Labor and Human Resources by Mr. WILLIAMS.

On September 22, the nomination of E. G. Koury, of Ohio, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring September 17, 1980, vice Wallace F. Bennett, term expired, was reported. The nomination was reported by the Committee on Foreign Relations by Mr. PELL.

On September 22, the nomination of E. G. Koury, of Ohio, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term of 3 years expiring September 17, 1983, was reported. This nomination represents a reappointment, reported by the Committee on Foreign Relations by Mr. PELL. Mr. Koury, obviously, if confirmed, would be the beneficiary of the tailend of a term expiring in just a few days with a full term beginning immediately thereafter.

On September 22, the nomination of Donald F. McHenry, of Illinois, to be a representative of the United States of America to the 35th session of the General Assembly of the United Nations was reported. Mr. McHenry's nomination was reported by the Committee on Foreign Relations by Mr. PELL.

On September 22, the nomination of William J. Vanden Heuvel, of New York, to be a representative of the United States of America to the 35th session of the General Assembly of the United Nations, was reported by the Committee on Foreign Relations by Mr. PELL.

On September 22, the nomination of Hannah D. Atkins, of Oklahoma, to be a representative of the United States of America to the 35th session of the General Assembly of the United Nations was reported by the Committee on Foreign Relations by Mr. PELL.

On September 23, 1980, the nomination of Marcus B. Crotts, of North Carolina, was reported by the Committee on Commerce, Science, and Transportation to be a member of the U.S. Metric Board for a term expiring March 23, 1986, vice Henry Kroeze, term expired.

On September 22, 1980, the nomination of Alfredo A. Cantu, of Colorado, to be a member of the U.S. Metric Board for a term expiring March 23, 1986, vice Carl A. Beck, term expired, was reported. Mr. Cantu's nomination was reported by the Committee on Commerce, Science, and Transportation by Mr. CANNON.

On September 23, the nomination of Thomas A. Donahue, of the District of Columbia, was reported by the Committee on Commerce, Science and Transportation by Mr. CANNON. Mr. Thomas Donahue was nominated to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation until the date of the annual meeting of the Corporation in 1981, vice George Meany.

On September 23, the report on the nomination of Rear Adm. Herbert R. Lippold, Jr., was placed upon the calendar by the Committee on Commerce, Science, and Transportation, Mr. CANNON chairing. The nomination would have Admiral Lippold Director of the National Oceanic and Atmospheric Administration, vice Rear Adm. Allen L. Powell, retired.

On September 23, 1980, the nomination of Conrad Fredin, of Minnesota, was reported by the Committee on Commerce, Science, and Transportation, Mr. CANNON chairing, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation, vice William W. Knight, Jr., resigning.

On September 23, the nomination of Francis Albert Kornegay, of Michigan, was placed upon the calendar by the Committee on Commerce, Science, and Transportation, Mr. CANNON chairing, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation, vice Miles F. McKee, resigned.

On September 25, 1980, the nomination of Wallace Orphesus Green, of the District of Columbia, was reported by the Committee on Energy and Natural Resources, by Mr. JACKSON. Mr. Green was nominated to be Assistant Secretary of the Interior, vice John Henry Kyl, resigned.

On September 25, the nomination of John C. Sawhill, of the District of Columbia, was placed upon the calendar by the Committee on Energy and Natural Resources, Mr. JACKSON chairing. Mr. Sawhill has been nominated to be Chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 7 years. This is a new position.

On September 25, the nomination of John D. DeButts, of Virginia, was placed upon the calendar by the Committee on Energy and Natural Resources, Mr. JACKSON chairing. Mr. DeButts was nominated to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 1 year, which position is new.

On September 25, the Committee on Energy and Natural Resources, Mr. JACKSON chairing, placed upon the calendar the nomination of Catherine Blanchard Cleary, of Wisconsin, which distinguished person has been nominated to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 2 years, again, a newly created position.

On September 25, 1980, the nomination of Frank Savage, of New York, was placed upon the calendar by the Committee on Energy and Natural Resources, Mr. JACKSON chairing. Mr. Savage was nominated to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 3 years, also a newly created position.

On September 25, 1980, the Committee on Energy and Natural Resources, Mr. JACKSON chairing, placed upon the calendar the report on the nomination of Cecil Andrus, of Idaho, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 4 years, also a new position.

On September 25, the Committee on Energy and Natural Resources, Mr. JACKSON chairing, placed upon the calendar a report on the nomination of Joseph Lane Kirkland, of the District of Columbia. Mr. Kirkland has been nominated to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 5 years. That is also a new position.

Frankly, that would fill up the Synthetic Fuels Corporation. However, I would suspect the Senate is of a mind to permit the newly elected President to fill the positions on that Board and, for that matter, fill all of the other positions, and were the Senate to be consistent, which is, of course, not always its wont, the Senate would also want to let the newly elected President fill the judgeship which is now pending before this body.

On September 25, the nomination of Stanton P. Sender, of the District of Columbia, was reported by the Committee on Commerce, Science, and Transportation, and placed upon the calendar. Mr. Sender was nominated to be a member of the Board of Directors of the U.S. Railway Association for a term expiring July 8, 1986. Mr. Sender's nomination is a reappointment.

On September 30, 1980, Henry Precht, of Georgia, a Foreign Service officer of class 2, was the subject of a report favorably placed upon the calendar by the Committee on Foreign Relations, Mr. CHURCH chairing. Mr. Precht had been nominated Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

On September 30, Mr. CHURCH, of the Committee on Foreign Relations, placed upon the calendar the report on the nomination of Arthur H. Woodruff, of Florida, a Foreign Service officer of class 2. Mr. Woodruff was nominated to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Surely, Mr. President, the confirmations of Ambassador Extraordinary and Plenipotentiary are as important as 1 judgeship singled out from 15 or 20 pending.

On September 30, Mr. CHURCH, of the Committee on Foreign Relations, reported to the calendar the nomination of David E. Simcox, of Kentucky, a Foreign Service officer of class 1. Mr. Simcox was nominated to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

On September 30, Mr. CHURCH, of the Committee on Foreign Relations, placed upon the calendar the nomination of John A. Burroughs, Jr., of Maryland, who had been nominated to the post of Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Mr. President, on September 30, of this year, the Committee on Foreign Relations, Mr. CHURCH presiding, placed upon the calendar the report on the nomination of James M. Friedman, of Ohio, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring September 17, 1982, which nomination is a reappointment.

On September 30, 1980, Mr. CHURCH of the Committee on Foreign Relations reported and placed upon the calendar the nomination of Edward L. Marcus, of Connecticut, who has been nominated to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term of 3 years, expiring on December 17, 1983. The nomination of Mr. Marcus represents a reappointment.

On September 30, the Committee on Governmental Affairs, Mr. LEVIN chairing, reported and placed upon the calendar the nomination of Dorothy Sellers, of the District of Columbia, nominated to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice Edmond T. Daly, deceased.

Mr. President, this is not exactly a parallel situation, but here we have another judicial nomination which falls within the purview of the Senate being held in abeyance; and that treatment of Dorothy Sellers is not exactly fair, I have to say.

On September 30, Mr. Levin of the Committee on Governmental Affairs reported and placed upon the calendar the nomination and report of Ricardo M. Urbina, of the District of Columbia. Mr. Urbina has been nominated to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice Normalie Holloway Johnson, elevated—another judge, subject to the advice and consent of this body, whose nomination has been placed on the back burners so that one in particular can be brought forward.

On October 30, Mr. Church, on behalf of the Committee on Foreign Relations, reported, with a printed report, together with additional views, the nomination of Robert S. Gershenson, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

On October 30 of this year, Mr. Church of the Committee on Foreign Relations reported favorably, with a printed report, together with additional views, the nomination of John A. Gronouski, of Texas, to be a member of the Board for International Broadcasting for a term expiring April 28, 1983, which nomination is a reappointment.

All told, Mr. President, excluding the nomination presently before the Senate, there are 38 nominations on the Executive Calendar, none of which appears to have any prospect for consideration, much less consent.

There are a considerable number of judicial nominations resting in the Judiciary Committee—17, to be exact, of which 11 have received confirmation hearings; and presumably—although I am not a member of the Judiciary Committee and cannot speak with expertise on this point—they are ready to be reported by the committee and placed upon the calendar for floor action.

(Mr. BOREN assumed the chair.)

Mr. HUMPHREY. Mr. President, the unusual circumstances surrounding the particular nomination now before the Senate have lifted eyebrows around the country. Many are asking, "Why is this particular nomination receiving special treatment?" Others who feel that it is unwise to proceed with any nominations in a lameduck session of Congress, during the lameduck remaining days of a President who soon will be succeeded, are asking, "Isn't it strange that the Senate is proceeding on one particular nomination, which nomination had not even been made, in contrast to all these other nominations (which I have just enumerated), and which nomination had not even been made by the President 2 weeks ago?" Why is it that when this nomination was made—this one nomination being singled out for special, favored treatment—why is it that when that nomination was made one day, it was acted upon and reported by the Judiciary Committee 1 or 2 calendar days later, and in a manner initially which violated Senate rules, which even the Chair has agreed was in violation of Senate rules?

It is very, very strange. As events have unfolded over the past 2 weeks, the situation has become "curiouser and curiouser."

The nomination has been handled in a manner contrary to that argued for by the distinguished Senator from Utah (Mr. Hatch), in his foreword to the booklet "Reagan and the Courts," recently published by the Washington Legal Foundation.

Mr. President, I intend at this point to read the introduction which I earlier skipped over, the introduction which was written by Daniel J. Popeo, general counsel of the Washington Legal Foundation, signed at Washington, D.C., in October 1980:

> The Washington Legal Foundation's principal objective is to provide a balance before the courts and administrative agencies where imbalance in the representation of the public interest exists. As a public interest legal foundation familiar with the increasing trend in America to formulate policy through judicial decisions, we have earned the support of 80,000 Americans who are deeply concerned about the confrontation between government policies and the freedom of the individual.
>
> For too long, however, public interest law firms willing to defend free enterprise and economic growth have not sponsored and developed credible, legal publications expressing the real public interest which can then be distributed to federal and state judges, law professors and their students, the media, and the interested public. Such a program is vital if decisionmakers and educators are to understand fully all aspects of the public interest.
>
> Thus, this first legal monograph of the Washington Legal Foundation is an important presentation of the judicial selection process, the results of which will affect the lives of all Americans for decades to come. The appointment of Justices to the Supreme Court will be among the most important decisions our next President will be called upon to make since five of the nine Justices of the Supreme Court are over seventy years old and several have had recent health problems. The appointment of judges to United States District Courts and Courts of Appeals are similarly significant. We have to remember that the Supreme Court will decide not only disputes between particular adversaries, but also will set rules of law and a tone for the entire nation.
>
> WLF's new publication series is important when one considers the potential politicizing of the judicial selection process and the implications for future legal action. Professor Rice's study is a timely and important in-depth examination of the unique role of the judiciary in American politics. This series of monographs is another aspect of the Washington Legal Foundation's responsibility of educating the public to help bring about a balanced perspective in a broad spectrum of public interest issues.

Turning to the text of this document, published by Washington Legal Foundation, which text is authored by Prof. Charles E. Rice, professor of law at the Notre Dame Law School and coeditor of American Journal of Jurisprudence:

> In accepting the Republican Presidential nomination, Governor Ronald Reagan, quoting Tom Paine, said "We have it in our power to begin the world over again." While no candidate could be held to deliver on such a claim, Governor Reagan does promise that his administration will effect major policy changes, a promise spelled out in detail by the 1980 Republican Platform. Unfortunately, there is a general tendency in election campaigns to lose sight of what will be involved in the implementation of campaign promises.

I say, parenthetically, that Professor Rice immediately gains a great deal of credibility at the outset by making such a statement.

I continue to read:

> This is especially true with respect to the less dramatic areas which are overshadowed this year by the issues of inflation, foreign policy and defense. Even where an issue is dramatic, e.g., busing of school children for purposes of desegregation, the tendency is to overlook the details of the legislation or other action that would be required to carry out the promised reform.
>
> One area commonly receiving scant attention in a campaign is the impact a new administration would have on the courts and the judicial system. This year, it is true, some attention has been focused on the Judiciary plank of the Republican Platform which promises the appointment of judges who adhere to specified views on certain issues, including "the rights of law-abiding citizens," "decentralization of the federal government," restoration of "decisionmaking power to state and local elected officials," and "respect" for "traditional family values and the sanctity of innocent human life." Apart from the specific issues, however, the entire plank raises serious questions of a general nature.
>
> For example, should a judicial nominee be evaluated only on his professional competence? To what extent may a President consider the likely voting records of potential nominees? Does a President have a right to exact a pledge that a nominee will vote a certain way once he goes on the bench?
>
> These questions are immediately raised by the Platform and this essay will attempt to answer them. Undoubtedly there is truth in Theodore H. White's observation that "in actual fact, all platforms are meaningless: the program of either party is what lies in the vision and conscience of the candidate the party chooses to lead it." However, in major respects the Republican Platform coincides with positions taken by Governor Reagan himself over the past two decades. In other areas, the detailed prescriptions of the Platform are logical implementations of the general Reagan philosophy. In any event, it is fair to expect a serious effort from a Reagan administration to fulfill those Platform commitments which are restatements or logical applications of his own positions.
>
> This paper will explore some generally overlooked areas in which a Reagan Presidency would be likely to have a substantial impact on the courts and the administration of justice. It will do so with the hope of encouraging objective analysis not only of the Reagan commitments in the judicial area but also of those of other Presidential and congressional candidates. On some points this essay will suggest courses of action to implement certain of the Reagan commitments. But the primary purpose will be to

promote constructive discussion within the legal profession and among the business community and the public at large.

NOMINATION OF FEDERAL JUDGES

The most obvious effect of a Reagan administration on the courts would be through the exercise of the appointing power. The response of some critics to the Republican Platform plank on the Judiciary would lead one to think that a President is bound to consider only questions of professional competence and personal character in selecting his judicial nominees and that a potential nominee's philosophical and political views are irrelevant to the selection process. The truth, however, is to the contrary. Because of the attention focused on the Platform's criteria for judges and because the use of those criteria by a President Reagan could affect the character of the judiciary for decades to come, it will be useful to discuss the nomination issue here in detail.

THE NOMINATING PROCESS

The Constitution provides that the President "shall nominate, and, by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not otherwise provided for, and which shall be established by Law. But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." The longstanding practice has been to require that circuit and district judges, as well as Supreme Court justices, be confirmed by the Senate and this was explicitly provided in the recodification of the law in 1948. In his autobiography, Theodore Roosevelt wrote, "I was only one-half the appointing power. I nominated; but the Senate confirmed." As demonstrated by the rejection of President Nixon's appointments of Judges Haynesworth and Carswell to the Supreme Court, Senate confirmation is not necessarily a rubber stamp. Nevertheless, the Presidential power to nominate candidates for the Supreme Court and lower courts is the controlling factor in determining the character and philosophy of those courts.

THE REPUBLICAN PLATFORM

The Republican Platform section on The Judiciary provides in full:

"Under Mr. Carter, many appointments to federal judgeships have been particularly disappointing. By his partisan nominations, he has violated his explicit campaign promise of 1976 and has blatantly disregarded the public interest. We pledge to reverse that deplorable trend, through the appointment of women and men who respect and reflect the values of the American people, and whose judicial philosophy is characterized by the highest regard for protecting the rights of law-abiding citizens, and is consistent with the belief in the decentralization of the federal government and efforts to return decision-making power to state and local elected officials.

"We will work for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life."

This is the first time in a major party platform that such a specific pledge has been made, although the 1972 Republican Platform did state, "We have: . . . appointed judges whose respect for the rights of the accused is balanced by an appreciation of the legitimate needs of law enforcement" and "added to the Supreme Court distinguished lawyers of firm judicial temperament and fidelity to the Constitution."

The 1980 Republican plank on the Judiciary was criticized by Alfred E. Jenner, Jr., of the Chicago law firm of Jenner & Block, as an "extraordinary attack on the judiciary." "I can't conceive of anyone in his right mind—lawyer or nonlawyer—conceiving of such an insidious, such an insidious thing," said Mr. Jenner. American Bar Association President Leonard S. Janofsky said the plank is "improper . . . very dangerous and out of order. I would think there would be a lot of Republicans, including myself, who would be very much disturbed." Sheldon Gardner, a Chicago attorney and an Anderson delegate to the Republican convention, said the plank puts judicial candidates "through a litmus test." "I can understand," said Mr. Gardner, "if someone wants to take a look at a candidate's judicial policy, whether he is a liberal constructionist or a strict constructionist. But taking a look at an individual issue is insanity and is repugnant to what a judge is about. It is unconstitutional, it is reprehensible, and it stinks in every fashion."

THE HISTORICAL PRACTICE

The fact, however, is that Presidents from both major parties have routinely considered the philosophy on specific issues of candidates for judicial appointments. The Republican Platform, in this respect, is merely a written specification of a practice sanctioned by tradition and practical necessity. Of course, Presidents have frequently been surprised by the performance of their appointees who are truly independent once they take judicial office. And it would be improper for a President to extract from a potential nominee, as the price of his nomination, a pledge to vote a certain way on a specific issue. Subject to these qualifications, however, the Republican plank is merely a restatement, with respect to several issues, of the longstanding Presidential practice in making appointments.

The Constitution provides no specific guidance on the criteria for nomination to a federal judgeship. In Number 81 of the Federalist, Alexander Hamilton said that the justices of the Supreme Court would be "selected for their knowledge of the laws, acquired by long and laborious study." But the federal courts today, and especially the Supreme Court, are involved in the resolution of such major policy issues—racial integration, legislative apportionment, the bounds of reproductive privacy, etc.—that, as Professor Joseph P. Harris noted, "[i]t is entirely appropriate for the Senate, as well as the President, to consider the social and economic philosophy of persons nominated to the Supreme Court. With the changed functions of the Court, considerations of this kind are more pertinent than the legal attainments and experience of nominees." "In making nominations to the Supreme Court," observed Professor Harris, "the President, as leader of his party, has necessarily taken political considerations into account, but they have been of a rather different type from those that are controlling in the appointment of judges to lower courts. Conservative Presidents have usually nominated conservatives to the Supreme Court, and liberal or progressive Presidents have similarly chosen persons favorable to their programs. There can be no valid criticism of this practice." Professor Robert Scigliano made the necessary distinctions in his book, *The Supreme Court and the Presidency:*

"Court-packing has to do with the appointment of justices to the Supreme Court so as to influence the Court's decisions. But not all attempts to influence decisions of the Court through the appointment process qualify as Court-packing. Nearly all Presidents have chosen their justices with at least some attention to views on important matters that might come before the Court, and yet for this they cannot be accused of having tried to pack the Court. As the term has been generally used in American politics, Court-packing is accomplished through means that are considered to be unconstitutional or otherwise improper. It is perfectly proper for a President to concern himself with a man's views on constitutional or other legal questions. The stigma of Court-packing would be attached to an appointment in which a justice committed himself to act in a certain way on the Court. There is no evidence that such a pledge has ever been sought by a President, although it was one ground upon which President Grant's appointment of Joseph P. Bradley in 1870 was denounced as Court-packing."

A similar point was made by Professor John R. Schmidhauser: "The policy Presidents have adhered to most rigidly is choosing men ideologically committed or thought to be committed to their own values." As Professor Henry J. Abraham points out:

"Whatever the merits of the other criteria attending Presidential motivations in appointments may be, what must be of overriding concern to any nominator is his perception of the candidate's real politics. The Chief Executive's crucial predictive judgment concerns itself with the nominee's likely future voting pattern on the bench, based on his or her past stance and commitment on matters of public policy, insofar as they are reliably discernible. All Presidents have tried to thus pack the bench to a greater or lesser degree."

The accuracy of these observations is borne out by the history of nominations to the Supreme Court, although, as Charles Warren observed, "nothing is more striking in the history of the Court than the manner in which the hopes of those who expected a judge to follow the political views of the President appointing him are disappointed." James Madison's appointment of Justice Joseph Story and President Wilson's appointment of Justice James C. McReynolds are two frequently cited examples of presidential surprise at the performance of Supreme Court nominees. Or, as Harry S. Truman said, "packing the Supreme Court simply can't be done . . . I've tried and it won't work . . . Whenever you put a man on the Supreme Court he ceases to be your friend. I'm sure of that." Nevertheless, despite the difficulty of predicting a particular justice's course of decision, it is evident that a President's general trend of appointments can influence the overall character of the Supreme Court as well as the lower federal courts. And virtually every President has deliberately attempted to do so.

George Washington "recognized the potential strength and influence of the Judicial Branch" and insisted that all ten of his nominees to the Supreme Court be proponents of the Federalist philosophy. "Both Washington and John Adams limited their choices of justices to persons who were firm supporters of the Federalist interpretation of the Constitution. They wanted men who would support the broad exercise of power by the national government, especially for the purposes of maintaining public order and encouraging commerce and industry; and those who would limit the power of the states to interfere with these and other national purposes." Their example was followed by succeeding Presidents, who generally nominated persons for the Supreme Court who shared their views on the major constitutional issues of the time. For example, Professor David M. Silver observes, of President Lincoln's appointments: "Two main factors controlled the administration's appointments to the Court: Lincoln's demand that the selectees have sound views toward the great political issues of the Civil War, and the political forces that guided his selections." In a conversation with Representative George S. Boutwell of Massachusetts, President Lincoln applied to the nomination of Chief Justice Salmon P. Chase the distinction that a President should be influenced by a potential nominee's views but should not solicit from him a commitment to vote a certain way. Explaining why he nominated Chase, Lincoln said, "we wish for a Chief Justice who will sustain what has been done in regard to emancipation and the legal tenders. We cannot ask a man what he will do, and if we should, and he should answer us, we should despise him for it. Therefore we must take a man whose opinions are known."

In the selection of Supreme Court justices, "ideology apears to have been a frequently important factor." During the 1920 campaign, ex-President Taft raised the issue squarely: "Four of the incumbent Justices are beyond the retirement age of seventy, and the next President will probably be called upon to appoint their successors.

There is no greater domestic issue in this election than the maintenance of the Supreme Court as the bulwark to enforce the guarantee that no man shall be deprived of his property without due process of law . . ." In 1902, President Theodore Roosevelt bluntly stated his view on appointments in a letter to Senator Henry Cabot Lodge concerning Oliver Wendell Holmes:

"I should like to know that Judge Holmes was in entire sympathy with our views, that is, with your views and mine . . . before I would feel justified in appointing him . . . I should hold myself guilty of an irreparable wrong to the nation if I should put . . . upon the Court any man who was not absolutely sane and sound on the great national policies for which we stand in public life."

On another occasion, President Theodore Roosevelt, in writing to Lodge concerning Horace Lurton, a Democrat and a federal judge, was even more precise with regard to the ideological prerequisites of his judicial nominees:

"Nothing has been so strongly borne in on me concerning lawyers on the bench as that the nominal politics of the man has nothing to do with his actions on the bench. His real politics are all-important. In Lurton's case, Taft and Day, his two former associates, are very desirous of having him on. He is right on the Negro question; he is right on the power of the federal government; he is right on the Insular business; he is right about corporations; he is right about labor. On every question that would come before the bench, he has so far shown himself to be in much closer touch with the policies in which you and I believe than even White because he has been right about corporations where White has been wrong."

As Professor Abraham summarizes the issue: "There is, of course, nothing wrong in the President's attempt to staff the Court with jurists who read the Constitution his way. All Presidents have tried to pack the Court, to mold it in their images. Nothing is wrong with this, provided, however, that the nominees are professionally, intellectually, and morally qualified to serve. But sloganeering and labeling, be it 'strict constructionist' or 'liberal' or 'conservative,' are as unhelpful in an understanding of the nature and function of the judicial process as they are misleading."

In the context of American history and legitimate practice, therefore, the 1980 Republican plank on the Judiciary is far from the odious creature its critics claim it to be Instead, it adopts the appointing practice in general use since President Washington and merely makes that practice specific with respect to five areas:

Mr. President, I have more that I should like to say on this subject. However, I am aware that the distinguished Senator from North Carolina also wishes to speak and I am prepared to yield the floor at this time, provided that I may have unanimous consent that, upon my resuming, my remarks will not be considered a second speech on this subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina.

Mr. MORGAN. Mr. President, I do desire to speak on this nomination, but, first, let me make a statement and from that point, I may make other comments from time to time.

Mr. President, on December 1, yesterday, the New York Times published an editorial impugning my motives in questioning the manner in which a Federal appellate court judge was nominated and approved by the Senate Judiciary Committee. The editorial called my opposition to this nomination a quest for revenge because, in March of this year, a candidate for a judgeship that I had recommended was not approved by the committee.

I do not ordinarily answer such charges made by newspaper editors, but this New York Times editorial was so unfair, so far removed from the true facts, that I feel that I should set the record straight.

As of this minute, Mr. President, there are 17 candidates whom the President of the United States has nominated to the Federal judiciary that the Senate Judiciary Committee has not acted upon. They are left, as a former White House official put it, "twisting slowly in the wind." Apparently, they will be left that way when this session of Congress adjourns. The names of some of these nominees have been before the committee since 1979 and many more have been there for months without being acted upon. Yet, in November, the committee acted to approve and send to the floor of the Senate the name of a nominee for the 1st circuit court of appeals. He is Stephen G. Breyer, a former Harvard professor of law and currently Chief Counsel of the Senate Judiciary Committee.

Mr. Breyer's name was sent to the committee on November 13, the day after the Senate returned from the elections, and given approval by the committee 4 days later. If anyone generally had knowledge of any intention to send this nomination to the floor of the Senate, it was certainly not made available to me or to the public.

Mr. President, I am told that the committee did not meet formally to approve this nomination, but, rather, its members were polled. That is an accurate statement. A point of order was raised by a member of the committee itself. Also, the approval came before the American Bar Association had been heard from, a necessary procedure in every other nomination that I know anything about. The American Bar Association's approval came in on the 19th of November, 2 days after the committee had already polled out the nomination.

The FBI investigation had not been completed. The nomination was made on the 13th. The FBI investigation reportedly was completed on the 28th of November. Yet, I was told by one Senator—I think the Senator from South Carolina—that he had nominated a member of the Court of Military Appeals and it took some 4 months for the FBI to clear that record. In this particular case, it was cleared only 2 days after the nomination, or 6 days after the nomination was made. To be sure, Mr. President, he had had prior clearance for staff work on the Judiciary Committee staff, just as a member of the Court of Military Appeals had had prior clearance. I am not sure that it is the same kind of clearance.

Nevertheless, let us recall now, for a moment: On November 1, the President of the United States sent to the Senate for the first time the nomination of Stephen Breyer. Notice of any kind of public hearing at all on Stephen Breyer appeared in the Congressional Record, which was delivered to my office after 11 o'clock on Monday morning, the 13th. By that time, the public hearing, which had lasted exactly 27 minutes, had already been conducted. The public hearing had already been conducted.

I believe I have my dates wrong, Mr. President.

The nomination was sent on the 13th. The notice of the public hearing was inserted on Friday, the 14th. But the copy of that Record was not delivered to my office until Monday at 11 o'clock, which was the 17th, at which time the public hearing was already over, with the exception of about 2 or 3 minutes. So effectively, the public was never really given notice of any kind of hearing on this man who was going to become a member of the Court of Appeals for the First Circuit, other than the technical requirement of the law that it be inserted in the Congressional Record.

Mr. President, let us look at what happened with regard to the first circuit with regard to this particular vacancy on the appeals court. When the President came into office, he announced that the judges for all courts of appeals, or the recommendations by the Members of the Senate, would have to come from panels or commissions selected by the President and appointed for the purpose of making nominations or submitting names from which a Senator would make his recommendations. That practice had been followed in every single circuit of the United States except the first circuit. In this one, it was not followed.

On May 29 of 1980, the Department of Justice announced the names of six persons recommended by the first circuit panel of the U.S. Circuit Judge Nominating Commission for appointment to a new circuit judgeship created by the Omnibus Judgeship Act of 1978 for the first circuit court of appeals. That was in conformity with the program announced by the President of the United States and in conformity with a procedure that was followed by every other Member of the U.S. Senate.

Mr. President, I believe I am wrong. Let me go back. That was the second list that was submitted. Let us go back to the first list that was submitted.

On March 2, 1979, the Department of Justice announced the names of five persons recommended by the first circuit panel, U.S. Circuit Judge Nominating Commission, for appointment to a new circuit judgeship created by the Omnibus Judgeship Act of 1978 for the first circuit court of appeals. I want to read the names on that first list. The first one is Robert Braucher, an associate justice of the Supreme Judicial Court of Massachusetts. He sits in Boston. I must assume, and I am sure my assumption is correct, that he was interviewed by this nominating commission and found duly qualified and was placed upon the list of these names from whom the Senator should make his recommendation to the President. Certainly, a man who sits on the Supreme Judicial Court of Massachusetts would seem to be qualified.

The second name was Andrew Caffrey, chief judge of the U.S. District Court for the District of Massachusetts. He sits in Boston. He is the chief judge of the U.S. district court for that district, and it would certainly, on its face, seem he would be completely and fully qualified. I have heard no disqualifications with regard to age or otherwise.

The third name was of a very distinguished American, Archibald Cox, professor of law at Harvard Law School, Cambridge. I understand that Professor Cox was over the age recommended by the American Bar Association and over the age by whatever standards the President made his judgment. I can understand that, Mr. President, because I nominated a judge that was 63 or 64 years of age and, although the bench and the bar in North Carolina were extremely interested in this man, the President refused to accept that.

So I understand why Professor Cox was not accepted.

The fourth name was Florence Murray, judge of the Superior Court of Rhode Island, and she sits in Providence.

And the fifth name was Miriam Naverira de Rodon, a professor of law at Inter American University at San Juan, P.R.

So in complying with the instructions of the President that every other Senator in this body complied with there were five names. I selected and recommended two judges for the Fourth Circuit Court of Appeals from nominating commissions from the list submitted to me. Had I had my own choice I probably would have expanded the list. I might have looked elsewhere, but I was willing to abide by the Executive order of the President.

But for some reason or another the distinguished Senators from Massachusetts found those people unsatisfactory. So for the first time and the only time I am told by the Justice Department, and if I am wrong I hope someone will correct me, the nominating commission was requested to send down a second list of names. This request was acceded to in this particular instance but not acceded to by the President in any other case. I assume that the New York Times failed to note that this morning. So who do they nominate this time?

This time from our preliminary inquiries, and we have made some substantial inquiries although not as much as I would have made with adequate time, but on May 29, 1980, the Justice Department announced that six more persons were being recommended by the first circuit panel of the U.S. Circuit Judge Nominating Commission for the new judgeship in the first congressional district. Those persons were Elizabeth Bartholet, a member of the Bars of Massachusetts, New York, and the District of Columbia, and assistant professor of law at Harvard Law School, at Cambridge.

A second one was Antonia Chayes, a member of the bars of Massachusetts and District of Columbia and an Under Secretary of the Air Force of the United States.

A third name was Jorge L. Cordova, a member of the bars of Puerto Rico and the District of Columbia, and a member of a very prominent Washington law firm.

The fourth name was Jaime B. Fuster, a member of the Bar of Puerto Rico, also in the Office for Improvements in the Administration of Justice here in the Department of Justice in Washington.

Another person was John M. Greaney, a member of the Bar of Massachusetts and an associate justice of the Massachusetts Appeals Court in Boston, another associate justice from the State of Massachusetts.

A sixth member was Juan R. Torruella, a member of the Bars of Puerto Rico and the District of Columbia and a U.S. district judge for Puerto Rico in San Juan.

So you see, now we have a second opportunity of six more names submitted for Senators from the first circuit to make their choice, a privilege not afforded any other Members of this Senate. No one has pointed out that any of these persons were disqualified. As I pointed out earlier I understood that Professor Cox was disqualified because of his age but none of the others were disqualified. But apparently, somehow or another they just did not meet the approval of the Senators from Massachusetts.

So what happened? They were not considered. The President made no selection from these.

There has been a great deal of pious talk here in the past few years about considering Federal nominees for judgeships on the basis of true merit. The idea has been to get the judgeships out of politics.

If this judge nomination does not represent a purely political maneuver then I do not know one when I see one because for the second time none of them recommended by the very distinguished commission in the First District were found suitable to the Senators from Massachusetts.

I think it might be well before we go on a little further to see who that nominating commission really was. Let us see. Are they people of some stature? Were they really making the bona fide efforts to select qualified people? Or was there some reason why these people nominated on two occasions by the commission should have been rejected?

I do not really know all these people who were on the first circuit commission. But I think they ought to be made a matter of record so that the public may know them. There was Robert Braucher, Esq., who was chairman from Boston, a member of the law firm of Hale & Dorr. He was chairman of that committee. There was Rae B. Condon, whom I understand to be a member of the Conflict of Interest Commission from Providence, R.I., a State that is included in the first circuit. There is Thomas R. Peterson, president of the Providence College in Providence, R.I., a man certainly of some distinction.

There was Charles H. Abbott, a member of the law firm of Skelton, Taintor & Abbott of Lewiston, Maine, another State included in the first circuit.

There is Franklin Delano Lopez, from San Juan, Puerto Rico. I do not really know what he does, but Puerto Rico is in this circuit.

There is a lady by the name of Ida Marie Wilson from Augusta, Maine, a gentleman by the name of Clifford J. Ross, of a law firm of Ross & Davis from Manchester, N.H., one by the name of Geraldine Lombardo from Hingham, Mass., and I do not know what this person does, another one named Diane Lund, apparently from a law firm of Healy, Lund & Fiske of Cambridge, Mass., and Frieda Garcia, from Boston, Mass.

So there was a nominating commission made up of 11 people representing the whole first circuit. If there has been any disqualifying feature about any of those people on that nominating commission, I have not heard it and the record bears no indication of it.

And that is the same commission that nominated the first panel in 1979.

I stand to be corrected, Mr. President. It is even a little worse than I thought. They were not only dissatisfied with the recommendations of the commission, but they were dissatisfied with the commission. So the names of the persons that I just gave to you were the people who were on the second commission. The first commission was Florence Rubin, chairman of Newton, Mass., made up of Rae B. Condon, I think he was on the second commission, but he was from Rhode Island, a new person named Carolyn Dik, from Worcester, Mass., a new person, Richard Donahue from Lowell, Mass., apparently a lawyer, and his name was not on the other commission, Prof. Paul A. Freund, from Harvard who was not on the other commission, Daniel M. Keyes, Jr., attorney from Springfield, Thomas R. Peterson, president of Providence College in Providence, R.I., who was on the other commission, Charles Abbott, who was on the other commission, from Lewiston, Maine, Franklin Delano Lopez, from San Juan, who was on the other commission, Ida Marie Wilson from Augusta, Maine, she was on the first commission, but not on the other, and Clifford J. Ross from Massachusetts, who was on the first one. So let me go back and put it in the proper perspective. The first commission was named and that is the one I just listed. Then they made their recommendations of five people, five distinguished lawyers or jurists in the first circuit. But for some reason or another none of those were found satisfactory. And as I point out again the President for reasons unbeknown to me, decided that he would appoint a second commission.

In other words, he just did not reject these nominees and say to the commission bring me five or six more. He reoriented his commission. I do not know what the reason for the unhappiness with the first commission was, except apparently there were not any names that suited the right people. So then they named the second commission, the names of whom I just gave for the record earlier.

And this is the commission that named six persons and it was released on May 29, 1980.

Whether or not any of these six individuals were ever given careful consideration or any consideration is not reflected by the record. No one knows. The record does not reflect that either one of them was ever sent down to the Senate by the President. So nothing else was done in the First Circuit Court of Appeals vacancy until after the election and until November, until after the election.

So there were 11 nominees, 10 of whom were clearly qualified, Professor Cox having been disqualified by his age. Then what happened? The President told me, and told me I could quote him on the floor of the U.S. Senate, and if this is not right then someone else can correct it. He said yes I did agree with Senator KENNEDY of Massachusetts before the Democratic Nominating Convention that I would submit Mr. Breyer's name after the election to fill the vacancy in the First Circuit Court of Appeals.

Where is the merit selection system? I asked the President when he told me that. I said, Mr. President, may I quote you? And he said, yes.

I do not believe that the President knew at the time he made the agreement with the Senator from Massachusetts before the Nominating Convention that all 17 other nominees of the President sent to this Senate by the President, all of whom were nominated by Members of this Senate, would be left hanging or dangling in the wind.

I cannot believe, and I do not believe—I know that the President of the United States should not have made an agreement and I regret that he made an agreement—to do for the Senator from Massachusetts before the nominating convention what he had refused to do for every other Member of the Senate who had requested it. I must say I do not know whether anyone has requested it, but I did talk with the Justice Department about the possibility of new nominees in my own circuit.

I regret that the President made that agreement with Mr. KENNEDY because at that time Mr. Breyer's name had not been selected by any nominating commission. In other words, an agreement to send this down to the Senate after the election had to carry with it an understanding that, "We are going to keep on until we get us a nominating commission that will send down the name we want." And then they have the audacity to talk about merit selection of judges.

Who were these nominees who were left—to find the word that was used—left twisting in the wind, slowly twisting in the wind? Who were these sacrificial lambs from all over the country who were sacrificed in order that the President and Senator KENNEDY could have this agreement to nominate Mr. Breyer? Mr. Howard Saches, from Missouri, the Eighth Circuit Court of Appeals, was nominated and the nomination was pending before the Judiciary Committee, a nomination recommended on July 1, 1980.

I assume it would have had to have the blessings of Senator EAGLETON or it would not have been sent down.

Mr. Andrew L. Jefferson, of Texas, representing the fifth circuit, was left slowly twisting in the wind. I am sure that he was recommended by the President on October 12, 1979, a year and a day before Mr. Breyer's nomination was selected, upon the recommendation of a distinguished Democratic Senator (Mr. BENTSEN). But he was one of the sacrificial lambs.

Eugene H. Nickerson, of New York, of the second circuit, nominated on August 29, 1980, 2 months or more before Mr. Breyer, and I am satisfied with the acquiescence and approval of the Senator from New York (Mr. MOYNIHAN).

Nicholas Bua, from Illinois, of the seventh circuit, left dangling in the wind, a sacrificial lamb.

James P. Jones, of the western district of Virginia, nominated in May of 1979.

John E. Sprizzo, of the southern district of New York, nominated back in June.

Gerald Arnold, from my own State, nominated on August 27, cleared by the Federal Bureau of Investigation and recommended by the American Bar Association, a distinguished judge on the North Carolina Court of Appeals. Another one of the sacrificial lambs.

You say I am not interested? Of course I am interested. Any U.S. Senator worth his salt would not stand idly by and watch some shenanigans such as this go on while his own nominee, a man of the distinction of Gerald Arnold, dangled in the wind and went down the drain, without something being said.

Gerald B. Lackey, Northern District of Ohio, I am sure, had the acquiescence if not the recommendation of the two distinguished Senators from Ohio, Senator METZENBAUM and Senator GLENN.

Peter Lowrey, western district of Texas. David Roberts, the district of Maine. Here is a judge nominated to take the place, as I understand it, of Senator MITCHELL, who resigned his seat to come to the Senate. What is Senator MITCHELL going to say when he goes back to Maine next year for reelection? He will say, "I'm sorry, I couldn't get my nominee out of the Senate Judiciary Committee, the man needed to fill my place, even though Mr. Breyer was nominated on the 13th and approved 4 days later." That is another one.

Raymond L. Finch, of the Virgin Islands; Ralph W. Nimmons, Jr., the middle district of Florida; Israel Glasser, eastern district of New York; Philip Weinberg, eastern district of New York; Miguel A. Gimenez-Munoz—I apologize for my pronounciation—of Puerto Rico; James E. Sheffield, eastern district of Virginia.

Then we have Walter Heen, of Hawaii, nominated in February, recommended by Senator INOUYE and Senator MATSUNAGA. Senator INOUYE tells me that there has been no civil court in the Federal court in Hawaii for a long time. Here is a man who was nominated in February and whose nomination is still pending.

All those 17 people were sacrificial lambs.

Mr. President, in a few weeks, I shall leave this body. Some of my friends and associates have suggested to me that I turn my head the other way and keep quiet about this nomination, and that would be the easy way out. However, it has been my policy during 30 years of public life to speak out when I saw something that I felt was patently wrong. For that reason, I have felt compelled to oppose this nomination, not because of the persons involved—because I bear them no ill will—but because of the manner in which it was handled.

When I return to North Carolina, I will take with me my self-respect and the knowledge that I did not deviate from my principles of speaking out against something I considered wrong.

Mr. President, I have not told the whole story; I have not told the whole sordid story. I have just stated that twice the President appointed commissions to nominate candidates to fill this vacancy, and the second commission was the only time in President Carter's administration that he did this.

I have stated that President Carter, himself, told me that he agreed with Senator KENNEDY, before the Democratic Convention, that he would send Mr. Breyer's name to the Senate after the election; and I have told the Senate that I am satisfied in my own mind that the President did not know that these other 17 were going to be left going down the drain. But he made that commitment at a time when Mr. Breyer's name was not on anybody's list, not on any nominating committee's list. And the New York Times has the audacity to talk about merit selection of judges, knowing full well the shenanigans that went on. If they did not know it, they did some poor reporting.

What happened? If the President's Executive order was going to be carried out, we had to have another nominating committee. Well, this time, apparently, it was felt that there was no need to add any more new names to the Selection Commission but that there was a need for some more names.

Nobody has put into the record of the Senate, to my knowledge—and if they have, I hope somebody will call it to my attention—any of the disqualifications for the names submitted, except one, Archibald Cox. I certainly felt that his so-called disqualification was not a disqualification, and I hope that sometime we will amend the law. We have just elected a man to be President of the United States who soon will be 70 years old; and if we can do that, I believe a man should be allowed to be a judge of the circuit court if he is 64, 65, or 66. I do not believe that a man's age should disqualify him.

Anyway, we decided that we would not appoint a third nominating commission but that we would ask them to see what they could do about sending us somebody else's name. I suspect—I have no knowledge—that, somehow or other, the word had gotten to them that Steve Breyer's name was needed on this list.

So, on November 10, 2 days before we returned from our election recess, the Justice Department announced the names of three additional persons recommended by the U.S. Circuit Judge Nominating Commission for appointment to a new circuit judgeship created by the Omnibus Judgeship Act of 1978, for the First Circuit Court of Appeals.

Who heads that list? Senators do not need me to tell them who heads that list—they know. It is Stephen Breyer, the man whom Senator Kennedy and President Carter agreed they would nominate as soon as the election was over.

I know Mr. Breyer. He is on the staff of the Judiciary Committee. He is a professor of law at Harvard. I do not doubt at all that he is a smart man. But there is just something that smacks of being wrong when we continue for the third time to get a list of names and we get his name on it. There were two other people on the list—Clyde Ferguson, a professor of law at Harvard, and William G. Young, an associate justice of the Superior Court, Commonwealth of Massachusetts.

Within 3 days from the time that announcement was made, Mr. Breyer's name already had been submitted to the Senate for confirmation of his nomination as a circuit court judge.

I do not know what the agreement was between Senator Thurmond and Senator Kennedy. They will have to speak for themselves. But the reports I had indicated—and the actual facts indicated—that no Judiciary Committee meeting was held. The reports I had were that it would be polled out and no other committee meeting would be held, so that these other 17 could not be considered. It is a great deal for Senator Thurmond and the Republican members of the committee, because they are going to get 17 Republican nominees. I have to say, in all candor, as many as we Democrats had, it certainly would be enticing. On the other hand, these 17 names were submitted.

So, there we are—most unusual circumstances, most unusual circumstances. We have an agreement by the President to send down a name for a circuit court judge, a person whose name had not been selected by either of the two previous nominating committees. Then, as soon as the election was over, the nominating committee, lo and behold, does send down the list with his name on it.

What kind of hearing was held? Well, the Congressional Record was delivered to my office sometime between 11 and 12 o'clock on Monday morning, November 17. According to the transcript of that confirmation hearing on Professor Breyer, held on the 17th, it was convened at 10:35 a.m. Remember, we received our Congressional Record between 11 and 12 o'clock.

Present at that hearing were Senator Kennedy, Senator DeConcini, Senator Hatch, and Senator Cochran. Also present was Senator Chafee, who, by the way, represents the State of Rhode Island, which is in this circuit.

I think it would bear well to read this transcript.

Confirmation Hearing of Prof. Stephen G. Breyer to be U.S. Circuit Judge for the First Circuit Court of Appeals

(Monday, November 17, 1980)

U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

The Committee met, pursuant to notice, in Room 2228, Dirksen Senate Office Building at 10:35 a.m., Hon. Dennis DeConcini, presiding.

Present: Senators DeConcini, Kennedy, Hatch, Cochran.

Also present: Senator Chafee.

Staff Present: Burt Wides, Committee Council; Mike Altier, Counsel with Senator DeConcini; Duke Short, Chief Minority Investigator; Boyd Hollingsworth, Counsel with Senator Cochran; Romano Romani, Counsel with Senator DeConcini.

Senator DeConcini. The Senate Judiciary Committee will come to order.

This hearing is on the nomination of Stephen G. Breyer of Massachusetts for the position of United States Circuit Judge for the First Circuit Court of Appeals. By blue slips Senator Kennedy and Senator Tsongas have approved the nomination.

Mr. Breyer's background investigation, which has been extensive both by the minority which we soon will be and the majority which we still are, and indicates a wide experience, a fine reputation, and as one member of the Judiciary Committee who has worked very closely with you, I can assure this Committee and the United States Senate that the quality of your leadership and of your bipartisan support and your approach towards constructive changes in the Judiciary and your willingness to cooperate with all parties involved in legislation is exemplary. I am very pleased to see that you have been nominated to this position and support the nomination even before I hear any opposition from the three Senators that are before us.

Senator Hatch has another scheduled meeting, and he has asked if he could be heard first. If you have no objection, Senator Tsongas and Chairman Kennedy, we will hear Senator Hatch.

STATEMENT OF HON. ORRIN G. HATCH, U.S. SENATOR FROM THE STATE OF UTAH

Senator Hatch. Thank you, Mr. Chairman. Mr. Chairman, it is rare that this Committee receives a nomination whose character, judicial temperament and intellectual ability are known firsthand by its members. It is rare that this Committee is able to assess the qualifications of a nominee not solely on the basis of written recommendations and hearsay evidence, but on the basis of firsthand experience.

I am extremely pleased tnat the name of Stephen Breyer has been placed in nomination for the First Circuit Court. There is simply no question in my mind, nor I would guess in the minds of my colleagues on the Judiciary Committee, that Steve is eminently well qualified for this position.

There is no question that he will be a credit to the bench and a credit to the good judgment of this Committee. Speaking of course as a partisan, I cannot honestly say that I am disappointed that Steve will no longer be employed by the majority, although come to think of it that would not be such a bad idea this next year. But he has always proven to be a highly capable proponent of the majority's positions, always conducting himself with the utmost candor and integrity.

Mr. Chairman, I will not recite again the formal qualifications of the nominee except to say that for an individual so relatively youthful, he has enjoyed a remarkably broad range of legal experiences. I think I can speak for those of us on the minority that we strongly support this nomination as one of the best nominations for the Federal bench over these last two years—frankly, over the last four years that I have been on this Committee and over these last two years where we have had such an influx of Federal judgeships.

So with that I would strongly support Steve Breyer for this position. I thank my colleagues for allowing me to go first so I can make my other commitments.

Senator DeConcini. Thank you. I would only like to point out one of the other outstanding appointments from the State of Arizona, Richard Bilby, that came forward.

I want to welcome Senator Chafee here. We will have an opportunity to hear from you.

First, Chairman Kennedy.

STATEMENT OF HON. EDWARD M. KENNEDY, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator Kennedy. Mr. Chairman, it is a special privilege for me to come before you this morning and to express my support for President Carter's nomination for Stephen Breyer to the United States Court of Appeals for the First Circuit.

Mr. Breyer is highly qualified by his background and experience for this position. I believe that he will serve with great distinction on the Court of Appeals, and I hope that this Committee will recommend his confirmation by the Senate.

In a sense, all of us on the Judiciary Committee take pride in this nomination, because it is a genuinely bipartisan appointment. For the past two years, Mr. Breyer has served as Chief Counsel of the Committee. During this time, all the members of the Committee have come to know him well, to respect his outstanding ability, and to value his extraordinary fairness and objectivity.

Mr. Breyer served the Committee while on leave from his position as professor on the faculty of Harvard Law School. His interest in the work of the Committee was a direct outgrowth of his commitment to public service and to his preeminent record as a legal scholar in the field of deregulation.

More than any other scholar or expert in the field, Mr. Breyer was the architect of the landmark legislation that deregulated the airline industry in 1978 and the trucking industry in 1980.

His intellectual ability and his practical skill were essential elements in passing that legislation and bringing a new era of competition to our free enterprise system.

Mr. Chairman, I could cite many other examples of Mr. Breyer's remarkable achievements. He possesses a rare combination of extraordinary intellect and practical experience that will enable him to serve with great distinction on the Federal bench. I believe he has the capacity and the potential to become one of America's finest judges, and I hope the Committee will approve his nomination.

Senator DeConcini. Thank you, Chairman Kennedy.

Senator Tsongas.

STATEMENT OF HON. PAUL E. TSONGAS, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator Tsongas. Mr. Chairman, I do not have a written statement, but I would like to just make two comments. One, that I think it speaks well of our system that someone like Stephen Breyer, when available, be appointed to the bench, and, secondly, wants to be appointed to the bench.

In reading through his background, one is struck at how comprehensive it is to provide the kind, if you will, of perspective that I think any bench needs, and it is so often lacking. Orrin Hatch said he could not imagine anything he would add to the resume. I would say that perhaps had he gone to Yale Law School rather than Harvard, it might have been a little bit more perspective, but we will leave that as it is.

I think it is important since a lot of the issues that have been raised in the last couple of years go to philosophy and one's particular position on particular issues, and I think this nomination is important in the sense that it talks about substance, competent qualifications, and I think provides a certain, if you will, precedent that hopefully will be followed as we proceed on.

So I am very pleased to join with Senator Kennedy in endorsing the nomination.

Senator DeConcini. Thank you, Senator Tsongas and Chairman Kennedy. We appreciate your support of this nominee and the background and how well you know the individual.

Mr. Breyer, do you have any opening statement?

STATEMENT OF STEPHEN G. BREYER, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT COURT OF APPEALS

Mr. Breyer. No, I would just like to thank you and thank the Senators who have spoken for their very kind remarks, and I hope I can live up to that.

Senator DeConcini. Do you care to introduce anyone?

Mr. Breyer. My wife and two of my three children: wife, Joanna; and Chloe and Nell. My third one, Michael, is at home.

Senator DeConcini. We welcome the family of the nominee.

Mr. Breyer, you have heard all the questions that we submit to various nominees, and I will submit to you, as I have to every other nominee, a list of questions relating to organized crime. I would appreciate if you would answer those for us prior to reporting your nomination out.

I need not ask you the normal questions that I ask nominees about judicial tenure. You were instrumental in having drafted that and having it pass both the Senate and the House, and as you know, has been enacted into law. It is a tribute to your legal ability to help steer such legislation through this body as well as many other examples.

With that I have no further questions. I would at this time ask Senator Chafee if he cares to make a statement. If he does, he may proceed. If he has questions, I will first yield to the Senator from Mississippi for questions.

Senator Chafee. Thank you, Mr. Chairman. If it is suitable with you, I thought I would wait until the members of the Committee were through asking questions and then I would ask some.

Senator DeConcini. Thank you.

Senator Cochran.

Senator Cochran. Thank you, Mr. Chairman. I really do not have any questions of the nominee, Mr. Chairman. I would like to add my congratulations to him for his nomination to the Court of Appeals. We all know how important it is to have well qualified, experienced people serving on the Federal bench. I think, Mr. Chairman, the President has named Mr. Breyer to the bench realizing that we do have that critical need in the country; and because of his experience, I think he will certainly do the kind of job that we need and that would reflect credit on the judicial system of our country and on this Committee.

I have no questions, Mr. Chairman, and would defer to the Senator from Rhode Island for any questions or statements that he would like to make.

Before doing so, I would like to add Senator Thurmond is not here today, but also would like for me to convey to the nominee his support for his confirmation.

Senator DeConcini. Thank you.

Senator Chafee.

Senator Chafee. Thank you, Mr. Chairman. Mr. Chairman, I would be at fault if I did not express my disappointment that the nominee for this First Circuit vacancy is not from Rhode Island. As perhaps you know, Mr. Chairman, this First Circuit covers four States and Puerto Rico. It covers Maine, New Hampshire, Rhode Island and Massachusetts. Currently sitting on the Court is a resident of New Hampshire, one from Maine, and one from Massachusetts, so when this fourth judgeship was created for the First Circuit I was very hopeful that the President would appoint somebody from Rhode Island instead of a second resident of Massachusetts.

In effect this First Circuit is the Supreme Court as far as we are concerned in our State, since of course the opportunity to go to the Supreme Court as you know is very limited and hence the major decisions on appeals from the District Court in our State are determined by this First Circuit Court. Nonetheless the President made his appointment and it appears to have considerable support here in the Judiciary Committee. Nonetheless, also I think it is incumbent upon me as a Senator from Rhode Island to ask some questions about this nominee, whom I have never met before and have had no experience with through reputation or otherwise. So I have a couple questions I would like to ask you, Mr. Breyer.

I did read over your response to the Judiciary Committee, the judgeship questionnaire response, and you, as has been pointed out by the Senators from your State, have had deep involvement in landmark legislation which has gone through this Committee and in the Senate, but as yet relatively unchallenged.

I am thinking about the airline and trucking deregulation, and legislation providing rights for the institutionalized and perhaps we will even get on with some changes in fair housing and the criminal code.

Now, my question is of you: What assurance can we have that your close involvement with these matters here on this Committee would not prejudice you in any way in your ability to conduct fair and impartial review of decisions on these matters that you have been so eminently involved with?

Mr. Breyer. That is a very good question, Senator. I think on that, in that area, I have to and I would want to follow the precedents and the ethics, the canons of ethics and the behavior of other people who have been involved in the legislative process who have become judges. There are, and it depends in part on the degree of your involvement, there are certain canons of ethics that prevent you from deciding certain cases where you had a great deal of involvement with the subject matter of the case. In other areas, where it is perfectly proper to sit, I would simply have to act as a judge, which would mean that I could not substitute my personal predelictions or feelings about the wisdom of any particular legislation for what was right on the law.

I mean that is an area that I have thought about to some extent because of course when we were dealing with airline deregulation and trucking deregulation, the matter came up about whether it would be possible for courts to work those changes, even without legislation. Despite my firm convictions that was a desirable direction to go in, we came to the conclusion here that it would require legislation for courts would on the basis of precedents and law be required to decide the contrary of what we felt was desirable. In other words, I would have to act as a judge, I would have to follow the canons of ethics. I would have to follow the example of other people.

There are many fine people that have been in the legislative process and have then gone on to the bench, and I would have to follow the examples of people who have been heavily involved in litigation that has policy issues involved and later on policy decisions come up on related matters, and that is what I would intend to do.

Senator Chafee. Yes, I think you would be in a very unenviable position perhaps, for instance in fair housing legislation there could even be a constitutional challenge in one way or another to it, which would have to hear after having supported it vigorously here.

Mr. Breyer. Fair housing legislation has not become law, and should a comparable example arise, I would follow the appropriate precedent. I think if there is the appearance of some kind of conflict, that I must disqualify myself.

Senator Chafee. Also in looking over your resume, I see you were director of Peter Merrill Associates, but then you say you have been inactive as director and received no payment. What is the legal status of an inactive director?

Mr. Breyer. I mean this was just a friend of mine who started an organization that I simply did not participate in, and when I came down here, I looked up the appropriate canons of ethics. I received $50 a year or something like that before I came here. He was trying to start out a small company. I said I wanted to have nothing to do with it, so there would not be the appearance of any kind of thing, and he said come back on board, and if you get out—well, of course I will resign now entirely.

Senator Chafee. There has been considerable atonements thrown your way here for your vast experience and broad background. Yet I noticed that you have never pursued, tried a case to its conclusion.

Is that fair?

Mr. Breyer. When I went before the selection committee, the Department of Justice lists five areas. It says trial area, appellate area, teaching, writing, and legislative work, and it says you have to be qualified in two of the five. I felt perhaps, perhaps immodestly, I felt in four of the five I was pretty well qualified.

Senator Chafee. Let us go through each. The first is teacher?

Mr. Breyer. I hope I am qualified as a teacher. You can ask my students and colleagues.

Senator Chafee. Well, from Harvard, I think we can accept that as qualified.

Give us the next one.

Mr. Breyer. The next was appellate work.

Senator Chafee. Let us go through that one. I have come to this interview here without vast experience, like the other members of the Committee have had with you. So I do not know your background but I am interested. You are going to hear cases from my State which is the court of last resort really.

Mr. BREYER. I have spoken in your State, alumni groups and so forth. I would hope the fact that I am from Massachusetts, and not Rhode Island, would not in any way prevent me from deciding cases in your State on the same basis of fairness as others.

Senator CHAFEE. I am prepared to accept that. Let us hear about the second point. We have teaching qualified.

Mr. BREYER. Appellate work. When I worked in the Justice Department, I was put in charge of writing the appellate briefs from the Antitrust Division, and so I reviewed and read appellate briefs in that capacity. I have worked since I have been a teacher on a consulting basis, and from time to time have written appellate briefs, and I appeared when I was in the Department in court and argued, for example, in Mercer v. Akron, I argued to the Appellate Court of Appeals.

Senator CHAFEE. You have argued an appellate case?

Mr. BREYER. Yes. Most of my work in law school, as I know you are familiar with, is primarily with appellate cases. What we are doing basically in law school teaching is going through appellate cases and considering them, and considering how they might be decided and what the logic of them is. But I would say in practical experience there as well as in teaching I have some experience.

Senator CHAFEE. You have argued an appellate case before the Supreme Court?

Mr. BREYER. No, it was Sixth Circuit.

Senator CHAFEE. Sixth Circuit. How many?

Mr. BREYER. I argued that one. I had that oral appearance and the rest of the time I have briefed.

Senator CHAFEE. One case?

Mr. BREYER. For oral appearance.

Senator CHAFEE. In other words you took it all the way?

Mr. BREYER. That is right.

Senator CHAFEE. What is next?

Mr. BREYER. The third one was writing. I can go through this if you like.

Senator CHAFEE. You have done notes and law review articles?

Mr. BREYER. I have had two books published and a third one has been accepted by Harvard University Press. I have in my resume there 7 or 8 or 9 fairly extensive articles, and I have written other less extensive articles, but I have written pretty extensively on administrative law, antitrust law and other aspects of Federal law. The fourth area was, I am trying to remember the exact phrasing, but it was more or less law reform work in the Federal area.

In that I feel it is fair to say I have pretty extensive experience because of my work here, and my work on airline deregulation, which involved Senate hearings and carrying the legislation through, my work with this Committee on a large number of bills and hearings and nominations and other areas. But even leaving the Committee apart, I appeared before administrative tribunals and argued for various kinds of administrative reform, so I felt in that fourth area that I had pretty extensive qualifications.

In other words, they would ask for two and I felt in four areas I had pretty strong paper qualifications anyway, and the merits of that I think you can best find out by asking others.

The fifth area, the trial area, in my own mind I feel it is important to have either trial experience or some familiarity with the trial process, if you are going to be appellate court judge. The question is, since I think there are many such judges who are not trial lawyers, who maybe have not been in trial courtroom, what is there in my background that is an equivalent substitute or gives me at least an approach, at least the beginning of the necessary experience? I am moderately familiar with the rules of evidence. I have taught evidence for three years at Harvard. When I was in the Appellate Division, when I was running the Appellate Section of the Antitrust Division, as a sort of acting head there, I became familiar with trial records. We worked heavily with trial records. When I worked with Archibald Cox, I was Assistant Federal Prosecutor in the Watergate's prosecutor's force, and at that time I organized an investigative phase of the cases, some of the cases that eventually went to trial, so I was heavily involved there with the preprations for trial, investigating witnesses, organizing data, getting the things ready to go to a grand jury and so forth, so I was heavily involved in that investigative phase. Then finally I think in the work, while a legislative hearing I am well aware is not equivalent, is not the same as a judicial hearing, nonetheless a lot of work, particularly in the airline thing, is similar. It is an adversary context. It is preparing witnesses. It is questioning witnesses. It is pulling together the information you receive in an organized way, so that it can be presented coherently to make an argument. It is taking account of the points of the other side and treating them fairly and thoroughly, and above all I think it is an understanding that the written record does not always reflect all the byplay and all of the things that are going on in the hearing. I think that has given me some experience which I think people that fifth area of the five is probably where I am the weakest in terms of experience.

Senator CHAFEE. But you think you could be sensitive to the problems that a trial judge encountered in the course of a trial?

Mr. BREYER. I certainly would. I have already found out, for example, that the office of the First Circuit, the appellate judge is upon the 16th floor, and two floors down are the courtrooms where the trial court judges are, and there not only is not only anything wrong but it is appropriate for me to go down there and listen or even to participate, and indeed when I learned that, that took quite a burden off my mind. That is indeed just what I would do.

I want to say parenthetically that, Lord of mercy, I thought if an appellate judge were to sit in a trial courtroom and hear the trial itself that that in itself would be a disqualifying factor in its own right.

I certainly think, it is elementary to me, that a circuit court judge who sat in a courtroom during the trial of a case would be disqualified. He says, "That is indeed just what I would do."

Senator CHAFEE. What do you mean participate?

Mr. BREYER. They will allow you to sit on cases, I gather.

Senator CHAFEE. Just sit and listen?

Mr. BREYER. That I would have to find out. I do not know the details of that.

Senator CHAFEE. Let me ask you, in these five criteria, judicial experience was not one of them?

Mr. BREYER. I would have to go look it up. I am sure judicial is one——

Senator CHAFEE. To leave judicial experience out of one——

Mr. BREYER. I am sure that must have been one, but I would have dismissed that because I do not have that.

Senator CHAFEE. I do not think judicial experience is essential. After all, Calvert Magruder never had judicial experience. It is nice, but not essential.

Thank you, Mr. Chairman.

Senator DECONCINI. Senator Chafee, thank you. I want to applaud the Senator from Rhode Island in taking the concern and interest he obviously has on selection of appellate judges. I think there are many of us in the Senate who could pay far more attention to it as it reflects to our own State, our own judicial area, and of course the country, and I applaud your conscientiousness in this matter.

Senator CHAFEE. I want to thank you, Mr. Chairman, for letting me sit in and ask the questions.

Senator DECONCINI. You are welcome any time. There has been a judicial conference recommendation to create a fifth seat on the First Circuit. I am hopeful that with the new Administration, with new Senate leadership here, that this Congress will proceed to continue to upgrade the courts and add additional judges where needed, and this recommendation has already been forwarded to the Congress, so perhaps the day will come when we have another opportunity to have a nominee.

I can add nothing further.

Senator Cochran, do you have anything?

Senator COCHRAN. I have nothing further.

Senator CHAFER. Mr. Chairman, in connection with that last point that you made about the fifth judge for the First Circuit, I do not know whether they will go forward with it or not. It is of course up to the Administration and up to this Committee. But I do note that to the best of our ability there are only about four States in the Nation that do not have a resident who is on a Circuit Court: Rhode Island, I think South Dakota, Alaska, and one or two others, or so I have been told. So should a vacancy occur, I would appreciate it if this Committee would certainly give consideration to any nominee from Rhode Island, and I would be grateful for that.

Senator DECONCINI. Senator, I can assure you that if there is a bill presented here and introduced in the next session of Congress to expand the First Circuit or any of the circuits or other district judges that every consideration will be given. I think your point is well taken. I would hope that the new Administration continues their selection process and that qualified people from the State of Rhode Island would seek that position.

Mr. Breyer, I am sure there are many members of the Judiciary Committee staff that would love to ask you questions, like to save you any potential embarrassment, and I say that facetiously.

I have no other questions other than to compliment you once again for the excelence in the performance that you have put forth in behalf of the United States Senate Judiciary Committee. It has been an experience very rewarding to me and many other members. We wish you well, and I want to take a moment to compliment Senator Cochran, Senator Thurmond, Senator Hatch and other members of the minority for expediting this hearing. I think it is important. I think it demonstrates the wisdom of the minority soon to control this Committee that qualified people should be pushed forward as a matter of fact, and expedited in the process, and we certainly have that example before us today.

It has been a pleasure to be associated with you, and I look forward to hopefully appearing before your court some day.

Mr. BREYER. Thank you very much.

Senator DECONCINI. Is there anyone who cares to testify in favor or opposition to this nomination?

If so, will you please come forward at this time.

If not, this hearing will be closed.

(Whereupon, at 11:02 o'clock, a.m., the Committee recessed, to reconvene subject to the call of the Chair.)

Mr. President, the hearing took 27 minutes, and then the whole hearing was recessed on a man whose nomination had only been sent to this Senate 4 days before, on a man on whom the American Bar Association had not made its report, on a man on whom the FBI had not completed its investigation, on a man selected by a third try of a circuit nominating committee, a privilege extended to no other Member of the Senate, a man who has never tried a single trial case to verdict in his whole life, who has argued one appellate case while he was working as an attorney in the Justice Department, and I do not know of any attorney who ever worked in the Justice Department who was not given that privilege by the Attorney General to gain some experience.

Mr. Breyer has a very distinguished academic record. I have no question at all about his ability to teach and ability to research, but it just happens to appear to me as a lawyer who has held his license for 30 years and I would dare say has tried as many trial cases as any Member of this Senate, unless it was some Senator such as Senator DeConcini who was a prosecuting attorney, that I just cannot comprehend an appellate court judge on the First Circuit Court of Appeals who has never tried a single trial case and says "I will get some experience because trial courtrooms are two floors down below and I will go down and I will sit down and I will watch some of those cases, I will watch them," and I assume they will have to be some of the cases that might very well come up.

I have no question at all about his intellectual ability but I do question the sanctimonious assumption that we are making our selection of judges on merit when a deal was cut with the President before the New York City Democratic Convention—when I say "deal" I will ask to strike that—the President said he made an agreement with Senator Kennedy—those are his exact words and said I could quote him—that he did make an agreement with Senator Kennedy that he would send this man's name to the Senate after the election, even though it was not on any nominating committee's list.

Mr. President, there has been no effort at all since this Senate reconvened on November 12 to consider any of the other 17 judges left dangling in the wind. You know the Democratic Party in this Senate today is still the majority party. There was no reason in the world why the chairman of the committee could not have called that committee together. I am sure that not all of those 17 judges would have been reported, but there was an agreement in the way. There was an agreement that we will pull this man out. We will not have any more Judiciary Committee meetings, to the end that none of the rest of them can be brought up, and they pulled him out.

I would have had no desire to defeat this nomination if there had been a conscientious effort to bring out the other 17 judges or certainly the one from my State. Senator Helms has stated openly on the floor of this Senate that he supports that nominee and he is certainly qualified. Now we are sitting down there in the eastern district without a judge. But the agreement was there would not be any committee meeting so they could not be brought up. That was one of the reasons I joined last week in saying I was going to raise a point of order because you cannot pull a man out of a committee under the committee rules unless there is a majority. And there was not a majority.

I am not the only one concerned. Let me read a letter dated November 24, 1980.

> The Honorable Edward M. Kennedy, Chairman, Senate Judiciary Committee, United States Senate, Washington, D.C., 20510.
>
> Dear Senator Kennedy:
>
> It is our understanding that the Judiciary Committee may soon hold a business meeting for the purpose of reporting out certain judicial nominations.

And this letter was written after it was clear that a point of order was going to be raised.

> There are at the present time 17 nominations for judgeships on which the Judiciary Committee has taken no action. Approval of most of these is vitally important. It is our view that the committee should consider all these nominations at this next meeting with the goal of reporting them out, so that they can be considered by the full Senate. Your support of this would be greatly appreciated.

Signed George J. Mitchell, U.S. Senator from Maine, Dan K. Inouye, U.S. Senator from Hawaii, Richard Stone, U.S. Senator from Florida, Daniel Patrick Moynihan, U.S. Senator from New York, Robert Morgan, myself, Lawton Chiles, U.S. Senators from Florida, Spark M. Matsunaga, U.S. Senator from Hawaii, and on my copy it does not show it but I am advised by my staff member that Senator John Glenn, Senator from the State of Ohio, signed the same letter and Senator Lloyd Bentsen from the State of Texas signed the same letter.

So there are nine U.S. Senators who signed this letter of the 24th which was last Monday, saying, "Just please consider our nominees. That is all we ask, that you just consider the nominees."

And I participated that morning with the distinguished Senator from New Hampshire in making sure that the committee did not meet during the first 2 hours until such time as I felt some assurance from someone that there was going to be a conscientious effort to consider these nominees.

And we did not get it. So at 12:15, of course, the committee could not meet.

All during the day I stood here on the floor, stayed on the floor most of the time and I talked to various members of that committee. Various members of the committee said, "You know, Robert, I think you are right, but we don't know what we can do with the Republicans," and I did not think you could do much with them, especially after the agreement had already been made. But you cannot convince me that there are not some good Republican members on that Judiciary Committee who would look beyond the end of their noses and say, "Look, here are some nominees where both Senators have given their endorsement." Some of them are Republican and some of them are Democrat. In my own case, Senator Helms had sent back his blue slip and he said on the floor of this Senate, and it is in the Record, that he endorsed him, and you could not convince me that if a conscientious effort were made to consider them that some progress could not have been made.

Mr. President, during that evening, during last Tuesday, it was obvious to us that preparations were being made for the committee to meet. It was no secret. There was nothing unknown about it. Of course, time was of the essence in reporting it out.

Before I left the Senate, I realized that there might be an effort to recess the Senate, to allow the Senate to recess for 10 minutes, or 15 minutes, whatever, and to come back and report the nomination out to gain a day.

I talked with the majority leader. I said:

> I think, Mr. Majority Leader, if that committee will go in there and make a conscientious effort to resolve these problems and come out and if I am satisfied that they made a conscientious effort to consider some of these people, to resolve the conflicts, I would certainly be more inclined to go along with the procedure, as irregular as the Breyer nomination is.

I understood that is what was going to happen, so I started to leave. As I got about halfway down the steps, someone came and got me and I came back. Someone was about to change their mind. They were going to have a recess, let the committee meet, and come back and report it back Tuesday night.

Well, we had another discussion. To make a long story short, it was decided, let us give the Judiciary Committee an opportunity to carry out its duty. We are still holding office until January 3.

So we did. We recessed.

They had an agenda, and we had been led to believe that there would be a real effort made on this agenda, though I am not all that naive. The first item on the agenda was Mr. Breyer, the second item a private relief matter, the third was the Small Business Moter Fuel Marketer Preservation Act of 1980, and the fourth item on the agenda was the 17 nominees left to dangle, turn, and twist in the wind.

Nevertheless, I had hoped that a conscientious effort would be made. I can tell you now, Mr. President, and I say this to my colleague, if you had gone in there and sat in the committee, and had discussions, legitimate discussions, about these nominees, talking about the pros and cons, and come out of that committee—maybe bloody but with no result—with at least an effort having been made that would be somewhat persuasive to someone who wanted to believe it, that they were trying to treat all 17 of them right, I doubt that I would be here on the floor of the Senate today.

But what happened? Well, needless to say I was disappointed. I think the transcript of the meeting itself would best tell you whether or not there was a good faith effort made.

I might start off by saying the meeting started at 7:50 and adjourned at 8 o'clock. It lasted 10 minutes. For 10 minutes the Judiciary Committee met to consider an item of this kind.

Tuesday evening, November 25—and

that sets the record straight. The letter of the several Senators was written on Monday, the letter which made a plea to the members of the committee to have a serious consideration of all 17.

The Committee met, pursuant to notice, in Room S. 224, The Capitol, at 7:50 p.m., Hon. Edward M. Kennedy (Chairman) presiding.

Present: Senators Kennedy, Levin, Culver, Metzenbaum, DeConcini, Leahy, Baucus, Thurmond, Laxalt, Hatch, Cochran, and Simpson.

Staff present: Ron Brown, Chief Counsel; and Quentin Crommelin, Chief Minority Counsel.

Senator Kennedy. The Judiciary Committee will come to order.

I believe that the members of the Judiciary Committee are aware of the nomination that was sent to the United States Senate on Stephen G. Breyer, of Massachusetts, to be United States Circuit Judge, Court of Appeals.

We had a unanimous vote in the polling, but a point of order was raised in terms of a member of the Senate, a point of order that a quorum was not present. And to ensure that the will of the Committee be expressed, I will ask now whether there is any objection.

Senator Thurmond. I move it be approved.

Senator Leahy. Second.

Senator Kennedy. All in favor, say "aye."

(Chorus of "aye.")

Senator Kennedy. Those opposed?

(No response.)

Senator Kennedy. Let the record indicate it was a unanimous vote of the Committee that Mr. Breyer be approved for that purpose.

The second item on the agenda is S. 2849, private relief for Charles Jeffrey Greene. It is a private bill.

Senator DeConcini. I move it be approved. I move the approval.

Senator Kennedy. Without objection, the private relief, S. 2849, is approved.

The third item on the agenda is S. 2798, Small Business Motor Fuel Marketer Preservation Act.

Senator Simpson. Mr. Chairman, I regretfully move that be put over. The reason is, even though we have had hearings at the subcommittee level, we have had more at the full Committee level.

More importantly, I think that there are abuses. I really do know there have been abuses.

Senator Kennedy. The Senator is within his rights in doing so. There are——

Senator Bayh. There is no way we can persuade you to have a little more compassion in your heart for that small retailer out there who has invested his life savings in serving his community?

The answer is no?

Senator Simpson. The milk of human kindness is not soured totally on my breath, but I have been practicing law for 20 years, and I had a lot of poor guys come in that have been ripped off by the majors entirely with that little printed contract that left him with one can of oil and three batteries and tires and accessories and racks. So I know what that is. And I hope we can correct that in the next session.

But here we are at the eleventh hour. I don't see any reason to deal with that, or anything else. That is my feeling.

Edward has talked to me about it. I know about it. And I am voting this way in every Committee I am on at this late season of the session.

Senator Kennedy. The Senator is within his rights.

The other thing are the nominations which have been up before us to varying degrees, and I would like to see if we can get——

Senator DeConcini. Mr. Chairman, could I speak for just a minute?

Senator Kennedy. Surely.

Senator DeConcini. It won't be long.

Mr. Chairman, I realize the politics of where we are and the necessity of the minority, soon to be the majority, to want to permit the new President to make appointees, but I have been advised that when President Carter came into office he took the majority of the lame-duck unconfirmed judges and sent them up here. And unless I am mistaken, I would implore the members of the minority, who will control this body next year, to consider passing all of these. They have all been approved. And I would hope that the Committee would consider that.

By the way, the record does not reflect it but my staff member, who was present, tells me that prior to that time Senator Thurmond had walked out of the room and came back in.

Senator Thurmond. Well, that will be passed on to them for consideration. But I object taking up any more tonight. I think we lost our quorum now.

So apparently the quorum did not stick around.

Senator Kennedy. We are unable to get the other members for a quorum. So there will——

Senator DeConcini. Well, Mr. Chairman, let me go ahead. Let us go ahead for just a few minutes and—in case somebody should show up.

There are a number of judges here, Judge Sachs, of Missouri——

Senator Kennedy. I think we have looked into that particular matter, Dennis, and that doesn't happen to be the case. It is the understanding, at least of——

Senator Thurmond. Mr. Chairman, I object.

Senator Kennedy. Well, we are out as a Committee. We are just talking.

Senator Thurmond. We don't have a quorum and I make a point of order.

Senator Kennedy. While you are standing there we have one.

Senator DeConcini. Mr. Chairman, I——

Senator Kennedy. To get back now, Dennis——

Senator DeConcini. I would at least like to express my opinion, Mr. Chairman.

There are a number of judges here that are dearly needed. In Ohio——

Senator Kennedy. The Senator is within his rights in terms of making a point of order. We don't have a quorum. And so for the purposes of the meeting, we will adjourn. But for those who want to remain here for the discussion, of which I will remain here, we will proceed.

(Whereupon, at 8:00 p.m., the Committee adjourned.)

Ten minutes. It is perfectly obvious what happened.

So, Mr. President, this is a fine example of merit selection of judges. It is a disregard of the President's Executive order not once but twice. It is an agreement by the President that he would nominate a man who was not on anybody's list as soon as the election was over. There is the failure of the chairman of the committee to call a committee meeting after we came back to consider any of those other nominations. And then the selection of a man from the third list selected by the committee before the American Bar Association had made its report, before the Federal Bureau of Investigation had made its report. I realize he had been on the committee, but so had Senator Hollings' nominee been on the Court of Military Appeals which required a much more thorough background check.

Here was a man who has never tried a single trial case, who has argued one appellate case in is life.

Mr. President, I have nothing personally against Mr. Breyer, and I doubt that other Members have anything personal against him. I have no quest for revenge, I will say again. I do not believe you have to have any other motive than wanting the Senate to meet its responsibility to consider judges on their true merits in order to question how this nominee's name is before this body.

As I said earlier there has been a great deal of pious talk during these past few years about considering Federal nominees for judgeships on the basis of true merit. The idea is to get the judgeships out of politics. I am one of those who thinks that whenever you say, let us get the judges out of politics, or, let us get everything out of politics, what you are saying is, "Let us get it out of the hands of the people and put it in the hands of those who can manipulate."

Certainly, if there has ever been a case where a committee was manipulated it would have had to be this one because this committee on 2 occasions nominated 11 nominees for this circuit, only 1 of which was disqualified by reason of age. They had to go back and lick the calf a third time and come up with three more in order to get Mr. Breyer's name. The sacrificial lambs in this case, as I mentioned, are those 17 nominees who probably never will be considered and who will be left slowly twisting in the wind.

As I said earlier, Mr. President, in a few weeks I shall leave this body. Some of my friends and associates have suggested to me that I turn my head the other way and keep quiet about this nomination, and that would have been the easy way out. But I point out again that it has not been my way for 30 years of public life. When I retire from public life—temporarily or for whatever period of time it will be—on January 2, I will be able to do it with the knowledge that I have done my duty as I have seen fit. I will have my self-respect. I will have the knowledge that I did not deviate from my principles and that I did not fail to speak out against things which I think are wrong.

Mr. President, there are many other things I can say and probably will have to say about this, but I am willing to yield the floor at this time, with this proviso: I ask unanimous consent that my next speech be considered a continuation of the first speech on the legislative day.

The PRESIDING OFFICER (Mr. Culver). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

Mr. HUMPHREY. Mr. President, reserving the right to object, I would like to speak just briefly with the Senator.

Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may be permitted to proceed without my remarks being counted as an additional speech on the same day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, a number of charges and allegations have been made with regard to the nominee who is before the U.S. Senate this afternoon. Before responding to some of the more particular allegations and charges—not that I will be able at the present time to respond to each and all of them, but certainly to the major ones—I do think it is important to review very briefly the qualifications of the nominee himself.

The qualifications of Stephen Breyer are impressive. They include the highest honors from Stanford University, Marshall scholar at Oxford University, an editor of the Harvard Law Review; law clerk for Justice Arthur Goldberg on the U.S. Supreme Court; 2 years of appellate practice in the U.S. Department of Justice; additional appelate experience as a consultant in a wide variety of appellate litigation; professor of law at Harvard University for 10 years, teaching primarily administrative law, antitrust law, and regulatory law; and prosecutor with the Watergate special prosecution force. He has initiated the airline deregulation as special counsel; served for the past 2 years as chief counsel of the Senate Judiciary Committee; published numerous books and articles on antitrust and administrative law, and natural gas deregulation. He has a forthcoming book on deregulation and is a respected member of a variety of civic boards and professional associations.

In addition, as I mentioned earlier, this nominee has strong bipartisan support.

All 17 members of the Senate Judiciary Committee support Mr. Breyer. This is on the basis of a firsthand knowledge of his work. I wonder how many other nominations this body considers would include the fact that as many as two or three Members of the Senate have an actual working knowledge of the nominee's ability. In this situation 17 members of a particular committee have direct knowledge of his work and of his service, Democrat and Republican alike.

That is why he has strong bipartisan support, indeed unanimous support, of the Senate Judiciary Committee. Senator HATCH testified at the committee hearing:

> I think I can speak for those of us in the minority. We strongly support this nomination as one of the best nominations for the Federal bench over the last 2 years, frankly over the last 4 years, that I have been on this committee.

That is a statement made by Senator HATCH of Utah who had worked closely with the committee on the whole range of nominations we have processed.

So the question comes, Mr. President, that there should be no doubt about the qualifications of the nominee. As a matter of fact, the American Bar Association has stated when it completed its full examination that Mr. Breyer is qualified, and a substantial minority has found him well qualified. That remains the assessment of the Bar Association.

There has been the question about the FBI reports, and the consideration of the FBI reports. The fact is that Mr. Breyer had been cleared by the FBI on two previous occasions after full field investigations of Mr. Breyer for Government service. When he was cleared for the Watergate prosecutor's office in 1973, he received a top secret clearance. This third FBI review obviously was made with those two prior extensive investigations as a starting point. It is one of the most outstanding FBI reports that has been received on any nominee, with not one negative or critical comment in any of the responses.

Other questions have been asked about the qualifications of Mr. Breyer. The Justice Department itself sets guidelines listing the qualifications in five areas for circuit judges. It recommends that a nominee be experienced in at least two of these five areas.

One, appellate; two, trial; three, mastery of areas of Federal law, such as through teaching; four substantial legal writings; five, substantial experience in law reform activity.

The fact of the matter is, Mr. President, that Steve Breyer, the nominee, has had substantial experience and has a quality of expertise which is unique in four of the five areas—not in just two of the five areas as required by the Justice Department's own guidelines for the circuit judges, but in four of those five areas.

He has served as an acting chief of the appellate section of the Antitrust Division of the Department of Justice 1965, 1966; and in that capacity he wrote numerous appellate briefs, and reviewed scores more.

He has written briefs or participated as a consultant in more than 20 appellate cases while at the Harvard faculty. Also the role of a law professor obviously is to analyze appellate cases for his students. This is the essence of the case method. He has written a highly regarded casebook on administrative law, analyzing several hundred appellate cases. So he has unique qualifications, Mr. President, and that should not be lost in the process here.

A great deal, Mr. President, has been made about the question of how many nominees were actually being reported out, and how many nominees remained within the committee. We have two Members of the U.S. Senate who have spoken about the nominee. One has complained that one has come out, and the other has complained that we have not gotten more of them out. We are in that unique circumstance where one Senator would like to get them all and one believes one Senator has been too many.

The truth is, Mr. President, that this Committee on the Judiciary has tried to gain the positive consideration and approval of all the various nominees who had come before the Judiciary Committee.

(Mr. MITCHELL assumed the chair.)

Mr. KENNEDY. But the fact of the matter is there have been no nominees of any committee who have been considered and approved here in the U.S. Senate since the time of the election.

I mean, it is nice to make those comments about how it is locked up in the various committees. But the fact of the matter is there has not been a nominee who has come out of any of the committees of this body since the time of election, who has been favorably considered by this body.

The fact is the Breyer nomination is unique because of the relationship between the nominee and the members of the committee, which is why he has been able to get unanimous support, Republican as well as Democratic—an extraordinary tribute to an outstanding individual and an outstanding nominee.

He was not the initial recommendation of the First Circuit Review Commission which virtually unanimously nominated Archibald Cox. Mr. Cox who was not recommended by President Carter was an individual whom I certainly did support publicly. I am sure that he would have served with great distinction on the circuit court, just as he has served with great distinction at every opportunity of service to the public over his long and distinguished career.

But the fact of the matter is, Mr. President, that after the time of the convention itself, the Republican Convention, there was a question of whether we were going to get any nominees out. I wish that those who would today be so critical about the efforts that have been made would review the executive session of September 10, 1980. Review that in detail, and see if there was not an effort to get all the various nominees who were before that committee reported out, an effort led by the chairman in debate and in discussion, and by the other members of the majority. Our critics did not bother to quote from our committee meeting at that particular time. But I would suggest that those who are quoting from hearings and meetings of the Judiciary Committee here today read the September 10 executive session. There they will see the efforts that were attempted to be made in the final days, final hours, of the session prior to going into the recess.

We were successful, as a matter of fact, in getting the release of 11 individuals who had, up to that time, been held in committee. We were able to get them freed and reported to the Senate, and then to have their nominations confirmed.

I was hopeful that we would have gotten all of the others confirmed. What possible reason would there be for me not to want them all confirmed?

Since we have spent such a great deal of time in assuring that some over 150 judges had been confirmed over the period of the last 18 months, what possible reservations would we have in not trying to get all the rest confirmed? Clearly, we attempted to do so but were unable to get the kind of support that would be necessary for the committee to report those nominees out.

So, Mr. President, I would hope that we would be able to act on the Breyer nomination successfully. He is an outstanding individual and we go into other questions about the notification and other matters, and I will certainly submit for the Record an extended comment about notice and other elements of the discussion and debate which have been raised here this afternoon.

But the fact remains that this truly is an outstanding individual by training, tradition, concern, compassion, legal knowledge, and understanding, which is a very unique background by an individual who has served in the public sector and time after time, whether it was as special prosecutor in the Justice Department, willing to work with a legislative branch and willing now for 2 years working in the legislative branch to be able to after those 2 years of service as a chief counsel to get a unanimous vote, and I think that is a very special commendation for that individual.

The final point that I wish to make is, and this is in direct reference to a point that was made about agreement between Mr. Carter and myself before the convention, there were no agreements between Mr. Carter and myself before the Democratic Convention. That would extend one's imagination far into the distant horizon to have expected at that particular time that we would be able to even make an agreement on this particular outstanding nominee. The fact remains that prior to the election when it appeared that the situation had been stalemated, Mr. Carter had indicated a willingness to make a recommendation of Mr. Breyer if the circuit court itself would examine candidates and would find that that particular candidate was qualified to serve and make that recommendation to the White House.

I, being sufficiently satisfied with the very special qualifications that Mr. Breyer had, was absolutely convinced that the nominee would be recommended. And that happens to be the factual situation.

So, Mr. President, I would hope that we would be able to begin the nomination of this individual. He is outstanding in every respect and deserves to have a vote by the Senate on his nomination.

Mr. President, I think it is important for Senators to have a full and accurate record.

The First Circuit Commission submitted a list on which the first choice was Archibald Cox. I made clear that I favored his nomination. However, the Attorney General rejected him on grounds of age. I publicly disagreed with that rejection of the distinguished Mr. Cox.

Subsequently, the President decided to change the composition of the Selection Commission, appointing replacements for almost all of the original members. That decision was not one in which I played any part or which I had in any way requested.

The reconstituted Selection Commission was then asked to submit a new list of nominees for the vacancy. I did not request that a new list be submitted by the Commission because I had been satisfied with the first list.

The administration had not sent up a new name by the time the Republican Convention had occurred and it was clear it would be difficult to confirm any new names sent up for a circuit court position at that late date. Indeed, the Republicans indicated that they would block the two other circuit nominations submitted after the Republican Convention.

I discussed with the President this situation and the fact that because of his unique relationship with all members of the committee, Mr. Breyer was perhaps the only possible nominee who could get through at that late date.

My understanding with the President was clear. He would give favorable consideration to Mr. Breyer's nomination but it was understood that the nominee would have to be approved and recommended by the Circuit Commission.

Now let me turn to some other points raised by those who question the nomination.

First, we have acted rapidly on other nominees on previous occasions. For example, in the case of Myran Thompson, now serving in Alabama, we held his hearing 5 days after receipt of his nomination in the Senate. That was only 1 day longer than the elapsed time here. Of course, where the nominee is so uniquely well known to the committee, on the one hand, and the end of the session is approaching, it is reasonable to move more quickly than usual.

Second, the FBI investigative requirements were completed at the time the committee acted on the nomination.

At the time the committee nomination staff reviewed the Justice Department file, the only outstanding matters were interviews of Senator Tsongas and myself, and a routine name check of several of the nominee's relatives. It was clear that Senator Tsongas and I were going to testify at the hearing.

In fact those interviews were conducted 3 days before the hearing and committee vote.

Third, the Committee on the Judiciary was not polled by telephone. There was a formal written poll, which, I might add, under committee procedure, required unanimous consent, without objection of any members, before such a poll is employed. We have used that procedure many times when there was a noncontroversial nomination before the committee.

Fourth, there was considerable comment about the extent of our efforts to report other nominees out of the committee. I have already noted our efforts at the September 10 business meeting of the committee, which is amply reflected in the Record. If Senators read the heated debate in that meeting they will not doubt the efforts of myself and my majority colleagues to report all the nominees. On that day, and on September 17, however, the Republicans began to filibuster in the committee. Under our committee rules, we can only cut off a filibuster with the support of at least one minority Member, and we had none willing to join us to effect cloture in the committee at that time.

In fact, through our efforts we were able to report 11 nominees out at the last session before the Republicans began to filibuster the remaining nominees.

And I believe we exceeded the expectations of many majority Senators by obtaining confirmation of those nominees right before the recess.

It is worth noting that one of those confirmed nominees was a distinguished State judge from North Carolina, Judge Erwin. The distinguished senior Senator from North Carolina was eager to have that nomination confirmed at that time and knows the extensive efforts by the committee which were required in order to achieve that confirmation.

Next, let me indicate the sequence of events last week. When it became clear that, contrary to normal practice, a point of order would probably be raised to the committee's use of a poll on the Breyer nomination. We sought permission to get the nomination back in committee with the understanding that we would also try once more to report out the other nominees in committee.

Unfortunately, we could not obtain agreement to do so and therefore the committee members had to raise the point of order ourselves in order to resolve the issue last Tuesday. We, too, would have preferred to hold that committee business meeting earlier in the day on Tuesday. But under the rules, any meeting conducted after the Breyer nomination was back in committee, and while the Senate was still in session would have been subject to still another point of order.

Therefore, we were forced to wait until the Senate recessed for the evening. At my request, several members of the committee canceled flights and changed their plans so we could meet at that late hour. We met and tried to report the other nominees. We made a good faith effort but we could not report them.

I can understand the concern and disappointment of my colleagues whose nominees were not approved. But I have explained to them and I believe that they understand we simply were unable to overcome the intent to filibuster them in committee.

Opponents of the Breyer nomination have noted that, in the case of some nominees, a Republican Senator from the State has made public expression of support for the nominee. In such cases, of course, we have worked with the majority Senators involved, to see if such expressions of support would enable us to obtain minority agreement in the committee to report those nominees. We were still unable to obtain agreement.

In conclusion, Mr. President, the fact remains that we have a unique opportunity to confirm an exceptionally talented and qualified nominee to an important court of appeals.

His qualifications are noted in two letters received by the committee today from two eminent members of the bar: Former Justice of the U.S. Supreme Court Arthur Goldberg, and the former Deputy Assistant Attorney General for Antitrust, Edwin Zimmerman.

I hope my colleagues will not waste that opportunity for reasons irrelevant to this nomination. I urge them to confirm Stephen Breyer.

I ask unanimous consent to insert these letters and an additional staff memorandum in the RECORD at the conclusion of these remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1980.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on the Judiciary, Washington, D.C.

MY DEAR SENATOR KENNEDY: I write this letter in support of the approval by the Senate of the nomination of Professor Stephen Breyer as a Judge of the United States Court of Appeals for the First Circuit.

In recommending his appointment I think it appropriate to note that I have a particular interest in this Circuit.

During my tenure on the Supreme Court of the United States I was the Circuit Justice for the First Circuit and am, therefore, intimately concerned with its workings and after leaving the Court for my post as Ambassador to the United Nations and since, I have followed the activities of the First Circuit with special interest.

It is my considered judgment that Professor Breyer is exceptionally well qualified for an appointment as a Judge of this outstanding Court of Appeals.

Professor Breyer, as all members of your Committee know, was a law clerk of mine during my tenure on the Supreme Court, during the 1964 term. He served as my clerk for one year and this enabled me to be well informed as to his legal abilities, character and integrity.

I found Professor Breyer to be a well trained lawyer with an excellent background in all areas of the law and diligent in the performance of the many duties which fall to a law clerk of a Supreme Court Justice. In addition, he has what I would term a judicial temperament. He is a moderate in his point of view, fair in his approach to complicated legal problems and always prepared to hear the other side of any controversy.

Following his clerkship with me Professor Breyer spent a period of time as an assistant to Attorney General Turner of the Antitrust Division of the Department of Justice and since then has been well recognized as an authority in several areas of the law in his capacity as a tenured professor at the law school of Harvard University.

It is my considered judgment that the federal judiciary benefits greatly from appointments not only from appointees with prior judiciary experience and professional practice but also from academia.

Several illustrations come readily to mind: Justice Felix Frankfurter, Chief Justice Stone, Judge Henry Edgerton and many others too numerous to mention.

Although Professor Breyer has been primarily a law professor in recent years he has also participated in litigation. He was a participant with me in the Atkins case, an important matter involving the question of the constitutionality of whether Judicial salaries could be diminished in light of provisions of Article III of the Constitution. I understand he also was consulted in other matters.

I strongly recommend him for appointment to the Court of Appeals for the First Circuit. He would add strength to this important Court.

Sincerely yours,
ARTHUR J. GOLDBERG.

DECEMBER 1, 1980.

Hon. EDWARD M. KENNEDY,
Chairman, Judiciary Committee, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR KENNEDY: I am a member of the bars of New York and the District of Columbia, and am a partner in the law firm of Covington & Burling in Washington, D.C. I have been engaged in the active practice of law in the private sector for nineteen years where I frequently engage in appellate litigation. I also have practiced law for three and a half years with the United States Justice Department.

I write to comment on the qualifications of Stephen Breyer for the position of a judge on the bench of a United States Court of Appeals.

I had occasion to work with Mr. Breyer in the period commencing the summer of 1965 through 1966 and into 1967. I was for the first four months of that period Director of Policy Planning of the Antitrust Division of the Justice Department. Thereafter, I was what was then known as First Assistant—i.e., Deputy Assistant Attorney General for the Antitrust Division.

During that period Mr. Breyer, as special assistant to the Assistant Attorney General, was assigned to tasks of exceptional difficulty or importance to the Division. In particular, he participated in the preparation of appellate briefs for cases before Courts of Appeals and the Supreme Court of the United States. He took an active role in the analysis of the arguments to be presented, in the development of appellate strategy, and in the drafting of the appellate briefs.

By reason of the importance of the issues dealt with, and the frequency with which our office was involved in major appellate issues—including appellate matters for a number of government agencies for whom we were lawyers—Mr. Breyer received an experience in appellate litigation that was equivalent to a far longer period of normal appellate practice in the private sector.

Mr. Breyer performed all his obligations with facility and unusual distinction. His career since then has continued to be one of great distinction in all that he has attempted, in teaching and consulting, and, again, in Government service. In my judgment he will be an experienced and exceptionally well qualified addition to the appellate bench.

Sincerely,
EDWIN M. ZIMMERMAN.

JUDICIARY COMMITTEE STAFF MEMORANDUM ON JUDICIAL NOMINATIONS

Introduction:

On July 16, 1980, Senator Thurmond announced at the GOP Convention that he had asked Governor Reagan—and that Governor Reagan had agreed—to have Senate Republicans block any further judicial appointments until after the election. Their clear intent was that, if Governor Reagan won the election, no more Democratic nominees would be confirmed. If President Carter won the election, the confirmation process would resume.

Nevertheless, by working with the committee minority and generating as much support for pending nominees as possible, the Senate was able to confirm thirteen additional judges in the period between the Republican Convention and the election recess. Seventeen judicial nominations are still pending in the committee. The only nomination made after the election—the Breyer nomination—was received on November 13 and approved by the committee on November 17.

Nominees confirmed by the Senate after the Republican Convention (Attachment A):

The thirteen judges who were confirmed by the Senate after the Republican Convention were permitted to go through by the minority largely because:

Seven Blacks, Hispanics or women. Included in this group is Judge Richard Erwin, sponsored by Senator Morgan for the Middle District of North Carolina.

Two were Virginia judges sponsored by Senator Harry Byrd.

Three were judges sponsored by Republican Senators.

One was a judge sponsored by a Democratic Senator, but with strong Republican support.

At the time the thirteen judges described above were being approved by the Judiciary Committee after the Republican Convention, the minority emphasized that they would block any other nominees.

In this pre-election period, the Senate confirmed the most judges that it possibly could for the most possible Senators.

Nominees Pending In The Committee:

Of the seventeen nominations not approved by the committee before the election:

Eleven were received too late to be processed by the committee before the election.

Three were arbitrarily delayed by the minority on the committee.

Three were delayed because substantial issues concerning the nominations had been raised by the Republicans and had not yet been resolved.

Breyer Nomination:

As a wholly separate matter, the minority on the Judiciary Committee—especially Senators Thurmond, Laxalt, and Hatch—agreed not to support Breyer's confirmation. This agreement was entirely unrelated to the other judges; it was based on the Republicans' first-hand knowledge of Breyer and his work, his fairness, and his objectivity.

Since the election, we have repeatedly tried to obtain agreement from the minority to approve some or all of the nominations still pending in the committee. The minority have made clear that they will approve Breyer but no one else. Senators sponsoring pending nominees were told before and after the election that, if they could remove this minority opposition, the majority on the committee stood ready to move the nominees. There is no possibility that delay of Breyer's confirmation will influence the minority to allow additional nominees to proceed to confirmation.

SUMMARY OF NOMINATIONS SINCE THE REPUBLICAN CONVENTION

At the time of the Republican Convention, in July, sixteen judicial nominations were pending in the Judiciary Committee. Eleven of these nominees were subsequently approved by the committee and confirmed by the Senate, and five of the nominations are still pending in the committee.

After the Republican Convention, fourteen additional nominations (other than Breyer) were received by the committee. Only two of these nominees (Judge Thompson of Alabama and Judge Ramsey of Maryland) have been confirmed. The other twelve nominations are still pending in the committee.

[Attachment A]

THIRTEEN FEDERAL JUDGES CONFIRMED BY THE SENATE AFTER THE REPUBLICAN CONVENTION

Court and judge:

9th Circuit, Stephen R. Reinhardt, California.

Alabama, Myron H. Thompson, Middle District.

Arkansas, George Howard, Jr., Eastern & Western.

California, David V. Kenyon, Central District, Consuelo B. Marshall, Central District, and Earl B. Gilliam, Southern District.

Illinois, Susan C. Getzendanner, Northern, Charles P. Kocoras, Northern.

Maryland, Norman P. Ramsey.

North Carolina, Richard C. Erwin, Middle District.

Texas, Hipolito F. Garcia, Western District.

Virginia, Richard Williams, Eastern District, J. Harry Michael, Western District.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am not an attorney. I am not a member of the Judiciary Committee and I am perfectly willing to abide by the expertise, by the expert judgment of my colleagues on that committee and the recommendations of the ABA.

I had never during this debate questioned the qualifications of the nominee. But at the same time, I certainly cannot blame certain attorneys in my State who are concerned about this nominee. As a lay person with respect to law, I cannot blame them for being concerned about a nominee who has never tried a case, just as I would be concerned about a surgeon who has never performed an operation even though that surgeon might come from the medical school at Harvard University, might have written many enlightened books and served on many distinguished boards and bodies. So I cannot blame the attorneys, some of them in my State, for being worried about this particular nomination, but I will not go beyond that because, frankly, I am not qualified to and I accept the judgment of the Judiciary Committee.

With respect to the unanimity of the Senate among Republican members of that committee, it is a puzzling thing to be sure. The distinguished Senator from North Carolina has said very clearly that he was informed by the President that an agreement had been reached between the President at some point or other and the distinguished Senator from Massachusetts, the chairman of the Judiciary Committee.

I have also heard it said, frankly, by Senators in a position to know, that in fact the agreement encompassed more than that or grew at some point to encompass more than that and so perhaps this unanimity at least in some small measure might be part of an agreement reached with the Senator from Massachusetts. I do not know, but I have heard that said. I am not in a position to verify it. So, for my part I am likely to give a little less weight frankly, to the argument that has been made that unanimity of the Republican members of the Judiciary Committee should be taken as a sign that this nominee is extraordinarily well qualified and that the nomination should go through without further question.

Mr. President, earlier I was reading a booklet published by the Washington Legal Foundation entitled "Reagan and the Courts, Prospects for Judicial Reform." While we are awaiting the return of the majority leader, I shall continue reading from this booklet:

> As indicated by the history and logic of the appointing process, it is proper for Governor Reagan to require that his judicial appointees share his philosophy on these issues. For example, a dominant theme of the Republican Platform and of Governor Reagan's campaign is that the deregulation of the economy is a task of the highest priority. It is difficult to see how a President Reagan could carry through on this commitment without a conscious effort to choose judges who are sympathetic to the decentralization of the federal government and the return of decisionmaking power to the state and local levels. Indeed it could fairly be said that, as President, he would be derelict in his duty if he did not do so. And this is no less true with respect to the other issues specified by the Judiciary plank, including protection of "the rights of law-abiding citizens" and respect for "traditional family values and the sanctity of innocent human life." For the federal judiciary, as presently constituted, is, to say the least, not notably favorable to the philosophical positions advanced by the Republican platform.
>
> President Carter's judicial appointments have generally contributed to this condition and the Reagan appointments could have only a gradual impact in changing the character of the federal bench as a whole. The Reagan impact, of course, would be more immediate and more dramatic with respect to the Supreme Court. If Governor Reagan were to win election, it would be only reasonable to interpret his election as a mandate for him to use the appointive power to restore, on these and other issues, a proper balance to the courts. This is particularly important with respect to the Supreme Court. For, as Dean Louis H. Pollak noted, a proper objective of Presidential appointments to the Supreme Court is the attainment of the "diversity geographical and philosophic which strengthens the Court when rightly applied, that is to say when rightly applied in the direction of appointing a man who at a minimum presents the highest professional qualifications and the kind of promise of performance on the highest court suggested by the ringing roster of those who have been the leaders of that Court."
>
> Governor Reagan's own statements indicate that he shares the view that philosophical balance is desirable on the Court. In deploring the Senate rejection of President Nixon's nominee, Judge Clement Haynsworth, Governor Reagan said, "It is obvious that a proper balance must be restored to the Supreme Court, and I know that the President will nominate a successor who shares Judge Haynsworth's constitutional approach to the Court." And when Chief Justice Warren tendered his resignation to President Johnson in the 1968 election year, Governor Reagan said Warren had no right "to choose which President he thinks should dominate for the next 20 years the Supreme Court." Reagan suggested instead that such an important appointment would be more representative of the people if made by a newly elected rather than by an outgoing President.

I would say parenthetically, Mr. President, that the same logic holds here in the case of this nomination and all the nominations on the calendar and those within the committees which could be reported out if the committees chose to do so.

> Quite obviously, President Jimmy Carter, too, concurs in the belief that philosophy is an important element in Supreme Court appointments. Five Supreme Court Justices, as of this writing, are over the age of 70. Addressing the NAACP on July 4, 1980, President Carter said: "I want you to consider very carefully and seriously how this nation's future will be affected by the appointment of the next three or four justices of the Supreme Court."
>
> While none can doubt that the philosophy of the nominee is a pivotal consideration in a Supreme Court nomination, it is absurd to say that a President cannot consider a potential nominee's stand on specific issues. How else do you measure the philosophy of a person except with respect to his position on definite issues? Would it have been improper for Abraham Lincoln to consider whether his nominees accepted or rejected the dictum of the *Dred Scott* case that slaves are merely property and not persons? So it is with the issues of the 1980's, as spelled out in the Republican Platform, e.g., protection of "the rights of law-abiding citizens," respect for "the sanctity of innocent human life," etc. It is clearly untenable to say that a President can realistically evaluate the philosophy of a potential nominee in these respects without using as a criterion the nominee's agreement or disagreement with Supreme Court decisions that present these specific issues. Opponents of Judges Carswell and Haynsworth had no hesitation in criticizing their philosophies and positions on specific issues as indicated by the stands they took in cases that came before them on the bench. And Judge Carswell was attacked for holding office as a director of a racially discriminatory golf club, the Capital City Country Club in Tallahassee. If such is a legitimate factor in evaluating a nominee, as it is, how can it be irrelevant to ask his positions in detail on the very basic issues specified in the 1980 Republican Judiciary plank?
>
> *Merit selection*
>
> There is nothing in the Republican Platform which implies that Governor Reagan, as President, would exact a pledge from a judicial nominee to vote a certain way. On the contrary, all that is implied is a commitment to select those who share certain basic constitutional and philosophical convictions. Nor is there anything in the Platform inconsistent with Governor Reagan's own record of adherence to the principle of merit selection for judicial appointments.
>
> In a 1968 address to the Economics Club of New York, Governor Reagan said, "In the appointment of judges, that prize patronage plum of the Governor's office, the same policy prevails because politics should play no part in the selection of those who administer justice. Joint committees of the bar, the judiciary and laymen screen and rate prospective judges and their recommendations are accepted." In an interview with U.S. News & World Report, Governor Reagan spelled out his principles of judicial appointment:
>
> Q. What kind of appointments do you think should be made to the Supreme Court and federal judiciary?
>
> A. I have a proposal that I'm trying to get passed in California for taking the appointment of judges out of politics, to insure that, instead of a judgeship being a patronage plum for a Governor, the judges would be picked on a basis of their qualifications, experience and character. I don't see any reason why this should not be the rule with regard to the United States Supreme Court.
>
> I would think that, regardless of politics, a man should only be appointed who has had the greatest experience on the bench and in a judicial capacity. This has not been true in the appointments of recent years.

Some judges are lawyers who never practiced law.

I've made more than 60 judicial appointments this last year, and none of them has been a reward for any political favors. In every area where judges were to be appointed, we've named a committee of citizens and the bar and the judiciary, and each one of these three committees is given every name that has been proposed for a judge, the names that come to us from legislators, the names of lawyers who have applied and said they wanted to be a judge.

All of these go to the various committees and they screen and send back their evaluation of this whole panel. We put the three evaluations together—from the fellow lawyers, from the judges, and from the laymen. On the basis of the highest score, we make our judicial appointments.

I would feel very safe in having you go out and check with the bar, the judiciary, or any one of these 60 appointees. I think you'll find they have been of exceptionally high quality.

As a matter of fact, take men who may not want to leave the practice of law to go to the bench because of the economic sacrifice they had to make. You'd be surprised how many under this system now are making themselves available and are willing to undergo that sacrifice because of this approach. We're trying to get this made a part of the Constitution so that, for all time to come, Governors will base their appointments on merit and not politics.

The California Merit Plan for judicial appointments was "proposed by the Governor with the support of the California Judicial Council and the State Bar. Under this plan nominating commissions would actively seek and recruit the best possible people for the Governor to name to our courts when a vacancy occurs." In urging Californians "to study the new judicial selection plan and to join with those of us who are supporting it," Chief Justice Roger J. Traynor, Chairman of the Judiciary Council, said:

"We are doing very well, indeed, in this state to meet high standards of judicial personnel and administration, but we can do still better. There is now the prospect of a judicial selection system for all judges based on competence and not upon political considerations. The goal of selecting judges in a non-political, non-patronage context appears to be in sight, thanks to active cooperation between the executive and judicial offices of the state, aided by the State Bar of California."

While the Reagan nominations to the bench have not been free from criticism, "his judicial appointments have won high marks from nonpartisan observers." And "friends and foes alike agreed that Reagan's judicial appointments made after professional panels screened candidates, were of high quality." There is, of course, nothing in the merit selection principle that would prevent a President from restricting his nominees to those who share his basic philosophy of law and government. Merit selection ensures that nominees will have the necessary qualifications of professional ability and character. It would exclude the nomination of a person for merely partisan reasons. But a President's consideration of the philosophy of a potential nominee can hardly be placed in the same category as a patronage appointment. For the minimum criteria of professional competence and character must govern in all cases. Judge Lawrence E. Walsh, chairman of the American Bar Association's Standing Committee on the Judiciary, stated in his testimony on the nomination of Judge Carswell that the ABA Committee has always limited its investigation of Supreme Court nominees "to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee." A prudent insistence by a President that his nominees be sound in philosophy, as he sees it, is consistent not only with tradition, but with the merit selection principle as well.

Minority appointments

Incidentally, the Reagan judicial appointments may be expected to follow the general pledge of the Platform to "ensure that the federal government follows a non-discriminatory system of appointments up and down the line, with a careful eye for qualified minority aspirants." A more novel pledge on minority hiring, however, is contained in the Platform's veiled promise to appoint European ethnics and Orientals to government positions.

Millions of Americans who trace their heritage to the nations of Eastern, Central and Southern Europe have for too long seen their values neglected. The time has come to go beyond the ritual election year praise given to Ethnic Americans. We must make them an integral part of government. We must make recognition of their values an integral part of government policy. The Republican Party will take positive steps to see to it that those Americans, along with others too long neglected, have the opportunity to share the power, as well as the burdens of our society. The same holds true of our Asian-American citizens from the cultures of the Orient.

There is nothing in these minority pledges inconsistent with the commitment to consider a nominee's philosophy on issues. Nor is there anything here inconsistent with merit selection, provided, of course, that the nominee is otherwise professionally and personally qualified.

Judicial efficiency

Apart from the criteria for his judicial nominees, it is predictable that a President Reagan would strongly support measures to promote efficiency in the judicial system. In a 1972 address to the annual meeting of the State Bar of California, Governor Reagan made some interesting observations on his concerns in this area:

Some judges have been able to reduce their backlog of cases by simply following the Biblical admonition, "they goeth forth until their work . . . and labor until the evening . . . crown (them) with glory and honor, and bless their industrious souls.

* * * * * * *

Many of the court and legal reforms we have sought at the state level involve calendar management, record keeping, and all the technical matters that are necessarily required in our civil and criminal legal system. The California Council on Criminal Justice has a number of promising pilot programs under way that should provide some answers. Among the projects the Council is funding this year are programs to explore the feasibility of using electronic recording devices in place of court reports in criminal proceedings . . . (just imagine hearing yourselves in instant replay) . . . court information systems to expedite routine case . . . a study designed to encourage the use of smaller juries in civil matters and programs aimed at improving calendar management in both the criminal and civil fields. There are others that involve more critical problems.

Other appointments relating to the judicial system

We have concentrated here on judicial appointments because of the wide misunderstanding of the Republican Platform plank on the judiciary. In addition, of course, if he is to carry out his pledges of regulatory and other reforms, Governor Reagan would have to apply similar philosophical criteria in his appointments to administrative posts relating to the judicial system. Most important here are the United States attorneys and their assistants. The President's power, however, to appoint administrators and United States attorneys who are of his own philosophical and political persuasion may be limited to an uncertain extent by Supreme Court decisions forbidding patronage discharges of some public employees. The recent Supreme Court decision in *Branti* v. *Finkel* held that the First Amendment forbids the discharge of assistant county public defenders on the grounds of their political affiliation. The case raises an interesting question as to its possible application to an effort by Governor Reagan to appoint Republicans to positions such as that of assistant United States attorney. The question "is whether the hiring authority can demonstrate that party affiliation is an appropriate requirement for the effective performance of the public office involved." But if Reagan's new coalition of "shared values" cuts across party lines, his appointments would not be automatically Republican. A consideration of what Theodore Roosevelt called the nominee's "real politics" rather than his nominal partisan politics could avoid the problem presented by the *Branti* case.

LEGISLATION TO CHANGE COURT DECISIONS

Public school desegregation

The appointment of judges who share his philosophy is the most obvious way a President Reagan would affect the federal courts. But in several substantive areas of the law, a Reagan Presidency would be committed to reversing court decisions through legislation or perhaps even constitutional amendment. One such area is desegregation of public schools. The Republican platform provides:

Our goal is quality education for all of America's children, with a special commitment to those who must overcome handicap, deprivation, or discrimination. That is why we condemn the forced busing of school children to achieve arbitrary racial quotas. Busing has been a prescription for disaster, blighting whole communities across the land with its divisive impact. It has failed to improve the quality of education, while diverting funds from programs that could make the difference between success and failure for the poor, the disabled, and minority children.

We must halt forced busing and get on with the education of all our children, focusing on the real causes of their problems, especially lack of economic opportunity.

When Governor Reagan was asked "Do you support busing to bring about racial integration in the schools?", he replied: "Forced busing, no. I understand the original purpose: create understanding, eliminate prejudices and so forth by more knowledge of each other. But it failed in its purpose. It's created more bitterness than it's eliminated, and I think that we should recognize it—that it's a social experiment using the kids for guinea pigs. Get rid of it and use the resources that are being wasted to improve the school systems."

Interpreting the equal protection clause of the Fourteenth Amendment, the Supreme Court and lower federal courts have ordered various combinations of busing, faculty assignments, redrawing of school attendance areas and other devices in order to eradicate "the last vestiges" of officially endorsed segregation and to achieve a "unitary" school system. These judicial actions, which are usually called "busing," have aroused strong opposition in Congress and elsewhere. Congress has several remedies it could use to remedy the situation. The most drastic remedy would be a constitutional amendment such as the one proposed by Representative Ronald M. Mottl (Dem., Ohio):

> Section 1. No student shall be compelled to attend a public school or other than the public school nearest to the residence of such student which is located within the school district in which such student resides and which provides the course of study pursued by such student.
>
> Section 2. The Congress shall have the power to enforce this article by appropriate legislation and to ensure equal educational opportunities for all students.

This amendment was brought to the floor of the House of Representatives by a discharge petition and defeated in 1979. The United States Commission on Civil Rights claims the amendment would virtually foreclose "the possibility of desegregating larger school districts, where student transportation is a necessary element of meaningful systemwide desegregation."

In addition to the constitutional amendment route, Congress has the power to withdraw the jurisdiction of low federal courts to issue busing orders and to withdraw the subject from the appellate jurisdiction of the Supreme Court. This authority of Congress is found in Article III, Section 2, of the Constitution, which provides that "The supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations, as the Congress shall make." As Justice Frankfurter commented, "Congress need not establish inferior courts; Congress need not grant the full scope of jurisdiction which it is empowered to vest in them; Congress need not give this Court any appellate power; it may withdraw appellate jurisdiction once conferred and it may do so even while a case is sub judice. *Ex parte McCardle*, 7 Wall. 506."

Additional authority for Congress to forbid the courts to order busing can be argued to exist under Section 5 of the Fourteenth Amendment, which provides, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Any statute, however, which attempted to withdraw federal court jurisdiction to order busing would have to be tightly drawn so as to withdraw jurisdiction even though the courts have based that jurisdiction on what they declare to be the mandate of the Constitution. The Equal Educational Opportunities and Transportation of Students Act of 1974, for example, sets out a general Congressional policy with respect to the remedies appropriate for remedying deprivations of equal educational opportunity. Section 1713 of the Act establishes a priority of remedies to be ordered in desegregating schools. Section 1714 provides that no "Court, department, or agency of the United States shall, pursuant to Section 1713 of this title, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student." But Section 1702 includes a provision that "[T]he provisions of this chapter are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States." The addition of this proviso, of course, effectively nullifies the restriction since the federal courts maintain that busing orders are required by those amendments to the Constitution.

An alternative device would be for Congress to deny funding for busing programs, or to forbid federal administrators, such as the Secretary of Education, to order busing. The Ashbrook amendment to the Department of Education bill provided:

> No provision of law shall be construed to authorize the Secretary to issue any regulation, rule, interpretation, guideline, or order which requires, as a condition of eligibility to receive Federal assistance, or otherwise, the transportation of students or teachers (or the formulation or adoption of any plan for such transportation) to achieve racial balance in order to carry out a plan for the desegregation of any educational institution, school, or school system.

If Governor Reagan is to carry out his own as well as the Platform's pledges on busing, he could most readily do so through the limited means of proposing legislation narrowly defining the jurisdiction of the federal courts and agencies in this matter. In another context, referring to unsatisfactory court decisions in the criminal procedure area, Governor Reagan observed, "I think the legislatures of our States and of our nation could do more in some instances to make it perfectly plain what is the intent of the law, and this would result in changing some of those judicial decisions that have been made . . ."

New legislation, limited in scope and precise in definition, is the preferred method to restrict judicially imposed busing of school children. A constitutional amendment could, of course, do the job, but it would be a form of corrective overkill.

Affirmative action in employment

A more recently developed area where the federal courts would be likely to be restricted by a Reagan administration is that of employment discrimination. Through the technique of affirmative action, a form of reverse discrimination has developed and gained the sanction of the courts. The general principle of affirmative action was announced in a series of Executive Orders issued by Presidents Kennedy and Johnson. The first use of the term "affirmative action" occurred in Executive Order No. 10,925 in 1961: "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Later Executive Orders added age and sex to ethnicity as proscribed categories. Section 703(a) of Title VII of the Civil Rights Act of 1964 declared it unlawful for an employer "to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin . . ." Section 703(d) declared it unlawful to "discriminate against any individual" in "apprenticeship or other training." The legislative history of the Civil Rights Act of 1964 clearly shows that Congress intended to provide for "equal opportunity" rather than for statistical parity of employee representation. Nevertheless, a shift in the meaning of affirmative action to a result-oriented numerical concept, with the burden of proof shifted to the employer with respect to his "deficiencies" in the "utilization" of minorities and women, has come about through action of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance in the U.S. Department of Labor, and other federal agencies. In *United Steelworkers of America* v. *Weber*, at least 50 percent of the trainee positions were to be reserved for blacks until such time as their low proportion among Kaiser Aluminum and Chemical Corp. craft employees (two percent) rose to approximate their proportion in the local labor force (39 percent). Brian Weber, a white worker, was rejected when he applied for the Kaiser trainee program, even though black workers with less seniority were accepted. Weber sued under the Civil Rights Act. He won in the District Court and in the Court of Appeals, but the Supreme Court in a divided opinion reversed. A majority of the Justices ruled that the Civil Rights Act of 1964 does not bar "temporary, voluntary, affirmative action measures undertaken to eliminate manifest racial imbalance in traditionally segregated job categories." But as Justice Rehnquist remarked in dissent, the reasoning was "a *tour de force* reminiscent not of jurists such as Hale, Holmes, and Hughes, but of escape artists such as Houdini."

It is not the purpose of this essay to discuss the sociological and demographic fallacies in the affirmative action concept. As Professor Thomas Sowell recently demonstrated, affirmative action does not benefit those whom it is supposed to help; improvement in the economic condition of certain ethnic groups is more readily attributable to genuine "equal opportunity" measures and to other factors than to numerically oriented "affirmative action."

I would point out, Mr. President, that Prof. Thomas Sowell is an eminent economist, who happens to be black.

And the crowning illogic is that the rhetoric of equality issued to justify the discrimination against any who hapepn to be unlucky enough to fall outside the favored categories:

> It is ironic for the historic discrimination against a racial minority to be invoked as the basis for current discrimination against the residual minority of persons not designated as special by the government agenthe residual minority of persons not designated as special by the government agencies armed with the unchecked power to make or withhold such arbitrary designations.

Just how arbitrary (or ideological) these designations can be is shown by the fact that preferential decisions are authorized in favor of Chinese Americans over Irish Americans, for example, even though the former have higher incomes, more education, and a greater proportion of people in the professions.

This would be funny if it were not so serious. "The lack of popular support or statutory authorization for affirmative action programs, in which a few fervently befunctioning of elective government and the integrity of courts. It raises somber questions about how far we have gone, and how fast we are going, from democracy toward a judicial ad hocracy."

The *Weber* decision is already having a "ripple effect" through its use by lower courts as authority to sustain affirmative action programs in the public sector and programs of a broader scope than that involved in the *Weber* case itself. As with busing, the preferred technique to solve the affirmative action problem in employment is statutory rather than a constitutional amendment. Such a statute could simply amend Title VII of the 1964 Civil Rights Act to provide that even remedial or compensatory racial discrimination, of the sort involved in *Weber*, is forbidden; that it cannot be ordered by federal courts and agencies; and that federal funds cannot be used to carry it into effect. The statutes presented above with respect to busing are appropriate models in the employment area.

The statutory techniques appropriate for limiting the courts in the busing and "affirmative action" areas can also be applied to other problems where Governor Reagan and the Platform have promised relief from restrictive court decisions. These areas could include the provisions of tuition tax credits for private education, school prayer and abortion. Each of these areas presents its own unique problems. The limitation or withdrawal of court jurisdiction would be appropriate in all three areas. A prohibition of federal funding and the proposal of a constitutional amendment would be peculiarly appropriate to the abortion problem. But these areas are mentioned here merely as examples where a Reagan administration would be likely to restrict the judiciary.

DEREGULATION: ITS IMPACT ON THE JUSTICE SYSTEM

A less obvious effect of a Reagan Presidency on the court system would be likely to occur through the promised Reagan efforts to reduce the overregulation of the economy. "The central weakness of the U.S. economy," according to one British observer, "is the vast and growing power of the regulatory agency and the recklessness with which that power is being employed in the pursuit of a risk-free society." There are signs, however, that a reaction is developing in the direction of deregulation.

The trend toward deregulation

One of the central themes of the 1980 Republican campaign, is that "The Republican Party declares war on government over-regulation. We pledge to cut down on federal paperwork, cut out excessive regulation, and cut back the bloated bureaucracy." This theme of deregulation is consistently applied by the Platform to health care, small business, agriculture, transportation, energy, education and other areas. It is a frequent theme also in Governor Reagan's own addresses. In his speech accepting the Presidential nomination, Governor Reagan said nuclear energy "must not be thwarted by a tiny minority opposed to economic growth which often finds friendly ears in regulatory agencies for its obstructionist campaigns."

One reason to expect a serious effort by a Reagan administration to promote deregulation is that a general trend is developing in that direction anyway. "As we move into the 1980's, two seemingly incongruous trends in regulation are apparent. First, the remarkable growth in regulation, particularly in the social and environmental areas, has led to unprecedented levels of federal intervention in the economy. Second, and as yet less significant in its impact, there exists a counter-trend of deregulation, particularly in many areas of direct economic regulation." This trend toward deregulation was recently described by the Chairman of the Interstate Commerce Commission as an "historic reconstruction of many of the Federal government's most important interventions in the private economy. One by one," he noted, "the regulatory programs which have had an enormous influence on key sectors of the Nation's economy are being removed or substantially reduced: airlines, railroads, crude oil, banking, natural gas, trucking, communications and so on."

Methods of promoting deregulation

A Reagan administration, therefore, would be moving with the tide in fulfilling the persistent pledges by both party and candidate to promote deregulation. One way a President Reagan could advance deregulation would be through the promotion of legislation withdrawing or curbing the authority of regulatory agencies. Or, he could use his formal and informal powers to influence the decisions of the agencies and the Congressional response thereto. "There are two distinct avenues of influence over regulatory policy available to the President. First, by law he has a number of official powers such as the appointments of regulatory commissioners or heads of agencies. Second, he may strategically use his ability to focus public attention upon a particular issue advocating some alteration in status quo workings of a subgovernment (i.e., a regulatory agency) in an effort to alter popular support." There are various proposals pending in Congress to curb the regulatory agencies, including proposals for a legislative veto of regulations and review of regulations by the President, the General Accounting Office and other agencies. These general methods of promoting deregulation, however, are beyond the scope of this study since their effect on the judicial system would be marginal at most.

Incidentally, one effect of a Reagan deregulation effort would probably be a substantial volume of litigation challenging various aspects of that effort. During the Carter administration, "public interest" groups, such as those led by Ralph Nader as well as others, have presented fewer court challenges to regulatory action because the administration is generally favorable to their positions. One reason for this is that the Carter administration has brought many leaders of consumer and other "public interest" groups into policy making positions in the regulatory agencies themselves. A Reagan administration, by contrast, would be likely to be less sympathetic to the Nader sort of mentality, thus requiring the "public interest" groups to seek attainment of their ends in the courts rather than through direct agency action. A Reagan deregulation effort, therefore, would be likely in this respect to increase the caseload of the federal courts.

One possible technique a Reagan administration might employ in its deregulation effort would have a direct impact on the judicial system. This technique is the strengthening of the power of the courts to review decisions of regulatory agencies.

Judicial review of regulatory agency decisions

Under the prevailing rules, an administrative rule or regulation is presumed to be valid when it is appealed to a federal court. This presumption of validity or regularity narrows the scope of judicial review and makes it very difficult for an affected party to overturn the rule or regulation. Senator Dale Bumpers (D.-Ark.) has introduced legislation to eliminate the presumptions of validity of agency rules and to expand in certain other respects the authority of courts to review administrative determinations of law and in some situations, of fact. This is a complicated question and it is not the purpose of this monograph to explore it in detail. But it is significant that the Republican Platform stated, "We recommend legislation which would eliminate the present presumption of validity in favor of federal regulations." Professors Nathaniel L. Nathanson of Northwestern University and Clark Byse of Harvard University have argued strongly against the Bumpers proposal on the grounds that it is unnecessary and unwise in that it would unduly prolong litigation by requiring the courts to reexamine issues already adequately reviewed and decided by the agencies. Nevertheless, the Bumpers proposal has passed the Senate and is pending in the House. It is also pending as an amendment to various bills in both Houses.

Senator Bumpers claims that "present doctrines of administrative law virtually guarantee every rule or regulation adopted by a federal agency will be upheld by the courts. There is a presumption by the courts that such rules or regulations are within the authority granted by Congress, or by Executive Order, to the particular agency involved. But there sould be no such presumption, and we have reached the point where the traditional doctrine should be reversed. The burden of proving the validity of a regulation ought to be upon the Federal agency, which has at its command the resources of the sovereign, to establish the validity of its own action, instead of being placed upon the citizen to prove the reverse."

The Bumpers elimination of the presumption of validity of administrative action, with its shift of the burden of proof to the agency rather than to the affected citizen, is worthy of serious consideration. While former Attorney General Griffin Bell described it as "the greatest idea since night baseball" the proposal is not free from problems. Nevertheless, the Bumpers proposal or some variant of it could be an important element in a Reagan effort to curtail the reach and power of federal administrative regulations. It would significantly increase the jurisdiction—and probably the caseload—of the federal courts.

RESTRICTION OF TAX-FUNDED "PUBLIC INTEREST" LITIGATION

Three possible Reagan courses of action we have discussed so far—appointment of Judges and others; limitation of court jurisdiction; and expansion of judicial review over administrative agencies—all have a direct impact on the courts through altering their personnel or jurisdiction. There is, however, a fourth course of action which should be briefly mentioned because it would indirectly affect the courts through reducing the volume of certain types of litigation. This course involves the restriction of tax-funded "public interest" litigation.

Our society has a serious commitment to provide quality legal representation to those who need it but cannot afford to pay for it. This is principally applied in the criminal area, but it is true also, though to a lesser extent, with repect to representation in civil matters. The provision of representation to indigents in civil matters is a principal aim of the federal legal services program which now operates through the Legal Services Corporation.

The Legal Services Corporation was established "for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. The corporation makes grants to several hundred separate legal services corporations throughout the country. Each of these local corporations is governed by its own self-selected board of directors. The enabling statute forbids the Legal Services Corporation, its grantees and their attorneys to engage in various political activities, to attemp to influence public policy, to provide legal assistance in most abortion cases and in school desegregation cases, and to engage in certain other actions.

It appears, however, that the Legal Services Corporation and its grantees have not complied fully with at least some of these restrictions, in that they engage in various efforts to influence public policy and have provided services on occasion to persons who could hardly be called indigent.

To the extent that the Legal Services Corporation and its grantees have been evading the restrictions imposed by Congress and engaging in what Governor Reagan, speaking with respect to the activities of the California Rural Legal Assistance Agency, called "ideological ambulance chasing", we may expect a Reagan administration to seek more effective restraints on its activities.

The "court system", Governor Reagan said in 1972, "should not allow itself to be used by proponents of a political cause." It is likely that a Reagan administration would support efforts to restrict the Legal Services Corporation to the provision of non-ideological legal assistance to the truly indigent or, if necessary to prevent abuse, to abolish the agency itself.

The elimination of "ideological ambulance chasing" by tax-funded attorneys would reduce the case load of the federal courts, where such litigation is commonly brought. However, the effect of such elimination on the judicial system, while substantial, would be indirect in comparison to the other courses of action discussed in this paper. Therefore, although the legal services problem is a major one, a detailed discussion of it is beyond the scope of this paper which is concerned with more direct effects of a Reagan administration on the courts.

CONCLUSION

The 1980 Presidential election offers an unusually clear choice on the major foreign and domestic issues. Governor Reagan has appealed to Americans "bound together in that community of shared values of family, work, neighborhood, peace and freedom." Perhaps the major domestic choice is between more government and less government. The "shared values" evoked by Governor Reagan include opposition to excessive taxation and regulation and support for fiscal responsibility, the traditional family and the right to life. In his acceptance speech, Governor Reagan said, "I ask you not simply to 'trust me', but to trust your values—our values—and to hold me responsible for living up to them." The election of Governor Reagan would impose upon him a clear moral duty to carry out the philosophy on the strength of which he sought and achieved election.

This paper has examined various ways in which a Reagan Presidency would be likely to affect the courts and the administration of justice. It is clear that the effect of a Reagan administration would be to strengthen the courts in several important ways: first, through the appointment of judges and other personnel who respect the basic constitutional principles we have disregarded for too long to our detriment; second, through curbing the excesses of the courts in certain areas such as school desegregation, thus restoring them to a proper judicial role; third, through strengthening the power of the courts to protect the people against the regulatory bureaucracy; and fourth, through reducing the ability of activist lawyers to misuse the courts for ideological ends at taxpayer expense. These good effects will occur, however, only to the extent that President Reagan translates into action his philosophy and that of his party.

Mr. President, my colleague and neighbor and, I hope, friend, Senator Kennedy, pointed up earlier the irony of the difference in motivations or motives, I should say, held by the Senator from North Carolina and the Senator from New Hampshire in opposing this particular nomination.

I make no pretense at having the same objections as the Senator from North Carolina. I do not frankly want all of the nominations brought up. My objection is that which was alluded to in this paper, namely, that we have elected new leadership. To be sure that leadership has not yet taken office, but in these closing hours of this Congress, this lameduck Congress, and in the closing days and hours and weeks of the incumbent Presidency, soon to be replaced, this is no time for new nominations or for their confirmation. To the contrary, I think a wiser course would be for us in this body to advocate and follow a policy that leaves such nominations to be made by the new President and the new leadership in this body.

Mr. President, I spoke earlier about the major impact President Carter has had upon the judicial system in this country by virtue of having appointed nearly half of all the members presently on the Federal bench.

In early October, the distinguished columnist, William F. Buckley, Jr., published a column that dealt with this matter, and I would like to read it into the Record at this time. It is entitled "Mr. Carter is Packing the Courts."

It is a staple of the criticism of a Reagan administration that President Reagan would, given superannuation of several members of the Supreme Court, have the opportunity to appoint to the court—conservatives. What is a "conservative" judge? One who respects the authority of Congress and the authority of the Executive and conscientiously asks himself whether a pending case properly invokes judicial intervention.

Although it is uncharitable to remind Mr. Carter, president, of what Mr. Carter, candidate, said on this as on other issues. What he did say is clearly relevant to the question of how he has behaved in appointing judges, over against the hypothetical question. How might Ronald Reagan behave?

Mr. Alfred Regnery, a minority counsel for the Senate Judiciary Committee, has done interesting research on the question in the current issue of *National Review* and reminds us that before his inauguration Mr. Carter complained of judicial imperialism. "Many decisions," he said, "seem to be made in judicial chambers and not in the halls of Congress and not in the White House. . . . I would like to get the courts out of our business."

So what did President Carter proceed to do? The opposite.

He began by conferring with the attorney general-designate, and with Senator Eastland, then chairman of the Judiciary Committee, at which meeting a deal was struck: The senators from individual states would continue the practice of nominating district (lower) court judges, but he, Carter, would reserve for himself the nomination of circuit (higher) court judges. He would abide by the recommendation of a commission, presumptively, free of ideological pressure.

After surveying its work over several years the American Judicature Society concluded a study of the nominations by decrying the heavy political biases that clearly motivated the president and his commission. Believe it or not, President Carter has named one-third of all the existing members of the federal bench.

Mr. President, I point out parenthetically that the year is obviously out of date. Many judicial nominations have been confirmed since then.

Special attention is paid to the Circuit Court of Appeals of the District of Columbia, because it is there that the most prominent cases tend to gravitate, those involving touchy ideological issues. To that court he sent Patricia Wald, a bright lady who began her 25-year career in liberal activism by representing Owen Lattimore, who devoted much of his career to representing the interests of the Soviet Union.

Then there was Abner Mikva, formerly a congressman, who managed to achieve a 96-point ADA record, which is practically the trained-seal level of ideological sycophancy. Then we got Harry Edwards, a black law professor from the University of Michigan who believes the Constitution was passed for the purpose of encouraging affirmative action. And then Ruth Bader Ginsburg, a leading women's rights lawyer. Routinely, Senator Kennedy's Judiciary Committee asks prospective judges whether they have "demonstrated a commitment to equal justice," and this is, of course, a code word for: Are you in favor of ERA, abortion by choice, and the whole constellation of positions associated with these evocative questions.

None of this is particularly hidden, though you wouldn't guess so from the clamor with which the Democrats greeted the simple request in the Republican platform that prospective judges show a reverence for human life.

Mr. President, I am prepared to yield the floor at this point and ask unanimous consent that upon resuming the floor my remarks not be considered a second speech at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Chair.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, shortly I would hope to proceed to another matter which will not be expected to require a rollcall vote.

Mr. President, there will be no more rollcall votes today.

Mr. KENNEDY addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE HONORABLE JOHN W. McCORMACK

Mr. KENNEDY. Mr. President, as in legislative session, I send a resolution to the desk on behalf of myself and Mr. Tsongas, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 545) relative to the death of the Honorable John W. McCormack, late Speaker of the House of Representatives.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, the death of former Speaker of the House John W. McCormack was mourned by his friends, his neighbors in Boston, his colleagues, and by all Americans who knew of his service to this Nation.

I had the privilege of knowing him as a friend, as a counselor, and a valued ally in countless causes throughout my career in the Senate. He was an advocate of the cause of the disadvantaged and a man who believed deeply in the words of the Bible and in the institutions of this Nation.

At his funeral, the leaders of the Nation gathered to mourn and to speak in tribute of his life. Tribute was paid as well by the people of south Boston, his neighbors, his friends, and long constituents. They gathered as well to pay their last respects, to express their love and to give their thanks for his help and his vision.

I can only share with them my own sense of personal loss on the death of John W. McCormack.

Mr. President, during that memorial service, the Speaker of the House of Representatives Thomas P. O'Neill and Massachusetts Senate President William Bulger delivered eloquent tributes to the former Speaker. I ask unanimous consent that those statements be printed in the Record at this time.

There being no objection, the statements were ordered to be printed in the Record, as follows:

O'NEILL AND BULGER REFLECT ON SPEAKER'S LIFE

(The following are reflections offered at the funeral of former Speaker of the U.S. House John W. McCormack yesterday by Massachusetts Senate President William Bulger and present U.S. Speaker Thomas P. O'Neill Jr.)

(By Senator Bulger)

Mr. Speaker, this morning I join in prayerful tribute to you, dear friend and neighbor and beloved son of South Boston. As one who cherished and took to heart your wise counsel and appreciated, beyond expression, your interest to me, I acknowledge your kindnesses to me.

It is, in a sense, providential that it is in a season of thanksgiving we pay our respects to you, a great and good man. And although it may offend your sense of humility, it is fitting that we should touch briefly on the lessons you taught us by your own life—lessons which enriched and inspired our lives.

We, of this community, Mr. Speaker, are thankful for the lessons of perseverance and industry that were illumined by hard work and zeal for study as you required learning in the law. Though denied the luxury of more formal education, you were admitted to the bar of this commonwealth as a young man. You honored your profession from the day of your admission to practice.

We of this community, Mr. Speaker, are thankful to you for your example of dedicated public service. You exemplified the highest standards of public responsibility and devotion to the common good in your long and illustrous public career.

Representing the community as my predecessor in both the Massachusetts House of Representatives and the Massachusetts state Senate, and, most notably, during 42 years of service in the Congress of the United States. We shared with special joy and pride with the rest of the country, the selection of you, our congressman, to be Speaker of the House. We know, despite the demands of that office, you remained, above all else, first and always, our congressman. Ever attentive to the needs of your friends and neighbors.

People of South Boston will forever recall with affection your clarion call "from Andrew Square to the Speaker's chair." We, of this community, are especially grateful, Mr. Speaker, for the example of integrity, of fidelity to your words, of generosity to those in need, of compassion for the disadvantaged and the oppressed, of your unswerving devotion to the ideals of social justice.

You exemplify the admonition of Seneca, "You must live for your neighbor if you would live for yourself." In the words of Leviticus in the Old Testament and Matthew in the New Testament, "Thou shalt love thy neighbor as thyself."

Yes, Mr. Speaker, in receiving of thanksgiving, we thank you in particular, for your deep and abiding faith in your creator and redeemer and your loyal commitment to your church. You have been an uncommon example to your friends and neighbors and to all who could observe you, a deep, pervasive, quiet, unostentatious devotion to the sacrament of life to the church. In this reflection, the words of Micah come to mind: "He hath showed thee, O Man, what is good and what doth the Lord require of thee, but to do justly, and to love mercy and to walk humbly with thy God."

Mr. Speaker, the book of your active life is now closed. But the story of your life will endure. Generation will proudly pass to generation the memory of your intrinsic goodness and recollections, beyond counting, of good deeds beyond number.

Your friends and neighbors, Mr. Speaker, join with all present at St. Monica's this morning and with countless persons throughout the world in honoring your memory. As you now join your beloved Harriet in the saintly joy of eternity with thanksgiving for the legacy you have left us, we, your friends and neighbors bid you a prayerful farewell.

(By Speaker O'Neill)

Your Eminence, Vice President-elect Bush, Speaker Carl Albert, members of the clergy, my colleagues in government, friends and neighbors of our guest Speaker:

We are gathered here, members of the Congress, present past from all over this nation, yet it's 10 years ago that our great Speaker left the halls of Congress.

We come here to pay tribute to the last of the venerables. I could stand here today and recite in chapter and verse, the legislative record of this man who served in positions of leadership in the House with six Presidents, during the Great Depression and recovery, three wars and any number of foreign and domestic crises, but I'd rather have history recount his constant struggle to educate the young, feed the poor, provide safe decent housing for the needy, make possible the life of dignity for our senior citizens and maintain the security and the freedom of this nation.

I'd like to talk about my colleague, my leader, my friend who welcomed me to the House as he welcomed Carl Albert, Jim Wright, Eddie Boland and so many others that are here today. He counseled us, he told us when to speak and when to listen.

Yes, those were the old days and days change. He even told us how to vote. Never asked us to do anything that would hurt us—at home or in our districts or asked us to do anything he wouldn't do himself. He helped us with committee assignments. He was always available to listen to us and to help us with our problems.

It's been said that Sam Rayburn got legislation through because the members of the House feared him. Well, John McCormack got legislation through because the members loved him. Let me give you an example, I know it's been repeated many times. This one involves the 1964 Housing Act. We had the votes in the rules committee. If we could get it to the floor, we'd be able to pass it. But a coalition was boycotting the rules committee. We were one short of having a quorum present and John called a member from the deep South and said to him, "I want you to come to Washington and make a quorum." The member said, "Mr. Speaker, I oppose that bill and will do everything I can humanly do to defeat it." The Speaker responded, "I know you oppose the bill, but I gave my word to the President that I'd get a rule on that bill and if you don't make a quorum, I'll be forced to break my word to the President of the United States and I have never broken my word to any human being that I ever gave it to. I'm asking you not as Speaker, but I'm asking you as John McCormack to do this for me. I expect you to vote against the bill, but I'm asking you as a friend to come and to make a quorum so I won't break my word." He came to Washington, made a quorum, the bill was recorded and the 1964 Bill of Rights became the law of the land.

That member, like many others, so loved John McCormack as a friend that he could not say no when the Speaker asked him for something on a personal basis.

John McCormack was understanding. compassionate, kind. Although I once saw him silence a critic by saying, I always try to be kind, but don't ever mistake kindness for weakness. Each day, immediately before he left to open a session of the House, John McCormack would hold his news conference and when the clock would approach the time for him to leave, an aide would say, "It's time, Mr. Speaker." Well, it's time, Mr. Speaker. It's time for you to leave us.

On behalf of your city, your state, your nation, and particularly, on behalf of those who were privileged to serve with you in government and were enriched by your friendship, inspired by your example, and assisted by your generosity, I say thank you, and pray that the good Lord will take a liking to you, Mr. Speaker. It's time, Mr. Speaker.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 545) was agreed to, as follows:

S. RES. 545

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable John W. McCormack, late Speaker of the House of Representatives of the Eighty-seventh through the Ninety-first Congresses.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

FAIR HOUSING AMENDMENTS ACT OF 1980

VOTE ON CLOTURE TO OCCUR AT 3:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the 1 hour under the cloture rule begin running on tomorrow at 2 p.m. This would make the vote occur on the motion to invoke cloture at around 3:30 p.m. That is on fair housing.

Mr. BAKER. Mr. President, reserving the right to object, do I understand, then, that the distinguished majority leader is proposing that the vote on cloture, itself, not a procedural quorum call or other preliminary motions, would occur at 3:30 p.m., tomorrow?

Mr. ROBERT C. BYRD. I did not make the request exactly in that fashion, but I will be glad to do so. I withdraw the request.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the fair housing bill, which is the House bill, occur at 3:30 p m. tomorrow; that the 1 hour under the rule begin running at 2 p.m., and that following the automatic quorum call no other quorum call be in order prior to that vote at 3:30 p.m.

Mr. BAKER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time for Mr. KENNEDY to proceed to call up a resolution, as in legislative session.

Mr. BAKER. Mr. President, reserving the right to object, is this the so-called Magnuson resolution?

Mr. ROBERT C. BYRD. Yes, it is.

Mr. MORGAN. Mr. President, reserving the right to object, may I inquire of the majority leader, is this the last matter of business tonight?

Mr. ROBERT C. BYRD. This would be the last matter of business tonight with the exception, if the distinguished Senator has no objection, of some unanimous-consent measures that have been cleared for action.

Mr. MORGAN. Mr. President, would that include any unanimous consent request concerning the nominations of judgeships?

Mr. ROBERT C. BYRD. I am glad the distinguished Senator reminded me.

Mr. President, I will make a request in that regard.

Mr. President, I ask unanimous consent that there be a time limitation for debate on the nomination of Mr. Breyer not to exceed 4 hours, to be equally divided between Mr. KENNEDY and Mr. HUMPHREY.

Mr. HUMPHREY. Mr. President, I will have to object to that, regretfully.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, may I ask of the distinguished Senator, would he be agreeable to a time limitation of greater duration, of 6 hours, or even 8 hours?

Mr. HUMPHREY. Mr. President, I would object to any agreement that precluded debate until all of the options of the Senator from New Hampshire and the Senator from North Carolina have been exercised.

Mr. ROBERT C. BYRD. In other words, the Senator would object to any request that precludes unlimited debate on the nomination?

Mr. HUMPHREY. The Senator from West Virginia has always stated it very well.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I have no further requests to make. I will say there may be some unanimous-consent measures which have been cleared, but other than those there is only the matter which is now about to be taken up by the Senator from Massachusetts.

Mr. MORGAN. And that will not require a rollcall vote?

Mr. ROBERT C. BYRD. The Senator is correct.

WARREN GRANT MAGNUSON CLINICAL CENTER OF THE NATIONAL INSTITUTES OF HEALTH

Mr. KENNEDY. Mr. President, I send to the desk a joint resolution in behalf of myself and over 60 of my colleagues to designate the clinical center of the National Institutes of Health located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health."

The PRESIDING OFFICER. As in legislative session, the resolution will be stated by title.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 213) to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the Warren Grant Magnuson Clinical Center of the National Institutes of Health.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? Without objection, as in the legislative session, the Senate will proceed to consider the joint resolution.

The Senate proceeded to consider the joint resolution.

Mr. KENNEDY. Mr. President, what a friend we Americans have had in WARREN MAGNUSON. What a colleague he has been. What achievements he has attained.

He has served his Nation in the Congress since 1937—the last 36 years in this Chamber.

In that time he has become known as Mr. Consumer in the Congress, the champion of the worker, the protector of the average citizen.

His accomplishments are legendary. President Kennedy used to say that MAGGIE is the kind of Senator who walks quietly into the Chamber, offers an amendment late in the day—and it turns out to be the Grand Coulee Dam.

No State has been served by as effective a Senator as has Washington State for the last 36 years.

In large measure, it is MAGGIE who deserves the credit for Washington's remarkable economic growth. The vitality of the aerospace and the defense and the timber industries; the incredible growth of hydroelectric power that has made the region so rich in energy resources and virtually immune to OPEC blackmail; the protection of Puget Sound from supertankers that are as unsafe as they are unwanted; and most recently his prompt response to Mount St. Helens—these are the unique results of one man's vision and his ability to make Government work the way it should—to translate programs into progress for the benefit of all the people of his State.

MAGGIE worked wonders for the people of Washington.

If an injured aircraft worker had trouble with his disability claim, WARREN MAGNUSON could sort it out.

If a worker who had lost his job had trouble with his unemployment benefits, WARREN MAGNUSON would put it right.

If an elderly person had lost a social security check, WARREN MAGNUSON would get another one.

And if a small business person had trouble with a Government contract, he did not need a lawyer—he needed WARREN MAGNUSON.

He has made the system work.

I have had the honor and the pleasure of serving and working with MAGGIE for 18 years. And I can tell you that there is no Member of the Senate with whom I have worked more closely or for whom I have higher respect.

I know Senator MAGNUSON best for his unparalleled leadership in the cause of better health care for America.

Because of MAGGIE, America is renowned throughout the world for the quality of medical research. He is the commander in chief of the war against cancer and heart disease. He is the father of one of the most successful Government health programs ever enacted, the National Health Service Corps, that is bringing medical care to rural areas in America that never had a doctor. For achievements like these and many more, I am proud to salute Senator MAGNUSON as Mr. Health in the U.S. Senate.

All of us in this country have been touched by, and benefited from, the fruits of the health programs he has nurtured. He has never wavered from his commitment to these programs. Why? His own words say it best:

> A lot of human misery I saw as a youngster was caused by cancer. I saw healthy men and women in the prime of life suddenly fold up and die or waste away—and no one knew why. It just made good sense to do everything we could to find the answers—and the cures.
>
> I am convinced that more money for research now will save this nation millions of dollars in the years to come. To those who would pursue a pennywise-and-pound-foolish policy, closing their eyes to the long-range gains of this program (National Cancer Institute), I say, you may not only lose your pennies, but the very heritage of democracy itself. Our best exhibit of our democratic experiment lies, not in talking about human welfare, but in continually practicing it.
>
> Our relentless and humane fight to save thousands upon thousands of Americans every year from death * * * is the most accurate barometer I know of our real concept of human values. It is our firm answer to the totalitarianisms which hold that the individual is insignificant, particularly the weak and sick.

It is often said that how a nation cares for its sick is a measure of its humanity, and its humanity is a measure of its greatness. His dedication to health research and health care are a measure of WARREN MAGNUSON's humanity and his greatness. I urge my colleagues to recognize this great man's public service in a small way by adopting this resolution to designate the NIH Clinical Center as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health."

Mr. JACKSON. Mr. President, I ask unanimous consent that Senator MATSUNAGA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I am pleased to cosponsor Senator KENNEDY's Senate joint resolution to designate the Clinical Center of the National Institutes of Health as the "Warren Grant Magnuson Clinical Center."

The National Institutes of Health were born of Senator WARREN G. MAGNUSON. They have been the handiwork of his mind and heart throughout his more than 40 years in Congress. In 1937, when he first took his seat as a Member of the House of Representatives, he introduced a bill to create a National Cancer Institute.

At that time, encouraging Federal support of medical research was a blatant example of dissident thinking, but the results and history show where the really advanced thinking lay. At the time of passage of the historic cancer legislation, only one in seven victims of cancer was being saved. We are now saving one of every two to three victims.

Senator MAGNUSON was one of the chief sponsors of the 1948 legislation which established the National Heart Institute, which heralded a vigorous campaign against a disease which claims over a million Americans each year. Again, the results tell the story. Fifteen years ago, the incidence of in-hospital deaths from heart attacks was about 30 percent. Today this figure has dropped as low as 6 percent.

Senator MAGNUSON has devoted a major portion of his years in Congress to the promotion of legislation to improve the health of the American people. He did it with compassion, perseverance, and a basic understanding of the concept of the essential importance of medical research as a means of providing better health care for the people.

Mr. President, none of us has the time to list Senator MAGNUSON's achievements in the health field. He has had a distinguished career as chairman of the Subcommittee on Labor/HHS/ED, as well as chairman of the full Appropriations Committee. In 1973, Senator MAGNUSON received the coveted Albert Lasker Public Service Award for Leadership in Health. It is more commonly known as the American Nobel Prize in Medicine.

Over a century ago, Benjamin Disraeli said:

> The health of the people is really the foundation upon which all their happiness and all their powers as a State depend.

Senator MAGNUSON has expounded that principle with a fervor we are not likely to see again for centuries more.

Mr. President, I hope to see this resolution passed with enthusiasm in respect and admiration for Senator MAGNUSON and his accomplishments in the field of health.

Mr. STEVENS. Mr. President, I am most pleased that I have been permitted to join as a cosponsor in this resolution and to be here with my good friend from Washington. He has been a true friend not only personally, but he has been a true friend of my State and a good southern neighbor. There are not many people that can call WARREN MAGNUSON a southern neighbor, but I can. He has been hospitable, not only as a Member of the Senate, but personally to me and to my family.

I can think of nothing better than to name this clinical center the Warren Grant Magnuson Clinical Center. I have served on the Approoriations Subcommittee with my good friend when we have dealt with the issues of health on the national level. He has not only made his mark in the State of Washington with the emergency services there, that we are proud to have copied in Alaska, following the lead of our friends in the State of Washington, but he has made his mark nationally as he has shown his concern for the problems of our national health delivery services, in particular, I think, the National Institutes of Health. At this time, to take this action, I think, is warranted.

I say to my good friend, it would be a good time any time to name this center after the distinguished President pro tempore of the Senate, chairman of the Committee on Appropriations, a man who has never refused to take time to consider the individual problems of Members of this body, particularly those that relate to the health delivery services.

I can look throughout my State and see the things that Senator MAGNUSON has helped in, a total new system of Indian health care, in a State that is one-fifth the size of the United States. Through the period of time that my good friend has been chairman of the Appropriations Committee, we have completely modernized that health delivery system in rural Alaska. We have provided a new hospital in the Bethel area, one of the first new hospitals built in many years for the Indian Health Service.

This, I think, is significant. It is a great pleasure to me to be able to be here, as I have said, and join in sponsoring this resolution. I hope that before it is through, it will be a unanimous resolution, one cosponsored by every Member of the Senate, because it is a most deserved honor for a man who has had a long and distinguished career and who has never sought any recognition that I know of, in terms of any of these matters that he has handled. I think this is a wonderful thing to do. I hope that the people of Washington will take similar action in some areas in the future in recognizing the great service of my good friend to his own State. But this is a national recognition, and it is most appropriate, Mr. President. I am pleased to see it take place.

Mr. RANDOLPH. Mr. President, it is very satisfying for me to stand and speak, as my colleagues are standing and speaking, the truisms about the service of Senator WARREN MAGNUSON in this body.

WARREN, I concur in the thoughts expressed by your colleague, SCOOP, who has known you perhaps better than any other Senator and has worked by your side. I also concur in the very appropriate remarks by the Senator from Alaska (Mr. STEVENS).

You have been in this body, on the Hill, for a long, long time, and I have been encouraged often by your application to the day-by-day chores. This is sometimes overlooked by many people, but it was work that necessarily had to be done in the appropriations committees as well as your other efforts as a Member of the Senate.

To have served with you has been a privilege for me. It is satisfying to me to know that an institution dedicated to the health and well-being of the American people is to bear, appropriately, your name; that this clinical center not only will be a place of healing and health but also an institution that reflects your attention to these matters as a Member of the U.S. Congress.

I am pleased to be a cosponsor of this measure.

This is not a time for me to express pleasantries; that is not the reason why I am speaking. But I believe it is important that such an institution carries the name of a man with not only that length of service but also the breadth of service and the depth of service.

Your service in Congress came during the fractious years when America grew up, when our people survived depressions and wars and came back to reach the Moon and feed the hungry children of the world. MAGGIE, you served your constituency well, a fact readily acknowledged by the press, but your support of programs and projects which benefit all Americans is the cause for which we will always honor you.

Your approach to legislation, and the need for legislation, was not negative. You sought to achieve what others said could not be done. Your foresight and vision were positive to a high degree. Constructive measures which you authored or sponsored will be a continuing testimony to your dedicated years of service to our country and its people.

The stirring words of an Italian patriot come to mind when WARREN MAGNUSON's name is mentioned:

> So long as a single one amongst your brothers has no vote to represent him in the development of the national life, so long as a single man, able and willing to work, languishes in poverty through want of work to do, you have no country in the sense in which country ought to exist—the country of all and for all . . .

That, I feel, is the credo of this remarkable man.

I join others in the Senate in expressing my appreciation for a very worthwhile project and for the remembrance of our colleague by this legislative act, which will chisel his name in stone, as it were, upon the place where this effort to improve the health of the Nation takes place—to bring healing and health to literally millions of people in the years ahead. In so doing, we pause for a moment and give recognition—not so much just recognition, but affection and respect in the way of a demonstrated act in this body.

Mr. CRANSTON. Mr. President, Members of this body shall miss WARREN G. MAGNUSON—Senator from the State of Washington. We shall miss his leadership, his wise counsel, and the sheer energy he has brought to the Senate throughout 26 years of work on behalf of great causes: Adequate health care for all Americans, a quality education for both children and adults, the protection of consumer interests, a coherent energy policy, and safeguards for our environment and wildlife resources—to name just a few of the wide-ranging issues that have concerned Senator MAGNUSON during a long and distinguished public career.

Few Senators, Mr. President, leave the Senate, and the people of this country, with as rich a legacy of achievement as Senator MAGNUSON. He is known as the father of educational television and as the chief enabler of the public accommodations provisions of the Civil Rights Act of 1964. His work as chairman of the Senate Commerce Committee brought dramatic advances in consumer protections, airport and airways development, marine mammal protection, and rail passenger expansions. As chairman of the Senate Appropriations Committee he has worked tirelessly to provide adequate funding for the myriad of Federal programs aimed at national needs. In the field of health and education, his record in the Senate is simply unmatched.

WARREN MAGNUSON has been a leader and a spokesman for the interests of the people, in the field of health, since he came to Congress. I can think of no one who deserves our admiration more than he. The Nation's international leadership in the field of biomedical research can be attributed to the actions of WARREN MAGNUSON when, as a young Congressman, he was the author of legislation creating a National Cancer Institute.

I remember him in those days. I watched him from the galleries, a young man, move first on the floor of the House and then on the floor of the Senate. The National Cancer Institute was the model for subsequent institutes which together now form the National Institutes of Health. His guidance was strongly felt in the development of these subsequent institutes and NIH itself.

He has also long been a fighter for getting the results of biomedical research to the people. He has authored legislation which improves methods of providing care to those outside the mainstream of care, for instance through the National Health Service Corps, an imaginative concept resulting from legislation he introduced in 1970. This is but one of a long series of his legislative initiatives resulting in improved health care for the Nation.

Prior to Senator MAGNUSON's chairmanship of this Appropriations Subcommittee, he was chairman of the subcommittee considering appropriations for the Veterans' Administration. In that position, he was one of the first to recognize the potential of the Veterans' Administration hospital system to conduct basic and clinical medical research on a major scale. He fought hard to make biomedical research a major part of the VA hospital program. The beginning of the expansion of the medical research program grew from his initiatives—to the great benefit of patient care in the VA hospitals.

WARREN G. MAGNUSON was born in Minnesota in 1905, attended the University of North Dakota and North Dakota State, and literally worked his way—riding freight trains and doing farm labor—to the West. He received his LLB degree from the University of Washington Law School in 1920. In 1930 he was admitted to the Washington Bar. He practiced law before becoming special prosecutor of King County in 1931. In 1933 he was elected to the State legislature and in 1937 he became a Member of the U.S. House of Representatives from Washington's First District. On leave from the Congress during World War II, Mr. MAGNUSON served in the Pacific as a lieutenant commander aboard the aircraft carrier U.S.S. *Enterprise*. He was elected to the U.S. Senate in 1944, and reelected in 1950, 1956, 1962, 1968, and 1974.

As former chairman of the Senate Commerce Committee, Senator MAGNUSON championed the creation of a Consumer Affairs Subcommittee to act upon the need for consumer protections. Under his leadership, the subcommittee brought forth landmark legislation such as the Wholesome Meat Act, the Clean Poultry Act, the Wholesome Poultry Products Act, the Truth in Packaging Act, the Fair Credit Advertising Act, the Guarantee Disclosure Act, the Door to Door Sales Act, the Flammable Fabrics Act and a bill requiring cigarette manufacturers to label cigarettes a possible health hazard. All these measures became law. In the 1st session of the 93d Congress the Senate passed the MAGNUSON warranty legislation, setting up a system for comprehensive disclosure in written warranties on consumer products.

Senator MAGNUSON, a constant advocate of improved national transportation systems, is known as the father of Amtrak through his sponsorship of the Rail Passenger Service Corporation. He was a leader in the effort to enact the airways and airport development bill of 1969. His 1966 legislation, introduced at the request of President Lyndon Johnson, resulted in establishment of the U.S. Department of Transportation.

Senator MAGNUSON's work in wildlife and domestic animal protection has been unparalleled. In 1966, he introduced legislation to protect pets and other animals from kidnaping and cruelty by animal handlers and laboratory technicians. His bill became the Animal Welfare Act, enacted that same year. Over the years Senator MAGNUSON has labored intensely on matters affecting marine mammals and was one of the leaders in implementing the Marine Mammal Protection Act which passed in the 92d Congress. As an opponent of attempts to take killer whales in Puget Sound, Senator MAGNUSON has favored the creation of a marine mammal sanctuary for the sound. He has worked for an international moratorium on whaling and has been an ardent Senate champion of U.S. leadership in the International Whaling Commission.

The Coastal Zone Management Act of 1972, one of the most significant pieces of environmental protection legislation ever to pass the Congress, was sponsored by Senator MAGNUSON. So was the Ports and Waterways Safety Act and the deepwater port bill.

As Senator from California, I will miss WARREN G. MAGNUSON in some very special ways. He knows the West and he knows the needs of Californians. He has assisted me many, many times in realizing programs of benefit to my State and to our Nation. Senator MAGNUSON is a remarkable public servant whose great work in the Senate of the United States will be long remembered and cherished.

Mr. PROXMIRE. Mr. President, I rise today to add my thoughts on the distinguished career of the chairman of the Senate Appropriations Committee and President pro tempore of the Senate, the Honorable WARREN MAGNUSON.

Senator MAGNUSON has had quite possibly the most difficult job in the Senate over the past few years, because he has had to balance the interests of those who rightfully are concerned about excessive Federal spending with the needs of those Americans the Federal Government has a duty and responsibility to help.

The skill with which he has accommodated these two conflicting forces is a great testament to his ability as a legislator and represents, in my estimation, a capstone to a magnificent career.

All of us in the Senate will miss Senator MAGNUSON's ability to get the job done with a minimum of fuss and feathers and his gracious willingness to help solve the particular problems of his Senate colleagues.

In 1958 when I was running for reelection for the Senate, "MAGGIE" came to the State to address a fundraising dinner. He was a smash hit, full of humor, wisdom, and fighting morale for Democrats who faced what seemed an uphill fight against a Republican Party headed by the overwhelmingly popular Dwight D. Eisenhower. "MAGGIE" won the hearts of Wisconsin Democrats then as I am sure he has throughout the country over the years. Of course, we won a big victory in our State, and it was in no small part because of the fine job Senator MAGNUSON did at that fundraising dinner.

I hardly need say that the State of Washington will particularly miss this shining Senate light, for I have no doubt that the senior Senator from Washington has done more for his State than any other legislative representative in its history. I might also say, and I think I can say, to my knowledge, that, he has done more for his State of Washington than any other Senators have done for their States.

I look forward to many visits from my revered colleague in the months and years ahead and I wish him Godspeed.

Mr. BAYH. Mr. President, I have been negligent in not realizing that we were going to pay tribute to our distinguished President pro tempore, a man who has been chairman of the Appropriations Committee on which I had the good fortune to serve. I did not realize the tribute was to be at this particular moment. Thus I have not had the opportunity, as some of my colleagues have had, to go back into the depths of their memories and the legislative record to put forth as eloquently as has been done the tremendous contribution made by our good friend, the Senator from Washington.

However, Mr. President, although I was reluctant at first to get involved in this oratory because of the extensive work that had been done by some others, I put aside that reluctance because, frankly, I think most of us, and I know I am one, have enough in our hearts that we do not have to go to the record book to tell the Senate and the United States of America what we feel about Senator WARREN MAGNUSON.

It has been my good fortune to come to this body as, recently, a young man with absolutely no seniority, and sort of grow up under the protective arms of the distinguished Senator from Washington.

In fact, Washington is one of those States that has had two outstanding Senators. It has been my good fortune to benefit from the advice and counsel of both those men.

Marvella and I got to know WARREN and Jermaine on a personal dimension because of the common battles both of our wonderful women were fighting. Jermaine Magnuson will be missed as much as WARREN MAGNUSON will be missed. I trust that this absence will only be as far as the Chamber door is concerned, because we are looking forward to being able to share this friendship on into the days ahead.

I do not know of a Member of the Senate who has been a better example of what an influential Senator can mean to his State and to the Nation quite like WARREN MAGNUSON.

Certainly, there are none who have exceeded his influence, the tremendous ability to deliver when his State had troubles, whether it was a volcano blowing up and inundating vast areas of his State, or whether a more localized tragedy had come along and swept away a bridge. As chairman of the Senate Appropriations Subcommittee on Transportation I have got to believe that every damaged bridge in the United States of America is in the State of Washington. At least, it seems to me that every year the Senator from Washington has been delievering for his constituency to help repair a bridge, a very legitimate function.

But some of our peers were not as effective as the Senators from Washington in seeing that the bridges were rebuilt in the State of Washington.

I do not know who will build the bridges out there. It will rest on the shoulders of the distinguished now senior Senator from Washington (Mr. JACKSON). But the two of them did some mighty heavy lifting together in the bridge department.

On a more national nature, and one I think is really hard to fully describe the impact on society generally and the human race, is to have a chance to sit there on the Appropriations Subcommittee of Health, Education, and Welfare with WARREN MAGNUSON as its chairman, first, and then, more recently, as chairman of the entire Appropriations Committee.

We are talking about life and death issues. There is no series of issues that more accurately reflects the life and death battle legislators sometimes fight and have the opportunity to work for progress in than the work Senator MAGNUSON has done in the area of appropriating funds for health, education, and welfare.

Some of us were confronted by political criticisms this last year because of spending policies. I thank God we had WARREN MAGNUSON, who was not afraid to tackle the issue of cancer, for example.

There are thousands of people alive today because WARREN MAGNUSON and a few others were willing to resist criticism to put money into cancer research, and this research has paid off.

A very good, common friend of ours, Mary Lasker, who is one agent of the Lord on this Earth, was in my office the other day, as I am certain she was in the Senator from Washington's office, bringing us the latest report on Interferon, and Interferon is about to be produced at 100 percent strength by Hoffman La Roche.

Present statistics would indicate Interferon to be a very good potential cure, if not a preventive.

We could have a geometric increase in the impact of this agent, and if it had not been for the work done by that committee, with Senator MAGNUSON as chairman, we would not have that research off the ground.

So it is with heart and lung. For the first time in history, we now see, each succeeding year, fewer people die of heart disease. It is because of the program that came to the committee under the leadership of Senator MAGNUSON.

Diabetes, the genetics program, with Huntington's disease, and some other cripplers and killers, which are heart renders for mothers and fathers, as well as family members, across the line. Progress has been made in these areas because of Senator MAGNUSON.

Infants disease, on one end, the sudden infant disease, and the elderly problems on the other. Nobody has done more to make life more meaningful, to give more meaning to life, than WARREN MAGNUSON.

We will miss you, MAGGIE. But there is no way the contributions you have made to society generally can be taken from us.

Mr. BURDICK. Mr. President, I rise at this time to say a word about a good friend, the Senator from Washington called MAGGIE, who has been my seat mate for the past several years. Not only that, but he had been a resident of my community for many, many years.

I believe I know MAGGIE as a friend and a citizen about as well as anybody in this Chamber.

I can say sincerely that not only am I going to miss MAGGIE, but so is the Senate.

We have heard other Senators speak of his contributions in the area of health, and other areas. I can only echo what has been said.

The Senator is a man of many parts. He has contributed greatly to this body and to this Nation.

I want to say as an old friend from Fargo, N. Dak., that MAGGIE, we are going to miss you, and miss you very much. Godspeed to you in the future.

Mr. BELLMON. Mr. President, I join in commending the distinguished chairman of the Appropriations Committee who, for many years, has been my next door neighbor in the Russell Office Building and with whom I served for the last 6 years on the Appropriations Committee as well as on the Budget Committee.

I have come to have a high regard as well as a warm personal affection for Senator MAGNUSON, and have appreciated the guidance and the leadership he has given the appropriations process through these years.

This is probably the most powerful committee in the Congress, and, certainly, it deals with more than $600 billion of money, and has a major impact on the direction our country is taking.

Under Senator MAGNUSON, this committee has been very attentive to the social needs of the country and to solving many of the pressing health problems that have caused enormous suffering and pain on a lot of people.

I have been impressed by the humanitarian approach Senator MAGNUSON has taken on issue after issue, and count him as one of the true leaders in this field.

I might say that Senator MAGNUSON and I have had some differences as far as the impact of the budget process on the appropriations process, and I think as time has gone on we have come to sort of a mutual understanding, and I believe the two processes have come to be natural allies, and that in future years this will continue, this relationship will continue, to develop.

Senator MAGNUSON and I are both leaving the Senate this year at the conclusion of this session, and I hope our paths will cross frequently in the future as they have over these years as we have gone back and forth from our offices to matters on the Senate floor or to the various meetings of committees.

I would simply like to say that I count WARREN MAGNUSON as one of the truly great Americans, also as a good friend.

I ask unanimous consent, Mr. President, to join as a cosponsor of the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I wish to join with my colleagues in paying tribute to truly one of the most unforgettable characters I have ever met. Reader's Digest used to have, and perhaps they still do have, a monthly article on an unforgettable character. That phrase, I think, typifies this marvelous man that we know lovingly and reverently by the nickname "MAGGIE," truly an unforgettable character.

Mr. MAGNUSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Washington.

Mr. MAGNUSON. Mr. President, the hour is getting late, but I want to thank all the Senators for their generous remarks.

Parting is such sweet sorrow, according to Shakespeare, but the Senator from Oklahoma and I have worked together on many projects. I thank my colleague, my good friend from North Dakota, the Senator from Massachusetts, and all other Senators, and all I can say is that I have been associated with the National Institutes of Health for a long time.

The first bill I authored in Congress as a young man was the establishment of the Cancer Institute out of which has grown NIH, the National Institutes of Health, which, I think, is the finest medical research center in the world. So this honor you are giving me today comes somewhat unexpectedly, but I think it is because of my long association with a wonderful program—one that is the first link in the chain of prevention. One that has served us well and will continue to carry out the great commitment and the mission which it has to all citizens of the world.

I thank you all. Apparently it is going to be unanimous. There seems to be no objection, so I receive the honor in all humility with all the accolades of the Senators. I thank the Chair.

● Mr. JOHNSTON. Mr. President, should I attempt to list WARREN MAGNUSON'S achievements and contributions as a national legislator, I would be forced to ignore my own responsibilities for too long in fulfilling this task. There is no way to pay homage and respect to a man who in every respect is a living legend.

No one will fail to remember this man who, for well over 40 years, has contributed his keen wisdom and insights about the operations and management of a democratic republic to the national Congress. He has no equal in his depth of understanding and sensitivity to the problems of the poor, the sick, the disenfranchised, and the dispossessed.

It has been one half a century since WARREN MAGNUSON first stepped forward to provide public service as a special prosecuting attorney of King County in 1931. When he retires from active official public service in the year of his golden anniversary, let it simply be noted that he continued for 50 years to prosecute the injustices, inhumanities, and indignities which unfortunately pervade mankind's imperfect condition.●

● Mr. MELCHER. Mr. President, no Senator more deserves the honor we are bestowing today than Senator WARREN G. MAGNUSON. His consistent and effective leadership for quality health care and biomedical research has saved the lives of countless people. Indeed, those his efforts have helped, as well as generations yet to come are, and will be, living memorials to his compassion, deduction, and legislative skill.

I do want to add my personal thanks to Senator MAGNUSON for his stalwart support for legislation important to the people of Montana. He was always a valiant ally in efforts to save rail service in Montana. He has consistently supported funding for the National Center for Appropriate Technology in Montana. He has been a valued ally in my efforts to prod the NIH into more intensive research on Reye's syndrome, a mysterious killer of children. The list of his help to Montana, and to me personally, is almost endless. We in the Treasure State will miss "the third Senator from Montana," and wish for him a long and happy retirement.●

Mr. WILLIAMS. Mr. President, I shall take a moment to express my gratitude and appreciation for Senator WARREN MAGNUSON.

I have been a Member of the Senate for 22 years and there is not a day that I have worked here as a Senator that I have not appreciated all of the talents and legislative skills he brought to his work on the Commerce Committee and Appropriations Committee. Even more important to me was his expression through legislation of his deep sense of appreciation for humanity and his commitment to doing whatever he possibly could in his capacity as a Senator and on the particular committees where he served to advance the well-being of human beings.

I recall a seminar a few years after I was here where I was in attendance and a question was asked me if you have a tough matter on the floor of the Senate what Senator is No. 1 that you would hope could be an ally to help you in your legislative mission? And without hesitation I indicated at that time that it was our good friend MAGGIE. He had no peer really in effectiveness here in advancing legislation on the floor.

As a member of the Labor and Public Welfare Committee and then chairman of Labor and Human Resources, we have authorized measures over the long period that I have been there that increasingly responded to the needs of people in decisions whether it is the very poor, working people who needed increase in minimum wage, whether it was the handicapped who needed special attention, whether it was a growing need to respond to education, higher education, elementary and secondary education, in all of the range of new opportunities to advance better health of this country, to advance employment opportunities, to respond to addiction of alcohol and drugs, all of these matters were subjects of that authorizing committee. We have legislated not fully, but completely in the sense of some response. All of our authorizations of course, came to the responsibility of WARREN MAGNUSON and the Appropriations Committee, HEW Subcommittee. Over the years he has been the one who did the even more difficult task of finding the ways to appropriate money to respond to those human needs.

Though our Nation is in great debt to WARREN MAGNUSON certainly as an individual Member here I feel that debt greatly, too. And I know that he will be so very much missed as a U.S. Senator.

Thank you, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 calendar days in which to insert remarks in tribute to Senator WARREN G. MAGNUSON in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent that the RECORD of tributes be printed as a bound volume and as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and to be read a third time. The resolution was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

The resolution (S.J. Res. 213) was passed as follows:

JOINT RESOLUTION

To designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health"

Whereas throughout his distinguished congressional career, Senator Warren Grant Magnuson has fundamentally enriched the lives of the people of his country through his steadfast devotion to improving the quality of health care services and advancing biomedical research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, is designated as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

SEC. 2. Any reference in law, map, regulation, document, record, or other paper of the United States to that clinical center shall be held to be a reference to the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the clinical center referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

The preamble was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business at this time, as in legislative session, and that the period not extend beyond 15 minutes, and Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COAL PORT CRISIS: THE FEDERAL LINCHPIN

Mr. WARNER. Mr. President, in a series of statements to my colleagues over the past few weeks, I have outlined how the rapidly exploding coal export market may be irrevocably lost to the United States in the near future unless certain problems are dealt with promptly.

Foreign purchasers of America's coal have noted that three problem areas currently plaguing America's coal export market operations must be addressed:

First. Restricted shallow U.S. port depths;

Second. Inefficient and inadequate shoreside loading facilities; and

Third. Inadequate transportation system from mine mouth to harbor.

Unless and until these problems are cleared up, foreign buyers will not make solid, long-term commitments to the United States as the principal supplier of their coal needs.

Charles A. Bradford, a coal and steel analyst for Merrill Lynch, Pierce, Fenner & Smith, described the current dilemma of the American coal export market as "a chicken-and-the-egg situation."

> The foreign buyers want to see the ports in place, the railroads in place and the mines in place before they sign large contracts. The guy with the coal wants the contract, so he can finance the mines.

But even though America's coal industry would like to have long-term foreign coal contracts in hand before undertaking major capital expenditures to resolve some of its present difficulties, the industry cannot afford the luxury of waiting for these contracts to be signed.

Indeed, as I pointed out in my earlier speeches on this subject, America's coal industry is dealing as expeditiously as possible with the second and third problem areas noted above.

America's coal industry attitude in this regard was summed up by Mr. R. E. Samples, chairman and chief executive of the Consolidation Coal Co., the Nation's second largest coal producer, as quoted in an article in the New York Times:

> If no one steps forward, we've got to do it.

Mr. President, I ask unanimous consent that the November 21, 1980 New York Times article, "Surge in Coal Exports Tied to Investment," be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 19, 1980]

SURGE IN COAL EXPORTS TIED TO INVESTMENT

(By Agis Salpukas)

It is the coal industry's dream come true.

By the 1990's, bereft of oil and hungry for coal, the world will be looking to the United States as the key producer, the Saudi Arabia of coal. This country will once again become an important provider of the world's energy—this time selling coal, not oil—and have an important share of a flourishing world trade in coal.

So the vision runs. By most accounts, there is indeed a coming boom in coal exports, but thus far there is more talk than investment, more maneuvering than commitments. Though exports are growing, the United States has yet to nail down a substantial long-term contract to supply coal. A great export market may be around the corner, but exploiting it will require enormous and risky investment in more mines, new coal ports, and a refurbished rail network.

"It's a chicken-and-the-egg situation," Charles A. Bradford, a coal and steel analyst for Merrill Lynch, Pierce, Fenner & Smith Inc., said in an interview.

"The foreign buyers want to see the ports in place, the railroads in place and the mines in place before they sign large contracts," he said. "The guy with the coal wants the contract, so he can finance the mines."

Thus, while some coal and steel companies are beginning to spend money to develop their mines, ports and transportation facilities, most of the effort so far has been buyer and seller feeling each other out and coal companies searching for their niche in what could eventually prove to be a bonanza.

As coal experts see it, the present low levels of coal experts—only about 8 percent of this country's coal output is sold abroad—can indeed develop into a vast world trade. In the past 20 years, it was oil, not coal, that met world needs for more energy, but in coming years, coal is looked to for up to half the world's growth in energy consumption.

In the short run, coal specialists say, the United States producers may lag behind their Australian and South African competitors in seizing the major share of the early growth in the export market. But in the long term, the United States, with its enormous reserves, has the clear potential to become the largest supplier to the world.

And this growth could provide a tonic for the long-depressed shipbuilding business and new opportunities for the world's railroads. An internal study by the Illinois Central Gulf Railroad, for instance, urges the railroad's management to consider shipping large amounts of coal in unit trains to ports on the Gulf of Mexico to bypass the congestion of the Eastern ports.

"This may well be one of the brighter opportunities in the next two decades for the Illinois Central Gulf," the study concluded.

A DEMANDING COMPETITION

The American coal industry is gearing up for a demanding, worldwide competition. "In terms of whether the business will be there, yes, it will," R. E. Samples, chairman and chief executive of the Consolidation Coal Company, the nation's second-largest coal producer, said in an interview. "In terms of are we going to get it, that's not clear."

For his part, Mr. Samples predicts that by the 1990's the coal-consuming nations will have to turn to the United States for coal. By that time, the worldwide conversion to coal-burning by electric utilities, industrial power plants and some transportation systems such as ships will be in full swing, he said.

"Australia will produce all it can, South Africa will produce all it can; the U.S. will pick up the difference," Mr. Samples said in an inteview at the Pittsburgh headquarters of Consolidation, a subsidiary of Conoco Inc.

"Coal, Bridge to the Future," a study completed last year under the sponsorship of the Massachusetts Institute of Technology, concluded that by the 1990's the United States could become "the world's balancing supplier" of steam coal.

According to the study, the non-Communist world's exports of steam coal, the boiler fuel burned by utilities and in industry power plants, could at least double by 1985 and possibly grow tenfold in two decades. Exports could grow from 45 million metric tons in 1977 to as many as 80 million to 105 million metric tons by 1985 and then to 210 million to 460 million metric tons by the year 2000. A metric ton equals about 2,205 pounds.

Four countries—the United States, Australia, South Africa and Canada—would eventually take the dominant share of the steam coal export market, the study projected.

Last year the United States exported 14 million tons of steam coal, or 21 percent of its total coal exports. (Most exports were metallurgical coal, used in steel-making.) According to the M.I.T. study, this flow could grow to 65 million tons a year by the end of the century. On the most optimistic assumptions, it could increase twentyfold, to 280 million tons a year.

The wide variations in the projections reflect the many uncertainties over how and where such countries as Japan, France, West Germany, Italy and the Netherlands decide to meet their rapidly growing needs for coal. It is also uncertain how rapidly utilities will switch to coal, how quickly oil prices will keep going up and how rapidly nuclear power will develop. And it is possible that burning more coal will cause such pollution that it generates an environmentalist reaction and leads to new restrictions on the fuel.

PARADE OF DELEGATIONS

The consuming countries have sent a parade of delegations to the United States to scout out long-term contracts, and they have to weigh a welter of considerations. Production and hauling costs, the militancy of labor unions, the possibility of embargoes, the ability of producers to sustain deliveries, all must be considered in selecting long-term sources of supply.

But mainly because few American coal producers are equipped to undertake such a commitment, there has not yet been a major long-term export contract.

It is not that the producers could not mine the extra coal. For many years, the industry has had capacity to spare. Indeed, for short periods earlier this year, the coal industry was producing 19 million tons a week, or the equivalent of almost a billion tons a year. Coal production last year totaled 770 million tons and is expected to total about 850 million tons this year.

A major obstacle to long-term export contracts has been the weakness in the transport system.

"You've got to take care of your port problems before they will sit down and get serious with you," Mr. Samples said.

In Hampton Roads, Va., the nation's largest coal export port, congestion is so severe that ships sometimes have to wait for weeks to be loaded. Demurrage costs for the delays run about $7 a month per ton of coal, and charges exceeding $15,000 a day on large tonnage ships are not uncommon.

The port has no room to store the coal awaiting loading, either. It must sit in rail cars, tying up transport and often causing shortages of cars at the mines in West Virginia and Pennsylvania.

There is wide agreement that for American coal producers to be competitive, ports must be expanded, rail lines improved and harbors dredged to allow the large, 150,000-ton ships to load coal. South Africa and Australia already have special ports to handle large shipments of coal.

"WE'VE GOT TO DO IT"

Some coal companies have decided to move into the vacuum themselves, though with reluctance; they would much prefer to spend the money in developing their mines. "If no one steps forward, we've got to do it," Mr. Samples said.

Consolidation Coal, the Pittston Company and the A. T. Massey Coal Company have reached an agreement to spend $60 million to $100 million to build a new coal export terminal at Hampton Roads to handle about 20 million tons of coal annually. In addition, Consolidation plans to upgrade facilities at its own docks in Baltimore for coal exports.

With an eye to exports, the St. Joe Minerals Corporation and the Scallop Coal Corporation this month completed the formation of a five-year, $1 billion joint venture to develop mines and port facilities.

Some of major steel companies, such as the United States Steel Corporation, the Bethelehem Steel Corporation, Armco Inc. and others with coal reserves far in excess of what they need in making steel, are also preparing for the export market.

"We're going to capitalize on these reserves," David M. Roderick, chairman of U.S. Steel, told a meeting of securities analysts.

U.S. Steel has 3.2 billion tons in coal reserves, and half of these are steam coal.

Thomas Marshall, newly appointed president of resource development for the company said in an interview that as a major project U.S. Steel was considering development of its large virgin coal reserves in Illinois. Mr. Marshall, whose background was in the company's barge division, said that the steelmaker already had a fleet of more than 900 barges that could bring coal cheaply down the Mississippi to its port facilities in Baton Rouge, La.

Developing the mines would be very expensive, however, and even the nation's largest steel company needs help. U.S. Steel is looking for a partner, venture-capital investor or a buyer for some of the coal reserves.

Similarly, Armco Inc. has also been talking with the Nippon Steel Corporation about long-term contracts for coal.

QUESTIONS OF ECONOMY

According to an Armco spokesman, Robert E. Boni, the vice president of material resources, however, it remains a question "whether U.S. coal would be economical, once you tack on the transportation costs."

In the next two decades, the Japanese demand for steam coal is expected to show explosive growth, reaching as much as 50 times the present low levels, or 50 million to 85 million tons a year.

In the early years, most of that tonnage will come from Australia and South Africa, coal experts with Japanese trading companies here say. But by the late 1980's, Japanese utility companies will have to turn to the United States for long-term supplies, these sources said.

Similarly, they cautioned that most of the early business would probably go to producers in Utah and Nevada and western Canada, before the large reserves in the Middle West and the East are tapped for the big amounts that will be needed by the 1990's.

American producers say they expect to capture possibly 30 percent of Japan's needs, despite the handicap of higher transportation costs. In their view, consumer nations will want to diversify their sources in case of prolonged strikes or other factors that might cut off supplies and also as a way to keep prices more competitive.

Japanese sources caution that much depends on whether China can become a major supplier and on how greatly Australia expands its port facilities, which are already strained.

The European consumer countries, which are expected to seek most of their needs from South Africa and the United States, may also portion out their needs to Australia for similar reasons.

Even though some European countries have their own coal reserves, deep mines with small seams have made the coal expensive to mine. Thus countries such as West Germany, France and Italy are expected to turn to imports for their supplies. But the process will not be simple; it will involve difficult political decisions as well as economics.

In West Germany, for instance, the coal industry, like agriculture, is heavily protected. German coal prices are supported at $150 to $180 a ton, compared with import prices of $60 to $70 a ton before customs levies. Increased imports would pose an acute political problem for Chancellor Helmut Schmidt's Government and the Social Democratic Party, where the unions have a strong voice.

Nevertheless, Karl Gustav Ratjen, the chairman of Metallgesellschaft, an international company that mines and refines metals and is heavily involved in synthetic fuel technology, said in an interview that imports were projected to grow to 15 to 25 million tons from six million at present.

The timing depends, however, on how rapidly Germany's nuclear power program is developed and on the conversion of power plants, he said.

Mr. WARNER. But while private industry has been dealing with the second and third problem areas in the U.S. coal export market, no one has taken any steps to constructively resolve problem area No. 1.

Ironically, the problem of restricted, shallow U.S. port depths is viewed by both foreign buyers of America's coal and those involved in America's coal industry as the linchpin to all of America's coal export problems.

If America's ports are deepened to allow access for the world's coal supercolliers, then foreign buyers will be more agreeable to enter into long-term contracts which will provide the stimulus and capital needed to resolve, in an expedited fashion, problem areas 2 and 3.

The World Coal Study pointed out that the world coal export trade is rapidly turning to coal supercolliers—ships 100,000 deadweight tons and above—to transport its coal because "the larger the ship, the lower will be the unit costs and hence the lower the freight rate."

The World Coal Study went on to point out that—

> The increasing ship sizes will have to be accompanied by development of some coal ports that can provide the draft depths and berths to accommodate large ships.

The World Coal Study then highlighted the problem America's coal ports face—

> Many coal ports, however, have neither the draft (depth) nor the other necessary dimensions to receive large bulk carriers.

A fully loaded supercollier of 100,000 dwt. needs a port depth of at least 50 feet to safely navigate in and out of the harbor.

America has only one coal port whose depth is close to this—the Port of Hampton Roads—and its depth is only 45 feet, which only allows a vessel of 80,000 deadweight tons to safely navigate fully loaded in and out of its harbor.

Eighty thousand deadweight tons: Woefully inadequate to meet the upcoming transportation needs of the world export coal market.

This figure stands in stark contrast to the port depths of America's current principal competitors for the world coal export market.

A July 1980 report prepared for the U.S. Department of Energy by Soros Associates, entitled "United States Coal Export Terminals," lists all of America's principal competitors for this market, shows that already Australia, Canada, Poland, South Africa and the U.S.S.R. have the port depth and shoreside facilities necessary to handle the world's coal supercolliers.

Mr. President, I ask unanimous consent that tables 4-1A, 4-1B, 5-1A and 5-1B, entitled "U.S. Coal Export Ports" and "World Coal Export Ports," respectively, from the July 1980 Soros study be inserted at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE 4.—U.S. COAL EXPORT PORTS

Item No.—Location, facility description, owner	Maximum ship size (deadweight tons) fully loaded	Water depth (feet)	Number of berths	Loading rate (tons per hour)	Ground storage (tons)	Rail connection	Existing export capacity (tons per annum)	Ultimate export capacity (tons per annum)	Remarks
1—Philadelphia, Pa., Greenwich Pier 124, Conrail.	60, 000	40	1	1, 500	No	Conrail	2, 500, 000	10, 000, 000	Now in the process of selecting engineers for expansion.
2—Baltimore, Md., Curtis Bay, Baltimore & Ohio RR.	65, 000	42	1	6, 000	No	Baltimore & Ohio	12, 000, 000	20, 000, 000	Expansion plans and ultimate capacity studies completed.
3—Baltimore, Md., Port Covington, Western Maryland RR.	60, 000	40	2	3, 500	No	Western Maryland	0	0	Facility in very poor condition.
4—Baltimore, Md., Canton Coal Pier, Conrail.	35, 000	35	1	900	No	Conrail	2, 000, 000	4, 000, 000	Very old facility.
5—Norfolk, Va., Lamberts Point Pier 6, Norfolk & Western RR.	80, 000	45	2	10, 000	No	Norfolk & Western	32, 000, 000	50, 000, 000	Vessels in the 150,000 dwt class have been partially loaded here.
6—Newport News, Va., C & O Pier 14, C & O RR.	80, 000	45	2	9, 000	No	Chessie System	20, 000, 000	30, 000, 000	
7—Mobile, Ala., McDuffie Island, Alabama State.	80, 000	40	1	4, 000	Yes, 350,000	Yes	4, 000, 000	7, 000, 000	Ground storage.
8—New Orleans, La., New Orleans Bulk Terminals.	32, 000	36	1	2, 000	Small	Yes	2, 000, 000	2, 000, 000	At present the port authority feels that any additional tonnage will require a new terminal.
9—Davant, La., Davant Coal Export-terminal.	50, 000	40	1	1, 000	Yes	None	3, 000, 000	6, 000, 000	Ground storage.
10—Port Arthur, Tex., Port Arthur/Texas, Oklahoma Port Co.	50, 000	40	1	3, 000	Yes, 300,000	Yes	2, 000, 000	4, 000, 000	Multiproduct terminal.
11—Los Angeles, Calif., Los Angeles.	70, 000	51	1	800	Yes, 128,000	Harbor Belt Line	2, 500, 000	4, 000, 000	Rail to water with ground storage.
12—Los Angeles, Calif., Long Beach.	70, 000	45	1	1, 100	Yes, 250,000	Long Beach Belt Line RR.	[1] 500, 000	1, 000, 000	Rail to water with ground storage.

TABLE 5.—WORLD COAL EXPORT PORTS

Location	Ship size (deadweight tons)	Water depth (feet)	Number of berths	Shiploaders	Loading rate (tons per hour)	Remarks
Australia:						
Auckland Point Wharf, Gladstone	38,000	36	1	1 at 1,000	1,000	Ground storage
Barney Point Wharf, Gladstone	50,000	40	1	1 at 2,000	2,000	Do.
Clinton Coal Facility, Gladstone	120,000	49	1	1 at 4,000	4,000	Do.
Hay Point	110,000	52	2	1 at 4,000, 1 at 6,000	10,000	Do.
Newcastle	80,000	38	1	2 at 2,000	4,000	Ground storage. Dredging planned.
Port Kembla	38,000	36	1	1 at 2,000	2,000	Ground storage. Expansion to commence 1980.
Sydney	38,000	36	1	2 at 500	1,000	Limited ground storage.
Canada:						
Vancouver, B C:						
Westshore Terminal	120,000	50	1	2 at 4,000	4,000	Ground storage.
Neptune Terminal	120,000	65	1	2 at 4 000	4,000	Do.
Port Moudy	65,000	51	2	2 at 1,000	2,000	Do.
China:						
Tsouhuangtao Port	25,000	30	2	1 at 500	500	Ground storage. 5,000 tph loader planned.
Lien Yun Port	18,000	22	1	1 at 500	500	Ground storage. Actively pursuing.
Great Britain: Immingham	80,000	32 Plus Tide	1	1 at 4,000	4,000	Ground storage.
India: Haidia	60,000	41		2 at 3,000	6,000	Expansion planned.
Mozambique:						
Maputo	35,000	35	1	1 at 600	600	Master plan for expansion being developed.
Beira	25,000	30	1	1 at 400	400	Very limited throughput.
Poland:						
Gdansk	100,000	56	2	2 at 2,350	4,700	Ground storage.
Gdinia	32,000	34	1	1 at 830	830	Do.
Szczeciu	20,000	28	3	3 at 830	2,490	Do.
Swinoujscie	38,000	36	1	1 at 2,000	2,000	Do.
South Africa:						
Durban	38,000	36	1	1 at 1,220	1,220	Do.
Richards Bay	200,000	59	2	2 at 6,500	13,500	Facility to be expanded soon. Ground storage.
U.S.S.R.:						
Ilichevsk	38,000	36	1	1 at 500	500	
Vostochny	100,000	50	4	4 at 2,000	8,000	Ground storage.

Mr. WARNER. Moreover, recognizing that the world coal export market does not allow a country to become complacent, our competitors are enlarging and deepening their existing coal ports, as well as building new deep-draft coal ports.

Mr. President, I ask unanimous consent that the Journal of Commerce articles, entitled: "South Africa Coal Terminal to be Enlarged"—August 6, 1980; "British Columbia Gives Up a Seafloor to Allow Expansion of Coal Port"—September 5, 1980; and "Port of Vancouver Begins Work on Coal Terminal Expansion"—November 4, 1980, be inserted into the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Aug. 6, 1980]

SOUTH AFRICA COAL TERMINAL TO BE ENLARGED

JOHANNESBURG.—South Africa's coal export terminal at the Port of Richards Bay is to be expanded at a cost of 230 million rand. The extensions will enable the terminal to handle increasing export tonnages, which are scheduled to rise from 27 million tons this year to 44 million tons in 1985-86.

The new loading facilities will probably be completed in mid-1984, two years earlier than originally scheduled, according to the Transvaal Coal Owners Association. It is unlikely, however, that the increase in the export program will be brought forward. Support infrastructure, such as improvements to the rail line from the Transvaal coalfields, will not be completed before 1985.

The expansions at Richards Bay will consist mainly of an additional ship loader, stackers, reclaimers, tipplers, belting and stockpile facilities. In addition South African railways are planning to build two new coal-loading berths at the harbor.

Meanwhile, plans are going ahead to build a new coal terminal at the Mozambican Port of Maputo. The terminal will have a capacity of 5-7 million tons a year. The success of the facility depends on South African coal producers routing some of their exports through Maputo. None have yet indicated, however, that they are prepared to do so.

[From the Journal of Commerce, Sept. 7, 1980]

BRITISH COLUMBIA GIVES UP SEAFLOOR TO ALLOW EXPANSION OF COAL PORT

(By Mark Wilson)

VANCOUVER, BRITISH COLUMBIA.—British Columbia has transferred 150 acres of seafloor to the government of Canada and thereby allowed a needed coal port expansion near Vancouver to go ahead.

Both the provincial and federal governments claim ownership of the seabed in the Strait of Georgia, which separates Vancouver Island from the mainland. The dispute held up development at Roberts Bank, a 10-year-old coal loading terminal sandwiched between Vancouver and the Canadian-U.S. border.

At present, Roberts Bank is at capacity, loading 11.2 million long tons of fuel a year.

British Columbia's gift of seafloor, claimed to be worth C$20 million, allows the National Harbours Board, a federal agency, to quadruple the size of the Roberts Bank terminal.

Existing tenant Westshore Terminals Ltd., a subsidiary of Kaiser Resources Ltd., will take 50 acres provided by the C$47.7 million site expansion to double its coal loading capacity.

Westshore handles coal from both parent Kaiser and Fording Coal Ltd., which is controlled by CP Enterprises Ltd. Both Kaiser and Fording have orders for additional coal that Westshore cannot currently handle.

Dredging work at Roberts Bank is due to start in the fall of 1981. The NHB plans to mound sand in shallow offshore waters to create additional terminal area. Site construction works are set to start in 1983.

Westshore's parent, Kaiser, is the subject of a take-over bid by B.C. Resources Investment Corp. Earlier this year BCRIC failed to exercise an option to buy a 20 percent stake in Kaiser, which owns and operates Canada's largest coal mine, in southeastern British Columbia.

BCRIC is now bidding $55 a share, for a total of $1 billion if all Kaiser's shares are tendered, including the 24 percent stake held by Kaiser Steel, of the U.S., and the 40 percent interest of Japanese steelmakers. If all shares, with the exception of the Japanese holding, are bought up by BCRIC, the cost will be $620 million.

In another coal industry development, mining companies interested in northeastern British Columbia, deposits return to Japan Sept. 14 to tender fresh terms for selling 5.3 million metric tons of coking coal a year over a 15-year period.

Revised terms attractive to the Japanese will probably depend on Canadian National Railways scaling back its original demand for $16.05 a long ton for moving coal to tidewater at Prince Rupert.

The three companies interested in the northeast—Denison Mines, BP Canada and Teck Corp.—claim that the Japanese will not buy their coal unless transportation costs to the northern port of Prince Rupert can be pared.

Dennison, because of distance, faces the highest rail cost of $16.05 a ton. To this is added a $4 surcharge for building a 67-mile mine access line and a $3 port terminal charge, to give a combined transportation cost of $23.05 a ton, or $7 more than is currently paid by mining companies in southeastern British Columbia to ship their fuel via the Robert Bank terminal.

[From the Journal of Commerce, Nov. 4, 1980]

PORT OF VANCOUVER BEGINS WORK ON COAL TERMINAL EXPANSION

(By Maureen Robb)

VANCOUVER, BRITISH COLUMBIA.—The Port of Vancouver said it has begun work on the long-planned $50 million expansion of its Roberts Bank coal terminal.

The Canadian port said it has begun soil studies to obtain data on what materials need to be dredged, and that in order to meet environmental concerns, a study has been launched to determine what effects the project will have on marine life.

The final design of the terminal will be influenced by the results of this study, said the port.

The 50-acre Roberts Bank coal terminal, which can now handle 11.2 million tons annually, will be expanded to serve two to three times that volume. The new facilities are expected to be open in 1983.

Port officials said the expansion will allow a rapid growth in exports of thermal and coking coal during the next few years. They noted that while Japanese interests will continue to be major buyers of western Canadian coal, port executives cited "strong signs" of demand from Europe and South America.

RECENT ARRANGEMENT

Vancouver officials said that Kaiser Resources Ltd., one of the main coal exporters at Roberts Bank, recently arranged to sell South Korea's Pohang Iron and Steel Co. 500,000 tons of coal a year for 20 years. The coal will be produced at a new Kaiser development in British Columbia.

Crows Net Resources, a unit of Shell Canada Resources Ltd., was also said to have arranged to sell a million tons of metallurgical coal a year for 15 years to a consortium of Japanese steel companies and to sell 750,000 tons of thermal coal a year to Korea Electric Co. of Seoul.

Thermal coal deliveries are expected to begin in 1982 and metallurgical coal deliveries in 1983.

The Port of Vancouver said that while coking coal has so far been the main type of coal exported, thermal coal is expected to be in increased demand.

The National Harbours Board of Canada has provided the reclaimed land on which the new coal facilities will be built and will also provide the dredged basin to handle large ships and the utilities to serve the terminals. Cargo handling equipment, docks and ancillary structures will be supplied by various tenants.

Roberts Bank can already serve the world's largest bulk carriers.

BELLINGHAM MAPS PLANS

The Port of Bellingham, Wash., meanwhile, also plans to develop a $50 million bulk shipping terminal to export coal and other products. The Puget Sound port, 75 miles north of Seattle, hopes to start construction next year and to open the terminal in mid-1983. Metallurgical and thermal coal is one of the materials expected to be handled at the facility.

Mr. WARNER. Mr. President, even the world coal importers, recognizing the need for deep draft ports, have lent their assets to help construct new facilities for our competitors.

Mr. President, I ask unanimous consent that the August 27, 1980, Journal of Commerce article, "Japanese To Help in Expansion of Newcastle Coal Facilities," be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Aug. 27, 1980]

JAPANESE TO HELP IN EXPANSION OF NEWCASTLE COAL FACILITIES

(By A. E. Cullison)

TOKYO.—A group of Japanese coal-importing companies have reached a common agreement to cooperate in doubling the coal-loading capacity of Newcastle port in Australia in an attempt to relieve the pressure of supply disruptions which have threatened stable deliveries.

Industry sources said Wednesday that the assistance will be provided through Port Warath Coal Services Ltd., a Japanese-Australian joint venture which is involved in much of the coal exports moving through Newcastle. It is expected that the new expansion program will be completed by the end of 1983.

If all goes well with the effort, according to these sources, Newcastle port should boast facilities capable of handling shipments each year of up to 20 million tons of coal. This would be the largest annual loading capacity of any port in Australia.

Present planning calls for installing a coal-loading machine within the compound of Port Warath Coal Services. The machine is to be coupled with a belt conveyor for the purpose of speeding up the loading of coal from the storage yard into the dock-side coal carriers.

Port Warath Coal Services, capitalized at 30 million Australian dollars, is owned 70 percent by CSR Ltd. and five other Australian companies and 30 percent by 14 Japanese coal-importing firms, including eight steelmaking corporations. The firm is based in Sydney.

Just 24 months after the current loading facilities were completed and the storage yard for the coal became operative, the Australian and Japanese partners in the joint venture decided to launch an expansion program to facilitate the future shipment of coal to Japan.

THOSE INVOLVED

Involved in the latest expansion effort are Japanese steel companies, electric power companies and other users of Australian coal, Tokyo sources said that executives of Port Warath Coal Services are depending upon the Export-Import Bank of Japan to provide easy-term financing for the new expansion program which, it is estimated, should cost more than A$82 million.

Meanwhile, Idemitsu Kosan Co., a large-scale Japanese distributor of crude oil and a major refinery operator, announced Wednesday that it plans to import 480,000 tons of Australian steaming coal this fiscal year, a term ending next March. The coal is to go to Japan's cement producers.

Idemitsu, which will thus become the first Japanese oil importer and refinery firm to import such a large tonnage of steaming coal, hopes to launch a full-scale operation for the importation of coal.

The Australian shipments imported by Idemitsu are coming from the Blue Mountain and Bayswater mines in New South Wales. It is expected that Idemitsu will sell 250,000 tons of steaming coal to the Chichibu Cement Co., another 150,000 tons to Tokuyama Soda, and the remaining 80,000 tons to Aso Cement by the end of this fiscal period.

Currently, most of the steaming coal imported by Japan is moving through the country's major trading firms, according to the Japan Coal Association. The Japanese, it is anticipated, will import more than 6 million tons of steaming coal this fiscal year despite the fact that in fiscal 1979 almost no such imports took place.

Mr. WARNER. Mr. President, alarmingly, even future competitors of America for the coal export market, new in the export coal game, have also recognized the necessity of having deep draft ports with the capability to meet the competition and are rapidly building deep draft coal superports.

The People's Republic of China is building at least three deep draft ports at Beilun, Qinhuangdao, and Shijiusuo, PRC, which will greatly increase their ability and capacity to export coal.

I ask unanimous consent to insert into the RECORD at this point the August 28, 1980 Journal of Commerce article, "China Expanding Port Facilities Anticipating Traffic Growth."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Aug. 28, 1980]

CHINA EXPANDING PORT FACILITIES ANTICIPATING TRAFFIC GROWTH

(By William Armbruster)

Anticipating substantial growth in coal exports and iron ore imports, China is moving steadily to expand its bulk cargo port facilities.

A new port at Beilun, 130 nautical miles south of the Yangtze River, will open this fall. The port, just south of Ningbo, in Zhejiang province, will have one pier capable of accommodating 100,000-dead-weight-ton vessels, while two other piers will each be capable of accommodating ships of 25,000 deadweight tons.

The port is intended to serve as a transshipment center for iron ore imported from Australia and destined for the massive new steel complex currently under construction at Baoshan, a Shanghai suburb, according to Dori Jones of the National Council for U.S.-China Trade. Ms. Jones said the transshipment center is necessary because the ship channel near Baoshan is too narrow to accommodate the large ore carriers.

Construction at Beilun began in January 1979. The port was officially commissioned in March, and all equipment is expected to be installed by next month.

The first furnace at the Baoshan mill is expected to be kindled in 1982. When completed, the complex will have an annual capacity of 6 million tons of crude steel.

MOVING AHEAD

Meanwhile, the Chinese are moving ahead with two port projects that will be financed with low-interest loans from the Japanese Overseas Economic Cooperation Fund. The projects, at Qinhuangdao in the northern province of Hebei, and Shijiusuo in Shandong province, are designed to bolster China's capacity to export coal, particularly to Japan. China is expected to export about 1.5 million tons of coal to Japan this year, but Japanese importers hope to obtain 10 million tons annually by 1985.

The Shijiusuo project is a deepwater wharf that will include one berth capable of handling 10 million tons of coal for export annually and another berth with a capacity of 5 million tons of imported iron ore. The two berths would both be able to handle 100,000,-deadweight-ton vessels.

In Qinhuangdao, the Chinese plan to build an extension to an existing coal terminal, bringing the total coal-handling capacity there to 20 million tons a year. Up to now, Qinhuangdao has been primarily a petroleum-exporting port.

But while the Chinese are moving ahead with these projects, they have apparently abandoned a project to build a deepwater coal port on the Yangtze River and to dredge a channel in the mouth of the river. A group of Dutch contractors and dredging companies signed letters of intent for the job, which carried an estimated price tag of at least $2 billion, in mid-October 1978, but the project apparently fell victim to a reassessment by the Chinese early last year of their spending programs.

Sources at the National Council for U.S.-China Trade, the Department of Commerce and the Dutch Consulate in New York said they had heard nothing of the project for many months. The deepwater port would have been built at Lianyungang, some 400 miles north of Shanghai, while the dredging project would have provided better access to both Shanghai and Nanking and would have enabled vessels of up to 50,000 deadweight tons to navigate the river estuary there.

In addition to the Qinhuangdao and Shijiusuo port projects, the Japanese are also financing four other development projects in

China, two of which are coal-related. One of these projects involves the construction of a 300-kilometer railway line from Yanzhou to Shijiusuo on the Yellow Sea. The new line will facilitate the transportation of coal produced in Yanzhou and from Shanxi province.

Another project is the construction of a double-line electric railway from Peking to Qinhuangdao. When completed, the 300-kilometer railway will greatly accelerate the transportation of coal from northern Shanxi and from the Kailuan coalfields in Hebei.

A fifth project is another new railway, a parallel line along the existing railway from Hengyang in Hunan province to Guangzhou. It is designed to facilitate the flow of goods between central and southern China.

The final project is a hydro-electric power plant to be constructed in the lower reaches of the Yuanshui River in Hunan province. To be known as the Wuqiangxi power plant, it will have a generating capacity of 1.5 million kilowatts.

The Japanese have committed themselves to providing $1.5 billion at 3 percent interest for the six development projects. This year's allocation is $200 million. The loans are to be repaid over 30 years, with a 10-year grace period.

In contrast to other foreign-assisted development projects, the Japanese loans in this case are not tied to Chinese purchases of Japanese equipment. Consequently, the Chinese publicly announced last month that they would accept bids from foreign companies interested in supplying equipment for the projects, including bulldozers, dump trucks and hydraulic truck cranes.

But the Chinese did not give much time for potential suppliers to get into the act. The bidding process was announced in a large advertisement, in English, in the official Chinese newspaper, People's Daily, on July 18. "Prequalification" documents had to be picked up in Peking or at Chinese embassies overseas by no later than Aug. 5, and returned to the Chinese by Aug. 20.

At least five or six U.S. companies are among those bidding for the equipment, according to Richard Gillespie of the National Council for U.S.-China Trade, while several foreign licensees of U.S. firms are also seeking the contracts.

Mr. WARNER. Mr. President, just as important is the fact that the world's coal importers either currently have deep draft coal ports to receive shipments of coal from supercolliers—Japan, France, Germany, Netherlands—or are rapidly building them.

Mr. President, I ask unanimous consent that the Journal of Commerce articles "French Port Expansion Planned"—dated August 20, 1980 and "Dunkerque Planning New Facility"—dated October 24, 1980, be inserted into the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

French Port Expansion Planned

(By Arnold McKay)

Paris.—French authorities believe the country's ports face a period of steady traffic growth calling for an equally steady effort to boost both the quantity and the quality of port equipment.

The days of the large, basic-infrastructure investments are over, at least for the foreseeable future, and the talents of French portbuilders are being exercised, if at all, in Africa, Latin America and Asia.

The job at home is modest and perhaps somewhat prosaic in comparison with the extensive port development of the last 15 years. It is to meet a set of needs defined in a report to the government last week for the Eighth Plan, which is due to be adopted by the national assembly this fall.

FIVE-YEAR DEVELOPMENT PLAN

The task for the ports in the 1981–85 period, as briefly formulated, is to:

"Consolidate present traffic.

"Meet the new traffic resulting from the development of trade.

"Recover traffic lost to foreign ports."

That is to say—ignoring the present temporary difficulties caused by a blockade by fishermen—French ports have no dramatic or insurmountable problems.

And recent visits to the four main English Channel ports in Normandy—Le Havre, Rouen, Caen, and Cherbourg—revealed that local port authorities are not waiting for the formality of the Eighth Plan to take action along the suggested lines.

As for the new traffic, there is agreement among the several different commissions and committees giving detailed guidance to the Commissariat General du Plan that "the recourse of our foreign commerce to ocean transport cannot but grow in the future." The Normandy ports agree.

TRADE WITH EC EXPECTED TO DECLINE

The basic analysis is that France's trade with the other members of the European Community, now somewhat more than half her external trade, is bound to diminish in relative terms in the coming years as overseas markets grow. That they will grow, despite a dim international economic outlook in the near term, is deemed a "reasonable hypothesis" and "a probable scenario."

"The rates of growth are particularly high with the countries of Latin America and Asia, which represent the big markets of tomorrow," says a note prepared by the Transport Ministry's Direction des Ports et de la Navigation Maritimes to the main report on ports and coastal activity.

In 1978, more than three-quarters of total imports of 246.6 million metric tons came in via the ports; less than one-third of the 127.2 million tons of exports went out that way.

In value terms, the lopsidedness largely vanishes, however. The big volume in imports comes, of course, from oil and relatively low-value raw materials, so the value of ocean-borne imports is only 35 percent of the total value of imports. The value of exports, reflecting the high portion of finished goods, very nearly matches export volume as a percentage of total exports at about 33 percent.

COMPETITION WITH FOREIGN PORTS

The figures are eloquent on the question of competition with foreign ports. In 1978, French ports moved about 4 million metric tons of goods produced in or bound to other countries while foreign ports, principally Belgian and Dutch, handled 14 million tons of inbound or outbound traffic for French traders.

But 9 million tons of that was general cargo and amounted to a whopping 25 percent of general cargo handled by French ports.

Nor does that show the whole picture. The economic loss is much greater than the tonnage or even the percentage indicates. The Ports and Ocean Shipping Directorate calculates that the added value or income generated by general cargo is five times as great as that generated by dry bulk movements and 10 times as much as by liquid bulk, so "general cargo, with 15 percent of the tonnage of French ports, generates 65 percent of port added value."

In other words, French ports' losses to foreign ports amounted, in 1978, to something like 16 percent of their actual revenues although their general cargo tonnage loss (9 million tons) was only 3 percent of their total actual tonnage.

LOSS TO TRUCKING INDUSTRY

On top of this, of course, is the loss to the trucking industry because, as a rule, local truckers get the France-bound traffic from foreign ports.

How much the French ports can realistically expect to get back is not clear.

"If one considers the geographical situation of certain French regions, which are closer to or have better land links with foreign ports, then recoverable traffic is reasonably situated at about 5 million to 7 million tons (out of 14 million)," the directorate estimates.

Irrespective of what can be done in this area, the experts expect French ports' throughput to grow under the impetus of changing trade patterns.

Their equipment needs will have to take account of the trend toward larger bulk carriers and the rapid growth of containerization and roll-on, roll-off movements.

The French estimate the saving on freight by a bulk carrier of 120,000 to 140,000 deadweight tons over a 90,000 dwt. vessel at five to seven francs ($1.25 to $1.75) a ton.

Terminals equipped to receive animal feeds from bulkers of 60,000 to 80,000 dwt., they say, can allow savings up to 20 francs ($5) a ton over vessels of 15,000 to 20,000 dwt.

Finally, containerization divides handling costs by five and roll-on by about 15.

For general cargo, it is believed "reasonable" that the volume of French ports will rise by 1985 to 60 million metric tons from about 40 million at present. A projection by no means "excessive" is that containerized cargo will double to 15 million tons from 7.5 million tons, increasing boxes' share of general cargo to 25 percent from 13.7 percent.

ADDITIONAL CONTAINER BERTHS NEEDED

What does this imply?

"Such an evolution necessitates the construction of about 30 modern specialized container berths with an annual average throughput of 500,000 tons each, making due allowance for the reserve capacity of existing equipment," the directorate says.

(Arithmetic indicates this figure is twice what would be needed, but the report does not explain the apparent discrepancy.)

In any event, the report says these new berths should not be distributed in a haphazard fashion among the country's ports—the six major so-called 'autonomous' ports of Marseilles, Le Havre, Dunkirk, Rouen, Nantes-Saint-Nazaire and Bordeaux and the two dozen-odd smaller ports run by local chambers of commerce.

Rather, it says the "big three" (Marseilles, Le Havre, and Dunkirk) should continue to be given priority by reason of the "ineluctable logic" by which shippers favor ports with a wide variety of equipment and availability of service and shipowners send ships to ports with cargo to offer.

A Le Havre port official made the same point in a recent interview. Since Jan. 1, he said, seven shipping companies have decided to make Le Havre a port of call for the first time and three others have decided to resume calls. In 1979 La Havre added 19 new regular lines.

OTHER NEW INFRASTRUCTURE NEEDED

National port officials say the other necessary additions in the next few years, which are more infrastructural, are five or six new bulk terminals, especially for seaborne coal imports expected to rise to 25 million tons annually by 1985 from about 20 million tons now.

The Le Havre official reported that the government's formal approval of Le Havre's well-publicized plans in this area is expected this fall.

Le Havre took in 6.3 million tons of coal last year, second only to Dunkirk (6.8 million tons), most of it from South Africa.

With the facility it hopes to put into service early in 1982, it will be able to receive vessels of up to 120,000 dwt. and stock up to 200,000 tons of coal. Later stages of the so-called "multi-bulk reception center" will allow ships up to 250,000 dwt. and provide a storage capacity of 1 million tons.

"If we get the green light, we're pretty sure we'll be doing some re-exporting," the official said. "England, Ireland, Sweden and Norway have expressed an interest in obtaining coal supplies from us in 50,000-ton coasters."

Seventy-five miles up the Seine River from Le Havre, the Port of Rouen, France's fourth largest and Europe's largest grain port, also handles a lot of coal.

Although last year's tonnage was down slightly because of bad weather in Poland, Rouen remained the country's third largest coal port with 3.9 million tons. Included were three shipments from a new supplier, China, totaling 70,000 tons.

No major expansion of coal-handling facilities is planned for Rouen, which only recently completed a new coal berth equipped with two 7.5-ton cranes and two new 15-tonners.

There are plans, however for a "multibulk" terminal to speed delivery of animal and cattle feeds and at the same time provide a facility for other bulk goods such as natural gypsum for the export market.

Barely a year ago, Rouen completed a new forest products terminal—it's France's leading port for this traffic—with 430 meters (1,400 feet) of quay for vessels drawing up to 11 meters (35 feet). There's an open backup area of seven hectares (17.5 acres), 8,100 square meters (87,200 square feet) of covered storage and a roll-on berth for ships with ramps 12 to 28 meters (39 to 91 feet) wide.

Favoring the big ports to keep them competitive with the foreign competition is not inconsistent, in the view of national port officials, with the smaller ports "having a fair chance with one or another of the specialized traffics or services."

Caen, which ranks 13th in tonnage handled, and Cherbourg, 16th, are good examples of successful small ports.

Both had particularly good years last year, with tonnage increases of 30.4 percent for Caen and 31 percent for Cherbourg although, for different and various reasons, growth is tapering off this year in both places.

Caen, nine miles by sea canal from Ouistreham on the channel, brings in a lot of metallurgical coal and ore for a local steel mill and a lot of tropical timber from Africa and Asia, along with smaller amounts of timber from Scandinavia and the Soviet Union.

Outbound, its big volumes are in steel products, refined petroleum products, and grains and food products.

Now, somewhat to the chagrin of Cherbourg, it's getting into the cross-channel passenger and roll-on trade. Work is beginning this fall on construction of a passenger and freight terminal along the canal expected to cost 42 million francs ($10.5 million). Brittany Ferries, which runs services between Roscoff and Saint-Malo and Portsmouth, will begin calling at Caen in April 1982.

A chamber of commerce official is aware of other ports' misgivings. But he claims that cross-channel traffic trends fully justify Caen's move and will allow all the channel ports to continue to grow.

RECESSION IN BRITAIN AFFECTS TRAFFIC

At the moment, according to Cherbourg officials, traffic is off because of the recession in Britain. Freight tonnage grew only 5.5 percent in the first half of this year in comparison with the first half of 1979, with imports up 13.8 percent but exports down 3 percent.

Yet Cherbourg is pressing ahead with development of a new deepwater freight terminal of 50 hectares (125 acres) of hard sand fill with 450 meters of quay. The first 150 meters is to be ready in April 1981 with 300 meters to follow.

The area will be used for both containers and roll-on traffic, and railway spurs will run right to quayside.

Cherbourg is holding another 200 hectares (500 acres) in reserve, but from the look of things, new facilities at the port are not likely to be needed for years.

Indeed, the report to the planning commission reveals that this is the case nationwide.

FRANCE HAS UNIQUE POTENTIAL

"At present, France has a potential unique in Europe, with 30,000 hectares (75,000 acres) of port industrial zones, of which only 8,000 hectares are in use," it says. It adds: "The problem is to fill them up rather than to extend them."

Heavy port-related industry—steel-making, shipbuilding, oil refining and the like—is stagnant in France and the report's authors feel there are good reasons to suppose it will remain that way for some years.

"It's not in the heavy industries of metallurgy and petrochemicals that the big port industrial zones are going to get their second breath," they say. It will come slowly through the spread of small, specialized industries involved in the new offshore and deepsea areas and in services related to these and to growing foreign trade.

In this regard, Cherbourg can no doubt hold its own as well as any small port; it's one of the relatively few places on France's Northern coasts gaining population thanks to port-related activity.

DUNKERQUE PLANNING NEW FACILITY

LONDON.—The Port of Dunkerque is planning to build a new bulk terminal which will initially cater to ships of 175,000 deadweight tons and will eventually handle vessels of 250,000 deadweight tons when fully completed. The terminal will have two gantry cranes and a storage area with a capacity of over 1 million tons, plus loading facilities.

The new equipment will enable the French port to cope with a growing coal traffic used by power stations and coke plants as well as by industry. The competitiveness of the port should therefore be increased and enable Dunkerque to claim a fair share of bulk traffic of northwest Europe.

Bulk traffic has been growing fast for the past 20 years, from 50,000 tons in 1961 to 19 million tons in 1979, the port says. Confined to vessels of the 100,000 dwt. class, Dunkerque eastern harbor can no longer compete on equal terms with Rotterdam. The new terminal, planned for 1982, will be at Dunkerque's western harbor. The French government will contribute some $60 million towards financing the extension.

Mr. WARNER. These deep-draft port projects are going forward at breakneck pace—with completion times ranging from this fall to 1983—because the governments of the world's coal exporting and importing nations had the farsightedness to recognize early on that deep-draft harbors were the key to effective and competitive utilization of the world's coal reserves.

Compare this activity with America's current performance in the area of constructing deep-draft coal ports.

Not one shovel of dredge material has been lifted in America's coal ports—despite the urgent, desperate need for such deepening activity to commence as quickly as possible.

All that has occurred in this area has been talk—no action. Why?

If private industry is moving to resolve problem areas two and three, why are they not dealing with problem area one—the linchpin to the whole export market?

For some 80 years now, the responsibility for dredging and maintenance of our Nation's ports and waterways have resided, by statute, within the Federal Government jurisdiction—the U.S. Army Corps of Engineers having been delegated the responsibility to carry out operations under this mandate.

Private industry, properly, is looking to the Federal Government for resolution of problem area No. 1.

And what has been the Federal Government's response?

Unlike the quick, forceful actions taken by our foreign competitors to construct and expand their deep-draft coal harbors, the Federal Government has chosen the option of undertaking a time-consuming study of the whole export market before taking positive action—even though everyone is agreed that what is needed is immediate deepening of our Nation's coal ports.

For the past 4 years, the Federal Government has not moved forward any dredging programs, undertaking a very cautious approach to port projects which called for some cost-sharing.

This policy decision has placed our Nation's ports, particularly our coal ports, behind the proverbial "eight ball." Our ports need to meet the world's deep-draft challenge or become noncompetitive.

It appears that the administration has come to realize this fact.

Samuel B. Nemirow, Assistant Secretary of Commerce for Maritime Affairs, in an October speech before the Propeller Club of Baltimore, in making the point that coal needs better ports, pointed out that one area in which the Federal Government should involve itself and work to improve physical constraints that are impeding the export of coal is—dredging. One of the important issues that the Federal Government must decide is which, if any, ports should be dredged, to what depth and on what schedule.

Mr. President, I ask unanimous consent that the October 9, 1980 Journal of Commerce article, "Nemirow: Coal Needs Better Ports," be inserted at this point into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEMIROW: COAL NEEDS BETTER PORTS

BALTIMORE.—The expanding world market for U.S. steam coal coupled with already viable market opportunities in other dry-bulk commodities could lead towards a much needed shot in the arm for the American shipbuilding industry, Samuel B. Nemirow, assistant secretary of commerce for maritime affairs, told the Propeller Club of Baltimore Wednesday.

Mr. Nemirow pointed out that the most promising U.S. energy commodity for ocean transport will be coal, and that the significant potential for increasing export levels could ultimately bring orders for dry-bulk ship construction at Bethlehem Steel Co.'s Sparrows Point shipyard and other U.S. yards.

A spokesman for the Sparrows Point yard confirmed that Bethlehem is currently engaged in active negotiations for the construction of dry-bulk carriers, but declined to be specific.

In an interview before the Propeller Club luncheon, Mr. Nemirow said that the Carter administration will revive its legislative package, with some changes, that will revitalize the U.S. dry-bulk fleet. A bill with a similar goal fell by the wayside on Capitol Hill in 1979.

40 PERCENT OF TONNAGE

The dry-bulk trade accounts for 40 percent of the tonnage moving in the U.S. foreign waterborne commerce, however. American-flag vessels carry only 1 percent of this trade.

Mr. Nemirow explained that if legislative proposals could increase that share to 10 percent of the trade, it would create a need for between 100 and 150 American dry-bulk vessels within the next several years.

Mr. Nemirow also warned that East Coast port constraints, particularly those being experienced in Baltimore and Hampton Roads, Va., is adding at least $10 per ton to the cost of exported coal.

He pointed out that two courses of action are essential to relieve the bottlenecks that have formed at the ports and to facilitate the flow of coal.

They are better cooperation and coordination among transshippers, railroads, vessel brokers and operators, coal shippers and overseas customers, and modernizations and expansions of existing port facilities.

PROJECTS OUTLINED

Mr. Nemirow outlined some of the major projects being undertaken by the private sector that will increase port export coal capacity, but he cautioned that "overbuilding could result" from today's high interest among coal companies and railroads.

One area in which the federal government could involve itself and improve another of the physical constraints that is impeding the export of coal is dredging.

"One of the important issues that the federal government must decide is which, if any, ports should be dredged, to what depth and on what schedule," Mr. Nemirow said.

He added that because the East Coast ports are unable to accommodate the larger bulk carriers in the 150,000-deadweight-ton class, which require a channel depth of 50 to 55 feet, $3 to $4 is being added to the cost of each ton of coal to the foreign buyer.

Mr. WARNER. But even if the Federal Government were to assert itself as Assistant Secretary Nemirow urges, and one again assumes its rightful role as the mover and doer of dredging projects, it would find itself faced with a process that is complicated, cumbersome, unwieldy and unnecessarily time consuming.

Dredging projects have a history of being surrounded by lengthy and unnecessary delays either by the bureaucracy, the courts or Congress.

A recent study by the General Accounting Office, entitled "Managerial Changes Needed to Speed Up Processing Permits for Dredging Projects," June 9, 1980, graphically points out the bureaucratic delays encountered in the dredging process. I commend this GAO report to the thoughtful attention of my colleagues and I ask unanimous consent that a July 7, 1980, Journal of Commerce article, "GAO Study Analyzes Dredging Delays," be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record as follows:

GAO Study Analyzes Dredging Delays—Overlapping Jurisdiction Blamed

(By William Armbruster)

Applicants for dredging permits have suffered unnecessary delays because of overlapping agency jurisdiction and the number of laws governing the permit process, a study by the General Accounting Office has found.

The study, done at the request of Rep. John M. Murphy, D-N.Y., for the House Merchant Marine and Fisheries Committee, noted that the application must be reviewed by four federal agencies—Environmental Protection Agency, the Army Corps of Engineers, the Fish and Wildlife Service and the National Marine Fisheries Service.

It also found that the process has been delayed because the four agencies must consider the implications of three major laws which have direct relevance to the permit process, along with 13 other laws which have an indirect relationship.

The report recommends that federal agencies adhere to the time limits set by the Corps of Engineers, which is responsible for issuing the permits. EPA has the right to veto permits if test samples of the material to be dredged contain statistically significant levels of polychlorinated biphenyls (PCBs) or other contaminants, while the other two agencies may require the applicant to go through a lengthy appeal process if either of them objects to the proposed dredging on environmental grounds, even if the Corps and EPA agree to it.

REASONS FOR DELAY

In the past, decisions on permit applications have been delayed because the Corps did not receive comments from the other agencies by the deadlines it had set.

Dredging is important to the nation's port industry because today's large ocean vessels have drafts that are too deep to enter many harbor channels and berths unless those channels and berths are dredged.

The report also asked that specific areas of review be delineated more clearly for each agency.

The report was hailed by Peter C. Goldmark Jr., executive director of the Port Authority of New York and New Jersey. "The GAO confirms that the present process is a total shambles and has to be overhauled," he said. "The report documents what we in the Port Authority have known for a long time, based on our own experience. It took us nine months to obtain a permit to dredge the Passenger Ship Terminal."

Mr. Goldmark said that streamlining the bureaucratic process alone is not enough for the New York-New Jersey region, an apparent allusion to the need for federal funds to remove concentrations of PCBs in the upper Hudson River. A bill sponsored by Sen. Daniel Moynihan, D-N.Y., would provide $30 million in federal funds for that purpose.

The Moynihan bill, in the form of an amendment to the Clean Water Act, has been approved by the Senate, though the House version of the bill does not contain any such provision. A spokesman for Sen. Moynihan said she hoped the provision could be worked out when the bill is considered by a joint Senate-House conference committee after Congress goes back in session on July 21.

The bill is opposed by EPA because it would permit New York State to use federal funds intended for construction of municipal sewage treatment plants to clean up the PCB concentrations.

In response to the issues raised by the GAO study, EPA Administrator Douglas Costle told a congressional subcommittee last week that the agency is attempting to streamline its reviews of permit application so that decisions could be made more quickly.

The GAO study is entitled "Managerial Changes Needed to Speed Up Processing Permits for Dredging Permits."

Mr. WARNER. The dredging process is fraught with such institutional delays that the average time required to complete a dredging project from the moment it is conceptualized is between 15 to 25 years.

Fifteen to twenty-five years to complete a project.

Fifteen to twenty-five years to complete the deepening of our Nation's coal ports—a project which our foreign customers are only willing to give us 3 to 4 years to complete.

Clearly, as Mr. Hubert R. Haar, the chairman of the American Association of Port Authorities Ad Hoc Dredging Committee, pointed out recently at the Coastal Zone 80 Conference, if steps are not taken to reduce the time necessary to obtain dredging permits, some of the Nation's major ports will lose the foreign cargo business.

Mr. President, I ask unanimous consent that the November 19, 1980 Journal of Commerce article, "Dredging Permit Red Tape Held Limiting Port Capabilities," be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dredging Permit Red Tape Held Limiting Port Capabilities

(By Bill Mongelluzzo)

Hollywood, Fla.—A port official speaking at the Coastal Zone 80 Conference here warned that if steps are not taken to reduce the time necessary to obtain dredging permits, some of the nation's major ports will be unable to handle growing cargo demands.

Herbert R. Haar, associate director of the Port of New Orleans, said Army Corps of Engineers regulations indicate total processing time for dredging applications generally should not exceed three-and-one-half months, but that the permit process in ports such as Baltimore, Philadelphia and New Orleans has taken up to 10 months.

Mr. Haar, who is chairman of the American Association of Port Authorities ad hoc dredging committee, said a request by New York port officials for a dredge-and-disposal permit required almost 15 months.

EPA REQUIREMENTS HIT

The main problem facing port officials arises from "unrealistic conditions set by the Environmental Protection Agency for dredging permits, which result in expensive delays or a denial of permits," Mr. Haar said. A series of short delays in each step of the permit process culminate in a significant time lapse "even for routine, noncontroversial projects," he added.

Contributing to this problem are the myriad of federal and congressional bodies that have jurisdiction over dredging and ocean dumping, said Virginia A. Tippie of the University of Rhode Island Center for Ocean Studies. Ten congressional committees, 17 subcommittees and seven federal agencies have authority over dredging, she said, resulting in a "piecemeal approach" to regulations.

The United States is a member of the London Convention on Ocean Dumping, but the EPA regulations in this country are generally regarded as being much more stringent than those adopted by the international advisory group, Mr. Haar said. And yet, he added, there is not enough evidence to indicate that the EPA requirements for testing of dredged material are in fact valid in the "real world" environment of the ocean.

Kenneth Kamlet, deputy director of legal affairs for the National Wildlife Federation, admitted that the state of the art in scientific testing of dredged material is not advanced enough to quantify cause and effect in all forms of ocean dumping.

GAPS OF KNOWLEDGE

However, Mr. Kamlet said, the fact that there are still gaps of knowledge in this area indicates dredging restrictions are needed to protect the marine habitat while further research is performed to accurately assess the dangers involved in ocean dumping.

Even though the laboratory techniques employed in determining toxicity levels of dredged material must be perfect, it would be dangerous to allow unrestricted ocean dumping while scientists analyze the impact of dredged material in the ocean environment because the monitoring techniques employed at dump sites are themselves not sufficiently advanced, Mr. Kamlet said. Current procedures, although not perfect, are the best available, he added.

Mr. Haar suggested that the EPA investigate alternative methods of disposing of dredged materials, methods which would be less burdensome for port officials while at the same time they should reduce any adverse impact associated with ocean dumping. Consideration should be given, he said, to permitting dumping of otherwise prohibited dredge spoil if certain precautions are taken, such as capping contaminated dredged materials in the oceans with clean dredged materials.

Mr. Kamlet agreed that some alternative could be found to the "all or nothing" philosophy that now dominates ocean dumping regulations.

Mr. Haar said changes in EPA regulations are essential to avoid maritime congestion and maintain the economic viability of ports. The nation's ports generate more than 1 million jobs and contribute $32 billion annually to the gross national product, he said, adding that port usage in the years ahead will increase rapidly as the United States places more emphasis on exports to pay for its large oil import bill.

Port officials are also concerned about the environment and wish to prevent pollution associated with ocean dumping, Mr. Haar said. "We do ask, however, that the safeguards be designed to also accomodate our country's economic needs. We must prepare to accommodate our waterborne commerce requirements without the inordinate delays which have been experienced in the recent past," he said.

Mr. WARNER. It is evident, Mr. President, that—for America to remain competitive in the world export coal market—not only must the Federal Government assume its rightful role as the initiator of dredging projects, but also devise an expedited process for cutting through the unnecessary delays traditionally bound to the dredging process, and expedite the dredging projects that the Federal Government believes meet the national interest of the United States.

I hope to present to my colleagues, on Thursday, a bill which will serve those very worthwhile goals.

THE PUBLIC DEBT LIMIT

Mr. HARRY F. BYRD, JR. Mr. President, in a letter to me dated November 21, the Secretary of the Treasury stated that—

> The public debt limit of $925 billion which expires on February 28, 1981, will not be adequate to meet the Treasury's estimated needs in February.

As chairman of the Subcommittee on Taxation and Debt Management, I called a public hearing for 10 a.m. December 2. Secretary Miller testified and recommended a change in the debt ceiling.

Following the committee hearing this morning, I am at this time inserting in the RECORD my opening statement, Secretary Miller's letter of November 21, 1980, and Secretary Miller's testimony before the subcommittee today.

I present this information for the benefit of the Senate.

The House of Representatives has passed House Joint Resolution 636 dealing with this matter. The resolution is now before the Senate Finance Committee.

I ask unanimous consent to have printed in the RECORD the material to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUTORY DEBT CEILING HEARINGS

The Secretary of the Treasury, in a letter to me dated November 21, 1980, asserted that "The public debt limit of $925 billion, which expires on February 28, 1981, will not be adequate to meet the Treasury's estimated needs in February." At the end of my opening statement I shall ask that Secretary Miller's letter to me be inserted at that point in the record.

It was only five months ago that the $925 billion figure was deemed sufficient, at least until February 28, 1981. Now Secretary Miller says the debt limit should be raised to $949 billion, an increase of $24 billion.

But that is only a part of the government's dismal fiscal story.

The Second Concurrent Budget Resolution, which the Congress has recently enacted, sets the statutory debt ceiling through fiscal year 1981 at $978.6 billion.

This is $78.6 billion more than the estimates for the statutory debt ceiling presented to this subcommittee on April 16.

The need to revise the statutory debt ceiling demonstrates the complete failure of Congress and the federal government over the past year to get federal spending under control. Since the original budget submitted in January of this year, spending for fiscal year 1981 has been revised upward a total of nine times counting estimates of the current Administration and three budget resolutions.

The final figures show a spending increase in fiscal year 1980 of $85.3 billion, the largest single spending increase in our nation's history. This spending produced a budget deficit of $59 billion.

And for the current year FY 1981, the Congress now has projected a further spending increase of $53.4 billion and a new deficit of $27.4 billion—with no allowance for tax reduction.

Federal spending is totally out of control. The failure of both the Congress and the President to get spending under control is clearly being felt throughout the nation.

Inflation is at double digit levels.

Our massive federal debt has been financed with printing press money, thus stimulating inflation.

Interest rates are approaching the 20 per cent record high.

Today's hearing on the proposed change in the debt limit dramatizes the failure of both the Carter Administration and the Congress in getting federal spending under control, nor does it speak well of earlier projections by the Department of the Treasury.

At this point I will insert in the record Secretary Miller's letter to me dated November 21, and following that, Mr. Secretary, you may proceed as you wish.

THE SECRETARY OF THE TREASURY,
Washington, D.C., November 21, 1980.

Hon. HARRY F. BYRD, Jr.,
Chairman, Subcommittee on Taxation and Debt Management of the Senate Finance Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The public debt limit of $925 billion, which expires on February 28, 1981, will not be adequate to meet the Treasury's estimated needs in February. Also to stay within the debt limit in December and January we will need to reduce our cash balances below optimum levels and postpone borrowings until Congress acts on new debt limit legislation. Such postponements of borrowings could be very costly, since our cash balances are generally invested at interest rates equal to or higher than the rates paid on our borrowings and since postponed borrowings will result in later congestion in financial markets and possibly higher financing costs to the government. Moreover, in view of the current highly volatile conditions in financial markets, we should make every effort to conduct the Government's financing activities in an orderly manner and with minimum market impact.

Our current estimates of the debt subject to limit, with our usual assumption of a constant $15 billion cash balance, are as follows:

[In billions of dollars]

November 30, 1980	923
December 31, 1980	928
January 31, 1981	928
February 28, 1981	943

If our current budget estimates prove optimistic, for example, because of lower than expected economic growth and thus lower tax receipts, the 97th Congress is unlikely to be in a position to act in time in January to increase the debt limit and avoid a default on obligations of the United States.

Because of delayed Congressional action on debt limit legislation in recent years the Treasury has been forced to resort to undesirable and costly measures to avoid exceeding the debt limit, including suspension of savings bonds sales and disinvestment of Treasury securities held by the Exchange Stabilization Fund. As you know, the savings bonds program is just now beginning to recover from unprecedented losses in 1979–80, which resulted from the artificially low statutory ceiling on savings bond interest rates. We should be particularly careful at this time not to disrupt this program further by delayed action on debt limit legislation. As to the Exchange Stabilization Fund, disinvestment of the Fund, which is undesirable in itself, would clearly not provide sufficient debt reduction to deal with the debt limit problem in February.

Accordingy, I urge you to seek Senate passage of legislation to increase the debt limit during the current session. The Budget Resolution approved by the Congress on November 20 contains a recommended debt limit increase to $978.6 billion through September 30, 1981. Senate approval of this measure, in the required form of a separate debt limit bill, would help assure orderly Treasury borrowing activities over the next few months and would avoid the need for emergency action by Congress on debt limit legislation early next year.

In view of the current rapid growth in Federal debt and the difficulties in estimating debt levels, I would also suggest that future debt limit legislation provide larger allowances for contingencies. As you know, our debt limit requests to your Subcommittee have for many years included a standard allowance for contingencies of only $3 billion (the recent Penn Central settlement, alone, was $2.1 billion), so our current estimate of a $943 billion debt subject to limit on February 28, 1981, would normally be presented to your Subcommittee as a debt limit request of $946 billion. I believe the contingency allowance should be at least $6 billion under current circumstances, so a reasonable estimate of our February debt limit need would be $949 billion.

Please let me know if I can be of any assistance in helping to secure prompt enactment of a debt limit bill.

Sincerely,

G. William Miller.

Statement of the Honorable G. William Miller, Secretary of the Treasury

Mr. Chairman and Members of the Committee:

My purpose here today is to advise you of the need for legislation, before Congress adjourns, to increase the public debt limit.

The present temporary debt limit of $925 billion will expire on February 28, 1981, and the debt limit will then revert to the permanent ceiling of $400 billion. Enactment of debt limit legislation prior to February 28 will thus be necessary to permit the Treasury to borrow to refund maturing securities and to pay the Government's other legal obligations.

Moreover, based on our present estimates, the existing limit of $925 billion will clearly not be enough to meet the Treasury's financing needs in February.

Our current estimates of the debt subject to limit, with our usual assumption of a constant $15 billion cash balance, but without any provision for contingencies, are as follows:

[In billions of dollars]

December 31, 1980	928
January 31, 1981	928
February 28, 1981	943

Based on these estimates, the present $925 billion limit would need to be increased by $18 billion, to $943 billion through February. Also, to stay within the present debt limit in December and January the Treasury will need to reduce its cash balances below optimum levels and postpone borrowing until Congress acts on new debt limit legislation. Such postponements of borrowings could be very costly, since our cash balances are generally invested at interest rates equal to or higher than the rates paid on our borrowings and since postponed borrowings will result in later congestion in financial markets and possibly higher financing costs to the government. In view of the current highly volatile conditions in financial markets, we should make every effort to avoid adding to market uncertainties and to conduct the Government's financing activities in an orderly manner and with minimum market impact.

In addition, the Treasury, and the market, will need to begin planning in the middle of January for the Treasury's scheduled announcement on January 28 of the new Administration's first major quarterly refunding operation. The note and bond issues announced on January 28 would normally be auctioned in the first week of February so the securities may be issued by the refunding date of February 15. Consequently, even if the Treasury manages to stay with the present debt limit in January, the debt limit must be increased in January to permit the Treasury to conduct an efficient refunding operation at the lowest possible cost to the taxpayer.

The present $925 billion limit through February 28, 1981, was enacted by Congress on June 28, 1980, based on estimates provided by the Congressional Budget Office which were consistent with the First Budget Resolution for FY 1981, adopted by Congress on June 12, 1980. That resolution contained a recommended debt limit of $935.1 billion through September 30, 1981. However, the Second Budget Resolution, adopted by Congress on November 20, 1980, contained a recommended debt limit through September 30, 1981, of $978.6 billion, an increase of $43.5 billion from the debt estimate in the First Budget Resolution. While we have serious doubts as to whether the $978.6 billion limit will be adequate to accommodate proposed tax cuts, spending increases, and changes in economic conditions through September, we believe that our estimated $18 billion increase in the debt subject to limit for the first five months of the fiscal year is reasonably consistent with the $43.5 billion increase recommended by Congress in the Budget Resolution for the entire fiscal year.

In view of the current rapid growth in Federal debt and the difficulties in estimating debt levels, I would suggest that future debt limit legislation provide larger allowances for contingencies. As you know, the Treasury's debt limit requests to your Subcommittee have for many years included a standard allowance for contingencies of only $3 billion, so our current estimate of a $943 billion debt subject to limit on February 28, 1931, would normally be presented to your Subcommittee as a debt limit request of $946 billion. Yet, for example, the recent court settlement of the Penn Central payment, which was not anticipated in the FY 1981 Budget, was $2.1 billion. I believe the contingency allowance should be at least $6 billion under current circumstances, so a reasonable estimate of our February debt limit need would be $949 billion.

While the President's revised budget and debt limit recommendations for the fiscal year 1981 will not be available until January, it is recommended that the Senate agree to House Joint Resolution 636, which passed the House on November 21, 1980. This Resolution provides for an increase in the debt limit to $978.6 billion through September 30, 1981. Senate approval of this measure will avoid the need for further Congressional action during this session of Congress and will avoid the need for emergency action by Congress on debt limit legislation early next year.

A principal objective of this Administration is to help assure an orderly transition in January as the new Administration takes office. An essential part of that orderly transition is to assure that the finances of the government are in order as the new Administration assumes its responsibilities. It would be inappropriate, in my view, to expect the incoming Administration to appear before Congress in late January or early February to request emergency debt limit legislation based on the budget estimates submitted in January by the outgoing Administration. The new Administration should be permitted sufficient time to prepare its own budget and debt recommendations and to appear before Congress on that basis.

Also, if our current debt estimates through February turn out to be too low, for example, because of lower than expected economic growth and thus lower tax receipts, the new Congress might be required to act in January on emergency debt limit legislation to avoid a default on obligations of the United States.

In the circumstances, I urge your subcommittee's support for House Joint Resolution 636.

FINANCING FOR SMALL BUSINESS CONCERNS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1071, H.R. 6626.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6626) to provide the Small Business Administration with additional authority to assist small business concerns in obtaining financing, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Small Business with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That section 7(a)(4) of the Small Business Act is amended by striking "$500,000" and inserting in lieu thereof "$750,000".

UP AMENDMENT NO. 1812

(Purpose: To increase program levels for certain programs in the Small Business Administration)

Mr. ROBERT C. BYRD. Mr. President, I have an amendment which I offer on behalf of Mr. Nelson to the reported committee amendment and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) on behalf of Mr. Nelson, for himself, Mr. Weicker, and Mr. Levin, proposes an unprinted amendment numbered 1812:

In lieu of the matter sought to be inserted by the committee amendment, insert the following:

Section 1. Section 7(a)(4) of the Small Business Act is amended by striking "$500,000" and inserting in lieu thereof "$750,000".

Sec. 2. Section 20(h)(5) of the Small Business Act is amended by striking "$115,000,000" and inserting in lieu thereof "$300,000,000".

Sec. 3. Section 20(h)(9) of the Small Busines Act is amended by striking "$110,000,000" and inserting in lieu thereof "$250,000,000".

● Mr. NELSON. Mr. President, this amendment is necessary to increase the statutorily established program levels for certain programs at the Small Business Administration. Without the increases, two programs which are now in existence will be forced to shut down because they will have reached the maximum statutory levels at which SBA may operate.

The first section of the amendment is identical to the committee-reported amendment. It raises the current $500,000 statutory ceiling on SBA-guaranteed loans to $750,000. There is widespread recognition of the need to increase these limits. These limits were last adjusted in 1976.

The second section of the amendment increases the program level for the Small Business Administration's development company program. In July, the Congress passed and the President signed legislation (Public Law 96–302) which adds a new development company program to the SBA portfolio—the "503" program. Simply, the program permits SBA to guarantee debentures issued by qualified, and SBA-certified, development companies. Already over 40 LCD's have been certified to participate in the 503 program, and the Small Business Administration has indicated that the program levels established in July for fiscal year

1981 will not be sufficient to accommodate the demand that has already materialized.

There is nothing new to this provision. During the Senate's consideration of the State, Justice, Commerce appropriations bill, which included funding for the Small Business Administration, Senators NUNN and WEICKER offered, and the Senate adopted, an amendment which earmarked $400 million in guaranteed authority for the section 503 development company program. A $250 million level was agreed to in conference on that bill. This amendment is similar to that appropriations measure, except that it increases the level to $300 million to meet the demands for the total development company programs, not only to "503" portion.

Finally, section 3 of the amendment increases the program level for the SBA pollution control bond program. This program, which has been in existence since 1976, permits SBA to guarantee loans and leases by qualified small businesses for the acquisition of pollution control facilities. The fees SBA collects on the guarantee have made money for SBA, and are kept in a separate revolving fund for potential losses. In this program as well, demand for commitments for guarantees have exceeded either congressional or administration expectations. Without an increase in the program ceiling for the pollution control bond program, the program will be shut down for the balance of the year.

None of these amendments will increase the total budget authority needed for the Small Business Administration, and will only slightly increase the contingent liability of the Federal Government in the event of a default. There has not been a default in the pollution program, and few, if any, are expected in the 503 program.

These programs have the strong bipartisan support of the Senate Small Business Committee, the administration, and the small business community. These amendments will keep the programs operating so as to meet the needs of the small business community. I urge the adoption of the amendment and the passage of the bill.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1812) was agreed to.

● Mr. WEICKER. Mr. President, I rise in support of passage of H.R. 6626 as amended. The first section of this bill is identical to the Senate Small Business Committee's reported legislation and simply raises the maximum amount of an SBA bank guarantee loan for $500,000 to $750,000. In 1976, Congress statutorily imposed a ceiling of $500,000 on the amount of a loan SBA could guarantee for a small business. Since that time, the basic cost for small businesses continuing to do business has skyrocketed while important sources of capital have dried up, the cost of borrowing has soared, and inflation has increased more than 30 percent.

Small businesses traditionally have a difficult time obtaining necessary capital in sufficient amounts to keep their operations moving, and the small business sector is disproportionately impacted by the effects of inflation. If we are to continue to endorse the essential role of small business in making our economy strong, Congress must act to give small business the necessary tools to survive and grow.

The second part of the bill as amended increases the level of the Small Business Administration's development company program from $115 to $300 million. Through SBA's local development programs, the private sector is utilized to its fullest to bring meaningful employment, capital, and industry to our inner cities.

The Senate recently recognized the funding need of the section 503 local development program, when during consideration of the State, Justice, Commerce appropriations bill, it voted to establish $400 million in guaranteed authority for this program alone. A $250 million level was agreed to in conference.

The bill offered today addresses the same problem and simply increases the funding level for all the SBA development company programs to $300 million. This funding level is essential to insure that the private sector, not the Government, remain the key to offering an effective, lasting solution to our Nation's urban economic woes.

The final section of the bill as amended increases the funding level of the SBA pollution control program from $110 million to $250 million. Through this program, SBA is allowed to issue guarantees for qualified businesses for acquisition of pollution control facilities.

This program has been highly successful, and through fees collected on the guarantees, SBA has built up a substantial revolving fund to cover potential losses.

Because of the demand for this program which has exceeded all expectations, the program ceiling will soon be reached; and if the ceiling is not raised, this highly successful and needed program will in effect have to be shutdown until the next fiscal year.

I urge my colleagues to take swift and positive action in passing this essential legislation.●

● Mr. HAYAKAWA. Mr. President, I wish to express my support of the proposed amendment to H.R. 6626, the bill raising the current statutory ceiling on loans guaranteed by the Small Business Administration. The specific amendment I refer to would increase the ceiling for the agency's pollution control bond guarantee program to $250 million from its current level of $110 million.

I have been informed that this particular guarantee program, which has been in existence since 1976, has been a very successful one, both in terms of covering program operating expenses of the Government, and in meeting a need of the small businesses that are required by the Federal and State governments to install certain pollution controls.

The need for the bond guarantee program has created a much larger demand than Congress and the administration expected. If the ceiling is not raised, the program will fall far short of satisfying the expectations that have been generated, and could possibly experience peiodic shutdowns throughout the remainder of fiscal year 1981.

Mr. President, California was the first State in which this program began operating, and it has been a successful venture. For instance, in calendar year 1977, the State had one bond issue, totaling $4.62 million, which provided financing to seven small businesses. In the following year, this grew to three bond issues totaling $14.06 million, providing financing for 16 small firms. This calendar year, it will have had three issues amounting to $18.32 million, enabling 16 small businesses to acquire pollution control facilities.

At the present time, California also has 14 qualified small businesses which have anticipated financing needs totaling $20.8 million. However, based on the quarterly distribution of guarantee authority now contemplated, these businesses could easily use all of the second quarter fiscal year 1981 guarantee authority that will be made available for the entire country in January.

The controller of the State of California, who also serves on the California Pollution Control Financing Authority, has written in support of raising the current ceiling so that this particular need of small businesses can continue to be met. I concur with him in supporting this measure.

Thank you, Mr. President.●

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 6626) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read—

An act to increase the maximum loan limit for Small Business Administration business loans.

REINSTATEMENT AND VALIDATION OF CERTAIN OIL AND GAS LEASES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1154, H.R. 6258.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6258) providing for reinstatement and validation of United States oil and gas leases numbered C-9496, C-9711, C-11600, C-11621, C-11622, C-11630, C-11631, C–11597, C–11599, C–13774, C–41497, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CUSTOMS COURTS ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. DeConcini I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3235) to clarify certain effective date provisions of the Customs Courts Act of 1980.

S. 3235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 701(a) of the Customs Courts, Act of 1980 (94 Stat. 1747; 28 U.S.C. 251 note) is amended—

(1) by striking out "provided in subsection (b) of" and inserting in lieu thereof "otherwise provided in"; and

(2) by adding immediately before the period at the end thereof the following: "and shall apply with respect to civil actions pending on or commenced on or after such date".

(b) Section 701 of the Customs Court Act of 1980 (94 State. 1747; 28 U.S.C. 251 note) is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b)(1) The following sections of title 28, United States Code, shall apply with respect to civil actions commenced on or after the effective date of this Act:

"(A) Sections 158(d), 1581(g), 1581(h), 1581(i), and 1583, as amended by section 201 of this Act.

"(B) Sections 2631(d), 2631(g), 2631(h), 2631(i), 2631(j), 2632(a), 2635, 2636, 2637(c), 2639(b), 2640(a)(5), 2640(c), 2640(d), 2643(a), 2643(c)(2), 2643(c)(4), and 2644, as amended by section 301 of this Act.

"(C) Section 1876, as added by section 302(a) of this Act.

"(D) Sections 2601 and 2602, as amended by section 403 of this Act.

"(E) Section 1919, as amended by section 510 of this Act.

"(F) Section 1963A, as added by section 511(a) of this Act.

"(2) Sections 337(c) and 641(b) of the Tariff Act of 1930, as amended by sections 604 and 611 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.

"(3) Section 284 of the Trade Act of 1974, as added by section 613 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.".

Sec. 2. Section 516A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(3)) is amended by striking out "subsections (b), (c), and (e) of".

Sec. 3. The amendments made by this Act shall be effective as of November 1, 1980.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the first and second reading of the bill be dispensed with and that the Senate proceed to its immediate consideration.

Mr. STEVENS. Mr. President, it is my understanding this is to clarify the effective date of the Customs Courts Act of 1980.

Mr. ROBERT C. BYRD. That is correct.

● Mr. DECONCINI. Mr. President, this bill provides for a technical amendment to Public Law 96–417, the Customs Courts Act of 1980. This legislation unanimously passed the House under suspension of the rules on September 22, 1980. Two days later on September 24, 1980, the Senate considered the Senate bill S. 1654 with the the House language and passed it by unanimous consent. On October 10, 1980, the President signed S. 1654 into law.

Since that time, it has come to my attention that there is an ambiguity in the drafting of the effective date provision of the Customs Courts Act of 1980. This ambiguity already has caused some confusion in the minds of several interested parties with regard to the effect on pending cases of certain provisions in the act.

This bill directly addresses the problem and carriers the intent as to the effective date of Public Law 96–417.

It was my intent to have the Customs Courts Act of 1980 take effect on a date certain. Prior to the House's consideration of the legislation there was an understanding to delete from the effective date provision the phrase "date of enactment" and substitute in its place more precise language "November 1, 1980." In this way, all interested parties, potential litigants, the Government, and the court would be certain of the effective date of all the provisions of the Customs Courts Act of 1980, thereby removing any possible hardship that could be occasioned by the uncertainty of the "date of enactment" language. However, in endeavoring to provide for a precise effective date, a paragraph referring to certain provisions of the Customs Courts Act of 1980 was deleted. This legislation corrects the ambiguity occasioned by the deletion of that paragraph. In so doing, this legislation clearly carries out the desired intent with respect to the effective date of the Customs Courts Act of 1980.

Accordingly, I urge my colleagues to support the passage of this program.●

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

R. SHAEFER HEARD PARK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of Mr. Randolph, that the Committee on Environment and Public Works be discharged from further consideration of H.R. 6243 and that the Senate proceed to its immediate consideration.

Mr. STEVENS. Does this concern the Heard Park in Georgia?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I thank the Senator. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6243) to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designated as the "R. Shaefer Heard Park".

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6243) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. W. TAYLOR MEMORIAL PARK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 4131 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4131) to change the name of the China Bluff Access Area being constructed by the Army Corps of Engineers as part of the Tennessee-Tombigbee Waterway near Warsaw in Sumter County, Alabama, to the "S. W. Taylor Memorial Park".

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1813

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Randolph, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) on behalf of Mr. Randolph, proposes an unprinted amendment numbered 1813:

On page 2, after line 4, insert the following:

Sec. 2. That the authorization of the La Farge Lake, Kickapoo River, Wisconsin, flood control project (cited as the Kickapoo River, Wisconsin, project) in Section 203 of the Flood Control Act of 1962 (76 Stat. 1173, 1190) is hereby modified to terminate the authorization for a feature of the project which relates to the construction of a levee and certain appurtenant works at Gays Mills, Wisconsin, substantially in accordance with the plan of the District Engineer set forth in House Document No. 557, 87th Congress, 2d Session, dated September 17, 1962.

The question is on agreeing to the amendment.

The amendment (UP No. 1813) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4131), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHARLES JEFFREY GREENE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1177. I make this request on behalf of Mr. BAYH.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2849) for the relief of Charles Jeffrey Greene.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Mr. Charles Jeffrey Greene may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Mr. BAYH. Mr. President, I would like to express my gratitude to the leadership in allowing the Senate to proceed to the consideration of this very important matter.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So th bill (S. 2849), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries:

PROPOSED NEW DEFERRALS OF BUDGET AUTHORITY—PM 269

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Environment and Public Works:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totalling $2,770.8 million and three revisions to previously transmitted deferrals increasing the amount deferred by $846.2 million.

The new deferrals involve programs related to International Security Assistance, Department of Defense military construction programs, and the Tennessee Valley Authority.

The revisions to existing deferrals involve programs in the Departments of Defense, Transportation, and the Treasury.

The details of the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *December 2, 1980.*

PRESIDENTIAL APPROVAL

A message from the President of the United States reported that on December 1, 1980, he had approved and signed the following act:

S. 2357. An act to eliminate the amount in controversy requirement for Federal question jurisdiction.

MESSAGE FROM THE HOUSE

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following, without amendment:

S. 1835. An act to extend the Joint Funding Simplification Act of 1974.

The message also announced that the House has agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 568. An act to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes; and

S. 2728. An act to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bill:

H.R. 6942. An act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 34, 44, 61, 66, 68, 70, and 71 to the bill, and has agreed thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 6, 19, 23, 25, 29, 37, 45, 59, 67, 69, 73, 74, 76, and 77, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8601) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 3 and 21, and has agreed thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 8, 10, 36, and 37, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ADDABBO, Mr. GIAIMO, Mr. CHAPPELL, Mr. BURLISON, Mr. MURTHA, Mr. DICKS, Mr. CHARLES WILSON of Texas, Mr. WHITTEN, Mr. EDWARDS of Alabama, Mr. ROBINSON, Mr. KEMP, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 1615) for the relief of James R. Thornwell, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. DANIELSON, Mr. MAZZOLI, Mr. HUGHES, Mr. HARRIS, Mr. BARNES, Mr. GLICKMAN, Mr. MOORHEAD, Mr. SAWYER, and Mr. KINDNESS as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 7466) to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status.

The message further announced that the House has agreed to the amendments of the Senate to the following bills:

H.R. 6975. An act to eliminate the duties on wood veneers; and

H.R. 7385. An act to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the following bill:

S. 3074. An act to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7260. An act to authorize the Secretary of the Interior to issue patents for numbered school sections previously granted to certain States, and for other purposes;

H.R. 7745. An act to amend the Black Lung Benefits Act to provide that certain amounts available for disbursements under section 424 of such Act shall be available for the payment of benefits and reimbursements in the case of miners whose last coal mine employment occurred before July 1, 1973;

H.R. 8386. An act for the relief of Roy P. Benvidez.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 6889. An act entitled "Methane Transportation Research, Development, and Demonstration Act of 1980"; and

H.R. 7724. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. MAGNUSON).

HOUSE BILLS REFERRED

The following bills were read twice by their titles, and referred as indicated:

H.R. 7260. An act to authorize the Secretary of the Interior to issue patents for numbered school sections previously granted to certain States, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 7745. An act to amend the Black Lung Benefits Act to provide that certain amounts available for disbursements under section 424 of such Act shall be available for the payment of benefits and reimbursements in the case of miners whose last coal mine employment occurred before July 1, 1973; to the Committee on Labor and Human Resources.

H.R. 8386. An act for the relief of Roy P. Benvidez; to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary reported that on today, December 2, 1980, he had presented to the President of the United States the following enrolled bill:

S. 1918. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to the appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

H.R. 5737. An act to amend the International Claims Settlement Act of 1949 to allow recovery by United States nationals for losses incurred in Vietnam;

H.R. 8173. An act to provide for distribution in the United States of certain International Communication Agency films relating to President Lyndon Baines Johnson.

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in Italy.

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 543. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 8388; referred to the Committee on the Budget.

By Mr. MOYNIHAN, from the Committee on Environment and Public Works, without amendment:

S. 3234. An original bill to establish a plan for satisfying the John F. Kennedy Center's indebtedness (Rept. No. 96–1048).

By Mr. RANDOLPH, from the Committee on Environment and Public Works, without amendment:

S. Res. 544. An original resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 3234; referred to the Committee on the Budget.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 3225. An act for the relief of Roy P. Benavidez.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

Doris A. Evans, of Ohio, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences.

Mr. WARNER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Army of the United States and Regular Army, there are 68 temporary/permanent appointments to the grades of major general and brigadier general (list beginning with Brig. Gen. Hugh G. Robinson), Lt. Gen. Vernon Anthony Walters, (age 63), Army of the United States (Maj. Gen., U.S. Army Retired Reserve) to be placed on the retired list as lieutenant general; Brig. Gen. James Herbert Jones, Army National Guard of the United States, to be major general; Rear Adm. Richard A. Miller, U.S. Navy, to be Director of Budget and Reports, in the Department of the Navy for a term of 3 years; in the Reserve of the Navy, there are 12 temporary promotions to the grade of rear admiral (list beginning with Lemuel Owings Warfield); in the U.S. Air Force, there are 32 temporary appointments to the grade of major general and in the Regular Air Force, there are 60 appointments to the grades of major general and brigadier general (list beginning with Brig. Gen. Spence M. Armstrong), Brig. Gen. James Taylor, Jr., (Brig. Gen. Regular Air Force), U.S. Air Force, for promotion to the Regular grade of major general and for appointment as Deputy Judge Advocate General, U.S. Air Force; and in the Reserve of the Air Force, there are 18 appointments to the grades of major general and brigadier general (list beginning with Brig. Gen. Jack R. Brasher). I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. In addition, in the Regular Army and Army of the United States, there are 2,753 promotions to the grade of colonel and below (list beginning with Allen D. Adams, Jr.); in the Army of the United States and Reserve of the Army, there are 1,057 appointments/promotions to the grade of colonel and below (list beginning with Walter G. Ashley); in the U.S. Navy, there are 511 temporary/permanent promotions/appointments to the grade of captain and below (list beginning with Richard C. Allen), 72 temporary/permanent appointments/promotions to the grade of lieutenant and below (list beginning with George M. Adams), 29 temporary/permanent promotions/appointments to the grade of lieutenant commander and below (list beginning with Christopher H. Ward), 1,469 Naval ROTC candidates to be appointed permanent ensign (list beginning with Craig S. Abernathy), 153 permanent promotions to the grades of lieutenant commander and lieutenant (list beginning with Robert B. Campbell), 249 permanent promotions to the grade of chief warrant officer, W–3 (list beginning with Leroy E. Addison, II); in the U.S. Navy and Reserve of the Navy, there are 15 temporary/permanent appointments/reappointments to the grade of captain and below (list beginning with James D. Cotelingam), 225 temporary promotions to the grade of captain (list beginning with Edward S. Amis, Jr.), 824 temporary/permanent promotions to the grade of commander (list beginning with Charles S. Abbot); in the Reserve of the Navy, there are five temporary/permanent appointments to the grade of commander (list beginning with John W.

Poundstone); in the U.S. Marine Corps, there are 635 temporary/permanent appointments to the grade of lieutenant colonel and below (list beginning with Henry A. Dierker), 147 permanent appointments to the grade of second lieutenant (list beginning with Evangelis J. Babauta); in the Marine Corps Reserve, there are 205 temporary/permanent appointments to the grade of lieutenant colonel (list beginning with Robert L. Adams); in the Regular Air Force, there are 2,868 promotions to the grade of major (list beginning with Michael A. Abair), 697 appointments to the grades of 1st lieutenant and 2d lieutenant (list beginning with Robert A. Aboe); in the Regular Air Force and Reserve of the Air Force, there are 79 temporary/permanent appointments/reappointments/promotions to the grade of colonel and below, one appointment as permanent professor, U.S. Air Force Academy (Philip D. Caine), Maj. Gen. Alden G. Glauch for reappointment to the active list of the Regular Air Force with active duty grade of temporary major general, and Gen. Russell E. Dougherty, (age 60), (major general, U.S. Air Force), for reappointment to the active list of the Regular Air Force with active duty grade of general and for appointment on the retired list in the grade of general (list beginning with Robert M. Hassan); and, in the Reserve of the Air Force, there are 49 promotions to the grade of colonel (list beginning with Nishan Aghajanian). I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

(The promotions ordered to lie on the Secretary's desk were printed in the Record of September 18, September 29, September 30, November 12, November 14, and November 21, 1980, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN, from the Committee on Environment and Public Works:

S. 3234. An original bill to establish a plan for satisfying the John F. Kennedy Center's indebtedness; placed on the calendar.

By Mr. ROBERT C. BYRD (for Mr. DeConcini):

S. 3235. A bill to clarify certain effective date provisions of the Customs Courts Act of 1980; considered and passed.

By Mr. BELLMON:

S. 3236. A bill to provide that royalties received by the United States from the production of oil, gas, coal, and minerals on Federal lands shall be used to reduce the public debt; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Jackson, Mr. Robert C. Byrd, Mr. Young, Mr. Stennis, Mr. Stevens, Mr. Thurmond, Mr. Church, Mr. Talmadge, Mr. Javits, Mr. Proxmire, Mr. Randolph, Mr. Williams, Mr. Burdick, Mr. Pell, Mr. Bayh, Mr. Inouye, Mr. McGovern, Mr. Ribicoff, Mr. Nelson, Mr. Hollings, Mr. Percy, Mr. Hatfield, Mr. Eagleton, Mr. Randolph, Mr. Cranston, Mr. Dole, Mr. Gravel, Mr. Mathias, Mr. Packwood, Mr. Schweiker, Mr. Stevenson, Mr. Roth, Mr. Bentsen, Mr. Chiles, Mr. Nunn, Mr. Johnston, Mr. Biden, Mr. Domenici, Mr. Huddleston Mr. Glenn, Mr. Ford, Mr. Stone, Mr. Bumpers, Mr. Culver, Mr. Hart, Mr. Leahy, Mr. Durkin, Mr. Chafee, Mr. Riegle, Mr. DeConcini, Mr. Heinz, Mr. Matsunaga, Mr. Melcher, Mr. Sarbanes, Mr. Sasser, Mr. Schmitt, Mr. Wallop, Mr. Stewart, Mr. Baucus, Mrs. Kassebaum, Mr. Boschwitz, Mr. Boren, Mr. Bradley, Mr. Exon, Mr. Heflin, Mr. Jepsen, Mr. Levin, Mr. Pryor, Mr. Tsongas, Mr. Mitchell, and Mr. Bellmon):

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health"; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON:

S. 3236. A bill to provide that royalties received by the United States from the production of oil, gas, coal, and minerals on Federal lands shall be used to reduce the public debt; to the Committee on Finance.

MINERAL ROYALTIES FOR RETIRING PUBLIC DEBT

● Mr. BELLMON. Mr. President, 20 years ago—in 1960—the interest paid on the Federal debt was 9 percent of total Federal outlays. Today, interest on the Federal debt has risen to 12 percent of the budget, and—with interest rates escalating—promises to be still a greater proportion. This is one uncontrollable that simply has to be constrained if the overall Federal budget is to be harnessed.

Nevertheless, this Government has been unable to retire a single dollar of Federal debt since 1957 and, in the interim, has increased the debt by over $760 billion. Even a $3.2 billion surplus in 1969 did not reduce the debt due to the nature of trust fund financing and off-budget expenditures.

The only way we will insure ourselves that debt is reduced, Mr. President, is to not leave it as an after thought—a residual—but to earmark certain funds to reduce the Federal debt and then bring about balance in the remainder of the Federal budget.

The legislation I am introducing today will require that all royalties received by the United States under leases of Federal land, including the Outer Continental Shelf, for the production of oil, gas, coal and other minerals be deposited in a special fund which will be used only to reduce the national debt.

The limitations on the fair amount of obligations issued under the Second Liberty Bond Act would be reduced by the amount of royalty income deposited each day in the special account.

By the end of fiscal year 1981 the Federal Government will have a total debt of $978.6 billion. In fiscal year 1981, the Federal Government will have an interest expense of about $83.5 billion. The estimated deficit is $27.4 billion for fiscal year 1981 which is, as I have stated elsewhere, an optimistic view of our predicament. Even so, except for the interest payment on our national debt, the Federal Government would have a balanced budget with a significant surplus.

In fiscal year 1979, the Federal Government received $2.069 billion in royalty income from oil, gas, and mining. The potential future royalty income, based on estimated proven mineral reserves, is much more significant.

The U.S. Geological Service estimates that there are 1.776 billion barrels of recoverable oil reserves from federally owned land, excluding Indian land, in the continental United States. The U.S. Geological Service also estimates that there are 4.453 billion barrels of recoverable oil from the federally owned Outer Continental Shelf. This makes a total of 6.229 barrels of recoverable oil. Using a standard royalty share of one-eighth the Federal Government's share would be 654 million barrels of oil. Selling oil at $40 per barrel, the Federal royalty would be $26.16 billion.

U.S. Geological Service estimates that there are 11.845 trillion cubic feet of recoverable natural gas from Federal land on the continental United States and 38.780 trillion cubic feet from the Outer Continental Shelf for a total of 50.625 trillion cubic feet. Again, using a one-eighth royalty share, the royalty to the Federal Government would be 6.326 trillion cubic feet. At $2 a thousand cubic feet, the Federal royalty would be $12.65 billion. Thus, the total royalty from the proven oil and gas reserves would total $38.81 billion.

Under current arrangements a portion of this revenue goes to the States, usually one-half but 90 percent for Alaska and a small percentage is earmarked for other purposes. There is also a significant royalty income from coal and other minerals.

The largest potential for royalty income lies in the Federal Government's vast deposits of oil shale in the Green River Formation in Colorado, Wyoming, and Utah. The U.S. Geological Service estimates that there are 330 billion barrels of recoverable oil on Federal land in the Green River Formation. The U.S. Geological Service defines the oil shale as identified resources of high grade oil shale from the Green River Formation in Colorado, Wyoming, and Utah in intervals exceeding 100 feet and yielding an average of 30 or more gallons per ton. An estimated 80 percent of the total of 418 billion barrels of high grade oil shale in the Green River Formation are under federally administered lands.

Again, using a royalty of one-eighth, the Federal royalty share would be 41.25 billion barrels of oil. At $40 per barrel, the Federal royalty would be $1.650 trillion. Obviously royalties from Federal mineral interests are more than adequate to pay the existing Federal debt if used for that purpose.

Mr. President, we all know that the spending side of the Federal ledger is a revenue "junkie"—spending will expand to use up whatever revenues are available. In fact, Mr. President, we all know that they have expanded far beyond available income and are, in fact, borrowing from the incomes of future taxpayers.

It is imperative that the Federal budget be balanced as quickly as possible, and that we not allow spending programs to become dependent upon incomes produced by a nonrenewable natural resource. To facilitate this separation I urge adoption of the legislation I am offering today.●

ADDITIONAL COSPONSORS

S. 2909

At the request of Mr. Long, the Senator from Colorado (Mr. Armstrong) was added as a cosponsor of S. 2909, a bill to amend title XI of the Social Security Act with respect to nonprofit health care philanthropy.

S. 3230

At the request of Mr. Domenici, the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Biden), the Senator from Ohio (Mr. Glenn), the Senator from Nebraska (Mr. Zorinsky), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 3230, a bill to provide for reconstruction assistance for the victims of the recent earthquakes in Italy, and for other purposes.

SENATE CONCURRENT RESOLUTION 135

At the request of Mr. Jepsen, the Senator from Wyoming (Mr. Simpson), and the Senator from Georgia (Mr. Nunn) were added as cosponsors of Senate Concurrent Resolution 135, a concurrent resolution expressing the sense of the Congress with respect to the number of digits which should be used as zip codes or other codes used for mail delivery.

SENATE RESOLUTION 545

At the request of Mr. Matsunaga, his name was added as a cosponsor of Senate Resolution 545, a resolution relative to the death of the Honorable John W. McCormack, late Speaker of the House of Representatives.

SENATE RESOLUTION 543—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 543

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 8388, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

Such waiver is necessary to allow the authorization of $50,000,000 in additional budget authority for fiscal year 1981 to provide international disaster assistance to the victims of the recent earthquakes in southern Italy.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1980 deadline because the earthquake occurred in November of 1980.

The effect of defeating consideration of this supplemental authorization will be to limit the ability of the President to provide disaster assistance to the survivors of the earthquake which devastated southern Italy.

SENATE RESOLUTION 544—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. RANDOLPH, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 544

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of the bill increasing the debt limit for the John F. Kennedy Center and waiving certain interest payments. The bill, as reported, authorizes an increase in the debt ceiling of the Kennedy Center to $21.9 million. The bill also waives certain interest payments for the earlier loan made to the Kennedy Center to complete the structure. This legislation could not be reported prior to the May 15 deadline because information relating to the bonds could not be developed prior to that time.

AMENDMENTS SUBMITTED FOR PRINTING

MISCELLANEOUS CHANGES IN THE TAX LAWS

AMENDMENT NO. 2634

(Ordered to be printed and to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill (H.R. 7171) to make certain miscellaneous changes in the tax laws.

TREASURY, POSTAL SERVICE APPROPRIATIONS, 1981

AMENDMENT NO. 2635

(Ordered to be printed and to lie on the table.)

Mr. MELCHER (for himself, Mr. Boschwitz, Mr. McGovern, Mr. Jepsen, Mr. Baucus, Mr. Durenberger, Mr. Pressler, Mr. Lugar, and Mr. Pryor) submitted an amendment intended to be proposed by them to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

CONTINUING APPROPRIATIONS, 1981

AMENDMENT NO. 2636

(Ordered to be printed and to be referred to the Committee on Appropriations.)

Mr. MELCHER (for himself, Mr. Boschwitz, Mr. McGovern, Mr. Baucus, Mr. Jepsen, Mr. Durenberger, Mr. Pressler, Mr. Lugar, and Mr. Pryor) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 637) making further continuing appropriations for the fiscal year 1981.

ADDITIONAL STATEMENTS

FUTURES FOR CHILDREN

● Mr. GOLDWATER. Mr. President, I wish to submit for the Record an article which appeared in the Four Winds magazine on an organization called Futures for Children. At a time when new pressures are being exerted on Indian children to assimilate into Western society, it is refreshing to know of an organization which helps Indian children to handle such pressures, yet seeks to preserve the traditions, religion, and values of the Indian people.

Futures for Children, (based in Albuquerque, N. Mex., helps the Indian children stay in school. In working with the parents and providing the children with the necessary material needs, the nonprofit organization, through its sponsors, works with the children in building a bridge of understanding with life outside the reservation. Only through education can the children survive and function in our modern days society and Futures for Children works toward attaining that goal.

Mr. President, I submit this article for the Record so that my colleagues may become familiar with this fine organization.

The article follows:

Futures for Children

For over four centuries the Indian people have had problems with a variety of special interest groups and missionaries from every conceivable religious order—all seeking to transform Native American culture and to convert the most susceptible, the young. It is a change to find an organization that provides help where it is needed, and yet leaves the traditions, religion and values of the Indian people alone. In fact, the Indian customs and heritage are treated with deep respect by Futures for Children, an educational group based on Albuquerque.

The purpose of Futures for Children is simple and straightforward. Their single goal is to help Indian children stay in school, with the support of largely non-Indian sponsors throughout the United States. Futures is not an adoption agency, or a Federal or State supported program. It is not affiliated with any church or religious group. It is simply a nonprofit organization committed to the basic welfare and education of American Indian children. An important consideration is that Futures does not try to impose outside values on local schools, or to disrupt the programs that local school boards have selected. Instead, Futures works with Indian parents to help them recognize their own goals and change the education system themselves—to suit themselves.

The need for immediate help is clear. The drop-out rate in some tribes, even in elementary schools, is high as 60 percent. This is compounded by the extreme economic conditions reported by a U.S. Senate committee: an average Indian income of $1,500—75 percent below the national average, and an unemployment rate of 45 percent. It is too simple to say that education is the only answer to these problems, but it is true that without education there is no answer.

Futures exists to met two crucial needs of young Indian people. One is fundamental materials such as appropriate clothes and school supplies, items necessary for good health and success in school. These things also put Futures children on a par with their more fortunate classmates. The sense of worth, self-respect and pride these material items convey is clear to anyone who thinks back to his or her first years in school.

But Futures for Children has another interesting role. Through this program, an individual child is linked with an individual sponsor, and one-to-one contact, correspondence and even visits, is encouraged. The sponsor provides financial support, and equally important, motivation, friendship and a view of the world beyond his own. The view is not presented by the sponsor to entice the youngster to leave his or her own world. but rather to promote understanding. And the education works two ways. The Indian child gives the sponsor important insights into their life on the reservation. Indian parents get involved, and an extended family relationship often evolves, bridging two cultures.

The program is primarily educational. A youngster must be and must stay in school in order to be sponsored. The sponsorship can last for the duration of the educational process. There are more than 400 of the 2200+ sponsored children in high school, and a dozen are attending college or vocational schools. Futures currently works with 9 tribes in Arizona and New Mexico. The dropout rate for sponsored children is less than 10 percent, six times lower than average.

The first college graduate sponsored by Futures returned to his tribe to teach school. His meeting after his graduation with his sponsor was moving. She, a New Yorker, had sponsored him since his junior high days. When they met for the first time, he said to her, "I've saved your letters. Somehow they always managed to come when I was cramming for another test, and I could hear you sounding just like my mother. And I want to tell you that there were occasions when some of your sponsorship money went for beer, after I bought clothes. But I can tell you, if I bought beer, I needed it." He then asked her to pass on his sponsorship to another young fellow that he knew, and the sponorship continued.

Rather than divert money from the pressing educational needs for elaborate offices, Futures operates from two converted apartments. The conference table is a coffee table in the director's office, and the xerox machine is in the kitchen. Futures has the distinction of being the only non-profit organization with a Native American serving as Chairman of the Board: Abbott Sekaquaptewa, who is also the chairman of the Hopi Tribe. The Director, Ruth Frazier, studied at the University of Colorado, Columbia, and Georgetown, and worked for several years in a variety of anthropological film projects for the Smithsonian Institution. Her enthusiasm and unlimited desire to be a working friend for the Indian people has been instrumental in establishing credibility among the various tribes—no small feat when one considers the centuries of exploitation and broken treaties experienced by these tribes.

Working with over 106 schools and communities among the Navajo, Hopi and Zuni what we as non-Indians would accept for our children. As people concerned with education, it is hard to contain frustration with tribes as well as the Rio Grande Pueblos, Ms. Frazier has first-hand knowledge of the educational opportunities available to Indian students. "There is no doubt that education is sub-standard in some places, far below poor teachers, red-tape administrators, irrelevant curriculum, and the endless games that surround the school funding process. Yet the changes in these areas must come from within the tribes, not from outside. Futures does not charge in and attack the school systems. We are trying to keep the students in school. Despite our name, we are very 'now' oriented. We feel that a 15-year-old Navajo dropout cannot wait for the political and philosophical arguments about the quality of education to be resolved. A tribal nation of such dropouts won't have much of a chance to bring about lasting changes. What is the alternative to Indian youth finishing at least high school? Can changes be brought about by a tribe without a strong group of high school graduates, college graduates, and professional people working within traditional Indian frameworks? This is especially crucial to make sure that the changes last, and don't come and go like federally funded programs.

"We require parental permission for a youngster to be in our program. This sounds reasonable enough, but we are the only sponsoring organization to do so. For over 12 years we have been encouraging parents to get involved with their children's education. We have met with countless parents, and every time their questions are the same: 'How is my son's teacher? Do you think he is learning? What is the principal like?' Although these questions seem fundamental, it has been amazing to see how few parents seem comfortable with their right to question the system."

The exposure to these educational opportunities does not hinder the traditional values and unique perspective of these people. As one volunteer related: "I watched with amazement when a little Navajo boy looked at the change remaining in his hand after he bought his full outfit of clothes. I expected him to run to the candy counter, or buy a comic book. Instead he very carefully selected a beautiful baby rattle for his new brother back home. The pride in his eyes as he paid for the gift was a joy to see We teach our children to save—Indian children are taught to share. Both cultures need to exchange a healthy supply of each idea."

Small things taken for granted in white culture are stumbling blocks for these young people. And these children want to go to school, their parents want them educated; the major goal of Futures for Children is to make this possible. Of special interest is their "Guidelines for Sponsors" which Futures will send on request. These help channel the enthusiasm of the sponsors into actions that will be appropriate in the Indian world. The difference between the cultures is still vast, as noted by a sponsor in Hawaii: "One cannot superimpose the judgemental framework of other cultural standards on Indian children. As an example, writing letters is simply not within the Indian tradition, because so few Indian languages are written. Even a few letters a year from 'your' child is a major undertaking for him or her."

Many of the sponsors found, through their involvement with Futures, priceless insights into Indian life and deep personal friendships. And the education and learning is clearly a two-way street. One sponsor in Kentucky wrote: "We have sponsored a young man in Nablini for six years. We were able to visit him and his family. To go from the modern confusion of Interstate 40 to a bone-jarring descent by four wheel drive into a remote canyon in the space of a few hours is hard to imagine. There wasn't a road, not even a trail in some places, and our guide, a volunteer field representative for Futures, crossed a wash that would be impassable with any rainfall at all. I can't imagine how difficult it would be to bring in supplies or to go to boarding school. The white traders named this area Desolation Flats, but the Navajo, who have lived there for centuries, call it Beautiful Valley, and it is. Our appreciation for the natural beauty and the awe-inspiring solitude was heightened with the opportunity to see a special friend for the first time in six years. The pride and contentment of this family, and the happiness of our young friend, made the trip and the years of sponsorship worthwhile. This young man and his people have a lot to teach all of us.●

AIRLINE DEREGULATION

● Mr. CANNON. Mr. President, I submit for the Record an editorial on "Airline Deregulation" which appeared in the Delta Democratic Times, Greenville, Miss. It is a realistic and accurate appraisal.

The editorial follows:

AIRLINE DEREGULATION OPENING COMPETITION

Greenville currently is served by two commercial airlines, Republic and Rio, making it possible for air travelers from here to make connections to virtually any point on Earth.

Whether both companies will be servicing the Mid-Delta a year from now remains to be seen. Soaring fuel prices, higher salaries and reduced airline travel have cut deeply into airline profits not just here but across the country.

But airline deregulation, just starting, appears to be opening the door for more, not less, service and greater competition among carriers.

Under the Deregulation Act of 1978, the Federal Civil Aeronautics Board must reduce and, by 1985, end all controls over airline passenger services and fares.

Actually the CAB has moved considerably faster in this area than expected. What regulations remain amount to little more than routine paperwork.

The whole process has mesmerized analysts in and out of government. For one thing, bureacrats in the CAB are actually giving up their mighty powers virtually without a fight. That is surprising. But the real fascination is with the economic impact of deregulation. What will happen, the analysts ask, to the industry?

Well there is a good deal of promise. Carriers, even in these tough economic times, are competing. In most areas of the country passengers are enjoying new and better services. Deregulation has scarcely caused huge constriction of the travel system.

Without a doubt prices are going up. Fuel prices for the airlines, just as for everyone else, are on the rise and this forces ticket prices up. If fuel prices ever moderate, airline passengers can look for an ever better break at the ticket counter.

Deregulation has not brought a panacea, there is no Adam Smithian goodie bag out there in an open and competitive market. But we are moving in the right direction; we are moving away from government interference and "protection" in the marketplace.●

PROTECTIONISM XI

● Mr. HEINZ. Mr. President, today I submit a final excerpt of Ms. Susan Strange's article entitled "The Management of Surplus Capacity: Or How Does Theory Stand Up To Protectionism 1970's Style?" This excerpt examines international steel production, charting a growing interdependence between the United States, Japanese and European steel industry. The article postulates that such interdependence "adds to the potential sources of conflict among national governments and to their mutual sensitivity in the fields of inflation policy, balance of payments policy, and industrial employment policy."

In conclusion Ms. Strange suggests that there exists a general trend away from the market economy "toward the greater involvement of the State in business and a greater dependence of business upon Government." This is exemplified (particularly in the textiles and steel industry reviewed by the article) by the increased involvement of American and European governments in economic matters which supposedly belong to the private sector. The implications of these actions are as yet indefinite, but a thorough understanding of the present situation is essential for us to comprehend future problems which may arise in the area of international trade.

Mr. President, I urge Senators to read this article and ask that it be printed in the RECORD.

The article follows:

THE MANAGEMENT OF SURPLUS CAPACITY

Market-sharing agreements between national steel industries, with the tacit or explicit blessing of governments, have a longer history than those in almost any other manufacturing industry.[12] The interwar depression led the national associations of steel producers in Europe to set up cartel arrangements between themselves, the essence of which were voluntary export restraints and the maintenance, through a period of flagging demand, of a core of steel-producing capacity in each of the countries covered by the participating association. The British did not join this prewar cartel though they reached agreement with it, and much British resistance to the whole European idea in the early 1950s was rooted in the belief that what the continental countries were up to with the Schuman Plan for the European Coal and Steel Community was a revival, under more direct government auspices, of the prewar steel cartel.

The conflict over steel markets still arises primarily between developed countries, as it did in the 1930s, and not yet between developed and developing countries as in textiles. Steel producers are generally more closely involved with governments than are textile producers. This is because steel was once the prime defense industry. Every state perceived the strategic necessity of having large up-to-date steel mills to turn out guns. Steel was one of the commanding heights of any great power's national economy, and the balance of power was often reckoned in terms of million tons of steel produced annually. It is no longer so directly strategic but it still occupies a key position in the national economy because its product is a necessary input for so many other large industries. It is therefore a heavily weighted item in every industrialized country's wholesale price index and the concern of governments with prices and incomes and the limitation of inflation inevitably makes the price of steel a key political issue. Another concern, as with textiles, is with the level of employment. In both industries, production often tends to be geographically concentrated, with the result that the ability of producers and unions to exert political pressure is multiplied by concentrations of voting power. In steel, the problem is more acutely felt in recessions, steel markets being much more subject to cyclical variations in demand than the markets for textiles.

TABLE 3.—PERCENTAGE SHARES OF WORLD STEEL MARKET

Year	Community	Japan	North America	Rest of Western Europe	Eastern Europe
1964	48.5	21.6	10.7	7.4	10.1
1966	50.8	27.0	4.2	6.6	9.6
1968	47.2	27.7	4.5	6.8	10.6
1970	35.0	31.7	12.6	6.1	12.1
1972	38.2	34.7	3.9	5.6	11.6

Source: Official Journal of the European Communities, 19, C232 (October 1976).

TABLE 4.—JAPAN'S SHARE OF IRON AND STEEL IMPORTS BY AREA, 1963–76

Year	North America	Western Europe	OPEC	NOPEC	Communist bloc	Total
1963	27	2			4	9
1968	35	2			10	15
1970	38	5	27	33	12	17
1972	33	5	36	39	12	18
1974	34	5	35	44	21	23
1975	38	6	42	39	16	22
1976	42	7				24

Source: B. Nowzad, The Rise of Protectionism, from GATT material.

TABLE 5.—PERCENTAGE SHARES OF WORLD RAW STEEL PRODUCTION

	1950	1960	1970	1977[1]
Western Europe	27	32	27	23
United States	47	26	20	17
Eastern Europe[2]	19	25	26	31
Japan	3	6	16	15
LDC's	2	8	8	11

[1] Estimated.
[2] Not U.S.S.R.

Source: International Iron and Steel Institute.

The form in which the state in developed countries is involved with the steel producers varies much more than the degree of involvement. The postwar French steel industry, for example, initially remained in diffused private hands. Through the 1966 Steel Convention, an agreement between the government and the strong, old-established Chambre Syndicate de le Sidérurgie Française (CSSF) by which the latter agreed to cooperate in state planning in return for state aid covering up to one-third of the cost of modernization investment, the industry became more closely associated with the government. And recently it has undergone the common process of state-aided concentration in order to create out of thirty-odd companies, two national enterprises, Usinor-Lorraine-Escaut and Wendel-Sidelor. This corresponds more closely with the relationship between the Japanese MITI and the six major steel producers than it does with that in Germany, on one side or that in Britain on the other. The former was described by J. E. S. Hayward as an example of "private control through finance capitalism,"[23] the banks exercising a regulatory function with the producers' trade association, and a brokerage function between the producers, to rationalize production in times of oversupply. In Britain, the nationalization of the steel industry, once reversed by a Conservative government, has now gone beyond the point of no return. But unification under state control has hardly helped competitiveness. The concern of the government, whether Labour or Conservative, to preserve employment has repeatedly frustrated plans for rationalization and kept mills open long after they became uneconomic. Tables 3, 4, and 5 present the percentage shares of the world steel market, Japan's share of iron and steel imports by area, and percentage shares of world raw steel production.

Yet despite these substantial differences and quite strong earlier resistance to the authority of the ECSC and the Community, the Europeans have recently come to accept the need for a common external steel policy in order to deal more effectively than each could alone with the United States and with Japan. Attitudes have changed since 1966 when the French vetoed the use of Community funds—on the pattern of the FEOGA funds for agriculture—to provide European Community subsidies to cooperative steel producers. In consequence they have continued to depend on national subsidies. Yet under the pressure from Japanese exports, made more acute by U.S. protectionism, Viscount D'Avignon has been able in recent years to win support for joint Community negotiations.

TABLE 6.—STEEL IMPORTS TO THE UNITED STATES

[In millions of U.S. dollars]

	1969	1970	1971	1972	1973	1974	1975
Japan	730	905	1,012	1,042	968	2,104	1,861
United Kingdon	120	122	194	182	184	199	193
France	123	170	232	234	218	442	252
Federal Republic of Germany	215	229	335	326	396	687	401
Benelux	155	146	220	221	201	440	199
Canada	215	227	297	308	374	615	524
Developing	60	73	129	245	244	564	229
Total, world	1,820	2,120	2,735	2,945	2,968	5,704	4,197

Source: U.N. Yearbook of International Trade Statistics, vol. I (1975–76.)

Once again, as with textiles, the initiative for negotiations on market-sharing came from the United States. But this time it proved rather more difficult to arrange within the legal framework of existing international agreements. The first agreement on voluntary export restrictions in steel was negotiated by the United States with Japan in 1968, binding the United States to put no further restrictions on Japanese imports until the end of 1971—a provision which was broken completely by the Nixon-Connally import surcharge of 1971. Even more effective was the enforced revaluation of the yen in the Smithsonian Agreement. The ensuing negotiations were, not surprisingly, long and difficult, and were complicated by European efforts, conducted by M. Jacques Ferry acting on behalf of the producers' association, to negotiate in parallel to ensure that Japanese exports diverted from the U.S. market did not drown the European one. The third side of the triangle was closed by a U.S.-EEC-Britain agreement in May 1972. Steel imports to the U.S. from 1969–1975 can be seen in Table 6.

The international steel situation, however, was radically changed by the unilateral action of the United States in 1974/5, when the

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[12] Market-sharing among producers of chemicals has an even longer history.

[23] J. Hayward in *Big Business and the State: Changing relations in Western Europe*, R. Vernon, ed. (Cambridge, Mass.; Harvard University Press, 1974).

Trade Act of 1974 gave the President personal authority to impose import quotas whenever imports became a "substantial cause of serious injury" to U.S. industry and employment. The specialty steel producers (along with producers of shoes, mushrooms, cars, ferrocyanide and other goods) quickly responded with a claim for unilateral protection on the ground of heavy unemployment in the post-oil-crisis recession. But while the old practice of food and oil import quotas could be squared with GATT principles on the strength of the "grandfather clause" exempting pre-existing trade policy measures, action under the 1974 Trade Act had no such excuse and was, in fact, a direct contravention of GATT principles. Moreover it sanctioned the unilateral assignment of quotas to exporting countries whenever a significant share of the market was already subject to voluntary restraints. Conclusion of a U.S.-Japanese agreement in 1976 therefore opened the way for the United States to impose quotas without consulting the Europeans. For when it had first tried to negotiate, Sweden for one replied that it had not so far accepted "voluntary" restraints and still did not care to do so. To cut a long story short, the U.S. strategy of using its leverage on Japan to put the Europeans under pressure not only exacerbated the problems of managing the EEC steel industry, it also sowed very profound dissension between Europeans and Japanese.

TABLE 7.—U.S. STEEL SUPPLY

Year	Shipments	Less exports	Plus imports	Apparent supply	Percentage of imports in supply
1970	90.8	7.0	13.4	97.1	13.8
1971	87.0	2.8	18.3	102.5	17.9
1972	91.8	2.9	17.7	106.6	16.6
1973	111.4	4.1	15.1	122.5	12.4
1974	109.4	5.8	15.9	119.6	13.4
1975	79.9	2.9	12.0	89.0	13.5
1976	89.4	2.6	14.3	101.1	14.1
1977[1]	47.2	1.4	8.0	54.1	14.9

[1] January–June.

Source: Financial Times, Aug. 30, 1977.

Moreover in this case, unlike textiles, it was hard to argue a welfare case on behalf of the protected U.S. steel industry. Unemployment within the industry was not due to invading imports: it was primarily the reflection of the recession coming on top of low investment and falling profitability and productivity. The U.S. steel supply from 1970–1977 can be seen in Table 7. A 1977 report by Charles Bradford for the big Wall Street brokers Merrill, Lynch is clear on this point. Japanese steel takes half the man-hours to produce that American steel takes; and investment in only one medium-sized steel mill in the last fifteen years against Japanese investment in eight giant steel mills, has the result that U.S. steel producers operate at a loss, Japanese at a profit. And a powerful motive for U.S. steel producers seeking additional protection was less the level of unemployment than the capital costs they faced in conforming to environmental and pollution controls. The import quotas against Japan allowed them to raise U.S. steel prices by 6 percent shifting the anti-pollution costs of the industry onto its foreign competitors and its domestic consumers. It was hardly surprising that the large and powerful United Steelworkers labor union, observing this scene, decided that they too were entitled to a share and put in a wage claim that conflicted with government anti-inflation policy.

Thus, though in its essentials the bargaining process between the major-market country seeking to cut imports on the one side and the major-producer country seeking to maintain a secure outlet for production on the other, is still much the same—the latter tending to give way under threat of even more draconian restrictions being levied against it if it does not comply—the consequences in steel seem rather more far-reaching both internally and internationally than in textiles. Internally there is little doubt that U.S. demands—paradoxically for a country fond of proclaiming its belief in competition and its opposition to trusts and other combinations in restraint of trade—have actively fostered the growth of cartel arrangements among its adversaries. In both Japan and Europe, the producers, in order to manage their end of the constricted market, have been obliged to intensify arrangements to regulate output among themselves. In Japan, the 1976 agreement with the United States forced creation of a new twenty-one member cartel among the producers of specialty steels.[24] In Europe, there is not only the new and very strong EUROFER organization of producers, but the German steel producers have set up within EUROFER a new association, DENELUX, with steel producers in the neighboring countries.

Without the executive power of these producer associations over their members, the European Community would have found it far more difficult to follow the U.S. lead in setting reference prices for different types of steel products. The 1976 agreement on voluntary export restrictions, accompanied by price rises, was followed by the Simonet Plan giving guidelines to steel producers in the Community. The D'Avignon Plan of 1977 went further, setting mandatory minimum prices for reinforced steel bars and indicative prices (as in the CAP) for other steel products. And after the United States had judicially set reference prices for Japanese steel imports in the autumn of 1977—below which any imports were unilaterally judged to be selling below production costs, i.e., dumped—the Europeans followed suit with a system of import levies on imports of Japanese steel which could not enter the EC market if prices were more than 6 percent (or 4.5 percent for special steels) below the Community's indicative prices. On this basis, a new triangular agreement on market restrictions was signed on 30 November 1977, between the United States, Japan and the Community But once started on the path to management of a highly integrated world market, it is difficult to stop with just a triangular agreement between the main protagonists. In March 1978, the EC decided that it needed to close the backdoors into the Community markets and concluded a similar agreement with the European Free Trade Area (EFTA) countries which allowed them somewhat easier access (13 percent below the indicative prices) than the Japanese.

The Community has also built up successful and active "contact groups" with other countries, including the Soviet bloc countries. This is a new low-profile, sometimes almost invisible, kind of industrial diplomacy; the terms agreed to by Japan in 1976 in response to European appeals, for instance, were never published in any detail. But as with the EC textile policy, this diplomacy is essentially short-term and pragmatic—and consequently unpredictable and precarious. On top of the inherently unstable and cyclical character of the steel industry, therefore, there has developed a ramshackle political structure of ad hoc diplomatic relations between the United States and Japan, Japan and the European Community, the European Community and the United States, these triangular links being supplemented by bilateral relationships between each of the major actors and a series of minor ones. Growing interdependence meanwhile adds to the potential sources of conflict among national governments and to their mutual sensitivity in the fields of inflation policy, balance of payments policy, and industrial employment policy.

CONCLUSIONS

The first conclusion, which need only be mentioned briefly, is a methodological one. The differences between sectors—which may be many including the rates of technological change, in market behavior or structure, in the nature and objectives of buyers and sellers, as well as the political concerns and involvement of governments—do significantly affect national policy making and therefore the process and prospects of international diplomacy. However sketchy, the sectoral analysis in this paper has surely demonstrated what has already emerged in the debates over the politics of energy and the stabilization of commodities—that sectoral variables are at least as important as the diplomatic (who negotiates) and the institutional (where they negotiate) ones. Analysis of world politics, it seems, can sometimes be better conducted within a sectoral framework than within the state/state one.

One substantial hypothesis emerges from consideration of the obvious common denominator among the two sectors. In contrast to other parts of the global production structure within these sectors production is still primarily organized nationally by enterprises which may trade extensively but do not for the most part manufacture in more than one national territory. In other sectors, production is, increasingly, international and takes place in more than one country and following a centrally-directed global strategy. Sectoral studies suggest that international production tends to reduce the grounds for conflict between states while national production exacerbates international conflict. The grounds for conflict and the difficulties of international cooperation and coordination of state policies by organizations like the OECD are still further increased if the national sector are those in which modes of production are labor-intensive and where the pressures on governments to save jobs by resorting to protectionist trade practices are especially strong.

The hypothesis that international production in the economic structure reduces tension in the international political structure seems to be confirmed by the experience of a third industrial sector in which (in contrast to these two) most production is very strikingly organized transnationally, even though it is still fairly labor intensive. This is the automotive sector which has also experienced rapid Japanese invasion of other national markets—but in which most of the biggest products (General Motors, Ford, Fiat, Volkswagen) have developed international production strategies to the point where a car or truck may be made of components manufactured to a master design in three or four different countries. The result has been that there has been little international conflict or dipolmatic bargaining over market shares. The only moans of consequence have come from a declining national champion, British Leyland, which opted for national rather than international production when it sold off its Italian affiliate, Innocenti. In 1975 British Leyland supported by U.S. automobile subsidiaries in Britain succeeded in getting a voluntary export limitation agreement from the major Japanese corporation. At first, when they tried early in 1978 to negotiate an extension of the agreement, they were met with refusal. Eventually the Japanese agreed to restrict shipments but not sales and the matter remains a potentially hot political issue.

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[24] M. Hudson, *Global Fracture: the new international economic order* (New York: Harper & Row, 1977). The cartel also made it easier to get around U.S. limits on tonnage of steel imports by substituting high value special steels for more ordinary grades.

The fact that the sectors considered are all based on national modes of production brings the problem of being labor-intensive into sharp focus. As a result of these characteristics, conflict over market shares when demand shrinks or grows slowly tends to be international. Governments of industrialized countries have shown a marked readiness in each of the three sectors to put their individual economic interests—in employment, especially—ahead of collective international ones. There has been a consequent erosion in the respect paid to international agreements, charters and declarations, and even customary practices. This decline into national individualism follows a similar trend in monetary management, in arms control, in the provision of development aid, and in the management of fisheries and the seabed. Thus, in the 1960s it was possible for the Curzons to conclude that governments had recognized by their actions that in trade, as in traffic management, "It is in everybody's interest to follow a few simple rules." [28] But in the 1970s, judging by the evidence of these two sectors, it is plain that almost every one of the major industrialized countries has been ready to act unilaterally in defiance of the "few simple rules" and to argue about it afterwards. Britain in April and France in June 1977 acted unilaterally and contrary to European Community rules to impose quotas on textile imports.

Earlier in the year, the British government offered £65 million in special aid to British shipyards, and there has been a general trend among European countries in the past year to offer soft or guaranteed loans to domestic or foreign buyers who will replenish empty order books, making a sieve out of OECD agreements setting the limits for export credit for ships. And although the United States argued forcefully in July 1977 for an extension of the Multi-Fibre Textile Agreement, it was the first government, when these arguments were not at once accepted, to rush to renegotiate bilateral agreements modifying the MFA with Hong Kong, Taiwan, and other textile exporters in the Third World. In short, the evidence that every major industrial country—and some minor ones—is now following a strategy on these sectors of trade policy of "each for himself—and the devil take the hindmost" is accumulating.

At the same time there has been a concerted attempt to produce the appearance of agreement to cover over the reality. Much midnight oil has been burnt, reams of paper used in efforts to preserve the courtesies of international cooperation and debate while negotiators actually pursued their divergent national interests. In each of the international organizations concerned with trade matters—especially the GATT, the OECD, and the European Community—their secretariats, and many national officials, have seemed at some pains to see that provocative policies did not provoke, that threatening postures were not interpreted as such, and that counter-threats were not forthcoming. The officials concerned with the Multilateral Trade Negotiations (MTN), for example, were clearly instructed by their governments that they must on no account fail to come up with some agreement, however precarious and partial it might be.

Why the officials concerned have acted thus is still unclear. More detailed research would be needed to establish for certain how much this delicacy may be attributed simply to the determination of international bureaucracies to play an intermediatory role no matter how far apart the parties to a conflict of interest. One result is that they appear to have increasingly functioned as legitimizers of economic nationalism, rather than as the administrators of international "regimes" as Keohane and Nye would have us call them.[29]

Additionally (or alternatively), the mutual tolerance of protectionism could, up to a point, be genuine. The coincidence noted at the beginning between increased trade restriction and unabated proliferation of international direct investment and production-sharing multiplies the hostages in foreign control and diversifies the economic interests of companies and states; the distinction between "one of ours" and "one of theirs" becomes blurred as a side effect of economic integration. Another subsidiary explanation may lie in the widespread assumption that if trade diplomacy ever stopped going towards greater liberalization, it would slide rapidly back to perdition. This might be called the "Alcoholics Anonymous assumption"; it underlies much of the vehement denunciation of recent policy measures by Dr. Tumlir and his staff in the GATT. It suggests that one indulgence in protectionism, like one swig at the bottle, is apt to be the fatal first of many. Relapse into trade wars, as into hopeless alcohol dependence, would soon follow. In its simple form, this assumption (much heard when the United States provoked the "dollar crisis" of 1971), now looks to have been largely unfounded. The threshold to disaster is not quite as low as it was thought to be. Yet in the longer run, anxiety for the consequences of market-sharing arrangements may not be altogether misplaced.

In contrast to the diplomacy of trade liberalization, the outcome of negotiated market-sharing is substantially less stable. If all the parties were expanding their productive capacity simultaneously, and if all the factors affecting their production costs and the internal structure of their domestic industries were identical, then this disintegrative tendency to violation, repudiation, and rejection of market-sharing arrangements might be less marked. But in each of these sectors, there is also the further problem, quite acute in textiles, ethylene, shipbuilding, and even in steel, of increased pressure on world markets from frontrunners among the developing countries. If they are unable (as the evidence suggests) to find any lever to force the rich countries to open up their markets to them, then their only alternative is to put even higher barriers against the exports of those countries to them.

In making the point about the inherent instability of market-sharing arrangements, I cannot do better than quote the conclusions of a Canadian economist, Professor T. K. Warley, on the results of similar agreements for the sharing of agricultural markets. His observation is all the more relevant since it now seems that the same political attitudes (putting welfare considerations above efficiency) which were widely adopted in industrial countries towards farmers and peasants are now being adopted in those same countries towards industrial workers and manufacturing enterprises:

"International arrangements such as those described are as inherently unstable as are similar arrangements between firms in oligopolistic industries at the national level. Recusants and fringe competitors can disrupt the arrangement. The costs and benefits of market stablisation and price maintenance are not borne equally. Strains can develop if the participants take different views on prospective market conditions, or if they differ widely in their efficiency, balance of payments positions, or in their capacity to control production or manage stocks. The natural development of such arrangements is for them either to disintegrate or for some higher form of organization to be sought in which objectives and rules are more clearly articulated." [30]

The trouble, as we now begin to see as clearly in industrial market-sharing as we have in agricultural market-sharing, is that such agreed objectives and universal rules are almost impossible to achieve in practice. (Diamonds are a perennial exception and oil a more or less temporary one.)

By contrast, the general body of rules embodied in the GATT and the formulae developed (sometimes with rather obscure logic) for international negotiation did give the important appearance of permanency. For, whether one agrees or not with the neoclassical argument that trade liberalization gave everyone welfare gains from the more efficient allocation of resources which it made possible, there can be little doubt that while it lasted the practice of trade liberalization did at least have certain built-in stabilizing effects, creating confidence and encouraging economic development. The GATT rules for trade liberalization and the processes of exchanging tariff reductions which they made possible seemed a permanent addition to the system and created confidence in a steady one-way trend. There was the ratchet device of the no-new-preference principle, the MFN principle applied to tariff cuts, and the general sense of increased risk attached to import surcharges and other "temporary" trade barriers—all of which gave a certain reassurance that these barriers, once lowered, would not be lightly or massively raised again.

By contrast, if such international agreements as are possible are thought to be precarious and apt at any moment to collapse, it becomes much more difficult for international institutions to play the same continuous role that they have in the management of either the world's trade or its money. It may not in the long run matter much—to use a distinction stressed in an analysis by Henrik and Michele Schmiegelow of France's external monetary policy—whether the intention behind the trade diplomacy is "diplomatic mercantilism" or "political mercantilism." Whether it is aggressive or defensive, economic protectionism is still hurtful and the response from the victims may not be indefinitely tolerant. In that light, the frantic search for negotiating texts, statements of agreement on general principle and even subscription to magniloquent documents like the Charter on the Economic Rights and Duties of States may only reflect a bureaucratic need (symbiotically shared by international officials and national delegations) for reassurance when faced with approaching disaster. We should not forget in this connection the fate of similar fine-sounding texts in the inter-war years.

One last conclusion seems fairly strongly supported by the evidence: the trend away from the market economy—what Heilbroner calls the decline of the business civilization [31]—towards the greater involvement of state in the business and the greater dependence of business on government. In each of the two sectors considered and in many others as well, there has been a noticeable increase in the involvement of European and American governments in economic matters supposedly belonging to the private sector. Often, too, there has been a marked increase in the political role of trade associations or producers' organizations both within the state and directly in international economic diplomacy. As a kind of syndicalism has come in by the front door, nondiscriminating multinationalism in trade policy has gone out by the back door.

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[28] Curzons, op. cit.

[29] Keohane and Nye, op. cit.

[30] T. K. Warley, "Western Trade in Agricultural Products" in Shenfield, op. cit., Vol. 1.

[31] R. Heilbroner, Business Civilization in Decline (New York: Norton, 1976).

The tendency has important political implications for the international political economy, which it may still be too early fully to perceive or analyze. Briefly, the great discovery of the 1930s which we call the Keynesian revolution brought the political and economic power of the state into action in order to make good the shortcomings of the capitalist economic system, through the provision of welfare and the deliberate exercise of compensatory demand management. So long as either national economies were relatively little penetrated by foreign trade and international production (and balance of payments therefore still predominantly determined by the current trade balance), and so long as the international environment allowed Keynesian policies to achieve some growth in the national economies, the solution to the problems of capitalism appeared to have been found. But in the 1970s we have seen a situation in which the industrialized countries have experienced an extended recession set off by the deflationary effects of the redistribution of financial resources to non-consuming oil states, at the same time as a tremendous increase in international trade and production has opened these economies to the effects of this recession. The power of the state in these years has consequently been used in each of them in such a way as to exacerbate instead of to remedy the problems of capitalism, making adjustment more difficult through competitive subsidies and putting obstacles in the way of continued growth through expanding markets.

Prediction in such a situation is dangerous. But it is hard to feel overly optimistic for the future.●

PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receives advanced notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, D.C., November 26, 1980.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHURCH: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 81-04 concerning the Department of the Navy's proposed Letter of Offer to Australia for defense articles and services estimated to cost in excess of $7 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

ERNEST GRAVES,
Director.●

THE NATIONAL CENTER FOR EMPLOYEE OWNERSHIP

● Mr. LONG. Mr. President, I was recently sent a description of a newly formed organization called the National Center for Employee Ownership. The center is being formed by Corey Rosen, currently a professional staff member of the Senate Small Business Committee. During the last 2 years, Mr. Rosen provided the staff work for a number of important and successful pieces of legislation on employee ownership sponsored by my colleague from Alabama, Senator DONALD STEWART.

This new organization has been created to increase the understanding and awareness of employee ownership. During the last decade, Congress has passed many new laws to provide incentives for employee ownership, and I am delighted to report that the idea is growing rapidly.

Nonetheless, the number of firms with employee ownership plans is still fairly small. Moreover, just installing an employee ownership plan is no guarantee of success. To work at its full potential, employee ownership must be handled very carefully. Managers and employees must understand and adapt to their new roles in employee-owned firms. If this is done, research shows that employee ownership has a very strong and positive impact on profits, productivity, and job satisfaction.

The purpose of the center will be twofold. First, it will seek to make people aware of the potential employee ownership. It will organize State employee ownership networks, provide information on possible areas of State legislative action, and organize a speakers' bureau. It will publish a regular newsletter and provide information to the media.

Second, it will undertake and coordinate research on this important topic, and then summarize this research in pamphlets for employee-owned firms. It will create a network of consultants and companies with experience in employee ownership so that interested people can know where to turn for expert advice. It will do its own consulting wherever possible. The goal of this second function will be to provide managers and workers at employee-owned companies with the ability to make intelligent choices among the options employee ownership presents.

Mr. President, this is a critically important organization. Employee ownership, I am convinced, provides a nongovernmental means to address many of our country's problems—a skewed distribution of the ownership of wealth, a growing feeling of a lack of control over one's own life, the need the revitalize industries beset by plant closings, and many other basic concerns. If handled properly, employee ownership can give a whole new meaning to our free enterprise system. It can be a second American revolution.

The center can help reach this goal. It deserves broad support. Mr. Rosen, who earned his Ph. D. from Cornell University in 1973, has been a leader in the employee ownership movement for some years. Senator STEWART will head a distinguished board of directors of the center. I know that for my part I will look forward to working with the center in years to come.

I ask that a description of the center be placed in the RECORD.

The material follows:

THE NATIONAL CENTER FOR EMPLOYEE OWNERSHIP

The National Center for Employee Ownership will be a tax-exempt, non-profit organization designed to promote a better understanding of employee ownership of business. To that end, the Center will coordinate and undertake research on employee-owned companies, provide non-technical consulting services to employers and employees, establish a national speakers bureau on employee ownership, publish a regular newsletter, encourage the creation of local employee ownership networks, provide information to state and national legislators on potential areas of legislative action, and generally act as a clearinghouse for people and ideas concerned with this area. The Center will not, however, engage in any lobbying activities nor will it support any particular candidate or party.

The Center is being created in response to the rapid growth in employee ownership in the last decade. Although still a limited phenomenon, more and more firms are becoming either partly or wholly owned, and, in some cases, managed by their employees. This growth has brought tremendous promise and potential; it has also created important, if resolvable, problems. If employee ownership is to emerge as a significant and productive element in our future economy, employees and employers must have a much better understanding of how they can best profit from this new ownership structure. Moreover, since Federal law already substantially favors employee ownership, if the idea is going to spread, it must be through voluntary private and local initiatives. Many businesspeople and employees, as well as local units of government, are either unaware of the potential of employee ownership or have serious misconceptions about how it works. One of the Center's most important tasks, therefore, will be work to develop this local and private awareness.

Simply encouraging the spread of employee ownership, however, must be secondary to the Center's most important task—finding and effectively communicating ways to make employee ownership work well. Properly handled, employee ownership can improve productivity, raise profits, increase worker compensation, and create a more cooperative and satisfying workplace. More importantly, it can provide all employees with an opportunity to participate fully in the economic system. In its most important sense, employee ownership can be a free enterprise approach to assuring economic justice.

Handled improperly, however, employee ownership can lead to bitterness, misunderstanding, and economic hardship, as employees accuse managers of disregarding their ownership rights and managers accuse workers of unrealistic demands. Labor management relations are necessarily different in worker-owned firms and this difference has ramifications for compensation systems, investment decisions, management structure and other matters. This difference must be recognized and dealt with openly and intelligently.

Other problems arise as well. In the past, for instance, employee ownership has been used by some firms simply as a way to raise capital inexpensively; in other cases, companies have lost their employee ownership plans due to a failure to provide mechanisms for the company to retire the stock of employees who leave the company.

One company owned entirely by its employees has already faced a long strike. Like any other company, employee-owned firms must also deal with the difficult problems of obtaining good management, adequate capital, and access to markets.

These problems, and others like them, could prevent employee ownership from assuming an important role in the economy. They are, however, avoidable, and a primary function of the Center will be to provide information on just how they can be avoided. Coupled with its activities to inform a broad range of people about the potential of employee ownership, these efforts should substantially increase the rate of adoption of carefully designed employee ownership plans.

BACKGROUND

In the last ten years, there has been a tremendous growth in the use of employee ownership plans. The Senate Small Business Committee estimates that there are now over 3,000 companies with Employee Stock Ownership Plans (ESOPs), whereas there were only a few hundred just one decade ago. At the same time, other forms of employee ownership—producer cooperatives, stock purchase plans, and other approaches—appear to be growing more rapidly than at any other time.

While most employee ownership plans provide workers with only a small interest in their company, an increasing number of companies have become majority owned by employees. Even excluding small producer cooperatives, the Senate Small Business Committee estimates that at least 100 companies, ranging in size from under twenty employees to over 10,000, are now majority owned by employees. An undetermined number of these companies also have their Board of Directors elected by employees, and most appear to have installed employee participation programs of one kind or another.

This growth has come largely in response to two developments: the passage of major federal legislation to encourage employee ownership and the increasing understanding of how employee ownership can be used to deal with plant closing situations (although plant closings are only one of the areas of growth for employee ownership).

In the first area, Congress has passed several laws in the past five years to encourage employee ownership. Employee stock ownership plans (ESOPs) have been particularly favored in the tax code. Companies that borrow through ESOPs, for instance, can deduct both the principal and interest portions of their loans from their income tax. Owners who sell stock to ESOPs are given lower tax rates on their gains. In some cases, tax credits can be passed through directly to ESOP trusts, at no cost to the company. At the same time, producer cooperatives, which have had favorable tax status for many years, but were primarily limited to agriculture, are now occurring more frequently in industrial firms.

In the 96th Congress, employee ownership supporters succeeded in passing legislation or winning agency administrative agreements to authorize federal economic assistance programs to make loans, loan guarantees, and grants for employee ownership. Every federal agency involved in development finance, in fact, can and does help employees become owners.

In part because of this legislation, and in part because of creative efforts of local people, there has been an increasing tendency for employees to purchase plants that would otherwise close, for retiring owners to transfer their companies to their employees, for ongoing firms to grant substantial ownership shares to their workers, and for new worker-owned enterprises to get started.

In the area of plant closings, preliminary data gathered at Cornell University indicate that at least 60 buyouts have occurred in this decade. Impressively, as of 1979, Cornell researchers were not aware of any failures among the new firms. Success has not been limited to buyouts, however, and despite the publicity this route to employee ownership has received, it represents only one of several modes.

The University of Michigan's Survey Research Center, for instance, found that the 38 employee-owned companies it surveyed were 1.5 times as profitable as comparable, conventionally-owned firms. Although the Michigan study was a landmark, and other studies have been done or are in progress, research on employee ownership remains more suggestive than conclusive. Nonetheless, the research that has been done indicates that employee ownership could have a significant and positive effect on profits, productivity and job satisfaction.

The real promise of employee ownership, however, may lie in its ability to provide a free enterprise-based, non-governmental approach to problems such as economic justice, unemployment, and the need for individuals to exert more control over their own lives.

As government—especially the federal government—has grown, it has become increasingly clear to conservatives and liberals alike that national solutions to local problems may create more difficulties than they resolve. Nonetheless, the problems the government has sought to address remain: people want to get "a fair share" out of their job and the economy, they want to have effective ways to deal with the trauma of unemployment and, increasingly, they want to have a personal say in a society dominated more and more by large public and private institutions. Moreover, they want to feel that their own jobs are personally meaningful and rewarding. Employee ownership offers a way to address these problems without government intervention. Employee ownership can, in some cases, save companies from closing and save, thereby, millions of dollars in transfer payments. In ongoing firms, new enterprises, and employee buyouts, it can give workers a share of capital growth, as well as just wages. It can also provide a very conducive environment for quality of worklife programs and other job participation efforts.

For all these reasons, employee ownership will continue to grow. Despite this success, however, and despite the promising findings of the initial research, employee ownership is beset by two significant problems. First, it is still an unknown and misunderstood commodity among most employers and employees. Second, it is still largely an experiment, and problems with, among other things, labor-management relations, the workers' role in management, communications, and the sale of stock to non-employees have posed difficult problems for many companies. One of the best known employee-owned firms, the South Bend Lathe Company, for instance, suffered a costly and bitter strike in the Fall of 1980, while one of the most economically successful employee buyouts, the Vermont Asbestos Group, became conventionally-controlled (although still largely employee-owned) within a few years of the creation of the employee ownership plan.

THE ROLE OF THE CENTER

The purpose of the Center is to find ways to overcome these problems. The basic idea behind the Center is that the Federal Government has already acted to establish an extremely favorable climate for employee ownership, and that the burden now lies with local businesses, employees and governments. Reflecting this non-federal orientation, the Center will be located in Boston, Massachusetts, where worker ownership research programs are already underway.

The Center's essential role will be to help people become aware of and understand the employee ownership option. By coordinating research already being done around the country and by performing its own studies, the Center can develop a practical body of knowledge to help employees, employers, legislators and other interested people know just what their options are. Through its own consulting services and by developing a network of business people, employee ownership professionals, credit sources, and management specialists, the Center can develop a delivery system for "fleshing out" these options in concrete and specific ways. By acting as a national clearinghouse, the Center can obtain the continuous feedback to learn and communicate just how various approaches to employee ownership are working in ongoing firms.

In short, the Center will provide a means for informed choice on what appears certain to be a significant new development in the American economy.

The following section describes the Center's functions in greater detail.

FUNCTIONS OF THE NATIONAL CENTER FOR EMPLOYEE OWNERSHIP

1. Coordinating and undertaking research on problems of employee ownership: One of the most important functions of the Center will be to undertake and coordinate research on problems facing employee-owned firms. Should workers be allowed to vote all their stock? What role should workers play in management? Are ESOPs providing employees with the retirement benefits they promise? Do worker ownership plans encourage quality of worklife programs? Do they help these programs to succeed? What is the relationship between worker ownership and both profits and productivity? What role should unions play? These and other questions will be addressed in part by the Center's staff but, in large measure, the Center's real role will be to coordinate and encourage research on these topics. Many universities are currently undertaking such studies and have already agreed to cooperate with the Center (see attachments). Students would also be encouraged to do case studies along the lines of models developed by the Center. Finally, the Center would monitor employee-owned firms to learn which approaches work best in which situations. All of this would be packaged in forms that employee-owned companies can use.

2. Providing consultation services: If employee ownership is to succeed in creating more cooperative and satisfying workplaces, if it is to improve labor-management relations, if it is to increase profits and productivity, it must be based on a thoughtful and well-informed plan. The Center's research and clearinghouse functions will provide case studies, surveys, and a variety of other sources of information to prospective and ongoing employee-owned companies so that such plans can be formulated and implemented. The Center will also make its staff available for consultation whenever possible. Perhaps more importantly, the Center will create a network of people around the country with experience and expertise on the subject so that companies can know who to consult for the best advice and so that new employee-owned companies can be matched with similar successful employee-owned firms. The Center will also help to locate sources of funding, and will maintain lists of available state and federal programs. The Center will not, however, provide legal or technical assistance, leaving this to the experts already established in these areas. The goal of the Center's consultation program is to assure that workers

and managers can make intelligent choices among the many options employee ownership plans present.

3. Providing information for state and local governments: Four states (Michigan, Maryland, Delaware and Minnesota) have already passed laws on employee ownership, and further state action appears likely. One of the Center's first tasks will be to work with the National Conference of State Legislatures and the Conference on Alternative State and Local Policies to develop model legislation for further state and local consideration. Both organizations have already agreed to work with the Center in this respect.

4. Creating a national network on employee ownership: There are many people around the country with an interest and expertise in employee ownership. There is also a considerable lack of information and awareness of the potential of employee ownership. The Center would work to use the resources of people in the field, as well as its own staff, to provide speakers for business meetings, union conventions, development agency planning sessions, and other appropriate forums. These local people could also help to provide the consulting services described above. The Center would also work to organize these people into local and state employee ownership organizations. The Center has already cooperated with one such effort in North Carolina.

5. Providing information to the media: Center staff will make a continuing effort to contact people in the local and national media to keep them abreast of developments in the area, as well as to author articles for publication in appropriate juornals, magazines, and newspapers.

6. Publishing a regular employee ownership newsletter: The Center will publish a regular newsletter on employee ownership with case studies, research results, updates on legislative activity, and other matters of interest. The newsletter will be made available at minimal cost to members. If there is sufficient interest, the Center will publish separate newsletters for employees and for employee ownership activists.

7. Organizing national and regional conferences: The Center would help to organize national and regional conferences on employee ownership to provide forums for discussing developments, considering new approaches to employee ownership, and helping interested people learn more about the subject.

8. Coordinating with other employee participation efforts: Employee ownership can provide a laboratory for a new way to provide a favorable environment for quality of work-life programs. One of the Center's most important functions will be to evaluate this relationship and pass the results on to other individuals and groups promoting employee participation programs.

SOURCES OF FUNDING

Initially, the Center will be seeking support from foundations and the government, both in the form of grants and contracts. The Center will require an annual budget of not less than $85,000 per year. If additional funds are available, the Center will increase its consultation services.

The Center expects to become self-sustaining within five years. From the outset, the Center will seek to rely as much as possible on contributions from members of the Center. Individual and corporate memberships will be offered. All members will receive the Center's newsletter, and corporate members will have access to the Center's data collections and special case studies. In addition, the Center will offer special membership rates for employees whose dues are paid by their companies. Communicating the benefits and special demands of employee ownership to employees is an important task for employee-owned companies. By making employees members, a company could provide workers with the regular employee ownership newsletter as well as with a greater sense of awareness of the national context of employee ownership.

The Center also expects to derive income from speakers' fees, contract fees for federal or state government sponsored research, and contract fees from private firms seeking the Center's expertise. The Center will not, however, charge fees for its services in its first three years and will, at all times, waive or reduce fees in cases where they would represent an obstacle to an employee ownership plan being established.

STAFF POSITIONS

Executive Director: The executive director will be responsible for overseeing all the activities of the Center. The director will coordinate the research activities of the Center, provide consulting services, organize state and regional employee ownership organizations, prepare information on state legislation, represent the Center at meetings and conferences, and work to create a national network of individuals interested in employee ownership. Salary: $27,500.

Administrative Coordinator: The administrative coordinator will be responsible for handling the budget and other administrative matters, editing and publishing the newsletter, handling all fundraising and membership matters, issuing press releases and writing articles for magazines and newspapers, and organizing conferences. Salary: $22,500.

Research Assistants: The Center anticipates that it will be able to attract a number of undergraduate and graduate students as research assistants. The Boston area, in which the Center will be located, already has worker ownership programs at Harvard and Boston College. The Center anticipates that for $3,000 per year it could fund three students on part-time work-study jobs (in which 80 percent of the salary is paid by the school) and one full-time graduate student whose graduate research would be in an area of interest to the Center. This expectation, in part, is based on the executive director's experience on the Senate Small Business Committee where, during the last year, three full-time research associates have worked on a non-salaried basis on this issue. Professors at Harvard and Boston College have confirmed this expectation.

EXPECTED PERSONNEL

Executive Director: Corey Rosen, PhD.

Mr. Rosen is currently a professional staff member of the Senate Small Business Committee. A graduate of Wesleyan University in 1970 with a B.A. in social sciences, he went on to Cornell University to obtain his Ph.D. in political science in 1973. After two years of teaching at Ripon College in Ripon, Wisconsin, he was awarded an American Political Science Association Congressional Fellowship. As a fellow, he worked for the Senate Small Business Committee for seven months, after which he joined the staff of Senator James Abourezk. In 1978 he returned to the committee. On the committee, one of his primary areas of concern was employee ownership of business. In 1979, the committee published his report "The Role of the Federal Government and Employee Ownership of Business". That report was reprinted two months later in response to unexpectedly high demand. He drafted and had primary staff responsibility for the "Small Business Employee Ownership Act" (now Title V of Public Law 96–302), the employee ownership provisions of the Chrysler Loan Guarantee Act, and the Senate version of the Voluntary Job Preservation and Community Stabilization Act (passed by both Houses and incorporated into another bill now pending before with the Farmers Home Administration and a Conference committee). He also worked the Department of Housing and Urban Development to develop their employee ownership programs.

Administrator Coordinator: Karen Young.

Ms. Young is currently Administrative Director of the Senate Small Business Committee. She is responsible for all administrative matters, including management of a $700,000+ budget and payroll. Other responsibilities include supervising the correspondence and records division, maintaining the legislative and hearing files and publication of the committee calendar. She has also researched and managed hearings, done casework concerning legislation and other areas of interest within jurisdiction of the committee, written press releases and Record statements. Ms. Young also serves as a Member of the Board of Directors of the Virginia Citizens Consumer Council and was recently elected Vice-President of the Foundation. She is editor of the Council's bi-monthly newsletter. Prior to working for the committee, Ms. Young was a Research Assistant on the Law of the Sea Project at the University of Rochester's Research Center. She helped develop a data bank used by the United States negotiating team at the debates in the United Nations. While there she wrote a paper on Thematic Content Analysis. In addition, Ms. Young helped organize and implement the proclamation of Consumer Awareness Day by the Governor and passage by the General Assembly in Virginia. She has also worked as a volunteer in political campaigns, including fundraising activities. Ms. Young holds a B.A. in English from George Mason University.●

SUPERFUND LEGISLATION

○ Mr. STAFFORD. Mr. President, the House of Representatives is now considering that version of the "superfund" legislation passed by the Senate on November 24. During the consideration of that bill here in the Senate, the distinguished Senator from West Virginia, Senator Randolph, and I made certain commitments to other Members. For the record, I would like to reaffirm those commitments at this time.

Although I personally considered the addition of an oil title to the superfund bill desirable, the many Senators interested in such a bill could not reach agreement during the short time available on the floor. However, because of the strong interest in an oilspill superfund, Senator Randolph and I agree that it would be an early priority of the Committee on Environment and Public Works next year. I stand by that commitment. Assuming that a toxic chemical superfund becomes law this year, a companion measure covering oil will be placed before the Committee on Environment and Public Works without delay in the next Congress.●

PRELIMINARY NOTIFICATION, PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications were received on December 1, 1980.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., November 28, 1980.
Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $25 million

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA, Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., November 26, 1980.
Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State I wish to provide the following advance notification.

The Department of State is considering an offer to a North American country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA, Director.●

THE BEST OF THE 1970's IN COLLEGE DEBATE

● Mr. KENNEDY. Mr. President, this past weekend, the awards were announced for the best college debater, debate team, coach, judge and tournament of the past decade. Thirty directors of debate programs from across the Nation were surveyed to determine the results; all of them were active throughout the 1970's. The survey was conducted by Prof. William Southworth of the University of Redlands in Redlands, Calif.

The life of the Senate is debate. So I believe, Mr. President, that it is appropriate for us to take special note of the debaters and faculty who were honored last weekend. It is surely an extraordinary achievement to have been selected as the very best of all the college students and faculty who participated in debate over an entire decade.

The person honored as the finest individual college debater of the 1970's was Thomas Rollins, who graduated from Georgetown in 1978 and who is now a student at Harvard Law School.

The members of the team selected as the finest single debate team were Joseph Loveland and Joseph McGuire, who debated for the University of North Carolina between 1970 and 1972. I would also like to note at this point that the team which finished second in the voting consisted of Charles Garvin and Gregory Rosenbaum from Harvard University.

Prof. James Unger of Georgetown was selected both as the outstanding debate coach and the outstanding judge of the decade. Professor Unger was chairman of the Associated Press panel to judge the Presidential debates in both 1976 and 1980.

Finally, the University of Kansas was honored as consistently the best debate tournament of the 1970's. Throughout the decade, Prof. Donn Parson has been director of the debate program at Kansas.

Mr. President, debate is a defining tradition of our democracy. It is at the heart of our political process and it plays a vital role in our educational system. I am certain that all my colleagues join me in paying tribute to Mr. Rollins, Mr. Loveland, Mr. McGuire, Professor Unger and Professor Parson, and all the students and faculty who did so well in this survey, for the standard of excellence they set in college debate during the 1970's.●

ITALIAN EARTHQUAKE ASSISTANCE

● Mr. KENNEDY. Mr. President, I want to extend my strong support for the urgent efforts of the Foreign Relations Committee in reporting out today legislation to aid the victims of last week's tragic earthquake in Italy. I believe the committee's action reflects the deep humanitarian concern the American people feel over this massive human tragedy. By moving expeditiously on pending legislation to provide at least $50 million in relief assistance Congress will be offering a helping hand to a friend and ally of the United States.

Surely, our humanitarian concern is fully justified—as the statement yesterday before the House committee by our Ambassador, Richard Gardner, fully documents. It is now clear that the people of southern Italy have suffered one of the most destructive European earthquakes of modern times. And if the original shock was not bad enough, the tragedy has deepened in the following days because of cruel weather conditions—snow and ice—which have hampered rescue and relief efforts.

Today we know that over 3,000 men, women and children have lost their lives in the awesome trail of destruction the earthquake left behind. Some 2,000 are still missing, and as the days go by, they are presumably dead. Up to 8,000 have been injured, and up to 300,000 people have become homeless.

Large numbers of towns and villages have been leveled to the ground. Schools and churches and medical facilities were seriously damaged or destroyed. An entire region of Italy has been severely disrupted economically, as well as in transportation and communications.

International assistance has started to flow to Italy, with the United States taking strong leadership in providing some $3.5 million to date.

But, more needs to be done. It is clear today that hundreds of thousands of Italians will face a winter of disease and destitution unless adequate help arrives.

It was for this reason, Mr. President, that I introduced last week a working bill (S. 3229) authorizing an emergency fund of $50 million for earthquake relief, rehabilitation and reconstruction. From all indications this will be a modest sum compared to the total need, but it is in keeping with our past offers of humanitarian assistance.

This emergency fund will allow the United States to join at least a dozen other countries, as well as the European community and many private voluntary agencies, in providing relief and rehabilitation assistance to the earthquake victims—and, hopefully, this international humanitarian concern and support will grow in the weeks and months ahead.

Again, I commend the Foreign Relations Committee for its prompt action on emergency earthquake assistance for Italy, and I support immediate efforts to offer the helping hand of the American people to the hundreds of thousands of our Italian friends who have suffered a massive human tragedy.

Finally, Mr. President, I want to share with my colleagues the text of the letter I have written to the Attorney General urging him to exercise his parole authority to admit into the United States certain victims of the earthquake whose only family ties are now in this country.

As I note in my letter, we have in the past under such circumstances agreed to parole into the United States, on humanitarian grounds, persons whose only living relatives are American citizens or who are permanent resident aliens, but who cannot be accommodated under the regular immigration provisions of law.

Mr. President, I ask that the text of my letter—as well as the eloquent statement of Ambassador Gardner, be printed at this point in the RECORD.

The material follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., December 2, 1980.
Hon. BENJAMIN R. CIVILETTI,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am writing to urge you to utilize your parole authority, contained in Section 212(d)(5) of the Immigration and Nationality Act, to meet certain humanitarian parole needs among some of the victims of the recent earthquake in Italy.

As you know, over 3,000 persons were killed, and well over 250,000 people were made homeless by the massive earthquake which struck last week. Many persons lost all their immediate family in the destruction and their only living relatives are outside the country—many in the United States.

In the past, under such circumstances, we have agreed to parole into the United States such persons whose only living relatives are American citizens or who are permanent resident aliens, but who cannot be accommodated under the regular immigration provisions of law. I believe we should act again to set aside some reasonable parole numbers for certain Italian earthquake victims—such as those orphaned by the tragedy whose only family ties are in the United States—or other such humanitarian cases with family ties here.

I would appreciate your consulting with me on this matter to determine the scope of the need, if any, for humanitarian parole numbers for some of the victims of an earthquake which has brought such massive human suffering to so many.

Many thanks for your consideration, and best wishes.

Sincerely,

Edward M. Kennedy,
Chairman.

Statement by Richard N. Gardner: United States Ambassador to Italy

Mr. Chairman, Members of the Committee: I appreciate this opportunity to appear before you this morning to report to you on the effects of last week's earthquake in Italy. With me this morning are Joseph A. Mitchell, Director of the Office of U.S. Foreign Disaster Assistance and James F. Creagan, Officer-in-Charge of Italian Affairs for the Department of State.

A major earthquake, with its epicenter in the Appenine Mountains about 50 miles east of Naples, struck Italy in the evening of Sunday, November 23rd. This earthquake, measuring 6.8 on the Richter Scale, has caused the worst natural disaster in Western Europe in half a century.

The greatest loss of life and heaviest damage occurred in the provinces of Avellino, Potenza and Salerno with small hilltop villages—Saint Angelo dei Lombardi, San Mango sul Calore, Lioni, Muro Lucano—practically wiped off the map. Human suffering—from the anguish of families buried under rubble to the misery of homeless survival in the face of cruel winter storms—is incalculable. The death toll mounts as the missing become confirmed dead and it now stands at well over 3,000. Some 2,000 people are still missing and 8,000 injured. More than 200,000 have been rendered homeless.

Because the disaster affected most heavily a remote section of southern Italy, an area of small and generally declining hill towns off the major road and rail systems and somewhat distant even from the provincial centers, the magnitude of the disaster was not initially grasped. As the reports of tragedy came in, the Italian Government and people began to mount a rescue effort which has built to an impressive level. That effort was hampered by the elements—fog, rain and then sleet—and by the narrow, winding secondary road system serving the affected villages.

Italy is highly politicized and the earthquake produced instant political polemics and criticism about the pace of government response. I cannot enter into that polemic. But it should be clear to all that the Italian Government is engaging its full resources in the relief effort.

Thousands upon thousands of troops, firemen, and others have tackled the job. They are supported by Italian military resources from helicopters to trucks, much of which had to be brought down from the North. Cases of individual heroism are common. The government has already issued a decree law making 1.3 billion dollars available for disaster assistance and the treasury minister announced that an additional 4.7 billion dollars will be made available in 1981 for use in reconstruction of the earthquake zone. These measures may have a severe impact on the Italian economy as resources equivalent to 2–3 percent of GDP could be required for reconstruction. As one Italian daily put it, "the mobilization of resources is perhaps without precedent in Italy . . . the response of the nation to the appeal of the survivors has been immediate and generous. Beyond the polemics and criticism levelled at the government machinery . . . the army and police have worked and are still working to the limits of their forces."

The Italian effort is not enough. The international community must help and is doing so. The United States moved quickly. President Carter sent a message to President Pertini expressing condolences and offering U.S. assistance. Our embassy in Rome set up a task force to coordinate with the Italian Government. A.I.D.'s Office of U.S. Foreign Disaster Assistance initiated the U.S. Government's response with appropriate relief supplies, the cost of which already exceeds $3.5 million dollars. U.S. military personnel in Italy are cooperating with other international donors in assisting the Italians and we have U.S. helicopters, trucks and other equipment engaged in emergency aid. The spontaneous response from the American public, largely through the private voluntary agencies, is generous and heartwarming. Our prompt assistance efforts have been well received by the Italian Government, public and press.

It is important that the U.S. respond to the call from Italy. The Italian people and their government stand in the inner circle of America's closest friends and allies. Italy has stood with us on issues of common defense, from the strengthening of NATO to a united response to events in Afghanistan and the taking of U.S. hostages in Iran. We, along with Italy's other friends and allies can play only a supporting role in the struggle to overcome this calamity. But it is an important supporting role, even an essential one. Italy has stood by us and I respectfully contend that we must stand by her in this time of need.

The Italians recall how the U.S. Congress moved quickly and generously in 1976 following the destructive earthquake in Italy's northeast Friuli district. At that time the Congress provided $25 million for disaster relief, a sum matched in 1977 to support Italian reconstruction efforts. The earthquake which struck Italy's south last week was far more destructive—four times the number killed and perhaps five times the number of homeless. The terrain, extended damage, terrible winter weather, and continued aftershocks, are causing the Italian Government to consider the evacuation of 168 towns. Perhaps 150,000 people will have to be relocated, at least for the winter. Costs will be high and the effort enormous.

The Italians are well aware of the congressional interest that has been displayed since this earthquake struck. Congressional action following up on President Carter's offer of assistance would be greatly appreciated, most appropriate and in the U.S. national interest.

Mr. Mitchell, Director of A.I.D.'s Office of U.S. Foreign Disaster Assistance, will now discuss the U.S. and other country efforts to date. Mr. Mitchell, Mr. Creagan (who returned in August from our Consulate in Naples) and I stand ready to respond to your questions.●

TWO OUTSTANDING UTILITIES CHOOSE CONSERVATION AND RENEWABLE ENERGY FUTURE

● Mr. KENNEDY. Mr. President, I wish to submit for the Record two very important pieces of material. The first is an article and other information concerning the recent announcement by Southern California Edison that it is planning to base its energy future on the use of alternative energy sources and reducing the demand for electricity. For several years now, when I have criticized the safety of nuclear power, many have raised the question about whether alternatives really exist. This major change by Southern California Edison indicates that the utility sector increasingly realizes that renewable energy development is the wave of the future.

The second piece of material that I would like to include in the Record is an update on NEESPLAN. NEESPLAN is the energy program of the New England Electric Co. The New England electric system is one of the most progressive, innovative utilities in the United States. Last year, even before Southern California Edison announced its planning changes, New England Electric announced that it would base its future on reducing demand for electric growth and alternative energy development. They made this decision because, and I quote:

> Unlimited growth in the demand for electricity benefits neither the produced nor the consumer. Producers are forced to add extremely expensive new generating capacity at great financial risk and consumers are faced with continually rising energy prices.

Last year when it made its decision to follow this new path, it assumed that 100 megawatts of conventional power production would still need to be built. In New England that means nuclear power capacity. However, in only 1 year, the NEESPLAN program has been even more effective than they originally projected. The executive summary, which I would like to have included in the Record at the end of my remarks, notes that effective conservation, coal conversion, and alternative energy development will "allow the deferral of any new generating capacity beyond our present commitments to a period well beyond the NEESPLAN planning horizon for 15 years." The improvement in NEESPLAN's conservation projection means that 80 megawatts of capacity that they expected to be needed last year will not be needed 15 years from today. New England Electric is also increasingly bullish on alternative energy source development. Last year it expected that about 100 megawatts of small hydro, solid waste, wood, and wind would contribute to New England's electric supply. In 1 year the estimate has doubled to 200 megawatts.

I want to take this public opportunity to congratulate the leadership of both Southern California Edison and New England Electric which led the Nation in this regard on their creative, aggressive leadership.

The material follows:

[From the New York Times, Oct. 18, 1980]

Coast Utility To Limit Nuclear Expansion: Renewable Power Planned

(By Gladwin Hill)

Los Angeles, October 17.—The Southern California Edison Company, one of the nation's largest electric utilities, today announced a shift away from nuclear power toward renewable energy sources such as solar, geothermal and wind power for its future energy needs.

Under the change, which it called "a major policy shift," up to one-third of the utility's additional power needs in this decade would come from renewable sources—a doubling of the company's previous projections.

Nuclear generation, on which the company, once counted heavily for its energy future, will not be enlarged beyond current construction, William R. Gould, board chairman, told a news conference. Southern California Edison now gets about 3 percent of its electricity from the San Onofre nuclear plant near San Diego, and has a minor share in a plant being built in Arizona.

A "SIGNIFICANT BREAKTHROUGH"

Mr. Gould said the company was the first major utility to make such a commitment to renewable sources. John Bryson, president of the California Public Utilities Commission, which has been promoting energy alternatives, called the move a "significant breakthrough in utilities' resource planning."

Mr. Gould said the shift had been brought about because "some forms of power generation which a few years ago were speculative or unproven have progressed to the point where they can be aggressively developed."

The company, which serves eight million people in central and southern California, figures it will need six million kilowatts of added capacity by 1990.

Under its revised planning, 2.34 million kilowatts will come from nuclear generation, one million from new coal-fired plants, 1.4 million from outside purchases and 1.9 million from renewable and alternative sources.

The breakdown of the last category included small-scale expansion of existing hydroelectric facilities in the Sierra Nevada, 620,000 kilowatts; geothermal, 420,000; solar, 310,000; co-generation (use of leftover industrial heat), 300,000; fuel cells, 130,000, and wind, 120,000.

SOLAR GENERATING FACILITY

The company is now building, in collaboration with the Department of Energy, the nation's largest solar generating facility—a 10,000-kilowatt unit—near Daggett. It also has a pilot wind generator, capable of supplying 1,000 people, about to go into operation near Palm Springs, with another experimental unit planned. On Wednesday, the company dedicated a geothermal power plant in partnership with the Union Oil Company at Brawley.

Mr. Gould said no dollar figure could be given for the company's enlarged commitment to renewable energy sources pending current budget formulation, but that it was expected to produce substantial economies.

The company now gets about two-thirds of its energy from oil and gas, 12 percent from coal, 8 percent from hydro generation, 3 percent from nuclear and it buys the rest.

[From the Washington Post, Oct. 29, 1980]

THE FUTURE IS NOW

The Chairman of the state Public Utilities Commission termed it "a little like Richard Nixon's recognizing China." Environmentalists are calling it "a historic moment," and the head of the California Energy Commission says it is a "bold, clear move . . . [that] is going to shake up some stodgy utilities in other parts of the nation." "It" is the announcement of a dramatic shift in policy by Southern California Edison, one of the country's leading utilities.

Edison, which serves a growing part of the country, expects a 40 percent increase in demand for its electricity by 1990. To meet that need, it has two large nuclear projects nearing completion. Until two weeks ago, the utility had insisted that most of the remaining two-thirds of the necessary new capacity had to come from traditional energy sources, including two huge and controversial coal projects. Edison maintained that no more than 10 percent of its new supply could come from alternative energy sources, including conservation and renewable technologies.

In the course of routine licensing hearings for the new plants, the Environmental Defense Fund produced a detailed analysis showing, it said, that a combination of conservation and alternative sources could produce more energy at far less cost than the coal plants. A few months ago, an independent study by the Interior Department's Bureau of Land Management reached the same conclusion. Suddenly, about two weeks ago, Edison announced a major policy change "to make renewable our preferred technology—to make it happen."

According to Edison's new plan, nearly two million kilowatts, almost as much as is expected from the new nuclear plants, will be derived from wind, geothermal, solar, fuel cell and hydroelectric sources, and from cogeneration, one of the most promising conservation technologies. Planning for the new coal projects will continue, but Edison's own numbers indicate that the company expects eventually to drop one or both of them—assuming, of course, that the renewable resources perform as expected.

Edison attributed its change of mind to "some significant successes in a number of research and development areas." It seems equally likely that the utility also took a second look at such things as the skyrocketing cost of capital financing, the declining demand for electricity and the realistic technical potential of new energy sources. The hazards and delays of the regulatory process for large coal or nuclear plants, and the 10 years it now takes to build a new one (as compared with the two or three years required to build a smaller windmill or geothermal facility), must also have been powerful influences.

Regardless of the reasons for it, Edison's commitment is a courageous and welcome change of course. It should mean lower energy costs and less environmental damage for citizens of southern California. More important for the rest of the country, it may well have a greater impact on other utilities' thinking and planning than all the government and academic studies combined.

EXECUTIVE SUMMARY

A year ago. New England Electric System introduced NEESPLAN—an action plan designed to accomplish two key goals.

Reduce foreign oil use from 73 percent to 10 percent of our energy needs, and . . .

Keep our customers' electric energy costs to a minimum consistent with reliable electric service.

This first update of NEESPLAN reports on our progress, refines our analysis, and, most importantly, expands on our goals.

It reflects the experience gained from a year that included yet another significant run up in oil prices and a major increase in our nation's rate of inflation.

The programs in this updated NEESPLAN will improve the security of our fuel supply, increase our flexibility, and save our customers an estimated $1.35 billion over the period 1981–1996.

CONSERVATION AND LOAD MANAGEMENT

Our revised NEESPLAN conservation and load management objective is to hold peak demand and energy growth to an average of no greater than 1.8 percent and 2.1 percent per year respectively.

This is a refinement of the targets established a year ago (1.9 percent and 2.4 percent) and is based on a year of experience implementing our load management and conservation strategies and our forecast of a lower natural growth rate.

Attainment of our new objective will allow the deferral of any new generating capacity beyond our present commitments to a period beyond the NEESPLAN planning horizon of 15 years.

To meet this objective, we will, with the approval of our regulatory commissions, institute new rate forms designed to induce additional customer conservation and load management actions. We will expand our residential and commercial and industrial energy audit programs and attic insulation incentive program.

We will move ahead with development of our patented load control system (TWACS), and we will continue our efforts to shave our winter and summer peaks through heat storage and air conditioner cycling, respectively.

Finally, we will continue to assist customers interested in utilizing cogeneration, solar and other renewable resources.

DIVERSE MIX

As an electric utility, we provide an energy conversion and energy delivery service. We take basic energy resources: coal, uranium, oil, natural gas, water power and other renewable sources and convert these to electricity. We then deliver this new form of energy to our customers.

Over-reliance on any single source of basic energy is fraught with problems. Over the past decade, we have experienced natural gas shortages, OPEC embargoes, droughts and strikes by coal miners. These experiences have made us well aware of the advantages of diversifying our basic energy mix.

Diversity continues to be a fundamental objective of NEESPLAN. A year ago, 74 percent of our energy needs were being generated by foreign oil. Thanks to our ability to burn some coal at our Brayton Point Station, that total was reduced to 63 percent in the first half of 1980. By the end of 1982, we expect our reliance on foreign oil will be no more than 27 percent.

By 1996, NEESPLAN calls for an energy mix of 49 percent coal, 25 percent nuclear, 6 percent hydro, 10 percent foreign oil, 6 percent domestic oil and 4 percent alternate energy sources. Our coal capacity will have the capability to convert back to oil in a matter of only a few weeks, should coal supplies be interrupted.

This diverse mix reduces our reliance on foreign oil to a realistic minimum and provides us with great flexibility to adjust to changes in resource supply.

COAL CONVERSION

Converting some of our present oil-fired generating capacity to coal is a major step toward achieving our diverse mix and foreign oil reduction objectives.

A year ago, our coal conversion program targeted our Brayton Point Units 1, 2 and 3 and our Salem Harbor Units 1, 2 and 3 for conversion. NEESPLAN now calls for the program to be expanded to cover our South Street, Providence Units 12 and 1 and the Mt. Tom Station.

The Mt. Tom Station is not a System-owned plant, but the System has a 38 percent share of the output and the plant is expected to be converted to coal within the NEESPLAN time frame.

FUEL SUPPLY—COAL

Coal requirements in 1980 were purchased from mines in West Virginia, Virginia and Pennsylvania. These purchases were transported to New England by vessel from the ports of Philadelphia, Baltimore, Newport News and Norfolk.

Starting in 1983, a significant portion of our coal needs will be delivered by a new self-unloading, coal-fired transport ship. This will be the first coal-fired transport ship commissioned in the last thirty years. It represents our further commitment to reduce reliance on foreign oil.

FUEL SUPPLY—OIL

Another major step toward achieving our diverse mix and foreign oil reduction objectives, lies in our ability to discover and produce domestic oil and gas supplies.

To achieve our objectives we will need to be producing some 5.5 million barrels of domestic oil per year by 1996.

To meet this target, we have more than doubled our domestic oil and gas exploration and production program through our fuel subsidiary, New England Energy, Inc. (NEEI).

NEEI, through July 1 of 1980, had invested $112.1 million in oil and gas exploration, resulting in 12.4 million barrels equivalent of proved and probable reserves. NEEI's actual production over the next 12 months is estimated to exceed one million barrels of oil or gas equivalent. The savings associated with this production are expected to approach $4 million. Over $3 million in fuel cost savings have already been passed through to our customers.

In the past, NEEI worked as a one quarter partner with Samedan Oil Corporation, an experienced oil and gas exploration company. In 1980, this was doubled and NEEI is now an equal partner in all of Samedan's domestic operations. This was the first of two major steps taken by NEEI in the past year. The second is a new equal partnership with the Dorchester Exploration Company. This new partnership is currently awaiting regulatory approval.

ALTERNATE ENERGY SOURCES

As part of our update of NEESPLAN, we are doubling our commitment to alternate energy. We are increasing our target to purchase energy from 100 to 200 megawatts of generation. We expect these purchases to total some one million megawatt hours of energy per year by 1996.

In the first edition of NEESPLAN, we planned an additional 100 MW from conventional sources. Our latest analysis indicates that it will be unnecessary to build any capacity during the 15-year planning period.

Our program to purchase electric energy from alternate sources is well under way. We have committed to buy the energy from a 15 MW low-head hydro project and from a solid waste plant, both located in Lawrence, Massachusetts.

In addition, we have been commissioned to engineer, construct, and monitor what could be the world's first wind farm. This project will be built for U.S. Windpower, Inc., on a site in southern New Hampshire and the power will be purchased by a local utility.

During 1980, our plans to build and operate a wood-burning generating station were further developed, and we anticipate site and equipment selection in 1981.

Negotiations to purchase the energy output from additional small hydro projects, solid waste facilities and wind-power generators are under way.

CONTINGENCY PLANNING

Our understanding of the uncertainties associated with all aspects of energy has increased over the past year.

We may not be able to achieve our very ambitious conservation and load management objectives due to consumption patterns that shift away from fossil fuels to electricity.

(The electric car is an example.) Fuel supplies could be disrupted by international events, strikes of organized labor, by natural gas shortages, and the list goes on.

Today's already long lead times for new capacity additions may lengthen. The rate of inflation may increase again, causing even greater difficulty for our capital intensive industry.

For all these reasons, we have instituted a monitoring program to provide early detection of shifts in consumption patterns. This program has been designed and placed in operation. In addition, we will continue to assess a broad range of capacity options that would permit us to build facilities to meet unexpected demand. And we have developed the flexibility to shift fuel supplies if disruptions occur.

New England Electric, through its representation in the New England Power Pool, is also evaluating the potential of further imports of Canadian hydro power. To the extent that additional energy can be obtained from this source to reduce oil consumption in New England at a cost which will be beneficial to our customers, we would expect to participate to the fullest extent possible.

NEW BUSINESS

During the past year, we have undertaken a major review of new business opportunities. These ventures will build on our successes with NEEI and TWACS. During the year we commissioned the construction of a coal-fired transport ship to bring coal to our generating stations, and initiated the Energy Institute to offer educational programs in energy conservation and technology.

Other opportunities will be continually reviewed to provide solutions to energy problems, challenges to our employees, new services to our customers and an even better return to our investors.

FINANCIAL CONSIDERATIONS

As revised, NEESPLAN is expected to reduce capital requirements over the planning period by over $2.6 billion, from $9.9 billion down to $7.3 billion.

With NEESPLAN, we estimate capital expenditures for conventional generation, transmission and distribution will be reduced by $3.9 billion over the period 1981–1996.

Partially offsetting these reduced capital expenditures will be increases for NEESPLAN projects, including $238 million for coal conversion, $274 million for load management, conservation, and alternate energy sources, and $744 million for expanded domestic fuel exploration and development. The coal conversion construction expenditures for the period 1981–1996 do not include $80 million budgeted for 1980.

A substantial portion of the required capital will be produced internally. However, some outside, permanent financing will be necessary, especially over the next five years.

Our plans suggest we will need no additional public sales of common shares from the mid-1980's through the remainder of the NEESPLAN planning period.

NEESPLAN has the potential to significantly improve our investors' earnings over the next 15 years. Regulatory agencies here in New England and in Washington are fully aware of the need for energy conservation, load management, secure energy resources and coal conversion.

We are incorporating our total approach in "forward-looking test year" rate applications and also asking for an "incentive return" for our conservation companies. We believe this approach is the best way to insure fair treatment for our investors.

Our first year of NEESPLAN experience has not provided solid evidence that the regulatory commissions support this new planning approach. There have been many individual statements of support, but no conclusive regulatory decisions. Future commission actions will be the real measure of their commitment to the principles of NEESPLAN.

ENERGY BENEFITS FOR NEW ENGLAND AND THE NATION

Like the original, this edition of NEESPLAN is designed to meet the needs of our customers, our investors, New England and the nation. This plan will save some $1.35 billion for our customers. It will offer them help in making wise and efficient energy choices. It holds promise of a fair return to our investors during a period of inflation and the opportunity to diversify our interests and provide new investment opportunities.

NEESPLAN furthers national and regional goals. It will reduce dependence on foreign oil, increase energy independence and limit foreign payments. It will lead to innovation in conservation, load management and alternate energy technologies. It will more than meet all of the energy goals set by Congress and the U.S. Department of Energy.

The energy crisis is not an insurmountable problem. Rather, it is a challenge which leads to new opportunities. We in the U.S. have sufficient basic energy resources. The question is: do we have the time to develop these resources and do we have the will.

When issued last year, NEESPLAN was the blueprint for our new approach to energy problems. This year, we have refined our analysis, expanded our goals, and begun implementation. Our commitment has not changed.●

COSTA RICA

● Mr. KENNEDY. Mr. President, I am pleased to call to the attention of my colleagues the impressive address delivered yesterday by the President of Costa Rica, Rodrigo Carazo Odio on receiving an honorary degree from Georgetown University.

President Carazo richly deserves this recognition for continuing and expanding the tradition of commitment to democracy and human rights that has characterized the history of Costa Rica.

Costa Rica has maintained respect for law and for individual liberty in a free and democratic setting throughout its history. In recent decades, it has been a leader in Latin America and in the international community of nations demanding greater institutional protection for individual human rights.

It was the site for the Special Inter-American Conference which adopted the American Covenant on Human Rights in 1969 and it was the first signatory to ratify that covenant and the only one to accept the general and unconditional jurisdiction of the Interamerican Court of Human Rights. That Court is now centered in San Jose and receives the special support of Costa Rica, and as the President stated—

> Our most important contribution consists in the intangible one of providing the Court with the environment of peace, of representative democracy, of respect for the Rule of Law and of true commitment to liberty, dignity and all attributes essential to the human person. . . .

Mr. President, I ask that the full text of the address by Rodrigo Carazo Odio, President of Costa Rica, be printed in the Record.

The address follows:

University of Georgetown

(By President Rodrigo Carazo of Costa Rica)

Mr. President, members of the faculty, members of the board, students, ladies and gentlemen.

I receive and accept this tribute as bestowed not on me personally, but rather as a tribute to the representative of a country that well deserves it.

In a disturbed world, Costa Rica is a country dedicated to Peace, to Law and to Education. To your discovery of such facts must I attribute your decision in choosing me for the highest honor to be bequested by an Academic Institution, still higher an honor because of the prestige and excellence enjoyed by the University of Georgetown.

I therefore must not speak about myself, who claims no other merits than those pertaining a good Costa Rican citizen who sets his best efforts toward representing his country with dignity and respect and, if possible, enhancing its foremost values and traditions. In any event your distinguished president has already mentioned me in terms so generous as to exceed any personal merits I might be proud of.

I would rather talk about my country even though your President has also given you an excellent summary on it.

I wish to tell you about a little country of less than 20,000 square miles and a total population of under 2.5 million, located in Central America, South of Nicaragua and North of Panama and which, through many years of patient and sustained labor has achieved a high degree of political stability, social peace, civic consciousness and freedom; where general culture and well being in many cases stand comparison with those of more vast, powerful, rich and developed countries.

I wish to tell you about a little nation that abolished slavery and every type of discrimination at such early times and in such simple manner that memory of such date has been lost and whose Constitution, ever since 1821 consecrates equality and the highest values of spirit and dignity as the guidelines of its society.

I wish to tell you about a little country that, in 1869 declared primary schooling to be free and mandatory in 1888 declared secondary education to be free and paid for by the State, a little country that has reached some of the highest worldwide rates in literacy, educational assistance and university population, frequently surpassing those achieved by many of the developed countries. I wish to tell you about a little country that, by constitutional mandate and since 1889, abolished the death penalty and in which sacredness of human life admits no possible exception.

I wish to tell you about a little country that in 1949 abolished the Army by Constitutional mandate and whose modest police force, established rather for the protection of citizens than that of their rulers, does not demand an expense of even 2% of the National Budget; a country that takes 60% of the National Budget for education, health and social programmes and thus can boast of having the highest Latin American indicators of well being in such fields as low morbidity and mortality and high consumption of essential public services.

I want to talk with you about a little country that has made democratic institutions and human rights living realities, so much imbedded in the heart of every one of its citizens that they deserve high recognition by those who know or visit it.

A country in which the Rule of Law is alive and true, in which the Judiciary enjoys full financial autonomy and the utmost guarantees of independence and impartiality, where labor law is modern and effective, and where a scheme of legal and constitutional guarantees effectively protect citizens against eventual deviations or abuses of power.

I wish to speak with you about a little country that has consecrated, and continues to consecrate, its best efforts to internally carrying out and internationally promoting the causes of peace and human rights, those two faces of the single winning card mankind holds in the game that means its very survival.

In the field of peace Costa Rica, that has imposed upon itself the maintenance of peace even when facing such perils as those it had to face for many years because of the threats and aggressions of Anastasio Somoza, the Nicaraguan dictator, and which became critical in 1978 and 1979, has also shared its ideals and experience by actively participating in the endeavors that have been furthered in the United Nations and in other international forums in the quest for disarmament, the peaceful solution of controversy, and a more just international order that might contribute not only to the withdrawal of the immediate danger of war but rather, and mainly, eliminate the very causes of conflict and, some day, transform peace from a mere interval between two wars, precariously maintained by fear and vested interest into what it should be: a permanent, positive concept of normality, firmly based upon justice and law, with education as its source.

It has been on this basis that Costa Rica has increasingly focused its national and international policy around two mainstays: the promotion of human rights as sole guarantee for peace as the only means that may grant peace a foundation as a positive concept, anchored in the minds and hearts of men and refusal of the use of force as the only true guarantee for peace among nations.

Within such context we hosted, from 1908 to 1918, the Central American Court of Justice which not only was the first international justice tribunal but also, and specially, the first and most true attempt, to date, in the creation of an effective international system for the protection of human rights since it was the first and only one to recognize the human being itself as the direct subject of International Law. In fact, only three of the nine claims presented to the Court were claims between States, the other six were brought forth by individuals in the defense of their personal rights.

In this field, in the single claim brought against it, the Costarrican Government expressly waived its right to demand from the claimant the exhaustion of the instances of local jurisdiction, and unconditionally submitted to that of the International Court at which it was declared innocent of any guilt or responsibility.

Ever since, all Costarrican Governments have persistently fought for the reestablishment of the jurisdiction of the Central American Court and, more recently, for the establishment of an international system for the protection of human rights, not only at Interamerican, but rather at world encompassing level.

Internationally Costa Rica subscribed to the United Nations Charter from the moment of its birth and actively supported the Universal Declaration on Human Rights, approved by the General Assembly in Paris, on December 10, 1948. Later on it was among the first States to adopt and ratify the Civil and Political, Economic, Social and Cultural Covenants. It was also the first to authorize the Committee on Human Rights to accept any claim against it.

In this same field our delegation at the United Nations Organization has, during 14 years, insisted on the appointment of a High Commissioner for Human Rights that might act as a sort of "ombudsman" or public counselor in the worldwide protection of human rights. An outmoded nationalism, a misrepresentation of the principle of non-intervention and, specially, the opposition of a group of Governments that speak a lot about human rights and are quick to accuse those States that do not share their ideologies of violating them, while persistently refusing any possibility of being themselves called to account, have to this date successfully blocked this initiative that we shall continue to promote.

Within the Interamerican System, our country has been outstanding, since the Interamerican Conference of Bogota of 1948, in its commitment to include representative democracy and the protection of human rights in the American Declaration on the Rights and Duties of Man which, I remind you, was approved seven months before the United Nations Organization adopted the Universal Declaration; the Interamerican Charters on Social Guarantees, and the decision to subscribe an American Covenant on Human Rights that included the creation of an Interamerican Court of Human Rights.

In cooperation with technical organisms and the Organization of American States we worked intensively on the updating of the Charter of that Organization and at last attained, at the Buenos Aires Conference, success in the creation of the Interamerican Court of Human Rights, as well as in the definition of the economic, social and cultural rights included in the "Protocol of Buenos Aires." In 1969 Costa Rica hosted the Specialized Interamerican Conference that, on November 22 of that year, adopted the American Covenant on Human Rights also called, in honor of our country, the "Covenant of San Jose, Costa Rica"; probably the most complete existing instrument for the definition of civil and political rights, and which includes protective mechanisms as important as the Interamerican Court of Human Rights which has already taken its first firm steps as the guarantor of those rights in our Continent. Costa Rica was the first of the fifteen signatory States, to ratify the American Convention on Human Rights. We were also the first, and unfortunately the only one of them, to accept the general and unconditional jurisdiction of the Court in all cases relative to the interpretation and enforcement of the Covenant of San Jose and it fell upon us to personally negotiate ratification by the necessary number of States in order that the Covenant of San Jose could be enforceable and the Interamerican Court of Human Rights established.

The American States once more paid tribute to my country by choosing its Capital City as the Seat of the Interamerican Court of Human Rights solemnly installed in San Jose on September the Third, 1979 and presided by a Costarrican citizen. The Interamerican Commission on Human Rights is also presided by a Costarrican.

The Court and the Interamerican Commission recently adopted the decision of jointly establishing, in Costa Rica again, an Interamerican Institute of Human Rights that shall be the indispensable academic organization in order that the protection of those rights entrusted to the first of these two organisms may be promoted through education, research and diffusion only truly ensured by a higher education within its modest possibilities by giving the Court, the Commission and the Institute, its full support, even financially. Currently, its contribution to the financing of the Court exceeds $100,000 per year and is equivalent to 50 percent of the joint contribution allocated to the rest of the Continental Nations for such purpose.

But, I must immodestly say, our most important contribution consists in the intangible one of providing the Court with the environment of peace, of representative democracy, of respect to the Rule of Law and of true commitment to liberty, dignity and all attributes essential to the human person, that in my country have become a continuous experience in every stage of what has become our permanent way of life.

This essential environment in itself, has allowed us to undertake an ambitious project that we hope shall be our major contribution to the attainment of true and everlasting peace. I am now making reference to the proposal that, as President of the Republic of Costa Rica, I had the honor of placing before the General Assembly of the United Nations Organization on the 29th of

September of 1978, requesting the creation, on an international basis, of a University for Peace.

The project was accepted for study by the General Assembly and received its approval at its XXXIV meeting, in December 1979 which provided for the establishment of an International Commission which should prepare its structure, organization and implementation, and present them to the XXXV General Assembly, convened for the end of this year.

The concept and presentation of the project for the University for Peace, arises from a fundamental idea: peace must also be the object of education. In other words: peace must not just be, the much desired end of war, nor the mere period between two wars, but rather a human value that springs from the conscience of men, from their minds and wills and which must deserve particular preference in the education of man. To the static concept of peace, we oppose a dynamic ideal, one that is, if you allow the paradox, even aggressive.

Costa Rica has placed the basic documents for the implementation of this plan before the United Nations International Commission in charge of the academic scheme for the University for Peace. Its first meeting took place at the United Nations Organization headquarters and the second one was held in San Jose, in August of this year.

Our plan includes three stages: seminars on peace, related to man's and society's most important current issues, creation of institutes for peace pertaining to the following areas: Irenology, Education for Peace, Human Rights, Communications, Transference of Technology and Science, Natural Resources and Way of Life, and Peace and Conflict, and the third and final; the University for Peace itself.

This vast endeavor naturally requires of abundant financial resources. The Government of Costa Rica has acquired, and is ready to provide adequate land for the Campus, 350 hectares, surrounded by a primeval tropical forest, and is also willing to go through any sacrifice indispensable to the implementation of this plan on a worldwide scale. Still, we are in need of the help of individuals, institutions and nations of good will desirous of investing their resources, not in weapons and purely material enterprises, but rather in an institution oriented towards the formation of man, in a task that we feel certain will endure through time as the true expression of a century urged for and in dire need of love and peace.

This is neither Utopia nor just one more University. It is, an expression of historical need. Man must understand that peace is not a spontaneous or static asset, but rather a permanent conquest that is born during the the first steps of education and continued through secondary and higher learning. Today's world and its historic experience demand that man's most valuable formative instrument, education, have a preferential and specific objective: peace. All study programmes must be encompassed by this central idea of which the University for Peace shall be the primary source. This then is my country's contribution towards the upgrading and dignification of the world, towards its salvation, so to say. It is a slow but deep-reaching task. It is also complex, but it reaches into the very roots of mankind. The world will be in danger of annihilation as long as peace is not born out of the souls and minds of men.

After this brief summary of the History of Costa Rica and this Synopsis of our international policy, it is easy to understand why my Government has decided not to adhere to any of the international political blocks, but rather to hold on to the principles and policies of truth, rights, justice and human dignity. Costa Rica is a non-aligned country that refuses alignment even with the so called "non-aligned". The values we stand for: peace, human rights, human dignity, lead us towards independent thought and action in all circumstances, thought that is well above the vested interests of groups, key nations, or blocks. We want to continue to be aligned to principles and values and not to transitory interests. This attitude does not imply a departure from, or a rejection of, human solidarity. On the contrary, it manifests a firm support for it. Wherever the innermost values of mankind might be in jeopardy or in mortal peril, we shall raise our voice without prejudice or covert intention and, most certainly, without fear.

The high honor you have bestowed upon me gives me ample reason for pride but I also regard such honor as an encouragement towards the increase of my country's spiritual and moral values. I find no better way of expressing my appreciation than to make public vow of my commitment to the struggle for the affirmation of peace, of the kingdom of liberty.

On behalf of the people of Costa Rica, loyal keeper of such values, from the bottom of my heart.

Thank you.

ORDER FOR RECOGNITION OF SENATOR BELLMON ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. BELLMON be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BELLMON AND SENATOR PERCY ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders have been recognized under the standing order, Messrs. BELLMON and PERCY be recognized each for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there is no further morning business that I know of.

The PRESIDING OFFICER. Morning business is closed.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Now, Mr. President, the Senate is in executive session, is it not?

The PRESIDING OFFICER. The Senator is correct.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVES X, Y, AND Z, 96TH CONGRESS, 2D SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Conservation of Antarctic Marine Living Resources, the Tax Convention with the People's Republic of Bangladesh, and A Protocol to the Tax Convention with the Kingdom of Norway (Executives X, Y, and Z, respectively, 96th Congress, 2d session), transmitted to the Senate today by the President of the United States, and ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention on the Conservation of Antarctic Marine Living Resources. I also transmit for the information of the Senate the report of the Department of State with respect to this treaty.

The Convention on the Conservation of Antarctic Marine Living Resources will establish international mechanisms and create legal obligations necessary for the protection and conservation of the marine living resources found in the waters surrounding Antarctica. The Convention incorporates an ecosystem approach to the management of those resources, including standards designed to enable mankind to conserve the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole. Implementation of this Convention offers a welcome and unusual opportunity to apply to shared resources an effective regulatory framework prior to the emergence of large-scale commercial harvesting of those resources.

The significance of this Convention lies not only in its environmental and resource management provisions and objectives. It also represents an important example of international cooperation among the Consultative Parties of the Antarctic Treaty. The system established by the Antarctic Treaty two decades ago has permitted its Parties, who maintain differences of position concerning claims to territorial sovereignty in Antarctica, to work together to further scientific research and to ensure that Antarctica does not become the scene or object of international discord. This new Convention, which extends this unique pattern of international cooperation into the area of resource management, is thus also important as an international legal and political undertaking.

The United States played a leading role in the negotiation of the Convention on the Conservation of Antarctic Marine Living Resources. The Convention reflects our concern for the protection of the Antarctic marine ecosystem—including the whales, penguins and seals which are components of it. It is my hope that the United States will also play a leading role in the effective implementation of the Convention. To this end, it is important that the United States be represented at the first meeting of the Commission which will be held within a year of the entry into force of the Convention following the deposit of the eighth instrument of ratification.

I recommend that the Senate give early and favorable consideration to this treaty and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *December 2, 1980.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of the People's Republic of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (the Convention), together with a related exchange of notes, signed at Dacca on October 6, 1980.

The Convention, in general, follows the pattern of the United States model income tax convention, with a few departures from the model to accommodate Bangladesh's status as a developing country.

The Convention differs in one major respect from other recent United States tax treaties, including those with developing countries. In most of these treaties a source country exemption is provided for shipping and aircraft operating income. The convention with Bangladesh, however, provides exemption for aircraft income only; shipping income is taxable under the internal laws of the two Contracting States.

The exchange of notes sets out certain understandings between the two governments.

I recommend that the Senate give early and favorable consideration to the Convention and give advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *December 2, 1980.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol amending the Convention between the United States of America and the Kingdom of Norway signed at Oslo on December 3, 1971, which Protocol was signed at Oslo on September 19, 1980. I also enclose, for the information of the Senate, the report of the Department of State.

The Protocol modifies the existing convention between the United States and Norway. It takes into account changes in Norway's tax system during the years since the Convention was negotiated and otherwise brings it up to date.

In 1975, Norway amended its corporate tax in several ways to increase the burden of that tax on corporations deriving income from the extraction of offshore oil and gas. The 1975 legislation also added a special tax on income from submarine petroleum resources. Article I of the Protocol clarifies certain questions arising from these changes by providing foreign tax credits with respect to the corporate tax and the special tax, with a limitation for taxpayers subject to the special tax to the amount necessary to offset United States tax on the petroleum income from sources within Norway. This limitation is similar to that contained in the Third Protocol to the income tax convention between the United States and the United Kingdom.

The Convention does not provide specific rules to determine when a country has the right to tax income resulting from the exploration or exploitation of its continental shelf and its natural resources. Article II of the Protocol allows Norway and the United States to impose a tax on income derived from the exploitation or exploration of natural resources on their respective continental shelves after such activities have existed for more than 30 days in a twelve month period. With respect to income from employment in such activities, however, an exemption is provided for wages attributable to sixty days of personal services performed in the taxable year.

In addition, the Protocol modifies the rate of withholding tax at source on dividends and interest and allows the United States to tax gains from the sale of shares in companies whose assets consist principally of United States real property. It also contains other provisions, including a new provision on the tax treatment of entertainers and athletes and clarifies provisions on administrative cooperation.

I recommend that the Senate give early and favorable consideration to the Protocol and give advice and consent to its ratification.

JIMMY CARTER.

THE WHITE HOUSE, *December 2, 1980.*

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, the order for convening tomorrow is for 10 a.m., is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

And the Senate is in executive session, is it not?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order previously entered, and pursuant to Senate Resolution 545, as a further mark of respect to the memory of the deceased Honorable John W. McCormack, late a Representative from the State of Massachusetts, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and the Senate, in executive session, at 6:57 p.m., recessed until Wednesday, December 3, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, December 2, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, our hearts reach out in praise for all those good people who have faithfully sought to serve You in acts of word and deed. For all the prophets who have spoken the truth without regard to personal concern, we give thanks for all who have ministered to the lonely and forgotten, and for all who have used their time and talent for the strengthening of justice and mercy, we are appreciative. Encourage us, O God, and all men and women of good will, to continue those good deeds begun by Your prophets and apostles and by Your saints through the years, who, not counting personal cost or gain, have testified to Your love in their daily lives. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On November 24, 1980:

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes.

On November, 26, 1980:

H.R. 7764. An act for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six;

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States; and

H.R. 1762. An act to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez.

On December 2, 1980:

H.R. 39. An act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 6211. An act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act;

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984;

H.R. 8298. An act to designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes; and

H.J. Res. 205. Joint resolution authorizing appropriation of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes." The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 12, 17, 22, 24, 31, 32, 34, 52, 64, 74, 78, 82, 84, 85, 86, 88, 91, 94, 108, 110, 113, 119, 124, 132, 133, 134, 135, and 136 to the above-entitled bill, and that the Senate recedes from its amendment numbered 128 to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 658. An act to correct technical errors, clarify and make minor substantive changes to Public Law 95–598.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 6086) entitled "An act to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 878. An act to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance and thereby enable such governments to reduce administrative costs and emphasize the community priorities for which such assistance is provided.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

MRS. ALICE W. OLSON

The Clerk called the bill (H.R. 5160) to amend the act entitled "An Act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 8105—DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. ADDABBO, GIAIMO, CHAPPELL, BURLISON, MURTHA, DICKS, CHARLES WILSON of Texas, WHITTEN, EDWARDS of Alabama, ROBINSON, KEMP, and CONTE.

MAKING IN ORDER CALL OF PRIVATE CALENDAR ON TOMORROW

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Private Calendar be called tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, as I understand it, if the gentleman could explain, this will only be private bills that have gone through the entire procedure of the Committee on the Judiciary?

Mr. BOLAND. Mr. Speaker, the gentleman has stated it correctly in my understanding. It is my understanding that there are about 12 bills that are listed. Those bills will be called tomorrow. There will be reports on all of the bills to be considered tomorrow.

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, can the gentleman tell us, will there be some kind of reports available so that we will have some capability of understanding what the committee intends?

Mr. BOLAND. Mr. Speaker, it is my understanding that the Committee on the Judiciary will have that kind of report available tomorrow so that the Members of the House can consider them.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 8105, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981, AND MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Wednesday, December 3, 1980, to file a conference report on the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes, and that it may be in order to call up the conference report and amendments in disagreement thereto at any time thereafter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUEST FOR CONSIDERATION OF H.R. 8386, FOR THE RELIEF OF ROY P. BENAVIDEZ

Mr. WHITE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged for further consideration of the bill (H.R. 8386) for the relief of Roy P. Benavidez and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I believe we had agreed this would come up tomorrow with the other Private Calendar bills.

Mr. WHITE. Mr. Speaker, I understood this was to come up today.

Mr. ROUSSELOT. Mr. Speaker, we need to bring it up tomorrow, if the gentleman would withhold.

Mr. WHITE. Mr. Speaker, I withdraw my unanimous-consent request.

HIGH INTEREST RATES WILL NOT HALT INFLATION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the Federal Reserve, in its perverse wisdom, has proved that a 20-percent interest rate will not halt inflation. Perhaps they believe that some still higher interest rate will do so. Indeed, it is said that a guillotine will cure a headache; by that logic perhaps the Federal Reserve knows what it is doing.

But at what cost? Our analysts on the Budget Committee estimate that each percentage point in interest rates increases Federal spending by about $2 billion for debt service. So the rise between June when rates bottomed out—and the economy began to recover—and today when the prime rate is almost 18 percent, could cost the Federal Government roughly $12 billion.

Now let us add another factor. Today's rates are killing the housing industry and they are killing the auto industry and they are killing business activity. Does anyone here doubt that the result will be at least a 1 percentage point rise in unemployment?

And what does one point in unemployment cost the Government, $20 to $25 billion?

So the change in rates from June to today may increase Federal spending by $30 to $35 billion, and that is more than the $27 billion deficit we approved in the Second Budget Resolution. If interest rates had remained at the lower level, we might have had a balanced budget.

Let me detail another grim set of facts. In October 1979, the prime rate was 14.5 percent. By April 1980, the prime rate had jumped to 19.5 percent—just about the level we are approaching today.

Between those dates and during that rise in rates, business failures increased 40 percent and business bankruptcies climbed 50 percent. Does anyone among us doubt that the same thing is happening to businesses in every town and city in America today?

What will it take for the Federal Reserve to realize that high interest rates are not the cure for inflation but the cause of inflation?

REGISTRATION FOR THE DRAFT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the Supreme Court will render a decision next summer on whether or not it is constitutional to require only young men to register with the Selective Service System. The challenge is that women should also be required to register.

In the meantime it will be necessary for young men age 19 and 20 who have not registered to do so. Also those young men who will become 18 years of age in 1981 will have to register in the month of January.

Mr. Speaker, the young men of America have come through for us and well over 95 percent of those eligible to register have done so.

What this Nation needs to meet its combat requirements is the registration of able-bodied men, not women.

In section 8 of article 1 of the Constitution it says that the Congress shall have the power to raise and support armies, to provide and maintain a navy, and to make the rules for the government and regulation of the land and naval forces.

This language makes it clear that the Congress has the constitutional power to maintain our Nation's military forces.

□ 1210

GOVERNOR GRASSO, A LADY OF COURAGE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, one of the world's great authors, Ernest Hemingway, defined courage as grace under pressure.

In Connecticut, no one exemplifies this definition of courage more than Gov. Ella Grasso.

The world learned sadly last week that Governor Grasso is now suffering from cancer of the liver. But this courageous lady, this lady who has served Connecticut as a State representative, secretary of state, a fellow Member of Congress with many of this body, and now as Governor, continues to lead Connecticut in a firm and positive fashion during this period of personal difficulty.

The State, and yes the people of Connecticut, benefit from this firm leadership.

I join in applauding Governor Grasso in this magnificent display of courage.

CONGRESS SHOULD HAVE RESPONSIBILITY TO SET GUIDELINES FOR FEDERAL RESERVE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, high interest rates remain one of the principal causes of inflation because the producers of our economy must pass through to consumers, their cost of credit. Those increased costs are passed along to the consumer in the form of higher prices.

But the consumer is also a creator of money. Every time we use our VISA or Master Card credit cards, we create new money which becomes part of the money supply. As the total money supply is expanded, the value of our currency is diminished accordingly unless there is a commensurate expansion of tangible wealth. In recent years, the growth of the money supply has outstripped the growth of tangible wealth as represented in the productivity indices.

The policy of allowing the Federal Reserve System to set the price of money through the use of existing procedures is not carved in stone. By the Federal Reserve Act of 1913, the Congress delegated the power to control the money supply to the Federal Reserve System but it did not relieve the Congress of the constitutionally prescribed responsibility to regulate the currency.

The Federal Reserve high cost of credit policy makes no distinction between credit for productive and nonproductive purposes. Credit used for productive purposes—manufacturing, agriculture, mining, utilities, transportation—aids the formation of capital and facilitates the expansion of tangible wealth, resulting in economic growth.

High credit for nonproductive purposes—and the examples are well known to all who have spent money we do not have by using a credit card—is clearly inflationary.

Mr. Speaker, I suggest that the Congress has not only the authority but the responsibility to set guidelines for the

Federal Reserve to modify its policies in a way which recognizes the essential differences between inflationary and noninflationary credit.

BLUE CROSS WILL NOT PAY FOR MIDWIFE-ATTENDED BIRTH

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, the wife of one of my aides, Brooks Yeager, is about to have a baby. Under Blue Cross it will be paid for if she has a doctor attending her, but Mrs. Yeager is going to have a certified, government-approved midwife; and Blue Cross will not pay that.

In other words, if you spend $1,000 to have the baby, Blue Cross will pay it, but if they spend $300, they will not. This is required by the Government, the Office of Personnel Management, in their contracts. This is how we build in inflation into our system, and this kind of thing simply must stop.

PRESIDENT SHOULD BE GIVEN AUTHORITY TO NEGOTIATE LIMITATIONS ON AUTO IMPORTS

(Mr. DAVIS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Michigan. Mr. Speaker, later today, the House is scheduled to consider House Joint Resolution 598, authorizing the President to negotiate temporary limitations on automobile imports.

Earlier this year, the House and Senate passed Senate Concurrent Resolution 101, emphasizing that—

> The American automobile and truck industry is a strategic national industry that is essential to the economic stability and national security of the United States . . .

The Department of Labor indicates that workers either directly or indirectly associated with the motor vehicle industry account for over 20 percent of the American work force.

Despite the vital importance to the United States of the automobile industry, our free trade policies have resulted in record imports of foreign cars. Imports of Japanese automobiles, for instance, have risen 37.7 percent from September 1979 to September 1980.

The effect of these imports is mind boggling: Up to half of our auto plant capacity lies idle. More than half a million workers in the industry are unemployed. The automobile industry will lose between $4 and $5 billion in 1980 alone.

Meanwhile, the industry predicts that it will be investing $80 billion over the next 3 to 5 years in retooling its cars to meet current demands for fuel efficiency.

Obviously, the U.S. Government has a clear responsibility to help solve the problems it helped to create. House Joint Resolution 598 is a step in this direction.

It should be noted that this is not a bail out or a quota system or any retaliatory protectionist measure. Rather, it legally authorizes the President to negotiate reasonable solutions to the import situation. Moreover, this measure cannot be construed as a precedent-setting resolution, since its authority is temporary and since it requires that the domestic industry has exhausted available remedies.

In short, the U.S. Government is largely responsible for the current plight of the U.S. automobile industry. Our free trade policies are not helping matters at all and neither are other governments. Thus, it is necessary to grant authority to the President to negotiate orderly agreements which will provide our domestic industry with enough time to recuperate from its current problems. It therefore is necessary to pass House Joint Resolution 598 today.

FOR THE RELIEF OF ROY P. BENAVIDEZ

Mr. WHITE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 8386) for the relief of Roy P. Benavidez, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mrs. HOLT. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the chairman for an explanation of this bill.

Mr. WHITE. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, the House Armed Services Committee has favorably reported H.R. 8386 for the relief of Roy P. Benavidez. This bill would waive the time limitation contained in section 3744 of title 10, United States Code, to permit the President to award the Medal of Honor to former Master Sergeant Benavidez.

The provisions of section 3744 of title 10, United States Code, require that the award be made within 3 years after the date of the act justifying the award. As indicated, this bill would waive that time limitation in order that the late verification of Sergeant Benavidez' heroic acts may be utilized in determining whether the award shoud be made. Thus, in essence, the Congress would be clearing the way for the appropriate agency to make a recommendation to the President.

Master Sergeant Benavidez has already received the Distinguished Service Cross for acts of valor performed on May 2, 1968, in Vietnam. Although recommended by his commander for the Medal of Honor for his courageous actions on May 2, 1968, Sergeant Benavidez did not receive the medal because of a lack of direct evidence. This year an eye witness to Sergeant Benavidez' performance was finally located who clearly establishes his claim to the Medal of Honor.

The Department of the Army and the Department of Defense have now recommended that the President award the Medal of Honor to Sergeant Benavidez and we understand from the sponsor of the legislation, Mr. WYATT, that the President has indicated he would approve such an award if legislation to waive the statute of limitations is passed by the Congress. H.R. 8386 would remove the statutory bar precluding action in this case and permit the President to award the Medal of Honor to Sergeant Benavidez.

Mr. Speaker, the committee has had the events of May 2, 1968, recounted in detail and believes Sergeant Benavidez' heroism should receive the full recognition to which it is entitled.

I urge passage of this legislation.

Mrs. HOLT. I thank my subcommittee chairman for the careful explanation of the legislation, and I certainly support the purpose of H.R. 8386. It is very unfortunate that with the relatively short time limit afforded by the terms of statute that many heroic deeds during time of war were not recognized sufficiently, and the testimony that we heard in this instance certainly indicates that Sergeant Benavidez deserves the opportunity to have the executive branch consider fully the valor which led to the recommendation that he receive this Medal of Honor.

Mr. WHITE. Mr. Speaker, if the gentlewoman will yield further, I want to recognize our fine Member from Texas (Mr. WYATT), who was the author of the bill and personally familiar with the proposed recipient.

Mr. WYATT. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. WYATT. I thank the gentlewoman for yielding.

I want to say that this bill was introduced for the benefit of Roy P. Benavidez at the request of the Department of Defense. This action has been thoroughly reviewed and recommended by the Secretary of Defense, the Joint Chiefs of Staff, the Secretary of the Army, and it was introduced only after their recommendations have been made.

Among other places, Sergeant Benavidez served with the Fifth Special Forces Group in Vietnam in 1968. On May 2 of that year he volunteered to join a rescue team that was going to fly to a landing zone west of Loc Ninh, Vietnam, to attempt an extraction of a 12-man recon team of his unit that had been pinned down by enemy fire. Upon arrival at the landing zone he jumped from the helicopter which was under severe enemy fire and attempted to work his way to the wounded or dead team members. He was wounded twice en route to their location. Upon reaching them he directed them to develop a defense and then started carrying wounded to the awaiting helicopter. Again, he was hit by enemy fire.

Prior to loading all the wounded or dead on the waiting helicopter, it was hit and rolled on its side. He then removed the wounded crew members from the helicopter and continued to direct the defense of the group while seriously wounded himself. He found an emergency radio on one of the dead team members and made radio contact with TAC aircraft and directed air strikes against the advancing enemy. These strikes reduced the fire being received by friendly members pinned down in the area and another helicopter came in to attempt another evacuation. While seriously wounded Sergeant Benavidez started carrying the dead and wounded to the helicopter, again he was hit. While returning for another member of the team he encountered hand-to-hand combat with a Vietcong. He was cut and hit in the head but managed to kill the attacker. He returned for another wounded and in returning to the helicopter he saw two Vietcong approaching from the rear of the helicopter.

The crew on the waiting helicopter could not see them approaching. Sergeant Benavidez laid the wounded soldier down and fired at these two VC killing them both. Had this not been done that helicopter would have been destroyed as witnessed by its crew members. Sergeant Benavidez refused to get on the helicopter until he was insured he had retrieved all the wounded and dead friendly members in the area and this included recovering classified material that was carried in by the original recon team. It was observed that Sergeant Benavidez was badly wounded to the point that intestines were pretruding from his body. As a result he was subsequently discharged with an 80 percent disability.

The Congressional Medal of Honor is the highest award this Nation can give. It should not be given lightly and I personally believe the Congress should not waive the law unless it has been requested by our Nation's military leadership. Congressman Pickle, Kazen, Gonzalez, Garcia, de la Garza, Roybal, and former Congressman John Young are all cognizant of Sergeant Benavidez, courage and heroism and have been supportive of him and this legislation.

Mr. Speaker, Roy P. Benavidez has distinguished himself on the battlefield—He is also a fine man—an American and Texan who loves his family and his country. It is an honor to ask the House to suspend the rules and recognize the courage and heroism of Roy P. Benavidez.

Mr. PICKLE. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I would like to add my congratulations to Sgt. Roy P. Benavidez of El Campo, Tex., and to thank my House colleagues for the action today in laying the groundwork for the sergeant to receive the Congressional Medal of Honor.

I take a special interest in Sergeant Benavidez' case, because in the early 1970's, El Campo used to be in the 10th Congressional District. I began working with the sergeant and the Army at that time. Sergeant Benavidez had received the Distinguished Service Cross, but I felt, and his friends and admirers felt he was worthy of a higher consideration. I recommended then that he receive the Congressional Medal of Honor. The Army promised a thorough investigation. This they have done. Though it took over 7 years, thank goodness it was finally done. Justice has prevailed.

I think the work we did laid the groundwork, but it took still more letters, more work, more cutting of redtape to get the sergeant's case across. Nevertheless, I am happy to have made a contribution to this process. At long last, I am glad Sergeant Benavidez' heroism as a Green Beret in Vietnam in 1968 will finally be acknowledged and appreciated by the American people. His valor and dedication to patriotism serve as an example, not only to his friends in Texas, but to all Americans.

My colleagues, Joe Wyatt and Richard White, are to be congratulated for the work they did in making this award a reality. And speaking for the 10th District of Texas, even though Sergeant Benavidez is no longer my constituent, we still claim him as a friend and salute him as a hero.

Mrs. HOLT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. White)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limitation contained in section 3744 of title 10, United States Code, with respect to the awarding of certain medals to persons who served as members of the Army shall not apply with respect to the awarding of the Medal of Honor to Master Sergeant Roy P. Benavidez (United States Army retired) (service number [redacted]), of El Campo, Texas, for acts of valor performed in the Republic of Vietnam in 1968.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 8386, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING SECRETARY OF INTERIOR TO TRANSFER CERTAIN LAND AND FACILITIES USED BY BUREAU OF MINES

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7385) to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

□ 1220

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 12, after "Labor" insert ", to the extent and in such amounts as are provided in advance in appropriations Acts,".

Page 3, line 1, after "University" insert ", to the extent and in such amounts as are provided in advance in appropriations Acts,".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendments and that they be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona?

Mr. LUJAN. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I will not object. I simply ask the gentleman to give us an explanation of the bill.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman.

Mr. UDALL. Mr. Speaker, this bill authorizes the conveyance of a parcel of land adjacent to the Carnegie-Mellon University to the university at fair market value or $5,400,000 whichever is higher. The House passed this measure on September 23, 1980, and it was approved by the Senate on November 21, with two technical amendments which make it clear that the actions authorized in the bill are subject to the usual appropriations process. The amendments are constructive contributions to the bill and are germane to its purpose. I urge this adoption and the approval of the bill, as amended.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for this explanation.

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with a great sense of pride and of satisfaction that I applaud the action of this body in voting final passage of the bill, H.R. 7385, to transfer certain facilities of the Bureau of Mines to Carnegie-Mellon University in Pittsburgh.

As you may know, efforts have been underway to accomplish this since as far back as 1957, even before I came to Congress. My own efforts began in 1967, and are finally culminating in the bill which is before us today. The similar legislation which Senator Heinz sheperded through the Senate, S. 2734, has been approved by the Senate Energy Committee and the Senate Budget Committee and has been replaced by the original House bill, and amended to satisfy the requirements of the OMB, the Bureau of Mines and the Mine Safety and Health Administration of the Department of Labor as well as Carnegie-Mellon University. In essence, the bill authorizes the Federal Government to sell their facility in Pittsburgh to the university for the fair market value or $5,400,000 whichever is higher. At the same time the bill authorizes the Bureau of Mines to expand their facilities at Bruceton, located on the outskirts of Pittsburgh, to accommodate the transfer of the BOM operation currently located on Forbes Avenue in Pittsburgh.

Should the costs of engineering, design and construction of the new facility and the fair market value of the building both come to less than $5,400,000, Carnegie-Mellon University will pay the higher amount or $5,400,000. Thus the bill assures that the Federal Government will at the very least get a new equivalent facility for the Bureau of Mines at no cost to the Government, and perhaps even receive additional funds beyond the costs for the facility.

Most importantly, the bill assures that the Mine Safety and Health Administration will have continued use of the space they now occupy in the Bureau of Mines facility as long as they wish to remain there, under a long-term lease arrangement with the University.

Finally, Mr. Speaker, I would like to take this opportunity to express my gratitude to the many people who have worked hard, and contributed so much to the realization of this legislation. To my fellow members of the Pennsylvania delegation who have an interest in this, Congressman GAYDOS, Congressman WALGREN, and Congressman MURPHY, I wish to express my appreciation for the cooperation and many hours of time devoted by them and by their staffs in working out the details of the legislation to the satisfaction of all parties involved. To Senator HEINZ and his staff for their fine cooperation and aggressive pursuit of the legislation through the Senate Energy Committee and the Senate Budget Committee and on to the Senate floor; and particularly to the people who will be most affected by the bill, the personnel of the Bureau of Mines, the Mine Safety and Health Administration, and Carnegie-Mellon University, let me say that I have rarely in my 22 years seen a greater effort to accomplish something which will be to the benefit of all parties concerned. Because there were so many parties involved, the bill has taken a great deal longer to accomplish. But we have been able, through hard work and a spirit of determination, to finally see it through to final passage.●

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AUTHORIZING CONVEYANCE OF CERTAIN FEDERAL LANDS AND ISSUANCE OF CERTAIN PATENTS

Mr. UDALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7260) to authorize the conveyance of certain Federal lands and the issuance of certain patents, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. JOHNSON of Colorado. Mr. Speaker, I reserve the right to object, and I yield to the gentleman from Arizona to explain the bill.

Mr. UDALL. Mr. Speaker, H.R. 7260, as reported by the Committee on Interior and Insular Affairs, deals with a legalistic problem experienced by a number of the Western States to whom Congress has granted certain Federal lands as a basis for financing their public schools.

The problem is, that while the title to the granted lands vested in the States at the time the grant was made, the Secretary of the Interior is presently without authority to issue the official "patents" which would provide the sort of documentation of title which some of these States need for administrative and other purposes.

H.R. 7260 would cure that defect by authorizing the issuance of appropriate documents. It does not enlarge or diminish the entitlement of any State to Federal lands, and is really a housekeeping measure, entirely noncontroversial, which has been sought by the administration at the request of a number of States. It was reported by our committee without dissent, and I would urge its approval by the House.

I ask unanimous consent to revise and extend my remarks.

The bill addresses an apparent anomaly growing out of the enactment of section 705 of the Federal Land Policy and Management Act, which repealed a number of laws including the act of June 21, 1934. That 1934 act directed the Secretary of the Interior to issue patents to the States for the numbered school sections previously conveyed to the land-grant States by various acts of Congress. Those patents did not actually grant title—that had already vested in the States—but the patents did provide an official document setting forth the date on which the titles vested; and many States have found that under their laws, is is necessary for them to secure such documents showing the date title vested.

The Secretary of the Interior is currently without the authority to issue "confirmatory" patents of the type which had been issued under the 1934 act prior to that act's repeal at the time of enactment of the Federal Land Policy and Management Act. In effect, H.R. 7260, as amended, would remedy this situation by reenacting the provisions of the 1934 act authorizing the issuance of such patents.

Mr. JOHNSON of Colorado. Mr. Speaker, H.R. 7260 is a straightforward bill which simply reenacts an old law which was inadvertently repealed by a previous act of Congress. There is no controversy and we have no objections to passage of the legislation.

The language of the bill simply directs the Secretary of the Interior to issue "confirmatory" patents to the States for the numbered school sections previously granted to the States by several acts of Congress. This legislation actually reenacts the act of June 21, 1934, which directed the Secretary to issue such patents to States for school lands which were previously conveyed to the States. Those patents did not actually grant title, since title had already been vested in the States by operation of law. The patents merely "confirmed" or provided evidence of title.

With the passage of the Federal Land Policy and Management Act (FLPMA) in 1976, among the many old public land laws repealed by the act was the act of 1934, thus removing the authority for the Secretary to issue these "confirmatory" patents. This legislation simply reinstates the previously existing authority of the Secretary. This is something the States have been seeking in order for them to adequately document the date on which title was actually vested in the States by previous acts of Congress. The administration fully supports the legislation and so do we.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, upon appropriate application by a State, shall cause patents to be issued to the numbered school sections in place, granted for the support of common schools by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress, that have been surveyed, or may hereafter be surveyed, and to which title at the time of application has vested in the grantee States, and which have not been reconveyed to the United States or exchanged with the United States for other lands. Such patents shall show the date when title vested in the State and the extent to which the lands are subject to prior conditions, limitations, easements, or rights, if any. In all inquiries as to the character of the land for which patent is sought the fact shall be determined as of the date when the State's title attached. Nothing in this Act shall be construed to increase or decrease any State entitlements to land under any provision of law.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 3, through page 3, line 10, strike all of sections 1 and 2.

Page 3, line 11, strike "SEC. 3. The" and insert "That the".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendments and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to issue patents for numbered school sections previously granted to certain States, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONFERENCE REPORT ON S. 2728, INDIAN HEALTH CARE AMENDMENTS OF 1980

Mr. UDALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 2728) to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the statement.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

(For conference report and statement, see page 31294 of proceedings of the House of December 1, 1980.)

The SPEAKER. The gentleman from Arizona is recognized for 30 minutes.

Mr. UDALL. Mr. Speaker, I am happy to bring before the House in the closing days of the 96th Congress the conference report on S. 2728, amending the Indian Health Care Improvement Act.

In 1976, we passed the Indian Health Care Improvement Act to establish a 7-year, incremental program to bring Indian health standards up to a par with the rest of the Nation. In the act, we directed the administration to take new initiatives in the area of health services and health facilities and we established new programs for the development of Indian health manpower and for attention to the health problems of urban Indians.

In order to facilitate congressional oversight of the program, the 1976 act set specific funding levels for these various programs only for fiscal years 1978 through 1980. It reserved for later enactment the establishment of funding levels for fiscal years 1981 through 1984. The primary purpose of the pending legislation is to reauthorize the programs under the act for fiscal years 1981 through 1984 and to set specific funding levels.

With one minor exception, the House version of the legislation did simply that. However, the Senate version not only set the funding levels for those 4 fiscal years, it also made substantive amendments to the new program language of the act, including establishing new programs.

In conference, the House conferees found all of the Senate amendments to be acceptable except two. The House conferees objected to a Senate provision expanding the act's programs for rural Indian health programs and a provision which would have designated the entire State of Arizona as a contract health-care service area.

By way of compromise, the conference report provides for a reduced spending level for these two proposals and directly or indirectly imposes a 3-year sunset provision.

Mr. Speaker, I am satisfied that the conference has arrived at a fair compromise on all issues in dispute and that this legislation, if adopted, will permit the Indian Health Service to continue toward its goal of health parity for our Indian citizens.

I urge adoption of the report.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I rise in support of the conference report on S. 2728. The basic purpose of this legislation is to reauthorize appropriations for the various Indian health programs established by the Indian Health Care Improvement Act.

That act sought to establish a 7-year, incremental program, beginning in 1978, to raise the health standards of the American Indian to a level comparable to the non-Indian population. The act provided specific funding authorizations for fiscal years 1978 through 1980, but reserved for later enactment the funding levels for 1981 through 1984. This legislation fulfills that purpose.

On September 9 the House passed H.R. 6629 by a vote of 311 to 70. That bill authorized $435 million over the next 4 fiscal years. On September 10 the Senate passed S. 2728 by unanimous consent. That bill authorized $524 million for 4 years for the same programs, but also included some substantive amendments which necessitated a conference.

The conference adopted a substitute text that reduced the level of authorizations to $489,553,000 over the next 4 fiscal years. It should be noted that the money authorized for fiscal year 1981—$99 million—has already been included in the $594 million appropriation for Indian health services that was part of the Interior appropriations conference report which the House adopted on November 21.

The 1976 act was enacted after several years of extensive hearings by House and Senate panels which disclosed severe Indian health problems and deficiencies in Federal programs designed to provide health care to Indians. In order to address the problems and deficiencies in a coordinated and comprehensive fashion, the act provided seven titles. These included programs to meet needs for health manpower, including the need for a cadre of trained Indian health professionals; patient care, construction of hospitals, and other health care facilities; elimination of unsafe water supplies and unsanitary waste disposal systems; and improved access to health services for urban Indians.

The Committee on Interior and Insular Affairs and the Commerce Committee's Health and Environment Subcommittee considered the record of the Indian Health Service in carrying out the mandate of the 1976 act and found that significant improvements have been made, but that much more work needs to be done. This fact supports the need to continue the authorities of the 1976 act.

The conference substitute before us now continues the congressional commitment set forth in that act to meet the national policy goal of providing the highest possible health status to Indians and to provide existing Indian health services with the resources necessary to effect that policy. I, therefore, urge my colleagues to support the conference report so that the efforts to improve the status of Indian health in the United States can continue.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. ROUSSELOT. I would like to discuss this with the head Indian. How much does this cost?

Mr. UDALL. I do not have the total figures in front of me. They are in the statement I was going to insert in the record.

Mr. ROUSSELOT. Does the gentleman have a general idea?

Mr. UDALL. About $400 million, I am told by the staff.

Mr. ROUSSELOT. Four hundred million dollars?

Mr. UDALL. Over the period of the authorization.

Mr. ROUSSELOT. Four years?

Mr. UDALL. Yes.

Mr. ROUSSELOT. So about $100 million a year?

Mr. UDALL. Well, the status of Indian health in this country is very regrettable and deplorable. I think this is a sensible and sound way to approach the problem among our Indian citizens.

Mr. ROUSSELOT. This is really all necessary money? The gentleman has looked at it carefully and with great scrutiny in the committee?

Mr. UDALL. The conference report is an authorization bill and was agreed upon by big majorities of the House and Senate conferees. In fact, I know of no opposition to the bill.

It is a lot of money, but there is a big problem with our Indian citizens.

Mr. ROUSSELOT. Well, I appreciate the gentleman's comments and analysis of the cost.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REQUEST TO MAKE IN ORDER CONSIDERATION OF H.R. 8378, NUCLEAR WASTE POLICY ACT

Mr. UDALL. Mr. Speaker, I ask unanimous consent that it shall be in order to consider the bill (H.R. 8378) to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes, in the House, and that the previous question shall be considered as ordered on the bill to final adoption without intervening motion except one amendment which may be offered by Mr. KOSTMAYER, and said amendment if offered shall not be subject to amendment and shall not be subject to debate except such time as may be yielded by the manager of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. PETRI. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 8105, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1981, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. ADDABBO moves, pursuant to rule XXVIII 6(a) of the House rules that the conference committee meetings between the House and the Senate on H.R. 8105, the fiscal year 1981 Department of Defense appropriation bill, be closed to the public at such times as classified national security information is under consideration, provided however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. ADDABBO).

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 359, not voting 73, as follows:

[Roll No. 653]

YEAS—359

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.Dak.
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Bailey
Barnes
Bauman
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Goldwater
Goodling
Gore
Gradison
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Harris
Hawkins
Heckler
Hefner
Hightower
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zefferetti

NOT VOTING—73

Ambro
Andrews, N.C.
Annunzio
Atkinson
Badham
Baldus
Barnard
Beard, R.I.
Bolling
Bonior
Bonker
Breaux
Brown, Ohio
Broyhill
Buchanan
Coelho
Collins, Ill.
Corman
Crane, Philip
Crockett
Dellums
Dodd
Duncan, Oreg.
Fenwick
Findley
Ford, Mich.
Frost
Garcia
Giaimo
Gibbons
Glickman
Gonzalez
Gramm
Grassley
Hagedorn
Hance
Hanley
Harkin
Harsha
Heftel
Hinson
Holtzman
Ichord
Jenrette
Jones, Tenn.
Kelly
Leath, Tex.
Lederer
Livingston
Lott
McCloskey
McKay
McKinney
Madigan
Mattox
Moakley
Moffett
Moorhead, Calif.
Murphy, N.Y.
Neal
O'Brien
Rodino
Satterfield
Schroeder
Spellman
Stewart
Stockman
Thompson
Wilson, Bob
Wilson, C. H.
Wolff
Yates
Young, Alaska

☐ 1240

Mr. JOHN L. BURTON changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEFERRALS AND REVISIONS OF BUDGET AUTHORITY UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-388)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totalling $2,770.8 million and three revisions to previously transmitted deferrals increasing the amount deferred by $846.2 million.

The new deferrals involve programs related to International Security Assistance, Department of Defense military construction programs, and the Tennessee Valley Authority.

The revisions to existing deferrals involve programs in the Departments of Defense, Transportation, and the Treasury.

The details of the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *December 2, 1980.*

PRESIDENTIAL AUTHORITY TO NEGOTIATE REGARDING AUTO IMPORTS

Mr. VANIK. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 598) authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States, as amended.

The Clerk read as follows:

H.J. RES. 598

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President may, whenever the President determines such action appropriate, negotiate with the representatives of foreign governments in an effort to obtain agreements limiting the export from such countries, and the importation into the United States, of automobiles and trucks, and enter into and carry out such agreements. The authority provided by the preceding sentence shall expire on July 1, 1983.

(b) No negotiation shall be entered into pursuant to subsection (a) unless the President considers, after consulting with the Secretary of Commerce and the United States Trade Representative, that increased imports of automobiles and trucks are causing serious injury, or threat thereof, to the domestic industry; and is satisfied that the domestic industry has exhausted available remedies under section 201 of the Trade Act of 1974. Further, any agreement entered into pursuant to subsection (a) shall be for a limited period of time, not to exceed the time necessary to allow orderly adjustment to import competition, and shall not have force and effect after June 30, 1983.

(c) The President shall seek information and advice from representative elements of the private sector, including representatives of consumers, with respect to negotiating objectives and bargaining positions before entering into an agreement referred to in subsection (a), either in accordance with section 135 of the Trade Act of 1974 or in accordance with such other procedures as the President may establish.

(d) The President is authorized to issue regulations governing the entry or withdrawal from warehouse of automobiles or trucks to carry out any agreement referred to in subsection (a).

SEC. 2. No person shall be liable for damages, penalties, or other sanctions under the Federal Trade Commission Act (15 U.S.C. 41-77), the Antitrust Acts (as defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44)), or section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), or any similar State law, based upon actions necessary to implement any agreement referred to in the first section of the joint resolution, or any modification or renewal of such an agreement.

The SPEAKER pro tempore. Is a second demanded?

Mr. FRENZEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. VANIK) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. I yield myself such time as I may consume.

Mr. Speaker, the passage of House Joint Resolution 598 will provide a tool for the executive branch to help the auto industry weather its current crisis.

The resolution authorizes—it does not mandate—the President during the next 2½ years to negotiate, enter into, and carry out agreements with foreign nations regulating international trade in autos and trucks.

He may enter into such negotiations only if the domestic auto and truck industries have exhausted their legal remedies under the Trade Act—as they have—and he believes that the industry is being seriously injured by imports. There is a legal question over whether public officials and private companies could be sued under the antitrust laws for implementing a negotiated agreement concerning the level of auto imports. This resolution's main purpose is to remove that legal concern by providing temporary immunity under U.S. antitrust laws.

On November 10, the International Trade Commission denied a UAW/Ford petition for temporary import relief on the grounds that increased imports are not a substantial cause of serious injury to the industry. Despite that ruling, there is a widespread belief that imports are a very important cause of the industry's problems and that the industry and its workers would benefit from some temporary moderation in the level of imports.

Clearly, import relief, and the assurance that there will not be new surges of imports next year, is one of the most important of many steps the Congress can take to assist this industry, which is a major keystone of the economy.

It is particularly appropriate that we provide new, temporary auto trade authority to the President at this time. There is a very real danger that the industry is facing another import surge and further, serious danger in 1981;

Europeans have been applying pressure on the Japanese to limit exports to them, thus putting new pressure on the world's last free market in autos, the United States;

There is no clear evidence that the Japanese are moderating their shipments to this country, despite frequent predictions of a slowdown in their exports;

Japanese capacity is increasing. They will have an additional 1.5 million units of capacity in 1982 while their own internal demand is declining. There will be tremendous pressures to divert the product of that new capacity to the open U.S. market;

Domestically, auto demand may completely collapse as interest rates go higher; and

And as gasoline prices surge upward. Decontrol will increase prices 17 cents a gallon and the Persian Gulf war is expected to start an upward spiral of the spot markets.

In light of these pressures, the President should have the temporary authority, if he thinks it necessary, to use trade tools in order to help one of the Nation's largest, most important industrial sectors. Let me make two other points.

This is a discretionary authority. For example:

If Japanese exports moderate as she has predicted, then the President may not need to use this authority; and

If the domestic industry recovers and it is clear that they have turned the corner, he may not need to use this authority.

This legislation simply provides an uncontested, legal tool to help a basic industry survive.

Second, if agreements are reached limiting imports, the Congress and the public expect a commitment from the industry and its workers to use any relief to modernize plants in the United States and Canada, not overseas; we expect salary and wage moderation;

We expect price moderation—the industry should use import relief to recapture market share, not to raise prices.

It is unfortunate that this resolution is coming up so very late in the session, but the ITC decision was not announced until November 10. The Trade Subcommittee has held a day of hearings, November 18, on the situation facing the auto industry and on November 20 reported out House Joint Resolution 598, with amendments, by a rollcall vote of 16 to 1.

We have given a great deal of thought and attention to the auto issue throughout 1980. The new Congress may not be in a position to act at a time when the domestic industry may be in a new and deeper state of crisis.

For all of these reasons, I urge the quick adoption of this resolution.

☐ 1250

Mr. FRENZEL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, there is a great compulsion in this body to rush this bill, House Joint Resolution 598, through our processes. In my lonesome judgment, both the procedure and the policy are a mistake.

Yes, the automobile industry is suffering. Of course, we all want to help Americans who are out of work. But I see no great hope for relieving very much unemployment through this resolution. On the other hand, whatever minor employment gains can be realized will be achieved at a terrible cost to consumers and a potentially high cost to other producers.

Testimony before our subcommittee and before the International Trade Commission indicated that under the quotas requested in ITC, which are about as much as could reasonably be expected to be negotiated, would result in increased employment of less than 13,000 jobs in the industry. The same testimony stated that the consumer cost of each of those jobs would be about $245,000. Ford testified to the ITC that domestic autos would increase in price from 8 to 15 percent under the restraint requested. By passing this resolution we are, in fact, doing the same thing as laying a huge tax on all car buyers.

Those estimates are only estimates, but they make this bill one of the most expensive to be handled this year. Nevertheless, we are handling it less than 2 hours after it passed out of committee.

There is no committee report. We are using a suspension procedure which sets tight limits on debate and prohibits all amendments. The procedures are defensible only on simple, inexpensive, noncontroversial bills. They are not defensible at all for this bill.

The resolution is not timely. According to figures contained in the as yet unprinted committee report, the import penetration in the U.S. auto market which peaked in July at 29.8 percent, has subsided to 21.6 percent in October. Japanese market share reached 23.8 percent in July, but fell to 16.6 in October.

It is not timely from another standpoint. Obviously, the old administration cannot negotiate. The new one has had no opportunity to review the problem. It will be bound by this resolution, if passed, even though it may want to deal with this matter in a different way.

We have plenty of time to deal with this problem next year after we have the recommendation of the new administration. Passing House Joint Resolution 598 would be consistent with our normal desires to legislate results, but the resolution is only a piece of paper unlikely to produce important results any sooner than a resolution passed next year.

However, the principal basis for my objections is that House Joint Resolution 598 represents bad trade policy. It sets the precedent that losers in ITC 201 relief cases who have political clout, or whose organized employees have clout, can expect relief directly from Congress.

Congress carefully developed the ITC relief procedures under specific guidelines. Aggrieved parties know the rules and law. Now, at the request of a large automaker and a powerful union, we are ignoring the rules we so carefully have drawn.

In fact, we are debasing the 201 process. The large and powerful can thumb their noses at the ITC. They do not need a good case. The smaller interests will be left with a flawed process, which is irrelevant to other interests. If the Trade Act needs amendment, and I believe it does, we ought to amend it rather than to abuse it by ad hoc, knee-jerk reactions to vexing problems. Ad hoc trade policy is usually bad trade policy.

For some people the worst aspect of House Joint Resolution 598 is that it gives absolutely no assurances that the protection will improve the auto industry or develop new jobs. As noted previously the consumers of our country will pay a terrible economic price for this protection, just as if we had taxed them. But there is no requirement that Ford or UAW or any other petitioner must hold down dividends or wages, or buy better machinery, or raise productivity.

Without those assurances this resolution is likely to make the cripple learn to like the crutch. Protection never heals. It always breeds a dependency on protection and a need for more protection.

If the negotiations do occur, this body could do well to remember the sage words of a retired negotiator, Bob Strauss who often said "You don't get something for nothing". What will we have to give up to the Japanese in return for their voluntary restraint? I cannot predict what that cost will be or whether it will be measured in soybeans, computer chips, electronics, or other lost trade.

I can, however, predict some other costs. If this resolution is passed, and is successful in its intent, the yen will no doubt decline against the dollar. That yen-dollar relationship could cost U.S. producers market at home, and sales in third markets as Japanese goods become cheaper. I can also predict a rash of requests from other countries to negotiate away some of our exports. Our surplus trade balance this year with the European Community is as great as our deficit with Japan.

House Joint Resolution 598 will take a little more competition out of the marketplace. The consumer will lose the protection of competition. He and she will have a little less choice and a little higher cost.

But, worst of all, if we pass House Joint Resolution 598, we will have chipped away again at the free trade policy that helped to give this country the greatest economic prosperity the world has ever known.

The bill is going to pass here, but it has a little way to go yet. I hope that it is stopped somewhere, and that Congress will instead make a careful review of the Trade Act, and make the necessary amendments.

Mr. VANIK. Mr. Speaker, will the gentleman yield for a clarification?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. VANIK. In talking about the cost per job, I think the ITC came up with a figure of about $80,000 and not the $240,000 the gentleman mentioned.

Mr. FRENZEL. I thank the gentleman for his contribution. That was one of the figures mentioned. There was also the $245,000 figure that I mentioned.

Mr. Speaker, I reserve the balance of my time.

Mr. VANIK. Mr. Speaker, I yield such time as he might desire to my colleague, the distinguished gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Speaker, I want to extend my deep appreciation to the chairman (Mr. VANIK) and to the members of the subcommittee and the full committee for reporting this resolution. It is of great and vast importance to my constituency. I know the chairman and subcommittee have spent extensive time in hearings and deliberations on this resolution. It seems to me it is in the best interest of our Nation to act promptly upon it. I trust that this House will give it overwhelming support, and again I extend to the chairman and to the members of his subcommittee and the full committee the deepest appreciation on behalf of my constituency and the people of the great State of Michigan. This is a vital, urgent economic and bread-and-butter, pocketbook issue to them. I trust it will receive overwhelming support by this body and I hope one of the first orders of business by the new administration will be to enter into negotiations with the Japanese to roll back their auto exports to 1978 levels.

☐ 1300

Mr. FRENZEL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of the resolution House Joint Resolution 598.

This resolution was made necessary by the International Trade Commission's finding that imported automobiles have not caused "injury" to our domestic auto industry. We should not be misled by the ITC's findings however. While the ITC has found no injury, the DOL has numerous cases providing evidence to the contrary. The Department of Labor has certified thousands of auto employees eligible for Trade Adjustment Assistance because of injury caused by imports. It is obvious to me that even though the ITC found no injury, the Department of Labor clearly has evidence to the contrary.

Those of us who represent districts with concentrations of automotive facilities know the tremendous hardships caused by high unemployment rates. My district encompasses the two industrial towns of Kokomo and Anderson, Ind., which are largely dependent upon the automotive industry. Over the last year I have seen unemployment rates in excess of 20 percent in these areas. Fortunately, the unemployment rates in those cities has recently dropped to around 15 percent. However, unless the U.S. auto industry is capable of returning to their prerecession sales level, it will be difficult to obtain lower unemployment rates in these cities and numerous others dependent upon the auto industry.

The challenge facing the Congress therefore is to insure a future in which the auto industry is competitive—both among U.S. manufacturers and among domestic and foreign manufacturers. While passage of House Joint Resolution 598 certainly will not solve the problems of the auto industry, it will serve a very important purpose beyond simply giving the President new authority.

I am concerned that foreign manufacturers will misinterpret the ITC's decision. It is possible that the ITC's decision could be viewed as a signal that the United States is not going to attempt to slow the flood of imported automobiles. Passage of House Joint Resolution 598 will send a message to the Japanese that the United States will not sit idle while they work overtime to increase their market penetration in the U.S. market.

There are those who argue that it is in the consumer's best interest that the United States continue its free international trade policies. The point that is so often overlooked however is that if free trade is to work, it must be fair. Practically every country exercises import restraints on autos in one form or another. Thirty-one countries impose some form of content requirement. This obviously is not conducive to fair trade.

There is widespread support throughout the auto industry for either voluntary restraint by the Japanese or U.S. import restraints. On September 15 the Congressional Auto Task Force, which I cochair along with Congressman BRODHEAD, heard from the UAW, AFL-CIO, GM, Chrysler, Ford, and AMC concerning the present auto situation. I would like to quote from some of the comments we received:

United Auto Workers:

> At the top of our agenda is a program of import restraint. We prefer to see an agreement between the American and Japanese Governments on a rollback for Japanese vehicle shipments to the U.S.

General Motors:

> We believe our government must take the initiative in persuading the Japanese Government to protect its own self-interest by acting now—and by acting voluntarily—to adopt more prudent trade practices with the U.S. Such prudence would help head off the wave of protectionist sentiment now building in this country—sentiment that threatens permanent harm to import trade relations between the U.S. and Japan.

Chrysler:

> We recommend that the President with the support of the Congress, call upon the Japanese Government and the Japanese auto manufacturers to declare a moratorium for two years on shipments to the U.S. of vehicles produced in Japan on overtime work shifts.

Ford:

> We think the consequences of allowing the imbalance of U.S./Japan auto trade to go unchecked may well be a permanently damaged domestic auto industry, with accompanying effects on U.S. industrial capacity and even on our ability to mobilize for defense. We have urged the U.S. Government to undertake negotiations with the Japanese Government aimed at a better balance between the two countries in automotive jobs, production and trade dollars.

If the U.S. auto industry is to emerge from its problems as a dominant force, we must protect it from opportunistic and unfair trade practices by the Japanese. At a minimum, the President must have the authority to negotiate with them in order to address this issue effectively. I therefore urge support for House Joint Resolution 598.

Mr. FRENZEL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, I want to speak for bipartisan support of House Joint Resolution 598.

I think the President of the United States has a clear and urgent responsibility to seek a voluntary, negotiated reduction in the flood of Japanese auto imports into this country.

In fact, the Congress should not even have to be considering this kind of action to spur the President on. I would think concern for the American workers trapped in the current auto industry crisis would have the President searching for every available means to sit down immediately with the Japanese leaders and reach a mutual agreement.

Auto imports from Japan now equal about 22 percent of the American market. Over 200,000 auto workers are currently laid off in this country. Hundreds of thousands of additional employees of auto company suppliers are out of work. Some 2,100 dealers have closed their doors since the beginning of the year.

And while these hundreds of thousands of Americans are being forced toward the economic brink by unemployment, with plants throughout the Nation are being shut down—possibly forever—Japan has become a nation on overtime, feeding on the misery of our workers.

In Japan, the plants are producing an unprecedented volume of vehicles, in a very determined rush to take advantage of the economic problems in the United States. The latest estimate I have seen indicates that as many as 1.5 million units per year are currently being produced in Japanese auto plants on overtime alone.

A terrible price is being extracted from American workers. Not just in lost wages and the impact it has on families. Not just in frustration at wanting to work, to produce and being denied that opportunity. Not just in pride.

Many people are reaching a stage of serious desperation which can cause them to act in erratic ways, and can seriously jeopardize their psychological well-being on a long-term basis.

As we make this decision today, we have to consider the impact of unemployment in terms of mental health, suicide, and antisocial behavior. These effects are well documented.

And we have to go beyond doctrinaire philosophy to consider the very practical impact unemployment has on food stamps, welfare payments, reduced revenues and other direct financial consequences to the treaty.

But more than anything else, we have to consider the human factor in this equation. And we have to balance philosophy with compassion in a time of serious economic threat.

In my Second Congressional District of Michigan I have met with employees of Norris Industries, an auto-related company. It is a small company by national standards, with about 600 employees. But those people have been laid off for over a year. They are an important part of the economy of Ypsilanti, Mich. And right now, Norris Industries sits vacant, with a padlock on the door. That padlock, that vacant plant, and the suffering of those people and their families are the symbol to be of an economic crisis in this country. And my concern for those people, and the hundreds of thousands like them throughout all the districts we represent, is the reason I believe we must pass this resolution.

After the war we helped reconstruct Japan. We have provided for their defense while they rebuilt their economy. We still provide much of their defense today. Our citizens pay $520 per capita for defense of the free world. The Japanese people pay only $87 per capita for defense.

It is time for Japan to reciprocate. It is time for our President to sit down with their leaders and reach an agreement which is in the best long-term interests of both countries. It is time for the Congress to pass this resolution to clearly give the President authority to make such an agreement.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the Trade Subcommittee, the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me, and I commend him for the thoughtful and studious approach he has made to this issue, as he does in all trade matters. However, in this instance his thoughtfulness and studiousness has led him to an erroneous conclusion. I do believe it is entirely appropriate, though, that the gentleman control the time so that the depth of his opposition can be fully expressed, and I do appreciate his yielding to me.

I would not want that fact to mislead this body into thinking that this resolution does not have overwhelming support from the Republican side. The resolution passed the full Ways and Means Committee by a vote of 28 to 4, and the subcommittee by a vote of 16 to 1, with only the gentleman from Minnesota voting in the negative. The resolution is a response to a November 10 ruling by the International Trade Commission, by a vote of 3 to 2, denying relief to the flood of Japanese automobiles into our American automobile market.

One of the three members of the ITC voting in the affirmative did note that there is serious injury to our automobile industry, and he bemoaned the fact that the particular wording of section 201 sort of put him in a straitjacket, and he was not able to vote for the relief that was so apparently needed and so obvious to all who looked at the situation. He bemoaned the fact that there was not some way to enter into some voluntary solution and mutually satisfactory solution to this problem with the Japanese.

So, after a full day of hearings on the subject, after a full day of markup, and after a full day of consideration in the Ways and Means Committee, this resolution is the result.

The President of the United States has taken the position that he cannot enter into voluntary negotiations with the Japanese and find a mutually satisfactory solution because, in implementing that agreement, he might run afoul of our antitrust laws. This resolution merely removes the legal clause that is hanging over that process, and says that the President is in fact authorized—not mandated—but he is authorized to enter into those negotiations to find a solution to a problem that is admittedly a very serious one to an entire industry and to our whole economy. That is why the vast majority of Republicans and Democrats support this resolution. It is supported by labor and management, and I hope it receives the overwhelming support of this body which it so richly deserves.

Mr. VANIK. Mr. Speaker, I yield 3 minutes to my distinguished colleague from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Speaker, I rise in strong support of House Joint Resolution 598, as amended by the House Ways and Means Committee. I introduced this resolution last August in fear that the International Trade Commission would not see fit to award import relief to the U.S. auto industry.

On November 10, 1980, the International Trade Commission, in a split 3-to-2 decision, ruled that no relief from imports is warranted to help save the struggling U.S. auto industry and the 400,000-plus workers in that industry who are unemployed. Because of this less than unanimous vote, the administration claims it has no legal authority to negotiate with the Japanese or other foreign governments to arrive at temporary agreements limiting the export of autos from those countries into the U.S. market.

The U.S. automobile industry has already invested literally billions of dollars to retool and redesign its plants and its cars. The 1981 model year is beginning to roll off the lines, and the product is superb, meeting and surpassing many imported models in style, durability, and gas economy.

One might assume that because of the quality and competitiveness of these cars, sales will increase and imports will decrease. This will not necessarily happen, however, because foreign cars have been allowed to flood the U.S. automobile market at the expense of the U.S. auto industry and its workers. Recent General Motors record losses are evidence of this.

These losses have severe repercussions in the U.S. economy. The automobile industry is the largest single manufacturing industry in the United States today, both in total value of its products and in the number of workers employed. Car manufacturers operate approximately 300 plants located in more than half of the 50 States and employ nearly 1 million workers. Twenty percent of American jobs depend directly or indirectly on the automobile industry. It accounts for 21 percent of the demand for domestic steel, 25 percent of the demand for domestic cast iron and machine tools, and 22 percent of the demand for domestic aluminum, in addition to rubber, plastics, textiles, lead, electrical components, and automotive glass.

Last August I introduced House Joint Resolution 598, to give the President the authority he needs to negotiate with the above foreign governments. This resolution does not set up quotas, and is not permanent in nature. In fact, the authority would expire in 1983. Also, this resolution does not mandate the President to take any specific action, rather it serves as a tool of flexibility for the President to use when he sees fit. If he decides to negotiate a temporary agreement, the U.S. automobile industry and its workers would have the time they need to complete the $80 billion retooling process that has already begun.

The incoming administration has already expressed a strong desire for a viable auto industry. It is thus important that Congress act now to pass House Joint Resolution 598, to make sure that President-elect Reagan has this authority the day he takes office should he wish to exercise it.

Failure to pass this resolution in the 96th Congress could prevent the President from taking action until much later in 1981 after the 97th Congress has a chance to get organized.

I wholeheatedly approve the amendments made to my House Joint Resolution 598 in both the Subcommittee on Trade and the full Committee on Ways and Means. That committee and its leadership on both sides of the aisle should be commended for their quick and positive action in moving this legislation to the floor of the House today.

This resolution is important not only for the auto industry, but for our entire national economy, and I urge its passage today.

Mr. Speaker, I would also like to commend my colleague from Michigan, Congressman VANDER JAGT, for his aggressive action in helping to see that this particular piece of legislation got through the Trade Subcommittee and through the full Ways and Means Committee. I also want to thank my friend, CHARLIE VANIK, who has seen that this legislation has moved through the subcommittee and through the full committee.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, Congress has no more important task before it adjourns than to adopt this resolution and send a strong signal of its concern about the continuing impact of foreign imports on the U.S. economy and the critical new emergency faced by American auto producers.

This resolution sends such a message.

It tells the Japanese and the rest of the world that our Government is deeply concerned about the vitality of the domestic auto industry despite the recent International Trade Commission's split decision against the industry and its 200,000-plus unemployed workers.

And, it sends a message to the American auto manufacturers that they have the continuing confidence of our Government in their unprecedented and costly conversion of plants and equipment to produce small, fuel-efficient cars.

It is unfortunate, Mr. Speaker, that Congress is forced to take emergency steps of this nature in the closing days of the session.

The crisis in the American auto industry did not happen during the last few months. It has been with us for several years.

But we must act today because of the administration's failure to deal with foreign imports and because of its inability to manage the economy in a businesslike manner.

There is no doubt in my mind that the President could have acted months ago rather than deferring to the International Trade Commission which took months to debate the issue as the industry fell deeper into economic disaster.

There is no disguising the fact that the American auto industry is fighting for its survival.

Each of the "big three" automakers has sustained devastating losses during the past year.

In addition to Chrysler, which required Federal help to survive the year, Ford is expected to lose a record $1.5 billion this year. Even General Motors has experienced record quarterly losses and could lose as much as $800 million by the end of the year.

While the industry is making unprecedented investments to get back into the ballgame, the recent return to unusually high interests rates, continuing double-digit inflation, and the steady influx of foreign imports into the domestic market has seriously hampered the recovery.

Much more is at stake than the survival of a single industry. The losses of American auto companies have serious repercussions throughout the entire economy.

Auto production is the single, largest manufacturing industry in the United States—both in total value of its products and in total workers employed.

One of every five U.S. workers is employed in vehicle-related industries.

While there are currently some 200,000 autoworkers on permanent layoff, there are as many as 800,000 more unemployed in vehicle-related industries. These include steel, machine tools, dealers, tire manufacturers, glassmakers, and others.

Totaled up, the burden this places on the rest of the economy in terms of lost purchasing power and government outlays for unemployment benefits, welfare, and trade readjustment assistance is huge.

Passage of this resolution will not solve all of the industry's problems overnight.

But it will send a strong signal to the Japanese and the world that Congress is deeply concerned about the future of this vital segment of our economy.

And, it will insure that President-elect Reagan has the authority to negotiate temporary marketing agreements to protect the industry on the day he takes office, if he chooses to exercise that authority.

Failure to adopt this resolution on the heels of the International Trade Commission's negative decision would send the mistaken message to the world that Congress does not care about the future of the American auto industry and the hundreds of thousands of workers it employs.

□ 1310

Mr. VANIK. Mr. Speaker, I yield 2 minutes to my colleague on the subcommittee, the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I rise in support of this joint resolution.

My colleagues on the subcommittee know that I come as close to being a doctrinaire free trader as perhaps there is on the committee, and I want to explain in a couple of minutes why I support this resolution, believing, as I do, in the essential principles of free trade. But I suppose that every so often the time comes when a person, certainly a legislator, has to rise above principles, and I do so in this instance. The reasons are very simple.

I think the consequences of not passing this joint resolution are horrendous and not to be contemplated at all by this body. Failure to pass this joint resolution could unleash much stronger protectionist efforts than anything we have seen. Even worse, failure to pass this could make it terribly difficult for the automobile industry and all the ancillary trades and industries that depend on it ever to regain their balance and their proper place in our economy.

These are two major reasons why I think in this instance those of my colleagues who usually stand for free trade and international economic cooperation would advisedly leave their usual position and support this joint resolution. It has a protective feature in it of some 2½ years, during which time the President can negotiate, if he wishes, without great regard to the conventional antitrust laws.

Mr. Speaker, I propose that the course of wisdom for the House and the country is to adopt this joint resolution, proceed in this direction, try to work out problems with the flexibility of negotiations, put a time limit on the use of this approach, and see if we can get our great auto industry back on its feet.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman for yielding this time to me.

I am supporting this joint resolution, even though there is no automobile industry to any appreciable extent in my State and none in my district. I am doing it because I think the International Trade Commission's decisions point up a shortcoming in our existing trade law. This resolution addresses that shortcoming but not really far enough.

This joint resolution really ought to concern and consider all commodities and products, not just automobiles, and in our Subcommittee on Trade and in the Committee on Ways and Means we really ought to look at the full gamut of perhaps rewriting appropriate sections of the trade law. What we are doing here today is a preliminary part of that effort.

What we are simply doing is giving the President of the United States some authority, which is in question now, to enable him to negotiate voluntary agreements—and evidently other heads of states of all the industrial countries throughout the world seem to have this authority—and to be able, in a situation where we have found it to be a violation of our trade laws as they are written now but where it is yet a problem to us, to address that problem. That is what this does.

So I am not looking at this in the parochial sense or in the important sense of the automobile industry. I am looking at this in terms of our revamping and beginning to rework our trade laws, beginning to do so to a limited extent today to take care of that situation where foreign imports are not the main cause of the problem with our industries but it is a cause. And when it is a cause, as the law is drafted now, we cannot address the problem, but will be able to do so with passage of this resolution.

The President of the United States cannot do anything now, the International Trade Council cannot do anything, and the Congress, short of changing the law, cannot do anything. We are now doing that. We are now going to put a new weapon in the arsenal of the President to be able to negotiate and negotiate from a tough and strong position, to be able to make free trade become fair trade.

Let me simply say in conclusion that if we do not do something like this, I think those of us who favor free trade are sticking our heads in the sand if we believe that this Congress is going to allow the American automobile industry to go out of business. What is going to happen is that some tough protectionist bill will come through this Congress before that happens. That is not going to help free trade; that is going to hurt it. This is a far more reasonable approach.

Let me also issue this warning to those who work in the automobile industry and those who own it. If they think that this can be viewed in some way or to some extent as an excuse for their problems of the past, or permanent protections, they are sadly mistaken. What we are doing is giving a new weapon to the President of the United States that may enable them some new temporary room to shape up and be able to compete.

Mr. Speaker, that is all this joint resolution does, and I urge its approval.

Mr. VANIK. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I rise in support of the joint resolution, and I would reiterate some of the comments that the gentleman from Louisiana (Mr. MOORE) just made.

I think we have here an extraordinary situation that demands an extraordinary remedy. The law that exists today with regard to trade matters simply does not fit this situation. In the United States today we stand the chance of losing substantial parts of this industry that can never come back if we do not take steps today to try to aid the industry in some small way.

I do not think that any Member here believes that this is a panacea or that this is a magic remedy. What it may be is the hope that is needed, especially by some of the supplier industries, to obtain the last amount of capital they can get their hands on to hold themselves in business until we get through this long transition period. If we do not do that, we can lose these parts industries, these supplier industries. It is my understanding that once lost, they will never come back, and, therefore, I think we have an extraordinary situation.

Second, I think it is extraordinary because in this case, perhaps as in no other case we have seen in past history, in my view, the Government of the United States, through its policy of cheap gasoline in the last 8 years, gave the wrong message to the American consumer and the wrong message to the American automobile industry about the type and kind of product it should produce and that consumers should buy. Therefore, the U.S. Government has had a large role in creating the situation in which the industry finds itself today, and as a consequence I think the Government has a responsibility to try to create a transition period, a hiatus, in which the automobile industry can try to right itself and again become competitive in the marketplace.

Therefore, I believe we have a situation that is unique. It is different, it is extraordinary, and it demands an extraordinary solution. That is obviously what this provides.

Mr. Speaker, I urge the Members to support this joint resolution.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. Davis).

Mr. DAVIS of Michigan. Mr. Speaker, I spoke, under the privilege of a 1-minute speech, on this issue before, but because it is so important I wanted to make a couple more points. Perhaps these points have already been made, but they are worth talking about again.

It should be noted that this particular resolution is not a bail out or does not set up a quota system. Rather, it legally authorizes the President to negotiate a reasonable solution to the present import situation.

I do not think that we need permanent restrictions on the imports of automobiles. The automobile industry in this country needs 2 or 3 years or perhaps a little bit more to get its feet back on the ground so we can start making the kind of cars that the American people will buy.

Also I would point out that this measure cannot be construed as a precedent-setting resolution because it only authorizes temporarily. It requires that the domestic industry has first exhausted all available remedies, and, therefore, this cannot be considered to be something that we are going to have to look at forever.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. Davis) has expired.

Mr. VANIK. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Indiana (Mr. Sharp).

Mr. SHARP. Mr. Speaker, I thank the subcommittee chairman very much for yielding me this time.

Mr. Speaker, I rise in support of enactment of House Joint Resolution 598. International automobile trade policy is an issue of vital importance to the people of Indiana that I represent.

The narrow legal decision of the U.S. International Trade Commission, that foreign automobile imports are not the cause of the current domestic automobile industry problems, is far reaching. There will be no relief under the Trade Act of 1974.

Relief is essential to the survival of the industry. Make no mistake about it—continued extraordinary levels of Japanese imports will create permanent structural damage to the industry at a time when it is undergoing depressed sales and massive investment in retooling for production of highly fuel-efficient automobiles.

Hundreds of thousands of U.S. auto workers have been out of work for many months. Action is needed. People knowledgeable about the problem of the industry know that pressure is building for action by the Congress. Support is growing for legislated quotas on the allowable number of automobiles to be imported.

The Japanese are an important ally and an important trading partner. We have many mutual interests and needs. But we can by no means be indifferent to trade practices that for practical purposes exclude some of our products from Japanese markets while Japanese automobiles take an increasingly large share of our domestic market. Other countries have and are taking action to defend their interests. We can do no less.

Many are advocating that the Congress simply impose quotas on the number of automobiles allowed into our country. Both of our countries, however, have a mutual interest in a stable, orderly trading arrangement. Because there is a common interest and a mutual concern that a solution be found, I believe our problems can be solved by strong and immediate negotiations between our Governments. Through that process, a range of American interests—consumer, labor, and industry—can be addressed. The range of Japanese interests can likewise be reconciled within the context of a voluntary agreement. For that reason, I believe the House should act expeditiously on House Joint Resolution 598. Favorable action on the bill will be in the long run best interest of all Americans.

The ITC decision came as a disappointment because I believe a strong and valid case has been made that temporary aid to the industry is necessary. American manufacturers are moving rapidly in the direction of more fuel-efficient automobiles in response to genuine consumer demand. If, however, severe and permanent penetration of the U.S. automobile market is allowed, structural unemployment will inevitably result. A real question now is whether those fuel-efficient automobiles will be American products built by American workers or whether they will be produced overseas.

The last 12 months have been extremely difficult for the industry, and I cannot foresee an improvement substantive action. Economic forecasts show auto imports will continue to increase to as high as 2.6 million cars by 1983. Reliable estimates indicate that between 75 and 80 percent of them will be Japanese. Japanese automobiles are taking a huge share of total U.S. sales at a time when Ford Motor Co. lost $600 million, when General Motors lost $567 million and when Chrysler lost $490 million in the most recent quarter. Although there are monthly fluctuations in statistics, the overall trend must not be allowed to continue indefinitely.

The next 2 or 3 years will be crucial in determining whether most of the fuel-efficient cars we drive will be American or Japanese. Given a choice, most Americans would buy an American product. That choice may not exist, at least to the extent we envision, unless action is taken. Temporary restraint under these extraordinary conditions is warranted.

There is no question that a number of factors have contributed to the current condition of the industry. High interest rates, inflation, shifting consumer demand and unemployment throughout the economy have combined to put the industry in one of its worst slumps in history. It has not been recovering as quickly as other sectors. Hoping to put themselves in a better position before American industry is truly competitive, there is no question that the Japanese have been taking advantage of the situation over the last 12 months. While there is legitimate debate over whether the level of Japanese automobile imports is a cause or an effect, the result is the same: high U.S. unemployment.

The U.S. automobile industry is a key part of our industrial base. We are risking damage to that base which is vital to a strong economy and to maintaining our national security. We cannot sit idly by, ignoring the need to act, without inflicting serious and permanent harm.

The administration has taken the position that they cannot negotiate voluntary restraint without a proper ITC decision or without a mandate from the Congress. Although there is a difference of opinion on the interpretation of current law, it is now clear that an adverse Commission decision has been made under the narrow legal requirements of the law. The congressional mandate must go forward separately now. Without it, no further action will be taken on the issue, and our people and economy will continue to suffer.

Mr. Speaker, House Joint Resolution 598 is but a first step in a series of actions that must be taken to help the U.S. auto industry. Clearly, the sharp increases in interest rates are crippling auto sales. The impact of a 17 percent prime interest rate is devastating to all business, but especially to automobile sales. We must also look closely at our tax structure to determine what action can be taken next year to stimulate new investment in plants, equipment, and machinery to get our industry back on its feet.

If the Congress does not exert pressure for change, there will be no change. Mr. Speaker, I strongly urge adoption of the resolution before us.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Speaker, I rise in opposition to this joint resolution. Its implications and its precedents are far more serious than generally realized. We will affect far more than the auto industry. We will send the wrong President, who has already expressed his reluctance, on a mission impossible. We are creating unreasonable expectancies, starting down a primrose path. Once again we are overreacting. We are moving into the short time frame and the short time consideration rather than concerning ourselves about patterns and the longer time frame in which we should legislate. We have trade laws that are carefully worked out. We have agreements that have been worked out over a period of time.

The first time an industry finds itself in serious trouble, for whatever reason, we revert to economic nationalism and move as Members here on the floor of the House to try to protect our constituents regardless of whether our intervention is part of a rational national pattern or not.

□ 1320

I think someone here should try to represent the American consumer. I think someone here should try to represent a pattern of law rather than of short term Government intrusion into an economic system which has had altogether too much Government intrusion to date. Conservatives particularly, should consider the implication of this resolution.

Competition is one of the most salubrious forces at work in our society. It is one of the things that works against inflation, that makes for constant improvement, that leads American ingenuity to its full flower. That we are, in fact, in this case working against competition and doing so in a way that smacks of the old trade wars, saying that regardless of the cause of an industry's trouble, we must move to eliminate the effective areas of competition rather than to encourage Americans to come forward and to compete, as we know they can, once their hands are not tied behind them.

There are many concerns that we should all have at this point, as we look ahead. We want a thriving automobile industry. It will not be a thriving automobile industry to the extent it is dependent on Government for its survival. Yet we seem constantly to look to the Government as the instrument of its survival, as though the Government problem-solving process were as fully credited as it used to be before the changes that were reflected now in our recent elections.

I hope, Mr. Speaker, we will exercise some restraint in making dramatic, short term intrusions into our pattern of trade laws, just as I hope we will exercise some restraint in turning instinctively to the Government to bail out an industry which has a serious problem but which is generally considered to have serious problems for reasons other than imports.

Although not specifically stated, the intention is that Japan will be the sole target of such negotiations. The result sought is either voluntary restraint agreements on the part of Japanese manufacturers or an orderly marketing arrangement, a euphemism for import quotas, implemented by the United Stat quotas, implemented by the United States. To take care of possible antitrust violations the resolution also provides an exemption from antitrust laws for those individuals or firms who participate in a negotiated agreement arising from the authority provided by this resolution.

This resolution is a blind overreaction to the recent decision by the International Trade Commission (ITC) that imports were not a substantial cause of serious injury to the automobile industry. With total disregard for sound trade policy and the integrity of our trade laws, not to mention the adverse effects on consumers and on American business outside the automobile industry, this resolution is being put forward as the cure-all for an industry whose ills obviously go far beyond the scapegoat of imports.

There is no question that the automobile industry is facing serious economic hardships. Inflation, high interest rates, the decline of the dollar abroad, poor management decisions, sharply rising gasoline prices and other factors all have contributed to this industry's current slump. Imports, too, have played a role through relentless competition and by offering American consumers the low-cost, fuel-efficient automobiles they were demanding. The question is whether we should single out imports as the major cause and delude ourselves into believing that import barriers themselves will bring about any degree of improved health for domestic automobile companies, dealerships, and supplying firms.

The prevailing economic conditions are such that all sales of automobiles, both domestic and foreign, are down. High interest rates loom as the principal candidate for blame. Imports as a percentage share of the U.S. market have fallen by 18 percent since the beginning of the year. The percentage share held by Japanese imports has declined by a greater rate, 22 percent. This would seem to indicate that even when Japanese shipments are down, domestic manufacturers have been able to capture only a part of the supply gap that is created—the rest has gone to other importers.

It is true that sales of imported autos have increased by as much as 25 percent since 1978, from 2 million units to an estimated 2.5 million units. During the same period, however, domestic auto sales fell from 9.3 million units to around 6.5 million units. Thus, the loss in sales of 2.3 million units can in no way be accounted for by measuring increased sales in imports. The problems of the domestic automobile are pervasive, but with the introduction of the new, more efficient models consumers have insisted on having, it is expected that the competitive position of domestic manufacturers will steadily improve.

The implications of this resolution with respect to the effective operation of current trade laws also are serious. Section 201 of the Trade Act of 1974 was painstakingly developed as a mechanism whereby domestic industries facing import competition could seek relief on economic grounds. It was designed to depoliticize these requests and to provide instead a universally applied framework for justifying import relief on a factual basis. Under these laws, the automobile industry presented their case to the International Trade Commission but could not prove that imports were a substantial cause of their economic hardships.

In the few remaining days of this session, the industry is seeking a congressional remedy—a quick fix—that has not been carefully considered as a part of our trade policy, our current trade laws, or in the context of its overall economic effect. The resolution provides few guidelines for the broad negotiating authority granted to the President or for the blanket exemption from antitrust laws it provides to individuals or firms participating in a negotiated settlement. We say we are not creating a precedent. However, no matter how great the effort to narrow the scope of the bill, it most certainly will be looked upon by other industries as an example of the kind of political solution they will want for themselves. They are waiting in the wings to demand the same kind of protection.

Finally, there seems to be the misunderstanding that negotiating import restraints on automobiles will have no economic effect other than the beneficial protection of our domestic automobile manufacturers. I must remind my colleagues that a negotiation is a give-and-take situation, and the Japanese certainly will seek concessions for the cutback in sales that we are demanding. We are not being honest about the adverse effects of the imposition of auto quotas on U.S. exports in other sectors, on the competitive position of the United States as a whole, or on the creditability of the United States when we go abroad to seek reductions in nontariff barriers.

Mr. Speaker, we need not act hastily on this resolution. President Carter has said he will not use the authority granted by this resolution. We have the time, therefore, to make more careful decisions. It is quite possible that our trade laws should be modified or redefined. We should address such changes early in the next session when time, and guidance by the new administration that will have to administer these changes, will permit more responsible action on our part.

I urge my colleagues to reject House Joint Resolution 598.

Mr. VANIK. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in strong support of the resolution. My district, more than any other in this country, is dependent on the automobile industry. If anyone were to go to my district, the impact of imported automobiles would be obvious. The decision of the International Trade Commission disappointed me, and I feel that it was not justified. That decision was made by the narrowest margins, and we are left in a situation where the problem that brought about the case has not been solved. Some action is desperately needed.

The gentlemen from Louisiana (Mr. MOORE) raised an extremely good point. He pointed out that chief executives in other countries have the authority to negotiate such relief. My personal feeling is that our own executive branch has that same authority. Last spring when Ambassador Askew made the statement that antitrust laws prevented both formal and informal negotiations, I asked the American law division of the Library of Congress to examine the issue. Their response was unequivocal. They stated that the Federal Government is not limited by the antitrust laws. Let me quote two sentences from their report which succinctly summarize what they said:

> The courts have considered many times the question of the applicability of the antitrust laws to the government or to governmental agents. They have unanimously agreed that the antitrust laws were not meant to and do not apply to the government.

As we are all too aware, when the executive branch seeks to find a precedent to support an action, they are usually successful. In this case, just the opposite has happened. The administration sought to find an argument, however tenuous, not to take an action.

This legislation is important because it clarifies the questions which have been raised. It will remove any doubts which exist and clearly permit our Government to take an action which it should have taken months ago.

I strongly urge my colleagues to support this resolution.

Mr. VANIK. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Speaker, I rise in support of House Joint Resolution 598, which gives the President authority to negotiate orderly marketing agreements with foreign manufacturers, in order to limit the unprecedented invasion of the domestic automobile industry we are now experiencing.

This resolution has been made necessary by the recent ruling of the International Trade Commission, on a 3-to-2 vote, that import restrictions were not justified—this despite the fact that over 400,000 workers are currently unemployed in the domestic industry, largely because of the influx of foreign autos.

The resolution would not affect tariffs or set quotas. Rather, it would make clear the President's authority to enter into negotiations to reach a voluntary marketing agreement with foreign manufacturers—authority which the present administration claims to lack as a result of the ITC ruling. The only other effect of the bill would be to waive the effect of antitrust laws against manufacturers who participate in an orderly marketing agreement negotiated by the President.

Marketing restrictions such as those contemplated in this resolution exist in other countries, and have in fact enabled the European industry to withstand the onslaught of Japanese automobile exports.

Such restrictions could be negotiated in many forms—including a requirement that a certain percentage of the parts used in imported automobiles be manufactured in the United States, or that foreign automobile manufacturers produce more of their automobiles entirely within this country, as Volkswagen had done. At the same time, we should investigate other possibilities, such as a tax credit for individuals who purchase domestically produced automobiles, to help our industry through this time when it is undertaking an unprecedented retooling effort to meet the demand for smaller, more energy-efficient automobiles.

Our domestic industry has begun to produce this new generation of smaller cars, and they are as well engineered and attractive as anything foreign manufacturers have produced. We must take this opportunity to protect both this huge investment by the auto industry and the millions of jobs at stake, in the auto industry itself and with the many suppliers dependent on this industry.

Mr. VANIK. Mr. Speaker, I now yield 2 minutes to my distinguished colleague from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I rise in support of this resolution. I would like to begin by commending both the gentleman from Michigan (Mr. ALBOSTA), the sponsor of this resolution, and the distinguished chairman of the Trade Subcommittee, the gentleman from Ohio (Mr. VANIK), for their very good work on this resolution which is very important to the industry and to the entire Nation.

Anyone who feels that the auto industry in America does not need help need only look at the unemployment list in the auto industry which still exists and need only look at the losses being suffered quarter after quarter by all three of our major automakers.

This resolution is a modest, responsible, important step which will hopefully give the auto industry some breathing room, a year or 2 or 3 years in which to catch up and make up for its past errors, perhaps, and go ahead and meet the competition from overseas.

Mr. Speaker, I have been recently meeting with members of the European Parliament. The members of that body have told me that in European nations they have negotiated voluntary restraints with the Japanese. They are not formal tariff barriers. They are informal agreements which have been negotiated and which do work. That is what we need in this country also, and that is the thrust of this resolution. I urge its support.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, I would like to thank the committee for reporting this out and for the bipartisan support I hope to get, and consider that we have helped Japan in reconstruction with millions of dollars. They are taking their tax dollars and subsidizing their key industries and yet our per capita defense per person in the United States is roughly $520 per person where there, the Japanese person only pays about $87 per year.

I think in terms of charity and Christian fellowship, we have contributed to their economic well-being and their national security and I think a voluntary consideration here is important, that we ask the President to sit down in a constructive way, in a voluntary way.

This is not a bailout for the auto industry, this is part of our foreign policy and is for the benefit of our unemployed and for the well-being of all of the American taxpayers.

Mr. VANIK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BRODHEAD), a member of the Committee on Ways and Means.

Mr. BRODHEAD. Mr. Speaker, I want to thank the chairman for yielding. I want to commend the chairman of the Trade Subcommittee for his leadership on this issue.

Mr. Speaker, it seems to me this ought not to be a controversial issue. Every country in the world that has a domestic auto industry acts in some way or other to protect that industry. We are not talking about the kinds of protection here which are already in place in other countries. Other countries have fixed numbers of cars they will allow in. They have local content laws, laws requiring that the amount imported be no greater than the amount of automotive products that are exported. They are very, very strict laws. We are not talking about that.

Mr. Speaker, what we are talking about here is simply a matter of giving the new incoming President the legal authority to negotiate this kind of agreement if he makes certain findings and if he sees it fit and proper within the broad context of the economic problems of the United States and Japan and in the broad context of relations between these two countries, he deems it advisable.

What we are doing, I think, is sending a message that this is an industry that is in trouble, that it is a key industry in our economy and unless we act, unless the Congress acts, that tens of thousands of Americans will be permanently without jobs and that will be a permanent loss to the industrial capacity of this Nation.

It is an absolutely critical matter that we act and we act in the fashion that has been proposed, I think in a very clear and thoughtful manner, by the Committee on Ways and Means. I urge an "aye" vote for the resolution.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I thank the gentleman for yielding and as ranking Republican on the House Committee on the Judiciary and also on the antitrust subcommittee, I want to call attention to the fact that this measure has not been considered by our committee in any way and I think it would have been important for us to have the measure before us before coming to the floor of the House, for it raises serious antitrust questions.

Whether this fits into the philosophy and the policies of the new administration or not, I really do not know. I think there are better ways of handling the problem of competition from foreign sources. It does not seem to me to conform with the kind of policies that should be pursued by the new administration.

In the long run, the consumer is better served by full and free competition. If American automakers seek a helping hand in confronting foreign imports, they should first get their own house in order by manufacturing a product which will respond to the U.S. consumer's demand for fuel efficiency and good quality. They should not negotiate such labor contracts as will increase wages and benefits for auto workers by an astonishing 20 percent this year. And the helping hand we extend might far better be in the form of accelerated depreciation allowances or other tax benefits.

We should not protect the industry from competition but make it stronger to meet the competition. We should not artificially restrict consumer choices. We should not by limiting supplies further aggravate our primary domestic problem: inflation.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I have but a few seconds, Mr. Speaker,

Mr. VANIK. Mr. Speaker, I would like to say that the committee took an amendment which was submitted by the Committee on the Judiciary and I understand that Mr. Rodino will make a statement in support of the resolution.

Mr. McCLORY. I understand that the majority staff has studied this. But may I say it has not been before the committee, and the members of the committee have not given consideration to this, nor have they favorably reported it. I think it was unfortunate that it was not referred to the Judiciary Committee for its action and consideration.

Mr. VANIK. Mr. Speaker, the chairman waived his jurisdiction.

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Mr. FRENZEL. Mr. Speaker, we have heard today mostly people speaking for this resolution. Only a few faint voices have been raised in objection by those people who wish to protect the free trade policies which have helped this country to achieve economic prosperity through the free trade philosophy of competitive advantage.

Today we are seeing just a little chip being taken in that policy. It is my great hope that that chip will not be widened.

I would like to compliment the chairman of the subcommittee, my distinguished colleague from Ohio (Mr. Vanik), and to likewise compliment our friend from Louisiana (Mr. Moore). They took what was, in the first instance, a perilous resolution and made amendments that took some of the roughest edges off of it.

Nevertheless, softened as it is, the resolution does make an important change in our trade policy that should not be made in this off-the-cuff manner of legislating.

If the Trade Act of 1974 needs to be amended, and I think that it does, we should amend it in a general and uniform way so that everyone, all potentially grieved parties, would know how the grievance procedure works. If the 201 relief process is to be the one we use, then let it be the final step in the appeal process. If we need an extra step, let us add an extra step for everybody, not just those who come with political clout and strong organized employee groups who can make this Congress move.

Those who support the resolution forget that negotiation requires two parties. When we negotiate, we are going to have to give something up. Our consumers are going to have to give something up extra in the marketplace. They are going to lose the protection of competition. They are going to lose a little choice, and they are going to pay a little more money. We are going to deny the workings of the marketplace that are so necessary and have given our consumers the greatest economy that the world has ever known.

This bill is a bad precedent. It should be defeated. I hope that it is.

Mr. VANIK. Mr. Speaker, I yield 1 minute to my distinguished colleague from Ohio (Ms. Oakar).

Ms. OAKAR. I thank the gentleman for yielding.

Free trade must be fair trade. My community and other communities throughout the country have been devastated by unfair foreign competition. I certainly want to commend the chairman of the Subcommittee on Trade for his work, and I hope Members of Congress start thinking about the United States of America and the American workers and the consumers.

Mr. Speaker, auto related unemployment continues at historically high levels all over the country, but especially in the two primary auto States, Ohio and Michigan. Nationally, well over 200,000 auto workers remain on layoff, down only slightly from the all time high of 300,000 during this past summer. In the Cleveland, Ohio, SMSA, 12,200 auto jobs were lost between July 1979 and July 1980. In some of the smaller communities in my district, the devastation has been even worse. Mayor Angelo Wedo of the city of Brook Park, Ohio, testified before the auto task force that his small city (population 30,000) has lost over 8,500 auto and auto-related jobs. This is a terrible blow to the tax base of this small community. Overall, the present rate of unemployment in the Cleveland SMSA is 8.1 percent. However, it is estimated that the rate for Cuyahoga County and the city of Cleveland itself is 2.5 to 4 percent higher primarily due to the tremendous layoffs in the auto industry.

These high levels of unemployment are having tremendous adverse effects on the unemployment trust funds of the two major auto States, Michigan and Ohio. As a member of the National Commission on Unemployment Compensation, I became very aware of the financial cost of this auto depression. In Ohio, the unemployment insurance trust fund reserves at the end of October were $46.9 million. This is down dramatically from July 1980 when the fund was at $133 million. Also Ohio has had to borrow $200 million from the Federal Government Ohio will be paying out UI benefits from borrowed Federal funds until at least May 1981, the date of the next quarterly unemployment insurance tax collection. Of course, the State will have to repay this Federal loan out of future income.

Michigan's case is even worse. The State will have to borrow $400 million from the Federal Government by the end of 1980 in order to pay benefits to the 525,000 persons who are unemployed. Because Michigan already has a $500 million debt to the Federal Government outstanding, the total indebtedness of the Michigan unemployment insurance trust fund will be a staggering $900 million by the end of this year: Continued auto unemployment will only exacerbate this problem.

In view of these enormous difficulties, it is very distressing to me that the International Trade Commission saw fit to vote against some form of import relief for the beleagured auto industry. Without a doubt, one of the major causes for this present dilemma is the vast increase in market share taken up by the Japanese manufacturers as a result of the distress in our own industry. At the present time, Japanese manufacturers make one out of every four cars sold in this country. This flood of Japanese imports has resulted in the loss of some 200,000 U.S. manufacturing jobs. These are American jobs that have gone overseas due to our own inaction on the question of Japanese imports.

It is apparent from data accumulated by the UAW and by the auto companies that the United States, out of all the world's auto manufacturers, is the victim of free but unfair trade. As the accompanying chart shows, the United States is virtually alone in the world in having a large auto industry with negligible import restraints. Japan, on the other hand, has had historically high duties in the past and even now protects its domestic auto industry with a wide variety of small regulations that U.S. auto companies have to meet. Again, as the chart shows, the United States alone, of all the other nations faced with Japanese imports, has neglected to protect its domestic industry. We must insure that free trade is fair trade.

In light of the ITC's decision, the very least that this Congress can do is to speedily enact House Joint Resolution 598, which gives the President the authority to enter into voluntary agreements with the Japanese Government to restrain auto imports. As we know, the administration had been claiming that it does not have such authority. I am convinced that unless we bring the full diplomatic resources of the United States to bear upon this problem, we will have no satisfactory conclusion. I join with my distinguished colleague, the chairman of the Trade Subcommittee, in urging the quickest possible action by the Congress on this vital piece of legislation. It is a small step but a most necessary one if we are to take immediate action.

NATIONS WITH MAJOR DOMESTIC AUTO PRODUCTION

Country	Motor vehicle hourly compensation (mid-1979)	1979 car industry sales (thousands)	1979 Japanese car import market share (percent)	Protection of domestic car industry (nearest whole percentage)
Brazil	$2.53	830	(1)	95 percent local content or 185–205 percent duty.
Mexico	3.91	268	(1)	50 percent local content.
Venezuela	(1978) 3.66	94	(1)	51 percent local content or 120 percent duty.
South Africa	1.98	213	(1)	66 percent local content or 95 percent duty.
Spain	7.39	588	(1)	90 percent local content or 35 percent duty.[2]
Italy	7.90	1,329	(1)	11 percent duty[3] and bilateral import quota restricting Japanese imports to 2,000 cars a year.
Argentina	NA	196	1.2	92 percent local content or 85 percent duty.
France	8.97	1,976	2.2	11 percent duty[3] and informal limit on Japanese car share to 3 percent or less.
Germany	14.05	2,567	5.7	11 percent duty.[3]
Canada	9.46	1,005	8.2	14 percent duty.
United Kingdom	6.36	1,716	10.8	11 percent duty[3] and agreement with Japanese to restrict car market share to 10–11 percent or less.
Australia	NA	458	15.2	85 percent local content or 58 percent duty (quota limits import share to 20 percent of market).
United States	13.72	10,510	16.6	3 percent duty.
Memo: Japan	6.85	3,322	[4]1.8	No duty, but protected by high duties in the past and now by a major cost advantage.

[1] Less than 0.1 percent.

[2] Effective rate is about 63 percent because of additional taxes.

[3] Effective rate is about 14 percent because of c.i.f. basis (f.o.b. cost plus insurance and freight) and value-added taxes.

[4] All imports.

Mr. VANIK. Mr. Speaker, I just want to say that we have had a long debate on this issue in subcommittee, in full committee, and here in the House. I want to say that the American automobile industry has led the way in developing and mass producing the automobile. Somehow or another our technology got scattered all over the world and has permitted other countries to move from our plateau of development.

But this has been a good industry. It has paid its share of taxes. It has not enjoyed parity. It has not had any special programs of help, and through the years, the industry has had many areas of competition. Competition in the domestic scene has now been reduced to only a few companies.

For the time being, caught with the crisis of change in automobile demand, the automobile industry is temporarily on its knees; and all we seek to do in this little action that we take today is to give the President the authority, if he decides he wants to use it, to work out agreements which have to be developed or concluded by July 1, 1983.

This is no long-term, permanent change of the law. It is a temporary help to take care of a temporary crisis.

Mr. Speaker, I hope that the House of Representatives will pass out this resolution.

I yield back the balance of my time.

● Mr. GOLDWATER. Mr. Speaker, I rise in opposition to House Joint Resolution 598, a resolution which would give the President authority to negotiate import restrictions on foreign produced automobiles and trucks.

This resolution is nothing more than a typical case of the Federal Government subverting the desires of the American consumer. If you give the people what they want, they will buy it. This is the first lesson one learns in a free market economy. With their constant cries for import quotas on foreign cars, it is a lesson that Detroit and the UAW seem to have forgotten.

The basic problem with the domestic auto manufacturers is that they have lost their competitive edge in the marketplace. Let us face it, Detroit has continued to produce cars which American consumers judge to be inferior to comparable foreign cars. The foreign auto industry has become more adept than Detroit at building the cars that Americans want.

What I am saying is that Government imposition of import restrictions on foreign made cars will not encourage the American auto industry to produce competitive cars. At best, the imposition of import quotas is a cosmetic, quick-fix answer. To be sure, it is a tempting answer because quotas are relatively simple to impose and may quickly cause a slight increase in domestic car sales due to reduced competition. However, over the long haul, import restrictions will prove to be far more dangerous to Detroit and to the American economy than will unrestrained competition.

I hope to convince my colleagues that the imposition of trade restrictions will make the true solution to Detroit's problems far more difficult. They will camouflage the real problem—the industry's lack of competitiveness—and reduce outside competition, thus creating a false sense of security in the industry. Once protected, the U.S. auto industry could too easily sink back into the complacency that brought it to its present predicament.

Trade restrictions would also take a heavy toll on our economy, would fuel inflation by increasing foreign car prices and would inevitably invite retaliation against American products abroad, which means higher unemployment in the United States. Finally, I am concerned that import quotas would deny American consumers the free choice of any car in a competitive market—a choice that is their right.

The solution to Detroit's troubles lies in its ability to meet the challenge of building cars that can compete in the marketplace. Washington can help the industry regain its competitive edge, not by protectionist measures, but by providing tax incentives and financing research to improve U.S. auto technology. The Government can also review its industry regulations and cut those that are unnecessary or too expensive.

But the ultimate solution must come from the industry, not from Government. Detroit needs to develop and market cars that consumers will want to buy. This will only come about under the influence of competitive free enterprise; not while Detroit is hiding behind the artificial barriers of import restrictions. I urge my colleagues to oppose House Joint Resolution 598.●

● Mr. RODINO. Mr. Speaker, I rise in support of House Joint Resolution 598 because I believe that it will clarify the authority of the President to deal with the present economic situation confronting our automobile industry.

I am acutely aware of the possible injury to consumers which may ensue from establishing quotas on the import of automobiles. It is consumers, after all, who make the final decision as to the purchase of goods on the market. This has always been the key element of our free enterprise system.

There is, however, a need to clarify the authority of the President to deal with an economic crisis and a temporary distortion of the marketplace that may damage American industry and American workers and may have no longrun benefits to the consumer. If the American automobile industry is fundamentally competitive, as I believe it is, we are not acting to save an uncompetitive industry—we are merely giving the President the flexibility to aid the industry in smoothing out a most severe but temporary economic downturn which happens to have impacted with particular severity on that industry.

I also want to point out that the staff of the Judiciary Committee has worked with the staff of the Ways and Means Committee to clarify the antitrust exemption language contained in the resolution. We have attempted to limit that exemption to the minimum required to implement an import agreement with the Japanese Government. That exemption, like the rest of this resolution, is strictly limited to the 3 year period which the committee believes will allow the industry to adjust to prevailing competitive conditions.

I am confident that American industry and workers understand the intent of the Congress not to provide any long term market restrictions or subsidies. In clarifying the President's authority to negotiate quotas, we are acting with a conviction that free market principles and our system of antitrust laws remain the keystone of the Nation's economic system. I believe that the American industry and its workers will respond to the competitive challenge before it.●

● Mr. BIAGGI. Mr. Speaker, I rise in full support of this resolution, House Joint Resolution 598, providing the President with temporary authority to negotiate an auto import limitation agreement with foreign governments.

This resolution represents a fair and responsible compromise considering the distressing state of the U.S. auto industry and the recent International Trade Commission (ITC) denial of a petition for Government relief efforts.

Specifically, this resolution provides the President with the authority to negotiate agreements with foreign governments limiting auto exports into the United States. This authority is only temporary in nature and would expire on July 1, 1983. Further, the President's authority to negotiate such an agreement would be contingent on two important considerations. First, the President must determine that auto imports are causing, or threatening to cause, serious injury to the domestic auto industry. Second, the President must be satisfied that the domestic industry has exhausted available remedies under current law—section 201 of the Trade Act of 1974, which allows the auto industry to petition the ITC to find serious injury and provide relief.

The facts clearly show the suffering experienced by the U.S. auto industry at the hands of foreign imports. In May 1980, domestic auto sales hit a 22-year low. Sales dropped by 42 percent from the previous May. For the first three-quarters of 1980, industry losses totaled $3.5 billion. At its worst point in August, 250,000 of our Nation's 1.1 million autoworkers were on indefinite layoff; 450,000 persons in auto supply industries were unemployed; and nearly 1,500 U.S. car dealers went bankrupt.

In stark contrast, foreign auto imports were being sold in record numbers. Japanese car sales in the United States provide a clear example of this serious problem. Compromising only 9 percent of the U.S. market in 1976, Japanese auto sales represented 21.7 percent of all autos sold in the United States in 1979, and preliminary estimates show that figure rising to the 25-percent mark by the end of 1980.

Recognizing the severity of the situation, Ford Motor Co. and the United Auto Workers did petition the ITC for quotas on foreign imports but were denied. However, it should be noted that the ITC was limited in their actions by the narrow scope of the Trade Act. Actually, four of the five commissioners stated that imports had caused serious injury to the U.S. auto industry.

As a result of the ITC's decision, the White House has justifiably maintained it does not have the authority to act alone in negotiating import limitations without violating U.S. antitrust laws.

The passage of this resolution would free the President's and President-elect's hands in dealing with this matter by sending a strong and clear message that Congress approves of temporary yet much needed limitations on foreign imports. Further, such action would be consistent with the General Agreement on Tariffs and Trade (GATT), which specifically permits corrective trade measures when there is serious injury to domestic producers.

Without a temporary limitation on imports, the domestic auto industry will lose valuable sales dollars it needs to reinvest in its massive $80 billion modernization program that will enable U.S. autos to compete on the same level with foreign imports. Should this program be delayed, the industry will grow even closer to financial collapse.

Such an occurrence should not and must not be allowed to take place. The automobile industry is our Nation's largest, both in terms of the total value of its products and the number of workers employed. Twenty percent of American jobs depend directly or indirectly on the automobile industry.

Mr. Speaker, earlier this Congress, we voted to provide Chrysler Corp. with the assistance they so desperately needed to survive. As a result, they have rebounded from the brink of collapse and are now competing at a profitable level with foreign imports, largely due to their increased emphasis on small, more fuel-efficient cars. Passage of House Joint Resolution 598 would help to allow similar changes to be made throughout the domestic auto industry. The end result would be a stable and competitive auto industry and a much stronger U.S. economy. With this in mind, I urge my colleagues to join me in supporting the passage of this responsible and necessary legislation.●

● Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Resolution 598, which strengthens the President's authority to negotiate agreements on international trade in autos and trucks. The trade problem between Japan and the United States has reached such proportions that bold new initiatives are essential to bring exports and imports into balance.

Today in the United States over 300,000 autoworkers face an indefinite layoff period. Hundreds of thousands of American workers in related industries such as steel, iron ore mining, and electronics are unemployed because of the decline in domestic auto production. In northeastern Minnesota, we have an unemployment rate of over 20 percent in the mining industry, due greatly to the decrease in demand for steel for the auto industry. This figure represents a doubling of the unemployment level in a period of just 3 to 4 months and is the highest level in the mining industry since the early 1960's.

New car sales have fallen to 33 percent below auto sales in 1975—the greatest decline in more than two decades. Meanwhile, foreign car imports have risen over 27 percent during this year, with additional increases forecast for 1981. Japan, one of the biggest foreign automobile exporters, has announced plans for U.S. market penetration of 2 million additional units, steadfastly refusing voluntarily to restrain car exports.

The Japanese Government traditionally has assisted its automobile firms in their exporting efforts. It plays a dominant role in the economic decisionmaking process. Special tax credits and export subsidy benefits have been established to facilitate international expansion. As demand for smaller cars increases in proportion to total U.S. sales, the Japanese share of the U.S. automobile market will continue to grow even larger.

The U.S. automobile industry has begun plant conversions in order to meet higher consumer demand for fuel-efficient cars. The industry has already invested over $80 billion in research and development. It will be at least another 3 years before competitiveness is restored. American automakers desperately need relief from foreign competition during this critical switchover period.

The recent split decision by the U.S. International Trade Commission to reject the petition for temporary relief from foreign auto imports by the United Auto Workers and Ford Motor Co., eliminated a basis for the administration to negotiate a formal marketing order with the Japanese Government. Voluntary restraint is certainly more desirable, but it requires the cooperative efforts of all exporters to readjust the current trade imbalance. This resolution gives the President the clear legal authority to begin those negotiations, which will hopefully assist the U.S. auto industry in retaining its share of the domestic market.●

● Mr. BINGHAM. Mr. Speaker, I feel constrained to register my opposition to House Joint Resolution 598, a resolution which would authorize the President to conclude agreements with foreign governments limiting the exportation of automobiles and trucks into the United States.

While I understand and certainly sympathize with the purpose of the legislation, and while the resolution before us has been greatly improved thanks to the work of the distinguished subcommittee chairman, Mr. VANIK, I have to point out that the resolution has not been considered by other committees of the House having jurisdiction over matters affected by the resolution.

A resolution of this type impacts very seriously on our foreign policy, and the Foreign Affairs Committee should therefore have had the opportunity to study and report on it. Indeed, the Subcommittee on International Economic Policy and Trade, which I have the honor to chair, along with the Subcommittee on Asian and Pacific Affairs, chaired by my colleague, Mr. WOLFF, did hold several hearings on the plight of the American automobile industry, having before us House Concurrent Resolution 363. Much of the information that emerged from those hearings tended to support the conclusion of the International Trade Commission that the problems of the auto industry were caused in large part by other factors than imports.

Perhaps even more important, the rather hectic procedure followed here has also bypassed the Committee on the Judiciary which surely should have been allowed to consider the implications of the antitrust provisions of this resolution. In the brief time the House has had to consider House Joint Resolution 598, it is not at all clear what those implications are; they may be very serious indeed.

Another question which remains unanswered at this time is what will be the effect of this resolution on section 201 of the Trade Act of 1974. That act sets down an orderly procedure for determining import injury, employing an independent panel removed from the intense political pressures that buffet the Congress on such matters. As noted above, this panel, the International Trade Commission, reached a determination in November that imports were not a substantial cause of serious injury to the domestic automobile industry. Not everyone will agree with this decision; but, all of us, I believe, should honor the decision framework that we ourselves put in place. The alternative is to open the floodgates once more to every industry in the country that seeks a political solution to its economic difficulties or desires to override an adverse ITC decision. If we do not like section 201 of the 1974 Trade Act, then let us repeal or amend it. Let us face the issue squarely instead of resorting to end runs.

Clearly, this resolution holds no magic to cure the automobile industry. Its problems are far more deep seated than the legislation suggests. The rate of our productivity growth in the private sectors, for example, peaked in the mid-1960's as did expenditures on R. & D. by both business and government, as measured in constant dollars. In the meantime, as Prof. Robert H. Hayes and William J. Abernathy have documented in the July–August 1980 issue of the Harvard Business Review, expenditures on R. & D. by West Germany and Japan have been rising steadily. In the past decade, the Soviet Union has exhibited a dramatic increase in national expenditures for R. & D. as a percentage of GNP.

The picture is equally glum for growth in the incremental capital equipment-to-labor ratio. In the United States, this ratio has fallen to about one-third of its value in the early 1960's. In Japan, in contrast, capital investment as a percentage of GNP was almost double ours from 1966 to 1976.

These facts make House Joint Resolution 598 look like the proverbial Band-Aid on a gaping wound. We do service neither to industry nor to the American people by attempts at what our colleague from Minnesota, Mr. FRENZEL, has properly criticized as a quick-fix remedy. The afflictions of the auto industry, which deeply concern us all, deserve more serious attention, more thoughtful analysis, and more enduring solutions.

Let us resolve to being the 97th session of Congress with a renewed determination to find genuine remedies that will help restore the competitive edge to the automobile and other ailing U.S. industries.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and pass the joint resolution, House Joint Resolution 598, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 57, answered "present" 1, not voting 57, as follows:

[Roll No. 654]

YEAS—317

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Brodhead
Boromfield
Brown, Calif.
Broyhill
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Coleman
Conte
Conyers
Corman
Coughlin
Courter
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dingell
Dixon
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Fuqua
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Gonzalez
Goodling
Grassley
Gray
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Jacobs
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Latta
Leach, Iowa
Leach, La.
Lee
Leland
Lent
Levitas
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Martin
Mathis
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wolpe
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—57

Anderson, Calif.
Anderson, Ill.
Beilenson
Bingham
Brinkley
Burgener
Butler
Cheney
Cleveland
Clinger
Collins, Tex.
Conable
Corcoran
Crane, Daniel
Crane, Philip
Dannemeyer
Dicks
Dornan
Erlenborn
Frenzel
Goldwater
Gore
Gradison
Green
Grisham
Gudger
Hansen
Hopkins
Ireland
Jeffords
Jeffries
Johnson, Colo.
Kemp
Lagomarsino
Lewis
Livingston
Lowry
Lungren
McClory
McDonald
Marriott
Michel
Moorhead, Pa.
Patterson
Paul
Petri
Porter
Pritchard
Reuss
Rousselot
Shumway
Stangeland
Stump
Symms
Thomas
Van Deerlin
Wirth

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—57

Andrews, N.C.
Ashley
Badham
Baldus
Barnard
Bolling
Bonior
Breaux
Brooks
Brown, Ohio
Coelho
Collins, Ill.
Cotter
Dellums
Dodd
Eckhardt
Evans, Ga.
Fenwick
Findley
Fish
Frost
Garcia
Giaimo
Gibbons
Glickman
Gramm
Guarini
Hagedorn
Hance
Harkin
Hinson
Holtzman
Horton
Jenrette
Jones, Tenn
Kelly
Leath, Tex.
Lederer
McCloskey
Madigan
Mattox
Murphy, N.Y.
Neal
Nedzi
O'Brien
Rodino
Rosenthal
Schroeder
Spellman
Stockman
Thompson
Waxman
Wilson, C. H.
Wolff
Wydler
Yates
Young, Alaska

□ 1350

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Madigan.
Mr. Guarini with Mr. Wydler.
Mr. Breaux with Mr. Young of Alaska.
Mr. Thompson with Mr. Horton.
Mr. Rodino with Mr. Hinson.
Mr. Brooks with Mr. Hagedorn.
Mr. Rosenthal with Mr. Fish.
Mr. Giaimo with Mr. Badham.

Mr. Murphy of New York with Mr. Brown of Ohio.
Mr. Lederer with Mr. Evans of Georgia.
Mr. Dodd with Mrs. Fenwick.
Mr. Cotter with Mr. Findley.
Mrs. Collins of Illinois with Mr. Leath of Texas.
Mr. Barnard with Mr. Jenrette.
Mr. Glickman with Mr. Hance.
Mr. Bonior of Michigan with Mr. Gramm.
Mrs. Schroeder with Mr. O'Brien.
Mr. Wolff with Mr. Stockman.
Mr. Waxman with Mr. Coelho.
Mr. Harkin with Mr. Frost.
Mr. Dellums with Mr. Charles H. Wilson of California.
Mr. Baldus with Mr. Eckhardt.
Mr. Gibbons with Mr. Andrews of North Carolina.
Mr. Yates with Mr. Garcia.
Mr. Neal with Mr. Nedzi.
Ms. Holtzman with Mr. McCloskey.
Mr. Mattox with Mr. Ashley.

Mr. DICKS changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 598, just passed.

The SPEAKER pro tempore (Mr. DAN DANIEL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 7631, HUD-INDEPENDENT AGENCIES APPROPRIATIONS, 1981

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 21, 1980.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 7631, as well as the Senate amendments thereto reported in disagreement, and that I may include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, because the gentleman from Florida (Mr. CHAPPELL) is going to attend the conference on the Defense Department appropriation bill, I am delighted to yield to my friend from Florida (Mr. CHAPPELL) such time as he may consume.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Speaker, if I may, I would like to request clarification of certain language in the conference report. The report, on page 17, contains the following language relating to the Veterans' Administration:

> Finally, the committee of conference agrees that outpatient clinics be established in Bradford County, Pa., and in the State of Florida.

Mr. Speaker, that language, I am sure, is not intended to detract from a similar House report provision directing the establishment of outpatient clinics in Bradford County, Pa., and Daytona Beach, Fla.?

Mr. BOLAND. In response to the gentleman from Florida (Mr. CHAPPELL) I can indicate my own position, and I am sure the position of the House conferees, that the language is not intended to detract from similar House report language.

Mr. CHAPPELL. I thank the gentleman.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Florida.

Mr. FUQUA. I would ask: Does this in any way interfere with the decision made by the VA to locate an outpatient clinic anywhere else in Florida?

Mr. BOLAND. This does not interfere with a decision by the VA to locate an outpatient clinic anywhere else in Florida. As both gentlemen from Florida know, we had some problems on the Senate side with the language in the report and it will be left to the Veterans' Administration to determine where that clinic will be established, but it does not detract from the language of the House bill.

Mr. FUQUA. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring back to the House today the conference report on the 1981 HUD-independent agencies appropriation bill. Each year, when we take this bill to conference, we face some very difficult issues. This year was no exception—but I am happy to report that we have reached agreement on every 1 of the 79 amendments in disagreement with the Senate position.

We reached agreement after a number of weeks of trying to hammer out our differences with the other body over a difficult issue concerning reprograming of dollars for a number of NASA programs. I will describe that agreement in more detail when I discuss NASA—but let me just say that I believe we have come to an understanding with the Senate that is workable.

The problem of cost overruns, and the associated problem of reprogramings, is one that everyone in the Congress should be concerned with. The agreement does not give our subcommittee everything it was looking for in this area—but I believe it is an excellent beginning and is one that we can build on in cooperation with the other body and, I sincerely hope, in cooperation with the agency.

Now, before I get into discussing specifics, I want to sum up what the bill contains.

The total amount of this conference report is $74,126,287,000. The House passed this bill July 28 with a total of $39,665,707,000. I should quickly point out that the House did not consider two major accounts—annual contributions for assisted housing, which funds the public housing and section 8 subsidy programs and the NASA research and development account. That, of course, causes the House-passed bill to be substantially less than the amount approved in the conference agreement. In short, the conferees have brought back a bill that is $3,961,801,000 below the budget request. I think it is essential to point out that within the $4 billion reduction the bill includes a 2-percent reduction totaling nearly $1 billion.

In fact, I will venture a guess that this is the only appropriation bill that has a chance of becoming law that will include a 2-percent reduction from the budget estimate. I should also point out that that 2-percent reduction comes on top of a number of other significant reductions in various program areas throughout this bill.

So I think, Mr. Speaker, that this subcommittee has already gotten serious about holding down the rate of spending increases—and ultimately balancing the Federal budget.

I would also hope that if and when the new administration proposes a package of rescissions and deferrals—which I believe we can all expect to see—I would hope that the administration would take into account the fact that this bill already has incurred a 2-percent across-the-board cut.

Now turning to specifics, the conference agreement has approved $36,910,223,000 for the Department of Housing and Urban Development. We are recommending $1,417,400,000 of new annual contract authority and $30,877,500,000 of new budget authority to be made available for HUD's principal subsidized housing programs—the low income public housing and section 8 programs. Based on the economic assumptions used in developing this budget, this level of funding, according to the Department, should be sufficient to reserve up to an additional 280,000 subsidized housing units in fiscal year 1981.

☐ 1400

I think at this point it might be useful to suggest that when the Department provides us with a number each year estimating the number of subsidized housing units that can be reserved from the dollars provided—that estimate is often grossly overstated.

For example, last year the Department indicated that the money we were providing for 1980 would assist up to about 296,000 units. When the revised 1980 budget was submitted last January, that estimate had dropped to 240,000 units. The Department pointed out that it had dropped because of inflationary pressures driving up the cost of each subsidized housing unit and because a number of section 8 and public housing units already underway required additional money.

But what is particularly dramatic about these numbers is the fact that the Department not only did not do the 296,000 it projected 1 year ago—it did not even achieve the 240,000 reestimated in January. The fact is that the actual number of units reserved in fiscal year 1980 was only 206,000—compared with the 296,000 that had been estimated only a little over a year ago.

Now what does that suggest? It suggests that the section 8 program continues to be very, very expensive. And, of course, it suggests that the section 8 subsidized housing program is not unlike any other housing program in that it is the victim of the inflationary pressures felt throughout the housing industry. But I believe these numbers carry a special significance at a time when we are trying to get some control over what this Government will be committed to spend in 5, 10, 15, or 20 years.

Mr. Speaker, no other program commits the Government to spending money down the road as dramatically as does the subsidized housing program. So I would urge the new administration and the current administration to look hard at some of the options available to housing low-income families and the elderly. We know we want to provide decent, safe, and sanitary housing to all Americans. The problem is how can we do that without committing a disproportionate share of our resources over the next 20, 30, or 40 years.

The conferees also agreed to add $70 million in contract authority and transfer $2.1 billion in budget authority from amounts remaining available through 1980 for the section 235 program. I know that many of you here have been besieged by telephone calls and letters from homebuilders throughout the country urging the Congress to approve additional section 235 authority. I want to make clear that the $70 million we have added for this program in the 1981 HUD bill is only for the existing or standard section 235 program. None of the authority is available for the new middle-income section 235 program which was established in the recently enacted housing act.

It is estimated that the $70 million will be sufficient to reserve approximately 20,000 additional units for section 235 housing. This should provide some breathing space for a program that has become increasingly popular with many homebuilders as the industry continues to be beset by inflated costs and high interest rates in the conventional market.

In other major program areas within HUD the bill includes $3,770,000,000 for the community development grants program, $675,000,000 for the urban development action grants program, $855,000,000 for the section 202 housing for the elderly or handicapped fund, and $134,000,000 for the section 312 rehabilitation loan fund.

The bill includes $4,752,876,000 for the Environmental Protection Agency, of which $1,352,876,000 is for operating programs of the agency and $3,400,000,000 is for the wastewater treatment construction grants program.

Included within the $1.3 billion for operating programs, the conferees have included $547,558,000 for the salaries and expenses activities of EPA. The statement of the managers accompanying the conference report does not specifically refer to funds for the hazardous waste budget amendment sent to the Senate. However, I want to make clear that within the $547.6 million the conferees have agreed to include $5,911,000 for the salaries and expense share of the hazardous waste request.

One other point in connection with the EPA concerns the construction grants program. The conference report accompanying the 1979 appropriation bill initiated a new procedure for the review of advanced wastewater treatment facilities costing more than $1 million. That review procedure provides that the Administrator must personally determine that the higher treatment levels were necessary before AWT grants could be awarded. These reviews were used by the Administrator in his individual project determinations. Action on the 1980 appropriation bill raised the threshold of the review to $3 million.

This review procedure—which was initiated by the HUD-Independent Agencies Subcommittee—has saved as much as $100 million in unneeded AWT facilities. Because of this fact, the committee was disturbed to learn that the agency had delegated to the regions the preparation of draft AWT reports for projects which exceeded the $3 million threshold. I want to make clear that that review procedure should immediately be reestablished at the Administrator's level for all projects with AWT incremental costs above $3 million.

The bill also includes a total of $1,218,937,000 for the Federal Emergency Management Agency, $124,700,000 for the National Consumer Cooperative Bank, $1,076,100,000 for the National Science Foundation, $4,569,949,000 for the general revenue sharing program; $20,810,526,000 for the many programs of the Veterans' Administration, including an additional 1,000 health care personnel; and $5,541,200,000 of the National Aeronautics and Space Administration.

With respect to the direct loan revolving fund of the Veterans' Administration during fiscal year 1981, gross obligations for direct loans are authorized only for specially adapted housing. It is the intent of the limitation language that new direct loans may only be made pursuant to the Administrator's authority under 38 U.S.C. 1811(i) to disabled veterans who are eligible for benefits under chapter 21 of title 38, United States Code, and that new loan commitments may not be made to any other veterans pursuant to 38 U.S.C., section 1811(b).

It is not intended, however, to limit or otherwise restrict the authority of the Administrator to make expenditures from the direct loan revolving fund relating to any other operational activity such as: First, making advances to pay taxes and assessments, to make repairs, alterations, and improvements, and to pay other expenses related to direct loans, as authorized by 38 U.S.C., section 811(f); Second, repurchasing vendee loans sold pursuant to 38 C.F.R. section 36.4600; Third, paying interest on borrowings from the U.S. Treasury or other obligations of the fund, that is, participation certificates under 38 U.S.C., section 1820(e); or Fourth, paying expenses related to the liquidation of existing loans and the acquisition, repair, maintenance, and sale of properties pursuant to 38 U.S.C., 1820(a) (5) and (6).

Such expenditures are necessary in order to meet prior obligations or to protect the security for loans made or committed during prior fiscal years.

I alluded earlier to the problems that confronted the conferees over some weeks concerning the issue of reprograming and the NASA budget. This issue has been one of considerable concern to me personally and to the other members of the HUD-Independent Agencies Subcommittee. NASA today is faced with a rather long laundry list of programs that for one reason or another—and I should emphasize not always caused by factors over which NASA had control—but for one reason or another are substantially exceeding their original cost estimates.

The Space Shuttle is at least $2 billion over its original cost estimate. The Galileo program is now about $250 to $300 million above its original cost. The Landsat D Earth resources satellite is now roughly $150 million over its original cost. The Solar/Polar mission is approximately $60 million above original costs and the space telescope is estimated to be between $50 and $100 million above the original cost set out in 1978.

Now the essential problem with these cost overruns is that they occur with little or no active review or control on the part of the Congress. Why is that? Because all of NASA's programs are funded incrementally. For example, the space telescope was originally planned to be funded over a 6-year span. What that means is that significant cost overruns very often do not show up at the time that the budget is presented to the Congress. Very often, these cost overruns occur—or at least the Congress is advised of them—after the annual review of the budget has been underway. The net result of this incremental funding approach is that there is no easy way to provide some review or control of the total costs of these programs. It is for this reason that we felt some mechanism—be it informal or formal—should be put in place concerning reprogramings of dollars and concerning major program thrust changes or cost overruns.

The solution that we have come up with may or may not work—but I think it is important that we have tried—and perhaps more important I think it is extremely critical that the Senate and the House Appropriations Committees are now in agreement that this new procedure should go forward and that the agency should be cooperative in making it work.

The statement of the managers accompanying the conference report describes in more detail the procedure initiated with this year's budget. Briefly, it involves an independent review of major program problems or cost overruns by panels created by the National Academy of Sciences and the National Academy of Engineering. These panels will, in short, advise the House and Senate Appropriations Committees on the workability and the benefits of various options proposed by NASA. In essence, what we are trying to establish is a review of major NASA projects that get into serious problems.

I hope that this new approach will be of some help. And I also hope that the academies and the agency will make a good faith effort to see that it works. It may take a year or two to find out how it will function—but I think that it can work—if everyone involved will help make it work.

One other point that I want to make about NASA. I know that there are those in the scientific community who believe that the subcommittee I chair is anti-space or anti-NASA. Nothing could be farther from the truth. The subcommittee and myself have supported the space program with enthusiasm for more than a quarter of a century. I do not think anything could illustrate that fact better than if one took the time to examine what is in the 1981 HUD-independent agencies appropriation bill. There are 23 agencies funded in this bill.

Of those 23 agencies, only 3 received funds above the budget request. Eighteen of the remaining 20 agencies were reduced below the budget request and 2 were pegged at the budget request. What are the three agencies that we funded above the budget? They are the American Battle Monuments Commission, which got a whopping $70,000 more than it requested—and the National Aeronautics and Space Administration, which received $23.5 million above the budget request, and the National Science Foundation which received $2.1 million above the budget request.

So I believe that nothing better illustrates the concern that this committee has with the programs of NASA. I am afraid that sometimes when the members of the Appropriations Committee—which really should serve in the role of devil's advocate—I am concerned that when our committee begins to ask some questions and try and take an active role in the spending of money—too often that is interpreted as being anti-this or anti-that. I hope that some of the critical observations we have made of NASA will help to make it a better agency.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Mr. Speaker, I am delighted to yield to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I appreciate the gentleman's yielding. On that point I would like to just engage the gentleman in a colloquy as to some of the interpretations of the language contained in the conference report relating to reprograming.

The chairman mentioned major program changes. What would be classified as a major program change? Is there a monetary figure or how would NASA know whether it was a major program change?

Mr. BOLAND. I think, as the gentleman suggests, a major program change would be a monetary figure, a substantial increase in the programs that NASA starts out within a particular figure and where there is a major thrust in change in the monetary figure. Or, another possibility could be where NASA is delaying a major project 1, 2, or 3 years—that obviously would be a major program change.

Mr. FUQUA. In case there should be a review by the National Academy of Sciences or the National Academy of Engineering, it may take a prolonged period of time to complete that review. During that time, if NASA had to stop their program then the program costs would continue to escalate during this hold period while they were waiting on the review. What would be considered a moderate amount of time for a report back from the academies?

Mr. BOLAND. First, let me say to my friend from Florida that it is the hope of this subcommittee and the hope of the conferees that the National Academy of Sciences and the National Academy of Engineering would put in place their panels to review some of the programs with which there is some concern and that that review would be expeditious. Where there is a time frame within which NASA has to meet a particular program, we would hope that in that case, if the National Academy of Sciences or the National Academy of Engineering is not able to give its response, or its panel cannot give that response within the time frame necessary to go ahead with the program, that NASA itself would use discretion to do so.

Of course, we would expect the Academies to be able to make recommendations within 60 to 90 days—and that should meet both the agency's and the committee's concerns. We would also expect that NASA will alert the committees and the Academy as soon as a problem is known so that maximum time is available to the Academy to complete its review.

□ 1410

Mr. FUQUA. I appreciate that, because as the gentleman well knows, there are sometimes various programs that have time constraints because of the launch date that might have to be met for the positioning of certain scientific observations as well as conducting experiments at other planets. I think that certainly the gentleman's response is very adequate to cover programs of that type, and I appreciate the gentleman yielding.

Mr. BOLAND. I appreciate very much the questions that were propounded by the chairman of the Science and Technology Committee, and I am aware, as this subcommittee is, of the intense interest his committee has in all of these programs. I am sure that his committee and our committee and the agency and the academies can work together to be sure that these programs can move ahead in the fashion that he would like and that I would like.

Mr. FUQUA. I might point out to the distinguished chairman that in many cases program changes of this type are reviewed by the authorizing committee and are approved. Sometimes we also would have had additional questions and sought information to address concerns relating to program changes. How would that be affected if the authorizing committees of both the House and the Senate had approved what could be classified as major changes?

Mr. BOLAND. I am sure that is an area that we can meet when we get to that particular matter. I can assure the gentleman from Florida, the chairman of the authorizing committee, that the Committee on Appropriations, particularly this subcommittee that deals with the funding of NASA, will be anxious to cooperate in every way it can and will cooperate in every way it can with the committee.

Mr. FUQUA. I appreciate the assurance of the distinguished chairman.

Mr. BOLAND. Mr. Speaker, I will include with my remarks a table on each item, a comparison with 1980 and the action of both Houses.

(The table is as follows:)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980[1]	Estimates, 1981[2]	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
TITLE I									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Annual contributions for assisted housing (contract authority)	$26, 680, 128, 000	$33, 196, 631, 000	[3]	$30, 877, 500, 000	$30, 877, 500, 000	+$4, 197, 372, 000	−$2, 319, 131, 000	+$30, 877, 500, 000	
(Increased limitation for annual contract authority)	(1, 140, 661, 000)	(1, 553, 661, 000)	[3]	(1, 417, 400, 000)	(1, 417, 400, 000)	(+276, 739, 000)	(−136, 261, 000)	(+1, 417, 400, 000)	
Homeownership assistance (contract authority, by transfer)					(2, 100, 000, 000)	(+2, 100, 000, 000)	(+2, 100, 000, 000)	(+2, 100, 000, 000)	(+$2,100,000, 000)
(Increased limitation for annual contract authority)					(70, 000, 000)	(+70, 000, 000)	(+70, 000, 000)	(+70, 000, 000)	(+70,000, 000)
Rent supplement (contract authority, indefinite)	−80, 000, 000	−1, 050, 000, 000	−$1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−970, 000, 000			
(Limitation on annual contract authority, indefinite)	(−2, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−28, 000, 000)			
Housing payments (appropriation to liquidate contract authority)	(6, 274, 037, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(+852, 963, 000)			
Housing for the elderly or handicapped fund (authority to borrow)	803, 205, 000	780, 070, 000	780, 070, 000	830, 070, 000	805, 070, 000	+1, 865, 000	+25, 000, 000	+25, 000, 000	−25, 000, 000
(Limitation on loans)	(830, 000, 000)	(830, 000, 000)	(830, 000, 000)	(880, 000, 000)	(885, 000, 000)	(+25, 000, 000)	(+25, 000, 000)	(+25, 000, 000)	(−25, 000, 000)
Limitation on loans, prior authority)		(65, 000, 000)	65, 000, 000)	(65. 000, 000)	(65, 000, 000)	(+65, 000, 000)			
Payments for operation of low-income housing projects	755, 300, 000	975, 800, 000	862, 000, 000	975, 800, 000	970, 800, 000	+215, 500, 000	−5, 000, 000	+108, 800, 000	−5, 000, 000
Troubled projects operating subsidy	79, 500, 000	31, 100, 000	21, 100, 000	15, 000, 000	18, 050, 000	−61, 450, 000	−13, 050, 000	−3, 050, 000	+3, 050, 000
Federal Housing Administration Fund	194, 850, 000	268, 640, 000	268, 640, 000	230, 000, 000	268, 640, 000	+73, 790, 000			+38, 640, 000
(Limitation on commitments)		(34, 154, 732, 000)	(34, 154, 732, 000)	(34, 154, 732, 000)	(34, 154, 732, 000)	(+34, 154, 732, 000)			
Nonprofit sponsor assistance (limitation on loans)		(2, 300, 000)	(2, 300, 000)	(2, 300, 000)	(2, 300, 000)	(+2, 300, 000)			
Low-rent public housing—loans and other expenses (appropriation to liquidate contract authority, by transfer)	(1, 995, 325, 000)					(−1, 995, 325, 000)			
Government National Mortgage Association									
Special assistance functions fund:									
Appropriation	150, 000, 000					−150, 000, 000			
(Recapture of repayments)	(2, 000, 000, 000)					(−2, 000, 000, 000)			
(Limitation on loans)		(1, 800, 000, 000)	(1, 800, 000, 000)	(1, 800, 000, 000)	(1, 800, 000, 000)	(+1, 800, 000, 000)			
Payment of participation sales insufficiencies	16, 971, 000	4, 967, 000	4, 967, 000	4, 967, 000	4, 967, 000	−12, 004, 000			
Mortgage assistance grant program		30, 000, 000					−30, 000, 000		
Guarantees of mortgage-backed securities (limitation on commitments)		(53, 000, 000, 000)	(53, 000, 000, 000)	(53, 000, 000, 000)	(53, 000, 000, 000)	(+53, 000, 000, 000)			
Total, Government National Mortgage Association	166, 971, 000	34, 967, 000	4, 967, 000	4, 967, 000	4, 967, 000	−162, 004, 000	−30, 000, 000		
Solar Energy and Energy Conservation Bank									
Assistance for solar and conservation improvements (by transfer)		(147, 500, 000)	(90, 000, 000)	(125, 000, 000)	(125, 000, 000)	(+125, 000, 000)	(−22, 500, 000)	(+35, 000, 000)	
Total, Housing Programs (net)	28, 599, 954, 000	34, 237, 208, 000	886, 777, 000	31, 883, 337, 000	31, 895, 027, 000	+3, 295, 073, 000	−2, 342, 181, 000	+31, 008, 250, 000	+11, 690, 000
Community Planning and Development									
Community development grants	3, 900, 000, 000	3, 950, 000, 000	3, 810, 000, 000	3, 750, 000, 000	3, 770, 000, 000	−130, 000, 000	−180, 000, 000	−40, 000, 000	+20, 000, 000
Rescission	−153, 200, 000					+153, 200, 000			
(Limitation on commitments)		(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(+250, 000, 000)			
Urban development action grants	675, 000, 000	675, 000, 000	675, 000, 000	675, 000, 000	675, 000, 000				
Congregate services program	10, 000, 000		10, 000, 000	10, 000, 000	10, 000, 000		+10, 000, 000		
Comprehensive planning grants	42, 500, 000	40, 000, 000	22, 500, 000	40, 000, 000	33, 750, 000	−8, 750, 000	−6, 250, 000	+11, 250, 000	−6, 250, 000
Rescission	−5, 000, 000					+5, 000, 000			

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980 [1]	Estimates, 1981 [2]	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Rehabilitation loan fund	$135, 000, 000	$124, 000, 000	$144, 000, 000	$124, 000, 000	$134, 000, 000	−$1, 000, 000	+$10, 000, 000	−$10, 000, 000	+$10, 000, 000
Rescission	−25, 500, 000					+25, 500, 000			
(Limitation on loans)		(176, 000, 000)	(196, 000, 000)	(176, 000, 000)	(186, 000, 000)	(+186, 000, 000)	(+10, 000, 000)	(−10, 000, 000)	(+10, 000, 000)
(Limitation on loans, prior authority)		(15, 000, 000)	(15, 000, 000)	(15, 000, 000)	(15, 000, 000)	(+15, 000, 000)			
Total, Community Planning and Development	4, 578, 800, 000	4, 789, 000, 000	4, 661, 500, 000	4, 599, 000, 000	4, 622, 750, 000	+43, 950, 000	−166, 250, 000	−38, 750, 000	+23, 750, 000
Neighborhoods, Voluntary Associations and Consumer Protection									
Housing counseling assistance	9, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	+1, 000, 000			
Neighborhood self-help development program	10, 000, 000	10, 000, 000	9, 000, 000	9, 000, 000	9, 000, 000	−1, 000, 000	−1, 000, 000		
Total, Neighborhoods, Voluntary Associations and Consumer Protection	19, 000, 000	20, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000		−1, 000, 000		
Policy Development and Research									
Research and technology	49, 650, 000	52, 100, 000	50, 000, 000	44, 650, 000	44, 650, 000	−5, 000, 000	−7, 450, 000	−5, 350, 000	
Rescission	−5, 000, 000					+5, 000, 000			
Fair Housing and Equal Opportunity									
Fair Housing Assistance	3, 700, 000	5, 700, 000	3, 700, 000	5, 700, 000	5, 700, 000	+2, 000, 000		+2, 000, 000	
Management and Administration									
Salaries and expenses	287, 197, 000	337, 943, 000	326, 433, 000	322, 443, 000	323, 096, 000	+35, 899, 000	−14, 847, 000	−3, 337, 000	+653, 000
By transfer, FHA funds	(266, 963, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(−17, 450, 000)			
Total, title I, Department of Housing and Urban Development:									
New budget (obligational) authority (net)	33, 533, 301, 000	39, 441, 951, 000	5, 947, 410, 000	36, 874, 130, 000	36, 910, 223, 000	+3, 376, 922, 000	−2, 531, 728, 000	+30, 962, 813, 000	+36, 093, 000
Appropriations	6, 318, 668, 000	6, 515, 250, 000	6, 217, 340, 000	6, 216, 560, 000	6, 277, 653, 000	−41, 015, 000	−237, 597, 000	+60, 313, 000	+61, 093, 000
Rescissions	−188, 700, 000					+188, 700, 000			
Contract authority	26, 680, 128, 000	33, 196, 631, 000		30, 877, 500, 000	30, 877, 500, 000	+4, 197, 372, 000	−2, 319, 131, 000	+30, 877, 500, 000	
Contract authority, indefinite	−80, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−970, 000, 000			
Authority to borrow	803, 205, 000	780, 070, 000	780, 070, 000	830, 070, 000	805, 070, 000	+1, 865, 000	+25, 000, 000	+25, 000, 000	−25, 000, 000
(Appropriation to liquidate contract authority)	(8, 269, 362, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(−1, 142, 362, 000)			
(Increased limitation for annual contract authority)	(1, 140, 661, 000)	(1, 553, 661, 000)		(1, 417, 400, 000)	(1, 487, 400, 000)	(+346, 739, 000)	(−66, 261, 000)	(+1, 487, 400, 000)	(+70, 000, 000)
(Limitation on annual contract authority, indefinite)	(−2, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−28, 000, 000)			
(Contract authority by transfer)					(2, 100, 000, 000)	(+2, 100, 000, 000)	(+2, 100, 000, 000)	(+2, 100, 000, 000)	(+2, 100, 000, 000)
(Limitation on commitments)		(87, 404, 732, 000)	(87, 404, 732, 000)	(87, 404, 732, 000)	(87, 404, 732, 000)	(+87, 404, 732, 000)			
(Limitation on loans)	(830, 000, 000)	(2, 808, 300, 000)	(2, 828, 300, 000)	(2, 858, 300, 000)	(2, 843, 300, 000)	(+2, 013, 300, 000)	(+35, 000, 000)	(+15, 000, 000)	(−15, 000, 000)
(Limitation on loans, prior authority)		(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(+80, 000, 000)			
(Limitation on corporate funds to be expended)	(266, 963, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(−17, 450, 000)			
TITLE II									
INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	8, 200, 000	8, 897, 000	8, 967, 000	8, 897, 000	8, 967, 000	+767, 000	+70, 000		+70, 000
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	41, 360, 000	43, 489, 000	43, 489, 000	43, 000, 000	43, 000, 000	+1, 640, 000	−489, 000	−489, 000	
DEPARTMENT OF DEFENSE—CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	8, 326, 000	5, 135, 000	5, 135, 000	5, 135, 000	5, 135, 000	−3, 919, 000			

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980[1]	Estimates, 1981[2]	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
ENVIRONMENTAL PROTECTION AGENCY									
Salaries and expenses	$516,119,000	$567,932,000	$540,947,000	$547,558,000	$547,558,000	+$31,439,000	−$20,347,000	+$6,611,000	
Research and development	237,568,000	270,383,000	252,280,000	253,520,000	253,520,000	+15,952,000	−16,863,000	+1,240,000	
Abatement, control and compliance	512,892,000	563,183,000	531,338,000	551,183,000	545,183,000	+32,291,000	−18,000,000	+13,845,000	−$6,000,000
Buildings and facilities	1,425,000	5,815,000	3,000,000	4,115,000	4,115,000	+2,690,000	−1,700,000	+1,115,000	
Construction grants:									
Appropriation	3,400,000,000	3,700,000,000	3,400,000,000	3,400,000,000	3,400,000,000		−300,000,000		
Appropriation to liquidate contract authority	(1,500,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(1,711,000,000)	(+200,000,000)			
Scientific activities overseas (special foreign currency program)		1,000,000	1,000,000				−1,000,000	−1,000,000	
U.S. Regulatory Council	3,038,000	3,338,000	2,000,000	3,000,000	2,500,000	−538,000	−838,000	+500,000	−500,000
Rescission	−500,000					+500,000			
Total, Environmental Protection Agency	4,670,542,000	5,111,651,000	4,730,565,000	4,759,376,000	4,752,876,000	+82,334,000	−358,775,000	+22,311,000	−6,500,000
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality	3,126,000	3,400,000	3,200,000	3,300,000	3,250,000	+124,000	−150,000	+50,000	−50,000
Office of Science and Technology Policy	2,625,000	2,921,000	2,712,000	2,712,000	2,712,000	+87,000	−209,000		
Total, Executive Office of the President	5,751,000	6,321,000	5,912,000	6,012,000	5,962,000	+211,000	−359,000	+50,000	−50,000
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Funds appropriated to the President, disaster relief	1,063,600,000	375,570,000	375,570,000	375,570,000	375,570,000	−688,030,000			
Emergency planning, preparedness and mobilization	131,521,000	159,017,000	159,017,000	159,017,000	159,017,000	+27,496,000			
Hazard mitigation and disaster assistance	118,709,000	113,151,000	109,350,000	109,350,000	109,350,000	−9,359,000	−3,801,000		
National flood insurance fund		603,000,000	575,000,000	575,000,000	575,000,000	+575,000,000	−28,000,000		
Total, Federal Emergency Management Agency	1,313,830,000	1,250,738,000	1,218,937,000	1,218,937,000	1,218,937,000	−94,893,000	−31,801,000		
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	1,315,000	1,421,000	1,409,000	1,409,000	1,409,000	+94,000	−12,000		
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Consumer Affairs	1,904,000	2,457,000	2,308,000	2,100,000	2,200,000	+296,000	−257,000	−108,000	+100,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development	4,092,500,000	4,364,500,000	(3)	4,430,000,000	4,396,200,000	+303,700,000	+31,700,000	+4,396,200,000	−33,800,000
Construction of facilities	156,100,000	120,000,000	110,000,000	120,000,000	115,000,000	−41,100,000	−5,000,000	+5,000,000	−5,000,000
Research and program management	996,186,000	1,033,154,000	1,023,154,000	1,032,404,000	1,030,000,000	+33,814,000	−3,154,000	+6,846,000	−2,404,000
Total, National Aeronautics and Space Administration	5,244,786,000	5,517,654,000	1,133,154,000	5,582,404,000	5,541,200,000	+296,414,000	+23,546,000	+4,408,046,000	−41,204,000
NATIONAL COMMISSION ON AIR QUALITY									
Salaries and expenses	5,500,000	2,476,000	2,000,000	2,000,000	2,000,000	−3,500,000	−476,000		
NATIONAL CONSUMER COOPERATIVE BANK									
Salaries and expenses	7,950,000	10,241,000	8,700,000	9,800,000	8,700,000	+750,000	−1,541,000		−1,100,000
Rescission	−555,000					+555,000			
Self-help development	17,000,000	33,393,000	29,000,000	27,000,000	27,000,000	+10,000,000	−6,393,000	−2,000,000	
Rescission	−6,500,000					+6,500,000			
(Limitation on loans)		(41,108,000)	(37,108,000)	(41,108,000)	(41,108,000)	(+41,108,000)		(+4,000,000)	
National Consumer Cooperative Bank Fund:									
(Limitation on loans)	(49,050,000)	(98,770,000)	(98,770,000)	(169,050,000)	(169,050,000)	(+120,000,000)	(+70,280,000)	(+70,280,000)	
(Limitation on commitments)		(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)			
Total, National Consumer Cooperative Bank	17,895,000	43,634,000	37,700,000	36,800,000	35,700,000	+17,805,000	−7,934,000	−2,000,000	−1,000,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980[1]	Estimates, 1981[2]	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
NATIONAL CREDIT UNION ADMINISTRATION									
Central liquidity facility:									
(Limitation on borrowing authority)	(300,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+300,000,000)			
(Limitation on loans)		(4,400,000,000)	(4,400,000,000)	(4,400,000,000)	(4,400,000,000)	(+4,400,000,000)			
(Limitation on administrative expenses)	(1,756,000)	(1,936,000)	(1,936,000)	(1,936,000)	(1,936,000)	(+180,000)			
NATIONAL INSTITUTE OF BUILDING SCIENCES									
Salaries and expenses	750,000	625,000	635,000	655,000	625,000	−125,000			
NATIONAL SCIENCE FOUNDATION									
Research and related activities	906,050,000	992,800,000	982,800,000	992,900,000	987,900,000	+81,850,000	−4,900,000	+5,100,000	−5,000,000
Rescission	−2,000,000					+2,000,000			
Science education activities	84,700,000	75,700,000	85,700,000	80,700,000	83,200,000	−1,500,000	+7,500,000	−2,500,000	+2,500,000
Rescission	−2,500,000					+2,500,000			
Scientific activities overseas (special foreign currency program)	5,500,000	5,500,000	5,500,000	5,000,000	5,000,000	−500,000	−500,000	−500,000	
Total, National Science Foundation	991,750,000	1,074,000,000	1,074,000,000	1,078,600,000	1,076,100,000	+84,350,000	+2,100,000	+2,100,000	−2,500,000
NEIGHBORHOOD REINVESTMENT CORPORATION									
Salaries and expenses	12,000,000	13,426,000	12,000,000	13,426,000	12,713,000	+713,000	−713,000	+713,000	−713,000
SELECTIVE SERVICE SYSTEM									
Salaries and expenses	8,180,000	35,482,000	27,137,000	27,137,000	27,137,000	+18,957,000	−8,345,000		
DEPARTMENT OF THE TREASURY									
Payments to State and local government fiscal assistance trust fund	6,854,924,000	4,569,949,000	4,569,949,000	4,569,949,000	4,569,949,000	−2,284,975,000			
Office of Revenue Sharing, salaries and expenses	6,237,000	6,618,000	6,518,000	6,518,000	6,518,000	+281,000	−100,000		
Local government transitional assistance program		(500,000,000)					(−500,000,000)		
New York City loan guarantee program, administrative expenses	1,022,000	1,072,000	922,000	922,000	922,000	−100,000	−150,000		
(Limitation on commitments)		(900,000,000)	(900,000,000)	(900,000,000)	(900,000,000)	(+900,000,000)			
Investment in National Consumer Cooperative Bank	49,050,000	89,000,000	89,000,000	89,000,000	89,000,000	+39,950,000			
Total, Department of the Treasury	6,911,233,000	4,666,639,000	4,666,389,000	4,666,389,000	4,666,389,000	−2,244,844,000	−250,000		
VETERANS ADMINISTRATION									
Compensation and pensions	11,201,800,000	11,602,000,000	11,602,000,000	11,602,000,000	11,602,000,000	+400,200,000			
Readjustment benefits	2,278,535,000	1,822,308,000	1,766,047,000	1,642,805,000	1,822,308,000	−456,227,000		+56,261,000	+179,503,000
Veterans insurance and indemnities	5,400,000	1,360,000	1,360,000	1,360,000	1,360,000	−4,040,000			
Medical care	5,834,970,000	5,958,582,000	6,044,013,000	5,984,968,000	6,020,013,000	+185,043,000	+61,431,000	−24,000,000	+35,045,000
Medical and prosthetic research	125,847,000	129,396,000	129,496,000	134,810,000	132,153,000	+6,306,000	+2,657,000	+2,657,000	−2,657,000
Medical administration and miscellaneous operating expenses	48,205,000	55,707,000	55,312,000	50,418,000	51,218,000	+3,013,000	−4,489,000	−4,094,000	+800,000
General operating expenses	616,609,000	611,631,000	611,631,000	627,592,000	627,592,000	+10,983,000	+15,961,000	+15,961,000	
Construction, major projects	321,292,000	519,354,000	390,583,000	407,075,000	423,774,000	+102,482,000	−95,580,000	+33,191,000	+16,699,000
Construction, minor projects	73,233,000	140,454,000	126,928,000	108,908,000	108,908,000	+35,675,000	−31,546,000	−18,020,000	
Grants for construction of State extended care facilities	7,500,000	15,000,000	15,000,000	15,000,000	15,000,000	+7,500,000			
Grants for construction of State veterans cemeteries	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Grants to the Republic of the Philippines	1,350,000	1,200,000	1,200,000	1,200,000	1,200,000	−150,000			
Direct loan revolving fund (limitation on loans)		(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)			
Total, Veterans Administration	20,519,741,000	20,862,092,000	20,748,570,000	20,581,137,000	20,810,526,000	+290,785,000	−51,566,000	+61,956,000	+229,389,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980[1]	Estimates, 1981[2]	House, 1981	Senate, 1981	Conference, 1981	Enacted, 1980	Estimate, 1981	House bill	Senate bill
Total, title II, Independent Agencies:									
New budget (obligational) authority	$39,763,063,000	$38,646,137,000	$33,718,297,000	$38,033,384,000	$38,210,876,000	−$1,552,187,000	−$435,261,000	+$4,492,579,000	+$177,492,000
Appropriations	39,775,118,000	38,646,137,000	33,718,297,000	38,033,384,000	38,210,876,000	−1,564,242,000	−435,261,000	+4,492,579,000	+177,492,000
Rescissions	−12,055,000					+12,055,000			
(Appropriation to liquidate contract authority)	(1,500,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+200,000,000)			
(Limitation on borrowing authority)	(300,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+300,000,000)			
(Limitation on commitments)		(905,000,000)	(905,000,000)	(905,000,000)	(905,000,000)	(+905,000,000)			
(Limitation on loans)	(49,050,000)	(4,540,878,000)	(4,536,878,000)	(4,611,158,000)	(4,611,158,000)	(+4,562,108,000)	(+70,280,000)	(+74,280,000)	
(Limitation on corporate funds to be expended)	(1,756,000)	(1,936,000)	(1,936,000)	(1,936,000)	(1,936,000)	(+180,000)			
TITLE III									
CORPORATIONS									
Federal Home Loan Bank Board:									
(Limitation on administrative expenses)	(18,359,000)	(21,030,000)	(20,030,000)	(20,030,000)	(20,030,000)	(+1,671,000)	(−1,000,000)		
(Limitation on nonadministrative expenses)		(34,105,000)	(33,105,000)	(33,105,000)	(33,105,000)	(+33,105,000)	(−1,000,000)		
Federal Savings and Loan Insurance Corporation (limitation on administrative expenses)	(33,466,000)	(1,115,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−32,466,000)	(−115,000)		
Total, title III, corporations	(51,825,000)	(56,250,000)	(54,135,000)	(54,135,000)	(54,135,000)	(+2,310,000)	(−2,115,000)		
Reduction per sec. 412 (House)			(−378,243,000)					(+378,243,000)	
Reduction per sec. 412 (Senate)				−1,085,962,000	−994,812,000	−994,812,000	−994,812,000	−994,812,000	+91,150,000
Reduction per sec. 418(a)				−28,297,000					+28,297,000
RECAPITULATION									
Grand total, titles I, II, and III:									
New budget (obligational) authority (net)	73,296,364,000	78,088,088,000	39,665,707,000	73,793,255,000	74,126,287,000	+829,923,000	−3,961,801,000	+34,460,580,000	+333,032,000
Appropriations	46,093,786,000	45,161,387,000	39,935,637,000	43,135,685,000	43,493,717,000	−2,600,069,000	−1,667,670,000	+3,558,080,000	+358,032,000
Rescissions	−200,755,000					+200,755,000			
Contract authority	26,680,128,000	33,196,631,000		30,877,500,000	30,877,500,000	+4,197,372,000	−2,319,131,000	+30,877,500,000	
Contract authority, indefinite	−80,000,000	−1,050,000,000	−1,050,000,000	−1,050,000,000	−1,050,000,000	−970,000,000			
Authority to borrow	803,205,000	780,070,000	780,070,000	830,070,000	805,070,000	+1,865,000	+25,000,000	+25,000,000	−25,000,000
(Appropriations to liquidate contract authority)	(9,769,362,000)	(8,827,000,000)	(8,827,000,000)	(8,827,000,000)	(8,827,000,000)	(−942,362,000)			
(Increased limitation for annual contract authority)	(1,140,661,000)	(1,553,661,000)		(1,417,400,000)	(1,487,400,000)	(+346,739,000)	(−66,261,000)	(+1,487,400,000)	(+70,000,000)
(Limitation on annual contract authority, indefinite)	(−2,000,000)	(−30,000,000)	(−30,000,000)	(−30,000,000)	(−30,000,000)	(−28,000,000)			
(Contract authority by transfer)					(2,100,000,000)	(+2,100,000,000)	(+2,100,000,000)	(+2,100,000,000)	(+2,100,000,000)
(Limitation on borrowing authority)	(300,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+300,000,000)			
(Limitation on commitments)		(88,309,732,000)	(88,309,732,000)	(88,309,732,000)	(88,309,732,000)	(+88,309,732,000)			
(Limitation on loans)	(879,050,000)	(7,349,178,000)	(7,365,178,000)	(7,469,458,000)	(7,454,458,000)	(+6,575,408,000)	(+105,280,000)	(+89 280,000)	(−15,000,000)
(Limitation on loans, prior authority)		(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)	(+80,000,000)			
(Limitation on corporate funds to be expended)	(320,544,000)	(307,699,000)	(305,584,000)	(305,584,000)	(305,584,000)	(−14,960,000)	(−2,115,000)		

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[1] Includes all supplementals and rescissions.

[2] Includes the following budget amendments:

S. Doc. 96-56: Department of Housing and Urban Development: Payments for operation of low-income housing projects	$113,800,000
H. Doc. 96-368: Environmental Protection Agency:	
Salaries and expenses	12,390,000
Research and development	5,399,000
Abatement, control and compliance	7,845,000
Buildings and facilities	1,700,000
S. Doc. 96-57: Department of Housing and Urban Development: Assistance for Solar and Conservation Improvements	147,500,000

[3] Estimates not considered by House.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, candidly, it was with some reluctance that I signed this conference report despite the fact that I think it is the best agreement that could have been negotiated at the time. It seemed to me that perhaps out of fairness to the incoming administration, and considering the very late date that this conference report is being brought before this House, it might have been more appropriate to put this conference into a continuing resolution. This would permit the incoming administration more flexibility in dealing with the programs that are contained in this conference report.

Let us be very clear that, despite the fact that the conference report is under the budget, it does contain $74 billion in appropriations. It contains many new programs and it contains many things that an incoming administration might want to address in a somewhat different way.

In the area of assisted housing, there are large numbers of new starts. The income eligibility levels for assisted housing are larger than certainly I would like to have seen. The amount that an individual in an assisted-housing project must contribute toward rent is less than I believe it should be. There are programs, such as the Urban Development action grant program which, my colleagues will remember, I cited as a good program but one which should perhaps be stretched out because of the enormous cost that this program posed for the out years.

In the area of NASA, there are new starts that, once they become underway, have a cost difficult to control and also pose enormous expenses in the out years. There are a number of other new programs or relatively new programs that are funded in this appropriation bill.

I know that the incoming administration will be looking very closely at these programs, both at their validity and at the funding levels that are presently in this conference report. It may well be that in the next year we will be faced with rescissions in many areas. It always occurs to me that it is much more difficult to rescind the funding for a program than it is not to provide it in the first place. Nevertheless, we are faced with a conference report that was the best that could be negotiated with the other body. Considering the late hour of the year, I will vote for the conference report.

Mr. Speaker, I reserve the balance of my time.

● Mr. GARCIA. Mr. Speaker, I would like to take this opportunity to offer a few brief words concerning the conference report on H.R. 7631, the HUD-Independent Agencies Appropriations Act.

Generally speaking, I am pleased with this report. The conferees included $30.9 billion for annual contributions for assisted housing, something needed vitally in my south Bronx congressional district. They accepted Senate language increasing the limit on contract authority by $1.4 billion and requiring that $100 million be used to modernize existing low-income housing projects. The conference language increases funding for housing for the elderly and the handicapped from $830 million in the House-passed bill to $855 million, and it increases funding for the operation of low-income housing projects from $862 million in the House version to $970 million.

The conference report also provides $3.77 billion for community development grants, $20 million more than the House figure, and $33.7 million for comprehensive planning grants, $11 million more than provided in the House bill. The rehabilitation loan fund would receive $134 million under the conference agreement, an increase of $10 million over the House version.

For all these reasons, of course, I believe that the conferees funded adequately—within the overriding concern of attempting to reduce the inflationary burden which falls most cruelly upon our poorest citizens—housing programs which assist the poor of our inner cities.

On one hand, therefore, I am more or less satisfied with the results of the conference. On the other hand, however, its report raises an issue which leaves me less than fully satisfied.

Unfortunately, in its annual estimates of the number of subsidized housing units which can be reserved from the dollars provided, HUD has shown itself time and time again to grossly overstate reality in its estimates. When the revised 1980 budget was submitted last January, for example, HUD told this Congress that it would be able to assist up to 240,000 units. The actual number of units reserved, however, was 206,000. This is disgraceful, it strikes at our most vulnerable poor citizens with a vengeance, it is deceitful, and this practice of HUD's must be ended at once.●

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 2, after line 4, insert:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which not less than nor more than $75,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which $100,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

The limitation otherwise applicable to the maximum payments that may be required by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $70,000,000: *Provided*, That $2,100,000,000 of budget authority provided under this head for the **previous fiscal year shall be transferred to, merged with, and used for the homeownership assistance program authorized by section 235 of the National Housing Act, as amended (12 U.S.C. 1715z): *Provided further*, That none of the authority provided herein shall be available for the homeownership assistance program authorized by section 207 of the Housing and Community** Development Act of 1980 (Public Law 96–399).

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 5, line 2, after "expended" insert ": *Provided*, That none of the funds shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That none of the funds in this or any other Act shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations: *Provided further*, That during fiscal year 1981, gross obligations of not to exceed $14,040,000 are authorized for payments under section 230(a) of the National Housing Act as amended by section 341 of the Housing and Community Development Act of 1980 (Public Law 96–399), from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 19: Page 14, line 11, strike out "$43,489,000" and insert "$43,000,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$43,000,000: *Provided*, That the effective date of the safety standard for walk behind power lawn mowers as promulgated in 16 CFR part 1205 is hereby delayed to June 30, 1982.".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

The Senate amendment No. 23: Page 16, line 2, after "(6913)" insert ": *Provided*, That the funds herein appropriated may not be expended for testing or certifying any automobile made in whole or in part in the Soviet Union, nor shall any funds be expended to provide technical assistance in connection with the importation of such vehicles into the United States".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That notwithstanding any other provision of law, not to exceed $8,000,000 shall be available for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than sections 4008(a)(2) or 4009.".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 16, line 14, after "expended" insert ": *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law or by executive order: *Provided further*, That advanced wastewater treatment reviews initiated by program review memorandum 79-7 shall be exempt from this requirement.".

Mr. BOLAND (during the reading) Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 29: Page 17, after line 9, insert:

Not to exceed 2 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"Not to exceed 1 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981."

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 20, line 2, strike out "a note dated" and insert "notes dated April 17, 1979, and".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 37: Page 21, after line 6, insert:

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $4,430,000,000 to remain available until September 30, 1982.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, (2) $30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) $119,300,000 for the Space Telescope, (4) $39,600,000 for the International Solar Polar Mission, (5) $19,100,000 for the Gamma Ray Observatory, (6) $63,100,000 for Project Galileo, (7) $88,500,000 for Landsat D, (8) $1,873,000,000 for the Space Shuttle, and (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, $4,396,200,000, to remain available until September 30, 1982.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 44: Page 24, strike out lines 5 to 7, inclusive, and insert:

During 1981, within the resources available, the principal amount of direct loans outstanding shall not exceed $169,050,000.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 45: Page 25, line 24, strike out "$982,800,000" and insert "$992,900,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$987,900,000, including not more than $6,000,000 for new research opportunities grants for women".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 59: Page 33, line 7, strike out "$390,583,000" and insert "$407,075,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$423,774,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 60: Page 33, line 8, strike out "$376,343,000" and insert "$392,835,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$409,534,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 61: Page 33, after line 15, insert:

For settlement of a contractor's claim involving the Veterans Administration Medical Center, Boston, Massachusetts, from existing balances, $1,150,000.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 66: Page 42, line 25, after "Administration;" insert "to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974;".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 67: Page 45, line 23, After "proceedings" insert "except for travel, per diem, and the costs of preparing materials for the public record in proceedings under the Toxic Substances Control Act (15 U.S.C. 2605(4)(A)). Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.)".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ". Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.)".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 68: Page 45 strike out all after line 23 over to and including line 5 on page 46 and insert:

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 69: Page 46, strike out lines 6 to 13, inclusive, and insert:

SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for each department or independent agency for payments not required by law shall be reduced by 2 per centum: *Provided*, That this section shall not apply to budget authority provided by this Act for the Veterans' Administration.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: *Provided further*, That this section shall not apply to budget authority provided by this Act for the Veterans Administration.".

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding. As I see on page 20 of the report, for section 412, that we still have the 2-percent reduction amendment in the bill. Yet the gentleman has stated that he thinks it is essential to point out that within the $4 billion reduction the bill includes a 2-percent reduction totaling nearly $1 billion.

Now, I understand that there is a reduction of approximately $1 billion due to the 2-percent amendment that I offered, and which was approved here on the House floor, is that correct?

Mr. BOLAND. The gentleman is correct. The language of the gentleman from Ohio was retained with modification in the conference report, and that 2-percent reduction resulted in a $1 billion reduction in budget authority.

Mr. MILLER of Ohio. I thank the gentleman.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 70: Page 46, strike out lines 14 to 20, inclusive, and insert:

SEC. 413. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such (A) the contract pursuant to which the contract, to contain information concerning report was prepared and (B) the contractor who prepared the report pursuant to such contract.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur from its disagreement to the amendment of the Senate numbered 70 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 71: Page 46, after line 20, insert:

SEC. 414. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment, as defined in section 2 of the Budget and Accounting Act 1921, or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 73: Page 46, after line 20, insert:

SEC. 416. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within six months of completing the initial audit report.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "415".

The motion was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 74: Page 46, after line 20, insert:

SEC. 417. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "416".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 76: Page 46, after line 20, insert:

OUTLAY SCHEDULES AND REPORTS

SEC. 419. Departments and independent agencies receiving appropriations in excess of $50,000,000 under this Act shall, within thirty days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These Departments and agencies shall also submit to the Appropriations Committees, within thirty days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committee on Appropriations of the two Houses a revised schedule. Unless disapproved by both of the Appropriations Committees within fifteen legislative days after submission, the department or agency may implement the revised outlay schedule. Departments and independent agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall anaylze these schedules and reports and assess their implications for Congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budgets of the two Houses of Congress.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "417".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 77: Page 46, after line 20, insert:

SEC. 420. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

The motion was agreed to.

A motion to reconsider was laid on the table.

☐ 1430

SOCIAL SECURITY DOES NOT PAY FOR WELFARE

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, recently the Washington Post highlighted a letter to the editor which typifies an erroneous impression frequently found in social security discussions. That is the impression that social security payroll taxes are used to pay for AFDC, SSI, or other welfare programs.

This is wrong. Social security payroll taxes have never paid for these programs. The confusion comes because there are many programs besides the one we commonly think of as "social security" included in the large body of law called the Social Security Act. However, social security payroll taxes pay only for the social security programs: Retirement, survivors, disability and hospital insurance (a part of medicare). AFDC, SSI, medicaid, and all other programs are paid for from the general fund.

This is an important distinction to keep in mind. Following is a letter I wrote to the Washington Post about this matter:

DECEMBER 1, 1980.

Dear Editor:

A letter entitled "Take AFDC Out of Social Security" printed in the Washington Post Thursday, November 27, 1980, was in serious error. In the letter, K. Johnson of Alexandria argues that welfare programs such as AFDC should not be paid for with social security funds. Johnson makes an understandable—but incorrect—point.

The fact is that AFDC is paid for with general revenues. The social security payroll tax pays only for the social security retirement, survivors, disability and hospital insurance (a part of Medicare) programs. Social security taxes have never paid for welfare programs—and properly so.

This is a common confusion, as evidenced by the fact that the Washington Post highlighted this erroneous letter in a box when they printed it. The confusion comes because there are many programs besides what is commonly called "social security" included in a large body of law collectively called the Social Security Act.

But the confusion does not change the fact: social security taxes pay only for social security programs I have listed. AFDC, SSI and other welfare programs are paid for from the general revenues.

This is an important point to keep in mind as the country and the Congress tackle the many important issues facing social security.

With best wishes, I am,

Sincerely,

J. J. PICKLE,
Chairman, Social Security Subcommittee.

CONFERENCE REPORT ON H.R. 8061, DISTRICT OF COLUMBIA APPROPRIATIONS, 1981

Mr. DIXON. Mr. Speaker, I call up the conference report on the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 21, 1980.)

The SPEAKER pro tempore. The gentleman from California (Mr. DIXON) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. PURSELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. DIXON).

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the conference report on the fiscal year 1981 District of Columbia appropriation bill. As my colleagues will recall, the bill was passed by the House on September 3 and by the Senate on November 17. There were 44 Senate amendments to the House bill. The joint conference committee met on November 20 and 21, and the conference report was filed November 21.

Before I comment on the various aspects of the conference agreement, I would like to point out the serious problem the conferees had to overcome in conference. And that is the House bill reflected an amendment adopted on the floor reducing the Federal payment by $6 billion, but that amendment did not reduce budget authority.

In other words, revenues to the District were reduced by $6 million but there was no offsetting reduction in budget authority on the obligation or outlay side of the city's budget. The District is required to have a balanced budget; that is its revenues must equal its obligations; while the budgets for the Federal departments and agencies include only the "obligation" side of the equation and do not concern themselves at all with the financing. That is left to the Federal Treasury which borrows whatever money is required to pay the bills to cover the obligations incurred by the Federal Government. The District does not have that luxury.

What I am saying here is the House bill was out-of-balance by $6 million. This immediately put the House at a disadvantage at the conference and although the Senate bill was "balanced" it left out some of the items which the House felt strongly about such as funds to increase the uniformed personnel in the Police Department. In addition, the language which accomplished the $6 million cut in revenues exempted from any reductions the Police and Fire Departments, which account for $159,657,700 or over 10 percent of the total operating budget of the District government. This meant that the 2-percent cut in revenues translated into a greater percentage cut in the budgets of the other operating agencies, and the Senate, of course did not go along with that proposal.

Not only that, Mr. Speaker, but the conference agreement provides funds that will only cover an estimated 5 percent cost-of-living salary increase, while most employees in the Federal agencies and here in the legislative branch are receiving a 9 percent cost-of-living increase, almost twice as much as we are providing District employees.

So you can see that with the House being very insistent on restoring funds to provide for additional police officers and the fact that many of the items in the two versions of the bill were not in controversy, it became almost impossible to proportionately cut 2-percent across-the-board—especially when there were large ticket items that we were trying to protect—and, at the same time, provide funding for very essential programs for the District of Columbia; programs for the Office on Aging, the Commission on the Arts and Humanities, the Department of Housing and Community Development, public education, the care and treatment of the mentally retarded at Forest Haven, and other very necessary programs.

With that background, Mr. Speaker, let me comment on the conference agreement.

In Federal funds, the conferees recommend a total of $490,782,700 for fiscal 1981. This is $41,089,400 below the budget request, $18,919,900 below the House allowance, and $2,293,900 above the Senate proposal. Overall, Mr. Speaker, and I want to stress this point, the total amount of Federal funds included in this conference agreement is $36,444,300 below the budget authority and outlay allocations established by section 302 of the Budget Act, almost $20 million further under the allocations than the House bill which was $11,524,400 under the budget resolution.

A total operating budget of $1,520,125,100 is provided for the District of Columbia government for fiscal 1981 under the agreement reached by the conferees. This amount is $3,604,000 less than the budget request, $3,065,500 above the House allowance, and $411,300 over the Senate proposal. However, the comparison with the House bill is not a fair comparison since the House bill did not reflect $3,315,000 which is in the Senate bill and the conference agreement to reimburse the city for demonstration expenses as authorized by the House Rule Act. This request arrived too late for consideration by the House. On a truly comparable basis, the conference agreement is $449,500 below the level funded in the House bill.

Mr. Speaker, there were many differences between the House and Senate bills, and one of the most significant was the level of police funding. The conferees agreed pretty much with the House position and added $6 million to the police budget. On page 8 of the joint statement the conferees have expressed their concern at the low level of staffing of the uniformed police force and have directed that no further reductions be made below the current level. The conferees have also directed District officials to move aggressively toward a hiring and training program to bring the employment level above 3,800 filled sworn police officer positions without delay.

District officials testified during the hearings that the anticipated strength of the uniformed police force would be 3,880 filled positions as of September 30, 1980. Mr. Speaker, our subcommittee intends to watch this matter closely during the next several months.

For the Office on Aging, the full budget request of $2,504,700 has been approved. This will permit the office to expand transportation and escort services for senior citizens in addition to providing home-delivered meals and homemaker and chore services. The Commission on the Arts and Humanities will receive a total of $551,100 to strengthen its role as the city's legislated state arts agency.

In the area of housing, action by the conferees will provide a total of $5,036,600 to establish four new housing programs geared to low- and moderate-income families. These funds are expected to generate additional private financing for housing rehabilitation and development in our Nation's Capital. Another vital area is jobs, and the conference agreement provides a total of $14,590,100 for various programs aimed at providing opportunities to adults with dependents and young people who need to acquire job skills in order to find meaningful employment.

The conferees have requested District officials to provide a report describing the involvement of the private sector in providing summer jobs and the city's efforts to provide meaningful employment opportunities to young people in the city. For public education, the conference action provides an increase of $1,250,000 to help offset reductions in classroom teachers. A total of $275,599,700 will be available to the public school system in fiscal 1981. In addition the conference agreement provides $60,266,600 for the University of the District of Columbia in the coming year.

Mr. Speaker, the conferees are concerned over the operation of Forest Haven the city's institution for the care and treatment of the mentally retarded. The conference agreement includes $20.5 million for the operation of this facility in fiscal 1981. It is my understanding that funding for Forest Haven has more than doubled over the past few years—from $8.8 million in fiscal 1976 to $19.1 million in fiscal 1980 to $20.5 million in 1981. Even so, there seems to be general agreement that the level and quality of care received by patients have not kept pace. In an effort to monitor the situation, the conferees have requested that monthly reports be submitted to the House and Senate legislative and appropriations committees for the District of Columbia.

Under public assistance, the conferees have agreed to restore 25 investigator positions in the Office of Eligibility Review for the purpose of reviewing welfare cases which should lead to the removal of ineligible recipients from the rolls and a reduction in the payment error rate. Along with restoring the investigator positions, the conferees agreed to a reduction of $2.8 million in the public assistance account.

Under capital outlay, the conference agreement provides a total of $220,908,400 which is $35,489,400 below the budget request, $26,989,400 below the House proposal and $2,893,900 above the Senate allowance. The conference allowance includes $30,447,000 for the crosstown water main and $14 million to replace the 75-year old McMillan Water Treatment Plant. In addition, a total of $15,094,000 is included to replace obsolete and deteriorated elements of the city's highways and bridges and $20,324,000 is provided for the District's contribution to the construction of the Metro subway system.

Mr. Speaker, the conference agreement includes language which was in the House bill prohibiting the use of Federal funds to perform abortions except in cases of rape or incest or to save the life of the mother.

Mr. Speaker, while this conference report does not include all of the provisions of the House bill, neither does it include all of the items in the Senate bill. In order for a conference to be successful, there has to be a willingness on the part of the conferees to compromise. It is my feeling this conference agreement represents a fair compromise.

I would like to thank the members of the committee who assisted me on this bill, especially the gentleman from Michigan (Mr. PURSELL) who as the ranking member has been extremely helpful throughout the year, and the gentleman from Kentucky (Mr. NATCHER) for his advice and counsel drawn from his many years as chairman of this subcommittee. I would also like to thank both the majority and the minority staff for their fine work on this bill.

Mr. Speaker, I urge the adoption of the conference report.

At this point in the RECORD, Mr. Speaker, I would like to insert a table which summarizes the amounts included in the conference agreement.

The table follows:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1981 (H.R. 8061)—CONFERENCE SUMMARY

Item	New budget (obligational) authority, fiscal year 1980	Budget estimates of new (obligational) authority, fiscal year 1981	New budget (obligational) authority, House bill	New budget (obligational) authority, Senate bill	New budget (obligational) authority, Conference	Conference action compared with—			
						Fiscal year 1980	Budget estimates, 1981	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA									
Salaries and expenses	$7,000,000					−$7,000,000			
TITLE II									
DISTRICT OF COLUMBIA FEDERAL FUNDS									
Federal payment to the District of Columbia	276,500,000	$301,000,000	$290,645,500	$296,000,000	$295,400,000	+18,900,000	−$5,600,000	+$4,754,500	−$600,000
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	52,070,000	52,070,000	52,070,000				
Payment in lieu of reimbursement for water and sewer services to Federal facilities	10,500,000	8,100,000	8,100,000	8,100,000	8,100,000	−2,400,000			
Inaugural expenses		1,330,010	1,330,100	1,330,100	1,330,100	+1,330,100			
Demonstration expenses		3,315,000		3,315,000	3,315,000	+3,315,000		+3,315,000	
Loans to the District of Columbia for capital outlay	103,870,300	166,057,000	157,557,000	127,673,700	130,567,600	+26,697,300	−35,489,400	−26,989,400	+2,893,900
Total, Federal funds to District of Columbia	442,940,300	531,872,100	509,702,600	488,488,800	490,782,700	+47,842,400	−41,089,400	−18,919,900	+2,293,900

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1981 (H.R. 8061)—CONFERENCE SUMMARY—Continued

Item	New budget (obligational) authority, fiscal year 1980	Budget estimates of new (obligational) authority, fiscal year 1981	New budget (obligational) authority, House bill	New budget (obligational) authority, Senate bill	New budget (obligational) authority, Conference	Conference action compared with—			
						Fiscal year 1980	Budget estimates, 1981	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
DISTRICT OF COLUMBIA FUNDS									
Operating Expenses									
Governmental direction and support	($70, 067, 800)	($84, 619, 900)	($82, 178, 400)	($85, 861, 100)	($84, 728, 900)	(+$14, 661, 100)	(+$109, 000)	(+$2, 550, 500)	(−$1, 132, 200)
Economic development and regulation	(16, 127, 000)	(29, 451, 400)	(27, 995, 000)	(30, 269, 700)	(29, 111, 800)	(+12, 984, 800)	(−339, 600)	(+1, 116, 800)	(−1, 157, 900)
Public safety and justice	(298, 750, 900)	(336, 980, 200)	(342, 696, 100)	(347, 187, 000)	(352, 705, 600)	(+53, 954, 700)	(+15, 725, 400)	(+10, 009, 500)	(+5, 518, 600)
By transfer, fiscal year 1980		(1, 146, 800)	(754, 000)				(−1, 146, 800)	(−754, 000)	
Public education system	(315, 396, 800)	(390, 482, 800)	(392, 245, 100)	(392, 755, 900)	(393, 956, 500)	(+78, 559, 700)	(+3, 473, 700)	(+1, 711, 400)	(+1, 200, 600)
Rescission	(−6, 177, 400)					(+6, 177, 400)			
Human support services	(356, 859, 500)	(382, 017, 000)	(275, 082, 200)	(385, 759, 800)	(381, 742, 000)	(+24, 882, 500)	(−275, 000)	(+6, 659, 800)	(−4, 017, 800)
Transportation services and assistance	(92, 084, 100)	(147, 150, 800)	(147, 150, 800)	(147, 919, 000)	(147, 919, 000)	(+55, 834, 900)	(+768, 200)	(+768, 200)	
Environmental services and supply	(82, 007, 900)	(41, 960, 400)	(41, 960, 400)	(43, 126, 000)	(43, 126, 000)	(−38, 881, 900)	(+1, 165, 600)	(+1, 165, 600)	
Personal services	(63, 521, 500)	(25, 305, 300)	(25, 305, 300)			(−63, 521, 500)	(−25, 305, 300)	(−25, 305, 300)	
Repayment of loans and interest	(120, 457, 300)					(−120, 457, 300)			
Pension funds	(16, 997, 900)					(−16, 997, 900)			
Inaugural expenses		(1, 330, 100)	(1, 330, 100)	(1, 330, 100)	(1, 330, 100)	(+1, 330, 100)			
Demonstration expenses		(3, 315, 000)		(3, 315, 000)	(3, 315, 000)	(+3, 315, 000)		(+3, 315, 000)	
Water and sewer enterprise fund		(81, 116, 200)	(81, 116, 200)	(82, 190, 200)	(82, 190, 200)	(+82, 190, 200)	(+1, 074, 000)	(+1, 074, 000)	
Total, operating expenses	(1, 426, 093, 300)	(1, 523, 729, 100)	(1, 517, 059, 600)	(1, 519, 713, 800)	(1, 520, 125, 100)	(+94, 031, 800)	(−3, 604, 000)	(+3, 065, 500)	(+411, 300)
By transfer, fiscal year 1980		(1, 146, 800)	(754, 000)				(−1, 146, 800)	(−754, 000)	
Capital Outlay									
Capital outlay	(164, 347, 500)	(256, 397, 800)	(247, 897, 800)	(218, 014, 500)	(220, 908, 400)	(+56, 560, 900)	(−35, 489, 400)	(−26, 989, 400)	(+2, 893, 900)
Total, District of Columbia funds	(1, 590, 440, 800)	(1, 780, 126, 900)	(1, 764, 957, 400)	(1, 737, 728, 300)	(1, 741, 033, 500)	(+150, 592, 700)	(−39, 093, 400)	(−23, 923, 900)	(+3, 305, 200)
By transfer, fiscal year 1980		(1, 146, 800)	(754, 000)				(−1, 146, 800)	(−754, 000)	
RECAPITULATION									
Grand total, new budget (obligational) authority	449, 940, 300	531, 872, 100	509, 702, 600	488, 488, 800	491, 782, 700	+40, 842, 400	−41, 089, 400	−18, 919, 900	+2, 293, 900
Consisting of:									
Temporary Commission on Financial Oversight of the District of Columbia	7, 000, 000					−7, 000, 000			
District of Columbia:									
Federal funds to the District of Columbia	442, 940, 300	531, 872, 100	509, 702, 600	488, 488, 800	490, 782, 700	+47, 842, 400	−41, 089, 400	−18, 919, 900	+2, 293, 900
District of Columbia funds	(1, 590, 440, 800)	(1, 780, 126, 900)	(1, 764, 957, 400)	(1, 737, 728, 300)	(1, 741, 033, 500)	(+150, 592, 700)	(−39, 093, 400)	(−23, 923, 900)	(+3, 305, 200)
transfer, fiscal year 1980		(1, 146, 800)	(754, 000)				(−1, 146, 800)	(−754, 000)	

Mr. Speaker, I reserve the balance of my time.

Mr. PURSELL. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I urge adoption of this conference report.

It is a good report that holds firm on the areas this body finds most important to an urban area: Jobs, housing, safety, and city vitality.

As in the committee report for this appropriations bill, the House has included directives in the conference language to instill the concept of long range planning and capital outlay projects with meaning to the goal of downtown revitalization. This emphasis will prod growth in the city's revenue sources and will revitalize the business district of Washington, D.C., by attracting service-oriented businesses and redeveloping downtown residential areas.

For instance, a one-time appropriation of $1 million is approved to establish a vacant building and land purchase program to provide for acquisition of vacant buildings or land for reuse as low or moderate income housing. A dual purpose is served here by providing housing and redeveloping buildings or land that have a blighting effect on the surrounding neighborhood. Further, an appropriation of $2.9 million has been recommended for the Washington Convention Center office to help promote the new convention center, which will serve as a boon to downtown businesses.

To me, there is not a more important part of any city budget than this. A plan for 5 or 10 years down the road, addressing the major changes needed to make the District of Columbia viable in the next decade, is the most valuable and direct shot in the arm to any urban center. It is particularly important with regard to the unique position the District of Columbia faces in needing Federal approval of its budget. The Congress needs to see the long range development plans. We need to see how we can fundamentally support a budget and be able to effectuate the city's priorities so that the urban vitality goals can be realized. Like it or not, it is our responsibility to oversee that budget until the law is changed. Those of us who support home rule would prefer the city to decide their own financial matters—and be ultimately responsible when a crisis erupts. But until full home rule evolves, the Members of this legislative body must have a funding policy that we can bring to the House floor and pass.

While long range planning is a philosophy of the budget package I find most important, there are certain other items that many of you are interested in.

Through the years, under the very able and respected leadership of the former subcommittee chairman, BILL NATCHER, the police force of our Nation's Capital was built up to reasonable levels. This action directly affected the noticeable decrease in the crime rate. At a time when the city wants to reduce the police force we find the rate of crime increasing dramatically, particularly in the last 3 months when uniformed officers on the streets have been reduced. We cannot tolerate this in an area that is visited by thousands from all over the country and from other nations. The residents of the District of Columbia will not tolerate police reductions. At the risk of sounding hypocritical in forcing the hand of big brother, the Federal Government, the House passed a police budget at the fiscal year 1980 level, $6.4 million over the amount requested by District officials. We bring to you in this conference report $6 of the $6.4 million.

Yes, I support home rule and the right of the Mayor and City Council to decide their own fiscal rate. But, again, I feel the Congress has a final responsibility to prevent what many of us believe to be a serious mistake by city officials. Part of the reason for the strong action we have taken is that District residents themselves appealed to us to intervene against the Mayor's cutback decision.

In closing, I think you will find in this package a good faith effort at reducing the bureaucratic web of District government employees which should increase efficiency and reduce costs. The operating expenses included in this appropriations bill meet the needs of the District's residents it is meant to serve. I urge favorable consideration of this conference report.

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Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

Amendment No. 2, which deletes the language reducing the Federal payment by $6 million proposed by the House and stricken by the Senate, a 2-percent reduction that I had offered to the bill. I heard the chairman o fthe committee a few minutes ago say there were some big-ticket items that they were unable to reduce, but I first entertained the thought of instructing the conferees I would like it made clear whether we actually have a reduction. It appears that the House bill was $509 million and that the conference agreement is $490 million. The conference report you are bringing back to the House is almost $19 million under the amount of the bill when the bill left the House. Is that correct?

Mr. DIXON. The gentleman is correct.

Mr. MILLER of Ohio. I want to commend the chairman and the ranking minority member for reducing the bill. I do not intend to offer a motion instructing the conferees.

● Mr. RUDD. Mr. Speaker, as a member of the District of Columbia Appropriations Subcommittee and a conferee on this bill, I declined to sign this conference report.

My decision was based upon the conference increase of $4.7 million above the House-passed Federal payment to the District of Columbia, and increases above House-passed amounts for D.C. government operations and social services in fiscal year 1981.

House conferees agreed to Senate deletion of the House-passed Miller of Ohio amendment, which cut 2 percent or $6 million from the House Appropriations Committee's recommended $296.6 million Federal payment.

The Miller amendment, offered as a protest against the enormous Government inefficiency and waste in the District of Columbia, was adopted on a 218-to-144 vote by the House on September 3.

Its adoption still provided a Federal payment of $290.6 million in the House-passed bill—an increase of more than $14 million above the fiscal year 1980 Federal payment to the city.

This Federal payment is in addition to the more than $567 million in other Federal funds that the District government is expected to receive in fiscal year 1981.

Mr. Speaker, the comparative dollar amounts shown at the end of the conference report are somewhat misleading.

They indicate that the conference agreement is about $19 million below the House-passed bill.

This is because the conference agreed with the Senate by cutting $27 million in Federal loans for capital outlay from the House-passed amount.

This $27 million is money that the District government planned to spend on various street and other capital improvement projects, to be repaid with interest to the Federal Treasury.

But at the same time, the conference added funds above the House allowance for many of the city's administrative and social agencies.

Press reports have indicated that the reason for the $4.7 million increase over the House-passed Federal payment was to prevent the District from laying off more than 300 uniformed policemen.

But the House-passed bill with the Miller amendment setting the Federal payment at $290.6 million already assumed full funding for the police positions.

The Senate, on the other hand, had agreed with the Mayor's position that the 300-plus policemen should be laid off in order to make even greater increases in social service areas of the D.C. budget.

The conference report, while wisely rejecting the planned police layoffs, also allows substantial increases in social of the D.C. budget which provide no incentive for the city to reduce unnecessary spending and outright waste.

Mr. Speaker, it does not seem too much to ask the District government to get by with the House-passed increase of $14 million in its Federal payment, instead of the $19 million increase contained in this conference report.

The city's population is steadily declining, and is now about 20 percent lower than 10 years ago, according to the 1980 census.

School enrollment in the District of Columbia is now more than 23 percent lower than 10 years ago.

Yet the cost of government in the city of Washington has increased about 60 percent just in the last 5 years, and the average per pupil expenditure by the public school system has almost doubled since 1970.

A major reason for the continuing escalation in government costs in the city is that 23 percent of all the city's residents are on welfare.

Rather than allowing the size and cost of government and welfare programs to keep on skyrocketing, one would expect that the city could find ways to eliminate the oppressive laws, government regulations, and other policies that discourage more business and light industry in the city of Washington—thus denying private sector employment for its citizens.

One way for Congress to encourage such positive action is to hold the line on Federal funds and subsidies to the city.

Throwing money at problems does not solve them.

I am disappointed by the philosophy represented by this conference report, because the city has shown by its mismanagement and profligacy that it needs strong leadership and restraint from Congress in order to put its house in order.●

Mr. DIXON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 2, line 3, strike out "$296,645,500" and insert $296,000,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$295,400,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 3, after line 2, insert:

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–827(b)), $3,315,000.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 8: Page 5, line 2, strike out "$342,696,100" and insert "$347,187,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$352,705,600".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 10: Page 6, line 12, strike out "$392,245,100" and insert "$392,755,900".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dixon moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$393,956,500".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 21: Page 10, after line 23, insert:

DEMONSTRATION EXPENSES

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $3,315,000.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 36: Page 17, line 4, strike out "35,268" and insert "35,037".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the number proposed by said amendment, insert the following: "35,313".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 37: Page 17, line 8, strike out "$30,960" and insert "30,729".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the number proposed by said amendment, insert the following: "31,005".

The motion was agreed to.

A motion to reconsider was laid on the table.

JOINT FUNDING SIMPLIFICATION ACT EXTENSION

Mr. BROOKS. Mr. Speaker, I call up the Senate bill (S. 1835) to extend the Joint Funding Simplification Act of 1974, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mrs. SNOWE. Mr. Speaker, reserving the right to object, would the chairman of the Committee on Government Operations explain the nature of this bill, the Joint Funding Simplification Act? I yield to the gentleman from Texas.

Mr. BROOKS. I would be pleased to do so. S. 1835 extends for an additional 5-year period the Joint Funding Simplification Act of 1974 which has expired. The purpose of that act is to increase the efficiency and effectiveness of the Federal grant-in-aid system by permitting the use of more simplified and uniform administrative rules and procedures in instances where a State or local government, or a private, nonprofit organization, develops a multipurpose project drawing funds from two or more assistance programs administered by one or more Federal agencies.

An applicant for such assistance normally must file separate applications for each of the several programs included in the project, and the administrative rules and procedures for processing these applications may differ substantially among the programs and agencies. The act has helped to alleviate this difficulty by providing authority to expedite the consideration and approval of such projects, and by simplifying procedures for their administration after approval. For example, it has permitted the use of a single application form and a comprehensive progress report instead of separate applications and reports to each participating Federal agency, and a joint or coordinated financial audit arranged by one agency on behalf of all.

The bill was passed unanimously by the Senate and by our Committee on Government Operations. It is actually an economy measure and will cause no increase in funds. The Congressional Budget Office in its estimate of costs said:

> If participation in joint funding projects were to increase, the Federal Government would probably realize a small savings, because fewer reports and less staff would be required to administer jointly funded projects.

I urge the passage of this significant legislation.

Mrs. SNOWE. Mr. Speaker, I thank the gentleman for his explanation.

The legislation before us today is noncontroversial and I am hopeful that all Members will give it their support.

The Joint Funding Simplification Act was enacted in 1974 to enable local governments and nonprofit voluntary organizations to combine and coordinate funding from several Federal agencies in support of a single grant project through the joint funding process. A locality can minimize problems inherent in applying to several funding sources individually and in administering a project under different sets of procedures and requirements.

The existing Joint Funding Act expired in February of this year. Subsequent to that time the Senate has passed a simple extension of the program. I urge the House to do the same today.

The subcommittee under the leadership of Chairman L. H. FOUNTAIN reported this legislation by voice vote before the Thanksgiving recess after hearing testimony from the Office of Management and Budget and our colleague from Tennessee, MARILYN LLOYD BOUQUARD. Both urged support of the bill.

Joint funding is an important concept. During the past fiscal year there have been 59 joint funding projects and applications representing 269 individual grant awards totaling $60 million in Federal assistance. Obviously, $60 million in the over $90 billion Federal aid system is a minuscule amount. A reason that joint funding has been underutilized has been that the Federal agencies do not encourage potential applicants to use this approach. Each agency, it seems, cannot be troubled with anything other than their own bureaucratic procedures. It is necessary for the executive branch to place a higher priority on such projects. I am hopeful that the new administration will seek to do this.

Just as important it is necessary for the Congress and the executive branch to reform the existing grant system. We now fund over $90 billion in aid programs to States and localities. Over 500 categorical grant programs are being funded each year in a wide variety of areas. Frankly, the Federal Government and the Congress cannot act as the State legislature, county board, or city council for the rest of America. I would hope that in the next Congress we could begin to sort out the grant system to decide which programs should be handled from this level; which programs should be handled from the State level; and which programs should be handled from the local level. Such action would go a long way toward restoring our federalist system. If we fail to act, the States and localities will be no more than mere administrative appendages of the Federal Government. In turn, it is up to the States and localities to assume those responsibilities which are truly theirs.

● Mr. FOUNTAIN. Mr. Speaker, I rise in support of S. 1835, which was reported unanimously by the Government Operations Committee this morning. This bill simply extends the Joint Funding Simplification Act of 1974, without change, for an additional 5-year period. The original legislation was handled by the Intergovernmental Relations and Human Resources Subcommittee, which I have the privilege of chairing.

The purpose of the 1974 act was to increase the efficiency and the effectiveness of the Federal grant-in-aid system by permitting State and local governments, as well as private, nonprofit organizations, to develop projects drawing funds from two or more closely related Federal programs administered by one or more Federal agencies.

It was anticipated that the use of such jointly funded projects would reduce the paperwork burden for Federal aid recipients by enabling them to use a single grant application and a single report for all of the programs included in the project, and also by establishing more simplified and uniform rules and procedures for administering a project.

The Office of Management and Budget was made responsible for the overall administration of the act.

Providing an opportunity for State and local governments to package closely related grant programs into jointly-funded projects has merit because of the proliferation of Federal grant programs that has taken place in recent years. We now have approximately 500 assistance programs distributing about $89 billion a year.

This management device enables grant recipients, under certain circumstances, to overcome the burden of dealing separately with a number of Federal agencies in carrying out multipurpose projects. The joint funding device is intended to foster cooperation among Federal agencies in responding to a grant application for funding a project involving more than one Federal assistance program. By coordinating and simplifying agency rules and administrative procedures, the joint funding process might also enable a grant applicant to develop a multipurpose project which would otherwise be impossible.

I must candidly say that implementation of the 1974 act has been disappointing. Approximately 40 projects have been approved under this authority, and some of these were carried over from an earlier experimental program.

However, OMB recognizes that it has not done an adequate job of administering this program, but it believes joint funding has considerable potential as a management tool. This is also the conclusion of the GAO, which has reviewed the program.

In addition, the associations representing the Governors, mayors and county officials favor an extension of the act in order to give State and local governments a further opportunity to develop successful projects, as has been accomplished in a number of communities.

Our recommendation for reauthorizing the 1974 act is based both on this demonstration of interest in the program, and the fact that it does not involve any appropriation or significant expense to the Government. In fact, if the joint funding program actually succeeded in generating a very large number of long-term projects, it would probably save money for the Federal Government, and also for the State and local units involved, by reducing the amount of paperwork and other administrative expenses.

It is in this light that I recommend approval of S. 1835 in order to reauthorize the Joint Funding Simplification Act of 1974 for an additional 5-year period.●

Mrs. SNOWE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Texas (Mr. Brooks)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Joint Funding Simplification Act of 1974 is amended by striking out "five" and inserting "ten".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the Senate bill, S. 1835, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 6942, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 20, 1980.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. Zablocki) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. Broomfield) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

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Mr. ZABLOCKI. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, the conference report on H.R. 6942, the Interior Security and Development Act of 1980, is basically similar to the bill as previously passed by the House.

As Members know, this is a bipartisan measure to carry out programs that support the foreign policy and promote the security interests of the United States abroad.

The conference report authorizes appropriations of $4.98 billion in the fiscal year 1981, a reduction of $240.5 million below the amount previously voted by the House and $323 million below the original executive branch request.

Mr. Speaker, in addition to the authorizations contained in H.R. 6942, there are several key policy provisions which are essential if the President, any President, is to be able to formulate and execute an effective foreign assistance program.

Of the bill's total authorization for appropriations nearly half is devoted to promoting peace in the Middle East.

Israel will receive $1.4 billion in foreign military sales financing and $785 million in economic support fund economic aid plus some further amounts for American schools and hospitals there, a total for fiscal 1981 of about $2.2 billion.

The economic support funding for Israel is to be entirely on a grant basis and the House conferees accepted a Senate provision to make it a straight cash transfer.

Egypt will receive $550 million in foreign military sales financing and $750 million in economic support fund economic aid also on a grant basis, for a total of $1.3 billion.

While security assistance to bolster the defenses of U.S. friends and allies abroad and economic aid keyed to our vital interests are the principal items in the conference report, there are also other provisions of interest to Members: There is $59 million to help with the mounting refugee burden and $15 million specifically for Cyprus refugees; there is $1.6 billion to assist in economic development in poor countries; $30 million for American schools and hospitals abroad; $38.6 million for international narcotics control; and $118 million for the Peace Corps.

A question has been raised as to why we should be acting on this conference report, since similar amounts are going to be included in the continuing resolution anyway.

First, let me say, under the House procedures we are supposed, where possible, to pass authorizing legislation before the appropriations so Members can set ceilings and policy conditions. That is good. It is responsible and the proper way of legislative practices.

Second, there are a number of very worthwhile policy provisions of interest to Members which will not become law without this bill.

For example, the conference report includes the substance of the House-initiated provision to give the President special funding transfer authority under the Foreign Assistance Act of up to $250 million without regard to existing limitations when such a transfer is important to U.S. security.

The bill provides for $50 million in transfer authority within the economic support fund to meet emergencies involving the national interest.

It likewise provides for $50 million borrowing authority from other accounts to meet international disaster situations when existing disaster aid funds are inadequate. The latest example of where this type of authority might have been used is in the disaster assistance for victims of the earthquake in Italy.

Another House provision which the Senate accepted with modest modification is that establishing an Africa Development Foundation from funds already allotted to AID.

In summary, Mr. Speaker, the bill will be beneficial to our Government regardless of which party is in power.

It is my understanding that for this reason the Reagan transition team had no objection to proceeding with this legislation which, as I said, has been bipartisan from the very start.

The conference report is needed to protect and promote this country's interest abroad in the year ahead.

I urge overwhelming passage by the House.

I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation we have before us today is vitally important to our national and collective security, and I support this conference report.

This legislation authorizes a total of $4.98 billion for programs in support of international military and economic security and international stability important to U.S. national interests. It also addresses important humanitarian concerns. These programs help strengthen our friends abroad, maintain U.S. access to vital raw materials, and promote, over the longer term, markets for the goods and services our economic growth requires. Moreover, this conference report provides for greater flexibility in the administration of American foreign policy.

The authorization level recommended by the conferees, after rigorous consideration, is mindful of the condition of our own economy and the competing demands on the hard-pressed American taxpayers. Therefore, the total authorization, while adequate, is $240.5 million below the House bill, including the 10-percent cut which was passed on the House floor.

The conference report especially provides us with an opportunity to demonstrate our willingness to help our friends and maintain our security and economic interests in the Near East. In particular, the legislation helps serve our Mideast security needs by authorizing $1.4 billion in foreign military sales credits to Israel in fiscal year 1981. The conference report includes $785 million in economic support funds (ESF) for Israel and $750 million for Egypt. This assistance is vital to maintaining economic and political stability of those important U.S. friends who are at the center of the continuing efforts to achieve a peaceful long-term settlement of the critical Middle East situation.

The legislation also provides necessary support to our good friends and NATO allies, Greece and Turkey. In regard to NATO, I am pleased that Greece has now been reintegrated into the military wing of the North Atlantic Treaty Organization and in this renewed capacity will be even better able to counter the ever-growing Soviet threat in the Mediterranean area.

I would especially like to emphasize that this conference report is designed to help foreign countries help themselves. Because of the increased emphasis upon recipients to provide for their own defense needs through the purchase of defense articles and defense services from their own resources, grant military assistance continues to be replaced by a foreign military sales credit program, which composes the largest part of our security assistance program. Moreover, in regard to this credit program, the conferees adopted a provision which eliminates the requirement that Congress authorize and appropriate 10 percent of the total amount of the worldwide foreign military sales credit programs, since the U.S. guaranty against these loans already stands at nearly $1 billion. In so doing, the conferees were not only able to save the American taxpayers $261.6 million, but also provide for our worldwide security requirements.

The conference report also helps to meet our security requirements by providing for additional flexibility in the administration of U.S. foreign affairs. In particular, the legislation provides for added flexibility in the conduct of security assistance programs by allowing the President to draw down $50 million—not $10 million as in current law—in defense articles and services from the Department of Defense to furnish emergency military assistance.

Moreover, the President is provided with new special authority by which he can use waivers to provide foreign assistance. Additional flexibility was also provided by the conferees in regard to an increase in the commercial arms sale ceiling.

Most importantly, the conferees allowed for more attractive costing arrangements for our unique and valuable international military education and training programs. Moreover, given the importance of our Latin American neighbors, and the ever growing Cuban and Soviet presence in the Caribbean, the conferees recommended that the administration consider modest international military education and training programs for Brazil and Venezuela.

In the economic area, the conference provided the President flexibility to respond in emergencies where U.S. national interests urgently require economic aid. The conference version includes contingency authority to use up to $50 million in the ESF account in such critical circumstances. The conferees also have provided for $25 million in ESF for Portugal, $5 million of which is intended for disaster relief for the Azores.

The conference compromise authorizes a total of $1.3 billion for functional development assistance in such areas as health, agriculture and nutrition. More than half of these funds are for agriculture and rural development projects to help the rural poor, and particularly small farmers, to increase food production and their meager family incomes. Assistance under these accounts also helps the poor in Third World countries to improve their basic health conditions to reduce staggering infant mortality rates and enable them to lead more productive lives.

This legislation provides for funds for a variety of other significant programs including: the grassroots level, person-to-person, self-help assistance provided by our Peace Corps volunteers, aid to American schools and hospitals abroad, and supplemental funds for refugee relief.

With the many security problems in Latin America, the Middle East, and Asia, not to mention the increasing Soviet arms buildup, there is at this time a great need for the United States to join its good friends and allies in seeking new and better ways to collective security. In this regard, the legislation we have before us today contains several important provisions to better assist the security of our friends and allies in the face of growing Soviet adventurism throughout the world.

The programs and authorities in this conference compromise are an investment of sorts in our efforts to protect and promote our national interests in a dynamic, often volatile, world. While some of us may not be enthusiastic about every provision, nevertheless, I urge my colleagues to adopt the conference report.

● Mr. WOLFF. Mr. Speaker, I rise in support of the conference report to H.R. 6942, the International Security and Development and Cooperation Act of 1980. I would like to compliment the gentleman from Wisconsin (Mr. ZABLOCKI) for his leadership in the conference committee.

There are many important provisions of this legislation, but I would like to comment on several in particular.

First this legislation contains important economic and military assistance for Israel and Egypt which is essential for the continued progress of the peace process in the Middle East. The bill earmarks $785 million for Israel and $750 million for Egypt from the economic support fund, and also provides $1.5 billion of military assistance for Israel and $550 million for Egypt. I strongly support this assistance to Israel and Egypt, and I supported an increase in the funding level for Israel in the Foreign Affairs Committee.

Israel is our staunchest ally in the Middle East, the only stable democracy in an area susceptible to revolution and Soviet influence. The Iran-Iraq war and the resulting disarray in Arab unity, especially the bellicose moves by Syria, are only the most recent examples of why Israel must be supported as a stable and dependable ally. It is clearly in our own national interest to support Israel in that most unstable and most essential area of the world. Our commitment to peace in that area is paramount, and this assistance to Israel and Egypt will help to insure that both countries will be able to afford the burdensome costs of the peace treaty.

Another provision in the conference report which I strongly support is that which allows for the use of the equivalent of $10 million in excess Pakistani rupees for a narcotics program in the isolated Gadoon region of Pakistan. The Gadoon region is a major opium producing area. Initially, the program would call for building a road, and building it in a very labor-intensive fashion, in order to divert some people from the very labor-intensive task of growing opium.

The second objective of building the road would be to enhance enforcement of Pakistan's tough antinarcotics laws. The road would make it much easier for police to visit this area. Then the United States would seek funding from other interested nations in order to develop a long-term income replacement program, and to work for integrated rural development.

Let me also assure my colleagues that this amendment is permitted by the Glenn/Symington provision, as narcotics assistance is allowed.

In addition, I would like to point out that the Pakistani Government has taken a very unpopular stand locally in totally banning opium production. There are areas of Pakistan, especially the Gadoon region, which are extremely isolated, and really rather autonomous. These tribal areas are difficult for the Government of Pakistan to control—and the tough antinarcotics laws really outlaw a way of life which has existed for hundreds of years.

It is in efforts like these—to control narcotics at their source that we will be able to reduce the flood of narcotics coming into this country. This program should be a useful first step in changing what is produced in the Gadoon region. After the road is built, hopefully an international effort can be made to obtain funding from other countries with an opium problem to help develop the Gadoon region and provide income replacement for the people there.

The beauty of this provision, offered by Senator BIDEN, is that it uses excess currencies, and will not cost the taxpayers any U.S. dollars.●

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. HALL of Texas). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION AND EQUAL OPPORTUNITIES IN SCIENCE AND TECHNOLOGY

Mr. FUQUA. Mr. Speaker, I call up the conference report on the Senate bill (S. 568) to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers and to authorize appropriations for activities for the National Science Foundation for fiscal years 1981 and 1982, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 21, 1980.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. FUQUA) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. HOLLENBECK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House and Senate conferees have resolved the differences in the House and Senate versions of H.R. 7115 and S. 568, the National Science Foundation Authorization Act for fiscal year 1981.

When the House acted on the original Senate version of S. 568, it struck all after the enacting clause and substituted the language of H.R. 7115. This substitution produced a number of differences for the conferees to resolve. Since the details are in print, I will not elaborate them, but will give a brief summary highlighting features of the compromise that deserve emphasis.

First, however, I want to thank my colleagues on the committee of conference for the genuinely constructive attitude that made a reasonable and equitable resolution practical. Certainly, special thanks are due the ranking minority member of the Committee on Science and Technology, the gentleman from New York (Mr. WYDLER).

I also especially acknowledge the distinguished chairman of the Subcommittee on Science, Research and Technology, the gentleman from California (Mr. BROWN), and the ranking minority member of the Subcommittee on Science, Research and Technology, the gentleman from New Jersey (Mr. HOLLENBECK). On the Senate side, I, of course, want to acknowledge the leadership and initiatives of Senators EDWARD KENNEDY and ORRIN HATCH, the chairman and ranking minority member of the Senate Subcommittee on Health and Scientific Research.

The compromise bill retains most of the provisions of either bill. As a result, it contains a section called part B, that corresponds to title II of the Senate bill. In part B, both Senate and House initiatives have been combined to promote equal opportunities for women and minorities in science careers. Part A, the other major section of the bill, details authorization levels for research and science education, and identifies for special emphasis selected research or education activities other than the reforms with which part B is concerned.

The conferees agreed on a total authorization of $1,120,000,000, a figure that lies between the figures originally prepared separately by the House and Senate. This total assured that no major research category would be authorized at a level lower than appropriation bill conferees are presently considering. At the same time, it also recognizes that both Houses had earmarked programs for special emphasis.

In particular, the House bill would promote programs to make research results more rapidly available to those who could apply them to industrial innovation. The authorized level for engineering and applied science reflects that emphasis.

The House had also taken special pains to reverse a continuing trend by past administrations to give less support to science education. Appropriations Committees in both Houses had similar concerns this year, and that sentiment is reflected in their bills, as well as in the authorizing legislation now being considered. The conference summary table, which I have inserted for the RECORD, indicates that the conferees compromised on the size of the budget authorized for science education, but agreed that the few set-asides or earmarks selected by either the House or Senate should be retained.

Mr. Speaker, there are just two other items in part A of the conference report to which I would like to call attention. One is the proposed program called "Ocean Margin Drilling," to more aggressively explore the Earth's crust under the ocean margins through a new drilling program. The conferees removed a restriction that would have delayed the detailed planning for that enterprise. The compromise authorizes $4.5 million for that purpose. This authorization is consistent with the action of the two appropriations committees. At the same time, the requirement for an independent review and cost estimate by the National Academy of Sciences is retained.

The drilling program has now gained 10 industry participants who will contribute half of the financial support, and the NSF can now go forward to the next decision point in this joint endeavor. In about 8 months, as a result of the intensive planning and study required by the conference bill, Congress will have an opportunity to review the wisdom of continuing this program.

The final item I should mention is a stipulation that affects the titles of research grants. The compromise bill retains the stipulation, originally provided in the House bill that all grant titles will contain a brief statement of the purpose of the research. The conferees agreed that it would be in everyone's interest, scientists and public alike, if nonscientists are routinely apprised of what significance the research results might have.

I believe, Mr. Speaker, that fairly sums up the features of part A of the conference report. In addition, I would like to briefly describe the nature of part B.

The general aim of part B is to require the National Foundation to undertake a comprehensive program to stimulate increased participation in science and technology by women and by people of the minority segments of our population. The legislative language is quite broad and quite flexible. More specific directions are given in the Joint Explanatory Statement to accompany the conference report.

Part B is a blend of actions taken independently by both Houses in their authorization bills for the National Science Foundation. The House bill called for a study and recommendation by the President and his advisers, for a comprehensive administrative and legislative program to extend science and technology career opportunities to all citizens, including minorities as well as women. The Senate bill focused more specially on women and prescribed an institutional or administrative structure, within NSF, that should be created to carry this out.

The compromise blended the position of both Houses and removed most of the detailing of the provisions to the explanatory statement.

I believe the conference report is an equitable compromise for both Houses, and I recommend that this House adopt the proposed compromise.

□ 1500

Mr. Speaker, at this time I am happy to yield to the gentleman from California (Mr. BROWN) who is chairman of the subcommittee that held many, many days of hearings and has been very actively involved in bringing this legislation not only to the floor, but successfully through the conference. I would certainly like to commend the gentleman for his cooperativeness and for his dedication in bringing this legislation about.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding me this time.

Mr. Speaker, I join my colleague, the chairman of the Science Committee (Mr. FUQUA) in supporting this conference report. I want to commend my fellow conferees as well as members of the Science Committee for all the hard work they have done to prepare this compromise for our consideration. I urge the House to approve our report.

Mr. Speaker, I believe that the conference report now before us is a very constructive compromise and I would like to express my appreciation for the efforts of the other conferees. On the House side, I wish to commend the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA), the ranking minority member of the committee, the gentleman from New York (Mr. WYDLER), and the ranking minority member of the Subcommittee on Science, Research and Technology (Mr. HOLLENBECK). From the Senate side, I, of course want to acknowledge the leadership and initiative of Senators EDWARD KENNEDY and ORRIN HATCH.

Mr. Speaker, the conference report retains the main thrusts of both the House and Senate bills. For the most part, part A, dealing with the research and science education programs of the Foundation, favors the emphasis that were in the House version. I am particularly pleased that the conferees accepted the House initiatives to restore funding for science education and for programs relating to industrial innovation which the President had deleted in his March budget reductions. Both of these initiatives are essential to stimulating the development of new technology and the education of technical manpower which are necessary for the revitalization of our economy. For the remainder of my remarks, I would like to confine my comments to part B, the Equal Opportunities Act portion of the compromise bill.

The general aim of part B of the report is to require the National Science Foundation to undertake a comprehensive program to stimulate increased participation in science and technology by women and minorities. The legislative language is quite broad. More specific directions are given in the joint explanatory statement to accompany the conference report. I am personally committed to vigorous oversight by my subcommittee of part B to make sure the Foundation achieves the intent of Congress expressed in the bill and the expectations of the conferees contained in the statement of managers.

Mr. Speaker, I strongly endorse the Science and Technology Equal Opportunities Act contained in part B of the conference report. In the original House report we called upon the President to formulate a comprehensive policy with regard to increasing the participation of women and minorities in science and technology before January 1981. The House report also called for a policy on impacts of science and technology on women and minorities. The legislative process has proceeded more slowly than orignially anticipated so we are nearly at the House's due date. In the mean time the Senate has come forth with compelling testimony which suggests that the problem of increasing the participation of women and minorities in science is so severe that we must address it now. The conference report also provides mechanisms for evaluation of future needs.

As an indication of the problems facing these groups, only 10 percent of scientists and engineers engaged in research are women. Women scientists experience unemployment rates 2 to 5 times higher than the corresponding rates for men in every field of science. Women earn less than men in every field of science at every degree level of experience of professional experience. Minority scientists and engineers constitute only 4.1 percent of all scientists and engineers although they constitute approximately 17 percent of the labor force; and minority scientists and engineers earn significantly less than white American scientists and engineers.

This situation simply cannot be permitted to continue. It is a gross injustice; it robs the Nation of valuable scientific and technological talent at a time when we need to increase our basic understanding of the natural and the social sciences; and it deprives us of the scientific and technical skills without which the Nation cannot satisfy the demand for economic innovation. We desparately need all the scientific and technical talent we can produce to solve problems concerning the environment, the avoidance of war, and the development of new institutions to accommodate the information revolution. In the words of the House Science and Technology report:

> Whatever the cause, the national failure to develop the scientific and technical potential of more than half of the population should be corrected as soon as possible, otherwise, it will be increasingly impossible to meeting critical manpower requirements in such fields as engineering, where shortages already exist. More important, the quality of research and development will suffer. It is impossible to claim that research being performed by today's scientists and engineers is the best which could be supported when more than half of the nation's potential scientists and engineers are effectively denied the opportunity to participate in science and technology.

In sum, the Nation simply cannot afford to ignore the talent of half of its citizens; it is also not right.

With regard to the National Science Foundation, the figures unfortunately are not good, Mr. Speaker. In chemistry, only 1 percent of the completed research projects were directed by women; in physics, less than 1 percent of the principal investigators were women; in mathematics, 4 percent were women; in the Earth sciences, approximately 3 percent were women, and in computer research just under 6 percent were women. Most important, since engineering provides the greatest opportunities for employment in the private sector, only 5 percent of the engineering projects funded by NSF had women principal investigators. Correspondingly, the number of women who have engineering degrees or who are seeking engineering degrees is relatively low.

Mr. Speaker, there are those I know who would claim there are not enough qualified women researchers or minority researchers, to fulfill the demand for the funds we would allocate to women and minority research. I want to emphasize that is simply not the case. This bill would provide for approximately 160 research grants for women above and beyond what are currently being funded. There surely are far more than 160 highly qualified women ready, able, and willing, as the phrase goes, to perform high-quality scientific research. We should encourage them.

Mr. Speaker, in this connection, I would note that the HUD-independent agencies appropriation bill which we passed this afternoon contains a restriction of $6,000,000 for new research opportunities grants for women. I want to emphasize to the Foundation it is my understanding that this appropriation restriction applies only to the national research opportunities grants program authorized by part B, section (33)(8) of this conference report to S. 568. Also the national research opportunities grants should not be the only program under which a woman can obtain funding for research. Further in carrying out this restriction, I would expect the Foundation to observe the expectations of our managers who said that:

> The conferees expect that the National Science Foundation, in setting aside the $30,000,000 of appropriated funds for the purposes of Part B, will use program discretion and will not remove, disproportionately, funds from any category, program activity, or account within the Foundation. In particular, it is the intent of the Conferees that the Science Foundation (Education) Directorate not be adversely affected out of proportion to other directorates.

Mr. Speaker, here I would observe that there is a typographical error in the last paragraph on page 28 of House report 96-1474. The sentence beginning "In particular, * * *" should read "In particular, it is the intent of the Conferees that the Science Education Directorate not be adversely affected out of proportion to other directorates."

One can never tell where the outstanding scientific idea, the Newton or the Marie Curie of the late 20th Century will arise—will it be from a man, a woman, or a minority? For that reason alone we must support the participation of all citizens in science and technology because those rare ideas which lead our society for many years to come are totally unpredictable and may arise anywhere.

I must also ask what has the Foundation been doing for so many years. Why has it not attempted to meet this problem, particularly in years when funding for science education was far higher than it is today. Since the early 1950's the Science Foundation has been the Federal agency responsible for insuring that the Nation has adequate scientific and technological talent. It is evident from the figures quoted earlier that the Foundation has not succeeded very well in that mandated objective.

It is indeed a difficult problem and I sympathize with the Foundation for the priorities they have had to juggle, but we must do better in the future. For this reason, I strongly support the science education provisions of part B. I hope that the Foundation will recognize this need and propose far stronger programs in the future, not only for the science education of women and minorities but for the science education of all men and women whether they intend to become scientists and technologist or not. Our society is growing every day in scientific and technological sophistication. If we are to maintain the vitality of democratic institutions, the scientific literacy of our citizens must match the technical sophistication of society or many of our most precious values and institutions will be overwhelmed.

Mr. Speaker, in this regard, the House conferees have achieved a notable improvement in the Senate's original proposal for part B. The Senate bill only covered the improvement of opportunities for women. The conference report now follows the thrusts that originated in the House bill and addresses two much broader problems. First, we propose a policy of equal opportunity in science and technology for all citizens, not just women. Second, the conference report also addresses the problem of the impact of science and technology on women and minorities. These two problems are not unrelated and I am very pleased that the conference report is in keeping with the spirit of section 13 of the House bill.

Mr. Speaker, I want to note that the administration as well as a broad spectrum of the scientific community support the provisions of part B. For the RECORD, I want to include an editorial that recently appeared in Physics Today by Harold Davis. In it he says:

> We sincerely hope that this legislation, now awaiting Conference action in Congress, will become law. But more is needed. The physics community as a whole must experience a second level of consciousness raising. We have become aware of the need to encourage women to enter physics. Now we must become aware of the need to encourage women already in physics to succeed.

That is the essence of the problem. It is true not only of physics but of all sciences and of all minority groups. I think it is highly praiseworthy that the physics community, which at this time has one of the lowest rates of participation by women, is among the first of the scientific fields to recognize the need for greater participation by women in science.

More recently, Mr. Speaker, the president of the National Academy of Sciences wrote me urging support for the National Science Foundation authorization and the Women in Science Act. I submit a copy of this important letter for the RECORD as part of my remarks here. In it Dr. Handler states:

> I am well aware that a large segment of our population—women—is relatively untapped as a course of needed scientific talent.—Provisions in the present legislation would establish programs to reduce this waste of human talent. Your favorable consideration of the bill will have ramifications which will prove beneficial to generations of women to science, and to our national welfare.

Mr. Speaker, I believe the conference report is an improvement on the Senate bill not only because it addresses the participation of other groups such as minorities who are also underrepresented in science, but because it also simplifies the legislative language, which is something we all should strive to do. More generally, in all its provisions. I believe the conference report accurately reflects the concerns of both Houses. In keeping with the sentiments expressed by the scientific community which I submitted here, I urge the House's approval of the conference report to S. 568.

NATIONAL ACADEMY OF SCIENCES,
November 10, 1980.

Hon. GEORGE E. BROWN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BROWN: I write concerning Title II of the Senate version of the National Science Foundation and Women in Science Authorization Act for Fiscal Years 1981 and 1982 (S. 568) which you will shortly consider in Conference with your colleagues. As one who has been concerned, for many years, with insuring that our country has an adequate supply of high calibre young scientists, I am well aware that a large segment of our population—women—is relatively untapped as a source for needed scientific talent. Several studies conducted by our National Research Council provide ample documentation of the present paucity of women in the sciences; I am pleased that our studies have been drawn upon in the Senate report on the bill.

Provisions in the present legislation would establish programs to reduce this waste of human talent. Your favorable consideration of the bill will have ramifications which will prove beneficial to generations of women, in science, and to our nation's welfare.

Sincerely yours,
PHILIP HANDLER,
President.

HELPING WOMEN IN PHYSICS SUCCEED

(By Harold L. Davis)

Recent followup reports on the status of women in physics (see article by Vera Kistiakowsky, February, page 32 and the report by Carol Jo Crannell, chair of the APS Committee on the Status of Women in Physics, Forum Newsletter, September) paint a picture of some progress made but much more to be achieved. Most notably Kistiakowsky reports that there has been roughly a factor-of-two increase (from around 25 per year to 50 per year) in the number of women receiving physics doctorates over the last decade. There is evidence that this gain may be attributed to efforts to provide supportive environments that alleviate the feelings of isolation and inappropriateness often experienced by women and other minorities. Crannell concludes that there is reason to be encouraged that "a framework for making improvements, in the number of women in physics and in their career opportunities, has been established and is being utilized."

However, Crannell cautions that improvement in entry-level opportunities, while certainly necessary, is not sufficient to ensure that we will eventually realize the full benefit of the physics talent now largely dormant in the female half of the population. Opportunities must be opened up, in addition, for the midcareer women in physics. It is still true that only 3 out of 100 PhD physicists are women and that these approximately 700 women at midcareer still receive lower salaries, serve in positions of lesser rank, and experience five times higher rates of unemployment than their male counterparts. It is important that these women succeed in spite of the obstacles and realize their full potential in their physics careers not only for themselves but to help ensure the success of the younger women just entering physics. Women in positions of responsibility and authority are required as both examples and mentors to foster the careers of younger women. We need to identify appropriate midcareer women in physics and offer them opportunities previously denied them to enter the mainstream of physics teaching and research. (Charles Bush, chairman of the APS Committee on Minorities has mentioned to us that he believes there is a similar need for other minorities in physics.)

In recognition of the whole spectrum of needs Senator Kennedy has introduced a bill (Women in Science and Technology Equal Opportunity Act, S. 568) that would allow the NSF to fund a variety of educational programs and to provide research fellowships to women within five years after receiving the doctorate or within five years after returning to the field. We sincerely hope that this legislation, now awaiting conference action in the Congress, will become law. But more is needed. The physics community as a whole must experience a second level of consciousness raising. We have become aware of the need to encourage women to enter physics. Now we must become aware of the need to encourage women already in physics to succeed.

Mr. HOLLENBECK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague, the chairman of the Science Committee (Mr. FUQUA) in supporting this conference report. I want to commend my fellow conferees as well as members of the Science Committee for all the hard work they have done to prepare this compromise for our consideration. I urge the House to approve our report.

Mr. Speaker, I rise in support of S. 568, the Senate amendment to the House amendment bill authorizing appropriations for the National Science Foundation for fiscal year 1981.

We have done very well in negotiating with the Senate. They substantially agreed to the House figures on the authorizations contained in part A of the proposed compromise. I believe that the President's proposals, after they were chopped down in the March budget reductions, do not provide for a strong and vigorous program of basic and applied research as well as science education. All of these are necessary for us to recapture our industrial supremacy, over the coming generation. Specifically, I recall once again that the March reductions singled out applied research and science education for the largest cuts. This is sheer folly in view of the fact that these two components provide the most direct contribution to industrial productivity. I am very pleased that the conferees have looked beyond the myopic election year vision of our President to insist upon a stronger program of basic and applied research within the National Science Foundation.

Mr. Speaker, part B of the conference report addresses a very serious problem, namely, equal opportunity for all our citizens to participate in science and technology. The lack of equal opportunity for women and minorities deprives over half of our citizens of the chance to participate in the most dynamic and vital opportunites of our generation, namely science and technology. This inequity, however it arises, runs contrary to the very fiber of our society which is based upon the premise that all men and women should have a chance to participate equally in the benefits of our society, including those resulting from advances in science and technology and the growth of our economy.

Our Nation also suffers. As the statement of managers and the report of the Science Committee to this bill make clear, "the quality of research and development will suffer. It is impossible to claim that research performed by today's scientists and engineers is the best which could be supported when more than half the Nation's potential scientists and engineers are effectively denied the opportunity to participate in science and technology because of a variety of factors." Furthermore, we cannot meet increasingly critical manpower shortages in fields such as engineering.

In a very perceptive article recently published in the Washington Post, which I include as part of my remarks here, science writer Daniel Greenberg points out the very real tradeoffs which occur between the employment of limited skilled technical manpower to national defense or to industrial innovation. Greenberg's views echo those recently expressed by Simon Ramo, cochairman of President-elect Reagan's transition team for science and technology. In the context of this conference report I would ask where the Nation can possibly expect to find all the required scientists and engineers for increased defense research, energy research and, most important of all, economic revitalization when we do not develop half the Nation's potential scientific talent embodied in women and minorities?

In short, as our conference report states:

> The highest quality science over the long term requires substantial support, from among currenty available research and educational funds, for increased participation in science and technology by women and minorities.

Mr. Speaker, in conclusion I strongly support both parts of the conference report before us today. I do have very strong reservations about the ocean margin drilling program, but I recognize that compromises must be made and the Senate is strongly supporting the conversion of the Glomar Explorer.

Mr. Speaker, I want to commend my colleagues on the House Science, Research and Technology Subcommittee, and especially the chairman of the Science, Research and Technology Subcommittee, the gentleman from California, for his leadership through these difficult and intricate negotiations with the Senate. It has been a great pleasure working with him. I think we have made a very large step forward. It is important that the Foundation pursues these programs vigorously in the future and that the Congress exercises vigorous oversight. I am personally committed to that course of action within our subcommittee.

At the same time, I am pleased that the Senate accepted our strong authorization levels for the Research Directorates at the Foundation. If they are backed up with funding, they will substantially increase our scientific and technological capabilities over the coming years. This is most important if we are to preserve our economic and scientific and technology superiority.

I urge my colleagues to join me in supporting the compromise contained in the conference report and statement of managers to S. 568.

Will Military R&D Hog It All?

(By Daniel S. Greenberg)

The Reagan campaign pledge to unleash military science spells new difficulties for American manufacturers who are being walloped by foreign high-technology products.

The reason is that defense—which now takes more than half of all federal spending on research and development—is already hogging the market for scarce computer scientists and other technical specialists. Military projects, with ample payrolls and professionally challenging goals, have regularly skimmed so much talent from the nation's technical work force that some of our leading technocrats have warned of an ensuing anemia in civilian areas.

Among them, for example, is National Academy of Sciences President Philip Handler, who, though a Sakharov-supporting hard-liner on Soviet-American relations, has several times publicly expressed concern about the domestic impact of high military research spending. Newly added to the long-existing talent stretch is the fledgling synfuels industry; as it joins the scramble for many of the same people sought by defense and consumer industries, the pickings become increasingly poor for firms that compete with West German and Japanese goods. Even when supply and demand are in balance—as is the case in many fields—it's the military that draws off the heavy hitters of research.

The demand for engineers is so strong that almost all job-seekers in last spring's record-size graduating class were employed by midsummer—with starting pay generally over $20,000 a year, according to the Engineering Manpower Commission. Unemployment among engineers is down to 1 or 2 percent. And industrial job opportunities are so rewarding and diverse that faculty slots at scores of major engineering schools are vacant.

Meanwhile, though engineering grows more complex, American students are increasingly shunning graduate study in engineering in favor of lucrative jobs for bachelor-degree holders. Of 3,800 engineering doctorates awarded last year in the United States, half went to foreign students, many from developing countries that are pursuing industrial leap-frog strategies in aiming for high-technology export markets. India and South Korea, for example, now export many sophisticated products of domestic design and manufacture.

In response to Germany's and Japan's parsimonious involvement in military research, it's traditionally been argued here that military discoveries and applications have done double duty for this country by enhancing national security and invigorating industry. The spinoff thesis is accorded some validity by Simon Ramo, a retired electronics industrialist who is one of Reagan's senior science advisers.

But in a newly published book, "America's Technology Slip," Ramo—a longtime veteran of Washington's high-technology councils—also invites recognition of the economic toll exacted by military research. "Probably our relative productivity increases and our net rating in technology vis-a-vis other nations," Ramo states, "have on the whole been hurt rather than helped by our heavier involvement in military technology as compared with other nations."

And he adds: "In the past 30 years, had the total dollars we spent on military R&D been expended instead in those areas of science and technology promising the most economic progress, we probably would be today where we are going to find ourselves arriving technologically in the year 2000. . . . The employment of a large fraction of the best scientists and engineers on military projects means they are not available to advance the store of knowledge and innovate along non-military lines. Our disproportionate share of the military weapons requirements of the non-communist world has accordingly handicapped us by comparison with our industrialized allies."

Ramo's observations are complemented by a recent report by one of Britain's leading scholars of industrial innovation, Keith Pavitt, of the Science Policy Research Unit at the University of Sussex. "Defense programs," he states, "create habits, skills and attitudes in research and development, production and marketing that are sometimes positively harmful when competing on civilian markets; and unsuccessful competition on civilian markets reinforces the incentive to concentrate on defense markets."

"Such a vicious circle has been observable in the U.K. in such diverse sectors as aircraft, heavy engineering, electronics and shipbuilding," Pavitt observes. And he goes on to ask whether the same process may affect the United States, "given the divergence of the requirements of civilian and military markets."

In the wake of Voyager's billion-mile bull's-eye, it's easy to believe that American science and technology are omnipotent. They are strong and versatile, but not so much so that we can open wide the throttle on military research without doing serious harm to the civilian economy.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield briefly?

Mr. HOLLENBECK. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I rise to express my appreciation for the gentleman's kind remarks and to also offer my own hopes that we will be able to continue to work in the forthcoming session of Congress in the same cooperative and nonpartisan spirit. I think this should be the proper mode of dealing with matters involving science and technology, which after all is not a matter on which there is much room for partisan division and a great deal of room for constructive forward looking action from both parties.

Mr. HOLLENBECK. I thank the gentleman.

Mr. PEASE. Mr. Speaker, I rise in support of the conference report on S. 568 authorizing National Science Foundation programs for fiscal year 1981. The dedicated efforts of my colleagues on the Science and Technology Committee and of Chairman Fuqua and subcommittee Chairman Brown have made possible legislation which demonstrates a high degree of commitment to National Science Foundation goals and the quality of its programs.

In my remarks here, I would like to emphasize the importance of science education which over the past decade has received very little sympathy within the Foundation. I am very pleased, therefore, that the conference report authorizes $91.2 million for science education. This amount is very close to the House bill and is substantially above the $75.7 million requested by the President in March which would have necessitated drastic cuts in science education programs, further threatening any semblance of a national interest in coming to grips with scientific illiteracy. It was the science education directorate, again, which received disproportionately large cuts in the March revised budget.

Although the House and the conference wisely ignored those shortsighted reductions which would have severely hampered training for the next generation of our Nation's scientists and engineers, I would like to point out that the restoration of funds for science education above the March request does not constitute a "windfall" to the directorate.

Rather, the level of appropriations for science education for fiscal year 1981 is almost certain to be a slight increase over fiscal year 1980 and less than the rate of inflation. This continuation of the status quo was achieved in spite of the administration and OMB and as a result of the close cooperation between the House authorizing and appropriations committees which was borne out of their mutual perception that the quality of science education in this country has deteriorated to an alarming level. Following is the text of an editorial on science and engineering education that appeared in the November 28, 1980, issue of Science magazine:

SCIENCE AND ENGINEERING EDUCATION

> In comparison with other advanced countries, the United States is becoming a nation of scientific illiterates. Our principal commercial and military rivals have recognized that future superiority will rest heavily on competence in applied science and engineering, and they are preparing their young people for the world of the future. For example, in Japan instruction in science begins in the first grade. From the third through the ninth grades, science and mathematics are required subjects and constitute two of the four major courses taught. Most students who intend to go on to universities continue to take science and mathematics courses in upper secondary schools. Their curriculum includes differential and integral calculus and probability and statistics.
>
> Conspicuous examples of American achievements, such as Nobel Prizes or pictures from the Voyager spacecraft, serve to blind the public to the fact that a problem exists here. Actually, the Nobel laureates and the engineers responsible for Voyager are products of an earlier era. During their formative years (the 1940's and 1950's) a different attitude, one more favorable to science and engineering, prevailed in America. Around 1965 the environment for science and engineering began to deteriorate, and while Nobel Prizes still come, our superiority in technology has about vanished.
>
> A recent report perpared by the National Science Foundation and the Department of Education provides some sobering comments. At a time when the world faces an enormous need for engineers, the United States lags behind Japan, West Germany, and the Soviet Union in the number of engineering graduates per capita. The contrast is especially marked with respect to Japan, where engineering enjoys high prestige and the total number of degrees granted to engineers annually has surpassed that in the United States. In Japan 20 percent of all baccalaureate and about 40 percent of all master's degrees are granted to engineers. This compares with about 5 percent for each of these degree levels in the United States. Moreover, many of the U.S. graduates are foreign nationals.
>
> In Japan an engineering degree is a favorable route to business and social success. The report states that in Japan "only about 5(percent of the engineers produced each year . . . enter the engineering profession. The others become civil servants and managers in industry. Around one-half of the senior civil service hold degrees in engineering or related subjects. . . . In industry, about 50 percent of all directors have engineering qualifications."
>
> The educational situation in Germany is similar to that in Japan, with emphasis on science and mathematics in primary and secondary schools. "The overall picture in Germany is one of a very high level of science mathematics literacy among college graduates as well as a strong science/mathematics understanding among the general population."
>
> In the Soviet Union students are exposed to an intense mathematics and science curriculum. Algebra and geometry are taught in the sixth and seventh grades, and additional mathematics, including calculus, is part of the high school curriculum. All youngsters are required to complete 5 years of physics and 4 years of chemistry. About five times as many Soviet students as Americans go on to engineering training. The inefficiencies of the Soviet system dissipate much of this advantage, but one can scarcely feel comfortable about the contrast in educational level between the military forces of the U.S.S.R. and the United States.
>
> Our present policy is moving us toward becoming a colonial supplier of raw materials and food to more advanced countries and is placing us in a position of increasing peril. Unfortunately, there is no crisis to alert the public. The one positive factor operating at this time is a strong demand for engineering graduates, which is driving up salaries. Overcoming scientific illiteracy will take decades.—Philip H. Abelson.

Included within the science education funds is $2.4 million for yearlong sabbaticials for undergraduate faculty. It is my conviction that a mixture of short- and long-term programs for faculty development is essential to achieving different goals and serving different populations within academic institutions and to strengthening ties to the research community. I am pleased that this very special opportunity for faculty to devote themselves to a research project and to refresh their teaching skills will be available this year. The integration of research and science education is essential to the development and survival of each part. I am pleased to see that the conferees endorsed this provision from the House bill which I strongly supported in our subcommittee's deliberations.

I urge the House to approve the conference report without further delay. Thank you.

Mr. FUQUA. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AID TO ISRAEL

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, I rise for the purpose of making some general observations in the context of a 1-minute statement.

I simply wanted to call to the attention of my colleagues the fact that in the conference report on the foreign aid authorization bill which we just adopted by a voice vote, there was a provision which called for an increase in the level of military assistance to Israel from $1 billion in fiscal year 1980 to $1.4 billion in fiscal year 1981 and a somewhat similar provision which provided for a conversion of the economic security fund assistance to Israel of $785 million, which in the past had been divided up on the basis of a two-thirds grant, one-third loan, into a 100 percent grant program.

□ 1510

This will result in a significant increase in the actual level of our military and economic assistance to Israel. But, because of a variety of peculiar budgetary realities, the actual impact on outlays for the budget for fiscal 1981 will only be $20 million additional.

So I think this is an example of how the Congress has been responsive to the needs of a country which is our most reliable democratic ally and a significant strategic asset as well in one of the most critically important areas of the world, without unduly impacting from an adverse point of view on the Federal budget.

I think the chairman of the Foreign Affairs Committee, the distinguished gentleman from Wisconsin (Mr. Zablocki), as well as the chairman of the Subcommittee on Europe and the Middle East, the distinguished gentleman from Indiana (Mr. Hamilton), are both to be complimented and praised very highly for the sympathy and understanding which they gave, and for the leadership which they provided in making it possible for us to include this very helpful provision in the foreign aid authorization bill.

The fact of the matter is at that time when we seem to have so few friends around the world, Israel is a country which has consistently stood by us, whose survival remains somewhat problematic, given the unremitting military buildup on the part of the Arab countries which have not yet reconciled themselves to the existence of Israel. So I think this additional assistance will not only be very helpful to the Israelis, but will also be very helpful to our own country in terms of advancing our interests in this extremely important part of the world.

I once again want to pay tribute to the chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI), and the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana (Mr. HAMILTON), for the leadership which they have provided in this endeavor.

There are, I might say, some other provisions in this legislation which are also worthy of attention. I was particularly pleased that the House conferees resisted the effort in the other body to repeal the so-called Clark amendment which prohibits the provision of any paramilitary assistance to Angola. The House had no such provision in its version of the bill. While we reached a compromise with the other body which provides for an expedited procedure in the event the President certifies that the provision of such paramilitary assistance to Angola is in the national interests, would enable someone introducing a joint resolution to that effect to be reasonably certain that it could be brought up for a vote on the floor of the House.

But the right of the Congress, in effect, to veto any such effort on the part of present or future administration's remains intact. At a time when the effort to achieve a negotiated and peaceful transition to majority rule, and Namibia is reaching its penultimate stage, I think many of us felt it would have been premature and probably counterproductive for us to repeal the Clark amendment because, if we had done so, it would have inevitably been interpreted by the Angolan Government, which has so far been very cooperative for the search for a solution in Namibia, to mean we were about to embark on a campaign to destabilize the government in Luanda, that would have undoubtedly resulted in a refusal on their part to continue cooperating with the United States and other Western powers in the U.N. in the search for a peaceful settlement of the Namibian problem. It would, therefore, constitute a severe setback to American interest in southern Africa.

So I think once again the chairman of the Foreign Affairs Committee, the distinguished gentleman from Wisconsin (Mr. ZABLOCKI), who was very helpful to the House conferees in getting a compromise on this issue, is to be complimented.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I am happy to yield to my noble and distinguished chairman.

Mr. ZABLOCKI. I thank the gentleman for yielding. I take this time and have asked him to yield in order that I may express my deep appreciation for his kind and generous assessment of the gentleman from Wisconsin's chairing of the conference on the legislation that we have just reported and passed in the House. I would be remiss, however, if I would not point out, Mr. Speaker, the very important role that the gentleman from New York (Mr. SOLARZ) played in that conference, not only in the very area that he is subcommittee chairman, that is the Hemisphere of Africa, but in many of the other provisions and policy issues that the House approved. He has helped the conferees of the House to hold and stand fast and, therefore, we did come with a conference of the type that we had which was a very successful conference for the House only because of the assistance of the gentleman from New York (Mr. SOLARZ). I wish to thank him for that.

Mr. SOLARZ. May I say to my chairman not only do I appreciate your remarks, but from the time I first met you I was convinced you were a shrewd judge of character. From everything I have just heard of your analysis, I am convinced that I was accurate. I thank you very much.

APPOINTMENT OF CONFEREES ON S. 1615, FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1615), an act for the relief of James R. Thornwell, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, the gentleman from Michigan (Mr. SAWYER) had some problem with this request. I wonder if the gentleman could withhold his request until such time as he might be here?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman.

Mr. DANIELSON. Mr. Speaker, we took this matter up this morning in the full Judiciary Committee. Mr. SAWYER was in attendance.

I have a privileged motion to bring up but, in order to bring some harmony into this, we agreed to put the gentleman from Michigan (Mr. SAWYER) on as a conferee in lieu of the gentleman from Illinois (Mr. MCCLORY).

I do not know that the gentleman from Michigan (Mr. SAWYER) would still agree to it, but he was in attendance.

Mr. BAUMAN. The gentleman from Maryland is at a disadvantage because the last word he received was if the request were made an objection should be lodged. I much prefer not to object. Perhaps the gentleman could withhold his request.

PRIVILEGED MOTION OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Speaker, I offer a privileged motion.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, is there not a unanimous-consent request pending?

The SPEAKER pro tempore. The Chair had considered that withdrawn.

Mr. DANIELSON. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DANIELSON moves pursuant to clause 1, rule XX, and by direction of the Committee on the Judiciary, to take from the Speaker's table the Senate bill (S. 1615), an act for the relief of James R. Thornwell, with a House amendment thereto, insist on the House amendment and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Does the gentleman from California ask for time?

Mr. DANIELSON. I do ask for time, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has been pending before this body on a request of the other body for the appointment of conferees and for a conference, for more than a month.

Following the normal traditions of the House, I have on a few occasions asked unanimous consent to take up the bill, to insist on the House amendments, to have the conference requested by the other body.

On each such occasion I have been frustrated in that effort by objection, a withholding of unanimous consent, which I recognize is a proper parliamentary procedure.

□ 1520

I would like to add, however, that in the more than a month that has elapsed, I have talked with the interested persons on a number of occasions. I have made every effort I can conceive of to come to some type of accommodation whereby the Congress can go ahead with its normal parliamentary procedure of taking up a matter in disagreement between the two bodies, appointing conferees, letting them sit down and work their will, and then presenting a conference report, hopefully to carry out the responsibility of this body; namely, to take care of legislation pending before it.

Because of the obstruction resulting from refusal to grant the unanimous-consent request, I have now for more than a month been unable to take up this bill. Persons from the other body have contacted me many times asking when and if I will be able to take up this bill for conference. I have had letters from the Department of Defense which urges in the strongest possible terms that this matter be resolved. I have heard from the U.S. Attorney General to the same effect; and, frankly, while I still have a world of patience, time is running out. We are in Tuesday of the last week of this session.

The gentleman from Maryland (Mr. BAUMAN) did mention the name of the gentleman from Michigan (Mr. SAWYER) who had and has an interest in the bill. Because of the fact that I have never been able to obtain unanimous consent, I called for a meeting of the full Committee on the Judiciary, which met this morning; and this morning, with a full quorum present, this item was discussed. It was discussed at length. The full committee did then, by a very overwhelming vote, report out the order that I asked for, and directed me to move for the appointment of conferees, which I am doing now.

I would like to point out that the issue here is simply this: The amount in controversy. A bill for the relief of Mr. Thornwell was introduced in the other body many months ago calling for payment of $1,700,000—the bill was introduced calling for $1,700,000 to compensate a member of our armed services who was subjected to treatment by LSD, who was deprived of his physical liberties, who was imprisoned, who was subjected to torture for a period of many weeks, and who has, as a result of that treatment, suffered irreparable harm and damage to his psyche, his brain, his personality.

In the other body when the bill came up for discussion, the amount in controversy—$1,700,000—was reduced pursuant to the wisdom of that body to $1 million. The bill was sent to the House of Representatives. It was referred to the subcommittee which I have the honor of chairing, a committee on equity, a committee, ex gratia, to make repairs when the laws of the land do not fit.

Our subcommittee reported the bill out with a $1 million measure of damages, but recognizing the deteriorated mental and physical condition of the beneficiary of the bill, we—wisely in my opinion—created a trust to receive the compensation, to manage it, to mete it out from time to time as might be needed by this beneficiary, but to prevent it from being wasted. We set up a trust. We amended that into the bill. I think it was a wholesome measure.

When the bill reached the full Committee on the Judiciary, a motion was made and carried to reduce the amount in controversy to $250,000. In that form, the bill did pass the House of Representatives; but when it reached the other body, the persons there who sponsored the bill were not able to accept that figure and disagreed with the House amendments and sent it back to this body in disagreement and have asked for a conference so that we can sit down and decide whether the amount should be $250,000, whether it should be $1 million, or whether it should be somewhere in between.

I will be the first to admit that the normal procedure of the Congress under those circumstances is to split the difference. Maybe we will try to split the difference. I do not know; but we will try to complete the duties which we are sworn to complete, namely to take care of the legislation of the United States.

After nearly 6 weeks of waiting for the appointment of conferees, I respectfully suggest that the time has come to appoint those conferees. I have acceded to the feelings of the most vehement opponent of this bill and have agreed to place him on the conference committee. That is, I have agreed to recommend that the Speaker place him on the conference committee. That is about all I can do.

Mr. Speaker, I respectfully submit that after 6 weeks of waiting for a normal, routine parliamentary procedure, I am entitled to be heard, the bill is entitled to be heard, conferees should be appointed, and I ask that every Member of this body vote in support of the motion.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DANIELSON, MAZZOLI, HUGHES, HARRIS, BARNES, GLICKMAN, MOORHEAD of California, SAWYER, and KINDNESS.

There was no objection.

SURFACE TRANSPORTATION ACT OF 1980

Mr. HOWARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6417, with Mr. MCKAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, November 21, 1980, section 1 was open for amendment at any point.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HOWARD:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Surface Transportation Act of 1980".

TITLE I

SEC. 101. This title may be cited as the "Federal-Aid Highway Amendments of 1980".

EMERGENCY RELIEF

SEC. 102. Clause (1) of the second sentence of subsection (a) of section 125 of title 23, United States Code, is amended by striking out "commencing after September 30, 1976," and inserting in lieu thereof the following: "in the period beginning October 1, 1976, and ending September 30, 1979, to carry out this section, and not more than $350,000,000 is authorized to be expended in the fiscal year ending September 30, 1980, to carry out the provisions of this section, and not more than $150,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980,".

TRANSPORTATION SYSTEMS MANAGEMENT

SEC. 103. (a) Section 135 of title 23, United States Code, is amended to read as follows:

§ 135. Transportation systems management

"(a) The Secretary is authorized to make grants for energy conservation projects on nontoll public roads to reduce traffic congestion and facilitate traffic flow on a Federal-aid system. Such projects shall include, but not be limited to, projects for (1) channelization of traffic, (2) improved traffic control signalization, (3) preferential treatment for mass transit and other high occupancy vehicles, (4) passenger loading areas and facilities, (5) fringe and corridor parking facilities, (6) encouragement of the use of car pools and van pools, (7) bicycle transportation, (8) separation of pedestrian and vehicular traffic, and (9) technical assistance in connection with such energy conservation projects.

"(b) The Federal share of the cost of any project under this section shall be 90 per centum, except that projects designed to encourage the nonrecreational use of bicycles may receive a Federal share of 95 per centum. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project receiving Federal assistance under this title of 90 per centum of the cost of such project if such project would be eligible for a grant under this section. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project encouraging the nonrecreational use of bicycles receiving Federal assistance under this title to 95 per centum of the cost of such project if such project would be eligible for a grant under this section.

"(c) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the States as follows:

"(1) three-fourths in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all States; and

"(2) one-fourth in accordance with the apportionment formula for the Federal-aid primary system established in section 104 (b)(1) of this title.

No State shall, in any fiscal year, receive less than one-half of 1 per centum of the total apportionment made under this subsection for such fiscal year.

"(d) There is authorized to be appropriated to carry out this section not to exceed $300,000,000 for the fiscal year ending September 30, 1982; $350,000,000 for the fiscal year ending September 30, 1983; $400,000,000 for the fiscal year ending September 30, 1984; and $450,000,000 for the fiscal year ending September 30, 1985.

"(e) Except as otherwise provided in this section, the provisions of chapter 1 of this title, other than those provisions determined by the Secretary to be inconsistent with this section, shall be applicable to projects under this section.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"135. Traffic operations improvement programs."

and inserting in lieu thereof:

"135. Transportation systems management.".

(c) The second sentence of subsection (a) of section 116 of title 23, United States Code, is hereby repealed.

ENERGY IMPACTED RAIL AND HIGHWAY TRANSPORTATION

SEC. 104. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 157. Energy impacted rail and highway transportation

"(a) The Secretary is authorized to make grants to reconstruct, resurface, restore, and rehabilitate nontoll public roads which are incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use. In the case of any road with respect to which Federal financial assistance is provided under this subsection, the geometric and construction standards established under section 109 of this title for the Federal-aid secondary system, except those standards which the Secretary determines are not appropriate, shall apply to the reconstruction, resurfacing, restoration, or rehabilitation of such road.

"(b) The Secretary is authorized to make grants for transportation projects which will alleviate the environmental, social, and economic impact of substantial train traffic to meet national energy requirements in communities located along rail corridors incurring such traffic. Such projects may include, but are not limited to, low-cost systems management methods, grade crossing separation, and rail line and highway relocation. A project for elimination of railroad crossing by relocation of a rail line may receive financial assistance under this section only if the Secretary determines that the cost of such project (1) is less than the cost of relocation of the highway, and (2) is less than the cost of grade separation between the highway and the railroad. In the case of any transportation project other than a low-cost systems management improvement financial assistance may only be provided under this subsection if the Secretary is satisfied that low-cost systems management improvements were considered before consideration of such project and other more costly improvements.

"(c) The Federal share of the cost of any project under this section shall be 80 per centum. For purposes of determining the railroad's share, if any, of the cost of a project under this section which would otherwise be eligible for assistance under section 130 of title 23, United States Code, or under section 203 of the Highway Safety Act of 1973, subsections (b) and (c) of section 130 of title 23, United States Code, shall apply to such project.

"(d) The provisions of this chapter, other than those provisions which the Secretary determines are inconsistent with the section, shall apply to projects under this section.

"(e) Taking into account both railroad and highway needs, the Secretary shall establish, by regulation, a formula for apportionment of funds authorized to be appropriated under this section among the States. No State shall, in any fiscal year, receive less than one-half of 1 per centum or more than 12 per centum of the total apportionment made under this subsection for such fiscal year.

"(f) There is authorized to be appropriated to carry out this section not to exceed $300,000,000 for the fiscal year ending September 30, 1982, $350,000,000 for the fiscal year ending September 30, 1983, $400,000,000 for the fiscal year ending September 30, 1984, and $450,000,000 for the fiscal year ending September 30, 1985.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof

"157. Energy impacted rail and highway transportation.".

CAR POOLS AND VAN POOLS AUTHORIZATION

SEC. 105. Subsection (f) of section 126 of the Federal-Aid Highway Act of 1978 is amended by striking out "and $1,000,000 for the fiscal year ending September 30, 1981,", and inserting in lieu thereof the following: "$1,000,000 for the fiscal year ending September 30, 1981, and $1,000,000 for the fiscal year ending September 30, 1982,", and by striking out "and $9,000,000 for the fiscal year ending September 30, 1980," and inserting in lieu thereof the following: "$9,000,000 for the fiscal year ending September 30, 1980, $10,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982,".

OBLIGATION LIMITATION

SEC. 106. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1981 shall not exceed $8,750,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978 or upon any ongoing emergency project for replacement or rehabilitation of a bridge the Federal share of the costs of which is obligated at the discretion of the Secretary under section 144 of such title 23.

(b) For fiscal year 1981, the Secretary of Transportation shall control the obligation of the limitation imposed by subsection (a) by allocation according to the following formula: 80 per centum in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State for fiscal year 1981 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year; the remaining 20 per centum not so allocated, in the order in which States having obligated all such sums so allocated submit projects on or after August 1, 1981, to the Secretary of Transportation for his approval and in the amounts for such projects.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1981, revise a distribution of the 80 per centum made under subsection (b) if a State will not obligate the amount distributed during fiscal year 1981 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1981; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

BRIDGE CONSTRUCTION

SEC. 107. Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act, authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.

REIMBURSEMENT

SEC. 108. In any case in which the city of Santa Rosa, California, has incurred costs on behalf of the State of California for the acquisition, between the date of enactment of Public Law 94–154 and the date of enactment of the Federal-Aid Highway Act of 1976 (Public Law 94–280), of land which was utilized in a Federal-aid urban system project at an intersection with a segment of the Federal-aid primary system, the Secretary of Transportaion is authorized, notwithstanding any other provision of law, to reimburse the State of California from funds apportioned to the State of California under section 104(b)(6) of title 23, United States Code, 75 per centum of such costs.

PARKING FACILITIES

SEC. 109. (a) Subsection (a) of section 137 of title 23, United States Code, is amended by inserting "(1)" after "(a)" and by adding at the end of such subsection the following new paragraph:

"(2) The Secretary may approve as a project on the Interstate System the acquisition of land adjacent to the Interstate System and the construction of publicly owned parking facilities on such land if such facilities are located and designed in conjunction with existing or planned public transportation automated distributor facilities. Persons using such publicly owned parking facilities may be charged fees for using such facilities. Such fees may be commensurate with fees charged for using other parking facilities in the immediate area. Fees or permits for use of such publicly owned parking facilities shall be designed to encourage carpools and vanpools using the Interstate System to use such facilities. Revenues derived from such fees in excess of those required for the operation and maintenance of such facility shall be used in accordance with an agreement entered into under subsection (b) of this section for the non-Federal share of acquiring land and constructing publicly owned parking facilities under paragraph (1) of this subsection in the standard metropolitan statistical area in which such facility is located.".

(b) Subsection (c) of such section is amended by inserting "(1)" after "(c)" and adding at the end of such subsection the following new paragraph:

"(2) For purposes of this subsection, the term 'standard metropolitan statistical area' means the area in and around a city of 50,000 inhabitants or more as defined by the Bureau of the Census.".

TITLE II

SEC. 201. This title may be cited as the "Federal Public Transportation Act of 1980".

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 202. Section 3(a)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" the second place it appears and by inserting immediately before the semicolon at the end thereof a comma and the following: "and the acquisition of rights-of-way for fixed guideway corridor development for projects in advanced stages of any such detailed alternatives analyses".

LETTER OF INTENT

SEC. 203. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the first sentence there of the following: "At least thirty days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent.".

(b) Notwithstanding any other provision of law, no announcement by the Secretary of Transportation of an intention to obligate for a project through issuance of a letter of intent during the period beginning on the date of enactment of this Act and ending January 31, 1981, under any new or increased authorization contained in section 3 of the Urban Mass Transportation Act of 1964 as the result of any amendment made by this Act shall be effective as an intention to obligate from future available budget authority provided in an appropriation Act.

ALLOCATION PLAN

SEC. 204. Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(5)(A) Prior to April 15, 1982, the Secretary shall submit a proposed allocation plan to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such plan shall become final upon approval by the Congress. The proposed allocation plan shall be based on a thorough survey of the necessary costs of a program for modernizing, rehabilitating, or replacing rolling stock and fixed facilities to improve the reliability, safety, and attractiveness of rail mass transportation systems. The proposed allocation plan shall, for each rail mass transportation system serving an urbanized area, be based on a calculation of the ratio that the cost of the modernization or rehabilitation program for such system bears to the total of the costs of the programs for all such systems as estimated by the survey. The Secretary shall submit a revised allocation plan to such Committees prior to January 1, 1984, and every two years thereafter and such plan shall become the final allocation plan upon approval by the Congress.

"(B) For each fiscal year beginning with fiscal year 1983, of the funds appropriated for the purpose of this section. and made available by the Secretary for modernization and rehabilitation of rail facilities and equipment, not less than 75 per centum shall be distributed in accordance with the latest final allocation plan approved by the Congress.".

ADVANCE LAND LOANS

SEC. 205. Section 3(b) of the Urban Mass Transportation Act of 1964 is amended by—

(1) inserting "unless a longer period is determined to be reasonable by the Secretary" after "made" in the second sentence;

(2) inserting "unless a longer period is determined to be reasonable by the Secretary" after "is made" in the third sentence; and

(3) striking out "of" the first place it appears in the 6th sentence and inserting "is made unless a longer period is determined to be reasonable by the Secretary" after "loan agreement" in such sentence.

DISCRETIONARY GRANT OR LOAN AUTHORIZATIONS

SEC. 206. (a) The first sentence of section 4(c)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1,410,000,000" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$1,710,000,000 for the fiscal year ending September 30, 1980; $2,490,000,000 for the fiscal year ending September 30, 1981; $2,625,000,000 for the fiscal year ending September 30, 1982; $2,775,000,000 for the fiscal year ending September 30, 1983; $2,930,000,000 for the fiscal year ending September 30, 1984; $3,090,000,000 for the fiscal year ending September 30, 1985; and $1,500,000,000 for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way) for the period beginning October 1, 1985, through September 30, 1990.".

(b) Such section 4(c)(3) is further amended by adding at the end thereof the following new subparagraphs:

"(E) Of the total sums appropriated pursuant to subparagraph (A) in each of the fiscal years 1982 through 1985, not less than 20 percentum shall be available for grants and loans for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way) and $1,500,000,000 shall be available for such purposes for the period beginning October 1, 1985 and ending September 30, 1990.

"(F) In any fiscal year beginning after September 30, 1980, not less than 5 per centum of the sums appropriated pursuant to subparagraph (A) of this paragraph for grants and loans under section 3 of this Act shall be obligated for projects in urbanized areas having populations of less than 200,000 and in areas other than urbanized areas.".

(c) The first sentence of section 4(e) of such Act is amended by inserting "and" before "$110,000,000" and by striking out "; and $120,000,000 for the year ending September 30, 1982".

(d) Section 4 of such Act is amended by adding at the end thereof the following:

"(j) Not more than $15,000,000 of the funds appropriated for any fiscal year pursuant to subsection (c)(3)(A) of this section may be used for the purposes of section 20 of this Act, including related administrative costs.".

(e) Section 4(h)(2) of such Act is amended to read as follows:

"(2) Not later than February 1 of each even-numbered year, the Secretary shall report to the Congress the Secretary's proposed authorization requests for sections 3 and 5 of this Act for the next succeeding five fiscal years. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary.".

(f) The Secretary shall conduct a study to determine whether factors other than those used under section 5(a) of the Urban Mass Transportation Act of 1964 could result in a more equitable and more feasible allocation method for determining apportionments under such section. The Secretary shall communicate the results of such study to the Congress in the first report required by section 4(h)(2) of the Urban Mass Transportation Act of 1964. In conducting such study, the Secretary shall consider and evaluate at least the following:

(1) passenger-related factors, including passenger miles traveled;

(2) the weighting of vehicle-related factors, including a weighting by size, age, type, and service pattern of commuter rail vehicles, heavy rail vehicles, light rail vehicles, trolley buses, express buses, exclusive busway service vehicles, buses, and demand service vehicles; and

(3) the views of State and local officials and public transportation service operators.

GRANTS FOR TRANSPORTATION CENTERS

SEC. 207. Section 4(d) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985,".

ADMINISTRATIVE AND OTHER EXPENSES

SEC. 208. Section 4(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and $105,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: "$125,000,000 for the fiscal year ending September 30, 1982; $135,000,000 for the fiscal year ending September 30, 1983; $150,000,000 for the fiscal year ending September 30, 1984; and $165,000,000 for the fiscal year ending September 30, 1985.".

EMERGENCY REPAIRS

SEC. 209. Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k)(1) An emergency fund is authorized for expenditure by the Secretary, in accordance with this subsection, for grants to States, and local public bodies and agencies thereof on such expedited terms and conditions as the Secretary shall provide, for repair or replacement of public transportation equipment and facilities which the Secretary finds have suffered serious damage as the result of (A) a natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides or (B) a catastrophic occurrence from any cause, which seriously disrupts scheduled public transportation services.

"(2) No funds shall be expended under this subsection unless the Secretary has received an application therefor from the State, local public body, or agency, as the case may be, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.

"(3) In each fiscal year, not more than $25,000,000 of the sums authorized by subsection (c)(3)(A) of this section are authorized to be appropriated to carry out this subsection.".

AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

SEC. 210. (a) Section 5(a) of the Urban Mass Transportation Act of 1964 is amended—

(1) in paragraph (1)(B), by striking out "each" and inserting in lieu thereof "the" and by striking out all after "1981" and inserting in lieu thereof a period;

(2) in paragraph (2)(B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period:

(3) in paragraph (3)(B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period;

(4) in paragraph (4)(B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period; and

(5) by adding at the end thereof the following:

"(5)(A) To finance grants for construction and operating assistance under this section and under section 18 of this Act, there are authorized to be appropriated not to exceed $1,970,000,000 for the fiscal year ending September 30, 1982; not to exceed $2,138,000,000 for the fiscal year ending September 30, 1983; not to exceed $2,310,000,000 for the fiscal year ending September 30, 1984; and not to exceed $2,490,000,000 for the fiscal year ending September 30, 1985.

"(B) In each fiscal year after fiscal year 1981 sums appropriated under this paragraph shall be apportioned as follows:

"(i) Six per centum shall be apportioned and used under section 18 of this Act.

"(ii) A percentage shall be apportioned for urbanized areas with populations of less than 200,000 which percentage shall be 10 per centum in fiscal year 1982 and shall, in fiscal years after fiscal year 1982, be that percentage such urbanized areas (determined on the basis of the latest available Federal census) would be entitled to of the sums authorized by paragraphs (1), (2), (3), and (4) of this subsection for the fiscal year ending September 30, 1981, by applying to all urbanized areas the formulas contained in such paragraphs as such paragraphs were in effect on September 30, 1980, and the amount so apportioned shall be available for expenditure in accordance with subparagraph (C) of this paragraph.

"(iii) The remainder shall be apportioned to urbanized areas with populations of 200,000 or more in accordance with subparagraph (D) of this paragraph.

"(C) Of the percentage apportioned for each fiscal year under clause (ii) of subparagraph (B) of this paragraph the amount which shall be made available for each State shall be determined by calculating for each urbanized area with a population of less than 200,000 in such State the sum of—

"(i) 50 per centum of the amount to be apportioned under such clause multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

"(ii) 50 per centum of the amount to be apportioned under such clause multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

Not less than 20 per centum of the sums apportioned to each State under clause (ii) of subparagraph (B) of this paragraph shall be used only for the purchase of buses and related facilities and equipment.

"(D) (i) For the fiscal year ending September 30, 1982, one-half of the amount apportioned under clause (iii) of subparagraph (B) shall be apportioned in accordance with clause (ii) of this subparagraph and one-half of such amount shall be apportioned under clause (iii) of this subparagraph. For each of the fiscal years beginning after September 30, 1982, all of the amount apportioned under clause (iii) of subparagraph (B) of this paragraph shall be apportioned in accordance with clause (iii) of this subparagraph.

"(ii) Of the amount to be apportioned under this clause, each urbanized area with a population of 200,000 or more shall be apportioned for fiscal year 1982 a percentage equal to the percentage such urbanized area would be entitled to of the sums authorized by paragraphs (1), (2), (3), and (4) of this subsection for the fiscal year ending September 30, 1981, by applying to all urbanized areas with a population of 200,000 or more the formulas contained in such paragraphs as such paragraphs were in effect on September 30, 1980. The amount of any apportionment to an urbanized area under this clause which is attributable to the factor calculated for paragraph (4) of this subsection under the preceding sentence shall be used only for the purchase of buses and related facilities and equipment.

"(iii) Of the amount to be apportioned under this clause, each urbanized area with a population of 200,000 or more shall be apportioned an amount equal to the sum of—

"(I) 80 per centum of the amount to be apportioned under this clause multiplied by the ratio which the number of revenue rail and bus vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of revenue rail and bus vehicle miles directly serving all such urbanized areas, except that no single eligible State's portion of such an urbanized area which has revenue rail vehicle miles shall be given credit for more than 45 per centum of the total national revenue rail vehicle miles, and no urbanized area of over 750,000 population which has revenue rail vehicle miles shall be given credit for less than ½ per centum of the total national revenue rail vehicle miles; and

"(II) 20 per centum of the amount to be apportioned under this clause multiplied by the ratio which the number of bus revenue vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of all bus revenue vehicle miles directly serving all such urbanized areas, except that sums apportioned to each urbanized area under this clause shall be used by the recipient only for the purchase of buses and related facilities and equipment.

Bus and rail revenue vehicle miles which a public body provides itself or under contract which directly serve an urbanized area with a population of 200,000 or more but are provided outside of such urbanized area shall be included in the apportionment of this clause. Any such rail revenue vehicle miles provided in a State adjacent to the State or States in which such urbanized area is located shall be attributed to the public body in the adjacent State which contracts, directly or indirectly, for such service as if the public body where an urbanized area with a population of 200,000 or more.

"(E) In the case of an urbanized area entirely within two States with both rail and bus systems operating in such two States, if the portion of such urbanized area within a State which portion has the smaller share of population receives a percentage of the aggregate amount apportioned to such urbanized area under subparagraph (D) (ii) (to the extent attributable to the factors calculated for paragraphs (1), (2), and (3) of this subsection as determined under such subparagraph) and subparagraph (D) (iii) (I) of this paragraph in any fiscal year which is lower than the percentage it was allocated of the amount apportioned to such urbanized area in the fiscal year 1980 apportionment under paragraphs (1), (2), and (3) of subsection (a) of this section, the Secretary shall make available to such smaller portion (from sums appropriated pursuant to this subparagraph) an amount equal to the difference between such percentages multiplied by the aggregate amount apportioned to such urbanized area under subparagraph (D) (ii) (to the extent attributable to the factors calculated for paragraphs (1), (2), and (3) of this subsection as determined under such subparagraph) and subparagraph (D) (iii)-(I) of this pragraph for such fiscal year. There are authorized to be appropriated such sums as may be necessary to carry out this subparagraph. Sums so appropriated shall remain available until expended.".

(b) (1) Section 5(b) of such Act is amended by adding at the end thereof the following:

"(3) (A) Beginning in fiscal year 1982, the Governor is encouraged to take into account service based factors, such as revenue vehicle miles, in distributing funds available to the Governor under paragraph (2) of this subsection.

"(B) Subject to subparagraph (C) of this paragraph, the Governor may transfer an amount of the State's apportionment under subsection (a) (5) (B) (ii) of this section to supplement the apportionment available to urbanized areas under subsection (a) (5) (B) (iii) of this section, or to supplement funds apportioned to the State under subsection (a) (5) (B) (i) for purposes of section 18 of this Act, and the Governor may transfer an amount of the State's apportionment under subsection (a) (5) (B) (i) or an amount of the total of apportionments to urbanized areas or portions thereof within such State under subsection (a) (5) (B) (iii) of this section to supplement the apportionment available under subsection (a) (5) (B) (ii) of this section.

"(C) The transfer of apportionments under subparagraph (B) shall be subject to the following conditions:

"(i) The total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment, or such total of apportionments under subsection (a) (5) (B) (iii), for such fiscal year by more than 25 per centum. Not more than 25 per centum of such original amount for any fiscal year shall be transferred to other apportionments.

"(ii) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment. If a transfer has been made to an apportionment under clause (iii) of subsection (a) (5) (B) of this section during any fiscal year, no transfer may be made from any apportionment under such clause within the same State during such fiscal year. No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such an apportionment. If a transfer has been made from an apportionment under clause (iii) of subsection (a) (5) (B) of this section during any fiscal year, no transfer may be made to any apportionment under such clause within the same State during such fiscal year.

"(iii) A transfer from an apportionment under subsection (a) (5) (B) (iii) to an apportionment under subsection (a) (5) (B) (i) may be made only if approved by responsible officials of local governments concerned.

"(iv) Amounts transferred shall be subject to the limitations applicable to the original apportionment of such amounts.".

(2) Section 5(b) (1) of such Act is amended by inserting after the first sentence thereof the following: "In the case of any urbanized area which is in more than one State, amounts apportioned to such area under subsection (a) of this section shall be distributed to the Governor of each such State in the case of an urbanized area with a population of less than 200,000, or to the designated recipient in the portion of the urbanized area in such State in the case of an urbanized area with a population of 200,000 or more.".

(c) (1) In section 3(a) (1) (B) of such Act strike out "apportionments under section 5(a) (4) of this Act" and insert in lieu thereof "apportionment under section 5 which are limited to the purchase of buses and related equipment".

(2) In section 3(h) of such Act strike out "with funds available under section 5(a) (4)" and insert in lieu thereof "with funds available under section 5 which are limited to the purchase of buses and related equipment.".

(3) Section 18(a) of such Act is amended by inserting "or the sums referred to in section 5(a) (5) (B) (i)" after "section 4(e)".

(d) Subsection (c) (3) of such section 5 is amended to read as follows:

"(3) Appropriations pursuant to the authority of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall be available until expended.".

AUTHORIZATION FOR PURCHASE OF BUSES AND RELATED MATERIAL

SEC. 211. The second sentence of section 5(a) (4) (A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" before "1980" and inserting in lieu thereof a comma and by inserting ", and 1981" after "1980".

INCENTIVE GRANTS FORMULA

SEC. 212. Section 5(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(6) (A) To make incentive grants under this subsection to urbanized areas, the Secretary shall apportion in each fiscal year beginning after September 30, 1981, the sums appropriated pursuant to subparagraph (C). An incentive grant shall be 4 per centum in fiscal year 1982 and 6 per centum in fiscal years beginning with fiscal year 1983 of that portion of the apportionment attributable to the urbanized area under paragraph (5) which is available for operating assistance if the urbanized area qualifies for an incentive grant under either subparagraph (B) (i) or (B) (ii) of this paragraph, but not under both subparagraphs, and a total of 6 per centum in fiscal year 1982 and 9 per centum in fiscal years beginning with fiscal year 1983 of such apportionment if it qualifies under both subparagraphs (B) (i) and (B) (ii). Incentive grants under this paragraph shall be supplementary to, and not in substitution for, sums otherwise available under this Act. Such grants shall not be subject to the local share requirements of this Act and may be used by the recipient for any purpose which would be eligible for assistance under this Act.

"(B) (i) An urbanized area will receive an incentive grant apportionment if mass transportation ridership for that area during any year exceeds such ridership for that area during the immediately preceding year by more than 4 per centum, as determined by the Secretary.

"(ii) An urbanized area will receive an incentive grant apportionment if the ratio of operating revenues, including such revenues as farebox receipts and dedicated tax revenues (including mandatory assessments paid by local governments on a net cost of service basis), to eligible operating expenses exceeds the national median ratio of such factors, as determined by the Secretary.

"(C) There are authorized to be appropriated for the purposes of this paragraph such sums as may be necessary. Sums so appropriated shall remain available until expended.".

MAINTENANCE OF EFFORT

Sec. 213. The first sentence of section 5(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and apportioned for fiscal years ending prior to October 1, 1981,".

FARES FOR ELDERLY AND HANDICAPPED PERSONS

Sec. 214. (a) Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection and as a condition of assistance under this Act any person who when boarding or paying mass transit fares, presents a medicare card duly issued to that person pursuant to title II or title XVIII of th Social Security Act shall receive the benefit of the rates established pursuant to this subsection for elderly or handicapped persons.".

(b) This section shall take effect ninety days after the date of enactment of this Act.

ENERGY CONSERVATION

Sec. 215. Section 8(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" before "(2)"; and

(2) by inserting before the period at the end of such section the following: ", and (3) on or after July 1, 1983, the Secretary finds that in developing the program of projects adequate consideration has, to the maximum extent feasible, been given to projects designed to increase energy efficiency of mass transportation facilities and equipment, including for capital projects consideration of renewable-resource recovery and energy conservation measures".

MINIMUM FUNDING LEVEL

Sec. 216. Section 18(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, for any fiscal year beginning on or after October 1, 1981, no State (other than the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands) shall be allocated less than one per centum of the amount appropriated under this section.".

AREAS OTHER THAN URBANIZED AREAS

Sec. 217. Section 18(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "The State, in cooperation and consultation with appropriate local officials, and substate planning entities if any, shall develop a State plan for nonurbanized area public transportation equipment and services. After September 30, 1983, the program required under this section shall be consistent with such State plan.".

TERMINAL DEVELOPMENT AUTHORIZATION

Sec. 218. Section 21(d) of the Urban Mass Transportation Act of 1964 is amended by inserting "and" after "1980," and by striking out "and September 30, 1982." and inserting in lieu thereof the following: "and $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

INTERCITY BUS SERVICE AUTHORIZATION

Sec. 219. Section 22(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "and" after "1980," and by striking out "and September 30, 1982." and inserting in lieu thereof the following: "and $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1984, and September 30, 1985.".

SAFETY CRITERIA

Sec. 220. Section 107 of the National Mass Transportation Assistance Act of 1974 is repealed. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"SAFETY CRITERIA AND DETERMINATIONS

"Sec. 23. (a) Notwithstanding the provisions of section 12(d), the Secretary is authorized to establish safety criteria and standards for use during the investigation of unsafe conditions in any facility, equipment, or manner of operation of any transit system financed under this Act.

"(b) The Secretary shall investigate conditions in any facility, equipment, or manner of operation of any transit system financed under this Act which he believes may create a serious hazard of death or injury for the purposes of determining the nature and extent of the conditions and the means or alternative means which might best be employed to eliminate or correct them. If the Secretary determines that any facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or the approved plan is implemented.

"(c) No part of any report or other document prepared as part of any unsafe condition investigation under subsection (b), shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.".

PLANNING PROCESS EVALUATION

Sec. 221. The Secretary of Transportation shall make an evaluation of the urbanized area planning process carried out under the provisions of section 8 of the Urban Mass Transportation Act of 1964 and under section 134 of title 23, United States Code. Such evaluation shall consider ways to make more efficient the planning process, to reduce its cost, to reduce paperwork, to avoid duplication of effort, and to increase public understanding of the results of such planning process. The Secretary's findings and policy recommendations, including a description of any statutory changes which may be necessary to implement such recommendations, shall be reported to Congress not later than one year from the date of enactment of this section.

STUDY OF CERTAIN HIGH OCCUPANCY VEHICLE LANES

Sec. 222. (a) Not later than January 1, 1983, the Secretary of Transportation, after consultation with appropriate State and local officials, shall conduct a feasibility study and cost-benefit analysis, and submit to Congress a report, on (1) adding high occupancy vehicle lanes to freeways in the South Coast Air Basin of southern California, (2) adding such lanes to any freeway providing service to Ontario International Airport, Ontario, California, Orange County Airport, Orange County, California, Long Beach Airport, Long Beach, California, or Los Angeles International Airport, Los Angeles, California, (3) adding such lanes to any freeway providing service to those airports in other regions of the country which the Secretary determines are sufficiently representative that the results of such study will be of general application, including, but not limited to, at least one airport having intermodal connections, and (4) providing fringe parking and other facilities and services for users of such airports which will reduce traffic congestion, promote energy conservation, and reduce air pollution. Such study shall also include developments forecasted for other modes of intercity transportation as they relate to airports which are the subject of the study authorized by this section.

(b) The report prepared under subsection (a) shall include, but not be limited to—

(1) the results of the study and analysis conducted under such subsection; and

(2) the recommendations of the Secretary of Transportation concerning (A) any freeways to which he determines high occupancy lanes should be added, (B) any facilities or services which he determines should be provided for users of the airports referred to in such subsection, and (C) any legislative action which he determines is necessary to implement his recommendations under subparagraphs (A) and (B) of this paragraph.

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

Sec. 223. (a) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which ensures that no handicapped person who cannot reasonably use one or more modes of mass transportation service available to the general public is denied effective transportation services by a recipient. For purposes of this subsection, a program which provides effective transportation services is one which—

"(A) provides that the recipient will provide transportation to such handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(C) provides that, if the recipient charges a fare for transporting such a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(D) provides that—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to any such handicapped person upon request in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to any such handicapped person upon request in less than eight hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than six hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(E) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(F) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(G) provides that the recipient will provide transportation to handicapped persons for at least the same time period for which the recipient provides mass transportation to the general public;

"(H) provides that information concerning the availability of the transportation to be provided under the program will be widely and regularly disseminated; and

"(I) provides that transportation will be provided to such handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable, to the extent operationally practicable, to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public, except that nothing in this subparagraph shall require retrofitting of rail systems beyond that required by paragraph (8) of this subsection. Each program submitted under this subsection must provide that any new inaccessible buses purchased with Federal financial assistance will be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses accessible to and usable by handicapped persons. A recipient's program shall be deemed to meet the requirements of this paragraph with respect to a mass transportation corridor if the recipient provides accessible bus service in such corridor. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(3) The Secretary shall not approve a program under this subsection unless (A) the program has been developed in consultation with the community of handicapped persons in the recipient's service area, and (B) the program has been approved by the metropolitan planning organization (or, in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments concerned).

"(4) A recipient may amend a program approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) such amendment was developed in consultation with the community of handicapped persons in the recipient's service area, and (C) the amendment has been approved by the metropolitan planning organization (or, in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments concerned).

"(5) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Architectural Barriers Act of 1968 (Public Law 90–480) and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation of handicapped persons served under such program. Nothing in this subsection shall be construed to limit the availability of private remedies available under title V of the Rehabilitation Act of 1973. Any judicial remedy seeking to direct a Federal official to withhold financial assistance shall not be available without prior resort to the Secretary, unless the complainant alleges and a court of competent jurisdiction finds that the exhaustion of the administrative procedure under this subsection would be futile or would deny timely relief, and any such remedy shall not be available to a greater extent than provided for under this subsection. Nothing in this subsection shall be construed to allow a recipient to prohibit the use of facilities and equipment available to the general public by handicapped persons able to use such facilities and equipment.

"(6)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 per centum of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(7) Each recipient for which a program respecting transporation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(8) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transporation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway or waterborne system constructed after the date of enactment of this subsection;

"(B) to the extension of any fixed guideway or waterborne system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multiyear program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system in any case in which the Secretary determines that the replacement, major alteration, or major renovation of such segment (i) affects or could affect the accessibility of such segment, (ii) has sufficient independent utility for the transportation of handicapped persons, and (iii) can feasibly make such segment accessible or more accessible to handicapped persons.".

(b) Section 10723(b) of title 49, United States Code, is amended—

(1) by striking out "totally blind" in paragraph (2)(A) and inserting in lieu thereof "handicapped"; and

(2) by adding at the end of such section the following new paragraph:

"(3) For purposes of this subsection, an individual is handicapped if any mental or physiological disorder or condition or anatomical loss substantially limits such individual's ability to walk, see, hear, or learn.".

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

Sec. 224. (a) The Secretary of Transportation shall carry out a demonstration project using high-speed waterborne transportation equipment and facilities and operating in, and in the vicinity of, Portland, Oregon, for the purpose of determining the feasibility of utilizing this technology in providing certain public mass transportation service. The Secretary shall report to Congress the results of such project no later than September 30, 1983, together with his recommendations.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not to exceed $25,000,000. Sums appropriated under this section are authorized to remain available until expended.

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman of New Jersey (Mr. Howard)?

There was no objection.

(By unanimous consent, Mr. Howard was allowed to proceed for 5 additional minutes.)

Mr. HOWARD. Mr. Chairman, in order to provide a complete explanation of my amendment in the nature of a substitute, I would like to review briefly the background of this legislation and how it relates to the development of my amendment.

The Committee on Public Works and Transportation, through its Subcommittee on Surface Transportation, has spent this entire Congress in working on major initiatives for improving the energy efficiency of our basic transportation systems through amendments to the Federal-aid highway laws and the Urban Mass Transportation Act of 1964. The committee held hearings on July 10, 12, 17, and 18, 1979, and received testimony from many organizations, including: The Secretary of Transportation, several Members of Congress, Governors, the American Public Transit Association, the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the American Bus Association, transportation equipment manufacturers, and many others. On May 14, 1980, the committee filed its report on the bill, H.R. 6417. I fully supported that report as a bipartisan product of the committee deliberation process.

The committee-reported bill contained several important provisions—including the local option handicapped transportation section which the distinguished gentleman from New Hampshire (Mr. Cleveland), developed as a result of lengthy hearings held by the Oversight and Review Subcommittee of the Committee on Public Works and Transportation. This amendment received broad support in the committee, having been sustained by a full committee vote of 29 to 6, and truly represents a courageous effort to provide a more reasonable approach to the problem of local transportation for the handicapped. However, after the committee reported the legislation, many, many Members of this body voiced their concerns to me and to the distinguished chairman of the full committee about the Cleveland amendment and the controversy which a very articulate and aggressive group of handicapped persons generated.

Because the Committee on Public Works and Transportation has always supported, on a bipartisan basis, the need for special efforts for the handicapped throughout public transportation systems, the committee entered into the most lengthy negotiating process which I have seen during my tenure in the House. One senior staff member of the committee spent more than 200 working hours meeting with representatives of the Department of Transportation, affected committees and interested Members of both bodies, and a very broad spectrum of organizations for the handicapped. I spent countless hours myself. I cannot tell you how difficult a process this has been. I know that all parties involved participated on a sincere basis and in a forthright manner. The committee pursued this process with a view toward assisting any future conference committee work on the bill.

However, because of the time these negotiations consumed, and because of the constraints on the postelection session, it became apparent that the only viable way to proceed on this legislation was to work with the other body to develop some consensus so that both bodies could pass the legislation with this single amendment in the nature of a substitute and advance the bill to the White House expeditiously. Realizing that complete satisfaction cannot be achieved, I believe my amendment represents such a consensus. It has three principal features.

First, the funding levels in my amendment would result in cutting authorized amounts in the committee-reported bill by one-fourth. Second, the amendment is strongly influenced by the service factor approach taken in S. 2720 for the operating assistance formula. Third, it retains the basic approach of the Cleveland amendment, but clarifies the existing Federal commitment as to the availability of handicapped transportation.

Mr. Chairman, a comparison of the specific funding levels in my amendment with the amounts authorized in S. 2720 and the committee-reported bill demonstrates how budget conscious this compromise is:

TITLES I AND II, FISCAL YEARS 1981–85

[In billions of dollars]

	Senate bill	House report	Compromise amendment
Title I	1.750	6,272	3,772
Title II	24,765	[1] 27.667	[2] 25.573
Total	26,515	33.939	29.345
Total new authorizations	17.795	[1] 24.958	[2] 20.354

TITLE I, FISCAL YEARS 1981–85

Energy impacted	1.750	1.750	1.500
TSM		3.750	1.500
Energy relief		.750	.750
Carpools and vanpools		.022	.022
Total	1.750	6.272	3.772
Existing authorization		.271	.271
New authorization	1.750	6.001	3.501

TITLE II, FISCAL YEARS 1981–85

Sec. 3	13.910	[1]15.165	[2]13.910
Sec. 5 (total)	10.195	[3]11.170	10.683
Operating	(7.698)	(7.975)	(7.999)
Capital	(1.964)	(2.475)	(2.040)
Sec. 18	(.534)	[3](.720)	(.644)
Administration and R. & D.	[4].470	.905	.675
Miscellaneous	.190	.437	.305
Total	24.765	27.677	25.573
Existing authorization	−8.720	−8.720	−8.720
New authorization	16.045	[1]18.957	[2]16.853

[1] Not included is $4.75 billion authorization for 1986–90.

[2] Not included is $1.5 billion authorization for 1986–90.

[3] Committee reported bill did not combine sec. 18 into sec. 5.

[4] Senate bill had funds necessary for administration to be in addition to this total.

Overall this amendment cuts funding in the reported bill by 25 percent.

Basically, my amendment would reduce the amounts authorized for public transportation capital projects in fiscal years 1981 through 1985 to the Senate level of $13.9 billion and would reduce the 1986 through 1990 lump sum for such projects from $4.75 billion to $1.5 billion. My amendment would reduce mass transit formula grant assistance authorizations for fiscal years 1981 through 1985 from the $11.170 billion in the reported bill to $10.683 billion, closer to the $10.195 billion in S. 2720. My amendment also would cut the TSM program from $3.75 billion to $1.5 billion.

Title I of my amendment includes parallel provisions to all of the sections in title I of the bill, as reported by the committee.

SECTION 102—EMERGENCY RELIEF

Section 102 of the reported bill amends section 125 of title 23, the Federal-aid highway emergency relief provision, by increasing the annual authorization from $100 million to $150 million for fiscal year 1980 and for all subsequent fiscal years. My amendment is identical to the committee-reported version of section 102, except that section 102 of my amendment increases the fiscal year 1980 authorization to $350 million. This increase conforms the authorizatoin to the increase provided for emergency relief in the 1980 Supplemental Appropriations Act (Public Law 96–304).

SECTION 103—TRANSPORTATION SYSTEMS MANAGEMENT

Section 103 of the reported bill creates a new transportation systems management categorical grant program by amending section 135 of title 23. Transportation systems management, or "TSM," embodies energy conservation projects on nontoll public roads to reduce traffic congestion and facilitate traffic flow on the Federal-aid highway systems. These energy conservation projects include, but are not limited to, traffic channelization measures, improved traffic control signalization, preferential treatment for high occupancy vehicles, passenger loading areas and facilities, fringe and corridor parking facilities, carpool and vanpool promotion, bicycle transportation, separation of pedestrian and vehicular traffic and related technical assistance projects. Even relatively simple measures, such as larger or more legible street signs, can cut down on traffic flow interruptions and markedly improve the energy efficiency of highway system operations.

Section 103 of the reported bill provides authorizations of $250 million for fiscal year 1981 and successive increases of $250 million each fiscal year, rising to a fiscal year 1985 authorization of $1.25 billion. Section 103 of my amendment contains no fiscal year 1981 authorization. Rather, it includes $300 million for fiscal year 1982, $350 million for fiscal year 1983, $400 million for fiscal year 1984 and $450 million for fiscal year 1985.

SECTION 104—ENERGY-IMPACTED RAIL AND HIGHWAY TRANSPORTATION

Section 104 of the reported bill creates a new energy-impacted rail and highway transportation program. This body overwhelmingly aprpoved similar provisions in the 1978 Surface Transportation Assistance Act which were not included in that final legislation. In contrast, during this Congress, the other body has already approved a section virtually identical to section 104 of the reported bill. Section 104 of my amendment is similar to section 104 of the reported bill; however, it does not include a fiscal year 1981 authorization. My amendment does retain the authorizations of $300 million for fiscal year 1982, $350 million for fiscal year 1983, $400 million for fiscal year 1984 and $450 million for fiscal year 1985. The Federal share would be 80 percent, subject to the existing FHWA regulations concerning the railroad's share.

SECTION 105—CARPOOLS AND VANPOOLS AUTHORIZATION

Section 105 of both the reported bill and of my amendment would make identical changes to the carpool and vanpool authorization contained in section 126(f) of the Federal-Aid Highway Act of 1978. The authorized funding in this section is relatively low, especially when compared with the tremendous energy savings achieved through ride-sharing.

SECTION 106—OBLIGATION LIMITATIONS

Section 106 of the reported bill and my amendment prescribes an $8.75 billion ceiling on the authority of the Federal Highway Administration during fiscal year 1981 to obligate funding for most of the Federal-aid highway and highway safety construction programs. This section would supersede a similar $8.75 billion obligation limitation provision in the fiscal year 1981 Transportation Appropriations Act (Public Law 96–400).

SECTION 107—BRIDGE CONSTRUCTION

Section 107 of my amendment is necessary to authorize the use of certain existing Federal funds for the completion of the Auburn-Foresthill Bridge as a four-lane bridge.

SECTION 108—REIMBURSEMENT

Section 108 of my amendment gives the Secretary of Transportation the needed authority to waive technical compliance with Federal requirements in the acquisition of certain real property in connection with a highway project in Santa Rosa, Calif. Section 108 would allow the State of California to use a portion of its Federal-aid apportionment to reimburse the city of Santa Rosa for costs already incurred by the city in connection with a project which already meets the Federal standards.

SECTION 109—PARKING FACILITIES

Section 109 of my amendment authorizes certain parking facilities as an eligible Interstate System project. This provision permits the Secretary of Transportation to approve Interstate System funding for publicly owned parking facilities located and designed in conjunction with existing or planned public transportation automated distribution facilities.

SECTION 202—ADVANCE ACQUISITION OF RIGHTS-OF-WAY

This section is identical to section 202 in the bill reported from committee. It clarifies that the Secretary has the discretion to give grants for the acquisition of rights-of-way for fixed guideway projects in advanced stages of detailed alternatives analyses. In those instances where the Secretary chose to use this authority, the grant to acquire land would be governed by all the statutory conditions that apply to section 3 grants. This provision offers the opportunity to achieve substantial cost savings.

SECTION 203—LETTER OF INTENT

Section 203(a) is identical to the provision in the bill reported from Committee and adds an additional requirement to the letter of intent provision contained in section 3(a)(4) of the Transit Act. This provision will require the Secretary to give 30 days advance notice to Congress before the Department issues a formal letter of intent for a large, multiyear capital project.

Section 203(b) places a temporary moratorium on the announcement of letters of intent which would be issued pursuant to the increased authorizations of these amendments. The moratorium will be lifted on January 31, 1981.

SECTION 204—ALLOCATION PLAN

Section 204 is a provision which is designed to bring a measure of predictability to State and local modernization programs for rail mass transportation systems. The concept is similar to the concept which guides the highway program's interstate cost estimate; that is, sums should be distributed on the basis of cost and need. The provision is based on a provision contained in the Senate-passed transit bill and has been revised to strengthen the oversight role of the Congress. After Congress adopts the allocation plan proposed by DOT, it becomes the basis for allocating 75 percent of the sums appropriated for rail modernization.

SECTION 205—ADVANCE LAND LOANS

Section 205 would revise the advance land acquisition loan program currently contained in section 3(b) of the UMT Act. The current statute has had limited use because it requires the loan to be paid back within 10 years. This amendment will give the Secretary the authority to establish a longer loan period if the applicant can show that a longer period would enhance the viability of the transit project. The provision is similar to a provision contained in the Senate bill.

SECTION 206—DISCRETIONARY GRANT OR LOAN AUTHORIZATIONS

(a) This subsection of the amendment accepts the lower Senate program levels for extending the section 3 grant and loan program. It adds $9.515 billion to existing authorizations for a total of $15.62 billion.

[In billions of dollars]

	Existing authorizations	Added authorizations	Total in compromise
1980	1.410	0.300	1.710
1981	1.515	.975	2.490
1982	1.600	1.025	2.625
1983	1.580	1.195	2.775
1984		2.930	2.930
1985		3.090	3.090
Total	6.105	9.515	15.620

This makes $13.91 billion available for use between now and 1985 to assist in the purchase of facilities and equipment to improve mass transportation systems in the country. In addition, the subsection authorizes $1.5 billion for 1985 to 1990 to back up the letter of intent mechanism for the funding of new rail systems, rail extensions, and automated fixed guideways, including the advance acquisition of rights-of-way. These increased levels are made possible by revenues from the windfall profit tax.

(b) This subsection continues two provisions in our original committee-reported bill. First, it assures that not less than 20 percent of the sums appropriated will be available for new rail transit, rail extensions, and automated fixed guideways. Our original bill specified amounts in excess of that percentage. In similar fashion, it also assures that not less than 5 percent of the sums appropriated will be obligated in smaller urbanized areas, those of less than 200,000 population.

(c) This subsection ends the authorization for section 18 of the act. New authorizations for this program are included in section 210 as 6 percent of apportionments of the new combined section 5 program. For the first time, this will allow all formula assistance funds to be unified in one program.

(d) There were comparable provisions in the Senate and committee-reported House bill to specifically authorize portions of section 3 funding to be used to fund the section 20 human resource programs. This subsection specifies a total dollar amount that can be used for bonding and venture capital, administrative costs employment training programs, outreach programs to increase minority and female employment in public transportation, research on public transportation manpower and training needs, and training and assistance of minority business opportunities.

(e) This subsection continues the provision which we included in the 1978 legislation that requires the Secretary of Transportation to report to Congress on proposed authorizations every 2 years covering the next succeeding 5 fiscal years.

(f) This subsection requires the Secretary of Transportation to undertake a study of the section 5 formula allocation factors and report to Congress the result of such study with the first report submitted under subsection (e).

The shift from a section 5 population-based formula to a service-based program will altar many urbanized areas' need for section 3 funds. The Secretary shall give priority to grant applications for section 3 funds for projects that were previously applied for using section 5 funds, tiers I and II, and for which the applicant withdraws or amends the application so that the section 5 funds will be used for an application for operating assistance. The Secretary shall give priority to grant applications for section 3 funds for capital projects that were previously programed for section 5 funds, tiers I and II, and that the section 5 funds are to be used for operating assistance. The Secretary shall also give priority from section 3 funds for grant applications for projects that were previously applied for under the section 5 tier IV category, which tier IV apportionment has been reduced as the result of changes in the formula. This shall apply to multiyear grants covered by letters of intent as well as individual grant applications prior to fiscal year 1983. Developing public transit systems that have been adversely affected by the formula change should be given high priority access to section 3 discretionary funds, insuring continuing system development commensurate with the size and population of their service areas.

SECTION 207—GRANTS FOR TRANSPORTATION CENTERS

This section is identical to the provision in the bill reported from committee. It reauthorizes the section 11(b) university education centers grant program at $10 million per year through 1983. This is the same annual authorization level contained in current law through 1982.

SECTION 208—ADMINISTRATIVE AND OTHER EXPENSES

This section authorizes the miscellaneous authorizations section of the UMT Act, which includes authorizations for administrative, research, development, demonstration, and training expenses. The levels proposed in the amendment are reduced by $120 million for the reported bill.

SECTION 209—EMERGENCY REPAIRS

This provision is substantively identical to a provision contained in the committee bill. This section would authorize a category of capital projects which would be limited to the repair or replacement of existing transit facilities and equipment recently demaged as a result of a natural disaster or catastrophic occurrence. Grants would be given at the normal UMTA 80-percent share and would be funded from any section 3 appropriations but limited to $25 million annually. This provision does not authorize additional appropriations, but it does permit the Secretary to approve a grant conditioned upon subsequent compliance with applicable statutory conditions. Although labor protection provisions would apply to grants under this subsection, it is expected that the Department of Labor would expeditiously certify projects for funding based on 13(c) agreements between the applicant and affected labor organizations for capital grants currently in effect.

SECTION 210—AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

Section 210 creates a major restructuring of the UMTA formula grant programs. It was developed after a thorough analysis of various alternatives presented to the committee and incorporates features of the administration's proposal, the Senate-passed bill, and the committee bill. The major feature of the bill is to retain the current formulas for rural areas and for urbanized areas with fewer than 200,000 people but to revise the formula for the larger urbanized areas. After a 1 year transition in 1982, funds will be distributed to larger urbanized areas based entirely on factors of the level of service provided. For 1982, funds will be apportioned to such areas half based upon the existing formula and half based upon factors of the level of service provided. The purpose of these changes is to increase the equity of the allocation of Federal operating assistance over time. This amendment also reduces the section 5 authorizations proposed in the bill reported by the committee by $487 million.

In 1982, the amendment would allocate appropriations among the groups of rural, small urbanized, and large urbanized areas in approximately the same rates that they would receive under the current program, and in 1983 through 1985 the amendment allows census results to begin to effect the allocations. Within these groups, the rural areas will receive apportionments based on their share of the population of rural areas, small urbanized areas will have funds apportioned to their Governors based on the share of population and population density for all such areas, and large urbanized areas will be allocated funds based on bus and rail revenue vehicle miles and half on the existing formula. Notwithstanding the provisions of Office of Management Budget Circular A-40, the Secretary should act quickly to obtain reliable and current revenue vehicle mile data. "Revenue vehicle miles" means the sum of the number of miles that each transit vehicle travels while in revenue service.

The committee expects that the administrative definition of revenue vehicle miles would include, to the extent feasible and appropriate, all scheduled route mass transportation service and special or flexible route mass transportation service operated by or under contract to a public body as part of an overall public transportation program. At least 20 percent of the funds that go to large and small urbanized areas after 1982 must be spent for bus capital projects. The concept of vehicles directly serving a large urbanized area has been clarified so that bus service such as that connecting Ogden, Utah, to Salt Lake City, Utah (which Salt Lake City operates), will be included in Salt Lake City's apportionment.

Furthermore, rail vehicle miles subsidized by a State, such as those which Connecticut subsidizes outside of the New York urbanized area, should be included in the calculation and allocated to the appropriate public body in Connecticut.

A hold-harmless provision is included for areas such as Gary, Ind., so that they will not receive, in the future, smaller than the percentage of the urbanized area apportionment than they receive now.

As a response to recommendations from GAO, a provision has been included which allows limited types of transfers among the three groups of areas. Capital apportionments transferred are subject to the original limitation of being used only for capital purposes.

Section 210(d) incorporates a provision contained in both the Senate and House bills. It permits sections 5 and 18 funds to be appropriated a year in advance of the fiscal year in which they will be obligated by UMTA.

SECTION 211—AUTHORIZATION FOR PURCHASE OF BUSES AND RELATED MATERIAL

Section 211 amends section 5(a)(4)(A) of the Urban Mass Transportation Act to provide that the Secretary of Transportation apportion fiscal year 1981 bus capital funds according to the same population density formula used in fiscal years 1979 and 1980. Thus, this amendment ratifies the method which the administration has already used in making apportionments for fiscal year 1981.

SECTION 212—INCENTIVE GRANTS FORMULA

Section 212 of the amendment adds an incentive grants formula program to the operating assistance section for encouraging areas to increase mass transportation ridership and to improve local financial and operating efficiency efforts. In effect, this section requires the Secretary of Transportation to pay a bonus, on account of an urbanized area's performance, equal to a certain percentage of its operating assistance apportionment.

SECTION 213—MAINTENANCE OF EFFORT

Section 213 continues the existing maintenance of effort requirement in section 5(f) of the Urban Mass Transportation Act beyond its fiscal year 1981 expiration date.

SECTION 214—FARES FOR ELDERLY AND HANDICAPPED PERSONS

Section 214 of my amendment is identical to section 210 of the reported bill and section 114 of S. 2720. Section 214 establishes the medicare card as a universal means of identification for elderly and handicapped persons who wish to use public mass transportation at a reduced fare.

SECTION 215—ENERGY CONSERVATION

Section 215 of the amendment would require that the Secretary not approve any program of projects for public transportation after July 1, 1983, unless he finds that energy conservation has been adequately considered in the development of capital and operating expense projects included in the program. This provision is similar to a provision in the Senate bill.

SECTION 216—MINIMUM FUNDING LEVEL

Section 216 amends the section 18 rural formula program to insure that each of the 50 States will receive at least 1 percent of the amount appropriated annually. The provision is similar to a provision in the Senate bill. Amounts should be appointed to each of the 50 States and then normalized so that no State receives less than 1 percent.

SECTION 217—AREAS OTHER THAN URBANIZED AREAS

This section amends the section 18 rural formula grant program to insure that, after September 30, 1983, projects funded under section 18 will be consistent with an overall State plan. The plan should be developed as part of a consultative process within the State which avoids extensive redtape in planning requirements.

SECTION 218—TERMINAL DEVELOPMENT AUTHORIZATION

Section 218 continues to authorize funds for the intercity bus terminal development program contained in section 21 of the Urban Mass Transportation Act. Section 218 authorizes $20 million per year, which is $20 million per year less than provided by existing law and the House-reported bill. There is no comparable Senate provision.

SECTION 219—INTERCITY BUS SERVICE AUTHORIZATION

Section 219 continues to authorize funds for the intercity bus operating grant program contained in section 22 of the Urban Mass Transportation Act. Section 219 authorizes $20 million per year, which is $10 million per year less than provided by existing law and the House-reported bill. There is no comparable Senate provision.

SECTION 220—SAFETY CRITERIA

This section is basically the provision contained in the committee-reported bill. It would permit DOT to establish safety criteria and standards as tools for use during investigations of unsafe conditions and to use them to determine the nature and extent of the unsafe conditions and the best means or alternative means for correcting them. The Secretary should consult with the affected transit system during the investigation. If the Secretary determines that there is an unsafe condition, the Secretary could require the affected transit system to prepare and implement a corrective action plan, in consultation with the Secretary.

Subsection (c) of the amendment is intended to prevent safety investigation reports and other documents from being used by third parties in litigation arising out of the unsafe conditions being investigated.

SECTION 221—PLANNING PROCESS EVALUATION

Section 221 requires the Secretary of Transportation to conduct a study of the urbanized area planning process and report to Congress on proposed statutory and administrative changes to make the process work better. Within 1 year, the Department should submit a report to Congress that is not longer than 25 pages. This provision is contained in the committee bill.

SECTION 222—STUDY OF CERTAIN HIGH OCCUPANCY VEHICLE LANES

Section 222 requires the Department of Transportation to conduct a feasibility study of adding high occupancy vehicle lanes to freeways serving southern California airports and other representative airports, including at least one with intermodal connections, to assess the benefits and costs of adding these lanes. Any construction would have to be funded from other construction programs since no funds are provided under this section. This provision is identical to a provision contained in the committee bill.

SECTION 223—MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

The purpose of this provision is to increase the effectiveness of transportation services developed under section 223 while maintaining the integrity of the local option concept contained in the original provision. This amendment is a compromise between the House and the Senate provisions. I believe it is imperative to take time now to explain this amendment in detail in order to avoid confusion in the future as to its intent.

This amendment has been termed a local option provision because it allows localities to utilize options other than full system accessibility in providing transportation services to meet the needs of handicapped persons. The amendment does not negate the mandate of section 504 of the Rehabilitation Act of 1973 nor undermine the civil rights of handicapped persons. Indeed, by providing an alternative approach to complying with the section 504 mandate as it relates to transportation, it reaffirms this mandate. The Committee on Public Works and Transportation intends and believes that the local option approach outlined in this amendment is consistent with the principles of section 504 and will utilize the committee resources necessary to assure this amendment's success.

Furthermore, the inclusion of this amendment in H.R. 6417 is not intended to imply that accessible transportation services are no longer a national goal. A real need still exists for the development of more cost effective methods to achieve accessibility in both bus and rail systems. I am mindful, as are my colleagues, of the monetary and technological constraints involved in this process and the dangers of forcing technology development. However, acknowledgement of these short term constraints does not diminish the importance of working toward the goal of accessible public transportation services in the long run.

The committee fully expects research and development funds available under the provisions of the Urban Mass Transportation Act of 1964 to be used to move toward the goal of more cost effective, accessible transportation services. With regard to buses, the committee foresees improvements in the low-floor, wide-door design that will overcome the current obstaces of satisfying safety, air quality and noise standards while maximizing passenger capacity, fuel efficiency and reliability as well as minimizing production and maintenance costs.

Furthermore, the committee is hopeful that research and development efforts will make the goal of retrofitting the most critical inaccessible rail stations economically feasible. In this regard, the committee is pleased to learn of research and development projects supported by the Department of Transportation in the area of elevator and vertical equipment technology. Research has been undertaken to make escalators usable and safe for handicapped persons. In addition, an April 1980 Transportation Research Board conference report described three new concepts—inclined elevators, side-supported cabs on vertical rails and people moving capsules. The driving force behind these concepts is development of a mechanism for vertical movement within existing inaccessible stations that will not require massive structural modifications to the facilities. It is currently not feasible to forecast the potential savings from these concepts, particularly the latter two, because of the need for development, prototype construction and testing for compliance with building codes. However, it is this kind of technology that the committee believes the Department of Transportation should continue to monitor so that accessibility to older rail stations ultimately will become more economically feasible.

With this background in mind, I would like next to outline the provisions of this amendment. As an alternative to the Department of Transportation's section 504 regulations, this amendment allows any recipient of Federal financial assistance under the Urban Mass Transportation Act of 1964 to develop, in consultation with the local handicapped community in the service area, an alternative transportation program that will meet the public transportation needs of handicapped persons in the service area who are unable to use one or more modes of mass transportation facilities and equipment used by the general public. An alternative transportation program must be approved by the Secretary of Transportation, in consultation with the Architectural and Transportation Barriers Compliance Board. The Secretary will not approve an alternative transportation program unless it has been developed with the required broad consultation with the handicapped community and meets the following service criteria:

First, service for handicapped persons is operated throughout the same service area and the same hours as that provided the general public;

Second, fares charged handicapped persons are not more than those charged the general public for traveling a comparable distance on public transit;

Third, service is provided to handicapped persons regardless of trip purpose;

Fourth, where feasible, handicapped persons utilizing the service may be accompanied by at least one person who otherwise is not eligible for the service;

Fifth, information regarding the availability of the service is widely and regularly disseminated;

Sixth, preregistration for the service, if required, is not unduly burdensome on handicapped residents or handicapped visitors;

Seventh, the requested transportation must be provided in a time period less than 24 hours after receipt of such request during the first 2 years after the date of program approval by the Secretary; less than 8 hours after receipt of such request during the following 2 years; and less than 6 hours thereafter; and

Eighth, to the extent operationally practicable, trip time and transfer frequency is reasonably comparable to that required if taken on the public transit system.

A recipient is deemed to comply with these standards for a particular mass transportation corridor if it provides accessible bus transit service in the corridor. In addition, any new inaccessible buses purchased with Federal financial assistance must be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses accessible to and usable by handicapped persons.

Furthermore, any new fixed rail system constructed after January 1, 1970, any other fixed guideway or waterborne system constructed after the date of enactment of this act and the extension of any fixed guideway or waterborne system must be fully accessible to handicapped persons. A station must be made accessible at the time of replacement, major alteration or major renovation if that station is part of a multiyear program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system and the Secretary determines that the replacement, major alteration or major renovation of the usable segment affects or could affect the accessibility of the segment, has sufficient independent utility for transportation of handicapped persons and can feasibly make the segment accessible or more accessible to handicapped persons.

Although the criteria I just described as well as the mechanism used to enforce the criteria are clearly stated in the amendment, I believe it is important to clarify the intent of this provision as a whole as well as specific aspects of the service criteria.

The major thrust of this amendment is to provide recipients with flexibility in developing a transportation program appropriate to the particular needs of handicapped persons in their service area. The key to this flexibility is the wide range of options available in developing an alternative transportation program.

At one end of the continuum, this amendment allows a recipient to develop an alternative transportation program that does not include the purchase of any accessible buses. The alternative transportation program could provide specialized services only to severely disabled persons, such as wheelchair users and other nonambulatory persons, while, under section 504, the public transportation system is made more accessible to handicapped persons who currently can use these services with difficulty through small, relatively low-cost methods such as providing additional handrails on transit vehicles, purchasing "kneeling" buses and installing public address systems and guideways in fixed facilities to assist blind persons. The committee expects that the kneeling mechanism on the buses will be operated and all other facilities and equipment will be put to good use.

If a community provides some accessible transit service but does not totally satisfy the requirements of the Department's 504 regulations, it is not intended that any alternative transportation program must provide a duplication of service; that is, that a handicapped person should have a choice of using conventional transit, either bus or rail, or specialized services in reaching a destination. Instead, if some accessible transit is provided, only complementary specialized services are required.

Thus, if accessible transit service is operated along a particular public transit corridor, there is no requirement to operate specialized services along that corridor. In bus transit corridors, accessible transit service is intended to mean that at least 50 percent of the buses are accessible. Furthermore, specialized services are not required for trips from one public transit corridor to a connecting public transit corridor if both corridors have accessible public transit. If a trip involves travel from an accessible public transit corridor to a destination in an inaccessible public transit corridor or vice versa, specialized services only must act as a feeder to and from the accessible public transit corridor. For the purposes of the above discussion, a public transit corridor includes the area within one-half mile of stations or stops having accessible service. If a community's transit fleet becomes more accessible, the level of specialized services required would diminish.

The following points of clarification are necessary for communities utilizing specialized services in alternative transportation programs.

First, providers of the specialized service must maintain a fleet capacity large enough to meet demand and provide a satisfactory level of service for persons eligible under the alternative program. In addition, the process of requesting service must not be structured to discourage use of the services. Also, providers of specialized services cannot require users to disclose the purpose of their trip; thus, the practice of fulfilling requests for service according to priority of trip purpose is unacceptable.

Second, this provision does not require the recipient to operate the service itself. Such service could either be operated by the recipient, or the recipient could provide for the service indirectly through contract or otherwise. The recipient, however, does have ultimate responsibility for insuring that service is provided in compliance with its approved alternative transportation program.

A transit operator, by agreement, can consider transportation services provided by social service agencies to help meet the requirements of this amendment. However, it is not intended that specialized services developed pursuant to this amendment will provide budgetary relief to social service agencies currently providing transportation services to their clients. I recognize that the relationship between social service transportation programs and programs pursuant to this subsection needs to be examined by the Congress.

Third, this provision does not prohibit localities from requiring handicapped persons who will be using the specialized services to register with the provider of the service. However, it is intended that a preregistration process be neither burdensome, costly nor demeaning to handicapped residents or handicapped visitors. It is understandable that localities may need a preregistration process to calculate demand as well as effectively limit abuse of the specialized services. However, the committee believes that a preregistration process can effectively address these needs while still providing flexibility in the documents required and the actual logistics of the preregistration process. Where feasible, the use of widely accepted documentation for proof of handicap should be accepted as long as all holders of such documents would be eligible for the specialized services. In addition, options such as registering by mail should be available.

Fourth, this provision does not prohibit the development of a subscription service as one facet of specialized services. Such a subscription service, developed in consultation with members of the handicapped community, would be designed to pick up the subscribers according to a prearranged schedule, thus alleviating the necessity of making daily reservations for service. In many communities already providing specialized services, the users prefer a subscription service because it provides them with greater predictability and convenience. This amendment would permit this kind of service and similar variations designed to provide more effective service for the handicapped persons in the area.

Fifth, the phased-in reduction of response time to requests for specialized services—from 24 to 8 to 6 hours—is designed to give recipients lead time to develop the capacity necessary to meet the demands for service. The phase-in period begins on the date of program approval by the Secretary, rather than the date of enactment, to insure that: First, localities do not feel rushed in deciding whether to develop an alternative transportation program; second, the consultation process is not abbreviated in order to receive program approval at the earliest possible date; and third, new transit systems developed after enactment are not at a disadvantage in meeting the response time requirements for an alternative transportation program.

Sixth, clarification also is needed regarding the requirement that alternative transportation programs must provide service throughout the same service area and the same time period as that of the public transportation service. Regarding service area, the committee intends that alternative transportation programs be designed to insure handicapped persons' access to the same destinations as can reasonably be reached by the general public through use of the public transportation system. The planning process and consultation requirements under this amendment are intended to insure that alternative transportation programs are tailored to meet the needs of the handicapped persons to be served.

Regarding the hours of operation, an alternative transportation program must provide service during the same time period as the public transportation system, but can reflect the same variations in hours of operation in different sections of the service area as the public transportation system.

If operationally practicable, an alternative transportation program should not involve trip time, including access and waiting time, and number of transfers unreasonably greater than if the public transit system was totally accessible. Where a mix of accessible transit and specialized services is used, an additional transfer may be required because of the use of feeder services into and away from accessible corridors.

The nature of specialized services generally allows for flexibility in route choice that often can lead to more direct, and thus quicker, service than can be achieved through fixed route bus service. The committee intends that the operator provide this service in the most direct and rapid manner feasible.

Mr. Chairman, I hope that this description has provided an understanding of the kinds of transportation service that should result from this provision. I would now like to highlight the intent of certain other aspects of this provision for the purpose of legislative history.

First. This provision drops the requirement currently contained in section 223 that at least 3 percent of section 5 and section 18 funds be used in providing transportation services to handicapped persons. The elimination of this requirement does not signal a lessening commitment to transportation services for handicapped persons, but instead reflects the following two considerations; namely, That this minimum detracts from the main thrust of this amendment to provide effective transportation programs meeting service-related criteria and that the cost of transportation programs meeting these criteria in many areas will exceed the 3-percent minimum.

Second. This provision requires consultation by the Secretary with the Architectural and Transportation Barriers Compliance Board before approving any program for alternative service. The committee recognizes that there may be a very large number of programs for alternative service submitted to the Secretary and thus does not intend that this requirement for consultation with the Board should impose an elaborate procedure. The term "in consultation" with the Board means that the Board should be provided an opportunity to review and provide its views to the Secretary on any program for alternative service submitted to him. Furthermore, the committee expects the Secretary specifically would address any comments of the Board on programs submitted pursuant to this subsection.

Third. This amendment specifically states that the handicapped community in the recipient's service area must be consulted in the development of an alternative transportation program. The committee would expect the consultation process to be similar to the one required in the Department of Transportation's section 504 regulations for the development of standards for interim accessible transportation. Consultation should be ongoing throughout the development of the alternative transportation program. Early in the process, the views of the handicapped community should be solicited and taken fully into account in the development of the alternative transportation program. The handicapped community then should continue to be consulted on a regular basis until the program is submitted for Secretarial approval.

To insure broad community support, an alternative transportation program must be approved by the metropolitan planning organization or, in nonurbanized areas, must be developed by the State in cooperation with local elected officials in affected governments. The committee expects this process to be carried out in an expeditious manner within the established planning processes. It is not the intent to require nonurbanized areas to develop a planning process to meet this requirement beyond what is required for the receipt of section 18 funds.

Fourth. Questions have been raised regarding the effect of this amendment on the existing section 5(m) half-fare provision. Section 5(m) will continue to apply in the same manner and to the same extent as it currently does.

Fifth. One of the major difficulties facing handicapped persons who must rely on specialized services is that the possibility of traveling with friends, family, or necessary attendants is restricted. This provision addresses this problem by allowing at least one person, not otherwise eligible for the service, to accompany a handicapped person using the services provided under an alternative transportation program at no more than a regular fare.

Historically, vehicles used in providing specialized services rarely carry full passenger loads except during peak hours. Thus, the effect of this new requirement will not be to increase the fleet size needed for operating the service, but instead to utilize what otherwise would be excess passenger capacity. Individuals accompanying a handicapped person need not necessarily be a companion required for medical reasons whom the committee expects would be accorded priority; family members, especially dependent children, and friends would also be eligible to ride with the handicapped person. This requirement in no way is intended to discourage the operator from allowing more than one individual to accompany a handicapped person. However, a handicapped person's companion(s) should not displace other eligible handicapped persons wishing to utilize the specialized service.

Sixth. Notwithstanding other requirements of this provision, it is not intended that a higher level of service be provided to handicapped persons than those provided by the public transportation system. Although this would not be an issue in most urbanized areas, many rural areas just beginning to develop public transportation service under section 18 currently do not have a level of service as high as that prescribed in this amendment. For example, public transportation service in a rural area may only operate along a given route twice a week. In such a case, service for handicapped persons along this same route would not have to operate any more frequently than the service for the general public.

Seventh. Any new inaccessible buses purchased after secretarial approval of the program must be designed to facilitate possible retrofitting at a future date. The intent of this requirement is to insure that a recipient can decide at some future date to convert from compliance with its alternative transportation program to compliance with the section 504 regulations without prohibitive cost.

This provision gives the Secretary latitude in deciding what design features facilitate future retrofitting. The committee believes that the advanced design bus as currently designed does facilitate retrofitting at a future date. Nothing in this provision is intended to force technology development nor require the retrofitting of buses or rail cars.

Eighth. This provision requires new fixed rail systems constructed after January 1, 1970, other fixed guideway and waterborne systems constructed after the date of enactment and the extension of any fixed guideway and waterborne system to be accessible. In addition, the rail accessibility requirement includes usable segments of fixed guideway systems undergoing replacement, major alteration or major renovation if the replacement, alteration or renovation will affect the accessibility of that segment to the public at large and if it is technologically feasible, operationally practical and economically reasonable to make it accessible.

In evaluating whether a segment would have sufficient independent utility for the transportation of handicapped persons, a comparison should be made among the cost of various technological and operational approaches providing comparable service. Such evaluation should include a determination whether the proposed approach is practical consistent with sound principles of Government finance. The intention here is to require accessibility in the case of replacement, major alteration, and major renovation projects where accessibility to the renovated segment will provide a meaningful transportation network serving a sufficient number of handicapped persons. Whether a replacement, major alteration or major renovation of a segment can "feasibly" add accessibility and has "sufficient independent utility" for the transportation of handicapped persons will be determined in the first instance by the recipient subject to final determination by the Secretary in connection with applications for Federal financial assistance under this act.

Ninth. The enforcement mechanism in this amendment is designed in accordance with the Administrative Procedure Act. The enforcement mechanism is intended for use only after a substantial violation or series of violations of this amendment.

Upon final determination of noncompliance, the Secretary of Transportation has the authority to withhold at least 25 percent of a recipient's total annual UMTA assistance. This means the Secretary can withhold the 25-percent minimum from one category of financial assistance under the Urban Mass Transportation Act or a mix of UMTA funding totaling at least 25 percent of the recipient's assistance. If violations of this subsection continue, the Secretary would be expected to take all necessary measures to assure compliance including, if appropriate, withholding amounts in excess of 25 percent.

During the startup period after receiving secretarial approval for an alternative transportation program, a recipient is considered to be in compliance with its approved program as long as the implementation milestones set forth in the program are met in a timely fashion. Once the startup period has been completed, the reason for noncompliance may be either an approved program that no longer meets the requirements of this subsection or an approved program that is not being properly implemented. Funds must be withheld until the recipient achieves compliance or agrees to take the necessary steps to achieve compliance. These "necessary steps" might include submitting an amended program for secretarial approval, ordering equipment necessary to comply with an approved program, or other activities indicating the recipient's intent to meet the requirements of this provision.

The withholding of Federal financial assistance due to noncompliance with this provision shall not result in any decrease in the transportation services provided to handicapped persons. Furthermore, in circumstances deemed appropriate by the Secretary of Transportation, funds withheld during the period of noncompliance can be restored once compliance has been achieved.

Finally, Mr. Chairman, I want to emphasize two additional points. First, a recipient is expected to comply with the section 504 regulations until such time as the Secretary has approved an alternative transportation program. Second, there should be no reason for delays in implementing the alternative transportation programs under this provision. The committee expects the Secretary of Transportation to move with dispatch in formulating any guidance deemed necessary relating to this provision. During the interim, it is intended that the Secretary act expeditiously in reviewing alternative transportation programs and approving or disapproving programs based on the criteria set forth in this provision.

Upon enactment, it is intended that this provision would modify and supersede section 324 of Public Law 96–400.

Subsection (b) of section 223 contains an amendment to the guide dog provision of the Interstate Commerce Act, suggested by the gentleman from New York (Mr. RICHMOND). Section 10723(b) of the Interstate Commerce Act currently requires carriers to establish tariff regulations for the transportation of blind persons and their guide dogs at the rate charged for single passengers. Handicapped persons other than blind persons have come to use guide dogs. This amendment simply recognizes that development and broadens the guide dog transportation requirement to include any handicapped person who relies upon a guide dog.

SECTION 224—WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

Section 224 authorizes the Secretary of Transportation to carry out a demonstration project using high speed waterborne equipment in the vicinity of Portland, Oreg.; $25 million is authorized to carry out this project. This provision was contained in the House bill.

I urge adoption of this compromise amendment as a fair and equitable resolution of this issue in this legislation.

□ 1540

I urge the adoption of this compromise amendment, Mr. Chairman, as a fair and equitable resolution of the issues in this legislation. I feel that it should be realized that what we pass or do not pass, if we pass something in this House today, that will have to be the bill. I do not believe we will be able to go to conference and work out differences with the other body.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I think this probably represents a first over these past 8 years, because the distinguished chairman of the subcommittee, my good friend from New Jersey, and I have always been able to come to the floor to give broad bipartisan support to the transportation legislation. But, I find myself in the position today where I can indeed come to the floor, and do come here now, to say that we should support the committee bill; and, it is this last minute substitute which is laid before us that gives rise to this opposition.

In fact, when we consider that the Surface Transportation Subcommittee on a bipartisan basis gave overwhelming—if not unanimous—support to the bill which was reported out of the subcommittee, and then when we went to the full committee, the full committee unanimously—unanimously—passed the bill, a bill based on months of hearing and markup, and now at the eleventh hour we have laid before us a substitute, a last minute substitute; and we had put before us just 10 minutes ago the latest changes to that substitute. We have not even been able to go through this and understand these last minute changes.

We are not talking about a small bill here. We are talking about 22 billions of dollars in this legislation. It is for that reason, among others, that I believe we should reject this last minute substitute and stick with the committee bill, the bill which passed unanimously out of our committee.

I would say further, however, that in recognition of the need to reduce authorizations, in recognition of the chairman's action in his substitute to reduce the authorization from $29 billion down to $22 billion, that is one change which, in the spirit of compromise, we would accept. I will have more to say about that in a moment. But, other than changing the actual numbers of the authorization, we believe that we should stick with the committee bill.

Now, there are several reasons why this substitute should not be accepted, in my judgment. Among them are the facts that this is not an agreed upon compromise. Now, we are told that this is called a compromise bill. Well, the facts are that while staff from the House and the Senate met to negotiate, neither the House or the Senate staffs ever agreed upon this so-called compromise. So, it is not a compromise. Beyond that, most assuredly the Members of both bodies involved in the committees have not agreed, so this is clearly not a compromise. It is a new proposal, a new hope, if you will.

Further, we believe that if we adopt this last minute substitute it will limit the House's negotiating room in conference, and something that involves 22 billions of dollars in new authorization certainly deserves very careful consideration. We are also told that the President has threatened to veto the proposed substitute.

But, perhaps most significant is the last minute formula changes which are brought about by the substitute as laid before us, and I think that this is the crux of the issue, and all Members, I hope, will pay very close attention to the impact of the formula change because across America, in those cities of over 200,000, 79 American cities will lose by the change in this formula; 36 different States will be losers as a result of the change in this formula.

Beyond that, looking to the cities of between 50,000 and 200,000, we are told that there is a so-called hold harmless clause so that they cannot be hurt. Sounds good, but the problem is that hold harmless figure is set at 10 percent of the authorization.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 5 additional minutes.)

Mr. SHUSTER. We are told that this so-called hold harmless clause, which goes against the cities of 50,000 to 200,000, will indeed hold them harmless, but the fact is it will not because it sets the share of the pie at 10 percent, whereas the share of the pie actually received by these cities in fiscal 1981 was 10.3 percent. While the difference one could say is only three-tenths of 1 percentage point, when we are talking about hundreds of millions of dollars we are talking about big dollars, and the impact of the difference between this 10 percent, so-called hold harmless, and 10.3 percent is—and get this—of the 169 cities in America between 50,000 and 200,000 people, 126 of those cities will be losers—will be losers based on this so-called hold harmless. Some hold harmless, when 126 of 169 cities are losers.

Beyond that, we think emphasis should be given to the fact that the change in the formula means that more money out of the pie will go into operating subsidies. The effect of that is that less money will be available for buses and bus-related equipment. Now, one might argue that by increasing the pie you actually increase the dollars which flow to a city over the dollars which the city is receiving today. However, I would respectfully say that that is a very specious argument because, first of all, it assumes that the appropriating committees and indeed the funds are going to be made available and actually flow in increased amounts; but more significantly, it completely overlooks the fact that by changing the formula, no matter what the hard dollar figure is, cities will get less money under the new formula than they otherwise would have received under the old formula.

Here I am referring to 79 cities which will be losers across America; 36 States will be losers across America.

Further, we were told that the so-called Cleveland amendment, which was carefully crafted in committee, which received very broad bipartisan support in committee, we are told that there is a new compromise to replace the Cleveland amendment. I would respectfully suggest that there is no compromise on the Cleveland amendment. The gentleman from New Hampshire assures me that he has not agreed to a compromise. So, there is no compromise on the Cleveland amendment in this substitute.

What it means is that this last minute substitute undercuts the local option across America for alternative handicapped services. It undercuts months of hearings and broad bipartisan support given to the issue of providing services for the elderly and the handicapped.

□ 1550

It undercuts the Cleveland amendment which the committee overwhelmingly approved.

Lastly, Mr. Chairman, a good argument can be made for deferring action on this last-minute substitute, indeed on the legislation, until the next Congress. The legislation is unnecessary. The program is already authorized through 1982 and the program is already funded by the appropriations through fiscal 1981.

So if indeed we come to the floor today with an agreement on the legislation as crafted through the subcommittee and the committee, then perhaps we would be in a position to support this. But for all these reasons, I suggest we should defeat the Howard substitute and as a basis toward doing that, I send to the desk an amendment, Mr. Chairman.

● Mr. BIAGGI. Mr. Chairman, I rise to express my support for the pending substitute offered by the distinguished chairman, Mr. HOWARD. My support is somewhat tempered by what I feel is a regressive step in our commitment to achieving full mass transit rights for our disabled and elderly citizens, but on balance and considering some of the fundamentally important features of this legislation I feel it deserves our support today.

On this occasion, I must inject a little parochialism into my words. What I consider to be the central feature of this substitute is its adoption of a new formula for the distribution of section 5 operating funds—a formula which at long last will reflect actual vehicle miles used by a transit system and reward that locality with increased funding.

It has always seemed patently unfair to me that a city like New York which depends so heavily on mass transportation for its very existence should be penalized in the way the main source of Federal funds for mass transit operation are distributed. That is precisely the situation which exists under the present method of distributing section 5 funds.

Consider these facts. New York has more than 30 percent of the Nation's subway infrastructure, 40 percent of the rapid transit track and more than 30 percent of the Nation's mass transit riders. However, during fiscal year 1980 only 9 percent of the cost of operating New York City's subways will be covered by Federal dollars compared with as much as 49 percent of other localities. This is unfair and counterproductive to our Nation's effort to increase mass transit ridership.

What the substitute provides for the first time is a "service based formula" for distributing operating assistance under section 5. This means that larger cities which accumulate revenue vehicle miles would be given their fair share of funds as compared to other systems. The greater the use of the mass transit system while in revenue service, the more money would be available. Estimates for the city of New York run as high as $90 million a year more in section 5 funds beginning in fiscal year 1982.

We are utilizing better legislative commonsense with the Howard substitute. We will not be dispensing Federal mass transit moneys to systems to moribund or nonexistent transit services. The dollars will instead be directed to those systems generating the most use as measured by revenue miles.

Geographically speaking the Howard substitute is eminently fair. It guarantees all cities over 200,000 population 72 cents per vehicle mile. Further, funding levels for the section 18 rural grant transportation program are increased.

I am pleased that we are increasing both the way in which section 5 funds are distributed as well as substantially increasing the level of authorizations. Section 5 provides the funds which insure the actual day to day operations of our mass transit systems. This would include maintenance and of course, the all important area of mass transit system. This is an especially critical concern to me as in the city of New York we are enduring a serious increase in the number of crimes being committed on mass transit especially our subways.

One of the main contributors to this problem has been the city's overall fiscal crisis which has caused a reduction of some 1,000 uniformed police transit officers. Corresponding to this decrease in police has been a marked rise in crime to the extent that an average 300 felony crimes a week are being committed on New York City's mass transit system. It is heartening to learn that funds for operating expenses for our mass transit systems are going to be increased—and in colloquy I intend to have with the chairman I hope to learn precisely that section 5 funds may in fact be used by the city of New York to aid in the reduction of crime through hiring additional personnel.

Let me add my full support for the increases in funds being provided under section 3 discretionary capital grants and loan program. These funds can and are used to purchase new mass transit vehicles as well as rehabilitate existing vehicles.

Let us not overlook one very important fact today during our deliberations. Expanded use of mass transit is essential if we are to reduce our reliance on the automobile which in turn reduces our dependence on foreign energy sources. Approximately 40 percent of the oil we use goes to fuel automobiles and trucks. Yet at peak periods, a transit bus is 15 times more fuel efficient than an automobile and a heavy rail subway car is 53 times more efficient. We are aware of the fact that overall transit ridership is on the rise and passage of this legislation will continue this trend. Every new person converted to using mass transit represents a key element in our effort to achieve energy self sufficiency.●

AMENDMENT OFFERED BY MR. SHUSTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD

Mr. SHUSTER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER to the amendment in the nature of a substitute offered by Mr. HOWARD: Page 1, strike out line 5 and all that follows through line 7 on page 44 and insert in lieu thereof the following:

TITLE I

SEC. 101. This title may be cited as the "Federal-Aid Highway Amendments of 1980".

EMERGENCY RELIEF

SEC. 102. Clause (1) of the second sentence of subsection (a) of section 125 of title 23, United States Code, is amended by striking out "commencing after September 30, 1976," and inserting in lieu thereof the following: "in the period beginning October 1, 1976, and ending September 30, 1979, to carry out this section, and not more than $350,000,000 is authorized to be expended in the fiscal year ending September 30, 1980, to carry out the provisions of this section, and not more than $150,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980,".

TRANSPORTATION SYSTEMS MANAGEMENT

SEC. 103. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Transportation systems management

"(a) The Secretary is authorized to make grants for energy conservation projects on nontoll public roads to reduce traffic congestion and facilitate traffic flow on a Federal-aid system. Such projects shall include, but not be limited to, projects for (1) channelization of traffic, (2) improved traffic control signalization, (3) preferential treatment for mass transit and other high occupancy vehicles, (4) passenger loading areas and facilities, (5) fringe and corridor parking facilities, (6) encouragement of the use of car pools and van pools, (7) bicycle transportation, (8) separation of pedestrian and vehicular traffic, and (9) technical assistance in connection with such energy conservation projects.

"(b) The Federal share of the cost of any project under this section shall be 90 per centum, except that projects designed to encourage the nonrecreational use of bicycles may receive a Federal share of 95 per centum. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project receiving Federal assistance under this title to 90 per centum of the cost of such project if such project would be eligible for a grant under this section. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project encouraging the nonrecreational use of bicycles receiving Federal assistance under this title to 95 per centum of the cost of such project if such project would be eligible for a grant under this section.

"(c) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the States as follows:

"(1) three-fourths in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all States; and

"(2) one-fourth in accordance with the apportionment formula for the Federal-aid primary system established in section 104(b)(1) of this title.

No State shall, in any fiscal year, receive less than one-half of 1 per centum of the total apportionment made under this subsection for such fiscal year.

"(d) There is authorized to be appropriated to carry out this section not to exceed $300.000.000 for the fiscal year ending September 30, 1982; $350,000,000 for the fiscal year ending September 30, 1983; $400.000.000 for the fiscal year ending September 30, 1984; and $450.000.000 for the fiscal year ending September 30, 1985.

"(e) Except as otherwise provided in this section, the provisions of chapter 1 of this title, other than those provisions determined by the Secretary to be inconsistent with this section, shall be applicable to projects under this section.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"135. Traffic operations improvement programs."

and inserting in lieu thereof:

"135. Transportation systems management.".

(c) The second sentence of subsection (a) of section 116 of title 23, United States Code, is hereby repealed.

ENERGY IMPACTED RAIL AND HIGHWAY TRANSPORTATION

SEC. 104. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 157. Energy impacted rail and highway transportation

"(a) The Secretary is authorized to make grants to reconstruct, resurface, restore, and rehabilitate nontoll public roads which are incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use. In the case of any road with respect to which Federal financial assistance is provided under this subsection, the geometric and construction standards established under section 109 of this title for the Federal-aid secondary system, except those standards which the Secretary determines are not appropriate, shall apply to the reconstruction, resurfacing, restoration, or rehabiltation of such road.

"(b) The Secretary is authorized to make grants for transportation projects which will alleviate the environmental, social, and economic impact of increased train traffic to meet national energy requirements in communities located along rail corridors incurring such increased traffic. Such projects may include, but are not limited to, low-cost systems management methods, grade crossing separation, and rail line and highway relocation. A project for elimination of a railroad crossing by relocation of a rail line may receive financial assistance under this section only if the Secretary determines that the cost of such project (1) is less than the cost of relocation of the highway, and (2) is less than the cost of grade separation between the highway and the railroad. In the case of any transportation project other than a low-cost systems management improvement financial assistance may only be provided under this subsection if the Secretary is satisfied that low-cost systems management improvements were considered before consideration of such project and other more costly improvements.

"(c) The Federal share of the cost of any project under this section shall be 80 per centum.

"(d) The provisions of this chapter, other than those provisions which the Secretary determines are inconsistent with the section, shall apply to projects under this section.

"(e) Taking into account both railroad and highway needs, the Secretary shall establish, by regulation, a formula for apportionment of funds authorized to be appropriated under this section among the States. No State shall, in any fiscal year, receive less than one-half of 1 per centum or more than 12 per centum of the total apportionment made under this subsection for such fiscal year.

"(f) There is authorized to be appropriated to carry out this section not to exceed $300,000,000 for the fiscal year ending September 30, 1982, $350,000,000 for the fiscal year ending September 30, 1983, $400,000,000 for the fiscal year ending September 30, 1984, and $450,000,000 for the fiscal year ending September 30, 1985.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof

"157. Energy impacted rail and highway transportation.".

CAR POOLS AND VAN POOLS AUTHORIZATIONS

SEC. 105. Subsection (f) of section 126 of the Federal-Aid Highway Act of 1978 is amended by striking out "and $1,000,000 for the fiscal year ending September 30, 1981,", and inserting in lieu thereof the following: "$1,000,000 for the fiscal year ending September 30, 1981, and $1,000,000 for the fiscal year ending September 30, 1982,", and by striking out "and $9,000,000 for the fiscal year ending September 30, 1980," and inserting in lieu thereof the following: "$9,000,000 for the fiscal year ending September 30, 1980, $10,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982,".

OBLIGATION LIMITATION

SEC. 106. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1981 shall not exceed $8,750,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978 or upon any ongoing emergency project for replacement or rehabilitation of a bridge the Federal share of the costs of which is obligated at the discretion of the Secretary under section 144 of such title 23.

(b) For fiscal year 1981, the Secretary of Transportation shall control the obligation of the limitation imposed by subsection (a) by allocation according to the following formula: 80 per centum in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State for fiscal year 1981 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year; the remaining 20 per centum not so allocated, in the order in which States having obligated all such sums so allocated submit projects on or after August 1, 1981, to the Secretary of Transportation for his approval and in the amounts for such projects.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) After August 1, 1981, revise a distribution of the 80 per centum made under subsection (b) if a State will not obligate the amount distributed during fiscal year 1981 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1981; and

(3) not distribute amounts authorized for administrative expenses.

TITLE II

SEC. 201. This title may be cited as the "Federal Public Transportation Act of 1980".

BRIDGE CONSTRUCTION

SEC. 107. Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act, authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.

REIMBURSEMENT

SEC. 108. In any case in which the city of Santa Rosa, California, has incurred costs on behalf of the State of California for the acquisition, between the date of enactment of Public Law 94–154 and the date of enactment of the Federal-Aid Highway Act of 1976 (Public Law 94–280), of land which was utilized in a Federal-aid urban system project at an intersection with a segment of the Federal-aid primary system, the Secretary of Transportation is authorized, notwithstanding any other provision of law, to reimburse the State of California from funds apportioned to the State of California under section 104(b)(6) of title 23, United States Code, 75 per centum of the costs.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 202. Section 3(a)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" the second place it appears and by inserting immediately before the semicolon at the end thereof a comma and the following: "and the acquisition of rights-of-way for fixed guideway corridor development for projects in advanced stages of any such detailed alternatives analyses".

SAFETY HAZARDS

SEC. 203. The second sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost except where the Secretary determines that such project is intended to correct public transportation safety hazards. The Federal grant for any such public transportation safety project shall be in an amount equal to 90 per centum of the net project cost.".

DISCRETIONARY GRANT OR LOAN AUTHORIZATIONS

SEC. 204. (a) The first sentence of section 4(c)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1,410,000,000" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$1,710,000,000 for the fiscal year ending September 30, 1980; $2,490,000,000 for the fiscal year ending September 30, 1981; $2,625,000,000 for the fiscal year ending September 30, 1982; $2,775,000,000 for the fiscal year ending September 30, 1983; $2,930,000,000 for the fiscal year ending September 30, 1984; $3,090,000,000 for the fiscal year ending September 30, 1985; and $1,500,000,000 for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way) for the period beginning October 1, 1985, through September 30, 1990.".

(b) Such section 4(c)(3) is further amended by adding at the end thereof the following new subparagraphs:

"(E) Of the total sums appropriated pursuant to subparagraph (A) in each of the fiscal years hereafter referred to, not more than the amount hereafter referred to shall be available for grants and loans for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way): $600,000,000 for the fiscal year ending September 30, 1981; $650,000,000 for the fiscal year ending September 3, 1982; $710,000,000 for the fiscal year ending September 30, 1983; $770,000,000 for the fiscal year ending September 30, 1984; $840,000,000 for the fiscal year ending September 30, 1985; and $1,500,000,000 for the period beginning October 1, 1985 and ending September 30, 1990.

"(F) In any fiscal year beginning after September 30, 1980, not less than 5 per centum of the sums appropriated pursuant to subparagraph (A) of this paragraph for grants and loans under section 3 of this Act shall be obligated for projects in urbanized areas having populations of less than two hundred thousand and in areas other than urbanized areas.

"(G) In each fiscal year beginning after September 30, 1980, an amount not to exceed 2 per centum of the funds appropriated pursuant to section 4(c)(3)(A) may be set aside and used for the purposes of section 20.".

(c) The first sentence of section 4(c)(3)(A) of the Urban Mass Transportation Assistance Act of 1964 is amended by striking out the words "and section 8" and inserting in lieu thereof: ", section 8 and section 20".

GRANTS FOR TRANSPORTATION CENTERS

SEC. 205. Section 4(d) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985,".

FORMULA GRANT PROGRAM AUTHORIZATIONS

SEC. 206. Section 4(e) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" after "1981;" and by striking out the period after "1982" and inserting in lieu thereof a semicolon and the following: "$135,000,000 for the fiscal year ending September 30, 1983; $150,000,000 for the fiscal year ending September 30, 1984; and $170,000,000 for the fiscal year ending September 30, 1985."

ADMINISTRATIVE AND OTHER EXPENSES

SEC. 207. Section 4(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and $105,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: $125,000,000 for the fiscal year ending September 30, 1982; $135,000,000 for the fiscal year ending September 30, 1983; $150,000,000 for fiscal year ending September 30, 1984; and $165,000,000 for the fiscal year ending September 30, 1985.".

URBAN MASS TRANSIT GRANT AUTHORIZATIONS

SEC. 208. Section 5(a) of the Urban Mass Transportation Act of 1964 is amended as follows:

(1) Paragraph (1)(B) is amended by striking out "in each fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982." and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1981; $925,000,000 for the fiscal year ending September 30, 1982; $975,000,000 for the fiscal year ending September 30, 1983; $1,015,000,000 for the fiscal year ending September 30, 1984; and $1,065,000,000 for the fiscal year ending September 30, 1985.".

(2) Paragraph (2)(B) is amended by striking out "and $250,000,00 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: $290,000,000 for the fiscal year ending September 30, 1982; $348,000,000 for the fiscal year ending September 30, 1983; $405,000,000 for the fiscal year ending September 30, 1984; and $465,000,000 for the fiscal year ending September 30, 1985.".

(3) Paragraph (3)(B) is amended by striking out "and $160,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: "$180,000,000 for the fiscal year ending September 30, 1982; $200,000,000 for the fiscal year ending September 30, 1983; $520,000,000 for the fiscal year ending September 30, 1984; and $240,000,000 for the fiscal year ending September 30, 1985.".

(4) Paragraph (4)(A) is amended by striking out "In fiscal years 1979 and 1980," and inserting in lieu thereof: "In fiscal years 1979 through 1985, inclusive,".

(5) Paragraph (4)(B) is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$480,000,000 for the fiscal year ending September 30, 1983; $520,000,000 for the fiscal year ending September 30, 1984; and $550,000,000 for the fiscal year endng September 30, 1985.".

URBAN MASS TRANSIT APPROPRIATION AVAILABILITY

SEC. 209. Section 5(c)(3) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(3) Appropriations pursuant to the authority of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall be available until expended.".

FARES FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 210. Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection and as a condition of assistance under this Act, any person who when boarding or paying mass transit fares, presents a medicare card duly issued to that person pursuant to title II or title XVIII of the Social Security Act shall receive the benefit of the rates established pursuant to this subsection for elderly or handicapped persons.".

PLANNING PROCESS EVALUATION

SEC. 211. The Secretary of Transportation shall make an evaluation of the urbanized area planning process carried out under the provisions of section 8 of the Urban Mass Transportation Act of 1964 and under section 134 of title 23, United States Code. Such evaluation shall consider ways to make more efficient the planning process, to reduce its cost, to reduce paperwork, to avoid duplication of effort, and to increase public understanding of the results of such planning process. The Secretary's findings and policy recommendations, including a description of any statutory changes which may be necessary to implement such recommendations, shall be reported to Congress not later than one year from date of enactment of this section.

TERMINAL DEVELOPMENT AUTHORIZATION

SEC. 212. Section 21(d) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982." and inserting in lieu thereof the following "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

INTERCITY BUS SERVICE AUTHORIZATION

SEC. 213. Section 22(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982." and inserting in lieu thereof the following: "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

LETTER OF INTENT

SEC. 214. Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the first sentence thereof the following: "At least thirty days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent.".

MAINTENANCE OF EFFORT

SEC. 215. The first sentence of section 5(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and apportioned for fiscal years ending prior to October 1, 1981.".

DEFINITIONS

SEC. 216. Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after "separate right-of-way" the following: "or rails", and by striking out the semicolon at the end of such paragraph (2) and inserting in lieu thereof a comma and the following: "and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;".

COMMUTER RAIL PASSENGER SERVICE

SEC. 217. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"COMMUTER RAIL PASSENGER SERVICE

"SEC. 23. (a) The Secretary shall provide financial assistance through grants to States, local public bodies, and agencies thereof, for payment of costs incurred by such States, local public bodies, and agencies, for the continuation through the fiscal year ending September 30, 1983, of that rail passenger service which is required by section 403(d)(2) of the Rail Passenger Service Act to be operated until April 1, 1981, by the National Railroad Passenger Corporation created under title III of the Rail Passenger Service Act.

"(b) Financial assistance provided pursuant to subsection (a) of this section shall be subject to such terms, conditions, requirements, and provisions as the Secretary may deem necessary and appropriate with such reasonable exceptions to requirements and provisions otherwise applicable under this Act as the Secretary may deem required by the nature of the assistance authorized by this section, except that nothing in this section shall authorize the Secretary to waive the provisions of section 13(c) of this Act.

"(c) The Federal share of the operating costs of any rail passenger service for which grants are authorized by this section shall be as follows:

"(1) 100 per centum for the period April 1, 1981, through September 30, 1981;

"(2) 90 per centum for the fiscal year ending September 30, 1982; and

"(3) 80 per centum for the fiscal year ending September 30, 1983.

"(d) The terms and provisions which are applicable to assistance provided pursuant to this section shall be consistent, insofar as practicable, with the terms and provisions applicable to operating assistance under section 5 of this Act.

"(e) Any rail passenger service for which assistance is authorized under this section shall not be eligible for assistance under section 5 of this Act and such service shall not be construed to be commuter rail service or fixed guideway system service for purposes of section 5(a)(3)(A) of this Act before October 1, 1983.

"(f) There is authorized to be appropriated to carry out this section not to exceed $2,000,000 for the fiscal year ending September 30, 1981; $5,000,000 for the fiscal year ending September 30, 1982; and $5,000,000 for the fiscal year ending September 30, 1983.".

SAFETY CRITERIA

SEC. 218. Section 107 of the National Mass Transportation Assistance Act of 1974 is repealed. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"SAFETY CRITERIA AND DETERMINATIONS

"SEC. 24. (a) Notwithstanding the provisions of section 12(d), the Secretary is authorized to establish safety criteria and standards for use during the investigation of unsafe conditions in any facility, equipment, or manner of operation of any transit system financed under this Act.

"(b) The Secretary shall investigate unsafe conditions in any facility, equipment, or manner of operation of any transit system financed under this Act which create a serious hazard of death or injury for the purposes of determining the nature and extent of the conditions and the means which might best be employed to eliminate or correct them. If the Secretary determines that any facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or the approved plan is implemented.".

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 219. (a) The Secretary of Transportation shall carry out a demonstration project using high-speed waterborne transportation equipment and facilities and operating in, and in the vicinity of, Portland, Oregon, for the purpose of determining the feasibility of utilizing this technology in providing certain public mass transportation service. The Secretary shall report to Congress the results of such project no later than September 30, 1983, together with his recommendations.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not to exceed $25,000,000. Sums appropriated under this section are authorized to remain available until expended.

STUDY OF CERTAIN HIGH OCCUPANCY VEHICLE LANES

SEC. 220. (a) Not later than January 1, 1983, the Secretary of Transportation, after consultation with appropriate State and local officials, shall conduct a feasibility study and cost-benefit analysis, and submit to Congress a report, on (1) adding high occupancy vehicle lanes to freeways in the South Coast Air Basin of southern California, (2) adding such lanes to any freeway providing service to Ontario International Airport, Ontario, California, Orange County Airport, Orange County, California, Long Beach Airport, Long Beach, California or Los Angeles International Airport, Los Angeles, California, (3) adding such lanes to any freeway providing service to those airports in other regions of the country which the Secretary determines are sufficiently representative that the results of such study will be of general application, including, but not limited to, at least one airport having intermodal connections, and (4) providing fringe parking and other facilities and services for users of such airports which will reduce traffic congestion, promote energy conservation, and reduce air pollution. Such study shall also include developments forecasted for other modes of intercity transportation as they relate to airports which are the subject of the study authorized by this section.

(b) The report prepared under subsection (a) shall include, but not be limited to—

(1) the results of the study and analysis conducted under such subsection; and

(2) the recommendations of the Secretary of Transportation concerning (A) any freeways to which he determines high occupancy lanes should be added, (B) any facilities or services which he determines should be provided for users of the airports referred to in such subsection, and (C) any legislative action which he determines is necessary to implement his recommendations under subparagraphs (A) and (B) of this paragraph.

HOLD HARMLESS

SEC. 221. Section 5 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(o) (1) No designated recipient who was a designated recipient under this section in the fiscal year ending September 30, 1981, and no successor in interest to such a designated recipient shall receive for the first fiscal year beginning after such date an amount of funds apportioned under paragraphs (1) (A), (2) (A), and (3) (A) of subsection (a) of this section which is less than the amount of funds apportioned under such paragraphs to such designated recipient for the fiscal year ending September 30, 1981.

"(2) In addition to sums otherwise authorized in this section, there is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for the first fiscal year beginning after September 30, 1981.".

EMERGENCY REPAIRS

SEC. 222. Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(j) (1) An emergency fund is authorized for expenditure by the Secretary, in accordance with this subsection, for grants to States, and local public bodies and agencies thereof on such expedited terms and conditions as the Secretary shall provide, for repair or replacement of public transportation equipment and facilities which the Secretary finds have suffered serious damage as the result of (A) a natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides or (B) a catastrophic occurrence from any cause, and which seriously disrupt scheduled public transportation services.

"(2) No funds shall be expended under this subsection unless the Secretary has received an application therefor from the State, local public body, or agency, as the case may be, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.

"(3) The Secretary is authorized to expend from funds appropriated pursuant to subsection (c) (3) (A) of this section, not to exceed $25,000,000 to carry out this subsection.".

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 223. Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any State, or recipient of Federal financial assistance under section 3, or recipient designated to receive or dispense funds under section 5 of this Act, may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which—

"(A) provides that at least 3 per centum of all Federal funds apportioned under sections 5 and 18 of this Act to the State or made available for expenditure by the recipient under section 5 of this Act for any fiscal year will be expended in providing transportation for handicapped persons, except that the Secretary may reduce the percentage of such Federal funds below 3 per centum or waive such requirement if the Secretary determines that the program with such waiver will still comply with subparagraphs (B), (C), and (D) of this paragraph;

"(B) provides that the State or recipient will provide transportation to handicapped persons in the area in which the State or recipient provides mass transportation to the general public;

"(C) provides that if the State or recipient will charge a fare for transporting a handicapped person, such fare will not be more than the fare charged by the State or recipient for transporting by mass transportation facilities a member of the general public a comparable distance; and

"(D) provides that if the State or recipient will provide transportation to a handicapped person upon request, such transportation must be provided in less than twenty-four hours after receiving such request. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(3) The Secretary shall not approve a program respecting transportation of handicapped persons under this subsection unless the community of handicapped persons for whom such transportation shall be provided is consulted by the State or recipient in the development of such program.

"(4) A State or recipient may amend a program approved under this section if (A) the Secretary, in consultation with the Architectural and Transportation Compliance Board, determines that the program as amended complies with this subsection, and (B) such amendments were developed in consultation with the community of handicapped persons for whom the transportation is being provided.

"(5) Notwithstanding any other provision of the law or any regulation, if a State or recipient has a program approved by the Secretary under this subsection, such State or recipient shall be deemed to satisfy the requirements of this section and any other provision of Federal law relating to discrimination against the handicapped to the extent that such provision of law relates to transportation of the handicapped.

"(6) Each State and recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such State or recipient is complying with such program.

"(7) (A) If the Secretary determines, after notice and an opportunity for a hearing, that a State or recipient with an approved program respecting transportation of handicapped persons is not providing such transportation in accordance with its program, the Secretary shall issue an order requiring such State or recipient to comply with its program.

"(B) If, after the ninetieth day following the date of issuance of an order under subparagraph (A) of this paragraph, the Secretary determines, after notice and an opportunity for an agency hearing on the record, that the State or recipient is not providing transportation to handicapped persons in accordance with its approved program, no Federal funds may be made available to the State or to the recipient under section 3, 5, or 18 of this Act. If the Secretary later determines that the State or recipient is providing transportation to handicapped persons in accordance with such program, the Secretary may resume making available such Federal funds to the State or recipient.

"(8) This subsection shall not apply to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970. As used in this paragraph the term 'new fixed rail system' does not include the replacement, repair, restoration, or extension of any fixed rail system in existence on December 31, 1969.".

FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

SEC. 224. Subsection (b) of section 18 of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following: "The program of projects shall be developed by the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed after consultation with all affected local governments and any substate planning agency. The State is encouraged to pass through funds authorized under subsection (d) to substate planning agencies to assist in carrying out this process.".

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I will be happy to explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. EDGAR. Mr. Chairman, reserving the right to object, does the gentleman plan to identify his substitute which he has just offered in great detail?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I will be happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, in answer to the gentleman, yes, I will be very happy to.

While it appears lengthy, all it does is strike out all in the Howard substitute thereby putting us back to the committee with the exception of accepting the Howard authorization levels. Therefore, this is the committee bill, but accepting the Howard $22 billion figure as opposed to the $29 billion figure. And there are two other noncontroversial changes. These are to title I, which the chairman of the full committee, the gentleman from California (Mr. JOHNSON), and Mr. CLAUSEN both support.

So, rather than addressing these separately, we simply incorporate those. Otherwise, this is the committee bill. This is the bill that the Committee on Public Works and Transportation passed unanimously except it reduces the authorizing level to accept the distinguished chairman's authorizing numbers.

Mr. EDGAR. Further reserving the right to object, and the reservation comes in hearing the whole substitute.

I was impressed with the gentleman's remarks earlier which concerned the Howard substitute and the timeliness of receiving a copy. I was concerned, as the gentleman from Pennsylvania was, that the Howard substitute in its many forms and shapes came to us at a late moment. The gentleman from Pennsylvania (Mr. SHUSTER) now offers an amendment, however, that has not been available to us in great detail which contains some substantive amendments to the original committee passed bill.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield?

Mr. EDGAR. Further reserving the right to object, I will yield to the gentleman.

Mr. SHUSTER. This is the committee bill, but the numbers are changed and Mr. HOWARD's numbers are inserted therein. That is the only substitute.

Mr. EDGAR. Except the gentleman indicated that there are also amendments that the gentleman from California (Mr. JOHNSON) and the gentleman from Ohio (Mr. HARSHA) have accepted that are also in this that are, in the gentleman's words, noncontroversial amendments.

Mr. SHUSTER. That is what I am told and they are included because they are noncontroversial. I would also add, they are in the Howard substitute.

Mr. EDGAR. Further reserving the right to object, Mr. Chairman, could the gentleman indicate why a copy of this substitute was not made available to all of us so that we could read it thoroughly?

Mr. SHUSTER. I would say to the gentleman, I just got it a few minutes ago myself.

Mr. EDGAR. Mr. Chairman, further reserving the right to object, would the gentleman, prior to removing my objection, indicate what those noncontroversial amendments are which are included in your substitute?

Mr. SHUSTER. They are the two amendments proposed by Chairman JOHNSON and Mr. CLAUSEN and they are incorporated in title I in the Howard substitute.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania (Mr. SHUSTER)?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes in support of his amendment.

Mr. SHUSTER. Mr. Chairman, I will not go through the arguments again which I previously made. I will simply say that this amendment is the committee bill with the substantive change of accepting the $22 billion authorizing figure from Mr. HOWARD's substitute and replacing the $29 billion authorizing figure, approximately, which is in the committee bill, and accepting the Howard figure of approximately $22 billion.

That puts us in the position, if this amendment is passed, of supporting the language in the legislation as passed unanimously by the Committee on Public Works and Transportation. I would emphasize that if this amendment is defeated, if the Howard substitute is passed, the impact will be a change in the formula and a change in the formula which will cause 79 cities of a size of 200,000 and above to be losers as compared with the present formula in law.

Mr. EDGAR. Mr. Chairman, would the gentleman yield at that point?

Mr. SHUSTER. Mr. Chairman, when I am finished, I will be happy to yield.

It also causes 36 States to be losers and even causes 126 cities under the size of 200,000 to be losers under the so-called hold harmless clause.

Now here are some of the cities and States which are impacted: Mobile, Ala., 51-percent decrease; looking at the same level of appropriations, Phoenix, Ariz.; five cities in California; Colorado; Connecticut; Florida; Illinois; South Bend, Ind.; 55-percent decrease; Baton Rouge, La., 65 percent; Lawrence, Mass., 72-percent decrease; Detroit, Mich., 41-percent decrease; Grand Rapids, Mich., 40 percent; Flint, Mich., 50 percent; Buffalo, N.Y.; Youngstown and Canton, Ohio; Philadelphia, Allentown, Harrisburg, Wilkes-Barre, and Scranton, Pa.; Houston, Tex.; Dallas, Tex.; Fort Worth, Tex, 59-percent reduction in Fort Worth, Tex., the home of the distinguished majority leader.

One could go on and on. It adds up to 36 States. In the cities of under 200,000, 126 cities are losers out of 159 cities involved. In Alabama, six out of six cities lose. In Florida, 10 out of 10 cities lose; Louisiana, three out of four cities lose. In Michigan, four out of five cities lose. In New Hampshire, two out of two cities lose. In North Carolina, 10 out of 10 cities lose. In Texas, 18 out of 21 cities of that size lose.

One could go on and on. We have this information available here. I say do not adopt a last-minute substitute which causes this kind of an impact on so many cities, large and small, across America.

I say, instead let us adopt the amendment now before us which will put us in the position of adopting the bill which passed unanimously out of the Committee on Public Works and Transportation, but which adopts the lower authorizing level as it is stated in the Howard substitute.

For those reasons, I urge that the amendment be adopted and that we not tinker with this formula in this last-minute fashion.

The gentleman from Pennsylvania (Mr. EDGAR) asked me to yield, and I will be happy to yield at this time.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has indicated a shopping list of cities that are winners and losers. To be clear with the House and so that I understand what the gentleman is saying, I wonder if the gentleman could clarify what he means by "winners and losers."

Let me add this one comment: It occurs to me that what the gentleman is saying is that there are winners and losers based on the present level of funding, not based on the higher authorization levels.

Mr. SHUSTER. Mr. Chairman, that is not what I am saying. I understand that argument, the argument being that if you increase the funding, then a city may get more money even under the poorer formula than it previously got. However, I would respectfully say that I think that is a specious argument.

The more cogent argument, it seems to me, is that with the formula change, whatever the level, these cities will get less than they otherwise would get under the present formula. That is the significant point, it seems to me.

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The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(At the request of Mr. ERTEL and by unanimous consent, Mr. SHUSTER was allowed to proceed for 5 additional minutes.)

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding.

Mr. Chairman, I looked over this list that I received from the gentleman's table, there, and it indicates the Howard substitute at a constant level, the same funding level as this year, it shows that many cities across the Nation will lose substantial amounts of money compared to the present formula.

Now, if the formula is used and we use the higher levels of funding as provided in either your substitute or the substitute by the gentleman from New Jersey (Mr. HOWARD), would these same cities lose under the higher funding level?

Mr. SHUSTER. If we increase the size of the pie, then a city which has a less attractive formula will get more dollars but the significant point is, it will still get fewer dollars under the new formula than it otherwise would have received if we continue the existing formula.

Mr. ERTEL. If the gentleman will yield further, I received a printout, I think prepared by the Department of Transportation, which indicated that even under the higher funding level, authorizing level—for instance, the city of Detroit would lose, even under the higher funding levels, they would go from 49.4 in the year 1981 to 42.4 in fiscal year 1984 and 45.7 in fiscal year 1985. That is with the higher levels.

Mr. SHUSTER. That is correct.

Mr. ERTEL. I had proposed, based upon that, to suggest an amendment to the Howard substitute which would, of course, only be in place if the gentleman's amendment failed, which would be a hold harmless for those cities, saying that they would continue at least at the level of funding that had this year and if the authorization or appropriation levels dropped, they would go down percentagewise with everybody else but it would not affect everybody else.

If the gentleman's substitute were to be adopted, would that then make my amendment unnecessary?

Mr. SHUSTER. I would answer the gentleman, yes, it would, because we would have in place the tried and true formula under which we have been operating and not this last minute formula.

Mr. ERTEL. Let me ask this: The formula proposed in the Howard amendment as I understand it a portion of the funds is based on revenue miles. That means that a city that has a large transit system in place would get a tremendous amount of money, not only for operation but for construction of new. Therefore, the big city that might have a lot of transportation in place would be able to expand. Those cities that are expanding and still not have mass transit.

Mr. SHUSTER. That is an excellent point and it also would encourage the continuance of lines, even though they were uneconomical and many people did not use them. Because of this formula it means the transit authority would try to keep them running in order to get more Federal tax dollars.

Mr. ERTEL. I thank the gentleman. I might point out to the gentleman I have an amendment that somewhat corrects that which I believe will be agreed to which will give priority to those areas that might get cut back, under section 3.

Mr. SHUSTER. To the extent you put a hold-harmless in, it sounds good but the end result is that somebody else is not going to get as much money. Unless you just expand the authorization and the appropriation ad infinitum, somebody loses by a hold-harmless. If one city gains by hold harmless, somebody else loses.

Mr. ERTEL. If the gentleman will yield for one additional question, I understand the gentleman is on the Reagan transition team for transportation; is that correct?

Mr. SHUSTER. That rumor is true.

Mr. ERTEL. Very well. A true rumor. Can the gentleman tell us what is their position on the increase in appropriation for mass transit and highways? What is their position at the present time? Can the gentleman speak to that?

Mr. SHUSTER. I cannot speak to the Reagan position on the matter. I can tell the gentleman my position is as it has been for many years on our committee, to vigorously support funding for both mass transit and highways of America.

Mr. ERTEL. That may be the position of the gentleman but what is the position you are getting from those in the new administration?

Mr. SHUSTER. As I have previously said, I have no such signals. They are addressing themselves to other issues right now. We are certainly going to try to help educate them.

Mr. ERTEL. I thank the gentleman.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

First, Mr. Chairman, I would like to say, we have been changing the substitute over the past several weeks. We would like to say that as soon as we came up with information about a change in each instance we notified the minority of the changes we were contemplating so that they were kept right up to date with us as to what we would be presenting here this afternoon. We had heard just a few moments before this amendment came up that there would be no amendments from the minority side of our committee other than the Cleveland amendment so we are surprised we have taken this new turn.

As to the amendment itself, Mr. Chairman, what I indicated with my substitute is that it is a compromise. It was not the House bill, it is not the Senate bill. We tried to work out a compromise that could be adopted by both bodies here so we gave a little bit and we got a little bit.

What the gentleman's amendment does at this time is to take the position that they will take everything we are willing to give but give nothing in return. I, therefore, think just on the face of it that is enough to defeat the amendment.

About this list that has been before the committee, as to what cities will lose money under the new formula, as the gentleman from Pennsylvania said, that is only if we have constant appropriations similar to what we have now. That certainly should not be the case because the amendment that the gentleman wishes to accept, the concession that we made bringing our House money down to a level between the House and the Senate, which the gentleman himself is indicating that we adopt here today, is a figure which is consistent with the present Carter budget and if we have the Carter budget in, then the formula will be able to be worked out in a very different way from this and we will not have all of these municipalities of over 200,000 losing money.

The only way the gentleman could make his argument against this is, even though the gentleman says that the number I have in my substitute are fine, it means that the new administration must be indicating that it wants to slash that amount of money to a great degree.

I do not think that is consistent with supporting mass transportation, in supporting energy conservation and so that makes the whole amendment specious. We have a good number. We did come down in our own number but we came down in the number so that we could get a better formula, a service formula.

What we say on operating is, we are going to give the money where the service is. We are going to have more section 3 money for those who do not have the service now so they can get the service and benefit from this formula in the coming years. When we do not consider service and we only consider population and population density, we are wasting the taxpayers' money, as was the case last year where we gave a city $600,000—I will not name the city now but we gave a city $600,000 for operating money for a transit system when they did not have any transit system. All they had was people. So what we are trying to do is move in a reasonable way in a 2-year pattern to set it up put the money where the service is and to help the other communities get that service. I hope the members of the committee will realize that this sheet of paper supposedly telling us places that will lose money is not accurate at all, unless the incoming administration in future years wishes to slash mass transit money.

The budget of the present administration covers almost completely, 95 percent of the way, what we would authorize if my substitute is accepted so I hope we can get rid of this amendment quickly and then get to substantive amendments to the substitute and get on with the bill.

Mr. SHUSTER. Will the gentleman yield?

Mr. HOWARD. I will be happy to yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, would my friend agree with me that under the Howard substitute, the new formula, those 79 cities, regardless of what the funding level is, would receive less money than they otherwise would receive under the existing formula?

□ 1610

Mr. HOWARD. Absolutely. That would mean Odessa, Tex., might get another $600,000 for a system they do not have. That is what we are trying to get away from. We certainly do not want that kind of a situation. We have the incentive in the section 3 money to have places like Odessa, Tex., build a system so that they can qualify under the program.

Mr. SHUSTER. Certainly for Detroit, Mich., Dallas, and Fort Worth, Philadelphia, Cincinnati, and many large cities, this is not the case.

Mr. HOWARD. It is not necessarily losing money, but perhaps losing money percentagewise.

I urge the defeat of the amendment.

Mr. PERKINS. Mr. Chairman, I rise in support of H.R. 6417, the Surface Transportation Act of 1980, as amended by the Howard substitute. I wish to address the provisions which create an energy resource road program. A similar provision was approved by this House as a part of the Surface Transportation Act of 1978, but it was deleted in conference at the insistance of the other body.

This legislation will be a major step forward to eliminate a missing link in our coal transportation system. That link is between the mine and the railroad tipple or the barge-loading facility. At one time mines were only located where there was immediate access to a rail tipple. Now coal is trucked some distance from the mine to a tipple or port.

The increased price of oil has made coal the energy source of the future. The increased cost of diesel fuel and gasoline over the past 6 years has necessitated that much larger coal trucks be used to efficiently transport coal to the tipple or port. The roads in the coal producing areas were designed in an earlier era and did not take into account that increased fuel costs would necessitate the use of much larger trucks.

The investment of funds for the upgrading of existing roads so that larger capacity vehicles can use them will pay dividends for all areas of the country. The people of eastern Kentucky are ready to meet this Nation's energy needs. We have the coal. We have the miners. We have the mines already in existence. This legislation will provide the missing transportation link.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield for a clarifying point?

Mr. PERKINS. I yield briefly to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

I would simply make the point that there is no difference as far as coal roads are concerned between the amendment I have offered and the committee bill and the gentleman's substitute. There is no difference. So that would not be a basis for——

Mr. PERKINS. I understand that.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. HOWARD. I agree with the gentleman. It is not for 2 years. It is only up until fiscal 1982. For fiscal 1981, which we are almost halfway through, is where that had to be dropped. It had to be dropped anyway, otherwise we would have had opposition and perhaps had no coal money at all. So we took this as the best we could. But it is only a matter of another 6 months or so now, a half year, not 2 years. We originally had it, as the gentleman knows, the beginning of fiscal 1981.

Mr. PERKINS. This is my reason for supporting the gentleman's subtitute, because I know that he has given it considerable thought.

I want to compliment the gentleman from New Jersey for his perserverence in working on this provision. I know that he has had tremendous problems, and it is my hope again that he will be able to work out a stronger provision at the earliest possible date. We want to support this substitute and make sure that we get a bill.

In my judgment, this is the only way that we are going to get a bill is to support the substitute.

Mr. FARY. Mr. Chairman, I rise in support of the Howard substitute.

Mr. Chairman, I have spoken before on the importance of this legislation for our Nation's transit systems. By expanding the section 3 capital assistance program, by restructuring the section 5 operating assistance formula, and by constructing a balanced compromise on the issue of access for the handicapped, this bill represents a vigorous national commitment to providing transit service to our citizens. In the metropolitan region of Chicago, 2.5 million riders use the system every day. For my district and for my city, there are very few bills that have such a broad, direct impact on so many.

However, this legislation is important for another reason also. This is crucial legislation if we are serious about achieving energy independence. I am somewhat concerned about the proposed solutions our country's new leadership seems to be offering in order to achieve energy independence. More domestic energy production is important, but that alone will never achieve a more energy independent America. Of equal importance is a more prudent use of those resources.

This bill achieves that objective through both transit expansion and, also of great importance, an expanded transportation systems management program. I realize not every city or every district has such an extensive mass transit system as Chicago. Actually, for some of these areas, transit maintenance and expansion is not necessarily the most cost effective method of achieving conservation. For instance, a recent General Accounting Office report estimates that doubling ridesharing would save at least three times as much energy as a 50-percent increase in transit commuting, and it would have a greater impact on congestion and pollution. The transportation system management program is designed to facilitate traffic flow through both ridesharing and many other innovative projects. It can be used by every metropolitan area in this country, both large and small, in order to achieve a more prudent use of gasoline.

By failing to enact legislation, we not only will be postponing our expanded commitment to transit service, we will also be postponing the expansion of these innovative programs. In effect, we are postponing a commitment to conserve gas. I do not feel this is the message Congress should be giving the country. I urge my colleagues to vote for the Howard substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 266, not voting 57, as follows:

[Roll No. 655]

AYES—109

Abdnor
Anderson, Ill.
Andrews, N.Dak.
Archer
Badham
Bafalis
Bauman
Bereuter
Bethune
Buchanan
Butler
Campbell
Carter
Cheney
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dornan
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Evans, Del.
Evans, Ind.
Frenzel
Goodling
Gradison
Grassley
Grisham
Hamilton
Hammerschmidt
Hansen
Harsha
Hillis
Hinson
Holt
Hopkins
Horton
Huckaby
Ichord
Jacobs
Jeffries
Johnson, Colo.
Kogovsek
Kramer
Latta
Leach, Iowa
Leach, La.
Lee
Lewis
Livingston
Lott
Lujan
Lungren
McClory
McCloskey
McDade
McDonald
Marlenee
Michel
Miller, Ohio
Moore
Moorhead, Calif.
Myers, Ind.
Paul
Petri
Quayle
Ritter
Robinson
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sharp
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stockman
Symms
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Volkmer
Walker
Wampler
Whittaker
Williams, Mont.
Wilson, Bob
Winn
Young, Fla.

NOES—266

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashley
Aspin
Atkinson
AuCoin
Bailey
Barnes
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Broyhill
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Carney
Carr
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Conte
Conyers
Corcoran
Corman
Coughlin
D'Amours
Danielson
Dannemeyer
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
English
Erlenborn
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Gore
Gray
Green
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hanley
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Holland
Hollenbeck
Holtzman
Howard
Hubbard
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kostmayer
Lagomarsino
Lehman
Leland
Lent
Levitas
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Luken
McEwen
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marriott
Martin
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher

Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Sabo
Santini
Scheuer
Seiberling
Sensenbrenner
Shannon
Shelby
Simon
Skelton
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yatron
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—57

Ashbrook
Baldus
Barnard
Beard, R.I.
Bolling
Bonior
Broomfield
Brown, Ohio
Coelho
Collins, Ill.
Cotter
Courter
Crane, Philip
Crockett
Davis, S.C.
Dodd
Downey
Fenwick
Ford, Tenn.
Frost
Garcia
Gingrich
Glickman
Gramm
Guarini
Hagedorn
Hance
Harkin
Jenrette
Kelly
Kindness
LaFalce
Leath, Tex.
Lederer
Lundine
McCormack
Madigan
Mathis
Mattox
Mitchell, Md.
Moffett
Murphy, N.Y.
Neal
Nedzi
O'Brien
Pursell
Rhodes
Rodino
Rousselot
Schroeder
Spellman
Thompson
Whitten
Wilson, C. H.
Wydler
Yates
Young, Alaska

□ 1630

Messrs. BURLISON, LOEFFLER, STUMP, JONES of North Carolina, DANNEMEYER, and HYDE changed their votes from "aye" to "no."

Messrs. BUCHANAN, HUCKABY, LEACH of Louisiana, VOLKMER, DAVIS of Michigan, TAUZIN, LOTT, and HORTON changed their votes from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ERTEL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD

Mr. ERTEL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Ertel to the amendment in the nature of a substitute offered by Mr. Howard: Page 28, after line 10, insert the following:

(e) In considering applications for financial assistance for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, under section 3 of the Urban Mass Transportation Act of 1964 for the purchase of buses and related facilities and equipment, the Secretary of Transportation shall give priority to the applications of urbanized areas which are adversely affected by the amendment made by subsection (a) of this section relating to the formula for apportioning funds under section 5 of such Act and the Secretary of Transportation shall give the highest priority to the applications of those urbanized areas which are the most adversely affected by such amendment.

Mr. ERTEL. Mr. Chairman, this amendment is not the one I sent around in the "Dear Colleague" letter, but this amendment is similar and serves much the same purpose. The purpose of this amendment is to section 3 of the bill which would provide a priority to those cities which would lose money under section 5 if, in fact, they are going to increase their capital expenditure for their mass transit systems. Section 3 of the bill is a discretionary funding section of the bill which is about twice as large as section 5 which is a mandatory funding section.

So what this does is provides for the increase of mass transit equipment and mass transit systems throughout the country for those cities who would lose funds under section 5 of the bill, and they get an absolute priority under this amendment. The Secretary must move them to the top of the list when they apply for these funds under the bill.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the chairman.

Mr. HOWARD. Mr. Chairman, I wish to thank the gentleman for his amendment. This is something we have discussed before.

□ 1640

For any cities over 200,000 who might proportionately not do as well under the new formula, we will have done two things. One thing has been done already. We have had a transition year where in the first year we will weight the old formula 50 percent and the new formula 50 percent. That will be a help to them and we have stated our intent that we felt that those cities that may feel neglected under the new formula should get a priority in section 3 funding when they are ready to go. What this will do, as I understand it, is it will put this into the bill so it will be the law that they get priority. I can see nothing wrong with that. I congratulate the gentleman for his amendment. I am happy to accept it.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Pennsylvania

Mr. SHUSTER. I thank the gentleman. We have no objection to the amendment.

Mr. ERTEL. I thank the gentleman. I yield back the balance of my time and ask for a vote.

The CHAIRMAN pro tempore (Mr. Vanik). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Ertel) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Cleveland to the amendment in the nature of a substitute offered by Mr. Howard: Page 36, strike out line 6 and all that follows through line 6 on page 43 and insert in lieu thereof the following:

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

Sec. 223. (a) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons who cannot reasonably use one or more modes of mass transportation service available to the general public under this subsection which—

"(A) provides that the recipient will provide transportation to such handicapped persons throughout the same area in which the recipient provides mass transportation to the general public;

"(B) provides that if the recipient will charge a fare for transporting such a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(C) provides that the recipient will provide transportation to such handicapped persons for at least the same time period for which the recipient provides mass transportation to the general public;

"(D) provides that if the recipient will provide transportation to such a handicapped person upon request, such transportation must be provided in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(E) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(F) provides that the recipient will provide transportation to such handicapped persons without regard to trip purpose, except that nothing in this subsection shall be construed as prohibiting a State or recipient from giving priority to requests for transportation service on the basis of medical need; and

"(G) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance.

The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph. A recipient's program shall be deemed to meet the requirements of this paragraph with respect to a mass transportation corridor if the recipient provides accessible bus service in such corridor.

"(3) The Secretary shall not approve a program respecting transportation of handicapped persons under this subsection unless (A) the community of handicapped persons for whom such transportation will be provided was consulted by the recipient in the development of such program, and (B) the program was developed in cooperation with responsible elected officials of local governments concerned.

"(4) A recipient may amend a program approved under this section if (A) the Secretary, in consultation with the Architectural and Transportation Compliance Board, determines that the program as amended complies with this subsection, (B) the amendment was developed in consultation with the community of handicapped persons for whom the transportation is being provided, and (C) the amendment was developed in cooperation with responsible elected officials of local governments concerned.

"(5)(A) The Secretary may not impose any requirements which are in addition to the requirements set forth in this subsection respecting a program for providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide transportation to the general public.

"(B) The regulations issued to carry out this subsection shall be kept to an absolute minimum.

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Architctural Barriers Act of 1968 (Public Law 90–480), and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation of handicapped persons served under such program.

"(7) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(8)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 per centum of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9)(A) This subsection shall not apply—

"(i) to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970, or to any other fixed guideway system constructed after the date of enactment of this subsection; and

"(ii) to the extension of any fixed rail system for the mass transportation of the general public.

"(B) As used in this paragraph, the term 'new fixed rail system' does not include the replacement, repair, or restoration of any fixed rail system in existence on December 31, 1969.".

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of the amendment made by subsection (a) of this section, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that such amendment is being implemented according to congressional intent and purpose.

Page 43, line 7, strike out "(b) Section" and insert in lieu thereof "(c) Section".

Mr. CLEVELAND (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Chairman, the so-called Cleveland amendment has received a considerable amount of attention not only in the national press, but through the media of "Dear Colleague" letters. I discussed this at some length in the general debate on this bill Friday a week ago, and I do not think it is necessary to go into this too extensively except to suggest to my colleagues that there are some very basic differences between the Cleveland amendment that I am offering now to the Howard substitute and that portion of the Howard substitute that purports at least to be the Cleveland amendment.

It must be remembered that this so-called compromise Cleveland amendment that was worked out was worked out not only with staff members from the Senate and the House, but it was also worked out with representatives of the Washington-based organizations that purport to speak for the handicapped. The compromise that is in the Howard amendment, which was worked out essentially by the Washington-based organizations that purport to speak for the handicapped and the people from the Department of Transportation who originally caused the entire problem that the Cleveland amendment addresses. Basically what the Department of Transportation officials have said is that under section 504, every single solitary means of mass transportation has got to be totally accessible. In fact, if memory serves me correctly, it might have been the amendment of the gentleman from Ohio (Mr. VANIK) that caused this. I am not sure if that is true, but I think it might have been the Vanik amendment of some 10 years ago.

The essential problem has been that the Department of Transportation has issued regulations under the 504 section that have been totally unrealistic and totally impractical. You may remember that a couple of months ago we voted on the Stenholm amendment. The reason that we had the Stenholm amendment was that the city of Abilene had been told that all of their buses had to have lifts on them whether they liked it or not, at enormous expense. The reason that they did not want to do it was they did not even have sidewalks, and it would have been impossible to transport the handicapped even with the lifts.

Basically what the Cleveland amendment does—and remember it was adopted in the committee by a vote of 29 to 6—is give the local communities some option, substantial local option, subject to broad guidelines and a minimum of regulations. It was not that section 504 was particularly evil legislation. It was largely the rigid regulations that were written to enact it, and they were written by the Department of Transportation, and it is the Department of Transportation people, together with the national Washington-based lobbies, that put together the compromise in the Howard substitute.

I am trying to get this back on track, because I believe in local option. I believe that we should not write all those regulations down to the last crossing of a "t" and the dotting of an "i" here in Washington.

I give the mayor of New York City and his transportation people credit for having some brains and some compassion. I feel that the people in Nebraska have some brains and some compassion. In fact, many organizations for the handicapped in Nebraska support my amendment.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I am pleased to yield.

Mr. DUNCAN of Oregon. Mr. Chairman, I would like to express my strong support for the gentleman's amendment. I think it is important that we emphasis not only the local option the gentleman is talking about right now, but the fact that all of the supporters of the Cleveland amendment, as well as those who support what is in Mr. Howard's bill, are all supporting improved and full access for the handicapped to transportation.

The question is how should it best be done?

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. DUNCAN of Oregon, and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 3 additional minutes.)

Mr. DUNCAN of Oregon. If the gentleman will yield further, I am prepared to admit that the Department of Transportation's interpretation is a possible interpretation but not the only one. It is not the only way that they can administer and provide the transportation for the handicapped that this Congress intended them to have.

I happen to have been and still am chairman of the Subcommittee on Appropriations. The statistics that we have indicate that it is going to cost in 1968 dollars over $7 billion to carry out this Department of Transportation regulation; and when you have done that, you have furnished improved transportation to less than 4 percent of the handicapped and aged people in this country. That is an example, in my judgment, of how ridiculous we can get when we try to dictate everything from an executive agency downtown.

We need this flexibility. I am firmly convinced that the handicapped people and the aged will get far better transportation, and it is going to cost the taxpayers far less, than if we persist in this well-intentioned but misguided insistence upon this 504 regulation.

Mr. CLEVELAND. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, as I conclude my remarks, I want to remind my colleagues that written into my amendment, and not in the Howard substitute amendment, is a mandate that the Subcommittee on Oversight and Review of the Committee on Public Works and Transportation will look at this situation each year for every year for the next 5 years so that we can be sure this thing is working in a satisfactory manner. We can make a decision now, and Congress will not have to be constantly fighting this fight with the downtown bureaucrats.

□ 1650

The CHAIRMAN pro tempore. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I will yield to the gentleman, but perhaps it would be just as easy to take his own time.

Mr. EDGAR. I just want to ask a question of the gentleman.

Mr. CLEVELAND. I yield to the gentleman.

Mr. EDGAR. The gentleman is the best person in the House to understand what his amendment does. I commend the gentleman for offering the language in committee to try to address a very difficult situation, as the gentleman suggests, with accessibility for the elderly and the handicapped. But my question goes to the heart of the language that the gentleman offers as the reasonable alternative for the problems that we face with accessibility. And I go to the last part of the amendment which stresses that the gentleman's language, if I understand the words correctly, will help——

Mr. CLEVELAND. Where is the gentleman on the amendment?

Mr. EDGAR. I am on page 28 of the regular bill, on point 8 of the amendment.

Mr. CLEVELAND. Does the gentleman realize that I have made some changes to the one in the printed bill?

Mr. EDGAR. I think I do recognize there are changes.

The question is this: Am I wrong in understanding the gentleman's amendment does a good job in providing some flexibility to local communities that have bus systems but in fact does not help the older industrial cities, the Philadelphia's, the New York's, the Boston's, and the Chicago's, that in fact when they repair and replace transit systems and stations, they will in fact have to make those systems fully accessible to the elderly and the handicapped at very high cost?

And the particular language of the gentleman's amendment, as provided in the bill, says, and I quote:

> This subsection shall not apply to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970. As used in this paragraph, the term "new fixed rail system" does not include the replacement, repair, restoration or extension of any fixed rail system in existence on December 31, 1969.

It seems to me that what the gentleman is saying is that in the bus cities we will let them have local option, but in the fixed-rail cities, we will ask them to have mobility systems plus mainstreaming full-accessibility systems if we use the gentleman's language.

The CHAIRMAN pro tempore. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has again expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 2 additional minutes.)

Mr. CLEVELAND. If I properly understand the gentleman's question, it has to do with the city that does not have bus and it relies principally on rail or subway or trolley.

Under my bill, as I intend it, it applies only to either extensions or new construction, and it is my understanding, based on committee hearings that we have held—and I believe the gentleman has participated in some of them—that working total accessibility into a newly constructed system is not enormously expensive, and sometimes it is even cheaper.

Mr. EDGAR. If the gentleman will yield further, the question is, In the middle of Manhattan, if they go to renovate a subway station, do they in fact have to buy the very expensive land and put an elevator in and make that system accessible?

Mr. CLEVELAND. No. It is my understanding that under my bill they would not have to.

Mr. EDGAR. If the gentleman will yield further, has the gentleman changed the language that says "new fixed-rail systems does not include the replacement, repair, restoration or extension of any fixed-rail system in existence on December 31, 1969?" Has that been changed?

Mr. CLEVELAND. Reading to the gentleman from page 6 of the amendment that I just passed up to the desk, page 6 of this amendment—and it is subsection (B)—"As used in this paragraph, the term 'new fixed-rail system' does not include the replacement, repair, or restoration of any fixed-rail system in existence on December 31, 1969."

Mr. EDGAR. What does that mean?

Mr. CLEVELAND. I think it means what it says. At least I hope it means what it says. I hope I am not guilty of the same thing the regulators downtown are guilty of.

Mr. EDGAR. That is my problem. I would like the gentleman's intention. I think the intention of the committee was to develop language that would give both the fixed-rail cities and the bus cities the opportunity for some local option and some commonsense as it relates to accessibility of the elderly and the handicapped.

My fear is that cities like Philadelphia, New York, and Boston may in fact have to provide mobility systems plus renovation and reconstruction of existing public transit systems, make those fully accessible to the elderly and the handicapped.

The CHAIRMAN pro tempore. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has again expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 1 additional minute.)

Mr. CLEVELAND. Mr. Chairman, I can only say to the gentleman from Pennsylvania that I believe his concerns are answered in my amendment as presently at the desk.

The Cleveland amendment would permit local governments to choose between fully accessible mainline transportation as required by the Department's 504 regulations and a plan of their own devised specifically to address the public transit needs of the disabled.

There are, however, certain limited situations in which full accessibility would still be required. Under subparagraph (d) (9) of my amendment, new fixed rail systems and extensions of existing rail systems would be required to be fully accessible to the extent required under DOT's regulations. I want to emphasize that this is a very narrow exception to my amendment. Replacement, repair, and restoration of existing fixed rail systems would not be subject to the full accessibility requirement.

Let me give you an example. Suppose the city of Philadelphia decided to rehabilitate and repair an existing rail station or stations. This work would not be subject to a full accessibility requirement, regardless of how extensive the rehabilitation project is. The city of Philadelphia and the people of Philadelphia would have the option of deciding whether or not to make the station or stations accessible. This would be a local decision.

To reiterate, the flexibility provided by my amendment would apply to all modes of public transportation, including the restoration, repair, and rehabilitation of existing fixed rail systems.

Only new fixed rail systems and extensions of existing systems would not be subject to the flexibility permitted by my amendment. These terms have been defined in a very narrow sense to assure that full accessibility is required only on legitimate new starts and legitimate extensions. Restoration or repair projects on existing stations, no matter how major the work is, would not be "new starts" or "extensions" within the meaning of my amendment.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Oregon if I have any time left.

Mr. DUNCAN of Oregon. Mr. Chairman, I think that probably, as I read the gentleman's amendment, it would give relief as far as restoration or repair, but as far as any new construction is concerned, it probably does not affect it. And I would just say that I do not think the Cleveland amendment really does everything that ought to be done in this area. But I think it is an infinitely major step forward that ought to be accepted.

I would like to say that there is in our transportation appropriation bill that we passed what is in effect the Zorinsky amendment, and that is the law today unless and until this bill passes with a provision directly addressed to this problem. I think the Cleveland amendment is better than the Zorinsky amendment and it goes a long way toward solving the problem.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, maybe we can clearly set out what we are talking about here. From some of the conversation we have just heard, it appears as though we have a narrow choice going perhaps to the Cleveland amendment, the amendment that the gentleman just offered, or going back to where we have been the past few years. That is not the case at all, I would say to the gentleman from Oregon and some of the others who spoke here.

In either case, we are not going back to the so-called total accessibility, we are not going back to the kind of situation which just will not work with requirements such as a demand for a lift on every bus.

What happened was the Committee on Public Works and Transportation adopted a Cleveland amendment, and that Cleveland amendment stated that local areas could set up a program and it should be accepted as compliance with 504 by the Secretary of Transportation, provided certain things are done: For example, charging a comparable fare, making sure that the program covers the same geographic area that regular public transportation serves.

What we did in my pending amendment in the nature of a substitute is to go beyond the Cleveland amendment—not backward, but forward—to a situation where not only will we not be under the burden of a nonworkable lift on every bus, but also where the local people will have the flexibility and they will also be assured that the handicapped will have service. There are just a few things that are different in my version. These things you will lose if you accept the Cleveland amendment as offered by the gentleman from New Hampshire.

One of the things that we said in our bill before us now, our substitute amendment, is that for the first 2 years you have to respond with a maximum of 24 hours from the time the person calls for the ride and gets the service. After 2 years, it must be down to 8 hours time, and after that, it must be down to 6 hours time. We have been informed by the Congressional Budget Office that such service is cost effective.

Under the Cleveland amendment you can stay with that 24-hour service forever. You never have to improve on that. That is obviously not good for the handicapped.

Another one. The Cleveland amendment says that there is a priority for medical reasons over everybody else. That may sound good, but if you really think of it, certainly a lot of the conservative Members of this body should not want it, because it says that on this public transportation that if you are going to go to see a doctor for a routine visit, you somehow get priority over another handicapped person who is going to work. The only way you can implement that is to demand that every person who wants to use that transportation must notify some bureaucrat the purpose of the trip. The purpose of the trip is not the business of those people. If we take a train or we take public facilities, we do not have to tell what the reason is for. And a person's having to go to work is just as important to that person and that person's family as someone going on a routine visit to the doctor.

□ 1700

So, I think that that is a failing in the Cleveland amendment. Another one: We have required that information about the special services must be disseminated widely in the area so that the people know what is available. That is not in the Cleveland amendment. No requirement to let the people know what kind of service they have there at all.

We have another very important one. We say, wherever operationally practicable, the special services for the handicapped must have a reasonably comparable trip time. In other words, if you have got a 20-minute regular public transit ride, you cannot say, "We have got something for the handicapped but that trip will take them an hour and a half to get there." It has to be reasonably comparable if operationally practicable. That is not in the Cleveland amendment.

So, the Cleveland amendment is full of shortcomings that will have us go back to the day where the handicapped were ignored. It is a step forward from where we were with my own total accessibility, I will admit, but I believe the thing to do that will give the locals the flexibility, and also assure good service for the handicapped, would be to defeat the amendment of the gentleman from New Hampshire and stay with the substitute provision, which seems to be best all around.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Before I yield, I want to congratulate the gentleman for taking the first big step in the direction of bringing sense to this 504 section. I just feel that we have gone beyond that and have a better bit of legislation in the substitute at this time.

The CHAIRMAN pro tempore (Mr. Vanik). The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. Howard was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. Mr. Chairman, I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I thank the gentleman for his kind words, and I do not want to imply in any of my statements that what he has in his substitute is not at least a part of my package. I hope some of my colleagues are listening, either here or in their offices. I think that one of the things the gentleman has underscored in his arguments against my amendment is actually for it. For examples, he says that I say less than 24 hours' notice. Then the gentleman proudly proclaims that he says it is going to be 8 and 6 in 2 year increments.

That is what I am trying to get away from. I am trying to get away from the U.S. Congress, aided and abetted by the Department of Transportation, telling the local people what to do, implying that they have no heart, no compassion. I hope the gentleman realizes that there are a lot of people out there working in local transit who will go to 8 and 6 if it is feasible and required.

In addition to that, your committee—and I understand it is going to be your committee next year—is ordered under my amendment, but not your amendment, to exercise oversight to see if 24 can be reduced to 12 or reduced further. You are being told to do oversight, and I can tell you right now from my experience on your committee, unless someone tells you to exercise oversight, it will not be exercised. But, you know that is true as well as I do.

Mr. HOWARD. I say to the gentleman, who says, "Let us leave it up to the maximum amount possible to the locals to do something, and they will get that time down." You know, that is what they had in the beginning. That is what brought about total accessibility, because the local people, looking at dollars and cents only, ignored the handicapped. They did it to such a degree that what was brought up several years ago was to demand total accessibility. So I think if we are going to give it back to the locals, at least we can say, "You have got to get your trip time down to a reasonably comparable time, if operationally practicable. You have got to take everybody. You cannot say, 'We will take you if you are going here, but we will not take you if you are going to visit a relative or going to work.' "

I do not think that is too much to ask. We are the ones responsible; we are the ones raising the money, and I think we have got the responsibility not to just throw it out to the cities, but to say, "If we are giving you the taxpayers' money that we have raised, then we think this is the minimum you ought to do to assure accessibility."

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Cleveland amendment.

I have stood before this body on several occasions during this Congress in support of legislation which would release local communities from the stranglehold of the section 504 regulations and allow them to decide how best to serve the transportation needs of their handicapped residents.

As some of my colleagues may recall, in the 1st session of the 96th Congress during consideration of the Transportation appropriations bill on the House floor, I specifically addressed the need to examine the relative costs and benefits of specialized service as well as the requirements imposed by the so-called section 504 regulations. At that time, I expressed the opinion that—

> The views of responsible and responsive local communities are being ignored by Federal officials in the name of a uniform national policy—a policy which ignores the unique character and needs of each urban area.

With the passage of this legislation, we will reverse this policy.

Proponents of section 504 regulations argue that what is at stake is not simply the provision of access to transportation, but the preservation of civil rights for the handicapped. I disagree that this is the basic issue and apparently, so do the majority of the handicapped. In the words of one representative handicapped Nebraskan, "I am not concerned with nondiscrimination; I've got a more important priority—just to get to places I need to go."

Proponents of section 504 regulations say special services are too expensive, that special services do not serve the majority of the handicapped, and that the handicapped will be deprived of the opportunity to be able to work and support themselves.

Some of the individuals who purport to represent the best interests of the handicapped adamantly and blindly cling to the position that all wheelchair users should necessarily be mainstreamed—that is given access to the same transportation serving everyone else—regardless of the costs to society and to the handicapped themselves. They claim separate but equal is not appropriate.

But I submit to you that these individuals are mistaken. Focusing on accessibility, proponents of section 504 have obscured the real issue. The key here is mobility, and as the Lincoln, Nebr., director of transportation so aptly puts it, accessibility does not necessarily mean mobility.

If what is important is mobility, then local option is what we must have. Local option may result in separate services but that is, in many, perhaps most, instances and circumstances the best service for America's handicapped citizens. The handicapped, unfortunately, do not have personal mobility equal to everyone else and no law or social program can completely change that fact.

How many people who purport to speak for the handicapped and argue for their civil rights are really handicaped themselves and understand their problems? Not all of them by any means. As one Nebraskan wrote:

> I understand that the handicapped persons lobbying for such a change are minimally limited. Among the handicapped population, the vast majority are multiple handicapped . . . again, the importance is not just "a ride" but that the individual must either function independently at both ends of the trip to use public transportation or must be taken portal to portal where help is available for their functioning.

To a wheelchair-bound citizen it is of little value to watch a fully accessible bus pass by his or her doorstep to a bus stop several blocks up a hill. Handicapped residents of hilly Omaha, Nebr., with its share of icy days in wintertime, know that problem first hand. To a wheelchair-bound citizen living in a less densely settled suburban subdivision where there are no sidewalks, a fully accessible bus stopping only at a neighborhood bus stop is really not very accessible at all. To quote another Nebraskan:

> Accessible buses should not be construed as providing mobility to the handicapped and elderly. If we cannot reach a bus line or the bus without assistance, or transport ourselves from the drop-off point to our destination, then the buses do not provide mobility.

And as I have stated, this is the key point—mobility.

Furthermore, it is now clear from all the evidence that proponents of section 504 have the arguments right—high cost and low benefits—but they have the solution all wrong. Three recent reports (prepared by CBO, the National Research Council Transbus Study, and DOT) question the effectiveness of the regulations in providing transportation benefits to the handicapped. All three suggest that although the cost of the DOT regulations is very high, the transportation benefits to handicapped persons are very low.

I believe that it is foolish, counterproductive and too expensive to require local communities to make their regular bus systems totally accessible to the handicapped through a single approach, when the end result frequently, and usually, means the curtailment or loss of some very good specialized systems that provide true mobility to the handicapped.

I know most of my colleagues understand what I mean when I talk about a regulatory stranglehold. We have voted many times this Congress to reduce the regulatory burden imposed by Federal agencies on our hospitals, on the small businessman, on our local schools. Wherever possible, it makes better sense to have local governments and communities be responsible for the management of programs that directly involve local citizens. Local option is not a catchword for do-nothingism; it is a basic element in our federalist system.

I am committed to the use of local control wherever feasible and appropriate, and I am committed to insuring that the legislation we enact is carried out pursuant to its intent. Today's debate is another in a series of efforts to improve upon previous legislative initiatives—to enable good intentions to become a reality in a manner that serves the public's interests, with a minimum of Federal intervention.

We have this controversy today because DOT wrote 504 regulations without knowing, perhaps not caring, whether they would be workable, much less acceptable to local governments responsible for putting them into effect. The Congress passed compassionate, fair-minded and attractive sounding legislation with every good intention, but perhaps without a full understanding of its consequences as it emerged from the regulations. Once the regulations were written, America finds itself with a costly, inefficient, and disruptive system which imposes requirements that Congress never intended, much less specified.

Under the section 504 mandate, local communities are required to make their regular bus systems totally accessible to the handicapped through a single approach, when the end result frequently, and usually, means the curtailment or loss of some very good specialized systems that provide true mobility to the handicapped. Today we have the opportunity to reverse this situation. The question is how best to achieve that goal.

As was detailed in Mr. CLEVELAND's remarks during general debate last week and again in our dear colleague letter, the substitute measure before us today is seriously deficient in that it will result in a greater regulatory burden than that imposed by the existing regulations. It is replete with language that will only invite further interpretation and misinterpretation. On the other hand, the Cleveland amendment eliminates this problem and uncertainty by confining the requirements of an alternate transportation program to the minimum elements necessary to assure good faith compliance by transit operators. It explicitly prohibits the regulators from adding requirements not specified in the statutory language. It further requires only those regulations absolutely necessary to implement mobility for the handicapped.

To further insure that the programs implemented under this provision reflect congressional intent, and adequately serve the transportation needs of the handicapped, the Cleveland amendment requires, over the next 5 years, annual congressional oversight of public transportation programs for the handicapped. This should provide clear and timely examination of any deficiencies that may arise.

By supporting the Cleveland amendment, you will not only be insuring that local communities have the flexibility needed to meet the transportation needs of their handicapped citizens, you will be insuring that those individuals have the mobility they need. The local option provision we are asking you to restore to this bill will—community-to-community—result in the best service for America's handicapped citizens.

□ 1710

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the amendment offered by the gentleman from New Hampshire. But first, I want to commend the gentleman from New Jersey in his effort to offer a compromise to this very controversial issue involving handicapped transportation. This is not an easy issue for any of us, and I recognize the months of work that the committee members have invested trying to resolve this problem. But unfortunately, the Howard substitute is not a compromise agreed to by the members of the committee, and I believe it falls far short of what Congress must do to adequately mitigate the severe and counterproductive impact that the Department of Transportation's 504 regulations pose for our country's transit systems. That is why I support the Cleveland amendment.

The Department of Transportation's regulations in response to section 504 of the 1973 Rehabilitation Act simply go too far. To require all transit buses to be fitted with wheelchair lifts is shortsighted, cost ineffective, and impractical. A transit system exclusively utilizing wheelchair lifts may be appropriate for some cities, but for many—including the cities of my district—it is counterproductive. To require all cities to install lifts goes well beyond reason.

Anyone who has visited Iowa during the winter is well aware of the harsh weather that we must endure. We suffer from intense cold, strong winds, freezing rain and ice, and significant accumulations of snow. How can we expect people restricted to wheelchairs to journey from their homes through the cold, the wind, the ice, and the snow to wait for often indeterminable periods for a bus?

Furthermore, wheelchair lifts operate ineffectively when exposed to ice and snow. For instance, the city of St. Louis, which enjoys much milder winters than most of Iowa, has experienced problems associated with ice and snow that have resulted in downtime in buses fitted with wheelchair lifts of up to 50 percent.

Mr. HOWARD. Mr. Chairman, would the gentleman yield?

Mr. TAUKE. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. HOWARD. With regard to what the gentleman is saying about the lifts on every bus and the fact that people cannot get the several blocks to get to the bus with the lifts really has nothing to do, is it not true, regardless whether the amendment offered by the gentleman from New Hampshire passes or is defeated, because both situations, the one in my substitute and the gentleman's amendment, do not require that lifts be installed on buses. So, what the gentleman is saying is certainly true for both of our amendments as opposed to the status quo. Is that not correct?

Mr. TAUKE. It is my judgment that under the Cleveland amendment there is a much better chance that the cities will have the opportunity to avoid the stranglehold of the Department of Transportation regulations that are likely to make it very difficult for them to get away from the lift concept and they will have a better opportunity to use the funds that are available for handicapped transportation to provide alternatives such as door-to-door van services.

Mr. HOWARD. Would the gentleman also believe that as my amendment is in the substitute, it requires a lift on every bus; that my amendment does not give the locals the right to make up plans to serve the handicapped, other than a lift on every bus?

Mr. TAUKE. As I read the gentleman's amendment, I think it gives the Department of Transportation significant enough leeway to write regulations that are very similar to those that are already written under section 504?

Mr. HOWARD. It does not have to write extensive regulations. It allows the local people to come forward with a plan and the only difference is what the criteria should be which we in the Congress write, not the Department of Transportation. We are going to write it either in the Cleveland amendment or in the substitute which is before us.

Mr. TAUKE. In the Cleveland amendment I would suggest there is greater flexibility for the local communities.

Mr. HOWARD. There is. I will agree to that, there is greater flexibility for the local communities, but greater flexibility to do ill as well as good.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. Mr. Chairman, I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. I thank the gentleman for yielding.

I think the gentleman's last remark really says what I was about to suggest be said. Under my amendment there is much more local option; there is less chance for those idiot type of regulations to be written by the Department of Transportation, even though it is going to be under new hands, and hopefully more sensible hands.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa, (Mr. TAUKE) has expired.

(By unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mr. TAUKE. Mr. Chairman, there are numerous additional barriers to the utilization of buses fitted with lifts. Many areas of cities have no sidewalks and curb cuts. Distance, in and of itself, can present a major barrier. In addition, hills can render this type of transit system completely ineffective.

In my own community of Dubuque, Iowa, for example, we have a city that is built on seven hills—like Rome. These steep hills make it virtually impossible for our citizens confined to wheelchairs to get to buses. What good will wheelchair lifts provide for these people?

About a year ago, another city in my district, Cedar Rapids, conducted an onboard survey of transit users, including a separate survey of wheelchair-bound riders and another questionnaire for those people who indicated that they could not ride the regular buses. Of those restricted to wheelchairs, 50 percent stated that even if buses were fitted with wheelchair lifts, they could not get to the nearest bus stop. Should we be willing to ignore the transportation needs of these people because of an impractical regulation?

It is also interesting to note that of those not restricted to wheelchairs, 21 percent indicated that they had other handicaps that would inhibit regular bus travel. Of this group, 67.7 percent stated that they could not walk three or four blocks to the bus stop, 50 percent could not stand for more than 10 minutes waiting for a bus, 13 percent could not see to travel to a bus stop, 8 percent could not grasp coins and bus tickets, 6.5 percent could not hear the bus driver, and 4.8 percent could not talk with the bus driver. These statistics underline another critical deficiency of the present regulations—what good will wheelchair lifts do for the disabled, the blind, and the deaf?

The answer to these inherent problems associated with the present 504 regulations is simple—cities must be given the local option necessary to allow flexible alternatives to best meet the transit needs of each particular, unique community. The amendment offered by the gentleman from New Hampshire provides this flexibility.

The citizens and cities of my district have found that special van service, traveling door to door, best meets the needs of our handicapped riders. Now, some may argue that we need both—van service and buses fitted with wheelchair lifts. That may be so in some communities, but definitely not all. In any event, wheelchair lifts must not be mandated, to do so not only would leave many handicapped individuals without service, but also it would cause an extreme shortage of money to provide special van services in areas that need it. The end result would be the severe deterioration of transit service to both handicapped and healthy individuals.

Despite the good intentions of the gentleman from New Jersey, his substitute will leave our communities in virtually the same position in which they find themselves under the present 504 regulations. The problems that will result from the ambiguous language in critical areas of this substitute have been well argued today. Some may feel that we are being unreasonable in our concern. We should believe that the bureaucrats will construct reasonable regulations that clearly reflect the intention of Congress that flexible handicapped transportation regulations be implemented. But who are we kidding? Did not Congress believe the same would be true when it passed the 1973 Rehabilitation Act?

We can be certain, that if this substitute is enacted, the bureaucrats will have a heyday instigating regulations just as stringent as those already on the books. Surely, we in Congress should know better by now.

But just as critical is the provision in the substitute that declares "open season" for court actions against communities attempting to operate local option programs. First, Congress leaves unclear exactly what we intend an effective transportation program to be; then we give our blessing to suits that might settle the issue in court.

Simply stated, Congress is once again avoiding its responsibilities. We would rather sidestep this political "hot potato" and give it to the bureaucrats and the courts to resolve. I am not certain what your constituents expect of you, but mine expect me to take the issues head-on and resolve them. In short, they expect me to do my job—not leave it to bureaucrats and judges.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong support of the gentleman from New Jersey and in opposition to the Cleveland amendment. Let me make clear, I believe that the motivation of the gentleman from New Hampshire (Mr. CLEVELAND) is the finest. I am not completely enamored of the amendment offered by the gentleman from New Jersey (Mr. HOWARD), but I know realistically where we are right now. Where are we, and why are we here? We are here not because the present law is bad, but the Department of Transportation has been unwilling to use the flexibility that it has right now under the present law. So we are in the kind of mess that we are in.

I worked with my colleague, the gentleman from Texas (Mr. STENHOLM) to work out a sensible solution in Abilene, Tex., that the handicapped community was for, that the city was for, and we could not get the Department of Transportation to budge. But now, faced with the choice we have, let me make clear that while the handicapped community would not endorse the Howard substitute, it is far preferable to the Cleveland amendment. I have no doubt that the gentleman from New Hampshire (Mr. CLEVELAND) is correct when he says some people from Nebraska favor the Cleveland amendment. However, as chairman of the subcommittee of this House that deals with the handicapped more than any other subcommittee in this body, I can tell the gentleman and my colleagues that the handicapped community is overwhelmingly in opposition to the Cleveland amendment and for good reason.

Mr. CLEVELAND. Mr. Chairman, would the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I appreciate the gentleman's yielding.

My mail indicates that the handicapped community is divided in various parts of the country. I want to thank the gentleman for confessing that he and Mr. STENHOLM went down to the Department of Transportation and that he found it appalling that he could not get any of those people down there to come to their senses.

I think confession is good for the soul. I appreciate the gentleman's confession and all I can say is hallelujah.

But now I want you to remember that it was those same birdbrains down there that the gentleman could not do business with, and he was shocked when he could not, that helped put together the Howard substitute for the Cleveland amendment. They were there in every single one of the hundreds of conferences they had here on the Hill. They are the boys who crafted that Howard amendment and they crafted it so they could get back in business after it passed.

Mr. SIMON. If I may respond briefly to my colleague, the gentleman from New Hampshire, I do not know that "confession" is the right word, but there is no question that there has been inflexibility. I believe that the Howard amendment provides reasonable flexibility. In fact, it probably provides more flexibility than I would like to see. But when you talk about local option—and we are talking about an amazing degree of local option in the Cleveland amendment—let us remind ourselves that in 1970 Congress passed legislation that urged local communities to move into providing transportation for the handicapped. It was local option and guess what happened? Absolutely nothing.

In many ways there is greater flexibility in the Howard amendment in day-to-day operations than there is in the Cleveland amendment.

Let me just mention one point, and a point that is extremely important to the handicapped community: If you and I get on the Metro or we get on the public transportation system wherever we live, we do not want someone saying, why do you want to get on the Metro? Yet, under the Cleveland amendment, purpose of the trip is there for the handicapped and if your purpose—and this is part of the Cleveland amendment and not part of the Howard amendment—if the purpose of your trip is to get an annual physical exam, you get precedence over someone who wants to go to work.

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The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. SIMON was allowed to proceed for 3 additional minutes.)

Mr. SIMON. Mr. Chairman, I would point out in the handicapped community you have the highest unemployment rate you have among those who are employable of any group in the United States—among the youth, among the minority groups or any other. Fifty percent of the employable handicapped are not working and the principal reason is lack of transportation.

Twenty-four-hour trip response time. Under the Cleveland amendment what that means is, if you notify someone, 24 hours later you can get the trip, and that complies with the law. No comparability requirements. All kinds of loopholes. I would point out the gentleman from Pennsylvania (Mr. EDGAR) just one massive loophole and that is on railroad replacement. I do not know anything about transportation in Philadelphia but if in Philadelphia you decide to totally replace your rail system, the Cleveland amendment says this, that the term, "new fixed rail system" where you are required to have accessibility, "does not include the replacement, repair or restoration of any fixed rail system in existence." What that means is, you can totally replace a rail system and you do not need to do anything for the handicapped community.

I do not think that is the way we want to go. I respect, again, the sincerity and good intent of the gentleman from New Hampshire, but beyond any question, the adoption of the Cleveland amendment would be a major step backward.

As chairman of the House subcommittee which has jurisdiction over most issues relating to the rights and needs of our Nation's 36 million handicapped population, I feel a heavy responsibility to insure a just and reasonable solution to the controversy regarding transportation services for the handicapped.

I support the Howard compromise on this issue, though without enthusiasm. It is not a perfect solution, as few compromises are, but comes much closer to maintaining the basic rights assured to handicapped people by section 504 of the Rehabilitation Act than any other proposal likely to be adopted by the House this session, or than any proposal likely to be adopted during the 97th Congress, should this bill fail on final passage.

Before discussing the Howard proposal and its assurance of the protection of the rights of handicapped people to transportation, I would like to trace the history of this issue and of how we have come to the point of adopting legislation to change the present DOT regulations on section 504.

The Rehabilitation Act of 1973 made clear Congress commitment to the right of our handicapped citizens to participate fully in society. The keystone of that commitment was title V of the act, often described as the Bill of Rights for the handicapped, and particularly section 504, which sought to assure that when the Federal Government provides funds for a program, that program does not discriminate against handicapped persons.

Though clearly within the American tradition of justice for all, this was not simply a matter of enacting sentiment into law nor could it be considered a purely altruistic act. Along with our support of the simple equity involved—and our consciousness, as Senator CRANSTON recently reminded us, that none of us is more than the blink of an eye away from permanent disability—there is more than a little self-interest in seeking to make productive citizens of those who otherwise make heavy claims upon our tax dollars for support. One out of six Americans today is in the category of "disabled" and an estimated almost $40 billion of the Federal budget goes for disability benefits providing income maintenance, medical support and related payments.

By the year 2000 there will be approximately one elderly, chronically ill, or disabled citizen for every able-bodied person in the country and the costs of dependency may exceed $1 trillion. In contrast to the cost of keeping Americans dependent, the cost of providing the currently hundreds of thousands of disabled Americans eager to work the ability to do so—through training, provision of equipment, and attendant care when necessary, and an accessible environment—is truly insignificant. The investment we make now in the continuing ability of handicapped Americans to function fully in society is one of the most important we can make toward a healthy economy in the future.

Fortunately, our recognition of the cost of disability comes at a time when we have a growing ability to increase the independence of our disabled and elderly population. Medical and technological advances, some of them spin-offs from our space program, as well as educational opportunities resulting from Public Law 94-142, the Education For All Handicapped Children Act, put us at a revolutionary turn in the road in our approach to disability. The tragedy of 10,000 spinal cord injuries every year—primarily among physically active young people—is tempered by rapidly increasing understanding of effective treatment. And in the area of transportation—in places such as Seattle where there has been a commitment to making it work—we can look at successful models of integrating the handicapped into a mobile society.

Essential to participating in society is the ability to move freely within it. While we move ahead in all other areas of bringing the disabled into full participation in society it would, indeed, be foolish to try to turn back the clock, or to stop it, in the area of transportation. Looking back at the history of this issue, we can see that "local option" is not a new idea. It is a proven failure. In 1970 Congress adopted statutory language encouraged communities to make "special efforts," by whatever methods they chose, to provide transportation for the elderly and handicapped. This law had no effect. In 1976 DOT issued regulations requiring "special efforts," but still allowing communities "local option" in methods used to provide the service.

A few localities made some effort to comply; the majority, including large metropolitan areas such as New York and Chicago, continued to do nothing. And when special services have been provided, they have fallen far short of comparability with transportation service provided nonhandicapped residents. Still today there is no special service system in the country of which I am aware that does not include discriminatory restrictions such as 24-hour notice, burdensome registration, waiting lists for service, and limitations on trip purpose, hours of service, and points of destination.

While transit operators often claim that to create a specialized service meeting equivalent comparability standards is possible at reasonable cost, in the 10 years of "local option" no such service has been created that I know of. An estimated 50 percent of disabled persons who are capable of working are unemployed. Consistently reported as one of the major impediments to their employment is lack of reliable transportation. Without a strong mandate and effective enforcement, "local option" will never give disabled people the ability to hold jobs and move freely in society.

In 1979 the DOT issued final regulations covering section 504 of the Rehabilitation Act. They required that all buses purchased thereafter be equipped with lifts, that one-half of the peak hour bus fleet of each recipient be lift equipped within 10 years and that over a period of 30 years commuter rail and rapid transit make "key" station—(about 40 percent)—in their systems accessible. The American Public Transit Association filed suit to enjoin the enforcement of the regulations. When their efforts failed, attention turned toward amending the Surface Transportation Act of 1980 and turning back the clock to the "local option" approach which had allowed local transit operators to do very little in providing transportation services to the handicapped. Without 1 day of hearings or the opportunity for handicapped people to make their views known, and ignoring the decade of laws, regulations, case histories, and testimony that led to DOT's regulations, the Cleveland amendment, a "local option" amendment, was adopted by the Public Works and Transportation Committee as section 223 of the Mass Transportation Act of 1980.

Contributing to efforts to change the current regulations has been DOT's inflexible enforcement of them. Waivers of the rail requirements are specifically permitted under the regulations and would likely have been used. But no specific waiver authority was created for bus accessibility and the Department has refused to use general Department waiver authority on buses, even in unique circumstances such as in Abilene, Tex. This inflexibility has been a mistake, and part of the cause of our present difficulty. It has, unfortunately, fed the notion that local option is a better approach to meeting needs of handicapped people and has contributed to the mistaken belief that communities must choose either paratransit or full accessibility rather than the most effective approach, a complementary system.

Adding fuel to the efforts to change the present regulations has been a CBO report on their cost relative to the cost of special service. The report has been widely criticized, however, for basing its costs of paratransit service on figures that underestimate potential ridership and overestimate the level of service paratransit now provides. As an example, the report used figures that eliminated handicapped people as potential riders if they indicated that lack of curb cuts could be a barrier. One member of my own staff who is in a wheelchair rides to and from work every day on a bus that stops where there are no curb cuts. She and other handicapped people have for years been using driveways and finding other ways to surmount the problem of lack of curb cuts.

On the basis of current use of special services, CBO made an assumption that disabled individuals would make only five one-way trips per month—even though existing specialized services have not been able to keep up with demand in spite of demand-limiting restrictions.

CBO estimates of cost for specialized service provide only 1,654 vehicles, or 33 vehicles per State, or 6 vehicles for each metropolitan area. As an indication of the inadequacy of that amount of service, studies show that 100 vans would be needed to serve Santa Clara County, Calif., alone. More than one-fourth of CBO's estimate for the entire country would be needed to serve the area in and around Los Angeles.

The vans now in use in Baltimore, about one-half of CBO's provision for the State of Maryland, are still not able to meet demand, and face daily complaints from stranded handicapped riders. It is clear that truly comparable service using only paratransit, would, as a national approach, be unaffordable.

The House is now considering a compromise on this issue that would allow paratransit in lieu of accessible mainline service or in combination with it in communities choosing this approach. I hope there would not be many communities which would try to meet the needs of their handicapped citizens solely with paratransit. I, frankly, believe the extraordinarily high cost of paratransit service which meets comparability standards will eventually disuade communities from relying extensively upon it.

The Howard substitute would not override the present DOT regulations. It would, however, allow communities to present an alternative plan to the Secretary of DOT for approval. Crucial to the acceptance of the plan would be the assurance that no handicapped person who cannot reasonably use one or more modes of mass transportation service available to the general public is denied effective transportation services. This would require that the Secretary not approve a plan unless sufficient capacity exists, if service is to be provided through paratransit vehicles, to assure effective service. As lack of capacity has been a primary source of deficiencies in present paratransit systems, deficiencies such as long waiting lists for service, we must expect the Secretary to give careful attention to this aspect of a recipient's plan.

Another important provision of the Howard substitute is the requirement that transportation for handicapped persons be provided service with trip time and transfer frequency reasonably comparable, to the extent operationally practicable, to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public. It is generally recognized that it would be infeasible to provide a trip time as short on paratransit vans or by bus as would usually be possible by rapid rail. As not all rail systems under the Howard substitute are required to be made accessible, there may be instances in which the reasonably comparable trip time is not "operationally practicable."

We must expect, however, in order to overcome this inherently discriminatory situation, that efforts must be made to provide the most rapid service possible to those handicapped persons who would use the rail service if it were accessible. Among the feasible alternatives would be express bus service on accessible mass transportation buses and express service on paratransit vans. An accessible bus corridor should not be deemed a sufficient substitute for rail unless 100 percent of the buses along the corridor are accessible. Even if 100-percent accessible bus service is provided along such a rail corridor, however, the service would not be sufficient to overcome the discriminatory trip time unless reasonably timely and direct, as would be possible through express service on buses or paratransit vans.

It should be clear that "operationally practicable" has no meaning other than the above within the context of the proposed amendment and could not be interpreted to allow delays caused by operators attempting to keep paratransit vans full. The latter interpretation would clearly violate the mandated effective service criteria for plan approval.

I would mention one other aspect of the Howard substitute that is critical to its providing nondiscriminatory service, the requirement that service be provided without regard to trip purpose. The current practice of requiring handicapped persons to reveal the purpose of their intended tip is perhaps the most offensive part of present paratransit service, and is surely something that each of us would find an outrageous invasion of privacy.

To place, as Mr. CLEVELAND suggests, a priority on trips for medical purposes would build into the system the necessity to inquire about trip purpose and would allow discrimination against those who may need just as urgently to get to work or to go to school. Priority for medical trip purpose would perpetuate the mistaken idea that disabled people are primarily sick people rather than primarily otherwise normal people who need normal access to society.

Mr. Chairman, as chairman of the House subcommittee with jurisdiction over the Rehabilitation Act and section 504, I am committed to making section 504 work for the benefit of all handicapped persons in this country and for the benefit of the country itself. It is, perhaps, unreasonable to expect local transit agencies, particularly where they constantly fight deficits, to see transportation needs in contexts as broad as we in Congress must see them. But we in Congress do have the responsibility to see long-term investments in transportation in the context of our Nation's needs for the future. The Nation does need to make a long-term commitment to mass transportation that includes the handicapped. We must face that responsibility now, or we will surely regret our failure to do so in the future.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire. It is crucial for all Members, and for the American people, to understand that this is actually a pro-handicapped amendment. It provides a mandate for serving the real transportation needs of the handicapped.

Mr. CLEVELAND has described the shortcomings of the Howard substitute extremely well. I would like to underscore one point. The invitations to litigation implicit in the Howard substitute language will leave us with the Department of Transportation's section 504 regulations while court suits are pending. The section 504 regulations, as local transit system managers know all too well, dictate lift-equipped buses and subway elevators for transit systems. Because transit systems are managed and operated by local governments, each system must be tailored to respond to the needs of the handicapped persons in its area. For this reason, I strongly support the local option that is central to the pending Cleveland amendment.

The issue we should be addressing is the most effective way to make transportation services available to the maximum number of handicapped persons. The Congressional Budget Office has estimated that 6.5 percent of wheelchair users and other severely disabled people would take advantage of life-equipped buses and other modes of "accessible" transportation as dictated by the section 504 regulations. Alternative transportation plans would increase the number of handicapped people who can travel more often by fivefold.

The experience of Milwaukee is a useful example. Since April 1979, the city has had lift-equipped buses in operation. Of 40 major bus routes in the city, 17 are served by lift-equipped buses. During nonrush hours, every bus on these 17 routes is lift-equipped, and during peak hours of demand unequipped buses provide the additional needed service. Handicapped people have been taking an average of 2 rides per day on the lift-equipped buses, that is, 1 round trip each day among these 17 bus routes. This adds up to 60 rides each month, taken by 3 or 4 people, according to the transit system's managing director.

Since June 1978, the city has been operating a "User-side subsidy service" for the handicapped. Quite simply, a handicapped person with a card from the city transit authority pays $1 for a ride in a taxi or van. The city will pay up to $7 of the remaining cost of a taxi ride and up to $10 of the remaining cost of a van ride. Initially this service was available only to people in wheelchairs, but it has since been expanded to accommodate the blind, people on crutches, and those with other types of disabilities. This service is providing an average of 10,000 rides per month.

The choice available to Milwaukee's handicapped community speaks volumes about the comparative merit of lift-equipped buses, which fall into the bureaucracy's pigeon-holed definition of "accessible transportation services," and the alternative service provided by taxis and vans and subsidized by public funds. The latter is offered portal to portal, with 24 hours or less notice. The city bus routes are half-a-mile apart, and it is not easy for handicapped people to maneuver through the streets, some without sidewalks, some with curbs, and in Milwaukee, for a good part of the year, all covered with ice and snow.

The relative costs of these two approaches warrant some attention. Milwaukee has spent over $1 million a year on the taxi-and-van service for approximately 120,000 rides. The city has bought 250 lift-equipped buses over the past 2 years to the tune of $2.75 million. On top of that investment, it is paying $2,000 per year per lift for maintenance costs—a whopping $500,000 a year just to keep these lifts in operation. Even the most elementary cost/benefit analysis tells us that the taxi-and-van system is more effective. Capital costs aside, each lift-equipped bus ride costs $1,400. The alternative costs $7 to $10 a ride in a taxi or a van.

The exorbitant cost per ride on lift-equipped buses in Milwaukee reflects the overwhelming preference of the handicapped for the alternative system. This is a good indication of what "accessibility" means to the handicapped. I might note that under the Cleveland amendment, localities may continue to opt for lift-equipped buses and other transportation modes that currently meet the Department of Transportation's section 504 definition of "accessibility." But it comes as no surprise to see that each of the 40 waiver applications, requesting an exemption from the section 504 regulations, included statements of support from handicapped groups. It is only disappointing that the Department chose to deny all 40 of these requests. Today we have the opportunity to rectify this situation by amending the Howard substitute as recommended by Mr. CLEVELAND. I urge support of the pending amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to my distinguished colleague, the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding. Mr. Chairman, I want to associate myself with the remarks of the gentleman. I agree with the statistics the gentleman has submitted.

I wish to express my support for the Cleveland amendment to the Surface Transportation Act, particularly because of its provisions allowing local communities to establish their own transportation programs for our Nation's handicapped citizens.

Recently, the city of Appleton, Wis., spent $140,000 on wheelchair lifts for city buses. These lifts will serve only nine people in Appleton. According to the Washington Star, in Washington, D.C., only eight people in wheelchairs are daily using the Metrobus fleet rigged with special lifts.

What is evident from these facts is that there are alternatives to the costly regulations imposed by the Department of Transportation. Instead of mandating regulations to our local communities, we should allow them to initiate special programs to meet certain goals. In most cases the local governments are able to establish more productive programs to meet the needs of their citizens. And often local pride in a city-initiated program helps build a better, more efficient and useful service than can ever be devised by a Federal agency.

The endeavors of my colleague from New Hampshire regarding this measure will give our local communities flexibility to meet the transportation needs of the handicapped at the maximum benefit of all people through the establishment of local programs.

Federal requirements do not guarantee the success of community programs. It is the efforts of our local citizens that will determine their outcome. And it is the citizens who should have maximum input into the building of programs that will benefit their community.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Members standing at the time the unanimous-consent request was agreed to will be recognized for 1¼ minutes each.

(By unanimous consent, Mr. HOWARD yielded his time to Mr. MILLER of California).

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the Cleveland amendment which would clearly deny the 35 million handicapped individuals in this country even the "separate but equal" access to public transportation which is purportedly being offered them today.

Let us look more carefully at what we are doing here today, and who will be affected by our actions. First, who are we really talking about? There are currently 35 million handicapped Americans, growing to approximately 50 million after the turn of the 21st century. Handicapped Americans by the year 2000 will probably comprise more people than currently live in the 11 largest metropolitan areas of this country.

The number of elderly people in the Nation is also growing steadily, and the Congressional Budget Office estimates it will possibly double over the next three or four decades. While not all disabled or elderly people are handicapped in the use of public transportation systems, a substantial portion are now, and there is every reason to expect this number to increase substantially.

CBO estimates that approximately 13.4 million people are currently "transportation handicapped," 7.4 million of whom live in cities which now have public transit. A substantial portion of this group, considerably higher than that estimated by the CBO, experiences more than average difficulty in using public transportation. While many of you have relied on CBO's calculations of the demand for public transportation among this group, their estimates are seriously flawed and based on false assumptions—fashioned to enhance the mistaken proposition that achieving accessibility to mass transportation, even over a long period of time, is dramatically more costly than so-called separated but equal transportation provided through paratransit.

The CBO study's demand estimate is based on the 1978 "national survey of transportation handicapped people," prepared for the Department of Transportation. DOT's study generated two demand projections. However, CBO's study took the lower of these demand projections and cut it in half, based on current ridership by the disabled of existing door-to-door service and accessible mainline transit.

Assuming that demand will be one-half lower, based on existing ridership, is a false assumption, for three reasons. First, ridership by the disabled of existing special services is severely restricted by eligibility criteria, trip purpose, hours of service, and geographic destination.

Second, use by the disabled of currently accessible mainline services is restricted by the fact that all such services provide only partial accessibility to the city they serve. The BART subway in San Francisco is a small system, serving only a portion of the metropolitan region, and few accessible buses feed into it. The Metro subway system in Washington, D.C. is only one-third complete, and only a small portion of the buses in that city are accessible. The fact that the CBO study based its demand on current ridership of only partially accessible systems is a false assumption.

Third, CBO's demand projections, based either on existing special service or accessible mainline ridership, are false because such services operate in an essentially inaccessible environment. Over a period of years, as barriers in other programs and services affected by section 504 are removed, demand for accessible mass transit service will increase.

What happens now to the millions of handicapped and elderly individuals without the ability to use public transportation? Most of them do not hold jobs, because they cannot get to them. Most of them spend lots of time in their own homes because they must plan days in advance just to make even a routine outing. But most of them are struggling, just as you and I are, and just as our families are, to fulfill themselves and participate in their communities as productive, hard-working and taxpaying citizens.

And it is Congress which give them the hope—in fact the lifeline—to live in the mainstream of this bountiful Nation, and to contribute to its growth and development. Congress affirmed and reaffirmed its belief in the civil rights of disabled individuals by overriding two vetoes of the Rehabilitation Act.

We are now being told that groups representing handicapped and elderly people support the Cleveland amendment which would gut their right to use public transportation, and to receive the transportation necessary to enable them to live in the mainstream.

It is suggested that the Cleveland amendment is somehow a prohandicapped amendment. Let us examine more carefully who are the so-called "handicapped groups" who support the compromise amendments. Do these groups represent a national constituency? The answer is an absolute "no." Of the 50 so-called "handicapped groups," careful scrutiny reveals that they represent only 26 communities, and only one statewide organization is listed.

And who are the groups objecting strenuously to the alleged "local option" approach—those whom Mr. CLEVELAND has dubbed "small, strident, self-serving special interest groups representing no one but themselves"?

Let me tell you who they are, and who they represent. They number over 115 organizations representing 14 million elderly and handicapped individuals throughout the country. They come from State organizations from Hawaii to Maine, from Texas to Minnesota—32 States in all. They come from nearly 20 national organizations representing every affected disability group, and those who provide essential services to disabled and elderly individuals. They are groups like:

Paralyzed Veterans of America;

Goodwill Industries of America;

The National Association of Retarded Citizens;

The National Multiple Sclerosis Society;

The National Easter Seal Society;

The National Rehabilitation Association and the Association of Rehabilitation Facilities;

The American Council of the Blind;

The Council of State Administrators of Vocational Rehabilitation; and the largest cross-handicap coalition in the country—itself representing 90 local and State organizations—the American Coalition of Citizens with Disabilities.

This is hardly what I would call "small, strident, self-serving special interest groups representing no one but themselves." The sponsor of this amendment calls his solution the result "of an exercise in oversight all too rare in this body." But the so-called oversight on this issue of mobility for the handicapped on public transportation was not exactly what you would call balanced or objective. No organized groups or representatives of the handicapped were given any opportunity in this Congress to testify on the handicapped transportation issue during the committee's deliberations on H.R. 6714. Not one member of this vast array of organizations was consulted when the Cleveland amendment was added after the hearings were held.

Why do these groups unanimously oppose the approach which some of my colleagues tout as "local option"? Because, as the gentlewoman from New York (Mrs. CHISHOLM) has so eloquently stated, in most communities "local option" has and will continue to mean "no option" for millions of disabled and elderly citizens.

Even the most recent amendment printed in the RECORD on Friday, November 21, and which some may consider a compromise would guarantee, at best, highly inequitable transportation service to handicapped and senior citizens—and virtually no transportation service at all to hundreds of thousands of others.

This proposed amendment drops any pretense of concern about providing transportation for the disabled in this country even remotely comparable to that afforded able-bodied Americans. For this amendment does not even require public transit authorities to insure that all persons who need service will receive it, or that the service even meet a test of effectiveness.

On the basis of this amendment, one would presume that disabled citizens and citizens over 65 should not even ask for service with less than a 24-hour response time. But let me ask you to consider your own day-to-day activities:

How often do you know 24 hours in advance when you need to go to the supermarket because you have run out of milk?

How many of you know 24 hours in advance of every meeting you must attend?

How many of you know 24 hours in advance exactly how long you will stay at work on any given day?

And, how many of you know 24 hours in advance whether you will need to see a doctor?

The point is this: To adopt the Cleveland amendment is to tell the handicapped that they must participate in our society on a separate and not equal basis. Somebody talked about the landslide election. How are the 13 million transportation handicapped people in this country going to get to the polls when they tell them they will try to get there within the next 24 hours? We try to get these people employed but one medical appointment can bump them from getting to their jobs. When they seek employment they must tell their employers they do not know if they can get to work everyday because somebody might bump them from their ride. The only criteria is that the bus show up within 24 hours.

I think you are going to find out that you have angered a tremendous constituency out there, a constituency that this Congress has committed itself to and to which it has reaffirmed that commitment time and again to providing a mainstream life in our society. Now, should the Cleveland amendment come about, we are taking a major step backward, we are taking these people and thrusting them into a mode of transportation that would be totally unacceptable to any Member of this House under any conditions.

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I would just like you to ask yourself, how would you like to be paralyzed? How would you like to be handicapped and how would you like to go to an employer and tell them you have a skill. Let us assume you can do computer keyboard, and the employer says, "I will hire you."

You say, "Well, there is one problem. I do not know if I can get to work everyday, because I do not know if the bus will stop. I do not know if the van will show up."

How would you like that to be the condition under which you have to go in for an interview?

How would you like to tell a friend that you would like to have a date but you have got to have 24 hours notice and you hope the bus can show up then? The show starts at 7:10. You do not have a date.

So far, we have taken care of your job and your social life.

What about the doctor? Do not forget, they are going to give priority to medical appointments, but they have to show up within 24 hours. I hope the hemorrhaging is not too serious so they can give you priority. There is nothing in this amendment that says this service shall be effective. There is nothing in the Cleveland amendment that says it shall serve all the handicapped who are in that community. It simply says, we will provide some method of transportation, and we will try to show up within 24 hours.

I just ask the gentleman, for him and for his family, how would he like to live in a society under those constraints, where he could not get out of his house without 24 hours' notice, he could not guarantee his employer that he could show up everyday, he could not guarantee his doctor he could keep his appointment. And worst of all, let us assume you are so severely handicapped that you must have an attendant. Under the Cleveland amendment, you are not even guaranteed that your attendant can ride with you. Somebody can get you on the bus, but when you get off at the other end, you cannot go anywhere because your attendant is not there.

This so-called local option Cleveland amendment does not guarantee transportation services to any handicapped individual regardless of the purpose of the trip. Let me give you an example: if a disabled student is relying on a local paratransit system to take her to the nearby community college, and another disabled individual's trip purpose is "medical," the person going to school could be out of luck that day. Or perhaps the first individual uses the paratransit system to go to work everyday. Well, in that case, he might just lose a day's pay.

But requiring the handicapped rider to tell why he needs to go somewhere is standard procedure for current paratransit systems. Many of these existing systems refuse to make trips which they determine are "nonessential." Is that how we hope to increase the mobility and the choices for disabled adults in this society—by setting arbitrary limits on their choices and decisions about day-today activities, or by removing their livelihood because of others' unpredictable, if no less deserving, needs?

I thought this was the Congress that wants to "get the Federal Government off our backs," to keep the Federal Government from interfering in the lives of families, from intervening in the personal decisionmaking of individual citizens and their choices about how to lead their lives. But I guess not off the backs of the disabled and elderly.

Existing paratransit systems are currently plagued by very long waiting lists. Because the capacity of local paratransit systems is so low, and relatively inefficient, the average number of riders in a vehicle is extremely low—approximately 1.3 riders in a vehicle—despite the demand.

Nevertheless, the amendment before us would not require local transit authorities to insure that sufficient paratransit capacity exists to prevent long waiting lists for service. The amendment before us would not even cause some local transit authorities to improve the inadequate paratransit system they currently operate.

This amendment, further, makes no pretense that local transit authorities should consult with those who need their services when developing an alternative public transportation system. For the amendment eliminates the requirement for consultation with all handicapped persons in the service area—prefering to limit consultation only to those for whom paratransit is actually provided.

I have seen, however, in my own district, just how possible and constructive, a widespread consultation process can be. Representatives of both disabled and elderly people in the area I represent have been participating actively in planning Alameda-Contra Costa Transit's accessibility program. An active committee of consumers works closely with the planning department, the marketing department, and the training department of AC Transit. And AC Transit expects to have 50 percent of its bus fleet accessible by 1982.

This is an excellent example of how a public agency can work with the community in a mutually beneficial way to make its accessibility program most responsive to the people who will use it.

Furthermore, the amendment does not even assert that metropolitan planning organizations should participate in the consultation process. One of the major benefits of public transit is that it enables our citizens to cross local jurisdictions with a minimum of burden. To assure this, planners from throughout a metropolitan area—not just those in a central city or a single suburban jurisdiction, need to get together to determine what transportation patterns would be most responsive. But requiring such participation is apparently considered a mistrust of local government.

There are many other deficiencies of this proposed amendment which would enable local government to avert its gaze from the responsibility of providing public transportation to all its citizens without regard to disability or age.

Despite demonstrable evidence that communities will find it efficient and relatively inexpensive to make fixed rail facilities accessible when replacement, major alteration or renovation is in process, the amendment under consideration would eliminate the requirement for accessibility under those circumstances.

Similarly, the amendment eliminates the necessity to make new construction or extension of waterborne systems accessible. And finally, the proposed amendment would eliminate various methods of recourse for the disabled even if service to them continued to be inaccessible. Not only does the amendment bar the Secretary of Transportation from taking all but the most drastic administrative action—withholding of some funds—even if it is clear that the needs of handicapped individuals are not being met, but it eliminates the right of these individuals to have their grievances addressed in a court of law.

This amendment is the ultimate cruelty that this Congress can inflict on millions of handicapped people in this country. It would be a betrayal of years of promises by this Congress to the handicapped community, which relies on our good word. This amendment must be defeated.

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Chairman, I rise in strong support of the Cleveland amendment to the Howard substitute for the Surface Transportation Act of 1980.

Like most other Members of this body, I have been asked repeatedly these past 2 years by local officials, small businessmen, and average citizens to do something to ease the expensive and frustrating burden of excessive Federal regulation. In no instance has this frustration been made more apparent than in the efforts of Stockton, Calif.—the largest city in my district—to comply with the requirements of section 504 of the Rehabilitation Act of 1973 as mandated by the Department of Transportation.

As I am certain my colleagues are aware, the DOT rules, if not modified, will require transit systems to equip all buses with lifts for wheelchairs, to install elevators in underground and aboveground rail stations, and to modify rail cars to accommodate wheelchairs. It has been estimated that the program, as now conceived, could cost as much as $6.8 billion over the next 30 years. Unfortunately there can be no assurance that, under DOT requirements, the needs of most handicapped individuals will be effectively served. The Congressional Budget Office, in fact, has estimated that as few as 7 percent of the handicapped population would benefit.

Mr. Chairman, the grossly expensive section 504 requirements make no sense—especially when it can be conclusively shown that alternate approaches, tailored to the unique needs of individual communities, would cost less and help more people. The Cleveland amendment is based on a recognition of this fundamental fact, and allows for "local options" in dealing with local problems.

I mentioned earlier the situation as experienced by the Stockton Metropolitan Transit District (SMTD). I would like to quote from a letter I received from the SMTD chairman:

> The 504 regulation edict by the Secretary of Transportation seems to me another unnecessary and flagrant waste of public dollars. . . . We in Stockton have the best handicapped service in the state as testified to by the president of the local chapter of the California Association of Physically Handicapped. In addition, our cost per ride is well below the average—$8.76 versus, for example, Kansas City at $16.
>
> With the implementation of all coaches being accessible to non-ambulatory personnel (necessitating lifts on the coaches), operating costs will, as you can imagine, escalate beyond belief—that is if the handicapped community chooses to use them. But whether they do or not, the capital outlay alone in purchasing this equipment will be staggering.

In the case of Stockton, is it good public policy to force the "Dial-a-Ride" program, which has effectively served the local handicapped community, out of existence? I think not. Yet this will be the case if the Cleveland amendment is not adopted.

The Cleveland amendment in no way implies a lessening of our commitment to providing adequate transportation for the handicapped. Rather, by recognizing the demonstrable advantages of differing means of handicapped transportation in differing areas of the country, we will allow localities the option of developing that system that best meets their needs. By any definition, this will assure the best access for the handicapped.

Mr. Chairman, the concern has been raised that without a standardized approach, no matter how expensive and unwieldy, some communities might not provide adequate access. The Cleveland amendment addresses this issue by requiring direct congressional oversight of handicapped transportation programs. Frankly, I am a lot more comfortable with this approach, than with leaving oversight responsibilities with the Department of Transportation.

Excessive Federal regulation is not what is needed to address the needs of the handicapped; commonsense is. I therefore urge that the Cleveland amendment be adopted.

The CHAIRMAN. The Chair now recognizes the gentleman from Texas (Mr. Stenholm).

(By unanimous consent, Mr. Cleveland and Mr. Solomon yielded their time to Mr. Stenholm.)

Mr. STENHOLM. Mr. Chairman, on July 31, 1980, during consideration of H.R. 7831, Department of Transportation and related agencies appropriation bill, I offered an amendment that would have allowed cities a local option in meeting the transportation needs of its handicapped citizens. The fact that my amendment failed by only 27 votes was a clear indication that many of my colleagues were aware of the financial difficulties of their cities meeting the stringent requirements of section 504 of the Rehabilitation Act of 1973. Many of my colleagues later commented that they felt compelled to vote against the amendment, not because they disagreed with its intent, but because they felt an appropriation bill was not the proper vehicle for this amendment.

I attempted to assist Abilene, Tex., in the 17th Congressional District in its efforts to provide an efficient and workable system. I cannot say enough about my colleague, the Honorable Paul Simon, chairman of the Subcommittee on Select Education, and his efforts to help persuade the Secretary of Transportation of the merits for granting a waiver of section 504. Our joint efforts proved to be futile.

Abilene was in the process of purchasing 14 city buses with a grant from DOT. Under section 504 regulations of the Rehabilitation Act of 1973, the city was ordered to equip each bus with a wheelchair lift at a cost of $12,000 for each lift. Please bear in mind that the city has approximately 440 miles of surface streets with under 5 percent of these streets having sidewalks. In the residential areas, less than 1 percent of the streets have sidewalks on either side. No sidewalks have been constructed in residential areas since 1955 and are now in need of repair. Abilene would have to construct 836 miles of sidewalks in order for the streets to be completely accessible.

In 1978, Abilene began a program of constructing sidewalks with special emphasis being placed near elementary schools. Some $35,000 per year is now being spent and, at this rate, it will take more than 750 years to complete the program.

Abilene had a unique opportunity to implement a model program for close inspection by the Nation because of the West Texas Rehabilitation Center and Hendricks Memorial Hospital and the resulting numbers of handicapped people living in the community. The city had offered to purchase specially equipped vans to meet these needs at a cost of $15,000 to $20,000—depending on the size of the van and equipment. Congressman Simon sent a member of his subcommittee staff who herself was handicapped and worked from a wheelchair, to assess the city's problems. Her recommendation, and I would like to stress that it was a recommendation not made lightly in view of her tireless efforts on behalf of all handicapped, was to request a partial waiver from the DOT. A combination service of vans and two specially equipped buses would allow a degree of independence to the handicapped community to allow them to travel to the rehab center, the hospitals, the malls, and the downtown area. The vans would have gone to the outlying areas of the city to bring them to the bus lines.

After repeated contacts by myself and Congressman Simon with the Secretary of Transportation, as well as with his advisers, I can only say that we met with complete indifference to our request. I regretfully came to the conclusion that the Department was insensitive to the needs of the Nation's handicapped as section 503 is now applied. I support the Cleveland amendment as being a valuable solution of allowing local option and commonsense to meet the needs of the handicapped at a cost we all can afford.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would like to say to the gentleman, the gentleman knows the problems his city had is what brought about the Cleveland amendment and my substitute. So the only differences are, for instance, where the gentleman from New Hampshire (Mr. Cleveland) says that you have to tell why you are going on every trip and a person going to get a medical checkup would get a priority over someone going to work.

Does the gentleman find any problem with saying that everybody ought to have equal access, which my amendment has and his does not?

Mr. STENHOLM. I have no problem with it as it is explained by the gentleman, but I do have a problem with what we consistently get into when we pass the intent of the Congress and turn it over to the regulatory agencies or the bureaucrats to interpret.

Mr. HOWARD. If the gentleman will yield further, I would just say that under the Cleveland amendment the bureaucrats are going to determine who gets the ride, whereas mine has no bureaucrat involved as to who gets the priority. So if the gentleman wants less bureaucracy, the gentleman ought to support my position. Both of them eliminate the need for a lift on every bus. It is just that we give a little more freedom to the people, take away a little more bureaucracy and assure the handicapped a little bit better level of service than does the amendment of the gentleman from New Hampshire.

Mr. STENHOLM. I respectfully disagree with the last statement of the interpretation of the amendment.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I thank the gentleman for yielding.

I think the gentleman's story is an interesting one. I want to remind him and my colleagues that the people who wrote the Howard substitute were his old friends from the Department of Transportation back in business in that room every meeting, and that is what my staff tells me; and if the gentleman wants to question that he can. They were right there along with these national organizations that opposed my amendment, because they like regulations written in Washington when they can help write them, and local option goes out the window.

□ 1740

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. Cavanaugh).

Mr. CAVANAUGH. Mr. Chairman, I rise in opposition to the Cleveland amendment and in support of the Howard substitute to H.R. 6417, the Surface Transportation Act of 1980. It is unfortunate that the House must now choose between what are essentially two "local option" amendments, neither one of which guarantees that accessible transportation—lift-equipped buses—will be a part of the solution to the problem of providing mass transit service to the handicapped. However, Representative Howard's amendment with its emphasis on effective transportation, resort to private remedy, strict standards of comparability, and the possible future retrofitting of new buses represents a better "local option" amendment than that of Representative Cleveland. In fact, the Howard amendment leaves the door open to cities wishing to develop a combination of accessible and paratransit services.

Originally I had planned to offer an amendment that would have permitted local transit agencies to operate door-to-door van programs to meet the special needs of the handicapped. This amendment, similar to the Exon-Zorinsky amendment passed by the Senate, would have also required the procurement of at least 50-percent accessible or lift-equipped buses when a city purchased new buses. I continue to believe that the task of providing transportation for the handicapped can only be truly achieved through a combination of accessible and paratransit services. However, given the present choice provided by the Howard and Cleveland amendments, I am prepared to join Representative Simon in supporting the Howard substitute. It is clear that without a strong mandate and effective enforcement "local option" will never give disabled people the ability to hold jobs and move freely in society.

The Howard amendment is not a perfect solution, as few compromises ever are, but it comes much closer to maintaining the basic rights assured to handicapped people by section 504 of the Rehabilitation Act than any other proposal likely to be adopted by the House this session, or than any proposal likely to be adopted during the 97th Congress, should this bill fail on final passage.

Before discussing the Howard proposal and its assurance of the protection of the rights of handicapped people to transportation, I would like to comment on the history of this issue.

The Rehabilitation Act of 1973 made clear Congress commitment to the right of our handicapped citizens to participate fully in society. The keystone of that commitment was title V of the act, often described as the Bill of Rights for the handicapped, and particularly section 504, which sought to assure that when the Federal Government provides funds for a program, that program does not discriminate against handicapped persons.

Though clearly within the American tradition of justice for all, this was not simply a matter of enacting sentiment into law nor could it be considered a purely altruistic act. Along with our support of the simple equity involved—and our consciousness, as Senator Cranston recently reminded us, that none of us is more than the blink of an eye away from permanent disability—there is more than a little self-interest in seeking to make productive citizens of those who otherwise make heavy claims upon our tax dollars for support.

One out of six Americans today is in the category of "disabled" and an estimated almost $40 billion of the Federal budget goes for disability benefits providing income maintenance, medical support and related payments. By the year 2000 there will be approximately one elderly, chronically ill, or disabled citizen for every able-bodied person in the country and the costs of dependency may exceed $1 trillion.

In contrast to the cost of keeping Americans dependent, the cost of providing the currently hundreds of thousands of disabled Americans eager to work the ability to do so—through training, provision of equipment and attendant care when necessary, and an accessible environment—is truly insignificant. The investment we make now in the continuing ability of handicapped Americans to function fully in society is one of the most important we can make toward a healthy economy in the future.

In 1979 the DOT issued final regulations covering section 504 of the Rehabilitation Act. In part, these new regulations stemmed from the fact that some local transit agencies had taken no steps to comply with the Rehabilitation Act of 1973. These new regulations required that all buses purchased thereafter be equipped with lifts, that one-half of the peak hours bus fleet of each recipient be lift equipped within 10 years and that over a period of 30 years commuter rail and rapid transit make "key" stations—about 40 percent—in their systems accessible. The American Public Transit Association filed suit to enjoin the enforcement of the regulations. When their efforts failed, attention turned toward amending the Surface Transportation Act of 1980 and turning back the clock to the "local option" approach which had allowed local transit operators to do very little in providing transportation services to the handicapped. Without 1 day of hearings or the opportunity for handicapped people to make their views known, and ignoring the decade of laws, regulations, case histories and testimony that led to DOT's regulations, the so-called Cleveland amendment, a "local option" amendment, was adopted by the Public Works and Transportation Committee as section 223 of the Mass Transportation Act of 1980.

Contributing to efforts to change the current regulations has been DOT's inflexible enforcement of them. Waivers of the rail requirements are specifically permitted under the regulations and would have been likely to have been used. But no specific waiver authority was created for bus accessibility and the Department has refused to use general Department waiver authority on buses, even in unique circumstances such as in Abilene, Tex. It is my personal opinion that this inflexibility has been a grave mistake. For instance, the city of Omaha's application for a waiver was denied even though our local transit agency has made a good faith effort to provide transportation for the handicapped. The Metro Area Transit Agency of Omaha currently operates a paratransit service which has provided over 133,000 one-way trips since 1975. I am sure that they will want to expand this service during the coming decade. The Howard amendment would require them to expand this service.

The Howard substitute would not override the present DOT regulations. It would, however, allow communities to present an alternative plan to the Secretary of DOT for approval. Crucial to the acceptance of the plan would be the assurance that no handicapped person who cannot reasonably use one or more modes of mass transportation service available to the general public is denied effective transportation services. This would require that the Secretary not approve a plan unless sufficient capacity exists, if service is to be provided through paratransit vehicles, to assure effective service. As lack of capacity has been a primary source of deficiencies in present paratransit systems, deficiencies such as long waiting lists for service, we must expect the Secretary to give careful attention to this aspect of a recipient's plan.

Another important provision of the Howard substitute is the requirement that transportation for handicapped persons be provided with trip time and transfer frequency reasonably comparable, to the extent operationally practicable, to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public.

A third provision of the Howard substitute provides that any new inaccessible bus purchased with Federal financial assistance will be designed to facilitate the possible later installation of a level change mechanism. In addition, the Howard amendment provides for increasingly shorter trip response time over a period of years.

It is, perhaps, unreasonable to expect local transit agencies, particularly where they constantly fight deficits, to see transportation needs in contexts as broad as we in Congress must see them. But we in Congress do have the responsibility to see long-term investments in transportation in the context of our Nation's needs for the future. The Nation does need to make a long-term commitment to mass transportation that includes the handicapped. We must face that responsibility now, or we will surely regret our failure to do so in the future.

● Mr. BIAGGI. Mr. Chairman, on September 29, 1970, the House passed an amendment I sponsored to the Urban Mass Transportation Act providing for the first time that it be national policy that mass transportation be fully accessible to the elderly and handicapped. It is now 10 years later and we have tragically achieved far too little in terms of meeting the mandate of my amendment. However, if we are to avert the total destruction of this effort—we must defeat the pending Cleveland amendment.

Complementing my 1970 legislation on behalf of transportation accessibility for the elderly and disabled was the 1973 approval of section 504 of the Rehabilitation Act Amendments of 1973. Here the mandate for full civil rights for the handicapped was made part of law for all activities and programs receiving Federal funds.

There is a certain amount of emotion associated with this issue and the Cleveland amendment is clearly more of an emotional response than a responsible piece of legislation. It is an effort to circumvent the intent of my amendment as well as the 504 mandate. What this amendment seeks to do is provide local areas with an option as to the type of services they are willing to offer their handicapped citizens. Absent the kind of explicit guarantees built into the Howard substitute—local option can also be construed as a local option to do nothing to improve transportation accessibility for the elderly and disabled.

I oppose the Cleveland amendment because it fails to guarantee a basic level of service. I oppose it because it does not insure that all handicapped who may need service can in fact receive it. I oppose it because it imposes arbitrary and potentially discriminatory priorities in the types of services provided. I oppose it because it provides far too weak language regarding the extent to which the handicapped community is to be consulted on transportation services.

I really oppose the Cleveland amendment because it signals a significant regression by this Congress to the promises we made to the handicapped community that they would be afforded full accessibility rights to transportation. We cannot permit this to be done.

I support the Howard substitute language in this area with nothing resembling the enthusiasm I have for the other positions of the legislation. However, we must be realists in this legislation. It is apparent that the absolute adherence to full fixed-route accessibility cannot be achieved by a number of localities in this Nation, most significantly, my own home city of New York. We cannot be blind to studies which have been undertaken which show that the participation by the handicapped in transportation services may in fact be higher under a paratransit type of program.

I regret the fact that we are acting on this amendment now when we should wait until the next Congress when we can review the entire section 504 legislation. However, it is before us and we must act responsibly. A vote for the Howard substitute and against the Cleveland amendment is the most responsible vote we can cast under the circumstances.●

The CHAIRMAN pro tempore. All time has expired. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEVELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 183, not voting 68, as follows:

[Roll No. 656]

AYES—181

Abdnor
Albosta
Andrews, N.Dak.
Anthony
Archer
Badham
Bafalis
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bevill
Bouquard
Bowen
Breaux
Brooks
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Findley
Fish
Fithian
Forsythe
Fountain
Frenzel
Gephardt
Gilman
Gingrich
Goldwater
Goodling
Gradison
Grassley
Grisham
Guyer
Hammerschmidt
Hansen
Harsha
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jones, Okla.
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKay
McKinney
Marks
Marlenee
Marriott
Martin
Mazzoli
Mica
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Myers, Ind.
Natcher
Nichols
Nowak
Pashayan
Paul
Pease
Petri
Pritchard
Quayle
Quillen
Railsback
Regula
Ritter
Robinson
Rose
Roth
Royer
Rudd
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stockman
Stump
Symms
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Volkmer
Walker
Watkins
Weaver
Whittaker
Whitten
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Fla.

NOES—183

Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Bailey
Barnes
Beilenson
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonker
Brademas
Brinkley
Brodhead
Brown, Calif.
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Conte
Conyers
Corman
Crockett
D'Amours
Danielson
Deckard
Dellums
Dicks
Dingell
Dixon
Dodd
Donnelly
Drinan
Early
Eckhardt
Edwards, Calif.
Emery
Fary
Fascell
Fazio
Ferraro
Fisher
Flippo
Florio
Foley
Ford, Mich.
Fowler
Fuqua
Gaydos
Gibbons
Ginn
Gonzalez
Gore
Gray
Green
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hanley
Harris
Hawkins
Heckler
Hefner
Heftel
Hollenbeck
Holtzman
Howard
Hughes
Jeffords
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, La.
Lehman
Leland
Lent
Levitas
Long, La.
Long, Md.
Lowry
McHugh
Maguire
Markey
Matsui
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Nelson
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pepper
Perkins
Peyser
Pickle
Porter
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roberts
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Scheuer
Seiberling
Shannon
Sharp
Simon
Solarz
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Traxler
Udall
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weiss
White
Whitehurst
Whitley
Williams, Mont
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—68

Applegate
Ashbrook
Baldus
Barnard
Beard, R.I.
Bethune
Bolling
Bonior
Broomfield
Brown, Ohio
Cheney
Coelho
Collins, Ill.
Cotter
Courter
Crane, Philip
Davis, S.C.
Derrick
Downey
Evans, Ga.
Fenwick
Ford, Tenn.
Frost
Garcia
Giaimo
Glickman
Gramm
Guarini
Hagedorn
Hance
Harkin
Huckaby
Jenkins
Jenrette
Johnson, Colo.
Jones, Tenn.
Kelly
LaFalce
Leath, Tex.
Lederer
Lloyd
Lundine
Madigan
Mathis
Mattox
Michel
Moffett
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Pursell
Rhodes
Rodino
Rousselot
Satterfield
Schroeder
Spellman
Stanton
Thompson
Ullman
Wampler
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Yates
Young, Alaska

☐ 1750

Messrs. MATSUI, SYNAR, and FLIPPO changed their votes from "aye" to "no."

Messrs. SYNAR. WYDLER, MICA, TRIBLE, and BEVILL, changed their votes from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

● Mr. OTTINGER. Mr. Chairman, I rise in support of the Howard amendment in the nature of a substitute to H.R. 6417, the Surface Transportation Act of 1980.

I applaud the gentleman from New Jersey (Mr. HOWARD) for presenting us with a measure which demonstrates this body's commitment to mass transit, particularly to existing mass transportation systems in our Nation's urbanized areas. I also want to commend the gentleman from New Jersey (Mr. HOWARD) for recognizing the importance of enacting this legislation prior to the adjournment of the 96th Congress and for fashioning a bill which complements the Senate-passed measure.

The Howard substitute authorizes roughly $20 billion for transit programs for fiscal years 1981–85, including $13.9 billion for the section 3 discretionary capital assistance program and $10.6 billion for the section 5 formula grant program which provides operating and capital assistance grants to urbanized areas. These figures compare to existing authorizations for the section 3 program of $6.105 billion for fiscal years 1980–83 and $1.31 billion for the section 5 program through fiscal year 1982.

As one who is deeply involved in alleviating our Nation's energy crisis and as a Representative of Westchester County, N.Y., which is served by the Metropolitan Transportation Authority (MTA), the largest public transit system in the country, I am very concerned about the future of our Nation's public transportation system and the Federal commitment to maintaining and expanding that system.

During the past 10 years, for the first time in decades, we have witnessed an increase in transit ridership. In fact, ridership has increased annually since 1972 and last year the increase was at an annual rate of 7 percent.

At the same time that more Americans are turning to public transportation, the costs of providing that service have dramatically increased. Skyrocketing rates of inflation, especially in the areas of energy, goods, services, and labor, have taken their toll on the transit industry. The Metropolitan Transportation Authority, which serves the New York City metropolitan area, has reported deficits this year of $294 million for commuter railroads and $551 million for its bus and subway system.

Currently, only 18 percent of transit operating costs are borne by the Federal Government. Eighty-two percent of operating costs for mass transit nationwide are shared by local and State governments and transit riders. The non-Federal share of the cost is skyrocketing and, as a result, is causing unbearable financial strain on local and State budgets as well as on the pocketbooks of the American consumer. If public transportation systems are to maintain and expand service, then the Federal share of providing such a service must be increased. The authorization levels contained in the Howard substitute to H.R. 6417 for the programs of the Urban Mass Transportation Administration represent important first steps in increasing the Federal contribution to our Nation's transit systems.

There is one element of the Howard substitute which deserves special emphasis and for which I have been a strong and vocal advocate. That is the provision which amends the formula whereby operating and capital assistance is allocated to urbanized areas over 200,000 in population under the section 5 program.

The current section 5 formula for large urbanized areas, which is based on population and population weighted by density, causes gross inequities in the allocation of section 5 funds nationwide. For example, the MTA, which carries 35 percent of all transit riders in the Nation and collects 40 percent of the national fare box intake, receives only 15 percent of Federal operating assistance. It is my understanding that the 33 cities in the Nation with populations in excess of 750,000 receive only 75 percent of the section 5 operating assistance funds while they carry over 85 percent of the Nation's transit riders.

As a result, these major cities receive about 16 cents per passenger while many smaller areas receive twice that amount. According to figures compiled by the New York State Department of Transportation, for transit intensive cities, the per passenger subsidy disparity is as follows: New York, 8 cents; Chicago, 10 cents; Philadelphia, 12 cents; San Francisco and Atlanta, 13 cents. In comparison, the cities of Phoenix and San Jose receive in excess of 80 cents.

The section 5 formula change contained in the Howard substitute, which bases the allocation to funds to large urbanized areas on the service-based factor of revenue vehicle miles, is an important first step in addressing the current inequities in the distribution of funds so that transit intensive systems receive operating assistance commensurate with the service provided and hence with need.

For the MTA system, which carries 35 percent of the Nation's transit riders, the section 5 formula change, as adopted by the Senate in June and as contained in this legislation, will result in a doubling of operating funds received under the section 5 program within 5 years. Although this increase is not enough to cure MTA's problems and will only result in a 5-percent increase in MTA's share of the total operating assistance available nationwide—from 15 to 20 percent—it will provide a real boost to MTA's efforts to improve its deteriorating transit system.

Again, I want to express my strong support of the Howard substitute to H.R. 6417 and want to reiterate my commitment to working with my colleagues on rebuilding existing mass transportation systems which do not meet today's demands and on building new systems in those areas which are currently underserved. A significant investment by the Federal Government in our Nation's public transportation systems means jobs, increased mobility for all Americans, improved quality of the environment, a healthier economy, and energy conservation. Without this investment, our Nation will continue to suffer from more traffic congestion, pollution, and economic stagnation and we will pay a horrendous price in increased dependence on imported oil at even higher inflation-producing prices.●

● Mr. DERWINSKI. Mr. Chairman, I urge my colleagues to approve this legislation which includes the mass transit assistance so important to cities such as the Chicago metropolitan area.

The suburban area which I represent must have an efficient mass transportation system in order to serve as many constituents as possible, enabling them to get to and from work and meet their other transit needs. I have consistently supported Federal funding assistance for mass transit capital and operating expenses and believe that H.R. 6417 deserves our vote of approval to continue to meet these needs.

I also urge the House to approve the section of the bill which provides that alternative transportation services for the handicapped are acceptable substitutes for mainline accessibility to rail systems in existence before 1970 and to all bus systems. I believe this is a practical amendment to existing law which has resulted in restrictive and costly Department of Transportation regulations for equipment to enable mass transit systems to be accessible to the handicapped.

Efficient mass transit systems will contribute to our conservation of energy resources, and I urge House approval of this bill.●

● Mr. McKINNEY. Mr. Chairman, I am pleased to join my colleagues today in support of H.R. 6417, the Surface Transportation Act of 1980. This legislation includes a provision designed to vastly improve and expand transportation opportunities for the Nation's handicapped, a proposal which must not be deferred any longer. The Department of Transportation's (DOT) section 504 regulations, which are intended to insure adequate transportation for the handicapped, require that all buses purchased after July 1979 be lift-equipped to accommodate wheelchair riders.

Unfortunately, those regulations may be cumbersome and costly for many communities. H.R. 6417 would grant such communities the freedom to develop an alternative plan for transportation of the handicapped, an important step in guaranteeing their ability to become fully participating citizens. For that reason, I support passage of H.R. 6417 by the 96th Congress.

For some communities, strict adherence to DOT's section 504 requirements could stifle creativity and flexibility in addressing transportation problems. Further, the regulations leave no room for participation by those most affected by the law—the handicapped themselves. Conversely, the proposal contained in H.R. 6417 and originally introduced by Representative JAMES C. CLEVELAND, will permit each community to either implement 504 regulations, or design an alternative transportation system specifically tailored to its needs and capabilities. More importantly, it will provide the handicapped citizens in each community with a voice in determining how Federal dollars can best serve them.

In addition, the Cleveland proposal insures safe, reliable, and accessible transit for the handicapped. Under the proposal, any alternative plan will have to meet strict standards with respect to the geographic area covered, fares charged, advance request time, hours of service, preregistration, and participation by handicapped users in the decisionmaking process. If the above standards are not complied with, funding may be cut by 25 percent after a 90-day warning.

Congress failure to pass H.R. 6417 with the Cleveland proposal intact could rob communities of an opportunity to implement alternate programs which are better suited to their needs. I need only look to the Fourth Congressional District of Connecticut for examples of very successful alternative transportation systems for the handicapped.

Several years ago, the Westport Transit District, with the assistance of a mobility advisory group, developed an innovative plan comprised of both the fixed-route "minnybus" and the demand-responsive "maxytaxy." The system currently provides an excellent level of service to both handicapped users and the general population. If unable to use the bus system, a handicapped person can be picked up at his or her home by a maxytaxy, with an average wait time of 30 to 40 minutes, pay half the fare charged to a nonhandicapped rider, 25 cents, and be delivered directly to a destination elsewhere in Westport. That person need never contend with either the hilly terrain characteristic of many parts of New England or long waits at bus stops in inclement weather.

Furthermore, since the Westport system is an integrated one, nonhandicapped as well as handicapped riders use the maxytaxy—with no detraction in service to the handicapped—thereby providing a "mainstreaming" into society to which the handicapped have an indisputable right.

Using 11 vans, only 2 of which are lift-equipped, Westport serves an average of 20 to 25 handicapped citizens per day. By contrast, the Connecticut Department of Transportation has invested $2.8 million to equip 280 buses with wheelchair lifts in Hartford, New Haven, and Stamford. Has this investment resulted in increased use on the part of the handicapped? Unfortunately, the answer is no. Approximately 93 total wheelchair trips are taken on these buses every month, or about 1 trip per city per day. Under 504 regulations, Westport could be forced to equip all of its buses with lifts.

Thus, funds would have to be diverted from the current maxytaxy system, potentially destroying its proven record of success. The Westport Transit District's Mobility Advisory Group is composed of representatives of Westport's elderly and handicapped population, including two members who are confined to wheelchairs. This type of advisory group could be instrumental in other communities if the provision for alternative transportation in H.R. 6417 were enacted.

The city of Norwalk boasts an even higher rate of participation in its alternate transportation service for the elderly and handicapped. While Norwalk's buses are not lift-equipped, they do have a "kneeling" feature, whereby the front part of the bus is lowered and a bottom step extends to sidewalk level. Buses can therefore be boarded by persons who, although not requiring wheelchairs, are disabled enough to experience difficulty climbing steps.

Norwalk's buses are complemented by a door-to-door service called "Dispatch-a-Ride." Serving the Norwalk area with 18 taxicabs and 12 vans, 3 of which are lift-equipped, this service provides rides on 24-hour notice, except for emergencies. Approximately 75 daily riders, two-thirds of whom are handicapped, are transported to their destinations at a cost of 25 cents, without restriction as to the purpose of the trip. Handicapped persons or those over the age of 65 are eligible, and completion of a registration form is required to guard against fraud.

The Westport and Norwalk systems clearly demonstrate the advantages of a taxi system in some communities. With passage of H.R. 6417, all communities could explore similar options, and may be able to serve a greater number of handicapped citizens.

One of the major criticisms of the alternate transportation proposals by handicapped organizations centers on the fact that handicapped individuals will experience less mainstreaming into society than under section 504 regulations. I disagree. While every bus may be made accessible to wheelchairs, there is no gain either to the individual or to society if the wheelchair-bound person cannot descend the steps of his or her home or negotiate streets that may be crowded, hilly, and dangerous during inclement weather. Further, not all handicapped persons wishing to work or otherwise become mainstreamed are wheelchair users. Many suffer from other physical ailments such as respiratory diseases or heart trouble which prevent them from safely making their way to bus stops.

There is no doubt in my mind that a large portion of the handicapped who wish to work do not do so because of a mobility factor which could be addressed by the implementation of door-to-door service. During fiscal year 1980, the Connecticut Job Service was contacted by approximately 16,700 physically or mentally handicapped persons desiring work. Of that number, only 2,200 were placed in jobs. The Connecticut Governor's Committee on Employment of the Handicapped states that one of the primary reasons for this discrepancy is the lack of adequate transportation to the workplace. While lift-equipped buses may provide accessibility to that particular form of mass transit, genuine mobility and effective mainstreaming into society can often be better achieved through provision of a door-to-door service which can free the homebound handicapped person.

A study recently released by the Congressional Budget Office further confirms the value of offering alternative transportation systems. The study shows that the House proposal for alternative service can serve a greater percentage of the handicapped at less cost than either current DOT regulations, or the similar Senate-passed provision, introduced by Senator ZORINSKY. That proposal would allow the provision of specialized transportation for the handicapped, but qualifies that improvement over current regulations by requiring that cities with populations over 750,000 must still equip all of their buses with wheelchair lifts.

Cities with populations between 750,000 and 50,000 would be required to equip one-half of their buses with lifts, regardless of whether or not they provided an alternate service. Only cities with populations under 50,000 would be free from any requirement for lifts on buses. As such, the Zorinsky proposal would not provide a substantial improvement over current DOT regulations for a large number of cities and towns. If forced to equip all or half of their buses with wheelchair lifts, many communities will not have adequate funds remaining to provide a workable plan for door-to-door service.

According to the CBO study, adherence to section 504 regulations would serve only 7 percent of severely disabled persons, and the Zorinsky proposal only 8 percent, but the Cleveland option would benefit 20 percent. Further, the study states that the total net public cost over the next 30 years of the proposals would be $6.8 billion for current DOT requirements, $6.7 billion for the Zorinsky amendment, and only $4.3 billion if the House proposal were enacted. The estimated cost per individual trip is equally significant: $38 and $37 respectively for section 504 regulations and the Senate proposal, but only $8 per trip under the Cleveland proposal.

While the inclusion of additional criteria for specific standards of service could increase the cost of the House proposal, the CBO report concludes that total costs would still be lower than under the other proposals. These figures clearly indicate that the addition of a requirement for wheelchair lifts on buses substantially increases the cost of providing transportation for the handicapped while reducing the number of severely disabled that can be served.

In a decision affecting the mobility and ultimately the lives of the Nation's handicapped citizens, such facts cannot be ignored. Let us give our communities, and the handicapped themselves, the authority to improve and broaden transportation opportunities. The proposal contained within H.R. 6417 represents a firm commitment to the mainstreaming of the greatest possible number of handicapped individuals. I heartily support its passage.●

☐ 1800

Mr. HOWARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. FUQUA, having assumed the chair, Mr. McKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R.

6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special orders on Wednesday, December 3 on the life, character, and public service of the late Honorable John W. McCormack, former Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT OF A SPECIAL ORDER ON WEDNESDAY IN TRIBUTE TO THE LATE FORMER SPEAKER, JOHN W. McCORMACK

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I would like to advise my colleagues that the distinguished dean of the Massachusetts delegation (Mr. BOLAND) and I have taken a special order tomorrow to enable Members to pay tribute to the late former Speaker, John W. McCormack. The House has granted general leave, so Members who participate will not have to ask consent individually to revise and extend their remarks. Also, Mr. Speaker, any Members who are unable to participate will be able to submit prepared statements for printing in the RECORD if these are sent to my congressional office (221 Cannon House Office Building) prior to 5 p.m. tomorrow.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST HOUSE JOINT RESOLUTION 637, CONTINUING APPROPRIATIONS, 1981

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1499) on the resolution (H. Res. 819) waiving certain points of order against the joint resolution (H.J. Res. 637) making further continuing appropriations for the fiscal year 1981, and for other purposes, which was referred to the House Calendar and ordered to be printed

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1159, AUTHORIZING APPROPRIATIONS FOR MOTOR VEHICLE SAFETY AND INFORMATION AND COST SAVINGS ACTS

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1500) on the resolution (H. Res. 820) waiving certain points of order against the conference report on the bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, which was referred to the House Calendar and order to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORTS, AUTHORITY TO DECLARE RECESSES, AND MOTIONS TO SUSPEND RULES

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1501) on the resolution (H. Res. 821) providing for the consideration of conference reports, authority to declare recesses, and motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF REPORTS FROM COMMITTEE ON RULES

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1502) on the resolution (H. Res. 822) providing for the consideration of reports from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8378, TO ESTABLISH REPOSITORIES FOR TRANSURANIC WASTE, HIGH-LEVEL RADIOACTIVE WASTE, AND SPENT FUEL

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1503) on the resolution (H. Res. 823) providing for the consideration of the bill (H.R. 8378) to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 7765, FIRST CONCURRENT RESOLUTION ON THE BUDGET, 1981, RECONCILIATION

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96–1504) on the resolution (H. Res. 824) waiving certain points of order against the conference report on the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the bill, H.R. 6417, considered earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1980

Mr. VANIK. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3637) to carry out the obligations of the United States under the International Coffee Agreement 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes.

The Clerk read the title of the bill.

□ 1810

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object—I shall not object—I yield to the distinguished chairman of the Trade Subcommittee, the gentleman from Ohio, for the purposes of explaining the bill.

Mr. VANIK. Mr. Speaker, H.R. 3637 was introduced by myself, at the request of the administration, to implement U.S. obligations under the International Coffee Agreement.

The Senate ratified U.S. participation in the ICA in 1976, but legislation giving the Customs Service and the administration authority to carry out our obligations under the agreement has not been considered.

The bill basically allows the United States to limit imports of coffee from nations which are not members of the ICO, and prohibit entry of coffee from ICO nations which is not accompanied by a valid certificate of origin.

U.S. cooperation with the world's coffee producing nations serves a very important foreign policy objective. After oil, coffee is the most important commodity traded in the world. Stability in the coffee markets is vitally important to many of the developing nations of Latin America and Africa. As the world's largest consumer of coffee, U.S. participation and support of the goals of the ICA is essential.

While the ICA is primarily one designed to stabilize investment in coffee production by insuring a minimum price, it does contain a number of provisions which work to the benefit of consumers. The United States, through full membership in the ICA, improves its opportunities for moderating coffee price rises and controlling the formation of coffee cartels and price-fixing operations. I do not contend that the ICA is some great boon for consumers—it is not. But U.S. membership and participation—the opportunity to maintain a dialog—are better for U.S. consumers than is nonparticipation.

The committee has added amendments emphasizing that we expect the President to work for consumer interests and to act against coffee market manipulations.

Because of its importance for our foreign policy and because of the consumer opportunities which it provides, I urge the House to approve the bill.

This bill has been cleared with the minority and they have no objections to it being scheduled.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, the bill has been cleared with the minority and we have no objection.

Further reserving the right to object, one of our Members has a concern that the Bogotá group may bloom again, and I would like to yield to the distinguished chairman to make a comment on the time limit of this agreement.

Mr. VANIK. Mr. Speaker, the authority provided by this bill expires October 1, 1982, thus you and the rest of the 97th Congress will have an early opportunity to police the operation of this agreement. In addition, since U.S. participation in the agreement is supported out of the State Department budget, you have another lever to insure the honest operation of this treaty.

Mr. FRENZEL. I thank the chairman for that explanation.

Mr. Speaker, I join my colleague in his support of H.R. 3637, a bill providing for implementation of the International Coffee Agreement (ICA) of 1976. After long delays brought about by our concerns over market manipulation, I believe we now can be confident that the agreement will work successfully and that all signatories will honor their commitments.

The purpose of the agreement is to stabilize world coffee prices by balancing the levels of supply and demand through the use of export quotas. Implementation of such quotas is triggered or suspended when prices move out of a "price band" of $1,15 to $1.55 per pound. It is expected that extreme fluctuations in both stocks and prices would thus be prevented. However, unlike the International Sugar Arrangement (ISA), there is no provision for the accumulation or release of stocks.

Since coffee is the most important commodity in the export trade of the developing world, an important aspect of the agreement is the promotion of economic development in Third World countries. The United States, as the principle coffee consuming nation, has an opportunity to play a major role in the advancement of developing economies, especially our neighbors in South America. Maintaining strong economic and political ties with these nations is an important foreign policy objective of the United States.

However, market considerations, especially the application of free-market principles, must be the primary motivation for U.S. participation in commodity agreements. The Ways and Means Committee had serious concerns about the activities of the Bogotá Group, or Pan Café, with respect to the manipulation of coffee futures and stocks. This behavior caused severe distortions in the market, and, of course, pushed the price of coffee to extremely high levels. Foreign policy objectives must go hand in hand with the expectation and assurance that developing countries will become responsible members of the world trading community.

The U.S. trade representative has been successful in gaining such assurances. The Bogotá Group has agreed to disband, withdraw from the futures market and liquidate their coffee stocks. The countries participating in the Bogotá Group hereafter will adhere to the spirit of the agreement regardless of market conditions and will abide by the commitments agreed to by all signatories.

Mr. Speaker, I am confident that the U.S. trade representative has balanced our foreign policy objectives with sound economic principles. The United States itself will benefit and will contribute to the economic stability of developing countries by our participation in this agreement. I urge my colleagues to approve H.R. 3637.

Further reserving the right to object, I would only mention that this may be the last bill brought to us by the distinguished chairman of the Trade Subcommittee. May I say that his work has been stellar, even at those times such as this afternoon when he was misguided. I thank him for his great leadership.

● Mrs. HECKLER. Mr. Speaker, the Ways and Means Committee report on H.R. 3637 states that the International Coffee Agreement contains a number of "consumer" provisions not included in other earlier coffee agreements. Export quotas are imposed at a time when world coffee supplies are in surplus and prices fall below levels required to stimulate adequate production and quotas are automatically suspended if prices rise sharply. In addition, incentives are provided for producing countries to build stocks during periods of surplus supplies.

The ICA was approved by the Senate in 1976. However, because it is anticipated that the United States would be required to take specific actions under conditions of a very low price for coffee, implementing legislation is required. Those of us familiar with the operations of the ICA have been pleased to note that the price manipulation efforts of the Pan Cafe group of producers have recently dissolved, a sign that an ICA which is workable for both producing and consuming nations should be approved by the United States. The formal agreement by the Pan Cafe group to disband is a major step to encouraging full U.S. participation.

Consumer interests must be protected in this agreement. Its current provisions appear to be a step in that direction. Since the agreement itself has less than 2 more years to go, I feel the United States should look to this time period as a test period on how this and any future International Coffee Agreement would operate vis-a-vis U.S. consumers. This legislation has my qualified support. I cast my vote with the understanding that I will carefully study the next 2 years of the ICA's implementation and will judge any subsequent coffee or other commodity agreements on the consumer effect in this country.●

● Mr. BINGHAM. Mr. Speaker, I rise in support of H.R. 3637, legislation to carry out the obligations of the United States under the 1976 International Coffee Agreement.

First, I would like to compliment the distinguished chairman of the Ways and Means Subcommittee on Trade (Mr. VANIK) for bringing this important legislation to the floor, and for his careful and thorough review of H.R. 3637 in subcommittee. As the gentleman knows, the Foreign Affairs Committee has considered similar commodity agreement implementing measures in the past, and has had the opportunity to review this bill in particular. Speaking from my vantage point as chairman of the Subcommittee on International Economic Policy and Trade, I believe that H.R. 3637 will promote and protect U.S. interests in stabilized world coffee prices and supplies.

The legislation, as amended and reported by the Ways and Means Committee, gives the President authority to implement the International Coffee Agreement at a time when there is a real need for full U.S. participation. As the world's largest coffee consumer, the United States is very vulnerable to the boom and bust market conditions which have prevailed in the past—such as those before and after the disastrous Brazilian frost of 1975. The International Coffee Agreement, with its provision for orderly imposition of export quotas and incentives for producer-held stocks, is specifically designed to avoid these vicious cycles; present and potential coffee exporters are assured of the stable market conditions necessary for high cost, long-term investments. Today, declining world prices for coffee threaten to wipe out the same new producers whom we want to encourage.

Full U.S. participation in the International Coffee Agreement not only serves U.S. economic interests as a coffee consumer, but also is important for the economies of developing countries and from the standpoint of U.S. foreign policy concerns. For over 40 nations in Latin America, Africa, and Asia, coffee is a vital foreign exchange earner. In 19 developing countries these coffee earnings are essential to development programs and domestic employment. In many cases, volatile coffee prices have contributed to political instability and popular unrest, particularly in Central America, the primary source of U.S. coffee imports.

H.R. 3637 implements an agreement that was approved without opposition in the Senate. The legislation is supported by both the U.S. coffee industry and the consumers union. It contains special provisions to deter any market manipulations by coffee producers or unwarranted price increases, provisions upon which Mr. VANIK insisted to protect U.S. consumers. U.S. action to implement the 1976 ICA is considered important by both producers and other consumers.

In short, approval of H.R. 3637 will afford the United States the opportunity to work within the International Coffee Agreement to stabilize market conditions for coffee at a crucial time for consumer and producer nations alike.●

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill as follows:

H.R. 3637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "International Coffee Agreement Act of 1979".

IMPORTATION OF COFFEE UNDER INTERNATIONAL COFFEE AGREEMENT 1976; PRESIDENTIAL POWERS AND DUTIES

SEC. 2. On and after the entry into force of the International Coffee Agreement 1976, and for such period prior to October 1, 1982 as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including whenever quotas are in effect pursuant to the agreement, (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, and (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied either by a valid certificate of origin, a valid certificate of reexport, a valid certificate of reshipment, or a valid certificate of transit, issued by a qualified agency in such form as required under the agreement;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

DEFINITIONS OF COFFEE

SEC. 3. As used in this Act, "coffee" means coffee as defined in article 3 of the International Coffee Agreement 1976.

DELEGATION OF PRESIDENTIAL POWERS AND DUTIES; PROTECTION OF INTERESTS OF UNITED STATES CONSUMERS; REMEDIAL ACTION

SEC. 4. The President may exercise any powers and duties conferred on him by sections 2 through 5 of this Act through such agency or officer as he shall direct. The powers and duties conferred by sections 2 through 5 of this title shall be exercised in the manner the President considers appropriate to protect the interest of United States consumers. In the event the President determines that there has been an unwarranted increase in the price of coffee due in whole or in part to the International Coffee Agreement, the President shall request the International Coffee Council or the Executive Board to take appropriate action. At the same time he shall report his determination to the Congress. In the event the International Coffee Council has failed to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation.

REPORT TO THE CONGRESS

SEC. 5. The President shall submit to the Congress an annual report on the International Coffee Agreement 1976. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee and matters pertaining to the transportation of coffee from exporting countries to the United States. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interest of United States consumers.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee Amendments: Page 2, line 2, strike out "1979" and insert "1980".

Page 3, line 9, strike out "prices;" and insert "prices,".

Page 3, line 17, after "Act", insert "the term".

Page 4, line 6, after "Agreement," insert "or to market manipulation by two or more members of the International Coffee Organization,".

Page 4, line 9, strike out "take" and insert "increase supplies of coffee available to world markets by suspending coffee export quotas and to take any other".

Page 4, line 17, after "situation." insert "In the event that members of the International Coffee Organization involved in market manipulation which has resulted in price increases have failed to remedy the situation within a reasonable time after a request for remedy, the exercise of the authority set forth in section 2 of this Act shall be suspended until the President determines that effective market manipulation activities have ceased.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRIBUTE TO THE HONORABLE CHARLES A. VANIK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes, and to revise and extend his remarks.

Mr. STOKES. Mr. Speaker, I deem it a privilege to take this special order tonight in order to pay tribute to a Member who has distinguished himself in this body for 26 years. Mr. Speaker, this institution without CHARLIE VANIK's trademark of black suit, white shirt, black bow tie, along with this fascination for old cars, ethnic food, and corny jokes will never be quite the same again.

I admired and respected CHARLIE VANIK long before I came to this body. CHARLIE had been my Congressman for 14 years when he served as representative of the 21st Congressional District of Ohio which I now represent. During this 14-year period, CHARLIE VANIK became a legend in that congressional district.

Not only was he highly respected for his legislative accomplishments on behalf of minorities, the poor and the disadvantaged but he was a fighter for many liberal causes. In fact, in 1968 when he moved into the 22d Congressional District where he defeated the incumbent Frances P. Bolton, CHARLIE stated publicly that the time had come for the black community in Ohio to have a Representative in Congress. This act on his part paved the way for my election to Congress at a time when CHARLIE VANIK could not have been defeated in the 21st Congressional District.

When CHARLIE came to Congress 26 years ago, he came with an outstanding background of public service. After graduation from Adelbert College and the Case Western Reserve School of Law, he served on the Cleveland City Council, in the Ohio State Senate, on the Cleveland Board of Education, the Cleveland Library Board, and was a judge of the Cleveland Municipal Court.

Over the last 26 years, his legislative skill has been demonstrated by his leadership in efforts for tax reform and new trade and energy policy. He has now served for many years on the House Ways and Means Committee.

He is also a member of the Joint Committee on Taxation by virtue of his seniority in the committee. He served as chairman of the Oversight Subcommittee of the Ways and Means Committee during which time he reviewed the administration of social security, medicare, and supplemental security income programs as well as the administration of the Internal Revenue Service.

In the 95th Congress, he was elected to chair the Ways and Means Subcommittee on Trade, where he had directed his efforts to a number of developments pending in the area of international trade including oversight of the multilateral trade negotiations and the review and amendment to the U.S. trade status including unfair trade practice provisions and trade relations with Eastern Europe and the Far East. CHARLIE is also a member of the export task force whose objective is to reduce trade barriers and the trade deficit.

Mr. Speaker, CHARLIE VANIK is respected in this body for many reasons. He is an able debater, who loves the exchange of rhetoric in floor debate. The Members of the Cleveland delegation are fortunate to have had his experience to rely upon over the years.

His impeccable integrity has also been both a trademark and a beacon of light to each of us. Notwithstanding his recognition as a nationally recognized legislator, CHARLIE has always remained in the forefront in any matter for the good of Cleveland and his own 22d Congressional District. Moreover, he has always counseled with each of us in terms of getting the kind of committee assignments where we would be of effective service to our constituents and the State of Ohio.

I recall his efforts for many years as our Representative on the Committee on Committees and how he labored long and hard to get each of us the committee assignment we sought. In 1968 when I came to Congress my brother Carl who was Mayor of Cleveland, wanted me to be put on the Education and Labor Committee so that I could work for programs that would help Cleveland. It was CHARLIE VANIK who fought to get me on the committee and also fought to get me a senior position to other freshmen who were assigned to the committee.

Along with this key committee assignment, it was CHARLIE VANIK who talked me into accepting a second committee assignment on the old House Un-American Activities Committee. While CHARLIE knew that this was an unpleasant assignment for me his plan was that by accepting such an assignment in my freshman year, that as a sophomore Congressman I would be able to request and receive a major committee assignment.

He was right. Due to CHARLIE's leadership, I was able to become the first black member of the Appropriations Committee of the House. It is this type of vision and effort which has distinguished CHARLIE VANIK from other Members of the House.

CHARLIE always has been a fighter for the things he believes in and has always been a champion for the "little guy." He has never succumbed to political or special interest group pressures. This standard of excellence and dedication has marked the long career of public service of CHARLIE VANIK.

Mr. Speaker, throughout his tenure in Congress, he has been in every sense of the word, a statesman. CHARLIE VANIK is responsible for a number of programs which we may now take for granted. For example, it was because of his efforts that children in summer camps and other out-of-school activities receive free lunches.

Additionally, section 13 of the Agriculture Act was written in the office of CHARLIE VANIK. In terms of the city of Cleveland, the beautiful Federal Office Building in Cleveland never would have been built if it were not for the unfaltering efforts of CHARLIE VANIK. He initiated the lobbying effort that led to the construction of the building.

Mr. Speaker, as I close my remarks today, I wish to say a special word about CHARLIE's beautiful and energetic bride, Betty. Not only has Betty been CHARLIE's helpmate all of these years but she inspires and motivates him and is his constant companion. They are a team and as a team they have made their own indelible mark on each of us and on Capitol Hill. As we salute CHARLIE upon his retirement we also salute Betty with our love.

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Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I will be delighted to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the distinguished gentleman for yielding and I thank him even more for taking this special order to honor CHARLIE VANIK, our friend from Ohio.

I think the gentleman's description of CHARLIE's career matches my own perception of the fine work that Congressman VANIK has done for all of the people of the United States.

His description of CHARLIE's wardrobe matches my perception of that important possession of his as well. I believe that he is the only man in the world whose has a closet full of suits, each of them black, and the only man in the world whose entire wardrobe of neckties are all black and all bow-string ties. I happened to be with him one time when he bought a suit. It took him about 30 seconds. The only question the gentleman had who was serving him when he was finished was what color will it be. CHARLIE did not even bother to answer that question. The answer was very evident.

Another personal note about CHARLIE is that CHARLIE is a marvelous musician. He can play any instrument badly. When he does so there is always excitement and fun. Many is the evening I have been subjected to that kind of treatment from CHARLIE. My ears always hurt the next morning, but I always had rosy remembrances of what had happened.

The gentleman's description of CHARLIE's legislative career is good. I did not have the pleasure of serving all those years with CHARLIE, but I have worked with him as closely, I suppose, as any two people can work on the Trade Subcommittee. I saw CHARLIE shepherd the MFN implementation legislation after the Tokyo round of the GATT negotiations. That was a magnificent job and a huge and complicated bill. But CHARLIE handled it well. He handled MFN for Hungary and MFN for China. He was in the forefront of those who tried to make trade adjustment assistance work.

While he leaves that job not completed for the rest of us to follow, I think his leadership in that area was inspirational and surely it was successful in the House for the bill floundered only in the Senate.

Probably more than any other statement that LOU STOKES made, I would like to second his thoughts about Betty Vanik. I have noticed that most male Members of the House have fortunately married above themselves, and certainly CHARLIE is perhaps foremost among all those. Betty is perhaps the dearest, sweetest girl who ever walked, perhaps except my own dear wife.

I want to say I wish Betty and CHARLIE the very best as they march into their retirement and become part of the dual COLA system that all of us are so anxious to get into.

The Congress and the people of the United States lose a loyal, valuable, hard working, effective public servant in CHARLIE VANIK. But all of us at least will know that CHARLIE will be around and Betty will be around and we will have the advantage of their friendship, their wisdom, and their counsel.

Mr. Speaker, I thank the gentleman again for holding this special order.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague for his remarks regarding our colleague, CHARLIE VANIK.

Mr. MOTTL. Mr. Speaker, would the gentleman yield?

Mr. STOKES. I yield to my distinguished colleague from Ohio (Mr. MOTTL).

Mr. MOTTL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is certainly a great honor for me to participate in this special order honoring a great colleague of ours, CHARLIE VANIK. I want to join with Mr. STOKES, Mr. FRENZEL, Mr. GAYDOS, and others who pay honor to this wonderful and dedicated American and wish him well in his retirement along with his lovely bride, Betty, and their two wonderful children.

I would like to relate to the House an incident, one of the first times I met CHARLIE VANIK which was about 22 years ago. He gave me counsel and advice at that time and ever since that time I have never taken his advice. He counseled me at that time, because I told him of my interest in a career in politics, to run for State representative. At that time, my distinguished colleague from Cleveland (Mr. STOKES) will remember that we ran countywide and there were 16 to be nominated in the Democratic primary. There were 116 of us running at that time.

He said, "Ron, go out and test your name." I did, and lo and behold, after the votes came in that year, I came in 98th out of 116. So that is the last time I ever took CHARLIE VANIK's advice.

Seriously, he is a great American. He has given us wonderful counsel and advice. I think he has distinguished himself as a great Congressman. I think all of us will certainly miss him from the greater Cleveland area. That is where his great love is, in greater Cleveland. We hope that he will still participate in counseling us and giving us his wisdom because we will certainly need it.

Mr. Speaker, I know my dear friend, Mr. STOKES, feels that sometimes he is in a minority, but CHARLIE VANIK and I were the only two Czech Americans in the entire Congress of the United States. We did have our close friend from Pennsylvania (Mr. GAYDOS) from Czechoslovakia, but now one-half of the Czech Caucus is leaving so I am going to feel very lonely and my distinguished colleague from Pennsylvania (Mr. GAYDOS) will have to lament the fact with me that we are the only Americans of Czechoslovakian descent here in the House of Representatives.

Mr. Speaker, it is with a sincere feeling of regret that I join my colleagues in bidding farewell to CHARLIE VANIK who has served in the Congress for 26 years.

Not only will I lose a close friend and mentor, but with Charlie's departure the formidable Czech Caucus of which Charlie and I were the only members will be cut in half.

Charlie could have no doubt returned to this body for yet a 14th term had he so desired, but I think we can all agree that after a career which ranged from municipal judge to Congress, Charlie and his lovely wife, Betty, have earned time for themselves.

The mark Charlie has left on this Chamber will remain long after most of us are gone. His expertise in international trade will be sorely missed.

His unique ability to present an opposing viewpoint without being disagreeable, is commendable.

His successor, Dennis Eckart, could not have picked a tougher act to follow. But I am sure he will continue to provide the residents of Ohio's 22d Congressional District with the same fine service that became commonplace with Charlie.

Though Charlie enjoyed an international reputation as chairman of the Trade Subcommittee, he never forgot the people back home and was a driving force in the Ohio delegation in making sure the Buckeye State received fair treatment.

Charlie had a commendable idea of how public office should work—if you do the job the people will return you to office. It was this belief that led Charlie to refuse any campaign contributions from any source. The voters in the 22d District did not need a Madison Avenue firm to "package" Charlie. They knew what kind of man Charlie Vanik was—an honorable man whose word was always his bond.

We need more like Charlie Vanik in public office.

Again, I wish to thank the gentleman for allowing me to join with him in this special order. I wish Charlie Vanik and his entire family the best of everything. Thank you.

Mr. STOKES. I thank my distinguished colleague, the gentleman from Ohio (Mr. Mottl) for his remarks.

Mr. GAYDOS. Mr. Speaker, would the gentleman yield?

Mr. STOKES. I yield to my distinguished colleague from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. Mr. Speaker, I wish to both thank and congratulate my friend in calling for this special order to take this time to honor our colleague, Charlie Vanik. If there is a more deserving man, I do not know of any.

Personally, Charlie Vanik and I have shared many evenings at some of the embassies. I have been in his home, have been entertained in his home and have been part of the entertainment in his home. I can say his circle of friends is the greatest mixture of people, intellectually and otherwise, that I have ever had the pleasure and good sense to be part of.

At this time, I would like to say, as chairman of the Steel Caucus, and we have 170 members, a large number of which are active, we had very close and pronounced dealings with Charlie Vanik in performing his official function as chairman of the Subcommittee on Trade. During the many hearings that I attended along with the executive committee members, the informal meetings we had with him and the hearings which we participated in, I want the record to show that it is my humble opinion, but one based upon, I think, good, solid experience in fact, that he was probably the most informed individual Member in this House regarding international trade. I say that advisedly because I have heard that same observation made by others, probably far more expert than me, and I do not claim to be an expert, drawing that same conclusion.

Charlie Vanik handled, as was pointed out by my colleague previously, the most controversial, most complicated type of legislation when he was the framer and the passer. He helped put the legislation together with our Special Trade Representative, Strauss, at that time, and ultimately handled and floor managed the bill involving the 1979 Trade Act.

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In that very complicated legislation, with far reaching effects, dealing with international trade barriers, equalization taxes, all types of quotas, quotas very complicated, he held the line steady. I think he made the complicated legislative situation more plausible and unstandable to the Members. He steered that very complicated legislation through a maze of obstacles and we ended up with what I consider—many others fortify my conclusion—I consider one of the best additions to the original 1952 Trade Act that this Congress has ever passed.

I see no room for improvement. It is almost perfect. Of course, the application depends upon the administration.

I want to conclude by saying that is the part of Charlie Vanik that I think I want to set out explicitly in the Record, I want to enlarge upon, the dedication to hard work, his complete and thorough understanding of a very complicated international problem that is always going to be with our Nation. I know we are going to miss him, I know the Steel Caucus will miss him, I know this Congress will miss him and this House. I know all of those directly and indirectly involved in trade matters are going to miss Mr. Vanik.

Mr. Speaker, I finally conclude by saying that I join with my colleagues in wishing him the best and I hope upon his return he may come back at times and perhaps share with us some of his experience along the avenues I have talked about and that is trade. I thank the gentleman.

Mr. STOKES. I thank our distinguished colleague for his remarks and I yield to my distinguished friend from Florida (Mr. Pepper).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman in the well for his kindness in yielding to me to permit me to join with him and my other colleagues in deserved tribute to our beloved colleague and friend, Charlie Vanik.

The distinguished gentleman in the well has very ably and eloquently recited something of the great variety of interests and extraordinary abilities of Charlie Vanik which he has so ably manifested in his many years in this House.

Mr. Speaker, I am now completing my 32d year in both Houses of the Congress, 14 in the other body and now 18 here. In that period of service I have never known a man of greater ability, deeper dedication to the public interest, a larger concern for those who needed help the most, than Charlie Vanik. His knowledge of economic affairs is extraordinary and he has a remarkable perspective. You will remember Carlyle said of Mirabeau that he had an eye, he could see into the future.

I know of no man more than Charlie Vanik who seems to have that remarkable quality of perceptivity, being able to penetrate into the labyrinth of the economies of the future.

We have all been somewhat disturbed on many occasions because Charlie Vanik has indicated concern about the problems that we face and the necessity for the most extraordinary need for unity and effort in our efforts to solve those problems.

Charlie Vanik has made an immeasurable contribution in his service here, not only in the area of the economy but in the humanitarian aspects of our Government because he has been a strong sponsor and a very diligent supporter of every measure that has come to this floor or arriving from his committee or otherwise that tended to make life better, healthier, and happier for the elderly and, indeed, for all the people of this country.

In addition to his extraordinary achievements in the economic field and the great legislative record that he leaves behind him, perhaps the thing we will always cherish the most and remember the longest about Charlie Vanik is the charming gentleman that he is, the refreshing, irrepressible humor that he always manifests, the delightfulness about his personality, the warmth of his friendship. Every one of us I am sure remembers some particular instance of Charlie Vanik's kindness, his thoughtfulness.

For example, my late wife and I used to wait for Charlie Vanik to come and tell us about the most interesting show that was going on at the Kennedy Center, that he with his curiosity and his lovely Betty had discovered or attended. He wanted to come and tell us about it. We would almost wait for Charlie to tell us when to go and what to see.

Only yesterday I was sitting by him here on the floor. He was speaking about a very delightful reception that he was about to attend and characteristic of his sentiment of thoughtfulness, he said:

> I must tell these people to invite you. I want you to go and also enjoy the delightful receptions these people have.

That was characteristic of his thoughtfulness and kindliness about other people.

Charlie Vanik leaves behind many warm and happy memories in the hearts of his colleagues. I think we can all be assured that wherever Charlie Vanik is, wherever he is employed, whatever he does, that he will render the same illustrious service that distinguished his time as a Member of this House.

I think he is one of the greatest losses that this Chamber has sustained. In this critical period we need men of the knowledge and dedication and perception of Charlie Vanik. I am sorry that he sees it necessary voluntarily to take himself from his country's service, where he has served with such distinction, in this body.

Wherever Charlie Vanik is, he will be like a light in the darkness. His mind, his personality, his wit, his kindness, his warmth will manifest itself in a great glow that will warm any environment of which he is a part.

We say to Charlie, God bless you, Charlie. May you and your lovely Betty find many, many happy years of life ahead of you and may your role of leadership and service continue to be great in the councils of the country which honors and loves you so much.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Florida for his very eloquent remarks about our friend, Charlie Vanik.

I now yield to my distinguished colleague, the gentleman from Ohio (Mr. Pease.)

Mr. PEASE. Mr. Speaker, each of us must at one time or another rise to salute and honor our colleagues as they move to other elected positions, are defeated, or retire from Congress. It is my distinct pleasure to speak in honor of one of the most unique Members of the House, the Honorable Charlie Vanik, who will retire at the end of this 96th Congress after serving his northeastern Ohio district for 26 years.

I am sure that most Members will agree that there are few men in the House with the integrity and dedication of Charlie Vanik. He will be sorely missed as the chairman of the Ways and Means Trade Subcommittee and as an active probing member of the full Ways and Means Committee.

In a decade of rising campaign contributions, perhaps Charlie Vanik will be remembered most for his criticism of that trend, and his description of all contributions to a candidate as creating a "lien" situation that discourages objective consideration of enormously complex and far-reaching legislation.

Over the last three or four campaigns, Charlie Vanik's campaign contributions have consisted mostly of the postage necessary to file election reports and to return contributions to people who were not aware of the Vanik no-contributions policy. I hope in his postcongressional life he will remain involved in this aspect of public policymaking.

Charlie Vanik has been an aggressive and able legislator. He has not limited himself to only a few areas of legislation, but can be found working simultaneously on taxes, energy, consumer affairs, or public works. His annual corporate tax study is now a respected indicator of corporate tax trends since its initial publication in the early 1970's. He is, all in all, the prototypical "public interest Congressman."

Mr. Speaker, while Charlie Vanik's presence will be missed, I know that the long and hard hours he has worked make him most deserving of retirement. I am glad that it was voluntary retirement—and not one forced on him by electoral events.

The Congress will miss the strong smile and wit of Charles Vanik. The country will miss his innumerable contributions to the public's interest.

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Mr. STOKES. I thank my colleague for his very fine remarks.

I now yield to the distinguished gentleman from Illinois (Mr. Simon).

Mr. SIMON. I thank my colleague for taking the time of the House at this point to pay tribute to our colleague Charlie Vanik.

Our colleague from across the aisle mentioned his wardrobe. His bow tie is going to be missing by that small group of us who still wear bow ties, with Otis Pike having left a few years ago, and now Charlie Vanik.

But more seriously, I think there are two areas particularly where Charlie Vanik is going to be missed. One is in the economy.

Long before I became a Member of Congress, I used to read the Congressional Record. I used to read what Wright Patman had to say and Henry Gonzalez and John Dingell and Lou Stokes and people with whom I did not know that I would have the privilege of serving, but one of those was Charlie Vanik. He made so much sense, and he still makes sense.

A year and a half ago, he stood down in the well where the gentleman is standing and said to us, "You know, this tax cut that we are providing right now is going to do nothing for the American people, and all it is going to do is give us more inflation," and while what he said was not popular, he was absolutely right.

He was the one I remember who stood up long before there was an energy crisis and said, "Oil company ownership of coal companies is a problem that we have got to face up to." So that is one area, a whole area of the economy is going to be missed.

Then there is another area where I think Charlie Vanik can reflect on with much favor and the people in his district particularly. Charlie Vanik was a champion of the underdog.

In government it is easy to serve the rich and the powerful, but you do not have enough champions of the people who do not even know we are in session, and Charlie Vanik was here fighting for those people. Charlie Vanik is going to be missed not just by his colleagues who know him personally, but people who have never heard the name of Charlie Vanik and are going to miss a champion who has been in there fighting for them.

Mr. STOKES. I thank the gentleman for his remarks and appreciate them very much.

I now yield to my distinguished friend and colleague, the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. I thank my dear friend from Ohio for yielding to me, and I commend him for having this special order for one of the great men in this institution.

Charlie Vanik and I came to the Congress in the 84th Congress, and have had the privilege of serving together in this great body ever since. He has been known for his sense of humor, his courage, integrity, and his ability.

He has done great good for his colleagues and for the Nation, just as he did today when he secured passage through this body of legislation enabling the President to deal with the question of excessive imports into this country of automobiles from other nations, something which is of pressing importance to us in Michigan and elsewhere throughout the Nation. We owe him thanks for many other things, going back to the question of diversion of water from the Great Lakes, his concern with pollution and the environment, his concern over fairness and tax policy interest rates and a number of other issues of great importance to the people of this Nation and to the people of the district he served.

He was outstanding in his constituent service and held in high esteem and great respect and affection not only by his colleagues here, but also by the people he served.

Charlie had the good fortune to marry one of the loveliest women I have had the privilege of knowing, his wonderful wife Betty, who has also earned the esteem and affection and respect not only of all who have known her in this body, but all who have had the privilege to know her.

I rejoice that both she and Charlie will have a period of tranquility and happiness together as they leave this body.

Like all of Charlie's friends, I will grieve his departure here. I will rejoice that he will have a time of tranquility, absent the pressures of office and service. I rejoice he and Betty will have additional time together that they might enjoy each other's company and the wonderful affection they have so properly shared throughout the years.

Charlie is one of the most knowledgeable Members of this body. During his lengthy tenure and his service on the Ways and Means Committee, he has given leadership and direction to countless legislative initiatives bearing on the national economy and the health and well-being of each and every citizen of this country. His contributions in the areas of trade, social security, health, and tax reform stand as a legacy to his constituents, who over the years wisely continued to place trust and confidence in his judgment and abilities.

The strong voice of the Congressman from Ohio's 22d District will be missed in these legislative Halls. We join, however, in wishing him continued health and happiness after a long and diligent career in which he has served this Nation well.

I do commend my good friend from Ohio for holding this special order for one of our great men. He is—and I refer to my colleague in the well now—one of our great Members, and this is a mark of the kind of courage and sympathy and consideration he has always shown to his colleagues. I thank him for his kindness in yielding to me.

Mr. STOKES. I thank my distinguished friend who has just spoken for his very kind remarks not only about our dear friend, CHARLIE VANIK, and his wife, Betty, but also for the gentleman in the well.

Now it is a pleasure for me to yield to the distinguished gentlewoman from Ohio, also a member of the Cleveland delegation (Ms. OAKAR).

Ms. OAKAR. Thank you, the new dean of our delegation (Mr. STOKES), my friend and colleague.

I have a few remarks that I would like to relate extemporaneously.

I think we are here to pay tribute to one of the finest people in public life, not only in the country, but certainly in the world really. When you think of all the negatives that sometimes are said about people in public life, one really hopes that some day we will get the kind of positive reporting on a person like CHARLIE VANIK, a person who is not only intelligent, not only knowledgeable, not only a true public servant, but one who practiced his wonderful trade with great integrity.

So many people in our northeast Ohio area have so much to be grateful to CHARLIE for. I think of the metal fastener industry that CHARLIE helped not too long ago that finally is getting revived in northeast Ohio because of his efforts on their behalf. I think of the people in need of the trade adjustment assistance program, all those auto workers and others who really need assistance because of the unbelievable unemployment. I think of the people on social security, the people interested in health care. I think of the people who are the ones who pay so much of the taxes in our country, the people who are moderate to middle income who owe CHARLIE a debt of gratitude. I really think of those of us in Congress who are so grateful for his wonderful example.

On a personal note, I really thank him for that positive example. As someone who is relatively new to this esteemed body, he is someone who I have personally looked up to. He is one that I have asked for his wisdom and his advice, and he always had the time foı those of us who needed that kind of experienced advice.

So I just hope that one day we and those in the communications network write about Members of Congress like CHARLIE VANIK, who have served for a quarter of a century with distinction.

He is so humble. Really, he was at the pinnacle of his career, being chairman of the Subcommittee on Trade, on such an esteemed committee, that he could have gone on and really exerted the kind of powerful influence that we need in this body, but decided to retire, not to just sit at home, but I know he probably has some other activity in mind.

I just want to wish him the best of happiness, the best of health and to wish CHARLIE and his wonderful, lovely wife, Betty, many, many, many more days of happiness and I hope that they will both continue to use their positive influence in this country, because it is so needed today.

I thank the gentleman from Ohio (Mr. STOKES) for calling for this special order and for the fine example that he also gives to those of us in the Ohio delegation.

Mr. Speaker, it is with a special sense of pride that I join my distinguished fellow Clevelander—Congressman LOUIS STOKES—as well as my other colleagues in the House in paying tribute to the Honorable CHARLES A. VANIK, from the 22d District of Ohio. I am proud to have served with Congressman VANIK in representing northeastern Ohio. Mr. VANIK has distinguised himself for exemplary leadership and outstanding service on behalf of his constituents—and countrymen and -women in the Congress. For a quarter of a century, this Chamber has been honored by the presence and voice of a Member who has spoken with eloquence, debated with reason, legislated with foresight, and served with distinction. Congressman VANIK leaves this House with a record of achievements that only a handful of Members have equalled in the past 25 years.

Congressman VANIK first came to the House of Representatives in 1954 as a representative of the 21st Congressional District of Ohio, having served as a judge of the Municipal Court of Cleveland. Mr. VANIK also served on the Cleveland Library Board, the Cleveland Board of Education, the Ohio State Senate, and Cleveland City Council.

While he has been in Congress, Congressman VANIK has displayed extraordinary effectiveness as a member of the Ways and Means Committee, whose Trade Subcommittee he has chaired for the past two Congresses. Mr. VANIK has been instrumental in improving the administration of the social security, medicare, and supplemental security income programs, as well as the administration of the Internal Revenue Service.

Yet, in spite of his genuine commitment toward reform of our tax laws, it is perhaps in the area of trade that Mr. VANIK's name is synonymous with much of the important trade legislation passed by the past two Congresses.

Under Mr. VANIK's chairmanship of the Trade Subcommittee, Congress passed legislation to implement the Tokyo round of the multilateral trade negotiations which had been signed in Geneva.

Our improved trade relations with Hungary and Romania have been largely the result of Mr. VANIK's skillful chairing of his Trade Subcommittee, where approval of most-favored-nation status to Hungary and Romania has been linked to freer emigration of persons from those two East European countries.

Most recently, Mr. VANIK's subcommittee played a key role in the normalization of our trade relations with the People's Republic of China.

Of special concern to Mr. VANIK has been the finding of solution to the problem of expanding trade adjustment assistance to hundreds of thousands of American workers unemployed because of increased imports. Related closely to this has been Mr. VANIK's effort to address the problem of the serious trade imbalance that exists between our country and Japan, resulting in the catastrophic unemployment in our auto industry.

I have enthusiastically endorsed Mr. VANIK's efforts in finding solutions to these problems and have supported his bills to improve trade adjustment coverage and benefits and to provide the administration with the authority to negotiate a voluntary auto import quota with Japan. Just today, the House overwhelmingly passed his resolution, House Joint Resolution 598, which would certainly assist our auto industry.

Mr. VANIK has also expressed his strong interest in the administration's economic revitalization program, as far as improving the productivity and competitiveness of our domestic steel industry.

Mr. VANIK's secret to his success in Congress has been his courage to speak candidly and honestly to sometimes unpopular issues, his conscience in preserving as far as possible the spirit of principle in the fashioning of compromise, and his close communication with his constituents to know and understand their interests and needs.

I proudly join with all Clevelanders—with all Americans in commending Congressman CHARLES VANIK on his outstanding service to this country and in wishing him a happy and productive retirement.

On a personal note, I wish to publicly thank CHARLIE VANIK for his wisdom and advice and for being such an outstanding example to all Members of Congress.

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Mr. STOKES. I thank my distinguished colleague from Ohio for her very articulate and eloquent remarks regarding our good friend, CHARLIE.

Mr. Speaker, I am pleased to yield to my friend, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank my distinguished colleague from Ohio for yielding to me at this time and also for the privilege of participating in his special order which he very properly has announced in behalf of noting the tremendous public service of our colleague, CHARLIE VANIK. Affectionately, everybody calls CHARLES VANIK, CHARLIE.

In my particular case, and I guess everybody's case, there seems to be a very personal warm relationship I guess because of CHARLIE's knack and quality of making you feel that way; but it goes back 19 years when I first came up to the House in the middle of the 87th Congress and CHARLIE VANIK was one of the very first that came forth to introduce himself and offer his help, which he gave me all through the years.

On top of that, I was immediately assigned to the standing full committee then known as the Banking and Finance Committee. They called it the Banking and Currency Committee at that time. CHARLES VANIK was a member for 7 years of that committee. He had gone up a little bit in seniority even by those rigid seniority standards then prevailing; but then finding myself on the same committee with Congressman VANIK, I soon began to realize and recognize his tremendous talent and his capacity for hard work and his knowledge of economic, financial, and related matters, and his continued friendship and help to me personally while serving on that same committee.

Some time after I had served about 5 years in the Congress and on that committee, Charlie Vanik was then elected to become a member of the Ways and Means Committee, at a time when the Ways and Means Committee consisted of 17 members, not the 37 or near 40 that we have today; so that there again we have ample proof of Charlie's versatility and his ability and how his merit was recognized when it was at a day and time when you had rigid seniority. There was not any politicking around here or jockeying for position or power. He was recognized then and his merit was truly evaluated.

I think our previous colleagues have stressed some specific areas of his knowledge and competency and great service to the Nation as a whole.

Charlie transcended the truly local and parochial interests.

On top of that, I wish the record to show my personal debt of gratitude to him for having traveled all the way from Cleveland to San Antonio, Tex., a few years ago on the occasion of my being honored by the B'nai B'rith Association. It was Charlie Vanik who accepted to be the principal speaker on that occasion. That I will not forget and certainly never would forget Charlie's generosity and his extreme care to make sure that he accepted that speaking engagement.

I close by joining my colleagues in wishing Charlie and his wife continued happiness.

Charlie's sense of humor is inimitable and unmatchable. It is that that I think kept him ever from taking himself too seriously, which I think is the great occupational disease of all us egotists in politics. That sense of humor, which he has kept to this very day, will prevail. Charlie goes on in his own decision to close out a highly successful, preeminent career.

I again close by thanking the gentleman from Ohio for the chance to participate.

Mr. STOKES. Well, I thank our distinguished friend and colleague from Texas for participating in this special order and for his very fine remarks.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I am pleased to yield to my distinguished colleague and friend, the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, I certainly would like to commend our colleague and the prospective dean of our delegation, the gentleman from Ohio (Mr. Stokes) for taking this time this evening to give praise to our beloved colleague, Charlie Vanik.

I knew Charlie long before I became a Member of this body and before I had any intention of becoming a Member of this body. It was back in the early 1960's. A group of us were trying to do something to save the natural beauty of the Cuyahoga River Valley between Cleveland and Akron. Somebody indicated that Congressman Vanik was interested in doing that. I got in touch with him and to my surprise and astonishment, here was a live Member of Congress who was famous for many, many achievements already, who was really interested in doing something to protect this little valley for the people of our area.

He even went to the length of bringing out then Secretary of the Interior Stewart Udall to take a look at it. I remember walking around with Secretary Udall and Mr. Vanik and subsequent to that one of the last acts of Secretary Udall before he relinquished that office in late 1968 was to approve a matching grant of funds to the Akron Metropolitan Park District to start acquiring land in that area.

Through the help of Charlie Vanik and Ralph Regula and other Members from the Ohio delegation and other delegations, the Cuyahoga Valley is now protected by the Cuyahoga Valley National Recreation Area Act of 1974 and is on the way to becoming one of the great units of our national park system and will provide enjoyment not only for the 5 million people that live within an hour's drive but many more from all over the country.

We all know that our colleague, Charlie Vanik, was not just an environmentalist. In fact, many of us probably do not even know that that was one of his great interests in life, though it has been and is. We know of his tremendous record as a member of the Ways and Means Committee and his deep dedication to human beings through all types of legislation that involve human concerns.

One of the things that always impressed me about Charlie Vanik is this: here is a politician who is a real pro. He is a professional in the best and highest sense of the word. He belies the popular image that the news media are so quick to try to project of a Congressman who has lost touch with his own roots and with his people.

Charlie Vanik throughout the 10 years that I have been in the House has never failed to impress and even astonish me with the consistency and depth of his commitment to human beings, to the poor, to minorities, to social justice, and justice of every sort and against special privilege and special legislation to benefit only the few and the wealthy.

I would not take any more time, except to say that the personal relationship that we have all had with Charlie Vanik, and certainly I am no exception, has been one of the great experiences that we can cherish in remembering his years of service in this House. Many of us, and I am happy to be one of them, cherish our friendship also with his wonderful, spirited wife, Betty, who has shared his career and his friendships these many years.

Charlie has been always a straight shooter. He has always been one who thinks for himself and who says what he thinks. I have a copy, from a friend of mine who is one of his constituents, of Charlie Vanik's latest newsletter dated November 1980. I am going to ask unanimous consent that it be placed in the Record following my remarks. It is a masterpiece of honest, sensible thinking from one of the most able and sagacious public servants in our Nation. He ends the newsletter with a quote from a recent novel on the life of John Smith in which John Smith says:

> I do not know the future. All I can say is that I have loved people and they have returned that gift to me. That is divinity enough for any person.

My friends, that is Charlie Vanik.

YOUR CONGRESSMAN CHARLES A. VANIK
22ND DISTRICT OF OHIO

REPORTS FROM WASHINGTON

Dear Friends: During these closing weeks of my service as your representative to Congress, I am sifting through a twenty-six year accumulation of papers and books which have been the tools of my trade. My office will continue to provide service to the end of my term, and I am working with Congressman-elect Dennis Eckart for a smooth transition. There is a sadness in the closing of political life and a hope of exciting new challenges ahead.

The 1980 elections were a landmark change which resulted from voter reaction to uncertainty, inflation, and the appearance of national weakness. President Carter came into bad times with oil price increases propelling inflation and with joblessness resulting from foreign competition. History will treat him better than the 1980 electorate. He is a knowledgeable President whose most critical fault was his failure to assign his awesome discretionary power to others. In the decisions on trade with which I was most familiar, I was shocked by the process under which every detail of decision was ultimately made by the President. When I was seeking import restraints for the fastener industry—so vital to Cleveland—I succeeded in obtaining the support of the Secretary of Commerce, the Secretary of Labor, the President's trade advisor, the President's White House economic advisor—and then I lost out when the President was tagged by the Chairman of the Council of Economic Advisors just before he left for Camp David. There were very few decisions which the President delegated to others. Under this system, the President was overburdened by detail which delayed decision, increased procrastination, and created the image of weakness. Although the President was submerged by detail he inflicted upon himself, no other president in my experience knew so much about the federal government and suffered so much futility in dealing with it.

I have never been convinced by those who contend that over the long term tax cuts stimulate the economy and recover more federal revenues in a growing economy. While as much as one-third of the revenue loss may return to the Treasury as rekindled income, the fact is that two-thirds of the revenue loss is a permanent erosion of the nation's tax base. The mid-sixties boom was primarily stimulated by the re-arming of America and our preparations for the Vietnam fiasco and not by tax cuts. I simply do not believe that we can tax-cut America to prosperity and full employment any more than we can spend our way to recovery.

A modest restrained tax cut could be effective, but every pressure group wants its taxes cut now, up front. I hope that Congress will have the wisdom to establish priorities and tax policies which will be based on what can best recover the economy. If there is no tax cut discipline, the nation could be plunged into hopeless deficits and possibly threatened with bankruptcy. In tax policy it is possible to establish priorities and even defer relief on a rational schedule which can permit industrial planning based on incentives deferred.

The erosion of the present income tax base will probably require a shift to new forms of federal revenue such as a value-added tax, a national sales tax, or a federal tax on wealth. I do not believe that the federal services we require can be supported on the tax base that remains after massive tax cuts.

Tax cuts at the federal level may become illusory. If federal programs for cities and local governments are slashed, income taxes at the local level may have to be doubled or tripled to permit the conduct of essential local business. The City of Cleveland receives 39 percent of its income from federal sources. If the federal government changes the gears on local government support, most of our large cities will face a crisis and a breakdown in essential services. The net result could be increased local taxes far above the benefits of the federal tax cut.

In 1980 we had a deficit of $60 billion. In 1981 another deficit of $60 billion is projected. These estimates may be low because we have spent $2-$3 billion extra to strengthen our Middle-East defense system. The American taxpayers may be expected to replace $6 to $8 billion in Iranian assets in the United States which were attached by claims of American corporations against the Iranian government. This will further increase the deficits on which tax cuts must be added. This will force the federal government to borrow heavily in the money markets using up funds critically needed to provide credit to rebuild American industries, build new homes, or permit the purchase of new, gasoline-efficient cars. Interest rates are likely to get higher and stay higher. The people who today buy homes with 13 or 14 percent interest may sometime in the future feel as wise as so many do today with home mortgages of 5¼ and 6 percent.

Since the new Administration has pledged itself to higher defense outlays—it is extremely likely that increased military manpower will have to be provided to support new military machines. Pressures will increase for universal registration and the restoration of the draft.

During the Carter presidency, the migration of industry and jobs accelerated from the northern states to the sun belt. We will now face a more militant threat from the western states which have emerged as the real victors in the elections of 1980.

I intend for this message to be realistic and not pessimistic. I merely want to apprise my constituents of my look into the future. In 1955, when I first came to the Congress, people complained of the very same things: inflation, unemployment, and uncertainty. In these circumstances, it is difficult to save or plan for the future. My first job in 1934 provided me with the highest savings rate of my lifetime. I earned $2,000.00 and saved $1,400.00—living in Columbus, Ohio. As a percentage of income, my rate of savings has gone down ever since.

We must expect, therefore, to plan our lives around these circumstances. The people of just about every other place in the world are not better off. Few places approach our degree of security, freedom, or basis of hope.

We must bring discipline and good management to the affairs of our government as well as our own affairs—and I do believe we will make it. I sincerely hope the new Administration succeeds in cutting taxes, increasing jobs, strengthening defense, caring for the needy, and balancing the budget. It is going to take a miracle, and God may very well prove whose side He is on.

If this final newsletter displeases you, be comforted by the fact that it is my last. It will not happen again. If you write, forgive me if I cannot reply.

Thank you for your trust, your support, and your criticism over these many years. I am eternally in your debt for the extended chance you gave me to serve in the Congress of the United States.

I can best express my feelings in a quotation from a recent novel on the life of John Smith:

"* * * I do not know the future * * * all I can say is that I have loved people and they have returned that gift to me * * * and that is divinity enough for any person."

Sincerely yours,

CHARLES A. VANIK.●

President-elect Reagan comes to the office with an entirely different approach indicating that he will delegate power and supervise the overall direction of the government in the manner of former President Eisenhower. He also indicates that he will endeavor to manage and control the federal bureaucracy—an area where President Carter did not succeed. The policies of the President and the direction of the Administration will be more predictable. Since President-elect Reagan is not likely to run for a second term, he can afford to be entirely presidential.

I believe there is widespread agreement that campaign '80 started too early. It will take months to calculate the direct cost of the political campaign, which may exceed a half billion dollars. It may take years to calculate the indirect cost of decisions deferred or politically altered. I hope that the new Congress will give priority to the establishment of a Common National Primary date four or five months before the next presidential election.

It is absolutely essential to limit campaign expenditures. The taxpayer contribution to the presidential candidates provided a plateau for huge, supplemental contributions. I was shocked that presidential candidates had to demean themselves to make "house calls" to raise campaign resources. The hundreds of millions of dollars spent in the congressional races constitute a national obscenity. Every contribution creates a mortgage lien against the candidate. His future action is literally purchased by his contributors. The political contributions of the campaign could be placed into a computer which could program just about every decision to be made by the legislator obedient to his contributions. Unfortunately, this system of policy purchase works severely against the best interests of 99 percent of the American people who make no personal contributions other than the tax return check-off. They are puzzled when their interests are ignored. National policy in all areas is bought by the contributions.

The independent candidacy of John Anderson did one significant thing. It demonstrated that even a late-filing independent could get on the ballot in 50 states. The established statutes on election procedures were summarily "washed out" by federal court decisions. If John Anderson were a true independent from the start rather than a recycled candidate, he may have fared better. As a result of the Anderson success in qualifying, I can foresee a time when an independent candidate may succeed in a try for the presidency. This will operate to the public good and challenge the monopoly which the major parties have on the selection system. They will have to put up their very best choice or lose out to an independent who can capture the support of the people.

The political change of 1980 came about because of the widespread discontent of the American people with inflation, unemployment, uncertainty, and the attrition of the national esteem.

I see no quick and easy solution to the problems of inflation. President Carter contributed to higher consumer costs when he adopted the creed of deregulation. First, he partially deregulated oil which raised energy costs of transportation, home heat, and production. While oil import demands relaxed slightly, it came about at great cost to the consumer. Then he proceeded to deregulate air transport and the result was fewer flights. Since deregulation, my air fare to Cleveland increased 59 percent. The jet set is a smaller crowd while the automobile—with higher fuel costs—is again the cheaper way to go.

The deregulaiton of the railroad and the trucking industry should result in a 20 percent increase in the cost of food and merchandise moved over the road.

Deregulation is good if it eliminates bureaucratic red tape; however, the deregulation of greed can be very costly to the rest of us.

President-elect Reagan can be expected to continue the deregulation process which began in the Carter Administration. He can be expected to immediately decontrol old oil which is scheduled for decontrol in October of 1981. This decision could increase the cost of gasoline and home heating oil by 11 to 16 cents per gallon. It would be wise to have a gasoline-efficient automobile in your plans.

More seriously, the new Administration could immediately decontrol natural gas scheduled for decontrol in 1985. If this occurs, the price of natural gas could rise to the cost of its oil BTU equivalent and the price of heating your home could double in three years. Under these circumstances, we must insulate our homes to the full potential of conservation—but more and more of our shrinking dollars will have to be spent for fuel.

The new Administration may drop the Soviet grain embargo at a time at when our reserve supplies are reaching an unprecedented low. The domestic price rose considerably after grain sales to China—they can considerably rise after our reserves are depleted. Sugar may soon rise to historic levels. Food will continue to be more expensive.

In addition, we must expect another dramatic increase in OPEC oil prices. We must expect to pay for most of the costs of the Iranian-Iraqi war at the gas pump and in our homes.

With these inflation pressures: deregulation of transportation, decontrol of oil and gas, new OPEC price increases and world commodity shortages in grain and sugar—the price of everything we need to live will be going up in the future.

The new Administration will provide the most dramatic policy changes in the area of taxation. Tax cuts need not be inflationary if they are compressed out of government expenditures. However, tax cuts which are paid for with new federal borrowing are bound to be inflationary and raise the cost of interest.

I have prepared the following table on the revenue losses which may result over a period of five years if most of the demanded tax cuts are enacted.

POTENTIAL TAX CUTS

[In billions]

	1981	1982	1983	1984	1985	Total
Kemp-Roth	32	65	114	149	190	550
10-5-3 (depreciation)	4	11	23	39	57	134
Tuition tax credit	1	1	1	1	1	5
Exempt interest on savings account	14	16	18	20	22	90
Repeal windfall	20	25	27	28	30	130
Total	71	118	183	237	300	909
And to these can be added other possibilities:						
End double tax on dividend income	12	13	14	15	16	70
Capital gains	2	2	3	3	3	13
Charitable deductions	2	2	3	3	3	13

Mr. STOKES. I thank our distinguished colleague from Ohio for his participation and for those very articulate remarks.

Mr. Speaker, I am pleased to yield to the gentleman from California, our distinguished friend, Mr. Van Deerlin.

Mr. VAN DEERLIN. Mr. Speaker, some very useful public hearings were held in San Diego during early October—chaired by Charlie Vanik and looking into some of the reasons behind Japan's extraordinary ability to compete in American markets.

The gist of the testimony was unusual in that it ignored the easy solutions of increased trade quotas or embargoes. It dealt instead with the new management systems devised by the Japanese—systems which have greatly raised worker productivity by increasing worker incentives.

The hearing sparked considerable interest in our community, which is already the location that six large Japanese manufacturers have chosen for U.S. plants. We learned that American workers, if similarly motivated, can become even more productive than their Japanese counterparts.

But as a politician, another aspect of the hearing seemed memorable to me. It was that an able colleague who had already announced his retirement—and who could have been spending early October in personally pleasanter pursuits—was driving himself and his staff to the very end of his term to complete a job he had set for himself in the Ways and Means Committee.

Mr. Vanik stood to gain nothing politically or personally from this hard work. As has been evident on the House floor this very afternoon, here is a man who believes in giving the people of our country the best he can deliver on a fulltime basis.

Charlie Vanik's blithe spirit would be sorely missed next year, quite apart from his legislative output. He is truly one of the reasons I shall miss being here.

☐ 1900

Mr. STOKES. I thank my distinguished colleague and friend for his kind remarks.

I say this body will also miss the presence of our last speaker, who distinguished himself in this body, and in a very fine manner. Many of us in this body certainly will miss your presence also.

Mr. Speaker, it should be obvious from the remarks of my colleagues on the floor here this evening with respect to this special order that Charlie Vanik has, indeed, distinguished himself in this body and has become one of the persons who has made his own imprint upon it in his own special way and will obviously be missed for many, many reasons. But suffice it to say that this institution is a greater institution because Charlie Vanik worked here for 26 years.

While it will be difficult for me, and I am sure everyone else, to really imagine Charlie Vanik in actual retirement—Charlie is too youthful yet, too energetic and too alert of mind to really be a person who we can imagine in any form of retirement—what I hope it means is that as Charlie did say when he announced his retirement, that he wanted to spend a little more time with Betty, he wanted to spend a little more time with his son and daughter, and that over these years he has not had the kind of time to spend with him that he would like to have had. So I hope that he is going to be able to enjoy much more time now with his wonderful family that he has. We all thank them for having lent him to us and to this institution for these 26 years.

● Mr. O'NEILL. Mr. Speaker, I rise on this occasion to join my colleagues in paying tribute to an outstanding Member of the House of Representatives, the Honorable Charles Vanik, on his retirement from Congress.

Charlie Vanik has held a position of leadership in the House for the past decade which he deserves high marks of excellence. Few Members of either the House or Senate possess the legislative skills or shrewd political instincts and personal abilities to coauthor an amendment which would become a cornerstone of American foreign policy. The Jackson-Vanik amendment to the 1974 Trade Act was the precedent that made possible the human rights policies pursued by President Carter.

The successful implementation of the Jackson-Vanik amendment as an instrument of U.S. foreign policy resulted from the same sharp legislative skills, decisive leadership and strategical flexibility that have characterized Charlie Vanik's chairmanship of the Ways and Means Subcommittee on trade. He has brought to the deliberations of that subcommittee and to the House Chamber a voice of reason, conciliation, and supportive assistance to every Member. Chairman Vanik has always been willing to compromise, but never on principle, and his openness to all points of view are part of the direction and guidance that he has given to his subcommittee members.

Dedicated, conscientious resourceful, Charlie Vanik has graced this Chamber and the Ways and Means Committee with a natural charm and wit, and friendliness toward everyone with whom he has conversed and worked. His pleasant and cheerful disposition have made Charlie Vanik one of the best liked and respected Members of the House. Bright, articulate, and possessing an engaging sense of humor, Charlie Vanik has made an unforgettable contribution to the annals of congressional history.

A long and distinguished public service career that began with an election to the Cleveland City Council, Charlie Vanik was a State legislator and a judge before he served another 26 years in the House of Representatives. I am proud to have worked with Charlie over the years and to listen to his humor, advice and counsel. Charlie has been a supportive part of the democratic leadership, and I am pleased to have had him on our team and to call him a friend. I will greatly miss his delightful and sagacious witticisms in the 97th Congress.

I salute Charlie Vanik and wish him all the health, happiness and success in his future endeavors.●

● Mr. BOLAND. Mr. Speaker, the retirement of Congressman Charlie Vanik brings to a close the career of one of the most widely respected Members of the House of Representatives.

Few Members in the history of this body could match the expertise in tax and trade matters that Charlie Vanik has acquired in his 13 terms. His service on the Ways and Means Committee has earned him a reputation for thorough preparation, persistence, and legislative acumen. Charlie had a way of simplifying even the most complex tax matter so that the debate on it could clearly focus on its merits. He understood the vagaries of our tax laws far better than most, and was never reticent about publicizing those organizations which assume less than their fair share of the tax burden.

Charlie Vanik as never been afraid to speak his mind, even if his opinions were politically unpopular. You always knew where Charlie stood on an issue and his routinely stood with those who lacked political power or social influence. Whether you agreed with him or not you had to respect his candor and his courage. That respect, coupled with Charlie's unfailing good humor, won him many friends irrespective of party affiliation or political outlook.

Mr. Speaker, Charlie Vanik will be sorely missed when the new Congress begins in January. His counsel was widely sought and his departure will leave a void which will be difficult to fill. His service in this House has been a tribute to the wisdom of his constituents in selecting, and reaffirming, him as their representative. He has maintained their trust by being himself and by following his principles. He leaves with those principles intact and with the gratitude of the people of Ohio and the people of the United States. I know I join with my colleagues in wishing him all the best in the years to come.●

● Mr. CARTER. Mr. Speaker, I am pleased to join in paying tribute to my friend from Ohio, Charles A. Vanik.

Charlie Vanik has been a colorful, dedicated and skilled servant of the people of Ohio here in this body since 1954. His humor and ability are well known, and this body is losing a very fine Member with his retirement this month.

After nearly 42 years of public service at the local, State, and Federal level, Charlie certainly deserves being able to devote more time to his family and all that he most enjoys. May he leave the Congress confident that the time he has spent in the service of the people has been to this country's benefit and that his many friends on both sides of the aisle will miss his presence.●

● Mr. ZABLOCKI. Mr. Speaker, with the adjournment of the 96th Congress, we will lose one of our most highly respected and competent Members of Congress, our colleague and friend Representative Charlie Vanik.

Charlie has contributed significantly to this country through his leadership on the House Ways and Means Committee and the Joint Committee on Taxation. As chairman of the Subcommittee on Trade, Charlie engineered legislation through the Congress which had a vital impact on international commerce and our domestic industries. His expertly completed duties included overseeing the Multilateral Trade Negotiations and U.S.

trade statutes. As a member of the Export Task Force he worked hard to reduce barriers to export, thereby restoring economic opportunities to our domestic countries.

Mr. Speaker, Charlie's talents are many. Not only is he an expert on tax and trade matters, but he also has a keen understanding of the very real problems which face the elderly, the poor, and our middle-income citizens.

Charlie chaired the Oversight Subcommittee where he saw first-hand the importance of programs like social security, medicare, and SSI. His efforts in these areas are numerous.

Of course, Mr. Speaker, Charlie's optimistic attitude and exceptional sense of humor will be missed. Not only did he excell in his work performance but I am sure our colleagues will agree that his storytelling deserves the highest commendation.

This body will miss a dear colleague who, since 1954, has served honorably, with the highest level of integrity, and successfully. Charlie always completed his work in the most efficient and effective way possible. He will be sorely missed.

Mr. Speaker, I would like to join with my colleagues in the House of Representatives in extending my personal and sincere best wishes to Charlie and to his whole family. May he enjoy a healthy, happy and successful future.●

● Mr. ROSTENKOWSKI. Mr. Speaker, with the close of the 96th Congress, we will be losing one of the most articulate and dedicated Members of the House of Representatives, Charles A. Vanik.

As a fellow member of the Ways and Means Committee for the past 15 years, I know of Charlie's dedication to all humanity. Through his able chairmanship of the Trade Subcommittee, Charlie has demonstrated his understanding of the delicate world balance without ever losing sight of the ordinary man. Perhaps nowhere is this more apparent than in his authorship of the Jackson-Vanik amendment to the 1974 Trade Act requiring freedom of emigration practices by a government as a prerequisite to a grant of favorable trade status by the United States.

We can all be thankful for the long and dedicated service Charlie gave our Nation. I am personally thankful for his friendship and counsel.●

● Mr. RHODES. Mr. Speaker, I would like to join my colleagues in this special order to bid a fond farewell to my good friend from Ohio's 22d District, Congressman Charles Vanik.

He is retiring after serving 13 terms in the House, during which he was a vigorous and articulate spokesman for the issues which he took up.

As a long-time member of the Ways and Means Committee, Charlie Vanik was an expert on many aspects of taxation, and we have come to respect and admire his understanding and grasp of the American tax structure.

A strong proponent of service to his constituents, Charlie Vanik served as effective liaison between the Federal Government and his local community.

I know that I join my colleagues on both sides of the aisle in wishing Charlie and his lovely wife, Betty, the best in their future endeavors.●

● Mr. EDWARDS of California. Mr. Speaker, I would like to thank my colleague from Ohio (Mr. Stokes) for arranging for this special order this afternoon to pay tribute to Charlie Vanik.

It has been an honor to serve with Charlie here in the House of Representatives. His career as a Member of Congress has been distinguished by his integrity, by his commitment to placing principle over policies, and by his feisty independence.

These qualities have won him the respect of all of us who have served with him and of his constituents as well. His colleagues have also learned to depend on him for his tremendous expertise in the areas of taxation and trade.

My congressional district in San Jose and southern Alameda County has a high concentration of semiconductor industry and other high technology enterprises. These businesses have a shared concern about the loss of our competitive edge in these fields in world markets. When Charlie learned of the problems these important domestic industries have suffered, he arranged for his Subcommittee on Trade to hold hearings in San Jose.

He received testimony from representatives of many of the leading semiconductor companies in the San Francisco Bay area. He listened to their concerns about their declining share of the world market and solicited their suggestions on what might be done to improve their situation.

Charlie not only listened, he acted upon their suggestions. He developed and worked for legislation to encourage the development of technology in the academic setting with research paid for and directed by the business sponsor. His plan would enable the business sponsor to receive a business deduction and a tax credit for these outlays, and would insure that technology will produce useable and marketable products. His proposal has been favorably received, and I think would do much to promote our domestic semiconductor industry.

I have chosen to highlight one instance where Charlie's caring and concern combined with his legislative expertise have made a difference. There are, of course, many other instances, and I am sure that my colleagues today will be touching upon some of them.

Suffice it to say, we will all miss the privilege of serving with Charlie in this body. However, I would like to join with my colleagues and his friends in wishing him the very best in his future endeavors.●

● Mr. LATTA. Mr. Speaker, the House of Representatives is losing one of its distinguished Members.

During his long tenure, Charlie has never deviated from his liberal convictions. He was elected to Congress from the 21st District of Ohio in 1954 and I have had the honor of serving with him these last 22 years. There is no question that he has sought to serve his Nation, his State and his district in the very best of his ability.

As subcommittee chairman on trade, Charlie has always been aware of the many perplexities in this area and the number of American jobs that have been affected by the import problem.

Mr. Speaker, the Nation can be thankful for the long and diligent service Charlie has provided the Congress. I would like to take this special opportunity to wish Charlie good luck and many years of continued happiness. We in Washington will certainly miss him and his marvelous gift of wit.●

● Mr. RANGEL. Mr. Speaker, today we honor my friend and colleague Charles A. Vanik. His retirement is symbolic of his service in the House. He has never found himself beholden to special interests during his 26-year career, and rather than forgo the freedom of thought and action he has enjoyed during those years, he chose not to seek another term because that would have entailed his having to raise a campaign war chest in order to win reelection. Surely we in the Congress and the people of the 22d District of Ohio will suffer from the loss of his insights and energy.

Probably the legislation Charlie will be longest remembered for is the Jackson/Vanik amendment which requires the President to examine the emigration policies of Communist nations seeking Most Favored Nation Trading Status. In fact, it requires the President to affirmatively assert that the nation in question is allowing people to freely emigrate. This amendment gives hope to millions of people seeking to escape the oppression they live under. People who desire to leave their homelands because they live in nations which crush dissent and deny them the right to practice their religion freely.

But were Charlie Vanik to be remembered merely for the Jackson/Vanik amendment, we would be doing him and ourselves a grave disservice. For he has been a leader in the battle to instill a fair and equitable tax system. Each year he publishes a list of corporations and the taxes they pay, constantly pointing out the ones who pay little or no taxes.

Additionally, he has been a leader in the fight to insure that the multinational corporations do not evade domestic income taxes by the use of such tax devices as deferral whereby multinationals wait to bring home foreign profits until they can be offset by either losses or foreign tax credits. He has been especially vocal on the use by oil companies of these and other tax writeoffs such as intangible drilling costs and the depletion allowance.

This body will also miss him because of the integrity which he brought to the subcommittee chairmanships he has had on the Ways and Means Committee. He set us all a fine example by going out of his way to make sure the witnesses and members had all their rights respected. While he was always clear on where he stood on an issue, he always respected the rights of others and gave them the opportunity to express their views.

We are going to miss this man with

his keen sense of humor who has acted as the watchman of the Treasury and who has tirelessly fought against backdoor spending schemes.●

● Mr. GEPHARDT. Mr. Speaker, I am honored to join with my colleagues in paying tribute to Charlie Vanik.

Some Members of Congress are embodiments of the districts they represent. Hopefully, most of us are. When I think of places like Cleveland, Youngstown, and Ohio's northeast and their gritty struggle to survive, I think of Charlie Vanik. When I think of steel mills shut down, autoworkers in unemployment lines, or Jews trying to leave the Soviet Union, I think of Charlie Vanik. And when I consider what it means to be a Member of Congress, sworn to uphold the Constitution and provide for the general welfare of our Nation, I think of Charlie Vanik.

There is an old saying that politics is like a bandwagon—you better jump on or you will miss the train leaving the station. Well, my friend, Charlie Vanik is like an old train too. I saw him stop at the Ways and Means station and his perseverance of corporate income taxes was a lonesome whistle indeed. I traveled with him to the Soviet Union and learned firsthand how humor can break the ice where diplomacy would fail. The floor of the House earlier today heard his call on auto imports one last time.

It was a privilege to have made a few stops on Charlie Vanik's train. I know many more stops lie ahead for his train is merely moving on.●

● Mrs. HECKLER. Mr. Speaker, it is with great pride, and no small amount of regret that I address you today concerning the retirement of our noble colleague, Representative Charles Vanik. A number of publications have seen fit to honor him as the current session and his 26 outstanding years in Congress are drawing to a close. The Washington Post has said that—

> Representative Vanik is seen universally as a four square battler for the underdog, the working man and the middle-class taxpayer.

I would like to take this time to express my personal sentiments concerning the work he has done.

Charles Vanik was a consumer advocate long before the term became popular. As chair of the Subcommittee on Trade in Ways and Means, he often fought to insure the consumer did not bare the brunt of Government subsidies to business. And yet, he approached all controversies in a balanced, knowledgeable manner taking in all facets of the issue to achieve equitable, correct legislative goals.

The controversy over the administration's proposal to raise the price of sugar supplies a perfect example of Representative Vanik's ability to sort out conflicts and choose the most equitable path for all concerned. Twice, when the sugar issue came up, Charles Vanik foresaw the potential hazards such an increase could create by excelarating the inflation rate, due to the great proportion of products which contain sugar.

He also perceived the double jeopardy in which the American citizen would necessarily be placed by government subsidization of the sugar industry: Once as the taxpayer who would foot the bill for subsidization and a second time as a consumer who pays the increased grocery prices.

But Charles Vanik does not choose his stand on issues based on how popular a particular stand might be. In his efforts to achieve a balanced perspective, he has also seen fit to become an advocate of the manufacturer when he felt that this was the most responsible position to take. When the Trade Subcommittee decided to examine the economic impact of the Multinational Trade Agreement upon domestic textile and appearel manufacturers, Charles Vanik made sure that a thorough and thoughtful analysis of the situation was made. Field hearings were held and task force examinations were conducted in regions which would be effected.

After thorough study, Charles Vanik came to the conclusion that the foreign textile industry should be exempt from the duty cuts which the multinational trade agreements were to impose. He knew the domestic textile industry would experience serious setbacks if exports were allowed a substantial increase in market share due to the proposed duty cut.

He has always pressed hard to make sure that fairness and human rights do not become a secondary component of our trade policy. It is Representative Vanik who proposed an amendment which would ban trade concessions to countries that did give assurances that their policies were leading to free emigration for their citizens, especially citizens who wanted to emigrate to Israel.

Charles Vanik's list of accomplishments in his 26 years in Congress is endless. But the most important point to be made concerns the depth of his integrity. Representative Vanik has always been reelected by spending no more than $3,000 each term. He owes no one except his constituency; and we all owe him so much. His integrity and sense of fairness have enriched us all and, indeed, the entire country through his untiring efforts in any efforts in the House of Representatives. My only hope is that he continue those efforts in any endeavors he might choose to undertake in the future so that we all may continue to benefit from his inspiring example.●

● Mr. RODINO. Mr. Speaker, I want to join Congressman Stokes and my other colleagues in paying tribute to one of the most respected Members of Congress, Charles Vanik, who is retiring at the end of this term.

The House will greatly miss Charlie Vanik for many reasons. As a friend, I will miss his thoughtful and knowledgeable advice on tax reform issues and his ever-present wit. The House will especially feel the loss of his expertise on the Ways and Means Committee and as chairman of the Committee's Trade Subcommittee. Charlie Vanik has been an outspoken leader for a more progressive and more equitable tax system.

Also, his deep concern and commitment to human rights and individual liberties lead to the successful passage of the Vanik-Jackson amendment which denies which favored nation trade status to the Soviet Union until it allows the free emigration of Jews and other peoples.

The devotion of Charlie Vanik has shown to helping the people of Ohio and to preserving the best interests of our Nation stands as a shining example to all who aspire to public office.

I am proud to have served with Charlie Vanik. While I am sad that he is leaving the House, I wish him all the best in the future.●

● Mr. MINISH. Mr. Speaker, with the close of this Congress, a good number of dedicated and outstanding Members will be ending their careers in the House of Representatives. I am certain that none will be missed more than the gentleman from Ohio, Charles Vanik.

As a ranking member of the Ways and Means Committee, Charlie Vanik has made his presence felt for the benefit of all Americans. He has consistently fought for progressive tax reform and has been the House's No. 1 expert on matters of trade. We have been fortunate to benefit from his expertise.

I feel privileged to have come to know and serve with Charlie Vanik. Even today, in the waning stages of the session, we have proof of his effectiveness. The overwhelming victory of House Joint Resolution 598, which gives the President authority to negotiate with foreign governments concerning auto imports, is a credit to Charles Vanik.

Although Congressman Vanik has fought for the enactment of many noteworthy pieces of legislation, he will long be remembered for his landmark efforts to hold the Soviet Union and other oppressive nations, responsible for the humane treatment of their citizens. The Jackson-Vanik amendment prohibits the granting of favorable trade agreements with Communist nations unless the President determines that they allow free emigration. There is no doubt that this humanitarian amendment has provided a free choice to emigrate for many who otherwise would not have been permitted to do so.

In addition to his many legislative accomplishments Congressman Vanik will be remembered as a warm and concerned human being, and one whom I have admired. I join with all my colleagues in wishing him a long and fulfilling retirement.●

● Mr. RAHALL. Mr. Speaker, few of us who serve in this body will ever rise to the level of respect and leadership that Charlie Vanik has, and I am very proud to participate in the honor being bestowed on him today. I thank my good friend and colleague from Ohio (Mr. Stokes) for asking for this special order.

Charlie Vanik is the type of Congressman, many of us newer Members look up to. He is experienced, thoughtful and beloved by his constituents.

Since 1954, the residents of northeastern Ohio have returned Charlie Vanik to this House, and each year his vitality grows as well as his legislative accomplishments.

As a leader on the House Ways and Means Committee and as chairman of the Trade Subcommittee, Charlie Vanik has been an important figure in the area of foreign trade, and a strong voice for the countless unemployed workers in his industrial State who have been hurt by rising imports.

The 22d District, which he represents, is a melting pot of America. Nearly every ethnic group resides in his district, and for 26 years he has done their work and represented them in a manner that earned their support to return him to this House every 2 years with little difficulty.

The start of the 97th Congress, however, will not include Charlie Vanik. His retirement is well earned, but his shadow will long oversee this body.

We will all miss him, and hope that he will return to share his wisdom and experiences with us from time to time.●

● Mr. JOHNSON of California. Mr. Speaker, I am pleased to be able to join with my colleagues in paying tribute to Charles Vanik, who is retiring this year after 26 years of service in the U.S. House of Representatives.

Charles Vanik is as honest a man as ever walked in the Halls of Congress. I am reminded of George Washington's statement that one of his greatest hopes was that he would always possess the qualities to maintain what he considered to be the most enviable of all titles, an honest man. Charlie Vanik has throughout his service in the Congress possessed those qualities of firmness, reliability, trustworthiness and openness to ensure his permanent characterization as an honest man. He is, as the epitaph of an unknown person stated, "an upright downright honest man."

I have dwelled this long on this subject because according to press reports Charlie Vanik's honesty is one reason why he did not seek reelection this year. He was told that it would be necessary this year for him to raise large amounts of campaign contributions. He felt so strongly that the receipt of these contributions would impede his honest approach to his job that he decided to end his career.

Charlie Vanik never blew back and forth with the winds of popular opinion. He developed early on in his years in the Congress a philosophy of what is right and wrong, and he used that philosophy to make decisions firmly. His energies were not devoted to a perpetual reelection campaign or to endless fund raising. Rather, he applied his time and his abilities to legislation and policymaking.

When I think of Charlie Vanik, I think of his tremendous contribution in the area of trade legislation. I can think of no bill in this vital area in this time of increasing interdependence among nations that does not bear the Vanik imprint.

The stature of the House of Representatives is diminished by Charlie Vanik's departure. This national legislator, this honest man, will be missed by the Nation.●

● Mr. BINGHAM. Mr. Speaker, when I came to this House in January 1965 one of the people who immediately impressed me as an outstanding Member was Charles Vanik of Ohio. He was friendly to all, but that did not mean that he was not a person of deep convictions.

Of Charlie Vanik, it can truly be said that he cares. Unfortunately, the word has been cheapened by its indiscriminate use in campaign literature, but it remains for me the most important criterion for judging a public official.

Others on this occasion have well described Charlie's legislative achievements, and I will not try to repeat them, except to remark that the Jackson-Vanik amendment will probably go down in history. Let me simply say this: Over the years Charlie's voice has been a voice of reason and justice and of compassion.

His fierce desire to be totally free to follow his conscience, to be free of all obligations, led him to campaign again and again on a shoestring. It led him also, I am afraid, to decide not to run this year.

Quixotic? Perhaps, but admirable nonetheless.

In the off hours, Charlie and his wonderful Betty have been a source of sheer delight to a host of friends. We hope that for many years to come they will stay in touch—otherwise the loss would be unbearable.●

● Mr. DRINAN. Mr. Speaker, I stand in admiration of all of the enormously important work which Congressman Vanik has accomplished during his years in the Congress.

It is difficult to know how anyone could have achieved more than Charlie Vanik has done in his 26 years in the House of Representatives. Perhaps the most visible legacy is the Jackson-Vanik amendment, a humanitarian measure which has been directly instrumental in the immigration of well over 200,000 Soviet Jews.

Mr. Vanik has distinguished himself in the important work which he has done in the area of facilitating international trade.

Charlie Vanik was always a delight to work with. He has had a very special respect and even veneration for his fellow Members of Congress.

Charlie Vanik will be profoundly missed in the Congress. I and his countless friends send to him and to his wife, Betty, our very best wishes for his continued success and happiness.●

● Mr. BEVILL. Mr. Speaker, it is a personal pleasure to join with my colleagues in the House of Representatives to honor a man who has served his country with dedication and integrity for the past 42 years.

Charlie Vanik has served the residents of Ohio, and the people of the United States since 1938, in positions on the local, State, and national levels, and in the U.S. Naval Reserves.

It has been my great pleasure to know Charlie in the House, and in working with him, I have come to cherish his warm and friendly personality, which has made this Chamber come alive with good feelings.

Charlie's dedicated service on the House Ways and Means Committee and his chairmanship of the Subcommittee on Trade have given ample evidence of his legislative skills and abilities.

All of the people of this great land should be very thankful for the Charlie Vaniks of America, who are willing to spend their lives in service to the country. It is because of these dedicated people that this land has become great. Because of Charlie's selfless efforts to make his city, his State, and his Nation a better place to live, Charlie has endeared himself to all of us whose great pleasure it is to know him.●

● Mr. de la GARZA. Mr. Speaker, I wish to join my colleagues in the House of Representatives in paying tribute to one of its most respected Members, the Honorable Charlie A. Vanik, who was first elected to public office 42 years ago, and who is now retiring from the House after 26 years of diligent and dedicated service on behalf of the people of the 21st and 22d Districts of Ohio.

When I first took my seat during the 89th Congress, Charlie Vanik had already served in the House for 10 years. Like many others, I soon learned to respect Charlie Vanik for his expertise and dedication. I know that many of us will miss Charlie Vanik for his legislative skills and his good humor.

It is with warm personal regards that I wish Charlie Vanik a fruitful period in the years ahead.●

● Mr. UDALL. Mr. Speaker, Charlie Vanik is one of the very best legislators in the House, a tough, tenacious man endowed with outstanding and unflagging integrity. For 26 years, Charlie Vanik has worked hard on behalf of his district, his State, and his country. He has never been afraid to take an unpopular stand. I shall miss his skill, his legislative ability, his quick wit, and wish him the very best of what he seeks in the future.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Charles A. Vanik, Congressman from the 22d District of Ohio, who has decided to retire after 26 years of distinguished service to the people of Ohio and the Nation.

Charlie's leadership in tax reform, his expertise in trade matters and his commitment to the formation of an effective energy program as well as to environmental protection, will all be sorely missed in the challenging years ahead.

Freedom-loving peoples everywhere will always be grateful to him for sponsoring the Jackson-Vanik amendment, which denied the Soviet Union most-favored-nation treatment until they permitted free emigration of Jews and others.

I wish Charlie and his family all the best for the future.●

● Mr. ALBOSTA. Mr. Speaker, while I have only had the opportunity to work with Charlie Vanik these last 2 of his 26 years of public service in this great body, I have gotten to know and respect his talents and abilities as a lawmaker. In his capacity as chairman of the Ways and Means Subcommittee on Trade, Charlie has shown that even when there are politically sensitive matters, as trade issues always are, he can rise way above the opposing forces and develop policy that is in the best interests of the general public and agreeable to most of those opposing entities.

Charlie Vanik will be sorely missed by the Congress, the Ways and Means Committee, and by this Nation as a whole. He is held in high esteem by Members on both sides of the aisle for his nonpartisanship, his sense of humor and his irreplaceable leadership abilities.

The people of Cleveland are losing a fine representative, but the people of America are losing what I consider to be one of the most competent legislators in either House of Congress. His reasons for retiring, while commendable, will not make up for the disappointment I and my colleagues will feel in January when his guidance will no longer be available.

I sincerely wish Charlie Vanik every best wish in all of his future endeavors.●

● Mr. STANTON. Mr. Speaker, I am pleased to join my colleague and neighbor, Louis Stokes, in paying special tribute to our very distinguished retiring colleague, Charlie Vanik.

Mr. Speaker, it has been my privilege to serve with Charlie here in the House off Representatives for 16 years. During the majority of that time, he has also served as my neighbor in Ohio since the 22d Congressional District borders the 11th Congressional District. In fact, Mr. Speaker, I share with Charlie Vanik two counties in northeastern Ohio. They are Geauga County and my home county of Lake. Since the counties were divided, I am pleased to say that we have been able to work together to help our joint constituencies on countless occasions. There has not been one single moment of disagreement between us. No matter what part of the counties were involved, Charlie Vanik was always willing to help.

Mr. Speaker, we all recognize that the best thing that ever happened to Charlie Vanik in his life was the charming person he married. I know of no one who is more universally loved than Betty Vanik. There is no question that the Vanik's will be missed in the next Congress. They should take with them, though, a great feeling of satisfaction for a job well done. Peggy joins me in extending to them many years of happiness and success ahead.●

● Mr. PATTEN. Mr. Speaker, I would like to join with my colleagues in paying tribute this evening to Charlie Vanik, who will be retiring from the House after 26 years of service to his district and to his country.

I have considered it a privilege to have known Charlie and to have served with him during these past years.

His work as the chairman of the Trade Subcommittee has been outstanding, and he will be sorely missed. His ability and dedication have served as an example to all of us, and I know that his leaving will create a vacuum which will be impossible to fill.

I know that the peope of the 22d District of Ohio will welcome him back with mixed emotions; for, while they will be glad to have him among them, they must know that they will be losing a strong voice representing them in this great body.

I want to wish Charlie and his family all the best in the coming years.●

● Mr. SCHULZE. Mr. Speaker, I am pleased to rise and join with my colleagues in recognition of our colleague from Ohio, Charles A. Vanik, who is retiring after 42 years of distinguished public service, the last 26 as a Member of the House of Representatives.

As chairman of the Subcommittee on Trade of the Ways and Means Committee, of which I am a member, Charlie has been an estimable adversary for the past 2 years. The impact of his diligence has been substantial with regard to many tax reform and trade measures, including legislation to implement the multilateral trade negotiations. However, his single most significant contribution, in my mind, was his authorship of the Jackson-Vanik amendment of the Trade Act of 1974.

The amendment reaffirms a fundamental American value by establishing that "Most Favored Nation" trade status is a privilege to be extended only to those nations which are willing to grant their citizens the most basic of human rights: freedom to emigrate. Even though our extremely poor balance-of-trade dictates that we increase trade with all nations of the world, we would be remiss in our constitutional responsibilities if we allowed MFN treatment to be granted to nations which do not have a consistent and equitable emigration policy. More than a law, the Jackson-Vanik amendment stands as one of the greatest symbols of the free world.

I have enjoyed doing battle with Charlie Vanik, and will miss that challenge in the 97th Congress. Although we have disagreed from time to time, it was always with mutual respect, and I am sincere in my best wishes for all his future endeavors.●

● Mr. RICHMOND. Mr. Speaker, I am happy to join in this outpouring of respect and admiration for our colleague, Charlie Vanik, who is retiring after 13 terms of exceptionally distinguished service in this House.

Charlie Vanik can only be referred to in superlatives: He is the expert on trade and tariff issues; he is fiercely independent; and, he is absolutely incorruptible. Charlie Vanik is independent of special interests and narrow, self-interested constituencies, yet he is outspoken and consistently attentive to the needs of the working class and middle income men and women he so effectively represents.

I will always remember Charlie Vanik as a man of great integrity, superb legislative skills, an excellent sense of humor, and a wealth of charm. And all of us in the House will miss his expertise and singleminded devotion to liberal principles.

Charlie, we wish you the very best of happiness and every success in all your future endeavors.●

● Mr. GUARINI. Mr. Speaker, I rise today to pay tribute to a distinguished Congressman and dear friend, the chairman of the House Ways and Means Subcommittee on Trade, Representative Charles A. Vanik of Ohio.

Charlie will be retiring from Congress at the end of this session after an extremely productive and illustrious 26 year career on Capitol Hill. His effective leadership, high moral standards, and explicit attention to detail will be greatly missed by all of us who will be returning in January.

His accomplishments in the House over the years have been many, but perhaps none of his achievements is more sterling than the noble human rights legislation that proudly bears his name—the Jackson-Vanik amendment to the Trade Reform Act of 1974. This genuine contribution to the freer emigration of people the world over has directly and positively impacted upon the lives of thousands of individuals and their families.

Congressman Vanik's courage, tenacity and foresight is to be applauded and his deep concern for the well being of those who are denied opportunities both at home and abroad is to be vigorously commended.

It is an accurate measure of this outstanding man that he has close personal contacts not only in our Capital, but with heads of State and captains of industry in capitals throughout the world. America has indeed benefited greatly by his public service. My career has been enriched, as well, by my friendship with this outstanding man. I have thoroughly enjoyed my official travels with Congressman Vanik and have learned much from his keen sense of perception and astute manner. He is an endless source of information and knowledge, and I fervently hope that his vast experience can be properly utilized in the many productive years that he has ahead. For while he may be retiring from Congress, I am confident that his intense interest in our Nation's future will remain as avid as ever.

Chairman Vanik has indeed been a man for our times; a leader who could clearly see the importance of today's events in tomorrow's world. His overview of world affairs throughout his long career has been singularly superb, and our Nation is very much in his debt for his years of devoted commitment and deep dedication.

Mr. Speaker, we will all miss Charlie Vanik, but none will experience the loss so immediately as those who have had the great pleasure of serving with him on his Trade Subcommittee. I, for one, deeply regret that his tenure as chairman of that august body will soon be coming to an end, for he has been the conscience of the Ways and Means Committee as well as the unofficial ambassador of our country's economy to our trading partners overseas.

I will dearly miss Charlie Vanik, for he is an outstanding public servant and a very close friend. My only consolation is in knowing that Washington's loss will be Euclid's gain. I heartily wish Charlie and his lovely wife, Betty, many happy years of a well-deserved and long-anticipated retirement. Your colleagues will never fail to remember the exemplary service that you have so honorably performed.●

● Mr. RUSSO. Mr. Speaker, I would like to take a moment to commend Representative Charles Vanik before he leaves these Hallowed Halls for a well deserved retirement. I don't know how you can really pay full tribute to a gentleman who has served for over 25 years in the House of Representatives.

Mr. Vanik has been one of the hardest working and most energetic Members of the House, and it has been my privilege to work with him on the Ways and Means Committee and on the Subcommittee on Trade. Personally, I shall miss his notable sense of humor and his quick wit.

Representative Vanik has serverd with dedication and the people of the 22d District of Ohio have been ably represented. More importantly, he has worked for the good of all of us, and Congress and the country owe him thanks. It has been a pleasure to serve with him, and I wish him continued success and great happiness. We shall miss him.●

● Mr. SHANNON. Mr. Speaker, I would like to take this opportunity to pay tribute to one of our country's finest and most effective Representatives, Mr. Charles A. Vanik.

As a freshman member on the Ways and Means Committee, I have come to know Mr. Vanik as a colleague, a friend, a counsel, and a great legislator. As chairman of the Trade Subcommittee, he has been in the forefront in establishing improved trade policies, such as the multilateral trade negotiations through the Trade Agreements Act of 1979. This legislation has helped to eliminate unfair trade practices and to improve trade relations with foreign countries. Its almost unanimous passage is a tribute to his legislative ability.

As a member of the Ways and Means Committee, Mr. Vanik has led the fight for tax reform, as well as carried the torch in efforts for sound energy and environmental policy.

Throughout his tenure in the House, Mr. Vanik has been a leader in the struggle for worldwide human rights. His amendment to the Trade Act of 1974 was a major step in the development of this Nation's commitment to human rights. The amendment, which excludes countries with restrictive emigration codes from obtaining most-favored-nation status, was effective in achieving the release of many Jewish refuseniks from the Soviet Union's repressive society.

The House will sorely miss Mr. Vanik; he is an inspiration and an example for all of us, not only as a legislator, but as a friend. I am proud and honored to have worked with him and will always remember the example he has set. I wish him the best of luck in his future endeavors.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have the great pleasure of honoring a close friend and a faithful colleague, and one of the best Congressman this House of Representatives has ever had, Charlie Vanik. It is rare that a district send to Washington a man with the capabilities and talents that Charlie Vanik holds. Charlie has not only served 26 long and dedicated years of service to his people in the 22d District and this House, but he has served every day of those 26 years with unmatched toil and success.

He has a long history of public service going back to the city council in Cleveland, the State senate, and as a municipal court judge.

In the Congress Charlie has been a hero with important trade legislation, chairing the Subcommittee on Trade of the Ways and Means Committee. In these years he has been largely responsible for the multilateral trade negotiation agreements which were signed in Geneva. He has been responsible for numerous other trade measures such as the International Trade Commission and the Trade Adjustment Assistance Act.

Charlie's able experience has been of paramount importance to the Joint Committee on Taxation. As well, I have had the honor of serving with him on the Banking Committee where he earned the greatest respect.

I could go on for the next five pages and list what Charlie has done in this body of Congress. But I will not. But let me just say to Charlie, this House will never forget your great years of service and your loyal friendship. The Congress is a better place for your having been here. I know your people back home in Ohio will also never forget the great service you have rendered them.

To you, your wife, Betty, I wish nothing but the best in the years ahead.●

● Mr. LEDERER. Mr. Speaker, today, we honor Charlie Vanik. However, I have difficulty putting into words my deep feelings for this man. He has been an adviser, a counselor, an ally, and, at times, an adversary. But most importantly, he is a great friend. I shall miss him very much.

Through our years on the Ways and Means Committee, I have had the opportunity to work with Charlie on many issues. I have watched him debate on many occasions. From experience I can tell you, it is much easier to win a legislative battle with Charlie by your side. Charlie, you are a ferocious opponent. Even if your side did not win, we always knew your position on the issue.

For me, Charlie's greatest hallmark will always be the Trade Act of 1979. Through endless hours of hearings and debate, Charlie pushed, cajoled, and jawboned this legislation through the Trade Subcommittee and then the Congress. Many of us did not want to hear one more word about "contervailing duties" or "injury," but Charlie persisted. Whenever the Trade Act is discussed, I shall think of Charlie.

What will the House of Representatives be like without Charlie Vanik? It will be quieter, to be sure. But it will also be duller, and a lot less fun. His wit, his humor, his stubbornness, his tenacity, and his commonsense will be sorely missed in this Chamber.

Charlie, please do not ever say goodbye. Come back and visit us often. You will always be welcome.●

● Mr. BAFALIS. Mr. Speaker, it is with a great deal of dismay I rise to join in saying goodbye to my good friend and subcommittee chairman, Charlie Vanik of Ohio.

I have had the pleasure—indeed the honor—of serving with Charlie for the past 6 years on the House Ways and Means Committee, and particularly for the past 2 on the Subcommittee on Trade which he has so ably chaired.

And I can attest to his fairness. And also to his persistence, a trait I discovered on those occasions when we disagreed on a particular course of action, a not uncommon occurrence.

But there is another trait of Charlie Vanik which cannot go unrecognized, his wit. Our retiring colleague from Ohio is, to say the least, gregarious and therefore, no meeting of the Subcommittee on Trade or any other gathering at which he appeared, would be considered boring.

In all honesty, however, Charlie's greatest asset is not his wit, great though it is. Nor is his fairness or his persistence. No, Charlie Vanik's greatest asset is his wife, Betty, who is always at his side. We shall miss her as much, if not more, than Charlie.

However, while we shall miss the Vaniks, after more than 40 years of public service—to the city of Cleveland, the State of Ohio, and the United States—I can think of no individual more deserving of an opportunity to rest and enjoy life.

I can only say I hope Charlie's retirement is everything he hopes it will be and more. But I do hope he will find time to visit us now and again.

For he will be missed, sorely missed.●

● Mr. JONES of Oklahoma. Mr. Speaker, certainly the easiest task I face during the closing of the 96th Congress is participation in this special order honoring Charlie Vanik. What could be easier than heaping praise on one of the more distinguished careers in the House of Representatives?

My first association with Charlie came during my years working for Congressman Ed Edmondson. By that time, Charlie was already serving his fourth term and had established his reputation as an effective legislator. When I went to the White House to work with President Johnson, Charlie Vanik was still in the House. He was the type of Congressman Lyndon Johnson liked, because the President knew he could put Charlie's word in the bank, and that he could count on hearing the truth from Charlie, no matter what question was asked.

When I came to Congress, Charlie had 18 years of congressional experience behind him. It has been an honor and pleasure to serve with him in the House of Representatives, and especially on the Ways and Means Committee.

One cannot mention progressive tax reform without mentioning the name of Charles Vanik, and that is only one of his notable achievements as a member of the Ways and Means Committee. Certainly his greatest influence, the one I have had the opportunity to judge most closely, has been in the area of international trade.

Charlie Vanik has provided an outstanding degree of leadership as chairman of the Trade Subcommittee, balancing the competing forces behind trade policies to the great benefit of our country. He has done more than any one to help further our trade relations with the countries of the Pacific. In large part because of his work, that area has become our most important trading sphere.

In his attention to the commerce of the world, he has not neglected our country's commitment to human rights. The Jackson-Vanik amendment will remain as one of his most notable achievements.

CHARLES VANIK has combined total honesty and integrity with a deep commitment to public service. His election victory margins speak of the approval of his constituents. The tributes paid him today speak of the approval of his colleagues. He is owed a great debt by this country, Mr. Speaker, and I shall miss serving with him in the House of Representatives.

● Mr. ADDABBO. Mr. Speaker, it is an honor to have the opportunity today to join my distinguished colleagues in paying tribute and expressing appreciation to CHARLIE VANIK, one of the most brilliant public servants the House and this Nation has ever known, who is retiring at the end of this session.

I am quite sure that those of us present today would be hard pressed to name someone in Congress who possessed the combination of legislative skill, humor, and quick wit of CHARLIE. After working with him for a great many years, I have come to the conclusion that if you did not like and respect CHARLIE, then you could not like and respect anyone. To say that he has written a notable record during the almost three decades of service to his constituency and the Nation, would be a great understatement on my part. He has left his mark on countless pieces of legislation, legislation which have benefited millions of Americans.

As a member of the Ways and Means Committee he has led the efforts for tax reform and trade legislation. He served skillfully as chairman of the Oversight Subcommittee of Ways and Means, where he was instrumental in reviewing the administration of social security, medicare, the supplemental security income program, and the administration of the Internal Revenue Service. While serving as chairman of the Ways and Means Subcommittee on Trade during the 95th and 96th Congresses, he concentrated its attention on the Tokyo Round multilateral trade negotiations and the drafting and passage of the legislation implementing the MTN agreements signed in Geneva. Thanks to his efforts in coordination with other committees, this monumental piece of trade legislation achieved passage by the House by overwhelming margin.

This skilled legislator also led the fight for legislation to reform the Customs Service, improve the operations of the International Trade Commission, add proconsumer amendments to the Meat Import Act of 1964, and among others, the normalization of trade with Hungary and the People's Republic of China. In addition, through his guidance, the subcommittee has focused its efforts on encouraging structural improvements in the textile, steel, and auto industries.

We will all miss CHARLIE VANIK very much. We will miss him for his leadership, his skill, and his seemingly endless supply of energy. But most of all, we will miss his friendship and I truly regret not being able to continue serving with him in the future. As far as the future for CHARLIE is concerned, I hope he will thoroughly enjoy his retirement in the knowledge that the people of his district and the country as a whole, are deeply grateful for his contributions to our domestic and foreign policies. He may leave this Chamber and take with him many fond memories, but his legacy of countless accomplishments will long remain with us all.

Good luck, CHARLIE. You have our best wishes for a happy and healthy retirement well deserved.

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable CHARLES A. VANIK, who is retiring at the end of a long and distinguished career not only in the House of Representatives, but as a member of the Cleveland, Ohio, City Council, a member of the Ohio State Senate, a member of the Cleveland Board of Education, a member of the Cleveland Library Board, a judge of the Cleveland Municipal Court, and a member of the U.S. Naval Reserve who was with amphibious forces of the Atlantic and Pacific Fleets during World War II.

It has been a truly rewarding personal experience for me to have known CHARLIE as a colleague and I am honored to have served with him during the 16 years I have been in the House of Representatives. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage. These qualities not only earned the respect of his colleagues but endeared him to his constituents of the 22d District of Ohio as well.

CHARLES VANIK's diligent efforts as chairman of the Subcommittee on Trade of the House Ways and Means Committee in assisting American workers, his leadership in the passage of the Jackson-Vanik human rights amendment, linking trade concessions with the Soviet Union to relaxed Communist emigration policies, and his leadership in the formation of our country's trading policies have been both fruitful and beneficial to the citizens of this Nation, and he has compiled a splendid record of achievement.

CHARLIE was first elected to the 84th Congress in 1954, and was reelected to every succeeding Congress until the present 96th Congress. During those years, he has witnessed some of the greatest moments in the history of mankind and he has experienced, in a very real sense, the triumphs and the tragedies of our Nation.

CHARLES A. VANIK can retire with the assurance that through his efforts mankind has benefited, and there is no tribute higher than this. I extend to CHARLIE my warmest best wishes for continued success in devotion to the highest principles.●

● Mr. DOWNEY. Mr. Speaker, I welcome this opportunity to pay a much-deserved tribute to my good friend and colleague from Ohio, the chairman of the Ways and Means Subcommittee on Trade, of which I have been proud to serve as a member. CHARLIE VANIK has been an institution, and an institution in the best sense of a much maligned word, not only in the Ways and Means Committee but in the Congress of the United States. His strong and unbiased leadership role will be much missed on Capitol Hill.

As a new member of the Trade Subcommittee in 1979, Chairman VANIK was extremely helpful to me personally and completely unselfish with his time and experience in guiding me toward an understanding of the complex matters addressed by his subcommittee. As a result, I have had the privilege and the pleasure to work with the gentleman from Ohio on a great many legislative issues of benefit to the American people. Not the least of which was the legislation necessary to the enactment of the multilateral trade agreements, which Mr. VANIK played a leading role in shepherding through the Congress to a successful result. These agreements, which he as much as anyone else can claim as an undisputed achievement, will set the parameters for international trade for the remainder of this century. If nothing else had been achieved by the gentleman from Ohio in his years in the Congress, this alone would still be a great accomplishment.

But this is far from his only contribution as chairman of the Subcommittee on Trade. In an era when the United States has accepted the fact that our own prosperity is more than ever dependent to a large degree on our trade relations with the other nations of the world—and not only Europe and Japan, but increasingly the nations of the developing world as well—Chairman VANIK has been a guiding force in establishing a set of principles for this country in our trade relations that is both fair and clearly understood by the other nations of the world.

Perhaps more than anything else the gentleman from Ohio has been the champion of the individual in every issue he has been called upon to deal with as a Member of this body. In a time when many have lost sight of the problems and concerns of individual citizens in the complex and often overly institutionalized issues that often come before the Congress, and I might say particularly before the Committee on Ways and Means, CHARLIE VANIK has never lost his focus on the little man in the midst of the corporations, Federal agencies, and Government regulations. Many of us still serving on the Ways and Means Committee and the Subcommittee on Trade will make every effort to continue in the honorable tradition he has so well illuminated and defined for us.

The unremarkable, plain black suit and bow tie, and the very remarkable man behind them will be very much missed by all of us.●

● Mr. FISHER. Mr. Speaker, I am happy to join so many of my colleagues in this special order to honor Congressman CHARLES VANIK. What does one say about CHARLIE, now really? We all know

Charlie Vanik's unique personality and style. There is no other one like him, nor could there be when you stop to think of it.

Charlie's political skills are redoubtable, no question about that. All you have to do is see him in action in committee, on the floor, or in the cloakrooms to know that much. But at a deeper level, Charlie has his values straight and has an unerring sense of what is important for people and at the same time what is practical to do. I have served for 6 years on the Trade Subcommittee of Ways and Means, most of them under his chairmanship. He did much of the political engineering that made possible the approval of the multilateral trade negotiation treaties and the Trade Adjustment Assistance Act, both of which represent milestone achievements.

I want to remind my colleagues also of Charlie's considerable negotiating skills. We on the Trade Subcommittee have seen him operate with Japanese, Europeans, high government officials from developing countries, and presidents and premiers from socialist countries. With one and all he teases, jabs, jokes, parries, and thrusts—and yet with all, makes clear what are the true interests of the United States. Part actor, part moralist, part prankster, and certainly part shrewd politician, Charlie can put on a show worth whatever the price of admission. If you do not believe this, you ought to see him in action with the President of Romania or the Premier of Bulgaria, for example, as I have done.

I could go on. But enough to say here that it has been an honor, a pleasure, and loads of fun to serve with Charlie and I wish him the very best in whatever activities he now turns to.●

● Mr. JENKINS. Mr. Speaker, it is a pleasure to join with so many others in saluting Charlie Vanik upon his retirement from the House. Mr. Vanik, my chairman on the Ways and Means Trade Subcommittee during the past 4 years, has been one of those really hardworking legislative craftsmen who insure the successful enactment of legislation needed by the Nation. His skill and devotion to the House, to the Nation, and to his State, will be sorely missed in the years to come. This is not just a professional loss: I will miss him as a friend and an advisor.

Charles Vanik has presided over the Trade Subcommittee during 4 of the most productive and exciting years, legislatively and administratively, in the history of international trade. Under his leadership, the subcommittee and the Congress drafted and enacted legislation implementing the Tokyo Round multilateral trade negotiations. This MTN agreement is probably the most complex and far-reaching trade "treaty" ever negotiated. As many others have commented, and as I would like to repeat from first hand knowledge, Mr. Vanik's patience, skill, and political sensitivities were the prime factor in insuring the passage of this monumental legislation.

I would also like to note Mr. Vanik's care and concern for the workers of the Nation's textile and apparel industries. His attention to the special problems of this industry helped in bringing about the white paper on behalf of the industry. The hearing on textiles chaired by Mr. Vanik in Jefferson, Ga., in my congressional district, are just one sign of his concern for the whole spectrum of America's industries and working people.

I will miss Charlie Vanik—his good humor and his good citizenship. I wish him all the best in the years to come.●

● Mr. DERWINSKI. Mr. Speaker, I join with my colleagues in paying tribute to the many contributions Charlie Vanik has made to this body over the last 26 years.

During his years in Congress, Charlie Vanik has demonstrated the value of personal integrity. He has always been a man of deep conviction and he has voted those convictions on the House floor regardless of the political consequences. Charlie Vanik is a man of rare energy, talent, and courage. He will be missed by the Members from both sides of the aisle.

His wisdom and skilled expertise has helped to lead this Nation toward more responsible fiscal policies. As a member of both the Committee on Ways and Means and the Joint Committee on Taxation, Charlie has certainly demonstrated his dedication to solving our economic problems.

He will long be remembered by us for his loyalty to principle and his dedication to the best interests of his constituents. In addition, I am sure that the Ohio delegation will miss Charlie's wise counsel and leadership.

I will always be grateful to Charlie for his personal advice and his friendship. He is a fine gentleman who will be sorely missed. We will remember him with great warmth and affection.

I join with my colleagues in wishing Charlie and his wife, Betty, a long and enjoyable retirement.●

● Mr. HORTON. Mr. Speaker, as an institution, the House of Representatives has been consistently enriched by talented and skilled legislators. When the 96th Congress comes to a close, this great institution will lose a great many of these individuals. Charlie Vanik is one such Member of Congress.

For 25 years, Charlie Vanik has served his constituents in Ohio and this House with unmatched distinction and dedication. His congressional service followed several years on the Cleveland Municipal Court and the Cleveland City Council. His experience prior to his election to the 84th Congress prepared him for the many responsibilities he assumed in the House.

Throughout his service in the House, Charlie has been an important and highly respected member of the House Committee on Ways and Means. In this capacity, he chaired the Subcommittee on Trade and played an extremely important role in shaping trade policy, customs reform, and import relief legislation. His many years of expertise and skill will certainly be assets to the committee and House not easily replaced.

I join my many colleagues in extending to Charlie the best and in wishing him well.●

● Mr. COTTER. Mr. Speaker, the close of the 96th Congress will bring an end to the career of one of the most valuable leaders in the Congress, Charlie Vanik. I have had the pleasure of serving on the Ways and Means Committee with Charlie, and during this Congress served on the Trade Subcommittee which he chairs. His departure from that post is a great loss to all of us, and especially to our trading partners with whom he has worked so effectively over the years.

I know there are many issues associated with the gentleman from Ohio, but I will remember most his skillful handling of the multilateral trade negotiations implementing legislation. Charlie was tireless in his effort to inform himself and Members of the House on this most complex and significant legislation.

I join my colleagues in wishing him a productive retirement and know that he will continue to speak out on the issues he believes are important.●

● Mr. COUGHLIN. Mr. Speaker, it is a pleasure to have this opportunity to acknowledge the retirement of a colleague, the Honorable Charles Vanik, from the House of Representatives. After 26 years of distinguished service in the House, Charlie's presence here will be missed by all those who have had the honor of serving with him.

Even before his election to Congress in 1954, Charlie's dedication to the improvement of his home State of Ohio is evidenced by his service on the Cleveland City Council, the Ohio State Senate, the Cleveland Board of Education, the Cleveland Library Board, and as a judge of the Municipal Court of Cleveland.

Charlie's skills as a legislator combined with his long administrative experience were instrumental in the recent passage, by an overwhelming 395-to-7 vote, of legislation implementing the multilateral trade negotiation agreements signed in Geneva. Without his masterful handling of this complicated piece of legislation, many vital improvements in international trade relations may well not have been enacted.

Under his chairmanship, the Ways and Means Oversight Subcommittee tackled reviews of the administration of social security, medicare, the supplemental security income program, and the administration of the Internal Revenue Service. Charlie also has successfully guided many important reforms through his Trade Subcommittee during the 95th and 96th Congresses, and has made significant contributions to efforts to develop a comprehensive energy program.

Charlie's firm devotion to the responsibilities of his office, along with his dedication to the principles in which he believes, will continue to provide a source of inspiration to those of us who have had the pleasure of working with so distinguished a Representative. I extend my sincere best wishes to Charlie and his family, and wish him well in whatever endeavor he turns his considerable talents and energy to upon his retirement.●

Mr. STOKES. Mr. Speaker, I want to thank each and every one of my colleagues who participated in this special order and who in their own way spoke to the greatness of a CHARLIE VANIK.

Mr. Speaker, I have in my possession an envelope full of tributes to CHARLIE VANIK from Members who could not be present this hour, but who still wanted to participate.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, I yield back the balance of my time.

DISTURBING CONDUCT OF ETHICS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to pursue the question that I believe is the primary crying issue confronting not only the Members of the Congress, the first branch of Government, the representative branch, but every single elected official who gets elected through the electoral process in the country, I would say particularly those local officials, elective officials that serve on a municipal basis and State because a raid against them in the proceedings that have agitated the Nation now for some time are the most powerful forces that the Nation has on a national basis.

I have been so concerned because of the peculiar reaction of the Congress, particularly the House, and I have spoken out. I wish at this point to bring out what was reported in the newspapers last week, the decision of the district judge in the eastern district of Pennsylvania, the Honorable Judge J. Fullam, who rendered what I consider to be a definitive opinion. Of course, the prosecution has given indication they will seek an appeal, but I think this is a very basic opinion by the judge and, in my opinion also, it is a judicial corroboration or confirmation of what I have been saying in the last few days.

I ask unanimous consent, because this opinion does so fully and so eloquently and so accurately say what I have been, perhaps not so well, crudely saying for the past 2 weeks, that I ask unanimous consent that I may be permitted at this point in the RECORD to include the opinion recently announced in the case of the United States of America against Harry P. Jannotti and George X. Schwartz in the U.S. District Court for the Eastern District of Pennsylvania, the opinion of Judge Fullam.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

[In the U.S. District Court for the Eastern District of Pennsylvania, Criminal, No. 80–166]

UNITED STATES OF AMERICA *v.* HARRY P. JANNOTTI AND GEORGE X. SCHWARTZ

MEMORANDUM AND ORDER

The defendant George X. Schwartz has been found guilty by a jury of conspiring, in violation of 18 U.S.C. § 1962(d), to violate provisions of the Racketeer Influenced and Corrupt Organizations Statute, 18 U.S.C. § 1962(c) ("RICO" conspiracy), and, together with co-defendant Harry P. Jannotti, of conspiring to obstruct commerce in violation of the Hobbs Act, 18 U.S.C. § 1951(a). Before trial, both defendants sought dismissal of the Indictment on constitutional grounds, alleging various forms of prosecutorial misconduct. Extensive hearings were held, but I concluded that decision must await the further development of the record at trial. At the conclusion of the Government's case, and again at the conclusion of all of the evidence, the defendants sought judgment of acquittal pursuant to F.R. Crim. P. 29, and renewed their motions to that and after the jury's verdict. This Opinion addresses both sets of motions, which to some extent involve similar or closely related issues.

I. HOBBS ACT CONSPIRACY

At all pertinent times, the defendant Schwartz was President of the Philadelphia City Council, and the defendant Jannotti was a member of City Council. The Government's evidence at trial proved that Schwartz accepted $30,000 and Jannotti accepted $10,000 from undercover F.B.I. agents who purported to be representatives of wealthy Arab investors contemplating construction of an elaborate hotel complex in Philadelphia. There is no dispute about the defendants' receipt of the payments, and the evidence permitted, although it did not compel, the inference that the payments represented bribes paid in exchange for the defendants' assurances of using their official positions to pave the way for expeditious completion of the project.

The Hobbs Act, 18 U.S.C. § 1951(a) makes criminal the conduct of "whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do. . . ."

The issue to be decided is whether the Government succeeded in proving the necessary nexus between the defendants' actions and interstate commerce. The Government introduced no evidence on that subject, arguing instead that the jury should be permitted to infer, on the basis of common knowledge, that a hotel project of the magnitude of the one under discussion (ultimately stated to be approximately $34 million) would necessarily involve interstate commerce; and that, in any event, the transfer of funds for the project by the foreign investors would fall within the definition of commerce as used in the Hobbs Act.

For present purposes, I shall assume that the evidence permitted the jury to conclude that, if the project had in fact been a genuine project, it would have required the movement of articles in interstate commerce, and that the payment of these bribes would have affected such commerce by depleting the funds available for carrying out the project. The problem which remains is that there never was any such planned project. The Arabs, their plans, and their money, were all entirely fictitious.

At an earlier stage of this litigation, by Order entered August 18, 1980, I dismissed those counts of the Indictment which charged substantive offenses under the Hobbs Act, reasoning that there was no possibility that the bribe payments could actually have affected commerce. I declined at that time to dismiss the conspiracy charge, however, on the theory that the Government might be able to prove that the defendants had an actual conscious intent to obstruct interstate commerce, and that legal impossibility of fulfillment of such intent would not be a defense to a conspiracy charge. I also left open the possibility that proof of a conspiracy to commit acts which, if completed, would affect commerce, might suffice to establish federal jurisdiction.

There is no contention that the evidence at trial proved that interference with interstate commerce was a conscious object of the alleged conspiracy. And, upon further reflection, I am now of the opinion that this Court's jurisdiction under the Hobbs Act has not been established.

The Government's position, adopted in the Court's charge to the jury, is that the matter should be viewed from the perspective of the defendants. If, as the defendants perceived the matter, the actions they conspired to carry out could realistically have had an effect on interstate commerce, the Government contends, they can properly be convicted of Hobbs Act conspiracy. I am constrained to disagree. Federal jurisdiction is not conferred by a defendant's erroneous perceptions. The criminal jurisdiction of a federal court is conferred by the laws enacted by Congress. While the jurisdictional reach of the Hobbs Act is undoubtedly extensive, touching conduct having only minimal or potential impact upon commerce (broadly defined, it does not operate to confer federal jurisdiction over purely hypothetical potential impacts on commerce which could never occur.

Another aspect of this problem should perhaps be mentioned. Extortion, as used in the statute, is defined as ". . . the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right." (§ 1951(b)(2).)

As discussed in my August 18, 1980 Memorandum, there is some lack of unanimity among appellate decisions as to whether "consent induced . . . under color of official right" covers ordinary bribery, or whether some element of coercion is required to be shown. While it is now clear in this Circuit that the use of official position to obtain money unlawfully is covered by the Hobbs Act, all of the decisions on that subject in this Circuit involved situations in which a demand or request for payment could reasonably be perceived as having emanated from the public official. I am aware of no appellate decision, in any circuit, upholding a Hobbs Act conviction on the basis of a bribe which was neither requested by the official, nor perceived by the payor as either necessary or at least helpful. In contrast, the evidence in the present case clearly establishes that not only did the defendants not request payment, they made it very clear that the payments would not be necessary.[1]

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[1] The case of *U.S.* v. *Butler*, 618 F.2d 411 (6th Cir. 1980), cited by the Government, is not to the contrary, although the opinion does contain *dictum* to the effect that mere passive acceptance of a bribe by a public official can constitute extortion under the Hobbs Act, regardless of who initiates the request. Passive acceptance of a bribe can amount to tacit request for a bribe, or at least ratification of the notion that a bribe would advance the interests of the payor.

To permit the convictions of Hobbs Act conspiracy in this case to stand would represent a substantial stretching of the definition of extortion, and a corresponding expansion of federal jurisdiction in derogation of the criminal jurisdiction of state courts. In my judgment, it is impermissible to treat federal jurisdiction thus doubly expansively: first by extending it to passive acceptance of gratuities by public officials, and second by extending it to purely hypothetical situations.

The guilty verdict on Count III of the Indictment will be vacated, and Count III will be dismissed for lack of jurisdiction.

II. RICO CONSPIRACY

In Count II of the Indictment, the defendants were charged with conspiracy to conduct the affairs of an enterprise, to wit, the law firm of Criden, Johanson, Dolan, Morrissey and Cook, of which co-defendant Howard Criden was a partner, through a pattern of racketeering activity, to wit, the payment of bribes to public officials. The defendent Jannotti was acquitted on this count. The Government's own evidence tended to show that he was not even aware of the existence of the law firm, probably did not know that Howard Criden was a lawyer, and may very well have had no knowledge of bribery activities other than the single payment to him. The defendant Schwartz was convicted, and the question is whether the evidence adequately supports the verdict.

There was ample evidence that Criden engaged in a pattern of racketeering activity, that is, that he was involved in a series of bribes to public officials. And there was adequate and uncontradicted evidence to the effect that the law firm of Criden, Johanson, Dolan, Morrissey and Cook purchased supplies and equipment from out-of-state vendors, represented out-of-state clients, and acted as counsel in interstate transactions. Whether Criden's bribery activities occurred in the conduct of the affairs of the law firm is a closer question, as is the issue of Schwartz's knowing participation in a conspiracy having as its object the conduct of the affairs of that law firm.

The evidence makes clear that only three of the lawyers associated with the law firm mentioned in the Indictment had any knowledge of the illegal activities of Criden, or shared in the proceeds. Indeed, the law firm named in the Indictment appears to have been a loosely-structured, flexible arrangement, in which decisions as to whether particular fees belonged to the firm or to individual lawyers were made on an ad hoc basis, after the fact. Criden and Johanson received fees for their part in introducing the undercover agents to public officials who accepted bribe payments. Johanson received a bribe payment himself, and Criden both received payment from the undercover agents for his services, and, in some instances, received a portion of the bribe from the recipient of the bribe. Some of the money was distributed among Johanson, Criden and Cook, and some of it was placed in a safe deposit box to which only those three had access. On one occasion, when the law firm needed cash to meet its expenses, Criden arranged to have $2,500 removed from the safe deposit box and paid to the firm, ostensibly as fees received from inactive corporations he controlled.

It is also reasonably clear that Criden, Johanson and Cook labored under the assumption that the law firm, or certain portions of the law firm, would be performing legal services for the Arabs' hotel enterprise and other business involvements in Philadelphia. Indeed, the prospect of such lucrative law business was an important part of the motivation of the three men.

Taken as a whole, I believe the circumstances established on this record permitted the jury reasonably to conclude that Criden's bribery activities were undertaken in his conduct of the affairs of the law firm. *See, e.g., U.S.* v. *Scotto,* ——F.2d.——(2d Cir., Sept. 2, 1980), 28 Crim. L.R. 2026.

The conviction of Mr. Schwartz on Count II of the Indictment required proof that he knowingly participated in a conspiracy, one of the objects of which was Criden's conduct of the affairs of the law firm through a pattern of bribes. The defendant contends that, whereas the evidence does justify the inference that Mr. Schwartz knew that Criden was involved in at least two bribe transactions, those in which Schwartz and Jannotti received payments, the conclusion that Schwartz intended to aid Criden in conducting the affairs of Criden's law firm by that means is totally unfounded.

For many years Mr. Schwartz was a partner in a large center city law firm, which is now known as Blank, Rome, Comisky and McCauley (hereinafter "Blank, Rome"). He withdrew from the active practice of the law in about 1970 or 1971, and severed all connections with the firm at that time. However, his son is now associated with that firm, and Mr. Schwartz himself continues to be personally friendly with various members of that firm. In the course of his meeting with the undercover agents, Schwartz was asked to recommend a law firm which, in his judgment, would do a good job in handling the legal affairs of the proposed hotel project. He mentioned three firms, one of which was Blank, Rome. Shortly thereafter, while having lunch with a partner in the Blank, Rome firm, Schwartz alerted him to the possibility that the Arabs might be interested in retaining Blank, Rome, and also explained that Criden apparently expected his own firm to share in the work, and in any fees which might be generated. It was agreed that Criden's law firm would not be able to participate, because Johanson, a member of City Council, was a member of that firm. There was no further discussion of the project with the Blank, Rome firm, but it appears that shortly thereafter, Criden and Cook discussed the possibility of severing their connection with the existing law firm, and joining Blank, Rome in some fashion, if the hotel project materialized, and if the Arabs should select Blank, Rome as their counsel.

I believe the evidence permitted the jury to conclude that the defendant participated in the bribe transaction with knowledge that Criden was also a participant, that Criden was engaged in a series of similar transactions, and that Criden's activities occurred in the course of his conduct of the affairs of Criden's law firm. In my view, it was not necessary for the Government to prove that Schwartz fully supported all of Criden's long-range goals. Moreover, there is authority for the proposition that proof of *scienter* and *mens rea* which suffices for conviction of the predicate offenses also suffices for conviction of RICO conspiracy based upon those predicate offenses. *U.S. v. Boylan,* 620 F.2d 359 (2d Cir. 1980).

The defendant, relying on *U.S. v. Elliott,* 571 F.2d 880 (5th Cir. 1978), argues that the Government was required to prove that he specifically intended to participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity, that is, it must be shown that the defendant himself participated in at least two acts of racketeering. Upon close reading of the opinion in that case, it is not altogether clear that the court goes that far; there is room for an interpretation to the effect that participation in a single act of racketeering, with knowledge that it was part of a pattern of similar acts, would suffice. Be that as it may, there was evidence in the present case which the jury could reasonably have concluded that Schwartz had some involvement in the Jannotti bribe transaction as well as his own.

Taken as a whole, and viewed in the light most favorable to the Government, the evidence in this case sufficed to enable a reasonable jury to conclude, with the requisite assurance, that the essential elements of the crime charged in Count II of the Indictment were made out, as to the defendant Schwartz. It therefore becomes necessary to address the entrapment and due process defenses asserted.

A. In general

Discussion of the law of entrapment properly begins with a brief recapitulation of the decisions of the Supreme Court on this subject. In *Sorrells* v. *U.S.,* 287 U.S. 435 (1932), a prohibition agent, masquerading as a businessman-tourist, persuaded the defendant to obtain for him a half-gallon of whiskey. The defendant yielded to repeated requests, made in the course of a social gathering in which the prohibition agent emphasized his World War I military service in the same unit as the defendant. The Court unanimously held that these circumstances, if established, amounted to impermissible entrapment. The majority, in an opinion by Chief Justice Hughes, took the position that Congress could not have intended the National Prohibition Act to apply to sales induced by government agents from otherwise innocent defendants, and held that the entrapment defense should have been submitted to the jury. The Chief Justice referred to ". . . the duty of the Court to stop the prosecution in the interest of the Government itself, to protect it from the illegal conduct of its officers, and to preserve the purity of its courts." (287 U.S. at p. 446.)

The concurring opinion by Mr. Justice Roberts, in which Justices Brandeis and Stone joined, rejected the majority's statutory-intent analysis, but agreed that, if the facts were as asserted by the defendant, no conviction would be permissible. They felt that the issue was properly one for the Court, rather than the jury; the language of the concurring opinion suggests an admixture of due process and supervisory power concepts.

In *Sherman* v. *U.S.,* 456 U.S. 369 (1958), a government informant first met the defendant, a former drug addict, at the office of a physician who was treating both men for addiction-related problems. Thereafter, there were several accidental meetings (e.g., at a drug store where both had their prescriptions filled) in the course of which the two became friendly, compared notes, etc. The informant pretended to be desperately in need of drugs, and repeatedly urged the defendant to obtain some for him. The defendant eventually yielded to these importunings, helped the informant obtain drugs, and became readdicted himself. It was at that point that the informant first contacted law enforcement agents about the defendant, although he had previously acted as informant in other cases. The defendant had twice been convicted of drug-related offenses, several years earlier.

The entrapment issues were presented to a jury, which nevertheless convicted the defendant. The Supreme Court unanimously held that the conviction must be reversed, and that the Government's own evidence established entrapment as a matter of law

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The court did not address a situation involving repeated assurances by the public official that the payment was unnecessary. More importantly, the Government's evidence in that case was to the effect that the two defendants were working together, and that the kickback scheme originated with them. The "passive" receipt of a bribe expressly demanded by a co-conspirator can scarcely be regarded as truly passive.

The majority opinion, by Chief Justice Warren, cited *Sorrells*, and seems to have adopted its legislative intent rationale. The net effect of the majority opinion, at any rate, is that the line is to be drawn between trapping the unwary innocent, and trapping the unwary guilty, into the commission of a crime. Mr. Justice Frankfurter's concurring opinion, in which he was joined by Justices Douglas, Harland and Brennan, rejected the legislative intent analysis of *Sorrells*, and the predisposition analysis of the majority, and urged adoption of an objective test, focusing upon the conduct of the government agents: if the conduct of the government agents was such as to be likely to cause a person of reasonably firm moral convictions to stray from the path of righteousness, the case should be dismissed. The standards of permissible governmental inducement should be the same for all defendants, whether predisposed or not.

In *U.S.* v. *Russell*, 411 U.S. 423 (1973), government agents furnished a chemical substance, P2P, not in itself contraband, to the defendant in order to enable him successfully to complete the unlawful manufacture of methamphetamine. In a 5-to-4 decision, the Court upheld the conviction. The majority opinion reaffirmed and clarified the *Sherman* and *Sorrells* holdings adopting the subjective approach, and ruled that creative involvement by government agents is not a defense which may be asserted by a predisposed defendant. The dissenters, in opinions by Justices Douglas and Stewart, argued for the objective approach adopted by Mr. Justice Frankfurter in *Sherman*.

In *Hampton* v. *U.S.*, 425 U.S. 484 (1976), the defendant claimed that it was the Government which, through an informant, actually supplied the drugs which the defendant was prosecuted for distributing. It was conceded that the defendant was predisposed, and he therefore did not request a jury instruction on entrapment as defined by the majority in *Russell*. He did, however, specifically request a charge to the effect that, if the jury believed that the drugs had been supplied by the Government, there could be no conviction.

By a 5-to-3 vote, the Supreme Court upheld the conviction. The plurality opinion by Mr. Justice Rehnquist, in which Chief Justice Burger and Mr. Justice White joined, expressed the view that there can never be a successful entrapment defense if the defendant is predisposed, and that a defendant may be heard to complain that the conduct of government agents was no egregious as to amount to a violation of due process only if his own due process rights were violated.

Concurring in the judgment, Mr. Justice Powell, joined by Mr. Justice Blackmun, took the view that there may be situations in which the conduct of the Government is so outrageous as to preclude conviction of even a predisposed defendant; but that the case under consideration did not reach that level of outrageousness. The three dissenting Justices adhered to the objective analysis of entrapment, and viewed the defendant's conviction as a clear violation of his constitutional rights, and as calling for the exercise of the court's inherent supervisory power over the administration of justice.

Finally, although not directly pertinent, the recent decision in *U.S.* v. *Payner*, —— U.S. —— (48 USLW 4829 (June 23, 1980)) should be mentioned. In that case, agents of the Internal Revenue Service hired a firm of private detectives to steal a briefcase from a third party, and helped them photograph numerous documents found therein. These documents led to the discovery of other evidence which formed an important part of the Government's case against the defendant. Conceding that the defendant lacked standing to assert Fourth Amendment issues, the trial court nevertheless, in the exercise of its supervisory powers, suppressed the evidence and set aside the conviction. The Supreme Court, in a 6-to-3 decision, reversed, and reinstated the conviction. The majority opinion, by Mr. Justice Powell, held that it was improper to invoke the court's supervisory power in these circumstances. Only persons whose own Fourth Amendment rights are violated have standing to invoke the exclusionary rule.

The guiding principles which emerge with clarity from these pronouncements of the Supreme Court include the following:

1. It is perfectly proper for law enforcement officials to engage in undercover activities, including deception and trickery, where both the purpose and effect of their activities is to enforce the law by ferreting out and exposing criminal activities. Entrapment issues arise only where the Government induces or persuades a person to commit a crime, or actually participates in the commission of the crime.

2. Under no circumstances is it permissible to convict of crime a non-predisposed defendant who was induced by government agents to commit the crime charged. No member of the Supreme Court has ever expressed any doubt as to the correctness of this principle, although varying reasons have been put forth from time to time for its justification.

3. A predisposed defendant may properly be convicted notwithstanding he was induced by government agents to commit the particular crime charged, so long as the inducement is not such as would be likely to cause a person of reasonably firm moral convictions to stray into criminality. For some members of the Court, this is true because, in their view, a predisposed defendant cannot successfully assert an entrapment defense under any circumstances. For other members of the Court, this is true because entrapment should be viewed as a matter of the objective reasonableness of the conduct of the government agents. Neither of these approaches is fully accepted by a majority of the Court. There is, however, majority acceptance of a middle ground, set forth in the following paragraph.

4. A predisposed defendant may properly be convicted notwithstanding governmental inducement or creative involvement, unless the conduct of the government agents was so outrageous as to violate fundamental concepts of fairness; that is, unless the conduct of the government agents was so outrageous as to be deemed a violation of due process. The converse of this statement, namely, that even a predisposed defendant cannot be convicted if the Government's conduct amounted to a violation of due process, probably also represents the view of a majority of the members of the Court, although some may regard it as still an open question, and it is probable that opinions concerning what is, and what is not, sufficiently outrageous conduct can be expected to vary.

There are several pertinent decisions of the courts of appeals which shed light upon the proper application of the principles established by the foregoing Supreme Court decisions to particular fact situations. Before proceeding to a discussion of these intermediate appellate decisions, certain general observations are in order.

The first is that decisions rendered before *Russell* and *Hampton* have continuing validity only insofar as they are consistent with those decisions.

The second, and perhaps less obvious, point is that the term "inducement" in the entrapment context is often used in a broad sense, to include very different forms of governmental activity; and that the Supreme Court's resolution of the objective-subjective controversy does not mean that the precise nature of the governmental activity alleged to constitute inducement in a particular case is no longer significant.

Most of the cases dealing with entrapment have been narcotic cases. Indeed, virtually all of the Supreme Court decisions on this subject have involved some form of contraband. Because of the special problems of detection and proof involved in narcotics cases, and because of the extreme danger to the public inherent in narcotics trafficking, it is plainly necessary to avoid placing undue restrictions upon the scope of permissible police activities in that area. Moreover, the likelihood that a truly non-predisposed person will be lured into crime of that type is relatively slight.

Entrapment involves both the activities of the goverment agents and the defendant's response to those activities. Under the general label "inducement" the reported decisions have included such diverse elements as suggesting that the crime be committed, providing some or all of the instrumentalities or facilities needed to complete the crime, actively participating in the commission of the crime, providing varying degrees of incentives, providing varying degrees of persuasion or even coercion, or a combination of these ingredients. The term "predisposition" has sometimes been interpreted to mean that the defendant was ready and willing to commit crimes of that type, and sometimes to mean that the defendant was ready, willing and able to commit crimes of that type.

In the wake of the *Russell* and *Hampton* decisions of the Supreme Court, it is probable, although arguably not altogether clear, that a defendant can no longer successfully assert that, although he was ready and willing to commit crimes of that type, he lacked the ability to carry out the crime until the government agents provided essential assistance. In *Russell*, for example, the chemical ingredient supplied by the Government was not readily obtainable from other sources. On the other hand, the rationale of the majority opinion in that case appears to have been based, at least in part, upon the proposition that the defendants might have been able to obtain the P2P from some other source. And in *Hampton*, the Court was plainly of the view that the defendants undoubtedly had other sources of supply.

Under both the subjective and the objective approaches to entrapment, the relationship between the conduct of the government agents and the response of the defendant continues to be important. The question still is, did the Government induce the defendant to commit a crime he would not otherwise have been likely to commit? As a practical matter, however, the fact that the actions of the government agents were themselves illegal will often have very little bearing upon their power to persuade. A non-predisposed defendant would ordinarily not be likely to be lured into crime merely by being made aware that others were willing to commit unlawful acts. Moreover, with respect to the kinds of crimes in which governmental participation in illegal conduct is most likely to be a necessary adjunct of law enforcement—narcotics, prostitution, and other "victimless" crimes—a rule precluding successful prosecution whenever the conduct of the government agents is shown to have been illegal would provide the sophisticated criminal with a ready means of determining whether a person he is about to deal with is or is not an undercover agent.

While the focus of the entrapment defense, in view of the Supreme Court's adherence to the subjective analysis of entrapment, is upon whether the defendant was or was not predisposed, it continues to be necessary to evaluate the conduct of the Government to determine whether it amounted to inducement in the first place. Once inducement is shown, the emphasis is upon predisposition, *i.e.*, the character of the accused. But it is not always possible to achieve complete compartmentalization in this context. That is, it is sometimes impossible to achieve a correct resolution of the predisposition question in total disregard of the nature of the governmental inducement.

A further point, implicit in the preceding discussion, must also be addressed, namely, the need to focus upon just what it is that constitutes the state of mind which can properly be characterized as predisposition, and what evidence suffices to establish it. The Supreme Court has thus far not had occasion to explore this subject in depth, and it has received very little attention in the courts of appeals' decisions. In *Russell* and *Hampton*, predisposition was conceded. In *Sherman*, without extended discussion, the Supreme Court unanimously held that the existence of two previous narcotics convictions, several years earlier, did not prove predisposition. In *Sorrells*, the Court held that evidence that the defendant had a reputation in the community as being a rumrunner did not rule out the possibility that he was not predisposed; the question was for the jury.

It is clear that we are concerned with the defendant's state of mind and inclinations before his initial exposure to the government agents. But the distinction between a predisposed and a non-predisposed state of mind is not necessarily clearcut. At one extreme is the defendant who customarily engages in this type of criminal activity as a way of life, and who enthusiastically embraces any additional opportunities for such activities. At the other extreme is the resolute individual who would not commit a crime of this type under any circumstances. In between are many gradations: the person who occasionally commits crimes of this type, and would be willing to do so again only if a particularly favorable opportunity should present itself; the person who has previously succumbed to temptation, but is making a sincere and concerted effort to resist such temptations; the previously innocent person who is weak and easily influenced. In his influential and relatively early article on entrapment issues, Professor Donnelly suggests distinguishing between situational offenders and chronic offenders, Donnelly: *Judicial Control of Informants, Spies, Stool Pigeons, and Agent Provocateurs*, 60 Yale L.J. 1091, 1113 (1951), but that distinction does not appear to have been adopted, in terms, by the courts.

Moreover, the defendant's state of mind before the initial exposure to the government agents must be determined after the fact. Sometimes this poses no great difficulty, as where there is evidence of pre-exposure activities or declarations tending to establish the defendant's pre-existing criminal bent. But often, as in the present case, the sole proof of predisposition consists of evidence as to what the defendant did on the occasion in question, in response to the overtures of the government agents. In such cases, I believe it is particularly important to recognize that the defendant's response to governmental inducement must be viewed in light of the precise nature and extent of the inducement.

The foregoing analysis is entirely consistent with the pertinent Third Circuit decisions which survive *Russell* and *Hampton*. In the leading entrapment case in this Circuit, *U.S.* v. *Watson*, 489 F. 2d 504 (3d Cir. 1973), the court held that "once there is sufficient evidence of Government inducement to commit the crime to entitle the defendant to go to the jury with an entrapment defense," the burden of proof is upon the Government to negate entrapment. There is no separate allocation of the burden of proof as between inducement and predisposition; the defense should be treated as a unit, with the Government having the burden of overcoming it. The court stated:

"This conclusion is consistent with the Supreme Court's reaffirmation that the focus of the entrapment defense is on the predisposition of the defendant rather than on the nature of the police behavior. *U.S.* v. *Russell*, 411 U.S. 423, 429, 93 S. St. 1637, 36 L.Ed. 2d 366 (1973). Inducement does not become irrelevant to either party, to be sure, since the stronger the inducement, the more likely that any resulting criminal conduct of the defendant was due to the inducement rather than to the defendant's own predisposition. Under the unitary approach we require inducement therefore enters as an element of predisposition which the Government must disprove, rather than as an independent element which the defendant must prove." (489 F.2d, at p. 511.)

See, also *Government of the Virgin Islands* v. *Cruz*, 478 F. 2d 712 (3d Cir. 1973); *see also*, *U.S.* v. *Hill*, —— F.2d —— (3d Cir., Nov. 25, 1980).

In *U.S.* v. *Armocida*, 515 F.2d 49 (3d Cir. 1975), the court held that there can be no entrapment defense unless there is both (1) evidence that government agents initiated the crime and (2) evidence suggesting that the defendant may not have been predisposed. In that case, a fairly routine purchase of drugs by undercover agents, the defendant did not testify, and neither the direct nor cross-examination testimony of the Government's witnesses revealed any reluctance on the part of the defendant-seller. The court held that, while the record might support a finding that the Government initiated the crime, a charge on entrapment was unnecessary because of the absence of any colorable basis for questioning the defendant's predisposition.

The Third Circuit's formulation of the test for determining the pressure of legitimate entrapment issues is generally consistent with the conclusions reached in other circuits. *See, e.g.*, *Kadis* v. *U.S.*, 373 F. 2d 370 (1st Cir. 1967); *U.S.* v. *Riley*, 363 F.2d 955 (2d Cir. 1966).

While cases involving dealing in contraband provide the primary source of the developing law of entrapment the general principles thus far discussed are not limited to contraband cases. Thus, in *Lopez* v. *U.S.*, 373 U.S. 427 (1962), where the defendant was charged with bribing an Internal Revenue Service agent, the fact that the initial offer came from the defendant led the Court to hold that entrapment issues need not have been submitted to the jury. *See*, also *Osborne* v. *U.S.*, 385 U.S. 323 (1966) (jury-tampering).

It seems clear that it is not automatically entrapment for a government agent to offer a bribe to a public official, *Scriber* v. *U.S.*, 4 F. 2d 97 (6th Cir. 1925). In *Scriber*, an undercover agent offered, and paid, $20 to a customs official to facilitate illegal importation of whiskey. The court stated:

"Nor can we see that the defense of entrapment, more accurately defined, can be applicable to a situation, where the offense charged is the accepting of a bribe by a public officer, and where the supposed instigators do nothing except to give the officer opportunity to accept a bribe, and to expose him to what might be called the ordinary degree of temptation to which such officers are likely to be subjected at any time in the daily discharge of their duties . . . The prohibition agents did nothing to overcome Scriber's shrinking or reluctance. So far as they observed, he did not shrink. In such a case as that, we think it clear that a crime, otherwise rightly to be inferred, cannot be escaped by the aid of this defense" (at p. 98).

In a footnote, the court observed that the amount of the bribe was "not a substantial temptation to a first offense." The court thus appears to have left open the possibility that an unusually generous bribe offer might justify the conclusion that the defendant was impermissibly lured into crime.

Finally, it should be noted that, contrary to some of the assertions of the defendants in this case, the Government is not required to prove that its undercover investigation of the defendant was based upon probable cause to believe he was engaged in illegal activity, *U.S.* v. *Catanzaro*, 407 F. 2d 998 (3d Cir. 1969); and that hearsay evidence is not admissible to prove predisposition. *Id.*, at pp. 1000–1001.[2]

B. The entrapment defense in this case

The undercover operation which has come to be known as Abscam was established initially by F.B.I. agents working out of the Hauphaug, Long Island, office of that agency, in conjunction with a career swindler named Melvin Weinberg, whom they had recruited for the task. While the details of the ruse varied from time to time, as the result of improvisation by various undercover agents, the broad outlines of the scheme remained fairly constant: The undercover agents represented one or more extremely wealthy Arab sheiks desirous of investing huge cash resources in this country. Arrangements were made with the Chase Manhattan Bank, so that anyone who inquired would receive verification that the Arabs did indeed have more than $400 million on deposit with that institution. Mr. Weinberg would "spread the word" through his underworld contacts and other shady connections. It was contemplated that persons expressing interest in providing investment opportunities would be carefully screened; if the proposed deal appeared legitimate, no further action would be taken, but if there was reason to suppose it might provide an opportunity for discovering criminality, the matter would be pursued, and the participants videotaped or otherwise electronically recorded. In actual practice, however, as discussed below, the distinction was not always carefully observed.

Angelo Errichetti, the Mayor of Camden, New Jersey, was an early target of the investigation, and brought most of the other targets to the attention of the investigators. Long active in political affairs in New Jersey, as a State Senator, as a party leader, and as Mayor, Mr. Errichetti represented himself as having extensive underworld contacts, and as possessing a great deal of information concerning the corruptibility of public officials. For present purposes, it is unnecessary to attempt to distinguish between solid fact and hyperbole. It suffices to state that the F.B.I. agents had reasonable grounds for believing that Mr. Errichetti was predisposed, had underworld contracts, and was thoroughly corrupt. Mr. Errichetti's unabashed pursuit of opportunities for financial reward apparently led the undercover agents to the easy, but unjustified, assumption that anyone introduced to them by Mayor Errichetti could automatically be regarded as equally corrupt.

Mr. Weinberg was strongly motivated to produce results for his F.B.I. employers. At the time he was recruited, he faced a substantial prison sentence on charges of mail fraud, covering transactions which had netted him in excess of $100,000. The F.B.I.

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[2] For a comprehensive review and analysis of entrapment doctrine, see Parks: "The Entrapment Controversy," 60 Minn. L. Rev. 163 (1976).

interceded with the sentencing judge, and arranged to have Mr. Weinberg placed on probation. It was also agreed that Weinberg would receive substantial compensation, plus reimbursement of expenses and other fringe benefits, during his Abscam employment. He thus had a direct financial stake in the continuation and expansion of the Abscam investigation. Moreover, the aura of wealth, expensive living, and free spending, and the probable limited duration of his employment, were not without their own temptations for one who, at other stages of his career, probably represented the archetypical amoral fast-buck artist.

Mr. Weinberg and the undercover agents were unstinting in their efforts to present a realistic image of great wealth: they entertained on a yacht in Florida, they rented a townhouse in Georgetown, they occupied a $365-per-day hotel suite in Philadelphia and equally lavish accommodations in New York, they traveled by private jet and in chauffeur-driven limousines.

At this point, it is appropriate to observe that, while the circumstances thus far discussed could be regarded as providing a singularly attractive opportunity for soliciting improper payments—the agents were free-spenders, their resources appeared virtually limitless, and Americans generally viewed oil-derived Arab wealth with resentment—if the agents had merely awaited such solicitation, it is doubtful that entrapment issues would have arisen. But the investigation had two additional characteristics which cast a quite different light upon ensuing developments.

Perhaps the crucial aspect of the undercover operation was its emphasis upon "the Arab mind," "the Arab way of doing business." A constant theme of the agents' representations was that their principals would not undertake any project unless first assured of the "friendship" of the persons with whom they were dealing. They were impressed with titles, with persons in official positions of power and influence. Their concept of "making friends" was that money had to be paid. At least insofar as the Philadelphia aspects of the investigation were concerned, there was no suggestion that the putative sheik required or expected any violation of the law in exchange for the payment; he merely wished to be assured that he had "friends" in high places.

A concomitant feature of the investigation was the question of precisely where the loyalties of the sheik's representatives lay. Mr. Weinberg and the undercover F.B.I. agents made it clear that their sole aim was to please their Arab employer by being able to tell him truthfully that which he was interested in hearing, namely, that money had been paid to high officials. The agents did not require any commitment that the public official would actually be influenced by the payment; they were interested only in appearances.

Two examples illustrate the extent to which the agents were prepared to go. United States Senator Harrison Williams, a 30-year veteran of the Senate, was interested in obtaining financing for a titanium venture in which he or members of his family had an interest. His concept was that, by installing improved equipment, an American titanium mine could produce titanium needed by a nearby paint manufacturer at a lower price than the paint company's overseas suppliers. In short, he was seeking financing for an entirely legitimate business proposition. Throughout the premiminary discussions, Senator Williams made it very clear that the venture would not be dealing with the United States Government, and that he neither could nor would be in any way involved with government contracts. Ostensibly, the financing arrangement was eventually structured in such a way as to produce a substantial profit to the Senator from the equivalent of a sale of his original interest to a new venture which included the Arab investors. Throughout these negotiations, Senator Williams repeatedly rebuffed suggestions from the undercover F.B.I. agents about various ways in which these profits might be concealed from the Internal Revenue Service. Eventually, the Senator was told that, before finally approving the transaction, the sheik wished to meet with him. Immediately before meeting the sheik, Mr. Weinberg engaged in an extensive coaching session. In effect, the Senator was told that, whereas both he and the representatives knew that the proposed venture was entirely legitimate, that it would not involve government contracts, and that the Senator had not agreed to and would not be expected to use his official position to advance the interests of the enterprise, it would be helpful if the Senator were to impress the sheik with the importance of his position in the Senate, and his knowledge of other important persons in the Government.[3] Senator Williams was then ushered into another room to meet the sheik, before the hidden TV cameras. After pointing out the merits of the proposed business deal, Senator Williams did brag about his long tenure in the Senate and his many contacts in Washington.

The second example arose after it had been made clear to Errichetti and to Howard Criden that there was money to be made by merely arranging introductions of officials who would present themselves as corruptible, irrespective of their genuine inclinations. Criden and Errichetti arranged to have Ellis Cook, Esq., a young lawyer associated with Criden, introduced to the undercover agents as a (named) official in the New Jersey office of the Immigration and Naturalization Service. The plan was that Mr. Cook would accept the agents' largesse and later share it with Criden and Errichetti. The attempted impersonation was exposed, however, when the agents noted that Mr. Cook was too young for the part he was playing. Notwithstanding the attempted deception, the agents continued to avail themselves of the services of both Criden and Errichetti in arranging further introductions; they merely exercised greater care in obtaining independent verification of the identity of the persons brought in for interviews.

The two examples just discussed did not, of course, directly involve the defendants Schwartz and Jannotti, but they are noteworthy parts of the background against which are to be evaluated the Government's assertions—in public statements by officials of the Justice Department, and in arguments made in the course of the trial of this case—that the undercover agents reasonably and in good faith relied upon the "middlemen," Criden and Errichetti, to bring in only persons already corruptible, and that the undercover agents neither intended to, nor did, bring in for surreptitious filming persons presenting legitimate business proposals.

The actual Philadelphia aspects of the Abscam investigation developed as follows: Howard Criden and Louis Johanson were partners in a small Philadelphia law firm. Johanson was also a member of the Philadelphia City Council. The two attorneys represented a client who held an option to purchase certain land in Atlantic City, New Jersey, believed to be a suitable site for a casino. The attorneys were employed, on a generous contingent-fee basis, to obtain financing for the development of the site. Johanson played golf at a New Jersey country club. He mentioned the casino proposal to another member of the club, a casual acquaintance named Meiler, a successful Philadelphia businessman. It happened that Mr. Meiler had a summer home at the seashore near the summer home of Mayor Errichetti. In the course of earlier discussions between Meiler and Errichetti stemming from Meiler's interests in obtaining dockside storage facilities in Camden, Meiler had been made aware of Errichetti's supposed access to wealthy overseas investors. Meiler arranged a meeting between Johanson and Criden and the Mayor. Criden and Johanson were later advised that the sheik's representatives were interested in the proposed project, and Criden and Johanson were invited to the yacht in Florida to present the proposal to the sheik's representatives.

It is undisputed that the casino proposal of Criden and Johanson was a perfectly legitimate business proposition. At the meeting on the yacht, Criden presented preliminary plans for the project, and was led to believe that the sheik would be very much interested in providing the necessary financing. The discussion of the casino project on that occasion was electronically recorded, and the transcript reveals no suggestion of illegality or impropriety. Thereafter, however, there was a further discussion, not electronically recorded, in which the undercover agents for the first time broached the subject of the sheik's interest in the possibility of becoming a permanent resident of this country, in the event of adverse political developments in his home country. It is agreed that Johanson was not present during this latter conversation. There is considerable uncertainty as to whether Criden was present; if so, he did not participate. On the return trip to Philadelphia, Mayor Errichetti told Criden of the agents' interest in meeting members of Congress or other officials who might provide assistance with immigration problems. Errichetti informed Criden that, on the basis of his previous experience with the sheik's representatives, and incredible as it might seem, the representatives would pay substantial sums of money for merely being introduced to important people to whom the representatives could pay money without asking or receiving any "quid pro cuo."

For the next several months, Criden, Johanson and Errichetti were instrumental in arranging meetings between various congressmen and the sheik's representatives. A substantial factor in the motivations of Criden and Johanson was their desire to remain in the good graces of the persons who, they believed, were going to finance their casino project, from which the two lawyers hoped to earn a contingent fee in excess of $1 million. In part, also, they were motivated by the generous financial rewards they derived from sharing in the sums paid the public officials, and, later, by receipt of direct payments from the representatives for their services in arranging introductions.

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[3] It is undisputed that the tape recording of his conversation was delivered to the F.B.I. agents within an hour or so after the conservation took place. It is also undisputed that Mr. Weinberg was never cautioned against employing the same technique with other potential targets. Even more disturbing is the fact that, in a pre-prosecution memorandum dated December 12, 1979, and submitted to his superiors in the Department of Justice by Thomas Puccio, Esq., the attorney from the Brooklyn Strike Force who was in charge of the Abscam investigation, no mention is made of Weinberg's coaching of Senator Williams; only the tape of the actual meeting with the sheik is referred to. On the basis of an in camera inspection of documents shielded by executive privilege, however, it is clear that Mr. Puccio was aware of the coaching incident.

Because Criden and Johanson, and two of the congressmen, were from Philadelphia, the United States Attorney in this District was made privy to the progress of the Abscam investigation. By this time, Mr. Criden was emulating Mayor Errichetti in his professions of extensive knowledge of political corruption and underworld activities in the Philadelphia area, and Mr. Vaira (the U.S. Attorney in this District) was anxious to avail himself of the Abscam device here in Philadelphia. For various reasons, the entire investigation was about to be terminated; Mr. Vaira and the Philadelphia F.B.I. office were authorized to pursue the Abscam investigation in this area, but only for a period of 10 days.

The technique by which the investigation was shifted to the Philadelphia area was relatively simple: Mr. Weinberg informed Criden that the sheik had expressed interest in establishing a base of operations in Philadelphia, and that Criden would be receiving a call from a new representative of the sheik (actually, F.B.I. Agent Wald) who would be handling matters for the sheik in this respect.

In their initial, videotaped, meeting, undercover Agent Wald explained to Criden that the sheik was interested in building a hotel complex in Philadelphia, and might also be interested in major long-range projects having to do with the revitalization of Pennsylvania's coal industry and related major improvements along the Philadelphia waterfront, but only if, in accordance with the normal workings of "the Arab mind" he could be assured of the friendship of important governmental officials. Criden suggested the agent might wish to discuss these matters with the two Philadelphia congressmen previously involved in their immigration discussions, Congressmen Myers and Lederer. The agent pointed out that his principal was sufficiently sophisticated to know the distinction between federal matters and local matters, and that the kind of zoning and similar problems which might be encountered in building a hotel would be within the province of city officials. The agent inquired as to the extent of Criden's familiarity with officials of the City of Philadelphia. Criden reminded the agent that his partner, Johanson, was a member of City Council, and it was agreed that Mr. Johanson would be brought in for a meeting with the undercover agent to discuss the hotel project. Criden also reviewed with the agent the identities of various important persons in the city government, including the Mayor and the President of City Council, the defendant Schwartz, and the Majority Leader, the defendant Jannotti. Asked if it would be possible for the agent to meet and "deal" with these individuals, Criden advised against meeting with the Mayor (because he had just assumed office, and was an "all-American boy" type), but stated he would find out whether Schwartz and Jannotti would be willing to meet with the representative.

Asked what the amount of any payment to the City councilmen should be, Criden responded, "You tell me." After some further discussion, it was agreed that, since payments to the congressmen had been on the order of $50,000 each, a figure of $30,000 would be appropriate for the President of City Council, and lesser sums for the other two councilmen.

Criden assured the agent that, unless each individual agreed in advance to accept the money, no meeting between the representative and that individual would be arranged. It is also a permissible inference that, as between Wald and Criden it was understood that it would be improper for a councilman to accept such payments.

Criden promptly arranged a meeting between Johanson and the agent, at which Criden was also present. Following a lengthy dissertation by Johanson concerning the desirability of the proposed hotel project, the undoubted willingness on the part of all city officials to cooperate in seeing it become a reality, and his own willingness to support the project without receiving money, and further discussion by the agent of the Arab mentality and his principal's attitude toward business of this kind, it was agreed that the financial arrangements had already been discussed between Criden and Johanson to Johanson's complete satisfaction. Johanson thereupon was paid $25,000 in cash, and left the meeting. Criden was thereupon paid $5,000 in cash for his services in arranging the meeting.

Criden was presented with a problem insofar as the defendant Schwartz was concerned. In the course of his discussions with the undercover agent, Criden had professed to be a long-time friend and colleague of Schwartz, although he stated he did not know whether Schwartz would be interested in accepting money. Actually, however, Criden had never met Schwartz, and Schwartz had barely heard of Criden. Criden thereupon enlisted the aid of Common Pleas Court Judge Shiomos, a friend of Criden's who lived in the same apartment house as Schwartz, to arrange a meeting.

According to the Government's evidence, Schwartz was told that the sheik's representatives wished to obtain Schwartz's expert advice concerning the workings of city government, the procedures for obtaining the necessary governmental approvals, etc., and would be willing to pay him a $30,000 consulting fee.

As between Criden and Schwartz, it was apparently understood that Schwartz would be expected to remit a portion of the $30,000 fee to Criden, as a forwarding fee. As between Criden and Judge Shiomos, it was agreed that Judge Shiomos and an insurance broker named Kattleman, a friend of Shiomos who played a role in arranging the meeting with Schwartz, would each receive $3,000 for their services. According to Judge Shiomos, however, the entire $6,000 was for Mr. Kattleman since Judge Shiomos, in view of his position, was not permitted to accept fees for legal services; Judge Shiomos permitted Criden to believe that he was accepting the $3,000 for himself, so as to increase the share of his friend Kattleman who was in poor health and needed money.[4]

By way of further background, it should be explained that Criden and Judge Shiomos had previously discussed the possibility of Shiomos' association with Criden's law firm at the expiration of the judge's current term of office. Shiomos' interest in such an arrangement was greatly enhanced when Criden told him about the proposed casino project and the proposed hotel and other Philadelphia projects.

Judge Shiomos arranged to meet with Mr. Schwartz. His version of that meeting was as follows:

"I said [Criden] had some clients that were very wealthy. They were Arab clients, that they had about $400 or $500 million in New York and they wanted to invest $150 million to build a hotel here . . . I mentioned to him that if he is willing to discuss it any further that I would call Mr. Criden and have him call him.

"I indicated to Mr. Schwartz that Mr. Criden said there would be a fee and that Mr. Criden expected part of that fee . . . There would be a fee for Mr. Schwartz for his advice.

"Q. And what did Mr. Schwartz say in response to that?

"A. Mr. Schwartz indicated at that point—all he said, 'I would be interested in anyone who is willing to invest $150 million.'" (Trial tr. 3.137–38.)

It was agreed that Shiomos would have Criden telephone Schwartz to arrange a meeting. As he was leaving, Judge Shiomos commented to Mr. Schwartz that he did not believe there was anything improper in the proposed transaction, and that if Mr. Schwartz thought there was "anything improper or fishy," he would be in a position to judge for himself after meeting with Mr. Criden.

Since neither Criden nor Schwartz testified at trial, there is no direct evidence about the contents of their discussion. However, Schwartz accompanied Criden to a meeting with the undercover agents on January 23, 1980, and the videotape of that meeting, together with other evidence, demonstrates that Schwartz knew he would be paid $30,000, and that the payment would be shared in some way with Criden.

The transcript of the meeting between Schwartz and the undercover agents is entirely consistent with the "consulting fee" theory: Schwartz explained at some length the political make-up of the city government, the various agencies that would deal with various aspects of such a project, the lines of authority within the city government, and the political power structure in Philadelphia. He made it very clear that the proposed project would be warmly received, that he could foresee no obstacles, and that any minor problems which might arise could easily be solved. Much of the discussion concerned which law firms in the city were experienced in handling major real estate developments, and Criden's anticipated role in working with the law firm designated.

Agent Wald repeatedly asked for assurances that the project would encounter no "problems," and Schwartz repeatedly assured him that the project appeared to be entirely legitimate and beneficial for the City, and it would have his support. Schwartz made it clear that he controlled the City Council, and that his predictions concerning the absence of difficulties could be relied upon. When the agent expressed his satisfaction with the results of the meeting and produced the envelope containing the money, Criden assured him that the amount had been discussed with Schwartz and was satisfactory to him, and Schwartz stated that he was not primarily interested in the money, but in the benefits the project would have for the people of Philadelphia.

Schwartz's words and actions during the meeting, as disclosed on the videotape, can be interpreted in either of two ways: (1) that he was rendering legal advice and advice as an expert on city government and real estate development, in exchange for a consulting fee. Under that interpretation, his bragging about his control over City Council and entree to all other departments of city government was intended to assure the "client" that he knew what he was talking about, and that his advice was sound. Under that interpretation, Schwartz was merely violating the City Charter's prohibition against conflicts of interest, or attempting to circumvent these requirements on the theory that general advice about city governmental matters is distinguishable from actual representation of clients before city agencies. Or (2) that he was accepting a bribe for assuring his official support of a project he would have been willing to support in any event. Under that interpretation, his bragging about his control of city government was designed to assure the bribe payers that their money was well spent. It is apparent from the verdict that the jury chose the latter interpretation.

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[4] Kattleman did not testify at the trial.

In part I of this Opinion, it has been determined that the sole count of the Indictment on which the defendant Jannotti was convicted should be dismissed for lack of jurisdiction. Since the Government may wish to appeal that ruling, however, it is appropriate to address the entrapment issues as they relate to Jannotti, as well as Schwartz.

Mr. Jannotti met with the undercover agents, together with Criden, on January 24, 1980. Before arriving at the meeting, he had been briefed by Criden and Schwartz. Agent Wald repeated, several times, his explanation of the peculiar psychology of his Arab employers, and their "way of doing business." Jannotti sought and received assurances about the nature of the project, and its legitimacy. Jannotti's reaction is typified by his comment, early in the conservation, "Who could refuse a project like that?" (Trial Tr. p. 4.56.)

The agents kept pressing for responses which would demonstrate Jannotti's willingness to sell his vote, but these efforts met with little success. At one point, it appeared that the agents had succeeded. The following exchange occurred:

"WALD: Alright, when we're paying good money . . . substantial amounts here at this point to ah, ah, insured we'd got some friends in City Council, if we have a close vote on a situation we can, we can ensure——

"JANNOTTI: My vote, my vote will be there."

But this was immediately followed by the following exchange:

"WALD: That after conducting business this evening that . . .

"JANNOTTI: My vote will be there because as I said the project is legitimate.

"POULIS [F.B.I. agent]: Yeah, well, we know that we are going to be legitimate.

"JANNOTTI: That's right.

"POULIS: But like, like I was saying before you know——

"JANNOTTI: I would vote for a legitimate project regardless." (Trial Tr. p. 4.78–4.79)

Other statements by Jannotti are to the same effect:

"JANNOTTI: . . . We'll be there, we'll be there trying to do everything we can for you . . . No problem with that because it's as I say before a legitimate project, when you are coming in, I would go to bat with, without (p. 4.85)

* * * * *

"JANNOTTI: Whatever George [Schwartz], whatever George had told you yesterday, I mean I am his righthand man and I . . . Whatever George had said to you I'll go along . . . We work together you know. (pp. 4.86–4.87)

Jannotti's attitude toward the payment of money is summed up in his statement, after one of Wald's references to the Arab psychology and way of doing business:

"Well, you know eh, just on the basis of what you said and what they want to do, it's enough for me to get on the floor and argue. I don't have to, even care what else they want to come up with. My basic point is, the fact that eh, ah what's coming in here, and this has been our job, to bring as much business and, eh tax base and employment to the City of Philadelphia. If that's the way they want to do business, that's all right too." (Trial Tr. pp. 4.64–4.65)

When, at the close of the interview, the agents handed Jannotti an envelope containing $10,000 in cash, and sought to obtain his acknowledgement that he knew the amount of money in the envelope and was satisfied with the arrangement, Jannotti stated, on three different occasions, "We won't even discuss it" (p. 4.88).

It is the basic position of the Government that, since both of the Philadelphia congressmen who had earlier accepted payments for assistance in immigration matters had expressed interest in having the Arabs invest in worthwhile projects in their respective districts, and since Criden had bragged about his contacts with highly placed officials in the city government, the fictitious hotel project was put forward for the purpose of determining which officials would have to be dealt with on a corrupt basis in furtherance of such a project. Ostensibly, the aim was to learn which city officials would ask for payoffs. But the evidence plainly makes that theory completely untenable: Neither Schwartz nor Jannotti asked for money; both made it clear that no payments were necessary; the idea of paying money originated with the agents; and it was the agents who insisted that, unless the payments were accepted, their principals would be unwilling to proceed with the project in Philadelphia.

It is thus very clear that neither defendant could properly be convicted unless the evidence proved predisposition beyond a reasonable doubt. And in my judgment, there is no evidence whatever in this case tending to show that, when the Government's overtures first came to the attention of the defendants, they were already predisposed to accepting bribes. The Government made no attempt to establish predisposition through extrinsic evidence. Both defendants presented impressive evidence of a good character, none of which was challenged by the Government. For proof of predisposition, the Government relies exclusively upon the fact that each defendant did accept money.

Ordinarily, of course, if the Government induces a defendant to commit a crime, the Government cannot establish predisposition merely by showing that the defendant did commit the crime. If that were sufficient, there would never be any need to prove predisposition, and there would be no such thing as an entrapment defense. In some situations, however, a defendant's ready acquiescence in the Government's suggestion may be enough to justify a finding of predisposition. Or, in the course of committing this particular offense, a defendant may exhibit such familiarity with criminal techniques and procedures as to demonstrate previous experience with similar criminal activity.

In the present case, neither defendant said or did anything tending to establish preexisting criminal inclination, other than his acceptance of the money.

In my opinion, in their zeal to make sure that the defendants would accept the tendered payments, the government agents offered such attractive inducements as to preclude any reliance upon the defendants' acceptance of the money as proof of predisposition. In the first place, the amounts offered were exceedingly generous. Standing alone, the very amounts of the bribes were, to paraphrase the language of the court in Scriber v. U.S., supra, "a substantial temptation to a first offense."

In the second place, it was clear that the defendants would not be asked or expected to do anything improper on behalf of the proposed hotel venture; and they agreed to do nothing inconsistent with their obligations as members of the City Council, working for the benefit of their constituents.

Finally, and most importantly, they were led to believe that if they did not accept the money, the project would not come to Philadelphia. In the context of the fiscal crisis which beset all large cities these days, and in the context of the problems of urban blight and decay, the governmental inducement in this case was indeed calculated to overwhelm.

Viewed in its entirety, the Philadelphia aspect of the Abscam investigation was plainly designed not to expose municipal corruption, not to determine which officials were corrupt, but merely to ascertain whether, given enough inducement, city officials could be corrupted. And what the Government succeeded in proving was, not that the defendants were corrupt city officials, but that, exposed to strong temptation, they could be rendered corrupt. In short, the evidence establishes entrapment as a matter of law. The evidence was, as a matter of law, insufficient to establish the defendants' predisposition beyond a reasonable doubt.

The defendants are therefore entitled to judgments of acquittal, unless the Government is correct in its remaining contentions, namely, that the defendants are precluded from raising an entrapment defense because they did not concede every essential element of the crimes charged against them; and that, in any event, the defendants responded to inducements offered by Howard Criden, not by the Government. These contentions will now be addressed.

Availability of the Entrapment Defense. It has been the consistent position of the Government throughout this case that the defendants were not entitled to assert the defense of entrapment at all, since they did not concede every essential element of the crimes charged against them. Specifically, the defendants did not concede that their receipt of the payments from the undercover agents amounted to extortion under the Hobbs Act, nor did they concede the jurisdictional element of potential impact upon interstate commerce under that Act, or the enterprise and pattern elements of the RICO conspiracy charge. The Government relies upon a series of cases in this circuit which, at first blush, appear to stand for the broad proposition that, in order to raise an entrapment defense, a defendant must admit each and every essential element of the crime charged. *U.S.* v. *Watson,* 489 F.2d 504 (3d Cir. 1973); *Government of the Virgin Islands* v. *Hernandez,* 508 F.2d 712, 1717 (3d Cir. 1975) (footnote); *U.S.* v. *Levin,* 606 F.2d 47 (3d Cir. 1979); *U.S.* v. *Shoup,* 608 F.2d 950 (3d Cir. 1979). Here again, however, the decisions must be read in the light of the facts of the cases being decided. In Watson, the court held that a defendant charged with unlawful use of telephone facilities in carrying out a narcotics conspiracy could not claim entrapment if he denied having made the telephone call in question. In both the Hernandez and Shoup cases, the defendants contested every essential element of the crimes charged. The Levin case holds merely that a defendant is not entitled to an entrapment charge unless he expressly raises the entrapment defense in a timely fashion, so that the Government will have an opportunity to confront the issues at trial.

In none of the cited cases, nor in any other case that has come to my attention, has the Third Circuit Court of Appeals been squarely presented with the question of the availability of an entrapment defense to a defendant who, while admitting the operative facts, disputes mens rea, or challenges a jurisdictional element. I am reasonably confident that, properly understood, the Third Circuit cases go no further than to establish that a defendant must admit whatever action he claims to have been entrapped into performing.[5]

Some hypothetical examples may be useful: Suppose that an undercover government agent posing as a physician in the throes of a heart attack on a public street induces a passing nun to deliver a package, representing that the package contains lifesaving medicines urgently required by a patient. The package actually contains heroin. Must the nun admit that she knew the package contained heroin, in order to assert the defense that she was entrapped into making the delivery? Surely not.

Suppose a defendant breaks into a house late at night, in response to frantic calls for help an occupant who, it turns out, is a government agent merely pretending distress in order to ensnare. I do not believe the defendant would have to admit he intended to commit a felony in order to claim entrapment as a defense to a burglary charge.

I have no doubt that, if squarely confronted with the issue, the Third Circuit Court of Appeals would find persuasive the reasoning of Judge Hufstedtler, writing for an en banc court which was unanimous on these issues, in *U.S. v. Demma*, 523 F.2d 981 (9th Cir. 1975). As noted in that opinion, rigorous enforcement of a rule requiring a defendant to admit every essential element of the offense in order to plead entrapment would be in direct conflict with the decision of the Supreme Court in *Sorrells* v. *U.S.*, 287 U.S. 435 (1932) and the later entrapment cases (Holding that the entrapment defense may be asserted under a plea of not guilty, and need not be specially pleaded as a plea in bar), and would also raise serious constitutional questions.

As I understand it, the justification for the general rule advanced by the Government stems from the motion that a defendant should not be permitted to blow hot and cold; while inconsistent defenses may generally be permissible in criminal cases, there is an exception when the conduct of law enforcement officers is attacked. While this rationale is not universally accepted (for example, it was rejected by a majority of the court in Demma), I believe it does reflect the current state of the law in this circuit. But I am satisfied that our Court of Appeals would not extend the rule beyond its justification, to preclude assertion of an entrapment defense where no inconsistency would be involved.

The gist of the entrapment defense is that the Government improperly induced the defendant to commit a crime when, in the absence of such inducement, the defendant would not have been likely to commit that crime or any other crime of that type. In order to sustain a conviction, the Government must prove each and every essential element against the defendant beyond a reasonable doubt. There is neither factual nor legal inconsistency when a defendant takes the position, "I do not agree with the Government's claim that I performed acts A and B. I admit that I did do act C, but I was entrapped into doing it." If acts A, B and C are all essential ingredients of the crime charged, the defendant is entitled to acquittal if there is a reasonable doubt as to any of the essential elements, that is, reasonable doubt as to whether he committed acts A or B, or reasonable doubt as to whether his performance of act C was the result of entrapment. Any contrary rule would do violence to fundamental constitutional concepts.

Moreover, it should be noted, a contrary rule would provide a powerful incentive to prosecutors to multiply or exaggerate the charges whenever the circumstances might suggest the existence of a legitimate entrapment defense.[6] It should be noted, also, that the entrapment defense provides protection only with respect to those acts the defendant was entrapped into performing. For example, a drug user who is entrapped into distributing can still be convicted of the possessory offense, or any other lesser included offense not tainted by the entrapment.

In the present case, neither defendant has taken a truly inconsistent position. Both defendants admitted performing the acts which they claim they were entrapped into performing. They were therefore not precluded from asserting the entrapment defense.

Governmental Responsibility for Inducement. The Government is undoubtedly correct in its assertion that a person induced to commit a crime by a third party not acting at the direction of the Government cannot assert the entrapment defense. *Crisp* v. *U.S.*, 262 F.2d 68 (4th Cir. 1958); *and see U.S.* v. *Twigg*, 588 F.2d 373 (3d Cir. 1978). But that rule has no application in the present case, since (1) Criden acted with the knowledge and largely at the direction of the government agents, and the government agents were the source of the representations which created the inducement, (2) the agents plainly had knowledge of, and ratified, Criden's representations, and (3) in any event, the conduct of the agents themselves, in their dealings with the defendants, constituted entrapment, in and of itself.

In Sherman v. U.S., supra, the Supreme Court unanimously held that there was entrapment as a matter of law, even though the Government had no knowledge of the inducement (by a third party informant) until after it had occurred. As set forth in Note, "The Defense of Entrapment," 73 Harv. L.Rev. 1333:

"When persons who are not law enforcement officials act with official encouragement or assistance, they should be treated as government agents for purposes of the entrapment defense. Otherwise, its protection could be avoided by indirection [at p. 1341, citing *Sherman*] . . .

"Most cases accept without discussion the proposition that persons promised rewards by the police for procuring arrests are government agents [ftn., at p. 1341] . . .

"The only two cases which have been found dealing with the question of Government inducement of a third party to procure the commission of a criminal offense by a particular defendant when the third party has no knowledge of the law enforcement object of the inducement have held that the third party is a government agent for purposes of the entrapment defense. Despite his lack of intent to secure the defendant's arrest, his agency in such a situation seems apparent [at pp. 1341–42, citing *U.S.* v. *Klosterman*, 248 F.2d 191 (3d Cir. 1957); *U.S. ex rel. Hassell* v. *Mathues*, 22 F.2d 979 (E.D. Pa. 1927)]."

I am satisfied therefore, that the Government must be held responsible for the entrapment disclosed by the evidence in this case.

IV. DUE PROCESS

As discussed in Part II of this Opinion, a majority of the members of the Supreme Court have expressed views which leave open the possibility that even a predisposed defendant must be acquitted if the conduct of the government agents was so outrageous as to amount to a violation of due process. To date, the Supreme Court has not yet found it necessary to dispose of any case on that basis, although it is perhaps arguable that some of the earlier entrapment decisions, and several lower court decisions purporting to apply supervisory-power analysis, have roots in due process concepts.

In *U.S.* v. *Twigg*, supra, a case decided after Russell and Hampton, the Court of Appeals for the Third Circuit Court reversed a conviction and dismissed the indictment, on due process grounds, because of excessive creative involvement on the part of the Government. In that case, the Government supplied essential ingredients and equipment, and government agents were the prime movers in setting up and operating an illicit methamphetamine laboratory. And in *U.S.* v. *Archer*, 486 F. 2d 670 (2d Cir. 1973), cited with approval in the concurring opinion in Hampton, the court expressed the view that dismissal on due process grounds would be appropriate where the undercover work of the government agents included the commission of several independent crimes, including perjury before a grand jury.

The rationale of the Twigg decision appears closely related to the rationale of typical entrapment cases. Although the court made clear that its decision was not based on entrapment—the defendants were shown to have been predisposed, and the involvement of one of the defendants was in no way attributable to the Government—the central theme of the majority opinion is that, even though predisposed, the defendants had in fact been induced to commit a crime they would not otherwise have been likely to commit. The court quoted the following langauge from its earlier decision in *U.S.* v. *West*, 511 F. 2d 1083, 1085 (3d Cir. 1975):

". . . Moreover, such conduct does not facilitate discovery or suppression of ongoing illicit traffic in drugs. It serves no justifying social objective. Rather, it puts the law enforcement authorities in the position of creating new crime for the sake of bringing charges against a person they had persuaded to participate in wrongdoing."

And from the Ninth Circuit's decision in *Greene* v. *U.S.*, 454 F.2d 783, 787 (9th Cir. 1971):

". . . But, although this is not an entrapment case, when the Government permits itself to become enmeshed in criminal activity, from beginning to end, to the extent which appears here, the same underlying objections which render entrapment repugnant to American criminal justice are inoperative."

The court noted that Judge Powell's plurality Opinion in *Hampton* cited the Greene case with approval, and stated:

"We are adhering to Justice Powell's reasoning that in evaluating whether Government conduct is outrageous, the court must consider the nature of the crime and the tools available to law enforcement agencies to combat it." (588 F.2d at p. 378, n. 6.)

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[5] So far as I am aware, no support for the Government's position is to be found in any decision of the Supreme Court.

[6] It should be noted that, even under the Government's theory, the entrapment defense would be available with respect to the predicate offenses under RICO. If the Government were correct, it would mean that defendants who were entrapped into committing bribery under state law could be deprived of the defense by the simple expedient of charging them under federal statutes such as RICO and the Hobbs Act.

The court distinguished *Hampton*, in the following language:

"*Hampton* was concerned with the sale of an illegal drug, a much more fleeting and elusive crime to detect than the operation of an illicit drug laboratory. In such a situation the practicalities of combating drug distribution may require more extreme methods of investigation, including the supply of ingredients which the drug ring needs (footnote omitted). Furthermore, a reading of the jury instruction requested by the defendant in *Hampton* reveals that he was concerned merely with the principle that if the narcotics were supplied to him by an informant acting on behalf of the Government, then he must be acquitted as a matter of law . . . In this case, however, we are not only concerned with the supply by government agents of necessary ingredients for manufacture, but we also have before us a crime, unlike *Hampton*, conceived and contrived by government agents." (*Id.*, at p. 378.)

In my judgment, the circumstances of the present case argue more strongly for dismissal on due process grounds than the *Twigg* case. While municipal bribery may be "fleeting" and "elusive," so that governmental subterfuge and even creative involvement may be necessary to combat it, the techniques employed here went far beyond the necessities of legitimate law enforcement.

It would undoubtedly be permissible for government agents to set up an undercover business entity, either real or imaginary, as an attractive target for corrupt overtures by city officials, and even to hint that such overtures would be welcome. It would also probably be permissible for the undercover agents to initiate bribe proposals, at least in connection with suspected ongoing corrupt activities on the part of the targeted officials. But it is neither necessary nor appropriate to the task of ferreting out crime for the undercover agents to initiate bribe offers, provide extremely generous financial inducements, and add further incentives virtually amounting to an appeal to civic duty. In short, even if the entrapment issues were properly submitted to the jury in this case (and I have concluded that they should not have been), and even if the jury properly resolved them (and I have concluded that the evidence was insufficient as a matter of law), I am persuaded that the *Twigg* decision compels that judgments of acquittal be entered.

In *U.S.* v. *Archer*, *supra*, Judge Friendly expressed the view that the federal courts should not sanction the artificial federalization of purely state crimes. The rationale of that decision is equally applicable in the present case. Bribery is punishable under state law. When there is a pattern of bribery affecting interstate commerce, the RICO statute may properly be invoked, and its (greatly enhanced) penalties applied. But in the present case, it was the Government, and the Government alone, which created the pattern, as well as each bribe. The receipt of a bribe by each of these defendants would not have violated the RICO statute, but for the Government's having made sure that Criden was involved in other bribe activities.

Moreover, to permit this kind of artificial federalization would effectively remove virtually all of the limitations upon the criminal jurisdiction of federal courts, and would be utterly contrary to accepted notions of federalism. I do not mean to suggest that municipal corruption can never be a proper object of the attention of federal law enforcement officers. But whatever may be the appropriate role of federal law enforcement in detecting and punishing municipal corruption, it is surely not within the legitimate province of federal agents to embark upon a program of corrupting municipal officials, merely to demonstrate that it is possible.

The defendants have presented several additional arguments in support of their due process contentions. Because these additional arguments are advanced by all four defendants, and because this Opinion deals only with the cases of the defendants Schwartz and Jannotti, these additional matters will be addressed in a separate opinion, which will be filed in due course.[7]

V. CONCLUSIONS

The conclusions expressed in the foregoing Opinion may be summarized as follows:

1. The evidence at trial did not establish actual or potential impact upon interstate commerce necessary to sustain the jurisdiction of this Court under the Hobbs Act, hence Count III of the Indictment must be dismissed for lack of jurisdiction, and the convictions on that count set aside.

2. The evidence at trial sufficed to establish each of the essential elements of the RICO conspiracy charge alleged in Count II of the Indictment.

3. Both defendants are entitled to judgments of acquittal on the ground that the evidence at trial established entrapment as a matter of law.

a. The defense of entrapment is available to the defendants, since its assertion involved no inconsistency in fact or in law.

b. The Government is, as a matter of law, responsible for the actions of Criden and the undercover agents amounting to inducement.

c. The evidence at trial was, as a matter of law, insufficient to establish beyond a reasonable doubt that the defendants were predisposed.

4. Alternatively, the defendants are entitled to judgments of acquittal on the ground of governmental overreaching amounting to a violation of due process of law.

5. Alternatively, the defendants are entitled to judgments of acquittal on the ground that the circumstances relied upon to establish federal jurisdiction over the offenses charged were artificially created by the Government in an attempt to exceed the proper scope of federal law enforcement.

These conclusions have been reached with great reluctance. No one who has viewed the videotape evidence in this case could avoid feelings of distress and disgust at the crass behavior the tapes reveal. The jury's verdict represents a natural human reaction to that evidence. But, in the long run, the rights of all citizens not to be led into criminal activity by governmental overreaching will remain secure only so long as the courts stand ready to vindicate those rights in every case.

[In the U.S. District Court for the Eastern District of Pennsylvania, Criminal, No. 80–166]

UNITED STATES OF AMERICA *v.* HARRY P. JANNOTTI and GEORGE X. SCHWARTZ

ORDER

And now, this 16th day of November, 1980, it is ordered:

1. The vedict of the jury in this case is set aside in its entirety.

2. Count III of the Indictment is DISMISSED for lack of jurisdiction.

3. The respective motions of the defendant George X. Schwartz and Harry J. Jannotti for judgment of acquittal are granted.

JOHN J. FULLER.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

LASTING GRATITUDE AND APPRECIATION FOR AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, at the core of the American ethos is the love of peace and loathing of war. But when we had to fight, our soldiers have gone to war. Forty-four million of our sons have fought in nine wars or conflicts from our Revolution to Vietnam. One million made the supreme sacrifice. Two million suffered wounds. Today, we have 30 million veterans in the United States.

I would like to take this opportunity to recognize these many men and women who risked their lives and who gave their lives for the sake of the American ideals of truth and freedom.

We set aside a day, November 11, as Veterans' Day. But our appreciation for the bravery and valor of these countless Americans should go beyond a day or a time. It should be a state of mind—one mindful of the sacrifice of those who responded when America called and receptive to the needs of veterans, which continue long after the battles are won and the troops come home.

Richard Harding Davis, an American war correspondent, movingly described a moment in the honorable history of the American soldier. The special value of his poignant dispatch is that it is universal—it is a timeless description of the American soldier during any of our armed conflicts. For the record, the following is a scene out of the Spanish-American war:

> Twelve thousand men treading on each other's heels in three inches of mud. They move slowly and after three hours it seemed as though every man in the United States was under arms tumbling and slipping. The lines passed until the moon rose. They seemed endless—interminable. Midnight came and they were still slipping forward.

But the lines of American GI's slipping and treading steadfastly forward are what we must remember. The veteran symbolizes the strength, endurance, and dedication of a free society.

Harold Queen, the father of the released U.S. hostage Richard Queen, recently said:

> At Thanksgiving. I fervently hope that all Americans will join our family in taking a moment to remember all those denied freedom anywhere on this planet.

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[7] The entrapment defenses asserted by the defendants Criden and Johanson cannot be addressed at this time, since they have not yet been tried on this Indictment. And the application of the Twigg and Archer doctrines to the cases of Criden and Johanson involve somewhat different considerations than in the cases of Schwartz and Jannotti.

I share Mr. Queen's sentiments and hope as well that we remember the veterans that served America so that our freedoms would not be denied.●

OMB'S "SHELL GAME" WITH THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 10 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, today the chairman of the Veterans' Affairs Committee is submitting into the RECORD a copy of materials furnished several Members showing further budget cuts in the Veterans' Administration budget of fiscal year 1981, and deep cuts in the fiscal year 1982 budget. I wish to add my own comments to the chairman's. The areas in which the outgoing administration is attempting to cut the VA budget are in many cases clearly fictitious, and in others violative of the law.

We have spent a large part of the last 11 months scrutinizing Federal spending and attempting to reduce budget levels. I wholeheartedly endorse such scrutiny. With respect to the VA budget, it should be noted, Mr. Speaker, that the original administration budget was $788 million below what our committee determined as a budget target. The revised administration budget reduced another $323 million from that, making the budget as eventually adopted more than a billion dollars short. On top of that, an administration with hardly a month left in office now seeks to strip another $360 million. This is one of the worst examples of untargeted budget cutting. Defense and defense-related areas of the budget, including veterans' benefits, which are the continuing costs of war, should be the last areas touched.

Instead, this administration has made a point of taking an ax to veterans programs whenever fiscal austerity is discussed. As one example, I should remind this body that the VA hospital system has lost 10,000 operating beds to "fiscal austerity" over the last 4 years—the equivalent of closing down 20 large hospitals—at a time when the ever-expanding veterans population is reaching an age where they will be needing these facilities the most.

Additionally, the administration and OMB were so recalcitrant in funding vitally-needed employee levels that the Congress found it necessary to enact legislation, contained in Public Law 96-151, mandating OMB to fund employee levels that the Congress determined to be sufficient. I submit a copy of the appropriate section of that law for the RECORD.

Pursuant to that law, the House and Senate Appropriations Committees have this year written into their conference report a mandate that, in fiscal 1981, the VA hire 1,000 additional direct health-care personnel. Contrary to this legislative direction, which again is fully supported in the law, OMB now seeks to reduce employment in the VA by 5,334 employees in fiscal 1981, through direct cuts of 1,457 employees and by requiring the Agency to absorb 30 percent of the recent pay raise.

I should note also that the Carter administration, in its farewell budget for fiscal 1982, recommends further direct employee reductions of almost 3,000 people, the majority of whom would also come out of the Department of Medicine and Surgery. This 1982 budget—which is almost a billion and a half dollars short of original estimates—also contains other so-called reductions which fly in the face of both logic and past congressional practices. For instance, the budget does not even fund a cost-of-living increase allowance for seriously disabled veterans who suffered wounds in the service of our country.

Mr. Speaker, this is obviously a shell game designed to create havoc in the incoming administration. The attempted lowering of the fiscal 1981 budget after a full year of debate, and the false budget of 1982, are both insensitive and impractical. And, most importantly, an act by OMB which would reduce the 1981 budget in the manner described by the documents our chairman has introduced into the record would clearly violate the law.

MEDICAL PERSONNEL STAFFING LEVELS

SEC. 301. (a) Section 5010(a) is amended by adding at the end the following new paragraph:

"(4)(A) With respect to each law making appropriations for the Veterans' Administration, there shall be provided to the Veterans' Administration the funded personnel ceiling defined in subparagraph (D) of this paragraph and the funds appropriated therefor.

"(B) In order to carry out the provisions of subparagraph (A) of this paragraph, the Director of the Office of Management and Budget shall, with respect to each such law (i) provide to the Veterans' Administration for the fiscal year concerned such funded personnel ceiling and the funds necessary to achieve such ceiling, and (ii) submit to the appropriate committees of the Congress and to the Comptroller General of the United States certification that the Director has so provided such ceiling. Not later than the thirtieth day after the enactment of such a law or, in the event of the enactment of such a law more than thirty days prior to the fiscal year for which such law makes such appropriations, not later than the tenth day of such fiscal year, the certification required in the first sentence of this subparagraph shall be submitted, together with a report containing complete information on the personnel ceiling that the Director has provided to the Veterans' Administration for the employees described in subparagraph (D) of this paragraph.

"(C) Not later than the forty-fifth day after the enactment of each such law, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director of the Office of Management and Budget has complied with the requirements of such subparagraph in providing to the Veterans' Administration such funded personnel ceiling.

"(D) For the purposes of this paragraph, the term 'funded personnel ceiling' means, with respect to any fiscal year, the authorization by the Director of the Office of Management and Budget to employ (under the appropriation accounts for medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses) not less than the number of employees for the employment of which appropriations have been made for such fiscal year.".

(b) The amendment made by subsection (a) shall take effect with respect to Public Law 96-103, but, with respect to such Public Law, the certification and report required by subparagraph (B) of paragraph (4) of section 5010 of title 38, United States Code (as added by such amendment), and the report required by subparagraph (C) of such paragraph (as added by such amendment) shall be submitted to the appropriate committees of the Congress not later than January 15, 1980, and February 1, 1980, respectively.●

OMB PROPOSED REDUCTIONS IN PERSONNEL AND FUNDS FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

● Mr. ROBERTS. Mr. Speaker, the Veterans' Administration is now negotiating with the Office of Management and Budget on the allocation of personnel and appropriate funding level for the agency for fiscal years 1981 and 1982. Based on information recently brought to my attention, I want my colleagues to be aware of the "game" being played by some mid-level OMB officials with programs for veterans. Incoming administration officials, especially those on VA's transition team, should be aware of what is happening. Some of the decisions, if allowed to stand, will create serious problems with delivery of benefits and services to some veterans. The reductions proposed for fiscal year 1981 conflict with the intent of Congress in some areas, and the reductions being directed by OMB for 1982 are totally unrealistic.

I am more concerned with personnel cuts and program reductions being proposed for the current fiscal year than I am with what is being recommended for fiscal year 1982. The incoming administration will have an opportunity to submit budget amendments following a proper review and analysis of the President's budget which will be submitted to the Congress in January. That may not be the case with the cuts being proposed for the current fiscal year.

One item is most crucial to the incoming administration. We have agreed to the conference agreement for the fiscal year 1981 HUD-independent agencies appropriation. The President is expected to sign it into law. Among other things, it calls for an additional 1,000 full-time health care employees. These would be in addition to the number requested by the President in his initial budget request. To say that these will not be allocated to the agency is to violate the law. Last year we enacted legislation (Public Law 96-151) requiring the Office of Management and Budget to not only allocate the personnel, but to certify that such allocation has in fact been made. This is clearly set out in section 5010(a)(4) of title 38, United States Code. Yet, it would appear the agency is being told it will not get these additional people. In addition, the Department of Medicine and Surgery is being told it must absorb

30 percent of the Federal pay increase that became effective October 1. This means that the Department will have to cut back some 5,000 more employees, possibly more, unless a full supplemental request is submitted to pay for the pay increase in its entirety. The President approved the pay raise. Congress agreed with him. It is a farce to now tell the agency that it must absorb one-third of the increase. That can only be done by personnel reductions, an action that the agency cannot possibly do without inflicting grave harm to veterans.

Mr. Speaker, the Office of Management and Budget notified the Veterans' Administration of its proposed reductions on November 19, 1980.

On that date the agency was told its budget authority and personnel ceiling would be as follows:

BUDGET AUTHORITY

[Dollars in thousands]

	1981			1982		
	Request	Mark	Reduction	Request	Mark	Reduction
Uncontrollable	$15, 458, 880	$15, 368, 580	−$90, 300	$16, 578, 157	$16, 211, 106	−$367, 051
Controllable	7, 637, 249	7, 368, 602	−268, 647	8, 867, 691	7, 782, 670	−1, 085, 021
Total	23, 096, 129	22, 737, 182	−358, 947	25, 445, 848	23, 993, 776	−1, 452, 072
Full time employment equivalent (personnel): Ceiling	216, 264	214, 290	−1, 974	220, 870	214, 410	−6, 460

If allowed to stand, the effects of the OMB action would be as follows:

GENERAL

Personnel reductions

In order to reach a mandated personnel (FTEE) level in '81 and '82 no higher than our estimated on-board level on December 31, 1980 the following general reductions were made:

	1981	1982
Medical care	94	1, 456
Other D.M. & S.	9	249
General operating expenses	1, 173	806
All other	231	238
Total	1, 507	2, 749

Pay supplemental

Only 70 percent of pay supplemental requirements are allowed. This will cause major problems in:

Medical care, $75 million.

Medical and prosthetic research, $3 million.

General operating expenses, $2 million.

Debt collection employment

OMB feels that VA will not be able to go to a full collection effort until 1983 pending improved automation in ODM & T in 1982.

	Requested increment	Allowance	Reduction
DVB	600	68	−532
General counsel	60	27	−33
Controller	8	3	−5
Total	668	98	−570

Readjustment benefits

Proposed legislation for a new post Vietnam noncontributory GI Bill was eliminated: '82 −$171 million.

Caseload estimates reduced in '81 and '82. '81 supplemental and '82 request reduced: '81 −44,000 trainees and $90 million; '82 −55,400 trainees and $87 million.

Eliminated flight and correspondence training: '82 −$32 million.

Compensation

Proposed cost-of-living increase is still undecided: '82 ±$846 million.

Medical care

Reduction in base for reduced usage, absorbing within grades and stipends, reductions in over-the-counter drugs, savings for calm: '82 −$109.0 million.

Planned medical facility activations reduced to a level of $24.5 million: '82 −$173.3 million.

Funding for replacement and additional equipment held to amended '81 level. Restoration of '81 reduction denied: '82 −$155.4 million.

Congressional increase of 1,000 FTEE not recognized in either '81 or '82: '81 $21 million; '82 $21 million.

Beneficiary travel supplemental and '82 impact denied in full and proposed curtailment legislation requested: '81 $40.3 million; '82—$40.3 million.

CAT scanners were funded for the first time: '82 +9 units and $5.9 million.

Consultant and attending rate increases denied in full: '81 −$28.6 million; '82 −$28.6 million.

Unit dose and automated pharmacy funded at a reduced level of $5.9 million: '82 −$6.8 million.

Proposed legislation for former prisoners of war rated at 50 percent service-connected was denied: '82 −$10.4 million and 340 FTEE.

Fee basis supplemental requirements for workloads generated by PL 96–22 covering 100 percent service-connected veterans and prisoners of war denied: '81 −$35.7 million; '82 −$35.7 million.

Contract hospital census level increment of 99 denied: '82—$7.0 million.

Increased specialized medical services rehabilitation activities held to one-half of the request: '82—$3.9 million and 139 FTEE.

GRECC program improvements authorized by PL 96–330 delayed until '82 by denial of '81 supplementals as follows: medical care—$3.0 million; research—1.7 million; mamoe—.3 million.

Medical and prosthetic research

Despite OMB reductions in VA request, allowance provides for an $11 million (8%) increase from '81 to '82: '81—$2 million; '82—$8 million.

Medical administration and miscellaneous operating expenses

HCIS still supported, but at reduced (⅓rd) level: '82—$6 million.

Medical scholarship program authorized by PL 96–330 eliminated: '81—$2 million; '82—$14 million.

Construction

Deferred funding for construction, Minneapolis; and design, Albuquerque and Biloxi to 1983; '82—$265 million.

Reduced project sizes an average of 5% to counteract inflation: '82—$45 million.

Proposed '81 congressional reductions may not increase '82 total amount (i.e. if New Orleans; Temple, Texas; and Tucson are eliminated in '81, they can only be added to '82 by replacing '82 projects): '81—$143 million.

Senate reduction in '81 construction, minor applied to '82 request: '81—$3 million and 50 FTEE; '82—$3 million and 50 FTEE.

VETERANS BENEFITS

		1982		
	1981	Request	Allowance	Reduction
Budget authority (thousands)	$416, 469	$458, 103	$419, 367	−$38, 736
Average employment	15, 771	17, 307	15, 478	−1, 829
Most of remaining target savings elimiated				−419
Allowed ½ of request for vocational rehab function				−60
Closed San Diego Regional Office				−80
Approved legislation to extend RB delimiting date, but lowered caseload estimate				−37
Overall arbitrary reduction				−59

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MEMORIAL AFFAIRS

		1982		
	1981	Request	Allowance	Reduction
Budget authority (thousands)	$30, 557	$36, 971	$32, 710	−$4, 261
Average employment	1, 099	1, 270	1, 116	−154
Reduction in cemetery maintenance below current level				−73
Reduction for lower interment estimate				−38
Overall arbitrary reduction				−43

DATA MANAGEMENT

		1982		
	1981	Request	Allowance	Reduction
Budget authority thousands	$57, 786	$92, 360	$66, 685	−$25, 675
Average employment	1, 806	2, 143	1, 913	−230
Allowed ½ of pharmacy request (twenty stations)				67
HCIS allowed, but plan reduced				5
Paid redesign approved at lower level				7
Austin equipment upgrade deferred to 1983				3
Target equipment for 4th processor denied				15
Some Agent Orange Support—but reduced level				9
All other enhancements denied or deferred				53
Overall arbitrary reduction				71

BUDGET AUTHORITY—FISCAL YEAR 1981

[In thousands of dollars]

	Request	Mark	Reduction
Uncontrollable:			
Compensation	$8,583,500	$8,583,500	
Pensions	3,860,500	3,860,500	
Other C. & P. benefits	198,600	198,600	
Readjustment benefits	2,130,108	2,039,808	−$90,300
All other uncontrollable	686,172	686,172	
Net uncontrollable	15,458,880	15,368,580	−90,300
Controllable:			
Medical care	6,135,090	6,053,237	−81,853
Medical and prosthetic research	132,462	129,981	−2,481
MAMOE	60,116	52,953	−7,163
General operating expenses	619,455	588,248	−31,207
Construction	659,808	515,983	−143,825
All other controllable	30,318	28,200	−2,118
Net controllable	7,637,249	7,368,602	−268,647
Total VA	23,096,129	22,737,182	−358,947

Note: Includes proposed legislation and supplementals excluding civilian pay raise.

BUDGET AUTHORITY—FISCAL YEAR 1982

[In thousands of dollars]

	Request	Mark	Reduction
Uncontrollable:			
Compensation	$9,530,864	$9,504,100	−$26,764
Pensions	4,139,900	4,106,000	−33,900
Other C. & P. benefits	204,000	204,000	
Readjustment benefits	1,995,177	1,688,790	−306,387
All other uncontrollable	708,216	708,216	
Net uncontrollable	16,578,157	16,211,106	−367,051
Controllable:			
Medical care	6,978,248	6,333,316	−644,932
Medical and prosthetic research	151,719	143,538	−8,181
Mamoe	86,251	59,716	−26,535
General operating expenses	685,032	608,317	−76,715
Construction	920,499	606,843	−313,656
All other controllable	45,942	30,940	−15,002
Net controllable	8,867,691	7,782,670	−1,085,021
Total VA	25,445,848	23,993,776	−1,452,072

Note: Includes proposed legislation and supplementals excluding civilian pay raise.

FULL TIME EQUIVALENT EMPLOYMENT (AVERAGE) TOTAL CEILING

	Fiscal year 1981			Fiscal year 1982		
	Request	Mark	Reduction	Request	Mark	Reduction
Staff Offices	2,385	2,259	−126	2,650	2,399	−251
O.D.M. & T	1,907	1,806	−101	2,143	1,913	−230
DVB	16,970	15,771	−1,199	17,680	15,507	−2,173
DMA	1,160	1,099	−61	1,270	1,116	−154
Total GOE	22,422	20,935	−1,487	23,743	20,935	−2,808
Medical care	183,394	183,200	−194	186,189	183,200	−2,989
Medical and prosthetic research	4,463	4,423	−40	4,727	4,423	−304
MAMOE	856	834	−22	972	851	−121
Canteen	3,574	3,414	−160	3,574	3,414	−160
Total D.M. & S	192,287	191,871	−416	195,462	191,888	−3,574
Supply	693	672	−21	700	672	−28
Construction	862	812	−50	965	915	−50
Total VA	216,264	214,290	−1,974	220,870	214,410	−6,460

	Fiscal year 1981			Fiscal year 1982		
	Request	Mark	Reduction	Request	Mark	Reduction
Staff Office:						
Administrator	51	48	−3	51	48	−3
Information service	46	44	−2	47	43	−4
General counsel	581	551	−30	644	571	−73
BVA	333	315	−18	351	329	−22
Personnel	208	197	−11	243	203	−40
P. & P. E.	70	66	−4	73	67	−6
Inspector General	356	337	−19	391	347	−44
Administrative services	174	165	−9	174	168	−6
Controller	504	477	−27	600	561	−39
Human goals	28	27	−1	34	28	−6
Manpower	10	9	−1	10	10	
Management services	24	23	−1	32	24	−8
Total staff	2,385	2,259,	−126	2,650	2,399	−251

Note: Includes proposed legislation and supplementals.

Mr. Speaker, I shall be leaving the Congress at the close of this session. As chairman of the Committee on Veterans' Affairs, I have had continuing conflicts with the Office of Management and Budget on the funding and personnel levels necessary to properly fund benefit programs and provide medical and other services for our Nation's veterans. With the help of my colleagues in the House and Senate, we have been reasonably successful.

But I must tell you that the past 2 years have been very tough years. I cannot explain the actions of OMB refusing VA's supplemental request for fiscal year 1981 for expansion of programs and increased health-care personnel approved by Congress. One can only conclude that someone is playing games with the incoming administration. If I were involved in the transition involving the Veteran's Administration, I would have some very serious problems with the OMB budget "mark" of November 19.

Mr. Speaker, my purpose in taking the floor today is to alert my colleagues to the unreal reductions being imposed on the Veterans' Administration. I happen to believe that the "new team" should be involved in making the decisions on any budget reductions in fiscal years 1981 and 1982. When the "mark" was laid on the Agency, to my knowledge members of the transition team were not involved in the matter. In my view, they should have been.

Finally, you should know that Max Cleland, the Administrator of Veterans' Affairs, has appealed the reductions I have outlined above. He is a forceful veterans' advocate and he may be successful in getting some of the reductions restored. He has my strongest support in his efforts to do so. Should he fail, I can predict with some certainty that Members of this body will be hearing from many of their veterans shortly after the first of the year.●

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, 1980 ALBERT LASKER MEDICAL RESEARCH AWARDS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PEPPER. Mr. Speaker, I was pleased to have been present on November 21, 1980, at a luncheon in New York City marking the 35th presentation of the Albert Lasker Medical Research Awards.

The principal speaker at the luncheon was our colleague, the distinguished majority whip of the House, the Honorable JOHN BRADEMAS.

The purpose of the Lasker Awards is to recognize and honor individuals, or groups, who have made significant contributions in basic and clinical research in the diseases which are the main causes of death and disability.

The awards are presented by the Albert and Mary Lasker Foundation. The chairman of the awards jury is Dr. Michael E. De Bakey, chancellor of the Baylor College of Medicine.

In addition to Dr. De Bakey, remarks were delivered at the luncheon by K. Sune Bergstrom, chairman of the board of the Nobel Foundation.

The awards were presented by Mrs. Albert D. Lasker, president of the Albert and Mary Lasker Foundation, and Mrs. Alice Fordyce, executive vice president of the foundation.

The award winners were: A. Dale Kaiser, Ph. D.; Paul Berg, Ph. D.; Herbert W. Boyer, Ph. D.; Stanley N. Cohen, M.D.; Sir Cyril A. Clarke, K.B.E., M.D., F.R.C.P., F.R.S.; Ronald Finn, M.D., F.R.C.P.; Vincent J. Freda, M.D., F.A.C.P.G.; John G. Gorman, M.D.; and William Pollack, Ph. D.

A public health award was made to the National Heart, Lung and Blood Institute, a unit of the National Institutes of Health.

At this point in the RECORD, Mr. Speaker, I am pleased to insert the text of Mr. BRADEMAS' fine address which was warmly received by an appreciative audience.

REMARKS OF CONGRESSMAN JOHN BRADEMAS

There are several reasons I am pleased to be with you as we mark the 35th presentation of the Albert Lasker Medical Research Awards.

The most important, frankly, is Mary Lasker. I first met Mary Lasker 25 years ago when I joined the Presidential campaign staff of Adlai Stevenson and I have observed since that time, mostly as a Member of Congress, with what remarkable devotion—and effectiveness—she has worked in the cause that brings us together, research to reduce the incidence of disease and the rate of human mortality.

Were it not for the strenuous efforts of Mary Lasker in Washington, there is no doubt whatsoever that we would not have the commitment of one Congress after another to the support of medical research in this country.

My friend and colleague, Claude Pepper, who himself received a Lasker Award and who works so closely—and constructively—with Mary will agree with me that Mary Lasker epitomizes what John D. Rockefeller, Jr. once said in defining responsibility: "Our responsibility: every opportunity, an obligation; every possession, a duty."

Mary Lasker has made her obligation and her duty the health and well-being of all Americans.

I count it a privilege as well to share this platform with two eminent physicians who have earlier received the Albert Lasker Awards—Dr. Sune Bergstrom, who has distinguished himself in basic biomedical research and who heads that extraordinary institution that recognizes extraordinary human achievement; and Dr. Michael DeBakey, who, it is not too much to assert, has created a new era in cardiovascular surgery.

Although I have not, as a legislator, pretended to be an authority on health matters, my wife is a physician, and I have therefore been learning much more about medicine—at least from the viewpoint of a medical student, intern and now resident—than I had ever thought I would need to know!

My own energies over 22 years in Congress have been devoted principally to legislation to improve the lives of those whom we may call "vulnerable" in our society—the elderly, the disabled and the very young—as well as to laws to strengthen the institutions of culture and learning in our country—schools, colleges and universities, libraries and museums—the arts and humanities generally.

Yet I must tell you that I share with you all a commitment to the crucial importance of research. For I recall what President Lyndon Johnson used to say: "My problem is not doing what is right but knowing what is right."

So a good deal of my own work as a legislator has been directed to forging links between the worlds of knowing and doing. I am proud to be the legislative father of the National Institute of Education, which supports research, basic and applied, in how we teach and learn, and the National Institute of Handicapped Research, which encourages systematic inquiry into every aspect of the problems that confront disabled people.

I feel wholly at home therefore with those who, through the Albert Lasker Awards, are being honored for their contributions to research albeit in the field of medicine.

Let me then offer some brief comments from the perspective of a Member of Congress about legislation, research and human health.

As we look to the 1980s, we can all agree that research and public health measures have contributed to a remarkable degree to improving the health of the American people.

Eighty years ago, the leading causes of death in this country were influenza, pneumonia, diphtheria, tuberculosis and gastrointestinal infections. Today, as a result of preventive strategies including sanitation, vaccines and mass immunization, infectious diseases are no longer common causes of death.

The major killers of mid-century are the chronic diseases—heart disease, cancer and stroke. Yet these, too, are slowly giving way to preventive and treatment measures many of which have been developed as a result of research supported and recognized by the Lasker Foundation.

The infant mortality rate, thanks to better nutrition, housing and health care, is now only about one-eighth of what it was during the first two decades of the century.

The success of these efforts, and of the research which helped make them possible, gives us cause for hope. But we all know that much more needs to be done.

Eleven other industrial nations have a lower rate of infant mortality than we. We rank thirteenth among nations in preventing deaths from cancer while twenty-six other countries have a lower death rate from circulatory disease.

So if, in large part because of our investment in medical research, we have come a long way, we must now face still other challenges, and I should like here only to recite some of the issues that simply must be on our agenda for action.

Here are problems in health care for which we must develop responses:

1. The growing burden of the chronic diseases that afflict our increasingly older population.

2. The continuing inequality of distribution of health services and professionals.

3. The obvious influence upon health of individual behavioral choices such as smoking, obesity and lack of exercise.

4. The prudent development of powerful medical technologies, such as DNA.

5. The threat that the costs of health care will rise beyond the ability of families of even modest means to have access to it.

Our responses to these challenges can approximately be categorized into three main strategic areas; prevention, detection and treatment.

Let me say a few words about some of what we must do in each of these three areas.

In prevention, we all know that we cannot mandate healthy people. What we can do, however, is find ways to discourage people, particularly youngsters, from embarking on a lifetime habit of smoking, drug use and alcohol.

We can—we must—give much more attention to educating people on how to care for themselves, including making health maintenance and early disease detection an activity based in the home.

We must also do far more than we have been doing to insure the highest quality of maternal and infant care for all our citizens.

I think, for example, of the importance of our showing the savings that can be achieved through preventive health care programs aimed at the poor and malnourished.

Harvard's School of Public Health tells us that the Federal supplemental feeding program for women, infants and children (WIC) means that every dollar spent on prenatal care saves three dollars in future health costs.

Right now Congress still has under consideration the Child Health Assistance Program (CHAP).

There are some 15 million children who need the health screening and treatment services that CHAP offers, and studies show that CHAP could save nearly $1 billion annually in Federal and state health care costs.

And finally, as we speak of prevention, we cannot abandon our commitment to assure that the environment, both inside and outside the workplace, is conducive to good health. No elected politician can be unaware of the controversy over government regulation but I must remind you that the principal objective of the Clean Air Act is the prevention of cancer, lung and coronary disease and not to harass the American auto industry.

We must, nonetheless, in my view, do a better job of demonstrating how environmental reforms bring greater productivity and reduced costs through improved health and lower mortality. We need to show how sound health care policy means sound economic policy, the healthy people are productive people.

A few words about disease detection.

We have yet to assure that every American has regular and appropriate access to health services of quality—a goal the achievement of which continues to elude us.

We must learn more from basic and clinical research about the earliest signs and stages of the chronic and debilitating diseases.

And we must address the question of access to health services. Although it may not now be fashionable to say this, we must focus on the health of poor people, for we cannot hope to cut down on disease and death in the United States without attending to the fact that 26 million people in this country now lack such health services.

Some diseases more prevalent among this unserved population, like hypertension, can be easily controlled through early detection made possible by more accessible health care services.

I need not tell the people in this room that our future capacity to improve health through more effective detection of disease will depend crucially on the effectiveness of biomedical research in identifying the early symptoms of chronic and debilitating diseases.

I have said that the challenges to action for better health care in the United States can be categorized into prevention, detection and treatment.

When it comes to treatment, we obviously must assign the highest priority to research.

We must continue to support and encourage basic and clinical research into all areas of medicine and the life sciences so that what is now good can be made better.

And, to touch again for a moment on what is a fundamentally political and economic as well as scientific problem, we must not flag in our efforts to assure that the lack of financial resources will not continue to be a barrier to adequate health care for any American.

Well, how do we plan our strategies for prevention, detection and treatment?

What have we learned in the last generation?

We certainly have learned that there is no single answer, no set formula.

We have learned that there must be roles in all three of these areas for individuals, for the private sector and for government at every level—local, State and Federal.

We have learned that a single Federal program may be well-suited to the war on cancer, or on heart disease or diabetes but that local, community programs often work best in educating people in the prevention of disease.

We have learned that state governments can do a good job in planning and allocating health care resources.

And we have learned that private industry, insurance and philanthropy can assume greater responsibilities for devising ways to help pay for the health care of Americans.

So we have come a long way in the United States in improving the health of people.

And there can be no question that an indispensable link in this effort has been the one between legislators and researchers. Let me flatly assert that the more Congress knows about the problems of health care, the more Congress understands the intimate and crucial nexus between medical research and reducing the incidence of disease and the rate of mortality, the more Congress will support such research. So we legislators and you scientific researchers have great responsibilities to millions of human beings.

As the late Whitney Young of the Urban League once observed, "We may all have come over on different ships, but we're all in the same boat now."

Let me conclude by recalling that the relationship of prevention, detection and treatment of disease to improved health is not new. As some of you may know, my late father was born in Greece and I shall therefore remind you that in ancient Greece the healing arts were associated not only with the god Aesculapius but with his two daughters, Panacea, who medicated the sick, and Hygeia, who lived so prudently as to preserve health.

On this occasion, however, as we recognize gifted researchers, we celebrate the life of the mind, and I would therefore invoke the name of Athena, the goddess of wisdom . . . and, if I may, of yet one other goddess, Mary Lasker.●

A TRIBUTE TO HON. CHARLES A. VANIK

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, the departure of our good friend, Charles Vanik, from this Chamber is an occasion of great sadness for me. He and I have been friends and worked together for the entire 26 years of his tenure here.

During those years I have come to admire his legislative ability, his skill as a negotiator, and the good humor with which he has served the interest of the country and the public of Ohio so effectively. As he leaves the Congress Charles Vanik carries with him the esteem and regard of all those who have known him. I hope he will come back to see us often.●

A TRIBUTE TO HON. ROBERT N. GIAIMO

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, the departure of our friend and colleague, Robert N. Giaimo, will leave this House a different place indeed.

Bob Giaimo is a born leader, and one who very early in his career began to exert great influence upon his colleagues by the sheer power of his reasoning, his eloquence, and his dogged determination.

Certainly, he has one of the brightest, quickest minds in the House during my years here, and certainly among the ablest debaters.

For several years, it was my pleasure to serve him when he was a member of the Committee on Education and Labor—before he went on the Appropriations Committee and later, to the Committee on the Budget.

During his 22 years with us, he and I have had our disagreements and our differences. But these were never personal differences, and I do not think there was ever any difference in the goals we sought for our districts and our country.

And over the years, we have voted together far oftener than we have opposed each other.

I am told that Bob Giaimo has served in this Chamber longer than any other Member from the State of Connecticut. That is a great tribute to him—and it also speaks to the judgment of a great State.

We shall all miss his diligent and dedicated work when he leaves us at the end of this Congress, having decided to retire voluntarily.

As he begins a new career as private citizen after 22 years in the House, I wish Bob Giaimo all of the best, and will look forward to greeting him when he returns to visit us.●

A TRIBUTE TO HON. RICHARDSON PREYER AND HON. LAMAR GUDGER

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, we pay tribute today to two departing members of the North Carolina delegation—Richardson Preyer and Lamar Gudger.

Judge Preyer has been among us for six terms, and Lamar Gudger for two. Both are excellent men, and both have reflected high credit upon the people of the great State of North Carolina.

Both have exemplified the highest caliber of integrity and courage as, in their separate roles, they have tackled the issues and the problems that have confronted us in these years past.

In his service on the Committee on Government Operations, Judge Preyer has brought a vast experience to bear upon the problems that confront a federal system in change. His knowledge of the judicial system, at the municipal level, at the State superior court level, and on the Federal bench has brought to his committee a demension that we frequently lack. And we shall miss his work there.

But he also undertook one of the most tedious, most important, but most thankless jobs in the House—service on the Committee on Standards of Official Conduct. He has been a model of rectitude in the conduct of his office, and he has discharged his responsibilities with the utmost courage and fairness.

Lamar Gudger's service on the Interior Committee and on the Judiciary Committee has been similarly distinguished, and I regret very much that it has been of only 4 years' duration.

I join my colleagues in saluting both of these fine Congressmen, and in wishing them well as they return to private life. We shall miss them, and hope they return to Washington often.●

A TRIBUTE TO HON. SAMUEL L. DEVINE

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, today we salute our departing colleague, Samuel L. Devine of Ohio.

I have had the privilege of serving with Sam during all of his 22 years in this House. Although we have been on opposing sides of many issues over the years, I never knew Sam Devine to be other than gentlemanly and fair.

He personifies the rule of all great legislators: That is, he knows how to disagree without being disagreeable.

That is the reason that Sam has so many friends on this side of the aisle, and why so many will miss him in the 97th Congress.

As a Member of this House, he has reflected credit upon the people of his Columbus district, and he has served their interest ably and with great dedication.

I would like to pay special tribute to him for his work on the Committee on House Administration on which I once had the privilege of serving with him. That is a time-consuming, often difficult job, and it is not calculated to make brownie points with the folks back home. But as senior minority member of that committee, Sam acted always with the fairness and reasonableness that has always characterized him. And the House is greatly in his debt.

I salute him as he concludes his service here, and wish him happiness, good health, and long life as he departs from our midst.●

A TRIBUTE TO HON. PETER H. KOSTMAYER AND HON. RAPHAEL MUSTO

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, I rise today to pay my respects to two of Pennsylvania's distinguished representatives who will conclude their services with adjournment of the 96th Congress.

Peter H. Kostmayer came to us just 4 short years ago, in 1977, after election by the people of Bucks and Montgomery Counties. A bright young Member, he lost no time in making his presence felt on the Government Operations and Interior Committees, and on the floor of the House itself.

I regret very much that in the political tides that have been running in the land this year, Pete Kostmayer was not returned. But he may leave this House with the sure knowledge that he has done his duty, he has served his people well, and has reflected credit upon the good people of the Commonwealth of Pennsylvania.

Likewise, Raphael Musto of the Pennsylvania 11th District has been with us but a short while, but he too has made his mark in the House.

I have had the privilege of working with him as a member of the Committee on Education and Labor, where he has done good and substantial work. I regret that we have not gotten to know him better. But if I know Pennsylvania, one day he will be back.

Today, Mr. Speaker, I join my colleagues in saluting these two outstanding young legislators for their work here, and in wishing them happiness, health, and success in the years ahead.●

A TRIBUTE TO HON. WILLIAM H. HARSHA

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, for 20 years I have had the pleasure of serving in this body with a neighbor who has become a good friend.

Bill Harsha and I represent adjoining districts—he on the north side of the Ohio River and I on the south side. Because the economic and social interests of our people are so similar, Bill and I have had occasion to work together on many problems. And in so doing we have settled a good many of them.

Among the matters of common interests we had was the building of bridges across that great American river that serves the heartland of the country.

While a great river can be an artery of commerce, it also can be a barrier between peoples. Our citizens need to be able to move across the river, as well as up and down it.

Bill Harsha recognizes this basic truth, and during his years of service here, he has worked to remove those barriers. Sometimes there were difficult problems of interstate relations involved. Always there were problems of State and local governments involved. But we have surmounted them, and Bill Harsha's good judgment, his reasonableness, and his determination have made a great contribution to the harmony that exists today.

I know my colleagues on this side of the aisle will understand when I say that I did my best to persuade Bill not to retire this year. His understanding of the Congress and his devotion to the people of his district and our region ought not to be lost at this critical time.

But he did decide that 20 years in the House are enough, and no one can deny that he has earned relief from the burdens of long and honorable service.

I would not presume to give advice to the President-elect in shaping the top levels of his new administration. But I will say that if I were Ronald Reagan, I would very soon be calling on Bill Harsha, of Ohio to take an important post.

Bill may not need the job, but the country certainly needs men like him.

Today I join all his friends in the House—and there must be at least 434 of them—in wishing him the best of everything as he leaves us.●

CONSULTATIONS ON REFUGEE ADMISSIONS, FISCAL YEAR 1981

(Ms. HOLTZMAN asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

● Ms. HOLTZMAN. Mr. Speaker, as required by provisions of the Refugee Act of 1980 (Public Law 96-212), two consultative meetings were held to consider the President's refugee admission and assistance program for fiscal year 1981.

At the first meeting, held on September 17, 1980, Chairman Rodino, Congressman Fish, and I heard testimony in support of the President's program from Attorney General Benjamin Civiletti and the U.S. Coordinator for Refugee Affairs, Victor Palmieri.

At the second meeting, held on September 24, 1980, before the full Judiciary Committee, the witnesses testifying in support of the President's proposal were the U.S. Coordinator of Refugee Affairs, Victor Palmieri, the Acting Commissioner of the Immigration and Naturalization Service, David Crosland, and the Director of the Office of Refugee Resettlement of HHS, Roger Winter.

The hearing before the full committee will be published as a separate document.

I wish to place into the Record at this point a summary of the President's refugee admission and resettlement proposal for fiscal year 1981 which was submitted to and considered by the members of the Committee on the Judiciary at these two meetings:

Summary

This is a summary of extensive background materials submitted in "Report to the Congress: Proposed Refugee Admissions and Allocations for Fiscal Year 1981" prepared in compliance with the Refugee Act of 1980. The Act requires that the Committees on the Judiciary of the House and the Senate be provided with information on six areas of concern, a summary of which follows.

(1) Nature of the Refugee Situation:

The world-wide refugee problem is serious, wide-spread, long-term and growing. Although several refugee-generating situations which were resolved during the year resulted in voluntary refugee repatriation to countries including Zimbabwe and Nicaragua, developments in Southeast Asia, the Horn of Africa, Afghanistan and the Caribbean continue to generate large numbers of refugees.

In Asia, the number of Indochinese refugees in first-asylum countries hovers around 235,000. Refugees departing for third country resettlement are almost as rapidly replaced by new refugee arrivals who add to the economic, political and social strains on ASEAN countries. In the Soviet Union, the changed character of relations between the United States and the Soviet Union has made departures for Soviet Jews particularly difficult this year. Reports of increased harassment emphasize the need for freedom of movement. In the Near East, over 1,000,000 Afghan refugees, some with special ties to the United States, have fled their country. A growing number of Afghans and other refugees from the region are seeking resettlement outside the region. In Africa, Somalia is providing a haven for over 1.3 million refugees from Ethiopia while additional refugees from Ethiopia and other parts of Africa search for resettlement opportunities outside the region. In Latin America, the movement of people from the Caribbean has provided critical new dimensions to the world-wide refugee problem.

(2) Proposed Number and Allocations of Refugee Admissions:

Within the framework of the Refugee Act of 1980 and in response to humanitarian needs and foreign policy concerns, the Administration proposes the admission of 217,000 refugees to the United States during Fiscal Year 1981 and the adjustment of status of up to 5,000 persons previously granted asylum in the United States, pursuant to Title II Section 209(b) of the Refugee Act of 1980.[1]

The proposed 217,000 includes 168,000 from Indochina, 33,000 from the Soviet Union, 4,500 from Eastern Europe, 4,500 from the Near East, 4,000 from Latin America and 3,000 from Africa.

INDOCHINESE REFUGEES

The proposal calls for a continuation of the 14,000 monthly level of Indochinese to be admitted to the United States in Fiscal Year 1981. The Indochinese refugee situation continues to persent problems of serious dimensions. Not counting the Khmer in holding centers, there are approximately 235,000 boat and overland refugees in first asylum countries awaiting resettlement. A continuum of the current U.S. level of commitment provides leverage in encouraging third countries to continue their share of the resettlement burden.[2] The situation in the region is unstable. There is no assurance that the Vietnamese moratorium on organized boat departures will hold.

U.S.S.R. AND EASTERN EUROPE

The proposal calls for the admission of 33,000 refugees from the Soviet Union. While the vast majority of Soviet refugees are Jewish, there are Armenians and members of other Christian groups admitted under the Soviet program. A clear distinction is made between the members projected for admissions and the strong U.S. commitment to the principles of freedom of emigration.[3]

Romanian refugees are the largest group admitted to the United States under the Eastern European program. As a result of the Most Favored Nations treatment grants to Romania under the Jackson-Vanik amendment, increasing levels of Romanians have been permitted to emigrate. Other Eastern Europeans who have been traditionally admitted and continue to be considered for admission under this program are refugees in Warsaw Pact countries.

NEAR EAST

The proposal calls for the admission of 4,500 refugees from this region during Fiscal Year 1981. A single numerical level has been set for all refugees from the Near East. Numbers will be allocated to various groups depending on the emergence of special conditions or needs of refugees of special humanitarian concern for our country. Afghans, Iraqi, Assyrians and Iraqi Kurds, many claiming persecution and with relatives in the United States, have applied for admission as refugees.

The continuing chaotic conditions in Iran are stimulating an increasing number of Iranians who have fled their country and have arrived in Europe to seek permanent resettlement elsewhere, including the United States. Although a clear general pattern of persecution facing Iranians of various political and religious persuasions has not emerged definitively, there are many instances of persecution and proven danger to individuals. While at the present time we do not have a program for admitting persons from Iran as refugees, we remain ready to consider at a later date the admission on a case-by-case basis of those Iranians who can demonstrate compelling humanitarian reasons to come to the United States in family reunification cases and who can demonstrate that they fulfill all of the requirements of the Refugee Act. These admissions would be part of the 4,500 admissions allocation level for refugees from the Near East.

LATIN AMERICA

The proposal calls for the admission of 4,000 refugees from Latin America during Fiscal Year 1981.

These numbers will be used for 2,500 Cuban refugees. Approximately one-half will come from Madrid as we terminate that program. Cubans who have already been processed and were ready to travel to the United States prior to the recent mass exodus from Mariel will be considered for admission.

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[1] See Table I.

[2] See Table II.

[3] See Table III.

In addition to Cuban refugees, the proposal calls for the admission of 1,500 refugees from other Latin American countries including the Caribbean region.

First priority will be given to political prisoners and their families including former political prisoners. Second priority will be given to those under UNHCR protection. Third priority will be given to family reunification cases.

AFRICA

The proposal calls for the admission of 3,000 African refugees in Fiscal Year 1981. It is our best estimate of the number who qualify for refugee status and may wish to apply.

Although the largest number of Africans seeking admission to the United States is expected to continue to be Ethiopians, Africans from other regions of the continent who have suffered persecution are also seeking resettlement.

(3) Proposed Plans and Cost of Their Movement and Resettlement:[4]

Most refugees will be processed at Immigration and Naturalization Service (INS) posts which have traditionally prepared refugees for movement to the United States. Additional refugees will be processed by other designated U.S. Government officials. Regardless of where refugees are processed, INS retains the ultimate statutory authority to determine refugee admissibility under the Refugee Act of 1980.

The new grant agreements with resettlement agencies define the basic minimum services which these agencies are expected to make available to refugees. This includes pre-arrival services, reception, counseling and referral, consultation with public agencies and assistance to unaccompanied minors. When sponsorship assurance is received, the Intergovernmental Commission for European Migration (ICEM) provides support in outprocessing and transportation. Health screening is provided abroad and a visual inspection and medical records review takes place at U.S. ports of entry by Center for Disease Control (CDC) quarantine officers. Refugees arriving at resettlement locations are met by representatives of voluntary agencies responsible for reception placement and initial resettlement assistance. The voluntary agencies will continue to play an important role in the resettlement process, which starts overseas while the refugee is awaiting permission to enter the United States and includes ongoing follow-up services to assure the refugee's successful adaptation, integration and progress.

The lead Federal agency in domestic resettlement is the Department of Health and Human Services (HHS) which administers the bulk of Federal assistance to refugees in the United States, in consultation with the U.S. Coordinator for Refugee Affairs. Refugee related programs of Department of Agriculture, Department of Education and Department of Labor are described in the report.

(4) Anticipated Social, Economic, and Demographic Impact of Their Admission to the United States:

The admission rate of 217,000 refugees will increase the population of the United States by less than one-tenth of one percent (0.1%). Because the United States gives high priority for admission to family reunification cases, it is expected that areas of current resettlement will continue to grow. The economic impact of refugees, while on occasion producing temporary local difficulties, is expected to be positive overall. However, the process of adjusting to a new country is not always as rapid as might be desired by either a host country or the refugees themselves. Refugees admitted to the United States in Fiscal Year 1981 should have no significantly different impact on this country than has been witnessed in the past.[5]

(5) Resettlement Efforts of Other Countries:

During the first ten months of the fiscal year, of the 235,682 Indochinese resettled, 141,166 were admitted to the United States and 94,516 were resettled in third countries. Only informed speculation can be made now as to future third country resettlement programs. Of almost 800,000 Indochinese who have been resettled to date, nearly 390,000 have been resettled in the United States. Australia has indicated that it will resettle 1,100-1,200 monthly. The traditional initial response from third countries to UNHCR and U.S. demarches over the years has been noncommittal. Canada, second only to the United States in acceptance of Indochinese refugees, is expected to continue as a major country of resettlement. France will probably continue its resettlement program at an average of 1,100 a month.[6]

The resettlement pattern of Soviet Jews leaving the USSR is roughly comparable to that of the past several years. Approximately one-third go to Israel and some 10 percent of the remaining two-thirds go to countries other than the United States.

Spain and Italy have resettled large numbers of refugees from Latin America and France and Germany and have resettled large numbers of Ethiopian refugees.

(6) Foreign Policy Implications:

The U.S. refugee resettlement program has strengthened our leadership role in the international community and is of critical importance in furthering our humanitarian as well as political objectives. To the ASEAN countries, it is one of the most vital elements in the U.S. commitment to that region's stability and progress.

TABLE I.—PROPOSED REFUGEE ADMISSIONS, FISCAL YEAR 1981

Area of origin	Proposed admissions
Indochina	168,000
Soviet Union	33,000
Eastern Europe	4,500
Near East	4,500
Latin America	4,000
Africa	3,000
Total	271,000
Asylum status adjustments	5,000

TABLE II.—UNITED STATES AND THIRD COUNTRY RESETTLEMENTS OF INDOCHINESE REFUGEES FROM OCTOBER 1979 THROUGH JULY 1980

	United States	3d countries	Total
October 1979	12,873	12,807	25,680
November	14,373	11,604	25,977
December	14,013	9,573	23,586
January 1980	14,512	12,648	27,160
February	14,437	11,209	25,646
March	14,057	6,158	20,215
April	13,902	7,801	21,703
May	14,385	8,633	23,018
June	13,559	7,622	21,181
July	15,055	6,461	21,516
Total	141,166	94,516	235,682

TABLE III.—REFUGEE FLOWS FROM THE SOVIET UNION, FISCAL YEAR 1980

	Soviet Jews[1]	Non-Jews[2] (principally Armenians)	Monthly total
October	4,867	169	5,036
November	3,616	464	4,080
December	3,300	512	3,812
January	3,272	423	3,695
February	2,868	441	3,309
March	2,563	497	3,060
April	2,012	470	2,482
May	2,131	719	2,850
June	1,489	1,229	2,718
July	680	200	880
August (projected)	1,000	150	1,150
September (projected)	1,000	250	1,250
Total	28,798	5,524	
Grand total			34,322

[1] Source: Department of State. Note: Figures for August and September are considered conservative estimates.

[2] Source: U.S. Mission Geneva. Note: Figure for August is incomplete, and September figure is an estimate.

TABLE IV (REVISED).—ANALYSIS OF THE COST IN FISCAL YEAR 1981 OF THE PROPOSED FISCAL YEAR 1981 REFUGEE ADMISSIONS[1]

[In millions of dollars]

Agency/program	Estimated cost
Department of State:	
Care and maintenance of refugees abroad[2]	169.00
Admissions processing	14.75
Transportation to the United States	132.4
Initial reception and placement grants	105.95
Administrative and operational expenses	5.0
Subtotal	427.10
Department of Health and Human Services:	
Office of Refugee Resettlement:	
Cash assistance	56.2
Supplemental security income	3.7
Medical assistance	29.5
Social services	70.0
State administrative costs	12.5
Aid to unaccompanied minors	2.0
Aid to non-Cuban, non-Indochinese refugees	27.0
Administrative budget for ORR	6.5
Public Health Service:	
Center for disease control	3.0
Health services administration	4.8
Subtotal	215.2
Department of Agriculture: Food stamps program	29.4
Department of Education: Refugee educational assistance[3]	17.8
Grand total	689.5

[1] The 1981 appropriations now pending before the Congress provide funding for the admission of 210,000 refugees to the United States. The administration will attempt to meet any additional costs associated with the revised projected admissions for fiscal year 1981 by reprograming. If necessary, the administration may have to seek supplemental appropriations.

[2] This figure may overstate the cost of care and maintenance for refugees resettled in the United States in fiscal year 1981, since it represents U.S. contributions to international and private organizations whose caseloads also include refugees not destined for the United States. However, in some areas such as Southeast Asia, the majority of the refugees resettled leave for the United States, yet 3d-country contributions account for 70 percent of the UNHCR budget.

[3] These funds are appropriated to the Department of Health and Human Services but are administered by the Department of Education.

TABLE V.—INDOCHINESE REFUGEES IN THE UNITED STATES

[Partially adjusted for secondary migration]

	July 31, 1980	Aug. 15, 1980
1. Alabama	1,995	2,008
2. Alaska	292	298
3. Arizona	2,799	2,843
4. Arkansas	2,774	2,806
5. California	123,971	126,348
6. Colorado	7,636	7,758
7. Connecticut	3,565	3,609
8. Delaware	220	220
9. District of Columbia	4,827	5,001
10. Florida	7,866	7,974
11. Georgia	3,926	4,046
12. Hawaii	5,706	5,767
13. Idaho	701	706
14. Illinois	14,105	14,299
15. Indiana	3,574	3,582
16. Iowa	6,285	6,335
17. Kansas	4,914	4,993
18. Kentucky	1,869	1,884
19. Louisiana	10,296	10,369
20. Maine	596	605
21. Maryland	3,744	3,787
22. Massachusetts	5,391	5,508
23. Michigan	6,870	7,003

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[4] See Table IV.

[5] See Table V for Geographic Distribution of Indochinese Refugees in the United States.

[6] See Table VI.

	July 31, 1980	Aug. 15, 1980
24. Minnesota	12, 419	12, 622
25. Mississippi	1, 169	1, 184
26. Missouri	3, 644	3, 673
27. Montana	1, 093	1, 042
28. Nebraska	2, 152	2, 170
29. Nevada	1, 969	2, 007
30. New Hampshire	271	271
31. New Jersey	3, 344	2, 444
32. New Mexico	2, 001	2, 090
33. New York	11, 332	11, 545
34. North Carolina	3, 470	3, 518
35. North Dakota	667	673
36. Ohio	5, 390	5, 467
37. Oklahoma	5, 839	5, 919
38. Oregon	11, 885	12, 101
39. Pennsylvania	15, 669	15, 970
40. Rhode Island	2, 329	2, 351
41. South Carolina	1, 315	1, 317
42. South Dakota	729	762
43. Tennessee	3, 867	3, 921
44. Texas	34, 944	35, 450
45. Utah	5, 052	5, 203
46. Vermont	182	186
47. Virginia	10, 159	10, 256
48. Washington	15, 816	16, 138
49. West Virginia	391	391
50. Wisconsin	5, 293	5, 386
51. Wyoming	273	273
52. Virgin Islands	11	11
53. Guam	385	386
54. Puerto Rico	28	28
Unknown	1, 475	1, 475
Total	388, 432	394, 979

Prepared by HHS.

TABLE VI.—INDOCHINESE REFUGEES, CUMULATIVE 3D COUNTRY RESETTLEMENT—LAND AND BOAT REFUGEES

[April 1975 to July 1980]

Resettlement country	Cumulative resettlement
Argentina	1, 281
Australia	39, 464
Austria	1, 136
Belgium	3, 282
Brazil	68
Canada	60, 625
China	265, 554
Denmark	1, 570
Finland	115
France	66, 245
Germany (Federal Republic of)	14, 297
Greece	95
Hong Kong	9, 368
Iceland	34
Ireland	212
Israel	366
Italy	2, 486
Japan	557
Luxembourg	70
Malaysia	2, 142
Netherlands	3, 022
New Zealand	2, 825
Norway	1, 931
Paraguay	31
Philippines	13
Spain	508
Sweden	1, 727
Switzerland	7, 192
United Kingdom	10, 721
Other	794
Total	497, 731
United States	388, 802
Grand total	[1] 886, 533

[1] Based on UNHCR reports through May 1980 and Department of State reports for June and July 1980.

Subsequent to the consultative process, the following letter was addressed to the President on September 29, 1980:

COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 29, 1980.

Hon. JIMMY CARTER,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Committee on the Judiciary has completed the consultative process on your proposal for refugee admissions for 1981 as required by the Refugee Act of 1980 (P.L. 96–212).

The consultation, conducted in two stages, included private discussions between us and the Attorney General, Benjamin R. Civiletti, and U.S. Coordinator, Victor H. Palmieri, on September 17, 1980, and public testimony by the U.S. Refugee Coordinator, accompanied by representatives of the Departments of State, Justice, and Health and Human Services, before the full Committee on September 24, 1980.

In both meetings, your proposal for refugee admissions for the coming fiscal year was discussed in detail. Additionally, various aspects of the Cuban/Haitian entrants situation were also addressed.

Although the consultation process has now been completed, there are certain aspects of the refugee proposal which we wish to comment on and we trust that you will consider our views in implementing your 1981 refugee program.

(1) The Committee took note that there has been a decreasing intake of Indochinese refugees by third countries in recent months while the United States has maintained its high level of acceptances. We are sympathetic to the objective expressed for reducing in-camp levels in Thailand by the end of the year. But, contrary to the opinions expressed by the witnesses, we have questions about whether the United States, by maintaining its commitment for the resettlement of 14,000 Indochinese refugees per month, actually encourages other countries to take their fair share.

We therefore strongly recommend that you urge appropriate officials in your administration to undertake a concerted internationalization effort. The Department of State should intensify its efforts to convince other countries to accept a greater number of Indochinese refugees in a world-wide cooperative effort to ease the refugee situation in Southeast Asia. These representations should be made bilaterally, as well as through international governmental and non-governmental agencies.

Should these representations fail to produce positive tangible results, you might wish to give consideration to the modification or reallocation of the present level of 14,000 admissions per month. We are ready to consult with you at any time on this subject once it can be determined what level of cooperation we can expect from the international community during FY 1981.

Several Committee members are also concerned that the 14,000 per month level has been considered as a target, instead of a ceiling, which may have resulted in the resettlement of persons in the lower categories of the established criteria for accepting these refugees. We therefore would urge you to adjust periodically the monthly refugee levels to insure—to the extent possible—the expeditious selection and processing of those in higher eligibility categories.

(2) During the consultation, witnesses for the Administration expressed a certain reluctance to approach the Government of Thailand to encourage the establishment of settlement projects in that country. The continued influx of refugees, as well as the instability of the situation on the Thai-Cambodian border were cited as reasons for not requesting the Thai government to proceed on local settlement. As you know, these projects were actively discussed by U.S. and Thai officials in 1978 and this subject was raised on several occasions during the December 1978 UNHCR consultation in Geneva.

We nonetheless feel that a considerable number of refugees are amenable to local settlement and that, under proper conditions, approaches should be made as soon as possible to the Government of Thailand to move forward on such a program.

(3) The Committee believes it would be useful to pursue the proposal made by Vice President Mondale at the July, 1979 U.N. Secretary General's Refugee Conference to establish a Durable Solutions Fund for resettling refugees in developing countries.

The UNHCR Working Group's study on the proposal confirmed our impression that the plan has considerable merit and appears to be worth developing.

We are aware of the present difficulty being experienced by the Department of State in obtaining funds which will allow a U.S. contribution to this fund. Unfortunately, it appears that if no contribution is forthcoming from the United States Government in the near future, the plan will be abandoned. We feel that some method should be found to make our initial contribution to this Fund in order to establish the feasibility of resettling significant numbers of refugees in developing countries.

(4) We are seriously concerned that sufficient funding may not be available during FY 1981 to process, transport, and resettle the 217,000 refugees covered by this proposal.

It is noted in the Administration's submission accompanying the proposal that:

"The 1981 appropriations now pending before the Congress provide funding for the admission of 210,000 refugees to the United States. The Administration will attempt to meet any additional costs associated with the revised admissions for Fiscal Year 1981 by reprogramming. If necessary, the Administration may have to seek supplemental appropriations."

We expect the Administration to make every effort to obtain the funding necessary to support the 217,000 admissions level. In this regard, we are troubled by the fact that the legislative history accompanying H.R. 7998, "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1981" could be interpreted to allow certain refugee funds to be used for Cuban/Haitian entrants. We believe that funds appropriated under H.R. 7998 for the domestic resettlement of refugees should be expended solely for persons classified as "refugees." In short, we are concerned that a reallocation of the $690 million to Cuban/Haitian entrants could affect the integrity of the refugee admissions program which has been the subject of our consultation. Since the legislative history surrounding H.R. 7998 grants the Administration "the maximum amount of flexibility in allocating these resources," we trust that the aforementioned views will be given careful consideration and that we will be consulted concerning the expenditure of such funds.

Mr. President, we shall continue to approach the resolution of refugee situations with sympathy and in the traditional humanitarian manner followed by the United States.

We should, however, expect no less than full cooperation from other countries in assuming their fair share of the burdens imposed by these situations. The United States has responded generously and compassionately to all refugee emergencies since World War II. We should not have to continue to bear disproportionate responsibilities in solving these problems.

While the Refugee Act of 1980 establishes a framework for admission of refugees in an orderly manner, we must establish long-range policies and objectives in devising our future refugee programs. We must move from our historical posture of reaction to refugee situations to one of long-term planning which would involve the active participation and cooperation of the international community.

Sincerely,

PETER W. RODINO, Jr.,
Chairman.

ELIZABETH HOLTZMAN,
Chairwoman, Subcommittee on Immigration, Refugees, and International Law.

HAMILTON FISH, Jr.,
Ranking Minority Member, Subcommittee on Immigration, Refugees, and International Law.

On September 30, 1980, the President sent the following memorandum to the

Secretary of State requesting him to inform the Congress of his determination of the number of refugee admissions and allocations for fiscal year 1981:

THE WHITE HOUSE,
Washington, September 30, 1980.

MEMORANDUM FOR THE SECRETARY OF STATE

Subject: Determination pursuant to Section 207(a) of the Immigration and Nationality Act, as amended (INA) concerning the admission and adjustment of status of refugees.

Pursuant to Section 207(a) of the INA, and in accordance with Section 204(d)(1) of Public Law 96-212 (94 Stat. 109), I hereby determine, after appropriate Congressional consultation, that the admission of 217,000 refugees to the United States during Fiscal Year 1981 is justified by humanitarian concerns or is otherwise in the national interest. I also determine that providing an additional 5,000 refugee admission numbers to be available for adjustment of status, in accordance with Section 209(b) of the INA, is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 207(a)(3) of the INA, I determine, after appropriate Congressional consultation, that these refugee admission numbers shall be allocated as follows:

Refugee admissions (fiscal year 1981)

Area of origin:	*Admissions for fiscal year 1981*
Indochina	168,000
Soviet Union	33,000
Eastern Europe	4,500
Near East	4,500
Latin America	4,000
Africa	3,000
Total	217,000
Asylum Status Adjustments	5,000

Pursuant to Section 101(a)(42)(B) of the INA, I hereby specify, after appropriate Congressional consultation, that special circumstances exist such that, for the purposes of admission under the limits established in this Determination, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

Persons in Vietnam with past or present ties to the United States,

Present and former political prisoners and their family members in Argentina,

Present and former political prisoners and their family members and persons in Cuba with relatives in the United States.

The Secretary of State is requested to inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

JIMMY CARTER.

In reply to the letter of September 29, 1980, cited above, Chairman RODINO received the following communication dated October 31, 1980, from the U.S. Coordinator for Refugee Affairs, Victor Palmieri:

U.S. COORDINATOR
FOR REFUGEE AFFAIRS,
Washington, D.C., October 31, 1980.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: The President has asked that I reply to the September 29 letter from Representatives Holtzman, Fish, and you regarding refugee admissions for this fiscal year. You have raised a number of issues about the program for Indochinese and European refugees which I will address in this letter. On the matter of assistance to the Cuban/Haitian entrants, I will reply in the near future after consulting with the Department of Health and Human Services.

The administration has already begun a concerted effort to keep the issue of sharing the burden of resettling the Indochinese refugees before the international community. During the recent meeting of the Executive Committee of the UNHCR in Geneva, I raised this in plenary and bilateral discussions. I intend to stress the importance of High Commissioner Paul Hartling's taking a forceful lead in eliciting resettlement offers when I meet with him in a few days.

Deputy Assistant Secretary Shep Lowman traveled to Ottawa last week to give a detailed explanation of how we view the current refugee situation, likely future developments in terms of out-flows of new escapees, and to impress upon them the critical importance of continuing a high intake rate by Canada. It is too early to know if our efforts had a telling effect, since the Canadian Government is still forming its position for the next calendar year, but we will renew our representations if the Canadian program does not remain in the vanguard of the international community's contribution to the solution of the problem.

Our senior refugee officer in Bangkok, Lionel Bosenblatt, recently visited London and Bonn for the same purpose. We intend to continue our diplomatic efforts elsewhere toward the goal of sustaining and, if possible, increasing the participation of other countries in resettling Indochinese refugees.

Our refugee officers have scrupulously worked to ensure that refugees with close associations with the U.S. are accorded preference. Those in the lower categories are only allowed into the program after the close relatives of people here and former U.S. employees have been accepted; and then only if no other country has offered them resettlement.

The U.S. program is being conducted not to reach a "goal" of the admission limit, but to relieve the suffering of refugees, sustain asylum practices in countries near Indochina, and reduce the threat to stability in Southeast Asia caused by the large refugee population already in the camps and by new arrivals. If those ends can be achieved with the admission of less than 168,000 this year, we will indeed adjust the intake downward. For the foreseeable future, however, I believe the average rate of 14,000 monthly admissions will be required, as we indicated in the consultations and supporting documents. Our experience since 1975 has taught us not to give much weight to declines in the refugee out-flow rates. They are all too often temporary, for conditions in the three countries of Indochina remain cruelly repressive. Our current program limits give us the capability to meet a renewal of high refugee escape rates, and our mode of managing it permits adjustment within the limit if possible.

Although the refugee program is designed to reduce the camp populations in Southeast Asia (today, 200,000 from Vietnam and Laos, and another 150,000 from Kampuchea), we do not aim at emptying the camps in Thailand. Our intention is to bring about the conditions that will permit the Royal Thai Government to take the necessary steps to resettle people on its territory. We agree that the subject is not to be put off into the indefinite future, and we have informally raised it with the Thai. The issue is sensitive now, especially against the background of the Vietnamese dominance in Laos and Kampuchea. Premature publicity concerning an expectation of the permanent presence of the refugees in Thailand and any overt planning for resettlement in place at this time could well sour the prospects for advancing on this course.

Therefore, while keeping the project upfront in private conversations with the senior Thai leadership, we will avoid compromising the chances of success by premature public comment or overt action. At the earliest feasible moment we will do whatever we can to realize the local resettlement of the residual refugee population.

Resettlement in Thailand, and in other developing countries, will of course require resources from the industrialized countries. You wrote that the Committee looks favorably on the concept of a fund to assist such projects and urged us to pursue the matter. We are now very actively considering how best to create the means whereby the U.S. could provide assistance to special resettlement or repatriation projects, and also attract funding from other industrialized nations. Your views figure strongly in our deliberations, and I will report to you further on this subject at your request when the Administration position has been determined.

Finally, I concur that funding must be available if we are to admit the full 217,000 refugees approved for the fiscal year. Whether favorable developments in a number of areas will give us the opportunity to reprogram funds or whether the exit rate from the USSR will be such as to require additional funds by a supplemental request from the Congress is not yet clear. In any case, we have discussed this problem with the Office of Management and Budget and we have been assured that timely steps will be taken to provide such funding if our estimates of requirements holds up.

Your letter, like the consultation last month, is helpful to the Administration in meeting its responsibilities under the Refugee Act. I appreciate the constructive interaction of your committee and its staff with me, my staff, and the other elements of the Administration charged with implementing a humane program serving national and humanitarian ends. We all greatly appreciate your sympathetic cooperation. Should you desire further information or explanation, besides that to be given in the forthcoming letter on the Cuban/Haitian entrants, please let me know.

Sincerely,

VICTOR H. PALMIERI.

Mr. Speaker, the letter from the U.S. Coordinator for Refugee Affairs contains a number of issues which should receive followup action in the coming session of Congress. These issues will have a great deal of bearing on the consideration of future refugee admission proposals. I commend to my colleagues that the Committee on the Judiciary exercise close oversight over the implementation of the fiscal year 1981 refugee program and the resolution of these outstanding issues.●

CONFERENCE REPORT ON H.R. 7591

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 7591) making appropriations for the Agricultural, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 96-1519)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7591) making appropriations for the Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 19, 22, 23, 25, 29, 31, 41, 42, 67, 68, 79, 86, 87, 95, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 9, 24, 32, 35, 36, 37, 43, 44, 53, 56, 57, 58, 71, 73, 74, 77, and 78, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,493,800"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,052,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,457,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert, "$414,367,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "except for headhouses connecting greenhouses which shall each be limited to $500,000, and"; and the Senate agree to the same.

Amendment numbered 13; That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,615,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,774,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,270,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,076,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$6,500,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,897,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$205,448,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,250,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$297,685,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$259,255,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$293,318,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,203,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum of "$4,700,000" named in said amendment, insert the sum of "$4,500,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,075,600,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,195,600,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "17,655"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$403,000,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$999,600,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$920,000,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $750,000,000; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$260,000,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $5,000,000.

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows In lieu of the sum proposed by said amendment insert "$293,001,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,000,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$192,524,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows: ", of which $300,000 shall be for the authorization of 4 new areas"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended,"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$84,000,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$321,035,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,966,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 11, 12, 28, 33, 40, 47, 62, 69, 70, 72, 76, 82, 84, 85, 88, 89, 90, 91, 92, 93, and 94.

JAMIE L. WHITTEN,
BILL D. BURLISON,
BOB TRAXLER,
BILL ALEXANDER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
JACK HIGHTOWER,
TOM STEED,
MARK ANDREWS,
J. K. ROBINSON,
JOHN T. MYERS,
SILVIO O. CONTE,
Managers on the Part of the House.
TOM EAGLETON,
JOHN C. STENNIS,
WILLIAM PROXMIRE,
ROBERT C. BYRD,
BIRCH BAYH,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
WARREN G. MAGNUSON,
HENRY BELLMON,
MILTON R. YOUNG,
JAMES A. MCCLURE,
HARRISON H. SCHMITT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7591) making appropriations for Agriculture, Rural Development and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—AGRICULTURAL PROGRAMS

DEPARTMENTAL ADMINISTRATION

Amendment No. 1: Earmarks $3,493,800 for Budget, Planning and Evaluation and Public Participation instead of $3,457,800 as proposed by the House and $3,693,800 as proposed by the Senate.

Amendment No. 2: Earmarks $9,256,200 for Operations and Finance, Personnel, Equal Opportunity, Safety and Health Management, Management Analysis and Small and Disadvantaged Business Utilization as proposed by the Senate instead of $9,292,200 as proposed by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following: "for Capper-Volstead Monitoring, $200,000, to be transferred to the Economics and Statistics Service;".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill proposed to earmark this activity under Departmental Administration and the Senate amendment proposed funding it directly under the Economics and Statistics Service.

GOVERNMENTAL AND PUBLIC AFFAIRS

Amendment No. 4: Appropriates $8,861,000 for Governmental and Public Affairs as proposed by the Senate instead of $9,063,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 5: Appropriates $28,052,000 for the Office of the Inspector General instead of $27,752,000 as proposed by the House and $28,127,000 as proposed by the Senate. This provides full funding of the presently authorized 935 permanent full-time positions. The conferees direct the Department's attention to section 612 of the bill, which provides that funds provided for personnel compensation and benefits shall be available for obligation for that purpose only.

FEDERAL GRAIN INSPECTION SERVICE

Salaries and Expenses

Amendment No. 6: Appropriates $24,457,000 for the Federal Grain Inspection Service instead of $22,457,000 as proposed by the House and $24,957,000 as proposed by the Senate.

SCIENCE AND EDUCATION ADMINISTRATION

Agricultural Research

Amendment No. 7: Appropriates $414,367,000 for Agricultural Research instead of $396,234,000 as proposed by the House and $419,394,000 as proposed by the Senate. The following table reflects the funding levels for the individual items in the conference as agreed to by the conferees:

	House	Senate	Conference
Basic agricultural research	$155,016,000	$158,016,000	$156,516,000
Guayule	665,000		500,000
Human nutrition requirements	34,457,000	33,457,000	34,457,000
Factors affecting food choice and consumer preferences	1,000,000	200,000	200,000
Pearpathology		20,000	20,000
Kearneysville (Phase III) (West Virginia)		1,000,000	500,000
Beckley soil laboratory (West Virginia)		750,000	375,000
African swine fever		262,000	262,000
Grasshopper fungus		115,000	115,000
Mount St. Helens—high priority research		2,000,000	1,000,000
Plant Science Lab (Stillwater, Okla.)		1,000,000	1,000,000
Energy retrofit of facilities	2,000,000	3,000,000	2,500,000
Tobacco production	1,048,000		1,048,000
Bee diseases	406,000	335,000	406,000
Beef forage crop study		2,000,000	1,000,000
Wool and mohair	1,224,000	875,000	1,075,000
Sweet potato quality	$220,000	$118,000	$220,000
Aquaculture	100,000		100,000
Tobacco insects	797,000	615,000	797,000
Byssinosis (cotton dust)	750,000	1,200,000	975,000
Yellow Wilt (sugarbeet disease)	25,000		25,000
Pickles	30,000		30,000
Consumer nutrition center	7,084,000	6,084,000	6,584,000
Program evaluation	4,495,000	7,495,000	5,495,000
Plum Island		10,100,000	10,100,000
Beckley Lab (West Virginia)		2,500,000	1,000,000
Dairy forage research (Wisconsin)	1,150,000	2,000,000	2,000,000
Asparagus Aphid		150,000	100,000
Tropical/subtropical	2,665,000	3,000,000	2,865,000
All other	183,102,000	183,102,000	183,102,000
Total, agricultural research	396,234,000	419,394,000	414,367,000
Special fund	2,000,000	2,000,000	2,000,000

The conferees have agreed that none of the funds for construction at Plum Island shall be obligated by the Department to proceed with any major work until:

(1) The Secretary of Agriculture has taken action to revise SEA contracting management procedures, to identify grossly negligent or malfeasant Federal employees, and to institute severe disciplinary measures;

(2) The Secretary submits in writing to the Appropriations Committees the specific details of his actions to discipline Federal employees and restructure SEA contracting management; and

(3) An appropriate legal strategy is developed by the Department of Agriculture, in conjunction with the Department of Justice, for dealing with the surety bonding company.

The conferees will also expect the Department to review all guayule research conducted over the past 40 years and report to the Appropriations Committees in connection with the fiscal year 1982 budget request.

Amendment No. 8: Deletes Senate language which provides that funds can be used to provide financial assistance to organizers of international conferences if such conferences are in support of agency programs. The conferees are in agreement that they will reconsider this language in connection with hearings on the fiscal year 1982 appropriation bill.

Amendments No. 9 and 10: Provide an exception to the limitation on construction for headhouses connecting greenhouses and limit such construction to $500,000. The House bill exempted headhouses connecting greenhouses and the Senate amendment limited both headhouses and greenhouses to $500,000.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts several construction projects from the limitation on construction.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $12,100,000 of the appropriation provided herein for construction of facilities shall remain available until expended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Cooperative research

Amendment No. 13: Earmarks $128,615,000 for Hatch Act payments instead of $125,115,000 as proposed by the House and $132,115,000 as proposed by the Senate.

Amendment No. 14: Earmarks $10,774,000 for grants for cooperative forestry research instead of $10,424,000 as proposed by the House and $11,124,000 as proposed by the Senate.

Amendment No. 15: Earmarks $19,270,000 for payments to the 1890 Land-Grant Colleges including Tuskegee Institute for research instead of $18,543,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 16: Earmarks $17,076,000 for special research grants instead of $18,848,000 as proposed by the House and $11,075,000 as proposed by the Senate. The following table reflects the conference agreement for special research grants:

	House	Senate	Conference
STEEP—Soil erosion in NW	$450,000	$950,000	$600,000
Pest management	2,000,000	1,000,000	1,500,000
Blueberries (Michigan)		100,000	100,000
Genetic vulnerability	300,000		
Bean and beet	75,000		75,000
Animal health	5,050,000		5,050,000
Dairy photoperiod	35,000		35,000
Mushroom byproduct utilization research		38,000	38,000
Soil and water research (Alaska)		290,000	290,000
Bean flour	$103,000		$103,000
High priority agricultural research	2,500,000		
Aquaculture	500,000		500,000
Antidesertification	1,000,000		1,000,000
Peach tree short life		$200,000	100,000
Mount St. Helen's research		1,700,000	850,000

Amendment No. 17: Earmarks $16,000,000 for competitive research grants instead of $25,000,000 as proposed by the Senate.

Amendment No. 18: Earmarks $6,500,000 for animal health and disease programs authorized by section 1433 of Public Law 95-113 instead of $7,500,000 as proposed by the Senate.

Amendment No. 19: Deletes Senate language providing $5,000,000 for animal health and disease programs authorized by section 1434 of Public Law 95-113.

The conferees agree that these funds can be deleted because of the $5,050,000 provided for similar types of grants under the special research grants program.

Amendment No. 20: Appropriates a total of $200,897,000 for Cooperative Research instead of $175,592,000 as proposed by the House and $214,514,000 as proposed by the Senate.

Extension activities

Amendment No. 21: Earmarks $205,448,000 for payments under the Smith-Lever Act instead of $199,896,000 as proposed by the House and $211,000,000 as proposed by the Senate.

Amendment No. 22: Restores House language which earmarks $3,000,000 for the urban gardening program.

Amendment No. 23: Restores House language which earmarks $1,020,000 for the farm safety program.

Amendment No. 24: Deletes House language earmarking $1,300,000 for payments for the non-point source pollution program.

Amendment No. 25: Deletes Senate language which would have earmarked $5,000,000 for the Renewable Resources Extension Act of 1978.

Amendment No. 26: Earmarks $11,250,000 for the 1890 Land-Grant Colleges including Tuskegee Institute instead of $10,898,000 as proposed by the House and $11,600,000 as proposed by the Senate.

Amendment No. 27: Appropriates a total of $297,685,000 for the Cooperative Extension Service instead of $293,081,000 as proposed by the House and $304,567,000 as proposed by the Senate.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

The conferees agree to language proposed by the Senate which provides that "higher education" is a responsibility of Federal Administration and Coordination in order to coordinate the Bankhead-Jones program.

Amendment No. 29: Appropriates $5,948,000 for Federal Administration and Coordination as proposed by the House instead of $6,361,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Salaries and Expenses

Amendment No. 30: Appropriates $259,255,000 for the salaries and expenses of the Animal and Plant Health Inspection Service instead of $250,138,000 as proposed by the House and $262,486,000 as proposed by the Senate.

The conference agreement includes the following program amounts:

	House	Senate	Conference
Bio-control	$3,322,000	$3,572,000	$3,422,000
Boll weevil	1,686,000	886,000	1,686,000
Citrus blackfly	1,702,000	2,002,000	1,852,000
Grasshopper, Mormon cricket and predator control	1,723,000	1,223,000	1,723,000
Imported fire ant	2,500,000	5,500,000	6,000,000
Japanese beetle	162,000	112,000	162,000
Mediterranean fruit fly	$7,986,000	$8,257,000	$8,257,000
Mexican fruit fly	1,452,000	2,252,000	1,452,000
Multiflora rose		200,000	200,000
Pink bollworm	3,356,000	3,091,000	3,091,000
West Indian sugarcane root borer	150,000	300,000	225,000
Animal welfare	4,269,000	4,355,000	4,355,000
Brucellosis eradication	77,879,000	85,038,000	82,879,000
Poultry diseases	999,000	687,000	999,000

The conferees also agreed on the reduction of $2,059,000 related to the hiring freeze as proposed by the House.

APHIS currently employs uniform nationwide standards for rangeland grasshopper control, including minimum acreage block requirements irrespective of local topography, cropping conditions, and land tenure. While such standards are necessary for the proper and effective administration of this cooperative program, some flexibility is needed to meet compelling and unique local situations. The conferees will expect APHIS to review its standards and to consider appropriate revisions to meet this problem.

In addition to the regular project statement, the conferees will expect APHIS to provide, as a supplement to the explanatory notes, a separate breakdown of costs for program management, administrative overhead, and other distributed costs.

Amendment No. 31: Deletes language proposed by the Senate which would have transferred $17,526,000 from the Department of the Interior for activities relating to animal damage control.

The conferees have taken notice of the excessive losses being sustained by the domestic livestock industries as a result of predators and are concerned that the policies of the Department of the Interior, in carrying out their mandate to control such predation, may be inadequate.

The conferees will expect the Secretaries of Agriculture and Interior to cooperatively determine how such predation can best be reduced and to examine the feasibility of transferring some or all of those functions of the Animal Damage Control Program concerning livestock predation from the Department of the Interior to the Department of Agriculture. The conference agreement provides, under Amendment No. 30, that up to $500,000 may be made available in this regard.

Buildings and facilities

Amendment No. 32: Appropriates $6,986,000 for buildings and facilities of the Animal and Plant Health Inspection Service as proposed by the Senate instead of $3,186,000 as proposed by the House.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide for construction of a sterile fly rearing facility at a cost of $3,800,000.

The conferees have been advised that a tentative agreement has been reached incorporating the following provisions:

(1) The State of Hawaii will donate 3 to 5 acres of land needed for a sterile fly facility.

(2) The State of California will donate to APHIS $500,000 toward construction of the facility.

(3) The Federal government will provide the additional $3,800,000 currently estimated to be needed for a $4,300,000 construction project.

(4) APHIS will be responsible for operating the facility on a standby basis; and

(5) At such times as production of sterile insects is begun, APHIS will be responsible for 50 percent of the costs of such production. Nonfederal cooperators, including States and/or industry, shall furnish the remaining 50 percent of the costs of production.

The conferees have included the necessary $3,800,000 in construction funds subject to the condition that these funds will not be obligated until a signed cooperative agreement that incorporates the five provisions outlined above has been entered into and supplied to the House and Senate Committees on Appropriations.

FOOD SAFETY AND QUALITY SERVICE

Amendment No. 34: Appropriates $293,318,000 for the Food Safety and Quality Service instead of $292,818,000 as proposed by the House and $293,818,000 as proposed by the Senate.

The conference agreement includes sufficient funds to maintain meat and poultry inspection grants in amounts at least as great as the current level, and the conferees will expect that this level not be reduced.

ECONOMICS, STATISTICS AND COOPERATIVES SERVICE

Amendments No. 35 and 36: Delete the word "Cooperatives" from the title of the agency as proposed by the Senate in line with a recent reorganizational change.

Amendment No. 37: Deletes language referring to research relating to economic and marketing aspects of farmer cooperatives as proposed by the Senate since such responsibility is transferred to the new Agricultural Cooperatives Service.

Amendment No. 38: Appropriates $90,203,000 for the Economics and Statistics Service instead of $94,803,000 as proposed by the

House and $89,953,000 as proposed by the Senate. Within this total the conferees have agreed to $2,755,000 for the study of the structure and well-being of the farm sector instead of $2,555,000 as proposed by the House and $2,980,000 as proposed by the Senate. For research on world demand the conferees have agreed to $1,370,000 as proposed by the Senate instead of $1,570,000 as proposed by the House. The conferees have agreed to a total of $275,000 for aquaculture research as proposed by the House and a reduction of $100,000 in travel as proposed by the Senate. The conferees have also agreed to decrease the appropriation by $4,500,000 to reflect the transfer to the new Agricultural Cooperatives Service agency.

AGRICULTURAL COOPERATIVES SERVICE

Amendment No. 39: Appropriates $4,500,000 for the Agricultural Cooperatives Service and includes Senate bill language funding this agency as a separate appropriation account. The Senate amendment proposed an appropriation of $4,700,000, however, the conferees have agreed to an appropriation of $4,500,000, the same amount as deleted from the appropriation for the Economics and Statistics Service.

AGRICULTURAL MARKETING SERVICE

Marketing services

Within the funds provided for the Agricultural Marketing Service the conferees will expect the Department to maintain market news efforts and other AMS services at current levels and the conferees direct AMS to take no action to close or reduce market news offices and services in fiscal year 1981.

TRANSPORTATION OFFICE

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,000,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,000,000 for the Transportation office instead of $1,699,000 as proposed by the House. The Senate amendment proposed an appropriation of $2,677,000 for a separate Office of Transportation.

The conference agreement includes a total of $250,000 for the placement of one USDA transportation specialist in each of the nine regional Department of Transportation field offices as authorized by the Railroad Deregulation Act. The Senate amendment proposed a total of $487,000 for this purpose and the House bill contained no similar provision.

Amendment No. 41: Deletes Senate language providing for a separate Office of Transportation.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Dairy and beekeeper indemnity programs

Amendment No. 42: Deletes Senate language limiting payments under the beekeeper indemnity program to $20,000 per participant. The conferees have agreed that this limitation is not necessary because of the experimental program required by the House bill since the experimental program will not result in claims of over $20,000. The conferees have agreed that the registration date provided for in the House bill should be a date specified by the Agricultural Stabilization and Conservation Service.

FEDERAL CROP INSURANCE CORPORATION

Administrative and Operating Expenses

Amendments No. 43 and 44: Appropriates $29,558,000 for the administrative and operating expenses of the Federal Crop Insurance Corporation as proposed by the Senate instead of an appropriation of $11,195,000 and a transfer from the FCIC Fund of $18,363,000 totaling $29,558,000, as proposed by the House.

The conference agreement reflects the new provisions of the Federal Crop Insurance Act of 1980, enacted subsequent to House action on this bill, which deleted the authority for such transfers from the FCIC Fund. The Corporation's budget amendment for additional capital stock and operating funds was passed over without prejudice. The conferees agreed to consider the supplemental request at a later date, and will expect the Corporation to begin implementation of the new authorization in anticipation of additional funding.

TITLE I.—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

FARMERS HOME ADMINISTRATION

Rural Housing Insurance Fund

Amendment No. 45: Provides $4,075,600,000 for insured loans under the Rural Housing Insurance Fund instead of $4,125,600,000 as proposed by the House and $4,025,600,000 as proposed by the Senate.

In arriving at this agreement, the conferees have earmarked $915,000,000 for rural rental housing loans (section 515) instead of $965,000,000 as proposed by the House and $865,000,000 as proposed by the Senate.

Amendment No. 46: Earmarks $3,195,600,000 for subsidized interest loans to low-income borrowers instead of $3,245,600,000 as proposed by the House and $3,145,600,000 as proposed by the Senate.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $25,000,000 in unsubsidized interest guaranteed loans shall be in addition to the amount specified in Amendment No. 45 instead of $100,000,000 as proposed by the Senate.

Amendment No. 48: Provides that during fiscal year 1981, not more than 17,655 units may be assisted under rural rental assistance agreements instead of 17,230 units as proposed by the House and 18,080 units as proposed by the Senate.

Amendment No. 49: Limits the total obligations incurred over the life of the rental assistance agreements to $403,000,000 instead of $393,000,000 as proposed by the House and $413,000,000 as proposed by the Senate.

Agricultural Credit Insurance Fund

Amendments No. 50 and 51: Provide $920,000,000 for farm ownership loans instead of $870,000,000 as proposed by the House and $970,000,000 as proposed by the Senate.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 52: Provides $750,000,000 for insured water and sewer facility loans instead of $700,000,000 as proposed by the House and $900,000,000 as proposed by the Senate.

The conferees have agreed that not less than 30 percent of the funds provided for rural water and waste disposal grants and loans shall be used for the expansion of existing systems with special emphasis on area coverage.

The conferees also wish to encourage water systems and electric systems to coordinate and consolidate where practical to achieve better service.

Amendment No. 53: Provides $741,000,000 for guaranteed industrial development loans as proposed by the Senate instead of $741,000,000 for guaranteed loans and $10,000,000 for direct loans as proposed by the House.

Amendment No. 54: Provides $260,000,000 for community facility loans instead of $240,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Rural development grants

Amendment No. 55: Appropriates $5,000,000 or rural development grants instead of $10,000,000 as proposed by the House. The Senate amendment deleted funds for rural development grants.

Salaries and Expenses

Amendment No. 56: Appropriates $244,984,000 for salaries and expenses of the Farmers Home Administration as proposed by the Senate instead of $239,684,000 as proposed by the House.

In restoring $5,300,000, the conferees direct that this amount be used only for the current data processing operations of the Farmers Home Administration. Included in this would be funds for the Management Improvement Requests/Program Change Requests affecting the current systems. None of these funds provided are to be used for the Unified Management Information System or a successor to it until a plan for its development is approved by both the House and Senate Committees on Appropriations.

Refinancing or moratorium on loan repayments may be necessary

Evidence before the Appropriations Committee and other committees points up the fact that many of those engaged in business, manufacturing, retailing or agriculture face the imminent threat of bankruptcy or liquidation because of high costs and/or poor crops. Four short crop years coupled with spiraling increases in costs have left many farmers and businesses short of cash. Yet, in many cases though, the businessman or the farmer has assets far in excess of his outstanding indebtedness. If these business interests are forced into bankruptcy at this time or forced to liquidate their assets to prevent bankruptcy, it would jeopardize the national economy. Certainly, it would spread.

The news media regularly reports such situations facing major corporations. Small businesses of all kinds, as well as many farmers, face the same situation. Both the Small Business Administration and the Farmers Home Administration have existing authority and we are providing funds to help meet this problem. Section 1981 of title VII of the United States Code sets forth the Secretary of Agriculture's authority in this area. It provides a means of refinancing, stretching out the repayment date, and perhaps postponing a year's payments and interest, when the facts justify such action.

The Small Business Administration also has the authority to temporarily defer or extend the maturity date of loan repayments where the circumstances warrant. Sections 636 (b) and (c), (1) and (2) of title XV of the United States Code set forth SBA's authority.

Therefore, the conferees will expect both the Farmers Home Administration and the

Small Business Administration to provide procedures for meeting these problems, including refinancing, deferral of interest payments and even a moratorium of repayment, in those individual cases where necessary and warranted to avoid bankruptcy or forced sale of assets.

The economic recovery of the Nation depends on keeping people producing—not forcing them into bankruptcy.

In connection with this problem, the conferees will also expect the Department to expeditiously implement Sec. 324(c) of the Consolidated Farm and Rural Development Act.

Amendment No. 57: Deletes House language providing for one additional deputy administrator for the Farmers Home Administration with a background in modern farming and agricultural financing. The conferees have agreed that this provision is no longer necessary.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

Loan authorizations

Amendment No. 58: Deletes House language which placed a floor and a ceiling on guaranteed loans.

The conferees expect the practice of informing them of pending loan approvals to continue. Furthermore, the conferees will expect such notifications to include a cumulative total of loan guarantee commitments for each fiscal year.

CONSERVATION

SOIL CONSERVATION SERVICE

Conservation operations

Amendment No. 59: Appropriates $293,001,000 for conservation operations of the Soil Conservation Service instead of $283,001,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Watershed planning

Amendment No. 60: Appropriates $10,000,000 for watershed planning instead of $10,660,000 as proposed by the House and $6,660,000 as proposed by the Senate. Within the funds available the conferees will expect the Department to initiate no less than 25 new planning starts, the same level as prior years.

Watershed and flood prevention operations

Amendment No. 61: Appropriates $192,524,000 for watershed and flood prevention operations instead of $167,524,000 as proposed by the House and $205,651,000 as proposed by the Senate. Within this total the conferees have agreed to a total of $159,024,000 for P.L. 566 projects instead of $139,024,000 as proposed by the House and $178,162,000 as proposed by the Senate.

The conferees wish to call attention to the need for the Piney Creek-Soak Creek, West Virginia, Mozingo Creek, Missouri, and Stewart Creek, Kentucky watershed projects. These and many similar projects across the country are urgently needed. Once such projects are authorized, construction should start at the earliest possible date.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment. The conference agreement provides a total of $23,500,000 for the P.L. 534 program instead of $18,500,000 as proposed by the House and $17,489,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Resource conservation and development

Amendment No. 63: Provides that $300,000 shall be available for the authorization of 4 new RC&D areas instead of 6 new areas at a cost of $390,000 as proposed by the House.

Great Plains conservation program

Amendment No. 64: Appropriates $20,000000 for the Great Plains Conservation Program instead of $19,987,000 as proposed by the House and $20,122,000 as proposed by the Senate.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Agricultural conservation program

Amendment No. 65: Provides that funds shall be available for "approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended." The House bill provided that funds would be available for "approved farming practices" and the Senate amendment had provided that funds would be available for "enduring conservation and environmental enhancement measures and practices."

Forestry incentives program

Amendment No. 66: Appropriates $12,500,000 for the forestry incentives program instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

Child nutrition programs

Amendments No. 67 and 68: Appropriates $1,759,123,00, for a program level of $3,638,776,000, for the Child Nutrition Programs as proposed by the House instead of a reduction of $364,000,000 as proposed by the Senate. This item was considered in conjunction with the agreement on Amendment No. 70.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes a technical adjustment consistent with legislation enacted subsequent to passage of the bill in the House. The language maintains the existing January 1 cutoff for filing of eligible reimbursement claims.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $285,000,000 of the amount appropriated herein shall be held in reserve until the Omnibus Reconciliation Act of 1980 is enacted or the 96th Congress adjourns *sine die*: *Provided further*, That upon enactment of the Omnibus Reconciliation Act of 1980, which requires reductions in Child Nutrition Program levels, $285,000,000 of the amount herein appropriated shall be hereby rescinded, and the program level shall be reduced by a similar amount: *Provided further*, That, of the funds provided herein for the school lunch program, there shall be available $1,975,000 with which the secretary shall conduct a 3-year pilot project study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts".

The conference agreement modifies Senate language to direct a three-year, $1,975,000 pilot study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch program, utilizing funds made available for the school lunch program.

The school districts shall be selected by stratified random sample to represent a nationwide variety.

In addition to the 60 selected school districts, the eight school districts that participated in the prior cash-in-lieu-of-commodities pilot program shall be given the option to participate in continued cash-in-lieu pilot projects, however, the data received at the conclusion of these projects shall be segregated from the data received at the conclusion of the aforementioned 60 projects.

The Secretary shall report the results of the pilot projects to Congress by December 15, 1984, and any school district participating in the pilot projects shall be permitted to continue to participate during the 1984–1985 school year.

The conference agreement also includes a provision to hold $285,000,000 in reserve until enactment of the Omnibus Reconciliation Act of 1980 or *sine die* adjournment of the 96th Congress; and, further, makes a rescission of $285,000,000, effective only upon enactment of the Omnibus Reconciliation Act of 1980, which reduces the funding requirements of the child nutrition programs through changes in authorized eligibility and formulas.

Special milk program

Amendment No. 71: Appropriates $118,800,000 for the Special Milk Program as proposed by the Senate instead of $176,200,000 as proposed by the House.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides a limitation of 5 cents reimbursement per half-pint of milk served to children not eligible for free milk. This is consistent with the provisions included in the Supplemental and Rescission Act of 1980, which was enacted subsequent to House passage of this bill.

Special supplemental food programs (WIC)

Amendment No. 73: Appropriates $927,040,000 for the Special Supplemental Food Programs as proposed by the Senate instead of $924,540,000 as proposed by the House.

Food stamp program

Amendment No. 74: Deletes House language relating to college students who receive food stamps and are claimed as tax dependents by noneligible households. The recently enacted program reauthorization includes more restrictive provisions pertaining to college students.

Food program administration

Amendment No. 75: Appropriates $84,000,000 for food program administration instead of $82,000,000 as proposed by the House and $85,977,000 as proposed by the Senate.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits any state from turning back operation of a child nutrition program to the Federal government in the future.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendments No. 77 and 78: Make a technical correction as proposed by the Senate.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 79: Deletes Senate language which would have added "research" to the authority of the Office of International Cooperation and Development.

Amendment No. 80: Appropriates $3,500,000 for the Office of International Cooperation and Development instead of $2,000,000 as proposed by the House and $6,832,000 as proposed by the Senate.

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 81: Appropriates $321,035,000 for the salaries and expenses of the Food and Drug Administration instead of $319,535,000 as proposed by the House and $322,670,000 as proposed by the Senate.

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Commission to lease office space on a multiple-year basis.

Amendment No. 83: Appropriate $17,966,000 for the Commodity Futures Trading Commission instead of $16,366,000 as proposed by the House and $18,489,000 as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which replaces the general limitation on the Working Capital Fund with a specific limitation restricting the accumulation of capital.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 614. Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes provision in the House bill which would have limited spending during the last two months of the fiscal year to no more than 20 percent of the appropriation for any agency under this act.

The conference agreement also deletes provision inserted by the Senate which would have limited spending during the last quarter of the fiscal year to no more than 30 percent of an agency's total budget authority or no more than 15 percent during any month of the last quarter. The Senate amendment also allowed the Director of the Office of Management and Budget to waive the preceding requirements. The Senate amendment also prohibited departments and agencies from obligating or expending any contract funds in the last two months of fiscal year 1981 unless the solicitation or notification for the contract is issued at least 60 days before it is awarded.

The conferees are agreed that the departments and agencies in this bill should manage the funds appropriated in the most responsible and efficient manner. The conferees intend to closely monitor the spending patterns of the departments and agencies in this bill and expect conformance to the maximum extent possible with the spirit of the above provisions.

Amendment No. 86: Deletes Senate amendment which would have required that all unresolved audits currently pending for the departments and agencies for which funds are appropriated in this act shall be resolved not later than September 30, 1981. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental and Rescission Act, 1980, Public Law 96–304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in section 304 of that Act.

Amendment No. 87: Deletes general provision added by the Senate regarding the collection of overdue debts owed the United States Government. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental and Rescission Act, 1980, Public Law 96–304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in section 305 of that Act.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 616. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes only the section number from 619 to 617.

The Senate amendment would preclude any chance of the sale of CBO's being used as a device to manipulate total Federal outlay figures.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes only the section number from 620 to 618.

The Senate amendment limits overhead charges on cooperative agreements to 10 percent.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes only the section number from 621 to 619.

The Senate amendment provides for the transfer of $10,800,000 from the Department of Energy to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing inter-agency agreements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 620. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281): *Provided*, That any increases in acreage in 1981 shall not be used in determining normal crop acreage in future years.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to Senate Amendment No. 92 with an amendment in order to achieve conference agreement on this matter.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 621. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committee on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language requiring various analyses of and reports on outlays.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 622. Notwithstanding any other provision of law, watershed projects under Public Law 83–566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement exempts small watersheds from the provisions of Executive Orders 12113 and 12141 for review by the Water Resources Council.

Amendment No. 95: Deletes Senate language which would have eliminated funds for the Office of Consumer Affairs.

Amendment No. 96: Deletes Senate language regarding the peanut price support programs. The conferees agreed that the peanut price support loan program shall continue to be administered in the same manner and through the three existing marketing associations as has been the case for the past several years. Any change in the program should be considered in connection with the 1981 Farm Bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	$20,036,854,006
Budget estimates of new (obligational) authority, fiscal year 1981	22,043,626,329
House bill, fiscal year 1981	21,910,687,000
Senate bill, fiscal year 1981	21,670,408,000
Conference agreement, fiscal year 1981	21,696,661,000

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	+1,659,806,994
Budget estimates of new (obligational) authority, fiscal year 1981	−346,965,329
House bill, fiscal year 1981	−214,026,000
Senate bill, fiscal year 1981	+26,253,000

Jamie L. Whitten,
Bill D. Burlison,
Bob Traxler,
Bill Alexander,
Matthew F. McHugh,
William H. Natcher,
Jack Hightower,
Tom Steed,
Mark Andrews,
J. K. Robinson,
John T. Myers,
Silvio O. Conte,
Managers on the Part of the House.

Tom Eagleton,
John C. Stennis,
William Proxmire,
Robert C. Byrd,
Birch Bayh,
Lawton Chiles,
Quentin N. Burdick,
Jim Sasser,
Warren G. Magnuson,
Henry Bellmon,
Milton R. Young,
James A. McClure,
Harrison H. Schmitt,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Yates (at the request of Mr. Wright), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Perkins, for 60 minutes, Wednesday, December 3, 1980.

Mr. Moakley, for 1 hour, on December 3.

Mr. Boland, for 1 hour, on December 3.

(The following Members (at the request of Mr. Solomon), to revise and extend their remarks, and to include extraneous matter:)

Mr. Edwards of Alabama, for 1 hour, on December 3.

Mrs. Heckler, for 5 minutes, on December 2.

Mr. Hammerschmidt, for 10 minutes, today.

Mr. Miller of Ohio, for 10 minutes, today.

(The following Members (at the request of Mr. Matsui) to revise and extend their remarks and include extraneous material:)

Mr. Nelson, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Roberts, for 5 minutes, today.

Mr. Rangel, for 5 minutes, today.

Mr. Young of Missouri, for 5 minutes, on December 3.

Mr. Rostenkowski, for 60 minutes, on December 4.

Mr. Dingell, for 60 minutes, on December 4.

Mr. Blanchard, for 60 minutes, on December 4.

Mr. Ford of Michigan, for 60 minutes, on December 4.

Mr. Wolpe, for 60 minutes, on December 4.

Mr. Barnes, for 60 minutes, on December 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. Holtzman, to extend her remarks in the body of the Record, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,768.50.

(The following Members (at the request of Mr. Solomon) and to include extraneous matter:)

Mr. Kemp in six instances.
Mr. Corcoran.
Mr. Derwinski.
Mr. Horton.
Mr. Findley.
Mr. McKinney.
Mr. Ashbrook in two instances.
Mr. Green.
Mr. Gilman in three instances.
Mr. Petri.
Mr. Vander Jagt.
Mr. Ritter in two instances.
Mr. Regula in two instances.
Mr. Hagedorn.
Mr. Schulze.
Mr. Porter.

(The following Members (at the request of Mr. Matsui) and to include extraneous matter:)

Mr. Dixon.
Mr. Ottinger.
Mr. Wolff in three instances.
Mr. Roberts.
Mrs. Byron.
Mr. Waxman.
Mr. Mavroules.
Mr. Skelton.
Mr. Mineta.
Mr. Mazzoli.
Mr. Gaydos.
Mr. Yatron.
Mr. Barnes.
Mr. Nowak.
Mr. Won Pat.
Mr. Bedell.
Mr. Frost in five instances.
Mr. Bolling.
Mr. Rosenthal.
Mr. Fisher.
Mr. Studds.
Mr. Solarz.
Mr. Leland.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 878. An act to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance and thereby enable such governments to reduce administrative costs and emphasize the community priorities for which such assistance is provided; to the Committee on Government Operations and the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6889. An act entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980"; and

H.R. 7724. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on December 1, 1980, present to the President, for his approval, bills of the House of the following titles:

H.R. 39. An act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the national park, national wildlife refuge, national forest, national wild and scenic rivers, and national wilderness preservation systems, and for other purposes;

H.R. 5496. An act to amend the National Historic Preservation Act of 1966, and for other purposes; and

H.R. 6933. An act to amend the patent and trademark laws.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 3, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5723. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Switzerland (Transmittal No. 81–03), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

5724. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelf-stocking and custodial services function at Maxwell Air Force Base, Ala., pursuant to section 502(b) of Public Law 96–342; to the Committee on Armed Services.

5725. A letter from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting notice of the Army's intention to study the conversion from in-house operation to commercial contract of various functions at sundry locations, pursuant to section 502(a) of Public

Law 96-342; to the Committee on Armed Services.

5726. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-293, "To designate the public alley abutting lots 49, 53, 48, 835, 832, 802, 810, 8, 811, 812, 813, 814, 815, 816, 817, 818, 819, 54, 821, and 822 in square 1199, bounded by Wisconsin Avenue NW., and 31st Street NW., as Blues Alley (Ward 3)" pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5727. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-292, "To order the closing of a public alley abutting lots 12 and 13 in square 1370, bounded by Reservoir Road NW., Whitehaven Parkway NW., Foxhall Road NW., and 47th Street NW. (S.O. 76-71) (Ward 3), pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5728. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-289, "To order the closing of a portion of an east-west public alley abutting on lots 800, 802, 803, 805, 807, 809, and 811 in square N-699, bounded by K Street SE., Half Street SE., L Street SE., and First Street SE. (S.O. 73-31) (Ward 2), pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5729. A letter from the Chairman, Council of the District of Columbia; transmitting a copy of District of Columbia Act 3-291, "To order the closing of a public alley abutting lots 835 and 838 in square 250, bounded by H Street NW., 14th Street NW., I Street NW., and 13th Street NW. (S.O. 72-101-revised) (Ward 2); to the Committee on the District of Columbia.

5730. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-290, "To order the closing of Linnean Avenue NW., between Lenore Lane NW., and Audubon Terrace NW., in square 2246 (S.O. 79260) (West 3), "pursuant to section 602(c) of Public Law 93-198; to the Committee on District of Columbia.

5731. A letter from the Secretary of Education; transmitting an interim annual report on the operations of the Women's Educational Equity Act program in fiscal year 1980, pursuant to section 937 of the Elementary and Secondary Education Act, as amended; to the Committee on Education and Labor.

5732. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Switzerland (Transmittal No. 81-03), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5733. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to the Netherlands (Transmittal No. 81-08), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5734. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to Malaysia (Transmittal MC-1-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5735. A letter from the Assistance Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to Singapore (Transmittal MC-3-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5736. A letter from the assistant legal adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5737. A letter from the Acting Assistant Secretary of State for International Organization Affairs, transmitting a United Nations Joint Inspection Unit report, together with comments by the Secretary-General and by the Secretariat of the United Nations Development Program on four other Joint Inspection Unit reports, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5738. A letter from the Secretary of Commerce, transmitting the semiannual report of the Department's Inspector General for the period ended September 30, 1980; to the Committee on Government Operations.

5739. A letter from the Secretary of Defense, transmitting the semiannual report on the activities of the audit, inspection, and investigative units of the Department of Defense, covering the period ended September 30, 1980, pursuant to section 8(a)(1) of Public Law 95-452; to the Committee on Government Operations.

5740. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the Department's Inspector General for the period ended September 30, 1980; to the Committee on Government Operations.

5741. A letter from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting notice of a proposed new records system which consolidates and incorporates five existing system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5742. A letter from the Assistant Secretary-Treasurer, Seventh Farm Credit District employee benefits program, transmitting the annual report on the financial condition of the retirement plan for employees of the Seventh Farm Credit District, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5743. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period July 1 through September 30, 1980, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 96-389); to the Committee on House Administration and ordered to be printed.

5744. A letter from the Secretary of Health and Human Services, transmitting notice of a delay until June 1981, in the preparation of the initial report on the ongoing study of costs of environment-related health effects, required by section 304(e) of the Public Health Service Act, as amended (92 Stat. 3451); to the Committee on Interstate and Foreign Commerce.

5745. A letter from the Acting Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a report on cancellations and adjustments of reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians during fiscal year 1980, pursuant to the act of July 1, 1932; to the Committee on Interior and Insular Affairs.

5746. A letter from the vice president for Government affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of July 1980, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5747. A letter from the Secretary of Commerce, transmitting the annual report on ocean pollution, overfishing, and offshore development, covering fiscal year 1978, pursuant to section 202(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

5748. A letter from the Special Assistant to the President for Administration, transmitting a report on the total number of employees employed at any time during fiscal year 1980 in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

5749. A letter from the National Adjutant, Disabled American Veterans, transmitting the proceedings of their 1980 National Convention and an independent audit report as of December 31, 1979, pursuant to section 9(a) of the Act of June 17, 1932, and section 3 of Public Law 88-504 (H. Doc. No. 96-390); to the Committee on Veterans' Affairs and ordered to be printed.

5750. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of the Economic Development Administration in improving local economies with industrial park projects they have funded (CED-81-7, December 2, 1980); jointly, to the Committees on Government Operation and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. S. 1835. A bill to extend the Joint Funding Simplification Act of 1974 (Rept. No. 96-1485). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 819. Resolution waiving certain points of order against House Joint Resolution 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes (Rept. No. 96-1499). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 820. Resolution waiving certain points of order against the conference report on S. 1159. An act to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes (Rept. No. 96-1500). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 821. Resolution providing for the consideration of conference reports, authority to declare recesses, and motions to suspend the rules (Rept. No. 96-1501). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 822. Resolution providing for the consideration of reports from the Committee on Rules (Rept. No. 96-1502). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 823. Resolution providing for the consideration of H.R. 8378. A bill to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes (Rept. No. 96-1503). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 824. Resolution waiving certain points of order against the conference report on H.R. 7765. A bill to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 (Rept. No. 96-1504). Referred to the House Calendar.

Ms. HOLTZMAN: Committee on the Judiciary. House Resolution 816. Resolution opposing the granting of permanent residence in the United States to certain aliens (Rept. No. 96-1517). Referred to the Committee of the Whole House.

Ms. HOLTZMAN: Committee on the Judiciary. House Resolution 817. Resolution opposing the granting of permanent residence in the United States to certain aliens (Rept. No. 96-1518). Referred to the Committee of the Whole House.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 8363. A bill for the relief of the Seattle Post-Intelligencer (Rept. No. 96-1486). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 8364. A bill for the relief of the News Tribune (Rept. No. 96-1487). Referred to the Committee of the Whole House.

Mr. WHITTEN: Committee of conference. Conference report on H.R. 7591 (Rept. No. 96-1519). Ordered to be printed.

Mr. DANIELSON: Committee on the Judiciary. H.R. 8362. A bill for the relief of Equity Advertising Agency, Inc. (Rept. No. 96-1488). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. S. 551. A bill for the relief of Fred W. Sloat of Salt Lake City, Utah (Rept. No. 96-1489). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. S. 576. A bill for the relief of Larry Grathwohl (Rept. No. 96-1490). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 3396. A bill for the relief of George David Maxwell, doctor of medicine; with amendment (Rept. No. 96-1491). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 4386. A bill for the relief of Mr. and Mrs. Clarence Ovenson; with amendment (Rept. No. 96-1492). Referred to the Committee of the Whole House.

Mr. HUGHES: Committee on the Judiciary. H.R. 6011. A bill for the relief of William H. Koss; with amendment (Rept. 96-1493). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. S. 546. A bill for the relief of Beatrice Braude (Rept. No. 96-1494). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. S. 1307. A bill for the relief of Gerald W. Frye (Rept. No. 96-1495). Referred to the Committee of the Whole House.

Mr. HUGHES: Committee on the Judiciary. S. 442. A bill for the relief of Isaac N. Hulver of Kansas City, Mo. (Rept. No. 96-1496). Referred to the Committee of the Whole House.

Mr. KINDNESS: Committee on the Judiciary. S. 444. A bill for the relief of the Jewish Employment Vocational Service, Saint Louis, Mo. (Rept. No. 96-1497). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. S. 453. A bill for the relief of Joe L. Frazier of Elko, Nev. (Rept. No. 96-1498). Referred to the Committee of the Whole House.

Mr. HALL of Texas: Committee on the Judiciary. H.R. 5016. A bill for the relief of David Roland Weaver; with amendment (Rept. No. 96-1505). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 949. A bill for the relief of Welita F. Sebastian (Rept. No. 96-1506). Referred to the Committee of the Whole House.

Mr. HALL of Texas: Committee on the Judiciary. H.R. 2145. A bill for the relief of Florette Ivoree Gayle; with amendment (Rept. No. 96-1507). Referred to the Committee of the Whole House.

Mr. HALL of Texas: Committee on the Judiciary. H.R. 2432. A bill for the relief of Ronald Regespi Doliente (Rept. No. 96-1508). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. H.R. 2433. A bill for the relief of Zora Singh Sunga (Rept. No. 96-1509). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 3138. A bill for the relief of Surip Karmowiredjo; with amendment (Rept. No. 96-1510). Referred to the Committee of the Whole House.

Ms. HOLTZMAN: Committee on the Judiciary. H.R. 2533. A bill for the relief of Mrs. Kerry Ann Wilson and Jason John Barba; with amendment (Rept. No. 96-1511). Referred to the Committee of the Whole House.

Mr. BARNES: Committee on the Judiciary. H.R. 2872. A bill for the relief of Olivia Manaois Abrasaldo (Rept. No. 96-1512). Referred to the Committee of the Whole House.

Ms. HOLTZMAN: Committee on the Judiciary. H.R. 3707. A bill for the relief of Joy Marsia Dehaney (Rept. No. 96-1513). Referred to the Committee of the Whole House.

Mr. HALL of Texas: Committee on the Judiciary. H.R. 4793. A bill for the relief of Simon Ifergan Meara (Rept. No. 96-1514). Referred to the Committee of the Whole House.

Mr. BARNES: Committee on the Judiciary. H.R. 6044. A bill for the relief of Woo Jung He. (Rept. No. 96-1515). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 6069. A bill for the relief of I Wen Wang Chen (Rept. No. 96-1516). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 8401. A bill to establish a new program of price controls and allocation for crude oil and petroleum products; jointly, to the Committees on Interstate and Foreign Commerce and Ways and Means.

By Mr. BEARD of Rhode Island:

H.R. 8402. A bill to amend the Foreign Assistance Act of 1961 to authorize $25 million for disaster assistance for the victims of the recent earthquakes in southern Italy; to the Committee on Foreign Affairs.

By Mr. JENRETTE:

H.R. 8403. A bill to provide that profits that certain Government officials derive from lectures, books, articles, and movie rights relating to the affair commonly called ABSCAM be turned over to the United States; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 8404. A bill to designate the Federal Building—U.S. Courthouse in Sacramento, Calif., the "John E. Moss Federal Building—U.S. Courthouse"; to the Committee on Public Works and Transportation.

By Mr. SCHEUER (for himself and Mr. Broyhill):

H.R. 8405. A bill to make certain technical corrections and clarifications in the amendments made by the Small Business Investment Incentive Act of 1980; to the Committee on Interstate and Foreign Commerce.

By Mr. WAXMAN (for himself and Mr. Carter):

H.R. 8406. A bill to amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3216: Mr. Mollohan.

H.R. 3697: Mr. Bereuter.

H.R. 6794: Mr. Gingrich, Mr. Lott, Mr. Russo, and Mr. Trible.

H.R. 7371: Mr. Dellums, Mr. Mitchell of Maryland, Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mr. Rinaldo, Mr. Fithian, Mr. Royer, Mrs. Spellman, and Ms. Ferraro.

H.R. 7373: Mr. Dellums, Mr. Mitchell of Maryland, Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mrs. Heckler, Mr. Fithian, Mrs. Spellman, and Ms. Ferraro.

H.R. 7374: Mr. Dellums, Mr. Mitchell of Maryland, Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mrs. Heckler, Mr. Royer, Mrs. Spellman, and Ms. Ferraro.

H.R. 7375: Mr. Dellums, Mr. Mitchell of Maryland, Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mr. Fithian, Mrs. Spellman, and Ms. Ferraro.

H.R. 7376: Mr. Dellums, Mr. Mitchell of Maryland Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mr. Fithian, Mrs. Spellman, and Ms. Ferraro.

H.R. 7390: Mrs. Fenwick.

H.R. 7396: Mr. Dellums, Mr. Mitchell of Maryland. Mr. Wolpe, Mr. Ottinger, Mr. Dixon, Mr. Fithian, Mr. Royer, Mrs. Spellman and Ms. Ferraro.

H.R. 7551: Mr. Moakley, Mr. Stack, Mr. John L. Burton, Mrs. Chisholm, Mr. Hawkins, Mr. Stark, Mr. Scheuer, Mr. Murphy, of Pennsylvania, Mr. Davis of Michigan, Mr. Mattox, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Addabbo, Mr. Horton, Mr. Roe, Mr. Rahall, Mr. Gonzalez, Mr. Lowry, Mr. Vento, Mr. Lederer, Mr. de la Garza, Mr. Guarini, Mr. Fazio, Mr. Miller of California, Mr. Hughes, Mr. Shannon, Mr. Moffett, Mr. Young of Florida, Mr. Lloyd, Mrs. Spellman, Mr. Ford of Tennessee, Mr. McDade, Mr. Stokes, Mr. Solarz, Mr. Downey, Mr. Roybal, and Mr. Fascell.

H.R. 8027: Mr. Brodhead and Mr. Fithian.

H.J. Res. 502: Mr. Duncan of Oregon, Mrs. Holt, Mr. Panetta, Mr. Daschle, Mr. Holland, Mr. Jones of North Carolina, Mr. Lehman, Mr. Stewart, Mr. Fascell, Mr. Spence, Mr. Aspin, Mr. McKinney, Mr. Seiberling, Mr. Hughes, Mr. Bedell, Mr. D'Amours, Mr. Mineta, Mr. Stangeland, Mr. Mavroules, Mr. Brodhead, Mr. Weaver, Mr. Fish, Mr. Conte, Mr. Gilman, Mr. Clausen, Mr. Florio, Mr. White, Mr. Addabbo, Mr. Rangel, Mrs. Byron, Mr. Smith of Nebraska, Mr. Moorhead of Pennsylvania, Mr. Robert W. Daniel, Jr., Mr. Cotter, Mr. Rinaldo, Mr. Preyer, Mr. Mattox, Mr. Evans of Delaware, Mr. Petri, and Mr. Lloyd.

H.J. Res. 488: Mr. Patten.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

652. By the SPEAKER: Petition of the Andean Parliament, Bogota, Colombia, rela-

tive to democracy in Bolivia; to the Committee on Foreign Affairs.

653. Also, petition of the county board of supervisors of Green Lake County, Green Lake, Wis., relative to the general revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6417

By Mr. STARK:

(Amendment to the amendment in the nature of a substitute.)

—Page 11, after line 17, insert the following:

SEC. 110. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to toll roads or bridges.

H.R. 7765

By Mr. DUNCAN of Tennessee:

—Page 88, insert at the end of section 1103 (m) of the conference report the following new subparagraph:

(4) If—

(A) on April 25, 1979, legislation was pending in a State legislature authorizing local governmental units to issue tax-exempt obligations for owner-occupied residences.

(B) before June 8, 1979, the legislation referred to in clause (A) was enacted, imposing a limit of $30,000 per year on the income of persons and families eligible to receive home mortgage financing under such legislation, and

(C) between May 15, 1980, and November 21, 1980, a local governmental unit in the State made preliminary findings and determinations that persons and families of lower and moderate income of the local governmental unit are subject to hardship in finding and financing through private banking channels decent, safe and sanitary housing,

then the amendments made to the Internal Revenue Code of 1954 by the Mortgage Subsidy Bond Tax Act of 1980 shall not apply to obligations issued by the local governmental unit.

(D) DOLLAR LIMIT.—The aggregate amount of obligations which may be issued by any local governmental unit by reason of subparagraph (4) may not exceed $100,000,000 if the local governmental unit is a county any portion of which is within a standard metropolitan statistical area as defined by the Secretary of Commerce or $50,000,000 in any other case.

EXTENSIONS OF REMARKS

BENEATH THE FOOD CRISIS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BROWN of California. Mr. Speaker, food and agriculture issues are today receiving much attention, amid fears of coming food shortages in the world. Poor weather in many countries has reduced the yields of a number of crops, feed grains being most affected. Conflicts in many areas are adding tens of thousands of people to the large group which must already be fed.

It will require extra effort on the part of food-surplus nations, such as the United States, if we are to avoid widespread hunger and starvation. Fortunately, we have just recently established an emergency grain reserve that can be used to supplement our regular food for peace aid. Other nations can be expected to offer assistance as well, providing hope that this current emergency can be dealt with.

In the midst of our renewed concern for world hunger problems, it would be wise for us to examine the conditions that have brought about the present food shortage. By this I do not mean an examination of the weather: Those fluctuations have been and always will be problems in agriculture. The basic problem is that, even in good years, many countries in the world are unable to feed their citizens.

Forty-five percent of the world's population lives in the tropics, on 38 percent of the world's land area. Of this land, only 10 percent is cultivated, with another 20 percent for pasture and meadow. Some of this land is fertile, but much is affected by conditions of drought, soil salinity, aluminum toxicity, infertility, and a host of other limits to productivity. Often farmers lack the capital to purchase equipment and chemicals to correct these situations and do not have the information available about less costly alternatives.

Land that is cultivated in tropical regions, the area in which most developing countries are found, is frequently devoted to export crops. Third World nations vitally need foreign exchange and some have entered into export cropping at the expense of food self-sufficiency. Hard economic choices forced by a lack of development alternatives have caused many countries to export agricultural products in hopes of generating needed development income. More often than not this income is too small or unevenly distributed, never reaching the starving poor who might have been fed by devoting farmland to domestic food production.

Hunger is widespread, even in the best of times, as the populations of developing countries expand and strain the available food supply. For poor families, having many children is a form of insurance, providing a group of workers pooling their gains for survival and protecting the older family members. Yet this expanding population strains even more the limited agricultural base in much of the developing world. Without assurances of economic security, there is little incentive for decreasing family size, and without decreases in population, economic and food security become more difficult. This spiral of logic continues unbroken without outside intervention.

These and other factors complicate what may presently appear to us as simply hunger resulting from poor weather. These factors have as well frustrated our past efforts at agricultural development in the Third World. What is needed now is a better understanding of the problems hindering food self-sufficiency in the developing world and a determination to move aggressively toward this end.

I was pleased to note that the importance of this issue received attention in the much discussed Heritage Foundation report to President-elect Reagan. The report cites our agricultural knowledge and successful application of this know-how, and states that hunger alleviation can be accomplished if the political will is present. I urge the incoming administration to heed this advice for economic, strategic, and humanitarian reasons.

A recent Washington Post article on this follows:

SPEAKING OF EATING

(By Stephen S. Rosenfeld)

Speaking of eating, the Heritage Foundation has given a fresh boost to a good, solid, conservative, impeccably Republican idea for feeding the world's hungry. It's in the Washington-based think tank's 3,000-page set of advisories to President-elect Ronald Reagan. Purdue economist emeritus Don Paarlberg, a former Agriculture Department official, wrote it.

"Increased populations in the poorer countries of Asia, Africa and Latin America require vastly more food," the report says. "What are our opportunities and responsibilities in helping meet these needs?"

The Heritage answer: "There is now the scientific knowledge and the institutional arrangement which makes it possible to overcome hunger, not only within the United States but throughout the world. This can be done within the lifetime of people now living, if there is the political will to do so. The Department of Agriculture, the Land Grant Colleges, the Experiment Stations and the Extension Service have the greatest body of scientific knowledge and practical know-how anywhere in the world. If this is used effectively, the world's well-being will be significantly advanced and the place in history of the USDA and its allied institutions will be one of honor."

Out in Lafayette, Ind., Paarlberg was delighted to say more. "We have hundreds of agriculture scientists helping foreigners with agricultural problems," he said. "A whole range of agricultural disciplines is being adapted—through the Land Grant college system, through AID, through the international research network. But these efforts are still of a modest scale and encounter some opposition—they're in a holding pattern.

"Some people, especially in Congress, deny we have a responsibility beyond our borders—they call any kind of help 'giveaway.' Some farm people fear that if we help, say, Malaysia produce palm oil, it will compete with our soybeans. They fear building up our competitors. But on the whole, the record shows that as we help others, in time they become paying customers for our agricultural and non-agricultural products.

"At first we expected capital-intensive technology—tractors, which liquidate small farms. It was disruptive and disappointing. Some then went to the opposite extreme in 'appropriate technology': build a better hoe. But now after 30 years we've found a middle way.

"Look at India. It was written off in the '70s, but now it's self-sufficient in grains. We shouldn't overpromise, but we can fix hunger in this generation if there's the political will—with greater support for development, more acceptance of interdependence, opening our borders to the products of those countries and more emphasis on population control. The Republicans should be nudged to use our agricultural capability in this way. Agriculture should be considered not so much a 'problem' as a great resource."

I bounced Paarlberg's ideas off Montague Yudelman, World Bank agriculture director. He praised the USDA as "one of the greatest research machines ever." He also noted that the international research institutes do more than the USDA in the tropical agriculture relevant to many poor countries' needs.

The Republicans, Yudelman suggested, would do well to "stick to the World Food Conference [1974] consensus: most problems must be solved in the countries concerned. Research, financing and institution development are all necessary, but there are no shortcuts. In the end, you must deal with hundreds of millions of individual farmers."

Then I went to a panel of experts at the Agency for International Development, who were eager to nurse along any signs of Republican interest in hunger. They noted that food and nutrition constitute AID's single biggest development account (population is next) but that other projects with more political muscle keep bumping food production down. About three times as much is spent on the Food for Peace surplus-distribution program, for instance, as AID spends on agricultural development.

These experts also drew a distinction between the Heritage Foundation's supply-side approach to the world food problem and AID's own demand-side approach to world hunger. "India produces enough to feed all its people, but major parts of the population are malnourished because of a lack of purchasing power," the panel said. "We don't argue with the emphasis on science and technology transfers to improve supply, but the critical factor is demand, something recognized only in the last half-dozen years. Demand is the political dimension."

Well, nothing is simple. But the differences are of emphasis, not purpose. There's every good reason not to quibble with eminent and eminently Republican advice to a Republican administration to fight what the Heritage Foundation justly calls "man's oldest enemy": hunger.●

KIMBERLY SANTOS—MISS WORLD

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. WON PAT. Mr. Speaker, I am proud to announce that the new Miss World is Kimberly Santos of Guam. The 19-year-old beauty is the first young woman from Guam to ever hold this title. I am extremely confident that she will bring great pleasure to all who will meet and see her during the next year.

Miss Santos was awarded the Miss World title following an unusual situation in which the original winner chose to step down. As the second place winner in the contest, Kimberly Santos immediately became the new Miss World. In that capacity she will travel the world making numerous guest appearances.

A travel agent by trade, Miss Santos is a young woman of immense charm and beauty. It is interesting to note that many of the 68 other contestants gave Miss Santos extremely high marks for her kind personality and poise.

Guam has long been sending some of our finest young women to participate in international beauty contests, but, to my knowledge, this is the first time a local girl has ever been honored to be selected to carry the title. We have always believed that our young people are our best representatives and there is no doubt in my mind that, wherever she goes, Miss Santos will prove to be a proud spokesperson for the people of Guam.

I salute Miss Santos for her well deserved victory. I know that participating in contests such as this involves very long hours of pressure and much hard work. It is evident that Miss Santos has the makings of a true champion. May she wear her crown with the knowledge that hers is a victory well earned. I also congratulate the parents and family of Miss Santos who undoubtedly did much to help her on the road to success.

As Guam's sole representative in the Nation's Capital, I have often had the pleasure of escorting numerous young Guam beauty contest winners around Capitol Hill. I look forward to doing the same with Miss Santos, if her schedule brings her to Washington, and giving my colleagues an opportunity to meet this outstanding young lady. Thank you.●

PERSONAL EXPLANATION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. DIXON. Mr. Speaker, as I was in conference all day Friday, November 21 on the District of Columbia appropriations bill, I inadvertently voted "aye" on the conference report on H.R. 7584, making appropriations for the Departments of State, Justice, Commerce, and the Judiciary. While I command Chairman SMITH and the other subcommittee members on their efforts, I cannot support a measure which includes the riders, attached on the floor of each House, which would effectively and unconstitutionally limit the Justice Department's ability to seek judicial redress in order to desegregate our schools. This provision is an affront to minorities around the country, as well as to our conception of equal justice under law, and I hope the President will remove this affront by vetoing the bill.●

FATHER JOSEPH THORNING: EDUCATOR, PATRIOT, PRIEST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. DERWINSKI. Mr. Speaker, my attention was recently directed to the continued activities of my good friend and respected theologian, Father Joseph F. Thorning, S.J., Ph. D. Father Thorning is widely known for emphasizing the special interest of the United States in maintaining friendly relations with our Latin American neighbors. In addition, he has been quite active in the field of Ibero-American relations. During this past summer, he conducted a scientific survey of socioeconomic conditions in Portugal, Spain, and the kingdom of Morocco as well as other vital areas of Europe.

Although Father Thorning was featured in an article in the National Catholic Register some time ago, today this tribute is just as pertinent. I wish to direct the Members' attention to the outstanding achievements of Dr. Thorning:

FATHER JOSEPH THORNING: EDUCATOR, PATRIOT, PRIEST

(By Paul H. Hallett)

The Rev. Dr. Joseph F. Thorning, S.J., Ph.D., who covered the Spanish Civil War (1936-1939) for The Register under Monsignor Matthew Smith, is a priest who has filled with equal distinction the roles of author, historian, educator, journalist, and public servant. He is in the line of clerics, headed by the first American Bishop, John Carroll, who united the priestly office with eminent service to his country.

Dubbed "the Padre of the Americas" by Senator Mike Mansfield, the Senate majority leader of a generation ago, the Rev. Dr. Thorning's greatest service to his country has been in the field of Ibero-American relations. The priest-scholar's four-and-a-half-inch column in Who's Who in America is filled with the honors he has received from almost every country to the south of us and from Spain and Portugal: The Grand Cross of Alfonso el Sabio and the Order of Isabella the Catholic (Spain), the Military Order of Christ (Portugal), Ecuador's Order of Merit, Brazil's National Order of the Southern Cross, Colombia's Cross of Boyacá, Peru's Order of the Sun, Venezuela's Order of Francesco de Miranda, pre-Castro Cuba's Order of Carlos Manuel de Cespedes—these distinctions, and additional ones from almost every Central American government, attest the mark Dr. Thorning has made on countries of Iberian extraction.

For a generation, beginning in 1944, Fr. Thorning was invited by Congress to deliver the invocation at the start of Pan American day at the nation's Capitol. He was active chaplain of the House of Representatives for 30 years. He has lectured in Ibero-American universities and has received a doctorate in civil and canon law from the University of Santo Domingo, the oldest institution of higher learning in the New World.

By presidential appointment, he has served as ambassador for four Special Diplomatic Missions. For many years he was a devoted friend of Don Alfonso Merry del Val, nephew of the Holy See's famous Secretary of State, Cardinal Rafael Merry del Val. Don Alfonso was Cultural Officer of the Spanish Embassy in Washington, of which Fr. Thorning is still chaplain.

Joseph Francis Thorning was born in Milwaukee April 25, 1896. Possessed of a complete Jesuit education, he was the first member of the Jesuit order to earn a doctorate from the Catholic University of America. He also received a doctorate in theology from the Gregorian University in Rome and taught as well as received instruction at Oxford and the Sorbonne. For many years he was chairman of the sociology and social history department of Mt. St. Mary's Seminary and College in Emmittsburg, Md.

Dr. Thorning's greatest distinction has been in foreign reporting and commentary. He is associate editor of World Affairs and The Americas and for many years was special correspondent for The Washington Post. He also wrote articles for the New York Times.

In the 1930s he assumed the role of Cassandra, a prophet always speaking truth to unhearing ears. He foresaw that concessions had to be made to the moderate government of Chancellor Heinrich Breuning of Germany in order to forestall the Nazis; but no such move was made. As early as 1934 he predicted that the Soviet people would submit indefinitely to the dictates of Stalin and his successors; but the liberal ascendancy continued to dream of an evolving Soviet empire. He was never deceived by Fidel Castro, and he was a frequent critic of New York Times correspondent Herbert L. Matthews, whose naive reporting prepared the way for U.S. reception of the Cuban military dictatorship.

In the Spanish Civil War Dr. Thorning saw through the "democratic" aura with which self-styled liberals surrounded the Moscow-backed Barcelona government, and his reporting exploded such myths as the Nationalist Air Force's willful destruction of the Basque capital of Guernica. After his return to the U.S., Dr. Thorning, probably more than any other single man, worked to prevent the removal of the arms embargo to

Spain, which, had it been effected, might have caused the triumph of the Leftist government.

Dr. Thorning reads omnivorously. His spacious apartment at 316 Upper College Terrace, Frederick, Md., is crowded with books, magazines, and newspapers from all over the world. When this writer asked him why crisis after crisis seems to take the State Department and the American public unprepared, his simple reply was: "They don't read."

In his 84th year, the priest climbs the steep steps to his second-floor quarters and gets in his daily stint of jogging besides. He takes only cold showers, stands most of the time he is not sleeping, and stays physically active by walking miles each day.

The Padre of the Americas has never been a "political parson" in the sense that his public services have absorbed his priestly character. For 25 years (1947-1972), he filled the pastorate of the historic church of St. Joseph-on-Carrollton Manor near Frederick, which was founded by Charles Carroll, a signer of the Declaration of Independence, and Daniel Carroll, who signed the Constitution. He is more happy about his soul-work—like the many marriages he has saved—than about any of his scholastic, diplomatic, or journalistic achievements.

The Jesuit-trained scholar is the author of nine books, one of which is Miranda, World Citizen, a biography of the Venezuelan precursor of Ibero-American independence, which was rated by the New York Times Book Review as one of the outstanding books of the year 1952. His recently updated Religious Liberty in Transition was originally written in 1931. It has been acclaimed as a forerunner of the ecumenical movement.

Dr. Thorning is now engaged in writing his memoirs, which is only one of a score of scholarly and charitable pursuits that now engage his interest.●

A TRIBUTE AND SALUTE TO MAJ. GEN. FREDERICK J. SCHEER

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Ms. FERRARO. Mr. Speaker, this Friday, December 5, the 77th U.S. Army Reserve Command Association will hold their "Annual Fall Military Ball." This year's gala event has been designated as "A Tribute and Salute to Maj. Gen. Frederick J. Scheer." I will be at the event honoring General Scheer but would also like to take this opportunity to share with my colleagues my admiration for this outstanding officer.

A native of Ridgewood, Queens, General Scheer began his outstanding military career almost 40 years ago. After his tour of active duty, General Scheer accepted a commission as a 2d lieutenant with the 310th Military Police Battalion. As a reserve officer for the past 30 years, General Scheer's career has included many varied and important duties. His awards and decorations include the Bronze Star Medal, Purple Heart, Meritorious Service Medal, Army Commendation Medal, Good Conduct Medal, National Defense Service Medal, Armed Forces Reserve Medal, Combat Infantryman's Badge, Parachute and Glider Wings, Asiatic-Pacific Campaign, Philippine Liberation, American Campaign, World War II Occupation Medal, and World War II Victory Medal. It is an understatement to say that General Scheer's career as a reserve officer has been distinguished, and that he has received recognition for his efforts on behalf of the U.S. Army Reserve.

As a former New York City police officer, educator, and businessman, General Scheer's contributions to his community are seemingly never ending. I commend him for his continuing concern for the welfare of this Nation, and I look forward to joining his many admirers on Friday when he is honored once again.●

AMERICA'S VETERANS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. FUQUA. Mr. Speaker, Carl Brinkley is a constituent of mine and is an uncle of Georgia's Third District Congressman JACK BRINKLEY. I wanted to share with our friends the excellence of his thoughts. Carl is a graduate of the University of Georgia's School of Journalism and presently resides in Tallahassee, Fla.

INTRODUCTORY LETTER

NOVEMBER 1980.

DEAR COMPATRIOT: In a few days we'll celebrate Veteran's Day. The enclosed poem is my way of honoring all members and veterans of America's armed forces.

Why am I sending you this poem in the name of Carl Brinkley's business? What has it got to do with business? Almost everything!

Our right to choose our occupations, engage in business, compete, risk, profit, select our employers, invest in corporate enterprises, do business with individuals and firms of our choices, voluntarily join with others for mutual good, enjoy the fruits of our labors—so many rights and rewards depend on our national strength and survival.

We aren't perfect. We have differing opinions of right and wrong. We often differ on methods of achieving common goals. We have a right to voice our opinions. To run for public office. To vote. To help effect needed change.

But, we can't secede from the Union when we disagree. We can't be a law unto ourselves. There are others to consider. There's our national charter. Duly constituted authority. Government by majority consent. Established rules for peaceful change.

I'm thankful for the members and veterans of our armed forces, and their willingness to protect our land so we may continue to differ, learn, and improve. I'm thankful, too, that most of you feel the same!

Sincerely,

CARL BRINKLEY.

IN GRATITUDE TO MEMBERS AND VETERANS OF AMERICA'S ARMED FORCES

(By Carl Brinkley)

He was no towering intellectual,
gifted with perfect confidence
in his infallibility in matters
of global politics—of worldwide
national goals and strategies.

He was not some aloof elitist,
a self-anointed Judge Supreme
with special insights and superior
knowledge of right and wrong—
above duly constituted authority,
apart from homeland's democratic brotherhood.

He was an American, part of
a noble heritage, beneficiary of
the toils and struggles of others,
others imperfect like himself, part of
the Establishment, and proudly so—
imperfect as it was and is and will be,
the Establishment, forged by millions
of diverse individuals,
tempered by their sweat and blood,
shaped and reshaped, polished by
loving hands for a common cause.

Oh, he was no robot, a tool
for despots! He would think,
consider, exercize the personal
freedom God gave him to help improve
his Republic, but first to save it!
He would not deny responsibility,
assign guilt, resist, mock, subvert,
attack, renounce his native land,
flee to foreign shores!

So when his country called, he went—
Not asking where nor why,
It wasn't his decision,
To choose where he would die.

In Flanders Field or Vietnam,
It matters not, you see—
He gave his all for country,
Its past, posterity!

Let's honor him and others,
Who gave their very best,
And pray that when we're needed,
We, too, will meet the test.

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LEXINGTON HIGH SCHOOL FOOTBALL TEAM COMPLETES SUCCESSFUL SEASON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. SKELTON. Mr. Speaker, please allow me this time to express my feeling of pride in the accomplishments of a group of young men from my home, Lexington, Mo. The Lexington High School football team brought a highly successful season to a close last week by attaining cochampion status of its division in the State playoffs.

The 6-6 tie in the State championship game gave them two seasons of play without a defeat. The team has displayed outstanding athletic skill, and what's just as important, good sportsmanship.

Coach Gil Rector and the Lexington Minutemen are building a tradition in my hometown that deserves recognition. I am happy to do my part to provide it.●

HERITAGE GROUPS AND THE NEW ADMINISTRATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. RITTER. Mr. Speaker, "Heritage Groups and the New Administration" was the topic of my recent statement to the Third Ethnic Forum of the National Confederation of American Ethnic Groups on November 21, 1980. I would like to insert in the RECORD my remarks on the importance of ethnic groups in American political life.

> Dear Leaders and Members of the National Confederation of American Ethnic Groups: Unfortunately my schedule did not allow me to be with you in person this afternoon. By the time these remarks are read to you I will be already back in the district for an important engagement but wanted to share with you my thoughts on the topic, "The Heritage Groups and the New Administration."
>
> It is my sincere belief that the American ethnic voter in the cities and the suburbs played a decisive role in the Eastern and Midwestern states in the victory of Governor Reagan for President. If you take my state of Pennsylvania, Philadelphia, Pittsburgh, the Lehigh Valley and Scranton areas came from the American Poles, Germans, Slovaks, Hungarians, Ukrainians, who were fed up with the lack of respect all over the world that was the outcome of foreign and defense policies of the Carter Administration. They had had enough of job loss, insecurity and lowered expectations, with the rate of inflation and unemployment.
>
> This election showed clearer than ever that the ethnic voters of the cities and suburbs alike are tired of being overtaxed, overbused and underrepresented at the American political scene. For years they were talked to as if they were prejudiced people or second class citizens for whom the government has to decide the right circumstances of community life. For years they were told that their family and religious values were somehow old-fashioned.
>
> They were also fed up with our declining defense posture, with the unfairness of SALT II in favor of the USSR, with unilateral retreat from responsibility since the McNamara days, with the respect we have lost in the world both among our friends and adversaries. The majority of the American ethnic voters in my state came from Eastern and Central Europe where Communist regimes are still in power daily violating the human rights of the relatives, friends and former fellow countrymen of these American voters. They never had any illusions of "detente" as it was practiced, being the solution to our foreign policy and defense problems.
>
> We have witnessed a major realignment of the ethnic vote in 1980, the beginnings of a new coalition with the Republican Party both by immigrants and the first and second American generation of ethnic voters. It is up to the Republican Party and the new Administration to keep and cement the new coalition in order to retain power and to implement measures the ethnic voters and the Republican Party equally desire.
>
> One of the most frequent past complaints of the various American ethnic groups from Europe and Asia was that they are only exploited by the two political parties at election time but are not being given a proportionate share in the political decision-making process either on a party or governmental level.
>
> The ethnic groups represent not only large numbers of blue-collar workers and clerical employees, but a growing body of business and professional people, some of whom have been part of American political and professional life for years if not decades. They have both the political expertise and the specialist's knowledge to serve our country in the coming Administration and in the life of the Republican Party.
>
> May I point out that I have been calling for ethnic participation in the political decision-making process ever since I was elected to the House in 1978. My district has a special Ethnic Advisory Board based in the community leadership of the various ethnic groups, and they serve in a planning capacity to me on all issues essential to the welfare and interests of ethnic voters in my district. I will endeavor in the future in my contacts with the new Administration and the Republican party leadership to promote the appointment of qualified American ethnic professional and community leaders to positions within the new Administration where the interests and contributions of the ethnic voters are particularly touched by government decisions. I look forward to seeing the Ethnic Advisor position continued and strengthened in the White House as a clearinghouse of ethnic concerns.
>
> Wishing you a successful panel and meeting and again please accept my apologies for not being able to be with you in person.●

ISTVAN GEREBEN COMMEMORATES HUNGARIAN REVOLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. HORTON. Mr. Speaker, on October 26 thousands of Americans joined their Hungarian-American brethren in commemorating the 24th anniversary of the Hungarian revolution. Freedom loving people throughout the world witnessed the bravery and courage of the Hungarian Freedom Fighters as they sought to prevent Soviet aggression and repression in Hungary. Their struggle, which ended tragically 24 years ago, nonetheless continues to inspire and ignite the imaginations and hopes of those who continue to fight for freedom and human rights throughout Eastern Europe.

On the anniversary of the revolution, Istvan B. Gereben, president of the Hungarian Freedom Fighters' Federation, addressed a gathering at the First Church of the Nazarene in Washington, D.C. His address eloquently recalls the essence of the Hungarian revolution and its legacy. The struggle about which he speaks stands an event in history which must never be forgotten. I urge my colleagues to read his address. The text follows:

> In 1956 Hungarians barehandedly wrestled freedom from the tanks of the Kremlin. This freedom was short lived. Courage, bravery, sacrifice were not enough to prevent the victory of the Soviet might.
>
> The street battle, the burnt-out tank, the dead secret policemen, the defecting Ukrainian soldier denote the drama of the event but not its meaning. That meaning was laid down in the demands by the Freedom Fighters for national independence, general and secret elections, freedom of assembly and culture, economic freedom and political reform: The Hungarians revolted not only against the excesses of dictatorship but against dictatorship itself.
>
> In America it might have been and still might be difficult for many to see the wisdom of Hungarian defiance, so hopeless, so doomed to failure.
>
> We sensed then and I know now that it has fallen to Hungary at that moment in 1956 to illuminate the truths by which we, free-men, live. We tend to forget not only the events but we forget the truths taught to us by them as well.
>
> There is no memory-hole big enough to conceal the eternal flame that was lit in 1956.
>
> The torch of the Hungarian revolution held high by the Czechs in 1968 and the Poles in 1980 mirrors the determination of the oppressed to be free and independent.
>
> Freedom is not free. Protecting it takes hard work, dedication and sometimes sacrifice.
>
> In 1956 most Hungarians were ready to sacrifice for the nation's liberty. Many died, more have been deported, jailed or exiled.
>
> They earned an eternal place in Hungary's history, they gained the admiration of the world.
>
> In 1980, when the blood written pages of 1956 are yellow, cracked and the memories are stacked away in the depths of comfortable affluence, when many—among them some of us—are shifting their admiration from the freedom fighters who were executed on their 18th birthday, to the executioner, from the principles of sovereignty, independence to appeasement, we who live in freedom forget that freedom is not free. We refuse to sacrifice. Not only life, which nobody asks us to, but time, effort, and money.
>
> Freedom is not free. On the 24th Anniversary of our Revolution this is the message.
>
> Be ready to pay for it with hard work, with principled dedication.
>
> Out of the tears and blood of the past and the frustration of the present the resolve must be born that we here in America will carry forward the eternal struggle for liberty with the same determination which guided the Hungarian Freedom Fighters in 1956, the Czech intellectuals in 1968 and the Polish workers in 1980.
>
> Let's resolve that we will spare no efforts to remain free; and pray that some day we will share freedom with our nation, our people, with all Hungarians.●

LENDING COMFORT TO EVIL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. OTTINGER. Mr. Speaker, I would like to bring to the attention of my colleagues a perceptive letter to the editor which appeared in the New York Times recently. It was written by the Rev. Thomas J. Marti, who directs the justice and peace office of the Maryknoll Fathers and Brothers, which is based in my district.

While I fully believe that we should give the new administration time to demonstrate its commitment to democratic principles and individual rights at home and abroad, I do share Rev. Marti's distress at recent developments which suggest that President-elect Reagan may reduce our commitment to human rights as an integral part of our foreign policy. I am concerned about reports that individuals close to the President-elect have already publicly discounted the role of human rights in America's foreign policy. I believe that we must all repudiate any policy which condones rather than condemns the mass arrests in Bolivia, the official anti-semitism of Argentina and the Soviet Union, the repression of civil liberties in Chile—indeed, the violation of human rights anywhere in the world.

I am also including in the RECORD a poignant article by Anthony Lewis which sounds an alarm on the dangerous direction that U.S. human rights policy is already taking with David Rockefeller, chairman of the Chase Manhattan Bank, going to Argentina and South Korea to signal that President-elect Reagan will ignore these countries brutal disregard of the most fundamental human rights. I commend these articles to the attention of my colleagues:

TIME, UNFORTUNATELY, IS RUNNING OUT

To the Editor:

I wish to respond to your Nov. 17 editorial "The Life and Logic of Human Rights."

I would like to congratulate you for bringing to the attention of your readers this most critical matter of U.S. foreign policy and human rights, especially in the light of the coming administration of President-elect Ronald Reagan.

I hope that you are right in stating "it is at best premature for others to assume that Mr. Reagan's election amounts to a green light for military takeovers, or an indulgent attitude toward barbarities in places like Argentina and South Korea." While we are willing to work under this assumption in the meantime, unfortunately, I do not share your cautious optimism. Most news articles and commentaries I have read leave very little room for optimism among those people throughout the world who have dedicated their lives to the promotion and protection of human rights.

For example, I was dismayed but not surprised at the report carried in the Nov. 11 issue of The New York Times on the visit David Rockefeller made to Argentina and the message that he carried there. To quote the article "Latins Welcome Word on Reagan From Rockefeller," "Government and business leaders in several Latin American countries have been turning out in droves for the last week to listen to David Rockefeller, chairman of Chase Manhattan Bank, tell them what they want to hear: the election of Ronald Reagan will likely lead to lessening of human rights restrictions on their countries."

Coincidentally, I understand that Mr. Rockefeller also visited, very recently, Korea, and had a meeting with President Chun.

Our hope, if any, with the new Administration is to communicate to its foreign-policy makers that genuine concern for an action on behalf of human rights will, in the long run, serve U.S. national interest. On the other hand, disregard for this concern and commitment will undermine genuine U.S. national interest. This is a point which you tried to make in your editorial, and with which I agree. I think that point must be made time and time again.

I would care to bring to your attention the particular case involving the fate of South Korean democratic leader Kim Dae Jung. What is at stake here is not only the life of one human rights advocate and democratic leader but the future of democracy in Korea itself. What is involved as well is both the security of the Korean people and our own security. Time, unfortunately is running out on Mr. Kim.

I realize that The Times, through its editorial point of view, has already taken up the cause of Kim Dae Jung and the aspirations of the Korean people for democracy. It is of the utmost urgency that this matter be brought to the attention of President-elect Reagan, so that he will have the opportunity of addressing himself to this matter publicly or privately before he actually takes office.

Many who are closely following the situation in South Korea consider it very possible that the South Korean Government will carry out the execution of Mr. Kim before Mr. Reagan takes office.

(Rev.) THOMAS J. MARTI.

LENDING COMFORT TO EVIL

(By Anthony Lewis)

BOSTON, Nov. 23.—At a press conference in Buenos Aires the other day, David Rockefeller, chairman of the Chase Manhattan Bank, praised the Argentine military government for having "stabilized" the country. Life in Argentina, he said, was "much better than before."

In Argentina and other countries on a Latin American tour, Mr. Rockefeller signaled a change in U.S. human rights policy. He told a group of Argentine Government and business leaders that President-elect Reagan "will deal with the world as it is. He is not going to try to change the world in his own image."

Reading reports of those remarks, I thought about Jacobo Timerman, who was Argentina's leading newspaper editor until he was kidnapped by an army unit, tortured, imprisoned, held under house arrest and finally expelled. No charges were ever brought, but the reasons for his brutal treatment were clear enough: he had spoken out for human rights, and he was a Jew.

Jacobo Timerman was in New York recently, on a visit from his new home in Israel, and he spoke quietly about what had happened to him. He remembered the first three questions put to him when the interrogation started:

"Are you a Jew?"

"Are you a Zionist?"

"Is your newspaper Zionist?"

He answered yes to all three questions—the last falsely, because his newspaper was not "Zionist," but Timerman thinks the answers saved his life. His interrogators had told him he was going to be killed. Instead, they thought they could use him in a show trial to prove the existence of a world-wide Jewish conspiracy. In time, protests from the outside world led Argentine authorities to release him.

The Argentine Government is one of the few in the world today that includes elements of unmistakably, unashamedly fascist character. They have not only used violence and murder to force conformity with extreme right-wing views; they are openly anti-Semitic. Many who survived time in jails and interrogation centers report seeing the swastika on display.

Right-wing repression in Argentina followed years of left-wing terrorism. The terrorists carried out political assassinations and kidnappings on a scale that traumatized the country. Outsiders do not always appreciate that Argentine society came near to crumbling under that assault.

But the violence by agents of the state in the last four years has been condemned by international bodies as going beyond any justified response. More than 7,000 Argentinians, among them children, have been taken away from their homes and have simply disappeared. A recent report to the Organization of American States said Argentine Government tactics amounted to "state terrorism."

Widespread torture has been documented. Among its victims was Adolfo Perez Esquivel, the Argentine sculptor who was just awarded the Nobel Peace Prize for his activities on behalf of human rights.

When he won the prize, Perez Esquivel said his work for human rights was "very simple. We do not go outside the law. We only ask that if a person breaks a law, that he be judged by a court, that if a person disappears, they tell where he is." After ignoring the prize for some time, the Argentine Government said that, whatever his intentions, Perez Esquivel had helped terrorists.

All this makes one wonder why David Rockefeller chose to go to Argentina at this time and say the things he did. For the effect could only be to lend legitimacy to a system that allows the use of bestial methods for political ends.

Mr. Rockefeller told the meeting of Argentine businessmen and Government officials: "I don't think anyone in this room opposes the promotion of the application of human rights." But he said he hoped that President-elect Reagan, "while in no sense abandoning the objectives, will pursue a different approach"—one based on U.S. national interests, such as trade and natural resources.

His listeners had no doubt of his meaning. A New York Times correspondent, Edward Schumacher, wrote that they and others who met Mr. Rockefeller in nearby countries heard what they wanted to hear: that the election of Mr. Reagan will likely lead to a lessening of human rights restrictions on them.

President Carter's human rights policy, with all its imperfections, has saved lives and helped to relax repression in some places, such as Brazil. It is not the only way to advance American ideas of human decency. But if Washington is going to try new policies in the field, surely prominent individual Americans should avoid gestures of accommodation with evil.

David Rockefeller has the burden of living with lunatic conspiracy theories—about his bank, his family, the Trilateral Commission. But he is a man of unusual prominence, whose example matters. The next time he considers such a gesture to Argentina, he might think of something said by Jacobo Timerman—said of Argentines, but applicable to all of us:

"It is very easy to hate a Nazi, a guardian in the Gulag. But the real danger is not them. It is the decent people who compromise with evil."●

THE PROLIFE MOVEMENT CONTINUES TO GROW

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. ASHBROOK. Mr. Speaker, fortunately, those who espouse the prolife cause continue to grow in number and strength. The principal activity of the prolife movement is education. Its central theme of the restoration of the right to life for the unborn is constantly emphasized and reemphasized.

Every day more and more people become aware of the reality of abortion and are moved to join in supporting this cause. The shift is almost invariably toward the prolife side rather than away from it, and, almost as frequently, those who move toward it become active in the movement rather than merely supportive of it. As one prolifer put it recently—

> Once you have heard with your mind's ear the silent screams of the unborn, you cannot turn away; you cannot rest until this wholesale slaughter of innocent human life is stopped.

But there are those who are not yet prolife, who are not yet convinced of the importance of unborn human life, and who mockingly question the relevance of what they refer to as "something that big," as they hold thumb and forefinger in close proximity. They go on in this vein by stressing the needs and wants to those women who would somehow suffer by giving birth to a child. That suffering might be in the form of economic loss, inconvenience, embarrassment, or discomfort, or any of these in their eyes justifying "getting rid of it." The "it" they refer to is a tiny, living human being whose right to life they consider inconsequential and expendable.

But there is more to the prolife movement than concern for the tiny unborn child. There is a bigger message; it is a concern for the right to life of all of us, for all innocent human life, for any individuals who may suddenly find themselves labeled unwanted. If this basic right can be taken away from any one segment of humanity, then no other group is truly safe. No other class of human beings can really feel secure, as long as that right which was proclaimed unalienable in our Declaration of Independence remains subject to such arbitrary, relative or abstract conditions as wantedness or personhood.

That is the bigger message. It is the message that is finally being heard and understood by more and more people every day.●

GEORGE GILDER ON WHY SUPPLY-SIDE ECONOMICS WILL WORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. KEMP. Mr. Speaker, President-elect Reagan will bring with him to office an economic package which comprehensively addresses our economic problems of high inflation, high unemployment, and sluggish productivity. The package includes tax and regulatory reform to restore economic incentives, and budgetary and monetary reform to end inflation and restore order to financial markets.

George Gilder is one of the most articulate spokesmen of the economic and social thought behind this program. I therefore read his recent article on supply-side economics, which appeared in the New York Times, with great interest. I recommend the article to my colleagues as a brief and clear explanation of why tax-rate reduction is an integral, indispensable element in President-elect Reagan's plan for economic recovery and stabilization.

The article follows:

[From the New York Times, Nov. 23, 1980]

FORUM—INSIDE THE SUPPLY SIDE

IT ENCOURAGES WORKERS TO WORK AND INVESTORS TO INVEST

(By George Gilder)

In recent months the subject of supply-side economics has widely engaged the public. But after a Presidential race in which Ronald Reagan's supply-side programs were a major issue, confusion still reigns on the meaning and significance of the term.

By diluting his supply-side arguments during the course of the campaign, Mr. Reagan himself has contributed heavily to the confusion. And by consulting chiefly with conventional economists since his election, most leading economists and financial writers have concluded that he has little enduring commitment to supply-side theory and that he has no way of escaping the economic tribulations that have afflicted the Administrations of Jimmy Carter and Margaret Thatcher.

To understand why these experts may be wrong, it is necessary to comprehend that supply-side theory is not a mere fashion of concern for "the supply-side" of the system but an entirely different and coherent model of how government affects the economy. Developed by the economists Norman B. Ture, Arthur B. Laffer, Paul Craig Roberts, Robert A. Mundell, Jude Waniski, Alan Reynolds, Michael K. Evans and others, this view of economics has captured the imaginations of the most influential Republican senators and representatives.

Let us assume that the the Reagan-endorsed tax proposal put forth by Representative Jack Kemp of Upstate New York and Senator William V. Roth Jr. of Delaware is enacted and its 30 percent reduction in tax rates is applied over three years. The demand-sider believes that this measure will immediately stimulate total, or aggregate, demand by increasing the disposable incomes of consumers.

The supply-sider, however, denies that a tax cut can have any immediate effect on total disposable income or real aggregate demand. For every dollar of increase in disposable income from the tax cut, there will initially be $1 less of disposable income either for recipients of Federal aid or for purchasers of government bonds that would otherwise have to be sold to cover the deficit. Some people will have more money, others will have less; the result is essentially a wash. Lacking a net immediate increment of aggregate demand, there can be no major short-run stimulus to the demand side of the economy.

The Kemp-Roth bill will work not by increasing total disposable income but by increasing the incentives of workers and investors to supply additional goods and services to the market. Supply-side theory focuses on marginal tax rates, the rates that apply on the margins of the economy to additional income that earners might choose to pursue, whether by working overtime, withdrawing from tax shelters, foregoing consumption, rejecting leisure, selling gold, purchasing stocks, starting a business, taking extra training or otherwise accepting additional risk to earn more money.

By definition a marginal tax rate is the rate applying to the next dollar of income for a worker or investor. So cuts in these rates will tend to induce workers to work harder for such additional dollars and investors to limit their consumption in order to earn more dollars in the future. The cuts will reduce the rewards of sheltering income from taxes through investments in untaxable activities or through work "off the books." By this process of changing incentives, tax cuts can lead to a long-run expansion of aggregate demand as a noninflationary result of expanding production of goods and services.

The only way a tax cut might contribute to inflation is by increasing the Federal deficit by a larger amount than personal and corporate savings, thus pressuring the Federal Reserve to expand the money supply. However, a cut in marginal tax rates, which Kemp-Roth would accomplish, would generate enough new revenue to eliminate the deficit or reduce it to manageable size. In addition, Kemp-Roth would yield enough new savings to remove pressure on the Fed to print money to cover any remaining deficit.

Marginal tax rates inflict a double penalty on saving. A particular marginal tax first deters the worker from earning the additional money that he is most likely to save. And, second, it deters him from saving it by taxing the income from savings at the highest rates. Because of this double inhibition, cuts in these rates impart a double stimulus to savings.

Not only have revenues increased in many countries, as well as the United States, after every previous cut in marginal rates, but there are also special conditions in this country today that make such results easily predictable now.

The economy is currently contorted by taxes. In recent years taxes have been growing 80 percent faster than inflation and 20 percent faster than personal income. In fact, one good reason for skepticism toward high taxes as an antidote to inflation is that for 15 years taxes—the price of government—have been the fastest-rising major cost in the economy.

Not only have these taxes been diffused into all the prices in the system, but the country has also developed a vast underground system of tax avoidance: a flourishing realm of cash and barter, financial finagling, investments in gold, baubles, flimflam films, subsidized real estate and an array of collectibles.

These shelters, hedges and other tax dodges exist almost exclusively as a result of the insidious interplay of rapid inflation and high marginal tax rates and would shrivel overnight under a rational tax system.

The marginal tax rate average Americans will face in 1981, though, as estimated from a study for the American Enterprise Institute by Edgar K. Browning and William A. Johnson, will be more than 50 percent when all Federal, state, and local levies are combined with transfer payments that must be given up as earnings rise. This means that for the majority of Americans, rich and poor, it is more profitable to conceal a dollar of existing income than to earn an additional dollar.

For savers, however, the situation is worse. As Alan S. Blinder of the National Bureau of Economic Research recently testified before the Congressional Joint Economic Committee, most "unearned" income from savings such as interest and dividends, now faces tax rates substantially greater than 100 percent when adjusted for inflation. Most of these taxable "earnings" become losses when translated into uninflated dollars, but the I.R.S. continues to take a bite of up to 70 percent on these false gains, while state and local governments pile on further levies.

Moreover, by reducing expenditures on unemployment compensation, welfare, early retirement and other recession-related government burdens, the Reagan program can facilitate cuts in government spending. Finally, by increasing the take-home pay of private-sector workers, tax cuts can diminish the pressures of the wage-price spiral. Supply-side economics thus provides an effective escape from the painful impasse of conventional economic theories and policies. That is why the theory will now be tested and prevail.●

PEPPER RECEIVES AWARD FROM BEGIN

HON. WILLIAM S. GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. GREEN. Mr. Speaker, on November 11, I had the pleasure to attend an awards ceremony sponsored by the Jabotinsky Foundation at the Waldorf-Astoria Hotel in my district in New York City. At that ceremony Prime Minister Menachem Begin of Israel conferred the Jabotinsky Centennial Medal upon our distinguished colleague, Representative CLAUDE PEPPER.

Following an involved selection process by the board of the Jabotinsky Foundation, the gentleman from Florida (Mr. PEPPER) was chosen from among numerous leading professionals of all faiths to receive this prestigious award for his long service and dedication to the state of Israel and the Jewish people. This award celebrates the birth 100 years ago of Ze'ev Jabotinsky, the legendary Jewish leader, statesman, poet, and architect of the state of Israel, and it honors all those peoples of the world who strive for liberty and a true humanitarian way of life.

I can think of no one more deserving of this medal than my good friend from Florida. As a Member of the Senate and, later, as a Member of the House, Mr. PEPPER has always been at the forefront of support for Israel. He was instrumental in establishing the mutual defense treaty with Israel, helped that nation establish adequate deterrent capabilities, and fought against terrorism wherever he found it in the world.

Recently, he cosponsored legislation which designated the week of April 21 to April 28, 1980, as "Jewish Heritage Week." These dates were chosen because Israeli Independence Day, Jerusalem Day, and the anniversary of the Warsaw ghetto uprising all fall within this time period. It was my honor to serve with Mr. PEPPER as a cosponsor of that legislation.

No American has had a more distinguished career of service to the state of Israel and to the causes of independence and freedom than our colleague from Florida. I am pleased to have had this opportunity to share with the Members of this body information regarding Mr. PEPPER's award and I join with my colleagues in extending to him well-deserved congratulations.●

WORKPLACE FATALITIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. GAYDOS. Mr. Speaker, looking back to when the Occupational Safety and Health Act was written in 1970, it appears that the belief at that time was that if the Government would only use legal compulsion, industry would apply the requisite knowledge in eliminating workplace injury and illness. Today, however, we realize that we are dealing with a subject that is more difficult and complex than we imagined in 1970. Few, if any, employers in the Nation can state that their workplace is in total compliance with the OSH Act of 1970. The goal of a safe and healthful workplace presents a difficult challenge to employers. Nevertheless, even though the OSH Act and its administration have been much maligned over the years, it is indeed clear that without the 1970 law, present knowledge would not have reached the level it has.

The OSH Act has concentrated intellectual attention, scientific research, and management skills on the problem of worker safety and health. This effort has involved trade associations, universities, commercial and academic laboratories, labor unions, and State and local governments. Today, occupational safety and health issues are being discussed on a much broader plane than before. The subject of occupational safety and health has been increasingly discussed in universities, as evidenced by the greater number of courses being offered that are related directly or indirectly to this area. The field of occupational safety and health is a promising one for many students, and industrial hygienists are in great demand.

Increasing knowledge has dramatically altered our approach to occupational hazards. Initially, the area of job safety received much more attention than occupational health problems, primarily because of the greater visibility of safety hazards. Recently, during the tenure of Assistant Secretary for OSHA Dr. Eula Bingham, this trend has begun to reverse itself and more resources are being channeled into health related areas. However, while growing medical knowledge has aided in the treatment of work-related diseases, it has also enlarged the list of diseases which are related to the work environment. Our greater knowledge has exposed the fallacy of simple cause-effect relationships and led to an appreciation of the complex interrelationship of factors leading to workplace injuries and diseases.

One of the most important responsibilities of employers is that they reduce the unknowns of the workplace to a minimum and that they properly inform their employees of potential hazards. This requires the employer to restructure the work environment based on the current level of knowledge about occupational safety and health and to actively participate with employees, their representatives, and Government representatives in this ongoing effort. The employer must be receptive to worker complaints since, for example, reported instances of coughing, nausea or other physical discomfort may be warning signs of occupational health hazards. An increasing number of collective bargaining agreements contain provisions on safety and health with some providing for labor-management safety and health committees. As employers continue to grapple with safety and health issues, they have been upgrading the positions of those responsible for workplace safety and health.

Despite the major advances that have been made in the field of occupational safety and health over the years, accidents and occupational disease continue to claim the lives of many working men and women in this Nation. For example:

On May 22, 1980, a 19-year-old employee of a drilling company in Erie, Pa., was electrocuted when an overhead electrical wire fell on a gas drilling rig on which he was working.

On May 23, 1980, the coowner of a Tisard, Oreg., construction company was killed when a sewer-installation trench collapsed on him. According to officials at the scene, the 10-foot deep excavation had not been shored up.

On June 6, 1980, a 26-year-old employee of a powerplant in Paradise, Ky., was killed when he fell 80 feet from a tower at the facility.

On June 19, 1980, a 40-year-old employee of a cotton mill in Marion, N.C., was killed when the switch box in the air-conditioning control room exploded.

On October 21, 1980, an explosion at a chemical plant in New Castle, Del., killed at least six employees and injured dozens of others.

These are just a few of the casualties of the workplace which have occurred in recent months. But I point them out as evidence of the gravity of the problem of existing unsafe workplace conditions, and the continuing need to support the crusade to provide every worker a safe and healthful workplace.●

ROSA PARKS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SEIBERLING. Mr. Speaker, rarely can we look back in our history and identify one event as a turning point in the country's progress. Many people of all races participated in the U.S. civil rights movement, but I think there was one event which was so significant that it marks a milestone on the road toward making a reality of the noble goals proclaimed in the Declaration of Independence and the Constitution.

That event took place 25 years ago today, in Montgomery, Ala., when a courageous black woman named Rosa Parks refused to give up her seat on a bus to a white man. From that one lonely, brave act by Rosa Parks grew two epochal events—the Montgomery bus boycott, which proved that a group united in a common cause can make a difference, and the Supreme Court's landmark decision in the achievement of equal rights for all, regardless of race.

Mr. Speaker, I take great pride in commemorating today the civil rights movement, and especially the courage of Rosa Parks, "the mother of the civil rights movement."●

ENGINEERING GEOLOGISTS PROMOTE DEEP UNDERGROUND GEOLOGICAL BURIAL OF NUCLEAR WASTES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. CORCORAN. Mr. Speaker, I include in the RECORD for the benefit of our colleagues the June 27, 1980, policy statement on disposal of high-level radioactive waste, as adopted by the Association of Engineering Geologists.

The Association of Engineering Geologists (AEG), which numbers over 3,000 members worldwide, is the professional society of choice for nearly all practicing professional engineering geologists in the United States. The association's position statement was developed by its Nuclear Energy Commission through a series of draft positions which were circulated to all 19 sections of the association for comments of the membership. A substantial number of comments and suggestions were received as the proposed statement went through a series of revisions to accommodate the broadest base of professional opinion among the membership. Every member of the association affiliated with a recognized section has seen and had the opportunity to comment upon the position statement. The 25-member board of directors of the association completed final review, modification, and approval of this statement, culminating approximately 1 year of effort, at their semiannual meeting on June 27, 1980. The statement thus represents the responsible considered professional and scientific consensus of the Association of Engineering Geologists in this matter.

This statement, which takes the position that radioactive nuclear wastes can be safely isolated and disposed of by deep underground burial in secure geological environments, was brought to my attention by Ms. Jean Bogner, the association's north-central section chairman. Ms. Bogner is employed by Argonne National Laboratory in Argonne, Ill.

The statement follows:

ASSOCIATION OF ENGINEERING GEOLOGISTS POLICY STATEMENT ON DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE, ADOPTED BY THE BOARD OF DIRECTORS, JUNE 27, 1980

It is the position of the Association of Engineering Geologists that radioactive nuclear wastes can be safely isolated and disposed of by deep underground burial in secure geological environments. The scientific and technical means to locate and define the boundaries of these environs and to achieve such safe disposal is well developed and increasing. Sufficient criteria have now been established to permit responsible selection of candidate sites. A sense of urgency regarding safe disposal of nuclear wastes prevails, and it can and must be satisfied.

The waste is dangerous over a long period of time and many people have been so conditioned in this concept that they tend to react emotionally rather than objectively when radioactive waste is mentioned. This has resulted in a call to cease construction of nuclear power plants and passage of laws to prohibit the disposal of nuclear waste.

Nuclear waste has been produced from civil and military activity. This accumulated waste must be disposed of soon because present temporary storage facilities are not designed for permanent separation of the waste from the biosphere.

One of the methods of isolation of the waste is deep burial in specially excavated spaces in structurally adequate bedrock where ground water is absent or will not return to the biosphere carrying with it waste materials and where erosion will not expose the waste during its radioactive lifetime. To these conditions is added a requirement for a location such that future societies will most probably never expose the waste inadvertently. The location and demonstration of the feasible, acceptable character of such sites is a geological problem. It can be solved by the investigative and analytical methods now available within the geological professions.

Repository sites should be strategically located, as far as geological and subsurface conditions permit, with respect to the regional distribution of nuclear facilities. Each site should be selected only on the basis of a progressive sequence of comprehensive investigations.

Primary considerations in the selection of each repository site must be long-term geological integrity of the host rock through natural retardation of radionuclide travel and amenability to simple, proven, and reliable methods of engineered design and construction. Safe disposal sites can be found in several types of rock. Technologies exist to ensure selection of disposal sites in these geologic media which can provide long-term integrity without harmful effects due to migration of radioactive materials to the biosphere.

Each disposal site should be selected and developed cooperatively by governmental entities, private industry and academic researches. Full and open disclosure must be an integral part of the entire process to assure the protection of the health, welfare and safety of the public. The selection process should proceed with all deliberate speed.●

RONALD REAGAN: REVOLUTION OR INTERRUPTION?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. GINGRICH. Mr. Speaker, what Republicans and their conservative sympathizers do over the next few weeks may determine whether Ronald Reagan makes history or succumbs to it. At issue is who runs the country and a possible realinement of the political parties.

Last month's elections were not the clean sweep most observers would have us believe. There are five major sources of influence in the political life of this country: The Presidency, the House, the Senate, the press, and the academic/intellectual community. It is fair to say that conservatives have the Senate and the White House. They have made impressive inroads in the academic/intellectual community. As for the press, they are nonideological but tend to view events from a liberal-tinged frame of reference. And as for the House of Representatives, it should be clear to all of us that power remains in the hands of the liberals and moderate liberals who comprise the leadership and run the key committees.

The result is that political power is diffused. We do not have liberal government, conservative government, Democratic government, or Republican government. Most of the talk in the press glosses over this reality in a rush to assume conservatives struck it rich last month. This is an unfortunate distortion of the current division of political influence in this country, and I am disturbed to think that the results of the incoming Reagan administration and 97th Congress may be measured by this inaccurate yardstick.

Today I have two items for my colleagues to consider. One is an excerpt from a November 29, 1980, article in the Congressional Quarterly that shows how the leadership plans to consolidate its control over the House. The other item is a column by Frank Gregorsky from the Douglas County Sentinel in Douglasville, Ga. The Congressional Quarterly excerpt and the Gregorsky column follow:

[From the Congressional Quarterly, Nov. 29, 1980]

HILL DEMOCRATS, REPUBLICANS ORGANIZE FOR 97TH CONGRESS

(By Irwin B. Arieff)

PLETHORA OF RULES PROPOSALS

The major challenge facing House Democrats during the week of meetings will be to elect leaders and adopt rules changes that will help them to retain their procedural control of the House despite their loss of 33 seats in the November elections.

The principal preoccupation of House Republicans, on the other hand, will be to choose new party leaders who can both keep the party unified and help enact President-elect Reagan's legislative program.

House Democrats will have few election contests but face possibly lengthy discussions of proposed party and House rules changes.

Because they continue to hold a majority of House seats—243 to the Republicans' 192—the Democrats will continue to control the House's top leadership posts and committee chairmanships in January. But the existence in the House of a bloc of conservative Democratic votes big enough to tip the balance of power to the GOP has party leaders worried. Consequently, the leadership is expected to propose a series of rules changes intended to shore up its ability to control scheduling and floor proceedings.

The most significant proposal would limit—or prohibit altogether—the proliferation of legislative riders on appropriations bills; details of the proposal have not yet been worked out.

Other proposals would give the Speaker greater flexibility in taking up appropriations bills, scheduling votes on bills taken up under suspensions of the rules and avoiding taking quorum calls requested during routine legislative business.

Another proposal being discussed would allow the House to speed up its consideration of appropriations bills. If adopted, the rule will allow general appropriations bills to be taken up any time after June 1, even if the first budget resolution has not yet been approved.

In addition to those advanced by the Democratic leadership, proposed rules changes are likely to come from other Democratic sources, as well, including the Democratic Study Group—a formal organization of reform-minded moderates and liberals—and an informal group of 34 conservatives who are seeking a greater voice for the right in the traditionally liberal House Democratic mainstream.

[From the Douglas County Sentinel, Douglasville, Ga.]

REAGAN: REVOLUTION OR INTERRUPTION?

(By Frank Gregorsky)

There seems to be a media conspiracy to give conservatives responsibility for, without control of, the U.S. House of Representatives. Well, it's not really a conspiracy. Just a case of the establishment echo chamber at work.

Those who follow politics are aware that the 97th Congress will have 243 Democrats and 192 Republicans in its lower chamber. The majority of the majority party favors Tip O'Neill for Speaker. That's the position he holds now. If the political landscape remains placid, he'll stay in that position. Speaker O'Neill is one of Washington's last unreconstructed liberals. Conservatives cannot control a House run by him. The big media ignore this reality.

Read the words of Steven V. Roberts in the November 16 New York Times: "(E)nough conservatives from the majority are likely to vote with the Republicans to give them effective control on such key matters as government spending." Or those of Helen Dewar in the December 1 Washington Post: "In the House, where the Democrats retain control with a shrunken 26-vote margin, the new-era conservatives also are on the rise, joining with older conservatives and right-leaning Democrats to form a bipartisan right-of-center coalition that is expected to be the dominant force in that body during the 97th Congress." Newsweek went so far as to say that last month's House elections placed a "bipartisan conservative majority in control."

Conservatives cannot afford to believe they run the U.S. House. The power remains in the hands of the liberals and moderate liberals who comprise the leadership and run the key committees. They write the rules and set the legislative agenda. All the press talk about conservatives being "in control" may lead to their having responsibility without power, while the liberals retain the power and are free of the responsibility.

Tip O'Neill met with Reagan and dubbed him a "beautiful individual." In the meanwhile O'Neill and Budget Committee Chairman Robert Giaimo were tying Reagan's hands on the fiscal 1981 budget. They announced with great fanfare that the second budget resolution would incorporate Reagan's proposed "two percent cut in non-defense spending," and the outlay estimate was lowered to $632 billion. The House then rejected an amendment that would've suspended for one year the 1974 anti-impoundment legislation to let the new President keep the 1981 budget within its spending boundaries. The vote was 233 to 154, with only 14 Democrats voting the conservative position.

This is not to say that we should expect O'Neill to be a Reagan cipher. His partisan position and his vision of the world compel him to oppose Reagan, the Republicans, and their conservative initiatives. But we should recognize that Tip's vision is not conservative, and that his position as Speaker allows him to do a great deal to sidetrack the conservative locomotive the press leads one to expect will steam through Washington next year.

The people who've run Washington since the thirties can live with Reagan if he is another Eisenhower. But Republicans who want Reagan to thoroughly alter the way this society governs itself had better hope he's not another Eisenhower. What happens in Congress is the key to whether Reagan is an interruption or a revolution. Ike brought the GOP to control of the House after the 1952 elections with 221 seats. Republican membership fell to 203 after 1954, 201 after 1956, and 153 after 1958. To this day, the GOP has never topped the strength it had going into the disastrous 1958 elections. If Reagan's party takes a pasting in 1982, political realignment is a distinct long shot. And if voters in 1982 think Reagan had everything going for him but botched it—and with a Democratic House, he doesn't—they will take it out mostly on House Republicans.

To prevent this setback conservatives need to begin educating the country on how it divided the spoils of government on November 4. A campaign against O'Neill as Speaker probably cannot win, but it can serve to enlighten the public. The Representatives will select a Speaker on January 5. Everybody assumes it will be O'Neill, on a straight party-line vote. It doesn't have to be O'Neill. It could be a Republican, if 26 Democrats desert their party. But that's asking them to do a lot. A more likely request would have them desert O'Neill—for a fellow Democrat who is not a liberal, will work with Reagan, and who is promised support from all 192 House Republicans.

The House would then neither be Democratic nor Republican. It would be a coalition House. Republicans and non-liberal Democrats would run all the committees. The new President would not have to perch himself on a stool that has two sturdy legs (the White House and the GOP-run Senate) and one that Tip O'Neill is planning to pull out from under him (the House). Of course, a coalition House is still improbable, even if its advocates do everything right. But if conservatives and Republicans don't begin now to point out what O'Neill stands for and what the alternative is, they may get hit with an electoral broadside in 1982.●

SOVIET DISSENTER—NO TIME TO FORGET

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BROWN of California. Mr. Speaker, for the entire year of 1980, scientists and other concerned citizens throughout the world have voiced concern about the crackdown on internal dissent, of even the mildest type, in the Soviet Union. One of the true heroes of the Soviet Union, and one of the great men of our time, Nobel laureate Andrei Sakharov, has been the symbol of what is happening in the Soviet Union.

Mr. Speaker, one concern of the 96th Congress which we must carry over to the 97th Congress is our concern about human rights everywhere. The situation of Andrei Sakharov and other scientists throughout the world who are at odds with their governments is but one part of this concern.

Mr. Speaker, at this time I wish to insert in the CONGRESSIONAL RECORD an eloquent editorial from last week's Washington Post.

[From the Washington Post, Nov. 25, 1980]

A VOICE OUT OF THE DARKNESS

Soviet police action this past Sunday marked another step in what is turning out to be the grimmest year for Soviet internal dissent in several decades. The latest crackdown involved a seminar organized by Jewish scientists whose requests to emigrate caused them to lose their jobs. While they wait for the exit visas that often never come, the "refuseniks" use these Sunday meetings to try to keep up with research in their fields—and to keep up their morale. The meetings, held in a crowded apartment, have been held weekly for the past eight years. This weekend, for the first time, police prevented participants from gathering.

The human rights crackdown began last January with the arrest and internal exiling of Andrei Sakharov, the great physicist and winner of the Nobel Peace Prize. Sweeping moves against all types of possible "troublemakers" were carried out to ensure a smooth atmosphere for the Olympic Games. After the Games, the pressure continued, with more than two dozen trials and convictions handed down in the past three months.

The crackdown is by no means limited to Jews: no type of dissent has been left untouched. Unofficial political and literary journals have been silenced and their editors and publishers arrested. The biggest names have been exiled. Those without international reputations have generally ended up in prisons, labor camps or psychiatric wards. Just about every member of the Helsinki monitoring groups in Moscow and other major cities has been silenced one way or another. Russian Orthodox and Baptist activists have been jailed, as have leaders of Lithuanian, Estonian and other nationalist movements.

This throttling of internal dissent has happened while the West has been preoccupied with the invasion of Afghanistan and the troubles in the Persian Gulf. But though it has gone largely unnoticed, the crackdown signals a profound change in Kremlin policy that the Reagan administration will have to consider as it tries to craft workable U.S.-Soviet relations.

One goal the crackdown has not been able to achieve is to break the spirit of the dissenters, who continue to face the likelihood of years of poverty or harsh imprisonment with extraordinary courage. The blazing symbol of that determination is Dr. Sakharov, who in recent months has been painted by the Kremlin as senile and in need of protection for his own good. Now, through circuitous underground channels, a postcard from him has just appeared. Far from being senile (as the Soviet libel goes), Dr. Sakharov has clearly managed—somehow—to stay on the frontiers of research in theoretical physics, despite his near total isolation in Gorki. Physicists can appreciate the genius that still manages to produce new insights at the same time as, and even ahead of, scientists who have all the advantages of the great research centers of the world. The rest of us only can admire the undimmed gentleness, graciousness and valor of this amazing man.●

TARGETED TAX CUTS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. NOWAK. Mr. Speaker, a report issued this week based on an ABC News-Harris survey of 1,199 adults nationwide identified an interesting feeling among Americans regarding potential Federal tax relief.

An article by Louis Harris in Monday's Washington Post said the survey showed:

> By 63-to-29 percent, a majority of Americans favor "allowing business to claim depreciation on investments made in new plant and other expansion more quickly" * * *. These findings * * * show that tax incentives for business to expand and grow are popular. * * *

Mr. Speaker, I hope that the 97th Congress will be able to devise a tax package next year that capitalizes on the growing popularity of providing Federal tax incentives to stimulate economic growth and job creation in the private sector.

In particular, however, I believe that a key component of that tax package must be targeted to address the special expansion needs of small- and medium-sized businesses located in the economically distressed urban centers of our Nation.

While broad-based, across-the-board tax incentives are needed to speed investment and increase productivity in our business community as a whole, at the same time I believe we must provide special incentives to meet the special needs of our older central cities.

What I am advocating is a broader use of the Federal tax code as a tool of urban revitalization and to help these communities counter the adverse impact of long-term high unemployment, population loss, local tax base erosion, and the resultant disincentive to private investment.

I have already communicated this view to President-elect Reagan and I trust that serious consideration will be given this concept as the new administration develops its tax policies and legislative proposals.

I have long been an advocate of tailoring and targeting Federal tax incentives to assist economically distressed communities. I firmly believe such targeted incentives would provide multiple benefits, including assisting localities address in a meaningful way the problems of the chronic jobless and aging, deteriorating physical plants, and abandoned structures.

A carefully tailored and targeted tax incentive package in the long run would result not only in increased revenues for the Federal, State, and local treasuries but also would help curb unproductive governmental expenditures for items like welfare and unemployment compensation.

That is why one of the first bills I introduced in 1975—my first year in the House—was a measure seeking to provide a 5-percent bonus—in addition to the regular 10-percent investment tax credit—for both plant and equipment expenditures in targeted distressed areas.

My experience during the last 6 years and my work during the last 2 as chairman of a House Small Business Subcommittee, reaffirm my belief that this type of incentive would be a viable and valuable economic development and expansion tool.

It is one of six incentives I have included in H.R. 8265, the Job Expansion and Urban Development Act of 1980, which I introduced in October. I would like to bring this package to my colleagues' attention in the hope of spurring debate and interest in the viability of this targeting concept.

This bill is intended to help foster the growth of employment and industrial development—particularly among small- and medium-sized firms—in targeted depressed urban areas. The targeting criteria includes levels of poverty, unemployment, and the lag in per capita income.

In general, the bill would:

First, stimulate new investment by providing increased depreciation allowances.

Second, provide a 5-percent investment tax credit on new structures placed in service by a qualified business. This will encourage new construction and business development.

Third, increase the amount of used property eligible for the investment tax credit from $100,000 to $400,000.

Fourth, provide for a 25-percent investment tax credit on the rehabilitation of commercial buildings.

Fifth, help start up companies through a refundable investment tax credit of up to $100,000.

Sixth, expand the present targeted jobs tax credit.

This six-pronged approach would, therefore, provide a range of incentives that would stimulate a variety of economic development initiatives, from new construction to rehabilitation, in the targeted areas. This type of stimulus would do much to improve the physical plant condition in these areas, improving the quality of life and the areas' attraction to both investors and residents.

An important aspect of this approach is its total reliance on Federal—rather than local—tax incentives to stimulate this economic expansion and revitalization.

Cities, like my hometown of Buffalo, N.Y., for example, are levying property taxes at or near their constitutional limits. And still, they are having trouble making ends meet.

Thus, I do not believe that such hard-strapped cities could afford the revenue losses that would be incurred if they sought to provide such investment incentives to target areas by using local property tax abatement as the vehicle.

In addition to the revenue loss, such cities' fiscal woes would be compounded by the continued need to provide costly basic services to the target area that was the beneficiary of such tax abatement.

Thus, adapting Federal tax laws to provide the desired relief and economic stimulus would be the most appropriate and effective route to pursue.

Of course, the all-encompassing intent of my proposals is to create jobs * * * permanent, long-term jobs in the private sector, particularly among small business and medium-sized growth firms.

Another major goal, however, is to deal in a meaningful way with the problems of the chronically unemployed. My proposed expansion and targeting of the jobs tax credit program would be a major step in addressing the needs of the long-term jobless. It would give special tax incentives to firms in the target area who hired residents of the target area. This is in line with my original point that we need to provide special incentives to meet special needs.

Despite various Government-sponsored training programs, thousands of inner-city residents remain trapped in the vise of long-term unemployment. We must enlist the broader involvement of the private sector in dealing with this serious problem and my proposed jobs tax credit would stimulate just that kind of activity.

As our efforts intensify in the months ahead to curtail inflation and achieve a balanced budget, greater and greater constraints are expected on our limited Federal resources.

If we really want to insure that our older cities do not become wards of the Federal Government, if we really want to enable localities to help themselves, if we really want to reduce Federal spending and yet achieve urban revitalization, I suggest that the new administration in cooperation with the 97th Congress seriously address the potential of the targeted tax incentives approach. It will certainly be a top priority item for me.●

BOB WILSON

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BROOKS. Mr. Speaker, I rise in tribute to the Honorable Bob Wilson who is retiring at the close of the 96th Congress after almost three decades of service in the House of Representatives.

Although we have sat on different sides of the aisle, Bob has been a good friend and colleague and I have admired him on his expertise on defense. He has worked diligently for the defense of this country and the good of this Nation as the ranking minority member of the Armed Services Committee. It has also been a pleasure to serve with him on the North Atlantic Assembly, where his knowledge of military affairs served our country well in discussions with our NATO Allies.

Bob has had a distinguished career here in the Congress and I wish him the best in a long and fulfilling retirement.●

CONYERS ASSESSES ELECTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. CONYERS. Mr. Speaker, the Michigan Chronicle, a Detroit weekly newspaper, requested my assessment of the November election results, which it published on November 22. I wish to share these observations with my colleagues.

The Michigan Chronicle article follows:

Conyers Assesses Election

President-elect Reagan's victory was the culmination of a 14 year strategy of developing a highly organized and well-financed national conservative movement with candidates running at every level of government. It succeeded in arousing the cultural and social as well as economic fears of a great many white working class men and women. The racial and cultural aspect of the election was largely ignored, and that is part and parcel of the problem this society faces.

Reagan won the hearts, if not the minds, of a great many citizens with his appeals for a return to a simpler era and a more controllable world in which in America the white middle class was unburdened by the claims of Blacks and Hispanics and the U.S. was undistracted by the revolutionary movements of a Third World. Reagan's statement during the debate, "when I was growing up, America wasn't aware that it had a race problem," epitomized that appeal, as did so much of the new racial code language that attacked affirmative action, minority court appointments, social welfare programs, bilingual education, and a host of other programs.

The conservative housecleaning was aimed at all national liberals, and some who weren't. In North Carolina, Cong. Lamar Gudger was defeated by a Republican whose No. 1 issue was that Gudger did not vote to oust Charles Diggs when he was given the opportunity; nothing subtle about that. While Carter campaign literature trumpeted minority appointments to the federal courts, the opposition employed the literature across the country as proof that Carter was the candidate of Blacks.

The new conservation has a new vocabulary that conceals the still unsettled, and yet dominant question, in this democracy: how do we achieve a fairer system that does justice to the pluralistic nature of the society and that no longer enables one dominant group to impose its will on all the others.

Some have interpreted the election as a mandate for conservatism and as an outright rejecting of liberal policies. It is difficult for me to comprehend how Reagan's popular vote margin of 51 percent of only barely half of the voting-age population, that actually voted, constitutes a mandate for anything. Voter turnout this year was the lowest since 1948. Rather than celebrating this election as a mandate for change, it would be more realistic to regard it as another sign of the failure of the system to represent the interests of all Americans.

It also is hard to understand how the election could be viewed as a rejection of liberal policies, that at best were still-born, and at worst were never really put into operation in the first place. A number of key policy decisions in the last months of the Carter administration that figured prominently in its defeat were hardly expressions of liberalism—e.g. decontrol oil prices and the inflationary impact; the use of high interest rates to combat inflation, the failure to come to grips with the massive unemployment in cities, especially among minority youth and adults and to implement the Full Employment Act of 1978, and the growing emphasis on defense spending, a restrictive fiscal policy and the symbolism of a balanced budget.

The Democratic party, tragically, is in the worse shape it's been in for decades. The combination of Democrats in Congress who vote conservative with those who have been shaken by the defeat of prominent liberals imperils the liberal goals that the Democratic party historically championed.

Yet, after the dust settles, it will be seen that one electoral setback cannot be allowed to settle the larger struggle over social justice and political empowerment for all Americans.

The realities of American society—its diversity, its inequalities, the aspiration of Blacks and Hispanics, and the basic economic failures—will not disappear, no matter how intense the longing for a simpler age. Nor will the realities of the world—the independence and revolutionary struggles in the Third World, the struggles of developing countries to win a greater share of the world's resources, the dominance of the oil-producing nations, and the suicidal nature of the nuclear arms race—disappear.

Those who still believe in full employment, the elimination of racial injustice and who still assert world peace as a national goal, must pledge full support to one another locally and globally. For working people, seniors, progressive unionists, young persons and all who think of themselves as being on the edge of a brave new world forced to reorganize in the wake of the electoral explosion of Nov. 4, they are absolutely right. It is just a beginning which someday may be seen in retrospect as an event that strengthened our determination to create a decent and just future for us all.●

RAPHAEL MUSTO

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ERTEL. Mr. Speaker, Ray Musto came to this House under a difficult set of circumstances. But in keeping with the distinguished tradition of legislative service both he and his father before him had established in our State legislature, Ray quickly came to be regarded as an able and respected colleague. Though his service here has been brief, it is with enduring affection and friendship that we wish him well in his future endeavors.●

NORTHERN IRELAND

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. WOLFF. Mr. Speaker, I look forward to the day when altruistic idealism will once again take its proper place in this most distinguished Chamber. Economic difficulties do not foster creativity and insight; yet the Congress which succeeds us must make it their business to find the time to deliberate and perhaps even stumble upon a solution that will contribute to the end of the tragic crisis in Northern Ireland, an issue which must not be swept under the rug of austerity and inaction.

I am proud of efforts I have made in the cause of peace in Northern Ireland during my 16-year congressional tenure. I have not confined my actions to hollow and passionless oratory. At personal risk, I journeyed to Northern Ireland, and witnessed the horror and the grief, the magnitude of which most Americans cannot conceptualize. Unfortunately, I am the only Congressman ever to be allowed to venture inside the notorious Long Kesh prison; while traveling under the alias Joe Brannigan, I was privy to the suffering and depravation which official visitors are not. It remains my personal conviction that a just and equitable solution must be found, one which not only provides a fragile peace, such as the one recently proposed by the British Government, but one which redresses entrenched legacies of discrimination and exploitation which still exist.

We cannot ignore the historical roots of the crisis as we are asked; we cannot accept status quo as a goal, for indeed, status quo is the cause of Northern Ireland's woes. Terrorism in a modern sense is not the cause of the problem in Ulster, it is an offshoot which must not be condoned. The historical conflict between the men in orange and the men in green goes back centuries, with the British overlords doing their best to perpetuate the problem, for such was to their own imperial advantage.

The British Government had never really given Irishmen a chance to work out their differences in a peaceful and equitable manner. They chose instead to drive a wedge between the Irish by fostering hate and distrust between Catholic and Protestant, playing on old religious and ethnic differences which time would have surely healed. Ireland now suffers, and will continue to suffer from wounds which were not permitted to mend. A loyalist minority was carefully cultivated in the northern county of Ulster by the British, who ruthlessly calculated that the southern counties would be difficult to hold; when independence was granted to Ireland, Ulster remained united with Britain, contained within it a loyalist Protestant majority.

Catholics who have remained under British domination continue to suffer not on religious grounds but upon discrimination rooted in old hatreds. Discrimination abounds in housing, employment, and education, and statistics show that the situation continues to grow worse. Unless a meaningful solution is found, terrorism will unfortunately continue. Currently, the British have found it convenient to suspend the right of trial by jury for those who are accused of terrorism, in the hope of extinguishing the problem quickly. They have committed grievous violations of the human rights of the prisoners of the notorious H block of Long Kesh Prison, violations which have been documented by reputable organizations such as Amnesty International. Yet the will of those who have suffered for so long to be free will not be readily suppressed, as the current hunger strike and blanket protest proves.

The pain and the suffering continues as the violence and the tension mounts. There are no simplistic solutions to a question which has loomed for centuries, yet we must continue to do our best. Catholic, Protestant, and British terror must cease; the Irish people have suffered long enough. Desperation breeds terror in Ireland, and terror breeds more terror. I do not have to explain how vicious such a cycle can be. We must appeal to all sides to bring a halt to the violence which has cost so many innocent lives, for the ultimate solution to the crisis in Northern Ireland will not be brought about by terror, but by peaceful political negotiation. In order for such a solution to be effective, it must address the fundamental problems of discrimination, bigotry, equal opportunity, and utlimately the issue of the British presence in Northern Ireland. History has proven that unless these problems are solved, the tragic cycle of destruction cannot be halted.

I will not be returning as a Member of the 97th Congress, yet I am confident that this body will continue the work which I helped to initiate. The Royal Ulster Constabulary must not be permitted to receive American arms while it continues its roughhouse and abusive tactics. This force has historically been used to foment tensions, not to relieve them. We must continue to press the British to work toward a constructive and equitable solution, one which will be satisfactory to both Catholics and Protestants, and one which will redress the prevalent violence, bigotry, and discrimination. Cosmetic solutions must be dismissed as inadequate, for they merely postpone the inevitable and ultimate tragedy. The Irish people will accept nothing less than a guarantee of equal opportunity, both political and economic; we as Americans must not settle for less.

As a final note, I insert a copy of a letter recently smuggled out of H block which typifies the despair and the hopelessness of the situation there:

A CRY FOR HELP

Before I begin this letter, I would like to tell you a story I was once told about a young mother who had a little child, which was very badly deformed, and so the mother didn't really want it. One day she decided to leave the child in its pram just outside the house, after an hour the child started to cry, the mother ignored the crys. After a few hours more the child was screaming loudly till it was blue in the face, still the mother never came. A few days passed and by this time the crys were becoming frantic and it was feeling the sharp pains of hunger, it had no idea what was wrong with its mother and why she wouldn't come to its aid, then finally feeling sorry for her child the mother rushed to the door of the house and ran to where the child's pram was, only to find she was too late. She found the dead body of her starved child. Very sad I'm sure you would agree. But equally as sad is the case of the men in the H-Blocks who at this very minute are screaming out for help. How long will their cries be continually ignored or how long will the good people of Ireland stand idly by while her own children in the Hell Holes of Long Kesh starve to death. How many like the mother in the story will rush at the last minute only to find they are too late. In the name of God and all good Christians we ask you to act now before it's too late. Before the starved to death bodies of young men are taken from the Hell Holes and given to their broken hearted mothers.

This is a copy of a letter smuggled from the H Blocks after 25th day of hunger strike. Please listen to their Cry for Help.

MRS. B. MURRAY.

SOS—PLEASE READ THIS

This letter may never reach its destination, but if it does then please read it and fetch help for us as soon as possible.

This is an SOS, Belsen, Ravenisblock, Dachau, and Devils Island are all legendary names which go down as infamous horror centers in World History. These establishments where mans inhumanity to man was exercised are but empty shells now, inhabited only by the dark silence, however the horror and tortures still continues regardless of these past examples of inhumanity in yet another center of the World. The H Blocks of Long Kesh in occupied Ireland once described as Belsen without the Gas Chambers. The H Blocks or Hells Island as it would be commonly known have exercised torture and cruelty over the past nine years. The Torture camp is situated outside Lisburn and contains over 500 Republican prisoners held in the Britons H Block complex. The camp itself bears an extraordinary resemblence to the Nazi death camps scattered throughout Europe which tortured and exterminated the Jews, the armed troops, barbed wire fences, search lights, pillboxes and guard dogs are but a few examples which connect this H Block labour camp to the nuturous death camps. We have been locked in these dungeons because we have refused to be criminalised by the Brits regime who wishes to portray us as thugs and gangsters to the World, in defiance to this fiendish plan. We the Republican Prisoners in the Hell Blocks have resisted the Brit policy of criminalisation to the best of our ability. However we have suffered penalty for such resistance by being brutally beaten, tortured, degraded and starved for over four years.

Whilst being on the Blanket Protest by being denied exercise, recreation, adequate food, medical treatment, clothes and fresh air we have declined drastically both in here and physical appearance. We are suffering from constant headaches, stomach complaints, leg pains, sores eyes, weight loss and toothache which continues without medical aid and the mental torture which we daily endure at the hands of the hideous monsters is to unbelievable to grasp. At times we wonder how such ghastly ill treatment can be allowed to continued by the same Government which at Nuremberg in 1945, condemned and hung men who had perpetrated the same such deeds of in humanity to their fellow men we have waited in the dark corner of our filthy cells anticipating, on eventual end to this nightmare. But the numerous cries for reason, understanding humanity has dissolved in the rubbish and waste which surrounds us for years. We have waited patiently for that glourious day of Liberation from these caves of horror only to be told that Britain has snubbed all pleas of sanity and was to continue her flogging of us therefore as a direct result of England's insincerity and callousness we have been forced into a position where we must decide whether to risk loss of life amongst us or to continue being tortured for another 4 years in these dens of barbarity. At this moment in time the setting which will decide our fate is complete, in a strange way the Hell Blocks can be envisaged as the High Altar! The hunger strikers being the human sacrifice on the Altar and British Government being personified as the evil High Priest. We realize only too well that the beast will perform and human sacrifice on each of the hunger strikers and afterwards wallow in their blood if support and pressure from the outside world is not forthcoming, therefore the Blanket Men in the Hell Blocks are screaming for life and begging you to rescue both us and our comrades on hunger strike from this outrage which has been allowed to continue for over 4 years.

In front of you each one of you who reads this letter can assist us and help end what would become a holocaust in the Blocks, you may be a lawyer, School Teacher, Mechanic or Housewife but you can still play your part by attending countless marchers, prayer assemblies and Demo's you are informing the whole world that you are against such inhumane conditions which Britain has nurtured for 4 years. By simply passing this letter onto your neighbours, workmates and relatives you have further embarassed the British Government which claims it is impartial and civilized, we beseech you to intervene on our behalf in anyway at all in a united effort to crush the horror Blocks which has inflicted so much pain and sorrow on us.

To crush the horror Blocks which has inflicted so much pain and sorrow on our families please open your eyes and help save a mans life now!

"O King that was born to set bondsmen free in the coming battle help the Gael".—P. H. Pearse, Christmas 1915.●

TRIBUTE TO CHARLES H. WILSON

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ADDABBO. Mr. Speaker, as the 96th Congress draws to a close I would like to take this opportunity to pay tribute to a dear friend and trusted colleague, the Honorable Charles H. Wilson of California, who will be retiring at the end of this session. Charles leaves this body with 17 years of dedicated and outstanding service to his Nation, and I am sure I share the sentiments of my colleagues here today when I say we will miss his friendship, expertise, and leadership.

I find it very difficult to comprehend that I will no longer have the privilege of serving with Charles. He has done so much for the people of California. But while he has tended to the needs of his constituents he has also blended the needs of the Nation and his people together. In 17 years he has become the epitomy of what a public servant should be, and has done it without fanfare. His efforts in numerous fields have benefited millions of Americans.

As the ranking Democrat for the State of California on the House Armed Services Committee he has done much to support his State's economy, an economy extremely dependent on the military. A man concerned about national defense, he served as ranking member on the Procurement and Military Nuclear Systems Subcommittee which has jurisdiction over all procurement matters for the Department of Defense, as well as dealing with military applications of nuclear energy, and intelligence matters relating to national security.

Another area where he has distinguished himself has been on the House Post Office and Civil Service Committee where he has served brilliantly as chairman of the Subcommittee on Postal Operations and Services. Thanks to his leadership, his bill to reform the Postal Service was passed by the House in September 1979, and while serving on the House Commission on Congressional Mailing Standards he has been instrumental in establishing more stringent standards to prohibit Members of Congress from abusing the franking privilege.

Charles Wilson will be missed by all who enjoyed working with him, and I am sure I am not alone in wishing him well in a retirement he has justly earned.●

REPRESENTATIVE PETER KOSTMAYER

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WON PAT. Mr. Speaker, I am pleased to add my comments to that of my colleagues on behalf of Representative Peter Kostmayer. As you know, Congressman Kostmayer will not be with us next year and we who have been privileged to serve with this great American are certainly going to miss him very much.

Pete has done an outstanding job for the people of his district. He was an extremely hard worker and a first-rate Member of this body. It is regrettable that we will not have the benefit of his counsel in the next Congress. I only hope that he will take the time to give those of us whom he leaves behind advice on issues which he believes will be important to this Nation and to the residents of his congressional district.

I believe history will be a fair judge of the 96th Congress. We have accomplished much for the country despite considerable pressures from rising prices and international unrest. A major part of our success can be directly traced to the efforts of concerned citizens such as Peter Kostmayer. He embodies the proud heritage all Americans carry with them in his patriotic defense of liberty and his willingness to undergo the rigors of serving in the House of Representatives in order to serve his fellow Americans.

I wish him great success and personal happiness in the years to come. He has every right to be proud of his congressional service. It was a pleasure to work with Pete and I hope we will continue to see him in Washington in the years to come.

Thank you.●

JOHN W. WYDLER

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ZABLOCKI. Mr. Speaker, Jack Wydler has served his constituents and his Nation with great distinction as the Representative of New York's Fifth District for the past 18 years. As the ranking minority member of the Committee on Science and Technology, he has contributed significantly to many activities of that committee including his important role in energy legislation. As a senior member of the Government Operations Committee, he has been particularly effective in Federal revenue sharing legislation and as a watchdog over public expenditures.

Jack has won the respect of his colleagues over the years through his expert knowledge of the matters he is supporting, through hard work, through his articulate presentation and his willingness to listen to both sides of issues. His fine personality has won him wide popularity on both sides of the aisle.

Jack's decision to retire from Congress leaves a large gap among us. We wish him and his family well as he returns to private life.●

AMERICAN-JAPANESE TRADE RELATIONS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. VANDER JAGT. Mr. Speaker, unfortunately, during House consideration of House Concurrent Resolution 376, my statement on the legislation was not included as part of the Congressional Record. I would like to share my thoughts on the legislation, as well as the topic of American-Japanese trade relations. On November 17 the House had before it House Concurrent Resolution 376, a bill addressing the huge trade imbalance between the United States and Japan. As a cosponsor of the resolution, I urge House Members to follow the recommendation of the House Committee on Ways and Means, and its Subcommittee on Trade, to seriously consider the implications and consequences of a decade of trade imbalances totaling almost $47 billion. The imbalance is not limited only to automobile imports, but extends to commodities ranging from steel to electronics to telecommunications. The United States trade imbalance with Japan has grown startlingly worse since 1976. From the beginning of 1976 to the projected end of our current fiscal year, the combined trade imbalance with Japan will grow to $4.3 billion.

The severity of the problem is not simply confined to America's domestic and international fiscal position. But it becomes an attitudinal concern which threatens America's historical position as the leading free trading nation of the world. Confronted annually with an inordinate trade imbalance, it is almost natural for American business and political leadership to demand trade restrictions as the solution. Over the past several years this has proven true for steel, television, textile, and a host of other imports. Without prompt corrective action by the Japanese Government, and corresponding stimulus and incentive provisions for American exporters to Japan by the Congress, the call for import restrictions will become dangerously irresistible.

The House Committee on Ways and Means, its Subcommittee on Trade, and the administration have each recently published summaries of the problems and proposed general and specific remedies. Perhaps most useful of these reports is that authored by Congressmen VANIK, JONES, and FRENZEL. Their conclusions, which form an essential portion of the report on House Concurrent Resolution 376, point to five generalizations summarizing United States-Japan difficulties. I find their conclusions most helpful and list them below for the benefit of the Congress:

FACTORS TO BE CONSIDERED WHEN EXAMINING UNITED STATES-JAPAN TRADE PROBLEMS

1. Japan today is generally an open trading nation, although some very tough, residual attitudes of protectionism remain. Are current complaints about Japan's closed markets accurate, or are they based on examples and perceptions from the recent past when Japan was indeed largely closed to imports?

2. Is a specific trade problem due to Japanese trade barriers, or is it due to declining competitiveness of a U.S. product, relative to third countries and/or Japanese manufacturers? In a wide range of products, the United States has been losing market share in Japan (see p. 6). The following example on the recent controversy over autos illustrates these two points:

Originally, Japan was extraordinarily protectionist in autos, encouraging her industry to build up a world-class status without serious foreign competition. Once she had developed a highly-competitive, quality product, she rapidly reduced her trade barriers. Today, selling autos into Japan is like carrying coals to Newcastle—Japan can afford to have almost totally free trade in autos. Yet the perception, reflected in letters and calls to the Subcommittee, is that Japan has high tariffs on autos, discriminating against our cars so that a $6,000 vehicle in the U.S. is sold for $20,000 in Japan. In reality, Japan has a zero tariff on autos compared to our 2.9 percent. A $6,600 U.S. auto will retail for about $12,100 in Japan,[1] reflecting safety and retailing burdens which also apply to Japanese autos. Seldom asked is how the United States can expect to sell many autos in Japan, when we do not make any autos with steering wheels on the right side of the car, and whether U.S. autos can compare with European autos in mileage and quality. Between 1958 and 1979, the U.S. share of the small Japanese imported auto market fell from 83.4 percent to 20.6 percent.

We are not excusing Japan's inexcusable auto protectionism, we are merely showing that when expending political capital on a trade issue, we must have up-to-date facts and an awareness of changing conditions of U.S. competitiveness.

3. In examining current and future United States-Japan trade problems, it is also instructive to study the management of past problems.

How successful was our approach?

Were we dealing with the underlying problem or only a short-term manifestation of the problem?

The most expedient method of handling tension on a short-term basis might not be the most effective long-term solution. For example, rather than expending enormous goodwill forcing Japan to buy a few more tons of beef, could we have gained more by encouraging Japan to switch to a farmer deficiency payment type system or by addressing the real underlying problem, i.e., Japanese food supply insecurity?

4. Solving trade problems also requires a sensitivity to the politics of Japan and to the avenues available for mobilizing support. For instance, the power of such broad interest groups as farmers and small businessmen is not always a threat. At times, constituencies within these groups can be moved to see the benefit of importing certain U.S. products and thus encourage liberalization of specific trade restrictions. The United States should seek to stress Japan's self-interest, rather than just relying on pressure tactics. We should also remember that the bureaucracies of Tokyo are as complex as Washington's, and that there are many ways of tackling a problem.

5. Finally, trade problems with Japan must be viewed within the context of her resource dependence and consequent need to export to pay for imports. Japan is the world's largest importer of nonmanufactured goods, and hence, very vulnerable. Her desperate need to earn foreign exchange to import 99 percent of her oil and 88 percent of her total energy supply explains her preoccupation to export, export, export. Manufactured exports have been the only means to obtain imports, for Japan has little else to sell. Yet it is worth noting that Japan's export of goods remains a relatively low proportion of her gross national product (GNP).

The sensitivity to unique cultural and market aspects of Japanese import policy expressed by Congressmen VANIK, JONES, and FRENZEL certainly is not mentioned by me as justification for continuation of the status quo by the Japanese Government. The Ways and Means Committee report on House Concurrent Resolution 376 notes several areas where import policy changes by the Japanese Government could reduce the huge American-Japanese trade imbalance. In the areas of high technology services, Japanese Government procurement practices, and the importation of American agricultural products changes are necessary.

Perhaps the most important function of House consideration of House Concurrent Resolution 376 is to impress upon the Japanese Government the unsatisfactory state of our trade relations. Suggestions for specific action by the Japanese to improve the situation have been communicated. I urge serious consideration of these suggestions hoping the Japanese will take note of our dissatisfaction.●

TRIBUTE TO RETIRING PENNSYLVANIA MEMBERS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. YATRON. Mr. Speaker, I join with my colleagues from Pennsylvania in paying tribute to two most distinguished Members of the Pennsylvania congressional delegation, Congressman PETER H. KOSTMAYER and Congressional RAPHAEL MUSTO.

I have had the privilege of serving with PETE KOSTMAYER for the last 4 years. Throughout his tenure in the U.S. House of Representatives, Congressman KOSTMAYER has dedicated himself to the betterment of this Nation and all of its citizens.

He has ably served the people of his district and has proven numerous times that he is an effective spokesman on many issues of national importance.

Congressman RAPHAEL MUSTO brought with him to the U.S. House of Representatives his enthusiasm for hard work and his keen sense of responsibility to the residents of his congressional district. In the short time that he has served in Congress, he has contributed a great deal to this body and his new and progressive voice will certainly be missed.

It is apparent to all of us who know and have worked with PETER H. KOSTMAYER and RAPHAEL MUSTO that they have earned our deepest respect as fine and outstanding public servants. I join my colleagues in wishing them every success in their future endeavors. I ask all the Members of Congress to pay tribute to these dedicated American legislators who are leaving us with a very meaningful legacy of service to our country. It has been an honor to serve with them in the House of Representatives. Their talents, their valuable contributions to society, and their devotion to excellence in our Government will not be forgotten, by this body, the residents of their congressional districts, the people of Pennsylvania, and of the United States.●

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[1] "U.S.-Japan Trade: Issues and Problems", GAO, Sept. 21, 1979.

THE VANISHING SERVICE STATION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BEDELL. Mr. Speaker, I wish to call to my colleagues' attention an article that appears in today's New York Times. The article describes problems that motorists are facing as a result of the shrinking number of full-service gas stations.

For some time I have been concerned about the declining number of small and independent operators of motor fuel service stations. It is the small business owner who provides mechanical and road services; the gas-and-go stations run by the big oil companies do not do anything but sell gasoline.

In 1979 the House Small Business Subcommittee on Antitrust, which I chair, held a series of hearings on gasoline retail marketing practices. Those hearings detailed the displacement of independent businesses by increasing sales of gasoline through oil company direct-operated outlets. And they documented many of the unfair methods by which small businesses are being pushed out of the gasoline market. Following those hearings, I introduced H.R. 6722, the Small Business Motor Fuel Marketer Preservation Act, which was cosponsored by a bipartisan majority of the members of the Antitrust Subcommittee.

Hearings on H.R. 6722 were held this year, conducted jointly by my subcommittee and the Interstate and Foreign Commerce Subcommittee on Consumer Protection and Finance, chaired by JAMES SCHEUER. At the opening of those hearings, Congressman SCHEUER made the important point that the disappearance of independent service stations has implications that go far beyond just the immediate impact on competition and consumer prices.

He noted that the shrinking number of full-service stations may affect the safety of motorists who find it increasingly difficult to locate someone with a tow truck to come and help them when they are stuck. And he pointed out that the growing scarcity of stations that offer mechanical service means that it becomes more difficult for the untrained motorist to keep his or her engine running at peak performance, creating problems of inefficient fuel economy and increased air pollution from exhausts.

Mr. SCHEUER's comments are borne out entirely by the article in today's Times. For the benefit of my colleagues and the public, I insert the full text of the article into the RECORD at this point:

[From the New York Times, Dec. 2, 1980]

GAS STATIONS LEAVING THE TOWING LINE

(By Iver Peterson)

DETROIT, December 1.—The corner tow truck appears to be going the way of the man at the gas station who used to wipe the windshield and check the oil.

Motorists facing the perils of winter driving, of batteries that die on cold mornings and of snowdrifts that snatch their cars from the road are likely to find the search for a wrecker more difficult and the wait longer this winter.

"There's no doubt about it," said Stanley Schuer, executive director of the Gas and Auto Service Dealers Association in Brooklyn. "As the small independent service station dealers go out of business and the oil company's concentrate on gas-and-go operations for economic reasons, the usual customer services are eliminated. And that means the wreckers aren't there anymore."

TRUCKS ARE SPREAD SO THIN

In Michigan, the State Highway Patrol, which calls wreckers to help stranded motorists, began noticing the decline in the number of tow trucks in suburban and rural areas last winter.

"Either the trucks just weren't there anymore, or it took forever for one to answer, because the ones that are left are spread so thin," an information officer said.

James McDowell, director of auto engineering and road service for the Automobile Club of America, which contracts with towers to service its members when they have trouble on the road, said the Triple A has had to put its own tow truck in areas where "the gas and go situation" has led to a loss of private contractors, such as Las Vegas and Washington.

CHECKS OF CARS IN CALIFORNIA

Mr. McDowell noted, however, that in some areas, including Washington, independent towers unconnected with any garage have begun to appear.

The Ontario Motor League has been operating a fleet of 40 light service trucks since 1973 "because the good quality service stations, the kind with two, three, four trucks of their own, have disappeared," said Ron Ronson, the League General Manager.

In northern California, meanwhile, an affiliate of the automobile club has started inspecting members' cars for $5, finding that at least 50 percent have problems that might require road service.

Those problems may account for the increasing number of service calls that automobile clubs have been answering, Mr. McDowell said. Last year, there were 17 million calls; this year, the number is approaching 18 million.

Solid numbers are hard to come by when it comes to tow trucks, but a clue is found in the decline in the number of independently operated full-service stations that used to operate them.

From 1972 to May 1979, the number of such stations declined by nearly half, from about 205,000 to 106,000. In the same period, the number of stations owned and operated by the refineries, most of them "gas only" stations, has increased from a few more than 11,000 to nearly 14,000.

PROBLEMS GETTING TO WORK

"Generally, the fact that there aren't as many wreckers on the road means the rest of us will pick up the business," said Amos Walls, who has operated his Shell station, leased from the oil company, on the corner of Livernois and Grand River Avenue here for 15 years. He runs two wreckers for towing and a pickup to jump dead batteries.

"But it means folks have to wait longer, and a lot of people aren't going to get to work on time," he added.

Across Grand River from Mr. Walls' station, Robert Wesley runs a Boron station, owned by Standard Oil Company (Ohio). The bricks that wall up the service bays have carried a large "Gas Only" sign since repairs and road services were stopped two years ago.

"I don't even have a battery charger in there," Mr. Wesley said. "It's strictly get your gas and get going."

The refineries that operate these gasoline-only stations say it costs less to hire unskilled "pump jockeys" and, indeed, Mr. Wesley was pumping his regular grade of gasoline for his customers for 2 cents less than Mr. Walls' self-service price.

But the independent operators who say that they are being forced out of business by the company-owned gas stations argue that the gas-and-go operations neglect customers' cars and ultimately lead to higher repair costs.

"I just put in a new battery," said Verna Boveraux who lives in Livonia, a Detroit suburb. "My car wouldn't start and I couldn't get anyone to come out and start it, and finally my neighbor told me the battery was dried out. I thought you didn't have to check them anymore."●

TRIBUTE TO BOB WILSON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I would like to join in the tribute being paid today to our colleague, BOB WILSON. I remember when I first came to this institution, BOB WILSON told me: "BOB, service in this body is exactly what you make it. You can be successful and productive if you work hard and pay attention to what is going on."

Over the years, many newly arrived congressmen and congresswomen, particularly from California, have experienced his guiding hand, his friendship and cheery good humor. And they have been proud to know him as a friend. In similar fashion, he has been a friend to the servicemen and women of our Armed Forces, fighting for them and their needs on the Armed Services Committee. As ranking minority member, he has played a crucial role in seeing that they are the best equipped and best cared for of the world's fighting units. And as trustee of the Naval and Air Force Academies he has been a wise and concerned mentor for our officers now on the first line of our defense.

He had lots of opportunity to practice this talent, as chairman of the National Republican Congressional Committee for a dozen years. Now he is retiring, after a distinguished career spanning nearly three decades in this body. But he will not be without friends; wherever he goes, he will be remembered as a man who truly served his fellow man and his country.●

HANDGUNS AND TRAGEDY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. WAXMAN. Mr. Speaker, more than 2,000 murders have been committed this year in Los Angeles County—a frightening fact of tragic proportions. This epidemic of violent crime is frightening because it has never been more prevalent; it is tragic because it is so senseless. Behind each victim are family, friends, associates, and acquaintances—people who have been deprived of someone close or someone they simply knew. And they have been deprived of them unfairly, without reason, and without recourse.

Handgun control has been a pressing issue for years. It is tens of thousands of lives overdue. I am firmly committed to legislation which bans the manufacture and sale and possession of handguns, and which severely punishes those who use them in the commission of a crime.

A renewed concern for handgun control has been prompted by the tragic murder in Los Angeles of Sarai Ribicoff, a young and exceptionally talented editorial writer for the Los Angeles Herald Examiner, and the niece of Senator ABRAHAM RIBICOFF of Connecticut. The paper's editorial on her murder, and an op-ed piece on another couple's brush with death at the hands of an armed robber, deserve the attention of my colleagues. We must rededicate ourselves to the passage of effective handgun control legislation.

[From the Los Angeles Herald Examiner, Nov. 14, 1980]

WE ARE FRIGHTENED

WE SUSPECT YOU ARE FRIGHTENED TOO

It is getting to the point in Los Angeles where almost everyone knows of someone who has been murdered.

Think of that.

For the first time in the history of Los Angeles County, the number of murder victims has exceeded 2,000. For the first time in the history of Los Angeles, it is likely that there will be more than 1,000 murders before the end of the year.

In broad terms, the county has experienced a 19-percent increase in murders. The city of Los Angeles has experienced a 32-percent increase. The community of Venice has experienced a 200-percent increase in murders over last year.

We mention Venice because we knew somebody very well who was murdered in Venice recently. The murder occurred Wednesday night on a sidewalk on Washington Blvd. The murder victim was Sarai Ribicoff. She was shot in the midst of a robbery. She was an editorial writer for this newspaper—an excellent, brilliant young journalist, a Phi Beta Kappa graduate of Yale, a former campus correspondent for Time Magazine.

She died on that sidewalk at 23.

She was the 49th murder victim in Venice this year. She was the 2,008th murder in the county this year. But of course statistics do not tell the story of Sarai Ribicoff, because she was so special to us.

But those statistics do tell a different kind of story. And that story is that Los Angeles is in serious trouble—more trouble than perhaps anyone has suspected.

We plead guilty, to be sure, to the charge that our attention has been drawn to this issue by this tragic death in the Herald Examiner family. Like others in this community, we tend to be guilty of ignoring a problem until it hits very close to home.

But it is hitting closer and closer to home for more and more people in this community. There has been a clear and very frightening deterioration in the quality of civilization in this community. The chances are that you have experienced this change in the climate of Los Angeles personally—or know someone well who has. And so we defy anyone to convince us that Los Angeles is not on the verge of a major nervous breakdown because of this astounding, frightening rise in the murder rate; defy anyone to convince us that if something is not done to limit this growing horror, Los Angeles will cease to be one kind of place and will become another kind of place—the kind of place that you won't want your children to grow up in; defy anyone to explain to us why it should not be absolutely mandatory that Los Angeles figure out a way to keep this community from murdering itself.

Something in Los Angeles is killing us all. It struck Sarai Ribicoff Wednesday night, it has been striking at the heart of Los Angeles week after week, month after month. That something is a monster. It is a monster of a proportion and quality that this editorial page does not pretend to understand, but we know it is there. And it is a monster we must do something about before that monster saps the spirit not just the flesh, of this community.

We have no simple solution, we are not that creative, especially at this moment of mourning. But we do know one thing, to the very marrow of our bones. The police in this community need more help than any of us have given them, and the judges of this community need to help this community more than they have, need to worry more about the safety of the good citizens of this community than the rights of those who would destroy us.

Los Angeles will soon begin to have to take sides.

Sarai Ribicoff, 23, Los Angeles County victim number 2,008.

Who will be next?

YOUR TURN

THE STORY OF A ROBBERY AT GUNPOINT—FROM A VICTIM WHO HAPPENED TO SURVIVE

(By Louise C. Vorhaus)

I thought it might exorcise the fright to write about what happened when we became victims. I find now that it only strengthens the horror to relive the experience. Nevertheless, it is the least that the lucky ones, the ones who live to tell about it, should do.

Once a month, my husband Al and I cashier at our temple's bingo game. It gets to be a bore after a while, especially waiting around to count up at the end of the evening. The money has to be taken to the night depository. From our first night on the job, I complained that this procedure was not safe. (Robbers: The procedure has been changed. No more night deposits.)

One Tuesday night wasn't our regular night; we had been asked to fill in. There was a large crowd. Receipts were high and took a long time to count. There was an unarmed guard at the temple; the theory was that the uniform would be a deterrent, but in case of trouble, they didn't want any shooting. The guard was sent to follow us in his car on his way home when we went to make the deposit.

We left the temple about 11:20 p.m. and drove the four blocks to the bank. There, we drove through the parking lot to the front of the bank. Al asked if I was going to get out. "Sure. The bag's heavy tonight. I'll hold it while you unlock." I handed Al the key I had been holding. He got out the left side of the car; I got out the right. Another car pulled up left of ours. A well-dressed man got out of the right side of this second car and came towards us. afterwards, we told the police our first thought was that he was there to make a deposit.

Almost instantly, though, there was a gun. It was silver and small. I was so surprised. I don't know that much about guns. I remember thinking that it should have been big and black, like policemen have on their hips.

"Give me that bag!" The command was low but perfectly clear. I couldn't give it to him fast enough. "Now, get back in that car!"

We were safe. He just wanted the money and he was welcome to it. We could go . . . or so I thought. Then, the man got in next to Al, pushed him to the center and forced his head down as he thrust the gun in my face and said, "One move, she's dead, mister."

I couldn't comprehend what was happening. He started the car and backed out of the parking place. As he started forward, the guard, a very young kid, jumped in front of the car with his hands raised, as if to stop it. The gunman drove straight at him—and the car stalled. The guard jumped aside and the gunman said, "If he follows us, you're both dead." I started to ask him if I could open the window and tell the guard not to follow. He told me to shut up, I did.

Beethoven's Fifth was playing on the car radio. It was so incongruous in this situation that I wanted to turn it off. I didn't dare move.

Once he said, "I'm going to kill me someone tonight."

He has a well-educated, cultivated way of talking, but that sentence isn't correct. That might be something to tell the police. Even as these thoughts went through my mind. I was aware that I might never tell anyone anything again. And how crazy—imagine worrying about grammar at a time like that.

This man was cool and knew just what he was doing. There was no fear in him. Al and I both later told the police that we did not think he had been drinking. Al's opinion was that he was a professional.

I knew I would have to plan something constructive or I was going to become hysterical. The man had been driving all the time with one hand and that gun hadn't moved two inches from the left side of my head. He demanded Al's wallet and kept reminding Al where the gun was while Al was fumbling in this crouched-over position to reach his wallet. I had my right hand on the door handle and my left hand tight around Al's right arm. My plan was that if the gun went off, and I lived through a first shot, I was going to open that door and fling myself out, pulling Al with me, no matter how fast the car was going. It seemed a better chance than being in a closed car with someone shooting a gun. Not much of a plan, but I couldn't seem to come up with anything else.

We turned into a shopping center and the man drove to the back and told us to get out. He grabbed my purse and used the gun to push us towards the trash bins. Neither Al nor I doubted that we were going to be shot. I thought of two things: I'd never live to see my first grandchild, due in a few months, and I wanted to be killed before Al. I didn't want to live knowing Al was dead, even for a second. He kept saying, "Get back further. . . further." Then, "Get down!" We were half lying, half crouching on trash, garbage, whatever. And we waited to be shot. We waited, and nothing happened. Then we heard a car drive off. And it was over.

Al whispered, "Did you hear a car leave?" I had, but Al held me down and we waited longer. Finally, we crept out, slowly. Our car was there. The gunman was gone. His partner must have followed him and picked him up. It really was over.

The aftermath went on for weeks. Reporting, lock changing, stolen credit card reports and replacement of cards and driver's licenses, new eyeglasses, makeup and address book. We had no keys to our car to drive home when the police finished fingerprinting it. And we couldn't get into our house anyhow. We had to get a locksmith in the middle of the night to break into the house and then change locks immediately, because somewhere, someone had all of our identification and the keys to come in at his pleasure.

The emotional aftermath continues. I peer nervously at other cars when we drive at night. Beethoven's Fifth makes my stomach churn. There are no more night deposits, of course, but I am still not comfortable working at the temple.

The police can't explain why that man didn't kill us when he had the chance. We certainly don't know. We do know—because we read the growing number of stories in the paper—that we, as handgun victims who lived to tell about it, are becoming scarcer daily. You may not be as lucky as we were.●

REPRESENTATIVE DRINAN'S 10 COMMANDMENTS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. STUDDS. Mr. Speaker, recently our distinguished colleague from Massachusetts, Representative Bob Drinan, who will soon retire from the membership of this body, provided his successor with advice about the job he will soon inherit, advice written in the pages of the Boston Globe in the form of 10 commandments.

While these are not the same 10 commandments Father Drinan learned in the seminary, they reflect without question the principles that guided him during his distinguished career here in the House of Representatives. I would like at this point to enter Representative Drinan's 10 commandments into the Record, but not without adding an 11th myself:

"Treat your constituents with the same respect accorded them by your predecessor. No congressional district could ask for more."

The material referred to follows:

Representative Drinan's 10 Commandments

When Rep.-elect Barney Frank takes his seat in Congress in January, he will be doing so with the blessing of US Rep. Robert F. Drinan, who has represented the 4th Congressional District for the last 10 years. Here Fr. Drinan, who endorsed Frank's candidacy during the past election, offers some advice to his successor, advice which he calls "Ten Commandments for Barney Frank."

1. Never neglect to have regular office hours with your constituents. You will learn about the millions of Americans who, because of corporate greed and government weakness, live in permanent poverty and institutionalized humiliation.

2. Never forget that 25 million of the 80 million children born in the Third World in 1981 will die before they are 10 years old. This is the most important moral issue confronting America in the 1980s.

3. Remember every day that mankind now possesses over 50,000 nuclear weapons, 30,000 of them in the United States. By the mistake, madness or malice of one person, we could all be incinerated.

4. Fight for public financing of congressional campaigns. If this does not pass quickly, the special interest and single-issue groups will soon control who will be elected in America.

5. Remember always the shame and scandal of the fact that the United States ranks only fifteenth out of the 17 nations that give economic assistance to the Third World.

6. Keep always before your mind the fact that 800 million persons—almost one-fourth of humanity—are chronically malnourished, and that about 40 percent of humanity cannot read or write. Remember too that the 42 million blind people in the world today will double by the year 2000 unless there is a global effort to stop the 80 percent of blindness which is preventable.

7. Join in legislation to have national elections on Sunday with staggered hours so that polls close across the country at the same time. If this is not done, the 52.3 percent participation by the voters on Nov. 4, 1980, will go even lower.

8. Focus attention on the world's 14 million certified refugees and the urgent need to develop a much more rational and humanitarian immigration policy for our country.

9. Be skeptical about those who say that the traditional priorities of the Democratic Party are outdated. It may be that, like Christianity, they have never really been tried.

10. Remember that your predecessor got an "0" rating on his vote from Christian Voice, right-wing evangelical lobby. Go now and do likewise.●

THE SITUATION IN THE CARIBBEAN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. LELAND. Mr. Speaker, I rise now to draw the attention of this august body to a situation in the Caribbean which has received far too little recognition. I refer to the arrests on Friday, November 28, 1980, of more than 50 Haitian citizens, most of whom were journalists and liberals, by the hypocritical regime of President Jean-Claude Duvalier. I call the reign of President Duvalier, hypocritical for until recently, Duvalier had pretended to espouse a stance of moderation in his policies.

Yet now, with the outrage of the recent arrests of these Haitians who were not afraid to speak up for the rights of the individual in Haiti, the thin veil of moderation has been lifted from the face of President Duvalier and the scowling face of unrequited repression is clearly seen.

This wanton wave of arrests is most reminiscent of another sordid Haitian regime, too recent to be forgotten and the haunting if trite phrase keeps ringing in my ears in fearful repetition: "Like father, like son, like father, like son."

I call on this administration which has shown itself to hold the inviolability of human rights for all the world's citizens as one of its major tenets to seize this opportunity to make it clearly known to the Haitian authorities that the United States is greatly affronted by these vile arrests.

And finally, I call upon this Congress to go on record with me as vociferously protesting the arrest of those fine Haitians who dared to stand up for freedom and truth.●

TRIBUTE TO EDWARD J. PATTEN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. ZABLOCKI. Mr. Speaker, the retirement of Ed Patten will remove from the Congress one of its most devoted and able public servants.

Ed held many public positions with distinction before coming to Washington 18 years ago as the Representative of New Jersey's 15th District. He was a public school teacher, a mayor of Perth Amboy, clerk of Middlesex County, and secretary of state of the State of New Jersey. In the Congress, he has been a staunch advocate both of the interests of his constituency and of the Nation as a whole.

Throughout the years I have been fortunate to know Eddie as a House colleague and a friend, he has always been a man of warmth. We will miss him. I join in wishing him a happy future.●

THE OIL PRICE CONTROL ACT OF 1980

HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. CONYERS. Mr. Speaker, today I am introducing the Oil Price Control Act, H.R. 8401, which would reestablish price controls on all oil sold in the United States. The act would accomplish this through a newly created Federal Oil Trading Corporation, which would buy all oil produced in, or imported into, the United States. The Corporation then would resell crude oil to domestic refiners at uniform prices.

The decision in June 1979 to remove price controls from domestic crude oil, together with the staggering increase in world oil prices, resulted in the single sharpest jolt to the U.S. economy in recent times. World oil prices have risen 140 percent in the past few years and this has been the major factor behind the runaway inflation. The effect of the phased decontrol program has been to peg domestic prices to world prices, that are manipulated by the OPEC cartel, and so we relinquished control over domestic energy prices as well as the means to remedy the damage that high OPEC prices has done to the entire economy.

The legislation would remove the decisions over the pricing of domestic oil from the hands of the OPEC cartel. It would greatly weaken the community of interest that exists between the oil producers and the multinational oil corporations, that has been the driving force behind the skyrocketing world oil prices. The bill represents much-needed inflation relief to American consumers and would put a halt to the incredible transfer of income to the oil companies, estimated to exceed $50 billion by the time the controls on oil are completely dismantled. The oil companies are entitled to a fair and reasonable return on investment. They should not, however, be permitted to reap the outrageous profits at the expense of consumers and of other industries, that has occurred over the past several years.

The inflationary impact of domestic oil decontrol originally was estimated by DOE to be in the neighborhood of a three-tenths of a percent increase annually in the consumer price index. That estimate proved to be greatly understated. In 1979, for example, the inflation rate increased from 9 percent to 13.3 percent, and energy accounted for virtually all of the increase, according to the recent study of the economic impact of domestic oil decontrol done by the House Interstate and Foreign Commerce Subcommittee on Oversight and Investigations.

Mounting energy costs and the inflation impact have hurt most the poor and the elderly. Last year the average low-income household—and senior citizens account for almost 50 percent of such households—spent nearly one-quarter of its income on energy needs. According to the Bureau of Labor Statistics, household energy costs during the first half of 1979 increased at twice the rate of social security benefit increases. The cost of home heating oil alone rose 110 percent, while social security benefits rose only 24 perent in the same period.

While major segments of the population have experienced enormous economic hardships as a result of rising oil prices, the oil companies have enjoyed record profits and growth. In the first quarter of 1980, for example, three major companies—Mobil, Texaco, and Occidental—realized profit increases in excess of 200 percent. The rate of profit of the top 20 oil companies has been twice as great as the rate for all other industries combined. By contrast, other leading sectors, such as the automobile, steel, and rubber industries, have experienced record losses. The profits generated by the oil companies will further tighten their control over the entire economy; much of the new investment capital in the coming years will be under their control.

The legislation I am introducing replaces the existing regulatory concept of telling the oil industry how to conduct its buying and selling of oil. Under it, the Federal Oil Trading Corp., itself would acquire actual title to the oil that it trades, and it would be doing the job instead of telling others how to do it. The legislation provides the Corporation and its 5-member board of directors with the maximum degree of expertise and independence possible, combined with effective accountability to Government and the broad interests of the public.

The legislation would eliminate the need for vertical divestiture of the integrated producer-refiner oil companies, since it would place all producers and refiners, integrated as well as non-integrated, on an equal footing. It would cancel out the advantages now obtained by the integrated companies with respect to in-house oil transfer and swapping between the major companies. It promises to enhance competition within the entire industry, which can only benefit the American consumer through lower prices. The consumer also would be protected from inordinate profit-taking at the oil product-end of the industry. DOE's Economic Regulatory Administration would establish maximum wholesale and retail prices for oil products. These ceiling prices would be enforced by the Federal Energy Regulatory Commission.

In summary, the Oil Price Control Act would:

(1) Place a temporary freeze on crude oil prices, pegged to existing market prices, retroactive to the date of the bill's introduction;

(2) Establish a new system of categorization of crude oil, based on the year of first production, quality, and other factors;

(3) Establish well-head crude oil prices at levels that provide just and reasonable returns to producers, coupled with uniform crude oil prices to refiners;

(4) Abolish the present entitlements program and replace it with a Federal Oil Trading Corporation that would be the exclusive buyer and reseller of all domestic and imported crude oil;

(5) Eliminate the higher profits derived from the import of foreign crude oil, which now accrue under the present entitlements program;

(6) Direct DOE's Economic Regulatory Administration to conduct a study of the unit profitabilities of crude oil production, the unit profitabilities at refineries, and the unit profitabilities at the marketing level, which would be the basis for establishing price controls on oil;

(7) Establish refiners' and marketers' maximum margins to yield just and reasonable returns;

(8) Assign to the Federal Energy Regulatory Commission the responsibility for enforcing the refiners' and marketers' margins, and

(9) Authorize the Federal Oil Trading Corporation to allocate crude oil and oil products in the event of a crude oil shortfall.●

TRIBUTE TO BOB WILSON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman Bob Wilson, who will not be returning to the House after 28 years of distinguished service to the people of his district and the Nation.

Bob and I were colleagues on the House Intelligence Committee. He earned my respect because of his hard work and his dedication and his great knowledge of the subjects of national defense and national intelligence.

His presence will be missed in the 97th Congress.

I wish Bob the best of health and happiness in the years to come.●

TRIBUTE TO BOB WILSON

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LLOYD. Mr. Speaker, the Halls of Congress will remain the same as long as this institution and a democratic form of government exist. But, those who are privileged to walk the Halls and those who govern are merely tenants. It is what they do while they reside in office that will be remembered.

It is therefore fitting that we take this time to remember the contribution Bob Wilson has made through his 28 years of dedicated service to his country and to the people he so ably and unselfishly represented.

I am proud to call him a colleague, and I am grateful to have had his friendship. It has been an honor to have walked these Halls with Bob, and I have been thankful for his bipartisan counsel.

Veteran Members will note the change when Bob leaves; new Members will walk the Halls in awe of their surroundings. I hope that in the years ahead, they too will find the same source of help and honest advice.

I join with my colleagues in paying tribute to Bob Wilson, and to wish him all success for the future. Bob, the country, and this Congress have been well served.●

TRIBUTE TO JERRY AMBRO

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MINETA. Mr. Speaker, it is a pleasure to join my colleagues in paying tribute to JERRY AMBRO for the fine work he has done for the Nation, his State of New York, and the residents of the Third District, which he represents in the Congress.

JERRY is a fellow member of the class of 1974, and I have always considered it a privilege to know and work with him since we were first elected. I have had the opportunity to work closely with him on many transportation issues on the Public Works and Transportation Committee and the Subcommittees on Aviation and Surface Transportation. His colleagues there have respected him as a knowledgeable and hard working member with a keen sense of humor and a commitment to representing his constituents' needs.

I have also been thankful for JERRY'S many contributions to the 94th Members Caucus. He followed me as chairman of the caucus, and we all benefited from his leadership and guidance in that position.

I regret that JERRY will not be joining us here when the Congress convenes in January. It will be a loss that I am sure will be felt. I know that I am not alone in hoping that JERRY keeps in regular touch with his many friends here, and I wish the very best in the years ahead.●

REAL CONSERVATIVES, PSEUDO-CONSERVATIVES

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BOLLING. Mr. Speaker, the article which follows appeared in the New York Times, Tuesday, December 2, 1980, and is by our colleague JOHN ANDERSON of Illinois. It is, I believe, accurate and important. I hope it will be widely read.

REAL CONSERVATIVES, PSEUDO-CONSERVATIVES

WASHINGTON.—With the coming into power of a new, so-called conservative administration, a key question may be asked: What kind of conservatives will be in charge—real conservatives or psuedo-conservatives? It makes a vast difference in policies and appointments.

Real conservatives believe that special subsidies are inappropriate and hinder the operation of the free-market system. Pseudo-conservatives, in sharp contrast, support special large-scale subsidies for big business. Pseudo-conservatives are sometimes called "corporate socialists" for this reason. Though their rhetoric is about Government waste, pseudo-conservatives vote for a wide range of money projects that benefit business with little trickle-down effect on the population as a whole.

To test this basic but often ignored difference, let's look at some issues of concern to conservationists. The conservation movement, as its name implies, has much in common with the true conservatives, very little in common with the pseudo-conservatives.

True conservatives believe that the Federal Government should not construct uneconomical and expensive public works—dams that make only political sense, shipping channels that no private investor would come near, highways that are inappropriate for an energy-efficient future. Pseudo-conservatives, on the other hand, are happy with big Federal bucks flowing to the builders of pyramids.

Real conservatives believe that, in order to work right, the free-market system must allow all of the costs of products to be included in prices. Such costs must therefore incorporate the price of pollution control, established either through sound regulation or, perhaps better yet, through pollution taxes. The marketplace can then reward the most efficient manufacturer. Pseudo-conservatives believe in eliminating sound regulation and allowing the cost of pollution to be passed on to the public in the form of "hidden taxes," damage to people's health and property and public resources.

Real conservatives believe that the Federal Government should operate its businesses in a sound economic manner. Thus, timber should not be sold at below the cost of taking proper care of the land, building the necessary access roads, and providing for the renewal of the forest. Grazing fees should be at fair market value and include the cost of range maintenance and improvement. Not so, say the pseudo-conservatives. They believe that the loggers and grazers should be allowed unlimited access to public lands, low-cost leases, and inexpensive fees and permits. The public—present and future—should absorb the costs of land degradation and erosion.

True conservatives believe that the prices of energy should be deregulated and that the various forms of energy, including the most important source of "new energy," energy conservation, should be allowed to compete fairly in the marketplace. They maintain that there should not be special subsidies from the Federal Government to bolster some forms of energy and to inhibit others. Pseudo-conservatives by contrast are for energy subsidies—depletion allowances, loan gurantees, purchase guarantees, Federal takeover of the costs of storing nuclear wastes, Federal limits on liability, and so on.

True conservatives do not think the Federal government should continually bail out those foolish enough to build on flood plains and barrier islands when their property is repeatedly damaged or destroyed by inevitable natural disasters. They assert that it is wasteful for the Federal Government to build roads, bridges, and sewage-treatment plants on unstable, dynamic barrier islands. Pseudo-conservatives believe instead in subsidizing the development of such hazardous places.

Real conservatives believe that businesses releasing hazardous products or materials into the environment should bear the legal responsibility for the damages they cause and that the citizen whose health or property suffers should have reasonable access to the courts for relief. Pseudo-conservatives favor having the individual citizen, or if necessary the taxpayer, pay for the costs of such toxic risks as hazardous-waste dumps.

These distinctions are not academic. They go to the core of the policy choices that face the incoming administration and Congress.

If real conservatives are making these choices, progress can be made in balancing the Federal budget while at the same time providing a healthy, livable environment.

If pseudo-conservatives are in the driver's seat, the taxpayers and their environment will suffer.

The new administration and Congress are worth watching closely in the next few weeks for signs as to which of these types of conservatism is gaining the upper hand.●

TRIBUTE TO SAM DEVINE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ADDABBO. Mr. Speaker, I welcome the opportunity to join my colleagues in the House in paying tribute to a distinguished public servant, dedicated colleague, and most of all, a fine friend, SAM DEVINE, who will retire at the end of this Congress.

SAM DEVINE came to this body in 1958 and since then has served his constituents with distinction. A hard working, dedicated man, noted for his able mind and quick wit, he is one of those individuals who, behind the scenes, has been a major force in helping to enact vital legislation. The consummate public servant all of us who have had the priviledge of working with him are proud of that association.

Not being of the same party, there have been times when we have been at opposite sides of an issue. In such situations, no man could have been more effective, yet more gracious. He was never too busy to give you some of his valuable time, one of the most precious commodities on Capitol Hill.

As senior minority member of the House Interstate and Foreign Commerce Committee he has been instrumental in developing legislation to better consumers all across the country. While serving on the Subcommittee on Health and Environment he has gained the respect of his coworkers for his knowledge and concern for the health of our people and the condition of the air we breathe and the water we drink. A public servant deeply concerned with the future supplies of energy for our country, he has been a proponent of seeking alternative sources, including nuclear, geothermal, solar, oil shale, and off-shore drilling.

I will be sorry to see him leave this body. He leaves many friends who have long respected his integrity. I join with my fellow colleagues in wishing him the very best on what we hope will be a happy and healthy retirement.●

TRIBUTE TO REPRESENTATIVE PETER KOSTMAYER

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ERTEL. Mr. Speaker, in 4 short years, Peter Kostmayer came to represent what is best about the Congress. At a time when public institutions are too often shrouded by scandal and doubt, Peter Kostmayer set a shining standard of unquestioned integrity and fierce independence. During a period when too many citizens question whether government really cares about their lives, Peter Kostmayer's answer was determined, tireless and dedicated service to the people he represents.

Peter Kostmayer's departure from this House is at once a loss to those of us who count ourselves among his friends, and a precious opportunity for him to explore new avenues and make still greater contributions to his country and his fellow man. He leaves us with our good will and confidence. More important still, he leaves this House a better place for his having been here.●

TRIBUTE TO CONGRESSMAN BOB WILSON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. McCLORY. Mr. Speaker, with the voluntary retirement of our colleague Congressman Bob Wilson of California, we bid adieu to one of the most influential and highly respected Members of this body.

With Congressman Bob Wilson's tutelage as the former chairman of the Republican Congressional Campaign Committee I was introduced to the salient elements of a successful political campaign.

Congressman Bob Wilson is truly an expert in public relations and in advanced political techniques. His leadership on the Republican Congressional Campaign Committee helped produce many successful congressional campaigns for which I and many other Republican Members of this body are understandably grateful.

Congressman Bob Wilson's effective service as ranking Republican on the Armed Services Committee, as well as in his effective work as a former ranking Republican on the House Select Committeee on Intelligence, enabled him to make major contributions to the legislative and political decisions of our Nation.

In addition to his effective and devoted public service, Bob Wilson and his wife, Shirley, have become good personal friends. Shirley Wilson worked very closely with my wife, Doris, during the time of her presidency of the Congressional Club and assisted in the effectiveness of this organization in behalf of the wives of Members of Congress, Justices of the Supreme Court, and Cabinet Members who compose the membership of this organization.

Together, we wish Bob and Shirley Wilson the best of health and happiness as they undertake lives of active retirement.●

TRIBUTE TO CONGRESSMAN MUSTO

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WON PAT. Mr. Speaker, I thank our colleague, Representative Joseph M. Gaydos for reserving this special order to honor our colleague, Representative Raphael Musto from Pennsylvania.

There is no question that history will be very aware of the proud record of Congressman Musto. He has served his district and his Nation with dignity, intelligence, and pride.

The proud record we amassed in this Congress is a reflection of the hard work of men such as Ray Musto. The past 2 years have not been easy. We have had to face considerable economic pressures. But, thanks to the perseverance of men such as Representative Musto, this Congress has moved on a number of major issues as we sought ways to help the country face new challenges.

I wish Congressman Musto much success and happiness in the years to come. He will be missed by his many friends on Capitol Hill. It is always a privilege to serve with men of such outstanding character as Representative Musto. His willingness to put the needs of his people before personal needs is a tribute to his years of proud public service.

Thank you.●

SPECIAL ORDER HONORING JEROME AMBRO

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFNER. Mr. Speaker, I just want to take this opportunity to join with my colleagues in honoring a fine gentleman from the great State of New York, Hon. Jerome Ambro. Jerry and I came to Congress on the same day and I have enjoyed serving in this body with him for the past 6 years. He is one of the hardest working and most dedicated Members of our class and I shall greatly miss the friendship and association we have shared during this time. He served his constitutents tirelessly and I know he will continue to keep their best interest and welfare in mind as he endeavors to serve them outside the Halls of Congress. The people of Jerry's district are fortunate to have had him represent them.

Best of luck, Jerry, in all your future undertakings.●

TRIBUTE TO BOB WILSON

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of California. Mr. Speaker, Bob Wilson, dean of the California delegation in the House of Representatives, will leave the Hill at the close of this 96th Congress. He and John Rhodes, minority leader of the House, share the honor of being the senior Republicans in this body.

Bob has done an outstanding job for the people of California's 41st District—and for the people of America as a whole. As a member of the House Armed Services Committee, he has worked hard to see that our defense establishment is well protected and that America is well defended.

Members of the California delegation will sorely miss the hardworking and levelheaded leadership of this fine Member of Congress.

Valery and I will also miss Bob and Shirley. As they leave the House of Representatives, we wish for them the very best that life has to offer. After such a long, productive life given so unselfishly in public service, we feel that they deserve it.●

TRIBUTE TO SAM DEVINE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman Sam Devine, who will not be returning for the 97th Congress after 22 years of distinguished service to the people of the 12th District of Ohio and the Nation.

Sam graduated from law school from my alma mater, the University of Notre Dame, and like all who have spent time at its beautiful campus, Sam and I share a common bond despite our occasional political differences.

When Sam joined the Congress in 1958 he brought with him a wealth of experience in matters that pertain to justice and the law. His expertise in legislative affairs will be missed by all.

I extend to Sam and his family my best wishes for health and happiness in the years to come.●

IN TRIBUTE TO ROBERT C. McEWEN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MILLER of Ohio. Bob McEwen enjoys a rather unique distinction. When Bob was first elected to Congress in 1964, he was elected in the face of an overwhelming national defeat for the Republican Party of which he was a part. Now he picks the year to leave Congress when his party enjoyed perhaps its biggest national election victory in this century.

This is not to imply that Bob lacks a sense of timing, it is simply to point up that Bob does not always do things the easy way.

I have had the pleasure of serving with Bob 14 years of the 16 years he has served in this body. For the last 8 years, I have served with him on the House Appropriations Committee. I have closely watched him perform his day-to-day responsibilities. My conclusion: though Bob may be easygoing in manner, he sure hangs tough legislatively. Bob McEwen is not a headline hunter; he is the type that works in the trenches, that does the detail work that is so essential to the passage of effective legislation.

Bob works hard for what he believes in; he works hard for his district, his State, and his Nation. We all owe him a deep debt of gratitude. Bob McEwen is one of the most decent and well meaning men to serve in the Congress and he will be dearly missed.

Good luck, Bob, in your future endeavors. The Congress and the Nation is losing a fine public servant.●

TRIBUTE TO WILLIAM H. HARSHA

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. REGULA. Mr. Speaker, progress in this Nation depends on the leadership of individuals who understand the importance of an efficient, effective public works and transportation infrastructure.

Our friend and colleague, Bill Harsha, has been on the cutting edge of achieving progress for our people in conceiving and supporting enlightened public works and transportation projects.

These monuments of progress will long outlast his years of service in this body and will be a reminder to generations of successors that they, too, must build for the future.

As I have an opportunity to travel in other nations, I appreciate even more the contributions of individuals such as Bill Harsha to the progress of our country.●

NUCLEAR WASTE BILL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. PETRI. Mr. Speaker, earlier today, I objected to the request by the gentleman from Arizona (Mr. Udall) for unanimous consent to consider in the House the nuclear waste bill, H.R. 8378 with only one allowable amendment to be offered by Mr. Kostmayer. There were others ready to object to this highly unusual procedure, including members of the Republican leadership, but I was willing to be the first to stand up. I had promised my constituents to raise two very important issues in the House in connection with any nuclear waste bill, but the sponsors of this bill refused to allow my amendment to be offered. I feel I owed it to the people of my district at least to force the sponsors to follow the normal procedure of going to the Rules Committee, where I would have a chance to present the case for raising these issues.

My amendment would have provided for an absolute right of a State to veto a nuclear waste site within its borders. The veto could be exercised for 6 months following a Presidential site recommendation either by a State advisory board, the State legislature, or a statewide referendum. The veto could not be overridden by the U.S. Congress. In addition, my amendment included a provision for compensating States and localities affected by nuclear waste repositories for any adverse economic or other impacts associated with those repositories The compensation would be paid out of fees collected from the users of the repositories—that is, those who generate nuclear waste. It would be limited to a maximum of 5 percent of the total fees collected from those users to defray the costs of waste disposal, and the Secretary of Energy would be directed to propose criteria and a mechanism for distributing it.

The State veto is a positive measure, designed to insure that the public and local officials are really consulted and informed during the entire process of site selection, and that they come to a basic acceptance of an eventual site. Without such local acceptance, any decision will be tied up in court challenges and other obstruction for years. Besides, when local people directly affected by a decision are consulted, they can often offer suggestions that improve the eventual result.

Without an absolute State veto, the public and local officials simply will not trust the Federal Government, and the Department of Energy in particular, not to try to ram down their throats something potentially injurious to them. With it, they will feel more comfortable about the process all the way along. Knowing that they have the power to block a site, they will be less likely to focus their energies and attention on the tactics of obstructionism and more likely to focus on the merits of a repository.

I feel confident that in such a calmer atmosphere, and facing the prospect of compensation for adverse impacts, States will be prepared to accept reasonably safe disposal sites. It is obvious that no State will want a nuclear waste disposal site, no matter how safe, if it gets nothing in return, because there will always be some residual doubt about the risks involved. However, if it gets some compensation, and if its people reflect that wastes are currently being stored all over the country above ground at reactor sites, which is far worse than storing it underground, then I think it will agree to a safe proposal.

Perhaps most important, once a site is approved by a State legislature or especially by a referendum, it will have a clear public mandate and should suffer fewer subsequent challenges, for people in our country do tend to accept and abide by a result of elections. On the other hand, if the States have only a partial veto, that veto will be more likely to be exercised. And if it is exercised, and then overriden by the Congress, the whole process will just arouse more opposition and bring to the fore those who are most adept at the politics of confrontation, court challenges, and civil disobedience, and the opposition will drag out the process for years.

In short, I believe my amendment would be in the long run best interest not only of those who live near likely locations for sites, but also of the nuclear industry itself.●

TIMELY ACCESS TO THE ARCHIVED RECORDS OF THE HOUSE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. SOLARZ. Mr. Speaker, as we prepare for the beginning of the 97th Congress I would like to call to the attention of my colleagues that public access to the noncurrent records of the House of Representatives which have been retired to the National Archives currently is governed, in part, by a so-called 50-year standard regarding the availability of such materials. This temporal limitation, expressed in House Resolution 288 of the 83d Congress, was adopted by the House without debate and without objection of June 16, 1953. The language on the resolution provides in relevant part, that:

> The Clerk of the House is authorized to permit the Administrator of General Services to make available for [public] use * * * any records of the House of Representatives, transferred to the National Archives, which have been in existence for not less than 50 years, except when he determines that the use of such records would be detrimental to the public interest * * *.

The resolution also indicated that published House documents, or records which have previously been made public, which were stored at the Archives accordingly also could be made available for inspection. Thus, unpublished records of the House, which are more than 50 years old and are on deposit with the National Archives, may be made open to public use by the Administrator of General Services upon the authorization of the Clerk of the House. The 50-year threshold set by the resolution of 1953 commonly has been referred to since that time as the 50-year standard or 50-year rule.

The immediate impetus for House Resolution 288 can be traced to congressional reform efforts which got underway shortly after the cessation of World War II. As part of its final report on improving congressional practices and procedures, the first Joint Committee on the Organization of Congress, in 1946, called attention to the fact that:

> The House has taken no action with respect to the transfer of its noncurrent records to the National Archives, despite recommendations to this effect.

In 1937—

by the House Library Committee.

The Joint Committee indicated that, in its opinion:

> The best interests of the Government and the people of the United States would be served by the preservation of the noncurrent records of the Senate and the House in one centralized place.

Namely, the National Archives.

This recommendation of the Joint Committee was approved and enacted as part of the Legislative Organization Act of 1946. But, when transferring its noncurrent records to the Archives, the House continued to maintain strict administrative control over and proprietary rights regarding these materials, and continues to do so today. According to long established precedent, only those House records previously published or otherwise made public by order of the House were available for public inspection. When private researchers sought access to unpublished papers, the precedents of the House defeated their efforts. Numerous among those thus frustrated were historians and from this professional quarter came an attempt to solve the dilemma.

In 1950, Dr. Conyers Read, professor of history at the University of Pennsylvania and chairman of the American Historical Association's Committee on Historians and the Federal Government, appealed to Speaker Sam Rayburn to have the prevailing restrictions on archived House records modified and suggested that the 50-year records retirement standard embodied in the then recently enacted Federal Records Act be extended to House records through the passage of a simple resolution. The Federal Records Act provided that executive branch papers and documents which were a half century or more old would be transferred automatically to the National Archives where, providing they were not under security classification or some other type of official protection and were deemed to be of sufficent historical value to preserve, they usually would be available for public inspection.

Speaker Rayburn accepted the idea, but delayed implementing it until House records on deposit with the National Archives had been put into order for use by researchers. Thus it was that on June 16, 1953, the chairman of the Committee on House Administration, Representative Karl M. LeCompte, offered a privileged resolution which, with the concurrence of his colleagues, established the 50-year standard regarding public access to archived House records.

In sharing with my colleagues this brief history of the 50-year rule I hope I have demonstrated sufficiently that records management practices change over time. At the time the rule was adopted, the House was in the forefront of good records management practice, simply because it had a policy. Over time, and with experience, the executive branch and others have found that 50 years is an exceptionally stringent standard, and is rarely appropriate to any records except those involving personal privacy.

I urge my colleagues to join me in studying the records management practices of the House of Representatives, and in moving for the adoption of a more appropriate and useful standard.•

TRIBUTE TO JEROME AMBRO

HON. THOMAS P. O'NEILL, Jr.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

• Mr. O'NEILL. Mr. Speaker, I am pleased to take this opportunity to pay tribute to JEROME AMBRO, a fine public servant from the State of New York on the occasion of his departure from Congress.

JERRY has always placed the interests of his constituents as top priority. Certainly, one of his most outstanding legislative achievements was his amendment to the ocean dumping bill, which secured for the city of Glen Cove a $300,000 Federal grant to identify the methods of cleaning up the contamination of municipal wells from toxic materials. His efforts on behalf of the integrated motorist information system (IMS), a demonstration project that would set up a computerized motorist information system to help out Long Island's clogged parkways to avoid traffic jams, is already legend.

A hard-working and dedicated, talented Member of the House, JERRY has served his constituents with a sense of purpose and conviction, and has distinguished himself in every facet of public service. His colleagues and his friends will long remember his quick wit, bondless energy and enthusiasm, and no nonsense, straightforward manner.

In saying farewell to JERRY, I extend my sincere best wishes in all his future endeavors.•

IN MEMORY OF RALPH BUNCHE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

• Mr. PORTER. Mr. Speaker, the House of Representatives, with my support, acted yesterday in passing H.J. Res. 205 which provides funding for acquisition of a monument to Dr. Ralph J. Bunche to be placed in the park recently dedicated in his honor opposite the United Nations in New York City.

Dr. Bunche was one of the exceptional leaders of our day who arose from humble beginnings to become a political scientist, educator, government official, and a United Nations diplomat of extraordinary ability who spent the better part of his life in the international arena. His courage, vast experience, and amazing persistence marked him as one of our foremost and most respected negotiators. He worked tirelessly as a mediator in the Middle East and in Africa to create diplomatic frameworks in which animosities could be overcome and good relations prevail. His efforts in the Middle East in the late 1940's culminated in the armistice that ended the Arab-Israeli war in 1949 for which he was awarded the Nobel Peace Prize in 1950.

In our constant struggle to prepare for and cope with the tides of the future, we should never overlook the past for inspiration. A monument in memory of Ralph Bunche will be a reminder that we are now the inheritors of his heartfelt mission. He was a man who extended his duties to his Nation, to the peoples and nations of the entire world. We would do well to persist in the work Dr. Bunche valued so highly and did so well—to construct a world founded on peace and understanding.•

THE SCHOOLBUSING PROVISION IN STATE/JUSTICE APPROPRIATIONS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. FISHER. Mr. Speaker, I wish to make a statement about a provision in the State/Justice appropriations bill, which has passed the House and for which I voted. The provision itself, which never received a separate vote in the House, forbids the Justice Department from initiating court suits or other actions designed to order busing of schoolchildren for purposes of racial integration.

My past stand on busing is clear. I am opposed to deliberate segregation in the public schools, and I believe such segregation should be eliminated. Court after court, right up to the highest court in the Nation, have approved the use of busing as an acceptable method for achieving school integration where other methods have failed. At the same time I think busing to achieve desegregation is not a preferred solution to the problem; indeed it is more in the nature of a last resort solution, but nevertheless one which may occasionally be useful.

In many instances, busing is used routinely within a school district solely to transport students, aside from the purposes of maintaining racial balance. In my own communities in northern Virginia busing is being done without significant opposition and has proved to be successful, not only in carrying students to schools which are beyond walking distance but also in some instances in achieving compliance with court orders relating to desegregation.

In the case of the State/Justice appropriations bill the House has just considered, I have two concerns. One is a general one, and it happens when a busing prohibition or some other measure of this type that could better be dealt with as a separate matter is attached to legislation that simply must be passed to keep indispensible Federal programs going. I am generally opposed to voting against final passage of appropriations bills—thereby holding up paychecks for Federal employees and funding for important Federal programs—for the purposes of protesting a single provision of the bill. In the current case, we are talking about legislation that funds the FBI, Federal prisons, and U.S. Embassies abroad, in addition to many other things.

My second concern is more specific to the busing provision, in that its prohibition against the Justice Department's action in busing cases is total, leaving no exceptions. It seems to me that one of the legitimate functions of government is to uphold and protect the civil liberties of individuals; I am concerned about a complete ban on possible Justice Department involvement in what may sometimes be deliberate racial discrimination in the public schools.

The State/Justice appropriations bill has been passed by both the House and the Senate. Attorney General Benjamin Civiletti has said that he would recommend a veto of the appropriations bill if the antibusing language is not removed. However the matter is finally resolved this year, I hope that, in the future, Congress would grant more discretionary authority to the Justice Department in schoolbusing cases.●

JERRY AMBRO TRIBUTE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I would like to pay tribute to my good friend and colleague, JERRY AMBRO. JERRY has proven to be one of the outstanding of those Members elected in 1974, and it is most unfortunate that he will not be returning to the House next year.

JERRY's leadership abilities were recognized early on by his fellow freshmen colleagues of 1974, as his election to the chairmanship of that class attests. Although I did not have the pleasure of working on the same committees as JERRY, I do know that he has displayed remarkable legislative talent as a member of the Committees on Public Works and Transportation and Science and Technology. JERRY has worked tirelessly and with enthusiasm to produce sound, effective legislation.

I am confident of JERRY's success in whatever he may undertake in the future.●

A COMMONSENSE APPROACH TO STIMULATE INNOVATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. SCHULZE. Mr. Speaker, the United States is faced today with the hard fact that its position as a technological leader among nations is slipping. At a time when industries in many other industrialized nations are reaching new peaks of technological achievement, the industrial sector of the American economy is having great difficulty in increasing productivity in any substantial way.

President-elect Ronald Reagan has recognized this, calling for "bold action to make our companies competitive with the dynamic industries in Japan and Western Europe." Mr. Reagan adds that "reversing this decline in American productivity requires nothing less than an American technological revolution."

Mr. Speaker, broad Government policy changes and sweeping economic reforms might be required to get America moving again, but sharply focused single actions must also be considered. One such action, modification of the Treasury Department's section 861 regulations to remove disincentives to investment in research and development, is proposed in an editorial in Science magazine, dated October 31, 1980. The author is Mr. Robert F. Dee, chairman of the board and chief executive officer of Smith Kline Corp., of Philadelphia.

I believe Mr. Dee's proposal warrants serious consideration and deserves broader exposure, and I therefore insert his editorial in the RECORD at this point:

A WAY TO STIMULATE TECHNOLOGICAL INNOVATION

Of the many economic problems facing the United States today, one of the most frustrating has been the nation's growing inability to increase productivity through technological innovation. This failure has reduced our ability to compete with other nations in the world marketplace and has contributed significantly to inflation as productivity has lagged behind wages.

American scientists should be concerned for two reasons. First, declining productivity affects the nation as a whole through high inflation and an unfavorable balance of trade. Second, it directly affects the community of American scientists as research programs are cut back or moved abroad and scientific job opportunities disappear.

A major cause of the decline in productivity in the United States has been federal policies and regulations that discourage investment in research and development. According to the National Science Foundation, investment in R & D—in constant dollars—increased only 4 percent in the United States in the decade 1968 to 1978. This level was far surpassed in many other countries, notably Japan and West Germany, where governments provide incentives for private industry to invest in R & D. In addition, technological innovation at present is burdened by an unfavorable, if not hostile, regulatory climate.

In a message announcing his industrial innovation initiatives late last year, President Carter acknowledged that government has placed "stifling restraints" on innovation. He expressed the need for government to form a "close partnership" with the private sector to restore the innovative nature of the American free enterprise system as one of the "most precious resources of our country." One element in this restoration should be modification of existing tax regulations that discourage R & D.

An example of such a discouraging action was the decision of the Treasury Department in 1977 to substantially revise the regulations under section 861 of the Internal Revenue Code. Before that, the regulations under section 861 had been virtually unchanged for more than 50 years. As modified by Treasury, the regulations require companies with foreign sales to treat U.S. R & D expenditures in an artificial manner that exposes these companies to higher U.S. taxes. The regulations require U.S. corporations with foreign sales to allocate part of their U.S. R & D expenditures to foreign income. The effect is to decrease the company's taxable foreign-source income, as computed for U.S. tax purposes, and increase its taxable U.S.-source income. Therefore the foreign tax credits available to U.S. firms to help offset U.S. taxes on foreign income are reduced. In effect, the U.S. corporations are exposed to double taxation, since the taxes of foreign governments on the companies' earnings from abroad cannot be adequately credited against U.S. taxes on the same earnings. This tax treatment not only discourages U.S. investment in R & D, but may provide U.S. companies with an incentive to locate their R & D activities abroad.

Section 861, as orginally enacted in 1921, was designed to prevent foreign corporations and individuals from deducting unrelated foreign expenses in calculating their taxes on U.S. income. Ironically, more than a half-century later, the Treasury Department has interpreted this law in a manner that penalizes U.S. companies that conduct business abroad.

Administrative modification of the section 861 regulations as they relate to allocation of R & D expenses could remove this disincentive and stimulate R & D investment in the United States. It would help restore the United States to a preeminent position position in technological innovation. Science and technology are our nation's fundamental resources. Government's role should be to nurture these resources, not to suppress them.—ROBERT F. DEE, Chairman of the Board and Chief Executive Officer, SmithKline Corporation, 1500 Spring Garden Street, Philadelphia, Pa.●

TRIBUTE TO RICHARDSON PREYER

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MILLER of Ohio. Mr. Speaker, I am happy to join my colleagues in a tribute to the gentleman from North Carolina, Mr. PREYER.

Like so many of my colleagues on this side of aisle, even though we often disagreed politically, I have always had enormous respect for Judge RICHARDSON's judgment and fairness.

I am proud to have been associated and worked with a man of such high integrity and common decency. He had some setbacks in his career but he rose above those and accepted even greater challenges.

One shining example of how well Judge PREYER accepted and carried out some of the most difficult assignments this body offers is the distinguished work on the House Ethics Committee.

We are losing truly an honorable servant of the people and I think this body and all its Members have benefited immeasurably by Judge PREYER's service.

My sincere gratitude for his able work go out to him and every good wish for continued success and happiness.●

DOES THE UNITED STATES HAVE A SPACE POLICY?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BROWN of California. Mr. Speaker, the recent successes of *Voyager I* in its flight past Saturn inevitably raises the questions of what future plans the United States has for space.

My own concerns about this question have been the subject of several CONGRESSIONAL RECORD statements over the past few years. In addition, I have attempted to explore this question in private meetings, briefings, correspondence, and hearings before the Science and Technology Committee. Frankly, I am not satisfied by the answers I have been receiving.

Mr. Speaker, I realize that I am not the only person raising these concerns, but I must admit that I find too few people demonstrating an interest in the future U.S. role in space. I hope the next Congress and the next administration find time to include U.S. space policy and U.S. space programs on their agenda.

At this time, I insert in the CONGRESSIONAL RECORD two recent articles which make the same point I have been trying to make.

The articles follow:

[From the New York Times, Nov. 30, 1980]

DOES THE U.S. VOYAGE END AT SATURN?

(By John A. Burns)

ITHACA, N.Y.—The excitement generated by the flight of the Voyager I spacecraft past Saturn provides an ironic counterpoint to an impending collapse of America's space effort.

Not long ago, while Saturn's melon-hued atmosphere, unique moons, and austerely beautiful rings entranced scientists and the general public alike across the nation, few of those voting on the 1981 Federal budget in Washington were concerned with planetary exploration; this continued a practice of several years. The planetary program is unlikely to fare better with a newly cost-conscious Congress during the next session, unless the Reagan administration acts promptly.

The consequences of past lack of interest toward space exploration on the part of the Carter Administration and Congress will only be evident years hence. Following next August's passage of Saturn by the Voyager 2 spacecraft, no images of other worlds will be seen for at least five years. Given the time needed to develop today's complex mission, it is not possible for this interval to be shortened.

The interruption of the United States' exploration of the solar system comes after two decades during which we have had the privilege to visit another planet or the Moon on the average of every six months. During this exhilarating period, we have literally expanded our horizons and gained a new perspective on our place in the universe. We have learned much about the dense and searing atmosphere of Venus, Earth's supposed sister planet. We have seen abundant evidence that Mars once had a considerably more clement climate than at present and that the red planet may still be geologically active; we have even placed our machines on its surface to view a setting not unlike that of some rock-strewn terrestrial desert. Our spacecraft have surveyed Mercury, the innermost planet, and our nearby companion, the Moon, and observed them to be surprisingly similar, each still bearing scars of its accumulation into a planetary body. We have delivered explorers to the Moon's surface and we are now scrutinizing lunar chunks in our laboratories to understand how they were formed. Most recently, we have ventured beyond the asteroid belt into the gas-rich outer solar system where the swirling multicolored cloud patterns on Jupiter have exhibited a meteorology that has much to teach us about Earth's weather, even as the giant planet's atmospheric chemistry may elucidate what happened to that of the primitive Earth. And the Jovian moons have been displayed to us as bizarre worlds, including one that is more active than our planet and another whose frozen surface shows tectonic patterns of unimaginable complexity when compared against terrestrial counterparts. From the latest encounter we hope to improve our understanding of the solar system's origin through the investigation, currently taking place, of Saturn's flattened ring system, a dynamic laboratory that mimics the primordial development of the planets out of a disc-like circumsolar cloud. Titan, the largest Saturnian satellite and one surrounded with a very dense atmosphere of nitrogen and methane, has already shown us that it is a uniquely interesting world. Thus, by testing previous theories and providing unheard-of environments, our voyages to the planets over the last 20 years have caused us to rethink our once-earthbound ideas on the nature of the universe. Most of all, though, the exploration of the solar system has allowed mankind to find out about the fragility of terrestrial ecosystems and about its own uniqueness.

Notwithstanding these accomplishments, and despite continuing public support, the American space program is in profound trouble today. Only Project Galileo, consisting of a planned orbiter of Jupiter and a probe of the Jovian atmosphere, has received funding approval. And even this last American extraterrestrial venture will not leave Earth until 1984 or later, since it has been seriously delayed by the National Aeronautics and Space Administration's woes with Space Shuttle, part of Galileo's primary launch system; additional problems could jeopardize the flight entirely. Many other promising missions—such as Lunar Polar Orbiter, a geophysical and geochemical survey spacecraft—will most likely never fly, although enthusiastically endorsed by the Space Science Board of the National Academy of Sciences.

Further evidence of the faltering American planetary program is the case of the exploration of Halley, the most renowned comet in historical annals, which in 1986 will again traverse the inner solar system after its latest 76-year round-trip journey to the outermost reaches of the solar-system. Three spacecraft are expected to be sent from Earth to greet Halley: one will be European, one Soviet, and one Japanese; the American effort, which was to be the most sophisticated of all, has apparently been killed by the Administration and the Office of Management and Budget. Indeed it appears as though the American era of solar-system exploration may be over. Perhaps it is our destiny to pass our lead to other nations, much as the Spanish and Portuguese "discovery" of the New World gave way to the subsequent development and utilization of these lands by the English and French.

[From the Washington Star, Oct. 23, 1980]

THE SHAPE OF THINGS TO COME

Leonid Popov and Vaery Ryumin are not exactly household names, but they ought to be. They are Soviet cosmonauts; and last week they set a record by orbiting the earth for over half a year—breaking the 175-day endurance record also held by the Soviet Union. (The U.S. record, recorded in the late, lamented Skylab, was 84 days)

The last American to fly in space returned in July 1975. Since then, the once-pioneering U.S. manned space program has been effectively suspended, awaiting the maiden voyage of the reusable shuttle. Meanwhile, Soviet astronauts have spent more than twice as many hours in space as Americans. And the Soviets have steadily increased their space budgets, while the U.S. now spends far less than it did in the 1960s—with much of the money going to develop the shuttle.

At the heart of recent Soviet research has been the Salyut 6 space station, which has orbited the earth for three years. It is a somewhat primitive piece of space hardware compared to Skylab; but unlike Skylab, it is up there, regularly receiving visitors and sending back lots of information to Soviet scientists.

What keeps the Soviet Union in space? Theories abound. Certainly the scientific community values the chance to learn; and work done on Salyut will further their ability to undertake unmanned—and possibly manned—planetary exploration. The military rewards are less certain, but more troubling. There are reports of plans to develop "killer" satellites and other space weaponry. Aviation Week has reported on Soviet plans to construct a permanently-manned space station by the mid-1980s. One possible configuration would be a "cluster" of Salyuts, which would not require a new generation of rockets to launch.

The better question concerns U.S. goals. Is a space program important? If so, what should it set out to accomplish—and when? What are the costs, in manpower, morale and dollars, of proceeding in fits and starts, i.e. accomplishing such remarkable things as manned lunar voyages and robot explorations of Mars—and then abandoning the projects? Is the U.S., like Detroit, about to discover that someone else can build a good small car? (Or rediscover that someone else can be first with a Sputnik?) These questions remain unanswered.

There is no shortage of imagination in the U.S., but there appears to be a disturbing unwillingness to support it. For example, during a recent NASA-sponsored space technology workshop, scientists and engineers examined such things as an orbitting space factory, a self-directed deep-space exporation robot and an automated monitor of the earth's environment and resources—projects that are possible and relatively inexpensive.

They also considered an "ultimate challenge for advanced automation," and came up with a factory on the moon's surface which would use lunar materials *and actually reproduce itself.* Such a device sounds like science fiction. But in fact the concept is the logical outgrowth of space research and the development of computer-based "intelligence." It is, in short, feasible. But the commitment and tenacity needed to explore such frontiers seem beyond the imaginative reach of the federal government, although what finally may be at stake is America's scientific and technological future.

All this, to be sure, seems far from the 185-day mission of two Soviet cosmonauts. So it is—for now. But the flight of the cosmonauts should remind us again that the Soviet space program is advancing while Americans rest on their technological laurels. It should remind us that playing "technological catchup" is a risky business; and that programs so complicated, affecting U.S. scientific, industrial and military readiness, cannot be attended to by legislative whim, from year to year.

The Soviets, in any case, recognize that the rewards of a space program are immense. And that many will go to the nation that gets there first.●

GEORGE BRETT—MVP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. SKELTON. Mr. Speaker, the Baseball Writer's Association of America has announced the selection of George Brett of the Kansas City Royals as the American League's "Most Valuable Player for 1980."

This award culminates a brilliant season for George. His .390 batting average won him his second American League batting championship and was the highest major league batting average since 1941. In addition, he led the league in slugging percentage and onbase percentage, and ranked high among the leaders in runs, doubles, triples, home runs, game winning hits, and runs batted in. He was the first player since 1950 to play more than 100 games and record more runs batted in—118—than games played—117.

Although he missed 45 games with injuries, George still was able to lead the Royals to their first American League Championship in history. His dramatic three-run homer against the New York Yankees provided the winning margin in the final game of the American League Championship Series. George then proceeded to bat .375 in the Royals valiant, though unsuccessful, bid to capture the World Series.

Mr. Speaker, George Brett plays the game of baseball with a combination of exuberance, poise, and athletic skill that is unmatched by any athlete in any sport. Despite the pressure of his pursuit of the coveted .400 batting average, he remained a warm and friendly person who never failed to be courteous and cooperative with members of the media and public. This was a most deserved award, and I know all of my colleagues in the House will want to join me in extending heartiest congratulations to George Brett.●

WHO OWNS AMERICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. ROSENTHAL. Mr. Speaker, the question of who owns America is of increasingly serious concern to our future. The recent and rapid growth of foreign ownership of American assets raises questions of national policy interest.

My distinguished colleague, JOHN CONYERS of Detroit, Mich., has recently published his thoughts on this subject and I believe it is important for us to examine his persuasive arguments.

This following article was published in Penthouse magazine in the December 1980 issue:

THE SELLING OF AMERICA

(By Representative John Conyers, Jr.)

Every few weeks we lose part of America. Foreign purchases of American farmland, banks, industries, and real estate are accelerating rapidly, and each new acquisition seems bigger and bolder than the last.

Nobody in the federal government really knows how much of America foreigners own. When citizens wonder why foreigners have such an easy time buying U.S. banks while our banks are barred from purchasing foreign ones, or why British companies, financed by their government, own coal mines in Kentucky while U.S. companies are prohibited from owning British coal mines, no one has any good answers.

Growing numbers of Americans are getting angry about losing control of our basic resources—domestic oil and gas, which foreign companies own a large share of, bank deposits and loans, which foreign-owned banks have enormous control over; technology, which foreigners can transfer abroad through their domestic-owned firms; farmland and timberland; and industrial plants upon which the economic well-being of thousands of communities depends.

Consider the following facts:

Foreign-owned banks in the U.S. have $172 billion in assets, control more than 15 percent of major business loans in the country, and in major financial centers like New York control almost one-third of commercial bank deposits.

In a 18-month (1977-78), foreigners purchased nearly 1 million acres of farmland and currently own a minimum of 5 million acres and lease another 63 million.

Some of America's oldest retail businesses are being bought out, for example, A&P by a German firm and Korvettes by a French one.

Arab oil-producing countries have invested as much as $100 billion in the United States, which includes controlling interests in such major airlines as TWA and Eastern, and wield significant influence over American international economic and foreign policy.

This all reflects an American economy that is in deep trouble. Big companies, like big cities, are going bankrupt. Major industrial plants are closing down, throwing tens of thousands of workers out of jobs. The remains of small businesses that have gone under cover the landscape.

The only prosperous points in an otherwise grim economic picture are American multinational corporations and foreign companies, over which we have no control. Their ownership is growing, profits are soaring, and power over essential resources is expanding. Yet the fortunes of these private corporations bear little relation to our well-being.

Some of us have had enough. The farmers in Iowa, for example, have given up waiting for the federal government to help save their land. So the state of Iowa slapped the toughest prohibition of all states on foreign ownership of farmland. Horace Daggett, the state legislator who authored the law, explains why: "It is best for Iowa farmers to own Iowa land . . . We have interests in the schools, the churches, and the economy of the state."

It is incredible that the U.S. government does not know how many farms are owned by foreigners. It is estimated that they own or lease at least 7 percent of the approximately 1 billion acres of private farmland. During 1977-78, 20 percent of Vermont's and 13 percent of Georgia's land were sold to foreigners. Huge chunks of choice cropland (28,000 acres in Minnesota and 125,000 acres in Oregon) and grazing land (a 27,000-acre cattle ranch in Texas) were sold to foreign interests. And be sure to bear in mind the fact that foreigners can buy and sell farmland or real estate at a profit without paying capital gains taxes, a windfall not available to Americans.

But, as I noted above, the loss of our farms is only one part of this shameful story. In the last several years, foreign-owned banking has jumped from $18 billion to $172 billion in value. Glaring loopholes in the law and in bank regulatory practice permit foreigners to purchase American banks without American authorities' being able to examine the purchasing bank's books. Many foreign banks are controlled by their home governments, and it is not hard to imagine that their lending and foreign-exchange policies can easily tip in favor of the home countries to the detriment of American interests. Many foreign banks also are part of larger, integrated industrial enterprises (which American banks are prevented by law from being). As these banks obtain greater control over American investment, they naturally extend preferential treatment to their own national companies.

New York State has been the target of the majority of foreign takeovers. Muriel Siebert, its superintendent of banking, recently observed: "On the basis of discussions with my counterparts in other countries, no developed country other than the U.S. would permit any significant local bank to be acquired by a nondomestic bank." One result of all this is a growing patriotism among Americans.

We are beginning to realize that each nation in the world ought to take care of its own citizens before it seeks to influence the affairs of others. We are beginning to demand that American enterprise provide new capital investment for industry and new jobs and businesses in our communities rather than allowing them to be sold to foreigners. After 30 years of American generosity toward Europe and Japan, including the expenditure of hundreds of billions on their defense, Americans are realizing that these countries used that aid to create stronger economies than our own and then ignored our pleas for reciprocity and assistance.

Americans are not against all foreign ownership. The real question is whether the new owners, foreign or domestic, are contributing to the American economy. Few people object when a foreign company builds a new auto plant in the United States and creates many new jobs. But there is obviously something wrong with foreigners buying up America purely for speculative gain, caring little for its effects on Americans and being able to do this with the help of American tax laws. That is why I am introducing legislation in Congress which will require that appropriate federal agencies monitor foreign purchases of significant American resources and give approval before deals are consummated. Foreign investors will be required to notify the government in advance and desist from purchase until we determine their impact and value. At the same time American companies will be prohibited from cavalierly shutting down factories, unless they are willing to pay the costs to the employees thrown out of work and to the communities that stand to lose significant tax revenues.

The legislation will create a national development bank to finance alternatives to foreign or absentee domestic ownership. Workers, communities, and nonprofit corporations will be able to obtain financial assistance to purchase firms that are strong yet are being shut down by their parent companies. Farmer cooperatives will have funds to buy farmland that would otherwise go under foreign control.

Certain tax laws that benefit American companies overseas would be changed to encourage these companies to rebuild their bases at home. I propose a new set of tax incentives to American industry to modernize and expand domestic industries and rehabilitate industries in depressed urban areas.

As a last resort, under this legislation, local and state governments as well as the federal government would be in a position to purchase strategic enterprises that we cannot lose. For example, foreign interests would be prohibited from purchasing domestic energy companies or energy resources unless this were done through joint ventures with American-majority ownership and with the approval of the government.

The problem of foreign ownership will be a major issue in the 1980s. America has to stop selling itself short and selling out to foreigners.●

TRIBUTE TO DAWSON MATHIS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. O'NEILL. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the hardest working Members of the House of Representatives, DAWSON MATHIS, on the occasion of his retirement.

For an entire decade, DAWSON has represented the interests of his constituents with dedication and purpose. No Member who has served in this Chamber has been more loyal or more reflective of the views and concerns of his constituents than DAWSON MATHIS. Adhering to the rural interests of his district DAWSON MATHIS has developed a great expertise in agricultural issues and has been a guiding force in all congressional farm legislation for the past decade.

DAWSON MATHIS has put the whole of his energy, compassion, and competence into every legislative task before him. He has never betrayed the trust that the people of Georgia's Second District bestowed upon him and has never broken a commitment to his beloved constituents.

In saying farewell to DAWSON, I extend my sincerest best wishes to him and his lovely wife, Sharon, and wish them both every success in all their future endeavors.●

TRIBUTE TO BOB WILSON

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MILLER of Ohio. Mr. Speaker, it is a pleasure to join in a tribute to our colleague and my good friend, BOB WILSON.

I have had the privilege of serving with the gentleman from California for 14 years. During that time I have always respected his great knowledge of our national defense system and looked to him for advice and counsel.

We are losing one of this body's great military experts and this side of the aisle will miss BOB's strong, effective leadership on the Armed Services Committee.

The people of California's 41st District can be proud of their Congressman of these past 28 years. He has served them with honor and distinction. BOB WILSON has been a friend to all and a loyal ally to all those who share his longstanding commitment to keep America strong and free.

BOB, from one who has appreciated the opportunity to know you and work with you, good luck and continued success and enjoyment in your retirement.●

TRIBUTE TO HON. ROBERT DUNCAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BIAGGI. Mr. Speaker, I wish to join the many others who have paid a well-deserved tribute to a colleague and friend—BOB DUNCAN.

There are many pleasures and joys associated with this job, but none are greater than serving with some of the most dedicated and talented individuals in this great Nation of ours * * * BOB DUNCAN is one of these special persons.

Through his unselfish service as a five-term Representative from Oregon's Third Congressional District, BOB will leave behind a most distinguished record of achievement. As chairman of the House Appropriations Subcommittee on Transportation, BOB has championed two important causes of special interest to me—full public transportation accessibility for the elderly and handicapped, and a greatly improved mass transit system at a time when our Nation's energy future depends on it.

Mr. Speaker, the Congress and the country will dearly miss the outstanding leadership and service provided by BOB DUNCAN. We can only hope that his high standards of conduct and achievement will serve as a constant reminder to us all. I wish BOB all the best in his future endeavors—he has earned it!●

DEPENDENT CARE AND STATE TAX EXPENDITURES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. CONABLE. Mr. Speaker, I have introduced a bill which I intend to pursue in the 97th Congress pertaining to the Federal income tax credit for work-related dependent care expenses. To get a better idea of how my proposed legislation meshes with State income tax provisions, I asked the Congressional Research Service to find out how many States had income tax provisions on their books relating to work-related dependent care expenses. I also asked them to compute how much such provisions would be worth to hypothetical families, the first a two-worker family with $25,000 in annual earnings and $2,000 in child care expenses for their one dependent, the second a single-parent family with $15,000 in earnings and $1,000 in child care expenses for the only dependent.

The CRS survey found that 27 States have some type of tax provision relating to work-related dependent care. I am sure this material will be of interest to those concerned with the dependent care issue and submit it to the RECORD:

STATE LAWS PROVIDING TAX DEDUCTIONS OR CREDITS FOR WORK-RELATED DEPENDENT CARE COSTS: A 50-STATE SURVEY

(By Howard M. Zaritsky)

Fifteen States either provide a credit corresponding to the Federal dependent care credit, or adopt the federal credit by reference into their own computation of tax liability. Twelve States, additionally, provide corresponding deductions for dependent care expenses. This report summarizes the laws of those States offering such tax reductions for work-related dependent care expenses.

1. Alaska. Individuals are allowed a credit equal to 16% of the Federal credit for dependent care expenses attributable to payments within the State of Alaska. Alas. Stat. § 43.20.036.

2. Arizona. Individuals are allowed a deduction, not to exceed $100 per month, for dependent care expenses, including those for care of a child under 16 years of age. The deduction is inapplicable if the household's gross income exceed $6,000 per year. Ariz. Rev. Stat. § 43-1050.

3. Arkansas. Individuals may credit against their Arkansas personal income tax an amount equal to 10% of the credit allowable for Federal income tax purposes for dependent care expenses, as amended and in effect on January 1, 1977. Ark. Stat. §§ 84-2088, 84-2089.

4. California. A California taxpayer may deduct 3% of his or her dependent care expenses, subject to rules like those of the Federal tax law. The credit is reduced by 2% of the taxpayer's adjusted gross income over $15,000. Calif. Rev. & Tax. Code § 17052.6.

5. Colorado. A Colorado taxpayer may deduct a fraction of his or her Federal credit for dependent care expenses. The numerator of the fraction is 100% and the denominator of the fraction is the percentage used to compute the federal child care credit. Colo. Rev. Stat. § 39-22-110(m).

6. District of Columbia. A District of Columbia taxpayer may deduct the amount of his or her dependent care expenses, subject to the former rules of Internal Revenue Code § 214, as amended prior to 1977. D.C. Code § 1557b.

7. Georgia. A taxpayer is allowed a credit equal to 2% of the taxpayer's dependent care expenses, subject to rules like those of the Federal tax law. 91A Ga. Code § 3609.

8. Hawaii. A Hawaiian taxpayer is allowed an income tax credit equal to 5% of his or her dependent care expenses, subject to rules like those of the Federal tax law. Haw. Stat. § 235-55.6.

9. Idaho. An Idaho taxpayer may deduct the amount of any dependent care expenses, subject to rules like those of the Federal tax law. Idaho Code § 63-3022D.

10. Iowa. An Iowa taxpayer may credit against his or her Iowa personal income tax liability 5% of his or her dependent care expenses, subject to rules like those to the Federal tax laws. Iowa Code § 422.12.

11. Kansas. A Kansas taxpayer may credit a percentage of the Federal credit for dependent care expenses against his or her Kansas personal income tax liability. The percentage is determined on a graduated scale, depending upon the individual's Kansas adjusted gross income. The percentages range from 100% for taxpayers with a Kansas adjusted gross income of not over $5,000, to 0% for taxpayers with a Kansas adjusted gross income of $14,000.01 and over. Kan. Stat. § 79-32,111a.

12. Kentucky. A Kentucky taxpayer computes his or her Kentucky income tax on the Federal taxable income actually paid or accrued for the year on income taxed in Kentucky, minus any Federal tax credits actually used by the taxpayer. Thus, the Federal credit for dependent care services is available against Kentucky tax liability. Ky. Rev. Stat. § 141.010. Furthermore, Kentucky net income is the taxpayer's adjusted gross income, less either the Kentucky standard deduction or all deductions presently allowed against Federal gross income, and less the pre-1976 deduction for dependent and household care expenses (subject to a $400 maximum). Id.

13. Louisiana. A Louisiana taxpayer computes his or her personal income tax as a fraction of the Federal income tax liability, thereby incorporating the Federal credit for dependent and child care expenses. 47 La. Rev. Stat. §§ 296 *et seq.*

14. Maine. A Maine taxpayer may credit against his or her Maine income tax liability, 15% of his or her Federal credit for dependent care expenses. 36 Me. Rev. Stat. §§ 5127, 5146.

15. Maryland. A Maryland taxpayer may deduct those dependent care expenses for which a credit is allowable under the Federal income tax law. 81 Md. Code § 280(c).

16. Massachusetts. A Massachusetts taxpayer may deduct five times the amount of the Federal credit for expenses for household and dependent care. 62 Mass. Gen. Laws § 3B.

17. Minnesota. A Minnesota taxpayer may credit against state personal income taxes, one-half of the Federal dependent care credit, but not more than $150 per dependent or $300 for all dependents for the taxable year. The total credit is reduced by 5% of the amount by which the combined Federal adjusted gross income of the taxpayer and the taxpayer's spouse exceeds $12,000. Minn. Stat. § 290.067.

18. Montana. A Montana taxpayer may deduct dependent care expenses determined in accordance with section 214 of the Internal Revenue Code, as in effect for taxable year 1977. Rev. Code of Mont. § 84-4906(c).

19. Nebraska. A Nebraska taxpayer computes his or her income tax as a fraction of the Federal income tax liability, therefore adopting the Federal dependent care credit. Neb. Rev. Stat. § 77-2715 *et seq.*

20. New York. A New York taxpayer may credit against New York personal income tax, 20% of the Federal dependent care credit, though the amount of the credit allowable against New York tax cannot exceed the amount of New York tax, less the credit for residents for taxes paid to other states and the credit to trust beneficiaries for accumulation distributions. 60 N.Y. Consol. Laws Art. 23 § 606.

21. North Carolina. A North Carolina taxpayer may deduct up to $4,000 per year in dependent care expenses, subject to rules like those of the Federal tax laws. N.C. Gen Stat. § 105-147.

22. Oklahoma. An Oklahoma taxpayer may credit against his or her Oklahoma personal income tax liability 20% of the Federal dependent care credit, but not in excess of the Oklahoma income tax due. 68 Ok. Stat. § 2357.

23. Oregon. An Oregon taxpayer may credit against his or her Oregon personal income tax, 40% of the amount of the Federal dependent care credit. Ore. Stat. § 316.078.

24. South Carolina. A South Carolina taxpayer may deduct up to $400 per month in dependent care expenses, subject to rules like those of the Federal tax laws. This deduction is reduced if the taxpayer's adjusted gross income exceeds $18,000. S.C. Code § 12-7-700.

25. Vermont. A Vermont taxpayer computes his or her Vermont personal income tax as a fraction of the individual's Federal income tax liability, thereby incorporating the provisions of the Federal dependent care credit. 32 Vt. Stat. § 5822.

26. Virginia. A Virginia taxpayer may deduct five times the amount allowed as a credit against Federal income tax for dependent care expenses. Va. Code § 58-151.013.

27. Wisconsin. A Wisconsin taxpayer may deduct an amount equal to that which would have been deductible under former Internal Revenue Code § 214, relating to employment-related dependent and child care expenses, prior to its 1976 repeal. Wis. Code § 71.02.

STATE TAX CREDITS OR DEDUCTIONS FOR WORK-RELATED DEPENDENT-CARE COSTS: TWO FAMILY SITUATIONS

(By Lillian Rymarowicz)

TABLE 1

Amount of State individual income tax before and after credit or deduction for work-related dependent-care costs, assuming: a joint income of $25,000 entirely from wages and salaries; one dependent and $2,000 in child expenses; and the maximum standard deduction allowed. The Federal individual income tax liability under these circumstances amounts to $3,777, the credit to $400, and the net tax to $3,377.*

	Tax before credit or deduction [1]	Credit or deduction	Net tax	Marginal rate (percent) [2]
Alaska	765	64	701	5.5
Arizona	([3])	([3])	([3])	([3])
Arkansas	1,382	40	1,342	6.0
California [4]	421	60	361	5.0
Colorado [5]	1,332	80	1,262	8.0
District of Columbia	1,625	120	1,505	10.0
Georgia [6]	898	40	858	6.0
Hawaii	1,739	100	1,639	10.05
Idaho	(870)	(150)	720	7.5
Kansas	([7])	([7])	([7])	([7])
Kentucky	860	400	460	6.0
Louisiana [8]	276	20	256	([8])
Maryland	(890)	(100)	790	5.0
Massachusetts	(1,034)	(111)	923	+5.0
Surtax				[12] 7.5
Minnesota	([9])	([9])	([9])	([9])
Montana	(1,347)	(190)	1,157	9.0
Nebraska [8]	542	68	474	17.0
New York	([10])	([10])	([10])	([10])
North Carolina	(1,250)	(140)	1,110	7.0
Oklahoma	735	80	655	6.0
Oregon	1,730	100	1,630	10.0
South Carolina	([11])	([11])	([11])	([11])
Vermont [8]	869	92	777	23.0
Virginia	999	115	884	5.75
Wisconsin	(1,322)	(188)	1,134	9.5

* Source and footnotes follow data in table 2.

TABLE 2

Amount of State individual income tax before and after credit or deduction for work-related dependent-care costs, assuming: a single head of household with one dependent and an income of $15,000 entirely from wages and salaries and $1,000 in child-care expenses; and the maximum standard deduction allowed. The Federal individual income tax liability under these circumstances amounts to $1,090, the credit to $200, and the tax after credit to $890.*

	Tax before credit or deduction[1]	Credit or deduction	Net tax	Marginal rates (percent)[2]
Alaska	425	32	393	5.0
Arizona	(3)	(3)	(3)	(3)
Arkansas	221	20	191	6.0
California[4]	289	30	259	6.0
Colorado[5]	641	40	601	8.0
District of Columbia	650	60	590	8.0
Georgia[6]	418	20	398	6.0
Hawaii	791	50	741	9.15
Idaho	(653)	(75)	578	7.5
Kansas	(7)	(7)	(7)	(7)
Kentucky	389	200	189	6.0
Louisiana[8]	55	7	48	(8)
Maryland	(515)	(50)	465	5.0
Massachusetts	(648)	(57)	591	+5.0
Surtax				7.5
Minnesota	(9)	(9)	(9)	(9)
Montana	(642)	(80)	562	8.0
Nebraska[8]	185	34	151	17.0
New York[10]	528	35	493	8.0
North Carolina	(569)	(70)	519	7.0
Oklahoma	265	40	225	4.0
Oregon	995	80	915	10.0
South Carolina[11]	(603)	(70)	533	7.0
Vermont[8]	251	46	205	23.0
Virginia	460	100	360	5.0
Wisconsin	(535)	(82)	453	8.2

[1] Deductions are indicated by the use of parentheses. Tax computation is based on whatever legal definition is specified by statute, e.g., adjusted gross income, taxable income, or Federal individual income tax liability as of January 1, 1980.

[2] Rates stated also apply to the definition of taxable base specified by statute. (See summary compilation of rates in terms of net income after personal exemption by the Advisory Commission on Intergovernmental Relations appended.)

[3] Credit does not apply to gross household income exceeding $6,000. The marginal tax rate for the $6,000–$7,000 taxable income bracket is 7 percent.

[4] For joint returns of husband and wife, the tax is twice the amount it would be if taxable income were cut in half.

[5] Includes credit allowed for sales tax payment but does not include credit for property taxes or rent payments.

[6] Computations are from tax tables reproduced in Commercial Clearing House All States Tax Guide.

[7] Credit limited to adjusted gross incomes of less than $14,000.01; marginal tax rate is 7.5 percent.

[8] Computation is based on the amount of Federal tax liability.

[9] Not applicable if Federal adjusted gross income is above $12,000; the marginal tax rate on $12,000 of taxable income is 12.8 percent.

[10] Sliding tax credit ranges from $65 for a gross household income of $5,000 to $35 for incomes from $7,000 to less than $25,000; the marginal tax rate on taxable income ($20,350) is 12 percent.

[11] The maximum expenses allowed cannot exceed $200 a month for one dependent; employment-related expenses are also reduced by that "portion of one-half of the excess of adjusted gross income of the taxpayer over eighteen thousand dollars which is properly allocated to such month."

Source: State Tax Guide, Commerce Clearing House Inc. Topical Law Reports; U.S. Advisory Commission on Intergovernmental Relations Significant Features of Fiscal Federalism, 1979–80 Edition, pp. 119–134; and State Laws Providing Tax Deductions for Work-Related Dependent Care Costs: A 50 State Survey by Howard M. Zaritsky, Nov. 4, 1980. CRS Report.●

HON. SAM DEVINE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Ms. OAKAR. Mr. Speaker, the Honorable SAM DEVINE has faithfully represented Ohio's 12th District for the past 22 years. Formerly, Congressman DEVINE untiringly served the people of Ohio as a State legislator and prosecuting attorney. Representative DEVINE's record and obvious dedication to public service best characterize one of Ohio's most distinguished Members of Congress. His experience, accumulated knowledge, and spirit of cooperation will be missed within the Ohio delegation as well as the entire Congress. It is my sincere hope that whatever course of action Representative DEVINE chooses, he find success and happiness.●

ROSA PARKS SENT FORTH A TINY RIPPLE OF HOPE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MINETA. Mr. Speaker, I am proud to join my colleagues in commemorating the 25th anniversary of the Montgomery, Ala., bus boycott. Twenty-five years ago a very courageous woman decided to say "no" to racism, "no" to segregation, "no" to second-class citizenship in the world's oldest democracy. Robert Kennedy once said:

> That each time someone stands up for an ideal or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

The actions of Rosa Parks to defy the injustices practiced in Montgomery, Ala., sent forth a tiny ripple of hope that joined with those sent out by millions of others who, though perhaps in less publicized ways, stood up and demanded their rights in our society. Together these ripples built a current that has brought tremendous changes over the past 25 years.

But, though we today commemorate this great woman and the changes she and others brought about, we must also assess what remains to be done. Black Americans do not ride in the back of the bus any more, but the quality of the education they often receive in our Nation's schools does not provide them with the skills they need to be independent and productive members of our society. They do not drink from separate drinking fountains anymore, but too often black Americans are denied the opportunities necessary for employment and economic advancement in our society. And so, though we have come a great distance, there is still a long way to go.

The dream Martin Luther King shared with millions of us throughout America has not been realized. Today I am pleased to join my colleagues in reaffirming our commitment to equal rights for all people, equal opportunity for all people. This is the goal we cannot sacrifice until it is achieved for each and every person in our country.●

THE HONORABLE WILLIAM H. HARSHA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. RAHALL. Mr. Speaker, I would like to thank my colleague from Ohio, Mr. LATTA, for taking this special order today so that we may pay tribute to a distinguished Member of Congress who has served the Sixth District of Ohio for 20 years, BILL HARSHA.

As a member of the House Public Works and Transportation Committee since my own election in 1976, I have come to respect the leadership and work of BILL HARSHA. As the ranking minority member of that committee, BILL HARSHA has always set party labels aside for the betterment of this Nation. As a strong supporter of an efficient transportation system and an advocate of economic development, BILL HARSHA has won the praise of his colleagues and of his constituents.

As a veteran and active member of his community, BILL HARSHA has fostered organizations like the American Legion, Disabled American Veterans, Elks, Masons, YMCA, the Red Cross, and the Scioto County Cancer Society.

Although the 97th Congress will miss him, I am sure his efforts on behalf of his friends and neighbors will continue for many years to come.●

TRIBUTE TO CONGRESSMAN JOHN MURPHY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to join my many colleagues in appreciation for the contributions of the Honorable JOHN MICHAEL MURPHY.

Even before his arrival to Congress in January 1963, his career had achieved more than many successful individuals achieve in a lifetime.

In 1944, at the age of 18, JACK entered the U.S. Army to serve our Nation in the midst of World War II. After the war, JACK went to West Point where he distinguished himself by not only receiving the award of first captain but also being elected president of his class of 1950. After graduation he served in the Korean conflict where he received a variety of decorations including the Distinguished Service Cross for valor, as well as two Bronze Stars and a Purple Heart.

As a Member of the House JACK has been a tireless worker and a courageous legislator. For years he has spoken out against the threat of communism in the Caribbean. Finally, after a number of years his concerns about the well-being of the Caribbean are receiving the appropriate level of attention.

In April 1975, Speaker of the House, Carl Albert, appointed JACK chairman of the Ad Hoc Select Committee on the Outer Continental Shelf. This committee, the first of its kind in the history of the Congress, embarked on the onerous task of developing comprehensive legislation to provide for the exploration of offshore oil and natural gas while maintaining the integrity of the environment. Chairman MURPHY completed this task in 1978 with the enactment of the Outer Continental Shelf Lands Act Amendments of 1978.

In 1977 Congressman MURPHY was elected chairman of the Merchant Marine and Fisheries Committee and in this position he has been a strong and consistent advocate of the need for America to maintain an effective merchant marine. Chairman MURPHY knows well that naval power is heavily dependent on the existence of a capable merchant marine.

Mr. Speaker, his vigorous style and effective leadership will be missed by this Chamber.●

TRIBUTE TO EDDIE PATTEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. BIAGGI. Mr. Speaker, I rise today to pay tribute to a fine gentleman and an able legislator, EDWARD PATTEN, who has decided to retire after this 96th Congress.

If I could recall the one sustaining factor about EDDIE which has characterized his service in this House, it would be his ability to "fight the good fight" and be happy with his successes and philosophical about his failures. We sometimes take life a little too seriously in our day-to-day activities but you know that you could always count on EDDIE to shed some laughter in any given situation.

As the senior New York member on the House Education and Labor Committee, I want to make note of his substantial contributions to our work on this committee in his capacity as a member of the Labor-HHS-Education Appropriations Subcommittee. EDDIE'S interest in and support of educational programs began before his election to the House in 1962—he was a public school teacher for many years. I know that the educational community could always turn to him for his help and his efforts on their behalf were always deeply appreciated.

I am sure that EDDIE'S work on behalf of the social and civic causes he believes in will continue long after he leaves us. We all join in wishing him the best of success and continued health in the future. Most important, we hope that he will always retain that optimistic nature that has been an example for all of us. The people of the 15th District of New Jersey, along with all of us here, are losing an effective and able legislator but we can be comforted in the fact that while he was here, he made life a little better for all of us.

May he and his lovely wife and constant companion, Anna, share a fruitful and relaxing retirement together.●

TRIBUTE TO JOHN MURPHY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. O'NEILL. Mr. Speaker, I would like to join my colleagues in paying tribute to JOHN MURPHY on the occasion of his departure from Congress.

For nearly two decades JACK has served the 17th District and the entire State of New York with sensitivity and compassion to the needs and concerns of his constituents. No Member fought any harder than JOHN MURPHY for Federal assistance to New York City when the city faced certain bankruptcy. No Member has worked with greater tenacity and steadfastness than JOHN MURPHY on behalf of his constituents.

Independent, maverick, and uncompromising when a matter of principle was involved, JACK MURPHY has been unafraid to speak out on the issues that reflect his personal convictions. As chairman of the Merchant Marine and Fisheries Committee, JACK has been a forceful advocate for a viable and effective domestic merchant marine industry. As a strong supporter of national defense policies, JOHN has been a conscientious legislator in pursuing the courses of action that have made America the preeminent naval power in the world. His points of view will be missed in the new Congress.

In saying farewell to JOHN, I extend my sincere best wishes to him and to his wife Kathy in all their future endeavors.●

PETER KOSTMAYER

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, it is with considerable sadness that I rise to pay tribute to my dear friend and respected colleague, PETER KOSTMAYER. PETE and I have worked together on the Interior Committee and in other endeavors for the past 4 years.

PETE is one of the finest, hard-working young Members of this body. I will miss him as a friend and as a valued ally in struggles to protect the environment and in other progressive causes. One of his many legislative achievements included the protection of the Delaware River through its designation as a Wild and Scenic River.

I wish him well and hope that he returns to Congress in 1982 to continue his good work here.●

SENATE—*Wednesday, December 3, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

HANUKKAH

Let us pray.

O God, who at creation said "Let there be light, and there was light," shine upon us this day that we may be led by Thy wisdom and guided by Thy truth to that higher kingdom whose Builder and Maker is God. As, with candles and liturgy, the light of Hanukkah shines forth, we pray for inner greatness of spirit, for purity of heart, and clearness of vision, to match the challenge of this turbulent world.

Now, may the Lord make His face to shine upon us and be gracious unto us, may the Lord lift up His countenance upon us and give us peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 3, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MORGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. MORGAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIDNEY L. CHRISTIE FEDERAL BUILDING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1298 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. As in legislative session, without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1298) to designate the United States Post Office and Federal Building in Huntington, West Virginia, as the "Sidney L. Christie Federal Building".

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I compliment my senior colleague (Mr. RANDOLPH) and the Committee on Environment and Public Works for preparing this legislation, which would designate the U.S. Post Office and Federal Building in Huntington, W. Va., as the "Sidney L. Christie Building." The late Sidney L. Christie was an eminent Federal district judge in West Virginia. He was appointed by the late President John F. Kennedy, at my request, to be a district judge and he performed in an admirable way. His work was highly applauded by the lawyers of my State and by the other Federal judges. I have never ceased to be tremendously proud to have recommended to President Kennedy the nomination of Judge Christie.

He was a circuit judge in the State of West Virginia prior to his appointment to the Federal district judgeship. He was a very close friend of mine. I would cite him to all those entering the legal profession as the kind of jurist which young lawyers and other judges would want to emulate. I am proud to call up this bill today.

Again, Mr. President, I commend my colleague (Mr. RANDOLPH) and personally thank him for this opportunity to have the Senate pay just tribute to one of the country's fine and truly dedicated Federal district judges.

UP AMENDMENT NO. 1814

(Purpose: To authorize continued child development assistance under the Appalachian Regional Development Act)

Mr. ROBERT C. BYRD. Mr. President, I send to the desk on behalf of Mr. RANDOLPH an amendment to H.R. 1298.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. RANDOLPH, proposes an unprinted amendment numbered 1814.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 1, after line 8, insert the following:

SEC. 2. The seventh sentence of section 202 (c) of the Appalachian Regional Development Act of 1965 is amended by striking everything after "except" and through "child development demonstrations" and inserting in lieu thereof "that child development demonstrations assisted under this section during fiscal year 1979 may, upon State request, be approved under section 303 of this Act for continued support beyond that period".

● Mr. RANDOLPH. Mr. President, I offer this amendment to the Appalachian Regional Development Act of 1965 to avoid the interruption of needed services to more than 12,000 young children and their families in Appalachia. This fiscal year, over 30 programs in 7 States of the region will come to the end of their eligibility for Appalachian Regional Commission assistance without this amendment. Those programs provide a wide range of child health, educational, and child care benefits for poor and low-income working families whose jobs often depend on the continued availability of such help.

The amendment would permit continued support for necessary programs on a case-by-case basis at the discretion of the Appalachian Governors. It does not affect appropriation levels. Both the House and Senate approved the language of the amendment as a part of earlier bills in this session authorizing the continuation of the Appalachian Regional Commission. The amendment is needed at this time because the full Commission reauthorization bill did not finally obtain conference committee approval.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (UP No. 1814) was agreed to.

● Mr. RANDOLPH. Mr. President, I support H.R. 1298, a bill to designate the U.S. Post Office and Federal Building in Huntington, W. Va., as the "Sidney L. Christie Federal Building."

Sidney Christie was a distinguished, respected judge who served in the U.S. District Court for the Northern and Southern Districts of West Virginia. He was dedicated to his work and displayed a strong sense of justice. A large part of his life was spent as a valuable and productive public servant. He also practiced law and demonstrated many times his impressive abilities in that profession.

Because he served with distinction as a judge in Huntington and because of his record as a citizen, as well as a judge, it is proper to name the U.S. Post Office and Federal Building there in his honor.●

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ROBERT C. BYRD. I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wisconsin (Mr. PROXMIRE) such time as he may need.

Mr. PROXMIRE. Mr. President, I thank the majority leader.

THIRTY-TWO YEARS WITHOUT ACTION ON THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, on December 11, 1948, 32 years ago this month, the United Nations General Assembly formally adopted the Human Rights Convention on Genocide.

Thirty-two years later the United States has still not ratified this critically important document.

The treaty has come before the Senate Foreign Relations Committee four times since 1948.

Four times since 1948, it has been reported to the floor, but no action has been taken on the floor.

The treaty condemns the barbarity of genocide, which is the elimination of a national, ethnic, religious or racial group of people. It is that simple.

Virtually every major organization in the United States has endorsed the treaty, including some that were once steadfastly against it. In 1976, the American Bar Association reversed its longstanding opposition to the Genocide Convention. Soon thereafter, the Department of Defense endorsed the treaty, thus greatly reducing the credibility of the arguments claiming that it would undermine the international position of the United States.

There exists no plausible argument against the treaty.

The fact that we are the only major industrialized nation that has not ratified the treaty has damaged the effectiveness of American foreign policy. When we attempted to end the genocide that transpired during the Nigerian War, our efforts were unsuccessful. This is partially due to the fact that we have never formally expressed our repugnance at the crime of genocide.

The Soviets have refused to accede to our demands to discuss their alleged human rights violations on the grounds that we ourselves do not support human rights because we have not ratified the Genocide Convention.

The time has come to ratify the treaty. We must put aside our minor differences with the other nations of the world and resolve with them that the barbarity of genocide can never be allowed to occur again.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no further use for time. I yield to the distinguished minority leader if he has need for the time.

Mr. BAKER. Mr. President, I thank the majority leader. I might advise the majority leader at this time that the Senator from Oklahoma (Mr. BELLMON) has indicated to me that he has no need for his special order for this morning. We are willing for the majority leader to yield that back if he wishes.

I have no need for additional time, I believe, but I shall yield now, if I may, to the distinguished Senator from North Dakota such portion of my time under the standing order as he may require.

GEN. DAVID C. JONES, CHAIRMAN, JOINT CHIEFS OF STAFF

Mr. YOUNG. Mr. President, in these last days of my service in the U.S. Senate, I want to take this opportunity to make a few well-deserved comments about the highest ranking officer in our Armed Forces, Gen. David C. Jones, Chairman of the Joint Chiefs of Staff.

We in North Dakota are especially proud of General Jones for his having attained the highest rank in our Armed Forces.

Although General Jones was born in Aberdeen, S. Dak., we in North Dakota are proud to claim him. He grew up in Minot, N. Dak., where he attended high school and where he began college. He also attended the University of North Dakota prior to his enlisting as a cadet in what was then called the Army Air Corps in 1942. Since then, General Jones' career has been wide ranging in professional assignments and has spanned the globe, as well. He has served with distinction in Germany, in Korea, and in South Vietnam.

He saw combat with a bombardment squadron during the Korean war; in fact, he logged over 300 hours in missions over North Korea. General Jones also served with great distinction in Vietnam where he first was Deputy Commander for Operations and later Vice Commander of the 7th Air Force at Tan Son Nhut Air Base. His tours of duty in West Germany provided him with a deep and valuable understanding of the problems of our NATO forces.

News stories about General Jones indicate that although in his current assignment he is mostly deskbound, he retains his love of flying and invariably pilots whatever Air Force plane he uses to carry him on his many tours inspecting our farflung military installations. He has always had a reputation of great dedication to his job and to his profession. In his everyday duties at the Pentagon, his office day begins at 7 a.m. and invariably runs until 8 p.m. When there are problems involving our military anywhere in the world he is one who stays on duty all day and all night.

His dedication to his work is borne out by his grasp of all phases of the widespread, highly complex and far-flung military establishment which he has demonstrated over and over again to those of us serving on the Senate Subcommittee on Defense Appropriations. He is always an excellent witness—direct, forthright and very knowledgeable. He is the type of witness and the kind of military leader who inspires confidence.

General Jones is one of the most able and qualified Chairmen of the Joint Chiefs of Staff we have ever had. I am very pleased that his appointment as Chairman of the Joint Chiefs of Staff has coincided with at least a part of my years as ranking minority member of the Senate Appropriations Committee and its Defense Subcommittee. It has been a pleasure and an honor working with him.

Mr. President, on a more personal note, this past summer the General's son, David C. Jones, Jr., was a summer intern on my staff. It was a real pleasure having this young man on my staff. Everyone enjoyed working with him. He was one of the most willing, personable and ambitious young interns I ever had. This speaks well for the type of training he received in his home.

Mr. President, although I will be leaving the Senate at the end of this session, I leave feeling confident in the future of our Armed Forces as long as they are manned and commanded by officers of the caliber and dedication of David C. Jones.

RECOGNITION OF MINORITY LEADER

Mr. BAKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

I have no need for the remainder of my time under the standing order and I am prepared to yield it to the majority leader if he has any need for it, or otherwise to yield it back.

Mr. ROBERT C. BYRD. Mr. President, I have no need for the time of the minority leader.

Mr. BAKER. Mr. President, then I yield back my remaining time under the standing order.

ORDER TO VACATE TIME ALLOTTED TO SENATOR BELLMON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to Mr. BELLMON under the order previously entered be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF STEPHEN G. BREYER TO THE FIRST CIRCUIT COURT OF APPEALS

Mr. ROBERT C. BYRD. Mr. President, the Senate is in executive session. What is the pending question before the Senate just now?

The ACTING PRESIDENT pro tempore. The question is on the nomination of Stephen G. Breyer.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I call up a cloture motion.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant lgeislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the nomination of Stephen G. Breyer to be United States circuit judge for the First Circuit Court of Appeals.

Joe Biden, Patrick Leahy, Max Baucus, Paul Sarbanes, Dale Bumpers, Birch Bayh, Donald Riegle, Alan Cranston, John Culver, David Pryor, William Proxmire, Thomas Eagleton, Robert C. Byrd, Harrison Williams, Claiborne Pell, and Gary Hart.

Mr. ROBERT C. BYRD. Mr. President, it is my intention to go back to legislative session, and Senators will be prepared, I believe, to call up the conference report on the State-Justice appropriation bill.

Mr. President, it is said that sleep knits up the raveled sleeve of care. I wonder if the distinguished Senator from New Hampshire, having had a good night of restful sleep and having drifted away to pleasant dreams, may have changed his mind about a time agreement on the debate on the nomination.

So, just to sort of test the waters to see if slumber has knitted up the raveled sleeve of care, I ask unanimous consent that the time for debate on the nomination be limited to 4 hours, with 3 hours to be under the control of the distinguished Senator from New Hampshire, and 1 hour under the control of the Senator from Massachusetts (Mr. KENNEDY).

Mr. HUMPHREY. Mr. President, reserving the right to object, I would have to observe that I think the distinguished majority leader has already guessed my answer, the evidence being his having filed another cloture petition.

Regretfully, I must object.

Mr. ROBERT C. BYRD. That was just insurance.

Mr. HUMPHREY. I must object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, if neither Mr. KENNEDY nor Mr. HUMPHREY, nor any other Senators, wish to address any further remarks to the nomination, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, could I hear that again?

Mr. ROBERT C. BYRD. Yes.

My request was, if no Senator wished to seek recognition at this time, that the Senate return to legislative session because the conference report on the State-Justice bill is awaiting action.

Mr. KENNEDY. Reserving the right to object, and I would not object, would the Senator withhold that for, say, 4 minutes?

Mr. ROBERT C. BYRD. Yes.

Mr. President, I withhold the request and I ask unanimous consent that I may yield to Mr. KENNEDY for the purpose of his addressing his remarks to the Senate without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HUMPHREY. Reserving the right to object, Mr. President, I would consent if the agreement could be a request——

Mr. KENNEDY. I cannot hear the Senator.

Mr. HUMPHREY. Mr. President, reserving the right to object, I would not object if the agreement were modified to insure that I might have the floor for not exceeding 5 minutes following the Senator from Massachusetts.

Mr. ROBERT C. BYRD. Yes. I add that to my request, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my remarks be considered as a continuation of my speech on yesterday, so far as the rules are concerned.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I was on the floor for just about the whole debate yesterday on the question of Mr. Breyer's nomination. There was a discussion of the nomination and sundry events not really related to Mr. Breyer for a period of 5 or 6 hours. During that time, when there was a discussion about Mr. Breyer, I believe it is important, as we make these time requests in order that the Senate come to some resolution of this nomination, that we recognize that no questions have been raised about the qualifications of Mr. Breyer to serve on the court of appeals; that of the two Senators who have spoken in opposition to the Senate's consideration of Mr. Breyer, one objects because the nomination of just one individual was reported favorably, virtually unanimously, by the Judiciary Committee, and the other Senator objects because the names of 17 other nominees were not reported to the Senate for consideration.

I appreciate the request of the majority leader to obtain reasonable time for permitting the Senate to vote on this important matter, and I express my appreciation to him. I hope we can proceed to the nomination, in fairness to the nominee and in fairness to the Senate itself, at some appropriate time, with due notice, so that the Members of the Senate will be permitted to vote on this nomination the way we vote on others, and that is by a majority vote.

I have nothing further to say. I reserve the remainder of my time that was given to me by the majority leader.

UNANIMOUS-CONSENT AGREEMENTS—CLOTURE MOTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time during the 1 hour under the cloture rule on tomorrow be equally divided between Mr. KENNEDY and Mr. HUMPHREY.

The PRESIDING OFFICER (Mr. SASSER). Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. There will be a cloture vote today. So, as in legislative session, I ask unanimous consent that the time during the 1 hour under the rule today, just prior to the establishment of a quorum and the cloture vote, be equally divided between Mr. KENNEDY and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from New Hampshire wish to take 5 minutes at this point, as he indicated earlier?

Mr. HUMPHREY. No.

Mr. ROBERT C. BYRD. Does the Senator from Massachusetts wish any further time before we go into legislative session?

Mr. KENNEDY. No.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the managers of the conference report on the State-Justice appropriation bill are on their way to the Chamber. Therefore, I ask unanimous consent that at this time there be a period for the transaction of routine morning business, not to extend beyond 15 minutes, and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ELECTION AND NATIONAL ECONOMIC POLICY

Mr. ROBERT C. BYRD. Mr. President, on November 25 I had the pleasure of addressing the annual conference of the Institute for Socioeconomic Studies in New York City.

I shared the podium that evening with Mr. Douglas Fraser, the president of the United Auto Workers. Mr. Fraser offered an interesting analysis of the 1980 elections. He also argued that the American auto industry needs a catchup period to retool and develop new models to compete with Japanese imports.

Mr. Fraser's arguments are thought-provoking. I ask unanimous consent that his speech be inserted in full in the RECORD. I also ask unanimous consent that my speech urging President-elect Reagan to abandon the fiscal radicalism of the Roth/Kemp tax cut and to develop a fair, effective incomes policy, be inserted in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY DOUGLAS FRASER

It's a great pleasure for me to be with you tonight, and I want to thank Dr. Greene and the Institute for inviting me.

I'm also pleased to share this platform with Senator Byrd.

As a Democrat, I feel a sense of regret that he will carry the title "Majority Leader" only until the new Congress convenes. We'll need his skill and legislative ability even more during this period in the minority in the Senate.

I'd like to talk with you tonight about politics and the economy. Given the state of both those subjects, I'm reluctant to stand before you offering advice.

Events in recent weeks make it clear that, at best, giving advice is a precarious business.

Before I left high school to work as a metal finisher in a De Soto plant, we often had to write essays.

I'm reminded of one pupil who wrote on the life of Socrates. He said: "Socrates was a man who went around town giving everybody free advice—so they poisoned him."

Since we've already had dinner, I suppose I'm safe from that possibility, so I'd like to go ahead and spell out what's on my mind.

Two weeks ago tonight, the American people chose Ronald Reagan to be President of the United States.

The Senate lost one after another of the best Democrats we had, as Birch Bayh and John Culver and George McGovern and others went down to defeat.

For those of us who view ourselves as progressive Democrats, the carnage was near total. Losing the White House to a conservative Republican is an obvious setback.

But even worse is the loss of the Senate to the Republicans.

During the campaign, the UAW published a flyer that asked our members to imagine just what it would be like to have a Republican Senate.

Imagine, we asked, what hope the labor movement would have of getting labor law reform through the Senate labor committee with Orrin Hatch chairing it.

Imagine, we asked, the kind of judges that could be confirmed with Strom Thurmond chairing Judiciary.

Well, nightmare for us has become reality—come January, we won't have to imagine these developments. We'll be experiencing them instead.

And the implications, for the labor movement and for progressives generally, are profound.

We must face harsh new realities.

Rather than marching forward toward the achievement of our broad unfinished agenda of social and economic justice, we will be fortunate just to hold the line.

And, on some issues, we will no doubt be forced to retreat.

The UAW for many years has led the fight for national health insurance. Every other major industrial democracy in the world has some form of national health insurance but the United States.

With health costs skyrocketing and more than 26 million Americans without any form of health insurance at all, the necessity of such a program seems clear.

It's also clear that a meaningful national health insurance program has about as much chance of enactment as I do of becoming the starting quarterback of the Detroit Lions.

The same is true of many other programs in which liberal Democrats believe . . . welfare reform, full employment programs, tax reform, plant closing legislation, environmental protection, and many others.

The opportunities to enact meaningful and progressive legislation in such areas in the next two years will be nil.

Instead, we will be forced to fight a holding action. Workers, minorities, consumer advocates, the women's movement, environmentalists, family farmers, senior citizens and others will have to circle the wagons in the months ahead.

The political right wasted little time on self-congratulation. In the last two weeks, they have already begun to draw a bead on agencies and programs to which they are hostile.

Despite a virtual epidemic of disease caused by occupational hazards in certain industries, the new right is targeting OSHA for dismantling.

Despite the massive suffering being experienced by the more than 8 million Americans who are unemployed today, the new right has its sights on the unemployment compensation system.

Despite the worsening economic position of workers receiving the minimum wage, the right will seek a sub-minimum wage that would result in companies laying off fathers and mothers and hiring their sons and daughters.

To acknowledge the difficulty we find ourselves in today is not to legitimatize those so anxious to bury the progressive agenda in this country.

Instead, it's the first step toward what must be a long and potentially agonizing reappraisal the Democratic Party must make. Rather than folding up our tents and silently stealing away, I believe there are a number of things we can do to regain the offensive ultimately.

When the Republicans suffered the smashing defeat in 1964, key leaders met to analyze why they had failed and where they should move strategically in order to come back.

They recognized that there was no secret conservative vote out there waiting for a choice, not an echo.

And, in a variety of ways, they set in motion strategic changes in approach that began to pay off just four years later and still are being felt today.

I believe Democrats must engage in a similar re-examination. During most of my lifetime, the staunch conservatives seldom came forward with new ideas.

But today, the right-wing is not only out-organizing and out-spending us—it's out-thinking us as well.

To survive and prosper, the Democrats must again become the party of ideas. This may require a willingness to reexamine—and if necessary—update and discard some of the standard notions we've held for years.

To the extent, for example, that progressives are viewed as advocates merely of *larger* government, rather than *better* government, we will be on the defensive.

I believe that only government can solve many of the problems we face. But we need to redouble our efforts to insure first that government becomes more effective and second to help the public perceive the positive results of government as it impacts on their own lives.

This will be a difficult task in the current environment. There will inevitably be an onslaught against government regulation in the months ahead.

Our effort must be to prevent certain valid frustrations over government's failings to be translated into wholesale rejection of its necessary role.

The same voter who might tell you he wants to get government off his back probably also would like to see more police on the beat in his neighborhood.

He may rail against Washington, but he's upset that his favorite fishing stream has turned brown with industrial pollution. He may think the bureaucracy has grown bloated, but he also looks forward to his Social Security check each month.

Another effort progressive Democrats must make in the months ahead is to change the political process under which we operate. Many of the so-called reforms of that process in retrospect have harmed the Party.

The primary process, for example, has helped to erode our political parties. Twelve years ago there were 15 primaries. In 1980, there were 37.

We'll never return to the era of smoke-filled rooms and Boss Tweed. But we do need to return to those who make up the political party a meaningful role in deciding who will carry their party's banner in a Presidential election.

The old system had faults, but it also gave us Roosevelt, Truman, Stevenson, Kennedy, Johnson and Humphrey.

In addition to acting to reduce the number of primaries I believe we must redouble efforts to make the parties strong, ongoing, issue-oriented institutions.

Today, candidates rather than parties are the chief focus of our political system. Rather than voting for a coherent, thoroughly debated program, voters often must choose among a gaggle of individual candidates—each of whom campaigns on the politics of personality rather than principles.

The erosion of our political parties has resulted in much of their influence being replaced by many competing centers of power—informal hierarchies based on single issues, local or regional forces, religion and personal followings.

This has led to the ascendancy of television, which has reaped incredible political power as the primary unifier in our political system.

The UAW is committed to working with the other forces concerned about the failure of the political process in the months ahead. While that goes on, we must also examine what the smashing defeat Democrats suffered means to us.

The defeat has led to an outpouring of analysis by conservative columnists and commentators to the effect that the country has shifted radically to the right and has rejected liberalism, big government and social programs.

I've always been wary of the "sweeping mandate" school of analysis, no matter who wins the election. And I'm unwilling to accept the notion that what happened Nov. 4 was a radical shift right by the American people.

Instead, I believe voters, including some of my own UAW members, voted their pocketbooks. Traditionally, as Democrats, we were positioned to run against Herbert Hoover . . . to be on the attack when unemployment skyrocketed and inflation surged.

In 1980, Ronald Reagan had issues that are normally those deployed most effectively by the Democratic Party to carry union members, ethnic voters, urban residents and other elements of the old New Deal coalition.

I said on numerous occasions during this campaign that there was a direct correlation between rising unemployment and growing support for Gov. Reagan.

With unemployment running at 7.6 percent, more than eight million Americans were out of work on election day.

Voters also registered strong frustration over inflation which ranged from 12 to 18 percent during the course of the campaign.

When actions were taken to wring inflation out of the economy by tightening the money supply and drastically raising interest rates, they confronted recession and inflation simultaneously.

What this points to, I believe, is an election in which voters rejected President Carter because they believed he could not handle America's economic problems.

Certainly, there were other issues, such as the hostages, that added to their perception that, at home and abroad, we were weak and out of control.

Voters in effect said on election day that their fear of the known under President Carter outweighed their fear of the unknown under Gov. Reagan.

In such a context, it seems quite clear that this is hardly a mandate for a hard turn to the right.

The country club talk we're being subjected to today tells us that deep in America's soul compassion has vanished. I reject that view.

I believe the American people do want to see the country put back to work and their paychecks no longer eroded by inflation.

They concluded Carter was unable to accomplish those goals and decided Reagan could.

I'm not sold on the pollsters, who increasingly have become the priesthood of American politics. Yet, despite the defrocking they experienced in the aftermath of the Reagan landslide, some of their results are interesting.

The New York Times-CBS News Poll of 12,782 voters indicated, for example, that only 11 percent of those voting for Reagan said they did so because "he's a real conservative."

The Times-CBS poll reached the overall conclusion that those picking Reagan were motivated more by dissatisfaction with President Carter than by any serious ideological commitment to Reagan's views.

Carrying this a step further, we can see that the rejection of Mr. Carter played a major role in what occurred in the Senate. Clearly, the hit squads of the new right—the Moral Majority and the conservative PAC's—had employed vicious but effective tactics early on to soften up the liberals seeking re-election.

But looking at the outcome, in virtually every case, the liberal Senators appear otherwise to have been able to survive the Reagan tide.

Senator Church lost by only one percentage point in Idaho, while Reagan won there by 37 percent.

Gaylord Nelson in Wisconsin lost 51 percent to 49 percent while Reagan won solidly there.

Birch Bayh in Indiana lost by 8 points, while Carter lost by 18 there.

Again, I believe those results call into doubt the instand judgments being made that citizens are ready to abandon social programs and activist government.

Their clear dissatisfaction with our economic crisis should be a mandate instead for governmental action that will lower unemployment and inflation.

That's a task that won't be done easily.

The success or failure of the Reagan Administration will turn on these basic economic issues, rather than whether or not we have a 55 mile per hour speed limit or what we do with Taiwan.

With close to 200,000 autoworkers in the Big 3 out of work and thousands more in supplier companies, the UAW urges President Reagan to take actions that will result in putting our members back to work.

We sent the President-elect a telegram the day after his victory pledging a good faith effort to work with him.

The problems he will face are enormous. They require cooperative and constructive approaches by the labor movement and the business community.

For Mr. Reagan to move the country forward, it will be necessary for him to reach out beyond the political right.

During the campaign, he did this to some extent and the moderation of previous positions broadened his appeal to voters. During his presidency, he must be president of all the people if he is to succeed.

Let's turn to several of the areas which the Reagan Administration must address promptly.

Most pressing from our point of view is the crisis in the auto industry—an industry that has a profound impact on America's overall economy. Workers continue to experience massive layoffs and the automakers continue to lose literally billions of dollars.

Foreign imports have played a major role in the auto crisis, as have rising energy prices and shortages and recessionary policies such as rising interest rates.

Last week the International Trade Commission handed us a major setback when it ruled that imports were not the greatest single cause of injury to the domestic industry.

I'm hopeful President Carter in the weeks remaining will make good his pledge to seek a voluntary agreement to limit Japanese imports temporarily. Should that not occur, the issue of the exploitation of our market by the Japanese automakers must become one of the first that the Reagan Administration tackles.

We in the UAW have long been advocates of free trade. This is a principle which we have not abandoned.

We are fully aware of the benefits to all of humanity that expanded world commerce can bring. But we always thought free trade must be fair trade.

That has not been the case with respect to U.S.-Japanese trade, particularly in autos and trucks, in recent years.

In the period after 1950, Japan's auto industry was "targeted"—as a matter of that nation's public policy—for vigorous, "hothouse" style growth.

From vehicle production of essentially zero, their industry grew remarkably over the next 30 years, reaching a production level this year of 12 million cars and trucks.

Throughout the period of early growth, credit and other resources were consciously allocated to the fledgling industry.

The Japanese domestic industry and market were strictly protected; that meant vehicles of North American manufacture were for years and years kept out. Yet the industry being developed was never intended to be restricted to serving the Japanese domestic market.

Had they been as shortsighted as U.S. businessmen—or our government—the Japanese never would have persisted. After this lengthy period of careful nurturing, the Japanese industry emerged as a formidable competitor.

When in the early spring of 1979, gas lines formed and gas prices began to skyrocket in the wake of revolution in Iran and OPEC increases, the domestic producers were not equipped to handle the abrupt shift in the U.S. car and truck market.

The Japanese were poised and ready to capitalize on this sudden advantage. Auto plants in Japan worked heavy overtime to build cars for export to the U.S. market while countless thousands of auto workers and workers in related supplier industries in this country were forced into the unemployment lines.

From 4 percent in 1970, the Japanese share of the total U.S. vehicle market skyrocketed to almost 23 percent. That growth in market share has been nothing short of explosive since the spring of 1979.

This has not been an orderly, phased increase achieved without major disruption or injury to the domestic industry and its workers—far from it.

Skyrocketing imports occurred at precisely the same time as plummeting domestic production. The case for injury, in our view, could not have been stronger.

It was precisely to deal with cases such as this that the International Trade Commission was created, in full accordance with GATT and other provisions of international law.

To seek temporary import restraints, as we have done, is not "protectionism" in the 1930's "begger-thy-neighbor" unilateral style. The distinction could not be clearer, yet it appears to be widely misunderstood.

Our goal has always been a negotiated settlement that would be based on voluntary restraint in the short term and an agreement for those who sell high volume in our market to produce here as well.

We chose to go to the ITC in the absence of such a settlement.

All we want is temporary import restraint, to give the industry sufficient breathing room to retool to meet the competitive challenge.

We greatly fear that the alternative—which we are witnessing—is permanent damage. We want this relief, not to assist the companies, but to preserve the jobs of our members.

Indeed, we have long felt that the appropriate solution, given that the Japanese have attained such a large share of the U.S. market, is direct investment by the Japanese companies in productive facilities over here.

It is inconceivable that a similar tribunal in Japan or any other industrialized nation would have ruled as the ITC has done.

Indeed, countries of Europe and other parts of the world are moving effectively to limit Japanese import penetration into their home market, to protect domestic employment.

As the only "wide-open" vehicle market in the world, all these export-bound Japanese cars and trucks will increasingly be diverted to us. That means unemployment is being exported to us.

Other countries impose tough local content requirements on their auto industries.

Mexico is just one example. Because of tough local content laws, both Chrysler and Ford have altered plans and are developing vital new four cylinder engine capacity in Mexico—while thousands of U.S. auto workers are unemployed.

Mexico is a developing country that wants badly to industrialize—but what about auto workers in *our* country and *our* jobs?

I do not believe it is "protectionist" to feel that our government has a responsibility to defend U.S. workers against actions by other governments, or injurious trade practices of other nations" industries, which deprive us of our jobs.

Despite the bitter ITC setback, we are more convinced than ever that the course we adopted is necessary and correct. We have not abandoned or repudiated our principles; but auto workers cannot be expected to sacrifice their livelihoods on the altar of an abstraction.

Commitment to free trade never embodies passive acceptance of massive dislocation. We cannot accept that workers should become the victims of industry's shortsightedness or government's failure and unwillingness to plan.

What lies ahead is some pretty rough sledding for our union and its members. Even if the domestic industry recovers, countless thousands of workers may not regain their jobs.

The very steps which the industry will be taking to restore its profits and meet the Japanese challenge carry grave risk of further permanent job loss in the years ahead.

The "world car" is widely predicted to lead to foreign sourcing on a massive scale. Growing international specialization and trade in auto parts can also boost employment in some segments of the domestic supplier industry, if that trade is truly a two-way street.

But that may provide very little comfort to those supplier workers whose job will be lost.

New technology is slated for introduction into the auto industry at a rapid rate. Productivity growth in auto has always far outstripped the rest of U.S. manufacturing.

But historically scales have risen even faster. Coupled with improvements in paid time off which our union has been able to win, this has cushioned the impact of rising productivity on employment in the years past.

Unless positive steps are taken, I fear that the future strides in productivity will entail massive job loss in the years ahead.

In the short run, there is little cause for optimism and that we will see a quick or strong recovery from the current deep and long-lasting slump.

Even GM's Chairman Tom Murphy, always the optimist, predicts total U.S. vehicle sales of only 13 million cars and trucks in the current model year, 1981.

That's a paltry 8.6% gain compared with just under 12 million for anemic model year 1980. In record model year 1978, 15.3 million vehicles were sold.

Even this disappointing recovery runs a grave risk of being aborted. The prime interest rate, which bottomed out at 10¾% in late July—hard to believe that was a bottom—has already jumped sharply higher in recent months.

Presently, the prime is 15½%. For a prospective new car buyer, this translates into finance charges in the neighborhood of 18%.

Not only car sales, but also housing and durable manufactured goods threaten to slide right back into the abyss.

Mortgage rates have already begun to climb back up, while "Fannie Mae" has just thrown another damper on the housing market with its newly imposed mortgage "call" requirements.

The Federal Reserve seems determined to continue pursuing its tight-money policy, in a misguided attempt to wring inflation out of the economy by causing even more unemployment.

Such a policy helped trigger the recession; it now threatens to abort the current weak recovery as the Fed seems determined to settle for nothing less than a "double dip."

I am convinced that it was the imposition of this and other kinds of "Republican" policies during the term of a Democratic administration that cost Jimmy Carter a substantial percentage of industrial workers' votes.

Our nation's economic and social problems—which the new congress and administration will have to face—are formidable.

The real income of a typical American is considerably lower today than it was a decade ago. Raging inflation threatens to erode that standard of living even further; while the only inflation remedy politicians seem willing to impose is to create massive unemployment, a cure which surely is far worse than the disease.

Higher productivity is widely viewed as the only way out of this dilemma, but instead of increasing, it has been on the decline.

The quality of life in many of our central cities is also on the decline, as high wage manufacturing jobs disappear and youth unemployment—especially among minorities—continues to rise.

Vital public services, already pared to the bone, face further cutback as the tax base continues to erode.

Our basic industries are in crisis. Our manufacturing competence relative to other nations deteriorates unabated.

We save less, invest less and devote a smaller share of our nation's resources to civilian research and development than most other industrialized nations, and we have fallen down in these respects even relative to our own past performance.

In regard to energy, we lack a coherent national policy and appear to have no clear sense of where to go. In spite of the fact that, except for Canada, we are more nearly self-sufficient in energy resources than any other industrialized capitalist country, we are the most vulnerable to external energy price "shocks," and are the only nation to suffer actual shortages at the pumps.

The real tests for the Reagan Administration lay in grappling successfully with these crucial issues.

To the extent the new President pursues solutions that benefit the few of wealth and power, he will fail.

To the extent he broadens his scope beyond the old, shopworn conservative cliches, he has hope of succeeding.

For trade unionists and progressives generally, the next four years will be a time of trial.

At the same time we advocate the revitalization of our economy, we must also turn inward and begin the revitalization of the Democratic Party and our movement.

I stand before you tonight knowing it *can* be done. Unfortunately, I don't know if it *will* be done.

SPEECH BY SENATOR ROBERT C. BYRD

Ladies and Gentlemen: I am pleased to be able to join you this evening. Since its inception in 1974, the Institute for Socioeconomic Studies has provided a constructive forum for the exchange of ideas on the pressing issues of our day. Ronald Reagan's victory and the shift in the Senate to Republican control are topics which invite considerable discussion. I appreciate the opportunity to share my thoughts with you on the significance of the recent election, particularly as it affects national economic policy.

I do not believe the 1980 election was an ideological mandate to move this country away from the basic principles of the Democratic Party. To the contrary, candidate Reagan frequently cited the visions of Franklin Roosevelt and John Kennedy. He promised to implement policies which would foster full employment, economic growth, and social justice.

He was elected, and twelve Democratic seats were lost in the Senate, in a referendum on frustration. Democrats lost because they belonged to a party which was overwhelmingly out-spent and out-organized. They belonged to a party which appeared fractionalized and bereft of solutions. They ran for re-election during a time when there were no easy answers nor quick solutions to the long-term problems of energy and inflation and the loss of wealth to OPEC. They ran against a Republican party which marched lock-step on the issues—from their Presidential candidate to their local officials. They ran against double-digit inflation, 7.5 percent unemployment, a 14 percent prime rate, and stagnant real income.

The Republicans offered the American people promises of massive tax cuts and controlled inflation.

It is fair to say that, to some extent, being in control of the government restricted options available to Democrats. We could not responsibly promise a 30 percent cut in individual taxes, massive increases in defense spending, and a balanced budget, because such promises cannot be fulfilled simultaneously.

While incumbency generally is an advantage in an election, I believe that in 1980 it was better to have been a challenger, preferably without any legislative record.

President-elect Reagan and the Republican majority in the Senate will face many challenges. In the energy field they must continue to build on the achievements of the 95th and 96th Congresses in moving our nation toward energy independence. Our synfuels program must be implemented. Our conservation and renewable resource programs must progress. We must improve our transportation infrastructure to facilitate a significant increase in our coal exports.

Shocks caused by the 1974 and 1979 OPEC price increases are still evident in our economy. In 1979 energy prices added nearly four percentage points to the CPI. Wage settlements, contracts, and government programs linked to the CPI locked these increases into the cost structure of the economy.

Energy independence and security is closely linked to the projection of a credible foreign policy. Our foreign policy must be based on the dual goals of strengthening our defense capabilities, while at the same time continuing the SALT process with the Soviets.

We must negotiate from a position of strength and confidence—but we must continue to negotiate.

No challenge looms larger than that of arresting the disillusionment of the American public with our political system. Slightly less than 53 percent of the eligible electorate voted in this election, continuing a frightening downward trend from a high of 64 percent in 1960. Because of the scope of their promises the challenge to the Republicans to restore faith in our political process looms that much larger.

In no area have the hopes of the American people been raised to a higher level than in the area of the economy. Most Americans will be watching the economy for indications of the new administration's ability to govern. Therefore, their success in fulfilling their ambitious promises in this area is particularly crucial.

Senate Democrats will cooperate with the new President and his administration in attempting to achieve the general economic goals he outlined in his campaign. However, some of his specific recommendations may require rethinking in the post-election calm.

On September 9, in his major campaign address on economic policy, Governor Reagan presented the following outline of his economic agenda:

He promised to reduce government spending by 7 percent to 10 percent by 1984 or 1985.

He promised to enact a 30 percent cut in individual taxes over three years, dramatically revamp the depreciation schedule, and index personal tax rates once the 30 percent individual rates are in place.

He promised to support a stable and predictable monetary policy.

In the same speech, Candidate Reagan promised that "a national economic policy will be established, and we will begin to implement it, within 90 days."

Before March 20, therefore, we can expect to see the specifics of President-elect Reagan's economic program.

Let us briefly examine the condition of the economy which the incoming President will inherit. Preliminary estimates indicate that the Gross National Product grew at a one percent annual rate in the third quarter of this year, compared with a decrease of 9.6 percent in the second quarter.

With the lifting of credit controls, consumer spending paced the upswing in the third quarter, much as it has contributed to the depth of the downswing in the second quarter.

Unemployment seems to be stuck around 7.5 percent, inching up to 7.6 percent in October.

The index of leading economic indicators rose 2.4 percent in September for the fourth consecutive monthly increase. Industrial production increased 1.0 percent, but the index of industrial production is still 4.4 percent below what it was this time last year.

Moreover, the recent significant rise in interest rates casts a shadow over the durability of the recovery.

Retail sales fell 0.1 percent in October for the first time in many months. New home sales fell for the second straight month in October. Domestic auto sales in early November were running at the sluggish level of about 6.6 million units per year.

Approximately two-thirds of the sharp downturn in the second quarter was attributable to the housing and automobile sectors.

High interest rates could again cause these interest-sensitive sectors to substantially weaken the economy.

Perhaps most significantly, there is no clear indication—despite the effort by the Federal Reserve over the last year to harness the growth in the money supply—that the underlying rate of inflation has moderated. Over the second and third quarters of this year the GNP deflator rose at a 9.7 percent annual rate. Producer prices increased at a 10.6 percent rate in October.

High interest rates, decontrolled energy prices, and poor crop yields continue to be fed into the cost structure of the economy. And a new round of wage settlements scheduled next year will approach double-digit levels.

As we measure President-elect Reagan's economic plan against the current economic backdrop, we must question how he hopes to control inflation and meet his promise to restore economic growth at the same time.

One might argue that President-elect Reagan has a long term plan to dampen inflation by stimulating investment in new plant and equipment, and thus increase the growth in productivity. Everyone agrees that we *do* need modernized productive capacity, but we must recognize that the anti-inflationary payback from this effort is years away.

In the short run, he hopes to stimulate the economy with massive, historically unprecedented tax cuts which are unlikely to be offset even by his optimistic projected spending cuts. I believe that he cannot achieve a 7 percent to 10 percent cut in the Federal Budget, while at the same time significantly increasing defense spending, without cutting deeply into many programs which he has promised to hold harmless.

President-elect Reagan has promised to make his budget cuts without "altering or taking back necessary entitlements already granted to the American people."

Let us examine the federal budget: In rough terms, defense represents 24% of the budget. The President elect plans to increase this amount by more than the five percent real annual increase promised by President Carter. Interest on the debt is 9% of the budget. Social Security, railroad, and federal employee retirement and insurance equal 32% of the budget. These three items alone amount to 64% of the federal budget—and that does not include veterans benefits, unemployment insurance, medicaid and medicare—all of which are presumably "necessary entitlements already granted to the American people."

The answer, quite simply, is that defense spending cannot be increased and entitlements held harmless, and a 7% to 10% budget cut can be achieved—unless programs such as revenue sharing, alternative fuels, water projects, and assistance to rails, ports, and road construction are slashed dramatically.

It appears from reports in the press that the President-elect has been presented with a list of budget cuts which will cut entitlement programs. The President-elect has commented that his savings can be achieved by eliminating extravagances. Senate Democrats stand ready with our scalpels to cut extravagances as well.

But one man's extravagance is another's vital program. And any deep cuts into entitlement programs could jeopardize the newly elected President's credibility.

Given the difficulty of achieving spending cuts large enough to offset the enormous tax cuts he has promised, I fear that if President-elect Reagan persists in cutting taxes on the scale he has promised, he could preside over enormous budget deficits.

Inflation, already raging at 10%, will go higher should this occur. The Federal Reserve will have the only anti-inflation game in town. And it is my view that the fight against inflation should not—and cannot—be left up to the Federal Reserve. While adherence to the monetarist theory that inflation is strictly a function of money supply growth might be a comforting intellectual exercise, the Fed's performance in pursuit of a policy of control of monetary aggregates has not dampened inflation—and, to the contrary, has produced the wildest gyrations in interest rates and the money supply we have ever experienced.

It is my view that inflation will not be controlled until we break the spiral of wages and prices which leads people to expect that prices will go ever upward.

And I reject the notion that this country is so bankrupt of economic thought and national will that the only way to break this expectation is by putting our people through the wringer of prolonged recession, 10 percent unemployment, and 20 percent interest rates.

Yet I fear that this will be offered as our only alternative in the not-too-distant future unless President-elect Reagan does two things:

First, I hope he will reject the fiscal radicalism of the Roth/Kemp tax cut.

Second, I hope he will formulate an effective and fair incomes policy.

Early in his term, President Reagan will enjoy a high level of public support. To be effective, an incomes policy requires a strong leadership from the Oval Office—leadership which can mobilize public support.

I would hope that early in his term of office President Reagan will bring together the best minds in the nation from business, labor, and the public to fashion a wage/price strategy. I believe that the Congress would support this effort. I believe that the American people would welcome it.

I readily admit that previous attempts at establishing incomes policies have yielded only short- or medium-term benefits. An incomes policy can only help to buy some time until productivity increases from fuller employment, and investment in new plant and equipment, can start paying off. It can work only in the context of reasonable fiscal and monetary policy.

One year from now, faced with a large deficit in FY 1982, it could be too late for President Reagan to go to the American people with a plan for controlling wages and prices.

I hope that as part of his initial economic plan he will mobilize the American people in a collective effort to fight inflation.

I hope he will moderate his fiscal policy, particularly in the tax cutting area.

I hope he will work with the Congress to promote changes in the tax code to stimulate investment and discourage speculation.

Democrats in the Senate stand ready to contribute in every way possible to the realization of these hopes.

SALT II

Mr. HOLLINGS. Mr. President, I wish to address the Senate with respect to SALT II.

Nowhere in the record, apparently, has there been detailed the particular facets of this contract or agreement.

I have practiced law for over 30 years. I have had good experience in looking at contracts and finding out the advantages and disadvantages, the trouble spots, and the things to caution your client about.

In looking at this contract with my client, the United States of America, I had to look in vain to find the particular advantages. I know of one advantage that they all talk about. That is that SALT II gets you to SALT III.

This takes us back to the silly scenario, Mr. President, back in 1972, when we passed SALT I. If you can imagine the spurious nature of that particular agreement, it could only be highlighted in its deficiency by the Jackson amendment. I say that with all regard for the integrity and abilities of Senator Jackson. I have followed Senator Jackson and no one is more forthright with respect to our national defense than the distinguished Senator from Washington. So I am not being critical there. But in desperation, to try to point out that at least we were not totally asleep during our consideration of SALT I, we put in an amendment where we said, "The next time the next SALT agreement shall be equal," saying this time SALT I was unequal, disadvantageous, and not in the security interests of the United States of America.

Well, we tried. Mr. President, if you will recall, if you ever make an unequal agreement in the first instance, that puts an undue burden to equalize in the second instance. It places an undue burden on those who prevailed in the first negotiations, namely our Soviet friends. They have to get as much as the last negotiators got. We, in turn, with the Jackson amendment type of approach have to struggle even harder to get something that is supportable, equal, and defensible, have to work double time to get certain advantages to equalize the disadvantages of the first agreements.

Well, I looked for the elements of the Jackson amendment in SALT II. I looked for the advantages. Instead of advantages, and these are the things that are particularly nettlesome, I found nothing but disadvantages.

Categorically, let us look at the record of SALT II. SALT II does not control missiles, it does not control warheads, and it does not control launchers.

That is a remarkable statement to make, when you have a set agreement and you are supposed to limit strategic arms. If they do not limit the missiles themselves, and it is not contended, that the missiles were ever limited, the SALT-sellers immediately jump and they say, "Well, at least warheads." They make all kinds of arguments and presentations to the effect that the warheads were limited and all you had to do was to realize that the Soviets, on their SS-18's, could put on 20 or 30 warhead positions or maneuvers and we limited them to 10. But article 4, section 10 of the second agreed statement, if we look at that particular statement, details the acceptability of the use of decoys. The tactical name they have is antimissile defense penetration aides. It says just that, that you can use decoys. So it put us to the task of saying, "Wait a minute, there go 20 instead of 10 warheads."

The Soviet response? "No, that is wrong. What we have is only 10 warheads, the other 10 are merely decoys." That's their assertion. We have no way to question it.

How do you control the possibility for cheating? We have a long way to go if events in recent months are any example. Dramatic information has become public exposing gross Soviet violations of the Biological Warfare Convention. Because of an accident at Sverdlovsk in which more than 1,000 people died of Anthrax disease, it is now beyond question that the Soviets have been manufacturing and testing germ war agents in that facility, in blatant violation of the treaty. It is significant that we were unable to verify these violations until there was a massive explosion and accident in the facility itself. Translating this to the question of warheads, must we wait for 10 warheads from a missile to explode and then hold the Soviets in violation of SALT II for everyone over 10 that then explodes.

There are not any limitations to the warheads on SALT II.

Specifically, Mr. President, when we got to the matter of this MX deployment system and digging up holes all over everywhere, we brought into sharp focus the fact that SALT II did not limit launchers. Everyone had always thought that the silos themselves were the launchers. But, with MX we were contending that we could dig all the silos we want, because they were not limited, and we could run around and either put them vertically, in what they call a map or multiple-aim point system, or horizontally in a racetrack system and dig up the Wild West to do it. But Soviet Secretary of Defense Ustinov said, no, you could not do that. It was his understanding that silos were the launchers.

Then we all looked and we keep on looking, and I would challenge those who have drawn this particular treaty to show me wherein launchers are defined. They intentionally avoided describing silos. Read the notepapers that you have. Gen. Ed Rowny stated that the other negotiators who were there intentionally evaded, avoided a specific designation description of launchers.

The truth of the matter is that we take the launcher, the Minuteman III, that we have at Vandenberg Air Base on the tarmac—and I could show a picture that is now unclassified. We had a yellow benchmark on which to locate and coordinate our canister launcher and we put that on the tarmac. In the canister, we attached a couple of wires and fired it off and, downrange 3,000 miles, the missile hit the target right on the head.

Of course, now that the Soviet has developed the cold launch technique, the question of launchers is moot. The waiting period before the launcher may be reused is greatly reduced.

So where then are the limitations? If you do not limit launchers and you do not limit silos or canisters. If you can use these mobile canisters and not the silos, you do not limit launchers, you do not limit warheads and you do not limit missiles.

They say, look at the other provisions. Then this would end the agreement with me with this basic or fundamental misunderstanding. But, let us look at the particular missiles provisions and go to the difference in weaponry systems.

They say that the United States of America went to the lighter, more accurate missiles, and the Soviet went to the heavy and we should not worry about this basic difference. And we did not have to worry about that until it became necessary to defend the missile field located in hardened concrete. Herein the accuracy in throw weight becomes a very significant factor. We learn then that the throw weight advantage of their 308, SS-18 missiles is copper-fastened into SALT II for the Soviet and denied to us. If we are to equalize that particular facet of SALT II, we are entitled to at least 150 extra MX missiles.

That is an easy way to cancel out the 308 numerical advantage. If we are going to limit them, let us cut those out and then cut out an equal amount of throw weight on the U.S. side. But if we are going to grant it on the Soviet side, then certainly to be able to have equal throw weight, we ought to have at least 150 additional MX missiles.

We are not given that. Therefore, that is a distinct disadvantage and an advantage given the Soviets, that was given in SALT I.

I have no doubt that the Soviets would love SALT II. The Soviets would love to get any one of these particular advantages contained in SALT II.

The Soviets are granted a mobile system under SALT II. We are denied it.

They are granted five new advanced missile systems under the SALT II agreement, we are restricted to one. Restricted to one, if you please, Mr. President.

Mr. President, you can move from the issues of development, and the mobility, and the heavy throw weight, and the nature of the missiles themselves and the other facets, to other strategic arms, namely, the long-range intercontinental heavy bombers. Now I think the news reported several were 200 miles off the coast of the United States of America the week before last, Mr. President. Under the SALT II agreement we are asked not to worry about the capability of the Backfire bomber and not to be frightened like a bunch of children.

The Soviet Backfire bomber has definite strategic capabilities. Aviation Week and other journals of note have revealed pictures and other intelligence showing beyond argument that the Backfire bomber has the ability and the standby mission to attack the continental United States in the event of war.

On the other hand we have to count our long-range B-52's, even to the meticulous point of counting one fixed in concrete, out at Wright-Patterson Base as you go in the gates, that we could not use. But we count that. But they did not count their Backfire bombers.

That is another disadvantage. We were required to count our cruise missiles—not only count them, but limit them in their range. If we are going to limit our intermediate cruise missiles, consequently, we ought at least to limit their intermediate ballistic missiles, namely, their SS-20's.

We know on the one hand, an SS-20 with an additional thruster—they have two and can add a third thruster—becomes an ICBM. That can be done in 4½ hours. The SS-20 then becomes an SS-16.

Be that as it may, let us say it is an intermediate ballistic missile. Our cruise missiles are intermediate. We limit intermediate cruise but do not limit intermediate ballistic missiles. Another disadvantage.

Mr. President, I see that my distinguished friend from Connecticut has momentarily returned from his committee hearing and markup session. I know we will soon need to return to the pending matter so let me try to wind down on a very, very important thing that really ought to be discussed in full, but never will be.

When we look at the differentiation, much has been said relative to, first, never having debated SALT II. The President of the United States came to South Carolina. When asked about SALT II and the votes of the Senate and what have you, he said, actually, it had never been considered by the U.S. Senate. We know how we consider and how we debate. I have a clear memory of back in 1978, before it was even ratified or signed in Vienna in June of 1979, at the NATO conference in Lisbon, Portugal, at the end of 1978, the beginning of December, there was a full court press by the administration to have NATO itself endorse SALT II before it was signed. We were already getting elements of the argument.

The State-Justice-Commerce appropriations bill is a guide for our understanding of when and how the selling of SALT was undertaken. This appropriations bill lists amounts expended for speakers that were being sent around in the fall of 1978, before SALT II was signed, to persuade approval of the treaty and soften up the troops, so to speak. So SALT II was in full debate amongst Senators, on college campuses, among the business leadership of this country and the defense concerns, all in 1978. We got into a full debate about it in the winter and spring of 1979 and, by 1980, at the time of signature, we were ready and waiting for the hearings, to bring our witnesses.

In the Committee on Foreign Relations, there was a vote of 9 to 6. Some of those who voted for SALT II are running around the world—running around the world, Mr. President—now saying we cannot have SALT II. Anyway, there were nine of them there for it and six of them voted against it.

In the Committee on Armed Services, and this is one of the points I wanted to emphasize, the administration kept up the full court press to make sure that, No. 1, they did not have a hearing, No. 2, if they did have a hearing, they did not have a vote; and No. 3, if they did have a vote, they would not report it.

The report of the Armed Services Committee has been withheld. After all the witnesses, and cross-examination, and review and debate, the committee voted 10 to 0 against it.

We have a cumulative vote among U.S. Senators that considered it, 10 and 6 is 16 opposed, and 9 for.

So that is the poll. They are great in taking polls. That is the poll at this particular minute, not a majority, not two-thirds, but a majority of those polled have opposed it for very good reasons.

More than anything else, if we go into some of the details, SALT II is a budget buster. I have had things to say as chairman of the Budget Committee in this regard.

I can say categorically, if we look at the advantages and disadvantages of SALT II it is a budget buster. If we look budgetarily, and that is how we will look in the defense debate, and I hope some writer covering defense and the budget will certainly look into this particular facet, we have had a $28.2 billion increase in the 1981 defense budget over 1980.

A lot of people run around talking about adding $20 billion more to that figure. We can forget that. We will not be able to add that. We cannot stand those things. There is just so much the Defense Department can buy.

They have $28.2 billion. We have gotten into pay, benefits, operation. We are getting into maintenance, R. & D., flight hours, steaming hours, and we are replenishing ammunition. But one of the big things to see is how we can extend America's security and defenses and technology.

They can run around and say, "We do not want superiority in this, we do not want superiority in that."

There is no one in this U.S. Senate who would ever deny that we must have—must have—a superiority in technology. That is the only way we will be able to prevail.

We do not have the manpower. We do not have the hardware. We do not have the planes, the missiles, or anything else.

Necessarily speaking, Mr. President, we may not ever get the exact parity in each of these categories. But as long as we have a lead in technology, with a lesser population, limited resources, and other commitments to a civilized, free society, there are certain things a free people will sacrifice for, to a point, as we found in Vietnam. But beyond that, it will be very difficult. We must have a superiority in technology.

Under SALT II, we cannot use commercial aircraft like wide-bodied 747's to deliver cruise missiles. The Soviets claimed that they were too hard to distinguish from regular commercial aircraft, so we have agreed to develop a different wide-bodied cruise missile carrier. The initial cost to meet compliance with this element of the treaty is $2 billion.

Under SALT II, we must redesign our B-52's for verification. This is while we agree at the same time that the Russians can encrypt information necessary for our verification. These SALT mandated changes to the B-52's are called functionally related observable differences. The cost of FROD is $300 million. It could be saved without SALT II.

We find we could increase the firepower of our Navy with cruise missiles and have less ships—they are awfully expensive. We could increase the air power. We have 600 medium bombers in the NATO front. Each plane costs $10 million and the 600 planes $6 billion. We could replace those 600 with cruise missiles, and without the crews, the maintenance costs, and everything else necessary, we could save $5.5 billion.

There is no question but what Dr. Richard Pipes of Harvard was on target. S-a-l-t, rather than Strategic Arms Limitation Talks, he said stood for stop america's lead in technology. That is what they wanted to do, and that goes right to the budget, as well as the technology.

We could do it with the Navy and, more than anything else, we could do it with an ABM system, rather than digging up the wild, wild West and installing the MX system.

The cost for MX has been estimated first at 30, then 40, up to 60. They are now projecting anywhere from $80 billion to $90 billion to do it.

We can develop with the technology. We have it right now in the defense appropriation bill. The defense appropriation conference meets again this afternoon. We put in an additional $50 million at the time of the ABM debate, and ABM was improved and found to be very, very reliable.

The Soviets have their ABM system. We allowed one, but it is limited to 100 missiles.

The ABM Treaty comes up either for termination or renegotiation in 1982. But we can move forward with an ABM defense system at a cost of $9 billion compared to $90 billion for MX.

In other words, if we use our technology and stop these little arguments about running into the ocean with special made submarines, not even designed let alone effective, that would end up costing more, perhaps, than even a Trident. Watch it. Give that crowd something to design again that is new, small, and carry a missile, and withstand tidal waves, to be placed off the Continental Shelf.

Everybody likes to play war. In my first 10 years in the U.S. Senate, on Vietnam, the expense in backing up the battleships with these little ideas that come along was tremendous. But we have to take the consummate judgment of the technologists in the field.

The best solution in this is to rely on our technology to develop our ABM missile system at the cost of $9 billion rather than $90 billion for MX.

By not having SALT II, we can move forward, if we can get the leadership in this country to use America's technology and not bargain it away in a bad agreement.

We are living in days of symbolism. They tell us that if we are for peace, as we all are, then disarmament is the course we must pursue. The perception has been created that if you are against disarmament—such as manifested in the SALT II treaty—then you oppose peace. Disarmament, which we all want, is the symbol for peace. Overlooked in the convenience of this imagery is the substance of SALT II. It is as I have pointed out, clearly lacking. If we truly want disarmament, let us go to Vienna, participate in the mutual balance force reductions, go to conventional weaponry.

The Soviets are not marching into Afghanistan with missiles, or Angola, Ethiopia, Somalia, and other places. They go in with tanks, guns, machineguns, and artillery. That is where to begin with limitation.

We can continue the SALT discussions to get a balanced, enforceable, verifiable agreement. I am for that.

But no one ever stood on this floor and had a chance this year, even though we debated it off the floor for some 2 years, at least, to point out some of these stark deficiencies in SALT II. That is why 40 or 50 Senators would not commit to voting for it. They wanted amendments, and everything else. It was not because of Afghanistan.

It was a very remarkable series of hearings, when we started hearings on arms limitation back in June, July, and August of last year. Rather than limiting arms, we came out and found what we needed to do was start building arms.

That is where we are at this particular point, how to do that intelligently, economically, without overkill without the gold plating without the expensive things that cannot be manned, repaired, used, or otherwise trained upon, and everything else.

America needs a realistic defense. The only way we will be able to do that is on her technology. We must continue to be superior in that instance.

STATE, JUSTICE, AND COMMERCE APPROPRIATIONS, 1981—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 7584 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of November 20, 1980.)

Mr. HOLLINGS. Mr. President, this report was printed as House Report 96–1472, and the statement of the managers fully explains the agreements reached in the conference.

The conference on this bill was held on November 20 and it was a good session with both sides striving hard for their priorities but at the same time eager to work out a final bill before Congress adjourns. Throughout the conference our distinguished ranking minority member, the junior Senator from Connecticut (Mr. Weicker), was a steadfast ally in defending the Senate's positions on the various matters. It was his ingenuity, Mr. President, that brought us together on many of the knotty questions.

The conference agreement amounts to $9,131,056,000, and is $535,331,000 below the budget estimates and $2,789,431,554 below the amount appropriated in fiscal year 1980. The decrease from last year's level is largely due to the nonrecurrence of the appropriations to the disaster loan fund, particularly with regard to the Mount St. Helen's eruption.

With regard to the disaster loan fund, the conference agreement includes $100 million in new borrowing authority for the disaster loan fund in conformance with the Small Business Amendments Act. While it is as far as we could go in this bill, we do expect to appropriate an additional $500,000,000 in the continuing resolution to provide the necessary assistance between now and next February for the farmers and other persons affected by drought and other disasters.

In brief, the conferees took the following actions with regard to other items of major interest to the Senate:

First. We receded on the 1981 funds for the International Labor Organization since the appropriation is not yet fully authorized.

Second. We obtained the full $9,500,000 approved by the Senate for the multi-State crime intelligence networks, as well as the Senate amounts for the Immigration and Naturalization Service, and the Office of Justice, Assistance, Research and Statistics. We also secured the initial funds for the long-sought study of the National Criminal Information Center System, as well as funds to implement a Department of Justice case management system.

Third. The full $624,000,000 inserted by the Senate for the economic development assistance programs of the Economic Development Administration was secured. This is a major advance toward the national objective of revitalizing and reindustrializing the country.

Fourth. The Senate's high-priority items for the National Oceanic and Atmospheric Administration, including $15,000,000 for a program to buy back the boats and licenses to compensate fishermen affected by the recent court decisions to share the fishing rights with the Indians was obtained.

Fifth. The conference agreement includes the full $321,300,000 requested by the President for the Legal Services Corporation. Language is included prohibiting the Corporation from providing legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality.

Sixth. The conference agreement provides the full request for salaries and expenses of the Small Business Administration, including $9,500,000 for the small business development centers. The conferees also agreed to the Senate's position that SBA's assistance to women entrepreneurs can best be delivered through existing SBA program structures. We also restored SBA's direct business loans to the 1980 level of $291 million as well as expanding the guaranteed business loans to $4 billion due to great demand. An allocation of $4 million from the disaster loan fund for the businesses affected by the Olympic boycott was also approved.

Mr. President, before leaving SBA, let me note that there is a mistake on page 16 on the conference report. The "All other" category for salaries and expenses should be $81,174,000 instead of $79,674,000.

Mr. President, there have been numerous calls regarding SBA's emergency energy shortage economic injury loan program. In our report No. 96–949, the committee directed that SBA should take appropriate steps to include the recreational vehicle industry in this loan program because we believe that they were adversely impacted by the energy shortage of 1979. During the debate on this bill on November 12, Senator Baucus brought to our attention that campgrounds were similarly affected by the fuel shortage and should be considered in connection with the recreational vehicle industry. I indicated to him that we thought that SBA should also consider campgrounds.

The House has a long standing opposition to bringing report language into the conference unless there is a conflict between the committees. The House report of course was silent on this issue, so the Senate actions stand as clear guidance to the agency and I ask unanimous consent to have printed in the Record a letter I sent to SBA Administrator Weaver last week with regard to this situation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Appropriations,
Washington, D.C., November 24, 1980.

Hon. A. Vernon Weaver,
Administrator, Small Business Administration, Washington, D.C.

Dear Vernon: Enclosed is a copy of the report of the Committee on Appropriations, 96–949, with regard to the 1981 Appropriations Bill for the Departments of State, Justice, Commerce, the Judiciary and Related Agencies.

I wanted to draw to your attention the discussion on page 77 under the Disaster Loan Fund. Particularly the second paragraph where the Committee directed that the recreational vehicle industry be made eligible for loans under the Emergency Energy Shortage Economic Injury Loan Program. In addition, I have included page 29334 of the Congressional Record of November 12th wherein Senator Baucus and I agreed that campgrounds should also receive funding under this program.

I would appreciate your looking into this matter and advising me at the earliest possible date of the plans of the SBA to resolve these congressional concerns.

With warmest personal regards.

Sincerely yours,

Ernest F. Hollings,
Chairman, State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee.

Enclosures (2).

Excerpt From Senate Report 96-949

It is the belief of the Committee that the recreational vehicle industry was adversely impacted by the energy shortage of 1979. As a direct result of this fuel shortage, these small businesses have experienced great economic hardship. For that reason, the Committee directs that this industry should be included in the definition of those small businesses eligible for funding for loans under the Emergency Energy Shortage Economic Injury Loan Program and directs the Administrator of SBA to take the appropriate steps to include the recreation vehicle industry in this loan program.

Excerpt From Congressional Record of November 12, 1980

Mr. Hollings. I wonder if the distinguished Senator from Connecticut will yield just a moment. The Senator from Montana has a short colloquy.

Mr. Weicker. I yield.

Mr. Baucus. It has come to my attention that the report language for H.R. 7584 includes language which directs the Small Business Administration to include the recreational vehicle industry in the definition of those small businesses eligible for funding by loans under the emergency energy shortage economic injury loan program.

Mr. President, the recreational vehicle industry is totally entwined with the campground business. You cannot have one without the other. Yet campground operators, which suffered just as much from energy shortages, were not included in the language. It is not wise to neglect campground operators, especially if assistance is given to recreational vehicle manufacturers and owners. There will be no place for them to go if the campground operators have gone bankrupt.

I would appreciate it if the committee were to note this concern and consider the possibility of raising the issue in conference to help campground operators in America as well as their sister industry, the recreational vehicle industry.

I am inserting in the Record an excellent letter which the Director of Administration for Campgrounds of America sent me. It describes very well the difficulties the industry has faced.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Kampgrounds of America, Inc.,
Billings, Mont., September 26, 1980.

Hon. Max Baucus,
U.S. Senate,
Washington, D.C.

Dear Senator Baucus: Through an initiative by Senator Birch Bayh, the Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary has accepted an amendment letter into the subcommittee report which accompanies the bill appropriating Small Business Administration funds for 1981. In summary, the amendment letter referred to hardships suffered by the recreational vehicle industry due to energy related problems. It directed the SBA to include the R.V. industry in the definition of those small businesses eligible for funding for loans under the Emergency Energy Shortage Economic Injury Loan Program.

Senator, no industry has been visited with more economic hardships from energy problems then the camping industry. Campground operators are usually small business people with everything invested in their campgrounds, and now their own futures are being threatened by economic forces beyond their control.

While the cost of doing business has soared since 1979, campgrounds have experienced quarterly declines in dollar receipts of 5% to 7%, which means at least a 14% to 16% decline because of inflation. In the Mountain West region, real sales declined 14% in the peak period second and third quarters of 1979. And 1980 was no better. Employment is down, too. Campground owners are forced to reduce payrolls, and the concomitant services offered to lure potential travellers.

Campground owners must have relief from the overwhelming burdens and hardships of forces beyond their control. They are not looking for handouts, but rather for operating capital to see them through tense times caused by the energy shortage. They deserve the support of us all. We are talking about independent business men and women—free enterprise people—people who would ordinarily look to conventional loans to modernize and see them through tough periods, but conventional interest rates are too high, making it nearly impossible to pay back much needed loans.

Therefore, we urge that you make every effort to include campground owners in the group of businesses able to receive SBA funds for 1981. You have long been recognized as a champion of tourism, and I know you are familiar with the problems I have outlined. Your help will be much appreciated.

Sincerely,

Ralph Burney,
Director of Administration.

Mr. Hollings. Mr. President, if the distinguished Senator from Montana would observe, on page 77 of the committee report it states:

"It is the belief of the Committee that the recreational vehicle industry was adversely impacted by the energy shortage of 1979. As a direct result of this fuel shortage, these small businesses have experienced great economic hardship. For that reason, the Committee directs that this industry should be included in the definition of those small businesses eligible for funding for loans under the Emergency Energy Shortage Economic Injury Loan Program and directs the Administrator of SBA to take the appropriate steps to include the recreation vehicle industry in this loan program."

So I think in there we express the very same intent that the distinguished Senator from Montana desires, and I would go along with his concern that the campgrounds also be considered.

Mr. Baucus. Mr. President, I thank the Senator.

I thank the Senator from Connecticut for yielding.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent to insert in the Record a clarifying statement about the Worldwide Information and Trade System (WITS) administered by the Department of Commerce. A similar statement was included in the Senate report on H.R. 7584. But, this statement further clarifies the Congress' intent on private sector cooperation on and access to WITS.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Worldwide Information and Trade System

The conferees have included $3,000,000 for the Worldwide Information and Trade System (WITS) in H.R. 7584. WITS will facilitate the delivery of needed export information to the U.S. Government, State and local governments, and to private sector multipliers for redissemination to the public and to individual exporters and foreign importers. Without these funds WITS could not be expanded to encompass the 47 U.S. cities and 40 countries planned to be on line by fiscal year 1982.

The objective of WITS is to help increase U.S. exports. The Committee intends that this objective be accomplished in a manner which utilizes to the maximum extent possible existing private sector data bases and other information services and does not duplicate or compete with them.

The Committee heard testimony from information industry witnesses indicating that the WITS development plans have not complied with the Congressional intent, contained in the FY 1980 Appropriations Report, to avoid competition with, or duplication of private sector information services.

The Committee endorses the Department's commitment to comply with this intent by: (1) issuing a Request For Information (RFI) which will identify existing private sector export information services; (2) selecting a WITS design option which builds on such services; (3) establishing an objective advisory panel, composed of members of the private sector, to review the design for compliance with the Congressional intent; and (4) conducting "sunset reviews" of government data bases developed for WITS.

The Committee intends that to the extent feasible WITS be self-sustaining or self-liquidating through charges to users of the online services. Moreover if the Department sells WITS data collected by or on behalf of it in the form of computer tapes or printed output to governmental and private subscribers, the Committee intends that prices for these services bear a fair share of the Government's costs in developing and providing the information as required by existing laws, regulations and policies. Such requirements and policies have been sanctioned by the Federal courts, see SDC Development Corp. v. Mathews, 542 F.2d 1116 (1976), and it is the Committee's intent that they apply to WITS. Of course, to the extent WITS accesses or uses private sector data bases, the ownership of such data shall be determined by agreement between the Department of Commerce and the supplier of the data. Moreover, the data cannot be copied or disseminated except in accordance with such agreement. To do otherwise would substantially impair the Department's ability to continue providing the WITS services.

Mr. HOLLINGS. As the Members will recall, there were several major policy issues that arose during the consideration of this bill. For example:

First. The Collins amendment regarding school busing was not in conference but we receded on the additional language added by the Senate in section 609 that was offered by Senator Weicker and amended by Senator Helms. A veto has been threatened because of the Collins amendment but by the time that word reached us, the language was already nailed down in the bill;

Second. We had to recede on the rider added by the Senate lifting the grain embargo. While there was a unanimity among the conferees that the farmers should not carry the burden alone, especially when others are selling pipe-laying equipment to the Soviets, we were persuaded not to end the embargo in the few remaining days of the Carter administration, but to allow President-elect Reagan to make his judgment on it;

Third. We retained the Senate restriction on the payments by UNESCO to the PLO; and

Fourth. Finally, we had to recede to the House with regard to letting the Federal Communications Commission rent their own space and locate their headquarters within 2 miles of the present District of Columbia boundary.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table that gives the complete results of the conference in tabular form.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7584)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Amounts in dollars]

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
TITLE I—DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Salaries and expenses	723,743,000	820,953,000	813,000 100	813,000,000	813,000,000	+89,257,000	−7,953,000		
By transfer	(11,349,000)					(−11,349,000)			
Subtotal, obligational authority	(735,092,000)	(820,953,000)	(813,000,000)	(813,000,000)	(813,000,000)	(+77,908,000)	(−7,953,000)		
Representation allowances	3,090,000	3,509,000	3,125,000	3,125,000	3,125,000	+35,000	(−384,000)		
Acquisition, operation, and maintenance of buildings abroad	64,000,000	118,432,000	118,432,000	118,432,000	118,432,000	+54,432,000			
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	18,150,000	37,400,000	8,200,000	8,200,000	8,200,000	−9,950,000	−29,200,000		
Emergencies in the diplomatic and consular service	6,650,000	5,000,000	5,000,000	5,000,000	5,000,000	−1,650,000			
Buying-power maintenance		20,000,000	5,000,000				−20,000,000	−5,000,000	
Payment to the American Institute in Taiwan	5,954,000	6,282,000	6,282,000	6,282,000	6,282,000	+328,000			
Payment to the Foreign Service retirement and disability fund	47,546,000	42,346,000	42,346,000	42,346,000	42,346,000	−5,200,000			
Total, administration of foreign affairs	869,133,000	1,053,922,000	1,001,385,000	996,385,000	996,385,000	+127,252,000	−57,537,000	−5,000,000	
International Organizations and Conferences									
Contributions to international organizations	419,100,000	508,083,000	481,110,000	508,083,000	481,110,000	+62,010,000	−26,973,000		−26,973,000
Transfer out	(−7,600,000)					(+7,600,000)			
Subtotal, obligational authority	(411,500,000)	(508,083,000)	(481,110,000)	(508,083,000)	(481,110,000)	(+69,610,000)	(−26,973,000)		(−26,973,000)
Contributions for international peacekeeping activities	67,000,000	53,550,000	50,000,000	50,000,000	50,000,000	−17,000,000	−3,550,000		
Transfer out	(−12,000,000)					(+12,000,000)			
Subtotal, obligational authority	(55,000,000)	(53,550,000)	(50,000,000	(50,000,000)	(50,000,000)	(−5,000,000)	(−3,550,000)		
Missions to international organizations	14,218,000					−14,218,000			
By transfer	(356,000)					(−356,000)			
Subtotal, obligational authority	(14,574,000)					(−14,574,000)			
International conferences and contingencies	6,700,000	7,518,000	7,000,000	7,000,000	7,000,000	+300,000	−518,000		
Total, international organizations and conferences	507,018,000	569,151,000	538,110,000	565,083,000	538,110,000	+31,092,000	−31,041,000		−26,973,000
International Commissions									
International Boundary and Water Commission, United States and Mexico:									
Salaries and expenses	7,700,000	7,923,000	7,923,000	7,923,000	7,923,000	+223,000			
By transfer	(224,000)					(−224,000)			
Subtotal, obligational authority	(7,924,000)	(7,923,000)	(7,923,000)	(7,923,000)	(7,923,000)	(−1,000)			
Construction	8,200,000	5,752,000	5,752,000	5,752,000	5,752,000	−2,448,000			
American sections, international commissions	3,200,000	3,198,000	3,000,000	3,000,000	3,000,000	−200,000	−198,000		
By transfer	(71,000)					(−71,000)			
Subtotal, obligational authority	(3,271,000)	(3,198,000)	(3,000,000)	(3,000,000)	(3,000,000)	(−271,000)	(−198,000)		
International fisheries commissions	7,500,000	8,286,000	8,038,000	8,038,000	8,038,000	+538,000	−248,000		
Total, international commissions	26,600,000	25,159,000	24,713,000	24,713,000	24,713,000	−1,887,000	−446,000		
Other									
United States—Yugoslavia Bilateral Science and Technology Agreement	500,000	1,400,000	1,400,000	1,400,000	1,400,000	+900,000			
The Asia Foundation				4,100,000	4,100,000	+4,100,000	+4,100,000	+4,100,000	
General provisions: Consultant services reduction				−284,000					+284,000
Total, title I, new budget (obligational) authority, Department of State	1,403,251,000	1,649,632,000	1,565,608,000	1,591,397,000	1,564,708,000	+161,457,000	−84,924,000	−900,000	−26,689,000

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7584)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Amounts in dollars]

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
TITLE II—DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	32, 500, 000	31, 333, 000	30, 333, 000	40, 833, 000	40, 833, 000	+8, 333, 000	+9, 500, 000	+10, 500, 000	
By transfer	(950, 000)					(−950, 000)			
Subtotal, obligational authority	(33, 450, 000)	(31, 333, 000)	(30, 333, 000)	(40, 833, 000)	(40, 833, 000)	(+7, 383, 000)	(+9, 500, 000)	(+10, 500, 000)	
U.S. Parole Commission									
Salaries and expenses	5, 500, 000	5, 868, 000	5, 840, 000	5, 840, 000	5, 840, 000	+340, 000	−28, 000		
By transfer	(260, 000)					(−260, 000)			
Subtotal, obligational authority	(5, 760, 000)	(5, 868, 000)	(5, 840, 000)	(5, 840, 000)	(5, 840, 000)	(+80, 000)	(−28, 000)		
Legal Activities									
Salaries and expenses, general legal activities	106, 347, 000	115, 459, 000	113, 250, 000	114, 043, 000	113, 650, 000	+7, 303, 000	−1, 809, 000	+400, 000	−393, 000
By transfer	(6, 273, 000)					(−6, 273, 000)			
Subtotal, obligational authority	(112, 620, 000)	(115, 459, 000)	(113, 250, 000)	(114, 043, 000)	(113, 650, 000)	(+1, 030, 000)	(−1, 809, 000)	(+400, 000)	(−393, 000)
Salaries and expenses, Foreign Claims Settlement Commission		828, 000					−828, 000		
By transfer	(1, 030, 000)		(828, 000)	(828, 000)	(828, 000)	(−202, 000)	(+828, 000)		
Subtotal, obligational authority	(1, 030, 000)	(828, 000)	(828, 000)	(828, 000)	(828, 000)	(−202, 000)			
Salaries and expenses, Antitrust Division	47, 544, 000	46, 320, 000	45, 662, 000	44, 862, 000	44, 862, 000	−2, 682, 000	−1, 458, 000	−800, 000	
By transfer	(1, 937, 000)					(−1, 937, 000)			
Subtotal, obligational authority	(49, 481, 000)	(46, 320, 000)	(45, 662, 000)	(44, 862, 000)	(44, 862, 000)	(−4, 619, 000)	(−1, 458, 000)	(−800, 000)	
Salaries and expenses, U.S. attorneys and marshals	253, 691, 000	274, 323, 000	271, 250, 000	268, 537, 000	268, 537, 000	+14, 846, 000	−5, 786, 000	−2, 713, 000	
By transfer	(6, 907, 000)					(−6, 907, 000)			
Subtotal, obligational authority	(260, 598, 000)	(274, 323, 000)	(271, 250, 000)	(268, 537, 000)	(268, 537, 000)	(+7, 939, 000)	(−5, 786, 000)	(−2, 713, 000)	
Support of U.S. prisoners	21, 800, 000	22, 600, 000	22, 600, 000	22, 600, 000	22, 600, 000	+800, 000			
Fees and expenses of witnesses	27, 000, 000	27, 000, 000	27, 000, 000	27, 000, 000	27, 000, 000				
By transfer	(846, 000)					(−846, 000)			
Subtotal, obligational authority	(27, 846, 000)	(27, 000, 000)	(27, 000, 000)	(27, 000, 000)	(27, 000, 000)	(−846, 000)			
Salaries and expenses, Community Relations Service	4, 925, 000	5, 273, 000	5, 273, 000	5, 273, 000	5, 273, 000	+348, 000			
By transfer	(220, 000)					(−220, 000)			
Subtotal, obligational authority	(5, 145, 000)	(5, 273, 000)	(5, 273, 000)	(5, 273, 000)	(5, 273, 000)	(+128, 000)			
Total, legal activities	461, 307, 000	491, 803, 000	485, 035, 000	482, 315, 000	481, 922, 000	+20, 615, 000	−9, 881, 000	−3, 113, 000	−393, 000
Federal Bureau of Investigation									
Salaries and expenses	614, 594, 000	629, 720, 000	629, 720, 000	630, 070, 000	629, 720, 000	+15, 126, 000			−350, 000
By transfer	(7, 648, 000)					(−7, 648, 000)			
Subtotal, obligational authority	(622, 242, 000)	(629, 720, 000)	(629, 720, 000)	(630, 070, 000)	(629, 720, 000)	(+7, 478, 000)			(−350, 000)
Immigration and Naturalization Service									
Salaries and expenses	341, 492, 000	347, 700, 000	370, 073, 000	351, 000, 000	351, 000, 000	+9, 508, 000	+3, 300, 000	−19, 073, 000	
By transfer	(8, 389, 000)					(−8, 389, 000)			
Subtotal, obligational authority	(349, 881, 000)	(347, 770, 000)	(370, 073, 000)	(351, 000, 000)	(351, 000, 000)	(+1, 119, 000)	(+3, 300, 000)	(−19, 073, 000)	
Drug Enforcement Administration									
Salaries and expenses	200, 640, 000	205, 235, 000	205, 100, 000	206, 800, 000	206, 800, 000	+6, 160, 000	+1, 565, 000	+1, 700, 000	
By transfer	(3, 439, 000)					(−3, 439, 000)			
Subtotal obligational authority	(204, 079, 000)	(205, 235, 000)	(205, 100, 000)	(206, 800, 000)	(206, 800, 000)	(+2, 721, 000)	(+1, 565, 000)	(+1, 700, 000)	
Federal Prison System									
Salaries and expenses	321, 500, 000	338, 192, 000	334, 400, 000	334, 400, 000	334, 400, 000	+12, 900, 000	−3, 792, 000		
By transfer	(3, 300, 000)					(−3, 300, 000)			
Transfer out	(−7, 000, 000)					(+7, 000, 000)			
Subtotal, obligational authority	(317, 800, 000)	(338, 192, 000)	(334, 400, 000)	(334, 400, 000)	(334, 400, 000)	(+16, 600, 000)	(−3, 792, 000)		
National Institute of Corrections	9, 884, 000	9, 894, 000	9, 894, 000	9, 894, 000	9, 894, 000	+10, 000			
Buildings and facilities	5, 960, 000	10, 020, 000	10, 020, 000	10, 020, 000	10, 020, 000	+4, 060, 000			
Transfer out	(−23, 327, 000)					(+23, 327, 000)			
Subtotal, obligational authority	(−17, 367, 000)	(10, 020, 000)	(10, 020, 000)	(10, 020, 000)	(10, 020, 000)	(+27, 387, 000)			
Federal Prisons Industries, Incorporated: Limitation on administrative and vocational training expenses	(4, 966, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(−230, 000)			
Total, Federal prison system	337, 344, 000	358, 106, 000	354, 314, 000	354, 314, 000	354, 314, 000	+16, 970, 000	−3, 792, 000		

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
TITLE II—DEPARTMENT OF JUSTICE—Continued									
Office of Justice Assistance, Research, and Statistics									
Law Enforcement Assistance	442, 695, 000	127, 845, 000	127, 845, 000	127, 845, 000	127, 845, 000	−314, 850, 000			
Rescission	−4, 439, 446					+4, 439, 446			
By transfer	(7, 000, 000)					(−7, 000, 000)			
Transfer out	(−16, 842, 000)					(+16, 842, 000)			
Subtotal, obligational authority	(428, 413, 544)	(127, 845, 000)	(127, 845, 000)	(127, 845, 000)	(127, 845, 000)	(−300, 568, 554)			
Research and statistics	43, 768, 000	49, 524, 000	44, 881, 000	19, 000, 000	19, 000, 000	−24, 768, 000	−30, 524, 000	−25, 881, 000	
Total, Office of Justice Assistance, Research, and Statistics	482, 023, 554	177, 369, 000	172, 726, 000	146, 845, 000	146, 845, 000	−335, 178, 554	−30, 524, 000	−25, 881, 000	
Dispute resolution program				2, 000, 000					−2, 000, 000
General provisions: Consultant services reduction				−1, 880, 000					+1, 880, 000
Total, title II, Department of Justice:									
New budget (obligational) authority	2, 475, 400, 554	2, 247, 134, 000	2, 253, 141, 000	2, 218, 137, 000	2, 217, 274, 000	−258, 126, 554	−29, 860, 000	−35, 867, 000	−863, 000
Appropriations	2, 479, 840, 000	2, 247, 134, 000	2, 253, 141, 000	2, 218, 137, 000	2, 217, 274, 000	−262, 566, 000	−29, 860, 000	−35, 867, 000	−863, 000
Rescissions	−4, 439, 466					+4, 439, 446			
Limitation on expenses	(4, 966, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(−230, 000)			
TITLE III—DEPARTMENT OF COMMERCE									
General Administration									
Salaries and expenses	38, 475, 000	37, 019, 000	32, 800, 000	34, 300, 000	32, 925, 000	−5, 550, 000	−4, 094, 000	+125, 000	−1, 375, 000
Participation in U.S. Expositions	20, 800, 000					−20, 800, 000			
Total, general administration	59, 275, 000	37, 019, 000	32, 800, 000	34, 300, 000	32, 925, 000	−26, 350, 000	−4, 094, 000	+125, 000	−1, 375, 000
Bureau of the Census									
Salaries and expenses	53, 690, 000	57, 368, 000	54, 600, 000	55, 600, 000	54, 600, 000	+910, 000	−2, 768, 000		−1, 000, 000
Periodic censuses and programs	639, 300, 000	169, 650, 000	146, 450, 000	146, 450, 000	146, 450, 000	−492, 850, 000	−23, 200, 000		
Total, Bureau of the Census	692, 990, 000	227, 018, 000	201, 050, 000	202, 050, 000	201, 050, 000	−491, 940, 000	−25, 968, 000		−1, 000, 000
Economic and Statistical Analysis									
Salaries and expenses	18, 425, 000	24, 986, 000	24, 600, 000	24, 970, 000	24, 600, 000	+6, 175, 000	−386, 000		−370, 000
Economic Development Administration									
Economic development assistance programs	512, 525, 000	769, 250, 000		624, 650, 000	624, 650, 000	+112, 125, 000	−144, 600, 000	+624, 650, 000	
Salaries and expenses	40, 900, 000	62, 217, 000	39, 700, 000	55, 000, 000	39, 700, 000	−1, 200, 000	−22, 517, 000		−15, 300, 000
Total, Economic Development Administration	553, 425, 000	831, 467, 000	39, 700, 000	679, 650, 000	664, 350, 000	+110, 925, 000	−167, 117, 000	+624, 650, 000	−15, 300, 000
Regional Development Program									
Regional development programs	62, 825, 000	43, 838, 000		44, 338, 000	43, 838, 000	−18, 987, 000		+43, 838, 000	−500, 000
International Trade Administration									
Operations and administration	81, 470, 000	116, 733, 000	115, 000, 000	107, 500, 000	107, 500, 000	+26, 030, 000	−9, 233, 000	−7, 500, 000	
Minority Business Development Agency									
Minority business development	58, 689, 000	59, 671, 000	59, 600, 000	59, 600, 000	59, 600, 000	+911, 000	−71, 000		
U.S. Travel Service									
Salaries and expenses	8, 000, 000			8, 000, 000	8, 000, 000		+8, 000, 000	+8, 000, 000	
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	722, 350, 000	751, 751, 000	728, 475, 000	772, 830, 000	759, 367, 000	+37, 017, 000	+7, 616, 000	+30, 892, 000	−13, 463, 000
By transfer	(5, 000, 000)		(10, 000, 000)	(15, 000, 000)	(15, 000, 000)	(+10, 000, 000)	(+15, 000, 000)	(+5, 000, 000)	
Subtotal, obligational authority	(727, 350, 000)	(751, 751, 000)	(738, 475, 000)	(787, 830, 000)	(774, 367, 000)	(+47, 017, 000)	(+22, 616, 000)	(+35, 892, 000)	(−13, 463, 000)
Coastal zone management	70, 125, 000	52, 335, 000	51, 085, 000	52, 335, 000	51, 585, 000	−18, 540, 000	−750, 000	+500, 000	−750, 000
Fishing vessel and gear damage compensation fund	3, 500, 000	3, 500, 000	3, 000, 000	3, 500, 000	3, 250, 000	−250, 000	−250, 000	+250, 000	−250, 000
Fishermen's contingency fund	600, 000	600, 000	500, 000	600, 000	500, 000	−100, 000	−100, 000		−100, 000
Fishermen's guaranty fund	930, 000					−930, 000			
Coastal energy impact fund (rescission)	−35, 400, 000					+35, 400, 000			
Total, National Oceanic and Atmospheric Administration	762, 105, 000	808, 186, 000	783, 060, 000	829, 265, 000	814, 702, 000	+52, 597, 000	+6, 516, 000	+31, 642, 000	−14, 563, 000
Patent and Trademark Office									
Salaries and expenses	105, 003, 000	112, 793, 000	112, 000, 000	113, 100, 000	112, 550, 000	+7, 547, 000	−243, 000	+550, 000	−550, 000
Science and Technical Research									
Scientific and technical research and services	99, 228, 000	121, 086, 000	113, 100, 000	115, 000, 000	113, 100, 000	+13, 872, 000	−7, 986, 000		−1, 900, 000

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7584)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Amounts in dollars]

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
National Telecommunications and Information Administration									
Salaries and expenses	17, 666, 000	17, 473, 000	17, 400, 000	17, 400, 000	17, 400, 000	−266, 000	−73, 000		
Public telecommunications facilities, planning and construction	23, 705, 000	21, 705, 000	23, 705, 000	27, 705, 000	25, 705, 000	+2, 000, 000	+4, 000, 000	+2, 000, 000	−2, 000, 000
Total, National Telecommunications and Information Administration	41, 371, 000	39, 178, 000	41, 105, 000	45, 105, 000	43, 105, 000	+1, 734, 000	+3, 927, 000	+2, 000, 000	−2, 000, 000
Maritime Administration									
Ship construction	101, 000, 000	150, 000, 000	135, 000, 000	135, 000, 000	135, 000, 000	+34, 000, 000	−15, 000, 000		
Operating-differential subsidies (appropriation to liquidate contract authority)	(300, 515, 000)	(333, 196, 000)	(333, 196, 000)	(333, 196, 000)	(333, 196, 000)	(+32, 681, 000)			
Research and development	16, 300, 000	16, 300, 000	16, 300, 000	16, 300, 000	16, 300, 000				
Operations and training	66, 929, 000	65, 006, 000	66, 400, 000	64, 726, 000	65, 550, 000	−1, 379, 000	+544, 000	−850, 000	+824, 000
Total, Maritime Administration	184, 229, 000	231, 306, 000	217, 700, 000	216, 026, 000	216, 850, 000	+32, 621, 000	−14, 456, 000	−850, 000	+824, 000
General Provisions: Consultant services reduction				−1, 560, 000					+1, 560, 000
Total, title III, Department of Commerce:									
New budget (obligational) authority	2, 727, 035, 000	2, 653, 281, 000	1, 739, 715, 000	2, 477, 344, 000	2, 442, 170, 000	−284, 865, 000	−211, 111, 000	+703, 455, 000	−35, 174, 000
Appropriations	2, 762, 435, 000	2, 653, 281, 000	1, 739, 715, 000	2, 477, 344, 000	2, 442, 170, 000	−320, 265, 000	−211, 111, 000	+702, 455, 000	−35, 174, 000
Rescissions	−35, 400, 000					+35, 400, 000			
Liquidation of contract authorization	(300, 515, 000)	(333, 196, 000)	(333, 196, 000)	(333, 196, 000)	(333, 196, 000)	(+32, 681, 000)			
TITLE IV—THE JUDICIARY									
Supreme Court of the United States									
Salaries and expenses	10, 250, 000	11, 140, 000	11, 140, 000	11, 140, 000	11, 140, 000	+890, 000			
By transfer	(113, 000)					(−113, 000)			
Subtotal, obligational authority	(10, 363, 000)	(11, 140, 000)	(11, 140, 000)	(11, 140, 000)	(11, 140, 000)	(+777, 000)			
Care of the building and grounds	2, 157, 000	1, 526, 000	1, 526, 000	1, 526, 000	1, 526, 000	−631, 000			
By transfer	(25, 000)					(−25, 000)			
Subtotal, obligational authority	(2, 182, 000)	(1, 526, 000)	(1, 526, 000)	(1, 526, 000)	(1, 526, 000)	(−656, 000)			
Total, Supreme Court of the United States	12, 407, 000	12, 666, 000	12, 666, 000	12, 666, 000	12, 666, 000	+259, 000			
Court of Customs and Patent Appeals									
Salaries and expenses	1, 719, 000	1, 839, 000	1, 839, 000	1, 839, 000	1, 839, 000	+120, 000			
By transfer	(91, 000)					(−91, 000)			
Subtotal, obligational authority	(1, 810, 000)	(1, 839, 000)	(1, 839, 000)	(1, 839, 000)	(1, 839, 000)	(+29, 000)			
Customs Court									
Salaries and expenses	4, 850, 000	5, 036, 000	5, 036, 000	5, 036, 000	5, 036, 000	+186, 000			
By transfer	(91, 000)					(−91, 000)			
Subtotal, obligational authority	(1, 941, 000)	(5, 036, 000)	(5, 036, 000)	(5, 036, 000)	(5, 036, 000)	(+95, 000)			
Court of Claims									
Salaries and expenses	5, 230, 000	5, 598, 000	5, 526, 000	5, 526, 000	5, 526, 000	+296, 000	−72, 000		
By transfer	(239, 000)					(−239, 000)			
Subtotal, obligational authority	(5, 469, 000)	(5, 598, 000)	(5, 526, 000)	(5, 526, 000)	(5, 526, 000)	(+57, 000)	(−72, 000)		
Courts of Appeals, District Courts, and other Judicial Services									
Salaries of judges	48, 500, 000	54, 852, 000	54, 500, 000	54, 500, 000	54, 500, 000	+6, 000, 000)	−352, 000		
By transfer	(3, 600, 000)					(−3, 600, 000)			
Subtotal, obligational authority	(52, 100, 000)	(54, 852, 000)	(54, 500, 000)	(54, 500, 000)	(54, 500, 000)	(+2, 400, 000)	(−352, 000)		
Salaries of supporting personnel	195, 700, 000	220, 288, 000	212, 000, 000	215, 981, 000	214, 181, 000	+18, 481, 000	−6, 107, 000	+2, 181, 000	−1, 800, 000
By transfer	(8, 000, 000)					(−8, 000, 000)			
Subtotal, obligational authority	(203, 700, 000)	(220, 288, 000)	(212, 000, 000)	(215, 981, 000)	(214, 181, 000)	(+10, 481, 000)	(−6, 107, 000)	(+2, 181, 000)	(−1, 800, 000)
Defender services	26, 000, 000	26, 000, 000	24, 000, 000	24, 000, 000	24, 000, 000	−2, 000, 000	−2, 000, 000		
Fees of jurors and commissioners	34, 000, 000	36, 937, 000	36, 000, 000	36, 000, 000	36, 000, 000	+2, 000, 000	−937, 000		
Travel and miscellaneous expenses	36, 800, 000	42, 434, 000	41, 350, 000	41, 827, 000	41, 827, 000	+4, 027, 000	−607, 000	+477, 000	
Salaries and expenses of magistrates	22, 000, 000	23, 851, 000	23, 851, 000	23, 851, 000	23, 851, 000	+1, 851, 000			
By transfer	(800, 000)					(−800, 000)			
Subtotal, obligational authority	(22, 800, 000)	(23, 851, 000)	(23, 851, 000)	(23, 851, 000)	(23, 851, 000)	(+1, 051, 000)			
Bankruptcy courts, salaries and expenses	58, 500, 000	65, 299, 000	62, 000, 000	64, 410, 000	62, 794, 000	+4, 294, 000	−2, 505, 000	+794, 000	−1, 616, 000
By transfer				(1, 200, 000)	(1, 200, 000)	(+1, 200, 000)	(+1, 200, 000)	(+1, 200, 000)	
Transfer out	(−1, 988, 000)					(+1, 988, 000)			
Subtotal, obligational authority	(56, 512, 000)	(65, 299, 000)	(62, 000, 000)	(64, 410, 000)	(62, 794, 000)	(+6, 282, 000)	(−2, 505, 000)	(+794, 000)	(−1, 616, 000)
Services for drug dependent offenders	3, 500, 000	3, 645, 000	3, 645, 000	3, 645, 000	3, 645, 000	+145, 000			
Space and facilities	117, 500, 000	126, 564, 000	120, 000, 000	120, 672, 000	120, 000, 000	+2, 500, 000	−6, 564, 000		−672, 000
Transfer out	(−12, 638, 000)					(+12, 638, 000)			
Subtotal, obligational authority	(104, 862, 000)	(126, 564, 000)	(120, 000, 000)	(120, 672, 000)	(120, 000, 000)	(+15, 138, 000)	(−6, 564, 000)		(−672, 000)

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bil
Pretrial services agencies (by transfer)	(900, 000)					(−900, 000)			
Total, courts of appeals, district courts, and other judicial services	543, 500, 000	599, 870, 000	577, 346, 000	584, 886, 000	580, 798, 000	+37, 298, 000	−19, 072, 000	+3, 452, 000	−4, 088, 000
Administrative Office of the U.S. Courts									
Salaries and expenses	15, 100, 000	16, 906, 000	16, 275, 000	16, 275, 000	16, 275, 000	+1, 175, 000	−631, 000		
By transfer	(650, 000)					(−650, 000)			
Subtotal, obligational authority	(15, 750, 000)	(16, 906, 00( )	(16, 275, 000)	(16, 275, 000)	(16, 275, 000)	(+525, 000)	(−631, 000)		
FEDERAL JUDICIAL CENTER									
Salaries and expenses	8, 500, 000	9, 376, 000	9, 000, 000	9, 000, 000	9, 000, 000	+500, 000	−376, 000		
By transfer	(117, 000)					(−117, 000)			
Subtotal, obligational authority	(8, 617, 000)	(9, 376, 000)	(9, 000, 000)	(9, 000, 000)	(9, 000, 000)	(+383, 000)	(−376, 000)		
Total, title IV, new budget (obligational) authority, the judiciary	591, 306, 000	651, 291, 000	627, 688, 000	635, 228, 000	631, 140, 000	+39, 834, 000	−20, 151, 000	+3, 452, 000	−4, 088, 000
TITLE V—RELATED AGENCIES									
Arms Control and Disarmament Agency									
Arms control and disarmament activities	18, 270, 000	19, 749, 000	18, 500, 000	18, 500, 000	18, 500, 000	+230, 000	−1, 249, 000		
(rescission)	−720, 000					+720, 000			
Subtotal, obligational authority	17, 550, 000	19, 749, 000	18, 500, 000	18, 500, 000	18, 500, 000	+950, 000	−1, 249, 000		
Board for International Broadcasting									
Grants and expenses	89, 470, 000	103, 827, 000	99, 700, 000	99, 700, 000	99, 700, 000	+10, 230, 000	−4, 127, 000		
Commission on Civil Rights									
Salaries and expenses	11, 719, 000	11, 988, 000	11, 988, 000	11, 719, 000	11, 853, 000	+134, 000	−135, 000	−135, 000	+134, 000
Commission on Security and Cooperation in Europe									
Salaries and expenses	264, 000	450, 000	450, 000	450, 000	450, 000	+186, 000			
Commission on Wartime Relocation and Internment of Civilians									
Salaries and expenses				1, 000, 000	1, 000, 000	+1, 000, 000	+1, 000, 000	+1, 000, 000	
Department of the Treasury									
Chrysler Corporation Loan Guarantee Program:									
Chrysler Corp., Loan Guarantee Program	1, 500, 000, 000					−1, 500, 000, 000			
Administrative expenses	1, 518, 000	1, 320, 000	1, 320, 000	1, 320, 000	1, 320, 000	−198, 000			
Subtotal, obligational authority	1, 501, 518, 000	1, 320, 000	1, 320, 000	1, 320, 000	1, 320, 000	−1, 500, 198, 000			
Equal Employment Opportunity Commission									
Salaries and expenses	124, 562, 000	143, 037, 000	141, 454, 000	140, 000, 0000	140, 000, 000	+15, 438, 000	−3, 037, 000	−1, 454, 000	
Federal Communications Commission Salaries and expenses	76, 747, 000	76, 080, 000	76, 000, 000	79, 000, 000	76, 926, 000	+179, 000	+846, 000	+926, 000	−2, 074, 000
Federal Maritime Commission									
Salaries and expenses	11, 300, 000	12, 056, 000	12, 000, 000	12, 000, 000	12, 000, 000	+700, 000	−56, 000		
Federal Trade Commission									
Salaries and expenses	50, 700, 000	71, 631, 000	71, 000, 000	71, 000, 000	71, 000, 000	+20, 300, 000	−631, 000		
By transfer	(15, 600, 000)					(−15, 600, 000)			
Subtotal, obligational authority	(66, 300, 000)	(71, 631, 000)	(71, 000, 000)	(71, 000, 000)	(71, 000, 000)	(+4, 700, 000)	(−631, 000)		
International Communication Agency									
Salaries and expenses	409, 003, 000	419, 350, 000	421, 100, 000	419, 000, 000	419, 000, 000	+9, 997, 000	−350, 000	−2, 100, 000	
By transfer	(113, 673)					(−113, 673)			
Transfer out	(−12, 100, 000)					(+12, 100, 000)			
Subtotal, obligational authority	(397, 016, 673)	(419, 350, 000)	(421, 100, 000)	(419, 000, 000)	(419, 000, 000)	(+21, 983, 327)	(−350, 000)	(−2, 100, 000)	
Salaries and expenses (special foreign currency)	13, 012, 000	10, 603, 000	10, 603, 000	10, 603, 000	10, 603, 000	−2, 409, 000			
Transfer out	(−113, 673)					(+113, 673)			
Subtotal, obligational authority	(12, 898, 327)	(10, 603, 000)	(10, 603, 000)	(10, 603, 000)	(10, 603, 000)	(−2, 295, 327)			
Center for cultural and technical interchange between East and West	14, 667, 000	15, 752, 000	15, 400, 000	15, 750, 000	15, 750, 000	+1, 083, 000	−2, 000	+350, 000	
Acquisition and construction of radio facilities	2, 400, 000	2, 562, 000	2, 562, 000	2, 562, 000	2, 562, 000	+162, 000			
General provisions: Consultant services reduction				−68, 000					+68, 000
Total, International Communication Agency	439, 082, 000	448, 267, 000	449, 665, 000	447, 847, 000	447, 915, 000	+8, 833, 000	−352, 000	−1, 750, 000	+68, 000

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1981 (H.R. 7584)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Amounts in dollars]

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
International Trade Commission									
Salaries and expenses	15, 530, 000	16, 981, 000	16, 715, 000	16, 863, 000	16, 715, 000	+1, 185, 000	−266, 000		−148, 000
Japan—U.S. Friendship Commission									
Japan—United States Friendship Trust Fund	1, 500, 000	1, 998, 000	1, 998, 000	1, 998, 000	1, 998, 000	+498, 000			
Foreign currency appropriation	(1, 200, 000)	(1, 200, 000)	(1, 200, 000)	(1, 200, 000)	(1, 200, 000)				
Legal Services Corporation									
Payment to the Legal Services Corporation	300, 000, 000	353, 000, 000	321, 300, 000	300, 000, 000	321, 300, 000	+21, 300, 000	−31, 700, 000		+21, 300, 000
Marine Mammal Commission									
Salaries and expenses	940, 000	634, 000	634, 000	934, 000	734, 000	−206, 000	+100, 000	+100, 000	−200, 000
Office of the U.S. Trade Representative									
Salaries and expenses	8, 026, 000	9, 173, 000	9, 100, 000	9, 170, 000	9, 100, 000	+1, 074, 000	−73, 000		−70, 000
Presidential Commission on World Hunger									
Salaries and expenses	975, 000					−975, 000			
Securities and Exchange Commission									
Salaries and expenses	72, 865, 000	76, 095, 000	76, 350, 000	77, 100, 000	76, 350, 000	+3, 485, 000	+255, 000		−750, 000
Select Commission on Immigration and Refugee Policy									
Salaries and expenses	1, 600, 000	427, 000	427, 000	550, 000	550, 000	−1, 050, 000	+123, 000	+123, 000	
Small Business Administration									
Salaries and expenses	190, 600, 000	222, 645, 000	222, 645, 000	222, 388, 000	222, 645, 000	+32, 045, 000			+257, 000
By transfer	(16, 650, 000)					(−16, 650, 000)			
Subtotal, obligational authority	(207, 250, 000)	(222, 645, 000)	(222, 645, 000)	(222, 388, 000)	(222, 645, 000)	(+15, 395, 000)			(+257, 000)
Business loan and investment fund	565, 000, 000	678, 000, 000	678, 000, 000	588, 500, 000	609, 000, 000	+44, 000, 000	−69, 000, 000	−69, 000, 000	+20, 500, 000
Disaster loan fund	1, 237, 000, 000	180, 000, 000	187, 000, 000			−1, 237, 000, 000	−180, 000, 000	−187, 000, 000	
Authority to borrow			100, 000, 000		100, 000, 000	+100, 000, 000	+100, 000, 000		+100, 000, 000
Transfer out	(−16, 650, 000)					(+16, 650, 000)			
Subtotal, obligational authority	(1, 220, 350, 000)	(180, 000, 000)	(287, 000, 000)		(100, 000, 000)	(−1, 120, 350, 000)	(−80, 000, 000)	(−187, 000, 000)	(+100, 000, 000)
Lease guarantees revolving fund	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000				
Surety bond guarantees revolving fund		30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000	+30, 000, 000			
General provisions: Consultant services reduction				−1, 043, 000					+1, 043, 000
Total, Small Business Administration	1, 996, 600, 000	1, 114, 645, 000	1, 221, 645, 000	843, 845, 000	965, 645, 000	−1, 030, 955, 000	−149, 000, 000	−256, 000, 000	+121, 800, 000
U.S. Metric Board									
Salaries and expenses	2, 547, 000	3, 691, 000	2, 800, 000	2, 616, 000	2, 708, 000	+161, 000	−983, 000	−92, 000	+92, 000
Total, title V, new budget (obligational) authority, related agencies	4, 723, 495, 000	2, 465, 049, 000	2, 533, 046, 000	2, 135, 612, 000	2, 275, 764, 000	−2, 447, 731, 000	−189, 285, 000	−257, 282, 000	+140, 152, 000
Appropriations	4, 724, 215, 000	2, 465, 049, 000	2, 433, 046, 000	2, 135, 612, 000	2, 175, 764, 000	−2, 548, 451, 000	−289, 285, 000	−257, 282, 000	+40, 152, 000
Rescissions	−720, 000					+720, 000			
Authority to borrow			100, 000, 000		100, 000, 000	+100, 000, 000	+100, 000, 000		+100, 000, 000
RECAPITULATION									
Grand total:									
New budget (obligational) authority	11, 920, 487, 554	9, 666, 387, 000	8, 719, 198, 000	9, 057, 718, 000	9, 131, 056, 000	−2, 789, 431, 554	−535, 331, 000	+411, 858, 000	+73, 338, 000
Appropriations	11, 961, 047, 000	9, 666, 387, 000	8, 619, 198, 000	9, 057, 718, 000	9, 031, 056, 000	−2, 929, 991, 000	−635, 331, 000	+411, 858, 000	−26, 662, 000
Rescissions	−40, 559, 446					+40, 559, 446			
Authority to borrow			100, 000, 000		100, 000, 000	+100, 000, 000	+100, 000, 000		+100, 000, 000
Limitation on expenses	(4, 966, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(4, 736, 000)	(−230, 000)			
By transfer	(112, 188, 673)		(10, 828, 000)	(17, 028, 000)	(17, 028, 000)	(−95, 160, 673)	(+17, 028, 000)	(+6, 200, 000)	
Transfer out	(−110, 258, 673)					(+110, 258, 673)			
Memoranda:									
(Appropriations to liquidate contract authorizations)	(300, 515, 000)	(333, 196, 000)	(333, 196, 000)	(333, 196, 000)	(333, 916, 000)	(+32, 681, 000)			
Total appropriations, including appropriations to liquidate contract authorizations	12, 221, 002, 554	9, 999, 583, 000	9, 052, 394, 000	9, 390, 914, 000	9, 464, 252, 000	−2, 756, 750, 554	−535, 331, 000	+411, 858, 000	+73, 338, 000
Department of State	1, 403, 251, 000	1, 649, 632, 000	1, 565, 608, 000	1, 591, 397, 000	1, 564, 708 000	+161, 457, 000	−84, 924, 000	−900, 000	−26, 689, 000
Department of Justice	2, 475, 400, 554	2, 247, 134, 000	2, 253, 141, 000	2, 218, 137, 000	2, 217, 274, 000	−258, 126, 554	−29, 860, 000	−35, 867, 000	−863, 000
Department of Commerce	2, 727, 035, 000	2, 653, 281, 000	1, 739, 715, 000	2, 477, 344, 000	2, 442, 170, 000	−284, 865, 000	−211, 111, 000	+702, 455, 000	−35, 174, 000
The Judiciary	591, 306, 000	651, 291, 000	627, 688, 000	635, 228, 000	631, 140, 000	+39, 834, 000	−20, 151, 000	+3, 452, 000	−4, 088, 000
Related agencies:									
Arms Control and Disarmament Agency	17, 550, 000	19, 749, 000	18, 500, 000	18, 500, 000	18, 500, 000	+950, 000	−1, 249, 000		
Board for International Broadcasting	89, 470, 000	103, 287, 000	99, 700, 000	99, 700 000	99, 700, 000	+10, 230, 000	−4, 127, 000		
Commission on Civil Rights	11, 719, 000	11, 988, 000	11, 988, 000	11, 719, 000	11, 853, 000	+134, 000	−135, 000	−135, 000	+134, 000
Commission on Security and Cooperation in Europe	264, 000	450, 000	450, 000	450, 000	450, 000	+186, 000			
Commission on Wartime Relocation and Internment of Civilians				1, 000, 000	1, 000, 000	+1, 000, 000	+1, 000, 000	+1, 000, 000	
Chrysler Corporation	1, 501, 518, 000	1, 320, 000	1, 320, 000	1, 320, 000	1, 320, 000	−1, 500, 198, 000			

	New budget authority					Conference agreement compared with—			
	Enacted fiscal year 1980	Estimates fiscal year 1981	House fiscal year 1981	Senate fiscal year 1981	Conference fiscal year 1981	Fiscal year 1980 enacted	Fiscal year 1981 estimate	House bill	Senate bill
Equal Employment Opportunity Commission	124,562,000	143,037,000	141,454,000	140,000,000	140,000,000	+15,438,000	−3,037,000	−1,454,000	
Federal Communications Commission	76,747,000	76,080,000	76,000,000	79,000,000	76,926,000	+179,000	+846,000	+926,000	−2,074,000
Federal Maritime Commission	11,300,000	12,056,000	12,000,000	12,000,000	12,000,000	+700,000	−56,000		
Federal Trade Commission	50,700,000	71,631,000	71,000,000	71,000,000	71,000,000	+20,300,000	−631,000		
International Communication Agency	439,082,000	448,267,000	449,665,000	447,847,000	447,915,000	+8,833,000	−352,000	−1,750,000	+68,000
International Trade Commission	15,530,000	16,981,000	16,715,000	16,863,000	16,715,000	+1,815,000	−266,000		−148,000
Japan-U.S. Friendship Commission	1,500,000	1,998,000	1,998,000	1,998,000	1,998,000	+498,000			
Legal Services Corporation	300,000,000	353,000,000	321,300,000	300,000,000	321,300,000	+21,300,000	−31,700,000		+21,300,000
Marine Mammal Commission	940,000	634,000	634,000	934,000	734,000	−206,000	+100,000	+100,000	−200,000
Office of the U.S. Trade Representative	8,026,000	9,173,000	9,100,000	9,170,000	9,100,000	+1,074,000	−73,000		−70,000
Presidential Commission on World Hunger	975,000					−975,000			
Securities and Exchange Commission	72,865,000	76,095,000	76,350,000	77,100,000	76,350,000	+3,485,000	+255,000		−750,000
Select Commission on Immigration and Refugee Policy	1,600,000	427,000	427,000	550 000	550,000	−1,050,000	+123,000	+123,000	
Small Business Administration	1,996,600,000	1,114,645,000	1,221,645,000	843,845,000	965,645,000	−1,030,955,000	−149,000,000	−256,000,000	+121,800,000
U.S. Metric Board	2,547,000	3,691,000	2,800,000	2,616,000	2,708,000	+161,000	−983,000	−92,000	+92,000
Grand total	11,920,487,554	9,666,387,000	8,719,198,000	9,057,718,000	9,131,056,000	−2,789,431,554	−535,331,000	+411,859,000	+73,338,000

Mr. HOLLINGS. Mr. President, I am ready to respond to any questions the Members may have on this conference report. However, I will first yield to our ranking minority member.

Mr. WEICKER. Mr. President, the distinguished chairman of the subcommittee, the Senator from South Carolina, has presented a comprehensive and accurate summary of the bill and the conference report.

The bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, as agreed to by the conferees, is the product of many hours of close scrutiny by both Houses. Both bodies have had their difficulties in presenting a conference report to our respective Chambers. The bill was passed by the House on July 23 after being considered for 5 days. The Senate passed this on November 17, again after 5 days of floor debate.

While the bill contains a total of $9,131,056,000 in new budget authority for fiscal year 1981 and is $73,338,000 above the bill as passed by the Senate, there are several items in the conference report which deserve mention. Naturally, as in any conference, there must be a compromise. Out of 94 amendments in disagreement both bodies had to give a little to settle these differences.

The Senate receded to the House which denied funding for the following items:

First, $26,973,000 for the 1981 assessment for the International Labor Organization of the United Nations.

Second, $2,000,000 to fund the dispute resolution resource center in the Justice Department.

Third, $2,000,000 for acid rain research within the National Oceanic and Atmospheric Administration; and

Fourth, furthermore, the conferees deleted the Senate language which would have prohibited the Federal Communications Commission from moving their headquarters location outside the District of Columbia.

However, the Senate was able to secure funding of $4,100,000 for the Asia Foundation, $9,500,000 for State and local organized crime/narcotics enforcement grants, and $624,650,000 for the Economic Development Administration whose reauthorization was recently approved by both bodies.

The Senate conferees were successful in obtaining additional funding for certain programs supported by the National Oceanic and Atmospheric Administration which are of particular concern to several of my colleagues, including the following items:

First, $1,075,000 for manned undersea facilities;

Second, $6,400,000 for the National Oceanic Satellite System (NOSS);

Third, $800,000 for a salmon tagging project.

Fourth, $2,000,000 for anadromous fishing grants to States.

Fifth, $750,000 for research studies on striped bass; and

Sixth, $15,000,000 for a buyback program for salmon fishing vessels, licenses and gear in Washington and Oregon.

Concerning the general language provisions of the bill, the conferees deleted the Senate language which would have prohibited the President from enforcing the grain embargo to the Soviet Union. This was done to allow President-elect Reagan to make his own judgment on the matter.

Finally, the conferees deleted the language which insured that nothing in the bill would prohibit the Department of Justice from initiating or participating in litigation to secure remedies for violation of the 5th and 14th amendments to the Constitution except for busing. I will have more to say about this in a few minutes.

Mr. President, I would also like to highlight some of the important provisions included in the Small Business Administration portion of this appropriation.

Under the salary and expense account for the Small Business Administration, priorities established in the Senate bill are retained by this conference agreement. The Congress, and particularly the Senate, has, over the past 3 years, emphasized the nonlending programs of the SBA in authorizing and appropriations legislation. This appropriation continues to place a priority on these assistance programs by increasing the funding for advocacy, procurement and management assistance and minority small business assistance programs. The SBA can play a significant role in insuring the health of the small business sector through the assistance these programs provide.

Of particular interest are the provisions included in this conference agreement dealing with assistance to women entrepreneurs. The Senate bill included $5.6 million for women's business programs. This amount is included in the conference agreement. The conferees also noted that while increased assistance to women entrepreneurs is necessary, this assistance can best be delivered through existing program structures. Sufficient funds are also provided to maintain present staff to assist the Administrator in developing policies and coordinating assistance the agency will provide to meet the needs of women entrepreneurs. The conference agreement includes $9.5 million for the small business development center program. This amount is $1.5 million above the amount included in the Senate bill. However, a review of current program operations and the prospect of a number of SBDC applications gaining approval in 1981 justify the $9.5 million appropriation for this important program.

Also included in the conference agreement are increases for many of the agency's lending programs. Lending to businesses owned by or operated for the benefit of handicapped individuals will increase 25 percent in 1981. Assistance to small firms in the energy industry and minority enterprise small business investment companies is also increased by the bill.

Finally, Mr. President, the conference agreement basically retains an amendment offered by Senator NUNN and myself to increase SBA's authority to guarantee debentures issued by local and State development companies. These development companies can play an important role in the revitalization of the small business sector, especially in urban areas. While the original amendment increased this guarantee authority from $100 to $400 million, the conference agreement includes $250 million for development company guarantees, a significant increase over the amount originally allowed in the bill.

The chairman is to be commended for an exceptional job. His persistence and close attention were responsible for total spending in the bill to be below our budget allocation.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER (Mr. Pryor). The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000, to remain available until expended, notwithstanding section 15(a) of the act entitled "An act to provide certain basic authority for the Department of State", approved August 1, 1956.

Mr. HOLLINGS. Can we move to agree to the other amendments in disagreement en bloc?

Mr. WEICKER. If my distinguished chairman from South Carolina would move to consider amendments numbered 3 through 82, I would have no objection.

Mr. HOLLINGS. All but 89.

Mr. WEICKER. Let us go through 3 through 82, and I intend to amend 89, and let us see what happens.

Mr. HOLLINGS. Nos. 3 through 82. I think we can get unanimous consent.

The PRESIDING OFFICER. The only amendments in disagreement are amendments 3, 28, 31, 49, 74, 75, 82, and 89.

Mr. WEICKER. No. As to 89, I ask——

Mr. HOLLINGS. We are asking for concurrence en bloc only as to amendments 3, 28, 31, 49, 74, 75, and 82.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000, to remain available until expended, notwithstanding section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $624,650,000: *Provided*, That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $116,430,000: *Provided further*, That during 1981, total commitments to guarantee loans shall not exceed $425,000,000 of contingent liability for loan principal.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

REGIONAL DEVELOPMENT PROGRAMS

For necessary expenses to carry out the programs authorized by title of the Public programs authorized by title V of the Public 1965, as amended, $43,838,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows: Strike out the matter stricken and inserted by said amendment, and insert: $63,994,000 of which $1,200,000 shall be derived by transfer from the appropriation Speedy Trial Planning

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

Provided further, That sufficient funding shall be made available from the Business Loan and Investment Fund to allow guarantee authority of up to $250,000,000 under the section 503 program of the Small Business Investment Act, as amended

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows: Strike out the matter stricken by said amendment, and insert:

DISASTER LOAN FUND

For the purposes of making loans through the "Disaster loan fund", authorized by the Small Business Act, the Small Business Administration may borrow from the Secretary of the Treasury up to $100,000,000 as authorized by section 4(e)(5)(A) of the Small Business Act: *Provided*, That not more than $4,000,000 shall be made available for the sole purpose of providing disaster loans under section 7(b)(9) of the Small Business Act to any small business which suffered substantial economic injury due to the cancellation of United States participation in the 1980 Summer Olympic Games which shall be deemed an economic dislocation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 82 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

SEC. 612. Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, $1,550,000; International Communication Agency, $68,000; Department of Justice, $1,880,000; Department of State, $284,000; and Small Business Administration, $1,043,000.

The PRESIDING OFFICER. The clerk will now state the last amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

UP AMENDMENT NO. 1815

(Purpose: To ensure that the legislative branch does not encroach upon either the executive branch or the judicial branch)

Mr. WEICKER. Mr. President, I move to concur in the amendment of the House to the amendment of the Senate with an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. Weicker) proposes an unprinted amendment numbered 1815 to amendment numbered 89:

At the end of the amendment add the following:

Nothing in this Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States nor shall anything in this Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States.

Mr. WEICKER. Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, at this time, while the distinguished Senator from North Carolina reviews his course of action, I have some remarks in opposition to the amendment.

I voted for this amendment, I believe—this language—when we considered the bill in full. However, as chairman of the conference, and in consideration of the conference report, I believe that I should remain loyal to the report, without amendments, if at all possible.

In this respect, Mr. President, the first part of the amendment is similar to the original Weicker amendment to section 607 before Senator Helms' exception for busing cases was added. The Senate receded on the Weicker-Helms amendment in conference on the bill, with Senator Weicker's approval.

I am not trying to test Senator Weicker's present strategy, or whatever it is, but the question in the conference was: Since in essence the Collins language was undisputed and would be in both sections, do we want to insist on the Weicker-Helms amendment and thereby cause a separate vote in the House? Generally speaking, I thought we were doing the right thing in the conference rather than now having further amendments.

We hope to get this bill to the President and see what he is going to do about it. The Attorney General has indicated that he would recommend a veto of H.R. 7584 if it contains section 607. I have not discussed this with the President of the United States but others at the White House have said that the normal course is for the President to receive recommendations from the Attorney General and other interested parties, and then make his judgment. The President has not made any indication of his position at this time.

I have been trying at least to enlighten my colleagues in the Senate. I have done my best, and that is all I can do.

With regard to the second section of the Senator's amendment, nothing in section 607 would modify or diminish the authority of the courts. The adoption of this amendment would send the bill back to the House, and it is not likely that the House would accept the amendment. Another conference would be required, and it is likely we would meet with the same result as the previous attempt by my distinguished colleague to add language to section 607.

Time is running out. We should send the bill to the President, if we possibly can, to see what action he cares to take, rather than to delay the bill and insure a sort of pocket veto.

We will be taking up the continuing resolution later this week, and we should know the fate of the State-Justice-Commerce bill before we have to make a final decision on the continuing resolution.

So I hope that the distinguished Senator will not press too hard or too successfully.

Mr. WEICKER. Mr. President, I will read again what is being proposed. I find it incredible that anybody could not vote for this amendment as is.

The Collins language remains in the conference report. I will now read the amendment:

> Nothing in this Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States nor shall anything in this Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States.

Believe me, if this goes over to the House and the House does not vote for this, they all ought to resign from office.

Mr. HOLLINGS. The trouble is that they will not vote for it and they will not resign. That is our problem.

Mr. WEICKER. Let us put them to the test.

In other words, what I believe this does to the conference report is to accommodate both points of view. The Collins language is the message from Congress as to what the feeling of Congress was about busing as a remedy.

By the same token, the Weicker amendment preserves the constitutionality of the conference report, which should be of some concern, I should think, to my colleagues, in the U.S. Senate.

I hope we can adopt this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. But I would hope that we could get this passed, just so everyone reaffirms their oath of office to the Constitution of the United States on the House side. In effect, the conference report includes the thoughts eloquently articulated by the distinguished Senator from North Carolina while at the same time embodying the thoughts articulated by the Senator from Connecticut as to constitutionality.

I hope that my colleagues will see it in the same light.

I yield to my distinguished colleague from the State of Maryland.

Mr. MATHIAS. Mr. President, I wholeheartedly support the amendment and applaud the Senator from Connecticut for having offered this amendment.

It seems to me, in addition to all the substantive arguments that can be made, we should not slip into the practice of legislating through the appropriations process. If we are going to make substantive changes in national policy, those substantive changes should come through the normal legislative mill in which there are hearings, various views are laid on the table, and a record is compiled from which the country can draw its conclusions.

But if we are going to use the appropriations process as the ultimate policy instrument of the Senate, then we have deviated a long way from the constitutional concept of the Senate as the world's greatest deliberative body.

So I think what the Senator from Connecticut envisions here in his amendment is on target both in substance and from a procedural point of view.

Mr. WEICKER. I thank my distinguished colleague from Maryland.

I do not wish to get into a prolonged debate or a repetition of the debates that took place in the Chamber previously. But I think it important now to clearly point out the importance of the Constitution to every point of view within this body. It is important to point out to the Nation and to every point of view held within the Nation the importance of the Constitution of the United States and the strict construction of that document.

I read some absurd statement by I think a James Kilpatrick where he states that Congress should exercise the power of the purse in telling the courts what to do.

That is a rather interesting proposition. I hope when Mr. Kilpatrick's day comes in court he will be able to have a hearing free of Congress or any politician in this country.

Congress can control the policies of this Nation through the power of the purse. No one is going to argue that point.

But to say Congress is going to control the decisions of the courts of this land is both dangerous doctrine, and stupid reasoning. Mr. Kilpatrick is neither dangerous nor stupid, so I can only assume his rhetoric is inspired by a desire to sell his column.

The courts are something that should stand, impervious to the philosophical and partisan changes that might take place in this Nation.

It is true that both the executive and the legislative branches of Government have the opportunity to affect the judicial branch in the sense of appointments. But once those appointments have been made it is absolutely essential that there be independence, that that body, the judicial branch, be capable of independent judgment. Independent of the legislative branch and independent of the executive branch.

To say that Congress through its power of the purse should influence the courts, which is I think a fairly accurate paraphrase of Mr. Kilpatrick's article and of the views held by others, is an argument that erodes the individual rights and liberties of every American regardless of viewpoint.

I am not going to get into the busing argument because this amendment does not attach to a busing section. It applies to the whole conference report. This says that the Constitution of the United States is going to be enforced. The only people who should object would be those who are afraid of the capacities of the courts and the Justice Department to enforce the Constitution of the United States.

If such is not contemplated then this must be a totally innocuous amendment.

I notice in an article which recently appeared in the New Republic they quote Robert Bork who the article termed a conservative scholar who served as a U.S. Solicitor General under Presidents Nixon and Ford:

> If some busing is essential in some cases to enforce a right, then it may be unconstitutional for Congress to forbid the President from asking for the only remedy available.

He understands exactly what was done in the original amendment.

As the distinguished Senator from Maryland says, if we want to change these policies then do it by constitutional amendment or through authorizing legislation. But not by this devious route, this mischievous route, this unconstitutional route.

The Constitution has to stand undiluted in what it guarantees to each one of us. It has to stand free from political attacks whether in this Chamber, the House of Representatives, or the White House. Why? Because it is the ultimate guarantor of all of our rights.

I do not intend, Mr. President, as has been rumored, to engage in prolonged debate on this conference report. I am perfectly satisfied to have an up-and-down vote on this amendment just as soon as those who are disposed to speak against it have done so and then to move right to a vote on the conference report.

But I do not want to hear the talk I heard the last time the issue came to this Chamber, "Senator, we know you are right, but we are pretty sure the President will veto the bill, so we are going to vote against you; let the President take care of the problem."

Then I view my evening news and see where the President probably will not veto the bill because he feels the Supreme Court will handle the problem and then when the Supreme Court handles the problem everyone is going to jump up and down in this body and say, "You see the Supreme Court is legislating again." The time to address the problem is right here and now and not to wait for the President or the Supreme Court. Let Senators stand and say we want the Constitution of the United States enforced by the appropriate bodies within the constitutional structure. Those bodies are the Justice Department of the executive branch and the courts of the judicial branch.

So I hope my colleagues will see fit to agree to this amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

I wish to pay my respects to my dear friend from Connecticut, Senator WEICKER. He never gives up. He is creative and imaginative in his efforts to undo what the Senate has done.

Senator WEICKER says this amendment has nothing to do with busing. It has everything to do with busing. I believe that he would look me in the eye and say the intent of this amendment is to leave that door ajar just a bit so the Justice Department, and others, can rush to the courts and try to figure out what Congress really meant when it passed this conference report as amended by the Weicker amendment.

So, Mr. President, let no Senator misunderstand what my good friend from Connecticut is doing. This amendment has to do with the action taken by the Senate and the House to say to the Justice Department bureaucrats and lawyers "No longer can you spend the taxpayers' money promoting forced busing in the United States." That is what the Senate said, that is what the House said, and now my good friend from Connecticut says let us just leave that door ajar so that there will be a question about it, and the lawyers can have a field day and clog up the courts a little bit more.

Mr. President, I have checked with a number of constitutional authorities. I mentioned one of them the other day at some length, former Senator Sam J. Ervin, Jr., of North Carolina who is recognized as a pretty good constitutional authority.

There is another whom I would mention today. His name is Raoul Berger. Dr. Berger is professor emeritus of Harvard Law School.

Dr. Berger, I believe, would identify himself as substantially to the political left of JESSE HELMS, but he is a man whom I admire and respect because he does know Constitutional law and he is regarded as one of the top constitutional scholars of this land.

I wish I could hear a debate between Raoul Berger and LOWELL WEICKER. Both of them are articulate, both of them are intelligent, and both of them are forthright. But I daresay that Raoul Berger would win.

I have a letter from Dr. Berger dated November 29, 1980. It says:

> DEAR SENATOR HELMS: The enclosed, a nutshell summary of my "Government by Judiciary: The Transformation of the Fourteenth Amendment" (Harvard Press, 1977), affords constitutional footing for proposed school-prayer, anti-busing, affirmative action measures, which in truth seek to effectuate the original intention of the framers of the Fourteenth Amendment.

Now, what does Raoul Berger say? Bear in mind, Mr. President, that about 10 or 11 years ago Raoul Berger was on the other side of this argument as to whether Congress had a right to proscribe the courts, whether Congress has got a right to say, "You shall not do more of this."

Dr. Berger made a 180-degree turn. Let me read what he said in an address before the National Organization on Legal Problems of Education, a speech he made on November 14, this year, in Boston:

> There is widespread dissatisfaction with the judicial takeover of functions confided by the Constitution to the States and the people. Concern over federal intrusion into the field of education, for example, busing, affirmative action, judicial administration of a school system, is but one facet of the problem. Others are perturbed by judicial administration of prisons which in effect supplants legislative discretion in making budgetary allocations. Still others decry interference with local control of pornography, abortions, the local administration of criminal law. The people reluctantly obey such decrees because they are told so the Constitution requires.

I might parenthetically state that is exactly what Senator WEICKER is doing. He is giving his opinion, and I respect his opinion, even though I do not agree with it. But because he does not like something does not automatically make it unconstitutional.

(Mr. EXON assumed the chair.)

Mr. HELMS. I think we ought to listen to the counsel of Raoul Berger and Sam Ervin and other constitutional scholars who are so recognized when they say that LOWELL WEICKER is a good guy but he is wrong.

Let me continue on with what Dr. Berger said in his speech in Boston on November 14. He asked the question:

> But what if the requirement is that of the justices rather than that of the Constitution?

Ah, Mr. President, there is the point. Some of us have been saying for years that the Federal courts have been legislating instead of adjudicating. That is precisely what has happened, and this Senate and House of Representatives are long overdue in putting their respective feet down and saying, "No more. This is a tripartite system of government. We are the representatives of the people. We have a right, we have a duty, to put an end to the demonstrable folly of forced busing which has been tormenting little children for no purpose whatsoever except to satisfy the whim and caprice of some Federal judge somewhere or some Federal bureaucrat or a whole nest of them in the Justice Department."

So the pending Weicker amendment is not an innocuous amendment. It seeks to create some question as to whether the Senate really meant it when it said "Stop this forced busing," or at least "Stop the Justice Department bureaucrats from promoting it."

But back to the address by Dr. Berger. He said:

> Ten days ago Professor Alan Dershowitz of Harvard, a former clerk of Justice Goldberg, and himself an activist, drew the curtains aside in a review of Justice Douglas' autobiography. He writes that the Supreme Court consists of 9 men "who are generally mediocre lawyers, often former politicians . . . almost always selected on the basis of political considerations." And he asks, "How, in a democratic society, can nine unelected and politically non-responsible men overrule the policy choices of state legislatures, Congress, popular referenda . . . ?" He recounts Chief Justice Hughes' advice to the neophyte Justice Douglas: "90% of any [constitutional] decision is emotional. The rational part of us supplies the reason for supporting our predilections." Then and there Douglas admitted to himself that "the 'gut' reactions of a judge at the level of constitutional adjudication . . . was the main ingredient of his decision." Why, I ask, should 100 million Americans who believe, for instance, that death penalties serve to deter murder, prefer Douglas' "gut reaction" to their own? We live under a government of laws, not of gut reactions. Under democratic principles a judge's gut reaction is no substitute for the will of the people. Dershowitz concludes that "There will never be an entirely satisfactory justification for the power of judges to overrule popular decisions." In fact that alleged power is demonstrably a usurpation.

I am still reading from the address by Dr. Berger, Mr. President, who goes on to say:

> The most immediate constitutional problem," Professor Philip Kurland has written, "is the usurpation by the judiciary of general governmental powers on the pretext that its authority derives from the Fourteenth Amendment.

So there we are, Mr. President. Here we are this morning making a judgment on precisely the point raised by Dr. Berger, who goes on to say:

> That, is not understood by the people, nor indeed by most lawyers. Before any steps can profitably be taken to restore government to the people, they must be instructed in the historical facts.
>
> At the height of Franklin Roosevelt's 1937 Court-packing campaign, Professor Felix Frankfurter wrote to him—

And here, Mr. President, Dr. Berger quotes Frankfurter:

> People have been taught to believe that when the Supreme Court speaks it is not they who speak but the Constitution, whereas, of course, in so many vital cases, it is they who speak and not the Constitution. And I verily believe that is what the country needs most to understand.

That was Felix Frankfurter writing to Franklin Roosevelt in 1937. How relevant it is today in so many instances, and particularly regarding this matter before the Senate right now.

But let me go on with another paragraph or so of the splendid address by Dr. Berger.

He said:

> Robert Bork, former Solicitor General, observed that "The Supreme Court regularly insists that its results * * * do not spring from the mere will of the Justices in the majority but are supported, indeed compelled, by a proper understanding of the Constitution. * * * Value choices are attributed to the Founding Fathers. * * *."

We have heard that here today, at least inferentially.

> "Value choices are attributed to the Founding Fathers, not to the Court." Were the people to understand that it is the Justices, not the Constitution, who require busing and affirmative action, govern abortion, impose limitations on State administration of criminal justice, they—

Meaning the people, Mr. President.

> They would remedy the usurpation.

Now, the usurpation to which Dr. Berger refers is the runaway inclination by the Federal courts to legislate rather than adjudicate.

Let me say again, Mr. President, Raoul Berger is no conservative. I do not know what his party affiliation is. I believe years ago he absolutely disagreed with JESSE HELMS in my efforts to limit the jurisdiction of courts and perhaps even to say to the bureaucracy, "You can go no further in this."

Well, Mr. President, later on in his speech Berger said:

> Whatever the scope of the "appellate jurisdiction" clause, there is the import of Section 5 of the Fourteenth Amendment to consider. Section 5 provides that "Congress shall have power to enforce. . ."; in 1879 the Court itself emphasized in *Ex parte Virginia*, that this power was given to Congress, not the Courts. Were the Court to insist upon enforcing the provisions of the Amendment against Congress manifest intention not to do so—it would convert "Congress shall have power to enforce" into "The Court shall enforce." That would usurp power that was withheld. For discretion to enforce was left to Congress; Section 5 does not mandate enforcement, it does not provide "Congress shall enforce," but that "Congress shall have power to enforce." This was not mere happenstance. Encroachment on State sovereignty was highly unpopular in the North and the "have power" formula, I suggest, was a compromise designed to leave the matter in the hands of Congress. My study of the Fifteenth Amendment, Section 2 of which is the analog of Section 5, disclosed, in the words of Senator Oliver Morton, that "the remedy" for both the Fourteenth and Fifteenth "was expressly not left to the courts," but was to "be enforced by legislation on the part of Congress." Senator John Sherman stated that "before it shall be enforced in the courts some legislation should be passed by Congress."

Mr. President, I say again, the Senate has spoken on this question of Justice Department bureaucrats and lawyers promoting forced busing. The House has spoken on it. And here we have a conference report making clear the position of Congress.

My dear friend from Connecticut says, "Well, I have a little amendment here that just may be innocuous and I want to slide it in." I cannot let him slide it in without a fight, because it will leave the door ajar to all sorts of contests in the courts as to what Congress really meant when it said the Justice Department shall no longer promote forced busing.

In a moment I am going to offer an amendment to Senator WEICKER's amendment. In good faith, I am assuming that all he really wants to do is make clear the constitutional prerogatives of the Justice Department with the proscription of what Congress voted to approve.

But let me address myself to what a rather distinguished citizen of this country has said about what he calls the pet crusades of orthodox liberals.

He is the distinguished scholar and professor of economics, Thomas Sowell. I understand that Mr. Sowell may be the next Secretary of HUD. I do not know that for a fact, but I have been reliably informed that that may well be the case.

Let me read you what Thomas Sowell says. The headline, "A Black 'Conservative' Dissents." The subheadline is, "Busing and affirmative action may be pet crusades of orthodox liberals, but, a black scholar contends, neither in fact does much real good."

Mr. Sowell begins by saying:

> Being a black "conservative" is perhaps not considered as bizarre as being a transvestite, but it is certainly considered more strange than being a vegetarian or a bird watcher. Recently a network television program contacted me because they had an episode coming up that included a black conservative as one of the characters, and they wanted me to come down to the studio so that their writers and actors could observe such an exotic being in the flesh.
>
> Am I a black conservative? It is hard enough to know what a "liberal" or a "conservative" is, without the additional racial modifications. Supposedly a "conservative" is satisfied with the status quo, but in more than 40 years of listening to people, ranging from welfare recipients to the President of the United States, I have never come across this mythical being who is satisfied with the status quo.

Mr. President, I am fascinated with the entire article and I would enjoy reading it into the RECORD but I am not going to do that.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. The point Dr. Sowell made is one that surely should be obvious to all Senators. That point is simply is it not time to listen to the American people? Let us not obfuscate the real question by saying, "'I happen to know that it is unconstitutional to say to the Justice Department, 'you cannot promote forced busing any more'."

This Congress has the right to proscribe remedies for the enforcement of the fourteenth amendment, but I will leave that debate to the constitutional lawyers. The debate about constitutionality is not between JESSE HELMS and LOWELL WEICKER, but it is between LOWELL WEICKER and Raoul Berger. I am not a lawyer. But I have an instinctive understanding, I think, of what is right for this Congress to do. And certainly, what is right for this Congress to do at this moment is not to tamper with the position strongly taken by both the Senate and the House to tell the Justice Department and all of its bureaucrats and all of its lawyers that, "No longer will you promote forced busing."

EXHIBIT 1

A BLACK "CONSERVATIVE" DISSENTS

(By Thomas Sowell)

Being a black "conservative" is perhaps not considered as bizarre as being a transvestite, but it is certainly considered more strange than being a vegetarian or a bird watcher. Recently a network television program contacted me because they had an episode coming up that included a black conservative as one of the characters, and they wanted me to come down to the studio so that their writers and actors could observe such an exotic being in the flesh.

Am I a black conservative? It is hard enough to know what a "liberal" or a "conservative" is, without the additional racial modifications. Supposedly a "conservative" is satisfied with the status quo, but in more than 40 years of listening to people, ranging from welfare recipients to the President of the United States, I have never come across this mythical being who is satisfied with the status quo. I know of no statistical research, or even casual observations, that would lead to the conclusion that so-called "conservatives" are more content, complacent or less outraged than people who carry the label "liberal." Some of the angriest people I know are called "moderates." Since truth-in-labeling laws do not apply to politics, there is little that can be done about all this.

Once it is realized that "liberal" and "conservative" are simply arbitrary designations for opposing political teams (more elegant but no more meaningful than "Dodgers" and "Mets"), we can turn to the substance of the issues between them. From this point of view, a so-called "conservative" is nothing more than a dissenter from the prevailing liberal orthodoxy. A "radical" would simply be someone who carries the liberal orthodoxy to further extremes.

Why would a black man dissent from the prevailing liberal orthodoxy, and especially on such racial issues as busing, "affirmative action" and the like? The question itself shows how pervasively the mass media have stereotyped and filtered the news. Most black people oppose busing. Polls that showed a black majority in favor of busing a few years ago have begun to show black pluralities and, finally, an absolute majority of blacks against busing. What is rare is to see any black opponent of busing in the media. The media-created black "spokesman" usually shares media-created values. The impression is insinuated that such "spokesmen" represent the "grass roots," or "authentic" ghetto blacks, while black dissenters from the liberal orthodoxy are from a remote "middle class" fringe. This impression must be insinuated, because there is little evidence for it—and a tremendous amount of evidence to the contrary. Many of the most fiery "militants" are middle-class Negroes now trying to live down their past by being blacker-than-thou, like true converts.

When the Supreme Court struck down state-imposed segregation in 1954, the decision was justifiably hailed as the climax of a struggle of many decades against Jim Crow laws and gross discrimination in the availability of public services, including education as a crucial necessity. Two more decades of bad faith, foot dragging and evasions produced ever tighter judicial control, culminating in court-ordered busing to achieve racial "balance." In short, we have arrived at a position that was not implicit in the original decision, and in many ways goes counter to the original concern for insuring individual constitutional rights without regard to color or other group characteristics.

The prevailing liberal orthodoxy insists that busing is essential for black children to receive their constitutional rights—and that they are to have their rights if it kills them. King Solomon is said to have chosen the true mother of a disputed infant by asking the two women concerned whether each would agree to having the baby cut in half to satisfy their rival claims. It was perhaps the first confrontation between principles of humanity and statistical "balance." Fortunately, King Solomon did not rely on H.E.W. guidelines for a solution.

Remarkably little attention has been paid to the black children who are supposed to benefit from busing. Certainly, little attention has been paid to the facts about their educational or psychological well-being before or after court-ordered "integration." It was assumed from the outset in 1954 that separate schools are inherently inferior. Anyone familiar with the history of numerous all-Jewish or all-Oriental schools could have exposed this for the sheer nonsense it was, and there are also a number of all-black schools that would have exposed this fallacy. All-black Dunbar High School in Washington had an average I.Q. of 111 in 1939, compared with the national average of 100—and this 15 years before sociological stereotypes were enshrined as the "law of the land."

The really crucial assumption behind involuntary busing is that some tangible benefit will result—presumably to black children, but, one would hope, to white children as well, and to the cause of racial understanding and mutual respect. The hard evidence does not support any of these assumptions. One can select isolated pieces of data to support the assumptions, but at least as much evidence can be found showing declining academic performances, lower self-esteem by black children and greater racial antagonism on the part of both black and white children after busing is imposed.

Busing is not a policy but a crusade. For a policy, one can ask, "Does it work?" "At what cost?" "What is the human impact?" For a crusade, the relevant questions are: "Whose side are you on?" "Is your courage failing?" "Can we dishonor the sacrifices of those who went before by turning back now?". The last thing a crusader wants to hear is cost-benefit analysis. And if the crusader is a white liberal whose only children are in private schools, his courage knows no bounds.

One of the last refuges of those who admit the sorry academic and social record of involuntary busing is the so-called "hostage" theory of integration. According to this view, the only chance black children have for getting a fair share of educational resources is to be mixed in with white children, so that discrimination is thwarted. This assumes that it is easier for courts to control racial "balance"—in the face of "white flight"—than to control dollars and cents paid from a central fund. It also assumes a greater educational effect from differences in per-pupil expenditures than existing studies substantiate.

Finally, there is the simple vested interest of civil-rights lawyers and leaders who have a heavy personal stake in pursuing the courses of action that brought them success and prominence in the past. There is nothing peculiar in this. It is, in fact, all too human. Generals have long been known for fighting the last war. In view of history, it may be too much to expect any organization to stop on a dime and then head off in another direction in high gear. But it is not too much to expect the rest of us to be able to see when a given approach has made its contribution, served its purpose and become counterproductive. We certainly need not repeat the mistake of Vietnam by sacrificing the younger generation to spare leaders the embarrassment of losing face.

The question may once have been "segregation" versus "integration" but it is that no longer. Neither Federal, state nor local government may segregate any longer. "Racial balance," however, is in most cases a will-o'-the-wisp, as changing neighborhoods, private schools and exodus to the suburbs repeatedly defeat the numerical goals of busing. In some cases, there is more racial separation in the classroom after years of busing than before. As for "integration" in some more meaningful social and psychological sense, going beyond racial body count, compulsory transportation is the least likely process for achieving that goal. It is a tragic commentary on the liberals' misunderstanding of their fellow human beings that they cannot grasp the difference between the effects of voluntary interracial association and involuntary placement in the same buildings. It is true that, prior to the 1954 Supreme Court decision, much evidence showed greater tolerance and better educational results for black children when going to schools—usually neighborhood schools—with white youngsters. But these were black and white schoolchildren who chose to live and go to school in the same neighborhood, and who grew up around one another—not strangers confronting strangers in an atmosphere of compulsion, anxiety and heightened racial defensiveness.

The grand delusion of contemporary liberals is that they have both the right and the ability to move their fellow creatures around like blocks of wood—and that the end results will be no different than if people had voluntarily chosen the same actions. It is essentially a denial of other people's humanity. It is a healthy sign that those assigned these subhuman roles have bitterly resented it, though it may ultimately prove a social and political catastrophe if their anger at judicial and bureaucratic heavy-handedness finds a target in blacks as scapegoats.

The same statistical approach to human problems found in the busing controversy is applied to the labor market in the Federal "affirmative action" program. There is also the same heavy reliance on assumptions, the same disregard of facts and the same crusading assurance that whatever one does in a noble cause is right.

One of the first things that is done in many noble causes is lying. "Affirmative action" is no exception. The racial, ethnic and sex quotas that are set under "affirmative action" hiring are denied by calling them "goals" and attempting to make elaborate scholastic distinctions between the two. We are told that "goals" are not "really" quotas because goals are flexible while quotas are rigid. But this revision of the English language ignores both facts and usage. "Quota" is no new or exotic word the liberal missionaries must explain to the heathen. There are immigration quotas, import quotas, production quotas and all kinds of other quotas—and whether those quotas happen to be met or not during a particular time period, no one denies that they are quotas. Quotas are quantitative rather than qualitative criteria. Everybody knows that, and that is precisely what critics object to.

"Affirmative action" quotas are supposed to compensate minorities and women for past injustices, but before any benefit can compensate anybody for anything, it must first be a benefit! There is very little hard evidence that "affirmative action" has that net effect, just as there is very little hard evidence that busing benefits black schoolchildren. Black income as a percentage of white income reached its peak in 1970—the year before mandatory quotas ("goals and timetables") were established—and has been below that level ever since (due largely to the recession). In short, blacks achieved the economic advances of the 1960's once the worst forms of discrimination were outlawed, and the only additional effect of quotas was to undermine the legitimacy of black achievements by making them look like gifts from the Government.

Undoubtedly, here and there some individuals have gotten jobs they would never have been eligible for otherwise. But however striking such examples might be, the overall picture depends on two other factors—what proportion of the labor force such people constitute, and the extent to which "affirmative action" has the offsetting consequence of actually reducing job opportunities for minority or female applicants. Since quotas apply not only to hiring but also to pay and promotion, some employers choose to avoid later problems by minimizing the initial hiring of nonwhite or female applicants. This is particularly true where there is a substantial risk that any applicant—of whatever race or sex—may have to be let go later on. For example, in the academic world, the "up-or-out" promotion system means that the top universities are constantly firing many junior faculty members at the end of their contracts, without any explicit "fault" being alleged. The legal and political dangers in applying this policy to minorities and women give universities an incentive either to avoid hiring minorities and women or to sidetrack them into special administrative jobs where this policy does not apply. Other industries also create "special" or "token" jobs for similar reasons, with the same net effect of reducing the career prospects of minorities and women—as a result of Government pressures designed to have the opposite effect.

Despite a tendency to consider women as a "minority," both the history and the present situation of women are quite different. Contrary to a fictitious history about having come a long way, baby, women today have less representation in many high-level positions than 30 or 40 years ago. In earlier times, women made up a higher proportion of doctors, academics, people in Who's Who, and in professional, technical and managerial positions generally. If you plot on a graph the proportion of women in high-level jobs over the past several decades, and on a parallel graph the number of babies per woman, you will see almost an exact mirror image. That is, as women got married earlier and earlier and had more and more babies, their careers declined. In recent times, as the "baby boom" passed and both marriage rates and childbearing declined, women have started moving back up the occupational ladder relative to men—though in many cases not yet achieving the relative position they held in the 1930's. This upturn was apparent before "affirmative action" quotas.

If you go beyond the sweeping comparisons of "men and women" that are so popular, it is clear that marriage and childbearing have more to do with women's career prospects than employer discrimination. In 1970—before mandatory "goals and timetables"—single women in their 30's who had worked continuously since high school averaged higher earnings than single men in their 30's who had worked continuously since high school. In the academic world, single women with Ph.D.'s achieved the rank of full professor more often than single men who received their Ph.D.'s at the same time—and this again, before quotas.

These are among the many facts ignored by proponents of "affirmative action." Such facts are relevant to policy but they do not support a crusade, which requires an identifiable enemy, such as male chauvinist employers. A much stronger case can be made that career women are discriminated against in the home, where they are expected to carry most of the domestic burdens, regardless of their jobs. But there is no crusade to mount, and no political mileage to be made, from advising women to go home and tell their husbands to shape up. Both messiahs and politicians have to be able to promise people something, and very often that involves misstating the original problem, in order to make the promise sound plausible.

The grand assumption that body count proves discrimination proceeds as if people would be evenly distributed in the absence of deliberate barriers. There isn't a speck of evidence for this assumption, and there is a mountain of evidence against it. Even in activities wholly within each individual's control, people are not evenly distributed: The choices made as to what television programs to watch, what games to play, what songs to listen to, what candidates to vote for, all show the enormous impact of social, cultural, religious and other factors. One-fourth of the professional hockey players in the United States come from one state; more than a quarter of all American Nobel prize winners are Jewish, more than half of all professional basketball stars are black. Can one state discriminate against the other 49? Can Jews stop Gentiles from getting Nobel prizes, or blacks keep whites out of basketball? Obviously there are reasons of climate, tradition and interest that cause some groups' attention to be drawn strongly toward some activities, and that of other groups toward other activities. It need not even involve "ability." Some groups that have been tremendously successful in some activities have been utter failures in other activities requiring no more talent. Even such an economically successful urban group as American Jews had an unbroken string of financial disasters in farming, while immigrants from a peasant background succeeded, even though peasant immigrants could not begin to match the Jews' performance in an urban setting. As a noted historian once said, "We do not live in the past, but the past in us."

It takes no imagination at all to see the heavyweight of the past among both minorities and women. Even those minority and female individuals who are able to take advantage of higher educational opportunities do not specialize in the same fields as others, but disproportionately choose such fields as education and the humanities—where most people are poorly paid, regardless of sex or race. There are good historical explanations for such choices, but these are not necessarily good economic reasons. However, unless we are prepared to deny free choice to the supposed beneficiaries of "affirmative action," it is arbitrary social dogma to expect an even distribution of results.

Should we do nothing? That is the bogeyman of unbridled discrimination that "affirmative-action" spokesmen try to scare us with. But we were not doing "nothing" before quotas came in. The decade of the 1960's saw some of the strongest antidiscrimination laws passed anywhere, backed up by changing public opinion and by a new awareness and militancy among minorities and women. The dramatic improvement in the economic position of blacks was just one fruit of these developments. Despite the tendency of "affirmative action" proponents to conjure up images of discrimination in decades past, the question is, what existed just before the quotas, and what has happened since? That is the relevant question, and the answer shows a mountain laboring to bring forth a mouse—and often not succeeding. As we have seen, the ratio of black income to white income has never been as high since mandatory quotas as it was just before such "goals and timetables."

Why is "affirmative action" so ineffective despite all the furor it stirs up? Simply because its shotgun statistical approach hits the just and the unjust alike. Just as the crime does not consist of demonstrable discrimination against someone, but of a failure to meet governmental preconceptions, so the punishment does not usually consist of penalties imposed at the end of some adjudicatory process but of having to go through the process itself. For example, the University of Michigan had to spend $350,000 just to collect statistics for "affirmative action." For all practical purposes, that is the same as being assessed a $350,000 fine without either a charge or proof of anything. Most "affirmative action" proceedings do not end up in proof of guilt or innocence, or in any penalty though many end up settled by "peace with honor" in the form of elaborate plans, with good intentions spelled out in statistical detail: 1.3 more black accountants per year, 2.7 more female chemists, etc. If King Solomon had operated under "affirmative action," he would have promised each woman 0.5 children, and gone back to business as usual.

It has long been known that the road to hell is paved with good intentions, and that is where they lead in this case. And since many of the quotas were virtually impossible of achievement from the outset, there is even less reason than usual to expect much from such statements under such pressures. Just as in television the medium is the message, so under "affirmative action" the process is the penalty. And since this penalty falls on the guilty and the innocent alike, it provides no reason for even the worst bigot to change. Nor will it exempt even the purest heart from the harassments of bureaucrats. Indiscriminate penalties do not produce change but only resentment. As in the case of busing, resentment against Government heavy-handedness is often misplaced as hostility to the supposed beneficiaries. The fact that there is really very little benefit to any group only completes this tragic farce.

One of the reasons why many programs that don't work still keep going strong is that they sound so noble. Moreover, championing the disadvantaged is not only an inspiration but an occupation. To be blunt, the poor are a gold mine. By the time they are studied, advised, experimented with and administered, the poor have helped many a middle-class liberal to achieve affluence with Government money. The total amount of money the Government spends on its many "antipoverty" efforts is three times what would be required to lift every man, woman and child in America above the official poverty line by simply sending money to the poor. Obviously, there are a lot of middlemen who get theirs: administrators, researchers, consultants, staffers, etc. These are the army of people who "take care" of the poor in a variety of ways. Such caretakers are the modern equivalent of the missionaries who came to do good and stayed to do well. It is no accident that the highest income counties in the United States are in the suburbs of Washington, D.C. Poverty is the cause of much of that affluence.

Central to the costly "caretaker" approach to helping the poor—by paying money to someone else—is an image of the poor as too helpless to make it with mere money. A picture is said to be worth a thousand words, but this particular image is worth billions of dollars to the caretaker class. Public resentment at the tax cost of the "antipoverty" establishment takes the form of disenchantment with the poor and minorities, though most of the money ends up in the pockets of people who are neither.

Like every army, the army of caretakers requires both material and moral support. The taxpayers supply the material support. The moral support comes from those who accept the image of the helpless poor and who project that image—and the corresponding "need" for caretakers—through the mass media, in the colleges, and to a captive audience of millions in "social studies" in the public schools. Since many who project such an image are themselves products of years of the same kind of sociopolitical conditioning, something very close to perpetual motion has been created.

The image of the helplessness of the poor is repeatedly invoked to defeat proposals for income maintenance, educational vouchers and any other reforms that would enable the poor to make their own decisions and eliminate the caretakers. How helpless are the poor? And—since I am speaking as a black "conservative"—specifically, how helpless are blacks?

History shows that one of the most massive internal migrations in this country has been the movement of millions of blacks out of the South in the last two generations, in order to seek a better life for themselves. This was a spontaneous decision of millions of individuals, not organized by indigenous "leaders" nor promoted by outside caretakers. Going even further back in history, to 1850, the census of that year showed that most of the half-million "free persons of color" were literate, despite (1) being denied access to public schools in most parts of the country, (2) being forbidden by law to go to any schools in many Southern states, and (3) having very low incomes and occupations and few opportunities to cash in on the education. Private and even clandestine schools for blacks existed all over the United States in 1850, most of them supported by blacks themselves out of meager incomes.

Today, many ghetto blacks in cities across the country are sending their children to Catholic schools—though the blacks in question are usually Protestants—in order to seek better education than the public schools provide. For example, it has been estimated that more than 10 percent of all black children in Chicago go to Catholic schools. If educational vouchers were to make education free at both private and public institutions, would black parents be too helpless to make a choice among the various schools available to them? Or is the real problem that many caretakers in the educational bureaucracies would find themselves out of a job?

At a time when every silly trend in education is proclaimed in the media as an "innovation." the struggle of thousands of poor black families to send their children to private schools is a nonevent for those who shape public opinion. Where these private schools are Catholic, they are often in ghetto neighborhoods abandoned by earlier Catholic immigrant minorities, and it is not uncommon today for the bulk of the student body in these schools to the non-Catholic. Some of the Catholic schools have achieved remarkable educational success with black students, at far lower cost per pupil than the public schools. But it isn't news.

Indeed, black advancement in general isn't news. The research team of Scammon and Wattenberg was roundly denounced in the media when it reported very substantial gains of blacks across a broad front, in education, income, occupation and housing in the decade of the 1960's. In olden times, messengers were sometimes killed for bringing bad news to the king. Today those who bring good news are in jeopardy, for they are threatening the whole caretaker industry and undermining an image supported by the caretakers' allies in the media and in politics.

How unusual is a so-called "black conservative"? Not very. Being an exception to a media image is not being an exception in real life. The real opinions of flesh-and-blood black people have repeatedly been found to be completely different from the "black" opinions of media-selected "spokesmen."

An Ebony magazine poll comparing the views of blacks with those of college students found blacks consistently more "conservative" than the college students. The great majority of blacks considered this country worth defending against foreign enemies and rejected violence as a means of achieving social change. A Gallup poll found that a substantial majority of blacks regard the courts as too lenient on criminals. Still another survey found that more than three-quarters of the blacks describe themselves as "sick and tired" of hearing attacks on "traditional American values."

So being a black "conservative" is not quite as distinctive as it might seem.

UP AMENDMENT NO. 1816

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Then I want to ask my friend from Connecticut one question which may resolve this.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1816 to unprinted amendment numbered 1815:
>
> Following the words "nothing in this Act" add the words: "except section 607".

Mr. HELMS. Now may I ask my able and distinguished friend from Connecticut whether he intends for his amendment to apply to section 607, the Collins-Helms antibusing amendment? In his judgment, how would his amendment, if adopted, without modification or amendment, affect section 607?

Mr. WEICKER. My response is twofold. One, I intend my amendment to apply to the entire conference report. That would obviously include section 607. Indeed I would intend my amendment to apply to everything we do out here. The Justice Department and the courts of the United States will enforce the Constitution of the United States. That is why I would not be afraid to vote for the substance of this amendment under any set of circumstances, unless I was trying to violate the Constitution of the United States. Now, apparently, there must be some special reason for protecting section 607. Is section 607 something separate and apart? Is it a transgression on the Constitution of the United States?

I think the Senator from North Carolina probably thinks so and therefore does not wish to have that section subjected to legal or constitutional judgments.

The second part of the question was what?

Mr. HELMS. The second part was what effect would the amendment have on it?

Mr. WEICKER. The answer is that it would possibly preserve the constitutionality of the Collins language. I deem the Collins language now to be unconstitutional. With the Weicker language, the courts might not strike down the Collins language. If anything, I would say it is an assist to the Senator from North Carolina in what he is trying to achieve in the sense that it removes the constitutional issue while leaving a statement of legislative intent intact.

Have I answered the question?

Mr. HELMS. Will the Senator yield?

Mr. WEICKER. Certainly.

Mr. HELMS. The Helms amendment was not a statement of legislative intent. It was an instruction. I do not want any of this legislative intent business. I want the Senate and the House of Representatives to speak to the Justice Department in no uncertain terms, and in speaking to the Justice Department lawyers and bureaucrats to say, "Stop it."

That is where we stand right now.

But if the Senator's amendment would be approved without the Helms amendment to it, then the Senator has succeeded in muddying the water on that very clear position taken by the Senate and the House earlier.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I move to table the amendment of the Senator from North Carolina and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, first of all——

Mr. HELMS. I am sorry, Mr. President, but the Senator has cut off his right to speak.

The PRESIDING OFFICER. The motion to table is not debatable. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. TSONGAS) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Utah (Mr. GARN), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 45, nays 44, as follows:.

[Rollcall Vote No. 497 Leg.]

YEAS—45

Baucus
Bayh
Bellmon
Boschwitz
Bradley
Bumpers
Burdick
Chafee
Church
Cranston
Culver
Danforth
Durenberger
Durkin
Eagleton
Glenn
Gravel
Hart
Hatfield
Heflin
Heinz
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Mathias
McGovern
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pell
Percy
Pressler
Riegle
Sarbanes
Stafford
Stevens
Stevenson
Weicker
Williams

NAYS—44

Armstrong
Baker
Bentsen
Biden
Boren
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
DeConcini
Dole
Domenici
Exon
Goldwater
Hatch
Hayakawa
Helms
Hollings
Huddleston
Humphrey
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Nunn
Proxmire
Pryor
Roth
Sasser
Schmitt
Simpson
Stennis
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—11

Cohen
Ford
Garn
Inouye
Magnuson
Matsunaga
Melcher
Randolph
Ribicoff
Schweiker
Tsongas

So the motion to lay on the table Mr. HELMS' amendment (UP No. 1816) was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

UP AMENDMENT NO. 1817

Mr. HELMS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. We will suspend until the Senate is in order. I would request once again that those carrying on various conversations going about on different parts of the floor, please retire to the cloakroom. Senators will please take their seats so that we may continue the business of the Senate.

The Senate will suspend until order is restored.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair reminds the Senator from North Carolina that the Chair will not allow the Senate to proceed until order has been restored.

Mr. HELMS. I commend the Chair for that.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS), for himself and Mr. THURMOND, proposes an unprinted amendment numbered 1817 to the Weicker amendment numbered 1815:
>
> Strike the period at the end of the amendment and add the following: "nor shall any language in this section be interpreted to modify the intent of Congress as expressed in section 607 of this Act.".

Mr. THURMOND. Mr. President, I rise in support of the amendment by the distinguished Senator from North Carolina, Mr. HELMS, and myself to the pending Weicker motion relative to the fiscal year 1981 State, Justice, Commerce and judiciary appropriations bill.

The purpose of this amendment is to insure that the intent of Congress, as expressed in section 607 of the bill, is not clouded or undermined by the language of the Weicker motion. Both the House and the Senate have clearly and forcefully spoken in adopting Section 607, which reads as follows:

> SEC. 607. No part of the appropriations contained in this Act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requir-

> ing special education as a result of being mentally or physically handicapped.

Mr. President, I view the Weicker motion as superfluous and unnecessary, since there is nothing in section 607 which contravenes the Constitution. Congress created the Justice Department by statute, enumerated its powers and duties by various statutes enacted over the years, and certainly has the constitutional power, by appropriate statutory language, to direct Justice Department attorneys as to the pursuit of remedies other than forced busing. As I stated several time during previous debate on this issue, the restriction in section 607 is aimed at the activities of the Justice Department and does not in any way restrict the courts or private litigants.

Mr. President, it is obvious that the motivation behind the Weicker motion is to allow the Justice Department to circumvent Congress intent as stated in section 607. The Weicker language could be seized upon by the Justice Department as a basis for continuing to advocate forced busing, completely ignoring the will of Congress and the vast majority of the American people.

Mr. President, forced busing of school children to achieve arbitrary racial quotas has proven to be divisive, counterproductive and deleterious to the educational process. We must halt the legal advocacy of forced busing by the Justice Department and move forward with quality education for all our children. This amendment will move the country a step closer to that goal, and I hope it will be adopted.

Mr. WEICKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. I raise the point of order that this, in effect, is requesting to accomplish the very thing which was tabled by virtue of the last amendment of the Senator from North Carolina and as such is out of order.

The PRESIDING OFFICER. The Chair rules that the amendment offered by the Senator from North Carolina presents a substantially new question and therefore is in order. Therefore, the point of order raised by the Senator from Connecticut is not well taken.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WEICKER. No. Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HELMS. Mr. President, I cannot hear. I am sorry. May we have order?

The PRESIDING OFFICER. The yeas and nays have been requested, but the Chair is going to recognize the Senator from Connecticut.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, a parliamentary inquiry. The amendment is debatable; is it not?

The PRESIDING OFFICER. The Senator is correct, the amendment is debatable.

Mr. WEICKER. Mr. President, just prior to moving to table the amendment of the distinguished Senator from North Carolina, I am going to speak about 1 minute, and I will be glad to yield whatever time he wants on it.

My amendment simply addressed itself to the entire conference report in the following manner—no particular section; to the entire conference report. I repeat what it said:

> Nothing in this Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States nor shall anything in this Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States.

In effect, what was done in the first amendment by the distinguished Senator from North Carolina was to say that the courts and the Justice Department can enforce the Constitution of the United States, with the exception of section 607.

This amendment, with all due respect to the ruling of the Chair—and I am not appealing it—is exactly the same in effect, that it will apply except as it applies to section 607.

I hope my colleagues will vote to table the amendment, as I will move. I do not want to do so until I give the distinguished Senator from North Carolina a chance to speak.

Mr. HELMS. I thank the Senator for his courtesy.

If I may have a bit more order, Mr. President, I will be very brief, and I will not take much time of the Senate.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order. The Chair is able to count about 13 or 14 different conversations going on in the Chamber while we are trying to conduct the business of this body.

I request once again that those who find it necessary to converse on a variety of important subjects please retire to the cloakroom, so that we may continue with proper order.

The Chair apologizes to the Senator from North Carolina.

Mr. HELMS. No apology is necessary, Mr. President. On the contrary, I thank the Chair for his helpfulness.

Mr. President, the Weicker amendment, unless it is amended in the fashion proposed by the pending amendment, will simply open the door to undoing the position that the Senate and the House have taken on the question of forced busing and the Justice Department.

When this matter was discussed rather fully this morning, no Senators were on the floor other than Senator Weicker, Senator Hollings, the distinguished occupant of the chair, and the Senator from North Carolina. I read into the record a very interesting statement by a distinguished constitutional authority, Raoul Berger, who is professor emeritus at Harvard Law School, in which he disagrees totally with the distinguished Senator from Connecticut.

I said earlier that the constitutional argument is not between Lowell Weicker, whom I hold in great affection and admiration, and Jesse Helms. It is between constitutional authorities such as Sam Ervin, Raoul Berger, and many others.

I believe we have the duty to speak out on this business of forced busing, certainly to the extent that Justice Department lawyers will not be running around this country promoting it.

That is all the Senate said the other day, and that is all the House has said. I believe it is a valid position and one that is long overdue.

I shall not consume any more time of the Senate, and I shall ask for the yeas and nays on the Senator's motion to table, when and if he wants it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. Ford), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Melcher), the Senator from North Carolina (Mr. Morgan), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are absent on official business.

I also announce that the Senator from Massachusetts (Mr. Tsongas) is absent because of death in the family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "yea."

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen) and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER (Mr. Boren). Are there any other Senators desiring to vote?

The result was announced—yeas 46, nays 43, as follows:

[Rollcall Vote No. 498 Leg.]

YEAS—46

Armstrong
Baker
Bentsen
Biden
Boren
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
DeConcini
Dole
Domenici
Exon
Garn
Goldwater
Hatch
Hayakawa
Helms
Hollings
Humphrey
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Nunn
Pressler
Proxmire
Pryor
Roth
Sasser
Schmitt
Simpson
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—43

Baucus
Bayh
Bellmon
Boschwitz
Bradley
Bumpers
Burdick
Chafee
Church
Cranston
Culver
Danforth
Durenberger
Durkin
Eagleton
Glenn
Hart
Hatfield
Heflin
Heinz
Huddleston
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Mathias
Matsunaga
McGovern
Metzenbaum
Mitchell
Moynihan
Nelson
Packwood
Pell
Percy
Riegle
Sarbanes
Stafford
Stevenson
Weicker
Williams

NOT VOTING—11

Cohen
Ford
Gravel
Inouye
Magnuson
Melcher
Morgan
Randolph
Ribicoff
Schweiker
Tsongas

So Mr. HELMS' amendment (UP No. 1817) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina (Mr. THURMOND) be made a cosponsor of the amendment. I should have done that earlier in recognition of the great work he has done on this question.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Connecticut, as amended.

Mr. HOLLINGS. Before we move on that, the question now before us is that the committee would really not have an amendment. We are still operating in a proposition of limited time before Congress adjourns. If we adopt the pending question a separate vote by the House would be required. It would be a moot question in the context that the Collins language is in this particular bill on both sides. Both sides have now voted on it, and now we should find out what the President wants to do but he can't act until we send him the bill.

So in the spirit of trying to cut out further delay, unless the Senator from Connecticut wants to discuss it further, would he mind if I move to table the motion, as amended?

Mr. HELMS. Not at all.

Mr. HOLLINGS. I do not want to cut off any debate.

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. As I understand the——

Mr. HOLLINGS. The motion I am prepared to make is that we table the motion, as amended, and then we would have the clean conference report, as we had agreed to in the conference committee. All sides signed the report. The House agreed, and this will save us a lot of time. We have had the test votes on this side, and there is no reason now to carry it back to the House and have it debated further and what have you, which would take additional time.

Mr. WEICKER. Mr. President, I hope the distinguished Senator from South Carolina would just defer offering his motion for 1 minute so that I can make a statement, and then I would certainly be agreeable to withdrawing my request for the yeas and nays.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Am I correct that the yeas and nays have been ordered on the Weicker motion?

The PRESIDING OFFICER. The Senator is correct. The Chair will state actually the yeas and nays were ordered on the motion to concur with an amendment.

Mr. WEICKER. I withdraw that request and I would go along with the distinguished Senator from South Carolina on his motion. I would prefer to have the Senator from South Carolina make his motion.

Mr. HOLLINGS. Can we have a voice vote?

Mr. WEICKER. That would be perfectly satisfactory.

The PRESIDING OFFICER. Is the Senator making a request that the yeas and nays be withdrawn?

Mr. WEICKER. Yes, the Senator so makes the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Might I make one statement for just 1 minute?

I have, Mr. President, tried, along with the many colleagues who supported me, to send a clear message on this issue. We did not entirely succeed, but I think it must be clear as to the importance of what is involved in this conference report. We tried, and now the job goes to the President of the United States, not in default of any action by the U.S. Senate but for him to make a decision.

That is the reason why I am going to support the motion of the distinguished Senator from South Carolina to table my motion so that the conference report might go down to the White House.

Everything has been done that could be done to take this noxious language out of the conference report. The legislative branch of Government has chosen not to act or to act in a negative sense. The President now has to choose. It is not a question of the President's sitting back and saying, "I am going to let the court determine the constitutionality of the provision." He should act, and I hope he vetoes this conference report. That is what his Attorney General has advised; that is what a great body of both Republicans and Democrats on this Senate floor have advised, and I hope it is not the courts of the United States that have to make a final determination. I wish it had been the Senate which had acted, but we did not, and I certainly hope the President will act.

Once again we can get the reins of Government back into the hands of the executive and the legislative branches. With that I yield the floor

Mr. CHAFEE. Mr. President, today, the Senate is about to pass the State, Justice, and Commerce appropriations bill conference report. This bill originally passed the Senate by a vote of 51 to 35. I was one of the 35 Senators who voted in opposition to that bill and I would like to take this opportunity to share some of my thoughts on that bill with the rest of my colleagues here in the Senate.

In the debate over that appropriations bill, we spent a good deal of time on amendments that would prohibit the Department of Justice from initiating or participating in legislation that would require busing as a solution in desegregating our schools. The proponents of this amendment argue that this was a vote on the merits of busing and continued Federal participation in this activity.

Now, what about the merits of busing? Do students learn better in desegregated schools? What happens when children who have participated in busing programs leave this environment? What have been the results when some school districts consider uniting the city and surrounding suburbs in a single desegregation plan? The results to these and other questions are not all in yet, but already we are getting conflicting analyses.

Scholars who have studied this question are divided on the merits of busing. Some scholars argue that desegregation has provided few academic benefits for minority students who have been involved in these programs. Other scholars point to studies showing that efforts at desegregation have made some improvements under certain circumstances in the education of minority students.

How do you measure improvements? Again, opinion is divided. Should we rely on supposedly objective test scores to measure improvements? Should we look at the percent of minority students involved in desegregation programs that have gone on to higher education? Is an individual's track record for getting employment a better measure of the success of these programs? There is no agreement here either.

Not surprisingly, public opinion on this matter is also divided. Opponents of busing can point to nationwide polls which indicate that over three quarters of the American people are opposed to forced school busing. On the other hand, proponents of desegregation point to public opinion surveys showing that a vast majority of Americans still favor desegregation as a way to improve educational opportunities for all America's youth.

Clearly, the results of two decades of busing is mixed. But should the votes on this appropriations bill be viewed strictly as votes on the issue of busing itself? I think not.

The format in which these amendments were considered raises serious constitutional concerns. Approving this amendment withholds from the Federal Government the only remaining method for insuring that Federal funds are spent in a constitutional manner.

Let us review quickly what Congress role has been in desegregation. In 1961, Congress enacted title VI of the Civil Rights Act which prohibited discrimination in federally funded programs. Title VI envisioned two ways for the Federal Government to insure that federally funded programs do not support discrimination. One of these ways was for the Federal Government to terminate its support for programs that were discriminatory. The second way was for the Federal Government to file suit to require those entities operating discriminatory programs to abide by the Constitution.

In 1977, Congress passed what is known as the Eagleton-Biden amendment. This amendment prohibited the Department of Health, Education, and Welfare—the agency of the Federal Government authorized to oversee school aid—from administratively requiring school districts, as a prerequisite to receive Federal funds, to desegregate by transporting children beyond the nearest school.

In a decision upholding the Eagleton-Biden amendment, a Federal district court emphasized that the Department of Justice's continued ability to litigate effectively was the prime support for the constitutionality of the Eagleton-Biden amendment. This district court decision was upheld by a Federal court of appeals, in a large measure due to the Department of HEW s ability to still refer a case to the Department of Justice for suit.

Monday, the Senate approved an amendment which removed this option from HEW. In my judgment, this amendment is open to constitutional challenge as it is presently worded, but also invites further legal challenge to the Eagleton-Biden amendment because the constitutional safeguards on which it rests—the Department of Justice's ability to bring suit—is no longer present.

Given the, at best, mixed reviews of the busing program, as well as the desire of many citizens—both black and white—to regain control over their local schools, is very tempting to support such an amendment to this Department of Justice appropriations bill.

However, if we have learned anything at all from our experience with busing, it is that we should exercise great caution in trying to address this problem with a simplistic solution. The issue of desegregating our schools—and the proper role if any, of busing in that process—is a difficult and complex matter that deserves closer and more careful scrutiny than can be given simply by an amendment first offered on the floor of the Senate to an appropriations bill.

Dealing with the issue in this way can cause more problems than it solves. It is my feeling that Members of Congress must pass laws which meet constitutional muster first, and only within this constitutional muster first, and only within this constitutional framework can we turn our attention to remedying social ills. For these reasons, I voted against the Helms amendment to the Department of Justice bill.

Mr. HOLLINGS. Mr. President, I then move to table the Weicker motion, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina to lay on the table the motion of the Senator from Connecticut, as amended.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the House amendment to amendment No. 89.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendments in disagreement were agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank my distinguished colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAHOE REGIONAL PLANNING COMPACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON, I ask that the Chair lay before the Senate a message from the House on H.R. 8235.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8235) to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

Mr. CANNON. Mr. President, I ask unanimous consent that the bill be considered as having been read twice and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. CANNON. Mr. President, this measure will ratify an agreement between the States of Nevada and California to the creation of a planning organization and for a process for limiting the growth in the Lake Tahoe basin.

Basically the compact will reestablish with new authority and a new mandate the Tahoe Regional Planning Agency, making it the sole authority for future planning in the Tahoe basin. Additionally, the compact will establish new guidelines and limits on growth and require studies to determine the environmental damage thresholds in the basin.

This compact has already been adopted by the legislatures of the two States culminating a long and difficult negotiation process. It is a triumph of good faith reasoning and compromise. As important, the compact is, I believe, a workable and effective mechanism for controlling growth yet permitting appropriate reasonable development of the area.

This alpine lake is one of the fairest spots in the world. Unfortunately, its alpine nature and its location in a natural basin make it particularly susceptible to damage from untrammeled growth. This new compact will, I believe, prove an effective means of protecting the basin in the future.

● Mr. LAXALT. Mr. President, I wish to take this opportunity to relate my total support of the Tahoe Regional Planning Agency compact. I have followed the TRPA progress since its inception in 1968 when I worked closely with California and Nevada legislators as Governor of the State of Nevada.

Perhaps a most important aspect of my support of this legislation is based on my own personal ties with Lake Tahoe, a spectacular, majestic mountain lake which has gracefully bore the burden of its beauty. This burden came in many forms but foremost was its development as a popular recreation and vacation resort area where people from across this country and even from other parts of the world came to enjoy Mother Nature's gift.

In 1968, it became all too evident that Nevada and California would have to work out an agreement to address the many problems that were surfacing due to Tahoe's gaining popularity. The two States did work together and as a result of this bistate cooperation, the Tahoe Regional Planning Agency was formed. In 1969, the Congress ratified this agreement.

The agency was a good mechanism at its inception. And I firmly believe with this necessary legislation it can be an even more effective tool for the future planning of this magnificent alpine lake.

The compact represents the collaboration of State, local and Federal governments attempting to achieve the very best for the Lake Tahoe area, and I firmly support this concept.

The compact provides for the balanced approval by all levels of government, as well as the public, in planning Tahoe's destiny. This compact is the workable means to consolidate to coordinate the efforts of all the agencies in controlling the future of Lake Tahoe.

The revisions offered in this legislation allow TRPA the authority to insure adequate land controls and at the same time provide for fairness and equity to the property owners involved.

I am pleased that the adoption of the TRPA compact has been supported by both the California and Nevada legislatures, the other local governments and the principal private interest groups including the private property owners.

To me this cooperation signifies that the TRPA compact, revitalized by this legislation, will be the most effective tool in managing the Tahoe basin and preserving its natural integrity for generations to come.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8235) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980

Mr. CHURCH. Mr. President, I submit a report of the committee of conference on H.R. 6942 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 20, 1980.)

Mr. CHURCH. Mr. President, House and Senate conferees, after three arduous sessions, have resolved outstanding differences on H.R. 6942, the International Security and Development Cooperation Act of 1980, and have agreed on a conference report authorizing $4,981,776,000 for international security assistance, development assistance and Peace Corps programs for fiscal year 1981.

In our consideration of this legislation, the House and Senate conferees were cognizant of our responsibility to produce a conference report that was fiscally lean, while preserving U.S. interests through security and economic assistance programs. Mr. President, I believe that the conferees have met these objectives. The conference report we bring to the Senate today authorizes $323 million less than the President requested last spring, and is $241 million below the amounts originally passed by the House of Representatives earlier this year. H.R. 6942 actually authorizes $13 million less for fiscal year 1981 than was approved for fiscal year 1980, an achievement few other committees have accomplished this year.

Mr. President, among its major provisions, this conference report on H.R. 6942 includes the following:

It provides $1.4 billion in military aid for Israel, $551 million for Egypt, $252 million for Turkey, $183 million for Greece, and $175 million for Korea.

It removes the 10-percent reserve requirement for the foreign military sales guarantee fund, replacing it with a $750 million floor, thus enhancing the flexibility Congress provides the President in meeting essential U.S. security needs and agreements.

It provides $2,065.3 milion for fiscal year 1981 for economic support fund programs, including $785 million for Israel, $750 million for Egypt, and $200 million for Turkey.

It provides the new President with additional flexibility in the management of military and security assistance programs by allowing a waiver authority for certain restrictions presently included in the Arms Export Control Act, while also establishing a $50 million special economic contingency program and increased drawdown authority of up to $50 million in U.S. Defense Department stocks.

It provides $1.8 billion for bilateral development programs, the Peace Corps, U.S. voluntary contributions to international specialized agencies, disaster assistance, international narcotics control and African resettlement and rehabilitation aid to refugees.

I urge my colleagues in the Senate to approve this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CHURCH. Mr. President, before the Chair rules, I understand that Senator HELMS may want to speak on the subject on Angola. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I join with my esteemed colleague, the chairman of the Foreign Relations Committee, in urging the approval of the conference report on H.R. 6942, the International Security and Development Cooperation Act of 1980.

The annual action on this bill constitutes the single most important congressional input into U.S. foreign policy. Given the present world economic uncertainties, and the threats to global stability and peace, I believe approval of this authority is all the more urgent this year. This conference report embodies many of the basic foreign policy principles for which I have fought during my four terms in the Senate.

The International Security and Development Cooperation Act of 1980, as recommended by the committee of conference, does some very important things in support of U.S. foreign and security policy, without which the United States would be severely hampered, and without which the new Republican administration would face major problems, particularly in U.S. security assistance programs, from the moment it takes office. I would like to describe briefly a few major features of the bill as approved by the committee of conference.

SECURITY ASSISTANCE

Perhaps the most important single aspect of this bill is its effect upon the foreign military sales credit program, today our largest and most important military aid program. It does two things with respect to this program:

It authorizes the executive branch to extend some $3.1 billion in loans for the purchase of U.S. military equipment to our friends and allies.

It amends present law to remove the automatic requirement to appropriate 10 percent of the guaranteed loan amount for a reserve fund against default. We do this by setting a floor for the reserve fund and giving the President some flexibility to manage it prudently asking for additional funds as that becomes necessary.

This combination permits the extension of more than $1 billion in credits more than is permitted under the present continuing resolution. And it does so while reducing the actual appropriations needed about $160 million below the continuing resolution level.

Thus, in order to permit the military loans for materiel authorized in this bill but without passing this provision, we would have to appropriate $260 million more in the CRA than we would if we passed it.

If we do neither, the cuts would be severe for many countries whose military posture is critical to U.S. foreign and security interests. Such cuts would not even spare Israel, and would hurt Turkey, South Korea, Morocco, Tunisia, Greece, Thailand, and others.

Recovering from those cuts would have to become an immediate legislative priority of the new administration, and if we were to act responsibly, of the Congress. This would put off substantially if not entirely foreclose any plans for a major review of U.S. security assistance programs and policy, a review which it is very important that the incoming administration and the Congress undertake.

Another valuable security assistance provision is the result of an amendment offered by Senator HAYAKAWA which greatly enhances the effectiveness of our modest grant military training program.

This provision directs that the recipients of grant military training be charged a proportionate share of the additional cost the United States incurs in order to provide that training rather than only a share of the total cost the United States incurs in maintaining and operating the facilities at which the training takes place.

This change would significantly increase the number of students who could be trained at any particular program level. This modest $30 million program is widely viewed as an effective and low-cost instrument of U.S. policy and influence abroad, and this modest effort to stretch its impact a bit further can be quite significant.

These two provisions—the FMS credit program and the grant military training program—are very important steps to compensate for the very severe impact upon our security assistance programs imposed by the fact that for the second year in a row we will be operating in this area under a continuing resolution, effectively at fiscal year 1979 levels.

In addition, this bill contains some modest additions to presidential flexibility, in extending the waiver authority which now applies to programs authorized under the Foreign Assistance Act, to those programs now under the authority of the Arms Export Control Act. This modest addition to the President's flexibility however, also requires full consultation with the Congress in its exercise, thus protecting the congressional responsibility in foreign policy.

The conference report also contains a modification to section 21(c) of the Arms Export Control Act giving the President some added flexibility in dealing with situations where a recipient of U.S. defense services and articles is involved in hostilities; however, the conferees were most careful in adding appropriate precautionary report language and a requirement for reports to Congress in any such event.

ECONOMIC SUPPORT FUND

The conference report provides $2.065 billion in assistance through the economic support fund, the bulk of it in support of Middle East peace. Approval of the authority contained in this conference report is particularly important to U.S. foreign policy interests in the Middle East. In view of the strains that current economic conditions have placed on Israel and Egypt, it is important that the United States reinforce its commitment to these countries and to the Middle East peace process. We provide in this report the full amounts requested by the administration for this purpose. The committee of conference has sustained the amendments I moved in committee to authorize an additional $200 million in foreign military sales loans to Israel, and to authorize converting the $785 million in economic support funds for Israel and the $750 million for Egypt to a full grant. This extra authority will give the two countries the added resources to combat their severe economic problems without any additional budget outlays for the United States.

DEVELOPMENT ASSISTANCE

For development assistance and other economic cooperation programs, the conference report provides for a compromise level of $2.065 billion. Senator CHURCH has described the main features of the conference report in this respect. I wish, however, to emphasize that this portion of the foreign aid bill is also an integral element in supporting U.S. security interests. By providing critically needed capital and technical advice for many of the poorest countries of the world, U.S. development assistance helps global economic stability, and is a vital factor in reducing international tensions. In a very real sense, our development cooperation budget is preventive medicine, aimed at obviating the need for military assistance or higher defense spending by the United States.

I urge that the conference report be adopted.

Mr. President, as I have explained to the Senate, there are many things which are dealt with in this report of the greatest importance to tightening, making more effective, more efficient, and more economical, the military as well as the economic foreign aid of the United States.

But, to me, one gifted thing has happened in this bill which enables us to reduce appropriations by $260 million, and this is the result of the bright thinking of a member of the minority staff of the Foreign Relations Committee whose name is Stan Sienkiewicz.

He noted that the 10-percent appropriation which we make for foreign military credit sales, which accompanies any foreign military credit sale, on various credit terms, was more than adequate for the requirements of a guarantee fund and therefore, urged upon me an amendment to maintain a guarantee fund which related and gave some little margin to the experience and thinking which we had carried forward over an extended period of years.

By doing that and removing the required, annual 10-percent appropriation, we are able materially to reduce the authorization for appropriations in this bill and as time goes on will be able to stabilize this figure so as to require materially less appropriations in the future.

The other matter which we took care of, which I think is also a very good indication of the new way in which we will be approaching matters, is that in the military training program we have changed the formula which we charge to other nations who send their people here to be trained. The present formula gives the United States a share of the cost of operating the facilities under which the training takes place.

What we have done, however, is to provide now that the share paid by a foreign government shall be the share of the additional cost, wherever it may be incurred, of the United States to provide the training.

In our judgment, this will make a very material difference, especially because more trainees from other countries will be able to receive training.

In view of the important and lasting relationships which are established by this training program, it is a superb change.

As I said, there are other things. But it struck me that these two particular matters showed such resourcefulness and such capability in respect of the conference report that they should be especially noted.

Other Members will raise some other points and we will deal with those in the colloquy which will occur here before we finally vote on this report.

But, Mr. President, we have done a monumental job in dealing both with military and economic aid. The programs are now recognized, after all these years, as being essential to carry out the foreign policy of the United States and to give us a position of substance in the world where our stand on foreign policy issues still remains the most important of any country in the world.

I believe that this authorization will serve the Senate and the country well. Again, I urge that the conference report be approved by the Senate today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, in voting against the conference report on the International Security and Development Act, I do so for two reasons, one based on general principles, and one based upon particular circumstances relating to this bill.

Mr. President, I believe that the time has come for a general reappraisal of our foreign aid programs, their purpose, their accomplishments, and their impact both upon the recipient nations and upon the United States. Between 1946 and 1979, the United States has spent $251,340,671,000 in economic and military assistance, including all loans and grants. This includes $52,988,400,000 for the Near East and South Asia, $17,085,500,000 for Latin America, $62,347,000,000 for East Asia, $7,833,400,000 for Africa, $44,142,600,000 for Europe, $980,500,000 for Oceania, $30,500,000 for Canada, and $20,605,700,000 for interregional programs.

I mention those enormous sums to underscore the need to reappraise all these programs. We owe it to the American people to ask whether we actually are contributing to the development of the underdeveloped world. We owe it to the American people to ask whether these contributions and the hoped-for development they were meant to foster have actually helped to shape the kind of world that this Nation wants to see emerge. We need to define our own national interest, and whether the national interest has been advanced by these enormous transfers of money.

Foreign aid has undoubtedly been successful in some of its undertakings. But I do not believe that we have ever taken a real look at whether the cost is proportioned to the benefits.

Moreover, a great deal of the aid we have given has been wasted, or spent to no effect. So, we owe it to the American people to ask ourselves why these aid programs have failed. Are the principles upon which they are based, such as to create the kind of freedom that is important to Americans? Or are the principles rooted in economic concepts that are alien, if not hostile, to self-generating growth and personal freedom? In short, the burden of proof is upon the advocates of the present foreign aid programs.

As P. T. Bauer, of the London School of Economics has written:

> Foreign aid is a system of gifts. This fact is obscured but unaffected by calling the recipients partners in development. Indeed, this last phrase patronises the recipients by suggesting that they do not understand simple realities or that they are minors whose illusions must be preserved and whose susceptibilities must be spared. The phrase also prejudges the effects of aid by implying that it necessarily promotes development.
>
> The argument that foreign aid is indispensable for the progress of the underdeveloped world means that without a system of doles, poor countries must stagnate. According to advocates of foreign aid, these doles are indispensable because the poverty of underdeveloped countries prevents the capital formation required for higher incomes. This situation is supposed to be an instance of the operation of the alleged vicious circle of poverty. This advocacy is, however, no more than unsubstantiated assertion. Foreign aid is plainly neither a generally necessary nor a sufficient condition for emergence from poverty.
>
> It cannot, for instance, promote development if the population at large is not interested in material advance, nor if it is strongly attached to values and customs incompatible with material progress.
>
> In fact, the advocates of aid as an allegedly indispensable instrument for development of poor countries are faced by an inescapable though largely unrecognized dilemma. If all conditions for development other than capi-

> tal are present, capital will be generated locally, or will be available to the government or to private businesses on commercial terms from abroad, the capital to be serviced out of higher tax revenues or from the profits of enterprise. If, however, the conditions for development are not present, then aid—which in these circumstances will be the only source of external capital—will be necessarily unproductive and therefore ineffective. Thus, if the mainsprings of development are present, material progress will occur even without foreign aid. if they are absent, it will not occur even with aid.
>
> There is only one possible but rather unlikely set of circumstances when foreign aid may be effective and also appeal to be necessary: this is when the required conditions for development are present but for external political reasons neither the government nor private business can borrow from abroad, and when for these same reasons local enterprise and investment are inhibited. In these very exceptional circumstances, foreign aid from a politically powerful country may both supply necessary capital and restore confidence. But in these conditions aid will restore confidence only in so far as it is interpreted as guaranteeing political security; a military presence in the recipient country, supplied by the donor country, would restore confidence perhaps more effectively even without aid.

Mr. President, these thoughts by a distinguished economist who has spent years studying development in the underdeveloped countries is only an indication of the line of enquiry which ought to be pursued. If foreign aid is used to build a society based upon central economic planning, and heavy capital investment in premature infrastructures by the central government, then all that we have done in spending this enormous sum of money is to enrich the planning elites in those countries. Moreover, central planning and central economic spending will have the effect of inhibiting and distorting a truly productive, free market economy. In this sense, foreign aid is counterproductive.

If, on the other hand, foreign aid is intended as a subsidy for the export of domestic U.S. production, then it becomes an intervention in our own economy, diverting resources from productive centers to the unproductive, distributing rewards to the politically powerful and penalizing most other Americans.

It is possible, however, that foreign aid could be useful if it is placed in another context. As Christians, for example, we turn with compassion to the victims of drought and disaster. But the same compassion should lead us to avoid imposing socialist structures upon the hapless people of underdeveloped nations because those structures will retard growth, increase misery, introduce political chaos, invite terrorism.

Instead, we should use our economic resources to promote the free market system, and to reinforce those security arrangements that will provide the confidence necessary for freedom to flourish. Although Taiwan, for example, is held up as an example of a country where U.S. foreign aid succeeded, it might be equally asserted that the economic success of Taiwan was the result of the mutual security treaty which provided the confidence for foreign investment and internal motivation for hard work.

That is why I am disturbed by the action of the conference which vitiated the amendment offered by the distinguished Senator from Massachusetts, Mr. Tsongas, and me with reference to Angola. This amendment would have given the President the flexibility to supply assistance to military and paramilitary groups in Angola. Under present law, such assistance is possible only with a long-drawn out and public process involving authorizing legislation. The intent of our amendment was to allow the President to make a determination that it was in the national interest to send military assistance to Angola and send such aid after informing the Congress. Such action is traditionally within the President's foreign policy powers under the Constitution; the requirement for specifically informing Congress would have been a proper action on our part. But requiring further a joint resolution once again makes it impossible to act quickly if circumstances dictate.

Nor was there any need to restrain the President for fear that such aid would involve the United States in a war in Africa. The War Powers Act already contains sufficient safeguards.

But what the conference report does, however, is to send a message to Jonas Savimbi, the leader of the anti-Communist forces which control one-third of Angola, that the Congress of the United States is not going to allow the President ever to determine on his own, within his constitutional powers, that the actions against the Cuban-controlled Marxist government in Luanda ought to be supported in the interests of liberation.

Were it not for the Cuban troops, operating in Angola with Soviet economic and logistical support, the Marxists would have been crushed several years ago. In fact, it was the passage of the present legislation that stopped Savimbi from taking Luanda in 1976. But Savimbi fought on, and has established firm control over the southern part of Angola. Indeed, throughout much of the country, the so-called government—which we do not even recognize—controls only the cities.

This development in Angola becomes crucial to the success of the proposed Namibia settlement. As part of that settlement, it is proposed to create a demilitarized zone straddling the boundary between the two countries. In other words, the DMZ will have to include much of the territory that Savimbi controls. No plan for the settlement of the Namibian question can hope for success unless Savimbi is consulted as to the territory under his control.

Savimbi himself has made this clear in a telegram sent to the UN Secretary General, Kurt Waldheim, last March. Savimbi stated:

> If the UNO forces which will establish themselves north of Namibia try to interfere in the life of the peaceable populations under our authority, UNITA will take all the appropriate measures.
>
> After having fought Portuguese colonialism for 15 years and after 4 years of resistance against Russian-Cuban neo-colonialism, we consider that a new intervention by foreign forces in the south of Angola, on the side of Cuban forces, will not be tolerated by our people and by our UNITA movement.

Savimbi has earned the authority to make these statements by his years of struggle, and there is every reason to believe that he has the backing of his people and the ability to carry out his demands. From the standpoint of liberation politics, it is proper to listen to Savimbi; and from the standpoint of the national interest of the United States and our support of freedom in the Western tradition, it makes sense too.

It is a mistake, therefore, for the Congress to place legislative shackles on United States-Angolan policy. Indeed, these shackles are unique. They arose out of particular circumstances 4 years ago when the mood of the Congress and the mood of the people were quite different. These circumstances have since changed drastically. Yet to continue to single out the Savimbi forces for particular legislative treatment can only be interpreted as an unfriendly act.

Mr. President, the United States does not recognize the Marxist government of Luanda, and there is no reason whatsoever to think that it represents the will of the people of Angola. Savimbi has fought on alone, and enlarged his position despite Soviet and Cuban intervention in Angola. Since he has it in his power to frustrate the Namibian settlement, the United States will be performing an act of mischief to continue to repudiate his liberation struggle.

One need only look at what is happening in Zimbabwe to understand the mischief that Congress can exert. We had the opportunity before to give our support to a moderate, pro-Western government in Africa. The Senate voted time and time again to give such support; but the House refused to give support when it was needed. Today we are watching the slow disintegration of a society in Zimbabwe which had given such promise of freedom and progress. This legislation requires the executive branch to give a report on human rights in Zimbabwe based upon the guarantees in the Lancaster House agreement; I am afraid that that report will make tragic reading. But the great tragedy was the refusal of the House of Representatives to go along with the measures passed here in the Senate which would have supported a non-Marxist solution in Zimbabwe.

Now, once again, a conference report is placed before us which wipes out a constructive and positive step toward peace and freedom in Africa, this time in Angola. I hope that a year from now we will not be regretting this action. What it means is that the new administration will have to take more dramatic steps to open a dialog with Savimbi, a dialog that is long overdue. I urge President-elect Reagan to give a high priority to a study of the Angolan and Namibian problems so that there can be a rapid resolution of both within a regional context of freedom based upon a free-market system and a constitution of checks and balances.

Mr. President, I think that our entire

foreign aid program should be placed in such a context. Otherwise, we will be building a world that is detrimental to our interests and to the interests of freedom everywhere.

Mr. President, I ask unanimous consent that the entire text of the telegram of Jonas Savimbi be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 3, 1980.

Mr. KURT WALDHEIM,
Secretary-General,
The United Nations,
New York, N.Y.:

We have always hoped that all the parties concerned with the project of the creation of a demilitarized zone in the south of Angola would take up contacts with UNITA which effectively controls the population in that zone. As we have learned by radio that a delegation of the UNO was in the region in connection with this subject, we have decided to send this telegram to you to state the following:

(A) We demand to become a party to take part in putting into effect the plan for the creation of the zone in question.

(B) We call for a guarantee of freedom of movement for our populations which live from cattle.

(C) If the UNO forces which will establish themselves north of Namibia try to interfere in the life of the peaceable populations under our authority, UNITA will take all the appropriate measures.

(D) After having fought Portuguese colonialism for 15 years and after 4 years of resistance against Russian-Cuban neocolonialism, we consider that a new intervention by foreign forces in the south of Angola, on the side of Cuban forces, will not be tolerated by our people and by our UNITA movement.

Our foreign representative Mr. Jeremias Chitunda, who is in New York at this moment is authorized to discuss this problem with your representative if you consider this useful.

JONAS SAVIMBI,
President, UNITA.

Mr. STEVENSON. Mr. President, Senate consideration of the conference report on International Security and Development Cooperation Act of 1980, H.R. 6942, underscores the disproportions, indeed the gross imbalances in our foreign policy. This bill authorizes the appropriation of $4.981.000.000 for all U.S. economic and military aid worldwide. It authorizes a ceiling of $2.616.000.000 for military credit sales for fiscal year 1981 ($500 million is authorized to finance this program). The Economic Support Fund, designed to supplement defense assistance with economic assistance, totals $2,065 million. Other nonmilitary activities authorized amount to $2,191,965,000.

It is instructive to examine how these funds are to be spent. In the military sales category $1,400 million is earmarked for Israel. This is $400 million more than last year, the addition being in the form of a grant. Egypt is authorized $550 million in credit sales. Thus, in a program that amounts to $2.616 million, these two countries receive more than 70 percent.

Where are our security interests in the rest of the Middle East, including the Persian Gulf reflected? Turkey, a large, insolvent country of strategic importance, gets $250 million. What about the dangers that threaten large parts of Africa, or the continuing need for self-defense in countries still friendly to us in Southeast Asia?

There is a similar story to be told with respect to the Economic Support Fund. Out of a total of $2,065,000, Israel gets $785 million (all grant aid) and $750 million for Egypt (also grant). This comes to more than 70 percent of the total. To use Turkey as an example again, it receives $200 million (a combination of grant and loan).

With much of the rest of the world suffering from malnutrition and disease, overpopulation, illiteracy, and a lack of productivity we intend to spend worldwide $713,500,000 on agricultural development, $238,000,000 on population, $145,300,000 on health, $101,000,000 on education, and $140,000,000 on energy.

Mr. President, it makes no sense. As I pointed out when this bill was debated in the Senate last June, Israel, with a small population, is to receive almost as much military and economic assistance as the other 99.9 percent of the world's population. We are foolish to think that a Middle East peace settlement is to be bought by pouring money into Israel and Egypt. History suggests that large amounts of money call for larger amounts. We are even more foolish if, as much out of concern for our own domestic politics as anything else, we neglect the needs of the rest of the world and our interest in seeing those needs alleviated. If the Congress itself does not develop some balance about these matters, the American electorate will eventually do it for us. For all these reasons I will vote against the conference report.

● Mr. HAYAKAWA. Mr. President, today I would like to urge my colleagues to accept the conference report on H.R. 6942, the International Security and Development Assistance Act of 1980.

Although there are some provisions of this conference report with which I do not completely agree, the conferees did reach agreement on several important and necessary provisions which will be beneficial to the new administration.

During the markup of the Senate version of this bill, I introduced an amendment aimed at bolstering participation by the foreign military officers in the International Military Education and Training program (IMET).

The amendment amends section 644(m) of the Foreign Assistance Act of 1961 to change the accounting procedure used for establishing the grant costs for the IMET program. Initially the pricing for the IMET program was to cover only the additional or incremental costs resulting from the admission of foreign officers to American training facilities. Unfortunately, the OMB felt that some money could be saved by allocating a pro rata share of all the administrative overhead and fixed expenses to the individual foreign participants. The advantage from the OMB point of view was that, by taking some of the IMET funds for fixed costs and general administration expenses, the direct charge to the Defense Department would be a little reduced. The disadvantage from the standpoint of the United States, however, is that the new procedure discouraged the admission of foreign officers and is counterproductive as far as the fundamental purpose of the program is concerned.

Participation in IMET has drastically declined since 1976. According to a General Accounting Office report and the Defense Department, a change in accounting procedures resulting in increased costs to participating foreign governments is responsible for the decline.

I believe there is near unanimity among those who are responsible for projecting the United States' image abroad that the miscellaneous exchange of persons programs are our most effective tool. Many of these programs have been in existence since the end of World War II, and many of today's national leaders have become our friends under the influence of their early experiences as guests of this country. When I visited Thailand in January and called on General Prem, he and all the senior staff officers in the room remarked with visible pride that they had some training in the United States.

My amendment was accepted by the Senate; the House bill contains a similar provision. However, it also amended the Arms Export Control Act so that this change in the costing procedure would be available to grant training recipients who purchase additional training under the FMS program. The conferees accepted this added provision.

Furthermore, we have included report language which urges the administration to consider including a modest IMET program for both Brazil and Venezuela sufficient to permit a small number of their officers to attend our professional-level service school. I feel this is a significant action given the importance of Brazil and Venezuela to U.S. security interests and given the need to strengthen our military relations with them.

Another important agreement reached by the conferees was the lifting of the commercial arms sales ceiling from $35 million to $100 million. It is essential that this ceiling be lifted as soon as possible. The present ceiling allows only the sale of two, possibly three, large aircraft and it denies the larger sales so desperately needed to keep an aircraft production line going. This could have very negative consequences for a number of aerospace companies as well as our balance of trade.

Finally, Mr. President, I would like to end on a personal note. During the past 2 years, I have had the privilege of serving on the Foreign Relations Committee with Senators CHURCH, MCGOVERN, STONE, and JAVITS. Senator MCGOVERN and I both served on the African Affairs Subcommittee and during this past session of Congress we introduced Senate Concurrent Resolution 8, uring the congressional leadership to appoint a team of observers for the Rhodesian elections which were held last April. Although our motives for such an action were vastly different, Senator McGovern was most considerate and helpful to me.

Senator Stone and I were on the Western Hemisphere Subcommittee together and shared many of the same views with regard to Cuba and the other nations in the Caribbean. His contributions during the consideration of the SALT agreement by the full committee were outstanding. I shall miss sitting across from him during our committee meetings.

The chairman of the committee, Senator Church, has assisted me on many occasions and I am grateful for his help. I know that his job at times has been very frustrating and I appreciate the effort he has made to restore a congressional voice in foreign policy decisions.

I have had the privilege to serve with Senator Javits on the Labor and Human Resources Committee prior to my move to the Foreign Relations Committee. On both committees he has been most generous in advising and assisting me. There are not enough words to express my gratitude—even for a semanticist. His leadership on the committee was greatly appreciated by those of us on the minority side but I know the majority side also benefited from his insightful comments and ability to accommodate all interests. His reasoned voice will be sorely missed by all of us in the Senate.

Thank you, Mr. President.●

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Iowa (Mr. Culver), the Senator from Kentucky (Mr. Ford), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Melcher), the Senator from North Carolina (Mr. Morgan), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. Tsongas) is absent because of death in the family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "nay."

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen), the Senator from California (Mr. Hayakawa), the Senator from Illinois Mr. Percy), and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Percy), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators who desire to vote?

The result was announced—yeas 58, nays 26, as follows:

[Rollcall Vote No. 499 Leg.]

YEAS—58

Baker
Baucus
Bellmon
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Cannon
Chafee
Chiles
Church
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Glenn
Hart
Hatfield
Heinz
Huddleston
Jackson
Javits
Johnston
Kassebaum
Kennedy
Leahy
Levin
Lugar
Mathias
Matsunaga
McGovern
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stevens
Stewart
Stone
Tower
Wallop
Weicker
Williams
Young

NAYS—26

Armstrong
Boren
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cochran
Eagleton
Exon
Garn
Goldwater
Hatch
Heflin
Helms
Hollings
Humphrey
Jepsen
Laxalt
Long
McClure
Proxmire
Roth
Stennis
Stevenson
Thurmond
Warner
Zorinsky

NOT VOTING—16

Bayh
Cohen
Culver
Ford
Gravel
Hayakawa
Inouye
Magnuson
Melcher
Morgan
Percy
Randolph
Ribicoff
Schweiker
Talmadge
Tsongas

So the conference report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska.

Mr. STEVENS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending measure is the motion to proceed to the consideration of H.R. 5200, the fair housing bill.

Mr. STEVENS. Mr. President, is it time-controlled?

The PRESIDING OFFICER. Time is under control.

Mr. STEVENS. Who controls the time on our side?

The PRESIDING OFFICER. The minority leader or his designee.

Mr. STEVENS. Mr. President, I would like to yield myself 2 minutes on that matter.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I say this with great respect for my friend, the majority leader, but this cloture motion, in my opinion, would present to the Senate an issue that cannot fairly be disposed of in this Congress.

I have been a supporter of fair housing; I continue to be a supporter of fair housing. I want a bill that has time in which to be considered, but I also want to see revenue sharing and a lot of other bills, a myriad of small bills, that are here before us and must be disposed of during the balance of this week.

If we vote cloture on this bill we will then have another cloture motion before us, and it will shut off the consideration of many items that are——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the rear of the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order. The Senate will be in order.

The Senator from Alaska.

Mr. STEVENS. I thank the Chair.

As I was saying, Mr. President, if cloture is voted on the fair housing bill now it will mean another cloture motion, and it will mean further delay of very essential legislation to many, many people throughout this country, legislation we can complete.

Whether it is correct or not, I am informed reliably that the other body will be departing from this city in any event no later than tomorrow evening.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield at that point?

Mr. STEVENS. Let me finish. But regardless of when they leave—and I will yield to my good friend—we do not have time to sit in conference with these Members of the other body on this legislation and complete the Defense appropriation bills.

Mr. KENNEDY. The Senate is not in order and the Senator is entitled to be heard. I ask that the Senate be in order so that we can hear the Senator. This is an important measure, Mr. President, and the Senator deserves to be heard.

The PRESIDING OFFICER. The Senate will be in order. Members will take their seats. The Senator from Alaska.

Mr. STEVENS. Again I thank the Senator. I intend to yield to the majority leader if he wishes to comment.

I have conferred with the Members who will be chairmen in the next Congress who will handle this measure, and I am assured that the Fair Housing Act will receive early consideration, and the Senate will consider a bill in the next Congress.

For us to consider it now, to vote cloture on this bill now, will put us in the position where we cannot attend to our duties. I would like to be in the Defense appropriation conferense committee. We have other bills in conference. We ought to be conferring and working on the bills that we know this Congress can finish for certain. This bill we know could not because even if it went to conference there would be another filibuster potential before we are through.

I am not one who wants to filibuster against fair housing. I think it is unfair to classify those of us who vote against cloture now as being against fair housing. We are against bringing a bill up in literally the twilight moments of this Congress at a time when it cannot get fair consideration.

I respectfully say to my good friend from West Virginia that by bringing a cloture motion at this time, it leaves some of us who have dedicated our lives to things like fair housing in a position of saying, "Well, I can't afford to vote against cloture now because people at home will think I am against fair housing." That is not right.

I want to state that I hope every Member who wants revenue sharing, every Member who wants these other items to get out of conference and be presented here before the House goes home, will be against cloture on this bill, because it is untimely to bring it before the Senate at this time.

It seems to me that we ought to have the time to consider a measure like this in a fair manner. To bring it up now provokes additional cloture motions and will not resolve the issue.

I did say to my good friend that I intended to yield to the distinguished Senator from West Virginia and I will be glad to do so if he still wishes the floor.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator who is the minority whip and my friend.

May I say to my colleagues that the adjournment resolution has not been passed. The House cannot go home to stay next week unless the Senate, under the Constitution, gives its authorization to the other body to adjourn for more than 3 days. So if cloture is invoked, we will stay with this bill until we finish it. We do not have to go home Friday. We do not have to go home Saturday, and we do not have to go home Monday.

Do not let the fact that we are driving for a Friday target of adjournment dissuade any Senator from voting for cloture. The adjournment resolution has not been passed. There is nothing that is written in cement or bronze or stone that requires the Congress to adjourn on Friday.

So if cloture is invoked, we will stay with it until we finish it and we will still do revenue sharing before we pass the adjournment resolution. If it is the will of the Senate not to invoke cloture, of course, that is another matter.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. KENNEDY. Mr. President, a parliamentary inquiry. Has the time started to run on the cloture petition?

The PRESIDING OFFICER. The Senator from Tennessee controls the time on his side.

Mr. KENNEDY. How much time remains on each side?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. BAKER. I yield for that purpose. ator from Massachusetts has 20 minutes

The PRESIDING OFFICER. The Sen- and the Senator from Tennessee has 17 minutes.

The Senator from Tennessee.

Mr. BAKER. Mr. President, I do not know of any debate or legislative activity, in which I have engaged in the 14 years I have been in the Senate, that I am prouder of than those measures which affected and protected the civil rights of the citizens of the United States.

I can recall with great clarity the debates that occurred shortly after I arrived in the Senate with respect to the voting rights and with respect to other pieces of major civil rights legislation in the 1960's. I especially remember my direct participation in the effort to pass the first fair housing bill. Some in this Chamber will remember, as well, that I was instrumental in working out the first bill that passed on fair housing. Indeed, I cast the vote that broke the filibuster on fair housing. And, Mr. President, I may say facetiously that, in some parts of my State, I still have the scars and bruises to prove it. But I believe in that.

I believe in equality of housing opportunities, and it is for this reason that I am so deeply disturbed by today's debate.

I am disturbed because this issue is so vitally important; I am disturbed because it is a matter which for far too long has been placed on the "back-burner"; I am disturbed because this debate, at this time, has done nothing to advance the cause of civil rights, to which we are all committed.

When we reconvened after the election, I indicated that it would be my preference to avoid controversial pieces of legislation and simply do the work that had to be done. It was clear that given the enormous volume of legislation that had to be considered, a fair housing bill could not receive the time-consuming, painstaking analysis and debate that it would require.

All of us knew that there were aspects of the bill that would engender heated debate. Questions concerning the proper forum, the standard of proof, and the rights of the accused were matters of the greatest importance.

But most important, they were matters that, given enough time and a spirit of cooperation, could have been worked out. That was my hope and expectation.

But instead, the House-passed version of the fair housing bill was brought up—a bill that had not received the scrutiny of the Senate Judiciary Committee; a bill that had not received the close examination of the Members of this body. It was brought up in the closing hours of a lame-duck session with the full knowledge that men and women of conscience had irreconcilable differences on the methods proposed to resolve an undeniably ugly aspect of American society: discrimination in housing.

These were differences that could have been resolved. And, I have no doubt, Mr. President, that in the next Congress, these differences will be resolved and the Nation will have a fair housing law that works.

What then have we accomplished by debating this bill at such great length and to so little avail. We have managed to polarize our constituents; we have encouraged the fears of those who have suffered the pain and humiliation of discrimination; and we have imposed the stigma of defeat on a major civil rights bill.

To those in the gallery who report our activities to our fellow Americans, I would ask that they convey the following message: The Senate Judiciary Committee will report out a fair housing law that works and the Senate, and the Congress, will pass it.

There is not one Member of this Chamber on this side of the aisle that does not possess a deep and abiding commitment to the cause of civil rights.

Our differences, to the extent that we have them, revolve around the use of particular mechanisms to redress the ill effects of racial and other forms of discrimination.

Clearly, Mr. President, there is a compelling need to substantially improve fair housing enforcement. And I shall support such legislation—but not today, Mr. President.

I believe we should not even be here now; that we should have adjourned sine die before the election. I believe we should do everything that it is possible to do to finish the business of this country and get out of town and wait for the next Congress and the next administration.

Mr. President, notwithstanding my record on civil rights, my dedication to civil rights and, I believe, with some modesty, my substantial contribution to fair housing, I will vote against cloture because I think this is not the right time to consider it in the waning days of this Congress, whether that is this week or next week or the week following.

Mr. President, I promise, to the extent that I am capable of doing it, that I will try to present to the Senate a bill dealing with housing opportunity in this country in the next session of the Congress. But I will today, Mr. President—and subsequently if there are other efforts to do so—oppose cloture on this measure.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, the Senate is about to vote on the cloture motion for the fair housing legislation. The Senate should make no mistake about it, this is the civil rights bill of this particular Congress. This is an issue that has been before the Congress in one form or another for 12 years.

What we are effectively doing with this piece of legislation is making sure that there is going to be a remedy for what we have established to be a basic right in our society, that people are going to be able to buy a home or rent a home without the fear of discrimination on the basis of race, on the basis of national origin, on whether one is a man or a woman or whether one is handicapped or not. It is a very basic and fundamental issue. It is not complex.

What is the heart of the particular legislation that is before us is to fulfill the commitment and the promise of the 1968 Civil Rights Act. And that is to make sure that we are going to provide an effective remedy for the millions of American people that are discriminated against on the basis of race or on the basis of sex or on the basis of religion or national origin or because they are handicapped.

The House of Representatives has passed this overwhelmingly, virtually 3 to 1. The Senate Judiciary Committee has held hours of hearings, hours of markup, hours of consideration. This matter has been on the calendar since August of this year.

The majority leader has indicated that it may very well be called up at any particular time before the end of this session. The majority leader called this matter up on Monday and we did not have any opportunity at that time for the consideration of amendments because no amendments were forthcoming, in spite of the fact that this measure has been on the calendar for some period of time.

Mr. President, we cannot say that we are going to permit some discrimination in this country and think that we are meeting our responsibilities to the American citizens.

In this area here, what we are attempting to do is what has been done in the area of voting rights and in the area of public accommodation. We are trying to make the end of discrimination something that can be achieved in a simple, easy, fair, just, and inexpensive way. We do that with the legislation which is before the U.S. Senate here today.

With the adoption of cloture we will have time to consider any of the amendments and permit the Senate to vote up or down. As the majority leader has stated, there is no magic time at the end of this week for the consideration of important legislation. This is vital legislation. It is imperative legislation to realize the promise of 1968. And there are millions of Americans, millions of Americans, who are today being discriminated against because they are women or because they are handicapped or because of the color of their skin. This legislation will provide the meaningful remedy of realizing the promise of this Congress some 12 years ago in the 1968 act.

Mr. President, I hope that the cloture motion will be accepted and positively responded to. I look forward with my colleague from Indiana, Senator BAYH, who is the author of this legislation, in considering amendments on their merits and getting about in realizing what is an extremely important legislation, not just for minorities in this country but for all Americans.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. ROBERT C. BYRD. May I ask the distinguished Senator from Massachusetts, is it not true that the leadership has discussed this bill many times early on in the session in the hope that we could get it up, that we could get a time agreement on it which would allow for adequate debate and consideration, and passage of the measure? And has not the distinguished Senator from Massachusetts himself sought to work with other Senators in an effort to develop a time agreement but has been unable to get such agreement?

Mr. KENNEDY. The majority leader is entirely correct. As the leader himself knows, a week after the national convention in the Democratic Caucus this was an issue that was raised. The majority leader indicated at that time that he would make every best effort to try to get consideration of this important measure before the U.S. Senate. So we were on notice at that particular time. The letter that has circulated to the majority leader over the signatures of 35 Members of the Senate, Democrat and Republican alike, asked the majority leader to schedule this measure, and it did include some Senators who are actually cosponsors of this particular measure. So there has been adequate notice that this was entirely possible for consideration. The RECORD is quite clear on it.

It is a measure that has already passed the House of Representatives, which provides us additional responsibility for it, I think.

I must say, it is a measure which President Carter has been strongly committed to and he has indicated that he thought this was a matter which this body should consider.

There should be no question in the minds of the Members of this body or the American people about what the parliamentary situation is.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. ROBERT C. BYRD. Mr. President, the contract to serve the American people while receiving our salaries did not expire with the election. Am I correct?

Mr. KENNEDY. The Senator is correct.

Mr. ROBERT C. BYRD. Our contract is still good, until January 2. We have a duty to stay here and complete the people's business. Since the election the Senate has acted on a great deal of business, in my judgment—the D.C. appropriation bill, the Interior appropriation bill, the State, Justice, Commerce appropriation bill, the Defense appropriation bill, the Agriculture appropriation bill, the second concurrent budget resolution, the superfund, the paperwork reduction bill, and many other measures. It is our duty to the people to act upon this bill before January 2. It is clear to us that we have that responsibility. Our contract with the people has not expired. We are paid to do our job. If we have to stay here until Christmas, we ought to stay here until Christmas.

We have tried to get an agreement on the fair housing bill but we have been unable to work it out.

There is no constitutional reason, there is no legal reason, and there is no compelling reason otherwise as to why we have to go home on Friday. We set that as a target date and I hope we can make it. But Senators will still be under contract to the American people, even those who have been defeated and those who have elected to retire, to stay here and do the business of the people until this Congress expires.

Mr. President, let us not let Friday, the target date of Friday, dissuade us from doing what is our responsibility. If we have to be here Saturday or Monday or Friday a week, we are still under contract to the American people.

There have been a lot of eyebrows raised about a postelection session. I understand in the press they have said, "Well, the lameduck Congress will be back. The best they can do is to come back and pass a few appropriations bills, wind up its work, and go home."

Well, this so-called lameduck Congress has already done a great deal of work. Every one of us still has the responsibility to work for the people until midday on January 3, insofar as this Congress is concerned, if need be. Our contract, if I may use that expression, did not expire with the elections. So let not Friday of this week dissuade any Senator from voting for cloture. We can stay until the work is done.

Mr. KENNEDY. I thank the majority leader for his statement.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. KENNEDY. Could I inquire of the majority leader? As I understand it, because of the delay in the vote on the previous legislation, we were only, I think, allotted 20 minutes a side, is that correct, under the cloture petition?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. What is the desire of the Senate? We have a number of speakers who want to speak. Since we do not have the full half-hour, we are limited to 20 minutes. There are three Senators who want to speak in favor of this. We have 12 minutes left.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HATCH. How much time remains to our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. HATCH. We will be happy to yield some of our time to the Senator.

Mr. KENNEDY. I thank the Senator. I yield 2 minutes to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator. Let me say I believe it is in the best interest of this country for us to face the issue, and we should not use the excuse of lameduck session or the fact that there is a shift within this body not to address the issue of fair housing.

I have some major problems with the particular bill that was reported out of the Judiciary Committee. I wish, and we all have wish lists, that we had stayed with the bill as it was reported out of the subcommittee which had several amendments which I thought were fair and equitable and in the best interests of all concerned.

Notwithstanding that, I will today vote for cloture because I believe that we should have an opportunity to vote on this issue up or down, and the amendments thereto. If the matter is changed and altered appropriately to what I think is in the best interest of this country and my State, of course, I will vote for it on final passage.

I do not think we should shy away from an issue of fair housing and discrimination merely because we are going to have a new administration and a new Senate organized on party lines. This is not a party issue. It has been around for a long time. Let us not be afraid to call it the way each one of us sees it. Let us face it. Let us tell the public that we are concerned, that we do concern ourselves about discrimination, about people having an opportunity to live in houses——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DeCONCINI. I ask unanimous consent that I be granted an additional 15 seconds.

That it is time that the American people have the opportunity to live in housing without the fear of discrimination, and if discrimination is alleged that there be a swift process within the court system to rectify that.

With that, I thank the chairman of the Judiciary Committee.

The PRESIDING OFFICER (Mr. Baucus). The Senator from New York.

Mr. JAVITS. Mr. President, I hope we will act and act affirmatively today for the following reasons:

First, everybody in America who is concerned with civil rights is concerned with what will be the nature of the new administration. There is much fear about it as well. I do not think the fear is warranted.

I campaigned for President Reagan because I do not believe the fear is warranted.

Nonetheless, Mr. President, here is a simple, direct, and easy way in which Americans can be reassured. This bill is subject to amendment in any way that the Senate believes desirable.

Therefore, we can act on it. It is certainly a bipartisan measure, as civil rights have always been, going way back to the late 1950s.

Second, this bill has passed the House. It has come out of committee and this is the final stage. It will take at least 2 years for the same stage to be reached if it goes over to the next Congress. This bill was first put in in March of 1979. Here we are, at the end of 1980.

So, Mr. President, for that reason as well, that justice delayed is often justice denied, we should act on this bill and act on it now, as I hope very much the Senate will.

I think it will go very far to give the American people a sense of reassurance that this, like the previous one and the one before that, is essentially a centrist regime which has been voted into office. That will be a very healthy thing for this country, especially in so deep and passionate and divisive an issue as civil rights, particularly fair housing, legislation is. I believe the bill is a fair one. I believe it should now be acted on and passed.

Mr. MOYNIHAN. Mr. President, as this important and fateful debate moves toward a preliminary decision point, I would not delay the Senate with words either of emotion or intimidation, some of which, I am sorry to say, have been heard in this debate. I should like simply to present a simple set of statistics, of facts, about the state of fair housing in the United States today.

There have been two studies done in the past 2 years by the Joint Center for Urban Studies of Harvard University and Massachusetts Institute of Technology, a body of which I once had the honor to be director. The New York study by Mr. Robert Schafer, entitled "Mortgage Lending Decisions: Criteria and Constraints," assessed actual mortgage lending practices to persons in exactly comparable economic circumstances. It found that, in 6 of the 10 New York State study areas, black applicants were significantly more apt to be turned down for mortgage loans. In fact, blacks were nearly eight times as likely to be denied mortgages as were similiar qualified whites.

The study by Schafer and Helen Ladd, entitled "Equal Credit Opportunity: Accessibility To Mortgage Funds By Women And By Minorities," found almost identical statistically confirmed facts of discrimination.

That is what this law is about. It is about helping the 3,273 families who filed housing discrimination cases with the Department of Housing and Urban Development's Office of Fair Housing but had no recourse to legal action without a long and costly court battle. And it is about insuring those many victims of racial violence and abuse that they need not fear racism when searching for a place to live.

Mr. President, I ask unanimous consent that messages of support of this legislation which I have received from distinguished New Yorkers be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hon. Daniel Patrick Moynihan,
U.S. Senate,
Washington, D.C.

The National Education Association strongly support H.R. 5200, the 1980 fair housing amendments to the Civil Rights Act of 1968. We urge you to support H.R. 5200 without amendments and to vote for cloture on any filibuster delaying consideration of this important legislation.

James W. Green,
Assistant Director for legislation, National Education Association.

Hon. Daniel Patrick Moynihan,
Dirksen Office Building,
Washington, D.C.

Cloture vote on fair housing scheduled for floor action on Wednesday, December 3, 1980.

Urge you to be there and vote to limit debate.

Clarence Mitchell,
Chairman, Leadership Conference on Civil Rights.

Hon. Daniel Patrick Moynihan,
U.S. Senate,
Washington, D.C.

Your full support is urgently needed to assure consideration and passage of H.R. 5200, the Fair Housing Amendments Act of 1980. The U.S. Conference of Mayors urges you to stay in Washington until final consideration of this bill, to support cloture motions to close off filibusters against the bill, and to support the provisions of H.R. 5200 without weakening amendments.

Richard G. Hatcher,
Mayor of Gary Ind.
President, U.S. Conference of Mayors.

Hon. Daniel Patrick Moynihan,
Senate Office Building,
Washington, D.C.

Dear Senator: AFT strongly urges your support on the cloture vote and House version of the fair housing bill without amendment.

Sincerely,

Greg Humphrey,
Director of Legislation, American Federation of Teachers, AFL-CIO.

Hon. Daniel Patrick Moynihan,
Senate Office Building,
Washington, D.C.

The Congress should enact an administrative enforcement system to implement the Fair Housing Act. We seek your support for cloture when the Senate moves to proceed with the House bill H.R. 52.

John J. Sheehan,
Legislative Director,
United Steel Workers of America.

Senator Daniel Moynihan,
U.S. Senate,
Washington, D.C.

With fair housing coming up this week, AVC urges you to be present, to vote for cloture, and to support House passed H.R. 5200. Crucial this important civil rights legislation be enacted.

June Willenz,
Executive Director,
American Veterans Committee.

Hon. Daniel Patrick Moynihan,
Senate Office Building,
Washington, D.C.

Strongly support House passed fair housing bill; urge you stay in town until Friday; support cloture, oppose weakening amendments.

Grace Day,
International President,
B'Nai B'rith Women.

Hon. Daniel Patrick Moynihan,
Senate Office Building,
Washington, D.C.

Fair Housing Amendments Act: vote cloture, stay in session until Friday 3, vote for House version of act.

Robert L. White,
National President, National Alliance of Postal and Federal Employees.

Hon. Daniel Patrick Moynihan,
Senate Office Building,
Washington, D.C.

Strongly support House passed fair housing bill. Urge you to stay in town until Friday. Support cloture. Oppose weakening amendments.

The Children's Defense Fund.

International Union
of Operating Engineers,
Washington, D.C.

Hon. Daniel Patrick Moynihan,
U.S. Senate,
Washington, D.C.

Urge you to strongly support House passed fair housing bill without any weakening amendments. Please stay in town until Friday and support cloture.

J. C. Turner,
General President.
John J. Brown,
Director of Legislation.
John J. Flynn,
Assistant Director of Legislation.

National Council of
Senior Citizens, Inc.,
Washington, D.C., December 2, 1980.

Dear Senator: The National Council of Senior Citizens urges you to make every effort to be present tomorrow afternoon for a 1:00 P.M. vote for cloture on the Fair Housing Bill, H.R. 5200, presently being considered by the Senate.

NCSC supports the House version and requests you vote against any amendments.

Sincerely,

Jacob Clayman,
President.
William R. Hutton,
Executive Director.

Mr. MOYNIHAN. Mr. President, I congratulate the chairman of the Committee on the Judiciary for the valor and grace with which he has carried out this debate.

Mr. KENNEDY. I thank the distinguished Senator. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. I shall ask the opposition to yield us some time, because the Senator from Indiana is on his way over. I yield some time to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I support the Fair Housing Amendments Act of 1980. This act is crucial to the effort to eradicate discrimination in housing. It is a disgrace that John F. Kennedy's words are still true today:

> One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons are not fully free. They are not yet freed from the bonds of injustice; they are not yet freed from social and economic oppression.

Now, 12 years after the passage of the Civil Rights Act of 1968, which outlawed discrimination in housing, and more than 116 years after Lincoln's Emancipation Proclamation, which outlawed slavery, we must remain vigilant to insure that constitutional rights flow equally to all Americans. We must not fail in this responsibility.

The enactment of the Fair Housing Act as part of the Civil Rights Act of 1968 represented a major addition to the civil rights laws. For over a century, civil rights have been extended gradually but inexorably to most Americans. The 13th amendment recognized all people as human beings, not just property.

The Supreme Court's 1954 decision in Brown against the Board of Education declared the fundamental principle that racial discrimination in public education is unconstitutional. The landmark Civil Rights Act of 1964 enforced nondiscrimination in voting, public accommodations and employment. The 1965 Voting Rights Act gave all Americans the right to participate freely in our democracy.

Then, 12 years ago, recognizing the need to promote equal access to housing, Congress enacted and the President signed title VIII of the Civil Rights Act prohibiting discrimination on account of race, color, religion, national origin, and sex in the sale and rental of housing. The law established as a national policy that a black person, for example, who had the money could not legally be denied the purchase or rental of a selected dwelling. Again, a basic human right had to be codified for nonwhites. An important step to be sure, but unfortunately, the Fair Housing Act provided for inadequate enforcement.

The need for strengthening enforcement of title VIII has been established and set forth over the past 10 years in hearings begun by the Subcommittee on Civil and Constitutional Rights in the 92d Congress and continuing in each Congress through the 96th.

This thorough examination of the Federal Government's role in the achievement of equal opportunity in Housing produced findings that segregated housing patterns can be attributed to the private sector through practices such as steering, discrimination in financing, shift of employment location to the suburbs and to the public sector through land-use practices imposed by local governments, and Federal Government practices fostering segregation. The examination also found that HUD enforcement authority is so inadequate as to invite noncompliance and that housing discrimination is national in scope.

One survey of 3,200 real estate sales firms and agencies in 40 metropolitan areas found that the probability of a black encountering discrimination is 75 percent in renting a home and 62 percent in purchasing a home. A 1979 study of the Dallas rental housing market showed that the probability of discrimination against a dark-skinned Mexican American is 96 percent in the rental market, 65 percent against a light-skinned Mexican-American. Worse yet, these studies do not examine all phases of the housing process where discrimination can occur, such as in financing and steering.

Mr. President, enforcement under title VIII has not resulted in a significant reduction in racially segregated housing because most enforcement has been through costly and lengthy Federal court litigation. Existing law allows the Secretary of HUD, through an Assistant Secretary for Fair Housing and Equal Opportunity, to enforce title VIII by investigating discrimination complaints and by attempting to promote voluntary compliance through conciliation.

HUD cannot even require the discriminating party to show up for conciliation. If HUD's attempt to conciliate fails, the only recourse is a suit in Federal district court brought and paid for by the plaintiff—first in State court if a State or local fair housing law exists. The Attorney General may initiate a civil action in Federal district court only upon finding a pattern or practice of housing discrimination. As a result, HUD has received not more than 4,000 complaints annually.

In 1977, out of 3,391 complaints filed with HUD, 277 were successfully conciliated. However, of those, only in one-fourth of the cases did the complainant obtain the housing at issue. Clearly the incentive for an individual to attempt to rectify discrimination through the HUD conciliation process is extremely small and has a poor probability of success. The alternative of litigation is also bleak.

For most persons who are the victims of discrimination, the cost of litigation alone is prohibitive, not to mention the frustration caused by the length of proceedings, which usually take about 2 years. A rather long wait to move into one's chosen home—if that ever occurs as a result of a suit. Unfortunately in most instances, the selected residence is no longer available by the time a judicial decision has been reached.

The expected awards of damages and attorney's fees are too low to be an incentive—under $3,000 and below $2,000 respectively. Unlike under other civil rights laws, title VIII provides that attorneys' fees be awarded only to plaintiffs financially unable to assume them. Under these circumstances, the resolve and persistence required to undertake such a monumental project is much too great for the average human being. When the goal is to move into a home, the cost and delay of pursuing a private civil suit is just not viable for the majority of Americans.

The remaining remedy, through suits brought by the Department of Justice, applies in a very limited number of housing discrimination cases—those representing a "pattern and practice" of discrimination. The fact that the Department of Justice has brought a mere 300 suits since enactment of the Fair Housing Act shows that extremely limited application is possible under this course of action.

Mr. President, while we must recognize that title VIII is an important statement of national policy, we must admit that title VIII has failed miserably to fulfill its purpose of prohibiting discrimination based on race, color, national origin, or sex in the sale or rental of housing. The present law has no teeth. It gives HUD power to investigate without power to remedy. Title VIII's purpose cannot be carried out when it depends almost completely upon private efforts for enforcement.

Mr. President, we have before us a scandalous blatant situation of justice delayed, justice denied. This cannot be allowed to continue. We must act. Free access to housing is an integral part of the American dream. Free access to housing is basic to the enjoyment of other liberties which should be available to all Americans—those of equal access to education and equal access to employment.

In America, along with the selection of a place to live, in keeping with the honorable tradition of public education for all, a person gets a neighborhood school. This is positive since, for most Americans, public schools are still the most viable option for elementary and secondary education. And it is widely acknowledged that education affects employment opportunities which, in turn, affect economic conditions. When poor and minority persons are kept out of neighborhoods where the best public schools exist, this is a tragic denial of their possibilities for upward mobility in the society.

It is a restraint of personal growth and of opportunity for full participation: The law should guarantee, not deny, the possibility of growth and participation for all citizens. The fact that busing has been turned to as a way of desegregating the public school system shows the prevalence of highly segregated housing patterns. If equal access to housing becomes a reality, it is likely that this means of insuring racial balance in public schools would be unnecessary.

The relationship of a person's neighborhood to his employment is most significant to the average American. The cost and time of traveling great distances to work usually prohibits or discourages such employment. As business moves away from urban communities, where most poor and minorities live, to the suburbs, where minorities often cannot obtain housing, the opportunity for access to employment disappears. So, the basic human right to earn a living is denied when access to housing is denied. The person's economic lot cannot be improved and the possibility of participation in the American dream disappears—not just for an individual, but, likely, for children and grandchildren.

Mr. President, the gravity of our responsibility to stop housing discrimination, which can so destructively permeate the life experience of a family, demands immediate effective and sensitive action. Both my distinguished colleagues of the Judiciary Committee and the Members of the House of Representatives, who understand and accept this mandate, have agreed to amendments to the Fair Housing Act which will establish an enforcement mechanism for title VIII to insure that justice is rendered speedily and efficiently. This issue deserves our most careful consideration now.

Both H.R. 5200, passed by the House, and S. 506, reported by the Senate Judiciary Committee, would strengthen title VIII by providing an administrative enforcement system subject to judicial review and by decreasing barriers to the use of court enforcement by both private individuals and the Department of Justice. In addition, they would extend title VIII protection to handicapped persons.

H.R. 5200 and S. 506 would amend title VIII to allow HUD attorneys to investigate complaints and seek a temporary order to stop the sale or rental of a dwelling. Administrative law judges could issue "cease and desist" orders, provide other appropriate relief, impose civil fines up to $10,000, and extend protections against housing discrimination to the handicapped. Under both bills, the Secretary of HUD, after investigating a complaint, would make a determination of finding of discrimination. HUD would then select either an administrative hearing or referral of the case to the Attorney General, to file suit in Federal district court.

The Secretary of HUD must refer cases where States have agencies certified to handle housing discrimination. My State of New Jersey is among the 25 States and one locality having such agencies. Additionally, 3 States and 10 localities are expected to be certified soon. This process would be quicker and easier than going to court. More landlords, realtors, and builders would have incentive to settle if they knew the law would be enforced. Victims would have the possibility of obtaining the selected dwelling and discrimination with impunity would be ended. The purpose of the Fair Housing Act could be fulfilled.

Mr. President, America was established on lofty and precious ideals. Over the years, many have lost sight of some of our most noble standards and goals. It is for us to ever be true to our Nation, to hold the greater society on the highest ground, to apply pressure where will is weak, to instill principles when they are forgotten, to keep alive hope in the hearts and minds of every American, and to believe in and inspire belief in freedom and justice for all.

I thank the Senator from Massachusetts for his persistence in this matter, for giving this opportunity to all of us who believe very strongly that the principles embodied in this Fair Housing Act are essential to each American's self-conception as well as to his self-preservation.

Mr. KENNEDY. I thank the Senator.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to the opponents until we get to equal time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I am happy to yield to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, I thank the Senator from Maryland.

Mr. President, I oppose the majority leader's effort to move to consideration of the fair housing bill.

This legislation has been called the most significant civil rights bill of the decade. It has provoked considerable controversy among people of good will—people who share a commitment to the vigorous enforcement of fair housing laws but disagree vehemently on the remedies proposed by this bill. Resolving these difficulties will be no easy matter. We should not attempt to take on that task as a lameduck Congress, at the 11th hour, with other important legislation—including several appropriations bills—facing almost certain death. To argue otherwise, in my view, is irresponsible.

The majority leader knows there is insufficient time to give this legislation adequate consideration. His effort to bring up the bill at this time is not a serious effort to write legislation. It is purely and simply an effort to embarrass those who have concerns about this bill by making them appear to be opposed to civil rights legislation. That argument is a sham. Our duty to legislate responsibly demands that we put over this legislation for reconsideration by the new Congress. That is why I oppose this effort to take up the bill and why I am voting as I am today.

Mr. MATHIAS. Mr. President, the Senate is in the process of considering a vote on cloture so that we might move to consideration of H.R. 5200, the fair housing bill.

I urge my colleagues to allow this matter to come to the floor so that we might proceed to debate this important civil rights legislation.

As my colleagues know, I have introduced this legislation in both this Congress and in the 95th Congress. Twelve years ago I was active in the passage of the fair housing legislation which passed the Congress in 1968.

The text of the legislation has varied in different versions and this bill is somewhat different from that which was originally introduced. But this bill has a very simple goal, to provide a speedy, low-cost enforcement mechanism for individuals who allege they have been discriminated against in their choice of housing.

The lack of an adequate enforcement mechanism for individual housing complaints has been recognized and a remedy urged upon the Congress by every Secretary of Housing and Urban Development since the Department was created in the 1960's. Both Democratic and Republican administration have sought to remedy the oversight, the omission, of the 1968 Civil Rights Act which, as many of my colleagues will remember, was an historic document for that year.

That 1968 law, while giving HUD the responsibility to investigate complaints of housing discrimination, and while giving the agency adequate powers to investigate, gives HUD no real power to remedy housing violations which its investigations reveal. If HUD fails to remedy the violation through conciliation, aggrieved individuals are left to seek redress through private civil actions—a time-consuming and costly process which acts as a deterrent to the complainant.

This legislation has been the product of bipartisan cooperation all during its drafting, hearings, and committee markups, by Members of both the House and Senate. The House version of this legislation passed the House by an overwhelming bipartisan vote of 310 to 95 on June 12 of this year.

As I indicated, this is not a new subject to come before either body. There is a long history of hearings and legislation introduced to deal with the subject of equal access to housing. For example, the House Subcommittee on Civil and Constitutional Rights began hearings in the 92d Congress back in 1971–72 on the Federal Government's role in the achievement of equal opportunity in housing. Nine days of hearings were held documenting that serious inadequacies existed in the present law, that housing discrimination was persistent and pervasive, and that HUD and the Justice Department were without adequate enforcement tools.

In the 93d Congress, the U.S. Civil Rights Commission presented its report entitled "Equal Opportunity in Suburbia" to the House Subcommittee on Civil and Constitutional Rights. That report documented the increasingly segregated housing patterns and attributed it to private sector forces such as real estate steering, redlining, and the demographic shifts which came to be known as the White "flight from the cities." The report also noted a variety of public actions which contribute to housing segregation such as our interstate highway construction program and local land-use and zoning practices.

Again in the 94th Congress, the House subcommittee held 5 days of hearings again documenting that housing discrimination continued, in more subtle ways, but with the same effect as the more blatant earlier forms of housing discrimination.

During the same 94th Congress, the House subcommittee conducted oversight hearings on equal housing opportunity in rural areas. Those 5 days of hearings confirmed that housing discrimination is national in scope and that discrimination in the private market was overlooked by the responsible Government agencies.

In the Senate in the 95th Congress, S. 571 was the subject of a day of hearings on April 10, 1978—a fair housing bill that I introduced—which included supporting testimony from both the Department of Justice and the Department of Housing and Urban Development for enforcement powers within the Federal Government for individuals housing discrimination complaints.

I might add that the companion bill to my legislation in the House was introduced by my very distinguished Maryland colleague, Representative GLADYS SPELLMAN.

So based on this accumulation of evidence, in the 96th Congress, S. 506 was introduced as was its companion, H.R. 3504, which was subsequently reported as H.R. 5200, and which is now before us.

So we have had a long history of hearings documenting the problem of housing discrimination and the need to provide for an enforcement mechanism for title VIII of the 1968 Civil Rights Act.

And it has been a bipartisan effort all along which I hope will continue to be a bipartisan effort.

One of the major floor managers of the Civil Rights Act in 1968 was Senator Edward Brooke.

Senator Brooke recently addressed the National Association of Homebuilders, on among other things, this fair housing bill and a recent conversation he had with President-elect Reagan.

I would like to read to my colleagues Senator Brooke's recounting of his conversation with Governor Reagan:

> I am convinced that President-elect Reagan will support the strengthening our Fair Housing Law which is now unfinished business still before the Lame Duck session of the Congress.
>
> I would like to state the views Ronald Reagan expressed when we discussed this subject last October.
>
> The Governor said that he applauds the Congress's efforts to amend the Fair Housing Act of 1968, and that he wanted Members of Congress to know that they would have his full support as President in their efforts to enact appropriate and effective amendments to the Act.
>
> Governor Reagan said that the Open Housing Act must be enforced, and that means an effective administration that can deal with cases speedily without accumulating an enormous backlog.
>
> He said that merely enforcing the law, or creating more judicial machinery in Washington, is not a sufficient answer to the very real problems of discrimination in housing, for the problem lies in the hearts of our fellow citizens, and that it is to those hearts that he as the President must direct an appeal to justice, to fairness, to reconciliation, and to equal opportunity for all. Governor Reagan said that no President can rest until what he called twelve years ago the "evil sickness of prejudice" has been eliminated from our society.
>
> He further said that the President must use his high office to combat racism and discrimination wherever it exists, and that he must take a committed personal role himself.
>
> The Governor said that ensuring civil rights and full equality before the law are critical responsibilities of a national administration, and that they are responsibilities that he will take to heart. He said that it is encouraging that we have many beneficial laws on the books already, but that the challenge for the 1980's is to make them work well to meet the real needs of our minority citizens. And, in particular, when justice slows to a crawl in remedying instances of housing discrimination, then justice is denied."

I think it is clear from this conversation with President-elect Reagan that the time is clearly upon us for consideration of this important and historic legislation. I urge my colleagues to vote for cloture so that the Senate might work its will.

The PRESIDING OFFICER. All time allocated to the minority leader has expired. The Senator from Massachusetts has 1 minute remaining.

Mr. KENNEDY. Mr. President, I inquire of the majority leader: Since the vote is going to be at 3:30, could we have 6 more minutes? The Senator from Wyoming is a member of the Judiciary Committee, and I think he should be heard for 5 minutes.

Mr. SIMPSON. I do not require any more than 4 minutes.

Mr. KENNEDY. Then, I would like to consume the remainder of the time.

Mr. ROBERT C. BYRD. Mr. President, I would be happy to ask unanimous consent that the automatic quorum under the rule be waived, but I do not know whether this would meet with opposition on the part of any Senator, so that Senators could use the full time between now and 3:30 p.m. for debate.

Mr. KENNEDY. I think the Senator from Utah has indicated agreement with that procedure. The Senator from Utah has given me that assurance from the gallery.

[Laughter.]

Mr. ROBERT C. BYRD. I hesitate to say that any Senator is out of order.

We are checking on that. Let us proceed momentarily. I am checking on it with the Republican side.

Mr. SIMPSON. I say to the majority leader that Senator HATCH advised me that he had relinquished the remainder of the time and reserved just a few moments. That would be the time I would be utilizing.

Mr. KENNEDY. Mr. President, the Senator is correct. I think the problem has been that the time for the Senator from Maryland was on the proponents' time, so he basically used the time of the minority. I had only a couple of minutes remaining. The Senator from Wyoming has stated it accurately. The Senator from Utah asked that time be reserved.

Mr. ROBERT C. BYRD. I now have been able to clear the request with the other side.

I ask unanimous consent, Mr. President, that the automatic quorum call under the rule be waived, that no quorum call be in order prior to the rollcall vote, which will begin at 3:30 p.m., and that the ensuing time be divided equally between the two sides, as heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I appreciate my colleague yielding time to me. I must address a group of freshmen Senators in a moment.

I listened with great interest to the Senator from Maryland (Mr. MATHIAS). He is correct about the House rollcall vote for final passage of H.R. 5200. It was indeed significant. However, I call the attention of all who have been examining this issue carefully to the fact that the vote on the crucial and controversial issue of whether the fair housing law should be enforced through an administrative procedure was 205 to 204 and that several votes were changed in the last moments from nay to yea.

Mr. President, I want to emphasize my view that enforcement of the fair housing law should be strengthened. I know of no Senator who disagrees with that.

Mr. MATHIAS. Mr. President, will the Senator yield at that point?

Mr. SIMPSON. I yield.

Mr. MATHIAS. I believe there is no doubt that everyone agrees that the fair housing law needs to be strengthened. The distinguished former Senator from Massachusetts, Mr. Brooke, has shared with me a conversation he had with President-elect Reagan on this subject, the text of which I have just inserted in the RECORD. I believe it makes clear that there is unanimous support for the concept of fair housing.

Mr. SIMPSON. Mr. President, I agree that support for the concept of fair housing is unanimous in this body. The only major controversies over this bill of which I am aware concern the enforcement procedure to be used, the proper interpretation of the existing statutory standard for determining whether discrimination has occurred, and whether a fair housing bill involving significant controversy should be considered at this point in the session. Those are the issues.

Mr. President, I urge my colleagues not to be misled into believing that their vote against cloture would be a vote against civil rights. That is not the case. I hope we have passed that type of logic. I certainly am not going to be lumped into that category. I am not there and I never have been.

The issues before us relate to fundamental procedural fairness for all parties to a housing dispute and to the proper interpretation of statutory law, as well as allowing proper time for consideration of a bill of this importance, including a conference. We certainly should not adopt the House bill and ignore the hard work of the Senate Judiciary Committee.

I urge my colleagues to consider most carefully and very clearly two needed provisions that I believe are now lacking in this bill. One provision would provide for an expedited procedure before a neutral judicial forum for the adjudication of fair housing cases, with the right to a jury trial on appeal. The second provision would restore the congressional intent with respect to the standard for determining whether unlawful discrimination has occurred. It would provide that a private act in the housing area, such as refusal to sell or rent a home to a member of a minority ethnic group, or a public act, such as the adoption of a zoning ordinance that has the effect of disproportionately limiting access to housing by persons in a particular ethnic group, could not be unlawful under Title VIII in the absence of an intent to discriminate.

Mr. President, on a later occasion I expect to have some remarks on the procedural issue of whether housing discrimination cases should be adjudicated in a judicial or in an administrative forum and whether a jury trial should be available at some stage in the proceedings.

Today I want to focus my comments on the substantive issue of whether discriminatory intent is and should be required before a violation of title VIII can occur.

I. LEGISLATIVE INTENT

Mr. President, the first matter that should be emphasized is that Congress clearly intended that a violation of title VIII must require discriminatory intent or motivation—in other words, a discriminatory state of mind. That is how the legislation came into being. I agree with that concept totally.

I have here some old, dusty and musty volumes of the CONGRESSIONAL RECORD. They contain some of the legislative history of the Fair Housing Act in the Senate. By the looks of these pages they have not been read too often. Indeed it may be that the copies of these volumes in the law libraries of some, but not all, of our circuit courts are similarly unread. I say this because the opinions of these courts do not reflect much knowledge of the legislative history of the act.

Mr. President, maybe these volumes have not been read more because the print was so small. Well, I have had some of the statements put into good old bold type so that I could read them today for my colleagues. I believe they show unequivocally that the primary sponsors of the bill, as well as all other Senators who spoke on the floor, understood and intended that the law would outlaw only acts based on discriminatory intent. To my knowledge no legislative history has been or could be presented to support a standard that would allow a violation of title VIII to be established solely by a showing of disproportionate effects.

Mr. President, in my view this Congress has a clear duty to protect the legislative process by either correcting the judiciary when it has misinterpreted a statute, or, alternatively to amend the statute to conform to the cases. The practice of passively allowing statutes lawfully enacted by a democratically elected Congress and President to be amended by judicial fiat is undemocratic in the most literal sense of that word—and it is very dangerous.

If my colleagues wish the "intent test" to be in the statute, they should have the courage to say so. I say "courage" because the American public—I have no doubt—would be shocked at the idea that a private individual or public body could be held guilty of an unlawful discriminatory housing practice merely because their actions had unintentionally affected certain ethnic or other groups differently.

Mr. President, it seems to me that in order for Senators responsibly to support the existing statutory language, which is not changed by this bill, they would have to believe that the Congress did intend the "effects test" to be used, despite the extensive legislative history to the contrary and despite the lack of legislative history in favor of such a view. I would ask those who have such a view to present to all Senators any legislative history they may have to support their position.

Mr. President, there are some who seem to believe that courts should ignore the plain meaning of the statute and the intent of Congress, if necessary to do justice. Well, I have observed that we all still enjoy saying we are a government of laws, not men. Yet to ignore the law as intended by the legislators who enacted it, in the service of some allegedly higher goal, is literally to abolish the rule of law and consequently the structure on which depend all of our freedoms.

Mr. President, the first expression of the concept of government by laws and not by men was in Aristotle. I would like to share with my colleagues a very brief quotation from Aristotle's Ethics where he argues that the judge should fill a gap in the law "by ruling as the law giver himself would rule were he there present, and would have provided by law had he foreseen the case would arise."

Mr. President, at this point, I would like to cite some of the legislative history of the fair housing law. I urge my colleagues to listen carefully to this very brief selection.

First, let me quote from the questions and answers on the Fair Housing Act of 1967, which was submitted for printing in the CONGRESSIONAL RECORD when then Senator MONDALE introduced the act:

> What exemptions does the act have?
>
> The act forbids refusals only on the basis of race, color, religion or a national origin.
>
> Would the act prohibit a person from refusing to sell or rent for any reason other than race, color, religion or national origin?
>
> No. Other reasons for refusing would continue to be as valid as they are now. . . .
>
> Will a person against whom a complaint of discrimination is issued have to prove that he did not discriminate?
>
> No. The burden of proof rests on the Department of Housing and Urban Development, or the complaining person, to prove that the defending person did discriminate on the basis of race, color, religion or national origin

I would like now to present some comments of Senator Brooke, one of the prime sponsors of the bill.

> [This bill] will prevent no one from selling his house to whomever he chooses, so long as it is personal choice and not discrimination which affects his action.
>
> [T]his nearly universal pattern of residential segregation cannot be explained as resulting from economic discrimination against all low-income groups. . . . Thus, racial discrimination appears to be the key factor underlining housing segregation patterns.
>
> What they are really asking for is respect as individuals. They do not want to be denied it merely because their skin happens to be black.
>
> A person can sell his property to anyone he chooses, as long as it is by personal choice and not because of motivations of discrimination.
>
> We must do all that is reasonable and just to guarantee that no individual will suffer for the prejudice or venality of another.
>
> This measure, as we have said so often before, will not tear down the ghetto. It will merely unlock the door for those who are able and choose to leave. I cannot imagine a step so modest, yet so significant, as the proposal now before the Senate.

Senator Brooke cites a 1963 study by the U.S. Housing and Home Finance Agency:

> While the study cites a number of related factors inhibiting home ownership among non-whites, it points particularly to racial restrictions as an important deterrent to the availability for new housing for this group.
>
> Although low income is an obstacle to many Negroes in acquiring adequate housing, a large number of Negroes have moved up to middle-class levels of income, and many of these Negroes who have the money want to live in a suitable environment. * * *

Senator Brooke went on to say:

> But often the Negro cannot realize this aim because he is surrounded by a pattern of discrimination based on individual prejudice. * * *

I now would like to present some statements of Senator Tydings, another major sponsor of the legislation:

> [P]urposeful exclusion from residential neighborhoods particularly on grounds of race, is the rule rather than the exception in many parts of our country.
>
> I believe that landlords and property owners should be free to demand proper qualifications of prospective tenants or home buyers, such as adequate income, good credit record, proper family size to insure against overcrowding and so forth. But I firmly believe that sellers and landlords must deal with everyone fairly and equally, by not excluding anyone from residences solely because of race, religion, or national creed.
>
> [T]here is nothing that would prevent a person from selling his property to a relative, a friend, a business acquaintance, or a personal acquaintance. What it does do, however, if he puts it up for public sell, is prohibit discrimination on the basis of race, religion, or color.

Senator Tydings quotes President Johnson in his 1968 civil rights message to Congress:

> Every American who wishes to buy a home, and can afford it, should be free to do so.

Senator Tydings quotes Attorney General Ramsey Clark:

> There is nothing in [this title] to prevent personal choice, where personal choice, not discrimination, is the real reason for action. * * * It would simply assure that houses put up for sale or rent to the public are in fact for sale or rent to the public. It would assure that anyone who answered an

advertisement for housing would not be turned away on the basis of his race.

I could go on with these statements but let me just say that it is very, very clear from the legislative history of the act that it was about discrimination and that discrimination was about actions motivated by racial and other prejudice. I invite my colleagues to peruse the legislative history contained in these volumes.

II. THE MERITS

Mr. President, this Congress is not, of course, bound to agree with the intent of a previous Congress. However, if it does not, it should amend the statute accordingly. Personally, I believe that the test of discrimination understood by the 90th Congress—the intent test—is the test most consistent with traditional American ideals and with the desires of the American people.

I hope my colleagues will remember exactly what sanctions will be available to enforce title VIII: They would include a $10,000 fine and "such other relief as may be appropriate." It is the position of proponents of this bill in its present form that this could include out-of-pocket costs. In addition, the defendant is in effect labeled a violator of civil rights. The curse is put on him.

Several of these remedies are punitive in nature and in my opinion should not be imposed without any wrongful purpose on the part of the defendant. The criminal law requirement of a guilty mind—or mens rea as the professors like to call it—is a perfect analogy.

III. ZONING

Mr. President, I want to make a few specific comments on this issue in the zoning context.

Do my colleagues realize that if the effects test were consistently applied in the zoning area, very few, if any, zoning ordinances would be lawful?

Most efforts to promote community health, safety, beauty, residential character, property values, and other laudable objectives, have the effect of increasing the cost of housing and, therefore, the effect of limiting access by lower income individuals. Since various ethnic and other population groups differ in their wealth and income characteristics, the impact of zoning or other land use practices on various groups is disproportionate. So-called underrepresentation of some groups and over-representation of others is thus inevitable if we are to have the benefits of zoning and other land-use planning.

In addition to advocating an "effects test" based on the issue of whether or not actions have the effect of limiting access by protected groups disproportionately, some social engineers in this country seem to believe that an additional step should be taken to get away from congressional intent. A broader effects test would make unlawful even actions which have the effect of limiting access to all groups equally, but which would thereby delay the achievement of "proportionate" representation for the protected groups. Such a test would make unlawful local practices by predominantly white communities that tend toward maintenance of the character of the community, not in the racial sense, but in the sense, for example, of placing limitations on new construction or in other policies designed to maintain the existing population density and suburban or rural lifestyle.

Mr. President, there are few actions that present such a potential for ethnic conflict as the interference by the Federal Government in local land use decisions which have been made for enintent to discriminate, the Federal Govnot consistent with the "visions of the good" as held by certain well-meaning but rather tunnel-visioned folk in Washington, D.C.

I strongly urge my colleagues not to allow HUD, DOJ, or the Federal courts to go further down this very dangerous road.

Let me emphasize that although the most timely area of controversy is zoning—because of certain recent initiatives of the Department of Justice in which the effects test is being applied—there is even less justification for enlisting the power of the Federal Government against private individuals who have not intended to do any wrong. If the owner of a small apartment building has imposed a rule that tenant's incomes be at least equal to a certain multiple of rent or that there should be no children because of the desires of his tenants, and he has no intent to discriminate, the Federal Government should not interfere to reduce his freedom.

IV. NO UNAMENDED BILL SHOULD GO FORWARD

Mr. President, at this point I want to explain why I believe that if this bill is to go forward, congressional intent must be restored and the dispute among the circuits resolved now, and not left to the Supreme Court or a later Congress.

First, the Senate bill expressly provides for the intent test in two specific situations: Minimum lot size zoning ordinances and real estate appraisals. I introduced the first of these provisions myself and supported the second in committee because the broader amendment offered by Senator HATCH was defeated in earlier committee votes even though there is no principle which can justify the intent test in these specific situations, but not in others.

The combination of these two specific provisions with the committee's defeat of the broader intent test amendment and the language of the committee report, which inaccurately describes existing law, are likely to be cited as evidence of the intent of this Congress that an effects test should generally be applied.

Second, the strengthening of title VIII's enforcement makes it imperative that the proper legal standard be applied to determine whether discrimination has occurred. The opportunity for serious harm to defendants who have intended no wrong is obviously much greater, the stronger the enforcement available.

V. EASE OF PROSECUTION

Mr. President, the primary argument against an intent test is that it would be more difficult for HUD and the complaining persons to win cases.

I say to my colleagues frankly that I find this concept to be very, very disturbing. Since when has fairness or justice been determined by whether it consistently benefits one class or another in a particular type of controversy?

Indeed, this argument totally begs the question, which is: What does Congress seek to accomplish? Does it seek to prohibit discriminatory actions, or rather does it seek to prohibit any actions—or even any omissions—that do not have the effect of providing the most housing for favored groups? If it is the former, then not only should the proper test make the prosecution of cases that do not involve discriminatory intent more difficult, the test should make this impossible.

Mr. President, I want to emphasize that a state of mind requirement in this area does not require mindreading, any more than such a requirement does in other areas of both civil and criminal law. Discriminatory intent may be shown by circumstantial evidence such as the historical background of a decision, the specific sequence of events leading up to the challenged action, whether or not there were any departures from regular operating procedures, contemporary statements of involved parties, as well as the disproportionate impact or effect of an action. These factors were noted by the Supreme Court in the famous Arlington Heights case, in which the Supreme Court held that a showing that the act of a local government had a disproportionate effect on different ethnic groups is not sufficient in itself to establish a violation of the 14th amendment.

Furthermore, the intent test does not require a showing that the discriminatory intent was the only motivation for an act. Once any discriminatory motive has been shown, the burden is shifted to the defendant to prove that the same decision would have resulted even without the improper motive.

According to some, the effects test is only a shifting of the burden of proof upon a showing by the plaintiffs of discriminatory effect. The defendant would then be required to prove, by a preponderance of the evidence, that his purpose was not discriminatory. Even if the effects test were limited to a shifting of the burden of proof, it would be improper and it should be remembered that this burden shifting theory is not the theory which the Justice Department appears to be applying nor the theory of all the courts supporting an effects test.

A shifting of the burden of proof to the defendant is not common in the law. It has generally been used when the defendant's position is inherently less plausible, for example, when the legislature makes a finding that certain fact situations are generally linked so that the proving of one would create a rebuttable presumption that the second existed, or if the defendant is in a unique position to ascertain and prove the material facts. The first situation does not appear applicable at all, since there is no necessary connection between discriminatory effect and discriminatory intent. The second situation is also not applicable. The plaintiff's burden in proving the existence of discriminatory intent through circumstantial and other evidence, such as express statements, including those available through subpena, is no more difficult than a defendant's burden in showing the absence of any improper intent, which is the proving of a negative, a most difficult task, as we all have come to know. I remind my colleagues that the plaintiff must show only that an improper intent was involved. He need not show that it was the only intent. At that point under existing law, the burden of proof shifts to the defendant.

VI. CIRCUIT COURT CASES APPLYING THE "INTENT TEST"

Mr. President, I had intended to conclude my remarks with a discussion of several circuit court opinions which state that title VIII calls for an intent test, not an effects test, but I will leave that to another occasion in the next couple of days.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by my colleague, Senator TSONGAS, who would be here today if it were not for a death in his family.

There being no objection, the statement by Senator TSONGAS was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TSONGAS

I support H.R. 5200, the Fair Housing Amendments of 1980. This legislation started out as the Amendments of 1978, and has been debated, discussed and amended for two sessions of Congress.

Today we have the opportunity to end, at last, the long delay in providing strong and effective remedies for victims of housing discrimination.

I was an original co-sponsor of S. 506, the Senate version of this bill, and to my mind, H.R. 5200 represents both a reasonable and responsible attempt to give our fair housing law the clout which is lacking in the current statute, while balancing and protecting the rights of all parties.

Let us make no mistake about the necessity of this added clout. Without this legislation, we cannot make progress towards eliminating housing discrimination in the United States. Twelve years of experience with Title VIII of the Civil Rights Act of 1968 has revealed significant inadequacies in our Fair Housing Law. The enactment of H.R. 5200 is critical, if we are to address those inadequacies.

The most critical weakness of the current law is the lack of an effective enforcement mechanism. We can currently offer the victim of housing discrimination the tools of persuasion, conciliation, or costly and extended private federal litigation to counter the forces of discrimination. The ineffectiveness of those tools for many cases is dramatically underscored by a 1979 HUD survey which revealed that a minority person stands a 75 percent chance of encountering housing discrimination.

It is long past the time when we need to say that enforcement which is based on pursuasion, conciliation, or a private suit which will be both too costly or be decided too late is not acceptable, and is not an honest attempt to implement the national policy against racial discrimination. We cannot say that we support the principles of fair housing and fail to translate that support into a strong and effective law against housing discrimination.

H.R. 5200 was passed by the House last June by a vote of 310 to 95, and had the strong support of both Democratic and Republican leaders in the House Judiciary Committee. Now the Senate has the opportunity to fulfill the promise which was made in the Civil Rights Act of 1968, and to provide effective fair housing laws for the first time in our nation's history.

Mr. KENNEDY. Mr. President, I wish the Senator from Wyoming could remain in the Chamber to hear my response to his comments.

He has stated accurately the two important issues that must be resolved. One is the enforcement provisions and the other is the intent provisions. Those are key elements of this legislation. There was considerable discussion within the Judiciary Committee on those particular matters.

The Senator from Wyoming is quite correct that those are the two essential issues that were considered in the course of our hearings and our discussions in the full Judiciary Committee, and they should be debated on the floor of the Senate.

However, aside from those issues—and they are extremely important—I do not believe there really are other issues at stake in this legislation. Perhaps our colleagues have amendments on other provisions, but that is the heart of the area of controversy. Those issues have been debated and discussed for some period of time, and the RECORD is replete with the reasons for or against—on the enforcement provisions and on the intent and effect provisions.

But those are issues that should be decided here in the Senate Chamber, and I am convinced that we could get a reasonable period of time to debate those and let the Senate make a judgment on those issues and no matter how the Senate comes out, I am absolutely convinced that we could get a swift conference with the House of Representatives and also report back to the Senate on a conference bill.

But I think those are the two items, and the Senator from Wyoming has stated them quite accurately, but the Senate should not end this session without addressing those two issues. I still hope that we are going to be able to gain the votes for cloture and then we would be able to have a debate and discussion on those two major items.

A final point I wish to make, Mr. President: The fact is, as has been pointed out, this measure is a bipartisan effort by Republicans as well as Democrats, as the major civil rights legislation has been over the period of years. But we should make no mistake about it. The eyes of the country are really going to be on the Senate this afternoon to see whether we are going to uphold our longstanding and historic commitment to full equality that was really begun in the early part of the 1960's in the range of civil rights legislation. The time is fast approaching when this body is going to vote on that question, and I am certainly hopeful that we are going to make it extremely clear that Republicans and Democrats alike are going to seek once again to see advancement in an important area of the human condition and that we are going to take the steps which are going to eliminate the last vestiges of discrimination in the important area of housing for all Americans.

Mr. President, I yield such time as the Senator from Alabama desires.

Mr. HEFLIN. Mr. President, I am for an equitable, fair, and just fair housing bill. I am opposed to House bill H.R. 5200. I am for the Senate judiciary bill S. 506 with a few changes.

It is obvious to me that the plan of action is now to force the House bill on the Senate. There is not time for a conference committee approach. Already organizations supporting the fair housing bill have put out memorandums saying, "Support H.R. 5200 without amendments." There is no question in my mind that if the fair housing bill is brought up the direction will be to pass the House bill without any amendments.

I have spent a year and a half trying to work to present to the Senate in the Judiciary Committee an equitable, fair, and just fair-housing bill. We in the Judiciary Committee developed an independent administrative law judge tribunal which will provide independence and eliminate the combination of investigator, prosecutor, grand jury, and trial judge concept in administrative agencies.

The House bill puts the administrative law judge tribunal in the Department of Justice. The Attorney General has the power to fire administrative law judges for cause. This is unworkable: One arm of the Department of Justice will be involved in prosecuting cases under the fair housing bill; another arm will be acting as an administrative law judge tribunal.

To me, if there is any concept we must protect, it is separation of powers. It is sometimes questionable in the administrative tribunals. H.R. 5200 tribunal is the most blatant violation of any that I have ever seen or heard about.

This concept, in my judgment, violates all concepts of fairness and justice. One arm of the Justice Department would be involved in prosecuting cases under the fair housing bill, another acting as the administrative law judge.

Therefore, I am opposed to this effort to force the House bill upon the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Oklahoma may desire.

Mr. BOREN. Mr. President, the issue with which we are confronted on the vote to impose cloture on the fair housing legislation is, indeed, a complex one. I simply want to share with the Senate the dilemma in which I find myself trying to make a decision as to how to vote on this motion.

I am a strong supporter of fair housing. I believe the present laws relating to fair housing need to be strengthened. At the same time, I have grave misgivings about the House-passed bill.

If there is any message that the American people have tried to send to us through the elective process, through letters I have received from my own constituents, and communications, it has been that they have been at the mercy of the bureaucracy long enough, that they want to assure that their rights are protected through impartial tribunals, and if they are accused by any organization of the Government of violation of the law, they want the right to a fair and impartial trial on the issues.

I have to say that the House bill as now written does not in my mind provide sufficient guarantees for that right, and sufficient protections against the power of the bureaucracy.

So while I hope to see this Congress this year consider and adopt an appropriate fair housing bill I, at the same time, find myself in the position of not being able to vote for the House-passed measure.

Therefore, as I ponder my decision on the cloture vote I will have to weigh what I feel are the chances of substantially modifying the House-passed bill and enacting those modifications into law.

I would not want to cast a vote which would enable the House-passed bill to be enacted into law and signed by the President without substantial modification. I think it is a dilemma shared by many of my colleagues.

I think it is unfortunate that we are put in this position at this moment. I wish there were some way we could be given assurance that independent tribunals would be provided, the kind of proposal made by the Senator from Arizona (Mr. DECONCINI) and others which could be incorporated into the bill, as I think there would be a large majority in this Senate in favor of fair housing legislation with those kinds of protections included in it.

I yield the floor.

Mr. HATCH. Mr. President, let me summarize once more my concerns with the pending measure, H.R. 5200. I would emphasize again the fact that this bill has never been considered by the Senate or any of its committees or subcommittees.

PROBLEMS WITH THE FAIR HOUSING ACT EFFECTS TEST

Both H.R. 5200 and S. 506 would read into the present Open Housing Act a test for determining discrimination that focuses upon the "effect" or "disparate impact" of a public or private action, rather than upon the intent or purpose or motivation behind the action. This test has been increasingly employed against local zoning and land-use practices and comes dangerously close to reading into the act a classification prohibiting "discrimination" on the basis of "economic status." Through use of the effects test, suits have been brought against communities on the basis of minimum lot-size requirements, limits upon apartment construction, restrictions upon group homes in residential neighborhoods, refusal to rezone for public housing, and so forth.

Unlike the traditional intent test for discrimination, the effects test looks primarily to statistics in determining the existence of discrimination. The Supreme Court has made clear that violations of the constitutional standard of "equal protection" require proof of intent, although it has made no decision as to whether or not congressional enactments can establish a lesser standard. The circuit courts are split on the issue. The intent test does not require overt expressions of bigotry but enables courts to look at whatever direct or circumstantial evidence is available in determining intent, including the effects or disparate impact of an action.

Administrative process: H.R. 5200 and S. 506 would establish an administrative process for resolving housing discrimination complaints. The major objections to this are the fact that it affords no opportunity for either party to request a jury trial; a violator of the act is subject to a $10,000 fine, "such other relief as may be appropriate," and the stigma of being labeled a civil rights violator. The fact that it affords no opportunity for an accused party to have his case heard before a truly neutral and independent arbitrator. Administrative law judges (ALJ's) are appointed by executive agencies and will inevitably be subject to the pressures of whatever constituencies are closest to the appointing agencies, that is HUD, DOJ, or Fair Housing Review Commission. Further, the ALJ process is totally ill equipped to be deciding cases of this character—where there may be two genuinely private and adversarial parties. This, is a far cry from the traditional use of the ALJ process—resolution of social security complaints, transportation rate regulation cases, and so forth.

Insurance regulation: H.R. 5200 would extend the coverage of the Open Housing Act, for the first time, to property insurance activities. The issue here is not the propriety of regulating discriminatory insurance practices, but the level of government. The States have regulated this area for many years without serious complaint.

Appraisal practices: H.R. 5200 would authorize HUD to continue practices whereby it limits the ability of property appraisers to honestly evaluate property value, as well as limits appraisers' first amendment rights. HUD has issued regulations that prohibit appraisers from using such terms as "church," "synagogue," and a variety of other "code words" in a misguided effort to homogenize neighborhoods. Fictitious property values are of no long-term benefit to sellers, purchasers, or lenders. Appraisers are already covered by the act for genuinely discriminatory activities.

Testers: H.R. 5200 would authorize HUD to employ "testers" on a random basis to, in effect, entrap home sellers into violations of the law.

● Mr. WEICKER. Mr. President, as a cosponsor of S. 506, I am pleased to speak in support of the passage of this legislation. These amendments are sorely needed to correct weaknesses in the Fair Housing Act of 1968. Although this law was enacted more than a decade ago, HUD figures show that the practice of housing discrimination still exists widely across the Nation.

In acting on this legislation, it is important that Congress provide a mechanism that will allow for fair and effective enforcement of Federal housing discrimination laws. The House has proceeded toward this end by passing H.R. 5200 which would use administrative law judges to adjudicate housing discrimination complaints. Although this proposed procedure has generated some controversy, the placement of these judges under the Department of Justice should provide an impartial forum for the resolution of these complaints. In addition, the House has moved to include coverage of the handicapped under this bill. I commend the House for responsibly addressing this issue.

Although S. 506 has given rise to some concern at the local level over the issue of zoning practices, it in no way removes the power of local governments to issue zoning ordinances. Furthermore, this bill would not give the Secretary of HUD the power to change local zoning regulations.

Clearly the need for the passage of this bill is urgent. Twelve years ago Congress acted to resolve the problem of housing discrimination, however, the resulting legislation was not adequate to deal with the sophisticated methods of discrimination which subsequently developed. We now have the opportunity to address this problem and to provide the tools necessary to insure the effective enforcement of both the spirit as well as the letter of the law.

The intent of H.R. 5200 is to insure equal access to housing opportunity for all American citizens, not to override local zoning regulations or to make HUD the accuser, prosecutor, judge and jury in discrimination complaints.

I would hope that any controversial aspects of this legislation will be thoroughly debated and properly addressed. It is important that the Senate proceed and responsibly address the loopholes in the 1968 Fair Housing Act, as did the House, and pass H.R. 5200 in as strong a form as the bill reported by the Senate Judiciary Committee.●

● Mr. GLENN. Mr. President, the Fair Housing Amendments Act of 1980—H.R. 5200—is now before the Senate for possible consideration. I strongly urge passage of this extremely important legislation for all Americans. Although I am a cosponsor of S. 506, I also support the similar House version—H.R. 5200—which was passed on June 16, 1980.

I am pleased to say that since the Senate Judiciary Committee favorably reported S. 506 on August 20, 1980, I have taken an active role in attempting to bring the fair housing bill before the Senate for consideration. On September 19, 1980, I joined 25 other Senators in signing a letter to our distinguished majority leader which voiced our strong support for S. 506 and urged him to schedule the bill for floor action. Again on November 21, 1980, I joined 31 other Senators in signing a similar letter to our distinguished majority leader.

Mr. President, the Fair Housing Amendments Act of 1980 will amend title VIII of the Civil Rights Act of 1968 by providing a strong and comprehensive administrative enforcement mechanism with which to combat racism and discrimination in housing. The bill will put teeth in our fair housing laws. Moreover, it will expand the coverage of our fair housing laws to include handicapped citizens. Because the legislation provides for prompt and efficient resolution of complaints, it is a viable alternative to expensive Federal court litigation. This legislation fulfills a promise of fair and decent housing which was made to the American people 12 years ago—a promise which has, until now, proven to be largely an empty gesture. It is for this reason, Mr. President, that I strongly support the Fair Housing Amendments Act of 1980, and I urge my Senate colleagues to join me in seeking passage of this legislation.●

IMPROVEMENTS IN FAIR HOUSING LAWS NEEDED

Mr. BIDEN. Mr. President, I support H.R. 5200, the Fair Housing Act Amendments of 1980.

The purpose of this legislation is to provide greater enforcement powers to the Federal Government in order to prevent discrimination by race, sex, religion, color, national origin, or handicap in the sale or rental of housing.

Discrimination in housing is the fundamental root of racial segregation. Racially discriminatory private housing practices, as well as discriminatory practices in the operation of public housing programs, have contributed heavily to the isolation and segregation of many American communities today.

This in turn has created segregated school systems. And by preventing blacks and other minorities from living in the communities of their choice, housing discrimination has denied the mobility necessary to obtain equal employment opportunities.

Housing discrimination manifests itself in many ways:

Public housing policies have promoted segregation within many publicly owned and operated housing projects.

Discrimination in Government mortgage insurance programs operated by the Farmers Home Administration, Veterans' Administration, and Federal Housing Administration have also contributed to racially identifiable neighborhoods.

Racially restrictive covenants have limited rental housing opportunities to many persons.

Redlining and discriminatory lending practices have limited the ability of minorities and women to obtain mortgage financing.

Discriminatory practices of the real estate industry, including limiting access of minority realtors to realty associations and multilisting services, refusal by white realtors to co-broke on transactions fostering racial integration, block busting, steering and other practices have also limited housing choices for many Americans.

Mr. President, title VIII of the 1968 Civil Rights Act outlawed many of these practices. However, this act failed to prescribe adequate enforcement powers to the Department of Housing and Urban Development to carry out its mandate. HUD has had to rely on conciliation and mediation in an attempt to end discriminatory practices. In many cases, conciliation and mediation attempts have been unsuccessful.

In 1973, 2,763 discrimination complaints were reported to HUD. This number rose to 3,391 complaints in 1977. Of those complaints, approximately 70 percent were filed by blacks charging racial discrimination in the sale or rental of housing.

Conciliation conferences were called in approximately 21 percent of all complaints. However, only half of these conferences were successful in resolving the discrimination complaint. In the remainder of the cases, the parties either had to turn to the court system for relief or the complaint went unresolved.

A further indication of the continued existence of discriminatory housing practices was the survey conducted by the national commission against discrimination in housing during 1977. The survey made over 3,200 test visits to realtors and landlords in 40 metropolitan areas throughout the country.

The results indicated that 29 percent of rental agents and 21 percent of all sales agents discriminated against blacks. The chance of any black encountering discrimination in visits to any four realty agents was 75 percent for rental housing and 62 percent for the sale of owner-occupied housing. The study concluded that significant housing discrimination still existed in many areas of the country.

A recent survey of American housing characteristics indicated that blacks were still disproportionately underrepresented in suburban housing. Although blacks owned 6.6 percent of all new housing units built between 1970 and 1975, only 3.3 percent of such new housing in the suburbs were owned by blacks. The statistics for rental housing reveal a similar pattern—while 11 percent of all new rental housing was rented by blacks, only 7.2 percent of new suburban rentals were occupied by blacks.

Because many new job opportunities have been created in suburban areas, lack of housing opportunities for blacks in suburbs means a loss of employment opportunities.

A number of studies by the General Accounting Office, the Civil Rights Commission, the leadership conference on civil rights, and other civil rights groups have highlighted the inadequacies of the present system. These inadequacies include:

First. Inability of HUD to order temporary or permanent relief for persons discriminated against by realtors or landlords;

Second. Lack of authority for HUD to initiate investigation of individuals or groups practicing discrimination;

Third. Lack of authority for the Attorney General to file suit on behalf of individuals;

Fourth. Lack of adequate staffing and budget for HUD to enforce title VIII complaints; and

Fifth. Lack of systematic procedures within HUD to investigate and conciliate complaints.

Mr. President, the bill before us today addresses many of the present inadequacies in the law.

First, temporary relief may be ordered by a Federal judge for persons who are victims of discrimination if it is likely that such discrimination may deprive an individual of a home or apartment before proceedings under a court or administrative law judge can be completed.

Second, under the administrative grievance system provided for in the bill, administrative law judges may order appropriate relief to plaintiffs including civil penalties, compensation for out-of-pocket losses and equitable relief.

The bill also expands the authority of the Department of Housing and Urban Development to investigate discriminatory practices which may be a violation of the act.

The bill also mandates that cases be referred to State and local fair housing agencies if such agencies have laws substantially equivalent to the Federal laws.

H.R. 5200 authorizes additional funds to increase staffing for the Department of Housing and Urban Development in order to investigate fair housing complaints.

I believe that these changes will substantially improve the ability of the Federal Government to enforce the fair housing laws presently on the books. Under the new administrative grievance procedure, an aggrieved person may bring a complaint before an administrative law judge. The administrative law judge may hold an evidentiary hearing and may order remedies for the relief of the complaint if a showing of discrimination is made. A final order of the administrative law judge may be appealed to an appropriate Federal court of appeals.

I also believe that the new administrative law judge procedure will provide adequate safeguards to protect rights of landlords and realtors, as well as to victims of discriminations.

In addition to the procedural safeguards contained in the Administrative Procedures Act, the bill contains a number of other protections for parties involved in such litigation:

Prevailing parties, not just plaintiffs, are entitled to collect reasonable attorney or expert witness fees.

To obtain a temporary restraining order. the Secretary of HUD must refer the charge to the Attorney General who must ask a Federal district court judge for preliminary relief. Only a Federal judge may prevent the sale of a house or lease of an apartment prior to the disposition of the case.

If a court should order a temporary restraining order against a respondent and if no violation is found, the respondent may receive compensation for economic loss incurred during the period of the injunction.

In cases involving novel issues of law such as zoning practices, these cases must be referred to the Justice Department for disposition in Federal courts.

All decisions from both the administrative and judicial routes are subject to appeals in a higher Federal court.

The bill directs courts to expedite the consideration of title VIII cases. The current backlog of civil rights cases has caused delay in the resolution of such cases. Many Federal cases take up to 24 months to resolve.

In my opinion, these provisions offer a great deal of protection for all parties in such litigations.

Mr. President, what is at stake here is whether or not we will have a fair and workable system of enforcement for our fair housing laws.

The opponents of this bill argue that we should leave the problem of housing discrimination to the Federal courts, but, for the average citizen seeking to find housing, the existing enforcement system alone is not an effective remedy.

Litigation is expensive and time-consuming. The average citizen or the small realtor or landlord does not have the time nor money to go before a Federal court.

For the average person making $14,000 a year and seeking a home, the Federal court system is a poor alternative. If you have been discriminated against, it will cost you $2 to $5 thousand to pay for a full jury trial. It will probably cost you 1 or 2 weeks in lost time at work.

And even if the court finds in your favor, 10 or 20 months later, it is likely that the apartment or home which you were seeking will no longer be available. It is likely that the realtor will have sold the home or rented the apartment to another person.

It is little wonder that many persons do not even bother to follow through with their complaints.

Under the enforcement system envisioned under this act, the aggrieved person would be entitled to a hearing before an administrative law judge. This procedure need not involve batteries of lawyers on each side but allows the person to present their case in a fair and timely fashion. It would be quicker and more effective in delivering justice than the existing system.

This enforcement procedure should also encourage the aggrieved party and respondent to conciliate complaints.

Mr. President, I believe that it is vitally important that we pass the Fair Housing Act Amendments of 1980 this year. We need to fulfill the promise of the 1968 Civil Rights Act.

The consequence of not fulfilling that promise means that many thousands of Americans will be deprived of the home of their choice. I believe that the legislation before us today is a fair and workable solution to one of the remaining gaps in the enforcement of our fair housing laws.

I urge my colleagues to support the measure on the floor.

Mr. METZENBAUM. Mr. President, I rise to address in the strongest terms my support for the Fair Housing Amendments Act.

This legislation has one simple and vitally important purpose; and that is to finish the job of eliminating unlawful housing discrimination in this country. We began that job in 1968, with passage of a Fair Housing Act that outlawed discrimination in housing on the basis of race, color, religion, sex, or national origin. But that legislation was little more than an expression of principle. It did not provide effective remedies to insure that housing markets would, in fact, be open and fair.

If we fail to enact the bill that is before us today, we thereby serve notice to the people of this country that the 1968 act will remain an empty promise.

We will serve notice that discrimination may continue unabated—just as it has in the 12 years since the original legislation was enacted.

Mr. President, the Judiciary Subcommittee on the Constitution held 6 days of hearings on the Fair Housing Amendments Act. The subcommittee heard from witnesses ranging from Government officials to civil rights advocates. And the weight of that testimony established beyond question the compelling need for legislation to expand both enforcement and coverage under the original act.

Let us first look at enforcement. Under current law, public enforcement is vested in the Attorney General and the Secretary of Housing and Urban Development. After an investigation, the Attorney General may file suit if a "pattern or practice" of discrimination has been found. He or she may also file suit if a practice denies any protected group rights granted by the law and involves an issue of general public importance.

The Secretary of HUD, however, has no comparable authority. The most he or she can do is to investigate alleged discriminatory practices. If there is reasonable cause to believe the law has been violated, the Secretary may only seek to resolve the complaint by "informal methods of conference, conciliation, and persuasion." There are no additional powers. The Secretary may not go to court, institute arbitration, or in any other way compel a discriminator to stop or to pay damages.

Existing law also empowers private individuals to institute civil actions in State or Federal court. But there is no convenient and accessible administrative mechanism established to resolve disputes about discrimination in housing.

The Fair Housing Amendments Act would establish a streamlined administrative procedure within HUD. Administrative law judges experienced in fair housing issues would be available to aggrieved persons. Cases would be heard by specialists in the field rather than by judges dealing with a multitude of different topics. Time-consuming and expensive court cases would be replaced by simple and straightforward administrative hearings. And HUD would no longer be left spinning its wheels. Under present law, the time and money spent by HUD to investigate a complaint are often wasted. Without enforcement power, HUD lacks authority to resolve the complaint. And in an era of great concern about the high cost of Government, does it really make sense for a department to use its resources to investigate problems about which it can do virtually nothing?

Mr. President, the existing enforcement system is woefully inadequate. It does not protect the rights of the victims of discrimination. It is cumbersome and costly. And it is least accessible to those who need it most.

It is also important to note, Mr. President, that this legislation would also expand the coverage of the Fair Housing Act to include the handicapped. Testimony at the hearings demonstrated that handicapped persons have been victimized by arbitrary and unfair discrimination—discrimination similar to that suffered for so long by persons already protected by the 1968 act. There is no justification for depriving anyone of the opportunity to rent an apartment solely because he or she is blind or confined to a wheelchair.

Mr. President, this legislation is without question the most important civil rights legislation of this Congress. It is, in fact, the most important bill in this area since the 1968 Civil Rights Act. It has the deep and enthusiastic support of the leadership of the entire civil rights community. Major labor, religious, women's, and black organizations strongly support it.

I cannot stress enough the importance of this bill. The need for fair and open housing markets throughout our Nation is urgent. If Americans are truly to live in peace and harmony we cannot countenance practices that systematically deprive our people of the full promise of American life. If Americans do not have a free choice of where to live, then how can we say that we are a land of equality?

This legislation transcends party and politics. It protects fundamental American values of decency and justice. I urge my colleagues not to obstruct this bill, not to bury it in partisan politics or procedural roadblocks. And I say that there will be no clearer statement to the American people of this body's commitment to equal justice under law for all citizens than how it votes on the Fair Housing Amendments Act of 1980.

● Mr. HAYAKAWA. Mr. President, although I am voting against the motion to invoke cloture on the motion to proceed to the Fair Housing Amendments Act of 1980, H.R. 5200, I want to assure my distinguished colleagues that I am sensitive to the need to protect every individual's constitutionally guaranteed civil rights. To proceed to a bill of this magnitude under the haste and pressure of a lameduck session is at best irresponsible. I urge my colleagues to proceed to consideration of this issue in the early weeks of the 97th Congress. Too many people in too many areas of their lives would be affected by the passage of this bill. We must carefully examine this issue in full and open debate.●

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 3:30 having arrived, under the previous order and pursuant to rule XXII, the Chair lays before the Senate a pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 5200, an act to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

Robert C. Byrd, Edward M. Kennedy, Thomas F. Eagleton, Carl Levin, Alan Cranston, Howard M. Metzenbaum, Paul S. Sarbanes, Donald W. Riegle, Jr., Max Baucus, Daniel Patrick Moynihan, Birch Bayh, Rudy Boschwitz, Jennings Randolph, Charles McC. Mathias, Jr., Joseph R. Biden, Jr., John Glenn.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 5200, to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes, shall be brought to a close?

The yeas and nays are automatic under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. HARRY F. BYRD, JR), the Senator from Alaska (Mr. GRAVEL), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. TSONGAS) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. TSONGAS) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 51, nays 39, as follows:

[Rollcall Vote No. 500 Leg.]

YEAS—51

Baucus
Bayh
Biden
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Church
Cranston
Culver
DeConcini
Dole
Durenberger
Durkin
Eagleton
Glenn
Hart
Hatfield
Heinz
Huddleston
Inouye
Jackson
Javits
Kassebaum
Kennedy
Leahy
Levin
Magnuson
Mathias
Matsunaga
McGovern
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pell
Percy
Proxmire
Pryor
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stone
Weicker
Williams

NAYS—39

Armstrong
Baker
Bellmon
Bentsen
Boren
Cannon
Chiles
Cochran
Danforth
Domenici
Exon
Garn
Goldwater
Hatch
Hayakawa
Heflin
Helms
Hollings
Humphrey
Jepsen
Johnston
Laxalt
Lugar
McClure
Nunn
Pressler
Roth
Schmitt
Simpson
Stennis
Stevens
Stewart
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—10

Byrd,
Harry F., Jr.
Cohen
Ford
Gravel
Long
Melcher
Randolph
Ribicoff
Schweiker
Tsongas

The PRESIDING OFFICER (Mr. LEVIN). On this vote, the yeas are 51, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 5200.

Edward M. Kennedy, Max Baucus, John Culver, Joe Biden, Bill Bradley, Adlai Stevenson, John H. Chafee, William Proxmire, Howard M. Metzenbaum, Spark Matsunaga, John A. Durkin, Daniel P. Moynihan, Dale Bumpers, Robert C. Byrd, John Glenn, Henry M. Jackson.

TIME LIMITATION AGREEMENT—BUDGET ACT WAIVER

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

I have a Budget Act waiver for H.R. 8388, the Italian relief bill. I ask unanimous consent that there be a time limitation overall on the budget waiver and on the bill itself not to exceed 15 minutes, with the time to be equally divided between Mr. CHURCH and Mr. JAVITS.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Reserving the right to object, Mr. President, what is it?

Mr. ROBERT C. BYRD. Mr. President, it is the Italian relief bill.

Mr. DURKIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 543, the budget waiver.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 543) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 8388.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The resolution was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 8388, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

Such waiver is necessary to allow the authorization of $50,000,000 in additional budget authority for fiscal year 1981 to provide international disaster assistance to the victims of the recent earthquakes in southern Italy.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1980, deadline because the earthquake occurred in November of 1980.

The effect of defeating consideration of this supplemental authorization will be to limit the ability of the President to provide disaster assistance to the survivors of the earthquake which devastated southern Italy.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISASTER ASSISTANCE FOR VICTIMS OF RECENT EARTHQUAKES IN SOUTHERN ITALY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of Calendar No. 1183. H.R. 8388.

The PRESIDING OFFICER. The clerk will state it.

The legislative clerk read as follows:

A bill (H.R. 8388), to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senator from Idaho.

ITALIAN EARTHQUAKE ASSISTANCE

Mr. CHURCH. Mr. President, on November 23, a devastating earthquake struck southern Italy. As we meet today, we do not know the full magnitude of the destruction, but we do know that thousands are dead, tens of thousands homeless and hundreds of thousands of people are affected by the disaster.

One of the oldest and finest American traditions is our willingness to respond to people in need throughout the world. The first foreign aid provided by the United States was relief supplies sent to victims of the Caracas earthquake of 1816. We continue that tradition today with our response to the victims of this latest tragedy which has struck in southern Italy.

Even while the emergency phase of the relief efforts goes on, we know that the people of the region will need our help for months to come. The principal burden will fall on the people of Italy, but our assistance can help ease that burden, as we have eased the pain and suffering of millions of our fellow human beings in other times of need.

Mr. President, the Committee on Foreign Relations met to consider legislation authorizing relief, rehabilitation, and reconstruction for the victims of the Italian earthquake. The committee has reported out a bill identical to the legislation passed by the House authorizing $50 million for disaster assistance.

Although we authorize funds for disaster assistance in the annual foreign aid bill, this additional authorization is necessary because of the magnitude of the disaster in southern Italy; $50 million is the minimum amount which will be required as the appropriate U.S. share of a much larger international effort.

Mr. President, coming during this holiday season when families reunite to renew their love, this tragedy is especially poignant for us because of the close ties between the United States and Italy, and more importantly, because so many Americans have direct ties of family and fellowship with the victims of this disaster.

Mr. President, this bill is not only an expression of support for one of our closest allies, this bill is an expression of love from one people to another.

For what reason, Mr. President, I urge prompt and favorable consideration of this bill.

Mr. DECONCINI. Mr. President, I want to express my deep appreciation to the chairman of the Foreign Relations Committee (Mr. CHURCH), the ranking member on the Democratic side (Mr. PELL) and the ranking member on the Republican side (Mr. JAVITS), and the entire committee, No. 1, for taking the time they took yesterday to meet in full committee when they had pressing business on many other matters, including the Republican Caucus on organization.

They took a great deal of time because they cared enough about the necessity before them of this tragedy in Italy.

I appreciate the cosponsors, particularly Senator DOMENICI who initiated this effort, and Senator KENNEDY, and other Senators who have joined in this effort, indicating to the world, and not only Italy, that the United States can respond from a sense of charity, from a sense of giving and asking nothing in return, in a sense of fairness, in a sense of friendship, and an ally and friend of the United States that has been there all the time.

I thank the chairmen for their consideration of this matter in such an expeditious manner and the minority leader and majority leader for clearing this matter.

Mr. CHURCH. Mr. President, are we on restricted time?

The PRESIDING OFFICER. The Chair understands the——

Mr. CHURCH. The question posed to tht Chair is, Are we on restricted time?

The PRESIDING OFFICER. Yes.

The Senator from Idaho is recognized.

Mr. CHURCH. I thank the Chair.

Mr. President, I yield to the Senator from Vermont for 1 minute.

Mr. LEAHY. Mr. President, as one of the three Members of the Senate of Italian descent and with relatives and family members in Italy, I am delighted to see this, but, primarily as an American who is well aware of the humanitarian nature of our country, I am even happier because it is in the best traditions of our country.

Mr. CHURCH. I yield to the Senator from Rhode Island for 2 minutes.

Mr. PELL. Mr. President, I went to Italy to assess the damage from the earthquake. In fact, I was there on Thanksgiving, which was 4 days after the earthquake hit.

I visited Sant'Angelo dei Lombardi and Balvano. I saw these towns, and others that I flew over in a helicopter, absolutely destroyed. I saw buildings that had been five or six stories high squashed so they were, maybe, 4 or 5 feet high, and I knew there were corpses and hopefully survivors as well inside those buildings.

The people were worried about disease; they had masks on. Red Cross personnel with dogs were going around trying to find the corpses and survivors.

The state of destruction was dreadful and very hard to describe. The townspeople were stunned and walking around in a daze, many of them crying.

It is ironic that I have been involved in so many relief efforts related to disasters in Italy. In 1966, I was active in the effort to raise money to help out after the Arno River flood in Florence. Then, in 1976 I was cochairman of the Italian Emergency Relief Committee, an American nongovernmental organization that raised money for the relief of victims of two earthquakes that struck the northern Italian area of Friuli in May and September of 1976.

This latest earthquake, in my view, is three to five times worse in severity than the earthquakes that struck Friuli. And just as the first earthquake in Friuli was followed by a second one 4 months later, the same thing could happen here. We cannot rule out, therefore, that more aid may eventually be needed than what we are considering here today. Actually, there were two tremors while I was in Sant'Angelo dei Lombardi, which sent people scurrying out of the way of buildings still left standing.

In Naples, people were still in automobiles and makeshift campsites because they were nervous about living in their houses. I saw a 10-story building in Naples squashed flat, to about 8 feet high. These are the kind of conditions there are.

Fifty-three million dollars is what we gave to help Friuli, and the earthquakes there were one-third to one-fifth as severe as the one that took place in southern Italy. I therefore think this request is modest and urge my colleagues to support it.

I hope very much this will be accepted.

The PRESIDING OFFICER. All time of the Senator from Idaho has expired.

The Senator from New York still has 7½ minutes.

Mr. CHURCH. Mr. President, in the absence of the Senator from New York, I wonder if the Senator from New Mexico could take charge of the remaining time?

Mr. DOMENICI. I will not use all of our time.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico controls 7½ minutes.

Mr. DOMENICI. Mr. President, the purpose of this bill is to help insure that American aid for the victims of the southern Italy earthquake will actually be available. I am aware that the new continuing resolution earmarks $50 million for this purpose out of the $73 million available for disaster assistance. It is not my intent that this authorization be used to appropriate funds in addition to the $73 million for disaster assistance under the continuing resolution. This authorization will make clear that Congress, through its authorization process as well as through its appropriations process, is ready to clear all legal obstacles to rapid and effective assistance to the Italian earthquake surivivors.

Mr. President, 9 days ago southern Italy was devastated by an earthquake which has since been called the worst natural disaster to strike Western Europe in half a century. President Carter has offered the administration's complete support for a disaster assistance bill, the House of Representatives yesterday unanimously passed a bill to appropriate $50 million in aid to Italy, and today the Senate will send to the President the final approval of this much-needed relief legislation.

This morning I was joined by Senator DECONCINI, Senator KENNEDY, Senator PELL, and Senator HAYAKAWA in a brief meeting with the Ambassador from Italy, Paolo Pansa Cedronio. The Ambassador not only expressed his gratitude for the United States rapid response to the need for assistance but also assured us that this aid will be expeditiously administered to the victims of the earthquakes in Italy.

Reports of the damage continue to define the extent of this tragedy. The earthquake of November 23 has left more than 3,000 dead, 2,000 missing, 8,000 injured, and more than 200,000 homeless. The death toll continues to mount as more bodies are found in the rubble of Naples, Salerno, Caserta, Benevento, Avellino, and Balvano. Over 100 villages have been completely destroyed by the quake and the area is threatened with continuing tremors and the possibility of severe aftershocks.

The Italy Disaster Assistance Act will appropriate $50 million for the relief of the suffering. The United States has already responded to the need for assistance by disbursing more than $3.5 million in tents, blankets, and communications equipment. Numerous private organizations have also mobilized assistance, sending clothing, food, shelters, and medicine.

At a hearing of the Senate Foreign Relations Committee this morning, Senator DECONCINI and I urged the committee to report this legislation to the floor for immediate action. This request won the unanimous consent of the committee. I am grateful to my colleagues for the quick and determined response to aiding our Italian friends and allies. This legislation was no sooner hurriedly introduced when more than a dozen of my colleagues requested to be added as cosponsors.

Along with this bill, I hope the President will also relax visa requirements to allow victims to join their families here in the United States. Those victims desiring to join relatives in the United States should not be confronted by additional hardships in their courageous attempts to recover their losses and rebuild their lives.

Mr. President, we will undoubtedly become more familiar with this tragedy as the days and weeks progress. Italy estimates that reconstruction will require 2 to 3 perecnt of Italy's GNP at a cost of some $12 to $15 billion. This aid legislation is the appropriate and humane response to a need for relief. The United States can take pride in the assistance it has readily offered needy nations in the past, and I am pleased that today we have continued that precedent in extending relief to the stricken people of Italy.

Mr. President, I would like to have just a quick dialog with my good friend from Idaho.

It is correct, is it not, that we do not intend that an additional $50 million be appropriated. But, rather, within the continuing resolution on foreign disaster assistance, there is enough money so that if it is earmarked it will take care of the purposes of this legislation which we are asking the Senate to pass, and we will not use another $50 million, but, rather, out of that 73, $50 million will be for this relief?

Mr. CHURCH. That is my understanding.

Mr. DOMENICI. I ask Senator Kennedy if he has checked that also, and is that satisfactory to him?

Mr. KENNEDY. Entirely satisfactory.

Mr. DOMENICI. I have no additional remarks.

I yield to Senator Metzenbaum.

Mr. METZENBAUM. Mr. President, I think that the passage of this resolution in as prompt a manner as it appears now will occur is an indication that when circumstances demand it, the U.S. Congress can act.

Certainly, the tragedy that has occurred in Italy demands the concern of all people in this country.

I am pleased as one of the cosponsors of this legislation to join with the others who have sponsored it.

Mr. President, I rise to express in the strongest terms my support for this legislation to provide $50 million in emergency assistance to the victims of the devastating earthquakes that have caused such appalling death and destruction in a region of Italy to which millions of Americans trace their family origins. And I want to add that I am gratified by the rapidity with which the Congress has acted to come to the aid of a friend and ally in a time of urgent need.

In addition, Mr. President, I want to say how deeply impressed I have been by the outpouring of sympathy and support that we have seen in this country for the people of Italy. No sooner had news of this terrible disaster come through than telephone calls began to pour into the Italian Embassy, the State Department, and to Members of the Senate and the House. Many of the callers sought word on the fate of loved ones. But all of them had one basic question—and that was, "How can I help."

And help they did. Within hours of the disaster, Italian-American organizations had mobilized to collect contributions and to funnel them immediately to the Italian Red Cross. Their effort was and remains the kind of thing that can be accomplished only by people who truly care. And they proved that in America, many, many people of all ethnic backgrounds care deeply about Italy. All civilized men and women know that nation's incomparable cultural heritage. But here in America, we have also come to know at first hand, the proud, warm, and generous Italian people who created that culture and brought it with them to enrich America.

Mr. President, I am pleased to have joined Senators DeConcini, Domenici, Kennedy, and others as an original proponent of this emergency measure. And I pledge my continuing support for efforts to actively assist our Italian friends and allies in restoring the damage that has been done to their beautiful country by the capricious hand of nature.

Mr. President, at this time, I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY. Mr. President, I rise to strongly support this resolution which I am cosponsoring.

The $50 million that this will set aside is very important to try to alleviate the human misery that the natural disaster has caused in Italy.

It is again an indication of the responsiveness of the U.S. Senate and the United States to the plight of one of our most loyal allies and strongest friends in the world: The people of Italy.

I strongly support this measure.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMENICI. I yield to Senator Hayakawa.

Mr. HAYAKAWA. Mr. President, I would like to express my strong support for this measure before us today which provides $50 million in emergency relief aid for the victims of the recent earthquake in southern Italy.

Certainly we can justify giving this emergency disaster aid by saying that it is important for the United States to assist our friends in times of natural disasters—and Italy is one of our strongest friends and allies.

Although it is a valid consideration, it pales in significance when we read newspaper accounts about small towns whose leaders and doctors have perished as well as newborn children, or when we see the toppled buildings and the rubble on television, or when we hear radio reports about the coyotes and other wild animals coming out of the hills to feed on the unburied dead.

This is a desperate situation for the people of Italy. Many Americans, individually and through volunteer organizations, have already begun to respond to the many needs of these people. We too must respond promptly.

Mr. President, yesterday the Foreign Relations Committee met to consider legislation authorizing disaster assistance for Italy. I am most grateful to be a part of this expedient action by my colleagues on the committee and I commend Senator Domenici, Senator DeConcini, and Senator Kennedy for taking the lead in this humanitarian effort.

Mr. KENNEDY. Mr. President, this is the greatest human tragedy that has affected Western Europe in modern times. It is described in the statistics as 3,000 known dead, 2,000 missing, presumed dead, 1,000 injured, over 300,000 homes destroyed.

Mr. President, we have seen across this country millions of Americans who themselves are contributing to various organizations. This is true in my State, and I commend those individuals. They are reflecting their own individual sense of humanitarianism.

I think the action before the Senate this afternoon is a reflection of the total American people's response to what is an extraordinary tragedy.

I join in commending the Senate on this action. I commend the Foreign Relations Committee on the steps necessary to see this relief achieved. I commend the fact that the United States has already started providing some $3½ million in aid and assistance at this time.

Mr. SARBANES. Mr. President, I rise in very strong support of this legislation authorizing relief and recovery assistance for the victims of the tragic earthquake which struck southern Italy last week.

I join the Senator from New Mexico (Mr. Domenici), the Senator from Arizona (Mr. DeConcini), and the Senator from Massachusetts (Mr. Kennedy) in their strong expression of concern about this terrible human tragedy and commend Chairman Church of the Foreign Relations Committee for expediting committee approval of this very important legislation.

Mr. President, the earthquake that struck southern Italy over a week ago was a tragedy whose dimensions even now are difficult to grasp. The effects of the quake were felt over an area of 2,500 square miles. More than 3,000 persons are known dead and a quarter of a million have been left homeless; about 2,000 persons are still missing and more than 7,000 are injured. As many as 1,000 towns and villages were hit and as many as 100 totally destroyed. There is as yet no reliable estimate of the full extent of the damage.

The quake tore up roads, rail lines and lines of communication. This, along with the mountainous terrain of the region, has greatly increased the difficulty of rescue operations—of removing the dead, of locating, sheltering and providing water and food for the living, of reuniting families. All of these gargantuan tasks have been further complicated by unexpectedly early and heavy snowfall.

Mr. President, the Foreign Relations

Committee on which I serve, acted expeditiously and unanimously yesterday to authorize $50 million for disaster relief, rehabilitation and reconstruction, and the Senate now has the opportunity to approve this legislation which the House has already approved and then send it to the President for signing.

This quick action will enable our Government to expand significantly the assistance it has been able to offer thus far, since that assistance has necessarily been limited to resources, like tents for shelter and helicopters for reconnaissance and rescue operations, already available at U.S. military installations in the devastated area.

Assistance has been forthcoming from a number of nations around the world. Particularly heartening is the assistance already being offered by voluntary agencies and private groups in our own country. The Catholic Relief Services, Save the Children Federation, Salvation Army, Baptist World Alliance, Seventh Day Adventists World Service, World Relief Commission, Church World Service, Church of Jesus Christ of Latter Day Saints and the American National Red Cross have all offered to provide different kinds of help, including clothes, food, blankets, tents and of course cash. All across our country, Italian-American organizations and other concerned citizen groups have stepped forward to conduct vigorous private assistance efforts. In my own State of Maryland the speed and dedication with which these organizations have proceeded is most impressive. The men and women involved in this assistance effort are to be commended for their selfless work.

It is imperative that we now add our full support to the efforts underway first to bring relief to the homeless and the injured, then to begin the awesome tasks of rehabilitation and reconstruction. Apart from the tragedy of individual loss—suffered so personally by many thousands of Americans with relatives living in the south of Italy—there is the additional, tragic loss of communities shattered and villages and towns destroyed.

There is no question that the efforts to rehabilitate individuals, to restore life to afflicted communities and to rebuild villages and towns, many of them thousands of years old, will be successful. The legendary courage, perseverance and ingenuity of the people of the area of the provinces of Avellino, Bari, Benevento, Caserta, Matera, Naples, Potenza, and Salerno are the fundamental assurance of success. Nonetheless, the task is monumental. Our moral, technical and financial support for the people of Italy will help to ease the burden and the responsibility which they bear. The assistance provided by this legislation represents the best in the American spirit and is a further example of the close relationship between the United States and Italy which has brought such significant benefits to both countries.

Mr. MATSUNAGA. Mr. President, as one who served in Italy during World War II and who under wartime conditions was accorded extreme hospitality by the people of Italy, I rise in strong support of the resolution calling for aid to the Italian people who suffered tragically from the earthquake which struck southern Italy.

Even though we were engaged in a war on opposite sides at the time I was in Italy, I found that the Italians loved Americans and America. In speaking with many of the Italians who had been to America, I learned a little poem in Italian, which best expressed their sentiments about America. It goes like this: "Sembrava unsognio, e una poesia." It literally means that what seemed like a dream turned out to be sheer poetry. As applied to America, they say their visit seemed like a dream, but they discovered America a poem. We can prove by our action today that America is indeed a land of poetry, whose citizens and governmental leaders respond to human tragedies in poetic ways, which reach the human heart.

I commend those who exercised leadership in bringing this resolution to the floor and join them in urging its swift passage.

The PRESIDING OFFICER. All time having been utilized——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that each side may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 3229, the companion Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators may be permitted to insert statements in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield myself 1 minute.

Mr. President, I am delighted with the kind of support we have here today. It shows that Americans, regardless of their heritage, whether they are from the Northern, Eastern, Southern, or Western part of the United States, still are imbued with that fantastic American tradition which basically, as I see it, is an instinct that says that America's greatness is built around the fact that she is capable of doing good.

The Italian people are close to America for many reasons, from the very inception of our country all the way through this century, with millions of Italians who came here to make this a growing and prosperous country. I think I speak for all of them in saying, "Thank you" to the U.S. Senate for this effort. I know they will appreciate our coming to their assistance again in their hour of great tragedy.

I thank all Senators who helped us in this effort—in particular, the Foreign Relations Committee, under the leadership of the Senator from Idaho (Mr. CHURCH), for expediting this matter; and I thank Senator KENNEDY for joining us early in getting this matter here as rapidly as possible.

I yield back the remainder of my time.

Mr. CHURCH. I thank the Senator.

Mr. President, I yield to the able and distinguished Senator from New Jersey.

Mr. WILLIAMS. Mr. President, the Italian people, who have so frequently suffered from the ravages of natural disasters, have been struck by yet one more tragedy. While the full extent of this disaster is still unknown, it has been determined that the earthquake which hit southern Italy last week killed at least 3,000 people and rendered another 300,000 homeless. The area of damage exceeds over 10,000 square miles and includes the provinces of Salerno, Naples, Potenza, and Avellino.

Americans throughout our Nation have responded with generosity and compassion to the devastation in southern Italy, and private relief organizations have already assisted thousands of earthquake victims. In addition, over a dozen other nations have joined in the Italian relief effort by donating money, food, clothing, and medical assistance.

Americans have a special bond of kinship and solidarity with Italy. The people and descendants of that country have contributed so very much to the richness of our society. Italy is a close friend and staunch ally with whom we have the strongest ties of mutual interest. Standing by our side, it was the first nation to call for the release of U.S. hostages in Iran. Four years ago when Italy suffered from an earthquake, Congress demonstrated our national concern by responding with $25 million in aid.

Today, hundreds of thousands are homeless and threatened by snow and freezing temperatures which hinder relief efforts. Thus, the need for assistance is, tragically, greater than before, and the time for action is diminishing. We have always been generous when disaster strikes, and I believe we, as a nation, should be at least as responsive to the needs of these disaster victims as our constituents and other nations have been.

Therefore, I urge immediate adoption of this legislation to provide $50 million in relief and rehabilitation and for the earthquake victims. This aid will help the survivors rebuild their communities, their homes and their lives. The serious, immediate needs of the earthquake victims, our tradition of humanitarian generosity and our historical bonds with the people of Italy all compel prompt action on this relief legislation.

Mr. ROBERT C. BYRD. Mr. President, I fully support the measure now before the Senate, which is designed to provide $50 million in this fiscal year for relief, rehabilitation and reconstruction assistance for the victims of the devastating earthquake that struck southern Italy on November 23.

The severity of this natural disaster is obvious from any review of the statistics: Dead—over 3,000; missing—1,900; injured—7,751; and those left homeless—250,000. The quake itself measured 6.8 on the Richter scale.

But as we all know, the statistics tell only part of the story. Additionally, there is the human tragedy and the human suffering. Numbers and statistics are largely meaningless in this regard.

In this moment of national tragedy for the people of Italy, we can show, however, that we are ready, willing and able to do what we can to be of assistance in their hour of national need.

The measure before us will do just this. It will provide $50 million in urgently needed relief assistance. I hope that it will be approved overwhelmingly and without further delay.

Mr. BAKER. Mr. President, I am pleased with the action of the Senate in today approving the appropriation of $50 million in emergency relief funding for the victims of the earthquake in Italy. This action reflects our commitment, a commitment shared equally and fully on both sides of the aisle, to move quickly and expeditiously on special legislation to address this disaster. The House approved an identical measure on December 1, and today's action by the Senate clears this measure for the President's signature.

The earthquake that struck southern Italy on November 24 has resulted in vast devastation, the scope of which becomes ever more apparent with each new report from the area. Even now, the fullest extent of the destruction and loss of life is unknown; it is known, however, that this tragedy is of devastating proportions—a death toll expected to reach 3,000, and hundreds of thousands rendered homeless. While we cannot know the total extent of the damage, we do know that immediate assistance is required for the injured, the hungry, and the homeless.

Because of our special bond of friendship with the Italian nation, we have expressed to Prime Minister Freloni and the Italian people our profound sorrow at this tragedy. I am pleased that we have acted with due haste to extend to the Italian people financial assistance so desperately needed.

Mr. LEVIN. Mr. President, this is an American gesture of humanity to the people of Italy with whom we are really "family."

We respond to this poignant and immense tragedy.

We vow redoubled efforts to respond to other overwhelming tragedies suffered by our brothers and sisters starving in Africa to our brothers and sisters who rot in prisons because of their efforts in behalf of human rights for their afflicted countries.

Mr. MOYNIHAN. Mr. President, I rise in support of the Italian relief bill (H.R. 8388), which would authorize $50 million of badly needed aid for the people of earthquake-devastated southern Italy.

We may never know the true cost in human lives of this disaster. Official estimates put the number of those listed as dead at just under 3,000; another 1,500 people are missing and presumed dead. Most observers, however, believe that these figures are low. What we do know is that relief is desperately needed by the survivors. We have all read reports and seen pictures of the devastation—leveled buildings, buckled streets, thousands of people injured, and thousands more left homeless. Within the last 2 days there have been 19 more aftershocks in the region.

In the face of such an overwhelming disaster, $50 million is not a great deal of money. And it is a small amount indeed, compared to the debt this Nation owes Italy for the sons and daughters she has sent us. It is, however, a good start. This bill must be passed without delay. I congratulate the members of the Foreign Relations Committee for the expeditious manner in which they handled this matter.

Mr. GLENN. Mr. President, it is with utmost pride in my country that I rise to support this measure for relief to the Italian people who have been struck by the tremendous tragedy accompanying the recent earthquakes in that country.

I commend my colleagues who have taken the lead in bringing this worthwhile measure to the floor and, yes, the American people who stand behind this humanitarian effort to relieve human distress.

The devastation left behind by the Italian quakes is hard to comprehend, even when we see the results on the evening news. With thousands dead, thousands more injured or missing, and as many as a quarter of a million people left homeless, the relief task is massive, indeed. And when basic human needs are met, the task of reconstruction will obviously be huge.

The amount we are voting to approve for this relief and reconstruction effort, in terms of the human misery involved and the size of the job ahead, is small. I am pleased to be a sponsor of the resolution, but believe that at a later date we may well find it appropriate to increase the level of assistance for this monumental relief effort.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 8388, an act to authorize appropriations of $50,000,000 in disaster assistance for the victims of the recent earthquakes in southern Italy.

Mr. President, the recent earthquake disaster in Italy has left thousands upon thousands of families in desperate need of assistance. With damage extending over 10 percent of the country, entire cities, as well as factories, farms, and homes have been reduced to rubble. More than 5,000 people may have lost their lives as a result of this catastrophe.

The United States has always acted with compassion toward those who have suffered natural disasters. The particular catastrophe that has befallen the unfortunate citizens of southern Italy is the worst natural disaster to occur in Western Europe in half a century.

Mr. President, I hope the Senate will act expeditiously on this legislation, thereby providing much needed relief to the victims of these recent earthquakes.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHURCH. Mr. President, if no other Senators wish to speak, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Montana (Mr. Melcher), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from Indiana (Mr. Bayh), the Senator from Hawaii (Mr. Inouye), the Senator from North Carolina (Mr. Morgan), the Senator from Kentucky (Mr. Ford), and the Senator from Alaska (Mr. Gravel) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. Tsongas) is absent because of death in family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), would vote "yea."

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen) and the Senator from New Hampshire (Mr. Humphrey) are necessarily absent.

The PRESIDING OFFICER (Mr. Bradley). Are there any other Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 501 Leg.]

YEAS—88

Armstrong
Baker
Baucus
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Garn
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NOT VOTING—12

Bayh
Byrd,
Harry F., Jr.
Cohen
Ford
Gravel
Humphrey
Inouye
Melcher
Morgan
Randolph
Ribicoff
Tsongas

So the bill (H.R. 8388) was passed.

Mr. PELL. Mr. President, I move to reconsider the vote by which the bill has passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECONCILIATION UNDER FIRST CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of H.R. 7765.

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 7765 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Pryor). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

Mr. HOLLINGS. Mr. President, with a touch of irony, John F. Kennedy once observed that failure is an orphan and success has a hundred fathers.

But the historic success represented in this conference agreement on reconciliation is truly the work of many hands. Nine committees of the Senate, 10 committees of the House, and over 100 conferees have made this achievement possible. I know those who have been worrying about the paperwork are going to have to be thrown for a 10-yard loss on this one. They said if we just hold up this conference report that would get the paperwork problem solved. But the fact of the matter is that the 100 conferees and the 9 committees in the Senate working with the 10 in the House have made the untested reconciliation process work. We have set a landmark precedent for future Congresses to follow and build upon.

This bill and associated savings bills will reduce the 1981 deficit by more than $8 billion. This bill alone will cut the deficit by $5.6 billion. Over the coming 5-year period, it will reduce the deficit by more than $50 billion.

These are dramatic savings and efficiencies. In fact, the legislation before the Senate will produce the most substantial savings Congress has ever achieved in a single bill.

But the underlying commitment that is represented here is perhaps even more important than the immediate effect on the deficit.

A few months ago, many predicted that reconciliation would never see the light of day—that Congress lacked the will to control the budget—that major savings could not be made in programs that are justified only by the special interests who reap the benefits.

Mr. President, we find now the skeptics were wrong. With Senate and House passage of a reconciliation bill and with agreement on the dramatic savings represented in the conference report, we have already done much more and gone much further than almost anyone thought we would or could.

With final passage today, we will demonstrate to the doubters that the rhetoric of fiscal discipline has meaning—that we are making the tough and in some cases, unpopular decisions that are required to control the Federal budget.

Every Senator who signed the conference agreement and every Senator who votes to adopt it has earned a share of the credit for this first historic exercise of the reconciliation power.

I knew I had been at this job too long. Here is the face (referring to Secretary of State Muskie who just appeared alongside Mr. Hollings) I always see in front of me as a challenge. Here it is right here.

I would be delighted to let the Record show that the distinguished Secretary of State and the father of reconciliation has now appeared to view his baby, and here is his baby and I will hand it to him. [Laughter.]

Mr. President, I ask unanimous consent that we yield to him for a couple of minutes.

Mr. ROBERT C. BYRD. I object.

The PRESIDING OFFICER (Mr. Bradley). Objection is heard.

Mr. HOLLINGS. Mr. President, we are delighted to see Secretary Muskie and our chairman Muskie here because he worked so hard and so long in trying to bring this about. When we started, as he well remembers, in the early spring, in May and June, he had voted a reconciliation of some $10 billion. The task was to work with 100 conferees to maintain that. It took very good, hard, diligent work on behalf of the chairman of the several committees.

I see the chairman of the Commerce Committee; the chairman of Finance, Senator Long, is here; Chairman Ribicoff of Governmental Affairs; Chairman Talmadge of the Agriculture Committee, and I go right on down the list. They had to stay at it and meet over many, many hours. And we saved $8 billion.

But for all its dramatic features, this bill is only the beginning. It will be up to the next Congress and the Congress after that one to sustain the drive that begins here today.

For too many years and in too many Congresses, spending programs have grown in size and cost—sometimes out of need but too often out of sheer momentum.

For too many years and in too many Congresses, inefficiencies in the collection of revenues and loopholes in the tax code have contributed to the persistence of Federal deficits.

Today we can turn that trend around. The leaders and members of the tax and spending committees have given us a conference agreement that achieves this historic result. But we must do as well and even better in the years to come if this new momentum is to be sustained. That is a challenge for the leaders and Members of Congresses yet to come.

Mr. President, I ask unanimous consent to have printed in the Record a summary of the key features of the conference report.

There being no objection, the summary was ordered to be printed in the Record, as follows:

[In billions of dollars, fiscal years]

	1981		1981-85	
	Budget authority	Outlays	Budget authority	Outlays
CHILD NUTRITION				
Major conference decisions in reconciliation:				
Limit the Federal reimbursement for ½ pints of milk under the special milk program to 5 cents, remove the incentive for schools to offer reduced-price lunches at less than 20 cents a lunch, and other permanent savings in child nutrition programs	−0.1	−0.1	−0.6	−0.6
Annualize cost-of-living increases in child nutrition programs, reduce income allowed for entitlement to child nutrition benefits, and other 1-yr savings	−.2	−.2	−.2	−.2
Extended to fiscal year 1984 the authorization for child nutrition programs which expired in fiscal year 1980 and for the WIC and commodity purchase programs, which do not expire until the end of fiscal year 1982				
Total	−.4	−.4	−.8	−.8

	1981		1981-85	
	Budget authority	Outlays	Budget authority	Outlays
ADAP/HIGHWAY SAFETY				
Major conference decisions in reconciliation:				
For ADAP, limit the amount of fiscal year 1981 grants which may be authorized for airport development, planning and noise compatibility	−0.1	−0.02	−0.1	−0.1
For highway safety, establish a ceiling on fiscal year 1981 obligations for highway safety grants and reduce the fiscal year 1981 authorization for NHTSA operations	−.01	−.02	−.01	−.1
Total	−.1	−.04	−.1	−.2

[In billions of dollars, fiscal years]

	1981		1981–85	
	Budget authority	Outlays	Budget authority	Outlays
FEDERAL-AID HIGHWAY SPENDING				
Major conference decisions in reconciliation: Endorse the ceiling on obligations in the Federal-aid highway program for fiscal year 1981 which has already been enacted in separate legislation (Public Law 96–400). The enacted fiscal year 1981 ceiling is not expected to produce outlay savings below current law				
Additional reconciliation savings: The reconciliation instructions contemplated fiscal year 1981 outlay savings through restraint on Federal-aid highway obligations in both fiscal year 1980 and fiscal year 1981. Although not technically a conference decision, Congress did reduce fiscal year 1980 highway obligations in separate legislation (Public Law 96–304). This action is expected to reduce fiscal year 1981 outlays by $657,000,000		−0.7		−1.3
Total		−.7		−1.3
RAIL PROGRAMS				
Major conference decisions in reconciliation:				
Limit the amount of rail rehabilitation and improvement financing which may be appropriated in fiscal year 1981 to not more than $180,000,000. This limitation has been previously enacted in separate legislation (Public Law 96–448)	−0.1	−0.01		
Endorse the limitation on Amtrak's use of capital grants enacted in separate legislation (Public Law 96–254)		−.2		
Total	−.1	−.2		
SENATE: HEALTH				
Major conference decisions in reconciliation:				
Advance medicare payments: Provides for a 1-time deferral during the last month of fiscal year 1981 of advance medicare payments to hospitals. Results in a 1-time saving in 1981—offset by an equal increase in 1982		−0.7		
Determination of reasonable charge: Medicare updates its physician fee schedule every July. Under current administrative practices, bills submitted after July are paid at the higher rate even if the service was rendered before July. This provision allows medicare to pay claims based on the date the service is rendered by the physician, not the date the physician submits the claim		−.2	+0.2	−1.2
3d party liability: Provides that medicare would not be payor of 1st resort where care can be paid for by other liability insurance		−.01	+.05	−.4
Long-term care services: Allows medicare to reimburse hospitals at the lower long-term care rate rather than the inpatient rate if the patient is simply in the hospital waiting to move to a nursing home	−0.01	−.04	−.1	−.7
All other savings provisions: A number of reforms in medicare and medicaid reimbursement procedures for hospitals, physicians, laboratories, and home health providers were approved	−.01	−.03	−.1	−.7
New spending provisions: The House included a number of new spending provisions in its bill—the Senate did not. The Conference agreed to new benefits such as expanded home health services, improved dental benefits, outpatient physical therapy, and funding for State medicaid fraud control units	+.02	+.03	+.03	+.6
Total	+.01	−.9	+.1	−2.3
SBA DISASTER LOAN PROGRAM				
Major conference decisions in reconciliation: Endorse the savings in the SBA disaster loan program brought about by the July 2 enactment of Public Law 96–302. Under this legislation, most agricultural disaster lending would be carried out by the Farmers Home Administration	−0.8	−0.6	−5.5	−4.6
REVENUES				
Major conference decisions in reconciliation:				
Cash management: The agreement requires all corporations to pay at least 60 percent of their expected liability in estimated taxes. This eliminates a provision in current law that allows some corporations to pay little or none of their expected liability in estimated payments		3.1		4.8
REVENUES—Continued				
Telephone excise tax: The phase out of the telephone excise tax will be delayed by 1 yr. Thus, the tax will be 2 percent in 1931, 1 percent in 1982, and will expire in 1983		.4		1.1
Tax-exempt housing bonds: The conferees agreed to limitations similar to those in the House bill after relaxing or eliminating some restrictions. The new set of restrictions will apply to bonds issued after Dec. 31, 1980, although several bond issues after that date will be exempted under special transition rules		.3		21.5
UI for CETA workers: This provision terminates payment of unemployment compensation for former CETA workers out of general revenues. Current employers of CETA workers will be required to pay unemployment taxes for the workers		.05		.8
Taxation of employer payment of employee payroll taxes: Under this provision, the payment by employers of the employees' share of payroll taxes will be treated as taxable wages for social security and unemployment taxes. State and local governments that currently pay their employees' payroll taxes will have a 3-yr exemption from this provision		.04		.8
Taxation of foreign investors: This provision imposes a tax of 28 percent on the capital gains on sale of U.S. property by foreigners. The tax will apply to sales after June 18, 1980. The Senate's withholding provisions were not included		.04		.5
Increased duty on imported alcohol: To offset the gas tax exemption for gasohol made from imported alcohol, a higher duty on imported alcohol for fuel was approved. The increased duty will be 10 cents per gallon in 1981, 20 cents in 1982, and 40 cents in 1983		.01		.04
Royalty owners' credit: Royalty owners will be allowed a credit of up to $1,000 against their 1980 windfall profit tax		−.2		−.2
Total		[1]3.6		29.3
SOCIAL WELFARE				
Major conference decisions on reconciliation:				
Tightening eligibility for extended UI benefits—by such means as requiring workers to accept any reasonable job offer—and 2 other UI benefit changes		−0.1	−0.1	−0.7
Elimination of social security disability benefits for prisoners and 2 unemployment (UI) benefit changes (already enacted)	−0.03	−.05	−.2	−.4
Other social security disability and welfare savings (already enacted)	−.1	−.2	−.6	−4.1
All other	−.003	−.02	−.1	−.4
Total	−.2	−.4	−.8	−5.6
CIVILIAN COLA				
Major conference decisions on reconciliation: Eliminate "look-back" and provide for proration in computing initial COLA's for new civil service retirees, reform civil service disability program, and other minor changes (House bill)	−0.02	−0.1	−0.1	−1.5
POSTAL SERVICE				
Major conference decisions in reconciliation:				
Retain 6-day mail delivery in fiscal year 1981				
Reduce the public service cost appropriation (the general Federal payment to the Postal Service)	−0.25	−0.25	−0.25	−0.25
Reduce 3d-class nonprofit mail subsidies	−.05	−.05	−.05	−.05
Shift fiscal year 1981 "reconciliation adjustment" (payment for prior-year revenue estimating errors) to fiscal year 1982	−.11	−.11		
Total	−.4	−.4	−.3	−.3

[In billions of dollars, fiscal years]

	1981		1981–85	
	Budget authority	Outlays	Budget authority	Outlays
STUDENT ASSISTANCE, FECA, RAILROAD RETIREMENT				
Major conference decisions in reconciliation:				
National direct student loan repayments returned to the Treasury instead of colleges	−0.4	−0.4	−1.8	−1.8
Miscellaneous provisions to reduce the Federal costs of the guaranteed student loan program	−.05	−.04	−.4	−.4
Changes in the Federal Employees Compensation Act to allow only annual cost-of-living adjustments	−.03	−.03	−.5	−.3
Total	−.5	−.45	−2.6	−2.5

	1981		1981–85	
	Budget authority	Outlays	Budget authority	Outlay
VETERANS' ISSUES				
Major conference decisions in reconciliation:				
GI bill cost-of-living increase: Reduces to 10 percent the 15 percent cost-of-living increase approved by the Senate	−0.2	−0.2	−0.6	−0.6
Readjustment benefits: Reduced veterans flight training, correspondence school, and predischarge education program benefits; strengthened the VA's debt collection ability	−.2	−.2	−.8	−.8
Medical care: Authorizes the VA to examine a veteran's ability to pay for care before providing VA health care	−.1	−.1	−.7	−.7
Total	−.5	−.5	−2.1	−2.2

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[1] Details may not add to total due to rounding.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, the chairman of the Budget Committee has been too unforthcoming about his own role in this matter.

It is indeed an historic event. One hundred members of the conference—too many, but in this first effort there seems no other alternative. In consequence of there being no alternative, there seemed no possible solution.

Senator Hollings brought about that solution. I was one of those 100. I never thought it possible. It was not possible. It simply was done because the Senator from South Carolina felt it had to be done if the integrity of the budget process were to be preserved.

It will now fall to the Senator to hand the direction on to another party, another person. The Senator hands it on intact and, if I may state, because of his service, enhanced. The Nation is in the Senator's debt.

Mr. HOLLINGS. Mr. President, I thank the Senator very, very much. The distinguished Senator has been too generous. I do appreciate it very, very much.

Let me yield to the guiding light here, our ranking member, Senator Bellmon. I made laudatory comments that he deserves when we passed our second concurrent resolution. But the comments made by my distinguished friend from New York are also deserved in the case of Senator Bellmon of Oklahoma. He has stuck with us.

We still have one problem. We are going to iron that one out with the good will of the Senator from North Carolina, who will have a point later on in the debate.

But we were able to work this thing out to satisfy everybody to a point. The fact that I think now it can be passed is truly an accomplishment on behalf of the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I thank my friend from South Carolina. He is being entirely too generous so far as any role the Senator from Oklahoma had in reconciliation.

I believe the major share of the credit should go, as Senator Moynihan has suggested, to the distinguished chairman of the Budget Committee, Senator Hollings.

I wish to add my commendation to what has already been said. This process simply would not have worked had it not been for the leadership of Senator Hollings and the fact that we have reached this historic time in the history of the budget process is due to his leadership.

Also, I would like to say that when this reconciliation process was first suggested a year ago by Senator Muskie, the House refused to take the process seriously. It was largely due to Senator Muskie's insistence that the process survived that period of difficulty and has now come to fruition. So I also commend Senator Muskie, our present Secretary of State, for the contribution he made.

Mr. President, this is truly an historic occasion. Today we complete for the first time an important part of the Budget Act called the reconciliation process. It has taken Congress 10 months to complete this effort. It is a very significant action which holds promise for fiscal discipline in the Congress. No matter how any single Senator may feel about specific provisions of this conference report—and I have some concerns I will discuss later on—we have achieved "Reconciliation." Congress has decided in favor of a significant measure of fiscal discipline.

To help achieve that discipline, the Senate Budget Committee reported a reconciliation instruction last April as part of the first budget resolution for fiscal year 1981. Congress accepted the reconciliation instruction and ordered the standing committees of both Houses to report legislation to achieve savings. Those committees did report such savings and both Houses passed their respective versions of reconciliation last summer. Then a monumental conference began and what we have before us is a conference agreement which will reduce the deficit in fiscal year 1981 $8 billion below what it otherwise would be.

Mr. President, that is a very significant achievement. When this Congress can reduce the deficit by $8 billion, it is something that I hope the entire country will take note of and approve. The conference agreement alone is the product of 4 months' work by over 100 conferees.

There are those who oppose some of the savings measures or revenue raisers included in this conference report. On the other hand, there are those who feel the savings do not go far enough. But few will argue that what Congress has done here is an important beginning. Each year Members complain that about 75 percent of the Federal budget is "uncontrollable" through the annual appropriations process. We point out to one another and to the world that bringing Federal spending under control, not to mention balancing the Federal budget, is made incredibly difficult by this so-called uncontrollable spending.

Mr. President, if we consider defense spending as uncontrollable in today's crisis environment—and I believe we will all recognize that the pressure now is not to cut defense spending but rather to increase defense spending—and if we consider Federal pay to be more or less uncontrollable, it is arguable that as much as 90 percent of this budget is outside of congressional control in a single year.

Mr. President, I have a table that makes that point. I ask unanimous consent that it be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Fiscal year 1979 outlays by categories

	Billions	Percent of total budget
Entitlement payments for individuals	$225	46
Other fixed costs (interest, revenue sharing, farm price supports, etc.)	61	12
Outlays from prior year contracts and other obligations	80	16
*Defense outlays not included above (includes defense pay)	76	15
*Federal pay and benefits—civilian agencies	29	6
*Other nondefense spending	23	5
Total outlays	494	100

*These three items equal the 26 percent of the Federal budget usually described as "controllable." It is readily apparent that most of this is actually not controllable in any single fiscal year.

Mr. BELLMON. Mr. President, this table shows that entitlement payments for individuals, which cannot be controlled unless the laws are changed, account for 46 percent of Federal spending; that other fixed costs, such as interest, revenue sharing, farm price supports, and the like account for 12 percent of the total budget; that outlays from prior year contracts and other obligations account for 16 percent of the budget; and that other defense outlays, account for 15 percent of the budget. That comes to 89 percent, leaving only Federal pay and benefits for civilian employees, which account for 6 percent, and other nondefense spending that accounts for 5 percent that are relatively easy to control in the appropriations process.

So that shows how important reconciliation is if we are serious about cutting into the level of Federal spending.

Reconciliation is the first coherent effort any Congress has made to bring this so-called "uncontrollable" spending under control. To say that this bill is not perfect is to state the obvious. This will probably be the last major piece of legislation I help manage in 12 years as a Senator; and I cannot recall when we passed a measure with which most, not to say all, of us were completely happy. Nonetheless, the fact that this conference report is before us at all is a major achievement, and I believe it bodes well for the future.

Last year the Senate agreed to reconciliation when we passed the second budget resolution for fiscal year 1980. At that time, the House maintained that the savings to be achieved through the Senate's reconciliation instructions could be made through so-called legislative savings initiatives. The House conferees on the second budget resolution for fiscal year 1980 maintained that it would be an insult to the various committees affected by reconciliation to instruct them to achieve these savings, before those committees had an opportunity to act on their own. The House conferees, therefore, would not agree to reconciliation. In fact, some of them attempted to make light of the Senate reconciliation effort.

But, Mr. President, let us look at what happened.

Instead of reconciliation, the second budget resolution for fiscal year 1980 included a "Sense of Congress' resolution to the effect that we expected to achieve savings through legislation, that Congress would not pass an amended fiscal year 1980 budget to accommodate additional spending just because those savings were not achieved, and that Congress would only contemplate revisions to the fiscal year 1980 budget in the event that such revisions were required by "circumstances beyond our control."

If there is ever written a history of the budget process—and of reconciliation as an important tool of budgetary control—that history will note that we did not achieve the savings contemplated in the second budget resolution for fiscal year 1980, that we did revise the fiscal year 1980 budget upward, and that the budget revision for fiscal year 1980 did accommodate increased spending attributable to our failure to enact "legislative savings," a swell as increases required by circumstances "beyond the power of Congress to control."

That same history, however, if it is fair, will include the fact that the revised fiscal year 1980 budget was agreed to in conjunction with the first budget resolution for fiscal year 1981—and that by the time we passed that resolution both Houses had agreed it would take something more than moral suasion to achieve the kind of budgetary discipline most of us agreed was necessary.

And so, Mr. President, after the failures during fiscal year 1980, the House saw the light and joined with the Senate in this reconciliation effort.

That resolution—the revised second concurrent resolution on the budget for fiscal year 1980, and the first concurrent resolution on the budget for fiscal year 1981—included not only reconciliation instructions, it also included enforcement mechanisms that went well beyond anything in the budget act, and beyond anything ever before included in a budget resolution.

The Congress has succeeded with reconciliation. This conference report is proof that this important tool of budgetary control can work. Its importance will grow with passing years both as an implicit and as an explicit tool of budget discipline.

The Senate still needs to work on other enforcement mechanisms. When the second budget resolution for fiscal year 1981 was before the Senate several weeks ago, Senator HOLLINGS, Senator DOMENICI, and I had a lengthy discussion of the difficulty of enforcing the budget resolution—so long as the budget totals are enforceable only at the aggregate totals. In this case, as in the case of legislative savings, moral suasion alone has again proved unequal to the task. Unless we find a way to measure each piece of legislation equitably as it comes along, we will continue to have problems holding any legislation accountable on budgetary grounds. It is simply not reasonable to say that the last piece of legislation that clears the Congress—no matter how important—must bear the entire burden of fiscal responsibility.

What is happening, Mr. President, is that the present process allows bills to move through and we are not able to raise points of order against them because we cannot say with certainty that they break the budget. Then when the last bill comes along we know for certain how much we have spent and then we can raise a point of order against that bill. But it puts the entire burden of fiscal responsibility on one measure and that is not equitable.

As I leave the Senate, I wish to express the fervent hope that Members of the Senate will work together and agree on a budget amendment like the provision Senator DOMENICI and I suggested when the Senate considered the budget resolution, that is, making it possible to raise the point of order against bills which exceed a committee's allocation under the budget—instead of enforcing the point of order only when a bill would cause total spending under the budget to be exceeded.

Before I close, Mr. President, and having said how important I believe this conference report to be both practically and historically, I would like to say a few words about some provisions of this conference agreement which disturb me.

In the health area programs, the House Ways and Means Committee insisted on inclusion of spending initiatives as the price of agreement on savings provisions. While the health program changes in the conference report will produce substantial net savings, I am nonetheless concerned that in the future these spending initiatives may pave the way for other committees to use a reconciliation bill to insist on new spending which might not otherwise pass Congress. Perhaps Congress should insist that only spending reductions, not spending increases, are germane to a reconciliation process. Clearly, that is what the designers of the budget act contemplated.

And in terms of precedents, Mr. President, what the House Education and Labor Committee did on nutrition programs is just as troubling, if not more so, as the Ways and Means strategy on health initiatives. At least the health changes were included in the reconciliation bill, as it passed the House. However strongly I may feel that their inclusion was inappropriate, those health initiatives were clearly in conference on reconciliation. The House Education and Labor Committee, on the other hand, insisted on inclusion in this conference of program extensions which were included in neither the House- nor the Senate-passed versions of reconciliation. I believe provision needs to be made to prevent this practice in future years.

This is the matter that troubles the Senator from North Carolina and which I am sure will be discussed at greater length before a vote on the reconciliation conference report takes place.

If it were not for the tremendous importance of this conference agreement—both in terms of the fiscal year 1981 deficit and in terms of budget control and process—I might have opposed the bill because of the provisions foisted on the Senate by the House Education and Labor Committee. That committee clearly understood well that it was holding hostage one of the most important pieces of legislation ever considered, and they extracted their pound of flesh. I fervently hope Congress will have learned a lesson; and that future Congresses will find a way to minimize the potential for small groups to take advantage of this important tool of budgetary discipline.

Even though I am obviously disappointed at the outcome of the conference on nutrition programs, I would hasten to point out that: First, this section of the bill achieves the savings anticipated in fiscal 1981; second, the new authorizations included in this bill are subject to appropriations control; and third, nothing in this bill precludes further reconciliation instructions in the future—either to make the temporary savings provisions permanent, or even to reduce appropriations already enacted if that seems necessary and possible.

Finally, Mr. President, I want to comment on the twice-a-year cost-of-living adjustment for Federal retirees which was the largest single savings provision included in the Senate-passed bill and which was dropped in conference. I understand, indeed we all understand, the incredible pressure brought to bear on the House—and on the conferees—in an election year on this politically sensitive issue.

The Senate, however, did not seek to single out Federal retirees. They are the only group that now receives federally funded retirement benefits whose benefits are indexed twice a year.

In other words, Mr. President, all the Senate was trying to do was to treat Federal retirees the same way we treat others who receive Federal benefits.

What the Senate sought to do, Mr. President, was to treat Federal retirees the same way we treat social security recipients, recipients of Federal welfare payments, food stamp recipients, and others. If we are ever really to control the Federal budget, Mr. President, we simply must come to grips with "indexing," and twice-a-year indexing of Federal retirees' pensions seems to this Senator to be the appropriate place to begin the process of "deindexing."

Indexing in Federal programs will automatically add $24.3 billion to the fiscal year 1981 budget without a single congressional action being required.

Let me repeat that: Indexing in Federal programs will add $24.3 billion of spending to the fiscal year 1981 budget without our Congress doing anything.

To offset increases attributable to indexing, we would have to reduce appropriated programs by 6 percent. Indexing in Federal programs must affect the perceptions of the average American taxpayer about our ability and will to control Federal spending and fight inflation. It is an issue that must be addressed; and it is in this context—more than in the narrower context of Federal retirees' benefits—that I am disappointed in the outcome of this conference. I only hope future Congresses will be wiser than I believe this one has been, when they examine this important question.

To close on a brighter note, Mr. President, let me go back to what I said at the beginning. This is an historic occasion. Notwithstanding my own reservations about some specific provisions of this conference agreement, I signed it. I am proud to assist in managing it. I am pleased that Congress has completed action on the first reconciliation bill; and I am convinced that we have learned from this experience lessons which will improve the ability of future Congresses to exercise budgetary discipline and control so-called uncontrollable spending.

Mr. President, I believe this is one of the major steps that have been made in the budget process. It is one I hope will serve as a guide and inspiration to future Congresses. I strongly urge the adoption of the conference report by the membership of the Senate.

Mr. BELLMON. Mr. President, I ask unanimous consent that a table relating to the reconciliation conference report be printed in the RECORD.

It shows that, through reconciliation, we will reduce the fiscal year 1981 deficit by $8.2 billion—and reduce the cumulative Federal deficit through fiscal year 1985 by $50.385 billion.

Some of these savings were achieved in associated savings legislation—passed subsequent to the reconciliation instructions and signed into law earlier this year. Those measures are disclosed in the report on this bill, and the balance of the savings will be achieved when this bill is signed into law.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RECONCILIATION CONFERENCE

[In millions of dollars, fiscal years]

	1981		1981–85	
	Budget authority	Outlays	Budget authority	Outlays
Title II—School lunch and child nutrition programs	−375	−375	−788	−794
Title III—Student loan programs	−432	−418	−2,193	−2,167
Title IV—Civil Service, Postal Service, and related Programs:				
Civil Service programs	−18	−52	−132	−1,537
Postal Service programs	−411	−411	−300	−300
Federal Employees Compensation Act	−33	−33	−450	−300
Title V—Highway, rail, and related programs:				
Federal-aid highway program		−657		−1,252
Highway safety grants		−12		−50
NHTSA operations	−5	−3	−5	−5
Rail rehabilitation	−70	−13		
AMTRAK capital grants		−172		
Title VI—Airport and Airway Improvement Act[1]	−100	−20	−100	−100
Title VII—Veterans programs	−487	−493	−2,135	−2,152
Title VIII—Small business programs	−800	−600	−5,500	−4,600
Title IX—Medicare and medicaid related provisions:				
Medicare	4	−889	53	−2,270
Medicaid	8	8		
Title X–Other Social Security Act programs; unemployment compensation:				
Federal day care regulations	−4	−4	−4	−4
Adoption assistance and social security disability amendments	−118	−235	−610	−4,092
Other social security amendments	2	−31	88	−530
Unemployment insurance amendments	−32	−147	−296	−955
Title XI—Spending provision: Payroll taxes paid by employers	44		783	
Total spending savings, net	−2,827	−4,557	−11,589	−21,108
Title X—Revenue provision: Termination of special Federal funding of unemployment benefits paid to CETA workers		50		800
Title XI—Revenue measures:				
Mortgage subsidy bonds		256		21,453
Cash management		3,063		4,791
Foreign investment in U.S. real estate		42		470
Windfall tax royalty credit		−180		−180
Payroll taxes paid by employers		44		783
Telephone excise tax		358		1,121
Alcohol import duty		12		39
Total revenue increases, net		3,645		29,277
Total reduction in the deficit		−8,202		−50,385

[1] Savings shown are from the Airport and Airway System Development Act (S. 1648) as passed by the Senate. The savings from the counterpart bill as reported in the House (H.R. 6721) would be somewhat higher.

Mr. LONG. Mr. President, the Finance Committee portions of the reconciliation bill involve revenue measures as well as provisions relating to spending under entitlement programs. I will discuss each of these separately.

REVENUE MEASURES

The revenue measures in the conference report represent some very significant changes in the tax system. Even though the Finance Committee has strongly supported tax reductions for 1981, not tax increases, it has felt obligated to fulfill its responsibilities under the reconciliation process to raise approximately the amount of revenue required by the budget resolution. The revenue measures in the bill come very close to raising the required amount of revenue. They are carefully structured to do this without damaging the economy, and some of them represent some needed tax reforms.

In fiscal year 1981, the bill will raise $3.6 billion. The longer run revenue impact will be substantially greater.

Let me summarize the revenue changes in the bill:

HOUSING BONDS

The most important revenue measure in the bill consists of limits on the use of tax-exempt bonds to finance housing. Since 1977, use of tax-exempt bonds for this purpose has grown at a very rapid rate. If this is allowed to continue without some legislative restraints housing bonds will crowd out of the tax-exempt market the general obligation bonds which State and local Governments must issue to conduct their regular activities. The revenue loss would be a very serious drain on the Treasury, which would reduce our ability to cut taxes next year.

The conference agreement is a modification of the Mortgage Subsidy Bond Tax Act of 1979, which the House passed last year. Some of the more complex restrictions of the House bill have been eliminated at the insistence of the Senate conferees, and the transitional rules have been liberalized. The most important modification concerns the limitations in the House bill that tax-exempt housing bonds in any State not exceed the greater of $50 million per year or 5 percent of mortgages originating in the

State in the prior 3 years. The conference agreement liberalizes this market-share limitation to the greater of $200 million or 9 percent of mortgage originations.

I would have preferred to have the Senate work its will on housing bonds through the ordinary legislative process. However, the House conferees felt very strongly about this issue, and I doubt we could have reached a conference agreement without significant limitation on housing bonds. Many State and local housing programs have been in limbo because of uncertainty over just what restrictions Congress would place on housing bonds, and many people wanted to see the issue settled in this session of Congress rather than have the uncertainty continue. For these reasons, the Senate conferees agreed to a modified version of the House bill. The modifications are intended to insure that State and local Governments will be able to operate housing programs in the future.

The housing bond limitations in the conference agreement will raise $256 million in fiscal year 1981 and $10.2 billion in 1985.

PAYROLL TAXES

Under present law, an employer payment of an employee's social security or State unemployment compensation tax is excluded from wages for purposes of the employer's and the employee's social security tax, the Federal unemployment compensation tax, and social security benefits. This provision has been in law for many years, but employers have begun to take more and more advantage of it, and it now threatens to become a major drain on the social security trust funds. The bill, therefore, eliminates this exclusion except in the case of domestic workers and agricultural workers. A 3-year transitional rule is provided for public employees in jurisdictions which were using the employer payment system as of October 1, 1980.

This change will raise $44 million in fiscal year 1981 and $328 million in 1985.

GAIN ON FOREIGNERS' REAL ESTATE

Under present law, nonresident aliens and foreign corporations are not generally subject to tax on capital gains they realize on U.S. real estate. To put foreign investors on the same footing as domestic investors, the bill imposes a capital gains tax on gains by foreigners on the sale of U.S. real estate. This will raise $42 million in fiscal year 1981 and $123 million by 1985.

The Senate bill provided a withholding requirement which would have greatly increased compliance with this tax. However, the House conferees strongly opposed imposing withholding in this legislation because they felt that there had not been adequate time to draft appropriate withholding provisions. They were successful in deleting this provision from the conference agreement. I hope the relevant committees will monitor compliance with the tax under the enforcement mechanisms contained in the legislation and will consider withholding in the next Congress.

TELEPHONE EXCISE TAX

Under current law, the telephone excise tax is scheduled to phase down from its existing level of 2 percent to 1 percent in 1981 and zero thereafter. The conference agreement delays this phase down for 1 year so that the tax will be 2 percent in 1981, 1 percent in 1982, and zero thereafter. This will raise $358 million in fiscal year 1981 and $570 million in 1982.

CASH MANAGEMENT

In terms of fiscal year 1981 revenue effect, the principal revenue raiser in the bill is a requirement that large corporations make estimated tax payments of at least 60 percent of the current year's tax liability. Under current law, corporations are exempt from the estimated tax penalty if their estimated tax payments equal 100 percent of their prior year's tax liability. The change made in the bill will reduce the existing inequity under which some corporations can pay less estimated tax than other corporations with the same tax liability. This provision will raise $3.1 billion in fiscal year 1981, but the revenue gain will be much smaller in future years.

ALCOHOL TARIFF

Present law provides an exemption from the 4-cent-per-gallon gasoline tax for gasohol which is at least 10 percent alcohol. This works out to a subsidy of 40 cents per gallon of alcohol, and the subsidy applies even if the alcohol is imported. From the standpoint of national energy policy, it is foolish to provide subsidies which increase our dependence on imported energy. The Senate bill contained a 40-cent tariff on alcohol in order to offset the subsidy provided by the gasoline tax exemption. The House conferees strongly opposed this provision, but the Senate was successful in achieving a tariff of 10 cents per gallon in 1981, 20 cents in 1982, and 40 cents thereafter. The tariff will apply to alcohol imported for fuel use.

The revenue effect of the alcohol tariff will be $12 million in fiscal year 1981.

WINDFALL PROFIT TAX

The conference agreement contains a credit for royalty owners of the first $1,000 of windfall profit tax for which they would otherwise be liable. It applies only to calendar year 1980.

This is a provision which was in the Senate bill and for which the Senators fought very hard. We were even successful in persuading President Carter to endorse it during the Presidential campaign. Many royalty owners have relatively low incomes and the windfall profit tax represents an onerous burden on them. The $1,000 credit will relieve much of this burden. The revenue loss will be $180 million in fiscal year 1981. Next year, I hope the committee will study ways to relieve royalty owners of more of their windfall profit tax burden.

SPENDING PROGRAMS

The reconciliation instruction in the first budget resolution placed a heavy responsibility on the Committee on Finance to achieve savings in the several spending programs which are within its legislative jurisdiction. The committee took this responsibility seriously. It reviewed each of these programs with a view toward identifying changes which could be made to achieve the required savings. As a result of this review, the committee was able to recommend to the Senate legislation which met the committee's reconciliation goals by eliminating inappropriate or low-priority features of these programs.

In the conference with the House, the Senate conferees were able to obtain acceptance of many of the changes which the Finance Committee had recommended.

The conference bill includes provisions expanding benefits under medicare and medicaid as well as provisions designed to achieve savings in those programs. We regret that the House strongly insisted on new benefit improvements instead of concentrating on savings provisions. However, the net effect over time is to achieve significant savings for medicare and medicaid programs. The benefit improvements include expansion of coverage for home health services, benefits for care in outpatient rehabilitation facilities; an increase in payments for outpatient physical therapy; expansion of eligibility for certain dental and optometrists services; payment for treatment of plantar warts and coverage of antigens. Improvements are made in the professional standards review program both administratively and in terms of expanded responsibility and review so as to achieve additional savings. Other provisions are intended to expand the provision of services outside of hospitals and nursing homes. These include comprehensive payment for necessary surgery performed on an ambulatory basis and a major program to demonstrate the feasibility of training welfare recipients as home health aids to provide supportive services to people in their homes who might otherwise be institutionalized. The bill also contains technical, administrative and relatively minor changes intended to enhance the administration and improve the equity of the medicaid and medicare programs.

The conference agreement includes a deferral of child care regulations and a reduction in the retroactivity period for social security benefits. It also strengthens the unemployment compensation program by providing for better monitoring of claims by Federal employees, by encouraging States to provide a 1-week waiting period, and by eliminating Federal participation in extended unemployment benefits to individuals who are unemployed as a result of their own misconduct or because of their failure to accept any reasonable offers of employment.

The Senate amendments accepted by the House will improve the operations and efficiency of the programs and will produce important savings both this year and in future fiscal years. Unfortunately, however, the conference agreement falls considerably short of achieving the level of savings included in the legislation when it passed the Senate. As estimated by CBO at the time of the conference.

the Senate-passed bill would have reduced fiscal year 1981 costs in Finance Committee programs by $3.6 billion while the comparable savings in the conference agreement amounted to $1.5 billion. This results from the fact that the House conferees were unwilling to accept a number of very meritorious Senate provisions which would reduce program costs. Inasmuch as the spending levels in the second budget resolution will require substantial additional savings, I believe the House will find it necessary at a future date to reconsider its position on these proposals.

A more detailed summary of the spending program provisions in the conference agreement follows:

Home health services.—The bill provides medicare coverage for unlimited home health visits; eliminates the 3-day prior hospital stay requirement under part A of medicare; eliminates the $60 deductible for home health benefits under part B; includes the need for occupational therapy as a qualifying criterion for home health benefits; allows proprietary home health agencies in states without licensure laws to participate in medicare; provides authority for the Secretary of Health and Human Services to require bonding or the establishing of escrow accounts to the extent he finds necessary; requires the Secretary to establish regional intermediates for home health agencies; and requires the Secretary to take several actions to achieve the more effective administration of the home health benefit.

Dentists' services.—The bill provides medicare coverage for services furnished by dentists when the services are of the kinds that are covered when furnished by physicians. The bill also covers hospital stays where the severity of the noncovered dental procedure warrants. Routine dental services would continue to be noncovered services.

Plantar warts.—The bill provides Medicare coverage for the treatment of plantar warts.

Comprehensive outpatient rehabilitation facilities.—The bill covers free standing rehabilitation facilities as providers of services under Medicare.

Optometrists' services.—The bill covers services furnished by optometrists related to the condition of aphakia (absence of the natural lens of the eye).

Antigens.—The bill covers antigens prepared by one physician and forwarded to another for administration to the patient.

Erroneous placement of patients.—The bill requires the Secretary to make Medicare payment where a beneficiary who required a higher level of care was erroneously placed in a part of the institution providing a lower level of care.

Rural hospitals.—The bill authorizes the Secretary to apply the Medicare health and safety standards applicable to all hospitals more flexibly with respect to rural hospitals where such action will not jeopardize patient health and safety. The Secretary of HHS is authorized to provide for a limitation on the scope of services to be furnished by a hospital consistent with any relaxation or waiver of applicable standards.

Certification and review by podiatrists.—The bill allows podiatrists, acting within the scope of their practice, to be recognized as physicians for the purpose of physician certification and utilization review.

Plan of treatment for speech pathology.—The bill allows a speech pathologist to establish the plan of treatment for speech pathology services.

Deceased beneficiaries.—The bill authorizes, for physicians' services rendered to a beneficiary before his death, payment on the basis of an unpaid bill, to the person who has agreed to assume legal obligation to pay the physician.

Presumed coverage provisions.—The bill repeals medicare provisions authorizing, by type of diagnosis, presumed periods of coverage for skilled nursing facility and home health services.

Payments to providers of services.—The bill providers for reimbursement under medicare Part B to providers of services on the basis of the reasonable cost minus the coinsurance amounts charged beneficiaries.

Reenrollment and open enrollment in part B.—The bill repeals a provision of existing law that permits beneficiaries to reenroll in medicare Part B only once (thus unlimited reenrollment would be permitted), and also permits continuous open enrollment for individuals who failed to enroll at their first opportunity (rather than open enrollment only during January through March of each year). In addition, the bill provides a one-year period beginning January 1, 1981, during which any State which has not already done so could enter into an agreement or modification of an agreement, with the Secretary under section 1843 of the Social Security Act for the enrollment of, and purchase of medicare Part B protection for eligible individuals who are receiving money payments under public assistance programs or who are eligible for medical assistance under title XIX of the Social Security Act. A state currently without a buy-in agreement could enter into an agreement during 1981 covering both cash recipients and persons eligible only for medical assistance if it wished to do so.

Payments to pathologists and radiologists.—The bill limits the special 100 percent reimbursement for radiology and pathology services to physicians accepting assignment for all services furnished to hospital inpatients.

Shortened part B termination period for certain individuals whose premiums medicaid has ceased to pay.—The bill permits an individual whose State buy-in coverage for part B of medicare has ended to terminate such coverage effective with the month medicare is notified that coverage is no longer wanted, rather than continue, enrollment for as long as 6 months.

Outpatient physical therapy services.—The bill increases the present $100 yearly limitation on outpatient physical therapy services to $500.

Medicare payment liability secondary in certain automobile insurance cases.—The bill provides that (a) medicare would be the secondary payor in any case where care can be paid for under any liability insurance policy or self-insurance plan (including an automobile insurance policy) or under a no-fault insurance plan; and (b) the Secretary is authorized to waive this provision if he determines that the probability of recovery or the amount involved under such a policy or plan does not warrant the pursuing of the claim.

Hospital transfer requirement for skilled nursing facility coverage.—The bill provides that the 14-day period within which a medicare beneficiary must be transferred from a hospital to a skilled nursing facility in order to qualify for post-hospital extended care benefits would be extended to 30 days. The bill also extends the period during which beneficiaries can be readmitted to a skilled nursing facility without again meeting the three day prior hospitalization requirement.

Outpatient surgery.—The bill requires the Secretary to establish (a) a list of procedures which are frequently performed on a hospital inpatient basis but which can be safely performed in an ambulatory surgical center and (b) a list of procedures which are frequently performed on a hospital inpatient basis but can also be safely performed in a physician's office. The purpose of this provision is to provide incentives to perform surgical procedures on a less costly outpatient basis in cases where the need to perform the procedure is routinely used as justification for admission as a hospital inpatient. Accordingly, it is not expected that the lists established by the Secretary would include procedures which are already generally recognized as more appropriately (from the standpoint of efficient utilization of inpatient services) performed on an outpatient basis.

For those procedures which can be performed in a physician's office, an amount calculated to take account of any unusual overhead expense not usually incorporated into the professional fee for equipment, supplies, space, etc. would be established and paid in full. The overhead factor is expected to be calculated on a prospective basis (and periodically updated) utilizing sample survey or similar techniques to establish reasonable estimated overhead allowances for each of the listed procedures which take account of volume (within reasonable limits). The Secretary is expected to recognize only such additional overhead expenses as are not reflected in the customary charges of physicians.

Subject to the conditions discussed below, the physician would be reimbursed 100 percent of the reasonable charge for performing the listed procedures, provided he accepts assignment, in an ambulatory surgical center, the outpatient department of a hospital, or his office.

This reimbursement would be authorized for procedures performed in the physicians' offices only where (1) a Professional Standards Review Organization is willing, able, and has agreed to carry out a review of the physician performance of such procedures and (2) the physician has agreed to make such records available to the PSRO as may be determined to be necessary. Further, physicians would be reimbursed under this section only for those procedures for which they have admitting privileges in a hospital located in the geographic area in which their office is located.

Technical renal disease amendments.—The bill authorizes the Secretary to enter into agreements with approved non-profit organizations to assist home dialysis patients in obtaining and maintaining dialysis equipment; and changes the reporting date for the renal disease program annual report from April 1 to July 1.

Expanded membership of professional standards review organizations.—The bill authorizes each PSRO to offer membership, at its own option, to nonphysician health professionals who hold independent hospital admitting privileges.

Registered nurse and dentist membership on statewide council advisory group.—The bill provides that at least one registered professional nurse and one dentist must be included in the membership of the advisory group to each Statewide PSRO Council.

Nonphysician membership on National Professional Standards Review Council.—The bill expands the membership of the National Council to include a dentist, a registered professional nurse and one other nonphysician health professional representing the recognized ancillary health care disciplines.

Efficiency in delegated review.—The bill authorizes PSRO's to delegate review functions to hospitals only if the hospital demonstrates a capacity to carry out the required reviews effectively, efficiently and in a timely fashion.

Required activities of PSRO's.—The bill provides that, in order to obtain full designation, a conditionally designated PSRO must be satisfactorily conducting reviews of inpatient services provided by hospitals in its areas, except that review of ancillary services is not required. (The bill eliminates the requirement of present law that a PSRO must be reviewing outpatient hospital services and long-term care services to be fully designated.) The bill also directs the Secretary to establish a program for the evaluation of the cost-effectiveness of PSRO review of particular types of services and authorizes the Secretary to require PSRO's to conduct review of additional types of services only where such review has been found to be cost-effective or yields other significant benefits.

Response of PSRO's to Freedom of Information Act requests.—The bill provides that no PSRO will be required to make available any records pursuant to a request under the Freedom of Information Act (FOIA) until the latter of: (1) one year after the entry of a final court order requiring such disclosure, or (2) the last date of the Congress during which the court order was entered.

Consultation by PSRO's with health care practitioners.—In lieu of the present requirement of formal advisory groups of health care practitioners to individual PSRO's, the House bill authorizes the Secretary to establish more flexible guidelines to assure appropriate operational PSRO consultation with representatives of all health care disciplines.

Review of routine hospital admission services and preoperative stays by PSRO's.—The bill authorizes PSRO's to focus preadmission review on those areas of relatively frequent overutilization—particularly routine hospital admission services and excessive preoperative stays—to assure that program payments are made only when routine tests and long preoperative stays for elective conditions are medically appropriate. The bill also authorizes the Secretary to direct a PSRO to conduct such reviews where the Secretary determines they can be made on a timely, cost-effective basis.

Study of PSRO norms, standards, and criteria.—The bill requires the Secretary to conduct, in consultation with the National Council, a nationwide study of the differences in PSRO norms and to report the findings to Congress within one year of enactment.

Nonprofit hospital philanthropy.—The bill provides that the following items shall not be deducted from the operating costs of nonprofit hospitals in determining reimbursement amounts under medicare, medicaid and the Maternal and Child Health programs: (1) grants, gifts or endowments, and the income therefrom, which have not been designated by the donor for paying any specific operating costs; (2) governmental grants or similar payments, under the terms of which the grant or payment is not available for use as operating funds; and (3) the proceeds from the sale or mortgage of any real estate or other capital asset which the hospital acquired through gift or grant and which, under the terms of the gift or grant, are not available for use as operating funds (except for recovery of the appropriate share of depreciation when gains or losses are realized from the disposal of depreciable assets.)

Study of need for dual participation of skilled nursing facilities.—The bill requires the Security to conduct a study of the reasons for the present scarcity of skilled nursing home beds, including the extent to which existing law and regulations discourage dual participation of skilled nursing facilities in the medicare and medicaid programs, and to report the results of the study to Congress with one year after enactment.

Alternative to decertification of long-term care facilities out of compliance with conditions of participation; look behind authority.—The bill authorizes the Secretary and State medicaid agencies to deny reimbursement for services furnished by a skilled nursing facility or an intermediate care facility for all medicare and medicaid beneficiaries admitted to the facility after the date the Secretary determines that such facility is substantially out of compliance with the conditions of participation. This intermediate sanction would be applicable as an alternative to decertification only in the case of a facility whose deficiences do not immediately jeopardize the health and safety of patients; where patient health and safety is jeopardized, the Secretary and the State agency are required to take action to decertify the facility simultaneously with application of the more limited sanction. (The provision requires the Secretary to provide public notification to potentially affected beneficiaries of the date of the sanction and the fact that no benefits will be payable on behalf of a beneficiary admitted to the facility after that date.) In addition, this provision authorizes the Secretary to "look behind" a State's survey of an SNF or ICF and, where the Secretary finds that a facility does not meet the conditions of participation, to terminate that facility's participation in medicaid. The Secretary's authority to "look behind" a State's survey of a SNF or ICF to situations in which the Secretary has cause to question the adequacy of the State's determination.

Life Safety Code requirements.—The bill repeals the requirement that skilled nursing facilities must be in compliance with the 1973 edition of the Life Safety Code of the National Fire Protection Association and authorizes the Secretary to determine in regulations when facilities are to be required to meet the provisions of revised editions of the Code, taking into account the capabilities of facilities and State survey agencies to accommodate the revisions. Facilities which are in compliance with the Life Safety Code provisions of present law (and for so long as such compliance is maintained) will be considered to be in compliance with the requirements imposed in regulations with respect to the Life Safety Code provisions.

Criminal standards for certain medicare and medicaid related crimes.—The bill provides that the criminal penalties under present law for the solicitation, payment or receipt of remuneration for referring a medicare or medicaid patient or in return for purchasing, leasing or ordering any supply or service covered under medicare or medicaid will be applicable were such conduct is undertaken knowingly or willfully.

Exclusion of health care professionals convicted of medicare or medicaid-related crimes.—The bill broadens the exclusion under present law from participation in medicare, medicaid and Title XX of practitioners convicted of program-related crimes so as to apply this provision to all other categories of health professionals.

Requirements concerning reporting of financial interest.—The bill amends the financial reporting requirements of present law (under which reporting of all interests of 5 percent or more of any obligations secured by the entity if required) to provide that an entity must report only those individual interests in mortgages or other obligations equal to at least $25,000 or 5 percent of the entity's total assets.

Withholding of Federal share of payments to medicaid providers to recover medicaid overpayments.—The bill authorizes the Secretary to withhold the Federal share of medicaid payments from providers and physicians in order to recover medicare overpayments where such overpayments cannot be recovered through the medicare program either because the provider is participating in medicare at a minimal level or the physician no longer accepts assignment for medicare claims.

Hospital providers of long-term care services ("swing-beds").—The bill authorizes the Secretary to enter into an agreement with any participating rural hospital of 50 beds or less, to permit the hospital to use its beds on a "swing-basis" as acute or long-term care beds as needed (reimbursement in such cases would reflect the lower cost of less than acute care). "Swing-bed" demonstrations are authorized for large and urban hospitals.

Where a hospital does not have a "swing-bed" agreement, payment would be made at the same rate otherwise payable to a participating swing-bed hospital for a long-term care patient who cannot be transferred because of the unavailability of a long-term care bed if the hospital's occupancy rate is below 80 percent and the hospital could obtain a certificate of need to provide long-term care services.

The bill provides, where a beneficiary who no longer requires acute hospital services must remain in the hospital because no long-term care bed is available in the community, the hospital will be reimbursed a daily rate equal to the adjusted average medicaid SNF rate in the State for persons needing SNF services, and for purposes of medicaid at the ICF rate for those patients. (It should be noted that where a State has developed a system of adjustments in its long-term care rates—for example, to distinguish between urban and rural settings—such adjusted rates could be used for purposes of reimbursement under this section where appropriate.) The reduced level of reimbursement would not apply where a hospital's annual occupancy rate is equal to or greater than 80 percent. In determining the occupancy rates of public hospitals under common ownership where patients can be transferred among the related institutions, the rates can be combined (with the approval of the Secretary) for purposes of this occupancy test. Two years after enactment, the computation of occupancy rates shall be adjusted, to the extent feasible, to exclude from the computation those long-term care patients who should not be in the hospital.

With respect to coverage of freestanding detoxification facility services, the bill limits coverage to alcohol detoxification; provides for studies and demonstration projects on alcoholism rehabilitation, drug detoxification and incentives for the use of lower-cost free standing detoxification facilities; and clarifies that medicare payment for inpatient detoxification services furnished by participating hospitals, to the extent appropriately required and provided, would continue to be made as under present law, without regard to the availability of free-standing detoxification facilities.

Coordinated audits under the Social Security Act.—The bill provides for coordinated audits under medicare and medicaid, and directs the Secretary to evaluate the feasibility of creating a single coordinated appeal process to adjudicate disputes arising under coordinated audits.

Demonstration projects relating to the training of AFDC recipients as home health aides.—The bill requires the Secretary to enter into agreements with up to 12 States for the purpose of conducting demonstration projects for the training and employment of AFDC recipients as home health aides.

Quality assurance programs for clinical laboratories.—The bill extends to December 31, 1981, the Secretary's authority to conduct a program to determine the proficiency of clinical laboratory personnel who do not meet formal educational requirements.

Reimbursement of clinical laboratories under medicare and medicaid.—The bill limits program recognition of markups of bills from physicians for services performed by independent clinical laboratories; payment to a physician in such cases would be limited to the lesser of the reasonable charge of the laboratory or the amount actually charged the physician, plus a nominal fee for physician handling of the specimen.

Reimbursement of physicians' services in teaching hospitals.—The bill repeals provisions of existing law that were added by section 227 of Public Law 92–603 under which physicians' services furnished in teaching hospitals are to be treated under Medicare as hospital services reimbursable on a reasonable cost basis, except where a hospital had traditionally billed for physicians' services on a charge basis and where the hospital's patients could be considered "private patients". The bill retains the section 227 provisions of existing law under which a teaching hospital and all its physicians may elect to be paid on the basis of reasonable cost. It was the intent of the conferees to endorse the existing policy contained in Intermediary Letter 372 (without prohibiting reasonable change) with one major exception. Whereas Intermediary Letter establishes a 50 percent collection requirement, the bill provides that a reasonable charge may be paid for physicians' services rendered by a teaching physician where only 25 percent of the hospital's nonmedicare patients paid all or a substantial part of their charges.

Continued use of demonstration project reimbursement systems.—The bill permits medicare to continue to reimburse hospitals located in a state which has been conducting a cost containment demonstration in accordance with the system used in the State's demonstration when the demonstration project ends, provided the State program meets certain tests of effectiveness in controlling costs and the State elects to continue the reimbursement system and until such time as the State's reimbursement system is no longer applicable to all third-party payors or no longer meets the required tests of effectiveness in controlling costs, except that in the case of any State which has had a cost containment demonstration project reimbursement system in continuous operation since July 1, 1977 (as in the case, for example, of the State of Maryland) the Secretary is required to provide for the continuation of medicare reimbursement in accordance with the State's reimbursement system until the Secretary determines that the State's reimbursement system is no longer applicable to all third party payors or no longer meets the required tests of effectiveness in controlling costs; and (2) the Secretary may establish no more than six Statewide medicare hospital reimbursement demonstration projects, including in this limitation any such projects initiated before the enactment of this legislation.

Temporary delay in periodic interim payments (PIP).—The bill amends the PIP procedure for hospitals, under which hospitals may receive periodic interim payments from medicare which are not directly tied to the receipt of bills, to provide for a one-time deferral during the last month of Fiscal Year 1981 of amounts equal to three weeks of medicare payments.

Determination of reasonable charge.—The bill provides for medicare reasonable charges to be determined based on the fee schedules in effect as of the date the medical service was rendered rather than the date the medicare claim is processed.

Reimbursement under medicaid for services furnished by nurse midwives.—The bill requires States to provide coverage under their medicaid programs for services furnished by a nurse midwife which he or she is legally authorized to perform under State law or regulation.

Extension of increased funding for State medicaid fraud control units.—The bill authorizes Federal matching payments to the States for the costs of establishing and operating medicaid fraud control units meeting specified requirements at the rate of 90 percent for the initial 3-year period and 75 percent thereafter, subject to a quarterly limitation of the higher of $125,000 or one-quarter of one percent of total medicaid expenditures in the State in the previous quarter.

Change in calendar quarter for which satisfactory utilization review must be shown to receive waiver or medicaid reduction.—The bill prohibits the Secretary from assessing financial penalties against the States for failure to meet the requirements of medicaid law regarding utilization review of long-term services in institutional settings for periods prior to January, 1978.

Expedited recovery for certain disallowed medicaid claims.—The bill permits recovery by the Secretary of Federal matching payments for disallowed State medicaid expenditures for services furnished on or after October 1, 1980 by offsetting payments to the State which occur subsequent to the final notice of disallowance. However, the State could elect to retain Federal matching payments for all disallowed expenditures until the conclusion of the administrative appeals process. If the final administrative determination upholds the Secretary's disallowance, the conference agreement provides that the State must return the Federal payments to the Secretary, with interest (at a rate based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during such period). With respect to notices of disallowance issued during fiscal year 1981, the States would be subject to interest penalties for no more than 12 months, regardless of the amount of time required to conclude the administrative appeals process. With respect to notices of disallowance issued after fiscal year 1981, the maximum period for which a State would be subject to interest penalties would be six months. In limiting the amount of interest recoverable by the Secretary in this manner, the conferees intend that the Secretary expedite the processing of State appeals from notices of disallowance.

Reimbursement rates under medicaid for skilled nursing and intermediate care facilities. The bill deletes the requirement in current law that SNFs and ICFs participating in the medicaid program be reimbursed on a reasonable cost-related basis and substitutes the requirement that States reimburse SNF and ICF services at rates that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care in conformity with applicable State and Federal laws, regulations, and quality and safety standards. While the States have discretion to develop the methods and standards on which the rates of reimbursement are based, the Secretary retains final authority to review the rates and to disapprove those rates if they do not meet the requirements of the statute. The conferees intend that the Secretary exercise this review in a timely fashion. If, within 90 days of receiving the rates proposed to be used by a State, the Secretary has not made a final determination that the rates proposed meet all applicable requirements of medicaid law, then the rates would be presumed to meet the medicaid law requirements for the fiscal year for which they were proposed. The conferees would further note their intent that a State not develop rates under this section solely on the basis of budgetary appropriations. In determining whether the rates proposed by a State are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities, the Secretary is not expected to approve a rate lower than the applicable legal requirements would mandate.

Delay in effective date of new HHS title XX child day care regulations.—The conference agreement provides that the standards for child day care services required under Title XX law, or promulgated by the Department of HHS, would not be applicable to child day care services provided during the period of July 1, 1980 to July 1, 1981, if such services meet applicable standards of State and local law.

The agreement also provides that the Department of Health and Human Services shall assist each State in conducting a systematic assessment of current practices in Title XX funded day care programs and provide a summary report of the assessments to Congress by June 1, 1981.

Limitation on payment of retroactive social security benefits.—The conference agreement limits social security benefits retroactivity to a period of 6 months prior to the month in which application for benefits is made, except for applications filed for disability benefits by disabled workers (and all family benefits thereunder) or benefits for disabled widows and widowers. Benefits applications for disabled workers, their dependents and disabled widow(ers) will continue to be made retroactive for up to 12 months as under present law. The provision is effective on the first day of the first month beginning 60 days after enactment.

Termination of special Federal funding of unemployment benefits paid to CETA workers.—The conference agreement terminates Federal reimbursement to States from the Federal Unemployment Benefit Account (FUBA) for unemployment compensation benefits paid to former CETA workers, effective for service performed in weeks which begin after enactment.

Under current law, the Comprehensive Employment and Training Act (CETA) requires that all persons employed in CETA public service jobs be provided unemployment benefits under the same conditions, and to the same extent, as other employees doing the same type of work. Any unemployment compensation benefits paid to former CETA workers are initially paid out of the State unemployment insurance trust fund. The State is then reimbursed from general revenues contained in the FUBA account for the amount of the unemployment compensation that was based on CETA public service employment. This reimbursement from the FUBA account would be terminated.

Waiting period for unemployment compensation benefits.—The conference agreement eliminates the Federal share (50 percent) of the cost of the first week of extended benefits in any State which does not have a "waiting week" for regular benefits, or which has a "waiting week" for which benefits are paid retroactively. This provision would be effective for extended benefits paid to individuals during eligibility periods beginning on or after enactment. However, in the case of a State in which State legislation is required in order to establish a "waiting week" or to eliminate retroactive payment for a "waiting week", this provision would first become effective for extended benefits payable for the period that begins after the end of the first regularly scheduled session of the State legislature ending more than 30 days after enactment of the bill.

Establishment of separate account in the Federal unemployment insurance trust fund for benefits paid to former Federal employees.—The conference agreement requires the establishment of a special account within the Unemployment Insurance Trust Fund from which States would be reimbursed for the costs of unemployment benefits based on Federal employment. Each agency would be required to reimburse that account from its appropriations for the costs attributable to its employees. The provision would be effective for services performed by individuals after 1980.

Under current law, Federal employees may receive unemployment compensation if they meet the qualifying requirements of the State in which they were last employed. States are reimbursed by the Federal government for the cost of benefit payments to former Federal employees. At present, all such costs are funded through a single appropriation account within the budget of the Department of Labor rather than being charged to the appropriations of the employing agencies.

Denial of extended benefits to individuals who fail to meet certain requirements related to work.—The conference agreement would:

(a) Deny extended benefits to an individual during a period of unemployment for which, under State law, he or she was disqualified from receiving State benefits because of voluntarily leaving employment, discharge for misconduct, or refusal of suitable employment, even though the disqualification was subsequently lifted prior to reemployment and the person received State benefits. However, if the person could receive extended benefits if the disqualification is lifted because he or she became employed and met the work or earnings requirement specified in State law.

(b)(1) Deny extended benefits to any individual who fails to accept any work that is offered in writing or is listed with the State employment service, or fails to apply for any work to which he or she is referred by the State agency, if the work: is within the person's capabilities; pays wages equal to the highest of the Federal or any State or local minimum wage; pays a gross weekly wage that exceeds the person's average weekly unemployment compensation benefit plus any supplemental unemployment compensation payable to the individual; and is consistent with the State definition of "suitable" work with regard to provisions not specifically addressed in this amendment.

States would have to refer extended benefits claimants to any work meeting these requirements. If the State, based on information provided by the individual, determines that the individual's prospects for obtaining work in his or her customary occupation within a reasonably short period are good, the determination of whether any work is "suitable work" would be made in accordance with State law rather than the above.

(2) Extended benefits would be denied to any individual for so long as he or she fails to engage in a systematic and sustained effort to obtain work and fails to provide tangible evidence to the State agency that he or she has engaged in such an effort.

(3) Any individual who is denied extended benefits because of the requirements in (b)(1) or (b)(2) would continue to be ineligible to receive extended benefits until he or she had been employed for at least four weeks after the denial and earned wages equal to four times his or her average weekly unemployment compensation payment.

Mr. DOLE. Mr. President, before making a statement on the reconciliation measure, I want to clarify two technical points concerning the Mortgage Subsidy Tax Act provisions of the Reconciliation Act.

The first relates to the transitional rules under the conference agreement. The conference agreement provides that the limitation on the use of mortgage subsidy bonds do not apply to bonds issued before January 1, 1981, if the net proceeds are committed to homebuyers within 1 year of the issuance date. The intent of the conferees in providing this rule was to incorporate the resolution previously adopted by the Senate.

Mr. President, a question has arisen as to the treatment of the bonds if commitments for all of the net proceeds are not made within the 1-year period. In other provisions of the transitional rule where commitments are required within a particular period, the committee report indicates that the bonds will retain their tax-exempt character as long as the uncommitted proceeds are used to redeem bonds within 6 months after the commitment period. This is the same rule on redemption of bonds that was contained in the Senate resolution and adopted by the conferees.

I ask the distinguished chairman of the Committee on Finance if it is his understanding that the conferees intended that a similar rule would apply to bonds issued under the transitional rule permitting bonds to be issued before January 1, 1981.

Mr. LONG. Mr. President, the understanding of the Senator from Kansas is correct. It is the same rule on redemption of bonds that was contained in the Senate resolution and adopted by the conferees.

It is certainly the intention of the conferees that, in the case of bonds that are issued before January 1, 1981, and the net proceeds are not committed within the 1-year period, interest on the bond issue will not cease being tax-exempt provided the uncommitted proceeds are used to redeem obligations within the 18 months of the issue date. In addition, a similar 6-month redemption rule would be allowed under the transitional rule contained in section 1104(m) of the conference agreement.

Mr. DOLE. Mr. President, my second clarification involves the arbitrage provisions of the Mortgage Subsidy Tax Act. The bill limits the effective rate of interest on mortgages financed with proceeds of qualified mortgage bonds to a rate that is no greater than 1 percentage point over the yield on the bonds. The bill also provides that certain items are not to be considered as part of the effective interest cost of a mortgage. These include any insurance charge or similar amount to the extent that such amount does not exceed amounts charged in the area in cases where owner-financing is not provided through the use of qualified mortgage bonds.

I ask Senator Long if it is his understanding that the conferees intended that premiums paid to the FHA, VA, or private mortgage insurer to obtain mortgage insurance or guarantee on an individual's mortgage come within this exclusion and are not taken into account in computing the effective interest cost on the mortgage so long as the amount does not exceed the premium for insurance or a guaranty for a similar mortgage in the area not financed with qualified mortgage bonds.

Mr. LONG. The Senator from Kansas is correct, Mr. President. FHA and VA mortgage insurance premiums and premiums for similar private mortgage insurance are not taken into account under the bill in determining the effective interest rate of mortgages so long as such amounts do not exceed the amounts charged in the area for a similar mortgage that is not financed by mortgage subsidy bonds. However, charges on the mortgagor for mortgage pool insurance which typically is obtained by the issuer to cover risks not covered by other insurance would be taken into account.

Mr. President, a similar colloquy occurred in the House of Representatives between the chairman of the Committee on Ways and Means and the ranking member, Mr. Conable. That matter came to the attention of Mr. Donald Lubick, Assistant Secretary for Tax Policy. Mr. Lubick sent me a letter confirming that this is the view of the Treasury. I ask unanimous consent that the letter of Mr. Lubick be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Treasury,
Washington, D.C., December 3, 1980.

Hon. Russell B. Long,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Conference agreement on the budget reconciliation bill contains provisions relating to single family mortgage revenue bonds. The transitional rules of the agreement provide that the limitations contained in the bill do not apply to issues under which proceeds are committed to providing mortgages within specified periods. It is our understanding that such bond issues will retain their exempt status beyond the limitation periods if the net uncommitted proceeds remaining at the expiration of the limitation periods are used to redeem bonds within a 6-month period after the expiration of the limitations.

The matter is described in detail in a colloquy between Chairman Ullman and Representative Conable held on the House floor today. We have reviewed the text of that colloquy and it conforms with our understanding and interpretation of the legislation. We are fully in support of the understanding in the colloquy.

Sincerely,

Donald C. Lubick.

Mr. LONG. I thank the Senator from Kansas.

Mr. DOLE. Mr. President, I thank my distinguished colleague. I think that will clarify a couple of areas of possible misunderstanding.

RECONCILIATION

Mr. President, I want to comment on one provision that is of great interest to the present occupant of the Chair.

There is no doubt about it, the reconciliation process is an extremely important mechanism. However, I think we must be careful, in future efforts to reconcile, that we do not include a lot of increases in spending.

In my view, reconciliation is intended to bring spending reductions back into balance. Frankly, I found, particularly on the House side, some who are more concerned with pushing new spending programs in the reconciliation process than they were about reconciliation. So we ended up with less real savings than we had anticipated. I want to say, so far as this Senator is concerned, the Senate conferees in our part of the conference made every effort to resist some of the new spending programs advocated by many of our colleagues on the House side.

As I said, the reconciliation process is an extremely important mechanism which, if adhered to strictly, can provide the discipline necessary to balance the Federal budget. The Senate Finance Committee adhered to the process and produced a package with $2.4 billion in savings and $4.2 billion in revenues.

SAVINGS

Most of those savings were real. They were achieved by making substantive, long-term changes in current spending programs. These changes were carefully thought out and spread over the several entitlement programs under our jurisdiction. Further, they were equitable and were designed to correct problems in those programs while not hurting individual recipients or providers. This Senator believes these kinds of changes were exactly what was contemplated by Congress when it passed the Budget Act of 1974.

The House bill, however, followed a very different course. The House included in its version of reconciliation numerous provisions that not only did not cut spending, but provisions that greatly increased spending in out years. I am sure it will shock many of the Members of this body to learn that the House bill on reconciliation contained provisions that would have increased spending by almost $1 billion in 1985. Hopefully, in the future, we will not allow reconciliation bills to be used as a vehicle for new spending provisions. The conference between the Finance Committee and the Ways and Means Committee was disappointing. Some of the House conferees came expecting to spend, not to save money.

This Senator was also disappointed that the House conferees would not accept more of the Senate savings provisions; for example, the elimination or modification of the national trigger affecting payment of extended unemployment compensation benefits. This provision alone would have saved some $1 billion a year in a reasonable, responsible way. We were unable to work out a reasonable compromise on a provision to postpone eligibility for supplemental security income for individuals who knowingly dispose of assets at less than market value, just for the purpose of becoming eligible for such benefits.

The House conferees did not want to discuss the various Senate provisions dealing with reasonable cost and reasonable charges under the medicare provisions or the provision to limit home health agency reimbursement. Instead, we had to spend a great deal of time discussing the health spending provisions and only after very difficult bargaining were we able to curtail new spending in the bill.

There are a number of savings provisions in the Senate bill which should have been enacted. Hopefully, we will be able to pass them next year. In the meantime, this Senator is at least grateful that the Congress has shown discipline and has followed through on the reconciliation process. This is an important precedent and one which we must be willing to heed in the future if we hope to limit the growth of Government spending and balance the budget.

REVENUE MEASURES

In additon to spending reductions, the Finance Committee was asked to report out $4.2 billion in revenue increases to help reconcile the fiscal year 1981 budget. The Finance Committee met that objective, even though many individual members questioned the wisdom of adding to the already staggering tax burden on the American people. The conference report contains about $3.5 billion of those proposed revenue increases.

I might say, even though we had disagreement, I think for the most part we did not have much alternative. So, there was rather general agreement in the Senate Finance Committee.

There is one specific provision that had a lot of support in the Senate, support from our chairman, the distinguished Senator from Oklahoma (Mr. BOREN), the present occupant of the chair (Mr. PRYOR), Senator BENTSEN, Senator WALLOP, and many others on the committee and not on the committee.

That was our successful effort to provide some interim relief for small royalty owners.

One reason I am particularly happy the reconciliation bill is being passed today is that royalty owners will be permitted to claim a refund paid during the calendar year 1980. This relief is only for 1 year.

Despite the general reluctance to increase the level of Federal taxation, a number of the revenue provisions are positive and deserving of Senate support.

ROYALTY OWNER REFUND

One such provision would provide some interim relief from the windfall profit tax for small royalty owners. Under the provision, royalty owners would be permitted to claim a refund equal to the first $1,000 of windfall profit taxes paid during calendar year 1980. This stopgap provision will provide welcome relief to the estimated 2 million royalty owners throughout the United States, many of whom have suffered an unconscionable hardship as a result of the windfall tax. Hopefully, this provision represents just the first step in the effort to fashion some permanent relief for small royalty owners.

This provision represents just the first step. I hope that the Reagan administration will understand that the average royalty owner has income of less than $200. Many rely on this royalty income to remain economically independent. It has resulted in hardship on, particularly, landowners and small royalty owners, and perhaps some relief can be provided early next year of permanent duration.

Testimony before the Finance Committee hearings demonstrated that the vast majority of these royalty owners are little people—farmers, retired persons, and others of modest means. Indeed, 60 percent of the 128,000 royalty owners in Kansas get less than $50 a month from oil royalties. Yet even these small royalty checks are vital to farmers and retired persons struggling to make ends meet. Thus, this Senator strongly believes that the relief contained in this bill is long overdue.

I pause at this point to yield to the distinguished Senator from Oklahoma who was very helpful. We had hearings in his State and the State of Kansas. Senator BENTSEN had hearings in Texas. We learned firsthand of the need for some relief.

I am happy to yield to my colleague.

Mr. BOREN. I thank the Senator from Kansas.

Mr. President, I want to join in the remarks made by my distinguished colleague from Kansas.

I certainly am pleased to see included in this reconciliation conference report some immediate stopgap relief for the small royalty owners.

I want to pay tribute to the leadership given this effort by the Senator from Kansas, by the distinguished chairman of the Finance Committee (Mr. LONG), by the Senator from Texas (Mr. BENTSEN), and others.

As Senator DOLE has said, studies have indicated that the vast majority of these royalty owners are people receiving very small checks. Over 60 percent of them in my State of Oklahoma were receiving $200 a month or less. A large majority of recipients of checks who attended our hearings were social security recipients, according to samples we conducted of almost 8,000 people that attended the Finance Committee hearings in Texas, Oklahoma, and Kansas. They were in need of immediate relief.

I join the Senator from Kansas in hoping this is only the first step, that the next Congress will go further in remedying the injustices by providing a full exemption for royalty owners from the windfall profit tax.

But it is a positive first step. I am glad to see it made. I am glad that many of those in our States, and across the country, who rely upon the small royalty checks as a supplement to their social security income, will be able to recoup what they paid under the tax.

No group of low- or middle-income people in the country, retired persons, has been hit with a tax of this magnitude on their meager earnings that have been set aside for retirement. I think it is a good step.

I also want to concur with the statement of the Senator from Kansas that while we did not go as far as many of us would like to have seen us go in the area of reforming the unemployment insurance program, that substantial progress was made in this report and in this piece of legislation in moving the system in the right direction so that we can discontinue benefits to those who are not truly qualified for them and make the funds secure and more readily available in adequate amounts for those who are genuinely unemployed. There are many in that category across the country.

Also, I join in paying tribute to the work of the distinguished chairman of the Budget Committee, the Senator from South Carolina, and my own senior colleague from Oklahoma (Mr. BELLMON), who will be leaving the Senate this year, for their work on the budget reconciliation process.

Few people have contributed more to the budgetary process in this country and toward sound fiscal policy over the last several years than the senior Senator from Oklahoma (Mr. BELLMON). I want to salute him on behalf of not only many of my colleagues here in the Senate, but on behalf of the people of our State, for the outstanding work and outstanding service he has rendered to all the people of this country as a major participant in the budget process.

I thank my colleague from Kansas for yielding to me.

Mr. LONG. Mr. President, I am pleased the Senator did bring this matter up about the royalty owners because that is one area where, in my judgment, a grave injustice was done.

These people did not get any windfall. We had already deregulated the small wells on the theory if we did not, we were not going to get much production because they produce so little, it would shut most down.

So they had already been deregulated. Then when the windfall tax came along, it put a big tax on somebody who was not getting a windfall to begin with. They just happened to be on the scene. That was the only sin they committed, if anything.

So we wanted to try to correct that. I wish we could have done more. I wish we could have also prevailed on Senator BELLMON's amendment to exempt those small wells.

I think it would be well for the Senator from Kansas, who will be chairman of the Finance Committee next year, to make clear that he will continue to persevere in this effort. He can be assured of my help to see we exempt these little stripper wells. If not exempt all, then the first five barrels, or as much as we can, to provide justice for these people, because we never really intended to deny those royalty owners and those owners of these very small wells something that was rightfully theirs.

Mr. BELLMON. Will the Senator yield?

Mr. DOLE. Yes.

Mr. BELLMON. Mr. President, I commend the committee for what I consider a step in the right direction.

In my opinion, the stripper well exemption has a great deal of importance so far as the Nation's energy supply is concerned. If you have a little well making a barrel of oil and a hundred barrels of salt water a day and you put a $5 or a $10 tax on the well, you simply hasten the day when it becomes uneconomical for the operator to fuss around and keep it producing; and you hasten the day when he will pull the pipe and sell the tank battery and shut it down.

So I hope that the Finance Committee, during the next Congress, will look at the stripper problem as a matter of equity and try to preserve many thousands of barrels of oil a day which these stripper wells produce. They cannot be redrilled. Unless we keep them in production, they will be lost forever.

I hope the Senator from Louisiana and the Senator from Kansas will give this matter top priority in the first bill the Finance Committee deals with that concerns this subject.

Mr. DOLE. As Senator LONG has indicated, we hoped that we might retain the Bellmon amendment, the two-barrel exemption; but because of the revenue impact, we could not do that.

Also, I think it is fair to say that some of the House conferees think the tax is not high enough now. They would like to raise the tax on royalty owners. They think that anybody who has oil is rich. Until we change that thinking—and we hope it will come soon—it will be hard to provide relief for the small royalty owner or the stripper well operator. We have had some success. They can buy a Christmas tree with this little refund; that is about all.

I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend the Senator from Kansas.

I agree wholeheartedly with the Senator from Oklahoma. So far as the royalty owners are concerned, this is a step in the right direction, it is a 1-year event, as I understand it, and it is a $1,000 exemption. Is that correct?

Mr. DOLE. That is correct.

Mr. DOMENICI. Some of the royalty owners were getting a $400 a month check. They are not in the business. It was their land that somebody drilled on, and they get this because somebody found oil. All of a sudden, this tax comes along, and some of them receive half the check. Is that not correct?

Mr. DOLE. That is right.

Mr. DOMENICI. In fact, some of them received 60-percent deductions from their check.

Mr. DOLE. We have been thinking that if it is so good for the royalty owners, perhaps it should apply to coal and timber and people who have an interest in those things.

Mr. DOMENICI. Exactly. They are not involved in any windfall, if there is one. They had nothing whatsoever to do with that aspect of the situation.

There are literally thousands of these people in this country. Most of them are retirees, and they receive this kind of check along with social security or some other pension fund.

I hope that next year we can make this kind of change permanent.

I also agree with Senator BELLMON that from the standpoint of energy production—the matter we are talking about—it simply is not fairplay. You do not cut somebody's check in half when they have been receiving it for 3 or 4 years as a royalty check. He is talking about energy production.

If we do not do something about the small stripper wells, they will go out of production because of a tax; and that will be a direct diminution in energy resulting from windfall, which many think it is, generally. That will be provable to the extent that a small well stops producing, because the windfall tax makes it unprofitable, and that is doing the opposite of what anyone wants to do around here. We are making ourselves more dependent rather than less dependent.

So I hope that, next year, the Finance Committee will take a good look at this matter. Many of us understand it better since it is in place. We have a lot better evidence, and we will be presenting it.

I join Senator BELLMON in congratulating the Senator from Kansas, the Finance Committee, and Senator LONG, and I hope we can do more in the future.

Mr. DOLE. I learned one thing in the past few months—a lot of people in Kansas understand the windfall tax a lot better than when we passed it. It is one thing to say, "I didn't vote for it," but it is another thing to persuade the people that you did not do much to stop it.

This will be some relief. Perhaps there should be some tax imposed on the big royalty owners. But in the case of a man or woman who gets a check for $50, in some cases it is the difference between dependence and independence. I hope we can provide some permanent modification here.

I thank the Presiding Officer, Senator BOREN, for his untiring efforts on behalf of royalty owners, not only in Oklahoma but throughout the country as well. It was a bipartisan effort.

So far as I know, there was no objection to this provision, to speak of, in the Senate Finance Committee. Even those Senators from nonproducing States understand the inequity of this particular tax.

FOREIGN INVESTMENT IN U.S. REAL ESTATE

A second, important revenue provision—the idea of the Senator from Wyoming (Mr. WALLOP)—which is included in the reconciliation package is the imposition of a capital gains tax on foreign nationals who sell U.S. real property.

As the law now stands, a foreign investor, with even the slightest bit of tax planning, can legally avoid paying any U.S. capital gains taxes on the sale of American real estate. Currently, the Tax Code provides that so long as the land is not held in connection with an active U.S. business, the foreign investors' profit is exempt from tax. In contrast, a U.S. citizen would have to pay up to 28 percent in Federal taxes on such sales.

Because of this tax loophole, foreign investors have a distinct advantage over Americans when they are competing to buy U.S. real estate. They can pay more for U.S. land because they can count on not having to pay any tax when they sell it at a profit. Is there any wonder why so many foreign investors, including wealthy Arabs and West Germans, are bidding up the price of U.S. real estate?

The reconciliation bill would do much to correct this situation. The conference report would impose a minimum 20-percent capital gains tax on foreign investors dealing in U.S. real estate. The Senate conferees receded to the House bill's effective date to avoid any unfair application of this change. Unfortunately, however, even this modest provision was watered down by the House conferees who insisted that we delete any withholding requirement. Many tax experts believe that without withholding it will be difficult to effectively enforce the provision.

ALCOHOL FUEL TARIFF

A third significant revenue measure in H.R. 7765 is the imposition of a tariff on imported alcohol fuel. Under the compromise worked out in conference, a 40-cent-per-gallon tariff will be phased in over 3 years. In calendar year 1981, the tariff will be 10 cents per gallon; in 1982, 20 cents per gallon; and, in 1983 and thereafter, 40 cents per gallon.

In 1978 and again last year, Congress enacted the tax incentives for gasohol in order to develop a domestic alcohol fuel industry in the United States.

As I recall, that amendment was initially offered by the distinguished former Senator from Nebraska, Mr. Curtis. In my view, we never intended these tax incentives to subsidize the use of imported alcohol. We do not need to replace our dependence on OPEC oil with a dependence on foreign alcohol. Indeed, importation of foreign alcohol is worse from a balance of payments standpoint than importing OPEC oil because foreign alcohol is much more expensive than crude oil.

This measure is not one-company legislation as some have irresponsibly charged. This tariff is supported by a number of farm groups including the American Farm Bureau, as well as countless individuals who are now or will shortly produce alcohol in the United States. Many of these companies are relatively small local enterprises that are particularly concerned about the explosion of imports this year. In all of 1979, ethanol imports from Brazil amounted to only about 2 million gallons. I understand that already this year, about 40 million gallons of Brazilian alcohol has been imported into the United States. In my view, Federal tax policy should be neutral toward those imports by denying a Federal tax subsidy for imported alcohol. That is precisely what this tariff in this legislation will accomplish.

MORTGAGE SUBSIDY BONDS

Finally, I should like to make some observations about the restrictions on mortgage subsidy bonds contained in this conference report. There is no doubt that some limits are needed on the use of tax-exempt mortgage bonds. In many areas, these bonds have almost completely supplanted conventional mortgage financing at a high cost to the Federal Treasury.

While most recognize the need for some limits, the Senator from Kansas thinks the House bill was far too restrictive. In conference, the Senate conferees bargained hard to modify many of the unduly restrictive provisions in the House mortgage bond bill.

The most important House concession was increasing the amount of bonds that can be issued during the next 3 years from $50 million per year to $200 million and the market share limitation from 5 percent to 9 percent of the mortgages in each State. The date for ultimately eliminating the bonds was pushed back from the end of 1982 to the end of 1983. I believe a reasonable compromise has been struck.

CONCLUSION

Mr. President, this Senator supports the reconciliation process as an essential weapon in our fight against increased Government spending. The process, however, is not perfect, it needs improvement. We must amend it, for example, to prevent new spending from being added during a process that is designed to cut spending.

Mr. President, I have a number of items I should like to have printed in the RECORD. One is a letter from the American Farm Bureau Federation to the President of the United States. Another is a memo from the President of the United States to the Secretary of the Treasury, William Miller.

I also have a letter I addressed to the Internal Revenue Service on March 29, 1979, pointing out that it was never the intent that we should provide subsidies to foreign countries which might be producing alcohol.

It seems to me that what we were doing, in effect, was trying to nip in the bud a problem that could be fatal to the infant domestic gasohol industry. I think there is widespread support for this amendment. This amendment was supported by me, the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. McGOVERN), and almost every farm State Senator and almost every other Senator who is concerned about the gasohol industry in this country. Many of these companies are small and quite vulnerable to the explosion of imports.

I also have a number of telegrams, mailgrams, and letters from small alcohol producing companies.

Mr. President, I ask unanimous consent that all this material be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. But this Senator believes that all in all conferees on this bill did the best we could. It was our first effort at reconciliation, and I have already asked consent that all these documents be made a part of the RECORD.

But I close by thanking the floor leader, the distinguished Senator from South Carolina, the chairman of the Budget Committee, and also my distinguished Senator from Oklahoma for his tireless efforts over the years in trying to bring some reality back into spending. Most of the time the Senator from Kansas followed his advice. Sometimes I have strayed away. But the Senator from Oklahoma has performed a valuable service and he will be missed in the Senate.

Mr. President, I thank the Chair.

EXHIBIT 1

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., September 25, 1980.
Hon. JIMMY CARTER,
The President, The White House, Washington, D.C.:

The American Farm Bureau Federation urges that the Treasury Department take necessary steps to prevent foreign produced alcohol from benefiting by the exemption granted to gasohol from the 4 cents a gallon federal fuel tax. The purpose of this exemption was to provide the encouragement for the development of a domestic gasohol industry. To provide the same exemption to imported alcohol completely destroys the purpose of this exemption and could lead to continued reliance upon foreign energy sources.

We urge the Treasury Department to implement necessary regulations so that the exemption will benefit only domestic produced alcohol.

ROBERT B. DELANO,
President.

THE WHITE HOUSE,
Washington, D.C., October 30, 1980.
Hon. WILLIAM G. MILLER,
Secretary of the Treasury,
Washington, D.C.

TO SECRETARY BILL MILLER: Foreign produced alcohol should not benefit from the exemption granted to gasohol from the four cent a gallon gasoline tax. This exemption should be applied only to domestically produced alcohol fuel, to encourage the growth of our domestic industry.

I would like this corrected immediately by administrative means if possible, by legislation if necessary.

Sincerely,

JIMMY CARTER.

INDIANA FARM BUREAU
COOPERATIVE ASSN., INC.,
Indianapolis, Ind., September 12, 1980.
Attention: International Trade Office.
SECRETARY OF THE TREASURY,
U.S. Department of Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I am writing in response to your solicitation of comments on measures that might be used to restrain U.S. imports of ethyl alcohol for use in gasohol.

I am the Executive Vice President of the Indiana Farm Bureau Cooperative Association, Inc. We supply Indiana farmers with petroleum, plant food, feed, and other farm supplies through 71 local cooperatives. We also market grain and soybeans for these members. We introduced gasohol in the petroleum market in Indiana in November, 1978. Since early 1979, we have shipped most of our unleaded gasoline in combination with ethyl alcohol to be sold as gasohol. We have helped other petroleum distributors to adapt to our system of blending alcohol and gasoline. We have also worked with equipment manufacturers in providing products to test gasohol in their engines.

It seems inconceivable to us that the federal government would encourage domestic production of alcohol through the incentive of exempting gasohol from the four-cent per gallon excise tax and, at the same time, allow alcohol produced in other countries the same incentive. We believe the intent of the alcohol production initiative, along with other efforts to develop synthetic fuels, is based upon a desire for energy independence. In this effort, the government and private enterprise are working together to reduce our dependency upon energy from other countries. The exemption for gasohol from the federal excise tax was intended to "prime the pump" in terms of helping a domestic alternate form of energy be more competitive in the market place. This exemption has already had the beneficial effect of encouraging increased alcohol production in the U.S. Imports of ethanol have risen sharply, and we believe this is in part due to expanded market for alcohol as a result of excise tax exemption.

We propose that the excise tax exemption for gasohol be limited to domestically produced alcohol. This does not represent a trade barrier but is, in effect, a common sense approach of limiting incentives to domestic production. A ruling could be enforced by requiring vendors of gasohol to certify that the alcohol used is from U.S. domestic production. This certification could be passed from the U.S. alcohol producers through the distribution channel and would provide a basis for review and enforcement.

I want to express appreciation to the Treasury Department for moving forward with concern about this issue which is critical to the development of energy independence.

Very truly yours,

PHILIP F. FRENCH,
Executive Vice President.

COMMITTEE ON FINANCE,
Washington, D.C., March 29, 1979.
Mr. JEROME KURTZ,
Commissioner of Internal Revenue, Internal Revenue Service, Washington, D.C.

DEAR MR. KURTZ: The Energy Tax Act of 1978 (P.L. 95–618) contains an amendment which I sponsored providing for an exemption from the motor fuels excise taxes for certain alcohol fuels.

The provision exempts Gasohol, which is a blend of motor fuels and alcohol, from the Federal excise taxes if the blend contains at least 10 percent alcohol (including ethanol and methanol) other than alcohol produced from petroleum, natural gas or coal. The exemption applies to sales of fuel after December 31, 1978, and before October 1, 1984.

The legislative history indicates that these provisions were intended to apply to alcohol produced in plants located in the United States. The legislative history provides:

"The Secretary of the Treasury shall expedite, to the maximum extent possible, action on the application of any person with respect to the production of ethanol for use in producing gasoline described in section 4081(c) (or in producing liquid fuel described in section 4041(k)) of the Internal Revenue Code of 1954. Within 6 months after the date of the enactment of this Act, the Secretary shall furnish to the Committee on Finance, United States Senate, and to the Committee on Ways and Means, United States House of Representatives, recommendations for legislation necessary to provide for changes in the provisions of chapter 51 of the Internal Revenue Code of 1954 to provide a simple, expeditious procedure for processing such applications and to simplify the regulation of such persons for purposes of such chapter consistent with adequate safeguards against the use of such applications to avoid or evade compliance with the provisions of such chapter relating to distilled spirits procured, dealt in, or used for other purposes."

It is obvious that, in view of this authority given the Secretary of the Treasury, such applications with respect to the production of ethanol could only refer to domestic production.

The Conference Report stated:

"It is the intent of the conferees that, in determining the need for acreage set-aside programs for particular commodities and the extent of the acreage set-aside programs (under sections 105A and 107A of the Agricultural Act of 1949, as added by sections 402 and 502 of the Food and Agriculture Act of 1977), the Secretary of Agriculture take into account the demand for these commodities by producers of alcohol fuels (including fuels which consist of gasoline-alcohol blends) and other fuels."

Therefore, I urge that decisions made by the Internal Revenue Service reflect the Congressional intent and exclude imported alcohol for use in gasoline.

Sincerely yours,

BOB DOLE,
U.S. Senate.

UNITED STATES SENATE,
Washington, D.C.

Dear Conferee:

The Conference Committee on Budget Reconciliation will soon be considering the Senate's provision to increase the duty on ethyl alcohol imported for use as a fuel. This import duty is important to the rapid commercialization of domestic alcohol fuel production plants, and we urge you to support retention of the duty provision.

The Congress examined the issue of alcohol fuel imports last March during the debate on the Crude Oil Windfall Profit Tax Act. At that time non-beverage ethyl alcohol imports were at their traditional low level of around one million gallons per month. Consequently, when Congress extended through 1992 the alcohol fuel (gasohol) exemption from the 4 cent per gallon Federal motor fuel excise tax, it also allowed imported alcohol fuel to qualify for the extended exemption.

Since then non-beverage alcohol imports have increased dramatically. In the first seven months of this year, imports have climbed to 42.5 million gallons. This equals an annual rate of almost 73 million gallons—a nearly threefold increase over the 28 million gallons imported in 1979. At the current rate, imports could equal 50% of total domestic consumption for the year.

With imports continuing to qualify for gasohol's 4 cent per gallon excise tax exemption—which equals a tax benefit of 40 cents per gallon of alcohol—the Federal tax system is supporting a new American reliance on foreign sources of energy. The only difference is we are substituting our addiction for foreign petroleum for a new addiction for foreign alcohol.

The Senate's provision to increase the import duty by 40 cents per gallon will correct this situation. This new duty will neutralize the current 40 cent per gallon tax incentive to import alcohol for fuel use. The excise tax exemption was enacted to encourage construction of domestic alcohol fuel production plants; it was not enacted to encourage the importation of foreign energy.

This will not be a prohibitive tariff—it will produce revenue. Domestic producers currently sell alcohol fuel for about 20 cents more per gallon than imported alcohol sells for in this country. With enactment of the new import duty, the sales price positions of imported and domestic alcohol fuel would be reversed. There is no reason for assuming that this would cause imports to suddenly drop to zero, as opponents of the tariff increase argue.

With elimination of the 40 cent per gallon tax incentive to import alcohol, domestic alcohol fuel marketeers will have added incentive to produce alcohol fuel domestically. This is the purpose of the excise tax incentive and the entire Federal alcohol fuels development program. This purpose can be assured by Conference Committee adoption of the Senates' alcohol fuel import duty provision. If you have any questions on this issue, please contact Bill Moreau (X4–8734) or Rod DeArment (X4–4416).

Sincerely,

ROBERT DOLE,
BIRCH BAYH,
U.S. Senators.

UNION DEVELOPMENT CO.,
Tulsa, Okla., September 11, 1980.
Attention: International Trade Office.
SECRETARY OF THE TREASURY,
U.S. Department of the Treasury, Washington, D.C.

GENTLEMEN: In response to your request for comments regarding measures which could be taken to restrain U.S. imports of fuel ethanol for use in gasohol, we are happy to respond that we believe it to be in the interest of the gasohol industry to do so. Since the beginning of major imports into the United States, the price of fuel ethanol in the United States has plunged from $1.80 per gallon f.o.b. Decatur, Illinois to $1.50 per gallon f.o.b. producing plants and ports of delivery. This is well under the cost of production of fuel ethanol in the United States since during the same time grain prices have increased by 30 percent to 40 percent.

Our company designed and built the first commercial fuel ethanol plant to come on stream in the United States, Brownwood Distilling, Inc., Waurika, Oklahoma (see enclosure). This plant is closing this week due to the poor economics of present fuel alcohol and grain prices. The second plant to come on stream with commercial production in the United States was the White Plain (Flame) plant in Van Buren, Arkansas. It has also periodically been closed due to adverse economics.

The fuel alcohol industry cannot endure the present economics and needs relief from the material that is being brought in from Brazil and other countries. It would appear that a 40 cent per gallon tariff barrier would be the easiest to administer.

Our company has fuel ethanol projects in various stages of planning and construction throughout the United States and it is our opinion that unless this fledgling industry receives prompt relief from the present cross-price squeeze, its birth will be aborted.

Please let us know if we may supply additional information.

Cordially yours,

DEAN R. MCHARD,
President.

NORTH DAKOTA ALCOHOL COOPERATIVE,
Lansford, N. Dak., September 11, 1980.
Mr. J. WILLIAM MILLER,
Secretary of the Treasury, Attention of International Trade Office, U.S. Department of the Treasury, Washington, D.C.

DEAR SIR: The North Dakota Alcohol Cooperative (NDAC) understands that the U.S. Department of the Treasury is requesting comments from parties affected by imports of fuel alcohol. These comments will be used in the formulation of a report to Congress per the requirements of the Windfall Profit Tax Act (P.L. 96-223).

NDAC is a cooperative with 750 farmer members, expected to expand to 1,500 members by the end of this year. We are presently proceeding with plans to construct a 25 million gallon per year ethanol plant using members feed grain as a feedstock. Our choice of alcohol production as a grain processing venture for our members was not made haphazardly but after exploration of other opportunities for returning greater value added at the farm level. The major reason for NDAC's pursuit of alcohol production was the stated Federal position that alcohol fuels were an important part of the national energy strategy and thus would receive strong support in the high risk infancy of this industry.

NDAC beileves that, not only do alcohol for gasohol imports subvert the goal of the Federal excise tax waiver, the alcohol imports add substantially to the risk of our planned venture (and, of course, many other similar ethanol ventures). While we believe the market for gasohol is substantial, like any other product a period of introduction is necessary before full sales potential can be achieved. We feel that if the pioneering efforts of United States ethanol producers are to be successful, we must not be forced to compete with cutthroat foreign exporters of alcohol. Offshore alcohol is an undependable supply source that certainly has no place in our country's long range energy strategy. We feel that to share a tax waiver with foreign suppliers is a deterrent to development of a strong domestic gasohol industry.

Thus, we recommend exclusion of imported alcohol fuels from the Federal excise tax exemption for gasohol.

Thank you for your consideration of our opinion. We would be happy to provide further comments if appropriate.

Sincerely,

MICHAEL GATES,
President, and the Board of Directors.

INTERNATIONAL GASOHOL CORP.,
Metairie, La., September 11, 1980.
SECRETARY OF THE TREASURY,
Attention: International Trade Office, U.S. Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: A copy of your report to Congress on "Measures That Could Be Used To Restrain U.S. Imports of Ethyl Alcohol for Use in Gasohol" has been forwarded to us by the Chairman of the U.S. National Alcohol Fuels Commission, Senator Birch Bayh, for our comments.

International Gasohol Corporation is now in the process of finalizing plant design and financing for an ethyl alcohol plant in Reserve, Louisiana, with an initial annual production of 4,000,000 gallons of ethyl alcohol and projected annual increases in production to 20,000,000 gallons within five years.

We strongly recommend denial of tax exemption for gasohol made from imported alcohol and some tariff barriers to importation of alcohol in order to protect the budding national alcohol fuel industry. The continued granting of tax exemption and unrestrained imports could place our country in the same predicament with regard to alcohol fuels that we now find ourselves in regarding imported oil,

Sincerely,

LESTER V. COE,
Chairman.

NATIONAL GASOHOL COMMISSION, INC.,
September 13, 1980.

Mr. WILLIAM E. BARREDA,
International Trade Office, U.S. Treasury Department, Washington, D.C.

Subject: Restraint of Imports of Ethyl Alcohol into U.S. for use of Gasohol.

DEAR MR. BARREDA: The development of this new American Industry is being put to a severe test. As the petroleum suppliers of America began to replace their premium no-leads with gasohol, there was at one time a small deficiency in enough ethanol to meet the demand. If at that time there had not been some importation of ethanol, the market development for gasohol could have suffered. This situation is no longer the case. With a general slow down in gas use, and with American economics bad, the consumer is buying the cheapest fuel his car will operate on. Therefore, there is now sufficient U.S. ethyl alcohol available to supply the gasohol demand.

There are other serious problems with the imports. They are:

(1) Lack of a market for small scale 190 proof production.

(2) Fear by bankers and lending agencies to fund new plants because of cheap imports of ethanol.

(3) Lack of understanding how sugar cane juice, which can be used to produce 37 cents per lb. of sugar cane, can be used to produce cheap ethanol for fuel.

(4) How an energy deficient country like Brazil can afford to export liquid fuels.

I will address these problems one at a time.

(1) As the executive director of Agri Stills of America, I personally know that Archer Daniels Midland of Decatur will no longer buy the 90 proof ethanol our plant produces and upgrade it to 200 proof, denature, and sell it. ADM was buying our 190 proof on this scale: $1.80 (their wholesale price) less 25¢ for handling and upgrading, times the proof of alcohol.

Example: $1.80, less handling, —.25, equals $1.55.

$1.55 × 190 proof (95%) = $1.47 Agri Stills received per gallon.

Imported 200 proof ethanol is being delivered into this country, placed in tanks and available to distributors at prices ranging from $1.40 to $1.61. ADM could not take our $1.47 ethanol, dehydrate, denature, ship and sell it at a profit at the ridiculously low prices of imported 200 proof ethanol.

(2) My company builds and sells small scale commercial ethyl alcohol plants. My customers still await financing because the bankers require a sales contract of product before they will finance plants. This market is not available. ADM will not buy their product, and therefore there is no other market for wet ethanol from small plants.

(3) It takes 13 lbs of Brazilian sugar to yield 1 gallon of ethanol. 13 lbs of sugar × 30¢ per lb means the cost of raw feed stock from Brazilian sugar cane juice should be $3.90, which is 3 times what they say the ethanol costs in Brazil. If in America corn costs $3.92, it would mean the raw starch is worth 7¢ a lb. 13 lbs × 7¢ = 91¢ for a gallon of U.S. corn ethanol. Basically there is a $3 difference in raw costs, and yet the final product from Brazil, that has been entering the U.S., from 20¢ to 50¢ below going American prices.

(4) Brazil imports about 80% of its liquid fuel, and yet sells Brazilian produced liquid fuel, ethyl alcohol, for export at prices below raw feedstock cost.

If the U.S. allows imported ethyl alcohol, the National Gasohol Commission believes that this imported alcohol should not receive any exemption from the highway tax. If the imports are allowed, they should come into America with a minimum duty of 40¢ to offset the 40¢ now allowed for exemption of highway taxes.

At no time should there be allowed any more imported ethanol, unless it can be shown as being needed to open new markets for which there is no U.S. production available.

The domestic market is currently confined to use of anhydrous ethyl alcohol for mixing with gasoline so as to improve its octane and replace the premium no-leads. Because of the lack of technology and the high prices of the system, small scale plants, which produce wet alcohols, will have to rely on companies such as ADM, Mid-West Solvents, and the like to buy at a reasonable price their wet ethanol upgrade and market it.

The administrative feasibility of the tax exemption is simple. Treasury keeps a record of all imports and the importer will have a record of all buyers. The need for imports to ease the local shortage of fuel ethanol has disappeared. Every oil company confronted report reduced sales of all fuels, but particularly higher priced fuels such as gasohol and premium fuels. America's capacity to produce ethanol for fuel is expanding rapidly; as seen with Corn Products Corp. and Texaco, who will produce 60 million gallons per year. Mid-West Solvents ready to come on the line at Pekin, Ill. with 12 million gallons per year. VanBuren, Ark. reporting lack of sales of its ethanol. Ashland Oil and Publicker a 25 million gallon plant in Ohio. Staley announcing a plant to produce 400 million gallons per year by 1982. Archer Daniels Midland with inventories on hand, and a new plant capacity ready at Peoria, and building a plant in Iowa. All of this construction points to signs of sufficient supplies now and expanding supplies to meet future demands. The price competition of imports coming in at prices so low has killed financing and product sales for small scale American plants.

The cost of production of U.S. ethanol is in the $1.10 to $1.40 price range for 160 to 190 proof. When upgraded to 200 proof, denatured and delivered it cannot compete with the low prices of imported ethanol. The domestic demand of gasohol will go up as the economy of the country improves. Currently the unemployment, shortage of cash, etc. is causing gas buyers to buy the cheapest gas they can. Even to the place they drive into self-service stations with a car needing unleaded fuel, get out a funnel with a small neck and fill the car with cheap regular gasoline. Illegal, yes. Cheap, yes! But being done, yes!

The sum total of all of this is that at one time imported ethanol was important. It did fill the need in helping develop a market, while U.S. industry and agriculture geared up its production. We now have more production of ethanol than the current market can absorb. So, I ask you to prohibit any further imports unless some unforeseen situation appears that creates a shortage. At the present time this does not appear to be a possibility.

It will be a terrible economic set back for the new American ethanol fuel industry if imports are not prohibited. We in America sell corn to buy oil. Each bushel we sell contains 2½ gallons of fuel worth more than $4, plus high quality protein and oil worth at least $2, and many new jobs for America. Yet, the farmer sells for less than $3.50 per bushel.

Regards,

ALVIN M. MAVIS.

ETHAGAS DEVELOPMENT INC.,
Palm Beach, Fla., September 10, 1980.

Secretary of the Treasury,
ATTN: International Trade Office,
U.S. Department of Treasury,
Washington, D.C.:

DEAR SIR: I do not believe in restraint of trade. As a rugged individualist, I believe in competition and good old American ingenuity to make our country self-sufficient for our energy needs.

However, I believe we must:

(a) Deny the excise tax exemption for any gasohol made with imported alcohol.

(b) Monitor imports of ethyl alcohol.

(c) I further do not believe there should be tariff barriers or quantitative import restraints.

(d) The domestic market should be so structured that federal incentives bear a tax-exemption limited to gasohol made from domestic alcohol.

(e) Currently the need for import ethyl alcohol is necessary. However, we must beware of the price competition which will be induced.

Please convey my deepest personal regards to Senator Charles Percy and I attest this is a true comment.

Sincerely,

BERNARD HARRIS, *President.*

AMERICAN ENERGY INC.,
Forman, N. Dak., December 1, 1980.

Dirksen Senate Office Building,
Washington, D.C.:

Many thanks for your amendment eliminating foreign alcohol incentives. The 874 members of our farm cooperative deeply appreciate it.

Sincerely,

LLOYD PTACEK,
President.

CENTRAL TEXAS GRAIN PRODUCTS COOPERATIVE,
Hutto, Tex., December 1,1980.

Senator ROBERT DOLE,
Dirksen Senate Office Building,
Washington, D.C.

In behalf of the 550 members of our alcohol cooperative we wish to thank you for your efforts in regards to the Senate bill placing a tariff on imported alcohol. Your efforts are deeply appreciated by our membership which is dedicated to producing alcohol fuels for America.

If we can be of any assistance in the future please do not hesitate to let us know.

Sincerely,

KENNETH JOHNSON,
President.

CENTRAL TEXAS GRAIN PRODUCTS COOPERATIVE,
Hutto, Tex., December 1, 1980.

Senator ROBERT DOLE,
Dirksen Senate Office Building,
Washington, D.C.:

In behalf of the Central Texas Grain Products Cooperative I wish to express my appreciation for your efforts in regards to the Senate bill placing a tariff on imported alcohol. Your efforts are deeply appreciated and will benefit our cooperative which is dedicated to producing alcohol fuels for America.

Kindest regards,

TED W. HEJL,
Legal Counsel.

BIOCON (U.S.) INC.,
Lexington, Ky., September 12, 1980.
SECRETARY OF THE TREASURY,
Attention: International Trade Office,
U.S. Department of the Treasury,
Washington, D.C.

GENTLEMEN: We have been requested by Senator Birch Bayh to comment on the Department of the Treasury Notice in the Federal Register, Volume 45, Number 164, Thursday, August 21, 1980, Page 5589.

It seems to us the consideration should first be given to the effect on labor in the U.S., of importation of ethyl alcohol for fuel alcohol or any other purposes.

Importation of foreign ethyl alcohol, at a price well below that of such alcohol produced presently in the U.S. through our alcohol production facilities, can be referred to as "dumping" and, as such, might have a deleterious effect on both the major producers and the small farmer; and the message from the White House is clear to us that both sources should be encouraged. Our producers should be encouraged, in order to reduce the massive outflow of U.S. dollars to support the usurious OPEC nations. With importation of foreign alcohol, U.S. dollars will be directed to still another area.

Since there appears to be a shortage of fuel alcohol in the U.S., or there will be, with increased use due to greater participation by public and major oil companies, our recommendation would be to impose such a tariff barrier for imported alcohol that would result in a cost price landed that would equate with the present price of domestically produced fuel alcohol. There are currently enough negatives in the production of domestic fuel alcohol: these being the tremendously increased price of corn and the gasoline price wars resulting from the surpluses of gasoline available in turn due to reduced usage.

Although admittedly importation would reduce the price of gasoline to the consumer, we believe that this is a temporary occurrence and can only result in deterrence of the primary objective in production of fuel alcohol, that is, getting out from under the heel of the OPEC nations.

We hope that these comments are of use and appreciate being asked for them.

Sincerely,

STANLEY PARKER.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. HOLLINGS. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. I thank the Senator.

I say to my good friend from Nebraska that I have been waiting here for quite a while. But is he on some kind of time constraint?

Mr. EXON. No.

Mr. DOMENICI. I will not take very long.

I thank my friend.

Mr. President, I have a rather lengthy statement regarding this.

Mr. President, the Senate passed the reconciliation bill unanimously in June, and I hope we can agree to this conference report by unanimous vote today. This may be the single most important piece of legislation the Senate has considered in recent memory. It is certainly the most important single bill—from the point of view of budgetary control—in my memory.

I wonder, Mr. President, if it were legal to bet on political questions here in Washington—as it is in London—what kind of odds you could have gotten 1 year ago today on final passage of any form of reconciliation legislation. Last year this time, the conferees on the second concurrent resolution on the budget for fiscal 1980, were in the last throes of the most excruciating budget conference in history—and none of them had ever been easy. The principal issue in dispute between the two Houses, at that time, was reconciliation.

The Senate-passed version of the second budget resolution for fiscal year 1980 included reconciliation. The House-passed version did not. It was the position of the House conferees on the budget—and remember that this was just 1 year ago—that legislative savings could be achieved without reconciliation, and that reconciliation instructions would be an affront to the various committees which would report these savings provisions without any such onerous instructions in a budget resolution.

The conferees finally agreed to drop reconciliation from the 1980 budget resolution. They agreed instead on "Sense of the Congress" language in the resolution. That language made clear the fact that the budget totals in the second resolution for 1980 were only attainable if legislative savings were achieved—and it stated that the conferees would only agree to revise those totals in the event that such revisions were required due to "circumstances beyond the power of Congress to control."

Needless to say, we did not achieve the legislative savings envisioned in the second resolution for fiscal year 1980. Also needless to say, we did revise that resolution—and the revision did include increased spending made necessary by our failure to achieve those legislative savings.

This is not intended as a history lesson. Rather, Mr. President, I mean to point out how unlikely it seemed—just 1 year ago—that Congress would ever make use of the tool of reconciliation.

By the time we revised the fiscal year 1980 budget, it had become clear to both Houses that something more than moral suasion would be required if we were to reduce spending in so-called "uncontrollable" programs.

The revised second budget resolution required the Appropriations Committees to reduce spending already enacted for fiscal year 1980 and earlier years. The first budget resolution for fiscal year 1981 included reconciliation instructions to 10 Senate and 8 House committees, to report legislation to reduce outlays by $6.4 billion, and to increase revenues by $4.2 billion, with a resulting anticipated reduction in the fiscal year 1981 deficit of $10.6 billion.

Even when Congress passed the budget resolution last spring, there was widespread speculation that we would never be able to reach an agreement in conference on reconciliation. That we have reached an agreement is a milestone. It is a significant step in the direction of fiscal responsibility. It is the first coherent effort we have made to bring so-called "uncontrollable" spending under control; and I sincerely hope it sets a useful precedent for the future.

We are likely to see much more of reconciliation, if the new administration and the new Congress are to achieve the goals of increased defense spending, tax reduction, and balanced budgets, to which I sincerely believe most of us are committed.

Having said all that, Mr. President, let me also say that I am not completely happy with the contents of the conference report. The savings it will achieve are some $2 billion less than would have been achieved under the bill that passed the Senate. In health and nutrition programs the House has insisted on new and extended programs, as the price of agreement on savings.

The House Education and Labor Committee, in whose jurisdiction are the nutrition programs in which this conference agreement makes changes, insisted on extensions of several other programs as their price for agreeing to any savings—even temporary savings—in nutrition programs.

Neither the House, nor the Senate, reconciliation bill included these nutrition program extensions; and in my view their inclusion in this conference could well have jeopardized this whole bill. Certainly, including these extensions in the reconciliation bill is totally inconsistent with everything I think the reconciliation process ought to be. Nonetheless, I did sign the conference report. I do support the resolution; and I must say that I believe that concluding action on reconciliation in this Congress is more important than even this nefarious House action.

I would also point out that, even with all the extraneous program extensions in the nutrition portion of the resolution, this conference report will achieve the savings we anticipated in direct spending programs. The extensions are of authorizations, controllable through the appropriations process. The savings are real albeit temporary, for the most part—and are in entitlement legislation.

We may well have to reconcile again in the future, to insure permanent savings in nutrition programs. We may have to fight inappropriately high spending for these extended authorizations. We may even recommend rescissions of funds already appropriated for these or other programs—in order to meet our goal of fiscal restraint—sometime in the near future.

But for the present, it is fact that this conference report will reduce the fiscal year 1981 deficit about $8 billion, below whatever it would otherwise be; and once we adopt this conference agreement, we will have completed action on reconciliation.

Reconciliation may well be the most important tool we have available to us to help us live within spending totals acceptable to Congress and to the American public.

When the Senate considered the second budget resolution for fiscal year 1981, Senator BELLMON and I pointed out that we believe the policies which underlie that budget will cost more than the dollars included in the budget.

We suggested then that reconciliation was the appropriate tool for Congress to employ, if as a matter of fact we want to live within the spending totals in the budget resolution we adopted.

It was pointed out then just how difficult it has been—how long it has taken—to get agreement on this reconciliation. The obvious inference was: we did not then know if we could conclude action on any reconciliation bill; and we would be well advised to bring this conference to a successful close before undertaking further reconciliation.

Well, we have done it. I am proud of us. This is a significant step toward fiscal responsibility. And I believe we can do it again, as many times as need be—if that is what it takes to respond to the clear desire of the American people, expressed on November 4 to control Federal spending, fight inflation, and balance the budget.

I commend all 101 Senators and Congressmen who have been in conference on this measure since June. This resolution may not be all I wish it were; but it is nonetheless—and on the whole—work well done.

I support the conference agreement; and I urge my colleagues to do likewise.

Mr. President, I wish to say something about Senator BELLMON and Senator HOLLINGS. First, I think it is a fitting tribute that the bill before us today is an omnibus reconciliation act and that it is the last official act with reference to budget matters that Senator BELLMON, who will be leaving the Senate, will handle for the minority and for the Senate.

I think it is fitting that that last event signifies the possibility of a new beginning, because, as a matter of fact, this is the first time in the history of our country that we will send a bill to the President that is called a reconciliation bill, and that means that some laws of this country have been reconciled with a budget. That means they have been changed so that they come more into sync or are more harmonious with a budget than if left unchanged. That is what reconciliation means.

With all the years that our distinguished Republican leader, Senator BELLMON, has spent, patiently working with the institution to bring some real support for this process into fiscal restraint reality, I think it is at least reaching fruition when we have a reconciliation law that will go to the President, I hope, after the Senate votes today. I commend him for that.

Also obviously it is an extremely fitting event for Senator HOLLINGS. He did not have the privilege of being chairman of this committee for very long, but he worked on the committee for years and I think that he must feel very good today knowing that under his leadership this first reconciliation act will become a reality.

I commend him for that.

I hope it is just the beginning of some orderly fiscal restraint in this body and the other body which I believe the American people so much want and have indicated so in the last election.

Having said that, let me say that I think everyone should know that there are some activities reflected in this act that are very strange indeed. Would anyone really have thought that reconciliation, which I think everyone felt meant cutting expenditures that would otherwise occur and/or adding new taxes that would not otherwise have taken place—that is reconciliation—and could anyone believe that reconciliation would actually authorize new expenditures? Everyone should know that this bill does that. This bill does that.

There are some laws that would have expired down the line and somehow or another the House of Representatives insisted that in reconciliation we extend them. So one law that would have expired in 2 years is extended for 4.

I really believe that is an abuse of the Budget Act. I think technically something can be done about it here today. It is really almost an intentional misuse kind of under the gun, when they have you under the gun of this act, but I am not going to raise the point because I want this bill to pass. But I hope no one thinks that this Senator for one has failed to perceive the mischief in the name of budgetary restraint that exists here but more importantly the mischief that can occur in the name of reconciliation and fiscal restraint if we do not call it to everyone's attention and if those who have perpetrated the mischief think it is going to go on, that if we have another reconciliation bill that they are going to go pick their pet laws and extend them in the name of reconciliation, as some sort of a quid pro quo, for fiscal restraint, that just cannot be the case.

I repeat, this does a lot of good. The out-year curtailment, the 1981 curtailment of deficit that otherwise would have occurred is $8 billion; in other words, $8 billion less in deficit will show up because of this bill and it has some pretty good out-year effect, not as much as we would like. For the most part, it is 1 year's savings. So I am for it. But I repeat, we have to do something about this approach of using reconciliation to incur more expenses in the out-years without going through the orderly committee process of reauthorization and passing bills. This was supposed to be a quick way to cut expenditures, not a quick way to expand the potential expenditures of the Federal Government.

So in due course, either by proposing amendments to the law or because everyone will get the message that it is not going to be this easy in the future, this Senator just wants everyone to know I do not want this to be expected as a matter of course as the quid pro quo for getting reconciliation through.

I yield and thank the Chair.

Mr. HOLLINGS. I thank the distinguished Senator particularly for his kind remarks.

I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend from South Carolina.

Mr. President, a few brief words in support of what my colleague Senator DOLE had to say on the floor a few moments ago with regard to the widespread publicity in the farm belt by someone alleging that Senator DOLE had led an effort to benefit one large manufacturer of ethanol alcohol, which is a main ingredient for what we call gasohol in Nebraska.

Mr. President, Senator DOLE was a leader in this effort and I congratulate him for that leadership that he has taken. There were many other Senators who were critically involved in the decision. Senator DOLE is entirely correct in stating that what we have been doing with our program is subsidize alcohol from Brazil and some other places.

It seems to me, Mr. President, that if we are ever going to get our fledgling ethanol production to make gasohol going and help relieve our dependence on foreign oil, then what was obviously intended in the original intent and what the action we are taking now does is to encourage ethanol production and therefore gasohol consumption at home.

Therefore, I think it is totally unfair and I come to the defense of Senator DOLE on the accusations that have been against him.

In closing, Mr. President, I just wish to take a moment to add my congratulations for the job well done once again by the chairman of the Budget Committee, Senator HOLLINGS of South Carolina, and my good friend, the ranking minority member of that committee, HENRY BELLMON of Oklahoma.

I have served on the Budget Committee during my 2 years in the Senate, and I congratulate once again these two excellent men for the outstanding job that they have done.

I am looking forward to serving with Senator HOLLINGS again next year as a minority member of the Budget Committee.

We are going to miss indeed the presence of our good, capable, and dedicated friend from Oklahoma, Senator BELLMON, and certainly I wish him well in his retirement. This probably will be the last chance that I have.

HENRY, you have been an outstanding U.S. Senator. I congratulate you, and we are all going to miss you.

Mr. BELLMON. Mr. President, I thank my good friend from Nebraska. I certainly will miss the association with my friends here, especially the Senator from Nebraska. I would like here to formally invite him to Oklahoma to——

Mr. EXON. Mr. President, I accept the invitation and I will be down that Saturday in November.

Mr. HOLLINGS. Pick me up on the way down.

Mr. DOLE. Mr. President, will the Senator from Nebraska yield to me for just 30 seconds?

Mr. HOLLINGS. I yield to the Senator from Kansas.

Mr. DOLE. I want to thank the Senator from Nebraska for what he said with reference to some dispute stirred up by an irresponsible House Member who is retiring this year. But as I look back over the history of this amendment I think a number of Senators had some input into it and it was approved by the full Finance Committee and U.S. Senate. Certainly the Senator from Nebraska had input into the amendment. I did not mean to claim credit for it. I got credit for it by Congressman VANIK who, I think, has demonstrated greater interest in the well-being of importers than in development of viable gasohol industry in the United States. But in any event it just seems to this Senator that if we have not learned a lesson, we had better start learning a lesson and not be subsidizing what may be made in Brazil.

We lost out on soybeans because of an embargo imposed by President Nixon. I do not say that we should not have some give-and-take and not give a foreign country some particular advantage.

This particular recommendation was approved by a bipartisan commission chaired by the distinguished Senator from Indiana (Mr. BAYH). Frankly, this Senator resents some of the statements made by the retiring Congressman from Ohio. If he remains in Washington, I hope he will be willing to discuss this issue with me face to face.

Mr. HOLLINGS. I yield such time as the Senator from Ohio may wish.

Mr. METZENBAUM. Mr. President, so much has been said on this floor that I think a convincing case has been made for adjournment.

Let me respond for just a moment to my good friend from Kansas, with whom I do not often disagree, but I do want to say that the Congressperson about whom he speaks is my Congressperson. He represents me.

Mr. DOLE. Good.

Mr. METZENBAUM. I think he is a man of integrity, I think he has served his Nation well in over 20 years in Congress. I do not intend to address myself to the issue, but I would not want to let go unanswered any suggestion that would in any way impugn his integrity or his distinguished career in the U.S. Congress.

Mr. DOLE. What about impugning the integrity of this Senator? Is the Senator impugning my integrity?

Mr. METZENBAUM. I certainly would not impugn the Senator's integrity.

Mr. DOLE. The Senator ought to talk to his Congressman.

Mr. METZENBAUM. I do not want to get into a dispute with the Senator. I have no question about the Senator's integrity or that of any other Member of this body, but I did not want to stand by and not rise on the subject matter without at least saying a word in defense of the very distinguished Congressperson who serves my own district, Congressman CHARLES VANIK.

Having said that, let me add a word of commendation to the Senator who chairs our Budget Committee and who has worked arduously and vigorously and zealously in the new responsibilities that suddenly came to his doorstep not too long ago, and with no reservations at all.

I wish to commend him for the quality of his service and his dedication to balancing the budget or making every possible effort to do so.

Having said that, let me also say that the absence of the distinguished Senator from Oklahoma, Senator BELLMON, will indeed be felt by this body. I have no difficulty in saying that, although I oftentimes took issue with him, disagreed with him. I do want to say that there are few Members in this body for whom I have higher respect. I told him before the election that I was sorry he was not going to run for reelection.

I think he has added much to the budget process, and he will be missed, and I commend him and thank him for his efforts in attempting to balance the budget and keeping this body on a solid basis.

Mr. BELLMON. Mr. President, will the Senator yield? I appreciate the comments he has just made. I would like to say it has been an honor to be associated with Senator METZENBAUM on the Budget Committee. In some matters we have had mutual interests. We have not always disagreed, but it has always been a pleasure to work with him.

Mr. METZENBAUM. We are going to miss Senator BELLMON, and I am happy to see that one of the Members on that side of the aisle who I always thought was a very able and distinguished Member may very well be coming back in a Cabinet post. I doubt that I will always be agreeing with him, but I am happy to see that Senator Hansen will be coming back and, perhaps, the new administration will see fit to bring Senator BELLMON back in some capacity and, if so, I would be privileged to vote for the Senator's confirmation, if it is that kind of a role.

Having said that, let me address myself to the matter that is before us, the question of the reconciliation measure that is before us.

When the budget resolution was passed I voted for it, and I did so because I believe in the process and because I believe that even though you sometimes have reservations about a particular aspect of a piece of legislation, that the general thrust was a good one and, therefore, I had no difficulty in supporting it.

Having said that, let me say that I want to commend those who have spoken so eloquently in the last hour or so about the windfall profit tax exemption and the $1,000 credit. I really do not have much of a problem about that. It is not one of those matters that I think causes me great concern or that I would be prepared to rise to oppose.

But in taking all of that credit, in patting ourselves on the back—I guess that is the only way it can be stated—for having been able to provide $1,000 credit with respect to royalties—an issue about which I am not challenging—it bothers me that we found a way to do that and we did not find a way to do anything about the $100 million we are going to save each year, $600 million over a period of 6 years, for the purpose of limiting the Federal reimbursement for half pints of milk under the special milk program.

We can solve the problem of the royalty owners, and that is fine, no problem. But what about the kids who are not going to be able to get any milk because the reimbursement is limited to a nickel? Some may argue, "Well, Senator, you were a part of that process. Why didn't you make more of an issue of it then?"

Well, as a matter of fact, I did raise such an issue in the Budget Committee. That one-half pint of milk I am now told costs about 8½ cents, and so if there is only reimbursement to the extent of a nickel, and there is no adjustment upwards, does it not really mean that a number of kids in this country are not going to be able to get that one-half pint of milk because the money just is not going to be there?

So I would say, OK, we took care of the royalty owners up to $1,000. But what about taking care of those children who will not have milk by reason of our great ability in bringing about reconciliation?

Mr. President, may we have order in the Senate, please, and break up that meeting there?

The PRESIDING OFFICER (Mr. NUNN). The Senator from Ohio has the floor and is entitled to be heard. Will Senators please take their seats or carry on their conversations in the cloakroom.

Mr. METZENBAUM. I thank the Chair.

Now, we also did something else. We made it possible to effect reconciliation, and I want to make it clear that this was in the Senate bill, and there is some improvement as it went to the House and as it came out of committee. But we removed the incentive to provide school lunches for less than 20 cents a meal. That is no concern of ours if the schools were providing them for 10 cents or for a nickel or 12 cents and the kids did not have any more than that. If they do not have 20 cents now and if the school does not have the money to provide the additional funding then there will not be any school lunch for those kids who do not have the 20 cents.

I say that and some may say, "Well, sometimes you have to make adjustments." So I commend those who have been able to bring about this reconciliation. I respect those who have taken care of the royalty owners, but I also wish we had been equally concerned about those kids who want to get a one-half pint of milk for breakfast or want a school lunch and do not have the 20 cents with which to pay for it.

Now some may say, "Well, these are only special school lunches. These are only lunches for those who are not totally impoverished, but these are lunches for those who have somewhat of a little bit of income in their family."

That may be so, but under the rules of the Department, the little bit of money that they have is not very much money and I am afraid that many more will go hungry. If that were not the case, how else would we be saving that $100 million.

Then the other thing that we did—and this also was a Herculean job—we dropped the money for the children, but when it came to annualizing cost-of-living increases for child nutrition programs, we did that on a once-a-year basis. Now, that is not the world's worst thing to do, except for the fact that we left the Federal employees who are on retirement and the military who are on retirement to twice-a-year adjustments.

Mr. President, I am frank to say that I have difficulty in understanding why we annualize cost-of-living increases for child nutrition programs to once a year and we do it twice a year for Federal employees and the military. If it is right in one instance, it is right in both instances, ether way you go.

But that saved us $200 million a year out of the child nutrition program. And although it is fair to point out that that is just for a 1-year basis and it is fair to point out that this reconciliation is better than the bill we sent to the conference, it is also a fact that the $200 million savings is still in there on the basis of a once-a-year annualization, once-a-year increases, and that as far as the Federal and military employees who are on retirement, they will still get twice a year.

I commend the leadership who handled this matter. I understand the challenging problems, but I do point out that I think there has been greater emphasis given for some who are better able to speak for themselves in the conference committee than those who were not.

I am afraid that we have left at the doorstep the children who are on the milk program, the children on the school lunch program, and the children who are on the children's nutrition program. They are the forgotten people of this budget reconciliation.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. I would ask the Chair if the Senator from North Carolina is not correct in his belief that a point of order would lie on the obvious fact that title II, subtitle A, section 203(d), is not germane to this conference report?

The PRESIDING OFFICER. The conferees have added new matter not submitted to the conference. Therefore, a point of order would lie if it were made.

Mr. HELMS. A point of order would lie, if made?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. Mr. President, of course the Chair is absolutely correct in response to my parliamentary inquiry and I thank the Chair.

This subsection, as the Chair has indicated, eliminates the cap on a program which was never dealt with in either the House or the Senate reconciliation bills. The program, of course, that I am referring to is the special supplemental food program, commonly known as WIC. This subsection would also extend the authorization for the WIC program through 1984.

Mr. President, this is a reconciliation conference report. It is not a reauthorizing one and, in the judgment of the Senator from North Carolina, it should stay that way.

As the Chair has indicated—and I thank the Chair for its very clear ruling—new material has clearly been introduced into this conference report. That new material is intended to stop any amendments and any reform of various feeding programs by the Senate that will take office in January and by the administration that will take over in January.

Mr. President, I am not going to press the point of order, but I do want the record to show—as it now will show—that I object to such abuse of a reconciliation conference report.

I want the record also to be clear as to the unwise and very costly precedent that is being set here today. The Senate has been put in the position of agreeing to a conference report which the Chair has just agreed contains legislative material not germane to the budget issues in this report. It contains language reauthorizing until 1984 one particular program, WIC, which was never considered in any fashion whatsoever in either the House or the Senate reconciliation bills.

Mr. President, the inclusion of that authorization extension does two things. First, it effectively kills H.R. 7664, the child nutrition reauthorization bill now in another conference. Those bills include some significant amendments. One is an amendment to the Farm Labor Contractor Registration Act, which was sponsored by the very able Senator from Oklahoma (Mr. BOREN). Another is a block grant amendment sponsored by the distinguished senior Senator from Oklahoma (Mr. BELLMON).

The point is, Mr. President, that both Senators from Oklahoma fought long and hard to see that their amendments would be adopted on the Senate floor some months ago, and they were.

Second, that reauthorization extension is meant—and this is clear to the Senator from North Carolina—to forestall any effort by a new administration and a new Senate to reform child nutrition programs for the next 4 years.

Now I would observe, Mr. President, that this sort of thing cuts two ways. A precedent has been set. Next year things will be a little bit different around here. Next year we will surely have reconciliation again. But next year, a new Senate will be able to utilize the very precedent being set here today in inserting nongermane legislation in a reconciliation bill.

Mr. President, I will not go into the details of how the subconference involving the Agriculture Committee was handled. Suffice it to say, title II, subtitle A, includes amendments which were never agreed to at any conference table. They certainly were never agreed to by even one minority member of the conference committee, House or Senate, budget or authorizing.

They were never agreed to by a majority of the members of the House Education and Labor Committee.

As I say, Mr. President, I am not going to press the point of order, but I did want the record to be clear about what we are doing here today, and what has transpired prior to today. I shall rest my case on that, I believe the record is clear, Mr. President. I yield the floor.

Mr. BELLMON. First, Mr. President, I commend the Senator from North Carolina for the very responsible position he has taken in this matter, and also for his calling the issue to our attention.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senate will please be in order.

Mr. BELLMON. I would also like to take just a moment to comment on the matter Senator HELMS has raised regarding the reauthorization of child nutrition programs being included in the reconciliation bill.

I share Senator HELMS' legitimate concerns that this action by the House Education and Labor Committee in the budget reconciliation conference is totally inappropriate and is outside the scope of the reconciliation conference.

From what I understand, there was a separate conference on reauthorizing child nutrition programs going on prior to the commencement of the reconciliation conference between the Senate Agriculture Committee and the House Education and Labor Committee. The Education and Labor Committee undertook, successfully, to take advantage of the situation.

The most distressing action that the House Committee took was to include extraneous and nongermane material from the other reauthorizing conference in their final offer to the Senate side on reconciliation, on a take-it-or-leave-it basis, making the choice for the Senate conferees either accepting the House offer with the extraneous material or foregoing the reconciliation savings. This may or may not be an attempt by the House Education and Labor Committee to sabotage the reconciliation process.

One of the results of the House maneuver which was distressing to me was that it killed any hope of this Congress adopting a pilot program of consolidated child nutrition grants to the States. The Senate approved this program as a result of an amendment I offered to S. 2675, the Senate's version of the child nutrition legislation. This would have been an important innovation which is now unfortunately dead for the present thanks to the House Education and Labor Committee's distortion of the purposes of reconciliation.

Fortunately, the Senator from North Carolina has been very accommodating and understanding, and has not stood in the way of this reconciliation bill, even though the House Education and Labor Committee has been most uncooperative in this matter.

The purpose of reconciliation is to achieve savings in programs. It was never intended to be used as a vehicle for reauthorizing, extending, or expanding programs, or bringing in other matters from other conferences not related to reconciliation.

We are all learning about the reconciliation process, Mr. President. We have seen how a few Members can hold a reconciliation bill hostage until provisions having nothing to do with reconciliation are incorporated. I hope we have learned from this experience, Mr. President. Specifically, I trust that when the Budget Act is next amended provisions will be added to preclude actions such as those taken by the Education and Labor Committee.

Mr. President, I again thank the Senator from North Carolina for his very responsible attitude and commend him.

Mr. HELMS. If the Senator will yield, I thank him for his generous comment.

MORTGAGE REVENUE BONDS

● Mr. BAUCUS. Mr. President, I will vote in favor of the Omnibus Reconciliation Act of 1980. I will do so because I think it is an important part of our effort to reduce Federal expenditures and the deficit and provides this Nation with some measure of fiscal responsibility. And it is a strong indication that the congressional budget process does work and that it can lead to budget savings.

But I do not agree with every provision of this act, and I am particularly disturbed by title IX in which the conferees have accepted the House bill to limit the use of tax-exempt bonds for mortgage financing.

This provision will eliminate a program that has helped thousands of Montanans to afford to own their own homes. Since 1975, the housing authority in my own State of Montana has maintained an excellent record of service, carefully targeting the proceeds of its bond issues to those in need of the money—lower income Montanans.

I do think that documented abuses of housing revenue bonds should be rectified. Unfortunately, the legislation we are considering today will cripple responsible programs like the one that is operated in Montana.

I am particularly concerned about a provision in the bill which requires that each mortgagor must not have been a homeowner within the last 3 years. This will sharply limit the the program. Montana has a small population and this requirement will probably make it impossible to issue bonds in amounts that would be of interest to investors.

Mr. President, as a member of the Finance Committee, I will be asking my colleagues to reconsider the mortgage bond issue in the 97th Congress. Decent housing is a right of every American. I fear that in our haste today we may be denying many that right.●

● Mr. GLENN. Mr. President, I rise to express my support for a provision in the budget reconciliation conference report which provides for a $1,000 credit against windfall profit tax liabilities in 1980 for small royalty owners.

The Crude Oil Windfall Profit Tax Act is unnecessarily harsh on small royalty owners. It sets tax rates of 70 percent on upper and lower tier oil, 60 percent on stripper oil, and 30 percent on newly discovered, incremental tertiary and heavy oil. The law does not distinguish between large and small royalty owners. What it does is set the windfall profit tax rates for all royalty owners at the same levels as those applicable to the major oil companies. Without question, this is not the way the law should be.

There are 2 million royalty owners throughout this country and 150,000 in Ohio. Most of these royalty owners are small landowners and farmers who depend on their royalty check income for daily living expenses. The windfall profit tax cuts deeply into that income and is causing financial hardship to many. A royalty owner with stripper well production, the most common situation in Ohio, is finding that his royalty income is being cut 36 percent due to the tax. I do not believe that Congress intended that this be the case and I think the law should be changed to substantially lessen the impact on these royalty owners.

The $1,000 tax credit is a good first step but it applies only to 1980. The tax credit should either be extended on a multiyear basis for the duration of the windfall profit tax or some other modification in the tax should be made at the earliest possible time. To that end, I cosponsored Senator DOLE's bill earlier in the year which would exempt from the windfall profit tax the first 10 barrels per day of royalty interest. I think this bill should be reintroduced in the new Congress and passed.

The House-Senate conferees approved the $1,000 tax credit but I am disappointed that they did not approve a provision passed by the Senate, which I supported, which would have exempted from the windfall profit tax the first two barrels per day of stripper production. This exemption would have applied for fiscal year 1981. I believe that this exemption would not be nearly enough. I fully support an exemption for the first 1,000 barrels per day of production by independent producers and I will join efforts to accomplish this in the next Congress.

Small independent producers and small royalty owners should be encouraged, rather than discouraged, to put their money at risk and lease their land in order to search for and produce oil so that we can move closer to energy independence. I believe that the high rates of tax imposed by the Crude Oil Windfall Profit Tax Act on both groups should be modified in order to provide adequate exemptions for appropriate relief.

Mr. President, I also want to take a moment of the Senate's time to express my pleasure that the reconciliation conference report sustains the overwhelming position of the Senate as a whole on the issue of continued 6-day delivery of mail by the U.S. Postal Service. While the conferees from the Commitee on Governmental Affairs and the House Post Office and Civil Service Committee were able to achieve a compromise on postal issues, the job was made somewhat difficult by the fact that reconciliation instructions in this area were not referred to the committee with legislative jurisdiction, but rather to the Senate Appropriations Committee. We consequently faced a conference without having Senate-passed provisions on the table. In the future, it would be preferable if reconciliation instructions were referred consistently in order that both the Senate and the House have the opportunity to fully consider proposed legislative changes.●

● Mr. McGOVERN. Mr. President, I rise in support of H.R. 7765, the omnibus reconciliation bill. Title II of the bill cuts $285 million from the child nutrition programs during the remainder of this fiscal year. On an annual basis, this is a cut of $550 million, or roughly a 10-percent cut in these programs so important to the health and well-being of our Nation's children.

I regret the size of these cuts. I had supported legislation that would have cut a smaller amount. But the cuts that have been made have been fashioned in a manner that I believe will be least harmful to the integrity of these programs. I am pleased that only $150 million of these cuts have been made permanent. Larger permanent cuts could seriously undermine these programs.

This bill expands the child care feeding program to include for-profit day care centers that enroll any child that is paid for through title XX funds. I opposed inclusion of this provision. Adding $40 million in expenditures when fully implemented seems inadvisable when we are cutting $550 million. But this was the decision of the conferees, and I accept it as a part of the give-and-take that characterizes all conferences.

The next Congress will have time to review this decision before this expansion is implemented, since it will take many months for the regulation process to be completed. The other regulations required by this reconciliation bill and the change in administrations will cause the normal time required for drafting of regulations to be extended. Then, sufficient time must be given to the States and to other interested parties to comment on the regulations so that the final regulations will be workable for the States as well as the day care providers.

I am pleased that the conference report contains extensions of all nonpermanent child nutrition programs through 1984. This will permit a more orderly consideration of these programs as a package rather than the piecemeal approach that has been the case when programs expire each year.

The lifting of the WIC cap in fiscal 1982 is a positive feature of this bill. Studies have shown that every dollar spent by the WIC program saves $3 in hospitalization costs. If the cap were not removed for fiscal 1982, 250,000 to 300,000 participants would have to be eliminated from the program. Yet removal of the WIC cap does not mean uncontrolled Government spending, for the WIC program will still be subject to the appropriations process.

Before I close, I want to make a brief point to clarify section 202(b) of the bill, which adds a new subsection (f) to section 6 of the National School Lunch Act. The new subsection (f) prohibits the Secretary of Agriculture from offering commodity assistance based upon the number of breakfasts served, thus eliminating any entitlement to commodities for the school breakfast program. I want to make it clear that this provision is not intended to eliminate the authority given the Secretary under section 8 of the Child Nutrition Act of 1966 to donate foods acquired under price support and surplus removal activities. Further, commodities earned under the school lunch program do not have to be restricted to use in the lunch program as long as they are utilized within a school food authority's nonprofit food service, including the breakfast program.

Mr. President, I count my activities relating to these child nutrition programs as among the most important of my Senate career. I regret that among my last votes will be one that will support cuts in these programs. Yet only $150 million of these cuts will be permanent, and these programs, including WIC, will be extended through 1984. On balance, I feel this bill should be passed.●

● Mr. BUMPERS. Mr. President, the Omnibus Reconciliation Act of 1980 contains two very important provisions. The first one allows an annual tax credit of up to $1,000 for royalty owners whose royalties have been subject to the windfall profit tax. This credit is necessary to maintain the distinction, which Congress has made, and which I have always supported, between the large companies, which dominate the various aspects of the oil business, and the smaller operators and individuals who provide a marginal element of competition. This preserves broader participation in oil production than would otherwise be possible in the face of an oligopolistic trend.

For example, in 1976 Congress voted to exempt stripper well production from price controls. I cosponsored that legislation, and I am happy to point out that it clearly extended the productive lives of stripper wells, which represent three-fourths of all domestic wells. From a yearly average of 14,880 in the period of 1969 through 1975, the number of stripper wells closed down dropped to 8,380 in 1978. These wells produce a significant portion of our oil, over 391 million barrels last year, which amounts to about 24 days' supply for the entire Nation at current consumption rates. Putting it another way, domestic stripper production equals about 80 percent of our imports from Saudi Arabia.

This production was achieved with substantial effort, because the average production from stripper wells was less than 3 barrels per day. Clearly, this marginal production was too significant to interest major producers, but the exemption from price controls has provided an appropriate incentive for small operators to continue stripper wells. In order to maintain this production, it is necessary to preserve the underlying price incentive. That is why I supported the Senate's version of the windfall profits tax which provided an exemption of 1,000 barrels per day for independent producers. Although this provision was omitted in the final version of the bill, I trust that it may yet be restored in future legislation.

This revenue reconciliation bill, however, offers an immediate opportunity to rectify another flaw in the original windfall profit tax legislation, which imposes the tax upon royalty owners regardless of the size of their royalties. It contains a $1,000 tax credit to offset the impact of the tax upon small royalty owners.

Most small royalty owners merely own land upon which there is a producing well. Because most domestic wells are stripper wells, these royalty owners derive their interest from stripper production, which was not benefited by general phased decontrol, which, in turn, was the premise for the windfall profit tax. Therefore, most royalty owners did not benefit from general phased decontrol, and they should not be burdened by the attendant tax. Their royalty checks have not increased due to phased decontrol, but they have been decreased by the accompanying tax. That is not fair.

Moreover, the $1,000 limitation on the credit safeguards both the small royalty owners and the general revenues. For example, my survey of representative royalty interests in Arkansas shows that this credit will completely protect 90 percent of the royalty owners while exempting only about 10 percent of the royalties from the tax. Thus, this provision is necessary, just and appropriate, and I support it completely.

The second important provision in this revenue reconciliation changes the tax treatment for capital gains earned by nonresident aliens and foreign corporations upon the sale of real property. Under current law, nonresident aliens can completely escape capital gains taxes merely by staying out of the country for over half the year. Foreign corporations are taxed upon capital gains only to the extent they are connected with U.S. business or, if they are not, they are taxed only if they fall within certain narrow categories.

In contrast, Americans are fully subject to the ordinary income and capital gains taxes. They cannot escape capital gains taxes simply by leaving the country. American corporations pay capital gains taxes regardless of whether the underlying transaction was connected with U.S. business. Consequently, Americans may be placed at a serious disadvantage when investing in property located in the United States. An American who sells a capital asset is taxed on the gain. Thus, his proceeds are reduced. By comparison, foreign investment is not reduced, leaving the foreign investor at a distinct advantage.

I introduced legislation to remove this unfair advantage by imposing the capital gains tax on all foreign investment. By comparison, the revenue reconciliation legislation imposes the tax on investments in real property only. Although I still prefer a comprehensive application of the tax, I understand the administrative difficulties which would be involved, and I welcome this legislation as a very significant step. It cures the worst part of the problem, because the combination of a depressed dollar and a tax haven, plus a desire for safe investment, has induced most foreign investors to invest in American real property.

Finally, this provision is not an attempt to curtail foreign investment in real property. It only puts domestic and foreign investors on equal footing, which is as it should be.●

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. ROBERT C. BYRD. On behalf of Mr. HOLLINGS, I yield back any remaining time.

Mr. BELLMON. I yield back any remaining time, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, this will be the last rollcall vote tonight.

Mr. ARMSTRONG. Will the Chair state the question?

The PRESIDING OFFICER. The question is on agreeing to the conference report. All time has been yielded back. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. MELCHER), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. TSONGAS) is absent because of death in the family.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Missouri (Mr. DANFORTH), and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 502 Leg.]

YEAS—83

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cranston
Culver
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Metzenbaum
Mitchell
Morgan
Moynihan
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stewart
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—4

Gravel
Heflin
Helms
Stevens

NOT VOTING—13

Byrd,
Harry F., Jr.
Church
Cohen
Danforth
Durkin
Laxalt
McGovern
Melcher
Nelson
Randolph
Ribicoff
Stone
Tsongas

So the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, for not to exceed 5 minutes, and that Senators may speak up to 1 minute therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED CARTER ADMINISTRATION FISCAL YEAR 1982 VETERANS' ADMINISTRATION BUDGET

Mr. THURMOND. Mr. President, it has come to my attention that a cruel hoax is being portrayed on our Nation's veterans by the President's Office of Management and Budget (OMB).

Today OMB is in the process of negotiating the fiscal year 1982 budget for the Veterans' Administration. It is my understanding that this budget calls for drastic reductions in both personnel and programs. Foremost in these reductions is the elimination of 5,643 VA employees, most of whom are employed in VA hospitals as nurses, technicians and other direct-care health professionals. Not only has OMB taken a meat-ax approach to these personnel levels, they have indicated they will not recognize the 1,000 employees that were added by Congress in Public Law 96-151. Mr. President, this proposed action is in clear contradiction to the intent of Congress.

Mr. President, it is my understanding that the Carter fiscal year 1982 budget does not include funds for a "new" GI bill. The current GI bill expires December 31, 1981; therefore, the exclusion of such a costly item from budgetary consideration is irresponsible. Also, this budget does not include funds for a cost-of-living adjustment for service-connected disabled veterans receiving VA compensation. The cost of such a program during these times of high inflation surely will be near $1 billion.

Mr. President, these are only a few examples of how some members of the outgoing administration are deliberately undercutting the budget process and callously eliminating much-needed veterans' programs and services. The brunt of these unwise budget policies will be shouldered by the Reagan administration and our Nation's 30 million veterans.

Mr. President, in all fairness to the Administrator of the Veterans' Administration, Max Cleland, it is my understanding that he is appealing to the President these OMB reductions. I certainly hope President Carter considers the Administrator's appeal on these matters and overrules these arbitrary and capricious actions of OMB.

CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWS PROGRAM

Mr. THURMOND. Mr. President, since 1973, over 140 scientists and engineers have participated in the congressional science and engineering fellows program.

These midcareer professionals have each served for 1 year in both Houses of Congress, the Office of Technology Assessment or the Library of Congress. In addition to there being a joint Senate/House resolution (S. 100, 94th Congress) endorsing the program, many Members of Congress who have been fortunate enough to participate in the program have all found this program to be helpful.

Mr. President, there are so many issues before Congress today that have science and engineering overtones that Congress needs to have the best available scientific judgment on these issues. Having been fortunate, Mr. President, to have had a congressional fellow on my personal staff this past year, and to currently have a second congressional fellow, I have seen firsthand the worth of this program.

Mr. President, I would like to express my appreciation and the appreciation of the entire Senate Armed Services Committee to Thomas L. Fagan, my recent congressional science and engineering fellow, who served as my special assistant for defense on the Senate Armed Services Committee. Mr. Fagan, who was sponsored by the Institute of Electrical and Electronic Engineers was on leave of absence from the General Electric Co. While supporting the Subcommittee on General Procurement, Mr. Fagan participated in over 30 congressional hearings. He assisted me in the markup of the Defense authorization bill.

Mr. Fagan also assisted me in a number of areas outside of the General Procurement Subcommittee such as technology transfer, the U.N. Moon Treaty, civil defense, the Vinson-Trammell Act, and other defense-related programs. A very special area wherein Mr. Fagan made a major contribution was in developing a new bill, S. 2977, the new GI bill of education. This bill will provide a major recruiting and retention tool for the armed services. I intend to introduce it again in the 97th Congress as S. 7. In addition to giving a 36-month stipend after 2 years of honorable service, it allows transfer of entitlement to dependents; early use of benefits prior to leaving the service, and half benefits for the Guard and Reserve.

Mr. Fagan also rendered valuable assistance by performing a cost-benefit analysis on the possibility of reactivating the battleship *New Jersey*. He supported my successful effort in adding this worthwhile initiative to the fiscal year 1981 DOD authorization bill. Although appropriation of these funds failed in a floor amendment by only three votes, I am hopeful that the Reagan administration will include a plan for ship reactivation in either the supplemental budget request or the fiscal year 1982 budget request. By reactivating the *New Jersey* we can bring into the fleet a highly capable fighting ship at one-seventh the cost and in one-sixth the time required to construct a comparable new ship. The reactivation of ships of this class will enable us to quickly bolster our naval presence in the Persian Gulf and greatly relieve the shortage of vessels we now have in other deployment areas.

Mr. President, Mr. Fagan has performed a very valuable service for the U.S. Senate and for our country. I extend to him my appreciation for his service to his country and urge other Members to make use of this worthwhile congressional science and engineering fellows program in the 97th Congress.

RELIEF OF DR. KA CHUN WONG, AND HIS WIFE, MARILYN WONG

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 927 for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong, and that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 927) for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 927) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GEORGIA O'KEEFFE NATIONAL HISTORIC SITE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Jackson, I submit a report of the committee of conference on S. 2363 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

Mr. BUMPERS. Mr. President, this measure consists of a number of noncontroversial park-related items. I ask unanimous consent that a summary of the provisions agreed to by the conferees appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Provisions of S. 2363

Title I would increase the development ceiling for the Roger Williams National Memorial in Rhode Island. This increase, if appropriated, will permit the landscaping and development of the memorial to proceed as planned.

Title II would increase the development ceiling at the Hamilton Grange National Memorial in New York City to permit the badly needed restoration of the interior of Alexander Hamilton's home to proceed.

Title III would increase the acquisition ceiling at the Coronado National Memorial in Arizona to permit completion of the planned land acquisition program within the authorized boundary.

Title IV would authorize a boundary adjustment adding some 21.250 acres to the Big Bend National Park in Texas. The largest portion of the Rosillos Mountains would be included in this addition, which also includes several reliable water sources.

Title V would direct general management plans to be prepared by the Secretary of the Interior for the two new units of the National Park System authorized by this legislation.

Title VI would redesignate the Lyndon B. Johnson National Historic Site in Texas as a national historical park. Boundary adjustments and an increase in development funding are also authorized to permit implementation of the general management plan for the historical park.

Title VII would expand the Mound City Group National Monument in Ohio to include approximately 150 additional acres which include portions of the Hopeton Earthworks.

Title VIII would amend the Act which authorized protection of the Ansley Wilcox House in Buffalo, New York. The amendment would designate the property as the Theodore Roosevelt Inaugural National Historic Site, continue its operation by a local historical society, and permit matching federal funding which is not to exceed two-thirds of the annual operating costs.

Title IX would direct a study to be carried out of the river corridors in the vicinity of the cities of Minneapolis and St. Paul, Minnesota. The study would emphasize cooperative recreation planning for these resources.

Title X would add lands in San Mateo County to the Golden Gate National Recreation Area in California. These lands are primarily in public ownership and could be acquired only by donation. The private lands to be included can be acquired within the currently authorized acquisition ceiling for the recreation area. The GGNRA Advisory Commission is also expanded to include representation from this area.

Title XI would authorize a boundary adjustment at the Grant-Kohrs Ranch National Historic Site in Montana to delete certain unnecessary lands, as well as to convert some areas in scenic easement to fee acquisition. The development ceiling is also raised to permit restoration of the ranch, buildings and the development of support facilities.

Title XII would authorize the establishment of the James A. Garfield National Historic Site in Ohio.

The Western Reserve Historical Society would administer the home of our 20th President with assistance from the National Park Service.

Title XIII would designate a reservoir in the State of Kansas as the "Keith Sebelius Lake" in recognition of the retiring U.S. Representative.

Title XIV would expand the Monocacy National Battlefield in Maryland by some 450 acres, in accordance with a National Park Service management study. An additional authorization for development will also permit preparation of the area for visitor use.

Title XV would provide for suitable recognition of the late Rogers C. B. Morton at Assateague National Seashore in Maryland.

Title XVI would establish the Women's Rights National Historical Park in New York State. Several properties in the town of Seneca Falls associated with Elizabeth Cady Stanton and the Women's Rights Convention of 1848 would be acquired. Other related historic properties would be administered through cooperative agreements or with less-than-fee acquisition.

Title XVII is a budgetary restriction which limits the authorizations in this measure to be effective with fiscal year 1982.

Title XVIII defines the term "Secretary" as being the Secretary of the Interior.

Mr. BUMPERS. Mr. President, I move the adoption of the conference report.

The conference report was agreed to.

INDIAN HEALTH CARE AMENDMENTS OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Melcher, I submit a report of the committee of conference on S. 2728 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2728) to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of December 1, 1980.)

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

MAJOR LEGISLATIVE ACHIEVEMENTS

(96th Congress)

Mr. ROBERT C. BYRD. Mr. President, as the 96th Congress approaches adjournment sine die, I should like to take this opportunity to review its major achievements.

The 96th Congress established a notable record on many fronts. It enacted important laws to further energy independence, strengthen our national defense, improve the international rules of trade, bolster our foreign policy, reduce burdensome Federal regulation, and protect our environment.

In the area of energy, this Congress added two landmark laws—the crude oil windfall profit tax and the synfuels act—to the package of major energy initiatives of the 95th Congress. Taken together, these legislative acts provide the basic components of a comprehensive national energy policy. For a decade, Congress had dealt piecemeal with various aspects of the energy problem, but during the 95th and 96th Congresses, under the leadership of a Democratic administration and Congress, the first comprehensive national energy policy was put in place. Its four basic elements—ending price controls to spur domestic production while levying a windfall profit tax, encouraging conservation of oil and gas, developing alternative fuels sources, and providing for emergency supplies—are sound. They will stand the test of time.

The major legislation embodying this national energy policy as forged into law by the Democratic Congress during the last 4 years, includes:

Department of Energy Organization Act, Public Law 95-91, which merged several separate agencies into a cabinet-level department for the purpose of providing cohesive administration of a national energy policy;

Public Utility Regulatory Policies, Public Law 95-617, which encourages both changes in utility rates that reward energy conservation by large and small consumers and recycling of waste energy;

Energy Tax Act, Public Law 95-618, which provides numerous tax incentives to individuals and businesses for conserving energy and for investments in solar energy and renewable energy resources;

National Energy Conservation Policy Act, Public Law 95-619, which establishes both voluntary and mandatory energy conservation programs to reduce the rate of growth in domestic energy consumption, and authorizes numerous loan and weatherization grant programs to assist low-income families and schools to make conservation investments;

Powerplant and Industrial Fuel Use Tax Act, Public Law 95-620, which limits the use of oil and natural gas in industrial boilers and prohibits the use of natural gas in utility powerplants after 1990;

Natural Gas Policy Act, Public Law 95-621, which gradually phases out price controls on natural gas, with complete decontrol by 1985, as a means of encouraging increased production of domestic oil and gas while buffering consumers from drastic price increases; and this year, the

Crude Oil Windfall Profit Tax Act, Public Law 96-223, which imposes a $227.7 billion special oil excise tax to reduce increased oil profits due to price decontrol. The revenues generated thereby will be used over the next decade to provide incentives to individuals and corporations to spur energy conservation, solar power, and alternative fuel investments and to ease the effect of higher energy prices on low-income persons. Public Law 96-233 also allows reduced tax rates on small independent oil producers and on new oil production in order to encourage exploration and development; and the

Energy Security Act/Synfuels, Public Law 96-294, which establishes an $88 billion program over 12 years to foster the production of synthetic fuels from coal and oil shale through the development of a commercially viable synthetic fuels industry. The goals of this act are to produce at least 500,000 barrels of oil equivalent per day by 1987 and 2 million per day by 1992. It provides tax incentives, grants, and loans to encourage conservation and use of solar power. The act makes available $1.45 billion for the development of gasohol plants to achieve a production goal of 10 percent of estimated gasoline consumption by 1990.

This Congress also has enacted measures to cope with energy crises. The President, for example, was given authority to have an emergency program on hand which would include gasoline rationing in case of a severe shortage. Recently, the Congress also directed that the strategic petroleum reserve be filled at a rate of 300,000 barrels per day.

The Senate has passed numerous other energy bills. Regrettably, the three most important of these have not received final action by the House. The first would create an Emergency Mobilization Board with power to cut redtape and allow "fast track" decisions by Federal, State, and local governments on priority energy projects. The second would require 80 electric generating powerplants to convert from their present use of petroleum to coal or another alternative energy source. The third would deal with disposal of radioactive wastes. A complete listing of Senate work this session on energy legislation is contained in the report which I shall submit for the record at the conclusion of my remarks.

This Senate has placed the defense budget on a path of steady and sustained real growth, in contrast to the decline of 31 percent between 1969 and 1976. That trend has been reversed. Defense programs, readiness, manpower, mobilization, and equipment modernization have been strengthened. The defense authorizations and appropriations represent the largest peacetime defense legislation in our history.

Important steps were taken regarding U.S. intelligence operations with the enactment of the intelligence authorization-oversight bill. Specific congressional oversight provisions were written into law for the first time. To stress the value of consultation with Congress on critical intelligence questions, this act requires the executive branch to give Congress, through its Intelligence Committees, or through the joint leadership in extraordinary circumstances, prior notice of major activities. This process of joint consultation on intelligence activities creates a means by which both the accountability and confidentiality of the intelligence agency can be assured.

A rapidly changing international situation shaped Senate action in regard to foreign affairs and trade. Soviet intervention in Afghanistan, for example, created a political climate in which it was not possible to debate the SALT II treaty between the United States and the Soviet Union on its merits. Nevertheless, the hearings on SALT II were most useful in focusing on profound questions of nuclear rivalry and its relation to U.S. defense needs. The Senate did approve in the previous Congress the Panama Canal treaties, and this Congress enacted legislation to carry out the terms of the treaties. The value of these measures is to be seen in the trouble-free operation of the canal since ratification of the treaties and the cooperation of the Panamanian Government with the United States in other matters of importance to this Nation.

In furthering relations with the People's Republic of China, the Senate acted early this year to implement the first trade agreement between the two countries. This agreement removed trade barriers and established most-favored-nation trade status for China. These measures lay the basis for expanding trade with that nation.

Legislation to implement the trade agreements negotiated under the Trade Act of 1974 in the Tokyo round of the multilateral trade negotiations, which was enacted during the first session, have resulted in expanded international trade.

Special assistance in the amount of $75 million was provided Nicaragua to help in rebuilding an economy devastated by civil war.

A series of Senate resolutions was adopted that clearly put the Senate on record regarding Soviet intervention in Afghanistan and in support of the administration's efforts to free the hostages in Iran.

On the domestic front, the Congress continued to adhere to its deep commitment to reduce Federal spending and fight inflation. For the first time in the history of the new budget process, Congress voted for a balanced budget, and if the economy had not taken a downturn, a balance would have been achieved.

In order to realize the savings incorporated in its restrained budget, the 96th Congress employed the "reconciliation" process for the first time. By changing existing spending and revenue laws, the Congress reduced the projected deficit by $8.2 billion through the reconciliation process.

To assist small businesses, $3 billion was authorized over 2 years for Small Business Administration loans and grants. A package of legislation was enacted to promote the development and aid in the expansion of small business concerns. Provisions were included to help small businesses to raise investment funds, to encourage their trade overseas, and to ease the impact of Government regulations and certain securities laws on small firms.

In an effort to eliminate burdensome Federal regulation in the transportation field, the 96th Congress brought about major changes to the trucking and railroad industries which complement the deregulation of the airline industry enacted during the 95th Congress.

Another important step in cutting excessive Federal regulation was achieved with the enactment of the comprehensive banking institutions reform bill. This measure authorizes banks, savings and loans, and credit unions to offer NOW accounts, which are the equivalent of interest-bearing checking accounts. It was well worth the 6 years of effort which it took to bring about this law. Its effect will be to restructure the entire banking-financial system in order to achieve greater benefits for the public and greater equality between competing institutions, while preserving the viability of the thrift institutions.

The passage of the Alaska Lands bill by the 96th Congress was a landmark in environmental law. As enacted, various development restrictions were imposed on 104 million acres of Federal lands in Alaska. By this act, the national park and wildlife refuge areas in this country were more than doubled, and the areas designated as wilderness, where no development is permitted, were more than tripled. This measure will provide protection for the irreplaceable splendor of the wilderness in 28 percent of the State of Alaska. At the same time, it permits rational development of the petroleum and other great natural resources of the Nation's largest State.

Programs under the Clean Air Act, the Safe Drinking Water Act, and the ocean dumping law were extended for 3 years. The Solid Waste Disposal Act was also extended and revised to give the Environmental Protection Agency tougher enforcement authority to control "midnight dumpers" of hazardous wastes.

The other major piece of environmental legislation, known as the superfund bill, passed the Senate last week and could be cleared for the President's desk this week. It establishes a 5-year $1.6 billion Hazardous Substances Response Fund, financed primarily by producers of chemicals and toxic substances. This fund will pay for timely Government response to threats to the environment from such substances and to clean up those toxic sites already in existence for which specific liability cannot be established.

As I have indicated in my remarks, many of the achievements of this Congress were built upon successes attained by the 95th Congress. While I have noted a few of the major achievements of the previous Congress, I would be remiss in not mentioning others, such as the enactment of the first comprehensive overhaul of the civil service system in almost 100 years, an increase in the minimum wage, two multibillion dollar tax cuts, the creation of a Department of Education and a loan assistance program for middle-income students, a strip mining control and reclamation program, which had been vetoed three times by Republican Presidents, special assistance in support of the first peace treaty ever concluded between Israel and Egypt, and the lifting of the Turkish arms embargo. Under Democratic leadership, the Senate obtained significant improvements in the operation of this legislative body. During the last 4 years, the Senate reorganized committee jurisdictions, adopted a code of conduct which requires financial disclosure by Senators and top aides, placed a 100-hour cap on postcloture debate, and recodified the Standing Rules of the Senate for the first time in 95 years.

The record of achievement by the Democratic-led 95th and 96th Congresses is considerable, as indicated by the actions I have highlighted. These accomplishments would not have been possible without the outstanding contributions made by the talented and dedicated chairmen of the legislative committees and by many other Members of this body. I wish to express my gratitude to my colleagues for their diligence and cooperation in helping to write this record.

A more complete account of the work of the 96th Congress is contained in a report prepared by the staff of the Democratic Policy Committee. I ask unanimous consent that it be printed in the Record at the conclusion of my remarks. I also ask permission that it and additional related material be printed as a Senate document.

There being no objection, the material was ordered to be printed in the Record, as follows:

AGRICULTURE

Agricultural commodity marketing: Requests the Secretary of Agriculture to: (1) emphasize the use of all marketing tools available to farmers including, but not limited to, futures markets and forward contracting; (2) appoint a task force of individuals representing the futures industry, the Department of Agriculture, and the land-grant colleges to develop educational programs for farmers on the availability of futures markets and forward contracting as a means of hedging against future risks; and (3) submit a plan of implementation within 120 days. S. Res. 225—Senate agreed to January 25, 1980. (VV)

Agriculture subterminal storage facilities: Amends the Consolidated Farm and Rural Development Act to authorize loans for the construction and improvement of subterminal storage and transportation facilities for agricultural commodities that can be transported in bulk from the farm and temporarily stored in bulk quantities without undergoing processing or packaging, and commodities used by producers in the production of agricultural commodities that can be stored or shipped in bulk; authorizes $3.3 million for fiscal 1981, 1982, and 1983 to provide cost-sharing planning grants (up to 80 percent of the cost of developing the plan) to States and groups of States for the development of State and regional subterminal facilities plan; provides that no State or region can apply for a planning grant unless a plan review commission consisting of local producers, local elevator operators, representatives of the affected motor and rail carriers, and other interested parties concur in the need for such a plan; and authorizes the Secretary to insure and guarantee loans for the construction and improvement of subterminal facilities to applicants within States or regions that have developed subterminal facilities plans which have been approved by the local plan review commission and gives preference to existing agricultural elevator operators and local producers in the area to be served by the subterminal facility. S. 261—Public Law 96–358, approved September 25, 1980. (VV)

Aquaculture policy: Establishes an interagency coordinating group within the Office of Science and Technology Policy that will operate as a Joint Subcommittee on Aquaculture of the Federal Coordinating Council on Science for Engineering and Technology which will be responsible for coordinating aquaculture activities among Federal agencies; requires the Secretaries of Agriculture, Commerce, and the Interior, through the Joint Committee to undertake an ongoing assessment of the U.S. aquaculture industry, to maintain an information service, conduct appropriate surveys, and arrange for information exchanges with foreign countries; authorizes the Secretaries to conduct tests and construct and operate developmental aquaculture facilities to test laboratory results; calls for biennial reports to Congress on the status of U.S. aquaculture; requires the Secretaries, within 12 months, to conduct and submit to Congress studies of the capital requirements of the U.S. aquaculture industry and State and Federal regulatory restrictions on aquaculture development, and within six months of the completion of these studies, to formulate and submit plans containing specific steps to remove unnecessary burdensome regulatory barriers; authorizes the Secretaries to enter into or make grants to implement the plan at no more than one-half of the estimated cost of the project; and authorizes therefor $7 million, $10 million and $12 million for fiscal 1981, 1982, and 1983, respectfully, each to the Departments of Agriculture and Commerce, and $3 million, $4 million, and $5 million for fiscal 1981, 1982, and 1983, respectively, to the Department of Interior, S. 1650—Public Law 96–362, approved September 26, 1980. (VV)

Consolidated farm and rural development loans: Amends the Consolidated Farm and Rural Development Act, which authorizes rural development loan programs, to set overall lending limits for fiscal 1980, 1981, and 1982 (pursuant to section 346 of that act which requires that lending limits for the loan programs be set every three years); sets loans under the Agricultural Credit Insurance Fund for: real estate loans—$1.615 billion (including $1.5 billion for farm ownership loans of which $1.4 billion is for insured loans), $100 million for guaranteed loans and $100 million for water development, use and conservation loans of which $90 million is for insured loans and $10 million for guaranteed loans), for operating loans—$1.2 billion (of which $1.15 billion is for insured loans and $50 million for guaranteed loans), and for emergency disaster loans—such amounts as necessary to meet needs resulting from natural disasters; set loans under the Rural Development Insurance Fund for: insured water and sewer loans—$1 billion, for business and industrial development loans—$1.5 billion (of which $100 million is for insured loans and $1.4 billion for guaranteed loans), and for insured community facility loans—$500 million; requires that the emergency loan program be administered in a manner that will foster and encourage the family farm system of agriculture; authorizes guaranteed or insured loans for the installation of nonfossil energy systems on family farms, and for rural industrialization through nonfossil energy system development; increases 10,000 to 20,000 the inhabitants population of cities and towns eligible for community facility loans (such as for hospitals, fire stations, etc.); establishes a $500,000 ceiling per disaster on the amount of an emergency loan for actual losses and an outstanding indebtedness ceiling for any one borrower for emergency loans for purposes other than to cover actual losses of $1.5 million; authorizes actual loss loans, with a limit of $500,000 per disaster, to applicants who can obtain credit elsewhere at a rate of interest to be determined by the Secretary but not to exceed the cost of money to the government plus an additional charge of not more than one percent per year; sets the rate of interest on such loans at five percent for applicants who cannot obtain credit elsewhere; requires at least written declaration of credit as proof of inability to obtain credit; requires that the Secretary determine that an applicant cannot obtain a private guaranteed loan for emergency loans of more than $300,000 in excess of actual loss; requires that the net worth of any loan applicant be considered; authorizes subsequent emergency loans for annual operating purposes for two additional years after the disaster; repeals section 323 of the Act to remove the requirement that Farmers Home Administration county committees certify the loan amount for emergency loans; gives the Secretary authority to extend eligibility to aliens lawfully admitted for permanent residence; and provides that persons who farm land in Hawaii under lease arrangements may be considered as owner-operators of the land for the purposes of the loan programs. S. 985—Public Law 96–438, approved October 13, 1980. (VV)

Crop insurance: Revises the Federal Crop Insurance program for farmers and provides for expansion of the program to all crops and all farmers; requires the Federal Government to pay 30 percent of the premiums covering 65 percent or less of the yield in order to encourage the broadest possible participation in the program;

Increases the authorized capital stock of the Federal Crop Insurance Corporation from $200 to $500 million; increases membership of the Board of Directors of the Corporation from five to seven members, and specifies the makeup of the Board which shall include three members who are active farmers and policy holders;

Authorizes the Corporation, in administering the Federal Crop Insurance Act, to: (1) establish or use committees or associations of producers, (2) contract with private insurance companies, and (3) encourage the sale of Federal Crop Insurance through licensed private insurance agents and brokers; requires the Corporation to provide reasonable indemnification to private insurance agents and brokers for errors or omissions of the Corporation removes, beginning with the 1981 crop year, the existing 150-county and three-commodity annual limits on expansion of the Federal Crop Insurance program and the 20-county limit on the program to provide Federal reinsurance to private crop insurers;

Establishes coverage under the new Federal crop insurance program as follows: (1) makes insurance available for up to 75 percent of the recorded or appraised average yield, (2) retains existing law which requires that yield coverage be based on the producer's yield for a representative period, subject to such adjustments as the Board may prescribe to insure that the average yields fixed for farms in an area are fair, (3) makes price coverage available per unit of production, at the highest target price (if any), loan rate (if any), or the projected market prices, and (4) makes lower levels of yield coverage and other price selections available;

Authorizes the Corporation to reinsure State and local crop insurance programs; requires the Corporation to subsidize crop insurance premium costs as determined by the Board of Directors; provides that a producer may have coverage from hail and fire risks deleted from his Federal Crop Insurance policy if he obtains equivalent coverage from non-Federal sources; authorizes the Corporation to offer Federal Crop Insurance and provide for reinsurance in Puerto Rico and other U.S. commonwealths and territories;

Effective October 1, 1980, deletes the $12 million limit on annual appropriations to cover the Corporation's operating and administrative expenses; authorizes annual appropriations to the Corporation to cover agents' commissions, payments of premiums by the Corporation, direct cost of crop inspections and loss adjustments, and interest on Treasury notes, and authorizes the Corporation to use insurance premium funds to cover expenses of agents' commissions, loss adjustment, and crop inspection and authorize restoration of premium funds used for these purposes by appropriations in following years; authorizes the Secretary of Agriculture to use the funds of the Commodity Credit Corporation or borrow from the U.S. Treasury whenever funds otherwise available to the Corporation are insufficient to enable it to cover program expenses or pay indemnity claims; and

Extends the disaster and prevented planting disaster payments programs to the 1981 crops of wheat, feed grains, upland cotton and rice and gives producers the option in 1981 of choosing between such disaster payments on the respective commodity or participating in the share-cost crop insurance program. S. 1125—Public Law 96-365, approved September 26, 1980. (*268)

Economic emergency loan program: Extends, through September 30, 1981, the Secretary of Agriculture's authority under the Emergency Agricultural Adjustment Act of 1978, to make insured or guaranteed economic emergency loans to farmers and ranchers who are unable to obtain sufficient credit elsewhere due to national or areawide economic stress; increases from $4 billion to $6 billion the total principal balance that may be outstanding on these loans at any time; requires that, for purposes of determining if applicants for economic emergency loans cannot obtain credit elsewhere, the applicant must submit proof of one refusal for credit under $300,000 and proof of two refusals for credit over $300,000; requires an applicant to have purchased a home or farm at least one year prior to applying for refinancing the property; requires the Secretary to review insured loans three years after they are initially granted and every two years thereafter to determine if the borrower is able to obtain financing from cooperative or private sources; disallows insured loans of more than $300,000 unless it is determined that the applicant is unable to obtain a guaranteed loan sufficient to finance his or her actual needs within a reasonable time; requires, effective October 1, 1980, as a condition of eligibility for receiving economic emergency loans, that borrowers meet the same "credit elsewhere" test required under the other farm loan programs administered by the Farmers Home Administration; and requires the Secretary to submit to Congress, by March 31, a comprehensive study of the operation and effectiveness of the economic emergency loan program, including any need for extending the authority to insure and guarantee loans by September 30, 1981. S. 2269—Public Law 96-220, approved March 30, 1980. (VV)

Egg research and consumer information—silver commodities: Amends the Egg Research and Consumer Information Act of 1974 to: increase from 18 to 20 the maximum allowable number of American Egg Board members with the requirement that two members be consumers or representatives of consumers; authorize the Secretary of Agriculture to increase the producer assessment rate for fiscal 1981 from not more than five cents per case of 30-dozen eggs to not more than 7½ cents, and each fiscal year thereafter by not more than three-quarters of a cent per case up to a maximum total assessment of ten cents per case, subject to approval in a referendum; provide that failure of producers to approve an amendment to the egg research and promotion order will result in maintaining the order existing at the time of the referendum; authorize the Secretary to assess civil penalties of not less than $500 nor more than $5,000 and issue cease and desist orders for violations of orders and regulations and assess civil penalties of $500 per offense for failure to abide by a duly issued final cease and desist order: authorize action by the Attorney General in the U.S. district court to restrain violations of orders and regulations and to collect civil penalties assessed under the Act; and provide for appeal of the Secretary's order in a contested case to the U.S. Court of Appeals; and

Requires the Commodity Futures Trading Commission to establish an international study group composed of individuals from the Federal Reserve Board, the Department of Treasury, and the Securities and Exchange Commission to analyze the various aspects of events in the silver cash and futures markets during the period of September 1979 through March 1980 and report to Congress, by October 1, 1980, their findings and legislative recommendations, H.R. 6285—Public Law 96-276, approved June 17, 1980. (VV)

Farm credit system: Amends the Farm Credit Act of 1971 to update and improve the operation of the Farm Credit System; reduces from 80 percent (70 percent in the case of rural utility cooperatives) to 60 percent the minimum voting control of a cooperative that must be held by farmers, aquatic producers, or harvesters, or eligible cooperatives in order for the cooperative to be eligible for loans from a bank for cooperatives; authorizes Federal land banks to make loans in excess of 85 percent, but not in excess of 100 percent, of the appraised value of the real estate security if the loan is guaranteed by Federal or other governmental agencies; authorizes Federal land banks and production credit associations to make loans to finance basic processing and marketing directly related to an applicant's farm, ranch, or aquatic operation and those of other eligible farmers, ranchers, or producers if the applicant's operation supplied at least 20 percent of the amount of the commodity to be processed or marketed; authorizes the banks for cooperatives to finance transactions for the exportation of agricultural and aquatic products by U.S. cooperatives that are borrowers from the banks; and provides the cooperative with other financial services to enable them to participate effectively in foreign markets for agricultural and aquatic products; authorizes Federal land banks to make real estate mortgage loans to producers or harvesters of aquatic products and Farm Credit System institutions to provide to borrowers, members, and applicants financial-related services appropriate to their aquatic operations; permits Federal intermediate credit banks to discount aquatic loans of lending institutions outside the Farm Credit System; specifies that cooperatives engaged in furnishing aquatic business services are eligible to borrow from the banks for cooperatives; authorizes Farm Credit System institutions to extend credit and other services to persons in the U.S. Virgin Islands and to invest or participate in loans with other System institutions, and Federal land banks to sell loans to, and participate in loans with, lending institutions outside the System; authorizes production credit associations to issue participation certificates to lending institutions outside the Farm Credit System; authorizes any Farm Credit System institution to enter into general loss-sharing agreements with other System institutions; authorizes Federal intermediate credit banks and banks for cooperatives to transfer more than 25 percent of net annual earnings to reserve or allocated surplus accounts; authorizes Federal land banks and Federal land bank associations to pay patronage refunds and dividends to stock and participation certificate holders; authorizes Federal land bank associations to contribute to the capital of Federal lands banks, and authorizes the banks to issue equities to evidence such contributions to capital; provides that State truth-in-lending laws that impose duties that are no longer required under the Federal truth-in-lending statute not be applicable to credit transactions of Farm Credit System institutions and livestock credit corporations organized in conjunction with cooperatives and eligible to discount with the Federal intermediate credit banks; clarifies the authority of the Farm Credit System institutions to set interest rates without limitation by State law and extend a similar exemption to livestock credit corporations organized in conjunction with cooperatives and eligible to discount with Federal intermediate credit banks; authorizes Farm Credit System institutions to sell to their members, on an optional basis, credit or term life and credit disability insurance appropriate to protect the loan commitment, and other insurance necessary to protect the member's farm or aquatic unit, but limited to hail and multiple-period crop insurance, title insurance, and insurance to protect the facilities and equipment of aquatic borrowers; authorizes Farm Credit System banks to organize Federally-chartered corporations to perform services and functions (other than the extension of credit or the provision of insurance services for borrowers) that the banks are authorized to perform under the Farm Credit Act of 1971; requires the Farm Credit Administration to adopt a policy statement pursuant to which it would be required to consult with the Secretary of the Treasury and the Federal Reserve on the issuance of debt obligations; authorizes the Federal Farm Credit Board, with certain limitations, to set the salaries of the Governor and deputy governors of the Farm Credit Administration and to fix allowance for travel, relocation, and subsistence for any newly appointed Governor of the Farm Credit Administration; authorizes the Governor to establish a salary and classification system, and job position qualification requirements, for Farm Credit Administration employees; and authorizes presidents of Farm Credit System banks to designate persons to represent them on interbank finance committees. S. 1465—Passed Senate July 24, 1980; Passed House amended November 19, 1980. (VV)

FIFRA: Extends and increases the authorization to support the Federal pesticide program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for fiscal 1981 at a level of $77.5 million which includes $9,435,000 for pesticide research, $1.5 million for the integrated pest management program, and $2 million for the disposal of the herbicide Silvex which use was suspended by EPA in 1979; requires the Administrator of EPA, upon suspending registration of a pesticide due to imminent hazard, to promptly submit the action taken for comment by the Scientific Advisory Panel; authorizes the Chairman of the panel to create temporary subpanels on specific projects which may include scientists who are not members of the panel; requires EPA to set up formal written peer review procedures for independent scientific review of the design and results of major scientific studies used as the basis of EPA regulatory actions; contains a legislative veto provision under which Congress could adopt a concurrent resolution disapproving a proposed rule or regulation, once promulgated, within 90 calendar days of continuous session of Congress; provides that the rule would become effective within 60 calendar days of continuous session if Congress has taken no action: and provides for judicial review of the constitutionality of the legislative veto provisions under expedited procedures. H.R. 7018—Passed House June 24, 1980; Passed Senate amended July 24, 1980; Senate agreed to conference report December 1, 1980. (VV)

Grain export weighing: Amends the U.S. Grain Standards Act to permit intracompany shipments of grain into export elevators by transportation modes other than barge to be transferred without official weighing. H.R. 5546—Public Law 96-437, approved October 13, 1980. (VV)

Grain reserves: Amends the Agricultural Act of 1949 to assist farmers with their excess 1979 crops of corn and wheat as a result of the President's embargo of grain to the Soviet Union during the recent Soviet aggression in Afghanistan; authorizes the Secretary of Agriculture to make long-term price support loans under the farmer-held reserve program on the 1979 crops of corn and wheat to any producer who did not participate in the 1979 set-aside program; authorizes the Secretary to sell corn owned by the Commodity Credit Corporation for conversion into alcohol fuel, at not less than the grain reserve release price, to those alcohol producing facilities which begin operation after January 4, 1980, and which also have the capability for producing alcohol from agricultural or forestry biomass feedstocks, provided corn supplies are not available; increases from $50,000 to $100,000 the loan ceiling under the farm storage facility loan program for the construction of storage facilities; and eliminates the current limitation on loans to the space required to store the quantity of the commodity estimated to be produced by the borrower during a two-year period. S. 2427—Public Law 96–234, approved April 11, 1980. (VV)

Hay transportation: Directs the Secretary of Agriculture to adjust or cancel certain claims, under the Hay Transportation Assistance Program, that arose from a discrepancy in the method of calculating the rate of reimbursement to farmers for transporting roughage purchased from points beyond their normal trade area to the location of their livestock in a designated drought-striken county. S. 1625—Public Law 96–356, approved September 24, 1980. (VV)

Rural development policy: Directs the Secretary of Agriculture to assume a leadership role in coordinating a nationwide rural development program through formulation of a rural development policy and preparation and implementation of a rural development strategy; establishes a new position of Under Secretary of Agriculture for Small Community and Rural Development; extends until October 1, 1981, rural development and small farm research and extension programs under Title V of the Rural Development Act of 1972; requires the Secretary to expand research and development efforts related to technologies which are appropriate for small and moderate size family farm applications; replaces the five annual reports to Congress on various aspects of rural development with one comprehensive rural development strategy and annual updates; increases from $10 to $15 million the annual authorization for FmHA planning grants and permits, and authorizes up to $1 million annually for establishment of a system for dissemination of information on Federally-sponsored programs; authorizes $1.9 million in fiscal 1981 for initial planning and construction of the WEB Rural Water Development Project in South Dakota, and an additional $68.1 million for the project in 1982 and subsequent years, if legislation is enacted prior to September 10, 1981, deauthorizing of the Oahe water project in South Dakota. S. 670—Public Law 96–355, approved September 24, 1980. (VV)

Target prices for wheat and corn: Amends the Food and Agriculture Act of 1977 to establish the target price for the 1980 crop of corn at $2.35 per bushel and wheat at $3.63 per bushel; provides that the target price for the 1981 crops of corn or wheat be not less than the target prices for the 1980 crops adjusted upward to reflect any change in the cost of production that the Secretary finds necessary to establish and maintain a fair and equitable relationship between loan rates, established prices, and production costs of competing products;

Extends through the 1980 crop year the authority under which disaster payments are made to producers of wheat, feed grains, upland cotton, and rice; places a $10,000 per individual or producer per year limitation on disaster payments:

Authorizes the Secretary of Agriculture to require as a condition of eligibility for price support loans and payments for the 1980 and 1981 crops of wheat, feed grains, upland cotton, and rice that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary, whether or not a set-aside is in effect, but makes loans and payments available to producers of the 1980 crops who exceed their normal acreage based on rates determined under current law; authorizes the Secretary, whenever he requires compliance with the normal crop acreage, to increase the target prices for any of these commodities above what it would otherwise be by the amount he determines appropriate to compensate producers for participating in the program and complying with any required set-aside; and provides that if a target for any commodity is required, the Secretary may increase the target price for any of the other commodities by an amount determined necessary for the effective operation of the program.

H.R. 3398—Public Law 96–213, approved March 18, 1980. (VV)

Walnuts and olives marketing—wheat and feed grains: Provides that marketing orders issued by the Secretary under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising; provides that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities;

Requires that the wheat, corn, and soybean price support loan levels for the 1981 crop be not less than $3.00, $2.25 and $5.02 per bushel, respectively, which are the current levels; requires the Secretary to announce any set-aside under the feed grain program by November 1 rather than November 15 of each calendar year for the crop harvested in the next calendar year; increases wheat and feed grain support loan levels for the 1980 through 1981 crops to producers who participate in the farmer-held reserve program and requires the Secretary to waive first-year interest charges; provides the Secretary with the flexibility to set the release and call levels for wheat and feed grains at levels he deems appropriate; prohibits the sale of Government-owned wheat and feed grains at less than 105 percent of the call level when a farmer-held reserve program is in effect, but permits the sale of Government-owned corn at the release price or the fuel conversion price, whichever is higher, if the corn is used to produce alcohol for motor fuel; clarifies the Secretary's authority to handle agricultural commodities, other than grain, affected by the suspension of trade with the Soviet Union; authorizes the Secretary, whenever the export of agricultural commodities is suspended or restricted, to carry out a cropland set-aside program and to establish a non-replenishing food security reserve or a nonreplenishing gasohol feed stock reserve, or both; authorizes the establishment of an alcohol processor reserve; requires the Secretary to study the potential for expanding U.S. agricultural exports and using them to obtain needed resources from other countries; requires the Secretary to carry out food bank demonstration projects providing agricultural commodities that might not otherwise be used to aid needy individuals and families; and

Establishes, initially with wheat owned by the Commodity Credit Corporation, a reserve stock of wheat of up to four million metric tons to meet emergency food needs in developing countries. H.R. 3765—Public Law 96–494, approved December 3, 1980. (VV)

Wheat and feed grains: States the sense of the Senate that the Secretary of Agriculture should promptly announce his decision on whether there will be an acreage diversion program in effect for the 1980 crops of wheat and feed grains. S. Res. 366—Senate agreed to February 8, 1980. (VV)

APPROPRIATIONS—FISCAL 1980

Export-Import Bank funds extension: Increases by $525,750,000 the direct loan authority of the Export-Import Bank for fiscal 1980, of which $251 million would be available for direct loans and $274,750,000 for guaranteed loans. H.J. Res. 589—Public Law 96–334, approved August 29, 1980. (VV)

Foreign aid: Appropriates a total of $8,140,502,888 in new budget authority for fiscal 1980 for foreign assistance and related programs;

Contains $3,429,861,018 for multilateral economic assistance which includes funds for the U.S. share to the various international financial institutions and earmarks $8 million for the U.N. Environment Program and $120 million for the U.N. Development Program;

Prohibits funds for the Palestinian Liberation Organization, the Southwest Africa People's Organization, the Zimbabwe African People's Union, the Zimbabwe African National's Union, or Cuba; prohibits payments to the Inter-American Development Bank, International Bank for Reconstruction and Development, International Development Association, and the Asian Development Bank if the compensations of the U.S. director or alternate exceed executive schedule levels IV and V respectively;

Contains $4,146,910,000 for bilateral economic assistance which includes $619,938,000 for agriculture, rural development, and nutrition; $183.6 million for population development; $134.91 million for health development; $40 million for international disaster assistance; $85 million for the Sahel Development Program; $25,676,000 for payment to the Foreign Service retirement and disability fund; $1,882,500,000 for economic support funds of which $785 million is earmarked for Israel and $750 million for Egypt; $5 million for refugee assistance through International Relief Organizations in Rhodesia, and $53.5 million for programs in southern Africa; $21.1 million for peacekeeping operations; $261 million for operating expenses of AID; $48,758,000 for international narcotics control with $16 million earmarked for Colombia for the interdiction of drug traffic; $103 million for the Peace Corps; $456,241,000 for migration and refugee assistance (74 percent of which is for assistance to Boat people fleeing Southeast Asia); and $25 million for the U.S. emergency refugee and migration assistance fund; prohibits the availability of funds to plan for the establishment of the Institute for Scientific and Technological Cooperation; sets a $2.5 million ceiling on administrative funds for the International Development Cooperation Agency;

Contains $815.5 million for military assistance which includes $110.1 million for military grant assistance for the Philippines, Jordan, Spain, and Portugal and to pay administrative costs of the program and the costs of delivering previously MAP-funded material in the pipeline to an additional fifteen friendly countries; earmarks $1.7 million to Sudan, $31.8 million for international military education and training, and $673.5 million for Foreign Military Credit Sales; provides that no less than $1 billion of the yearly aggregate shall be allocated to Israel;

Places a $7,458,241,000 limit on program activity for the Export-Import Bank for fiscal 1980, of which no more than $6 billion shall be for direct loans; limits administrative expenses to $14,129,000;

Prohibits the use of appropriations for international organizations and programs to finance the construction of any new flood control, reclamation, or other related water resources project or program which does not meet certain U.S. standards and criteria; sets a $19 million ceiling on the use of unobligated fiscal 1979 funds for the Magarin Dam and $5 million for programs in Middle East regional cooperation development; prohibits the use of funds: (1) to pay any assessments, arrearages, or dues of any U.N.

member; (2) to finance the export of nuclear equipment, fuel, or technology or to provide assistance for the training of foreign nationals in nuclear fields; (3) to assist any country which represses the legitimate rights of its people in a manner that is contrary to the Universal Declaration of Human Rights; (4) for direct assistance to Mozambique (unless determined advisable by the President), Angola, Cambodia, Laos, Vietnam, or Cuba; (5) to furnish assistance to any country that is in default, for more than one year, in its payment to the U.S. of principle or interest on any loan made under a program funded under this Act; and (6) to any international financial institution whose U.S. representative cannot obtain the amounts and names of borrowers for all loans of that institution or the compensation and related employee benefits, or obtain documents developed by the management of the institution; prohibits the obligation of funds by the Export-Import Bank to any government which grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, and provides that the President may waive this requirement for national security purposes; states the sense of Congress that the U.S. should generously support relief efforts in Cambodia through the Red Cross, UNICEF, and other international organizations; sets a ceiling on international expenses, representation allowances and official residence expenses for agencies administering programs under this Act; and makes $20 million available for development aid to Uganda. H.R. 4473—Passed House September 6, 1979; Passed Senate amended October 12, 1979; Conference report filed. (352)

FTC: Appropriates $49.7 million for the remainder of fiscal 1980 for the Federal Trade Commission (which, combined with $15.6 million made available by transfer under Public Laws 96–219 and 96–240, provides a total of $65.3 million) and restricts expenses for official reception and representation to $1,500. H.J. Res. 554—Public Law 96–261, approved June 4, 1980. (*171)

FTC funding transfers: Makes available to the Federal Trade Commission, through April 30, 1980, $12.65 million transferred from unobligated funds already appropriated to the salaries and expenses account of the International Communication Agency to continue FTC activities at the 1979 level; directs that obligations of the FTC under this authority shall not exceed $9.8 million to assure that the overall amount of outlays provided for in the existing budget resolution is not increased; provides that these funds shall be available from March 15, 1980, until April 30, 1980, only for Commission expenses occurring during the 45-day period; and maintains the three restrictions on Commission activities included in the previous continuing resolution which: (1) prohibit final promulgation of any trade regulation rules authorized by section 18 of the Federal Trade Commission act, as amended, (2) prohibit the initiation of any new Commission activities, and (3) prohibit any new trade regulation rules promulgated under section 18 of the Federal Trade Commission Act, as amended, after August 30, from becoming effective during 45-day period, unless authorizing legislation is enacted. H.J. Res. 514—Public Law 96–219, approved March 28, 1980. (*65)

Transfers $7.6 million (already appropriated to the Department of State for contribution to international organizations) to the Federal Trade Commission for salaries and expenses through May 31, 1980, with the proviso that obligations may not exceed $5.8 million during this period; provides that these funds shall be available from May 1, 1980, until May 31, 1980, only for Commission expenses occurring during that period; and maintains the three restrictions on Commission activities included in the previous continuing resolution which (1) prohibit final promulgation of any trade regulation rules authorized by section 18 of the Federal Trade Commission Act, as amended, (2) prohibit the initiation of any new Commission activities, and (3) prohibit any new trade regulation rules promulgated under section 18 of the Federal Trade Commission Act, as amended, after August 30, from becoming effective during the 31-day period, unless authorizing legislation is enacted. H.J. Res. 541—Public Law 96–240, approved May 1, 1980. (*91)

Military registration funding transfer: Makes $13,285,000 available by transfer to fiscal 1980 for the Selective Service System to support the reinstitution of peacetime premobilization military draft registration for men. H.J. Res. 521—Public Law 96–282, approved June 27, 1980. (*200)

Supplemental: Makes supplemental appropriations for fiscal 1980 for almost every department and agency of the Federal Government in the amount of $19,444,104,918 comprised in new budget authority with $3,183,572,142 in rescissions for a net appropriation of $16,260,532,776; contains deferrals in the total amount of $522 million; includes $100 million in agricultural credit insurance, $143 million for P.L. 480, $3.580 billion for defense items, $150 million for GNMA tandem plan, $870 million for disaster relief, $951 million for Mount Saint Helens relief, $285 million for the space shuttle, $362 million for education programs, $1.5 billion for Chrysler loan guarantees, $1.177 billion for SBA disaster loans, $330 million for urban mass discretionary grants, and $3.730 billion for increased pay for military and civilian personnel; transfers $18.792 billion from the Energy Security Reserve for synfuel and biomass programs and $1 billion for the Solar Energy Bank; and rescinds $143 million for revenue sharing, $2 billion for the Strategic Petroleum Reserve, and $220 million for GSA furniture; and provides an advance fiscal 1981 appropriation of $591.6 million for rail labor assistance. H.R. 7542—Public Law 96–304, approved July 8, 1980. (*277, *303)

Urgent food stamp supplemental: Appropriates $2,556,174,000 for fiscal 1980 for the Food Stamp Program; requires the Secretary of Agriculture to study and report to Congress by January 15, 1981, on the effects of limiting benefits to food stamp participants based on the value of their assets and on the impact and advisability of counting as income all educational deferred loans, grants, fellowships, veterans' educational benefits and housing subsidies in determining food stamp eligibility; and stipulates a total 1980 appropriation of not more than $9.191 billion. H.J. Res. 545—Public Law 96–243, approved May 16, 1980. (*142, *148)

Urgent VA and Census Bureau supplementals: Appropriates an additional $40 million for fiscal 1980 to the Veterans Administration to cover a shortfall in the readjustment benefit program due to higher than anticipated enrollments of Vietnam-era veterans under the GI bill, thus bringing the total 1980 readjustment benefit appropriation to $2,318,535,000 for the current fiscal year; and appropriates an additional $27 million to the Secretary of Commerce to cover additional expenses under the Census Bureau's "periodic censuses and programs" due to the counting of more households than anticipated in the 1980 Decennial Census and the litigation protesting undercounts that is forcing the Bureau to keep their field offices open longer than anticipated. H.J. Res. 607—Public Law 96–352, approved September 17, 1980. (VV)

APPROPRIATIONS—FISCAL 1981

Agriculture: Appropriates $21,670,409,000 in new budget authority and $1,879,653,000 in transfers, making a total available for Agriculture, Rural Development and Related Agencies of $23,550,062,000 for fiscal 1981; contains $5,290,476,000 for agricultural programs, including $959,777,000 for Science and Education programs which includes agricultural and cooperative research and extension activities; $269,472,000 for animal and plant health inspection and an additional $17,526,000 by transfer; $52,895,000 for agricultural marketing service; and $3,299,887,000 for the Commodity Credit Corporation for reimbursement of loans; contains $1,489,335,000 for rural development programs, including loan authorizations through several revolving loan funds and funding for various rural development grant programs; includes in the conservation area $576,922,000 for the Soil Conservation Service which includes funding for watershed planning and conservation and development as well as the Great Plains Conservation Fund; $245,000,000 for the Agricultural Stabilization and Conservation Service under which the Rural Clean Water, Water Bank, and Emergency Conservation Programs are funded; contains $12,394,876,000 for domestic feeding programs; $9,739,276,000 for food stamps; $927,040,000 for special supplemental food programs; and $118,800,000 for special milk; contains $1,296,297,000 for international programs which includes $1,228,930,000 for Public Law 480, Food for Peace program; and contains $350,923,000 for the Food and Drug Administration and $18,489,000 for the Commodity Futures Trading Commission; prohibits use of funds for expenses of parties intervening in any regulatory proceeding, or acting as witnesses, experts or advisors for any public or private organization before the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration; and prohibits use of funds to establish or maintain an Office of Consumer Affairs in the Department of Agriculture. H.R. 7591—Passed House July 30, 1980; Passed Senate amended November 25, 1980; In conference. (*495)

Continuing: Makes continuing appropriations to remain available until December 15, 1980, or enactment of the applicable appropriation bill, whichever occurs first, for programs and activities funded under the 13 major appropriations bill as follows: Agriculture, District of Columbia, HUD, Interior, Labor-HEW, Military Construction, State-Justice-Commerce, Transportation, Treasury-Postal Service, Foreign Assistance, Legislative, Energy-Water, and Defense;

Contains such amounts as mandated by law for: activities under the Federal Mine Health and Safety Act of 1977; the Social Security Act; retirement pay and medical benefits for officers of the Public Health Service; certain activities under the Higher Education Act; activities of the Department of Labor for Federal unemployment benefits, advances to the unemployment trust fund, special benefits, and Black Lung Disability Trust Fund; Veterans' Administration compensation, pensions, and readjustment benefits; and the breeder reactor demonstration project of DOE;

Contains $1.85 billion for the low income energy assistance program; includes, as an eligible household, any single person household at or below 125 percent of the poverty level; makes changes in the allocation formula; provides a $750 limitation on assistance to a single household;

Provides that none of the funds available under H.R. 7998, the Labor, Health and Human Services, Education, and Related Agencies Appropriation Act, 1981, as passed by the House on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in public schools, or to perform abortions except where the life of the mother would be endangered if the fetus were carried to term or except for the victims of rape or incest which have been promptly reported; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary to terminate an ectopic pregnancy; provides that States shall remain free not to fund abortions to the extent they deem appropriate;

Freezes the rate of pay of senior executive personnel in the judicial, executive, and legislative branches; provides that the cost-of-living adjustment provided for blue collar workers not exceed the cost-of-living adjustment provided to white collar workers; authorizes payment of 75 percent of the 9.1 percent cost of living adjustment to Federal blue collar workers on October 1, with the remainder, plus the normal adjustment subject to the pay cap, to be provided on the worker's anniversary date;

Contains $15 million for emergency activities caused by the Mount St. Helens eruption; $42.677 million for preimplementation of standby gasoline rationing plans; $1.383 billion for the Strategic Petroleum Reserve; provides $1.25 billion for the Postal Service and forbids the elimination of Saturday service;

Authorizes the President to order a special census or revised estimate of population of State, county, or local government units which are significantly affected by a major population change due to legal immigrants within six months of a regular census; provides for maintenance of McNeil Island, Washington, by the Bureau of Prisons; and provides funds for a Presidential transition, if necessary. H.J. Res. 610—Public Law 96-369, approved October 1, 1980. (*458)

Defense: Appropriates a total of $160,847,830,000 in new budget authority for fiscal 1981 for the military functions of the Department of Defense; provides $33,163,249,000 for military personnel, including $1.4204 billion for recently authorized increases in military compensation with funding to pay all of the new entitlements contained in the Nunn-Warner amendment to the Armed Forces Personnel Management Act, except for the 10 percent increase in the basic allowance for subsistence, which will be provided for in the 1981 pay supplemental, and the funds for the pilot continuation bonus; $13,887,800,000 for retired military personnel; $51,322,413,000 for operation and maintenance; $35,993,008,000 for procurement, including for the Army: $946.3 million for 569 XMI tanks; for the Navy: $700.9 million for 30 F-14A fighter aircraft, $1.590 billion for 66 F-18 fighter aircraft, $1.0502 billion for a Trident submarine, and $1.6285 billion for 2 CG-47 Aegis cruisers; for the Air Force: $844.9 million for 42 F-15 fighter aircraft, $1.7338 billion for 180 F-16 aircraft, and $550.7 million for 480 air launch cruise missiles; provides $16,855,679,000 for research, development, test and evaluation including $3,248,005,000 for the Army, $5,110,015,000 for the Navy, $7,159,857,000 for the Air Force, and $1,325,702,000 for the Defense Agencies; includes the Maybank language which prohibits the payment of a price differential on defense procurement contracts in labor surplus areas; and includes language prohibiting the use of funds for abortions identical to that contained in Public Law 96-369, the Continuing Appropriations Act for fiscal year 1981. H.R. 8105—Passed House September 16, 1980; passed Senate amended November 21, 1980; in conference. (*483)

District of Columbia: Appropriates $488,488,800 in Federal funds and $1,737,728,300 in District of Columbia funds for the operations and activities of the District of Columbia in fiscal 1981; includes in Federal funds $1,330,100 as reimbursement for expenses related to the upcoming Presidential inauguration; $3,315,000 as reimbursement for judgments and settlements of suits stemming from the mass arrests of demonstrators in May of 1971, $8.1 million as a payment in lieu of reimbursements for water sewer services furnished U.S. Government facilities, and a contribution of $52,070,000 for police officers, firefighters, teachers, and judges retirement funds; makes appropriations available for the payment of public assistance and for the non Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968; sets a ceiling of not to exceed 4½ percent of the total funds appropriated for personal compensation on overtime or temporary positions; prohibits use of funds to compensate any person appointed as a full-time employee to a permanent authorized position in the D.C. government during any month when the number of employees is greater than 35,037; prohibits the use of funds for further partisan political activities; requires transmission of the fiscal 1982 D.C. budget by February 1, 1981; and prohibits use of funds for publicity or propaganda purposes to implement any policy, including a boycott designed to support or defeat legislation pending before Congress or any State legislature. H.R. 8061—Passed House September 3, 1980; Passed Senate amended November 17, 1980; House agreed to Conference report December 2, 1980. (*470)

Energy-Water: Appropriates a total of $12,064,270,163 in new budget authority for energy and water development for fiscal 1981 of which $7,220,572,500 is for energy related programs; $2,984,134,000 for the Corps of Engineers—Civil programs including $212,000,000 for the Tennessee-Tombigbee Project with a completion date of September 1986; $771,461,000 for the Department of Interior, Bureau of Reclamation; and $1,104,604,000 for independent agencies including $329,300,000 for Appalachian Regional Development programs; $447,520,000 for the Nuclear Regulatory Commission; $269,563,000 for the Tennessee Valley Authority Fund; $18,000,000 for Columbia Dam and Reservoir; $24,777,000 for Water Resources Planning; includes the fraud and waste provisions that were in the fiscal 1980 Supplemental Appropriation bill, P.L. 96-304, and adds to these provisions placing limitations on last-quarter spending and on expenditures for consultants; and provides $60,663 for payments to the widow of a deceased member of Congress. H.R. 7590—Public Law 96-367, approved October 1, 1980. (*398)

HUD: Appropriates a total of $74,126,287,000 in new budget authority for the Department of Housing and Urban Development, Environmental Protection Agency, National Aeronautics and Space Administration, National Science Foundation, Veterans' Administration, and 16 other agencies, commissions, boards, corporations, institutes and offices for fiscal 1981. H.R. 7631—Public Law 96- , approved 1980. (*438)

Interior: Appropriates a total of $9,466,787,000 in new budget authority for fiscal 1981 for the Department of Interior and related agencies of which $4,092,846,000 is for the Department of Interior, including $378.593 million for the Land and Water Conservation Fund, $107.001 million for the National Petroleum Reserve in Alaska, $1,099,046.000 for the Bureau of Indian Affairs, with an $81.5 million unbudgeted appropriation for Indian land claims in Maine; $60 million for the Youth Conservation Corps; contains $1,461,204,000 for the Forest Service, $678.801 million for Indian Health services; and contains $2,605,888,000 for the Department of Energy; authorizes the Secretaries of Agriculture and Energy to leverage their loan guarantee appropriations for biomass energy projects at a 3 to 1 ratio, rather than the current dollar-for-dollar reserve requirement; provides that the annual average daily rate of fill for Strategic Petroleum Reserve shall be no less than 300,000 barrels per day; and appropriates $163.253 million for the Smithsonian Institution, and $309,859 million for the National Foundation on the Arts and Humanities. H.R. 7725—Public Law 96- , approved 1980. (*469)

Military construction: Appropriates $5,098,680,000 in new budget authority for fiscal 1981 for military construction functions administered by the Department of Defense as follows: $857.838 million for the Army, $775.273 million for the Navy, $861.125 million for the Air Force, $245.6 million for the Defense Agencies, $42.269 million for the Army National Guard. $83.2 million for the Air National Guard, $46.942 million for the Army Reserve, $33 million for the Naval Reserve, $21.6 million for the Air Force Reserve, and $1,881,837,000 for defense family housing; contains $250 million for the U.S. share of the NATO infrastructure program; includes $17 million for MX test facilities at Vandenberg Air Force Base and requires compliance with the National Environmental Policy Act prior to obligation of funds for the design of site-specific facilities; includes $75.5 million for the Space Shuttle at Vandenberg Air Force Base; and provides $3.15 million start construction of a binary chemical munitions production facility at Pine Bluff Arsenal, Arkansas. H.R. 7592—Public Law 96-436, approved October 13, 1980. (*420)

State-Justice-Commerce: Appropriates a total of $9,131,056,000 in new budget authority for the Departments of State, Justice, and Commerce, and the Judiciary and Related Agencies for fiscal 1981, as follows: (1) $1,564,708,000 for the Department of State including funds for Buying Power Maintenance, the 1981 assessment of the International Labor Organization, and $4.1 million for the Asia Foundation; (2) $2,217,247,000 for the Department of Justice, including funds for the State and local drug task forces, $629,720,000 for the FBI, and a total of $146,845,000 for the Office of Justice Assistance, Research and Statistics which replaces the former Law Enforcement Assistance Administration, with the full $100 million requested for the juvenile justice and delinquency prevention program; prohibits the Department of Justice from bringing any sort of action to require directly or indirectly busing to any school other than the school nearest home, except for handicapped students; prohibits the Legal Services Corporation (LSC) from providing legal assistance in cases that "seek to adjudicate the legalization of homosexuality." (3) $2,442,170,000 for the Department of Commerce, including $624,650,000 for the Economic Development Administration, and $43,838,000 for regional development programs; provides $25,705,000 for public telecommunications facilities, planning, and construction grants; continues the U.S. Travel Service at the current rate; (4) $631,140,000 for the Judiciary; and (5) $2,275,764,000 for 20 related agencies, including $1 million to establish the Commission on Wartime Relocation and Internment of Civilians, and $321.3 million for the Legal Services Corporation; provides the full program budgeted by the Small Business Administration, with $22.5 million for development company direct loans, $30 million for energy direct loans, and $42 million for investment company assistance direct loans; imposes a $33 million ceiling on certain guarantee loan programs with SBA; and allows SBA to issue up to $250 million in guarantee rates under a new small business development program. H.R. 7584—Public Law 96- approved 1980. (*471)

Transportation: Appropriates a total of $11,991,261,764 in new budget authority for fiscal 1981 for the Department of Transportation and related agencies; includes $1,192,878,0000 net for operating expenses of the Coast Guard, $2,233,520,000 for operations of the FAA, $900 million for Amtrak, $2.19 billion for the urban discretionary grant program of the Urban Mass Transportation Administration (UMTA), $1,455 billion for the urban formula grant program of UMTA, $800 million for interstate transfer grants, $350 million for the Northeast Corridor improvement project, and $185 million for the purchase of securities of Conrail; provides for obligations of not to exceed $700 million for grants-in-aid for airports, $400 million for aircraft loan guarantees, and $8.75 billion for Federal-aid Highways; limits loan guarantees to $770 million for railroad rehabilitation and improvement; contains new limitations including for the FAA aircraft purchase loan guarantee program, $100 million for commuter air carriers serving smaller communities; for the Federal Railroad Administration, $100 million for railroad restructuring assistance and $20 million for programs making commitments to guarantee new loans; for reimbursement to the Treasury from the Panama Canal Commission Fund, all outlays from the Commission Operating Expense Account and Capital Outlay Account, but not less than $350 million; for investment in fund anticipation notes, $100 million; prohibits use of funds for: the extension of the Dulles Airport access highway until the State of Virginia agrees to take responsibility for its operation; the implementation of any regulations which have been disapproved of by a resolution of disapproval; buildings or furnishings for State, local, or private structures under State and Community Highway Safety; for payment of expenses of non-Federal parties intervening in proceedings funded by this Act; and for imposing State inspection fees or sticker requirements on vehicles lawfully registered in another State; prohibits the obligation from the total budget authority available to any department, agency, establishment, or major administrative subdivision, of funds exceeding 30 percent for the last quarter of fiscal 1981, or 15 percent in any month in the last quarter; requires the resolution of all pending audits by September 30, 1981, and of subsequent audits within six months of completion of the initial audit report; requires each agency to improve collection of overdue debts; reduces by $3,894,000 the amounts for consultant services of DOT; prohibits the use of funds to compel local transit authorities to purchase wheelchair lifts; reduces appropriations for advertising or public relations activities by ten percent; and prohibits funds to mandate any reduction in the number of certified air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, until April 26, 1981. H.R. 7831—Public Law 96-400, approved October 9, 1980. (*425, *459)

BUDGET DEFERRALS

Cumberland Gap Tunnel project: Disapproves the proposed deferral of $15.5 million for construction of the Cumberland Gap Tunnel Project as recommended by the President in his message of April 16, 1980. S. Rev. 464—Senate agreed to August 1, 1980. (VV)

Environmental Protection Agency: Disapproves the proposed deferral of $3,247,948,114 for EPA waste water treatment grants as recommended by the President in his message of April 16, 1980, and in his revision of May 20, 1980. S. Res. 470—Senate agreed to August 1, 1980. (VV)

Young Adult Conservation Corps.: Disapproves the $27.5 million deferral recommended by the President in his message of April 16, 1980, for the Young Adult Conservation Corps thereby preventing a 40-percent cutback in enrollees in favor of a more gradual reduction. S. Res. 449—Senate agreed to June 30, 1980. (VV)

BUDGET RECONCILIATION

Reconciliation—Spending, and revenue: Makes program changes to accomplish reductions of $4.6 billion in outlays, and increases of $3.6 billion in revenues, for a total deficit reduction for fiscal 1981 of $8.2 billion.

Spending provisions: Makes program changes in school lunch and child nutrition programs to achieve a one-year saving of $400 million and permanent savings of $100 million in BA and outlays; extends to fiscal 1984 the authorization for child nutrition programs and for the WIC and commodity purchase programs; permits the IRS to provide the current mailing address of student loan defaulters to the holders of loans in default; makes changes in civil service retirement; reduces the postal public services cost appropriation by $250 million; reduces third-class non-profit mail subsidies by $50 million; and shifts the $111 million postal "reconciliation appropriation" from fiscal 1981 to fiscal 1982; reduces the authorization for the National Highway Safety Administration by $12.8 million; limits the authorization for fiscal 1981 for airport development, planning, and noise compatibility programs to $725 million.

Provides for a one-time deferral during the last month for fiscal 1981 of advance medicare payments to hospitals; allows medicare to pay claims based on the date the service is rendered by the physician, not the date the physician submits the claim; provides that medicare would not be payor of first resort where care can be paid for by other liability insurance; allows medicare to reimburse hospitals at the lower long-term care rate rather than the in-patient rate if the patient is simply in the hospital waiting to move to a nursing home; includes new benefits such as expanded home health services, improved dental benefits, out-patient physical therapy, and funding for state medicaid fraud control units; provides that Federal standards for child day care services would not be applicable to services meeting applicable State and local standards to October 1, 1981, if the services; limits retroactive social security benefits to a period of 6 months prior to the month in which application for benefits is made; terminates Federal reimbursement to States for unemployment compensation benefits paid to former CETA workers; eliminates the 50 percent Federal share of the cost of the first week of extended benefits in any State which does not have a waiting week or has a waiting week for which benefits are paid retroactively; gives States additional time to enable their legislatures to establish a waiting week or eliminate retroactive payment; denies, effective with weeks of unemployment beginning March 31, 1980, extended benefits to an individual (1) who under State law was disqualified because he or she voluntarily left a job, was discharged for misconduct, or refused suitable employment; and (2) who failed to accept any work that is offered in writing or listed with the State employment service, or failed to apply for any work referred by the State agency which meets certain specified requirements; requires the Secretary of Labor to withhold certification unemployment compensation programs for any State which has failed to amend its laws to comply with these provisions;

Revenue provisions: Preserves the tax-exempt status of mortgage revenue bonds under certain restrictive conditions; rescinds the tax-exempt status on single-family housing bonds after 1983; prohibits advance refunding; and requires that all bonds be registered beginning in 1982; requires that most of the proceeds from Veterans mortgage bonds be used to provide residences for veterans and that they be used primarily for new mortgages; requires that principal and interest of bonds be secured by the general obligations of a State; requires that 20 percent of all units in projects financed by multi-family rental housing bonds be occupied by low- or moderate-income families and that 15 percent of all such units be so occupied in targeted areas; requires corporations, whose taxable income exceeded $1 milllion in any of the three preceding taxable years, to pay estimated tax on at least 60 percent of the current year's tax liability;

Subjects nonresident aliens and foreign corporations to tax on all gains and losses from the disposition of their U.S. real property interests; allows foreign investors to deduct certain losses attributable to U.S. real property; imposes a minimum rate tax at a rate of 20 percent of property gains for individuals; makes domestic corporations, partnerships, or trusts, accountable as real property holding organizations (RPHOs) if the fair market value or their U.S. real property interests is at least 50 percent of the sum of the value of their U.S. real property interests, interests in foreign real property, and other assets used in trade or business; requires that certain tax returns contain specified information including the name and address of foreign owners; provides certain royalty owners with a credit of up to $1,000 against the windfall profit tax imposed on the removal of their royalty oil during calendar year 1980; and requires that in calculating the amount of the deduction, net income for percentage depletion purposes, and oil related income for the minimum tax on intangible drilling costs, the gross amount of windfall profit tax paid or withheld during the taxable year must be reduced by the amount of the allowable credit; requires individuals, except domestic employees and agricultural laborers, to include in their gross income, social security and Federal unemployment taxes paid by the employer, and benefits received from the social security trust fund; delays for one year, until January 1, 1983, the reduction in and expiration of the excise tax on communications services; and imposes an additional duty on imports of ethyl alcohol used for a fuel of 10 cents per gallon in calendar year 1981, 20 cents in 1982, and 40 cents in 1983 through 1992.

BUDGET RESOLUTIONS

First budget resolution, 1981; revised second budget resolution, 1980: Contains total budget authority for fiscal 1981 of $697.2 billion, outlays of $613.6 billion, and revenues of $613.8 billion, with a surplus of $200 million, and a public debt level of $935.1 billion.

Invokes the reconcilation process, under which eight House and nine Senate authorizing committees are instructed to reduce total spending authority within their jurisdictions, in order for each house to achieve a savings of $4.95 billion in budget authority and $6.4 billion in outlays in fiscal 1981; instructs the specified committees to make the following reductions and submit their recommendations to their respective budget committees (Senate committees must submit spending reductions by June 25 and revenue reductions by July 2; House committees must submit both spending and revenue reductions by July 2) which shall report to their respective houses a reconciliation bill or resolution, or both, carrying out all the recommendations, without any substantive revision:

The Senate Governmental Affairs Committee would reduce budget authority and outlays by $500 million each;

The Armed Services Committees would reduce budget authority and outlays by $400 million each;

The Senate Environment Committee would reduce budget authority by $300 million and the House Public Works Committee would reduce budget authority by $600 million and outlays by $750 million;

The Senate Labor Committee would reduce budget authority by $350 million and outlays by $450 million and the House Education and Labor Committee would reduce budget authority and outlays by $850 million each;

The Senate Commerce Committee would reduce budget authority by $300 million and outlays by $150 million and the House Interstate and Foreign Commerce Committee would reduce budget authority by $200 million and outlays by $400 million;

The Senate Agriculture Committee would reduce budget authority and outlays by $500 million each;

The Senate Veterans' Affairs Committee would reduce budget authority by $200 million and outlays by $400 million and the House Veterans' Affairs Committee would reduce budget authority and outlays by $400 million each;

The Senate Finance Committee would reduce budget authority by $900 million and outlays by $2.2 billion and the House Ways and Means Committee would reduce budget authority by $700 million and outlays by $2 billion; both committees are instructed to increase revenues by $4.2 billion each;

The Senate Select Committee on Small Business and the House Committee on Small Business would each reduce budget authority by $800 million and outlays by $600 million.

The House Post Office Committee would reduce budget authority and outlays by $1 billion each;

States the sense of the Congress that the President should direct agencies not to increase the rate of obligation of fiscal 1980 budget authority in advance of anticipated rescission actions;

Includes a reconciliation directive in fiscal 1980 to the House and Senate Appropriations Committees each to report savings of $3 billion in budget authority and $1 billion in outlays;

Prohibits enrollment of any spending legislation in fiscal 1981 (appropriations and entitlement) which exceeds a committee's crosswalk allocation or subcommittee subdivision under the 1st Budget Resolution or which would reduce revenues in excess of $100 million until Congress has adopted the Second Budget Resolution and any required reconciliation legislation; requires, for this year only, completion of the Second Budget Resolution by August 28 instead of September 15;

Establishes a Congressional Federal Credit Budget to limit total new Federal credit programs in fiscal 1981 for new direct loan obligations to a level of $63.9 billion (a $25.8 billion limitation on Federal off-budget lending activity and a $38.1 billion limitation on Federal on-budget lending activity) and for new primary loan guarantee commitments to $79.6 billion; includes sense of the Congress language which encourages the President and the Congress, through the appropriations process, to maintain these limits on lending and new primary loan guarantees in fiscal 1981;

Calls on the President to implement a "zero net inflation impact" policy which requires the Congressional Budget Office to monitor the inflationary impact of new Federal regulations; prohibits new regulations which increase costs or prices unless corresponding reductions are made by modifying or eliminating regulations; and requires development of an exemption procedure for regulations necessary to avert any imminent threat to health and safety; calls upon the President to review current inflation measures used for indexing Federal programs as well as other indexing alternatives, and report to Congress by November 30, 1980, his conclusions and recommendations and to reflect those conclusions in his budget and legislative proposals for 1982;

Makes the following recommendations for budget authority (BA) and Outlays (O) by function for fiscal 1981:

National Defense—BA, $170.5 billion; O, $153.7:

International Affairs—BA, $23.6 billion; O, $9.5 billion;

General science, space and technology—BA, $6.6 billion; O, $6.1 billion;

Energy—BA, $6.7 billion; O, $6.8 billion;

Natural Resources and Environment—BA, $11.7 billion; O, $12.1 billion;

Agriculture—BA, $5.5 billion; O, $2.3 billion;

Commerce and Housing Credit—BA, $5.1 billion;

Transportation—BA, $22.1 billion; O, $18.75 billion;

Community and Regional Development—BA, $8.8 billion; O, $9.2 billion;

Education, Training, Employment, and Social Services—BA, $31.7 billion; O, $29.5 billion;

Health—BA, $71.2 billion; O, $61.7 billion;

Income Security—BA, $249.5 billion; O, $219.55 billion;

Veterans' Benefits and Services—BA $21.7 billion; O, $21.2 billion;

Administration of Justice—BA, $4.2 billion; O, $4.6 billion;

General Purpose Fiscal Assistance—BA, $6.2 billion; O, $6.8 billion.

Undistributed Offsetting Receipts—BA, −$24.7 billion; O, −$24.7 billion.

Modifies the fiscal 1980 Second Concurrent Budget Resolution to provide for budget authority of $658.85 billion, outlays of $572.65 billion, and revenues of $525.7 billion, with a deficit of $46.95 billion and a public debt level of $903.6 billion;

Includes Senate projected estimates for fiscal 1982 and 1983, respectively, as follows: Budget Authority—$775.0 billion and $851.6 billion, Outlays—$695.6 billion and $765.5 billion, Revenues—$701.4 billion and $783 billion, and a surplus of $5.8 billion and $17.5 billion, with a Public Debt Limit of $965.6 billion and $991.1 billion. H. Con. Res. 307—Action completed June 12, 1980. (*134)

Second budget resolution, 1981: Modifies the fiscal 1981 First Concurrent Budget Resolution to provide for budget authority of $694.6 billion, outlays of $632.4 billion, and revenues of $605 billion which includes provision for a net tax reduction of $10 billion in 1981, with a deficit of $27.4 billion and a public debt level of $978.6 billion; revises the Congressional Federal Credit Budget established under the First Concurrent Resolution to limit total new Federal credit programs in fiscal 1981 for new direct loan obligations to a level of $73.5 billion (a $28.9 billion limitation on Federal off-budget lending activity and a $44.6 billion limitation on Federal on-budget lending activity) for new primary loan guarantee commitments to $82.8 billion, and for secondary loan guarantee commitments to $53 billion; includes sense of the Congress language which encourages the President and Congress, through the appropriations process, to maintain these limits on lending and new primary loan guarantees in fiscal 1981; recommends that a review of the budget act and the congressional budget process should be undertaken without delay; bars congressional consideration of a resolution providing for the adjournment sine die of either House unless action has been completed on H.R. 7765, the Omnibus Reconciliation Act; states the sense of Congress that the President should implement a zero net inflation impact policy for regulations promulgated in the remainder of fiscal 1931 and develop an accounting of the cost and economic impact of these regulations; and directs CBO to report periodically on the cost and positive or negative inflationary effects of legislation reported and enacted by Congress.

Makes the following recommendations for Budget Authority (BA) and Outlays (O) for fiscal 1981 by function (in billions of dollars):

National defense—BA, $172.7; O, $159.05;

International Affairs—BA, $23.85; O, $10.05;

General science, space, and technology—BA, $6.4; O, $6.1;

Energy—BA, $5.85; O, $7.8;

Natural resources and environment—BA, $11.9; O, $13.1;

Agriculture—BA, $5.35; O, $2.1;

Commerce and housing credit—BA, $5.25; O, $0.95;

Transportation—BA, $21.3; O, $19.7;

Community and regional development—BA, $9.25; O, $10.45;

Education, training, employment and social services—BA, $31.6; O, $29.8;

Health—BA, $68.55; O, $63.15;

Income Security—BA, $248.8; O, $225.55;

Veterans' benefits services—BA, $22.1; O, $21.07;

Administration of justice—BA, $4.1; O, $4.45;

General government—BA, $4.6; O, $4.4;

General purpose fiscal assistance—BA, $6.5; O, $7.05;

Interest—BA, $71.9; O, $71.9;

Allowances—BA, $0.4: O, $0.45; and

Undistributed offsetting receipts—BA, −$25.8; O, −$25.8. H. Con. Res. 448—Action completed November 20, 1980. (*475, *478)?

Roth budget resolution: Expresses the sense of the Senate that the Budget Committee shall report a Federal budget for fiscal 1981 which is balanced and which reserves any surplus for a tax reduction (one-half to increase productivity and one-half to offset social security tax increases), and that the Budget Committee shall also report such additional specific reductions, if any, necessary to reduce Federal outlays for fiscal 1981 to 21 percent of the gross national product. S. Res. 380—Senate agreed to March 25, 1980. (*64)

DEFENSE-NATIONAL SECURITY

Armed Forces enlistments of citizens of Northern Marianas: Permits citizens of the Northern Mariana Islands, who indicate in writing an intent to become a U.S. citizen, to enlist in the Armed Forces of the United States. H.R. 4627—Public Law 96-351, approved September 15, 1980. (VV)

Armed Forces personnel management: Extends for two years, through fiscal 1982, the authorization of an increase in the number of Air Force colonels and lieutenant colonels currently authorized by Public Law 95-377, which expires on September 30, 1979; authorizes reserve enlisted members of the Army and Air Force to retire on completion of 20 years of active service with an immediate annuity; removes the Office of the Chief of Chaplains from the cognizance of the Chief of Naval Personnel and establishes a statutory office of Deputy Chief of Chaplains; authorizes advance pay on establishment of an allotment for dependents if the allotment is made within 60 days before a unit deploys, authorizes reserve officers of the Army and Air Force who served on active duty in positions designated by the President to carry the grade of lieutenant general and general to be retired in such grade; increases aviation career incentive flight pay by 25 percent; makes effective immediately the increase in the rates of sea pay that would have become effective October 1, 1981, and increases those rates by 15 percent; removes the current statutory limit of ten cents per mile for reimbursement for travel in connection with a permanent change of station; increases the Basic Allowance for Subsistence by ten percent; provides the authority to pay a variable Housing Allowance for members living in any high cost area of the U.S. except Hawaii and Alaska, equal to the difference between 115 percent of a member's Basic Allowance for Quarters and the average cost of housing in the area in which the member was assigned; contains a "save pay" provision for enlisted members appointed as warrant officers or as commissioned officers and for warrant officers appointed as commissioned officers to insure they would receive at least as much pay as they would have received if not so appointed; and establishes in statute the Office of Deputy Judge Advocate General of the Air Force. H.R. 5168—Public Law 96–343, approved September 8, 1980. (VV)

Coast Guard authority to establish lines of demarcation: Provides the Coast Guard with clear authority to establish two separate sets of boundary lines dividing the high seas and inland waters: the first dividing those waters where the international rules of the road and the inland rules apply and the second dividing those area governed by various marine safety statutes; places a 12-mile limit on the distance from shore that the boundary lines may be established so that the intent of Congress in enacting more stringent safety standards for vessels on the high seas cannot be defeated by drawing the lines too far out to sea; and contains a conforming amendment to the Seagoing Barge Act, changing the definition of "seagoing barge" to mean that proceeds outside the boundary line authorized by this bill so that drilling and dredging barges that normally operate within safe and reasonable distances offshore will not be subject to the requirements for seagoing barges. H.R. 1198—Public Law 96–324, approved August 8, 1980. (VV)

Coast Guard authorization: Authorizes $763,887,000 for fiscal 1981 for the operation and maintenance of the Coast Guard of which $1,248,367,000 is for operating expenses including expenses related to the Capehart housing debt reduction: $469,320,000 for acquisition, construction, and improvement of vessels, aircraft, shore units and aids to navigation: $16,200,000 for alteration or removal of bridges; and $30,000,000 for research, development, test, and evaluation; sets the end-of-year strength for active duty personnel at 39,600; authorizes the average military training loads; authorizes advancement of housing leases in foreign countries when required to obtain a lease; authorizes the Coast Guard Supply Fund to accept transfers of spare parts obtained as part of a procurement under a different account of major items such as vessels or aircraft; ensures that Coast Guard members who accept appointments to temporary commissioned or warrant grades do not receive less pay or allowances; authorizes the Secretary of Transportation to pay Coast Guard personnel a monetary allowance in lieu of furnishing transportation of household effects in kind; authorizes the Coast Guard to recover expenses on a reimbursable basis for certain marine safety inspections requested in foreign ports; changes the date of "National Safe Boating Week" to the week beginning on the first Sunday in June; authorizes the transport, by water, of Coast Guard personnel to and from their place of employment when necessary; requires the Coast Guard to submit to Congress with its annual budget request the current copy of its Capital Investment, Cutter, Aviation, and Shore Facilities Plans to allow Congress to evaluate the adequacy of the budget requests; and contains a supplemental authorization of $33 million for fiscal 1980 of which $15 million is for operating expenses to cover increased fuel costs and $18 million is for the Cuban refugee operation. S. 2489—Public Law 96–376, approved October 3, 1980. (VV)

Coast Guard enforcement of drug laws: Broadens certain prohibitions regarding the importation of controlled substances to facilitate Coast Guard enforcement of laws relating to the importation of illegal drugs; prohibits the manufacture, distribution, or possession (with intent to manufacture or distribute) of a controlled substance by (1) any person on board a U.S. vessel, (2) any U.S. citizen on board a vessel, (3) any person on board any vessel within U.S. customs waters, or (4) any person who knowingly or intentionally imports such a substance into the U.S. unlawfully; exempts from the prohibition those persons on a contract or common carrier or U.S. government vessel who possess or distribute controlled substances as part of their lawful duties; makes clear that the bill is intended to address acts committed outside the territorial jurisdiction of the U.S.; imposes penalties for violations of up to 15 years imprisonment and/or a fine of up to $25,000 for a first offense and up to 30 years imprisonment and/or a fine of up to $50,000 for a second or subsequent offense; imposes lesser penalties in cases where narcotic drugs are not involved; provides that any person who violates the act will be tried in a U.S. district court where he or she entered the United States or in the United States District Court for the District of Columbia; and makes certain property used or intended for use in distribution of a controlled substance subject to seizure and forfeiture. H.R. 2538—Public Law 96–350, approved September 15, 1980. (VV)

Coast Guard Reserve: Revises Chapter 21, U.S.C. governing the organization and administration of the Coast Guard Reserve, by eliminating inconsistencies and defects in present law, rearranging the sections in a more logical order, simplifying the language, eliminating outdated provisions, and correcting statutory references; and makes several minor substantive changes in existing law regarding Coast Guard Reserve officer promotion and retention. H.R. 6666—Public Law 96–322, approved August 4, 1980. (VV)

Defense officer personnel management: Provides for new permanent grade limitations for each of the services for the grades O–4, O–5 and O–6; makes reductions of approximately five percent from the levels in the proposal submitted by the Department of Defense; requires a five-year officer promotion plan to be submitted by February 15 of each year; provides for a single permanent promotion structure for each of the services, replacing the dual temporary and permanent promotion systems presently used in the Army and Air Force, and eliminating running-mate system in the Navy; provides sufficient flexibility that after a certain number of years of commissioned service all career-force active-duty officers could become regular officers; establishes standardized career patterns of 30 years for colonel or Navy captain, 28 years for lieutenant colonel or commander, and 20 years for major or lieutenant commander; and provides selective early retirement procedures for these grades; abolishes separate promotion procedures for women officers and provides that promotion laws be applied equally to male and female officers; abolishes statutory authority for a separate Women's Army Corps (WAC) and comparable organizational entities; retains provisions that preclude assigning women to duty on vessels or aircraft engaged in combat; requires a positive selection from the grade of O–7 to O–8 in the Navy and creates a new title of commodore admiral for the Navy O–7 grade; provides new procedures for application of "constructive service credit", used to determine initial entry grade, seniority and promotion eligibility, to officers with advanced education beyond the baccalaureate level when the advanced training is a prerequisite for appointment as a commissioned officer; makes special provisions for determining the constructive credit for health professions; provides for uniform exclusions from the limitations of the grade tables for all services for Selective Service officers, physicians and dentists, warrant officers, retired officers recalled to active duty for 180 days or less, general and flag officers, reserve officers on active duty and selected reserves on active duty; provides for the payment of separation pay equal to ten percent of annual basic pay times years of service up to a maximum of $30,000 for commissioned officers involuntarily separated before qualifying for retirement. S. 1918—Public Law 96– , approved 1980. (448)

Defense production extensions: Extends for 60 days, until March 28, 1980, the Defense Production Authorization Act of 1950 which expires on January 28, 1980, in order to give Congress sufficient time to complete action on S. 932, the authorization for fiscal 1980 and 1981. H.J. Res. 478—Public Law 96–188, approved January 28, 1980. Note: (Provisions extending the Defense Production Act through fiscal 1981 are contained in S. 932, the Synfuels—Energy Conservation and Development Act, which became Public Law 96–294.) (VV)

Extends for 60 days, until May 27, 1980, the Defense Production Authorization Act of 1950 which expires on March 28, 1980, in order to give Congress sufficient time to complete action on S. 932, the authorization for fiscal 1980 and 1981. H.J. Res. 520—Public Law 96–225, approved April 3, 1980. (VV)

Extends for three months, until August 27, 1980, the Defense Production Authorization Act of 1950 which expires on May 27, 1980, in order to give Congress sufficient time to complete action on S. 932, the authorization for fiscal 1980 and 1981. S.J. Res. 175—Public Law 96–250, approved May 26, 1980. (VV)

Intelligence activities authorization—Intelligence oversight: Authorizes such amounts as specified in a classified report for fiscal 1981 for intelligence activities of the United States Government, including specific amounts for the Central Intelligence Agency (CIA), DOD, Defense Intelligence Agency, National Security Agency (NSA), military services, Departments of State, Treasury, and Energy, Federal Bureau of Investigation, and the Drug Enforcement Administration; authorizes an additional amount of $11.4 million for the FBI to counter terrorism in the U.S.; authorizes $17.8 million for the Intelligence Community Staff which provides support and assistance to the Director of Central Intelligence in fulfilling his responsibilities for management and direction of the intelligence community; set at 245 the end strength of full-time employees for the intelligence community staff and provides that any employee detailed to the staff from another entity shall be on a reimbursable basis except for those temporarily detailed on a non-reimbursable basis for a period of not less than one year as required by the Director of Intelligence; authorizes $55.3 million for the CIA Retirement and Disability Fund; authorizes the use of funds appropriated to the Department of Defense (DOD) to pay expenses of arrangements with foreign countries for cryptologic support; provides certain NSA administrative authorities including the authority for the director to rent or lease facilities overseas for special cryptologic activities and for housing personnel; authorizes the GSA Administrator to provide police protection for certain NSA installations in the same manner as Federal Protective Service police protect Federal buildings under GSA control; authorizes payment of a death gratuity to survivors of CIA and NSA employees who die as a result of injuries sustained outside the U.S. when the death was a direct result of a hostile or terrorist act or occurred in connection with an intelligence activity having a substantial element of risk, and to survivors of DOD officers or employees or members of the

Armed Forces serving undercover in an intelligence component of DOD or in clandestine activities involving an element of risk; authorizes the Director of Central Intelligence to accept gifts, bequests, and property on behalf of the agency whenever he determines it to be in the U.S. interest; authorizes the Director to grant monetary or other relief to current or former CIA employees whenever he determines that the individual's career had suffered due to unjustified personnel or administrative action and limits this authority to those cases resulting from allegations of the individual's loyalty to the United States; authorizes a new degree of Master of Science in Strategic Intelligence (MSSI) by the Defense Intelligence School;

Requires the Director of Central Intelligence and the heads of all departments, agencies, and other entities involved in intelligence activities to inform the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (instead of the eight committees presently responsible for oversight) of all current U.S. intelligence activities including any significant anticipated intelligence activities; specifies that such notification shall not be construed as to require the approval of the intelligence committees prior to the initiation of an intelligence activity; allows the President to limit notice to the chairman and ranking minority members of the Select Committees, the speaker and minority leader of the House, and the majority and minority leaders of the Senate if he determines that this is necessary to meet extraordinary circumstances affecting vital interest; requires the various intelligence groups to furnish any information or material requested by the commitees; requires intelligence groups to report in a timely fashion to the Select Committees any illegal intelligence activity or significant intelligence failure and any corrective action that has been planned or taken; requires the President to inform the Select Committees fully of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given, and to provide a statement of the reasons for not giving prior notice; and requires the House and Senate, in consultation with the Director of Central Intelligence, to establish by rule or resolution, procedures to protect against unauthorized disclosure of classified information provided to Congress. S. 2597—Public Law 96-450, approved October 14, 1980. (*172)

Michigan, land transfer: Lance Army Missile plant. Authorizes the Secretary of the Army to convey to the Michigan Job Development Authority (a public corporation of the State of Michigan) in order that they may transfer ownership to Volkswagen of America for conversion to car manufacturing plant the lands and improvements comprising the Michigan Army Missile Plant at Sterling Heights, Michigan, in return for: (1) two new office buildings at the Detroit Arsenal in Warren, Michigan, and (2) reimbursement for all costs associated with the conveyance; requires the Authority, if the appraised value of the plant is greater than that of the two new office buildings, to pay the difference in cash for deposit in the U.S. Treasury; and requires that a report on the details of the proposed exchange agreement be submitted to the appropriate Congressional committee before the conveyance is made. H.R. 6464—Public Law 96-238, approved April 24, 1980. (VV)

Military construction authorization: Authorizes $5.530.004,000 for fiscal 1980 construction and related authority for the military departments and the Office of the Secretary of Defense, within and outside the United States; includes $879.500,000 for the Army, $989,692,000 for the Navy, $716,342,000 for the Air Force, $2,156,860,000 for military family housing, $200,000,000 for the reserve forces, and $587,610,000 for the defense agencies, including $300 million for the NATO infrastructure program and $150,000,000 for basing facilities to expand the U.S. military presence in the Mideast and the Indian Ocean area; continues emphasis on efforts to seek alternative energy sources to oil and gas including solar and coal; restates the provision contained in the fiscal 1979 Military Construction bill regarding solar energy to make clear Congressional intent that DOD consider solar systems under cost-effectiveness criteria and that DOE's life cycle cost and procedures as outlined in the Federal Register for January 23, 1980, do not apply to solar systems considered for defense projects; requires DOD to study and report on converting oil and gas-fired power plants to some alternate fuel on military installations; puts into law a standing DOD requirement that all large boilers or heating units (greater than 50 MBTU heat output) be fueled with something other than oil or gas; urges DOD to foster cooperative efforts with DOE to demonstrate new technology; and requires the removal of all chemical munitions from the Rocky Mountain Arsenal in Colorado and provides that they may be detoxified at the arsenal if the Secretary chooses. H.R. 7301—Public Law 96-418, approved October 10, 1980. (*407)

Military procurement authorization: Authorizes a total of $52,853,324,000 for fiscal 1981 for military procurement, research and development, civil defense, and educational benefits.

Procurement: Authorizes $35,769,885,000 for procurement of aircraft, missiles, naval vessels and weapons including tracked combat vehicles, torpedoes and related support equipment of which $5,304,900,000 is for the Army, $17,401,790,000 is for the Navy (including the Marine Corps) and $12,541,327,000 is for the Air Force, which represents, by weapons systems, $16,592,143,000 for aircraft, $7,087,127,000 for missiles, $8,363,200,000 for Naval vessels, $2,359,325,000 for tracked combat vehicles, $386,600,000 for torpedoes, and $599,490,000 for other weapons;

Includes $352.3 million for 88 UH-60A Army helicopters, $1.5915 billion for 60 Navy Hornet F/A-18 fighter aircraft, $701.6 million for 30 Navy F-14A fighters, $254.8 million for 12 P-3C Navy patrol aircraft, $75 million for advanced procurement for a strategic cruise missile launcher using B-1 bomber technology, $112.6 million for 6 Air Force A-7K aircraft, $845 million for 43 F-15A/B/C/D aircraft, $1.017 billion for 569 Army XM-1 tanks, $1.199 billion for the ninth nuclear powered Trident ballistic missile submarine, $1.1053 billion for two SSN-688 nuclear attack submarines, $526.6 million for the Service Life Extension Program (SLEP) for the aircraft carrier FORRESTAL, $305 million to reactivate the aircraft carrier ORISKANY, $255 million to reactivate the battleship NEW JERSEY, $1.51 billion for six FFG guided missile frigates, $285 million for eight SL-7 cargo ships for the rapid deployment force, and $1.6285 billion for two AEGIS cruisers;

Research and development: Authorizes $16,888,439,000 for research and development of which $3,248,005,000 is for the Army, $5,112,775,000 is for the Navy including the Marine Corps, $7,159,857,000 is for the Air Force, $1,325,702,000 is for defense agencies, and $42,100,000 is for test and evaluation;

Provides $1.55 billion for R&D on the M-X missile, and limits the initial phase of construction of the M-X system to 2,300 protective shelters in the initial deployment area while stating a commitment to a 200 missile system with 4600 shelters; requires the Secretary to report on the environmental and social impact of the project; and calls for a study of alternative locations for the remaining protective structures;

Limits spending on the C-X aircraft to $35 million, contingent on certification that requirements are sufficiently well defined to warrant full-scale engineering development; and prohibits expenditure of more than $15 million until 60 days after the Secretary submits to Congress a study of overall military mobility requirements;

Provides $94 million to the Defense Advance Research Projects Agency (DARPA) for basic technology work leading to space laser weapons; provides funding to accelerate a program that could lead to deployment of a blue/green strategic laser communication system in the late 1980's; provides $2.5 million for resumption of development of the Extremely Low Frequency (ELF) communication system; $98 million to accelerate the development of a new submarine ballistic missile to achieve an initial operational capability (IOC) by 1989; $300 million for full-scale development of a new strategic bomber to achieve an IOC of 1987 and to be capable of performing the mission of conventional bomber, cruise missile launch platform, and nuclear weapons delivery system; $243 million to continue development of the AV-8B Harrier V/STOL aircraft for the Navy; and $150 million to deploy the NAVSTAR program as soon as possible;

Active Forces: Authorizes an overall active duty end strength of 2,065,356 as follows: 775,300 for the Army, 537,456 for the Navy, 188,100 for the Marine Corps, and 564,500 for the Air Force; restricts the proportion of male Army recruits in any one year who are not high school graduates to 35 percent; restricts the proportion of new recruits of each service that are rated mental ability group category IV (i.e., those whose mental ability falls between the 10th and 31st percentile of the base population) to 25 percent or less of all recruits;

Reserve Forces: Authorizes an average strength of 861,700 in the Reserve Forces as follows: 371,300 for the Army National Guard, 204,500 for the Army Reserve, 87,400 for the Naval Reserve, 33,700 for the Marine Corps Reserve, 94,300 for the Air National Guard, 58,800 for the Air Force Reserve, and 11,700 for the Coast Guard Reserve; authorizes increased enlistment and reenlistment bonuses for the Individual Ready Reserve;

Civilian personnel and military training student loads: Authorizes an end strength of 986,000 for civilian personnel in DOD; authorizes an average student load of 234,724 and includes a separate authorization of 28,197 for the Army One Station Unit Training;

Attack related civil defense: Authorizes $20 million for the war-related civil defense activities of the Federal Emergency Management Act; limits Federal contributions for construction of emergency operating centers or similar facilities in any State to 50 percent of the cost; authorizes a blast slanting design and construction research program;

Compensatory and related benefits: Suspends, for one year, the current military pay raise mechanism in law and requires the President to report on recommendations for a new procedure by April 1, 1981; provides instead an 11.7 percent increase in basic pay, subsistence, and quarterly allowances effective October 1, 1980; authorizes the President to reallocate up to 25 percent of the basic pay increase by grade and years of service, as well as into allowances for quarters and subsistence, with a provision that such a reallocation cannot be used to increase basic pay above 11.7 percent for personnel with 4 years or less of service; increases certain enlistment and reenlistment bonus and benefits; bases the calculation of military retired pay on the highest average pay over three years of service; increases per diem reimbursement rates for military personnel on temporary duty travel; increases the reimbursement paid for moving a mobile home or trailer; provides a family separation allowance for junior enlisted personnel with four years or less of service; provides coverage under CHAMPUS for routine infant medical care and increases from $350 to $1,000 per month the maximum coverage for handicapped dependents of military personnel; eliminates benefits attributable to military service for individuals who fail to complete 24 months of service; and provides a once-yearly cost-of-living increase in military retired pay contingent upon a similar change in current law for Federal civilian retirees;

Educational assistance test programs: Authorizes $75 million for a one year test of certain increased and new educational assistance benefits for military personnel including loan forgiveness and government contributions to the veterans educational assistance program;

General Provisions: Requires a report from the Secretary on certain operation and maintenance activity levels; postpones the date by which the number of generals and admirals is restricted to 1,073 from September 30, 1980, to September 30, 1981;

Exempts from the Vinson-Trammell Act (which limits the allowable profit on a contract for all or part of a military ship or aircraft to 10 percent and 12 percent, respectively) contracts and subcontracts entered into before or after October 1 1976, if they are completed before October 1, 1981, and continues the application of the Act on contracts and subcontracts entered into after October 1, 1976, and not completed until after October 1, 1981, with no reporting requirement until after October 1, 1981;

Expresses the sense of Congress that NATO allies and Japan should increase their contributions to common defense to levels more commensurate with their economic resources and that the President should seek from those allies greater acceptance of international security responsibilities and greater contributions to the common defense including, where appropriate, greater contribution to host nation support; and requires the Secretary of Defense to submit a report by March 1, 1981, addressing the issues of burden-sharing, real growth in defense spending, and implementation of common defense commitments by NATO member nations and Japan; and

Express the sense of Congress that the provisions of the War Powers Resolution be strictly adhered to. H.R. 6974—Public Law 96–342, approved September 8, 1980. (*295, *384)

National Guard accountability standards: Amends title 32, U.S.C., to give the Secretaries of the Army and the Air Force the authority to regulate property accountability standards for the Army National Guard and Air National Guard, respectively; and allows the Secretaries to cancel liability for damaged property when there is good cause for such remission. H.R. 5748—Public Law 96–328, approved August 8, 1980. (VV)

ROTC scholarships: Increases from 6.500 to 12,000 the authorized number of Army Reserve Officers' Training Corps (ROTC) scholarships for individuals in four-year programs; raises from 25 years to 29 years the age limit for commissioning students with prior enlisted service for ROTC scholarships; repeals the limitation on the proportion of two-year ROTC scholarships that may be awarded; requires that ROTC scholarship recipients reimburse the Defense Department for the cost of education when such recipient voluntarily terminates involvement in the program; authorizes a quarters allowance as reimbursement for expenses incurred in obtaining quarters by military personnel on sea duty who are deprived of the quarters aboard ship; and provides additional income for the United States Soldiers and Airmen's Home by providing non-judicial forfeitures for the support of the home. H.R. 5766—Public Law 96–357, approved September 24, 1980. (VV)

Uniformed Services health professionals special pay: Restructures the special pay system for physicians in the Armed Forces and Public Health Service by replacing the current temporary program with a long term program that provides incentive pay as follows: (1) a special pay to physicians who are not in internship or initial residency training and agree to remain on active duty for at least one year of $9,000 per year to those with less than ten years of creditable service and a $10,000 payment to those with ten or more years of creditable service; (2) a variable special pay which varies from $1,200 to $10,000 per year, based on years of creditable service, for physicians called or ordered to active duty for a period of at least one year; (3) an additional special pay which varies from $2,000 to $5,000 per year based on years of creditable service, to physicians who are board certified; and (4) a special incentive pay of up to $8,000 for physicians in selected specialties who agree to remain on active duty; provides that, for the purpose of establishing the amount of special pay, creditable service for a military physician is computed by adding all periods spent in medical internship and residency status while not on active duty plus all periods of active service as a military physician; freezes all regulations in effect on April 1, 1980, governing the number of months of basic pay authorized for the various categories of military dentists; and makes permanent current law regarding special pay for dentists, optometrists, and veterinarians in the armed forces, and for dentists in the Public Health Service, S. 2460—Public Law 96–284, approved June 28. 1980. (VV)

War risk insurance: Extends, until September 30, 1984, the authority of the Secretary of Commerce under title XII of the Merchant Marine Act of 1936 to provide insurance and reinsurance against the loss or damage by war to American vessels and foreign-flag vessels owned by U.S. citizens or engaged in waterborne commerce of the United States or in such other services deemed by the Secretary to be in the interest of national defense or the national economy. S. 1452—Public Law 96–195, approved February 25, 1980. (VV).

DISTRICT OF COLUMBIA

Housing revenue bonds: Amends the District of Columbia Self-Government and Government Reorganization Act to: (1) authorize the D.C. Council to delegate to a housing finance agency (HFA) the authority to issue revenue bonds, notes, and other obligations in the area of primarily low- and moderate-income housing which the D.C. Council is directed to define, and (2) provide that the expenditure of funds derived from the sale of bonds and the payments of principal and interest on such bonds as well as the creation by the HFA of a security interest in the revenues or assets of the agency may be made without further Congressional approval. H.R. 3824—Public Law 96–235, approved April 12, 1980. (VV)

ECONOMY-FINANCE

Antirecession and targeted fiscal assistance: Extends through fiscal 1980, with an authorization for 1980 only, the antirecession assistance program for State and local governments under title II of the Public Works Employment Act of 1976, which expired on July 1, 1979, and establishes a targeted fiscal assistance program for local governments that are continuing to experience high unemployment; provides for the distribution of funds and raises the minimum quarterly allocations to $2,500 and annual allocations to $10,000 to assure that governments have sufficient funds to maintain services; provides that the antirecession assistance program will be in effect if the average rate of unemployment equals or exceeds 6.5 percent for one calendar quarter and makes $125 million available for distribution under this program plus an additional $30 million for each one-tenth of one percent which exceeds 6.5 percent; provides that the targeted fiscal assistance program will be in effect when the national unemployment rate has been less than 6.5 percent in any calendar quarter and makes $85 million per quarter available for distribution to local governments having unemployment rates of six percent or more; places a $1 billion ceiling on the total funds which may be authorized; limits eligibility under both programs to governments where per capita income does not exceed 150 percent of the national average; and makes special provisions for Alaska and Hawaii because of noncomparable per capita income levels. S. 566—Passed Senate August 3, 1979; Passed House amended January 31, 1980; House requested conference January 31, 1980. (251)

Automobile industry competition: States the sense of Congress that the American automobile and truck industry is essential to the economic stability of the country; urges the Administration, foreign governments, foreign and domestic manufacturers, and affected labor unions to take steps which substantially reduce unemployment in the industry; calls for fiscal import and regulatory policies which create a climate conducive to the industry's conversion to small car production; and calls for a comprehensive strategy to achieve and maintain technological superiority in the world automobile industry. S. Con. Res. 101—Action completed June 24, 1980. (*220)

Banking institutions—"NOW" accounts: Phases out, over six years, interest rate ceilings on deposits; authorizes the equivalent of interest-bearing checking accounts at banks, thrift institutions, and credit unions; gives the Federal Reserve Board greater control over monetary supply by requiring broader reserves; repeals State usury ceilings; and simplifies truth-in-lending requirements;

Federal Reserve requirements: Provides certain Federal Reserve requirements for all depository institutions, but retains voluntary membership in the Federal Reserve; provides a range on reserve requirements on transaction (checking type) accounts of eight to 14 percent with an initial rate of 12 percent applicable to all transaction accounts over $25 million and three percent on accounts below $25 million indexed to the change in total transaction deposits; provides that the initial rate of required reserves on all non-personal time deposits regardless of maturity is three percent with a range of 0–9 percent applicable to all depository institutions; authorizes depository institutions to use balances maintained in the Federal Reserve banks to satisfy depository institutions liquidity requirements under the Federal Home Loan Bank Act and the National Credit Union Act; phases in reserve requirements over eight years for non-member institutions and four years for member banks; provides no phase-in period for any new types of deposits or accounts authorized after the reserve requirement provisions become effective, which is applicable to NOW accounts except for those currently authorized by law; permits the Federal Reserve Board to impose reserve requirements outside the statutory limits in extraordinary circumstances for a period of 180 days; permits the Federal Reserve Board to impose a supplemental reserve on transaction accounts within a range of 0–4 percent if the Board finds that monetary policy cannot be effectively implemented with the reserve balances required under all other provisions of the legislation after an affirmative vote of five or more members of the Board; requires the Federal Reserve to pay interest on the reserves imposed by this authority at a rate up to the average rate earned on the securities portfolio of the Federal Reserve System; allows the supplemental reserve provision to be used only if the basic reserves provided for under this Act equal, in dollar amounts, the reserves that would be produced if the reserve ratios were maintained at three percent on non-personal time deposits and 12 percent on transaction accounts; gives depository institutions holding transactions accounts access under the same terms and conditions as member banks to the Federal Reserve discount window; gives open access to price services provided by the Federal Reserve Banks to all depository institutions on the same terms and conditions as member banks within 18 months; and expands the types of Federal Reserve assets that can be used to collateralize the Federal Reserve notes and removes the requirement that they be collateralized;

Interest rate ceilings: Transfers the authority to set interest rates on all types of deposits from the Federal Reserve Board, the Federal Deposit Insurance Corporation (FDIC), and the Federal Home Loan Bank Board (FHLBB) to a six-member Depository Institutions Deregulation Committee made up of the heads of those agencies plus the Secretary of the Treasury, and the Chairman of the National Credit Union Administration (NCUA), with the Comptroller of the Currency as a nonvoting member; requires the Committee to meet quarterly in public session and make its decisions by majority vote of the voting members; directs the Committee to provide for a six-year phase-out of Regulation Q just as soon as possible by increasing the permissible rates paid to depositors on all accounts to market rates, by a phased elimination of all interest ceilings on particular classes of deposits by the creation of new types of deposits, not subject to ceilings or with ceilings linked to market rates, or by any combination of those approaches; provides that the Committee will, by majority vote, increase permissible deposit rates ceilings to market rates just as soon as possible by setting a targeted increase of ¼ percent in the permissible passbook rate within 18 months after enactment; provides for additional targeted increases of ½ percent on all classes of accounts; does not bind the Committee to any target; gives the Committee authority to increase or decrease rates at any time during the six-year period; provides that the Committee's authority will expire after six years and the Committee will go out of existence; retains those provisions of the law that permit the Federal Reserve Board, the FDIC, and the FHLBB to regulate depository institutions' advertising of interest rates; allows the authority of NCUA to set interest rate ceilings for credit unions to expire six years after enactment while continuing its authority to regulate credit unions' advertising of interest rates;

Interest on checking accounts: Permits Federally-insured commercial banks, savings and loan associations, mutual savings banks, and savings banks to offer the equivalent of interest-bearing checking accounts, NOW accounts, nationwide as of December 31, 1980; makes permanent, effective March 31, 1980, the authority of: (1) commercial banks to offer automatic transfer services between savings and checking accounts, and (2) Federally-chartered savings and loan associations to operate remote service units; permits Federal Home Loan Banks to process NOW account drafts and other instruments issued by their members or those eligible for membership priced in accordance with the pricing principles applicable to Federal Reserve Banks; permits Federally- and State-chartered Federally-insured credit unions to offer share draft accounts as of March 31, 1980; permits the Central Liquidity Facility (CLF) to process share drafts and other instruments issued by CLF members, credit unions represented in the CLF by agent members, and those eligible for CLF membership priced in accordance with the pricing principles applicable to Federal Reserve banks which shall be available to all eligible institutions on a non-discriminatory basis; extends for two years the termination date of the Alaska USA Federal Credit Union;

Thrift institutions: Allows savings and loans to invest up to 20 percent of their assets in unsecured or secured consumer loans, commercial paper, and corporate debt securities; allows savings and loans to permit associations to invest in, redeem, or hold shares or certificates of open-end investment companies; removes the geographical lending restriction from the Home Owners Loan Act; removes the first lien restriction on residential real estate loans; authorizes second trust loans; expands the authority to make acquisition, development, and construction loans, and substitutes a 90 percent loan to value ratio requirement in place of the dollar limit (now $75,000) on residential real estate loans; allows Federal savings and loans to exercise trust and fiduciary powers and to offer credit card services;

Permits Federally-chartered mutual savings banks (MSB's) to hold up to 5 percent of their assets in commercial, corporate, or business loans provided such loans are made within the State in which it is located or within 75 miles of the MSB home office and to take corporate and business demand deposits; permits Federal credit unions to make loans on individual cooperative housing units; allows Federal credit unions to raise their loan rates up to an annual rate of 15 percent subject to rules issued by the National Credit Union Administration (NCUA); permits the NCUA to raise the loan ceiling above 15 percent for periods not to exceed 18 months, after consultation with appropriate Congressional committees, the Department of Treasury, and other Federal financial regulatory agencies after the Board determines money market interest rates had risen over the preceding six-month period and prevailing interest rate levels threatened the safety and soundness of individual credit unions;

Raises the limits on all Federal deposit insurance from $40,000 to $100,000 and permits the FDIC to change its assessments;

State usury laws: Permanently preempts State usury ceilings on first mortgage loans made by banks, savings and loans, credit unions, mutual savings banks, mortgage bankers, and HUD-approved lenders under the National Housing Act, subject to a State override within three years; preempts for three years State usury ceilings on business and agricultural loans above $25,000 made by any person subject to a State override; applies a ceiling of five percent above the discount rate (including any surcharge) in the Federal Reserve district where the institution is located; permanently preempts State usury ceilings on all loans made by Federally-insured depository institutions (except national banks) and small business investment companies subject to a State override at any time and applies a ceiling of one percent above the appropriate Federal Reserve discount except to transactions subject to the preemptions of usury ceilings on mortgage loans and on business and agricultural loans above $25,000; applies separate usury limits to SBA loans;

Truth-in-lending simplification: Permits an agency not to order restitution if it would have a significantly adverse impact upon the safety and soundness of the creditor and permits partial restitution in an amount which would not have such an impact; provides a detailed formula for restitution payment relating to specific types of disclosure violations; allows the Federal Reserve Board to establish tolerances for numerical disclosures if a creditor makes a minor mistake in quoting the monthly payment; removes the three-day cooling off period for open-end credit which is secured by real estate only for a three-year trial period to determine if beneficial for consumers and businesses; requires disclosure of the itemization of the amount financed upon request by the borrower; provides the Federal Board with the authority to permit a greater tolerance for the disclosure of the annual percentage rate where irregular payments are involved for a period of one year at a tolerance no greater than ½ of one percent between the disclosed rate and the actual rate;

National banks: Gives the Comptroller the authority to extend the current five-year period during which a national bank is permitted to hold real estate for an additional five years subject to the bank having made a good faith effort to dispose of the real estate within five years or a showing that disposal of the real estate within the five-year period would be detrimental to the bank; provides that a bank may expend funds for the development and improvement of such real estate, subject to such conditions and limits as the Comptroller shall prescribe, if needed to enable the bank to recover its total investment; amends 12 U.S.C. 72 to allow directors of national banks to own bank holding company stock instead of bank stock if the national bank is controlled by a holding company; allows national banks to invest in the stock of a bank, insured by the FDIC, owned exclusively by other banks (except for directors' qualifying shares required by State law) and engaged exclusively in serving other banks or their officers, directors, or employees; provides that the total amount of stock owned may not exceed ten percent of a national bank's capital account and prohibits a national bank from owning more than five percent of the voting securities of such bank; places a moratorium on the direct or indirect establishment, acquisition, and operation of a trust company across State lines until October 1, 1981, unless the trust company was acquired and in operation on or before March 5, 1980;

Regulatory simplification: Requires Federal financial institution regulatory agencies, to the maximum extent practicable, to insure that their regulations are needed; that the public and interested parties are given an opportunity to air their views; that alternatives to the regulations are considered; that costs and burdens are minimized; that regulations are written clearly and simply; and that conflicts, inconsistencies, and duplications are avoided;

Foreign control of United States financial institutions: Provides for a moratorium until July 1, 1980, on foreign acquisitions of United States depository institutions with exemptions for acquisitions of under $100 million, corporate reorganizations and transfers of ownership interests already under foreign control. H.R. 4986—Public Law 96-221, approved March 31, 1980. (385)

Council on wage and price stability: Extends the Council on Wage and Price Stability (COWPS) for one additional year and authorizes therefor $9,770,000 for fiscal 1981; requires that the Chairperson of COWPS be appointed by the President and confirmed by the Senate; requires COWPS to review proposals for reducing inflation through tax-based income policies, including incentives for compliance with wage and price guidelines through changes in the tax structure or depreciation allowances and report its findings to Congress by January 15, 1980; requires an annual, rather than the present quarterly, report to the President and the Congress which shall contain an evaluation of the inflationary impact review undertaken during the year; directs COWPS, in calculating allowable price increases, to use an annual average figure for the increase in production for nonfarm output in the private sector, as measured by the Bureau of Labor Statistics since 1973, instead of 1967 (0.5 percent rather than the current 1.75 percent) thereby increasing the allowable price increase limit of the price guidelines by 1.25 percent; establishes the Office of Productivity to evaluate the impact of government regulations on productivity, to evaluate Federal programs designed to improve productivity, and to issue an annual report to Congress recommending new Federal programs and policies to increase private-sector productivity growth; terminates the Credit Control Act of 1969 on July 30, 1982; directs COWPS, in fiscal 1981, to increase the number of positions which involve the review of proposed and existing regulations by 50 percent over the number allotted for fiscal 1980; and requires that fiscal 1981 expenditures of the Senate not exceed 90 percent of fiscal 1980 expenditures. S. 2352—Public Law 96– , approved 1980. (*169)

Disaster relief programs: Extends the authorizations for the Federal Disaster Assistance Programs of the Federal Disaster Assistance Administration through fiscal 1981; and relieves six privately-owned libraries from repayment of disaster relief funds which were erroneously granted to them by the Office of Disaster Response and Recovery for Damages caused by Hurricane Agnes in 1972. S. 3027—Passed Senate September 26, 1980; Passed House amended November 21, 1980. (VV)

Employee retirement income security (ERISA): Amends the Employment Retirement Income Security Act of 1974 by postponing for two months, from May 1, 1980, to July 1, 1980, the date on which the Pension Benefit Corporation (which administers the termination insurance program that guarantees benefits to retirees and workers in pension plans terminated with insufficient assets) may pay benefits under terminated multiemployer plans in order to give Congress additional time to complete action on legislation revising the multiemployer pension benefit guarantee program. H.R. 7140—Public Law 96-239, approved April 30, 1980. (VV)

Postpones for an additional month, from July 1, 1980, until August 1, 1980, the date on which the Pension Benefit Corporation may pay benefits under terminated multiemployer plans in order to give Congress additional time to complete action on legislation revising the multiemployer pension benefit guarantee program. H.R. 7685—Public Law 96-293, approved June 30, 1980. (VV)

Amends title IV of the Employee Retirement Income Security Act of 1974 (ERISA) and makes parallel changes in title I of ERISA and the Internal Revenue Code of 1954, as amended, to: (1) foster and facilitate interstate commerce, (2) alleviate certain problems which tend to discourage the maintenance and growth of multiemployer plans, (3) provide reasonable protection for the interests of participants and beneficiaries under financially distressed multiemployer plans, and (4) provide a financially self-sufficient program for the guarantee of benefits under multiemployer plans:

Definition of multiemployer plans: Deletes the test relating to proportionate employer contribution (the 50 percent test) and the test relating to continuity of benefits in the event of a cessation of employer contributions; provides that all trades and businesses under common control are to be considered a single employer for purposes of counting the number of employers maintaining a plan, and for other purposes; provides that a plan continues to be a multiemployer plan after its termination if its was a multiemployer plan for the plan year ending before its termination; permits certain single employer plans under present law which would otherwise be multiemployer plans under the bill to elect to continue as single employer plans;

Employer withdrawal liability, mergers, reorganization, financial assistance, etc.: Makes an employer who totally or partially withdraws from a multiemployer pension plan after April 28, 1980, liable for a portion of the plan's unfunded vested benefits determined as of the year preceding the year of withdrawal; provides a special definition of withdrawal for certain industries; provides a basic method for computing withdrawal liability as well as several alternative methods; provides a total exemption for any employers with a liability of up to $50,000, and a phased, partial exemption for an employer with a liability between $50,000 and $100,000; requires that a merger involving a multiemployer plan meet certain standards designed to protect participants' benefits and the Pension Benefit Guarantee Corporation (PBGC); provides that certain financially troubled multiemployer pension plans enter a state of "reorganization" under which contributions generally must be increased and recent benefit increases may be reduced by plan trustees; requires the PBGC to provide financial assistance to insolvent multiemployer plans to enable the plans to pay basic benefits; includes provisions for appropriate legal remedies, equitable relief, or both;

Termination of multiemployer plans: Provides new rules for determining whether, and when, a multiemployer plan terminates; authorizes the PBGC to prescribe reporting requirements and rules for the administration of terminated multiemployer plans to protect the interests of plan participants or to protect the PBGC against unreasonable losses;

Premiums: Provides that the annual per participant premium for the termination insurance program is to increase from the present $.50 rate to $2.60 over a nine-year period or more rapidly if certain conditions are met;

Multiemployer guarantees: Fully guarantees the first $5, and 75 percent of the next $15, of monthly basic benefits earned per year of a participant's service; reduces the 75 percent guarantee to 65 percent under plans which have not met specified funding requirements; provides payments under the guarantees only in the event of the insolvency of a multiemployer plan; provides for periodic Congressional review of premium and guarantee levels; requires the PBGC to guarantee non-basic benefits subject to terms and conditions if the plan elects such coverage; limits the aggregate benefit provided by the PBGC with respect to any participant to the same level provided by present law; adds requirements to the annual report for enforcement purposes;

Contingent employer liability insurance: Repeals the contingent employer liability insurance provisions of ERISA for multiemployer plans and single-employer plans;

Miscellaneous multiemployer plan provisions: Requires the PBGC to study the subject of union-mandated withdrawals from multiemployer plans to determine whether special rules are necessary and to make recommendations with respect to such rules; requires the Department of Labor to study the feasibility and desirability of requiring employers and unions to bargain over both benefits and contributions and to provide Congress with recommendations within three years; requires GAO to conduct a study and report to Congress no later than June 30, 1985, on the effects of the bill on participants, employers, and unions and the self-sufficiency of the PBGC insurance fund; requires faster funding of certain benefits under multiemployer plans; provides multiemployer plans a Federal right of action and remedies in collection of delinquent contributions; removes certain restrictions on return of contributions made to a multiemployer plan by mistake.

Miscellaneous ERISA provisions: Authorizes the Secretary of Labor to treat certain severance pay plans and supplemental income plans as welfare plans rather than as pension plans under ERISA; places the PBGC "on budget"; permits plans maintained by churches to provide benefits for employees of church-related organizations;

General provisions: Amends the Federal Unemployment Act to require the reduction of unemployment benefits for an unemployed pensioner only if the pension comes from an employer in the base period, and to allow the States to take into account the pensioner's own contribution to the unemployment fund in determining the unemployment benefits offset; and provides for the offset for social security and railroad retirement benefits even when the employer is not in the base period. H.R. 3904—Public Law 96-364, approved September 26, 1980. (*327)

Federal Reserve Board nominees: Expresses the sense of the Senate that nominations to the Board of Governors of the Federal Reserve System should reflect careful consideration of the requirements for regional and economic interest representation contained in the Federal Reserve Act. S. Res. 434—Senate agreed to May 15, 1980. (VV)

Public debt limit extensions: Extends the present temporary public debt limit of $479 billion for five days, from May 31, 1980, through June 5, 1980, so that the statutory limit will not revert to the permanent $400 billion level at midnight on May 31, 1980. H.R. 7471—Public Law 96-256, approved May 30, 1980. (*159)

Extends the public limit through February 28, 1981, at an increased amount of $525 billion, which combined with the $400 billion permanent level, makes a total public debt level of $925 billion. H.J. Res. 569—Public Law 96-286, approved June 28, 1980. (*257)

Public debt limit extension—oil import fee disapproval: Extends from June 5, 1980, through June 30, 1980, the present temporary public debt limit of $479 billion which, combined with the $400 billion permanent level, makes a total public debt level of $879 billion; and disapproves the oil import fee proposed by the President on April 2, 1980, that would result in a ten-cent-per-gallon tax on gasoline. H.R. 7428—Vetoed June 5, 1980; House overrode veto June 5, 1980; Senate overrode veto June 6, 1980; became Public Law 96-264, without approval June 6, 1980. (*174, *175)

Public debt limit management: Authorizes the Secretary of the Treasury to increase the interest rate on U.S. Savings Bonds above the current statutory 5½ percent if the increase does not exceed one percent a year compounded semiannually; and increases the authority of the Treasury Department to issue an additional $4 billion in long-term bonds through September 30, 1980, making a total of $54 billion available for fiscal 1980, and increases this amount to $70 billion beginning on October 1, 1980. H.R. 7478—Public Law 96-377, approved October 3, 1980. (VV)

Public works—EDA: Extends, through fiscal 1982, all existing programs of the Economic Development Administration (EDA), including the activities of the eight title V Regional Commissions and the Appalachian Regional Commission at the current law level of $1.07 million. S. 3152—Public Law 96– , approved 1980. (VV)

Securities investor protection: Amends the Securities Investor Protection Act to increase the amount of protection available to customers of brokers and dealers—from $100,000 to $500,000 for securities and from $40,000 to $100,000 for cash investments; and makes the provisions of the Right to Financial Privacy Act of 1978 apply to the Securities and Exchange Commission. H.R. 7939—Public Law 96-433, approved October 10, 1980. (VV)

Small Business Administration authorization:

Authorizes $1.187 billion for fiscal 1981 and $1.375 billion for 1982 for the Small Business Administration and such funds as necessary to carry out programs for which appropriations are not specifically authorized; provides program authorizations for SBA's loan and other financial and guaranteed assistance programs, for capital appropriations for the various revolving funds, and for salaries and expenses;

Provides a five percent rate of interest on disaster loans to concerns that cannot obtain credit elsewhere; sets the interest rate for business concerns that can obtain credit elsewhere at the cost of money to the Federal Government plus not more than one percent; amends the Consolidated Farm and Rural Development Act to provide the same terms for emergency loans under that act; provides that farmers must seek assistance from FmHA before applying to SBA; provides SBA with borrowing authority for its disaster assistance loans, subject to prior appropriations;

Disallows SBA authority to invest excess monies from the surety-bond guarantee fund in bonds or guarantees, but allows investment of excess monies in the pollution control bond fund; authorizes SBA to guarantee debentures of certain State and local development companies on loans of up to $500,000 per small business; authorizes the transfer of loan processing functions to qualified banks; authorizes organizations and individuals eligible for handicapped assistance loans to participate in the procurement set-aside program up to a total of $100 million each for fiscal 1981 through 1983; provides priorities for the placement of government procurement contracts in labor surplus areas;

Small Business Development Centers Act of 1980: Authorizes SBA to make grants to States to defray 50 percent of the cost of developing and operating a small business development center program to assist small businesses in such areas as management, marketing, product development, manufacturing, technology development, finance and government regulations; provides that no more than 50 percent of non-Federal contributions can be in-kind contributions; requires that the program be administered by a Deputy Associate Administrator with this sole responsibility; establishes a National Small Business Development Center Board with six members from small businesses and three from the academic community to advise SBA: provides that each center shall have a full time staff director and access to certain specialists to be provided by qualified small business vendors; requires that the program evaluation be submitted to Congress by January 31, 1983; and provides for repeal of the program on October 1, 1984:

Small Business Economic Policy Act of 1980: Establishes a national small business economic policy to assist the development and expansion of small- and medium-sized businesses and requires certain means of addressing and implementing the policy; requires the President to submit to Congress an annual report on small business and competition; and commits the Federal Government to provide private sector incentives to capital formation;

Small Business Economic Research and Analyses: Requires SBA to establish a data base of economic information pertaining to small business, and to regularly publish indices of that data; establishes the Office of the Chief Counsel for Advocacy at Executive Level IV; and requires a study of small business credit needs;

Small Business Employee Ownership Act of 1980: Authorizes SBA to make loan guarantees of up to $500,000 available under the regular business and loan guarantee program to employee organizations seeking to buy their companies and to firms or employee organizations using Employee Stock Ownership Plans who meet specified qualifications for such loans. S. 2698—Public Law 96-302, approved July 2, 1980. (*158)

Small Business Administration Financing: Raises the current $500,000 statutory ceiling on SBA-guaranteed loans to $750,000; increases from $115,000 to $300,000 the program level for SBA's development company program in order to accommodate the new "503" program (which permits SBA to guarantee debentures issued by qualified and SBA-certified development companies) enacted under Public Law 96-302; and increases from $110,000 to $250,000 the program level for the SBA pollution control bond program. H.R. 6626—Passed House July 28, 1980; Passed Senate amended December 2, 1980. (VV)

Small Business Administration Minority Business Expansion—Export Expansion—Equal Access to Justice: Amends the Small Business Act to extend for an additional year the SBA minority business Army procurement pilot program and a pilot program authorizing SBA to waive surety bonds on certain Capital Ownership Development program contractors; clarifies the authority of the Associate Administrator over the two pilot programs; prohibits SBA from implementing any change in the current regulations governing size standards for determining which concerns are small business before March 31, 1981;

Contains identical provisions of S. 2620, the Small Business Export Expansion Act, as it passed the Senate on September 3, 1980; and

Permits a court to award attorney fees and other expenses to prevailing parties in civil litigation involving the U.S. to the same extent it may award fees in cases involving private parties; provides that parties which prevail in administrative adjudications or civil actions brought by or against the U.S. will be entitled to attorney fees and related costs unless the government action is shown to be "substantially justified"; sets a $75 per hour maximum for attorney fees; includes as parties eligible to recover fees under these new sections, individuals whose net worth is less than $1 million and sole owners of unincorporated businesses, partnerships, corporations, associations or organizations whose net worth is less than $5 million; and allows agriculture cooperatives to qualify for reimbursement without regard to net worth. H.R. 5612—Public Law 96-481, approved October 21, 1980. (VV)

Small Business Investment Incentive—SEC Authorization: Amends the Federal securities laws to facilitate the activities of business development companies, encourage the mobilization of capital for new, small- and medium-sized and independent business, and maintain the system of investor protection; amends the Investment Company Act of 1940 to recognize the unique "business development company" functions of venture capital investment companies, by placing them under a different, more relaxed set of regulations; exempts business development companies, with certain exceptions, from SEC registration; allows advisers presently registered under this act to earn incentive compensation; increases to $5 million the amount of debt capital that could be raised without a trust indenture; increases to $10 million the amount of debt which could be raised without meeting the detailed qualifications of the Trust Indenture Act of 1939; increases from $2 million to $5 million the regulation A simplified offering procedure exemption ceiling for small equity issues; extends the Securities and Exchange Commission for three years, until fiscal 1983, and authorizes therefor $85.5 million for fiscal 1981, $96.64 million for 1982, and $106.61 million for 1983; requires Federal and State securities authorities to meet at least annually with the investment community and small business representatives to resolve small business capital formation problems; exempts stock issues of less than $5 million from registration if sold to institutional and "accredited" investors—those individuals who are willing to invest a substantial amount; and simplifies the regulatory treatment of life insurance accounts relating to pension plans. H.R. 7554—Public Law 96-477, approved October 21, 1980. (VV)

Unemployment compensation: Provides, for the six-month period ending March 31, 1981, up to ten additional weeks in Federal supplemental unemployment compensation benefits for individuals who have exhausted their unemployment benefits, which when added to the 26 weeks of State benefits and the 13 weeks of Federal-State benefits, makes a combined total of 49 weeks of benefits; modifies, effective April 1, 1981, the trigger which currently activates the program when the national average unemployment reaches an insured rate of 4.5 percent to give the States having an insured unemployment rate under the 4.5 percent average but not less than 3.5 percent the option of activating the program within their State; adds a requirement, effective December 31, 1980, that a person must have been employed for at least 20 weeks in any base period to be eligible for unemployment benefits in excess of 26 weeks; requires, as a condition of eligibility, that recipients of supplemental benefits accept an offer of employment which pays the Federal minimum wage or the equivalent of unemployment insurance and other benefits; disallows supplemental benefit payments to individuals who were disqualified under the regular State program because they voluntarily quit their last job, were discharged with cause, or refused to accept employment under governing State laws; and modifies the cap on the Federal penalty tax assessed employers in States with outstanding loans from the Federal unemployment trust fund if the State meets certain solvency requirements. H.R. 8146—Passed House September 30, 1980; Passed Senate amended October 1, 1980; In conference. (VV)

EDUCATION

Arts in Education: States Congressional disapproval of the final regulations by the Commissioner of Education submitted to the Congress on April 3, 1980, pertaining to the arts in education program authorized under the Elementary and Secondary Education Act of 1965, on the grounds that they are inconsistent with the Act and returns the regulations to the Commissioner for modification or disposal, as provided for under the General Provisions Act. H. Con. Res. 319—Action completed May 15, 1980. (VV)

Educational program regulations: Disapproves the final regulations submitted to the Congress in 1980 pertaining to grants to State educational agencies for educational improvement resources, and support authorized under title IV of the Elementary and Secondary Education Act of 1965, on the grounds that the regulation allowing for the purchase of physical education equipment (which the Congress considers nonacademic and therefore not eligible for funding) is inconsistent with the Act and in clear violation of Congressional intent; and returns the regulations to the Commissioner for modification or disposal, as provided for under the General Education Provisions Act. S. Con. Res. 91—Action completed May 21, 1980. (VV)

Disapproves the final regulations submitted to the Congress on April 3, 1980, pertaining to the Education Appeal Board authorized under the General Education Provisions Act, on the grounds that authority to grant the provision giving the Education Appeal Board Chairperson the extension of the 30-day limit in the statute for submission of an application for Board review of an audit determination is inconsistent with the Act and in clear violation of Congressional intent and returns the regulations to the Commissioner of Education for modification or disposal, as provided for under the General Education Provisions Act. H. Con. Res. 318—Action completed May 15, 1980. (VV)

Disapproves the final regulations submitted to the Congress on April 24, 1980, with respect to the law-related education program authorized under the Elementary and Secondary Education Act of 1965, on the grounds that certain of the program's provisions (1) create a complex schedule of matching requirements for different categories of grants; (2) limit the length of time an individual grantee can continue to receive funds, and (3) create four categories of grants; and returns the regulations to the Commissioner for modification or disposal, as provided for under the General Education Provisions Act. H. Con. Res. 332—Action completed May 20, 1980. (VV)

Higher Education Programs: Authorizes $49.7 billion to extend, for five years, through fiscal 1985 the provisions of the Higher Education Act (HEA), the authorizations for the Fund for the Improvement of Postsecondary Education and Title VI of the National Defense Education Act which are brought within the ambit of the Higher Education Act, and the authorization of the National Institute of Education;

Establishes a Commission on National Development in Postsecondary Education to review the effectiveness of Federal policies in the area of higher education, authorizes under educational outreach programs grants to States for planning and for continuing education with special focus of services on outreach to adults who have not been adequately served by postsecondary education; guarantees a minimum grant to each State of $187,500;

Extends existing college library and research programs, which includes grants of up to $10,000 for college libraries, to assist in training librarians, and to strengthen research library resources; authorizes a study of the advisability of a national periodical system;

Provides short-term Federal assistance to institutions to improve their academic quality and strengthen their fiscal stability and to institutions with special needs; places emphasis on strengthening institutions which enroll large numbers of disadvantaged students, lack resources, and are taking steps to improve their chance of survival; establishes a challenge grant program for institutions to seek alternative sources of funding for their development needs; provides that institutions that historically have enrolled a large number of blacks shall receive not less than 50 percent of their 1979 amount; specifies that from 24 to 30 percent of funding be awarded to community and junior colleges;

Student Assistance: Increases the maximum Basic Educational Opportunity Grant, which is renamed a Pell Grant, from $1,800 to $1,900 for academic year 1981–82 phased up to $2,600 for 1985–86 to cover 50 percent of educational costs which rises to 70 percent of costs in 1985–86; increases the maximum Guaranteed Student Loan from $2,500 to $3,000 for independent students with an aggregate limit of $15,000 for independent students, $12,500 for dependent undergraduates, and $25,000 for graduate students: increases the rate of interest from seven to nine percent for new borrowers with no interest charged while the student is in school; allows this interest rate to drop to eight percent if the interest on Treasury bills fall to nine percent of loan; establishes a parent undergraduate loan program that allows parents to borrow up to $3,000 per dependent student at nine percent with repayment to begin within 60 days of borrowing; provides for loan consolidation and extended income-sensitive repayment through the Student Loan Marketing Association (Sallie Mae); increases the maximum Supplement Educational Opportunity Grant from $1,500 to $2,000 and authorizes $400 million per year through 1985 and such sums as necessary for continuing year authorizations; increases the maximum State Student Incentive Grant to $2,000; extends eligibility to graduates and less-than-half-time students; authorizes $100 million each in fiscal 1981 and 1982, rising $50 million per year, thereafter; increases the maximum aggregate National Direct Student Loan which can be borrowed from $10,000 to $12,000 for graduate or professional students, from $5,000 to $6,000 for those who have completed the first two years of undergraduate study, and from $2,500 to $3,000 for all other students; sets the Federal contribution to institutional loan funds at $400 million for fiscal 1981 and 1982, rising to $625 million for fiscal 1985; raises the interest from three to four percent for new loans and creates an alternative mechanism for financing whereby the Secretary can provide loan capital through borrowing from the Federal Finance Bank and requires that when the Secretary borrows enough to provide $1 billion in loans on campus, the institutional revolving fund for that year will revert to the treasury; requires a single application for all aid programs, a single needs analysis system, and more equitable standards for determining need and costs;

Rewrites and reforms existing Federal international education programs; authorizes the Secretary to make grants to or enter into contracts with institutions of higher education to establish foreign language centers and programs which focus on the teaching of modern foreign languages and the cultures where the language is spoken, to make grants to carry out certain research projects, and to improve undergraduate instruction in foreign languages; authorizes grants or contracts with institutions of higher education to develop international business education and training programs; authorizes the establishment of a national advisory board on these programs; authorizes contracts or grants to public or private institutions to develop programs to increase the understanding of students and the public about foreign cultures:

Reorders the existing Construction, Reconstruction, and Renovation of Academic Facilities Title to focus Federal assistance on energy conservation, meeting Federal requirements relating to the handicapped and to health and safety mandates, development of research and library facilities, asbestos detection and removal, and on institutions experiencing unusual increases in enrollment; increases the interest rate for academic facilities loans from three to four percent;

Retargets and extends Federal cooperative education programs; increases the maximum grant for planning, establishing, expanding, or carrying out programs of cooperative education from $175,000 to $325,000 per institution or from $120,000 to $250,000 for each member of a consortium; sets at five years the maximum length of time that any one institution can participate in the program; specifies the amount of grant funds that may be used for administrative costs; and makes such grants available for training, research, and demonstration projects;

Consolidates several existing authorities providing graduate fellowship assistance and extends for five years existing graduate programs for grants of up to $4,500 per year for three years to graduate and professional students based on financial need with special emphasis on individuals pursuing a public service career or advanced study in energy resources, energy conservation or development and who are from disadvantaged backgrounds; establishes a new National Graduate Fellows Program for 450 competitive fellowships per year to be awarded to eligible students for graduate studies in the arts, humanities, and social sciences; continues grants assistance for Training in the Legal Professions to assist disadvantaged students pursuing training in the legal profession; authorizes funds for the Law School Clinical Assistance program;

Moves the Fund for the Improvement of Postsecondary Education into the HEA and gives its board statutory authority;

Authorizes a new program of grants to urban universities to assist in solving urban area problems;

Extends several existing sections of the Higher Education Act, while at the same time refocusing the Federal planning requirement on the planning process itself and not on the planning structure;

Extends and reauthorizes programs of the National Institute of Education;

Authorizes matching funds to establish the Robert A. Taft Institute of Government in New York City;

Authorizes several changes in the General Education Provisions Act to increase from one year to two years the period of automatic extension of the authorization or duration of expiring programs for programs that are forward funded; authorizes Congress to reject, in whole or part, final regulations submitted by the Department of Education; extends through fiscal 1981 the Pre-College Science Teacher Training Program and the Minority Institution Science Program; authorizes memorials to Daniel "Chappie" James and William Levi Dawson; mandates the creation of an information clearinghouse for the handicapped within the Department of Education; provides for a study of the educational needs of Hawaiian natives and assistance for the Navajo Community College; amends the impact aid law to provide a special authorization for the educational costs of Cuban, Haitian, and Indo-Chinese refugee children; and gives land grant status to colleges in American Samoa and Micronesia. H.R. 5192—Public Law 96–374, approved October 3, 1980. (*246, *390, *447).

ENERGY

Alaska Federal-Civilian Energy Efficiency: Authorizes the sale of surplus Federally-generated coal-fired electric power in the State of Alaska if the sale would result in reduced electric power costs and consumption of oil or natural gas; and authorizes Federal purchase of civilian generated power provided it would result in a savings to either civilian or Federal consumers and not increase the cost to the other. S. 1784—Passed Senate September 25, 1980. (VV)

Alaska Natural Gas Transportation System: Expresses the sense of the Congress that the Alaska Natural Gas Transportation System remains an essential part of securing this Nation's energy future, and, as such, enjoys the highest level of Congressional support for its expeditious construction and completition by the end of 1985. S. Con. Res. 104—Action completed July 1, 1980. (VV)

Coal Conversion: Requires 80 electric generating power plants to convert from their present use of petroleum to coal or another alternate energy source and authorizes $3.6 billion for direct financial assistance for conversion; requires the Secretary to grant an exemption upon finding that a utility has demonstrated that it is not feasible to finance the conversion or if the powerplant does not have, or has not had, the technical ability to use coal or an alternate fuel, or that it could not have such capability without substantial physical modification or substantial reduction in the related capacity of the powerplant; entitles each utility with a powerplant which is required to convert to a grant covering 25 percent of the qualified capital costs of converting; requires a utility to show financial need to qualify; authorizes the Secretary to provide up to an additional 25 percent in grants, an additional 50 percent in loans, or a combination thereof, thus allowing financial assistance of up to 75 percent of the cost of converting a powerplant; entitles powerplants that have already converted to the basic 25 percent grant assistance; allows the Secretary to exclude as an alternative fuel coal tar having a significant commercial value as other than a powerplant fuel;

Voluntary Scrubber Program: Provides grants for a voluntary program for installation of advanced sulfur removal systems for nonconverting existing electric powerplants to reduce emissions and authorizes $450 million therefor in fiscal 1981, to remain available until expended;

Coal Washing Program: Provides grants to pay up to 20 percent of qualifying costs to construct a coal preparation facility capable of reducing the sulfur content of coal; allows allocation of up to 25 percent of appropriated funds within a single State; authorizes $150 million therefor in fiscal 1982 to remain available until expended;

Off-Gas Provision: Amends the prohibition of present law against continued use of natural gas as a primary energy source in electric powerplants after January 1, 1990, to allow the use of natural gas for the duration of a powerplant's book service life; allows electric powerplants which are required to convert from petroleum to use natural gas in conjunction with coal in such quantities as necessary to meet applicable environmental requirements; revokes the prohibition order or proposed prohibition order for certain listed powerplants; retains the Secretary's existing discretionary authority to issue new prohibition orders to powerplants or major fuel-burning installations; exempts from any 1990 cut-off synthetic gas derived from tar sands; requires each utility planning to burn natural gas after 1990 to report to the Secretary concerning construction of new coal-fired generating capacity:

Cogeneration: Amends present law to encourage additional cogeneration of electricity by non-utility cogenerators by removing the 50 percent limitation on sales of cogenerated power sold or exchanged for resale by qualifying cogenerators; and makes the cogeneration exemption mandatory rather than discretionary. S. 2470—Passed Senate June 24, 1980. (*251)

Deep Seabed Mining: Establishes an interim program, pending ratification of a Law of the Sea Treaty, to encourage and regulate the exploration for and commercial recovery of hard mineral resources of the deep seabed by U.S. citizens in an environmentally-responsible manner; requires the Secretary to report annually to Congress on the progress of the Law of the Sea Treaty and seeks to encourage the successful negotiation of the Treaty which will give legal definition to the principle that the hard mineral resources of the deep seabed are the common heritage of mankind and which will assure nondiscriminatory access to such resources for all nations; requires U.S. nationals to obtain a license or permit, except for specified activities, from the Administrator of the National Oceanographic and Atmospheric Administration before they engage in exploration for or commercial recovery of manganese nodules from the deep seabed; prohibits the Administrator from issuing any exploration license before July 1, 1981, or any permit which authorizes commercial recovery to commence before January 1, 1988; establishes specific guidelines for the issuance of licenses and permits including terms, conditions, and restrictions as set forth by the Administrator; seeks to stabilize the presently uncertain investment climate in the ocean mining industry caused by indication of U.S. willingness to change the present international law which permits unrestricted seabed mineral development; urges the U.S. negotiators of the treaty to obtain economically sound "grandfather rights" for miners who conduct activities under the authority of this act; authorizes the President to designate any foreign nation as a reciprocating state for the purpose of recognizing the licenses and permits issued by those countries; imposes, effective January 1, 1980, an excise tax of 3.75 percent of the value of resources removed from the deep seabed to be held in escrow and be available for appropriation by Congress for U.S. contribution to a future international revenue sharing fund created by any future international agreement ratified by the U.S.; makes the holder of a permit issued under the act liable for the payment of the tax; requires that all vessels used for mining or processing, and at least one out of the two-to-four vessels used for transporting minerals from each mining site, be a U.S. flag vessel; and establishes in the U.S. Treasury a "Deep Seabed Fund" from which expenditures can later be made to meet U.S. financial obligations pursuant to an international deep seabed treaty. H.R. 2759—Public Law 96-283, approved June 28, 1980. (VV)

Department of Energy Authorization—Civilian: Authorizes $9,565,058,000 for fiscal 1981 for the civilian programs of the Department of Energy, and $400 million each year for 1982 through 1985 for energy impact assistance; establishes appropriations accounts for operating expenses and plant and capital equipment, including construction projects and acquisition of capital equipment not related to construction, for DOE civilian programs at the fiscal 1980 level using those accounts delineated in title I of the fiscal 1980 Energy and Water Development Appropriations Act (Public Law 96-69) and in title II of the fiscal 1980 Department of Interior and Related Agencies Appropriations Act (Public Law 96-126), plus an additional ten percent for each such account; limits appropriations for construction or acquisition of away-from-reactor (AFR) nuclear waste storage facilities, except for research, until authorizing legislation is enacted establishing public policy regarding title transfer, user fees and other operating procedures, and providing that actions preliminary to construction or acquisition may proceed; continues authorizations for construction projects authorized in prior years and establishes a ceiling on the total appropriation for each project; authorizes additional amounts for major new program initiatives and construction projects in fiscal 1981 and establishes total cost limits for each project; terminates, effective October 1, 1981, 1,000 DOE positions currently allocated to carry out programs established under the Emergency Petroleum Allocation Act of 1973, and prohibits funds to carry out programs established under the Act after September 30, 1981, except to complete matters and claims previously initiated; approves the revised budget request for the Naval Petroleum Reserve Development Program and the Commercial Nuclear Waste Remedial Action Programs; authorizes the reappropriation of operating expenses for the Geothermal Resources Development Fund ($41,982,000) and for the Strategic Petroleum Reserve ($2,403,978,000); authorizes the use of up to $12 million available for fossil energy operating expenses to continue design work on the coal gasification project which is not yet selected for construction; authorizes funds for fiscal 1982 and beyond for each account at the actual appropriation which was made in the prior year plus ten percent; amends the Powerplants and Industrial Fuel Use Act of 1978 to authorize broader financial and technical assistance to States, regions, and local governments to prevent and mitigate potentially adverse economic, social, and environmental impacts resulting from major energy development; authorizes for 1982 through 1985, $400 million each year for loan guarantees, loans, and grants, with not more than 40 percent available for grants; and authorizes not to exceed $1.5 billion in loans to be guaranteed, subject to subsequent appropriations. S. 2332—Passed Senate July 31, 1980. (*337)

Department of Energy Authorization—Military: Authorizes $3,973,225,000 for fiscal 1981 to the Secretary of Energy for operating expenses and capital equipment and construction costs related to the national defense programs of the Department of Energy (DOE) of which $2,203,923,000 is for the nuclear weapons program, $36,391,000 for the verification and control program, $704,500,000 for the materials production program, $361,932,000 for the defense waste management program, $218,425,000 for the inertial confinement fusion program, $398,350,000 for the naval reactors development program, and $46,704,000 for the nuclear materials security and safeguards program; prohibits the reprogramming of funds in excess of 105 percent of an authorization or $10 million, whichever is less, unless 30 days of session after notification of the appropriate Congressional committees lapse without committee objection to the project; authorizes the Secretary to carry out any construction project under the general projects provisions if the total estimated cost does not exceed $1 million; requires line item authorization for construction projects costing more than $1 million; precludes the start of, or obligation of additional funds for, any national security programs project costing more than $5 million if the current estimated cost exceeds by more than 25 percent the amount authorized for the project, or the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, unless the Secretary notifies the appropriate committees in writing of the reasons and gives the committees 30 days to disapprove; authorizes the transfer of funds to other government agencies for work for which such sums were appropriated; authorizes $2 million for the Secretary, using funds for plant engineering and design, to carry out advanced planning and construction design and to obtain architectural and engineering services in connection with construction projects not authorized by law, and requires that the Secretary notify the appropriate Congressional committees 30 days in advance of any obligation of funds for any single project whose cost of planning and design exceeds $300,000; authorizes the Secretary to perform such planning and design, utilizing available funds, for any DOE defense activity construction project which he considers urgent for the needs of national defense or to protect property or human life; authorizes increases to accommodate Federal pay raises; instructs the Secretary to produce and stockpile the nuclear materials and warhead components necessary to enable the rapid conversion of the W70-3 Lance warhead and W79-1 eight-inch artillery projectile to an enhanced radiation capability; prohibits funding for licensing of any defense activity or facility of DOE by the NRC, or for payments of penalties and fines for forfeitures or settlements resulting from a failure to comply with the Clean Air Act with respect to any defense activity of DOE: and authorizes the development of a cooperative plan to provide assistance in establishing and managing uranium mill tailings that have resulted from contracts with the U.S. government to produce uranium for defense purposes which shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs of stabilizing and managing such tailings at the active sites where they are now commingled with other tailings not related to Federal contracts. S. 3074—Public Law 96– , approved 1980. (VV)

Energy efficient cooling: States the sense of the Senate that the President should take appropriate actions to coordinate Federal departments and agencies in establishing programs to encourage the use of energy efficient alternatives for cooling, including tax incentives, Federal procurement policies, research, development, and demonstration programs, and programs to make such information and the structure of these Federal programs available to States. S. Res. 460—Senate agreed to October 1, 1980. (VV)

Energy Management: Provides for the consolidation of State applications for financial assistance for existing DOE programs authorized under Part D of title III of the Energy Policy and Conservation Act (including amendments to this part contained in the Energy Conservation and Production Act) and the Energy Extension Service Act; mandates the development of State energy plans, within nine months after the Secretary has promulgated regulations, which must contain a description of the State's energy supply and demand, goals, and proposed measures to encourage conservation and the use of renewable sources of energy; requires the State to hold public hearings during the planning process and take account of the needs of the poor, handicapped, and elderly citizens in developing the plan; provides that the Secretary allocate funds for such programs to qualifying States under a formula with a 75 percent weight for resident population and a 25 percent weight for uniform distribution among States: provides financial and technical assistance for Indian tribes; requires the Secretary to monitor and evaluate the success of programs that receive Federal assistance; authorizes the Secretary to use, during fiscal 1981 such sums as may be provided for these purposes in appropriation acts pursuant to the authority in the DOE authorization bill, S. 2332, and authorizes $100 million for fiscal 1982 and 1983;

Calls on the Secretary, within 90 days of enactment, to enter into an interagency agreement with the Secretary of HUD, to provide for distribution of funds and approval of grants to encourage units of local government to adopt and implement community plans and programs designed to achieve significant energy savings and encourage the use of renewable energy resources within their jurisdictions; authorizes the Secretary, if such agreement cannot be reached within the 90 days, to proceed with the program; makes this financial assistance available to qualifying metropolitan cities and urban counties and units of local government within metropolitan areas on an entitlement basis and to other communities on the basis of competition; provides for allocation of funds under a formula having equal weight factors for population and indices of distress (poverty, housing overcrowding, or age of housing); provides that no State could be allocated less than one-half of one percent of available funds; permits a consortium of cities representing a population of at least 200,000 to apply for an entitlement grant; provides for the allocation of funds within a State on a basis of resident population; and authorizes the Secretary to use, during fiscal 1981, such sums as may be provided for such purposes in appropriations acts pursuant to the authority in the DOE authorization bill, S. 2332, and authorizes $80 million for fiscal 1982 and 1983. S. 1280—Passed Senate July 25, 1980; Passed House amended December 1, 1980. (VV)

Energy Mobilization Board: Provides an expedited and coordinated "fast track" process for decisions by Federal, State, and local governments on proposed non-nuclear energy facilities which are designated as priority energy projects;

Creates an Energy Mobilization Board (EMB) to implement the fast track process with the authority to designate projects as priority energy projects if it determines that they would reduce the Nation's dependence on imported energy; provides that the Board shall consist of a Chairman (who would have exclusive decisionmaking authority except in the selection of priority energy projects) and three members appointed by the President and confirmed by the Senate of which not more than two shall be of the same political party; required the Board to meet at least once a month;

Prohibits designation of a priority energy project unless EMB finds that the project is likely to reduce, directly or indirectly, the Nation's dependence upon insecure foreign petroleum products: provides that EMB shall designate any fossil fuel electric generating plant which involves the conversion from oil or natural gas to coal or which replaces an oil or gas fixed plant with a coal fired facility; requires designation of any hydroelectric project located at the site of an existing dam with a capacity of not more than 30,000 kilowatts; designates oil and gas drilling activities on onshore Federal lands and, instead of a Project Decision Schedule, requires that Federal agencies issue a decision on applications within 100 days and provide for a goal of 30 days for the issuing of permits; requires that an applicant for priority status must have applied for all necessary approvals from State and local agencies and submitted the designation request to the Governor of the affected State; requires EMB, upon designation, to notify the Governor and other appropriate officials of affected areas; requires Federal agencies having jurisdiction over the development of Federal land for energy, coal, oil, or gas production to expedite consideration of applications and make the necessary decision within 12 months of receipt of the application;

Gives EMB the power to set reasonable deadlines for decisionmaking by Federal, State, and local agencies which may be shorter than the time required for agency decisions under existing law; requires the Board, where possible, to negotiate written cooperative agreements with affected State and local governments regarding deadlines; subjects the reasonableness of the deadlines to judicial review in the Temporary Emergency Court of Appeals (TECA); authorizes Federal and State agencies to adopt special, expedited procedures for meeting EMB deadlines which could include: substitution of legislative-type hearings for trial-type hearings, shorter time periods than those allowed under existing statutory law, and consolidated agency proceedings; authorizes EMB to prescribe special expedited procedures for Federal agencies; requires the Secretary of Energy to provide financial assistance to State and local agencies for the purpose of meeting deadlines if EMB so recommends; requires EMB, in the event a Federal, State, or local agency fails to meet a deadline, to make the decision within 60 days in lieu of the agency (applying the same decision criteria that the agency would have been required to apply) or to seek a court order enforcing the deadline; requires EMB to notify any agency failing to meet a deadline; affirms the authority of any agency to disapprove any application;

Empowers EMB, with the concurrence of the President, to waive Federal, State, or local law as it applies to a priority energy project if the law were adopted after construction of the project had commenced, with the exception of laws relating to labor-management relations, discrimination, crimes, and antitrust, provided the Administrator of EPA and the Secretary of Interior have not disapproved such waiver; requires EMB, as a precondition to granting a waiver, to find that the waiver is necessary for timely completion of the project and that it would not unduly endanger public health or safety: allows TECA exclusive jurisdiction to review such waivers; exempts water law from any waiver provisions in the bill; explicitly provides that all priority energy projects must obtain water pursuant to State law and provides that terms and conditions on State water law permits for priority energy projects shall not be deemed to constitute a burden on interstate commerce;

Authorizes EMB to: (1) require that only one environmental impact statement be prepared on a priority energy project and that the statement be used by all Federal, State, and local agencies subject to a National Environmental Policy Act-type requirement; (2) designate the lead Federal agency for preparation of the impact statement; and (3) assign responsibilities to other Federal agencies for cooperating in preparing the environmental impact statement;

Provides for review of all Federal, State, and local agency actions involving priority energy projects in TECA which shall only have appellate jurisdiction but with authority to remand issues of fact to agencies for further proceedings; makes an EMB decision granting priority status to a project exempt from judicial review and a decision denying priority status reviewable; requires that challenges to the reasonableness of EMB deadlines be filed within 30 days after promulgation of the deadlines; prohibits TECA from enjoining operation of the deadline but permits it to extend the time period for decisionmaking; authorizes the court on review to grant injunctive relief lasting longer than 90 days except in conjunction with a final judgment;

Requires GAO to transmit a report to Congress on the number of years and dollars saved on energy projects as a result of this bill, and the amount by which imported oil use was reduced; exempts the transportation system authorized by the Alaska Natural Gas Transportation Act of 1976 from EMB jurisdiction except as may expedite the construction of the Alaska Natural Gas Pipeline; requires, where practicable, the use of a single application form by all Federal agencies; and requires EMB to report annually to Congress concerning laws and regulations which significantly hinder the completion of energy projects. S. 1308—Passed Senate October 4, 1979; Passed House amended November 1, 1979; House recommitted conference report June 27, 1980. (336)

Gasohol Credit: Amends the Clayton Act to prohibit those engaged in petroleum refining and marketing from placing restrictions on the use of credit instruments in the purchase of gasohol or in any other way discriminating against or unreasonably limiting the sale or marketing of gasohol or other synthetic motor fuels. S. 2251—Public Law 96-493, approved, December 2, 1980. (VV)

Geothermal Steam Production: Revises the Geothermal Steam Act of 1970, as amended, to facilitate and require accelerated exploration and development of geothermal resources; expedites government action in leasing and permits decisionmaking by: setting time goals for decisions on permits and lease applications; establishing a new category of "conditioned leases" to permit early access to lands for exploration purposes without an environmental review; establishing a nomination system for competitive leases to concentrate agency effort on those tracts of greatest interest to industry; directing surface managing agencies to take account of geothermal resources when making land use and other decisions; providing for cooperation and coordination between Federal, State, and local government entities in planning and permit issuance; directing that, to the maximum extent practicable, existing environmental information be used in land use plans; directing that regional environmental standards be established and used in reviewing permit applications; and establishing a system of review and reporting on leasing regulations and agency performance;

Requires that the Secretary develop rules and regulations for diligent development and exploration of Federal leases, including a requirement that lessees submit within three years of receipt of a lease exploration plans and commence drilling within two years of approval of such a plan or drilling permit;

Removes exploration disincentives by: expanding the acreage holding limit per State, thus permitting companies to enable the formation of a sizable exploration skilled nucleus of employees, to assemble an adequate number of drillable prospects, providing that lease applicants who drill and generate information which leads to known geothermal resource area (KGRA) designation of lands for which they applied prior to drilling are to be given leases on a noncompetitive basis, if a lease is issued at all; and setting an 18 month time limit after which an application for a non-competitive lease is no longer in jeopardy of being invalidated by KGRA designation;

Assures that nationally significant thermal features in national parks and monuments are protected;

Provides additional financial incentives to develop geothermal resources on Federal lands by: narrowing the definition of KGRA's to reduce the amount of land to be bid on a competitive basis; authorizing the Secretary to require a royalty of only five percent on nonelectric geothermal resources; permitting the delayed payment of royalties by municipalities, cooperatives and other political subdivisions in instances where royalty payment would discourage development; permitting free use of geothermal resources by surface owners in certain cases; and providing for a system of declassifying lands from KGRA status if no bids are received when the lands are offered for lease;

Promotes competition in the geothermal industry by: authorizing the Secretary to use alternative bidding systems and establishing a target of ten percent of the leases offered in a given year for which he is to use such systems, thereby permitting those with less frontend capital to compete with larger companies; and

Establishes a special offering procedure for public power and rural electric cooperatives; and promotes geothermal development by permitting Federal agencies to use resources located on their lands. S. 1388—Passed Senate June 24, 1980. (VV)

Heat crisis program: Authorizes the Community Services Administration (CSA) to borrow $21 million from the Rural Development Loan Fund to assist low-income persons during the heat crisis; assures that the Fund will be paid back with the unused grant funds that CSA has already distributed to the States which cannot be spent because of a June 30 cutoff, and consequently will be returned to the Federal Government; and insures that any funds expended under this Act will be extended to States or areas which have experienced extreme heat conditions for a significant period of time and contain significant numbers of low-income individuals whose health is menaced by heat. S. 2995—Public Law 96-321, approved August 4, 1980. (VV)

Low-income energy assistance: Revises and rewrites the existing authority under the Economic Opportunity Act authorizing low-income emergency energy conservation services administered by the Community Services Administration and reestablishes this authority in a new Title XI, entitled "Comprehensive Energy Conservation Services Program" having three major components: a weatherization program, a crisis intervention program and outreach services, and a supplemental energy conservation services program which includes energy conservation education, alternative energy development, energy audit activities, and energy conservation, demonstration, and pilot projects;

Weatherization Program: Authorizes $500 million for 1981, $750 million for 1982, and $950 million for 1983 to provide grants to States for weatherization of low-income homes; requires each State to submit a three-year weatherization plan and, once approved, an annual report updating the plan; requires a State to establish a weatherization council in order to receive financial assistance; specifies the council's responsibilities, including assistance in the preparation of the State plan, and review of local projects;

State Allocations: Requires that 95 percent of the States' appropriation for weatherization be allotted according to the following formula: (1) 50 percent distributed according to each State's relative share of aggregate residential energy expenditures, and (2) 50 percent according to each State's relative share of heating degree days squared, weighted by households below the Bureau of Labor Statistics lower living standard of the State; establishes a minimum allotment for any State whose allotment under the formula is less than $17 million; requires that the CSA Director reserve any remaining sums for: national and regional office training costs, training and technical assistance, evaluation, demonstration, research, and pilot projects, and incentive grants which will provide a 25 percent Federal match to any State which establishes a weatherization program; provides that up to $2 million from the reserve shall be available for national and regional office administrative costs; places a 3/10ths of one percent limit on the amount of funds to be allocated to the territories; provides for reallocation to be made in proportion to the original State allotments for any portion of a State's allotment which will not be expended during the period for which it is available; authorizes the Director to make direct grants to migrant and seasonal farmers and members of Indian tribes;

Local Weatherization Projects: Authorizes a State, upon approval of its plan, to designate as a local weatherization project any of the following that have demonstrated effectiveness in supervising or carrying out weatherization services: community action agencies, Indian tribal organizations, community development corporations, public or private nonprofit agencies, community organizations, political subdivisions of a State, or any combination thereof; requires that, in designating local projects, funds be allocated on the basis of the relative need for weatherization assistance, taking into account climate, the energy efficiency of dwellings, energy usage and cost, type of work to be performed and other factors, as determined by the Director; gives priority to community action agencies to conduct local projects under the current DOE and CSA weatherization programs; continues the current practice of establishing local advisory councils; allows weatherization funds to be used to pay labor costs and gives priority for these jobs to youths aged 16 to 24 who have completed a CETA training course, and to the hard core unemployed; provides that wages be paid in accordance with maximum wage limitations, and the minimum wage requirements applicable under CETA;

Eligibility: Makes low-income and near-poor families and individuals eligible for assistance if (1) their incomes are equal to or less than 85 percent of the Bureau of Labor Statistics' lower living standard income level ($9,814 for a family of four), and (2) their residence is in need of weatherization services under criteria established by the CSA Director; requires equitable treatment of owners and renters; requires that the State plan include goals and timetables on the number of rental properties to be weatherized; requires the State to establish criteria for avoiding undue enhancement of the market value of rental property;

Evaluation and Monitoring: Requires funds to be reserved to insure that adequate staff and management resources are available; requires the Director to provide for the continuing evaluation of the program;

Crisis Intervention Program: Authorizes such sums as are necessary for fiscal 1981 through 1983 for crisis intervention, using the same allocation formula for distributing crisis intervention funds as for weatherization funds; requires the Director and the State receiving financial assistance for weatherization or crisis intervention to conduct outreach programs with a particular focus on the elderly, the handicapped, migrant and seasonal farm workers, individual and families with children, and those residing in remote areas; specifies that community action agencies, State welfare agencies, and ACTION be utilized in implementing outreach activities; requires the Director to submit an annual report on crisis intervention;

Supplemental Energy Conservation Services: Authorizes $10 million annually for fiscal 1981 through 1983; and requires the President to establish procedures to coordinate all energy conservation and assistance programs carried out by any Federal department or agency that affect low-income and near-poor individuals and families. S. 1725—Passed Senate February 28, 1980. (*52)

Magnetic Fusion: Authorizes the Secretary of Energy to establish an accelerated research, development, and demonstration program in the field of magnetic fusion to achieve demonstration of the engineering feasibility of magnetic fusion by the early 1990's, operation of a magnetic fusion engineering device at the earliest practicable time, but not later than 1990, and operation of a magnetic fusion demonstration plant at the turn of the twenty-first century; requires the Secretary to prepare a comprehensive program management plan which measures the progress in the program; directs the Secretary to develop a plan for a National Magnetic Fusion Engineering Center; provides the Secretary with discretionary authority to require the establishment of an advisory committee at each laboratory where a major magnetic fusion facility is located to foster a broader participation in the magnetic fusion program; requires the Secretary to maintain equitable exchanges in the conduct of cooperative programs with technically advanced nations so that the current U.S. leadership in magnetic fusion is not dissipated; and authorizes for fiscal 1981 such sums as are provided in the Department of Energy Act and authorizes the Secretary to enter into contracts only to the extent or in the amounts as may be provided in advance in appropriations acts. H.R. 6308—Public Law 96-386, approved October 7, 1980. (VV)

Methane, Transportation Research, Development, and Demonstration: Establishes, within the Department of Energy, a program of advanced and accelerated research into methane vehicle design, distribution systems, and storage facilities and demonstration of the economic and technological practicalities of methane-fueled vehicles for fleet use and on-farm operations; calls for the initiation of 50 fleet demonstrations, of no less than 50 vehicles each, over the next three years; authorizes the Secretary to make grants to public entities and loans to private entities of up to 50 percent of the costs associated with installation of methane transmission storage and dispensing facilities; requires the Secretary to consult with the Post Office, GSA, DOD and other Federal agencies to determine the practicability of using methane vehicles in the performance of their duties, and thereafter to arrange for appropriate use of such vehicles; directs the Secretary to submit an annual report to Congress on activities underway or carried out under the act; and authorizes $3 million in fiscal 1982, and up to $5 million for each 1983 and 1984, and such sums as may be necessary for 1985 and 1986 of which at least half of the funds available for 1982 through 1984 will be used for the purpose of making loans to private entities. H.R. 6889—Public Law 96– , approved 1980. (VV)

Ocean Thermal Energy Conversion: Establishes a goal for demonstrating an electrical and energy product equivalent capacity of at least 100 megawatts from ocean thermal energy conversion (OTEC) systems by 1986, 500 megawatts by 1989 and 10,000 megawatts by 1999, and the reduction of the average cost of electricity and energy product equivalent produced by installed OTEC systems to a level that is competitive with conventional energy sources by 1993; directs the Secretary of Energy to submit to Congress by June 30, 1980, a plan and program for the conduct of research and development and demonstration programs which meet the established goals for 1986, 1989, and 1993; directs the Secretary to submit, within two years, a comprehensive commercialization plan that will permit realization of the 10,000 megawatt national goal by 1999; establishes a seven-member Ocean Thermal Energy Advisory Committee to study and advise the Secretary with regard to implementation and conduct of OTEC programs and their economic, technological, and environmental consequences; and authorizes for fiscal 1981 $25 million for operating expenses and $15 million to initiate demonstration projects for producing an electrical and energy equivalent capacity of 100 megawatts. S. 1830—Passed Senate January 25, 1980. NOTE: (Provisions are contained in H.R. 7474, which became Public Law 96–310). (VV)

Accelerates ocean thermal energy conversion (OTEC) technology development to provide a technical base for meeting the following goals: (1) to demonstrate by 1986 at least 100 megawatts of electrical capacity or energy product equivalent from OTEC systems and at least 500 megawatts by 1989, (2) to achieve in the mid-1990's for the gulf coast region of the continental United States, an average cost of electricity or energy product equivalent produced by installed OTEC systems that is competitive with conventional energy sources, and (3) to establish 10,000 megawatts of electrical capacity or energy product equivalent from OTEC systems by 1999; directs the Secretary to prepare and transmit to Congress, within nine months of enactment, a comprehensive program management plan for the conduct of research, development, and demonstration activities which meet the established goals in the Act; authorizes the Secretary to initiate and operate a demonstration program utilizing various forms of ocean thermal energy conversion to displace nonrenewable fuels: directs the Secretary to prepare a comprehensive technology application and market development plan that will permit realization of the 10,000 megawatt national goal by 1999 and identify the efforts necessary to establish a sufficient industrial infrastructure and an analysis of necessary government actions; establishes a seven-member Technical Advisory Panel to prepare and submit annually to the Secretary a report containing an assessment and evaluation of the status of the various programs along with its comments and recommendations for improvements in the comprehensive program management plan; and authorizes, in addition to any amounts authorized in the Department of Energy Authorization Act, $20 million for operating expenses and $5 million for OTEC pilot plants for fiscal 1981 and $60 million for operating expenses and $25 million for OTEC pilot plants for 1982. H.R. 7474—Public Law 96–310, approved July 17, 1980. (VV)

Establishes a licensing and permitting system for ocean thermal energy conversion (OTEC) facilities and plantships (defined as a structure or vessel, respectively, which use temperature differences in ocean water while moving to produce electricity or another form of energy to perform work) with the National Oceanic and Atmospheric Administration (NOAA); requires that OTEC facilities and plantships be documented as U.S. vessels, even if they are not built in the U.S. and that vessels delivering materials and supplies to and from OTEC facilities be U.S. flag vessels; amends the Merchant Marine Act of 1936 to make OTEC facilities and plantships eligible for Federal mortgage guarantees under title XI of that Act; establishes, effective October 1, 1981, an OTEC Demonstration Fund as a subfund of the Federal Ship Financing Fund to provide mortgage guarantees on demonstration projects that would not otherwise meet the requirements of title XI and increases the Fund from $10 billion to $12 billion; makes OTEC facilities eligible for capital construction funds and construction and operating differential subsidies; exempts demonstration projects from the licensing provisions contained in the bill; requires the Secretary of Energy, in making a loan guarantee for the construction of a proposed OTEC demonstration project, to certify to the Secretary Commerce that there is sufficient guarantee of performance and payment for such project; and authorizes $3 million for fiscal 1981 and $3.5 million each for 1982 and 1983. S. 2492—Public Law 96–320, approved August 3, 1980. (VV)

Pacific Northwest Power Planning and Conservation: Establishes a procedure under which the Bonneville Power Administration (BPA) is given the authority to acquire power resources from private entities which will be pooled with Federal resources and marketed by BPA in order to meet the electric needs of Northwest consumers; establishes a Pacific Northwest Electric Power Planning Council to prepare and adopt a regional electric power plan to govern most regional conservation efforts and resource acquisitions of the Administrator; makes all BPA power sales subject to the preference and priority provisions of the existing act; requires the Council to develop and adopt comprehensive fish and wildlife programs, based on recommendations for fish and wildlife protection, mitigation and enhancement in and surrounding the Columbia River System; provides that direct-service industrial customers may surrender existing contracts providing low-cost power in order to receive new long-term contracts at higher rates; contains several provisions that could lead to rate reform including authority for BPA to initiate a system of billing credits for retail rate structures that voluntarily implement and induce conservation or consumer-owned renewable resources; and grants the Administrator new authority to acquire resources, including conservation, to meet customer loads subject to development of a regional plan or Congressional approval in the absence of such a plan. S. 885—Public Law 96– , approved 1980. (VV)

Small Business Energy Conservation Loans: Expands the Small Business Administration's (SBA) pollution control bond guarantee program to include guarantees to small business concerns for acquisition of energy conservation facilities including: solar energy equipment, equipment which conserves energy by improving the efficiency of existing equipment or systems that utilize fossil fuels, equipment which produces energy or fuels from wood, coal, waste products, grain, or other biomass sources of energy, cogeneration equipment, hydroelectric power equipment, and equipment to convert wind, geothermal, or tidal energy into electricity or other useful forms of energy; provides guarantee authority of $250 million for fiscal 1981 and $300 million for 1982 to meet the increased needs under the pollution control program and to provide the additional energy conservation program; directs SBA to fix a uniform fee for any guarantee issued to a small business, payable under such conditions as the Administrator provides; clarifies the respective rights of SBA and the holder of a guarantee in the event of a default by a participating small business concern; and restores the provision authorizing SBA to invest nonappropriated idle revolving funds in excess of $15 million in bonds or obligations guaranteed by the Federal Government. S. 2635—Passed Senate May 22, 1980. (VV)

Small Business Solar Energy Loans: Extends, through fiscal 1981, the solar energy direct loan program (section 7(1) of the Small Business Act), which is the only source of government financing for small solar companies; authorizes therefor $45 million in direct and immediate participation loans and $33 million in guaranteed loans; and directs SBA to consult with regional solar energy centers of DOE in evaluating applications for assistance under the program. S. 2224—Passed Senate May 20, 1980. (VV)

Southwest Power Administration: Directs the Department of Energy to defer, until January 1, 2027, repayment to the Treasury and waive interest costs associated with deficits incurred by the Southwest Power Administration (SWPA) due to the 30-year contract entered into in 1952 between SWPA and Arkansas Power and Light Company and Reynolds Aluminum under which SWPA was required to furnish, with a limitation on rate increases, 150 megawatts of power to the power company for resale to the aluminum company; directs SWPA to adjust the power system average rate schedule in accordance with the repayment deferral; and amends the Flood Control Act of 1944 to extend, from 50 to 60 years, the repayment period for power investments for SWPA. S. 1519—Passed Senate September 9, 1980. (VV)

Synfuels—Energy Security: Creates an independent, wholly Federally-owned corporation called the United States Synthetic Fuels Corporation, and establishes national goals for the production of synthetic fuels in the United States of at least 500,000 barrels of crude oil equivalent per day by 1987, increasing to two million barrels per day by 1992; provides that the Corporation shall make available financial assistance to foster commercial production, by private industry, of synthetic fuel which is obtained from coal (including lignite and peat), shale, tar sands (including heavy oil), and hydrogen which can be used as substitutes for natural gas and petroleum (including crude oil, petroleum products and chemical feedstocks); also makes eligible for financial assistance those facilities used solely to produce mixtures of coal and petroleum for direct fuel use, facilities used solely for commercial production of hydrogen from water, and any MHD (magnetohydrodynamic) topping cycle used solely for the commercial production of electricity;

Sets the financial resources available to the Corporation over its 12-year lifetime at a maximum of $88 billion, subject to appropriation, which shall be deposited in the Energy Security Reserve (established by the Interior Appropriations Act, 1980) in at least two installments; authorizes the first $20 billion installment upon enactment, subject to appropriation; and provides that subsequent installments shall be authorized by joint resolution, subject to appropriation;

Places the initial emphasis of the Corporation's activities on developing experience with differing fuel technologies for domestic production of synfuels while developing the industrial base to undertake achievement of the production goals; requires the Corporation, precedent to subsequent authorizations and appropriations, to submit to Congress within four years a comprehensive production strategy on which Congress must act under expedited procedures; empowers the Corporation to provide financial assistance for commercial synthetic fuel projects in a specified order of priority; provides that before construction of any government-owned contractor-operated (GOCO) synfuel plant, the Corporation must offer right of first refusal to private industry to construct such plant, giving 30 days notice; limits authority for building GOCO's to no more than three projects, prior to approval of the comprehensive strategy; makes Corporation construction projects subject to the environmental impact statement requirements of the National Environmental Policy Act; makes loans and guarantees subject to the Davis-Bacon Act; terminates Corporation authority to obligate funds after December 30, 1992; and terminates the Corporation by December 30, 1997;

Biomass and Alcohol Fuels Urban Waste: Establishes a comprehensive biomass and alcohol fuels program and authorizes $1.2 billion for fiscal 1981 and 1982 therefor; requires the Department of Agriculture (USDA) and the Department of Energy (DOE) to prepare an overall Federal plan for biomass energy development to achieve an alcohol production level of 60,000 barrels per day by the end of 1982, and to submit, by January 1, 1982, a comprehensive strategy to achieve an alcohol production level of at least ten percent of estimated gasoline consumption in 1990; gives the USDA jurisdiction over all projects involving agricultural and forestry resources normally producing less than 15 million gallons of synfuel and gives DOE and the USDA concurrent jurisdiction over agricultural producing over 15 million gallons of synfuel; directs the Federal Government, where feasible, to use gasohol in its motor vehicles, and directs the Secretary of Energy in consultation with the Secretary of Transportation, to submit to Congress a study on whether legislation is needed to require that any new motor vehicle be capable of operating on gasohol or on pure alcohol; establishes a new Office of Energy from Municipal Waste in DOE with responsibility for continuing the existing urban waste program with minimal disruption and reorganization and authorizes $250 million therefor; gives priority funding to commercialization of technologies which can displace oil and gas and which are both technically and economically feasible; provides for financial assistance for construction in the form of loans and loan guarantees not to exceed 75 percent of total capital costs; and authorizes the Secretary to provide price supports with no repayment of principal and interest for new facilities;

Energy Targets: Requires the President to submit annual energy targets (non-binding goals) for net imports, domestic production, and end-use consumption for 1985, 1990, 1995, and 2000; establishes a process for Congress to debate and vote on, and the President to approve, a comprehensive and internally consistent set of energy targets during the first sessions of the 97th and 98th Congresses under expedited procedures during the 97th Congress only;

Omnibus Solar Commercialization Act of 1980: Establishes incentives for the use of renewable energy resources by: (1) directing the Secretary of Energy to coordinate solar and conservation information dissemination activities funded by the DOE and submit annual reports to the Congress on their status, (2) requiring DOE to use a seven percent discount rate and marginal fuel costs in calculating the life cycle costs of conservation and solar investments in Federal buildings, and (3) establishing a three-year pilot program to promote local energy self-sufficiency through the use of renewable energy resources, with a $10 million authorization in fiscal 1981; allows the Federal Energy Regulatory Commission under the Federal Power Act to exempt projects below five megawatts from certain licensing requirements on a case-by-case basis; requires DOE to promulgate regulations to implement the financial assistance programs for small-scale hydro commercialization programs within six months; extends through 1982 the $110 million authorized in the National Energy Act for this purpose;

Solar Energy and Energy Conservation: Establishes, until September 30, 1987, a Solar Energy and Energy Conservation Bank in HUD to make payments to local financial institutions willing to provide below-market rate loans or a principal reduction on loans to borrowers for solar and conservation improvements; gives the Bank the same corporate powers as the GNMA, and provides that it be governed by a Board of Directors, composed of the Secretaries of HUD, Energy, Treasury, Agriculture and Commerce, and establishes Advisory Committees on Solar Energy and Energy Conservation to assist it; authorizes $2.5 million for fiscal 1981 through 1984 for conservation purposes and $525 million for 1981 through 1983 for solar purposes of which up to $10 million in fiscal 1981 and $7.5 million in 1982 and thereafter would be available annually out of each appropriation to promote the solar and conservation loan programs;

Residential Energy Conservation Grants: Establishes a Residential Conservation Office in DOE to supervise a State-run grant program in which the Federal Government would share the cost of residential energy conservation measures and reserves up to 15 percent of the funds authorized for conservation under the Solar Energy and Energy Conservation Bank;

Residential Energy Efficiency Program: Authorizes DOE to establish a program to ascertain the conservation effectiveness of contracting with private companies to conduct systematic residential audits and install energy conservation measures throughout defined geographic areas; and authorizes $10 million for fiscal 1981 and 1982 for demonstration projects;

Energy Auditor Training and Certification: Authorizes $10 million in fiscal 1981 and $15 million in 1982 to the Secretary of Energy for grants to States to support training and certification of energy auditors of residential and commercial buildings;

Industrial Energy Conservation: Authorizes not to exceed $40 million each for fiscal 1981 and 1982 (which is in addition to funds authorized in other measures) to the Secretary of Energy to accelerate research, development, and demonstration of energy productivity for high pay-off Industrial Conservation Demonstration projects under the existing DOE program;

Weatherization Grant Program: Limits administrative expenses of the low-income weatherization assistance program already authorized to not more than ten percent of any weatherization grant and provides that not more than one-half of this amount may be used by any State for this purpose; authorizes DOE to increase the $800-per-dwelling-unit-limit to not more than $1,600 to secure installation of weatherization materials where the Secretary determines that an insufficient number of volunteers, training participants, and public service employment workers are available; increases from $100 to $150 the limit on the cost of making incidental repairs necessary to installation of weatherization materials; gives the Community Action Agency preference to continue managing a weatherization program where it has demonstrated the program is effective but otherwise repeals their authority in this area;

Geothermal Act of 1980: Establishes financial assistance programs in DOE to: (1) promote exploration and confirmation of geothermal reservoirs for which a total of $85 million is authorized in Federal loans and loan guarantees for fiscal 1981 through 1985; (2) provide for feasibility studies for which $5 million is authorized in fiscal 1981; and (3) construct specific geothermal projects for which authorization is deferred until fiscal 1982; directs DOE to conduct a reservoir insurance study in cooperation with the insurance and reinsurance industry;

Acid Precipitation Act of 1980: Authorizes $5 million to establish an Interagency Task Force (chaired jointly by the Administrators of the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency and the Secretary of Agriculture) to conduct a comprehensive ten-year research program to identify the causes and effects of acid precipitation; sets an overall ceiling of $45 million on the program;

Carbon Dioxide Study: Authorizes $3 million for a comprehensive study on the projected impact of fossil fuel combustion, coal conversion, and related synfuels activities on the level of carbon dioxide in the atmosphere and report thereon to Congress within three years;

Strategic Petroleum Reserve: Requires the Federal Government to commence filling the Strategic Petroleum Reserve (SPR) at a minimum average rate of 100,000 barrels per day; and requires, with certain exceptions, that, if this fill rate is not achieved, any production from Elk Hills and Teapot Dome Naval Petroleum Reserves must be sold or exchanged so as to be stored in the SPR. S. 932—Public Law 96-294, approved June 30, 1980. (*228)

Underground Coal Gasification and Unconventional Gas: Establishes several national goals for underground coal gasification and unconventional natural gas production, as follows: (1) the demonstration of a production capacity equivalent to at least 15 million cubic feet per day of synthetic natural gas or energy product equivalent from underground coal gasification by 1987, (2) the construction and operation of at least one commercial underground coal gasification plant by 1992, (3) the establishment of a production capacity equivalent to two trillion cubic feet per year of natural gas from underground coal gasification by the year 2000; and (4) the production of three trillion cubic feet per year of unconventional natural gas by 1990 and six trillion cubic feet per year by 2000; requires the Secretary to prepare and transmit to Congress by January 30, 1981, a comprehensive program management plan to achieve the introduction of underground coal gasification and unconventional natural gas recovery activities in time to achieve the national production goals; authorizes the Secretary to undertake the necessary research and development activities to develop applicable technologies for commercialization in the industry; and authorizes for fiscal 1981, funds appropriated pursuant to the authority of the Department of Energy authorization for civilian programs, and, for fiscal 1982, an additional $100 million including not less than $25 million for underground coal gasification activities. S. 2774—Passed September 24, 1980. (VV)

Vessel Tonnage—Strip Mining: Extends to small commercial vessels (under 24 meters) the option of using the simplified tonnage procedures now used by pleasure vessels; removes the requirement that States comply with Office of Surface Mining regulations except with regard to prime farm land and alluvial valleys, but leaves intact the requirement that States comply with the Surface Mining Act of 1977; extends until October 3, 1981, the deadline for approval or disapproval of a State plan, and until June 3, 1982, the deadline for industry compliance with the State plan; requires the Secretary of Interior to act on a State's reclamation plan for non-Federal land before a reclamation policy for Federally-owned lands in any State may be finalized; and gives State officials primary responsibility for mine inspection but provides that Federal inspectors would assume this responsibility where a State reclamation plan has been disapproved by the Secretary of the Interior. H.R. 1197—Passed House September 17, 1980; Passed Senate amended August 22, 1980; In conference. (*378)

Waste Oil Recycling: Amends the Solid Waste Disposal Act to encourage the consumer to return used lubricating oil to a collection point by requiring that all containers of such oil bear the label "Don't Pollute—Conserve Resources; Return Used Oil to Collection Centers"; establishes an interim rule relating to labeling requirements established by the Federal Trade Commission which would in effect repeal the so-called "used oil rule" that requires recycled oil to bear a label indicating the fact that it is "made from previously used oil" or is "a recycled petroleum product"; incorporates a discretionary oil recycling grant program into the existing State solid waste planning process under subtitle D of the Resource Conservation and Recovery Act (RCRA) to assist States in developing their programs and authorizes therefor $5 million annually for fiscal 1982 and 1983; authorizes the Administrator of EPA to provide technical assistance to States in addressing economic and institutional impediments to the recycling of used oil; requires the Administrator to (1) promulgate regulations one year after enactment establishing requirements and standards for the recycling of used oil and to protect the public health and environment, and (2) 90 days after enactment to determine whether used oil is subject to the hazardous waste requirements under RCRA; and calls for a cooperative study with EPA, FTC, and the Departments of Energy and Commerce on the environmental concerns, collection cycle, supply and demand for lubricating oil, and energy savings associated with recycling used oil and to make recommendations regarding methods of Federal, State, and local governments to encourage recycling of used oil. S. 2412—Public Law 96-463, approved October 15, 1980. (VV)

Wind Energy Conversion: Authorizes $100 million to the Secretary of Energy for fiscal 1981 to promote the development and commercialization of wind energy systems which would provide up to 800 megawatts of electric power by 1989 of which at least 100 megawatts are provided by small wind energy systems; directs the Secretary to prepare and transmit to Congress, within nine months of enactment, a comprehensive management plan for the conduct of research, development, demonstration, and technology applications activities; directs the Secretary, in preparing the plan, to utilize the conference committee estimates of costs and the number of wind energy systems units to be provided for in formulating the eight-year program and requires that the plan be updated annually as part of the President's budget to Congress; directs the Secretary to initiate or accelerate ongoing research and development in areas in which the lack of knowledge limits the widespread utilization of wind energy systems and to provide Federal funds for activities leading to the testing of prototypes of advanced wind energy systems; directs the Secretary to establish a technology application program to achieve cost reductions for wind energy systems through mass production and determine the operation and maintenance costs through operational system experience; authorizes the Secretary to provide financial assistance to public or private entities wishing to utilize wind energy systems; directs the Secretary, within six months, to establish a cost sharing program whereby a public or private entity can apply and receive a loan for up to 75 percent of the total purchase and installation cost of a wind energy system; authorizes the Secretary to provide funds for the accelerated procurement and installation of wind energy systems by Federal agencies; authorizes the Secretary to initiate a three-year national wind resource assessment program which will validate existing assessments of known wind resources, initiate the wind site prospecting program and establish a wind data center with the assistance of NOAA and EPA; establishes priorities for program selection; requires the Secretary to monitor the performance, collect and evaluate data from, and carry out studies and evaluations of wind energy systems installed under this legislation and to maintain liaison with industry and the technical community; directs the Secretary to initiate studies on the Federal applications of wind energy systems at Federal facilities, and to evaluate the actual performance of such system in various applications; requires DOE to encourage small business participation in the program and directs the Secretary to assure compliance with the antitrust laws and provide a competitive wind energy systems manufacturing industry; and permits the Secretary to carry out wind energy projects and activities in addition to those specified. H.R. 5892—Public Law 96-345, approved September 8, 1980. (VV)

Windfall Profit Tax: Imposes a $227.7 billion windfall profit tax, a temporary excise or severance tax, on taxable crude oil produced in the United States according to its classification in one of three tiers; derives the tax by multiplying the appropriate tier tax rate times the windfall profit which is defined as the difference between the actual selling price of the oil and its base price (with a deduction for State severence taxes on the windfall profit); taxes tier 1 (oil discovered prior to 1979 that would have been controlled as lower or upper tier oil had price controls remained in effect) at 70 percent with a base price at the May 1979 upper tier ceiling price (which averages $13.02 per barrel) less $.21, adjusted for inflation; includes production from the Sadlerochit Reservoir on the Alaskan north slope in this tier; taxes tier 2 (oil from stripper wells and a national petroleum reserve) at 60 percent with a base price of $15.20 per barrel adjusted for inflation and differences in quality and location; taxes tier 3 (newly discovered oil, certain heavy oil, or incremental tertiary oil) at 30 percent with a base price of $16.55 per barrel adjusted for inflation plus two percent and for differences in quality and location; allows independent producers a reduced tax rate on up to 1,000 barrels per day of qualifying tier 1 oil at 50 percent and tier 2 oil at 30 percent; exempts from the tax State and local governments, certain charitable medical facilities and educational institutions, and Indian tribes; exempts new oil produced in most of Alaska and front-end tertiary oil; limits the windfall profit subject to tax to 90 percent of net income from property with qualified tertiary injectant expenses being capitalized; makes the windfall profit tax deductible as a business expense; for purposes of computing percentage depletion, gross income from the property is not reduced by the windfall profit; phases out the entire windfall profit tax over a 33-month period after December 31, 1987, (but no later than December 31, 1990), or when cumulative revenues raised by the tax reach $227.3 billion, whichever is later; and makes the tax effective for production after February 29, 1980;

Residential Energy Tax Credits: (Estimated cost of $600 million for 1980-1990) Increases the existing tax credit for residential solar energy property to 40 percent of the first $10,000 of expenditures and makes additional kinds of property eligible for that credit; adds specific standards for the Secretary of the Treasury to use when exercising the authority to add items to the list of property eligible for the home insulation and solar energy tax credits;

Business Energy Tax Incentives: (Estimated cost of $8.086 billion for 1979-1990) Increases to 15 percent and extends through 1985 the energy investment credit for solar, wind, and geothermal equipment, as well as the solar credit to equipment used to provide process heat; provides a 15 percent energy credit for certain ocean thermal equipment; provides an 11 percent energy credit for small-scale hydroelectric equipment; provides a ten percent energy credit through 1982 for cogeneration equipment not fueled by oil or gas; sets specific standards for the Secretary of the Treasury to use in exercising the existing authority to add items to the list of property eligible for the business energy credits; restores the regular investment credit and accelerated depreciation to boilers using petroleum coke and pitch; contains a ten percent energy credit through 1982 for coke ovens; extends through 1985 the energy credit for certain biomass and gasohol equipment; contains a ten percent energy credit through 1985 for certain intercity buses with increased seating capacity; contains a transition rule for energy credits expiring in 1982 to allow those credits through 1990 where affirmative commitments have been made; provides a $3 per barrel credit for the production of various alternative energy sources; extends through 1992 the excise tax exemption for gasohol, along with various other tax incentives for gasohol; exempts industrial development bonds used to finance small-scale hydroelectric equipment, certain solid waste disposal facilities, and certain renewable energy programs; and allows expensing of injectants used in teritiary oil recovery;

Low-Income Energy Assistance: Authorizes $3.115 billion for fiscal 1981 for a program of block grants to the States to provide assistance to lower-income families for heating and cooling costs; restricts eligibility to households which have incomes less than the Bureau of Labor Statistics (BLS) lower living standard which in 1979 was $11,600 on a national average for a family of four; allows States to give assistance, regardless of income, to households which receive food stamps, AFDC, needs-tested veterans' pensions, or SSI with certain exceptions; allots by formula 95 percent of the total amount appropriated to the 50 States and the District of Columbia, and reserves five percent for the territories, the Community Service Administration's crisis intervention program ($100 million), and matching incentive grants for State initiatives under this program; provides that the basic formula will allot half of the funds according to a State's aggregate residential energy expenditure (relative to the total for all States), and half according to heating degree days squared, weighted by the number of households below the BLS lower living standard; provides that a State allotment shall be large enough to provide at least $120 per year to each AFDC, SSI, and food stamp household in the State; provides further that no State shall receive less than the lower of either of two alternative formulas; authorizes $25 million to meet the additional costs resulting from the application of the minimum benefit provision to certain States; requires each State to submit an energy assistance plan, which would be subject to approval by the Secretary of Health, Education, and Welfare; and provides that any assistance provided under this Act could not be counted as income or resources under any Federal, State, or local program of assistance or taxation;

Disposition of Windfall Profit Tax Revenue: Provides that the net revenues from the windfall profit tax be allocated only for the following specific purposes to a separate account at the Treasury: (a) Aid to Lower-Income Households—25 percent of net revenues; provides that for fiscal 1982 and subsequent years these funds shall be divided equally between the program to assist AFDC and SSI recipients and a program of Emergency Energy Assistance; (b) Individual and Corporate Income Tax Reductions—60 percent of net revenues for tax cuts to help taxpayers cope with higher energy prices; and (c) Energy and Transportation Spending Programs—15 percent of net revenues;

Other Income Tax Provisions: Repeals the carryover basis provisions enacted in 1976 regarding estate tax law under which the taxable base for appreciation on an inherited asset is valued at the time of its acquisition by the decedent rather than at the time it is inherited; allows a $200 exclusion for interest and dividends ($400 for married couples) effective for tax years 1981 and 1982; and modifies the LIFO inventory accounting rules; and

Oil Imports: Denies the President the authority to impose oil import quotas if Congress passes a joint resolution disapproving such a quota, with a right of veto which could be overridden by a two-thirds vote of both Houses. H.R. 3919—Public Law 96-223, approved April 2, 1980. (496, *67)

Wood Utilization: Authorizes the Secretary of Agriculture, in order to utilize available forest resources for the production of energy and other wood products, to establish and operate pilot projects and demonstrations to encourage the efficient utilization of wood and wood residues which may include development and operation of wood utilization and demonstration areas where wood residues have accumulated, development and establishment of fuelwood concentration and distribution centers, and construction of access roads; authorizes therefor $50,000 annually for fiscal 1982 through 1986; authorizes the Secretary to establish a pilot wood utilization program using "residue removal incentives" to pay purchasers of national forest system timber for their costs in removing wood residues from timber sale areas to points of prospective use; and requires the Secretary to submit annual reports to Congress on the pilot wood utilization program. S. 1996—Passed Senate March 25, 1980; Passed House amended August 18, 1980; In conference. (VV)

ENERGY—NUCLEAR

High Level Nuclear Waste Management Project, New York: Authorizes $5 million for fiscal 1981 for the Secretary of Energy to establish a project to solidify the high-level liquid nuclear waste currently stored in tanks at the Western New York Service Center in West Valley, New York, and to transport the waste to a long-term Federal repository; requires decontamination of the facilities used in the project; directs the Secretary to enter into contracts and cooperative agreements with the State of New York for joint conduct of the project; requires the Secretary to consult with the Nuclear Regulatory Commission and other agencies in developing a plan to carry out this project, prepare required environmental impact statements, and hold public hearings to keep residents in the vicinity of the project informed of activities; insures that the Federal Government does not take title to the West Valley nuclear wastes until they have been processed for final disposal; and requires the Secretary to submit annual reports to Congress including a detailed description of activities. S. 2443—Public Law 96-368, approved October 1, 1980. (VV)

International Atomic Energy Commission Agreement: Approves the submission of the President of the Second Amendment to the Agreement for Cooperation Between the International Atomic Energy Agency and the United States of May 11, 1959, in Vienna, Austria, on January 14, 1980, and transmitted to Congress on February 1, 1980, which brings the Agreement into conformity with the requirements of the 1978 Nuclear Non-Proliferation Act. S. Con. Res. 88—Senate agreed to April 28, 1980. (VV)

Low-Enriched Uranium Exports: Authorizes the Administration to waive an existing ceiling established in any bilateral agreement on the U.S. export or transfer of low-enriched uranium fuel to states party to the Treaty on the Non-Proliferation of Nuclear Weapons. S.J. Res. 89—Public Law 96-280, approved June 18, 1980. (VV)

Milner Dam Hydroelectric Project: Exempts the existing privately-owned Milner Dam, in Idaho, the irrigation canal segment between the dam and the proposed penstock, and other irrigation features from section 14 of the Federal Power Act which permits the U.S., upon expiration of the license, to take over the project in order that the owners may proceed with their plans to develop a new hydroelectric project without the threat of a Federal takeover. S. 1828—Public Law 96- , approved 1980. (VV)

Nuclear Cooperation Agreement With the United Kingdom: Approves the submission of the President containing the text of the amendment to the Agreement Between the United States and the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, signed on December 5, 1979, and transmitted to the Congress on November 28, 1979, which extends for an additional five years, until December 31, 1984, the authority of the United States to transfer nonnuclear parts, source, byproduct, special nuclear material and other material for nuclear weapons, and special nuclear material for fueling military propulsion reactors to the United Kingdom. S. Con. Res. 77—Senate agreed to February 27, 1980. (VV)

Nuclear Reactor Safety: Provides for an accelerated program of light water nuclear reactor safety research and development, to be carried out by the Department of Energy. H.R. 7865—Passed House August 25, 1980; Passed Senate amended September 26, 1980. (VV)

Nuclear Regulatory Commission Authorizations: Authorizes $426.51 million for fiscal 1980 for the Nuclear Regulatory Commission (NRC) which includes $6.51 million for nuclear reactor regulation, $42.44 million for inspection and enforcement, $15.953 million for standards development, $32.38 million for nuclear material safety and safeguards, $213.005 million for nuclear regulatory research, $18.125 million for program technical support, and $33.408 million for program direction and administration; provides a reprogramming mechanism applying to any reallocation resulting in increasing or decreasing the amount allowed for an office by more than $500,000 which requires prior notification to the appropriate Congressional committees; contains $9,675,000 for the nuclear waste management program including funds to support five additional positions to implement the Uranium Mill Tailing Radiation Control Act of 1978 (Public Law 95-604), $6.7 million for nuclear waste activities within the Office of Nuclear Regulatory Research, $4.4 million to continue the program of research into improved safety systems for nuclear power plants, and $3.7 million for acceleration of gas-cooled thermal reactor safety research; adds $400,000 for eight additional positions in the Division of Contracts, Office of Administration, to address contract monitoring and close out deficiencies at NRC; requires the establishment of a Senior Contracts Review Board to review and approve all arguments with other Federal agencies, all contracts for research services, and modifications to existing contracts and arrangements, in amounts greater than $500,000 and requires NRC approval for amounts greater than $1 million;

Directs NRC to expand its resident inspector program to require one inspector at each operating reactor unit and at each unit undergoing pre-operational testing in addition to an inspector assigned at each facility site; calls for a GAO study of the advantages of expanding the resident inspector program and/or of expanding the regional inspection program; requires NRC to promulgate demographic requirements within 180 days for the siting of nuclear facilities; prohibits issuing of any construction permit that does not comply with the siting regulations and

Amends the Atomic Energy Act of 1954 to increase from $5,000 to $10,000 the amount of civil penalty which may be imposed for a single violation and to eliminate the $25,000 ceiling on the amount of penalty which may be assessed for continuing violations; extends criminal penalties to any individual who knowingly and willfully violates NRC safety standards that govern construction or operation of a nuclear plant.

unless NRC is satisfied that the State emergency response plan for that facility adequately protects the public health and safety; requires NRC approval of State emergency plans of existing nuclear facilities or face an order directing the shut-down of plants; directs NRC to promulgate minimum requirements for State plans and, pending promulgation of these requirements, to rely on the guidelines employed in the voluntary concurrence program in assessing the adequacy of State plans; requires NRC to implement measures to safeguard the public health for facilities without approved State plans; directs NRC, within six months, to promulgate by rule a plan for responding to an "extraordinary nuclear occurrence", as defined in the Atomic Energy Act; requires the President to prepare, publish, and periodically revise, a national contingency plan to protect the public health and safety in case of extraordinary nuclear occurrence; provides that implementation of the plan be triggered by an NRC determination of a possible or actual extraordinary nuclear occurrence which would also trigger its own plan to be regarded as conclusive; requires incorporation of NRC's emergency response plan into the national plan;

Amends the licensing requirements of the Atomic Energy Act to require immediate NRC notification by a plant operator in the event or likelihood of an extraordinary nuclear occurrence and provides that failure to give such notification could result in revocation of an operating license; directs NRC to establish a means for instant communication with a nuclear power plant during an emergency and, within 90 days, to prepare and transmit to Congress a plan for remote and instantaneous NRC monitoring of the principal safety instruments and radiation monitors at all nuclear power plants;

Mandates a comprehensive study to explore the deficiencies in communications encountered by the various NRC officials, licensee officers and personnel, and the Governor and other State officials in the 30-day period following the March 28, 1979, accident at the Three Mile Island unit 2 nuclear generating facility in Pennsylvania which shall include a determination of the need for improved procedures and for advanced technology; requires submission of a report by January 1, 1980, on the findings of the investigation and study including recommendations of any measures necessary to provide for expeditious and reliable communications in the event of a future accident at a nuclear generating facility; provides that each recommendation not requiring new legislation be implemented as soon as practicable as well as included in NRC's emergency response plan;

Directs NRC to submit to Congress: (1) a plan including criteria for improved training, retraining, and licensing programs for reactor operators which emphasizes emergency response training and direct attention to assure that the plant is operating in accordance with the requirements of its license, and (2)) a feasibility study of licensing plant managers and other utility personnel who have authority to make operating decisions affecting the plant;

Amends Public Law 95-601, the fiscal 1979 NRC Authorization Act, to require NRC and EPA, in consultation with the Secretary of HEW, to expand the feasibility study of epidemiological research to include populations exposed to low levels of radiation during and after the Three Mile island accident and individuals exposed during ultimate decontamination, decommissioning, or repair of the facility; extends the final reporting date from September 30, 1979, to September 30, 1980;

Requires NRC to promulgate regulations providing State notification prior to transport of nuclear waste within its borders; provides the NRC with certain authority for temporary suspension of agreements in emergency situations; and prohibits the use of funds for disposing nuclear wastes in the oceans. S. 562—Public Law 96-295, approved June 30, 1980. (178)

Authorizes $445.1 million for salaries and expenses of the Nuclear Regulatory Commission (NRC) for fiscal 1981 which includes: $68,775,000 for the nuclear reactor regulation program; $53,049,000 for inspection and enforcement activities; $15,730,000 for standards development; $41,930,000 for nuclear materials safety and safeguards; $210,208,000 for nuclear regulatory research; $18,511,000 for program technical support; and $36,879,000 for program direction and administration; provides a reprogramming and $36,897,000 for program direction and mechanism which applies to any reallocation of funds between program offices by more than $500,000; requires NRC to develop a safety goal for nuclear reactor regulation to assure protection of public health and safety and to conduct a study on the ability of strategic analysis techniques to enhance the safeguarding of nuclear materials; earmarks $500,000 for NRC to coordinate and conduct a monitoring engineering assessment and remedial action program for the management of uranium mill tailings in the area surrounding the Edgemont, South Dakota, uranium mill site; requires the Administrator of EPA to propose, within 60 days of enactment, standards of general application for the protection of the public health, safety, and the environment of hazards associated with uranium mill tailings: calls for a report on the preliminary planning which includes a detailed description of the remedial action required for each location and a cost estimate cost, within 120 days of enactment; requires NRC to report on the progress of the monitoring, engineering assessment, and remedial action program in its annual report; directs NRC to allocate $2.8 million in the research program for gas-cooled reactor safety research in fiscal 1981 and $19.7 million for fast breeder reactor safety research if legislation is enacted appropriating funds in fiscal 1981 for a Department of Energy demonstration breeder reactor project; amends the Atomic Energy Act of 1954 to extend criminal penalties to any individual who willfully and intentionally causes or attempts to cause a mechanical interruption of normal operation of a nuclear powerplant or nuclear waste storage facility; and directs the Comptroller General, in cooperation with NRC, to carry out a detailed study of the fiscal conditions of the General Public Utilities Corporation (which owns and is responsible for the operation of the nuclear powerplant at Three Mile Island) and its future role as a provider of electrical power in Pennsylvania and New Jersey. S. 2358—Passed Senate July 31, 1980. (VV)

Nuclear Waste Policy: Establishes a Federal program for the interim storage of spent nuclear fuel away from the reactor; authorizes the Secretary to enter into contracts to take title to and transport spent fuel to interim away-from-reactor storage facilities and to dispose of waste products associated with the spent fuel; requires the Secretary to publish in the Federal Register, within 180 days of enactment, notice of intent to enter into contracts; requires the Secretary to establish a one-time charge for spent fuel storage on an annual basis and publish the charge and the calculation upon which it is based in the Federal Register; directs the Secretary to acquire the storage facility which is licensed and has sufficient capacity to accommodate all spent fuel contracted for; authorizes, for the construction of the storage facility, the use of funds authorized for a similar facility under the fiscal 1980 Department of Energy authorization legislation and funds authorized or appropriated to the Secretary of Energy for such facilities under previously enacted laws;

Requires the Secretary to submit to Congress, within one year of enactment, a site-specific proposal for the disposal of spent fuel and high-level radioactive waste in repositories permitting continuous monitoring and retrieval of the waste; requires an environmental assessment to be prepared to accompany the proposal;

Provides the States with statutory rights to participate in the Federal (DOE) nuclear waste repository development program; requires DOE to file three key reports with Congress for review; provides a mechanism for a one-House veto if either House disapproves by concurrent resolution a repository proposal or a two-House veto with regard to military nuclear waste facilities; requires DOE, in consultation with other Federal agencies, to prepare an annual nuclear waste management plan for fiscal 1982-86; establishes by statute an Advisory State Planning Council on Nuclear Waste Management as a means of participation by States, localities and Indians in all major facets of Federal nuclear waste policymaking and planning activities;

Directs the continuation and acceleration of a vigorous program of research and development on a broad range of radioactive waste disposal technologies;

Establishes a separate account in the Treasury to receive all funds for the administration of the interim and long-term storage facility, including transportation, and provides that the appropriations for the facility, borrowings for the subsequent operation of the program, as well as receipts and charges collected pursuant to the program, shall be covered in the account;

Directs the Secretary to submit a report to the Congress within four months evaluating several specific matters and making recommendations with respect to low-level radioactive waste; and authorizes DOE to provide financial and technical assistance to States to carry out a Federal policy under which each State is responsible for disposal of low-life radioactive waste generated by non-Federal related activities within its borders and authorizes States to enter into agreements for regional management and disposal of such waste. S. 2189—Passed Senate July 30, 1979. (*329)

ENVIRONMENT

Alaska Lands: Provides for the designation of 104.1 million acres of Federal land in Alaska for protection of their resource values under permanent Federal ownership and management (compared to 128 million acres in the House-passed bill), of which 56 million acres are designated as wilderness (compared to 67 million in the House bill);

National Park System: Designates 24.6 million acres as new parks and 19 million acres as preserves, including: Gates of the Arctic, 7 million acres of park and one million acres of preserve; Noatak, 6.4 million acres of preserve; Wrangell-St. Elias, 8.1 million acres of park and 4.2 million acres of preserve; Katmai, 1 million acres of park and 308,000 acres of preserve; Denali, 2.4 million acres of park and 1.3 million acres of preserve;

National Wildlife Refuge System: Establishes or expands 14 management units from the National Wildlife Refuge System totaling 54 million acres (compared to 80 million acres in the House bill) and sets out specific rules for management and use of these areas; includes: Yukon Flats, 8.6 million acres; Arctic Refuge, 9.2 million acres; Togiak Refuge, 500,000 additional acres; Yukon Delta, 13.4 million acres; Nowitna, redesignated as a wildlife refuge; contains provisions for a possible trade between the State and the Federal Government for lands within the Tetlin Refuge;

National conservation areas: Establishes 2 national conservation areas totaling 2.2 million acres and 1 national recreation area of 1 million acres, to be administered by the Secretary of the Interior through the Bureau of Land Management; sets out specific rules for management and use of these areas;

National Forest System: Designates a 2.3 million acre Misty Fjords National Forest Monument in the Tongass National Forest, and a 920,000 acre Admiralty Island National Monument, with the Green Creek mineral deposit inside the Monument but excluded from wilderness; permits the use of the land for navigation aids and docking and transfer facilities with regard to U.S. Borax mining operations in the Quartz Hill molybdenum deposit; sets out specific rules for management and use of these areas, and makes provisions for specific mining operations;

National Wild and Scenic Rivers System: Designates 25 rivers or river segments as components of the Wild and Scenic Rivers System and designates 12 rivers for study for possible inclusion in the system; provides a one-half mile corridor for the component rivers, and a two-mile corridor withdrawal for rivers designated for study (compared to a two-mile corridor for both in the House bill);

National Wilderness Preservation System: Designates 56 million acres as part of the National Wilderness Preservation System;

Subsistence management and use: Recognizes the importance of subsistence use of fish, wildlife, and other resources by many Alaskans; establishes a statutory preference for subsistence resource use over other uses including sport hunting and fishing; establishes a specific statutory program to assure that the preference is implemented under State regulation and management; opens several new parks for subsistence purposes, including Wrangell, Lake Clark, McKinley additions, and Aniakchak;

Alaska Native Claims Settlement Act and Alaska Statehood Act: Provides for conveyance of Federal lands to Alaska Natives and the State of Alaska so as to fulfill the land grants made under the Alaska Native

Claims Settlement Act and the Alaska Statehood Act; amends the Native Claims Act to simplify its administration and assure that Native Alaskans receive full benefits which the Congress intended in the original law; authorizes a number of specific selections which will benefit both the natives and the Federal Government;

Federal north slope lands study program: Recognizes the unique combination of wilderness, wildlife, and oil and gas values on the Alaska North Slope by directing a special study of all Federal lands in the area, except the National Petroleum Reserve-Alaska, to assure that all elements of resource use and preservation will be presented to Congress at the same time; includes a special oil and gas exploration program for the Arctic National Wildlife Range, an oil and gas leasing program for non-North Slope Federal lands and a mineral resource assessment program; and prohibits seismic testing within 2 years of enactment;

Access for transportation and utility systems. Establishes a special procedure for allowing access for transportation and other purposes across and into conservation system units; recognizes the need to balance protection of the resources and the need for access to permit development of Federal, State, and private lands not included in such units;

Federal-State cooperation: Establishes an Alaska Land Use Council as an innovative vehicle for Federal and State cooperation in the management of Federal and State lands; authorizes special cooperative agreements for wildlife refuges and designates the Bristol Bay Cooperative Region as a unique experiment in Federal-State cooperation;

National need mineral activity recommendation process: Establishes a special procedure under which the President, with Congressional approval, can permit mineral exploration, development and extraction which is prohibited under existing law, but may be needed to meet future national needs. H.R. 39—Public Law 96–487, approved December 2, 1980. (*359)

Clean Water: Extends through fiscal 1982 the following programs under the Clean Water Act at a total authorization of $489,197,000 for 1981 and $50,270,000 for 1982: grants for investigations and information gathering; grants for manpower development and training of sewage treatment works operators; grants to develop and maintain a system for forecasting the supply and demand for waste treatment professionals; grants to States and interstate agencies to assist in the administration of programs for the prevention, reduction and elimination of pollution; grants to and contracts with undergraduate courses in the design, operation, and maintenance of treatment works, together with the award of EPA scholarships; grants for developing and operating areawide waste treatment management planning processes; authority for the rural clean water program; grants to States for classification of the water quality of lakes and development of methods to control the pollution of lakes and restore their water quality; and general administration of those provisions of the act which are not otherwise specifically funded; repeals effective November 1, 1981, the industrial cost recovery provision of the act; contains a provision concerning reimbursement to municipalities that utilize their own resources to construct a municipal waste water facility which is designed to facilitate its implementation while assuring that the amount of the reimbursement will not exceed a State's allotment and that the project for which reimbursement is sought is on an approved State priority list; increases the construction costs limitations applicable to the combined grant procedure for small projects to $4 million, and to $5 million in a State with unusually high costs of construction; grants a one-year extension during which States may obligate fiscal 1979 Federal Water Pollution Control Act funds; authorizes a lower Federal percentage of Federal grant assistance throughout a State when approved by the Governor of the State; provides that not to exceed $20 million of construction grant funds may be utilized for the cleanup of PCB's from the bottom sediment of the Hudson River in New York; authorizes a demonstration program under which grants will be made to States to clean up abandoned mines for use in hazardous wastes disposals and specifically requires that such projects be undertaken in the States of Ohio, Illinois, and West Virginia; and provides that the two percent of the construction grant funds that may be used by a State for program administration be based on the authorized grant amount rather than the amount appropriated. S. 2725—Public Law 96–483, approved October 21, 1980. (*254)

Climate program: Extends, through fiscal 1983, the National Climate Program Act to continue the climate-related activities of the National Climate Program Office within the Department of Commerce; and authorizes therefor $25.5 million for fiscal 1981, $39.1 million for 1982, and $43.7 million for 1983. S. 1391—Passed Senate August 27, 1980; Passed House amended October 1, 1980. (VV)

Earthquake hazard reduction: Extends through fiscal 1981 the Earthquake Hazard Reduction Act of 1977 and authorizes therefor $9.6 million to the Federal Emergency Management Agency, $32.484 million, to the United States Geological Survey, and $26.6 million to the National Science Foundation so that they may continue their ongoing programs aimed at reducing the risks to life and property from earthquakes and other hazards through means of prevention and preparedness; and authorizes $23.814 million for the purposes of the Federal Fire Prevention and Control Act for fiscal 1981. S. 1393—Public Law 96–472, approved October 19, 1980. (VV)

Endangered species: Extends through fiscal 1982 and authorizes a total of $12 million for the section 6 State grant-in-aid program under the Endangered Species Act of 1973 which includes the remaining $4 million of the $16 million previously authorized under Public Law 96–212. H.R. 6839—Public Law 96–246, approved May 23, 1980. (VV)

EPA authorizations: Authorizes a total of $379,492,000 for the environmental research and development programs conducted by the Environmental Protection Agency for fiscal 1980 as follows: $66,659,000 for water quality research, $9,638,000 for pesticide research and demonstration, $26,919,000 for drinking water research and demonstration of which $4 million is for a new program for groundwater research and development, $30,977,000 for toxic substances research, $2,930,000 for radiation research, $103,461,000 for energy related research, $71,963,000 for air quality programs of which $46,624,000 is for the health and ecological effects program, $10,243,000 for research and development on solid waste, $500,000 for noise control, and $25,449,000 for intermedia activities; requires an annual report on EPA's budget request and other activities; and authorizes EPA to be reimbursed for costs incurred when it allows its facilities to be used by an outside organization. H.R. 2676—Public Law 96–229, approved April 7, 1980. (VV)

Authorizes a total of $368,702,000 for the environmental research and development programs conducted by the Environmental Protection Agency for fiscal 1981 as follows: $70,167,000 for air quality and research; $62,522,000 for water quality research which includes funding for a joint project by EPA and the Department of Agriculture to evaluate methods of reducing agricultural runoff and consequent pollution and soil losses and for cold climate research to continue activities formerly conducted by the Arctic Laboratory in Fairbanks, Alaska; $27,447,000 for drinking water research and demonstration which includes a new initiative for development of cost-effective processes for small drinking water systems; $9,435,000 for research and development activities under the Federal Insecticide, Fungicide and Rodenticide Act; $3,181,000 for radiation research; $26,446,000 for solid waste research and development which reflects new emphasis on research to support efforts to clean up hazardous waste disposal sites; $36,895,000 for toxic substances research; $22,844,000 for interdisciplinary research; $105,099,000 for energy research and development and recommends a level of $500,000 for the first half of a study of the adverse health and ecological effects of uranium mining wastes and control measures for uranium mining wastes; and directs EPA to issue regulations providing for access by EPA officials or contractors to privately-operated oil shale projects on Federally-owned land for the purpose of conducting reasonable and legitimate research on the environmental effects of oil shale operations. S. 2726—Passed Senate May 22, 1980; Passed House amended December 1, 1980. (VV)

Marine protection: Extends for one year, through fiscal 1981, title III of the Marine Protection, Research and Sanctuaries Act of 1972 which provides for the designation of marine sanctuaries to preserve or restore specific areas of ocean, coastal, and Great Lakes waters chosen on the basis of conservation, recreational, ecological, scientific, or esthetic values; adds the term "scientific" to the list of criteria for which a marine sanctuary can be established; defines the term "State" when used in title III to mean any of the several States or any U.S. territory or possession which has a popularly elected Governor; specifies what must be included in the documentation comprising the terms of the marine sanctuary designation; requires the Secretary to issue necessary and reasonable regulations to implement the terms of and to control the activities described in the designation; makes permits, licenses, and other authorizations issued pursuant to any other authority valid unless the sanctuary regulations provide otherwise; restricts the scope of sanctuary regulations to those types of activities specifically mentioned in the designation document; provides for more sophisticated techniques, including multiple-use management, dominant-use management, and partial management; requires the Secretary to conduct research and, together with the Secretary of the Department in which the Coast Guard is operating, enforcement activities as necessary and reasonable to carry out the purposes of title III; provides that a designation of a marine sanctuary shall become effective unless part or all of its terms are disapproved by concurrent resolution adopted by both Houses of Congress within 60 days of continuous session and in accordance with specified procedures or if the Governor of a State whose waters are included on the designated sanctuary certifies, within 60 days of publication, that the designation or specific terms of it are unacceptable to his State; and authorizes therefor $2.25 million for 1981 to the National Oceanic and Atmospheric Administration which is charged with administering the program. S. 1140—Public Law 96–332, approved August 29, 1980. (VV)

National Commission on Air Quality: Amends the Clean Air Act of 1977 to extend until May 1, 1981, the National Commission on Air Quality in order to provide additional time for the Commission to complete and submit a final report containing its recommendations on the implementation of the Clean Air Act. S.J. Res. 188—Public Law 96–300, approved July 2, 1980. (VV)

Ocean pollution: Extends for three years, through fiscal 1982, title I of the Marine Protection, Research and Sanctuaries Act under which the Environmental Protection Agency has the authority to regulate the transportation of materials for ocean dumping and prevent ocean dumping of any material which would adversely affect human health or welfare, the marine environment, an ecological system or economic potentialities; authorizes therefor $2 million each for 1980 through 1982; phases out industrial sludge dumping by December 31, 1981, unless a company has a special permit issued by the administrator of EPA; requires a U.S. agency that intends to dump in foreign waters to first obtain the Administrator's approval; and authorizes EPA to conduct a study evaluating the technological options available for the removal of heavy metals and other toxic organic materials from the sewage sludge of New York City which is to be completed by July 1, 1981. S. 1148—Passed Senate June 6, 1979; Passed House amended May 13, 1980; Senate agreed to House amendments with amendments September 30, 1980. (VV)

Amends the Marine Protection, Research and Sanctuaries Act of 1972 to transfer from the National Oceanic and Atmospheric Administration (NOAA) to the Environmental Protection Agency the authority to conduct research into developing disposal methods as alternatives to ocean dumping; authorizes $11,396,000 in fiscal 1981 and $12,000,000 in 1982 for NOAA to monitor ocean dumping and to carry out research on marine pollution under title II of the Act; and includes as part of the research project currently being conducted by the Secretary of Commerce into the long term effects of pollution over fishing and the marine ecosystem, a scientific assessment of damages caused from oil spills. S. 1123—Public Law 96-381, approved October 6, 1980. (VV)

Ocean pollution (Marpol): Implements those portions of the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Marpol Protocol) applicable to vessel inspection and certification and to reception facilities for oil and chemical wastes; gives the Secretary of the Department in which the Coast Guard is operating the authority to administer, enforce, and prescribe regulations to carry out this act including authority to issue "Marpol Protocol" certificates to vessels complying with pollution standards and detain vessels that have no certificate or are not in compliance with their certificate; provides compensation for any loss or damage suffered to ships which are unreasonably detained or delayed; requires the Secretary to issue regulations to ensure that the vessels of member nations are treated more favorable than vessels of non-members; requires the Secretaries to issue regulations for determining the adequacy of waste reception facilities at U.S. ports and terminals; calls for issuance of a certificate whenever a port's facilities are adequate for receiving waste liquids from seagoing vessels; requires the Secretary to bar entry, with certain exceptions, to any U.S. port, that has not been issued the necessary certificate; imposes civil and criminal penalties for violations of the act, the protocol, or its implementing regulations; and amends the Fish and Wildlife Act of 1956 to extend the fisheries loan fund through September 30, 1982. H.R. 6665—Public Law 96-478, approved October 21, 1980. (VV)

Ocean pollution research and development: Amends section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize $3 million for fiscal 1981, $4 million for fiscal 1982, and $5 million for 1973 to the National Oceanic and Atmospheric Administration to provide continued financial assistance in the form of grants and contracts for projects needed to meet the priorities set forth in a five-year plan (mandated under the act) for Federal efficiency and coordination of the Nation's ocean pollution research, development, and monitoring activities; and changes from February 15 to April 30 the date for submission of the biennial report to Congress containing revisions of the five-year plan. H.R. 6615—Passed House May 5, 1980; Passed Senate amended May 15, 1980. (VV)

Quiet communities: Amends the title of the Noise Control Act of 1972 to read the "Quiet Communities Act" and conforms all references in law to the new name; authorizes $15 million annually for fiscal 1980 and 1981 to carry out the provisions of the act; requires the Administrator of the Environmental Protection Agency to develop a five-year plan, to be submitted to Congress by March 1, 1980, setting forth a detailed description of the objectives of each program and activity which the Administrator will carry out in fiscal 1981 through 1985, and to prepare and submit to Congress a revision of the plan by January 31, 1981, and each two years thereafter; requires that the plan contain a separate discussion of the Administrator's research objectives with respect to the health aspects of noise and that the research portion of the plan (1) set forth the relative priorities assigned to various categories of noise research activities to be performed by EPA or other Federal agencies, a detailed statement of the annual levels of funding to be allocated to each category, and a schedule or timetable of activities proposed to attain the noise research objectives, and (2) contain an analysis of the relationship between the research elements and the other activities for programs described elsewhere in the plan; requires that the plan contain a separate portion on aircraft and airport noise studies; allows local governments to petition EPA requesting a change in Federal Noise regulations which affect fixed railroad facilities; and extends for one year the life of the National Commission on Air Quality in order that it may complete its study on the implementation of the act. S. 1144—Passed Senate June 14, 1979; Passed House amended February 12, 1980; Senate agreed to House amendment with an amendment and requested conference March 25, 1980. (VV)

Safe drinking water: Amends the Safe Drinking Water Act to extend for three years, until January 1, 1984 (January 1, 1986 for systems that intend to regionalize) the authority of States to grant temporary case-by-case exemptions to public water supply systems which, due to economic factors, are unable to comply with current interim primary drinking water regulations; permits States, so long as statutory requirements are met, to receive primary enforcement authority to regulate underground injection related to oil and gas production and recovery; deletes underground storage of natural gas from the statutory definition of underground injection because of the lack of evidence that natural gas storage poses a threat to drinking water quality; permits States to continue their existing underground injection control programs pending approval or disapproval of their program by the Administrator; and authorizes the Administrator to make grants to a single public water system for the purpose of developing and demonstrating new or improved means of filtration which are stricter than standards in effect under the act. H.R. 8117—Public Law 96- , approved 1980. (VV)

Solid waste disposal: Extends the Solid Waste Disposal Act for three years through fiscal 1982; transfers to the Secretary of Interior exclusive responsibility for carrying out any requirement of the act with respect to coal mining wastes or overburden for which a surface coal mining and reclamation permit is issued or approved;

Allows the Administrator of the Environmental Protection Agency to delegate the power to enforce regulations to other agencies in order to avoid duplication of compliance efforts but limits such authority with respect to inspections and enforcement functions by the Secretary of Transportation in matters relating to the transportation of hazardous waste; provides greater administrative flexibility in allocating funds while retaining an emphasis on technical assistance to States and local governments for hazardous waste control funds; requires that a minimum of 25 percent of appropriated funds be used to support State and local solid waste planning and management activities; provides that drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy shall only be subject to existing State or Federal regulatory programs in lieu of subtitle C of the Resource Conservation and Recovery Act until at least 24 months after enactment to enable EPA to conduct and submit to Congress a study to determine the degree of hazard, adequacy of existing regulatory programs, any changes to these programs, and the cost and impact of those changes on the exploration, development, and production of crude oil and natural gas; establishes a "special wastes" category to encompass all other wastes to be regulated by the Agency and requires studies and public hearings prior to their regulation; requires State or Federal programs for waste disposal sites to include provisions for identification and chemical physical analysis;

Establishes a procedure for Congressional approval of any hazardous waste regulations; codifies the existing common law concept that the generator of waste is responsible for assuring its arrival at an appropriate facility; authorizes the Administrator to prescribe regulations to prevent radiation exposure which presents an unreasonable risk to human health or the environment from certain uses of solid waste, the extraction, and processing of phosphate rock, or the extraction of uranium ore; limits suspension of regulations of uranium mining waste under subtitle C to overburden; and authorizes the Administrator to enforce such regulations through issuance of a compliance order or commencement of a civil action; provides that the Administrator should, where appropriate, establish separate requirements for new and existing facilities; requires the Administrator to promulgate regulations for all aspects of storage, treatment, and disposal of hazardous waste ranging from reporting, monitoring second record keeping to regulations for location, design, construction, and operation;

Permits the Administrator to authorize EPA contractors to obtain samples, perform inspections, and examine records at facilities which handle hazardous wastes; specifies that EPA's access, entry, and inspection authority applies to persons or sites which have handled hazardous wastes in the past but are no longer doing so; gives EPA the option of requesting that persons handling such wastes either provide records or furnish information in the form of a summary; adds provisions to assure appropriate confidentiality of data in the hands of private contractors; amends the enforcement provisions to bring them into line with those in the Clean Air and Water Acts by imposing a civil penalty of up to $25,000 per day for dumping of hazardous wastes regardless of whether the dumping party has been served with a stop order; authorizes the Administrator to act against violations before a 30-day period has elapsed; clarifies the Administrator's authority to immediately issue an order suspending or revoking an operating permit and, if necessary, seek court enforcement; clarifies the scope of existing criminal provisions and creates a new offense of endangerment that is tailored to the activities regulated by the act; leaves notification relating to revision of regulations to the discretion of the Administrator; authorizes $20 million for a new program of grants to assist States to compile, publish, and submit to the Administrator a continuing inventory of the waste sites within their State; authorizes the Administrator, upon a determination that a hazardous waste presents a substantial risk to the health or environment, to order the owner or operator to conduct reasonable testing, analysis, and monitoring to determine the nature and extent of the hazard; makes clear that enforcement and remedial actions with respect to hazardous waste sites should not be postponed pending completion of the inventory; specifies that grant funds for State hazardous waste activities may be used for inactive site response planning and control; prohibits open dumping after publication of criteria to define this practice; authorizes $1.5 million each for fiscal 1981 and 1982 for a grant program to assist local governments with solid waste disposal facilities located on a drinking water acquifer and to take measures to identify these sites and mitigate potential environmental problems;

Establishes a deadline of September 1981 for the Department of Commerce to publish guidelines for the development of specifications for recovered materials, which may also apply to virgin materials, and to take actions to identify potential markets and economic obstacles to materials recovery; gives EPA the flexibility to choose which products would be purchased for recycled materials and to set timetables for issuance of new specifications; extends the deadline for changing specification to allow use of recycled materials from 18 months to 5 years; directs the Administrator to issue final guidelines by May 1, 1981, for use by Federal agencies in procuring products containing recovered materials;

Extends applicability of solid waste disposal guidelines to the legislative branch; directs the Administrator to provide to the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health with information relating to the identity of a site where cleanup is planned, regarding hazards to which workers might be exposed, and incidents of worker injury or harm at a site; requires the Administrator, before issuing a permit for a facility for the treatment, storage, or disposal of hazardous wastes, to give notice in local newspapers and over radio stations of its intent to issue a permit to after which a 45-day period is provided for submission of statements of opposition; modifies the judicial review provisions of the act to follow comparable provisions in the Clean Air and Clean Water Acts; requires that all court actions challenging regulations under this act, be heard in the Appeals Court of the United States for the Federal judicial district in which the person resides or transacts business; gives the Administrator authority to subpena records and compel testimony of witnesses in enforcement actions; establishes minimum requirements for approval of State waste-to-energy plans and authorizes grant assistance for States and municipalities to implement their plans; directs the Administrator to collect information concerning market potential and other waste-to-energy information; and directs the President to establish a temporary nine-member commission to submit by February 15, 1982, an interim report and within two years a final report regarding the status of Federal resource, conservation, and recovery efforts. S. 1156—Public Law 96-482, approved October 21, 1980. (VV)

Superfund for environmental cleanup: Establishes a five-year $1.6 billion Hazardous Substance Response Fund, 87.5 percent of which would be funded by a system of taxes levied on the producers of hazardous substances, to pay for timely government response to releases of hazardous substances into the environment; establishes strict liability for producers of hazardous substances to encourage those responsible to clean up releases and prevent additional releases of hazardous substances;

Defines hazardous substances as all substances which are already listed as such under the Clean Water Act, the Clean Air Act, Solid Waste Disposal Act, or the Toxic Substance Control Act; authorizes the President to designate additional hazardous substances which, when released into the environment, may present substantial danger to the public health or the environment; allows use of the fund for cleanup damages for substances not on the lists, but disallows use of the liability scheme to recover these costs; excludes from coverage oil spills, the normal field application of fertilizer, emissions from a motor vehicle, nuclear material, and most workplace exposures; excludes from definition as a hazardous substance, petroleum, natural gas, and synthetic gas; provides for two different levels of Federal response—removal and remedy—where a responsible party fails to respond to a spill, or where no responsible party can be identified; includes as removal actions, those emergency actions established under the Clean Water Act, including provision of water supplies and temporary housing relocation; allows up to $1 million for emergency removal actions, or more if the emergency continues; authorizes subsequent remedy of the release, with no dollar limit; provides a variety of onsite or offsite actions to clean up the released hazardous substances and to stop further spread of the contaminants, including permanent relocation and provisions of alternative water supplies as part of remedy; allows the fund to pay for the loss of natural resources, including costs of damages, and cost of restoring injured, destroyed, or lost natural resources; essentially codifies the common law liability standard to help assure that spills, hazardous waste sites, and other covered releases will be cleaned up and innocent victims will be compensated for their losses holds responsible parties liable on a "no fault" basis under Federal law for all government response costs and listed third party damages; allows costs to be paid initially by the Response Fund and then collected from the responsible parties, if necessary; provides for compensation of the Federal Government and any State in the event of injury to or destruction or loss of natural resources imposes strict liability on owners and operators of vessels and facilities releasing hazardous substances, and on owners and operators of sites at the time of disposal, generators of hazardous wastes who arrange for others to dispose of the wastes, and transporters who select where they will dispose wastes; and provides as the only defenses to liability, an act of God, an act of war, or the act of a third party; and provides for a legislative veto of regulations promulgated under this act if the veto is not disapproved by the other House. H.R. 7020—Passed House September 23, 1980; Passed Senate amended November 24, 1980. (484)

Trinity River fish habitat: Authorizes the Secretary of the Interior, acting through the Water and Power Resources Service, to undertake construction, operation, and maintenance of the debris dam on the Grass Valley Creek and the sand dredging program on the Trinity River in Trinity County, California, in conformity with the development plan prepared by the Trinity River Basin Fish and Wildlife Task Force which was formed to examine the fish and wildlife problems on the Trinity River caused by construction of the dam and to recommend corrective actions; authorizes for fiscal 1982 $3.5 million to remain available until expended for construction costs plus such additional amounts as may be required for the Federal share of operation and maintenance; and makes appropriation of all such funds contingent upon the Board of Supervisors of Trinity County adopting adequate timber road and subdivision standards to protect the Grass Valley Creek Watershed and an agreement between the State and the Water and Power Resources Service to share the cost of the sand dredging system. H.R. 507—Public Law 96-335, approved September 4, 1980. (VV)

Weather modification: Establishes a National Weather Modification Management Program to: (1) develop a better scientific base for understanding the atmospheric processes that will allow the development of reliable weather modification technologies, (2) provide more effective coordination and stable funding for Federal research efforts in weather modification, (3) improve public involvement and environmental consideration in weather modification, and (4) encourage international cooperation; directs the Secretary of Commerce to appoint a director responsible for planning and administering the program; directs the President to maintain an interagency coordinating committee responsible for coordination of the Federal agencies involved in the program; directs the Secretary and the Director to seek independent advice on the goals, priorities, and activities of the program; requires the director with the assistance of the interagency coordinating committee to prepare and revise biennially a five-year plan for managing the Federal research effort in weather modification; directs OMB to review each agency's annual appropriations request for the program as an integrated, coherent, multiagency request; requires submission of reports by all persons responsible for conducting weather modification activities in the United States; directs the Secretary to publish a summary of activities in an annual report to the President and the Congress; and includes a five-year authorization increasing from $25 million in fiscal 1981 by $5 million per year to $45 million in fiscal 1985. S. 1644—Passed Senate May 19, 1980. (VV)

FISHERIES

Atlantic Tuna Conservation Commission: Amends section 10 of the Atlantic Tunas Convention Act of 1975 to authorize, through fiscal 1983, such sums as necessary for the United States' share of travel and other expenses of the International Commission for the Conservation of Atlantic Tunas (ICCAT) which was established under the International Convention for the Conservation of Atlantic Tuna (Ex. H. 89th-2d) and is responsible for the management and conservation of Atlantic Tuna; adds five new positions to the existing advisory committee to the U.S. ICCAT Commissioners which would consist of the Chairmen of certain fishery management councils; directs the Secretary to establish a program under which a U.S. observer will be stationed aboard a foreign fishing vessel that is operating within the defined convention zone to carry out such scientific or other functions as the Secretary deems appropriate; imposes a fee sufficient to cover the cost of placing an observer on a foreign vessel intending to fish within the U.S. convention zone when it is determined that such fishing would result in the incidental taking of billfish; and requires biennial reports on the taking of blue-fin tuna by U.S. fishermen in the convention area, the status of bluefin stocks within the area, trends in their population and related information resulting from implementation of the observer program. S. 2549—Public Law 96-339, approved September 4, 1980. (VV)

Commercial fisheries: Extends the Commercial Fisheries Research and Development Act for three years, through fiscal 1983, and authorizes therefor $10 million for the section 4(a) general programs, $5 million for section 4(b) which provides funds on an emergency basis if there is a commercial fishery disaster or serious disruption affecting future production due to a resource disaster arising from natural or undetermined causes, and $500,000 for the section 4(c) program of grants to develop new commercial fisheries. H.R. 4890—Public Law 96-262, approved June 5, 1980. (VV)

National fishery development: Provides for a national program of fisheries research and development; reaffirms the Congressional commitment expressed in the Saltonstall-Kennedy Act (established in 1954 and maintained through the transfer of 30 percent of the duties on imported fish products) to provide a source of funding for both industry and governmental fishery development and research and projects by expanding the definition of persons eligible to apply for funding, which shall also include residents of the U.S. territories and possessions, and earmarking 50 percent annually to private fisheries development projects; provides for foreign fishing in the U.S. fishery management zone subject to certain limits on the number and types of fish that may be taken; establishes a program under which a U.S. observer will be stationed aboard each foreign fishing vessel while the vessel is engaged in fishing within the U.S. zone; and permits a commercial fisherman whose vessel was damaged by a foreign vessel to file a claim for damages to cover the loss of his gear or vessel. S. 1656—Passed Senate December 5, 1979; Passed House amendment September 23, 1980; Senate agreed to House amendment with amendment September 30, 1980; House agreed to Senate amendment with an amendment November 18, 1980. (VV)

Salmon and steelhead resources conservation: Provided the Federal response to the consequences of a number of Federal court decisions interpreting treaties entered into between the U.S. and Indian tribes of the Washington territory in the 1850's that have resulted in: (1) economic dislocation for the non-Indian commercial fishing industry and the sport fishermen of the State, (2) resistance to the decisions implemented, and (3) difficulty in securing proper management of the salmon and steelhead resources by authorizing the Secretary of Commerce to establish a grant program for the States of Washington and Oregon, the Northwest Indian Fisheries Commission, the Columbia River Inter-Tribal Fish Commission and any joint governmental entity for programs designed to promote coordinated research, enforcement, enhancement, and management of the area's salmon and steelhead resources. S. 2163—Public Law 96- —Approved 1980. (VV)

Vessels sale: Authorizes the open, competitive bidding sale of seven specified vessels in the Federal Government's obsolete fleet which are capable of conversion for use in the U.S. fisheries; contains provisions to insure that: conversion work is performed in the U.S., the vessels are documented and operated under the laws of the U.S., scrapping of the vessels is done in the U.S., and the purchasers are U.S. citizens; and extends for two years the provisions of Public Law 94-150 to permit foreign citizens with special technical expertise aboard the vessel until such time that this special expertise can be transferred to U.S. citizens. H.R. 4088—Public Law 96-260, approved June 3, 1980. (VV)

GENERAL GOVERNMENT

Afro-American History and Culture Commission: Establishes a 15-member National Afro-American History and Culture Commission which shall develop and submit to the President and Congress within two years, a definitive plan for the construction and operation of the National Center for the Study of Afro-American History and Culture in Wilberforce, Ohio; and authorizes the Commission to solicit funds from private and public sources to defray costs associated with establishment and operation of the Center. S. 1814—Passed Senate September 26, 1980. (Note: Comparable provisions are contained in H.R. 7434 which became Public Law 96-430.) (VV)

Agency reporting requirements: Discontinues or amends certain agency reporting requirements by eliminating those reports considered no longer necessary and modifying others through simplification, less frequent reporting time frames, and consolidation. H.R. 6586—Public Law 96-470, approved October 19, 1980. (VV)

American folklore preservation: Extends the American Folklife Center at the Library of Congress for three years and authorizes therefor $740,000, $890,000, and $990,000 for fiscal 1982 through 1984, respectively, for its operation. H.R. 7805—Public Law 96- approved 1980. (VV)

Archeological resources: Authorizes not to exceed four percent of the total funds appropriated for the Animas-LaPlata and Dolores projects within the Colorado River Basin for the survey, recovery, protection, preservation, and display of archeological resources in the area. H.R. 5751—Public Law 96-301, approved July 2, 1980. (VV)

1980 census: States the sense of the Senate that all members of Congress should request their States, the citizens of their Congressional Districts, and the Bureau of the Census to encourage older people to participate as census workers in the 1980 Decennial Census. S. Res. 395—Senate agreed to March 27, 1980. (VV)

Civil Defense property transfer: Authorizes the Administrator of GSA to donate to State and local governments certain Federal personal property loaned to them for civil defense use under the Federal Emergency Management Agency. S. 2566—Passed Senate August 27, 1980. (VV)

Federal assistance reform: Proposes procedural changes in the administration of the Federal categorical grant system to encourage consolidation of grant programs and simplify the regulations associated with them; recognizes the increasing complexity of the Federal grant system and creates mechanisms to improve the management of these programs: encourages Congress to consider consolidation plans within 90 days of transmittal to Congress; encourages increased Federal reliance on state and local audits whenever possible, to satisfy Federal requirements; shifts the emphasis of current practice from audits conducted on a grant-by-grant basis to audits performed on an organization-wide scale; replaces the Joint Funding Act with provisions designed to encourage Federal grant administering agencies to allow a number of separate categorical programs to be used by a recipient as if they were a single program on a case by case basis; mandates that agencies work with their counterparts to develop grant procedures which would be compatible and would allow several grants to be combined into one administrative package; requires each granting agency to design specific procedures and clear administrative roadblocks to enhance the packaging of grant programs; allows recipients to develop their own coordinated grant packages for approval by the agencies; reduces paperwork and conflicting national policy standards resulting from cross-cutting requirements (statutorily mandated conditions for receipt and use of Federal assistance); requires the President to designate agencies in various policy areas which will be responsible for developing and issuing, within two years of the date of their designation, standard rules and requirements for one or more cross-cutting statutes; requires all agencies upon issuance to conform with the standards: directs agencies to accept State or local government certifications that they are in compliance with State or local requirements which are equivalent to the Federal cross-cutting requirements; relieves recipients, once certified, from the paperwork and other administrative requirements which implement cross-cutting statutes; develops a system, in cooperation with Federal grants agencies, to provide comprehensive information on the purpose and amounts of all Federal assistance awarded to a State and its political subdivisions in each fiscal year; ensures State and local recipients protection from unexpected policy changes or administrative revisions implemented by Federal agencies; requires Federal agencies to notify assistance recipients whenever Federal funds are withdrawn or denied; requires agencies to allow State or local governments to present arguments against the agencies' actions; requires Federal agencies to explain their reasons for withdrawing or denying funds; encourages Federal agencies to waive changes in requirements for recipients which have made a substantial effort to comply with the old rules; directs the Advisory Commission on Intergovernmental Relations to study alternative methods of delivering public services supported by Federal grants; and directs OMB to conduct and report to Congress within 18 months, the results of a pilot program to develop and implement methods to assess the administrative costs of Federal assistance programs to OMB. S. 878—Passed Senate December 1, 1980. (VV)

Federal buildings: Authorizes $2,361,399,-099 to the General Services Administration for various building projects and to carry out the general policies established for locating, designing, furnishing, and maintaining Federal buildings; and sets a goal of increasing the percentage of Federal employees working in Federally-owned buildings, as opposed to leased buildings, to 60 percent in ten years and 75 percent in 20 years. S. 2080—Passed Senate June 20, 1980; Passed House amended August 25, 1980; In Conference. (*234)

Federal Election Commission authorization: Authorizes $9.4 million for the Federal Election Commission for fiscal 1981 of which not more than $400,000 is to be used for the Commission's clearinghouse activities. S. 2648—Public Law 96-253, approved May 29, 1980. (VV)

Federal fire prevention and control: Authorizes $20,804,000 for the United States Fire Administration (USFA) and $4,255,000 for the Center for Fire Research within the Department of Commerce for fiscal 1981 for a total authorization of $25,059,000; includes funds to strengthen programs of firefighter protection, Federal arson, firefighter emergency response training, and concentrated demonstration in fire prevention and control, including a directive for USFA to carry out a rural firefighting demonstration project in the Southeast region of the United States in response to the high rate of deaths due to fires in that region; and includes funds to expand fire research programs under the Center for Fire Research. S. 2709—Passed Senate May 22, 1980. (VV)

Federal Trade Commission: Amends the Federal Trade Commission Act to change procedures for agency investigations and rulemaking; authorizes $70 million for fiscal 1980, $75 million for 1981, and $80 million for 1982 for programs administered by the Federal Trade Commission; and provides for a two-house legislative veto of trade rules promulgated by the FTC; requires the FTC, within 120 days of the filing date, to reopen any FTC order if a person, partnership, or corporation subject to that order makes a "satisfactory showing" of the changed conditions of law or fact since the order was issued; prohibits the FTC from making public trade secrets, commercial, and financial information which it obtains confidentially from private sources; requires the FTC to establish a plan to reduce the burdens on small businesses of the quarterly financial report and to reduce the number of small businesses required to file the report; makes permanent the protection against disclosure of line-of-business data in such a way that an individual company could be identified; makes the FTC's investigative and reporting powers inapplicable to the business of insurance, except to the extent authorized with regard to antitrust investigations or unless requested by a majority vote of the Senate or House Commerce Committees; eliminates the threat of criminal sanctions applied to those recipients of a subpoena who in good faith resist investigations by making such sanctions inapplicable prior to a judicial order of enforcement; terminates FTC's rulemaking authority to issue a trade regulation rule under section 18 regarding industry standards and certification of products but leaves unaffected whatever authority the FTC may have under other provisions of the Act; requires the FTC to notify the relevant Senate and House committees 30 days prior to publishing a notice in the Federal Register of a proposed rulemaking; limits to $75,000 per proceeding and to $50,000 per year the amount that any person may receive under the public participation program; restricts the total authorization for this program to $750,000 annually, and calls for establishment of a small business outreach program to solicit public comment and encourage participation; suspends the present rulemaking proceedings regarding children's television advertising until the Commission votes to publish the text of the proposed rule and conducts its investigations under a "false or deceptive", rather than an "unfair or deceptive" standard; requires the FTC to promulgate rules providing that ex parte contacts between Commissioners and outside parties be "on-the-record", and that contacts between the Commissioners and the rulemaking staff be "on-the-record" when discussing facts relevant to the rulemaking but which are not in the rulemaking record; applies the civil investigative demand procedure utilized by the Justice Department under the Antitrust Civil Process Act to certain FTC investigations, and allows information sharing with other Federal agencies as long as they abide by the same standards of confidentiality; exempts from disclosure under the Freedom of Information Act any material the FTC receives in an investigation of a violation of a law within the jurisdiction of the FTC; requires the FTC to publish the text of any rule, or alternative, at the commencement of a rulemaking proceeding; provides that the provision requiring the publication of a rule is applicable to any rulemaking proceeding in which all hearings have not been completed; requires publication of a semiannual regulatory agenda listing the rules which the FTC expects to propose or promulgate in the next 12 months; requires an analysis of a proposed action as to its benefits and adverse effects at the initial notice stage and upon promulgation; prohibits the FTC for three years from petitioning the Commissioner of Patents to cancel a trademark on the grounds that it had become the "common or descriptive name of an article or substance" under the Lanham Trademark Act, which would prevent the FTC's intended action on the word "formica"; authorizes FTC rulemaking on the funeral industry with regard to mandating price disclosures, banning deceptive or coercive practices, and prohibiting unlawful practices such as boycotts or threats; prohibits funds for study, investigation, or prosecution of any agricultural cooperative, such as Sunkist, which is exempt from antitrust laws under the Capper-Volstead Act; provides for a two-house legislative veto of FTC rules, under expedited procedures, by the passage within 90 days of promulgation of a rule of a concurrent resolution of disapproval; and requires the Senate Commerce Committee's Subcommittee for Consumers to hold oversight hearings every six months regarding the FTC. H.R. 2313—Public Law 96-252, approved May 28, 1980. (*40,*152)

Federal use of bequests: Authorizes the Federal Government to accept and use bequests and gifts for the relief of human suffering caused by natural disasters and establishes, within the Treasury, a separate Fund into which such donations shall be credited and remain available for expenditure upon the certification of the President or his delegate. S. 2185—Public Law 96-446, approved October 13, 1980. (VV)

Foreign Claims Settlement Commission: Transfers the Foreign Claims Settlement Commission to the Department of Justice, as a separate agency, without altering its adjudicatory independence; changes the service of two of the three full-time Commissioners to part-time; authorizes the Department of Justice to provide certain administrative support services to the Commission; changes the terms of office and method of appointment of the members of the Commission; abolishes the Annual Assay Commission and transfers its functions to the Secretary of the Treasury; abolishes the United States Marine Corps Memorial Commission whose functions are now obsolete; and abolishes the Low Emission Vehicle Certification Board whose functions are now carried out by the Department of Energy. H.R. 4337—Public Law 96-209, approved March 14, 1980. (VV)

General Accounting Office audit of unvouchered expenses: Amends the Accounting and Auditing Act of 1950 to authorize the Comptroller General to audit unvouchered expenditures which are accounted for solely by the President or agency official involved (except for certain expenditures dealing with sensitive foreign intelligence or counterintelligence) for the purpose of verifying to Congress that funds were legitimately expended; requires the Director of OMB, within 60 days after the beginning of each fiscal year beginning with 1981, to provide the Comptroller General and certain Congressional committees with a list identifying each vouchered account subject to audit; prohibits GAO from releasing information obtained from its audit to anyone except the President or agency head concerned or, in the case of unresolved discrepancies, to certain Congressional committees; amends the Budget and Accounting Act of 1921 to authorize the Comptroller General to institute judicial enforcement actions to compel production of documents in cases where an executive department or establishment fails to comply with a request for information and to issue and enforce subpoenas to non-Federal entities for materials and documents to which it now has a legal right of access; permits the Comptroller General to be represented by attorneys of his own selection in order to avoid a potential conflict of interest caused by the Attorney General representing both respondents in a judicial action involving the GAO and a Federal agency; provides that any failure to obey an order of the court shall be treated by the court as contempt; precludes GAO from bringing an enforcement action against a Federal agency, or issuing a subpoena against a non-Federal party, to obtain access to materials in three specified situations; requires that any materials obtained by the Comptroller General from a Federal agency be subject to the same level of confidentiality required by the Federal agency; regulates procedures for the release of GAO draft reports to Federal agencies for longer than 30 days unless the Comptroller General makes an exception for specified reasons; by requiring that congressionally initiated draft reports be submitted to appropriate members or committee, upon request, when they are submitted to agencies for comments and requiring that the Comptroller General includes in the final version of a GAO report a statement of changes made in its preparation as a result of agency comments and the reason for such changes; amends the Budget and Accounting Act of 1921 to establish a ten-member Congressional Commission to recommend, for the President's consideration, the names of at least three individuals for appointment to the Office of Comptroller General and Deputy Comptroller General; states, with the exception of the current Deputy Comptroller General, that the Deputy Comptroller General shall hold office from the date of his appointment until the date on which an individual is appointed to fill a vacancy in the Office of Comptroller General and permits the Deputy Comptroller General to hold office until his successor is appointed; and extends the requirements of the Inspector General Act of 1978, dealing with complying with GAO audit standards, to the Inspectors General of the Departments of Energy and Health, Education, and Welfare. H.R. 24—Public Law 96-226, approved April 3, 1980. (VV)

Hostage relief: Amends title 5, U.S.C., and the Internal Revenue Code of 1954 to provide certain benefits to individuals held hostage in Iran and their families; establishes a special interest-bearing savings fund into which the unalloted portion of a hostage's pay could be deposited and from which withdrawals may be made to meet unexpected needs; provides for the payment of certain medical and health care expenses not covered by insurance; provides education and training benefits for the spouse or child of a hostage and provides for the continuation of these payments in the event of the death of a hostage; makes education and training benefits also available to the hostage after his or her release under special circumstances; prevents a hostage from being sued in a civil court until the individual is in a position to respond to the action; makes Richard Starr of Edmonds, Washington, who as a Peace Corps volunteer, was held captive in Colombia and released in February, 1980 eligible for the benefits under this act; exempts from Federal income tax the salaries of the hostages beginning November 4, 1979, and extending through the period of their confinement; places an expiration date of December 31, 1981, on this provision; waives a hostage's entire tax liability in the event of his or her death; allows the spouses of hostages to file joint tax returns even though the individual being held hostage is unable to sign the return; extends numerous deadlines in the tax law by the period of captivity plus 180 days; directs the Joint Committee on Taxation to study the tax treatment of American citizens taken hostage or missing and report to the Congress by July 1, 1981, in order that Congress may be able to develop permanent statutory provisions before the December 31, 1981, expiration date; calls upon the President to formally request the International Red Cross to make regular and periodic visits to the hostages to determine whether they are being treated in a humane and decent manner and are receiving proper medical attention; urges the Red Cross to encourage other countries to ask for the cooperation of the Government of Iran to allow these visits; and requests that the Red Cross report its findings after each visit to the U.S. H.R. 7085—Public Law 96-449, approved October 4, 1980. (VV)

International affairs of Treasury: Authorizes $23.671 for fiscal year 1981 to carry out international affairs functions of the Department of the Treasury, including sums for official functions and reception and representation expenses and for payments for a program to equalize the after-tax salaries of U.S. nationals employed by the Asian Development Bank (ADB) to those of other ADB employees; authorizes an additional $1.1 million for fiscal year 1981 to cover cost of living increases, overseas allowances, and benefits for U.S. nationals employed by ADB; and calls on the administration to initiate, in the

Organization for Economic Cooperation and Development Steel Committee, discussions leading to a multilateral agreement halting predatory, Government subsidized export credits for steel plants and equipment. S. 2514—Passed Senate September 3, 1980; House defeated September 6, 1980. (VV)

Joint funding simplification: Extends for five years, until February 5, 1985, the Joint Simplification Act of 1974 (Public Law 93-510) which simplifies funding procedures in the categorical grant-in-aid system in those cases where an applicant for Federal assistance receives that assistance from two or more different Federal agencies or programs within an agency. S. 1835—Public Law 96- , approved 1980. (VV)

Kennedy Center authorization: Authorizes $4,287,000 for fiscal 1980 and $4.4 million for 1981 to the Secretary of the Interior, acting through the National Park Service, to provide maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts; and authorizes the Secretary to place in the center a plaque or other device honoring the service of Ralph E. Becker as a founding trustee and general counsel for the center. S. 1142—Passed Senate September 6, 1979; Passed House amended January 24, 1980; Senate agreed to House amendment with amendment August 22, 1980; In Conference. (VV)

Labor statistics confidentiality: Establishes a comprehensive statutory framework to protect the confidentiality of Bureau of Labor Statistics (BLS) data by limiting the use of BLS protected and cooperative statistical data to BLS employees, with certain exceptions as may be determined by the Commissioner of BLS. S. 2887—Passed Senate October 1, 1980. (VV)

Lea Act repeal: Repeals section 506 of the Communications Act of 1934 (the Lea Act), which prohibits musicians and actors from picketing or withholding their services to obtain job security, fair wages, or union recognition. H.R. 4892—Public Law 96- approved 1980. (VV)

NASA authorization: Authorizes $5,587,-904,000 for the National Aeronautics and Space Administration for fiscal 1981 of which $4,436,750,000 is for research and development including $1,873,000,000 for continuing development of the Space Shuttle and the production of a fourth orbiter to support civil and military space operations with an advanced, reusable space transportation system; $118,000,000 for construction of facilities including the Space Shuttle, and $1,-033,154,000 for research and program management; contains support for two new initiatives: the Gamma Ray Observatory and the National Oceanic Satellite System; authorizes NASA to initiate procurement of long lead materials for production of a fifth orbiter utilizing funds approved for the Space Shuttle program in fiscal 1981; authorizes cost variations up to ten percent of the sums authorized for the construction of facilities or up to 25 percent with Congressional notification; provides that not more than one-half of one percent of the funds appropriated for "Research and Development" may be transferred to the "Construction of Facilities" appropriation which, together with $10 million of the construction funds appropriated, shall be available for the construction of facilities and land acquisition at any location if the Administrator so determines; and expresses the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds when feasible and that NASA should explore such distribution of its research and development funds. S. 2240—Public Law 96-316, approved July 30, 1980. (VV)

NASA supplemental authorization: Authorizes $300 million in fiscal 1980 supplemental funds to NASA for research and development in connection with the space shuttle program which, when added to the $1.586 billion appropriated, would provide a total authorization of $1.886 billion for the program. S. 2238—Passed Senate May 30, 1930. (VV)

National Bureau of Standards: Authorizes $107.621 million for fiscal 1981 and $142.382 million for fiscal 1982 to the Department of Commerce for the programs of the National Bureau of Standards, including certain statutory programs, and to assist the Bureau in carrying out its responsibilities including development of national standards of measurement for use in scientific investigations, engineering, manufacturing, and commerce; authorizes, in addition, $400,000 in fiscal 1981 and $500,000 in fiscal 1982 for NBS from excess foreign currency; and authorizes $8.14 million in fiscal 1981 tnd $9.92 million in fiscal 1982 for the National Technical Information Service. S. 2320—Public Law 96-461, approved October 15, 1980. (VV)

National Foundation on the Arts and Humanities—Institute of Museum Services: Amends and extends for five years, through fiscal 1985, the National Foundation on the Arts and Humanities Act of 1965 and authorizes therefor $200 million for the National Endowment for the Arts and $190 million for the National Endowment for the Humanities in fiscal 1981 and such sums as necessary for both endowments for the next four years; provides the Humanities Endowment with authority to support renovation of facilities and the Arts Endowment with authority to make loans; provides that jurisdictions other than states which are included in the definition of state and have a population of less than 200,000 will not receive the full $200,000 basic grant from either endowment; permits the Chairmen of both Endowments to use regular program funds to carry out interagency agreements; modifies and clarifies the Arts Endowment's Challenge Grant program to include challenge grants to provide additional support for cooperative promotional efforts undertaken by state arts agencies and local art groups; eliminates the requirement that members of the National Councils on the Arts and on the Humanities be confirmed by the Senate; modifies the allocation of Humanities Endowment funds so that each State receives a basic grant of $200,000 and provides that any excess be allocated as follows: 34 percent by the Chairman on a discretionary basis, 44 percent to the States on an equal basis, and 22 percent on a per capita basis; increases, from $17,500 to $30,000, the maximum size of discretionary grants made by the Chairman of the Humanities; includes the Commissioner on Aging as a member of the Federal Council on the Arts and Humanities and expands the mandate of the Council to include studies and reports addressing the state of the arts and humanities and to undertake a one year study of employment opportunities for professional artists; requires that advisory panels used to review applications be culturally diverse as well as having broad geographic representation; changes the dates for the annual reports of the Endowments from January 15 to April 15; mandates that the Chairman of each endowment undertake a study of their Treasury Fund program which assesses their incentive effect and administrative complexity;

Extends for five years, through fiscal 1985, the Institute of Museum Services and authorizes therefor $25 million for fiscal 1981 and such sums as necessary for the next four years; increases the level of compensation of the Director of the Institute from level V of the Executive Schedule to level IV; permits the Institute to provide financial assistance to professional museum organizations to strengthen museum service organizations to strengthen museum service programs; broadens the types of assistance that can be provided to include contracts and cooperative agreements; requires establishment of procedures to review applications for assistance; raises from $250 million to $400 million, the ceiling on the aggregate of loss or damage covered by imdemnity agreements at any one time and changes the present deductible of $15,000 for every indemnity agreement to a sliding scale of deductibles related to the total value of the exhibition; and makes other technical and conforming amendments. S. 1386—Public Law 96- , approved 1980. (V)

National Labor Relations Board mailings: Authorizes the National Labor Relations Board to serve certain legal documents by certified mail, where appropriate, in lieu of the registered mail carriage now required by law, thus allowing the Board to use either type of postal delivery at its discretion. H.R. 5673—Public Law 96-245, approved May 21, 1980. (VV)

National Museums of American Art and American History: Renames the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively. H.R. 8103—Public Law 96-441, approved October 13, 1980. (VV)

National Science Foundation and Women in Science authorization: Continues present authorities of the National Science Foundation (NSF) for fiscal year 1981 and authorizes therefor $1,114,500,000 plus $5.5 million in excess foreign currencies; distributes the amounts authorized to ten line item program categories, and provides for specific set-asides for programs including: Education in Appropriate Technology, Ethics and Values in Science and Technology, the Handicapped in Science, and earthquake hazards mitigation; calls for a report on the Ocean Margin Drilling Project by December 31, 1980, which includes plans for conversion of the Glomar Explorer, and provides that funding for the project shall come from the Windfall Profit Tax Account; requires the National Academy of Sciences to submit a report on marine earth sciences research; authorizes $5,000 for official consultation, representation, and other extraordinary expenses at the discretion of the Director; provides the Director with the ability to transfer up to ten percent of the funds authorized from one category to another; directs NSF to consolidate all of its directories under one roof in the location of their central administrative offices by August 1, 1982; requires the Director to add a brief statement of the purposes of the research being undertaken to the title of all grants made by NSF; expands the eligibility for the National Medal of Science and Waterman awards to scientists in the areas of behavioral or social services; directs the President, in making nominations to the NSF Board, to provide equitable representation of minority and women scientists;

Establishes a comprehensive program to increase the potential contribution and advancement of women in scientific, professional, and technical careers and provides that not less than $30 million of the sums appropriated for the NSF for fiscal 1981 shall be available to carry out these provisions; declares as national policy to encourage women to acquire skills in science and mathematics so that equal opportunities in education, training, and employment in scientific and technical fields will be assured; authorizes NSF, to support various activities and programs to implement the policy, to establish a visiting women scientists program to make three-year National Research Opportunity Grants to women scientists who received their PhD five years before the date of the award or who are reentering the work force within five years after interruption of their careers, to award grants to institutions for visiting professorships for women scientists, and to undertake or support a comprehensive science education program to increase participation by minorities and to support research activities at minority institutions; requires the President to transmit a report by January 20, 1982, proposing a comprehensive national policy and program to promote equal opportunities for women and minorities in science and technology and by January 1, 1983, a report proposing a comprehensive policy concerning the direct and indirect impacts of science and technology on women and minorities; establishes within NSF a Committee on Women in Science; and requires submission of a report by January 30, 1982, and biannually thereafter, containing an accounting of the participation of women and men in scientific and technical positions, an assessment of the proportion of women and minorities studying in these fields, and such other recommendations determined appropriate to carry out these policies. S. 568—Public Law 96– , approved 1980. (VV)

Office of Industrial Technology: Establishes within the Department of Commerce, an Office of Industrial Technology, whose Director shall be appointed by the President and confirmed by the Senate, to administer a new industrial innovation program through the establishment of Centers for Industrial Technology funded jointly by industry and government that would conduct cooperative research programs between universities and industry for the purpose of producing new technological ideas of economic significance; requires each Federal laboratory to establish an Office of Research and Technology Applications to facilitate the transfer of Federally-developed technology to State and local governments and to the private sector; authorizes therefor $22 million, $45 million, $60 million, $70 million, and $70 million for fiscal 1981 through 1985, respectively, with Federal matching not to exceed 75 percent; and establishes a 15-member National Industrial Technology Board which shall review the activities of the Office on an annual basis. S. 1250—Public Law 96–480, approved October 21, 1980. (VV)

Paperwork reduction: Amends the Federal Reports Act of 1942 to establish the mechanisms to carry out the recommendations of the Commission on Federal Paperwork for controlling and minimizing the reporting and recordkeeping requirements imposed on the public by Federal agencies; specifies the purposes of the act and assigns specific tasks and deadlines to achieve an overall reduction in the existing 1980 paperwork burden by 25 percent in three years; establishes a central Office of Information and Regulatory Affairs within the Office of Management and Budget, headed by an Associate Director who shall be appointed by the Director, into which will be consolidated specified information management policy functions including automatic data processing (currently covered under the Brooks Act) and telecommunications; clearly states that the Associate Director shall perform only a staff function to the Director and that it is the Director who has the ultimate authority and responsibilities under this act; requires each agency head to appoint a high ranking official to insure that information activities are carried out efficiently; ensures that paperwork required from the public is first checked to see whether the requested information is needed, not duplicative, and collected efficiently; requires all information requests of the public to display a control number, an expiration date, and indicate why the information is needed, how it will be used, and whether it is a voluntary or mandatory request; establishes a Federal Information Locator System to identify duplication in agencies' reporting and recordkeeping requirements, locate existing information that may meet the needs of Congress and executive agencies as well as the public, and assist in deciding which agency requests for information collection should be approved; eliminates all agency exemptions to the Federal Reports Act except that of the Federal Election Commission; provides that disapproval of an information request of the public which has been made by an independent regulatory agency may be overridden by a majority vote of the members of that agency; and authorizes therefor $8 million in fiscal 1981, $8.5 million in 1982, and $9 million in 1983. H.R. 6410—Public Law 96– , approved 1980. (VV)

Postal Service dispute resolution: Provides for improved consultation and establishes new procedures for resolving disputes on matters concerning pay and benefits between the Postal Service and an organization of postal supervisors; and provides for convening a factfinding panel to consider and make recommendations to the postal service with respect to disputes over postal workers pay and benefits. H.R. 827—Public Law 96–326, approved August 8, 1980. (VV)

Refugee assistance and admission: Amends the Immigration and Nationality Act to: (1) provide a new definition of refugee which eliminates current geographical and ideological restrictions and conforms to the United Nations Convention and Protocol Relating to the Status of Refugees; (2) raise the annual limitation on regular refugee admissions from 17,400 to 50,000 for fiscal 1980 through 1982 with a limitation thereafter to be determined as a result of consultation with Congress; (3) provide procedures for meeting emergency refugee and other situations of special concern to the United States if the resettlement needs of the homeless people involved exceed the 50,000 ceiling and specify the procedures for hearings and consultations with Congress on numbers and allocations of refugees in these situations; (4) provide for withholding deportation of aliens to countries where they would face persecution, unless four specific conditions are met which are set forth in the U.N. Convention; (5) limit the use of parole to individual refugees and require that in utilizing parole, the Attorney General, must determine "that compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee"; (6) admit all refugees as refugees with retroactive adjustment of status to lawful permanent residents after one year; (7) establish the statutory position of U.S. coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President and confirmed by the Senate, to develop and coordinate U.S. refugee admission and resettlement policy; (8) establish an Office of Refugee Resettlement in the Department of Health, Education, and Welfare to administer present domestic assistance programs; (9) require coordination between HEW and the Department of State in providing resettlement and placement grants during fiscal 1980 and 1981 and transfer this authority to HHS (Health and Human Services) in 1982 unless the President determines, from the results of a required study of which agency is best able to administer the program, that the Director should not administer the program; (10) authorize $200 million annually for supportive services to be funded through discretionary grants and contracts; (11) provide 100 percent reimbursement for cash and medical assistance provided to refugees for three years following the refugees' arrival and specify that this limitation does not apply for fiscal 1980 and the first six months of 1981; (12) provide for the continued phasedown of the Cuban refugee program through 1982; (13) provide a three-year authorization of domestic assistance funding; and (14) authorize reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979, and who are awaiting determinations of their claims. S. 643—Public Law 96–212, approved March 17, 1980. (262)

Refugee education assistance (Cubans and Haitians): Authorizes two new three-year grant programs for State educational agencies to assist local educational agencies in meeting the educational needs of (1) Cuban and Haitian refugee children in the amount of $450 per refugee child who entered the U.S. on or after November 1, 1979, based on enrollees in public elementary and secondary schools, and (2) Cuban, Haitian, and Indochinese children where enrollments equal at least 500 children or five percent of total enrollment, in the amount of $750 per child for the first year of attendance, $500 for the second year, and $300 for the third year, based on numbers of enrollees in public and private elementary and secondary schools; authorizes a new two-year grant program to State and local educational agencies, public or private non-profit agencies, organizations, and institutions for operating adult education programs for Cuban and Haitian refugees in the amount of $300 per enrolled adult; offsets funds available under this act by any other Federal formula refugee educational assistance program funds; and authorizes the use of funds from the Federal Emergency Management Agency to any State or local government agency providing assistance for the processing, care, maintenance, security, transportation, and initial reception and placement in the U.S. of Cuban and Haitian entrants. H.R. 7859—Public Law 96–422, approved October 10, 1980. (VV)

Repeals section 501(c)(5) of the Refugee Education Assistance Act of 1980 which allows funds in the supplemental appropriation for refugee resettlement to be shifted from the Federal Emergency Management Administration (FEMA) to another agency. S. 3180—Public Law 96–424, approved October 10, 1980. (VV)

Reorganization authority extension: Extends for one year, until April 6, 1981, the President's current authority under chapter 9, title 5, U.S.C., to submit reorganization plans to Congress proposing the reorganization of agencies in the executive branch. H.R. 6585—Public Law 96–230, approved April 8, 1980. (VV)

Secret Service protection for Vice President and Mrs. Mondale: Authorizes the U.S. Secret Service to continue to protect Vice President and Mrs. Mondale following the inauguration of President-elect Reagan on January 20, 1981, and until July 20, 1981, if the President determines that he or she may be in danger. H.J. Res. 634—Public Law 96– , approved 1980. (VV)

Secret Service protection of candidates' spouses: Extends, from 60 days to 120 days, the period preceding the general election within which spouses or major including third party, Presidential and Vice Presidential candidates, upon request, are awarded Secret Service protection. H.R. 7786—Public Law 96–329, approved August 11, 1980. (VV)

Secretary of State salary: Provides that the salary of the Secretary of State shall be $63,000 (the level in effect for the Secretary of State on January 1, 1977) instead of $69,630 as at present, until noon, January 3, 1983 (the date Senator Muskie's term of office in the Senate expires thereby seeking to remove the constitutional barrier against his nomination which prohibits a Senator or Congressman from being appointed to a Federal office for which the salary has been increased during his or her Congressional term of office), and provides that any person aggrieved by any action of the Secretary of State may challenge the constitutionality of his appointment in a three-judge Federal district court with direct appeal to the Supreme Court. S. 2637—Public Law 96-241, approved May 3, 1980. (VV)

Smithsonian Institution—museum services: Authorizes $803,000 for fiscal 1981 and $1 million for 1982 to the Smithsonian Institution for carrying out the purposes of the National Museum Act of 1966 through which the Smithsonian assists museums with specific reference to the continuing study of museum problems and opportunities, training in museum practices, preparation of museum publications, research in museum techniques, and cooperation with agencies of the government concerned with museums. S. 1786—Public Law 96-268, approved June 13, 1980. (VV)

Space flight policy: Establishes as United States policy that no astronaut or participant in a space flight mission shall be unjustly enriched through the sale of items carried on a space vehicle; states as U.S. policy that items carried on Apollo missions and now in the possession of the U.S. be retained by the U.S. in order to avoid unjust commercialization of these missions; and expresses the sense of the Congress that the Attorney General should defend the U.S., NASA, or any official thereof in civil actions brought by or on behalf of astronauts to recover items carried on Apollo missions that are in the possession of the U.S. S.J. Res. 141—Passed Senate February 19, 1980. (VV)

USS Intrepid Memorial Museum: Authorizes, before the expiration of the 60-day congressional review period, the transfer of the obsolete aircraft carrier USS INTREPID from the U.S. Navy to the Intrepid Museum Foundation, Inc., a non-profit organization, which plans to convert the Intrepid into an aerospace and naval memorial museum at a permanent mooring on Manhattan's West Side. H.R. 8329—Public Law 96-488, approved December 2, 1980. (VV)

GOVERNMENT EMPLOYEES

Civil Service survivors benefits—Secret Service retirement: Amends title 5, U.S.C., to require that notification be given to the spouse of a retiring employee or Member who, at the time of retirement, elects not to provide a full survivor annuity to the spouse; and permits those members of the Secret Service who were appointed from the D.C. police force to credit periods of prior service with the Park Police, District Police, or Executive Protection Service towards the ten years service requirement needed to elect coverage under the D.C. retirement system, thus providing them with the same option which is now available to Secret Service personnel appointed from the Executive Protection Service. H.R. 5410—Public Law 96-391, approved October 7, 1980. (VV)

Civilian air traffic controllers retirement: Amends title 5, U.S.C., to extend to Department of Defense civilian air traffic controllers the same early retirement and second career training benefits presently applicable to Department of Transportation air controllers. H.R. 1781—Public Law 96-347, approved September 12, 1980. (VV)

Disability retirement determinations review: Permits de novo review by the Merit Systems Protection Board of agency-initiated involuntary disability retirements based on mental competency and allows such decisions to be appealed to a Court of Claims or a U.S. court of appeals. H.R. 2510—Public Law 96-   , approved 1980. (VV)

Drug Enforcement Administration senior executive service: Establishes a Drug Enforcement Administration (DEA) Senior Executive Service to provide top DEA officials with the same incentives for excellence as enjoyed by those employees covered under the government-wide Senior Executive Service (including merit bonuses, performance rank awards, high mobility, opportunities for sabbatical leave, and flexible pay structures) while retaining the managerial prerogatives granted the DEA Administrator under the Crime Control Act of 1976. S. 2327—Passed Senate September 29, 1980. (VV)

Export-Import Bank employees: Amends the Civil Service Reform Act of 1978 to make the following provisions of that Act applicable to the Export-Import Bank: participation in the Senior Executive Service established to provide top government officials with incentives for excellence; the ban on prohibited personnel practices to make employees eligible for all of the protections which apply to others in the competitive service; and establishment, within one year, of performance appraisal and standards systems. S. 2267—Passed Senate September 29, 1980. (VV)

Federal employee life insurance: Amends the Federal Employees Group Life Insurance program to: increase the amount of life insurance paid for by the government to an employees annual salary plus $2,000 multiplied by two for employees under 35, and by two minus one-tenth for each year of age above 35 and below 45; provide for the purchase of additional life insurance up to five times the annual pay, with the cost to be borne by the employee; permit an employee to purchase a life insurance policy of $5,000 for a spouse and $2,500 for each child; and allow a retired employee to elect to pay to preserve the face value of his or her insurance or have it reduced by one percent each month after age 65. H.R. 7666—Public Law 93-427, approved October 10, 1980. (VV)

Federal employees travel expenses: Increases the per diem allowance (from $35 to a maximum of $50) and the actual daily expense reimbursement, applicable only to travel to certain designated high cost areas (from $50 to a maximum of $75), which may be paid to regular employees of the Federal Government, and to consultants and experts employed intermittently, who are traveling on official business within the continental U.S.; increases the maximum per diem rate (from $21 to $33 per day plus the prescribed locality per diem rate) for travel outside the continental U.S.; increases the mileage rates for the use of privately owned vehicles used while traveling on official business (automobiles—from 20 cents to 25 cents, airplanes—from 25 cents to 45 cents, and motorcycles—from 11 cents to 20 cents); and requires the Administrator of General Services to collect and report, with respect to agencies spending over $5 million annually transporting persons, information concerning travel costs, purposes, and inefficient practices. H.R. 7072—Public Law 96-346, approved September 10, 1980. (VV)

GAO personnel system: Establishes, within the General Accounting Office (GAO) under the authority of the Comptroller General, a personnel system for GAO employees that is independent from regulation by executive branch agencies; contains a number of safeguards to protect the rights of employees including the same merit systems principles established for the executive branch and coverage of title VII of the Civil Rights Act of 1964 forbidding employment discrimination; establishes a five-member GAO Personnel Appeals Board to perform those functions with respect to GAO personnel matters which are currently handled by the Office of Personnel Management and other executive agencies; establishes a General Counsel to the GAO Appeals Board to investigate and prosecute allegations of prohibited personnel practices and to investigate labor management and employment discrimination cases; grants the Comptroller General discretionary authority to establish a GAO Senior Executive Service and a system of merit pay following certain basic requirements parallel to those existing in the executive branch Senior Executive Service and merit pay system; and authorizes such sums as necessary for each fiscal year beginning with 1981. H.R. 5176—Public Law 96-191, approved February 15, 1980. (VV)

Handicapped employees—congressional campaign committees retirement benefits: Expands the Rehabilitation Act of 1973 to permit Federal agencies and advisory committees to employ personal assistants for Federal employees with severe physical disabilities both at their regular duty stations and while on official travel; provides for the use of personal assistants who are paid for directly by the disabled employee or by voluntary organizations; and permits Congressional employees, with five or more years service with either the Democratic or Republican Senatorial Campaign Committees or National Congressional Committees to credit such service for Civil Service Retirement purposes provided that the required deposits are made to the Fund. H.R. 7466—Public Law 96-   , approved 1980. (VV)

NOAA Corps status equalization: Amends various acts to bring the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration (NOAA) into closer parity with other divisions of the armed and uniformed services by: (1) permitting the voluntary interservice transfer of commissioned officers between NOAA and the military; (2) providing for advance payments to NOAA officers to meet expenses incident to a change in permanent duty station, when on duty at a distant duty station where pay is not regularly disbursed, or when his or her dependents are ordered evacuated; and (3) extending to NOAA officers the same benefits as members of the armed services with regard to filing for unemployment compensation. S. 1454—Public Law 96-215, approved March 25, 1980. (VV)

Political contributions by Federal employees: Amends title 18, U.S.C., to specify that voluntary contributions made by Federal employees to candidates for Federal office are unlawful only if they are made to the employee's "immediate employer". H.R. 6702—Passed House March 10, 1980; Passed Senate amended September 9, 1980. (VV)

Secret Service pay: Amends the District of Columbia Police and Firemen's Salary Act of 1958 to provide for the same cost-of-living adjustments in the basic compensation of officers and members of the United States Secret Service Uniformed Division as are given to Federal employees under the General Schedule. H.R. 7782—Public Law 96-396, approved October 7, 1980. (VV)

HEALTH

Animal cancer research: Authorizes $25 million annually for fiscal 1981 through 1986 to the Secretary of Agriculture to conduct, at appropriate facilities of the Department of Agriculture or by grants to other qualified research facilities, a program of basic research in the diagnosis, prevention, and control of cancer in domestic animals and birds; limits the amount that may be obligated annually for research at Department of Agriculture facilities to 30 percent; and requires an annual review of the program by the Secretary and the Director of the National Institutes of Health in order to coordinate the program with that of the National Cancer Institute. S. 2043—Public Law 96-469, approved October 17, 1980. (VV)

Asbestos Hazard Detection: Makes Federal financial assistance available for the detection and treatment of hazardous asbestos materials in school buildings by providing a two-tiered program of Federal assistance: (1) a grant program available to State and local education agencies and private schools to detect potential hazards, and (2) an interest free loan program available to school districts and private schools to contain or remove detected hazards; makes the programs retroactively available for activities carried out prior to enactment if they conform to the requirements established by the Secretary and were completed before January 1, 1976; provides an authorization through fiscal 1982 of $22.5 million for the grant program and $75 million for the loan program and contains a provision for establishing funding criteria in case of insufficient appropriations; permits the use of grant and loan funds to pay up to 50 percent of the costs of a particular project; gives the Secretary of Education responsibility for developing procedures to carry out the detection and control programs and the safety and control standards to conduct the containment and removal work; establishes a task force at the Federal level to compile and distribute scientific and technical information concerning the hazards associated with asbestos and the means of identifying suspected emission of asbestos fibers and to review applications for financial assistance; specifies the contents of applications for grants and loans under the act; requires grant recipients to permit the U.S. to sue any person whom the Attorney General determines to be liable for the costs of corrective activities and provides that the proceeds of any favorable judgment be used to repay the U.S. for the costs of these programs; forbids discharging or discriminating against an employee who brings to public attention any asbestos problem in a school building; and amends the Education of the Handicapped Act to increase from $200,000 to $300,000 the minimum amount for administrative costs to those States whose allotments under the program are less than the amounts which would allow them to use the program's five percent administrative set-aside. S. 1658—Public Law 96-270, approved June 14, 1980. (VV)

Health professions training: Extends titles VII and VIII of the Public Health Service Act for fiscal 1982, 1983, and 1984, with modification to the construction assistance authorities, the student loan and scholarship programs, institutional support, and special projects; amends the National Health Service Corps program authorized in title III of the Public Health Service Act; extends the permissible length of stay of exchange visitor physicians for graduate education and training, and extends, through 1985, the limited authority to waive the 1976 requirements for entry of exchange visitor physicians, with a plan to phase-out dependence on such physicians; and requires the promulgation of Federal minimum standards for certification of persons who administer radiologic procedures and for the accreditation of programs for their training. H.R. 7203—Passed House September 3, 1980; Passed Senate amended September 19, 1980; In conference. (VV)

Health sciences promotion: Extends through fiscal 1982, the authorizations for the National Cancer Institute (NCI) and the National Heart, Lung and Blood Institute (NHLBI), and through fiscal 1983, the National Institute of Arthritis, Metabolism and Digestive Diseases which is renamed the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NADDKD); authorizes therefor $1.773 billion for fiscal 1981 and $1.939 billion for 1982, plus an additional authorization of $42.9 million in 1983 exclusively for NADDKD; establishes within the Institute's Advisory Council separate subcommittees on: (1) diabetes and endocrine and metabolic diseases, (2) arthritis and musculoskeletal and skin diseases, (3) digestive diseases, and (4) kidney, urologic, and hematologic diseases, each headed by an Associate Director, and responsible for developing coordinated research and training plans, improving management approaches, monitoring and reviewing expenditures and recommending ways to identify and utilize research opportunities; requires the Director to report annually to Congress and the President on implementation of each of the current categorical diseases plans prepared under the National Arthritis Act of 1974, the National Diabetes Mellitus Research and Education Act, and the Arthritis, Diabetes and Digestive Disease Amendments of 1976; provides that a portion of the funds available to Diabetes Research and Training Centers and Multipurpose Arthritis Centers are to be used to pay unlimited stipends for health professionals in the centers' training programs; consolidates the existing interagency arthritis, diabetes, and digestive diseases coordinating committees as the Arthritis Interagency Coordinating Committee, the Diabetes Mellitus Interagency Coordinating Committee, and the Digestive Diseases Interagency Coordinating Committee, composed of the Directors of each of the national research institutes and divisions involved in research; establishes separate national advisory boards for arthritis, diabetes, and digestive diseases, each composed of 18 appointed members and several nonvoting, ex officio members, and responsible for improving Federal programs and coordinating government and nongovernment activities; provides for unlimited duration of initial or renewal arthritis or diabetes center grants; deletes the current requirement that the Secretary act through the Assistant Secretary of Health; deletes the specific legislative authority for an orthopedic intramural research program; makes health manpower authorities to: ensure that planning authorizations to provide for smoother, more equitable program administration; makes several technical changes in health manpower authorities to: ensure that guarantees for HEAL loans continue to be available in fiscal 1981 to new and current borrowers, provide that waivers of the provisions of the Immigration and Nationality Act regarding exchange visitor foreign medical graduates may continue to be granted through December 31, 1981, and allow National Health Service Corps scholarship recipients to enter private practice in a health manpower shortage area without first demonstrating that there is a sufficient financial base in the area to provide the individual with an income equal to that of NHSC members; and directs the Secretary of Health and Human Services to enter into a contract to review, within 12 months, past and on-going neurological research, including research on spinal cord regeneration following acute and chronic damage to the spinal cord, in order to identify areas of promise and to accompany this review with a five-year plan for neurological research. S. 988—Passed Senate June 18, 1980; Passed House amended August 28, 1980; Senate agreed to conference report December 1, 1980. (*230)

Infant formula: Adds a new section to Chapter IV of the Federal Food, Drug and Cosmetic Act to create a separate category of food designated "infant formula" and requires that such formulas meet specified standards of quality and safety; provides authority for the Secretary of the Department of Health and Human Services to establish nutritional, quality control, recordkeeping, notification, and recall requirements necessary to ensure that infant formula is safe and will promote healthy growth; gives the Secretary authority to inspect records and factory facilities necessary to monitor and effect formula recalls and to determine compliance with formula quality requirements; requires the Secretary to conduct a comprehensive scientific study to ascertain the long term health effect on infants of hypochloremic metabolic alkalosis (an illness which affected infants who consumed a formula dangerously deficient in chloride); requires the Secretary to conduct a review of infant formula labeling practices and their effect on infant nutrition and proper use and to conduct a review of Federal export policies as they apply to infant formulas; amends the Controlled Substances Act to require the Attorney General to provide State regulatory, licensing and law enforcement agencies annual descriptive and analytic reports on the distribution of schedule II controlled substances; amends the Psychotropic Substances Act of 1978 to continue indefinitely the distribution and reporting requirements for the PCP precursor piperidine; and amends the Controlled Substances Act to increase criminal penalties for trafficking in over 1,000 pounds of marihuana to a maximum of 15 years in prison and/or a $125,000 fine for first offenses and up to 30 years in prison and/or a $250,000 for second and subsequent offenses. H.R. 6940—Public Law 96-359, approved September 26, 1980. (VV)

Mental health systems: Establishes a partnership between local entities and agencies, State governments, and the Federal Government with regard to funding mental health programs; requires that each State designate a mental health administrative agency responsible for mental health programs; requires preparation of a State Health Plan, including provisions relating to the State's need for mental health service, special needs of certain groups, the overall adequacy of facilities and services, and State mental health priorities; directs each State agency to prepare a detailed mental health operations program, outlining the need for services of the chronically mentally ill, emotionally disturbed children and adolescents, the elderly, and other priority groups; includes provisions for the termination of payments to State entities, after notice and an opportunity for a hearing, if there is substantial and persistent failure of a State to comply with these requirements; authorizes, for various mental health services, $169 million for fiscal 1982, $195.5 million for 1983, and $228 million for 1984 plus such sums as necessary for each of these years to continue programs at existing Community Mental Health Centers;

Replaces the existing community mental health centers grant program with a broader, more flexible program under which local private nonprofit entities, local public agencies, or State agencies can apply for Federal funds to provide mental health services in one or more of eight specified categories of services; requires that programs specifically designed for chronically mentally ill patients must receive certain allocations of available Federal funds; requires that the Department of Health and Human Services negotiate performance contracts with local entities or State agencies prior to disbursement of funds; repeals certain planning and formula grant requirements contained in the Public Health Service Act and the Community Mental Health Centers Act, substituting a similar formula grant program;

Directs NIMH to establish an administrative unit to promote mental health and establish national prevention goals; requires the Director of the NIMH to designate an Associate Director for Minority Concerns; states the sense of Congress that each State should review and revise its laws, if necessary, to insure that mental health patients receive the protection and services they require, taking into account the recommendations of the President's Commission on Mental Health (the mental health Bill of Rights) and 15 specified rights, including the right to assert grievances; authorizes a voluntary advocacy program to be run by individual States provides that mental health records may be disclosed to qualified personnel in order to determine program eligibility; authorizes $6 million for 1981 and $1.5 million each for 1982 and 1983 for a continuing study of rape and for development and maintenance of a rape information clearinghouse; authorizes $6 million for fiscal 1981, $9 million for 1982, and $12 million for 1983 for the establishment of demonstration, treatment, and training programs to assist rape victims; and

Amends title XX of the Social Security Act to strengthen the capabilities of States and the Federal Government to detect Medicaid fraud, waste, and abuse by requiring all States, unless waived, to install computerized medicaid management systems to administer the medicaid program and requiring that procedures be implemented to ensure that States administering the program continually utilize the most cost effective management techniques are continually utilized by all States which administer a medicaid program. S. 1177—Public Law 96–398, approved October 7, 1980. (*311)

Saccharin ban restriction: Extends from May 23, 1979, to June 30, 1981, the ban on actions by the Secretary of Health and Human Services to restrict or prohibit the sale or distribution of saccharin, including any food permitted by such interim food additive regulation to contain saccharin, or any drug or cosmetic containing saccharin. H.R. 4453—Public Law 96–273, approved June 17, 1980. (VV)

Swine health protection: Prohibits the feeding of garbage to swine unless it has been treated to kill disease organisms at a facility holding a valid permit issued by the Secretary of Agricuture or an authorized State official; requires such facilities to meet requirements set forth by the Secretary to prevent the spread of communicable diseases of animals or poultry; imposes certain administrative sanctions for violations of the act or regulations and criminal penalties of up to $10,000 and/or one year imprisonment for willful violations; authorizes the Secretary to enter into cooperative agreements with State agencies to assist in the administration and enforcement of the act; grants primary enforcement responsibility to those States having valid laws and regulations relating to garbage feeding; and requires the Secretary to appoint an advisory committee to consult with concerning matters within the scope of the act, including evaluating State programs to determine primary enforcement responsibility and assure effective coordination among State and Federal programs. H.R. 6593—Public Law 96–468, approved October 17, 1980. (VV)

HOUSING

Home purchase assistance: Amends the Emergency Home Purchase Assistance Act to impose the following two additional conditions on the activation of the program: (1) requires the Secretary to determine that the implementation of the section will not significantly worsen inflationary conditions, and (2) prohibits activation of the program unless the most recent four-month average annual rate of private housing starts (seasonally adjusted and exclusive of mobile homes) as calculated by the Director of the Bureau of the Census, is less than 1.6 million and automatically deactivates the program once this figure is exceeded; broadens the Secretary's authority to include the purchase of loans in addition to mortgages; includes mobile homes among the kinds of housing eligible for the program; increases mortgage limits for more than four family residences to the per unit amounts permitted under that section of the National Housing Act under which the project is insured and makes loan limits for mobile homes the same as those contained in section 2(b) of the National Housing Act; deletes the existing 7½ percent maximum on interest rates under the program, and provides instead that the interest rate be set by the Secretary but should not exceed the maximum rate applicable to mortgages insured under section 203(b) of the National Housing Act and shall not be lower than three percentage points below the average contract commitment rate maintained by the Federal Home Loan Bank Board for single family home mortgages or lower than 4½ percentage points for a multifamily mortgage; increases the sales price under the program as follows: for a one-family residence, 90 percent of the average new one-family house price in the area, as determined by the Secretary; for a two-family residence, 100 percent of such average; for a three-family residence, 120 percent of such average; and for a four-family residence, 140 percent of such average; gives the Secretary discretion to direct a portion of assistance to promote construction of multifamily housing; extends the program to existing housing constructed more than one year prior to the date of the issuance of the commitment to purchase the mortgage; increases the mortgage amounts for multifamily dwellings to the limits specified in section 207 of the National Housing Act in the case of rental projects, section 213 for a cooperative project, or section 234 for condominium project; prohibits the purchase of mortgages to finance the conversion of an existing rental housing project into a cooperative or condominium, or to finance the purchase of an individual unit in a converted cooperative or condominium;

Section 235. Home Ownership: Creates a special section 235 home ownership assistance program that would authorize below market interest rate mortgages; reduces effective subsidized mortgage rates to as low as 11 percent, rather than as low as four percent, under the present program; authorizes the Secretary of HUD to add a graduated payment mortgage feature to the program to reduce the homebuyer's effective interest rates to as low as eight percent; makes available assistance payments for persons buying dwellings that sell for up to 80 percent of the average new house price for their area, or $60,000, whichever is higher; authorizes the Secretary to set income levels by area, but directs that moderate income persons be served to the maximum extent feasible; limits recapture of the Federal subsidy to 50 percent rather than 75 percent of net appreciation upon sale of the home; authorizes HUD to use $135 million of its remaining $165 million already appropriated to support the revised section 235 provisions; provides that the program shall remain in effect only through March 1, 1981, unless the Secretary of HUD determines that there is no longer a need for emergency stimulation of the housing market; requires homebuyers to contribute at least 20 percent of their income toward mortgage principal, interest and property taxes; adds technical provisions overriding the limit that no more than 40 percent of the homes in a subdivision can be assisted by the present 235 program and the requirement for local government review for consistency with housing assistance plans of projects with more than 12 houses; and amends the Depository Institutions Deregulation Act of 1980 to make clear that the highest rate allowed either under State or Federal law can be charged on floating rate loans made prior to April 1, 1980, upon written consent. S. 2177—Passed Senate April 22, 1980. (Note: Comparable provisions are contained in conference report on H.R. 2719, which the Senate agreed to on September 30, 1980.) (*82)

Housing and community development: Amends and extends certain Federal housing and community development programs and authorizes approximately $47 billion for housing, flood mapping, and rural housing programs in fiscal 1981 and for community development programs in fiscal 1981 through 1983;

Community and Neighborhood Development and Conservation: Reauthorizes the community development block grant program at $3.81 billion for fiscal 1981, $3.96 billion for 1982, and $4.11 billion for 1983; provides $275 million for a set-aside of community development block grant funds for nonentitlement metropolitan communities; extends for two years the section 312 rehabilitation loan program at a total amount of $273 million and expends its use to congregate and single room occupancy structures; increases loan limits for the section 312 program to a maximum of $33,500 per dwelling unit for residential properties, $15,000 for congregate housing and $25,000 for single room occupancy structures; reauthorizes the neighborhood self-help development program at $10 million for fiscal 1981; authorizes $675 million for an expanded Urban Development Action grant for 1981–83 and aggregates authorizations prior to 1981 for UDAG at not to exceed $1.475 billion;

Housing and Assistance Programs: Authorizes $31.2 billion to fund 282,000 units of public housing and section 8 subsidized private rental housing, at a mix of new to existing units of 50–50; inaugurates a far-reaching new program aimed at the comprehensive modernization of the nation's public housing stock; authorizes public housing operating subsidies totaling $862 million for fiscal 1981; reauthorizes operating assistance for troubled multifamily housing projects for fiscal 1981 at $31.2 million; extends the public housing anticrime demonstration programs; and allows public housing agencies to use public housing funds as the non-Federal match to secure funds for Federal grant-in-aid programs; contains a new program to stimulate housing construction modeled on the section 235 homeownership assistance program of interest subsidies to persons earning up to 130 percent of median area income; includes a recapture of the subsidy upon sale of the home; revamps the Brooke-Cranston housing stimulus program; establishes a new program of temporary mortgage assistance payments for insured homeowners who find themselves in default for reasons not of their own making;

Extends all basic FHA authorities for single family and multifamily housing programs, and revises the manner in which FHA mortgage limits for single family dwellings are determined to reflect the special characteristics of high cost markets; provides for an experimental program of negotiated interest rates on up to ten percent of FHA insured mortgages; extends on a permanent basis the Home Mortgage Disclosure Act and strengthens its provisions to combat redlining; delays implementation of building energy performance standards for up to two years and transfers the responsibility for implementation from HUD to DOE; permanently extends the disposition of HUD-owned multifamily rental housing projects; reauthorizes the Neighborhood Reinvestment Corporation at $13.426.000 for fiscal 1981; revises the FHA section 233(f) refinancing program to permit an interest subsidy on loans through the Government National Mortgage Association (GNMA), and to curtail the use of the program for cooperative conversions; reauthorizes targeted tandem projects to the comparable FHA limits;

Planning Assistance: Revises and reauthorizes the comprehensive planning program of the Housing Act of 1954 at $40 million annually for fiscal 1981 through 1983;

Condominium and Cooperative Abuse Relief Act: States the sense of Congress that tenants are entitled to adequate notice of a conversion and to receive first opportunity to purchase units and that is the responsibility of State and local governments to provide for such rights; provides a measure of relief through court action for owners of condominium units who are burdened by escalating monthly payments for recreational facilities under unconscionable leases;

National flood insurance studies: Authorizes $61.6 million for fiscal 1981 to carry out mapping studies of flood-prone communities in order to establish premium rates for the regular flood insurance program on a sound actuarial basis;

Rural housing: Extends, amends, and authorizes $493 million for fiscal 1981 for housing and related programs administered by the Farmers Home Administration of the Department of Agriculture; limits FmHA's capacity to insure and guarantee loans to a maximum of $3.79 billion. S. 2719—Public Law 96-399, approved October 3, 1980. (VV)

Mortgage insurance authorities: Extends through October 15, 1980, certain Federal housing authorities which are due to expire on September 30, 1980, in order to guarantee continuation of the authority of the Secretary of HUD to: (1) insure mortgages or loans under certain HUD-FHA mortgage or loan insurance programs, (2) administratively set interest rates for FHA-insured mortgage loans to meet the market at rates above the statutory maximum; and (3) enter into obligations to make rehabilitation loans under the Housing Act of 1964; extends to October 15, 1980, the authority of the Government National Mortgage Insurance Association to enter into new commitments to purchase mortgages under the interim mortgage purchase authority contained in the National Housing Act; and extends certain authorities under title V of the Housing Act of 1949 with respect to the Farmers Home Administration rural housing programs. S.J. Res. 209—Public Law 96-372, approved October 3, 1980. (VV)

INDIANS

Alaska Native Roll: Provides for the removal of certain Alaska Natives from the Alaska Native Roll, established pursuant to the Alaska Native Claims Settlement Act, to allow their enrollment with the Metlakatla Indian Community. H.R. 5108—Public Law 96- , approved 1980. ; (VV)

Cheyenne Indian reservation coal leases: Authorizes the Secretary of the Interior to negotiate and execute canecellation agreements between the Northern Cheyenne Indian Tribe and certain companies holding coal leases and coal exploration permits on the Reservation; provides that the companies, in return for giving up all rights to such land, may receive an award of non-competitive coal leases on Federal bypass coal deposits and/or bidding credits for use at competitive sales; exempts leases to lands held in trust for Indians or Indian tribes and lands subject to land use planning and environmental analysis; reduces the amount of bidding rights by whatever percentage of coal deposits are not recoverable; subjects all leases to the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act; sets November 1, 1980, and January 1, 1982, as the dates on which agreements to cancel leases or permits or rights to a lease, respectively, must be signed; provides that, if no agreement is signed, leases shall be automatically cancelled on November 1, 1980, and permits or rights to leases 90 days after the parties agree in writing that negotiations are at an impasse or on January 1, 1982, whichever is earlier; and grants the U.S. Court of Claims jurisdiction over any claim arising out of such cancellation. S. 2126—Public Law 96-401, approved October 9, 1980. (VV)

Cow Creek Band of Umpqua Indians: Waives the statute of limitations in the Indian Claims Commission Act of 1946 to permit the Cow Creek Band of the Umpqua Indians of Oregon to file a claim, within five years of enactment, against the United States for alleged failures to uphold treaty obligations; states that the Court of Claims shall make deductions for offsets that would have been permitted under the Indian Claims Commission Act, which provided that "expenditures for food, rations, or provisions shall be deemed payment on the claim"; allows for costs and attorney's fees not to exceed ten percent of the award; and provides that loans from a revolving fund may be made by the Secretary of Interior to the Band to finance expert assistance other than that of counsel. S. 668—Public Law 96-251, approved May 26, 1980. (VV)

Delaware Indian judgment funds: Lists and incorporates all of the Indian Claims Commission dockets which have been reduced to final judgment and appropriated for the Delaware tribes; directs the Secretary of the Interior to prepare a roll which includes the Kansas and Idaho Delawares who, by legislative oversight, were excluded from a 1972 distribution of an Indian Claims Commission judgment; directs the Secretary to establish a special fund from appropriated but undistributed judgments for the Delawares out of which the payment for the Kansas and Idaho tribes shall be made up; establishes a limit on the amount that may be paid in make up which is premised on 1,000 eligible distributees regardless of the number of eligible persons and provides that each person receive an initial distribution of $1,488.22; allocates ten percent of this special fund for attorney fees; provides, following establishment of the makeup fund, that 17 percent of the remaining balance of the undistributed judgment funds be apportioned to the Delaware Tribe of Western Oklahoma (Absentee Delawares) with no more than 60 percent distributed on a per capita basis and the remainder programmed for tribal social and economic purposes; provides for the preparation of rolls for the Cherokee, Kansas, and Idaho Delawares and directs that the funds remaining after the special distributions be allocated on a per capita basis among these three groups; safeguards funds paid to legal incompetents and beneficiaries of deceased eligible persons; establishes an escrow fund for possible enrollment appeals and provides for the distribution of funds from unsuccessful appeals to the tribe in which the claimant claimed membership; exempts distributions from Federal or State income tax; makes clear that this Act shall not be construed as extending Federal recognition to the Kansas or Idaho groups; and establishes deadlines for enrollment procedures. S. 1466—Public Law 96-318, approved August 1, 1980. (VV)

Gila River Pima-Maricopa Indian judgment distribution: Provides for the use and disposition of the judgment funds awarded the Gila River Pima-Maricopa Indian Community by the Indian Claims Commission in dockets 236-A and 236-B comprising in excess of $1.5 million and in docket 236-E comprising approximately $5 million. S. 2508—Public Law 96-319, approved August 1, 1980. (VV)

Indian claims settlement—Maine: Implements and ratifies the terms of the settlement negotiated among the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the State of Maine, the private owners of large tracts of land, and the United States; authorizes $27 million for the establishment of a Maine Indian Claims Settlement Fund of which $13 million each will be held for the benefit of the Tribe and the Nation and administered in accordance with terms set by the respective Tribe or Nation and agreed to by the Secretary of Interior; requires the Tribe and the Nation to retain as reservations those lands and natural resources reserved for them in their treaties with Massachusetts and not subsequently transferred by them; entitles the tribes to all Federal Indian services and benefits awarded other Federally-recognized tribes; includes various guarantees concerning jurisdictional matters and entitlement to State services; authorizes $54.5 million for the establishment of the Maine Indian Lands Acquisition Fund which will be used to acquire 150,000 acres of privately owned land each for the Tribe and the Nation, and 5,000 acres for the Band to be held in trust; defers acquisition of lands for the Band pending negotiation with the State on their location and other matters of concern to the parties; adopts and ratifies the Maine Implementing Act which sets forth terms of agreement with respect to the jurisdiction of the Tribe, the Nation, and the State and the legal status of these tribes under State law; authorizes the State to amend provisions of that Act only upon prior consent of the Tribe and the Nation; provides, in order to facilitate implementation of the Maine Act, that the Tribe, Nation, and Band, and their members may, subject to the limitation on internal affairs contained in the Maine Act, sue and be sued in State and Federal courts to the same extent as any other person or entity, provided that principles of the immunity applicable to municipalities in the State are equally applicable to the Tribe and the Nation and their offices when acting in their governmental capacities; authorizes payment by the Secretary of income from the Trust Settlement Fund in satisfaction of valid, final orders of the courts; exempts the trust and restricted lands and trust fund of the Tribe, Nation, and Band from levy, attachment, or alienation; authorizes the State and the Band, following enactment, to enter into negotiations to seek a method by which the Band may satisfy any obligations it incurs; authorizes the Tribe, Nation, and Band to adopt and file organizational documents with the Secretary; provides for the implementation of the Indian Child Welfare Act of 1978 by the Tribes; prohibits the availability or distribution of funds from the Settlement Fund to be considered as income or resources for purposes of denying or reducing Federal financial assistance or other Federal benefits to which the Tribe or Nation or their members would otherwise be entitled; provides for a deferral of capital gains for private property owners transferring lands to the United States under this Act; provides for the transfer of tribal trust funds from the State to the Secretary; discharges the State from existing or further claims; provides that this Act shall govern in the event of a conflict between this Act and the Maine Implementing Act; provides that Federal statutes subsequently enacted that are designed for the benefit of Indians or Indian tribes and which materially affect or preempt State laws, including the Maine Implementing Act, shall not apply within the State unless specifically made applicable to the State. H.R. 7919—Public Law 96-420, approved October 10, 1980. (VV)

Indian claims under Fort Laramie and 1855 treaties: Authorizes the U.S. Court of claims to hear and render judgment, without regard to the technical defense of res judicata (a matter once decided is finally decided) or collateral estoppel (precludes litigation of an issue which has been effectively and conclusively determined in a previous judgment by a court), or any fifth amendment claim filed against the United States by the following tribes seeking an award of interest for land taken by the U.S.

Assiniboine Tribe: For 6,477,490 acres of land taken under the 1851 Treaty of Fort Laramie for which the Tribe was awarded 50 cents per acre under a 1933 Court of Claims settlement but denied its interest request with instructions that the Court disregard the $2,492,319 of the Tribe's own money that in the 1933 decision was used to offset the award of $3,238,970; and ensures that the U.S. will be credited for the amount of $1,242,796 paid to the Tribe under the Act of January

8, 1971, in the event of a favorable court ruling. S. 1796—Public Law 96-434, approved October 10, 1980. (VV)

Blackfeet and Gros Ventre Tribes: For 12,261,749 acres of land taken under the 1855 Treaty for which the tribe was awarded 50 cents per acre under a 1933 Court of Claims settlement but denied its interest request with a prohibition on the deduction of offsets or gratuities after the date of the accounting in the prior case from any award that may be made under this Act. S. 1795—Public Law 96-405, approved October 9, 1980. (VV)

Fort Berthold Reservation: For 9,846,186 acres of land taken under the 1851 Fort Laramie Treaty for which the tribe was awarded 50 cents per acre under a 1930 Court of Claims settlement but denied its interest request with a prohibition against the deduction of offsets and gratuities subsequent to the date of the accounting in the prior case from any award that may be made in this Act. S. 341—Public Law 96-404, approved October 9, 1980. (VV)

Indian health care: Amends and extends for four years, through fiscal 1984, various programs under the Indian Health Care Improvement Act (Indian health manpower, Indian health services, Indian health facilities, and health services for urban and other nonreservation Indians) and the Public Health Service Act (health professions scholarship program) with respect to Indian health care; and requires IHS to designate the State of Arizona as a contract health care service delivery area during fiscal 1982 through 1984 for the purpose of providing contract health care services to Indians of that State. S. 2728—Public Law 96- , approved 1980. (VV)

Indian interstate compacts: Authorizes States and Indian tribes to enter into mutual agreements and compacts, for periods of up to five years, respecting jurisdiction and governmental operations in Indian country on matters relating to: (1) the enforcement or application of civil, criminal, and regulatory laws of each within their respective jurisdictions; (2) allocation of determination of governmental responsibility over specified subject matters and/or geographical areas; and (3) agreements or compacts which provide for the transfer of jurisdiction of individual cases from tribal courts to State courts or State courts to tribal courts in accordance with procedures established by the laws of the tribes and States; authorizes $10 million for fiscal 1981 and such sums as may be necessary thereafter to the Secretary of the Interior to provide financial assistance for personnel and administrative costs incurred in implementing these agreements and contracts; directs the Secretary to encourage the establishment of joint tribal-State organizations to confer on jurisdictional questions existing between the parties; and enforce agreements and compacts authorized by the bill. S. 1181—Passed Senate May 30, 1980. (VV)

Indian judgment funds: Validates a number of Indian judgment fund distribution plans which were not submitted to Congress by the Secretary of Interior within the specified time frame required under the Distribution of Judgment Funds Act (Public Law 93-134), in order to avoid any legal challenge which could arise with respect to timely submission. S.J. Res. 108—Public Law 96-194, approved February 21, 1980. (VV)

Indian land inheritance: Amends certain laws to authorize an Indian to transfer, by will, his or her interest in trust or restricted real property to a lineal descendant or to another Indian for whom the Secretary of the Interior is authorized to hold land in trust. S. 2223—Public Law 96-363, approved September 26, 1980. (VV)

Indian trade: Repeals and amends specified laws regulating trade between Indians and certain Federal employees in order to permit such trade under regulations prescribed by the President; maintains the ban against trade between Indians and persons employed by the Bureau of Indian Affairs or the Indian Health Service; permits the Secretary of the Interior to ratify any transaction which occurred prior to enactment of this bill that would otherwise be in violation under existing law but would be legal under this act; and directs the Secretary to hold approximately ten acres of Federally-owned land near Olympia, Washington, for the Wah-He-Lute Indian School to be used as an Indian school and community center for educational or cultural purposes. H.R. 3979—Public Law 96-277, approved June 17, 1980. (VV)

Indian tribal claims: Extends from April 1, 1980, to December 31, 1982, the period of time in which the United States may bring an action for damages arising from a contract or a tort claim on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or in restricted status where the claim accrued prior to July 18, 1966, and is filed and identified by December 31, 1981; and requires the Secretary of Interior, after consultation with the Attorney General, to submit to Congress by June 30, 1981, a report which details legislative proposals to resolve those Indian claims that they feel are not appropriate to resolve by litigation. S. 2222—Public Law 96-217, approved March 27, 1980. (VV)

Mille Lacs Band of Minnesota Chippewa Indians: Directs the Secretary of Interior to acquire and hold in trust certain privately-owned lands located in Mille Lacs County, Minnesota, to be used as a burial ground for the Mille Lacs Band of the Minnesota Chippewa Indians. S. 1464—Vetoed October 11, 1980. (VV)

Moapa Indian Reservation: Transfers 70,500 acres of Federal land in Nevada to the Moapa Band of Paiutes to be held in trust for the Tribe by the United States; reserves all existing rights in and on the land, including water rights and certain power and transportation corridors; and provides that all mineral rights from the land would be retained by the U.S. S. 1135—Public Law 96-491, approved December 2, 1980.

Navajo and Pueblo de Jemez Indian lands: Repeals section 211 of the Act of May 25, 1918, which prohibits the creation of or addition to a reservation within New Mexico and Arizona except by Act of Congress, in order to permit the Navajo and Pueblo de Jemez tribes of New Mexico and Arizona to add any lands they acquire to their reservations; makes applicable to both tribes, sections 5 and 7 of the Indian Reorganization Act of 1934 (25 U.S.C. 461 et seq) which authorizes the Secretary to acquire lands in trust and proclaim new or add to existing reservations for Indian tribes, respectively, thereby putting all tribes in Arizona and New Mexico in the same status as those tribes in other States to which the Act applies, as well as those tribes in their States for which special jurisdictional acts have been enacted. S. 1832—Passed Senate January 25, 1980. (VV)

Navajo-Hopi relocation: Provides for the enlargement of the existing Navajo Reservation in Arizona by authorizing the transfer of 250,000 acres of Bureau of Land Management (BLM) lands to the tribe at no cost; specifies that private lands to be acquired must be within 18 miles of the existing boundaries of the reservation and requires that BLM lands not within the 18-mile limit may be used only to trade for private lands within the area; provides that, for the first three years, the Navajo Tribe, in consultation with the Navajo and Hopi Relocation Commission, will select the lands to be acquired or transferred; calls for the submission of progress reports during the three-year period; authorizes the continuation of payments under the Payments-in-Lieu of Taxes Act of 1976 (which does not include Indian lands as lands eligible for such payments) on public lands transferred to the tribe as if the transfer had not occurred; prohibits the Secretary of Interior from taking private lands in trust for a period of three years unless both the surface and subsurface have been acquired by the tribe or unless the subsurface owner consents to transfer the surface estate to trust status; makes clear that subsurface owners have access to the surface of lands transferred to the tribe to develop their mineral interests as they had prior to the transfer; provides that lands acquired for relocation purposes must be used solely for that purpose and administered by the Commission until relocation under the Commission's plan is complete or the Commission is terminated;

Repeals that section of the Navajo-Hopi Land Settlement Act of 1974 which authorizes the district court of Arizona to award limited life estates and instead authorizes the Commission to award up to 120 life estates, made up of 90 acres each, to those Navajo and Hopi Indians meeting certain criteria; requires that priority in awarding life estates be given to the disabled, elderly, and residents of the Mig Mountain area; requires that the physical area of each estate be fenced in; provides for an additional ten estates to Hopi families living on Navajo partitioned lands which would be governed by the same criteria as the Navajo estates; requires the Secretary to protect the rights and benefits of life tenants and persons awaiting relocation; and provides for the complete assumption of jurisdiction over the lands by the tribe to whom partitioned no later than April 18, 1981. S. 751—Public Law 96-305, approved July 8, 1980. (VV)

Paiute Indian Tribe Restoration: Restores all rights and privileges, other than hunting, fishing, and trapping, under any Federal treaty, Executive Order, agreement, or statute, to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Utah Paiute Indians which were terminated on September 1, 1954, and confirms these rights and privileges with respect to the Cedar City Band of Paiute Indians, which was never officially terminated; specifies a procedure by which membership in the tribe is to be established; provides for an election to adopt a constitution and bylaws; provides for an interim council to represent the Tribe and be its governing body pending election of tribal officials; directs the Secretary of Interior to develop a plan to enlarge the reservation up to a maximum of 15,000 additional acres and to submit the plan, in the form of proposed legislation, to the appropriate Congressional committees within two years of enactment; bars any legal claim for land owned by the tribe and lost through tax or other sales since September 1, 1954; and authorizes the Secretary to promulgate such rules and regulations as necessary to carry out the act. H.R. 4996—Public Law 96-227, approved April 3, 1980. (VV)

Pamunkey Tribe-Southern Railway land settlement: Ratifies the land dispute settlement agreement entered into on November 21, 1979, between the Pamunkey Indian Tribe of Virginia and the Southern Railway Company which provides that the tribes' claims against the railroad for eviction and trepass be waived in return for a payment of $100,000 plus periodic rental payments beginning ten years thereafter; provides that all transfers are deemed to be made in accordance with applicable U.S. laws, including the Nonintercourse Act which prohibits the acquisition of any interest in Indian land without Congressional approval; waives any land claims the Tribe or its members have against the U.S.; waives all income tax liabilities with respect to the payment received by the Tribe but requires that subsequent payments by the Tribe to individuals out of these funds must be included in the gross income of the individual and subject to income tax; authorizes the tribe to grant easements, rights-of-way, and term leases on their lands, but provides that a sale of tribal lands will be subject to relevant Federal laws; provides that nothing in the legislation will constitute Federal recognition of the Pamunkey Tribe, nor prevent the Tribe from seeking Federal recognition or acknowledgement under existing law; and provides that the provisions of this act will prevail over any inconsistent Federal law. H.R. 7212—Public Law 96-484, approved November 24, 1980. (VV)

Ramah Band of Navajos: Declares that title to 13,385.43 acres of land lying within the boundary of the Ramah Navajo Reservation in New Mexico be held in trust for the Ramah Band of the Navajo Tribe. S. 1730—Passed Senate January 22, 1979; Passed House amended August 19, 1980. (VV)

Siletz Indians: Provides, pursuant to the Siletz Indian Tribe Restoration Act of 1977, that 3,630 acres of Bureau of Land Management land, located in Lincoln County, Oregon, and a 33.55 acre tract owned by the city of Siletz (known as Government Hill) be held in trust for the establishment of a reservation for the Confederated Tribes of the Siletz Tribes of Oregon; reextends all rights and privileges to the tribes, except for hunting, fishing, and trapping unless declared and set forth in the final judgment and decree of the U.S. District Court for the district of Oregon, in an action entitled Confederated Tribes of Siletz Indians of Oregon Against State of Oregon, entered May 2, 1980; provides that the State of Oregon shall continue to have civil and criminal jurisdiction on the Siletz Reservation; and authorizes the Secretary of Interior to pay to the city of Siletz up to $5,000 for the transfer of Government Hill. S. 2055—Public Law 96-340, approved September 4, 1980. (VV)

Standing Rock Sioux land inheritance: Establishes, at the request of the Standing Rock Sioux Tribe of North and South Dakota, a code of laws to govern inheritance of trust or restricted lands on the Standing Rock Sioux Indian Reservation which contains specific provisions designed to limit the right to such inheritance to persons meeting certain specific requirements; provides uniform descent laws for property of an Indian who dies intestate; and provides that the Act apply only to estates of descendants whose death occurs after enactment. H.R. 2102—Public Law 96-274, approved June 17, 1980. (VV)

Tribal distribution of trust fund per capita payments: Authorizes Indian tribes, upon development of an approved plan, to issue per capita checks from tribal trust funds to individual members of their tribes; maintains that funds distributed under the act will not be liable to pay any previous tribal obligations or affect the requirements of the Judgment Funds Distribution Act of 1973; and repeals the two statutes prohibiting tribes from making per capita payments to their members. S. 2767—Passed Senate July 21, 1980. (VV)

Tribally-controlled community colleges: Amends the Tribally-Controlled Community Colleges Act of 1978 (Public Law 95-471) by enabling an Indian who is eligible for Bureau of Indian Affairs services to enroll in a tribal college even though he or she is not a tribal member; broadens the term "tribally-controlled community college" to encompass vocational-technical and adult education programs, by substituting the term "post-secondary institution" for "institute of higher education" and redefining it in order to make such colleges eligible for technical assistance grants from the Secretary, whether or not they satisfy the accreditation requirements of a post-secondary institution; and increases the annual authorization for technical assistance grants from $3.2 million to $10 million for fiscal 1981 and 1982. S. 1855—Passed Senate January 25, 1980. (VV)

Tule River Indian Tribe: Restores to and holds in trust for the Tule River Indian Tribe, Porterville, California, approximately 1,200 acres of land which are presently within the boundaries of the Sequoia National Forest; provides for the maintenance of valid existing rights-of-way, permits and leases on the land to be transferred; and provides a right-of-way to the Forest Service for access through such lands. S. 1998—Public Law 96-338, approved September 4, 1980. (VV)

Ute Indians: Conveys approximately 3,100 acres of Bureau of Land Management land in Colorado, including mineral rights, to the Ute Mountain Ute Indian Tribe as compensation for 15,000 acres of land in New Mexico given them under an 1895 agreement which they forfeited as a result of a 1972 Supreme Court ruling that upheld a Navajo claim to these same lands under a treaty executed prior to 1895; provides that the land be subject to State and local jurisdiction and not be considered "Indian country" for any purpose; and authorizes $4 million to the Tribe and specifies that the funds may be used only for energy development and subject to a plan developed by the Tribe and approved by the Secretary. H.R. 8112—Public Law 96-492, approved December 2, 1980. (VV)

INTERNATIONAL

Azores earthquake assistance: Amends the Foreign Assistance Act of 1961 to authorize $10 million in international disaster assistance funds for fiscal 1980 for disaster relief and reconstruction efforts in the Azores Islands of Portugal in order to alleviate the human suffering caused by a major earthquake on January 1, 1980. S. 2194—Passed Senate February 28, 1980. (VV)

Canada commendation: Commends, on behalf of all Americans, the Government of Canada for its actions in protecting certain United States citizens and arranging for their departure from Iran. S. Res. 344—Senate agreed to January 30, 1980. (VV)

China trade: Approves the extension of nondiscriminatory (most-favored-nation) treatment with respect to products which the U.S. imports from the People's Republic of China which was transmitted by the President on October 23, 1979. H. Con. Res. 204—Action completed January 24, 1980. (*13)

Foreign service reform: Revises and consolidates, effective February 15, 1981, provisions of law relating to the Foreign Service, restructures personnel categories and pay schedules, establishes labor dispute procedures, reemphasizes the merit principles of the Service, and expands the equal employment opportunity programs; establishes a new Senior Foreign Service, comparable to the Senior Executive Service, and provides for entry into the Senior Foreign Service via special threshold performances evaluation boards which would apply higher standards than those now applied to persons considered for promotion to the senior ranks; permits members of the Senior Foreign Service to serve for a limited period of time in each of its three grades, and failure to achieve promotion to the next within that period would lead to retirement; restricts the use of authority for career extensions, thus preventing the removal of senior officers for political reasons; allows limited extension of career appointments on the basis of outstanding performance; provides for annual review of the performance of all personnel in the Senior Foreign Service and for the separation of those whose performance fails to meet the standard of their class; reduces the number of personnel categories from more than a dozen to two—with single pay scale for both; requires an annual report to Congress on personnel assigned to positions one or more grades higher or lower than the rank assigned to the position; raises the mandatory retirement age from 60 to 65; provides a statutory basis for labor-management relations by creating a new Foreign Service Labor Relations Board and a Foreign Service Impasse Disputes Panel; provides requirements for granting career tenure, performance evaluation promotions based on merit principles, and selection out for substandard performance for all members of the Foreign Service from top to bottom; provides a clear distinction between Foreign Service and Civil Service employment, prevents a windfall salary increase for those individuals who convert from Foreign Service to the Civil Service; defers until July 1, 1981, conversion to the Civil Service of domestic specialists in the International Communications Agency; eliminates the "domestic" Foreign Service personnel category and limits Foreign Service career status only to those people who accept the discipline of overseas service; improves interagency coordination in the interest of maximum compatibility among agencies employing Foreign Service personnel and compatibility between the Foreign Service and the Civil Service; recodifies and consolidates the various laws relating to Foreign Service officers based on outstanding performance; and establishes a clear and precise linkage between the Foreign Service Schedule and the General Schedule to rectify the present salary discrepancies between the two schedules. H.R. 6790—Public Law 96-465, approved October 17, 1980. (VV)

Helsinki accords: Reaffirms Congressional support for full implementation of all provisions of the Helsinki Final Act by all signatories; states the sense of the Congress that human rights concerns be given serious and prominent attention at the Madrid Conference on November 11, 1980; specifically urges the U.S. delegation to Madrid to raise violations of human rights, especially those involving members of Helsinski monitoring groups, in a firm forthright and specific manner; and directs the delegation to seek a continuation of the review process and thus maintain a forum in which to influence the Soviets and others to implement the agreement by setting the time and place of the next review meeting within two years. H. Con. Res. 391—Action completed August 1, 1980. (VV)

International development and security assistance: Authorizes $4,981,776,000 for international security and development assistance and Peace Corps programs in fiscal 1981; contains $665.1 million for military aid programs includes military aid in the amount of $1.4 billion to Israel with $500 million grant, $551 million to Egypt, $252 million to Turkey, $183 million to Greece, and $175 million to the Republic of Korea; contains $2,065,300,000 for Economic Support Fund programs of which $785 million is earmarked for Israel, $750 million for Egypt which shall remain available until expended, and $200 million for Turkey; Authorizes $25 million in fiscal 1981 for ongoing international peacekeeping operations in the Sinai and in Cyprus; authorizes $38.6 million for International Narcotics Control programs; raises the ceiling on commercial arms exports from $35 million to $100 million; requires Presidential reports on Soviet troops in Cuba and on leases of U.S. military property to foreign governments; contains $233,350,000 for voluntary contributions to international organizations and programs and $118 million for the Peace Corps; $293.8 million for AID's operating expenses; changes the name of AID's Auditor General to Inspector General and provides the Inspector General with authorities similar to those of Inspectors General of other agencies; urges the

President to consider a foreign government's position on participation in the Olympic Games boycott when determining levels of assistance for that country; exempts exports of depleted uranium to be used for defense, unrelated to its radioactive properties, from provisions of the Atomic Energy Act of 1954 and the Nuclear Nonproliferation Act of 1978 when such exports are already subject to controls provided in the AECA or the Export Administration Act of 1979; amends the Export Administration Act by requiring the President to notify the Senate Foreign Relations Committee prior to commercial sales of military items and broadening the category of items considered potentially useful to terrorists; provides for the establishment of the African Development Foundation to channel small amounts of development assistance to local community groups and institutions in Africa to support indigenously initiated and administered development projects and authorizes therefor $2 million; empowers the President to provide direct or indirect assistance to military, paramilitary, or guerrilla operations in Angola only after determining that such assistance is in the interest of U.S. national security and requires that he submit a description of categories and amounts of assistance and a certification of national security determination; prohibits military aid to Nicaragua; restricts funds available to El Salvador; states the sense of the Congress urging the President to seek international cooperation on the Cuban refugee problem, and specifically urges discussions thereon at the United Nations and the Organization of American States. H.R. 6942—Public Law 96–, approved 1980. (*218, *499)

International Monetary Fund (Bretton Woods): Amends the Bretton Woods Agreements Act to authorize the U.S. Governor to consent to a permanent increase in the quota of the United States in the International Monetary Fund (IMF) equivalent to 4,202,500,000 Special Drawing Rights (SDR's) (approximately $5.4 billion) as provided in appropriations acts; extends the requirement from the Witteveen Facility to the entire IMF operation that the Secretary of Treasury seek to assure that IMF actions are consistent with current U.S. policy that public and private creditors are comparably treated in cases of debt rescheduling; states that the policy of the U.S. is to oppose the granting of any official status to the PLO at the upcoming IMF/IBRD (International Bank for Reconstruction and Development) meeting and requires the President, if the PLO is granted official status, to submit a report to Congress, with recommendations, on what he intends to do; states the sense of Congress that the IMF and World Bank in making loans should encourage those programs that assist the private sector; instructs the U.S. executive director to monitor IMF staff salaries to ensure that they are in compliance with levels recommended by an internal Fund/Bank Committee Report on salaries which drew up specific guidelines to bring them more into line with other civil service salaries; states the sense of Congress that Taiwan be granted appropriate membership in the IMF; states the sense of Congress regarding the problems for the world economy caused by the current petro dollar recycling requirements and urges IMF to actively encourage direct recycling by OPEC through new and innovative methods; calls upon the Secretary of Treasury to submit a report to Congress by May 15, 1981, on the adequacy of IMF resources, the feasibility of direct borrowing, and the possibility of IMF playing a role in direct government-to-government lending for balance of payments purposes; states the sense of Congress that the U.S. and other IMF members should negotiate a Substitution Account within IMF to assist in the removal of unwanted dollars from the world financial system in an orderly way; encourages IMF to be more sensitive to basic human needs when formulating its stabilization programs and contains a number of recommendations as to how this might be accomplished; reaffirms the Congressional commitment to a balanced budget in 1981; and provides for a commission to study and report to Congress with regard to U.S. policy concerning the role of gold in the domestic and international monetary system. S. 2271—Public Law 96–389, approved October 7, 1980. (*211)

International Sugar Agreement Implementation: Provides for the implementation of the International Sugar Agreement of 1977 (ISA) to which the Senate gave its advice and consent to ratification on November 30, 1979, and which was ratified by the President on January 2, 1980; authorizes the President, in order to carry out and enforce the provisions of the Agreement, to: (1) regulate the entry of sugar by appropriate means, including, but not limited to the imposition of limitations on the entry of sugar from nonmembers of the International Sugar Organization and the prohibition of the entry of any shipment or quantity of sugar not accompanied by a valid certificate of contribution or such other documentation as may be required under the ISA; (2) require appropriate persons to keep records, statistics, and other information, and submit reports relating to the entry, distribution, prices, and consumption of sugar and alternative sweeteners as may be prescribed; and (3) take other action, including issuing and enforcing rules or regulations, as may be necessary to implement the rights and obligations of the U.S. under the ISA; makes it a crime, punishable by a fine of not more than $1,000, to fail to keep any required information or to submit a required report, to knowingly submit a false report, or to violate a rule or regulation promulgated pursuant to this Act; requires biannual (May 1 and November 1) reports to Congress on the operation and effect of the ISA which must, at a minimum, contain information on and projections of world and domestic sugar demand, supplies and prices, and a summary of international and domestic actions under the ISA and U.S. law to protect the interests of U.S. consumers and producers of sugar; provides that the President is to exercise his authorities as he considers appropriate to protect U.S. consumer interests; directs the President, if he determines that there has been an unwarranted price increase due in whole or in part to the ISA or to market manipulation by ISA members, to request the various governing bodies to take off-setting actions to increase sugar supplies; directs the President, if the International Sugar Council (the highest authority of the International Sugar Organization) fails to take corrective action within a reasonable period of time following the request, to submit to Congress his recommendations on ways to correct the situation; and provides for the suspension of the President's implementation authority as contained in this Act if the situation is not remedied within a reasonable period of time and until such time as the President determines that manipulations have ceased. H.R. 6029—Public Law 96–236, approved April 22, 1980. (VV)

Italian earthquake authorization: Authorizes $50 million to the President for fiscal 1981, to remain available until expended, for relief, rehabilitation, and reconstruction assistance for the victims of earthquakes in Southern Italy in late 1980. H.R. 8388—Public Law 96—, approved 1980. (*501)

Iran hostage release: States the sense of Congress that the people of the United States should observe March 18, 1980, as a national day of prayer and meditation for the hostages in Iran. S. Con. Res. 79—Action completed March 17, 1980. (VV)

Expresses the deep sympathy of the Senate to the families of the eight servicemen who lost their lives in the attempted rescue of the Americans being held hostages in Iran; and states the sense of the Senate that the President shall order the U.S. flag to be flown at half-mast on all Federal buildings and grounds from sunset on May 6, until sunset on May 9, 1980, in honor and remembrance of these men. S. Res. 417—Senate agreed to May 6, 1980. (VV)

Japan-U.S. Mutual Defense Treaty (Tokyo Conference): States the sense of the Senate that the 20th anniversary of the Mutual Defense Treaty with Japan be commemorated and observed; that it is in the best interest of both countries to discuss, and evaluate, in private and government forums, the achievements of the Treaty and how best to perpetuate and augment them; and that reports on any such discussions and evaluations be sent to the Senate. S. Res. 484—Senate agreed to August 26, 1980. (VV)

Liberian Government overthrown: States the sense of the Congress that the President should communicate this concern to the government of Liberia, specifically indicating that a continued disregard for internationally recognized standards of justice is bound to have a serious effect on the traditionally close relations between the United States and Liberia; condemns the summary nature of the military trials being conducted in Liberia, the number of executions resulting from these trials, and other actions which offend basic principles of justice and humanity and due process of law; and expresses concern about the extent to which the new government of Liberia intends to adhere in the future to internationally recognized standards of justice, and welcomes a recent statement by the government of Liberia that there will be no more executions. S. Con. Res. 89—Senate agreed to June 11, 1980. (VV)

Mid-Decade Women's Conference: States the sense of the Senate that the inclusion and acceptance of a separate biased political agenda item on "The Effects of Israeli Occupation on Palestinian Women Inside and Outside the Occupied Territories" into the apolitical Mid-Decade Women's Conference scheduled for July 14–20, 1980, in Copenhagen, is deplored by the Senate and instructs the U.S. delegation to the conference to oppose any resolutions or amendments introduced at the Conference on issues which do not relate directly to the goals of the Conference and actively work with other delegations to ensure that they voice similar opposition. S. Res. 473—Senate agreed to June 26, 1980. (VV)

Multilateral development banks: Authorizes the U.S. Governor of the Inter-American Development Bank (IADB) to vote for two resolutions proposed at a special meeting in December, 1978 and pending before the Board of Governors which (1) increase the authorized capital stock of the Bank and additional subscriptions thereto, and (2) increase the Fund for Special Operations; authorizes $2,474,287,189 as the U.S. subscription for the newly authorized capital stock (of which 92.5 percent is callable and 7.5 percent is paid-in) and a contribution of $630 million to the Fund for Special Operations;

Authorizes a contribution of $378.25 million as the U.S. share of the Asian Development Fund (which is the soft loan window of the Asian Development Bank); states the sense of Congress that it is U.S. policy that Taiwan should be permitted to retain its membership in the Bank and that the U.S. Executive Director of the Bank should notify the Bank that a serious review of future U.S. participation, including payments to the Fund, would ensue if Taiwan were expelled from the Bank;

Authorizes a contribution of $125 million as the U.S. share of the African Development Fund;

Provides that all authorized funds shall be available without fiscal year limitation and that they be provided for in advance of appropriations acts; provides, for the purpose of keeping the U.S. cost of participating in the various institutions at a minimum, that the Secretary of Treasury should pay the U.S. contributions to IADB's Fund for Special Operations and the Asian Development Bank in four equal installments and the contribution to the African Development Fund in three equal installments; instructs the Secretary of Treasury to obtain a certification from the Banks that drawdowns of the letters of credit will be deferred until the funds are needed by the respective institutions;

Requires the Secretary of the Treasury to instruct the U.S. executive directors of the IADB, the Asian Development Bank and the African Development Fund to assure that information relative to export opportunities is communicated to the Secretaries of State and Commerce and requires that the information be broadly disseminated to large and small businesses;

Requires detailed quarterly reports by the Secretary of the Treasury on all loans considered by the Boards of Executive Directors of the various institutions and on all Governors of the various international banks to consult with the other governors of these institutions concerning adoption of an amendment to the articles of agreement of each institution which establishes human rights standards to be considered in connection with each application for assistance; and

Requires the U.S. to encourage the IADB, the African Development Fund, and the Asian Development Bank to promote the development of renewable energy resources. S. 662—Public Law 96–259, approved June 3, 1980. (101)

Authorizes $3.24 billion as the U.S. contribution to the sixth replenishment of the resources of the International Development Association which will be paid in three annual installments beginning in fiscal 1981, and limits the first payment to $939.6 million; authorizes the President to accept membership for the U.S. in the African Development Bank (AFDB) and to appoint a Governor and Alternative Governor of the Bank who must be confirmed by the Senate; authorizes therefor $359,733,570 for the initial U.S. subscription of 29,820 shares of the capital stock of the Bank of which $89.9 million would be paid in five annual installments beginning in fiscal 1981 and $269.8 million is callable, requiring no budget outlays; and amends the Bretton Woods Agreements Act (International Bank for Reconstruction and Development) and the Asian Development Bank Act to allow program limitations, rather than budget authority, to be established for callable capital subscriptions which are used by MDB's to back up paid-in capital and reserves in the event that the Bank's resources are insufficient to meet its obligations. S. 2422—Passed Senate June 16, 1980. (*212)

NATO mutual support: Authorizes the Secretary of Defense to enter into certain agreements with the North Atlantic Treaty Organization (NATO) countries to facilitate host-nation support and cross servicing arrangements between U.S. and NATO military forces deployed in Europe by: authorizing the Secretary to waive certain provisions of the Arms Export Control Act and other U.S. laws relating to the acquisition and transfer of goods and services by the Department of Defense; establishing reciprocal pricing and reimbursement procedures for the acquisition and transfer of logistical support, supplies, and services provided in host nation support and cross-servicing agreements; establishing a $100 million annual ceiling on such U.S. acquisitions and transfers, and a $25 million ceiling on the acquisition of supplies other than petroleum, oils, and lubricants; establishing an annual reporting requirement detailing the nature, quantity, and value of all transactions made under this authority; prohibiting any increase in inventories and supplies for U.S. forces in Europe for the purpose of transferring such services and supplies under this authority; and providing for prior Congressional consideration of implementing regulations issued by the Secretary. H.R. 5580—Public Law 96–323, approved August 4, 1980. (VV)

Nicaragua and Honduras economic assistance: Authorizes additional disaster relief and reconstruction assistance in the amount of $80 million in Economic Support Funds for fiscal 1980 of which $75 million is for Nicaragua and $5 million is for Honduras; authorizes $2 million to guarantee the financing of credit sales of defense articles and services and $1 million for International Military Education and Training to help meet the security needs of nations in Central America and the Caribbean; and requires quarterly reports from the Executive Branch accounting for the expenditure of funds authorized in this and other bills for Nicaragua and outlining the status of private industry and freedom of the press in Nicaragua. S. 2012—Passed Senate January 29, 1980. (*17)

Authorizes $80 million in Economic Support Funds for fiscal 1980, to remain available until expended ($75 million for Nicaragua and $5 million for Honduras);

Directs the President, in furnishing assistance to Nicaragua, to take into account the extent to which that government has engaged in human rights violations (including the right to organize and operate labor unions and the right of freedom of the press and religion) and to encourage that government to respect these rights;

Reaffirms the requirement that a principal goal of U.S. foreign policy is to promote the increased observance of internationally recognized human rights by all countries; states that, in furtherance of that goal, assistance to Nicaragua will be terminated if that government engages in a consistent pattern of gross violations of internationally recognized human rights;

Requires the Secretary of State to submit a report for each six-month period in which funds are expended for Nicaragua discussing the status of these various rights;

Directs the President to terminate aid to Nicaragua if he determines that Nicaragua is cooperating with or harboring international terrorist organizations or aiding, abetting, or supporting acts of violence or terrorism in other countries and provides that if such a determination is made, the outstanding balace of any ESF loan provided to Nicaragua shall become due and payable;

States the sense of Congress that the U.S. should support its traditional Latin American allies, including Guatemala, El Salvador, Costa Rica, Panama, Nicaragua, and Honduras against external subversion;

Provides that funds made available for the National School of Agriculture in Nicaragua be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with U.S. institutions of higher education;

Requires that any agreements with Nicaragua regarding the use of funds made available under this act in the form of loans shall specifically require that at least 60 percent be used to assist the private sector as shall any local money generated therewith; provides that local currency shall be used in ways which will strengthen private financial institutions in Nicaragua and that local currency programs be monitored and audited in accordance with the Foreign Assistance Act;

Requires termination of aid to Nicaragua if the President determines that: (1) Soviet, Cuban, or other foreign combat military forces are stationed in Nicaragua and that their presence constitutes a threat to the U.S. national security or that of any of its Latin American allies; (2) Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression; or (3) Nicaragua engages in systematic violations of free speech and press;

Directs the President to encourage Nicaragua to hold free, open elections within a reasonable period of time and, when providing any additional assistance to Nicaragua, to take into consideration the progress being made toward holding such elections;

Prohibits the use of funds for assistance to any school or other educational institution that would house, employ, or be made available to Cuban personnel;

Requires that any agreement with Nicaragua on the use of funds under this act specifically require that such funds be used for the purchase of U.S. originated goods or services; and

Requires that up to one percent of the funds made available to Nicaragua be used to make publicly known to the people of Nicaragua the extent of U.S. aid programs to them. H.R. 6081—Public Law 96–257, approved May 31, 1980. (*151)

Nuclear fuel shipments to India: Approves the proposed export to India of low-enriched uranium for the Tarapur Atomic Power Station. H. Con. Res. 432—Action completed September 24, 1980. (*440)

OPIC authorization—China: Adds the People's Republic of China to the two countries exempted from the general prohibition contained in the Foreign Assistance Act of 1961 against Overseas Private Investment Corporation (OPIC) operations in communist countries in order that OPIC may provide insurance and guarantees to American businessmen interested in investing in China. S. 1916—Public Law 96–327, approved August 8, 1980. (VV)

Pakistanian attack on International School of Islamabad: Expresses the gratitude and appreciation of the Senate for the efforts of Colonel Ishmail Kahn and Mr. Bill Hamidullah in protecting the lives of approximately 40 American students at the International School of Islamabad which was under attack at the same time that Pakistanian rioters seized and subsequently burned the American Embassy in Islamabad. S. Res. 343—Senate agreed to February 18, 1980. (VV)

Rubber agreement implementation legislation: Authorizes $88 million in fiscal 1981 to serve as the United States' share of the direct government contributions to finance the buffer stock transaction of the International Natural Rubber Agreement (Ex. D, 96th–2d), a five year commodity agreement which seeks to stabilize short term natural rubber price fluctuations and at the same time encourage the expansion of natural rubber supplies over the longer term through the use of buffer stocks which will be bought or sold at various times, triggered by movements of natural rubber prices around an agreed reference price. S. 2666—Public Law 96–271, approved June 16, 1980. (VV)

Soviet custody of Raoul Wallenberg: Honors Raoul Wallenberg, the Swedish representative, who in World War II saved the lives of twenty thousand Jewish citizens in Hungary through the issuance of protective Swedish passports, and was taken into Soviet "protective custody", on January 13, 1945, in violation of international standards of diplomatic immunity; states the sense of the Congress that the U.S. delegation to the Conference on Security and Cooperation in Europe to be held in Madrid in November 1980 urge that his case be considered at that meeting by the signatory countries to the Final Act of the Helsinki Conference on Security and Cooperation in Europe; and requests the State Department to take all possible steps to determine from the Soviet Union his whereabouts and, if he is alive, secure his return to Sweden. H. Con. Res. 434—Action completed November 19, 1980. (VV)

Soviet emigration of Irina Astakhova McClellan: Urges the President, acting directly or through the Secretary of State or appropriate executive branch official, to continue to express U.S. support of Irina Astakhova McClellan's efforts to emigrate from the Soviet Union in order to join her husband in the U.S. and to inform the Soviet Union that the U.S., in evaluating its relations with other countries, will take into account the extent to which those countries honor their commitments under international law, particularly with respect to the protection and promotion of human rights. S. Con. Res. 62—Senate agreed to September 24, 1980. (VV)

Soviet exile of Andrei Sakharov: States the sense of the Congress, that in accordance with the Helsinki Final Act, the Soviet Union should immediately release Andrei Sakharov from internal exile; and urges the President to: (1) protest, in the strongest possible terms and at the highest levels, the exile of Andrei Sakharov and the continued suppression of human rights in the Soviet Union, (2) call upon signatory nations of the Helsinki Final Act to join in such protests and to take appropriate actions against the Soviet Union, including refusal to participate in the 1980 Summer Olympics in Moscow and suspension of appropriate commercial activities, and (3) inform all signatory nations of the U.S. intent to raise the issue of Soviet violations at the 1980 Helsinki review meeting. H. Con. Res. 272—Action completed February 19, 1980. (*42)

Soviet occupation of Afghanistan: Calls for the withdrawal of Soviet troops from Afghanistan; expresses Senate support for boycotting the Summer Olympics, restricting trade in high technology, and limiting other commercial relations with the Soviet Union; urges the Administration to continue to bring Soviet violation of norms of international conduct and basic rights of individuals to the attention of the United Nations; and urges the Administration to work with European and Asian allies and nations in the region to prevent further Soviet incursions. S. Res. 472—Senate agreed to June 24, 1980. (*247)

Soviet treatment of Christians: States the sense of the Congress that the President, acting through the Secretary of State or any other appropriate officer of the executive branch, should (1) continue to affirm U.S. support for full implementation of the Final Act of the Conference on Security and Cooperation in Europe (the Helsinki Accords), (2) communicate U.S. disapproval of religious harassment of all religious believers in the Soviet Union, including Christians, and of the restrictions on the freedom of such persons to emigrate, and (3) advise the Soviet Union that the U.S. expects them to honor its commitments under the Helsinki Accords and other international laws. S. Con. Res. 60—Senate agreed to November 24, 1980. (VV)

Soviet use of biological warfare: States the sense of the Senate that the President should urge and request the Soviet Government promptly to exchange such scientific data as may be necessary to resolve any dispute regarding the nature of the outbreak of pulmonary anthrax near the city of Sverdlovsk in the Soviet Union, as provided for by article V of the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction; and undertake consultative and cooperative measures through appropriate international procedures, as provided by article V of the convention, or if necessary, lodge a complaint with the Security Council of the United Nations, as provided by article VI of the Convention, if the Soviet Government fails to make such data available. S. Res. 405—Senate agreed to May 14, 1980. (VV)

State Department supplemental: Authorizes $14,514,000 in additional funds for fiscal 1980, and $125,411,000 for fiscal 1981 for certain programs of the Department of State, the International Communication Agency, and the Board for International Broadcasting; authorizes $6,532,000 for fiscal 1981 for the American Institute in Taiwan; provides authorization in fiscal 1981 of $69 million appropriated for several refugee activities and establishes the position of Assistant Secretary for Refugee Affairs; earmarks $1.7 million for the continued operation of the following seven consular posts intended to be closed in fiscal 1980: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia; provides for the appointment of a U.S. Representative to the Vienna U.N. office; provides for a coal export office in each U.S. diplomatic mission; authorizes the use of State Department funds for ceremonial gifts to international organizations; removes the limitation on funds for U.N. peacekeeping forces; extends to ten years the period of validity of a passport; provides for the Secretary of State to pay travel and relocation expenses of employees assigned to State or local governments; improves the administrative provisions of the ICA basic enabling authorities; increases the fiscal 1981 authorization for the Board for International Broadcasting by $12,048,000, for a total of $86,787,000; designates U.S. Government radio broadcasts to Cuba as "Radio Free Cuba"; and authorizes $50,605,000 for fiscal 1981 for the U.S. share of contributions to the International Labor Organization. S. 2727—Passed Senate June 16, 1980. (*210)

Summer Olympics, 1980: Urges the International Olympic Committee (IOC) to move, postpone, or cancel the summer Olympic games in Moscow; urging that the U.S. Olympic Committee and the athletes competing for positions on the U.S. team receive the continuing support, commendations, and contributions of the American people; urges that, if the IOC fails to adopt the U.S. Olympic Committee proposal, or a comparable proposal, no American team participate in those games and no American attend them in any capacity; urges the Secretary of State to inform other nations of the U.S. policy and intensify efforts to gain support for that policy; and calls on the IOC to consider the creation of permanent homes for the summer and winter Olympic games, including one in Greece, the country of their origin. H. Con. Res. 249—House agreed to January 24, 1980; Senate agreed to amended January 29, 1980. (*15)

Thailand-Cambodia refugee camp: States the sense of Congress that the President, acting through the Permanent U.S. Representative to the United Nations, should request the U.N. to establish under its auspices an international presence in the encampments of Khmer refugees along the border between Thailand and Kampuchea to: (1) promote security and stability for the refugees in these encampments; (2) oversee the distribution of food and water to insure that they are distributed to those refugees for whom they are intended; (3) demonstrate that the assistance which is being provided is solely for humanitarian purposes; and (4) encourage all nations in the region to respect the use of the border area as a sanctuary for those Khmer who are in need of humanitarian assistance. S. Con. Res. 72—Action completed February 26, 1980. (VV)

Tunisian assistance: States the sense of Congress that recent foreign-inspired attempts to undermine the stability of Tunisia constitute a serious threat to international peace and security and the national security interest of the United States, NATO nations, and all nations in the Mediterranean area; and further states that the U.S. should take steps to help Tunisia meet this unprovoked threat to its freedom and security by furnishing appropriate levels of economic and security assistance. H. Con. Res. 282—Action completed March 18, 1980. (VV)

JUDICIARY AND ADMINISTRATION OF JUSTICE

Age of nominees for Federal judgeships: Expresses the sense of the Senate that the American Bar Association and the Department of Justice should immediately end discrimination against potential lifetime Federal judges who do not qualify solely as a result of arbitrary age barriers. S. Res. 374—Senate agreed to April 1, 1980. (*69)

Antitrust laws—international application: Establishes a 12-month, 18-member Presidentially appointed study commission to examine the application of the U.S. antitrust laws in foreign commerce and their effect on the ability of U.S. enterprises to compete effectively abroad, and to compete and deal effectively with foreign controlled or assisted enterprises in market and nonmarket economies; authorizes therefor $550,000; and requires submission of a final report within one year of the first meeting containing a detailed statement of the Commission's findings and including recommendations for action deemed necessary; and sunsets the Commission 60 days following submission of its final report. S. 1010—Passed Senate September 30, 1980. (VV)

Antitrust procedural improvements: Implements the following four recommendations of the National Commission for the Review of Antitrust Laws and Procedures for statutory changes to the Antitrust Civil Process Act in order to expedite and reduce the cost of antitrust litigation: (1) clarifies the authority of the Antitrust Division to use agents in connection with the enforcement of the antitrust laws and to process, analyze, and evaluate materials produced pursuant to civil investigative demands (CID's); subjects independent contractors to the same criminal penalties for unauthorized disclosure of material obtained pursuant to CID's as now apply to officials or employees of the U.S.; (2) expands the category of expenses a judge might require an attorney who engages in dilatory practices to satisfy personally to include "excess costs, expenses and attorneys' fees reasonably incurred because of such conduct"; (3) authorizes the award of prejudgment interest on successful antitrust plaintiffs, including the U.S., actual damages computed from the date the complaint was served to the date of judgment; and (4) makes collateral estoppel available in antitrust litigation to the same extent it is now available in other litigation and in limited situations to findings of the Federal Trade Commission; makes the collateral estoppel provisions prospective with respect to any criminal or civil proceeding brought by or on behalf of the United States; and amends section 7 of the Clayton Act to allow the Department of Justice and private parties to challenge anticompetitive acquisitions involving business entities engaged in any activity affecting interstate commerce. S. 390—Public Law 96-349, approved September 15, 1980. (VV)

Bankruptcy reform technical amendments: Makes technical, clarifying, and conforming amendments to the Bankruptcy Reform Act of 1978, Public Law 95-598; raises from one percent to two percent the maximum fee a trustee may receive of all moneys in excess of $50,000; increases to $45 the minimum fee applicable to all cases; assures that the Trustee is paid at least $10 per month for his services if the percentage of the monthly payments to creditors to which he or she is entitled would be less than $10; enables the payments to creditors to which he or she is whereby immunity, when requested, can be granted expeditiously in a bankruptcy proceeding; provides that the automatic stay against acts to obtain possession of property of or from an estate, also encompasses acts to exercise control over such property without the need for actually obtaining possession; clarifies the circumstances under which preliminary and final hearings may be continued, particularly that requisite findings must be made by the court when a preliminary hearing is not concluded within the 30 days provided and that the final hearing must be commenced, unless a preliminary hearing is continued, within the 30 days specified; clarifies that the exception from the automatic stay for injunctive actions by the government is to occur only in instances where there is a serious potential for harm to the public, such as the debtor polluting with toxic waste, and not the ordinary case where the government unit is simply enforcing its regulations by way of injunction; clarifies, under applicable nonbankruptcy law, that an out-of-the-ordinary-course-of-business transaction which might result in anticompetitive effects is subject to the Hart-Scott-Rodino pre-merger notice requirements; enables a sublessee or leasehold mortgagee to step into the position of the debtor's lessee in the event the lessee seeks to treat the trustee's rejection as a termination; assures that administrative expense treatment is not denied to taxes withheld or required to be withheld from administrative wages; enables a governmental unit's claim and its attendant priority to be asserted by one who has satisfied such a claim; clarifies that the debtor's obligations should not be limited by any assertion of a privilege against self-incrimination; clarifies the non-dischargeability of a debt for alimony and child support; clarifies that a redemption contemplates a cash lump sum payment unless the affected creditor agrees otherwise, as in the context of a reaffirmation; allows interest to be paid at the higher of the legal or contract rate; permits the debtor to work out a reasonable payment schedule with its creditors as opposed to liquidation or straight bankruptcy; grants a creditor automatic relief from the codebtor stay to the extent that the confirmed plan will not pay a creditor's claim in full; requires a "bona fide effort" on the part of the debtor to repay his unsecured debts in addition to the requirement that the unsecured creditors must be paid at least what they would be entitled to receive if the debtor was in liquidation proceedings; provides that the same standards and procedures for the removal of a trustee in nonpilot districts apply to pilot districts; eliminates the age limitation for chief judge of the bankruptcy court; removes the power of the Administrative Office of the U.S. Courts to remove a trustee from a case; enables the Director to negotiate contracts in lieu of formal advertising and to take into consideration in the evaluation of offers the previous experience of prospective reporters as bankruptcy court reporters; makes clear in the Social Security Act bankruptcy policy that the alimony and child support obligation, even though assigned to a State Welfare agency, is not discharged in the bankruptcy case; and clarifies that bankruptcy fraud under the RICO Statute is a predicate crime regardless of whether it occurred in connection with a case under the former Bankruptcy Act of 1898 or the new bankruptcy Code. S. 658—Passed Senate September 7, 1979; Passed House amended September 22, 1980; Senate agreed to House amendment with an amendment December 1, 1980. (VV)

China claims: Alters payment allocation under the China Claims Settlement Agreement to reduce awards of corporations by an amount equal to the tax benefits they took pursuant to the expropriation of their properties in China and reallocates such sums to nonprofit organizations with certified claims against China. H.R. 6440—Public Law 96-445, approved October 13, 1980. (VV)

Circuit court division: Amends, effective September 1, 1981, title 28, U.S.C., to divide the existing U.S. Court of Appeals for the Fifth Circuit into two independent circuits, one to be composed of the States of Louisiana, Mississippi, Texas, and the Canal Zone with headquarters in New Orleans, Louisiana, to be known as the new Fifth Circuit, and the other composed of the States of Alabama, Florida, and Georgia, with the headquarters in Atlanta, Georgia, to be known as the Eleventh Circuit. H.R. 7665—Public Law 96-452, approved October 14, 1980. (VV)

Civil Rights Commission authorization: Authorizes $12,600,000 (reduced from the $14 million currently authorized) for the activities of the Civil Rights Commission for fiscal 1981. S. 2511—Public Law 96-447, approved October 13, 1980. (*155)

Civil rights of institutionalized persons: Authorizes the Attorney General to initiate a civil suit for equitable relief in any appropriate district court when there is reasonable cause to believe that any State or political subdivision thereof is subjecting persons residing in an institution to egregious or flagrant conditions which deprive them of any rights, privileges, or immunities secured or protected by the Constitution of the United States; requires the Attorney General, before initiating a suit, to have reasonable cause to believe that such deprivation of rights is part of a "pattern or practice of denial rather than an isolated or accidental incident";

Requires the Attorney General to certify to the court that at least 56 days prior to initiating action, he has notified the Governor, Attorney General, and the Director of the institution of the alleged conditions, including dates, times, and the identity of those responsible; that at least seven days prior to investigation, he has given written notice to the Governor and the State Attorney General; that he has informed the Governor and the director of the institution of the kinds of assistance available from the Federal Government; and that he has carried out informal methods of conference, conciliation, and persuasion with appropriate State officials and is satisfied that they have had a reasonable time to take corrective actions; and that intervention by the U.S. is of general public importance and will materially further the vindication of constitutional or Federal rights;

Requires the Attorney General to wait 90 days after the commencement of a civil action before filing a motion to intervene, unless this period is shortened or waived by the court; permits the Attorney General to certify to the court that 15 days written notice has been given to the Governor, and the director of the institution informing them of existing conditions and the minimum measures he believes may remedy them;

Requires the Attorney General, before filing or intervening in any suit, to notify the Secretaries of Health and Human Services and Education and to proceed with the proposed suit if he is satisfied such action is consistent with the policies and goals of the executive branch;

Allows the court to award to the prevailing party, other than the United States, a reasonable attorney's fee; provides protection from retaliation to persons reporting violations;

Requires the Attorney General, after consulting with State and local agencies and others, to promulgate minimum standards within 180 days, for developing and implementing a grievance system for adults confined in any jail or correctional facility; makes the standards effective 30 legislative days after publication, unless disapproved by either House of Congress; provides that, in any action brought by an adult confined in a jail or other correctional facility, the court may continue the case for not to exceed 90 days in order to exhaust available administrative remedies;

Specifies that the standards shall include: (1) an advisory role for employees and inmates in implementing the system, (2) specific time limits for written replies to grievances, (3) priority processing for emergency grievances, (4) safeguards against reprisals to grievants, and (5) independent review of the disposition of grievances by an individual or group not under the institution's direct supervision;

Requires the Attorney General to develop a system for review and certification of grievance procedures in correctional facilities to determine whether they are in compliance with the minimum standards; provides that certification may be withdrawn at any time the Attorney General determines that grievance procedures no longer comply with minimum standards;

Requires the Attorney General to submit to Congress a report which includes: (1) a statement of all actions instituted pursuant to the Act, (2) an explanation of procedures used to review and evaluate petitions or complaints, (3) an analysis of the impact of actions instituted, including an estimate of the costs incurred by States, (4) a statement of the Federal financial, technical, or other assistance to the State for correction of conditions, and (5) the progress made in each Federal institution toward meeting promulgated standards;

States the sense of the Congress that, where possible and without redirecting funds or in any way creating hardship for institutionalized citizens, priority be given to funding programs that correct unconstitutional conditions. H.R. 10—Public Law 96-247, approved May 23, 1980. (*51, *93)

Civilian and military claims: Broadens the authority to settle claims under the Military Personnel and Civilian Employees' Claims Act of 1964 by adding a new section which provides that, subject to government-wide policy prescribed by the President, the head of any agency may settle and pay claims up to $25,000 for damage to, or loss of, personal property sustained by U.S. employees or uniformed service members on or after December 31, 1978 (to cover the hostage taking in Iran), in a foreign country when the damage or loss was a result of: (1) an evacuation of U.S. personnel in response to, or as a result of, political unrest or hostile acts in a country, or (2) from act of mob violence, terrorist attacks or other hostile acts, directed against the U.S. government or its officers or employees; provides an order of priority for payment of claims in the event the claimant is deceased; requires that a claim, to be considered under these provisions, must be presented in writing within two years after it accrues, or within one year of enactment, whichever is later; requires each agency to issue regulations governing claims settlement under these provisions and makes the same standards for adjudicating a claim under other provisions of this act also apply to settlement under this section; and gives the U.S. right to any future claims a claimant may have against the foreign country in which the damage or loss occurred to the extent of the amount that the U.S. paid the claimant; and contains all the provisions of H.R. 7085 except those dealing with taxes. H.R. 6086—Passed House April 21, 1980;

Passed Senate amended October 1, 1980; House disagreed to Senate amendments October 2, 1980. (VV)

Classified information procedures: Provides pretrial procedures that will permit trial judges to rule on questions of admissibility involving classified information before introduction of the evidence in open court, thus enabling the government to ascertain the potential damage to national security of proceeding with a given prosecution before trial; and specifically outlines the trial procedures to be followed in the event the U.S. appeals a court decision to disclose classified information. S. 1482—Public Law 96-456, approved October 15, 1980. (VV)

Commission on Wartime Relocation and Internment of Civilians: Establishes a one-year, seven-member, National Commission on Wartime Relocation and Internment of Civilians to review the facts and circumstances surrounding, and the impact on the persons affected by: (1) Executive Order 9066 (issued by President Roosevelt in 1942) under which approximately 120,000 American citizens and resident aliens of Japanese ancestry were interned in relocation camps, and (2) the military directives issued during World War II under which certain Aleut Indians were moved from the outer Aleutian Islands to the mainland because of the military threat to the islands on which they resided; directs the Commission to recommend to Congress and the President appropriate remedies that should be available to those persons; and authorizes therefor $1.5 million. S. 1647—Public Law 96-317, approved July 31, 1980. (VV)

Consumer controversies: Provides for the establishment of a dispute resolution program in the Department of Justice which shall include the creation of a Dispute Resolution Resource Center to serve as a national clearinghouse for the exchange of information concerning the improvement of existing and of new dispute resolution mechanisms, provide technical assistance to State and local governments, conduct research and development, identify those dispute resolutions that are most effective, and make grants and contracts for research, demonstrations, or special projects; establishes a nine-member Dispute Advisory Board to advise the Attorney General as to the types of projects that should be funded under the act and the criteria to be used in awarding grants; specifies the purposes for which funds authorized under the act may be used and the distribution of such funds to the various States; provides that the Attorney General may suspend payments, after the opportunity of a hearing, if he finds that the project for which the grant was received no longer complies with the provisions of the act or the application as approved by the Attorney General; requires recipients to keep such records as the Attorney General may prescribe; gives the Attorney General access to any records or books of recipients for audit purposes and gives the Comptroller General such access for financial and performance audits; requires submission of a report by February 1 of each year which shall include a list of grants awarded and the results of financial and performance audits; and authorizes for fiscal 1981 through 1984 $1 million annually for the Resource Center and the Advisory Council and $10 million annually for the grant program. S. 423—Public Law 96-190, approved February 12, 1980. (VV)

Consumer Product Safety Commission postemployment rules: Eliminates certain unnecessary, ineffective, and inequitable post-employment restrictions contained in the Consumer Product Safety Act which prohibit Commission employees and officers above GS-14 from accepting employment from any manufacturer subject to CPSC regulation for a period of one year. H.R. 6395—Public Law 96-373, approved October 3, 1980. (VV)

Counsel for jurors claims: Amends title 28 U.S.C. to authorize courts to tax employers for funds expended by the Government for court-appointed counsel where an employee prevails in a case brought against an employer on grounds of harassment, intimidation, or other interference with his or her right to serve as a juror; and specifies that the prevailing employer may collect a reasonable attorney's fee only if the court finds that the employee's action is frivolous, vexatious, or brought in bad faith. S. 1187—Passed Senate March 29, 1980. (VV)

Customs Court: Expands the jurisdiction of the United States Customs Court, which is renamed the United States Court of International Trade, to assure judicial review of civil actions arising from controversies over import transactions, and a statute, constitutional provision, treaty, executive agreement, or order substantially concerned with international trade; grants the Court the plenary powers possessed by other Federal courts established under Article III of the Constitution; provides that the Court consist of nine judges appointed by the President, and confirmed by the Senate, and requires that no more than five of the judges may be of the same political party; provides that the five judges presently serving on the Customs Court shall continue to serve on the new Court and that the present chief judge serve as chief judge of the new Court until age 70; permits a judge of the new Court to serve as a district judge, a judge of the Court of Customs and Patent Appeals, or a judge of a circuit court of appeals; and makes necessary changes to the current statutes relating to the jurisdiction of the new Court. S. 1654—Public Law 96-417, approved October 9, 1980. (VV)

District court realignments: Amends title 28, U.S.C., to realign the judicial districts of Missouri by transferring Audrain and Montgomery Counties from the Eastern Division of the Eastern District to the Northern Division of the Eastern District in order to reduce the average distance which litigants, attorneys, and jurors in these counties must travel to court. S. 2432—Passed Senate May 14, 1980. (VV)

Designates Santa Ana, California, as a place of holding court for the Central District of California; transfers two counties from the Southern Division to the Western Division of the Southern District of Iowa; transfers two counties from the Eastern Division to the Northern Division of the Eastern District of Missouri; places that portion of Durham County encompassing the Butner Federal Correction Institution, North Carolina, entirely within the Eastern District of North Carolina; transfers four counties from the Middle District to the Western District of North Carolina and strikes three statutory places of holding courts in North Carolina; and creates a new place of holding court in Lufkin, the Eastern District of Texas, composed of seven counties from the Tyler and Beaumont Divisions of the Eastern District and two counties from the Houston Division of the Southern District. H.R. 8178—Public Law 96-462, approved October 15, 1980. (VV).

Federal judges annuities: Amends chapter 83, title 5, U.S.C., to authorize the Office of Personnel Management to discontinue payment of civil service retirement annuities to retired Federal employees who become Federal justices or judges during the period of their active service on the bench; allows reinstatement of such annuity upon retirement or resignation of a judge or justice, provided the application is filed within one year of enactment; and provides that survivors' annuities for all surviving spouses of Supreme Court Justices shall be paid from the Judicial Survivors' Annuities Fund. H.R. 2583—Public Law 96- , approved , 1980. (VV)

Federal question jurisdiction: Amends title 28, U.S.C., 1331 to provide that Federal district courts have original jurisdiction of all civil actions that without regard to the amount in controversy by eliminating the $10,000 amount in controversy requirement in all Federal question cases except for cases brought against defendants other than the U.S. under section 23 of the recently enacted Consumer Product Safety Act which authorizes action by any person who sustains injury by reason of a knowing violation of a consumer product safety rule, or other rule or order issued by the Commission and ties Federal Court jurisdiction to the $10,000 amount contained in 28 U.S.C., 1331. S. 2357—Public Law 96-486, approved December 1, 1980. (VV)

Federal rule making: Encourages Federal agencies to utilize innovative administrative procedures in dealing with small businesses, small organizations, and small governmental bodies that would otherwise be adversely affected by Federal regulations; requires the preparation of regulatory flexibility analyses of proposed agency rules which estimate the impact of a proposed rule and its alternatives upon small institutions; requires agencies to publish a regulatory flexibility agenda every six months to facilitate the preparation of comments by interested persons on any rules which the agency expects to consider, propose, or issue during the following year likely to have a significant economic impact on a substantial number of small entities; requires agency heads to ensure that small institutions are given ample opportunity to participate in rulemaking proceedings through public hearings, open conferences, or other outreach techniques; establishes a procedure for a ten-year review of all existing regulations which have a significant effect upon small entities; and requires a periodic review of new rules to minimize needless burdens on small businesses, organizations, and governments. S. 299—Public Law 96-354, approved September 19, 1980. (VV)

Judicial conduct and disability: Establishes a procedure to investigate and resolve complaints directed against Federal judges; places primary responsibility for the resolution of allegations of disability or misconduct of Federal judges with the judicial council of the circuit in which the judge serves; provides that any person may file a written complaint against a Federal court of appeals judge, a Federal district judge, a Federal bankruptcy court judge, or a Federal magistrate with the chief justice of the circuit, alleging that the judge has been unable to discharge efficiently all the duties of his or her office by reason of mental or physical disability or has engaged in conduct inconsistent with the administration of the business of the courts; permits the council to dismiss a complaint that is without jurisdiction, frivolous, or insufficient under the prescribed standards; provides that the council, on its own motion, may investigate matters which it feels fall under the standards and, if appropriate, file a complaint of its own; provides that the Judicial Conference of the U.S. may establish rules for the circuits or allow the circuits individually to promulgate their own rules; requires the judicial council, upon receipt of a complaint, to take final action in an expeditious manner, to notify the complainant if the complaint is dismissed, and provide written reasons for the dismissal; provides that the complainant or judge may petition the Judicial Conference of the U.S. for review of decisions of a circuit council; authorizes the council, if it decides that the complaint calls for further procedures, to take other final action to correct the situation, including a request that the judge voluntarily retire, a certification of disability, a temporary order that no further cases be assigned to the judge or a private or public censure or reprimand; requires the circuit council to refer a complaint to the Judicial Conference if its proceedings reveal conduct which might constitute an impeachable offense. S. 1873—Public Law 96-458, approved October 15, 1980. (379)

Judicial district realignment—North Carolina: Amends the boundaries of the Eastern District of North Carolina by including within its jurisdiction the Federal Correctional Institution at Butner, North Carolina, in its entirety and by excluding that portion of the Institution which now lies within the jurisdiction of the Middle District of North Carolina; and relieves the State of New Mexico of any obligations for the care of prisoners placed temporarily in Federal facilities because of the disruption at the prison on February 2 and 3, 1980. S. 2326—Passed Senate September 29, 1980. (VV)

Justice Department authorization: Authorizes a total of $2,097,617,000 for the Department of Justice for fiscal year 1981; authorizes the FBI to undertake certain activities connected with its undercover operations, such as leasing space, upon certification by the Director or the Attorney General; requires a detailed fiscal audit of any undercover operation having gross receipts or income in excess of $50,000 and submission of a report thereon to the Attorney General with similar reports to Congress annually; requires the submission of an annual report to Congress on parental kidnapping and authorizes $1 million for an FBI investigation of such cases; modifies the requirement that the Department of Justice inform the appropriate Congressional committees of impending reprogrammings to require 15 day prior committee notification; amends the Controlled Substances Act to provide that informants who are entitled to compensation for furnishing information leading to the seizure and forfeiture of goods under customs laws may be paid from proceeds of the sale of seized property; authorizes the Attorney General to set fees based on costs for U.S. markets serving papers in private civil litigation; directs the Attorney General to complete evaluations on the efficiency and effectiveness of Justice Department programs at the request of the Judiciary Committees and requires submission to the requesting committee within 30 working days of a design and timetable for making the evaluation; requires submission to the Congress of a copy of each written agreement between the Department of Justice and another agency affecting the litigation authority of the Department; requires the Attorney General to prepare and submit to the Senate and House Judiciary Committees by January 1, 1980, a plan for the activation and coordination of comprehensive case management information and tracking systems for each judicial district and authorizes therefor $300,000; directs the Attorney General to report to the committees on the extent to which the Department has collected all judgments owed to the United States and calls for a report on the backlog and status of civil and criminal fraud cases; directs the Attorney General to make arrangements for an independent study on the extent to which the Federal Government should provide communication systems, networks, and data bases for distribution of criminal records to Federal, State, local, or foreign agencies, or private entities; authorizes an additional 30 senior trial attorney positions; directs the Attorney General to report to Congress on any case where he establishes a policy of refraining from enforcement of any law on the grounds that it is unconstitutional; requires the Attorney General to inform the Chairmen and ranking members of the Judiciary Committees whenever an investigation is commenced into allegations of violations of the Ethics in Government Act; expresses the sense of the Senate that the U.S. should not admit more than an additional 100,000 immigrants, exclusive of the immediate families of American citizens, for the remainder of the fiscal year; expresses the sense of Congress that the Khmer people in holding camps in Thailand be processed and resettled as refugees under U.N. auspices; states that Congress opposes efforts by private citizens to engage in negotiations concerning the hostages held in Iran; establishes an Office of Professional Responsibility (OPR) headed by a Counsel appointed by the President and confirmed by the Senate; sets forth a charter which grants the OPR counsel the power to undertake investigations and to develop uniform sanctions for employee misconduct; sets priorities for funding of programs, depending on the amount of appropriations, whereby the public safety officers benefits program is to be supported, with any remaining funds up to $100 million to be used for a discretionary program to support State and local projects of proven effectiveness; permits funding of research and statistics programs should appropriations exceed $100 million; and includes the language of the Equal Access to Justice Act, as passed the Senate, which permits a court, in its discretion, to award attorney fees and other expenses to prevailing parties in civil litigation involving the U.S. to the same extent it may award fees in cases involving private parties. S. 2377—Passed Senate June 19, 1980. (*229)

Extends the authority and any limitation on authority in the Department of Justice Authorization Act, Fiscal Year 1980, for the Department of Justice until the effective date of the appropriate general authorization act or the one hundred eightieth day following enactment of this Act. H.R. 8202—Public Law 96-397, approved October 7, 1980. (VV)

Juvenile justice and delinquency prevention: Extends for four years the programs established by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended; authorizes therefor $200 million each for fiscal 1981 through 1984 for Title II juvenile justice programs, and $25 million each for the same period for the Title III runaway and homeless youth program; provides that an additional purpose of the act is to assist States and localities in removing juveniles from jails and lock-ups intended for adults; establishes, as a policy of the Congress, that methods of preventing and reducing delinquency should include those with a special focus on maintaining and strengthening the family; administratively separates the Office of Juvenile Justice and Delinquency Prevention from LEAA and places it under the coordination of the Office of Justice Administration, Research and Statistics and under the general authority of the Attorney General; expands membership on the Federal Coordinating Council to include other relevant agency heads, including those of the newly formed Department of Special Education and Rehabilitation Services; reduces, from 21 to 15 members, the size of the National Advisory Committee; provides that Title II formula grant funds unobligated at the end of the fiscal year shall be reallocated in an equitable manner among States which have demonstrated compliance with the deinstitutionalization and separation requirements of the act; streamlines paperwork requirements by permitting States to submit a three year, rather than annual, juvenile justice plan; provides that State advisory groups consist of between 15 and 33 members rather than between 21 and 33 members; provides that locally elected officials be included on State advisory groups; requires that special education departments be represented on State advisory groups; reduces from one-third to one-fifth the mandatory percentage of advisory group members who are to be considered "youth" representatives and lowers the maximum age for inclusion in this category from 26 to 24 years of age; requires that three members of the advisory group shall have been or shall be under the jurisdiction of the juvenile justice system; addresses the need of juveniles who commit serious crimes by providing: programs designed to improve sentencing procedures, resources necessary for informed dispositions, and effective rehabilitation; includes on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth; identifies projects designed to work with juvenile gangs as an eligible advanced technique program area; enables juvenile courts to place status offenders (children whose actions would not be criminal if committed by adults) and nonoffenders (dependent and neglected children) in secure detention and correctional facilities (juvenile detention centers) if they are found to be in violation of a valid court order, thus assuring courts with the needed flexibility to respond to youth who chronically refuse voluntary treatment, but at the same time assuring continued protection of the basic rights of these youths; adds a new section requiring States, in order to participate in the formula grant program, to provide for removal of juveniles from jails and lock-ups for adults within five years from date of enactment; directs the Administrator to report to Congress costs incurred by States to remove juveniles from confinement in adult facilities; permits placement of juveniles accused of serious crimes in adult facilities, subject to sight and sound separation, where no acceptable alternative exists; permits States which have achieved within five years, removal of at least 75 percent of juveniles from jails and lock-ups for adults, to be given two additional years to achieve full compliance if the State has made through appropriate executive or legislative action, an unequivocal commitment to do so; allocates specific funds for prevention and treatment programs relating to juveniles who commit serious crimes; designates five percent of funds for grants and contracts to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands; requires, for the first time, that Federal discretionary assistance be available on an equitable basis to deal with disadvantaged youth, including minority, female, and handicapped youth; prohibits use of funds for lobbying purposes at federal, state, and local levels; requires that Title III—Runaway and Homeless youth grant assistance be made equitably among the States based upon their respective population of youth under 18 years of age; and establishes two new programs under the Department of Health and Human Services, the first providing supplemental grants to centers which develop, with the cooperation of juvenile court and social services personnel, model programs addressing the needs of chronic runaways and the second providing on-the-job training to local runaway and homeless youth center personnel and coordinating networks of local law enforcement social service, and welfare personnel to assist them in recognizing and providing for learning disabled and other handicapped juveniles. S. 2441—Public Law 96– , approved 1980. (VV)

National Guard tort claims: Amends title 28, U.S.C., to extend coverage under the Federal Tort Claims Act to National Guard members, including medical personnel, engaged in training or duty thereby giving the U.S. exclusive jurisdiction in actions arising out of alleged medical malpractice and proceedings resulting from federally-authorized National Guard training activities. S. 1858—Passed Senate May 30, 1980. (VV)

New Mexico patents: Authorizes the Secretary of the Interior to issue a patent under the Color-of-Title Act to any applicant for a patent covering lands within the Rio Grande Occupancy Resolution Program Area, New Mexico. H.R. 6211—Public Law 96– , approved 1980. (VV)

Patent and trademark laws: Contains the language of S. 414 which passed the Senate April 23, 1980, with the exception of the provision requiring Government recoupment and follows the intent but revises the language of S. 2446 re: patent reexamination which passed the Senate on March 20, 1980; establishes a procedure whereby the Patent and Trademark Office could, upon the written request of any individual, reexamine prior patents or publications and issue, upon receipt of a reexamination fee, certificates as to their status or validity; requires the Commissioner of Patents to establish fees for the processing of applications and all other services and materials related to patents and trademarks; and authorizes the Commission to adjust such fees once every three years. **H.R. 6933—Public Law 96– , approved , 1980. (VV)**

Patent procedure: Amends title 35, U.S.C., to promote the marketing of inventions developed under Federally-supported research and development projects by nonprofit organizations and small business firms; permits any such organization or firm to elect, within a reasonable amount of time, to retain title to such inventions; permits Federal agencies which have supported such projects to retain title to inventions through their funding agreements in specified circumstances, including when necessary to conduct foreign intelligence or counterintelligence activities; requires review of agency determinations for such exceptions by the Comptroller General and the Chief Counsel for Advocacy of the Small Business Administration; directs the Comptroller General to report to Congress on the implementation of this Act by Federal agencies; enumerates provisions which must be included in funding agreements between Federal agencies and small business firms or nonprofit organizations including provisions insuring disclosure to the Federal Government of any inventions, allowing a contractor to elect, within a reasonable time period to retain title to an invention, providing that the agency shall have a nonexclusive, nontransferrable irrevocable and paid-up license to use the invention, requiring reports on the utilization of the invention, and prohibiting a nonprofit organization from assigning rights to the invention without the approval of the Federal agency; authorizes a Federal agency to transfer or assign its rights, acquired from an agency employee as coinventor, to an inventor electing to acquire title to an invention;

Empowers any Federal agency to require inventors or their assigns to grant licenses in order to: (1) achieve practical application of the invention in its field of uses; (2) alleviate health or safety needs; (3) meet requirements for public use specified by Federal regulations; or (4) achieve participation by United States industry in the manufacturing of an invention; entitles the government to 15 percent of all net income in excess of $70.000 gross income received by a contractor after a patent application is filed on a subject invention; provides that the government shall receive five percent of all income in excess of $1 million; limits the government share of any such excesses to its contributions under the funding agreement; directs the Director of the Office of Federal Procurement Policy to revise the government entitlements in light of changes to the Consumer Price Index or other indices at least every three years; and declares that the government entitlements shall cease when: (1) the patent application is rejected, (2) the patent expires, or (3) the patent is found to be invalid:

Restricts the assignment and licensing of rights by patent holders to foreign-owned or controlled firms unless such persons agree that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States where commercially feasible; authorizes Federal agencies to withhold information on inventions from public disclosure; specifies the authority of Federal agencies with respect to obtaining patents, granting licenses, and transferring custody of patents; authorizes the Administrator of General Services to promulgate regulations specifying the terms upon which any Federally-owned inventions may be licensed; sets forth the procedure whereby Federal agencies may grant exclusive or partially exclusive licenses in any invention by a Federally-owned domestic patent or patent application; exempts the Tennessee Valley Authority from these provisions; prohibits licensing which lessens competition; directs that small business firms be given preference in exclusive or partially exclusive licensing; and enumerates provisions which must be contained in any grant of a license by a Federal agency; declares that nothing in this Act shall be construed to require the disclosure of intelligence sources or methods or otherwise affect the authority of the Director of Central Intelligence; and declares that this Act shall take precedence over any other Act in the disposition of inventions, and shall take effect 180 days after enactment, except that implementing regulations may be issued prior to that time. S. 414—Passed Senate April 23, 1980. NOTE: (Comparable provisions are contained in H.R. 6993 which became public law 96– .)

Patent reexamination: Amends title 35, U.S.C. to authorize the Commissioner of Patents and Trademarks, effective October 1, 1980, to establish rules and regulations necessary to implement a new procedure whereby the Patent and Trademark Office could, at the request of patent holders, challengers, or the Commissioner of Patents, reexamine prior uncited patents or publications and issue certificates as to their status or validity. S. 2446—Passed Senate March 20, 1980. NOTE: (Comparable provisions are contained in H.R. 6993 which became Public Law 96– .)

Pretrial services: Requires the Director of the Administrative Office of the U.S. Courts, under the supervision and direction of the Judicial Conference, to establish pretrial services in each judicial district; authorizes districts having inappropriate or inadequate resources to provide pretrial services to opt into a pretrial services program administered by a chief pretrial services officer; requires the Director of the Administrative Office of the U.S. Courts to issue regulations regarding use of pretrial service files; provides for development and implementation of a system to monitor and evaluate bail activities, provide information to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process; authorizes the agencies to make contracts to carry out their functions; authorizes such sums as may be necessary for fiscal 1982 and thereafter to carry out these provisions; and establishes a diversion program and an advisory panel in each district to oversee the programs activities and authorizes therefor $3 million each for fiscal 1982 through 1984. S. 2705—Passed Senate September 30, 1980. (VV)

Privacy protection: Limits Federal, State, and local governments in their ability to procure search warrants to obtain work product and other documentary materials in the possession of a person engaged in the dissemination of information to the public; requires that guidelines be established by the Attorney General to govern Federal access to documentary evidence in the hands of all other nonsuspect third parties; and requires the Federal Government to obtain such materials through means less intrusive than a search warrant where the person is not implicated in the offense under investigation, especially when a confidential privileged relationship is involved. S. 1790—Public Law 96-440, approved October 13, 1980. (VV)

Soft drink interbrand: Restates existing antitrust laws applicable to licensing agreements granting a licensee exclusive rights to manufacture, distribute, and sell trademarked soft drink products in a defined geographic area; provides protection against treble damages for antitrust violations for members of the soft drink industry prior to any final determination that exclusive territorial provisions in soft drink franchise contracts are unlawful; and defines the words "antitrust laws" to include the Sherman, Clayton, and FTC Acts. S. 598—Public Law 96–308, approved July 9, 1980. (*147)

State of the judiciary: Requests the Chief Justice of the United States to give, at such time as may be mutually agreed on by the Chief Justice and the leadership of Congress, an annual address to a joint session of Congress on the state of the Federal judiciary and any legislative recommendations he deems necessary; and directs the Chief Justice, in those years in which he does not personally appear, to submit by March 15, a written report which shall be printed in the Record and made available to each Member of Congress. S. 2483—Passed Senate August 26, 1980. (VV)

State Justice Institute: Establishes, in the District of Columbia, a private non-profit State Justice Institute consisting of an 11-member Board and an Executive Director, appointed by the President and confirmed by the Senate; to promote improvements in State court systems in a manner consistent with the doctrines of federalism and the separation-of-powers; directs the Board to make recommendations on matters in need of special study and to coordinate activities of the Institute with those of other governmental agencies; authorizes such sums as necessary for fiscal 1982 to the Institute to administer a system of grants and contracts, which will be available on a 25 percent matching basis, to aid State and local governments and other non-profit judicial organizations for programs designed to strengthen and improve their judicial system; assigns the Institute a liaison role with the Federal judiciary, particularly as to jurisdictional issues; prohibits the Institute from duplicating functions being performed adequately by existing nonprofit organizations; provides that the Institute shall not be considered an instrumentality of the Federal government but permits the Office of Management and Budget to review and comment on its annual budget request; and provides that its officers and employees not be considered employees of the United States except to determine fringe benefits and for Freedom of Information requirements; requires each State's supreme court, or its designated agency or council, to approve all applications for funding by individual courts of the State and to be responsible for project funds awarded; requires the Institute to provide for monitoring and evaluation of its operations and programs funded by it; prohibits funds to support partisan political activities or to influence executive or legislative policy making unless responding to a specific request or the measure under consideration would directly affect a recipient or the Institute; bars the Institute from participating in any litigation except in narrowly defined situations; prohibits the Institute from interfering with the independent nature of State judicial systems and from allowing funds to be used for regular judicial and administrative activities of any State judicial system other than under the terms of any grant, cooperative agreement, or contract with the Institute; requires that procedures for notice and review of any decision to suspend or terminate funding of a project be established; authorizes the Institute to require that recipients maintain certain records; requires that non-Federal funds be accounted for separately from Federal funds; and requires an annual audit of

Institute accounts by the General Accounting Office. S. 2387—Passed Senate July 21, 1980. (VV)

Supreme Court Grounds: Authorizes the Architect of the Capitol to acquire, as an addition to the grounds of the U.S. Supreme Court Building, certain privately-owned property located at the Northwest Corner of Third and A Streets, N.E., to be used as a parking lot for employees of the Supreme Court; and authorizes therefor $645,000 which includes funds for administrative costs and for paving and landscaping the property. S. 2134—Passed Senate May 16, 1980. (VV)

Tax Court judges: Amends the Internal Revenue Code, effective February 1, 1981 to increase the number of U.S. Tax Court judges from 16 to 19 and to eliminate the ban on initial appointments of individuals of 65 or older as judges of the U.S. Tax Court. H.R. 7779—Public Law 96–439, approved October 13, 1980. (VV)

Trademark Trial and Appeal Board: Amends current law to permit the hiring of persons from outside the Patent and Trademark Office to fill vacancies on the Trademark Trial and Appeal Board; and eliminates the requirement that the Civil Service Commission approve the qualifications of persons hired for these positions. H.R. 4273—Public Law 96–455, approved October 15, 1980. (VV)

Wire tap: Amends title III of the Omnibus Crime Control and Safe Streets Act of 1968 to establish uniform statutory procedures relating to court-ordered "surreptitious entries" (defined as physical entries upon a private place or premise to install, repair, reposition, replace, or remove any electronic, mechanical, or other device) to install court-authorized electronic eavesdropping devices; requires that, when a "surreptitious entry" is necessary for the installation of a court-authorized electronic intercept device, the applicant for the order must state in the application that such an entry will be required to effect the interception and why other means of accomplishing the same objectives are not feasible; requires that the issuing judge determine whether the use of "surreptitious entry" is justified; requires that the intercept order itself specifically state whether a "surreptitious entry" is authorized; provides that the interception order shall identify the agency authorized to make the entry, and that the order shall require the government attorney supervising the interception to notify the issuing court in writing of any subsequent reentry and its purpose; and permits the authorization of an emergency interception of wire or oral communications without a prior court order if a situation exists which involves an immediate danger of death or serious physical injury. S. 1717—Passed Senate June 9, 1980. (VV)

NATURAL RESOURCES MANAGEMENT—NATIONAL HISTORIC SITES

Adams National Historic Site: Authorizes the Secretary to accept, as part of the Adams National Historic Site in Quincy, Massachusetts, the conveyance of the United First Parish Church in which John Adams, John Quincy Adams, and Abigail Adams are buried, and authorizes therefor such sums as may be necessary for fiscal 1981. H.R. 7411—Public Law 96–435, approved October 10, 1980. (VV)

Bear River compact: Grants Congressional approval to the amended Bear River Compact, as ratified in 1979 by Idaho, Utah, and Wyoming, concerning the distribution and use of the waters of the Bear River; establishes an equitable apportionment of the waters among the compacting States and allows additional development of the water resources; and retains the provision requiring a review at intervals not exceeding 20 years to allow future revisions to be made as necessary. H.R. 4320—Public Law 96–189, approved February 8, 1980. (VV)

Biscayne and Valley Forge National Parks—Fort Jefferson National Monument: Expands by 71,000 acres the existing Biscayne National Monument in Florida and redesignates the area as a National Park; authorizes an additional $8.5 million to the Secretary for land acquisition and such sums as may be necessary for administration of the park; calls for a wilderness suitability study to be submitted within three years; specifically prohibits acquisition of State-owned lands by any means other than donation; confirms the designation of the Fort Jefferson National Monument by Presidential Proclamation and establishes a more identifiable boundary; gives the Secretary express authority to accept donations of funds for the monument; provides for the preparation and submission of a management plan; calls for a wilderness suitability study to be submitted within three years; increases by approximately 682 acres the Valley Forge Historic Park and authorizes therefor $5.3 million; and provides such sums as may be necessary for the development of a management plan for the natural environmental area surrounding Fort Jefferson National Monument. H.R. 5926—Public Law 96–287, approved June 28, 1980. (VV)

Bogue Chitto National Wildlife refuge: Establishes the Bogue Chitto National Wildlife Refuge consisting of approximately 40,000 acres of bottomland hardwood in southern Louisiana and Mississippi; and authorizes, for fiscal 1981 through 1985, $13 million for acquisition of the refuge and $1 million for construction of the refuge headquarters, boat launching facilities, and the accomplishment of boundary surveys. H.R. 6196—Public Law 96–288, approved June 28, 1980. (VV)

Bon Secour National Wildlife Refuge: Authorizes the Secretary of the Interior to acquire approximately 10,000 acres of land and water along the Alabama Gulf Coast for the establishment of the Bon Secour National Wildlife Refuge which will serve as a laboratory for scientists and students and provide wildlife-oriented recreation for the public; authorizes therefor $6 million in fiscal 1981, $8 million each for 1982 and 1983, and $9.5 million each for 1984 and 1985; and includes an additional $1.5 million for fiscal 1981, to remain available until expended, for the development of the proposed refuge area which contains highly significant and varied habitat which support important nurseries, is a critical resting and feeding site for migratory birds, and contains endangered and threatened species. H.R. 6727—Public Law 96–267, approved June 9, 1980. (VV)

Boston African American National Historic Site: Establishes within Boston, Massachusetts, the Boston African American National Historic Site which includes the African American Meeting House; and creates a 15-member Commission to establish the National Center for the Study of Afro-American History and Culture at Wilberforce, Ohio. H.R. 7434—Passed House August 25, 1980; Passed Senate amended September 30, 1980. (VV)

Central Valley project, California: Provides for the inclusion of the Yolo-Zaora, Dunnigan, and Colusa County Water Districts within the authorized service area of the Tehama-Colusa Canal, a feature of the Central Valley Project in California. H.R. 2111—Passed House November 27, 1979; Passed Senate amended September 4, 1980. (VV)

Channel Islands: Establishes the Channel Islands National Park in California which includes the islands of San Miguel, Prince, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara; authorizes therefor $30.1 million for land acquisition; directs the Secretary, in consultation with the Secretary of Commerce, the State of California, and other Federal and private entities, to develop a natural resources study report for the park and to enter into cooperative agreements regarding enforcement of Federal and State laws within the park;

Amends the National Parks and Recreation Act (Public Law 95–625) to authorize funds for the addition of 2,133 acres to the Point Reyes National Seashore in California, approximately 5,000 acres to the Golden Gate National Recreation Area, and 475 acres for the Harpers Ferry National Historic Park; increases from $425,000 to $2.5 million the funding for the Ice Age National Scientific Reserve in Wisconsin; increases the land acquisition ceiling for the Olympic National Park in Washington from $13 million to $23.7 million; and authorizes $2.813 million to the Secretary to provide assistance to Louisiana for reconstruction of Fort St. Jean Baptiste de Natchitoches;

Makes minor boundary adjustments to the Carl Sandburg Home National Historic Site, the Chickamauga and Chattanooga National Military Park, the Fredericksburg and Spotsylvania County National Military Park, the Saratoga National Historic Park, and the C&O Canal National Historic Park; and provides for the continued protection of Palmer's Chapel in the Great Smokey Mountains National Park;

Designates the David Berger Memorial in Cleveland Heights, Ohio, as a National memorial for the 11 Israeli athletes assassinated at the 1972 Olympic games in Munich, Germany; authorizes the purchase of land in the harbour at Charleston, South Carolina for a tour boat facility providing access to Fort Sumter National Monument; establishes the Yaquina Head Outstanding Natural Area in Oregon; and provides for the establishment of a suitable memorial in the National Park System to commemorate each former President of the United States. H.R. 3757—Public Law 96–199, approved March 5, 1980. (*41)

Chesapeake Bay research: Establishes, within the Department of Commerce, a 15-member Chesapeake Bay Research Coordination Board which shall develop a Chesapeake Bay Research Plan to: (1) coordinate federally conducted and supported research to increase fundamental knowledge in support of wise management of the Chesapeake Bay area, (2) identify key management information needs and specify a coherent program of research that will respond to those needs, (3) identify the needs and priorities for additional research required for the improvement of fundamental knowledge about the Bay area, (4) assure a comprehensive and balanced approach to Federally-conducted and supported research on the area, (5) encourage utilization of the results and findings of the research, and other relevant information, in the management decisionmaking processes which have an impact on the Bay, and (6) foster public understanding of the role of the Bay as a unique national resource; requires the Board to submit, to Congress and the Governors of Maryland and Virginia, an annual report on current and planned research programs pertaining to the Bay area and their relationship to the Chesapeake Bay Research Plan, together with any recommendations; and authorizes therefor $500,000 for each fiscal 1982 through 1984. H.R. 4417—Public Law 96–460, approved October 15, 1980. (VV)

Cibola National Forest: Increases from $12 million to $20 million the authorization for acquisition of lands to be added to the Cibola National Forest under the Endangered American Wilderness Act of 1978 (Public Law 95–614) in order that the Secretary of Interior may acquire, as an extension of the Sandia Mountain Wilderness in New Mexico, an additional 6,423 acres of land, contingent upon a determination by the Secretary that the city of Albuquerque has acquired an option to purchase approximately 640 acres near the tract for open space or city park use; and withdraws such lands from mineral entry. H.R. 3928—Public Law 96-248, approved May 23, 1980. (VV)

Expands the boundary of the Cibola National Forest in New Mexico to include an adjacent area of approximately 14,476 acres; amends Public Law 95-244 to extend for an additional five years, through September 30, 1985, the authority of the Secretary of Interior to make payments to appropriate school districts to assist them in providing educational benefits to students living on non-taxable lands at or near the Grand Canyon National Park and authorizes therefor $1.5 million each for fiscal 1981 and 1982; and allows funds authorized to remain available until appropriated through 1985. S. 1803—Passed Senate June 6, 1980. (VV)

Coastal zone management: Extends for eight years, through fiscal year 1988, the Coastal Zone Management Act of 1972, at an annual authorization of $236 million; contains $100 million for coastal energy impact formula grants; $35 million for grants to States for reservation or restoration of coastal areas of conservation, recreational, ecological, or esthetic value; $5 million for Outer Continental Shelf State participation grants; $5 million for interstate coastal zone management coordination; $25 million for States affected by coastal activities relating to transportation, transfer, or storage of coal; $10 million for estuarine sanctuaries and island preservation; and $6 million for administration. S. 2622—Public Law 96-464, approved October 15, 1980. (VV)

Colorado River Basin salinity control: Increases from $155,500,000 to $356,400,000 the appropriations ceiling for the construction of a large desalting plant near Yuma, Arizona (pursuant to an agreement with Mexico dated August 30, 1973), to cover increases in construction costs and certain project changes and makes the amount subject to construction cost indexing; authorizes the Secretary of Interior to use power and energy from the Navajo Generating Station at Page, Arizona, to meet the power requirements of the program after he has completed an analysis of alternative sources of power supply including the possibility of contracting with Mexico for the additional power; authorizes the Secretary to enter into contracts for the delivery of certain water within the United States for irrigation, municipal, and industrial uses; authorizes the Secretary to provide measures to mitigate fish and wildlife habitat losses resulting from construction; increases from $400 million to $600 million the authorization under the Small Reclamation Projects Act; and exempts from interest charges that portion of project loans attributable to furnishing benefits to facilities operated by U.S. agencies. S. 496—Public Law 96-336, approved September 4, 1980. (VV)

Authorizes the Secretary of Interior to conduct feasibility studies of ten salinity control projects along the Colorado River Basin. S. 3017—Passed Senate September 25, 1980. (VV)

Feasibility investigations: Authorizes the Secretary of Interior to undertake feasibility investigations of 25 water resource related developments; authorizes the Secretary to enter into new contract with present concessionaires on Lake Berryessa in California and contains provisions to protect the investments made by concessionaires in permanent facilities; increases, from $18,246,000 to $57,139,000, the authorization ceiling for the Closed Basin Water Project, a division of San Luis Valley Project, Colorado, to conform with recent Water and Power Resources Service design changes; designates the Curecanti Storage Unit of the Colorado River Storage Project as the Wayne N. Aspinall Storage Unit; expands the options available to the Secretary of Interior in requiring advance payment for water delivered from Federal reclamation projects to permit bimonthly and monthly payments in addition to annual and semiannual payments; authorizes the Secretary to conduct a three-year feasibility study of integrating solar and hydroelectric power in the lower Colorado River Basin; broadens the scope of the statutory ban prohibiting the Secretary from undertaking studies of any plan to import water into the Colorado Basin to include all Federal officials; increases to $172,728,000 the authorization ceiling for construction of the Brantley Dam Project, New Mexico; and authorizes the Secretary to conduct feasibility studies for ten salinity control projects which will assist the seven Colorado River Basin States in meeting their commitments to reduce the salt concentration in the Colorado River Basin. H.R. 5278—Public Law 96-375, approved October 3, 1980. (VV)

Federal land policy and management: Amends the law enforcement provisions of the Federal Land Policy and Management Act of 1976 to provide a fine of no more than $500 and/or six months imprisonment for petty offenses in violation of the Act's regulations; and permits the Secretary of Interior to authorize designated Federal personnel and local officials who are not authorized to carry firearms to enforce regulations dealing with petty offenses and to prescribe training standards, equipment requirements, and procedures for such personnel to follow. S. 2209—Passed Senate May 7, 1980. (VV)

Fish and wildlife conservation: Authorizes $5 million each for fiscal 1981 through 1984 to the Secretary of the Interior to establish for the first time a comprehensive wildlife conservation grant program, whereby States would receive Federal matching funds for the development, revision, and maintenance of approved plans and programs established for conservation of both game and nongame vertebrate wildlife; specifically lists those items which a plan must contain including an inventory of all nongame fish and wildlife within the State; requires the Secretary to either approve or disapprove a plan within 180 days following submission; outlines specific requirements and limitations with respect to reimbursement; authorizes partial reimbursement for plan development costs, for nongame fish and wildlife activities included in approved plan, and for certain other nongame fish and wildlife activities not contained in an approved plan; establishes a formula, based on land area and population ratios, for distribution of funds among States and territories; allocates up to eight percent of the authorized funds for administration, and requires the Director of the Fish and Wildlife Service to conduct a study to determine the most equitable and effective way to fund the projects under the Act and to report to Congress, within 30 months, the results of the study, and any recommendations. H.R. 3292—Public Law 96-366, approved September 29, 1980. (VV)

Georgia O'Keeffe National Historic Site: Authorizes the Secretary of Interior to acquire the site and structures comprising the home and studio of Georgia O'Keeffe, noted American artist, located in Abiquiu, New Mexico. S. 2363—Public Law 96- , approved 1980. (VV)

Great Dismal Swamp National Wildlife Refuge: Extends for three years, until September 30, 1983, the authorization period for land acquisition and development of the Great Dismal Swamp National Wildlife Refuge located in the States of Virginia and North Carolina, and increases the ceiling on the uniform allowance for Fish and Wildlife Service employees from $125 to $400 per year. H.R. 4889—Public Law 96-291, approved June 28, 1980. (VV)

Great Plains conservation: Amends the Soil Conservation and Domestic Allotment Act to: (1) extend through September 30, 1991, the Great Plains Conservation Program, due to expire December 31, 1981, under which the Secretary of Agriculture is authorized to enter into cost-sharing conservation contracts with farmers and ranchers; (2) expand the scope of the contracts to include farms, ranches, and other lands susceptible to serious water, as well as wind, erosion; (3) increase from $300 million to $600 million the overall limitation on program costs, exclusive of administrative costs; and (4) increase from $25 million to $50 million the annual program payment limitation; and makes October 1, 1980, the effective date of this bill. H.R. 3789—Public Law 96-263, approved June 6, 1980. (VV)

Historic Sites: Authorizes the Secretary of the Interior to provide financial assistance for maintenance and security of the Folger Shakespeare Library and the Corcoran Gallery of Art in Washington, D.C., and to make funds available to the Accokeek Foundation for the operation and maintenance of the National Colonial Farm at Piscataway Park in Maryland; authorizes the Secretary to accept, by donation, the home and studio of artist Georgia O'Keeffe at Abiquiu, New Mexico, and to acquire a one-acre off-site support facility and authorizes therefor $40,000 for acquisition and $100,000 for development; adds three parcels of land to the Golden Gate National Recreation Area; increases from 17 to 18 the Advisory Commission membership and from three to five years the terms of the existing members; adds approximately 2.5 acres, acquired by donation, to the Boston National Historical Park; modifies the boundaries of the Pinnacles National Historic Site which would result in a net addition of about 32 acres to the monument and the Golden Spike National Historic Site which would add approximately 534.93 acres; amends section 8 of the 1970 General Authorities Act to require that reports on areas which appear to have potential for establishment as units of the National Park System include reference to the theme represented in the National Park System Plan and that annual listings of the areas include an update on the conditions of areas previously listed;

Amends the Land and Water Conservation Fund to: (1) authorize the Secretary to designate for each entrance fee area the number of consecutive days that would constitute a single visit, (2) authorizes the Secretaries of Interior and Agriculture to establish procedures for the issuance of a lifetime admission permit to any citizen or person residing in the U.S. who is blind or disabled for purposes of Federal aid, and (3) provide that those blind or disabled persons who qualify for the waiver of entrance fees also receive a 50 percent reduction in the established user fee within Federal areas;

Permits the Lowell Historic Preservation Commission to retain any revenues or other assets it receives without regard to fiscal year limitation and requires annual audits of these funds; directs the Secretary to inform the public of the contributions of Representative Ryan in the creation of the Gateway National Recreation Area; increases from seven to 11 the membership of the San Antonio Missions National Historical Park Advisory Commission; designates the Over Mountain Victory Trail as a National Historic Trail and a component of the National Trail System; directs the Secretary to study and determine measures to protect the Falls of the Ohio between Kentucky and Indiana; and directs the Secretary to investigate (1) sites associated with the former President of the AFL–CIO, George Meany, for a suitable memorial and to submit a report thereon to the Congress within two years and (2) locations and events associated with the historical theme of Man in Space. S. 2680—Public Law 96-344, approved September 8, 1980. (VV)

Ice Age National Scenic Trail: Designates the 1,000 mile Ice Age Trail in Wisconsin as a national scenic trail within the National Trails system under the administration of the Department of Interior; permits Wisconsin, upon the Secretary's approval, to prepare a comprehensive management plan for the trail; permits the use of snowmobiles on certain sections of the trail; and authorizes therefor such funds as necessary and specifies that no direct Federal acquisition will take place outside the exterior boundaries of the existing Federal areas of the trail. H.R. 7825—Public Law 96-370, approved October 3, 1980. (VV)

INTERSTATE COMPACTS

Caddo Lake: Grants Congressional consent to the Caddo Lake Compact between the States of Louisiana and Texas which addresses issues regarding the use of Caddo Lake water that are not adequately dealt with in the Red River Compact; outlines the provisions of the compact as ratified by the two States in 1979; promotes interstate comity and allows utilization of Caddo Lake water for the needs of adjacent portions of Louisiana and Texas; preserves and protects Caddo Lake as a valuable environmental, cultural, and natural resource; and enhances recreational potentials. S. 2228—Passed Senate September 24, 1980. (VV)

Red River: Grants Congressional consent to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas which promotes interstate comity and removes causes of controversy between each of the affected States by governing the use, control, and distribution of the interstate water; outlines the provisions of the compact, as ratified by the respective States on May 12, 1978; promotes an active program for the control and alleviation of natural deterioration and pollution of the Red River Basin and provides for enactment of the laws related thereto; provides the means for an active program for the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation, and regulation of flows; and provides a basis for State or joint State planning and action by ascertaining and identifying each State's share in interstate water and its apportionment. S. 2227—Passed Senate September 24, 1980; Passed House amended December 1, 1980. (VV)

John Sack Cabin: Authorizes the Secretary of Agriculture, in consultation with the Fremont County Historical Society and other interested organizations, to take such action as may be necessary to protect and maintain the John Sack Cabin, within the Targhee National Forest, Idaho. S. 924—Passed Senate September 29, 1980. (VV)

Langmuir Research Area, New Mexico: Expands the existing research area of the Langmuir Laboratory for Atmospheric Research by establishing, within the Cibola National Forest, New Mexico, a 31,000 acre Langmuir Research Site to preserve conditions necessary for continued scientific research into atmospheric processes and astronomical phenomena; and directs the Secretary of Agriculture to enter into a land use agreement with the New Mexico Institute of Mining and Technology for use of the site and to incorporate a comprehensive management plan into the initial Cibola National Forest Land and Resource Management Plan. S. 2364—Passed Senate September 25, 1980. (VV)

Law enforcement assistance at Corps of Engineers projects—Urban water front projects: Extends for two years through fiscal 1982, authority for the Corps of Engineers to contract with State and local law enforcement officials to provide protection for visitors at Corps of Engineers recreation areas and authorizes therefor $6 million annually; and removes the authority of the Federal Government to reclaim land once considered to be navigable waters in order to permit the continued development of certain specified urban waterfront projects. S. 2724—Passed Senate September 22, 1980. (VV)

Manassas National Battlefield Park: Increases by 1,522 acres, the boundaries of the Manassas National Battlefield Park, Virginia, making the total acreage 4,525 and authorizes therefor $8.7 million for land acquisition plus an additional $150,000 for a study of a portion of the Hackensack Meadowlands District to determine the feasibility of establishing the area as a unit of the National Park System. H.R. 5048—Public Law 96-442, approved October 13, 1980. (VV)

Martin Luther King, Jr., Historical Site: Establishes, within Georgia, the Martin Luther King, Jr., National Historic Site and Preservation District; establishes a 13-member, 10-year Commission to prepare an overall development plan; and authorizes therefor, for fiscal 1980, not to exceed $1 million for development, $100,000 for local planning, and $3.5 million for land acquisition. H.R. 7218—Public Law 96-428, approved October 10, 1980. (VV)

Materials and minerals policy: Declares that the continuing policy of the United States is to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a longterm domestic balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs; requires the President, through the Executive Office, to implement the policy and coordinate the responsible departments and agencies to meet specified objectives and policies; and calls for submission of the following: (1) within one year, a plan to implement existing or prospective proposals and organizational structures within the executive branch together with recommendations for legislation and administrative initiatives to reconcile policy conflicts and establish programs and institutional structures necessary to achieve the goals of a national materials policy; (2) within three months, to identify and submit a specific materials needs case related to national security, economic well being and industrial production; and (3) within one year, a report which assesses the identified critical materials needs and recommends programs to assist in meeting these needs. H.R. 2743—Public Law 96-479, approved October 21, 1980. (VV)

National historic preservation: Extends the Historic Preservation Act for five years and authorizes therefore $150 million annually; establishes criteria to qualify State historic preservation programs for increased authorities; provides, for the first time, certification of local government programs allowing them to participate in Federal financial assistance, review of nominations to the National Register, and review of Federal undertakings on historic properties within their jurisdictions; defines Federal agency responsibilities; revises the structure of the Advisory Council on Historic Preservation; provides for proper maintenance of archeological resources, procedures for implementing the World Heritage Convention, a loan insurance program to stimulate private investments in the preservation of properties included on the National Register, recognition of the National Museum of the Building Arts, and studies to provide information on historic preservation matters; requires that all property owners be given notice and an opportunity to concur in or object to the inclusion of their property on the National Register or designation as a National Historic Landmark; offers incentives for properties to be included on the National Register; assures that appeals of National Register nominations be directed to the Secretary; authorizes Federal agencies to undertake, to the maximum extent practicable, planning and actions as necessary to minimize harm to a national historic landmark which might be directly and adversely affected by a Federal undertaking; and provides discretionary, rather than mandatory, authority for Federal agencies to use funds available for specific projects for related preservation activities. H.R. 5496—Public Law 96- , approved 1980. (VV)

National Park Service funds: Authorizes the Secretary of the Interior to accept and expend privately donated funds in order to assist in the acquisition, restoration, or preservation of those properties listed on the National Register of Historic Places which are owned by local government and nonprofit corporations; permits the Secretary to transfer for this purpose unobligated funds previously donated to the National Park Service upon the donor's consent; and extends for three years, through fiscal 1983, the Advisory Council on Historic Preservation. H.R. 126—Public Law 96-244, approved May 19, 1980. (VV)

National sea grant program: Extends for three years, through fiscal 1983, the national sea grant college program and authorizes therefor $50 million for fiscal 1981, $58 million for 1982, and $65 million for 1983; reauthorizes the national sea grant projects program at $5 million, $6 million, and $7 million for the three-year period and the international cooperation assistance program at $5 million annually; includes the Great Lakes as a specific reference in the definition of "marine environment"; permits the use of sea grant funds for short term use of buildings or facilities for meetings which are in direct support of sea grant programs or projects; allows members of the sea grant review panel to serve more than one term; and temporarily waives the 60-day period during which fishermen must file their claims under the Fisherman's Protective Act in order to be compensated for damages caused by foreign or U.S. fishing activity within the 200-mile zone and permanently changes the filing deadline to 90-days for programs or projects. H.R. 6614—Public Law 96-289, approved June 28, 1980. (VV)

New Melones Dam—Water resources projects: Authorizes, in addition to any funds otherwise authorized, $2 million for archeological research and recovery operation for the New Melones Dam and Reservoir project, located approximately 35 miles northeast of Modesto, California, on the Stanislaus River; and authorizes the Secretary of the Army, acting through the Chief of Engineers, to design and construct (1) a project for navigational improvements and expansion of the Kodiak Harbor, Alaska, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in his report dated September 7, 1976, at an estimated cost of $8,597,000, and (2) a project, at full Federal expense, to alleviate major flooding in communities along the Tug and Levisa Forks and Cumberland Rivers in West Virginia and Kentucky, at an estimated cost of $200 million. H.R. 5872—Passed House November 15, 1979; Passed Senate amended January 29, 1980. (VV)

Nonnavigable waters: Provides that a portion of the Buffalo Harbor area, New York, and certain portions of the Trent River in New Bern, North Carolina, be declared nonnavigable to protect those waters from future Government removal or alteration of structural works in anticipation of urban renewable projects being sponsored by the Buffalo urban renewal agency and the Erie County Industrial Development Agency, and by the

State of North Carolina and the Department of Housing and Urban Development, respectively; and provides that any Federal project submitted for authorization for the construction or modification of levees on the Rio Grande between Bernalillo and Belen, New Mexico, shall not require the modification of existing river bridges to pass flows in excess of those they can presently accommodate. H.R. 8228—Public Law 96- , approved 1980. (VV)

San Francisco Bay National Wildlife Refuge: Extends for three years, until September 30, 1983, the authority of the Secretary of Interior (under Public Law 92–330) to acquire lands for inclusion in the San Francisco Bay National Wildlife Refuge and authorizes therefor $4.2 million; provides that the funds presently authorized for development remain available until expended; and authorizes the Secretary to acquire tidelands, subject to the interests of California, for inclusion in both the San Francisco Bay and Humboldt Bay National Wildlife Refuges. H.R. 4887—Public Law 96–290, approved June 28, 1980. (VV)

Suisun Marsh, California: Authorizes the Secretary of Interior to enter into a cooperative agreement with California to provide for mitigation of adverse effects of the Central Valley Project on fish and wildlife in the Suisan Marsh and authorizes therefor $2.5 million for fiscal 1981 to reimburse the State for the 50-percent Federal share of the costs of mitigation facilities currently under construction. H.R. 4084—Public Law 96- , approved 1980. (VV)

Tensas River National Wildlife Refuge: Authorizes $10 million to the Department of the Interior and $40 million to the Department of the Army for acquisition of some 50,000 acres of privately-owned bottomland hardwoods in the Tensas, Madison, and Franklin Parishes in northeast Louisiana for establishment of the Tensas River National Wildlife Refuge; provides that the land to be acquired by the Department of the Army would satisfy the mitigation requirements of six specified Corps of Engineers water resource development projects, pursuant to the Fish and Wildlife Conservation Act, which mandates that fish and wildlife resources receive equal consideration with other project features in planning and implementing water resource development programs; permits the Secretary of the Army, in the event such projects are not authorized or implemented, to substitute additional projects which are in the vicinity of the refuge and have similar mitigation requirements; directs the Secretary of Interior to manage the refuge as part of an overall Federal management plan for the use of water and related land resources of the area, including conservation of the diversity of fish and wildlife and their habitat and development of outdoor recreation and interpretive educational opportunities; and calls for a modification of the Tensas River flood control project which would be more environmentally acceptable but still provide effective flood control. H.R. 6022—Public Law 96–285, approved June 28, 1980. (VV)

Tinicum National Environmental Center: Increases from $11.1 million to $19.5 million, of which $8.4 million shall be available effective October 1, 1980, the authorization for acquisition, construction, and development projects at the Tinicum National Environmental Center, Philadelphia, Pennsylvania, to remain available until September 30, 1985, in order to allow continued development of Tinicum as a national environmental education center and to preserve it as an urban refuge; directs the Environmental Protection Agency, in consultation and cooperation with the Fish and Wildlife Service, to investigate potential environmental health hazards posed by the Folcroft landfill, within the boundaries of the center, and to recommend ways of addressing such hazards; allows 13 families, residing permanently at Corolla, North Carolina, to cross the Black Bay Wildlife Refuge at restricted times daily in order to get to and from their places of employment and shopping areas; and authorizes Federal assistance to provide for the management of Sailors' Snug Harbor on Staten Island, New York, as a Wildlife Refuge Center. S. 2382—Public Law 96–315, approved July 25, 1980. (VV)

Umatilla and Wallowa National Forests: Allows acquisition by land exchange of up to 900 acres adjacent to the Umatilla National Forest and 1,600 acres adjacent to the Wallowa-Whitman National Forest in northeastern Oregon by extending the authority of the General Exchange Act of 1922 to those areas; and removes about 122,967 acres that lie outside the boundary of these National Forests from the authority of three existing acts in order to eliminate the possibility of future Forest Service acquisition of these lands. S. 2398—Public Law 96–406, approved October 9, 1980. (VV)

Water resources research—saline water conversion: Extends for two years, through fiscal 1982, the basic activities of the Office of Water Research and Technology (OWRT) under the Water Research and Development Act; provides specific authorizations for the various categories of funding for 1982 and 1983, respectively, as follows: Water Research Institutes Matching Grant Program—up to $150,000 per institute and up to $160,000 per institute; State Institutes Technology Transfer Programs—$1.5 million annually; Research Grants—$8 million and $9 million; National Research Program—$5.2 million and $8 million; Water Resources Demonstration Program—$1 million annually; Saline Water Research and Development Program—$14.4 million and $17.4 million; and National Technology Transfer Program—$6.5 million and $8.5 million; authorizes the Secretary to require any or all of the State Water Institutes to review OWRT research and grant contract proposals originating within their respective States; broadens the water research institute's program to permit participation by local governmental or academic institutes;

Make a number of changes to the Saline Water Demonstration Program as follows: alters the formulas for calculating the Federal share of costs associated with saline water demonstration projects conducted by local sponsors by requiring that the local entity pay, in cash or kind, at least 15 but not more than 35 percent of a project; clarifies Congressional intent in present law that each Saline Water Demonstration project should be significantly different from others constructed under the demonstration program; limits Congressional review of rules, regulations, and other requirements promulgated by the Secretary to formally promulgated rules and regulations only; and removes the limit on the number of plants that can be built and places a $50 million ceiling on the entire demonstration program which is in addition to the basic funding authorized for the program. S. 1640—Public Law 96–457, approved October 15, 1980. (VV)

White River National Forest: Increases the boundary of the White River National Forest in Colorado, by approximately 36,148 acres consisting of Bureau of Land Management (BLM) lands, privately owned lands, and 371 lands currently administered by the Forest Service; and extends for one year existing grazing permits under BLM administration after which time new grazing permits could be issued by the Forest Service. H.R. 1967—Public Law 96–348, approved September 12, 1980. (VV)

WILDERNESS AREAS

Colorado Wilderness: Designates, as components of the National Wilderness Preservation System, approximately 1,420,900 acres of roadless national forest lands in Colorado, (15 new wilderness areas and additions to six existing areas), 27,821 acres in Missouri (four new wilderness areas), 10,700 acres in South Dakota (one new area), 8,700 acres in Louisiana (one new area), and 13,720 acres in South Carolina (four new areas); changes the boundaries of Rocky Mountain National Park, the Arapaho National Forest, and the Roosevelt National Forest; establishes a 10,000 acre Wheeler Geologic Study Area within the Gunnison National Forest, Colorado; designates nine areas in Colorado totaling 477,000 acres as wilderness study areas; makes such designations as a result of the Administration's second Roadless Area Review and Evaluation (RARE II) and provides that national forest lands in Colorado which have been studied as a part of RARE II, except those lands designated as wilderness or given other protection, shall be available for uses other than wilderness under existing Forest Service plans; includes language to preclude administrative appeals and lawsuits regarding land use on the grounds that there has not been sufficient wilderness review; ensures that private landowners within the boundaries of National Forest wilderness areas in Colorado have access to their property consistent with rules and regulations governing access across the National Forest System; and directs the Secretary to review policies and practices related to the control of disease, insect outbreaks, or fire within the wilderness areas. H.R. 5487—Passed House December 10, 1979; Passed Senate amended September 25, 1980. In conference. (VV)

Idaho Wilderness: Designates a new 2,234,000-acre River of No Return Wilderness in Idaho consisting of the Old Idaho and Salmon River Breaks Primitive Areas and certain contiguous lands in central Idaho and adds approximately 105,600 acres in the Bitterroot National Forest to the existing Selway-Bitterroot Wilderness; requires the Secretary of Agriculture to prepare, within three years of enactment, a wilderness management plan for the River of No Return Wilderness which specifically addresses ways in which the region can be accessed for public use and enjoyment and contains a cultural resource management plan to encourage scientific research into the past use of the area; includes the Clean Creek Area (West Panther Creek) within the wilderness area in order to protect the big horn sheep but insures that the area can be thoroughly explored to determine if cobalt is located there and, if so, guarantees that it can be mined; specifically allows the Blackbird Cobalt mine in Lemhi County to reopen; reiterates several provisions of the Wilderness Act which allow for the continued use of the areas for grazing and commercial services such as outfitter and guide operations and underscores the jurisdiction over water resources and fish and game within the areas; prohibits the Forest Service from closing airstrips except for reasons of safety; designates 125 miles (a specified 46-mile segment is designated as recreational and a 79-mile segment as wild) of the main Salmon River as a component of the National Wild and Scenic Rivers System to be administered by the Secretary of Agriculture; insures existing jetboat use of these segments at the 1978 level; contains a prohibition on dams and other impoundments on a specified 53-mile segment; bans dredge and placer mining; and establishes a procedure whereby existing administrative and future litigation surrounding the Warren and Landmark Unit Land Management Plans and their respective final environmental statements would be expeditiously handled by the Forest Service and the Federal Courts. S. 2009—Public Law 96–312, approved July 23, 1980. (423)

New Mexico Wilderness: Designates eight new wilderness areas and existing areas comprising some 609,000 acres of roadless national forest lands in New Mexico as components of the National Wilderness Preservation System, and aproximately 117,500 acres for further study for possible inclusion in the system; sets forth special management and administrative provisions for the area; makes such designations as a result of the Administration's second Roadless Area Review and Evaluation (RARE II) and provides that national forest lands in New Mexico which have been studied as a part of RARE II, except those lands designated as wilderness or given other protection, shall be available for uses other than wilderness under existing Forest Service plans; includes language to preclude administrative appeals and lawsuits regarding land use on the grounds that there has not been sufficient wilderness review; establishes the Chaco Culture National Historical Park; and includes provisions identical to S. 2364 and S. 539; the Salinas National Monument. H.R. 8298—Public Law 96- , approved 1980. (VV)

Rattlesnake National Recreation Area and Wilderness: Establishes the Rattlesnake National Recreation Area with the Lolo National Forest, Montana, consisting of 59,028 acres of land, and designates approximately 33,000 acres of such land as the Rattlesnake Wilderness; requires the Secretary of Agriculture to acquire all non-Federal lands or interest in lands within the area by purchase, exchange, or gift within three years of enactment; and authorizes therefor such sums as may be necessary. S. 3072—Public Law 96-476, approved October 19, 1980. (VV)

SENATE

Billy Carter tax investigation: Authorizes the Senate Judiciary Subcommittee, established on July 24, 1980, to inspect any tax return or related material for tax years 1975 through 1980 relating to William E. (Billy) Carter, III, including any trusts or other business entities in which he or his wife have a beneficial interest, in order that the subcommittee may conduct its investigation of charges that he received financial assistance, reimbursements, or payments from Libyan sources because of his preexisting financial condition. S. Res. 496—Senate agreed to August 1, 1980. (VV)

Committee funds: Simplifies the committee budgetary process by providing, effective February 28, 1981, that all expenditures of each Senate committee, staff, and the expenses related to all operations, including inquiries and investigations, be allocated in a single annual resolution, originating in each committee; deletes that portion of paragraph 1 of standing rule XXVI which authorizes, on a permanent basis, $10,000 for routine expenses for each standing committee and provides instead that such expenditures be disbursed from the contingent fund of the Senate through resolutions submitted by each committee; repeals paragraph 1 of standing rule XXXI which provides each committee with six professional and six clerical positions; repeals the authority for the Appropriations Committee to hire such staff as it deems necessary without annual Senate authorization; requires that staff members appointed to assist minority members of committees be treated equitably with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records; authorizes the Foreign Relations Committee, effective March 1, 1981, to expend, from the contingent fund of the Senate, not to exceed $25,000 each fiscal year for expenses incurred in the interchange and reception in the United States of prominent officials of foreign governments and intergovernmental organizations; and directs each committee to report an authorization resolution each year and to report a supplemental resolution for any additional funds, which may be required. S. Res. 281—Senate agreed to March 11, 1980. (VV)

Makes the following statutory changes necessitated by the adoption of S. Res. 281: provides for the preservation of, and transfers at the end of the 1980 investigative year, the funds which will become available to committees on January 2, 1981; repeals, effective February 28, 1981, the provisions of the Legislative Appropriation Act which establishes salary levels for certain committee staff positions and authorizes the Rules Committee to hire an additional staff member; and eliminates the $300 annual stationery allowance for all standing committees while preserving it for the Majority and Minority conference committees and officers of the Senate. S. 2018—Passed Senate March 11, 1980. (VV)

Contributions for legal expenses: Waives certain Standing Rules of the Senate to enable Members, officers, or employees of the Senate, and their spouses to accept contributions, subject to regulations, promulgated by the Select Committee on Ethics, in order to defray certain legal expenses directly resulting from their official duties. S. Res. 508—Senate agreed to September 4, 1980. (VV)

Per diem and subsistence allowance: Eliminates, with respect to reimbursement of travel expenses of Senators and Senate employees within the U.S., the present requirement that travel days be fractionalized and payments apportioned accordingly, thus permitting per diem and subsistence expenses to be made on the basis of actual expenses incurred, but not to exceed $50 per day. S. Res. 311—Senate agreed to January 25, 1980. (VV)

Public access to Senate records: Establishes, for the first time, a systematic program authorizing public access to nonsensitive and sensitive Senate records in the custody of the National Archives within 20 years and 50 years respectively. S. Res. 474—Senate agreed to December 1, 1980. (VV)

Select Committee on Presidential Campaign Activities records: Provides for the transfer of the permanent records of the Senate Select Committee on Presidential Campaign Activities to the National Archives, subject to such terms and conditions relating to their access and use as the Senate Rules Committee may prescribe; and provides for the disposal of the nonpermanent records of the Committee which were transferred to the Library of Congress subject to the direction of the Rules Committee. S. Res. 393—Senate agreed to April 1, 1980. (VV)

Senate Bicentennial Commemoration: Establishes a Senate Study Group on the Commemoration of the United States Senate Bicentenary to plan the commemoration of the 200th anniversary of the establishment of the United States Senate under the Constitution. S. Res. 381—Senate agreed to August 1, 1980. (VV).

Senate confirmation of Capitol Architect: Provides, effective with vacancies occurring on or after date of enactment, that Presidential appointments to the Office of Architect of the Capitol be confirmed by the Senate. S. 2760—Passed Senate November 24, 1980. (VV)

Senate Ethics Committee review of Ethics Code: Directs the Select Committee on Ethics to undertake a comprehensive review of the Senate Code of Official Conduct, and the provisions for its enforcement and implementation, and for investigation of allegations of improper conduct by Senators, officers, and employees of the Senate; and to submit a report of its findings to the Senate by February 1, 1981, together with its recommendations for changes in the Code and such provisions. S. Res. 109—Senate agreed to February 1, 1980. (VV)

Senate rules codification: Reorganizes the Standing Rules of the Senate by reducing, without substantive change, the total number of Standing Rules by eight in order to bring together all like subject matter, in accordance with the procedure by which the Senate conducts its business; and contains one technical change in Rule XXXIII which allows members of the European Parliament Senate floor privileges. S. Res. 389—Senate agreed to March 25, 1980. (*62)

Senate sales: Authorizes the Secretary of the Senate to accept moneys from the Sergeant at Arms for the sale of certain Senate equipment (particularly FM receiver units for floor proceedings and voice page devices) and deposit these moneys in the appropriation account from which that equipment was purchased, in order to allow him to replenish the inventory. S. 2225—Public Law 96-214, approved March 24, 1980. (VV)

Senators' official expenses: Defines "official expenses" for purposes of the ten percent account and the home office expense accounts of Senators as "those ordinary and necessary business expenses incurred by a Senator and his staff in the discharge of their official duties"; spells out nine specific kinds of expenditures for which reimbursements or payments from the contingent fund of the Senate shall not be made; and allows continuance of the practice of making gifts of flags which have flown over the Capitol and copies of the book "We the People". S. Res. 294—Senate agreed to April 29, 1980. (VV)

Authorizes the Secretary of the Senate, effective October 1, 1979, to make payment out of a Senator's official expense account to a Senator or a member of his staff as soon as an expense has been incurred and invoices, bills, or statements for those expenses have been received, thereby eliminating the need for a Senator to initially make the payment out of his or her personal funds before being reimbursed. S. Res. 305—Senate agreed to January 25, 1980. (VV)

Broadens the range of delivery services which are reimbursable from a Senator's official expense account by permitting Senators and their staffs to select the most effective, economical, and reasonable means of transmitting official business matters, including the use of first class postage stamps if warranted. S. Res. 319—Senate agreed to January 25, 1980. (VV)

SOCIAL SERVICES—WELFARE

Child adoption assistance and welfare—Social Services: Amends the Social Security Act to make improvements in the child welfare and social services programs, to strengthen and improve the program of Federal support for foster care of needy and dependent children, to establish a program of Federal support, and to encourage adoption of children with special needs;

Subsidized adoptions: Provides for an extension of the current foster care program for children from families eligible for AFDC with permanently authorized Federal matching funds, and requires States to establish a program of adoption assistance for "special needs" children who are eligible for SSI, AFDC, or AFDC foster care; provides that Federal matching would be permanent and based on the medicaid formula; limits adoption assistance to an amount not exceeding the foster care maintenance payment that would be paid if the child were in a foster family home; provides that adoption assistance payments would cease (1) after the child has attained the age of 18 (21 in the case of a child with a mental or physical handicap), or (2) after State determination that the parents are no longer supporting, or are no longer legally responsible for supporting, the child; provides adoption eligibility for SSI recipients; provides for adoption assistance without a means test; provides full medicaid coverage for children receiving adoption assistance payments;

Foster care grants: Provides for a ceiling on the State allocation Federal matching funds for AFDC foster care equal to (1) 133⅓ percent of the State's fiscal 1978 Federal foster care funds for fiscal 1981, increased by ten percent each year thereafter; (2) the State's share of $100 million relative to its population under 18; or (3) for States whose AFDC foster care caseload in 1978 was below the national average, the amount the State received in 1978 increased by the State's percentage increase in AFDC foster care caseload since 1978 (not to exceed ten percent) further increased by 33⅓ percent in fiscal 1981 and ten percent per year thereafter; provides that ceilings would not take effect if child welfare services are less than $163.5 million for fiscal 1981, $220 million for 1982, and $266 million for 1983 and 1984; broadens the provision for Federal funding of foster care maintenance payments to cover children in small public as well as private facilities; requires States to establish goals as to the maximum number of children who will remain in foster care after more than 24 months and to try to prevent the removal of a child from his or her home or to make it possible for the child to be returned home; adjusts the base year for foster care maintenance payment allotments to States to include otherwise eligible children who were placed in homes with relatives;

Child welfare service grants: Sets at 75 percent the Federal matching rate for the costs of State child welfare services programs; prohibits Federal grants to a State for child welfare services above the State's share of $141 million unless the State institutes tracking and information, individual case review systems, services to reunite families or place children in adoption, and procedures to protect the rights of natural parents, children, and foster parents; modifies the child welfare services program so that it will operate on a "forward funding" basis to increase State planning ability; authorizes the Secretary of HHS; to deal directly with Indian government entities in making child welfare service grants;

Social services (title XX) changes: Indexes the permanent ceiling on Federal matching for State social services programs under which it will rise from the current $2.5 billion annually to $2.7 billion in fiscal 1980, $2.9 billion in 1981, and thereafter in annual increments of $100 million to a level of $3.3 billion in 1985; requires reallocation of any unused funds in fiscal 1980; extends the authority making $200 million of the funds provided to States in fiscal 1980 and 1981 available for child care services, with no State matching requirement; establishes for fiscal 1980 and 1981 a limit on the amount of Federal matching funds available to States for social services training which would be equal to four percent of a State's 1980 allotment under the title XX funding ceiling or the actual amount spent by the State in fiscal 1979, whichever is higher and for fiscal 1982 and thereafter authorizes reimbursement to States only for those expenditures included in an HHS approved State training plan; permits a State to accept restricted private matching funds for training purposes in fiscal 1980 and 1981; requires HHS to monitor the State's use of these funds and prohibits their use for training in proprietary facilities; exempts certain States from the proposed cap on social services training programs, provided they had already appropriated funds for such programs prior to October 1, 1979, and authorizes therefor not to exceed $6 million; permits States to use either a one, two, or three year title XX program period, which may coincide with the local government fiscal year; provides a special 100 percent tax credit for employers with respect to wages paid to workers whose wages are reimbursed in whole or in part by funds available for grants to hire welfare recipients as child care workers;

Emergency shelter for adults: Allows funds to be used for providing emergency shelter to an adult in danger of physical or mental injury, neglect, maltreatment, or exploitation for no more than 30 days in any six-month period;

Social services funding for territories: Establishes a separate title XX entitlement amount for Puerto Rico at $15 million, Guam and the Virgin Islands at $500,000, and the Northern Marianas at $100,000;

Permanent extension of certain expired provisions: makes permanent retroactivity to April 1, 1980, the authority to provide child support enforcement services for non-welfare families; extends and makes permanent, retroactive to April 1, 1980, the authority to use title XX funds to reimburse the costs of hiring welfare recipients in child care jobs; increases the maximum per recipient annual combined tax credit and title XX reimbursement from $5,000 to $6,000 and makes it available for part-time as well as full-time employment in child care jobs; reinstates and makes permanent, retroactive to April 1, 1980, temporary provisions for certain services to alcoholics and drug addicts;

Other Social Security Act provisions: Requires States to disregard the first $70 earned monthly by an individual plus 40 percent of additional earnings in determining the need for AFDC payments; deducts child care expenses, subject to limitations prescribed by the Secretary, before computing an individual's earned income; prohibits disregard of any earned income which the recipient has not reported to the State agency; permits States, in computing the shelter cost component of the AFDC grant, to assume in effect that an ineligible relative in the AFDC household bears his proportionate share of the shelter expense; extends for an additional three years the special referral and services program for disabled children who are receiving SSI benefits; extends permanently Federal matching for costs of cash assistance, administration, and social services provided under the AFDC program and the program of aid to the aged, blind, and disabled for Puerto Rico, Guam, and the Virgin Islands; limits, effective October 1, 1981, the period of retroactivity for submission of State claims under the welfare, medicaid, and social services programs to a full two years under the various titles of the Act; permits States to be reimbursed for claims, regardless of how old, submitted prior to enactment; directs States to submit claims for expenditures made prior to October 1, 1979, by January 1, 1981; authorizes from Federal funds an incentive payment to States of 15 percent of child support payments collected on behalf of other States; waives the statutory rule requiring SSI/AFDC recipients to switch to the new higher pension plan established under the Veterans' and Survivors' Improvement Act (Public Law 95–588), if such a switch would result in VA pensioners losing eligibility for medicaid. H.R. 3434—Public Law 96–272, approved June 17, 1980. (VV)

Child Nutrition programs: Extends all nonpermanently authorized child nutrition programs, including those expiring at the end of fiscal 1980, through fiscal 1984 and contains provisions designed to improve the effectiveness and operation of the programs; permits up to six States, on a pilot basis, to consolidate and reorganize certain food programs administered by the Department of Agriculture for the benefit of needy persons; eliminates, effective October 1, 1983, the option of States to transfer the responsibility of administering summer child feeding programs and day care feeding programs to the Department of Agriculture; reduces the general cash reimbursement rate for all categories of school lunches (free, reduced price, and paid) by 2½ cents, except in school districts where 60 percent or more of the lunches served were served free or at a reduced-price during the second preceding school year; allows States to refuse to accept more than 20 percent of offered commodities and replace them with other commodities if available; prohibits the Secretary from making a three-cent reimbursement for commodities for school breakfast in the 1980–1981 school year; reduces the rate of commodity assistance for the school lunch program by two cents; provides that commodity entitlements under the school lunch and child food programs shall be based on the number of meals served in each State during the prior school year; removes the offered versus served option in the school lunch program in junior high and middle schools;

Authorizes the Secretary to require, as a condition of eligibility for free and reduced price school meals, a listing of each household member's social security numbers on program applications; eliminates the current statutory requirement that verification of a household's income be performed only if school officials are notified that a household has income which exceeds the permitted eligibility levels; clarifies Congressional intent regarding administration of the Act so as to protect migrant farm workers from serious abuses by labor crew leaders and farm labor contractors; requires the Secretary to conduct a pilot study to verify the accuracy of information furnished by households receiving free and reduced price meals under the School Lunch Program; clarifies the means for implementing the eligibility guidelines for free and reduced price meals for school children by offering school districts three options to deal with guidelines and distribution of applications;

Changes the eligibility standards for free and reduced-price school meals to 125 percent of the poverty level plus a standard deduction and 185 percent of the poverty level plus a standard deduction, respectively; lowers the income poverty guideline used in the child nutrition programs; removes the incentive for schools to offer reduced-price lunches at less than 20 cents per lunch; provides for adjustments in school lunch and breakfast reimbursement rates on an annual rather than semiannual basis; excludes Job Corps Centers funded by the Department of Labor from participation in the school lunch and breakfast programs; limits the eligibility of certain private nonprofit institutions in the summer program that acquire meals from vendors to those that daily serve no more than 2,000 children at no more than 20 sites; limits meal service in the summer program to two meals daily, except in camps and service institutions serving migrant children;

Establishes a five-year loan and reserve program whereby embargoed grain would be sold to alcohol producers by the Commodity Credit Corporation for alcohol fuel production;

Extends the commodity distribution program through fiscal 1984; provides for adjustments in the child care program reimbursement rates for supplements on an annual rather than semiannual basis; reduces the reimbursement rate for supplements served in the child care food program by three cents and reduces equipment assistance from $6 million to $4 million annually; directs the Secretary to conduct two-year pilot projects whereby 50 school districts would receive cash assistance in lieu of commodities for the school lunch program and to submit a report on the impact and effect of such projects; provides for a two-House congressional veto of child nutrition regulations; requires that whole milk be offered in the school lunch program if unflavored, fluid lowfat milk, skim milk, or buttermilk is required by regulation; authorizes the Secretary to withhold funds from any State improperly administering child feeding programs; reduces and freezes the reimbursement rate for milk served in the special milk program to paying children in schools, institutions, or camps that participate in one of the other child nutrition programs to five cents per half pint; provides, beginning with the 1981–82 school year, especially needy funding for the breakfast program for all schools in a school district if (a) during the second most recent preceding school year, 40 percent or more of the lunches served in the district were served free at a reduced price; (b) the regular school breakfast reimbursement is inadequate to cover the costs of the program and (c) all of the schools in the district that provide 25 percent or more of their lunches free or at reduced price participate in the breakfast program; reduces the fiscal 1981 authorization for food service equipment assistance to $15 million and authorizes food service equipment assistance for 1982, 1983, and subsequent years at $30 million, $35 million, and $40 million, respectively; extends the food service equipment reserve through fiscal 1984;

Extends the authorization for the WIC program through fiscal 1984; improves the opportunities for migrant farmworkers to participate in the WIC program; Removes the authority for the Secretary to make noncommercially available products, such as infant formula, available to WIC program participants; provides local communities and agencies with an option to abstain from the supplemental food program;

Limits fiscal 1981 funding for the nutrition education and training program to $15 million and extends it through fiscal 1984;

Changes from August 15 to August 1 the date by which the Secretary is required to announce any set-aside of cropland under the wheat program; increases the loan rates of the farmer held reserve from $2.50 to $3.30 a bushel for wheat and from $2.10 to $2.40 a bushel for corn; increase the regular loan rate from $2.50 to $3.00 for wheat, from $2.10 to $2.25 for corn, and from $4.50 to $5.28 for soybeans; establishes a four million metric ton food security reserve to be used as a backup to the P.L. 480 program; changes from August 15 and November 15 to August 1 and November 1, respectively, the dates; whereby the Secretary is required to announce the cropland set aside for the wheat and feed grain programs; and authorizes the Department of Agriculture to test whether surplus Federal commodities might be provided, on a small scale, to supplement the privately donated foods already being packaged and distributed by food banks. H.R. 7664—Passed House July 21, 1980; Passed Senate amended July 25, 1980; In conference. (VV)

Disability insurance: Amends title II of the Social Security Act to provide better work incentives and improve accountability in the disability insurance programs;

Disability insurance: Limits total future disability family benefits to 85 percent of the worker's average indexed monthly earnings or 150 percent of the worker's primary insurance amount, whichever is lower effective only with respect to individuals who first became entitled to benefits on or after July 1, 1980; and requires a report to Congress, by January 1, 1985, on the effect of the limitation on benefits; changes the number of years (which is presently five years no matter what the age of the recipient) that may be excluded in calculating past earnings so that all workers are allowed to exclude about the same percentage of years of low or no earnings; allows a maximum of three additional years to be included if a child (of a worker or his or her spouse) under age three lives in the same household substantially throughout each year and the disabled worker did not engage in any employment each year; eliminates the requirement that persons becoming disabled again must undergo another 24-month waiting period to become eligible for medicare coverage; provides that if a disabled individual were initially on the cash benefit rolls for a period of less than 24 months, the months during which he or she received cash benefits would count towards their qualification for medicare coverage if a subsequent disability occurred within those time periods; extends medicare coverage for an additional 36 months after cash benefits cease for a worker who is engaging in a substantial gainful activity but has not medically recovered;

Supplemental security income (SSI): Provides that disabled individuals who lose their eligibility for regular SSI benefits because of engaging in a substantial gainful activity would become eligible for a special benefit status which would entitle him or her to cash benefits equivalent to those under the regular SSI program; terminates, for medicaid and social services purposes, the special benefit status when an individual's monthly earnings exceed the amount which would cause the cash benefits to be reduced to zero ($481 at the present time) unless the Secretary determines otherwise; establishes a pilot program whereby the Secretary of HHS would pay each State 75 percent of the costs associated with an approved plan to provide medical and social services to certain severely handicapped persons whose earnings exceed the substantial gainful activity limits and who are not receiving SSI, special benefits, or medicaid; authorizes therefor $6 million each year for fiscal 1982 through 1984 to be allocated among States in proportion to the number of disabled SSI recipients aged 18 to 65; and requires the Secretary to submit a report thereon by October 1, 1983;

Title II and Title XVI Disability Programs: Provides that disability benefits will not be terminated due to medical recovery if the beneficiary is participating in a vocational rehabilitation program which will increase the likelihood of permanent removal from the disability rolls; permits the deduction of impairment-related work and medical expenses paid by the individual;

Extends to 24 months the present nine-month trial work period under the DI and SSI programs and provides that in the last twelve months of this period the individual will not receive cash benefits, but could automatically be reinstated to active benefit status if a work attempt fails;

Requires that disability determinations be made by State agencies according to guidelines and regulations issued by the Secretary; requires the Secretary, upon a finding that a State agency is substantially failing to make disability determinations consistent with the regulations, to terminate State administration not earlier than 180 days following this finding and to make the determinations himself; allows a State to terminate its administration after giving the Secretary 180 days notice; reinstitutes a review procedure used by the Social Security Administration until 1972 under which most State disability allowances were reviewed prior to the payment of benefits; provides for preadjudicative Federal review of at least 15 percent of allowances and continuances in FY 1981, 35 percent in 1982, and 65 percent thereafter; mandates, unless there has been a finding that an individual's disability is permanent, a review of each disability case at least once every three years to determine continuing eligibility;

Aid to families with dependent children (AFDC) and child support programs: Requires AFDC recipients, as a condition of continuing eligibility for AFDC, to register for, and participate in, employment search activities, as a part of the WIN program; limits an individual's job search period to eight weeks in one year; requires timely reimbursement of any individual's employment search expenses; requires the provision of social and supportive services as necessary to enable the individual actively to find employment, and for periods thereafter, as necessary to enable him to retain employment; allows States to match the Federal share for social and supportive services with in kind goods and services; eliminates the requirement for a 60-day counseling period before assistance can be terminated; authorizes the Secretaries of Labor and HEW to establish the period of time during which an individual will continue to be ineligible for assistance in the case of a refusal without good cause to participate in a WIN program; clarifies the treatment of earned income derived from public service employment;

Modifies current law safeguards, which prevent disclosure of the name or address of AFDC applicants or recipients to any committee or legislative body, to exempt any governmental agency (including any legislative body) authorized by law to conduct an audit or similar activity in connection with administration; makes similar changes with regard to audits under title XX of the Social Security Act;

Allows Federal matching for administrative expenses of the IV–D program, incurred before January 1, 1980, which would cover expenditures for administrative or support personnel;

Extends IRS's collection responsibilities to non-AFDC child support enforcement cases, subject to the same certification and other requirements now applicable to families receiving AFDC;

Increases from 75 to 90 percent the rate of Federal matching for the costs of developing and implementing computerized information system in the management of State child support programs, but retains the 75 percent rate for the cost of operating the systems; requires the Office of Child Support Enforcement on a continuing basis to provide technical assistance to the States and to approve the State system as a condition of Federal matching; requires review of the State systems; increases from 50 to 90 percent the rate of Federal matching for the costs of developing and implementing computerized information systems in the management of State AFDC programs but retains the 50 percent rate for their operation, provided the system meets specified requirements; prohibits advance payment of the Federal share of State administrative expenses for a calendar quarter unless the State has submitted a complete report of the amount of child support collected and disbursed for the preceding calendar quarter; allows HEW to reduce the amount of the payments to the State by the Federal share of child support collections made but not reported by the State; provides authority for the States to have access to earnings information in records maintained by the Social Security Administration and State employment security agencies for purposes of the child support program; authorizes the Departments of Labor and HEW to establish necessary safeguards against improper disclosure of the information;

Amendments of the Social Security Act: Provides that an individual's disability entitlement under title II shall be considered as total so that if its payment is delayed and results in higher payment under title XVI, the adjustment made in the case of any individual would be the net difference in total payment;

Extends to April 1, 1981, the expiration date of the National Commission on Social Security and the terms of its members; requires that FICA deposits from State and local governments be due 30 days after the end of each month; includes the amount of any employer payment of the employee share of social security taxes (FICA) in the employee's taxable income for purposes of social security taxation except for domestics, small businesses, State and local governments, and nonprofit organizations; requires an alien to reside in the U.S. for three years before becoming eligible for SSI; makes an affidavit sponsoring an alien an enforceable agreement; authorizes $2 million annually to the Social Security Administration for the purpose of participating in an HHS demonstration project to determine how best to provide services needed by the terminally ill; and allows demonstration projects by the Social Security Administration to test ways to stimulate a return to work by disability beneficiaries as well as other areas of the DI program. H.R. 3236—Public Law 96-265, approved June 9, 1980. (*27)

Disabled children — Unemployment compensation: Extends for an additional three years the current program of Federal payments to States for costs incurred in carrying out a State plan of preventive services, referral, and case management for disabled children receiving Social Security Income (SSI) benefits and amending the Federal-State Extended Unemployment Compensation Act of 1970;

Amends title XVI of the Social Security Act to extend until October 1, 1982, the program of Federal payments to States for costs incurred in carrying out a State plan which requires referral by the Social Security Administration of disabled children under 16 who receive SSI benefits to a State agency which is responsible for counseling disabled children and their families, for establishing an individual service plan for each child, and for monitoring the program to assure adherence to service plans;

Unemployment Compensation Provisions: Amends the Federal-State Extended Unemployment Compensation Act of 1970 to eliminate the "national trigger" which makes all States eligible for the extended benefits program whenever the national insured unemployment rate reaches 4.5 percent; prohibits matching payments to a State for extended benefits payable to the first week after an individual exhausts regular unemployment benefits; allows States additional flexibility to come into the extended benefits program at any rate of insured unemployment which is five percent or higher;

Amends the Internal Revenue Code of 1954 to provide for a reduction in unemployment benefits for recipients who also receive pension payments, retirement pay, annuities, or other similar periodic payments, but limits such reduction to the proportion of the payments attributable to the base period of the individual or to an employer chargeable under State law, and provides that States may limit the amount of any such reduction after taking into account contributions made by the individual for the pension payment;

Extends from 90 days to one year the minimum length of Federal service generally required to qualify ex-servicemen for Federally-funded unemployment compensation payments; and

Establishes a Federal Employees Compensation Account in the Unemployment Trust Fund as a revolving account with each Federal agency required to reimburse the account out of its own appropriation for the actual amount of the unemployment benefits which have been paid to its employees and former employees. H.R. 4612—Passed House September 27, 1979; Passed Senate amended March 4, 1980; In conference. (*54)

Domestic violence prevention—National Service Commission—Parental kidnapping: Authorizes $15 million for fiscal 1981, $20 million for 1982, and $30 million for 1983 for State and local programs and projects providing emergency shelter and related services to victims of domestic violence and their dependents, for programs and projects to prevent incidents of domestic violence, and for training and technical assistance programs; authorizes two different types of domestic violence grants from the Secretary of Health and Human Services (HHS): Federal grants to States and direct Federal grants to local programs and projects; restricts grants to any local program to $50,000 and prohibits funding of any local program for more than four years; specifies State grant application requirements which are necessary for approval; provides that ten percent of the total amount appropriated be distributed to States for developing and implementing the State plan and for administrative costs; requires the Secretary to allot funds on the basis of population and to reallot excess grant and supplemental grant funds if a State does not have an approved plan; establishes in the Office of the Secretary an identifiable administrative unit to serve as the National Center headed by a Director appointed by the Secretary; requires the annual submission of State and national reports; allows the Secretary and the Comptroller General access to information under confidentiality provisions for purposes of audit and examination of grants or contracts; requires the Director to establish and operate an information and resource clearinghouse for matters dealing with domestic violence and to develop a public media campaign to increase public awareness of the problem; requires the Secretary to apply, from funds otherwise available, adequate monies for research activities and demonstration projects closely associated with the provision of shelter and other assistance to victims of domestic violence and their dependents; requires the Secretary to evaluate and report to Congress on the effectiveness of the programs operated by the National Center; and establishes a Federal Interagency Council to coordinate Federal domestic violence programs and promote the use of volunteers serving under the Domestic Volunteer Service Act of 1973 in domestic violence programs;

National Service Commission: Establishes a 25-member Presidential Commission on National Service to study the need for and desirability and feasibility of establishing a national service program to meet a broad range of human and societal needs and to submit a report thereon within 15 months of enactment; provides for followup activities after the Commission's report is submitted, including the setting of timetables and the requirement that the President take steps to ascertain how each affected department or agency reviews the report; and authorizes therefor $750,000 each for fiscal 1981 and 1982;

Parental kidnapping: States that the purposes of this act are to: (1) promote cooperation between State courts so that a determination of custody and visitation is rendered in the State which can best decide in the interest of the child; (2) promote and expand exchange of information and mutual assistance between States concerned with the same child; (3) facilitate enforcement of custody and visitation decrees of sister States; (4) discourage continuing interstate controversies over child custody; (5) avoid jurisdictional competition between State courts in matters of child custody and visitation; and (6) deter interstate abductions and other unilateral removals of children; requires State courts to enforce, and not modify the custody and visitation decrees of the States that have adopted the jurisdictional guidelines of the Uniform Child Custody Jurisdiction Act;

Allows States to enter into agreements with the Secretary of HHS for use of the Federal Parent Locator Service in civil or criminal cases arising under Federal law; limits access to this service to courts and public officials responsible for making or enforcing child custody determinations or prosecuting cases under criminal child snatching laws; provides that a reasonable fee may be assessed for processing location requests; makes the privacy protections in current child support enforcement law applicable to child custody and child abduction cases;

Adds a new section 1203 to title 18 U.S.C., making it a Federal misdemeanor for a parent, relative, or his or her agent to restrain or conceal a child in violation of a custody or visitation decree entitled to enforcement under the full faith and credit section of the bill; provides that restraint of a child in violation of the statute would be punishable fine of up to $10,000 and/or up to six months imprisonment; by a provides that if restraint continues for more than 30 days or concealment for more than seven days, the abductor-parent could be subject to prosecution; and provides that no Federal investigation may be commenced until 30 days after the offense has been reported to local enforcement authorities unless the child's physical or emotional safety is threatened or other appropriate circumstances demanding immediate action. H.R. 2977—Passed House December 12, 1979; Passed Senate amended September 4, 1980; House agreed to conference report October 1, 1980. (*391)

Food stamp program: Increases specific dollar limitations on the program from $6,188,600,000 to $9.491 billion for fiscal 1980 and from $6,235,900,000 to $9,739,276,000 for fiscal 1981; permits States the option to determine program eligibility and benefits by using income received in a previous month, following standards prescribed by the Secretary; requires that, if a State elects to use the retrospective accounting system, certain categories of households those experiencing sudden, significant loss of income, those with new members, those requiring immediate expedited services, and migrant farmworker households must file periodic reports of household circumstances, following standards prescribed by the Secretary;

Attributes the income (less a pro rata share) and the resources of an ineligible alien to the remaining household members in determining that household's eligibility benefits; expands State agencies' authority to verify, prior to certification, any household's size as well as any factor of eligibility related to "error-prone household profiles" approved by the Secretary for Statewide use; requires photo identification cards to be presented with authorization cards as a condition of receiving food stamps in areas where the Secretary (after consultation with the Inspector General) finds that it would be useful in protecting the program's integrity; requires food stamp certification personnel to report illegal aliens to the Immigration and Naturalization Service; permits women and children temporarily living in public or private nonprofit shelters for battered women to use food stamps to purchase meals at shelters; excludes any Federal, State, or local energy assistance payments from household income when calculating benefits;

Permits the Secretary to require forfeiture of any valuable property illegally furnished in exchange for food stamps or authorization cards; establishes an error rate sanction system, under which a State that fails to meet established standards would have its Federal share of State administrative costs reduced, or if no matching funds were due, be subject to a Federal claim for recovery;

Requires the disclosure of certain income tax information in the files of the Social Security Administration and certain wage and unemployment insurance information in the records of State unemployment insurance agencies to the Department of Agriculture and State food stamp agencies to the extent necessary to determine eligibility for food stamps;

Extends workfare pilot projects for a full year, until September 30, 1981; provides that cost-of-living adjustments in the thrifty food plan, the standard deduction, and the excess shelter expense deduction be made on an annual, instead of semiannual, basis; deletes the requirement that income poverty guidelines be adjusted yearly to reflect the Consumer Price Index as of March of each year, over and above the regular OMB annual inflation adjustment; reduces the ceiling on assets for an eligible household other than a household consisting of two or more persons, one of whom is age 60 or over from $1,700 to $1,500; and substantially restricts the eligibility of students for participation in the program. S. 1309—Public Law 96–249, approved May 26, 1980. (213, *136)

Legal services corporation: Authorizes $321.3 million for fiscal 1981 and such sums as necessary for 1982 for activities of the Legal Services Corporation; allows the Corporation to provide assistance in 1981 and 1982 within one State for a demonstration program under which 65 percent of funds for any county with a population of 150,000 or less would be available for assistance provided by the private bar, and 15 percent of funds would be similarly available for counties with greater populations; prohibits the use of funds for providing any legal service which seeks to invalidate any law enacted by Congress on the subject of abortions; directs the Corporation to reduce assistance to any funding recipient it finds to be engaged in illegal lobbying, outreach community education, or client solicitation; directs the Corporation to encourage programs designed to provide voluntary legal services by private attorneys; and prohibits legal assistance for action under the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, or other laws or regulations dealing with environmental conditions unless an eligible client has a financial interest of not less than $500 in the action. S. 2337—Passed Senate June 13, 1980. (*209)

Social security benefits: Amends title II of the Social Security Act to allow the monthly exception to the social security retirement test in the year in which entitlement ends to child's benefits or to benefits as a wife or widow with a child in care unless entitlement ends by reason of death or entitlement to another type of social security benefit; provides for a separate application to establish medicare eligibility without inadvertently triggering the one "grace year" in which the monthly exception is permitted; allows the exclusion from income for retirement test purposes of self-employment income which is not based on services by the beneficiary subsequent to his initial month of entitlement; permits beneficiaries to qualify for a least one "grace year" in which the monthly exception applies after 1977 even though they may have used the monthly exception in 1977 or some prior year; provides for a reallocation of the 1980 and 1981 collections of the social security cash benefit tax into the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund; assures that both funds are in a position to meet benefit obligations through the end of 1981; prohibits payment of social security disability benefits to convicted felons except as specifically provided for by a court of law during their participation in an approved rehabilitation program which is expected to result in their return to productive employment; provides that an individual may not be considered a full-time student for purposes of student benefits while he is incarcerated for a felony; and provides, in the case of an individual receiving wife's or widow's insurance benefits by reason of having a child in her care or in the case of an individual receiving child's or mother's/father's insurance benefits, that a monthly measure of excess earnings under the earnings test will be applied in the year in which the individual's entitlement to such benefits ends. H.R. 5295—Public Law 96–473, approved October 19, 1980. (VV)

TAXATION

Duty suspensions: Provides, retroactive to June 30, 1978, for permanent duty-free treatment of certain dyeing and tanning materials of vegetable origin; suspends, through June 30, 1981, the duty applicable to most-favored-nation (MFN) imports of wood excelsior and 2-methyl-4 chlorophenol (used in certain herbicides) and reduces the duty on imports of certain MFN ceramic insulators used in spark plugs to four percent; reinstates, retroactive to June 30, 1978, through June 30, 1984, the suspension of duty on MFN imports of certain forms of zinc; provides for permanent duty-free treatment of MFN imports of carillon and similar tuned bells (in sets containing more than 34 bells and for retroactive duty-free treatment of specific carillon bells already entered for the Universities of Wake Forest and Florida; reinstates, retroactive to June 30, 1980, through June 30, 1982, duty-free treatment for imports of a telescope and other articles for use in the Canada-France-Hawaii telescope project in Hawaii; reinstates retroactive to June 30, 1979, through June 30, 1982, the suspension of duty on MFN imports of synthetic rutile; provides retroactive to June 30, 1980, for permanent duty-free treatment of MFN imports of synthetic tantalum/columbium concentrates; suspends, from the date of enactment through June 30, 1982, the duty on MFN imports of unwrought alloys of cobalt; suspends, retroactive to June 30, 1979, through June 30, 1983, duties on MFN imports of certain bicycle parts; provides for duty free treatment of imported manganese ore imported after June 30, 1979, and on or before December 31, 1979, the date on which this duty suspension became permanent; amends the definition of "rubber" in the headnotes of the Tariff Schedules of the United States to preserve existing Customs Service practice relating to rubber classifications; permits a one-time duty-free entry of roof tiles from the People's Republic of China for use in the Chinese Cultural and Community Center in Philadelphia, Pennsylvania; provides for permanent duty-free treatment of MFN imports of field glasses, opera glasses, and prism binoculars; suspends, retroactive to June 30, 1981, through June 30, 1984, duties on MFN imports and the greater portion of non-MFN imports of crude feathers and downs; permits duty-free entry of a pipe organ and accompanying parts and accessories imported for Ohio Wesleyan University and of components for a pipe organ for St. Paul's Episcopal Church in Riverside, Connecticut; changes the definition of steel wire to exclude the "cut to length" products of cold finished steel which would be classified as bar, subject to a higher rate of duty; and clarifies the duties of the U.S. Customs Service at deepwater ports. H.R. 3122—Public Law 96–467, approved October 17, 1980. (vv)

Excise tax treatment on tread rubber and wine—tax treatment on sale of residence and entertainment expenses: Provides for a refund or credit on the manufacturer's excise tax on tread rubber if the rubber is: wasted in the recapping process, contained in a recapped tire which is adjusted under a warranty, or sold in conjunction with certain otherwise tax exempt sales; imposes the tread rubber excise tax on tires which are exported for recapping and subsequently imported into the U.S.; requires the Secretary of the Treasury, in limited circumstances, to extend from two to five years the time within which a taxpayer must purchase and use property as a principal residence for the purpose of deferring the payment of a capital gains tax on the sale of the former residence; permits tax returns or information obtained by a State agency to be inspected by or disclosed to State audit agencies only to the extent necessary in making an audit of the agency which obtained the tax returns or information; restores the excise tax treatment to wine used as an ingredient in blending distilled spirits and making cordials and brandies; allows Supplemental Security Insurance (SSI) payments to residents of certain publicly owned institutions which are not operated at public expense and clarifies the treatment of certain expenses included in the income of the recipient; and provides that the rules relating to the disallowance of certain expenses for entertainment, amusement, or recreation, which were enacted as part of the Revenue Act of 1978, will not apply in those situations where the recipient must include these expenses in gross income as compensation for services rendered as a prize or award. H.R. 3317—Passed House November 27, 1979; Passed Senate amended October 1, 1980. (VV)

Installment sales revision: Amends the rules for reporting gains under the installment method for sales of real property and casual sales of personal property to eliminate the 30 percent initial payment limitation, the requirement that an eligible deferment sale be for two or more payments, the $1,000 selling price requirement for non-dealer sales of personal property, and the requirement that installment reporting automatically applies to a deferred payment sale unless the taxpayer elects otherwise; prescribes special rules for sales to certain related parties who also dispose of the property and for sales of depreciable property between spouses or certain 80 percent owned corporations and partnerships; provides that the receipt of like-kind property in connection with an installment sale will not accelerate recognition of gain; provides nonrecognition treatment for distributions of installment obligations received in connection with a 12-month corporate liquidation; permits the installment method reporting for sales for a contingent selling price; clarifies the treatment of gift cancellations of an installment obligation and of an installment obligations which is cancelled upon the death of the seller; makes clear that a third party guarantee (including a standby letter of credit) securing a deferred payment sale will not constitute payment to the seller; eliminates the potential for double taxation when a dealer changes from an accrual to the installment method of reporting; and provides that existing special disposition rules for transfers of installment obligations to a life insurance company will not apply if the company reports any remaining gain as taxable investment income when payments are received on the obligation. H.R. 6883—Public Law 96–471, approved October 19, 1980. (VV)

Leather industry tariffs: Disapproves the President's determination transmitted to the Congress on March 26, 1980, not to impose increased tariffs on imports of leather coats and jackets as recommended by the U.S. International Trade Commission. S. Con. Res. 108—Senate agreed to September 16, 1980. (VV)

Social security benefits taxation: States the sense of the Senate that the Social Security Advisory Council's reommendation that one-half of social security benefits should be subject to taxation would adversely affect social security recipients and undermine the confidence of American workers in the social security programs; that social security benefits are and should remain exempt from Federal taxation; and that the 96th Congress will not enact legislation to implement the Advisory Council's recommendation. S. Res. 432—Senate agreed to August 4, 1980. (VV)

Social security tax adjustments: Amends title II of the Social Security Act to provide, for two years only, a reallocation of social security tax receipts from the Federal Disability Insurance Trust Fund to the Federal Old-Age and Survivors Insurance Fund (OASI) in order to maintain sufficient reserves in the OASI fund to pay benefits through the end of 1981. H.R. 7670—Public Law 96-403, approved October 9, 1980. (VV)

Tax treatment extensions: Extends, for 18 months, through June 30, 1982, the temporary interim relief granted to certain taxpayers, such as independent contractors, whereby they are permitted to treat a worker, such as a subcontractor, as a nonemployee for purposes of IRS withholding requirements; extends through December 31, 1983, the sunset dates for provisions enacted in 1976 that encourage the preservation of historic structures; provides a two-year extension of the special five-year depreciation rule for expenditures to rehabilitate low-income rental housing whereby expenditures made pursuant to a binding contract entered into before January 1, 1984, will qualify for the five-year depreciation rule even though the expenditures actually are made after December 31, 1983; extends the present four cents per gallon fuel tax exemption for qualified taxicab services for two years, through December 31, 1982; excludes from gross income scholarships received under Federal programs which require future Federal service by the recipient; extends the tax-exempt treatment of National Research Service Awards as scholarships or fellowships through 1981; revises current law with respect to deductions for charitable contributions of easements and other partial interests in real estate contributed for conservation to expand the types of partial interests which qualify to include the entire interest of the donor in real property other than the rights to subsurface minerals; and limits eligible contributions deductible to those contributed to a governmental unit, publicly supported charitable organization, or an entity controlled by one of these two kinds of organizations. H.R. 6975—Public Law 96- , approved 1980. (VV)

Technical corrections—targeted jobs credit: Contains technical, clerical, conforming, and clarifying amendments to provisions enacted by the Revenue Act of 1978, the Foreign Earned Income Act of 1978, the Black Lung Benefits Revenue Act, and the Energy Tax Act of 1978; and expands eligibility under the targeted jobs tax credit for hiring youths under a qualified cooperative education program to include 19-year-olds. H.R. 2797—Public Law 96-222, approved April 1, 1980. (VV)

TRADE

Customs valuation agreement: Approves (1) the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, which waives, with respect to third world countries, certain tests required for valuing items in order to determine customs duties, that the President, under authority of section 102 of the Trade Act of 1974, entered into and, on January 21, 1980, notified Congress that he intended to sign, and (2) the unamendable implementing legislation submitted, under the same authority, on August 1, 1980, for Congressional approval or disapproval; and makes technical amendments to the Tariff Schedules of the U.S. relating to the classification of certain chemicals. H.R. 7942—Public Law 96-490, approved December 2, 1980. (VV)

Export trading companies: Requires the Secretary of Commerce to promote and encourage formation and operation of export trading companies by providing information and advance to interested persons and by facilitating contact between producers and firms offering export trade services;

Authorizes banking organizations to invest not more than five percent of their consolidated capital and surplus in export trading companies, and requires 60 days advance notification of the appropriate Federal banking agency before making an additional investment;

Requires the appropriate Federal banking agency, in disapproving or placing conditions on investments, to consider the resources, competitive situation, and future prospects of the banking organization and export trading company concerned in any application, and the effect on U.S. competitiveness in world markets; provides an opportunity to appeal orders of Federal banking agencies to the Federal Court of Appeals and requires cases of procedural and substantive error to be remanded to the agency;

Directs the Economic Development Administration and the Small Business Administration to encourage exporting by small and medium-size businesses or agricultural concerns and authorizes therefor $20 million for each of the next five fiscal years;

Directs the Export-Import Bank to establish, subject to limits in annual appropriation Acts, a guarantee program for commercial loans secured by export accounts receivable or inventories when its Board finds that inadequate private financing exists for creditworthy exporters;

Authorizes the Secretary to make grants to subsidize the employment of export managers by small businesses which have not previously been importers in substantial amounts; provides that such grants may not exceed the lesser of 50 percent of the salary of a full-time export manager for a period of one year, or $40,000, and sets forth eligibility criteria for such grants;

Directs the Secretary to determine the feasibility of this approach to export promotion in each of the Department of Commerce regions in relation to products and services which have export value; authorizes not to exceed $2 million for fiscal 1981 through 1983 to carry out this program;

Directs the Secretary to develop and submit to Congress, prior to October 1, 1982, a plan for evaluating the cost-effectiveness of the export promotion program, and make recommendations for its continuation, expansion and/or improvement;

Revises the Webb-Pomerene Act (Export Trade Act of 1918) to make its provisions explicitly applicable to the exportation of services, and provides a certification procedure enabling export trade associations and trading companies to receive antitrust clearance for specified export trade activities;

Transfers administration of the Act from the Federal Trade Commission to the Department of Commerce, and creates within the Department of Commerce an office to promote the formation of export trade associations and trading companies;

Requires that antitrust immunity be made contingent upon certification by the Department of Commerce, after consultation with the Justice Department and the Federal Trade Commission, and in conformance with existing standards of antitrust law;

Requires that export trade not constitute trade or commerce in the licensing of patents, technology, trademarks or know-how, and that export activities must serve to preserve or promote export trade;

Provides for the establishment of a task force to evaluate the effectiveness of the Webb-Pomerene Act in increasing U.S. imports and make recommendations regarding its future to the President; and

Requires that fiscal 1980 funds made available to the Senate shall not exceed 90 percent of funds made available in fiscal 1979. S. 2718—Passed Senate September 3, 1980. (*386)

International Trade Commission; customs service; and U.S. trade representative authorization: Authorizes $16.981 million to the U.S. International Trade Commission for fiscal 1981; prohibits the use of funds to initiate special studies, investigations, or reports requested by any executive branch agency unless it is reimbursed;

Authorizes $477 million to the U.S. Customs Service for fiscal 1981; prohibits the use of funds to implement any procedure that reduces the ten-day deferment for collection of customs duties; authorizes the President to enter into agreements, to the extent feasible and appropriate, with other countries to provide for the establishment of pre-clearance immigration and customs facilities in foreign airports and transportation facilities frequently used by persons entering the U.S.; and

Authorizes such sums as may be necessary to the Office of the U.S. Trade Representative (USTR) for fiscal 1981 through 1983; authorizes the USTR to expend funds for travel expenses without regard to standardized Government travel regulation and per diem allowances; delegate and redelegate functions, powers, and duties to such officers and employees as he or she may designate; accept, hold, administer, and utilize gifts, devices, bequests of property (both real and personal), and money, for the purpose of than two automobiles for use by the USTR acquire by purchase or exchange not more than two automobiles for use by the USTR delegation in Geneva and elsewhere, as required, at a cost of not more than $6,500 for each car; and issue rules and regulations as may be necessary to carry out his or her functions, powers, and duties. S. 2697—Passed Senate May 28, 1980. (VV)

Shipper's export declarations: Permanently exempts Shipper's Export Declarations (SED's) from public disclosure under the Freedom of Information Act but assures their continued multi-agency use; provides standardized export data submissions and disclosure requirements for the U.S. Customs Service; requires shippers to attach private commercial bills of lading, or equivalent commercial documents, to the Outward Foreign Manifest (OFM) which Customs requires filed prior to a carrier departure with a specified cargo, or to complete a new OFM and submit the required information to Customs at the port of exit; lists six items of information that are required to be submitted to Customs on either the OFM or on attached bill or documents and permits disclosure of this information; codifies existing Customs regulations which prohibit public disclosure of a shipper's name on a manifest if the shipper has filed a written application requesting confidential treatment and requires that such applications be submitted every two years to be effective; requires only the disclosure of the general character of the cargo rather than a description of the cargo itself; authorizes the Secretary to withhold export data collected pursuant to this bill if he determines on a shipment-by-shipment basis that disclosure would pose an imminent and serious threat to the vessel and its cargo or would endanger the safety of the crew abroad; and provides the trade press with expedited access to the OFM and attached documents at the ports. H.R. 6842—Public Law 96-275, approved June 17, 1980. (VV)

Small business export expansion: Amends the Small Business Act by directing SBA to increase its support for small business exporters; expands SBA's existing authority to transfer certain eligibility and credit decisions with respect to guaranteed loans to a participating commercial financial institution; empowers SBA to make or guarantee, for up to 18 months, a revolving line of credit to enable small businesses to develop foreign markets and for preexport financing; permits a total of $750,000 in loans to be outstanding and committed to any one borrower for export purposes only; establishes an Office of International Trade within SBA and specifies its functions which include the coordination of SBA export promotion efforts with those of other Federal agencies; directs the Secretary of Commerce, in consultation with the Administrator of SBA, the President of the Export-Import Bank, the President of the Overseas Private Investment Corporation, and the Director of the Internal Revenue Service, to establish two one-stop export promotion centers in each of two district offices of the International Trade Administration of the Department of Commerce which are located in metropolitan areas where district offices of the SBA and IRS exist to determine if locating all of these agencies under one roof will substantially assist small businesses wanting to be involved in overseas trade; authorizes the Secretary of Commerce to make grants of not to exceed $150,000 annually for three years to each qualified applicant to encourage the development and implementation of a small business international marketing program; specifies the information required to be submitted in an application; requires that each small business international marketing program have a full-time director and a nine-member advisory board; requires that the applicant match the Federal share on a one for one basis; provides for the establishment of at least one program in each region of the Department and authorizes therefor $1.5 million each for fiscal 1981 through 1983; directs the Secretary, through the International Trade Administration, to maintain a central clearinghouse to provide for the exchange of information between programs, and other interested concerns; creates a National Export Council, to replace the current President's Export Council which will serve as a national advisory body on matters relating to U.S. export trade, and provide a forum for discussion on current and emerging problems and issues in the field of export promotion and development; requires submission to the President and Congress of an annual report on the Council's activities by March 31; and authorizes the Secretary of Commerce to appoint commercial ministers, counselors, and attachés as employees of the Department and to assign these personnel to service abroad with the same diplomatic privileges and immunities enjoyed by Foreign Service personnel of comparable rank. S. 2620—Passed Senate September 3, 1980. NOTE: (Identical provisions are contained in H.R. 5612, which became Public Law 96-481.) (VV)

United States Tourism Policy: Establishes a national tourism policy and the principal mechanisms for coordinating and implementing that policy; creates a cabinet-level Policy Council to deal with issues of duplication, contradiction, and lack of coordination among Federal agencies having tourism and tourism-related programs and policies; and creates a Federally-chartered, nonprofit corporation as an implementing mechanism for the national policy to (1) develop and administer a comprehensive program to stimulate and encourage travel to the United States, (2) monitor Federal programs for compliance with the national tourism policy, (3) act as the tourism industry's advocate within the several government agencies impacting tourism, and (4) develop and administer programs to assist the industry and consumer. S. 1097—Passed Senate May 14, 1979; Passed House amended July 1, 1980; In conference. (VV)

United States Travel Service: Authorizes, through fiscal 1981, $8 million to the United States Travel Service (USTS), pending enactment of S. 1097, the National Tourism Policy Act, to enable the agency to continue its existing programs to encourage foreign tourism to the U.S.; and prohibits the Secretary of Commerce from reducing the number of employees or the level of obligations for USTS below the fiscal 1979 level. S. 2248—Passed Senate May 22, 1980. (VV)

TRANSPORTATION AND COMMUNICATIONS

Airport and airway development: Eliminates large and medium hub airports (those which annually enplane over 1.4 million and 700,000 passengers respectively) from the Airport Development Aid Program (ADAP), with the 40 largest airports to become ineligible for the program after September 30, 1981, and the next 32 largest airports to become ineligible after September 30, 1982; provides that the airline passenger tax shall remain at eight percent, or at a level adequate to fully fund the ADAP program for all enplanements at airports participating in ADAP but reduces the tax to two percent at airports which voluntarily elect to defederalize; authorizes $825 million in grants for airport planning and development for fiscal 1981; expands the Federal Aviation Administration's discretionary fund program, which calls for minimum five-year funding commitments, to small carrier and general aviation airports to assure that small communities, which are often unable to generate adequate local sources of revenue for major construction or renovation projects at municipal airports, will have access to Federal funds so that multi-year projects can be planned and built; combines the grant and planning programs for airport development at air carrier, air commuter service, reliever, and general aviation airports into a single grant program for airport development planning in order to give sponsors access to larger funding pools and allow funds to be used to meet a wide range of priority needs; permits the Secretary to continue the current mechanism for apportioning Federal assistance among the smaller airports in the State of Alaska; eliminates funding eligibility for those airports which do not require Federal assistance; requires sponsors of Federally-assisted commercial airports that are part of an air traffic hub to document to the Comptroller, no later than 90 days after the expiration of any fiscal year in which assistance was received, that adequate funding was not available through any other source; requires the Comptroller to transmit on an annual basis to Congress and the Secretary, a copy of such documentation along with a report containing comments and recommendations; permits any airport, notwithstanding an existing contract that restricts the airport sponsors ability to raise or impose charges on any air carriers, to renegotiate rates and charges with any carriers for the purpose of replacing revenues that otherwise would have been available to such airport from the Trust Fund, with such revenues to be utilized for capital and operating expenses only; directs the Secretary and the Comptroller General to each conduct and transmit to Congress, no later than nine months following enactment, a study of those airports that would become ineligible for Federal assistance under the Act, and the ability of such airports to replace Federal moneys they would otherwise receive, along with any recommendations for legislative or other action; and clarifies antitrust immunity. S. 1648—Passed Senate February 5, 1980. (VV)

Automobile efficiency—fuel economy: Amends title V of the Motor Vehicle Information and Cost Savings Act, which established the present automobile fuel economy program to: (1) exempt manufacturers of fewer than 10,000 automobiles annually, worldwide, from mandatory fuel economy standards and certain reporting requirements; (2) permit manufacturers commencing U.S. production after enactment, whose vehicles have attained U.S. or Canadian value added content in labor and materials equal to or in excess of 75 percent of total production cost, to continue to combine such vehicles with imported vehicles into a single fleet to meet the mandatory corporate average fuel economy (CAFE) standards unless the Secretary finds that such combination would reduce U.S. auto manufacture employment; (3) provide for a three year in lieu of one year carry forward/carry back of credits earned in any model year for CAFE performance in excess of standard to offset civil penalties incurred in any model year for failure to meet the CAFE standard unless the Secretary finds that such combination would reduce U.S. auto manufacturers employment; and (4) permit any U.S. manufacturer who initiates U.S. production of foreign automobiles to include up to 150,000 of these automobiles annually in his domestic fleet in order to meet any year's CAFE standard, if at least 50 percent of their production cost consists of domestic value added content in labor and materials and the manufacturer has submitted a plan acceptable to the Secretary of Transportation to increase the domestic value added content to 75 perment within three years thereafter and if the manufacturer does in fact achieve the 75 percent ratio within four years. S. 2475—Public Law 96-425, approved October 10, 1980. (VV)

Aviation excise taxes extension: Amends the Internal Revenue Code of 1954 to extend for three months, from July 1 until September 30, 1980, the present aviation excise taxes that go into the Airport and Airway Trust Fund which are scheduled to either expire or be reduced on July 1; and provides that the due date for filing a return for payment of the aircraft use tax for the three month period will not be earlier than October 31, 1980. H.R. 7477—Public Law 96-298, approved July 1, 1980. (VV)

Aviation safety and noise abatement: Authorizes a new program to assist airports and surrounding communities in the development and implementation of noise abatement programs, to reduce existing noncompatible land uses, and to prevent future noncompatible land uses around airports; directs the Secretary of Transportation to establish, within 12 months, single systems for measuring noise at airports and surrounding areas and for determining the impact of noise upon individuals and to identify land uses which are normally compatible with various impacts of noise on individuals; permits airport operators to submit noise impact maps setting forth the noncompatible land uses within the vicinity of the airport; authorizes $25 million for the Secretary to make grants to sponsors of air carriers airports for noise compatibility planning; authorizes the Secretary to make grants to airport operators to implement an approved noise compatibility program; requires the Secretary to prepare and publish a noise exposure map and a noise compatibility program for National and Dulless Airports in the Washington, D.C. vicinity within 12 months of enactment; provides that no part of any noise impact map or related information submitted to or prepared by the Secretary shall be used as evidence in any suit or action seeking damages or other relief for the noise that results from the operation of an airport; requires the Secretary to study and submit to Congress a report on the achievements of the grant programs; authorizes and makes available from the Airport and Airway Trust Fund an increase for airport construction and development of $44 million for air carrier airports and $13 million for general aviation and reliever airports; increases by $5 million the authorized funds in fiscal 1980 for expenditure at reliever airports; restores the Federal matching for smaller airports; authorizes the Secretary of Transportation to provide waivers from noise regulations on a case-by-case basis when the aircraft operator has made a good faith effort to comply, but external circumstances prevent compliance; prohibits approval of any project involving the construction or extension of a runway at a general aviation airport on a line separating two counties in a State that is not first approved by local governing bodies;

Authorizes the Secretary to promulgate noise regulations for foreign air carriers operating in the U.S. that are compatible with those for U.S. carriers; authorizes the Secretary to grant a waiver from noise regulation compliance deadlines to permit noncomplying aircraft to be operated for a reasonable period beyond a deadline if the operator is making a good faith effort to comply and there is good cause for his failure to comply; sets guidelines for the Civil Aeronautics Board to use its existing authority to impose a surcharge to ensure that noise compliance is met even if industry profits dip drastically; directs Secretary to submit status reports on the development of collision avoidance systems and proposed timetables for implementation of such systems; makes an air carrier employee who performs his regular duties in more than one State subject to the income tax of the State of residence; requires the Administrator of FAA to promulgate regulations relating to access to public areas at National and Dulles Airports by individuals and organizations who seek to solicit funds or distribute materials; imposes a fine of $1,000 and/or one year imprisonment for concealing a dangerous weapon by a person boarding an aircraft or attempting to place on board a loaded firearm or bomb; and permits limited commercial passenger service in interstate transportation at Love Field in Dallas, Texas. H.R. 2440—Public Law 96-193, approved February 18, 1980. (73)

Boating safety: Amends the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities by encouraging greater State participation through the establishment of two separate grant programs—one for recreational boating safety and one for recreational boating facilities improvement; authorizes $10 million annually for each program for fiscal 1981 through 1983; gives States the option of participating in one or both programs; directs the Secretary to establish guidelines and standards for the program and to distribute funds to States having an approved program; establishes a National Recreational Boating Safety and Facilities Fund into which will be deposited up to $20 million annually to be derived from the excise taxes on motorboat fuel; directs the Secretary of the Treasury to conduct a study to determine the portion of the taxes attributable to fuel used in recreational motorboats; provides Federal initiatives to promoted reforestation on both private and public timberlands through a seven-year amortization and the regular ten percent investment tax credit for a limited amount of qualifying reforestation expenditures annually; and establishes, within the Treasury, a Reforestation Trust Fund to fund reforestation activities in order to eliminate a replanting backlog in the National Forest System. H.R. 4310—Public Law 96-451, approved October 14, 1980. (VV)

Hazardous materials—nuclear waste transportation: Extends the Hazardous Materials Transportation Act for three years, through fiscal 1983, and authorizes therefor $9.1 million, $9.8 million, and $10.5 million respectively for the Department of Transportation's Hazardous Materials Transportation Bureau to upgrade significantly training of Federal, State, and local hazardous materials inspection personnel; requires a detailed survey and evaluation of existing hazardous waste material emergency response programs and expands the National Response Center which provides 24 hour a day response information and assistance; authorizes State grants for review of the impact of transportation of radioactive fuels and for inspection and enforcement of Federal regulations applicable to radioactive materials; requires the formulation of a national emergency response plan to deal with emergency situations which may result during the transportation of radioactive materials; and authorizes $18.9 million, $20.8 million, and $23.1 million for fiscal 1981 through 1983 to extend the Independent Safety Board. S. 1141—Passed Senate May 22, 1979; Passed House amended September 17, 1979; Senate concurred in House amendments with amendment September 30, 1980. (VV)

Household moving industry: Reduces unnecessary Federal regulation of the household goods moving industry in order to provide opportunities for new and improved services to the public and to improve the financial condition of the industry; establishes new remedies and protections for consumers, and furnishes additional pricing options for carriers and consumers; requires the Interstate Commerce Commission to allow more industry flexibility for quoting estimates for weighing shipments and for providing service options; gives the ICC authority to monitor agents of household goods for engaging in wrongful business practices but prohibits it from undue interference; requires the ICC to institute a rulemaking that will lead to the revision of all of its paperwork and operational regulations pertaining to transportation of household goods; creates a dispute settlement mechanism to resolve claims filed against carriers by their shippers that will be inexpensive, expeditious, and easy to use; and restructures the civil penalty provisions and makes the practice of "weight-bumping" (the knowing and willful making or securing of a fraudulent weight on a shipment of household goods) a specific crime with fines up to $10,000 for each offense and/or two years imprisonment. S. 1798—Public Law 96-454, approved October 15, 1980. (VV)

Independent Safety Board: Extends the authority of the Independent Safety Board to establish regulations on reporting requirements for aviation incidents as well as accidents; gives the Board priority over other Federal agencies in the investigation of surface transportation accidents and affirms its exclusive role in the determination of probable cause of an accident; directs the Board to include all other appropriate agencies in the conduct of the investigation and to provide for timely dissemination of all relevant information with the participating agencies which are expected to defer to the Board's investigation but retain their statutory rights to obtain information directly from parties involved in the accident; authorizes Board employees to enter property on which either a transportation accident has occurred or wreckage from an accident exists; specifies the employee's right to take appropriate measures for investigation, including assuming custody of certain kinds of physical evidence for the purposes of examination or testing and the inspection of various other kinds of evidence; and authorizes $18.9 million for fiscal 1981, $22 million for 1982, and $24 million for 1983 for programs of the Independent Safety Board. S. 2459—Passed Senate June 3, 1980. (VV)

Inland navigation: Unifies the rules for navigation on inland waters to reduce collisions and for other purposes; and amends the Longshoremen's and Harbor Workers' Compensation Act to remove from coverage workers in small commercial shipyards and recreational boat manufacturing establishments, and workers who build and repair all types of vessels under 1,600 gross tons. H.R. 6671—Passed House June 23, 1980; Passed Senate amended September 30, 1980; House agreed to all Senate amendments on November 19, 1980, except the amendment which redefines the term "employee" under the Longshoreman's and Harbor Workers Compensation Act which would have the effect of removing some 300,000 workers from the act's coverage and instead place them under State workmen's compensation laws; Senate requested conference November 19, 1980. (VV)

International air fares: Amends the Federal Aviation Act of 1958 to promote competition in international air transportation, provide greater opportunities for U.S. air carriers, and establish goals for developing U.S. international aviation negotiating policy; permits the Civil Aeronautics Board (CAB) to suspend or revoke, without a hearing, a U.S. carrier's certificate to serve a point in foreign air transportation after notice and a reasonable opportunity to respond, if the carrier has served notice that it intends to suspend all services to a specified point or where it has not provided any regular service for a 90-day period; prohibits CAB from approving any agreement affecting foreign air transportation that reduces or eliminates competition except in special circumstances; gives the Secretary of Transportation the authority to permit foreign-registered aircraft to operate between points in the U.S. under a lease to a U.S. carrier and special regulations prescribed by the Secretary; permits CAB to exempt foreign air carriers from the provisions of this act as necessary to enable them to carry traffic in interstate or overseas transportation under certain circumstances; requires the Secretaries of State and Transportation and the CAB, in developing international air transportation policy, to consider: (1) the strengthening of the competitive position of U.S. air carriers to at least assure equality with foreign air carriers to maintain and increase their profitability in foreign air transportation, and (2) the elimination of marketing restrictions to the greatest extent possible; requires the President to grant observer status at international aviation negotiations to at least one representative of each House of Congress if requested in advance; allows the use of foreign carriers for official U.S. government air travel if U.S. flag carrier services are not reasonably available between two foreign points; authorizes the U.S. to negotiate the right to carry U.S. Government-financed passengers and property with foreign governments in return for liberal bilateral agreements benefiting the traveling public and U.S. air carriers; creates a nonsuspension zone for fares for foreign transportation which would provide for five percent upward and 50 percent downward pricing flexibility within which CAB is prevented from exercising its suspension powers; establishes the "standard foreign fare level" as the fare level filed for and permitted by the CAB to go into effect on or after October 1, 1979 (with seasonable adjustments), or the fare level determined by CAB in any case in which it determines the fare limit on October 1, 1979, was unjust or unreasonable, under specified procedures; permits CAB to revise and make appropriate adjustment on a one-time basis, to the standard fare levels in markets accounting for no more than 25 percent of the U.S. flag international passengers if it is determined that some of them are too high or too low; prohibits CAB from authorizing part charters by U.S. air carriers prior to December 31, 1980; provides that when CAB approves an agreement under the modified Bank Merger Act test, it shall grant an exemption from the antitrust laws for actions necessary to carry out the approved agreement; and permits turnabout passenger service between Love Field in Dallas, Texas, and points in the four States contiguous to Texas. S. 1300—Public Law 96-192, approved February 15, 1980. (VV)

Maritime authorization: Authorizes $571,174,000 for fiscal 1981 for the Maritime Administration as follows: $135 million for ship construction differential subsidies; $347,697,000 for operating differential subsidies; $17,070,000 for research and development; $32,543,000 for the maritime education and training expenses, including $18,201,000 for maritime training at the U.S. Merchant Marine Academy at Kings Point, N.Y., $10,780,000 for assistance to State marine schools, and $1,882,000 for supplementary training authorized under section 216(c) of the Merchant Marine Act, 1936; $38,864,000 for maritime administration operating expenses including $7,208,000 for the National Defense Reserve Fleet and $31,656,000 for operating expenses related to the waterborne transportation systems and to general administration; requires that a vessel built with a construction differential subsidy must be offered for enrollment in a sealift readiness program; provides $44,307,000 in supplemental funds for the operating differential subsidy program to cover increased costs for settlement of amounts due for prior year operations, unbudgeted activity in the Soviet grain trade, cost increases and changes in the rate of payment for current year operations; and authorizes documentation of the vessel *Fundy Pride* as a vessel of the United States so that she may engage in the American fisheries for nonprofit, educational purposes. H.R. 6554—Public Law 96-459, approved October 15, 1980. (VV)

Maritime education and training: Consolidates nine separate acts relating to maritime education into a single recodified title, to clarify and improve the Federal laws pertaining to maritime education and training, and to define the obligations of students who attend the U.S. Merchant Marine Academy and State merchant marine academies; defines the primary function of the U.S. Merchant Marine Academy and the State maritime academies; establishes a policy of maritime education and training to ensure that graduates are competent to perform their functions and a new Naval Reserve Program to enable Merchant Marine officers to cooperate with the Navy in times of a national emergency; requires Merchant Marine graduates to perform uniform obligations; replaces a varying program of student assistance with a Student Incentive Payment Program under which students at the U.S. Maritime Academy and those of the State maritime academies would undertake certain obligations in return for a Federal grant; authorizes the Secretary of Commerce to select 40 additional qualified individuals possessing qualities of special value to the Academy; and authorizes the attendance of 30 foreign students on a reimbursable basis. H.R. 5451—Public Law 96-453, approved October 14, 1980. (VV)

Maritime labor agreements: Exempts, from Federal Maritime Commission jurisdiction, all collective bargaining and related agreements under both the Shipping Act and the Intercoastal Shipping Act, except for agreements or arrangements for the funding of collectively bargained fringe benefits or other than a uniform full man-hour basis arrived at without regard to the cargo handled. H.R. 6613—Public Law 96-325, approved August 8, 1980. (VV)

Maritime tort claims: Establishes a uniform three year statute of limitations for a suit to recover damages for personal injury or death arising out of a maritime tort. H.R. 3748—Public Law 96-382, appoved October 6, 1980. (VV)

Motor vehicle safety standards: Authorizes $48.5 million for fiscal 1980, $53.35 million for 1981, and $61.3 million for 1982 to the National Highway Traffic Safety Administration to continue vehicle safety research develop existing, and, when necessary, promulgate new vehicle safety standards, conduct defect and noncompliance testing, and enforce existing provisions under the National Traffic and Motor Vehicle Safety Act of 1966; amends the Motor Vehicle Information and Cost Savings Act as follows: in Title I—Bumper Standards, authorizes $400,000 for fiscal 1980, $425,000 for 1981, and $450,000 for 1982 to provide for monitoring of bumper standards; in Title II—Automobile Consumer Information, authorizes $2.4 million for fiscal 1980, $1.5 million for 1981, and $1.65 million for 1982 for continued study and investigation of the methods for determining damage susceptibility, crash-worthiness, ease of diagnosis, and repair of certain automotive systems; in Title III—Authorizes $300,000 each for 1980 and 1981 to allow completion of reports on the diagnostic inspection/maintenance program; and in Title IV—Odometers, authorizes $300,000 each for fiscal 1980 through 1982 to allow DOT to add additional investigators to combat odometer tampering; reduces the current five miles per hour impact test velocity specified in the Federal bumper standard to 2.5 miles per hour applicable for model years 1981 and 1982 only; incorporates the annual required report on bumper standards as a part of the annual report of the National Traffic and Motor Vehicle Safety Act; allows the Secretary of Transportation to promulgate exemptions from the odometer disclosure requirements for motor vehicles when odometer readings have no meaningful relationship to the value or performance of an automobile; amends the National Traffic and Motor Vehicle Safety Act to relieve tire dealers of certain mandatory recordkeeping and reporting requirements and requires public notice of a recall of defective tires; limits the regulatory burden the Secretary can impose upon the States to enforce the 55 mile per hour speed limit; accelerates the date by which passive occupant restraint provisions apply to small cars with high volume sales in the U.S.; requires these domestic and imported car manufacturers to make available to consumers a variety of passive occupant protection systems and establishes a new civil penalty for lack of compliance; and provides that any DOT rule may be vetoed within 90 days by adoption by a vote in both houses of a disapproval resolution. S. 1159—Passed Senate July 11, 1979; Passed House amended December 19, 1979; Senate agreed to conference report September 25, 1980. (VV)

NS *Savannah:* Authorizes the Secretary of Commerce to charter, under specified terms and conditions, the Nuclear Ship (*NS*) *Savannah* to a naval and maritime museum within Patriots Point Development Authority, Charleston, South Carolina for a minimum of five years and a maximum of 30 years with options to renew for five-year periods thereafter; requires that the Authority possess an NRC license but prohibits it from operating the nuclear utilization facility; places financial responsibility for the disposal of the reactor and other nuclear systems and radioactive contaminated components in the vessel with the Secretary of Commerce; requires NRC approval of any disposal plan; makes the Authority responsible for monitoring and security of the reactor and all nuclear systems and radioactive components and for licensee reporting requirements; authorizes the expenditure of funds previously authorized to preserve the vessel in the National Defense Reserve Fleet; and authorizes previously appropriated funds for fiscal 1980 to tow the *NS Savannah* to Patriot's Point, and to inspect and maintain her hull below the water line and such funds as may be necessary for such purpose during the terms of the charter and any renewals thereof. S. 1863—Public Law 96-331, approved August 28, 1980. (VV)

Ocean shipping: Revises and codifies the Shipping Act, 1916, and related laws, to create effective, unified, current, and consistent policies and laws to regulate our international ocean liner trades; sets forth a declaration of policy that clearly outlines nine objectives of ocean transportation regulation in the foreign commerce of the United States which are intended to serve as the substantive standards for the Federal Maritime Commission (FMC) evaluation of agreements involving concerted activity in international ocean shipping and patronage contracts between carriers, shippers, and consignees; clarifies and reaffirms the complete exemption of concerted activities in ocean shipping from the operation of the antitrust laws; establishes clear procedures for FMC approval of agreements and places statutory time limits on Commission action; provides for temporary approval of agreements; establishes certain categories of presumptively approvable agreements (including intermodel); permits the establishment and operation of shippers' councils within the United States; allows greater flexibility in the type of patronage contracts offered by carriers and conferences; authorizes the approval and implementation of international agreements; directs the U.S. Government to negotiate intergovernmental maritime agreements as a matter of U.S. policy whenever conditions in foreign commerce warrant their use and prescribes guidelines for their development; subjects all carriers to independent, neutral body self-policing in order to ensure compliance with the requirements of the Act; clarifies and reaffirms the independence of the FMC from OMB clearance of legislative recommendations, testimony, or comments; and provides for annual authorizations for the FMC, giving congressional committees with substantive jurisdiction over its activities the opportunity to ensure that sufficient funds are allocated to implement FMC-administered laws. S. 2585—Passed Senate April 24, 1980. (VV)

Railroads

Conrail: Authorizes $31.5 million for fiscal 1981 and $25.5 million for 1982 for administrative expenses of the United States Railway Association (USRA) including litigation and the monitoring of Conrail's operations; and requires USRA to make recommendations to Congress by November 15, 1980, and March 1, 1981, focusing on means to ensure a self-sustaining rail system in the Northeast and providing the necessary information needed for Congress to decide on the future funding and structuring requirements of Conrail. S. 2527—Passed Senate May 21, 1980. NOTE: (Comparable provisions are contained in S. 1946 which became Public Law 96-448.) (VV)

Northeast corridor: Amends the Railroad Revitalization and Regulatory Reform Act of 1976 to authorize an additional $750 million for fiscal 1981 through 1985 to complete the Northeast Corridor Improvement Project, of which $37 million will be set aside for improvements to the Baltimore-Washington Tunnel and costs associated with the rerouting freight service along the Corridor while such improvements are being made; places a firm funding limit on the program and makes it clear that, in the event of a conflict between the goals of improved passenger service and the amount of funding provided, the funding limitations will prevail; requires the Comptroller General to study and report to Congress within 12 months on the costs, benefits, and operational feasibility of similar service in other corridors and authorizes therefor $5 million out of existing funds authorized to GAO; and contains provisions to achieve greater efficiency on the part of Amtrak by requiring that Amtrak recover all operating costs by fiscal 1986, and by eliminating the special budgetary treatment currently afforded Amtrak's capital grants. S. 2156—Passed Senate May 8, 1980. (VV)

Railroad deregulation: Provides substantial regulatory reform of the railroad industry by allowing railroads greater pricing flexibility while retaining protection for captive shippers, imposing more stringent deadlines for abandonments and merger proceedings and other restructuring transactions, and clarifying the ICC's power to exempt rail transportation from regulation;

Ratemaking: simplifies the ratemaking provisions of 49 U.S.C. in order to provide the appropriate mix between regulation and the marketplace; repeals law that allowed railroads to set demand-sensitive rates to take advantage of seasonal traffic; provides a free zone for rate increases which do not exceed the railroads increased costs, based on a rail index to be compiled or verified by the ICC, which includes appropriate adjustments to reflect the quality and mix of material and labor; provides a six percent rate flexibility zone above cost increases until September 30, 1984, after which a four percent increase is allowed for carriers not having adequate revenues; allows the ICC to investigate rates within the zone if rate increases result in a 20 percent rate increase above the threshold, subject to a 190 percent cap; allows a railroad to impose a surcharge or a joint rate where more than one rail carrier handles a shipment; allows the ICC to cancel the joint route under certain conditions; preserves existing law under which the burden of proof is on the carrier in investigation proceedings and on the shipper on complaint proceedings; eliminates general rate increases by January 1, 1984 unless the Commission finds elimination is not feasible; requires tape recordings or transcripts of rate bureau meetings and a record of all votes; includes a saving provision to permit challenge of existing rates in an orderly fashion during the transition period to the new ratemaking provisions and procedures;

Abandonments: Expedites abandonment proceedings by setting forth time periods within which the ICC must act upon abandonment applications, depending on opposition to abandonment and complexity of proceeding; requires railroads to sell a line approved for abandonment to a financially responsible person upon offer to pay acquisition cost of line or difference between revenues attributable to service plus a reasonable return on value of the line; clarifies the Rock Island Transition and Milwaukee Railroad Restructuring Act to state affirmatively that nothing in these Acts shall limit the right of any person to bring an action under the Tucker Act; provides that appeals with respect to constitutionality of the Rock Island or Milwaukee legislation be taken to the Court of Appeals for the Seventh Circuit and requires an expedited decision; sets forth a new schedule for negotiation of employee protection agreement between the Rock Island Railroad and employee organizations;

General provisions: Clarifies the ICC's power to exempt rail transportation from regulation; restricts the ICC's car service powers to emergency situations and encourages State authorities to exercise their regulatory jurisdiction in a manner consistent with standards established in the railroad transportation policy; authorizes $10 million over a three-year period for the Department of Interior's Federal grant program to convert abandoned railroad property to conservation or recreation use;

Provides railroad financial assistance by continuing the redeemable preference share program and increasing the authorization to $700 million, $200 million of which would be available to USRA for use by Conrail in establishing a voluntary annuity program to reduce the size of its workforce;

Authorizes $30 million for the U.S. Railway Association and an emergency funding of $329 million to purchase additional Conrail series A preferred stock to assure the continuation of Conrail operations during completion of mandated studies concerning the carriers future projected funding requirement and its future structure and activities. S. 1946—Public Law 96-448, approved October 14, 1980. (*72, *461)

Railroad financing improvement: Improves the labor protection program under title V of the Regional Rail Reorganization Act of 1973 which provides benefits to the former employees of the bankrupt Northeast and Midwest railroads by: (1) reducing the opportunity for protected employees to receive excessive compensation guarantees, (2) allowing the Consolidated Rail Corporation (Conrail) and other employers with employees protected under the provisions of the Regional Rail Reorganization Act, to retain and transfer some protected employees, (3) increasing by $235 million the authorization to pay revised benefits, and (4) directing the United States Railway Association (USRA) to monitor the program; extends for two years, until September 30, 1982, the Railroad Rehabilitation and Improvement Financing Program established under Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 and increases its authorizations from $700 million to $1.1 billion; makes any group that wishes to purchase or rehabilitate a line of a railroad to ensure continued rail service eligible for low-interest loans under the Redeemable Preference Share program; and provides a specific allocation of program funds for labor costs associated with improved manpower effectiveness. S. 2530—Passed Senate June 28, 1980. NOTE: (Comparable provisions are contained in S. 1946 which became Public Law 96-448.) (VV)

Railroad safety: Amends the Federal Railroad Safety Act of 1970 to authorize $38 million for fiscal 1981 and $40 million for 1982 to the Secretary of Transportation to cover administrative expenses of the Federal Railroad Administration's (FRA's) rail safety program, inspection and enforcement activities and grants-in-aid for State inspection programs; specifies that $10 million be used for safety, research, and development of which $500,000 is for alcohol and drug abuse treatment programs; expands the Secretary's emergency order authority to facilitate a more effective enforcement of rail safety laws and provide appropriate protection for the carriers; mandates that the Secretary complete studies and reports on State participation in rail safety programs, railroad employee training, the retrofitting of DOT Specification 105 tank cars, and the reevaluation by FRA of its safety goals and programs; makes certain statutory changes to clarify and consolidate the administrative and enforcement powers of the Secretary, including expansion of venue for actions brought under the rail safety laws to allow an action to be brought where the defendant has his principal executive office, and as under present law, where the violation occurred; gives a rail employee the right to bring an action to compel the Secretary to issue an emergency order if it can be shown that failure to do so would expose the employee to imminent physical injury; broadens State participation in rail safety inspection programs and expands the enforcement authority of States participating in investigative and surveillance activities; reduces from 90 to 15 days the period in which a participating State must await action by the Secretary before going into Federal court for injunctive relief from critically unsafe rail conditions and reduces from 90 days to 60 days the period in current law that a State must wait before bringing an action for civil penalties; forbids a carrier from discharging or discriminating against an employee for filing a complaint, instituting a proceeding, or testifying in a proceeding relating to safety violations or for refusing to work under hazardous conditions; codifies the protection currently granted rail employees, who are not covered by OSHA, under which they may seek similar protection through normal grievance procedures established under section 3 of the Railway Labor Act; provides that safety specialist inspectors employed by DOT receive a GS-13 rating and regular safety inspectors a GS-12 rating; requires DOT to issue, within two years, regulations insuring the safe construction, maintenance, and operation of passenger equipment; and authorizes the Secretary to enter into agreements with States for investigation and surveillance activities under the Safety Appliance, Locomotive Inspection, Signal Inspection, Hours of Service, and Accident Reports Acts to provide the FRA with the ability to assure that State agencies make maximum contributions to the railroad safey effort. S. 2730—Public Law 96-423, approved October 10, 1980. (VV)

Rock Island bankruptcy: Makes available $25 million from the fiscal 1980 Department of Transportation Appropriations Act (Public Law 96-131) to the Interstate Commerce Commission (ICC) to continue service for 45 days from the date of enactment over those lines of the Rock Island Railroad which were in operation on March 1, 1980, and for 30 days on those lines of the Milwaukee Railroad that are (1) included in a reorganization plan approved by the ICC, or (2) included in initial bids for purchase of lines outside of such a reorganization plan, in order to avoid excess disruption in transportation services provided by the railroads during their reorganization; permits the ICC to provide directed service on the Milwaukee only in the event that the Secretary of Transportation determines that such service cannot be continued under the Emergency Rail Service Assistance Act; provides, under specified conditions, for a first-hire status by all other rail carriers to those persons who were employed by the Rock Island Railroad on March 1, 1980, and who are separated prior to September 30, 1980, due to reduction in force; provides guaranteed obligations of not to exceed $50 million to provide employee protection of which $30 million is to be an administrative expense of the estate of the Rock Island Railroad and $20 million to take priority below claims of general unsecured creditors of the railroad but above claims of common stockholders; authorizes $750,000 for fiscal 1981 to cover administrative expenses of the Railroad Retirement Board; makes available not less than $25 million in funds previously authorized under the Railroad Revitalization and Regulatory Reform Act of 1976 to encourage the purchase of Rock Island lines by non-carrier entities including associations of railway labor, employee coalitions, and shippers, pursuant to a feasible employee or employee-shipper ownership plan; directs ICC to give preference to proceedings involving Rock Island and imposes time limits on applications for interim emergency service and for sale and transfer; gives the Federal Railroad Administration discretionary authority to grant exemptions from the Safety Appliances Act to encourage the development or implementation of new rail technology; and encourages the implementation of an employee stock ownership plan (ESOP) for ConRail by providing indemnification for liabilities incurred in the establishment of the plan. S. 2253—Public Law 96-254, approved May 30, 1980. (VV)

Shipbuilding contracts: Makes permanent the authority of the Secretary of Commerce, under section 502(a) of the Merchant Marine Act, 1936, as amended, to accept negotiated contracts for Government-subsidized vessel construction. H.R. 5913—Public Law 94-210, approved March 17, 1976. (VV)

Towing Safety Advisory Committee: Establishes, within the Department of Transportation, a five-year, 16-member Towing Safety Advisory Committee to consult with, advise, and make recommendations to the Secretary on matters relating to shallow-draft inland and coastal waterway navigation and towing safety; provides that the advisory committee's proceedings shall be open to the public; and authorizes therefor such sums as necessary for administrative services provided by the Coast Guard in support of the committee's business. H.R. 6242—Public Law 96–380, approved October 6, 1980. (VV)

Transportation laws codification: Amends subtitle IV of title 49, U.S.C. (Transportation Laws) to codify recent law and improve the Code without substantive change. H.R. 3807—Public Law 96–258, approved June 3, 1980. (VV)

Truck safety: Seeks to combat the increasing number of deaths, injuries, and property damage due to commercial motor vehicle accidents by promoting highway safety, encouraging safe operation and maintenance of commercial motor vehicles, and protecting the health and safety of commercial motor vehicle operators;

Develops new regulatory authority and enforcement tools to promote commercial motor vehicle safety; provides for coverage of specified commercial motor vehicles in or affecting commerce including any weighing at least 10,000 pounds any transporting hazardous materials and any which carry ten or more persons; exempts any vehicle engaged in farming activities or logging operations;

Increases civil and criminal penalties for violations of commercial motor vehicle health and safety requirements; imposes a fine of up to $500 per violation for failure to fulfill recordkeeping requirements with each day counted as a separate offense, and an overall ceiling of $10,000 on any single violation; directs the Secretary of Transportation to investigate any nonfrivolous complaint concerning a material violation which is occurring or has occurred within the preceding 60 days of the complaint;

Contains provisions to protect an employee from discharge, discipline, or discrimination if he or she refuses to operate a vehicle due to the employee's apprehension of serious injury to their person or to the public due to the unsafe condition of the equipment; directs the Department of Labor to investigate employee complaints when discrimination is alleged and if a violation is discovered, to order affirmative action to abate the violation including such remedies as reinstatement and specified compensation and damages;

Establishes uniform maximum national standards for trucks using the interstate system of 80,000 pounds weight and 102 inches wide:

Authorizes $50 million in fiscal 1981, $100 million in 1982, and $100 million in 1983 to carry out a program of matching grants (80 percent Federal 20/percent State) for State development or implementation of programs to enforce commercial motor vehicle safety laws and regulations; requires formulation of procedures for submission of State enforcement plans; allows a State to adopt additional or more stringent safety rules if they do not create a burden on commerce or are not inconsistent with Federal rules;

Establishes a Commercial Motor Vehicle Safety Advisory Committee composed of the Secretary of Transportation and 15 members appointed by the Secretary who are experienced in the safety regulation of commercial motor vehicles or technically qualified by training, experience, or knowledge, to evaluate commercial motor vehicle safety requirements to advise, consult with, and make recommendations on matters relating to DOT activities and functions in the field of commercial motor vehicle safety;

Requires the Secretary to report to Congress within one year on the advisability of establishing a national commercial driver register; requires a study of health hazards facing truck drivers;

Gives the Department of Transportation, instead of the Interstate Commerce Commission, sole authority to make determinations of the safety aspects of the "fit, willing, and able" requirement that specified carriers must meet to operate commercial motor vehicles; and contains a savings provision to provide for the continuation of all present rules, regulations, standards, orders, or determinations relating to commercial motor vehicle safety until modified by the Secretary. S. 1390—Passed Senate February 20, 1980. (*43)

Trucking deregulation: Amends title 40, U.S.C., to eliminate unnecessary Federal regulation of motor carriers and to encourage competition as a means of maintaining and improving a sound, privately-owned motor carrier system;

Entry policy: Eases entry by new firms into the industry and expansion of operations by existing firms; shifts the burden of proof to companies opposing the entry which must show that the service is not in the public interest; eliminates the entry test of meeting public necessity for: points not regularly served by a regulated carrier; transportation as a substitute for abandoned rail service; transportation of food by owner-operators, small shipments, and for some service for the Federal government; specifically prohibits the issuing of "master certificates" based on general findings; limits protests to an application to those who are already licensed to perform the service, or who have applied previously for the authority, or those to whom the ICC grants leave to intervene; limits protests to an application to serve as a common carrier to those who already are authorized to perform the service or who applied previously for the authority, or those to whom the ICC grants leave to intervene; prohibits any contract motor carrier from protesting any application;

Removal of restrictions: Directs the ICC to process individual applications to remove restrictions from certificates and permits; and directs the ICC, within 180 days of enactment, to eliminate all rules requiring truckers to stop at specific gateway points or take circuitous routes;

Exemptions: Exempts from ICC regulation the transportation of animal feed, agricultural seeds, and plants; specified transportation by a subsidiary of a corporation for another unit of the corporation for a fee if the subsidiary is wholly owned and notice given to the ICC, including a list of subsidiaries involved; transportation by motor vehicles incidental to U.S. air transport, and to the extent approved by the CAB by a foreign air carrier; used pallets and containers and other used shipping devices; and transport of crushed volcanic rock for decorative purposes, and wood chips;

Food transportation savings: Makes it clear that subtracting transportation savings from the delivered price of goods is not a violation of the Robinson-Putnam Act; and states the sense of Congress that these savings should be passed on to the ultimate consumer;

Ratemaking flexibility: Prohibits the ICC from interfering with rate changes proposed by a motor carrier if they are not ten percent higher than the rate in use one year prior to the effective date of the proposed change, or ten percent lower than the charge in effect July 1, 1980; allows the ICC to increase the flexibility zone maximum by an additional five percent per year if it determines that competition warrants the change; limits the scope of collective ratemaking and restricts rate bureaus; and eliminates collective ratemaking on single-line rates beginning January 1, 1984:

Antitrust immunity: Authorizes the continuation of motor carrier rate bureaus but phases out after three years the antitrust immunity now granted to truckers discussing or voting on single line rates; authorizes a study commission to review the need for continued antitrust immunity and report to the President and the Congress by July 31, 1982;

Miscellaneous: Prohibits "lumping", the practice of requiring that persons who own or operate motor vehicles be assisted in loading or unloading their vehicles; and establishes civil and criminal penalties for violations; allows a food seller to compensate a customer for picking up commodities at the seller's dock;

Directs the ICC to license an applicant to be a broker for transportaiton of property if the applicant is "fit, willing and able"; directs the Secretary of Agriculture to develop regulations for the use of written contracts governing the interstate movement by motor vehicle of exempt agricultural commodities;

Increases the total value of outstanding securities and other obligations of motor carriers exempt from ICC regulation from $1 million to $5 million and of notes of less than two years maturity from $200,000 to $1 million; and increases the aggregate gross operating level below which a carrier is exempt from regular merger requirements from $300,000 to $2 million;

Directs the Secretary of Transportation and the ICC, in consultation with State agencies and the motor carrier industry, to develop recommendations to be made to Congress to provide a more efficient and equitable system of State regulations for interstate motor carriers; directs the ICC to make an investigation and study of motor carrier service to small communities;

Permits common carriers to enter into pooling agreements, which the ICC shall approve without a hearing unless it determines that it is of major transportation importance and there is a substantial likelihood that the agreement will unduly restrain competition;

Authorizes the ICC to require establishment of through routes (with more than one carrier performing the haul) and joint rates between motor carriers and water and rail carriers; prohibits the ICC from requiring a carrier to reduce any "through" route to substantially less than the entire length of its route except as specified;

Authorizes the ICC to grant a carrier, for up to 270 days, temporary or emergency temporary authority to provide transportation to a place having no current service capable of meeting its immediate needs;

Amends the nonrail hearing and appellate process for reaching an initial decision and for deciding an application for rehearing, reargument, or reconsideration; sets specific time deadlines for processing applications; permits the ICC to prescribe specified recordkeeping and filing requirements and to conduct inspections of agricultural cooperatives engaged in motor carrier transportation; directs the Secretary of Transportation to set minimum levels of insurance for both regulated and nonregulated carriers; establishes minimum levels of financial responsibility; prohibits taxation of motor carrier property deferment from other commercial and industrial property; permits common and contract carriers to deliver or receive piggyback trailers from rail carrier routes; and directs the Secretary of Labor to publish comprehensive lists of jobs available with regulated carriers and to assist jobless former employees of regulated carriers to find other employment. S. 2245—Public Law 96–296, approved July 1, 1980. (*78)

Urban mass transportation: Authorizes a total of $25.1 billion for fiscal 1981 through 1985 for the Urban Mass Transit Administration (UMTA) of the Department of Transportation, plus such sums as may be necessary for administrative expenses; adds a supplemental 1980 authorization of $400 million; provides five-year total authorizations of $13.9 billion for urban discretionary capital grants, including $9.5 billion for urban formula grants, $650 million for section 18 small urban and rural grants, and approximately $980 million for research, development, and demonstration projects;

Requires the Secretary of Transportation to develop an allocation plan to use as the basis for the distribution of grant funds for rail modernization and rehabilitation projects; reserves 75 percent of these funds for distribution according to this plan; requires the Secretary to submit a proposed final allocation plan to the Senate and House authorizing committees by January 1, 1982; provides that the allocation plan would become final when approved by both Houses of Congress by concurrent resolution;

Gives the Secretary the authority to use up to $150 million annually to purchase transit vehicles and related equipment directly and then grant ownership of these vehicles and equipment to States and local public bodies in urbanized and non-urbanized areas;

Requires the Secretary to give the House and Senate authorization committees written notice 30 days in advance of the issuance of a formal letter of intent to obligate additional funds for large multi-year capital projects from future available budget authority;

Amends Section 4 of the Urban Mass Transit Act to authorize for fiscal years 1981 through 1985, $2.490 billion, $2.625 billion, $2.775 billion, $2.930 billion, and $3.090 billion respectively for Discretionary Grants; $100 million, $85 million, $90 million, $95 million, and $100 million respectively for research and development and university research; $10 million each year for transportation centers; and $110 million, $120 million, $130 million, $140 million, and $150 million respectively for nonurbanized areas;

Extends authorizations for the formula grant program through fiscal 1985 to provide $1.665 billion in 1981, $1.805 billion in 1982, $1.925 billion in 1983, $2.025 billion in 1984, and $2.125 billion in 1985; deletes the formula grant authorization for fiscal 1981 and 1982, which was designed to allow distribution of funds among several tiers; substitutes a single dollar authorization in 1981 for the whole program and funds each tier as a percentage of that total authorization to closely approximate the amounts of the prior authorization;

Makes a permanent change in the basic mechanism for distribution of funds under the formula grant program, except for cities with populations between 50,000 and 200,000, effective in fiscal 1982, by establishing rail and bus revenue vehicle miles as the sole element of the distribution formula; provides that 80 percent of these funds be appropriated on the basis of each area's ratio of bus and rail revenue vehicle miles to the total in all areas; allocates the remaining 20 percent proportionately according to the ratio of bus revenue miles only, and provides that the funds shall be available only for the purchase of buses or related equipment; permits funds to be apppropriated a year in advance of the fiscal year in which they will be obligated by UMTA to give State and local governments advance notice of the formula apportionment that they can expect the following year; adds a new incentive formula grant program to Section 5 starting in fiscal year 1983 to help increase transit ridership and encourage stable and reliable sources of non-Federal funds by rewarding urbanized areas based on increases in ridership and on the ratio of operating revenues and dedicated tax sources to total eligible operating costs;

Requires that the Secretary not approve any program after July 1, 1982, unless he or she finds that energy conservation has been adequately considered in the development of capital and operating expense projects; revises the definition of fixed guideway to specify that rails used exclusively for transit are to be included in the formula grant apportionment; strengthens and clarifies the existing authority of the Secretary to investigate safety conditions; makes the Buy American Program apply to all projects costing more than $500,000;

Restricts fiscal 1982 spending to the 1980 level if the amount of paperwork which UMTA requires of business, private persons, and State and local governments in 1981 exceeds the 1980 level;

Permits the State of Maryland to use revenues from existing transportation facilities to guarantee bonds for a new Baltimore Harbor Tunnel;

Creates a public transportation planning process for non-urban areas to be carried on in cooperation and consultation with appropriate local officials and substate planning agencies; and provides that each State shall receive no less than one percent of the funds for non-urban transportation programs;

Establishes a formula for bus capital funds for 1981 for cities with population over 200,000 based on each city's ratio of bus revenue vehicle miles to the total for all cities; allows use of medicare cards as proof of eligibility for reduced fare ridership for elderly or handicapped persons; establishes a program for transportation of handicapped persons which would allow localities under 50,000 to present a plan for the Secretary's approval for special transportation services; requires cities from 50,000 to 750,000 to equip 50 percent of new buses for access by the handicapped; and requires cities over 750,000 to equip all new buses for access by the handicapped;

Federal-aid Highway Amendments of 1980: Limits obligations for Federal-aid highways and highway safety construction programs for fiscal 1981 to $8.45 billion; provides that 80 percent of these funds shall be distributed to the States according to the current State ratio, and the remaining 20 percent shall be allocated by the Secretary after August 1, 1980, for projects in States which have obligated all their funds; and

Emergency impacted rail and highway transportation: Authorizes $250 million in fiscal 1981, increasing by $50 million each year through 1985, for roads affected by the transportation of heavy bulk energy material. S. 2720—Passed Senate June 25, 1980. (*235)

Vessel documentation: Authorizes the documentation of the privately-owned vessel, *Kailua*, as a vessel of the United States with the privileges of engaging in domestic coastwise trade. S. 2476—Passed Senate June 20, 1980. (VV)

Authorizes the documentation of the privately owned vessel, *Scuba King* as a vessel of the United States with the privileges of engaging in the fisheries and coastwise trade so long as the vessel is owned by a U.S. citizen. S. 762—Passed Senate August 18, 1980. (VV)

Authorizes the documentation of the vessels *Sara, Aurelia Four Alice. Albatross, Hillbilly I, Scuba King,* and *Kailua* as vessels of the United States with the privileges of engaging in coastwide trade as long as each vessel is owned by a U.S. citizen; requires, with respect to the vessel *Sara*, that it be operated for a nonprofit purpose and authorizes the vessel *Scuba King* to engage in the U.S. fisheries; directs the Secretary of Commerce, acting with the Secretary of Navy, to prepare specifications for national defense features to be installed on vessels of the national defense reserve fleet, vessels requisitioned, chartered or purchased by the Maritime Administration, vessels which are security for government guaranteed loans under the 1936 act, and vessels subject to an agreement between the owners and Secretary of Commerce; and provides for priority treatment of a vessel at a coal pier for the purpose of loading coal when the coal designated for that vessel is present at the terminal and available for loading. S. 1442—Public Law 96-387, approved October 7, 1980. (VV)

Vessel inspection and manning laws: Amends current law to update the manning and inspection statutes for small commercial and special purpose industrial vessels under 1,600 gross tons to provide uniform inspection standards and encourage the development of career patterns in the maritime industry; provides that vessels less than 100 gross tons, carrying passengers or freight for hire would be inspected and manned under the Small Vessel Manning Act; gives the Coast Guard the flexibility to prescribe the manning it deems necessary for vessels between 100 and 300 gross tons; retains current requirement that vessels 200 tons or over navigating in the high seas would have to have masters, mates, and engineers licensed by the Coast Guard and those 300 gross tons or over must be navigated with a licensed deck officer and a licensed engineer; retains the existing able seaman requirement under present law but adds two new types of less qualified able seamen to provide the necessary flexibility in meeting able seamen manning requirements for all classes of commercial vessels; and reduces, from 19 to 18 years, the minimum age requirement for able seamen to be consistent with international standards. H.R. 5164—Public Law 96-378, approved October 6, 1980. (VV)

TREATIES

Atomic energy agency safeguards agreements: Provides for enforcement in the U.S. of safeguards in all nuclear facilities, except those of direct national security significance, in accordance with international standards. Ex. B, 95th-2d—Resolution of Ratification agreed to July 2, 1980. (*302)

East German Consular Convention: Establishes consular relationships between the U.S. and the German Democratic Republic that are modeled after those contained in the most recent series of consular conventions negotiated with various countries particularly those of Eastern Europe; clearly delineates such obligations as free communication between a citizen and his or her consul, notification to consul officers of the arrest and detention of their citizens, and permission for consuls to visit those detained; and authorizes the consuls of both countries to perform the customary wide variety of other consular services which contribute to the improvement of both governmental and commercial interaction between countries. Ex. F, 96th-2d—Resolution of Ratification agreed to July 2, 1980. (*301)

Endangered species international trade convention amendment: Establishes an explicit legal basis for parties to the Convention on International Trade in Endangered Species to provide financial support necessary to carry out the work of the Convention. Ex. O, 96th-2d—Resolution of Ratification agreed to September 17, 1980. (*411)

Food and Convention: Supercedes the provisions of the 1971 Food Aid Convention as one of two conventions composing the 1971 International Wheat Agreement; raises the minimum annual food aid commitments of the 12 donor countries which are members from 4.3 million metric tons to 7.6 million metric tons of cereal grains or their cash equivalent, thereby raising the U.S. minimum annual food aid commitment from 1.89 million metric tons to 4.47 million metric tons; includes rice as an acceptable form of food aid, though it will not be equivalent on a ton-for-ton basis to other grains in meeting a member's annual obligation; and changes the method of valuing contributions of members which chose to contribute in cash to more accurately reflect prevailing prices and therefore maintain the real value of these contributions. Ex. G, 96th-2d

Resolution of Ratification agreed to September 17, 1980. (*408)

Halibut Fishery Convention With Canada: Brings the 1953 Convention Between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea into conformity with the terms of the U.S. Fishery Conservation and Management Act of 1975 (FMCA) and a Canadian Proclamation of 1977 which extended the exclusive fisheries jurisdictions of each country to a point 200 miles off their coasts; limits Canadian fishing in U.S. controlled waters to 1.2 million pounds of halibut in 1980; allows U.S. trawling in Canadian waters for 3,250 metric tons of groundfish in 1980 and none thereafter; provides, for both the U.S. and Canada, power to apply and enforce penalties for violations of the Convention in their respective areas of exclusive jurisdiction; reduces the period of notice either party must give before termination from two years to one year; and continues the joint management of transboundary halibut through the International Pacific Halibut Commission. Ex. DD, 96th-1st—Resolution of Ratification agreed to March 20, 1980. (*57)

IMCO convention amendments: Streamlines the structure and functions of the Intergovernmental Maritime Consultative Organization (IMCO) whose name when the amendments enter into force will be changed to the International Maritime Organization, to accommodate its increased size and workload and to formalize the status of the Legal Committee, the Marine Environment Protection Committee, and the Committee on Technical Cooperation in order to place these bodies on the same footing as the Maritime Safety Committee. Ex. S. 96th-1st—Resolution of Ratification agreed to July 2, 1980. (*298)

Inter-American Institute for Cooperation on Agriculture Convention: Strengthens and expands the mandate of the Inter-American Institute for agricultural science which will be renamed as the Inter-American Institute for Cooperation on Agriculture (IICA); provides that the Institute will consist of three principal organs—the Inter-American Board of Agriculture, the Executive Committee, and the General Directorate and that the Board be comprised of one representative from each member state. Ex. HH. 96th-1st—Resolution of Ratification agreed to September 17, 1980. (*413)

International carriage of perishable foodstuffs: Establishes uniform inspection requirements for transportation equipment which moves perishable foodstuffs across national borders; requires that all "insulated, refrigerated, or heated" equipment utilized to ship perishable foodstuffs into contracting States meet certain minimum standards set forth in the Annex to the Agreement; requires contracting States to inspect and test such equipment, issue certificates of compliance, and recognize the validity of certificates issued by other Contracting States; applies the terms of the Agreement to all transport equipment except that used in sea voyages of more than 150 kilometers; sets forth a procedure whereby this Agreement can be amended; and provides each contracting Nation with a veto over any proposed amendment. Ex. B. 96th—1st—Resolution of Ratification agreed to March 20, 1980. (*60)

International natural rubber agreement: Seeks to stabilize short-term natural rubber price fluctuations and at the same time encourage the expansion of natural rubber supplies over the long term; provides for the use of buffer stocks which will be bought or sold at various times, triggered by movements of natural rubber prices around an agreed reference price; provides for an initial purchase for the buffer stocks of 550,000 metric tons, to be held in both exporting and importing member countries; sets an initial reference price of 45 cents per pound; allows market forces to operate if the price fluctuates no more than 15 percent from the reference price; provides that the buffer stock managers may sell stocks if the price exceeds the reference by 15 to 20 percent, and buy rubber if the price is 15 to 20 percent below the reference; requires the manager to sell or buy if the price rises more than 20 percent above or falls more than 20 percent below the reference, respectively; and sets upper and lower indicative prices of 58 and 32 cents per pound, respectively, beyond which the price stabilization bands may not be adjusted. Ex. D, 96th—2d—Resolution of Ratification agreed to May 22, 1980. (*156)

International wheat agreement extension protocols: Continues U.S. participation in the 1971 Wheat Trade and Food Aid Conventions, which together constitute the International Wheat Agreement (IWA), until June 30, 1981; permits the U.S. to make good on its share (14 percent) of the annual administration expenses of the IWC, in fiscal 1980 and 1981; and provides that, if the Wheat Council determines that maximum and minimum prices or purchases and supply obligations are capable of successful negotiation, it shall request the Secretary General of the United Nations Conference on Trade and Development to convene a negotiating conference. Ex. FF, 96th—1st—Resolution of Ratification agreed to September 17, 1980. (*409)

Load lines convention amendment: Expedites the procedure for amending the technical annexes to the 1966 International Convention on Load Lines by providing for their tacit acceptance after two years unless objections are deposited by more than a third of the contracting parties or by parties whose combined merchant fleet is at least 50 percent of the gross tonnage of all the contracting parties. Ex. GG, 96th-1st—Resolution of Ratification agreed to July 2, 1980. (*299)

Maritime Search and Rescue Convention: Establishes a multilateral framework for rescuing persons at sea and provides a comprehensive approach to international search and rescue for world shipping; reemphasizes the longstanding maritime tradition that assistance be provided to any person in distress at sea, regardless of the person's nationality or status, or the circumstances in which that person is found; directs parties to the Convention to reach agreement on the boundaries of "search and rescue regions" and the division of responsibilities for overall coordination of search and rescue services in these regions; sets forth procedures for search and rescue services with regard to cooperation among States; preparatory measures to ensure readiness; what operating procedures to be followed during a search and rescue operation, and ship reporting systems to be instituted to provide timely information on the location of ships in the various search and rescue regions; and provides that technical amendments shall automatically become effective one year after communicated to the parties, unless more than one-third of the parties object. Ex. J. 96th-2d—Resolution of Ratification agreed to July 2, 1980. (*300)

Ocean dumping convention amendments: Provides a system for arbitration and settlement of disputes arising in the interpretation and the application of the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes. Ex. I. 96th-1st—Resolution of Ratification agreed to September 17, 1980. (*412)

Pollution from ships prevention convention protocol: Incorporates the 1973 Convention for the Prevention of Pollution from Ships (the acceptance of which has been delayed as a result of Annex II of that agreement which details measures for the control of 250 noxious chemical liquids carried in bulk); provides that parties to the protocol will not be bound by the provisions of the Annex II for a period of three years from the date the protocol enters into force; requires new crude carriers of 20,000 dead weight tons (dwt) and above, and new product carriers above 30,000 dwt to be fitted with protectively-placed segregated ballast tanks; requires existing crude carriers of 40,000 dwt and above to be fitted with segregated ballast tanks, clean ballast tanks or crude oil washing option will lapse after two years for crude carriers of 70,000 dwt and above and after four years for crude carriers of 40,000 to 70,000 dwt; and requires existing produce carriers of 40,000 dwt and above to be fitted with clean or segregated ballast tanks. Ex. C. 96th-1st—Resolution of Ratification agreed to July 2, 1980. (*296)

Psychotropic substances convention: Places psychotropic (mind altering) drugs under international controls which (1) ban the use of hallucinogens except under direct governmental supervision for research purposes in medical or scientific institutions; and (2) require nations to limit by measures they consider appropriate the manufacture, export, import, distribution, use, and possession of all psychotropic substances to medical and scientific purposes. Ex. G. 92d-1st—Resolution of Ratification agreed to March 20, 1980. (*59)

Radio regulations revision: Updates the International Radio Regulations as they apply to aeronautical communication to take into account the present technological state of the art and the increasing demands on these frequencies. Ex. B. 96th-2d—Resolution of Ratification agreed to September 17, 1980. (*410)

Safety of life at sea convention protocol: Improves the international safety standards of ships, beyond the level provided for in the 1974 Safety of Life at Sea Convention, by strengthening the standards governing radar equipment and the inspection and certification for all ships, and the steering mechanism and fire safety systems for tankers in particular; restricts the validity of cargo ship construction certificates to five years without possibility of extension, and increases the frequency of inspection of vessels; requires new and existing tankers to have independently operable remote steering gear control systems; requires all ships to be fitted with at least two radars, each capable of being operated independently of the other; establishes a timetable for fitting the cargo holds of tankers with inert gas systems to minimize the dangers of fire and explosion; and requires that parties apply the requirements of both the Convention and the Protocol to the ships of non-parties to the extent necessary to insure that no more favorable treatment is given to such ships. Ex. D. 96th-1st—Resolution of Ratification agreed to July 2, 1980. (*297)

Salmon fisheries protocol with Canada: Amends the Convention between the United States and Canada to increase the size of the Advisory Committee to the International Pacific Salmon Fisheries Commission from six to seven members from each country, to enable the United States to provide for a native Indian adviser. Ex. G, 95th-1st—Resolution of Ratification agreed to March 20, 1980. (*58)

Treaty with Peru on penal sentences: Permits citizens of either country who have been convicted in the courts of the other nation to serve their sentences in their home country provided the consent of the prisoner and the approval of both governments are obtained; applies these provisions to prisoners who have been convicted and sentenced for an offense which both parties recognize as a crime provided that the prisoner is a national of the receiving state, the sentence is final and all appeal procedures complete, and that the provision of the sentence, excluding the period of confinement, has already been complied with; and makes the treaty not applicable when a prisoner has received the death sentence, been convicted of a purely military offense, or has less than six months remaining to serve at the time the petition for transfer is made. Ex. II, 96th-1st—Resolution of Ratification agreed to March 25, 1980. (*61)

Venezuelan Maritime Boundary Treaty: Establishes permanent maritime boundaries and eliminates overlapping jurisdictional claims between the United States and Venezuela; and provides that: the parties to the agreements will not claim or exercise for any purposes sovereign rights or jurisdiction over the waters or seabed or subsoil delimited to the other party; the maritime boundaries established shall not affect or prejudice in any manner the position of any Party with respect to the extent of internal waters of the territorial sea, of the high seas or of the sovereign rights or jurisdiction for any other purpose; the maritime boundaries are geodetic lines which connect various points depicted in the treaty and that the coordinates are determined with reference to internationally accepted data and standards; and disputes arising from the interpretation of the treaty will be resolved by negotiations between the two governments. Ex. G, 96th-1st—Resolution of Ratification agreed to September 17, 1980. (*414)

U.S. TERRITORIES

Omnibus territories: Provides for fiscal 1981 and beyond an open ended authorization for the operation of the civil government of the Trust Territory, which includes funds for completion of the capital improvement program, a basic communications system, and a feasibility study and construction of a hydroelectric facility on Ponape; requires the Secretary of the Interior, using existing authorities, to submit to Congress, no later than January 1, 1981, a plan for a comprehensive health care and environmental monitoring program, which is in addition to the existing program under Public Law 95-134, taking into consideration the different needs of Bikini, Eniwetok, Ronglap, and Utirik Atolls in the Northern Marshall Islands which were affected by radiation as a result of U.S. nuclear weapons testing between 1946 and 1958 and authorizes, effective October 1, 1980, from funds authorized to the Department of Energy, such sums as may be necessary to implement the program; amends current law to provide additional warranted compensation for a limited number of persons who were victims of radioactive fallout from the March 1, 1954, thermonuclear detonation at Bikini Atoll in the Marshall Islands; provides for continuance of Federal health and education programs in the Trust territory and their successor governments until terminated by Congress; authorizes $24.4 million to establish a grant program for health care needs of the residents of the Northern Mariana Islands; authorizes the Secretary of Treasury to enter into a contract with the Northern Mariana Islands for the purpose of establishing a local tax code; sets January 1, 1982, as the date of implementation of the new tax code; repeals the prohibition on the award of interest under the Guam Land Claims provisions of Public Law 95-134; forgives the interest on loans made to Guam to assist in the rehabilitation of the island due to damage caused by World War II and Typhoon Karen and credits the interest paid against the outstanding principle; modifies, and extends for ten years, the loan guarantee program for the Guam Power Authority; transfers to the Virgin Islands, certain lands which the U.S. acquired from Denmark and did not reserve or retain in accordance with provisions of Public Law 93-435; and releases the Virgin Islands, upon payment of the outstanding principle, from the mortgage on approximately ten acres of land for construction of the proposed St. Croix Armory; prohibits any change in the existing lease on Water Island before 1992 without Congressional approval; authorizes the U.S. to retain the funds attributable to the cost of collecting customs, duties, and fees on petroleum products between August 18, 1978, and January 1, 1982, with all other deductions remitted pursuant to the Virgin Islands Revised Organic Act; repeals the deficit authorization contained in Public Law 95-348; authorizes the Virgin Islands to levy excise taxes on articles as soon as they are brought into the Islands; directs the Administrator of GSA to transfer to the Virgin Islands, within two years of enactment, title of the former District Building located on Norre Gade; extends the guaranteed bonding authority for the Virgin Islands for five years with a provision that any funds guaranteed but not obligated at the expiration of that period would be returned to the Federal Government; authorizes the Secretary of the Treasury, effective October 1, 1980, to assist the Governor of American Samoa in collecting all customs duties derived from American Samoa; requires the Department of Interior to waive matching requirements on Federal grant programs to the territories; directs Federal agencies to waive any requirement for local matching funds under $100,000 from American Samoa or the Northern Mariana Islands; authorizes the territories to use Federal services on a reimbursable basis; requires the Secretary of the Interior to notify Congress prior to any storage of spent nuclear fuel or radioactive waste in any territory; clarifies Puerto Rico's jurisdiction over its submerged lands; and transfers to Guam, the Virgin Islands, and American Samoa the mineral rights reserved to the Federal Government under the Territorial Submerged Lands Act. H.R. 3756—Public Law 96-205, approved March 12, 1980. (VV)

VETERANS

Interagency medical resources: Clarifies and expands the authority of the Veterans' Administration and the Department of Defense as direct health care providers in order to facilitate Federal interagency sharing of medical care and medical care support resources. S. 2958—Passed Senate September 29, 1980. (VV)

Italian-American War Veterans of the United States, Inc.: Grants a Federal charter to Italian-American War Veterans (IAWV) of the United States, a nonprofit national service organization founded in 1932, comprised of honorably discharged veterans and whose primary objective of stimulating patriotism and good will among veterans through a broad range of community related activities. S. 2542—Passed Senate December 1, 1980. (VV)

Survivors benefits: Amends title 10, U.S.C., to remove certain inequities in the Survivor Benefit Plan (SBP) as follows: Provides that the SBP annuity not be offset by more than 40 percent by social security; conforms the method of calculating the cost to the military member under the SBP to that of the civil service system; provides an annuity to widows or widowers whose spouses died on active duty before September 21, 1972, and who were eligible for retirement at the time of their death; allows totally disabled veterans to suspend payments into the SBP (from which they would receive no benefits in that their dependency and indemnity compensation (DIC) benefits from the VA cancel out their SBP benefits), and eliminates the social security offset for the survivor of a reservist whose combined reserve and civilian earnings exceed the maximum wages subject to social security taxes during all of their military service. S. 91—Public Law 96-402, approved October 9, 1980. (VV)

Veterans disability compensation and housing benefits: Provides, effective October 1, 1980, a (1) 14.3 percent increase in the basic compensation rates for veterans rated 50 percent or more disabled and, for veterans more severely disabled, the annual clothing and dependents allowances, and DIC benefits payable to the surviving spouses and children of veterans whose deaths were service connected, and (2) 13 percent increase in the rates for veterans rated from ten through 40 percent disabled; provides for limited specially adapted housing grants, up to $5,000, and eligibility for direct home loans, to certain veterans who, as a result of a service-connected disability, are totally blind or have lost the use of both upper extremities; permits veterans who have used their VA loan-guaranty entitlement in obtaining a loan for the purchase of a conventional home, condominium, or mobile home to refinance the loan, at a lower interest rate with a VA loan guaranty; increases from $25,000 to $27,500 the maximum VA loan guaranty for a conventional home or condominium and from $17,500 to $20,000 the maximum amount for a mobile home, mobile home lot, or both; extends from September 30, 1981, to September 30, 1985, the VA's authority to maintain a regional office in the Philippines; provides that headstones or markers may be furnished for the grave of a veteran or member of the veteran's immediate family who is buried in a State veterans cemetery; removes, effective October 1, 1980, the prohibition on the concurrent receipt of military retired pay and VA need-based pension benefits; limits DIC benefits payable to a service-connected disabled veteran convicted of a felony and sentenced to prison; makes records and documents created by the VA as part of the agency's medical quality assurance program privileged and confidential and bars their disclosure except in specified circumstances; amends the American Battle Monuments Commission to provide personnel for the care and maintenance of cemeteries overseas where American Servicemen are buried; authorizes the VA to convey to the city of Cheyenne, Wyoming, certain land for the expansion and improvement of a roadway. H.R. 7511—Public Law 96-385, approved October 7, 1980. (VV)

Veterans' health care: Maintains and improves the quality, scope, and efficiency of health-care services provided veterans under the Veterans' Administration health care system;

Health-care personnel amendments: Revises, extends, and improves various VA health-care programs designed to recruit and retain sufficient qualified capable health-care personnel, including physicians, dentists, nursing personnel, allied health personnel, and other employees in the Department of Medicine and Surgery (DM&S) and makes needed improvements in various aspects of the VA's health-care personnel system; increases the rates of special pay for eligible DM&S physicians and dentists by restructuring the computation of such pay, and making the program permanent; allows amounts of special pay received by full-time and part-time dentists to be used for determining amounts of life insurance coverage and for computing an annuity under the civil service personnel system; requires the Administrator to monitor the impact of the special pay authority on the VA's ability to recruit and retain physicians and dentists and to report annually to Congress; removes top DM&S personnel who are hired under the authority of title 38 from coverage by the Senior Executive Service under title 5, U.S.C.; allows the Administrator to assign nurses and other specified personnel to on-call duty on a Federal holiday that falls within a regular workweek; authorizes title 38 premium and overtime pay benefits as now provided to registered nurses and other specified personnel, to be provided to other DM&S personnel determined to be providing either direct patient-care services or services incident to such direct-care services; authorizes the Administrator to adjust the rates of premium and overtime pay for service outside of the normal workday or week paid to nurses and other specified personnel at individual VA health-care facilities when necessary to provide rates competitive with those being paid similar personnel in non-Federal health-care facilities in the same area; authorizes the Administrator to adjust minimum and maximum rates of pay for DM&S personnel providing either direct patient-care services or services incident to such direct-care services on a nationwide, local, or other geographical basis when necessary; mandates a study to be submitted to the Veterans' Affairs Committees within 18 months of enactment on the need and impact of converting various direct patient-care employees presently employed under title 5, U.S.C., to the title 38 pay and personnel system indicating which, if any, of those personnel should be so converted; requires the VA Chief of Staff to serve on a full-time basis; provides that following enactment, employees serving in the DM&S would accumulate civil service retirement credit for such employment at a rate equal to the percentage of their part-time employment for the VA rather than accumulating, as at present, a full month's retirement credit for each month of part-time service; mandates a pilot program and study of the impact on recruitment and retention of sufficient qualified nursing personnel and requires that a report on the results of the pilot program and study be submitted to Congress 42 months after enactment;

VA health professional scholarship program: Authorizes the VA to provide scholarships to students enrolled in physician, nursing, or other professional health training, as necessary to meet staffing needs in exchange for the student's obligation to serve as a full-time employee in the DM&S for a specified period of time; allows a participant to defer serving his or her obligated service while receiving graduate medical education; establishes an amount for a monthly stipend and a basis to adjust the stipend as required to meet cost-of-living increases; specifies that any program participant may not be obligated for service to the Federal Government under any other program: limits the amount of special pay a program graduate would be eligible to receive during the period of obligated employment; requires the Administrator to report, within 180 days, on the status of steps taken to implement the scholarship program and annually on the program;

Geriatric research and care amendments: Authorizes, subject to appropriation, the establishment of up to 15 geriatric research, education, and clinical centers at VA health-care facilities and specifically outlines the requirements and proposed geographic distribution of these facilities; mandates the establishment of a geriatrics and gerontology advisory committee (GGAC) to advise the Chief Medical Director on all geriatrics and gerontology matters and to report to the Administrator its findings, conclusions, and recommendations regarding the geriatric program and VA health care for older veterans; requires the Administrator to transmit the report along with his comments and recommendations to the appropriate congressional committees within 90 days of its receipt; authorizes $10 million for fiscal 1981 and $25 million each for 1982 through 1984 for the basic support of the research and education activities of geriatric centers excluding the clinical component which would continue to be funded from general medical care appropriations; directs the Chief Medical Director to allocate from funds appropriated generally for VA medical care and medical and prosthetics research to the geriatric centers such amounts as he or she determines appropriate and, with respect to fiscal 1984, as determined in light of the GGAC report; makes geriatric clinical and scientific investigation activities eligible for priority funding from the VA's medical and prosthetics research account; requires that one of the eight Assistant Chief Medical Director positions be filled by a physician trained, or having suitable, extensive experience, in geriatrics, who would be responsible to the Chief Medical Director for all geriatric research, education, and clinical health-care policy and evaluation in the DM&S;

VA health-care costs recovery provisions: Strengthens and clarifies VA authority to recover the costs of veterans' non-service-connected care, in appropriate cases, from workers' compensation carriers, auto no-fault insurers, and States that pay for the costs of health care provided to victims of crimes of personal violence; requires an in-depth study by the VA of extent, scope, and duration of the health-plan coverage of veterans admitted to VA facilities for treatment of non-service-connected disabilities, as well as an analysis by the Library of Congress and CBO of the effect on health insurance premiums and VA and non-Federal administrative costs if legislation to require veterans' private health plan insurance carriers to reimburse the VA for the costs of non-service-connected health care provided to their insureds in VA facilities is enacted; and

Miscellaneous amendments: Limits the presumptive validity of an individual's oath of inability to defray the cost of VA medical care to those individuals eligible to receive medical assistance pursuant to title XIX of the Social Security Act, service-connected disabled veterans, or those receiving a VA pension; permits the VA to enter into long-term leases of up to 50 years with affiliated medical schools; requires notification to the Veterans' Affairs Committees 30 days prior to a transfer of real property valued in excess of $50,000 from the VA to another Federal agency; removes the limit on the number of nursing home beds that may be supported in a State under the VA's State veterans' home program; allows VA revolving supply fund reimbursements to be based on the cost of recent significant purchases of the items involved and provides for return to the Treasury at the end of each fiscal year of only such amounts as the Administrator determines to be in excess of supply fund needs; deletes the requirement that grants for the training of nonphysician health care personnel must result in the expansion of the number of health care personnel being trained by the grant recipient; excludes the VA's beneficiary travel funds from the general executive branch travel and transportation funds; and extends, for one year, until February 1, 1981, the study currently being conducted on hospital and medical care in Puerto Rico and the Virgin Islands. H.R. 7102—Vetoed August 22, 1980. House and Senate overrode veto August 26, 1980. Became Public Law 96–330, without approval August 26, 1980. (*382)

Veterans' health care services: Extends the periods of availability of funds committed under the Veterans' Administration program of assistance to new State medical schools; authorizes the U.S. to recover reasonable costs of care and services for nonservice connected disabilities (1) incurred incident to employment and reimbursable under a workers' compensation plan, (2) resulting from a motor vehicle accident where the owner or operator is insured, or (3) resulting from a crime of personal violence occuring in a State in which injured parties are entitled to receive State-provided services for injuries; and authorizes expansion of the scope of an epidemiological study of the long-term health effects on veterans exposed to Agent Orange to include other herbicides, chemicals, medications, environmental hazards or conditions, and directs the Administrator to develop and publish standards and criteria for resolving benefit claims based on exposure to Agent Orange. H.R. 4015—Passed House June 5, 1979; Passed Senate September 26, 1980. (vv)

Veterans' vocational rehabilitation: Revises chapter 31 to update, improve, and expand the Vocational Rehabilitation Program for service-connected disabled veterans, expands the program to include obtaining and maintaining employment and to enable the veteran to achieve independence in daily living; extends the basic eligibility (delimiting) period for participation in a rehabilitation program from nine to ten years, with authority for the Administrator to extend this period under certain conditions; codifies the requirement that chapter 31 programs be subject to VA approval; provides for an evaluation process to determine whether a service-connected disabled veteran applying for benefits has a serious employment handicap and whether the achievement of a vocational goal is feasible; requires the Administrator to formulate, jointly with a veteran who has been determined to have a serious employment handicap and for whom it has been determined that the achievement of a vocational goal is reasonably feasible, an individualized written plan of vocational rehabilitation; provides for a special "appeal process" if the veteran does not agree to either the plan, its redevelopment, or denial of its redevelopment;

Increases by ten percent the existing monthly subsistence allowance rates for veterans participating in chapter 31 programs, and the maximum amount that may be loaned to a participant; authorizes a subsistence allowance to a veteran participating in a rehabilitation program or extended evaluation and for two post-rehabilitation months for a veteran who has a serious employment handicap and is rehabilitated to the point of employability; authorizes a veteran in extended evaluation on less than a full-time basis to be paid a proportional subsistence allowance; provides that a veteran pursuing on-the-job training or work experience as part of a vocational rehabilitation program in a Federal agency, be paid the appropriate rate for an institutional program;

Authorizes veterans participating in chapter 31 programs, and still eligible for an entitlement to educational assistance benefits under chapter 34 (G.I. Bill), to elect to receive, in lieu of a subsistence allowance and certain other forms of assistance specified in chapter 31, an allowance and assistance equal to that provided to veterans enrolled in training under chapter 34; authorizes payment of room and board expenses in lieu of a subsistence allowance; modifies the methods of paying monthly subsistence allowances to incarcerated veterans and to chapter 31 participants who are receiving care in a hospital, nursing home, or domiciliary facility at VA expense; authorizes advance subsistence allowance payments;

Authorizes the Administrator to prescribe regulations governing leaves for veterans pursuing a rehabilitation program, and promoting satisfactory conduct and cooperation on the part of veterans pursuing a rehabilitation program; authorizes a chapter 31 participant to study outside the U.S.; authorizes the use of various Federal facilities, staff, and resources in providing training or work experience as part of a rehabilitation program; authorizes the Administrator to contract with the VA's Department of Medicine and Surgery for use of their facilities and services in providing rehabilitation; authorizes the employment of additional personnel and experts when necessary;

Requires the Administrator to provide employable, service-connected disabled veterans who participated in a chapter 31 or similar program under the Rehabilitation Act of 1973 with a wide range of employment assistance, including direct placement and utilization of various outreach programs; requires the Administrator to cooperate with SBA to assist veterans in securing loans to purchase equipment and to assure that the special consideration afforded veterans under the Small Business Act is actually provided; requires the Administrator to prescribe regulations to authorize payments to employers to defray their direct expenses resulting from the provision of on-the-job training;

Requires the Administrator to establish qualifications for chapter 31 psychologists and employees responsible for the management and followup of rehabilitation services to veterans who have a serious employment handicap, and to carry out and contract for ongoing research programs to advance the knowledge, methods, techniques, and resources available for use in rehabilitation programs; provides for a four-year pilot program through 1985 of contract independent living services and assistance in various geographic regions for those severely disabled veterans for whom the achievement of a vocational goal is determined not to be reasonably feasible; establishes a Veterans' Advisory Committee on Rehabilitation to assess and review VA rehabilitation programs; requires a comprehensive diagnostic evaluation of a service-connected disabled veteran following the adjudication of a disability compensation claim for a 100 percent disability rating on the basis of the veterans' individual unemployability, if there appears to be potential for vocational rehabilitation and employment;

Employment and education: Requires the Administrator, in cooperation with the Secretary of Labor, to actively promote the development and establishment of employment, training, and other employment-related opportunities for veterans; makes the Administrator directly responsible and accountable for the promotion, development, and approval of on-the-job training programs for GI Bill benefits; streamlines and updates the provisions setting forth the criteria for approval of on-the-job training programs; requires the Department of Labor to provide direct secretarial support to veterans' employment representatives assigned to the States; establishes a new Veterans' Employment and Training Outreach Program modeled after the successful Disabled Veteran Outreach Program; provides, effective January 1, 1981, a 10 percent cost-of-living increase in rates of educational assistance and training allowances paid to veterans and eligible persons training under chapters 34, 35 (Survivors and Dependents Educational Assistance Program), and 36 (Administration of Educational Benefits) in lieu of the 15 percent increase approved by the Senate in Title I of H.R. 5288 on January 24, 1980;

Debt collection: Sets forth a procedure for VA collection of debts through deductions from future payments; directs the Administrator to bring suits to recover any debts owed by participants in VA programs; calls for a report describing efforts to implement these provisions; permits the disclosure of amounts paid to beneficiaries of VA programs and permits publication of this information if it is determined to be in the public interest;

Health care cost recovery: Authorizes the U.S. to recover reasonable costs of care and services for nonservice connected disabilities (1) incurred incident to employment and reimbursable under a workers' compensation plan, (2) resulting from a motor vehicle accident where the owner or operator is insured, or (3) resulting from a crime of personal violence occurring in a State in which injured parties are entitled to receive State-provided services for injuries;

Agent Orange: Authorizes expansion of the scope of an epidemiological study of the long-term health effects on veterans exposed to Agent Orange to include other herbicides, chemicals, medications, environmental hazards or conditions, and directs the Administrator to develop and publish standards and criteria for resolving benefit claims based on exposure to Agent Orange. S. 1188—Passed Senate September 4, 1980. Note: (The vocational rehabilitation provisions are contained in H.R. 5288 which became Public Law 96-466, and the provisions on health care cost recovery and Agent Orange are contained in H.R. 4015 as a Senate amendment.) (*389)

Vocational rehabilitation—G.I. bill amendments: Comprehensively restructures the VA rehabilitation programs under chapter 31 of title 38, U.S.C., generally as passed by the Senate in S. 1188 but provides for a 17 percent rather than a ten percent cost-of-living increase in the subsistence allowance rate and a 12-year rather than ten-year basic period of eligibility;

GI bill: Provides for a ten-percent cost-of-living increase in GI benefits during fiscal 1981—half to be effective on October 1, 1980, and the remainder on January 1, 1981; limits the time during which a veteran may apply for an extension of the ten-year delimiting period for educational benefits on the grounds of a disability by requiring that an application be made within one year after (a) the last date of the otherwise applicable delimiting period, (b) the termination of the disability, or (c) the effective date of this bill, whichever is latest; codifies the current suspension of the inclusion of students who receive Federal, non-VA assistance in the computations of compliance with the so-called "85-15" rule, under which enrollment of GI Bill trainees is prohibited in courses where more than 85 percent of the enrollees receive assistance from the educational institution, the VA, or any other Federal agency; repeals the provision linking "satisfactory progress" with the time it takes to complete an educational program; clarifies and codifies current practices related to receipt of GI Bill benefits for enrollment in an institution of higher learning in a foreign country and for computation of GI Bill benefits and charges to a veteran's entitlement for less than half-time training and training while on active duty, courses pursued by open circuit television, and independent study; strengthens debt collection provisions and authorizes and establishes a new Department of Labor-supported, State-operated veterans' employment and training outreach program (VETOP); disclosure of certain information to consumer reporting agencies for the purpose of VA debt collection and program study; requires the VA to offset indebtedness against future benefit payments; reduces from 90 to 60 percent that portion of the cost of a flight training course that the VA will pay; makes veterans pursuing flight training courses eligible for VA educational loans of up to $2,500 per year; provides for reimbursing a veteran at 70 percent instead of 90 percent of the cost of correspondence course training. H.R. 5288—Public Law 96-466, approved October 17, 1980. (*9)

WW II U.S. Submarine Veterans, Inc.: Grants a Federal charter to a nonprofit national service organization founded in 1955, comprised of American veterans who served in submarines in World War II, and whose primary objective is to keep alive the spirit that existed during the war when such a great impact was made by their actions, and to erect memorials to those who served aboard U.S. submarines and gave their lives in submarine warfare during the war. S. 2623—Passed Senate August 18, 1980. (VV)

CONSERVATION AND ENHANCEMENT OF SALMON AND STEELHEAD RESOURCES IN THE STATE OF WASHINGTON

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MAGNUSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2163.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

Resolved, That the bill from the Senate (S. 2163) entitled "An Act to provide for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the treaty and nontreaty harvesters of those resources, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The stocks of salmon and steelhead which originate in the rivers of the conservation areas constitute valuable and renewable natural resources. Many groups of commercial, recreational, and treaty fishermen have historically depended upon these stocks of fish for their livelihoods and avocations. These fishery resources contribute to the food supply and economic health of the Pacific Northwest and Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States, and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest.

(2) Over a period of several decades, competing uses of salmon and steelhead habitat and historical problems relating to conservation measures, the regulation of harvest, habitat management, and enhancement has depressed several of these stocks of salmon and steelhead.

(3) Improved management and enhancement planning and coordination among salmon and steelhead managers will help prevent further decline of salmon and steelhead stocks and will assist in increasing the supply of these stocks.

(4) The fishing capacity of nontreaty fishermen in the conservation areas established by this Act exceeds that required to harvest the available salmon resources. This excess capacity causes severe economic problems for these fishermen.

(5) The ability of the Klamath River and Treaty Tribes to enhance the salmon and steelhead resources passing their usual and accustomed fishing grounds is hindered by the lack of sufficient financial resources.

(6) The supply of salmon and steelhead can be increased through carefully planned enhancement measures designed to improve the survival of stocks and augment the production of artificially propagated stocks. By

careful choice of species, areas, and stocking procedures, enhancement programs can be used to—

(A) restore stocks through remedial actions to compensate for declines in resource production resulting from overfishing and environmental degradation;

(B) improve the distribution of fish among different groups of fishermen; and

(C) add stability to the fishery by reducing variations in fish availability.

(7) The decisions in the cases of the United States against Washington and Sohappy against Smith have resulted in temporary economic dislocation in the salmon fishery.

(b) Purposes and Policy.—It is therefore declared to be the purposes and policy of the Congress in this Act that—

(1) the various salmon and steelhead managers should coordinate their activities to ensure the effective conservation of the salmon and steelhead in the conservation areas;

(2) it is in the national interest to increase the supply of, and provide for the long-term conservation and optimum production of, the salmon and steelhead resources of the conservation areas and to minimize significant adverse interaction between naturally spawning and artificially propagated stocks;

(3) Federal financial assistance should be provided for the enhancement of salmon and steelhead resources within the conservation areas;

(4) the economic well-being of treaty and non-treaty commercial fishermen be improved and the recreation fishing opportunity for salmon and steelhead be enhanced; and

(5) all commercial and recreation fishermen and the Klamath River and Treaty tribes within the conservation areas shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the enhancement program, consistent with other applicable law.

Sec. 2. Definitions.

As used in this Act—

(1) The term "Columbia River Tribe" means any of the following:

(A) The Confederated Tribes and Bands of the Yakima Indian Nation of Washington.

(B) The Confederated Tribes of the Warm Springs Indian Reservation of Oregon.

(C) The Confederated Tribes of the Umatilla Indian Reservation of Oregon.

(D) The Nez Perce Tribe of Idaho.

(E) Any other Indian tribe whose fishing rights in the Columbia River drainage basin—

(i) derive from a treaty between it and the United States, and

(ii) have been recognized by a Federal court.

(2) The term "Columbia River management party" refers to the following:

(A) The State of Washington.

(B) The State of Oregon.

(C) A coordinating body duly authorized by the Columbia River Tribes.

(D) The Pacific Fishery Management Council established under section 302 of the Fishery Conservation and Management Act of 1976.

(3) The term "Columbia River conservation area" means—

(A) all habitat within the Columbia River drainage basin, and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial sea of Oregon or Washington,

in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(4) The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures which are—

(A) required to rebuild, restore, or maintain, or which are useful in rebuilding, restoring, or maintaining, any fishery and the related habitat; and

(B) designed to assure that—

(i) a supply of food and other products may be taken and that recreational benefits may be obtained, on a continuing basis,

(ii) irreversible or long-term adverse effects on the fishery and the related habitat are avoided, and

(iii) there will be a multiplicity of options available with respect to future uses of the fishery and the related habitat.

(5) The term "enhancement project" means one or more specific activities undertaken to increase the survival or production of one or more stocks.

(6) The term "fishery" means one or more stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics.

(7) The term "habitat" means those portions of land or waters, including the constituent elements thereof—

(A) which one or more stocks occupy at any time during their life cycle, or

(B) which affect one or more stocks.

(8) The term "Klamath River conservation area" means—

(A) all habitat within the Klamath River drainage basin, and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial sea of California,

in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(9) The term "Klamath River management party" refers to the following:

(A) The State of California.

(B) The counties of Del Norte, Humboldt, Trinity, and Siskiyou, California.

(C) The Klamath River Tribes.

(D) The Pacific Fishery Management Council.

(10) The term "Klamath River Tribes" means the Hoopa Valley Tribe of the Hoopa Valley Reservation; the Karok Tribe; and the Yurok Tribe of the Hoopa Valley Reservation, all in the State of California.

(11) The term "optimum", with respect to the yield from a fishery, means an amount of the salmon or steelhead therefrom which—

(A) is consistent with applicable law;

(B) will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities; and

(C) is prescribed as such on the basis of the maximum sustainable yield from such fishery, and the escapement goals for the various stocks as modified by any relevant economic, social or ecological factors.

(12) The term "salmon" means any anadromous species of the family Salmonidae and Genus Oncorhynchus, commonly known as Pacific salmon.

(13) The term "Secretary" means the Secretary of Commerce.

(14) The term "steelhead" means the anadromous rainbow trout species Salmo gairdneri, commonly known as steelhead.

(15) The term "stock" means any species, subspecies, race, geographical grouping, population, run, or other category of salmon or steelhead that is capable of being managed as a unit.

(16) The term "Treaty Tribe" means any Columbia River Tribe or Washington Tribe.

(17) The term "Washington conservation area" means—

(A) all habitat within the State of Washington other than the Columbia River drainage basin, and

(B) those areas in the fishery conservation zone referred to in paragraph (3)(B) over which the Pacific Fishery Management Council has jurisdiction and in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(18) The term "Washington management party" refers to—

(A) The State of Washington.

(B) A coordinating body duly authorized by the Washington Tribes.

(C) The Pacific Fishery Management Council.

(19) The term "Washington Tribe" means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds within the State of Washington (other than the Columbia River drainage basin), whose fishing rights therein derive from a treaty between it and the United States and have been recognized by a Federal court.

TITLE I—MANAGEMENT AND ENHANCEMENT OF SALMON AND STEELHEAD

Chapter 1—Committees and Plans

Sec. 101. Joint Salmon and Steelhead Management Committees.

(a) Establishment.—If before the one hundred and eightieth day after the date of enactment of this Act—

(1) each Columbia River management party notifies the Secretary in writing that it wishes to be a member of the Joint Columbia River Salmon and Steelhead Management Committee (hereinafter in this Act referred to as the "Columbia River Committee"), there is established, effective on and after the day on which the last of such notifications is received, such committee;

(2) each Washington management party notifies the Secretary in writing that it wishes to be a member of the Joint Washington Salmon and Steelhead Management Committee (hereinafter in this Act referred to as the "Washington Committee"), there is established on and after the day on which the last of such notifications is received, such committee; and

(3) each Klamath River management party notifies the Secretary in writing that it wishes to be a member of the Joint Klamath River Fisheries Conservation Committee (hereinafter referred to as the "Klamath River Committee"), there is established, effective on and after the day on which the last of such notifications is received, such committee.

(b) Membership and Procedure.—(1) The Columbia River Committee shall consist of four members. The Washington Committee shall consist of three members. The Klamath River Committee shall consist of nine members. Each constituent management party of each such committee shall be responsible for the selection and appointment of one member, and the appropriate officer of such party shall certify the appointment to the Secretary: Provided, That the Secretary of the Interior, after consultation with appropriate organizations and groups of Yurok Indians, shall appoint a member to the Klamath River Committee to represent the Yurok Tribe until such time as the Yurok Tribe organizes a tribal government and appoints its own member: Provided further, That the member appointed by the Secretary of the Interior to represent the Yurok Tribe shall have full authority to act for the Yurok Tribe as provided in this Act.

(2) Each such committee shall have a chairman, the term of office of which is one year. The members of each committee shall fill the office of chairman on a rotating basis. The sequence of rotation shall be determined by the committee by lot.

(3) Each such committee shall meet at the call of the chairman or, in the case of the Columbia River Committee, upon the demand of at least three voting members and, in the case of the Washington Committee, upon the demand of at least two voting

members and, in the case of the Klamath River Committee, upon the demand of five voting members.

(c) FUNCTIONS.—The functions of the Columbia River, Klamath River, and Washington Committees are to prepare, review, and, if necessary amend, in accordance with section 102, a management plan, and an enhancement plan, for their respective conservation areas.

(d) PER DIEM AND TRAVEL ALLOWANCES.—The members of each committee (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

(e) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such clerical and technical support as may be necessary to enable each committee to carry out its functions.

(f) SPECIAL PROVISIONS.—Any Klamath River Tribe or Treaty Tribe electing to not be represented on its respective management committee shall not be bound by any management plan or enhancement plan developed by such committee and will not be eligible to receive enhancement assistance provided in this Act.

SEC. 102. MANAGEMENT PLANS AND ENCHANCEMENT PLANS.

(a) MANAGEMENT PLANS STANDARDS.—Each committee referred to in section 101(a), in preparing a management plan, and amendments thereto, for its respective conservation area shall apply conservation and management measures that shall—

(1) prevent overfishing and provide for—

(A) optimum production, and

(B) on a continuing basis, an optimum yield from the fishery;

(2) be based upon the best scientific information available;

(3) to the extent practicable, provide for the management of each individual stock as a unit throughout its range, and interrelated stocks may be managed as a unit or in close coordination;

(4) not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be—

(A) fair and equitable to all such fishermen;

(B) reasonably calculated to promote conservation; and

(C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges;

(5) Where practicable, promote efficiency in the utilization of the fishery and the related habitat, except that such measures may not have economic allocation as their sole purpose;

(6) take into account and allow for variations among, and contingencies in, fisheries and catches;

(7) where practicable, minimize costs and avoid unnecessary duplication; and

(8) notwithstanding any of the above measures, provide for the harvest of shares in accordance with treaty or other federally protected Indian rights unless agreed otherwise by all affected parties.

(b) ENHANCEMENT PLAN STANDARDS.—Each such committee, in preparing an enhancement plan, and amendments thereto, for its respective conservation area, shall set forth enhancement projects that shall—

(1) assure that all commercial and recreational fishermen and the Klamath River Tribes and Treaty Tribes within the conservation area shall have a reasonable opportunity to participate in the benefits, considered as a whole, of such projects;

(2) provide for the long-term conservation and optimum production of the salmon and steelhead resources of the conservation area and minimize to the extent practicable significant adverse interaction between naturally spawning and artificially propagated stocks;

(3) be designed to complement the contribution of existing sound State, Federal, and tribal enhancement activities; and

(4) be economically and biologically sound, and supported by adequate scientific research, and achieve significant benefits relative to their overall cost.

(c) PLAN CONTENTS.—(1) Each management plan, with respect to a fishery, shall contain the conservation and management measures necessary or appropriate for the conservation and management of the fishery that are consistent with the standards set forth in subsection (a) and any other applicable law, including, but not limited to—

(A) a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the cost likely to be incurred in its management, any recreational interests in the fishery, and the nature and extent of foreign fishing and the fishing rights of the Klamath River Tribes and Treaty Tribes therein; and

(B) an assessment and specification of the present and probable future condition of, and the maximum sustainable yield, the optimum yield, and the optimum production from, the fishery, which specification shall include a summary of the information utilized in making it; and

(2) Each enhancement plan shall set forth such enhancement projects to be carried out within the conservation area as are necessary or appropriate.

(d) DISCRETIONARY MEASURES.—(1) The conservation and management measures included within a management plan for a fishery may include—

(A) the designation of zones where, and periods when, fishing in the fishery shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(B) the establishment of specified limitations on the catch of salmon or steelhead (based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factor) which are necessary or appropriate for the conservation and management of the fishery; and

(C) prohibitions, limitations, conditions, or requirements on the use of specified types and quantities of fishing gear, fishing vessels, including such devices which may be required to facilitate enforcement of the plan; and

(2) All such discretionary measures shall be consistent with legal requirements relating to the regulation of treaty or other federally protected Indian fisheries.

(e) REVIEW AND AMENDMENT OF PLAN.—If a management plan or an enhancement plan enters into force and effect as provided for under section 103, the Columbia River, Klamath River, or Washington Committee, as the case may be, shall on a continuing basis review the sufficiency and effect of the plan in the light of actual implementation, enforcement, conservation and management and enhancement experience and determine if any amendment of the plan is necessary. Such committee shall submit amendments deemed necessary by it to the Secretary for approval under section 104.

SEC. 103. TAKING EFFECT OF PLANS

(a) ENHANCEMENT PLANS.—An enhancement plan provided for under section 102 shall enter into force and effect with respect to the respective management parties of the committee concerned, and chapter 2 shall take effect for purposes of assisting in the implementation of such plan, only if—

(1) the enhancement plan is unanimously agreed to by the committee; and

(2) such plan is approved pursuant to section 104.

(b) MANAGEMENT PLANS.—A management plan provided for under section 102 shall enter into force and effect with respect to the respective management parties of the committee concerned, and chapter 2 of this title shall take effect for purposes of assisting in the implementation of such plan, only if—

(1) the management plan is unanimously agreed to by the committee;

(2) such plan is approved pursuant to section 104; and

(3) a formal agreement, to which each management party is signatory, is entered into under which each such party mutually obligates itself throughout the ten-year period beginning on the date of such approval—

(A) to implement and enforce the provisions of the plan and amendments thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power,

(B) to engage in such coordination and consultation, through the committee or otherwise, as may be necessary or appropriate to ensure, to the maximum extent practicable, that the plan is fully and efficiently implemented and to carry out the requirements relating to plan review and amendment set forth in section 102(e), and

(C) not to withdraw from participation in the plan unless all other management parties unanimously agree to so withdraw.

The formal agreement referred to in paragraph (3) may provide, and establish appropriate procedures, for the arbitration of disputes among the parties thereto relating to the carrying out of their obligations under the agreement.

(c) AMENDMENTS TO PLAN.—No amendment to the plan shall have force and effect unless the amendment—

(1) is unanimously agreed upon by the respective management parties; and

(2) is approved under section 104.

SEC. 104. APPROVAL OF PLANS AND AMENDMENTS.

(a) IN GENERAL.—Any management plan, enhancement plan, or amendments to either prepared by the Columbia River, Klamath River, or Washington Committee shall be treated as having been approved by the Secretary unless, within the one-hundred-and-twenty-day period after the day on which the plan or amendments are submitted to the Secretary by such committee, the Secretary finds, and publishes notification in the Federal Register, before the close of such period that the plan or amendment is not consistent with the appropriate standards and requirements set forth in section 102. The Secretary shall include in such notification the reasons for such finding. If the Secretary considers that the plan or amendments are consistent with such standards and requirements, he may publish notification to that effect in the Federal Register.

(b) COMMITTEE ACTION UPON DISAPPROVAL.—If the Secretary disapproves the plan or amendments thereto, the committee concerned may undertake either or both of the following actions:

(1) Prepare a plan or amendments after taking into account the reasons for disapproval.

(2) Seek appropriate judicial review of the Secretary's disapproval.

(c) DATE OF APPROVAL.—For purposes of this chapter, the date of approval of a management plan, enhancement plan, or amendments is, as the case may be—

(1) the expiration of the one-hundred-and-twenty-day period referred to in subsection (a); or

(2) the date on which notification of approval is published in the Federal Register.

SEC. 105. EFFECT OF PLAN ON CERTAIN REQUIREMENTS UNDER THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.

Nothing in this Act shall be construed as affecting the provisions of title III of the Fishery Conservation and Management Act of 1976 as it applies with respect to fishery management plans and their application to any fishery; except that—

(1) the Pacific Fishery Management Council shall prepare such amendments to the fishery management plan as may be necessary or appropriate to make that plan consistent with any management plans and their application effect under this title;

(2) for purposes of such preparation, and Secretarial review pursuant to such title III, the management plan standards and requirements set forth in section 102 shall apply rather than those in such title;

(3) the Secretary may not partially disapprove any amendment prepared by the Council to carry out paragraph (1); and

(4) the Secretary may not prepare, under section 304(c) of such Act of 1976, any amendment required to be made by the Council by paragraph (1).

CHAPTER 2—FINANCIAL ASSISTANCE FOR ENHANCEMENT

SEC. 121. AUTHORITY TO MAKE GRANTS.

Upon approval of an enhancement plan of the Columbia River, Klamath River, or Washington Committee, the Secretary shall make grants to management parties and Klamath River Tribes and Treaty Tribes concerned to assist them to carry out, in whole or part, the enhancement projects specified in the plan. In deciding whether to make grants under this chapter, the Secretary shall take into consideration whether similar projects are being carried out under Federal, State, or private auspices.

SEC. 122. TERMS AND CONDITIONS.

Each grant made under this chapter shall contain such terms and conditions as the Secretary shall by regulation prescribe as being necessary or appropriate to implement the limitations in sections 123 and 124 and to otherwise protect the interests of the United States.

SEC. 123. GRANT LIMITATIONS.

(a) IN GENERAL.—The amount of any grant made under this chapter may not exceed one-half of the estimated cost of the enhancement project for which it is made; except that—

(1) grants for up to 100 percentum of the cost of the projects may be made to Klamath River Tribes and Treaty Tribes; and

(2) the State of Washington shall be treated on the date this chapter enters into effect with respect to it as having expended $32,000,000 (reduced by the amount treated as expended by the State under section 207 of this Act) on enhancement projects set forth in the plan which are eligible for assistance under this chapter.

(b) SPECIAL PROVISIONS.—(1) No Klamath River Tribe or Treaty Tribe is eligible for assistance under this chapter after a management plan affecting such tribe is approved under section 104 unless it enters into a written commitment, satisfactory to the Secretary, to participate, in good faith, in the implementation and enforcement of the management plan to the extent of its ability and jurisdiction.

(2) No management party or Klamath River Tribe or Treaty Tribe is eligible for assistance under this chapter unless it agrees not to undertake any enhancement project not specified in the enhancement plan if that project is inconsistent with such plan or with the management plan, if any, applicable to it.

(c) IN-KIND CONTRIBUTIONS.—In computing the estimated cost of any enhancement project, the Secretary shall take into account, in addition to cash outlays to be made by the grant recipient, the value of such in-kind contribution (including, but not limited to, personal services) and real and personal property applied by the recipient in carrying out the project. The Secretary shall establish by regulation the standards under which the value of in-kind contributions and real and personal property will be determined for purposes of this subsection. Any valuation determination made by the Secretary for purposes of this subsection shall be conclusive.

SEC. 124. TERMINATION OR SUSPENSION OF ASSISTANCE UNDER CHAPTER.

(a) TERMINATION FOR REASON OF WITHDRAWAL FROM AGREEMENT.—If—

(1) a management plan for the Columbia River, Klamath River, or Washington Committee is not approved under section 104 within 18 months after the date on which an enhancement plan is approved under such section for that committee;

(2) the Secretary finds that the management parties have unanimously agreed to withdraw from participation in the plan before the termination of the 10-year period referred to in section 103(b)(3); or

(3) the Secretary finds that one or more management parties have not carried out their obligations under the agreement referred to in section 103(b)(3), or that one or more Klamath River Tribes or Treaty Tribes have not carried out their commitments referred to in section 123(b)(1) with the result that the management plan concerned can no longer be implemented appropriately;

then effective on and after that date of such notification, the Secretary may not—

(A) receive applications for grants under this chapter;

(B) further process applications received, but not finally acted on, before such date; or

(C) disburse any moneys under this chapter.

(b) OTHER TERMINATION AND SUSPENSION.—(1)—If the Secretary finds that—

(A) any management party or Klamath River Tribe or Treaty Tribe has failed to, or is not satisfactorily carrying out, the terms or conditions of a grant made under this chapter;

(B) any Klamath River Tribe or Treaty Tribe is not fulfilling its commitment entered into under section 123(b)(1); or

(C) any management party or Klamath River Tribe or Treaty Tribe is not fulfilling its commitment entered into under section 123(b)(2);

the Secretary may, as the circumstances require, refuse to award a grant or suspend or terminate the disbursement of moneys under the grant.

(2) No action may be taken by the Secretary under paragraph (1), or under subsection (a)(3), unless the Secretary gives the party or tribe concerned notice of the proposed action and the reasons therefor, and a reasonable opportunity to take corrective action.

SEC. 125. AUDIT.

Each recipient of a grant under this chapter shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS.

(a) For purposes of carrying out this chapter (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed $45,000,000 for the ten-year period beginning on October 1, 1981 for the Washington conservation area; not to exceed $25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area; and not to exceed $15,000,000 for the ten-year period beginning on such date for the Klamath River conservation area.

(b) In addition to the amounts authorized under subsection (a) there are authorized to be appropriated to carry out steelhead enhancement projects (including, but not limited to operation and maintenance of enhancement facilities) not to exceed $7,000,000 for the ten-year period beginning on October 1, 1981, for the Washington conservation area; and not to exceed $7,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

TITLE II—COMMERCIAL FISHING FLEET ADJUSTMENT

SEC. 201. FLEET ADJUSTMENT PROGRAM.

(a) IN GENERAL.—The Secretary, upon approval of a program submitted pursuant to section 203 of this title, is authorized to distribute Federal funds to the State of Washington (hereinafter in this title referred to as the "State"), subject to the standards, conditions, and restrictions set forth in this title, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this title. The Federal share payable under this title shall not exceed 75 per centum in any fiscal year of the total cost of the program in that fiscal year.

(b) LEGAL TITLE.—Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this title shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

SEC. 202. STANDARDS.

The State shall submit to the Secretary a program within three months of the date of enactment of this Act designed to—

(1) provide incentives for early retirement of licenses, or early sale of vessels;

(2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;

(3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and

(4) provide State funding for 25 per centum of the total cost of the program.

SEC. 203. PROGRAM APPROVAL.

(a) SUBMISSION FOR APPROVAL.—The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 202 and in such manner and form as the Secretary shall prescribe.

(b) REQUIREMENTS FOR APPROVAL.—Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this title, the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this title;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on the date of the enactment of this Act;

(3) the State program prevents the expenditure of disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon

fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedule, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State will not, during the five-year period beginning on the date of enactment of this Act, issue any new commercial or charter salmon fishing license;

(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program (A) shall be placed in such revolving fund, (B) shall, for at least three years from the date of the program's inception, be placed in the appropriate individual account, and (C) shall be used exclusively to purchase commercial fishing and charter vessel and license in accordance with the provision of this title; and

(12) the State will notify the Secretary of the termination date of the State program and will pay to the United State Treasury an amount equal to 75 per centum of the balance, on such termination date, of the revolving fund referred to in paragraph (11).

(c) SECRETARIAL ACTION.—The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this Act and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this Act or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this Act or other applicable law.

SEC. 204. REVIEW BY SECRETARY.

(a) IN GENERAL.—The Secretary shall conduct a continuing review of the State program to determine wether the program remains consistent with this Act or other applicable law. Such review shall include a biennial audit of the records of the State program.

(b) ACTION UPON FINDING OF NONCOMPLIANCE.—If the Secretary finds that the program or the administration thereof is no longer in compliance with this title, he shall reduce or discontinue distribution of funds under this title, or take other appropriate action.

(c) DISPOSITION OF CERTAIN MONEYS.—If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this title, the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.

SEC. 205. FLEET MOBILITY.

The Secretary in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of this title and the license moratorium of the State is not replaced by new fishing effort from outside the State.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this title, $37,500,000 for the five-year period beginning October 1, 1981.

SEC. 207. SPECIAL PROVISION.

On the date the Secretary approves the program under section 203, the State shall be treated as having expended such portion of $32,000,000 as the State deems appropriate for purposes of implementing the program.

TITLE III—MISCELLANEOUS

SEC. 301. REGULATIONS.

The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this Act.

SEC. 302. REPORTS.

The States of Washington, Oregon, and California and the tribal coordinating bodies referred to in section (2)(2)(C) and (18)(B) shall submit to the Secretary an annual report on the status of the program authorized by this Act or any other relevant report requested by such Secretary.

SEC. 303. RELATION TO OTHER LAWS.

Nothing in this Act shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and management, or control of water resources, submerged lands, or navigable waters; nor to limit the authortiy of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable laws, except as provided for in section 105 of this Act.

Amend the title so as to read: "An Act to provide for the conservation and enhancement of the salmon and steelhead resources of the United States, assistance to treaty and nontreaty harvesters of those resources, and for other purposes.".

UP AMENDMENT NO. 1818

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House with further amendments which I send to the desk on behalf of Mr. MAGNUSON and Mr. RANDOLPH.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Messrs. MAGNUSON and RANDOLPH, proposes an unprinted amendment numbered 1818.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TITLE I—CONSERVATION AND ENHANCEMENT OF SALMON AND STEELHEAD RESOURCES

PART A—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Salmon and Steelhead Conservation and Enhancement Act of 1980."

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The stocks of salmon and steelhead which originate in the rivers of the conservation areas constitute valuable and renewable natural resources. Many groups of commercial, recreational, and treaty fishermen have historically depended upon these stocks of fish for their livelihoods and avocations. These fishery resources contribute to the food supply and economic health of the Pacific Northwest and the Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States, and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest.

(2) Over a period of several decades, competing uses of salmon and steelhead habitat and historical problems relating to conservation measures, the regulation of harvest and enhancement have depressed several of these stocks of salmon and steelhead.

(3) Improved management and enhancement planning and coordination among salmon and steelhead managers will help prevent a further decline of salmon and steelhead stocks and will assist in increasing the supply of these stocks.

(4) Due in principal part to the Federal court decisions in United States v. Washington and Sohappy v. Smith, the fishing capacity of nontreaty fishermen in the conservation areas established by this title exceeds that required to harvest the available salmon resources. This excess capacity causes severe economic problems for these fishermen.

(5) The supply of salmon and steelhead can be increased through carefully planned enhancement measures designed to improve the survival of stocks and to augment the production of artificially propagated stocks. By careful choice of species, areas, and stocking procedures, enhancement programs can be used to—

(A) improve the distribution of fish among different groups of treaty and nontreaty fishermen; and

(B) add stability to the treaty and nontreaty fisheries by reducing variations in fish availability.

(b) PURPOSES.—In order to assist the harvesters of the salmon and steelhead resources within the Columbia River conservation area and the Washington conservation area established by this title to overcome temporary dislocations arising from the decisions in the cases of United States v. Washington and Sohappy v. Smith and from other causes, this title authorizes the establishment of a cooperative program involving the United States, the States of Washington and Oregon, the treaty tribes acting through the appropriate tribal coordinating bodies, and other parties, to—

(1) encourage stability in and promote the economic well being of the treaty and nontreaty commercial fishing and charter fishing industries and improve the distribution of fishing power between treaty and nontreaty fisheries through—

(A) the purchase of nontreaty commercial and charter fishing vessels, gear, and licenses; and

(B) coordinated research, enhancement, and management of salmon and steelhead resources and habitat; and

(2) improve the quality of, and maintain the opportunities for, salmon and steelhead recreational fishing.

SEC. 103. DEFINITIONS.

As used in this title—

(1) The term "appropriate tribal coordinating body" means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term "charter vessel" means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term "charter fishing" means fishing undertaken aboard charter vessels.

(4) The term "Columbia River conservation area" means—

(A) all habitat within the Columbia River drainage basin; and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial seas of Oregon and Washington,

in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(5) The term "Columbia River tribal coordinating body" means the organization duly authorized by those treaty tribes of the Columbia River drainage basin to coordinate activities for them for purposes of this title.

(6) The term "commercial fishing" means fishing for the purpose of sale or barter.

(7) The term "commercial fishing vessel" or "fishing vessel" means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term "enhancement" means projects undertaken to increase the production of naturally spawning or artificially propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

(9) The term "habitat" means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term "recreational fishing" means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term "salmon" means any anadromous species of the family Salmonidae and Genus Oncorhynchus, commonly known as Pacific salmon.

(12) The term "salmon or steelhead resource" means any stock of salmon or steelhead.

(13) The term "steelhead" means the anadromous rainbow trout species Salmo gairdneri, commonly known as steelhead.

(14) The term "stock" means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term "treaty" means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead with the Washington or Columbia River conservation areas.

(16) The term "treaty tribe" means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term "Washington conservation area" means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term "Washington tribal coordinating body" means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this title.

PART B—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

SEC. 110. ESTABLISHMENT AND FUNCTIONS OF SALMON AND STEELHEAD ADVISORY COMMISSION.

(a) ESTABLISHMENT.—Within 90 days after the date of the enactment of this Act, the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") shall establish the Salmon and Steelhead Advisory Commission (hereinafter referred to in this title as the "Commission"), which shall consist of one voting member from each of the following:

(1) The State of Washington

(2) The State of Oregon.

(3) The Washington tribal coordinating body.

(4) The Columbia River tribal coordinating body.

(5) The Pacific Fishery Management Council.

(6) The National Marine Fisheries Service.

(b) MEMBERSHIP.—(1) The voting representatives shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

(3) For the purposes of this subsection, the term "qualified individual" means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

(c) REPORT BY COMMISSION.—Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

(1) the development of common principles to govern and coordinate effectively management and enhancement activities;

(2) the prevention of overfishing;

(3) the use of the best scientific information available;

(4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;

(5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;

(6) the optimization of the use of resources for enforcement;

(7) the consideration of harvest activities as they relate to existing and future international commitments;

(8) the minimization of costs and the avoidance of unnecessary duplication; and

(9) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(d) UNANIMOUS VOTE REQUIRED.—No report or revision thereto may be submitted by the Commission to the Secretary for approval under this section unless the report or revision is approved by all of the voting members of the Commission.

(e) SECRETARIAL ACTION ON REPORT.—Within 4 months after the date of the submission of the comprehensive report, or any revision thereto, under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall review the report and, if he finds that the management structure recommended in the report would, if implemented, meet the objectives and standards specified in this section and be consistent with this title, approve the report. If the Secretary, in consultation with the Secretary of the Interior, finds that such structure is not in conformity with the standards and objectives set forth in this section, the provisions of this title or other applicable law, he shall return the report to the Commission together with a written statement of the reasons for not approving the report. If the Commission submits a revised report to the Secretary within 2 months after the date of return, the Secretary shall approve the report if he finds that the objections on which the prior disapproval was based are overcome.

(f) PER DIEM AND TRAVEL ALLOWANCES.—The members of the Commission (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

(g) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.

(h) TERMINATION OF COMMISSION.—Unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report pursuant to subsection (e).

SEC. 111. PRECONDITION FOR ELIGIBILITY FOR ASSISTANCE UNDER PART C.

Upon approval by the Secretary of the Commission's report under section 110, a State represented by a voting member on the Commission and any treaty tribe represented by a tribal coordinating body shall be eligible for financial assistance under Part C if the State or treaty tribe enters into an agreement with the Secretary under which that State or treaty tribe obligates itself—

(1) to implement and enforce the provisions of the report and revisions thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power; and

(2) to engage in such coordination and consultation as may be necessary or appropriate to ensure, to the maximum extent practicable, that the report and revisions thereto are fully and effectively implemented.

SEC. 112. COORDINATION GRANTS.

The Secretary, in consultation with the Secretary of the Interior, is authorized to establish a program to provide grants to prepare reports and plans provided for in Parts B and C in order to promote coordinated research, enforcement, enhancement, and management of the salmon and steelhead resources within the Washington and Columbia River conservation areas consistent with the purposes of this title. Such grants shall be available for use by the State of Washington, the State of Oregon, appropriate tribal coordinating bodies, or any joint governmental entity established for undertaking research, or providing advice on or mechanisms for coordinating management or enforcement, or preparing the reports and plans described in Parts B and C.

SEC. 113. DISCONTINUANCE OF ASSISTANCE UNDER PARTS B AND C.

If the Secretary finds that as of the close of the 18th month after Secretarial approval of the Commission report under section 110 (e), the number of parties which have adopted and implemented the Commission's management program in accordance with the provisions of this title and the report is insufficient to ensure that the management structure is effective and consistent with the standards and objectives in section 110(c) he shall discontinue any further funding under Parts B or C of this title.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this part in fiscal years commencing after September 30, 1981, an aggregate amount of $3,000,000. Funds appropriated pursuant to this section remain available to the Secretary until expended.

PART C—RESOURCES ENHANCEMENT

SEC. 120. GRANTS FOR PROJECTS UNDER APPROVED ENHANCEMENT PLANS.

(a) AUTHORITY.—The Secretary of the Interior (hereinafter referred to in this part as the "Secretary"), in consultation with the Secretary of Commerce, is authorized to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington conservation area and the Columbia River conservation area.

(b) PLANS.—Any such project in the Washington conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington and the Washington tribal coordinating body within 18 months after the date of enactment of this title. Any enhancement project in the Columbia River conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington, the State of Oregon, and the Columbia River tribal coordinating body within 18 months after the date of enactment of this title. Such plans must be approved by the Secretary, in consultation with the Secretary of Commerce, as provided in this part. The States shall solicit and consider the comments and views of interested commercial and recreational fishermen, and other interested parties, in developing the comprehensive enhancement plan.

(c) SCOPE.—Each comprehensive enhancement plan, and any revisions, or modifications of such plan, shall describe all enhancement projects in the conservation area, and associated stocking policies (when relevant), including any related research necessary to such enhancement anticipated by the States and the treaty tribes (acting through the appropriate tribal coordinating body) for a period of at least 5 years.

(d) STANDARDS.—Each comprehensive enhancement plan shall include such standards, restrictions, or conditions as are necessary, to assure that any project included in the plan contributes to the balanced and integrated development of the salmon and steelhead resources of the area. Such standards shall include, but not be limited to, provisions designed to—

(1) assure that all commercial and recreational fishermen and the treaty tribes shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the salmon and steelhead resources development;

(2) minimize, to the extent practicable, significant adverse interaction between naturally spawning and artificially propagated stocks;

(3) ensure that all projects included within the plan are designed to complement the contribution of sound State, Federal, and tribal enhancement activities;

(4) ensure that all projects included within the plan are economically and biologically sound and supported by adequate scientific research;

(5) assure that all projects included within the plan achieve significant benefits relative to the overall cost of each such project;

(6) consider the effect of enhancement activities as they relate to existing and future international commitments; and

(7) notwithstanding any of the above measures, provide for the harvest of fish by treaty tribes in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(e) APPROVAL.—(1) The Secretary, in consultation with the Secretary of Commerce, shall review each comprehensive enhancement plan and approve such plan within 120 days of the date of its receipt, if found to be consistent with this title and other applicable law. If the Secretary, in consultation with the Secretary of Commerce, finds that a plan is not in conformity with the provisions of this title or other applicable law, he shall return such plan to the State of Washington or the State of Oregon, or both, as appropriate, and the appropriate tribal coordinating body with recommendations.

(2) Upon receiving such a plan, the Secretary, in consultation with the Secretary of Commerce, shall—

(A) publish a notice in the Federal Register of the availability of the plan;

(B) provide a copy of the plan to the Pacific Fishery Management Council and, upon request, to any other interested person or group, and solicit and consider the comments and views of such persons or groups with respect to the plan;

(C) undertake a biological and technical review of the plan, in consultation with individuals who are knowledgeable with regard to the management, conservation, enhancement, and harvest of the salmon and steelhead resources of the area;

(D) provide a copy of the plan to and consult with the Secretary of State and the Secretary of Commerce, with respect to the effect of such plan on any international fisheries; and

(E) determine whether the State of Washington or the State of Oregon, as appropriate, and the treaty tribes, acting through their chosen agency or agencies, have the authority to carry out the plan in accordance with this title, and in accordance with standards included within the plan.

(3) The Secretary, in consultation with the Secretary of Commerce, shall not approve a comprehensive enhancement plan unless the State of Washington or the State of Oregon, or both, as appropriate, and the treaty tribes, acting through the appropriate tribal coordinating body, agree not to undertake any salmon or steelhead enhancement project, using funds provided pursuant to this part or otherwise, that would be inconsistent with the plan.

(4) The Secretary may not approve a comprehensive plan unless the Secretary of Commerce concurs that such plan satisfactorily complies with standards (1), (6), and (7) of subsection (d) of this section.

(f) REVIEW MODIFICATION, OR REVISIONS.—Each comprehensive enhancement plan shall be reviewed periodically. The Secretary, the Secretary of Commerce, the State of Washington, the State of Oregon, or the appropriate tribal coordinating body may request a review, modification, or revision of a plan at any time. Any revision or modification of a plan, developed and agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body, shall be approved by the Secretary, in consultation with the Secretary of Commerce, within 45 days of receipt of the proposed revision or modification, if such revision or modification is in conformity with this title and other applicable law. The Secretary, in consultation with the Secretary of Commerce, may withdraw approval of a plan if he finds that (1) the plan or its implementation is not consistent with this title, and (2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

SEC. 121. ENHANCEMENT PROJECTS.

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to,—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enhancement goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stocks;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this title; and

(6) after approval of the Commission's report pursuant to section 110 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission's management program.

SEC. 122. APPROVAL AND FUNDING OF PROJECTS

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this title, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the amount of funding made available under this title for such project.

(b) LIMITATIONS ON FEDERAL SHARE.—The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on the date of the enactment of this title as having expended $32,000,000 (reduced by the amount treated as expended by the State under section 135 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this title. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this title and the goals of the comprehensive plan.

Sec. 123. Review of Enhancement Projects.

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this part, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this title. Each recipient of a grant under this part shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

Sec. 124. Authorization of Appropriations.

(a) Salmon Enhancement.—For purposes of carrying out the provisions of this part for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed $45,000,000 for the 10-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed $25,000,000 for the 10-year period beginning on such date for the Columbia River conservation area.

(b) Steelhead Enhancement.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to carry out steelhead enhancement projects under this part (including, but not limited to operation and maintenance of enhancement facilities) not to exceed $7,000,000 for the 10-year period beginning on October 1, 1982, for the Washington conservation area; and not to exceed $7,000,000 for the 10-year period beginning on such date for the Columbia River conservation area.

(c) Limitation.—No monies appropriated pursuant to subsection (a) or (b) may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 120 of the enhancement plan for the conservation area concerned.

Part D—Commercial Fishing Fleet Adjustment

Sec. 130. Fleet Adjustment Program.

(a) In General.—The Secretary of Commerce (hereinafter referred to in this part as the "Secretary"), upon approval of a program submitted pursuant to section 132 of this part, is authorized to distribute Federal funds to the State of Washington (hereinafter in this part referred to as the "State"), subject to the standards, conditions, and restrictions set forth in this part, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this part. The Federal share payable under thlis part shall not exceed 75 percent of the total cost of the program.

(b) Legal Title.—Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this part shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

Sec. 131. Standards.

The State shall submit to the Secretary a program within 3 months of the date of enactment of this title designed to—

(1) provide incentives for early retirement of licenses, or early sale of vessels;

(2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;

(3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and

(4) provide State funding for 25 per centum of the total cost of the program.

Sec. 132. Program Approval.

(a) Submission for Approval.—The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 131 and in such manner and form as the Secretary shall prescribe.

(b) Requirements for Approval.—Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this part the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this part;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on the date of the enactment of this title;

(3) the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and

(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program (A) shall be placed in such revolving fund, (B) shall, for at least 2 years from the date of the program's inception, be placed in the appropriate individual account, and (C) shall be used exclusively to purchase commercial fishing and charter vessels and licenses in accordance with the provisions of this part.

(c) Secretarial Action.—The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this title and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this title or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this title or other applicable law.

Sec. 133. Review by Secretary.

(a) In General.—The Secretary shall conduct a continuing review of the State program to determine whether the program remains consistent with this title or other applicable law. Such review shall include a biennial audit of the records of the State program.

(b) Action Upon Finding of Noncompliance.—If the Secretary finds that the program or the administration thereof is no longer in compliance with this part he shall reduce or discontinue distribution of funds under this part, or take other appropriate action.

(c) Disposition of Certain Moneys.—If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this part, the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.

Sec. 134. Authorization of Appropriations.

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this part, $37,500,000 for the 5-year period beginning October 1, 1981.

Sec. 135. Special Provision.

On the date the Secretary approves the program under section 132, the State shall be treated as having expended such portion of $32,000,000 as the State deems appropriate for purposes of implementing the program.

Part E—Miscellaneous

Sec. 140. Regulations.

The Secretary of Commerce and the Secretary of the Interior may each promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out his functions under this title.

Sec. 141. Reports and Monitoring.

(a) Reports.—The State of Washington, the State of Oregon, and the appropriate tribal coordinating bodies shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this title or any other relevant report requested by such Secretary.

(b) Monitoring.—After the 18-month period after approval of the report of the Salmon and Steelhead Advisory Commission under part B, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 113 has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under part C.

SEC. 142. RELATIONSHIP TO PROVISIONS OF FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.

(a) CONSISTENCY.—Nothing in this title shall be construed as affecting the provisions of title III of the Fishery Conservation and Management Act of 1976 as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 110 and any enhancement plan under part C.

(b) FLEET MOBILITY.—The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of part D and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

SEC. 143. RELATION TO OTHER LAWS.

Nothing in this title shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and management, or control of water resources, submerged lands, or navigable waters; nor to limit the authority of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable law, except as provided for in section 143 of this title.

SEC. 144. AUTHORIZATION OF ADDITIONAL APPROPRIATION.

In addition to other authorizations of appropriations contained in this title, there are authorized to be appropriated to the Secretary of Commerce beginning October 1, 1981, an amount not to exceed $5,000,000 for the purpose of developing fisheries port facilities in the State of Oregon. The Secretary shall obligate such funds for projects proposed by units of State or local government, Indian tribes, or private nonprofit entities, and approved by the State of Oregon in consultation with the National Marine Fisheries Service and the Economic Development Administration. To the extent practicable, the Secretary shall assure that projects under this section are integrated with planning and assistance under the Public Works and Economic Development Act. Funds available under this section shall not be used for any navigational improvement or other modification of the navigable waters of the United States. Funds appropriated pursuant to this section shall remain available until expended.

SEC. 145. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH PORTUGAL.

Notwithstanding section 203 of the Fishery Conservation and Management Act of 1976, the governing international fishery agreement between the Government of the United States of America and the Government of Portugal Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated December 1, 1980—

(1) is hereby approved by Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

(2) shall enter into force and effect with respect to the United States on the date of the enactment of this title.

TITLE II—PROMOTION OF AMERICAN FISHERIES

SEC. 201. SHORT TITLE.

This Title may be cited as the "American Fisheries Promotion Act".

PART A—RESEARCH AND DEVELOPMENT REGARDING UNITED STATES FISHERIES

SEC. 210. RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS.

AMENDMENTS TO SALTONSTALL-KENNEDY ACT.—Section 2 of the Act of August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act, 15 U.S.C. 713c-3), is amended—

(1) by striking out subsections (b), (c), (d), and (e);

(2) by redesignating subsection (a) as subsection (b);

(3) by inserting immediately before subsection (b) (as so redesignated) the following new subsection:

"SEC. 2. (a) DEFINITIONS.—As used in this section—

"(1) The term 'person' means—

"(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

"(B) any fishery development foundation or other private nonprofit corporation located in Alaska; and

"(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private nonprofit corporation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802) and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State referred to in paragraph (3),

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

"(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

"(2) The term 'Secretary' means the Secretary of Commerce.

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

"(4) The term 'United States fishery' means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

"(5) The term 'citizen of the Northern Mariana Islands' means—

"(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).";

(4) by amending subsection (b) (as so redesignated)—

(i) by inserting "Fund.—" immediately after "(b)" and before the first word of such subsection,

(ii) by striking out "Secretary of the Interior" the first place it appears therein and inserting in lieu thereof "Secretary",

(iii) by striking out "and used by the Secretary of the Interior" and inserting in lieu thereof "only for use by the Secretary", and

(iv) by striking out clauses (1), (2), and (3) and inserting in lieu thereof the following: "(1) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c), and (2) to implement the national fisheries research and development program provided for under subsection (d)."; and

(5) by adding immediately after subsection (b) (as so redesignated) the following:

"(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

"(2) The Secretary shall—

"(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

"(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

"(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

"(3) No application for a grant under this subsection may be approved unless the Secretary—

"(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

"(B) evaluates the proposed project as to—

"(i) soundness of design,

"(ii) the possibilities of securing productive results,

"(iii) minimization of duplication with other fisheries research and development projects,

"(iv) the organization and management of the project,

"(v) methods proposed for monitoring and evaluating the success or failure of the project, and

"(vi) such other criteria as the Secretary may require.

"(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

"(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

"(C) The recipient of the grant must submit to the Secretary periodic project status reports.

"(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

"(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i) the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

"(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

"(d) National Fisheries Research and Development Program.—(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures), if not adequately covered by projects assisted under subsection (c), as the Secretary deems appropriate.

"(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing—

"(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

"(B) a description of all pending projects assisted under subsection (c) or carried out under paragraph (1), in addition to—

"(i) a list of those applications approved and those disapproved under subsection (c), and the total amount of grants made, for the current fiscal year, and

"(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) during the current fiscal year; and

"(C) an assessment of each project assisted under subsection (c) or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

"(e) Allocation of Fund Moneys.—(1) With respect to any fiscal year, not less than 50 percent of—

"(A) the moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year; and

"(B) such existing fund moneys carried over into that fiscal year;

shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c); and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) during that fiscal year.

"(2) Moneys accruing to the fund established under subsection (b) for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.".

Sec. 211. United States Fishery Trade Officers.

(a) Appointment.—For purposes of carrying out export promotion and other fishery development responsibilities, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall appoint not fewer than six officers who shall serve abroad to promote United States fishing interests. These officers shall be knowledgeable about the United States fishing industry, preferably with experience derived from the harvesting, processing, or marketing sectors of the industry or from the administration of fisheries programs. Such officers, who shall be employees of the Department of Commerce, shall have the designation of fishery trade officers.

(b) Assignment.—Upon the request of Secretary, the Secretary of State shall officially assign fishery trade officers to such diplomatic missions of the United States as the Secretary designates (three of which shall be those in Brussels, Belgium; Rome, Italy; and Tokyo, Japan) and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by foreign service personnel of comparable rank and salary.

(c) Functions of Fishery Trade Officers.—The functions of fishery trade officers appointed under subsection (a) shall be—

(1) to increase the effectiveness of United States fishery export promotion efforts through such activities as the coordination of market development efforts and the provision of services and facilities for exporters of United States fishery products;

(2) to develop, maintain, and make available to interested persons listings of (A) trade, government, and other organizations that are concerned with, or have an interest in, international trade in United States fishery products, and (B) United States fishery products available for such trade;

(3) to prepare quarterly reports regarding (A) the supply, demand, and prices of each United States fishery product exported, or for which there may be export potential, to the foreign nation or area concerned, and (B) the trade barriers or incentives of such nation or area that affect imports of such products;

(4) to prepare weekly statements regarding the prices for each fishery product for which there may be United States export potential to the foreign nation or area concerned; and

(5) to carry out such other functions as the Secretary may require.

(d) Administration.—The Secretary of State and the Secretary shall enter into cooperative arrangements concerning the provision of office space, equipment, facilities, clerical services, and such other administrative support as may be required for fishery trade officers and their families.

Part B—Financial Assistance With Respect to Fishing Vessels and Fishery Facilities

Sec. 220. Guarantee of Obligations for Fishing Vessels and for Fishery Facilities.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280) is amended as follows:

(1) Section 1101 is amended:

(A) in subsection (h) by striking "equipping; and" and substituting "equipping;";

(B) in subsection (i) by striking "mark." and substituting "mark;"; and

(C) by adding at the end thereof the following new subsections:

"(j) The term 'citizen of the Northern Mariana Islands' means—

"(1) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(2) a corporation, partnership, association, or other entity formed under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in paragraph (1) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802);

"(k) the term 'fishery facility' means—

"(1) for operations on land—

"(A) any structure or appurtenance thereto designed for the unloading and receiving from vessels, the processing, the holding pending processing, the distribution after processing, or the holding pending distribution, of fish from one or more fisheries,

"(B) the land necessary for any such structure or appurtenance described in subparagraph (A), and

"(C) equipment which is for use in connection with any such structure or appurtenance and which is necessary for the performance of any function referred to in subparagraph (A); or

"(2) for operations other than on land, any vessel built in the United States used for, equipped to be used for, or of a type which is normally used for, the processing of fish;

but only if such structure, appurtenance, land, equipment, or vessel is owned by an individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands or by a corporation, partnership, association, or other entity that is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802), and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States; and

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement;

"(l) The term 'fishing vessel' has the meaning given such term by section 3(11) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(11)); and any reference in this title to a vessel designed principally for commercial use in the fishing trade or industry shall be treated as a reference to a fishing vessel;

"(m) The term 'United States' when used in a geographical context with respect to fishing vessels or fishery facilities includes all States referred to in subsection (k)(i).".

(2) Section 1103(f) is amended by inserting immediately before the period the following: "; except that—

"(1) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(1), and

(2) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(2),

but the aggregate amount reserved for the purposes set forth in paragraphs (1) and (2) must equal 10 percent of such sum.".

(3) Section 1104 is amended—

(A) in subsection (a)—

(i) by striking out "(D) in the fishing trade or industry; or (E)" in paragraph (1) and inserting in lieu thereof "; or (D)";

(ii) by redesignating subparagraph (F) in paragraph (1) as subparagraph (E);

(iii) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, reconditioning, or purchase of a vessel or vessels owned by citizens or nationals of the United States or citizens of the Northern Mariana Islands which are designed principally for research, or for commercial use in the fishing trade or industry;";

(iv) by striking out "or" at the end of paragraph (4) (as redesignated by clause (iii));

(v) by striking out "or (3)" in paragraph (5) as so redesignated) and inserting in lieu thereof "(3), or (4)", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(vi) by adding immediately after paragraph (5) the following:

"(6) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made for, the construction, reconstruction, reconditioning, or purchase of fishery facilities; or

"(7) financing the purchase of fishing vessels or fishery facilities, the construction, reconstruction, reconditioning, or purchase of which was guaranteed under this title, that are sold at foreclosure instituted by the Secretary, or are sold by the Secretary following purchase at foreclosure, and the reconstruction or reconditioning thereof.

Any obligation guaranteed under paragraph (6) shall be treated, for purposes of this title, in the same manner and to the same extent as an obligation guaranteed under this title which aids in the construction, reconstruction, reconditioning, or purchase of a vessel; except with respect to provisions of this title that by their nature can only be applied to vessels.";

(B) by adding at the end of subsection (b) the following: "The Secretary may not establish, as a condition of eligibility for guarantee under this title, a minimum principal amount for an obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility. For purposes of this title, the reconstruction or reconditioning of a fishing vessel or fishery facility does not include the routine minor repair or maintenance of the vessel or facility.";

(C) in subsection (d)—

(i) by striking out "No" and inserting in lieu thereof "(1) Except as provided in paragraph (2), no"; and

(ii) by adding at the end thereof the following:

"(2) In applying paragraph (1) with respect to commitments to guarantee, and the guarantee of, obligations for fishing vessels and fishery facilities used for underutilized fisheries, the Secretary of Commerce may apply an economic soundness test that is less stringent than that which has been traditionally applied to obligation guarantees under this paragraph.

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary of Commerce under this title for the purchase of a used fishing vessel or used fishery facility unless—

"(A) the vessel or facility will be reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

"(B) the vessel or facility will be used in the harvesting of fish from, or for a purpose described in section 1101(k) with respect to, an underutilized fishery."; and

(D) in subsection (g)—

(i) by inserting "(1)" immediately after "(g)"; and

(ii) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Commerce shall establish within the Fund the following subfunds:

"(A) The standard fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(1) apply.

"(B) The underutilized fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(2) apply.

"(C) The general subfund which shall contain all moneys received for, and incident to, the guarantee of obligations for vessels other than fishing vessels.".

(4) The first sentence of section 1105(d) is amended by inserting immediately before the period at the end thereof the following: ", and shall be paid from the appropriate subfund required to be established under section 1104(g)(2)".

Sec. 221. Loans Under the Fish and Wildlife Act of 1956.

(a) Loan Authority Until October 1, 1982.—During the period beginning on the date of the enactment of this title and ending at the close of September 30, 1982, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") may make loans from the fisheries loan fund established under subsection (e) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with, or contrary to, this section, the provisions of such section 4 shall apply with respect to loans made for such purposes.

(b) Loans To Avoid Default on Obligation Covering Fishing Vessels.—(1) The Secretary may make loans for the purpose of assisting obligors to avoid default on obligations that are issued with respect to the construction, reconstruction, reconditioning or purchase of fishing vessels and that—

(A) are guaranteed by the United States under title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280, relating to Federal ship mortgage insurance); or

(B) are not guaranteed under such title XI, but the fishing vessels concerned meet the use and documentation requirements, and the obligors meet the citizenship requirements, that would apply if the obligations were guaranteed under that title.

(2)(A) Within the 30-day period beginning on the date of the enactment of this title in the case of fiscal year 1981, and before the beginning of fiscal year 1982, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

(B) If any moneys are available in the fisheries loan fund for each such fiscal year after subparagraph (A) is complied with for that year, the Secretary shall use such moneys for the purpose of making loans described in paragraph (1)(B) during that year.

(C) At an appropriate time during each of fiscal years 1981 and 1982, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply moneys reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

(3) The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. Each such loan shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purpose of this subsection. In establishing such terms and conditions, the Secretary shall take into account, among such other factors he deems pertinent, the extent to which the obligations concerned have been retired, and the overall financial condition of the obligors. The interest rate on loans made under the authority of this subsection shall not exceed that rate determined by the Secretary to be sufficient to cover the costs incurred in processing and servicing of such loans.

(c) Loans To Cover Operating Losses.—(1) If the Secretary determines that moneys will be available in such fisheries loan fund for fiscal year 1981 or 1982, or both, after loans under subsection (b) are provided for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or may incur, a net operating loss within such fiscal year.

(2) Each loan made by the Secretary under this subsection shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purposes of this subsection. The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. The interest rate on loans made under this subsection shall be the rate prevailing for loans made under the Emergency Agricultural Credit Act of 1978 (7 U.S.C. preceding 1961 note).

Part C—Amendments to the Fishery Conservation and Management Act of 1976

Subpart I—Foreign Fishing, in Fisheries Subject to the Exclusive Fishery Management Authority of the United States

Sec. 230. Foreign Fishing.

Section 201(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(d)) is amended to read as follows:

"(d) Total Allowable Level of Foreign Fishing.—(1) As used in this subsection—

"(A) The term 'base harvest' means, with respect to any United States fishery, the total allowable level of foreign fishing during the 1979 harvesting season.

"(B) The term 'harvesting season' means the period established under this Act by the Secretary during which foreign fishing is permitted within a United States fishery. For purposes of this subsection, a harvesting season is designated by the calendar year in which the last day of the harvesting season occurs, regardless whether fishing is not permitted on that day due to emergency or other closure of the fishery.

"(C) The term 'calculation factor' means, with respect to each United States fishery, 15 percent of the base harvest.

"(D) The term 'reduction factor amount' means, with respect to each United States fishery, for any harvesting season after the 1980 harvesting season—

"(i) an amount equal to 15 percent of the base harvest for that fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 75 percent of the calculation factor;

"(ii) an amount equal to 10 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 50 percent, but less than 75 percent, of the calculation factor; or

"(iii) an amount equal to 5 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated previous harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 25 percent, but less than 50 percent, of the calculation factor.

For purposes of this paragraph, the term 'designated preceding harvest season' means—

"(I) until a reduction factor is first achieved under this paragraph with respect to the fishery concerned, the 1979 harvesting season, and

"(II) after such amount is first achieved, the most recent harvesting season in which a reduction factor amount was achieved.

"(E) The term 'annual fishing level' for any United States fishery during any harvesting season after the 1980 harvesting season is the base harvest for the fishery reduced by—

"(i) an amount equal to the reduction factor amount for that harvesting season; and

"(ii) an amount equal to the increased level of harvest by vessels of the United States over the level achieved by such vessels in the 1979 harvesting season for the fishery.

"(F) The term 'United States fishery' means any fishery subject to the exclusive fishery management authority of the United States.

"(2) The total allowable level of foreign fishing, if any, with respect to any United States fishery for each harvesting season after the 1980 harvesting season shall be—

"(A) the level representing that portion of the optimum yield of such fishery that will not be harvested by vessels of the United States as determined in accordance with the provisions of this Act (other than those relating to the determination of annual fishing levels), or

"(B) the annual fishing level determined pursuant to paragraph (3) for the harvesting season.

"(3) For each United States fishery, the appropriate fishery management council, on a timely basis, may determine and certify to the Secretary of State and the Secretary the annual fishing level for that fishery for each harvesting season after the 1980 harvesting season.

"(4) If with respect to any harvesting season for any United States fishery for which the total allowable level of foreign fishing is determined under paragraph (2)(B), the Secretary, in consultation with the Secretary of State, approves the determination by any appropriate fishery management council that any portion of the optimum yield for that harvesting season will not be harvested by vessels of the United States, the Secretary of State, in accordance with subsection (e), shall allocate such portion for use during that harvesting season by foreign fishing vessels; except that if—

"(A) the making available of such portion (or any part thereof) during that harvesting season is determined to be detrimental to the development of the United States fishing industry; and

"(B) such portion or part will be available for harvest in the immediately succeeding harvesting season, as determined on the basis of the best available scientific information; then such portion or part shall be allocated for use by foreign fishing vessels in such succeeding harvesting season. The determinations required to be made under subparagraphs (A) and (B) of the preceding sentence shall be made by the Secretary in consultation with the Secretary of State and on the basis of any recommendation of any appropriate fishery management council."

Sec. 231. Allocation of Allowable Levels of Foreign Fishing.

(a) Amendments.—The last sentence of section 201(e)(1) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)(1)) is amended to read as follows: "All such determinations shall be made by the Secretary of State and the Secretary on the basis of—

"(A) whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;

"(B) whether, and to what extent, such nations are cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particulary through the purchase of fish or fishery products from United States processors or from United States fishermen;

"(C) whether, and to what extent, such nations and the fishing fleets of such nations have cooperated with the United States in the enforcement of United States fishing regulations;

"(D) whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;

"(E) whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

"(F) whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;

"(G) whether, and to what extent, such nations are cooperating with the United States in, and making substantial contributions to fishery research and the identification of fishery resources; and

"(H) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.".

(b) Taking Effect of Amendments.—The amendments made by subsection (a) shall apply with respect to the 1981 harvesting season and harvesting seasons thereafter (as defined in section 201(d)(1) of the Fishery Conservation and Management Act of 1976, as amended by section 301).

Sec. 232. Permit Fees.

(a) Interim Fees.—(1) Effective with respect to permits issued under section 204(b) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(10)) for 1981, paragraph (10) of such section is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "Such fees shall be formulated so as to ensure that the receipts resulting from the payment of the fees under this paragraph for permits issued for 1981 are not less than an amount equal to 7 percent of the ex vessel value of the total harvest by foreign fishing vessels in the fishery conservation zone during 1979. The fees collected by the Secretary under this paragraph for permits issued for 1981 shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.'.

(b) Permanent Fees.—Effective with respect to permits issued under section 204(b) of such Act of 1976 after 1981, paragraph (10) of such section is amended to read as follows—

"(10) Fees.—Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish a schedule of such fees which shall apply nondiscriminatorily to each foreign nation. The fees imposed under this paragraph shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement, but excluding costs for observers covered by surcharges under section 201(i)(4)) during each fiscal year the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year. The amount collected by the Secretary under this paragraph shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) for so long as such fund exists and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

Sec. 233. Fishery Development Objectives.

Section 2(b)(6) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801(b)(6)) is amended by inserting immediately before the period at the end thereof the following: ", and to that end, to ensure that optimum yield determinations promote such development".

Sec. 234. Fishery Management Council Travel Funds.

The second sentence of section 302(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(d)) is amended by striking out the period and inserting in lieu thereof the following: ", and other non-voting members may be reimbursed for actual expenses.".

Sec. 235. Notice of Availability of Management Plans.

Section 305(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1855(a)) is amended by inserting "a notice of availability of" immediately after "Federal Register (A)".

Subpart 2—Full Observer Coverage Program

Sec. 236. Establishment of Full Observer Coverage Program.

Section 201 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821) is amended by adding at the end thereof the following new subsection:

"(i) Full Observer Coverage Program.—(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

"(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that—

"(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

"(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone—

"(i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or

"(ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(3) United States observers, while aboard foreign fishing vessels, shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act.

"(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer abroad that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

"(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

Sec. 237. Effective Date.

The amendment made by section 236 shall take effect October 1, 1981, and shall apply with respect to permits issued under section 204 of the Fishery Conservation and Management Act of 1976 after December 31, 1981.

Sec. 238. Short Title.

(a) Effective 15 days after the date of enactment of this title, section 1 of the Fishery Conservation and Management Act of 1976 (16 U.S.C 1801) is amended to read as follows: "That this Act may be cited as the Magnuson Fishery Conservation and Management Act.".

(b) Effective 15 days after the date of enactment of this title, all references to the Fishery Conservation and Management Act of 1976 shall be redesignated as references to the Magnuson Fishery Conservation and Management Act.

* * * * *

Part D—Miscellaneous Provisions

Sec. 240. Applications and Filings for Compensation for Certain Fishing Vessel and Gear Damage.

(a) In General.—If—

(1) any owner or operator of a fishing vessel who suffered, after September 17, 1978, and before the date of the enactment of this title damage to, or loss or destruction of, such vessel or fishing gear used with such vessel, but did not apply for compensation therefor under section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) within the 60-day period prescribed in subsection (c)(1) of such section; or

(2) any commercial fisherman who suffered, after September 17, 1978, and before the date of the enactment of this title, damages compensable under title IV of the Outer Continental Shelf Lands Act of 1978 (43 U.S.C. 1841 et seq.), but who did not timely file a claim therefor within the 60-day period prescribed in section 405(a) of such Act;

such owner or operator may make application for compensation with respect to such damage, loss or destruction under such section 10, and such commercial fisherman may file a claim for, compensation for such damages under such title IV, to the Secretary of Commerce, within the 60-day period beginning on the date of the enactment of this title.

(b) Special Provisions.—(1) Notwithstanding any other provision of law—

(A) any application or filing timely made under subsection (a) shall be treated by the Secretary of Commerce as an application timely made under such section 10(c)(1), or as a filing timely made under such section 405(a), as the case may be, with respect to the damage, loss, or destruction claimed; and

(B) any claim for fishing gear loss that was pending on June 1, 1980, before the United States-Union of Soviet Socialist Republics Fisheries Claims Board or the American-Spanish Fisheries Board shall be treated by the Secretary of Commerce as a timely application made, on the date of the enactment of this title under such section 10(c)(1) for compensation for such loss.

(2) Section 403(c)(2)(A) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1843(c)(2)(A)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof "and the party admits responsibility;".

Sec. 241. Amendments to Fishermen's Protective Act of 1967.

Section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following:

"(4) The term "resulting economic loss" means the gross income, as estimated by the Secretary, that a fishing vessel owner or operator who is eligible for compensation under this section for damage to, loss of, or destruction of, a fishing vessel or the fishing gear used with such vessel will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the vessel or gear, or both, are repaired or replaced and available for use.".

(2) Subsection (b) is amended—

(A) by inserting "and for any resulting economic loss", immediately after ", or both," in the matter preceding paragraph (1); and

(B) by striking out paragraph (2)(B) and inserting in lieu thereof the following:

"(B) is attributable to any other vessel, whether or not such vessel is a vessel of the United States.

For purposes of subparagraph (B), there shall be a rebuttable presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel.".

(3) Subsection (c) is amended by inserting "and resulting economic loss" immediately after "destruction" in the matter appearing immediately before paragraph (1).

(4) Subsection (d) is amended—

(A) by inserting ", and resulting economic loss," immediately after destruction in paragraph (1); and

Mr. JACKSON. Mr. President, in May of this year, I stood before the Senate to express my sincere gratitude to Senator Magnuson for his skillful efforts to formulate legislation that comprehensively addressed the problems brought to the fisheries of the Pacific Northwest by a series of Federal court decisions. The Senate passed this bill which I was pleased to help develop and to cosponsor. The House of Representatives has passed a significantly different bill and it is Senator Magnuson's perseverance that brings this compromise before us for a vote. It is a compromise that meets the requirements of our resource and that meets the concerns of our House colleagues.

We have worked very hard with local management agencies to develop a mechanism that will insure the best coordination between Federal, State, and tribal jurisdictions. This management system will allow us to enhance the salmon and steelhead stocks so that all the fishermen in the Northwest and in Washington State will have a sufficiently increased harvest. As a result, the bill is supported by virtually all the users in my State—by the sportsmen, by the non-Indian commercial fishermen, by the tribal fishermen. This is the first time a consensus in the region has been truly achieved regarding this bill. It is a tremendous step toward resolving our resource problems and toward bringing the various managers of the fishery together in a comprehensive, coordinated management system.

In 1974, a Federal district court interpreted the treaties with the Indian tribes in western Washington to allow them up to one-half of our salmon and steelhead resources. As a result, our non-Indian commercial and sport fisheries were faced with a severe cutback in its available harvest. The problem of declining harvest shares has been compounded by the destruction of the habitat, fisheries mismanagement and other factors. This legislation will help us resolve these difficulties.

First, as I stated, the bill establishes a commission of knowledgeable individuals who must, within a limited time, develop a plan for the proper management of our resources.

Second, with this plan approved, the management structure must develop a program to enhance our decimated stocks of salmon and steelhead to insure that all the users of our resource benefit from the investment.

Third, while we are building up our salmon and steelhead stocks, we will be bringing our non-Indian commercial fisheries to a manageable size through a fleet adjustment program. Only then can we restore economic viability to the commercial fisheries.

Mr. President, we have a good bill before us. It is because of the diligent work of Senator Magnuson. I am proud to join him in support of the measure and urge my colleagues to vote for its passage.

Mr. HOLLINGS. Mr. President, I support S. 2163, and believe that a good compromise has been worked out on this bill between the House and the Senate. On May 5 when the Senate first acted on this piece of legislation, I rose to address some of the jurisdictional issues that affected the Department of the Interior and the Department of Commerce. The current compromise upholds this thinking. Unfortunately, too much time is wasted in Washington in internecine warfare and bureaucratic entanglements over jurisdiction. This has been the case here.

Under the Fishery Conservation and Management Act, the so-called 200-mile bill, fisheries management is specifically the job of the National Oceanic and Atmospheric Administration within the Department of Commerce. It is not the job of the Fish and Wildlife Service, or any other office in the Department of the Interior. This bill adheres to that concept, and clarifies the responsibilities between the two departments. Under this legislation, the Fish and Wildlife Service will approve title II enhancement plans. The National Marine Fisheries Service in NOAA is responsible for fishery management and the buy-back provisions. In addition, Commerce will have to agree on the parts of the enhancement plans that have the most important management implications. This is in keeping with what has been established, and is working, under the 200-mile bill.

This should solve some of the problems that have continued to occur in the Pacific Northwest between Interior and Commerce, and let everyone know where they stand once and for all.

Mr. MAGNUSON. Mr. President, I thank the majority leader, the Senator from West Virginia, and the minority leader, the Senator from Tennessee, as well as all the Members of the Senate for agreeing to this compromise on fisheries legislation.

Mr. President, S. 2163 is a legislative attempt to help bring order and increased stability to the salmon and steelhead fisheries of the Northwest—fisheries which have been under considerable stress and dislocation since the 1974 Federal district court decision—the "Boldt" decision. This decision ruled that the treaties between the U.S. Government and the Indian tribes of Washington State and the Columbia River granted those tribes rights to one-half of the salmon and steelhead which would pass through their traditional fishing grounds. This long and bitter controversy is more fully outlined in this bill's legislative history, and I will not repeat it here.

The substitute bill at the desk for consideration today is a compromise bill worked out with the House of Representatives. It is a bill which all the parties in interest have agreed upon, and which I hope will help address this controversy that we in Washington State have been living with for the past 6 years. The legislative history in the Senate Report (No. 96-667) and our earlier floor statements on the bill's first passage (May 5) are still applicable and appropriate.

There are some new or different provisions which I believe merit discussion at this point.

First, it is important to remember this bill is appropriate in order to respond to the unexpectable consequences of the Federal court decisions in United States against Washington and related cases. The provisions of this bill are not merely a response to the results of fishery management measures or run declines. They are a response to the dislocations and other problems that have arisen because access to half of the resource was suddenly eliminated for the very large and established commercial and recreational fishing interests as a result of the Federal courts' interpretation of 120-year-old treaties. This does not mean that the treaty tribes are at fault or to blame; it merely means that this is the reason we should be and are acting.

Second, the Federal administrative responsibilities in this compromise text are different from the original Senate-passed S. 2163. The delineation of responsibilities between the Departments of Commerce (National Marine Fisheries Service) and the Department of the Interior (Fish and Wildlife Service) have been clarified and streamlined. Responsibility for the approval of title II's enhancement plans will lie principally with the FWS. Responsibility for the fishery management and buy-back provisions of the bill lie with the NMFS. This reflects the present lines of responsibility fairly well.

It also is intended to provide the guidelines for the two departments future cooperation in the Northwest's salmon and steelhead activities. Management of these resources at the Federal level is the responsibility of the Department of Commerce and not the Department of the Interior. This is reflected in present law under the 200-mile bill and again here. And it is reflected in title II of this bill whereby the Department of Commerce must sign off on those portions of the enhancement plans that have the most significant management implications.

The Department of the Interior under this new compromise version of the bill will have the principal approval authority for the enhancement plans, whereas in the original bill both Commerce and Interior had to approve.

Third, this compromise text does not mandate a settlement of the controversy on the commercial harvest of steelhead. The original Senate version would have established a binding framework to minimize the nonrecreational harvest of steelhead and provide that the benefits of steelhead enhancement accrue to the sport fishermen. Because of the House's insistence, this provision was dropped from the present version. I believe this is a mistake, but in the interest of compromise, the Senate is receding on this point.

Fourth, the bill accepts the lesser authorization figures of the House version of the bill. This reduction is to both the enhancement and vessel buy-back programs; however, for fiscal year 1981 the State-Justice-Commerce appropriations bill included funding for the buy-back program under the authorization of the Fish and Wildlife Act. This funding is independent of S. 2163's authorization. It is of general importance to note, as was stated in the Senate report, that the authorizations of this bill are in addition to and independent of existing authorizations.

Mr. President, S. 2163 also includes the agreed-upon compromise on the fisheries development legislation. This bill's legislative history has been somewhat lengthy and tortured, and I commend the patience of all the participants—both in the Senate and the House—in reaching this final compromise. As with the salmon bill, the Senate legislative history on S. 1656 is applicable to our passage today and needs to be restated here.

I hope that the provisions of this bill are helpful in stimulating our Nation's fishing industry to take full advantage of the resources and benefits of our 200-mile zone.

Mr. President, I have spent a number of years in this body working on a wide variety of issues. I am glad to say that fishery issues have been among the most enjoyable and satisfying. The fishermen and processors within the industry are a fine group of people. Our oceans heritage is an exciting subject matter to have been associated with. And, finally, this body's legislative work on fisheries has always been nonpartisan, thoughtful, and cooperative. I thank TED STEVENS for all his fine efforts on behalf of our Nation's fisheries and for the fine working relationship we have always had in this area. I also extend my best wishes to BOB PACKWOOD, who next year will chair the Commerce Committee, and who has also shown great interest in our Nation's fishery affairs.

I appreciate very much the work of the leadership in agreeing to this fine compromise. I hope it will bring an end to the acrimony and controversy we have experienced in the Pacific Northwest over the years.

Mr. STEVENS. Mr. President, the Senate, today, considers a final version of a fisheries development bill, S. 2163, ending weeks of hard negotiations with the House to resolve differences between versions of the legislation, previously passed by each body.

Entitled the American Fisheries Promotion Act, the bill would, among other things, expand the program under the Saltonstall-Kennedy Act, by making more Federal funds available to the private sector.

As a cosponsor of the original Senate legislation, I am satisfied that the act will benefit the American fishing industry.

One of the provisions of the act will expand the Federal title IX fishing vessel loan program to include shoreside fish processing facilities. The bottleneck in the bottomfish industry has been a lack of processing facilities, and this provision could help alleviate that problem.

Other provisions of the act include a provision that will require the six U.S. regional fisheries attachés based overseas to file weekly reports on the prices of all fish consumed in the overseas markets. The timely information from these reports would be available to the U.S. fishing industry.

This provision will help U.S. companies to compete successfully with the foreign-owned companies that already have this marketing information available.

Another provision of the bill requires full U.S. observer coverage on foreign vessels fishing within the U.S. 200-mile conservation zone. This provision will help deter foreign fishermen from underlogging their catch—a current problem.

The legislation also substantially increases the fees for foreign fishing efforts in U.S. waters.

The bill includes a provision giving the regional fishery management councils the option of holding part of the foreign fishermen. This provision is based on the fishery allocation in reserve for American reserve system pioneered by the North Pacific Fishery Management Council.

Not included in the final version of the bill is a provision in the original Senate bill that would have expanded the capital construction fund program to include shoreside processing facilities. The capital construction fund is a tax deferral account in which fishermen may currently place earnings from their vessels to buy new vessels. I will continue to work in the next Congress with Senator PACKWOOD, who is on the Finance Committee, to expand the CCF program to include shoreside facilities.

Next Congress we will continue to address the problems of foreign fisheries activities off the U.S. coast, and will continue to explore ways to assist U.S. fishermen to develop and expand the bottomfish industry.

I would urge each of my colleagues here in the Senate to support this compromise bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia to concur, with an amendment.

The motion was agreed to.

Mr. STEVENS. Mr. President, at my request, an amendment has already been incorporated into the text of the substitute and cleared by both sides of the aisle in the Senate and the House of Representatives.

For more decades than most of us can recall, Senator WARREN MAGNUSON has been the leading spokesman for the commercial fishing industry in this institution. His dedication to the advance of the American fishing industry has been unparalleled by any Members of the Senate.

In 1975, Senator MAGNUSON sponsored the most important fishery legislation in the history of this Nation, Public Law 94-265, an act which established a 200-mile fishery conservation and management zone around this Nation. Since its passage, this act has been titled, the Fishery Conservation and Management Act of 1976. I believe it only fitting that on the eve of Senator MAGNUSON's retirement this act be named after its sponsor and pioneer. My amendment, Mr. President, renames the act, the Magnuson Fishery Conservation and Management Act of 1976.

I am certain that if this amendment were offered separately from the substitute now before us that it would be unanimously endorsed by this institution. The fishermen of this Nation and the State of Alaska owes Senator MAGNUSON a great debt.

It is with the greatest respect and admiration for my good friend, Senator WARREN MAGNUSON, that I have proposed this amendment.

This is an amendment that will name the 200 Mile Fisheries Conservation Management Act after my good friend from the State of Washington. It will become known as the Magnuson Fishery Conservation and Management Act of 1976.

At the time that bill was before the Senate I wished to have it named that. There was a problem in working it out. I am pleased to say that we now have the unanimous position of all those who were involved in that passage of that act that it should be named after my good friend.

The fishermen of the Nation and particularly my State owe Senator Magnuson a great debt because of the passage of that act and I am pleased to see he is here in the Chamber and I know that he will be remembered forever by fishermen in the United States because of that act.

ORDER FOR RECOGNITION OF SENATORS DOMENICI AND STEVENSON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, what orders have been entered heretofore for the recognition of Senators on tomorrow?

The ACTING PRESIDENT pro tempore. Senator BELLMON and Senator PERCY, for 15 minutes each.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I have orders for two additional Senators to be recognized. This will consume the hour under the cloture rule tomorrow.

I ask unanimous consent that following the consummation of the orders already entered for the recognition of Senators on tomorrow, Messrs. DOMENICI and STEVENSON be recognized each for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

Do I correctly understand that the Senate will convene at 9 a.m. tomorrow, pursuant to the request just granted to the majority leader, and that the hour under rule XXII will begin running at 9 o'clock and will be fully consumed by the four special orders that have just been entered?

I inquire what disposition will be made of the mandatory quorum call under rule XXII.

Mr. ROBERT C. BYRD. The mandatory quorum call, unless otherwise ordered, would begin running then at 10 o'clock.

Mr. BAKER. So the vote on cloture would occur after a quorum is established pursuant to that quorum call?

Mr. ROBERT C. BYRD. Yes.

Perhaps we should allow at least 15 minutes for the two sides to debate the cloture motion. We could do that.

Mr. BAKER. Mr. President, I see that the Senator from New Hampshire is in the Chamber, and I wonder whether he would care to remark on that suggestion of the majority leader.

Mr. HUMPHREY. Mr. President, I want to accommodate those who wish to speak in the morning, but my willingness to accommodate does not go much further than it already has been stretched.

For my part, I would like to see the cloture votes occur as close to the point directed by the rules as possible. Can we nail it down to occur not more than 30 minutes after all the speakers heretofore mentioned have concluded?

Mr. BAKER. Mr. President, if the majority leader will yield, I inquire which of the two cloture votes will be presented to the Senate first on tomorrow.

The ACTING PRESIDENT pro tempore. The first will be the cloture vote on the motion to proceed to consider H.R. 5200, the Fair Housing Act.

Mr. BAKER. So the fair housing vote would occur first, after the special orders and the quorum call.

I misspoke myself when I inquired of the Senator from New Hampshire, because the vote on the Breyer nomination, I assumed, would occur immediately after the disposition of the cloture motion on the fair housing bill.

Is that correct?

The ACTING PRESIDENT pro tempore. If the first one fails.

Mr. BAKER. That is right. If it succeeds, we will be on it until it is disposed of.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. If it fails, will there be another hour, then?

The ACTING PRESIDENT pro tempore. The Senate will vote immediately on the second cloture motion.

Mr. BAKER. So the hour contemplated under rule XXII, which will begin to run at the commencement of the session on tomorrow, would apply as well to the Breyer nomination.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HUMPHREY. Mr. President, will the majority leader yield for a parliamentary inquiry?

Mr. ROBERT C. BYRD. Yes, I yield for that purpose.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the Senator.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HUMPHREY. Mr. President, when two cloture motions are pending what determines the order in which they are taken up?

The ACTING PRESIDENT pro tempore. The order in which they were filed.

Mr. HUMPHREY. Was not the Breyer nomination cloture motion first filed?

The ACTING PRESIDENT pro tempore. The Chair is advised it was not.

Mr. HUMPHREY. Very well.

Then what is the sequence of events then? How much time separates the two cloture votes?

The ACTING PRESIDENT pro tempore. The Chair will respond to the inquiry that there would be no time between the two cloture votes if the first one fails. If the first one carries it would be indeterminate.

Mr. HUMPHREY. I thank the Chair.

ALLOCATION OF TIME FOR DEBATE ON FAIR HOUSING CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for the recognition of the four Senators on tomorrow, there be 15 minutes for debate on the motion to invoke cloture, the 15 minutes to be equally divided.

Mr. BAKER. Mr. President, is that on the fair housing bill?

Mr. ROBERT C. BYRD. Yes. That would be on the motion to invoke cloture on the fair housing bill. Otherwise, we have shut up the debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, and I certainly have no objection, but it would not be the contemplation of the majority leader that the vote would occur in any event before 10 a.m., would it? It could be that Senators who are recognized might speak so briefly or might decide not to extend their remarks. I just wish to be clear. The cloture vote would not occur before 10 a.m.?

Mr. ROBERT C. BYRD. No; it would not.

Mr. MATHIAS. Under any circumstances?

Mr. ROBERT C. BYRD. No.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I still have the floor. I hope Senators will indulge me.

Mr. President, was it agreed that there would be 15 minutes?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Rhode Island briefly.

Mr. PELL. I thank the Senator.

Mr. President, I have a tribute here to Senator MAGNUSON, a dear and beloved colleague.

TRIBUTE TO SENATOR MAGNUSON

Mr. PELL. Mr. President, I am delighted and pleased to have cosponsored the resolution honoring our distinguished and fine colleague, Senator MAGNUSON, by designating the clinical center of the National Institutes of Health as the Warren G. Magnuson Clinical Center.

Senator MAGNUSON's leadership and accomplishments in the cause of better health for the American people are indeed monumental. He has been not only a prime mover in establishing the National Cancer Institute and the National Heart Institute but the essential force in assuring strong, balanced, and highly effective programs at the entire National Institutes of Health.

The greatest tribute to Senator MAGNUSON in the field of health care are the tens of thousands of Americans who are alive today because of the great progress in treatment and prevention of disease spearheaded by the National Institutes of Health.

These accomplishments in health care might be a sufficient lifetime accomplishment for most men, but Senator MAGNUSON's leadership and accomplishments in the Senate have extended to many other fields.

As chairman of the Senate Subcommittee on Education, Arts and Humanities, I am particularly aware of his strong and indispensable support and leadership on the Appropriations Committee in pressing for adequate funding of Federal educational programs.

Nor should we overlook WARREN MAGNUSON's contributions in fields such as transportation and marine research and development and fisheries.

I have shared Senator MAGNUSON's interest and concern in these fields. When I first came to the Senate I proposed a program to rebuild and modernize our Nation's rail passenger system, particularly in the Northeast. Senator MAGNUSON, as chairman of the Senate Commerce Committee, provided the encouragement and the support which resulted in the Metroliner service between Washington and New York and the entire Northeast Corridor improvement project. It is no exaggeration to say that without Senator MAGNUSON's work there might today be no rail passenger service at all remaining in the Nation at a time when alternatives to auto and air travel between cities are most needed.

Senator MAGNUSON has been referred to as "Mr. Health" of the U.S. Senate. He has also been "Mr. Oceanography." He was among the first to recognize in the 1960's the importance of developing this Nation's marine science and resource capabilities. It was with his endorsement and vital support that my proposal for a national sea grant college program was enacted. Indeed, whenever those concerned with this Nation's marine and ocean resources have needed encouragement and leadership, they have looked to Senator MAGNUSON and they have not been disappointed.

WARREN MAGNUSON has been a truly great U.S. Senator. The Nation is in his debt. The Senate will miss him, and I shall miss him greatly, too.

I yield the floor.

Mr. MAGNUSON. I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Mr. President, if I can get this time agreement then I wish to yield the floor.

Mr. President, Mr. PROXMIRE wishes to call up a conference report on the HUD appropriations bill, and I do not wish to delay him.

TIME-LIMITATION AGREEMENT—H.R. 7112

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with reference to Calendar Order No. 1148, H.R. 7112 on revenue sharing there be a time agreement as follows:

One hour equally divided on the bill to be divided between Mr. LONG and Mr. DOLE; 30 minutes equally divided on any amendments in the first degree; 20 minutes equally divided on any amendment in the second degree; 10 minutes on any debatable motion, point of order or appeal if such point of order is submitted to the Senate by the Chair; that the agreement be in the usual form with the exception of the following amendments:

That there be 30 minutes on an amendment by Mr. BRADLEY adding money for the countercyclical program; 30 minutes on an amendment by Mr. BRADLEY striking the Levitas language; 30 minutes on an amendment by Mr. BRADLEY adding territories as recipients; 30 minutes on an amendment by Mr. SASSER dealing with single audit requirements; 30 minutes on an amendment by Mr. LEVIN dealing with local bill of rights; 30 minutes on an amendment by Mr. MITCHELL authorizing State share in fiscal year 1981; 10 minutes on an amendment by Mr. DOLE having to do with a study of categorical program tradeoff; 30 minutes on an amendment by Mr. EXON dealing with five State pilot projects to allow States to use categorical programs as State share block grants in fiscal year 1981; 10 minutes on an amendment by Mr. LEVIN dealing with Michigan audit waivers; 10 minutes on an amendment by Mr. LONG with respect to Louisiana sheriffs; and no limit on an amendment by Mr. DANFORTH dealing with State severance tax.

Mr. PROXMIRE. Mr. President, will the Senator yield on this unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. PROXMIRE. Does the Senator include an amendment that would permit the Senate to vote to include additional share for State revenue sharing? Is there such an amendment?

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

Mr. PROXMIRE. Is there an amendment added to the bill that would add funds to State revenue sharing?

Mr. ROBERT C. BYRD. Yes.

Mr. PROXMIRE. There is?

Mr. ROBERT C. BYRD. Yes.

Mr. PROXMIRE. How much time is allowed?

Mr. ROBERT C. BYRD. Thirty minutes.

Mr. PROXMIRE. Thirty minutes?

Mr. ROBERT C. BYRD. Yes.

Mr. PROXMIRE. Reluctantly I do not object.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the unanimous-consent agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the Senate proceeds to the consideration of H.R. 7112 (Order No. 1148), The Revenue Sharing Act, debate on any amendment in the first degree (except for the following amendments):

(1) 30 minutes: Bradley—Adding money for countercyclical program.

(2) 30 minutes: Bradley—Striking the Levitas language.

(3) 30 minutes: Bradley—Adding territories as recipients.

(4) 30 minutes: Sasser—Single audit requirements.

(5) 30 minutes: Levin—Local bill of rights.

(6) 30 minutes: Mitchell—Authorizing state share in fiscal year 1981.

(7) 10 minutes: Dole—Study of categorical program trade-off.

(8) 30 minutes: Exon—5 State pilot projects to allow States to use categorical programs as State share block grants in fiscal year 1981.

(9) 10 minutes: Levin—Michigan audit waivers.

(10) 10 minutes: Long—Louisiana Sheriffs.

(11) No limit: Danforth—State severance Tax.

shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Louisiana (Mr. Long) and the Senator from Kansas (Mr. Dole): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Mr. BAKER. Mr. President, will the majority leader yield to me for one brief moment?

Mr. ROBERT C. BYRD. I yield.

ALLOCATION OF TIME FOR DEBATE ON BREYER NOMINATION CLOTURE MOTION

Mr. BAKER. Mr. President, in consultation with the Senator from New Hampshire he makes the suggestion that since we provided a brief time for debate following on after the expiration of 1 hour on the fair housing matter that he would like, and I believe his colleagues on this subject would like, some time following on after that vote for a brief recapitulation of the matters before the Breyer cloture vote is taken.

Mr. ROBERT C. BYRD. Could we say 10 minutes equally divided?

Mr. HUMPHREY. Fifteen minutes.

Mr. ROBERT C. BYRD. Fifteen minutes.

I ask unanimous consent that there be——

Mr. HUMPHREY. May I interrupt the majority leader if I may?

Mr. ROBERT C. BYRD. Yes.

Mr. HUMPHREY. I ask for 15 minutes per side.

Mr. BAKER. Thirty minutes equally divided.

Mr. ROBERT C. BYRD. Much has been debated on that. We are only getting 15 minutes on the fair housing bill. Would the Senator be agreeable to 20 minutes equally divided?

Mr. HUMPHREY. All right.

TIME-LIMITATION AGREEMENT—BREYER NOMINATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the cloture vote on the fair housing bill, if such vote fails, that there be 20 minutes equally divided for debate on the nomination of Mr. Breyer to be equally divided between Mr. HUMPHREY and Mr. KENNEDY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator from Alaska.

H.R. 7306—TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on H.R. 7306, Calendar Order No. 1159, that there be a 20-minute time agreement overall to be equally divided between Mr. CANNON and the minority leader or his designee; that there be only one amendment in order to be offered by Messrs. CANNON, LAXALT, and HAYAKAWA, and that any amendment be required to be germane, and that on any debatable motion, appeal or point of order, there be a time limitation of 10 minutes to be equally divided in accordance with the usual form; and that any amendment to the amendment be germane to the amendment, and that there be a 20-minute time limitation on any amendment to the amendment.

Mr. CRANSTON. Can that be scheduled after the events already scheduled?

Mr. ROBERT C. BYRD. Yes; provided we get this agreement.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection it is so ordered.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the earlier agreement with respect to H.R. 7306, insofar as the time agreement is concerned, be vitiated and that the following time agreement obtain. This has been cleared with Mr. BAKER, Mr. CANNON, Mr. LAXALT, and Mr. HAYAKAWA.

I ask unanimous consent that there be 20 minutes overall on H.R. 7306 and only one amendment in order to be offered by Senators CANNON, LAXALT, and HAYAKAWA, with no amendment in the second degree.

Mr. MATHIAS. Mr. President, reserving the right to object, I wonder if the distinguished majority leader will withhold that request just for a moment until I get some advice on it.

Mr. ROBERT C. BYRD. I have cleared it with Mr. BAKER.

Mr. MATHIAS. In that event, I have no objection.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair will inquire if the part making this the first order of business after revenue sharing still stands?

Mr. ROBERT C. BYRD. Yes. I only vitiated the agreement insofar as the time agreement.

UNANIMOUS-CONSENT AGREEMENT

Ordered, That immediately following the Revenue Sharing Act the Senate proceed to H.R. 7306 (Order No. 1159), Nevada Lands Act, and that there be 20 minutes overall on the Act and that a Cannon, Laxalt, Hayakawa amendment be the only amendment in order.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the revenue-sharing measure that the Senate proceed to the consideration of H.R. 7306.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I apologize to the distinguished Senator from Wisconsin who has been very patiently awaiting the opportunity to call up the HUD appropriation conference report.

Mr. CRANSTON. I thank the leader for his cooperation.

HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS, 1981—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on H.R. 7631 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7631) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 21, 1980.)

Mr. PROXMIRE. The conference report before us today reflects the decisions reached by the House and Senate conferees on fiscal year 1981 funding levels for the Department of Housing and Urban Development, the Environmental Protection Agency (EPA), the Veterans' Administration, the National Science Foundation, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and the general revenue sharing program. The report also covers 13 other smaller Federal agencies, boards, offices, and commissions which are included in H.R. 7631, the HUD-Independent Agencies appropriation bill.

The conference report as passed by the House recommends that the Congress provide a total of $74,126,287,000 in new budget authority in fiscal year 1981 for these departments, agencies, and other organizations. This amount is $829,923,000 more than the level of funding provided in fiscal year 1980, primarily attributable to increases of $3,400,000,000 in the Department of Housing and Urban Development's assisted housing program, $296,414,000 in NASA's budget, and $290,785,000 in the budget of the Veterans' Administration, offset in part by a $2,285,000,000 reduction in the revenue sharing program through the elimination of the State share, and a $994,812,000 general reduction across all agency accounts.

The conference report as passed by the House is $3,961,801,000 under the President's budget estimate. Technically speaking, the conference agreement is a staggering $34,460,580,000 more than the House-passed bill. However, the House deferred consideration of two major budget requests that account for all of this amount—$30,877,500,000 for assisted housing and $4,396,200,000 for NASA's research and development activities. In fact, if these two items were added to the House-passed bill, the conference agreement would be $812,620,000 less than the House-passed bill. I am pleased to note that the total recommended by the conference committee is approximately $1,474,000,000 below the ceiling established for the HUD-Independent Agencies Appropriation Subcommittee under the first budget resolution. I should caution my colleagues in the Senate, however, that supplemental budget requirements for the Veterans' Administration, the Environmental Protection Agency, and other agencies covered by this appropriation bill could jeopardize this budget ceiling in the coming fiscal year.

Mr. President, let me briefly discuss the major conference agreements that were reached on November 20 and passed by the House earlier this week.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Virtually half of the budget authority in the House-passed conference report is the programs of the Department of Housing and Urban Development—$36,910,223,000 to be exact—with the major portion of this total for the assisted housing program. The conferees agreed to provide $1,487,400,000 in new contract authority and $30,877,500,000 in new budget authority to support subsidized housing projects for a period of up to 40 years. Included in these amounts is an add-on of $70,000,000 in contract authority to rejuvenate the standard, low-income section 235 homeownership assistance program which, together with $2,100,000,000 of anticipated carryover funds from annual contributions for assisted housing for section 235, should produce approximately 20,000 units of subsidized housing for eligible low-income housing recipients.

The conferees also agreed to provide within the total new budget authority for assisted housing, $100,000,000 for comprehensive modernization activities and sufficient authority to support 6,000 units of Indian housing.

Other significant conference agreements in the housing and community development area include the following: $855,000,000 in the loan limitation for the section 202 housing for the elderly or handicapped program; $970,800,000 for payments for the operation of low-income housing projects, including $108,800,000 of the $113,800,000 added on the Senate floor for energy-related shortfalls in the program; $3,770,000,000 for community development block grants—a reduction of $180,000,000 below the budget estimate; $33,750,000 for the section 701 comprehensive planning grant program; $134,000,000 for the section 312 rehabilitation loan program, and $572,609,000 for HUD salaries and expenses, including support for 33 new positions in the Office of the Inspector General.

The conferees also recommended the transfer of $125,000,000 from the Department of Energy's solar and conservation reserve to the newly-formed Solar Energy and Energy Conservation Bank, as proposed by the Senate.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

The conferees agreed to a total appropriation of $4,752,876,000 for the activities of the Environmenal Protection Agency, which is $358,775,000 below the budget estimate but $22,311,000 more than the level of funding proposed by the House. Within this total, the conferees made a number of changes in the President's budget request.

The conferees recommended the appropriation of $547,558,000 for salaries and expenses at EPA, which is identical to the Senate-passed figure and $20,374,000 million below the budget estimate. Significant actions taken by the conferees in this account are:

A reduction of $5,800,000 for consultant services, leaving a consultant budget of $7,200,000 for fiscal year 1981.

A reduction of $850,000 in the travel budget including $250,000 in foreign travel, leaving a total of $16,864,000.

The provision of $5,911,000 of the total requested in House Document 96–368 for salaries and expenses for hazardous waste activities.

Although this figure is not identified in the statement of the managers, it was the clear intention of the conferees to provide these funds.

The conferees agreed to a reseach and development budget of $253,520,000, which is $16,863,000 below the budget estimate, including $8,400,000 for acid rain research, $1,900,000 for ground water research, $2,654,000 for Great Lakes research, and a general reduction of $12,214,000 to be appiled at the agency's discretion. The conferees agreed to delete $2,244,000 provided by the Senate for hazardous waste research in response to the budget amendment set forth in House Document 96–368.

The conferees also earmarked, within the total appropriation, $900,000 for cold climate research.

The conferees settled on a total of $545,183,000 for abatement, control, and compliance activities, which is $18,000,000 below the budget estimate. Included in this amount is funding for the following activities: $11,000,000 for clean lakes; $4,000,000 for local resource recovery financial assistance grants; $51,230,000 for section 106 State water control agency grants; $1,000,000 for academic training; $1,500,000 to begin the cleanup of PCBs in Waukegan Harbor; $34,292,000 for the pesticide program; $7,845,000 of the total requested in House Document 96–368; for hazardous waste activities and a general reduction of $7,500,000 to be applied at the discretion of the Agency.

The conferees also earmarked a total of $709,000 within the abatement, control, and compliance budget for continuation of the Flathead River basin environmental impact study.

Finally, for the second year in a row the conferees recommended the elimination of all funding for the EPA's foreign currency program in fiscal year 1981 in view of the availability of approximately $1,000,000 in carryover funds from fiscal year 1980.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Although the budget totals for the Federal Emergency Management Agency (FEMA) were not in dispute in conference, the conferees did agree to strike the House bill language which would have limited to 75 percent Federal contributions to repair or restore damaged public facilities under the disaster relief program. The conferees agreed, however, that a discretionary cost sharing policy currently being utilized by FEMA be continued and that the policy be reviewed by the appropriate legislative committees in the future.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees agreed to recommend a total of $4,396,200,000 for the research and development activities of the National Aeronautics and Space Administration (NASA). The House had deferred consideration of this account, while the Senate had provided $4,430,000,000.

The conferees recommended funding limitations on a number of major NASA R. & D. initiatives, including the Space Telescope, Project Galileo, Landsat D, and the new start Gamma Ray Observatory.

The conference committee also recommended significant add-ons above the President's budget estimate for the following activities: Plus $6,100,000 for physics and astronomy research and analysis; plus $4,100,000 for life sciences research and analysis; plus $4,300,000 for planetary mission operations and data analysis; plus $4,000,000 for technology transfer program activities; plus $10,250,000 for aeronautics and space technology; plus $7,000,000 to initiate development of a solar electric propulsion system (SEPS); plus $5,000,000 for an operational land observing system; and plus $2,700,000 for materials processing in space.

These add-ons were offset in part by a $5,000,000 reduction in space flight operations and the elimination of $6,750,000 for the purchase of a reconnaissance aircraft.

The conferees also agreed to an innovative new approach to tracking and monitoring technical problems and cost overruns in NASA programs through the establishment of an independent review procedure which will utilize the National Academy of Sciences and the National

Academy of Engineering. The conferees have earmarked $1,000,000 within NASA's research and program management budget to cover the cost of this new review activity in fiscal 1981.

The conferees were able to agree on an appropriation of $115,000,000 for NASA's construction of facilities program, which is $5,000,000 below the budget estimate and an identical amount above the level proposed by the House.

Finally, the conference committee recommended $1,030,000,000 for NASA's research and program management activities, instead of the $1,023,154,000 proposed by the House and the $1,032,404,000 recommended by the Senate.

NATIONAL SCIENCE FOUNDATION

The budget for the National Science Foundation as recommended by the conferees total $1,076,100,000, including $987,900,000 for research and related activities, $83,200,000 for science education, and $5,000,000 for the scientific activities overseas program. The conferees have earmarked not more than $6,000,000 for the new research opportunities grants for women program; provided an add-on above the budget of $4,100,000 for Antarctic fuel costs and a budget increase of $1,000,000 for the small business programs of the Engineering and Applied Science Directorate.

VETERANS ADMINISTRATION

The committee of conference recommended the appropriation of $20,810,526,000 for the activities of the Veterans' Administration in fiscal year 1981, a decrease of $51,566,000 below the budget estimate, but $229,389,000 more than the level of funding proposed by the Senate.

The conferees have agreed to provide a total medical care budget of $6,020,013,000 which is $61,431,000 more than the President's budget and $35,045,000 more than the Senate bill. Within this amount, the conferees recommended increases above the budget of $21,069,000 for 1,000 additional direct health-care personnel, $10,600,000 to restore 500,000 outpatient visits, $8,762,000 to treat 2,000 additional patients in community nursing homes, $15,000,000 for beneficiary travel expenses, and $6,000,000 and 176 staff years for Vietnam veterans readjustment counseling centers.

The conferees agreed to provide the budget estimate of $1,822,308,000 for readjustment benefits. This amount assumes the continuation of VA correspondence and flight training programs under newly enacted ground rules in fiscal year 1981. The conferees also agreed that there should be savings of $155,000,000 in readjustment benefit payments through an improved debt collection effort by the VA. The conference committee expects the VA to use these savings to offset a supplemental funding requirement expected in the readjustment benefits account in the current fiscal year.

The conferees also agreed to a total of $132,153,000 for medical and prosthetic research; $51,218,000 for medical administration and miscellaneous operating expenses; $627,592,000 for general operating expenses; $423,774,000 for major construction projects; and $108,908,000 for construction minor projects.

OTHER INDEPENDENT AGENCIES

Other compromises reached by the conferees would provide a total of $43,000,000 for the Consumer Product Safety Commission; $3,250,000 for the Council on Environmental Quality; $2,200,000 for the Office of Consumer Affairs; $124,700,000 for the National Consumer Cooperative Bank, including $89,000,000 for capitalization of the Bank in fiscal 1981; $12,713,000 for the Neighborhood Reinvestment Corporation; and $8,967,000 for the American Battle Monuments Commission.

GENERAL PROVISIONS

A number of general provisions contained in the House and Senate versions of the bill were in dispute in conference. The conferees agreed to a compromise 2-percent general reduction across agency accounts, granting the Office of Management and Budget the authority to reduce any one account by as much as 3 percent. This cut applies to all agencies covered by the bill except for the VA and entitlement programs.

Among the other general provisions agreed to by the conferees are:

A Senate-passed provision prohibiting agencies funded in the bill from obligating more than 30 percent of available budget authority during the last quarter of the fiscal year and more than 15 percent during any month in the last quarter of the fiscal year without the approval of the Director of OMB.

A Senate-passed provision requiring the resolution of currently unresolved audits by the end of fiscal 1981.

A Senate-passed provision requiring agencies to take action to improve the collection of overdue debts.

The elimination of a Senate-passed provision cutting consulting services in three major agencies. (HUD, EPA, and NASA).

A Senate-passed provision reducing amounts available for advertising or public relations activities for any agency funded by the bill except the Veterans' Administration by 10 percent.

Mr. President, I believe that the conference agreement reached 2 weeks ago by the House-Senate conferees is a good compromise. It is well under the budget estimate—$3,900,000,000 to be exact—and I feel the conference report as approved by the House represents on balance a fair accommodation of the conflicting interests of the two Houses.

I ask unanimous consent that a table setting forth the results of the conference agreement be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years—amounts in dollars]

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
TITLE I									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Annual contributions for assisted housing (contract authority)	26,680,128,000	33,196,631,000		30,877,500,000	30,877,500,000	+4,197,372,000	−2,319,131,000	−30,877,500,000	
(Increased limitation for annual contract authority)	(1,140,661,000)	(1,553,661,000)		(1,417,400,000)	(1,487,400,000)	(+346,739,000)	−(66,621,000)	(+1,487,400,000)	(+70,000,000)
Rent supplement (contract authority, indefinite)	−80,000,000	−1,050,000,000	−1,050,000,000	−1,050,000,000	−1,050,000,000	−970,000,000			
(Limitation on annual contract authority, indefinite)	(−2,000,000)	(−30,000,000)	(−30,000,000)	(−30,000,000)	(−30,000,000)	(−28,000,000			
Housing payments (appropriation to liquidate contract authority)	(6,274,037,000)	(7,127,000,000)	(7,127,000,000)	(7,127,000,000)	(7,127,000,000)	(+852,963,000)			
Housing for the elderly or handicapped fund (authority to borrow)	803,205,000	780,070,000	780,070,000	830,070,000	805,000,000	+1,865,000	+25,000,000	-25,000,000	−25,000,000
(Limitation on loans)	(830,000,000)	(830,000,000)	(830,000,000)	(880,000,000)	(855,000,000)	(+25,000,000)	(+25,000,000)	(+25,000,000)	(−25,000,000)
(Limitation on loans, prior authority)		(65,000,000)	(65,000,000)	(65,000,000)	(65,000,000)	(+65,000,000)			
Payments for operation of low-income housing projects	755,300,000	975,800,000	862,000,000	975,800,000	970,800,000	+215,500,000	−5,000,000	+108,800,000	−5,000,000
Troubled projects operating subsidy	79,500,000	31,100,000	21,100,000	15,000,000	18,050,000	−61,450,000	−13,050,000	−3,050,000	+3,050,000
Federal Housing Administration fund	194,850,000	268,640,000	268,640,000	230,000,000	268,640,000	+73,790,000			+38,640,000
(Limitation on commitments)		(34,154,732,000)	(34,154,732,000)	(34,154,732,000)	(34,154,732,000)	(+34,154,732,000)			
Nonprofit sponsor assistance (limitation on loans)		(2,300,000)	(2,300,000)	(2,3000,00	(2,300,000)	(+2,300,000)			
Low-rent public housing—loans and other expenses (appropriation to liquidate contract authority by transfer)	(1,995,325,000)					(−1,995,325,000)			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued
[Fiscal years—amounts in dollars]

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
Government National Mortgage Association									
Special assistance functions fund:									
Appropriation	150, 000, 000					−150, 000, 000			
(Recapture of repayments)	(2, 000, 000, 000)					(−2, 000, 000, 000)			
(Limitation on loans)		(1, 800, 000, 000)	(1, 800, 000, 000)	(1, 800, 000, 000)	(1, 800, 000, 000)	(+1, 800, 000, 000)			
Payment of participation sales insufficiencies	16, 971, 000	4, 967, 000	4, 967, 000	4, 967, 000	4, 967, 000	−12, 004, 000			
Mortgage assistance grant program		30, 000, 000					−30, 000, 000		
Guarantees of mortgage-backed securities (limitation on commitments)		(53, 000, 000, 000)	(53, 000, 000, 000)	(53, 000, 000, 000)	(53, 000, 000, 000)	(+53, 000, 000, 000)			
Total, Government National Mortgage Association	166, 971, 000	34, 967, 000	4, 967, 000	4, 967, 000	4, 967, 000	−162, 004, 000	−30, 000, 000		
SOLAR ENERGY AND ENERGY CONSERVATION BANK									
Assistance for solar and conservation improvements (by transfer)		(147, 500, 000)	(90, 000, 000)	(125, 000, 000)	(125, 000, 000)	(+125, 000, 000)	(−22, 500, 000)	(+35, 000, 000)	
Total, Housing Programs (net)	28, 599, 954, 000	34, 237, 208, 000	886, 777, 000	31, 883, 337, 000	31, 895, 027, 000	+3, 295, 073, 000	−2, 342, 181, 000	+31, 008, 250, 000	+11, 690, 000
COMMUNITY PLANNING AND DEVELOPMENT									
Community development grants	3, 900, 000, 000	3, 950, 000, 000,	3, 810, 000, 000	3, 750, 000, 000	3, 770, 000, 000	−130, 000, 000	−180, 000, 000	−40, 000, 000	+20, 000, 000
Rescission	−153, 200, 000					+153, 200, 000			
(Limitation on commitments)		(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(+250, 000, 000)			
Urban development action grants	675, 000, 000	675, 000, 000	675, 000, 000	675, 000, 000	675, 000, 000				
Congregate Service Program	10, 000, 000		10, 000, 000	10, 000, 000	10, 000, 000		+10, 000, 000		
Comprehensive planning grants	37, 500, 000	40, 000, 000	22, 500, 000	40, 000, 000	33, 750, 000	−3, 750, 000	−6, 250, 000	+11, 250, 000	−6, 250, 000
Rehabilitation loan fund	135, 000, 000	124, 000, 000	144, 000, 000	124, 000, 000	134, 000, 000	−1, 000, 000	+10, 000, 000	−10, 000, 000	+10, 000, 000
Rescission	−25, 500, 000					+25, 500, 000			
(Limitation on loans)		(176, 000, 000)	(196, 000, 000)	(176, 000, 000)	(186, 000, 000)	(+186, 000, 000)	(+10, 000, 000)	(−10, 000, 000)	(+10, 000, 000)
(Limitation on loans, prior authority)		(15, 000, 000)	(15, 000, 000)	(15, 000, 000)	(15, 000, 000)	(+15, 000, 000)			
Total. Community Planning and Development	4, 578, 800, 000	4, 789, 000, 000	4, 661, 500, 000	4, 599, 000, 000	4, 622, 750, 000	+43, 950, 000	−166, 250, 000	−38, 750, 000	+23, 750, 000
NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION									
Housing counseling assistance	9, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	+1, 000, 000			
Neighborhood self-help development program	10, 000, 000	10, 000, 000	9, 000, 000	9, 000, 000	9, 000, 000	−1, 000, 000	−1, 000, 000		
Total, Neighborhoods, Voluntary Associations and Consumer Protection	19, 000, 000	20, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000		−1, 000, 000		
POLICY DEVELOPMENT AND RESEARCH									
Research and technology	44, 650, 000	52, 100, 000	50, 000, 000	44, 650, 000	44, 650, 000		−7, 450, 000	−5, 350, 000	
FAIR HOUSING AND EQUAL OPPORTUNITY									
Fair Housing Assistance	3, 700, 000	5, 700, 000	3, 700, 000	5, 700, 000	5, 700, 000	+2, 000, 000		+2, 000, 000	
MANAGEMENT AND ADMINISTRATION									
Salaries and expenses	287, 197, 000	337, 943, 000	326, 433, 000	322, 443, 000	323, 096, 000	+35, 899, 000	−14, 847, 000	−3, 337, 000	+653, 000
(By transfer, FHA funds)	(266, 963, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(−17, 450, 000)			
Total, title I, Department of Housing and Urban Development:									
New budget (obligational) authority (net)	33, 533, 301, 000	39, 441, 951, 000	5, 947, 410, 000	36, 874, 130, 000	36, 910, 223, 000	+3, 376, 922, 000	−2, 531, 728, 000	+30, 962, 813, 000	+36, 098, 000
Appropriations	6, 308, 668, 000	6, 515, 250, 000	6, 217, 340, 000	6, 216, 560, 000	6, 277, 653, 000	−31, 015, 000	−237, 597, 000	+60, 313, 000	+61, 093, 000
Rescissions	−178, 700, 000					+178, 700, 000			
Contract authority	26, 680, 128, 000	33, 196, 631, 000		30, 877; 500, 000	30, 877, 500, 000	+4, 197, 372, 000	−2, 319, 131, 000	+30, 877, 500, 000	
Contract authority, indefinite	−80, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−970, 000, 000			
Authority to borrow	803, 205, 000	780, 070, 000	780, 070, 000	830, 070, 000	805, 070, 000	+1, 865, 000	+25, 000, 000	+25, 000, 000	−25, 000, 000
(Appropriation to liquidate contract authority)	(8, 269, 362, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(7, 127, 000, 000)	(−1, 142, 362, 000)			
(Increased limitation for annual contract authority)	(1, 140, 661, 000)	(1, 553, 661, 000)		(1, 417, 400, 000)	(1, 487, 400, 000)	(+346, 739, 000)	(−66, 261, 000)	(+1, 487, 400, 000)	(+70, 000, 000)
(Limitation on annual contract authority, indefinite)	(−2, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−28, 000, 000)			
(Limitation on commitments)		(87, 404, 732, 000)	(87, 404, 732, 000)	(87, 404, 732, 000)	(87, 404, 732, 000)	(+87, 404, 732, 000)			
(Limitation on loans)	(830, 000, 000)	(2, 808, 300, 000)	(2, 828, 300, 000)	(2, 858, 300, 000)	(2, 843, 300, 000)	(+2, 013, 300, 000)	(+35, 000, 000)	(+15, 000, 000)	(−15, 000, 000)
(Limitation on loans, prior authority)		(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(+80, 000, 000)			
(Limitation on corporate funds to be expended)	(266, 963, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(249, 513, 000)	(−17, 450, 000)			
TITLE II									
INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	8, 200, 000	8, 897, 000	8, 967, 000	8, 897, 000	8, 967, 000	+767, 000	+70, 000		+70, 000

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	41, 360, 000	43, 489, 000	43, 489, 000	43, 000, 000	43, 000, 000	+1, 640, 000	−489, 000	−489, 000	
DEPARTMENT OF DEFENSE—CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	8, 326, 000	5, 135, 000	5, 135, 000	5, 135, 000	5, 135, 000	−3, 191, 000			
ENVIRONMENTAL PROTECTION AGENCY									
Salaries and expenses	516, 119, 000	567, 932, 000	540, 947, 000	547, 558, 000	547, 558, 000	+31, 439, 000	−20, 374, 000	+6, 611, 000	
Research and development	237, 568, 000	270, 383, 000	252, 280, 000	253, 520, 000	253, 520, 000	+15, 952, 000	−16, 863, 000	+1, 240, 000	
Abatement, control and compliance	512, 892, 000	563, 183, 000	531, 333, 000	551, 183, 000	545, 183, 000	+32, 291, 000	−18, 000, 000	+13, 845, 000	−6, 000, 000
Buildings and facilities	1, 425, 000	5, 815, 000	3, 000, 000	4, 115, 000	4, 115, 000	+2, 690, 000	−1, 700, 000	+1, 115, 000	
Construction grants:									
Appropriation	3, 400, 000, 000	3, 700, 000, 000	3, 400, 000, 000	3, 400, 000, 000	3, 400, 000, 000		−300, 000, 000		
(Appropriation to liquidate contract authority)	(1, 500, 000, 000)	(1, 700, 000, 000)	(1, 700, 000, 000)	(1, 700, 000, 000)	(1, 700, 000, 000)	(+200, 000, 000)			
Scientific activities overseas (special foreign currency program)		1, 000, 000	1, 000, 000				−1, 000, 000	−1, 000, 000	
U.S. Regulatory Council	2, 538, 000	3, 338, 000	2, 000, 000	3, 000, 000	2, 500, 000	−38, 000	−838, 000	+500, 000	−500, 000
Total, Environmental Protection Agency	4, 670, 542, 000	5, 111, 651, 000	4, 730, 565, 000	4 759, 376, 000	4 752, 876, 000	+82, 334, 000	−358, 775, 000	+22, 311, 000	−6, 500, 000
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality	3, 126, 000	3, 400, 000	3, 200, 000	3, 300, 000	3, 250, 000	+124, 000	−150, 000	+50, 000	−50, 000
Office of Science and Technology Policy	2, 625, 000	2, 921, 000	2, 712, 000	2, 712, 000	2, 712, 000	+87, 000	−209, 000		
Total, Executive Office of the President	5, 751, 000	6, 321, 000	5, 912, 000	6, 012, 000	5, 962, 000	+211, 000	−359, 000	+50, 000	−50, 000
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Funds appropriated to the President, disaster relief	1, 063, 600, 000	375, 570, 000	375, 570, 000	375, 570, 000	375, 570, 000	−688, 030, 000			
Emergency planning, preparedness and mobilization	131, 521, 000	159, 017, 000	159, 017, 000	159, 017, 000	159, 017, 000	+27, 496, 000			
Hazard mitigation and disaster assistance	118, 709, 000	113, 151, 000	109, 350, 000	109, 350, 000	109, 350, 000	−9, 359, 000	−3, 801, 000		
National flood insurance fund		603, 000, 000	575, 000, 000	575, 000, 000	575, 000, 000	+575, 000, 000	−28, 000, 000		
Total, Federal Emergency Management Agency	1, 313, 830, 000	1, 250, 738, 000	1, 218, 937, 000	1, 218, 937, 000	1, 218, 937, 000	−94, 893, 000	−31, 801, 000		
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	1, 315, 000	1, 421, 000	1, 409, 000	1, 409, 000	1, 409, 000	+94, 000	−12, 000		
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Consumer Affairs	1, 904, 000	2, 457, 000	2, 308, 000	2, 100, 000	2, 200, 000	+296, 000	−257, 000	−108, 000	+100, 000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development	4, 092, 500, 000	4, 364, 500, 000		4, 430, 000, 000	4, 396, 200, 000	+303, 700, 000	+31, 700, 000	+4, 396, 200, 000	−33, 800, 000
Construction of facilities	156, 100, 000	120, 000, 000	110, 000, 000	120, 000, 000	115, 000, 000	−41, 100, 000	−5, 000, 000	+5, 000, 000	−5, 000, 000
Research and program management	996, 186, 000	1, 033, 154, 000	1, 023, 154, 000	1, 032, 404, 000	1, 030, 000, 000	+33, 814, 000	−3, 154, 000	+6, 846, 000	−2, 404, 000
Total, National Aeronautics and Space Administration	5, 244, 786, 000	5, 517, 654, 000	1, 133, 154, 000	5, 582, 404, 000	5, 541, 200, 000	+296, 414, 000	+23, 546, 000	+4, 408, 046, 000	−41, 204, 000
NATIONAL COMMISSION ON AIR QUALITY									
Salaries and expenses	5, 500, 000	2, 476, 000	2, 000, 000	2, 000, 000	2, 000, 000	−3, 500, 000	−476, 000		
NATIONAL CONSUMER COOPERATIVE BANK									
Salaries and expenses	7, 395, 000	10, 241, 000	8, 700, 000	9, 800, 000	8, 700, 000	+1, 305, 000	−1, 541, 000		−1, 100, 000
Self-help development	10, 500, 000	33, 393, 000	29, 000, 000	27, 000, 000	27, 000, 000	+16, 500, 000	−6, 393, 000	−2, 000, 000	
(Limitation on loans)		(41, 108, 000)	(37, 108, 000)	(41, 108, 000)	(41, 108, 000)	(+41, 108, 000)		(+4, 000, 000)	
National Consumer Cooperative Bank Fund:									
(Limitation on loans)	(49, 050, 000)	(98, 770, 000)	(98, 770, 000)	(169, 050, 000)	(169, 050, 000)	(+120, 000, 000)	(+70, 280, 000)	(+70, 280, 000)	
(Limitation on commitments)		(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(+5, 000, 000)			
Total, National Consumer Cooperative Bank	17, 895, 000	43, 634, 000	37, 700, 000	36, 800, 000	35, 700, 000	+17, 805, 000	−7, 934, 000	−2, 000, 000	−1, 100, 000
NATIONAL CREDIT UNION ADMINISTRATION									
Central liquidity facility:									
(Limitation on borrowing authority)	(300, 000, 000)	(600, 000, 000)	(600, 000, 000)	(600, 000, 000)	(600, 000, 000)	(+300, 000, 000)			
(Limitation on loans)		(4, 400, 000, 000)	(4, 400, 000, 000)	(4, 400, 000, 000)	(4, 400, 000, 000)	(+4, 400, 000, 000)			
(Limitation on administrative expenses)	(1, 756, 000)	(1, 936, 000)	(1, 936, 000)	(1, 936, 000)	(1, 936, 000)	(+180, 000)			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years—amounts in dollars]

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
NATIONAL INSTITUTE OF BUILDING SCIENCES									
Salaries and expenses	750,000	625,000	625,000	625,000	625,000	−125,000			
NATIONAL SCIENCE FOUNDATION									
Research and related activities	904,050,000	992,800,000	982,800,000	992,900,000	987,900,000	+83,850,000	−4,900,000	+5,100,000	−5,000,000
Science education activities	84,700,000	75,700,000	75,700,000	80,700,000	83,200,000	−1,500,000	+7,500,000	−2,500,000	+2,500,000
Rescission	−2,500,000					+2,500,000			
Scientific activities overseas (special foreign currency program)	5,500,000	5,500,000	5,500,000	5,000,000	5,000,000	−500,000	−500,000	−500,000	
Total, National Science Foundation	991,750,000	1,074,000,000	1,074,000,000	1,078,600,000	1,076,100,000	+84,350,000	+2,100,000	+2,100,000	−2,500,000
NEIGHBORHOOD REINVESTMENT CORPORATION									
Salaries and expenses	12,000,000,	13,426,000	12,000,000	13,426,000	12,713,000	+713,000	−713,000	+713,000	−713,000
SELECTIVE SERVICE SYSTEM									
Salaries and expenses	8,180,000	35,482,000	27,137,000	27,137,000	27,137,000	+18,957,000	−8,345,000		
DEPARTMENT OF THE TREASURY									
ernment fiscal assistance trust fund	6,854,924,000	4,569,949,000	4,569,949,000	4,569,949,000	4,569,949,000	−2,284,975,000			
Office of Revenue Sharing, salaries and expenses	6,237,000	6,618,000	6,518,000	6,518,000	6,518,000	+281,000	−100,000		
Local government transitional assistance program		(500,000,000)					(−500,000,000)		
New York City loan guarantee program, administrative expenses	1,022,000	1,072,000	922,000	922,000	922,000	−100,000	−150,000		
(Limitation on commitments)		(900,000,000)	(900,000,000)	(900,000,000)	(900,000,000)	(+900,000,000)			
Investment in National Consumer Cooperative Bank	49,050,000	89,000,000	89,000,000	89,000,000	89,000,000	+39,950,000			
Total, Department of the Treasury	6,911,233,000	4,666,639,000	4,666,389,000	4,666,389,000	4,666,389,000	−2,244,844,000	−250,000		
VETERANS' ADMINISTRATION									
Compensation and pensions	11,201,800,000	11,602,000,000	11,602,000,000	11,602,000,000	11,602,000,000	+400,200,000			
Readjustment benefits	2,278,535,000	1,822,308,000	1,766,047,000	1,642,086,000	1,822,308,000	−456,227,000		+56,261,000	+179,502,000
Veterans insurance and indemnities	5,400,000	1,360,000	1,360,000	1,360,000	1,360,000	−4,040,000			
Medical care	5,834,970,000	5,958,582,000	6,044,013,000	5,984,968,000	6,020,013,000	+185,043,000	+61,431,000	−24,000,000	+35,045,000
Medical and prosthetic research	125,847,000	129,496,000	129,496,000	134,810,000	132,153,000	+6,306,000	+2,657,000	+2,657,000	−2,657,000
Medical administration and miscellaneous operating expenses	48,205,000	55,707,000	55,312,000	50,418,000	51,218,000	+3,013,000	−4,489,000	−4,094,000	+800,000
General operating expenses	616,609,000	611,631,000	611,631,000	627,592,000	627,592,000	+10,983,000	+15,961,000	+15,961,000	
Construction, major projects	321,292,000	519,354,000	390,583,000	407,075,000	423,774,000	+102,482,000	−95,580,000	+33,191,000	+16,699,000
Construction, minor projects	73,233,000	140,454,000	126,928,000	108,908,000	108,908,000	+35,675,000	−31,546,000	−18,020,000	
Grants for construction of State extended care facilities	7,500,000	15,000,000	15,000,000	15,000,000	15,000,000	+7,500,000			
Grants for construction of State veterans cemeteries	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Grants to the Republic of the Philippines	1,350,000	1,200,000	1,200,000	1,200,000	1,200,000	−150,000			
Direct loan revolving fund (limitation on loans)		(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)			
Total, Veterans' Administration	20,519,741,000	20,862,092,000	20,748,570,000	20,581,137,000	20,810,526,000	+290,785,000	−51,566,000	+61,956,000	+229,389,000
Total, title II, independent agencies:									
New budget (obligational) authority	39,763,063,000	38,646,137,000	33,718,297,000	38,033,384,000	38,210,876,000	−1,552,187,000	−435,261,000	+4,492,579,000	+177,492,000
Appropriations	39,765,563,000	38,646,137,000	33,718,297,000	38,033,384,000	38,210,876,000	−1,554,687,000	−435,261,000	+4,492,579,000	+177,492,000
Rescissions	−2,500,000					+2,500,000			
(Appropriation to liquidate contract authority)	(1,500,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+200,000,000)			
(Limitation on borrowing authority)	(300,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+300,000,000)			
(Limitation on commitments)		(905,000,000)	(905,000,000)	(905,000,000)	(905,000,000)	(+905,000,000)			
(Limitation on loans)	(49,050,000)	(4,540,878,000)	(4,536,878,000)	(4,611,158,000)	(4,611,158,000)	(+4,562,108,000)	(+70,280,000)	(+74,280,000)	
(Limitation on corporate funds to be expended)	(1,756,000)	(1,936,000)	(1,936,000)	(1,936,000)	(1,936,000)	(+180,000)			

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
TITLE III									
CORPORATIONS									
Federal Home Loan Bank Board:									
(Limitation on administrative expenses)	(18, 359, 000)	(21, 030, 000)	(20, 030, 000)	(20, 030, 000)	(20, 030, 000)	(+1, 671, 000)	(−1, 000, 000)		
(Limitation on non-administrative expenses)		(33, 105, 000)	(33, 105, 000)	(33, 105, 000)	(33, 105, 000)	(+33, 105, 000)	(−1, 000, 000)		
Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses)	(33, 466, 000)	(1, 115, 000)	(1, 000, 000)	(1, 000, 000)	(1, 000, 000)	(−32, 466, 000)	(−115, 000)		
Totals, title III, Corporations	(51, 825, 000)	(56, 250, 000)	(54, 135, 000)	(54, 135, 000)	(54, 135, 000)	(+2, 310, 000)	(−2, 115, 000)		
Reduction per sec. 412 (House)			(−378, 243, 000)					(+379, 243, 000)	
Reduction per sec. 412 (Senate)				1, 085, 962, 000	−994, 812, 000	−994, 812, 000	−994, 812, 000	−994, 812, 000	+91, 150, 000
Reduction per sec. 418(a)				−28, 297, 000					+28, 297, 000
Grand total, titles I, II, and III:									
New budget (obligational) authority (net)	73, 296, 364, 000	78, 088, 088, 000	39, 665, 707, 000	73, 793, 255, 000	74, 126, 287, 000	+829, 923, 000	−3, 961, 801, 000	+34, 460, 580, 000	+333, 032, 000
Appropriations	46, 074, 231, 000	45, 161, 387, 000	39, 935, 637, 000	43, 135, 685, 000	43, 493, 717, 000	−2, 580, 514, 000	−1, 667, 670, 000	+3, 558, 080, 000	+358, 032, 000
Rescissions	−181, 200, 000					+181, 200, 000			
Contract authority	26, 680, 128, 000	33, 196, 631, 000		30, 877, 500, 000	30, 877, 500, 000	+4, 197, 372, 000	−2, 319, 131, 000	+30, 877, 500, 000	
Contract authority, indefinite	−80, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	−1, 050, 000, 000	+970, 000, 000			
Authority to borrow	803, 205, 000	780, 070, 000	780, 070, 000	830, 070, 000	805, 070, 000	+1, 865, 000	+25, 000, 000	+25, 000, 000	−25, 000, 000
(Appropriations to liquidate contract authority)	(9, 769, 362, 000)	(8, 827, 000, 000)	(8, 827, 000, 000)	(8, 827, 000, 000)	(8, 827, 000, 000)	(−942, 362, 000)			
(Increased limitation for annual contract authority)	(1, 140, 661, 000)	(1, 553, 661, 000)		(1, 417, 400, 000)	(1, 487, 400, 000)	(+346, 739, 000)	(−66, 261, 000)	(+1, 487, 400, 000)	(+70, 000, 000)
(Limitation on annual contract authority, indefinite)	(−2, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−30, 000, 000)	(−28, 000, 000)			
(Limitation on borrowing authority)	(300, 000, 000)	(600, 000, 000)	(600, 000, 000)	(600, 000, 000)	(600, 000, 000)	(+300, 000, 000)			
(Limitation on commitments)		(88, 309, 732, 000)	(88, 309, 732, 000)	(88, 309, 732, 000)	(88, 309, 732, 000)	(+88, 309, 732, 000)			
(Limitation on loans)	(879, 050, 000)	(7, 349, 178, 000)	(7, 365, 178, 000)	(7, 469, 458, 000)	(7, 454, 458, 000)	(+6, 575, 408, 000)	(+105, 280, 000)	(+89, 280, 000)	(−15, 000, 000)
(Limitation on loans, prior authority)		(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(80, 000, 000)	(+80, 000, 000)			
(Limitation on corporate funds to be expended)	(320, 544, 000)	(307, 699, 000)	(305, 584, 000)	(305, 584, 000)	(305, 584, 000)	(−14, 950, 000)	(+2, 115, 000)		

Mr. PROXMIRE. Mr. President, before we go to passage of the conference report and the reading of the amendments in disagreement, I want to offer my congratulations and thanks to the distinguished ranking minority member of the HUD Subcommittee, soon to be a subcommittee chairman, Senator Mathias, on another outstanding effort at bringing this bill through the Congress. One of the true pleasures that I have had in my years in the Senate has been the opportunity to work with him on this bill. He is a Senator of tremendous ability, insight, and skill. I also want to commend his minority staff assistant, Wally Berger. Wally has always been most cooperative and professional in his dealings with my staff and I wish him well as a member of next year's new majority staff.

Mr. President, I move at this time that the conference report be agreed to.

Mr. MATHIAS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. MATHIAS. Mr. President, Thursday, November 20, the House and Senate conferees met and held a free and open discussion on the 79 amendments, count them 79, to the HUD and Independent Agencies appropriations bill. The conference resulted in a good exchange of views positive exchange of views, and the agreement before us today represents a consensus opinion on each of the items.

I certainly wish to express my admiration and my respect for the chairman of the subcommittee, the distinguished Senator from Wisconsin (Mr. Proxmire). He, as is always the case in such situations, unswervingly supported the Senate's position even when his personal views were at times divergent from that of the majority of the Senate. It is an example of the way the chairman of a Senate committee should conduct himself in that kind of situation. I would also like to note the significant contributions of Senators Schmitt, Weicker, Bellmon, and Huddleston. I would also like to take this opportunity to thank Congressman Boland, the chairman of the committee in the other body, for the excellent job that he did in presiding over the conference committee and moving things along in a very orderly fashion.

I would be remiss if I did not join with the distinguished Senator from Wisconsin in thanking Mr. Wally Berger, and also his assistant Tom van der Voort, for the really extraordinary support that each of them has rendered to this subcommittee during the life of this whole Congress. It has made our jobs, I think, as members of the committee much easier, and I think has assisted in the quality of the work product that we finally painfully achieved to have the assistance of two such extraordinary men.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I want to join in the commendation of the Senator from Maryland regarding Tom van der Voort. The reason I did not mention him is because he prepared the remarks, and he was too modest to commend himself, which he should not have been, and I am correcting that in joining my colleague from Maryland. Tom van der Voort is as fine a staff man as the Senate has, in my judgment, and he did a great job on this bill.

Mr. MATHIAS. Mr. President, during the 7 days that H.R. 7631 was on the Senate floor, each of the amendments were discussed in considerable detail and I will not impose upon my colleagues by reiterating those discussions. I will, however, highlight some of the more important decisions reached in conference.

For the Department of Housing and Urban Development, the conferees provided an additional $70 million in contract authority over the Senate figure. This contract authority, coupled with $2.1 billion in budget authority, which was available through carryover from the assisted housing program, was earmarked for the section 235 homeownership assistance program. It is anticipated that these additional resources will provide approximately 20,000 units of subsidized housing for eligible low-income recipients.

In another action, the conferees accepted $108.8 million of the $113.8 million amendment proposed by the Senate for the operation of low-income housing programs. These funds will cover a shortfall caused by unexpected high fuel costs incurred by public housing authorities. The House conferees accepted the Senate's proposed level of $125 million for the Solar Energy and Conservation Bank. This funding level is $35 million above the House and should provide sufficient funds for the full scale operation of the Bank during fiscal year 1981. The House also accepted a Senate amendment providing an additional $2 million for fair housing and equal opportunity. These funds will support 133 community housing resource boards in their effort to assist in implementing communities' fair housing plans.

On another housing issue, the conferees provide $33.75 million for comprehensive planning grants which was $11.25 million above the House level and $6.25 million below the Senate. The additional funds were targeted for States, areawides and localities and should be sufficient to continue the important planning efforts underway at each of those levels.

For NASA, conferees provided $31.7 million out of the $65.5 million of addons included in the Senate version of the bill. These add-ons provide essential funding for the physics and astronomy, aeronautics, life sciences, technology transfer, and other high technology NASA programs. The conference report also contains language directing NASA to obtain the views of an independent panel before proceeding with major program changes. The conferees felt it was necessary to establish such a mechanism in order to assure that the best talent available be consulted on such matters and that the user communities be included in the decisionmaking processes.

For EPA, the conference committee accepted $13.8 million of the $16 million for the hazardous waste programs. Through an oversight, the conference report fails to note that $5.911 million is earmarked within the salaries and expenses account for hazardous waste activities requested in HOUSE Document 96–368. The conference agreement also provides for a 1 percent transfer authority as opposed to the 2 percent proposed by the Senate. Through this authority, EPA would be authorized to transfer approximately $8 million from its other accounts to the salaries and expenses account thus reducing the expected shortfall in this account.

For the Veterans' Administration, the conference committee provided funding for several Senate initiatives including $6 million and 176 staff years for Vietnam veterans readjustment counseling centers, funding for the continuation of flight and correspondence school training and $3 million for advanced planning for major construction projects.

Before closing, I would like to comment on amendment No. 69 which provided for a 2-percent cut in all agencies covered under this act other than the Veterans' Administration. While there has been a lot of talk about such an across-the-board cut for fiscal year 1981, this bill is the only one that would actually incorporate such a cut. After some discussion, the conferees elected to vest OMB with the responsibility of determining precisely where and to what extent the cut should be applied. The provisions worked out in the compromise allow OMB to reduce the budget authority for each account, activity and project from 0 to 3 percent. It is my hope that in exercising this discretion, OMB selects for reduction those activities that are least sensitive to funding changes and those that will have a minimal impact on the delivery of essential services.

Mr. HAYAKAWA. I wish to comment on the conference report to H.R. 7631, specifically amendment No. 32, which deals with the Federal Emergency Management Agency, FEMA.

The conferees have wisely emphasized that the President should use discretion in making contributions to State and local governments, via a cost sharing scheme, relating to repair and restoration of damaged public facilities in declared national disaster areas. Under Public Law 93–288 funds are authorized up to 100 percent for this purpose.

Since the Mount St. Helens disaster, declared national disaster areas with damaged public facilities have been federally funded at 75 percent. Language proposed by the House limiting Federal contributions to 75 percent for damaged facilities was deleted by the conference committee. FEMA has since indicated it will continue to interpret discretionary cost sharing at 75 percent. I am at a loss to understand how discretionary cost sharing for repair or restoration of damaged public facilities can be interpreted by FEMA to be a steadfast 75 percent contribution in all cases.

This past Friday the President declared Los Angeles, Orange, Riverside, and San Bernardino Counties national disaster areas, due to the excessive damage caused by fires and high winds. I have been informed that FEMA again plans to contribute only 75 percent to the restoration or repair of public facilities. The remaining 25 percent will be passed on to the State who will then pass many of the various costs on to the local governments.

During midwinter of next year, these declared disaster areas could experience heavy rains. As a result of the fires, flooding is very possible. Will these local governments who have already faced severe financial loss and hardship, again be reviewed under the same criterion for subsequent disasters?

If this were not enough, these disaster areas must hope that if flooding should occur, that no landslides would follow because FEMA's new landslide policy states, and I quote:

> The applicant would be responsible for any stabilization of the landslide area.

So not only could these communities come under this steadfast 75 percent policy twice in a short period of time but they will also face the additional costs for stabilizing land masses, to say nothing of the various other costs a locality must bear, which include the administrative costs for the disaster.

Mr. President, if the Federal Emergency Management Agency believes this conference report is open for interpretation, then I believe it can and should conclude that its 75 percent funding for damaged public facilities should not be considered the final word in all disasters.

The conferees urge that discretionary cost sharing policy be continued and that that the policy be reviewed by the appropriate legislative committees. I support a review and hope to play a role in the review process when it comes about. However, until that review is forthcoming I urge FEMA to consider that discretionary cost sharing, as discussed by the conferees, stipulates judging each Federal disaster on a case-by-case basis for funding. In so doing it may find that some declared disasters may deserve more than 75 percent funding, and some perhaps less.

The Federal Emergency Management Agency must realize that disasters, especially those caused by Mother Nature, rarely conform to steadfast Federal policy. Therefore, it is the job of the Federal Emergency Management agency to review the ability of each disaster area to restore or repair damaged public facilities on an individual basis.

Mr. CANNON. Mr. President, the conference report (H. Rept. No. 96–1476) now before the Senate contains language in the bill and in the statement of managers which must be of concern to every Senator. The language added to the bill pertaining to the research and development appropriation for the National Aeronautics and Space Administration on pages 13 and 14 violates at least two Senate rules, rule XXVIII and rule XVI.

Rule XXVIII, paragraph 2 states:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

The bill language I refer to which reads, "* * * not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, * * * (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, * * *" was in neither the House nor the Senate bill and is matter not committed to the conferees by either House. Furthermore, this constitutes legislation in an appropriations bill in violation of Senate rule XVI, paragraph 2.

The effect of this bill language is that NASA cannot exceed specific dollar amounts during fiscal year 1981 on nine projects within the total research and development appropriation without the approval of the Committees on Appropriations. Not only does this language breach our parliamentary rules, but it interferes with the effective management of these highly technical and complex activities.

Mr. President, we noted and were greatly concerned by similar restrictive language on two space projects that appeared in the fiscal year 1980 HUD-independent agencies appropriations bill. The conference report now before the Senate applies this restrictive language to nine NASA projects. Such restrictions have a detrimental impact on the authority of the Administrator of NASA to effectively and economically manage NASA's large complex space and aeronautical research projects. It is our view that under the law all management decisions in NASA are made under the authority of the NASA Administrator; that he is the responsible official; and, that the Congress is not equipped to make and is not in the position to assume responsibility for such decisions.

The programs of the National Aeronautics and Space Administration are duly authorized by the Congress on an annual basis along with what the Congress now considers necessary and sufficient reprograming authority. Should changes in this reprograming authority be needed, it should be changed only after consideration by the appropriate legislative committees and passage of appropriate legislation by the Congress incorporating those changes. The language added to this bill by the conferees could cause interference with the policy determinations already made by the Congress with respect to programs and projects of the National Aeronautics and Space Administration.

We all are cognizant and most sensitive to the fact that several major NASA projects have encountered difficulties, both technical and managerial, resulting in program stretchout and financial overruns. While we recognize that some of these conditions emanate from the basic nature of research and development, we are aware that there have existed some management deficiencies. These are being addressed, as they have been in the past, and will continue to be in the future. Clearly, NASA must increase its review and vigilance over its major research and development contracts, but Congress should not make a negative contribution to the management of these projects and programs through restrictive ceilings and prior approvals that limit the flexibility granted by authorizing legislation to the responsible official to perform his duties effectively.

Mr. President, Congress should be currently and fully informed by NASA of the technical and financial status of all its projects and programs, particularly on problem areas. When circumstances warrant it, committees can hold oversight hearings to determine the facts, to understand the problems and to assure the people and the Congress that programs and projects will be executed in a responsible manner. Combined with the annual authorization and annual appropriations process, this provides the Congress with ample opportunity for timely corrective action if authorized activities are not being properly carried out.

Artificial controls are not a substitute for good management. They reduce the Administrator's flexibility to effectively manage NASA's large complex research and development programs and projects and, most important, dampen the enthusiasm and initiative of competent, dedicated employees trying to achieve demanding objectives. The consequences of such artificial controls are to reduce productivity, increase costs, and bring about more cost overrun situations which none of us wants to see.

It is against this background that we feel obligated to express a deep concern over the legislative language included in the NASA research and development appropriations section of H.R. 7631, in violation of the aforementioned rules of the Senate.

Mr. President, we are also concerned about the language the conferees have put in the statement of managers (page 14), which directs NASA to establish an ongoing relationship with the National Academy of Engineering and the National Academy of Sciences for the purpose of providing an independent project review capability. The language directs the National Academies to select the participants of each review panel; specifies who will coordinate this activity in the National Aeronautics and Space Administration; and requires that a written report prepared by the reviewers be simultaneously submitted to NASA and the Committees on Appropriations. Finally, the language says:

> In the future, the Committees do not intend to recommend approval of any major program changes unless such an independent review panel concurs with the proposed course of action. During a review period, NASA should not take any action that would prejudice the pursuit of any of the options under consideration.

This language in the statement of managers interferes directly with the authority and responsibility of the Administrator of NASA.

Senate rule XXVIII, paragraph 4, states that the explanatory statement—the statement of managers—in each conference report shall be sufficiently detailed and explicit to inform the Senate as to the effect which the amendments or propositions contained in such report will have on the measure to which those measures or propositions relate. The rule requiring explanation of actions is not meant to provide a mechanism for the conferees to establish a separate project management requirement on the Agency through an outside review system. Indeed, the language in the statement of managers imposes an outside management decision process on the National Aeronautics and Space Administration; it places in the hands of an outside review panel an enormous authority but not responsibility. This language interferes with the authority and responsibility of the Administrator of NASA. The law is absolutely clear on this point. The National Aeronautics and Space Act of 1958 (Public Law 85-568) section 202(a) states:

> The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

Should this bill become law, the Committee on Commerce, Science, and Transportation will be obligated to notify the Administrator of NASA that notwithstanding the language in the statement of managers or any course of action recommended by a review panel of either the National Academy of Sciences or the National Academy of Engineering, he alone—as Administrator of the National Aeronautics and Space Administration—is responsible for the direction of all NASA activities. Under the law he alone is responsible for making the decisions on how to proceed with each and every NASA program and project regardless of any recommendations that may evolve from an outside review panel.

Mr. President, I know the conferees were under great pressure to reach agreement on this appropriation bill so that it could be considered and agreed to before this Congress adjourns sine die. But I hope that this is the last time we will see the insertion of matter not committed to them by either House into this appropriation bill; the last time we see legislation in this appropriation bill; and the last time we see unwarranted interference with the lawful authority and responsibility of the Administrator of NASA.

Mr. LUGAR. Mr. President, I wish to engage in a brief colloquy with the distinguished Senator from Wisconsin, Mr. PROXMIRE.

Today we are considering an additional appropriation of $70 million for the section 235 program administered by HUD. This program has had a volatile history and our experience this fall is just another chapter in that turbulent history.

Until last spring no more than $25 million per year had been expended under the 235 program. But in the last 7 months over $140 million has been spent; exhausting the available funding. When the funds were exhausted in October, the program was suspended.

Because the spending rate increased so dramatically, program control was not as tight as it should have been. As a result, HUD was forced to shut off the program very suddenly. In fact, the cutoff was so sudden that many HUD field offices gave no hint of cutoff prior to the suspension.

In Indiana the suspension of the program has caused some very severe problems. For a variety of reasons, the Indianapolis area office was administering the program outside of the usual procedures. In virtually all cases builders were discouraged from applying for reservations. Instead builders were encouraged to proceed with construction and apply for a firm commitment after an eligible family had signed a contract to purchase a qualified house.

When the program was suspended many builders were caught with completed homes and qualified 235 purchasers; but no program funds. Moreover, these builders did not have signed letters of reservation for program funds.

Clearly these builders should not have proceeded without following the proper procedures for this program. But it is easy to understand how the situation developed. Most businessmen avoid paperwork and redtape whenever they can. If a HUD office worker told a builder that a reservation was not really needed; or if a high level of funding indicated little risk, in most cases that builder would not apply for a reservation.

Thus we are faced with a situation in Indiana where builders have finished a home, a qualified purchaser has signed a contract to purchase the home—in many cases the purchaser has also sold his existing home—but there is no financing available. We face this situation because builders, lenders, and home buyers relied upon conversations with HUD employees. HUD employees were acting in ignorance of the national situation and were probably trying to be helpful. I believe that HUD has an obligation to those injured, not a legal obligation, but a moral obligation.

This is a problem that is national in scope. I do not have any national data, but I have information on the scope of the Indiana problem. A survey by the Homebuilders Association of Indiana indicates that there are 425 homes that were sold prior to October 31, 1980, that do not have reservations or firm commitments under 235. These homes were sold to eligible buyers and are within the limitations of the 235 program.

To fully fund the moral commitments that have been identified we would need approximately $1.4 million in new contract authority. Indiana will not receive sufficient new authority to meet all the demand for funds but there should be enough new authority to assist those who built houses in anticipation of utilizing the 235 program.

It will be difficult to insure that those commitments are met. Any procedure will have its faults, but I believe that those commitments must be met. Moral commitments should be funded before any new commitments are made.

HUD could satisfy those moral commitments by issuing firm commitments to applicants who had signed a contract to purchase an eligible home prior to October 31, 1980. Those firm commitments would be issued prior to the issuance of any new commitments.

I believe that this is a serious problem that HUD must address. There are indications that HUD is sensitive to the problem, but I believe that a clear and effective procedure must be established to ensure that all builders and program participants are treated fairly.

Does Senator PROXMIRE share my concern? Does HUD have a responsibility to builders and families injured by HUD's actions?

Mr. PROXMIRE. In response to the distinguished Senator, let me say that while I am not personally aware of the actual procedures used in Indiana, I have heard of allegations that in some cases builders were discouraged by HUD from applying for preliminary reservations and encouraged to build with the expectation that section 235 funds would be available, and with these assurances such builders proceeded to find specific eligible buyers. If, in fact, these circumstances have occurred, HUD should make funds available to such builders. Of course, any such action would have to be within the constraints of the availability of funds allocated to an area under the fair share formula. I understand that HUD is aware of the possibility that a problem similar to what you have described exists in several states, and is seeking to develop an equitable solution.

Mr. LUGAR. I thank the Senator for his attention to this problem and for your assistance in developing a workable solution to the problem. As chairman of the Banking Committee you have distinguished yourself as a Senator who does not ignore the problems of implementation that often accompany passage of a bill. I appreciate your assistance and look forward to more cooperative ventures in the future.

SECTION 235 HOMEOWNERSHIP ASSISTANCE FUNDING

Mr. CHILES. Mr. President, I would like to take this opportunity to ask a couple of questions of the distinguished chairman of the HUD-Independent Agencies Appropriations Subcommittee. Specifically, I would like to clarify the intent of the Congress regarding the limited supplemental funding that has been provided in the HUD-Independent Agencies appropirations bill for the section 235 homeownership program.

I have supported the additional $70 million of contract authority for expenditures under the existing section 235 program for the purpose of providing assistance to homebuilders and home buyers who were caught in a bind by the Department of Housing and Urban Development's mismanagement of the program when the Department ran out of funding for the program and continued to accept applications. I know that the chairman shares my dislike of having to bail out an agency that spends limited funds as if they had no limit. However, if the Congress does not act now the homebuilders and home buyers will be left in the lurch because they put up their own money for new developments when the Department indicated to them that the necessary funding would be available to them after their contracts were approved.

Mr. President, it is my understanding that by limiting this expenditure to the existing program, and not providing funding for the section 235 emergency stimulus program as authorized by Public Law 96-399, the focus should be on meeting commitments made by HUD and clearing out the backlog of applications that I know exists, especially in the State of Florida. I had become quite concerned when I learned that the majority of HUD offices in Florida were not able to honor their commitments to the respective builders and buyers.

Particularly, I was unhappy to find out that the offices were operating on a verbal commitment basis rather than by accepting preliminary reservations. The outcome of this is that the many participants in the program are in serious trouble. I would like to clarify with the chairman that the intent of Congress is that top priority go to meeting the commitments which HUD has already made, both verbal and written, where builders or buyers have already taken action based on HUD's commitment.

Mr. PROXMIRE. Yes, the Senator from Florida is correct, although, of course, the funds must be allocated initially under a fair share formula mandated by the authorizing legislation.

Mr. CHILES. I understand that the authorization provides for an initial allocation of the funds. However, our experience has always been that some areas do not use all of their money and it is returned to the Secretary for reallocation. I would certainly expect that any reallocated funds would be used to meet existing commitments not sufficiently covered by the initial formula allocation, before being used for new commitments. And of course, we would want HUD to use the initial allocations in each State to meet their current commitments before getting into new areas.

Mr. PROXMIRE. I certainly agree that that is the most fair and reasonable approach, and would recommend that HUD implement the program that way.

Mr. CHILES. I appreciate receiving the clarification from Senator PROXMIRE, who has done so much to meet the country's housing needs while maintaining fiscal responsibility.

Mr. President, I am glad that the Congress has moved rapidly and worked through the budget and appropriations process to provide this limited supplemental funding for the section 235 program. Now that the Congress has acted I hope that HUD will act immediately.

Mr. President, I ask unanimous consent that a copy of a letter I have sent to the Secretary of HUD be printed in the RECORD. This letter urges the Department to take rapid action to meet the intent of the Congress in the way we have just clarified in this colloquy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
December 2, 1980.

Hon. MOON LANDRIEU,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MOON: The Congress is presently taking final action on the FY81 HUD-Independent Agencies' Appropriations Bill. Included in this report is $70 million of contract authority for the FHA Section 235 Program. This special appropriation is being provided by Congress in response to the severe problems created by the HUD Insuring Offices in a number of states. All but one Insuring Office in Florida operated on a verbal commitment basis, encouraging builders to put up money for new developments on the assurance of later Section 235 financing. Since HUD failed to advise the Insuring Offices of the depletion of the original appropriated funds, buyers and developers of Section 235 homes were placed in a serious financial predicament. It is my hope that top priority be given to these individuals to whom HUD had made a commitment either verbal or written, when HUD formulates a plan to disburse these additional dollars. I would appreciate being advised of HUD's plan and the priority system adopted for the disbursement of these dollars at the earliest possible date.

Thank you for your time and consideration.

With kindest regards, I am

Most sincerely,

Lawton Chiles.

VA APPROPRIATIONS

Mr. CRANSTON. Mr. President, I would like to take this opportunity to thank the distinguished chairman of the Appropriations Committee's HUD and Independent Agencies Subcommittee (Mr. Proxmire) for his fine work in making sure that this conference agreement on the HUD and independent agencies fiscal year 1981 appropriations act, H.R. 7631, would provide adequate appropriations for veterans' benefits and services during fiscal year 1981. As chairman of the Committee on Veterans' Affairs, I am deeply grateful for his efforts. Particularly gratifying to me is the inclusion in the conference report of full funding for the long-planned construction of a medical research and education building at the VA medical center at Long Beach, Calif., and an additional $6 million, including 176 staff positions, for the VA's readjustment counseling program for Vietnam-era veterans. I am sure that neither of these very important matters would have been so satisfactorily resolved in conference without the leadership of the Senator from Wisconsin (Mr. Proxmire).

Mr. President, I note that, in the joint explanatory statement accompanying the conference report, the conferees stated their intention that an additional 1,000 direct-care personnel positions are to be made available to the VA's Department of Medicine and Surgery. The conferees stated that these additional positions shall be allocated only for general "staffing improvements"—which I hope will be used to increase staffing in the nursing service—and spinal cord injury care—another service in which increased staffing is a vital necessity. In addition, the conferees stated that, with the exception of designating additional personnel for the VA's unit dose drug-dispensing program, the VA shall make no changes in the so-called base allocation of medical care personnel positions in the President's budget without the approval of the House and Senate Appropriations Committees. Given this language and the fact that total conversion to the unit dose system would result in improved patient care and greater control over drug stock—thus, according to GAO, a dramatic decrease in drug losses in the VA health-care system—I strongly urge the VA to commit additional personnel positions to the unit dose system in order to convert many more VA medical centers to its use, and I hope that the distinguished chairman of the subcommittee will join me in urging the VA to do so.

Mr. PROXMIRE. Mr. President, I do indeed join with the very able chairman of the Veterans' Affairs Committee in urging that action.

I believe that the problems in the VA's pharmacy system, on which the GAO first reported nearly 5 years ago, must be dealt with as soon as possible. VA actions in recent years that were intended to strengthen controls on the dispensing of drugs in VA hospitals have been described recently by the GAO as being largely ineffective. The GAO reports that lax controls have cost the taxpayers approximately $16.5 million a year in drug losses. Pilferage and abuse threaten patient care. This situation must be corrected promptly.

Thus, I strongly agree that the VA should strengthen and expand its efforts to convert as many medical centers as possible to the unit dose system in the near future.

Mr. CRANSTON. With respect to another matter covered in the joint explanatory statement, I would like to clarify with the distinguished floor manager the effect on the VA of the language agreed to in connection with the limitation on expenditures for travel—section 401 of the conference report. My concern is that the language in the bill that expressly exempts travel performed directly in connection with care and treatment of medical beneficiaries of the VA from the limitation may be interpreted—under a strict construction of the term "medical beneficiaries"—as not exempting reimbursements for veterans in connection with physical examinations to determine their entitlement to compensation, pension, and vocational rehabilitation, a problem that the Senate-passed version of this provision would have avoided by making reference to all reimbursements provided VA beneficiaries under section 111 of title 38, United States Code. The subcommittee chairman and I worked together to resolve this problem when the bill was marked up by his subcommittee.

I ask unanimous consent that my August 21, 1980, letter about this matter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Veterans' Affairs,
Washington, D.C., August 21, 1980.
Hon. William Proxmire,
Chairman, HUD-Independent Agencies Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Bill: In connection with my August 15 letter to you, I would like to raise one further matter relating to the VA beneficiary travel program, in connection with your Subcommittee markup of the fiscal year 1981 Appropriations Act for HUD/Independent Agencies (H.R. 7631).

With respect to section 401 in the House-passed Act, I recommend a modification in the language on travel expense limitations to make clear that the proposed limitation would not apply to VA beneficiary reimbursements for travel in connection with non-medical VA benefits. Thus, I urge that your Subcommittee modify the VA beneficiary travel exception to include all travel for which reimbursement is made pursuant to section 111 of title 38, United States Code.

As Chairman of the Committee on Veterans' Affairs, I am greatly concerned that arbitrary limitations not be placed on the availability of funds to provide VA beneficiary travel reimbursements—a benefit to which other than medical beneficiaries—such as veterans receiving service-connected disability compensation exams or participating in the chapter 31 service-connected vocational rehabilitation program—are entitled under law.

I deeply appreciate your continuing cooperation regarding this very important program.

With warm regards,

Cordially,

Alan Cranston,
Chairman.

Mr. PROXMIRE. I appreciate the Senator from California (Mr. Cranston) giving me this opportunity to clarify the conference agreement with respect to VA beneficiary travel reimbursements. I share his concern that no veteran be denied reimbursement to which he or she is entitled under the provisions of title 38.

The term "medical beneficiaries" is not intended by the conferees to be interpreted narrowly. In fact, the Senate conferees receded on this issue only because of the understanding that the House-passed language was intended to be broadly construed to include veterans undergoing physical examinations and participating in rehabilitation programs under chapter 31 of title 38, and that there was no substantial reason for modification of the House provision of the bill in this respect.

Mr. CRANSTON. I thank the Senator for that clarification. I also wish to express my appreciation to the ranking minority member of the subcommittee (Mr. Mathias) for his steadfast support in VA appropriations matters.

THE SOLAR AND CONSERVATION BANK

● Mr. KENNEDY. Mr. President, with passage of this HUD–Interior appropriations bill, H.R. 7631, Congress has completed the process of authorizing and funding the solar and conservation bank for fiscal year 1981. I believe this achievement deserves special notice today since the bank is both an important symbol and a genuine challenge for this country.

The bank is a symbol of Congress commitment to increasing America's energy efficiency. Despite the consensus among energy experts that in the near future our least inflationary, most readily available, significant new energy "source" lies in the better management of our homes, businesses, and factories, Congress has been slow to act on this advice. Moreover, when we have acted to accelerate progress toward increased efficiency, our efforts have often lacked variety or have appealed to too narrow a segment of the public. In 1976, for example, we adopted the Energy Conservation and Production Act. Most of the conservation measures in that act were initiated in a major amendment which Senator Hollings and I successfully sponsored in the Senate. In retrospect, I believe it is fair to say that what appeared to be a giant stride toward energy efficiency in 1976 appears to be only a baby's step in 1980. One reason is that we allowed subsequent implementation of this act to fall too heavily on the regulatory measures. The building energy performance standards, for example, have proved to be extremely difficult to write and have generated widespread political opposition among interest groups. As a result, we have lost years struggling to arrive at acceptable standards while neglecting to fund even the modest financial incentives that were authorized in ECPA. These positive incentives were designed to test the viability and variety of approaches to tilting investment decisions toward energy efficiency. If they had ever been funded, we would be in a much better position today to develop programs with broad public support to increase our Nation's energy security quickly. Unfortunately, the program expired before it was ever funded.

In 1978 Congress did take a second step toward expanding positive incentives to increase energy efficiency when it adopted the 15 percent residential tax credit for energy conservation. This incentive has enhanced the Federal commitment to energy efficiency and has served to focus public attention on energy efficiency.

However, the statistics available so far demonstrate that the tax credit is not sufficient by itself. In the first place, it is not nearly as powerful an engine as was originally hoped, reaching only a little more than half the homes it was estimated to reach in the first 2 years. Second, the tax credit is being used primarily by taxpayers with incomes of $20,000 or more. In fact, the top 25 percent of taxpayers are receiving 65 percent of the benefits.

For this reason, the solar conservation bank has been designed to make additional forms of incentives available to fill the gap for the other 75 percent of the public. The president of the bank has been given broad discretion to fashion a combination of loans and grants that will make economic sense to middle or lower income Americans. The public is receiving a strong signal to conserve from the rapid inflation in energy prices, but in most cases it lacks the capital to take advantage of new investment opportunities.

The bank is particularly suited to creating opportunities for Americans to invest in energy efficiency without dictating how to do it. This program is premised on the assumption that the American public is ready and willing to respond as long as it is given realistic, cost-effective choices. Each household is given the freedom to make its own decision about whether tax credits, loans, or grants make more sense in a particular case. In this way, the full potential of Yankee ingenuity can be encouraged without trying to make investment decisions in Washington.

As a cosponsor of this legislation, I am proud to see it progress to this point. But now that we have authorized and appropriated funds for this important program, we are faced with the challenge for implementing it in a way that maximizes both the nonregulatory, nonmandatory choices to the people and the cost-effective use of Federal money. Since the new administration has frequently emphasized its commitment to these goals, I am hopeful that it will quickly seize the reins of the bank and use it to its fullest potential.

Because of the large number of expert reports recommending that energy conservation be an essential element of our national energy policy, a perception has developed that there may presently be an overemphasis on energy conservation and an underemphasis on other energy alternatives. Because of this perception, some may believe that the conservation and solar bank is frosting on the cake—an unessential Federal program.

The perception that there presently is an overemphasis on energy conservation is simply incorrect. I recently asked the Congressional Research Service to prepare a comparison of Federal subsidies for energy conservation versus energy production. It found that the incentives for energy conservation were only one-sixth the incentives for energy production.

Thus, I believe that a fully operating, aggressive conservation and solar bank is absolutely essential to assure the American people that we are going to pursue a balanced energy program that will benefit all the people of this Nation.

I look forward to working with my colleagues on both sides of the aisle in meeting this objection.●

● Mr. WILLIAMS. Mr. President, I would like to indicate my support for the HUD-independent agencies appropriations conference report, and to comment on aspects of the legislation pertaining to the Department of Housing and Urban Development. As chairman of the Senate Subcommittee with authorization jurisdiction over the Department's programs, I am particularly concerned that this measure pass so that the programs we have authorized may receive an adequate funding level for the remainder of the current fiscal year.

It has been a most difficult year in which to move appropriations legislation, given the revised budgets from the administration and the tortuous process of reconciliation that has faced Appropriations Committee members, in addition to the pressures of a Presidential election year. Thus, the distinguished chairman and the distinguished ranking minority member of the HUD-Independent Agencies Appropriations Subcommittee (Messrs. PROXMIRE and MATHIAS, respectively) deserve enormous credit for the superb job they have done in moving the HUD appropriations bill to a final vote on the Senate floor today. Their skill and their diligence merit the respect and admiration of us all.

Mr. President, the legislation provides appropriations for the community development block grant program, the urban development action grant program, the section 8 rental assistance and public housing programs, the flexible subsidies program, the congregate housing services program, the section 312 rehabilitation program, the GNMA tandem programs, and a host of other programs crucial to the Nation's efforts to improve the quality of housing and neighborhoods and to expand decent housing opportunities for our people.

The largest single appropriation involves housing assistance. The conference report provides sufficient contract and budget authority to assist about 250,000 units of section 8 and public housing during fiscal year 1981, according to HUD estimates. This level is almost 50,000 units more than was assisted in fiscal year 1980 and a most welcome achievement during a period of repeated assault on social programs.

A 50–50 mix of unit types—new to existing—was assumed in the conference report. The 50–50 mix, which was also provided in the Housing Authorization Act, reflects a growing desire on the part of the Congress to make greater use of the existing stock in our housing assistance programs. It is true that the overwhelming housing problem among low-income persons is affordability, rather than substandard conditions. It is also true that we can assist far more people by using the existing housing supply because rents are lower in existing housing, and thus it is cheaper to subsidize tenants living in such units. However, this increased attention to the existing stock carries with it the potential for neglect of new production which is absolutely essential if we are to meet the long-term housing needs of our citizens with modest incomes, particularly those competing in rental markets.

In many areas, particularly those undergoing rapid growth, the supply of housing, both rental and owned, is short. In some places, there are adequate numbers of vacancies, but the types of units available do not properly match the composition of the households seeking to move in. On a national scale, homeownership is fast moving out of the range of even middle class families, yet the supply of rental housing, the primary alternative, is shrinking by as much as 2 percent a year, due to demolitions, deterioration, abandonment, and conversions. Aid to persons through the existing stock can be used only as a short-term device, for it does little to improve housing conditions, and nothing to expand the supply. We must also see to it that sufficient attention is paid to production. After all, as former HUD Secretary Patricia Harris pointed out during hearings before my subcommittee, today's new construction is tomorrow's existing housing.

If the private sector was capable of undertaking the new construction of moderately priced multifamily units unassisted, then we could focus housing assistance programs on lower income persons in the existing stock, secure in the knowledge that units would be continuously added to the supply to make up for those lost, and that these new units would eventually be made available to those with lower incomes as their original occupants moved on to other, newer rental dwellings or to homes of their own. Unfortunately, it is clear that the private sector cannot engage in any large scale construction of new apartment buildings.

Unless we are content to see a continual shrinking of rental opportunities for people with low incomes, and heavier pressure on rents as those opportunities become more restricted, we cannot rely on the existing stock as the principal means of meeting housing needs for low- and moderate-income persons.

The 50–50 mix in the appropriation bill probably represents an acceptable, if not desirable, allocation of housing assistance resources. However, it also represents unquestionably a retreat from our previous emphasis on new construction, and in that retreat lies the seeds of an unhealthy lack of regard for the long-term human and dollar costs that will inevitably result if we fail to encourage the production of rental housing. I can assure you, Mr. President, that in the coming session, I will be most concerned that any proposals to revise our housing assistance programs pay sufficient attention to the needs for new construction.

Mr. President, the conference report also contains additional funding to assist approximately 17,000 more units of housing under the section 235 homeownership assistance program. This appropriation, which substantially embodies the purpose of my legislation, S. 3145, assures that the program will be restarted after it was shutdown in October due to the unexpectedly rapid depletion of its funds. When the program was frozen, many builders across the country were left with an inventory of houses they had built under the section 235 in reliance upon the availability of section 235 interest subsidies for buyers they had lined up. In addition, the shutdown of the program occuring during this time of extraordinarily high interest rates brought to a halt in a number of communities virtually all construction activity for moderate-income persons.

It is my expectation that the additional appropriation be used to promote homeownership among low- and moderate-income persons in all regions, and that within the constraints of the fair share allocation, relief be accorded to those builders who were placed at financial risk due to the sudden expiration of the program's funds and HUD's failure to monitor adequately the expenditure of those funds.

The conference committee shifted $2.1 billion in unusable carryover budget authority from the section 8 rental assistance program to the section 235 program, and then added $70 million in new contract authority to match the section 8 budget authority shifted.

I want to stress that this action does not violate the limits for assisted housing budget authority established by the second concurrent budget resolution for fiscal year 1981, nor does it exceed the assisted housing contract authority ceiling set in the fiscal year 1981 housing authorization act. Neither does the appropriations action cause any loss of section 8 units, since the carryover budget authority shifted was not accompanied by carryover contract authority.

While the committee should be congratulated for its response to the section 235 emergency, we cannot assume that 17,000 units will provide the kind of national housing stimulus that the housing market will most likely demand this winter. It was my intention in offering S. 3145 to provide appropriations for the section 235 standard program and for the section 235 stimulus program, approved as part of the 1980 Housing and Community Development Act. The conference committee limited the use of the appropriations to the standard program, a reasonable action considering that only about 17,000 units can be assisted.

It seems to me, however, that the housing industry is in store for another decline in housing starts. Certainly, the continued rise in interest rates, and the steep drop in housing construction permits that appeared in the October 1980 starts figures, gives us cause for genuine concern. Although the underlying demand for housing will persist, the ability of the housing industry to overcome economic conditions and thus meet that demand at a price that American families can generally afford will be even weaker than it is today. As a result, we can expect heavy use of the section 235 program's available funds because that program in many communities offers the only door to homeownership for moderate-income families, and the only means for homebuilders to stay in business.

Through the section 235 programs, the Congress has provided a workable and fiscally prudent means of cushioning the housing industry in time of trouble. The housing outlook for the next several months is ominous, and it may very well become necessary during the next session of Congress to build upon the action taken by the appropriations conference committee if another debilitating decline in housing markets is to be confronted.

Mr. President, I am particularly pleased that the conference report contains a third year's funding for the congregate housing services program. This program provides 3-to-5 year grants to local public housing agencies and sponsors of section 202 housing to furnish such services as meals and housekeeping assistance to functionally disabled, particularly elderly, tenants.

While the program now operates on a demonstration basis, it embodies several crucial new concepts—multiyear funding of service programs in order to induce the new construction of specially designed residential housing; local assessments of tenant service and health needs; and emphasis on close coordination between housing and services agencies on a local and State rather than Federal level. Through this program, persons with some degree of functional handicap can remain in their residences and avoid unnecessary, costly institutionalization. The program advances the idea that for these persons a residential setting cannot be separated from basic support services, but the two must work together to produce the complete housing environment that these persons need, and I want to stress that this environment is not institutional, but residential. According to HUD, for every dollar spent for congregate services, we can save $5 to $20 in Federal medicaid costs for nursing home care.

Mr. President, the $10 million appropriated for congregate housing services is one of the most worthwhile investments we can make from both a human and a fiscal standpoint, and I regret that the appropriations was not closer to the amount authorized.

An important reason for the low level of congregate services appropriations has been the committee's perception that the program has not spent its funds rapidly enough. It should be noted that because funds are drawn down over the term of 3- to 5-year contracts, outlays will always lag behind new reservations. Moreover, I am informed that once initial awards are made, the Department moves applications rapidly to the contract stage. To the extent a problem has existed, it lies in the awards process. HUD has not been able, to date, to commit all funds provided for a fiscal year within that fiscal year, mainly because of OMB's delays in apportioning the first year's appropriation to the agency, and the time HUD spent in developing procedures and guidelines to implement the new program. The Department has assured me that all carryover uncommitted funds from fiscal year 1980 and all funds appropriations for fiscal year 1981 will be committed in fiscal year 1981, and I certainly intend to monitor the program closely to see that this occurs.

The conference report also allocates $970.8 million for public housing operating subsidies and $18.05 million for the troubled projects flexible subsidies program. The former appropriations includes $108.8 million in emergency funds to handle an unexpected 25-percent jump in public housing utility costs. However, the conference committee figure is $5 million below the Senate-passed level, which reflects the amount requested by the administration. My understanding is that there is no specific programmatic reason for the reduction of the Senate amount. It seems conceivable to me that if the original administration estimate of utility cost increases over the past year was too low, then the reestimate may also be conservative. As a result, the amount of emergency operating subsidies requested may be conservative as well. This means that the $5 million reduction in this additional request may require public housing authorities to compensate for utility payments by cutting other activities, such as maintenance, out of operating budgets already squeezed tight.

Many agencies already operate at a deficit because their expenses outstrip not only the rents they can collect from their low-income tenants, but also because their allocations of operating subsidies are often simply inadequate to meet the normal and usual cost of operation. To cut operating subsidies, especially the amount requested as an emergency appropriation, is ultimately a most costly and wasteful practice because the economies gained by deferring maintenance projects are lost many times over when this deferred maintenance leads to serious deterioration.

The flexible subsidy appropriation suffers from the same short-sightedness; its $18.05 million is some $23.05 million below the amount authorized. These funds are used to stabilize the finances of troubled federally insured projects as part of a comprehensive program to improve the management and financial health of these projects. The extent to which we cut back flexible subsidies is the extent to which we fail to address the serious problems that eventually lead to HUD ownership off the buildings and payouts of huge insurance claims.

Mr. President, before I close I would like to comment on the bill's requirement that a 2-percent cut be applied, no Veterans Administration programs may be cut by more than 3 percent, and no Veterans' Administration programs may be affected. I have always been opposed to this type of appropriations procedure, and see no reason to favor it now. For one thing, it violates the spirit of the Budget Act, which intends that we make careful choices in the allocation of resources, and that we have sound programmatic reasons for reducing or adding funds to any program. The conference committee provision applies a reduction indiscriminately, without regard to program merit.

Even more disturbing is the fact that because of the way the cut may be applied, OMB will have the opportunity to make the final determination about which programs are to be reduced. OMB may decide, for example, to reduce the housing assistance account by 3 percent, and thus achieve about nine-tenths of the cuts required in the bill's budget authority. This is clearly an unwarranted and unwise congressional abdication of responsibility.

Mr. President, a bill of this breadth is bound to have both strong and weak points. However, in my view the strength of the whole far outweighs the weaknesses of some of the parts. The bill is essential if our housing and community program are to deliver their benefits as we have intended, and I urge its adoption.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate Numbered 1, 6, 19, 23, 25. 29, 37, 45, 59, 60, 67, 69, 73, 74, 76, and 77 and concur therein.

The ACTING PRESIDENT pro tempore. The clerk will report the amendments in disagreement.

The legislative clerk read as follows:

The amendments in disagreement are numbered 1, 6, 19, 23, 25, 29, 37, 45, 59, 60, 67, 69, 73, 74, 76, and 77.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the amendments in disagreement be considered and agreed to en bloc.

The amendments en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which $100,000,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

The limitation otherwise applicable to the maximum payments that may be required by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $70,000,000: Provided. That $2,100,000,000 of budget authority provided under this head for the previous fiscal year shall be transferred to, merged with, and used for homeownership assistance program authorized by section 235 of the National Housing Act, as amended (12 U.S.C. 1715z): *Provided further*, That none of the authority provided herein shall be available for the homeownership assistance program authorized by section 207 of the Housing and Community Development Act of 1980 (P.L. 96–399).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided*, That none of the funds in this or any other Act shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations: *Provided further*, That during fiscal year 1981, gross obligations of not to exceed $14,040,000 are authorized for payments under section 230 (a) of the National Housing Act as amended by section 341 of the Housing and Community Development Act of 1980 (P.L. 96–399), from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: $43,000,000: *Provided*, That the effective date of the safety standard for walk behind power lawn mowers as promulgated in 16 CFR part 1205 is hereby delayed to June 30, 1982

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided*, That notwithstanding any other provision of law, not to exceed $8,000,000 shall be available for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than sections 4008(a) (2) or 4009.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law or by executive order: Provided further, That advanced wastewater treatment reviews initiated by program review memorandum 79–7 shall be exempt from this requirement

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: Not to exceed 1 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, (2) $30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) $119,300,000 for the Space Telescope, (4) $39,600,000 for the International Solar Polar Mission, (5) $19,100,000 for the Gamma Ray Observatory, (6) $63,100,000 for Project Galileo, (7) $88,500,000 for Landsat D, (8) $1,873,000,000 for the Space Shuttle, and (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, $4,396,200,000, to remain available until September 30, 1982.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: $987,900,000, including not more than $6,000,000 for new research opportunities grants for women.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: $423,774,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: $409,534,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

Sec. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: Provided further, That this section shall not apply to budget authority provided by this Act for the Veterans Administration.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: 415

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: 416

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: 417

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 77 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

Mr. PROXMIRE. Mr. President, I move to reconsider the votes by which the amendments and the conference report were agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD PASSENGER SAFETY WEEK

Mr. CRANSTON. Mr. President, I would like to bring to the attention of the Senate an event scheduled by the city of San Francisco for January 23–30, 1981. The mayor of San Francisco has proclaimed that week "Child Passenger Safety Week."

Mr. President, auto accidents are the leading cause of death of children over 1 year of age, killing more children than any other disease or condition. In 1979, over 100 child passengers died and over 13,000 were injured in California.

These statistics are doubly tragic when we recognize that auto accidents are the No. 1 preventable cause of death for children of all ages.

Eighty to ninety percent of these deaths, and most of the serious injuries, are preventable through using proven safety measures. It is shocking that less than 16 percent of children in California are in fact buckled up when riding in vehicles.

The solution is to educate parents to the problem and to encourage them to make sure their children are wearing seatbelts in cars.

The San Francisco Bay Area is taking the lead to reduce this cause of needless suffering and death of children. As part of San Francisco's "Child Passenger Safety Week," the San Francisco Child Passenger Safety Council, which is composed of various community agencies, is holding a conference on January 23, 1981, to inform the community that children's lives can be saved by the use of approved and properly installed car safety seats.

The lives that can be saved are priceless.

The sorrow and grief that can be averted cannot be measured.

The savings in public expenditures, however, can be measured.

It is estimated that the cost for the care of each severely head-injured and brain-damaged child is $48,000 per child for rehabilitative hospital care, plus over $200,000 per child for lifetime custodial care in State-supported hospitals. These figures do not include the cost for acute medical care, nor long-term nonhospital rehabilitation, nor special schooling, nor other needed support services. Public resources, most notably medicaid—in California MediCal—and crippled children's services—California Children's Services—frequently provide the principal means of payment.

It is estimated that the cost for less severe injuries resulting, on the average, in at least one day of hospitalization is more than $2,000 per accident.

Mr. President, the pain and tragedy and these substantial public costs can and should be avoided very easily. Parents need only make a habit of seeing to it that their children are buckled-up every time they go for a drive. It should be as automatic as turning the ignition key. Forming that kind of a habit will assure the safety of children and avoid the enormous heartache and suffering that follows a preventable accident.

ST. MICHAEL'S COLLEGE

Mr. LEAHY. Mr. President, as a lifelong Vermonter and an alumnus of St. Michael's College, I have watched it grow with a great deal of pride. St. Michael's is not only one of Vermont's finest educational institutions, but it also contributes invaluable services to its community.

St. Michael's recently observed its 75th anniversary, and I ask unanimous consent to have the following editorial from the Burlington Free Press printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press,
Nov. 14, 1980]

ST. MICHAEL'S COLLEGE MAKES ITS MARK ON NEW ENGLAND

Colleges and universities do not age in the same way as people do.

No matter how old an educational institution may be, there is something about it that conveys a sense of being forever young because of the excitement of learning that pervades its campus and the dynamism of intellectual curiosity that throbs in its student body. Even though its history may be measured in centuries or decades, it is only as old as yesterday and as young as today.

During its 75 years as part of the Greater Burlington community, St. Michael's College has undergone the same metamorphosis as other educational institutions. From a small college that opened its doors to 34 students in 1904, St. Michael's has grown into an institution with an enrollment of 1,642 undergraduate men and women and 1,000 graduate and international students. More than that, it has earned a reputation throughout New England for the quality of its teaching and the strength of its programs. Thousands of graduates today are successful businessmen, scientists and artists. Because it has stressed the liberal art curriculum, its alumni and almunae are well prepared to cope with the complexities of modern society.

Thousands of foreign students have received language training in its international student programs and have returned to their nations to teach or to take government posts. American teachers also have been trained to bring language programs to other countries. In 1956, hundreds of Hungarian refugees were brought to the campus for English language courses.

To mark the 75th anniversary, the college sponsored a series of symposiums, seminars, plays, concerts and other cultural events that brought many people from the area to the campus to share in the observance.

The activities will come to a close this weekend with several special events. Saturday's program will include "75 Tomorrows," featuring slides, film, music and commentary on the colleges history, and presentation of an honorary doctor of laws degree to the Rev. Timothy S. Healy, S.J., president of Georgetown University. Father Healy will deliver an address after receiving the degree. Bishop John A. Marshall will celebrate the jubilee Mass Sunday in the Chapel of St. Michael the Archangel on the campus.

The college community then can look forward to the celebration of the centennial in 25 years.

In the years to come, St. Michael's certainly will make invaluable contributions to higher education in the region and to the cultural and intellectual life of its Chittenden County neighbors.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that on December 2, 1980, he had approved and signed the following acts:

S. 43. An Act to promote safety and health in skiing and other outdoor winter recreational activities.

S. 1135. An Act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be part of the Moapa Indian Reservation.

S. 2251. An Act to amend the Clayton Act to prohibit restriction on the use of credit instruments in the purchase of gasohol.

MESSAGES FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3637. An act to carry out the obligations of the United States under the International Coffee Agreement, 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes; and

H.J. Res. 598. Joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 568. An act to authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. MORGAN).

At 11:12 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bill:

S. 2363. An act to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes.

At 12:22 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 6086. An act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country;

H.R. 6211. An act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act;

H.R. 7466. An act to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status; and

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. MORGAN).

At 2:34 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes.

At 4:25 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, without amendment:

S. 3235. An act to clarify certain effective date provisions of the Customs Court Act of 1980.

The message also announced that the House insists upon its disagreement to the amendment of the Senate numbered 70 to the bill (H.R. 6671) to unify the rules for preventing collisions on the inland waterways of the United States, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the following bill, with amendments:

S. 1148. An act to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 7584. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. MAGNUSON).

At 6:27 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House insists upon its amendments to the bill (S. 2189) to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes; asks conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. STAGGERS, Mr. DINGELL, Mr. OTTINGER, Mr. SHARP, Mr. MARKEY, Mr. UDALL, Mr. HUCKABY, Mr. VENTO, Mr. KOSTMAYER, Mr. SANTINI, Mr. DERRICK, Mr. BROYHILL, Mr. BROWN of Ohio, Mr. CORCORAN, Mr. LUJAN, Mr. SYMMS, and Mr. CHENEY as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 658) to correct technical errors, clarify and make minor substantive changes to Public Law 95–598, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2145. An act for the relief of Florette Ivoree Gayle and Keisha Darajan Karr;

H.R. 2533. An act for the relief of Mrs. Kerry Ann Wilson;

H.R. 3138. An act for the relief of Surip Karmowiredjo;

H.R. 3396. An act for the relief of George David Maxwell, Director of Medicine;

H.R. 4386. An act for the relief of Mr. and Mrs. Clarence Overson;

H.R. 5016. An act for the relief of David Roland Weaver;

H.R. 6011. An act for the relief of William H. Koss; and

H.R. 6069. An act for the relief of I Wen Wang Chen.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1835. An Act to extend the Joint Funding Simplification Act of 1974;

H.R. 6942. An Act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes; and

H.R. 8228. An Act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

HOUSE MEASURES REFERRED

The following measures were read twice by their title, and referred as indicated:

H.R. 2145. An act for the relief of Florette Ivoree Gaylc and Keisha Darajan Karr; to the Committee on the Judiciary.

H.R. 2533. An act for the relief of Mrs. Kerry Ann Wilson; to the Committee on the Judiciary.

H.R. 3138. An act for the relief of Surip Karmowiredjo; to the Committee on the Judiciary.

H.R. 3396. An act for the relief of George David Maxwell, Director of Medicine; to the Committee on the Judiciary.

H.R. 3637. An act to carry out the obligations of the United States under the International Coffee Agreement, 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes; to the Committee on Finance.

H.R. 4386. An act for the relief of Mr. and

Mrs. Clarence Overson; to the Committee on the Judiciary.

H.R. 5016. An act for the relief of David Roland Weaver; to the Committee on the Judiciary.

H.R. 6011. An act for the relief of William H. Koss; to the Committee on the Judiciary.

H.R. 6069. An act for the relief of I Wen Wang Chen; to the Committee on the Judiciary.

H.R. 6257. An act to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes: by unanimous consent, referred jointly to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources.

H.J. Res. 598. Joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States; to the Committee on Finance.

H.J. Res. 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL PRESENTED

The Secretary reported that on today, December 3, 1980, he had presented to the President of the United States the following enrolled bill:

S. 568. An act to authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4990. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financing Rural Electric Generating Facilities: A Large And Growing Activity"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4991. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 1980 through September 30, 1980, from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-4992. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services function at Gunter Air Force Base, Alabama, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4993. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the military family housing function at Wright-Patterson Air Force Base, Ohio, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4994. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation; on a basis that indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-4995. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice that the Commission is unable to render a final decision in Docket No. 37420 Iron and Steel Scrap, Illinois Rate Committee Territory within the initially specified 7-month period; to the Committee on Commerce, Science, and Transportation.

EC-4996. A communication from the Secretary of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report on the final valuation of properties of carriers subject to the Interstate Commerce Act; to the Committee on Commerce, Science, and Transportation.

EC-4997. A communication from the Secretary of Transportation, transmitting, pursuant to law, a study of Amtrak's tax payments to States and localities, dated September 1980; to the Committee on Commerce, Science, and Transportation.

EC-4998. A communication from the Director of the Office of Congressional, Consumer, and Public Affairs, Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1979; to the Committee on Energy and Natural Resources.

EC-4999. A communication from the Deputy Under Secretary of the Interior (Territorial and International Affairs), transmitting, pursuant to law, a copy of the Annual Report of the Financial Condition of the Trust Territory of the Pacific Islands for the fiscal year ended September 30, 1979; to the Committee on Energy and Natural Resources.

EC-5000. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on ocean pollution, overfishing, and offshore development for the period October 1977 through September 1978; to the Committee on Environment and Public Works.

EC-5001. A communication from the Acting Assistant Secretary of State for International Organization Affairs, transmitting, pursuant to law, several documents from the United Nations System; to the Committee on Foreign Relations.

EC-5002. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 26, 1980; to the Committee on Foreign Relations.

EC-5003. A communication from the Secretary of Labor, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Labor, for the period April 1 through September 30, 1980; to the Committee on Governmental Affairs.

EC-5004. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Transportation for the period April 1 through September 30, 1980; to the Committee on Governmental Affairs.

EC-5005. A communication from the Special Assistant to the President for Administration, transmitting, pursuant to law, certain information concerning personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration; to the Committee on Governmental Affairs.

EC-5006. A communication from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report on a proposed system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-5007. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General of NASA for the period ending September 30, 1980; to the Committee on Governmental Affairs.

EC-5008. A communication from the Acting Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a report on cancellations and adjustments to debts against individual Indians or Indian tribes for fiscal year 1980; to the Select Committee on Indian Affairs.

EC-5009. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the eighth report of the National Heart, Lung, and Blood Advisory Council; to the Committee on Labor and Human Resources.

EC-5010. A communication from the Secretary of Education, transmitting pursuant to law, the "Final Regulations for Secretary's Discretionary Program"; to the Committee on Labor and Human Resources.

EC-5011. A communication from the Assistant Secretary for Enforcement and Operations, Department of the Treasury, and the Assistant Secretary for Health and Surgeon General, Department of Health and Human Services, transmitting, pursuant to law, a report on health hazards associated with alcohol and methods to inform the general public of these hazards; to the Committee on Labor and Human Resources.

EC-5012. A communication from the Secretary of Health and Human Services, transmitting, for the information of the Senate, notice of a delay in the submission of a report on the study of costs of environment-related health effects; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 546. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7694; referred to the Committee on the Budget.

S. Res. 547. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3351; referred to the Committee on the Budget.

S. Res. 548. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7626; referred to the Committee on the Budget.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

H.R. 3351. An act to amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis (Rept. No. 96-1049).

H.R. 5856. An act to amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel (Rept. No. 96-1050).

By Mr. NUNN, from the Committee on Armed Services, with an amendment (in the nature of a substitute):

H.R. 7626. An act to amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes (Rept. No. 96-1051).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

H.R. 7682. An act to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes (Rept. No. 96-1052).

By Mr. NUNN, from the Committee on Armed Services, with amendments, and an amendment to the title:

H.R. 7694. An act to provide civilian career employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico the same relative rotation rights as apply to other career employees, to authorize the Delegates in Congress from Guam and the Virgin Islands to have two appointments at a time, rather than one appointment, to each of the service academies, and to authorize the establishment of a National Guard of Guam (Rept. No. 96-1053).

By Mr. HOLLINGS, from the Committee on the Budget, without amendment:

S. Res. 543. A resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of H.R. 8388.

By Mr. EAGLETON, from the Committee on Governmental Affairs, without amendment:

H.R. 7815. An act to recognize the meritorious achievements of certain individuals by providing for the designation of certain post offices in their honor, and for other purposes.

Mr. Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.J. Res. 637. Joint resolution making further continuing appropriations for the fiscal year 1981, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 3237. A bill to amend the Internal Revenue Code to provide for inflation adjustments; to the Committee on Finance.

By Mr. THURMOND:

S. 3238. A bill to encourage film corporations to donate certain historical film to educational organizations by increasing the limit on the charitable contribution deduction of such corporations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 3238. A bill to encourage film corporations to donate certain historical film to educational organizations by increasing the limit on the charitable contribution deduction of such corporations; to the Committee on Finance.

CONTRIBUTION OF HISTORIC FILM TO UNIVERSITY OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, today I am pleased to introduce legislation to facilitate a corporate gift of historic newsreel film by Movietonews, Inc., a wholly owned subsidiary of Twentieth Century-Fox Film Corp., to the University of South Carolina.

This bill would amend section 170 of the Internal Revenue Code, pertaining to tax deductions for gifts, to allow Twentieth Century-Fox an increased charitable gift deduction in the tax years 1980 through 1986 for this unique contribution of newsreel film. The gift will consist of some 50 million feet of both silent and sound film, depicting U.S. and world history for the years 1919 through 1963. In addition to its most generous action in granting this invaluable material to the University of South Carolina, Twentieth Century-Fox is also bearing the expense of converting the explosive nitrate stock, containing approximately half of the material, onto safety film stock that can be safely and conveniently preserved for posterity. The cost of this conversion, which will take 6 to 7 years to complete, is expected to be $5 to $6 million.

Mr. President, I have discussed this matter with Dr. James B. Holderman, president of the University of South Carolina, and he informs me that the university is extremely pleased and excited about the prospects of this gift. The university is in the process of constructing a new arts center, a significant part of which will be dedicated to the storage and exhibition of this historic film material. The university desires to receive the entire library of film as quickly as the processing onto safety stock can be completed and the arts center is prepared to handle the gift. It is essential that the nitrate film stock be promptly converted, as its quality is deteriorating and there is an ever-present danger of an explosion destroying the entire stock.

Mr. President, the preservation of this historic treasure certainly serves the national interest. This limited change in the Tax Code will greatly facilitate this gift and insure that the material is safely preserved for the benefit of present and future generations.

ADDITIONAL COSPONSORS

S. 506

At the request of Mr. Moynihan, his name was added as a cosponsor of S. 506, a bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

S. 2686

At the request of Mr. Bumpers, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 2686, a bill to direct the Secretary of the Interior to provide for the protection of the Barrier Islands, and for other purposes.

S. 3229

At the request of Mr. Robert C. Byrd, his name was added as a cosponsor of S. 3229, a bill to amend the Foreign Assistance Act of 1961 to authorize the appropriation of special earthquake relief assistance for Italy for fiscal year 1980, and for other purposes.

At the request of Mr. Levin, his name was added as a cosponsor of S. 3229, supra.

SENATE JOINT RESOLUTION 123

At the request of Mr. Heinz, the Senator from Florida (Mr. Chiles) was added as a cosponsor of Senate Joint Resolution 123, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

SENATE CONCURRENT RESOLUTION 114

At the request of Mr. Lugar, the Senator from Utah (Mr. Garn) was added as a cosponsor of Senate Concurrent Resolution 114, a concurrent resolution to express the sense of the Congress with the respect to the independence and integrity of the people and Government of Jamaica.

SENATE CONCURRENT RESOLUTION 137—CONCURRENT RESOLUTION AUTHORIZING CHANGES IN THE ENROLLMENT OF H.R. 7765

Mr. WILLIAMS (for himself, Mr. Bradley, Mr. Stewart, Mr. Simpson, Mr. Chafee, Mr. Durenberger, Mr. Durkin, Mr. Hatfield, Mr. Levin, Mr. Thurmond, Mr. Tsongas, Mr. Hayakawa, Mr. Morgan, Mr. Biden, Mr. Roth, Mr. Schmitt, Mr. Warner, Mr. Huddleston, Mr. Riegle, Mr. Stafford, Mr. Leahy, Mr. Pell, Mr. Cannon, Mr. Cohen, Mr. Cranston, Mr. Sarbanes, and Mr. Heflin) submitted the following concurrent resolution, which was referred, by unanimous consent, to the Committee on Finance:

S. Con. Res. 137

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of H.R. 7765, An Act to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981, to make the following change:

In subsection (i) of section 103A of the Internal Revenue Code of 1954, as added by section 1102 of the Act,

(1) changing the title to read "Arbitrage and Investment Gains." and

(2) striking "to the mortgagors as rapidly as may be practicable." and inserting in lieu thereof the following:

", at the time the entire issue is redeemed or discharged, first, to the issuer to the extent of any money contributed by the issuer at the time the bonds were issued to reduce the effective rate of interest on the mortgages, and second, to the Treasury of the United States to the extent of any excess."

Mr. WILLIAMS. Mr. President, I am submitting a concurrent resolution for myself and 26 other Senators. It addresses the arbitrage limitations adopted in title 9 of the conference report on the Omnibus Reconciliation Act of 1980.

Mr. President, I ask unanimous consent that it be referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 546—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 546

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 7694, a bill to provide civilian career employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico the same relative rotation rights as apply to other career employees, to authorize the Delegates in Congress from Guam and the Virgin Islands to have two appointments at a time, rather than one appointment, to each of the service academies and to authorize the establishment of a National Guard of Guam.

Such a waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to H.R. 7694, as reported by the Committee on Armed Services.

SENATE RESOLUTION 547—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 547

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 3351, a bill to amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis.

Such a waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to H.R. 3351, as reported by the Committee on Armed Services.

SENATE RESOLUTION 548—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 548

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 7626, a bill to amend Title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

Such a waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to H.R. 7626, as reported by the Committee on Armed Services.

AMENDMENTS SUBMITTED FOR PRINTING

ENFORCEMENT OF FAIR HOUSING

AMENDMENT NO. 2637

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 5200) to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

AMENDMENTS NOS. 2638 AND 2639

(Ordered to be printed and to lie on the table.)

Mr. HELFIN submitted two amendments intended to be proposed by him to the bill H.R. 5200, supra.

AMENDMENTS NOS. 2642 AND 2643

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI submitted two amendments intended to be proposed by him to the bill H.R. 5200, supra.

AMENDMENT NOS. 2642 AND 2643

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI submitted two amendments intended to be proposed by him to the bill (S. 506) to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR WARREN MAGNUSON

● Mr. YOUNG. Mr. President, I want to join the many other Senators in paying tribute to our beloved friend and colleague, WARREN MAGNUSON, who will be retiring with this session.

MAGGIE, as we have all come to know him, has served 44 years in the House and Senate, which is equaled by only a few in the history of this body. He was elected all these years largely because the people of Washington had great admiration and confidence in him. He has served Washington and the Nation exceptionally well. During his long years of service he has handled many difficult assignments with great ability.

During all these busy years in the Senate, MAGGIE has had the unique ability of carrying a heavy load and often difficult assignments. Through it all he acquired many good personal friends and among them several Presidents of the United States.

MAGGIE has always been a very special friend of mine and was the first Senator that I met when I first came to Washington. We spent many happy hours together, especially during my first years when our workload was not as heavy and when I needed a friend the most. I especially enjoyed the years we spent together—he as chairman of the Senate Appropriations Committee and me as the ranking minority member.

There is another reason why I am personally very proud of him. He was born in North Dakota and orphaned at an early age. Few people have come as far in this world as he has, and by his own initiative, hard work and determination.

Pat and I wish many happy years of retirement to Jermaine and MAGGIE.●

HOLBROOKE'S JAPAN SOCIETY SPEECH

● Mr. GLENN. Mr. President, Japan receives much criticism these days for its trading practices. I myself have been critical at times. Nevertheless, Japan continues to be one of our staunchest allies and a cooperative partner in a growing list of common global concerns. Richard C. Holbrooke, Assistant Secretary of State for East Asian and Pacific Affairs, Department of State, emphasized this same theme in a recent speech to the Japan society entitled, "United States-Japanese Relations in 1980's."

In his words:

> Our fundamental challenge during the 1980's will be to consolidate and integrate our major alliances—with NATO, with Japan, with ANZUS. This process is well underway in the Pacific, but there is work yet to be done. Our strategic interests in remaining a vital Asian power are more apparent today than ever. But there cannot be a strong American policy in the Pacific if it doesn't begin with a strong U.S.-Japanese relationship.

This fact seems to be appreciated today

by the American public, as illustrated by the Potomac Associates Poll. . . . Although the poll showed that the American public correctly identified Japan as the major source of threat to American jobs there was a very significant growth in acceptance of Japan as a major treaty ally, and a country to whom the United States should commit its own national prestige if Japan's security is threatened. Almost 70 percent believe we should come to Japan's defense if attacked, up from only 37% six years ago. This suggests to me that the American public is capable of making the sometimes difficult distinction between trading rivals and strategic partners. That distinction is essential if we are to continue to build U.S. Pacific policy around an unbreakable Tokyo-Washington alliance.

I request that the entire speech be included in the RECORD.

The speech follows:

UNITED STATES-JAPANESE RELATIONS IN THE 1980'S

(By Richard C. Holbrooke)

During the last few months, I have given a number of speeches on strategic issues in East Asia, the continuing war in Indochina, and the development of our new relationship with China. Although Japan has figured importantly in those speeches, as the cornerstone of our strategic posture and our strategic interests in the area, I have not yet discussed in any detail how I see the evolution of US-Japanese relations in the midst of these other developments. I would like to do that today, and I'm grateful to Dave McEachron for providing a forum that is more deeply involved in—and more deeply concerned with—US-Japanese relations than any other in the United States. The work of the members of the Japan Society, acting through the institution and individually, has been and remains crucial to our strong ties with Japan.

In less than two months I shall be leaving my present position. I shall leave with a sense of satisfaction that our relations with Japan have matured into a full-fledged, more equal and productive partnership. Nevertheless, challenges remain before us in the 1980's, challenges that will test our ibility and creativity in adapting the US-Japanese alliance to an increasingly uncertain environment.

Today I shall outline for you what I think the essential challenges will be in our relations with Japan during the 1980's. But before I do that, let me make a number of observations about recent developments in US-Japanese relations which will deeply affect how we approach issues of the 1980's.

In the past four years, Japan's role in the world has begun the transformation from one of caution, with almost total attention to pragmatically-centered economic activity, to political activism, partnership and leadership.

This change was first evident when Prime Minister Fukuda traveled to Southeast Asia in 1977, declared the "Fukuda Doctrine", and opened a new relationship for Japan with the nations of ASEAN. Following that, and with Foreign Ministers Sonoda, Okita, and Ito playing leading roles, the sense of Japanese responsibility grew, not only within the government but in society at large. Under Prime Minister Ohira, and now Prime Minister Suzuki, the Government of Japan has actively reassessed the meaning of alliance and partnership, and the results, particularly in the last year, have been nothing short of astounding.

While hoping to improve relations with the Soviet Union, Japan has nonetheless taken a forthright stand in imposing sanctions on Moscow, believing as we do that the invasion of Afghanistan cannot go unanswered. Japan has stood second to none in rejecting Soviet aggression. It joined the Olympic boycott—a difficult step for both the government and the private parties involved. It has maintained economic sanctions even in the face of less principled behavior by others who have moved in to pick up contracts Japan might have had. It has provided massive new aid to Pakistan and Turkey, not, as is so often alleged, because this would open export markets, but as an instrument for strategic purposes.

Japan accepted a cut-off of over 10 percent in its crucial oil shipments when it refused to pay higher prices demanded by Iran, thus aiding significantly in halting the spiraling price of petroleum. And also with regard to Iran, I should note that, despite an unfortunate problem early in the hostage crisis, since then Japan has been second to none in its support for our efforts.

Japan has greatly expanded its policy-level contacts with Europe, working closely with the European Community, as well as with the United States, not only on Iranian sanctions but in developing a dialogue on a broad range of issues. This global approach is one of the striking features of the new Japanese policy.

The relationship with ASEAN has deepened, and Japan has worked very closely with those nations, providing massive refugee assistance (second only to the US) and playing a front-line role in the UN vote on Kampuchean credentials. Perhaps partially in recognition of the leadership role Japan played on the latter question, it was overwhelmingly voted in to serve on the Security Council recently. Only a year ago Japan had to withdraw from a similar effort.

Again in Southeast Asia, no nation has been more eager or more active in attempting to use its good offices and diplomatic resources to achieve a solution to the Kampuchean problem.

And finally, Japan has adopted a supportive and constructive approach to the allied effort to limit the damage of the Iran-Iraq war.

Speculation that these steps were purely reactive and situational—that they did not obey any larger policy concept—was dispelled by the remarkable language in the Foreign Minister's annual policy report (the Blue Book) issued in August. I quote: "International relations are no longer considered as a given condition for Japan, but rather something which Japan should help form. As a responsible member of the international community, Japan must be prepared to make difficult choices, even make sacrifices. Such an attitude is to be backed up by a strong conviction that Japan must defend its basic values, that is, freedom and democracy . . . and further strengthen solidarity and cooperation with free nations, such as the United States and the Western European countries." Few countries in the world today have stated their basic orientation so forthrightly.

Part of the motivation for this new approach is simply greater uncertainty about the international environment and a desire to seek safety in numbers. But I think a careful reading of Japanese political, public and press opinion also reveals a new positive concept of Japanese interests and responsibilities. No longer is it adequate in Japanese minds to be economically strong and politically neutral. Peace in the Middle East and Persian Gulf is vital to Japan's interests. Soviet aggression anywhere is a potential threat to security everywhere. Individual willingness to accept unreasonable demands for high oil prices may produce short-term supplies, but only at the cost of long-term dislocations that affect us all.

Thus Japan has moved firmly in the direction of an alliance involving all of the industrialized democracies. Not a military alliance for that would go well beyond what is politically feasible or desirable for Japan. But a political-economic alliance in which we all work together to achieve our common objective.

In a very real sense, I would argue, this represents the first stages of implementation of the "productive partnership" for the 1980's to which President Carter and Prime Minister Ohira dedicated their nations in May 1979. You may recall that such partnership was based on "shared political and economic ideals" and reflected our respective responsibilities in world affairs.

One should not assume that this has been an inevitable evolution or that it will inevitably be sustained. The Japanese Government has had to work hard with all areas of its society and body politic to garner the broad support that the policy line now enjoys. And the success is all the more remarkable in light of the severe strains within the Japanese domestic political structure in recent times.

As Japanese leaders themselves frequently point out, the starting point for that policy is the relationship with the United States. It is thus incumbent upon the Japanese—and upon us—to assure that the relationship remains dynamic and that its essence remains unaffected by the specific trade problems that seem to plague us from time to time.

Indeed, it is important to remember that the movement in Japanese policy I have described, and the increasing warmth in the relationship with the United States, has taken place during a time of considerable tension and frequent confrontation on the economic front. Given problems we have had in the past such as the textile issue, one hesitates to say that the level of problems over the past few years has been unprecedented. But I think it would be hard to find an earlier time when such a broad range of problems has existed on such basic economic issues as steel, color televisions, citrus trade, rice disposals, tobacco products, government procurement, nuclear reprocessing, and—most particularly—automobiles. And yet, as a recent poll by Potomac Associates and the Gallup organization showed, Americans continue to have an increasingly favorable view of Japan and of the Japanese people.

Let me cite some of the figures. In that poll, 84 percent of the people had a favorable opinion of Japan—higher than West Germany (81 percent) or Israel (78 percent) or 17 other countries listed in the poll. Only 12 percent had an unfavorable view.

But the economic problems did not escape those polled, over three quarters (76 percent) of whom saw Japanese imports as a serious threat to American jobs today, and almost two-thirds (62 percent) of whom saw such a serious threat 5 or 10 years from now. I should note that the number of Americans seeing Japan as an economic threat over the longer term declines, while those seeing China as an economic threat increase.

Let me turn now from the broad strategic questions I have been addressing to the bilateral relationship. Here I think the successes have also been overwhelming, but I am concerned about what I would term the "pathology" of our trade disputes—concerned that over time the tendency both sides have to bring such disputes to the edge of political calamity may one day breach the firebreak we have all worked so hard to create between them and the underlying political, economic, and security relationship.

What is that pathology? The typical scenario is for the United States to identify a specific trade problem and raise it with Japan. The Japanese respond that it isn't much of a problem, or there isn't much to be done about it, or they'll try. Time passes. Nothing happens. Egged on by pressures from the Hill and from special interests in our business community—and one must say, sometimes at the urging of some Japanese—we escalate it to the very brink of a political breach. An agreement is finally struck which the US views as inadequate and Japan views as the result of totally unjustified public bullying which has taken place without due regard for its concerns and its problems. The immediate crisis passes, but scars have been left. The cycle then repeats itself on some other specific issue.

Some people have argued that such pressures and confrontations are necessary to move both sides from extreme positions to more rational stances. That may be so, but it is precisely this pathology that I find deeply troubling, indeed destructive.

What can we do about it? I think on the American side we must resist more vigorously the temptation to "hype" specific problems. We have not done that in the case of automobiles, however. We took our stand, of course, because we judged it in our best interest to do so. But the Japanese must appreciate that in addition to concerns for inflation and energy, part of our calculation has been one of fair play, that blaming Japan—and punishing it—for something not entirely of their making was simply wrong.

Accepting the political burdens of this type of decision must be reciprocal. Thus, when the United States calls on Japan to take justifiable steps to open its markets further—as we are now doing on tobacco products and government procurement for telecommunications—I believe it is incumbent upon Japan to respond with imaginative and serious proposals which reflect the totality of our relationship, even if this means "taking the heat" from some special interests. Quite frankly, I think the Japanese Government has done just that in many cases. So my appeal is not only to Japanese officials, but also to those special Japanese interests who may be involved in one instance or another, and to the Japanese press, which is ever vigilant for examples of U.S. pressure, to understand that we want to be reasonable, but that reason is a two-way street.

I would also be less than frank if I did not say that the strength of feeling which at least some Americans have for economic problems is in part a function of perceptions that Japan has gotten a "free ride" in the defense area. I do not happen to share these perceptions.

In fact there is a growing myth in the United States that Japan doesn't have armed forces. This myth, which the Japanese have helped to perpetuate, creates a base of misinformation from which the issue is falsely debated. The question is not whether Japan should rearm. Japan already has a significant defense establishment. Consider the following facts: the Japanese Navy includes 45 destroyers and escorts and more than 35 minesweepers; Japanese air power counts more than 370 combat aircraft. All of these figures are larger than the figures for the same categories in the Seventh Fleet and Fifth Air Force. The real question is how much and how fast should Japan build its existing forces and contribute to the common defense.

With a defense budget which has increased at almost 7 percent annually in real terms over the last decade and which now exceeds $10 billion, including about $1 billion for support of U.S. forces in Japan, forbidden from having offensive military forces by a Constitution shaped with U.S. influence, that country now has the seventh or eighth largest defense budget in the world.

But on a per capita basis the burden ($82) is about one-seventh of what Americans pay ($550), and over half of the American public wants Japan to increase its defense effort.

There is no question that the quality of the so-called "defense debate" in Japan has changed markedly in the last three years, even in the past twelve months. Not only is the Government of Japan considering an almost 10 percent budget increase this year, but the nature of the debate about Japan's role which I discussed at the outset has changed dramatically. And I think over time the combination of increased military spending and other contributions to our common security such as economic assistance will ease the concerns of most Americans about any "free ride." In our view, a change in the Japanese constitution is not necessary.

Looking to the future, let me cite briefly the elements which I believe will shape this critical relationship in the coming decade and beyond.

Because we will continue to provide the strategic umbrella in East Asia, and indeed throughout the world, we will doubtless regain some elements of the "senior-junior" relationship we have had in the past. But true partnership, which is the only sustainable model between two countries such as ours, must mean, if not an end, at least a major change in the "unequal" nature of our relations. Japan is now a major global power, and both of us must continue adjusting to this fact. It will not be easy. But we in the United States must respect legitimate Japanese concerns; must abandon the idea that "consultation" means asking what others think and then doing what we want anyway; must be willing to accept that parallel policies are sometimes as good as—if not better than—identical approaches; must be willing to follow as well as lead.

And Japan must put into active practice the notions with which it is now seized—that while protection of national interests is every nation's first priority, the interests of the major powers involve responsibilities that go beyond immediate concerns; that fairness and equity and partnership are concepts that must be broadly viewed.

On the economic side, I believe that the course of U.S.-Japanese relations over the next decade will depend more on what we do in the United States to strengthen our own economy than on any other single factor. We must increase productivity and stimulate efficient, competitive industries. At the same time, not only do real barriers to trade still exist in Japan, but a perception remains from past experience that Japan is "unfair". I believe Japan has a responsibility to go beyond simply eliminating the relatively few remaining barriers. They must change psychological attitudes toward foreign imports nurtured during the postwar reconstruction period and actively facilitate competition from abroad—if they are to maintain that kind of access to the American market. And they must take care that their domestic and foreign economic policies do not—and are perceived not to—disrupt competitive markets abroad.

In the field of security, we do not seek a redefined role for Japan. We recognize and respect their Constitutional constraints. But the challenges are great and the resources increasingly scarce. We are augmenting our own efforts to counter these trends, but I am only stating the obvious when I say that Congress and the American people will not understand—and will not tolerate—the staggering costs they will be asked to bear without significant action by our allies as well. As I have indicated, I think in both the purely military field and in foreign aid, the trends are all in the right direction. I would only underscore the importance that these trends continue—and even accelerate—and that we work together in the closest possible way in support of our shared objectives.

I feel constrained to cite one critical area which cuts across economics, politics and security, and which is vital to all our futures. That is energy.

Twice in the last four years we have faced near crises with Japan over energy-related issues. The first was nuclear reprocessing; the second oil. Both of these problems are now well understood, and indeed we have moved to a new stage of cooperation in research and development of new energy sources. But the efforts to date are, in my personal view, grossly inadequate to the real needs. And the potential for controversy is tremendous. I think we can make the accommodations necessary to avoid the pitfalls and, working together with other nations, make historic contributions to the quality of life not only our own citizens but of all mankind. But it will require patience and vision on both sides greater than at any time in the past.

Let me return to the global perspective. Our fundamental challenge during the 1980's will be to consolidate and integrate our major alliances—with NATO, with Japan, with ANZUS. This process is well underway in the Pacific, but there is work yet to be done. Our strategic interests in remaining a vital Asian power are more apparent today than ever. But there cannot be a strong American policy in the Pacific if it doesn't begin with a strong US-Japanese relationship.

This fact seems to be appreciated today by the American public, as illustrated by the Potomac Associates poll I cited earlier. Although the poll showed that the American public correctly identified Japan as the major source of threat to American jobs, there was a very significant growth in acceptance of Japan as a major treaty ally, and a country to whom the United States should commit its own national prestige if Japan's security is threatened. Almost 70 percent believe we should come to Japan's defense if attacked, up from only 37 percent six years ago. This suggests to me that the American public is capable of making the sometimes difficult distinction between trading rivals and strategic partners. That distinction is essential if we are to continue to build U.S. Pacific policy around an unbreakable Tokyo-Washington alliance.

Over the next several years we shall be facing an historic opportunity to draw Tokyo into an increasingly active partnership with the United States and Western Europe. Japan's recognition of a broader context for its own security concerns has been marked over the past year, and will increasingly contribute to coordination among the United States, Western Europe and the Pacific allies, particularly Japan.

In doing this, however, we must take care to balance the defense aspect of our alliance with its political and economic dimensions. The issue of sharing the defense burden must be addressed in the broader context of economic, political, and security cooperation among the allies. This will make it possible for Japan to find alternate—perhaps unique—ways to carry its "fair share", without feeling pressured to assume an uncomfortably high military profile. By the same token, it can help reassure Japan's neighbors that the development of more impressive Japanese defense capabilities—or a rising Japanese defense budget—do not foreshadow independent or militaristic policies.

Clearly Japan is moving gradually, and in its own unique way, towards a growing defense budget. They will never move as fast as some Americans want them to. But the trend, it seems to me, is unmistakable. The Japanese, as you all know, tend to do the opposite of what we do with our defense budget. We try to make our budget as big as possible for domestic purposes. The Japanese try to make theirs look as small as possible, in fact smaller than it really is, for domestic purposes. So there is a wide misconception among Americans—even many in the government—about how much the Japanese are already doing.

In this regard, we should also keep our sights on what we want increased defense spending to accomplish, and how the burden can be most equitably and rationally shared. This applies not only to Japan, but to our Western European allies, as well. To the extent that we put all of the emphasis on a single alliance issue—defense spending—we could create an exaggerated sense of disarray and unnecessarily encourage domestic political resistance among our allies.

Finally, we must take pains to ensure that our consultations with Japan about strategic issues are fully developed. Japan's increasingly active international role will affect our interests and policies; ours will affect theirs. We shall both want to be appropriately involved in each others decisions. For example, we must keep Japan's concerns and views fully in mind as we make decisions about our future security relationship with China. It is a strategic issue relating significantly to our alliances.

This will require above all that the President must personally commit to maintaining the relationship and prevent those people in the Congress or in the domestic agencies who see special reasons to put stress on the relationship from letting that stress destroy it. I do not take it for granted that the lip service which we all pay to US-Japanese relations automatically converts into a growing and improved relationship. It takes real determination and skill at every level of the US Government.

Earlier this week I had breakfast with Saburo Okita, the former Foreign Minister of Japan. We reflected together on the last four years, and we agreed that if it had not been for the full personal commitment of three Prime Ministers and four Foreign Ministers, and for the efforts of President Carter, Vice President Mondale, Secretary Vance, Ambassador Mansfield, Bob Strauss, Henry Owen, Secretary Muskie, and a handful of other people, we might not have gotten through these four years without a major shock or a crisis. But I am proud to be able to say that we did. We have been particularly privileged to have Mike Mansfield as our Ambassador in Tokyo. He's the most extraordinary Ambassador I've ever worked with and his contribution to the strength of US-Japan relationship today exceeds that of anyone.

A firm foundation exists today for the kind of relationship with Japan that will best serve both our interests and the interests of global stability in the 1980's. It is essential that this relationship be understood and preserved.

Let me close with a personal comment addressed to my friends in Japan:

My admiration for your system and your country has grown steadily over the eighteen years since I first set foot in Tokyo. I count among my first friends a few Japanese I have been honored to be received in some of your homes and I have tried—unsuccessfully—to repay in small measure your hospitality. I have tried to speak frankly, as is befitting a dialogue between friends, although I know at times our differing styles may have created misperceptions.

Many Americans have had difficulty understanding your unique style. But for those who make the effort the rewards are great indeed. Not only in terms of better mutual understanding, but for what we can learn from you. I will always be deeply grateful to those Japanese who take the time to teach me about your country and who, finally, taught me to love your country.●

SHARE-A-HOME PROGRAM

● Mr. DURENBERGER. Mr. President, I am privileged once again to share with my colleagues a concept being developed in Minnesota for "helping people help themselves." The program I would like to discuss today involves the concept of "home sharing" between the elderly and young people. Minnesotans take special pride in implementing programs which rely solely on the support of their citizens, local communities, and private foundations rather than the Federal Government. And, this program is particularly noteworthy because it not only offers an innovative solution to the problems of helping the elderly remain independent, but it operates exclusively within the private sector.

Specifically, I refer to an article from the St. Paul Pioneer Press about the share-a-home program operating in the Minneapolis/St. Paul area, which is run through Lutheran Social Service of Minnesota. There are other similar programs throughout my State, but I think this article sums up the basic idea behind all of the programs.

The share-a-home program is designed to help older adults remain in their homes at a time when independent living is increasingly difficult for them. Through the program, these older adults are matched up with young people—college students, young singles, young families—who are in need of housing and/or enjoy a sense of family. For example, you have an older adult wanting to stay in their own home, but unable to meet some of the demands of doing so—rising fuels costs, the physical labor involved in maintaining their home, and so forth. This person could be matched up with a young person wanting to attend college, but unable to meet the financial requirements for housing. The two could help meet each other's needs—the student easing the financial and physical burdens of the older adult and that person easing the financial burden of the student.

Especially in this time of a severe economic period, we must seek out alternatives and remedies to help us maintain the quality of life we, as Americans, have come to enjoy. This quality of life is particularly threatened for those on fixed incomes.

I fully support programs such as share-a-home and am proud that this program and others like it are working so well in Minnesota. I am optimistic that they will continue to be successful and become even more widespread throughout the State. I would encourage my colleagues to endorse and support, even seek out, such programs in their own States.

At this point, Mr. President, I ask that the article be printed in the Record.

The article follows:

"Share-a-Home" Program Can Help Elderly Keep Theirs

(By Don Spavin)

A program designed to help the elderly continue to own and maintain their homes is being instituted by Lutheran Social Service of Minnesota.

Funded by a three-year grant from the McKnight Foundation, the program will seek to match elderly home owners needing help with household chores with younger persons willing to meet these needs in exchange for housing.

"The Share-A-Home program is designed especially to help older adults remain in their homes when independent living becomes difficult," said James J. Raun, executive director of Lutheran Social Service. "In return the program can offer young people a sense of home and family and provide the older person assistance in such tasks as yardwork, household chores and shopping."

A college student or a vocational student from out of the Twin Cities area, it was explained, could under this program find a home away from home and at the same time make it possible for elderly persons to live their lives in their own homes. The program will not be confined to students, but will attempt to match any young person with housing needs with older adults needing live-in help.

"Every attempt will be made to insure a mutually rewarding living arrangement designed to provide and protect the privacy of both parties," Raun said.

The Share-A-Home program will be conducted in both St. Paul and Minneapolis. It has been funded for three years, and a spokesman for Lutheran Social Service said it is hoped that eventually the program will become self-sustaining.

It is not the first time such a program has been tried in the Twin Cities nor is it the only one of its kind in the state. Duluth has an active program, very similar in nature, that has been operating since 1977. It is funded locally by the Duluth Board of Education and the Community Adult Education Organization.

"The program has become very popular in the Duluth area," said Joan Rasmussen, one of the contact workers for the organization. "An example: In August of our first year we had about 90 applications for housing or lodgers. This year the number should be close to 400 applications."

Many older persons in Duluth want to stay in their own homes but are concerned about the rising cost of fuel, Rasmussen said. By taking in a lodger some of the increased cost can be erased and at the same time the elderly person gets companionship. In most cases the roomer pays for room or board and room but often if the roomer agrees to do such chores as mowing or shoveling the walks, the room rent can be reduced.

Matching owner and lodger is the key to a successful program, Rasmussen said, and considerable time is spent in interviewing both persons.

"For instance," she said, "we wouldn't want to put a lodger who smokes into a home where the owner objected to smoking. When a match up is made we have a month probationary period to see that there are no conflicts of personality. In the three years we've been operating we've had only one case where the match ups didn't get along."

Such a program was tried in St. Paul in 1975, funded under a Title III project called "Older Americans." It was administered by the Greater St. Paul Home Services Inc. Sandra Prantschke, now employed on the Lutheran Social Service program, worked for the first such project. When funding ran out, she and a few others attempted to keep it alive on a volunteer basis but by 1977 the program was closed out.

Lutheran Social Service of Minnesota is an agency of the American Lutheran Church, the Lutheran Church in America and the Lutheran Church-Missouri Synod. A spokesman for the group said it is possible that a fee may be charged for the service only as a means of funding it should the grant not be renewed and as a means of extending the service to more people.

"We would not exclude anyone needing the service and being unable to pay a fee," the spokesman said.

Inquiries concerning the program can be made to Share-A-Home, Lutheran Social Service, 2414 Park Ave., Minneapolis, or Lutheran Social Service, 1201 Payne Ave., St. Paul.●

MARGARET HOLLAND

● Mr. BAUCUS. Mr. President, several weeks ago, Margaret Holland retired from Federal service. She has done so after a career of exemplary devotion. This astonishing record established over 36 years should not pass unnoticed. Very few employees in either the public or private sector can match her performance.

Mr. President, I submit for the Record the testimonial made by Judge W. D. Murray on the occasion of Margaret's retirement.

[In the United States District Court for the District of Montana, Butte Division]

In the Matter of Margaret M. Holland, Retiree

Be it remembered that in the Courtroom of the Federal Building, Butte, Montana, commencing at the hour of 2:00 o'clock P.M. on October 31, 1980, a special session was held with the Honorable W. D. Murray presiding.

Judge Murray. This is indeed an auspicious occasion. The General Services Administration has quite properly seen fit to take notice of Margaret Holland's retirement from service. It is entirely proper that these proceedings should take place in the United States District Court for Margaret has taken care of this courtroom for so many years that she is an officer of the Court. Margaret has been employed at the Federal Building here since 1944. During this time she has faithfully carried out her duties in an exemplary manner and has provided a high level of service to all of us who have been associated with her. Through her loyalty and attention to duty, Margaret has accumulated over 2,700 hours sick leave during this period and has consistently been a dependable and efficient employee. This continued period of high level service to GSA and this Court have been in the highest tradition of the Federal service and deserves a commendation for a job well done, as suggested by the General Services Administration.

Dennis A. Jensen, the Regional Administrator, has directed a letter to Margaret in which he says:

"Dear Margaret: On the occasion of your retirement, I am happy to honor you with the attached Certificate of Loyal Service in recognition of the services you have provided to the General Services Administration and the Federal government. The more than 36 years of loyal service is indicative of your dedication and contributions to the effectiveness of the Federal Service.

Let me add my personal expression of thanks with the hope that you may experience satisfying years ahead."

The citation is in a beautiful bound volume which provides that, "Citation is awarded to Margaret M. Holland in recognition of over 30 years of exceptional service to the General Services Administration of the Federal Building, U.S. Courthouse, Butte, Montana," by Dennis A. Jensen, Regional Administrator. Together with the commendation is a check from the General Services Administration to Margaret.

Let me say further that, as I mentioned to start with, it is entirely proper that we have a Court proceeding to say "good-bye" to Margaret. She has served with us for all these years and has made us all happier persons. I think Margaret is really an exemplification of the old story that "good things come in small packages". Many of the times I have left this courtroom in this Courthouse tired and concerned and maybe upset and I have seen Margaret in the hall and she has smiled at me and said some word of encouragement, and it made me happy to have been associated with her. All of us wish you everything good in the world, Margaret.

Margaret Holland. Thank you, Judge Murray.

Judge Murray. God bless you.

Margaret Holland. Thank you for such a beautiful and inspiring speech.

Judge Murray. God bless you. Court will be in recess.

Done in open court this 31st day of October, 1980.●

DOROTHY DAY

● Mr. MOYNIHAN. Mr. President, last Sunday Dorothy Day died at Maryhouse, the Catholic Worker Settlement House on the Lower East Side of New York. Miss Day, who was 83, lived what must be regarded as an exemplary life, but one not easily imitated in today's society.

To many people, her life and ideals were a puzzle, filled with contradictions. Miss Day had a passionate love for Roman Catholicism, the religion that she accepted as a convert in 1927. But her religious faith, which was of the traditional rather than the intellectual type, led her not to quietism or a smug conservatism, but to a radicalism of the authentic sort. She was a committed pacifist and a philosophical anarchist, a believer in what came to be called "Christian personalism."

In the days before the Second Vatican Council, her combination of Catholicism, pacifism, and anarchism seemed quite an oddity, to some even an impossibility. She was on occasion called a Communist and even worse; but she held her ground, content to do her work and to publish the Catholic Worker, a little monthly that can still be had for a penny a copy.

In more recent times, when many stalwarts of the peace movement have become selective pacifists, picking and choosing which armed "liberation" movements they will support, Miss Day refused to budge. She condemned all violence, she blessed no armed struggles, and she never confused pacifism with passivity in the face of totalitarianism.

For sure, Dorothy Day was no politician, no analyst of the affairs of state. She was much more: She was a witness in the old-fashioned sense of that Christian term. For the better part of her life, she was a thorn in the side of the United States, and of the world, challenging many of the most basic assumptions that underlie our mode of political thought. But the political discomfort that she caused us was the kind that we will always need, the kind that is good for us.

Miss Day's message was embarrassingly simple and direct; she believed that the Sermon on the Mount should be taken literally, without embellishment, and without qualification. She proposed that society should be based on the teachings of Jesus; but her prescription was not just another abstraction. She sought to demonstrate the plausibility of her proposition by living it. As such, she and Peter Maurin, a French peasant who came to our shores, started the Catholic Worker movement in New York in 1933. It is an extraordinary movement that lives on, quietly doing what Catholics call the corporal works of mercy—feeding the hungry, clothing the naked, comforting the lonely, giving shelter to the homeless. There is no greater work than this.

Mr. President, we have lost Dorothy Day, a true saint. Our society is diminished by her passing, yet it will be enriched by what she has given us for so many years. She will be missed.

Mr. President, I ask that Colman McCarthy's article about Miss Day that appeared in today's Washington Post be printed in the Record.

The article follows:

A Life of Exquisite "Foolishness"

(By Colman McCarthy)

New York.—As though the poor and forgotten don't have hard enough times, now they are without Dorothy Day. She died last Saturday in Maryhouse, a Lower East Side shelter that she ran for homeless women. Miss Day had spent most of her 83 years in the simplest but rarest form of humane service: feeding, clothing and housing whoever of the earth's wretched came to her. "We confess to being fools," she said once about herself and her small band of pacifists and personalists, "and we wish we were more so."

For the tens of thousands of anonymous poor who have been comforted by Dorothy Day since she co-founded The Catholic Worker in 1933, the foolishness has been more than adequate. At her wake the other night, street people kneeled before her pine-box coffin and wept in prayers for a woman they had come to believe was a saint. These were the "underprivileged," a term used with mock laughter around here because none of the poor of the Lower East Side remembers when society's privileges were passed out in the first place.

In this Bowery area of Manhattan, the conscience of Dorothy Day has been institutionalized in her Catholic Worker "houses of hospitality." But the establishment of such facilities—not only in New York but in about 40 other cities—was about the only concession she made to organizational mercy. In a half-century's worth of books, columns, speeches and conversations, Dorothy Day argued that the problem of poverty was its being left too much to professional problem-solvers. People with empty bellies get turned into Profound Questions, with poverty brokers on the hunt for Profound Answers. In seminar after seminar and report after report, the poor are given the bum's rush. In the end, as Miss Day said, "there are all too few who will consider themselves servants, who will give up their lives to serve others."

As a religious person who prayed daily—mass and communion, the Psalms, the rosary—Dorothy Day used her faith as a buffer against burnout and despair. Fittingly, it will have to be taken on faith that her life of service made a difference. She issued no progress reports on neighborhood improvement, summoned no task forces on how to achieve greater efficiency on the daily soup line. Nor did she ever run "follow-up studies" on whether the derelicts of the Bowery renounced their drunken and quarrelsome ways. As her favorite saint, Theresa of Lisieux, taught, results don't matter to the prayerful.

On the subject of results, Dorothy Day had a philosophy of divine patience: "We continue feeding our neighbors and clothing and sheltering them, and the more we do it the more we realize that the most important thing is to love. There are several families with us, destitute to an unbelievable extent, and there, too, is nothing to do but love. What I mean is that there is no chance of rehabilitation, no chance, so far as we can see, of changing them; certainly no chance of adjusting them to this abominable world about them, and who wants them adjusted anyway?"

That was from the June 1946 issue of The Catholic Worker newspaper, a monthly that has been a voice of pacifism and justice since

1933. Yesterday, as her body was carried along an impoverished block to a Catholic church for a requiem mass, the local destitution was as unbelievable as ever. The jobless and homeless are so thick in the streets that "Holy Mother City," as Miss Day called it, makes no pretense of even counting them.

It may be just as well. Counters get in the way when there is soup to be made. Even worse, getting too close to the government means a trade-off that Miss Day resisted mightily in both words and action. "The state believes in war," she said, "and as pacifists and philosophical anarchists, we don't."

Because she served the poor for so long and with such tireless intensity, Dorothy Day had a national constituency of remarkable breadth. She was more than merely the conscience of the left. Whether it was a young millionaire named John F. Kennedy who came to see her (in 1943) or one of the starving, she exuded authenticity. It was so well known that Dorothy Day lived among the poor—shared their table, stood in their lines, endured the daily insecurity—that The Catholic Worker became known as the one charity in which the money truly did reach the poor.

"It is a strange vocation to love the destitute and dissolute," Miss Day wrote a few years ago. But it is one that keeps attracting the young who come to The Catholic Worker as a place to brew the soup and clean the toilets, which is also the work of peacemakers. They are against military wars for sure, but their pacifism resists the violence of the economic wars. "We refuse to fight for a materialistic system that cripples so many of its citizens," The Catholic Worker has been saying for half a century.

At the requiem mass, the prayers for the dead were sung joyously. A conviction was shared, just as surely as the Eucharist itself was shared, that here was one of Christ's faithful—one who full-heartedly followed what she called "the strange upside-down teaching of the Gospel." The mourning poor best understood: this life of equisite foolishness made absolute sense.●

VIOLENCE IN EL SALVADOR

● Mr. DURENBERGER. Mr. President, since the coup in October 1979, I have watched with growing apprehension and helplessness the senseless violence that occurs daily in El Salvador. For more than a year, organized groups of terrorists, from the right and the left, have sought to bring El Salvador to its knees and to impose their own view of society on others through the use of calculated butchery. The murders of five leftist leaders of the Revolutionary Democratic Front this past week, and the subsequent bombing of the cathedral where they lay in state, is only the latest example of the politics of terror.

In this instance, the victims were prominent Salvadorans. But the majority of those victimized by abduction, torture, and murder are people whose obituaries will never be front-page news in Washington, Mexico City, or any Latin American capital. Peasants and students, labor leaders and businessmen, clergy and police officers, hospital patients and physicians, rich and poor have been murdered, maimed, arrested or have simply disappeared by the thousands.

In the past year, more than 9,000 Salvadorans have been the victims of political violence. As a proportion of El Salvador's population, this figure is even more shocking. Were the United States to suffer such violence at a comparable rate, nearly 400,000 Americans would be victims each year.

The intention of those who perpetrate such terror is clear. They seek not merely to eliminate each other, but also to cripple the entire nation and to transform the nature of Salvadoran politics. It is not only the members of rightist paramilitary groups or leftist guerrilla organizations who are victimized by bombings, shootouts, and assassinations. Those who merely wish to put their faith in the current government, to give it time to accomplish change, and to live in peace are daily added to the rolls of the dead. Whether they are the incidental victims of violence on crowded streets or the deliberate targets of those who seek to foster anarchy, the outcome is the same.

The essence of political terror is its very arbitrariness: by putting all people in harm's way, terrorists seek to corrupt the fabric of society, to weaken the government, and to pave the way for a revolt by the few against the many.

All who care about El Salvador are concerned about the eventual outcome of this violence. They must ask whether repeated viciousness will not force El Salvador to the brink of economic bankruptcy and political collapse. Indeed, the recent destruction of coffee stocks seems aimed at just such a goal. With the harvest season now beginning, rural workers are being forced to choose between work and death at the hands of terrorists, and crops are being destroyed before they can be shipped abroad. Should this continue, there will be no foreign exchange, and the government will be unable to purchase the imports which are necessary to El Salvador's people.

Such a situation can ultimately result only in widespread suffering, and it may well prompt either a military coup d'etat or an armed insurrection in which still more people will die. Yet those who author a program of anarchy catalyzed by murder are far less concerned with the people's welfare than with achieving their own narrow political aims. Ironically, neither the extreme right nor the extreme left appears to recognize that their tactics may backfire. Political violence is characterized by a mad momentum of action and reaction, and one side's enemies become the other side's martyrs. Under such circumstances, there is no guarantee that violence will not strengthen rather than weaken the opposition.

The only certainty as the situation continues is that there will be no winners and many losers. Those on the left must realize that social problems which have accumulated over generations simply cannot be solved overnight. It is beyond question that something must be done to provide a measure of simple decency to the poor in El Salvador.

Far too many human resources are wasted, far too many people live lifes of misery. But the current government has made significant progress in recognizing and addressing these problems, and more can be done by our own country to provide long-term development assistance. Continued violence, however, will result only in senseless brutality while the entire nation continues to suffer rather than to change.

Those on the right must realize that change is both inevitable and irreversible, and that no responsible government will overlook the necessity to provide for the common welfare of the nation. They should not look to the United States to take sides in a struggle between extremists, each bent on a form of repression. They should not expect the American people to surrender our belief in the dignity of the individual rather than the state.

While critics have justly noted that the Carter foreign policy often emphasized human rights more as a political tool than as a constant diplomatic principle, no one has suggested that Americans, whose country was founded in celebration of the common man, will condone terrorism.

A Reagan foreign policy will be an American foreign policy, and it will be based on the continuing American commitment to individuals rather than entities, to democracy rather to authoritarianism.

The funeral of the leftist leaders is to be held today. We all remember with horror the attack that occurred during Archbishop Romero's funeral last spring. Let us hope that this will not be repeated and that the hotheads and professional agitators will call a moratorium on murder. To respond to these deaths with more deaths will be senseless and irresponsible. It is time for the terror to stop.●

THE CHARLES M. RUSSELL WILDLIFE REFUGE

● Mr. BAUCUS. Mr. President, the Charles M. Russell Wildlife Refuge is made up of 1.1 million acres of land on the Missouri River in Montana. As part of the process of developing a management plan for the refuge, the U.S. Fish and Wildlife Service has recently published a draft environmental impact statement which examines various alternatives for the management of this Federal land holding.

In addition to service as a wildlife sanctuary, the CMR, as it is known in Montana, also plays an important role in the local economy by providing some 60,000 animal-unit months of grazing annually. Careful land management of the CMR is, as a result, important to Montanans for a variety of reasons.

After reviewing the alternatives presented by the DEIS and the many public comments which have been shared with me, I submitted testimony on this matter to the U.S. Fish and Wildlife Service as well as to the Secretary of the Interior. Because of the significance of balanced management of the CMR for Montanans and, particularly, the residents of the six counties which surround it, I ask that my statement appear in the RECORD.

Statement by Senator Max Baucus

The Charles M. Russell Wildlife Refuge (CMR) represents one of the most valuable federal land holdings in the Western United States. Stretching from the Fred Robinson Bridge in the west down the Missouri River to the Fort Peck Dam in the east, the CMR is imposing.

The scenery and wildlife are diverse. Elk, pronghorn antelope and mule deer roam the bottom lands, river breaks and sagebrush grasslands. Historically, use of the Refuge has been as varied as the topography. Grazing and commercial farming exist together with boating, hunting, fishing and touring.

Under the unified management authority granted the U.S. Fish and Wildlife Service by P.L. 94–223, the goals for the CMR which have evolved from this diversity should continue to be recognized. The management philosophy must recognize the important interplay between the Refuge, its private, state, and federal neighbors and those with permits to graze their cattle on the Refuge.

The U.S. Fish and Wildlife Service is to be commended for trying to meet its sundry management objectives for the CMR in the Draft Environmental Impact Statement (DEIS) for the management of the Wildlife Refuge which was released earlier this year. The analysis of the current status of the Refuge and the resulting management proposal are significant in the 44 year history of the CMR.

I have just completed my review of the Draft Environmental Impact Statement. My review was supplemented with public comments on the DEIS shared with me by the many Montanans concerned for the future management of the CMR. My primary concern upon completing my study of this Draft Environmental Impact Statement is for treatment given domestic livestock grazing. For decades, the propriety of grazing on the CMR has been consistently recognized. Because of the integral role that agriculture plays in the economy of the region surrounding the Wildlife Refuge, the issue of grazing deserves close scrutiny. Thus, before a final management plan is adopted, I am urging the Fish and Wildlife Service to examine further any alternatives for improving wildlife habitat other than the suggested 33 percent cut in animal unit months (AUM) on grazing allotments.

The DEIS recognizes that the Refuge is predominantly in good condition in terms of range vegetation. Only a small percentage (7 percent) of the CMR is in just fair condition as a result of livestock grazing. The portion of the Range in poor condition is due to prairie dog towns or natural flood plains. Thus, under these circumstances, the utilization of other wildlife habitat improvement techniques should be emphasized before turning to reductions in livestock grazing.

With the continued economic viability of area ranches at stake, the onus is on the Fish and Wildlife Service to exhaust all possible methods of improving range conditions before suggesting the foreclosure of livestock grazing.

As part of this more intensive study, the importance of on-the-ground consultations with ranchers and other land managers must be stressed. While the Fish and Wildlife Service has conducted public hearings and on-site inspections on the CMR, the magnitude of the decision being made warrants further consideration of the management alternatives as they affect agriculture. Those individuals whose livelihoods are directly affected by this management plan may well be able to suggest innovative rangeland and wildlife habitat enhancement methods.

Specifically, the economic impact of this proposed management system deserves greater attention. While the DEIS notes that, on a regional basis, the loss of income is insignificant, common sense argues that the loss of 20,000 AUM's will have real and disastrous consequences for those stockgrowers who are primarily affected. Such an abrupt departure from longstanding management practices must not be entered into lightly.

The additional study I am requesting does not deny the primary focus of the CMR as a wildlife refuge. By virtue of the designation of the area as a refuge, the mission of the Fish and Wildlife Service to protect wildlife habitat is apparent. However, my contention is that livestock grazing is a compatible use for the Refuge. Special protection for riparian regions, soil ripping, controlled burns, cooperative management efforts with area ranchers, and other novel management practices can, in my mind, result in the continuation of grazing at near present levels without serious damage to wildlife habitat.

For their part, area ranchers have long recognized that the protection of the range quality and habitat of the CMR is critical for the long-term success of their operations. Through more intensive consultations, the Fish and Wildlife Service can underscore the necessity for sound and cooperative management practices to ensure the retention of individual allotments on the CMR.

In summary, I recommend the following modifications be made in the management plan for the Charles M. Russell Wildlife Refuge:

1. Alternative methods for the enhancement of wildlife habitat and rangelands should be explored more fully rather than relying upon cutbacks in AUM's.
2. Increased consultation and cooperation with adjacent property owners and area residents should be emphasized in formulating a management plan for the CMR.
3. The management plan should provide flexibility in implementing any management plan to avoid sudden economic dislocation for grazing permitees.
4. The DEIS should be supplemented to more specifically identify the economic impacts of livestock grazing cuts on the surrounding region.

In conclusion, I am convinced that habitat for wildlife can be significantly enhanced without the unfortunate consequences for the area that would result from grazing cutbacks amounting to 33 percent. I stand ready to lend whatever legislative assistance may be necessary to accomplish this end.●

THE HOMEOWNERSHIP PROGRAM

● Mr. STEWART. Mr. President, I want to take this opportunity to call to the attention of the Senate the outstanding service performed by the distinguished chairman of the Senate Housing and Urban Affairs Subcommittee (Mr. Williams), in offering legislation to secure additional funds for the section 235 homeownership assistance program. Because of Senator Williams' leadership and perseverance in making certain that the Congress understood the emergency that has arisen because funds for this program have been depleted, the HUD-independent agencies appropriations conference committee has taken the unusual step of adding new contract authority to restart the program. This new contract authority will be sufficient to assist from 15,000 to 20,000 additional units of section 235 housing.

Mr. President, the section 235 homeownership program is especially important to my home State of Alabama. In fact, in a number of areas if it were not for the section 235 program, homebuilders would have closed their businesses, and the level of new housing construction would have dropped to near zero.

Last September, when it began to appear that the program would use up all its funds a year or more ahead of schedule, Senator Williams responded immediately with legislation to continue the program. This measure served as the focal point for those concerned that Congress properly understood the critical situation that was developing, and led to the favorable action by the conference committee. As chairman of the Housing Subcommittee, Senator Williams has consistently demonstrated a keen awareness of the needs of our housing markets, and a deep concern for the construction workers, builders, and homebuyers so dependent on the health and stability of those markets. He has labored throughout his service as subcommittee chairman to assure passage of legislation to improve housing opportunities for the Nation's renters and homebuyers, and I feel that we owe the distinguished Senator our recognition and our gratitude for his dedication.●

PROPOSED REVENUE RULING ON THE FORMATION OF ONE BANK HOLDING COMPANIES

● Mr. TOWER. Mr. President, I call the urgent attention of the Congress to an emerging Treasury Department revenue ruling which would adversely affect completed and future transactions involving the formation of bank holding companies. Specifically, I refer to a proposed revenue ruling, originally scheduled for issue in final form on December 1, 1980, designed to thwart the formation of so-called "one bank holding companies." The Service's position takes an altogether new direction in tax policy, inconsistent with the rules of other Federal banking regulatory authorities, by application of theories of taxation in blatant disregard of the Internal Revvenue Code of 1954, previously issued revenue rulings, numerous private letter rulings and clearly established principles of tax law.

THE RULING

The proposed ruling contemplates this fact situation: An existing bank purchased with funds borrowed from a third party—acquisition indebtedness—creates a new corporation—holding company—in order to expand its banking business. The bank's original owners transfer their bank stock to holding company in exchange for all of holding company's stock and the assumption by holding company of the acquisition indebtedness. Subsequently, over a number of years, holding company will repay the loan to the third party lender with dividends from bank or other earnings from the holding company.

The question is whether the transfer of the stock of the bank, encumbered by the acquisition indebtedness, is a tax-free transfer to a corporation under section 351 of the Code, a redemption through the use of related corporations under section 304, or a transaction relating to direct dividends under section 301. The ruling would conclude that a section 301 transfer obtains, that is, that the transfer of "old" acquisition indebtedness to the newly formed one bank holding company is the moral equivalent of a taxable dividend to the transferor.

The clear language of the Code, the unaltered body of case law, and numerous pertinent revenue rulings, however, simply preclude such a "constructive dividend" result. In fact, sections 351 and 357 are traceable to the 1939 Internal Revenue Code and were enacted in rejection of the Service's current theory. In a nutshell, these Code provisions are designed to insure the tax-free incorporation of businesses, even where the newly formed "holding company" assumes the debt of incorporating businesses.

ENCOURAGEMENT OF ONE BANK HOLDING COMPANY FORMATIONS

Mr. President, the Federal Reserve Board in December 1979, recognized the increasing need for financing bank ownership through holding companies when it substantially eased the requirements for leveraging the ownership of financial institutions. The Federal Reserve Board has processed over 1,700 one bank holding company applications since 1975, mostly for smaller banks. Reports of the Federal Reserve estimate that 90 percent of these applications involve the transfer of "acquisition indebtedness" to the holding company. Search by Lexis of the private letter rulings issued during this period indicates that less than 100 of these transactions have been protected by private rulings. Therefore, 1,200 to 1,500 of these transactions, occurring across the country, would be at risk should the IRS be allowed to issue this ruling.

The Federal Reserve Board believes that the leveraged bank holding company, when properly regulated, provides a source of strength to the banking system as a whole and to depositors specifically. The transactions of the IRS have undoubtedly placed at least one-half of these banks, their directors, and untold numbers of shareholders and depositors in a perplexing, "Catch-22" situation. This ruling, accordingly, would represent an unanticipated departure from the Federal Reserve Board's policy of preserving our present system of financial institution ownership.

REVENUE RULING LEGALLY ERRONEOUS

Expert legal opinion observes that the proposed revenue ruling is wrong as a matter of law, relying on ample precedent. There has never been any hint by the IRS or Treasury of this new position. Further, it is completely at variance with previous IRS litigating positions and to prior revenue rulings—see attached technical memorandum for detailed discussion.

The incorporation of property or of a going business generally qualifies as a tax-free transaction under section 351. By section 357, this is true even where the corporation assumes or acquires property subject to liabilities. Further, such tax-free treatment has been the unequivocal rule under our tax laws dating back to the Revenue Act of 1921, its announced purpose being to facilitate business readjustments.

In recommending the enactment of section 351's predecessor in 1921, the Senate Finance Committee pointed out that exchanges of property were ordinarily taxable:

> Probably no part of the present income tax law has been productive of so much uncertainty or has more seriously interfered with necessary business readjustments. The existing law makes a presumption in favor of taxation. The proposed act . . . specifies . . . certain classes of exchanges on which no gain or loss is recognized even if the property received in exchange has a readily realizable market value.
>
> (The predecessor of sections 351), if adopted, will, by removing a source of grave uncertainty and by eliminating many technical constructions which are economically unsound, not only permit business to go forward with the readjustments required by existing conditions but also considerably increase the revenue by preventing taxpayers from taking colorable losses in wash sales and other fictitious exchanges.

The basic premise of section 351 is that a transfer of appreciated or depreciated property to a corporation controlled by the transferor works a change of form only, which should not be an occasion for reckoning up the transferor's gain or loss on the transferred property. In *Portland Oil Co.* v. *CIR*, 109 F. 2d 479, 488 (1st Cir.), cert. denied, 310 U.S. 650 (1940), the court said:

> It is the recognized purpose of (section 351) to save the taxpayer from an immediate recognition of a gain, or to intermit the claim of a loss, in certain transactions where gain or loss may have accrued in a constitutional sense, but where in a popular and economic sense there has been a mere change in the form of ownership and the taxpayer has not really cashed in on the theoretical gain, or closed out a losing venture.

Assuming a bona fide business purpose to the transaction, section 357 provides that the transferee corporation's—such as a one bank holding company's—assumption of liability shall not be treated as money or other property; nor does it prevent the exchange from qualifying under section 351.

The IRS's position in the proposed revenue ruling, however, attempts to "legislate away" sections 351 and 357 by totally ignoring statutory provisions which would yield a conclusion inconsistent with the IRS's desired result. The IRS would be substantially relying on pre-1921 case law, even though in corporate tax matters the courts themselves have refused to extend antiquated concepts which have been superseded by subsequently enacted Code provisions.

Again, numerous precedents under case law, previous revenue rulings and private letter rulings maintain that no constructive dividends result to the shareholders upon a holding company's assumption of indebtedness. For the service now to hold otherwise is a radical reversal of 26 years of experience under the 1954 Code, which governs today's tax law. Simply put, the proposed revenue ruling is little more than a "conclusion in search of a rationale," wholly lacking in statutory authority.

NO COORDINATION WITH OTHER FEDERAL BANKING REGULATORY AGENCIES

Particularly troubling is the apparent lack of any serious effort by the IRS to consider prior to issuance the impact of the proposed ruling on the Nation's smaller banks. While the IRS is in the process of characterizing the debt assumption as a dividend, the Federal banking regulatory authorities would never permit such a large dividend, as it would impair bank capital, jeopardizing particularly the capital adequacy of many independent banks.

The proposed revenue ruling suggests a misunderstanding by the IRS of the regulatory environment in which banks must operate and compete according to rules set by the Federal regulatory bodies which oversee them.

Much closer coordination and review by bank regulators—particularly the Federal Reserve Board—should be a vital ingredient of the ruling process in this instance.

Yet implementation of the proposed ruling could frustrate effective administration of the Bank Holding Act by the Federal Reserve Board, unnecessarily restrict the transferability of bank ownership, potentially impair bank's capital formation, and tend to result in a concentration of banking resources.

In addition, a substantial number of banks currently maintain portfolios of bank stock loans to holding companies and shareholders to which the proposed ruling would apply. These shareholders' ability to repay would consequently be impaired, leading to a significant deterioration in the quality of loan portfolios which contain this type of credit, as well as an erosion of the longstanding public policy designed to promote financial stability and competitiveness in the banking industry.

For years the Federal Reserve Board and other agencies have encouraged the holding company concept to allow bank investors, particularly those in smaller banks, to maintain their ownership in our banking system and to avoid the distant ownership and concentration of banking assets in the hands of large multibank holding companies. Last December the Federal Reserve Board substantially relaxed the requirements for leveraging the ownership of financial institutions with this purpose in mind. Yet, the IRS is now threatening to undermine these sound policies of Federal bank regulatory agencies by the proposed ruling.

EQUITY DEMANDS WITHDRAWAL OF PROPOSED REVENUE RULING

Probably the most disturbing and least justifiable element of the proposed revenue ruling is the intention of the Internal Revenue Service, after years issuing assurances to taxpayers that their transactions would not be taxable, to apply the proposed revenue ruling retroactively. Thus, instead of the assured tax-free treatment, these individuals will receive a deemed dividend, rendering the whole transaction in the first instance imprudent and economically unfeasible.

Such taxpayers have clearly relied to their detriment on IRS pronouncements as an established interpretation of law and are at least deserving of equitable relief under section 7805(b) of the Code, which permits Treasury rules and regulations to be prospective only. To do otherwise would necesitate revision of several existing revenue rulings, would be wholly inequitable and lacking of due process, and would totally frustrate the planning of such commercial transactions by making future dividends from the operating company impossible. Taxpayers who relied upon private rulings at their peril face foreclosure by third-party lenders to the detriment of a growing segment of the national banking community.

CONCLUSION

Mr. President, the proposed revenue ruling should be withdrawn. It is clearly contrary to the great weight of statutory and judicial authority rendered for over half a century. It is violative of the policies fostered by the Federal banking regulatory agencies in order to encourage the formation of holding companies so smaller banks may compete in the banking industry more effectively. Finally, the proposed ruling is devoid of any consideration of equity by the IRS on behalf of one bank holding companies, which have relied to their detriment on previously rendered IRS pronouncements. At the very least, the ruling should be applied only prospectively.

Mr. President, the foregoing statement outlines broadly why transactions of this type should be treated as a tax-free, section 351 transfer. A technical memorandum describing in more detail the legal, administrative, and equitable rationale for tax-free treatment has been prepared by Peat, Marwick, Mitchell & Co. to request reconsideration of the proposal by the Treasury Department. I ask that the memorandum be printed in the RECORD.

The memorandum follows:

PEAT, MARWICK, MITCHELL & CO.,
Washington, D.C., November 26, 1980.
JOHN M. SAMUELS,
Treasury Department,
Washington, D.C.

DEAR MR. SAMUELS: On November 19, 1980, a meeting was held in your office attended by representatives of the banking community, interested accountants and attorneys, the Chief Counsel of the Internal Revenue Service and a number of Treasury and IRS representatives. Taxpayers requested the meeting to discuss a proposed revenue ruling to be issued by the IRS which would adversely impact completed and future transactions involving the formation of bank holding companies. Pursuant to our discussions and at your invitation, this letter is being written in protest of the proposed revenue ruling.

We understand the facts of the proposed revenue ruling to be as follows. A bank was purchased a number of years ago by a group of individuals with funds borrowed from a third party bank ("acquisition indebtedness"). In order to expand its banking business a new corporation was created (hereinafter referred to as "Newco" or "Holding Company") and the individuals transferred the bank stock to Newco in exchange for all of the Newco stock and the assumption by Newco of the acquisition indebtedness. Subsequently, over a number of years, Holding Company will repay the loan to third party bank with dividends from bank or other earnings from the Holding Company. The ruling concludes that the shareholders receive a dividend as a result of the acquisition indebtedness assumed by Newco. The amount of the dividend is measured by the earnings and profits of bank. The purported theory for this conclusion is that section 304 of the Internal Revenue Code applies to the transaction and the earnings and profits of both the bank and the Holding Company are used to compute the dividend. An alternate theory is that the Holding Company assumption of the liability is tantamount to a cash distribution from bank under a theory of agency.

It is believed that the proposed revenue ruling is wrong as as matter of law. However, if it is to be published, section 7805(b) should be applied so that the effect of the ruling will not be retroactive. Whatever perceived abuse the IRS believes is presented by the above fact pattern, this ruling would be an abrupt departure from IRS past positions. There has never been any hint by IRS or Treasury of this new position. Further, it is contrary both to previous IRS litigating positions and to prior revenue rulings. Over the years, countless taxpayers have relied on these past IRS positions as an established interpretation of law. Thus, these taxpayers should be entitled to the equitable relief proscribed in section 7805(b).

I. RULING IS ERRONEOUS UNDER SECTION 304 USING THE COMBINED EARNINGS AND PROFITS CONCEPT

While the IRS had previously espoused the position that section 304(a)(1) applies to the creation of a Holding Company and the assumption of acquisition indebtedness, the most recent position has been that section 304(a)(1) is inapplicable where the acquiring corporation is a Newco. Certainly, IRS has the prerogative to change its mind as to the applicability of section 304. However, the measurement of the dividend by reference to the earnings and profits of the acquired corporation (bank) in addition to the earnings and profits of the acquiring corporation (Holding Company) is in clear violation of the law. Section 304(b)(2)(A) provides in unmistakable language that, "In the case of any acquisition of stock to which section 304(a)(1) applies, the determination of the amount which is a dividend shall be made *solely* by reference to the earnings and profits of the acquiring corporation." (Emphasis added) It is hard to imagine a clearer and more unambiguous reference to which corporation's earnings and profits shall be used. One has only to look at the "solely for voting stock" requirement in a "B" Type reorganization to see the tenacity with which the IRS and the courts have consistently maintained that "solely" means "absolutely" and "leaves no leeway." See *Helvering* v. *Southwest Consolidated Corp.*, 315 U.S. 194 (1942); *C.E. Graham Reeves,* 71 T.C. 727, *revd; John Pierson,* 79–2 USTC 9432 (D.C. Del.), *rev'd; Arden S. Heverly,* 80–1 USTC 9322 (3rd Cir.); *Eldon S. Chapman,* 80–1 USTC 9330 (1st Cir.). In an existing parent-subsidiary relationship, where shareholders of bank would sell (including transfer for an assumption of liability) bank stock to a 50 percent owned subsidiary of bank, it would be appropriate to measure any dividend by reference to bank, as well as subsidiary, earnings and profits. See section 304(b)(2)(B) and Rev. Rul. 80–189, I.R.B. 1980–29, 7. However, these are clearly not the facts in the proposed ruling.

Apparently, the IRS is attempting to argue that the ability to use the combined earnings and profits concept has already gained judicial support in another area of Subchapter C notwithstanding the language of the Code. Under section 356(a)(2), which measures a dividend received in a corporate reorganization, the language provides that there shall be a "dividend to each distributee . . . as is not in excess of his ratable share of the undistributed earnings and profits of the *corporation.*" (Emphasis added). In *Davant* v. *Commissioner*, 66–2 USTC 9618 (5th Cir.), the court held that in a reorganization under sections 368(a)(1)(D)–354 (b), the combined earnings and profits of the acquired or acquiring corporation could be used to measure the dividend. The analogy of earnings and profits under section 356(a)(2) to earnings and profits under section 304 (a)(1) is misplaced for the following reasons. First, the language in section 304(b)(2)(A) is clear and concise, "solely by reference to the earnings and profits of the acquiring corporation." Section 356(a)(2) is ambiguous. It speaks of the "undistributed earnings and profits of the corporation" leaving open to interpretation which corporation, the acquired or the acquiring, is referred to. While it has generally been concluded that "corporation" refers to acquired corporation, the language of the Code is less than clear. A second reason is that both the acquired and acquiring corporation in *Davant* were operating corporations with their own earnings and profits and, more importantly, the distribution that ended up in the shareholder's hands came both from the acquired and acquiring corporations. Thus, there is logic and equity in using both corporations' earnings and profits since both corporations were making a distribution. In the section 304(a)(1) case, there is no distribution coming from the acquired corporation. Finally, notwithstanding *Davant* and the IRS position in Rev. Rul. 70–240, 1970–1 C.B. 81, the combined earnings and profits concept has been in recent disfavor with its rejection in *American Manufacturing Co.,* 55 T.C. 204 (1970), *Estate of John L. Bell,* T.C. Memo 1971–285, *Paul A. Altenpohl,* T.C. Memo 1977–342, and *Atlas Tool Co.,* 70 T.C. 86 (1978), *aff'd,* 3rd Cir.

As a matter of routine, the courts after finding a dividend under section 301 by reason of section 304(a)(1), have always cited the Code and found that the measure of the dividend was limited to the earnings and profits of the acquiring corporation. Moreover, the IRS has never argued to the contrary. See *Samuel Radnitz,* 61–2 USTC 9672 (2nd Cir.); *George L. Coyle,* 68–1 USTC 9418 (4th Cir.); *Bernard Niedermeyer,* 62 T.C. 280 (1974), *aff'd per curiam,* 76–1 USTC 9417 (9th Cir.); *Allan S. Vinnell,* 52 T.C. 934 (1969). In *Fehrs Finance Company,* 58 T.C. 174 (1972), *aff'd,* 73–2 USTC 9767 (8th Cir), the measure of the section 304(a)(1) dividend was specifically limited to the earnings and profits of the acquiring corporation. More relevant to the issue at hand was the fact that acquiring corporation was a Newco and the earnings and profits of Newco were zero.

The IRS revenue rulings have been equally consistent. After finding dividend treatment under section 304(a)(1)–301, it was explicitly pointed out that the dividend was limited to the earnings and profits of the acquiring corporation. See Rev. Rul. 73–2, 1973–1 C.B. 171; Rev. Rul. 78–422, 1978–2 C.B. 129; Rev. Rul. 71–563, 1971–2 C.B. 175; and Rev. Rul. 70–496, 1970–2 C.B. 74. In the latter ruling, the measurement of earnings and profits was not superfluous. After finding insufficient earnings and profits in the acquiring corporation, the main thrust of the ruling was whether or not section 301(c)(2)—(recovery of basis) or section 301(c)(3)—(capital gain) was the next Code section to consider. The entire exercise would have been meaningless if the acquired corporation's earnings and profits could also have been used.

Rev. Rul. 72–569, 1972–2 C.B. 203 presents an illuminating commentary on the issue of the measure of earnings and profits under section 304(a)(1). Individual A owned almost all of the stock of X and Y corporations. Prior to A selling the Y stock to X, X and unrelated S corporation consolidated to form T corporation, controlled by A. A then sold Y to T for cash. Section 304(a)(1) clearly applied and the entire focus of the ruling was whose earnings and profits were to be used to measure the dividend. The ruling concluded that T's earnings and profits included the earnings and profits of X and S but not the earnings and profits of Y, the acquired corporation.

It thus appears that the clear language of the Code, the unaltered body of case law, and numerous pertinent revenue rulings preclude the IRS from sustaining the position that the bank's earnings and profits should be attributable to Holding Company under a section 304 analysis. Any analogy to section 356(a)(2) is inappropriate for the reasons stated above. Existing law supports using only Newco's earnings and profits with the one option being to defer the computation of those earnings and profits until the individual shareholders are released from secondary liability on the acquisition indebtedness. See Ray Maher, 72–2 USTC 9728 (8th Cir.) and Rev. Rul. 77–360, 1977–2 C.B. 86.

The Report of the Subchapter C Advisory Group To The Subcommittee On Internal Revenue Taxation, December 11, 1958, addressed this problem in the following manner:

"Under the amendment proposed in subsection (b)(2) of section 5, in the brother-sister case, the determination of the amount which is a dividend would be made as if the property were distributed by the issuing corporation to the acquiring corporation and immediately thereafter distributed by the acquiring corporation. In most transactions involving redemptions of stock by a brother or a sister corporation, the acquiring corporation will become a substantial stockholder of the issuing corporation—if not its actual parent corporation. This rule will have general application and also will take care of a particular situation brought to the attention of the advisory group. Assume, for example, that individual A owning all the stock of the X corporation creates the Y corporation. Y corporation then borrows money from outside sources to purchase all the stock of the X corporation from individual A. If the X corporation is then liquidated into the Y corporation and its assets used to pay off the loan, such a transaction may be treated generally as a reorganization accompanied by a distribution of boot. However, if the X corporation is not liquidated, but merely pays out dividends to the Y corporation to satisfy the loan payments, the transaction would appear to be beyond the scope of the literal language of section 304. Under the existing statute, the attack on the transaction could only be by use of rules developed judicially to combat tax avoidance."

The extract indicates that the IRS has been aware for 22 years that in order to use the earnings and profits of both corporations under section 304(a)(1), legislation would probably be required.

II. RULING IS ERRONEOUS UNDER A THEORY THAT DISREGARDS NEWCO AS A MERE AGENT OR OTHERWISE TREATS THE DISTRIBUTION AS COMING FROM BANK

Apparently under a dual or alternative theory of taxation, the proposed revenue ruling would conclude that the assumption of the acquisition indebtedness by Newco is equivalent to the receipt of a cash distribution by bank to the individual shareholders. The assumed rationale would be that since Holding Company in the future will discharge the indebtedness by the receipt of intercompany dividends from the bank, the steps of the transaction should be reversed and the dividend should be deemed issued while the individual shareholders own bank. The effect of this theory, like the previous one, is to tap the earnings and profits of bank.

While the IRS theory under section 304 was an attempt to present a statutory argument, the above agency theory is more amorphous and does not lend itself to defined metes and bounds. Rather, it attempts to invoke the doctrines of substance over form and step transaction which mean different things to different people. It is understood that in this connection the court cases cited in Rev. Rul. 80–239 (9/8/80) would provide the support for this theory.

In Rev. Rul. 80–239, an individual (I) owned all the stock of a manufacturing company (X). I transferred X to Newco in exchange for all the stock of Newco and $100,000 that Newco borrowed from a third party. After the exchange, X (now a subsidiary of Newco) declared a dividend and the loan was paid off. The ruling concluded that I received a cash dividend from X prior to I transferring X stock to Newco. The following six citations appear in Rev. Rul. 80–239: *Waterman Steamship Corp.* v. *Commissioner*, 70–2 USTC 9514 (5th Cir.); Regulations Section 1.351–2(d); Regulations Section 1.301–1(1); *Gold* v. *Commissioner*, T.C. Memo 1958–2; *Minnesota Tea* v. *Helvering*, 302 U.S. 609 (1938); and *Higgins* v. *Smith*, 308 U.S. 473 (1970).

All six citations stand for the proposition that "things aren't always what they appear to be" and that the substance of a transaction controls over its form. While this may be true in Rev. Rul. 80–239 where a loan was created and discharged as part of the same transaction and where Newco was a conduit for the movement of cash, it is hardly true in the proposed revenue ruling. In the proposed ruling, the creation of the liability is "old and cold," the assumption of the liability by Newco is a substantive step that survives the transaction, such liability is being discharged in the future in the normal course of events by dividends from bank or other subsidiaries of Newco, the ability of the bank to declare any dividend is substantially limited by Federal Reserve Board Rules, and the recast of the transaction (assumption of the liability by bank) is illegal under Federal law.[1]

A. Precedents cited do not support the proposed revenue ruling

Waterman Steamship Corp., *Minnesota Tea*, and *Higgins* v. *Smith*, are classic substance versus form cases but have no connection to sections 351, 304, or holding company formations. Regulations Section 1.301–1(1), the anti-*Bazely*, 311 U.S. 737 (1947), rule, speaks to a functionally unrelated dividend as part of a recapitalization or "F" Type reorganization.

Regulations Section 1.351–2(d) suggests that a dividend can take place as part of a section 351 exchange. The only application of this principle appears to be Rev. Rul. 76–454, 1976–2 C.B. 102, where a parent and a subsidiary were transferors to a Newco under section 351 and parent received back stock in excess of the value of its contribution. While Rev. Rul. 80–239 may conceivably be justified on the basis of Regulations Section 1.351–2(d), the proposed revenue ruling cannot. If Regulations Section 1.351–2(d) is applicable to the proposed revenue ruling then it can be applied to exclude section 351 in every transaction where the property transferred is stock and either liabilities are assumed under section 357 or boot is issued by the transferee under section 351(b). Congress has never expressed such an intention and such an intention is belied by Rev. Rul. 76–123, 1976–1 C.B. 94, where sections 351 (a) and (b) were held applicable on the transfer of stock to a Newco in exchange for stock and cash. Also, see Rev. Rul. 75–143, 1975–1 C.B. 275 where sections 351 (a) and (b) would have been applicable on the transfer of stock to a controlled corporation in exchange for stock and cash except section 1248(a) converted the otherwise capital gain to a dividend.

Finally, *Gold* v. *Commissioner*, which is cited in Rev. Rul. 80–239, is apparently being used to justify the proposed revenue ruling. *Gold* has superficial appeal since in that case the sale of stock by a 100 percent shareholder to a Newco was held to constitute a dividend rather than capital gain. However, the appeal fades on analysis for the following reasons. One: The *Gold* case was decided under the 1939 Code and pre-dates section 304. Without judicial imput as to the potential applicability of section 351 or section 304, it is hard to appreciate the continuing relevancy of the case. The decision appears to be an attempt to invoke the substance versus form doctrine prior to the enactment of section 304. Cf. *John Rodman Wanamaker, Trustee*, 11 T.C. 365 (1948), *aff'd*, (3rd Cir.). Moreover, the courts in Subchapter C matters have refused to extend 1939 case concepts to newly enacted 1954 Code provisions. See *Chrome Plate* v. *Commissioner*, 80–1 USTC 9332 (5th Cir.) and *International State Bank*, 70 T.C. 173 (1978) rejecting the *Kimbell-Diamond Milling* doctrine. Two: After Newco received all of the stock in *Gold*, the corporation was completely liquidated into Newco. Thus, in the year of the transaction, all the earnings and profits of the predecessor corporation were reincorporated in Newco.

In *Gold*, the transaction was a mere "F" Type reorganization. See Rev. Rul. 75–139, 1975–1 C.B. 168. Third: Notwithstanding the logic of disregarding Newco when the acquired corporation is completely liquidated into Newco and distinguishing such a case from the proposed revenue ruling, the concept advanced in *Gold* has not been followed. Even the immediate liquidation of the acquired corporation still results in the recognition of a stock acquisition by the acquiring corporation. Thus, *Gold* has been superseded by *Ray Maher, supra*, and *Rose Ann Coates Trust*, 73–2 USTC 9492 (9th Cir.), both of which found section 304 applicable even though the acquired corporation was liquidated into the acquiring corporation as part of the transaction.

Thus, the attempt to justify the proposed revenue ruling on the basis of the broad waiving of the substance versus form wand is either inappropriate or as indicated in previous citations the contrary inference should be drawn, i.e., Newco should be recognized and the transaction not treated as a distribution from bank.

B. Case law, revenue rulings, technical advice are contrary to the holding of the proposed revenue ruling

In *Fehrs Financing Company, supra*, husband and wife owning 85 percent of the stock of Rental sold their stock for a lifetime annuity to Newco, owned by the children of husband and wife. Immediately thereafter the Rental stock just acquired by Newco was redeemed. It was stipulated that the transaction was under sections 304(a)(1)–301. The question for the court to decide was the gain on redemption. The gain on redemption was dependent on Newco's basis in Rental. Newco's basis in Rental was itself dependent on whether there were earnings and profits (conceded to be zero) and the extent to which there was gain under section 301(c)(3). The gain to husband and wife under section 301 (c)(3) would increase Newco's basis in the Rental stock. The Court at the behest of the IRS found that there was no gain in the year of the receipt of the annuity.

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[1] See *Commissioner* v. *First Security Bank of Utah*, 405 U.S. 394 (1972), where the court held that commission income could not be allocated to the taxpayer under section 482 because national banking laws prohibited the taxpayer from acting as an insurance agent. The Supreme Court reasoned that section 482 applies only to cases in which the controlling person (here the bank holding company) has complete power to shift income among its subsidiaries. Here, the controlling person could exercise such power only if it violated national banking laws. The court was unwilling to hold section 482 could be applied on the premise the parent could force the subsidiary to violate the law.

The vitality of Newco and the distribution from Rental to Newco (and not a distribution from Rental to husband and wife) was conceded by all parties in the case. If the proposed revenue ruling is correct, *Fehrs Finance* is wrong since the case should merely have been viewed as a distribution from Rental to husband and wife.

Since it was conceded in *Fehrs Finance* that there was no distribution from Rental to the individual shareholders, it would be most inappropriate in the proposed revenue ruling to conclude that there was a distribution from bank to the individual shareholders particularly where the facts are much more favorable to the taxpayer, i.e., Newco continued to hold the stock of the acquired after the transaction.

In *Milton Falkoff*, 79–2 USTC 9569 (7th Cir.) there was an $18 million loan to Newco-Holding Company, $10 million of which was distributed to the Holding Company's shareholders as a dividend in a taxable year in which the Holding Company had no earnings and profits. Shortly after the close of the taxable year in which the loan and distribution took place, $10 million of the loan was repaid by means of a dividend to Holding Company from one of its operating subsidiaries. Because the stock of Holding Company's subsidiaries was ample security for the $18 million loan the court held that the loan was the indebtedness of Holding Company, not its shareholders. Consequently, when Holding Company made payments on the indebtedness, no constructive dividends resulted to the shareholders; rather, the shareholders were entitled to return of capital under section 301(c)(2). The Seventh Circuit approved the transaction even though it specifically found no valid business purpose for the loan but rather taxpayer purpose to avoid taxation. If *Falkoff* had held against the taxpayer and characterized the distribution as directly from the subsidiary, the proposed revenue ruling would still be wrong since the ruling has substantially more favorable facts, business purpose, and permanency of the steps. However, in view of the holding in *Falkoff* how can the IRS hope to sustain the position of the proposed revenue ruling? If anything *Falkoff* is grounds for reversing Rev. Rul. 80–239, *supra*.

The IRS has not been idle in this area. Private Letter Ruling 7841012 (Technical Advice—reputedly issued to the Cincinnati Bengals) is similar to the facts of *Falkoff*. Individual shareholders transferred the stock of the football team to Newco. Newco borrowed money and declared a dividend. Consolidated returns were not filed for the year of the dividend. In the next year the football subsidiary declared a dividend to repay the loan. The IRS upheld the scheme and recognized the dividend as a return of capital coming from Newco. It was heavily emphasized that the football team was not a co-maker, co-signer or guarantor of the loan. Since Rev. Rul. 80–239, *supra*, states that subsidiary was a guarantor on the loan that Newco made, it appears that Rev. Rul. 80–239 did not overrule the private letter ruling but merely distinguished it based on whether or not subsidiary was "on the debt."

In Rev. Rul. 79–258 I.R.B. 1979–35, 8, P corporation had debt due to an insurance company. Pursuant to a spin-off, P transferred one business to Newco and spun-off Newco. P desired Newco to assume a portion of P's liabilities commensurate with Newco's assets received. However, an insurance company would not permit this arrangement. Thus, P borrowed money from a bank, kept the proceeds to pay off some of the insurance company debt, and had Newco assume the liability. The ruling held that section 357(a) was applicable and that the transaction would not be viewed as if Newco borrowed this money and declared a dividend to P. Thus, Rev. Rul. 79–258 stands for the proposition that a liability assumed is no more than a liability assumed and will not be recharacterized as a distribution even if the liability is newly created.[2]

The author is aware of no authority which disregarded a newly created holding company that survived the transaction and continued to own the stock received in the transaction[3] nor of any authority that disregarded the assumption of a liability in the factual context of the proposed revenue ruling. Based on citations to ***Higgins* v. *Smith*, *supra*,** and *Minnesota Tea, supra*, the IRS also apparently is not aware of any authority. All the authority is to the contrary and significantly, most of it was established at the behest of the IRS or with IRS concurrence. Finally, it is respectfully submitted that the proposed revenue ruling is "a conclusion in search of a rationale."

III. IF PUBLISHED, THE PROPOSED REVENUE RULING SHOULD BE APPLIED ON A PROSPECTIVE BASIS

A. Inconsistent IRS position

Under section 7805(b), the IRS "may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect." One of the clearest cases for section 7805(b) treatment arises in connection with rulings which revoke or modify a prior published ruling. As most recently stated in Rev. Proc. 78–24 (Sec. 7.01(3)), 1978-2 C.B. 503, the Service's basic policy in this regard is as follows:

"When revenue rulings revoke or modify rulings previously published in the [Internal Revenue] Bulletin, the authority of section 7805(b) ordinarily is invoked to provide that new rulings will not be applied retroactively to the extent that the new rulings have adverse tax consequences to taxpayers. . . ."

As previously indicated, the proposed revenue ruling, if published on the theory of combined earnings and profits under section 304(a)(1), would conflict with five existing Revenue Rulings (70–496, 72–569, 78–422, 73–2, 71–563) all of which would have to be modified. In the first two, above, the failure to combine earnings and profits was paramount to the conclusion of the rulings. Also see Rev. Rul. 77–427, 1977–2 C.B. 100, which applied section 7805(b) when a prior section 304(a)(1) ruling was discredited due to an IRS restatement of position. If the proposed revenue ruling is published on the theory of a distribution from a bank, Revenue Rulings 76–123 and 75–143 will have to be modified.

Regardless of the technical merits of the issue, the IRS position as reflected in the proposed revenue ruling is a complete reversal of 26 years of experience under the 1954 Code. The IRS has never indicated, by litigating position, revenue ruling, or private letter ruling that the assumption of acquisition indebtedness on a holding company formation could be deemed a distribution from the operating company. While this basic posture has remained the same, IRS opinion regarding the transfer of bank stock and related debt to a newly formed holding company has changed several times in recent years.

For some time in the late 1960's and early 1970's the service issued favorable rulings applying Code section 351 to such transactions in a comparatively routine matter. From December 1973 to April 1975 the IRS ruled that such transactions were governed by section 304, that is, the transfer of the stock to a newly formed holding company would be treated as a redemption of holding company stock with potential dividend consequences. From April 1975 to May 1976 the IRS ruled that such transactions were governed by sections 351 and 357(a), that is, no gain or loss recognized to the transferor whose acquisition indebtedness was assumed by the holding company. From May 1976 to April 1978 the IRS would not rule with respect to such transactions. From April 1978 to April 1980 the IRS ruled that section 351 applied and that section 304 did not apply to transfers of bank stock subject to acquisition debt. From April 1980 to September 1980 the IRS would not rule with respect with such transactions. Since September 1980, the IRS will rule only if certain restrictive conditions of "agency" are satisfied.

The vacillating positions of the IRS while frustrating to the planning of commercial transactions had one certainty: there could be no dividend from the operating company. Tax planning revolved around whether sections 304(a)(1)–304(b)(2)(A), 357(a) or 357(b) applied to the debt assumption. The IRS never indicated that any other theory of taxation was possible or desirable. While one relies upon private rulings at one's peril, the great number of private rulings issued in this area and the consistent treatment on the part of the IRS in not deeming a distribution from a bank indicates a need for equity.

B. Detrimental reliance

To put the holding company problem in perspective, the following is a list of bank holding company applications to the Federal Reserve Board. Analysis indicates that most of these involve acquisition debt.

1975	156
1976	157
1977	186
1978	273
1979	372
1980 (est.)	600
	1,744

In the past decade approximately 85 private letter rulings have been identified as holding company formations with acquisition debt and approximately 90 percent of those relate to bank holding company formations. Many taxpayers in the recent past have applied for rulings immediately after purchasing a bank and seeking Federal Reserve Board approval. They were told that the IRS would not rule on recent acquisition indebtedness and that the transaction would be taxable. Now the rule is otherwise (see Rev. Proc. 80-34 (9/8/80)) and those taxpayers who will at a future date transfer their then "old and cold" debt will be "hit" with the proposed revenue ruling retroactively. Instead of tax free treatment these individuals will receive a dividend unless section 7805(b) applies. Certainly the above scenario of taxpayers being misled to their detriment by the IRS should cause section 7805(b) to apply.

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[2] It is particularly relevant that the principle is reiterated in this case. Usually the retention of loan proceeds and the assumption by the transferee of the liability, as part of a plan, is a classic section 357(b)—boot—case.

[3] In addition to previous authorities see Rev. Rul. 77–428, 1977–2 C.B. 117 and Rev. Rul. 72–274, 1972–1 C.B. 97. Cf. Rev. Rul. 78–250, 1978–1 C.B. 83; Rev. Rul. 73–427, 1973–2 C.B. 301 and Rev. Rul. 67–448, 1967–2 C.B. 144, all of which disregarded a Newco that was formed and merged out of existence in the same transaction. See also PLR 8045001 (Technical Advice, October 25, 1980) where a sole shareholder transferred the stock of a food corporation to Newco for common stock, preferred stock and *debentures*. Held: Section 351 applies and the agent's argument of sham, no business purpose and tax avoidance is rejected.

Moreover, debt has been incurred and bank acquisitions have been made in reliance on the boundaries of the law (section 304 versus section 351) established by the IRS. No bank would have changed hands with a prime rate between 14 and 20 percent if the choice was to have individual shareholders pay off of the debt or the Holding Company pay the debt and the individuals receive a dividend from bank. Thus it is submitted that any taxpayer incurring debt to purchase bank stock should not have the proposed ruling retroactively applied to him to this detriment.

This is not a situation where a few private letter rulings "slipped out" and the IRS reexamined its holding and published a contrary position retroactively. See Rev. Rul. 79-434, 1979-2 C.B. 155, pertaining to continuity of business enterprise and the attempt to thwart the conversion of an operating corporation into a mutual fund tax free. Also see Rev. Ruls. 80-284 and 80-285 (10/27/80) pertaining to the application of continuity of shareholder interest to section 351 in an attempt to thwart the "National Starch-Unilever" type transaction.

IV. THESE FACTS DO NOT PRESENT AN ABUSE OF THE TAX LAWS WHICH REQUIRES CORRECTION

The general feeling in IRS and Treasury is that the facts of the proposed revenue ruling present a major loophole which must be closed with whatever weapons are available. As pointed out, this is obviously a recent assessment since such a transaction was previously completed tax free.

Absent the need for Federal Reserve Board Approval, individual shareholders would set up a Newco, Newco would borrow money from a third party and bank would be purchased. In the future, bank would periodically declare dividends to discharge the debt. There would be no adverse tax consequences whether the purchased corporation was a bank or any other corporation. This is a "bootstrap acquisition," i.e., the purchase of the acquired corporation is financed with the earnings of such corporation. See Rev. Rul. 69-608, 1969-2 C.B. 42, Situation 6, and *Kobacker*, 37 T.C. 882 (1962), Acq. for IRS acceptance of bootstrap acquisitions.

The failure to carryout the steps in the above manner is dictated solely by Federal Reserve Board Rules which preclude holding company formation without advance approval. Such approval will be denied, in many cases for years) unless the earnings of the bank are at sufficient levels, the owners of the bank have a proven track record of efficient management, and at least 80 percent of the bank stock is acquired.

This author is fully cognizant of the fact that the rules of taxation are determined by "what was done" rather than "what could be done"; particularly in Subchapter C matters where the form of a transaction is very important. However, in an analysis of whether a transaction is tax avoidance or an abuse of the Internal Revenue laws, it is not inappropriate to consider that alternative methods could have been used to accomplish a completely tax free transaction. The alternatives were avoided not because of neglect or lack of knowledge but because of the rules of another government agency.

The American Bar Association in studying the sections 351-304 overlap problem has concluded that legislation should be sought to resolve the problem. Recommendation No. 1979-3 would provide that, "Upon a transfer described in both sections 351 and 304 of the Code of, the receipt of property other than stock of the transferee corporation and the assumption of certain liabilities [357(a)] should be governed by section 304." *Tax Legislative Recommendations Of The American Bar Association*, Section of Taxation, Summer 1980. Also see 32, *The Tax Lawyer*, 1446. Thus, the ABA would provide for tax free treatment under the facts of the proposed revenue ruling. It is appreciated that this recommendation is based on what the law should be, rather than what the law is. However, in determining whether there exists an abusive tax gimmick, one has to be swayed by the de novo review by the ABA.

V. CONCLUSION

The proposed revenue ruling should not be published. There is no existing body of law to justify the conclusion of the ruling. All precedents are to the contrary. The IRS is "legislating" on a set of facts that it perceives gives rise to an unintended abusive tax result. It is submitted that the transaction is not a gimmick and should be tax free under existing law. Finally, the abrupt departure from prior IRS precedents and a decade of vacilliation between section 351 and section 304 coupled with taxpayer detrimental reliance should, as a minimum, give rise to section 7805(b) treatment.

GILBERT D. BLOOM,
Partner.●

SCIENCE, TECHNOLOGY AND DEVELOPMENT

● Mr. STEVENSON. Mr. President, science and technology are powerful instruments of material advancement and keys to the sound economic development of the Third World. One of the greatest constraints faced by the poor countries is their lack of the institutions and funds to perform research and adapt technologies which could solve many of their pressing development problems. At present, less than 4 percent of the world's R. & D. is performed in less developed countries, and relevant to the needs of these countries—less than 4 percent, in the service of three-quarters of the world's population.

As a delegate to the 1979 U.N. Conference on Science Technology for Development, I participated in global negotiations aimed at redressing, somewhat, this imbalance, and expanding research cooperation between North and South. Since that Conference, the United States has backpedaled distressingly on its earlier pledges of financial support for a U.N. Fund for Science and Technology.

Equally distressing is our failure to exploit opportunities for bilateral research cooperation with LDCs. A proposed Institute for Scientific and Technological Cooperation was authorized, but never funded. In our relations with our neighbor to the South, Mexico, mutually beneficial research projects which could offer a long-term basis for stable and cooperative links, have never been developed.

I submit for the record an example of the scope for such cooperation. The article, entitled "Guayule Bounces Back," deals with research on a rubber-producing desert shrub being performed in Mexico, but of clear relevance to farmers in the southwestern United States, as well as to the rubber industry.

The article is fascinating in itself, but I introduce it also in order to salute the new publication from which it is excerpted—the first English language magazine on science and technology in a developing country, published by a developing country. The magazine—called R. & D. Mexico—is designed to "bridge the information gap between scientists, specialists and decisionmakers in research, industry, government and business, in Mexico and abroad." Judging from the first colorful, informative issue R. & D. Mexico is an experiment destined for some success, and I commend its publisher, the Mexican National Council on Science and Technology (CONACYT) for its vision.

The article follows:

GUAYULE BOUNCES BACK: DESERT SHRUB COMPETES WITH HEVEA RUBBER FOR FUTURE INTERNATIONAL MARKETS

Mention the guayule plant to a European or a North American and the response is bound to be a questioning stare. Yet this unprepossessing foot-high shrub, which flourishes in the arid zones of Mexico and in the southwestern United States, is likely to enjoy increasing attention in the coming years, especially by those who are troubled by the rising costs of oil, the political pressures that threaten the world's materials supply and the knowledge that we are exhausting the world's capital of fossil fuels.

For guayule (wy-oo-le) is a commercially proven producer of natural rubber, a source that can compete successfully with the natural hevea rubber of Malaysia and South America and, more important, substitute for and complement the manufacture and use of synthetic rubber. Since synthetic rubber relies on oil, the use of guayule means, in effect, a decrease in dependence on crude and posssible major step in the conservation of energy.

The plant is not an unknown quantity. It served as a significant source of rubber during World War II when the United States was denied access to Southeast Asia, and it was only squeezed out of the market after the war by the petroleum-based synthetics and by the surplus stocks from the recovered areas of Southeast Asia.

During World War II, in addition to launching a crash program to develop synthetic rubber, the United States increased its imports of Mexican guayule to 125,000 tons, only to abandon the plant once again when immediate needs declined.

Mexico, however, did not completely dismantle its guayule program. The National Commission on Arid Zones and CONACYT continued research on the plant. In 1974, the Center for Research in Applied Chemistry (CIQA) established a pilot facility in Saltillo, Coahuila, to improve the technology for manufacturing rubber from wild stands of guayule. Mexico is once again building commercial mills in those regions where guayule is abundant.

Mexico's stands of guayule have recovered. A recent survey reports three million tons of adult plants spread over 10 million acres in the states of Coahulia, Zacatecas, Chihuahua, Nuevo León and San Luis Postosí.

Guayule is vital, too, because synthetic rubber has not replaced natural rubber. Natural rubber is still required for products that demand a high degree of elasticity, resilience, tackiness and low heat build up. Airplane tires, for example, are made almost totally from natural rubber.

The United States imports a fifth of the world's rubber supply, over 700,000 metric tons. It obtains virtually all of this import from the hevea rubber plantations of Malaysia, Indonesia, Thailand, and Sri Lanka. Mexico also imports all but 11 percent of its natural rubber. There is, then, an obvious advantage in having a dependable supply of such a strategic material, and Mexican scientists now argue that it is possible to offer a product far superior to guayule rubber of 30 years ago, one that can compete in price and quality with the best rubber on the market.

Guayule takes from four to seven years to reach an economically viable size: about three feet. A major asset of the plant is its ability to thrive on land too arid for food production. An interesting fact is that it produces most rubber in periods of stress such as very cool or dry weather when its growth slows and it becomes semidormant. Even when it remains unharvested, it retains the rubber it has produced.

Guayule has been called a plant-breeder's dream. In one variety, reproduction takes place without fertilization, resulting in an offspring that is genetically identical to the parent. Thus, a breeder can cross sexually reproducing plants to obtain useful characteristics and can then induce these plants to reproduce asexually to retain the hybrid attributes throughout subsequent generations.

Although there are 2,000 different species, not all are adaptable to industrial use. Wild strains have been found containing up to 26 percent rubber. But the most widely used strain when guayule was grown commercially contained only 20 percent. A breeding and selection program could undoubtedly improve the yield as it has in the case of hevea rubber.

The chemical and physical properties of guayule and hevea rubber are the same. Because the slightest variation in molecular structure can change the mechanical qualities of a product, scientists of the Center for Research in Applied Chemistry (CIQA) have used the most advanced electronic scanning techniques to analyze the plant's microstructure. They found no differences in molecular structure, length, weight, or the way the chain was joined together. They found that guayule lacks certain impurities that aid the vulcanization of hevea rubber. However, the vulcanization formula (the process whereby rubber is mixed with sulphur and other ingredients and molded under pressure at high heat) can be adjusted to get similar results.

LABORATORY TESTED

At the end of 1976, the first lots of guayule rubber were tested by laboratory analysis and in products. Their characteristics were found to be very similar to high-quality hevea rubber; in some cases they were superior. Major rubber companies in Mexico and abroad are currently road-testing guayule-rubber tires.

Guayule is also the source of a number of important by-products. Resin, for example, a major component that makes up 10 to 15 percent of the plant's weight, can be used to make adhesives, drying oils and rubber additives among other products. Waste pulp and cork can be compressed into blocks for use in construction, and the leaves, which contain up to 12 percent protein, can serve as livestock feed.

Cultivating guayule is also a way of generating income and providing employment, especially in rural areas. It has been suggested that guayule could benefit U.S. Indian reservations in Arizona and New Mexico, lands not really suitable for conventional crops.

Mexico's expertise in guayule processing and international advances in cultivation offer prospects for continued collaboration between different countries around the world.●

THE MIDDLE EAST

● Mr. METZENBAUM. Mr. President, in recent months, a number of voices have been raised, some of them quite distinquished, to advocate the inclusion of the Palestinian Liberation Organization in negotiations for peace in the Middle East. By implication, these well-meaning voices appear to have the effect of portraying the PLO as somehow or other more "moderate" than that terrorist organization has been throughout its bloodstained history. And also by implication. Israel is branded by these appeals as the recalcitrant obstacle to peace.

Mr. President, I can fully understand the desire of decent people to appeal for the kind of reason, for the kinds of compromise that are second nature to those fortunate enough to have been raised in our democratic society.

But I see no evidence, none whatsoever, to indicate that the PLO and its radical allies have shown the slightest interest in modifying their implacable hostility to the very existence of the State of Israel.

The 1968 PLO covenant called for the outright destruction of Israel. That has not changed—not in the slightest.

The PLO's close allies—Khomeini's Iran, Libya, Syria, Iraq—none of these countries has indicated in any way, a desire for a peace short of total victory for their cause.

The Soviet Union, the PLO's political patron and military supplier, has shown no inclination to back away from stirring troubled Middle Eastern waters.

And above all, Mr. President, the PLO is today as committed as it ever was to the use of terror as a political method.

We are all aware of the long, bloody history of PLO terror against Israel.

The world is no longer surprised at the outrages perpetrated by PLO "commandos" whose idea of heroism is to bomb a school or a crowded marketplace or to murder pilgrims on their way to the holy places. We are used to all that. It is what we have come to expect from the PLO, and we have seen so much of it that it is easy to lose sight of what terror tells us about those who make use of it.

For that reason, I want to call the attention of the Senate to a news release issued recently by the Lebanese Information Research Center, an organization that speaks for an important Lebanese Christian group.

It is not my intention, to take sides in terrible civil strife that has so tortured that beautiful country, but it is instructive, Mr. President, to consider the experience of the Arab Lebanese who have dared to stand against the PLO.

I ask that the text of the press release be printed at this point in the RECORD.

The press release follows:

LEBANESE INFORMATION AND
RESEARCH CENTER,
Washington, D.C., November 13, 1980.

PRESS RELEASE

Two booby-trapped cars exploded November 10, 1980 around noontime within a twenty minute interval, while the narrow streets of Ashrafieh, East Beirut, were filled with shoppers and school buses. The deadly blast killed nine persons instantly and seriously injured sixty-nine others. One explosion was estimated at 80 kilos T.N.T. and the other at 60 kilos.

This is the fifth criminal attempt at killing, maiming and injuring the peaceful and innocent population of East Beirut or the Christian sector of Lebanon. It was masterminded by the "Security Service" attached to Fatah.

On Friday, November 7, 1980, the Central Council of Fatah, the largest Palestinian terrorist organization, held a meeting chaired by Yasser Arafat and decided to direct a severe blow to the eastern sector of Beirut. The terrorist mission was entrusted to Unit 17 of the "Security Services", headed by Abou Tayeb. The cars were booby-trapped in a garage located on Fakahani Street in Sabra, a PLO camp in West Beirut. The plastic type of T.N.T. is U.S.-made and owned only by the PLO.

These insane terrorist acts are another desperate attempt on the part of the PLO to create an atmosphere of fear and insecurity through which it hopes to accomplish a threefold goal: 1) Force the Lebanese people to accept Palestinian implantation in Lebanon, 2) Coerce the Lebanese Forces to close traffic between East and West Beirut so it can accuse them of wanting to partition the country, and 3) Entice the Lebanese Forces to retaliate by sending booby-trapped cars to West Beirut, initiating a new conflict between Christians and Muslims which will frustrate the new consensus of all Lebanese against a permanent Palestinian settlement in Lebanon. However, the Lebanese Forces are determined not to fall in this trap. Furthermore, the Ashrafieh mass murder is a signal that the PLO is ready to resume its international terrorist activity.

The American media has given very little attention to this incident. Whatever the reasons for neglecting this major fact, the Lebanese Information and Research Center would like to point out that while the PLO is seeking a recognition at the international level reserved only for states, it continues to act, particularly inside Lebanon, as a terrorist organization.

Mr. METZENBAUM. The idea that the PLO has changed is wishful thinking—no more, no less.

And it is the kind of wishful thinking in which the people of Israel, whose survival is on the line, cannot afford to indulge.

We are told that Israel has not done enough for peace.

Yet here we have a country that gave up a secure source of oil—its only source—as part of the price of peace with Egypt.

Israel agreed to abandon hard-won military advantages in the Sinai—and to give up some of the world's most sophisticated air bases—as part of the price for peace.

Israelis pay the world's highest taxes to build and protect their county.

Young men in Israel must serve 3 years of active duty in the military and remain in the Reserves until age 45.

Women are required to put in 5 years of active military duty at age 18 and to serve in the Reserves until age 34.

Those are real sacrifices. But they are necessary in a country whose neighbors, with one exception, do not recognize its right to exist.

Do the Israelis want peace?

Of course they do.

What could that country want more? What could Israel need more?

But Israel cannot accept just any kind of peace.

Israel must have defensible bonders.

Israel must have full and unambiguous recognition by the Arab countries.

And Israel must be in a position to defend herself in the future. If nothing else, the war between Iran and Iraq and the threat of war between Syria and Jordan demonstrates to all who want to see that no nation in the Middle East can afford in these unstable times to let down its guard.

Yet we hear that Israel should be "reasonable" and recognize the PLO as a party to negotiations.

We hear that Israel should legitimize the idea of a PLO state—a state armed by the Soviets, allied with the most radical Arab countries and pointed like a loaded pistol at Israel's heart.

Our country would never accept such a situation for itself. And it is wrong to expect the Israelis to endanger their country's future as a free, sovereign nation in pursuit of some ephemeral negotiations with the implacable terrorists of the PLO. That, Mr. President, is not a reasonable request. And it is not a request that Israel can afford to honor.●

EL SALVADOR: VIOLENCE AND TRAGEDY

● Mr. KENNEDY. Mr. President, on Thanksgiving Day, six political leaders representing a spectrum of views were kidnaped and executed in El Salvador.

These leaders of the Democratic Revolutionary Front represented the center left to left sector of political opposition to the current military-civilian junta. In fact, the President of the group, Enrique Alvarez, a businessman, had been Minister of Agriculture in the first junta which had replaced President Romero a year ago.

The body of Enrique Alvarez was among those found following the kidnaping.

The tragedy of the killing is not merely that it represents another round in the bloody political warfare which has cost some 8,000 lives since the start of this year. It also demonstrates anew that each week that passes without steps toward a political settlement leads toward greater violence in El Salvador.

The leadership of the Front had traveled to Washington and to European capitals in September. They explained their position, argued that the junta was unrepresentative, and strongly disputed efforts to distinguish between government security forces and the forces of terror on the right. They argued that U.S. military aid to the Salvadoran junta and to its security would serve neither nation's interests; indeed, this aid encouraged some elements of the military to believe that the United States would accept continued repression of political opposition.

Both the kidnaping of these political leaders, from the Jesuit High School where they were meeting, and their executions point even more than in the past to a linkage between paramilitary death squads and government security forces. Uniformed armed forces personnel, largely National Guard and National Police, have been implicated in past political killings. The reported encirclement of the high school by uniformed men and numerous other facts surrounding last week's fatal abduction once more underscore these ties. No one can argue convincingly that the Salvadoran Government or its security forces are acting to halt the right-wing death squads or to dissolve the paramilitary.

The killing of these leaders, followed by the bombing of the cathedral as their bodies lay in state, have marked a sharply accelerated drive against the political opposition in El Salvador. Once more, fragile hopes fade for a negotiated solution which might increase political participation and end the state of fear which dominates the lives of virtually every Salvadoran family. This most recent attack undermines the remaining chances for a nonviolent political settlement. Instead of strengthening moderate political leaders the recent executions reinforce the arguments of those who see armed struggle as the only answer.

In a perceptive column in the New York Times, Anthony Lewis stated:

> The trouble is that the reformist character of the government installed a year ago has faded with the violence. Many now believe it has slipped to the right and protected rightist violence. During last week's kidnapping, 200 men in police and military uniforms surrounded the area. The Government's political appeal, in the country and outside, has declined.

In the first 10 months of this year, 5,523 persons were killed for political reasons and 211 political prisoners "disappeared", according to the Legal Department of the Archdiocese of San Salvador. Six times, planes and helicopters of the Armed Force have machinegunned and bombed towns and villages in the regions of Aguilares and El Paisnal.

Mr. President, the recent events also show the sad reality that in El Salvador, the Church, for having identified itself with the victims, itself has become a victim. Its legal aid office has been occupied more than once. Its cathedral has been bombed repeatedly. Its priests have been arrested, tortured and killed.

Four priests have been assassinated in the last 7 months; one of them, Friar Miguel Reyes, was the director of a refugee center, the last, Friar Marcial Serrano, was assassinated by rightist gunmen just 2 days ago. The Church radio station was dynamited twice, along with the entryway to the archdiocesan offices. The OAS Inter-American Commission on Human Rights has called these acts "systematic persecution by the authorities and organizations that enjoy the favor of the government".

During the first 6 months of 1980, 64 teachers were killed—including Prof. Reynaldo Barillas Guzman, who was assassinated just 15 days after having received the "Dario Gonzales" medal from the Minstry of Education, based on a nationwide vote by teachers. Security forces violently entered schools over 100 times during this period.

The grounds of El Salvador's National University were invaded last June, and the country's only medical school was closed. The neutrality of the nation's medical centers has been disregarded. A recent report on abuses of medical neutrality by a U.S. team found that "death squads and uniformed forces have repeatedly entered hospitals and clinics and shot down patients, doctors, nurses and medical students . . ."

The governing junta's failure to end repression has tarnished efforts to draw popular support. The junta has been largely deserted by civilian supporters except for the private oligarchy, those in the conservative wing of the Christian Democratic party and elements even further to the right.

On the left, armed insurgents daily grow more active, more embittered and more opposed to negotiations with a repressive regime. When they resort to violence, we must condemn and oppose such acts just as much as we do when violence comes from the right. For even though it is clear that instances of repression and brutality are far more prevalent from the right, the United States must not condone armed force from any quarter.

In this situation, the least the United States can do is to halt military aid and support for the Salvadoran junta. The junta should not be allowed to assume that our support will continue while the repression and the violence persist. Until repression ends, U.S. military assistance to the junta should cease. We should stop further disbursements of the $5.7 million in foreign military sales (FMS) credits approved last April, and we should stop further consideration of an additional $5 million in military support by the administration.

If the United States continues to provide military support to the Salvadoran junta—and urges others to do the same—it will lose its remaining capacity to play an intermediary role. As military choices dominate politics, those with arms—the far left and the far right—will gain ascendance. Our very objective of regional stability—and preventing the struggle from widening—would be undermined by expanding the U.S. military role in El Salvador—as supplier, trainer, and adviser.

The incoming administration needs to address these issues early. U.S. political campaign criticism of the outgoing administration's policies toward Latin America and human rights should not be construed by those in El Salvador and elsewhere as criticism of human rights themselves. That false image should not be allowed to grow in the fertile ground of silence.

In El Salvador, and elsewhere in Central and South America, there are those who are encouraged by the recent surge of violence directed by or connected to government security forces, and who believe this violence will be condoned by the next administration. A strong statement condemning such violence as the recent killings and church bombing in El Salvador is needed now. I agree with the Washington Post that "What the American interest now requires is an indication by President-elect Reagan that El Salvador cannot go back to the pre-junta brutality and injustice and that he is as opposed to terrorism on the right as to terrorism on the left."

Mr. President, I submit Anthony Lewis' column in the New York Times and the text of the editorial in the Washington Post to be printed in the RECORD, along with the conclusions of the Inter-American Commission on Human Rights 1980 Report on El Salvador, the statement by the San Salvador Archdiocese Legal Aid Office on the kidnaping and executions last week, a translation of a report from the Archdiocese Newspaper concerning attacks on communities in the rural area of El Salvador, and the Report of the Public Health Commission to El Salvador.

The materials are as follows:

Another Noble Cause?

(By Anthony Lewis)

The document says American policy toward Country X has "identified our interests with a relatively weak, unpopular and isolated regime." It argues that "our actions and our words have narrowed down our policy to a single path of gradual escalation of direct military involvement . . . in a political context that gives the use of force few chances to achieve a satisfactory outcome."

It might be a dissenting document from the early days of American involvement in Vietnam—something written by a C.I.A. analyst in, say, 1964. If such an analysis had appeared in the Pentagon Papers when that history was published in 1971, its gloomy forecast would have been regarded as extraordinarily prescient.

In fact, it is a document dissenting from U.S. policy toward El Salvador today. Now circulating in Washington, it bears no names but is attributed to "current and former officials" of the C.I.A., the State and Defense Departments and the National Security Council. It was first disclosed by a Boston Globe specialist on Latin America, Stephen Kinzer.

El Salvador is a small Central American country, population 4.5 million, of which most North Americans know little—about like Vietnam in the early 1960's. Unlike Vietnam, it is in our back yard; history and geography demand United States concern when El Salvador is in turmoil. And for the last year it has been in bloody turmoil.

On Oct. 15, 1979, reformist army colonels overthrew El Salvador's rightist government. A mixed regime of military men and moderate-left civilians has governed since. It has redistributed land to peasants and nationalized banks. But it has been preoccupied by violence from right and left.

More than 8,000 people have been murdered in El Salvador so far in 1980—compared with 2,000 in the last 11 years of sectarian violence in Northern Ireland. Most of the victims were shot or bludgeoned to death by right-wing "death squads." Last week gunmen kidnapped left-wing political leaders from a press conference; the next day bodies of six were found, shot after torture. The right has attempted two coups.

On the left, guerrillas have killed not only soldiers and businessmen but members of the centrist Christian Democratic Party, which is in the government. The guerrillas are believed to be getting help from Nicaragua, and a victory for them would be seen as extending the influence of Fidel Castro's Cuba in Central America.

The Carter Administration, opposed to the guerrillas but concerned about the effects of rightist terror, has followed a middle policy. It strongly supports the El Salvador junta and has condemned the right-wing coup attempts. It has a small military advisory group in the country. But because of human rights violations by the security forces and death squads, Washington has embargoed sales of "lethal" military equipment.

The dissenting document now circulating in Washington argues that the Carter policy will not meet its objectives, which are to limit Cuban and Soviet influence in Central America and promote stable, pluralistic governments. The authors say there is a drift toward U.S. military involvement that will tend to expand the conflict in El Salvador, offend moderate governments in the region and actually serve Soviet and Cuban interests.

"Various U.S. Government agencies," the document says, "have taken preparatory steps to intervene militarily in El Salvador." It says that Mexico, Panama, Venezuela, Ecuador and Costa Rica, concerned at the trend, are moving away from support of U.S. policy.

The oncoming Reagan Administration has to regard the situation in El Salvador as one of the most threatening it faces. In the last few days members of the leading El Salvador business group, the Productive Alliance, have been in Washington talking to Reagan advisers. They told reporters that the advisers said combat military and financial aid would come quickly from a Reagan Administration, but warned against a rightist military coup.

One of the Reagan advisers, Jean Kirkpatrick of the American Enterprise Institute, said afterward that no policies had been worked out but that the new Administration would try to see that "Castroite guerrillas' do not "take power by force of arms." The existing El Salvador Government, she said, was already of a social democratic type, "profoundly reformist."

The trouble is that the reformist character of the government installed a year ago has faded with the violence. Many now believe it has slipped to the right and protected rightist violence. During last week's kidnapping, 200 men in police and military uniforms surrounded the area. The Government's political appeal, in the country and outside, has declined.

That is what the dissenters see in their critical document. But their solution—that the U.S. work for a "Zimbabwe solution' with the guerrillas—is also highly risky. Hence the danger that Washington, in the early Reagan months, will slip into military escalation in El Salvador.

An Emergency for Gov. Reagan

Ronald Reagan doesn't become president until Jan. 20, but in respect to at least one burning foreign policy issue, El Salvador, there is strong reason for him to make some kind of statement now. It would put him into the middle of a moving situation even before his policy team, let alone his policy, is in place. But just by being elected, he was thrust into the middle of that situation. If he waits to join the issue until he is in the White House, the situation may well have evolved to the point where his best choices have gone by the board.

The emergency arises out of the massacre last weekend of the top leadership of the leftist Revolutionary Democratic Front. The perpetrators apparently were from the fanatical right, a segment of society that, along with the equally fanatical left, has turned El Salvador into a charnel house over the past year—some 8,000 people have been murdered. The evident purpose of this particular slaughter was to consummate the task, embraced by both the far right and the far left, of precipitating an all-out civil war. The Carter administration has been struggling to help the all-too-flimsy center hold.

Ronald Reagan, of course, has given no encouragement or support whatever to the viciousness practiced by either Salvadoran extreme. His stated and presumed favor for anti-communists in revolutionary situations, however, has been widely noted in El Salvador and has contributed to the political brew there—and elsewhere in Latin America. Some elements of the right have hoped to enlist the Reagan predisposition in the service of their own unprincipled grab for power. It is to be expected that these elements will do everything in their power by Jan. 20 to blow the civil strife there into an inferno that would seem to leave the new president no alternative but to back the side purporting to stop the tide of communism—as corrupt and discredited as those elements in El Salvador are. It was to warn of his looming calamity that a respected civilian member of the Salvadoran junta, Jose Napoleon Duarte, quietly visited Reagan aides, as well as President Carter, a few days ago.

The junta is a gamble. Along with its reformist elements are repressive forces with links to the far right. It represents, however, what chances remain in El Salvador to build a barrier against communism and fascism alike. There is nothing else. What the American interest now requires is an indication by President-elect Reagan that El Salvador cannot go back to the pre-junta brutality and injustice and that he is as opposed to terrorism on the right as to terrorism on the left. That would not solve the problems he will still have in El Salvador after Jan. 20 but it will leave him some options.

Annual Report of the Inter-American Commission on Human Rights to the General Assembly

CONCLUSIONS AND RECOMMENDATIONS

In the light of the background and considerations stated, the Inter-American Commission on Human Rights wishes to express, as a general conclusion, its deep concern over the increasing violence in El Salvador, which from October 15, 1979, up to the date of approval of the present report, has taken a too severe cost in human life and meant a general deterioration in the situation of the human rights set forth in the American Convention on Human Rights.

These conditions clearly are not consistent with the purposes announced by the Governing revolutionary Junta, which justified its assumption of power by the need for change in the social-economic structure of the country and the deteriorating situation of human rights, as verified in the earlier report of the Commission. But it is also true that the Government, in the face of the violence prevalent in El Salvador today, has been unable to control and overcome a situation which, if continued, will seriously compromise national unity and even the stability of the Central American region.

The Inter-American Commission on Human Rights is particularly concerned over the relative passivity of the government as regards certain armed groups which still maintain ties with former members of security agencies and of the dissolved organization ORDEN and which are apparently responsible for hundreds of killings, and over the absence of adequate, effective investigation of such crimes by the authorities.

Against this background, the Inter-American Commission on Human Rights makes the following recommendations to the Salvadoran Government:

(1) The adoption of organized action to overcome current violence, which might include, among other measures, the following:

(a) effective, real steps to disarm private individuals and prevent the entry of weapons from abroad;

(b) a massive campaign against violence in the schools and the mass media;

(c) the reopening of the dialogue among all the sectors of Salvadoran society without exception, including, therefore, the dissident forces of the left and of the right, with a view to establishing the conditions that would make it possible in the short term to hold elections which would reveal the true will of the people and legitimate the Government that wins such an election. For this purpose, a new election law and a reorganized Central Elections Council are needed.

(2) An exhaustive, rapid investigation of the cases of murder in which past or present members of security agencies have been charged as the instigators or authors, with full sanctions of the law against those shown to be the responsible parties.

(3) The Commission considers it would be appropriate, upon the invitation or concurrence of the Government and with the cooperation of all Salvadoran sectors, for the

Commission to make a new on-site observation for purposes of verifying compliance with the recommendations made in its earlier report and those contained in the present report.

Statement by the San Salvador Archdiocese Legal Aid Office

On Thursday, November 27, at 11:20 a.m., twenty-five agents in civilian dress entered the San Jose High School (Externado San Jose), where the offices of the Archdiocese Legal Aid Office (Socorro Juridico del Arzobispado) are located. Some 200 soldiers and police had surrounded the high school. As the men in civilian dress entered the premises, they ordered everyone present at the Catholic institution and a number of visitors to lie down, face to the ground. Then, they proceeded to capture the Democratic Revolutionary Front (FDR) leaders who were in one of the high school rooms giving a press conference to members of the international press. After beating those found in the room and tieing their hands behind their backs, the agents in civilian dress forced them to get into three pick-up vehicles which then sped away.

Seven leaders of the FDR were captured. In addition, another 23 persons were captured. Later, the leaders of the Democratic Revolutionary Front were found assassinated, their bodies showing signs of strangulation, mutilation and bullet wounds in the head. The bodies of Juan Chacón, Humberto Mendoza, Enrique Barrera and Doroteo Hernández were found at kilometer 15 of the road to the bathing resort Apulo, to the east of the capital. San Salvador, the day of the capture. The bodies of Enrique Alvarez and Manuel Franco were found 28 November at kilometer 13½ of the same road.

Given government versions which place responsibility for this massacre on an ultra-rightist group, the Archdiocese Legal Aid Office (Socorro Juridico) offers for consideration the following data which contradict the government versions:

As the operation began, the agents in civilian dress kidnapped the High School watchman, taking him to the premises of the Salvadoran Institute for Social Security, which is located some blocks from the high school.

According to statements of persons who were present during the operation, the agents were in radio communication with the Salvadorean Institute for Social Security, and vice versa.

Furthermore, the agents in civilian dress arrived at the high school armed with machine-guns and G–3 rifles.

The vehicles had license plates and were identified as belonging to official organizations.

Another revealing piece of information is the total immunity with which the operation was carried out: in full daylight, at the largest secondary school in the country, along one of the most heavily-traveled roads of the capital, and three blocks from the most guarded building, the Embassy of the United States. Given these elements, it seems incredible that no authority came to the scene of the events during the operation.

This is particularly noteworthy if one takes into consideration the magnitude of the operation: more than 200 police elements surrounded the building for more than 25 minutes.

But if doubts remain regarding the responsibility of the government in this multiple assassination, we offer for consideration the following cable of the AP news agency, sent moments after the events, from San Salvador, in which Salvadorean authorities take responsibility for the capture of the leaders: "San Salvador, 27 November, AP—The authorities today announced that they had captured the highest leaders of the FDR, who were offering political leadership for leftist organizations which sought to overthrow the government." This cable appeared in "Ultimas Noticias," the second edition of the newspaper, Excelsior, on the front page, 27 November.

The Archdiocese Legal Aid Office (Socorro Juridico) makes it known to world public opinion, international human rights organizations, that since its founding in 1975, the office's responsibility has been to promote the integral defense of the human rights of the Salvadorean people. The right to freedom of expression, such as that exercised by the executive committee of the Democratic Revolutionary Front on November 27, constitutes a sacred right that the Archdiocese Legal Aid Office has always defended.

The Jesuit San Jose High School (Externado San Jose), in a profoundly humanitarian and valiant attitude given the fact that the military government in El Salvador has violated all means of expression with repressive violence, offered its premises so that the Democratic Revolutionary Front might express itself.

Just as we defend the valiant attitude of the San Jose High School, we energetically condemn the horrible repressive action that the Salvadoran Army and its special security forces committed against the Executive Committee of the Democratic Revolutionary Front.

We protest to the OAS Inter-American Commission on Human Rights, to its President, Tom Farer, to its Executive-Secretary Edmundo Vargas, and to Dr. Theodore Van Boven, Head of the Division of Human Rights of the United Nations, for these serious events that indicate the degree of savagery of a military government that maintains itself in power only through the force of arms.

[Translation From the Original in Spanish]

Clear, Cruel and Arbitrary Persecution Against the People and the Church

The Secretary of Social Communication of the Archdiocese of San Salvador informed and announced the most recent events in the zone of Aguilares, seen as a clear, cruel and arbitrary persecution against the people and against the Church in El Salvador.

1. The events of October 6th and 11th 1980.—In the early morning of Monday, October 6th, members of the Security forces and of ORDEN violently burst into the warehouse that the parish used to store the goods of Caritas. They forced the back door of the storeroom, inspected the place and upon finding nothing, they ran through the hall of the main body of the Church. Then they destroyed two posters, one for assistance to the Church radio station, YSAX, and the other of the Mission, that were posted on the door of the Church. They then shot at the Parish building.

Not satisfied with this injust and violent search of the buildings, at 2 a.m. on Friday, October 11th, the same security forces and agents of ORDEN once again entered the warehouse of Caritas, breaking down the back door to enter and the front on leaving. They stole clothing being stored for helping campesinos.

Then they went to the Parish house, shot off the locks of the entry doors and entered the Rectory. They fired at the statue of Fr. Rutilio Grande and opened doors of rooms and cabinets, forcing the padlocks. They also fired weapons at the door of the Church. They were not able to open it from the inside and went into the Church through the Sacristy. They stole the poor money boxes after breaking into them with gunfire and machetes. They also fired at the door of the Parish Clinic, but did not enter. In the main body of the Church, the Rectory and the Sacristy, G–3 shells were found. The G–3 is the regular weapon of the Army and security forces. They also found 9mm shells. The broken locks as well as the shells are proof of these events, and are in the possession of the Archdiocese.

2. The general situation.—It is very well known that the area of Aguilares and El Paisnal is one of the hardest hit regions by successive governments. Since the assassination of its Vicar, Fr. Rutilio Grande, in March of 1977, the military occupation of the city of Aguilares and the expulsion of its Parish team in May of that year, the deaths and disappearances have multiplied. Notwithstanding, since January 24th, 1980, the deaths and disappearances have begun to be counted in the hundreds. Since that time more than 400 people of all ages, both sexes, and mixed economic background have been victims of a merciless, bloody persecution directed at Christian Communities of both the countryside and the city.

A brief account provides the following figures: Approximately six massive military operations; six times planes and helicopters of the Armed Forces have machine-gunned and bombed the towns and villages of Aguilares and El Paisnal; military searches, accompanied by robbery, burning of houses, and assassinations are countless. Some 111 houses have been burned in the region. The situation in the countryside is desperate. There is not enough food nor the way to obtain it.

The Parish is continuously watched by the military and the Pastoral team is threatened. This has meant that the Pastoral action of the Church has been seriously hindered, including liturgy, catechism for children, pastoral visits to the villages, the celebration of mass or of gospel reflections, and social services provided by the Clinic, Caritas, etc.

The Secretariat of Social Communication of the Archdiocese of San Salvador does not consider the events of the 6th and 11th as isolated incidents, but rather as the continuation of a series of open, cruel and pitiless acts of persecution against the people and against the Church. Therefore, the Social Communications Office:

3. Denounces actively all these manifestations of repression against the people and against the Church that a.) leave a bloody, monthly balance of dozens of deaths and disappearances; b.) violate the most basic human rights, without giving people the least possibility of defense or protest, since all the channels for self-expression have been prohibited; c.) impede the Pastoral and humanitarian activities of the Church; and d.) go against the Constitution of El Salvador and against the rights that are guarded by the Constitution.

4. Places responsibility on the Security Forces and ORDEN for the repressive actions against the Christian Communities; and on the cruel and disproportionate rightist terrorism unleashed in the countryside and cities, since they have the endorsement, the protection and the complicity of the Security Forces.

5. And demands:

(a) That the oft-proclaimed promises of the Government Junta to work to benefit the people and to respect Human Rights be fulfilled.

(b) That the Government Junta, which has power over the Central Command of the Armed Forces, order the Security Forces—uniformed or not—to respect both in daytime and at night, the right of campesinos to organize, just as the Security Forces respect the right to organize of organizations such as ANEP, ASI, etc.

(c) That the material and intellectual authors of so much crime, cruelty, and sadism be punished, since the authors are known.

(d) That the Pastoral work of the Church be permitted and that it be allowed to complete its mission.

(Orientation (weekly newspaper of the San Salvador Archdiocese) Oct. 19, 1980.)

Abuses of Medical Neutrality

(Report of the Public Health Commission to El Salvador July 1980)

Recurrent reports of violations of the neutrality of medical institutions and of the rights of health workers, including the killings of doctors and patients, made imperative a prompt, on-the-spot inquiry by a respected group of health experts. Such a Public Health Commission of Inquiry was organized by the Committee for Health Rights in El Salvador with the support of the American Public Health Association, The Physicians Forum and the American Friends Service Committee. The Commission consisted of three physicians, a professor of public health and a teacher of community health and social medicine. It visited San Salvador July 14 to 17, 1980. The Appendix lists the members of the Commission with their affiliations and gives details of its activities.

While in San Salvador, the Commission interviewed almost 50 individuals in the health and relief fields representing many organizations and a spectrum of political beliefs. Among those interviewed were the Minister of Health and a member of the ruling Junta who is a physician. Many hours were spent with representatives of the major national doctor, nurse and health worker organizations. The principal conclusions of the Commission are:

Since the coup of October 15, 1979, the traditional protection conferred on doctors and other health workers has been increasingly ignored as military and paramilitary gangs have assassinated, tortured and threatened doctors, nurses and medical students.

Military and paramilitary personnel have flagrantly entered hospitals and shot down patients in cold blood.

There is no instance in which the Salvadoran Government has punished, prosecuted or even identified those responsible for these killings.

Since the signing of the Geneva Convention in 1864, nations have pledged to regard doctors and nurses as well as the sick and wounded as neutrals during military conflict. These principles are being recklessly disregarded in El Salvador today. On the basis of these and other findings, detailed in the body of this report, the Commission urgently calls upon the following bodies to undertake these recommendations:

The Government of El Salvador to—

Take vigorous action to stop violations of medical neutrality, and to insure that all health personnel can treat persons in need of care without fear of reprisal;

Reopen the Medical School, as well as other branches of the university, under democratic, civilian leadership and without a military or paramilitary presence;

Guarantee the safety of personnel working in rural health services, and to replace the mobile health units destroyed during the conflict;

Lift any import restrictions on medicinals and medical supplies designated for relief agencies.

The International Committee of the Red Cross to—

Immediately appoint a permanent medical representative to assess the current situation;

Establish a presence in all hospitals to insure neutrality;

Organize modern blood-banking facilities accessible to all Salvadorans;

Set up safe facilities for the treatment of the wounded.

International relief organizations to—

Send medicinals and other medical supplies to refugee camps and health facilities, to be distributed through appropriate private relief organizations.

The United Nations to—

Dispatch a High Commission to promptly evaluate the needs of displaced persons for food, shelter, clothing and medical services.

The Organization of American States to—

Investigate violations of the neutrality of hospital and health services.

Professional organizations to—

Visit El Salvador to continue the assessment of the situation in the health field and in other areas of society.

VIOLENCE TO HEALTH WORKERS

From the time of the October 1979 coup, death squads and uniformed forces have repeatedly entered hospitals and clinics and shot down patients, doctors, nurses and medical students in cold blood. These assassinations are frequently preceded by the cruelest forms of dismemberment and brutality. At least 9 physicians, 7 medical students and 1 nurse have been killed since the coup. Many other health personnel have also been victims of violence and harassment. Table 1 lists in chronological order armed incursions in health institutions with patients and health workers murdered. Table 2 lists the names of physicians who were assassinated or, in one instance, kidnapped and jailed. Two episodes are presented in more detail:

On May 15th, Drs. Miguel Angel Garcia and Carlos Ernesto Alfaro Rodriguez were kidnapped by armed men from a hospital in Cojutepeque where they were performing an operation. Both doctors were later found with clear evidence of torture. One corpse had multiple lacerations, a depressed skull fracture and evidence of strangulation. The other victim suffered a penetrating wound of the neck cutting the spinal cord at a high cervical level. He was found alive but never regained consciousness. Their deaths precipitated a work stoppage by health workers across the nation, to be described later in this report.

A health worker told this Commission of a slaughter which occurred in late June in the vicinity of Santa Ana. While conducting a routine, sweeping search for "oppositionists," military forces entered the house of Dr. Montes and his wife, a nurse. Two medical students (one named Tonativ Ramos) and two relatives were visiting the Montes' at the time the military appeared. Hearing a commotion, another young physician who lived nearby, Dr. Matamoros, went to the house, too. Four hours later and after the soldiers had departed, our informant felt it safe to enter the house. He found all seven killed by shots in the head, apparently with a high-power weapon. "They had their heads nearly blown away," he reported. The reason for the massacre was that an ordinary examining table and small amount of anesthesia material had been found. The military presumed that they had discovered a clandestine clinic for the treatment of guerrillas.

The brutality involved in the killings of health workers and patients and the accompanying torture suggest that this is a deliberate tactic aimed at striking terror into the hearts of others. Victims have been decapitated, emasculated or found with the initials "EM," which stands for Esquadron de la Muerte (Death Squad), in their flesh. Official forensic medical reports document these atrocities.

The outcome—no doubt intended—of this pattern of killings and torture on the part of military and paramilitary groups is that health workers are afraid to render services to patients who are, or could conceivably be considered, "oppositionists," even if this means merely being a member of one of the numerous, *legal* popular organizations. The risk of swift, brutal and fatal reprisal means that most health care professionals will necessarily have second thoughts about which patients they will treat. They are, moreover, aware that the government has not taken effective steps to identify or prosecute the killers. Not even the Minister of Health or Dr. Jose Ramon Avalos, a physician member of the Junta, could promise that the culprits would be apprehended and punished. This intimidation makes it inevitable that some patients needing surgical or medical attention will not receive it.

Chronological list of armed incursions in medical centers

January 1980. Manuel Rodas, a social worker, was wounded during his capture and brought before a judge. The judge ordered his admission to the Usulutan Hospital for medical treatment, under guard by officers from a penal center. A few days later, he was murdered in the hospital.

February 1980. On February 5th, Rubenia Brizuela, a peasant woman, was machinegunned at Settlement No. 1 of Cerron Grande, a rural community. After her admission to the hospital in Chalatenango, she was murdered.

On February 12th, combined forces from the army mounted an operation throughout the Hospital Rosales, including the intensive care ward. They were searching for supposed casualties from a "popular organization" which had mounted a demonstration earlier in the day.

March 1980. Throughout this month, the San Juan De Dios Hospital in San Miguel was besieged daily by paramilitary groups which intimidated and terrorized the medical and paramedical personnel.

April 1980. There were repeated incursions into the Usulutan Hospital. On one occasion, a peasant, a member of a "popular organization," was murdered in the operating room.

On April 18th, Angel Erasmo Figueroa, a patient in the San Rafael Hospital in Santa Tecla, was murdered. He had been shot earlier the same day and was recovering from surgery.

While on the operating table of the Rosales Hospital, Ramon Pascuino-Castro Argueta was murdered. This occurred on April 27th.

May 1980. On May 1, Victor Alfredo Gonzales and Nelson Flores Duenas, both patients, were murdered in the operating room of an emergency center (a private care facility).

On May 8, in the Third Men's Surgical Ward of Rosales Hospital, a peasant from San Jose Cancasque, Chalatenango, was murdered. His name was Hector Lemus Rosa.

On May 21, Leonez Menendez Quiroga, a Guatemalen national, was kidnapped from the emergency room of Rosales Hospital. He was former chairman of the Faculty of Letters of the University of Central America and editor of the university magazine, Abra.

On May 26, after being seriously wounded by uniformed officers earlier that day, Candelario Portillo Calderon was executed in the operating room of Usulutan Hospital while receiving treatment for his wounds.

On May 27, in the operating room of San Juan de Dios Hospital in San Miguel, Claudio Arrellana Chacon was shot to death. He had been hospitalized earlier that day with serious wounds inflicted by heavily armed men dressed in civilian clothing.

The murders of health personnel were acknowledged by all groupings on the political scene including the Government. Nor was it alleged that these acts of violence were the consequence of political activity on the part of health workers. The Commission concluded that violence was directed against physicians and other health personnel simply because they were fulfilling their ethical responsibility to treat the sick and wounded.

In addition, the Commission heard reports of intimidation against members of the medical profession. Newspapers and television publicized the names of the leaders of the National Committee for the Defense of Patients, Workers and Health Institutions at the time of the doctors' work stoppage in an obvious bid to bring retaliations against them. The Board of the National Medical Association (Colegio Medico) resigned as a group to protest the threats made against

Board members when it voted to support the medical strike action.

These threats and the generally high level of violence and political turmoil have proved demoralizing to physicians and have led to the exodus of many highly qualified and otherwise devoted health professionals. A former official of the Medical Society said that most of his medical school graduating class had fled the country. After receiving threats against the lives of his family and himself, former Minister of Health, Dr. Robert Badilla, emigrated, as did Dr. Hector Silva, former Director of the Eastern Health Region. A country as small and poor as El Salvador can ill afford this loss of experienced professionals.

VIOLATIONS OF THE NEUTRALITY OF HEALTH INSTITUTIONS

There is a reign of terror in the health facilities of El Salvador. The Commission was told that there is virtually no hospital or clinic which has escaped the intrusions of armed men. (See Table 1). The following are some typical examples:

At San Vicente Hospital, members of the armed forces in civilian clothes continually appear and fire their weapons, endangering patients and health workers.

At the out-patient clinic in Ciudad Barrios in late May, the line of patients awaiting care was machine-gunned, leaving three patients dead.

On May 23rd, army troops searched the medical care center of the SSI (Social Service Institute). Two days later, soldiers invaded the Central Hospital of the SSI.

The Commission was told that spies are posted in hospitals who pass information concerning admissions and ward assignments to military and paramilitary groups. Later the hospitals are invaded and selected patients are assassinated on the spot or kidnapped and later found dead. Usually the motives for these killings and the identities of the assassins are not known but the National Guard has been clearly identified on occasion. Patients who enter hospitals with bullet wounds are especially vulnerable—even if they were wounded by chance and are politically uninvolved. A medical student working for the El Salvador National Red Cross ambulance service revealed that they were specifically told not to transport persons with bullet wounds because it was too dangerous for the ambulance personnel.

In sum, testimony from all sources indicated that almost every government hospital has experienced armed invasion and the violation of neutrality normally accorded medical facilities. Aside from government officials and the U.S. Ambassador, all sources vigorously urged that U.S. military aid be stopped forthwith. It was the strongly-held belief of health and relief workers that U.S. military aid finds its way into the hands of those who invade hospitals and terrorize displaced persons, and that this aid aggravates rather than alleviates repression in health institutions.

THE DOCTOR'S WORK STOPPAGE

On May 21st a work stoppage was called by the newly formed National Committee for the Defense of Patients, Workers and Health Institutions. Only emergency and urgent medical services were provided. The National Committee included individuals and organizations from all areas of the Salvadoran health system. The strike was joined by the majority of the nation's physicians and lasted more than a month. It was called off only after the Junta pledged to protect patients and health workers.

How did this remarkable action of defense come about? It had become increasingly evident to the medical community that the continual and escalating toll of patients, doctors and other health workers called for a unified protest action. Medical services could not be rendered under the surveillance of armed men. The National Committee was organized to include doctors in the social services, rural areas, at the national medical center and in regional hospitals. Its membership of over 8,500 included practicing physicians, faculty at the Medical School, nurses, interns and residents, and medical students.

The strike was precipitated by the torture and assassination on May 15th of social service doctors Carlos Alfaro and Miguel Garcia. Strike demands were formulated. The principal demands of the National Committee were:

"Guarantee of the physical and moral integrity of patients and all health workers."

"Recognition of the right and obligation of all health workers to give professional and technical assistance to all people on demand."

"Recognition and guarantee of the inviolability of health establishment."

"Guarantee of non-militarization of hospital centers."

The National Committee called for a "permanent international commission" to oversee the implementation of these demands in partnership with the National Committee, and asked that it include representations of the United Nations, Amnesty International and the International Red Cross. It also urged the re-organization of the public health system to insure medical care for all the people of El Salvador.

Physicians assassinated

October 22, 1979 Dr. Elias Vargas murdered on the Army Boulevard by army troops.

January 5, 1980 Dr. Martin Espinoza, a psychiatrist, machine gunned in his private clinic in San Salvador.

April 1980 Dr. Fausto Cisneros murdered in San Miguel.

May 8, 1980 Dr. Nicholas Rodriguez Palaceos murdered in the hamlet of Apancoyo.

May 15, 1980 Drs. Miguel Angel Garcia and Carlos Ernesto Alfaro Rodriguez tortured extensively in Cojutepeque. Dr. Alfaro was found dead. Dr. Garcia was found alive but unconscious and died later.

May 24, 1980 Calixto Benitez, killed in San Miguel.

June 21, 1980 Dr. David Hernandez Sanchez, shot in his clinic in Ahvavhapan.

June 1980 Dr. Montes, his wife who was a nurse, Dr. Matamoros, Tonativ Ramos and another medical student killed in Santa Ana.

During the strike, the leaders were harassed. They received threatening phone calls at home. The names of so-called subversive doctors were published in the newspapers and presented on television, inviting reprisal.

After the Junta had promised to protect patients and health workers (without, however, taking any responsibility for the military actions which had occurred), the National Committee ended the strike in late June. The strike was successful in drawing attention to violations of medical neutrality and accomplished its major goal.

MEDICAL SUPPLIES AND BLOOD

The Government of El Salvador maintains strict vigilance over the importation of medicines, surgical equipment and other supplies. As a consequence, relief organizations have expressed concern about obtaining necessary medicinals. Some health practitioners are unable to obtain ordinary equipment and supplies. Thus the Government's restrictions aggravate the deterioration of the health care delivery system.

Like many under-developed countries, El Salvador does not have a modern blood bank or community-wide blood donation system. When patients need blood, they must depend on donations from family and friends at the time of need. Recently the little extra blood collected in the central hospitals of San Salvador has been taken to, and stored in, the military hospital on the outskirts of the city. This hospital is administered directly by the Defense Ministry rather than the Ministry of Health. Release of the stored blood is under the control of the military hospital authorities. There is, under the present political circumstances, considerable reluctance on the part of civilian facilities to request this blood.

There is, moreover, considerable hesitancy on the part of potential donors to identify themselves as relatives of, or in any way associated with, any wounded person. In effect, the Government maintains a stranglehold on blood availability. Many of the wounded therefore do not have access to blood when a transfusion is necessary.

In the Commission's discussion with representatives of the International Red Cross, the Minister of Health, Dr. Jose Ramon Avalos of the Junta, and the U.S. Ambassador, there was a difference of opinion as to whether a new building is needed to house blood facilities but no disagreement that El Salvador needs to increase its capacity to collect, process, store and transport blood. The International Red Cross would consider acting as a coordinating agency only if absolute neutrality is guaranteed.

THE CLOSING OF THE MEDICAL SCHOOL

On June 19th governmental troops entered the grounds and buildings of the El Salvador National University and closed the university. This entailed the closing of El Salvador's only medical school. From the standpoint of health care delivery, this has disastrous immediate and long-range effects as virtually all physicians in the rural areas are drawn from medical practitioners in their eighth or final "social service year." Moreover, the Medical School is the only training site for most non-physician health workers. There are 4,500 students at the Medical School of whom approximately 40% are working for degrees other than the M.D.

The 1972 military intervention in the El Salvador National University had an important impact on the Medical School. The military forced out many of the most scientifically able and dedicated faculty in its effort to weed out political progressives. These physicians emigrated to Venezuela, Costa Rica, the U.S.A. and Great Britain. For example, Salvador Enrique-Moncada, who is currently the Research Director of the Welcome Foundation in London and a Nobel Prize nominee, was forced to leave El Salvador after the government's take-over of the Medical School. After the take-over, faculty spent less time in teaching students, public health was diminished as a curriculum area, and the quality of education deteriorated. Because of this historical precedent, the present closing of the University is viewed with alarm; it is feared that the quality of medical education will suffer further setbacks when the school is eventually reopened.

HEALTH IN RURAL AREAS

Although this Commission spent all its time in San Salvador because of security considerations, it gathered information from health professionals who worked in rural areas and refugees who recently had fled the countryside. Small health centers and mobile units, under governmental auspices, represent the only health resources in most rural areas. As noted above, the closing of the Medical School meant the withdrawal of "social service year" practitioners who provide the bulk of care. Many other physicians providing rural care have left their posts because of threats and kidnappings. Mobile health units have been destroyed and drugs stolen. The Minister of Health, who is responsible for rural medicine, acknowledged the demoralization of his medical personnel. Some services have had to be closed down. He held the Left responsible for this situation and saw it as part of the Left's effort to discredit the Government's agrarian reform program.

The endemic violence in the nation coupled with the closing down of the Medical School have seriously undermined health care for El Salvador's predominantly rural, civilian population. Even prior to the current civil strife, undernourishment was widely considered the leading health problem facing El Salvador. It was estimated that 75 percent of children less than 5 years-of-age suffer malnutrition. Crop burnings have intensified the food shortages. Thus the curtailment of medical services in the countryside could not have happened at a worse time. A rise in rates of infant mortality, childhood infections and parasitic disease can be anticipated.

REFUGEES

Although governmental officials were loathe to acknowledge the existence of refugees, the Commission was readily able to visit a refugee camp on church grounds within the capitol city which contained over 1,000 persons. It was said to be one of five or six such camps in San Salvador. The refugees are peasants who fled the shootings and burnings in the countryside. The refugees in this camp were predominantly very young children and women.

In the refugee site visited by the Commission, food, water, bedding and medical care were in critically short supply. Outbreaks of diarrhea, especially in the children, were compounded by inadequate water supplies and sanitary facilities. Children with distended bellies and lice were seen. The refugees slept in an open yard exposed to the elements, or beneath a veranda.

The fear of the refugees and their grief were palpable. Their movements were slowed down. Even as they struggled to meet their minimal survival needs, they dared not leave the sites provided by the churches for fear of further retaliation by military forces. They were therefore unable to seek out needed medical services. And so the violence which plagues El Salvador once again interfered with access to health care.

Appendix 1

In its two-day visit to San Salvador, the Commission interviewed almost 50 individuals who work in the health and relief fields. Among the governmental officials interviewed were Dr. Jose Ramon Avalos, member of the Junta and a surgeon; Dr. Rudolfo Giron Flores, the newly appointed Minister of Health, and his deputy, Dr. Gonzalo Beltran Castro; U.S. Ambassador Robert White and the Acting Political Officer. Mr. Samual Bartlett. The Commission also met with the Executive Committee of the Democratic Revolutionary Front, the opposition coalition. A lengthy meeting was held with 12 representatives of most of the medical and health worker organizations including the former president of the Colegio Medico de El Salvador (National Medical Association); the Secretary of the Faculty of Medicine of the University of El Salvador; the general secretary of the newly formed Union of Professionals and Health Workers; and members of the Medical Student Society. The Commission met Bishop Rivera y Damas and had a full discussion with a member of his staff, Father Uritia. Discussions were held with four social service and relief agencies. Finally, the Commission visited a camp for displaced persons in San Salvador and spoke with several of the refugees. The Commission limited its visit to San Salvador because of time limitations and security considerations.

The five members of the Commission were:

Sally Guttmacher, PhD, assistant Professor, Columbia University School of Public Health, and Chairperson of the APHA Task Force on International Human Rights;

Frances Hubbard, BS, Associate Director, field education, Sophie Davis School of Biomedical Education at City College of the City University of New York (CUNY), and former vice president, National Union of Hospital and Health Care Employees, District 1199;

Walter Lear, MD, public health physician, President of The Physicians Forum, and President, Institute of Social Medicine and Community Health;

Leonard Sagan, MD, researcher in occupational health, internist, and fellow of the American College of Physicians; and

Arthur Warner, MD, pediatrician, fellow of APHA, and representative of the American Friends Service Committee.

MINNESOTA FAMILY BUSINESS COUNCIL

● Mr. DURENBERGER. Mr. President, 200 years ago, virtually all businesses were family business. But like many other American traditions, this changed as the Nation grew, and economic relationships become more complex. Today, the second or third generation business is a rare exception.

In Minnesota, a group of young family business men and women have formed an organization to promote the family business concept, and address its special problems. Known formally as the Minnesota Family Business Council—and informally as the SOB's (Sons of Boss's)—the group has amassed a remarkable record of activity in a short period of time. An article in the Minneapolis Star focuses on the group's accomplishments, and I hope all my colleagues will take a moment to examine that story and its special message. I ask that the article be printed in its entirety in the RECORD.

The article is as follows:

BOSS'S KID: WHEN IT'S ALL IN FAMILY THEY INHERIT PROBLEMS

(By Judith Willis)

Bob White went to law school with every intention of practicing law as a career. Marcia Bystrom worked in social services after college. And John Hey went into sales and marketing for Campbell Soup.

But the lure of the family business was strong and all three eventually became employees of companies with names that matched their own.

White, 31, is president of Hubert W. White Inc., the third generation of his family to run their men's clothing stores.

Bystrom, 35, handles internal operations for Bystrom Brothers Inc., a screw machine company found by her father and his three brothers 30 years ago.

And Hey, 34, is vice president of D.C. Hey Co. Inc., a distributor of office copying equipment started by his father in 1946.

All are more than satisfied with their choices. But they have not found an entirely soft life as the boss's son or daughter.

That's why they are active in the Minnesota Family Business Council, an organization founded by Hey in 1975 as the Sons of Bosses—the SOB acronym was definitely intended but discarded later when both membership and goals broadened.

The basic membership requirement is that a person be a full-time employee of a family-held or family-controlled business and be related to the owner through birth or marriage. The entrepreneur is not eligible for membership, but children, grandchildren, nieces, nephews, sons-in-law and daughters-in-law are.

The council is designed to help the individual member survive in the family business and to help the family business survive in society.

Its programs deal with personal problems such as: If the boss gets mad at you for losing an account, does he stay mad when he comes to dinner that night as your father? It also explores professional issues: What kind of estate planning can be done to keep the business in the family when the founder dies?

"You get lots of support from the other members," said Bystrom, the only woman in the council's membership of 100. "You just mention a problem you're having and everybody else immediately laughs because they know just what you're talking about. There's a real camaraderie there."

That kind of moral support is vital to members, said White, who is president of the council. Equally important, he thinks, is the group's emphasis on influencing legislation that affects small business in general and family business in particular.

His company was started in 1915 by his grandfather, Hubert W. White. His father, also named Hubert, is still active in the business, and his brother, Gregg, 27, manages one of the three stores.

"Most family businesses are small, with common problems like creation of capital and finding talented people who will stay with you," White said.

"We have an anti-business climate in Minnesota that is particularly difficult for the small business," he said. "We have to make it clear that we (family businesses) are in by no means the same situation as a General Motors. Too often, we get lumped in with much bigger, much different companies as 'business' in general, and we suffer as a result."

NEED TO JOIN TOGETHER

The Minnesota council is the largest chapter in the National Family Business Council, a 2,000-member group with aims similar to the state organization. Hey was president of the national council last year and is a member of its board.

"Our national membership is still small, but there is such a serious need for family business people to join together that 'I think we will grow dramatically in the next 10 years," Hey said.

"We must work together if our businesses are to survive in the face of increasing government regulation, punitive estate tax law systems and a general psychology in legislatures of equalization, where we take from the haves and give to the have-nots. We have to remember that if in the process of taking from the people who have, we destroy the system that produces what they have everyone will lose," Hey said.

The national group would like President Carter to recognize the importance of family businesses to the economy by declaring a "Family Business Day." Even more, it would like Congress to pass its proposals to aid family businesses.

Its key proposal now would encourage perpetuation of the family business by giving a credit against the estate tax when family members carry on the business. Ten members of the Minnesota council lobbied their congressmen on the proposal during a recent national convention in Washington, D.C. Hey said they hope to have it introduced in January.

"The estate tax system generates less than 2 percent of the revenues generated by the federal government," he noted. "Yet look what that 2 percent of revenue does to family businesses and family farms. If we're not careful, wealth is going to be entirely concentrated in the hands of major corporations. Pretty soon, we will have the Fortune 500, and when we get to the end of the 500, that will be it for business."

On the state level, members of the Minnesota council worked for changes in the estate tax law that were passed last session and will take effect Jan. 1. "Minnesota had one of the most complex, most punitive tax systems in the country relating to inherited property of any kind," Hey said. "This at least brings it into line with other states."

He said about 55 percent of family businesses fail in the second generation and about 80 percent fail by the third generation.

"Our estimate is that only about 5 percent make it to the fourth generation continuing as a family business. Not all of this is due to the estate tax system, of course—there is a lot of infighting in some families, and poor planning often plays a part—but we feel a good part of the problem is a result of the tax system. And we think it should be as expedient under the tax system for a business to continue as to sell out."

ESTATE TAX RISKS

Jim Campbell, another founding member of the Minnesota council, is reminded of the estate tax risks whenever he thinks of his company's name. Campbell, 37, is president of the Satterlee Co., which distributes machine tools and industrial supplies. While Campbell is the third generation of his family in the business (his father is now chairman of the board), the company was not founded by Campbells.

"The original Satterlee family owned the company for quite a period of time, but eventually there was some sort of estate problem, and my grandfather bought it in the 1940s," Campbell said.

"What we try to do through our organization is to keep such an event from occurring, certainly in our own lifetimes, and hopefully for our children and their children beyond. The government is making it more and more difficult for family businesses to survive as time goes on," he said.

Bystrom, who will chair the Minnesota delegation at the White House Conference on Small Business in January, thinks that more small-business owners should be concerned with the future of their companies after they die.

"Most small businesses are family businesses," she said. "While the owners are struggling to keep their businesses alive, they very rarely take time to plan how to deal with the second generation issue. How to pass the business down will affect the majority of small businesses sometime. Too often, the option is to sell out."

Bystrom says one of her "personal crusades" is to persuade male business owners who have daughters to "stop waiting for a son-in-law to come along and start training your daughter so you can pass it on to her." Her father, one uncle, and her brother are all associated in the family business now.

"I worked in the field of social services for many years after college before coming to the family business seven years ago," she said. "Daughters just didn't go into their family business when I was growing up."

She found some difficulty gaining credibility as a woman in a traditionally all-male business and as the second generation of the family. "You feel some pressure to prove yourself as something more than the boss's daughter," Bystrom said.

CONTACT AT THE TOP

Sorting out the business and personal relationships is difficult for most relatives of bosses, Hey said. "It's a unique position to be in, to be related to the guy who runs the show. We all got our jobs not because we were best-qualified, but because we had a contact at the top level. When you come to a company with that special contact, the other employees don't necessarily relate to you the same way."

Hey's father, Don, is chairman of the company. A non-family member, Dick Carlson, is president. "We work together as a management team, and we each bring something to it. I'm younger than both the others, and I always want to do things neither one of them wants to do. But we influence each other, and the result is good for the company."

The Minnesota council often has speakers on how to handle delicate interpersonal relationships at its monthly meetings. It also hears from insurance people (life insurance often provides the liquidity that helps a family business continue after the founder's death), accountants and other management experts. It sponsors social events for members, and there is a group for wives called Women Behind Family Business.

There is a $50 initiation fee for council members and annual dues of $110. Almost all the members are from the Twin Cities area, although one member flies in for meetings from Brookings, S.D. "We do think there's a lot of potential for a group like this in smaller farming communities where there are a lot of family businesses," Hey said.●

WALTER C. SAUER: "MR. EXIMBANK"

● Mr. STEVENSON. Mr. President, a most distinguished public servant died last month: Walter C. Sauer. Known affectionately as "Mr. Eximbank," Walter Sauer completed 45 years of Federal Government service, nearly all with the Export-Import Bank, prior to his retirement earlier this year.

Mr. Sauer held just about every key position in the Eximbank during his career, serving as First Vice President and Vice Chairman of the Bank from 1962 to 1976. No one knew more about export financing, and no person did more to promote U.S. exports than Walter Sauer. His wise counsel and consummate dedication to serving the public interest were recognized by everyone who met him.

Mr. President, I ask that a statement concerning Walter Sauer's death be printed in the RECORD.

The statement follows:

WALTER C. SAUER, FORMER EXPORT-IMPORT BANK VICE CHAIRMAN, DIES

Walter C. Sauer, 75, died October 15 in Washington, D.C. He had retired from the Export-Import Bank of the United States on July 25, 1980, following 45 years of Federal Government service. On his retirement, he received the gold Distinguished Service Medal, the highest award given by the Bank.

Mr. Sauer was First Vice President and Vice Chairman of the Export-Import Bank from September 1962 until June 1976, serving as a Presidential appointee, without party affiliation, in the Administrations of four Presidents. For the past four years, he continued to serve the Bank as Special Assistant to the Board of Directors.

He began his Government career in 1934, as Counsel for the Reconstruction Finance Corporation, and soon thereafter was named Counsel for the Export-Import Bank, a post which he held until 1942. From 1942 until 1945, Mr. Sauer was on active duty as a Lieutenant Commander in the U.S. Navy. He rejoined the Bank in 1945 as Assistant General Counsel and became General Counsel in 1947. He was elected Vice President of the Bank in 1949 and held that position until 1953, when he joined the Treasury Department as Chief of the International Tax Division. In 1955, he returned to the Bank as Executive Vice President, and served in that capacity until his appointment as First Vice President and Vice Chairman.

Mr. Sauer was known worldwide for his intelligence, his experience, and his accomplishments in the field of international trade and finance. When he stepped down from the Bank's Board of Directors in 1976, his special contributions were recognized by the establishment of the Walter C. Sauer Fund at Princeton University to grant a cash prize annually to the Princeton student who writes the most creative paper on any aspect of U.S. foreign trade.

Mr. Sauer was a graduate of Princeton University and of Yale University Law School. He was a member of the District of Columbia Bar and the New Jersey Bar, and was a member of the University Club of Washington. Born in Jersey City, and raised in Dunellen, New Jersey, Mr. Sauer had made his home in Washington, D.C., since entering Government service.

He is survived by two sisters, Catherine King and Dorothy Sauer, and by a niece, Judith King. He was the son of William and Agnes Dillon Sauer, and the nephew of Dr. Ferdinand Sauer, of Jersey City, New Jersey.

The family suggests that expressions of sympathy be in the form of contributions to the Walter C. Sauer Fund, Princeton University, Princeton, New Jersey 08540.●

SENATOR ABRAHAM RIBICOFF

● Mr. METZENBAUM. Mr. President, I want to take a moment of the Senate's time to express the real sense of loss that I and so many others feel upon the retirement of Senator ABRAHAM RIBICOFF.

ABE RIBICOFF is a man to whom the word "distinguished" applies in the fullest sense.

He was a truly distinguished Governor of Connecticut.

He did an outstanding job as President Kennedy's Secretary of Health, Education, and Welfare.

And in the Senate of the United States, ABE RIBICOFF has for 18 years left the mark of his fine mind, his diligence, his commitment to principle, and his superb legislative craftsmanship upon this body's most important work.

We in the Senate know ABE RIBICOFF as a judicious man, a moderate man who carefully and responsibily evaluates the issues. We know him also as a true gentleman—a person to whom grace, kindness and courtesy are second nature.

But ABE RIBICOFF is something else—and that is a man of passionate commitment to justice and steely courage in the face of adversity. Time and again over the years, he has shown that passion and that courage. And time and again, he has shown his commitment to the simple, but profound, moral principle that every person has an obligation to give in return as much as he or she has received. ABE RIBICOFF has lived that belief, and in doing so, he has created for all of us a model of what a U.S. Senator ought to be.

I know that I speak for many millions of Americans in thanking ABE RIBICOFF for a job well and faithfully done. To him and to his lovely wife, Casey, my wife joins me in wishing them health, happiness, and every joy in the years to come.●

TRIBUTE TO HENRY BELLMON

● Mr. JOHNSTON. Mr. President, I once heard a story about HENRY BELLMON when he was serving as Oklahoma's first Republican Governor. HENRY was traveling from the State house to his farm in Noble County one weekend in order to get back and make sure things were growing right. He was reportedly in his beatup truck and moving "a little over" the speed limit when he was stopped by an overly alert State trooper. The ensuing questions were standard trooper/stopee repartee, "OK buddy, where's the fire? Let's see your license?" et cetera. Of course, HENRY had forgotten his wallet in his city suit and thus had no identification. The trooper, understandably stern, asked: "Who'd you think you are, the Governor?" HENRY's answer, with characteristic humility, was: "Well officer, yes, I guess I am." The trooper with a keen eye for identification, and realizing the Governor was on probable "official business" offered a "Nice meeting you Governor, drive carefully."

Mr. President, this unverified story is not to intimate that HENRY BELLMON is not a recognizable figure. His highly successful political career illustrates the contrary. Instead it points to the humility of a Senator who has done great things for his State and, most importantly, his country during his tenure in the U.S. Senate. I know because I had the fortune of serving on the same three committees with him, Budget, Appropriations, and Energy. His hardworking reputation on all three have been as productive as I know his wheat fields are back in Oklahoma.

Oklahoma's gain is our loss. My concern is lessened somewhat however, by the fact that I know drivers in Oklahoma will be happy. As long as people of HENRY BELLMON's caliber live there they will always be able to keep their license plates which read "Oklahoma is OK." My very best wishes go with him.●

CARL "MAC" McNEELY

● Mr. LUGAR. Mr. President, on Sunday, November 23, the citizens of Shelbyville, Ind., lost one of their leading citizens, Mr. Carl "Mac" McNeely. A lifelong resident of Shelbyville, Mac devoted considerable time to volunteer work with a wide variety of community projects. He was an example of what one person can be and do.

After retiring from 30 years service with the Admiral Group's Shelbyville Cabinet Division of Rockwell International, Mac went on to become office manager for his two sons' Shelbyville law practice—McNeely & Sanders. Throughout this long and distinguished career, Mac McNeely served as a leader of civic activity in Shelbyville and Shelby County, becoming active in organizations such as the Shelby County Youth Center, the Shelby County Chamber of Commerce, the Shelbyville Central Schools Board, Shelbyville Lions Club, the Fraternal Order of Police, and the Masonic, Eagles and Elks Lodges.

Mac McNeely will be sorely missed by his family and the citizens of Shelbyville, although his many accomplishments will be not be forgotten. Mr. President, I ask that Mr. Carl "Mac" McNeely's obituary and an editorial from the Shelbyville News be reprinted in the RECORD at the conclusion of my remarks.

The material is as follows:

[From the Shelbyville (Ind.) News, Nov. 24, 1980]

MCNEELY

Carl "Mac" Raymond McNeely, 70, 7 S. Miller St., well known retired businessman and civic leader, died at 12:10 p.m. Sunday at Heritage Manor where he had been a patient two weeks. He had been in failing health five months.

For 30 years Mr. McNeely was associated with the former Admiral Corp. plant here, which later became the Admiral Group's Shelbyville Cabinet Division of Rockwell International. He joined it as personnel manager and controller and became general manager in 1962 before retiring in 1975.

He served in the National Guard from 1930 to 1941 and attained the rank of lieutenant. Then Mr. McNeely served in the Army and Army Reserve from 1941 to 1960 and served in the Pacific Theater of Operations during World War II. He retired from military service in 1960 as a lieutenant colonel.

For the past four years, Mr. McNeely was office manager for the McNeely and Sanders law firm here.

Mr. McNeely served as a member of the Shelbyville Central Schools board two terms from 1958 to 1964. He also was a member of the First United Methodist Church's board of trustees and in 1967 was chairman of the campaign to raise funds for a new church building.

He also served as a member of the board of directors of the former Shelby County Youth Center (REC) since 1948 and became secretary-treasurer of that United Fund agency in 1953. Mr. McNeely was president of the Shelby County Chamber of Commerce in 1968–69 and received the chamber's Outstanding Citizen Award in 1965.

He was active in the Shelby County United Fund (Scuffy) for many years serving as general drive chairman in 1964 and president of the board of directors in 1965. He served on the board for several years thereafter.

Mr. McNeely was a member of the First United Methodist Church for over 50 years serving as financial secretary for many years. He belonged to the Shelbyville Lions Club, Fraternal Order of Police, and the Masonic, Eagles and Elks Lodges and he was a past exalted ruler of the latter. He also was an associate member of the Knights of Columbus.

Born July 7, 1910 in Shelbyville, a son of Wilmer and Hazel (Nelis) McNeely, on Aug. 29, 1937, he married Elizabeth J. Orebaugh, who survives.

Also surviving are two sons, J. Lee McNeely, R.R. 1, Shelbyville, and Mark W. McNeely, Shelbyville; five brothers and sisters, Mrs. Wallace (Ruth) Kolkmeier, R.R. 1, Fountaintown, John L. McNeely, Connersville, Russell E. McNeely, Harold E. McNeely and Wilmer L. McNeely, all of Shelbyville, and eight grandchildren.

Services will be at 10.30 a.m. Wednesday at the Carmony Funeral Home. Burial will be in Forest Hill Cemetery. Friends may call at the funeral home from 4–9 p.m. Tuesday. The Rev. Jack B. Haskins will officiate at the services. Memorials are requested to be in the form of contributions to the First United Methodist Church.

PARTICIPATING CITIZEN

EDITORIAL

Over a long period of years, this community has benefited greatly from what we believe to have been an unusually large number of citizens who have contributed much to the common welfare of the city and country—quite beyond the large responsibilities of their jobs and their families.

We have noted in these columns on a number of occasions that it is such people among us who help make our community a better place than it would otherwise be as a place to work, to raise families and to enjoy life in general.

Today, we'd like to mention one such person who, in our opinion, is an exemplar of the truly participating citizen.

We speak of Carl McNeely, manager of the Admiral Group's Shelbyville Cabinet Division of Rockwell International Corporation, and we single him out now as an appropriate time to recognize a few of his citizenship attributes because of the announcement of his retirement later this year.

McNeely, who joined Admiral some 30 years ago as personel manager and controller at the local plant, became general manager in 1962.

Going back quite a few years, he served in the National Guard from 1930 to 1941 and attained the rank of lieutenant. He served in the U.S. Army from 1941 to 1960 and saw World War II service in the Pacific Theater of Operations and was elevated to the rank of major. He retired from military service in 1960 as a lieutenant colonel.

This good citizen served as a member of the Shelbyville school board two terms, from 1958 to 1964. He was a member of the board of trustees of the First United Methodist Church and in 1967 was chairman of a campaign to raise funds for a new church building. He has been a member of the board of directors of the Shelby County Youth Center (REC) since 1948 and has been secretary-treasurer of that United Fund agency since 1953. He was president of the Shelby County Chamber of Commerce in 1968–69. He received the Chamber's Outstanding Citizen Award in 1965.

McNeely has been extremely active in Shelby County United Fund for many years. He served the fund-raising organization as general drive chairman in 1964, was president of the board of directors in 1965, and has served on the board for a number of years. He is a member of the Lions Club, a member and former exalted ruler of the Elks Lodge here, is a member of the Eagles and Masonic Lodges and the Fraternal Order of Police, and an associate member of the Knights of Columbus.

In these and other activities, his volunteer work with a wide variety of community projects demonstrates what one person can be and do. He is an example of the well-known saying that, "If you want to get something done, ask a busy person."

McNeely's retirement, when it becomes effective, is likely to be just a word—and we can all be grateful for that, for the community has great need for such people—now and in the future.○

TRIBUTE TO PHILIP M. KLUTZNICK

● Mr. METZENBAUM. Mr. President, I want to add my voice to the many others that are being raised today in tribute to Philip M. Klutznick, the 25th Secretary of Commerce of the United States.

Washington is a city that attracts many talented men and women. But there are very few, Mr. President, who have brought to high public office here a record of accomplishment to match that of Phil Klutznick.

Phil Klutznick is a dynamo of a man who has brought his boundless energies to bear in business, in Government, in philanthropy and in the service of the Jewish community.

As a real estate developer, Phil brought to his Chicago area a whole new suburb—Park Forest, with a population of 30,000 people—and a major downtown development in the form of Water Tower Place.

He founded and served as chief executive officer of the Urban Investment & Development Co., now a subsidiary of Aetna Life & Casualty.

Phil Klutznick has been a limited partner in Salomon Brothers, and a board member of several major financial institutions.

He has, in other words, the kinds of business credentials and accomplishments that have helped him as Secretary of Commerce to earn the overwhelming respect of the business community.

But Phil Klutznick is more—much more—than a brilliantly successful businessman. He is a man who has always felt a deep obligation to contribute his time and talents to his community and to his country.

He served under President Franklin D. Roosevelt as a commissioner of Federal Public Housing.

During the Eisenhower administration he served on our United Nations Delegation. Subsequently, under President Kennedy, he returned to the U.N. as a principal deputy to Ambassador Adlai Stevenson.

President Ford named Phil Klutznick to the President's Advisory Committee on Indochina Refugees.

And President Carter, of course, gave to him the extraordinary distinction of a seat in the Cabinet.

Phil Klutznick's eminence in business and his long history of service in Government are truly impressive. But in drawing a portrait of this remarkable man, we cannot forget another of his great passions—and that is his unselfish devotion to the Jewish community.

Phil Klutznick has been president of the World Jewish Congress.

He gave of his time and talent to chair the Institute of Jewish Policy Planning. And he has had the rare distinction of serving as international president of B'nai B'rith, a job in which he made his name synonymous with distinguished leadership.

Mr. President, my personal friendship with Phil and Ethel Klutznick goes back for many years. And as they leave the Nation's Capital and return to their great city of Chicago, they carry with them the warmest best wishes from all of the Metzenbaum family for a future filled with the kind of happiness that they have worked so hard to bring to others.●

THE AFRICAN TRIP OF NANCY HEMENWAY—TAPESTRY ARTIST

● Mr. PELL. Mr. President, Nancy Hemenway, an accomplished tapestry artist from the District of Columbia, recently returned from a fascinating official trip to Africa, where she represented the National Endowment for the Arts and the International Communication Agency. She was, in fact, the first artist to visit Africa under a new joint agency program that is intended to bring our own unique American arts and crafts to the attention of an international audience. She presented lectures and workshops from Benin in West Africa across the continent to Madagascar in the Indian Ocean.

Ms. Hemenway has written an engrossing account of her travels, which very tellingly conveys how art is an international language that bridges all cultural and ideological gaps. I commend her article to my colleagues.

The article is as follows:

African Trip of Nancy Hemenway—Tapestry Artist

(By Nancy Hemenway)

Art has a new dimension. It no longer only "fills a space in a beautiful way" as Georgia O'Keefe has suggested. On my recent trip to Africa for the National Endowment for the Arts and the International Communications Agency I have learned that art has economic and political impact as well.

I flew to Africa on October 11th, bags bulging with large wool tapestries, a long case of poles on which to hang them tucked under my arm, and my own projection machine with slides. My handbag was full of needles for yarn embroidery and extra pairs of scissers for the workshops I planned to give as I traveled from Benin in West Africa through three southern countries and ending in Madagascar on the Indian Ocean.

My tapestries were from a series called Textures of Our Earth that had recently been exhibited in four major museums in the United States. The subject matter was appropriate as I was to discover that the artists and artisans I visited in Africa were all using motifs of their own countryside. The herds of goats, their round thatched houses, the trees and even the more exotic elements in their nature world of tropical birds and lions were all represented.

As the first artist to visit under a new program to share U.S. arts and crafts with Africa I lectured and gave workshops to applique makers in Abomey, Benin; to designers and weavers of mohair rugs and tapestries in Lesotho; to teacher trainees, weavers and mohair tapestry makers in Botswana and Swaziland; and to artisans in silk weaving, tie-dying and rug making in the exotic island country of Madagascar.

Everywhere I was to discover that handicraft industries have great economic importance. As many men as women are involved. Their eagerness to learn new techniques of sewing and fresh artistic approaches to the subjects that they have chosen for their tapestries and rugs made workshops lively and useful.

My first stop was in Benin, where I was driven eighty-five miles inland to the ancient capital of the Kingdom of Dahomey. Here in the ruins of the palace of Abomey, made famous by the Amazons, I found that the eighteen applique makers were all men. They welcomed me with an exhibition of their native dances in which they all participated, with strong thrusting movements of their bodies, to the rhythm of tom-toms and their brightly draped bodies creating a scene of sharp contrast and power. I quickly found my pen and drew gesture drawings of their dances. One small boy doubled at the waist clapped and twirled like a mating bird, shaking its wings. For the next two days I sat on grass mats, under a tin roof at 100 degree temperatures with the applique makers of Abomey as we fashioned together a tapestry of their dance. It had been many years since they had used the human figure in their appliques, and never had they depicted their dance.

Their economic need demanded that they find fresh images and learn new embroidery stitches in order to keep their ancient art alive. I also bought from them a large tapestry to present to the African Museum here in Washington and to encourage fresh interest in their art. I taught them to look at the trees in their own palace courtyard and to see the relationship of one object to another to help them create a sense of story in their tapestry making.

Politically, Benin is presently a Marxist-Leninist country. I am the first American in some time to be officially invited to visit. Each day I was accompanied by a member of the cultural committee of the People's Republic of Benin to the palace courtyard of Abomey. On the final day as we presented our tapestry to the government, the governor of the province, the mayor of Abomey and local representatives from the Ministry of Culture took part. They all came forward to shake my hand cordially and ask for more exchanges with my country. The leader of the applique makers, himself a doctrinaire member of the party gave a warm speech of appreciation. In turn I spoke briefly in French and said with sincere feeling to my fellow embroiderers, "Vous êtes mes amis por toute ma vie."

Lesotho, the second country on my schedule was reached after three days of travel with stops in Lagos, Nairobi and Johannesburg, to make air connections to the capital of Maseru. I was happy to land in this small mountainous country and to hang my tapestries in the libarary of the U.S. Cultural Center. It is on the main street of the capital at the center of the business and cultural life of the country.

My first afternoon, I visited with Gillian Gage at her Setsoto workshop in the hills above Maseru. Teyateyaneng is a famous handicraft center for rugs and tapestries and we drove through the picturesque sheep grazing country that we were to see pictured in their art work. Using a frame loom and their fingers as shuttles, the women embroider by hand, through the taut warp, their handsome mohair motifs. Later I was to visit four other workshops, to see some traditional loom weaving and a variety of spinning operations for the long soft mohair fiber that is a trademark of Lesotho.

In the Cultural Center in Maseru, we had an art "happening". Although many of the artist spoke only their regional dialect, we learned each other's names and managed with interpreting to share our interests for two days. I invited them all to go out-of-doors into the near-by park to draw the landscape of their sharply peaked mountains and the tall poplars sheltering their small round homes. Painting and drawing in nature was an entirely new idea and they suddenly began to understand perspective. They saw for the first time that trees near at hand loom larger than the distant mountains. After our outdoor session we hung all the drawings along the walls of the library among my tapestries. Other artists came in to join us and several tapestry makers also brought their work to make a true celebration of art. The Queen of Lesotho heard of our symposium and came to have tea with us the last afternoon. She was delighted at the enthusiasm and fresh energy she found and thanked me for coming.

At a final session, I asked each participant to speak about our workshop and what had most interested him or her. Several spoke of beginning to understand perspective, others about drawing directly from nature as an exciting new idea, and learning for the first time that good composition often is not cluttered with objects. The idea of selection in subject matter was new.

They ended by singing me a song that said in their dialect, "Oh Nancy, we are glad you have come."

They have asked the cultural center to provide them with weekly outdoor classes if possible. It would be a tremendous boost to their tapestry designs which remain somewhat static and primitive. They understand that their current market is limited and are eager for fresh approaches.

From Lesotho I flew back to Johannesburg and drove with my husband across the Transvaal to Gabarone, the capitals of Botswana. The first morning we drove through parched fields to the village of Odi, famous for its tapestries in wool. Taught originally by a Swedish couple, the artisans build their tapestries around folklore and sometimes around stories they hear over the radio. Like the weavers of Lesotho they use a frame loom and weave the subtle colors into the warp with their fingers. Their use of color is particularly fine, due partly to the clear light of the Botswana plains.

In the afternoon the weavers and teachers and teacher trainees all came to the modern Fine Arts Museum to see my tapestries and learn about my own tapestry art. Together we tried some of the techniques that I have developed. I showed them how to do a large tapestry using just the motif of lichen as it grows on rocks and the use of a single figure to fill a whole canvas.

Vicky Gochani, an authority on art and culture in Botswana, and I drove together to the town of Lobatsi where I held a day's workshop for the teacher's training college. At a blackboard I outlined the rudiments of drawing and again took my pupils out-of-doors to draw. The Director of Education for the province and the head of the Teacher's College stayed to draw with us. I found out later that they asked if I could come back for two years!

Lobatsi also has a weaving project run by Ingeborg Vaagen of Norway. At her workshop they are building a large factory to process the entire production of karakul wool, native to Botswana. This amounts to 60,000 pounds a year and will represent a major export for Botswana.

Ingeborg drove me to her small blue and white cottage. Over cheese and an omelet we talked about markets and quality control. I put her in touch with other weavers of karakul in southern Africa.

The question of better design and marketing are uppermost in every country that I visited. Without economic success, no project can survive. My experience in this same field in Bolivia and Mexico, where I have established handicraft centers, was extremely useful. Many of the problems are similar.

Swaziland was my last stop before I flew east to Madagascar. We drove straight across the northern bulge of South Africa into the shrouded fog-covered hills of Swaziland, winding through the mountains, occasionally passing large herds of sheep and catching glimpses of the tips of the loblolly pines. Swaziland is a verdant carpet of blues and greens, of open fields and man-made forests. Village women still wear long skirted dresses of softened hide with the red cotton mahiya draped across the shoulder.

My first evening in Mabane, several tapestry artists in their native dress were part of a distinguished group who came to see my tapestries and to share avidly my lecture on the art of wool embroidery. Watching them feel the textures and trace the embroidery stitches seemed to communicate exactly what I was trying to achieve in my three dimensional art form. Our different cultural backgrounds found a miraculous unity. We instinctively came close to each other through our art.

Early the next morning I visited Pauline Woodhall at Mantenga Craft in the valley and talked with Thoko, who had been at my lecture the evening before. Her handsome handlooped tapestries in silk and cotton on wool were the most beautiful art that I saw in my African adventure. They had innate sophistication. I bought a large piece with the hope that I may help her arrange a major show in the United States. She is a natural artist, springing without any formal training. Under the sheltering wing of Pauline Woodhall, Thoko is able to pursue her art at will.

I traveled into the mountains, left my bag at a small canary yellow inn in the clouds and proceeded to Ntfonjeni to a center for Women in Development. So many gathered for my workshop that we could scarcely move. I joined with them in a song and a simple dance reminiscent of the conga chains of the 1940s. Many of the women had suckling babies strapped to their waists. In the brief time we had together we embroidered and drew outdoors, looking at the peaks and hollows of their mountain landscape, like soft velvet pillows tossed into a variety of shapes. One woman showed me her drawing and confessed shyly that she had never drawn before, or looked at the curve of her mountains. Her eagerness to learn was the spirit I found everywhere.

Higher up in the Swazi hills, at Pigg's Peak, I found Coral Stevens and her daughter Jane. Their weaving studio with almost a hundred workers spins and weaves in delicate colors of silky mohair, the most beautiful rugs and yardage. For five hours we talked about color and texture, and I ran my fingers through soft spun fabrics as subtle as a spider's web. In their long diningroom we drank tea and ate thin wafer cookies and I presented my slide lecture. Still caught in the excitement of the visit, I pulled out all my tapestries and we hung the pale Chrysanthemum Shell before their western window looking out to the misty hills that Mr. Robert Stevens had first planted when he came home to Swaziland thirty years ago. The texture of the garden and the valleys seemed to pull in an unbroken sweep across their doorstep and into the looms to make the beautiful fabric. I knew instinctively that this is a rare source for my own tapestry work.

Madagascar, reached by inevitable detours to Malawi and Tanzania, was my last stop. The low bush country was replaced by terraced rice paddies and tall Victorian brick houses clinging to the hills. Again the jacaranda in bloom were the lavender halo and carpet for our visit. The Cultural Center, a large airy building, was perfect for a formal display of my tapestries. A capacity crowd dominated by government officials and craftsmen came the first morning to my lecture in French. Their anti-U.S. policy was nowhere in evidence. It was a cordial exchange and they invited me to visit the Ministry of Culture the next morning for an official visit. After my lecture we walked through the gallery together sharing our interest in design and texture. After lunch, I gathered with students and artisans at large tables to teach them the new techniques that we found in my tapestries. I had visited embroidery centers and the Zoma (Friday market) to learn their own styles in order to build on their knowledge. Using a blackboard as a central drawing board we shared ideas on design and perspective.

My final lecture to advanced English students at the Cultural Center was warm and lively. Their questions involved the philosophy of creativity and their interest in pre-Columbian cultures. Hallie Rabenarivo, head of the English teaching program, had prepared her students well.

Traveling with my art to Africa has been a giving and a learning adventure. Because of art I have been welcomed warmly, regardless of official ideology, wherever I have gone. It has been a total exchange for I have brought home many memories of their countries, some to use in my own work. I have helped them to see the beauty that stretches about them and to understand how they can express it on their canvases and enrich their own lives with the knowledge.●

PROTECTIONISM XII

● Mr. HEINZ. Mr. President, the continued increase in oil prices combined with current worldwide recession has encouraged high levels of unemployment and significant imbalance in world payments. These occurrences have prompted an increase in the proportion of world trade which has become subject to restrictive policies. Industries in many industrialized countries have intensified their demands for protection from what is considered low-cost, job-destroying imports.

Though protectionist policies are often viewed in a pejorative sense by those who advocate free trade as necessary to achieve economic efficiency, it is apparent from a recent study by the U.S. Department of Labor that this is not always the case. Entitled "Price Behavior of Products Under Import Relief" the study indicates that—

> The imposition of import relief need not have the expected inflationary consequences if the affected domestic industry is able to use the relief period to improve its technology, productivity, and price competitiveness.

The study maintains that conventional methods used to analyze import relief measures frequently ignore the possibility of increased efficiency on the affected industry, which causes a moderating effect on prices.

Focusing on the specialty steel, textile, television, and footwear industries the analysis demonstrates that "import relief can be of benefit to the injured and need not impose an undue cost on consumers in the form of price increases."

Mr. President, I ask that the study by the U.S. Department of Labor appear at this point in the RECORD.

The study follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., October 12, 1978.

PRICE BEHAVIOR OF PRODUCTS UNDER IMPORT RELIEF STAFF STUDY

The imposition of import relief need not have the expected inflationary consequences if the affected domestic industry is able to use the relief period to improve its technology, productivity, and price competitiveness. Import relief gives a domestic industry seriously injured by imports a "breathing spell" during which it can take steps to increase efficiency and improve its competitive position. Conventional analysis of import relief typically ignores this possibility of increased efficiency on the part of the industry which will have a moderating effect upon prices.

Conventional analysis predicts that, other things equal, import restraints will cause price increases. Other things do not remain constant, however, when the industry granted relief responds, by upgrading technology, expanding investment and increasing capacity utilization. Increased competitive efforts, such as these, can result in improvements in productivity and greater domestic supply while moderating price rises.[1] This is not to argue, of course, that granting import relief will have a deflationary impact.

Past estimates of the inflationary impact of relief have overlooked the ability of firms and their workers to increase efficiency. In order to insure that informed judgments will be made, the potential for increased competitive ability needs to be considered in any decisions whether to grant import relief.

Footnotes at end of article.

Even without considering potential efficiency increases, the estimates of the inflationary impact of relief differ markedly according to the assumptions made concerning the size of key parameters. For example, in the case of footwear, the estimates of the cost to consumers ranged from a low of $194 million, International Trade Commission, to a high of $3,200 million, Council on Wage and Price Stability. Clearly, the methodology for making such estimates needs to be reexamined. One method of examination is to see what the actual price performance and adjustment efforts have been in industries granted import relief in the past.

The Bureau of International Labor Affairs has conducted such an examination of price and efficiency performance in industries currently under import relief in 1978. The study found that the manufacturing industries that have been granted escape clause relief from injurious imports over the past 26 months—specialty steel, nonrubber footwear, and color TVs—have had smaller price increases than other comparable commodities and smaller price increases since import relief was granted than in previous years. Meanwhile, the productivity increases in specialty steel were greater than the increases in the economy as a whole and greater than the increases in comparable industrial categories.

Particularly in specialty steel, the evidence suggests that the normally presumed inflationary impact of import relief can be greatly overstated, if potential efficiency increases in the temporarily protected industries are not taken into account. Although footwear and color TVs have been under relief only since mid-1977, the evidence available so far shows that those industries also have had an improved price performance and have made increased efforts to improve efficiency.

Analysis of each of the four affected industries revealed that since the imposition of import relief capacity utilization rates have risen and the industries have increased investment rates and brought in new technology with the effect of increasing efficiency and lowering costs of production. These measures have contributed to their improved price performance in the period since import relief was instituted.

A similar conclusion emerged from an analysis of the relief experience of the textile and apparel industry which has been under import controls of one form or another since 1962. In 1962, the first Long-Term Arrangement (LTA) was reached covering only cotton products. It was followed in late 1971 by several bilateral agreements covering all fibers and finally by the Multi-Fiber Arrangements (MFA) in 1974. After each of these latter two agreements there was no immediately identifiable increase in the price of textiles and apparel as had been predicted. Aggregate wholesale prices of textiles and apparel rose less quickly than wholesale prices of nondurable consumer goods in each case. In addition, productivity in the industry increased over the historical trend after the 1974 agreement.

Although it is impossible to know how prices would have behaved in the absence of import relief, the record of moderate price performances suggests that the inflationary consequences of import relief may not have been as large as expected. The performance of the specialty steel industry and the textile industry and preliminary results in the TV and footwear industries demonstrate that import relief can be of benefit to the injured and need not impose an undue cost on consumers in the form of price increases.

These results suggest that an effort should be undertaken to reexamine the methodology used in estimation of the inflationary impact of import relief. It is imperative that policymakers have better information in order to judge whether to grant import relief. Accurate estimates of the inflationary costs need to be balanced against the costs of dislocation, given the characteristics of the workers and the local labor market, and the potential of the industry to respond favorably if relief were granted. As it now stands, the estimates of the inflationary impact are inadequate because they overlook the potential positive response on the part of the industry and because the lack of a consistent methodology has led to widely varying estimates. Without more accurate estimates, policymakers will have to make relief decisions on the basis of inadequate estimates of consumer costs and, thus, inaccurate assessments of net social costs or benefits.

A detailed description of the relief experience of each of the four industries follows.

Specialty Steel, which has been under import relief since July 1976, demonstrates the positive response on the part of the industries. In 1976, wholesale prices (as measured by the average unit value of producer shipments) of all stainless steel items fell in average by 4.6 percent. Prices of alloy tool steel rose by 18.3 percent, but this was smaller than the surge in prices (26.8 percent) in 1975. In 1977, the average price increase for all stainless steel items was 3.7 percent, while prices of alloy tool steel rose by only 4.8 percent, down significantly from earlier increases.

In both cases the price increases in 1977 were smaller than during 1974 or the recession year of 1975. These smaller price increases in specialty steel were caused, in part, by the increased investment and new technology adopted by the industry. Investment increased to a record level in 1976 before declining slightly in 1977. Surveys report that expected investment in 1978 will increase by 20 percent over its 1977 level. From 1975 to 1977, the percentage of steel capacity using the more advanced AOD (Argon-Oxygen-Decarburization) process increased from 60 to 90 percent, according to a recent International Trade Commission report.[2] During the period of import relief domestic capacity utilization also increased, thus, providing increased efficiency and lower unit costs.

All of these changes served to increase worker productivity and enhance the industry's competitiveness. Output per man-hour was significantly higher in 1976 and 1977 than it had been in earlier years. (See attached table) These productivity increases of 12 and 14 percent were higher than the increases for the economy as a whole (4 percent) and higher than the increases in the steel industry as a whole (1.5 percent).

Recent data for the first two quarters of 1978 indicate that the pattern is continuing. Total stainless and alloy tool steel shipments increased by 4 percent over the same period in 1977, while output per man-hour increased by 8 percent over 1977.[3] Meanwhile, average quarterly prices increased on eight of the products surveyed, decreased on four products, were unchanged for two products, and no data were available on the other two products in the sample of sixteen. The price performance was good as the average price increase was only 4.9 percent while the average price decrease was 2.6 percent.

The moderate price rises could also have been caused by any factor which led to a decrease in the demand for the product or an increase in product supply, either domestic or imported. However, other factors which could have caused the moderate price increases were present only for some of the products. Demand slowed for several important categories but only in the fourth quarter of 1977 and has picked up again in 1978. It seems unlikely that it would have slowed the price increase substantially after only one quarter. Only in steel rod has there been a continual decline in apparent consumption. Otherwise, there did not appear to be any unusual change in imports or inventories which could have been responsible for the moderate price increases.

One interesting facet of the performance in specialty steel was that some of the quotas went unfilled during 1977. Although this could have been caused by a decrease in demand (perhaps in steel rod) or a non-binding import quota, the productivity increases in specialty steel may have been responsible for the import quotas on some of the products going unfilled in 1976 and 1977. The domestic industry expanded and obtained a larger market share without significant increase in price.

Import relief in textiles and apparel began in 1962 with the Long-Term Arrangements (LTA) which covered only cotton goods. The LTA was extended for three years in 1967 but in the meantime foreign suppliers began to shift into man-made fibers which were not covered under the LTA. The LTA was effective in limiting the flow of cotton products as imports and the import penetration ratio both declined. The wholesale price index for textile and apparel rose less quickly than the wholesale price for all industry commodities, but it is impossible to sort out the effect of the import restraint. While supply of man-made substitutes increased, or as a result of the increase, the demand for cotton textiles fell off. These influences would have had a depressing effect upon the price of cotton, textiles, and apparel.

In late 1971, however, the industry obtained, through several bilateral agreements, broader import relief covering all fibers. Relief was extended in 1974 with the Multifiber Agreement (MFA).

Economists studying the impact of the relief have given widely varying estimates of its inflationary consequences.[4] This arises in part because one does not know what would have happened in the absence of relief.

Nonetheless, since 1971, the industry has exhibited a marked increase in productivity while price rises have been moderate. For example, in 1972, the wholesale price index of textile and apparel rose by 4.2 percent compared with 3.6 percent for all consumer non-durables, but demand increased by almost 9 percent during that year. The 15 percent increase in output per employee-hour in the man-made fibers during 1972 was partially responsible for the moderate price rise.

Price rises have also been moderate and productivity increases larger since the MFA was instituted in 1974. Productivity increased by 8 percent in 1975, 6 percent in 1976, and 14 percent in 1977. Wholesale prices fell by .9 percent in 1975, rose by 7.5 percent in 1976, and by 3.9 percent in 1977. Only in 1976 did the wholesale prices of textiles and apparel exceed the wholesale price of all consumer non-durables and that occurred in a year when demand increased by over 12 percent. This record of moderate price increases can be attributed, in part, to the productivity increases in the industry. In each year after 1974 productivity in synthetic fibers increased more rapidly than overall industrial productivity. None of the estimates of the inflationary impact of relief took these productivity increases into account and, therefore, they overstated the cost to consumers.

Footnotes at end of article.

Recent price data through the first two quarters of 1978 suggest that the record of moderate price increases in textiles is continuing. While the wholesale price index for nondurable manufacturing rose by 2.9 percent during the first six months of 1978, wholesale prices in textiles increased by only 2.1 percent.

Although footwear and color TVs have been under relief since mid-1977, the preliminary evidence shows that those industries also had a record of moderate price increases.

Domestic leather footwear price increases slowed in 1977 as compared to 1976. Consumer prices of footwear rose by 4.0 percent in 1977 compared with 5.3 percent in 1976. For the whole year following the imposition of import relief, the consumer price index for footwear rose by 3.9 percent compared with the overall CPI which increased by 6.7 percent. The footwear industry has received assistance from the Federal government's program designed to modernize the industry and increase domestic production during the adjustment period by import restraints. These programs are designed to promote the vitality and competitiveness of the industry during the "breathing spell" created by the import Orderly Marketing Agreements negotiated with Korea and Taiwan, the largest exporters of footwear to the United States.

There are indications that these efforts have been successful. Although domestic production of shoes had fallen in 12 of the last 13 years, it increased by 1.9 percent in the year since relief was instituted in July 1977. Meanwhile, the Office of Science and Technology of the Department of Commerce has identified new technologies in shoe production which are just beginning to be adopted by the industry. Adoption of the new technologies can be expected to continue to moderate price increases in the future.[5]

There have been other developments in nonrubber footwear that could also have helped to moderate price increases. In particular, there was a surge in imports during the first half of 1977 and continuing into the third quarter which watered down the import relief. Still, imports in the first year of relief declined by 2.4 percent and the import penetration ratio declined slightly from 48.8 to 47.7 percent. Another factor which should have slowed the price increases, but probably only slightly, was the decline of .2 percent in U.S. demand for footwear.

In color TV, the wholesale price of television receivers fell by 5–7 percent (depending upon the model) over the period from July 1977 to June 1978. Meanwhile, domestic demand increased to record levels. These price decreases occurred while domestic production of television receivers increased and import penetration decreased. A survey by the International Trade Commission found that transactions prices of receivers fell by approximately ten percent between the fourth quarter of 1977 and the second quarter of 1978.[6] Even though RCA announced in July that it would raise retail prices, the proposed increases were not large enough to eliminate the decreases in price since 1977. Although this was the first announced price increase since 1974, the record demand could be responsible. Further, the announced increases were in suggested retail prices and not in actual transactions prices which depend upon competition and dealer sales techniques.

Although current data on the productivity and efficiency of the industry are not yet available, news accounts of the intense competition in the color TV industry have stressed substantial new investment and improved technology employed by domestic industry and the new marketing strategies of domestic suppliers. Some of that investment has been by foreign firms and may be the result of the import relief. Several foreign producers have elected to invest in the U.S. over the past twelve months. This investment, however, has been in television assembly operations which then import the components. In this way, the foreign producers can partially avoid the import relief.

Another factor which has diluted the import relief has been the increase in imports from Taiwan, Korea and Singapore which are not covered under the orderly marketing arrangement. Increased imports from these countries could, in part, have contributed to the price declines in color TV over the past twelve months. Not completely, however, as total imports fell by 5 percent.

Both the footwear and color TV industry should be closely monitored over the next several months to see if these two industries will continue to follow a trend of price moderation, as specialty steel and textiles have done, over the longer period of the import relief. If these trends continue, then the conventional wisdom on the inflationary impact of import restraints should be reexamined and refined to take account of the potential for increased efficiency on the part of industries granted relief.

Even so, more should be done to refine the esimates of the inflationary impact. The footwear case provides an excellent example of the wide divergence in the estimates of the inflationary impact even when the positive response by the industry is not taken into account. For a given import restraint, (a tariff rate quota, 40 percent 265 mm) the estimates of the inflationary impact (total cost to consumers) were $194 million (USITC), and the TPSC provided high and low estimates of $981 million and $254 million.[7] Clearly these estimates need to be improved if they are to be useful in import-relief decisions.

FOOTNOTES

[1] The potential for improved price performance under this analysis lies with domestic producers, while the price effects of import relief for U.S. consumers reflect the combined price behavior of both imported and domestically produced goods. The relative mix of imports and domestically produced goods in domestic sales will, therefore, influence the price effects in different industries.

[2] U.S. International Trade Commission, "Stainless Steel and Alloy Steel Report to the President," October 1977; No. 838.

[3] For more detail see U.S. International Trade Commission, "Stainless Steel and Alloy Tool Steel: U.S. Production, Shipments, Employment, Man-Hours, and Prices", Second Quarter 1978, Publication No. 903, August 1978.

[4] See, for example, United States GAO "Economic and Foreign Policy Effects of Voluntary Restraint Agreements on Textiles and Steel", March 1974. The report concluded that "although the quota restrictions have undoubtedly caused U.S. consumers to pay higher prices for textile . . . products, government agencies have not studied these price increases in detail nor attempted to project them. Economists overall costs estimates have ranged from very little to billions of dollars annually (p. 23)." Meanwhile, estimates varied widely even among those who favored free trade. According to the GAO, "Consumer groups and economists who support free trade estimated that the textile agreements in 1972 raised consumer prices * * *.

[5] U.S. Department of Commerce News, "Assistance to Footwear Firms Climbs under New Commerce Program", G78–26, March 1, 1978. For a more complete description of the government's program for the footwear industry and for more detailed data, see U.S. Department of Commerce, "Footwear Industry Revitalization Program: First Annual Progress Report," September 1978, (USGPO: Washington, D.C.)

[6] See, U.S. Department of Commerce, Bureau of Domestic Business Development, "Color Television Status Report", September 13, 1978, Business Confidential.

[7] Trade Policy Staff Committee, "The Non-Rubber Footwear Escape Clause Case", 77–25, March 8, 1977.●

THE WARREN G. MAGNUSON CLINICAL CENTER

● Mr. BUMPERS. Mr. President, I am pleased to cosponsor the resolution to designate the Clinical Center of the National Institutes of Health as the "Warren Grant Magnuson Clinical Center." WARREN MAGNUSON, more than any other Member of the Senate, has been responsible for making our national health research system the best in the world. Senator MAGNUSON was ahead of his time when he introduced a bill during his freshman year in the House of Representatives to create a National Cancer Institute. Then Congressman MAGNUSON was not deterred by assertions that the Federal Government should not interfere in medical research. This was only the beginning of his dedication to public health; along the way he also became one of the chief sponsors of the 1948 legislation that established the National Heart Institute. And he has done much more for the field of public health. For all these reasons, Senator MAGNUSON richly deserved the Albert Lasker Public Service Award for Leadership in Health, conferred upon him in 1973. He also deserves the recognition that this resolution brings today.

Senator MAGNUSON has not, of course, limited his involvement to the field of public health. He has been a leader in wildlife protection, in civil rights, and is often referred to as the father of public television. And for his own State, he has been instrumental in sparking its remarkable economic growth—particularly its aerospace and defense industries. From the relatively mundane matters to the emergency response to the Mount St. Helen's disaster, the people of Washington could count on WARREN MAGNUSON as an effective representative in Congress. It has been my privilege to serve with MAGGIE for years on the Appropriations Committee. We shall miss him there and on the floor of the Senate as well. He has performed well for this Nation, and I wish him Godspeed.●

CONFERENCE REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION FOR FISCAL YEAR 1981

● Mr. BAUCUS. Mr. President, I am pleased to have supported the appropriation measure for the Department of Interior and related agencies (H.R. 7724) as reported by the conference committee.

In particular, I congratulate House and Senate members of the conference committee for the provisions affecting the USDA Forest Service. Adequate funding for research and cooperative federal state forestry programs is essential to the well-being of the tremendous national legacy which is our woodlands. As a former member of the House Appropriations Committee, I fully appreciate the difficulty of providing adequate funding at a time of budgetary constraints.

This bill should lead to modest progress in basic forest conservation practices and in productivity from our forest lands. Under this proposal, research funding is increased but not nearly enough. This critical first step in forest management deserves greater emphasis. By the same token, the funding provided for cooperative programs with the States will foster sound conservation and management practices in our private forests.

Yet, despite the commendable efforts represented by this bill, I fear the timber sales program may be inadvertently frustrated by this legislation. Quite simply, my concern is that without roads access to our forest resources is impossible.

The bind our national forests will be in can be seen by a brief look at the funding mechanism for forest access roads. It consists of two parts.

The first part is an authorization to reduce revenue derived from timber sales when road construction is necessary. Thus, the estimated cost of building a logging road is subtracted from sales revenue when a road is needed to remove the logs.

The second element of the financing for Forest Service roads is, of course, appropriations. These funds are used for engineering and construction services for roads built by the Forest Service as well as by timber buyers.

These appropriated funds come from two sources. The first is direct appropriations and the second is the use of 10 percent of the Forest Service revenues from the prior year. These so-called 10 percent funds are only available when appropriated.

The amount of 10 percent funds available for fiscal year 1981 was estimated at $128 million. Unfortunately, this estimate was made a year ago. I say unfortunately because the estimate and the reality are far removed.

Due to the regrettable decline in lumber demand resulting from the depressed housing industry, cutting levels on the national forests are down and the volume of uncut timber under contract rose. The result is that the estimate of $128 million in 10 percent funds was overstated by more than $61 million.

This 47-percent reduction in 10 percent funds threatens effective engineering assistance for road construction needed this year and in the future. Actual construction will be hampered as well.

I hope that this serious problem will receive immediate attention in the next Congress. Funding must be restored in time for the 1981 construction season. If not, I fear that we will miss timber sale targets.

Beyond that, this situation underscores the need for enactment of a national forest investment fund. As envisioned in legislation which I introduced in this Congress, the fund will provide multiyear funding of capital investments under a well-planned schedule. Rather than the present hit-or-miss approach, this proposal would insure that the money will be available when needed.

I intend to reintroduce my bill in the next Congress and to push for its early enactment. Many forestry experts estimate that on a sound, sustained yield basis we can double the current level of harvesting in the West with wise capital investments. I believe that a national forest investment fund will go a long way toward that goal.

Commonsense, from a business and a conservation standpoint, supports the concept of identifying and acting upon wise investment opportunities in our national forests. I believe that this proposal will pay a handsome rate of return to the taxpayers.●

● Mr. KENNEDY. Mr. President, since 1973 the search for solutions to our energy problems has been conducted within a web of highly controversial issues—private against public control of energy policy, pricing and social equity, health and environmental protection, and national security. Meanwhile, a consensus has emerged among business leaders, public interest circles, and leading institutions, from Exxon and the National Association of Manufacturers, from Union of Concerned Scientists and the AFL–CIO, and from the National Academy of Science and the Harvard Business School, that energy conservation is our single most important national energy policy. This consensus is not surprising when one sees that energy conservation is one of our energy policies that is already working, involves little uncertainty about its energy and economic benefits, is regionally and socially equitable, and has little or no opposition.

Unfortunately, a consensus of understanding has not produced a commitment of national resources to energy conservation.

Federal expenditures are the soundest reflection of governmental commitment. The attached tables show by category the fiscal year 1981 budget figures. While the administration asked for a $1.024 billion conservation budget, the conference report, approved yesterday by the Senate, appropriates $162 million less than the administration requested. Although the cuts in the conservation budget are not numerically large, they will have a severe impact on conservation programs because the levels of conservation funding in each particular program are so low.

I believe that the conservation budget proposed by the administration was not aggressive enough in promoting energy conservation—our most cost effective energy alternative. That is why last year I proposed the most aggressive energy conservation proposal ever presented. One small element of that program was a proposal to increase industrial energy conservation research and development by $40 million per year. I proposed this increase because the industrial energy conservation research and development program is one of the most cost effective programs in the Federal Government. Thus, I am very disturbed by these cuts in the conservation budget.

I am happy to see that an $18 million increase in the industrial energy conservation budget is included in this bill. The industrial energy conservation budget is one of the most cost effective energy programs. This increase will mean that six to nine more Energy Analysis Diagnostic Centers and up to 40 more boiler workshops will be held. These centers and workshops save energy by assisting small and medium sized businesses to save energy and cut their energy costs.

A successful boiler workshop was held this year in Massachusetts. I am very hopeful that an Energy Analysis and Diagnostic Center will soon be established in Massachusetts that will combine the talents of the faculties of our fine universities with the energy needs of our businesses. I will do everything I can, in cooperation with the Department and the States, to reach this end.

Finally, I believe that certain changes in the industrial energy conservation budget are disturbing. I do not believe the form-coke funding should be included in the industrial conservation program. Neither DOE nor most energy experts believe that this process is an energy conservation project although many consider it a worthwhile part of the steel revitalization program.

I support steel industry revitalization, but I believe that it should be independently funded. The Government cost of this project will be over $100 million. Thus, although I believe that this project is very important, I strongly urge that it not be funded as part of the industrial conservation budget. Including in it the industrial budget effectively decreases our industrial energy conservation efforts.

Because of this budget cut, 40 boiler workshops which train small businessmen to cut oil consumption through more efficient boiler usage will not be held.

I believe that the seriousness of our energy situation demands an energy conservation commitment to energy conservation as aggressive as the commitment Congress has made to energy synthetic fuel development.

	Administration budget estimate	House committee	Senate committee	Conference committee compared to administration
BUILDINGS AND COMMUNITY SYSTEMS				
Buildings systems	$44, 190, 000	$36, 065, 000	$33, 825, 000	−$10, 365, 000
Community systems	15, 550, 000	14, 550, 000	12, 550, 000	−2, 000, 000
Urban waste	10, 100, 000	10, 100, 000	10, 100, 000	------------
Technology and consumer products	22, 040, 000	22, 040, 000	20, 100, 000	−1, 940, 000
Analysis and technology transfer	5, 900, 000	5, 900, 000	5, 900, 000	------------
Appliance standards	7, 925, 000	6, 000, 000	6, 000, 000	−1, 925, 000
Small business	750, 000	750, 000	750, 000	------------
Federal energy management program	2, 700, 000	1, 000, 000	1, 400, 000	−1, 700, 000
Presidential Conservation Service	14, 665, 000	14, 665, 000	14, 665, 000	------------
Capital equipment	1, 950, 000	1, 950, 000	1, 950, 000	------------
Emergency building temperature restrictions			−1, 000, 000	−500, 000
Program direction	6, 830, 000	6, 830, 000	6, 430, 000	−400, 000
INDUSTRIAL				
Waste energy reduction	19, 800, 000	23, 800, 000	9, 800, 000	+2, 850, 020
Process efficiency	19, 000, 000	36, 900, 000	36, 800, 000	+21, 094, 000
Industrial cogeneration	12, 000, 000	18, 000, 000	12, 000, 000	+4, 680, 000
Implementation and commercialization	4, 500, 000	7, 500, 000	4, 500, 000	+2, 452, 200
Capital equipment	1, 000, 000	1, 000, 000	1, 000, 000	−72, 600
Program direction	2, 600, 000	3, 200, 000	2, 600, 000	+349, 000
TRANSPORTATION				
Vehicle propulsion R. & D	55, 400, 000	60, 500, 000	62, 400, 000	+12, 000, 000
Alternative fuels utilization	4, 300, 000	4, 300, 000	4, 300, 000	------------
Electric/hybrid vehicle program	42, 100, 000	32, 540, 000	42, 100, 000	−4, 280, 000
Transportation utilization programs	6, 700, 000	6, 700, 000	6, 700, 000	------------
Capital equipment	1, 500, 000	1, 500, 000	1, 500, 000	------------
Program direction	3, 000, 000	3, 000, 000	3, 000, 000	------------
STATE/LOCAL PROGRAMS				
Emergency energy conservation	4, 072, 000	2, 000, 000	12, 000, 000	+7, 928, 000
Energy policy and conservation grants (EPCA)		37, 800, 000	37, 800, 000	+37, 800, 000
Energy conservation and production grants (ECPA)		20, 000, 000	10, 000, 000	+10, 000, 000
Energy Extension Service		20, 000, 000	20, 000, 000	+20, 000, 000
Energy Management Partnership Act	126, 625, 000			−126, 625, 000
Schools and hospitals	187, 500, 000	187, 500, 000	175, 500, 000	−6, 250, 000
Weatherization	188, 950, 000	188, 950, 000	175, 000. 000	−6, 975, 000
Program direction	11, 437, 000	11, 437, 000	9, 862, 000	−1, 575, 000
MULTISECTOR				
Energy conversion technology	11, 000, 000	5, 000, 000	8, 000, 000	−3, 000, 000
Inventors program	3, 400, 000	3, 400, 000	3, 400, 000	------------
Energy impact assistance	122, 000, 000	42, 000, 000	80, 000, 000	−60, 000, 000
Appropriate technology	14, 100, 000	14, 100, 000	12, 000, 000	−2, 100, 000
Energy information campaign	50, 000, 000			−50, 000, 000
Program direction	700, 000	700, 000	700, 000	------------
Total	1, 024, 284, 000	851, 677, 000	853, 632, 000	−162, 177, 000

●

ORDER OF PROCEDURE ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the disposition of the cloture votes on tomorrow, in the event that neither cloture vote succeeds or, in the alternative, in the event a cloture vote achieves the necessary 60 votes or more required, that upon the disposition of the matters clotured, the Senate then proceed to the consideration of the revenue-sharing bill. This comports with the understanding that I have with Mr. BAKER and other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr President, is it clear that if neither cloture vote tomorrow achieves the necessary 60 votes that is mandated under the rule or, in the alternative, a cloture vote succeeds in receiving that 60-vote majority, that upon the disposition of the matters clotured the Senate would then go to the revenue-sharing bill?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. MATHIAS. Mr. President, will the distinguished majority leader yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. Mr. President, is it the majority leader's intention to call up the District of Columbia appropriation conference report this evening?

Mr. ROBERT C. BYRD. Sometime tomorrow, hopefully.

Mr. MATHIAS. Tomorrow?

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. Not this evening?

Mr. ROBERT C. BYRD. Not this evening. Mr. LEAHY is in a committee meeting at this time and he asked that the matter be delayed until tomorrow.

Mr. MATHIAS. I am very happy to accommodate him in that respect.

Mr. ROBERT C. BYRD. I thank the distinguished accommodating Senator who characteristically always is understanding of the plight of his colleagues.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand recessed until tomorrow morning at 9 o'clock.

The motion was agreed to; and, at 7:06 p.m., the Senate recessed until Thursday, December 4, 1980, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, December 3, 1980:

IN THE AIR FORCE

The following named officers for promotion in the United States Air Force, under the appropriate provisions of Chapter 839, Title 10, United States Code, as amended.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Adams, Harold B., xxx-xx-xxxx.
Adams, William E., xxx-xx-xxxx.
Akley, James K., xxx-xx-xxxx.
Aldrich, Fred E., xxx-xx-xxxx.
Alexander, James W., xxx-xx-xxxx.
Alexander, Theodore G., xxx-xx-xxxx.
Allen, Robert L., xxx-xx-xxxx.
Allport, Charles W., xxx-xx-xxxx.
Alnwick, Kenneth J., xxx-xx-xxxx.
Anderson, Edward L., xxx-xx-xxxx.
Anderson, Leslie B., III, xxx-xx-xxxx.
Anselmo, James J., xxx-xx-xxxx.
Arbaugh, Edward D., xxx-xx-xxxx.
Atkins, Benny J., xxx-xx-xxxx.
Augustine, Leonard J., xxx-xx-xxxx.
Austin, William R., II, xxx-xx-xxxx.
Baca, Jose A., xxx-xx-xxxx.
Bacheller, Burton P. C., II, xxx-xx-xxxx.
Bailey, Jerry T., xxx-xx-xxxx.
Bainbridge, Thomas A., xxx-xx-xxxx.
Baker, James P., xxx-xx-xxxx.
Ball, Willis H., III, xxx-xx-xxxx.
Ballantine, George A., xxx-xx-xxxx.
Barrett, Billy A., xxx-xx-xxxx.
Barry, Gregory P., xxx-xx-xxxx.
Bartlett, Robert R., xxx-xx-xxxx.
Bartrand, Louis E., xxx-xx-xxxx.
Bassett, David H., xxx-xx-xxxx.
Baumann, Carl W., xxx-xx-xxxx.
Bavaria, Joseph A., xxx-xx-xxxx.
Bayer, Curtis K., xxx-xx-xxxx.
Beck, David H., xxx-xx-xxxx.
Beekman, Ralph E., xxx-xx-xxxx.
Beezley, Ronnie W., xxx-xx-xxxx.
Beland, Richard J., xxx-xx-xxxx.
Belisle, Charles P., xxx-xx-xxxx.
Berry, John S., xxx-xx-xxxx.
Bethel, Howard E., xxx-xx-xxxx.
Bevans, John P., xxx-xx-xxxx.
Bevelhymer, Herbert L., xxx-xx-xxxx.
Bishop, Charles L., xxx-xx-xxxx.
Blaba, John E., xxx-xx-xxxx.
Blahous, Edward G., xxx-xx-xxxx.
Blaker, Philip C., xxx-xx-xxxx.
Blatter, Richard W., xxx-xx-xxxx.
Blazek, Miroslav F., xxx-xx-xxxx.
Bliss, George W., xxx-xx-xxxx.
Bobek, Andrew S., xxx-xx-xxxx.
Bobick, James C., xxx-xx-xxxx.
Boese, Lawrence E., xxx-xx-xxxx.
Boese, Robert A., xxx-xx-xxxx.
Boles, Dyek R., xxx-xx-xxxx.
Boles, Robert H., xxx-xx-xxxx.
Bond, Robert I., xxx-xx-xxxx.
Bookout, William G., xxx-xx-xxxx.
Bordeaux, John C., xxx-xx-xxxx.
Bouquet, Victor H., Jr., xxx-xx-xxxx.
Bower, Larry E., xxx-xx-xxxx.
Bowers, Bruce G., xxx-xx-xxxx.
Box, Don W., xxx-xx-xxxx.
Brandt, William H., xxx-xx-xxxx.
Branson, Claude L., Jr., xxx-xx-xxxx.

Brawley, Horace M., xxx-xx-xxxx.
Breen, Walter M., xxx-xx-xxxx.
Brennan, William E., xxx-xx-xxxx.
Brewer, James E., xxx-xx-xxxx.
Bright, Edward G. D., xxx-xx-xxxx.
Bristol, William E., xxx-xx-xxxx.
Britz, William C., xxx-xx-xxxx.
Brooks, John J., Jr., xxx-xx-xxxx.
Brotnov, Kenneth W., xxx-xx-xxxx.
Brown, Jerry E., xxx-xx-xxxx.
Brown, Lloyd A., xxx-xx-xxxx.
Buchan, William E., xxx-xx-xxxx.
Bugeda, Richard B., xxx-xx-xxxx.
Burke, Michael F., xxx-xx-xxxx.
Burres, Keith E., xxx-xx-xxxx.
Bush, Robert W., xxx-xx-xxxx.
Butchko, Michael J., Jr., xxx-xx-xxxx.
Butler, Jack V., xxx-xx-xxxx.
Butler, Jimmie H., xxx-xx-xxxx.
Butler, Norman R., xxx-xx-xxxx.
Butt, David W., xxx-xx-xxxx.
Cabuk, Joe G., Jr., xxx-xx-xxxx.
Callahan, James E., xxx-xx-xxxx.
Campbell, Clarence C., xxx-xx-xxxx.
Carey, John J., xxx-xx-xxxx.
Carr, Chalmers R., Jr., xxx-xx-xxxx.
Carroll, Howard K., xxx-xx-xxxx.
Carver, James I., II, xxx-xx-xxxx.
Carver, Jimmy D., xxx-xx-xxxx.
Chandler, Robert G., xxx-xx-xxxx.
Cheney, William E., xxx-xx-xxxx.
Cheney, William F., IV, xxx-xx-xxxx.
Cheshire, Frank E., Jr., xxx-xx-xxxx.
Clark, Wayne E., xxx-xx-xxxx.
Clement, Robert O., xxx-xx-xxxx.
Cliatt, Edwin R., xxx-xx-xxxx.
Cofod, Robert K., xxx-xx-xxxx.
Coleman, Donald P., xxx-xx-xxxx.
Cooke, Phillip A., xxx-xx-xxxx.
Coon, James L., xxx-xx-xxxx.
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Copenhaver, Howard W., Jr., xxx-xx-xxxx.
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Cournoyer, Ronald C., xxx-xx-xxxx.
Cowan, Kenneth W., xxx-xx-xxxx.
Craun, Barbara R., xxx-xx-xxxx.
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Crockett, Richard H., Jr., xxx-xx-xxxx.
Crouch, Dennis E., xxx-xx-xxxx.
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Davidson, John K., xxx-xx-xxxx.
Davis, Richard E., xxx-xx-xxxx.
Decker, Charles E., xxx-xx-xxxx.
Deep, Ronald, xxx-xx-xxxx.
Delaney, Donald R., xxx-xx-xxxx.
Devorshak, George A., xxx-xx-xxxx.
Diercks, John W., xxx-xx-xxxx.
Dillow, James D., xxx-xx-xxxx.
Dinsmore, John C., xxx-xx-xxxx.
Divich, Duane G., xxx-xx-xxxx.
Dobrzelecki, Arthur J., xxx-xx-xxxx.
Doneen, Dennis D., xxx-xx-xxxx.
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Downing, Darrell A., xxx-xx-xxxx.
Downs, Clelland R., xxx-xx-xxxx.
Dreyer, Theodore C., xxx-xx-xxxx.
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Dunn, Charles R., xxx-xx-xxxx.
Eckert, Jon S., xxx-xx-xxxx.
Edwards, Harry M., xxx-xx-xxxx.
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Ellington, William E., Jr., xxx-xx-xxxx.
Elliot, Craig D., xxx-xx-xxxx.
Elsea, George E., xxx-xx-xxxx.
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Fisher, Kenneth S., xxx-xx-xxxx.
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Fox, Clarence E., xxx-xx-xxxx.
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Metzler, Philip L., Jr., xxx-xx-xxxx.
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Murphy, Bill L., xxx-xx-xxxx.
Murphy, Patricia M., xxx-xx-xxxx.
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Murtha, James R., [redacted].
Nagel, Lester E. [redacted].
Nawrocki, Edmund A., [redacted].
Neff, William T, [redacted].
Neighbors, Gary L, [redacted].
Newcomb, Sidney H., [redacted].
Newell, William R., [redacted].
Nielson, Steve W., [redacted].
Niemantsverdriet, William G., [redacted].
Niles, William H., [redacted].
Norman, Dale L., [redacted].
Nowak Frederick E., [redacted].
Nowak, John M., [redacted].
O'Berry, Carl G., [redacted].
Offer, Edwin R., [redacted].
O'Grady, Richard E., [redacted].
Olson, Richard L., [redacted].
O'Mara, Raymund E., [redacted].
Osgood, James D., Jr., [redacted].
Owen, Tofie M., Jr., [redacted].
Parker, Truman, [redacted].
Parsons, Larry D., [redacted].
Parsons, Wallace E., [redacted].
Patchett, Ronald D., [redacted].
Peaslee, James R., [redacted].
Pedersen, Clifford W., [redacted].
Peoples, Ronnie C., [redacted].
Philbrick, Carleton R., [redacted].
Pickens, William E., III, [redacted].
Plummer, Donald G., [redacted].
Pochop, Harold D., [redacted].
Pollock, Robert G., [redacted].
Prindle, Hoyt L., Jr., [redacted].
Provines, James L., II, [redacted].
Pullium, Jerry C., [redacted].
Radeker, Walter S., III, [redacted].
Ralston, Joseph W., [redacted].
Randazzo, Richard J., [redacted].
Raymond, Richard A., [redacted].
Rech, Adam, [redacted].
Reeves, Raymond J., Jr., [redacted].
Reinman, Robert A., [redacted].
Reynolds, John C., [redacted].
Rhyne, Richard G., [redacted].
Richards, William L., [redacted].
Ridgway, Charles Z., Jr., [redacted].
Ringenbach, Paul T., [redacted].
Rivera, Danny, [redacted].
Roberts, John R., [redacted].
Roberts, Kenneth A., [redacted].
Robertson, Marion D., Jr., [redacted].
Rockstad, Jon G., [redacted].
Romero, George A., [redacted].
Rounds, Gordon M., [redacted].
Rousey, James E., [redacted].
Running, Ronald N., [redacted].
Rutledge, John K., [redacted].
Ryan, Michael E., [redacted].
Sabin, Joseph A., [redacted].
Sailer, Allen J., [redacted].
Salminen, James E., [redacted].
Sapp, Robert B., [redacted].
Sawyer, Allan C., [redacted].
Schannep, Robert N., [redacted].
Schell, Roger R., [redacted].
Schichtle, Casper J., Jr., [redacted].
Schwank, Jock C. H., [redacted].
Schwartz, Robert V., [redacted].
Schwarzenbach, Roger J., [redacted].
Scible, Robert H., III, [redacted].
Scofield, Richard M., [redacted].
Scott, Hanson L., [redacted].
Scuderi, Richard, [redacted].
Sellers, Lester H., [redacted].
Selzer, Franklin J., [redacted].
Serventi, James R., [redacted].
Sexton, Richard R., [redacted].
Shearer, Richard L., Jr., [redacted].
Shearin, David R., [redacted].
Sherlock, Daniel J., [redacted].
Sherman, Wiley, Jr., [redacted].
Sidletsky, James J., [redacted].

Sims, Robert L., [redacted].
Sinclair, Timothy A., [redacted].
Skanchy, Thomas C., [redacted].
Skoolund, Rodney A., [redacted].
Slocum, John M., [redacted].
Smith, Albert H., Jr., [redacted].
Smith, Douglas L., [redacted].
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Smith, Rodger W., [redacted].
Smith, Stanley O., [redacted].
Smith, Wayne O., Jr., [redacted].
Snider, Baxter F., [redacted].
Snyder, Arnold L., Jr., [redacted].
Soder, Ludwig A., [redacted].
Solt, Richard C., [redacted].
Spear, John W., [redacted].
Speed, Thomas J., III, [redacted].
Spoone, John P., Jr., [redacted].
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Stallworth, Willett R., [redacted].
Starr, Jack E., [redacted].
Steeves, Richard A., [redacted].
Steininger, Warren L., Jr., [redacted].
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Stover, John M., [redacted].
Strickland, Bryan D., [redacted].
Sullivan, John D., Jr., [redacted].
Svitenko, Lewis C., [redacted].
Swarts, Robert F., [redacted].
Sweeney, John R., [redacted].
Swett, David W., Jr., [redacted].
Talbott, John J., [redacted].
Taus, Robert L., [redacted].
Taylor, Thomas H., [redacted].
Teer, Walter F., Jr., [redacted].
Teitler, Barry M., [redacted].
Thar, James W., [redacted].
Thomas, Harry A., Jr., [redacted].
Thompson, Reynold J., [redacted].
Thompson, Richard L., [redacted].
Thompson, Robert H., [redacted].
Tiedman, Allen J., [redacted].
Tilghman, Thomas A., [redacted].
Tilley, Lloyd L., [redacted].
Timm, Loren E., [redacted].
Traudt, Ronald H., [redacted].
Troyer, Corlyn J., [redacted].
Try, Paul D., [redacted].
Turner, Mary N., [redacted].
Twigg, John K., [redacted].
Ulbricht, Gilmer D., [redacted].
Ulm, James P., [redacted].
Vancura, Frank J., [redacted].
Vecchio, Joseph J., [redacted].
Vickers, William W., [redacted].
Viola, John T., [redacted].
Vitito, Thomas E., [redacted].
Vizcarra, Victor, [redacted].
Wade, Donald M., [redacted].
Wagner, Larry L., [redacted].
Wakefield, James L., [redacted].
Waldon, Jesse J., Jr., [redacted].
Walker, Clark M., [redacted].
Walton, James M., [redacted].
Warack, Christian A., [redacted].
Ware, Bruce K., [redacted].
Warfel, Clarence A. B., [redacted].
Waylett, Dan K., [redacted].
Weatherbie, Niel K., [redacted].
Weaver, James L., [redacted].
Weiss, Walter A., Jr., [redacted].
Wells, Don E., [redacted].
West, Neil W., [redacted].
West, Wesley L., [redacted].
West, William O. III, [redacted].
Westbrook, Bruce M., [redacted].
Wetterhahn, Ralph F., [redacted].
Wheeler, Kenneth R., [redacted].

Wheeler, Richard C., [redacted].
White, Gurney D., [redacted].
White, Robert A., [redacted].
Whitley, Lee O., [redacted].
Whitman, Walter T., III, [redacted].
Widen, Donald A., [redacted].
Wiener, Robert D., [redacted].
Wilcox, Chris N., [redacted].
Wilkinson, Donald L., [redacted].
Wilson, Henry J., Jr., [redacted].
Winters, William N., [redacted].
Wise, Sidney J., [redacted].
Wolff, James F., [redacted].
Womack, Harold L., [redacted].
Woods, David M., [redacted].
Woods, Robert V., [redacted].
Worthington, Walter T., [redacted].
Wray, Duane J., [redacted].
Wyrick, Andrew G., PJr., [redacted].
Young, Edward F., [redacted].
Zang, Robert A., [redacted].
Zeigler, Gary S., [redacted].
Zersen, Wllam F. H., [redacted].
Zieg, Duane H., [redacted].

CHAPLAIN CORPS

Balint, Robert J., [redacted].
Dwyer, John F., [redacted].
Falcone, Emlio, [redacted].
Gallenbach, Thomas E., [redacted].
Geller, Selwyn G., [redacted].
Gilhooley, John P., [redacted].
Harlin, Donald J., [redacted].
Johnson, Arnold G., [redacted].
Laplante, Joseph A., [redacted].
McGinty, Edward S., [redacted].
Richard, Leon J., [redacted].

JUDGE ADVOCATE

Bexten, Richard C., [redacted].
Hitt, William R., [redacted].
Howey, James Z., [redacted].
Jones, Robert W., [redacted].
Jones, Roger A., [redacted].
Kuhnell, Ludolf R., III, [redacted].
Murphy, Edward J., [redacted].
O'Brien, Patrick B., [redacted].
Rengert, Kenneth R., [redacted].
Ward, Clarence D., [redacted].
Williams, Conward E., [redacted].

NURSE CORPS

Anderson, Rhea S., [redacted].
Dye, Beverly J., [redacted].
Goins, Phyllis N., [redacted].
Havens, Mary L., [redacted].
Johnson, Phyllis J., [redacted].
Kendall, Nora M., [redacted].
Korach, Margaret M., [redacted].
Liberty, Gail N., [redacted].
Luttman, Phyllis A., [redacted].
Roach, Nellie M., [redacted].

MEDICAL SERVICE CORPS

Bargamin, Taliaferro M., [redacted].
Boyd, Thomas O., [redacted].
Curtis, Keith W., [redacted].
Gregg, Bruce P., Jr., [redacted].
Hudock, Jack, [redacted].
Iott, Robert O., [redacted].
Morton, James I., [redacted].
Rieckhoff, Elmer C., [redacted].
Sanders, Lewis D., [redacted].
Turner, Charles E., [redacted].

BIOMEDICAL SCIENCES CORPS

Burnett, Ronald D., [redacted].
Coughlin, John J., [redacted].
Dougherty, Jerry P., [redacted].
Heckman, Gerald R., [redacted].
Humerickhouse, Marlan J., [redacted].
Lewis, Thayer J., [redacted].
Mulligan, Hugh F., II, [redacted].
Trumbo, Richard B., [redacted].

HOUSE OF REPRESENTATIVES—*Wednesday, December 3, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, cultivate within us the dreams that cause us to lift our eyes on high, and give us the enthusiasm and desire to be effective in deeds of compassion to those about us. Increase in us appreciation for the opportunities that are routinely new at hand. May we find Your presence not only in heaven above as in songs and hymns and spiritual songs, but enable us also to see You in all the moments of our common existence, where life is tensely lived, where people are in need of friendship and assistance. As we fix our eyes on You, help us to minister to the needy, and so fulfill the commandment of love. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 6243. An act to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designated as the "R. Shaefer Heard Park"; and

H.R. 6258. An act providing for reinstatement and validation of United States oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4131. An act to change the name of the China Bluff Access Area being constructed by the Army Corps of Engineers as part of the Tennessee-Tombigbee Waterway near Warsaw in Sumter County, Ala., to the "S. W. Taylor Memorial Park"; and

H.R. 6626. An act to provide the Small Business Administration with additional authority to assist small business concerns in obtaining financing and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2849. An act for the relief of Charles Greene;

S. 3235. An act to clarify certain effective date provisions of the Customs Courts Act of 1980; and

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health."

The message also announced that the Senate has heard with profound sorrow the announcement of the death of the Honorable John W. McCormack, late Speaker of the House of Representatives of the 87th through the 91st Congresses.

The message also requested that the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased, and that when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

THE FEDERAL RESERVE BOARD SEEMS TO HAVE ABDICATED ITS RESPONSIBILITY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today we read that the prime interest rate has risen again, the fifth time in less than a month, to the high level of 18½ percent. The Federal Reserve Board, originally appointed for the ostensible purpose of protecting the public, seems utterly to have abdicated that responsibility.

Since earliest times, Old Testament prophets inveighed against letting one's money out to usury. It is a wicked practice. There is no more direct nor more cruel way in which to assure that the rich get richer and the poor get poorer. There is no more certain way to benefit the greedy at the expense of the needy than by raising interest rates.

It has now reached the point where even people with relatively high incomes are being hurt and hurt badly as the economy itself is being forced to restrict. Almost every State has had its usury laws breached. The only solution I can see—unless the Federal Reserve Board resumes its perspective and reassumes its responsibility—will be to have a national antiusury law.

THE FAILURE OF THE FEDERAL RESERVE BOARD

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, announcements of new hikes in the prime rate have become practically a daily occurrence. Last night the American public was treated to the third such announcement in less than 2 weeks. The prime rate has now reached an alarming 18½ percent. That translates into consumer rates well over 20 percent in most cases. The activity most seriously affected by this seemingly endless round of unconscionable and destructive interest rate increases is the automobile industry. Auto dealers are particularly hard hit when interest rates rise.

In Arkansas, dealers are forced to pay 17-percent interest on their inventories but only one out of two potential car buyers is able to qualify for a loan. The Arkansas Automobile Dealers Association advises me that four out of five dealers will operate at a loss for this calendar year. It occurs to me that the Federal Reserve Board has made a total failure in being unable to distinguish between consumer credit and producer credit. I agree with the majority leader, the gentleman from Texas (Mr. WRIGHT), that it is time for this Congress to take into consideration the possibility of formulating a national usury law.

ECONOMIC STABILIZATION ACT OF 1979

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, in these waning days of the 96th Congress, all of us can think of bills resting in subcommittees which should have at least been the subject of hearings, but the one bill that I feel should not have been neglected is so important to so many people, I would like to discuss it for a minute.

That bill is entitled the Economic Stabilization Act of 1979, it was introduced on the first day of this Congress, and it would do what a majority of people want us to do and need for us to do.

That is—authorize the President to stabilize prices, wages, rents, interest rates, and, in effect, put controls on the economy, where they are needed, to control inflation.

I do not need to remind anyone of what interest rates are at this moment. They could be higher by tonight. I do not have to remind any Member of what the people are saying when they come out of a store with the necessities for family meals. All of us know what the interest rates are doing to the economy, and to prices, and all of us know what the people are saying about it.

But because controls were misused and abused in the past, there is a general fear among Members which prevents even a discussion of them, and that is wrong. I hope that when the 97th Congress convenes, controls will be high on the agenda of the appropriate subcommittees, and that work will begin to control inflation.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

BIAGGI HAILS UNITED WESTERN POLITICAL POSITIONS AGAINST POTENTIAL SOVIET MILITARY ACTIONS IN POLAND

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I wish to commend both President Carter and President-elect Reagan for their united stand in firm opposition to any military actions which the Soviet Union may be contemplating against Poland. Their united position was complemented yesterday by a statement issued by Western European leaders in Luxembourg which warned that any Soviet intervention in Poland would have "very serious consequences."

It is essential that we maintain this position with the hope that it will deter the Soviets from the apparent course they are presently on. Moscow acting in a truly bellicose manner has activated wartime command links around Poland and greatly bolstered their standing army. Further, it appears that the Soviets had a major hand in yesterday's shakeup of the Polish Politburo which resulted in the ascendance into power of a leading Polish military figure, Mieczyslaw Moczar, who engineered major purges of reform elements in the Communist Party in 1968.

Overall according to today's Wall Street Journal—

> U.S. military analysts are increasingly convinced that the Soviet Union is taking steps that would enable it to invade Poland by mid-December if a decision is made to do so.

The Soviet actions come as the valiant struggle by Polish workers to win basic economic and political freedoms continues. It is a struggle which has captured the attention and solidarity of the Western world because of its unprecedented nature. The United States has always supported efforts by those under captive rule to gain freedom and self determination. The situation in Poland is no exception.

The Soviet Union in the postwar period has fallen into an established pattern with respect to its satellite nations. Simply put, they respond to efforts for reform with ruthless force. One need only recall the 1956 invasion of Hungary and the 1968 invasion of Czechoslovakia to illustrate this point. Their recent actions in Poland seem to indicate a reversion to this pattern but this time the Western world is responding before the fact—to demonstrate it will vigorously oppose any Soviet intervention in Poland. The days ahead will be critically important. The United States is assuming a commendable position of leadership which we can hope will put an end to this latest Soviet adventure.

☐ 1010

ILLINOIS ANNIVERSARY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, today is the 162d anniversary of the admission of the State of Illinois into the Union.

Since the next President of the United States is a native son of Illinois, I think it might be appropriate to publicly recognize this anniversary. It reminds us not only of the great contributions made by Illinois to America, but also of the great possibilities for the future of our country under the leadership of a son of Illinois.

I know that there are those who say our Nation's future is dark. Today the headlines tell of a prime interest rate of 18 percent, of Soviet tanks on the Polish border, of war in the Middle East.

But I believe that the spirit of Illinois, a spirit that has always been optimistic, creative, and forward looking, is going to be the kind of spirit we are going to see guiding the United States for the next generation or more.

President-elect Reagan sent his formative years in Illinois. He has that great spirit in his mind and heart. I thought this would be a good opportunity to pay tribute to that spirit and to our next President who embodies it.

CONGRESS, NOT FEDERAL RESERVE, CAUSING HIGH INTEREST RATES

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS of Indiana. Mr. Speaker, there have been several Members this morning and yesterday who have taken this well and have spoken about the high interest rates and the increase in prime rate, blaming the Federal Reserve Board for the high interest rates, suggesting usury laws and various control measures.

Well, it is a little late to be talking about that by this body, of all people, because some of us have been suggesting for several years that if we did not have some control here on spending on programs, this is exactly what would happen. Now to blame the Federal Reserve Board, whom I have no love for—and I also share the concern about high interest rates—but you cannot blame the system because the economy is heated up so warmly by actions of this Congress. When we have consistently each year recently borrowed $40 billion, $50 billion, $60 billion out of the economy, from the investors right back home, there is just so much money that can be invested. If we take the first dollars out of those local communities, it is going to drive interest rates up. We have put the Federal Reserve System right in the middle. I think we can do our part and should do it by holding the line on expenditures instead of criticizing those that are trying to do something about it.

UNITED STATES MUST PRESSURE SOVIETS TO LIVE UP TO HELSINKI OBLIGATIONS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the Soviet Union, according to reliable reports, is attempting to have the PLO take part in the European Security Conference at Madrid. This cynical action by the Soviets further underscores their contempt for the provisions of the Helsinki accord they signed in 1975. Since that time, Soviet noncompliance, and clear violation of the basic provisions of the accords, is a pattern for all to see—the brutal repression of dissidents, the closedown of immigration, the invasion of Afghanistan, and now intimidation and threats against the courageous Polish people.

Maximum pressure must be brought to bear on the Soviet Union to live up to the provisions of the Helsinki accord. We have a duty not to allow the Madrid Conference to become a farce and a Soviet sham. I urge the Members to support House Joint Resolution 638 which I have introduced, asking for United States withdrawal from Helsinki unless the President certifies to the Congress within 60 days after the close of the Madrid Conference that the Soviet Union is making "substantial progress" in living up to its obligations under the accord.

PERMISSION TO CALL UP CONFERENCE REPORT ON H.R. 5487, COLORADO WILDERNESS ACT OF 1980

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to bring up the conference report on H.R. 5487, the Colorado National Forest Wilderness Act of 1980, without regard to the 3-day layover period.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 7765, OMNIBUS RECONCILIATION ACT OF 1980

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 824 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved, That upon the adoption of this resolution it shall be in order to consider, clause 2, rule XXVIII to the contrary notwithstanding, the conference report on the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981, said conference report shall be considered as having been read when called up for consideration, and all points of order against said conference report for failure to comply with the provisions of clause 3, rule XXVIII are hereby waived.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, there is, to the best of my knowledge, no real controversy over this rule. Of course, the matter that is brought up is a very difficult matter, and there are some waivers necessary to bring it up at this time, but so far as I know, there is no controversy. The Rules Committee brought it out by a voice vote yesterday.

Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, while this rule was the subject of some controversy in the Rules Committee, the biggest problem has been worked out. At one point there was a move to attach an amendment dealing with mortgage subsidy bonds to this package. However, that item is now to be considered as a separate piece of legislation.

This rule includes only provisions designed to expedite consideration of the conference report.

First, the 3-day layover requirement is waived. The conference report was actually filed on Wednesday, November 26, but due to the Thanksgiving recess, it did not appear in the RECORD until Monday of this week. This means that a waiver is required.

The rule also waives points of order for failure to comply with the rules governing scope of the conference. There are a few items in this conference report which technically were not in either the House or the Senate bill and therefore, the waiver is required.

Mr. Speaker, I will not take the time now to go into the details of the conference report under the time on the rule because we will soon be debating the conference report itself.

Let me just point out that not passing this conference report will mean an increase in the deficit of $8.2 billion. I can think of no better reason to pass this rule as well as the conference report it makes in order.

Mr. Speaker, I support this rule.

We have no requests, and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2363, NATIONAL PARK SYSTEM AMENDMENTS

Mr. PHILLIP BURTON submitted the following conference report and statement on the Senate bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96–1520)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

ROGER WILLIAMS NATIONAL MEMORIAL

SEC. 101. Section 4 of the Act of October 22, 1965 (79 Stat. 1069) entitled "An Act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, Rhode Island, and for other purposes" is amended to read as follows:

"SEC. 4. There are hereby authorized to be appropriated not more than $146,000 for the acquisition of lands and interests in land and not more than $1,862,000 for the development of the Roger Williams National Memorial, as provided in this Act.".

TITLE II

HAMILTON GRANGE NATIONAL MEMORIAL

SEC. 201. Section 3 of the Joint Resolution of April 27, 1962 (76 Stat. 57) is amended by changing "$460,000" to "$960,000".

TITLE III

CORONADO NATIONAL MEMORIAL

SEC. 301. Section 301 of the National Parks and Recreation Act of 1978 (92 Stat. 3467, 3473) is amended by striking out "$1,410,000" in paragraph (4) and inserting in lieu thereof "$2,875,000".

TITLE IV

BIG BEND NATIONAL PARK

SEC. 401. The boundary of the Big Bend National Park in the State of Texas is hereby revised to include the lands and interests therein within the area generally depicted on the map entitled "Big Bend National Park, Boundary Additions," numbered 155/80.019–A and dated June 1980 which shall be on file and available for public inspection in the local and Washington, District of Columbia, Offices of the National Park Service, Department of the Interior. The Secretary is authorized to acquire the lands and interests therein added to the park by this section by donation, purchase with donated or appropriated funds, or exchange, except that lands and interests therein owned by the State of Texas or any political subdivision thereof may be acquired only by donation or exchange. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,500,000 for the acquisition of lands and interests therein.

TITLE V

GENERAL MANAGEMENT PLANS

SEC. 501. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, comprehensive general management plans for the areas established pursuant to titles XII and XVI of this Act, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 et seq.).

TITLE VI

LYNDON B. JOHNSON NATIONAL HISTORICAL PARK

SEC. 601. The Act entitled "An Act to establish the Lyndon B. Johnson National Historic Site," approved December 2, 1969 (83 Stat. 274) is amended—

(1) in the first section, by changing "by donation or by purchase with donated funds" to "by donation or by purchase with donated or appropriated funds" and by changing "drawing entitled 'Lyndon B. Johnson National Historic Site Boundary Map,' numbered NHS–LBJ–20,000 and dated September 1969" to "drawings entitled 'Boundary Map, Lyndon B. Johnson National Historic Park,' numbered 447–40,008B and 447–40,000A, and dated January 1980";

(2) in section 3, by changing "not more than $680,000 to provide for the development of" to "such sums as may be necessary to carry out the provisions of this Act, but not more than $4,100,000 for development and not more than $1,400,000 for the acquisition of lands and interests therein for"; and

(3) by changing "National Historic Site" wherever it appears to "National Historical Park".

TITLE VII

MOUND CITY GROUP NATIONAL MONUMENT

SEC. 701. (a) In order to preserve in public ownership certain prehistoric archeological resources of outstanding significance for the benefit and education of the people of the United States, the boundary of Mound City Group National Monument, Ohio, is revised to include the lands within the area generally depicted as "Parcel X" on the map entitled "Hopeton Earthworks Study Area", numbered 353/40,025B, and dated May 1980, and within the area generally depicted as "Revised Monument Boundary" on the map entitled "Transfer of Jurisdiction, Mound City Group National Monument", numbered 353/40,001A, and dated March 1978, which maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. With respect to the lands within "Parcel X" above, the lands may be acquired only in fee and shall be limited to the mound area depicted on the above referenced map plus such other lands immediately adjacent to the mounds so as to assure adequate access and protection to the area: *Provided*, That the total area acquired in fee shall not exceed one hundred and fifty acres. Access to lands in the vicinity of the mounds by existing roadways shall in no manner be encumbered by Federal acquisition or by the administration of the monument.

(b) Within the boundary of the national monument, the Secretary is authorized to acquire lands and waters by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange. Notwithstanding any other provision of law to the contrary, Federal lands in the vicinity of the monument which are determined to be surplus to the needs of the United States shall upon the request of the Secretary be transferred to the Secretary for use by him in acquiring lands within the monument by exchange.

(c) The Secretary shall, in consultation with interested organizations and individuals, investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization that flourished in the Eastern United States, and as a part of this investigation he shall identify those sites which he determines should be protected as part of the Mound City Group National Monument. Not later than two complete fiscal years from the effective date of this section, the Secretary shall transmit a report of his investigation to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, together with his recommendations for such further legislation as may be appropriate.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, not to exceed $1,000,000 for the acquisition of lands and waters and not to exceed $100,000 for the development of facilities and the conduct of archeological investigations on the properties acquired pursuant to this section.

TITLE VIII

THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE

SEC. 801. The first two sections of the Act entitled "An Act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, New York, as a national historic site", approved November 2, 1966 (Public Law 89–708), are amended to read as follows: "That, notwithstanding any other provision of law, the Secretary of the Interior shall acquire on behalf of the United States the real property described in section 3 of this Act, known as the Ansley Wilcox House, which real property is of national historic significance as the place in which Theodore Roosevelt took the oath of office as President of the United States on September 14, 1901, following the assassination of President William McKinley. Such property is hereby designated as the Theodore Roosevelt Inaugural National Historic Site.

"SEC. 2. (a) Notwithstanding any other provision of law, the property referred to in the first section of this Act shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the provisions of the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance and for other purposes', approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

"(b) The Secretary of the Interior shall enter into cooperative agreements with the Theodore Roosevelt Inaugural Site Foundation or other qualified public or private entities for the operation, maintenance, management, development, and interpretation of the Theodore Roosevelt Inaugural National Historic Site.

"(c) Notwithstanding any other provision of law, the Department of the Interior share in any fiscal year of the annual operating costs of the Theodore Roosevelt Inaugural National Historic Site shall not exceed two-thirds of such operating cost.".

TITLE IX

STUDY COMMITTEE

SEC. 901. The Congress finds that those portions of the Mississippi, Saint Croix, and Minnesota River corridors lying within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties in the State of Minnesota—

(a) represent a significant recreation resource which would benefit a large population in the immediate vicinity;

(b) represent a significant historical and cultural resource worthy of preservation for the enjoyment and benefit of present and future generations;

(c) contain significant natural and scientific values that enhance the diversity and esthetic character of the metropolitan area;

(d) are important commercial resources vital to the continued economic well-being of the region and the Nation;

(e) are of national significance and constitute an area of national concern;

(f) are in need of cooperative recreational planning and management so as to improve efforts to further the preservation, enhancement, and use of these recreational resources.

SEC. 902. (a) A study committee consisting of 15 members shall be established to examine methods by which Federal, State, regional, and local governments can cooperate to enhance the recreational opportunities along those portions of the Mississippi, Minnesota, and Saint Croix Rivers described in section 901 of this title. The members of the study committee shall be selected as follows:

(1) A Chairperson shall be appointed by the Secretary of the Interior. The Secretary shall appoint the Chairperson from a list of nominees submitted by the Governor of Minnesota;

(2) A representative designated by the Secretary of the Interior shall serve as Vice Chairperson;

(3) One representative shall be designated by each of the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Defense;

(4) Nine other members shall be appointed by the Secretary of the Interior. The Secretary shall appoint these members from a list of nominees submitted by the Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul;

(5) The nominations and appointments required by section 902(a) shall include representatives of each of those interests described in section 904(e).

(b) The Governor of Minnesota, the Metropolitan Council, and the Mayors of Minneapolis and Saint Paul shall submit the nominations called for in section 902(a) within 45 days of the date on which this Act is signed into law. All appointments called for in section 902(a) shall be made within 60 days of the date on which this Act is signed into law.

(c) Each member of the Study Committee who is an officer or employee of the United States shall serve without additional compensation, but shall continue to receive the salary of his regular position when engaged in the performance of the duties vested in the Study Committee.

(d) All members of the Study Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties invested in the Study Committee from funds appropriated for this purpose.

(e) The Chairperson of the Study Committee, if other than one to whom paragraph (c) applies, shall receive per diem at the maximum daily rate for a GS–11 of the general schedule when engaged in the actual performance of duties vested in the Study Committee from funds appropriated for this purpose.

(f) The Study Committee shall terminate within two years and two months from the date on which the initial appropriation for this title is signed into law. The funds appropriated under this title shall be available until expended.

SEC. 903. (a) If a multifunctional regional agency authorized by State law to plan for and coordinate the development of the seven counties described in section 901 is in existence on the date this bill is signed into law, the Governor of the State of Minnesota shall designate such multifunctional regional agency to assist in carrying out the study directed in this title. The agency shall hereinafter be referred to as "Regional Planning Agency".

(b) No later than 45 days after receiving the report required by section 904(b), the Regional Planning Agency shall provide the Study Committee with written comments on that report. Upon receipt of those comments, the Study Committee shall submit the report, along with the written comments, to the President, the Congress, and appropriate State, regional, and local government units.

SEC. 904. (a) The Study Committee shall conduct a study on the preservation, enhancement, protection, and use of the designated recreation areas along the river corridors described in section 901 of this title. For the purpose of this title, designated areas shall be defined as those park, open space, recreation, or historical sites designated by an adopted Federal or State law or identified in a regional or local government plan.

(b) No later than two years after the date on which the initial appropriation for this title is signed into law, the Study Committee shall provide the Regional Planning Agency with a written report on the findings and conclusions of this study along with recommended policies.

(c) In its report, the Study Committee shall make recommendations as to the policies which should be adopted, and actions which should be taken to optimize the recreational, fish and wildlife, historic, natural, scientific, scenic, and cultural values of the river corridor areas referred to in section 901 of this title. The study may also include, but need not be limited to, recommendations for institutional changes, if any, which the Study Committee deems desirable and feasible to provide permanent management of the designated recreational areas along these river corridors. The report may also include recommendations for specific areas of local, regional, State, and Federal agency cooperation for river corridor management of the designated recreational areas. However,

(1) The Study Committee shall recommend no policy or action which would place unreasonable restrictions on existing or compatible economic uses of these resources.

(2) All policies and actions recommended by the Study Committee shall be compatible with and maintain the integrity of, existing federally designated management programs and units on the Saint Croix and Minnesota River Corridors.

(d) The Study Committee shall review and utilize existing studies and consider existing plans, programs and policies as they affect the present and future recreational use of the river corridors described in section 901 of this title.

(e) The Study Committee shall provide for public participation in the planning process in order to account for the concerns of recreational, commercial, cultural, and environmental interests, and State, regional, and local government.

SEC. 905. There are hereby authorized to be appropriated $300,000 to the Department of the Interior to be granted to the Regional Planning Agency to carry out the purposes of this Act.

TITLE X

GOLDEN GATE NATIONAL RECREATION AREA

SEC. 1001. The Act of October 27, 1972 (86 Stat. 1299; 16 U.S.C. 460bb) is amended as follows:

(1) in subsection 2(a), at the end thereof, add the following: "The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.";

(2) strike out "map" in section 2(b) and substitute "maps";

(3) by adding "Point Montara," after "Point Diablo," in section 3(g);

(4) add the following at the end of section 3(h): "That property known as the Pillar Point Military Reservation, under the jurisdiction of the Secretary of Defense shall be transferred to the administrative jurisdiction of the Secretary at such time as the property, or any portion thereof, becomes excess to the needs of the Department of Defense.";

(5) add at the end of section 3 the following:

"(p) With reference to those lands known as the San Francisco water department property shown on map numbered NRA GG–80,000–A, the Secretary shall administer such land in accordance with the provisions of the documents entitled 'Grant of Scenic Easement', and 'Grant of Scenic and Recreation Easement,' both executed on January 15, 1969, between the city and county of San Francisco and the United States, including such amendments to the subject document as may be agreed to by the affected parties subsequent to the date of enactment of this subsection. The Secretary is authorized to seek appropriate agreements needed to establish a trail within this property and connecting with a suitable beach unit under the jurisdiction of the Secretary.";

(6) in subsection 5(b), change "seventeen" to "eighteen"; and

(7) insert a comma and the phrase "San Mateo," after "Marin" in section 5(e).

TITLE XI

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE

SEC. 1101. The Act entitled "An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes," approved August 25, 1972 (86 Stat. 632) is amended—

(1) by inserting the following after the period in the first section: "The boundary of the National Historic Site shall be as generally depicted on the map entitled, 'Boundary Map, Grant-Kohrs Ranch National Historic Site,' numbered 451–80–013, and dated January 25, 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior."; and

(2) by striking out "$752,000" and "$2,075,000" in section 4 and inserting in lieu thereof "$1,100,000" and "$7,818,000," respectively.

TITLE XII

JAMES A. GARFIELD NATIONAL HISTORIC SITE

SEC. 1201. In order to preserve for the benefit, education, and inspiration of present and future generations certain historically significant properties associated with the life of James A. Garfield, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Lawnfield", comprising 7.56 acres at 1059 Mentor Avenue, Mentor, Ohio: *Provided,* That the portion of Lawnfield owned by the Western Reserve Historical Society may be only acquired by donation. Upon the acquisition of the aforesaid property, the Secretary may establish the same as the James A. Garfield National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and Act of August 21, 1935 (49 Stat. 666), as amended, and he may enter into an agreement with the Western Reserve Historical Society pursuant to which the Society may operate and maintain the site and charge reasonable admission fees, not withstanding any other provision of law, which may be used to defray the costs of such operation and maintenance.

SEC. 1202. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed $205,000 for the acquisition of lands and interests in lands, and $250,000 for development.

TITLE XIII

KEITH SEBELIUS LAKE

SEC. 1301. The water impounded by the Norton Dam, a component of the Almena Unit of the Pick-Sloan Missouri River Basin project, in the State of Kansas, constructed under the general authority of the Act of July 24, 1946 (60 Stat. 641 et seq.) is hereby designated and hereafter shall be known as the "Keith Sebelius Lake". Any law, regulation, record, map, or other document of the United States referring to the waters impounded by the Norton Dam unit of this project shall be held to refer to the "Keith Sebelius Lake", and any future regulations, records, maps, or other documents of the United States, in reference to these waters, shall bear the name "Keith Sebelius Lake".

TITLE XIV

MONOCACY NATIONAL BATTLEFIELD

SEC. 1401. (a) The Act entitled "An Act to establish a National Military Park at the battlefield of Monocacy, Maryland" approved June 21, 1934 (48 Sat. 1198) is amended by revising the first section thereof to read as follows: "That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy in the State of Maryland is hereby established as the Monocacy National Battlefield. The battlefield shall comprise the area within the boundary generally depicted on the map entitled 'Monocacy National Battlefield,' numbered 894/40,001A, and dated April 1980, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior."

(b) In addition to other funds available for purposes of the park referred to in subsection (a), there is authorized to be appropriated up to an additional $725,000 for acquisition of lands and interests in lands and $1,250,000 for development.

TITLE XV

ROGERS C. B. MORTON RECOGNITION

SEC. 1501. The Secretary is authorized to commemorate, at Assateague Island National Seashore, Maryland, the contributions of Rogers C. B. Morton, as a Member of Congress, and later as Secretary of the Interior, toward the development of the Seashore and to conservation in general. Such commemoration shall be in the form of an appropriate plaque or monument, suitably located, or may subsequently take the form of dedication of a suitable structure. Within one year of the effective date of this section, the Secretary shall inform, in writing, the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, as to actions he has taken to implement the provisions of this section.

TITLE XVI

WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

SEC. 1601. (a) The Congress finds that—

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 was an event of major importance in the history of the United States because it marked the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 Women's Rights Convention is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine sites located in Seneca Falls and Waterloo, New York, associated with the nineteenth century women's rights movement which should be recognized, preserved, and interpreted for the benefit of the public.

(b) It is the purpose of this section to preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of such sites and structures.

(c) To carry out the purpose of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist initially of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;

(2) dwelling, 30 Washington Street, Seneca Falls;

(3) dwelling, 34 Washington Street, Seneca Falls;

(4) lot 26–28 Washington Street, Seneca Falls;

(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

(6) theater, 128 Fall Street, Seneca Falls;

(7) Bloomer House, 53 East Bayard Street, Seneca Falls;

(8) McClintock House, 16 East Williams Street, Waterloo; and

(9) Hunt House, 401 East Main Street, Waterloo.

(d) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange lands and interests therein within sites designated as part of the park, except that the Secretary may not acquire the fee simple title to the land comprising the sites designated in paragraphs (7) through (9) of subsection (c). Lands and interests therein owned by a State or political subdivision thereof may be acquired only by donation.

(e) The Secretary is authorized to enter into cooperative agreements with the owners of properties designated as part of the park, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alternations shall be made in the property except by mutual agreement.

(f) The Secretary shall encourage State and local governmental agencies to develop and implement plans for the preservation and rehabilitation of sites designated as part of the park and their immediate environs, in order to preserve the historic character of the setting in which such sites are located. The Secretary may provide technical and financial assistance to such agencies in the development and implementation of such plans, but financial assistance may not exceed 50 per centum of the cost thereof.

(g) The Secretary shall administer the park in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(h)(1) There is hereby established the Women's Rights National Historical Park Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of eleven members, each appointed by the Secretary for a term of five years as follows:

(A) One member appointed from recommendations submitted by the Elizabeth Cady Stanton Foundation:

(B) One member appointed from recommendations submitted by the Women's Hall of Fame;

(C) Two members appointed from recommendations submitted by the Governor of New York;

(D) One member appointed from recommendations submitted by the village of Seneca Falls;

(E) One member appointed from recommendations submitted by the town of Seneca Falls; and

(F) Five members appointed by the Secretary, at least one of whom shall represent an institution of higher learning and at least two of whom shall represent national women's rights organizations.

(2) The Secretary shall designate one member to be the Chair of the Commission. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(3) Members of the Commission shall serve without compensation as such, but the Secretary may pay the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section upon presentation of vouchers signed by the Chair of the Commission.

(4) The function of the Commission shall be to advise the Secretary with respect to matters relating to the administration of the park and the carrying out of the provisions of this section. The Secretary shall consult with the Commission from time to time with respect to his responsibilities and authorities under this section.

(5) The Commission shall terminate ten years from the effective date of this section.

(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $490,000 for acquisition, and $500,000 for development.

TITLE XVII

AUTHORIZATION OF APPROPRIATIONS

SEC. 1701. Authorization of amounts to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into cooperative agreements and to make payments under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE XVIII

DEFINITION

SEC. 1801. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

And the House agrees to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill.

Phillip Burton,
Robert W. Kastenmeier,
James J. Florio,
Keith G. Sebelius,
Robert J. Lagomarsino,
Managers on the Part of House.
Henry M. Jackson,
Dale Bumpers,
John Melcher,
Mark O. Hatfield,
James A. McClure,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2363 submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

S. 2363, as originally enacted by the Senate, was to authorize the establishment of the Georgia O'Keeffe National Historic Site in the State of New Mexico. The House of Representatives amended the measure to incorporate the corrected provisions of another measure, H.R. 3, previously enacted by the House.

The Georgia O'Keeffe National Historic Site has now been authorized by Public Law 96-344. From the remaining sections of S. 2363, the conferees have agreed on the following items:

Title I would increase the development ceiling for the Roger Williams National Memorial in Rhode Island. This increase, if appropriated, will permit the landscaping and development of the memorial to proceed as planned.

Title II would increase the development ceiling at the Hamilton Grange National Memorial in New York City to permit the badly needed restoration of the interior of Alexander Hamilton's home to proceed.

Title III would increase the acquisition ceiling at the Coronado National Memorial in Arizona to permit completion of the planned land acquisition program within the authorized boundary.

Title IV would authorize a boundary adjustment adding some 21,250 acres to the Big Bend National Park in Texas. The largest portion of the Rosillos Mountains would be included in this addition, which also includes several reliable water sources.

Title V would direct general management plans to be prepared by the Secretary of the Interior for the two new units of the National Park System authorized by this legislation.

Title VI would redesignate the Lyndon B. Johnson National Historic Site in Texas as a national historical park. Boundary adjustments and an increase in development funding are also authorized to permit implementation of the general management plan for the historical park.

Title VII would expand the Mound City Group National Monument in Ohio to include approximately 150 additional acres which include portions of the Hopeton Earthworks.

Title VIII would amend the Act which authorized protection of the Ansley Wilcox House in Buffalo, New York. The amendment would designate the property as the Theodore Roosevelt Inaugural National Historic Site, continue its operation by a local historical society, and permit matching Federal funding which is not to exceed two-thirds of the annual operating costs.

Title IX would direct a study to be carried out of the river corridors in the vicinity of the cities of Minneapolis and St. Paul, Minnesota. The study would emphasize cooperative recreation planning for these resources.

Title X would add lands in San Mateo County to the Golden Gate National Recreation Area in California. These lands are primarily in public ownership and could be acquired only by donation. The private lands to be included can be acquired within the currently authorized acquisition ceiling for the recreation area. The GGNRA Advisory Commission is also expanded to include representation from this area.

Title XI would authorize a boundary adjustment at the Grant-Kohrs Ranch National Historic Site in Montana to delete certain unnecessary lands, as well as to convert some areas in scenic easement to fee acquisition. The development ceiling is also raised to permit restoration of the ranch, buildings and the development of support facilities.

Title XII would authorize the establishment of the James A. Garfield National Historic Site in Ohio.

The Western Reserve Historical Society would administer the home of our 20th President with assistance from the National Park Service.

Title XIII would designate a reservoir in the State of Kansas as the "Keith Sebelius Lake" in recognition of the retiring U.S. Representative.

Title XIV would expand the Monocacy National Battlefield in Maryland by some 450 acres in accordance with a National Park Service management study. An additional authorization for development will also permit preparation of the area for visitor use.

Title XV would provide for suitable recognition of the late Rogers C. B. Morton at Assateague National Seashore in Maryland.

Title XVI would establish the Women's Rights National Historical Park in New York State. Several properties in the town of Seneca Falls associated with Elizabeth Cady Stanton and the Women's Rights Convention of 1848 would be acquired. Other related historic properties would be administered through cooperative agreements or with less-than-fee acquisition.

Title XVII is a budgetary restriction which limits the authorizations in this measure to be effective with fiscal year 1982.

Title XVIII defines the term "Secretary" as being the Secretary of the Interior.

The President's fiscal year 1981 budget request for the Department of the Interior included a proposal that no funding be available for the Midwest Regional Office of the National Park Service during fiscal 1981. The conferees note that the fiscal year 1981 Interior Appropriations conference report provides funding for this regional office located in Omaha, Nebraska. The conferees agree with the decision of the Appropriations Committees to fund this regional office.

Phillip Burton,
Robert W. Kastenmeier,
James J. Florio,
Keith G. Sebelius,
Robert J. Lagomarsino,
Managers on the Part of the House.
Henry M. Jackson,
Dale Bumpers,
John Melcher,
Mark O. Hatfield,
James A. McClure,
Managers on the Part of the Senate.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 2363) to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The gentleman from California (Mr. PHILLIP BURTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, this conference report is without known controversy. It includes a number of small items that we sent over to the other body some several months ago. The items included in the report include, among other things, the Sweeney Ridge proposal in the State of California. It includes an expansion of the LBJ National Historic Site, and it gives recognition to our former colleague, the distinguished former Secretary of the Interior, Mr. Rogers Morton, as well as other items, not the least of which is some modest recognition of the role played by our distinguished colleague, the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I thank the gentleman for yielding.

Mr. Speaker, I fully support the adoption of the conference report on S. 2363. This report embodies many of the key components of an earlier omnibus bill which originated from the Subcommittee on National Parks and Insular Affairs, and all of the provisions of this report have already been adopted by the House in an earlier bill.

There are numerous provisions of this report which constitute important items of significance to the perfection of our National Park System, and I think it would be highly desirable that these matters receive final action by the 96th Congress.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would ask the gentleman: Is this the bill that contains the Rogers C. B. Morton memorial?

Mr. PHILLIP BURTON. That is right. It is our fourth or fifth effort. We finally made it.

Mr. BAUMAN. I want to thank the gentleman once again.

Mr. PHILLIP BURTON. Mr. Speaker, I commend the gentleman from Maryland for his leadership and interest in the matter.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague, the gentleman from California, a leader and champion in all good things, for yielding to me.

Mr. Speaker, can the gentleman tell us: What have we done for California under this bill? Did we put half under wilderness?

Mr. PHILLIP BURTON. No, this is not that proposal. That proposal may come up about Friday.

Mr. ROUSSELOT. Oh, Friday. So we should remain Friday?

Mr. PHILLIP BURTON. Yes.

Mr. ROUSSELOT. So we should remain Friday to see what is going on, when all of the real business is done?

Mr. PHILLIP BURTON. Yes.

Mr. ROUSSELOT. I thank my colleague for yielding, and I appreciate his looking out for California.

Mr. PHILLIP BURTON. I thank the gentleman very much.

The following chart should be of some help to those that have been following the tortuous path of H.R. 3:

ITEMS INCLUDED IN H.R. 3

(Original House amendment to S. 2363 is identical to H.R. 3, except for modified Big Bend NP language)

Item and disposition

Title I

Sec. 101. James Garfield NHS; Title XII, Conf. Rpt., S. 2363, modified text.

Sec. 102. Georgia O'Keeffe NHS; Included in P.L. 96-344.

Sec. 103. Salinas NM; Included in H.R. 8298, cleared for Pres., 12/1/80.

Sec. 104. Women's Rights NHP; Title XVI, Conf. Rpt., S. 2363, modified text.

Sec. 105. Chaco Canyon NHP; Included in H.R. 8298, cleared for Pres., 12/1/80.

Sec. 106. Martin Luther King NHS; Included in P.L. 96-428.

Sec. 107. Mary McLeod Bethune NHS; Remains in H.R. 3.*

Sec. 108. General Management Plans; Title V, Conf. Rpt., S. 2363.

Title II

Sec. 201. Big Bend NP; Title IV, Conf. Rpt., S. 2363.

Sec. 202. Mound City; Title VII, Conf. Rpt., S. 2363.

Sec. 203. LBJ NHP; Title VI, Conf. Rpt., S. 2363.

Sec. 204. Palo Alto NB; Remains in H.R. 3.*

Sec. 205. Grant-Kohrs Ranch NHS; Title XI, Conf. Rpt., S. 2363.

Sec. 206. Richmond Battlefield Park; Remains in H.R. 3.*

Sec. 207. GGNRA; Marion Co. addition in P.L. 96-344/San Mateo Co. addition, Title X, Conf. Rpt., S. 2363.

Sec. 208. Monocacy NB; Title XIV, Conf. Rpt., S. 2363.

Sec. 209. Boston NHP; Included in P.L. 96-344.

Sec. 210. Pinnacles NM; Included in P.L. 96-344.

Sec. 211. Golden Spike NHS; Included in P.L. 96-344.

Sec. 212. Stones River NM; Remains in H.R. 3.*

Title III

Sec. 301. Big Thicket NP; Remains in H.R. 3.*

Sec. 302. Coronado NM; Title III, Conf. Rpt., S. 2363.

Sec. 303. Hamilton Grange NM; Title II, Conf. Rpt., S. 2363.

Sec. 304. Roger Williams NM; Title I, Conf. Rpt., S. 2363.

Title IV

Sec. 401. Amendments to reporting requirement; Included in P.L. 96-344.

Sec. 402. LWCF amendments; Portions included in P.L. 96-344, remainder in H.R. 3.

Title V

Sec. 501. Regional Office Study; Remains in H.R. 3.*

Sec. 502. Lowell NHP; Included in P.L. 96-344.

Sec. 503. Gateway NRA; Included in P.L. 96-344.

Sec. 504. Cuyahoga Valley NRA; Remains in H.R. 3.*

Sec. 505. Moores Creek NB; Included in P.L. 96-344.

Sec. 506. San Antonio Missions NHP; Included in P.L. 96-344.

Sec. 507. Folger, Corcoran; Included in P.L. 96-344.

Sec. 508. Keith Sebelius Lake; Title XIII, Conf. Rpt. S. 2363.

Sec. 509. Overmountain Victory Trail; Included in P.L. 96-344.

Sec. 510. Theodore Roosevelt NHS; Title VIII, Conf. Rpt. S. 2363.

Sec. 511. Rogers C. B. Morton; Title XV, Conf. Rpt. S. 2363.

Sec. 512. Falls of Ohio; Included in P.L. 96-344.

Sec. 513. Upper Missouri; Included in P.L. 96-344.

Sec. 514. Metro Area River Commission; Title IX, Conf. Rpt. S. 2363, modified text.

Sec. 515. Gerald Ford Study; Remains in H.R. 3.

Sec. 516. George Meany Study; Included in P.L. 96-344.

Sec. 517. Man in Space Study; Included in P.L. 96-344.

Sec. 518. Ben Franklin NM; Remains in H.R. 3.*

Sec. 519. Limitation on Authorization; Title XVII, Conf. Rpt. S. 2363.

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*H.R. 3 as of Dec. 3, 1980, has not been reported and therefore remains in the Senate Energy and Natural Resources Committee.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter, and that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the Senate bill, S. 2363, just considered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1020

CONFERENCE REPORT ON H.R. 5487, COLORADO WILDERNESS ACT OF 1980

Mr. SEIBERLING submitted the following conference report and statement on the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96-1521)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

STATEMENT OF FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System lands in the State of Colorado possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II) of National Forest System lands in the State of Colorado and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for non-wilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this title are to—

(1) designate certain National Forest System lands in the State of Colorado as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other National Forest System lands in the State of Colorado be available for non-wilderness multiple uses.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately ninety-seven thousand seven hundred acres, as generally depicted on a map entitled "Big Blue Wilderness—Proposed", dated November 1980, and which shall be known as the Big Blue Wilderness;

(2) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand four hundred acres, as generally depicted on a map entitled "Cache La Poudre Wilderness—Proposed", dated October 1979, and which shall be known as the Cache La Poudre Wilderness;

(3) certain lands in the Gunnison, San Isabel and White River National Forests, Colorado, which comprise approximately one hundred and fifty nine thousand nine hundred acres, as generally depicted on a map entitled "Collegiate Peaks Wilderness—Proposed", dated November 1980, and which shall be known as the Collegiate Peaks Wilderness;

(4) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately sixty-seven thousand five hundred acres, as generally depicted on a map entitled "Comanche Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Comanche Peak Wilderness;

(5) certain lands in the San Isabel and White River National Forests, Colorado, which comprise approximately one hundred and twenty-six thousand acres, as generally depicted on a map entitled "Holy Cross Wilderness—Proposed", dated November 1980, and which shall be known as the Holy Cross Wilderness: *Provided*, That no right, or claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof;

(6) certain lands in the Rio Grande and Gunnison National Forests, Colorado, which comprise approximately sixty thousand acres, as generally depicted on a map entitled "La Garita Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the La Garita Wilderness as designated by Public Law 83-577;

(7) certain lands in the San Juan and Uncompahgre National Forests, Colorado, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Lizard Head Wilderness—Proposed", dated November 1980, and which shall be known as the Lizard Head Wilderness;

(8) certain lands in the Pike National Forest, Colorado, which comprise approximately one hundred and six thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness—Proposed", dated June 1980, and which shall be known as the Lost Creek Wilderness;

(9) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately one hundred and three thousand acres, as generally depicted on a map entitled "Maroon Bells—Snowmass Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Maroon Bells-Snowmass Wilderness as designated by Public Law 88-577;

(10) certain lands in the Arapaho and Pike National Forests, Colorado, which comprise approximately seventy three thousand acres, as generally depicted on a map entitled "Mount Evans Wilderness—Proposed", dated June 1980, and which shall be known as the Mount Evans Wilderness;

(11) certain lands in the San Isabel National Forest, Colorado, which comprise approximately twenty six thousand acres, as generally depicted on a map entitled "Mount Massive Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Massive Wilderness;

(12) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately sixteen thousand two hundred acres, as generally depicted on a map entitled "Mount Sneffels Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Sneffels Wilderness;

(13) certain lands in the Routt National Forest, Colorado, which comprise approximately sixty eight thousand five hundred acres, as generally depicted on a map entitled "Mt. Zirkel Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness as designated by Public Law 88-577;

(14) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand nine hundred acres, as generally depicted on a map entitled "Neota Wilderness Proposal", dated October 1979, and which shall be known as the Neota Wilderness;

(15) certain lands in the Arapaho National Forest, Colorado, which comprise approximately fourteen thousand one hundred acres, as generally depicted on a map entitled "Never Summer Wilderness—Proposed", dated September 1980, and which shall be known as the Never Summer Wilderness;

(16) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately sixty eight thousand acres, as generally depicted on a map entitled "Raggeds Wilderness—Proposed", dated November 1980, and which shall be known as the Raggeds Wilderness;

(17) certain lands in the Roosevelt and Routt National Forests, Colorado, which comprise approximately forty-eight thousand nine hundred and thirty acres, as generally depicted on a map entitled "Mount Rawah Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Rawah Wilderness as designated by Public Law 88-577: Provided, That the Secretary shall permit motorized access and the use of motorized equipment used for the periodic maintenance and repair of the McGuire Water Transmission Line ditch;

(18) certain lands in the San Juan National Forest, Colorado, which comprise approximately one hundred and thirty thousand acres, as generally depicted on a map entitled "South San Juan Wilderness—Proposed", dated October 1979, and which shall be known as the South San Juan Wilderness;

(19) certain lands in the Rio Grande and San Juan National Forests, Colorado, which comprise approximately sixty-six thousand acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness as designated by Public Law 93-632; and

(20) certain lands in the Gunnison National Forest, Colorado, which comprise approximately one hundred and thirty three thousand acres, as generally depicted on a map entitled "West Elk Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the West Elk Wilderness as designated by Public Law 88-577.

(b) The previous classifications of the Uncompahgre Primitive Area and the Wilson Mountains Primitive Area are hereby abolished.

SEC. 103. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

certain lands in the Black Hills National Forest, South Dakota, which comprise approximately ten thousand seven hundred acres, as generally depicted on a map entitled "Black Elk Wilderness—Proposed", dated October 1979, and shall be known as the Black Elk Wilderness; provided that the provisions of the Act establishing the Custer State Park Sanctuary (41 Stat. 986) and the later named Norbeck Wildlife Preserve (63 Stat. 708) shall also apply to the Black Elk Wilderness to the extent they are not inconsistent with the provisions of the Wilderness Act.

SEC. 104. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Title and legal descriptions of each wilderness area designated by this Title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

Sec. 105. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendation on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following lands:

(1) the Buffalo Peaks Wilderness Study Area, consisting of approximately fifty-six thousand nine hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Buffalo Peaks Wilderness Study Area Proposal", dated June 1980;

(2) the Fossil Ridge Wilderness Study Area, consisting of approximately fifty-four thousand seven hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Fossil Ridge Wilderness Study Area Proposal", dated December 1979;

(3) the Greenhorn Mountain Wilderness Study Area, consisting of approximately twenty-two thousand three hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Study Area Proposal", dated June 1980;

(4) the South San Juan Wilderness Expansion Study Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Montezuma Peak-V Rock Trail Wilderness Study Area," dated June 1980;

(5) the Piedra Wilderness Study Area, consisting of approximately forty-one thousand five hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Study Area Proposal", dated June 1980;

(6) the Sangre de Cristo Wilderness Study Area, consisting of approximately two hundred and twenty-one thousand acres in the Rio Grande and San Isabel National Forests, as generally depicted on a map entitled "Sangre de Cristo Wilderness Study Area Proposal", dated June 1980;

(7) the Spanish Peaks Wilderness Study Area, consisting of approximately nineteen thousand six hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Study Area Proposal", dated June 1980;

(8) the Vasquez Peak Wilderness Study Area, consisting of approximately twelve thousand eight hundred acres in the Arapaho National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Study Area Proposal", dated September 1980; and

(9) the West Needle Wilderness Study Area, consisting of approximately fifteen thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "West Needle Wilderness Study Area Proposal", dated June 1980.

(b) The Secretary of the Interior and the Secretary of Agriculture shall review jointly the Wheeler Geologic Study Area consisting of approximately fourteen thousand acres in the Gunnison National Forest, as generally depicted on a map entited "Wheeler Geologic Study Area Proposal", dated November 1980, and within three years following the date of enactment of this Act shall report to the President and to Congress their recommendations for management of the lands in such study area. In making such review and report, such Secretaries shall consider—

(1) the natural, historical, cultural, scenic, economic, educational, scientific, energy, mineral, and geologic values of the study area;

(2) the management and protection of fragile geologic resources within the area;

(3) possible land management options or designations including national park, national monument, or national recreation area designation; addition to the National Wilderness Preservation System; special administrative designations; and management under the general laws and regulations applicable to the National Forest System;

(4) the effect of possible land management options on consumers, national security, and national, State and local economies, including timber harvest, tourism, grazing, energy, water, mineral, and other commercial activities;

(5) the need for additional mineral exploration in such area; and

(6) the suitability and desirability of permanent or temporary road or other mechanized access into the study area, with special attention to access by the elderly and the handicapped.

(c) Subject to valid existing rights, the study areas designated by subsections (a) and (b) of this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: Provided. That with respect to grazing of livestock and oil, gas, or mineral exploration and development activities, such study areas shall be administered according to the laws generally applicable to the National Forest System.

Sec. 106. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following area:

(1) the Oh-Be-Joyful Wilderness Study Area, consisting of approximately five thousand five hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Oh-Be-Joyful Wilderness Study Area—Proposed", dated November 1980.

(b) Subject to valid existing rights, the Oh-Be-Joyful Wilderness Study Area shall be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided*, That such management requirement shall not extend beyond a period of two years from the date of submission to Congress of the President's recommendation that such area be designated as wilderness, or beyond the date of submission to Congress of the President's recommendation that such area not be designated as wilderness: *Provided further*, That, with respect to oil, gas and mineral exploration and development operations in such study area, the terms of the Wilderness Act of 1964 shall apply.

Sec. 107. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Colorado reviewed in such Final Environmental Statement and not designated as wilderness or for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Sec. 108. The Congress hereby declares that, without amending the Wilderness Act of 1964, with respect to livestock grazing in National Forest wilderness areas, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading "Grazing in National Forest Wilderness" in the House Committee Report (H. Report 96-617) accompanying this Act.

Sec. 109. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in National Forest System components of the National Wilderness Preservation System in the State of Colorado, to insure that—

(a) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(b) policies, practices, and regulations are developed that will allow timely and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

Sec. 110. Congress does not intend that designation of wilderness areas in the State of Colorado lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

Sec. 111. (a) The boundaries of Rocky Mountain National Park, the Roosevelt National Forest, and the Arapaho National Forest are revised as generally depicted on the map entitled "Boundary Adjustments, Rocky Mountain National Park", numbered

121-80,047, dated October 1, 1979, which shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of the Interior, and the Office of the Chief, Forest Service, Department of Agriculture: *Provided*, That the area shown on such map as E-5 and known as the Twin Sisters area shall remain a part of Rocky Mountain National Park. All lands added or transferred by this Act to Rocky Mountain National Park, Roosevelt National Forest, and Arapaho National Forest shall be subject to the laws and regulations applicable to the appropriate National Park or National Forest. Lands within the Indian Peaks Wilderness Area as designated by Public Law 95-450 (92 Stat. 1099) that are transferred by this Act to Rocky Mountain National Park shall remain in the National Wilderness Preservation System. Lands within the Rocky Mountain National Park that are adjacent to the Indian Peaks Wilderness and that are transferred by this Act to the Roosevelt National Forest shall be incorporated in and become part of the Indian Peaks Wilderness.

(b) The Secretary of the Interior, with respect to lands added or transferred by this Act to Rocky Mountain National Park, and the Secretary of Agriculture, with respect to lands added or transferred by this Act to Roosevelt and Arapaho National Forests, may acquire lands and interests in such lands, by donation, purchase with donated or appropriated funds, or by exchange. The Secretary of Agriculture, under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended, may accept on behalf of the United States title to any land in section 30, township 7 north, range 73 west, of the sixth principal meridian which lies within the boundary of Rocky Mountain National Park as revised by this Act, in exchange for which the Secretary of the Interior, notwithstanding section 8(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 906), is authorized to issue patent to lands lying within the Cache La Poudre Wild and Scenic River study corridor. Upon completion of the exchange, the Secretary of Agriculture shall transfer to the administrative jurisdiction by the Secretary of the Interior the portion of such land lying within the boundary of the Rocky Mountain National Park as revised by this Act.

(c) The Federal lands within the administrative jurisdiction of the Bureau of Land Management and within the areas referred to as E-2 and GL-3 on the map referred to in subsection (a) shall be transferred to Rocky Mountain National Park without transfer of funds.

(d) If the city of Longmont, Colorado, notifies the Secretary of the Interior that lands within the area referred to as E-8 on the map referred to in subsection (a) of this section that are owned by such city are necessary for the development of a reservoir, the Secretary shall by publication of a revised boundary description in the Federal Register revise the boundary of Rocky Mountain Park within such area to exclude the lands which are necessary for the development of the reservoir: *Provided*, That the authority of such Secretary to revise the boundary for this purpose shall expire on November 1, 1981; and the only lands which may be excluded are the approximately one hundred twenty-nine acres owned by such city.

(e) If after the completion of two complete fiscal years following the date of enactment of this Act the Secretary of the Interior has not purchased interests in the lands of approximately one thousand two hundred acres known as the Old McGregor Ranch located within the area referred to as E-2 on the map referred to in subsection (a), and the owner of such lands petitions the Secretary to exclude such lands from Rocky Mountain National Park, the Secretary shall by publication of a revised boundary description in the Federal Register return the boundary of Rocky Mountain National Park in such area E-2 to the boundary as it existed before the enactment of this Act.

(f) The Secretary of the Interior shall convey, to the city of Grand Lake, Colorado, without compensation or consideration, the lands, not to exceed two acres, within the area referred to as GL-5 on the map referred to in subsection (a).

(g) The Secretary of the Interior may provide for the use of snowmobiles along the East Shore Trail of Shadow Mountain Lake if after study the Secretary determines such use will not result in any significant adverse impact upon wildlife.

TITLE II

SEC. 201. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(a) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand five hundred and thirty acres, are generally depicted on a map entitled "Bell Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Bell Mountain Wilderness;

(b) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately three thousand nine hundred and twenty acres, are generally depicted on a map entitled "Rockpile Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Rockpile Mountain Wilderness;

(c) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand four hundred acres, are generally depicted on a map entitled "Piney Creek Wilderness—Proposed", dated February 1980, and shall be known as the Piney Creek Wilderness;

(d) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Devils Backbone Wilderness—Proposed", dated February 1980, and shall be known as the Devils Backbone Wilderness;

(e) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand one hundred acres, are generally depicted on a map entitled "Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness;

(f) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand nine hundred and eighty acres, are generally depicted on a map entitled "Hell Hole Bay Wilderness—Proposed", dated May 1980, and shall be known as the Hell Hole Bay Wilderness;

(g) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand acres, are generally depicted on a map entitled "Little Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness;

(h) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand six hundred and forty acres, are generally depicted on a map entitled "Wambaw Creek Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Creek Wilderness;

(i) certain lands in the Kisatchie National Forest, Louisiana, which comprise approximately eight thousand seven hundred acres, are generally depicted on a map entitled "Kisatchie Hills Wilderness—Proposed", dated May 1980, and shall be known as the Kisatchie Hills Wilderness.

MAPS AND DESCRIPTIONS

SEC. 202. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 203. Subject to valid existing rights, each wilderness area designated by this Title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill insert the following:

To designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes.

Mo Udall,
Phillip Burton,
John F. Seiberling,
Peter H. Kostmayer,
Bruce F. Vento,
Ray Kogovsek,
Don H. Clausen,
James P. Johnson,
Managers on the Part of the House.

Henry M. Jackson,
Dale Bumpers,
John Melcher,
Mark O. Hatfield,
James A. McClure,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

1. TITLE

The Senate amendment titled the bill the "Colorado National Forest Wilderness Act of 1980." The House bill has no title.

Because both bills have wilderness designations in states other than Colorado, the conferees agreed to delete any title from the bill.

2. FINDINGS AND PURPOSES

The Senate amendment contains a section delineating certain findings and purposes relating to national forest lands in Colorado only. The House bill has no such provision.

The conferees agreed to the Senate findings and purposes with certain changes.

3. WILDERNESS DESIGNATIONS

Big Blue Wilderness: The House bill proposes a wilderness of approximately 100,000 acres, whereas the Senate amendment has some 83,100 acres (recent Forest Service calculations estimate the Senate proposal at closer to 95,000 acres).

The conferees agreed to the Senate boundary with three minor changes. The first adds some 2,500 acres (included in the House bill) in the Dexter Creek drainage, much of which lies within the existing Uncompahgre Primitive Area. The second excludes several hundred acres of land near Baldy Peak which are used by grazing permittees for frequent motorized access and intensive management activities associated with livestock grazing. The third change extends the wilderness by several hundred acres in the vicinity of Nellie Creek to provide for a more enforceable boundary on the ground. The new wilderness adopted by the Conferees totals approximately 97,700 acres.

Cache La Poudre Wilderness: Both the House bill and the Senate amendment propose an identical 9,400 acre wilderness.

Collegiate Peaks Wilderness: The conferees agreed largely to the Senate proposal. However, they deleted the portion of the Senate's La Plata Peak addition which lies east of the western edge of Crystal Creek, and deleted an area of private land (patented mining claims) in the headwaters of Lincoln Creek. A corridor was left in wilderness to connect the Independence Mountain portion of the wilderness to the main portion. The House boundary was followed in Sayres Gulch and in Tellurium Creek. The compromise Collegiate Peaks proposal totals approximately 159,900 acres.

Commanche Peak Wilderness: The House bill proposed a 54,490 acre wilderness, whereas the Senate amendment has a wilderness of 74,000 acres (this figure is higher than that found in Senate Report 96–914 due to changes in the boundary of Rocky Mountain National Park and the proposed wilderness which were made by amendment on the Senate floor).

The conferees agreed to reduce the Senate's addition of some 13,600 acres east of Rocky Mountain National Park in order to leave the option open for possible future construction of a highway linking the Big Thompson and Cache La Poudre Canyons. This new boundary leaves the portion of the Senate addition which lies south of Bulwark Ridge in wilderness, and creates a wilderness of some 67,500 acres. On the north end of the proposal, the conferees accepted the Senate deletions to provide for a more enforceable boundary on the ground and to eliminate any potential conflict with the proposed Grey Mountain-Idylwild water project. This boundary adjustment also corrects a mistake by which a short stretch of Colorado Route 14 was included in the House-passed wilderness.

Holy Cross Wilderness: The House bill proposes a wilderness of approximately 101,432 acres. The Senate amendment has a 134,000 acre wilderness. The conferees agreed to a wilderness of some 126,000 acres. In so doing the conferees accepted the Senate additions around Whitney Peak and Lost Lakes. These areas contain important wildlife habitat and will preserve the scenic attributes of Homestake Creek watershed, which is one of the heavily used access routes into the proposed wilderness. In keeping with this concept, it was also agreed to accept the House boundary around Holy Cross city. On the northeast end, the conferees agreed to part of the Senate addition with Cross Creek, but not Grouse Creek, going into wilderness. On the northwest the conferees accepted most of the Senate's Squaw Creek addition but left out of the wilderness several hundred acres north of Elk Park. The portions proposed for wilderness represent key wildlife areas, especially for elk. On the west side, the House boundary was used around Fulford Caves and Lime Creek and Cunningham Creek, whereas the Senate's additions in the vicinity of Tellurium Park were pulled back to the boundary originally recommended by the Forest Service. This boundary compromise will incorporate highly scenic lower elevation lands within the wilderness but exclude several areas with timber potential.

At the extreme southern end of the wilderness the conferees adopted the House proposal in and around Timberline Lake. The wilderness boundary in this area is set back 1,000 feet from the centerline of an existing powerline and right-of-way so as not to interfere with the operation and maintenance of the powerline. Finally, the conferees accepted the Senate boundary in the southeast portion of the area. The two bills' boundaries were only minimally different here but the Senate boundary appeared better from the standpoint of boundary identification.

La Garita Wilderness Additions: Both the House bill and the Senate amendment propose an identical 60,000 acre addition to the existing La Garita Wilderness.

In designating the additions to the La Garita Wilderness, the conferees and House and Senate carefully drew the boundary to exclude private lands near Bondholder Meadows and Sheep Creek. The conferees have received reports that the Forest Service intends, despite the exclusion, to acquire these lands in order to protect the adjacent wilderness from non-wilderness intrusions by man's activities. The conferees feel that such acquisition by condemnation should not occur.

Lizard Head Wilderness: The House bill would designate an approximate 40,000 acre wilderness whereas the Senate amendment would include 34,200 acres.

The conferees agreed to a slightly modified 40,000 acre version of the House boundary which contains important lower elevation lands in the Lizard Head Creek drainage and west of Flat Top and Dunn Peaks. The minor adjustments to the House boundary provide for a more recognizable boundary on the ground in the vicinity of the Lizard Head trail and on the watershed divide between Navajo and Silver Pick Basins. It was also agreed to draw the boundary so that the primitive road west of Lizard Head Creek will be closed at the existing Primitive Area boundary.

Lost Creek Wilderness: The Senate amendment would designate a 106,000 acre Lost Creek Wilderness. The House bill has no Lost Creek provision.

The Conferees adopted the Senate provision and included the Lost Creek area in wilderness. A description of the area can be found in Senate Report 96–914 (pages 17–18). The access proviso contained in the Senate bill was deleted. However, the conferees note that access for the reasonable use and enjoyment of the property, including the associated water rights, owned by the Board of Water Commissioners of the city and county of Denver in the vicinity of Lost Creek is secured under the Wilderness Act and under Section 1323 of the recently passed Alaska National Interest Lands Conservation Act.

Maroon Bells-Snowmass Wilderness: The boundaries of the House bill and the Senate amendment were substantially the same, with wilderness designations of 101,500 and 100,000 acres respectively.

The conferees agreed to the Senate's small deletion along Bulldog Creek, on the south side of Mount Sopris, in order to allow unimpeded access to an existing mine, and to a Senate addition in the Lead King Basin (also known as Mineral Point). Otherwise, the conferees adopted the House boundary which includes lands in the vicinity of Teocali Mountain and Copper Creek in wilderness. The proposed wilderness totals approximately 103,000 acres.

Mount Evans Wilderness: The House bill followed the President's recommendation and boundaries for an approximately 74,000 acre wilderness. The Senate amendment followed the same recommendation except that 1,000 acres were deleted along the eastern edge of the proposal in order to "insure more adequate fire protection," and to provide for a more enforceable boundary on the ground.

The conferees note that section 4(d) (1) of the Wilderness Act provides for adequate fire protection measures within wilderness (more detailed discussions of the issue can be found in House Reports 95–540 and 96–1223) and that the 1,000 acre area need not be deleted for fire management reasons. However, the 1,000 acre Senate deletion was agreed to by the conferees to provide for a more enforceable and recognizable boundary on the ground.

Mount Massive Wilderness: Both the House bill and the Senate amendment proposal identical 26,000 acres wilderness areas in the San Isabel National Forest, but with different names. The conferees agreed to name the 26,000 acre area the "Mount Massive" Wilderness.

Mount Sneffels Wilderness: Both the House bill and the Senate amendment propose an identical 16,200 acre wilderness.

Mount Zirkel Wilderness Additions: Both the House bill and the Senate amendment propose additions to the existing Mount Zirkel Wilderness of approximately 68,000 acres. However, there are 10 boundary differences between the two proposals.

The conferees agreed to accept the Senate deletions in the following areas: (1) a small deletion near Swamp Park which removes a water ditch from wilderness; (2) a 900 acre deletion south of Rainbow Lakes to avoid conflicts with intensive grazing management activities; (3) a 900 acre deletion north of Rainbow Lakes to exclude two existing mining operations; (4) a 200 acre deletion to allow motorized vehicle use by grazing permittees on the Grizzly-Helena trail; and (5) a 200 acre deletion to exclude the Lookout Ditch.

The conferees agreed to the Senate's deletion of the approximate 8,000 acre area around Trail Creek, Dome Peak and Manzanares Lake, which includes stands of commercial timber, but followed the House boundary around Burn Creek. This latter area was judged critically important for elk calving by the Colorado Division of Wildlife. On the north end the smaller House proposal was followed around Stump Park, whereas the more expansive Senate boundary was accepted to the south around Round Mountain and Newcomb Park.

Neota Wilderness: Both the House bill and the Senate amendment propose an identical 9,900 acre Neota Wilderness.

Never Summer Wilderness: The House bill proposes a 14,900 acre Never Summer Wilderness. The Senate amendment is for 14,100 acres.

The conferees agreed to the Senate amendment which excludes a 600 acre area which is subject to a potential land exchange with the State of Colorado.

Raggeds Wilderness: The House bill proposes a wilderness of 67,000 acres whereas the Senate amendment has 68,000 acres. There are several major boundary differences between the two areas including Treasure Mountain, Oh-Be-Joyful and lands along the Kebler Pass road. The conferees agreed to an approximate 68,000 acre wilderness which includes the Senate's Treasure

Mountain and the northwest portion of the Senate's Kebler Pass addition. A small Senate deletion in Buck Creek was also agreed to, whereas the House boundary was followed in the vicinity of the Munsey-Ruby Stock Drive.

The 5,500 acre Oh-Be-Joyful area was designated as a wilderness study area. The conferees believe the area has both high wilderness and mineral values and decided that more information was needed before a final land allocation decision is reached. In this regard, the conferees agreed that adequate subsurface mineral information should be available to Congress so that informed decisions can be made as to whether to designate the area as wilderness. It was agreed that the area would be subject to mineral exploration and development subject to the management provisions of subsection 4(d)(3) of the Wilderness Act.

Rawah Wilderness Additions: The House bill designates a 49,930 acre addition to the existing Rawah Wilderness. The Senate amendment has 48,800 acres.

The conferees agreed to the House version which includes a proviso to insure motorized access to the McGuire Water Transmission Line ditch to permit periodic maintenance and repair. With the acceptance of this proviso, the 130 acre Senate deletion becomes unnecessary.

South San Juan Wilderness: Both the House bill and the Senate amendment designate an identical 130,000 acre South San Juan Wilderness. The conferees agreed that the appropriate Committees of the House and Senate will re-examine this boundary in the 97th Congress to determine if a boundary adjustment should be made to accommodate vehicular traffic into several lakes within the proposed wilderness.

Weminuche Wilderness Additions: Both the House bill and the Senate amendment call for identical 66,000 acre additions to the existing Weminuche Wilderness.

West Elk Wilderness Additions: The House bill proposes additions of approximately 130,000 acres to the existing West Elk Wilderness. The Senate amendment proposes additions of 131,000 acres. The conferees agreed to an approximate 133,000 acre wilderness, accepting the House boundary in West Elk Creek, Minnesota Pass, Sink Creek/Lunch Creek, Mill Creek and Upper Squirrel Creek. The Senate boundary was followed around Mount Gunnison, Soap Creek, and Beaver Creek.

Black Elk Wilderness (South Dakota): Both the House bill and the Senate amendment propose an identical 10,700 acre wilderness.

The conferees agreed to name the wilderness after the famous Sioux Chief, Black Elk.

Bell Mountain, Rockpile Mountain, Piney Creek and Devil's Backbone Wilderness (Missouri): The Senate amendment proposes an 8,530 acre Bell Mountain Wilderness, a 3,920 acre Rockpile Mountain Wilderness, an 8,400 acre Piney Creek Wilderness and a 6,800 acre Devil's Backbone Wilderness—all in the Mark Twain National Forest, Missouri. The House bill has no such proposals, but identical wilderness designations were passed by the House as part of H.R. 5341.

The conferees agreed to the four identical proposals of the Senate amendment and H.R. 5341. Descriptions and discussion of the four areas can be found in House Report 96–1088, parts 1 and 2. The conferees note that maps and legal descriptions of these four Missouri areas should be filed with the Committees on Agriculture as well as the House Committee on Interior and Insular Affairs and the Senate Energy and Natural Resources Committee.

Wambaw Swamp, Hell Hole Bay, Little Wambaw Swamp, and Wambaw Creek Wilderness (South Carolina): The Senate amendment proposes a 5,100 acre Wambaw Swamp Wilderness, a 1,980 Hell Hole Bay Wilderness, a 5,000 acre Little Wambaw Swamp Wilderness, and a 1,640 acre Wambaw Creek Wilderness—all in the Francis Marion National Forest, South Carolina. The House bill has no such proposals, but identical wilderness designations were passed by the House as part of H.R. 5341.

The conferees agreed to the four identical proposals of the Senate amendment and H.R. 5341. Descriptions and discussion of the four areas can be found in House Report 96–1088, Parts 1 and 2. The conferees note that the maps and legal descriptions should be filed with the Committees on Agriculture as well as with the House Committee on Interior and Insular Affairs and the Senate Energy and Natural Resources Committee.

Kisatchie Hills Wilderness (Louisiana): The Senate amendment proposes an 8,700 acre Kisatchie Hills Wilderness in the Kisatchie National Forest, Louisiana. The House bill has no such proposal, but an identical designation passed the House as part of H.R. 5341.

The conferees agreed to the identical proposal of the Senate amendment and H.R. 5341. A description and discussion of the Kisatchie Hills area can be found in House Report 96–1088, Parts 1 and 2. The conferees note that maps and legal descriptions of this area should be filed with the Committees on Agriculture as well as with the House Committee on Interior and Insular Affairs and the Senate Energy and Natural Resources Committee.

The conferees note that the Kisatchie National Forest exists today largely due to the unfailing efforts of Caroline Dormon who led the effort to establish the forest in the 1920's. In recognition of these efforts, the conferees feel the Forest Service may wish to mention Mrs. Dormon's interest and dedication in informational literature which may be published regarding the new wilderness, or take other measures (such as the posting of signs or plaques at prominent entry or use points in the Kisatchie Hills Wilderness) which the Forest Service feels would commemorate Mrs. Dormon's affection for, and devotion to, the area.

4. WHEELER GEOLOGIC STUDY AREA

Section 2 of the House bill provides for a joint Department of the Interior/Department of Agriculture study to formulate recommendations for the future management of an 11,000 acre area adjacent to the existing wilderness. Section 4(b) of the Senate amendment mandates a similar study on approximately 21,000 acres.

The conferees agreed to a 14,000 acre study area. Further discussion of the study area can be found in the House and Senate Reports accompanying the bill.

5. WILDERNESS STUDY AREAS

The Senate Amendment designates nine areas in Colorado for further wilderness study. The House bill has no such provision, except for the Wheeler Geologic Study Area discussed previously in this Joint Statement of Managers.

The Conferees agreed to the Senate study area and interim management proviso. The wilderness study period of the Senate bill was changed from 2 to 3 years. Where possible, it is the intention of the conferees that the studies be incorporated into the land management plans required by the National Forest Management Act of 1976.

6. OTHER PRESIDENTIAL WILDERNESS RECOMMENDATIONS

In the course of considering H.R. 5487, both the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources have carefully examined the administration's recommendation for wilderness designations of the following roadless areas:

Area name	Rare II I.D. No.	Approximate acreage
Kannah Creek	O2–195	30,200
Willow Creek (Pawnee Grasslands)	A2–309	12,800
Hermosa	A2–306	76,000
Roubideau	O2–241	16,000
Tabeguache	O2–242	7,800

The conferees determined that the 800 acre North Platte Area (A2080), should remain as a pending wilderness recommendation. The conferees expect that the North Platte Area (which lies mostly in Wyoming but has a small portion in Colorado) will be addressed in future legislation dealing with the State of Wyoming.

The two Committees and the conferees have determined that the 5 above listed areas should not be designated as wilderness and that the lands should become available for appropriate nonwilderness multiple uses in accordance with the laws and regulations generally applicable to National Forest lands not designated as wilderness. Of course, the portions of administration recommended wilderness lying adjacent to the wilderness and wilderness study designations of this bill and not selected for wilderness or wilderness study designation also fall within this category.

The conferees note that in correspondence between the Department of Agriculture and the two Committees and various Members of Congress, the Department of Agriculture has indicated that the foregoing language would be an adequate indication of legislative intent to not designate as wilderness a RARE II roadless area that had been recommended as wilderness by the administration, and to free such areas for nonwilderness multiple use management.

7. WILDERNESS REVIEW CONCERNS

Section 5 of the Senate amendment contains so-called "release/sufficiency" language addressing the wilderness review and future management of areas not designated as wilderness by the bill or remaining in wilderness study or administrative "further planning" upon enactment of the bill. The House bill contains no such provision.

The conferees agreed to the Senate provision with a technical amendment to insure that its application is limited to national forest lands in Colorado. A thorough discussion of this matter can be found on pages 23–27 of Senate Report 96–914.

8. GRAZING

The House bill directs a review of all policies, practices, and regulations of the Department of Agriculture pertaining to livestock grazing in national forest wilderness areas nationwide and instructs the Forest Service to implement new policies, practices and regulations where necessary to conform livestock grazing management in wilderness with the intentions of Congress. This mandate is embellished with House Committee Report language containing guidelines which explain the intentions of Congress.

The Senate amendment legislatively incorporates these guidelines by reference and statutorily applies them to areas in Colorado only.

The conferees agreed to a modified provision, which is nationwide in its application of the guidelines. The conferees are pleased to note that the Forest Service has indicated that it is already beginning to implement the guidelines and it is the understanding of the conferees that the authorizing committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines are adhered to by the Forest Service. Of course, the reference to the guidelines in this bill does not preclude the Congress from reconsidering the issue of grazing in wilderness areas statutorily in the future if future oversight hearings reveal that the guidelines are not being applied in accordance with Congress intentions.

9. ACCESS

Section 7 of the Senate amendment contains a provision pertaining to access to non-Federally owned lands within national forest wilderness areas in Colorado. The House bill has no such provision.

The conferees agreed to delete the section because similar language has already passed Congress in section 1323 of the Alaska National Interest Lands Conservation Act.

10. FIRE, INSECTS AND DISEASE

The Senate amendment has a provision directing the Secretary of Agriculture to review policies and practices related to control and management of disease, insect outbreaks and fire in national forest wilderness areas in Colorado. The House bill has no such provision.

The conferees accepted the Senate provision but struck the words "cost effective" because it was determined that the most cost effective measures of controlling fire, insects and disease might not always constitute the most appropriate or desirable approach to fire, insect and disease management.

11. BUFFER ZONES

The Senate amendment contains a provision making it clear that the designation of wilderness areas in Colorado should not lead to the creation of "protective perimeters or buffer zones" around such areas. The House bill has no such provision.

The conferees agreed to the Senate provision.

12. ROCKY MOUNTAIN NATIONAL PARK

The Senate amendment contained a provision applying to boundary modifications for Rocky Mountain National Park. The House bill has no such provision.

The conferees accepted the Senate provision with one modification to keep the Twin Sisters area within the Park. Further discussion of the boundary changes may be found on page 27288 of the Congressional Record for September 25, 1980.

Mo Udall,
Phillip Burton,
John F. Seiberling,
Peter H. Kostmayer,
Bruce F. Vento,
Ray Kogovsek,
Don H. Clausen,
James P. Johnson,
Managers on the Part of the House.

Henry M. Jackson,
Dale Bumpers,
John Melcher,
Mark O. Hatfield,
James A. McClure,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7765, OMNIBUS RECONCILIATION ACT OF 1980

Mr. GIAIMO. Mr. Speaker, pursuant to House Resolution 824, I call up the conference report on the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the provisions of House Resolution 824, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 26, 1980.)

The SPEAKER. The gentleman from Connecticut (Mr. Giaimo) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous matter on the conference report on H.R. 7765.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I rise with pleasure to urge the adoption of the conference agreement on the Omnibus Reconciliation Act of 1980. Approval by this House today and subsequent approval by the other body will mean a reduction in the deficit for fiscal year 1981 of $8.3 billion. Let us savor that figure for a moment—$8.3 billion on the deficit for the current fiscal year. And conversely, if we do not pass this bill, we would have to add that amount to the already much too high deficit.

It is an achievement which every Member of this body may take pride in accomplishing. It represents a demonstration of what the Congress can do in terms of self-discipline when it puts its collective mind to the task.

Many of the reductions in spending and the revenue features will result in long-term savings for the taxpayers in future years. This is, my colleagues, important for you to remember in these waning days of the 96th Congress as I speak to you about budget matters for probably the last time.

As you all are painfully aware, three-fourths of the spending that occurs in any given year is mandated by laws passed in some earlier Congress. These are the permanent appropriations, the spending from earlier budget authority, the mandatories, and the entitlements. The one-fourth of a year's spending that comes through so-called discretionary spending is largely in the field of a national defense.

Thus, in the long run, a constant effort to hold down spending must be aimed at the nondiscretionary areas. The Congress must restrain the temptation to create new and additional entitlements, and from time to time the Congress must curtail, correct, change, postpone, and eliminate some programs.

The approach should be rational and deliberate. The cuts and changes should be done with a scalpel rather than a meat axe, but the job must be done. There will always be special and vested interests that resist any change in spending programs and in taxation. The blandishments of these interests are muted, however, when the impact and burden are spread and when the resulting changes are packaged together, as in this reconciliation process. The job will never be easy. The odyssey of the reconciliation bill in this Congress underscores this fact.

The effort truly began in the marathon meetings of the House and Senate leadership with top administration representatives as they sought jointly to seek to arrest growth in spending as a means to combat runaway inflation and chaos in the marketplace.

Reconciliation was included in the first concurrent resolution on the budget for fiscal year 1981 when it was adopted 6 months ago. The various committees that were directed to achieve reforms are to be commended for their diligence in achieving the savings and revenue increases. The House passed the Omnibus Reconciliation Act of 1980 on September 4. Thereafter, the largest conference committee ever assembled met and divided itself into subconferences. The result is the agreements now before us.

Originally, savings of $6.4 billion in spending and additional revenues of $4.2 billion were agreed to in the first budget resolution. When the reconciliation measure passed the House, savings in spendings of $5.7 billion and additional revenues of $4 billion were contained in the bill. The key difference between those figures and the original goals lies in the fact that the House eliminated the provision reducing twice-a-year cost-of-living adjustments for Federal retirees to once a year. That cost us $700 million in savings.

The conference agreement contains substantially the deficit reduction contemplated in the bill that passed the House. How, then, did a reduction of $9.7 billion become $8.3 billion, the figure I cited a few moments ago?

The largest item is the trade adjustment assistance amendment, H.R. 1543. The House-passed reconciliation contained savings of $1.3 billion for this bill. postponing the effective date for the legislation until the end of the current fiscal year. But no action has been taken in the other body on this legislation. So, the saving assumed in the reconciliation bill has actually been achieved without any action on this legislation whatsoever. In short, the cost has been avoided and the $1.3 billion is not missing. There are also changes due to a later effective date and more recent economic assumptions.

In addition, net revenues are increased by $3.6 billion in this agreement, so the deficit reduction in the conference agreement is roughly $100 million under that of the House-passed bill.

In closing, Mr. Speaker, I want again to commend everyone who had a hand in this reconciliation process—those who supported the idea, my colleagues on the Budget Committee, the various chairmen who complied with the instructions of the House, all those members of all the committees involved who faithfully attended the conference meetings, the staffs of the various committees.

I want to especially pay my gratitude to one of our colleagues who has taken on this job of reconciliation for well over a year and a half, the Honorable LEON PANETTA of California, who has worked long and hard and diligently and tenaciously, and without whom, I might say, I very much doubt that there would have been a bill here today. It was Mr. PANETTA's stick-to-it-iveness and his doggedness and his understanding of what was involved and staying with it that brought about this reconciliation bill. I hope this reconciliation process will be with us, and I want to say that we are all indebted to LEON PANETTA.

When the history of the 96th Congress is written, the passage of H.R. 7765, the Omnibus Reconciliation Act of 1980, will rank among its true achievements. It is my opinion and my belief that what we are developing here is a sound and rational legislative means of looking at the nondiscretionary programs, the entitlement programs, those massive programs where huge amounts of money are automatically expended, and looking for ways in which to make those programs better.

Mr. Speaker, I urge the adoption of this bill, and I reserve the balance of my time.

☐ 1030

Mr. LATTA. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, after having been on the opposite side of many, many budget debates over the last 4 years, I am pleased today to be able to join my good friend, BOB GIAIMO, in supporting this bill. I think it is fair to say that I support it with far less enthusiasm than does our able chairman, but nonetheless, I intend to vote for this conference report.

I might say that history will reveal that the Republicans were urging that we take up this reconciliation process that was provided for under the law several months back and that finally we have gotten our Democratic colleagues to agree that reconciliation should be a part of the budget process. We welcome their support for the position that we put forth for many, many months.

On the surface, this bill represents some real progress toward getting the budget under control. The latest CBO estimates of the conference agreement show that in fiscal year 1980, spending will be $4.6 billion less than would otherwise have been the case, and the revenues will be $3.6 billion higher. This means that the 1981 deficit will be about $8.2 billion lower than would be the case if this bill is not passed. So, if any of my colleagues are thinking about voting against this reconciliation, just keep this in mind, that if you vote against it, you are saying you vote for $8.2 billion more deficit for fiscal year 1981.

ESTIMATE OF SAVINGS IN THE OMNIBUS RECONCILIATION ACT OF 1980 (H.R. 7765)

[Dollar amounts in millions]

	Estimate of savings	
	Budget authority	Outlays
Title II: Education and Labor:		
Changes to the child nutrition programs	−$375	−$375
Reform the guaranteed student loan (GSL) program by reducing default rates and other reforms in GSL and NDSL in the Education Amendment of 1980, Public Law 96–374	−432	−418
Annualizes the COLA under the Federal Employees Compensation Act (FECA)	−33	−33
Title III: Interstate and Foreign Commerce:		
Reimbursement reforms and other changes in the medicaid and medicare programs [1]	(−12)	(−915)
Benefit reforms in the railroad retirement program to decrease benefits and increase earmarked revenues into the fund	−70	−13
Public Law 96–254 provides that Amtrak capital grants will be paid as needed rather than quarterly		−172
Title IV: Post Office and Civil Service:		
Reforms various pay and retirement provisions for Federal employees	−18	−52
Reduces public service cost subsidies to the Post Office	−250	−250
Reduces present and adjusts pay forgone revenue subsidies to the Post Office	−161	−161
Title V: Public Works and Transportation:		
Decreases the fiscal 1980 and 1981 obligation ceilings on the Federal-aid highway programs		−657
Reduces the level of the airways program (ADAP) in the reauthorization bill, H.R. 6721	−300	−60
Highway safety	−5	−15
Title VI: Small Business:		
Public Law 96–302 provides that agricultural disaster loans would be limited largely to existing Farmers Home Administration programs	−800	−600
Title VII: Veteran's Affairs:		
Tightens eligibility criteria for medical care	−109	−109
Reduces flight training and correspondence course benefits, among other changes	−32	−32
Improves the collection of debts from VA loans	−144	−144
Reduces VA COLA	−202	−208
Title VIII: Ways and Means (spending):		
Reimbursement reforms and other changes in the medicaid and medicare programs	−12	−915
Unemployment compensation benefits	−32	−147
Social security benefits and other	+1	−35
Public Law 96–265 and Public Law 96-272 (Disability Insurance and Adoption Assistance) includes savings in welfare and disability programs	−118	−235
Total savings	−3, 092	−4, 631
		Revenue increases
TITLE IX: Ways and Means (revenues):		
Increases duty on imports of ethyl alcohol to be used in, or as, a fuel		+12
Provides royalty owners with a credit of up to $1,000 against the windfall profits tax imposed during 1980		−180
Requires corporations that earn more than $1,000,000 to pay estimated taxes of at least 60 percent of the current year's liability, instead of basing estimated taxes only on last year's liability		+3, 063
Restricts issuance of tax-exempt mortgage subsidy bonds		+256
Postpones the scheduled decreases in the Federal telephone excise tax, 1 yr		+358
Includes employee FICA taxes paid by an employer as part of the employee income for tax and transit purposes		+44
Taxes gains on sales of foreign investment in U.S. real estate		+42
Termination of special Federal funding of unemployment benefits paid to CETA workers		+50
Total revenue increases		+3, 645
Total impact on deficit		+8, 276

[1] Nonadd. Also reflected under Ways and Means Committee.

COMPARISON OF FIRST AND SECOND BUDGET RESOLUTION RECONCILIATION ASSUMPTIONS

[In millions of dollars]

	First Budget Resolution assumption		House-passed reconciliation bill		Second Budget Resolution assumption		Conference agreement	
Committee: Program	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Interstate and Foreign Commerce:								
Amtrak		−100		−155		−155		−172
Railroad rehabilitation					−70	−13	−70	−13
Railroad retirement		−100	+27	−24	+27	−24		
Health	−200	−200	−23	−170	−23	−170	−12	−915
Ways and Means:								
Health		−1, 200	+4	−754	+4	−754		
DI		−100	−118	−235	−118	−235	−118	−235
AFDC	−500	−500						
Unemployment compensation	−200	−200	−70	−70	+50	+50	−32	−147
Trade adjustment assistance			−1, 277	−1, 277	−1, 277	−1, 277		
Social security benefits, prisoners, etc							+1	−35
Post Office and Civil Service:								
Pay entitlements			−78	−153	−78	−153	−18	−52
COLA	−500	−500				−400		
Public service cost subsidies	−500	−500	−250	−250	−250	−250	−250	−250
Forgone revenue subsidies			−216	−216	−216	−216	−161	−161
Public Works and Transportation:								
Highway reductions	−300	−700		−700		−700		−657
Airport/airway	−300	−50	−300	−60	−300	−55	−300	−60
Highway safety							−5	−15

Committee: Program	First Budget Resolution assumption		House-passed reconciliation bill		Second Budget Resolution assumption		Conference agreement	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Education and Labor:								
Child nutrition	−500	−500	−480	−483	−480	−489	−375	−375
Student loans	−350	−350	−251	−189	−432	−418	−432	−418
FECA			−33	−33	−33	−33	−33	−33
Veterans:								
Medical care	−400	−400	−109	−109	−109	−109	−109	−109
Flight training and correspondence			−63	−63	−32	−32	−32	−32
Debt	Unspecified		−116	−116	−144	−144	−144	−144
Burial benefits			−87	−87				
Veterans COLA					−71	−81	−202	−208
Armed Services: COLA	−400	−400			−300	−300		
Small Business: SBA disaster loans	−800	−600	−800	−600	−800	−600	−800	−600
Total	−4,250	−6,400	−4,239	−5,744	−4,652	−6,558	−3,092	−4,631
Revenues	4,200		4,000		4,000		3,645	

A closer examination of the conference agreement will show some real improvements over the reconciliation bill which passed the House this past September. For example, at the Senate's insistence a number of genuine permanent savings were enacted in such areas as unemployment compensation, medicare, medicaid, et cetera. In all these cases the savings are more substantial, and I emphasize that, more substantial than those in the House-passed bill. The conference report tightens up the mortgage subsidy bonds, not enough, in my opinion, but it does restrict the use of this device somewhat.

The $3.2 billion worth of cost increasing benefit improvements in the House bill was scaled back to about $800 million, a reduction of about 75 percent.

On the other hand, this conference report contains many items which have no business, and I stress that, no business in a budget reconciliation bill. I pointed that out previously on this floor and I want to emphasize it once again. As I have stated, there are still program expansions in this bill which will cost the taxpayers an additional $800 million over the next 5 years. Certainly this is not the place for such programs to be expanded. The real intent and purpose of reconciliation was to make reductions in programs and not expansions. For example, certain nutrition programs which are not scheduled to expire until next year or the year after have been reauthorized until 1984 in a very transparent attempt to keep these programs from undergoing the careful scrutiny of the normal reauthorization process.

Furthermore, many savings are achieved merely by pushing spending from 1 year into the next. For example, the monthly medicare payment to hospitals of $675 million scheduled for September 1981, is delayed one month until October 1981, in order to push the expenditures from fiscal year 1981 into fiscal year 1982.

Now, while I do not believe that on balance these abuses outweigh the positive features of this bill, we must make certain we do not repeat our mistakes when we take up reconciliation next year.

Let me also say that we should not go overboard in praising the work of the committees in coming up with these reconciliation savings. Keep in mind that the spending reductions in 1981 will total $4.6 billion out of a total budget of $632 billion.

Now, we have worked on this reconciliation bill for 6 months and only cut spending by $4.6 billion. Let me remind you that when the second budget resolution was adopted we agreed to cut $16 billion in order to keep within the $632 billion spending limitation. That means that early in the 97th Congress we are going to have to go through that reconciliation again, not just to cut $4.6 billion in spending, but to cut $16 billion. If we are successful in doing that, and I certainly hope we will be, then we will have something to be proud of. Unfortunately, I am afraid the actions of this lameduck, 96th Congress may make cuts of that magnitude impossible.

Later today, we will take up the continuing resolution for 1981 appropriations. This resolution will continue until June 5, 1981. Yet even then the total spending of the Federal Government will be only a few billion dollars under the spending ceiling of $632 billion for the entire year. What that means is that unless we act promptly to cut spending, come June 5, 1981, at the latest, we will be out of money. We will not be able to continue the operations of the Department of Health and Human Services, the Department of Education, or the Department of Labor past this date. We will not have such funds to pass the normal spring supplemental for pay, disaster assistance, and military fuel.

In short, the reconciliation bill before us today only scratches the surface when it comes to getting the budget under control. It is better than nothing, but it is only a very, very small start.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to my colleague.

Mr. MICHEL. Mr. Speaker, I just want to commend the gentleman for pointing out in his remarks the importance we attach to the concept of reconciliation as an integral part of the whole budgetary process. That has been one of our failures in the past in making the Budget Act work the way it was intended. I also want to commend the gentleman for pointing out the concerns he has with regard to the juggling of the figures.

If I may make one other further quick observation, it is that rescissions and deferrals heretofore have not really been given the kind of consideration, in my judgment, that they ought to have been given. There is no question in my mind that in the new year and with the new administration we are going to have to take a more serious approach toward rescissions and deferrals, if we are going to keep the level of expenditure in line with that established by the second budget resolution.

Mr. Speaker, I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I could not agree with the gentleman more. Let me say we are going to have to take additional steps if this Congress or the new Congress does not take some cuts in the budget, because the new administration coming in has promised the American people some savings and cutbacks to restrict the growth of this Government. If we do not do it, we are going to have to give the President the power to do it by impoundment.

Mr. GIAIMO. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I thank the gentleman for yielding and commend Mr. GIAIMO, the distinguished chairman of the committee, and also Mr. PANETTA who did such a terrific job of watchdogging this whole reconciliation procedure.

Let me very quickly run through the very extensive provisions that were included in the Committee on Ways and Means' portion of this reconciliation measure. First, in summary on the spending cuts, we have $1.7 billion of cuts in fiscal 1981, and that extends to $10.1 billion over a 5-year period, very significant. Some items that ought to be kept in mind are in the health area, the encouragement of the use of outpatient surgical centers through various devices. We provide for charges both in medicare and medicaid to be based on the date the medical service was rendered rather than the date the claim is processed. This is a very significant change that ought to be noted.

In social security we limit the time retroactive benefits may be claimed from the present 12 months to a 6-month period.

In unemployment compensation we tightened the work requirements during the period of extended benefits.

In public assistance we defer day care regulations to July 1, 1981.

Now there are a lot of other provisions, but those are some that ought to be specifically noted because they will certainly come to the attention of the Members.

The revenue measures were very significant. For fiscal 1981 we raised $3.6 billion in revenue. The housing bond measure is one that has received a great deal of attention. We did consummate that provision with very responsible restrictions. We allow housing bonds to go forward next year under responsible and liberalized provisions, very much liberalized from the House-passed bill this year.

□ 1240

The transition rules are also very significantly liberalized. Any housing bonds that are issued this year are tax exempt as long as the net proceeds are committed to the mortgagors within 1 year of the issuance date.

We also have very significantly increased the limit on market share to $200 million or 9 percent of the average of the mortgages originated in the State in the prior 3 years.

In payroll taxes, we eliminate the present exclusion which permits employers to pay an employee's social security and unemployment compensation taxes and that is a significant improvement. We exempt from that agricultural labor and domestic workers.

We have included a provision that establishes a capital gains tax on the sale of real estate by foreigners, but no withholding taxes are required.

There are many other significant provisions and I will extend my remarks in the RECORD and include all of them.

Again, I want to compliment the chairman of the Committee on the Budget and the Members of this House for using this reconciliation procedure which is a very significant advancement of the whole budgeting process.

Titles 9 and 10 of the conference agreement on H.R. 7765 provide spending reductions of $1.7 billion in fiscal year 1981 and $10.1 billion over the 5-year period from 1981 to 1985 in the medicare, medicaid, public assistance, unemployment compensation, and social security programs. New savings, not including savings already enacted as other bills, will be $1.4 billion in fiscal year 1981 and $5.7 billion during the next 5 years. Title 11 of the conference agreement includes revenue measures which will raise $3.6 billion in fiscal year 1981 and substantially larger revenues in the long run.

This bill is a historic achievement. It represents much hard work by the Ways and Means Committee and the Budget Committee. It proves that the congressional budget process works, and that Congress can reduce spending.

Let me detail briefly some of the major spending reductions contained in titles 9 and 10:

HEALTH SAVINGS

The major medicare and medicaid long-term cost savings:

First. Provide for more appropriate payment for long-term services furnished in hospitals;

Second. Limit the special 100-percent reimbursement for radiology and pathology services to physicians who accept assignment for all services furnished to hospital patients;

Third. Make medicare the secondary payor in automobile and accident liability cases;

Fourth. Encourage the use of outpatient surgical centers;

Fifth. Mandate demonstration projects relating to the training of AFDC recipients as home health aides; and

Sixth. Provide for reasonable charges to be determined based on the fee schedules in effect as of the date the medical service was rendered rather than the date the medicare claim is processed.

UNEMPLOYMENT COMPENSATION SAVINGS

Several unemployment compensation savings are included in the conference agreement which provide for approximately $300 million of savings in fiscal year 1981. These include:

First. Termination of Federal reimbursement from the Federal unemployment benefits accounts for unemployment benefits paid to CETA workers;

Second. Encouragement for a State to have a 1-week waiting period before benefits can be paid;

Third. Denial of extended benefits (benefits paid between the 27th and 39th week of unemployment and which are 50 percent federally financed) if the person is unemployed because he or she voluntarily left employment, was discharged for misconduct or refused suitable employment as defined by State law, or failed to apply for any suitable work, or failed to actively engage in seeking work.

These are reasonable changes which the Senate approved by an overwhelming margin. The House conferees did not agree to more stringent amendments which the Senate had proposed, including elimination of the national trigger.

SOCIAL SECURITY

The conference agreement includes two savings proposals in the area of social security. The first proposal was enacted earlier in separate legislation and limits the payment of social security benefits to prisoners. The second proposal to which the conferees agreed limits the time retroactive benefits may be claimed from 12 months to 6 months. Under present law, there is a 5-month waiting period for disability benefits from the onset of the disability. Consequently, for disability claimants, the conference agreement does not change present law.

PUBLIC ASSISTANCE

The conference agreement includes one savings proposal in the public assistance area which defers day care regulations until July 1, 1981. The Department of Health and Human Services is directed to assist States in the assessment of current day care practices and report by June 1, 1981. It is my hope that with this assistance, there will be no further delay in these child care standards.

REVENUE MEASURES

Title 11 of the conference agreement includes some major reforms of the tax system. Let me summarize these revenue measures:

HOUSING BONDS

The most important revenue measure in the bill is the limits placed on the use of tax-exempt State or local government bonds to finance housing. Since 1977, the use of tax-exempt bonds for this purpose has grown at an alarming rate and, if allowed to continue without restraint, would crowd out of the tax-exempt market the general obligation bonds which State and local governments must issue to conduct their regular activities. The revenue loss from unconstrained use of housing bonds would be a very serious drain on the Treasury.

The conference agreement is a modification of the Mortgage Subsidy Bond Tax Act of 1979, as it was passed by the House earlier this year. Some of the more complex restrictions of the House bill have been eased, and the transitional rules have been liberalized. The most important modification concerns the limitation in the House bill that tax-exempt housing bonds in any State not exceed the greater of $50 million per year or 5 percent of the mortgages originated in the State in the prior 3 years. The conference agreement liberalizes this market-share limitation to the greater of $200 million or 9 percent of base-period mortgages.

Until this conference, the Senate had refused even to hold hearings on the House-passed bill. Its inclusion in the conference report is a major victory for the House conferees.

The housing bond limitations in the bill will raise $256 million in fiscal year 1981 and $10.2 billion in 1985.

PAYROLL TAXES

Currently, when an employer pays an employee's social security or State unemployment compensation tax, those amounts are excluded from wages for purposes of the employer's social security tax, the Federal unemployment compensation tax, and social security benefits. This exclusion has been in the law for many years; but recently more employers have begun to take advantage of it, and it now threatens to become a major drain on the social security trust funds. The bill, therefore, eliminates this exclusion except in the case of domestic workers and agricultural workers. A 3-year transitional rule is provided for public employees in jurisdictions which were using the employer payment system as of October 1, 1980.

This change will raise $44 million in fiscal year 1981 and $328 million in 1985.

GAINS ON FOREIGNERS' REAL ESTATE

Under current law, nonresident aliens and foreign corporations are not generally subject to tax on capital gains they realize on U.S. property unless the gain is effectively connected with a U.S. trade or business. To put foreign investors on the same footing as domestic investors, the bill imposes a capital gains tax on gains by foreigners on the sale of U.S. real estate. This will raise $42 million in fiscal year 1981 and $123 million by 1985.

The Senate amendment provided a withholding requirement which would have imposed very onerous burdens on purchasers of U.S. real estate. The House conferees were successful in deleting this provision from the conference agreement.

TELEPHONE EXCISE TAX

Under current law, the telephone excise tax is scheduled to phase down from

2 percent in 1980 to 1 percent in 1981 and zero thereafter. The conference agreement delays this phasedown for 1 year, so that the tax will be 2 percent in 1981, 1 percent in 1982, and zero thereafter. This will raise $358 million in fiscal year 1981 and $570 million in 1982.

CASH MANAGEMENT

Under current law, corporations are exempt from the estimated tax penalty if their estimated tax payments equal 100 percent of their prior year's tax liability, even if this is very small in relation to the current year's tax liability. This exception enables a corporation whose tax liability is growing rapidly to pay less estimated tax than most other corporations must pay. The bill requires large corporations to make estimated tax payments of at least 60 percent of the current year's tax liabilty. This provision, which was in the House bill, will raise $3.1 billion in fiscal year 1981 and is the principal revenue raiser for fiscal year 1981.

ALCOHOL TARIFF

Present law provides an exemption from the 4-cents-per-gallon gasoline tax for gasohol which is at least 10 percent alcohol. This works out to a subsidy of 40 cents per gallon of alcohol, and the subsidy applies even if the alcohol is imported. The Senate amendment contained a 40-cent tariff on alcohol in order to offset the subsidy provided by the gasoline tax exemption. The Senate conferees fought very hard for this provision, and the conference agreement contains a tariff of 10 cents per gallon in 1981, 20 cents in 1982, and 40 cents thereafter. The tariff will apply to alcohol imported for fuel use.

The revenue effect of the alcohol tariff will be $12 million in fiscal year 1981.

WINDFALL PROFIT TAX

The conference agreement contains a credit for royalty owners equal to the first $1,000 of windfall profit tax for which they would otherwise be liable. The credit applies only to calendar year 1980. This is a provision which was in the Senate amendment, for which the Senators fought very hard, and which President Carter endorsed during the Presidential campaign. Many royalty owners have relatively low incomes, and the windfall profit tax represents an onerous burden on them. The $1,000 credit will relieve much of this burden. The revenue loss will be $180 million in fiscal year 1981.

CONCLUSION

This bill culminates a year of intensive activity to reduce Federal spending. I believe we have succeeded in developing a budget process that holds much promise for responsible reductions in Federal expenditures in the future. In this process, we have broken new ground and set a precedent for future activity.

I have supported the congressional budget process from its inception. While it has been painful at times, I believe there is no other way to achieve real reductions in Federal spending. I wish to compliment the members of my committee as well as those on the Budget Committee who worked hard to achieve this result.

Mr. Speaker, I strongly support this conference report which merits the support of all Members interested in fiscal responsibility and the restraint of Federal spending.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. Brodhead).

Mr. BRODHEAD. Mr. Speaker, I thank the gentleman for yielding.

I have a question. Mr. Speaker, for the chairman of the Committee on Ways and Means.

Mr. Speaker, section 905 of the reconciliation bill authorizes the Secretary of HHS to withhold Federal medicaid payments from providers and physicians, in order to recover medicare overpayments. The Secretary can use this procedure in two cases: Where the provider is no longer participating in medicare or where he or she is participating at such a minimal level that recovery cannot be made.

I am concerned about the case where the State medicaid agency is enjoyed by a court from withholding medicaid payments from a provider for a period of time, and therefore cannot pass the reduction on to the provider. Is it the intent of the bill that the Secretary of HHS recognize the State's inability to withhold funds when enjoined by a court, and that the Secretary withhold medicaid funds from the State agency only after this period has expired?

The SPEAKER. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Speaker, I yield the gentleman from Oregon (Mr. Ullman) 2 additional minutes.

Mr. ULLMAN. Mr. Speaker, I want to say to my friend from Michigan I have carefully examined this matter and the answer is yes.

Mr. BRODHEAD. Mr. Speaker, I thank the chairman and I thank the chairman of the Committee on the Budget.

Mr. GIAIMO. Mr. Speaker, will the gentleman from Oregon yield to me?

Mr. ULLMAN. I will be happy to yield to the distinguished chairman.

Mr. GIAIMO. Mr. Speaker, I want to commend my friend from Oregon, the chairman of the Committee on Ways and Means, for the work which he has done in making this reconciliation bill possible. As we know, this reconciliation bill covers many activities in many committees but one of the key parts of it was the revenue section which dealt with $3.6 billion. That is a substantial portion of additional revenue. This would not have happened without dedication and work on the part of the Committee on Ways and Means and its counterpart in the other body, the Senate Finance Committee. Certainly it would not have happened without the ability and the dedication of the chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. Ullman), who worked so hard on this bill, starting back in the days of late winter until now, to make this bill possible. I want to express my gratitude to the chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. Ullman), for all that he has done.

He has made a great contribution to fiscal responsibility and to the welfare of our Nation.

Mr. ULLMAN. Mr. Speaker, I want to thank the gentleman. I would like to say as the original author of the budget bill, the first chairman of the House committee, that I am pleased to look at the record of progress we have made. I think that this reconciliation procedure is a significant tightening and advancement of the whole concept of budgeting, something that should give all of us heart that we do have the courage to move on tight budget procedures.

The SPEAKER pro tempore (Mr. Moakley). The Chair recognizes the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. Mr. Speaker, in view of the great importance of this omnibus reconciliation bill as a precedent to reduce $4.6 billion in overall Federal spending, and to reduce the projected 1981 deficit by $8.3 billion, through major law changes to achieve savings, I intend to vote for this conference report.

I voted against the bill when it passed the House, in part because I opposed the preferential twice-a-year cost of living pension adjustment that was included for Federal Government retirees, while others receiving social security, other Federal benefits, and private sector pensions are restricted to once-a-year cost-of-living adjustments if they get such adjustments at all.

I am still troubled by the inclusion of the twice-a-year COLA for Federal Government retirees.

The question of whether they need or deserve to have their pensions adjusted twice-a-year to keep up with inflation is irrelevant, since the increases are based on the consumer price index, which rises more rapidly than a retiree's cost-of-living.

Therefore, a once-a-year COLA for Federal pensioners would be quite adequate to keep them ahead of inflation.

But that is not the full extent of my concern.

By demanding a twice-a-year cost-of-living pension adjustment while others receive a once-a-year adjustment or none at all, Federal retirees are asking for a special privilege denied to others.

By seeking special privilege, especially at the expense of those who cannot enjoy that privilege, Federal retirees are running the risk of losing whatever benefit they may temporarily gain through the possible elimination of all indexing of Federal benefits sometime in the future.

Mr. Speaker, I will vote for this bill, because it represents an important precedent for reducing Federal spending in many areas of the budget.

I hope, however, that Federal retirees and their lobbyists will look carefully at their demands for continued twice-a-year cost-of-living pension adjustments, in light of the possible counterproductive ramifications of this double-indexing privilege.

Mr. LATTA. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, let me say to my friend, the gentleman from Arizona (Mr. RUDD), I appreciate the gentleman's remarks. I just want to say COLA was not put in. It was not taken out. The law was not changed.

Mr. RUDD. Will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Arizona.

Mr. RUDD. I understand that. I voted against it the way it came out of the House the first time because of that COLA.

Mr. LATTA. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I and my colleagues on the minority side have looked forward to this day for several years. We have been urging the use of the reconciliation tool from the beginning of the budget process, oftentimes with opposition from our majority colleagues.

Today we are considering for final action a historic piece of legislation, the omnibus reconciliation bill of 1980. This legislation marks the efforts of many persons on both sides of the aisle who care deeply about the congressional budget process and out-of-control Government spending.

Mr. Speaker, reconciliation will be one of the positive accomplishments of the 96th Congress.

Overall, Mr. Speaker, this is a better bill than the one that passed the House on September 4. However, while I support enactment of this bill, I have some reservations.

I am disappointed this measure was not enacted sooner so that the legislative changes could have been effective for the complete fiscal year. I am disappointed that not all of the changes made in this legislation are permanent. I am disappointed that this reconciliation bill was used as a vehicle to reauthorize programs. Reconciliation is an inappropriate legislative vehicle for reauthorizing programs and should not be used as such.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I will be happy to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I want to commend the gentleman for the statement he is making and say I could not agree with the gentleman more. We have stressed the point time after time that this is not the vehicle with which to expand programs. I want to commend the gentleman for emphasizing this point.

Mr. REGULA. Mr. Speaker, I thank the gentleman. I agree that is something we must watch with caution in the future, for this bill is designed to eliminate wasteful spending and not as a vehicle for a new program authorization.

Mr. Speaker, on the plus side most of the cost increases, so-called benefit enhancements contained in the House-passed bill have been struck. Cost increases have no place in the bill intended to save money. The conference hammered out important reforms in unemployment compensation, medicare, medicaid, Federal retirement and social security, many of which were not in the House-passed bill.

Mr. Speaker, I understand that the Congressional Budget Office now estimates this bill will result in spending $4.6 billion less in 1981 than the Government otherwise would have spent and result in billions more in spending reductions over the next 5 years. These savings are significant but despite all the handwringing over how painful this reconciliation process has been, despite how difficult it is to put our rhetoric into reality by making specific changes in existing special interest legislation, we made only a modest and a very modest start.

□ 1050

We must continue to use reconciliation as an ever-powerful tool for regaining control over the Federal budget which is now 75 percent uncontrollable and growing. We should expect a new reconciliation requirement this coming spring in the first budget resolution for 1982.

To help us in this task, at the request of myself and other Budget Committee members, the CBO is now preparing a second report which will detail with analysis and numbers specific areas in the budget where substantial savings can be achieved by management efficiencies, better targeting, shifting responsibility to State and local governments or to the private sector by rethinking just what can and cannot be afforded.

I urge the Congressional Budget Office to finalize their report without delay.

I might add that this is a bipartisan effort.

Mr. Speaker, the American economy is a quagmire. I reject the simplistic answers that are often suggested. Everything is interrelated. Of course, we must increase productivity and true supply-side tax cuts will help, but only if they are noninflationary. The way to make tax cuts noninflationary is first to carefully craft them, but second, and more important, to largely offset the necessary short-term inflationary punch of almost any tax cut with real spending restraint. Thus, to me, the basic answer boils down to controlling spending.

Getting control over spending means reversing the growing proportion of the budget that is officially designated as uncontrollable, especially entitlement programs. Ten years ago uncontrollables or entitlements constituted about 65 percent of the budget. Now that figure is over 75 percent.

Mr. Speaker, I truly believe that this reconciliation bill has forestalled the demise of the congressional budget process, but the patient has only been temporarily stabilized. It is a credit to bipartisan efforts that reconciliation is about to become a reality. I particularly want to mention my colleague, the gentleman from California (Mr. PANETTA), who has done outstanding work in making this historic bill today possible. But that same bipartisan spirit must now be brought to bear on the budget process itself. We have gone six years without fundamental changes in the 1974 Budget Act.

In the budget resolution we passed last month, the Congress went on record as favoring a review of the Budget Act and the budget process without delay. This review must be one of the top priorities of the next Congress.

Mr. Speaker, this legislation shows that Congress has the ability, if not always the will to cut or to restrain runaway Federal spending.

I strongly urge the adoption of the conference report.

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, as ranking minority member of the Subcommittee on Health and the Environment I wish to express my support for the health provisions which have been included in title IX of the Omnibus Reconciliation Act of 1980.

Clearly, in my view, it is preferable to achieve savings in the medicare and medicaid programs through administrative means rather than through benefit reductions or new eligibility restrictions. I would submit that the proposal before us accomplishes that all-important task, avoiding any adverse effect on patient care for those who rely upon these programs for their needed medical care.

To meet the goal of more efficient and effective administration of the programs, the conference report provides:

First, more effective review of routine hospital admissions and preoperative stays;

Second, appropriate levels of reimbursement for long-term care provided in hospitals and the use of acute care beds as long-term beds, where needed;

Third, coordinated audits of providers participating in the medicare and medicaid programs;

Fourth, reimbursement limits for laboratory services; and

Fifth, expedited review for certain disallowed medicaid claims.

Although many of the improvements in medicare and medicaid benefits originally proposed by the Commerce and Ways and Means Committees were not included in the final conference report, I am very pleased that the conferees did include a version of a bill I introduced to protect hospital philanthropy. My bill and this part of the conference report will refocus attention on preserving and enhancing one of the great strengths of the health care field—the willingness of Americans to give to their voluntary, not-for-profit hospitals. The conference agreement will correct certain shortsighted actions of administrative agencies which have made it increasingly difficult for hospitals to attract and use for discretionary charitable purposes the donations given by members of the community.

Mr. Speaker, I believe that the conference report's recommendations are an appropriate response to problems which have occurred in the administration of medicare and medicaid. I would submit that many of the recommendations are needed to insure that providers are treated equitably. Others are designed to increase our ability to serve the needs of beneficiaries while also saving the taxpayers money through a more rational system of reimbursing for medical services.

However, in looking ahead to the inevitable pressures that we will face to control Federal spending I would strongly urge that our Health Subcommittee and our colleagues on the Ways and Means Health Subcommittee join together in a series of oversight hearings on the medicare and medicaid programs so that we will be prepared to make fully informed judgments about the best ways to achieve additional savings in the future. Frankly, I believe that there are more savings to be gained in the administration of the medicaid program, particularly at the State level, where the Federal Government directly supports administrative costs through matching funds. Nevertheless, it would be irresponsible to propose any across-the-board cuts without carefully evaluating the impact of such action.

For this reason, I would urge that we devote a great deal of scrutiny to these programs so that we are better prepared to consider any future reductions that may be necessary. I am greatly relieved that we have been able to propose savings this year without adversely affecting those for whom these programs were created. However, I remain concerned about the reconciliation process in general, especially to the extent that the process is not grounded on reasoned consideration of the areas in which cuts should be made. I submit that we should keep in mind that millions of people depend on these programs for the health care which they deserve. With that view in mind, I would hope that future efforts at obtaining savings in these programs could come about as the outcome of the regular legislative process and not one which is disruptive of considered deliberation and one which does damage to traditional jurisdictional responsibilities.

Thank you, Mr. Speaker.

Mr. GIAIMO. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I think this is truly landmark legislation that we are embarking on today, for two reasons. This is one of the largest savings packages that has ever been enacted by any Congress in the history of this institution, savings to the tune of $8.3 billion. It is also obviously the first time that the reconciliation process itself has been implemented under the Budget Act.

This is the work of 12 subconferences that met all over 30 days and included almost 100 conferees from both sides of the Hill.

Despite the election year delays, despite the many problems that resurrected during those interim periods, these conferees worked timelessly to resolve a number of the differences.

While I thank the chairman for this kind remarks, the fact is that congratulations go out to all of those chairmen of the committees involved and the Members who worked on the conferences. They did remarkedly hard work in trying to resolve differences on a myriad of legislation that is now included in this reconciliation bill. I would also like to pay tribute to the staffs of all of the committees involved, particularly the staff members of the Budget Committee.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman for yielding.

I would like to join with the gentleman from California in commending the various members and the chairmen who served on these committees. They did a tremendous job and, as the gentleman has indicated, it was the largest conference in my memory and maybe the largest conference ever held; and I think it worked very well. It augurs well for the future.

I want to join with the chairman in commending the gentleman for the leadership that he has shown in this area.

Mr. PANETTA. I thank the gentleman.

In particular, I would also pay tribute to the chairman of the Budget Committee, the gentleman from Connecticut (Mr. GIAIMO). Many tributes have been made to the gentleman over the last few days. But let me say that I think the centerpiece of the work of his performance as chairman of the Budget Committee is the reconciliation bill. No other chairman in the history of the Budget Committee has been able to say that reconciliation has been implemented and put into place.

They have passed budget resolutions. We have passed continuing resolutions of one kind or another, but this is the first time that a chairman of the Budget Committee has implemented the reconciliation process. I truly believe that that will be a centerpiece for the outstanding record of the gentleman from Connecticut (Mr. GIAIMO) in the House of Representatives.

Reconciliation and the legislative savings process has been a long effort, let me indicate, because there are a number of areas of legislation included in reconciliation. I would like to point out that many of these areas, most of these areas in fact, are not areas that suddenly popped out of the wall.

We are talking about recommendations and reforms that have been recommended by the GAO, and the Office of Management and Budget, that have been contained in budget resolutions year in and year out.

As an example, last year's budget resolution had $6 billion in legislative savings contained in it. Only $200 million were enacted into law last year without reconciliation. This year, as a result of reconciliation, out of a proposed $10 billion in savings contained in the budget resolution, we are adopting today over $8 billion.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Speaker, I want to take this opportunity to compliment the distinguished gentleman from California (Mr. PANETTA) for his untiring work and perserverance in so many difficult situations involving reconciliation.

I agree with the gentleman from Connecticut (Mr. GIAIMO), but for the perserverance of the gentleman from California, in all probability we would not be here on the floor today.

It was a sacrifice for many of us to make in connection with the programs over which we have jurisdiction. But since we have a budget and the resolution was passed by a Democratic Congress, as well as the Republicans, we had to comply. But I have never seen two more dedicated people than the gentleman in the well, the gentleman from California (Mr. PANETTA), and the gentleman from Connecticut (Mr. GIAIMO), in pursuing a real difficult task. I sweated along with them before I made a lot of these cutbacks on nutrition. But we did, I think, the best in the circumstances which could possibly be done. We did not act with haste. We acted with deliberation. I think we can all be proud of this reconciliation bill.

Mr. PANETTA. I thank the gentleman very kindly.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. PANETTA) has expired.

Mr. GIAIMO. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I would also like to join my colleagues and thank the chairman of the committee and the gentleman in the well and members of the conference committee for working out this reconciliation act.

However, I would like to ask the gentleman pertaining to a matter that was in the bill when it went over to the conference, the military leave pay for reservists and National Guardsmen. As I understand it, that was taken out of the bill. I certainly hope so, because it does affect incentives and retention for the reservists.

Mr. PANETTA. The gentleman is correct. It was contained in the House bill. It was not contained in the Senate version. The House receded. That is no longer contained in this conference report.

Mr. MONTGOMERY. I appreciate the gentleman taking the military leave pay out of the bill.

I would like to point out that 40 percent of the reservists and National Guardsmen now are full-time employees of the Federal or State or the county or city governments. So it was very important, and I thank the gentleman for giving me this information.

□ 1100

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. GIAIMO. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. PANETTA. In summary, let me say this. There is a need for reforms in reconciliation for next year when we implement it again. The need is to try to get reconciliation in place much earlier than we did in this session.

The second thing that is very important is to try to restrict reconciliation as much as possible to areas of savings, as opposed to new spending or new benefits. I think that is extremely important. If reconciliation is going to work, we have to focus specifically in the savings area.

We have a number of tools that people have talked about with regard to the budget process and efforts to reform the budget procedures of the Congress. This is a tool that is in place. Reconciliation exists. This year it has worked and it has worked because the members of the committees and the chairmen have come together to make reconciliation a reality.

We are going to face tough decisions next year on priorities. The question is, Will Congress play a role in making decisions on those priorities? It will not without reconciliation. That is why this is an important step today because it means that the budget process truly can work.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. GIAIMO. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I applaud the gentleman.

I just would like to make three points, however, on this bill.

While I intend to support it, I am concerned about the fact that we increased the duty on imports of alcohol to be used as a fuel. I think that is a very bad matter of policy. It is not only protectionist, but also will discourage the use of alcohol as a motor fuel in this country. I realize that was put in as part of the deal by the Senate. But I just think it is bad policy and I think we ought to reject it next year.

Mr. PANETTA. Let me just clarify that, so everyone understands.

While the proposal on the Senate side was to add 40 cents a gallon on it, the proposal as it came out of the conference was to add 10 cents in 1981, 20 cents in 1982, and 40 cents in 1983. So there is an opportunity to review and revise it.

Mr. GLICKMAN. I agree that there is.

The second thing that I point out is that I think it is good that we provided the royalty owners with a credit of up to a thousand dollars on the windfall profit tax. That takes care of hundreds of thousands of small farmers who were unfairly treated under the tax.

Third of all, the mortgage revenue bond issue is a very serious complicated issue. I hope that that issue can be resolved in colloquy during the next few minutes in the debate.

Mr. Speaker, I rise in support of the conference report on H.R. 7765 both because it contains a number of very significant and beneficial provisions and because it is aimed at the vitally important goal of bringing our Federal budget into balance. However, I would be remiss if I ignored the fact that the absence of one provision from the bill troubles me as does the presence of another.

I would like to run through a number of the specific provisions which I have followed with particular interest.

One provision of the bill provides for a credit for royalty owners of up to $1,000 against the windfall profit tax we enacted earlier this year. While I supported the windfall profit tax, I did so with reservations. I was concerned that it fell unfairly on royalty owners, many of whom rely on royalties as their main source of income or as supplements to meager retirement or social security payments. This aspect of the tax did not fall on the big oil companies who were expected to benefit significantly from the phased decontrol of domestic oil prices, but instead on small royalty owners all over this country. The credit allowed in this conference report will help alleviate that hardship without weakening the impact of the windfall profits tax on those it was intended to affect. This will help the numerous small royalty owners from whom I have heard since the windfall profit tax first went into effect.

I am also pleased to see that the substance of the amendment which I offered to H.R. 5741, the Mortgage Revenue Bond Tax Act, to grandfather in a number of Kansas mortgage bond proposals which were relatively far along in the legislative process was retained in the portion of this bill which deals with restrictions on those mortgage revenue bonds. I am also pleased that that section was modified, as I requested in a letter to the chairman of our Committee on Ways and Means last month, to extend the date by which proceeds from the bond issues covered by my amendment would have to be committed. That change was necessitated due both to delays in final congressional action on this issue and to the extreme fluctuations in interest rates over the last year.

Before I move away from the title of the conference report which was originated by the Committee on Ways and Means, I must also express my grave concern about one of the provisions which was adopted by the conference from the Senate bill. The conference report proposes to increase the duty on imports of ethyl alcohol by 40 cents per gallon. That is done, purportedly, to protect our fledgling alcohol fuels industry. Having been involved in the alcohol fuels movement here in the Congress since I first entered the House nearly 4 years ago, I find myself in disagreement with those in the movement who have advocated this tariff, particularly at this time. I can not imagine that anyone in this body would say that DAN GLICKMAN does not support formation of a viable domestic alcohol fuels industry. I definitely want that to happen. But I am convinced that imposition of this tariff at this particular time would hinder rather than help the achievement of that goal.

Through our action on S. 932, the Energy Security Act, we have committed ourselves to achieving certain goals for domestic alcohol production capacity in years down the road. The fact is that we do not presently have that production capacity, and, until we do, imposing tariffs to block imports will only shortchange consumers who want to buy "gasohol" or neat alcohol for fuel use. Since domestic production capacity is so low at this point, the tariff would lead to shortages of fuel alcohol for consumers in the short run. And I, for one, am concerned that such shortages could negatively impact the efforts which are presently underway to expand alcohol fuel markets in this country. We would be cutting off our nose to spite our face.

Before I move on, I would point up one further argument against the wisdom of imposing this tariff. The situation in the Mideast is far from steady, and, in the event that we should be confronted with a cutoff of petroleum, we would be in dire need of alternative liquid energy resources. But by imposing this tariff, we would be setting up a situation which would in effect limit our ability to import from a non-OPEC source this alternative liquid fuel.

There might be a point at which a tariff might be appropriate—when we have a fledgling industry to protect, but the fact is that we can hardly call what we have at the present time in this country an alcohol fuels industry. Until that is the case, such a tariff is simply counterproductive.

Finally, I would like to comment on what I feel is a serious omission from the conference report. As it passed the House, this legislation included a provision—recommended by our Committee on Post Office and Civil Service—to repeal authority for special third-class mail privileges for political parties. It was anticipated that this provision would have saved some $25 million each year in revenues forgone by the Postal Service which must then be recouped either through appropriations or postal rate adjustments. The conferees dropped that provision. I have argued against this subsidy for a number of years now, and I do not intend to drop the fight. Hopefully the next Congress will see fit to repeal this costly, self-serving subsidy. And, I would point out, that the explanations of this conference report—which does reduce by $50 million the authorization for third-class nonprofit mail subsidies in fiscal year 1981—point up the fact that retention of this subsidy leads directly to increases in other rates. The taxpayers deserve better from their Congress.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, title XI contains seven revenue provisions.

By far, the most important revenue provision is the one relating to mortgage subsidy bonds. The conference agreement is modeled on the bill which passed the House in March, but is much less restrictive in the limitations it places on State and local mortgage bond programs. The agreement eliminates any income requirements on mortgage bond participants. It increases the annual volume of bonds per State to a minimum of $200 million, or 9 percent of the aggregate mortgages issued in that State previously, and it generally permits all bonds issued before the end of this year to be exempted from the bill.

The second provision of great interest is the $1,000 credit to small royalty owners to offset up to $1,000 of the windfall profit tax. Many persons have sought such relief and the conference agreement provides it.

I must acknowledge, this is a major substantive change made in the windfall profit tax bill which so recently passed the House. It is an interesting commentary on the reconciliation proposal that we are so soon changing recently enacted substantive law using this mechanism to do it.

H.R. 7765 also makes foreigners subject to tax on their profits in U.S. real estate. This addresses the concern that foreigners often were receiving more favorable tax treatment than U.S. citizens on their real estate profits. Some persons believe that this is a contributing factor to foreign speculative buying of U.S. real estate. Under the conference agreement, foreigners should be taxed comparably to U.S. citizens on real estate gains. However, the proposal includes no withholding, which would be a serious complication at real estate closings and one which would put the purchaser of real estate, probably an American citizen, under considerable difficulty and under some peril if he failed innocently to withhold 28 percent of the purchase price he paid for the foreign-held real estate.

I cannot yield at this time. I have very limited time; however, I think that is an important substantive agreement that everybody should understand is part of the reconciliation resolution.

The other revenue provisions are much narrower in scope, but they are not unimportant. The conference agreement tightens the rules for corporations making estimated tax payments to make them more in line with their current income, and more in line with the practice with respect to individual estimated tax payments. It places an additional import duty on alcohol, which will rise to 40 cents per gallon by 1983. That is very controversial and somewhat questionable as a matter of policy, but it also is encompassed in this alleged fiscal tool, which has become a catchall of controversial substantive change.

The measure also maintains the telephone excise tax at 2 percent for 1981 instead of letting it revert to 1 percent. Finally, it addresses the situation where employers pay their employees' portion of social security taxes and thus save a little on their own taxes. The conference agreement phases out such action.

Now, Mr. Speaker, I myself have not decided what my final vote is on this reconciliation agreement. I am deeply disturbed that it seems to have become a new mechanism for holding the Government hostage, agglomerating a lot of very important substantive issues in the name of reconciliation, and being accepted only because we are under great fiscal pressure at this point in our budget process.

I think there is a serious question whether we want to start a precedent of such an agglomeration. It will permit, for instance, the holding of the Government hostage in much the same way the old debt ceiling proposals used to hold the Government hostage. Reconciliation has to pass, we say, so let us save the tough ones and sneak them through on this hospitable vehicle.

I think the Members must very seriously consider whether this precedent, the manner in which we have started out, serves our fiscal goals or confounds our legislative procedures the more.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. CONABLE. I must truncate my remarks about this important procedural development, but there is an important colloquy that I must have with the chairman of the Ways and Means Committee about the Mortgage Subsidy Tax Act.

Mr. Speaker, I would like to have the attention of the gentleman from Oregon, the chairman of the committee.

Mr. GIAIMO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I would like to clarify two technical points concerning the Mortgage Subsidy Tax Act provisions of the Reconciliation Act.

The first relates to the transitional rules under the conference agreement. The conference agreement provides that the limitation on the use of mortgage subsidy bonds do not apply to bonds issued before January 1, 1981, if the net proceeds are committed to home buyers within 1 year of the issuance date. The intent of the conferees in providing this rule was to incorporate the resolution previously adopted by the Senate.

Mr. Speaker, a question has arisen as to the treatment of the bonds if commitments for all of the net proceeds are not made within the 1-year period. In other provisions of the transitional rule where commitments are required within a particular period, the committee report indicates that the bonds will retain their tax exempt character as long as the uncommitted proceeds are used to redeem bonds within 6 months after the commitment. This is the same rule on redemption of bonds that was contained in the Senate resolution and adopted by the conferees.

Mr. Speaker, is it the gentleman's understanding that the conferees intended that a similar rule would apply to bonds issued under the transitional rule permitting bonds to be issued before January 1, 1981?

Mr. ULLMAN. Let me say to the gentleman, his understanding is correct. It is certainly the intention of the conferees that, in the case of bonds that are issued before January 1, 1981, and the net proceeds are not committed within the 1-year period, interest on the bond issue will not cease being tax exempt provided the uncommitted proceeds are used to redeem obligations within 18 months of the issue date.

Now, in addition, a similar 6-months redemption rule would be allowed under the transition rule contained in section 1104(m) of the conference agreement.

Mr. CONABLE. Mr. Speaker, my second clarification, I think this also is an important part of the legislative record on this bill, involves the arbitrage provisions of the Mortgage Subsidy Tax Act. The bill limits the effective rate of interest on mortgages financed with proceeds of qualified mortgage bonds to a rate that is no greater than 1 percentage point over the yield on the bonds. We all know this was an area of some abuse in previous practice relative to relative bonds.

The bill also provides that certain items are not to be considered as part of the effective interest cost of a mortgage. These include any insurance charge or similar amount to the extent that such amount does not exceed amounts charged in the area in cases where owner-financing is not provided through the use of qualified mortgage bonds.

Mr. Speaker, is it the understanding of the gentleman that the conferees intended that premiums paid to the FHA, VA, or private mortgage insurer to obtain mortgage insurance or guarantee on an individual's mortgage come within this exclusion and are not taken into account in computing the effective interest cost on the mortgage so long as the amount does not exceed the premium for insurance or a guaranty for a similar mortgage in the area not financed with qualified mortgage bonds?

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Mr. ULLMAN. The gentleman from New York is correct. FHA and VA mortgage insurance premiums and premiums for similar private mortgage insurance are not taken into account under the bill in determining the effective interest rate of mortgages so long as such amounts do not exceed the amounts charged in the area for a similar mortgage that is not financed by mortgage subsidy bonds.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. ULLMAN) has expired.

Mr. LATTA. I yield the gentleman from Oregon (Mr. ULLMAN) 1 additional minute.

Mr. ULLMAN. However charges on the mortgagor for mortgage pool insurance which typically is obtained by the issuer to cover risks not covered by other insurance would be taken into account.

Mr. CONABLE. Let me say, Mr. Speaker, I strongly support this provision of the reconciliation bill in imposing some ceiling on the use of revenue bonds for mortgage financing regardless of the outcome of the reconciliation motion generally.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, most of the social security program provisions included in the total reconciliation figures are not in the conference report before us today. Instead they were enacted into public laws over the past year as separate, needed policy changes in their own right. Clearly this is the preferable and in most cases the only way to enact changes in the social security program because changes in social security often require long leadtimes beyond the scope of annual budget planning.

Two provisions are included in this conference report. In the outlay section, there is a new limitation on retroactive benefit payments under the OASI program. The new limitation would be 6 months of retroactive benefits. The current limit of 12 months would be maintained for the disability program. This provision includes enough lead time before it goes into effect (for claims filed on or after March 1, 1981 so that, according to the Social Security Administration, we should have no problems with effective implementation. The House conferees also substantially modified this provision from the Senate bill so that we feel it will not cause hardships.

In the revenue section, there is a provision which would end the practice of employers paying both halves of the social security tax in order to reduce their social security tax contributions. Under the bill, except in the case of domestic and agricultural workers, such payments would still count as wages to the employee both for purposes of payroll taxes and for purposes of wage credits upon which the employees' benefits will be calculated.

This provision has been under consideration for some years and has been in both bills before the Congress. It is a change recommended by the administration and which an overwhelming number of people associated with the social security program felt was extremely necessary. This change was urged in order to close a loophole which threatened substantially to reduce trust fund revenues while also reducing the future benefits of employees below the wage base level—the very employees likely to be more dependent on their social security when they retire.

Changes in social security are seldom easy, but the changes we have enacted over the past Congress and which are in the bill before us today are considered and responsible. Congress should never deviate from that norm and never take hasty or unwarranted actions in this vital program.

Mr. Speaker, the budget reconciliation bill also includes a provision that will provide relief to royalty owners who have been hit hard by the so-called windfall profit tax. This provision provides royalty owners with a credit of up to $1,000 against their windfall profit tax liability for calendar year 1980.

This tax credit will help a significant number of people who, contrary to some stereotypes, do not automatically become millionaires every time their land produces a few gallons of oil.

I opposed the windfall profit tax in the Ways and Means Committee and again on the House floor, so I am pleased that we could get this relief.

This is a good first step, but we need to do more. We can come back next year and give the small royalty owner permanent relief from the windfall profit tax.

Also, I want to talk in a more general sense about reconciliation. As reconciliation is supposed to work, I am a strong supporter of the process. Budget reconciliation is supposed to be a process where the two Houses of Congress get together and figure out ways to cut spending to meet overall budget goals. At least, that is our intent.

But, let me tell you, the bill we are passing today is also a Christmas tree. It has things in it for doctors, hospitals, welfare people, social workers, and yes, even the royalty owners.

This bill today is an authorization bill, committing this Government to more spending in future fiscal years. So this bill is not a true budget reconciliation. It is part this-year cuts and part super authorization.

I would say to everyone in this House that if we continue to use the reconciliation process as a way to pass legislation for future spending, then our whole goal of disciplined budget cutting is going out the window.

We must not allow another reconciliation bill to come forth as this one this year.

Mr. Speaker, in the Mortgage Subsidy Bond Tax Act of 1980 (subtitle A of title XI of H.R. 7765), there are a number of provisions that were taken directly from H.R. 5741 which was adopted in the House earlier this year. Many of those provisions were explained in the House Committee Report No. 96–678.

One such explanation in that report dealt with the commitment requirement in section 4(c)(3) of H.R. 5741. Section 4(c)(3) required substantially all of the proceeds of certain bonds to be committed by firm commitment letters by January 1, 1981, in order to be tax exempt. The House committee report explained section 4(c)(3) would be satisfied if any proceeds not so committed by January 1, 1981, were used to redeem bonds within 6 months thereafter.

In H.R. 7765, section 1104(c)(3) carried forward the language of section 4(c)(3) of H.R. 5741. In addition, section 1104(a) provides a new general rule that was not in H.R. 5741 for the effective date of the change in tax-exempt status of mortgage subsidy bonds. Section 1104(a)(2) requires the bonds to be issued by January 1, 1981, and requires substantially all of the proceeds of such bonds to be committed within 1 year of issuance. However, the conference report does not explain whether the interpretation of section 1104(c)(3), allowing the proceeds not so committed to be used for redemption, will also apply to section 1104(a)(2), as well. It is my understanding that the commitment requirements in both sections are intended to be, and will be, interpreted in the same manner; that is, the requirements will be satisfied if, within 6 months after the close of the commitment period, any proceeds not committed at the close of the commitment period are used to redeem outstanding bonds.

In addition, it is my understanding that bonds covered by special rules such as sections 1104 (c)(3) and (d)(5) may operate under the general rule in section 1104(a)(2), as understood above, if they so qualify, without meeting the requirements of section 1104(c)(3). Based on the colloquy between Chairman ULLMAN and Mr. CONABLE, I believe all this has been agreed to, and the redemption feature was unintentionally omitted. I am pleased to hear that assurance from the chairman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding. Will my colleague, the gentleman from New York, tell me the mortgage revenue bond portion there is a 3-year sunset provision. Is my understanding correct?

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. LATTA. Mr. Speaker, I yield the gentleman from California (Mr. ROUSSELOT) 1 minute.

Mr. ROUSSELOT. Is my understanding correct about the 3-year sunset provision?

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from New York.

Mr. CONABLE. There is a 3-year sunset on this measure, as I understand it. We are going to have to review this whole area. Quite frankly, this is a bad way to be legislating in this area and, therefore, it was necessary to put a ceiling.

Mr. ROUSSELOT. But it will require that the Ways and Means Committee review this whole process in 3 years?

Mr. CONABLE. I think it is going to be absolutely critical that we do that.

Mr. ROUSSELOT. I appreciate my colleague's response.

Mr. GIAIMO. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I want to thank the chairman for yielding to me. I appreciate the tremendous effort that has gone into the budget process and this effort at reconciliation.

But, I want to point out, as my distinguished colleague from New York (Mr. CONABLE) suggested, the great danger in this procedure. We have taken thousands of words out of the law in sentences which were carefully drafted and punctuated. We have put 44,000 new words into the law. Words and sentences untested in the ordinary process of public hearing and careful draftsmanship. I attended almost all Ways and Means conference sessions but I must confess that I do not know the details of what we have done. I think it is a very dangerous way to do the public business. If we were to Ramspeck this whole procedure, I think it would scare the dickens of the Members who vote for it.

I have served on many conferences between the House Ways and Means Committee and the Senate Finance Committee. It is almost traditional for some conferees to insist on one or two more special plums unrelated to the basic issues of the conference.

In the reconciliation conference on the budget, there were two extraneous issues which the House accepted in order to save the total bill and the budget process.

The Senate provision for a 10-to-40-cents tariff on imported alcohol was out of place because it did not raise revenue, it lost it. At the present time, there are few American producers of alcohol designed for use as gasohol. New alcohol-making facilities developing under the energy bill will not come on stream for 2 or 3 years. In the meanwhile, about 80 percent of today's domestic production is by one company.

Brazil is temporarily exporting alcohol to America which is excess to current needs since that nation has produced only 300,000 alcohol automobiles. The import to the United States serves both nations well. Until domestic production is increased, the imported alcohol serves to make gasohol competitive to gasoline and builds a future for domestic alcohol use.

The 10- to 40-cent-per-gallon tariff imposed by the conference report will reduce or eliminate imports and increase the price of gasohol to consumers and slow the trend toward gasohol. The tariff will also provide a tremendous windfall to the domestic producers.

This tariff is on the books with no public hearings and against the advice of the Treasury Department, the U.S. trade representative, and anti-inflation director Alfred Kahn.

Under the trade agreements, Brazil is authorized to retaliate on other American exports. This amendment which largely benefits one company is an indefensible action of the Congress.

The second area of indefensible capitulation to the arbitrary demands of some conferees occurred in changes in the Internal Revenue Code—without public hearings and discussion.

Oil demanded and received its pound of flesh in the adoption of the oil royalty holders exemption from the first $1,000 of windfall taxes. There are a number of reasons why this amendment is not in the public interest.

Reduction in tax would not produce more oil. The Congress specifically denied a preference for royalty owners in the windfall profit tax because those persons are not actively engaged in the exploration and development of oil properties. Thus, the reduction in tax would not result in any additional production of oil.

Royalty owners realize windfalls from decontrol and from OPEC price increases. Even after the imposition of the windfall profit tax royalty owners are better off today because of decontrol and the increase in OPEC prices than they were at the beginning of 1979.

In May 1979 the average price of a barrel of lower tier oil was $5.91. The average price of a barrel of upper tier oil in May 1979 was $13.02. Under decontrol, lower tier oil was released to the upper tier at a rate of 18 percent of the base period level in 1979 and that amount will increase by 3 percent per month in 1980 and 1981. Similarly, upper tier oil is being released to market prices at a rate of approximately 4½ percent per month. Since the windfall profit tax equals only 70 percent of the additional income above $12.55, it is clear that royaty owners subject to tier 1 tax today are still better off than they were last year.

Similarly, royalty owners of stripper oil subject to the windfall profit tax are substantially better off because of OPEC price increases.

For example, stripper oil average price in March 1979 was $14.88. It was anticipated that the price of stripper oil would be $16 at the end of 1979. However, because of OPEC price increases, the average price of stripper oil in March 1980 was $36.33.

Under the windfall profit tax, the tax on a barrel of stripper oil is $12.50 ($36.33−$15.50 base (approximately) = $20.83 × (.6) = $12.50.) The royalty owners' income after the windfall profit tax is $23.83 ($36.33−$12.50) as compared to $14.88 in March of 1979—an increase of 60 percent. If no windfall profit tax had been imposed, the increase in income would be 144 percent.

The $1,000 exemption would benefit many high income royalty owners. The royalty owner exemption contains no income phase out. Consequently, it is estimated that close to 40 percent of the benefits from the $1,000 credit would be realized by taxpayers with incomes over $30,000.

The windfall profit tax rate on royalty owners was part of the $227.3 billion windfall profit tax agreement. As part of the negotiated agreement of the windfall profit tax it was agreed that independent producers would obtain a preference for 1,000 barrels per day of production in lieu of an exemption of 50 or 100 barrels a day for all producers. Any effort to reduce revenues by granting an additional preference for royalty owners would violate this agreement.

The reconciliation conference adopted, with modifications, the proposal of both Houses to tax gains realized by foreigners from investments in U.S. real estate. However, the conferees have rejected the Senate approach, under which the tax would be withheld upon a taxable sale; instead, compliance is to depend upon a series of information reporting requirements.

The deletion of a withholding mechanism from the bill is a thoroughly bad idea. This action probably results in a sharp decrease in the amount of revenue to be collected from the new tax, invites unscrupulous persons to evade the substance of U.S. law, places a severe competitive burden on advisers honorable enough to advise their clients as to what the law requires—while rewarding those persons who are willing to cut corners and advise clients to evade—and tends to undercut the notion which lies at the heart of the new law, namely that it is only equitable to subject foreigners to a tax comparable to the tax paid by Americans.

The withholding provisions advocated by the Senate were similar to, although less stringent than, similar provisions that have been in effect in Canada for several years. Those provisions operate without serious difficulties.

The Treasury Department has received numerous representations from foreign investors to the effect that withholding is fair and, indeed, the only way to effectively enforce a tax upon gains from real property investments.

No knowledgeable person involved in consideration of the bill, from either side of the aisle, believes that deleting withholding is an improvement. Thus, the conference has deliberately adopted an inferior tax statute.

The desires to tax and not to tax are not reconcilable. A statute which attempts to reconcile these conflicting desires only raises the level of contempt for U.S. law and the legislative process.

On mortgage revenue bonds, the conference increased the percentage of eligible mortgages from 5 to 9 percent and eliminated the income requirement which was designed to insure that the benefit was for those who really needed it.

The reconciliation represented a considerable revenue retreat from the House position on the budget.

[In billions]

	1981	1982	1983	1984	1985
House position	3.9	2.9	5.1	8.5	13.1
Conference	3.6	2.8	4.2	7.045	11.0
Revenue loss	.3	.1	.9	1.5	2.1

The reconciliation compromised away $4.9 billion in revenues over the House position—and none of these tax breaks were for the benefit of the average citizen.

For these reasons, I must vote against this bill today. However, it is more important that Congress affirmatively deal with this process of boiler-room legislation for special interests in the conference process.

Mr. GLICKMAN. Mr. Speaker, as one of the founding members of the Alcohol

Fuels Caucus and a member of the National Alcohol Fuels Commission, and being a Member of this body from the same State as the author of this provision, I can tell the gentleman that I support him wholeheartedly. The alcohol fuel industry has not even begun to develop yet. There is nothing to protect from Brazil. But this issue is important to the thousands and millions of drivers that use gasohol today; they need that the flow of alcohol to develop the market will continue while we do develop our own domestic industry. So I think the gentleman is right on target.

Mr. VANIK. My fear is this is going to adversely affect the future of gasohol. It is going to provide an opportunity for a very few present suppliers of alcohol to take control of the market, and they are going to price gasohol out of regular use. No one is going to buy it if it is going to cost 2 cents or 3 cents more a gallon than unleaded gasoline.

I think this is a very dangerous procedure.

With respect to oil royalties, we are going to lose $180 million in a sweeping loss of revenues with a $1,000 credit to the royalty owners who are infinitely better off than they ever were, even before the windfall tax was imposed. Forty percent of the benefit of this action is going to move in the direction of a very few people who are the principal beneficiaries of the oil royalty provision.

My distinguished colleague from New York talked about the failure to withhold capital gains profits on investments by foreigners in American real estate. Canada has such a law. Our failure to adopt this kind of provision makes it impossible to collect capital gains profits from foreign investors in this country. It now comes to the individual States to defend themselves from the movement of tremendous capital gains profits made in their States which will flow abroad without any restraint. It is part of an unfortunate situation we come into when we try to resolve these very, very important decisions in the boilerroom of a conference.

My inclination is to vote against the entire conference for these reasons.

Mr. LATTA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of adopting language contained in the Senate version of this proposal which would give a $1,000 tax credit to royalty owners.

I am sure we are all familiar with this issue. By now most of us have received letters and have been sent copies of oil company receipts which show 30 to 70 percent taxation on royalty owner revenues. These people are rightfully upset as they were led to believe that the windfall profit tax was initiated for the major oil companies, not the small royalty owners.

Now that the dust has settled and people are seeing more clearly the effects of this tax on royalty owners, it behooves us to correct the inequities created as best as we can.

There have been numerous attempts to do this—from instruction of conferees on acceptance of Senate language in the original report to the 5 to 10 bills circulating on the House side at this time. All of these efforts, including my own, have one basic goal. That goal is to carry out the intent of the legislation to tax excess profits of big oil companies, not to tax the 2 million average Americans who supplement their income with royalty revenues from oil wells as we are doing now.

Mr. Speaker, you may ask why we should even be concerned about royalty owners and small producers and specifically why someone from Nebraska is upset. Mr. Speaker, 14 percent of our country's domestic production comes from stripper wells—those which produce less than 10 barrels per day. This is the equivalent of $39 million per day at current OPEC prices. Over 20 percent of Nebraska's acreage is producing or leased. Petroleum accounts for 45 percent of Nebraska's mineral wealth. Our average daily production per well is 10.9 barrels.

I would in fact be in favor of a much broader exemption. My reasoning for this is very simple. We face an energy crisis. We know that domestic energy production must increase. We also know that the 12,000 independent producers in this country have discovered 75 percent of the new fields, account for 50 percent of the oil and gas found to date, and have drilled 90 percent of the wildcat wells. Why then do we want to reduce the incentive of independents who have contributed so much and whom we need now more than ever.

I believe it is high time for this body to realize that private incentive, not Government intervention, will be the answer to our energy problem. I urge immediate action to lift the burden of the windfall profit tax from the shoulders of royalty owners.

I also support language to increase duties on imported alcohol.

As you know, across the Nation individuals and corporations have started a vast alcohol fuel production program. This effort has been slowed by Government, big oil, and skeptics, from the beginning. Our producers find that to distill their alcohol to the required 200 proof takes very expensive equipment. Most of our small producers can make 180 proof alcohol, but must sell it to distilleries for processing to pure alcohol. They find that the distillers are buying cheap imported alcohol that in the past has qualified for the same tax credits that our domestic producers have. Therefore, our own producers cannot receive a fair price for their alcohol.

Mr. Speaker, I find that this is a very serious impediment to the development of the alcohol fuel industry. The demand for alcohol is here and we must now do everything possible to encourage domestic production, not encourage increased imports of foreign alcohol.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding.

I would just like to point out that I take second to no one in my admiration for the hardworking legislators who have brought this budget out. They deserve our commendation, but I think having said that that we have to be honest about it. To say the budget has worked is a little bit like saying social security is actuarially sound. Of course, social security is actuarial if one says the Social Security system can work because the Government has the ultimate power to confiscate every dime everybody has to pay every bill we have promised. The budget system works if we have that same power, if we have the power to waive any rule to make it work.

As I pointed out in the Rules Committee yesterday, if we have timetables and we do not observe them, we waive them. Reconciliation, if it does not fit, waive it. If there are things that are beyond the scope, waive them.

This budget process would not work without those waivers, without that ability for the leadership to say no matter whether there is balance, no matter what the rules are, we waive them at the end to bring this package together.

Mr. Speaker, I wish to make a few brief observations regarding some serious concerns which I have—and I believe many of my colleagues share—on certain aspects of the budget reconciliation process.

As the ranking minority member of the House Education and Labor Committee, I am deeply disturbed by the fact that many of the provisions finally incorporated in title II—the school lunch and child nutrition programs title of H.R. 7765—bear virtually no relationship to what many of us believe is, and should be, at the heart of the congressional budget reconciliation process. Rather, under the very broad budget reconciliation umbrella, we are covering a host of major legislative changes. These changes are neither necessary nor appropriate parts of the budget reconciliation process.

Specifically, title II extends a series of major nutrition programs through September 30, 1984:

Section 201(b)(2) extends section 7 of the Child Nutrition Act of 1966 which provides States administrative expense funds to the States to assist in the operation of these programs from September 30, 1980 through September 30, 1984;

Section 202(c) extends commodity assistance to various child feeding programs from September 30, 1982 through September 30, 1984;

Section 206(2) extends the summer food service program for children from September 30, 1980, through September 30, 1984;

Section 211(2) extends the food service equipment grant-in-aid program from September 30, 1980 through September 30, 1984;

Section 213(1) continues the nutrition education and training programs from September 30, 1980 through September 30, 1984; and

Section 203(d) extends section 17 of the Child Nutrition Act—more popularly known as the women, infants, and children feeding (WIC) program—from September 30, 1982 through September 30, 1984.

Perhaps, under the most liberal interpretation of the House rules governing conference committee actions, some would argue that, in view of the fact that some narrow aspect of a program's operations was subject to conference action, the conferees then have a carte blanche authority to use the budget reconciliation conference as a vehicle for making major legislative changes in these same programs—changes which are more appropriately within the purview of the authorizing committees. I cannot accept this loose interpretation of the House rules, Mr. Speaker. I believe that in so doing we are establishing an ill-advised precedent that will have regrettable consequences. I believe that we are placing the credibility of the budget process in serious jeopardy. And, moreover, by failing to address some of the major policy issues that underlie many of these child feeding programs, I believe that these programs and those whom they serve will also suffer.

I wish to take a few minutes to focus on the WIC program extension. What has been done with regard to WIC, Mr. Speaker, goes far beyond what might be "accepted" under the most liberal interpretation of the House rules. What we have is a clear and blatant violation of rule 28, clause 3 of the House rules. Section 203(d) extends the WIC program authorization 2 years beyond its current expiration date of September 30, 1982. No such provision was contained in either bill before the conference committee. Nonetheless, we find—through the magic of budget reconciliation—that the WIC program has now been extended through fiscal year 1984 even though it does not expire until fiscal year 1982. And, moreover, under the guise of "budget reconciliation," the appropriations authorization "cap" has been completely removed.

Let me make it clear that my objections and reservations are not directed to the merits of the WIC program, but rather to the lack of timeliness of some of these changes and to the use of the budget reconciliation process as an appropriate vehicle for these changes.

Mr. Speaker, in the case of those programs which expired on September 30, 1980, a continuation of services can be provided for through a continuing resolution or a reauthorization measure that would be coterminus with other child nutrition programs now scheduled to expire at the end of fiscal year 1982. In no case, however, should any of these child nutrition programs be continued, at this time, through fiscal year 1984. And, certainly, Mr. Speaker, such action should not have been taken during a budget reconciliation conference.

We have a responsibility to assure that the new Congress and the administration, State, and local program administrators, and—most importantly—representatives of those groups whom these programs were designed to serve—have an opportunity to review these programs and work together for constructive changes.

As I stated yesterday in my remarks before the House Rules Committee, I fully recognize that the budget reconciliation process is extremely difficult and unpopular. And, again, I wish to commend not only the distinguished chairman of the House Budget Committee, Mr. Giaimo, of Connecticut, and my esteemed colleague from Ohio (Mr. Latta)—but also the entire House Budget Committee—for their Herculean efforts.

I do not say that, as I say, to demean my colleagues, because I think they have had an impossible job. I think Chairman Giaimo has done the best anybody could do in an impossible job. But let us not delude ourselves into saying the budget system has worked, because it would not work without the waiver of the fundamental rules of this House.

Mr. GIAIMO. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Speaker, let me say that I do not under any circumstances agree to all of the cutbacks in the House budget resolution, but the House in its wisdom voted for those cutbacks. I did not vote for the House resolution originally, but I am very much for this conference report on the budget reconciliation.

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We all have to comply. I perhaps am responsible for the WIC program being extended, referred to by the gentleman from Ohio (Mr. Ashbrook); but it was in my mind that the new administration would be so tied up in trying to manage the economy for the next 2 years that we should not tie our hands with minor legislation which is important to the general welfare of the people. That was the reason for this provision in the reconciliation conference.

Mr. Speaker, I am taking the floor today to explain the child nutrition portion of the reconciliation conference report.

This conference report would make cutbacks of $518 million for fiscal year 1981 in Federal child feeding programs if we were to view these cutbacks on an annualized basis instead of merely as prospective as required by the conference language. Of these cuts, $153 million are permanent. And, lastly, the report extends certain child nutrition programs through fiscal year 1984.

These cutbacks and these extensions are intimately tied together, and consequently I would like to take a moment to explain their interrelationship.

This conference report would result in an annualized cutback of 12 percent below the amounts which would be spent for child feeding programs in fiscal 1981 if the programs were to continue as they are presently authorized. I must point out, however, that these cutbacks are only prospective in the conference report and not retroactive. Nonetheless, this drastic cutback will be one of the most severe that any Federal program will have to bear in all the cutbacks proposed this year. I would like to give a few examples of the effects of this 12 percent decrease in funding.

According to the U.S. Department of Agriculture and the Congressional Budget Office, 465,000 children who pay for their lunch will drop out of the school lunch program entirely as a result of the 2½-cent cut in general cash payments and the 2-cent cut in commodity assistance proposed in this conference report.

In addition, 230,000 children will become ineligible to receive a reduced price lunch and will have to begin to pay for their own lunches. According to USDA and CBO estimates, at least one-half of these children will drop out of the school lunch program altogether.

One hundred thousand additional children who presently receive reduced price lunches will drop out of the program as a result of the 10-cent decrease in the reimbursement for reduced price lunches. The combination of these cutbacks affecting reduced price reimbursements will reduce participation in that portion of the school lunch program by 20 percent.

Ten million children will have to pay more for milk which is provided to them in schools which are participating in the school lunch or other feeding programs.

This conference report will force the parents of these children into paying far more for their children's lunches or the children will drop out of the lunch program entirely.

In summary, the impact of all of these cutbacks will result in 1.1 million children dropping out of the school lunch program, and many millions more paying more out of their families' pockets to participate in the program. This will occur despite the fact that retail food prices have increased 9 percent this year and are expected to increase another 15 to 20 percent next year.

This conference report means that we will be asking school districts not only to assume the additional costs of food caused by inflation, but we will also be asking them to take a severe cutback over this year's current funding level.

Due to these deep cutbacks, many school districts will inevitably—and, I might add, understandably—doubt the Federal commitment to these programs. Consequently, in order to encourage school districts to maintain school lunch programs, we felt that it was necessary in the conference to show a Federal commitment to these programs by extending the expiring child nutrition programs through fiscal year 1984.

We also felt that there was a need for some stability in these programs. There has been far too much change in the programs at the local level in the last 10 years since there have been 14 child nutrition laws within the last decade resulting in constantly changing Federal regulations.

In conclusion, it is vital to look at these deep cutbacks and the extensions of these programs as a package. We cannot expect to inflict such deep cutbacks on local school districts without showing some long-term commitment at the Federal level to these programs. That is what the conference report tries to achieve.

For the sake of legislative history, I would like to clarify two points contained in the statement of managers.

The conference report prohibits the Secretary from offering commodity assistance based upon the number of breakfasts served and eliminates any legislative commodity entitlement for school breakfast programs. This provision will result in a $19 million savings in school year 1981. This provision is not intended to eliminate the authority given the Secretary under section 8 of the Child Nutrition Act of 1966 to donate foods acquired under price support and surplus removal activities. Further, commodities earned under the national school lunch program do not have to be restricted to usage in the program as long as they are utilized within a school food authorities' nonprofit food service.

The conference report also requires that for fiscal year 1981 the income poverty guidelines for child nutrition programs be the nonfarm income poverty guidelines prescribed by OMB last January. In previous years, the Department of Agriculture has updated these guidelines in March to follow more closely the inflationary rate. The provision in the conference report deletes the 1980 March update affecting the income guidelines for fiscal year 1981. In the statement of managers there is a clerical error that makes an incorrect reference deleting the update in March of 1981 instead of March of 1980.

Mr. GIAIMO. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Speaker, I thank the gentleman. I congratulate him for his work. I intend to support the reconciliation process.

I wanted to express my relief that the long impass over the mortgage revenue bond legislation is ending. I admire the work of the conference committee, which labored hard to formulate a mortgage revenue bond bill which would end abusive practices while preserving programs which enable affordable housing to be built for low and moderate income families. However, as one who spent many weeks working on this legislation in the Ways and Means Committee, I feel it will be very difficult for many states to operate under the restrictive 1.0 arbitrage provision, particularly those States with no surpluses.

There were so many complicated issues regarding mortgage revenue bonds that it is of great value that this conference agreement has been reached, finally settling the purchase price, targeted area, and transition issues. Perhaps now, attention can be focused on other more technical issues such as arbitrage.

It is my hope that this issue will be among the first orders of business in the next Congress, if not sooner. No doubt by this time, all of us who have worked toward viable targeted mortgage revenue bond programs will be able to tell clearly whether the present rate is as onerous as I suspect it is.

On another matter, I want to insert a letter from Treasury Assistant Secretary Donald C. Lubick regarding the redemption issue discussed previously by Chairman ULLMAN and my friend from New York (Mr. CONABLE). While their colloquy clearly expressed the legislative intent on the issue, I feel Mr. Lubick's letter provides even further clarification inasmuch as it indicates Treasury's full agreement with their interpretation of the legislation.

DEPARTMENT OF THE TREASURY,
Washington, D.C., December 3, 1980.

Hon. AL ULLMAN,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Conference agreement on the budget reconciliation bill contains provisions relating to single family mortgage revenue bonds. The transitional rules of the agreement provide that the limitations contained in the bill do not apply to issues under which proceeds are committed to providing mortgages within specified periods. It is our understanding that such bond issues will retain their exempt status beyond the limitation periods if the net uncommitted proceeds remaining at the expiration of the limitation periods are used to redeem bonds within a 6-month period after the expiration of the limitations.

The matter as described in detail is a colloquy between you and Representative Conable held on the House floor today. We have reviewed the text of that colloquy and it conforms with our understanding and interpretation of the legislation. We are fully in support of the understanding in the colloquy.

Sincerely,

DONALD C. LUBICK.

Mr. LATTA. Mr. Speaker, I yield 1¾ minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I will yield to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in opposition to the provision in H.R. 7765, the conference report on the Omnibus Reconciliation Act of 1980, which would provide a new tariff on the temporary entry of imported alcohol used in gasohol.

My major objection to this legislation, Mr. Speaker, is that such a tax on alcohol imports will very likely reduce the total supply of alcohol in the United States at a time when it is extremely important to have enough alcohol available to continue developing a viable gasohol marketing program. The adoption of this legislation will very likely lead to a price escalation at a time when groups such as the National Oil Jobbers Council have told me that alcohol imports are now essential to allow them to continue to market gasohol at prices competitive with gasoline. The market for gasohol must continue to grow so that new domestic producers will have an existing market in which to sell their alcohol once their distilleries go into production. The U.S. fuel alcohol industry simply does not have the production capacity at this time to meet the growing U.S. demands for alcohol. We do not want this demand to fade because of the lack of a product, especially at a time when current international tensions make it more and more desirable to rely less and less on our current supply of imported oil.

In addition, it seems unnecessary to impose such a tax now when Brazil faces an oil shortage itself. That country's main oil supplier is Iraq, which has curtailed shipments because of its war with Iran. Brazil, which makes extensive use of alcohol produced from sugar cane as a motor vehicle fuel, is using most of its production domestically. Since Brazil is using most of its alcohol domestically right now, it seems to me that we are needlessly opening up the possibility for serious trade repercussions. Brazil is a sizable importer of U.S. agricultural products such as corn and wheat, and a move to tax alcohol imports could cause counter trade measures.

Finally, Mr. Speaker, I would like to call attention to the November 17 Department of the Treasury report on fuel alcohol imports, which was mandated by the Congress in the windfall profit tax legislation. This report, in its finding, states that there is no need for any import restriction. These findings state that imports are, in fact, needed to expand markets and assure market competition; that imports are not having a negative impact on future U.S. alcohol production or corn prices; that there is no dumping of imported alcohol; that the imports of Brazilian alcohol reduce U.S. tax revenues only to the extent that they displace imported oil; and that the Brazilian alcohol program is designed primarily for domestic produuction rather than exportation.

For these reasons, I strongly oppose this legislation and urge my colleagues to vote against it.

● Mr. EDWARDS of Oklahoma. Mr. Speaker, I very enthusiastically support this conference report. Among other things, this bill will provide equitable tax relief to 2½ million royalty owners in over 40 States.

This bill has a provision which would allow royalty owners a tax credit of up to $1,000 against the windfall profits tax imposed on their royalty oil during 1980. This credit is available only to individuals, estates, and family farm corporations.

Mr. Speaker, the vast majority of royalty owners are working farmers, retirees, and other persons of modest income. One survey shows that 73 percent of royalty owners are over 61. In a great many cases, the royalty owner depends upon royalty income to meet basic living expenses. Another survey shows that the great majority of royalty checks are less than $200 per month. Other studies show that the typical royalty owner receives only $50 to $100 per month. Yet the windfall profits tax reduces these checks to about two-thirds of what they were prior to the tax.

The provision in this bill will result in minimal loss to the Federal Government. Relief for royalty owners was supported during the Presidential compaign by both President-elect Reagan and President Carter's Energy Secretary, Charles Duncan. Now Congress has an opportunity to do equity to royalty owners.●

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I compliment the conferees on this Omnibus Reconciliation Act on the fact that they have saved $8.2 billion. The conference report has been worked out in a positive and constructive way. Though there are certain aspects of the agreement where further savings could have been achieved, I compliment our colleagues who worked long and hard to try to restrain the substantial increases in expenditure levels that are clearly not needed. I am hopeful that our colleagues will give support to this effort. It is obviously not a perfect agreement. It does not contain what I would consider to be the ultimate savings which could have been achieved. But this first attempt at reconciliation is encouraging. Members of Congress can, with just a little effort, shake the "spending habit," and learn to restrain their big spending impulses. So I ask my colleague, the gentleman from Ohio (Mr. LATTA) our ranking member of the Committee on the Budget, is he satisfied that we have achieved the greatest possible savings on the expenditure side?

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Mr. Speaker, I will be glad to yield to the gentleman.

Mr. LATTA. Mr. Speaker, I would say to my friend at this juncture, the conference report being before us, it is a matter of whether or not you accept $8.2 billion additional deficit or whether you do not. The choice is clear.

Mr. ROUSSELOT. So what you are saying is, it is better than it was but not as good as it could have been?

Mr. LATTA. Yes. It could have been better, it could have been worse.

Mr. ROUSSELOT. I appreciate that.

There are several portions of this conference report which deserve special mention and which, I believe, will convince many of our colleagues to support the conference agreement.

First, this agreement contains provisions which improve on the House-passed bill, H.R. 5741, pertaining to tax-exempt bonds for housing. As my colleagues will recall, the House passed a bill which severely limited the use of the bonds and which, in fact, would have precluded the use of the bonds in my State almost entirely. The conference report provisions, while still limiting and ultimately ending the use of these bonds for housing, does broaden the permanent and transition rules adopted by the House last summer. This liberalizing of H.R. 5741 will help the housing industry and countless Americans who cannot afford housing at current prices.

Second, the conferees accepted a Senate amendment which will provide royalty owners with a credit (or refund) of up to $1,000 against the windfall profit tax imposed on the removal of their royalty oil during calendar year 1980. It is unfortunate that this refund or credit is only in effect for 1 year, but I hope that this action will convince Members of the 97th Congress to make the provision permanent or to repeal the tax totally.

Third, the conferees deleted a Senate amendment, section 551, pertaining to medicaid and medicare reimbursement for hospitals. This provision, while well-intentioned, had inadequate study and reports from health professionals all over the country indicated that the provision would ultimately have cost more Federal funds than it would have saved.

Finally, I would say that anytime the House of Representatives can save $8.2 billion, we have done a good job. I regret that we did not make more progress toward a zero deficit, but it is a start. I commend all the conferees.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL). Before doing that, if I may trespass on his time, I would like to point out one agreement we had before the Committee on Rules yesterday that I still insist on holding. That is the matter brought up by Mr. DUNCAN and Mr. QUILLEN, a matter dealing with the Mortgage Subsidy Bond Tax Act, that it be taken care of after this legislation is passed. That was an agreement agreed upon in the Committee on Rules. Hopefully that will come forward.

Mr. NELSON. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. Mr. Speaker, I yield to the gentleman from Florida.

Mr. NELSON. Mr. Speaker, I vigorously support this legislation.

Mr. Speaker, I rise in support of this landmark Omnibus Reconciliation Act of 1980. The House and Senate conferees have agreed on a package which provides nearly $9 billion in savings. Without enacting this important bill, the deficit for fiscal year 1981 would rise by the $9 billion.

Completion of the reconciliation conference was the result of much hard work and perseverance on the part of the House and Senate committees that were instructed by the Budget Committees to cut billions of dollars from their authorizations. This conference was one of the largest in the history of the Congress—more than 100 conferees participated in 12 subconferences.

Despite the distractions and pressures of the last 2 months resulting from the election and the postelection session, the conferences were able to resolve most of the complex issues in the House and Senate versions.

Budget authority refers to authorization for agencies to contract for spending during a particular fiscal year. Outlays cover the funds actually to be expended in the fiscal year, including expenditures to cover spending contracted for in previous years.

Specific cuts agreed to by the House and Senate are:

House Interstate and Foreign Commerce and the Senate Commerce, Science, and Transportation Committees agreed to reduce $70 million in budget authority and $168 million in outlays.

House Ways and Means, House Interstate and Foreign Commerce, and the Senate Finance Committees agreed to reduce $975 million in outlays.

House Ways and Means and the Senate Finance Committees agreed to reduce $228 million in budget authority and $606 million in outlays. They also agreed to revenue increases of $3.6 billion.

House Post Office and Civil Service and the Senate Governmental Affairs Committees agreed to reduce $433 million in budget authority and $504 million in outlays.

House Public Works and the Senate Public Works Committees agreed to reduce $700 million in outlays.

House Public Works and the Senate Commerce, Science, and Transportation Committees agreed to reduce $305 million in budget authority and $75 million in outlays.

House Education and Labor and the Senate Agriculture Committees agreed to reduce $480 million in budget authority and $489 million in outlays.

House Education and Labor and the Senate Labor and Human Resources Committees agreed to reduce $465 million in budget authority and $451 million in outlays.

House and Senate Veterans' Affairs Committees agreed to reduce $487 million in budget authority and $493 million in outlays.

House and Senate Small Business Committees agreed to reduce $800 million in budget authority and $600 million in outlays.

Mr. FRENZEL. Mr. Speaker, I was pleased to have served on the conference committee for this bill. The reconciliation process is at least an attempt to put some teeth in the budget process. Its use was long overdue.

I refused, however, to sign the conference report. In my view, the conferees did not go far enough in making the needed cuts in the budget. A golden opportunity was missed to make some real reductions in spending. The House Budget Committee had requested more than $6 billion in spending cuts, but the conferees fell over a billion dollars short of even this modest request. The $10 billion savings package became an $8.7 billion package. Rather than take a strong stand, the conferees caved in at all the pressure points.

Some of the most obvious candidates for reductions, such as twice-a-year COLA's and dual pay for military reservists, were left intact. Cutting back on these two programs alone could have saved at least another half billion dollars. They of course will be targets for cuts again next year. If Congress is serious about wanting to get control of the budget, as I think we ought to be, then we have to be willing to make real reductions both in discretionary expenditures and in entitlement programs.

Furthermore, some committees need to use the reconciliation process to clean out their legislative closets. Reconciliation was not implemented to get around the normal legislative process or to expand existing programs, but to cut expenditures and make savings. The new and expanded programs were reduced in the conference committee, but some will pass because the rule does not allow us to delete them. Whether meritorious or not, they should not be a part of this bill, but there is little that can be done now under normal House procedure.

Despite the fact that I could not sign the report, I intend to vote for the bill. While the opportunity for substantial cuts has passed, the bill is at least a small step toward fiscal sobriety.

Inadequate cuts are better than no cuts at all. Given the present rate of inflation and the speed with which the budget is growing, every little reduction is helpful. It is imperative that we at least show that we are concerned with the budget process.

We have learned that reconciliation as we Republicans have said all along, can be an effective tool for control. So far our achievements have been modest, but the potential for the future is great.

We have also learned that reconciliation must be used after the first budget resolution.

We have learned, too, that reconciliation can be abused. New programs have no place in reconciliation. They ought to be kept out by law or rule, or we will risk a breakdown of the process.

The second budget resolution which we just passed was much too high. It just continued the trend which has almost doubled the budget in the last 5 years. The budget process has been a model of impotence in stemming this growth. This reconciliation bill is at least a move in the right direction. But unless some real changes are made in the future to truly limit expenditures, the budget process may collapse of its own weight.

Mr. GIAIMO. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I rise in support of this reconciliation bill. It results from a heretofore untried process, but a necessary one. It validates the budget resolution that we passed. It blazes a new trail. The main reason I urge my colleagues to vote for this bill is that it takes a positive step to reconcile budget objectives and targets with the hard realities of appropriations, of authorizations, and of revenue measures. That is what it does, and we have got to get used to doing it.

● Mr. MATTOX. Mr. Speaker, I wish to commend the House and Senate conferees for reaching agreement on the reconciliation bill and I urge the House to adopt the conference report.

This reconciliation bill is significant in two respects. First, and very importantly, through a series of legislative changes on the spending and tax sides, this bill reduces the size of the deficit for fiscal 1981 by $8.3 billion. Without this bill, the deficit for fiscal 1981 would be $8.3 billion larger.

But in addition to the savings achieved in fiscal 1981, this bill is significant because it represents an attempt to get some kind of control over the so-called uncontrollable items in the Federal budget.

We all know that a large portion of the outlays in a given year is determined by congressional actions in earlier years. This fact makes it very difficult to get a handle on Federal spending. But when we provided for reconciliation in the first budget resolution that we passed earlier this year, we were attempting to get a handle on spending by dealing with these uncontrollable items.

Members will recall that in the first resolution we directed committees to recommend legislative changes within their areas of jurisdiction that would result in savings for fiscal 1981. Target amounts of savings were provided for each committee but the committees decided which specific changes they would recommend. This reconciliation bill is the result of this process.

The conference to work out the disagreements between the House and Senate versions of the bill was a very complex undertaking. Conferees included members of the Budget Committees and of the other committees that had proposed the legislative changes. This reconciliation conference report is a tribute to their diligence and skill.

As a member of the Budget Committee, I am particularly pleased that the conferees have reached agreement on reconciliation. It shows that we are serious about bringing fiscal responsibility to Government spending and that we are serious about making the congressional budgetary process work.●

● Mr. CORRADA. Mr. Speaker, I am sure that my colleagues would agree that congratulations are in order for all of our colleagues who took part in the conference on the Budget Reconciliation Act. This was the first time that the Congress had to deal with this type of legislation and although it was not easy the task has been accomplished.

I cannot, however, support this conference report since it perpetuates some of the inequities that I have been opposing since coming to Congress. I am very disappointed at the fact that a very modest increase in medicaid payments for Puerto Rico and the territories included in the House-passed bill was not agreed to in the conference.

As many of you are aware, the participation of Puerto Rico and the territories in the medicaid program is limited by a legislated cap on the available funds. In the case of Puerto Rico the limit is $30 million and this cap has not been revised since 1972. I am sure that I do not have to point out that the cost of providing medical care has more than doubled since that time. This increase in cost has forced the government of Puerto Rico to budget over $90 million per year to provide medical care to the medically indigent on our island.

The increase in medicaid funds for Puerto Rico from $30 million to $60 million, has been approved by this House in the 95th and 96th Congresses and should have been part of this conference report.

The U.S. citizens in Puerto Rico deserve quality medical care, as do the rest of the American public. Once more they have been deprived of this basic need by the U.S. Congress.

My first order of business in the 97th Congress will be to introduce a bill to provide State-like treatment under medicaid to the residents of Puerto Rico and the territories—they deserve no less.

I hope that at this time my colleagues will once again support this effort and insist with the Senate in extending the full benefits of this program to your fellow U.S. citizens residing in the territories.●

● Mr. DERWINSKI. Mr. Speaker. It has been said ease in writing comes from art, not chance. Unfortunately, our legislative processes sometimes are considerably less than works of art. Sometimes, we arrive at the right place for the wrong reasons. A case in point is the Civil Service and Postal portion of the Omnibus Reconciliation Act of 1980.

I remain unsold on the merits of the total reconciliation package which is before us today. It represents the end product of a farcical production in which the expertise of the various legislative committees was diluted, if not usurped by the Budget Committees. The Post Office and Civil Service Committee, for example, was directed to come up with savings of $1 billion in programs and authorizations under its jurisdiction. Encompassed in those recommendations were consequences which could have undermined the credibility of the Federal Civil Service Retirement System and forced the U.S. Postal Service to reduce the delivery of mail from 6 days to 5 days a week.

Our committee, against its better judgment, was forced to make some questionable decisions, but nevertheless managed to keep faith with Federal employees and preserve 6-day mail delivery for another year. Our counterparts in the other body, operating under a different set of guidelines, naturally reached conclusions at variance with our recommendations.

The passage of time and the resultant conference committee resolved one of the big sticking points—whether cost-of-living adjustments should continue on a twice-a-year basis in fiscal year 1981, or be limited to one adjustment in March 1981. What finally evolved in conference was agreement to allow the present law to stand for twice-a-year cost-of-living adjustments and a prohibition against any Postal Service action to end 6-day delivery.

In a spirit of genuine compromise, the conferees ultimately came up with total budget savings of $509 million.

Frankly, there was not much skill involved in the entire process, but that seems to be totally in keeping with the budgetary charade which endured for most of the current session of Congress.●

● Mr. GOODLING. Mr. Speaker, I recognize the difficult task that was thrust upon the House Budget Committee and I commend them on their efforts. However, I would like to reinforce the remarks of my distinguished colleague from Ohio (Mr. ASHBROOK). It goes without saying that he has been a leading advocate of the school lunch and child nutrition programs. From the very beginning of the budget reconciliation process, both JOHN ASHBROOK and I have argued against budget reductions in those areas which would take food out of the mouths of the needy. Instead, we offered an alternative proposal which would have saved over $300 million but which would have focused upon nonprogrammatic cuts. Our approach was, however, rejected.

My concern today is with the process associated with this budget reconciliation bill. I agree with my colleague from Ohio that, as Members of this Congress, we ought not to take lightly any action which violates the rules of the House. In this instance, we are being asked to accept legislative changes made in a conference committee on a matter not in the legislation approved by either body. This is a clear violation of the "scope" provisions contained in House rule 28, clause 3. To echo Mr. ASHBROOK's remarks, section 203(d) extends the WIC program authorization 2 years beyond its current expiration date of September 30, 1982. No such provision was contained in either bill before the conference committee. In addition, the "cap" on the authorization has been completely removed. Mr. Speaker, I am concerned over this attempt to run roughshod over the House rules and to accept a provision which is beyond the scope of the conference.

The program in question does not even expire until 1982 and, as a consequence, our action on this bill may be inspired by well-intentioned motives which go beyond the budget reconciliation process. Yet we should not forget that those who "live by the sword often die by the sword." We should not be surprised that, if we set a precedent today by "legislating" beyond the scope of the reconciliation process, the day will come when reconciliation will be used as a vehicle for changes not favored by Members who wish to "protect" a particular program. We face a serious danger when we violate our own rules because it may prove convenient in the short term. Such a policy may return to haunt those who would subvert the established process in order to obtain a particular goal.●

● Mr. FLORIO. Mr. Speaker, I just want to highlight what the budget reconciliation conferees have done in the railroad area.

As you know, the House bill had included net savings in the railroad retirement program of about $52 million for fiscal year 1981 through a combination of temporary benefit modifications and a temporary tax increase on the railroads.

The Interstate and Foreign Commerce Committee had recommended these provisions because the committee had basically no alternative in order to comply with the budget reconciliation instructions of the Budget Committee. However, I have never felt that these provisions were an appropriate step in resolving the long-term financial problems of the railroad retirement system. In addition, the administrative problems in implementing these temporary provisions would have been enormous—particularly since we are already well into the fiscal year.

I believe the House conferees, at my suggestion, made a wise decision by receding to the Senate—which had not recommended any changes to railroad retirement as part of their reconciliation bill.

Instead, the House conferees agreed to accept a Senate provision limiting the expenditures under the section 505 railroad rehabilitation program to $180 million in fiscal year 1981—instead of the originally projected $250 million. This will result in a savings of $70 million—$18 million more than the savings expected from the railroad retirement provisions.

The railroad retirement system is still operating at a long-term deficit. We will need to consider early next year ways to solve the financial problems facing railroad retirement. But that consideration will be in the context of developing a comprehensive solution to the problems facing this system. Such a comprehensive solution is far preferable to the short-term, temporary fix originally proposed in the House reconciliation bill.●

● Mr. WRIGHT. Mr. Speaker, this is an historic moment. Today the House is taking the final step in its budget process. Congress is applying a discipline to itself which is essential to the achievement of true budget control.

For the success of this effort we and the Nation are indebted to the strong leadership of Chairman GIAIMO. It is most fitting that this goal should be reached, this summit attained, just as BOB GIAIMO is completing his service as chairman of the Budget Committee and ending his career in the Congress.

At the same time, the chairmen of the various legislative committees deserve our commendation for their willingness to find reductions within their own programs—not just new programs but existing programs as well.

Belt tightening is always difficult. There are no easy choices. But if the Congress is to exercise its powers under the Constitution to control revenue and spending within the Federal Government, its budget process must provide mechanisms for making reductions necessary to meet the agreed-upon budget targets. The action we are taking today is one such creative mechanism.●

● Mr. RAHALL. Mr. Speaker, I find it ironic that through this reconciliation legislation which is designed to reduce Government expenditures, thereby providing strength to the American dollar and strengthen the purchasing power of the American people, we are virtually curtailing the activities of one of our most important industries, namely homebuilding.

With home mortgage interest rates charged by banks and savings and loan institutions throughout the country exceeding 15 percent again this year, the low-interest mortgage funds provided through the issuance of tax-free mortgage revenue bonds provides a crucial source of mortgage money.

Through the adoption of this legislation, namely title XI, we will be significantly reducing and in many instances eliminating the amount of low-interest mortgage money available to prospective homebuyers.

While I, like all other Members of this body, realize the urgent need to reduce Government expenditures either through reducing direct outlays or recouping lost revenues, and I will support this conference report, I question how wise a decision we are making by adopting this provision.

In 1978 in my home State of West Virginia, 7,439 housing units were started. They had an economic impact value of $347 million. This activity was responsible for the employment of 3,995 people in the housing industry, while 6,933 others derived their living from supplying the industry. With high interest rates, tight money, and this legislation, 3,720 housing unit sales will be lost, 10,928 jobs will be lost or jeopardized, $206 million will be lost in wages and $832 million will be forfeited in local economic activity.

Mr. Speaker, rather than curtailing the activities of one of our most important industries, we should be developing methods to stimulate their activity, which in turn will create jobs for thousands of unemployed Americans.

The National Association of Home Builders has documented the effect these lost housing starts will have on future home costs. It is a simple case of supply and demand; if they are not built today, they will cost more tomorrow.

Mr. Speaker, recent economic events have made the thoughts of owning a home a long-forgotten dream for thousands of Americans. Low-rate mortgages provided through tax-free mortgage bonds can reverse this trend. The future of the housing industry in the near term is contingent upon these funds; rather than restrict their use we should be expanding it.●

☐ 1130

Mr. GIAIMO. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 334, nays 45, not voting 53, as follows:

[Roll No. 657]

YEAS—334

Abdnor
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Badham
Bafalis
Bailey
Barnes
Bauman
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Biaggi
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Collins, Tex.
Conte
Conyers
Corcoran
Corman
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Devine
Dicks
Dingell
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hefner
Heftel
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard

Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patterson
Paul
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rinaldo
Ritter
Roberts
Robinson
Rose
Rostenkowski
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schulze
Seiberling
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Walgren
Walker
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—45

Addabbo
Bedell
Bingham
Burton, John
Burton, Phillip
Clay
Conable
Crockett
Dellums
Derwinski
Dixon
Duncan, Tenn.
Early
Eckhardt
Edgar
Ferraro
Gray
Green
Harris
Hawkins
Holtzman
Kastenmeier
Kildee
Leland
Mitchell, Md.
Mottl
Myers, Ind.
Nolan
Ottinger
Patten
Petri
Quillen
Richmond
Roe
Rosenthal
Roth
Roybal
Sensenbrenner
St Germain
Steed
Stokes
Traxler
Vanik
Waxman
Weiss

NOT VOTING—53

Ambro
Anderson, Ill.
Atkinson
AuCoin
Baldus
Barnard
Beard, R.I.
Bethune
Bonior
Bowen
Coleman
Collins, Ill.
Cotter
Coughlin
Crane, Philip
Dickinson
Dodd
English
Fenwick
Ford, Mich.
Frost
Garcia
Gingrich
Gramm
Guarini
Hance
Hanley
Harkin
Hillis
Jenrette
Kelly
Leath, Tex.
Lederer
McEwen
McKay
Mattox
Mavroules
Moorhead, Pa.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Rhodes
Rodino
Satterfield
Schroeder
Sebelius
Shannon
Simon
Spellman
Thompson
Wampler
Young, Alaska

□ 1150

The Clerk announced the following pairs:

Mr. Rodino with Mrs. Fenwick.

Mr. Hanley with Mr. O'Brien.

Mr. Lederer with Mr. Rhodes.

Mr. Cotter with Mr. Sebelius.

Mr. Bonior of Michigan with Mr. McEwen.

Mr. Barnard with Mr. Dickinson.

Mr. Murphy of New York with Mr. Coleman.

Mr. Thompson with Mr. Bethune.

Mr. Guarini with Mr. Coughlin.

Mr. AuCoin with Mr. Hillis.

Mr. Ambro with Mr. Gramm.

Mr. Bowen with Mr. Wampler.

Mr. Dodd with Mr. Young of Alaska.

Mr. Mavroules with Mr. Gingrich.

Mr. Jenrette with Mr. Kelly.

Mr. Harkin with Mr. Moorhead of Pennsylvania.

Mr. Ford of Michigan with Mr. Garcia.

Mr. Nedzi with Mr. Atkinson.

Mrs. Schroeder with Mr. Beard of Rhode Island.

Mr. Simon with Mr. Philip M. Crane.

Mrs. Collins of Illinois with Mr. English.

Mr. Baldus with Mr. Frost.

Mr. Hance with Mr. Leath of Texas.

Mr. Shannon with Mr. Mattox.

Mr. Satterfield with Mr. McKay.

Mr. Neal with Mr. Andrews.

Messrs. DUNCAN of Tennessee, QUILLEN, TRAXLER, ROTH, NOLAN, and EDGAR changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLER of Ohio. Mr. Speaker, during the committee and floor consideration of H.R. 7765, the budget reconciliation conference agreement, much was made of its so-called 2-percent reduction in outlays.

I find it somewhat amusing that so many of the strongest critics of my repeated attempts to cut spending bills 2 percent over these years are now singing my tune that percentage cuts are practical, realistic, and will do the job to get a handle on runaway spending.

For too long I have been told that percentage reductions were inferior to selective specified line item cuts. But, every time those selective reductions were proposed they too were turned down because we were told that "there are a thousand other programs to cut but do not cut here."

The collective effect of this attitude is that almost everything has been approved and nothing ever gets cut.

It is heartening to see so many come around to embrace the broad percentage cut approach. I look forward to their support when I offer my amendments to future spending bills.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order I have been granted for this evening.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO HAVE UNTIL MIDNIGHT, DECEMBER 31, 1980, TO FILE REPORT IN MATTER OF REPRESENTATIVE JOHN W. JENRETTE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct may have until midnight, December 31, 1980, to file a report in the matter of Representative JOHN W. JENRETTE.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 5487, COLORADO WILDERNESS ACT OF 1980

Mr. SEIBERLING. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5487) to designate certain national forest system lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 30 minutes, and the gentleman from Colorado (Mr. JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 5487, which designates wilderness in the States of Colorado, South Dakota, Louisiana, Missouri, and South Carolina. After nearly 2 years of work on this issue, I am gratified that a compromise has finally been reached and that the Colorado delegation is, I believe unanimous in its support of the conference report, which pertains largely to areas in Colorado.

As reported by the committee on conference, the legislation will add some 1.4 million acres of national forest lands in the State of Colorado to the national wilderness preservation system. The additions in South Dakota, Louisiana, Missouri, and South Carolina are identical to provisions which passed the House and Senate, and there is no controversy over these designations.

Mr. Speaker, rather than go into a lengthy discourse on the areas and issues involved, I will at this time yield to the Members in whose congressional districts the wilderness proposals are located. However, before so doing, I would like to express my thanks to Congressmen Ray Kogovsek, Jim Johnson, Mendel Davis, Jerry Huckaby, Richard Gephardt, and Jim Abdnor, all of whom worked long and hard on the designations in their respective States. It is not an easy task to put together legislation such as this, and I deeply appreciate their efforts on behalf of the bill.

I would also like to express my appreciation to Senator Gary Hart and Senator Bill Armstrong for their contributions to this compromise bill.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the conference report under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report now before the House regarding designation of National Forest System wilderness areas in Colorado and four other States, is a positive and constructive piece of legislation which deserves our support.

The major portion of the bill is the designation of about 1.4 million acres of National Forest System lands in Colorado as part of the National Wilderness Preservation System. The President's RARE II recommendations were sent to Congress nearly 2 years ago. In September of last year I joined with my colleague from Colorado (Mr. Kogovsek) to introduce the Colorado RARE II wilderness legislation, H.R. 5487. It was the first statewide RARE II wilderness bill to be considered in the House. It was and is our intent to resolve as many of the administration's RARE II wilderness recommendations as possible regarding Colorado. That has been done in this bill, although there are some areas which will receive further review by the Forest Service and a future Congress.

Of equal if not more importance than the wilderness designations, are two major policy issues which this conference report addresses and clarifies. These issues, primarily the so-called release or sufficiency language, and wilderness grazing policy, were developed with the active and personal participation of myself, Mr. Kogovsek, and subcommittee Chairman Seiberling, working with the involvement of the various interest groups and local citizens concerned about these issues. What resulted was the development of language incorporated in this legislation which provides a more definitive degree of certainty regarding the management of these wilderness areas as well as those lands not designated as wilderness, wilderness study areas, or remaining in administrative further planning. These Forest Service System lands, will, under this release language, be managed for multiple uses other than wilderness under the terms of the regulations promulgated by the Forest Service pursuant to the National Forest Management Act of 1976.

As for the statutory language contained in this legislation regarding grazing policy in wilderness areas, it goes a long way in clarifying the intent of the Congress and directing that present policy be modified to reflect that intent as very carefully detailed in the legislative history of this bill.

Indeed, these detailed grazing guidelines were also incorporated in the legislative history of the central Idaho wilderness bill, which is now law, and have already been reviewed by the Department of Agriculture and the Forest Service. As a result, the guidelines themselves have been made a part of directives issued by the Chief of the Forest Service and now contained in the Forest Service manuals which are in the hands of each national forest supervisor across the country. What this legislation does is further direct, in statute, that the Forest Service is to follow the intent of the Congress regarding the implementation of the wilderness grazing guidelines.

Also contained in this bill is a statutory prohibition on the arbitrary creation of so-called buffer zones around wilderness areas, and language directing the Forest Service to review and where necessary modify its practices regarding forest fire, disease, and insect control, to conform with the intent of Congress as that intent is further detailed in the legislative history.

I believe, as a result of this legislation, and the considerable efforts of all involved in its development, we have produced a product which addresses the desire to properly protect an additional 1.4 million acres of unique or otherwise very special areas of National Forest System lands in Colorado. At the same time we have recognized and provided for some commonsense management of these areas and allocation of other areas for other multiple uses such as grazing, recreation, timber, fuel and nonfuel mineral resource development which are vital to the local economies of many areas of Colorado as well as to the national economy and security.

I have concentrated on the issues and wilderness designations pertaining to Colorado for the most part, because that is the major portion of the legislation. However, wilderness designations in four other States are also included in the conference report now before the House. The legislation designates as wilderness, 10,700 acres in the Black Hills National Forest in South Dakota; 27,650 acres in four areas located in the Mark Twain National Forest in Missouri; a total of 13,720 acres in four areas in the Francis Marion National Forest in South Carolina; and 8,700 acres of the Kisatchie National Forest in Louisiana.

These designations were added to H.R. 5487 on the Senate floor. All are identical to the wilderness designations in these four States as previously passed by the House as part of H.R. 5341. All have the endorsement of the Members of Congress representing those States and respective congressional districts.

I extend my sincere thanks for the time and effort of my colleagues on both sides of the aisle who have worked to bring this legislation to this point. I especially want to thank Chairman Seiberling for his untiring persistence and assistance in helping all of us develop a bill which we are proud to submit to the House for approval.

Factsheet—Colorado Wilderness Bill H.R. 5487 (Conference Report)

COLORADO (APPROXIMATE ACRES)

1,421,830 acres in 20 areas are added to the National Wilderness System.

496,900 acres in 11 areas are designated as Congressional Wilderness Study Areas.

159,423 acres in 4 areas remain under Administrative Further Planning allocation.

142,800 acres in 5 areas recommended in RARE II as wilderness are released.

4,214,600 acres in 246 areas were previously released by the Forest Service when the RARE II inventory of 6.5 million acres of roadless forest system lands was completed in Colorado.

1.2 million acres of National Forest Wilderness areas currently exist in Colorado.

STATUTORY POLICY ISSUES ADDRESSED

Grazing in Wilderness areas.

Release Language.

Fire, Insect, Disease Control.

Buffer Zones.

Access (National provisions contained in Alaska Lands Bill).

OTHER PROVISIONS

Modification of Rocky Mountain National Park boundary.

Other States wilderness designations

	Nr. areas	Acres
South Dakota	1	10, 700
Missouri	4	27, 650
South Carolina	4	13, 720
Louisiana	1	8, 700
Subtotal	10	60, 770
Colorado	20	1, 421, 830
Total bill	30	1, 482, 600

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid upon the table.

FURTHER CONTINUING APPROPRIATIONS, 1981

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 819 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 819

Resolved, That upon the adoption of this resolution it shall be in order to consider, clause 2(l)(6) of rule XI to the contrary notwithstanding, the joint resolution (H.J.

Res. 637) making further continuing appropriations for the fiscal year 1981, and for other purposes, in the House, and the previous question shall be considered as ordered on the amendments recommended by the Committee on Appropriations and on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen) pending which I yield myself such time as I may consume.

Mr. Speaker, the hearing on this matter in the Committee on Rules revealed to us that there was very little controversy on the rules on this particular bill. The request made was made by the chairman of the committee, Mr. Whitten, joined by the ranking minority member, Mr. Conte.

The resolution which we bring before you was reported, as I heard it, unanimously by voice vote. Therefore, I am not aware of any serious opposition. It is inevitably a complicated rule because it deals with a very complicated situation.

A great many of the appropriation bills have not become law for a variety of complicated reasons. The rule in effect provides only that committee amendments will be in order to the continuing resolution. There are a significant number of them. The time is controlled by the chairman of the committee, and I feel sure that he will yield to those on the minority side and those who have great concerns as fairly as he can.

It is the best rule that we could contrive and this, of course, is the one piece of legislation that must be passed by the Congress before the Congress can adjourn. It is a must piece of legislation.

Mr. EDGAR. Mr. Speaker, would the gentleman yield?

Mr. BOLLING. I will be happy to yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

I take this moment to ask the gentleman about substantive points of order that would lodge against the continuing resolution, and I would ask the gentleman if he could indicate to the House what is the need for the kind of resolution that we are passing at this moment.

First, let me state a bias. It occurs to me that we are taking the Senate off the hook on a number of substantive appropriation bills and we are putting in law some pieces of authorizing legislation and appropriation legislation that are not clear to all Members of the House.

As one Member of the House, my question specifically is: What are some of the specific points of order that we are waiving in your resolution that are points of order making authorization in an appropriation bill?

Second, the question for Mr. Whitten is, What specifically are we doing in this appropriation bill?

☐ 1200

Mr. BOLLING. The gentleman is misinformed. The fact of the matter is that the only waiver on the resolution is the 3-day rule. We do not waive any substantive points of order that might lie.

Now, the 16, if I remember correctly, the 16 committee amendments, inevitably do not have a waiver because a waiver does not apply to the bill generally. I understand there is at least one amendment that is subject to a point of order. We are not waiving the points of order on the substance in the continuing resolution or the amendments.

Now, why is the matter being considered with such urgency? I do not have the time to explain that to the gentleman. I am serious about that. The reason it is being considered this way is that we do not schedule our business in an orderly, fashion overall. We have never scheduled our business, in my experience, in the years that I have been in an orderly fashion.

When the Budget Act came along it was hoped that there would be a systematic scheduling but today we are still at the mercy of any number of different power centers and power blocks in and out of Congress which can delay and delay again bills that authorize appropriations and appropriations bills. Sometimes there is collision between the inside and the outside out the schedule of this institution is not within the control, yet, of the institution. In my judgment, it is the fundamental reason we find ourselves at the end of each session in this very position.

Mr. Speaker, I see no hope of change in that between now and the convening of a new Congress.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for yielding. I appreciate the explanation. The gentleman has indicated to me there is but one area where a point of order would lodge against the continuing resolution. Is that correct?

Mr. BOLLING. That is my undering. I do not know that. If anyone can find any points order that are valid, they have a perfect right to make them. All we did is waive the 3-day rule. I understand from the testimony yesterday that one of the committee amendments is subject to a point of order. There may be more. I simply do not know.

Mr. EDGAR. Those points of order have not been waived against the substantive committee amendments.

Mr. BOLLING. There have been no waiver of points of order except as stated.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for his comments. During the course of the debate on the continuing resolution I would like to raise with the general membership of the House whether or not this makes commonsense to be in a position of taking the Senate off the hook and being in the position of putting a very precarious set of signals out for some of the agencies of the Federal Government.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. Natcher). The Chair now recognizes the gentleman from Tennessee (Mr. Quillen).

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 819 makes in order the consideration of House Joint Resolution 637 which makes further continuing appropriations for fiscal year 1981. As my colleagues are aware, even though this fiscal year began last October 1, only 3 of the 13 regular appropriations bill have been signed into law. The rest of the Government agencies and departments are operating under a continuing resolution which expires on December 15.

The resolution made in order by this rule would extend that continuing authority through June 5, 1981, for most Government functions, and until September 30 for a few specific purposes. The levels of funding for various purposes under this continuing resolution varies, but in most instances it is at the level of the House-passed appropriations measures.

Mr. Speaker, the rulemaking this continuing resolution in order is a relatively closed rule which I think is necessary and justified given the lateness of the session and the importance of this funding to the continued operations of Government. The rule simply provides for the consideration of the continuing resolution in the House, and in effect the only amendments which will be permitted are the committee amendments. The usual motion to recommit is provided for. I urge adoption of this rule so that we can proceed to the consideration of this vital piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Burgener).

Mr. BURGENER. Mr. Speaker, I thank the gentleman for yielding. I rise for purposes of an inquiry. A number of the Members are particularly interested in one of the committee amendments. It happens to be section 123 of the bill known as the McDade amendment relating to reapportionment.

Mr. Speaker, I want to make sure it will be in order to have a vote on that one separately.

Mr. QUILLEN. It is my understanding that a vote could be had on that particular amendment or any other amendment.

Mr. BURGENER. So long as they are not all considered en bloc?

Mr. QUILLEN. The gentleman is correct. That is my understanding.

Mr. BURGENER. Mr. Speaker, my second inquiry deals with the limitation of time on debate. What would be the understanding of the gentleman? If we bring this one committee amendment up, which I intend to do, would the time for debate be at the discretion of the people controlling the time?

Mr. QUILLEN. Mr. Speaker, may I yield to the chairman of the Committee on Rules?

Mr. BOLLING. Only 1 hour is provided for the consideration of the matter.

Mr. BURGENER. So whatever time within that 1 hour might be consumed, it could be on any matter?

Mr. BOLLING. On any matter at the behest of the chairman of the committee.

Mr. BURGENER. I thank my colleague for yielding.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for the clarification.

Mr. Speaker, I now yield 2 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, I listened intently to the remarks of my friend, the chairman of the House Committee on Rules, the gentleman from Missouri (Mr. Bolling). We have worked together in order to advance the budget control process in this institution and I certainly share the gentleman's appraisal that this body has not ordered its budget control procedure and we have to do something differently in the future.

It just seems to me we are bogged down in the process of budgeting and appropriating in this institution. Here it is December 3 and just a few minutes ago we finally finished the budget process. Here, on December 3, we have not finished 10 of the 13 appropriations bills.

Mr. Speaker, I believe very deeply that a budget control process is needed by this body. I would not want to see this process dropped.

The alternative might be to go back to the initiative that Clarence Cannon tried years ago. He ordered that all appropriations be taken up in one giant package. They were considered in one package in one particular year. It was quite an ordeal. The budget control resolution is by far to be preferred.

Then, we changed from July 1 to October 1, the beginning of the fiscal year, mainly to overcome the difficulty that this body was having in handling the budget and appropriation process and it still has not worked, because October 1 has come and gone. We are almost at the end of the calendar year. What do we do next? Do we change the fiscal year to begin January 1?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman from Illinois 1 additional minute.

□ 1210

Mr. FINDLEY. Is the answer to our problem to begin the fiscal year on January 1? I imagine we will find ourselves in the same difficulty if we take that step. It seems to me that now is a good time for all Members of this body to consider the possibility of shifting from budgeting and appropriating for 1 year to 2 years. Let us budget for a 2-year period. Let us appropriate for a 2-year period. I am not suggesting that will answer all of the problems, but I think it would relieve us from the difficulty we find ourselves in now, and assuming we could get through the budget and appropriations process in 1 year, we would have 1 year remaining in each Congress to take up new legislation and to do a better job in our responsibility of oversight, which I think is largely neglected.

So I would ask my colleagues to give serious thought in the remaining days of this year to changing the rules of the House beginning January 1 so that we will budget and appropriate for a 2-year period.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WHITTEN. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 637) making further continuing appropriations for fiscal year 1981 and for other purposes and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

Mr. EDGAR. Mr. Speaker, I would like to reserve all points of order against the joint resolution.

The SPEAKER pro tempore (Mr. Brown of California). The Chair would advise the gentleman that any point of order against the joint resolution would lie now, and the gentleman will have to make his point of order at the present time.

Mr. EDGAR. There is no opportunity to reserve points of order against the contents of the bill until the bill is explained?

The SPEAKER pro tempore. The Chair would advise the gentleman it is not a general appropriation bill, and under the procedure being followed it will not be read for amendment, and that the gentleman will have to make his point of order now if it applies to the provisions of the joint resolution.

Mr. EDGAR. Mr. Speaker, I withdraw my reservation.

The Clerk read the joint resolution, as follows:

H.J. Res. 637

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

Sec. 101. (a) (1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Department of Defense Appropriation Act, 1981;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1981; and

Treasury, Postal Service, and General Government Appropriation Act, 1981.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the rate permitted by the action of the House and, under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriation Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91–672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96–787), and in accordance with associated agreements stated in the Joint Explanatory Statement of the Committee of Conference, accompanying H.R. 4473, except that for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of $280,000,000: *Provided*, That not more than $105,700,000 of this amount shall be for AID/Washington Operating Expenses.

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed the House of Representatives, July 21, 1980, and the provisions of H.R. 7593 shall be effective as if enacted into law; except that the provisions of section 309 of H.R. 7593 shall not apply to the General Accounting Office, and the provisions of section 306 (a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through June 15, 1981, by this or any other Act.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the current rate: *Provided*, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

Activities of the Council on Wage and Price Stability;

Activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;

Activities of the National Health Service Corps under section 338(a) of the Public Health Service Act;

Activities for support for nursing research under section 301 of the Public Health Service Act;

Activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act including authority to guarantee new loans under the Health Education Assistance Loans (HEAL) program;

Activities under the Community Mental Health Centers Act;

Activities of the National Arthritis Advisory Board and the National Diabetes Advisory Board; and

Activities under title IV, part A, subparts 2 and 3, and titles VII and VIII of the Comprehensive Employment and Training Act except that activities under title VII shall be conducted at not to exceed an annual rate for new obligations of $200,000,000.

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

Activities under title IV of the Federal Mine Health and Safety Act of 1977;

Activities under the Social Security Act;

Retirement pay and medical benefits for commissioned officers of the Public Health Service;

Activities under title IV, part B, of the Higher Education Act;

Notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds"; and

Activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund".

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to continue the breeder reactor demonstration project, or such project alternative as may be approved by Congress in authorizing legislation, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding any other provision of law, amounts appropriated to the State and Local Government Fiscal Assistance Trust Fund shall be available for payments to units of local government in accordance with the provisions and conditions set forth in the State and Local Fiscal Assistance Act of 1972, as amended and as further amended by H.R. 7112 as passed the House on November 13, 1980, for a one-year entitlement period beginning October 1, 1980, but at not to exceed an annual rate for operations of $4,566,700,000.

(i) Notwithstanding any other provision of this joint resolution: There is appropriated an additional amount of $46,700,000, to remain available until expended, for Department of Energy, Operating Expenses, Atomic Energy Defense Activities, and an additional amount of $65,300,000, to remain available until expended, for Department of Energy, Plant and Capital Equipment, Atomic Energy Defense Activities, such amounts to be merged with and subject to the same provisions as amounts previously provided for such Activities in Public Law 96–367, Energy and Water Development Appropriation Act, 1981; section 120(b) of the Water Resources Development Act of 1976 (90 Stat. 2924) is amended by striking out "for the fiscal years ending September 30, 1978, and September 30, 1979,"; and appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

(j) Notwithstanding section 101(a) of this joint resolution, not to exceed $1,800,000,000 shall be available for an annual rate for operations to continue the low-income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report 96–1244, except that the sum of $50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980, in volume 45, numbered 106, Federal Register, pages 36810–36838, such payments to be, to the maximum extent possible, the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided,* That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $750, except this $750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

(k) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities to the extent and in the manner provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (H.R. 7591) as passed the House; except that the following program is authorized to operate at not to exceed the specified annual rate: Federal Crop Insurance Corporation, administrative and operating expenses ($29,558,000).

(l) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the District of Columbia Appropriation Act, 1981 (H.R. 8061), to the extent and in the manner provided for in the conference report (H. Rept. No. 96–1477) filed in the House of Representatives on November 21, 1980.

(m) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (H.R. 7631), to the extent and in the manner provided for in the conference report (H. Rept. No. 96–1476) filed in the House of Representatives on November 21, 1980.

(n) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1981 (H.R. 7724) to the extent and in the manner provided for in such Act as adopted by the House of Representatives on November 21, 1980.

(o) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584), to the extent and in the manner provided for in such Act as adopted by the House of Representatives on November 21, 1980.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 15, 1981, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 107. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be expended pursuant to any order or injunction of any court of the United States which would compel the expenditure of such funds for a purpose for which such expenditure is specifically prohibited by such Act.

SEC. 111. Notwithstanding any other provision of this joint resolution or Public Law 96–369: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than $1,229,000,000 of new obligational authority shall be available during fiscal year 1981.

SEC. 112. Notwithstanding the provisions of section 101(a) of this joint resolution; Rental of Space activity of the Federal Buildings Fund shall be continued at an annual rate not to exceed $640,200,000, and the Real Property Operations activity of the Federal Buildings Fund shall be continued at the current rate of operations plus increased requirements for utilities and fuels not to exceed the annual rate for same shown in the administration's budget request, as amended by House Document 96–368, dated September 4, 1980.

SEC. 113. Funds contained in Public Law 95–205 for carrying out section 525 of the Education Amendments of 1976 shall remain available through September 30, 1982.

SEC. 114. Notwithstanding any other provision of this joint resolution, there is appropriated such amounts as are required for allowances and office staff for the former President pursuant to 3 U.S.C. 102 note: *Provided*, That the aggregate amount to be expended for the Allowances and Office Staff for former Presidents account shall not exceed $823,000: *Provided further*, That such amounts as are necessary, may be expended under Operating Expenses, National Archives and Records Service for the provision of a temporary repository and essential archival processing of Presidential materials.

SEC. 115. Notwithstanding any other provision of this joint resolution, there is appropriated for settlement of claims against the Coast Guard pursuant to section 646 of title 14, United States Code, $198,523.41 and for settlement of claims by the Seneca Nation of Indians pursant to section 10 of the Act of August 31, 1964 (78 Stat. 738), $19,774.95.

SEC. 116. Notwithstanding the provisions of section 101(a) of this joint resolution, the maximum amount allowable during the current fiscal year in accordance with section 15 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,000, except station wagons, for which the maximum shall be $6,400: *Provided*, That these limits may be exceeded by not to exceed $1,700 for police-type vehicles, and by not to exceed $3,600 for special heavy duty vehicles: *Provided further*, That preference should be given for the purchase of American made vehicles.

SEC. 117. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 118. Notwithstanding any other provision of this joint resolution, none of the funds contained herein may be made available for implementing requirements imposed by section 2002(a)(9) of the Social Security Act or by any regulations promulgated by the Department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: 1. In Sec. 101, strike out subsection (b) and insert in lieu thereof the following:

(b) Notwithstanding section 10 of Public Law 91–672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96–787), and in accordance with associated agreements stated to the Joint Explanatory Statements of the Committee of Conference, accompanying H.R. 4473, except that funds for Cyprus shall be at the rate and manner provided in fiscal year 1980, and for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of $280,000,000: *Provided*, That not more than $105,700,000 of this amount shall be for AID/Washington Operating Expenses: *Provided further*, That the rate for Foreign Military Credit Sales shall be at the rate and manner contained in H.R. 7854 as reported by the Committee on Appropriations July 29, 1980.

2. Further amend Sec. 101(b) by striking the period at the end thereof and inserting the following: ": *Provided further*, That of the $73,000,000 available for International Disaster Assistance, not less than $50,000,000 shall be for relief, rehabilitation and reconstruction assistance for the victims of the earthquake in southern Italy in November, 1980".

3. Further amend Sec. 101(b) by adding immediately following the preceding amendment the following: ": *Provided further*, That out of existing funds provided for the Agency for International Development, $2,000,000 shall be used for the African Development Foundation.".

4. In Sec. 101(c), immediately after the word "Office" insert the following: ", and the last proviso under the heading 'Government Printing Office, Office of Superintendent of Documents, Salaries and Expenses' in H.R. 7593 shall not apply,".

5. In Sec. 101(c), strike "June 15", and insert in lieu thereof "June 5".

6. Further amend Sec. 101(c) by inserting immediately after the period the following: "Notwithstanding section 102(c) of this joint resolution, for mileage of Members, as authorized by law, $210,000.".

7. In Sec. 101(e), immediately following the semicolon in the fourth unnumbered clause thereof, insert the following: "Notwithstanding paragraph 1393(a) of the Education Amendments of 1980, paragraph 446 of such Amendments shall be effective on July 1, 1981;".

8. In Sec. 101(j), strike "$1,800,000,000" and insert in lieu thereof "$1,850,000,000".

9. In Sec. 102(c), strike "June 15", and insert in lieu thereof "June 5".

10. After Sec. 118, insert the following:

SEC. 119. The Administrator of the Small Business Administration, pursuant to Section 4(c)(5)(A) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed $300,000,000 for the purpose of providing Disaster Loans in addition to the amount provided for such purpose in H.R. 7584 as adopted by the House of Representatives on November 21, 1980, and to transfer an amount not to exceed $10,000,000 to "Salaries and Expenses".

11. Insert a new section as follows:

SEC. 120. Notwithstanding any other provision of this joint resolution there is hereby appropriated an additional $119,000,000 to increase the capital of the General Supply Fund established by Section 109 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 756).

12. Insert a new section as follows:

SEC. 121. Notwithstanding any other provision of this joint resolution, there is hereby appropriated an additional amount for capital outlay, Panama Canal Commission, of $10,210,000 for navigation projects to be derived from the Panama Canal Commission Fund and to remain available until expended: *Provided*, That all such funds be derived solely from tolls and other charges for services provided by the Panama Canal Commission.

13. Insert a new section as follows:

SEC. 122. None of the funds made available to the Department of the Treasury by this joint resolution shall be used to implement any change in the time granted, or the mode of payment permitted, for payment of customs duties or excise taxes by regulations in effect on July 1, 1980.

14. Insert a new section as follows:

SEC. 123. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution may be used to calculate or transmit, pursuant to Section 2a of Title 2 of the United States Code, the number of Representatives in Congress to which each State shall be entitled under the twentieth decennial census. This section shall not apply to any calculation or transmittal where the number of Representatives is based on a census count which includes only citizens of the United States.

15. Insert a new section as follows:

SEC. 124. Notwithstanding any other provision of this joint resolution except section 102, the expenditure of any appropriation available under this joint resolution for consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

16. Insert a new section as follows:

SEC. 125. None of the funds appropriated by this joint resolution may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

None of the funds appropriated by this joint resolution may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. Whitten) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts (Mr. Conte), for purposes of debate only, pending which I yield such time as he may consume to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, I want to commend the distinguished chairman of the Appropriations Committee for his expeditious handling of this very important legislation.

Mr. Speaker, I strongly support the provisions of House Joint Resolution 637, making further continuing appropriations for fiscal year 1981. I want to commend the distinguished chairman of the Appropriations Committee, Mr. Whitten, for his expeditious handling of this important legislation.

I am particularly pleased to note that House Joint Resolution 637 embodies an amendment offered in the full Appropriations Committee by Congressman Conte and myself to reserve $50 million in disaster relief funds for victims of the recent earthquake in Italy. This reservation matches the authorization level approved by the House on Monday, December 1, and will insure that much needed rehabilitation and reconstruction assistance reaches the towns and villages devastated by the tragedy of late November and early December. As we are all aware, many nations, including the United States have responded to the disaster by providing emergency relief. The $50 million contained in this bill will help the Italian people rebuild towns such as Acerno, Balvano, Furchia, and Palomonte that sustained serious damage in the earthquake.

The manner in which Congress has responded to the needs of the people of southern Italy is in the best humanitarian traditions of this country. I want to point out, however, that formal Government assistance is not the only help that the American people are providing. A number of committees have been formed in cities and towns throughout the Nation to enable people to personally contribute to Italian relief efforts. In my hometown of Springfield, Mass., a committee under the distinguished leadership of Thomas De Nardo and Al Santinelli has collected more than $7,500 in private donations in spite of having been in existence for only a few days. All of these efforts, public and private alike, should be a signal to the Italian people that our hearts go out to them in their time of tragedy and that we stand ready to do what we can in the days ahead to ease their burdens and help them rebuild their lives.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary because the Congress has been unable to complete final action on all appropriation bills. It is due to a variety of circumstances beyond our control in the Appropriations Committee. It is apparent that some bills will not become law prior to the expiration of the present continuing resolution on December 15.

Mr. Speaker, this continuing resolution is similar to the resolution passed by the House in September in that generally speaking, it provides the level of the House-passed bills in instances where we do not have conference agreements. I also wish to point out that the resolution continues the prohibitions contained in House Joint Resolution 610, prohibiting Federal funds from being used for activities of the Department of Health and Human Services to perform abortions except where the life of the mother would be endangered, denying the use of Federal funds to any school district from preventing the implementation of voluntary prayer in schools, prohibiting the Internal Revenue Service from issuing any regulations that would change the tax exempt status of Christian or other private schools, and continues the cap on appropriations for salary increases for top executive, judicial, and legislative employees, including Members of Congress.

Mr. Speaker, I would like to call attention to the fact that while I support the budget resolution which we adopted earlier and while I was a senior member of the committee which made the original study and the recommendations which led to the Congressional Budget Act, and with all the fine work that has been done by our colleagues, much of which has been tedious and tiresome and difficult, there have been some ill effects from a procedural standpoint. We have had to live with these problems the best we could and I hope in the new Congress we may be able to improve the situation. These problems I refer to have contributed to the fact that our appropriations are having to be handled in continuing resolutions. However, I also wish to point out that when we passed the first continuing resolution in September, we had passed through the House and sent to the Senate 12 of the 13 appropriations bills. They had not acted on all those when they took the recess for the election.

Members will recall that the resolution I introduced put the 12 bills which we had passed in the House which had been in the Senate for sometime, in one continuing resolution; and we were able to get that continuing resolution adopted. It expires on December 15 and some bills have now cleared conference another continuing resolution is absolutely essential.

Let me remind Members again that once a regular appropriations bill is enacted, once they get together in conference, and once it is adopted by both Houses and signed by the President, it immediately disengages from the continuing resolution. In the resolution before us, we have substantially provided for a continuation at the House-passed rate of operations for the bills that we list.

With respect to the status of the appropriation bills, three have become law: energy and water, transportation, and military construction; five conference reports are at this hour in various stages of final congressional action: Interior, State-Justice, HUD, D.C., and Agriculture. The Defense bill is in conference now.

The Senate has yet to consider three bills previously passed by the House: Legislative, Labor-HEW, Treasury-Post Office.

One bill which was reported out by the Appropriation Committee on July 29, 1980 has not been scheduled for House consideration; foreign aid. The continuing resolution provides funding at the 1980 conference agreement level.

Mr. Speaker, there were 16 amendments adopted by the Committee on Appropriations to the resolution which I introduced as chairman of the Appropriations Committee on behalf of the committee.

Those amendments, with one exception, are not controversial. The rule makes allowance for debate and allows for a separate vote on that provision.

Mr. Speaker, I repeat that I do not know just how we are going to deal with the present law in connection with timing of the authorization bills, the appropriation bills and the budget resolutions. It strikes me that, as we learn and as our Committee on the Budget learns and gains experience that they will be in the future able to meet the deadline so that we on the Appropriations Committee can bring to the Members bills and be sure that they will be taken up in the Senate and dealt with in the regular way and in a timely fashion.

Also let me repeat, that this continuing resolution is absolutely essential, because under the opinion of the Attorney General, in the event December 15 arrives and we have not made provisions for financing the operations of the Government, it is illegal for the employees to even open the door of their office.

There is nothing but one thing we can do, and that is to support this continuing resolution. We will then go to the Senate. I hope we can do this expeditiously, because, there are quite a number of amendments on the Senate side with which we have to deal in conference before the House can adjourn.

Mr. Speaker, in conclusion I wish to advise Members that I shall ask later that all of the amendments except the controversial one having to do with the census be considered en bloc. There is 30 minutes of debate on each side on the resolution and amendments thereto, so we may not be able to give everyone the time they would like to have. We will do the best we can on this side, and I am sure my colleague from Massachusetts on that side, will do the best he can.

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Mr. PEPPER. Mr. Speaker, will the gentleman from Mississippi, the distinguished chairman of the Committee on Appropriations, yield so that I might ask a question?

Mr. WHITTEN. I yield for that purpose.

Mr. PEPPER. Mr. Speaker, I rise in support of the continuing resolution and to engage the distinguished chairman of the Subcommittee on Labor, Health, Education, and Welfare in a colloquy.

Section 101(g) of the continuing resolution stipulates that the activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at an annual rate provided in the most recent budget estimate. It is my understanding that this provision covers a budget amendment of $90 million for reimbursement to State and local governments for cash and medical assistance and social services for Cuban and Haitian entrants and a budget amendment of $102.1 million to cover the reception and processing of Cuban and Haitian entrants. Am I correct in this understanding?

Mr. NATCHER. Mr. Speaker, would the gentleman yield to me so that I may answer the question?

Mr. WHITTEN. I yield to the gentleman from Kentucky.

Mr. NATCHER. The gentleman from Florida is correct.

Mr. PEPPER. I thank the able chairman very much and I thank the distinguished chairman for yielding.

Mr. LEHMAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my eminent colleague, the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I rise to express my support of the joint resolution, and to engage the distinguished chairman of the Labor-HEW Subcommittee in a very brief colloquy.

In the package of budget amendments submitted to the President last month, there was a request for $15 million to fund title III of the Refugee Education Assistance Act of 1980. Title III provides Federal assistance to school districts with large concentrations of recently arrived refugee students.

The request indicated that the $15 million would be spent in the 1981–82 school year. However, school systems are now struggling to serve refugee children without diminishing the quality of education to American students. Dade County, Fla., with 13,313 Cuban and Haitian children registered since April, is probably worse off, but other school systems have received hundreds or even thousands of Cuban, Haitian, or Indochinese students.

I want to be sure that the chairman is aware of and understands the desperate need of school districts from Florida to California for assistance, and to urge that he continue to help us get funding for the title III program at the earliest possible date. If the Senate version of the joint resolution should contain these funds, I would hope he and the other conferees would give every consideration to including them in the final version of the continuing resolution.

Mr. NATCHER. Mr. Speaker, will the gentleman yield to me?

Mr. WHITTEN. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I would like to say to my distinguished friend, the gentleman from Florida, in regard to the question that he has just propounded, there is pending before our committee a supplemental budget request for $15 million.

We understand on the Committee on Appropriations and on the Subcommittee on Labor-HEW the seriousness of this problem. This is one of the serious problems that we have confronting our people today concerning the refugee situation. We know the burden that has been placed upon Dade County and upon that section of Florida in regard to this matter. I want the gentleman from Florida (Mr. LEHMAN) to know that certainly every consideration will be given to this matter when this request that is now pending before the committee is presented to the subcommittee.

Mr. LEHMAN. I thank the distinguished gentleman from the subcommittee and also I thank the distinguished chairman of the full Appropriations Committee, the gentleman from Mississippi (Mr. WHITTEN).

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding. I appreciate the assistance that the gentleman's staff has given me in trying to understand the 16 committee amendments and the nature of this particular continuing resolution.

I would like to ask the gentleman in the well, is it his understanding that there will be at the conclusion of this Congress when we adjourn sine die, four appropriation bills that may not, in fact, be passed by both bodies and sent on to the President, they being the legislative, the Labor-HEW, the Treasury-Postal Service and the foreign aid bill.

Mr. WHITTEN. That is my understanding. Of course, the Senate may still consider some of these bills, but the outlook is dim.

Mr. EDGAR. If the gentleman would yield further, the question arises in my mind as to whether or not the passage of this continuing resolution at this time does not take the pressure off the Senate to resolve the differences and to pass out all of the appropriation bills in a timely fashion.

Mr. WHITTEN. I would consider it to have the opposite effect. I might point out that we finished the conference on the agriculture bill last night and we were able to get together on the conference because if the conference was not completed, the programs would fall under the continuing resolution, which is not the most desirable method of funding. So I think the resolution tends to make them get together on the regular bills, therefore, I do not think it has the effect the gentleman thinks it does.

Mr. EDGAR. If the gentleman would yield further, when we passed the continuing resolution back in September, we laid out a number of dollar figures for the agencies to abide by until we passed the regular appropriation bill. In what way does the gentleman think this continuing appropriation, if passed and made into law, might serve as a point of confusion for each of those agencies and departments in trying to understand what level of appropriations and what direction those agencies should take?

Mr. WHITTEN. Of course, this House action today will not complete action on this resolution because we will have to go to conference with the Senate and what will count is what we finally agree upon.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from North Carolina.

Mr. FOUNTAIN. I want to commend the gentleman in the well, the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from Kentucky (Mr. NATCHER) and others on the conference committee for the splendid job they did in restoring a very small sum, but a very meaningful and important sum to agriculture production and research. There is only about $5 million, as I understand, in the legislation for that purpose. The Senate had cut out about $1,048,000 in one area and in another area dealing with insect research. $182,000.

I understand that was restored. I want to commend the gentleman and those who had a part in it. I understand this is in the agricultural appropriation's conference report which I hope is acted upon and passed before we end this session.

Mr. WHITTEN. Well, may I say to my colleague, that that item comes up in the conference report on the agricultural appropriation bill, but it would be covered if that bill becomes law.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 637, further continuing appropriations for fiscal 1981.

The joint resolution covers 10 of our regular appropriation bills for fiscal 1981 that have not yet been enacted into law, and does not include 3 bills that have been enacted into law.

The appropriations, authority, and limitations in the joint resolution are effective through June 5, 1981, for five of the bills covered, and are effective through September 30, 1981, for the other five bills covered. Several other provisions are specifically excepted from the effective date, and are effective through September 30, 1981.

The joint resolution includes individual appropriations for programs not otherwise covered, such as CETA, unemployment benefits, revenue sharing, black lung benefits, refugee assistance, and relief for victims of the Italian earthquake.

The joint resolution also includes several limitations that have previously passed the House, such as school prayer, abortion, apportionment of House seats, bilingual education, day care regulations, and pension plan vesting requirements.

The release of loan funds for graduate academic facilities under the joint resolution is provided in accordance with the legislative history of H.R. 7998, and the funds are intended to be immediately available.

There is a special urgency to our consideration of this continuing resolution because of the Attorney General's opinion, and the implementing OMB bulletin, that once appropriations have lapsed, obligations cannot be legally incurred except for the orderly termination of Government programs, and where otherwise authorized by law.

In the past, continuing resolutions have included language validating obligations incurred in anticipation of their passage. This device is no longer available to us, except for obligations for the termination of Government programs, consistent with the Attorney General's opinion.

This joint resolution contains language validating obligations incurred in anticipation of its passage to protect life and property and for the orderly termination of other functions.

With these exceptions, and except where balances remain available until expended, and where OMB has provided funds through reallocations and reallotments, all other Government activities funded from current appropriations that have not been enacted by December 15 will stop.

For these reasons, I supported the closed rule on this joint resolution.

I have not supported, and will not support, closed rules for regular annual appropriation bills. It is on those bills where the House must work its will. I supported this rule because we cannot take the chance that this joint resolution will get bogged down with controversial policy amendments.

For these reasons, it is essential that this joint resolution be promptly enacted into law.

I urge my colleagues on both sides of the aisle to support this joint resolution.

It has been carefully crafted by your committee to provide minimum but adequate funding for Federal programs where appropriations have not yet been enacted, and to apply limitations to those major policy issues where the House has previously worked its will.

Mr. Speaker, I have offered an amendment to House Joint Resolution 637, earmarking $50 million of international disaster assistance money, because I believe the people of Italy are in urgent need of all the assistance they can get in the wake of the tragic earthquake of November 23. A situation report issued by the Agency for International Development on November 30 stated that thus far, over 3,000 people are known dead with another 1,900 missing. That same report said that some 250,000 people are known to be homeless.

At this point in time, the extent of the damage is unknown. Rescuers are still searching for the dead, missing and injured, but efforts are slow because of the extent of the damage. The statistics on the victims and the extent of the damage are at best uncertain.

Mr. Speaker, I think it is vitally important that we provide this assistance, not only because it is the right thing to do and we have always been generous with our assistance in the wake of tragedy, but also because Italy is one of our closest allies. The Italian Government has joined us in our defense efforts in Europe and they have supported us on numerous foreign policy stands we have taken in the past; we must now stand by Italy and do what we can to assist her.

Many countries will provide various forms of relief, and in fact, have already done so according to their abilities. I think it is important that we take a lead in helping to sustain these reconstruction efforts, and do what we can to help alleviate the human suffering which has come about as a result of this tragedy. I urge my colleagues to support the amendment.

I also support the report language accompanying the continuing resolution to set aside at least $69 million to meet the medical, nutritional, and other needs of African refugees. At present, there are over 2 million refugees in Africa, most of them in the Somalia region of East Africa. Among the estimated 1,300,000 refugees in the Somalia region, a famine situation has developed which is having horrible consequences in death and starvation.

Ninety percent of the refugees in the Somalia region are women and children. Malnutrition has become rampant and disease is widespread with over half the refugees afflicted with glandular disease and tuberculosis. Due to the lack of safe drinking water and sanitary facilities, epidemics such as cholera are imminent. As I speak, 300 Somalian refugees are dying each day.

What is desperately needed now are shipments of food and medicines, including the implementation of an immunization program. This money—$69 million—is the minimum required to alleviate the situation and will go a long way toward meeting the food and medical needs of the refugees in the Somalia region.

When regular appropriation bills are brought to the floor, Members can rightly expect to know and debate the totals and individual amounts in the bill for budget authority and outlays, and the comparison of those sums with the President's requests, the levels of the previous year, and the current congressional targets or ceilings.

In the past, Members have been frustrated because of the difficulty in providing such estimates and comparisons for continuing resolutions. I understand this frustration, but I would like to explain some of the difficulties faced by your committee.

First. the continuing resolution provides "necessary amounts" for several programs where payments are mandatory under current law. Estimates of budget authority and outlays for these programs depend entirely on estimates of economic conditions and other factors that effect eligibility of beneficiaries.

Second, until a bill covered by the continuing resolution is enacted into law. agencies covered by that bill spend at the rate provided in the continuing resolution. When the bill is enacted, the agencies covered spend on the basis of the appropriations in that bill. The rates under the continuing resolution are usually not the same as the regular appropriations, and since we do not know when a bill will be enacted, we cannot precisely estimate the spending under the continuing resolution.

With these qualifications, we estimate total budget authority available under the joint resolution at about $294 billion.

If this joint resolution is passed as reported, we estimate that congressional actions will be under the ceilings in the second budget resolution by $10.9 billion in budget authority—$11.4 billion if reconciliation has been adopted—and by $.9 billion in outlays—$2.3 billion if reconciliation has been adopted.

Mr. Speaker, at this point I would like to review for my colleagues some of the specific provisions of the joint resolution.

RATES AND CONDITIONS FOR INDIVIDUAL BILLS

Three bills—energy and water development, military construction, and transportation—have been enacted into law. The continuing resolution does not apply.

Three bills—Defense, Labor-Health and Human Services, and Education, and Treasury-Postal Service and General Government—are continued at the House rate, and under 1980 terms and conditions, through June 5, 1981.

Two bills—District of Columbia, and HUD-independent agencies—are continued at the necessary amounts for programs, projects, and activities provided for in the 1981 acts, to the extent and in the manner provided for in the conference report on those acts as filed in the House, through September 30, 1981.

Two bills—Interior, and State-Justice-Commerce-Judiciary—are continued at the necessary amounts for programs, projects, and activities provided for in the 1981 acts, to the extent and in the manner provided for in the conference report on those acts as passed the House, through September 30, 1981.

Legislative is continued at the necessary amounts for projects and activities under all the conditions and to the extent and in the manner in the 1981 act as passed the House, through June 5, 1981.

Foreign assistance is continued at the necessary amounts for projects and activities conducted in fiscal 1980, at a rate not in excess of the rate in the conference report on the 1980 bill, in accord with the statement of managers accompanying that report, through June 5, 1981.

Agriculture is continued at the necessary amounts for programs, projects, and activities to the extent and in the manner provided for in the 1981 act as passed the House, through September 30, 1981.

ABORTION

The joint resolution would apply abortion language as follows:

Defense: Language from 1980 appropriation act;

District of Columbia: Language from 1980 appropriation act;

Foreign assistance: Language from 1980 continuing resolution;

Labor-HHS: Hyde language (life of the mother) with States' rights provision; and

Treasury-Postal Service: No provision.

The joint resolution also includes language denying funds continued under the Labor-HHS act to enforce any court order or injunction that would require the expenditure of funds where such expenditure is specifically prohibited by that act.

EFFECTIVE DATE

Appropriations, funds, and authority granted by the joint resolution are to remain available until:

First, enactment into law of an appropriation for any project or activity provided for in the joint resolution, or

Second, enactment of the applicable Appropriation Act by both Houses without any provision for the project or activity, or

Third, June 5, 1981, whichever first occurs.

EXCEPTIONS TO THE EFFECTIVE DATE

Although the effective date of the joint resolution under section 102(c) is June 5, 1981, the following provisions of the joint resolution are excepted from that section, and provide continuing or direct appropriations for a full fiscal year:

Section 101(h): General revenue sharing.

Section 101(i): Atomic energy defense activities.

Section 101(k): Continuing appropriations for Agriculture.

Section 101(l): Continuing appropriations for the District of Columbia.

Section 101(m): Continuing appropriations for HUD-Independent agencies.

Section 101(n): Continuing appropriations for Interior.

Section 101(o): Continuing appropriations for State-Justice-Commerce-Judiciary.

Section 111: CETA.

Section 114. Allowances and staff for former Presidents.

Section 115. Claims, Coast Guard.

Section 118: Day care guidelines.

Section 120: Appropriation for the General Services Administration.

Section 121: Appropriation for the Panama Canal Corporation.

GENERAL RATES AND CONDITIONS

Section 101(a) provides continuing appropriations and authority for three appropriation bills: Defense; Labor-Health. Human Services, and Education; and Treasury-Postal Service-General Government.

Where, as of October 1, 1980, one of these bills has passed the House and the Senate, projects and activities in that bill are continued under the lesser amount and the more restrictive authority.

Projects or activities included in only one version of an act that has passed both Houses as of October 1, 1980, shall continued under the appropriation, fund, or authority provided by the one House, and under the authority and conditions provided in applicable appropriation acts for fiscal 1980.

Where, as of October 1, 1980, one of these bills has passed only the House, the project or activity shall be continued at the House rate, and under terms and conditions provided in applicable Appropriation Acts for fiscal 1980.

GENERAL PROVISIONS

No provision in any of the three bills enumerated in section 101(a)(1), which applies to more than one appropriation, fund or authority, and which was not included in the applicable Appropriation Act of 1980, shall apply to appropriations under the joint resolution unless that provision shall have been enacted in identical form by the House and the Senate.

SCHOOL PRAYER

Section 108 provides that none of the funds made available by the joint resolution for programs in the Labor, Health and Human Services, and Education bill as passed the House shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

APPROPRIATIONS CONTINGENT ON AUTHORIZATION

Section 107 provides that no provision in any Appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before June 5, 1981, the effective date of the joint resolution.

NEW PROGRAMS

There is no general prohibition on the initiation of new projects or activities. However, section 101(d), which continues several specific activities at the current rate, does carry such a prohibition, applied to the activities continued in that section.

WHITE COLLAR PAY CAP

As of October 1, 1980, all executive and judicial employees are entitled to a 9.1-percent pay increase under the Pay Reform Act. The same increase is available to congressional employees at the discretion of the Member.

However, the Legislative Branch Appropriations Act, 1981, as passed the House, includes language prohibiting the 9.1-percent increase for Members of Congress and congressional and executive branch officials who are now at or above the rate of executive level V, $50,112.50 per year.

This prohibition is continued through June 5, 1981, by section 101(c) of the joint resolution.

The pay cap affects all positions at or above GS-15, level 5. The pay of Members of Congress remains at $60,662.50.

The applicability of this pay cap to the judiciary is in doubt, because a similar pay cap for fiscal 1980 is now before the Supreme Court. The constitutional issue is whether Congress can reduce the salary of sitting judges. Pending resolution of the issue, judges are not receiving pay increases. The Supreme Court is expected to hear the case this month or in January 1981.

Judges' salaries remain officially set at the September 30, 1979, levels: District judges, $54,500; appeals court judges, $57,500; Associate Justices of the Supreme Court, $72,000; Chief Justice of the Supreme Court, $75,000.

BLUE-COLLAR PAY CAP

The amount and the timing of blue-collar wage increases are determined by wage surveys taken in different regions at different times during the year.

While the amount due under 1980 wage surveys in fiscal 1980 varied from region to region, all increases were capped at 7 percent.

The difference between the amount due under 1980 wage surveys, and 7 percent, carries over as due in 1981.

Section 114 of House Joint Resolution 60, Public Law 96-369, provides as permanent law that on October 1, 1980, blue-collar workers shall receive three-quarters of the amount due from 1980, if any.

Blue-collar workers will also get wage increases under 1981 wage surveys.

However, under House Joint Resolution 610, total wage increases in fiscal 1981 are capped at 9.1 percent, including the carryover from 1980 and any wage increases under 1981 wage surveys.

Since this provision was enacted as permanent law by House Joint Resolution 610, it is not included in this joint resolution.

Mr. MICHEL. Mr. Speaker, continuing resolutions have historically been considered simply as stop-gap funding measures designed to keep the Government operating at the lowest common denominator for the shortest possible period of time until the regular appropriations bills are enacted.

It is of increasing concern to me that in recent years, continuing resolutions have gone beyond those boundaries and have more often than not been used as an excuse for inaction. The situation has become ludicrous this year, with practically the entire Federal Government being covered by the first resolution we passed in October.

This resolution is little better. In fact, in some respects it is even worse. To be sure, we are covering fewer agencies, because several additional appropriation bills have been enacted in the interim. However, the expiration date for this resolution has been extended for almost 6 months, to June 1. The implication here is that the remaining appropriation bills will not be enacted. This means that for the second time in 2 years, we will not have enacted a legislative appropriations bill. For the second time in 4 years, we will not have had a Labor-HEW bill. For the second time in 2 years, we will be without a foreign aid appropriations bill. And it appears that this year we will also not be enacting a Treasury-Postal Service bill.

It is not a very commendable record of performance. The public is getting tired of all the fooling around we do here. They are demanding action, not a lot of posturizing, and it is time we get our act together and start moving.

This also applies in the area of spending. Just a couple of weeks ago we passed a budget resolution that calls for some $17 billion in spending reductions. Yet this continuing resolution actually increases the level of spending over what it was in the first continuing resolution. This occurs because we are not sticking with the normal practice of going with either the previous year's spending level, or the House-passed bill level, whichever is lower, but instead are writing in, with a couple of exceptions, the House-passed bill levels only. The result is spending increases of nearly $1.5 billion in the Labor-HEW area, and over $800 million for Treasury-Postal Service activities.

The resolution also provides open-ended funding for most of our entitlement programs, thus giving the agencies virtual carte blanche authority to spend at whatever levels they deem appropriate. This goes even beyond the practice of our regular appropriations bills, where we at least have specific dollar figures as a means of establishing certain limits.

The trade adjustment assistance program represents a good example in this regard. Last January, the 1981 cost estimate for the program was $400 million. Last summer it was $800 million. Now, CBO estimates the cost at $2.5 billion, and other estimates go as high as $4 billion. We have never received an official estimate from the Labor Department on this latest increase, we have not received any budget amendment, and we have no specific information on why this massive cost overrun is taking place. Yet this continuing resolution allows spending for this program at whatever levels deemed necessary. I suggested a way last summer in which we could control the program, and we could certainly do so through this continuing resolution. But we instead are going in exactly the opposite direction by allowing spending to go on unchecked.

The CETA public service job programs are currently operating at levels considerably under the funding levels contained in this resolution. If the resolution were to take that into account, we could cut the cost of the program by over $500 million. Instead, by continuing the higher funding levels, we allow the possibility of another escalation of the program.

The committee report accompanying this resolution contains a loophole that is also having the perhaps unintended effect of producing increased expenditures. The language allows programs to be operated at the current rate, and that rate is being interpreted by various agencies as the actual functioning level as of September 30, 1980. They are using that interpretation to spend at rates higher than the 1980 appropriation. The Labor Department in particular has been pursuing this line of activity.

All in all, then, this continuing resolution is not very consistent with the spending ceiling contained in the second budget resolution. We obviously need a continuing resolution to keep a number of governmental agencies in operation, but this particular resolution is not one which I can endorse with any great enthusiasm. We could have done better.

☐ 1230

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. I thank my colleague for yielding.

At the appropriate time I am going to ask that one of the committee amendments not be agreed to. That is the one on page 19, section 123, sometimes known as the McDade amendment, as Chairman WHITTEN indicated in the well. This is the one that would be considered separately and the others probably en bloc.

First of all, we had very limited discussions in the Appropriations Committee on this amendment. It was a close vote. It was adopted by a vote of 22 to 20.

First of all I want to commend my colleague, the gentleman from Pennsylvania (Mr. McDADE) for bringing this to our attention. It is a serious problem, even though I differ with him on the remedy for the problem.

What this has to do with is the census and whether or not illegal aliens shall be counted for purposes of apportioning seats in the House of Representatives. There are a great variety of views on this subject, probably right here on the floor of the House, and it is a serious constitutional question as well.

I happen to believe they should not be counted for purposes of seats in the House, but they most certainly should be counted for purposes of Federal money. It is not the local government or the State's fault that illegal aliens come into our country. It is a Federal Government responsibility. But here and now I believe is not the place or the time to debate that.

What I am fearful of is if an amendment like this is adopted, and I am told this by the Director of the Census, it could result in delaying reapportionment 1, 3, 10 years, and we would not have a fair distribution of the seats in the House for an indefinite period of time. We could even end up, as has happened in some States in past history, with every Member in some or every State running at large, not assigned to a specific district but running at large throughout the whole State.

I would not want to rely on the courts to solve this problem quickly. As a matter of fact, I felt so strongly about it last year that I joined in the lawsuit to prevent the census people from counting illegal aliens for purposes of apportionment. It took them 11 months to tell us we did not even have standing.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. BURGENER. I am happy to yield.

Mr. ROSENTHAL. I tend to agree with the conclusion the gentleman came out with, that I do not support the McDade amendment. I hope it is stricken.

I just wanted to add a thought or two. I agree with the gentleman only halfway.

Mr. Speaker, I rise to urge the defeat of amendment No. 10. This amendment is clearly unconstitutional. Article I, section 2, clause 3 of the Constitution, speaks about citizens and says that—

> Representatives . . . shall be apportioned among the several States . . . according to the whole number of free persons.

It was clearly the intent of the Founding Fathers that the count not be limited to citizens. The 14th amendment states categorically that all persons shall be entitled to equal protection under the law. The amendment before the House would prohibit the Census Bureau from counting the whole number of persons residing in each State—as the Constitution requires.

In addition to being unconstitutional, this amendment proposes at least two serious breaks with American historic tradition. The first is that the Census Bureau, based on its own reading of the Constitution, has since 1790 always counted all persons residing in the States. The second, and perhaps more important for this body, is that this amendment would overturn title II, section 2(a) of the United States Code thereby revoking the automatic method of reapportionment established by the Congress in 1929. This should not be done lightly. The last time the mandated method was overthrown, in 1920, there was no reapportionment in the House of Representatives for an entire decade.

This amendment also asks the Census Bureau to do what they now consider to be the impossible: Distinguish citizens from noncitizens in the 1980 census. The Director of the Bureau testified this year before the Commerce, Consumer and Monetary Affairs Subcommittee, which I chair, that given the data collected in the 1980 dicennial census there is no known method for distinguishing citizens from noncitizens.

There are also serious institutional problems with this amendment as well. As I have indicated, it is a proposal which raises monumental constitutional, legal, and technical questions. Yet there has never been 1 day of hearings on the matter; it has never come before any authorizing or Appropriation Committee. This amendment would delay reapportionment and would cost the taxpayers vast sums of money. It should be responsibly studied before it is considered by this House.

Finally, this amendment would require that the Census Bureau purposely ignore people who are there. The Bureau would have to manipulate the data base in a way that would push the final tallies away from the truth. There should be one single census figure for the country and for the States. The amendment proposes specific limitations on census figures for reapportionment, but does not say how census figures would be used for Federal spending or for other purposes. We are faced with the prospect of having a different data base for every conceivable purpose for which census figures are used. This amendment would clearly challenge the integrity of census figures and should be defeated on that basis alone.

Mr. BURGENER. I thank the gentleman for his contribution.

Mr. ASHBROOK. Mr. Speaker, will my colleague yield?

Mr. BURGENER. I am happy to yield.

Mr. ASHBROOK. Mr. Speaker, I found my colleague from New York (Mr. ROSENTHAL) propounding a very interesting idea. I suppose on his thesis we would have to count diplomats, we would have to count visitors, just as if there is no difference.

I am very interested in what my colleague from California (Mr. BURGENER) stated. I understand the dilemma. He did indicate that he wants fair elections. I would like to ask the question whether or not we can have fair elections if illegal aliens have been counted for the purpose of apportionment and would that not be the situation, we would have if the McDade amendment does not pass?

□ 1240

Mr. BURGENER. My response to that is that it is an excellent question that I cannot answer; but this is not the time or the place to consider it.

Mr. ASHBROOK. Is it the time or the place to consider it after reapportionment has been based on the count of illegal aliens? That would not seem to be fair either.

Mr. BURGENER. We are in a dilemma. I think the safest way out is not to adopt this amendment. Much more is at stake, nationwide.

Mr. ASHBROOK. I would respectfully disagree. I can understand the point of the gentleman.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr BURGENER. I will be pleased to yield to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Speaker, I believe the real reason for not passing the McDade amendment is the fact that a census has already been taken without providing any method of determining who is and who is not a citizen. Its passage would invalidate years of work and the expenditure of approximately $1 billion. Further it would require the Government to eliminate legal as well as illegal alients from the census for apportionment purposes and under existing law it would be in violation of the Constitution of the United States.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with considerable reluctance I am going to abandon my efforts today to try to get this amendment, which has been called the McDade amendment, agreed to the purpose of which is to have the constitutional question of whether or not illegal aliens and, indeed, legal aliens counted as if they were citizens for the purposes of representation in this House, and as a consequence thereof in the electoral college. My whole purpose in bringing this before the House was to try to get it litigated by the Supreme Court so we could get the constitutional question answered.

I do not think there is any doubt about the constitutional question. I believe it is quite clear that if the court had an opportunity to rule, they would rule that the citizenship rights of a citizen in State A, where there may not be any illegal aliens, or legal aliens, may not be diluted because of the mere presence of aliens, legal or otherwise, in State B. I think it violates the principle of equal representation. I think it violates the principle of one man-one vote.

I think, as my colleague, the gentleman from Ohio (Mr. ASHBROOK) has pointed out, it tends to lead to an imbalance in this Chamber that the Founding Fathers did not intend when they wrote the constitutional amendment that covers this question. It leaves this House in a peculiar imbalance, and it leaves the question of adequate representation undecided.

Nevertheless, we are in the closing days of this session. I want to point out that every time the House has had an opportunity to speak on this issue, it has passed legislation that has said illegal aliens and aliens may not be counted as if they were citizens.

Nevertheless, as we come down to the closing days on a continuing resolution, I suppose we have to recognize the facts of life. We have to recognize that there have been tactics used in this Chamber to prevent this issue from being argued and debated in a timely way.

I do not think this is a timely way today; and, therefore, I shall not advocate that we adopt my amendment, which the committee did by a vote in the Committee on Appropriations.

I do believe that all of us have a deep obligation to our constituencies to look at this issue in the next session of Congress. I intend to introduce legislation and to seek cosponsors as rapidly as possible and to keep this issue in front of the American public. We are living in new times. Never in the history of this Nation did we believe—that we would have 5 million aliens who, because of the tremendous economic and political repression and other problems that they face, find themselves here seeking the right to work. There are 5 million of those people in this country now and we sympathize with their plight. We have extended the right to work here to them officially; but never have we said, "You will be treated as citizens, full-fledged citizens," until they actually take that oath to defend the Constitution of this Nation, to renounce foreign allegiances, to bear arms on behalf of this Government. Additionally, it is estimated that there are 10 to 15 million illegal aliens.

So that issue, I hope, will remain alive. I intend to do what I can, and I hope in a bipartisan way in the next Congress as soon as it convenes to try to keep that issue alive so that we can get it resolved and so that that problem will be taken care of and full-fledged citizenship rights will not be deleted by including people who are illegally in the country.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. McDADE. Mr. Speaker, I am delighted to yield to my friend from Arizona.

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding. I understand the gentleman is not going to propose the amendment at this time. I would like to say that I join the gentleman in his efforts. I think it is an honest, straightforward effort that does have to be answered, and the questions that the gentleman from Ohio (Mr. ASHBROOK) propounded but which are unanswerable, apparently can only be answered in the way the gentleman from Pennsylvania intended in the first place, and I support the gentleman in that.

I would like to correct some of the figures the gentleman was talking about at least through some inquiries that I have made in the past. As of 6 years ago, for example, in talking with a regional director of the Immigration and Naturalization Service, the figure of illegal aliens in this country at that time was set at about 14 million people, not 5 million people. I have heard a recent figure and have not had a chance to check this out that that figure may reach 18 million people. It is unconscionable that we do not have some sort of handle on whom we are counting, what they stand for, and whether or not we have citizens. But I agree that only citizens should be considered in redistricting.

Mr. McDADE. I thank the gentleman for his comments.

Mr. ZEFERETTI. Mr. Speaker, will the gentleman yield?

Mr. McDADE. Mr. Speaker, I yield to the gentleman from New York (Mr. ZEFERETTI).

Mr. ZEFERETTI. Mr. Speaker, I congratulate the gentleman for reconsidering the endorsement of this section of the bill which includes his amendment. I, too, agree with some of the other gentlemen in saying that the census has been taken. There is nothing that was present on that form that would indicate who was an alien, who was an illegal alien, who was a legal alien, and who the people actually are. So I think it would be unfair at this particular time to go forward in that effort. I do, though, however, reserve the right to ask for a separate vote, which I did in the Committee on Rules yesterday, on this particular section because I think at this point in time we cannot just delete it. This section is a committee amendment and will have to be voted on. At the proper time I will offer that kind of amendment.

First let me state unequivocably that I do not believe illegal aliens should be included in census figures for purposes of reapportionment or any other reason, other than solely for statistical data. However, in an effort to resolve the problem of illegal aliens in census figures this amendment will cause much more harm than good.

This is not the first time this amendment has been offered and I am sure my colleagues have heard most of the arguments on both sides of the issue, but if the House will bear with me I would like to restate several key points.

First. The passage of this amendment will not result in the deletion of any illegal aliens from census figures but in fact will exclude legal aliens. There are literally thousands upon thousands of legal aliens that have emigrated to the United States and have registered legally. In most cases only a short period away from citizenship. Under this amendment the Census Bureau could easily check their data and delete these names. Some of these people, since filling out census forms, are now citizens.

In regard to illegal aliens that have been counted, there is nothing included on the census form which requires you to state whether you are an illegal or legal alien. Even if there had been, who would identify themselves as an illegal alien? Under this amendment illegal aliens that did fill out census forms, and I feel sure that is not too many, could be counted as citizens of the United States.

The point here is that there is no logical way of identifying illegal aliens in this country using the census mechanism.

Second. The Constitution requires an enumeration of the entire population every 10 years. The 14th amendment states "Representatives shall be apportioned among the several States according to their respective numbers, counting the numbers of persons." The important word to remember is person. It seems obvious the passage of this amendment can only result in a great number of court cases.

Third. The Government has already spent $1 billion in order to have a census. The passage of this amendment could result in having to start all over again and spending another billion dollars. Do we want to spend this much money just to add one question to the census forms?

Fourth. Why did we not try to resolve this question years ago? It seems ridiculous at this late stage of the 96th Congress to try and juggle the census figures on a continuing appropriation bill. Why not plan now for the 1990 census or even look to a constitutional amendment if that is required.

Mr. Speaker, I believe there is a strong argument to be made as to the needs of focusing in on the methods presently used by the Census Bureau. Additionally, I am very concerned in regard to the growing number of illegal aliens in our country. The passage of this amendment will do nothing to resolve either problem, and I urge my colleagues to vote it down.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman. Mr. Speaker, the House Appropriations Committee added an amendment to the continuing resolution dealing with the decennial census and reapportionment. The language of the amendment is virtually identical to the McDade amendment contained in the first continuing resolution which was struck out on a point of order.

The McDade amendment represents a serious break with legal precedent and census practices, which, if passed, would not produce the results desired by proponents.

The 1980 census results are already in jeopardy of being delayed, adjusted, or worse, as a result of lawsuits filed around the country. At issue here is whether Congress should inject the noncitizen issue, at this late date, for the primary benefit of a selective number of Members of the House. This, in my opinion, would be a travesty of the legislative process. Reapportionment should not be dealt with under the context of an amendment to an unrelated appropriations bill without full consideration by the relevant committees. This is not the way to handle the problem.

The issues involved here are of vital importance to the basic premises of our democratic system. It is clear that the proponents want to exclude aliens from the apportionment figures. Studies during the past 2 years indicate that the results of the census do not allow us to reach a conclusion about the number of illegal aliens residing in this country. This makes compliance with the intent of the language impossible.

The Census Bureau properly followed its constitutional mandate to count the whole number of "persons." Congress has given the Census Bureau the necessary funding to carry out this responsibility of counting every person in the country on census day without adding any restrictions. Federal courts have consistently ruled that undocumented persons are "persons," for the purposes of the census and may not, therefore, be constitutionally excluded from the reapportionment base.

In the event the McDade amendment passes and notwithstanding the historical and legal precedents, for counting these persons, the amendment would nullify the automatic apportionment provisions of Federal law. As a result, Congress would be required to enact separate apportionment legislation, which was the practice prior to 1929 when Congress passed the Permanent Apportionment Act.

Congress in the past has demonstrated its unwillingness to adopt a separate apportionment plan when questions of accuracy were raised against the census.

The most recent example is found with the 1920 census when Congress declined to pass apportionment legislation on the basis of alleged irregularities and questionable counts. Consequently, seat assignments made after the 1910 census remained in force until the 1930 census.

Could this scenario be played out again? With passage of the McDade amendment you can count on it.

I also wish to commend the gentleman for what I consider to be an act of statesmanship on his part in pulling back from his amendment. I think it is a matter of practicality that would dictate we not interfere with the census at this point. I would suggest to the members of the Committee on Appropriations and the appropriate authorizing committees that one answer would be to substantially beef up the personnel of the Immigration and Naturalization Service. They are absolutely swamped. We have a waiting list in Chicago, for example, of 15 months before someone could be processed for citizenship when they already have met all of the conditions. This is a very, very bad breakdown in the administration of that agency of Government.

Mr. McDADE. Mr. Speaker, I thank my friend for his comments and reserve the balance of my time.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, a number of questions have been raised by Members concerning the funding of certain programs in the Department of Education, the Department of Health and Human Services, and in the Department of Labor.

In order that a great many of these questions may be fully answered concerning existing programs and their funding, I would like to insert in the Record a prepared statement which I believe answers a great many of them.

Mr. Speaker, the joint resolution which the House is now considering is necessary to continue appropriations for many Federal programs and activities where final action is still pending on the annual appropriation bills for 1981. Included among the pending bills is the Labor, Health and Human Services, and Education appropriation bill, H.R. 7998 which passed the House on August 27. No action has been taken by the Senate on H.R. 7998, therefore we must provide continued funding for the many programs included in that bill.

The resolution before us provides continuing authority for labor, health, and education programs based on the amounts provided by H.R. 7998 as passed the House on August 27. The authority, terms, and conditions of operations are based on the applicable appropriation act for 1980 except where the joint resolution specifically provides otherwise.

For example, the resolution specifically extends language provisions of the current resolution relating to public school voluntary prayer, regulations on bilingual education, and regulations on day care—none of which was included in the 1980 appropriation bill. Of course the committee intends that the instructions and directions contained in the report accompanying H.R. 7998 (H. Rept. 96–1244) should be followed in the expenditure of funds provided by this continuing resolution for the Department of Labor, Health and Human Services, Education, and related agencies.

Mr. Speaker, as Members know, the Labor, Health and Human Services, and Education appropriation bill includes hundreds of programs and activities. Members have expressed interest and concern over many of the specific line items covered by that bill. For the benefit of all concerned, I want to clarify the funding level for some of the specific programs and activities covered by the continuing resolution.

With regard to the Department of Labor programs, there appears to be some uncertainty about the level of funding available for the private sector initiatives program authorized by title VII of the Comprehensive Employment and Training Act. We want to make it clear to the Department that the continuing resolution continues the program at its current rate of operations. There should be no cutback in the program level. Funding for this program was not included in the 1981 appropriation bill as passed by the House because it lacked authorization. In the meanwhile it should continue at its current rate.

Under the Department of Health and Human Services, funding for health professions education programs, including nurse training, is continued at the current rate of operations. This includes authority to insure new student loans and to award new scholarship grants. Funds for these programs were not included in the 1981 appropriation bill as passed the House because they were not authorized. Meanwhile the continuing resolution maintains the current rate.

For the National Institutes of Health, the resolution authorizes a rate of spending at $3.6 billion, the amount provided in the House passed appropriation bill for 1981. This will permit an increased rate of operations which is $187 million over fiscal year 1980.

The resolution authorizes an annual rate of $163,550,000 for child welfare services authorized by title IV–B of the Social Security Act. That is based on the amount provided in the 1981 appropriation bill passed by the House and allows an increased rate of $97,400,000 over 1980.

Under the continuing resolution, the head start program is authorized at an annual rate of $820,000,000 based on the 1981 appropriation bill passed by the House. That amount is $85,000,000 over the amount for 1980.

Under Department of Education programs, many inquiries have been made about the spending authorized by the resolution for the new provisions of the Education Amendments of 1980 (Public Law 96–374), enacted October 3, 1980.

In general, the continuing resolution provides funding to continue the operation of all existing projects and activities previously authorized by the Higher Education Act which have been reauthorized by the Education Amendments of 1980. The intent of the continuing resolution is to permit funding for the continuation of activities pursuant to the new authorities provided that the activities have not been substantially altered by the changes in the authorizing legislation. At the same time, it is clear that new activities authorized by the Education Amendments of 1980 which have no counterpart in the old law would not be funded under the continuing resolution.

The resolution specifically provides funding necessary to make payments mandated by the Education Amendments of 1980 for new guaranteed student loans. With regard to the direct student loan program, the National Commission on Student Financial Assistance, and other new and revised higher education programs, the committee expects to consider supplemental budget requests early in the next Congress.

It is the intent to the committee that the basic educational opportunity grant program, now known as Pell grants, be funded under the continuing resolution at a maximum award level of $1,800 for the 1981–82 academic year. That is the maximum award used in developing the amount contained in the House passed appropriation bill for 1981 for this program.

Public Law 96–374 authorizes a maximum award of $1,900 for the 1981–82 academic year. However, an increase of $100 in the maximum award would not be authorized under the continuing resolution. The intent of the committee is designed to avoid the necessity of rateably reducing student awards and to enable the Department of Education to issue the family contribution schedules and begin developing student eligibility reports in January 1981 as scheduled.

Delay in publication of the schedule will critically delay the processing of applications, resulting in massive confusion and serious hardship to students planning how to finance their education.

The 1981 appropriation bill as passed by the House authorizes the release of $25,000,000 from amounts available in the higher education loan fund for graduate facilities. Accordingly it follows without question that the continuing resolution provides that same authority in the manner provided by the House-passed bill.

The 1981 appropriation bill as passed the House also includes $2,000,000 to establish recreation programs for persons with disabilities, authorized by section 316 of the 1978 rehabilitation amendments and $1,000,000 for section 311(a)(3) of the rehabilitation amendments. Of course these amounts are authorized under the continuing resolution. The committee believes that these funds should be awarded under competitive procedures and that consideration should be given to projects which have been undertaken and which have had prior funding, in addition to new projects submitted by eligible applicants.

Under programs for rehabilitating the handicapped, it is the committee's understanding that the annual rate of spending for the Helen Keller National Center for Deaf-Blind Youths and Adults is authorized at up to $3,500,000 under the continuing resolution. That is based on action taken in the House-passed appropriation bill for 1981.

With regard to education programs for the handicapped, the 1981 appropriation bill passed by the House includes $58,000,000 for special education personnel development. That is the annual rate permitted by the continuing resolution and is $2,625,000 over the 1980 rate of spending. As long as existing commitments are not disrupted, there would be no objection to using a portion of the increase to support training for elementary and secondary school teachers to teach handicapped children in areas with a shortage, as authorized by title V, part C of the Higher Education Act.

With regard to the impact aid program, the committee intends that payments to school districts be made on the basis of the amount contained in the 1981 appropriation bill as passed the House. To the extent that the amount is insufficient to make payments as set forth in the House bill, we expect the Department to prorate any insufficiency among all category B children, not just civilian B children. Moreover, the Department should make preliminary payments to school districts based on 75 percent of the prorated entitlement provided by the House-passed appropriation bill for 1981.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield to me for one minute?

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, the continuing resolution before the House today contains provisions for our Nation's foreign assistance activities. The bill provides the dollars levels under the current continuing resolution which is the fiscal year 1980 level plus additional funding for foreign military credit sales for Israel and Egypt.

Also contained in this bill are earmarkings for international disaster assistance of $50 million for Italian earthquake rehabiliation and reconstruction, $15 million funding for Cyprus, and $2 million for the newly authorized African Development Foundation.

We have also included report language that specifies that $69 million shall be available for African refugee assistance, to provide relief from drought, famine and war in the devasted parts of Africa.

Also, the section on foreign assistance provides some $12 billion for the Export-Import Bank.

Mr. Speaker, this portion of the continuing resolution has support from both sides of the aisle and I urge the Members of the House to accept this bill.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California, a member of the committee.

Mr. ROYBAL. Mr. Speaker, I rise in support of the resolution and also to commend the gentleman from Pennsylvania (Mr. McDADE) for not insisting on his amendment at this time. I agree with him. I think we should definitely have hearings on this matter. It should go through the regular legislative process and after that have the proper committee bring its recommendation to the House of Representatives.

Again my compliments to the gentleman from Pennsylvania for not insisting on his amendment.

□ 1250

Ms. FERRARO. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentlewoman from New York.

Ms. FERRARO. Mr. Speaker, I rise in opposition to the amendment of the gentleman from Pennsylvania (Mr. McDADE). I do so because it flies in the face of both the reality of America in 1980 and the 14th amendment to the Constitution.

The 14th amendment is clear on its face. It reads:

> Representatives shall be apportioned among the several States according to their

respective numbers, counting the whole number of persons in each State.

The purpose of the language is to prevent aliens from being included in census data. The amendment would preclude the counting of both illegal aliens and persons whose applications for naturalization are pending. The unfortunate result of this restrictive language would be to disenfranchise thousands of people who are awaiting final word on their citizenship.

The amendment, therefore, goes well beyond the long-standing controversy about the counting of undocumented aliens. It will also reach the Soviet Jews, the Italians, the Poles, the Greeks, and the countless other people who are in the process of becoming American citizens. The effect of this language would be precedent setting and far reaching.

Urban areas with large populations of people who are legally residing in the United States, although not yet legal citizens, would find that the census count inaccurately represents the true population of their communities. The effect of representation in both the House of Representatives and State legislatures would be staggering. While legislative districts are not directly affected by this language, the practical effect would be that two sets of data would be necessary to reapportion legislative and congressional districts.

As a member of the subcommittee on Census and Population of the House Post Office and Civil Service Committee, I am most disturbed by the inclusion of this language in the pending resolution.

I thank the gentleman from Pennsylvania (Mr. McDade) for reconsidering his effort in bringing this motion forward in this legislation.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I have asked for this time for the purpose of engaging in a colloquy with the distinguished chairman of the Treasury and Post Office Appropriations Subcommittee, the gentleman from Oklahoma (Mr. Steed) on a matter that affects the Customs Department.

Mr. Speaker, the continuing resolution provides funding for one of the best services provided by the U.S. Customs Service: The operation of port of entry offices around the country. I would inquire of the distinguished chairman of the Treasury Postal Appropriations Committee, Mr. Steed, if funds appropriated for the Customs Department are sufficient to allow for normal additions or expansion of operations. My particular concern is with the ports of entry. The city of Austin, Tex., has applied for such a port, and meets the criteria. The Customs Service people originally expressed some hesitancy that they could grant the application based on certain budget and manpower constraints. But I would trust the language of the continuing resolution would allow such additions and alterations in normal operations if requested and recommended by the Customs Service.

I would further ask the chairman if this resolution would allow such additions and alterations in Customs Service operations regarding not only budget considerations, but a slight variation in the hiring freeze order. I just want to be sure that this is as clear as if it were so specified as a line item in a specific appropriations bill.

Mr. STEED. If the gentleman will yield, first off, let me say that the gentleman has discussed the matter in which he is interested with me, and I would say that it is probably one of the most meritorious requests for Customs expansion of their services.

Now, in view of the fact that the bill that contains the budget for the U.S. Customs Service has passed the House and has not yet and probably will not be acted upon by the other body, and since this is covered, this omission is covered in this continuing resolution, under the rule the figures in the House version of the bill will prevail.

This House version of the bill provided for the normal growth and expansion of the Customs Service, which, like many Government agencies, grows as the population grows, and I cannot find any reason on Earth why the Customs Service under this continuing resolution will have any difficulty going ahead and accommodating the gentleman's need, along with other factors of that sort. I think that we will find that the Customs Service will have no difficulties at all in carrying on their duties. I am sure that they do have the manpower, and I hope they will open the agency in Austin, Tex., because in my opinion it is probably the most meritorious request for new service that is before the Customs Service at this time.

Mr. PICKLE. I thank the distinguished chairman very much, and I appreciate his comments.

Mr. BAUMAN. Mr. Speaker, will the gentleman from Mississippi yield for a question?

Mr. WHITTEN. If the question is directed to me, I will yield to the gentleman.

Mr. BAUMAN. Yes, it is directed to the gentleman.

Mr. WHITTEN. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the distinguished chairman for yielding.

Mr. Speaker, a few months ago the gentleman from Mississippi was very critical at the time we passed a continuing resolution, in effect, for the entire budget of the United States, and I agreed with him. I agree with him now that that is not the way to proceed. But it occurs to me that the legislation before us covers most of the budget of the United States, Health and Human Services, Defense, Treasury-Post Office, foreign aid. How many billions of dollars are being appropriated for, roughly, in this continuing resolution? It has got to be two-thirds of the budget.

Mr. WHITTEN. May I say that we need to act on this resolution because only 3 of the regular 13 appropriation bills have actually been signed by the President, and the President could veto 1 of the completed conference bills while we are not in session.

I would guess that three-fourths of the funding authority which is contained in this resolution will not be used for more than a week or 10 days because the regular bills will be enacted by then. The Agriculture bill has completed conference. Defense is in conference now. HUD, State-Justice, District of Columbia, and Interior have been agreed to in conference. Just about three-fourths of what is continued in this resolution I trust and hope will not be used for more than a week or 10 days, and maybe the funding authority may not be needed at all since the current resolution is in force until the 15th of December. But the only way we could be sure that there would be no lapse in funding was to include all the programs in this resolution. I might point out that as soon as the bills are signed into law, they come out from under this resolution.

Mr. BAUMAN. But as it stands before us here today, we are talking about hundreds of billions of dollars included in this continuing resolution, are we not?

Mr. WHITTEN. We tried to estimate what the cost would be under the regular bills and under this resolution but the problem is we do not know what bills and programs will actually be included in the resolution upon final adoption. We cut the termination date of the resolution back from June 15 to June 5 so as to be sure that we were within the budget resolution which was just adopted.

Mr. BAUMAN. The gentleman from Mississippi still has not told us how much money is in this resolution. Not that I want to press him, but I just thought we should know, for historical interest.

Mr. WHITTEN. May I say that I am not trying to hedge on that at all. But in many of these areas it is next to impossible to tell what the cost is going to be. We have entitlement programs carried in the resolution and no one can put an accurate price tag on these items until the year has been completed. But it is within the budget limit that we have to guide us and, in our judgment, this also involves a great deal of guesstimating.

Mr. BAUMAN. We do not know how much it is, but it is within the limits?

Mr. WHITTEN. So the answer to the gentleman's question is: I cannot tell you nor can anyone else give you an accurate figure.

Mr. BAUMAN. I thank the gentleman, I think, for his explanation, but I would also observe, certainly, it is not the fault of the Appropriations Committee or its chairman, but I would say that this continuing resolution is probably the best evidence of the failure of this Congress and the budget process to address the fiscal needs of the country.

Mr. WHITTEN. I am hopeful, if I may continue for a minute, that, with the experience we have had with the congressional budgeting process that in the next year Congress will be able to meet its budget deadlines. A part of this problem has been because the Budget Committee encountered problems in bringing out their budget resolution and it was not entirely their fault. I think the current budget resolution, as fine as it is, is perhaps out of line by a whole lot insofar as what our actual situation is now or will be. Another contributing factor was that our friends on the other side earlier in the year took up time with confirmations, with treaties, and things of that sort. We sent 12 bills over there earlier, the gentleman will remember, and we could not get prompt action. Therefore, we put all the House-passed bills together again in the current resolution and passed the continuing resolution. At any rate, this is the best we can do.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield to me for the purpose of entering into a colloquy with the distinguished gentleman from Kentucky, Chairman NATCHER?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank the gentleman for yielding.

I have a brief question. Last August the subcommittee I chair held hearings on occupational health and safety in the aviation industry. One of the glaring problems revealed at those hearings was the predicament of the thousands of flight attendants who do not appear to be effectively protected by any agency or safeguards. Over the last decade, flight attendants have won the right to hold their jobs as a long-term career rather than being required to retire. With that has come longer exposure to potential occupational hazards. There are now some disturbing indications that there may be some serious, long-term health hazards for cabin crews.

At the hearing, witnesses for the National Institute of Occupational Safety and Health (NIOSH)) stated that they planned to conduct a full study of flight attendant occupational hazards. This is commendable. Now is the time to find out what threats may be present and guard against them, not 10 or 20 years from now.

The question I would ask the manager of this portion of the bill, the gentleman from Kentucky, is this: With the ongoing funding of NIOSH in the Department of Health and Human Services under continuing resolutions, would it be in accord with existing law for NIOSH to go forward vigorously with this study of flight attendants in this coming calendar year?

Mr. NATCHER. If the gentleman will yield, in answer to the question of the distinguished gentleman from California, I would like to say that going forward with such a study is certainly within the agency's existing authority.

Mr. JOHN L. BURTON. Then there would be no objection from those with responsibility for congressional review of NIOSH's budget if this much needed study was fully gotten under way?

Mr. NATCHER. If the gentleman will yield, in answer to the gentleman's question, certainly, at the earliest appropriate time, within existing funds, such a study could be made.

Mr. JOHN L. BURTON. I thank the gentleman for his response and for making this a part of the legislative history of this measure.

I also thank the distinguished gentleman from Mississippi (Mr. WHITTEN) for yielding to me.

Mr. WHITTEN. I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I may be a lone voice crying in the wilderness on this particular issue, but I intend to vote against the continuing resolution. I have had an opportunity to study it, and I am not sure that the numbers are that bad or that the 16 amendments are that bad, although I have some reservations about a couple of them, but there are three specific reasons why I plan to vote against this continuing resolution.

First, I believe we take the Senate off the hook by passing a continuing resolution. We give them until June 5, 1981, to play political games with the legislative appropriations, the Labor-HEW appropriations, the Treasury and Postal Service appropriation, the foreign aid bill, and I think that, given the complexion that the Senate will take in early 1981, that is a mistake.

□ 1300

Second, and probably more important than the first, I think that there is a real chance that as we negotiate with the Senate on a continuing resolution, that the 16 amendments that we have placed in the legislation will grow to 20 or 25 or 30 amendments that the Senators will place in this legislation, pork barrel amendments that may not be as acceptable to the House, and yet we will have to swallow because it is in a conference report.

But finally, the last reason for voting against the continuing resolution is a matter of principle. I think the House of Representatives deserves to have deadlines mean something, and each time we bump up against a deadline, whether it is a budget deadline or an appropriation deadline, or an authorization deadline, we have this magical ability to wave a wand and simply say that those deadlines do not exist. I think if we are going to have a House of Representatives that has an appropriation process that makes sense, we ought to stick to our deadline. We ought not to take the Senate off the hook, and we ought not let the Senate have a chance to add on a lot of amendments that make no sense.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to my good friend from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Speaker, I thank my ranking minority Member, the gentleman from Massachusetts (Mr. CONTE) for yielding to me this time.

We all recognize that a continuing resolution is necessary, but frankly, I share the concern that some have expressed here this morning about this particular one. The vehicle of a continuing resolution certainly is not new to our body. We have been using it frequently in recent years, but in the period of time I have spent in this House, I do not recall ever carrying this large a continuing resolution into a new Congress.

This is what really concerns me, the fact that we are placing a burden on the new Congress, particularly on the Appropriations Committees of both the House and the other body. I certainly do not want to cast any aspersions here on our own Appropriations Committee because we have done our work, as a number of Members have already said, but the other body has not done its work.

There is a remedy rather than carrying this large appropriation responsibility into the new Congress, and it seems to me that we have had trouble this year getting our appropriations passed. What is going to happen next year when we have 6, and maybe even 10, appropriation bills to rewrite, to have some limited hearings next year? How late are we going to be next year in the 1982 fiscal year and in getting those appropiration bills passed?

There is a remedy, it seems to me. Both the majority, the Democratic Party, and the minority, the Republican Party, are going to be here next week for reorganization meetings. We are going to be here at least 1 or 2 days, and for those Members who will not be in the 97th Congress, I am sure they can find it convenient to be here next week because they are going to have to be here closing out their offices; would it not be reasonable to stay the first 2 or 3 days of next week, let our reorganization meetings take place in the mornings, say from 8 to 12, and then come in at 12 and working until 6, and see if we cannot work out a few more of these appropriations bills?

I think it would be wise for us to consider this, but since we on the minority side are not often asked for advice on scheduling, I am sure what I am saying will not be heeded. But, I think we are digging ourselves a hole here that we are going to have difficulty climbing out of next year. I wish there would be consideration given to working next week a day or two, or maybe three, and passing a few more appropriation bills.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. MARLENEE.)

Mr. MARLENEE. Mr. Speaker, I thank the gentleman for yielding. I wish to engage the subcommittee chairman, the gentleman from Kentucky (Mr. NATCHER) in a colloquy.

We have a very important program in the States of Wyoming, Montana, Nebraska, North Dakota, South Dakota, and Idaho called the "family education program."

The family education program, seeks to solve some of the welfare problems in our part of the country by developing employable skills. These are not public service jobs, but rather an effort to provide educational and vocational assistance to allow participants to become self-supporting. The program, as its very name indicates, is designed to provide this incentive with the family in mind. The program's philosophy is identical to that stated, I might note, in the Republican Party Platform:

> The values and strengths of the family provide a vital element in breaking the bonds of poverty.

The results of the program have been very positive. For example, in 1979, 73.9 percent of the families entered sustained employment within 45 days of program completion and 90.1 percent of the families which had participated were still intact 1 year after participating in the program. This compares favorably with vocational-technical training generally, where a similar employment rate after program completion can be found. But most heartening about this program is the far higher rate of families remaining intact after completion of the program. The national family breakup rate is about twice as high as the breakup rate for families participating in the family education program.

The overall success rate of the program might be gleaned from the avoidance of public assistance participation for those who participate in the program. Most programs have a 25–40 percent success rate in breaking the welfare cycle. This program has an 80–90 percent success rate in breaking the cycle.

During the past year, discussions ensued concerning transferring the Federal funding from CETA, a variety of HHS programs, and the Old West Regional Commission to the vocational education programs of national significance. This has not occurred as a result, in part, of the status of the Labor HHS appropriations measure. My question, Mr. Speaker, is, in view of the success of this program, by the terms of the continuing resolution, are there sufficient funds and are the agencies involved required to keep this program running, which will necessitate $3.5 million in fiscal year 1981, and can the agencies get together to pool the funds and transfer the responsibility to the vocational education program?

Mr. NATCHER. Mr. Speaker, will the gentleman from Montana yield to me?

Mr. MARLENEE. I will be happy to yield.

Mr. NATCHER. I would like to say to my distinguished friend from Montana, in response to the gentleman's question, I would say to the extent that the family education program is currently supported by Federal agencies covered by the continuing resolution, these agencies would be authorized to continue support for the program.

Mr. MARLENEE. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I take this time for an historical note. On page 19 of the joint resolution, section 121, $10,210,000 is appropriated to the Panama Canal Commission for certain capital projects. The reason this is rather historic is because it is further evidence of problems that persist in Panama. This is not an authorized expenditure. It will come out of the canal tolls, purportedly, to be paid eventually as the law requires. But the need for this amount of money is the fact that the much vaunted new era of good feelings in the operation of our canal—or our former canal—in Panama is not occurring. It goes unreported in the American press, but the canal's operation has had a number of difficulties, not the least of which in recent weeks has been the delayed transits of hundreds of ships on the Atlantic and Pacific sides lined up, unable to get through the canal for days at a time.

This money supposedly is going to alleviate some of that problem. I would call the Members' attention to a report that I entered into the RECORD on October 2, at page 29053, a report that an attempt was made to suppress in the Merchant Marine and Fisheries Committee because the State Department did not like its contents. The report has the unanimous support of our Panama Canal Subcommittee, and it details how U.S. law governing the canal is being subverted by the Carter administration, and the many problems that are now occurring much of it as predicted by those of us who opposed the treaties.

But, this amount of money in this continuing resolution is only one symptom of a much greater problem in Panama the new administration will have to face.

Mr. CONTE. Mr. Speaker, I yield myself 30 seconds.

I failed to mention something when I spoke on the bill, to clarify the committee's intent on student loans for nurses. I know my good chairman, the gentleman from Kentucky (Mr. NATCHER) alluded to this.

I wish to point out that the committee has provided funding for nursing student assistance programs for fiscal year 1981, through this resolution under the paragraph related to unauthorized programs. Further, it is the committee's intention that loans within these nursing student assistance programs be available to current and new nursing students in institutions scholarship programs.

Is that the intent of the gentleman from Kentucky?

Mr. NATCHER. The gentleman's statement is correct.

At this time, Mr. Speaker, I want to commend the gentleman from Massachusetts, who is one of the able members of the Subcommittee on Education, Health and Human Services, and Labor Appropriations.

Mr. CONTE. I want to thank the gentleman, not only for his able leadership, but for the many programs that we have worked together on here, not only for the nurses, but for higher education and elementary and secondary education, and all of the health fields that we have worked on.

☐ 1310

Mr. WHITTEN. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Speaker, I wish to commend the distinguished chairman of the committee, Mr. WHITTEN, and the ranking minority member, the gentleman from Massachusetts (Mr. CONTE) for the prompt consideration of this matter. It deserves support.

Mr. Speaker, I rise in support of House Joint Resolution 637, providing continuing appropriations for various agencies of the Federal Government for fiscal 1981.

In particular, I want to point out that in the full Appropriations Committee earlier this week the committee approved an amendment I offered to provide an additional $119 million to the general supply fund for the General Services Administration for the purchase of new vehicles for the Federal Government as replacement for aging and worn vehicles in the current fleet. This money had been requested by the President in his supplemental request to the Congress on November 19, and was identified to provide a more fuel efficient fleet of vehicles for the Government, as well as provide further assistance to our domestic auto industry which is trying to recover from its worst downturn in many, many years.

This $119 million is not frivolous. It is money that will be well spent to help improve our domestic economy and to restore jobs in the auto industry and its suppliers.

We need to improve our Federal vehicle fleet. Many of the vehicles are 5 years old, and they do not provide the same fuel efficiency as is available with new model American vehicles. This means that if we replace our aged fleet that we will be able to use less fuel in the use of Government vehicles helping to both conserve fuel and to reduce fuel costs.

We will also be able to avoid the repair costs that are normally associated with older vehicles. So we will have a double cost savings of lower fuel costs and lower repair costs if we purchase cars now rather than later.

It is essential that the money be provided to GSA now rather than later. If we had waited for the normal supplemental appropriation process, chances are that the money would not have become available until next July. By that time our auto manufacturers would have shut their plants in order to convert to production of 1982 model cars and trucks so that new vehicles would not be available for Government use until November or December of 1981, a full year from now.

Additionally, it would have meant that the Federal Government has not done all that it could to constructively help reduce unemployment in the auto industry. It is a well-known fact that unemployment in Michigan has been running well above national averages, and several of Michigan's cities, including Saginaw and Bay City which I represent, have the highest levels of unemployment in the Nation. These unemployed men and women want their jobs back. They do not want to continue to collect unemployment benefits or other forms of governmental assistance as food stamps. They want to be part of a productive America.

Providing money now means that jobs will be restored now. It also means that we will avoid the cost of unemployment assistance programs. So it appears that we will save money in at least three ways: Fuel economy, repair avoidance, and reduced demand for Federal unemployment assistance.

I realize that this is an item which some of my colleagues consider as a large expenditure and one which should have been handled in the normal appropriation process. But when we are dealing with a crisis we must act in an expeditious manner. It is for this reason and the fact that our net cost will be far below the $119 million when you consider the savings I have described that I urge my colleagues to both support the joint resolution, and why I urge the potential House conferees with the Senate to retain this provision if the Senate strikes the money in its consideration of the bill.

● Mr. FRENZEL. Mr. Speaker, I have found almost no one who believes that illegal aliens should be represented in Congress. I feel very strongly that congressional representation should be based on U.S. citizens only.

But the McDade amendment is not exactly what it seems. No census count is perfect. The current count undoubtedly contains overcounts including illegals, and undercounts. The problem is to identify them.

Under the McDade amendment, it would seem to me that redistricting would literally be held up until a new census, probably no better than the old one, is taken. Since no census can be guaranteed to be free of illegals, perhaps the McDade amendment would hold up redistricting indefinitely.

Americans have the constitutional right, under the Supreme Court's Baker against Carr decision, to equal representation in this House. I believe that the McDade amendment would interfere with that right by delaying redistricting for no good purpose.

The northeastern area of our country, and some of our older cities will fight to delay redistricting. The McDade amendment is part of that fight. It should be defeated so the States may proceed with redistricting early in 1981 to give the fairest possible representation in the House of Representatives.●

● Mr. WAXMAN. Mr. Speaker, I would like to take this opportunity to express my thanks to my distinguished colleague from Kentucky (Mr. NATCHER) for his leadership on this resolution and for his special sensitivity to the health needs of the country.

It has been of serious concern to me that the House and Senate conferees on the Health Professions Educational Assistance Act have been unable to agree on the best means of supporting medical and nursing students and their schools. This failure to reach an acceptable compromise is particularly distressing because of a lack of clarity as to the fate of programs of financial assistance, including loans and scholarships, to the neediest of students.

While I am anxious to continue the conference on manpower issues and, failing that, to work on a new bill in the 97th Congress, I am grateful to my colleague from Kentucky and to his staff for their specific explanation of the effect of this resolution on the aid programs of titles VII and VIII of the Public Health Service Act. It is my understanding that the resolution continues the Department of Health and Human Services authority to make new loans and awards to new students.

The meticulous care with which this resolution has been devised is representative of the craftsmanship of the gentleman and his staff. For that very necessary clarification, the medical and nursing students of the country will be most appreciative.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of the pending legislation which extends the continuing resolution through June 5, 1981, I wish to address myself briefly to two key provisions in this measure.

The first is the provision which appropriates $50 million in emergency aid to Italy to help that nation cope with the effects of the massive earthquake of November 23. The earthquake which we know has killed more than 3,000 people and left another 300,000 homeless has economically decimated the southern region of Italy. Our commitment of aid is consistent with our leadership in responding to nations and peoples afflicted by natural disasters.

I commend the President for his support of this legislation and feel it helped make our work a lot easier. I also salute the work of the Foreign Affairs Committee and its chairman, Mr. ZABLOCKI, for their expeditious consideration of the authorizing legislation approved on Monday.

Finally let me add a word of support for the figures approved for the various key programs under the Older Americans Act. This resolution appropriates funds at the House-approved Labor-HEW appropriations bill for fiscal year 1981. This means that the critically important nutrition program which provides meals for more than 500,000 senior citizens across the Nation will receive an additional $30 million and the title III–B social service program which is so vital to the operation of the Older Americans Act will receive an additional $10 million. If these increases were not approved, upwards of 20 States would have had to make cutbacks in this vitally important program. I commend the committee for their sensitivity and leadership.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in support of House Joint Resolution 637, the further continuing appropriations bill for fiscal year 1981, which contains $50 million in earthquake relief assistance for the people of southern Italy who were hit by the massive earthquake of November 23.

Funding for this purpose is another inspiring example of the long American tradition of extending help and encouragement to victims of tragedy around the world, and I urge the support of my colleagues for these crucial funds, which will be used primarily for reconstruction purposes.

I also thank my colleague from Wisconsin, the Honorable CLEMENT J. ZABLOCKI, chairman of the House Foreign Affairs Committee, for his splendid leadership in expediting and passing the authorization bill necessary for this relief fund, and also the Honorable JAMIE L. WHITTEN, chairman of the House Appropriations Committee, for his outstanding assistance and cooperation in making these funds available as promptly as possible by including them in this bill.

Reports continue to come in on the tragic effects of the most severe earthquake to hit the Italian nation in over half a century. Over 3,000 people are known dead, with some 2,000 more still missing. The injured number in the many thousands, and over a quarter of a million people are without homes. Those whose homes may eventually be saved through repairs are prevented from using them now by strong aftershocks during the weeks following the initial quake, and cold rain, wind, and snow further complicate rescue and relief efforts to many rural areas.

According to the Agency for International Development, which distributes American disaster funds abroad, the earthquake was centered in rugged mountain and hill country, with 500 to 1,000 towns and villages affected, and up to 100 totally destroyed. Damage is widespread in an area of 2,500 square miles in the Naples region, though the city itself was not seriously damaged. The provinces which report damage include Avellino, Bari, Benevento, Caserta, Matera, Naples, Potenza, and Salerno.

Charitable organizations, many governments, and humanitarian individuals all over the world have responded with immediate shelter, food, and relief supplies, as have our own Government and American private agencies. However, the desperate need of the affected population in these areas of southern Italy continues, and funds are needed to rebuild schools, hospitals, homes and public buildings.

Again, I strongly urge the support of my colleagues for this appropriations bill, which will go a long way toward relieving the suffering caused by this calamity.●

Mr. CONTE. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 637, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the first committee amendment.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that committee amendments Nos. 1 through 13 and 15 through 16 contained in the committee report be considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on committee amendments Nos. 1 through 13 and 15 through 16.

Committee amendments Nos. 1 through 13 and 15 through 16 were agreed to.

The SPEAKER pro tempore. The question is on committee amendment numbered 14, which the Clerk will re-report, without objection.

There was no objection.

The Clerk read as follows:

Committee amendment number 14: Insert a new section as follows:

SEC. 123. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution may be used to calculate or transmit, pursuant to Section 2a of Title 2 of the United States Code, the number of Representatives in Congress to which each State shall be entitled under the twentieth decennial census. This section shall not apply to any calculation or transmittal where the number of Representatives is based on a census count which includes only citizens of the United States.

The question was taken; and the SPEAKER pro tempore announced that the noes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 164, nays 208, answered "present" 2, not voting 58, as follows:

[Roll No. 658]

YEAS—164

Abdnor
Albosta
Alexander
Andrews, N.Dak.
Applegate
Archer
Ashbrook
Atkinson
Bailey
Barnard
Bauman
Benjamin
Bereuter
Bethune
Blanchard
Bouquard
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burlison
Byron
Campbell
Carney
Carter
Cheney
Clay
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Coughlin
Crane, Daniel
D'Amours
Daschle
Davis, Mich.
Derrick
Devine
Donnelly
Dougherty
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
Ertel
Evans, Del.
Evans, Ind.
Findley
Fish
Fithian
Ford, Mich.
Forsythe
Fountain
Fowler
Gaydos
Giaimo
Ginn
Goodling
Gradison
Grassley
Gray
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hinson
Holt
Hyde
Jacobs
Jeffords
Jeffries
Jenkins
Jones, Okla.
Kindness
Kogovsek
Kostmayer
Kramer
Latta
Lee
Lent
Levitas
Livingston
Loeffler
Long, La.
Luken
McDonald
McEwen
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mazzoli
Michel
Miller, Ohio
Moakley
Mollohan
Montgomery
Moore
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Oakar
Paul
Petri
Porter
Pursell
Quayle
Quillen
Rahall
Railsback
Regula
Rinaldo
Ritter
Roth
Rudd
Russo
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stokes
Symms
Taylor
Vanik
Walgren
Walker
Watkins
Williams, Mont.
Williams, Ohio
Winn
Wolpe
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.

NAYS—208

Addabbo
Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Aspin
AuCoin
Bafalis
Barnes
Bedell
Beilenson
Bennett
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Boner
Bonker
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Burgener
Burton, John
Burton, Phillip
Butler
Carr
Chappell
Chisholm
Clausen
Coelho
Conable
Conyers
Corman
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, S.C.
de la Garza
Dellums
Derwinski
Dicks
Dingell
Dornan
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Erlenborn
Fary
Fascell
Fazio
Ferraro
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Frenzel
Fuqua
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Gore
Green
Grisham
Gudger
Harris
Hawkins
Hefner
Heftel
Hightower
Holland
Hollenbeck
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
LaFalce
Lagomarsino
Leach, Iowa
Leach, La.
Lehman
Leland
Lloyd
Long, Md.
Lott
Lowry
Lujan
Lundine
Lungren
McClory
McCloskey
McHugh
Maguire
Matsui
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moffett
Moorhead, Calif.
Natcher
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Rangel
Ratchford
Reuss
Richmond
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Sabo
Scheuer
Shelby
Simon
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Stark
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Zablocki
Zeferetti

ANSWERED "PRESENT"—2

McDade
Rousselot

NOT VOTING—58

Anderson, Ill.
Ashley
Badham
Baldus
Beard, R.I.
Beard, Tenn.
Bonior
Bowen
Buchanan
Cavanaugh
Collins, Ill.
Crane, Philip
Crockett
Deckard
Dickinson
Dixon
Dodd
English
Evans, Ga.
Fenwick
Frost
Garcia
Gramm
Guarini
Hance
Hanley
Harkin
Hillis
Ichord
Jenrette
Johnson, Colo.
Kelly
Leath, Tex.
Lederer
Lewis
McCormack
McKay
Mathis
Mattox
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Rhodes
Rodino
Santini
Schroeder
Shannon
Spellman
Thompson
Wampler
Wilson, C. H.
Wyatt
Young, Alaska

□ 1320

The Clerk announced the following pairs:

Mr. Shannon with Mr. Hillis.

Mr. Thompson with Mr. O'Brien.

Mr. Bonior of Michigan with Mr. Wampler.

Mr. Dodd with Mr. Lewis.

Mr. Guarini with Mr. Dickinson.

Mr. Hanley with Mrs. Fenwick.

Mr. Lederer with Mr. Badham.

Mr. Mavroules with Mr. Beard of Tennessee.

Mr. Murphy of New York with Mr. Buchanan.

Mr. Rodino with Mr. Cavanaugh.

Mr. Santini with Mr. Beard of Rhode Island.

Mrs. Schroeder with Mr. Ashley.

Mr. Charles H. Wilson of California with Mr. Philip M. Crane.

Mr. Hance with Mr. Crockett.

Mr. Ichord with Mr. English.

Mr. Bowen with Mr. Evans of Georgia.

Mr. Baldus with Mr. McKay.

Mrs. Collins of Illinois with Mr. Mattox.

Mr. Jenrette with Mr. Kelly.

Mr. Leath of Texas with Mr. Nedzi.

Mr. Mathis with Mr. Johnson of Colorado.

Mr. Frost with Mr. Gramm.

Mr. Garcia with Mr. McCormack.

Mr. Moorhead of Pennsylvania with Mr. Murphy of New York.

Mr. Neal with Mr. Rhodes.

Mr. Wyatt with Mr. Young of Alaska.

Messrs. MOORHEAD of California, BUTLER, and HUGHES changed their votes from "yea" to "nay."

Messrs. ROTH, SKELTON, LEVITAS, FINDLEY, Mrs. BOUQUARD, Messrs. GIAIMO, SATTERFIELD, KOGOVSEK, D'AMOURS, FOUNTAIN, DASCHLE, and BRINKLEY changed their votes from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1330

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore, announced that the ayes appeared to have it.

Mr. EDGAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 106, not voting 54, as follows:

[Roll No. 659]

YEAS—272

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Aspin
AuCoin
Bailey
Barnard
Barnes
Beard, R.I.
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Buchanan
Burlison
Burton, Phillip
Byron
Carr
Carter
Chappell
Chisholm
Clausen
Clay
Clinger
Coelho
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Crockett
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dicks
Dingell
Dixon
Donnelly
Derrick
Dougherty
Downey

Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Fary
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Fuqua
Gephardt
Gibbons
Gilman
Ginn
Goodling
Gore
Gray
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hammerschmidt
Harris
Hawkins
Heckler
Hefner
Hightower
Hinson
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Huckaby
Hutchinson
Hutto
Hyde
Ireland
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kildee
Kogovsek
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Murphy, Ill.
Murtha
Musto
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Russo
Sabo
Scheuer
Schulze
Seiberling
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thomas
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weiss
White
Whitehurst
Whitley
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Zablocki
Zeferetti

NAYS—106

Abdnor
Anderson, Calif.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Bedell
Bereuter
Bethune
Broomfield
Burgener
Burton, John
Butler
Campbell
Carney
Cheney
Cleveland
Coleman
Collins, Tex.
Conable
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Dellums
Derwinski
Devine
Dornan
Edgar
Edwards, Okla.
Evans, Ind.
Fithian
Forsythe
Gaydos
Gingrich
Glickman
Goldwater
Gradison
Grassley
Hamilton
Hansen
Harsha
Heftel
Hopkins
Hubbard
Hughes
Ichord
Jacobs
Jeffords
Jeffries
Kastenmeier
Kemp
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Loeffler
Luken
Lungren
McDonald
McKinney
Madigan
Maguire
Mazzoli
Michel
Miller, Ohio
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Panetta
Pashayan
Paul
Petri
Porter
Rinaldo
Ritter
Roth
Rousselot
Rudd
Satterfield
Sawyer
Sebelius
Sensenbrenner
Sharp
Shumway
Shuster
Snyder
Solomon
Spence
Stenholm
Stockman
Stump
Symms
Tauke
Vander Jagt
Weaver
Whittaker
Winn
Wolpe

NOT VOTING—54

Ashley
Baldus
Beard, Tenn.
Bonior
Bowen
Brown, Ohio
Broyhill
Cavanaugh
Collins, Ill.
Crane, Philip
Dickinson
Dodd
English
Evans, Ga.
Fenwick
Frost
Garcia
Giaimo
Gonzalez
Gramm
Guarini
Hance
Hanley
Harkin
Hillis
Jenrette
Johnson, Colo.
Kelly
Leath, Tex.
Lewis
Mathis
Mattox
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Rhodes
Rodino
Santini
Schroeder
Shannon
Spellman
Taylor
Thompson
Traxler
Wampler
Wilson, Bob
Wilson, C. H.
Wyatt
Young, Alaska
Young, Mo.

☐ 1340

The Clerk announced the following pairs:

Mr. Shannon with Mr. Brown of Ohio.
Mr. Thompson with Mr. Gramm.
Mr. Rodino with Mr. O'Brien.
Mr. Santini with Mr. Taylor.
Mrs. Collins of Illinois with Mr. Wampler.
Mr. English with Mr. Hillis.
Mr. Frost with Mr. Kelly.
Mr. Gonzalez with Mr. Broyhill.
Mr. Guarini with Mr. Cavanaugh.
Mr. Hanley with Mrs. Fenwick.
Mr. Mathis with Mr. Dickinson.
Mr. Mitchell of Maryland with Mr. Philip M. Crane.
Mr. Moorhead of Pennsylvania with Mr. Johnson of Colorado.
Mr. Murphy of New York with Mr. Leath of Texas.
Mrs. Schroeder with Mr. Mattox.
Mr. Bonior of Michigan with Mr. Nedzi.
Mr. Bowen with Mr. Bob Wilson.
Mr. Dodd with Mr. Wyatt.
Mr. Giaimo with Mr. Young of Alaska.
Mr. Garcia with Mr. Lewis.
Mr. Baldus with Mr. Ashley.
Mr. Hance with Mr. Jenrette.
Mr. Young of Missouri with Mr. Harkin.
Mr. Evans of Georgia with Mr. Beard of Tennessee.
Mr. Mavroules with Mr. Neal.
Mr. Traxler with Mr. Charles H. Wilson of California.

Mr. WOLPE changed his vote from "yea" to "nay."

Mr. MILLER of California changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following titles:

H.R. 1298. An act to designate the U.S. Post Office and Federal Building in Huntington, W. Va., as the "Sidney L. Christie Federal Building."

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORTS, AUTHORITY TO DECLARE RECESSES AND MOTIONS TO SUSPEND RULES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 821 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 821

Resolved, That it shall be in order at any time during the remainder of the second session, Ninety-sixth Congress, (1) to consider conference reports and amendments reported from conference in disagreement on the same day reported or any day thereafter notwithstanding the provisions of clause 2, rule XXVIII, if copies of the conference report and accompanying statement, together with the text of any such amendment reported from conference in disagreement, have been available to Members for at least one hour before the beginning of such consideration, and subject to the requirement of an announcement on the floor of the House by the Speaker or his designee at least one hour before the consideration of any conference report and amendments reported from conference in disagreement, and any said conference report or amendments in disagreement shall be considered as having been read when called up for consideration, (2) for the Speaker to entertain motions to suspend the rules, subject to the requirement of an announcement on the floor of the House by the Speaker or his designee at least one hour before the consideration of any such motion to suspend the rules, and (3) for the Speaker to declare recesses at any time, subject to the call of the Chair.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. Taylor), pending which I yield myself such time as I may consume.

Mr. Speaker, this is one of the usual end-of-Congress resolutions making it more possible for the Congress to finish its business and adjourn. It deals with conference reports, motions to suspend, and an authority to declare recesses.

There is one difference between this resolution and the one that passed 2 years ago. Two years ago it required that there be available for 2 hours some form of resolution or conference report or what have you. This time it provides for 1 hour's notice and 1 hour of availability of the documents. I think actually the general notice given is more protection to the Members than the 2 hours; therefore, I think that this is a better resolution from the point of view of Members, from the point of view of process, and I urge its adoption.

I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Missouri, (Mr. Taylor).

Mr. TAYLOR. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 821 is a special resolution to permit the facilitation of our legislative business during the last 3 days of this lameduck session of the 96th Congress.

As our distinguished chairman, the gentleman from Missouri (Mr. Bolling) has explained, the resolution waives portions of two rules of the House and suspends one element of the parliamentary practice of the House contained in Jefferson's Manual.

The resolution waives clause 2 of rule 28 with regard to conference reports, and provides that there will be no 3-day layover requirement for such reports. Under the resolution, conference reports, and amendments in disagreement may be considered at any time after they are reported, subject to a 1-hour notification to the House by the Speaker, and a 1 hour availability of the report and accompanying statement.

In addition, the resolution waives clause 1 of rule 27 with regard to suspension of the rules of the House, and permits the Speaker to entertain motions to the House by the Speaker, and a 1-hour notification to the House that he will entertain such a motion.

The waiver of these two rules would not be necessary if it were certain that today is within the last 6 days of the session, because both rules 27 and 28 contain provisions allowing the procedure envisioned in House Resolution 821 during the last 6 days.

This waiver is only necessary because the House has not taken up and passed a sine die adjournment resolution. Today is Wednesday, and if the announced intentions of the leadership come to pass and we do adjourn sine die on Friday, then there would be no problem. In that situation, the resolution would not be necessary, because its procedures would be automatic under the rules.

Coupled with the waiver of rules 27 and 28 is a grant of authority to the Speaker to declare recesses at any time subject to the call of the Chair. The parliamentary practice of the House, according to Jefferson's Manual, is that a recess can be had only by a motion agreed to in the presence of a quorum.

This resolution would authorize the Speaker to declare a recess without a motion being agreed to, and without a quorum being present.

Mr. Speaker, I know of no opposition to the idea that you be given the authority to declare a recess, as you see fit, subject to the call of the Chair.

There was no opposition to the resolution in the Committee on Rules, and there was very little debate on a similar resolution in the final days of the 95th Congress.

I would like to take this opportunity, however, to alert those Members who might be thinking about making a motion to suspend the rules—a motion which the Speaker may entertain in his discretion—to be very, very careful.

Suspension of the rules is a procedure that ought not to be used when there is controversy or substantial disagreement between the majority and minority of a committee, and I would hope that Members desiring to get a particular bill passed quickly in the next 3 days take care to seek agreement with the minority as to the use of this procedure.

Too often, it seems to me, bills sail through here under suspension of the rules without benefit of amendments or adequate debate. Since we are all tarred with the brush of being lameducks, and since those of us who will return for the 97th Congress face the wonderful prospect of an executive branch administered by President-elect Ronald Reagan, this is certainly not the time for the House to pass dozens of last-minute items by using the suspension procedure.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I think the resolution (H. Res. 821) is a very dangerous one for this House to pass. I would suggest that we would all be better off it it were defeated.

It is during the last 3 days of the session precisely when the Members of the House, particularly those who serve in the minority, need the protection of the rules.

During the last several sessions we have seen what I consider to be an outrageous abuse of the suspension process. This resolution escalates opportunities for abuse. I refer my colleagues to paragraph 2 on page 2 of the resolution for what I think is its worst feature.

Under this resolution the Speaker will be allowed to bring up any bill under suspension. There will be limited debate, 40 minutes only, with no amendments allowed, no matter how important the bill is, no matter how many billions of dollars the bill costs, and no matter how complicated that bill may be.

In the last 2 days we have done a $1.8 billion black lung disease bill on suspension and we have done an automobile bill on suspension that was very important to all of the Members.

□ 1400

Many, many of the Members who would like to have spoken on those bills or to have offered amendments were not able to do so because of the suspension procedure.

In the next 3 days we are likely to see a variety of bills, like the Boston Patriots tax bill and maybe some more of the black lung type under suspension. Maybe we will see a few protecting some of somebody's most favored friends come before this House under a procedure where we cannot ask questions, where we do not have a printed bill, where we do not have a committee report, where we do not have time to debate, and where we do not have the opportunity to amend.

In my judgment this is the very worst time of the year to increase the use of suspensions and to give the Speaker absolute authority over those suspensions.

I, therefore, request that the Members of the House defeat this resolution. If it the first clause is urgently needed, I guess I would not object too strongly to that, but the suspension feature of the bill is noxious and should be defeated.

I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I would say only a word in response to the gentleman from Minnesota (Mr. FRENZEL). If we had passed the sine die adjournment resolution, the provisions of this resolution would have been in order as it affects conference reports and suspensions for the last 6 days. We hope we are in the last 3 days, and we are really talking about if there is a need for a change, it should be in the regular permanent rules. There is a process, and I am in a position to assure the gentleman from Minnesota that if that kind of thing had come up, it might well have been considered.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. FRENZEL. Mr. Speaker, I agree if we had passed the sine die resolution we would not have these things facing us. On the other hand, if we had passed the sine die resolution, we could also adjourn.

The sine die resolution, I think, presents a totally different kind of situation. It poses some risks of its own along with the extra flexibility it provides. But in the case of House Joint Resolution 821, you are giving yourself the extra flexibility without the risk.

Mr. BOLLING. The gentleman is certainly entitled to his views.

Does the gentleman wish to yield further?

Mr. TAYLOR. I have no further requests for time, and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 140, not voting 65, as follows:

[Roll No. 660]

YEAS—227

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Aspin
Atkinson
AuCoin
Bailey
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Byron
Chappell
Chisholm
Clay
Coelho
Conte
Conyers
Cotter
Crockett
D'Amours
Daniel, Dan
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hubbard
Huckaby
Hutchinson
Hutto
Ireland
Jacobs
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Latta
Leach, La.
Lederer
Lehman
Leland

Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Maguire
Markey
Matsui
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauzin
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Wilson, Tex.
Wirth
Wolpe
Wright
Yates
Yatron
Zablocki
Zeferetti

NAYS—140

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bereuter
Bethune
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Carr
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derwinski
Devine
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Findley
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Grassley
Green
Grisham
Guyer
Hagedorn
Hammerschmidt
Hansen
Harsha
Hinson
Holt
Hopkins
Hughes
Hyde
Jeffords
Jeffries
Kemp
Kindness
Kramer
Lagomarsino
Leach, Iowa
Lee
Lent
Levitas
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Marks
Mralenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Myers, Ind.
Pashayan
Paul
Petri
Porter
Pritchard
Quayle
Quillen
Railsback
Regula
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stockman
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Whitehurst
Whittaker
Williams, Ohio
Winn
Wylie
Young, Fla.

NOT VOTING—65

Applegate
Ashley
Baldus
Beard, R.I.
Bonior
Bowen
Burton, Phillip
Cavanaugh
Collins, Ill.
Corman
Crane, Philip
Davis, S.C.
Deckard
Dickinson
English
Evans, Ga.
Fenwick
Fish
Ford, Mich.
Frost
Garcia
Gramm
Guarini
Hance
Hanley
Harkin
Hillis
Hollenbeck
Horton
Ichord
Jenrette
Johnson, Colo.
Kelly
Leath, Tex.
Lewis
McCloskey
McKinney
Mathis
Mattox
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Pursell
Rhodes
Rodino
Santini
Schroeder
Shannon
Spellman
Thompson
Traxler
Wampler
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wolff
Wyatt
Wydler
Young, Alaska
Young, Mo.

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Thompson for, with Mr. Wampler against.

Mr. Rodino for, with Mr. Philip M. Crane against.

Mr. Shannon for, with Mr. Deckard against.

Mr. Guarini for, with Mr. Dickinson against.

Mr. Ford of Michigan for, with Mrs. Fenwick against.

Mr. Garcia for, with Mr. Fish against.

Mr. Corman for, with Mr. Hollenbeck against.

Mr. Bonior of Michigan for, with Mr. Horton against.

Mr. Hanley for, with Mr. Kelly against.

Mr. Mavroules for, with Mr. Lewis against.

Mr. Mitchell of Maryland for, with Mr. McCloskey against.

Mr. Murphy of New York for, with Mr. McKinney against.

Mr. Moorhead of Pennsylvania for, with Mr. O'Brien against.

Mr. Wolff for, with Mr. Pursell against.

Mrs. Collins of Illinois for, with Mr. Wydler against.

Until further notice:

Mr. Nolan with Mr. Cavanaugh.

Mr. Nedzi with Mr. Evans of Georgia.

Mr. Ashley with Mr. Gramm.

Mr. Beard of Rhode Island with Mr. Hillis.

Mr. Applegate with Mr. Johnson of Colorado.

Mr. Charles H. Wilson of California with Mr. Leath of Texas.

Mr. Young of Missouri with Mr. Bob Wilson.

Mr. Bowen with Mr. Wyatt.

Mr. Baldus with Mr. Young of Alaska.

Mr. Davis of South Carolina with Mr. English.

Mr. Frost with Mr. Hance.

Mr. Harkin with Mr. Jenrette.

Mr. Ichord with Mr. Mattox.

Mr. Mathis with Mr. Neal.

Mr. Santini with Mr. Williams of Montana.

Mrs. Schroeder with Mr. Traxler.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to House Resolution 821, the Chair announces that in not less than 1 hour the Chair will recognize the gentleman from New Jersey (Mr. FLORIO) to move to suspend the rules and dispose of Senate amendments to H.R. 7020.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRENZEL. Mr. Speaker, as I understand the resolution just passed, the gentleman from New Jersey (Mr. FLORIO) will not be recognized until 3:20 p.m.; is that correct?

The SPEAKER. At least 3:20 p.m.

Mr. FRENZEL. I thank the Chair.

UNIFYING RULES FOR PREVENTING COLLISIONS ON INLAND WATERS OF THE UNITED STATES

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill, H.R. 6671, to unify the rules for preventing collisions on the inland waters of the United States, with Senate amendments thereto, and further insist on disagreement with Senate amendment No. 70.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MAKING TECHNICAL AND CLARIFYING AMENDMENTS TO PUBLIC LAW 95-598, UNIFORM LAW ON BANKRUPTCIES

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 658) to correct technical errors, clarify and make minor substantive changes to Public Law 95-598, with the Senate amendment to the House amendment, and concur in the Senate amendment with an amendment thereto.

The Clerk read the title of the Senate bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the House amendment to the bill (S. 658), insert the following:

TITLE I—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

SECTION 1. (a) Section 101(2)(D) of title 11 of the United States Code is amended by striking out "or all" immediately after "business".

(b) Section 101(8)(B) of title 11 of the United States Code is amended by striking out the colon at the end thereof and inserting a semicolon in lieu thereof.

(c) Section 101(9)(B) of title 11 of the United States Code is amended by inserting "348(d), 502(e)(2)," immediately after "section".

(d) Section 101(14) of title 11 of the United States Code is amended by inserting "and" immediately after "trust,".

(e) Section 101(24) of title 11 of the United States Code is amended by striking out "stock broker" and inserting "stockbroker" in lieu thereof.

(f) Section 101(26)(B) of title 11 of the United States Code is amended—

(1) in clause (i), by striking out "the kind specified in subparagraph (A)(i) of this paragraph; and " and inserting "a kind specified in subparagraph (A)(i) of this paragraph; and" in lieu thereof; and

(2) in clause (ii), by striking out "separate" each place it appears and inserting "nonpartnership" in lieu thereof and by striking out "the kind specified in subparagraph (A)(ii)" and inserting "a kind specified in subparagraph (A)(i) or (A)(ii)" in lieu thereof.

(g) Section 101 of title 11 of the United States Code is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), and (40) as paragraphs (36), (37), (38), (40), (41), and (42) respectively; and

(2) by adding immediately after paragraph (34) the following new paragraph:

"(35) 'securities clearing agency' means person that is registered as a clearing agency under section 17A of the Securities Exchange

Act of 1934 (15 U.S.C. 78q-1), or whose business is confined to the performance of functions of a clearing agency with respect to 'exempted securities', as defined in section 3(12) of such Act (15 U.S.C. 78c(12)) for the purposes of such section 17A;".

(h) Section 101(36)(A)(xii) of title 11 of the United States Code, as so redesignated, is amended by striking out "is the subject of a registration statement" and inserting "is required to be the subject of a registration statement" in lieu thereof.

(i) Section 101(36)(B)(iii) of title 11 of the United States Code, as so redesignated, is amended by striking out "commodity" the second place it appears.

(j) Section 101(36)(B)(vi) of title 11 of the United States Code, as so redesignated, is amended—

(1) by striking out "certificate specified in clause (xii) of subparagraph (A)" and inserting "certificate of a kind specified in subparagraph (A)(xii)" in lieu thereof; and

(2) by striking out "the subject of such a registration statement" and inserting "required to be the subject of a registration statement" in lieu thereof.

(k) Section 101 of title 11 of the United States Code is amended by inserting immediately after paragraph (38), as so redesignated, the following new paragraph:

"(39) 'State' includes the District of Columbia and Puerto Rico, except for the purpose of who may be a debtor under chapter 9 of this title;".

(l) Section 101(41) of title 11 of the United States Code, as so redesignated, is amended to read as follows:

"(41) 'stockbroker' means person—

"(A) with respect to which there is a customer, as defined in section 741 of this title; and

"(B) that is engaged in the business of effecting transactions in securities—

"(i) for the account of others, or

"(ii) with members of the general public, from or for such person's own account;".

(m) Section 101(42) of title 11 of the United States Code, as so redesignated, is amended by striking out the period and inserting "; and" in lieu thereof.

(n) Section 101 of title 11 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(43) 'United States', when used in a geographical sense, includes all locations where the judicial jurisdiction of the United States extends, including territories and possessions of the United States.".

Sec. 2. Section 102(8) of title 11 of the United States Code is amended by striking out "continued" and inserting "contained" in lieu thereof.

Sec. 3. (a) Section 103(c) of title 11 of the United States Code is amended by striking out "stockholder" and inserting "stockbroker" in lieu thereof.

(b) Sections 103(d) of title 11 of the United States Code is amended by striking out "except with respect to section 746(c) which applies to margin payments made by any debtor to a commodity broker or forward contract merchant".

Sec. 4. (a) Subsections (a)(1), (b)(1), and (c)(1) of section 108 of title 11 of the United States Code are each amended by striking out "and" each place it appears and inserting "or" in lieu thereof.

(b) Subsections (a), (b), and (c) of section 108 of title 11 of the United States Code are each amended by inserting "nonbankruptcy" immediately after "applicable" and immediately after "entered in a".

(c) Section 108(a) of title 11 of the United States Code is amended by inserting ", or any person to whose rights the trustee succeeds," immediately after "debtor".

(d) Section 108(d) of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) If applicable law or an agreement suspends the period of limitation for assessing a tax liability of the debtor as of the commencement of a case under this title, such suspension shall not expire before 90 days following the earlier of—

"(1) termination or expiration of the stay under section 362 of this title, or

"(2) the date, determined under section 505(c) of this title, after which assessment of such tax liability is permitted.".

(e) Adding a new subsection (e) to read as follows:

"(e) If applicable law fixes a period for filing a petition or otherwise commencing an action in the United States Tax Court, or in a similar judicial or administrative forum under State or local law, and if any such act is stayed under section 362 of this title, such period shall not expire before 60 days after termination or expiration of the stay with respect to any such petition or action.".

Sec. 5. (a) Section 109(a) of title 11 of the United States Code is amended by striking out "in the United States," the first place it appears.

(b) Section 109(c)(5)(D) of title 11 of the United States Code is amended by striking out "preference" and inserting "transfer that is avoidable under section 547 of this title" in lieu thereof.

(c) Section 109(d) of title 11 of the United States Code is amended by striking out "stockholder" and inserting "stockbroker" in lieu thereof.

Sec. 6. Section 303(b) of title 11 of the United States Code is amended by inserting "against a person" immediately after "case".

Sec. 7. Section 303(j)(2) of title 11 of the United States Code is amended by striking out "debtors" and inserting "debtor" in lieu thereof.

Sec. 8. Section 321(b) of title 11 of the United States Code is amended by striking out "a case" and inserting "the case" in lieu thereof.

Sec. 9. Section 322(b)(1) of title 11 of the United States Code is amended by inserting "required to be" immediately after "bond".

Sec. 10. (a) Section 326(a) of title 11 of the United States Code is amended by inserting "of this title" immediately after "7 or 11" and by striking out ", but not in excess of $20,000, two percent on any amount in excess of $20,000 but not in excess of $50,000, and one percent on any amount in excess of $50,000".

(b) Section 326(d) of title 11 of the United States Code is amended to read as follows:

"(d) The court may deny allowance of compensation for services or reimbursement of expenses of the trustee if the trustee failed to make diligent inquiry into facts that would permit denial of allowance under section 328(c) of this title or, with knowledge of such facts, employed a professional person under section 327 of this title.".

Sec. 11. Section 328(a) of title 11 of the United States Code is amended by striking out "unanticipatable" and inserting "not capable of being anticipated" in lieu thereof.

Sec. 12. (a) Section 329(a) of title 11 of the United States Code is amended by striking out "and" the first place it appears and inserting "or" in lieu thereof.

(b) Section 329(b)(1) of title 11 of the United States Code is amended by striking out "trustee" and inserting "estate" in lieu thereof.

Sec. 13. (a) Section 330(a) of title 11 of the United States Code is amended—

(1) by striking out "to any parties in interest and to the United States trustee"; and

(2) in paragraph (1), by striking out "time, the nature, the extent, and the value of such services" and inserting "nature, the extent, the value of such services, the time spent on such services" in lieu thereof.

(b) Section 330 of title 11 of the United States Code is amended by adding the following new subsection:

"(c) In a case under chapter 13 of this title the compensation paid to the trustee serving in such a case shall be not less than $10 per month during the period of the administration of the plan confirmed under section 1325 of this title.".

Sec. 14. Section 341 of title 11 of the United States Code is amended to read as follows:

"§ 341. Notice

"There shall be given such notice as is appropriate, including notice to any holder of a community claim, of an order for relief in a case under this title.".

Sec. 15. (a) Section 342 of title 11 of the United States Code is amended to read as follows:

"§ 342. Meetings of creditors and equity security holders

"(a) In a case under chapter 7 or 11 of this title, within a reasonable time after the order for relief in a case under this title, there shall be a meeting of creditors.

"(b) In a case under chapter 13 of this title, the court may order a meeting of creditors.

"(c) The court may order a meeting of any equity security holders.

"(d) The court may not preside, at, and may not attend, any meeting under this section.".

(b) The table of sections for chapter 3 of title 11 of the United States Code is amended by striking out the items relating to sections 341 and 342 and inserting in lieu thereof the following:

"341. Notice.
"342. Meetings of creditors and equity security holders.".

Sec. 16. Section 343 of title 11 of the United States Code is amended—

(1) by striking out "341(a)" and inserting "342" in lieu thereof; and

(2) by striking out "examiner" the last place it appears and inserting "examine" in lieu thereof.

Sec. 17. Section 344 of title 11 of the United States Code is amended by inserting "or in accordance with such regulations as may be promulgated by the Attorney General" immediately before the period.

Sec. 17. Section 345 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(c) All entities with which such moneys are deposited or invested are authorized to deposit or invest such moneys as may be required under this section.".

Sec. 18. (a) Section 346(c)(2) of title 11 of the United States Code is amended by striking out "operation" and inserting "corporation" in lieu thereof.

(b) Section 346(f) of title 11 of the United States Code is amended by striking out "State or local".

(c) Section 346(g)(2) of title 11 of the United States Code is amended by striking out ", as adjusted under subsection (j)(5) of this section,".

(d) Section 346(j) of title 11 of the United States Code is amended by striking out paragraphs (3), (4), (5), (6), and (7).

Sec. 19. Section 347(a) of title 11 of the United States Code is amended by striking out "under chapter 129 of title 28" and inserting "under section 725 of title 31" in lieu thereof.

Sec. 20. Section 348(b) of title 11 of the United States Code is amended by striking out "means" and inserting "refers to" in lieu thereof.

Sec. 21. Section 349(b) of title 11 of the United States Code is amended—

(1) in paragraph (1)(B), by striking out "522(i)(2)" and inserting "522(h)(2)" in lieu thereof; and

(2) in paragraph (2), by striking out "522(i)(1)" and inserting "522(h)(2)" in lieu thereof.

Sec. 22. Section 350(b) of title 11 of the United States Code is amended by striking out "a" and inserting "A" in lieu thereof.

Sec. 23. Section 361(1) of title 11 of the United States Code is amended by inserting "a cash payment or" immediately after "make".

Sec. 24. (a) Section 362(a) of title 11 of the United States Code is amended—

(1) by inserting "and section 365 of this title" immediately after "of this section";

(2) in paragraph (1), by inserting "action or" immediately after "other";

(3) in paragraph (3), by inserting "or to exercise control over property of the estate" immediately after "estate" the second place it appears; and

(4) in paragraph (8), by striking out "court concerning the debtor" and inserting in lieu thereof "court or similar administrative or judicial forum under State or local law, concerning the debtor".

(b) Section 362(b) of title 11 of the United States Code is amended—

(1) in paragraph (3), by inserting "or to the extent that such act is accomplished within the period provided under section 547(e)(2) of this title" immediately after "title";

(2) in paragraph (4), by striking out "or" immediately after "police" and inserting "and" in lieu thereof;

(3) in paragraph (6), by striking out "that are" and inserting "regarding" in lieu thereof, by striking out "commodity" immediately after "forward", and by inserting immediately before the semicolon the following: ", or, under subsection (a) of this section, of the setoff of any mutual debt and claim of a commodity broker, forward contract merchant, stockbroker, or securities clearing agency against the debtor for a margin payment, as defined in section 741 or section 761 of this title, or settlement payment arising out of a commodity contract, as defined in section 761 of this title, forward contract, or securities contract, as defined in section 741 of this title, against cash, a security, or other property held by such commodity broker, forward contract merchant, stockbroker, or clearing agency to margin, guarantee, or secure such commodity contract, forward contract, or securities contract";

(3) in paragraph (7), by striking out "said" and inserting "the" in lieu thereof and by striking out "or" the last place it appears;

(4) in paragraph (8), by striking out the period and inserting a semicolon in lieu thereof; and

(5) by adding at the end thereof the following new paragraphs:

"(9) under subsection (a) of this section, of the filing of any continuation statement or the refiling of any notice of a Federal tax lien required by nonbankruptcy law to maintain perfection of a security interest or the filing of such tax lien, properly filed under such law before the date of the filing of the petition; or

"(10) under subsection (a) of this section, of the presentment of a negotiable instrument and the giving of notice of and protesting dishonor of such an instrument.".

(c) Section 362(c)(2)(B) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

(d) Section 362(d)(2) of title 11 of the United States Code is amended—

(1) by inserting "under subsection (a) of this section" immediately after "property" the first place it appears; and

(2) in subparagraph (B), by inserting "in a case under chapter 11 of this title or to an effective plan in a case under chapter 13 of this title, as the case may be" immmediately after "reorganization".

(e) Section 362(e) of title 11 of the United States Code is amended—

(1) in the first sentence by inserting "the conclusion of" immediately after "pending"; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be commenced not later than thirty days after the conclusion of such preliminary hearing.

(f) Section 362(f) of title 11 of the United States Code is amended by striking out "The" and inserting "Upon request of a party in interest, the", and by inserting "with or" immediately after "court,".

Sec. 25. (a) Section 363(a) of title 11 of the United States Code is amended by inserting "whenever acquired" immediately after "equivalents" and by inserting "and includes the proceeds, products, offspring, rents, or profits of property subject to a security interest as provided in section 552(b) of this title whether existing before or after the commencement of a case under this title" immediately after "interest".

(b) Section 363(b) of title 11 of the United States Code is amended—

(1) by striking out "(b)" and inserting "(b)(1)" in lieu thereof; and

(2) by adding at the end thereof the following new paragraph:

"(2) If notification is required under subsection (a) of section 7A of the Clayton Act (15 U.S.C. 18a) in the case of a transaction under this subsection, then—

"(A) notwithstanding subsection (a) of such section, such notification shall be given by the trustee; and

"(B) notwithstanding subsection (b) of such section, the required waiting period shall end on the tenth day after the date of the receipt of such notification, unless the court, after notice and hearing, orders otherwise.".

(c) Section 363(e) of title 11 of the United States Code is amended—

(1) by inserting ", with or without a hearing," immediately after "court"; and

(2) by striking out the last sentence.

(d) Section 363(f)(3) of title 11 of the United States Code is amended by striking out "such interest" the second place it appears and inserting "all liens on such property" in lieu thereof.

(e) Section 363(h) of title 11 of the United States Code is amended by striking out "immediately before" and inserting "at the time of" in lieu thereof.

(f) Section 363(j) of title 11 of the United States Code is amended by striking out "compenation" and inserting "compensation" in lieu thereof.

(g) Section 363(k) of title 11 of the United States Code is amended by striking out "if the holder" and inserting "the holder of such claim may bid at such sale, and, if such holder" in lieu thereof.

(h) Section 363(l) of title 11 of the United States Code is amended—

(1) by striking out "conditions" and inserting "condition" in lieu thereof;

(2) by striking out "a taking" and inserting "or the taking" in lieu thereof; and

(3) by striking out "interests" and inserting "interest" in lieu thereof.

(i) Section 363(n) of title 11 of the United States Code is amended—

(1) by striking out "void" and inserting "avoid" in lieu thereof;

(2) by striking out "voiding" and inserting "avoiding" in lieu thereof; and

(3) by amending the last sentence to read as follows: "In addition to any recovery under the preceding sentence, the court may grant judgment for punitive damages in favor of the estate and against any such party that entered into such an agreement in willful disregard of this subsection.".

(j) Section 363 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(o) In any hearing under this section—

"(1) the trustee has the burden of proof on the issue of adequate protection; and

"(2) the entity asserting an interest in property has the burden of proof on the issue of the validity, priority, or extent of such interest.".

Sec. 26. (a) Section 365(b)(2)(A) of title 11 of the United States Code is amended by inserting "or an insider" immediately after "the debtor".

(b) Section 365(c)(1)(A) of title 11 of the United States Code is amended—

(1) by striking out "the trustee" and inserting "an entity other than the debtor or the debtor in possession" in lieu thereof; and

(2) by inserting "by virtue of the nature of such contract or lease" immediately before ", whether".

(c) Paragraphs (1) and (2) of section 365(d) of title 11 of the United States Code are each amended by striking out "In" and inserting "Notwithstanding section 108(b) of this title, in" in lieu thereof.

(d) Section 365(d)(2) of title 11 of the United States Code is amended by inserting ", subject to the court's approval," immediately after "trustee" the first place it appears.

(e) Section 365(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "or lease" each place it appears and inserting ", lease, or applicable law" in lieu thereof; and

(2) in paragraph (2), by striking out "the trustee" and inserting "an entity other than the debtor or the debtor in possession" in lieu thereof.

(f) Section 365(f)(3) of title 11 of the United States Code is amended by inserting a comma immediately after "applicable law".

(g) Section 365(h)(1) of title 11 of the United States Code is amended by striking out "treat the lease" and inserting "treat such lease" in lieu thereof.

(h) Section 365(h)(2) of title 11 of the United States Code is amended by inserting "under such lease" immediately after "debtor".

(i) Section 365(i)(2)(A) of title 11 of the United States Code is amended by striking out the comma after "may" and by inserting "under such contract" immediately after "debtor".

(j) Section 365(j) of title 11 of the United States Code is amended by inserting "to or for the benefit of the debtor" immediately before the period at the end thereof.

Sec. 27. Section 366(a) of title 11 of the United States Code is amended by inserting "of the commencement of a case under this title or" immediately after "basis".

Sec. 28. Section 501(d) of title 11 of the United States Code is amended by inserting "502(e)(2)," immediately before "502(f)".

Sec. 29. (a) Section 502(a) of title 11 of the United States Code is amended by inserting "general" immediately before "partner".

(b) Section 502(b) of title 11 of the United States Code is amended—

(1) by inserting "(e)(2)," immediately after "subsections";

(2) by inserting "in lawful currency of the United States" immediately after "claim" the second place it appears;

(3) in paragraph (1), by striking out ", and unenforceable against" and inserting "and" in lieu thereof;

(4) in paragraph (2), by inserting "other than unmatured interest due to an original issue discount of less than one-half of 1 percent of the stated redemption price at maturity multiplied by the number of full

years from the date of original issue to maturity" immediately after "interest";

(5) by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(6) in paragraph (3), as so redesignated, by inserting "the" immediately after "exceeds";

(7) in paragraph (5), as so redesignated, by striking out "the claim" and inserting "such claim" in lieu thereof, by striking out the comma after "petition", and by inserting "or 523(a)(6)" immediately after "523 (a)(5)";

(8) by amending paragraph (6), as so redesignated, to read as follows:

"(6) if such claim is the claim of a lessor for damages resulting from the termination of a lease of real property, such claim exceeds—

"(A) without acceleration, the greater of—

"(i) the rent reserved for the rental year during which such termination occurs; or

"(ii) 15 percent of the rent reserved for the remaining term of such lease, not to exceed the rent reserved for the three years commencing with the rental year during which such termination occurs; plus

"(B) any unpaid rent due under such lease, without acceleration, on the earlier of—

"(i) the date of the filing of the petition; or

"(ii) the date on which such lessor repossessed, or the lessee surrendered, the leased property;"; and

(9) in paragraph (7), as so redesignated, by inserting "the claim of an employee" immediately before "for damages", by striking out "and" in subparagraph (A)(i) and inserting "or" in lieu thereof, by striking out "the" the first place it appears in subparagraph (B) and inserting "any" in lieu thereof, and by inserting a comma immediately after "such contract" in subparagraph (B).

(c) Section 502(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "the" before "fixing" and by striking out "closing" and inserting "administration" in lieu thereof; and

(2) in paragraph (2), by inserting "right to payment arising from a" immediately after "any" and by striking out "if such breach gives rise to a right to payment".

(d) Section 502(d) of title 11 of the United States Code is amended by striking out "section 542, 543, 550, or 553 of", by striking out "section 522(f), 522(h), 544, 545, 547, 548, 549, or 724(a) of", and by striking out "section 522(i), 542, 543, 550, or 553 of".

(e) Section 502(e)(1) of title 11, United States Code, is amended—

(1) by striking out "and (b)" and inserting ", (b), and (c)" in lieu thereof and by striking out the commas immediately before and immediately after "or has secured";

(2) in subparagraph (B), by inserting "or disallowance" immediately after "allowance"; and

(3) in subparagraph (C), by striking out "requests subrogation" and inserting "asserts a right of subrogation to the rights of such creditor" in lieu thereof, and by striking out "to the rights of such creditor".

(f) Section 502(h) of title 11 of the United States Code is amended by striking out "522 (i)" and inserting "522" in lieu thereof.

(g) Section 502(i) of title 11 of the United States Code is amended to read as follows:

"(i) There shall be allowed a claim for any tax liability arising from payment from the estate of a claim for wages, salaries, or commissions, including vacation, severance, or sick pay, whether or not a proof of such claim is filed.".

(h) Section 502(j) of title 11 of the United States Code is amended to read as follows:

"(j) A claim that has been allowed or disallowed may be reconsidered for cause. A reconsidered claim may be allowed or disallowed according to the equities of the case. Reconsideration of a claim under this subsection does not affect the validity of any payment or transfer from the estate made to a holder of an allowed claim on account of such allowed claim that is not reconsidered, but if a reconsidered claim is allowed and is of the same class as such holder's claim, such holder may not receive any additional payment or transfer from the estate on account of such holder's allowed claim until the holder of such reconsidered and allowed claim receives payment on account of such claim proportionate in value to that already received by such other holder. This subsection does not alter or modify the trustee's right to recover from a creditor any excess payment or transfer made to such creditors.".

SEC. 30. Section 503(b) of title 11 of the United States Code is amended—

(1) by striking out the comma immediately after "be allowed";

(2) in paragraph (1)(B)(i), by inserting "or required to be collected or withheld from another with respect to any payment made by or to the estate" immediately after "estate";

(3) in paragraph (1)(C), by striking out the comma immediately after "credit", and by inserting "incurred by the estate" immediately after "paragraph";

(4) in paragraph (2), by inserting "(a)" immediately after "330";

(5) in paragraph (3), by inserting a comma immediately after "paragraph (4) of this subsection";

(6) in paragraph (3)(C), by striking out the comma immediately after "case";

(7) in paragraph (5), by striking out "and" immediately after the semicolon;

(8) in paragraph (6), by striking out the period and inserting "; and" in lieu thereof; and

(9) by adding at the end thereof the following new paragraph:

"(7) the actual, necessary expenses, other than compensation and reimbursement specified in paragraph (2) of this subsection, incurred by a committee appointed under section 1102 of this title.".

SEC. 31. Section 505(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "or liability of an entity for" immediately after "or legality of" and by striking out ", whether or not paid, and whether or not contested before and adjudicated by a judicial or administrative tribunal of competent jurisdiction" and inserting "or paid" in lieu thereof;

(2) in paragraph (2)(A), by inserting "or liability of an entity for" immediately after "or legality of" and by striking out "or legality" and inserting ", legality, or liability" in lieu thereof;

(3) in paragraph (2)(B)(i), by striking out "and" and inserting "or" in lieu thereof; and

(4) by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraph (2)(B) of this subsection, the court may offset against a claim for, or request for payment of, a tax liability any counterclaim with respect to such tax liability for the same taxable period, event, act (or failure to act) to which the claim or request for payment relates, and may, where appropriate, order a net credit or refund to be made to the estate. The preceding sentence shall not apply if, at the commencement of the case under this title, the debtor had filed suit for refund relating to such taxable period, event, act (or failure to act), and if the stay on continuation of such suit is terminated under section 362 of this title.".

SEC. 32. (a) Section 506(a) of title 11 of the United States Code is amended to read as follows:

"(a) An allowed claim of a creditor either secured by a lien on property in which the estate has an interest or that is subject to setoff under section 553 of this title is a secured claim to the extent of the value of such lien or to the extent of the amount subject to setoff, as the case may be, and, except to the extent that such creditor does not have recourse under any agreement or applicable nonbankruptcy law against the debtor on account of such claim, is an unsecured claim to the extent that the value of such lien or the amount so subject to setoff is less than the amount of such allowed claim. For the purpose of this subsection, value shall be determined in light of the purpose of the valuation and of any disposition proposed for such property and in conjunction with any hearing on disposition or use or on a plan affecting such creditor's interest.".

(b) Section 506(b) of title 11 of the United States Code is amended by inserting "for" immediately after "provided".

(c) Paragraphs (1) and (2) of section 506 (d) of title 11 of the United States Code are amended to read as follows:

"(1) such claim was disallowed only under section 502(b)(5) or 502(e) of this title; or

"(2) such claim is not an allowed secured claim due only to the failure of any entity to file a proof of such claim under section 501 of this title.".

SEC. 33. (a) Section 507(a) of title 11 of the United States Code is amended—

(1) in paragraph (3), by inserting a comma after "severance";

(2) in paragraph (4), by striking out "employee benefit plans" and inserting "an employee benefit plan" in lieu thereof;

(3) in paragraph (4)(B)(i), by inserting "each" immediately after "covered by";

(4) in paragraph (6), by inserting "only" immediately after "units,";

(5) in paragraph (6)(A), by amending clauses (ii) and (iii) to read as follows:

"(ii) assessed within 240 days before the date of the filing of the petition; or

"(iii) not assessed before the commencement of the case but not prohibited, at the time of the commencement of the case, from being assessed under the applicable statute of limitations, other than a tax or customs duty of a kind excepted from discharge solely under section 523(a)(1)(B) or 523(a)(1)(C) of this title;"; and

(6) in paragraph (6)(D), by striking out "earned from the debtor" and inserting ", or paid" in lieu thereof and by striking out "whether or not actually paid before such date,".

(b) Section 507(b) of title 11 of the United States Code is amended to read as follows:

"(b) Notwithstanding section 726(b) of this tile, if the trustee provides, under section 362, 363, or 364 of this title, adequate protection of the interest of an entity other than the estate that has interest in property of the estate or if the court finds that there is adequate protection of such interest by a lein on such property and if, notwithstanding such protection, the holder of such interest has a claim allowable under section 503(b)(1) of this title arising from the stay of action against such property under section 362 of ths title, from the use, sale, or lease of such property under section 363 of this title, or from the granting of a lien under section 364(d) of this title, then such holder's allowable claim shall have priority over every other claim of a kind specified in subsection (a)(1) of this section.".

(c) Section 507(c) of title 11 of the United States Code is amended by striking out "shall be treated the same" and inserting "has the same priority" in lieu thereof.

(d) Section 507(d) of title 11 of the United States Code is amended to read as follows:

"(d) If a claim of a kind specified in subsection (a)(3), (a)(4), (a)(5), or (a)(6) of this section is held by an entity other than the original holder of such claim, then such claim is entitled to priority under each such subsection, as the case may be, but only to the extent of the value actually transferred to or for the benefit of such original holder on account of the transfer of such claim by such original holder.".

SEC. 34. (a) Section 509(a) of title 11 of the United States Code is amended by striking out "subsection (b) and" inserting "subsection (b) or" in lieu thereof, and by inserting "against the debtor" immediately after "a creditor".

(b) Section 509(b)(1) of title 11 of the United States Code is amended by striking out "of a" and inserting "of such" in lieu thereof.

(c) Section 509(c) of title 11 of the United States Code is amended by striking out "section 509 of this title" and inserting "this section" in lieu thereof.

SEC. 35. Section 510(b) of title 11 of the United States Code is amended to read as follows:

"(b) For the purpose of distribution under this title, a claim arising from rescission of a purchase or sale of a security of the debtor or of an affiliate of the debtor or for damages arising from the purchase or sale of such a security shall be subordinated to all claims or interests that are senior to the claim or interest represented by such security.".

SEC. 36. (a) Section 521(1) of title 11 of the United States Code is amended to read as follows:

"(1) file a list of creditors and, unless the court orders otherwise, a schedule of assets, liabilities, and equity interests, and a statement of the debtor's financial affairs;".

(b) Section 521(3) of title 11 of the United States Code is amended by inserting ", whether or not immunity is granted under section 344 of this title" immediately after "estate" the second place it appears.

SEC. 37. (a) Section 522(a)(2) of title 11 of the United States Code is amended by inserting ", or with respect to property that becomes property of the estate after such date, as of the date such property becomes property of the estate" immediately after "petition".

(b) Section 522(b) of title 11 of the United States Code is amended to read as follows:

"(b) Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate either—

"(1) property wherever located of a kind specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (2) of this subsection specifically does not so authorize; or

"(2) any property or interest of the debtor in property, as of the date of the filing of the petition, to the extent that such property or interest is exempt or not subject to process or levy under Federal law, other than subsection (d) of this section, or is exempt or not subject to levy by a creditor, of only the debtor, on a simple contract whether or not such a creditor exists, under State or local law that is applicable on the date of the filing of the petition at the place in which the debtor's domicile has been located for the 180 days immediately preceding the date of the filing of the petition, or for a longer portion of such 180-day period than in any other place.".

(c) Section 522(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under section 502 of this title as if such debt had arisen, before the commencement of the case, except—

"(1) a debt of a kind specified in section 523(a)(1), 523(a)(5), or 523(a)(6) of this title; or

"(2) a debt secured by a lien that is—

"(A)(i) not avoided under subsection (f) or (g) of this section or under section 544, 545, 547, 548, 549, or 724(a) of this title; and

"(ii) not void under section 506(d) of this title; or

"(B) a tax lien, notice of which is properly filed, whether or not such lien is avoided under section 545(a) of this title.".

(d) Section 522(d)(3) of title 11 of the United States Code is amended by striking out "that are".

(e) Section 522(e) of title 11 of the United States Code is amended—

(1) by striking out "exemptions" and inserting "an exemption" in lieu thereof;

(2) by striking out "with respect to such claim against property that" and inserting "to the extent of such claim with respect to property" in lieu thereof;

(3) by striking out "or (h) of this section to avoid a transfer, under subsection (g)" and by inserting ", (g), (h)," in lieu thereof; and

(4) by striking out "to exempt property, or under subsection (i) of this section to recover property or to preserve a transfer,".

(f) Section 522(f) of title 11 of the United States Code is amended—

(1) by striking out "exemptions" and inserting "an exemption" in lieu thereof; and

(2) in paragraph (2)(A), by inserting "jewelry, or" immediately after "crops,", and striking out ", or jewelry that are" after "musical instruments".

(g) Section 522(g) of title 11 of the United States Code is amended to read as follows:

"(g) Nothwithstanding any waiver of an exemption, the debtor may avoid a transfer or recover a setoff of property of the debtor and exempt such property under subsection (i) of this section, whether or not the trustee attempts to recover such property or avoid such transfer, if—

"(1)(A) such transfer is avoidable by the trustee under section 544, 545, 547, 548, 549, or 724(a) of this title, or recoverable by the trustee under section 553 of this title;

"(B) such transfer was not a voluntary transfer of such property by the debtor; and

"(C) the debtor did not conceal such property; or

"(2) such transfer is in satisfaction of a lien of a kind specified in subsection (f)(2) of this section.".

(h) Section 522(h) of title 11 of the United States Code is amended to read as follows:

"(h)(1) The debtor's power to avoid a transfer or recover a setoff under subsection (f) or (g) of this section is subject to the limitations of section 550 of this title to which the trustee's power to avoid such a transfer or recover such a setoff under this title is subject.

"(2) Notwithstanding section 551 of this title, a transfer avoided or property recovered by the trustee or by the debtor may be preserved for the benefit of the debtor, if—

"(A)(i) such property otherwise would be exempt under subsection (i) of this section;

"(ii) such transfer was not a voluntary transfer of such property by the debtor; and

"(iii) the debtor did not conceal such property; or

"(B) such transfer is of a kind specified in subsection (f) of this section.".

(i) Section 522(i) of title 11 of the United States Code is amended to read as follows:

"(i) The debtor may exempt under subsection (b) of this section property disencumbered or recovered under subsection (f), (g), or (h) of this section to the extent the debtor could have exempted such property under subsection (b) of this section had such property not been encumbered, transferred, or set off.".

(j) Section 522(j) of title 11 of the United States Code is amended to read as follows:

"(j) The debtor may exempt a particular kind of property under subsection (i) of this section only to the extent that such exemption, plus the debtor's already claimed exemption of the same kind of property under subsection (b) of this section, does not exceed the limitation specified for such kind of property in subsection (b) of this section.".

(k) Section 522(k) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "(g)" and inserting "(i)" in lieu thereof; and

(2) in paragraph (2), by striking out "(h)" and inserting "(g)" in lieu thereof, and by striking out "or of recovery of property under subsection (i)(1) of this section,".

(l) Section 522(l) of title 11 of the United States Code is amended by striking out ", or may claim property as exempt from property of the estate" and by inserting after the second sentence thereof the following new sentence: "In the event of the debtor's death, a dependent of the debtor may claim property as exempt from property of the estate.".

SEC. 38. (a) Section 523(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by striking out "obtaining" each place it appears, and by striking out "refinance of credit," and inserting "refinancing of credit, to the extent obtained" in lieu thereof;

(2) in paragraph (3), by striking out "(6)" each place it appears and inserting "(7)" in lieu thereof;

(3) by amending paragraph (5) to read as follows:

"(5) to a spouse former spouse, or child of the debtor, for support of such child, but not to the extent that such debt includes a liability designated as support unless such liability actually is in the nature of support;"

(4) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(5) by inserting after paragraph (5) the following new paragraph:

"(6) to a spouse or former spouse of the debtor for alimony to, maintenance for, or support of such spouse, but not to the extent that such debt includes a liability designated as alimony, maintenance, or support, unless such liability actually is in the nature of alimony, maintenance, or support;".

(b) Section 523(b) of title 11 of the United States Code is amended by striking out "(8)" and inserting "(9)" in lieu thereof.

(c) Section 523(c) of title 11 of the United States Code is amended by inserting "of a kind" immediately after "debt" the first time it appears, and by striking out "(6)" each place it appears and inserting "(7)" in lieu thereof.

SEC. 39. (a) Section 524(a) of title 11 of the United States Code is amended—

(1) by striking out "any act" each place it appears and inserting "an act" in lieu thereof; and

(2) in paragraph (2), by inserting a comma immediately after "recover", by inserting "wherever located and by whomever held, whether directed toward the debtor or any other entry, and" immediately after "property of the debtor,", and by inserting ", except to the extent provided under section 522(c) of this title" immediately after "waived".

(b) Section 524(c)(4)(B)(ii) of title 11 of the United States Code is amended by striking out "redemption under section 722 of this title" and inserting "the terms and conditions of redemption by the debtor" in lieu thereof.

(c) Section 524(d) of title 11 of the United States Code is amended—

(1) in paragraph (1)(B)(ii), by inserting "and" immediately after the semicolon; and

(2) in paragraph (2), by striking out "subsection" the second time it appears and inserting "section" in lieu thereof.

Sec. 40. Section 525 of title 11 of the United States Code is amended by inserting "the" immediately before "Perishable".

Sec. 41. (a) Section 541(a) of title 11 of the United States Code is amended—

(1) by striking out "under" the second place it appears;

(2) by inserting "and by whomever held" immediately after "located";

(3) in paragraph (3), by inserting "329(b), 363(n)," immediately after "section";

(4) in paragraph (5), by striking out "An" and inserting "Any" in lieu thereof; and

(5) in paragraph (6), by striking out "and" and inserting "or" in lieu thereof.

(b) Section 541(c) of title 11 of the United States Code is amended—

(1) by inserting "in an agreement, transfer instrument, or applicable law" immediately after "provision"; and

(2) in paragraph (1)(B), by striking out "the taking" and inserting "taking" in lieu thereof, and by inserting "before such commencement" immediately after "custodian".

(c) Section 541(d) of title 11 of the United States Code is amended by inserting "(1)" immediately after "(a)".

(d) Section 541(e) of title 11 of the United States Code is repealed.

Sec. 42. Section 542(e) of title 11 of the United States Code is amended by inserting "to turn over or" immediately before "disclose".

Sec. 43. (a) Section 543(a) of title 11 of the United States Code is amended by inserting ", product, offspring, rents, or profits immediately after "proceeds".

(b) Section 543(b) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "held by or" immediately after "debtor", and by inserting ", product, offspring, rents, or profits" immediately after "proceeds"; and

(2) in paragraph (2), by inserting ", product, offspring, rents, or profits" immediately after "proceeds".

(c) Section 543(c) of title 11 of the United States Code is amended—

(1) in paragraph (1) by inserting "or proceeds, product, offspring, rents, or profits of such property" immediately after "property"; and

(2) in paragraph (3), by inserting "that has been" immediately before "approved".

(d) Section 543 of title 11 of the United States Code is amended by adding at the end thereof the following new subsections:

"(e) For purposes of this section, custodian shall not include an assignee under a general assignment for the benefit of the debtor's creditors that was appointed or took possession more than 120 days before the date of the filing of the petition, but the trustee or the court may nevertheless, and at any time, require such an assignee to file an accounting as set forth in subsection (b)(2) of this section.

"(f) For purposes of subsection (e), the term 'general assignment for the benefit of the debtor's creditors' means an assignment which is for the benefit of all of the debtor's creditors.".

Sec. 44. (a) Section 544(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "such" immediately after "obtained";

(2) in paragraph (2), by striking out "; and" and inserting "; or" in lieu thereof; and

(3) in paragraph (3), by inserting ", other than fixtures," immediately after "property", and by inserting "and has perfected such transfer" immediately after "purchaser" the second place it appears.

Sec. 45. Section 545 of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by striking out "is" immediately after "debtor";

(2) in paragraph (1)(C), by striking out "apponted" and inserting "appointed or authorized to take" in lieu thereof; and

(3) in paragraph (2), by striking out "on the date of the filing of the petition" each place it appears and inserting "at the time of the commencement of the case" in lieu thereof.

Sec. 46. (a) Section 546(a) of title 11 of the United States Code is amended in paragraph (1) by striking out "and" and inserting "or" in lieu thereof.

(b) Section 546(b) of title 11 of the United States Code is amended by striking out "the trustee under section 544, 545, or" and inserting "a trustee under sections 544, 545, and" in lieu thereof.

(c) Section 546(c) of title 11 of the United States Code is amended—

(1) by striking out "the trustee" and inserting "a trustee" in lieu thereof;

(2) by striking out "right" the first place it appears;

(3) by inserting "of goods" immediately after "seller" the first place it appears;

(4) by striking out "of goods" immediately after "business," and inserting "that has sold goods" in lieu thereof; and

(5) in paragraph (2), by inserting "the" immediately after "if", and by striking out "an administrative expense" and inserting "a claim of a kind specified in section 503(b) of this title" in lieu thereof.

(d) Section 546 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee may not avoid a transfer that is a margin payment, as defined in section 741 or 761 of this title, deposit, or settlement payment, made by or to a commodity broker, forward contract merchant, stockbroker, or securities clearing agency, that is made before the commencement of the case, except under section 548(a)(1) of this title.".

Sec. 47. (a) Section 547(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting "including proceeds of such property," immediately after "law,"; and

(2) in paragraph (4), by striking out ", without penalty" and by inserting "without penalty" immediately after "payable".

(b) Section 547(b) of title 11 of the United States Code is amended by striking out "of property of the debtor" and inserting "of an interest of the debtor in property" in lieu thereof.

(c) Section 547(c) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by inserting "by the debtor" immediately after "incurred";

(2) in paragraph (3), by striking out "of" the first place it appears and inserting "that creates" in lieu thereof;

(3) in paragraph (3)(B), by inserting "on or" immediately after "perfected" and by striking out "such security interest attaches" and inserting "the debtor receives possession of such property" in lieu thereof; and

(4) in paragraph (5), by striking out "of" the first place it appears and inserting "that creates" in lieu thereof and by striking out "all security interest" and inserting "all such security interests" in lieu thereof.

(d) Section 547(d) of title 11 of the United States Code is amended—

(1) by striking out "A" and inserting "The" in lieu thereof;

(2) by inserting "an interest in" immediately after "transfer of";

(3) by inserting "to or for the benefit of a surety" immediately after "transferred"; and

(4) by inserting "such" immediately after "reimbursement of".

(e) Section 547(e) of title 11 of the United States Code is amended:

(1) by amending paragraph (1) to read as follows:

"(1) For the purposes of this section, a transfer of property is perfected when either a bona fide purchaser from the debtor of real property, other than fixtures, or a creditor on a simple contract, against whom applicable lay permits such transfer to be perfected, cannot acquire an interest in such real property or a judicial lien on personal property that is superior to the interest of the transferee."; and

(2) in paragraph (2)(C)(i), by striking out "and" and inserting "or" in lieu thereof.

(f) Section 547 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(g) For the purposes of this section, the trustee has the burden of proving the avoidability of a transfer under subsection (b) of this section, and the creditor or party in interest against whom recovery or avoidance is sought has the burden of proving the nonavoidability of a transfer under subsection (c) of this section.".

Sec. 48. (a) Section 548(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "occurred" and inserting "was made" in lieu thereof; and

(2) in paragraph (2)(B)(ii), by inserting "or a transaction" immediately after "engaged in business".

(b) Section 548(b) of title 11 of the United States Code is amended by striking out "the debtor" each place it appears and inserting "such debtor" in lieu thereof.

(c) Section 548(c) of title 11 of the United States Code is amended—

(1) by inserting "or may retain" immediately after "lien on"; and

(2) by striking out ", may retain any lien transferred,".

(d) Section 548(d)(1) of title 11 of the United States Code is amended by striking out "becomes so far" and inserting "is so" in lieu thereof, by striking out "such transfer could have been" and inserting "applicable law permits such transfer to be" in lieu thereof, and by striking out "occurs" and inserting "is made" in lieu thereof.

(e) Section 548(d)(2)(B) of title 11 of the United States Code is amended by striking out "or forward contract merchant" and inserting ", forward contract merchant, stockbroker, or securities clearing agency" in lieu thereof and by striking out "761(15)" and inserting "741 or 761" in lieu thereof.

Sec. 49. (a) Section 549(a) of title 11 of the United States Code is amended—

(1) by striking out "(b) and (c)" and inserting "(b) or (c)" in lieu thereof; and

(2) in paragraph (2)(A), by inserting "only" immediately after "authorized".

(b) Section 549(b) of title 11 of the United States Code is amended—

(1) by inserting "the trustee may not avoid under subsection (a) of this section" immediately after "involuntary case,";

(2) by striking out "that occurs" and inserting "made" in lieu thereof;

(3) by striking out "is valid against the trustee to the extent of" and inserting "to the extent" in lieu thereof; and

(4) by inserting "is" immediately before "given".

(c) Section 549(c) of title 11 of the United States Code is amended to read as follows:

"(c) The trustee may not avoid under subsection (a) of this section a transfer of real property to a good faith purchaser without knowledge of the commencement of the case and for present fair equivalent value unless a copy or notice of the petition was filed, where a conveyance of such real property may be recorded to perfect such transfer, before such transfer is so perfected that a bona fide purchaser of such property, against whom applicable law permits such transfer to be perfected, could not acquire an interest that is superior to the interest of such good faith purchaser. A good faith purchaser without knowledge of the commencement of the case and for less than present fair equivalent value has a lien on the property transferred to the extent of any present value given, unless a copy or notice of the petition was so filed before such transfer was so perfected.".

(d) Section 549(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 50. (a) Section 550(a) of title 11 of the United States Code is amended—

(1) by inserting "363(n)," immediately before "544";

(2) by inserting "553(b)" immediately after "549,"; and

(3) in paragraph (2), by striking out "immediate or mediate transferee of" and inserting "subsequent transferee of" in lieu thereof.

(b) Section 550(b)(2) of title 11 of the United States Code is amended by striking out "immediate or mediate" and inserting "subsequent" in lieu thereof.

(c) Section 550(d) of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by inserting "or accruing to" immediately after "by";

(2) in paragraph (1)(B), by striking out "value" and inserting "the value of such property" in lieu thereof;

(3) in paragraph (2), by striking out subparagraphs (D) and (E) and inserting in lieu thereof the following:

"(D) payment of any debt secured by a lien on such property that is superior or equal to the rights of the estate; and"; and

(4) in paragraph (2), by redesignating subparagraph (F) as subparagraph (E).

(d) Section 550(e)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 51. Section 551 of title 11 of the United States Code is amended by striking out "but only with respect to property of the estate".

SEC. 52. Section 552(b) of title 11 of the United States Code is amended—

(1) by inserting "522," immediately after "506(c),";

(2) by striking out "a secured party enter" and inserting "an entity entered" in lieu thereof; and

(3) by striking out "except to the extent" and inserting "except to any extent" in lieu thereof.

SEC. 53. (a) Section 553(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "other than under section 502(b)(3) of this title";

(2) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B)(i) on or after 90 days before the date of the filing of the petition;

"(ii) while the debtor was insolvent; and

"(iii) for the purpose of obtaining a setoff against the debtor, other than in the ordinary course of business or financial affairs between the debtor and such creditor; or";

(3) in paragraph (3)(A) by inserting "on or" immediately before "after"; and

(4) in paragraph (3)(C), by inserting "other than in the ordinary course of business or financial affairs between the debtor and such creditor" immediately after "debtor".

(b) Section 553(b)(1) of title 11 of the United States Code is amended—

(1) by striking out "or 365(h)(1)" and inserting ", 365(h)(2), or 365(i)(2)" in lieu thereof;

(2) by inserting "or that occurs in the ordinary course of business or financial affairs between the creditor making such setoff and the debtor" immediately after "of this title"; and

(3) in subparagraph (A), by striking out "and" and inserting "or" in lieu thereof.

SEC. 54. (a) Subsections (a) and (b) of section 554 of title 11 of the United States Code are each amended by inserting "and benefit" immediately after "value".

(b) Section 554(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the court orders otherwise, any property scheduled under section 521(1) of this title not otherwise administered at the time of the closing of a case is deemed abandoned to the debtor and deemed administered for purposes of section 350 of this title.".

(c) Section 554(d) of title 11 of the United States Code is amended by striking out "section (a) or (b) of".

SEC. 55. (a) Chapter 5 of title 11 of the United States Code is amended by adding at the end thereof the following new section:

"§ 555. Defenses of the estate

"The estate shall have the benefit of any defense available to the debtor as against any entity other than the estate, including statutes of limitation, statutes of frauds, usury, and other personal defenses. A waiver of any such defense by the debtor after the commencement of the case does not bind the estate.".

(b) The table of sections for chapter 5 of title 11 of the United States Code is amended by adding at the end thereof the following new item:

"555. Defenses of the estate.".

SEC. 56. The table of sections for chapter 7 of title 11 of the United States Code is amended by striking out "Succesor" in the item relating to section 703 and inserting "Successor" in lieu thereof.

SEC. 57. (a) Section 702(b) of title 11 of the United States Code is amended—

(1) by inserting "held" immediately after "meeting of creditors"; and

(2) by striking out "341" and inserting "342" in lieu thereof.

(b) Section 702(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "of a kind" immediately after "claims"; and

(2) in paragraph (2), by inserting "a" immediately after "for".

(c) Section 702(d) of title 11 of the United States Code is amended by striking out "subsection (c) of".

SEC. 58. Section 703(b) of title 1 of the United States Code is amended by striking out "specified in section 701(a) of this title. Sections 701(b) and 701(c) of this title apply to such interim trustee" and inserting "and subject to the provisions of section 701 of this title" in lieu thereof.

SEC. 59. Section 704 of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "up";

(2) in paragraph (7), by striking out "with the court and"; and

(3) by amending paragraph (8) to read as follows:

"(8) file interim reports, as circumstances justify, of the condition of the estate and make and file a final report and account of the administration of the estate with the court.".

SEC. 60. Section 705(a) of title 11 of the United States Code is amended by striking out "under section 341(a)" and inserting "of creditors held under section 342" in lieu thereof.

SEC. 61. Paragraphs (1) and (2) of section 707 of title 11 of the United States Code are each amended by striking out "and" and inserting "or" in lieu thereof.

SEC. 62. Section 722 of title 11 of the United States Code is amended to read as follows:

§ 722. Redemption

"(a) The debtor may redeem property under the provisions of section 524(c) of this title or subsection (b) of this section.

"(b) An individual debtor may, whether or not such debtor has waived such right, redeem from the holder of a lien that secures a dischargeable consumer debt, tangible personal property intended primarily for personal, family, or household use, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title by paying in cash such holder at the time of redemption before the case is closed the amount of such holder's allowed secured claim.".

SEC. 63. (a) Section 723(a) of title 11 of the United States Code is amended by striking out "title" and inserting "chapter" in lieu thereof.

(b) Section 723(c) of title 11 of the United States Code is amended—

(1) by striking out "such case" each place it appears and inserting "such partner's case" in lieu thereof;

(2) by striking out "be property" and inserting "by property" in lieu thereof;

(3) by striking out "726(a)" and inserting "726" in lieu thereof; and

(4) by striking out "the kind" and inserting "a kind" in lieu thereof.

SEC. 64. (a) Section 724(b) of title 11 of the United States Code is amended—

(1) by striking out "and" the first place it appears and by striking out "taxes" and inserting "a tax" in lieu thereof;

(2) in paragraph (1), by striking out "such tax lien" and inserting "the lien securing such tax claim" in lieu thereof;

(3) in paragraph (2), by striking out "claims" and inserting "any holder of a claim of a kind" in lieu thereof;

(4) in paragraph (3), by inserting "tax" immediately after "allowed" and by striking out "that is";

(5) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) fifth, to any holder of a claim of a kind specified in sections 507(a)(1), 507(a)(2), 507(a)(3), 507(a)(4), and 507(a)(5) of this title, to the extent that such claim is not paid under paragraph (2) of this subsection:";

(6) in paragraph (6), as so redesignated, by striking out "fifth" and inserting "sixth" in lieu thereof, by inserting "tax" after "allowed", and by striking out "tax" immediately after "such" the third place it appears; and

(7) in paragraph (7), as so redesignated, by striking out "sixth" and inserting "seventh" in lieu thereof.

(b) Section 724(c) of title 11 of the United States Code is amended by striking out "creditor" and inserting "holder of a claim" in lieu thereof and by striking out "creditors" each place it appears and inserting "holders" in lieu thereof.

(c) Section 724(d) of title 11 of the United States Code is amended by striking out "whose priority" and inserting "the priority of which" in lieu thereof and by inserting "if such lien were" immediately after "the same as".

SEC. 65. Section 725 of title 11 of the

United States Code is amended by inserting "of property of the estate" immediately after "distribution".

Sec. 66. (a) Section 726(a) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by inserting ", 501(b), or 501(c)" immediately after "501(a)", and by adding "or" immediately after the semicolon;

(2) by striking out paragraph (2)(B) and redesignating paragraph (2)(C) as paragraph (2)(B);

(3) in paragraph (2)(B), as so redesignated, by inserting ", 501(b), or 501(c)" immediately after "501(a)";

(4) in paragraph (3), by inserting ", 501(b), or 501(c)" immediately after "501(a)", and by striking out "(C)" and inserting "(B)" in lieu thereof; and

(5) in paragraph (5), by inserting "or contract" immediately after "legal" and by inserting ", whichever is greater," immediately after "rate".

(b) Section 726(b) of title 11 of the United States Code is amended—

(1) by striking out "a particular paragraph" and inserting "each such particular paragraph" in lieu thereof; and

(2) by striking out "administrative expenses" each place it appears and inserting "a claim allowed under section 503(b) of this title" in lieu thereof, and by striking out "have" and inserting "has" in lieu thereof.

(c) Section 726(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "Administrative expenses" and inserting "Claims allowed under section 503 of this title" in lieu thereof; and

(2) in paragraph (2), by striking out "Claims other than for administrative expenses" and inserting "Allowed claims, other than claims allowed under section 503 of this title," in lieu thereof.

Sec. 67. (a) Section 727(a) of title 11 of the United States Code is amended—

(1) in paragraph (6)(C), by striking out "property" and inserting "properly" in lieu thereof;

(2) in paragraph (7), by inserting ", under this title or under the Bankruptcy Act," immediately after "another case"; and

(3) in paragraph (8), by inserting a comma immediately after "371".

(b) Section 727(c)(1) of title 11 of the United States Code is amended by inserting "the granting of a" immediately after "to".

(c) Section 727(e)(2)(A) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

Sec. 68. (a) Section 728(c) of title 11 of the United States Code is amended by striking out the comma immediately after "taxable income".

(b) Section 728(d)(2) of title 11 of the United States Code is amended by inserting "otherwise" immediately after "is", and by striking out "otherwise" imediately after "partner".

Sec. 69. Section 741 of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by striking out "holds" and inserting "has" in lieu thereof and by striking out "business as a stockbroker" and inserting "such debtor's business as a stockbroker," in lieu thereof;

(2) in paragraph (2)(B), by striking out "holds" and inserting "has" in lieu thereof;

(3) in paragraph (4), by striking out "at any time";

(4) in paragraph (4)(A)(i), by striking out "and that is" and inserting "from and that is the lawful" in lieu thereof;

(5) in paragraph (4)(A)(ii), by inserting "of a customer" immediately after "claim";

(6) by redesignating paragraphs (5) and (6) as paragraphs (6) and (68), respectively;

(7) by inserting immediately after paragraph (4) the following new paragraph:

"(5) 'margin payment' means payment or deposit of cash, a security, or other property, that is commonly known to the securities trade as original margin, initial margin, maintenance margin, or variation margin, or as a mark-to-market payment, or that secures an obligation of a participant in a securities clearing agency;";

(8) in paragraph (6), as so redesignated, by striking out "the aggregate of all of a customer's accounts that such customer holds" and inserting "all accounts of a customer that such customer has" in lieu thereof.

(9) in paragraph (6)(A)(i), as so redesignated, by inserting a comma immediately after "petition", and by inserting "any" immediately after "except";

(10) in paragraph (6)(A)(ii), as so redesignated, by inserting "in such capacity" immediately after "customer";

(11) in paragraph (6)(B), as so redesignated, by striking out "342" and inserting "341" in lieu thereof, and by inserting "in such capacity" immediately before the semicolon; and

(12) by inserting immediately after paragraph (6), as so redesignated, the following new paragraph:

"(7) 'securities contract' means contract for the purchase, sale, or loan of a security, including an option for the purchase or sale of a security, or the guarantee of any settlement of cash or securities by a securities clearing agency; and".

Sec. 70. Section 743 of title 11 of the United States Code is amended by striking out "342(a)" and inserting "341" in lieu thereof.

Sec. 71. Section 744 of title 11 of the United States Code is amended by inserting "but" immediately after "relief,".

Sec. 72. (a) Section 745(a) of title 11 of the United States Code is amended by inserting "the debtor for" immediately after "by".

(b) Section 745(c) of title 11 of the United States Code is amended by striking out "A" and inserting "Each" in lieu thereof.

Sec. 73. (a) Section 746(a) of title 11 of the United States Code is amended—

(1) by striking out "effects, with respect to cash or a security," and inserting "enters into" in lieu thereof;

(2) by striking out "with respect to such cash or security";

(3) by striking out "such date" and inserting "the date of the filing of the petition" in lieu thereof; and

(4) by striking out "effected" and inserting "entered into" in lieu thereof.

(b) Section 746(b) title 11 of the United States Code is amended—

(1) by striking out "has a claim for" and inserting "transferred to the debtor" in lieu thereof; and

(2) in paragraph (2), by striking out "is".

(c) The section heading for section 746 of title 11 of the United States Code is amended to read as follows:

"§ 746. Extent of customer claims".

Sec. 74. Section 747 of title 11 of the United States Code is amended by striking out "such claim arose" and inserting "the transaction giving rise to such claim occurred" in lieu thereof.

Sec. 75. Section 749 of title 11 of the United States Code is amended—

(1) by striking out "Any" and inserting "(a) Except as otherwise provided in this section, any" in lieu thereof;

(2) by inserting "by the debtor" immediately before "of property";

(3) by striking out "except" and inserting "but" in lieu thereof;

(4) by inserting "such property" immediately after "trustee, and";

(5) by striking out "549, or 724(a)" and inserting "or 549" in lieu thereof; and

(6) by adding at the end thereof the following new subsection:

"(b) Notwithstanding sections 544, 545, 547, 548, and 549 of this title, the trustee may not avoid a transfer made before five days after the date of the filing of the petition if such transfer is approved by the Commission by rule or order, either before or after such transfer, and if such transfer is—

"(1) a transfer of a securities contract entered into or carried by or through the debtor on behalf of a customer, and of any cash, security, or other property margining or securing such securities contract; or

"(2) the liquidation of a securities contract entered into or carried by or through the debtor on behalf of a customer.".

Sec. 76. (a) Section 752(a) of title 11 of the United States Code is amended—

(1) by striking out "customers allowed" and inserting "customers' allowed";

(2) by inserting "of the kind" immediately after "except claims"; and

(3) by inserting "such" immediately before "customer property.".

(b) Section 752(b)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting "726" in lieu thereof.

(c) Section 752(c) of title 11 of the United States Code is amended to read as follows:

"(c) Any cash or security remaining after the liquidation of a security interest created under a security agreement made by the debtor, excluding property excluded under section 741(4)(B) of this title, shall be apportioned between the general estate and customer property in the same proportion as the general estate of the debtor and customer property were subject to such security interest.".

Sec. 77. Section 761 of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting "made" immediately after "commodity contracts";

(2) in paragraph (4), by striking out "if the debtor is" each place it appears and inserting "with respect to" in lieu thereof;

(3) in paragraph (4)(D), by inserting ", or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by the debtor" immediately before the semicolon;

(4) in paragraph (9), by striking out "if the debtor is" each place it appears and inserting "with respect to" in lieu thereof;

(5) in paragraph (9)(A), by striking out "the debtor" each place it appears and inserting "such futures commission merchant" in lieu thereof and by striking out "the debtor's" and inserting "such futures commission merchant's" in lieu thereof;

(6) in paragraph (9)(B), by striking out "the debtor" each place it appears and inserting "such foreign futures commission merchant" in lieu thereof and by striking out "the debtor's" and inserting "such foreign futures commission merchant's" in lieu thereof;

(7) in paragraph (9)(C), by striking out "the debtor" each place it appears and inserting "such leverage transaction merchant" in lieu thereof, by striking out "the debtor's" and inserting "such leverage transaction merchant's" in lieu thereof, by inserting "or" immediately after the semicolon in clause (i), and by striking out "hold" in clause (ii) and inserting "holds" in lieu thereof;

(8) in paragraph (9)(D), by striking out "the debtor" each place it appears and inserting "such clearing organization" in lieu thereof,

(9) in paragraph (9)(E), by striking out "the debtor" each place it appears and inserting "such commodity options dealer" in lieu thereof and by striking out "the debtor's" and inserting "such commodity options dealer's" in lieu thereof;

(10) in paragraph (10), by striking out "at any time", by striking out "and that is" in subparagraph (A)(viii) and inserting "from and that is the lawful" in lieu thereof, and by striking out "based on such property" in subparagraph (B) and inserting "for which such property would be liable" in lieu thereof;

(11) in paragraph (12), by inserting a comma immediately after "property" and by striking out the comma after "credit";

(12) in paragraph (13), by striking out "217 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 15a)" and inserting "19 of the Commodity Exchange Act (7 U.S.C. 23)" in lieu thereof;

(13) in paragraph (14), by striking out "that is engaged";

(14) in paragraph (15), by striking out "or variation margin," and inserting "variation margin, or as a mark-to-market payment," immediately before "including";

(15) in paragraph (16), by striking out "at any time"; and

(16) in paragraph (17), by striking out "the aggregate of all of a customer's accounts" and inserting "all accounts of a customer" in lieu thereof, by striking out "holds" and inserting "has" in lieu thereof, by inserting "the" immediately after "(A)" in subparagraph (A), by inserting "in such capacity" immediately after "customer" in subparagraph (A)(ii), by striking out subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

Sec. 78. Section 762 of title 11 of the United States Code is amended by striking out "342" and inserting "341" in lieu thereof.

Sec. 79. Section 763(a) of title 11 of the United States Code is amended by inserting "the debtor for" immediately after "by" and by striking out "deemed to be" and inserting "treated as" in lieu thereof.

Sec. 80. (a) Section 764(a) of title 11 of the United States Code is amended—

(1) by inserting "by the debtor" immediately after "any transfer";

(2) by striking out "except" and inserting "but" in lieu thereof;

(3) by inserting "such property" immediately after "trustee, and"; and

(4) by striking out "is" each place it appears and inserting "shall be" in lieu thereof.

(b) Section 764(c) of title 11 of the United States Code is repealed.

Sec. 81. (a) Section 765(a) of title 11 of the United States Code is amended by striking out "notice under" and inserting "notice required by" in lieu thereof and by striking out "342" and inserting "341" in lieu thereof.

(b) Section 765(b) of title 11 of the United States Code is amended by striking out "commitment" and inserting "commodity contract" in lieu thereof.

Sec. 82. (a) Section 766(a) of title 11 of the United States Code is amended—

(1) by striking out "of" the first place it appears and inserting "held by the debtor for" in lieu thereof; and

(2) by inserting "to such customer" immediately after "distribution".

(b) Section 766(b) of title 11 of the United States Code is amended—

(1) by amending the first sentence thereof to read as follows: "If an open commodity contract is being actively traded as of the date of the filing of the petition, the trustee shall, as required by sections 765 and 766(c) of this title, transfer such commodity contract, if feasible, or close out such commodity contract on or before the last day of trading in such contract or on the first day on which notice of intent to deliver on such commodity contract may be tendered, whichever first occurs."; and

(2) by inserting "the" immediately after "rules of".

(c) Section 766(d) of title 11 of the United States Code is amended by striking out "such amount, then the" and inserting "the amount to which the customer of the debtor is entitled under subsection (h) or (i) of this section, then such" in lieu thereof, and by inserting "then" immediately after "trustee" the second place it appears.

(d) Section 766(h) of title 11 of the United States Code is amended by inserting "and except that a customer net equity claim based on a proprietary account, as defined by Commission rule, regulation, or order, may not be paid either in whole or in part, directly or indirectly, out of customer property unless all other customer net equity claims have been paid in full" immediately after "this section".

(e) Section 766(j)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting "726" in lieu thereof.

Sec. 83. Section 901(a) of title 11 of the United States Code is amended—

(1) by inserting "341, 342," immediately after "301,";

(2) by striking out "552,";

(3) by striking out "547" and inserting "547(a), 547(b), 547(c), 547(d), 547(e)(1), 547(e)(2), 547(f), 547(g)" in lieu thereof;

(4) by striking out "1109" and inserting "1109(b)" in lieu thereof; and

(4) by inserting a comma immediately after "1111(b)".

Sec. 84. Section 902(2) of title 11 of the United States Code is amended by striking out "title, legal or equitable, to real property against which has been levied a special assessment or special tax" and by inserting "legal or equitable title to real property against which a special assessment or special tax has been levied" in lieu thereof.

Sec. 85. Section 903(2) of title 11 of the United States Code is amended by striking out "to" the first place it appears.

Sec. 86. Chapter 9 of title 11 of the United States Code is amended by striking out "SUBCHAPTER II" and inserting "SUBCHAPTER II" in lieu thereof.

Sec. 87. (a) Section 921(c) of title 11 of the United States Code, is amended by striking out "an" and inserting "any" in lieu thereof, and by striking out the comma after "petition" the second place it appears.

(b) Section 921 of title 11 of the United States Code is amended by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) Section 921(d) of title 11 of the United States Code, as so redesignated, is amended by striking out "subsection (d)" and inserting "subsection (c)" in lieu thereof.

Sec. 88. (a) Section 922(a)(1) of title 11 of the United States Code is amended by inserting "a" immediately before "judicial", and by inserting "action or" immediately before proceeding".

(b) Section 922(b) of title 11 of the United States Code is amended by striking out "and (g)" and inserting "(g), and (h)" in lieu thereof.

Sec. 89. (a) Section 927(a)(4) of title 11 of the United States Code is amended by striking out "if" and inserting "failure of" in lieu thereof, and by striking out "is not" and inserting "to be" in lieu thereof.

(b) Section 927(b) of title 11 of the United States Code is amended by inserting "of a plan under this chapter" immediately after "confirmation".

Sec. 90. Section 943(b) of title 11 of the United States Code is amended—

(1) in paragraph (4), by striking out "to be taken"; and

(2) by amending paragraph (5) to read as follows:

"(5) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in section 507(a)(1) of this title will receive on account of such claim cash equal to the allowed amount of such claim; and".

Sec. 91. Section 945(a) of title 11 of the United States Code is amended by striking out "execution" and inserting "implementation" in lieu thereof.

Sec. 92. Section 1102(b)(1) of title 11 of the United States Code is amended by striking out "order for relief" and inserting "commencement of the case" in lieu thereof.

Sec. 93. (a) Section 1103(b) is amended—

(1) by inserting "having an adverse interest" after "entity"; and

(2) by adding at the end thereof the following: "Representation of one or more creditors of the same class as represented by the committee shall not per se constitute the representation of an adverse interest.".

(b) Section 1103(c) of title 11 of the United States Code is amended—

(1) in paragraph (3), by striking out "recommendations" and inserting "determinations" in lieu thereof, and by inserting "or rejections" immedately after "acceptances"; and

(2) in paragraph (4), by striking out ", if a trustee or examiner, as the case may be, has not previously been appointed under this chapter in the case".

Sec. 94. Section 1105 of title 11 of the United States Code is amended by striking out "estate, and" and inserting "estate and of the" in lieu thereof.

Sec. 95. Section 1106(b) of title 11 of the United States Code is amended by inserting ", except to the extent that the court orders otherwise," immediately before "any other".

Sec. 96. Section 1107(a) of title 11 of the United States Code is amended by inserting "serving in a case" immediately after "on a trustee".

Sec. 97. Section 1108 of title 11 of the United States Code is amended by inserting ", on request of a party in interest and after notice and a hearing," immediately after "court".

Sec. 98. Section 1111(b) of title 11 of the United States Code is amended to read as follows:

"(b)(1) Except where property of the estate that secures a claim is sold subject to section 363(k) of this title, abandoned under section 554 of this title, or surrendered to the holders of such claims, or is to be sold, abandoned, or surrendered under the plan—

"(A) a claim secured by such property shall be allowed or disallowed under section 502 of this title the same as if the holder of such claim had recourse against the debtor on account of such claim, whether or not such holder had such recourse, unless the class of which such claim is a part elects, by at least two-thirds in amount and more than one-half in number of allowed claims of such class, to be governed by subparagraph (B) of this paragraph; and

"(B) unless the aggregate value of the interests in such property of the holders of such claims is inconsequential, the class may elect, as provided under subparagraph (A) of this paragraph, that such claims of such class, whether or not the holders of such claims had recourse against the debtor and notwithstanding section 506(a) of this title, are secured claims to the full extent that such claims are allowed.

"(2) The provisions of paragraph (1)(A) of this subsection are limited to the purposes of this chapter and such paragraph does not in any other way alter, affect, or create any right or liability of any other entity.".

Sec. 99. (a) Section 1112(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by striking out "is an involuntary case originally commenced under this chapter" and inserting "originally

was commenced as an involuntary case under this chapter" in lieu thereof; and

(2) in paragraph (3), by striking out "on other than" and inserting "other than on" in lieu thereof.

(b) Section 1112(b) of title 11 of the United States Code is amended—

(1) in paragraph (5), by inserting "a request made for" immediately before "additional"; and

(2) in paragraph (8), by striking out "and" and inserting "or" in lieu thereof.

Sec. 100. (a) Section 1121(c)(3) of title 11 of the United States Code is amended by striking out "the claims or interests of which are" and inserting "of claims or interests that is" in lieu thereof.

(b) Section 1121(d) of title 11 of the United States Code is amended by inserting "made within the respective periods specified in subsection (c) of this section" immediately after "interest".

Sec. 101. (a) Section 1123(a) of title 11 of the United States Code is amended—

(1) by striking out "A" and inserting "Notwithstanding any otherwise applicable nonbankruptcy law, a" in lieu thereof;

(2) in paragraph (1), by inserting a comma immediately after "classes of claims" and immediately after "507(a)(6) of this title";

(3) in paragraph (3), by striking out "shall";

(4) in paragraph (5), by striking out "execution" and inserting "implementation" in lieu thereof;

(5) in paragraph (5)(G), by inserting "of" immediately after "waiving"; and

(6) in paragraph (6), by striking out "equity securities" the first place it appears and inserting "common stock" in lieu thereof.

(b) Section 1123(b)(2) of title 11 of the United States Code is amended by striking out "or rejection" and inserting ", rejection, or assignment" in lieu thereof and by striking out "under section 365 of this title" and inserting "under such section" in lieu thereof.

Sec. 102. Section 1124 of title 11 of the United States Code is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) cures any such default that occurred before or after the commencement of the case under this title, other than a default of a kind specified in section 365(b)(2) of this title;"; and

(2) in paragraph (3)(B)(i), by striking out "and" and inserting "or" in lieu thereof.

Sec. 103. (a) Section 1125(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting ", but need not include such information about any other possible or proposed plan" immediately after "plan";

(2) in paragraph (2)(B), by inserting "the" immediately after "with"; and

(3) in paragraph (2)(C), by inserting "of" immediately after "holders".

(b) Section 1125(d) of title 11 of the United States Code is amended—

(1) by inserting "required under subsection (b) of this section" immediately after "statement" the first place it appears; and

(2) by inserting ", or otherwise seek review of," immediately after "appeal from".

(c) Section 1125(e) of title 11 of the United States Code is amended by inserting "acceptance or rejection of a plan" immediately after "solicits" and by inserting "solicitation of acceptance or rejection of a plan or" immediately after "governing".

Sec. 104. (a) Section 1126(b)(2) of title 11 of the United States Code is amended by striking out "1125(a)(1)" and inserting "1125(a)" in lieu thereof.

(b) Section 1126(d) of title 11 of the United States Code is amended by inserting a comma immediately after "such interests" the first place it appears.

(c) Section 1126(f) of title 11 of the United States Code is amended—

(1) by striking out "is deemed" and inserting in lieu thereof ", and each holder of a claim or interest of such class, are deemed";

(2) by striking out "solicititation" and inserting "solicitation" in lieu thereof; and

(3) by striking out "interest" and inserting "interests" in lieu thereof.

(d) Section 1126(g) of title 11 of the United States Code is amended by striking out "any payment or compensation" and inserting "receive or retain any property" in lieu thereof.

Sec. 105. (a) Section 1127(a) of title 11 of the United States Code is amended by inserting "of a plan" immediately after "After the proponent" and by inserting "of such plan" immediately after "modification".

(b) Section 1127(b) of title 11 of the United States Code is amended by striking out "the court, after notice and a hearing, confirms such plan, as modified, under section 1129 of this title, and circumstances warrant such modification" and inserting "circumstances warrant such modification and the court, after notice and a hearing, confirms such plan as modified, under section 1129 of this title" in lieu thereof.

Sec. 106. (a) Section 1129(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), striking out "chapter." and inserting "title" in lieu thereof;

(2) in paragraph (2), by striking out "chapter." and inserting "title." in lieu thereof;

(3) by amending paragraph (4) to read as follows:

"(4) Any payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable;";

(4) in paragraph (5)(A)(ii), by striking out the period and inserting "; and" in lieu thereof;

(5) in paragraph (5)(B), by striking out "The" and inserting "the" in lieu thereof;

(6) in paragraph (6), by inserting "governmental" immediately after "Any";

(7) in paragraph (7), by inserting "of claims or interests" immediately after "each class"; and by striking out "creditor's" in subparagraph (B) and inserting "holder's" in lieu thereof;

(8) in paragraph (8), by inserting "of claims or interests" immediately after "each class";

(9) in paragraph (9)(C), by inserting "507(a)(1) that results from the sale of a capital asset, recapture of an investment tax credit, recapture of depreciation, or similar event or" immediately after "section"; and

(10) by amending paragraph (10) to read as follows:

"(10) If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider or any class deemed to have accepted the plan under section 1126(f) of this title.".

(b) Section 1129(b) of title 11 of the United States Code is amended—

(1) by striking out "Notwithstanding section 510(a) of this title, if" and inserting "If" in lieu thereof;

(2) in paragraph (2)(A), by striking out "lien" each place it appears and inserting "liens" in lieu thereof;

(3) in paragraph (2)(B)(ii), by inserting "under the plan" immediately after "retain"; and

(4) in paragraph (2)(C)(i), by striking out "claim" and inserting "interest" in lieu thereof and by striking out "and the value" and inserting "or the value" in lieu thereof.

(c) Section 1129(d) of title 11 of the United States Code is amended—

(1) by striking out "a party in interest that is";

(2) by inserting "the application of" immediately after "avoidance of" the second place it appears; and

(3) by adding at the end thereof the following new sentence: "In any hearing under this subsection, the governmental unit has the burden of proof on the issue of avoidance.".

Sec. 107. (a) Section 1141(a) of title 11 of the United States Code is amended—

(1) by striking out "Except" and inserting "Notwithstanding section 510(a) of this title and except" in lieu thereof; and

(2) by striking out "any creditor or equity security holder of, or general partner in," and inserting "any creditor, equity security holder, or general partner in" in lieu thereof.

(b) Section 1141(c) of title 11 of the United States Code is amended to read as follows:

"(c) Except as provided in subsections (d)(2) and (d)(3) of this section and except as otherwise provided in the plan or in the order confirming the plan, after confirmation of a plan, the property dealt with by the plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the debtor.".

Sec. 108. (a) The heading for section 1142 of title 11 of the United States Code is amended to read as follows:

"§ 1142. Implementation of plan".

(b) The item relating to section 1142 in the table of sections for chapter 11 of title 11 of the United States Code is amended by striking out "Execution" and inserting "Implementation" in lieu thereof.

(c) Section 1142(a) of title 11 of the United States Code is amended by striking out the comma after "plan" the second place it appears.

(d) Section 1142(b) of title 11 of the United States Code is amended by inserting "a" immediately after "by".

Sec. 109. Section 1144 of title 11 of the United States Code is amended by inserting "if and only" immediately after "revoke such order".

Sec. 110. (a) Section 1145(a) of title 11 of the United States Code is amended—

(1) by striking out "Except with respect to an entity that is an underwriter as defined in subsection (b) of this section, section" and inserting "Section" in lieu thereof;

(2) in paragraph (3), by striking out "or an affiliate";

(3) in paragraph (3)(B)(i), by inserting "or 15(d)" immediately after "13" and by inserting "or 78o(d)" immediately after "78m";

(4) by amending paragraph (3)(B)(ii) to read as follows:

"(ii) in compliance with the disclosure and reporting provision of such applicable section; and";

(5) in paragraph (3)(C), by striking out "two" each place it appears and inserting "one" in lieu thereof;

(6) in paragraph (3)(C)(ii), by striking out "180" each place it appears and inserting "90" in lieu thereof; and

(7) in paragraph (4), by striking out "stockholder" each place it appears and inserting "stockbroker" in lieu thereof.

(b) Section 1145(b) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "and except with respect to ordinary trading transactions of an entity that is not an issuer" immediately after "subsection";

(2) in paragraph (1)(C), by striking out "for" and inserting "from" in lieu thereof;

(3) in paragraph (2)(A)(i), by striking out

"combination" and inserting "or combining" in lieu thereof; and

(4) in paragraph (2)(A)(ii), by striking out "among" and inserting "from or to" in lieu thereof.

(c) Section 1145(d) of title 11 of the United States Code is amended by striking out "commercial".

Sec. 111. (a) Section 1146(c) of title 11 of the United States Code is amended by striking out "State or local".

(b) Section 1146(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting "or" in lieu thereof.

Sec. 112. Section 1161 of title 11 of the United States Code is amended by striking out "341" and inserting "342" in lieu thereof.

Sec. 113. Section 1163 of title 11 of the United States Code is amended by striking out "qualified" and inserting "eligible, qualified," in lieu thereof.

Sec. 114. Section 1166 of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting "subtitle IV of title 49" in lieu thereof.

Sec. 115. Section 1168(b) of title 11 of the United States Code is amended by inserting a comma immediately after "approval".

Sec. 116. Section 1169(c) of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting "subtitle IV of title 49" in lieu thereof.

Sec. 117. (a) Section 1170(a) of title 11 of the United States Code is amended by inserting "of all or a portion" immediately after "the abandonment".

(b) Section 1170(c) of title 11 of the United States Code is amended by inserting a comma immediately after "abandonment".

(c) Section 1170(d)(2) of title 11 of the United States Code is amended—

(1) by striking out "the abandonment of a railroad line" and inserting "such abandonment" in lieu thereof; and

(2) by striking out "termination" each place it appears and inserting "suspension" in lieu thereof.

Sec. 118. Section 1171(b) of title 11 of the United States Code is amended by striking out "such" and inserting "the same" in lieu thereof.

Sec. 119. Section 1173(a)(4) of title 11 of the United States Code is amended by striking out "compatible" and inserting "consistent" in lieu thereof.

Sec. 120. (a) Section 1301(b) of title 11 of the United States Code is amended by inserting "and may protest" immediately after "of" the first place it appears.

(b) Section 1301(c)(3) of title 11 of the United States Code is amended by inserting "continuation of" immediately after "by".

Sec. 121. (a) Section 1302(b) of title 11 of the United States Code is amended—

(1) in paragraph (2)(C), by striking out "and";

(2) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) dispose of, under regulations issued by the Director of the Administrative Office of the United States Courts, monies received or to be received in a case under chapter XIII of the Bankruptcy Act; and".

(b) Section 1302(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "fix" and inserting "set for such individual" in lieu thereof;

(2) in paragraph (1)(A), by striking out "for such individual"; and

(3) in paragraph (2)(A), by striking out "of" and inserting "received by" in lieu thereof and by striking out "upon all payments" and inserting "of all such payments made" in lieu thereof.

Sec. 122. Section 1304(b) of title 11 of the United States Code is amended by striking out the comma immediately after "of the debtor".

Sec. 123. (a) Section 1307(b) of title 11 of the United States Code is amended by inserting a comma immediately after "time".

(b) Section 1307(c) of title 11 of the United States Code is amended—

(1) in paragraph (4), by inserting "a request made for" immediately before "additional";

(2) in paragraph (6), by striking out "and" immediately after the semicolon and inserting "or" in lieu thereof; and

(3) in paragraph (7), by inserting "other than completion of payments under the plan" immediately after "in the plan".

Sec. 124. (a) Section 1322(a)(2) of title 11 of the United States Code is amended by inserting a comma immediately after "payments".

(b) Section 1322(b) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting ", or leave unaffected the rights of holders of any class of claims" immediately before the semicolon;

(2) in paragraph (4), by inserting "other" immediately after "claim or any";

(3) in paragraph (5), by striking out "maintenance of payments" and by striking out "on any unsecured claim or secured claim" and inserting "maintain payments on any claim" in lieu thereof;

(4) in paragraph (7), by inserting "subject to section 365 of this title," immediately before "provide", by striking out "or rejection" and inserting ", rejection, or assignment" in lieu thereof, and by striking out "under section 365 of this title" and inserting "under such section" in lieu thereof; and

(5) in paragraph (8), by striking out "any".

Sec. 125. Section 1323(c) of title 11 of the United States Code is amended by striking out "the plan as modified, unless the modification provides for a change in the rights of such holder from what such rights were under the plan before modification, and" and inserting "such plan as modified, unless" in lieu thereof.

Sec. 126. Section 1324 of title 11 of the United States Code is amended by striking out "the" the second place it appears.

Sec. 127. (a) Section 1325(a)(1) of title 11 of the United States Code is amended by inserting "the" immediately before "other".

(b) Section 1325(a)(4) of title 11 of the United States Code is amended by inserting ", and such plan represents the debtor's bona fide effort" before the semicolon.

(c) Section 1325(b) of title 11 of the United States Code is amended by striking out "After confirmation of a plan," and inserting in lieu thereof "Upon the filing of the case," and by striking out "any" the second place it appears.

Sec. 128. Section 1326(a)(2) of title 11 of the United States Code is amended by inserting "of this title" immediately after "1302(d)".

Sec. 129. Section 1328(a)(2) of title 11 of the United States Code is amended by inserting ", 523(a)(6), 523(a)(8), and 523(a)(9)" immediately after "section 523(a)(5)".

Sec. 130. Section 1328(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "by the debtor" immediately after "obtained"; and

(2) in paragraph (2), by striking out "knowledge of such fraud came to the requesting party" and inserting "the requesting party did not know of such fraud until" in lieu thereof.

Sec. 131. Section 1329(a) of title 11 of the United States Code is amended—

(1) by inserting "of the plan" immediately after "confirmation" and by striking out "a plan" and inserting "such plan" in lieu thereof; and

(2) in paragraph (3), by striking out the comma.

Sec. 132. Section 15102 of title 11 of the United States Code is amended by striking out "chapter" the first place it appears and inserting "title" in lieu thereof.

Sec. 133. Section 15103(f) of title 11 of the United States Code is amended—

(1) by striking out "324,";

(2) by inserting "342(b)," immediately after "326(b),";

(3) by inserting "1106(a)(1), 1108," immediately after "1105"; and

(4) by inserting "1302(b)(1), 1302(b)(3)," immediately after "1302(a),".

Sec. 134. Section 15322(b)(1) of title 11 of the United States Code is amended by inserting "required to be" immediately after "bond", by striking out "(2)", and by inserting "of this title" before the semicolon. colon.

Sec. 135. Section 15324 of title 11 of the United States Code is amended by inserting a comma immediately after "a trustee".

Sec. 136. Section 15330 of title 11 of the United States Code is amended by adding at the end thereof the following: "The notice required under section 330 of this title shall be given to the United States trustee.".

Sec. 137. (a) Chapter 15 of title 11 of the United States Code is amended by inserting after section 15330 the following new section:

"§ 15342. Meetings of creditors

"In a case under chapter 13 of this title, the United States trustee may call a meeting of creditors. The court may not preside at, and may not attend, any meeting under this section.".

(b) The table of sections for chapter 15 of title 11 is amended by inserting immediately below the item relating to section 15330 the following new item:

"15342. Meetings of creditors.".

Sec. 138. Section 15343 of title 11 of the United States Code is amended by striking out "section 341(a)" and inserting "section 342 or 15342" in lieu thereof.

Sec. 139. (a) Section 15701(a) of title 11 of the United States Code is amended by striking out "trustee established" and inserting "trustees established" in lieu thereof.

(b) Section 15701(b) of title 11 of the United States Code is amended by striking out "such persons" and inserting "the members of such panel" in lieu thereof.

Sec. 140. (a) Section 15703(a) of title 11 of the United States Code is amended by striking out "specified in section 15701(a) of this title. Sections 701(b) and 701(c) of this title apply to such interim trustee." and by inserting "and subject to the provisions of sections 701 and 15701 of this title." in lieu thereof.

(b) Section 15703(b) of title 11 of the United States Code is amended by striking out "truste" and inserting "trustee" in lieu thereof.

Sec. 141. Section 15704 of title 11 of the United States Code is amended to read as follows:

"§ 15704. Duties of trustee

"The trustee shall—

"(1) if the business of the debtor is authorized to be operated, file with the United States trustee periodic reports and summaries of the operation of such business, including a statement of receipts and disbursements; and

"(2) make and file interim reports, as circumstances justify, on the condition of the estate with the United States trustee and make and file a final report and account of the administration of the estate with the United States trustee and the court.".

Sec. 142. Section 151102(b) of title 11 of the United States Code is amended by striking out "interest of" and inserting "interest," in lieu thereof.

Sec. 143. (a) Chapter 15 of title 11 of the United States Code is amended by inserting after section 151105 the following new sections:

"§ 151106. Duties of trustee and examiner

"A trustee shall perform the duties specified in sections 704(2), 704(4), 704(6), and 15704 of this title.

"(b) A trustee shall transmit a copy of a summary of any statement filed under section 1106(a)(4)(A) of this title to any creditors' committee, to any indenture trustee, to the United States trustee, and to any other entity as the court designates.

"§151108. Authorization to operate business

"Unless the court, upon the request of a party in interest or the United States trustee and after notice and a hearing, orders otherwise, the trustee may operate the debtor's business.".

(b) The table of sections for chapter 15 of title 11 of the United States Code is amended by inserting after the item relating to section 151105 the following new items:

"151106. Duties of trustee and examiner.

"151108. Authorization to operate business.".

Sec. 144. (a) Section 151302(a) of title 11 of the United States Code is amended by inserting ", or shall appoint a disinterested persons to serve," immediately after "The United States trustee shall serve".

(b) Section 151302(b) of title 11 of the United States Code is amended to read as follows:

"(b) The trustee shall—

"(1) perform the duties specified in sections 704(2), 704(4), 704(6), and 15704 of this title; and

"(2) dispose of, pursuant to regulations issued by the Attorney General, moneys received or to be received in a case under chapter XIII of the Bankruptcy Act.".

TITLE II—AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE

Sec. 201. Section 151(c) of title 28 of the United States Code is amended by inserting a comma immediately after "suit".

Sec. 202. (a) Section 152 of title 28 of the United States Code is amended by adding at the end thereof the following:

"In recommending individuals to the President for appointment as bankruptcy judges, the Judicial Council of each circuit shall follow standards and procedures promulgated by the Judicial Conference of the United States. Such standards and procedures shall contain provision for public notice of all vacancies of bankruptcy judgeships. Further, such standards and procedures shall ensure that the Judicial Council gives due consideration to all qualified individuals, regardless of race, color, religion, sex, or national origin.".

(b) The Congress—

(1) takes notice of the fact that less than 2 per centum of bankruptcy judges are women, less than 3 per centum of bankruptcy judges are blacks, and only one bankruptcy judge is of Hispanic origin; and

(2) suggests that the President, in selecting individuals for nomination to bankruptcy judgeships created by this Act, give due consideration to qualified individuals without regard to race, color, sex, religion, or national origin.

Sec. 204. Section 158 of title 28 of the United States Code is amended by striking out "Court" and inserting "Bankruptcy court" in lieu thereof.

Sec. 205. (a) Section 160(a) of title 28 of the United States Code is amended by striking out "each circuit" and inserting "such circuit" in lieu thereof.

(b) Section 160 of title 28 of the United States Code is amended by adding at the end thereof the following new subsections:

"(d) A panel may exercise the powers of a bankruptcy court.

"(e) A single judge of a panel may enter an order if irreparable damage will result if such order is not entered. Such order shall remain in force only until the hearing and determination by the panel of three judges.".

Sec. 206. (a) Section 294(c) of title 28 of the United States Code is amended by striking out "district or bankruptcy judge" and inserting ", district, or bankruptcy" in lieu thereof.

(b) Section 294(d) of title 28 of the United States Code is amended by striking out "district judge or bankruptcy judge and inserting "district, or bankruptcy judge" in lieu thereof.

Sec. 207. Section 295 of title 28 of the United States Code is amended by inserting a comma immediately before "district, or".

Sec. 208. Section 376(a)(2)(A) of title 28 of the United States Code is amended by strking out "section 337" and inserting "section 377" in lieu thereof.

Sec. 209. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 377. Bankruptcy judges

"(a) Any bankruptcy judge who has attained the age of seventy years may retire after serving as a bankruptcy judge for at least ten years;

"(2) Any bankruptcy judge who has attained the age of sixty-five years may retire after serving as a bankruptcy judge for at least fifteen years.

"(3) Any bankruptcy judge who is not reappointed following the expiration of the term of office of such judge may retire upon completion of such term, if—

"(A) such judge has served as a bankruptcy judge for at least fourteen years, and

"(B) not earlier than nine months preceding the date of the expiration of the term of office of such judge and not later than six months preceding such date, such judge advised the President in writing that such judge was willing to accept reappointment to the bankruptcy court.

"(4) Any bankruptcy judge who becomes permanently disabled from performing the duties of the office shall retire.

"(b) Notwithstanding subsection (a)(3)(A) of this section, a bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 who is not reappointed after March 31, 1984, shall be eligible to retire under subsection (a)(3) of this section and to receive retirement pay under subsection (c) of this section if such judge—

"(1) has continued in service until March 31, 1984, or after such date and until such judge's successor takes office.

"(2) has complied with the requirements of subsection (a)(3) of this section other than subparagraph (A), and

"(3)(A) has attained the age of sixty years,

"(B) has attained the age of fifty-five years and has served at least ten years in the aggregate as a referee in bankruptcy and a bankruptcy judge, or

"(C) has attained the age of fifty years and has served at least fourteen years in the aggregate as a referee in bankruptcy and a bankruptcy judge.

"(c)(1) A bankruptcy judge who has elected under subsection (e) of this section to receive retirement pay under this subsection and who retires under paragraph (1), (2), or (3) of subsection (a) of this section shall receive retirement pay during any period at a rate which bears the same ratio to the salary payable to a bankruptcy judge during such period as the number of years the bankruptcy judge who so elected has served as a bankruptcy judge after March 31, 1981, bears to 10, except that the rate of such retirement pay shall not exceed the rate of such salary for such period.

"(2) A bankruptcy judge who has elected under subsection (e) of this section to receive retirement pay under this subsection and who retires under subsection (a)(4) of this section shall receive retirement pay during any period at a rate—

"(A) equal to the rate of the salary payable to a bankruptcy judge during such period if before such retirement the bankruptcy judge who so elected has served as a bankruptcy judge not less than ten years beginning after March 31, 1981,

"(B) equal to 80 percent of the rate of the salary payable to a bankruptcy judge during such period if before such retirement the bankruptcy judge who so elected has served as a bankruptcy judge not less than ten years, or

"(C) equal to 50 percent of the rate of the salary payable to a bankruptcy judge during such period if before such retirement the bankruptcy judge who so elected has served as a bankruptcy judge less than ten years.

Such retirement pay shall begin to accrue on the day following the day on which such judge's salary as a bankruptcy judge ceases to accrue, and shall continue to accrue during the remainder of the life of such judge. Retirement pay under this section shall be paid in the same manner as the salary of a bankruptcy judge.

"(3) In computing the rate of retirement pay under this subsection, that portion of the aggregate number of years of service which is a fractional part of 1 year shall be eliminated if it is less than 6 months, or shall be counted as a full year if such part equals or exceeds 6 months.

"(d)(1) A bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 who has elected under subsection (e) of this section to receive retirement pay under subsection (c) of this section may also elect—

"(A) for purposes of subsection (c) of this section, to treat service as a referee in bankruptcy or a United States bankruptcy judge as service as a United States bankruptcy judge, except that a year of service as a referee in bankruptcy or a bankruptcy judge occurring before April 1, 1981, shall be treated as one-fourth of a year of service occurring after March 31, 1981, or

"(B) to receive the lump sum credit computed under section 8331(8) of title 5, United States Code.

"(2) In the case of any bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 who makes the election described in paragraph (1)(A) of this subsection to treat service as a referee in bankruptcy as service as a bankruptcy judge—

"(A) the retirement pay of such judge for any period shall not exceed 80 percent of the rate of the salary payable to a bankruptcy judge under subsection (c)(1) of this section for such period, and

"(B) there shall be transferred from the Civil Service Retirement and Disability Fund to the Judicial Survivors' Annuities Fund an amount which bears the same ratio to the lump sum credit computed with respect to such judge under section 8331(8) of title 5, United States Code, as nine bears to fourteen.

"(e)(1)(A) A bankruptcy judge may elect to receive retirement pay under subsection (c) of this section by filing notice thereof in writing with the Director of the Administrative Office of the United States Courts. The Director shall transmit to the Office of Personnel Management a copy of each notice filed under this subparagraph.

"(B) Any bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 who desires to make the election described in subsection (d)(1) of this section shall make such election as part of the election made by such judge under subparagraph (A) of this paragraph.

"(2) The election described in paragraph (1)(A) of this subsection may be made by a bankruptcy judge only during such judge's term of office or on the day on which such judge's successor takes office.

"(f)(1) A bankruptcy judge who has elected under subsection (e) of this section to receive retirement pay under subsection (c) of this section, with respect to whom such election is in effect, and who after such election—

"(A) accepts civil office or employment by the Government of the United States, other than the performance of judicial duties pursuant to section 294 of this title, or

"(B) performs, supervises, or directs the performance of, legal or other professional services in connection with a case under title 11, United States Code,

shall forfeit all rights to retirement pay under this section for all periods beginning on or after the first day on which such judge accepts such office or employment, or engages in any activity described in subparagraph (B).

"(2) Paragraph (1) of this subsection shall not apply to a bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 who is not reappointed upon the expiration of such judge's term of office on March 31, 1984, or before the appointment of such judge's successor.

"(g)(1) Except as otherwise provided in this subsection, the provisions of the civil service retirement laws, including the provisions relating to the deduction and withholding of amounts from basic pay, salary, and compensation, shall apply with respect to service as a bankruptcy judge, together with other service as an officer or employee to whom such civil service retirement laws apply, as if this section had not been enacted.

"(2) In the case of any bankruptcy judge who has filed an election pursuant to subsection (e) of this section to receive retirement pay under subsection (c) of this section—

"(A) no annuity or other payment, except as provided in subsection (d)(1) of this section, shall be payable to such judge under the civil service retirement laws with respect to any service performed by such judge (whether performed before or after such election is filed and whether performed as a bankruptcy judge or otherwise),

"(B) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retirement pay payable to such judge under subsection (c) of this section or from any other salary, pay, or compensation payable to such judge, for any period during which such election is in effect, and

"(C) there shall be deducted from the basic salary of such judge 3.5 percent of such salary for credit to the Treasury of the United States.

"(h)(1) A bankruptcy judge who retires under subsection (a)(4) of this section before April 1, 1984, shall furnish to the Director of the Administrative Office of the United States Courts a certificate of disability signed by the chief judge of the circuit in which such bankruptcy judge is serving.

"(2) A bankruptcy judge who retires under subsection (a)(4) of this section after March 31, 1984, shall furnish to the President a certificate of disability signed by such chief judge.

"(i)(1) A bankruptcy judge who has filed an election under subsection (e) of this section to receive retired pay under subsection (c) of this section may revoke such election at any time before the first day on which retirement pay would begin to accrue with respect to such judge but for such revocation.

"(2) Any revocation under this subsection of an election shall be made by filing notice thereof with the Office of Personnel Management. The Office of Personnel Management shall transmit to the Director of the Administrative Office of the United States Courts a copy of each notice filed under this paragraph.

"(3) In the case of any revocation under this subsection of an election made under subsection (e) of this section—

"(A) for purposes of this section, a bankruptcy judge shall be treated as not having filed such election, and

"(B) for purposes of section 376 of this title—

"(i) such judge shall be treated as not having filed an election under subsection (e) of such section,

"(ii) subsection (g) of such section shall not apply with respect to such judge, and the amount credited to such judge's account, together with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31, of each year to the date on which the revocation is filed, shall be returned to such judge.

"(C) no credit shall be allowed for service as a bankruptcy judge unless with respect to such service there has been deducted and withheld the amount required by the civil service retirement laws or there has been deposited in the Civil Service Retirement and Disability Fund an amount equal to the amount so required, with interest, and

"(D) the Administrative Office of the United States Courts shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the additional amount it would have contributed to such Fund but for the effectiveness of the election made under subsection (e) of this section to receive retirement pay under subsection (c) of this section. If such deposit is made, service as a bankruptcy judge shall be treated as service with respect to which deductions and contributions had been made during the period of service.

"(j) Paragraphs (i) and (ii) of section 8331(1) of title 5, United States Code, shall not apply with respect to a bankruptcy judge continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 for any period during which there is in effect an election made by such judge under subsection (e) of this section to receive retirement pay under subsecton (c) of this section.

"(k) For purposes of this section the term 'bankruptcy judge' means, unless specified otherwise, a referee in bankruptcy continued in office by section 404(b) of the Bankruptcy Reform Act of 1978 or a United States bankruptcy judge.".

(b) The table of sections for chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"377. Bankruptcy judges.".

Sec. 210. Section 451 of title 28 of the United States Code is amended—

(1) in the first undesignated paragraph by inserting "and appellate panels created under section 160 of this title" before the period;

(2) in the first and third undesignated paragraphs by striking out "and" the second place it appears in each such paragraph and inserting a comma in lieu thereof and by striking out ", the judges of which are entitled to hold office for a term of 14 years"; and

(3) in the third undesignated paragraph by striking out "Congress," and inserting "Congress" in lieu thereof and by striking out "and judge" and inserting "and judges" in lieu thereof.

Sec. 211. Section 456 of title 28 of the United States Code is amended—

(1) in the fourth undesignated paragraph, by inserting a comma immediately after "district"; and

(2) in the fifth undesignated paragraph, by striking out the semicolon immediately after "each district judge" and inserting a comma in lieu thereof.

Sec. 212. Section 569(a) of title 28 of the United States Code is amended by inserting "court" immediately after "of the bankruptcy".

Sec. 213. Section 571(b) of title 28 of the United States Code is amended by striking out "United States marshals, under regulations prescribed by the" and by striking out the comma immediately after "Courts".

Sec. 214. Sections 581(a) and 582(a) of title 28 of the United States Code are each amended by inserting ", without regard to the provisions of title 5 governing appointment in the competitive civil service," after "appoint".

Sec. 215. (a) Section 586(a) of title 28 of the United States Code is amended—

(1) in paragraph (5), by striking out "and" immediately after the semicolon;

(2) in paragraph (6), by striking out the period and inserting "; and" in lieu thereof; and

(3) by adding at the end thereof the following new paragraph:

"(7) administer oaths to and take the testimony of witnesses called to testify at meetings under title 11 or appoint a designee to so act.".

(b) Section 586(b) of title 28 of the United States Code is amended by striking out "trustee" the third place it appears and inserting "trustees to serve as standing trustee" in lieu thereof.

((c) Section 586(e)(2) is amended—

(1) in subparagraph (A), by striking out "of" and inserting "received by" in lieu thereof and by striking out "upon all payments" and inserting "of all such payments made" in lieu thereof;

(2) in subparagraph (B), by inserting "fee fixed under paragraph (1)(B) of this subsection" immediately after "the percentage"; and

(3) in subparagraph (B)(i), by striking out "individual" and inserting "individual's" in lieu thereof.

Sec. 216. Section 587 of title 28 of the United States Code is amended by adding at the end thereof the following: "The positions of such trustees shall not be in the Senior Executive Service.".

Sec. 217. (a) Section 604(a) of title 28 of the United States Code is amended—

(1) in paragraph (10), by striking out "(17)" each place it appears and inserting "(18)" in lieu thereof;

(2) by redesignating paragraph (17) as paragraph (18);

(3) by redesignating paragraph (13), as added by section 225(a)(2) of the Act of November 6, 1978 (92 Stat. 2549), as paragraph (17);

(4) by redesignating paragraph (14), as redesignated by section 225(a)(1) of the Act of November 6, 1978 (92 Stat. 2549), as paragraph (13); and

(5) by inserting immediately after paragraph (13) the following new paragraph:

"(14) Pursuant to section 1828 of this title, establish a program for the provision of special interpretation services in courts of the United States;".

(b) Subsection (f) of section 604 of title 28 of the United States Code, as added by section 225(b) of the Act of November 6, 1978 (92 Stat. 2549), is redesignated as subsection (h) and is amended by striking out "or remove a trustee appointed from the panel".

Sec. 218. Section 634(a) of title 28 of the United States Code is amended by inserting a comma after "salaries" the first place it appears and by striking out "rates for" and all that follows through "as amended" and inserting "an amount fixed in accordance with section 225 of the Federal Salary Act of 1967, subject to adjustment in accordance with such Act and section 461 of this title" in lieu thereof.

SEC. 219. (a) Section 773(c) of title 28 of the United States Code is amended by striking out "a circuit" and inserting "an appellate" in lieu thereof, and by striking out the parentheses around "but presents a substantial question".

(b) Section 773 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) Court reporters appointed under this section shall be appointed in accordance with all of the standards and procedures applicable to appointments under section 753 of this title and shall be governed by the rules and regulations applicable to court reporters appointed under section 753 of this title. Mechanical means of recording proceedings may include stenomask, and contract reporters may be used in lieu of or in addition to court reporters appointed under this section. The Director of the Administrative Office of the United States Courts may negotiate contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).".

SEC. 220. (a) Section 1293(a) of title 28 of the United States Code is amended by striking out "decisions" and inserting "judgments, orders, and decrees" in lieu thereof.

(b) Section 1293(b) of title 28 of the United States Code is amended—

(1) by striking out "an appellate panel created under section 160 or";

(2) by striking out "District court of the United States" and inserting "district court of the United States," in lieu thereof; and

(3) by inserting ", and of appeals from interlocutory orders and decrees of an appellate panel created under section 160 of this title, a district court, and a bankruptcy court, but only by leave of the court of appeals to which the appeal is taken" immediately before the period.

SEC. 221. Section 1334(c) of title 28 of the United States Code is amended by striking out "that section" and inserting "this section" in lieu thereof.

SEC. 222. (a) Section 1471(a) of title 28, of the United States Code is amended by striking out "susbection" and inserting "subsection" in lieu thereof.

(b) Subsections (c) and (e) of section 1471 of title 28 of the United States Code are each amended by striking out "commenced" and inserting "pending" in lieu thereof.

(c) Section 1471(c) of title 28 of the United States Code is amended by inserting "or a proceeding arising under title 11 or arising in or related to a case under title 11" immediately after "title 11".

(d) Section 1471(d) of title 28, United States Code, is amended by striking out "a district court or".

(e) Section 1471(e) of title 28 of the United States Code is amended by inserting ", and of all property, wherever located, of the estate in such case" immediately before the period at the end thereof.

SEC. 223. Section 1472(1) of title 28 of the United States Code is amended by striking out "principle" and inserting "principal" in lieu thereof.

SEC. 224. (a) Section 1473(a) of title 28 of the United States Code is amended by striking out "Except" and inserting "Notwithstanding any Act of Congress that confers venue in a specific district and except" in lieu thereof.

(b) Section 1473(c) of title 28 of the United States Code is amended by striking out "section" the first place it appears and inserting "subsection" in lieu thereof.

SEC. 225. Section 1481 of title 28 of the United States Code is amended by inserting "(a)" before "A" and by adding at the end thereof the following new subsection:

"(b) A contempt punishable by a bankruptcy court includes any act that is in violation of a stay under title 11.".

SEC. 226. Section 1482(b) of title 28 of the United States Code is amended by striking out "judgments, orders," and inserting "orders" in lieu thereof.

SEC. 227. Section 1827(i) of title 28 of the United States Code is amended by striking out "referee in bankruptcy" and inserting "bankruptcy judge" in lieu thereof.

SEC. 228. Section 1871(a) of title 28 of the United States Code is amended to read as follows:

"(a) Grand jurors in district courts and petit jurors in district courts and bankruptcy courts appearing pursuant to this chapter shall be paid the fees and allowances provided by this section. The requisite fees and allowances shall be disbursed, on the certificate of the clerk of the district court or of the clerk of the bankruptcy court, by the clerk of the district court in accordance with the procedure established by the Director of the Administrative Office of the United States Courts. Attendance fees for extended service under subsection (b) of this section shall be certified by the clerk of the district court only upon the order of a district judge or by the clerk of the bankruptcy court only upon the order of a bankruptcy judge.".

SEC. 229. Section 1923(b) of title 28 of the United States Code is amended to read as follows:

"(b) The docket fees of United States attorneys shall be paid to the clerk of the district court, the docket fees of United States trustees shall be paid to the clerk of the bankruptcy court, and all such fees shall then be paid by the clerks into the Treasury.".

SEC. 230. Section 1930(a) of title 28 of the United States Code is amended—

(1) in paragraph (1), by inserting before the period "in the case of a single filing and $100 in a joint case"; and

(2) by adding at the end thereof the following new paragraph:

"(5) For any proceeding in any case under title 11, $15.".

SEC. 231. Section 1962 of title 28 of the United States Code is amended by inserting "or bankruptcy court" immediately after "district court".

SEC. 232. Section 1963 of title 28 of the United States Code is amended—

(1) in each paragraph, by inserting "or bankruptcy court" immediately after "district court" the first place it appears;

(2) in the first sentence of the first undesignated paragraph, by inserting "with the clerk of the district court or the bankruptcy court, whichever is appropriate" before the period at the end thereof;

(3) by striking out "where registered" and inserting in lieu thereof "where entered".

(4) by adding at the end thereof the following new undesignated paragraph:

"An order of discharge or an order of confirmation in a case under title 11 which has become final may be registered in any other district by filing in the office of the clerk of the bankruptcy court of that district a certified copy of the order and when so registered shall have the same effect as an order of the bankruptcy court of the district where so registered and may be enforced in like manner.".

SEC. 233. Section 1964 of title 28 of the United States Code is amended by inserting "or bankruptcy court" immediately after "district court" each place it appears.

SEC. 234. Section 2075 of title 28 of the United States Code is amended by striking out "in cases under title 11" and inserting "in cases under title 11 and in proceedings arising under title 11 or arising in or related to cases under title 11" in lieu thereof.

SEC. 235. Section 2256(1)(C) of title 28 of the United States Code is amended by inserting "or under title 11" immediately after "title".

SEC. 236. (a) Section 1914 of title 28 of the United States Code is amended by striking out subsection (d).

(b) The District of Columbia Code is amended—

(1) in section 15–701(a), by striking out "clerk of the United States District Court for the District of Columbia,";

(2) in section 15–703—

(A) by striking out "(b)" and subsection (a); and

(B) in the catchline of such section by striking out "Deposit for costs; security" and inserting in lieu thereof "Security";

(3) in section 15–704—

(A) in subsection (a) by striking out "(a)" and by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "the Superior Court of the District of Columbia"; and

(B) by striking out subsection (b);

(4) by striking out section 15–706;

(5) in section 15–712 by striking out "Any District of Columbia Court" and inserting in lieu thereof "The Superior Court of the District of Columbia and the District of Columbia Court of Appeals"; and

(6) in the analysis of sections for chapter 7 of title 15, by striking out the item relating to section 15–706.

TITLE III—AMENDMENTS TO THE ACT OF NOVEMBER 6, 1978

SEC. 301. The title of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies", approved November 6, 1978 (Public Law 95–598; 92 Stat. 2549) (hereinafter in this title referred to as the "Act") is amended to read as follows: "An Act to establish a uniform law on the subject of bankruptcies".

SEC. 302. The Act is amended by inserting after the enacting clause the following: "That this Act may be cited as the 'Bankruptcy Reform Act of 1978'."

SEC. 303. Section 216 of the Act is amended by striking out "record" and inserting "records" in lieu thereof.

SEC. 304. Section 222 of the Act is amended by striking out "assistance" and inserting "assistants" in lieu thereof.

SEC. 305. Section 232 of the Act is repealed.

SEC. 306. Section 308(f)(3) of the Act is amended by striking out "'C'" and inserting "'(C)'" in lieu thereof.

SEC. 307. Section 402(c) of the Act is amended—

(1) by striking out "210," and inserting "205, 206, 207, 211, 213," in lieu thereof;

(2) by inserting "226," immediately after "225,"; and

(3) by inserting "248" immediately after "246,".

SEC. 308. (a) Section 403(a) of the Act is amended by striking out "this Act" and inserting "the provisions of this Act other than this subsection and subsections (b) and (d) of this section" and by striking out "the Act" and inserting "such provisions".

(b) Section 403(b) of the Act is amended by inserting "or after" immediately after "on".

(c) Section 403(e) of the Act is amended to read as follows:

"(e) Notwithstanding subsection (a) of this section—

"(1) the amount by which a fee exceeds $100,000 may not be charged under section 40c(2)(b) of the Bankruptcy Act in a case in which the plan is confirmed after September 30, 1979;

"(2) after September 30, 1979, all moneys collected for payment into the referees' salary and expense fund in cases filed under the Bankruptcy Act shall be collected and paid into the general fund of the Treasury; and

"(3) any balance in the referees' salary and expense fund in the Treasury on October 1, 1979, shall be transferred to the general fund of the Treasury and the referees' salary and expense fund account shall be closed.".

SEC. 309. (a) Section 404(b) of the Act is amended to read as follows:

"(b) The term of a referee in bankruptcy who is serving on the date of enactment of this Act is extended to and expires on March 31, 1984, or when his successor takes office, and such person shall have the title United States bankruptcy judge. During the period commencing on October 1, 1979, and ending on March 31, 1984 (hereinafter in this title referred to as 'the transition period'), unless a bankruptcy judge is certified to be not qualified by the Chief Judge of the Circuit Court after a finding that such judge is not qualified is made by a merit screening committee established under subsection (c) of this section, such judge shall serve in the court of bankruptcy continued under subsection (a) of this section to which such United States bankruptcy judge was appointed, in the manner prescribed by this title. Section 8335(a) of title 5 of the United States Code shall not apply to United States bankruptcy judges during the transition period. During the transition period, United States bankruptcy judges shall be exempt from annual and sick leave laws and regulations".

(b) Section 404(c) of the Act is amended by striking out the first sentence and inserting in lieu thereof the following new sentence: "There shall be established for each judicial district a merit screening committee composed of the president or the designee of the president of the State bar association, the president or designee for the president of a local bar association for the area within the judicial district wherein a referee in bankruptcy maintains his official headquarters and the dean, or designee of the dean, of an accredited law school, if any, located within the judicial district or State, and if no such law school exists, then a lay member selected by the chief judge of the United States district court for the judicial district wherein the referee in bankruptcy maintains his official headquarters.".

(c) Section 404(d) of the Act is amended by striking out "41,".

(d) Section 404(e) of the Act is amended by inserting immediately after the first sentence the following new sentence: "Bankruptcy judges for the district shall decide where the headquarters office of the clerk of the bankruptcy court shall be located.".

(e) Section 404 of the Act is amended by adding at the end thereof the following new subsections:

"(h) During the transition period, the powers granted under section 2071 of title 28 of the United States Code shall be exercised by the United States bankruptcy court of a district, exclusive of the district court of such district, for the purpose of promulgating local rules of procedure to be applicable in cases and proceedings before a United States bankruptcy judge of such court, and such powers shall be exercised for such purpose by the appellate panels created under section 160 title 28 of the United States Code to be applicable in appeals before such an appellate panel.

"(i) During the transition period, sections 155, 156 157, 158, and 159 of title 28 of the United States Code, contained in section 201 of this Act, and the amendment contained in section 210 of this Act, shall apply to the courts of bankruptcy continued under section 404(a) of this Act the same as such amendments apply to the United States bankruptcy courts established under section 201 of this Act, except that the age limitation specified in section 155(a) shall not apply during such period.".

SEC. 310. (a) Section 405(a) of the Act is amended—

(1) by striking out "such cases" the first place it appears and inserting "in all cases under title 11 or arising in or related to a case under title 11 pending during the transition period" in lieu thereof; and

(2) in paragraph (1)(C), by inserting ", except as provided in subsection (c) of this section" immediately before the period at the end thereof.

(b) Section 405(c)(2) of the Act is amended by inserting "240," immediately after "238,".

(c) Section 405(d) of the Act is amended by striking out "248" and inserting "247" in lieu thereof.

SEC. 311. Section 406(b) of the Act is amended by inserting immediately after the first sentence the following new sentence: "The recommendations may provide for a bankruptcy judge to serve in more than one judicial district, without regard to the circuits in which such districts are located, if such districts are contiguous.".

SEC. 312. Section 407(c) of the Act is amended by striking out "332" and inserting "333" in lieu thereof.

SEC. 313. Section 408 of the Act is amended by adding at the end thereof the following new subsection:

"(d) During the transition period, section 604(h) of title 28 of the United States Code does not apply to bankruptcy courts for districts listed in section 581(a) of such title.".

SEC. 314. Section 409(a)(1) of the Act is amended by striking out "September 30, 1983" and inserting "March 31, 1984" in lieu thereof.

TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. Section 19 of the Commodity Exchange Act (7 U.S.C. 24) is redesignated as section 20 of such Act.

SEC. 402. Section 4(e) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499d(e)) is amended—

(1) by inserting "under the Bankruptcy Act or been a debtor in a case filed under title 11 of the United States Code or received a dishcarge in such case" immediately after "bankrupt" the first place it appears; and

(2) by inserting "under the Bankruptcy Act or which has been a debtor in a case filed under title 11 of the United States Code" immediately after "bankrupt" the second place it appears.

SEC. 403. (a) Section 6(d) of the Securities Investor Protection Act (15 U.S.C. 78fff(d)) is amended by striking out "section 16(5)(A)" and inserting "section 16(4)(A)" in lieu thereof.

(b) Section 8(e)(4)(C) of such Act (15 U.S.C. 78fff2(e)(a)(4)(C)) is amended by striking out "section 9(a)(5)" and inserting "section 9(a)(4)" in lieu thereof.

SEC. 404. Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended by inserting ", except for cases under chapter 13 or chapter XIII, as the case may be, which antedate the report by more than 6 years" immediately after "years".

SEC. 405. Section 151 of title 18 of the United States Code is amended by striking out "mean" and inserting "means" in lieu thereof.

SEC. 406. Section 1961(1)(D) of title 18 of the United States Code is amended by inserting "under the Bankruptcy Act or" after "case.".

SEC. 407. Section 424(b)(3)(B) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 934(b)(3)(B)) is amended by striking out "the Bankruptcy Act" and inserting "title 11 of the United States Code" in lieu thereof.

SEC. 408. Section 3468 of the Revised Statutes of the United States (31 U.S.C. 193) is amended by adding at the end thereof the following new sentence: "This section does not apply, however, in a case under title 11 of the United States Code or in a case arising in or relating to a case under such title.".

SEC. 409. Section 456 of the Social Security Act is amended by inserting after subsection (a) the following new subsection:

"(b) A debt which is a child support obligation assigned to a State under section 402(a)(26) is not released by a discharge in bankruptcy under the Bankruptcy Code or Bankruptcy Act.".

SEC. 410. (a) Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767, as amended: 31 U.S.C. 241), is amended as follows:

(1) by striking out "$15,000" in subsection (a)(1) and inserting in lieu thereof "$25,000"; and

(2) by striking out "$15,000" in subsection (b)(1) and inserting in lieu thereof "$25,000".

(b) The amendments provided in subsection (a) of this section shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment of this Act.

TITLE V—RELATED PROVISIONS OF LAW

SEC. 501. Nothing in any provision of Federal or State law shall operate to prevent, stay, or otherwise prohibit a stockbroker or securities clearing agency from exercising a contractual right to liquidate a securities contract or to cause the liquidation of a securities contract, nor shall any court issue any order preventing, staying, or otherwise prohibiting the exercise of such contractual right, unless such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or is required because of a threat to the national security. As used in this section, the term—

(1) "contractual right" includes, but is not limited to, a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency; and

(2) "securities contract" means a securities contract as defined in section 741 of title 11 of the United States Code.

SEC. 502. No provision of Federal or State law shall operate to prevent, stay, or otherwise prohibit a commodity broker or forward contract merchant from exercising a contractual right to liquidate a commodity contract or forward contract, or to cause the liquidation of a commodity contract or forward contract, and no court may issue any order preventing, staying, or otherwise prohibiting the exercise of such contractual right unless such order is required because of a threat to the national security. As used in this section, the term—

(1) "contractual right" includes, but is not limited to, a right set forth in a rule or bylaw of a clearing organization or a contract market or in a resolution of the governing board thereof; and

(3) "commodity contract" means a commodity contract as defined in section 761 of title 11 of the United States Code.

SEC. 503. During the period beginning on the date of the enactment of this Act and ending on April 1, 1984, the amendments contained in sections 222, 223, 224, 225, 226, and 236 shall apply to courts of bankruptcy continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-589; 92 Stat. 2549).

SEC. 504. This Act may be cited as the "Bankruptcy Amendments Act of 1980".

TITLE VI—EFFECTIVE DATES

SEC. 601. (a) Except as provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act and shall apply only to cases filed under title 11 of the United States Code after such date.

(b) The amendments made by sections 201, 202, 204, 205, and 210(1) of this Act shall take effect on April 1, 1984.

Mr. EDWARDS of California (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I would like to ask a question of the distinguished chairman of the subcommittee.

There is an amendment to section 1129 (a)(10) which seems to change the standards for confirmation of a plan under chapter 11. Our report indicates that this is a stylistic change. Would the gentleman from California please inform me if there is anything more than just style that is involved in this proposed change.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to respond to the gentleman from Wisconsin.

The proposed amendment to section 1129(a)(10) is described as stylistic because it rephrases the provision to conform to what was Congress original intention. As presently worded, the provision is capable of interpretation and application in a way other than as originally intended.

Section 1129(a)(10) is intended to require that before a debtor's plan can be confirmed at least one class of creditors must accept it. A plan should not be confirmable over the objections of all creditors. However, in expressing this intention, the present language failed to adequately differentiate between creditors whose claims are impaired and creditors whose claims are not impaired. This is an important distinction because of practices that became common under chapter XII of the former act which practices Congress intended to eliminate.

The style of the proposed amendment is a much clearer and accurate presentation of the original intent.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for his explanation; I begin to understand the proposed amendment and the necessity for it. However, I wonder if I might pursue this a bit further so that the record clearly reflects what the original intention was and how that is more properly reflected in the amendment.

Mr. Speaker, I wonder whether the gentleman from California would elaborate further on this provision.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to further explain the intent behind section 1129(a)(10).

Under chapter XII of the former act, debtors were able to cram down on nonaccepting creditors a plan which no creditor whose claim had been impaired had agreed to. In real estate syndications where there were few classes of creditors, a few small creditors and a few large ones, the debtor could propose to pay to a first mortgagee 100 percent of the claim, obtain that creditor's acceptance, and then cram down a plan on all the remaining creditors which proposed to pay substantially less than the amount of those creditors' claims. Frequently, where there were several creditors of the same class, one such creditor was classified differently and then proposed to be paid the full amount of the claim.

This then served as the basis for that creditor to accept the proposed plan which then in turn served as the basis for cramming down the plan with respect to all other creditors who would be paid less than their claims. This clearly was a practice Congress intended to eliminate. Creditors whose claims were impaired by the debtor's proposal to pay less than 100 percent should not be forced to accept a plan unless some other creditor whose claim was impaired had agreed to the plan.

Therefore, Mr. Speaker, under 1129(a)(10) as it is proposed to be amended, a creditor whose claim is impaired under section 1124 must first accept the debtor's plan before the plan can be crammed down with respect to other impaired nonaccepting creditors.

Mr. SENSENBRENNER. Mr. Speaker, I now see the reason for the change and thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

Mr. BUTLER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman of the subcommittee a question about section 365 (h) of title 11, as it presently is written.

The language of that section appears to give the lessee from a debtor in bankruptcy a power such lessee would not have outside bankruptcy. I am referring to the language that says that such a lessee may treat as terminated an unexpired lease where the trustee has rejected the lease. Does this mean that if the contract between that lessee and his mortgagee contains a provision whereby the mortgagor-lessee agrees not to terminate the lease, section 365(h) overrides it?

Mr. EDWARDS of California. Mr. Speaker, I am pleased to respond to the gentleman from Virginia.

Section 365(h) is not intended to provide the debtor's lessee rights that would not otherwise exist outside of bankruptcy.

Mr. BUTLER. Mr. Speaker, I thank the gentleman from California, and I withdraw my reservation of objection.

Mr. EDWARDS of California. Mr. Speaker, the amendment to the Senate amendment is required to correct a number of technical errors in the Senate's amendment, to delete several items from that amendment, and to restore the provision for changing the basis for retirement of bankruptcy judges which was deleted by the Senate amendment.

Mr. Speaker, although the Senate did amend S. 658 as passed by this House, nevertheless the Senate's amendment is basically S. 658 as so passed by this House on September 22 of this year. Therefore, there is little need for extended discussion. Reference may be had to the committee's Report 96–1195. Even though there may be slight differences between the language in the September 22 version and that considered today, this should not vitiate the applicability of that report; this should be true also where the differences are merely with regard to the location of the subject matter dealt with.

Mr. Speaker, the provision for the retirement of bankruptcy judges is restored because now, as compared with the treatment of the subject in the September 22 version, bankruptcy judges' retirement will be very much in line with what was recommended and adopted by the Judicial Conference of the United States. Specifically, the retirement benefits are provided on a contributory basis rather than noncontributory, which was the case in the earlier version.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the legislation under consideration.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

☐ 1430

CLARIFYING CERTAIN PROVISIONS OF CUSTOMS COURTS ACT OF 1980

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3235) to clarify certain effective date provisions of the Customs Courts Act of 1980, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. McCLORY. Mr. Speaker, reserving the right to object, will the gentleman from Missouri (Mr. VOLKMER) tell us what this bill does?

I yield to the gentleman from Missouri for that purpose.

Mr. VOLKMER. Mr. Speaker, S. 3235 provides for a technical amendment to Public Law 96–417, the Customs Courts Act of 1980. This legislation unanimously passed the House under suspension of the rules on September 22, 1980. Two days later on September 24, 1980, the Senate considered the Senate bill, S. 1654, with the House language and passed it by unanimous consent. On

October 10, 1980, the President signed S. 1654 into law.

Since that time, it has come to the attention of the House Judiciary Committee that there is an ambiguity in the drafting of the effective date provision of the Customs Courts Act of 1980. This ambiguity already has caused some confusion in the minds of several interested parties with regard to the effect of certain provisions in the act on pending cases.

S. 3235 directly addresses this problem and clarifies the committee's intent as to the effective date of Public Law 96–417. This bill clearly follows the committee's intent as reflected in its report on the Customs Courts Act and as reflected in the floor debate of September 22, 1980.

It was the Judiciary Committee's intent to have the Customs Courts Act of 1980 take effect on a date certain. Prior to the House's consideration of the Customs Courts Act of 1980, there was an understanding to delete from the effective date provision the phrase "the date of enactment" and substitute in its place more precise language "November 1, 1980." In this way, all interested parties, potential litigants, the Government, and the court would be certain of the effective date of all of the provisions of the Customs Courts Act of 1980, thereby removing any possible hardship that could be occasioned by the uncertainty of "the date of enactment" language. However, in endeavoring to provide for a precise effective date, a subsection referring to certain provisions of the Customs Courts Act of 1980 was inadvertently deleted. This legislation corrects the ambiguity occasioned by the deletion of that subsection. In so doing, this legislation returns to the langauge found in the bill, as reported by the Judiciary Committee. The lone modification is the substitution of "November 1, 1980" for the "date of enactment" language, as was indicated in the floor debate on September 22, 1980. In adopting S. 3235, Congress clearly will be carrying out the committee's desired intent with respect to the effective date of the Customs Courts Act of 1980.

Accordingly, I urge my colleagues to support the passage of this proposal.

Mr. McCLORY. Mr. Speaker, further reserving the right to object, this bill simply rectifies a drafting error which was inadvertently perpetuated when amendments were adopted just prior to the passage of the Customs Courts Act under suspension of the rules. It returns to the act a subsection tying certain sections of the Customs Courts Act to the effective date. It does no more than restore the original language and return to the original intention of the bill as reported by the Judiciary Committee, while specifying November 1, 1980, as the effective date.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 701(a) of the Customs Courts Act of 1980 (94 Stat. 1747; 28 U.S.C. 251 note) is amended—

(1) by striking out "provided in subsection (b) of" and inserting in lieu thereof "otherwise provided in"; and

(2) by adding immediately before the period at the end thereof the following: "and shall apply with respect to civil actions pending on or commenced on or after such date".

(b) Section 701 of the Customs Courts Act of 1980 (94 Stat. 1747; 28 U.S.C. 251 note) is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b)(1) The following sections of title 28, United States Code, shall apply with respect to civil actions commenced on or after the effective date of this Act:

"(A) Sections 1581(d), 1581(g), 1581(h), 1581(i), and 1583, as amended by section 201 of this Act.

"(B) Sections 2631(d), 2631(g), 2631(h), 2631(i), 2631(j), 2632(a), 2635, 2636, 2637(c), 2639(b), 2640(a)(5), 2640(c), 2640(d), 2643(a), 2643(c)(2), 2643(c)(4), and 2644, as amended by section 301 of this Act.

"(C) Section 1876, as added by section 302(a) of this Act.

"(D) Sections 2601 and 2602, as amended by section 403 of this Act.

"(E) Section 1919, as amended by section 510 of this Act.

"(F) Section 1963A, as added by section 511(a) of this Act.

"(2) Sections 337(c) and 641(b) of the Tariff Act of 1930, as amended by sections 604 and 611 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.

"(3) Section 284 of the Trade Act of 1974, as added by section 613 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.".

Sec. 2. Section 516A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(3)) is amended by striking out "subsections (b), (c), and (e) of".

Sec. 3. The amendments made by this Act shall be effective as of November 1, 1980.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT, TITLE I, AUTHORIZATION, 1980–82

Mr. STUDDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1148) to reauthorize title I of the Marine Protection, Research, and Sanctuaries Act, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment with an amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:

Section 1. Section 111 of the Marine Protection, Research, and Sanctuaries Act is amended by striking "and" following "1977," and inserting "not to exceed $2,000,000 for each of fiscal year 1980, fiscal year 1981, and fiscal year 1982," immediately after "1978,".

Sec. 2. Section 4 of Public Law 95–153 (33 U.S.C. 1412a) is amended—

(1) by amending subsection (a)—

(A) by inserting "and industrial waste" immediately after "sewage sludge",

(B) by striking out "Public Law 92–532" and inserting in lieu thereof "the Marine Protection, Research, and Sanctuaries Act of 1972",

(C) by inserting ", except as provided in subsections (b) and (c)," immediately before "in no case", and

(D) by striking out "the Marine Protection, Research, and Sanctuaries" and inserting in lieu thereof "such"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) After December 31, 1981, the Administrator may issue permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines—

"(1) that the proposed dumping is necessary to conduct research—

"(A) on new technology related to ocean dumping, or

"(B) to determine whether the dumping of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities;

"(2) that the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities and the marine environment, ecological systems, and economic potentialities; and

"(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping. No permit issued by the Administrator pursuant to this subsection may have an effective period of more than six consecutive months.

"(c) After December 31, 1981, the Administrator may issue emergency permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines that there has been demonstrated to exist an emergency, requiring the dumping of such waste, which poses an unacceptable risk relating to human health and admits of no other feasible solution. As used herein, 'emergency' refers to situations requiring action with a marked degree of urgency.

"(d) For purposes of this section—

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities; and

"(2) the term 'industrial waste' means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities.".

SEC. 3. Section 102(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1412(e)) is further amended—

(1) by inserting after "transportation of material," the words "by an agency or instrumentality of the United States or", and

(2) by striking out "section." and inserting "section: *Provided*, That in the case of an agency or instrumentality of the United States, no application shall be made for a permit to be issued pursuant to the authority of a foreign State Party to the Convention unless the Administrator concurs in the filing of such application.".

SEC. 4. Title II of the Marine Protection, Research, and Sanctuaries Act is amended by adding at the end thereof the following new section:

"SEC. 205. The Administrator of the Environmental Protection Agency is authorized to conduct a study to assist the city of New York in evaluating the technological options available for the removal of heavy metals and other toxic organic materials from the sewage sludge of the city of New York. The study shall also examine options available to reduce the amount of such pollutants entering the sewage system. The study is to be completed by July 1, 1981.".

The Clerk read the House amendment to the Senate amendment to the House amendment, as follows:

On page 4 of the Senate engrossed amendment, between lines 22 and 23 insert the following:

"SEC. 4. Section 106 of the Marine Protection. Research and Sanctuaries Act of 1972, as amended (33 U.S.C. 1416) is further amended by adding at the end thereof the following new subsection:

"'(f) Notwithstanding any other provision of law (and notwithstanding the specific exclusion relating to dredged material in the first sentence of section 102(a) of this Act), any permit issued under section 404 of the Clean Water Act of 1977 for the dumping of dredged materials in Long Island Sound shall comply with the criteria established pursuant to the second sentence of section 102(a) of this Act relating to the effects of the dumping.'"

On page 4 of the Senate engrossed amendment, line 23, designate "SEC. 4." as "SEC. 5.".

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the House amendment to the Senate amendment to the House amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Massachusetts?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I will not object, but I think the House should have some understanding of what we are doing, and for that purpose I yield to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. STUDDS), who is handling this legislation.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 1148 reauthorizes title I of the Marine Protection, Research, and Sanctuaries Act of 1972—commonly known as the Ocean Dumping Act. This bill differs from H.R. 6616, the comparable House-passed bill in only four respects:

First. S. 1148 calls for a 2-year, rather than 1-year, authorization;

Second. S. 1148 authorizes funding of $2,000,000 annually in 1981 and 1982, instead of the $3,039,000 authorized for 1981 in the House bill;

Third. S. 1148 authorizes a study by the Environmental Protection Agency aimed at helping New York City cope with its sewage sludge disposal problems; and

Fourth. S. 1148 does not include an amendment which the House added to include Long Island Sound within the area covered by the Ocean Dumping Act for the purpose of regulating the dumping of dredge spoil.

Of these changes, only the issue of dredge spoil disposal in Long Island Sound has been a matter of controversy. We have attempted to develop language which would assure that the environmental testing criteria for dumping waste in Long Island Sound are at least as strong as those used in regulating such dumping in the open ocean. At the same time, we wish to make certain that local communities and interested parties are allowed to participate in the regulatory process, and that changes in existing law and procedure are limited to those strictly necessary to achieve the goal we seek.

The language we have before us would require that any permit issued for the dumping of dredged materials in Long Island Sound be conditioned on compliance with the criteria established pursuant to the Ocean Dumping Act.

This language represents a compromise between the proposal initially offered by the gentleman from New York (Mr. AMBRO) and that offered, initially, in vain, by the gentleman from Connecticut (Mr. MCKINNEY).

The action we are taking is, as I understand it, fully in accord with the approach now supported by the involved Federal agencies, specifically the Environmental Protection Agency and the Army Corps of Engineers. These agencies agree that the criteria established under the Clean Water Act should be at least as strong as those used to regulate ocean dumping, and regulations will soon be issued aimed at moving us closer to this goal.

We need to remember. in addition. that dealing with the problem in Long Island Sound is only one small part of this bill. The Ocean Dumping Act enjoys widespread support among Members of both parties in both Houses of Congress. This reauthorization legislation will make certain that the act continues to function effectively.

Mr. FORSYTHE. Mr. Speaker, I thank the subcommittee chairman, and I join with him in urging that the bill be adopted.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Massachusetts?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF REPORTS FROM COMMITTEE ON RULES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 822 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 822

Resolved, That it shall be in order at any time during the remainder of the second session, Ninety-sixth Congress, to consider reports from the Committee on Rules as provided in clause 4(b), rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during said period.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of the end-of-Congress resolutions. I know of no opposition to it; none appeared in the Committee on Rules.

Mr. Speaker, I reserve the balance of my time, and I yield one-half hour to the gentleman from Missouri (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 822, suspends a provision of House rule 11 relating to privileged reports from the Committee on Rules for the remainder of this session.

As the distinguished chairman of the committee, the gentleman from Missouri (Mr. BOLLING) has explained, the resolution suspends clause 4(b) of rule XI, and thereby waives the requirement of a two-thirds vote in order to gain same day consideration of reports from the Committee on Rules.

Under rule XI, a privileged report from the Committee on Rules may be considered on the same legislative day only by a two-thirds vote. The provisions of clause 4(b) do not apply, according to the wording of its provisions, during the last 3 days of the session.

The suspension contained in House Resolution 822 would not be necessary, therefore, if we were certain that today was within the last 3 days of the session. This waiver is only necessary because the

House has not taken up and passed a sine die adjournment resolution.

Today is Wednesday, and if the announced intentions of the leadership come to pass and we do adjourn sine die on Friday, then this would be the third day before adjournment and the waiver would be automatic under the rules. In that situation, the resolution proposed by the chairman would not be necessary.

I think most of the Members of the House would prefer to know that Friday will, in fact, be the day of our adjournment. It would be much better, and we would have a more orderly conclusion of our necessary legislative business in these last 3 days if we could rely on Friday as the day of adjournment.

This resolution will almost certainly guarantee chaos in the closing days of this lameduck session, because it will permit the same day consideration by the House of reports from the Committee on Rules—reports that could well determine the order of business and reports that may very well waive all manner of germaneness and other rules of the House.

It is true, I would hasten to add, that without this resolution the majority is able to gain same day consideration of truly emergency matters by mustering two-thirds of the Members. We all recognize that on highly controversial matters, the chances of mustering the required two-thirds are poor. The damage we do under this resolution, however, is to take away from the minority their possibility of stopping bad legislation by being able to muster one third of the membership.

Depending on one's viewpoint, there are good reasons to oppose this resolution.

There was no opposition to the resolution in the Committee on Rules, however, and I know of no organized opposition to it on the part of the minority leadership here on the floor.

I would like to inquire of the chairman, however, for the sake of the minority, as to whether he has any intention to call a meeting of the Committee on Rules later today, or tomorrow, or Friday. And if he does, can he tell us what might be the subject matter of reports coming from the committee for which he might seek same day consideration?

Mr. BOLLING. Mr. Speaker, if the gentleman will yield, I would be delighted to tell him that I have no present intention, but there may be some emergency that will require a meeting, in which case the Chair will consult with the appropriate Members and have the meeting. But at this time, I have no such intention because I know of no such emergency.

Mr. TAYLOR. Mr. Speaker, this procedure was adopted in both the 94th and 95th Congresses, over the opposition of the minority at that time. Allowing same day consideration of reports from the Committee on Rules can be dangerous business; but I am willing to take the gentleman from Missouri at his word because I have learned from him over the past 6 months of my service on the committee, and I believe in his respect for the rights of all Members.

Mr. Speaker, at this time I yield such time as he may require to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, House Resolution 822 takes away whatever protection is left the Members of the House after the passage of House Resolution 621, which conferred upon the Speaker the ability, among other things, to declare suspensions upon an hour's notice.

The Members of the House will note that he did use that power immediately upon receiving it by calling up perhaps the most complicated bill that we will face in this House this year under a procedure in which there will be no amendments and only 40 minutes of debate.

I think that is outrageous. I think it does discredit to the traditions of this House. I think that throwing away the rules in the last moments of the House of Representatives is a really reckless procedure. We really need the protection of those rules more in the last moments than we do at any other time.

Every legislative body about which I have ever had any knowledge has always passed a large portion of its legislation in the last few days of its session. This House is one egregious example of legislative bodies which act recklessly in their last moments.

In passing this resolution and in passing the resolution that preceded it, we have opened up the gates. We have provided a procedure which could allow all sorts of legislation to be passed without proper scrutiny, without amendment, and without proper debate.

I do not think that is what the people expect of this House of Representatives. I do not think that is the way they want the laws of their land written, and I would suggest that the Members who have some respect for procedures, for the normal way of doing business, and for protecting the people's interests will want to vote against this resolution. I certainly shall.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 144, answered "present" 1, not voting 65, as follows:

[Roll No. 661]

YEAS—222

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Aspin
Atkinson
AuCoin
Bailey
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Byron
Chappell
Chisholm
Clay
Coelho
Conyers
Cotter
Crockett
D'Amours
Daniel, Dan
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fowler
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Gore
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Harris
Hawkins
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jacobs
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Latta
Leach, La.
Lederer
Lehman
Leland
Lent
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Maguire
Markey
Matsui
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Reuss
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Sharp
Shelby
Skelton
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauzin
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Yates
Yatron
Zablocki
Zeferetti

NAYS—144

Abdnor
Anderson, Ill.
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bereuter
Bethune
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Carr
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derwinski
Devine
Dornan
Dougherty
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Findley
Forsythe
Fountain
Frenzel
Gilman
Gingrich
Goodling
Gradison
Grassley
Green
Grisham
Guyer
Hagedorn
Hammerschmidt
Hansen
Harsha
Heckler
Hinson
Hollenbeck
Holt

Hopkins
Hyde
Ichord
Jeffords
Jeffries
Kemp
Kindness
Kramer
Lagomarsino
Leach, Iowa
Lee
Levitas
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
Madigan
Marks
Marlenee
Marriott
Martin
Michel
Miller, Oiho
Mitchell, N.Y.
Moore
Moorhead,
  Calif.
Myers, Ind.
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quayle
Regula
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Simon
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stockman
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Whitehurst
Whittaker
Williams, Ohio
Wilson, Bob
Winn
Wylie
Young, Fla.

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—65

Ambro
Applegate
Ashley
Baldus
Beard, R.I.
Bonior
Bowen
Cavanaugh
Collins, Ill.
Corman
Crane, Philip
Davis, S.C.
Deckard
Dickinson
Duncan, Oreg.
English
Evans, Ga.
Fenwick
Fish
Ford, Mich.
Frost
Garcia
Goldwater
Gramm
Guarini
Hance
Hanley
Harkin
Hillis
Horton
Jenrette
Johnson, Colo.
Kelly
LaFalce
Leath, Tex.
Lewis
McCloskey
McKinney
Mathis
Mattox
Mavroules
Mitchell, Md.
Moorhead, Pa.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Obey
Railsback
Rhodes
Richmond
Rodino
Santini
Schroeder
Shannon
Spellman
Stark
Thompson
Traxler
Wampler
Wilson, C. H.
Wyatt
Wydler
Young, Alaska
Young, Mo.

☐ 1450

The Clerk announced the following pairs:

Mr. Shannon with Mr. Cavanaugh.
Mr. Thompson with Mr. Goldwater.
Mr. Rodino with Mr. O'Brien.
Mr. Richmond with Mr. Philip M. Crane.
Mr. Obey with Mr. Deckard.
Mr. Applegate with Mr. Gramm.
Mr. Bonior of Michigan with Mr. Hillis.
Mrs. Collins of Illinois with Mr. Railsback.
Mr. Ford of Michigan with Mr. Wampler.
Mr. Frost with Mrs. Fenwick.
Mr. Hanley with Mr. Dickinson.
Mr. Guarini with Mr. Horton.
Mr. LaFalce with Mr. Johnson of Colorado.
Mr. Mavroules with Mr. Kelly.
Mr. Mitchell of Maryland with Mr. Lewis.
Mr. Santini with Mr. Young of Alaska.
Mr. Murphy of New York with Mr. Wydler.
Mrs. Schroeder with Mr. McCloskey.
Mr. Moorhead of Pennsylvania with Mr. McKinney.
Mr. Young of Missouri with Mr. Wyatt.
Mr. Stark with Mr. Nedzi.
Mr. Corman with Mr. Mattox.
Mr. Ambro with Mr. Leath of Texas.
Mr. Bowen with Mr. Duncan of Oregon.
Mr. Baldus with Mr. Fish.
Mr. Ashley with Mr. Beard of Rhode Island.
Mr. Garcia with Mr. Harkin.
Mr. English with Mr. Charles H. Wilson of California.
Mr. Davis of South Carolina with Mr. Evans of Georgia.
Mr. Hance with Mr. Jenrette.
Mr. Mathis with Mr. Neal.

The resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, December 2, 1980, this is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

ALICE W. OLSON, LISA OLSON HAYWARD, ERIC OLSON, AND NILS OLSON

The Clerk called the bill (H.R. 5160) to amend the act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SEATTLE POST-INTELLIGENCER

The Clerk called the bill (H.R. 8363) for the relief of the Seattle Post-Intelligencer.

There being no objection, the Clerk read the bill, as follows:

H.R. 8363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is, authorized and directed to settle and adjust the claim of Seattle Post-Intelligencer, for advertisements published for the Department of the Army, and to allow in full and final settlement of such claim the sum of $76.48. Such amount shall be payable from the applicable appropriation of the Department of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEWS TRIBUNE

The Clerk called the bill (H.R. 8364) for the relief of the News Tribune.

There being no objection, the Clerk read the bill, as follows:

H.R. 8364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the News Tribune for $34.32 for advertisements for the Civilian Personnel Office of the Ninth Infantry Division and Fort Lewis. The amount shall be payable from the applicable appropriations of the Department of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EQUITY ADVERTISING AGENCY, INC.

The Clerk called the bill (H.R. 8362) for the relief of Equity Advertising Agency, Inc.

There being no objection, the Clerk read the bill, as follows:

H.R. 8362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is, authorized and directed to settle and adjust the claim of Equity Advertising Agency, Incorporated, for advertisements published on March 23, 1980, for the Environmental Protection Agency, and to allow in full and final settlement of such claim the sum of $19,256.94. Such amount shall be repayable from the applicable appropriations of the Environmental Protection Agency.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED W. SLOAT

The Clerk called the Senate bill (S. 551) for the relief of Fred W. Sloat of Salt Lake City, Utah.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LARRY GRATHWOHL

The Clerk called the Senate bill (S. 576) for the relief of Larry Grathwohl.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BEATRICE BRAUDE

The Clerk called the Senate bill (S. 546) for the relief of Beatrice Braude.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GERALD W. FRYE

The Clerk called the Senate bill (S. 1307) for the relief of Gerald W. Frye.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ISSAC N. HULVER

The Clerk called the Senate bill (S. 442) for the relief of Issac N. Hulver of Kansas City, Mo.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JEWISH EMPLOYMENT VOCATIONAL SERVICE

The Clerk called the Senate bill (S. 444) for the relief of the Jewish Employment Vocational Service, St. Louis, Mo.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOE L. FRAZIER

The Clerk called the Senate bill (S. 453) for the relief of Joe L. Frazier of Elko, Nev.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GEORGE DAVID MAXWELL

The Clerk called the bill (H.R. 3396) for the relief of George David Maxwell, doctor of medicine.

There being no objection, the Clerk read the bill as follows:

H.R. 3396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $31,555.38, to George David Maxwell, doctor of medicine, of Athens, Georgia, in full settlement of his claims against the United States for reimbursement of amounts which he paid pursuant to the malpractice claims settlement entered into by Doctor Maxwell and Sam Kielwein on December 5, 1978. Such malpractice claims arose from the operation Doctor Maxwell performed on Lizzie Ethel Kielwein, the spouse of Sam Kielwein, while Doctor Maxwell was an employee of the United States Navy.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5: Strike "$31,555.38" and insert "$23,500.00".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. CLARENCE OVENSON

The Clerk called the bill (H.R. 4386) for the relief of Mr. and Mrs. Clarence Ovenson.

There being no objection, the Clerk read the bill, as follows:

H.R. 4386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $50,000, to Mr. and Mrs. Clarence Ovenson, of Saint Louis County and Koochiching County, Minnesota. Any amount paid under this Act shall be in full settlement of the claims of Mr. and Mrs. Ovenson arising from the acquisition by the United States of lots 1 and 2, section 33, township 71, range 20, in Saint Louis County and Koochiching County, Minnesota, but shall not affect any claims of Mr. and Mrs. Ovenson arising from the acquisition by the United States of any structures affixed to such lots.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5: Strike "Ovenson" and insert "Oveson".

Page 2, lines 3 and 7: Strike "Ovenson" and insert "Oveson".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. Clarence Oveson."

A motion to reconsider was laid on the table.

WILLIAM H. KOSS

The Clerk called the bill (H.R. 6011) for the relief of William H. Koss.

There being no objection, the Clerk read the bill, as follows:

H.R. 6011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, the sum of $2,937.59 to William H. Koss, of Charleston, South Carolina, an employee of the Department of Defense, in full satisfaction of all his claims against the United States for reimbursement of real estate expenses incurred due to moving from his residence in Colorado Springs, Colorado, to his new duty station in Charleston, South Carolina, in reliance upon Department of the Air Force Travel Order Numbered AG–28, issued March 4, 1972, which indicated Mr. Koss was authorized such real estate expenses.

SEC. 2. No part of the amount appropriated in the Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating this section shall be fined not more than $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That the Secretary of the Treasury is authorized and directed to pay to William H. Koss, out of money in the Treasury not otherwise appropriated, real estate transaction expenses incurred in connection with the sale of his former residence in Colorado Springs, Colorado, and the purchase of a new residence in Charleston, South Carolina, as authorized by Travel Order No. AC–28 issued March 4, 1972, and as determined by the Department of the Air Force in accordance with 5 U.S.C. § 5724a(a)(4) and implementing regulations, notwithstanding that the sale and purchase, respectively, were transacted incident to his permanent change of station from Cam Ranh Bay, Vietnam, to Charleston, South Carolina.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating this section shall be fined not more than $1,000.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID ROLAND WEAVER

The Clerk called the bill (H.R. 5016) for the relief of David Roland Weaver.

There being no objection, the Clerk read the bill as follows:

H.R. 5016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, David Roland Weaver, may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Leonard and Joan Weaver, a citizen and lawful permanent resident of the United States, respectively, pursuant to section 204 of this Act: *Provided,* That the natural parents, or brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Page 2, line 1: Strike "Joan Weaver, a citizen and lawful permanent resident of the United States, respectively" and insert: "Joanne Weaver, citizens of the United States".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1500

WELITA F. SEBASTIAN

The Clerk called the bill (H.R. 949) for the relief of Welita F. Sebastian.

There being no objection, the Clerk read the bill, as follows:

H.R. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Welita F. Sebastian may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by

Mr. and Mrs. Ernesto F. Sebastian, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORETTE IVOREE GAYLE

The Clerk called the bill (H.R. 2145) for the relief of Florette Ivoree Gayle.

There being no objection, the Clerk read the bill, as follows:

H.R. 2145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Florette Ivoree Gayle may be classified as a child within the meaning of section 101(b)(1)(F) of the Act (8 U.S.C. 1101(b)(1)(F)), upon approval of a petition filed in her behalf by Ellen Gayle, a citizen of the United States, pursuant to section 204 of the Act (8 U.S.C. 1154): *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Insert a new section 2 to read:

SEC. 2. That, for the purposes of the Immigration and Nationality Act, Keisha Dajaran Karr shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That the natural father or brother or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Florette Ivoree Gayle and Keisha Dajaran Karr."

A motion to reconsider was laid on the table.

RONALD REGESPI DOLIENTE

The Clerk called the bill (H.R. 2432) for the relief of Ronald Regespi Doliente.

There being no objection, the Clerk reat the bill, as follows:

H.R. 2432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ronald Regespi Doliente may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Robert Doliente, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ZORA SINGH SUNGA

The Clerk called the bill (H.R. 2433) for the relief of Zora Singh Sunga.

There being no objection, the Clerk read the bill, as follows:

H.R. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Zora Singh Sunga may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Bagga Singh Sunga, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURIP KARMOWIREDJO

The Clerk called the bill (H.R. 3138) for the relief of Surip Karmowiredjo.

There being no objection, the Clerk read the bill, as follows:

H.R. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Surip Karmowiredjo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(c) of such Act.

With the following committee amendment:

Strike all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Surip Karmowiredjo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Harold D. Smith, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. KERRY ANN WILSON AND JASON JOHN BARBA

The Clerk called the bill (H.R. 2533) for the relief of Mrs. Kerry Ann Wilson and Jason John Barba.

There being no objection, the Clerk read the bill, as follows:

H.R. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Kerry Ann Wilson and Jason John Barba shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by two numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendments:

Page 1, line 4, strike "and Jason John Barba".

Page 2, line 3, strike "aliens" and insert "alien".

Page 2, line 5, strike "two numbers" and insert "one number".

Page 2, line 9, strike "aliens'" and insert "alien's".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Kerry Ann Wilson.".

OLIVIA MANAOIS ABRASALDO

The Clerk called the bill (H.R. 2872) for the relief of Olivia Manaois Abrasaldo.

There being no objection, the Clerk read the bill, as follows:

H.R. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Olivia Manaois Abrasaldo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Romualdo and Concordia Magsanoc, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOY MARSIA DEHANEY

The Clerk called the bill (H.R. 3707) for the relief of Joy Marsia Dehaney.

There being no objection, the Clerk read the bill, as follows:

H.R. 3707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Joy Marsia Dehaney may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in her behalf by Beryl Millicent Dehaney, a lawfully resident alien of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMON IFERGAN MEARA

The Clerk called the bill (H.R. 4793) for the relief of Simon Ifergan Meara.

There being no objection, the Clerk read the bill, as follows:

H.R. 4793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Simon Ifergan Meara may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Sam Meara, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOO JUNG HE

The Clerk called the bill (H.R. 6044) for the relief of Woo Jung He.

There being no objection, the Clerk read the bill, as follows:

H.R. 6044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Woo Jung He may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Philip and Patricia Covello, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

I WEN WANG CHEN

The Clerk called the bill (H.R. 6069) for the relief of I Wen Wang Chen.

There being no objection, the Clerk read the bill, as follows:

H.R. 6069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, I Wen Wang Chen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Chao-Ming Chen and An-Mei Wang Chen, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OPPOSING GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

The Clerk called the resolution (H. Res. 816) opposing the granting of permanent residence in the United States to certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 816

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the aliens hereinafter named in which cases the Attorney General has submitted reports to Congress pursuant to section 13(c) of the Act of September 11, 1957 (71 Stat. 642–643):

[redacted] Carias, Tiburcio Castillo;
[redacted] Carias, Daisy Diaz;
[redacted] Carias, Sofia Bobak D.;
[redacted] Carias, Elena Maria;
[redacted] Carias, Margarita Isabel;
[redacted] Desanas, Julio Diego;
[redacted] Desanas, Maritica;
[redacted] Desanas, Lorena;
[redacted] Desanas, Julio Diego;
[redacted] Diaz, Juan Carlos;
[redacted] Harretche, Charles Albert;
[redacted] Kang, Eul-Mo;
[redacted] Kang, Kyung-Koo;
[redacted] Kang, Sang-Mo;
[redacted] Kang, Seung-Mo;
[redacted] Kang, Soon-Duk Lee;
[redacted] Kang, Young-Mo;
[redacted] Landas, Benjamin R.;
[redacted] Landas, Edgardo R.;
[redacted] Landas, Jose P. R.;
[redacted] Landas, Patrocinio F.;
[redacted] Landas, Roberto R.;
[redacted] Landas, Rosemarie R.;
[redacted] Menocal-Gadin, Manuel;
[redacted] Menocal, Gladys Yolanda;
[redacted] Menocal, Regina Ana;
[redacted] Menocal, Julio Lutgarto;
[redacted] Menocal, Klaudio Carolina;
[redacted] Mittelholzer, Sydney Paul;
[redacted] Mittelholzer, Bruce Andrew;
[redacted] Mittelholzer, Simon Anthony;
[redacted] Mittelholzer, Petta Nicola;
[redacted] Mittelholzer, Mary Sheila;
[redacted] Mittelholzer, Dominic;
[redacted] Moon, Chang-Hi;
[redacted] Moon, Han-Shick;
[redacted] Moon, Hank-Chan;
[redacted] Moon, Seock-Chan;
[redacted] Moon, Yu-Suk;
[redacted] Moon, Yun-Chan;
[redacted] Omara, John Murphy Humphrey;
[redacted] Omara, Phoebe Auma;
[redacted] Pille, Imelda M.;
[redacted] Pille, Lilia M.;
[redacted] Pille, Natividad M.;
[redacted] Pille, Pedro C.;
[redacted] Pille, Vincent M.;
[redacted] Prajapat, Ramji;
[redacted] Tsiang, Hui Chung Wu;
[redacted] Unni, Krishnan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OPPOSING GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

The Clerk called the resolution (H. Res. 817) opposing the granting of permanent residence in the United States to certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 817

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the alien hereinafter named in which case the Attorney General has submitted a report to the Congress pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended:

[redacted] Balaoen, Lucilo Mejia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO ESTABLISH REPOSITORIES FOR TRANSURANIC WASTE, HIGH-LEVEL RADIOACTIVE WASTE, AND SPENT FUEL

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 823 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 823

Resolved, That upon the adoption of this resolution it shall be in order, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, to consider the bill (H.R. 8378) to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes, in the House. The previous question shall be considered as ordered on the bill to final passage without intervening motion except (1) one amendment which may be offered by Representative Kostmayer of Pennsylvania, and said amendment if offered shall not be subject to amendment and shall not be subject to debate except such time as may be yielded by the manager of the bill.

and (2) one motion to recommit. After the passage of H.R. 8378, the House shall proceed, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, to the consideration of the bill (S. 2189), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 8378 as passed by the House. The previous question shall be considered as ordered on said amendment and on said Senate bill to final passage without intervening motion except one motion to recommit. It shall then be in order in the House to move to insist on the House amendment to S. 2189 and to request a conference with the Senate.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 823 makes in order the consideration of the bill. H.R. 8378, to establish licensed permanent repositories for transuric waste, high level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional depositories for low-level radioactive waste, and for other purposes.

The bill will be considered in the House under the 1-hour rule.

The previous question will be considered as ordered on the bill to final passage without intervening motion except one amendment, if offered by Representative KOSTMAYER, and one motion to recommit.

Representative KOSTMAYER'S amendment, which was printed in the November 21, CONGRESSIONAL RECORD, amends section 105 of the bill regarding the issue of States' authority to disapprove the selection of a repository site for the disposal of high-level radioactive waste, transuric waste, and spent fuel.

Section 105 of the bill provides that if the President submits to Congress a recommendation for approval of a repository site, and the State disapproves the selection, the State's disapproval is sustained if one House disapproves the site selection within 90 days of continuous session of Congress.

Representative KOSTMAYER'S amendment would strengthen the State's authority to disapprove a siting selection. The amendment would provide that if a State disapproves the selection of a repository site, the State's veto would prevail unless both Houses adopt a concurrent resolution within 90 days of continuous session disapproving the State's veto.

The amendment would not be subject to amendment or debate except such time as the manager of the bill yields.

The rule further provides that after passage of H.R. 8378, it is in order to consider in the House the Senate-passed bill, S. 2189, and to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the text of H.R. 8378 as passed by the House. The previous question will be considered as ordered on the Senate bill as amended without intervening motion except one motion to recommit. It will then be in order to move to insist on the House amendment to S. 2189 and to request a conference with the Senate.

Mr. Speaker, to insure that this legislation may be considered, a waiver of section 402a of the Budget Act, which requires that new budget authority be reported by May 15 preceding the beginning of the fiscal year in which it would take effect, is provided against consideration of both the House and the Senate bill.

Mr. Speaker, for 35 years this country has enjoyed the benefits of nuclear energy in such areas as medicine, electricity, research, and defense weapons production. Yet we have not accepted the responsibility for properly and permanently disposing of the accompanying waste. The volume of our nuclear wastes continues to grow each year. Presently our 50 States generate over 2,100 metric tons of commercial nuclear waste alone a year. We must have a national policy of nuclear waste management. We should have had one 35 years ago. We can wait no longer to build permanent repositories for radioactive wastes.

Title I of H.R. 8378 establishes a schedule for the siting, construction, and operation of licensed permanent repositories for transuric waste, high-level radioactive waste, and spent nuclear fuel.

Title II provides to the States the authority to enter into regional compacts for the establishment and operation of disposal sites for low-level radioactive waste.

This legislation provides that the States and the Federal Government share in the responsibility for resolving the issue of nuclear waste.

H.R. 8378 authorizes appropriations of $5 million for fiscal year 1981.

Mr. Speaker, it is essential that we move forward to the consideration of this legislation so that we can avert any problem that could threaten the public health and safety, as well as our defense and security, if our nuclear wastes are not properly and permanently disposed of. I urge my colleagues to adopt House Resolution 823.

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Mr. Speaker, I reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order consideration in the House of H.R. 8378. The rule waives section 402(a) of the Congressional Budget Act which requires that new budget authority be reported by May 15 preceding the beginning of the fiscal year. Consideration of this bill in the House has the effect of cutting off debate and ordering the previous question without intervening motion, except in this case a Kostmayer-Roth-Santini amendment may be offered; this amendment is not debatable or amendable. One motion to recommit is in order and after passage of H.R. 8378, consideration of the Senate bill, S. 2189, is made in order. The previous question is to be considered as ordered on the amendment and the Senate bill to final passage without any intervening motions, except a motion to recommit. It will then be in order to request a conference with the Senate.

The House's considerations of a nuclear waste bill has been a long time coming but even at this late date in the 96th Congress, legislation addressing the storage of nuclear waste is a very timely matter. For too long we have ignored the problem of how to dispose of our radioactive material and finally we have a consensus piece of legislation which is supported by Members on both sides of the aisle.

The bill provides a Federal program to insure the construction of safe, permanent repositories for nuclear wastes on a reliable timetable. The main issue here concerns the full participation of the individual States in selecting and licensing nuclear waste disposal sites. And to insure that the States' rights are protected in this decisionmaking, the rule makes in order an amendment which addresses this concern. The gentleman from Pennsylvania (Mr. KOSTMAYER) will offer an amendment which allows a State to object to a site selection unless a concurrent resolution of disapproval is passed by the Congress. The amendment provides that the States have an adequate guarantee in being able to fully participate in selecting disposal sites, but at the same time it encourages DOE to make site selections which are thoroughly sound.

We have tinkered and toyed with the matter of waste disposal but, so far, we have only scratched the surface of this often controversial issue. However, we cannot put off any longer our responsibility to provide safe and permanent storage of nuclear wastes. And, since we are finally facing the music on this sometimes politically unpopular legislation, I am particularly pleased that we will have a chance to vote on an amendment which strengthens the States' role in the management of nuclear waste disposal. I feel strongly that this amendment will improve greatly the nuclear waste bill we are about to consider.

Mr. Speaker, I have no objection to the rule.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, under the provisions of House Resolution 823 just passed, I call up for consideration in the House the bill H.R. 8378, to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

H.R. 8378

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Nuclear Waste Policy Act".

DEFINITIONS

Sec. 2. As used in this Act—

(1) The term "Commission" means the Nuclear Regulatory Commission.

(2) The term "dispcsal" means the long-term isolation of radioactive waste.

(3) The term "high-level radioactive waste" means the highly radioactive wastes resulting from the reprocessing of spent nuclear fuel. Such term includes both liquid waste which is produced directly in reprocessing, dry solid material derived from such liquid waste, and such other material as the Commission designates as high-level radioactive waste for purposes of protecting the public health and safety.

(4) The term "Indian reservation" means—

(A) the Indian reservations and dependent Indian communities referred to in clauses (a) and (b) of section 1151 of title 18, United States Code; and

(B) lands selected by Alaska Native villages or regional corporations under the provisions of the Alaska Native Claims Settlement Act.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided by Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(6) The term "low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in section 11 e. (2) of the Atomic Energy Act of 1954.

(7) The term "repcsitory" means any facility for the permanent disposal of transuranic waste, high-level radioactive waste, spent nuclear fuel, or any combination of such wastes or fuel, whether or not facility is designed to permit the subsequent recovery of the materials placed in the repository.

(8) The term "Secretary" means the Secretary of Energy.

(9) The term "site characterization" means activities undertaken to determine the geologic characteristics of a site and to otherwise determine if a site meets the requirements applicable to sites for repositories. Such term includes borings, surface excavations, excavations of exploratory shafts, and in situ testing needed to determine the suitability of a site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken.

(10) The term "spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(11) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(12) The term "State Review Board" means any State Review Board that meets the requirements under section 106, as so determined by the Secretary.

(13) The term "transuranic waste" means material contaminated with elements which have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, which have a half-life greater than 5 years, and which are in concentrations greater than 10 nanocuries per gram or in such other concentrations as the Commission may prescribe to protect the public health and safety.

TITLE I—DISPOSAL OF TRANSURANIC WASTE, HIGH-LEVEL RADIOACTIVE WASTE, AND SPENT NUCLEAR FUEL

FINDINGS AND PURPOSE

Sec. 101. (a) Findings.—The Congress finds that—

(1) radioactive waste creates potential risks and requires safe and environmentally acceptable methods of disposal;

(2) the accumulation of spent nuclear fuel from nuclear power reactors, radioactive waste from commercial nuclear reprocessing, activities related to medical research, diagnosis, and treatment, and nuclear research and development activities, and radioactive waste from other sources, has created a national problem;

(3) Federal efforts during the past 30 years to devise a permanent solution to the problems of radioactive waste disposal have not been adequate;

(4) the Federal Government has the responsibility to provide for the permanent disposal of transuranic waste, high-level radioactive waste, and spent nuclear fuel in order to protect the public health and safety and the common defense and security;

(5) the primary objective of repositories for such waste is to isolate them from the biosphere;

(6) State and public participation in the planning and development of permanent repositories for the disposal of radioactive waste is essential in order to promote confidence among the public with regard to the safety of disposal of radioactive waste;

(7) the implementation of a radioactive waste repository program in accordance with this title would provide reasonable assurance that methods of safe disposal of transuranic waste, high-level radioactive waste, and spent nuclear fuel can be available when such methods are needed; and

(8) radioactive waste has become a major issue of public concern, and stringent precautions must be taken to ensure that radioactive waste does not adversely affect the public health and safety of this or future generations.

(b) Purpose.—It is the purpose of this title to—

(1) establish a schedule for the siting, construction, and operation of licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent nuclear fuel which will provide the Congress with a reasonable assurance that the public will be adequately protected from the hazards posed by such wastes;

(2) establish the Federal responsibility for the disposal of such wastes from nuclear activities; and

(3) establish a definite Federal policy for the disposal of such wastes.

IDENTIFICATION OF SITES FOR REPOSITORIES

Sec. 102. (a) Guidelines.—Not later than June 30, 1981, the Secretary shall, in consultation with the Council on Environmental Quality, the Environmental Protection Agency, the Nuclear Regulatory Commission, and the United States Geological Survey, issue guidelines for the recommendation of sites for repositories. Under the guidelines the Secretary shall specify factors that would disqualify a site development as a repository, including factors pertaining to the location of valuable natural resources, proximity to populations, hydrogeophysics, seismic activity, and nuclear defense activities. The guidelines shall require the Secretary to consider the various geologic media in which sites for repositories may be located and, to the extent practicable, to recommend sites in different geologic media. The Secretary shall use guidelines established under this subsection in considering sites to be recommended under subsection (b). The development of guidelines under this subsection shall be considered a preliminary decision-making activity and shall not be subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Recommendations by the Secretary.—(1) Not later than January 1, 1982, the Secretary shall identify and recommend to the President at least two sites which the Secretary determines are suitable for site characterization. Not later than February 1, 1985, the Secretary shall identify and recommend to the President at least two additional sites which the Secretary determines are suitable for such purpose. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the State Review Board of the State in which the site is located, or the governing body of any Indian tribe on whose reservation the site is located, of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall hold public hearings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) Presidential Review of Recommended Sites.—(1) The President shall review each site recommended by the Secretary under subsection (b). Within 60 days after the submission of a recommendation for a site, the President shall either approve or disapprove the site, and transmit his decision to the Secretary and the State Review Board of the State in which the site is located. If the President fails to approve or disapprove the site in accordance with this paragraph during such 60-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) The President may delay for not more than 6 months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the 60-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes his authority under this paragraph but fails to approve or disapprove a site at the end of such 6-month period, the site shall be considered to be approved.

(d) Continuation of Site Screening.—After the identification of sites under subsection (b), the Secretary shall continue to screen other sites to determine their suitability for site characterization.

SITE CHARACTERIZATION

Sec. 103. (a) In General.—The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 102.

(b) Nuclear Regulatory Commission and State Review Boards.—(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission and to the State Review Board of the State in which the site is located, or to the governing body of any Indian tribe on whose reservation the site is located, for their review and comment—

(A) an environmental assessment of the nonradiological impacts of the site characterization activities planned for such site and a discussion of alternative activities which may be undertaken to avoid such impacts;

(B) a plan for site characterization activities to be conducted at such site which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive or nonradioactive material, investigation activities which may affect the ability of the site to isolate radioactive wastes and spent fuel, and provisions to control any adverse, safety-related impacts from site characterization activities;

(iii) plans for the decontaminating and decommissioning of the site if it is determined unsuitable for application for licensing as a repository;

(iv) criteria to be used to determine if the site is acceptable as a site for a repository; and

(v) any other information required by the Commission; and

(C) proposals describing the possible form or packaging for the waste material and spent fuel which would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, and to either the State Review Board of the State in which the site is located or the governing body of any Indian tribe on whose reservation the site is located, on the nature and extent of such activities and the information developed from such activities.

(c) Tests.—The Secretary shall conduct at sites at which site characterization activities are being conducted such tests as may be necessary to provide the necessary data for an application for a construction authorization for a repository at the site and for compliance with the National Environmental Policy Act of 1969. The Secretary shall report to the Commission on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d) Restrictions.—(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may not use radioactive materials at a site unless the Commission and the Secretary concur that such use is necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall place the smallest quantity necessary to determine the suitability of the site for a repository, but in no event more than the curie equivalent of 10 metric tons of spent fuel; and

(C) any radioactive material used or placed on a site shall be fully retrievable.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any nuclear waste, spent nuclear fuel, or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

Sec. 104. (a) In General.—If after completion of site characterization activities at a site—

(1) the Secretary determines that the site meets the requirements applicable to repositories, the Secretary shall proceed in accordance with this section to secure approval of the site and a construction authorization for construction of a repository at the site, or

(2) the Secretary determines that the site does not meet such requirements, the Secretary shall notify the State Review Board of the State in which the site is located, or the governing body of the Indian tribe on whose reservation the site is located, of such determination.

(b) Hearings and Presidential Recommendation.—(1) If after completion of site characterization activities at a site the Secretary determines that the site meets the requirements applicable to repositories, the Secretary shall hold public hearings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. If upon completion of the hearings the Secretary affirms the determination, the Secretary shall submit to the President a recommendation that the President approve the site for the development of a repository. Together with any recommendation of a site under this paragraph, the Secretary shall submit to the President a report containing the following:

(A) A description of the proposed repository, including engineering plans for the facility.

(B) A description of the waste form or packaging proposed for use at the repository.

(C) A discussion of data, obtained in site characterization activities, relating to the safety of the repository site.

(D) A final environmental impact statement for the site and the design of the repository as required under the National Environmental Policy Act of 1969 together with comments made concerning the environmental impact statement by the Department of the Interior, the Council on Environmental Quality, the Environmental Protection Agency, and the Nuclear Regulatory Commission.

(E) Preliminary comments of the Nuclear Regulatory Commission concerning the extent to which the at-depth site characterization analysis and the waste form proposal for the site seem to be sufficient for inclusion in any application to be submitted by the Department of Energy for licensing of the site as a permanent repository for high-level radioactive waste and spent fuel.

(F) The views of any State Review Board, or governing body of any Indian tribe, which is affected by such site, as determined by the Secretary, together with the Secretary's response to such views.

(G) Such other information as the Secretary considers appropriate to provide a complete statement of the basis for the recommendation of the site for licensing as a repository for the disposal of high-level radioactive waste and spent fuel.

(2) Not later than March 30, 1987, the President shall submit to the Congress a recommendation of a site which the President considers qualified for application for license as a repository. The President shall submit with such recommendation a copy of the report for such site prepared by the Secretary under paragraph (1). After such date, the President may submit to the Congress recommendations for other sites which the President also considers suitable for such purpose, together with such reports.

(3) If the approval of a site recommendation for the initial repository proposed as required under paragraph (2) does not take effect as a result of a disapproval by the Congress under section 105, the President shall submit to the Congress, within one year after the disapproval of the recommendation, a recommendation of another site for an initial repository. The President may not recommend the approval of any site under this paragraph unless the Secretary has recommended to the President under paragraph (1) approval of such site and has submitted to the President a report for the site as required under such paragraph.

(c) Submission of Application.—If the President recommends to the Congress a site for a repository under subsection (b) and the site designation is permitted to take effect under section 105 (pertaining to congressional disapproval), the Secretary shall submit to the Commission a license application for the construction of a repository at the site within 90 days after the date on which the recommendation of the site designation is effective under such section and shall provide the State Review Board of the State in which the site is located, or the governing body of any Indian tribe on whose reservation the site is located, a copy of the application.

(d) Status Report for Construction Permit Authorization.—No later than 2 years after the date on which an application for a license application is submitted under subsection (c), the Commission shall submit a report to the Congress describing the proceedings undertaken through such date with regard to the authorization application submitted, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application;

(3) any Commission actions regarding the granting or denial of the authorization.

(e) Commission Action.—The Commission shall consider a license application for the construction of a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than—

(1) January 1, 1990, or

(2) the expiration of four years after the date of the submission of the application,

whichever occurs later.

REVIEW OF REPOSITORY SITE SELECTION

Sec. 105. (a) In General.—The designation of a site for a repository shall be effective at the end of the 30-day period beginning on the date that the President recommends the site to the Congress under section 104 unless a State Review Board has submitted to the Congress a petition for disapproval under section 106 or the governing body of an Indian tribe has submitted such a petition under section 107. If any such petition has been submitted, the approval of the designation shall not be effective except as provided under subsection (b).

(b) Congressional Review of Sites.—(1) If the President submits to the Congress under section 104 a recommendation for approval of a site as a repository and either a State Review Board submits to the Congress a petition for disapproval under section 106 or the governing body of an Indian tribe submits to the Congress such a petition under section 107, the designation of such site for a repository shall be effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date of transmittal of the recommendation of approval by the President to the Congress, unless, during such period, either House of the Congress passes a resolution the matter after the resolving clause of which reads as follows: "The   approves the petition submitted by   regarding the disapproval of the site at   —for a repository for the disposal of high-level radioactive waste, transuranic waste, and spent fuel."; (the first blank space being filled with the designation of the appropriate House of the Congress; the second blank space being filled with the name of the State Review Board or Indian tribe governing body the petition of which is approved; the third blank space being filled with the geographic location of the proposed repository site). For purposes of paragraphs (3) through (7) of this subsection, the term "resolution" means a resolution described by this paragraph.

(2) Paragraphs (3) through (7) of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (1) of this subsection; and the provisions of such paragraphs supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(3) A resolution once introduced with respect to any site designation shall immediately be referred to a committee (and all resolutions with respect to the same site designation shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to a site designation has been referred has not reported it at the end of 20 calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such site designation which has been referred to the committee.

(B) A motion of discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same site designation) and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same site designation.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to a site designation, then it shall not be in order to consider in that House any other resolution with respect to the same such site designation.

(c) COMPUTATION OF DAYS.—For purposes of subsections (a) and (b) of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.

STATE REVIEW BOARDS

SEC. 106. (a) DEFINITIONS.—(1) For purposes of this title, a State Review Board of a State is an entity of the State which is—

(A) created under State law with the authority described in paragraph (2) and the composition prescribed by paragraph (3); and

(B) determined by the Secretary to be established in accordance with this section.

(2) A State Review Board shall be authorized under State law to—

(A) review activities under this title and activities of the Commission with respect to any site in the State for a repository to determine the potential economic, environmental, social, and public health and safety impacts of the repository on the State and its residents;

(B) be a representative of the State in any proceeding before the Commission respecting a site for a repository in the State; and

(C) submit, in accordance with subsection (b), to the Congress petitions requesting the Congress to disapprove, in accordance with section 105, construction of repositories in the State.

(3) The State Review Board shall consist of members representing the interests of the general public in the State, including members appointed to represent the interests of any Indian tribes and local governments which would be affected by the repository.

(4) The State Review Board shall hold meetings open for public participation not less than once every 4 months, at which meetings the Board shall receive and to the extent practicable place on its agenda matters submitted by Board members.

(5) The authority of State Review Boards shall not be applicable with respect to sites located on Indian reservations. Any references contained in this section to sites located within a State shall not be deemed to include sites located on Indian reservations within the State.

(b) PARTICIPATION IN REPOSITORY LICENSING DECISIONS.—Upon the submission by the President to the Congress of the recommendation of a site for a repository, the State Review Board of the State in which the site is located may, by majority vote for the membership of the Board, submit a petition to the Congress requesting that the Congress disapprove the site designation. A State Review Board may submit such a petition to the Congress not later than the 30th day after the date that the President recommends the site to the Congress under section 104. A petition shall be considered to be submitted to the Congress on the date of the transmittal of the petition to the Speaker of the House and the President pro tempore of the Senate. The petition shall be accompanied by a statement of reasons explaining why the petition should be granted.

(c) FINANCIAL ASSISTANCE.—(1) Subject to paragraph (2), and to the availability of funds to carry out this paragraph, the Secretary shall make grants to the State Review Boards of each State in which a site for a repository has been approved under section 102(c). Grants under this paragraph shall be made under such terms and conditions as the Secretary may prescribe, and the amount of funds provided a Board under this paragraph in any fiscal year may not exceed 75 percent of the costs of the operation of the Board in such year as determined by the Secretary. Salaries and travel expenses which would ordinarily be incurred by any State or local government shall not be considered part of the budget of the Board and shall not be eligible for payment under this section.

(2) A State Review Board may not receive any grant after the expiration of one year after—

(A) the date the Secretary notifies the State Review Board under section 104(a)(2) that a site in the States does not meet the requirements applicable to repositories,

(B) the date on which the site is disapproved by the Congress under section 105, or

(C) the date on which the Commission disapproves an application for a construction authorization for a repository at a site in the State,

whichever occurs first unless there is another site in the State approved under section 102(c) with respect to which the actions described in subparagraphs (A), (B), and (C) have not been taken.

(3) At the end of the one-year period beginning on the effective date of any operating license for a repository in a State, no Federal funds shall be made available under this subsection for the State Review Board of the State in which the repository is located, except for—

(A) such funds as may be necessary to support Board activities related to any other repository located in, or proposed to be located in, such State, and for which an operating license has not been in effect for more than one year; and

(B) such funds as may be necessary to support Board activities pursuant to agreements or contracts for assistance entered into under subsection (c) by the Board with the Federal Government before the end of such one-year period.

(d) CONSULTATION.—(1) The Secretary, the Nuclear Regulatory Commission, and other agencies involved in the construction or operation of a waste repository in a State shall provide to the State Review Board of such State, and to the governing body of any Indian tribe on or adjacent to whose reservation the repository site is located, timely and complete information regarding determinations or plans made with respect to the siting, development, design, construction, operation, or regulation of the repository.

(2) In performing any study of an area within a State for the purpose of determining the suitability of the area for a repository and in subsequently developing and loading any repository within a State, the Secretary shall consult and cooperate with the State Review Board of the State and the governing body of any affected Indian tribe in an effort to resolve the concerns of the State and any affected Indian tribe regarding the public health and safety, environmental, and economic impacts of any such repository. In carrying out his duties under this Act, the Secretary shall take such concerns into account to the maximum extent feasible.

(3) As soon as possible after notifying a State of his decision to study an area within such State as a possible repository site, the Secretary shall seek to enter into a written agreement with the State Review Board of the State and, where appropriate, a separate agreement with the governing body of any affected Indian tribe, setting forth the procedures under which the requirements of paragraphs (1) and (2) shall be carried out. The written agreement shall specify procedures—

(A) by which the State or the governing body of the Indian tribe (as the case may be) may study, determine, comment on, and make recommendations with regard to the possible health and safety, environmental, and economic impacts of any such repository;

(B) by which the Secretary may consider and respond to comments and recommendations made by the State Review Board or the governing body of the Indian tribe (as the case may be), including the period in which the Secretary may so respond;

(C) by which the Secretary and either the State Review Board or the government body of the affected Indian tribe (as the case may be) may review or modify the agreement periodically; and

(D) for public notification of the procedures specified under subparagraphs (A) through (C).

PARTICIPATION OF INDIAN TRIBES

SEC. 107. (a) AUTHORITIES OF TRIBAL GOVERNING BODIES.—The governing body of any Indian tribe on whose reservation is located a site approved for site characterization under section 102(c) shall have the authorities described under sections 106(a)(2)(A) and 106(a)(2)(C).

(b) ASSISTANCE TO TRIBES.—(1) Subject to the availability of funds to carry out this section, the Secretary shall provide to the governing body of each Indian tribe referred to in subsection (a) such funds as may be necessary to provide technical assistance to the tribe, and to assist the tribe in conducting the activities described under sections 106(a)(2)(A) and 106(a)(2)(C) and other similar activities related to the repository.

(2) No funds may be made available to the governing body of an Indian tribe under this section with respect to a site located on the reservation of such tribe after the expiration of one year after—

(A) the date the Secretary notifies such governing body under section 104(a)(2) that the site does not meet the requirements applicable to repositories,

(B) the date on which the site is disapproved by the Congress under section 105, or

(C) the date on which the Commission disapproves an application for a construction authorization for a repository at the site,

whichever occurs first unless there is another site located on the reservation of such tribe and approved under section 102(c) with respect to which the actions described in subparagraphs (A), (B), and (C) have not been taken.

(3) At the end of the one-year period beginning on the effective date of any operating license for a repository located on a reservation, no Federal funds shall be made available under this subsection to the governing body of the Indian tribe on whose reservation the repository is located, except for—

(A) such funds as may be necessary to support activities related to any other repository located in, or proposed to be located in, such reservation, and for which an operating license has not been in effect for more than one year; and

(B) such funds as may be necessary to support activities pursuant to agreements or contracts for assistance entered into by the governing body of the Indian tribe with the Federal Government before the end of such one-year period.

JUDICIAL REVIEW OF AGENCY ACTIONS

SEC. 108. (a) IN GENERAL.—Notwithstanding any other provision of law, the actions taken by the Secretary to recommend a site for approval by the President and in connection with the site characterization of a site, any actions taken by the Commission in granting or denying any construction authorization application submitted under section 104 or for any operating permit for a repository, and any actions described in section 108 shall not be subject to judicial review except as authorized by subsection (b).

(b) JUDICIAL REVIEW OF ACTIONS.—(1) A civil action for judicial review of an administrative action described in subsection (a) may be brought not later than the 180th day following the date of such action, except that the court referred to in paragraph (2) may extend the time for bringing such a civil action if the court determines that the facts on which the civil action is based were not reasonably available within the applicable 180-day time limit.

(2) A civil action for judicial review of any such administrative action shall be barred unless a complaint is filed before the expiration of the time limit prescribed by paragraph (1) in the United States Court of Appeals for the District of Columbia Circuit, acting as a special court. No other court of the United States, or any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such civil action.

EXPEDITED AUTHORIZATIONS

SEC. 109. (a) ISSUANCE OF AUTHORIZATIONS.—(1) Subject to paragraph (2), to the extent that the taking of any action related to the characterization of a site or the construction or initial operation of a repository under this title requires a certificate, right-of-way, permit, lease, or other authorization from a Federal officer or agency, such officer or agency shall issue or grant any such authorization at the earliest practicable date, to the extent permitted by the applicable provisions of law administered by such officer or agency. All actions of a Federal officer or agency with respect to consideration of applications or requests for the issuance or grant of any such authorization shall be expedited, and any such application or request shall take precedence over any similar applications or requests not related to such repositories.

(2) The requirements of paragraph (1) shall not be applicable in the case of any action related to any permit or other authorization issued or granted by, or requested from, the Nuclear Regulatory Commission.

(b) TERMS OF AUTHORIZATIONS.—(1) Any authorization issued or granted under subsection (a) shall include such terms and conditions as may be required by law, and may include terms and conditions permitted by law.

(2) Except as provided in the second sentence of this subsection, nothing contained in this section shall be construed to impair the authority of any Federal officer or agency to add to, amend, or abrogate any term or condition included in any authorization issued or granted pursuant to subsection (a) if such action is otherwise permitted under applicable laws administered by such officer or agency. In the case of any such action which is permitted but not required by law, the Federal officer or agency shall have no authority to take such action if the terms and conditions to be so added, or as so amended, would have the effect of terminating the characterization, construction, or initial operation of the potential or permanent repository which the authorization affects.

SCHEDULE FOR CERTAIN STANDARDS AND CRITERIA

SEC. 110. (a) EPA STANDARDS.—Not later than November 1, 1981, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall, by rule, promulgate generally applicable standards for protection of the general environment from radioactive material.

(b) CRITERIA.—Not later than November 1, 1981, the Commission, pursuant to authority under other provisions of law, shall, by rule, promulgate criteria which it will apply in reviewing under the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, applications for construction authorizations for the construction of repositories.

DISPOSAL OF SPENT FUEL

SEC. 111. Notwithstanding any other provision of this Act, any repository for the disposal of high-level radioactive waste and spent fuel which is designed and constructed under this title shall be so designed and constructed that the spent fuel may be retrieved, during an appropriate period of operation of the facility, for any reasons pertaining to the public safety or for the purpose of permitting the recovery of the economically valuable contents of the spent fuel.

AUTHORIZATION OF APPROPRIATIONS; CONTRACT AUTHORITY

SEC. 112. (a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this title $5,000,000 for the fiscal year ending September 30, 1981.

(b) CONTRACTS.—The authority of the Secretary to enter into contracts under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

ACCOUNTING OF EXPENDITURES

SEC. 113. (a) RECORD OF EXPENDITURES.—The Secretary shall maintain adequate records of all expenditures made under this title which, together with expenditures made by the United States under other laws in connection with the management, interim storage, and disposal of nuclear wastes and spent fuel, shall provide the basis for any fees to be assessed as described under subsection (b).

(b) FEE COLLECTION.—Not later than the date the Secretary submits to the Commission under section 104 a license application for the construction of an initial repository, the Secretary shall submit to the Congress a report proposing fees to be collected to offset all construction, operation, administrative, and other costs incurred by the Secretary in providing for the management, interim storage, and disposal of nuclear wastes and spent fuel. The fees specified in the report would be collected from the persons or entities who hold title to any nuclear waste or spent fuel which is subject to interim storage or disposal by the Secretary.

TERMINATION OF TITLE

SEC. 114. (a) SECTIONS 108 AND 109.—Sections 108 and 109 shall cease to have effect at such time as the Secretary commences licensed commercial operation of at least one repository.

(b) REMAINDER OF TITLE.—The provisions of this title, other than sections 108, 109, 111, and 113, shall cease to have effect after December 31, 1999.

TITLE II—LOW-LEVEL RADIOACTIVE WASTE

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

SEC. 201. (a)(1) It is the policy of the Federal Government that—

(A) each State is responsible for the disposal of non-Federal low-level radioactive waste generated within its borders; and

(B) non-Federal low-level radioactive waste can be most safely and efficiently managed on a regional basis.

(2)(A) To carry out the policy set forth in paragraph (1), the States may enter into such compacts as may be necessary to provide for the establishment and operation of facilities for the disposal of low-level radioactive waste.

(B) A compact entered into under subparagraph (A) shall not take effect until the Congress has by law consented to the compact. Each such compact shall provide that every 5 years after the compact has taken effect the Congress may by law withdraw its consent. After January 1, 1987, any such compact may restrict the use of the regional disposal facilities under the compact to the disposal of non-Federal low-level radioactive waste generated within the region.

(b)(1) In order to assist the States in carrying out the policy set forth in subsection (a)(1), the Secretary shall prepare and submit to Congress and to each of the States within 120 days after the date of the enactment of this Act a report which—

(A) defines the disposal capacity needed for present and future low-level radioactive waste on a regional basis;

(B) defines the status of all commercial low-level radioactive waste disposal sites and includes an evaluation of the license status of each such site, the state of operation of each site, including operating history, an analysis of the adequacy of disposal technology employed at each site to contain low-level radioactive wastes for their hazardous lifetimes, and such recommendations as the Secretary considers appropriate to assure protection of the public health and safety from wastes transported to such sites;

(C) evaluates the transportation requirements on a regional basis and in comparison with performance of present transportation practices for the shipment of low-level radioactive wastes, including an inventory of types and quantities of low-level wastes, and evaluation of shipment requirements for each type of waste and an evaluation of the ability of generators, shippers, and carriers to meet such requirements; and

(D) evaluates the capability of the low-level radioactive waste disposal facilities owned and operated by the Department of Energy to provide interim storage for commercially generated low-level waste and estimates the costs associated with such interim storage.

(2) In carrying out this subsection, the Secretary shall consult with the Governors of the States, the Nuclear Regulatory Commission, the Environmental Protection Agency, the United States Geological Survey, and the Secretary of Transportation, and such other agencies and departments as he finds appropriate.

(3) This subsection does not authorize appropriations for the fiscal year ending September 30, 1980.

URANIUM MILL SITE AT EDGEMONT

SEC. 202. (a) The Secretary shall undertake an investigation to determine whether Federal funding is appropriate for 90 percent of the cost of any stabilization, decommissioning, and decontamination action necessary for offsite contamination resulting from the uranium mill tailings site owned by the Tennessee Valley Authority and located at Edgemont, South Dakota. The investigation shall take into consideration whether such tailings resulted all or in part from activities conducted under Federal contract; and shall include an analysis of the total costs which would be required to undertake such actions with respect to such offsite contamination, including the costs of acquiring and managing any facilities which may be necessary to protect the public health and safety from such contamination.

(b) Not later than 120 days after the date of the enactment of this section, the Secretary shall complete the investigation prescribed by subsection (a) and shall submit a report to the Congress of the results of the investigation. The report shall include any recommendation for legislation to provide for Federal funding. Any such recommended legislation shall be consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978. The report shall also contain the comments and recommendations of the Tennessee Valley Authority.

The SPEAKER pro tempore (Mr. McHUGH). The gentleman from Arizona (Mr. UDALL) is recognized for 1 hour.

Mr. UDALL. Mr. Speaker, I yield myself 4 minutes.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, the bill we have brought to the floor today would provide speed and certainty to the Federal program for developing permanent repositories for high-level nuclear wastes. Absence of programmatic legislation like that laid out in H.R. 8378 has allowed the nuclear waste problem to flounder for the past 30 years. My colleagues in developing this bill have agreed that we should make an attempt, before we adjourn this Congress, to get this program on the books.

The waste disposal program in H.R. 8378 is straightforward and effective. It takes an approach to the waste problem similar to that the Congress has used for the Alaska gas pipeline and the trans-Alaska oil pipeline, as well as development of the resources on the Outer Continental Shelf. In all those cases, the energy projects were known to be long-term, complex jobs beset by multitudes of social, political, and institutional conflicts. In such cases, the Congress must map out a system of schedules and intergovernmental relationships to guarantee that the right people will make the right decisions at the right time.

The Interior Committee and the Commerce Committee agreed that the Federal Government should not cut corners in searching for good sites for waste repositories. The rock formations deep underground in which the waste will be buried will be the most important barrier keeping the waste out of the biosphere after the first 500 years or so. Our bill does not mandate the use of a site in any particular State.

It sets up a program that will assure that sites will be chosen cautiously, after thorough study. It protects against a Federal commitment to any sites prior to full review by States, the Congress, and the licensing agencies, so that no site is developed in doubt simply because we've put all our eggs in that basket.

Equally as important as insuring a deliberate and safe waste disposal program is making the program move, and keeping it on track. The Congress and administrations over the past 5 years have at least tripled the attention and resources devoted to the waste problem. We have had a full-scale review of waste policy, and a program has been developed which is supported by a consensus of industry and environmental groups and technical experts. Yet during these years the target date for operation of the first repository has slipped by 10 years. Some of the slippage represented an increased knowledge of the difficulty of the job before us. But I think, and I believe my colleagues agree, that now is the time to get the program on paper, make a commitment to the approach, and see it through to the end.

A third and most sensitive issue concerns the relationship between the States and the Federal Government. H.R. 8378 gives the States funding and mechanisms for very heavy participation in site testing and site selection. Indian tribal governments are accorded the same rights as States if sites are within their boundaries. Under the bill, these governments will be given an opportunity to appeal to the Congress against selection of a site. The appeal would be effective if either House of Congress voted, under highly privileged procedures, to pass a resolution of support for a State.

The final decision whether to approve a site selection would rest, however, with the Congress, not with the State or the current administration. The idea behind the committees' position is that States must have extraordinary rights of participation in a project as politically sensitive as this; but that in the final analysis this is a project in the national interest, which must be subject to a national decision. Some State, somewhere, will have to play host to this facility, which is needed to dispose of wastes not only from commercial nuclear energy, but also from our national weapons programs.

The States are given in H.R. 8378 the primary responsibility for developing sites for burial of low-level radioactive wastes. The technology for these facilities is relatively well developed, and the management of low-level wastes will be accomplished safely and more effectively on a local level. The bill would allow States to form compacts so that sites can be developed for handling low-level waste on a regional basis, and so that States which open sites will not be threatened with becoming responsible for a disproportionate share of the Nation's low-level wastes.

The members of the Interior and Commerce Committees have worked well together to develop this bill. We have done our best to remove controversial issues and present the House with a package it can accept. We have provided an opportunity for an amendment to address the dissenting opinion regarding the one still-controversial issue, which is whether States should have a stronger right to object to selection of repository sites.

The leadership of our committees is committed to addressing the issue of permanent high-level waste disposal this year. We will not attempt in conference to go beyond the scope of the program represented in this measure. We are also committed to return next year to those more controversial issues which will remain to be addressed by the Congress, including the need for a congressionally mandated Federal policy regarding storage of nuclear spent fuel pending operation of a permanent repository. I urge your support in helping us take a first step to resolve the urgent nuclear waste management issues before us.

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Mr. Speaker, I reserve the balance of my time.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield 4 minutes to the gentleman from California for purposes of debate only.

Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 8378, a compromise bill providing for resolution of our Nation's nuclear waste management problems.

This measure, the Nuclear Waste Policy Act, basically does five things. First, it provides an expedited time schedule for the identification, selection, and construction of safe repositories for high level nuclear wastes.

Second, it insures that States have well defined rights to participate in the decisions leading to site selection and repository development.

Third, the bill gives States and Indian tribes a veto over a site located within their boundaries, with Congress as the final arbiter.

Fourth, it provides for the prompt and effective exercise of responsibilities by the Nuclear Regulatory Commission and the Environmental Protection Agency to adequately protect public health and safety as well as the environment from the potential hazards of nuclear waste disposal.

Fifth, it insures assistance to the States in the development and operation of low-level nuclear waste disposal facilities, necessary for the continued use of nuclear material in medicine and other scientific endeavors.

Mr. Speaker, I support this bill despite the fact that it does not address such key issues as reprocessing of spent fuels or interim away-from-reactor storage of fuel rods (AFR's). But we must be realistic. We have not had enough time to adequately address these issues and a consensus could not be reached in the final days of this Congress. However, the bill before us does address the most urgent issues confronting nuclear waste disposal as I have outlined. This measure has the support of the American Nuclear Energy Council, the Sierra Club, the Environmental Policy Center, and the majority and minority of both the Commerce and Interior Committees.

As nuclear power continues to provide a significant portion of our Nation's energy, pending the development of alternative sources, the American public deserves to be protected from the hazards of the waste products which are generated. A Federal commitment to a reliable program for the safe disposal of these wastes is urgently needed and is provided by this bill. I therefore urge my colleagues to join me in supporting H.R. 8378.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCCORMACK) for purposes of debate only.

Mr. McCORMACK. Mr. Speaker, I rise to commend the sponsors for reaching an agreement to bring this nuclear waste legislation to the floor for consideration during this Congress. Mr. DINGELL, chairman of the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce, Mr. UDALL, the chairman of the Committee on Interior and Insular Affairs, as well as Mr. BROWN, the ranking minority member of the Committee on Interstate and Foreign Commerce, and Mr. CLAUSEN, the ranking minority member of the Committee on Interior and Insular Affairs, have worked diligently to fashion this proposal which is now before the House.

I see no objection to what this bill contains, and I will vote for it.

As a member of the Committee on Science and Technology, and as the chairman of the Subcommittee on Energy, Research and Production, I think it is important to recognize the strong leadership role that the Science and Technology Committee has played in formulating nuclear waste policy. The committee has worked very hard to shape a clearly defined research and development program in the Department of Energy, and it seems clear to all who have examined this issue, that this is the vital area in which legislative direction is urgently needed. It is unfortunate, however, that the legislation reported from the Committee on Science and Technology has been prevented from reaching the floor. This legislation, H.R. 7418, the Nuclear Waste Research Development and Demonstration Act of 1980, would have created a program to integrate the 30 years of research into a broad scale demonstration of the technology. In this manner, waste disposal methods could be quickly demonstrated and all necessary data for the proper licensing of full-scale repositories could begin at an early date. Such a highly visible research, development, and demonstration program, when it is undertaken, will go a long way toward eliminating the groundless fears that are harming this country's efforts to reduce our dependence on imported oil. It is my hope and expectation that the next Congress will consider this kind of program at an early date. It is important for all the people in the country to see what it would really be like to store high-level nuclear waste in various sites around the country in a totally safe manner.

H.R. 7418 is complementary to H.R. 8378 and concerns activities that must precede the activities in HR. 8378; namely the construction of full-scale repositories. H.R. 7418 provides for four geographically distributed small-scale demonstration repositories in which at least 40 canisters of gasified high-level waste would be placed. These wastes would be taken from the defense program, because there is very little high level waste from the commercial program available for disposal or testing. The in-ground testing would be initiated by 1990 and completed by the year 2000 and would simply demonstrate the technology.

H.R. 7418 concerns matters which must be addressed in the near term and was the product of an evolutionary process. It started with the gentleman from California (Mr. GOLDWATER) who was then ranking minority member on the subcommittee which I chaired and who worked for a very long time perfecting his proposal. The Committee on Science and Technology included his proposal in the fiscal year 1981 authorization legislation for the Department of Energy which was reported from the committee but which is also tied up by parliamentary maneuvers.

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman has expired.

Mr. UDALL. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. McCORMACK. Mr. Speaker, I want to say this highly visible research, development, and demonstration program actually would show the people during this decade how high-level wastes could be stored. It would also set forth an equally viable program for low-level wastes, including a study of the glassification of these wastes at each nuclear powerplant in the country.

I think it is a great tragedy that we will not have an opportunity to vote on this bill. If given the chance, I believe the House would have resoundingly voted to completely remove the political barriers to demonstrating a safe disposal technique for high-level wastes. I think a coherent near term research, development and demonstration program is much more urgent priority than the bill before us and it is very unfortunate we cannot go forward with an aggressive program during the coming decade.

I hope that the Members who will be here next year will take it upon themselves to see that this demonstration program is carried forward because this is what is really important.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, I would like to take this opportunity to compliment the two committee chairmen, Mr. UDALL and Mr. DINGELL for their hard work and diligence in bringing the nuclear waste regulation and control bill, H.R. 8378, to the floor. This important legislation marks the first effort to set in place the necessary regulatory framework for the long-term storage of commercial high-level nuclear waste. The methods for determining appropriate sites for a commercial waste repository are reasonable, and involve the active participation of the Department of Energy, the Nuclear Regulatory Commission, and State governments.

The Science and Technology Committee has developed a companion bill for the construction of the necessary technology demonstration repositories, H.R. 7418, and I very much regret that this measure will not be voted on this session as well. It is my view that the nuclear waste management program carried out by the Department of Energy needs the focus that would be provided by technology demonstrations.

Furthermore, I believe that the program in our bill for the emplacement of high-level nuclear waste at depth and in the different geologic formations which would isolate it from the biosphere will provide key data and scientific information for the long-term program which is conceived in H.R. 8378. There simply is insufficient time remaining in this Congress to enact the companion legislation, but I plan to continue our efforts when the new Congress convenes.

Another related matter which is not addressed by the bill concerns the pressing need for away from reactor storage facilities. While I recognize that it has taken an enormous effort to arrive at the language in the bill before us, I am disappointed that the language sent to the House by the Senate in S. 2189 was not adopted or modified.

The bill that is before us is important in addressing the long-term requirements for high-level nuclear waste. The near-term area of difficulty, one that is literally upon us at this time, and that must be faced squarely, is the storage of spent fuel rods. The other piece in the puzzle is the research and development work which must be undertaken as soon as possible in order to provide the scientific data and understanding for the long-term repositories.

The bill before us begins the process of grappling with the one remaining area of major uncertainty in the nuclear fuel cycle—high-level nuclear waste. I support the bill as the first step and hope that a resolution of the other areas that I have identified can then move forward as well.

□ 1530

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. Gore).

Mr. GORE. Mr. Speaker, I want to commend the principal authors of this legislation from the Commerce and Interior Committees. This is a complex but important bill and I know a monumental cooperative effort was required to resolve the differences between the two committee versions and bring this legislation to the floor.

I also want to take this opportunity to ask Chairman Dingell several questions in an effort to clarify a couple of points in the bill.

On page 34, section 113(b), the bill addresses the issue of disposal and repository fees to be applied to all persons owning spent fuel "subject to interim storage or disposal" by the Department of Energy.

There is an ambiguity here which might be interpreted as meaning that the Tennessee Valley Authority might be required to pay the full fee even though it did not use DOE's interim storage or disposal services or facilities.

Am I correct in understanding that these fees are intended to be assessed only to the extent that such person or entity actually uses the storage or disposal services or facilities provided by the Secretary?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer to the gentleman's question is yes.

Mr. GORE. I thank the gentleman.

In section 201(a)(2)(B), of the bill, we would permit interstate compacts for the regional disposal of low-level radioactive wastes to restrict the use of such facilities to "non-Federal" wastes after January 1, 1987. Although such a provision may be appropriate as applied to low-level wastes from nationwide Federal programs like national defense, it seems inappropriate to apply it to such programs as the TVA power program, where a non-Federal entity might otherwise be producing the same wastes.

Am I correct to assume that the intention of the committee was that this provision should exclude wastes generated in connection with a Federal program for the generation of electric power?

Mr. DINGELL. If the gentleman will yield, the gentleman is correct.

Mr. GORE. I thank the gentleman.

Third, Mr. Speaker, I would also like to clarify one more item in the bill.

The Commerce Committee adopted my amendment to the legislation to authorize the Secretary of Energy to determine whether Federal funding is appropriate for decontamination activities in connection with the uranium mill tailings site owned by the Tennessee Valley Authority at Edgemont, S. Dak.

This language was changed somewhat during the process of marrying the Commerce and Interior bills, and I want to be certain that the intent of this amendment is clear.

Mr. Speaker, am I not correct in stating that the clear intent of this provision is to instruct the Secretary of Energy to determine if it is appropriate to provide up to 90 percent funding for these onsite cleanup activities at the Edgemont mill tailings site?

Mr. DINGELL. If the gentleman will yield, the gentleman is correct on the last point.

Mr. GORE. I thank the gentleman very much.

I want to emphasize that this does not mean that the Federal Government will automatically pay for this cleanup as a result of this language, but that it will determine whether this is appropriate.

As you know, the Edgemont site acquired by TVA was inadvertently made ineligible for Federal cleanup funds under the Uranium Mill Tailings Act, and we want to clear up this omission in this act.

Again, Mr. Speaker, I thank you for these clarifications and ask that the report clearly state these intentions of the Congress dealing with these matters.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. Price).

Mr. PRICE. Mr. Speaker, I take this time to ask the chairman of the committee one or two questions.

Do I understand that this is a joint bill of the Interior Committee and the Commerce Committee affecting those programs and facilities under the jurisdiction of both committees, but does not affect those projects and facilities under the jurisdiction of the Armed Services Committee?

Mr. UDALL. The distinguished gentleman is entirely correct. He has stated the matter fairly and correctly.

Mr. PRICE. For example, the WIPP project, which is under the jurisdiction of the Armed Services Committee and was reauthorized in Senate bill S. 3074 on December 1, as recommended by the Armed Services Committee, is it correct that the WIPP project will not be affected by the provisions of this bill?

Mr. UDALL. The gentleman is correct.

Mr. PRICE. I thank the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Kostmayer).

Mr. KOSTMAYER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. LUJAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New Mexico will state his parliamentary inquiry.

Mr. LUJAN. Mr. Speaker, I thought the time to be used was in general debate divided into a half hour for general debate and a half hour for the amendment, and this side had not had an opportunity to speak on that. I thought we would be through with the general debate before we moved on to the amendment that we understood, certainly, that the gentleman was going to offer.

Mr. UDALL. Mr. Speaker, if the gentleman will yield, this is kind of an unusual procedure, and the 1 hour of debate which we are now engaged in must cover both the general debate, so-called, and the debate on the Kostmayer amendment. That is why the gentleman wanted to get in early to get his amendment in so we could talk about it.

Mr. LUJAN. Proceeding further with my parliamentary inquiry, Mr. Speaker, I understand the timing and that the whole hour will be divided for general debate and for the amendment. My question simply was: Were we not going to engage in general debate before we moved on to the amendment process? Because it was my understanding from the chairman that, under general debate, he was going to be generous enough to give us 15 minutes and they would take 15 minutes, and then under the amendment that they would take 15 minutes and we would take 15 minutes.

Mr. UDALL. If the gentleman will yield, I was not able to calibrate it quite that closely. I think most of the debate is going to center on the Kostmayer amendment. It seemed to me that it might be better to get it before us so that the Members who have a time allocation right now and none at the end could have their say on the amendment that is pending.

Mr. BROWN of Ohio. Reserving the right to object, Mr. Speaker, do I understand, then——

The SPEAKER pro tempore. The Chair will advise the gentleman from New Mexico (Mr. Lujan), under his parliamentary inquiry, that at any time the amendment made in order by the rule during the hour can be offered. As to the yielding of time, under the rule the gentleman from Arizona is in charge of the time, and the amendment can come at any time under the rule.

There is no unanimous consent pending, the Chair would like to advise the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman from Arizona yield to me?

Mr. UDALL. Mr. Speaker, my time is almost entirely allocated. I yield to the gentleman 30 seconds.

Mr. BROWN of Ohio. Mr. Speaker, I would just like to ask the gentleman if there is to be no time for the minority for general debate. As I understand, we have not had, except for the brief remarks made by the gentleman from California (Mr. Clausen), any opportunity for any of us to make comments in general debate on this issue. I think that is a little bit of a misallocation of the time, if I may say so, rudely, to my colleague, the gentleman from Arizona. I think it would be nice if we had a chance to express ourselves in general on the bill.

Mr. UDALL. Mr. Speaker, let me say to the gentleman that we are all used to this bifurcated procedure in which you have general debate and then amendment debate. They are two different things. In this situation, there is no way to do that.

I have told the gentleman from New Mexico (Mr. Lujan) that the minority of our committee would have 15 minutes.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. Brown) has expired.

Mr. UDALL. Mr. Speaker, I yield the gentleman 30 additional seconds.

If the gentleman will yield, the gentleman from Pennsylvania (Mr. Kostmayer) is offering the focus of most of our debate this afternoon. I gave him 15 minutes to allocate. I had 15 minutes for the gentleman from Michigan (Mr. Dingell) and myself. I thought of making it 30 for us, but I made it 15, with 15 minutes of flexible time, and some of that is going to go to the minority. So I think we are doing it fairly. If the gentleman will bear with us, we will get the right result.

Mr. BROWN of Ohio. Mr. Speaker, I would be happy to bear with the gentleman, having no choice, but I cannot agree with the gentleman.

Mr. UDALL. I have the gentleman down for some time.

Mr. LUJAN. Mr. Speaker, if the gentleman will yield, how much time do we have that we could allocate over here on this side?

Mr. UDALL. As I advised the gentleman earlier, I will honor 11 minutes to such Members as the gentleman may designate.

The SPEAKER pro tempore. The Chair will advise the gentleman from Ohio (Mr. Brown) that his time has again expired.

Mr. UDALL. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Kostmayer) for the purpose of offering the amendment covered in the rule.

AMENDMENT OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Kostmayer: In paragraph (1) of section 105(b), strike out "shall be effective" and all that follows down through the end of such paragraph and insert in lieu thereof the following: "shall not be effective unless, during the first period of 90 calendar days of continuous session of the Congress after the date of the transmittal of the petition to the Congress, both Houses of the Congress pass a concurrent resolution the matter after the resolving clause of which reads as follows: 'The Congress disapproves the petition transmitted to the Congress by regarding the disapproval of the site at for a repository for the disposal of high-level radioactive waste, transuranic waste, and spent fuel.'; (the first blank space being filled with the name of the State Review Board or Indian tribe governing body the petition of which is disapproved; the second blank space being filled with the geographic location of the proposed repository site). For purposes of paragraphs (3) through (7) of this subsection, the term 'resolution' means a concurrent resolution described by this paragraph.".

In section 104(b)(3), strike out "by the Congress" after "disapproval".

In section 104(c), strike out "(pertaining to Congressional disapproval)".

In section 106(a)(2)(C), strike out "requesting the Congress to disapprove" and insert after "105," the following: "for the disapproval of the".

In section 106(b), strike out "that the Congress disapprove" and insert in lieu thereof "disapproval of".

□ 1540

Mr. KOSTMAYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. Kostmayer) is recognized for 4 minutes.

Mr. KOSTMAYER. Mr. Speaker, the central issue in the discussion before the House this afternoon is, what will the role of the several States be when it comes to locating nuclear waste dump sites? That is the issue in the amendment which I am offering with the gentleman from Nevada (Mr. Santini), the gentleman from Wisconsin (Mr. Petri), and the gentleman from Wisconsin (Mr. Roth).

There are two answers to this question. One is currently contained in the bill which is before us. The other is contained in the amendment which I am now offering. There is a simple, but I think fundamental and important, difference in the bill as adopted by the committee and before the House now. If a given State vetoes a nuclear waste site within its borders, that veto is not sustained or upheld unless one House of the Congress votes to support it by a simple majority vote. In other words, let us take, for example, the State of Nevada. If the State of Nevada rejects the decision of the Department of Energy to locate a site within its borders, that veto is meaningless unless the officials from the State of Nevada journey to Washington and convince all over again one House to support the action which they have already taken. It is a meaningless veto; it is not a veto at all.

Under the amendment which Mr. Santini and I are offering today, it works a little bit differently. If the State of Nevada in that case vetoes a nuclear waste site within its borders, that veto is in effect. It is sustained; it is upheld. It stands unless—unless both Houses of the Congress by a simple majority vote decide to go the other way.

It seems to me that there are two important questions here. One is that this whole activity ought to be conducted in a cooperative way between the States and the Federal Government, and if we are going to do that we have to give the States a genuine opportunity to veto waste sites within their borders. We have done that in the amendment which I am offering, and we have allowed the national interest to prevail by allowing the Congress to overturn a State veto.

Now, the two gentlemen from Wisconsin (Mr. Petri and Mr. Roth) had intended earlier to offer a straight veto, which would allow any State to veto a waste site within its borders, and there would not be anything the Congress could do about it. But, under the so-called Kostmayer-Santini-Petri-Roth amendment, we do allow Congress to prevail, if the Congress feels it is truly in the national interest, to have a waste site in a certain State.

I think the final question is, on whose shoulders should the burden rest? If the State of Nevada vetoes a waste site, that veto is not upheld unless they can convince the Congress to go along with it. That means it is really on the back of the State to come here and convince the Congress to do what they have already decided to do. I do not think that is fair. I do not think that burden should be on the several States. I think that burden to locate a nuclear waste site within one of the several States should rest squarely on the back of the Federal Government. It was their decision to locate it. This is a Federal project. They have promoted nuclear energy from the outset. I think it should be the Federal Government's burden, which they should have to carry, to convince these States to locate these nuclear waste sites within their borders.

That is the central issue in the amendment and in the debate today. I would urge Members of Congress to support the amendment which will allow these States a veto power.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. Lujan).

Mr. LUJAN. Mr. Speaker, I rise in support of this bill. This is a consensus waste bill. H.R. 6390 as reported out of our committee contained many of the views of the minority.

The problem of nuclear waste has been with us for the last 30-odd years. The obstacles which have prevented the resolution of this problem have been largely to do with the framework required to get a public consensus, executive branch action, and legislative approval. I believe this bill creatively addresses all three and and for this reason, I believe, represents a workable approach to solving this noxious problem.

I am sure there are those who will find elements of this bill offensive. To them I would say, if you look at the diversity of views presented before our committee, this bill strikes a balance between States rights, Federal authority, and the national interest. The longer this problem remains unsolved the longer the national interest is held hostage to the risks presented by these wastes. I urge my colleagues to support this bill.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. KOSTMAYER) to the Nuclear Waste Management Act. This amendment will provide protection to those States which may be designated nuclear waste repositories.

The disposal of nuclear hazardous wastes is too critical a question to overlook the concerns or objections of Governors and residents of States with potential disposal sites.

My own State of Louisiana is one of those States where the Federal Government conducted some of its first tests to determine a suitable site in geologic formations. Testing occurred in Louisiana's salt domes and the Department of Energy is continuing to test sites in our State.

These salt domes, previously believed to be impregnable, should be reconsidered and reviewed in light of the recent disaster which occurred off Jefferson Island, La., on November 21, 1980. A salt mine within a salt dome collapsed forming a giant whirlpool when a Texaco oil rig inadvertently pierced an abandoned salt mine. This occurrence received much national attention and has prompted our Governor to request that DOE study the circumstances surrounding the event to discern if any lessons should be learned from this disaster relative to the salt domes being tested in north Louisiana for storage of nuclear wastes.

Because the State of Louisiana has provided much to the Nation relative to energy, the Department of Energy entered into an agreement with Louisiana's Governor in 1978. In that agreement, signed by Governor Edwards and DOE Deputy Secretary O'Leary, Louisiana permitted DOE to use salt domes in Louisiana for the strategic petroleum reserve program. In return, the principle of understanding stipulated that the Federal Government would not construct any long-term nuclear waste repository in Louisiana if the State objected.

This principle of understanding continues to have the support of the citizens of Louisiana and of our present Governor.

To augment the strength of this agreement will be the passage of the Kostmayer amendment. This amendment will insure an orderly Federal procedure available to all States being studied as potential repositories. A mechanism will then be in place to provide States assurance of their full input into the important decisionmaking process for a location for nuclear waste repositories.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Speaker, I rise in favor of the Kostmayer amendment.

It is important for this Congress to deal with the problem of nuclear waste, but we must deal with it in such a way as to solve our problem, not to aggravate it. An equitable solution, in my opinion, would require the continuous involvement of the States and Federal Government.

How we strike this balance will leave a lasting mark on the practicality of deriving energy from nuclear power, because the nub of our problem with nuclear power will always revolve around the question of waste disposal. Therefore, it is imperative that the balance we strike be one that is just and fair and perceived to be so.

While it may not be feasible to allow States to have an absolute veto power over waste repositories, nevertheless, people should at least have assurance that their Congress will give a full and complete review of any and all major objections they might have to a site proposed for their State.

The bill without the amendment would allow a State veto power but the State would have to motivate one House of Congress to affirm the State's stand. In other words the onus would be solely on the State—from a practical viewpoint, a near impossibility.

I am for the amendment because it would provide that Congress act affirmatively—if Congress wishes to override a State veto. We would have 90 days to override the State veto, and if we did not—then the State veto would stand. This, I believe, is a fair and equitable way in which to proceed. In essence, it would solve the nub of the State's problem with nuclear site selection.

Another important point is: The bureaucracy would be less cavalier in its process of site selection. Let me illustrate: Since January of this year, DOE has been playing a real cat and mouse game with some States, for example, Wisconsin. Our citizens are very upset and intimidated by this procedure.

Now, with the amendment we are offering, we will be implementing some real safeguards for our people. I hope you will carefully weigh the merits of this amendment. As you consider this amendment, I feel you will also conclude that this amendment is good public policy, it will help arrive at an equitable solution to nuclear waste repositories and it is an amendment which will be applauded by the citizens of our various States.

□ 1550

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I rise in support of the Kostmayer-Roth-Santini amendment. I have fought hard for an opportunity to offer a stronger State veto amendment, including a provision for compensating States and localities affected by nuclear waste repositories for any adverse economic or other impacts associated with those repositories. As I have been denied this opportunity, I support the Kostmayer amendment as the best State veto alternative available.

In my judgment, the stronger a veto power we give the States, the less likely they are to exercise it. Without a strong State veto, the public and local officials simply will not trust the Federal Government, and the Department of Energy in particular, not to try to ram down their throats something potentially injurious to them. With it, they will feel more comfortable about the process all the way along. Knowing that they have some power to block a site, they will be less likely to focus their energies and attention on the tactics of obstructionism and more likely to focus on the merits of a repository.

Thus the State veto is a positive measure, designed to insure that the public and local officials are really consulted during the entire process of site selection, and that they come to a basic acceptance of an eventual site. Without such local acceptance, any decision will be tied up in court challenges and other obstruction for years. Besides, when local people directly affected by a decision are consulted, they can often make suggestions that improve the eventual result.

I am disappointed that H.R. 8378 will make no mention of economic impact assistance for States and localities affected by waste sites. Clearly, it will be much easier to win public acceptance of these repositories if the local citizens get something in return. No matter how safe the repositories are, there will always be some very small residual risk associated with them. The original Interior Committee bill contained a study of the impact aid issue, and I have received expressions of support for the concept from the Energy Department, environmentalists, and various representatives of the nuclear industry. The chief difficulty lies in devising criteria and a mechanism for distributing the assistance. I continue to believe that all sides will eventually recognize the need to address this issue, and I hope and trust that in future years and future legislation, this will be done.

Finally, I would like to note that, if this amendment is not accepted, I will vote against the bill on final passage.

Mr. DAVIS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PETRI. Mr. Speaker, I will be happy to yield to the gentleman from Michigan (Mr. DAVIS).

Mr. DAVIS of Michigan. Mr. Speaker, let me express my agreement with the gentleman from Wisconsin.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Mr. Speaker, I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I stand in support of H.R. 8378, the nuclear waste disposal legislation before us, and in strong support of the amendment offered by the gentleman from Pennsylvania (Mr. KOSTMAYER). This legislation effectively confronts a problem which has threatened the health and safety of our citizens for more than 30 years.

Further, this legislation is evidence of quick and effective response by this body to President Carter's proposal in February for a comprehensive nuclear waste disposal program. H.R. 8378, with the amendment, represents a crucial first step in facing up to a serious national problem which is certain to be with us for hundreds and possibly thousands of years.

I want to express one concern I have about the bill as we consider it today. This bill contains only marginally sufficient steps to insure safe management of a nuclear waste disposal program and to protect the health and well-being of our citizens. Any attempt to add on to the bill measures which provide the nuclear industry with a convenient exemption from the heavy responsibility it bears for commercial nuclear waste must be opposed and defeated. Away-from-reactor waste storage sites and retrievable storage facilities are two such measures, and both are contained in the Senate version of nuclear waste legislation (S. 2189). I hope my colleague from Arizona (Mr. UDALL) will reassure this body that the provisions contained in the Senate version will not be included in any way to final nuclear waste legislation considered by this body.

These measures were intentionally omitted from this legislation and it is the intent of the legislation before us to exclude the possibility of temporary, rather than permanent, resolution of the nuclear waste issue. AFR's and retrievable facilities together make S. 2189 a bailout for the nuclear industry, by providing a short-term way out of the industry's waste storage problem without requiring a long-term commitment to finding real answers. We should make certain that this crucial piece of legislation is not forced to become a buttress of the nuclear industry instead of a shield for public protection. The bill before us must be made to stand fast in Congress against the kind of counterproductive measures included in S. 2189.

H.R. 8378 is a solid bill arrived at through the perseverance of our distinguished colleagues from Arizona and from Michigan, and I want to compliment the gentlemen on their efforts. The compromise legislation they achieved provides a strong role of leadership and assistance for Federal agencies. This will help the Nation accomplish a nuclear waste program which accurately reflects its best interests. And inclusion in today's consideration of the amendment which would provide States with a veto right, subject to override by both bodies of Congress, is evidence of a clear intent to offer fair legislation which shortchanges no one.

The actions required by H.R. 8378 of the Department of Energy, the Nuclear Regulatory Commission and the Environmental Protection Agency are forceful and effective. They should go a long way toward protecting public health and safety and encouraging caution and attention on the part of the agencies toward fulfilling their responsibilities.

We should pass H.R. 8378 today, including the State veto/congressional override provision, and we should make certain that the bill we pass is not undercut by measures included in S. 2189. I urge my colleagues to join me in supporting this legislation, and I particularly ask that the integrity of this bill and the intent of this body are preserved and fulfilled.

Mr. WEAVER. Mr. Speaker, I want to say I support the Kostmayer amendment, that the waste disposal of nuclear waste should have been solved by the industry even before they ever began to build their plants.

I support States rights in the nuclear issue and would support a State veto because the Federal bureaucracy will simply run roughshod over our local citizens if this is not done.

I simply want to clarify the exact nature of the type of nuclear waste disposal facilities this bill would require for the disposal of high-level radioactive wastes, spent nuclear fuel from commercial powerplants, and transuranic wastes. It is my understanding that this bill expressly provides for the permanent disposal of these radioactive wastes in mined, deep-geologic repositories and it does not provide for or authorize long-term storage facilities whether they be located on or near the Earth's surface. Is this the case?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, it is the intent of this bill to create a means for the permanent disposal of the hazardous radioactive wastes you described in a way that will not burden or jeopardize future generations. Concepts for extended long-term storage, such as retrieveable surface storage facilities, are not within the scope of this bill nor do we intend to address such concepts in this Congress. Indeed, we have agreed not to entertain consideration of radioactive waste storage in the House nor would we accept such legislation from the Senate. Our intent is to provide for the final and permanent disposal of nuclear wastes and not to establish programs for their storage.

Mr. WEAVER. Mr. Speaker, I thank the gentleman.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. Mr. Speaker, I would be happy to yield.

Mr. LUJAN. Mr. Speaker, I would like to engage the distinguished chairman of the Interior Committee in a colloquy.

It is my understanding that the Nuclear Regulatory Commission has already completed a large portion of the preliminary work necessary to undertake the cleanup of the uranium mill tailings which blew off the inactive mill site at Edgemont, S. Dak. Of 690 properties in and around the Edgemont community, the NRC received requests to test 450 for the presence of uranium mill tailings. As of October 31, 1980, the NRC had surveyed 180 properties in the Edgemont area.

The residents of this community have already been inconvenienced by numerous studies, yet the legislation we are considering calls for the Department of Energy to conduct another study of the offsite contamination at Edgemont. Such a study would only duplicate previous efforts. Therefore, this provision is unnecessary. Mr. Speaker, I understand this matter will be discussed further in conference.

Mr. UDALL. Mr. Speaker, if the gentleman will yield, that is correct. It appears the study provided in the committee bill is not necessary. This problem will be dealt with in the conference committee.

Mr. JEFFORDS. Mr. Speaker, I first want to commend the members of the Interior and Commerce Committees for bringing this legislation forward. I have been involved with this issue for some time, ever since I represented the State in licensing procedures for an atomic energy plant. In fact, the State of Vermont was one of the first to raise the waste disposal issue in a licensing procedure. It is therefore gratifying to see a bill which will help set us on the road to finding a nuclear waste disposal solution.

I am now rising in support of the Kostmayer amendment. In explaining why I advocate this amendment, I would direct my attention not only to the people of Vermont, but to all those who live to the south of Vermont. My State has been mentioned as a possible site for a nuclear waste repository. I would just like to point out to my friends from New York, New Jersey, Connecticut, and Massachusetts, that our ground water flows through your areas. If by some fluke the Federal Government should decide to locate a waste disposal site in an area which lies so close to megalopolis, it could raise a serious risk for your people.

I hope that you will take into consideration when you ask yourselves, if it comes down to that point, should not the whole Congress give its attention to a State's objections in such a case?

I think it is extremely important for those who lie to the south of Vermont to realize the full implications of this question. If you do, I believe you will choose to vote for the Kostmayer amendment.

The Kostmayer amendment says that if a State objects to having a nuclear repository located within its bounds, that objection can be overruled only if both Houses of Congress turn it down. The language now contained in the bill provides that a State objection will stand only if one House agrees with the State.

The amendment would balance the rights of States and their citizens with the ultimate necessity of establishing a permanent high-level waste repository. A Federal override of a State veto should be taken very seriously by the Congress. An issue of this magnitude deserves the full consideration of both Houses. Every reasonable opportunity should be taken to hear and deliberate upon the concerns of States and private citizens. Because extremely difficult questions concerning public safety and health and constitutional rights are at stake, vetoes should receive our fullest possible attention.

While I do feel that States rights should be protected more effectively than they are now in the bill, I want to reiterate my support for this legislation. As I have said, this area has concerned me deeply for a number of years, and I have pushed hard for legislation since the 94th Congress. It is high time that we took steps to preserve the public health and safety, and the integrity of our environment, from the threat of high-level nuclear waste accumulations.

Back in October of 1977 I introduced a bill calling for a comprehensive nuclear waste disposal strategy and an independent Nuclear Waste Management Authority to implement that strategy. At the time, I felt very strongly that responsibility for developing a national nuclear waste disposal policy should be removed from the Department of Energy. The Department had failed to make much progress toward a policy that involved the States. Meanwhile, the gravity of the waste problem was underscored by a series of radioactive waste leaks and the President's decision to halt reprocessing.

Since 1977, the administration has been slow in coming forward with a waste disposal plan. Nevertheless, I commend the administration for the proposal which it issued in February. As you know, the administration's plan designates the Department of Energy as the lead agency in nuclear waste management planning. I do not object to this basic institutional decision. Given current budgetary constraints, it does not seem advisable to recommend the establishment of a new Federal energy authority.

Now that the administration has proposed a nuclear waste management plan, I cannot emphasize strongly enough that Congress and the administration must work closely together to sustain the momentum behind the search for a workable waste disposal strategy.

With this bill, the Commerce and Interior Committees have outlined statutory authority to guide the Executive in developing a nuclear waste disposal program. This is a very important step and it should launch a strong, continuous involvement of the Congress in nuclear waste policy. There are many issues that remain to be solved, and I hope that the 97th Congress promptly addresses these problems through additional legislation and intensive oversight.

Having stated my support for this bill and for the ongoing process of identifying a suitable waste repository, I must inject a note of caution into this debate. We have not yet found a satisfactory technical solution to the problem of radioactive waste disposal. The course being taken by the present administration assumes that, by launching an intensive exploratory effort, we can arrive at such a solution by 1985. I hope that this proves to be the case. However, I also believe that we must prepare for the contingency that a technical solution is not available by mid-decade. While it is important to operate under the incentive of a specific timetable, strict time requirements do not make room for the possibility of continued technical uncertainties.

In issuing his plan, the President stated that "the basic elements of the program should be independent of the size of the nuclear industry and of the resolution of specific fuel-cycle or reactor-design issues of the nuclear power industry." My own position is closer to a statement made by Gus Speth, chairman of the Council on Environmental Quality, last year before the American Association for the Advancement of Science:

> Any substantial escalation in our commitment to nuclear power (should) be preceded by a clear showing that a practicable method exists for the safe, long-term isolation of nuclear wastes.

Waste disposal issues must also be included in the equation of benefits and drawbacks that serve as the basis for approving a nuclear plant. As I stated upon first introducing nuclear waste management legislation, the time has come when we simply cannot continue to license more and more nuclear plants without finding an effective solution to the waste problem. We should place a moratorium on all new construction permits until we have found such a solution. The longer we allow wastes to build up without arriving at a satisfactory disposal method, the more we increase the pressures to accept a less-than-safe alternative.

Along these same lines, I have some concerns about the effect of continued waste buildup on States' rights. I know that there must be some ultimate capacity to override State objections at the Federal level, or we could end up with no place to store high-level waste. However, I would qualify the authority to override State vetoes in one major respect. My own nuclear waste management bill, H.R. 3298, gives the Director of the Nuclear Waste Management Authority a limited right to override a State veto. If State vetoes reduce the number of approved sites below the level of anticipated future need for such sites, the Director can designate only such sites as are necessary to dispose of wastes which either existed 4 years from the bill's date of enactment, or were produced by facilities for which construction or operating licenses were issued within 4 years of the enactment date. The same time limit applies to reprocessing, mining and milling facilities. In this way, no State would be forced to accept wastes which are generated by plants approved after issuance of a final national nuclear waste management plan.

The nuclear waste problem is much larger than the question of high-level and transuranic waste disposal. Due to the dramatic nature of high-level waste disposal efforts, involving the location of geologic formations suitable to contain radioactive materials for more than a thousand years, public attention naturally tends to focus on this particular aspect of the problem. The President has announced an interim planning strategy for high-level and transuranic wastes which proposes a series of steps to be taken over the next decade and a half. While I do not wish to downgrade the importance of this strategy, I am concerned that the same devotion to detail has not materialized regarding other aspects of the nuclear waste problem. We need to raise the visibility of the problems associated with uranium mine and milling tails, the decontamination and decommissioning of obsolete, surplus and abandoned facilities, and the transportation of nuclear wastes.

In closing, I would like to address the question of costs associated with nuclear waste management. The intensive research and development effort that is needed to identify a proper repository will undoubtedly prove to be a costly undertaking. Utilities should bear part of the cost of this R. & D. effort; an appropriate share should be factored into the fee assessed on users of the repository. As soon as possible, the Department of Energy should arrive at a cost estimate that includes all the elements of radioactive waste management, including R. & D. efforts, treatment of uranium mine and milling tails, transportation, decontamination, and decommissioning, as well as the final disposal of low-level, transuranic and high-level wastes. These expenses should be factored into the traditional nuclear cost-benefit equation. In the future, any comparison of nuclear power with other energy sources must be based on such a full cost accounting.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. SANTINI).

Mr. SANTINI. Mr. Speaker, I rise in support of the Kostmayer amendment. I rise in support of it because I believe that it contains basic equity and fairness that impacts on every congressional district and State in this Union.

And specifically, it impacts, according to the DOE officials, the agencies either investigating or considering an investigation of potential nuclear waste disposal sites in the following States: Connecticut, Georgia, Louisiana, Maine, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

What we are appealing for here is a basic appreciation and understanding of the mechanism involved in the location of a waste disposal site. The Department of Energy, in its divine and inspired wisdom, will make selections from one of these 23 States.

The question is: You as a Representative from the State, you as a Representative from your congressional district have the option then through your State of having some appeal of that exercise in divine wisdom and judgment that is meaningful and substantive.

The present appeal procedure is at best a charade of an opportunity. What I suggest the Kostmayer amendment offers is a realistic opportunity for your Governor, that is why the National Council of Governors supports it, for your State legislature, that is why the Council on State Legislatures supports it, to have a meaningful access to your ear, your time, and your attention for a few brief moments to appeal their case. Is it one House negative or two House affirmative? That is, if your State vetos the site location, will you have the opportunity or the option to come before this body and require the Department of Energy to justify its profound judgment?

Now, those of you who have had the good or bad fortune to deal in meaningful terms with the Department of Energy may be less than totally confident about the divine, emperical exercise of that judgment. If you do, or if you fear or believe the bureaucracy occasionally may make a mistake, you should have the ability to do something about it. Where you have got to do it is before this body. You should require, through expedited procedures, a fair consideration of that procedure on this floor.

Now I happen to deal with another particularly sensitive issue. It is a delightful project called the MX Missile. Guess what lucky State was the beneficial recipient of that consideration. I came to you for consideration, realizing I was running up against all the might and muscle of the Department of Defense. But I had that option. You made it possible for me. My amendment was not a resounding success, but at least I came in here with the opportunity to plead my case to you and you gave me a fair consideration. That, in essence, is what the Kostmayer amendment is all about. It would require the energy committees through their representative chairmen and through the Department of Energy to come in and make sense to you as to why that particular site should be in Wisconsin, Maine, Michigian, Georgia, or Louisiana.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GOLDWATER).

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Mr. GOLDWATER. Mr. Speaker, we in this country and the world, have the technical ability to dispose of and handle nuclear waste. Our problem has been not having the political guts to address ourselves to the issue. We have since 1950 been researching and developing nuclear waste handing capability but up until now it has been a political hot potato and we have ignored it.

I reluctantly support this legislation. I do so because I happen to think that it is good, not so much what is in it but what is omitted. The legislation dealing with commercial disposal of high level nuclear waste will be needed sooner or later but regrettably while we are considering this bill we are letting the more critical legislation report out of the Committee on Science and Technology, H.R. 7418, die on the Union Calendar. That particular bill would have put the horse before the cart.

It would have allowed us the opportunity to demonstrate the state of the art as it exists today.

States have placed moratoriums on future development of nuclear powerplants primarily because—and they hang it on the theory that we cannot, do not have the ability to do with nuclear waste and it was the purpose and design of H.R. 7418, a fast track research and development bill, to prove to the world that, in fact, we can handle nuclear material.

Then, after we demonstrate that, we should then proceed on a commercialization. That is where this particular bill, H.R. 8378, would come into being.

Mr. Speaker, we in the Government have had a long history of involvement and research and development in handling nuclear waste. It can be done. We can do it today and we can begin to do it today as fast as possible.

I would submit to you that this bill, H.R. 8378, will not find us depositing nuclear waste, until probably the year 2000. That is some 20 years from now. What do we do in the meantime? We still continue to have the moratorium on nuclear powerplants.

Mr. Speaker, I rise in reluctant support of the waste management legislation which is pending before this committee. My reticence comes not so much from what is in the legislation, but from what is omitted. Legislation dealing with commercial disposal of high-level nuclear wastes will be needed sooner or later, but regrettably while we are considering the bill we are letting the more critical legislation, H.R. 7418, die on the Union Calendar where it waited for consideration since July 2. This is regrettable since H.R. 7418 more closely resembles the Senate-passed waste legislation and was our best hope for having something enacted into law by the end of this week.

As many of you well know, there is a long history of Federal involvement in nuclear waste research and development. This work began in the 1950's in the Atomic Energy Commission and has continued up to the present as a major component of the Department of Energy's nuclear budget. The last couple years we have provided the Department funds for the research at a rate well exceeding $100,000,000 per year. Most of the knowledge we have gained about nuclear wastes has come out of this program, and we have made great progress over the years. We have developed techniques for taking the liquid reprocessed wastes, for turning it into a very hard glass-like substance, and for structuring it into a form where it is likely to remain stable for hundreds of thousands of years if not longer.

We have developed canisters and other engineered barriers which are designed to isolate the wastes until they are less dangerous than uranium ore. We have studied rock formations regarding their acceptability for acceptance of high-level processed wastes, have in some instances inserted heating elements, and have identified several types of formations where there is wide scientific agreement concerning their suitability for permanent disposal. Testimony before our committee over the past 3 years has shown that there is wide scientific agreement that the technologies for disposal are here, but that small-scale technology demonstration must take place to make sure that waste disposal will work as we think it will. Only then will we have developed the confidence needed to place large quantities of waste deep in the ground without the capability to retrieve easily.

This need for a technology demonstration is solved by H.R. 7418 and therefore, I hope, the 97th Congress will consider the legislation on a priority basis. The Science Committee has studied the problem and has refined the legislation I introduced for two Congresses. We have a very clear idea of what is needed to solve the problem and have reported that solution both as part of the DOE authorization and as separate legislation. All we ask is for the chance to bring these ideas to the floor of the House for the careful consideration of our colleagues.

H.R. 7418 authorizes multiple small-scale demonstrations in a variety of formations. These demonstrations would be carefully controlled, very well instrumented, and designed for retrieval of the nuclear materials if the demonstration did not go as expected. As with all research and development projects, reliance would be on technological, rather than regulatory controls. The projects would be administratively fast-tracked to permit emplacement of the wastes by the late 1980's. The information from the tests would be widely disseminated to provide all interested parties with the information they need to insure the proper design and operation of commercial facilities.

States and environmentalists would have scientific bases for their input into the design and licensing of commercial facilities. The NRC would gain some knowledge on the licensing procedures they should establish for commercial repositories. The scientific and industrial communities will gain knowledge they need for the actual design and construction of permanent repositories. We would be putting the horse before the cart, by developing a data baseline before trying to go through a formal licensing procedure. In many ways this is a return to President Ford's approach of providing for an orderly 5- or 6-year demonstration of nuclear waste technologies.

We have spent the past 4 years proving the bankruptcy of nuclear waste management activities in the absence of technology demonstration. Each year we have seen the estimated date for the opening of a commercial repository slip 5 or 10 years despite the fact that advances are being made in the laboratory. The 1985 timetable of the Ford administration may have been ambitious but it is certainly more reasonable than the current consensus estimate that we will not be placing wastes in the ground in the year 2000 at the earliest. What this means to me is that if we refuse to develop the technical knowledge base we need for nuclear waste repository licensing and operation that we might as well choose the year 3000 as the year 2000.

Let us unleash American creativity in this area. I will never believe that the Nation that has unlocked so many secrets of the atom is not able to find a way to deal with the residues of the nuclear age, especially when the solution is right under our noses. Nuclear waste management is far more of a political problem than it is a technical problem, so early in the next Congress we should take the next step toward solving the nuclear waste problem and establish a meaningful small-scale, fast-track demonstration program to complement regulatory initiatives in this bill.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I would like to ask Chairman UDALL about protecting the critical public health and safety checks about which a number of other Members and I feel very strongly. After extensive hearings and deliberations, the Interior and Commerce Committees have put together a proposed law which establishes a process for the careful selection and licensing of geologic repositories. These committees and their distinguished chairmen should be commended for their long, hard efforts on this important, controversial, and highly technical piece of legislation.

As we all know, the bill before us this afternoon is in many respects markedly different from the bill which the Senate passed in July, S. 2189. Our bill H.R. 8376 provides for the careful siting of geologic repositories for the disposal of high-level wastes and spent fuel and transuranic wastes. On the other hand, the Senate bill S. 2189 emphasizes a program of long-term storage of these lethal materials at, or near, the Earth's surface. Moreover, to the extent that the Senate bill discusses geologic disposal at all, it calls for an unlicensed "demonstration repository," which is exactly the type of geologic disposal project which our bill is designed to prevent. In addition, the Senate bill contains limits on the application of the National Environment Policy Act and the Nuclear Regulatory Commission, which raises considerable concern on the part of the House Members who worked on this issue.

I have been assured by the chairman and Congressman DINGELL that the House will not agree to any legislation this year which addresses the controversial Federal away-from-reactor spent fuel storage program for the long term, monitored, retrievable storage of nuclear waste at, or near, the Earth's surface.

I am also concerned about the fate of the public health and safety protections which are included in the House measure. These include the proper Regulatory Commission licensing of geologic repository projects, full use of the National Environmental Policy Act, required investigations of a number of potentially acceptable sites in a variety of geologic media, and a specific and meaningful process for State and local participation in the national nuclear waste program. These essential procedural safeguards have been stressed by both the 14-member Federal Interagency Review Group on Radioactive Waste Management and by the Federal-State State Planning Council on Radioactive Waste Management, and must be included in any legislation regarding this necessary geologic disposal program.

In addition, we must insure that any final version of this legislation does not contain timetables which are more accelerated than those contained in this bill. The House timetable is already more accelerated than in earlier drafts and is more optimistic than the Department of Energy and interagency review group estimates. While we can enact legislation in this area, we cannot legislate the needed scientific knowledge to carry out these programs.

Therefore, I would like to ask if it is the chairman's understanding that should the House pass this bill today, it is with the understanding that we hold these public health and safety protections to be extremely important, and that the sponsors of this legislation would not accept a House-Senate conference compromise which threatens these vital procedural guarantees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UDALL. Mr. Speaker, I yield the gentleman 1 additional minute.

If the gentleman will yield, I am in full agreement with my colleague regarding the importance of certain issues in the bill now before the House. Our first priority must be to address the question of safe, permanent disposal of nuclear waste. Because we ran out of time this year, we will not be able to address secondary issues relating to temporary storage of spent fuel, pending construction of permanent depositories.

These are important issues. We will return to them next year.

Mr. VENTO. Mr. Speaker, I thank the chairman for his response.

In addition, I rise in support of the Kostmayer amendment.

The bill before us is an important first step in dealing with a major issue of the 1980's—the disposal of nuclear waste. While there is disagreement throughout the country about the future of the nuclear industry, it is clear that regardless of the fate of that energy source, we must still address the nuclear waste disposal issue. It is not a problem that will disappear, and delays only serve to exacerbate the problem.

I commend Chairmen UDALL and DINGELL for their efforts in this area. The proposal which we are considering is a sound step forward, but we must remember that it is not the final step. Many outstanding issues still remain which must be addressed during the 97th Congress.

In addition, we must realize that this bill will not solve the waste problem overnight. While we can establish parameters through this measure, we cannot mandate scientific knowledge.

Questions and uncertainties about radioactive waste still exist and as long as the problems exist, the public will remain rightly concerned about the location of disposal sites.

Because of these concerns, it is essential that this legislation provide adequate opportunities for substantive local input at the earliest possible time. The amendment which we are considering will provide for that meaningful input. As amended, this measure will provide for full State's participation. This step will benefit all concerns and will provide the essential perspective and expertise of local officials and individuals.

In addition, the Kostmayer amendment properly addresses the issue of a State veto. Rather than placing the burden of proof upon the State, this amendment would require the positive action by both Houses to override a State veto. Thus, under this amendment, the State is given a strong voice in the decision-making process while the two Houses override still provides for the national interest.

It would eliminate the designation of high-level waste sites merely by the silence of Congress, a major flaw in the current draft.

Mr. Speaker, it is time to move forward on the issue of nuclear waste disposal but we cannot do so at the expense of the State's role. Therefore, I urge my colleagues to support this amendment.

Mr. VENTO. Mr. Speaker, I yield to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Kostmayer amendment to H.R. 8378. Without the Kostmayer amendment, the States will be virtually powerless to assert any kind of veto over nuclear site designations within their boundaries.

What is at issue is far more than a question of States' rights. In my judgment, passage of H.R. 8378, without the Kostmayer amendment, severely impairs our ability to develop a nuclear waste disposal program that will have public credibility and command public confidence.

The issue of nuclear waste disposal is not a question that should divide supporters and opponents of nuclear power. Whatever our views on the wisdom and efficacy of nuclear power, we all have a common self-interest in developing—as speedily as possible—a safe method of permanently disposing of the radioactive wastes that have already accumulated. But that objective will be impeded rather than facilitated if it appears that an effort is being made to deny full participation by the States in the nuclear waste site designation.

The unintended effect of this approach will be to further polarize and inflame the debate over nuclear waste storage, and to make more difficult the development of necessary public support for whatever waste disposal methods and sites eventually emerge as the safest and most effective. We should, indeed, be doing precisely the opposite: Widening public participation and involvement in the nuclear waste disposal issue, and—as the Kostmayer amendment provides—issuing to the States their ability to veto proposed waste disposal sites unless such a veto were to be overridden by a vote of both Houses of Congress. I urge a "yes" vote on the Kostmayer amendment.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Speaker, I would like to simply ask this question: It is not our chairman's intention or the intent of the gentleman from Michigan (Mr. DINGELL) to accept any compromise with respect to away-from-reactor storage sites in this bill, whether through a House-Senate conference or another procedure?

Mr. UDALL. Will the gentleman yield?

Mr. LUNDINE. I do yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I think someday we are going to need at least a modest storage system, away-from-reactor storage system.

We stripped out a lot of controversy trying to get some kind of a beginning this year on this bill, so I will support this bill and I will resist, as I am sure the gentleman from Michigan (Mr. DINGELL) will, any attempt in conference to go into AFR.

Mr. LUNDINE. Mr. Speaker, with that understanding, I rise in support of the bill and am opposed to the Kostmayer amendment.

Mr. Speaker, I rise in support of House passage of this proposed legislation to establish a program for the safe management of our radioactive wastes. The bill before us for consideration sets forth a meaningful process for the identification, characterization, selection, and construction of mined geologic repositories for our high level radioactive waste; and for the development of regional disposal sites for low-level radioactive wastes from our medical institutions and nuclear powerplants. Under this bill, an application for a construction permit for a repository must be under consideration by the Nuclear Regulatory Commission by 1986 and all NRC consideration completed by no later than 1990.

The bill provides the States with a meaningful role in the determination of the location of repository sites. State review boards will be established in the States to work with the Federal Government in exploring and selecting sites. These State review boards will have the authority to petition the Congress for disapproval of a site within their borders if there is disagreement and concern at the State level regarding the suitability of a particular designated repository site. The Congress will then be required to render careful, but expeditious consideration of such a petition.

This compromise bill is the product of endless congressional hearings and committee activities in the House. As a member of the House Science and Technology Committee with joint jurisdiction over aspects of nuclear waste management policy, I commend the efforts of my colleagues on the Interior and Commerce Committees to attempt to reach some compromise on these aspects of this critical issue in the waning days of this 96th Congress.

This Congress has already approved an important step in the area of nuclear waste management with enactment of the West Valley Demonstration Project Act, which I sponsored. As a result, at West Valley, we will be demonstrating the solidification of the 600,000 gallons of high-level liquid nuclear waste for eventual disposal in a repository. The legislation before us today can provide the critical framework necessary to insure that the work done under this new law at West Valley is integrated properly into an overall, sensible national policy structure for the long-term management of our radioactive wastes.

It is important to note, however, that this legislation does not include authorization for the Federal Government to proceed with an away-from-reactor storage program for spent nuclear fuel. Furthermore, it is my understanding that it is the House position to remain firm in opposition to inclusion of such a provision in this bill during the course of any future discussions relevant to this bill with the Senate.

I add my strong support to this decision. In my opinion, the provision included in S. 2189, the Senate-passed bill, which authorizes an away-from-reactor storage program for utility spent fuel is ill-advised policy. It would represent an unnecessary intrusion by the Federal Government into what is appropriately a private sector responsibility. There are alternatives available to AFR storage. Utilities can construct new pools at their reactors and/or transship spent fuel rods to other private sector locations for interim storage before further processing or final disposal. Furthermore, some advanced technologies available for storing and managing spent fuel—such as dry storage—may prove more economical than AFR storage. All of these options should be carefully and thoroughly examined by the utilities in lieu of any AFR program.

In summary, this bill, combined with the demonstration of handling and solidification techniques at the West Valley site will enable this country to take important steps forward in the effort to establish a program for management of our nuclear wastes. If enacted, this bill will contribute to a host of legislative initiatives in the 96th Congress which can move this country in the direction of an independent and environmentally acceptable energy future. I urge adoption of this bill.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Speaker, I am proud and privileged to rise in support of this legislation. I think one of the major concerns people all over the country have about the U.S. commercial nuclear program is the capacity for adequate and safe storage of the high-level radioactive waste involved. This legislation provides several means to achieve that end in, I think, a relatively speedy fashion.

First of all, we have a timetable. One of the things that has been missing in my judgment in the Senate-passed legislation, S. 2189, is a specific timetable. We have remedied that problem with the compromise bill before us.

Second, we do provide a means of dealing, effectively with the low-level waste and other radioactive waste in this legislation. We address the problem of low-level waste by providing an opportunity for the States on a regional basis to enter into contracts, a deal with their regional wastes that are developed within their area.

Finally, I think, in reference to the Kostmayer amendment which I vigorously oppose, I think we do provide a reasonable means of providing for adequate State participation in the siting decision.

One of the things that has been overlooked with respect to the controversy embodied in the Kostmayer amendment is the point at which the States can object.

In the legislation which was approved by our committee, the Committee on Interstate and Foreign Commerce, we provided for that objection to take place at the point of licensing. The compromise makes a decided departure in favor of the States in that respect because in the compromise what we provide is, we make a very beneficial change in favor of the States and that is, we permit the States to enter their objection under a very unique petitioning process with the Congress of the United States and with the President of the United States, at the point where the President, according to this legislation in 1987, would recommend to the Congress the fact that he had in his belief determined that there was a site that was qualified. At that point, the State can enter into the process of objection and involve the Congress in that particular procedure.

In the earlier version it was not until there was an NRC license approved for construction that the States could enter so I think we have adequately addressed the problem that concerns the gentlemen from Pennsylvania and other States, and I would, therefore, hope the House would approve the amendment before us without the amendment offered by the gentleman from Pennsylvania.

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Mr. UDALL. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado (Mr. KOGOVSEK).

Mr. KOGOVSEK. Mr. Speaker, I rise to seek clarification on one aspect of this bill from the distinguished chairman of the Interior and Insular Affairs Committee.

Mr. Speaker, my point of clarification relates to provisions of this legislation that affect the American Indian tribes.

My concern relates to the language in section 107 of this legislation, which establishes the right of any Indian tribe to petition the Congress to disapprove a particular siting decision, if the proposed site is on the tribe's reservation.

It is my understanding—and I want to know if it also is the chairman's—that by providing this petition right to the tribes, we are in no way giving a "green light" to those involved in the site selection to treat tribal lands as available for this purpose.

Mr. UDALL. Mr. Speaker, I agree with the gentleman's understanding of the intent of this legislation.

There is nothing in this act which authorizes the taking of tribal land for use as a waste disposal site. The courts have held that the authority to take tribal land or otherwise abrogate or impair Indian rights must be the result of express congressional action.

All this bill provides is that, if such authority exists in some other law, it must be exercised in accord with the provisions of this law, including the right of tribal petition.

Mr. Speaker, I yield 1 minute and 20 seconds to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I rise in support of the bill, but I also rise in support of the Kostmayer amendment. I just for a moment would like to commend my colleague and friend, the gentleman from Pennsylvania (Mr. KOSTMAYER), who will be leaving this body, for the work he has done in this and so many other issues.

I think the chief question is, is the location of high-level nuclear waste—we are not talking about low-level waste—high-level nuclear waste, if vetoed by a State, important enough to be approved by both Houses of the Congress of the United States? That is the chief issue. I say the answer is "Yes."

High-level waste is a serious enough issue. It should require an affirmative vote by both Houses of Congress in order to site the high-level waste objected to by the State. Let us talk about the political reality of this situation.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Speaker, I rise in support of the legislation with the Kostmayer amendment. We are of course discussing this afternoon the deposition of nuclear waste, which many people in this country, including me, believe is the most dangerous residue on the planet. We are trying with the Kostmayer amendment to provide political protection to those States which may have an objection to having that waste deposited within them.

Is there really anyone in this body who believes that eventually the move is not going to be made to deposit this dangerous waste in the wide-open spaces, deposit it in those places that frankly have the least political clout because they have the fewest number of people?

So what we are trying to do with this Kostmayer amendment is to satisfy the dilemma which has faced all of the branches of Government throughout the history of this Republic. That is, how to adequately protect the States without violating the Federal good. I think this amendment properly achieves that balance. It raises the State fist to, but does not intrude upon, the Federal nose.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I rise in very strong support of the Kostmayer amendment. The bottom line is if you want to have any State rights at all, any State say-so at all, as to where a permanent Federal respository of nuclear waste for the Nation is going, you must have the Kostmayer amendment.

The Kostmayer amendment simply says that a State can veto it and that Congress must act to either override or uphold that veto. Otherwise, the bill as written, allows the State no say whatsoever.

I must also point out I think the timing of this bill is really unnecessary and many people in DOE will say that. It mandates that two sites be picked in less than 2 years from now for permanent repositories. We are not ready to make those decisions at this point in time. We need to take the approach the French have taken. Store high-level waste above ground until you know what you are going to do with it, until you know whether or not you are going to reprocess it, or unless you are absolutely certain what is the best medium to store this waste.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DERRICK).

Mr. DERRICK. Mr. Speaker, I direct this question to the Chair.

There is nothing now in this bill (H.R. 8378) that would authorize the Nuclear Regulatory Commission to have any involvement or role in the activities relating to defense-waste activities onsite at any Department of Energy facility.

Mr. UDALL. There is nothing in the bill that would carry out the difficulties the gentleman refers to.

Mr. DERRICK. I thank the gentleman.

I wish to commend both of the chairmen. This bill that we are here to consider this afternoon may well be one of the more important pieces of legislation that we pass in this Congress. It is a matter that should have been dealt with 35 years ago.

I wish to stand here in strong support of the legislation, but I also wish to stand here in opposition to the Kostmayer amendment.

Let me tell the Members, I have heard States rights paraded in front of us for the last half hour. The very reason that this matter has not been solved over the last 35 years has been because of States rights. Let us face the political realities of it. The political realities of it are that no one wants it. South Carolina does not want it. Colorado does not want it. Montana does not want it. Pennsylvania does not want it. But yet, it is a problem regardless of how you feel about nuclear energy that must be dealt with, or it could well be one of the greatest problems that we face in the next century.

I direct the attention of the Members to the Great Lakes. We are almost to that point if we do not do something about the permanent disposal of nuclear waste, it is going to be unretrievable. So I suggest to the Members that the stronger veto power that the Members give to the States, the less likely we are going to solve this problem that is before us. The bill that is before us gives ample forum to the States. The debate gives ample political and real protection to the States if they are sited for the permanent disposal of this waste.

My State of South Carolina is one of those that is being considered.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, this bill I must point out is a compromise between the Commerce and Interior Committee's version of the original bill. The Committee on Interstate and Foreign Commerce, on which I sit, required initially that both Houses of Congress would be obliged to uphold the State's objections if a site selection is to be stopped. The reason that was done is in recognition of the overwhelming national need, as the gentleman from South Carolina has so eloquently stated, for permanent nuclear waste depositories.

The compromise language allowing only one House of Congress to stop a site selection was included in the bill before us today because of the same recognition of national need to bring the waste issue to the floor and to make it determined in the Congress.

I am strongly against a further weakening of the site selection process by the Kostmayer amendment. That amendment would allow a single State for any arbitrary reason to completely thwart the national need for permanent nuclear waste repository unless both Houses of Congress overturn the State's objection.

Let me put it simply: We need nuclear power to push out oil so that we are less dependent on oil and do not have the threat of having to go to war to fight for oil.

Nuclear power is a domestic source. We, therefore, need nuclear waste repositories. We have the technology to do it, a point which has not been fully sustained in this debate, but is there. We must use the sites and get the job done.

If the Kostmayer amendment passes, political concern, not safety concerns may thwart the siting of a respository if any State can veto a State within its border.

If there are legitimate State concerns, a State's objections will be compelling in such an instance, and the State's objections will be upheld by either House under this bill, H.R. 8378. The Kostmayer amendment in the sheep's clothing of States' rights is the antinuclear war over again.

Make no mistake. The Kostmayer amendment to this bill which disapproves a site unless both Houses of Congress go against the State's objection will effectively kill any site selection, and that is the objective of it.

Let us not pass an illusory nuclear waste disposal program by allowing all of the preparation and none of the consummation of the site-selection process. Many of the supporters of this negative amendment have been the leaders in nuclear moratorium amendments in the past.

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Now, 13 percent of our Nation's electrical generating capacity is now nuclear. When we license the 94 nuclear plants that are currently in the process at the NRC we will have about 25 percent of our electricity coming from nuclear power and we will be less dependent on oil and that is the point.

To keep nuclear power viable today, we must implement a nuclear waste program today. We have the technology to do it. We should support the bill and vote against the Kostmayer amendment.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Speaker, I rise in support of the Kostmayer amendment.

The real debate here is not the question of whether nuclear power displaces oil. The real question is whether or not we are going to afford protections to the States against arbitrary actions by the Federal Government by the Department of Energy in imposing a nuclear waste program and nuclear waste sites upon individual States without full participation by those States in that decisionmaking process.

The reason that we need that rule is that the Department of Energy and its predecessor agencies have had a miserable record in implementing any kind of nuclear waste program. In the early 1970's as a case in point, here is what happened in Kansas. The Atomic Energy Commission tried to force the selection of a waste dump in Lyons, Kans. By 1971, preparatory work was considered complete and the AEC announced that permanent disposal of transuranic and high level waste would soon commence in the Lyons mine. The agency claimed that the research had shown the method to be fully developed and the site to be suitable. The waste would be isolated from the biosphere for the requisite period of time, according to the Commission claim.

As of 1971, the AEC had spent 15 years and some $100 million studying bedded salt disposal. The agency maintained that the radioactive waste problem was solved and that implementation of the solution could begin promptly. So confident was the AEC that Milton Shaw, Director of the AEC's Division of Reactor Development in testifying before the Joint Committee on Atomic Energy on the fiscal year 1972 budget for the Lyons project, stated that the site was "equal or superior to the others in the country." But the AEC confidence was unjustified, as things turned out, badly misplaced. The site was grossly unsuitable.

The Kansas Geological Survey concluded that the Lyons site was not at all adequate for the purpose. Independent geologists concurred, for at the other end of the town of Lyons was another salt mine, and underneath the town, the galleries of the two mines came as close as 500 yards to the selected site. The operators of the second mine utilized a salt extraction process called hydraulic fracturing, in which fresh water is injected into one borehole and emerged from another as brine, which is then pumped to the surface. One of these operations unexpectedly produced no brine; over 180,000 gallons of water were pumped into a borehole and simply disappeared. It became clear that the geology of the site was inadequately known.

The Kansas Geological Survey described the Lyons site as "a bit like a piece of Swiss cheese."

Under pressure from the Kansas congressional delegation, the AEC announced in 1973 that the Lyons site was being abandoned.

This is the point of the Kostmayer amendment. We place the burden on the Federal Government, not on the States. This is where it properly belongs. It is not an absolute veto, but a reasonable protection that forces the Federal Government to give full consideration to a State's position.

Mr. UDALL. Mr. Speaker, I yield all remaining time to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague for yielding to me.

I support the bill before the Congress and I support it in its present form.

I urge my colleagues very strongly to oppose the Kostmayer amendment.

At this particular minute we have 9,300,000 cubic feet of high-level radioactive waste waiting to go into storage, over 1,225,000 kilograms of transuranic waste ready to go into storage and 2,500 metric tons of spent fuel. This is growing day by day.

Now, my colleagues may have the impression from what has been said by opponents of this legislation that we pass this bill and immediately the digging commences. That is at wide variance with the facts. What transpires when we have completed the preparatory work is that the digging commences. The preparatory work is that in 1982 two sites will have been selected. In 1985 two more will have been selected. Between 1985 and 1987 the President will go through a broad series of steps to finally select the site for the storage of this spent nuclear material and to deal with the methodology therefor.

Now, my colleagues are worried about the safety and the safeguards and the participation of the States. Let us now address that question, because it is important.

First of all, the National Environmental Policy Act requiring an environmental impact statement must be complied with, which means that from the very beginning a complete analysis of all environmental impacts must accompany every judgment which is made.

Second of all, the facility when set up in 1987 is subject to full licensing and all of the safety safeguards that are required in the Atomic Energy Act.

Now, the State has a place. A commission is set up. The State's commission makes recommendations and keeps itself fully informed during the time the processes go forward. This is in each State which might be involved.

Finally, when we are done, the State has an opportunity to request a veto by the Congress under the legislation before us. The only thing that is required for that veto to go into place is that one House of the Congress must agree with it.

Now, my colleagues who support the amendment have made it plain that they think they are protecting State's rights, and it may well be that that is what they are doing. In point of fact what they are really doing is guaranteeing that nothing will happen, because two Houses must then under their amendment affirmatively act to override the State veto and it is my view that that will be difficult, if not impossible, to achieve.

Mr. Speaker, I rise in support of H.R. 8378 and in opposition to the amendment.

H.R. 8378 is the result of the individual efforts of certain members of the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce, and contains the essential features of H.R. 6390, the nuclear waste bill, which was separately reported by each committee. This bill is the result of months of difficult negotiations between representatives of these committees, and this compromise would not have been achieved if it were not for the direct and personal efforts of the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. Udall), and the gentleman from New Mexico who serves on the Subcommittee on Energy and the Environment (Mr. Lujan). Additionally, the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. Staggers), and the ranking member of the Subcommittee on Energy and Power, the gentleman from Ohio (Mr. Brown), also deserve recognition for their cooperation in obtaining agreement on this issue.

The gentleman from South Carolina (Mr. Derrick), the gentleman from New York (Mr. Lundine), and the gentleman from Illinois (Mr. Corcoran) deserve recognition for their efforts in regard to the low-level waste provisions of this compromise.

In order to reach a compromise which had broad support, the bill was reduced to those elements which are essential to establishing an orderly program which insures the selection of a site for the first full scale licensed high-level waste repository at the earliest opportunity.

Consequently, certain features of a comprehensive program contained in the nuclear waste bills reported by various committees have been deleted, either because they were not considered essential to the ultimate objective or because they raised controversial issues which jeopardized passage of this legislation.

The deletion of these features is not intended to prejudice their subsequent consideration. Personally, I regret that in our discussions we were unable to accommodate the interest of the Committee on Science and Technology, but the complications in resolving the relationship between demonstration repositories and the licensing process proved to be insurmountable in the time available.

However, I wish to commend the distinguished chairman of that committee, the gentleman from Florida (Mr. FUQUA) and the chairman of the Subcommittee on Energy Research and Production, the gentleman from Washington (Mr. MCCORMACK) for their efforts in trying to obtain an agreement and for their cooperation in allowing this bill to be considered today.

Mr. Speaker, H.R. 8378 accomplishes a variety of needed objectives. First, it establishes a timetable for selecting the site of the first high-level radioactive waste repository. Second, it establishes a procedure which recognizes the interests of the States by insuring their full participation in the site selection process and by providing a means by which State review boards, established under State law, or, where appropriate, affected Indian tribes, can petition Congress to reject a particular site. Third, it recognizes the State's responsibility for the management of low-level wastes and authorizes the formation of interstate compacts, subject to subsequent congressional approval, as a means of addressing that issue on a regional basis.

The need for this legislation is evident, and it is pressing. For over 30 years this Nation has been generating increasing quantities of high-level radioactive waste. To date, there are stored in various parts of this country over 9,300,000 cubic feet of high-level radioactive waste, over 1,225 kilograms of transuranic waste, and over 2,500 metric tons of spent fuel. This Nation's failure to have successfully demonstrated that it can safely dispose of high-level radioactive materials is resulting in the erosion of public confidence in the ability of the Government to prove that it can dispose of these materials. Additionally, continuing delays in the actual establishment of a repository are causing the erection of an increasing number of institutional barriers to the expansion of nuclear energy.

For example, in a number of States, statutory or regulatory restrictions have in effect prohibited the construction of new nuclear powerplants until it has been established that the waste materials generated by the operation of such plants can be disposed of safely. In other States, restrictions have been imposed on the length of time spent fuel can be stored within a State. Even in the absence of State restrictions, the unresolved issue of the disposal and the question of the long-term storage of spent fuel at the reactor site is being raised in the context of new nuclear powerplant licensing proceedings.

Institutional barriers are not only being erected against the generation of additional quantities of radioactive materials, but also against the establishment of a repository for disposing of such materials. A number of States have enacted laws either prohibiting the location of a repository within the State or requiring that the Governor, the State legislature, or both, approve the location of a repository within the State. Some States and local communities have prohibited the transportation of high-level radioactive materials of spent fuel through the State or local communities or imposed severe restrictions on such transportation.

The establishment of these institutional barriers is a result of an increasing public perception of the hazards of radioactive materials as well as the growing concern that the failure of the Federal Government to have yet successfully demonstrated methods for disposing of nuclear materials and of the criticism of proposals for disposing of such materials is evidence that radioactive materials cannot be disposed of safely.

Continued delays in establishing that radioactive materials can be disposed of safely and in an environmentally sound manner can no longer be tolerated. This is important not simply because of the effect the failure to demonstrate that radioactive materials can be disposed of safely will have on the licensing of nuclear powerplants, but also because it is no longer acceptable to allow increasing quantities of nuclear waste to be stored on an interim basis.

The existence of these wastes in their present form poses a growing hazard which cannot be allowed to continue indefinitely. It is essential than an orderly and timely Federal program be established to properly address this aspect of the nuclear issue. Whatever the future of nuclear energy, radioactive wastes exist, and their existence in this state poses a serious hazard until it can be successfully isolated from the biosphere.

H.R. 8378 addresses these concerns by establishing a timetable for the selection of an initial repository site. Under the terms of the bill, by not later than January 1, 1982, the Secretary of Energy is directed to identify at least two sites which the Secretary determines are suitable for site characterization activities, and is further directed to identify two additional sites by February 1, 1985. This timetable will enable the Secretary to obtain needed data on a variety of geologic media, including granite, before being required to make the final site selection.

It is important to emphasize the purpose of these initial designations is to identify sites that are worthy of further extensive study, and the designation of such site does not necessarily mean that one of the sites so designated will actually be used as the location of a repository. Such a designation is preliminary to the final site selection and results in the initiation of extensive site characterization activities to determine if the site is suitable for selection and use as the location of a repository.

By March 30, 1987, the President is required to submit to the Congress a recommendation of the site which would be the location of the first repository. This schedule enables the Secretary to not only conduct the needed site characterization activities but also compile the data necessary for the submission of a license application to the Nuclear Regulatory Commission and the completion of all activities required for the filing of the final environmental impact statement.

The bill also requires that the affected States and Indian tribes be fully informed of all site-related activities, and authorizes the designated bodies within a State in which a site which has been nominated by the President to be the location of a repository to submit, within 30 days after being so nominated by the President, a petition requesting the Congress to disapprove the nomination.

Under the terms of the bill, if either House of Congress passes a resolution, consideration of which would be under expedited procedures which provide for discharge procedure, disapproving the President's recommendation within 90 days of receipt of the petition, then the site will be eliminated from further consideration as the location of the repository.

Thus, any duly constituted State review board of a State in which a site is located or the governing body of any Indian tribe on whose reservation the site is located, which objects to the selection of the site, is assured of an appeal to the Congress. This procedure thereby makes these bodies full participants in the site selection process and insures full consideration of the relevant issues raised by these bodies. The authorities vested in the State review boards and governing bodies of the Indian tribes are to be the sole and exclusive authorities available to such bodies in regard to objecting to the location of a repository within the State or upon the reservation. Any informal or extra legal agreement which has been entered into by a State or official of the Federal Government which vests the States with the authority to veto or not concur in any manner on the location of a radioactive waste repository within the borders is superseded by this section.

Furthermore, nothing in this section or any other provision of law is to be construed as granting to the Secretary or any other official the authority to enter into any such agreement whereby any State or State official could veto or not concur in the location of a repository within its borders.

Finally, this bill addresses the pressing problem of low-level waste disposal by creating a mechanism by which the States can form interstate compacts to resolve this problem on a regional basis. The low-level waste issue is the most immediate problem confronting us, and it is essential that the Congress act expeditiously on this matter if we are to avoid an impending crisis in regard to the disposal of low-level waste.

Mr. Speaker, H.R. 8378 establishes the framework for an orderly program for addressing, in a timely manner, the growing and pressing problem of radioactive waste management. There are no major disagreements on the timetables established by this bill, nor are there major disagreements on the low-level waste disposal provisions.

There is essentially only one issue that is yet to be resolved, and that is whether the process for congressional review of a State's or Indian tribe's objection should require one-House action to disapprove a site selection, or two-House affirmative action to approve a site selection. We are proceeding in a manner which allows the Members of this body to determine the appropriate course.

Other than the matter of State participation, which will be resolved by a vote in the House today, the concerns about this bill relate to matters that are not contained in H.R. 8378. Some Members would like to have the bill address a variety of other issues such as away-from-reactor spent fuel storage, or a demonstration program, and other Members oppose the inclusion of such issues.

Because the controversies which would result from the consideration of these other issues would clearly jeopardize the passage of this legislation, we have not made them a part of H.R. 8378. Thus, we are offering the Members today an opportunity to resolve the major outstanding issue in dispute and pass a bill upon which there is agreement, and defer consideration of other issues which are not essential to the establishment of a timely program. It is our hope that the Members will focus on what is in the bill, and support it because of what it does, rather than oppose it because of what it does not do.

We are asking Members to defer consideration of such issues as interim away-from-reactor spent fuel storage, long-term retrievable surface storage, the State planning council and a demonstration phase in order that we may establish a program which addresses the fundamental issues.

The commitment of the sponsors of this legislation today is to the scope of the House bill, and we offer this bill to the Members of the House with the understanding that, should there be a conference with the Senate, our objective will be limited to obtaining an agreement which is confined only to the scope of the House bill. We will then be asking our Senate counterparts to also defer consideration of peripheral issues in order that we may obtain an agreement on the essential point of an orderly program.

Such an approach is not simply made on the basis of political factors, but is also dictated by practical considerations, in that there is not sufficient time in this session to resolve the remaining issues which exist between H.R. 8378 and S. 2189. Thus, this bill is being offered to the Members with the understanding that whatever passes the House today defines the scope of what will be offered to the Senate and that issues not included in the House bill will be deferred for consideration in a subsequent Congress.

Finally, there is one additional point which deserves noting, and that relates to an amendment which was offered by the distinguished gentleman from Tennessee (Mr. GORE) during the course of the Commerce Committee's consideration of this bill, and which relates to an uranium mill tailing site in Edgemont, S. Dak.

In our efforts to resolve the differences in the Interior Committee and Commerce Committee bills, we were forced by time considerations to reach a rapid compromise which regrettably did not allow time for full consultation on all points with interested Members, and as a consequence, the compromise reached in regard to the uranium mill tailings amendment is now not satisfactory to its principal sponsor, and I wish to express my regret to the gentleman from Tennessee for our failure to achieve his desired objective.

Because the method under which we are proceeding prohibits us from altering the bill at this stage, the gentleman from Tennessee has agreed to allow the amendment to be included in the bill with the understanding that it will be dropped in the conference.

This solution is, I understand, agreeable to all the principals involved, including the gentleman from South Dakota (Mr. ABNOR) and I thank both gentlemen for their cooperation in regard to this matter.

The amendment which is being offered today was considered by both the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce in the course of their markups of H.R. 6390, and was rejected by both committees. When the Commerce Committee considered the issue of State participation, it adopted a procedure which required both Houses of Congress to act affirmatively in order to sustain a State review board's objection. The provision which is contained in H.R. 8378 is already a significant modification of the Commerce Committee's position, in that it requires affirmative action by only one House of Congress in order to sustain the State review board's petition.

Although I prefer the Commerce Committee's provision, I support the one-House procedure contained in H.R. 8378 because it represents a compromise between the approach advocated by this amendment and that contained in the Commerce Committee's version of the bill.

In addition to providing for congressional consideration of a State's concern, H.R. 8378 contains numerous additional provisions which assure that a State review board, constituted under State law, will be a full participant in the site selection process. Section 106(d)(2) directs the Secretary of Energy to consult and cooperate with the State review board in performing any study of an area within the State for the purpose of determining the suitability of that area for use as a repository and in subsequently developing and loading any repository. The purpose of this consultation and cooperation, is by the terms of the statute, to resolve the concerns of the State.

Section 106(d)(3) directs the Secretary of Energy to enter into a written agreement with the State review board specifying procedures by which the State review board may study, determine, comment on and make recommendations with regard to possible health and safety, environmental and economic impacts of any such repository, and by which the Secretary may consider and respond to comments and recommendations made by the State review board.

Section 106(c) authorizes the Secretary of Energy to provide up to 75 percent of the funds needed to operate the State review board. Section 106(d)(1) directs the Secretary of Energy, the Nuclear Regulatory Commission and other Federal agencies involved in the construction or authorization of a waste repository to provide the State review board with timely and complete information regarding determination or plans made with regard to the siting, development, design, construction, operation or regulation of a repository.

Thus, duly constituted State review boards established under State law are, by the provisions of this bill, fully advised of all activities of any Federal agency in regard to any activity relating to the selection of the site with the borders of the State and are provided with substantial funds by the Federal Government to carry out their work. We clearly impose upon the Department of Energy and other Federal agencies the responsibility to work with the State review boards and establish a mechanism to assure their access to all relevant information and require the Department of Energy to respond to the State review board's concerns. There is to be full cooperation from the very beginning.

In addition to these new requirements, the Department of Energy must comply with all aspects of the National Environmental Policy Act and all regulatory requirements of the Nuclear Regulatory Commission. Thus, there will be every opportunity for the State review board or any other interested party to raise any concern in a regulatory proceeding. H.R. 8378 provides that, if a State review board is not satisfied, it may petition the Congress to reject the nomination of a particular site, and this petition can be sustained by the action of just one House.

It is my belief that, having provided the State review board with all the relevant data and with the funds needed to evaluate that data, the burden should fall upon the State review board to justify its petition. It is, after all, the party which is raising the objection, and should, therefore, have the responsibility for carrying forth the burden of proof.

This amendment, however, would allow the State review board to reject the location of a repository within the State's borders without having established any basis for its rejection, and then require both Houses of Congress to act within a short period of time to overturn the State's objection. Under this amendment, there is no requirement that the State justify its action, and thus this amendment distorts the traditional process of government by transferring the burden of proof from the party initiating the complaint.

Mr. Speaker, radioactive waste management is a national problem which requires responsible Federal action. This amendment does not require corresponding responsible State action, but is instead an invitation to object, for it imposes upon the State review board no responsibility for justifying its action.

H.R. 8378 provides for full and effective consultation and participation in the site selection process. It provides for the operation of the normal regulatory processes wherein the Department of Energy must demonstrate its proposed repository complies with all applicable regulatory requirements. It provides for compliance with the National Environmental Policy Act whereby the Department of Energy must demonstrate that it is not only considered alternative disposal methods but also alternative sites. It provides for responsible action by the State review board by imposing the burden of proof upon this board for demonstrating that the nominated site is unsuitable for use as the location for a repository. Finally, it assumes that if the Department is not acting responsibly, one House of Congress will sustain the State's objection.

Mr. Speaker, I believe that both Houses of Congress are capable of evaluating the State's concern and of acting when there has been a miscarriage of justice, and by reflecting that opinion, I believe that H.R. 8378 fully protects the State from unwarranted Federal action.

I therefore urge my colleague to join with the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce in rejecting this amendment.

Mr. Speaker, since I have the time at the kindness of my friend, the gentleman from Arizona, I am delighted to yield to him.

Mr. UDALL. Mr. Speaker, I thank the gentleman.

I just appeal to everybody to vote down the Kostmayer amendment. We talk and talk and talk about doing something about nuclear waste. The Kostmayer amendment is a sincere one. It has some merit, but there is not going to be any waste disposal bill this year if we do not take the bill that we have worked out very painfully and get going on it.

We can have in place the beginning of a structure and a framework of a settlement of this thing that has dogged us for two decades. We need a nuclear waste disposal system. This bill will give it to us, but not if we have the Kostmayer amendment, in my judgment. It will be very difficult to get the other body to agree with us in the time that is remaining.

Mr. DINGELL. Mr. Speaker, I concur fully with my colleague.

I urge my colleagues, the amount of waste is growing. The peril is here. The need to resolve the problem is present and I call upon my colleagues to have a keen knowledge that whether you are for nuclear power or not, the question of the storage of this waste lies strongly upon our backs.

I urge my colleagues to reject the Kostmayer amendment, adopt the bill, and let us move forward with all care and safeguards.

Mr. Speaker, I yield to my friend, the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. I thank the gentleman for yielding.

I likewise would urge my colleagues to reject the Kostmayer amendment.

I think what we are looking for here is a balance. I think what the two committees have arrived at is a good balance and does provide proper input by the States.

If you adopt the Kostmayer amendment, in essence you are saying, "We don't want to do anything with nuclear waste and, in fact, we do not want any nuclear power."

It is definitely an antinuclear amendment.

● Mr. LEE. Mr. Speaker, there is no single factor more important to the success of a policy than for public acceptance of that policy. And this can only come about through adequate participation by State governments and by individual citizens. Without adequate participation, the element of credibility will be lost.

We have often heard the complaints of people that the Federal Government is becoming too involved in the daily lives of our citizens, and that an effective process to channel concerns does not exist. The Kostmayer-Roth-Santini amendment will insure that our citizens voices will be listened to. But if we shut off these channels, and we do not give our individual citizens the right to ask why their neighborhood has been chosen as a potential nuclear waste site, then we are in fact separating Government from the people.

At this point in time we should be working to mend relations between the States and the Federal Government. One step toward improving relations will be the acceptance of this amendment. Let us start now to build an effective nuclear waste policy by working with the States; not separating them from the process.●

○ Mr. HOLLENBECK. Mr. Speaker, I rise in support of H.R. 8378, the Nuclear Waste Policy Act. This measure establishes a national policy for disposing of high-level and low-level radioactive waste. The bill currently before the House is the product of careful negotiations between the Commerce and Interior Committees and it enjoys bipartisan support.

Under the rule, only one amendment will be permitted and I urge my colleagues to join me in opposing the Kostmayer amendment. H.R. 8378 already contains provisions that assure full and effective participation in the site selection process by the States. The proposed Kostmayer amendment will permit State review boards to veto the selection of a repository site unless both bodies of Congress adopt a concurrent resolution overriding that veto in 90 days. I believe this two-House veto provision is unnecessary and favor the one-House veto language as contained in the committee bill.

I strongly believe that H.R. 8378 recognizes the interest of the States in the selection process and is a substantial improvement over existing law in the Atomic Energy Act. Finally, both jurisdictional committees rejected a Kostmayer-type amendment and I urge my colleagues to continue to oppose this unwise amendment and adopt the committee compromise measure. After careful study, I hope you will agree that the compromise provides for a fair balance between State and Federal responsibility on the sensitive issue of radioactive waste disposal.●

● Mr. BROWN of California. Mr. Speaker, I rise to congratulate our Interior and Interstate and Foreign Commerce colleagues on their achievement in bridging, with H.R. 8378, the Nuclear Waste Regulation and Control Act, many of the diverse opinions concerning nuclear waste management. Though I am sure almost any of us could suggest variations more appealing to our particular philosophy and constituency, I am relieved that we have been able to set aside some of the obstacles of committee jurisdictional and philosophical boundaries which so often silence or confuse the congressional voice on important policy issues.

Equally important, however, is the fact that the legislation will help secure the gains in policy sophisticaton, public acceptability, and technical integrity which were brought about by the Carter administration's Interagency Review Group (IRG) effort on nuclear waste policy. I believe that the underlying concept of the IRG work was an example of the finest instincts of the Carter policy approach. The President gave strong leadership to an initiative designed to bring together the historically feuding or uncoordinated Federal agencies, as well as diverse points of view from State governments and the public, and achieved a reasonable consensus on a difficult policy matter. Important institutional precedents were set through exploration of the notion of State consultation and concurrence and creation of the State planning council. This framework may have application in future issues far beyond the nuclear waste question, as further difficult questions of sharing the risk and benefits of a complex technological society arise in our Federal system.

Moreover, much progress was made on understanding what was needed for a credible technical program. A scientific approach involving serious exploration of several alternative geologic media was defined, one with the resiliency and adaptability so much needed when engineering unknowns are faced. Demonstration experiments for component systems, instead of relying only on feasibility studies and document preparation, were emphasized. This approach can meet many of the concerns raised for so many years by the technical community, that while we were constantly expressing confidence in our ability to solve this problem, we were not taking the necessary steps to demonstrate empirically to a justifiably skeptical public that the systems would work as planned.

The legislation does not, of course, speak to all these details. It does, however, give broad congressional endorsement to the policy framework of the IRG, and in that sense recognizes what I believe is a congressional obligation to speak out and define its position on this long festering issue. I was much disappointed by the administration's delay on acting on its own commendable IRG report, and feared that we might lose all the useful momentum and consensus built. However, the President did finally give it the full endorsement it deserved, and I think the congressional approval represented here will secure the policy gains made. There is much to be done, and I look forward to working with my Science and Technology Committee colleagues in firming up the mandate for the research, development, and demonstration projects needed for the nuclear waste program. I believe that we will be able to achieve a cooperative and mutually supportive approach with our Interstate and Foreign Commerce and Interior colleagues, and I look forward to working together on this issue.●

● Mr. HINSON. Mr. Speaker, I rise in support of the Kostmayer-Roth-Santini amendment to H.R. 8378, legislation to establish a national program for the disposal of commercial nuclear waste.

The State of Mississippi, which I represent, is currently under investigation as a suitable site for the disposal of high-level nuclear wastes. Although H.R. 8378 contains detailed procedures for State participation in the selection of a site, this does not guarantee more than a perfunctory role for the affected State. States need to fully participate with the Federal Government in the selecting and licensing of a nuclear waste disposal site within their boundaries and to be in true concurrence with key Federal decisions.

For this reason, I support the amendment to allow a State to veto its selection as a site and to require that both Houses of the Congress disapprove this veto in order to override. This amendment would place the burden of petitioning Congress on the Department of Energy, not the State and would keep intact the responsibility of the Congress to protect the national interest.

Many advocacy groups including the National Governor's Conference support this legislation contingent upon the approval of the Kostmayer-Roth-Santini amendment. I urge your favorable vote.●

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 823, the previous question is ordered.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KOSTMAYER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KOSTMAYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 161, nays 218, not voting 53, as follows:

[Roll No. 662]

YEAS—161

Abdnor
Addabbo
Albosta
Ambro
Anderson, Ill.
Andrews, N.C.
Ashbrook
Aspin
AuCoin
Bauman
Bedell
Beilenson
Biaggi
Bingham
Blanchard
Boggs
Bonior
Bonker
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Clay
Coelho
Crane, Daniel
Daschle
Davis, Mich.
Deckard
Dellums
Dixon
Donnelly
Downey
Drinan
Early
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Ferraro
Fish
Florio
Ford, Tenn.
Fountain
Frenzel
Gingrich
Glickman
Gray
Guarini
Guyer
Hagedorn
Hall, Tex.
Harkin
Hawkins
Heftel
Hightower
Hinson
Holt
Holtzman
Hopkins
Huckaby
Hughes
Hutchinson
Hutto
Jacobs
Jeffords
Jeffries
Jenkins
Jones, N.C.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Latta
Leach, Iowa
Leach, La.
Lee
Leland
Lewis
Livingston
Long, La.
Lott
Lowry
McDade
McDonald
Maguire
Markey
Marlenee
Marriott
Matsui
Mikulski
Miller, Calif.
Miller, Ohio
Minish
Mitchel, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Musto
Nolan
Nowak
Oberstar
Obey
Ottinger
Paul
Perkins
Petri
Pickle
Pursell
Rahall
Rangel
Ratchford
Rinaldo
Rosenthal
Roth
Russo
Sabo
Santini
Seiberling
Sensenbrenner
Shannon
Simon
Snowe
Stangeland
Stokes
Studds
Synar
Tauzin
Traxler
Ullman
Vander Jagt
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Yatron
Zeferetti

NAYS—218

Akaka
Alexander
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Atkinson
Badham
Bafalis
Bailey
Barnard
Barnes
Beard, Tenn
Benjamin
Bennett
Bereuter
Bevill
Boland
Bolling
Bouquard
Brademas
Brooks
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cotter
Coughlin
Courter
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, S.C.
de la Garza
Derrick
Derwinski
Devine
Dicks
Dingell
Dornan
Dougherty
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Findley
Fisher
Fithian
Flippo
Foley
Forsythe
Fowler
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Green
Grisham
Gudger
Hamilton
Hammerschmidt
Hansen
Harris
Harsha
Heckler
Hefner
Hillis
Holland
Hollenbeck
Horton
Howard
Hubbard
Hyde
Ichord
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Lagomarsino
Lederer
Lehman
Lent
Levitas
Lloyd
Loeffler
Long, Md.
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McHugh
McKinney
Madigan
Marks
Martin
Mavroules
Mazzoli
Mica
Michel
Mineta
Mollohan
Moorhead, Calif.
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Oakar
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Peyser
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Railsback
Regula
Reuss
Ritter
Roberts
Robinson
Roe
Rose
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sharp
Shelby
Shumway
Skelton
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spence
St Germain
Stack
Staggers
Stanton
Stenholm
Stewart
Stockman
Stratton
Stump
Swift
Symms
Tauke
Taylor
Thomas
Trible
Udall
Van Deerlin
Vanik
Volkmer
Walker
Whitehurst
Whitley
Wilson, Bob
Wilson, Tex.
Winn
Wright
Wydler
Wylie
Young, Fla.
Young, Mo.
Zablocki

NOT VOTING—53

Ashley
Baldus
Beard, R.I.
Bethune
Boner
Bowen
Cavanaugh
Chisholm
Collins, Ill.
Corman
Crane, Philip
Dickinson
Dodd
Duncan, Oreg.
English
Fenwick
Ford, Mich.
Frost
Garcia
Gramm
Hall, Ohio
Hance
Hanley
Ireland
Jenrette
Johnson, Colo.
Kelly
Leath, Tex.
McEwen
McKay
Mathis
Mattox
Moorhead, Pa.
Mottl
Murphy, N.Y.
Neal
Nedzi
O'Brien
Rhodes
Richmond
Rodino
Schroeder
Shuster
Solomon
Spellman
Stark
Steed
Thompson
Wampler
Wilson, C. H.
Wyatt
Yates
Young, Alaska

□ 1640

The Clerk announced the following pairs:

On this vote:

Mr. Hanley for, with Mr. Bethune against.

Mrs. Chisholm for, with Mr. Philip M. Crane against.

Mr. Garcia for, with Mr. Dickinson against.

Mrs. Collins of Illinois for, with Mrs. Fenwick against.

Mr. Murphy of New York for, with Mr. Kelly against.

Mr. Mottl for, with Mr. O'Brien against.

Mr. Richmond for, with Mr. Shuster against.

Mr. Rodino for, with Mr. Wampler against.

Mr. Corman for, with Mr. Young of Alaska against.

Until further notice:

Mr. Thompson with Mr. Cavanaugh.

Mr. Baldus with Mr. Gramm.

Mr. Bowen with Mr. Solomon.

Mr. Hall of Ohio with Mr. Johnson of Colorado.

Mr. Nedzi with Mr. McEwen.

Mr. Stark with Mr. Wyatt.

Mr. Moorhead of Pennsylvania with Mr. Yates.

Mr. Ireland with Mr. Jenrette.

Mr. Boner of Tennessee with Mr. Ashley.

Mr. Dodd with Mr. Beard of Rhode Island.

Mr. English with Mr. Duncan of Oregon.

Mr. Ford of Michigan with Mr. Frost.

Mr. Hance with Mr. Leath of Texas.

Mr. Mathis with Mr. Neal.

Mr. McKay with Mr. Steed.

Mr. Mattox with Mr. Charles H. Wilson of California.

Mrs. Schroeder with Mr. Rhodes.

Messrs. ICHORD, GRASSLEY, JONES of Tennessee, and Mrs. SMITH of Nebraska changed their votes from "yea" to "nay."

Messrs. FORD of Tennessee, STOKES, WATKINS, GRAY, WHITE, DONNELLY, PICKLE, HAGEDORN, and YATRON changed their votes from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, pursuant to House Resolution 823, I call up from the Speaker's table for immediate consideration the Senate bill (S. 2189) to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes.

The Clerk read the title of the Senate bill.

☐ 1650

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves to strike out all after the enacting clause of the Senate bill, S. 2189, and insert in lieu thereof the text of H.R. 8378, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8378) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2189

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves that the House insist upon its amendments to the Senate bill (S. 2189) to establish licensed permanent repositories for transuranic waste, high-level radioactive waste, and spent fuel, to authorize State compacts for the establishment and operation of regional repositories for low-level radioactive waste, and for other purposes and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. STAGGERS, DINGELL, OTTINGER, SHARP, MARKEY, UDALL, HUCKABY, VENTO, KOSTMAYER, SANTINI, DERRICK, BROYHILL, BROWN of Ohio, CORCORAN, LUJAN, SYMMS, and CHENEY.

There was no objection.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8235. An act to grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) entitled "An act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 3, 28, 31, 49, 74, 75, 82, and 89 to the above-entitled bill.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 568. An act to authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes; and

S. 1835. An act to extend the Joint Funding Simplification Act of 1974.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6086. An act to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country;

H.R. 6211. An act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act;

H.R. 6942. An act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes;

H.R. 7466. An act to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status;

H.R. 7584. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984; and

H.R. 8228. An act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

ADJOURNMENT

Mr. HUBBARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, December 4, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5751. A communication from the President of the United States, transmitting a request for appropriations for fiscal year 1981 for the Railroad Accounting Principles Board (H. Doc. No. 96–391); to the Committee on Appropriations and ordered to be printed.

5752. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period November 15, 1980 to February 15, 1981, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

5753. A letter from the Acting Secretary of the Army, transmitting a report on the proposed closure of Vint Hill Farms Station, Virginia, and related realinements, pursuant to section 611 of Public Law 89–188; to the Committee on Armed Services.

5754. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of the Federal Republic of Germany for permission to transfer certain U.S.-origin defense equipment to Turkey and Greece, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

5755. A letter from the Architect of the Capitol, transmitting his semiannual report on expenditures covering the period April 1 through September 30, 1980, pursuant to section 105(b) of Public Law 88–454, as amended; to the Committee on House Administration.

5756. A letter from the Comptroller General of the United States, transmitting a report on the need for review and reappraisal of policies on U.S. citizens studying medicine abroad (HRD-81-32, November 21, 1980); jointly, to the Committees on Government Operations, Education and Labor, Interstate and Foreign Commerce, and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FOLEY: Committee on Agriculture. Supplemental report submitted pursuant to section 302(b)(2) of the Congressional Budget Act (Rept. No. 96-1481, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee of conference. Conference report on S. 2363 (Rept. No. 96-1520). Ordered to be printed.

Mr. SEIBERLING: Committee of conference. Conference report on H.R. 5487 (Rept. No. 96-1521). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 8407. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide that any label or advertising of an alcoholic beverage contain a statement warning consumers of possible health hazards associated with the beverage, unless comparable labeling or advertising requirements are in effect under any other Federal law; to the Committee on Interstate and Foreign Commerce.

By Mr. CORCORAN:

H.R. 8408. A bill to amend the Federal Power Act to modify certain administrative procedures in order to expedite proceedings of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILIP M. CRANE:

H.R. 8409. A bill to provide for the conveyance of certain public lands under the jurisdiction of the Bureau of Land Management to citizens of the United States who establish a residence on such lands; to the Committee on Interior and Insular Affairs.

By Mr. DANIELSON:

H.R. 8410. A bill to provide a uniform time for the closing of the polling places in all elections of the electors of the President and Vice President of the United States, and for other purposes; to the Committee on House Administration.

By Mr. DRINAN:

H.R. 8411. A bill to insure that the full cost of a nuclear power generating facility is provided for over the useful life of each such facility, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

By Mr. LIVINGSTON:

H.R. 8412. A bill to amend the Federal Water Pollution Control Act to provide for the payment of claims resulting from a certain discharge of pentachlorophenol into the Mississippi River Gulf outlet; to the Committee on Public Works and Transportation.

By Ms. OAKAR:

H.R. 8413. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of certain retirement benefits received by individuals who have attained age 55; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 8414. A bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself and Mr. Regula):

H.R. 8415. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.J. Res. 639. Joint resolution to call an Atlantic Convention; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 160: Mr. Corcoran.

H.R. 652: Mr. Fithian.

H.R. 6709: Mr. Jeffords.

H.R. 7046: Mr. Moffett.

H.R. 7445: Mr. Dannemeyer.

H.R. 7687: Mr. Jeffords and Mrs. Fenwick.

H.R. 7688: Mr. Winn, Mr. Goldwater, and Mr. Traxler.

H.R. 7928: Mr. Fascell and Mr. Hughes.

H.R. 7934: Mr. Moffett.

H.R. 7946: Mr. Grassley, Mr. Hillis, Mr. Horton, and Mr. Lagomarsino.

H.R. 8119: Mr. Lagomarsino.

H.R. 8145: Mr. Akaka.

H.R. 8288: Mr. Gilman.

H.J. Res. 300: Mr. Musto.

H.J. Res. 389: Mr. Hammerschmidt.

H.J. Res. 631: Mr. Collins of Texas, Mr. Butler, Mr. Brown of California, and Mr. Mitchell of Maryland.

H. Con. Res. 418: Mr. Hinson.

H. Con. Res. 445: Ms. Ferraro and Mr. Ford of Tennessee.

H. Con. Res. 450: Mr. Whittaker, Mr. Hyde, Mr. Vento, Mr. Fuqua, and Mr. Jeffords.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6417

By Mr. ERTEL:

(Amendment to the amendment in the nature of a substitute.)

—Page 24, after line 13, insert the following:

"(iv) Notwithstanding any other provision of this subparagraph, except as otherwise provided in this clause no urbanized area with a population of 200,000 or more shall be apportioned an amount under this subparagraph for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, which is less than the amount apportioned to such urbanized area for the fiscal year ending September 30, 1981, under paragraphs (1), (2), (3), and (4) of subsection (a) of this section. If, for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, the amount appropriated under subparagraph (A) of this paragraph is less than the amount appropriated under paragraphs (1), (2), (3), and (4) of this subsection and section 18 of this Act for the fiscal year ending September 30, 1981, no urbanized area with a population of 200,000 or more shall be apportioned a percentage of the amount appropriated under subparagraph (A) for such fiscal year which is less than the percentage it was apportioned of the amount appropriated under such paragraphs and such section 18 for the fiscal year ending September 30, 1931. Nothing in this clause shall result in a change in the percentage apportioned under clause (i), (ii), or (iii) of subparagraph (B) of this paragraph for any fiscal year.".

By Mr. MITCHELL of Maryland:

(Amendment to the amendment in the nature of a substitute.)

—Page 11, after line 17, insert the following:

MARYLAND TRANSPORTATION AUTHORITY

Sec. 110. (a) The Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said Commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938, and the Act of June 16, 1948 (62 Stat. 463, Public Law 654, 80th Congress), as amended by the Act of November 17, 1967 (81 Stat. 466, Public Law 144, 90th Congress) are hereby repealed.

(b) The State of Maryland, by and through the Maryland Transportation Authority or the successors of such Authority, is authorized, subject to all applicable Federal laws, (1) to continue to collect tolls after the date of enactment of this Act from its existing transportation facilities projects, as defined on the date of enactment of this Act in the laws of the State of Maryland, and (2) to use the revenues from such tolls for transportation projects of the type which the State or the Maryland Transportation Authority is authorized to construct, operate, or maintain under the laws of the State of Maryland as such laws exist on the date of enactment of this Act.

By Mr. SHUSTER:

(Amendment to the amendment in the nature of a substitute.)

—Page 5, line 9, strike out "substantial" and insert in lieu thereof "increased".

—Page 5, line 11, after "such" insert "increased".

—Page 10, strike out line 11 and all that follows through line 17 on page 11.

—Page 12, lines 18 and 19, strike out "new or increased".

—Page 12, lines 20 and 21, strike out "as the result of any amendment made by this Act".

—Page 13, strike out line 1 and all that follows through line 4 on page 14.

—Page 14, strike out line 5 and all that follows through line 17.

—Page 14, after line 17, insert the following:

SAFETY HAZARDS

Sec. 206. The second sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assessed under section 3 shall be in an amount equal to 80 per centum of the net project cost except where the Secretary determines that such project is intended to correct public transportation safety hazards. The Federal grant for any such public transportation safety project shall be in an amount equal to 90 per centum of the net project cost.".

Redesignate succeeding sections accordingly.

—Page 15, lines 13 and 14, strike out "1982 through 1985, not less than 20 per centum" and insert in lieu thereof "hereafter referred to, not more than the amount hereafter referred to,".

—Page 15, line 17, after "rights-of-way)" insert a colon and the following: "$600,000,000 for the fiscal year ending September 30, 1981; $650,000,000 for the fiscal year ending September 30, 1982; $710,000,000 for the fiscal year ending September 30, 1983; $770,000,000 for the fiscal year ending September 30, 1984; $840,000,000 for the fiscal year ending September 30, 1985;".

—Page 15, lines 17 and 18, strike out "shall be available for such purposes".

—Page 15, line 25, strike out the quotation marks and the final period.

—Page 15, after line 25, insert the following:

"(G) In each fiscal year beginning after September 30, 1980, an amount not to exceed 2 per centum of the funds appropriated pursuant to section 4(c) (3) (A) may be set aside and used for the purposes of section 20.".

—Page 16, strike out lines 1 through 4 and insert the following:

SEC. 207. Section 4(e) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" after "1981;" and by striking out the period after "1982" and inserting in lieu threreof a semicolon and the following: "$135,000,000 for the fiscal year ending September 30, 1983; $150,000,000 for the fiscal year ending September 30, 1984; and $170,000,000 for the fiscal year ending September 30, 1985.".

Redesignate succeeding sections accordingly.

—Page 16, strike out lines 5 through 10.

—Page 16, strike out lines 11 through 19.

—Page 16, strike out line 20 and all that follows through line 14 on page 17.

—Page 19, strike out lines 12 through 14 and insert in lieu thereof the following:

(1) in paragraph (1) (B) by striking out "in each fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982." and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1981, $925,000,000 for the fiscal year ending September 30, 1982; $975,000,000 for the fiscal year ending September 30, 1983; $1,015,000,000 for the fiscal year ending September 30, 1984; and $1,065,000,000 for the fiscal year ending September 30, 1985.";

—Page 19, strike out lines 15 through 17 and insert in lieu thereof the following:

(2) in paragraph (2) (B) by striking out "and $250,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: "$290,000,000 for the fiscal year ending September 30, 1982; $348,000,000 for the fiscal year ending September 30, 1983; $405,000,000 for the fiscal year ending September 30, 1984; and $465,000,000 for the fiscal year ending September 30, 1985.";

—Page 19, strike out lines 18 through 20 and insert in lieu thereof the following:

(3) in paragraph (3) (B) by striking out "and $160,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: "$180,000,000 for the fiscal year ending September 30, 1982; $200,000,000 for the fiscal year ending September 30, 1983; $220,000,000 for the fiscal year ending September 30, 1984; and $240,000,000 for the fiscal year ending September 30, 1985.";

—Page 19, after line 20, insert the following:

(4) in paragraph (4) (A) by striking out "In fiscal years 1979 and 1980," and inserting in lieu thereof: "In fiscal years 1979 through 1985, inclusive,";

—Page 19, strike out lines 21 through 23 and insert in lieu thereof the following:

(5) In paragraph (4) (B) by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$480,000,000 for the fiscal year ending September 30, 1983; $520,000,000 for the fiscal year ending September 30, 1984; and $550,000,000 for the fiscal year ending September 30, 1985.".

—Page 19, strike out line 24 and all that follows through line 6 on page 25.

—Page 25, strike out line 7 and all that follows through line 16 on page 27.

—Page 27, strike out line 17 and all that follows through line 3 on page 28.

—Page 28, strike out lines 4 and 5 and insert in lieu thereof the following:

URBAN MASS TRANSIT APPROPRIATION AVAILABILITY

SEC. 211. Section 5(c) (3) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

—Page 28, strike out lines 11 through 16.

Redesignate succeeding sections accordingly.

—Page 28, strike out line 17 and all that follows through line 6 on page 30.

Redesignate succeeding sections accordingly.

—Page 30, strike out lines 22 and 23.

—Page 31, strike out lines 1 through 13.

Redesignate succeeding sections accordingly.

—Page 31, strike out lines 14 through 23.

Redesignate succeeding sections accordingly.

—Page 32, strike out lines 1 through 9 and insert in lieu thereof the following:

FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

SEC. 217. Subsection (b) of section 18 of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following: "The program of projects shall be developed by the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed after consultation with all affected local governments and any substate planning agency. The State is encouraged to pass through funds authorized under subsection (d) to substate planning agencies to assist in carrying out this process."

—Page 32, strike out lines 10 through 17 and insert in lieu thereof the following:

TERMINAL DEVELOPMENT AUTHORIZATION

SEC. 218. Section 21(d) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982." and inserting in lieu thereof the following: "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

—Page 32, strike out lines 18 through 25 and insert in lieu thereof the following:

INTERCITY BUS SERVICE AUTHORIZATION

SEC. 219. Section 22(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982." and inserting in lieu thereof the following: "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

—Page 33, line 12, insert "unsafe" after "investigate".

—Page 33, line 14, strike out "he believes may".

—Page 33, line 17, strike out "or alternative means".

—Page 33, line 25, insert quotation marks and a period after the period.

—Page 34, strike out lines 1 through 5.

—Page 34, strike out lines 6 through 19.

Redesignate succeeding sections accordingly.

—Page 36, strike out line 8 and all that follows through line 6 on page 43 and insert in lieu thereof the following:

SEC. 223. Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) (1) Any State, or recipient of Federal financial assistance under section 3, or recipient designated to receive or dispense funds under section 5 of this Act, may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which—

"(A) provides that at least 3 per centum of all Federal funds apportioned under sections 5 and 18 of this Act to the State or made available for expenditure by the recipient under section 5 of this Act for any fiscal year will be expended in providing transportation for handicapped persons, except that the Secretary may reduce the percentage of such Federal funds below 3 per centum or waive such requirement if the Secretary determines that the program with such waiver will still comply with subparagraphs (B), (C), and (D) of this paragraph;

"(B) provides that the State or recipient will provide transportation to handicapped persons in the area in which the State or recipient provides mass transportation to the general public;

"(C) provides that if the State or recipient will charge a fare for transporting a handicapped person, such fare will not be more than the fare charged by the State or recipient for transporting by mass transportation facilities a member of the general public a comparable distance; and

"(D) provides that if the State or recipient will provide transportation to a handicapped person upon request, such transportation must be provided in less than twenty-four hours after receiving such request.

The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(3) The Secretary shall not approve a program respecting transportation of handicapped persons under this subsection unless the community of handicapped persons for whom such transportation will be provided is consulted by the State or recipient in the development of such program.

"(4) A State or recipient may amend a program approved under this section if (A) the Secretary, in consultation with the Architectural and Transportation Compliance Board, determines that the program as amended complies with this subsection, and (B) such amendments were developed in consultation with the community of handicapped persons for whom the transportation is being provided.

"(5) Notwithstanding any other provision of the law or any regulation, if a State or recipient has a program approved by the Secretary under this subsection, such State or recipient shall be deemed to satisfy the requirements of this section and any other provision of Federal law relating to discrimination against the handicapped to the extent that such provision of law relates to transportation of the handicapped.

"(6) Each State and recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such State or recipient is complying with such program.

"(7) (A) If the Secretary determines, after notice and an opportunity for a hearing, that a State or recipient with an approved program respecting transportation of handicapped persons is not providing such transportation in accordance with its program, the Secretary shall issue an order requiring such State or recipient to comply with its program.

"(B) If, after the ninetieth day following the date of issuance of an order under subparagraph (A) of this paragraph, the Secretary determines, after notice and an opportunity for an agency hearing on the record, that the State or recipient is not providing transportation to handicapped persons in accordance with its approved program, no Federal funds may be made available to the State or to the recipient under section 3, 5, or 18 of this Act. If the Secretary later determines that the State or recipient is providing transportation to handicapped persons in accordance with such program, the Secretary may resume making available such Federal funds to the State or recipient.

"(8) This subsection shall not apply to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970. As used in this paragraph the term 'new fixed rail system' does not include the replacement, repair, restoration, or extension of any fixed rail system in existence on December 31, 1969.".

—Page 36, strike out line 6 and all that follows through line 6 on page 43.

—Page 43, strike out lines 7 through 17.

—Page 44, after line 7, insert the following:

DEFINITIONS

SEC. 225. Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after "separate right-of-way" the following: "or rails", and by striking out the semicolon at the end of such paragraph (2) and inserting in lieu thereof a comma and the following: "and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;".

—Page 44, after line 7, insert the following:

COMMUTER RAIL PASSENGER SERVICE

SEC. 225. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"COMMUTER RAIL PASSENGER SERVICE

"SEC. 23. (a) The Secretary shall provide financial assistance through grants to States, local public bodies, and agencies thereof, for payment of costs incurred by such States, local public bodies, and agencies, for the continuation through the fiscal year ending September 30, 1983, of that rail passenger service which is required by section 403(d)(2) of the Rail Passenger Service Act to be operated until April 1, 1981, by the National Railroad Passenger Corporation created under title III of the Rail Passenger Service Act.

"(b) Financial assistance provided pursuant to subsection (a) of this section shall be subject to such terms, conditions, requirements, and provisions as the Secretary may deem necessary and appropriate with such reasonable exceptions to requirements and provisions otherwise applicable under this Act as the Secretary may deem required by the nature of the assistance authorized by this section, except that nothing in this section shall authorize the Secretary to waive the provisions of section 13(c) of this Act.

"(c) The Federal share of the operating costs of any rail passenger service for which grants are authorized by this section shall be as follows:

"(1) 100 per centum for the period April 1, 1981, through September 30, 1981;

"(2) 90 per centum for the fiscal year ending September 30, 1982; and

"(3) 80 per centum for the fiscal year ending September 30, 1983.

"(d) The terms and provisions which are applicable to assistance provided pursuant to this section shall be consistent, insofar as practicable, with the terms and provisions applicable to operating assistance under section 5 of this Act.

"(e) Any rail passenger service for which assistance is authorized under this section shall not be eligible for assistance under section 5 of this Act and such service shall not be construed to be commuter rail service or fixed guideway system service for purposes of section 5(a)(3)(A) of this Act before October 1, 1983.

"(f) There is authorized to be appropriated to carry out this section not to exceed $2,000,000 for the fiscal year ending September 30, 1981; $5,000,000 for the fiscal year ending September 30, 1982; and $5,000,000 for the fiscal year ending September 30, 1983.".

—Page 44, after line 7, insert the following:

HOLD HARMLESS

SEC. 221. Section 5 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(o)(1) No designated recipient who was a designated recipient under this section in the fiscal year ending September 30, 1981, and no successor in interest to such a designated recipient shall receive for the first fiscal year beginning after such date an amount of funds apportioned under paragraphs (1)(A), (2)(A), and (3)(A) of subsection (a) of this section which is less than the amount of funds apportioned under such paragraphs to such designated recipient for the fiscal year ending September 30, 1981.

"(2) In addition to sums otherwise authorized in this section, there is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for the first fiscal year beginning after September 30, 1981.".

—Page 15, line 5, strike out the semicolon and all that follows through the second period on line 9 and insert in lieu thereof a period, quotation marks, and a second period.

Page 15, line 17, strike out "and" and all that follows through the period on line 19 and insert in lieu thereof a period.

—Page 20, line 4, strike out "$1,970,000,000" and insert in lieu thereof "$1,925,000,000".

—Page 20, line 5, strike out "$2,138,000,000" and insert in lieu thereof "$2,055,000,000".

—Page 20, line 6, strike out "$2,310,000,000" and insert in lieu thereof "$2,165,000,000".

—Page 20, line 8, strike out "$2,490,000,000" and insert in lieu thereof "$2,275,000,000".

—Page 21, line 24, strike out "20" and insert in lieu thereof "24".

—Page 24, after line 13, insert the following:

"(iv) Only bus revenue vehicle miles which a public body provides itself through equipment which such public body owns and operates shall be included in any apportionment under clause (iii) of this subparagraph.

—Page 36, lines 22 and 24, strike out "effective".

—Page 37, strike out line 14 and all that follows through line 14 on page 38 and insert in lieu thereof the following:

"(D) provides that the recipient will provide transportation to any such handicapped person upon request in less than 24 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

—Page 38, line 15, after "will provide" insert ", to the maximum extent practicable,".

—Page 39, strike out lines 5 through 8.

Page 39, line 4, after the semicolon insert "and".

Page 39, line 9, strike out "(I)" and insert in lieu thereof '(H)".

—Page 39, line 7, strike out the semicolon and all that follows through line 17 and insert in lieu thereof a period.

Page 39, line 4, after the semicolon insert "and".

—Page 41, line 5, strike out "Nothing" and all that follows through the period on line 15.

DESIGNATING CLINICAL CENTER OF NATIONAL INSTITUTES OF HEALTH IN MONTGOMERY COUNTY, MD., AS "WARREN GRANT MAGNUSON CLINICAL CENTER OF THE NATIONAL INSTITUTES OF HEALTH"

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 213) to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CARTER. Mr. Speaker, reserving the right to object, I join in strong support of this resolution to designate the Clinical Center of the National Institutes of Health as the "Warren Grant Magnuson Clinical Center."

Indeed, this is a fitting tribute to the distinguished Senator from Washington who has championed the cause of biomedical research and whose efforts have contributed so importantly to the tremendous advances which have been achieved in this field over the years.

As chairman of the Senate's Labor-HEW Subcommittee—and more recently as chairman of the full Appropriations Committee—WARREN MAGNUSON has served a long and distinguished public career. In addition to his strong commitment to expanding the frontiers of knowledge through research—the Senator has been a special friend to so many of the health programs which are under the jurisdiction of the Health Subcommittee on which I serve. In particular—he has helped insure sufficient funding for the National Health Service Corps so that millions of Americans in medically underserved areas throughout the country would have access to the medical care they need and deserve. I commend the Senator for his compassion and his leadership and I join in urging adoption of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 213

Whereas throughout his distinguished congressional career, Senator WARREN GRANT MAGNUSON has fundamentally enriched the lives of the people of his country through his steadfast devotion to improving the quality of health care services and advancing biomedical research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, is designated as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

SEC. 2. Any reference in law, map, regulation, document, record, or other paper of the United States to that clinical center shall be held to be a reference to the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the clinical center referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

● Mr. DICKS. Mr. Speaker, I rise to strongly support this resolution.

In my view, designating the clinical center of the National Institutes of Health as the Warren Grant Magnuson Clinical Center of NIH is entirely fitting and richly deserved by Senator MAGNUSON.

As a former administrative assistant to Senator MAGNUSON, I have had the great personal pleasure of observing firsthand this great Senator's commitment to improving America's health and health care system.

This strong commitment began long before I or most of the Members of this Chamber began public service and it continues today.

In 1937, when MAGGIE was a Member of this House, he introduced legislation to create a National Cancer Institute. At the time, very little was known about this dreaded illness, but through MAGGIE'S efforts an Institute was created and today we have learned enough to save one of every two or three cancer victims.

While this cure rate is still too low, it is a great deal higher than that of 1937, when six of every seven cancer victims died.

Only a man of compassion, and with great concern for his fellow Americans and the rest of humanity, would have introduced and urged passage of such legislation 43 years ago.

And only a man who saw the need to improve this Nation's biomedical research capability would have introduced and helped pass a bill which established the National Science Foundation, at a time when this Nation desparately needed trained scientists.

And only a man who truly believes that the democratic heritage of this country includes caring for the aged and veterans would have helped create the U.S. Commission on the Aging and sought to increase the percentage of funds for medical research for veterans and others.

WARREN GRANT MAGNUSON was and is such a man—a man of fortitude, courage, and heart.

Mr. Speaker, as a longtime admirer and friend of WARREN MAGNUSON, I could continue to recite his legislative accomplishments in the health care field for hours.

However, instead I believe that it is better to focus on the essence of WARREN MAGNUSON and his dedication to keeping Americans healthy.

His own words in support of national health programs express it best:

> I saw healthy men and women in the prime of life suddenly fold up and die or waste away—and no one knew why. It just made good sense to do everything we could to find answers—and the cures.
>
> I am convinced that more money for research now will save this Nation millions of dollars in the years to come. To those who would pursue a pennywise-and-pound-foolish policy . . . I say, you may not only lose your pennies, but the very heritage of democracy itself. Our best exhibit of our democratic experiment lies, not in talking about human welfare, but in continually practicing it.
>
> Our relentless and humane fight to save thousands upon thousands of Americans every year from death is the most accurate barometer I know of our real concept of human values. It is our firm answer to the totalitarianisms which hold that the individual is insignificant, particularly the weak and sick.

Mr. Speaker, very few times in a century does this body possess someone who for decades has had a tremendous positive effect on this Nation.

And very few times is that man modest, truly "of the people," and unassuming.

And, Mr. Speaker, it is rarer still when such a man is motivated solely by heartfelt, humanitarian concerns to make his country and his world better, stronger, and healthier than it was before he entered it.

WARREN GRANT MAGNUSON is one of these rarities—one of the true gems that America produces so very infrequently.

Now, I join with my friends to urge this Chamber to pass this resolution honoring a great man of this century and of these Houses.

But in doing so, let us not only honor the accomplishments of a man in the field of health, but let us honor his spirit, his vision, his commitment, and his work "for the people."

These are the true legacies of WARREN GRANT MAGNUSON—legacies which will endure long after the building we name today crumbles.●

● Mr. FOLEY. Mr. Speaker, I rise in support of Senate Joint Resolution 213, to designate the clinical center of the National Institutes of Health, located in Montgomery County, Md., as the Warren Grant Magnuson Clinical Center of the National Institutes of Health.

I have had the privilege, as a member of the Washington State delegation, to work with the distinguished President pro tempore of the Senate, WARREN G. MAGNUSON.

I know of no State that has been as effectively served by its Senator as my own. All of my colleagues remember his work in helping to guide disaster assistance to Mount St. Helens victims through Congress. It was done in remarkably short order, and under great pressure. Its approval was a testament to his enormous power and influence. Since his earliest days in Congress, WARREN G. MAGNUSON has used his power as a consistent champion of the average citizen.

It is impossible, in this short period of time, to catalog the full range of his accomplishments for consumer protection, better transportation, and environmental preservation. However, among the most notable of his career are his accomplishments in the field of health care.

Long before he exercised any direct responsibility over appropriations for the National Institutes of Health in the Senate, WARREN G. MAGNUSON placed himself in the forefront of a crusade to improve and expand this Nation's commitment to basic medical research and training. As a Congressman in 1937, he was a major force in the establishment of the National Cancer Institute. In the ensuing years, he fought to insure that the Institute received adequate levels of support from Congress. He authored legislation to expand ways of bringing health care to those who would otherwise be deprived. The creation of the National Health Services Corps is one example. As a result of his initiative, biomedical research was made a major part of the VA hospital program.

At one point a number of years ago, Senator MAGNUSON spoke and worked against efforts to cut funds for a research and fellowship program in the field of polio. He succeeded. Because a small part of that money went to an individual by the name of Dr. Salk, we have a vaccine for polio today.

WARREN G. MAGNUSON was one of the chief sponsors of the National Heart Institute in 1948. This resulted in a vigorous campaign against a disease which claims over a million American lives every year. Over a 15-year period, the incidence of in-hospital deaths from heart attacks dropped from 30 percent to today's level of 6 percent.

In 1969, following his election to the Labor-HEW Subcommittee chairmanship, Senator MAGNUSON assumed jurisdiction over NIH appropriations in the Senate. He has seen the Institute grow to include centers for microbiological, heart, dental, and cancer research. Our facilities rank among the best in the world, and continue to produce concrete improvements in health care and knowledge.

Mr. Speaker, words cannot pay adequate tribute to Senator MAGNUSON'S longstanding commitment to the well-being of the American citizen. It is fitting that this Congress recognize his remarkable career by joining in support of the measure to designate the new clinical center of the National Institutes of Health as the Warren Grant Magnuson Clinical Center of the National Institutes of Health.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAZARDOUS WASTE CONTAINMENT ACT OF 1980

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 7020) to amend the Solid Waste Disposal Act to provide authorities to respond to releases of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a hazardous waste response fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY COMPENSATION

DEFINITIONS

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which

could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or antipicated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Postclosure Liability Fund established by section 232 of this Act;

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311 (b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usuable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976) any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a) (3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for-hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a) (3) or (4)(i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer.

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of

hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous subtances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure transposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

(31) "national contingency plan" means the national contingency plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

Sec. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

NOTICES, PENALTIES

Sec. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility, and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver if obtained under paragraph (3) of this subsection, it shall be unlawful for any such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or

imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or to the handling and storage of such a pesticide product by an agricultural producer.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsection (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, That notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

SEC. 104. (a) (1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c) (1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at elast 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however*, That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

(d) (1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e) (1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2) (A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts.

(g) (1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provisions of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection, Agency the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies, or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c) (2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8) (A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311 (c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

ABATEMENT ACTION

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

LIABILITY

SEC. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defense set forth in subsection (b) of this section—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $5,000,000 (or, for releases of hazardous substances as defined in section 101(14)(A) of this title into the navigable waters, $8,000,000). Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus $50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A)(i) the release or threat of release of a hazardous substance was the result of willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) the primary cause of the release was a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the national contingency plan with respect to regulated carriers subject to the provisions of title 49 of the United States Code or vessels subject to the provisions of title 33 or 46 of the United States Code, subparagraph (A)(ii) of this paragraph shall be deemed to refer to Federal standards or regulations.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however*, That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10)(B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

FINANCIAL RESPONSIBILITY

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six

years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty or other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement; *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who, acting without discretion from his employer (or his agent), deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act;

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311(c) of the Clean Water Act and amended by section 105 of this title: *Provided, however*, That such costs must be approved under said plan and certified by the responsible Federal official;

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be asserted against the Fund under this title for injury to, or destruction or loss of natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the national contingency plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be

limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c)(1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

(2) In any fiscal year, 85 percent of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f)(4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107 (k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

Sec. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(b)(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one (1) year, or both.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(a) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsection (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

Sec. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

Sec. 201. Short Title; Amendment of 1954 Code.

(a) Short Title.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes on Petroleum and Certain Chemicals

Sec. 211. Imposition of Taxes.

(a) General Rule.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—ENVIRONMENTAL TAXES

"Subchapter A. Tax on petroleum.
"Subchapter B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

"Sec. 4611. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax of 0.79 cent a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) Tax on Certain Uses and Exportation.—

"(1) In general.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) Exception for use on premises where produced.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) Persons Liable for Tax.—

"(1) Crude oil received at refinery.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) Imported petroleum product.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) Tax on certain uses or exports.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) Termination.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if no tax is imposed under section 4611 or 4661 during the calendar year following the date referred to above, then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

"Sec. 4612. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Crude oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) Domestic crude oil.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) Petroleum product.—The term 'petroleum product' includes crude oil.

"(4) United states.—

"(A) In general.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) United states includes continental shelf areas.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) United states includes foreign trade zones.—The term 'United States' includes any foreign trade zone of the United States.

"(5) United states refinery.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) Refineries which produce natural gasoline.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) Premises.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) Barrel.—The term 'barrel' means 42 United States gallons.

"(9) Fractional part of barrel.—In the case of a fraction of a barrel, the tax imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) Only 1 Tax Imposed with Respect to Any Product.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product.

"(c) Disposition of Revenues from Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

"Sec. 4661. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Napthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.45
Nickel	4.45
Phosphorus	4.45
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.90
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

"Sec. 4662. Definitions and Special Rules.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 4661(b), and

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United states.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(5) Fractional part of ton.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Exceptions; Other Special Rules.—For purposes of this subchapter—

"(1) Methane or butane used as a fuel.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) Substances used in the production of fertilizer.—

"(A) In general.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia which is a qualified substance, no tax shall be imposed under section 4661(a).

"(B) Qualified substance.—For purposes of this section, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) Qualified use.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) Sulfuric acid produced as a byproduct of air pollution control.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under section 4661.

"(4) Substances derived from coal.—For purposes of this subchapter, the term 'taxable chemical' shall not include any substance to the extent derived from coal.

"(c) Use by Manufacturer, Etc., Considered Sale.—If any person manufacturers, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) Refund or Credit for Certain Uses.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) Use as fertilizer.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to make ammonia without regard to subsection (b) (2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b) (2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a) (3) and (b) (3) of section 7652 shall not apply to any tax imposed by section 4661.".

(b) Clerical Amendment.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"Chapter 38. Environmental taxes.".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 1981.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

Sec. 221. Establishment of Hazardous Substance Response Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) Transfers to Response Trust Fund.—

(1) Amounts equivalent to certain taxes, etc.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

(B) the amounts recovered on behalf of the Response Trust Fund under this Act,

(C) all moneys recovered or collected under section 311(b) (6) (B) of the Clean Water Act,

(D) penalties assessed under Title I of this Act, and

(E) punitive damages under section 107(c) (8) of this Act.

(2) Authorization for appropriations.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000.000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) Transfer of funds.—There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) Expenditures From Response Trust Fund.—

(1) In general.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111 (c) of this Act.

(2) Limitations on expenditures.—At least 85 percent of the amounts appropriated to the Response Trust Fund under subsection (b) (1) (A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c) (2) (C).

Sec. 222. Liability of United States Limited to Amounts in Trust Fund.

(a) General Rule.—Any claim filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

(b) Order in Which Unpaid Claims Are To Be Paid.—If at any time the Response Trust Fund is unable (by reason of subsection (a) or the limitation of section 221 (c) (2)) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

Sec. 223. Administrative Provisions.

(a) Method of Transfer.—The amounts appropriated by section 221(b) (1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) Management of Trust Fund.—

(1) Report.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) Investment.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

(c) Authority To Borrow.—

(1) In General.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

(2) Limitations on advances to response trust fund.—

(A) Aggregate advances.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1) (A) of section 221(b) of this Act for the following 12 months, and

(B) Advances for payment of response costs.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) Advances for other costs.—The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in section 111(a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A).

(D) Final repayment.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) Repayment of advances.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

Sec. 231. Imposition of Tax.

(a) In General.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

"Sec. 4681. Imposition of Tax.

"(a) General Rule.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

"SEC. 4682. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or

"(B) subject to the reporting or recordkeeping requirements of section 3002 and 3004 of such Act, as so in effect.

"(2) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

"(b) TAX IMPOSED ON OWNER OR OPERATOR.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) TAX NOT TO APPLY TO CERTAIN WASTES.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) APPLICABILITY OF SECTION.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if on September 30, of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter C—Tax on Hazardous Wastes.".

SEC. 232. POST-CLOSURE LIABILITY TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) EXPENDITURES FROM POST-CLOSURE LIABILITY TRUST FUND.—Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) ADMINISTRATIVE PROVISIONS.—The provisions of sections 222 and 223 of this Act shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a) (1) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including, but not limited to—

(A) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(B) a summary of past receipts and disbursements from the Fund;

(C) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(D) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(E) the record of State participation in the system of response, liability, and compensation established by this Act;

(F) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(G) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and Post-closure liability Trust Fund;

(H) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund;

(I) the economic impact of taxing coal-derived substances and recycled metals.

(2) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress (i) within four years after enactment of this Act, a report identifying additional wastes designated by rule as hazardous after the effective date of this Act and pursuant to section 3001 of the Solid Waste Disposal Act and recommendations on appropriate tax rates for such wastes for the Post-closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980, has determined should be subject to regulation under subtitle C of such Act, (ii) within three years after enactment of this Act, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post-closure Liability Trust Fund.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

(c) (1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to sitting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e) (1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association,

the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total $1,380,000,000, whichever occurs first. The Secretary of Treasury shall estimate when this level of $1,380,000,000 will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under sections 4611 and 4661 of the Internal Revenue Code of 1954.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

(b) One-half of the unobligated balance remaining before the date of the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the dealing with the matter of , which rule or regulation was transmitted to Congress on .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however*, That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

(c) Section 11901 of title 49, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i);

(2) by inserting "and subsection (h)" after "subsection (g)" in subsection (i)(2) as so redesignated by paragraph (1) of this subsection; and

(3) by inserting the following new subsection (h):

"(h)(1) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed $20,000 for each violation.".

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code.

(c) The amendment made by subsection (a) shall become effective ninety days after the date of the enactment of this Act.

SEPARABILITY

Sec. 308. If any provision of this Act or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

Amend the title so as to read: "An act to provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BROYHILL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. Florio) will be recognized for 20 minutes, and the gentleman from North Carolina (Mr. Broyhill) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. Florio).

Mr. FLORIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate has amended the House superfund bill, H.R. 7020, and returned it to the House for our consideration.

Let me begin by summarizing the Senate amendments, and then compare them with the House bill. I think it will quickly become clear that the Senate amendments retain both the substance and the intent of much of the House-passed bills, and the responsible course for the House to take is to pass these amendments promptly and send them to the President for his signature. In this way we can get on immediately with the business of cleaning up the thousands of hazardous waste sites which dot this country and also insure that a mechanism is in place to respond to spills of dangerous hazardous substances.

The broad jurisdiction of the Senate Environment and Public Works Committee has permitted it to take the essential elements of the House bills H.R. 7020 and H.R. 85, with the exception of the oil title, and combine them in one response fund.

Because of its more comprehensive scope, H.R. 7020, as amended by the Senate, provides authority to respond to more kinds of releases than the House-passed version. For example, the Senate bill would authorize the President to respond to releases of inplace toxic pollutants located in navigable waters.

Inplace toxic pollutants can cause serious environmental problems. For example, tons of the now-banned pesticide DDT have accumulated in the sediments of Indian Creek, located near Triana, Ala. Beneath Indian Creek lie tons of DDT, accumulated over the years because of drainage from a site upstream where a chemical company manufactured the pesticide from 1947 to 1970 on land leased from the U.S. Army's Redstone Arsenal near Huntsville. The facility has been torn down, but its dangerous legacy remains.

Triana, Ala., is a small town of mostly poor and black people located near Indian Creek, in the district of Congressman Ronnie Flippo. Its citizens have depended on fish which they catch in the creek for a large part of their diet. However, there is one tragic problem—Indian Creek is contaminated.

In 1977, the Army and EPA announced that fish samples taken from Wheeler Reservoir, into which Indian Creek drains, contained DDT concentrations 80 times higher than the level recommended by the Food and Drug Administration. The EPA asked the Tennessee Valley Authority to determine whether there was still DDT in the sediments of the streams draining the old site. Near the end of 1978, TVA reported that there were 4,000 tons of pesticide still in the waters available for biological uptake.

The Center for Disease Control determined that these townspeople have DDT concentrations in their blood many times higher than the national average. In fact, one citizen has the highest level ever recorded.

The fact is that, to this date, no action has been taken to begin removing the DDT from the sediment in Indian Creek. The preliminary results of the most recent study of this problem reveal that the situation is in fact far more serious than originally thought. Fish found 40 miles away from the contaminated sediment have been discovered to contain concentrations of DDT 30 times higher than the acceptable level. Worse, the study found that the bulk of the contaminated sediment, rather than being stationary, is slowly moving down Indian Creek toward the Wheeler Reservoir in the Tennessee River. The potential public health and environmental risks which this situation presents are simply unacceptable.

The Senate bill would authorize the President to respond to the type of release occurring in Indian Creek and others like it. The bill, of course, would also authorize the President to respond to releases of hazardous substances such as polybrominated biphenyls or PBB's buried in landfills. Once enacted, therefore, the Government could respond to releases such as the one from the Gratiot County, Mich., landfill. Ninety tons of PBB and other hazardous materials are buried in and leaching out of this county dump site.

In its present state, the site, which is located in Congressman Albosta's district, is threatening to contaminate a large aquifer. The State considers this landfill to be among the highest—perhaps the highest—priority dump site for cleanup. The State has exhausted its financial and technical resources on this and related hazardous waste problems. The Federal Emergency Management Agency has stated they do not have the legislative authority to take care of the problem. Without enactment of superfund this serious situation might well go unremedied indefinitely.

The elimination of the oil title causes many of us aggravation and a certain amount of distress, and I particularly want to emphasize that point. Many of the members of this committee—just to name a few—Messrs. Breaux, Biaggi, Roberts, Studds, and Snyder, and many others, have worked very hard to produce that oil title. Notwithstanding that deficiency in the bill, the balance of this bill is essentially the House legislation, and it is good, needed legislation.

The total in the Senate amendments is nearly identical to the House bill. They establish a $1.6 billion fund over 5 years, to be used for the payment of response costs, remedial actions and damages to natural resources caused by releases of hazardous substances. Industry taxes would contribute 87.5 percent of the total fund, while 12.5 percent would come from general revenues. Like the House bill, taxes are levied on feedstocks, inorganic chemicals, and oil. The fund has a limited borrowing authority, but all funds borrowed must be repaid by October 1, 1985.

The President is given appropriate response authority whenever a hazardous substance is released into the environment or whenever there is a release of certain pollutants or contaminants which are particularly health-threatening.

Both Houses addressed the key concerns which had to be dealt with in hazardous substance legislation. First, the Government has been given the necessary authority to respond to hazardous substance releases and to provide full protection of the public health and environment. Second, a fund is created to provide the vital resources necessary to undertake cleanup and response efforts. Third, a strong liability scheme will insure that those responsible for releases of hazardous substances will be held strictly liable for costs of response and damages to natural resources. The defenses to liability adopted by the Senate are essentially identical to those contained in the House bill. The Senate amendments also include certain limits on liability depending on the type of incident which occurs.

States are required to undertake 10 percent of remedial costs above expenditures of $1 million, to assure future maintenance, and the availability of a permitted disposal facility. While States are prohibited from requiring persons to contribute to a fund to pay for the same costs or damages compensable under this bill, they are not prevented from imposing additional liability or responsibility with respect to a release of hazardous waste.

As I noted earlier, in accepting the Senate's amendments to H.R. 7020, the House is adopting a bill whose key provisions are similar to or the same as H.R. 7020 as it was passed by the House in September. These similarities are worth highlighting because they may not be readily apparent to all given the different structure of the Senate amendments.

LIABILITY

The liability provisions of this bill do not refer to the terms strict, joint and several liability, terms which were contained in the version of H.R. 7020 passed earlier by this body. The standard of liability in these amendments is intended to be the same as that provided in section 311 of the Federal Water Pollution Control Act; that is, strict liability. I have reviewed carefully the statutory language, the floor statements from the Senate, and the language and precedents under section 311 of the Clean Water Act. I have concluded that despite the absence of these specific terms, the strict liability standard already approved by this body is preserved. Issues of joint and several liability not resolved by this shall be governed by traditional and evolving principles of common law. The terms joint and several have been deleted with the intent that the liability of joint tortfeasors be determined under common or previous statutory law.

With respect to strict liability, this bill contains no significant change from that in our earlier bill. Liability remains "subject only to the defenses" provided in the bill. That is, a defendant can escape liability only if he establishes that the release or threatened releases is caused solely by an act of God, an act of war, or an act or omission of a third party, with third parties being narrowly defined. Thus, the absence of negligence is not a defense to liability. These limited defenses are lifted almost verbatim from our earlier passed bill. Since reference to section 311 standards of liability is necessary only where not superseded by standards of this bill, these defenses, and not those of section 311, will control.

The case law which has developed under section 311 indicates that courts consider this section to create a standard of strict liability qualified only by the limited defenses contained therein. I would like to introduce into the Record a letter from the Assistant Attorney General which summarizes that case law.

As originally passed, H.R. 7020 provided for joint and several liability, but qualified that standard with two statutory apportionment provisions which modified the applicability of such a standard. This bill sets forth the classes of persons (for example, owners, operators, generators) who are liable for all costs of removal or remedial action, other necessary costs of response, and damages to natural resources. Rather than announce the standard, and then cut back on its applicability, this bill refers to section 311 of the Clean Water Act and to traditional and evolving principles of common law in determining the liability of such joint tortfeasors. To insure the development of a uniform rule of law, and to discourage business dealing in hazardous substances from locating primarily in States with more lenient laws, the bill will encourage the further development of a Federal common law in this area.

I might point out that section 311 has been interpreted by the Coast Guard, the Government body responsible for administering the section 311(k) revolving fund, as imposing joint and several liability under appropriate circumstances. I would like to introduce a letter from the chief counsel of the Coast Guard on this subject. This established policy seems particularly applicable in cases of hazardous waste sites, where several persons have often contributed to an indivisible harm.

The basic concept of creating response authority and a response fund to prevent and remedy health and environmental threats from releases or threatened releases of hazardous substances is the same in both the House and Senate version of H.R. 7020. Both bills also establish liability for persons responsible for releases.

Liable parties would be obliged to reimburse the fund for Government cleanup costs in responding to an environmental emergency involving a release of threatened release of hazardous substances.

The Senate amendments to H.R. 7020 add response authority for hazardous substances which are not hazardous wastes. In expanding the scope of H.R. 7020, the Senate incorporated concepts from another House-passed bill: H.R. 85, thus, the Senate version of the bill contains a funding level of $1.6 billion, which is essentially equal to that of the original H.R. 7020 at $1.2 billion plus that portion of H.R. 85 related to hazardous substances at $375 million. In addition to similar funding levels, both House and Senate "superfund" bills contain funding authorizations for a 5-year period.

Both bills have equivalent revenue raising mechanisms. An excise tax on the production and importation of crude oil, petrochemical feedstocks, and certain inorganic elements and compounds provides a majority of the revenues. Appropriations from general revenues provide the balance of revenues in each bill. The Senate bill is actually a composite of both House superfund bills in this regard. H.R. 7020 raises 75 percent of its funds from the industry-based excise tax and 25 percent from general revenues. H.R. 85 raises 100 percent of its revenues for hazardous substance response from an industry-based tax. The Senate bill splits the difference of the two House bills by raising 87.5 percent of its funds from the industry tax and 12.5 percent from general revenues.

The uses to which the fund can be put are similar in both bills. These include payment of Government costs in responding to releases or threatened releases of hazardous substances and payment for restoration of damaged natural resources.

In both bills, the President is directed to develop a national response plan. The plan in each case would be subject to normal rulemaking procedures and, once adopted, would provide the framework for all actions under each bill.

In addition to the similarities of the two bills, the Senate version contains a number of provisions which have been incorporated directly from the original House bill. These include:

Defenses to liability;

A cost-balancing test to determine the appropriate level of response to an individual release incident;

Criteria which define permissible conditions for taking response actions off-site from a facility where hazardous substances were released;

Worker safety and protection provisions;

A study to explore alternative funding measures; and

A study to examine difficulties in siting new hazardous waste treatment, storage, and disposal facilities.

Regarding the preemption language contained in these amendments, I would point out that some States, including my own State of New Jersey, have successful spill funds and that while States may not create duplicate funds to pay damages compensable under this bill, there is no preemption of the State's ability to collect taxes on fees for other costs associated with releases that are not compensable damages as defined in this legislation.

Let me state categorically that there is nothing in this bill that affects the uses to which a State may put a spill compensation and cleanup fund. This bill is silent on that subject. A State may, after enactment of this bill, continue to spend its fund for any costs associated with administration, inspection, and enforcement of hazardous waste sites; purchase of pollution abatement equipment; hiring of personnel for pollution prevention programs; cleanup, containment, restoration, and compensation costs associated with improper releases of hazardous wastes into the environment which are not compensated under this bill and any other purpose which is lawful under a State law. Putting it simply, this is a prohibition against double taxation for the same purposes.

Moneys expended by State funds can be used to provide the required 10-percent State match to Federal expenditures authorized by this legislation. There would be no preemption for State funding of efforts which are eligible for Federal funds but for which there is no reimbursement. If the Federal Government determines that the needs at other sites require that Federal efforts be terminated at a site before that site is completed, a State fund may complete the effort underway.

There is nothing in the language or intent of this bill which would prohibit a State from responding to a release either under agreement with the Secretary, at the direction of the Federal on-scene coordinator or in the absence of timely response by another party. In fact, the Federal Government's cleanup and containment capability is viewed as something of an appeal of last resort in the absence of any other adequate and timely response. When a State or a contractor of the State is the respondent to the release and incurs economic loss normally compensable under this bill. The use of a State fund for the purpose described above is a bookkeeping question only, not a question of preempted activity. The expenditures by a State from its fund in this situation are temporary in nature and would be reimbursed and therefore ultimately paid from the Federal superfund established by this bill. Any damage not reimbursed by this bill may similarly be the proper subject of a State fund if a State so chooses to construct its fund.

Finally, this bill is not retroactive in its preemption. Any funds collected or generated prior to the effective date may be spent under the provisions and coverage of the appropriate State guidelines without conflict with this bill.

I believe the House is prepared to accept and pass the Senate amendments to H.R. 7020 in part because of its similarities to the House bill. In doing so, a number of clarifications to the Senate bill are in order. I will submit these technical corrections and clarifications for the record at this point.

U.S. Department of Justice,
Washington, D.C., December 1, 1980.

Hon. James J. Florio,
Chairman, Subcommittee on Transportation and Commerce, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

Dear Mr. Chairman: You requested the Department's views on the liability provisions contained in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as passed by the Senate on November 24, 1980.

The liability scheme in this bill, set forth in section 107, provides that, subject to certain defenses, four categories of persons involved in handling hazardous substances "shall be liable" for, *inter alia*, costs of remedial action incurred by the United States Government (or a State) and damages due to the injury or destruction of natural resources. According to the definition provided in section 101(32), "liable" or "liability" . . . "shall be construed to be the *standard* of liability which obtains under section 311 of the Federal Water Pollution Control Act" (FWPCA). (Emphasis added.) Under the bill passed by the Senate, liability is subject only to the defenses provided in section 107 (b). That is, a defendant can escape liability only if he establishes that the release or threat of release and the resulting costs are caused *solely* by an act of God, an act of war, or an act or omission of a third party, with third parties being narrowly defined.

According to Senator Randolph, chairman of the Committee on Environment and Public Works and floor manager of this bill, "unless otherwise provided in this act, the standard of liability is intended to be the same as that provided in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321). I understand this to be a standard of strict liability. . . . As under section 311, due care or the absence of negligence with respect to a release or threatened release of a hazardous substance does not constitute a defense under this act." *Cong. Rec.*, 96th Cong., 2d Sess., Nov. 24, 1980, S. 30932.

Senator Randolph is correct in stating that the liability standard under section 311 is one of strict liability. Both the Senate passed "Superfund" legislation and section 311 provide for liability subject to certain specifically enumerated defenses. Neither provision allows for a defense based on the defendant's non-negligent conduct or exerçise of due care. Caselaw construing section 311 clearly indicates that not only are the defenses to be narrowly construed but the plain meaning of the liability regime establishes a strict liability standard. *See Steuart Transportation Co.* v. *United States*, 596 F. 2d 609, 613 (4th Cir. 1979); *Burgess* v. *M/V Tamano*, 564 F. 2d 964, 982 (1st Cir. 1977). It should be pointed out that both decisions rely to some extent on the legislative history of section 311. *See*, specifically, H.R. Conf. Rep. No. 91–940, 91st Cong., 2d Sess. 39, reprinted in [1970] *U.S. Code Cong. & Admin. News*. pp. 2712. 2724: Healy and Paulsen, Marine Oil Pollution and the Water Quality Improvement Act of 1970, 1 *J. Mar. L. & Com.* 537, 558–61 (1970). Moreover, we are aware of no case under section 311 permitting a defense based on the absence of negligence.

Thus, the Senate chose to delete the term "strict" from the liability section of the bill and instead to rely upon the formulation of strict liability previously established in section 311. In order to assure that no inference against strict liability might be drawn from this deletion, section 302(d) provides:

"The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities."

Another aspect of the liability standard concerns the applicable liability where two or more persons are responsible for a release or threat of release. As you are aware, the reference to joint and several liability contained in the original liability provision of S. 1480 was deleted. It is clear, however, that this deletion does not in any way preclude courts from imposing joint and several liability where appropriate. This conclusion is fully supported by both the bill itself and its legislative history. Section 107(e)(2) provides:

"Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person."

This provision, in our view, confirms that a defendant held liable for response costs has the right to seek contribution from any other person responsible for a release or threat of release of a hazardous substance. A right of contribution is only of value to a defendant who has been held jointly and severally liable. This view is entirely consistent with the legislative history of this bill. Senator Randolph addressed this point with the following remarks:

"It is intended that issues of liability not resolved by this act, if any, shall be governed by traditional and evolving principles of common law. An example is joint and several liability. Any reference to these terms has been deleted, and the liability of joint tort feasors will be determined under common or previous statutory law."

It is the Department's view that common law provides for joint and several liability where the act or omission of two or more persons results in an indivisible injury.* It is also our view that where the actions of two or more persons, otherwise liable under FWPCA, combine to cause the release of oil or hazardous substance, those persons are jointly and severally liable for clean-up costs under section 311. In fact, Congress took care to provide a right of contribution among those responsible for a release in subsections (g) and (h) of section 311.

We hope this information is responsive to your request.

Sincerely,

Alan A. Parker,
Assistant Attorney General,
Office of Legislative Affairs.

September 20, 1978.

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*See, generally, Prosser, *Law of Torts* (4th ed. 1971), pp. 315, 316; *Restatement of Torts, Second* § 879. An indivisible harm is frequently the situation at hazardous waste sites where many parties have contributed to the contamination or other endangerment and there are no reliable records indicating who disposed of the hazardous wastes (or in what quantities). An analogous situation involving water pollution from different sources has led to the imposition of joint and several liability in several cases. See, for example, *City of Valparaiso* v. *Moffit*, 12 Ind. App. 250, 255, 39 N.E. 909 (1895); *West Muncie* v. *Slack*, S. Ct. Ind., N.E. 879 (1904).

Attn.: Mr. William D. Gall
Mr. Philip Berns,
Attorney in Charge, West Coast Office, Department of Justice, San Francisco, Calif.

Dear Sir: Reference is made to Mr. Gall's letters, WDG:nm, 61–11–2577, of 8 June 1978 and 24 August 1978, concerning *United States v. D/B Healy Tibbits No. 4 et al., in rem.*, N.D. Cal.—Civil No. C 77–1698 SW. In the letter of 8 June, Mr. Gall requested the views of the Coast Guard on the interpretation of 33 U.S.C. 1321. The question specified in the letter is "whether the statute allows the United States to proceed against the owner of a vessel for cleanup costs, where the discharge resulted through the sole fault of the vessel bareboat charterer and operator." From the remainder of the letter it would appear that the issue more narrowly stated is whether an action may be presented under 33 U.S.C. 1321(f)(1) against the owner of a vessel when the parallel action against the operator (bareboat charterer) of that vessel, who bore a significantly greater degree of fault in the discharge occasioning the incurrence of the removal cost for which recovery is being sought, has been dismissed.

The question arises from an expectation that the vessel owner in the referenced case will argue that the language "owner or operator" does not contemplate joint and several liability, particularly where one of those parties was in no way at fault and, in addition, where the action against the party most at fault has been voluntarily dismissed by the United States. It would appear that there are three issues involved here:

a. Does the Act provide for several as well as joint liability;

b. To what degree does the relative fault of the owner and operator play in determining liability under the Act; and

c. What is the effect of a settlement with and dismissal of the action against one party on the liability of the other party.

With respect to the first of the issues, it is my view that the statute clearly contemplates several liability by the use of the disjunctive "or". This provision cannot be read to *require* that in every case both the owner and operator be joined in an action to recover removal costs under 33 U.S.C. 1321(f) (1). (I should note that it is also my view that it is not the intent of Congress to prevent a joinder in an appropriate case, for the word "or" need not be read *solely* in the disjunctive sense, but clearly contemplates joint liability as well to achieve the remedial effect of the Act.)

As to the role of fault in the liabilities established under this provision, it is my view that the strict liability scheme which it establishes bars any consideration of fault except as one of the enumerated defenses pertains. The remedy for the recovery of removal costs under 33 U.S.C. 1321(f)(1) should be strictly governed by its provisions. (The remedy under other laws and legal theories is not so constrained.) Since, as discussed in the foregoing paragraph, there is clearly several liability for removal costs, the existence or non-existence of fault on the part of either an owner or operator vitiates neither his own nor the other's liability under this statute. However, in the context of this particular case it is important to note that, should recovery be obtained from an owner or operator who was without fault, he would normally be entitled to seek indemnification or contribution from the other party who, in fact, was at fault.

The third of these issues cannot, in my view, be answered with the degree of certainty as the former two. Certainly, if the United States obtained through settlement with one party an amount equal to the removal costs incurred, it would not be possible to recover an additional amount from the other party. Further, should an analogy be drawn to the general tort law, the court might be expected to find that full settlement of the United States claim has been made absent an implied or expressed contrary intent. It would follow that a court might very well carefully examine the nature of a settlement, such as the one made in this case, in order to determine whether the United States was fully compensated.

It may be expected that the equities in this case would bear heavily on the court's resolution of this particular question. In particular, the court might well take into account the prejudicial effect of the settlement with the operator on the owner's right to contribution and indemnification referred to above.

It is this last matter which gives me most concern about the continued prosecution of this case. If we could assume that the worst outcome would be a decision of the court limited to a finding that by its settlement with the bareboat charterer the United States was fully compensated, the case might well be prosecuted in order to determine whether the court would so decide. However, the equitable position of the United States here may well lead the court to render a decision having an unfavorable precedential effect on the other issues discussed above and referred to in Mr. Gall's letter.

For this reason, unless we can limit the issues before the court to either the first two discussed about (the most favorable to the United States) or to the third alone, I strongly urge that the action against the owner and the vessel be voluntarily dismissed.

There are two matters which I feel should be brought to your attention if you decide to continue the action against the owner in this case. First, you may wish to consider whether 33 U.S.C. 1321(f)(1) establishes liability for the recovery of the cleanup costs incurred in this case in view of language found in that paragraph and in 33 U.S.C. 1321(d) which specifies the sorts of costs recoverable thereunder. Your attention is drawn in this connection to 40 CFR Part 1510, respecting the National Oil and Hazardous Substances Pollution Contingency Plan, for an exposition of the interagency relationships which apply when action is conducted under 33 U.S.C. 1321(c). Removal costs incurred under that subsection are recoverable under 33 U.S.C. 1321(f)(1). Second, your attention is further drawn to 33 U.S.C. 1321(h) which provides that sums received by the United States under 33 U.S.C. 1321 are to be deposited in the revolving fund established thereunder. I am not sure that this would be consistent with the reason for this litigation, the recovery by the Navy for the cleanup costs which it has expended.

Thank you for the opportunity to comment on the foregoing matters.

Sincerely,

G. H. PATRICK BURSLEY,
Chief Counsel.

TECHNICAL CORRECTIONS

For example, the definition of "facility" is necessarily a broad one. It explicitly defines facility as, among other things, any site or area where a hazardous substance has been deposited, stored, disposed of, or otherwise come to be located. This latter phrase clearly includes a hazardous waste treatment facility such as an incinerator or other type of treatment facility.

The definition of "federally permitted release" includes releases in compliance with sections 3005(a)–(d) of the Solid Waste Disposal Act, as amended, with certain qualifications. It should be clear that a permit issued under section 3005 by a duly authorized State under section 3006 of that act would also be considered a federally permitted release if the qualification related to the hazardous substance being specified in the permit is met. Sections (e) and (g) of this definition are related with regard to underground injection of hazardous substances since such injection may ultimately be regulated under either the Solid Waste Disposal Act or the Safe Drinking Water Act.

Section 101(10)(I) includes in the definition of "federally permitted release" any injection of fluids or other materials authorized under applicable State law for specific purposes. In many cases State law does not specifically regulate these essential activities; rather, they have been allowed as necessary incidents to oil and gas production activity. In such instances, no law is "applicable" and the activities would be authorized for the purposes of section 101(10)(I).

The term "hazardous substance" includes hazardous wastes as defined by the Solid Waste Disposal Act but excludes wastes whose regulation has been suspended by act of Congress. In adopting the Senate amendments, the House understands that such exclusions are applicable only during the period of suspension.

Section 102(b) establishes 1 pound as the reportable quantity, unless superseded by regulation. Thus, a 1-pound release of a hazardous substance triggers the reporting requirements of the act. The 1-pound quantity is purely an interim standard.

Section 102(a) provides EPA broad authority to establish "reportable quantities" for all substances. Presumably, this authority will take into account relevant factors so that reportable quantities of releases will bear a direct relationship to presenting "substantial danger to the public health or welfare or the environment". EPA should promulgate the regulations under section 102(a) very expeditiously so that the section 102(b) standard will be quickly superseded.

In agreeing to the Senate amendments, the House intends that section 203(c), relating to reporting of facilities having hazardous substances, be administered by the administrator of EPA in such a way as to insure the receipt of the maximum amount of relevant information while minimizing unnecessary and burdensome requirements.

Section 103(c) requires past or present owners or operators of facilities at which hazardous substances have been treated, stored, or disposed of, or transporters who accepted hazardous substances for transport to a facility to carry out certain notification requirements. It is not intended that section 103(c) result in notice requirements which seek information which is unobtainable or cannot be reasonably determined. However, knowing destruction, mutilation, erasure, disposal, falsification, or concealment of information does not make such information unobtainable and should not shield a person from the penalties of section 103(c).

It would be helpful to clarify the role of the Occupational Safety and Health Administration (OSHA) in providing workplace safety and health protection to employees of contractors engaged in response actions, which include prevention of the release of, or removal of, hazardous substances. Section 104(f) of the bill provides with respect to employee protection that:

> In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this act by contractors and subcontractors as a condition of such contracts.

Section 301(f) provides that:

> The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and not later than 2 years after the enactment of this act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

Although the bill makes the occupational safety and health of employees a contract condition, the Congress intends that no action on this matter by a Federal agency or officer be deemed to be an exercise of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health within the meaning of section 4(b)(1) of the Occupational Safety and Health Act of 1970, the preemption provision of that act. In other words, it is the intent of the bill that OSHA, which has issued many standards and has much expertise on the protection of employees from hazardous substances, as well as other occupational safety and health matters, conduct inspections of contractor workplaces and enforce its requirements without diminution of its authority. In this way the congressional goal of protecting employees engaged in this vital but dangerous work will be furthered.

Section 104(i) creates a new Federal agency—the Agency for Toxic Substances and Disease Registry—within the Public Health Service. I would like to associate myself with the remarks made about this Agency by my distinguished colleague, the chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN.

It is my understanding that the response activities under this bill are to be exercised pursuant to the national contingency plan to be established under section 105. By my reading of the bill, this plan is the principal instrument for governing the expenditure of money from the fund, as well as for determining the amounts that liable parties must pay for removal or remedial action.

I also read the response authority section (section 104(c)(4)) as charging the President to select remedial actions to carry out this section which are cost effective, and provide a balance between considerations of public health and welfare, on the one hand, and, on the other, the availability of money from the fund to respond to threats at other sites, as well as the particular one under consideration.

Since the national contingency plan will be revised and republished after notice and opportunity for public comment, the plan will be subject to the legislative veto provision in section 305.

Section 107(c)(1)(C) limits the liability of any motor vehicle, aircraft, pipeline, or rolling stock to $50 million or such lesser amount, down to $5 million, as the President establishes by regulation. The limit of liability established for vessels is no greater than $5 million. Because vessels compete directly with motor vehicles, aircraft, pipelines, and rolling stock for the transportation of hazardous substances, the different limits of liability between these modes could be competitively inequitable unless the President exercises his rulemaking authority.

The President does have the discretion under this provision to establish the limit of liability for motor vehicles, aircraft, pipelines, and railroads, and it is my expectation that the President would exercise that discretion in such a way as to bring about competitive equity between these modes and the barge companies with which they compete.

In regard to the financial responsibility provisions of this act, section 108(d) provides that a guarantor shall be liable up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken. The reference in this amendment to "the policy of insurance or indemnity contract or guarantee" is included to merely encompass other forms of certification which that evidence of financial responsibility might take. The intention is that when a guarantor provides evidence of financial responsibility for pollution liability, liability is limited to the amount he has provided. There is no intention to impose liability on guarantors under the direct action provisions of this statute in excess of that amount provided as evidence of financial responsibility.

The purpose of requiring a guarantor to act in good faith is to preserve the common law or contractual liability of any guarantor to the owner or operator. The provision is not intended and does not affect the liability of a guarantor to those persons not party to the contract between the guarantor and the owner or operator.

Section 111(a)(4) states that the President shall not pay any administrative costs or expenses out of the fund unless such costs and expenses are reasonably necessary for implementation of this title. Such necessary costs and expenses are limited to administrative response costs and expenses. Moreover, expenditures under subsections (a) (1) and (4) can be made only from funds appropriated under section 111(e)(4).

Section 111(c)(3) indicates that, "subject to such amounts as are provided in appropriations acts," the funds may be used to investigate, and take enforcement and abatement action. This means that money must be appropriated especially for this subsection before the fund can be used for these activities.

Section 306(c) amends section 11901 of title 49, U.S.C., by increasing to $20,000 the maximum civil penalty for noncompliance with section 10921 of that title in respect to the transportation of hazardous wastes. The apparent purpose of this section is to increase the deterrent to "midnight dumper" activities by adding to the penalties that can be assessed when a person is required to obtain operating rights from the Interstate Commerce Commission and fails to do so. In that respect, the amendment is certainly a good one. However, I do not understand this amendment to expand in any way the present jurisdiction of the Commission over any particular form of transportation.

The safety aspects of hazardous waste transportation are already addressed in the Hazardous Materials Transportation Act, 49 U.S.C. section 1801, et seq., and the Resource Conservation and Recovery Act of 1976, 42 U.S.C. section 6901, et seq. Indeed, extensive regulations applicable to hazardous waste transportation under the latter legislation just became effective during the past week. Expanding the Commission's jurisdiction to create economic regulation of hazardous waste transportation would add nothing to these protections and would run counter to the efforts of this Congress to deregulate both rail and motor transportation to the maximum extent feasible.

Therefore, in considering this legislation as passed by the Senate, the House does not accept section 306(c) as being a substantive amendment to the Commission's jurisdiction, as contained in section 10521 of title 49 of the United States Code, to encompass transportation of hazardous wastes. The extent of the Commission's jurisdiction in this field will undoubtedly be settled by the courts in the near future. To whatever extent, if any, the Commission is held to have jurisdiction over transportation of hazardous wastes, the increased penalty set forth in section 306(c) of the amended H.R. 7020 will have application.

A number of technical errors were apparently made in the drafting of the Senate amendments. These errors are elaborated upon below and the true intent of Congress relative to the errors is outlined:

Section 107(a)(1) identifies vessels as being liable under the bill. The term "vessels" is modified by the phrase "(otherwise subject to the jurisdiction of the United States)" in section 197(a)(1). It is not the intent of Congress to exclude foreign vessels from liability for releases into waters under the jurisdiction of the United States. The true intent of Congress is not to qualify the term "vessels" in section 107(a)(1) and instead to apply section 107(c)(3) to releases or threats of release respecting a vessel located seaward of the contiguous zone only to the extent that the vessel, its owner, or its operator was, at the time in question, otherwise subject to the jurisdiction of the United States.

In providing that limits of liability may be inapplicable under certain circumstances, section 107(c)(2) borrows language directly from section 311(f) of the Clean Water Act. In so doing, the terms "willful negligence" and "willful misconduct" were inadvertently reversed. The intent of Congress is to provide the same inapplicability to liability limits as that provided in the Clean Water Act. The inadvertent order reversal is not meant to impart any different meaning than that contained in section 311(f) of the Clean Water Act.

An apparent typographical error in section 107(f) which appears on page 116, line 6 of the printed bill, has resulted in the phrase "* * * or other comparable environment analysis". This phrase should be read "or other comparable environmental analysis."

Section 107(k)(4)(d) gives the President authority to issue rules and take other necessary actions to effectuate the liability provisions. This subparagraph states that the President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph. The word "paragraph" should be read as "section" to accurately convey the intent of the Congress.

The Senate bill creates a post-closure liability fund and finances this fund by a tax of $2.13 per dry weight ton of hazardous waste received at a hazardous waste disposal facility and remaining at such a facility after its closure. The term "dry" in dry weight ton should be interpreted as removing the weight of any water in any hazardous waste in calculating its weight.

□ 1700

Let me just conclude by giving to you my impression that this is a good bill and those of us who overwhelmingly supported this bill when it came before the House can be happy to support it now. The overriding majority of the people in this House who passed it and the people who passed it in the other body were responding to the pressure from this Nation to provide for a remedial action for the problem of abandoned hazardous waste sites and chemical spills.

It should be made clear that without this legislation there is a huge legislative void that exists. There is no authority. There is no funding to deal with certain types of hazardous waste spills and hazardous waste dangers to health and to the environment.

There will be those who say that the bill is not perfect. Of course it is not. There will be those who say that we could do more and we could, particularly with regard to the oil spill provision. There will be those who say that this bill does too much, and though I disagree with them, I respect their views on the subject. There are those who say that we should not even deal with this subject matter and we should wait until another time. With those I disagree violently.

The time is now to deal with this problem. There are some who are incensed at the procedural situation we find ourselves in now, saying that the other body waited for 4½ months to deal with this legislation and now at the 11th hour has sent us a bill that we must act upon in order to have this bill enacted into law. I would suggest that that position is correct, that we should be incensed. But that is not the paramount concern at this point. The concern is whether we are going to have legislation or whether we not going to have legislation.

Some Members have come to me and said we should amend this, add things on, send it back to the Senate and let them take the heat, let them do something and be responsible for the bill dying if it dies. I am not prepared to play chicken with this issue because that is a game where there is only one loser and it is not the House, it is not the Senate, it is the American people.

Accordingly, I would ask for your support for this bill and ask for your support so that we can have this bill sent to the President and have it signed into law.

Mr. BROYHILL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in opposition to the motion of the gentleman from New Jersey (Mr. FLORIO) and urge the House to defeat this motion to suspend the rules and to pass this legislation. Now, we are close, very close to a reasonable resolution of this major piece of legislation. Yet, it seems to me that we are being asked here to pass a bill that has dozens of defects in it when all we would have to do is to add reasonable amendments and send that back to the other body and have them pass a bill that will be administratively workable.

Now, many of us have supported this concept of a superfund to clean up abandoned sites and to take care of chemical spills and also oil spills. But there are many defects in this bill.

I have in my hand a three-page list of various defects and technical errors that are in this bill and I also have in my hand a list of amendments which have been agreed to in principle by not only the gentleman from New Jersey, but also by Members of the other body who have been working so hard for this bill. It just does not make good sense that we abandon our responsibilities as legislators in this body and pass a bill which is technical flawed. These modifications can be made. They can be sent to the other body and then they pass it and send it on to the President for signature.

One glaring error, for example, there is the authority here for the agency to spend moneys for administrative costs that are not subject to the overview or purview of the Committee on Appropriations. I know this body would not want to see that happen. In other words, the agency would have unlimited rights to spend money from the fund for administrative costs.

Here is a list of serious and technical problems with this bill.

Clean Water Act.—H.R. 7020 creates great uncertainty as to its affect on the Clean Water Act. Section 304(c) of the bill provides that "In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this act shall apply." No guidance is given concerning the affect of this bill on the Clean Water Act when provisions of both pieces of legislation address the same issues in different but not inconsistent fashion. For instance, are financial responsibility requirements under H.R. 7020 to be in addition to or in replacement of those set under the Clean Water Act?

Clean Air Act.—H.R. 7020 provides even less guidance concerning its affect on the Clean Air Act. The bill contains no provision under the conforming amendments section concerning this matter, despite the fact that, by virtue of the definitions of environment and release, its coverage clearly encompasses many of the same matters already regulated under the Clean Air Act.

Inadequate drafting.—This bill was hurriedly drafted without the use of legislative counsel and as the result contains a large but unknown number of drafting errors. In just one night of review, legislative counsel has identified more than 45 technical errors alone. No one is certain how many other technical errors and internal inconsistencies, not to mention substantive deficiencies, may be discovered under closer scrutiny.

Liability uncertainty.—H.R. 7020 establishes a major new Federal scheme imposing liability on a broad spectrum of the industrial and transportation sectors. However, the bill is unexcusably vague in terms of identifying who should be liable and for what. For instance, under the language of section 107 the owner or operator of a vessel or a facility can be held strictly liable for various types of costs and damages entirely on the basis of having been found to be an owner or operator of any facility or vessel. There is no language requiring any causal conviction with a release of a hazardous substance.

One-pound standard.—H.R. 7020 establishes what has been called an interim reportable quantity standard. The language of the bill requires that anyone who spills one pound or more of any hazardous substance must report that fact under the provisions of the bill. However, absolutely no guidance is given concerning how to measure or determine when the one pound was released. Is it to be in a single discrete incident? In one month? one hour? one day? The bill is totally silent and, as a result, provides no meaningful guidance concerning who is subject to the $10,000 fine or year imprisonment for failure to report a release. This provision should be deleted or amended to be made workable. There is a suggested amendment which is generally agreed to by all concerned, because of the procedural situation, it cannot be offered.

Preemption.—Preemption of State liability laws is much weaker than the spills provisions of H.R. 85 and the House passed sites bill had no preemption.

Study of common law.—The study called for as to the adequacy of existing common law and statutory remedies should include some other organizations besides the American Bar Association, American Law Institute, Association of Trial Lawyers and National Association of State Attorneys General. The Senate put the fox in the henhouse.

Agency for Toxic Substances and Disease Registry.—This provision establishes a new agency called the "Agency for Toxic Substances and Disease Registry." You are voting for more government and more bureaucrats at a time that numerous existing agencies, such as the Center for Disease Control, can carry out this program.

Natural resources damage.—This section makes the government's quantification of natural resources damages a rebuttable presumption, a major change in common law.

Guarantors liability.—As drafted, this language, which ostensibly addresses the failure of an insurer to swiftly and efficiently settle or pay claims could be seen as a pre-condition to claiming limitation in suits brought by third parties. The obligations of good faith run only to the insured; third party obligations are not addressed by the amendment. Other provisions of the bill address proper settlement procedures. An insurer must have the right to defend the interest of his policy holder against third party claimants. The language could allow otherwise. It subverts the intended limitation for a guarantor's liability which he must have in order to provide evidence of financial responsibility.

Unreasonable punitive damages.—Treble damage liability for failure "without sufficient cause" to comply with a Presidential order. This punitive damage provision is extremely onerous, does not include due process requirements, and duplicates other penalty provisions.

Additional paperwork.—There is an extremely broad attempt to get an inventory of hazardous waste sites which are not in compliance with subtitle C of the Solid Waste Disposal Act. It would impose unreasonable and largely unknown reporting requirements on past transporters of such waste and facility owners.

More paperwork.—This imposes unreasonable record-keeping requirements with respect to all hazardous substances and should be narrowed to authorize the EPA Administrator to require retention of records with respect to storage, uses or releases of hazardous substances which present an unreasonable risk to human health or the environment.

Unfettered discretion.—The discretionary authority to take action and issue orders as deemed necessary to protect public health and welfare and the environment is virtually unlimited. This authority should be circumscribed by reasonableness requirements and cost standards related to the threat posed. In addition, concepts of nexus to or responsibility for the hazard and due process should be incorporated.

Discrimination against different transportation modes.—Different transportation modes are unreasonably subject to different statutory liability limits for hazardous substance releases.

Unlimited spending.—EPA and other Federal agencies are given almost unlimited access to the fund. These agencies would be able to fund "overhead" and other activities without any normal safeguards provided by the appropriations process.

Creates a new tax and new bottomless trust fund.—This new concept has not been fully explored. We don't know how much it is going to cost. The tax would apply equally to all hazardous waste irrespective of the relative degree of hazard of such waste.

No oil spill provision.—Comprehensive oil spill liability legislation has been considered necessary since the 94th Congress. Without such a provision duplicative and narrow laws and difficulty of recovery under common law theories would continue. Thus, each coastline of the United States is inadequately protected by Federal law from oil spill damage

No compensation for victims.—H.R. 7020 would authorize clean-up and natural resource restoration only. Compensation for personal injury and lost profits or wages and property of innocent third party victims has not been included.

Foreign policy problems.—H.R. 7020 would conflict with the U.S. position regarding assertion of maritime jurisdiction. The definition of environment appears to create a 200-mile pollution zone rather than addressing the effect of a discharge on U.S. natural resources. Foreign flag vessels should be liable for actual damages but not punitive damages. H.R. 7020 does not achieve this. Further public vessels are subjected to liability which raises sovereignty questions with regard to foreign public and military vessels.

Deficient financial responsibility.—H.R. 7020 subjects insurance companies to third party direct action up to the limits of the policy rather than the certificate of financial responsibility. This type provision has effectively removed insurance as an option for providing financial responsibility under the OCS legislation and is expected to do so with this bill. Further, the bill should reflect that vessels carrying hazardous substances already establish financial responsibility and therefore should not have to duplicate this paperwork.

Deficient negligence standard for liability.—H.R. 7020 includes "willful negligence within the privity of knowledge" of a poluter as a basis of liability. This is not only constructed in a manner which is internally inconsistent but also creates a standard that years of effort at the Department of Justice has been unable to define.

It is difficult, if not impossible, for me to understand how we can come so far and get so close to a reasonable resolution of a major piece of legislation, and yet fail to use good common sense and as a result see a bill go down the drain.

I voted for H.R. 7020 when it passed the House, and I spent a lot of time working very closely with several members of the Senate over the last three weeks to make sure that we would be able to get on the books a Superfund bill this year.

When the Senate passed H.R. 7020, I believed that the bill represented a reasonable legislative effort. However, there was no doubt in my mind that the House would have to make a few changes in that legislation. But low and behold, people in the Senate and the gentleman from New Jersey have tried to tell us that we could not change one comma or one period, or we would be killing the bill.

That makes absolutely no sense. It offends my sensibilities as a person and it offends my sense of responsibility as a Member of Congress.

This bill is technically flawed. A cursory reading reveals hundreds of errors.

In addition, there are some suggested modifications of certain matters that even people in the Senate have agreed to change. There are issues that the gentleman from New Jersey has agreed that the House should address. But the Senators are saying to us, the gentleman from New Jersey is saying to the House of Representatives, do not make these changes even when they make sense. Even when they are right, don't make these changes because it might kill the bill.

Mr. Speaker, in good conscience, I cannot legislate that way.

This is not a matter of pride of authorship. I am willing to support a bill that follows the basic outline presented to us by the Senate, but we must clean it up.

I won't go into the objections that my colleagues on Ways and Means, Public Works, and Merchant Marine Committees have to this legislation. They have far more serious, substantive objections than I have, but I have attempted to outline how ridiculous it is for us to be faced with a take it or leave it situation involving a monumentally important piece of legislation.

Mr. Speaker, there were a lot of things in the Senate-passed bill that I did not like but was willing to accept. There were a lot of things in the Senate-passed bill that did not make much sense, but I was willing to accept them in order to get a bill this year. But, Mr. Speaker, there is a limit to my ability to acquiesce. The White House, EPA, and some Members of the House and Senate made the decision that they should proceed with this bill with no amendments. That basic decision made absolutely no sense whatsoever and has put us in the bind that we are faced with today. Everyone agrees that this legislation is flawed, in many cases seriously flawed. Because of that Mr. Speaker, and because of the unwillingness of others to try and address those flaws, I have come reluctantly to the conclusion that we would be better off starting over again next year and would urge my colleagues to oppose the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. BROYHILL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, the framers of our Constitution wisely created a bicameral legislature as one part of a strategy to provide for a workable and effective system of checks and balances. H.R. 7020 does violence to this concept. We have been told by the other body through letters, conversation, and lobbying by the administration on their behalf that notwithstanding a solid vote of 78 to 6, only a "fragile moment-by-moment coalition" enabled the passage of the bill by the Senate. They further inform us that they cannot even pass the bill that they overwhelmingly approved on November 24. To this Member's opinion, that is an ultimatum from our coequal brethren. This is not bicameral—it is unilateral, one house dictating to the other the law of the land—take it or leave it, are we a coequal branch of the legislature or "patsys"? Some tell us that the House should take and pass this bill and accept the fact that this is the best that can be done this Congress. Almost in the same breath they concede that this is not a good bill.

There are numerous deficiencies as our handout demonstrates. The bill is not even drafted in a technically sound manner when you consider that we are talking about imposing a tax on industry of approximately $1.38 billion and committing the taxpayers to approximately $220 million. I think the people have a right to demand that that law be well written. But it is more than just a tax. We are establishing civil liability and criminal penalties in this legislation, and numerous questions have been raised as to what we are doing to common law with this new statute. These are not spurious issues. They are going to be litigated and the courts are going to have a field day in ridiculing the Congress on passing laws that are vague, internally inconsistent, and using tools such as superseding laws which are in conflict without any further guidance. This bill is not a super fund bill—it's a welfare and relief act for lawyers.

□ 1710

Mr. HARSHA. Any member who stands on this floor demanding more accountability and more specificity in laws, they are reasoned very carefully on this vote.

Remember this: You are already on record as having voted for a good chemical cleanup bill. The House passed H.R. 85, which addressed the issue, and properly, and this Congress voted overwhelmingly for this bill, 288 to 11, so all of you but 11 have already established the record that you are for a strong, good, properly executed cleanup bill, a bill that will eliminate these toxic wastes.

You are also on record, again, the second time, when you voted for the House version of H.R. 7020 which properly addressed the problems we have raised with this bill today, 351 to 23. So you are on record twice as favoring chemical clean up and you can rationally and logically defend a no vote on this legislation because you are on record twice, twice before as voting for a firm cleanup bill.

I urge defeat.

Mr. FLORIO. Mr. Speaker, with the concurrence of the gentleman from North Carolina, I would ask unanimous consent that there be allocated an additional 10 minutes for each side in order to continue this debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I do not disagree with anything that has been said so far by the speakers who are against the bill or the ones who are for it. This is not the best way to legislate. Nobody can argue with that. I agree that the bill before us should also cover oilspills. I was a cosponsor of the legislation to cover oilspills. It should. This bill does not, however, cover oilspills.

I would like several other items I have fought for, including an amendment to section 404 of the Water Pollution Control Act to be included in this bill. It is not there. There is no question that the other body in their actions, I think, quite frankly, are not acting responsibly, but you know, there is a time for us in this body to be pragmatic and there is a time for us to be idealistic. Hopefully, we can all be the same at the same time. One thing I think is clear, that this evening we must be pragmatic. This bill contains provisions to clean up chemical spills, it contains provisions to help clean up over 3,000 hazardous waste sites, chemical waste sites in this country. Are we going to say now that because we do not like some of the provisions, that we are going to toss the whole thing out the window and start over? Ladies and gentlemen, that is not the issue.

Mr. Speaker, one Member in the other body who dislikes what we send back can kill the whole product. We have worked on this for 6 years. Let us be pragmatic and let us still be a little idealistic and say we have a product that while not perfect it is far better than what we have now, which is nothing. Vote for this now and next year we have commitment that the oilspill section will be addressed and will be taken care of. But let us not throw away the product that so many have worked for for so long.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C. December 3, 1980.
Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, Washington, D.C.
Hon. HAROLD T. "BIZZ" JOHNSON,
Chairman, Committee on Public Works and Transportation, Washington, D.C.
Hon. THOMAS L. ASHLEY,
Acting Chairman, Committee on Merchant Marine and Fisheries, Washington, D.C.
Hon. AL ULLMAN,
Chairman, Committee on Ways and Means, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that a number of concerns have been raised by members of your committees regarding some provisions of the Act H.R. 7020 which passed the Senate on November 24, 1980 and is pending in the House.

Because of the need for this legislation to protect the public from the vast exposure to chemical waste and the very short time remaining in the 96th Congress, we thought it would be helpful to indicate the Administration's position on, and interpretation of several of the points of concern to the House.

First, regarding the establishment of reportable quantities of hazardous substances. Section 102(a) requires designation of additional substances as hazardous and requires determination of quantities for such substances which will trigger the notification provisions of Section 103 (a) and (b). Section 102(b) provides that pending promulgation of reportable quantities, a quantity of one pound shall be deemed the report able quantity for all substances other than those designated under Section 311 of the Clean Water Act. This provision ensures that reporting of releases, which is essential for rapid response, will commence immediately upon enactment.

Reportable quantities have already been established for 297 substances under Section 311 of the Clean Water Act. The one pound quantity would apply to hazardous wastes (i.e., substances defined in Section 101 (14)(c), but notification would be handled primarily under RCRA (see § 103(f)). The one pound quantity also applies to hazardous substances defined in Section 101(14) (D) through (F) of the bill, or less than 40 classes of substances.

The principal concerns over this provision is that EPA may not review the one pound quantity for chemicals established by the statute and drag its feet where a different quantity, after substantive review, might be appropriate. I can assure you that EPA will act within a reasonable time to propose new reportable quantities for such substances, where appropriate. We intend that changes in harmful quantities will be proposed within 270 days of enactment.

Second, with regard to health responsibilities, Section 104(i) grants authority to the Secretary of Health and Human Services (HHS) to coordinate activities and responsibilities under his/her jurisdiction which relate to potential health effects caused by hazardous substances. It is important that such authorities be coordinated in a single, coherent subdivision of HHS. It is the Administrations view that Congress does not believe a reorganization of functions in that Department is necessary to effectuate the intent of this provision. It is our understanding that the authority provided in this subsection would be delegated to an existing unit at HHS, such as the Center for Disease Control.

Third, with regard to liability limits, Section 107(c) provides for limits of liability for certain transportation modes. Specific statutory limits are provided for vessels based on gross tonnage or an amount up to $5,000,000, whichever is greater. Limits for vehicles and rolling stock are somewhat higher than those for vessels, but the President is specifically authorized to provide by regulations for lower limits (as low as $5,000,000 in some cases) for certain classes of vehicles and rolling stock. Such regulations are to take into account factors bearing on the likelihood of release for such classes of facilities and the economic impact on such classes of facilities. It is our view that it is also intended that in promulgating any such regulations, the President also take into account the competitive effects which might result from different limits among various modes of transportation. I can assure you that this is the interpretation placed on this provision by EPA.

Fourth, on the question of administrative and personnel costs supported by the fund, Section 111(a) of the Act prohibits the use of fund monies for payment of administrative and personnel costs unless those costs are reasonably necessary for and incidental to the implementation of this title. This section is intended to assure that any funds used for these costs are used for activities related to cleanup of hazardous substance releases. This would include costs of personnel actually involved in removal and remedial actions. It would also include administrative costs associated with the taking of removal and remedial actions. This provision, however, is in no way intended to allow for payment of administrative or personnel supporting response programs of program management that is not related to response actions.

It is also our view that the annual budgeting of these costs would occur within the normal budget cycle and thus be subject to appropriations.

Fifth, there is considerable concern over the inclusion of a post closure liability fund to support damage occurrences resulting from releases of waste from facilities permitted under the Resource Conservation and Recovery Act. This provision, it should be noted does not go into effect until 1983. During the interim, the Administration is directed to perform studies of alternative methods of providing resources for this liability including private insurance. As a result of these studies, we would expect the Administration would submit amendments revising the post closure liability provisions of H.R. 7020 in major ways prior to the effective date of the current provision.

I hope these comments are helpful to you in House consideration of this most important legislation. It would be tragic if after all the hard work and leadership of the members of your committees this bill fails to become law in this session of Congress.

Respectfully,

DOUGLAS M. COSTLE.

Mr. BROYHILL. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. Mr. Speaker, there are some very serious flaws in this bill as passed by the Senate. It would have made much more sense for me to take the time to correct technical errors and to address a few of the policy concerns that are shared by Members of the House, particularly members of the Committee on Interstate and Foreign Commerce, the Committee on Ways and Means, the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries. However, that was not the course of action chosen by my chairman, the chairman of my subcommittee, the gentleman from New Jersey (Mr. FLORIO). We have been left at a take-it-or-leave it situation and I rise to recommend to the House that we leave it.

I would like to take this opportunity to point out that the minority members of the Committee on Interstate and Foreign Commerce were willing early last year to support legislation dealing with the problem of abandoned and orphaned dump sites. The minority of the Committee on Interstate and Foreign Commerce was ready, willing and able last year to support creation of a fund that would have been funded by fees raised within the oil and chemical industries.

More than a year has passed and this Congress has still not properly resolved the haggling over the superfund issue. It is unfortunate to me that the Senate failed to act at an earlier date. It is equally unfortunate that the majority was not willing to take the time or make the effort to follow the normal course of the legislative process and approve this bill. This bill could have been amended in a fashion that would have been acceptable to the Senate.

Mr. Speaker, I want my colleagues to know that we in the minority were working closely with the Senate as it was developing this bill. We have continued to be in contact with Members of the Senate and we have every intention of working with the four other House committees to further perfect this legislation and send it back to the Senate where we believe it could have been considered and I think that possibility still exists.

I think we should defeat this bill on suspension, we should bring it back for amendment and then send it to the Senate for concurrence. I do not believe that we ought to ever put ourselves in the position as Members of the House of being in the position of saying to other Members of the House from the Committee on Public Works and Transportation, the Committee on Ways and Means, and the Committee on Merchant Marine and Fisheries, that they cannot be a part of the legislative process. I think we ought to reject that.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FLORIO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker. I rise in reluctant support of this legislation. My reluctance stems not from what is in the bill, for I wholeheartedly endorse its contents; but rather from the inexcusable absence of an oilspill liability and compensation title.

It has been 5 years since Representative BIAGGI and I introduced our oilspill legislation; four winters since the wreck of the *Argo Merchant* threatened the billion dollar fishing and tourist industries of southeastern Massachusetts; 30 months since the *Amoco Cadiz* spewed 60 million gallons of oil onto 125 miles of French coastline; less than a year and a half since the IXTOC oil well blew in the Gulf of Mexico.

Major oilspills will occur again, damaging our coastline and threatening the financial survival of our fishermen and others dependent upon coastal, tourist-oriented economies.

For 5 years we have had the means to assist those injured by oilspills. Twice in the last 4 years one House of Congress has chosen to act; while the other House has simply offered one excuse or another for not acting.

Two years ago, we were told that an oilspill bill could not be enacted unless it was tied to a hazardous substance bill. Today, we are told than an oilspill bill is impossible because it would be tied to hazardous substance legislation. These rationales are nonsense, and every Member of this Congress knows it.

The procedures through which the other body can suffocate legislation are multiple, maddening, and mysterious. Those who have succeeded at chipping away at the hazardous substance portion of this legislation or who have been successful at delaying action on oil for one more Congress may think they have won a great victory—but they are wrong. We know all too well from experience that those who delay needed action, those who believe fervently that you can fight an idea whose time has come, will be proven wrong. They will be proven wrong by the *Argo Merchants* and the Love Canals of the future, and by the accusations of those innocent Americans, injured without compensation, who will ask, Where were you Senator? Where were you, Congressman? Where were you when all the world knew what had to be done and, rather than act, you merely discovered another imaginative excuse for failing to act?

Despite this obvious failing, I take heart in what we are in fact accomplishing today. I am proud of the attitude expressed by Representative BIAGGI and the others of my committee who are wise enough to place the public interest in dealing with hazardous wastes above other concerns. Furthermore, I take hope in the commitment that has been forthcoming from leaders in the other body that action on oilspill legislation will begin early next year, and that this will indeed be the last unprotected winter for those who earn their livelihood from the bountiful but fragile resources of the marine and coastal environment.

It is in that context and with that great personal reluctance that I nonetheless urge Members to support this bill.

Mr. BROYHILL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROBERTS).

□ 1720

Mr. ROBERTS. I appreciate the gentleman yielding.

I rise in oposition to this bill. To start with, this is not the superfund bill. The superfund bill was H.R. 85, which came out of the Committee on Public Works and Transportation. It went over and the other body changed it around and took a little of it and added it on to a bill. The drafting is poor.

I will just touch on some of the deficiencies in this bill. To start with, I am from an oil State, and I would like to protect the oil interest, but there is no excuse whatsoever in exempting oil from this bill. It is totally exempted. They also destroyed the damaged section. Can you imagine oilspill or any other spill not having a damage section? That has been removed.

It creates a new tax and a bottomless thrust fund which EPA can spend without reference to Ways and Means tax or going around the Appropriations Committee. They have even admitted themselves, but they say, "We will be real careful in using it." It establishes a 1-pound standard for violation. What is 1 pound? One quart of oil. If you spill a quart of oil, you would be 6 months writing all the papers; or maybe a pound of salt.

It is on the face of it a very, very bad bill. Now despite the fact that the White House has made 60 calls to the Capitol up here asking for help, I tell the Members that this is legislating the wrong way.

The Ways and Means Committee will also shortly give a report.

As I told the Members, the administrative funds levied by the EPA, they will be able to spend them for implementation of personnel. Both of our bills prohibited that.

I sincerely hope that my colleagues will see fit to defer this, although I will not be here, the Members will probably do a lot better job next time and we can get a bill that ties the chemical and the oil spills together; because I tell the Members, in my opinion, they will never get one of them without getting the other one under the same tent because they will whipsaw this body to death.

I urge my colleagues to vote down this bill.

Mr. Speaker, there is one final point I would like to make with regard to this bill—that is the matter of jurisdiction.

Our Committee on Public Works and Transportation has primary jurisdiction over the pollution of navigable waters. It is under the exercise of this jurisdiction that we have developed the existing body of law relating to water pollution, including the Federal Water Pollution Control Act. Under this act, the discharge of hazardous substances into our Nation's waters is addressed as an integral part of our program to achieve and maintain the quality of our waters. The Federal Water Pollution Control Act also imposes liabilities for discharge and provides for cleanup.

Likewise, H.R. 85, reported by our committee and the Committees on Merchant Marine and Fisheries and Ways and Means, addresses these matters and also provides for a fund to cover cleanup costs and the payment of claims for economic damages caused by spills of oil and hazardous substances.

All of these matters, which are within our committee's jurisdiction, are also included in the Senate amendments to H.R. 7020. Should this bill become law, its implementation and its possible future amendment will be within the jurisdiction of the Committee on Public Works and Transportation as well as that of the other committees involved in H.R. 85 and H.R. 7020. Although I will not be here, I am confident that the Public Works Committee will play a leading role in correcting the deficiencies of this bill should it pass, and in developing comprehensive new legislation should it not.

Mr. FLORIO. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I only speak for myself. I do not purport to speak for the Committee on Ways and Means, because as far as I know, the Committee on Ways and Means has taken no formal position on this particular bill as it now stands.

I am not happy with this bill, but I would be far sadder if we did not pass it. We must begin. We must start. We have been working on this problem for 6 years, and the problem gets worse every day, and we have only got 2 days left in this legislative session.

I think every Member of this House who has had to deal with the Senate in the last days knows the interminable number of traps one can fall into.

I have got a little old bill over there that just helps a widow, and I cannot get it out of the place. It is not controversial. But one Member can hold up anything in the Senate and they will.

Certainly if this bill goes back, it will never see the light of day. I say to this body, from my own practical experience, this is not a full loaf, but let us take what we can get and go now on to something that needs to be done. If the amendments are simple, as my good friend from North Carolina says, we can certainly take them up and pass them very hurriedly next year.

I am sure that our committee, the Committee on Ways and Means, who will be interested in fiscal responsibility, will look at any problems that may exist in the trust fund, but let us not turn it down because it is not perfect. We need to start. We need to start now. There really is no excuse of not going ahead.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I would like to take this opportunity to comment on the recent Senate approved $1.6 billion compromise version of the superfund bill, S. 1480, which is designed to clean up our environment from past improperly disposed of toxic wastes and to prevent recurring incidents of this nature in the future.

Although S. 1480 does not include coverage of oil spill clean ups, and I am not particularly pleased with the bill as it stands, I believe it is of extreme importance that we tackle this problem as quickly as possible and seriously consider the compromise at hand. The number of abandoned and inactive hazardous waste dispsal sites surfacing each day pose an immediate and extreme danger to the public health and environment. Several very threatening incidents recently discovered in the State I represent are examples of this insidious problem. They include the areas of St. Louis Park, Spring Valley, Oakdale, and

New Brighton, Minn., not to mention all those sites that have yet to be discovered.

These areas located close to and in my district, have raised serious questions and pose severe ground water contamination problems. In St. Louis Park, municipal water supplies have been contaminated by creosote, forcing the city to close a major city well. Toxic solvent traces believed to be from an abandoned chemical dump seeped into two private Oakdale wells. In a Spring Valley landfill, a Wisconsin company has been dumping toxic liquids believed to be trichloroethane and percloroethylene, both known to be extremely toxic and potential carcinogens. And in New Brighton, several wells have been tested for suspected chemical seepage. Even though these incidents appear to be less serious than the problems of New York's Love Canal, they add to the growing incidents of hazardous waste contamination that are unknown and surface daily throughout the country.

We must take immediate action to protect the public from further exposure to these toxic wastes. Delaying the passage of the compromise legislation will only prolong the overall danger that the public has been exposed to already. While the Congress has missed building an overall framework to deal with toxic wastes, this measure is a step in what looms as a tougher fight in future Congresses to address the total problem adequately.

I urge my colleagues to join me in supporting this compromise legislation so that we can begin the task of cleaning up some environmental hot spots without delay and protect the American people from further exposure to toxic waste substances, and am hopeful that a priority of the 97th Congress will be legislation to strengthen the measure we are now considering.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Speaker, I fear that we have gotten out of the area of hazardous waste and into the area of hazardous legislation.

I regret that we find ourselves in this position. I think it is most unfortunate. I am not here to talk about the many hazards in this bill, but I would like to talk about some that we have had some experience with in the Committee on Ways and Means. I do not speak for the Committee on Ways and Means incidentally either, but as an individual.

The flaw I am talking about is the creation of still another new tax and another new trust fund and a wide-open trust fund at that, called the postclosure liability fund.

The postclosure liability fund is designed to shift the responsibility for the long-term maintenance of hazardous waste disposal sites from the private operator to the Federal Government. It makes the Federal Government the guarantor of the site's future upkeep.

The postclosure liability fund is very similar to the Pension Benefit Guaranty Corporation which many of the Members here on the floor are familiar with. It provided for a Federal guarantee that private pension benefits would be paid if the private employer becomes insolvent.

The Members may recall the terrible time we had with the multiemployer pension plans under those circumstances. That particular proposal was, may I say, advanced by the same Senator in the other body that this proposal is advanced by.

The PBGC has been fraught with problems since its beginning, and the future will only bring more of the same.

It is my understanding that the postclosure liability fund was hastily adopted by the other body on the floor without the benefit of full committee debate and markup. Even with the best intentions, I do not believe such a dramatic new program could be fully thought out and drafted in such a short time. The Congress has acted hastily before and lived to regret it. I believe the postclosure liability fund would haunt us for years to come. Passage now will be followed by years of rewriting and tinkering. It may take until 5 years from now before some EPA administrative law judge tells us what we did today.

That fund can be used to pay out claims under this law or any other State or Federal law.

Now, if that is not an open-ended trust fund, I never heard one. I do not see the virtue in committing the Federal Government to a major new responsibility without knowing what we are getting into. Although the level of the excise tax has initial limits, the potential liabilities are without limit.

Next, it appears the range of substances and sites covered are open-ended. I hope we will seriously consider rejecting this measure.

Mr. FLORIO. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Fisher), a member of the Committee on Ways and Means.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Tennessee.

Mr. GORE. Very briefly, in response to the last speaker, this provision, this fund that was discussed, is sunsetted out in 5 years. It disappears under a sunset provision unless it is renewed in 5 years. There can be no claim on it for at least 7 years.

So, if there is indeed a problem, which we do not think there is, there is ample time to take care of it before any claims are filed.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New Jersey.

Mr. FLORIO. To supplement the comments, the provision the Senate put in does not take effect for 3 years. The first penny will not be raised for 3 years. It is ample time for all the committees to look at this, modify, and that is this committee's intention to do that.

I thank the gentleman for yielding.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New York.

Mr. CONABLE. Let me say the liability is unlimited, and if it is not going to take effect for 3 years, then we have 3 years to write it also.

Mr. GORE. If the gentleman will yield further, we do not even start to raise the funds for 3 years. No liability attaches for at least 7 years, and it disappears under a sunset unless it is renewed in 5 years. The problem with the gentleman's argument is that there is a great deal of uncertainty about what kind of bill, if any, can be passed in the next Senate.

Mr. FISHER. Mr. Speaker, if I may reclaim my time, this recent colloquy has been useful. The fact of the matter is that there are some financial provisions in this bill that are not as perfectly designed as we would like, and this is one of them. But it is not a fatal flaw, and it in no way overcomes the social disability, the individual necessity for beginning the program.

Now this bill is certainly not perfect. The oilspill provision should be included. The fund is probably not large enough. The financial provisions as we have just been talking about are not tightly drawn. The administrative problems will have to be worked out in many instances.

The SPEAKER pro tempore. The time of the gentleman from Virginia (Mr. Fisher) has expired.

Mr. FLORIO. Mr. Speaker, I yield 1 additional minute to the gentleman from Virginia.

Mr. FISHER. But offsetting these admitted deficiencies, there are very major benefits, and let me cite a few of them.

☐ 1730

People are demanding action along this line. Make no mistake about it. They want protection against the ravages and the uncertainties of toxic materials that have been deposited in 1,000 places all around the country.

Government, that is we, have a profound obligation to creat some means for dealing with these problems and to improve them as we go along. These are the problems of toxic waste that were disposed of years ago and were not known to be all that toxic.

There are problems of chemical spills in the future. We do have a profound obligation to get on with something here.

Industry will pay for seven-eighths of the cost of this, 87½ percent. Much of this can later be recovered through legal suits.

Therefore, this program does not overload the budget.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. FLORIO. Mr. Speaker, I yield 30 additional seconds to the gentleman from Virginia.

Mr. FISHER. Most important of all, we will be saying to 225 million people in this country that we are underway, that we are not powerless, hamstrung, bound up in our own routines to the point where we cannot do what we know has got to be done. We will be asserting leadership, that people have a right to expect and we will be taking, believe me, a constructive initiative and as we go along we will improve it, I know. If we do not act now to provide this start, we will, indeed, lose an opportunity, a marvelous opportunity, to tell our people that we are not without some leadership, some resource for dealing with one of the major problems of our time.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, when I hear all of the opponents of this legislation say that they must apologize, in effect, for supporting it, it raises a red flag. It seems that every single proponent almost of this legislation has to apologize for supporting it, because of the defects within it.

All of us in this body, practically all of us, have supported a very strong piece of legislation in the past.

Now, I want to follow through on the cautionary measures that my colleague, the gentleman from New York, Mr. CONABLE, mentioned a few moments ago. We have in this bill with the creation of this new trust fund an unknown. We do not know down the road how much liability we are really shifting to the Federal Government. We do not know what will really occur. It could be hundreds of millions or even billions of dollars. We are asked to go ahead and pass this legislation, come back next year and try to undo all these uncertainties in this bad piece of legislation.

So I agree with my colleagues who have supported this bill in the past that it is a total injustice, not only upon the Members of this body, but upon the American people to pass a bad piece of legislation simply because we are in a rush to judgment in the last three days of the session because of a very emotional issue.

I would hope that my colleagues would vote this down. Even if we have to come back next year and start again, I would rather do that than to support a piece of legislation that none of the Members of this body are totally familiar with the possibilities of the bad effects of it.

I would hope that my colleagues would vote against this bill. Hopefully, we can get some amendments that will be accepted.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, this is my first lameduck session and if we are going to handle legislation like this, I hope it is the last one I ever see. Here is a major piece of legislation that four committees of the House have worked on being brought up under a suspension of the rules, a piece of legislation that has numerous problems with it. An analysis done by 2 committees in this House, which I have in my hand, shows some 22 separate noncontroversial but significant problems with this bill.

I am one that supported this bill in the Committee on Ways and Means, I supported it on the House floor and would support this bill today with the amendments that the gentleman from New Jersey (Mr. FLORIO) has in his possession, I have been part of an effort for the last 2 days to draw those amendments which we believe are acceptable to the other body and correct these problems.

We are being told we have to have this bill today, even though it has all these problems in it. Even though the Republic has done without it for over some 200 years, we cannot wait 2 months. We have to have this bill fraught with all the problems it has in it. I do not think that is true.

You ought to be aware that the procedure of defeating this bill on suspension does not preclude further consideration. The gentleman from New Jersey can turn right around and bring the bill back up with these amendments later today. We can pass these amendments, send it on to the Senate and they can pass it and it can become law like it should.

I do not believe we ought to vote for legislation in the closing hours, being told this is our last chance and pass bad legislation, hoping we can correct it later. Many a mistake is on the books today that we have lived to regret by that kind of thinking. We are abdicating our responsibility as legislators when we legislate in that fashion.

I am on the Committee on Ways and Means. Let me point out one specific problem. This tax in this postclosure trust fund, subtitle (c) of this bill is $2.13 per dry weight ton of hazardous wastes. I ask, is this tax too high? Nobody knows. Is this tax too low? Nobody knows.

What is the economic impact of this tax? Nobody knows.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

Mr. BROYHILL. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. MOORE. Is this tax going to be passed on to the consumer? Nobody knows.

Is it inflationary? Nobody knows.

That is not the way to pass a new tax. You do not pass it in the form of a Senate amendment on the Senate floor with no committee of either House passing such a tax. That is not responsible legislation.

I believe this tax probably is unreasonable in its amount. We either are collecting too much money or quite probably too little money from the tax which will result in too much being paid out of the Treasury to cover the claims of the fund.

I believe it is inflationary. I think it may have economic problems.

If there was one message in the November 4th election, I think it is that the people want us to be a little bit more careful with new funds, new programs, and new taxes.

So I urge that we defeat the bill today on suspension, turn right around and pass the bill with the perfecting amendments that all the committees of the House have approved, send the bill to the Senate so we can have a good bill.

Mr. FLORIO. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, sometimes situations arise in which there are no good solutions—only unsatisfactory ones. I think this is such a situation.

This situation was caused by the action of the other body in sending us their version of this bill on a take-it-or-leave-it basis. In my view that type of high-handed action is an insult to this House and a perversion of the legislative process.

If we accept the Senate's ultimatum and pass the bill without amendment we would be encouraging that type of conduct on the part of the Senate. Further, we would be accepting a bill that is considerably less than what the House voted for when it passed H.R. 7020 and H.R. 85.

On the other hand if we reject this bill or return it to the Senate with amendments, we run a very real risk that no bill will be enacted this session.

Faced with these two unhappy choices, I have reluctantly concluded that we should not run the risk of losing the bill. I will, therefore, support the motion made by my good friend from New Jersey.

I think the Members of this House can understand the difficulty of my decision and the frustration I feel in the omission of an oilspill title from the bill. The committee of which I am a member has been working on a comprehensive oilspill bill for the last three Congresses. Oilspill bills were passed by both Houses in the last Congress. The subject has thus been fully and carefully considered. The oilspill title in H.R. 85 was developed by three committees in the House. Every conceivable interested party has had a chance to scrutinize it and comment on it. In brief, it is a fully developed, carefully crafted piece of legislation that is ready to go now.

The reasons why there is no oilspill title in this bill are complex. Part of the reason is the insistence by the administration and others that oilspill legislation be combined with legislation addressing two other areas of concern: Spills of hazardous substances, and dump sites. Though I have long felt that those subjects should be handled separately, the three areas of concern became joined in two bills this session. H.R. 85 addressed spills of oil and of hazardous substances. H.R. 7020 addressed hazardous waste dump sites. Taken together these bills constituted a comprehensive and responsible program to deal with these problems.

In its action on these two bills the Senate took the hazardous substances spill provisions from H.R. 85, watered them down, and combined them with the waste site provisions from H.R. 7020. No action was taken on the oilspill provisions of H.R. 85. The result is the bill before us today—a superfund bill that is considerably less than super.

I have been unable to find any substantial reason why the Senate did not act on the oilspill title of H.R. 85. There seemed to be no particular opposition to it. It apparently just got lost in the shuffle while the Senate concentrated on what appeared to be the more serious problem of hazardous substances.

I have been assured by responsible Members of the other body that they are sympathetic to the need for comprehensive oilspill legislation and will address it early in the next session. I hope that they will do so since the need for oilspill legislation is urgent.

While I very much wish that an oilspill title were part of this bill, I am forced to recognize the reality that faces us. I also recognize the position of the gentleman from New Jersey. He has worked hard and long for this bill as I have worked hard—and longer—for an oilspill bill. He has done a good job and has been cooperative with me and the Merchant Marine Committee at all times. He bears no part of the blame for the lack of an oilspill title in this bill.

As I see it, H.R. 7020 is not a bad bill—it is just an incomplete one. But it is a first step in addressing a serious problem. It is my earnest hope that we can take the next steps early in the next Congress.

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This is multifaceted. At least with this legislation we will be dealing with a portion of it. The oil represents 80 percent of the total problem, so my colleagues can picture the impact this legislation has and just what the omission consists of.

Mr. BROYHILL. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, there is a reasonable doubt that this legislation will pass, if it is to be without amendment, so that it can be cleared for the President. Those who support the approach of not amending the bill do so on the basis that the Senate will be unable to hold a collation together to support superfund beyond what they have already sent over as an amendment to H.R. 7020. I have received phone calls from Members of the Senate saying that the Senate will be unable to accept any amendment, especially one adding oil to the superfund package. The administration has similarly conveyed that view to me and yesterday we received a letter from the Senate stating that they could not even pass the bill they did if it were considered today. Although this is "not an ultimatum," an objective reading of this statement leads me to the opposite view.

Mr. Speaker, not only did I support H.R. 7020 when it first passed the House, I was the minority floor manager for H.R. 85—the Comprehensive Oil and Hazardous Substances Pollution Liability and Compensation Act— from two committees, the Public Works and Transportation Committee and the Merchant Marine and Fisheries Committee. Those bills were necessary and good. The gentleman from New Jersey's view is that this version is identical to the House-passed H.R. 7020. It is not. He even stated that the Senate added H.R. 85's amendments to the Clean Water Act dealing with hazardous spills into navigable water—but he did not mention that they dropped H.R. 85's third party damages—the provisions that help people. People have been left out of the bill before us today. Only things are covered.

I would hope that all Members would take a moment to analyze this legislation. It is a bad bill. It is poorly drafted, but more importantly it contains much too broad a grant of discretionary power from the Congress to the Executive. Any Member concerned about writing laws which allow the Executive, and especially EPA, to do whatever they please should be outraged at this measure.

Before we vote to send this bill to the President, we should honestly recognize some of the things it does not do. It does not provide long-term assistance to people who are injured in incidents such as Love Canal and Valley of the Drums. It does not provide economic assistance to help them purchase new residences if they are forced to leave their homes because of the discovery of toxic contamination nearby.

It does not help people suffering personal injury from similar incidents. Neither does it provide assistance to fishermen whose livelihood is destroyed by contamination of the waters or other businessmen who suffer adverse economic consequences directly as a result of these hazardous waste incidents.

Also, the language could be construed to allow EPA to use the trust fund money that is supposed to be used for cleanup, to go out and hire as many people as they want to, without ever telling Congress, without ever consulting with the Appropriations Committee.

I want to also tell my colleagues that this bill sets up a new agency for toxic substances and disease registry, a new agency that we do not really know too much about, except we do know that the Center for Disease Control in Atlanta could do everything the Senate wants done with this new agency.

The liability coverages are totally inadequate. They do not take care of people. They take care of cleanup and damages to natural resources and, as a consequence of that, the Federal preemption provision is deficient. If there is one good reason for a good bill, it is for Federal preemption so that a carrier going across many States, a railroad, a truck, or a barge line, does not have to deal with 10 or 15 funds. Now with the passage of this bill they are going to have to deal with one fund for every 50 States as well as the Federal fund.

In addition to those problems one of the most glaring deficiencies in this legislation is the absence of any coverage for oilspills. Now as the Members may recall, on September 19 this body approved, on a record vote of 288 to 11, H.R. 85, a bill providing a comprehensive liability and compensation program for oil and hazardous substance spills into the navigable waters. While the Senate has returned to us our hazardous substance spill program in their amendments, they did not include the oil portion of H.R. 85 when they amended H.R. 7020.

So, for the second Congress in a row the Senate has effectively killed oilspill legislation. They did it in 1978 when we passed an oilspill bill, and they did it then supposedly because we did not include a hazardous program. At that time, as Members will recall, the hazardous issue was just beginning to surface and had not been considered by any House committee. Notwithstanding that, the Senate killed the oilspill bill that year in order to keep the House interested in superfund legislation.

Now this year they send us superfund legislation which does not address all of the problems even though there is wide support for an oilspill title. And today the managers of this bill are asking you to concur in that action. Yes, the Senate is committed to early consideration of oil legislation in the next session. But they did that in 1977 and put that statement in the conference report on the Clean Water Act—an empty promise. I hope when the Members vote on this bill they will remember that for the last 6 years, 6 years I repeat, we have been trying to get compensation for damages for oil pollution and you are voting to continue the status quo which is no compensation for the citizens of this country who suffer the devastation of an oilspill.

I will not repeat here in the time I have available the justification for this. It is adequately covered in the RECORD of September 18 and 19. But I would remind you that approximately 500 oilspills occur every year according to testimony received before the Committee on Public Works and Transportation, and we are closing our eyes to that problem.

Over the last few days, I have attempted to work with other Members to develop an amendment to H.R. 7020 to restore the oil provisions to the superfund process. I also hoped to correct some of the more glaring errors in the Senate's bill resulting from its broad treatment of very complicated issues. I must say there is a great amount of support in the Public Works Committee and Merchant Marine Committee for this concept. But today that approach is precluded by the parliamentary procedure being utilized to consider this legislation.

My approach would have been to add all of the provisions from H.R. 85 relating to oil but stay within the $1.6 billion limit imposed by the Senate for the superfund package and to add four minor amendments dealing with limiting the use of the fund for administrative costs, promoting equity in intermodal liability, tightening the one pound release language, and transferring the new disease registry agency functions to an existing agency.

These minimal but basic changes would, in my opinion, greatly improve this legislation. Notwithstanding other comments, I believe that these amendments would be acceptable in the Senate. I have talked to opponents of the superfund legislation in that body and have been informed that they would not object to including oil in this bill or to the other amendments. Therefore, I can only conclude that it is the supporters of superfund that will kill the legislation if oil is added. I think the record should clearly note this fact because when there is another oilspill there will be a lot of discussion on who is responsible for failure on the part of the Congress to protect the welfare of our citizens.

Further, this bill was drawn without any consultation with the legislative counsel. Our legislative counsel briefly looked at this bill and found 45 technical errors, 45 in this one bill. There is no telling how many he could find if he got to study it a little bit, because it is a comprehensive bill.

Mr. Speaker, I would also reemphasize for the record, that as I noted earlier, Chairman FLORIO of the Transportation and Commerce Subcommittee stated that H.R. 7020 has been sent back to us by the Senate with sites legislation and the hazardous spills portion of H.R. 85, which we passed 2½ months ago. Regrettably, it does not include the oilspill portion of H.R. 85.

While, on its face, the bill before us technically amends the Solid Waste Disposal Act, it also substantially touches on the Federal Water Pollution Control Act and, as a result, deals with much that is within the exclusive jurisdiction of the Committee on Public Works and Transportation. For example, the bill that is before us here today specifically references the Federal Water Pollution Control Act no less than 33 times. In addition, it defines the terms "hazardous substances" and "liability" by reference to the FWPCA.

These are terms which appear in virtually every section and on every page of the bill and are absolutely fundamental to the bill's operation. Thus, when we are forced to begin correcting the numerous substantive and technical problems that abound in this bill—as I am convinced we will be required to do at the beginning of the 97th Congress—the Public Works and Transportation and Interstate and Foreign Commerce Committees will have to work closely with the Merchant Marine and Fisheries and Ways and Means Committees if we are to fashion legislation that more adequately addresses the problem of hazardous substances and oil pollution of the environment.

In conclusion, Mr. Speaker, I will vote to defeat this process not because of the objective but because this bill does not do what our citizens want it to do—it does not help people. We can write a bill to do it—today—now. Let us do it and let us work to get the Senate to do what they know is right. This bill, once everyone knows exactly what it does, will be recognized as deficient, weak, and a nonsolution. We took a strong stand for a solution by passing H.R. 85 and the House version of H.R. 7020, let us not walk away from that now.

Mr. FLORIO. Mr. Speaker, I yield 1 minute to a very important member of our subcommittee, the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to urge the expeditious passage of the Senate version of the Hazardous Waste Containment Act of 1980. The Senate bill is substantially similar to the House measure, with the exception that there is no oil title.

I realize that it is disappointing to see no oil-related provision in the bill, but we must also realize that this is our only chance to get hazardous waste dump site cleanup legislation enacted. I would like to note that we have had assurances from Members of the Senate that an oilspill proposal would be considered a very high legislative priority in the 97th Congress.

Moreover, there is already a mechanism in place that is designed to deal with spills in navigable waterways. There is not, however, any provision currently in our law that addresses the potentially ruinous situation of abandoned toxic waste dump sites.

I, therefore, believe that it is imperative that we pass the Senate bill as a very important beginning in our attempt to defuse the ticking environmental time bomb of abandoned toxic waste sites.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, speaking for the Committee on Public Works and Transportation, we have had this matter under consideration for the last 6 years. We thought we worked very closely with the other committees of the House having jursidiction in putting H.R. 85 together, and also supporting H.R. 7020 when it left the House.

Those were substantial votes that were taken in the House of Representatives. Very few people were in opposition to it. The bills moved over to the other body in due time. They have had them for some time.

But the bill that has come back from the other body has totally disregarded H.R. 85 as far as the oilspills are concerned, and the provisions of that bill dealing with section 404. I would say that my colleagues will probably never get a better bill put together than was put together in H.R. 85 and H.R. 7020 as it left the House and moved to the other body.

I certainly regret the activities that took place in the other body when they amended the bill, H.R. 7020, and sent it back to us and said "This is the last word, this is the bill you have to take." My colleagues have heard many speakers get on the floor here today and talk about the provisions that are found in H.R. 7020 at the present time as being inadequate, hurriedly put togther, and certainly not doing the thorough job that H.R. 85 and H.R. 7020 did when they left the House for the other body and its consideration. I ask that the House vote down the bill, H.R. 7020, on suspension.

Mr. FLORIO. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I would like to ask unanimous consent to speak from the Republican side in support of the conference report on H.R. 7020, a bill to provide a funding mechanism for cleaning up hazardous chemical dump sites and chemical spills on navigable waters. Earlier this legislation passed with overwhelming support; which now has turned to underwhelming.

There are several reasons for this and they have been thoroughly documented over the last hour. I share some of the reservations that have been expressed.

Nevertheless, it seems to me that the more urgently responsible strategy, with the time running out, is to adopt this measure now while it has freshly escaped with barley adequate support in the other body, and then to work with the commitments that have been made and for which I have just had the reassurances from the gentleman from New Jersey (Mr. FLORIO) as well as the Senator from Vermont and others to remedy the oversights early in the next Congress, for which there will be plenty of time.

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These abandoned orphaned collections of unlabeled crud are not going to go away by themselves. They will not clear themselves up. All they will do is seep slowly into the rest of our water supply while we go on recess. I regret this legislation is not perfect. Had we not taken so long in getting it through our deliberative processes, there might have yet been time to consider perfection; yet if we insist on changing it now with no time left to the Senate for concurrence, then the issue self-destructs before our very eyes. So yes, we must vote "aye."

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, the safest thing for me to do politically right now would be to sit here and say nothing and I suspect the same holds true for most other Members. No one wants to be accused of voting for hazardous wastes but, just because there is a hazardous waste bill on the floor for consideration that does not mean that it is a good bill, or even a tolerable bill. Regrettably, H.R. 7020 is neither.

When superfund started out in the Commerce Committee, it started out as a $600 million bill. Then the Ways and Means Committee passed a $1.2 billion version of the measure and the House went along with the Ways and Means Committee at least insofar as the money was concerned. Now, the Senate has passed a $1.6 billion measure and, if we concur, the one thing we can be sure of is that the program will eventually cost two or three times that. If we were enjoying a budget surplus, perhaps that would not matter so much but, instead of moving toward the black in the months this bill has been under consideration, we have moved deeper in the red.

Admittedly, the $1.6 billion is supposed to go for chemical spills as well as hazardous waste cleanup, but since the version we are about to vote on is broader than the House-passed version of the bill, it may well take the whole $1.6 billion and then some just to clean up the hazardous waste sites. In short, instead of scaling down our aspirations to meet our reduced financial circumstances, we have done just the opposite. And that is something our current 12.6 percent annualized inflation rate tells us we cannot afford.

If there were no other way to attack the hazardous waste problem except through EPA, perhaps a case could still be made for this bill. After all, no one is arguing that the waste sites should not be cleaned up. But, to assume that only EPA can do the job, or do it best and quickest as this bill assumes, flies in the face of historical experience. Since when did a Federal regulatory agency ever move quickly on a problem, to wit

RCRA, or solve it efficaciously, to wit air and water pollution?

And who is to say that State or local government, or even private enterprise, could not do the job in a manner more consistent with the wishes of the local citizenry? As a matter of fact, down in the Houston area, the responsible government agency—local—went so far as to solicit bids for the construction and operation of a hazardous waste facility that could dispose of wastes from inactive as well as active sites, and found no less than 11 private firms willing to build and operate such a facility at no cost to the taxpayers. That being the case, there is every reason to believe that "no cost to the taxpayer" contracts for disposal of active and inactive wastes could be negotiated by almost any number of interested communities.

I might also note, from experience in my own district, that there are other means of recourse available to people and governments near a hazardous waste site. For instance, in California we have a law requiring the abating of a public nuisance, the likes of which might be used to effect a cleanup by either the owner of the site or the outfit responsible for the dumping in the first place. Also, it may be that State government would be able to handle the problem, which suggests that the block grant to States approach, as suggested by our distinguished colleague from Michigan (Mr. STOCKMAN) would be preferable to this measure. And there may well be other options, depending on State and local laws and circumstances.

In short, the Federal taxpayer should be the court of last resort, not the first line of defense, when it comes to hazardous waste disposal. If it is the other way around, a lot of people will be let off the hook that should not be and a lot of money may be wasted that could be saved.

Mr. Speaker, one last point. These are the closing days of the 96th Congress. Everyone wants to go home. A new administration is coming in which may have its own ideas as to how to handle the problem. In short, this is not the best time, nor is the suspension procedure the best way, to initiate a program that will have far-reaching consequences. As the old saying goes "haste makes waste" and waste is precisely what we are trying to get rid of.

Mr. FLORIO. Mr. Speaker, I think it would be apprporiate at this time to yield 1 minute into the gentleman from Texas (Mr. ECKHARDT).

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I rise in support of the Senate-passed superfund bill.

Although I share the concerns of some of my colleagues on the Public Works Committee regarding the process by which we consider this legislation today, I must urge all Members to consider the urgent need for legislation in this Congress. The problem of toxics in the environment is not a new one and, unfortunately, Congress has often provided legislative responses on an ad hoc basis. We have enacted provisions in the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, and the Pesticides Act to address the most prominent problems at the time. None of these acts provided the entire solution. Many Members feel that this legislation is no different. However, almost every Member acknowledges the need to provide immediate authority to address the serious hazardous substances release problems which are not dealt with under current law.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 meets many of these essential needs by insuring that immediate notice of a hazardous substances release is provided by the response center; that broad authority exists to respond and clean up such releases regardless of the source of the release; and that sufficient authority exists for remedial action that insures the protection of public health and welfare. Most importantly, the bill, if passed now, would create a system of financing, based on industry fees, that will insure a minimum level of funds will be available to address at least the most serious problems that are known to exist.

As we all know, tremendous public concern exists regarding the disposal of hazardous wastes and hazardous substances spills. A survey conducted for CEQ in March 1980 found that 64 percent of those polled were concerned a great deal about the disposal of hazardous industrial chemical wastes. Approximately 60 percent said they would not accept the siting of a hazardous waste facility within 50 miles of their home even if it would be built and operated according to Government environmental and safety regulations. And one cannot wonder at this great public concern.

In my State, hazardous substances problems have been discovered at an alarming rate in recent years. In the summer of 1979, an oil slick appeared on the Susquehanna River near Pittston, Pa. When EPA officials responded under section 311 of the Clean Water Act, they learned that the slick contained a variety of highly poisonous chemicals in addition to the oil. The slick was found to be emanating from an oil coal mine shaft. The chemicals derived from wastes trucked to Pittston from all over the Northeast where they were poured into ventilating shafts in a mine more than 3 miles from the river's edge.

Officials estimate that more than 300,000 gallons of acids, cyanide compounds, industrial solvents, waste oil and other chemicals remain at this site where they could be washed to the surface anywhere in a 10-square-mile surface. For a time, intense concern was created among residents that they might be exposed to deadly cyanide gas which might seep back to the surface through various ventilating shafts.

The House Committee on Government Operations recently published an "Interim Report on Groundwater Contamination" that revealed a recent EPA survey found 585 unmonitored industrial waste impoundments in Pennsylvania alone. Approximately 78 of these sites contain potentially hazardous wastes, are unlined, and lie directly above groundwater. At least 20 of this latter category of impoundments are located within 1 mile of an actual or potential water supply well.

Numerous instances of well contamination from trichloroethylene (TCE) and other chemical waste releases have been reported throughout Pennsylvania.

For example, several families in Rahns, Pa., have been suffering from blurred visions, headaches and violent intestinal cramps—all symptoms of chemical poisoning for several years. Finally, last year, their wells were closed when excess levels of TCE were found to be present. Yet, many families have a difficult time obtaining a timely response to suspected contamination incidents simply because the resources to take the necessary precautions to protect public health have not been available.

Finally, Pennsylvania became almost famous as a haven for "midnight dumpers" who have trucked wastes from all over the Eastern seaboard and dumped them illegally at various sites through the State. While new EPA regulations as well as new State legislation will largely abate this problem in the future, we are still faced with the continuing problem that existing sites pose to public health and the environment.

Mr. Speaker, these few examples of but many hazardous substances release problems in Pennsylvania indicate a serious problem that we can not delay in addressing. This body must demonstrate that it can respond to serious threats to public health and respond in a timely fashion. We can ill afford to endlessly negotiate until the perfect legislation has been crafted. Failure to pass superfund legislation in this Congress will guarantee a minimum 1-year delay of effective action by the time we pass legislation next year, ERA regulations are written, and industry completes its court challenges to such regulations. We must launch the process now, and seek to perfect it later. I urge my colleagues to pass the Senate bill without amendments.

Mr. ECKHARDT. Mr. Speaker, I support the bill. I recognize, as others have said, that the bill does not do everything that should be done. There are two problems. There is the problem of cleaning up hazardous wastes, which I think is the more important problem. There is the problem of dealing with oilspills which is also important but not as emergent. The argument that has been made here has been the argument that if we cannot do both, we should do neither. I say to you that unless we move on this swell of tide to deal with the question of hazardous wastes today, it is not that we will do it 3 months from now, it may be that we will not do it for 7 years from now.

I want briefly, though, to answer one of the statements made by the previous speaker about the Harris County, Tex., situation.

The SPEAKER pro tempro. The time of the gentleman from Pennsylvania has expired.

Mr. EDGAR. Mr. Speaker, I yield 30 additional seconds to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, the problem is this: We do have an agency in Harris County that deals with responsible generators of hazardous wastes in future. We have no agency in Harris County to deal with irresponsible ones that have dumped hazardous wastes that constitute continuing time bombs, threatening our population and our water supply.

Mr. BROYHILL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I supported this superfund bill when it came out of the Committee on Ways and Means. I believe there is a definite need for it, and I supported many of the motions made by the gentleman from New York who did a very commendable job on it. I am for the creation of a fund that would provide for a cleanup of these kinds of spills.

I do not think, though, the bill we are voting on now is the same bill that came out of our committee, nor is it the same bill that came out of the Committee on Public Works and Transportation.

The gentleman from North Carolina referred to the fact that we should support this conference report. This is not a conference report. This is a bill passed by the Senate, a new bill. If we had gone to a conference—the members on the Committee on Ways and Means or the Committee on Public Works and Transportation—and had worked out our differences, or at least had some kind of card to come back with and offer a vote, you could make a choice.

But the other body simply passed a new bill and has brought it over here, and our leadership has said it can be presented to us on suspension. That is not proper procedure. It is not a conference report. I want to support this bill, but I think we ought to send it back and not pass it on suspension.

I do not like the fact that they have created a new trust fund that is open-ended. This postclosure liability trust fund is a far-reaching step. Now we have to be careful of that trust fund. We went as far as I think we should have in the Committee on Ways and Means' version. I do not like the fact that it excluded oil.

If we are going to clean up these spills, it ought to be for oil, too. I really think the best thing for us to do is not to approve this thing on suspension. Those of us who support the superfund hope that you can have a better bill that is more in line with what both the members of the Committee on Public Works and Transportation and the Committee on Ways and Means had agreed to when it left this body. We ought to send this back, not pass it on suspension, and get the bill that we can be proud of and be happy with and can live with.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from Vermont (Mr. JEFFORDS).

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, while I support most of the provisions of this bill and certainly hope that this house will adopt both it and future legislation for the prevention and cleanup of toxic wastes, I do have a real concern about the lack of clarity of some of the language inserted by the Senate. In particular I am bothered by the provisions which create a new agency within the Public Health Service to deal with toxic substances.

I would certainly hope that the Secretary, in creating such an agency, would do everything possible to avoid duplication and overlap with many of the programs of the Department of Health and Human Services which perform exactly these services that we are creating another agency to coordinate.

I would also understand, as the Senate staff has said and as I know to be my colleague from New Jersey's intent, that the Public Health Service is to be responsible for the provision of services under this bill only to the extent that it receives appropriations and that no one expects the PHS to revise or redirect its other programs to meet the new authorities given it under this bill.

I am reluctant in my support of the measures taken in dealing with health care in this legislation. Little focus and even less debate have produced these new programs. As many of the authorities of the Public Health Service Act come up for reauthorization before my subcommittee, I intend to devote much attention to the toxic waste programs already in place and to the additions we are making here today. In a studied and cautious proceeding, I am sure we can craft legislation which will coordinate rather than complicate our approaches to cleaning up these chemical dangers.

Mr. JEFFORDS. Mr. Speaker, the question very simply is, "now or more than a year from now?"

The people are not interested in technicalities. They are interested in progress toward solving a serious national problem. No serious philosophical differences exist here, only technicalities. I sympathize with the authors in the House here. I admire their excellent work, but I sympathize more with the suffering citizens. Let us help the people now and take care of the technicalities later.

Tragic instances such as Love Canal and the Valley of the Drums which threaten public health and the environment are all too familiar. By far the most common and potentially serious damage resulting from these releases of hazardous waste is the contamination of ground water. In examining just 128 incidents, the Congressional Research Service found over 1,300 wells had been closed, affecting the water supplies of thousands of people. These situations have radically altered the long-held view that the Earth could always be utilized as a filter for wastes.

The need for an emergency Federal response to deal with abandoned waste sites and chemical spills is compelling and immediate. This House addressed this necessity by overwhelmingly passing H.R. 7020 and H.R. 85 last October. Although this version of the superfund legislation is somewhat weaker with regard to imposing liability, and does not provide for the compensation of victims of spills, it is broader in scope and does substantially address the problem of releases of hazardous waste. While this version of superfund may not resolve all our concerns about releases of hazardous wastes, it represents significant progress and is deserving of our support.

The broader scope of this Senate version of superfund covers abandoned sites and spills. This may eliminate potential problems with a lack of a response while the nature of a release of hazardous substances is identified. By not limiting the cleanup applicability to particular types of releases greater flexibility can be provided to insure the cleanup of all releases which pose an imminent and substantial danger to public health or the environment. This version of H.R. 7020 envisions a 5-year fund of an estimated $1.6 billion. While this amount is somewhat larger than the House bill, it may be insufficient to cover the broader scope of the Senate version as quickly as we might desire.

As was contemplated in the previous House bills, this version places the costs of releases of hazardous waste on the sector most responsible for pollution and which benefits most from chemical production rather than on the victim or taxpayers. By utilizing the revolving fund to clean up releases and compensate governments for the loss of natural resources, this bill creates the means for a timely response to crucial health and environmental problems. This bill would establish liability rules to govern payment into the fund by those persons responsible for causing the release of hazardous waste, replenishing the fund for future cleanup and resource compensation payments to governments.

For purposes of this bill, manufacture, use, transportation, treatment, storage, disposal and release of hazardous substances are ultrahazardous activities justifying the imposition of strict liability under the standards established by section 311(f) of the Clean Water Act. I believe this provision is compatible with the express strict liability provisions previously included in the version of superfund passed by this House. I am pleased to note that the Senate version of the bill has retained some important provisions which I supported regarding a limitation on the scope to the intervening third party defense to strict liability. Although the Senate version does not contain the House language on the question of joint and several liability, the intent of the House provisions will largely be served through the prevailing common law rules relating to apportionment amoung defendants who are held jointly and severally liable. While other portions of the Senate bill could be improved, I believe these liability provisions are appropriate to carry out the previously expressed intention of the House.

While this legislation may not be precisely what we had hoped for, it is certainly a compromise that all of us can live with. This legislation has involved much lengthy consideration by the House and Senate. Many compromises have resulted in a delicately balanced solution to some problems related to releases of hazardous waste. Some among us would desire that this legislation include provisions for oilspill cleanup, compensation for all forms of damage, or a larger fund so that these problems could be responded to more quickly. While I would certainly support some of these changes, I believe we must not disregard the progress which has been made in reaching this compromise. I urge the support of my colleagues for this timely solution to an immediate national problem.

Mr. FLORIO. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. RINALDO).

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I thank the gentleman from New Jersey for his leadership in this.

Mr. Speaker, there is an urgent need for this body to adopt a superfund bill before this session ends. Seldom has there been such a worthwhile measure to pursue.

By all accounts, the problem of hazardous waste disposal in this Nation has reached frightening proportions. While new hazardous waste disposal facilities will be controlled under the Resource Conservation and Recovery Act, there is a gap in that law respecting the past disposal of chemical wastes. With new, potentially dangerous inactive hazardous waste sites being discovered daily, it is incumbent on us to enact legislation which will assist in the cleanup of these sites.

I am distressed that we now have so little time to resolve and agree on this vital measure. Months ago, my voice and others in this body were exhorting our colleagues in the other body to act quickly to report a superfund bill. Unfortunately the Senate got bogged down in attempting to include a broad-ranging redefinition of toxic tort law in its superfund bill. Only when faced with a do or die situation did the Senate finally act to pare its original measure down to an acceptable compromise.

Fortunately, we still have time to pass this landmark legislation. The bill which has been sent to us by the Senate is not a perfect bill—there are provisions which I would prefer to omit. However, in face of the limited time remaining for us to act, I believe minor differences between the House and Senate bills should be overlooked in the interests of providing a solution to one of the great problems of our time: The poisoning of our land and water.

Mr. Speaker, I have been a staunch supporter of the superfund legislation from the start. I worked closely with the key Commerce Committee sponsors of the superfund bill in developing a carefully honed bipartisan compromise. That compromise provided the essential first step toward passage of this vital legislation.

I hope that today this House will assume the responsibility which it faces and report an acceptable superfund bill back to the Senate. No further delays should be tolerated. The sooner that this country can begin the cleanup of dangerous chemical releases, the better off we all will be.

Mr. RINALDO. Mr. Speaker, I rise in support of this very important legislation. I have listened to the arguments here. I will be the first to admit that there are problems with the bill, but I have also listened to the people very carefully on my side of the aisle, and there was not one person who got up and spoke who had an explosion in his district as I did with Chemical Control Corp. There is not one person who spoke who saw firemen and policemen injured, schools closed, factories shut down, citizens alarmed and frightened, and I do not think we can wait any longer. I think we have to pass this legislation today because in my view the existence of a Federal hazardous cleanup control fund could have helped to prevent the serious explosion and fire at the Chemical Control Corp. in Elizabeth, N.J., earlier this year.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Speaker, I rise in support of this bill, flawed though it may be, because I am convinced that is the last train that is going to leave the station in this session of Congress. I think that it is absolutely imperative that we be on that train.

I have had personal experience with problems of this sort. We had PCB's located over the main source of water supply of a community in my district, and there was no one—no one—who had any financial responsibility who could be called upon to assist in that problem. Not the bankrupt party who put the leaking drums of PCB's in such a perilous location in the first place, not the State, which had very limited funds for cleanup, and not the county or borough governments.

The only hope for help was the Federal Government, and when I looked into the matter I came across something called the pollution fund, section 311(k) of the Water Pollution Act. This is the only source of funding to correct problems of this sort at this time. Twenty-five million dollars was appropriated to this fund for 1981. We spent about $1 million to clean up the mess in my district. That leaves about $24 million for the remaining 2,999 known toxic waste dumps throughout the country. We need this superfund now. Too much is at stake to wait until we can get a perfect bill.

☐ 1800

Mr. BROYHILL. Mr. Speaker, I will yield myself 2 minutes.

Mr. Speaker, I ask that the Members vote "no" on this procedural question of passing this bill under suspension of the rules. We have a bill which everyone admits is flawed. I have already pointed out to the Members that I have in my hand a 3-page list of not only technical, but substantial problems that are contained in this bill. I have also pointed out in previous debate, and made a good faith offer to the gentleman from New Jersey (Mr. FLORIO) to work with him on amendments that would cure these defects and technical problems with this bill.

In fact, I hold in my hand a draft of the amendments that could be added to this bill and sent to the other body so that, if we are going to pass a program of this kind, it is going to be administratively workable. I just do not think that we want to pass a bill that has the problems in it that this bill has in it.

This bill would even go beyond the appropriations process. The EPA, as well as other Federal agencies, would be given almost unlimited access to the fund. The agencies would be able to fund administrative costs, overhead, other activities, without the normal safeguards that are provided by the appropriation process.

These amendments would correct that problem, and I would strongly urge the Members to vote "no" so that we could add the amendments, and those of us on this side have offered our cooperation to the gentleman from New Jersey to accomplish that end.

Mr. FLORIO. Mr. Speaker, will be gentleman yield?

Mr. BROYHILL. I will be happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Speaker, as I have indicated to the gentleman, he has my commitment that in the next session—and I think I can speak for Senator STAFFORD—that these relatively technical problems will be solved.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the chairman for yielding. To those who are opposing this bill because they are philosophically opposed to the Federal Government moving in and imposing this kind of solution upon the private industry, just remind yourselves that about an hour ago you all voted for a bill of at least $2 to $3 billion to solve the nuclear waste problem. And just as the nuclear waste problem has unfortunately become the responsibility of the Federal Government, so has dealing with the chemical waste problem of this country. Without a Federal program that will go unresolved. The nuclear waste bill we just passed is not a final answer. It is a 1996 answer, at the earliest. This bill gives us the same kind of promise. It is not the full answer, but it is a beginning.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, it is Wednesday night, December 3. We adjourn on December 5, this Friday. The time is now, or not maybe later. The time is now or never. We are considering a bill that was pronounced dead by the Senate minority leader after the election. He then resurrected that bill, and this bill before us today was basically written in the office of the Senate minority leader.

There is some misconception that this is a bad bill. It is not a bad bill. It is a good bill. It does not do everything we would want; it does not take care of oil-spills, but it does deal with the problem of abandoned waste sites.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Speaker, some years ago I included as an amendment in the Clean Drinking Water Act an authorization of $8 million to clean up the Love Canal near Louisville, Ky., and Jefferson County, where hazardous waste material was present, and is still present.

Mr. Speaker, we have in the Valley of the Drum a serious problem. We know of the many miscarriages that have occurred up there. We know of the many serious physically deformed youngsters who have been born, and we want to end that.

Let us support this legislation.

Mr. FLORIO. Mr. Speaker, I would yield 30 seconds to the gentleman from Connecticut (Mr. Moffett).

Mr. MOFFETT. Mr. Speaker and colleagues, how many of these Love Canal ticking time bombs are going to have to go off and blow up in our faces before we act? We have the closest thing to a consensus on what the problem is, I think, that I have ever seen on any major issue since I have been in the House. We all agree it is a major problem. Our votes not too long ago showed that.

Let us not let that consensus be blown apart by flimsy excuses and petty procedural considerations and turf questions, and our unhappiness with the other body.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. Brodhead).

Mr. BRODHEAD. Mr. Speaker, H.R. 7020 as modified by the Senate holds out the promise that the Nation's most severe public health problem will not be addressed. The improper disposal of hazardous materials has created toxic time bombs that are exploding or are threatening to explode across this country. The legislation to take an important first step toward addressing this problem can and must be sent to the President today.

H.R. 7020 recognizes two fundamental truths of the toxic threat that is before us. First, in the face of the understandable attention which a few sites such as the Love Canal have received, it recognizes that remedial action is necessary in nearly every State. My own State of Michigan has identified 268 sites where groundwater is known to have been contaminated by hazardous chemicals or other substances and 381 sites where such contamination is suspected. Inventories in other States have shown problems of the same magnitude. The liability for causing these problems, and cost of cleanup, vary. The bill recognizes that the presence of carcinogenic chemicals in our water supply is a national problem which requires a national effort to rectify.

Second, H.R. 7020 as amended in the Senate recognizes that the hazardous substance problem is not merely limited to abandoned hazardous waste dumpsites. The scope of the proposal before us wisely allows EPA and the States to address a variety of releases which threaten public health. Moreover, the bill assures the emergency authority where emergency response is essential.

Our agreement today to send this bill to the President rather than back to the Senate—where it would die—will signal at long last the completion of what could prove to be the most significant environmental legislation of the 1980's. We can afford no further delay in taking this step.

Mr. BROYHILL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I ask again for a "no" vote on this bill. There are many, many problems with this bill. It is going to be very difficult to make this a workable program, one that can be easily administered. It bypasses the appropriation process.

I will also point out that there is serious concern by men of good will on both sides of the aisle here in this Chamber. We have the leadership on both sides of two major committees of the House, our Public Works Committee and the House Ways and Means Committee, who have written to their colleagues expressing their concerns about this. We have two other committees where the committee is split, and so I do not think that there is consensus on this bill.

I think we can work out a consensus on it, and I just hope that we have that opportunity by voting down this bill; and then let us offer the amendments that can be added to the bill and send it to the other body and let them pass it and send it to the President.

Mr. FLORIO. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. Downey).

Mr. DOWNEY. Mr. Speaker, the question is whether or not we are concerned in this House with a sense of urgency. This is the proverbial bird in the hand. If we wait, we are allowing thousands of people to be exposed to toxic chemicals that cause cancer, birth defects, and other mutations. We cannot afford to wait.

There is time to remove the onerous provisions, as the gentleman from New Jersey has said, and the Ways and Means Committee will quickly take a look, I am sure, at the section on the dump sites. There is no question that we need to act now, because there is nothing permanent in this bill.

Mr. FLORIO. Mr. Speaker, I yield the balance of the time to the gentleman from Tennessee (Mr. Gore), a very valuable member of the full committee.

Mr. GORE. Mr. Speaker, I thank my colleague.

Mr. Speaker, my colleagues, one of the opponents of this bill waved a short list of minor technical problems with it. We have a very lengthy list of abandoned hazardous chemical waste sites around this country that need to be dealt with. There are 3,000 of them, and the American people want us to deal with this problem.

What are we doing here? What is our responsibility as the representatives of the American people.

□ 1810

Is it to solve this problem or is it to fix the blame for it not being solved? Are we supposed to construct an excuse to blame the other body for this matter not being addressed this year or are we, as their Representatives, to do their bidding, to respond in a constructive and responsible way and pass a good bill to deal with the problem?

Make no mistake about the nature of the procedural quagmire in the other body. One Member can stop legislation in the 2 days remaining. They already have two filibusters and three Members have served notice that they will stop this bill. Make no mistake about the fact that this vote is the key vote on abandoned hazardous waste dump sites.

If you are in favor of solving the problem, if you want to clean up chemical wastes in America, vote yes on this bill. If you have some other interests, if your interest is to put the blame on the other body as an explanation for why the bill did not pass, then vote some other way.

But if you want to do as your constituents would have you do, and the Harris Poll indicates the biggest reading ever in the history of polling from the American people, let us deal with this problem. This is essentially the House bill. Vote "yes."

● Mr. FRENZEL. Mr. Speaker, the House has passed in H.R. 85 and H.R. 7020 two relatively responsible bills to clean up oil spills and chemical waste dump sites. I supported those bills in committee and on the floor of this House.

Now we are confronted by a flawed and incomplete Senate bill. We are told we must pass it or have nothing. Those in support of the bill believe that this body can be brow beaten into passing it merely because it has a high-sounding title. They ask us to support it as a symbol of our good intentions.

I, for one, am tired of voting for symbols. I believe our job is to pass the best legislation we can. I do not believe we need to vote for a bill just because it has a nice title. We should demand, in the name of our constitutents, a good and complete bill.

One of the most serious flaws which is only one example of many flaws, is the new language creating the postclosure liability fund. It has not been considered in the House. It gives unlimited liability to Federal taxpayers. Unlike other provisions, it is not urgent. We could take the time to create a reasonable fund. I support the efforts of the chairman of the Ways and Means Committee to amend this feature of the bill.

Other speakers have identified other vital flaws. Flaws like the ones we on the Ways and Means Committee see in an area of jurisdiction, is also seen by other committees in their areas. This bill must be repaired before I can support it. I shall vote against it because I won't accept an inadequate solution to a pressing problem. We can do better and I think we should.●

● Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 7020, a bill to create a fund to clean up hazardous wastes disposal sites.

This legislation, the so-called superfund bill, is a much-discussed, greatly amended and long overdue piece of environmental law. Unlike some environmental laws, this bill attempts to deal with the problem of who pays for cleaning up the environmental mess we have created. Earlier versions of the bill went even further in this direction and made a good-faith effort to truly incorporate the economic externalities of certain industrial processes into that industrial process. This so-called free market approach to environmental pollution has suffered greatly during the effort to develop an acceptable compromise, but it remains in some form in the bill before us.

In reviewing both the House-passed compromise and the Senate-passed compromise, I see only relatively minor differences. The true losses occurred in both Houses before final passage in each. There is no question in my mind that the modest step we take today will not be the last step we take to solve the hazardous waste problem.

Those who assert that the incoming administration will be more sympathetic to the problems of the chemical industry are no doubt correct, but sympathy is not the same as following the advice of the chemical industry. I believe that the money which will be raised by the bill before us will be insufficient to deal with the chemical waste problems before our Nation. I also believe the equity of the approach before us, taxing industry to pay for cleaning up industrial wastes, will be recognized by the incoming administration.

Further, the liability issues which we avoided this year must be addressed in the future, and I am certain will be. I further predict that the absence of clear Federal law on liability will create even greater problems for the chemical industry in the future, and they too will welcome Federal action in this field.

Mr. Speaker, this modest legislation deserves our overwhelming support. The people who are threatened by known hazardous waste sites need the assistance this bill provides. I urge my colleagues to support it.●

● Mr. RUDD. Mr. Speaker, I recognize that this much-publicized superfund legislation is, in all probability, about to pass, as it did earlier this year.

I feel compelled, however, to outline, albeit briefly, some of my reservations about this bill which cause me to oppose it.

Primarily, I believe this serious question of hazardous waste sites is one of the premier examples of an issue which is best handled by the individual States.

A commendable alternative approach offered by the gentleman from Michigan (Mr. STOCKMAN) when this measure was first considered by the House would have provided a block grant to the States. By this method, the States would be able to set up procedures to deal with the hazardous waste sites within their individual borders according to the priorities they determine.

The only Federal involvement under such a system would be through a simple and direct grant of money to the State governments.

Rather, this bill will perpetuate a Washington-based "solution" administered through the Environmental Protection Agency. Thus, the agency responsible for administering the superfund will be the same bureaucracy notorious for creating such difficulties and confusion within the States in implementing a multitude of other environmental laws enacted in the past decade.

I predict, Mr. Speaker, that the EPA's record of overzealous regulation and administrative snafus will soon characterize the implementation of this legislation as well.

Additionally, Mr. Speaker, I am troubled by the taxation aspects of this legislation While I recognize the difficulties associated with determining an appropriate formula for taxation, it seems inequitable to me that various primary sources of waste will be taxed regardless of what proportion of that source are ultimately incorporated in hazardous waste end-products.

This legislation is also likely to prove only a forerunner of additional legislation which will expand this superfund concept with increased taxes levied on industries and/or additional taxpayer dollars appropriated.

While the Senate has greatly improved this measure by providing the congressional oversight provisions through legislative veto and has reduced the scope of coverage, I fear that this will prove to be a short-term reduction which inevitably will be enlarged at the expense of American consumers and taxpayers.

Because of these farreaching aspects, I feel that the House should not adopt this important bill in the last minutes before adjournment without additional time for careful and full examination of all of its implications.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 7020.

The question was taken.

Mr. FLORIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 274, nays 94, not voting 64, as follows:

[Roll No. 663]

YEAS—274

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Barnes
Bauman
Bedell
Beilenson
Bennett
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brodhead
Broomfield
Brown, Calif.
Buchanan
Burlison
Burton, John
Byron
Campbell
Carney
Carr
Carter
Chisholm
Clausen
Clay
Clinger
Coleman
Conte
Conyers
Cotter
Coughlin
Courter
Crockett
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Del.
Fary
Fascell
Fazio
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Fuqua
Gephardt
Gibbons
Gilman
Glickman
Goldwater
Goodling
Gore
Gradison
Grassley
Gray
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hillis
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Long, La.
Lowry
Lujan
Lundine
McCloskey
McDade
McHugh
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nolan
Nowak
Oakar
Oberstar
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rinaldo
Ritter
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Russo
Sabo
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spence
St Germain
Stack
Staggers
Stark
Stewart
Stokes
Stratton
Studds
Swift
Tauke
Tauzin
Traxler
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Waxman
Weaver
Weiss
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—94

Anthony
Archer
Ashbrook
Badham
Barnard
Benjamin
Bowen
Brinkley
Brooks
Brown, Ohio
Broyhill
Burgener
Butler
Chappell
Cheney
Cleveland
Collins, Tex.
Conable
Corcoran
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Devine
Erlenborn
Evans, Ga.
Evans, Ind.
Frenzel
Gaydos
Gingrich
Ginn
Gonzalez
Grisham
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Hightower
Hinson
Ichord
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Jones, Okla.
Kazen
Lewis
Loeffler
Luken
Lungren
McClory
McDonald
Madigan
Michel
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Nichols
Pashayan
Paul
Petri
Pickle
Pritchard
Roberts
Robinson
Roth
Rousselot
Rudd
Santini
Satterfield
Schulze
Sebelius
Sensenbrenner
Shumway
Snyder
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Synar
Taylor
Thomas
Trible
Vander Jagt
Watkins
White
Whitehurst
Whitten
Wydler
Wylie

NOT VOTING—64

Baldus
Beard, R.I.
Beard, Tenn.
Bethune
Burton, Phillip
Cavanaugh
Coelho
Collins, Ill.
Corman
Crane, Philip
Derwinski
Dickinson
Duncan, Oreg.
Edwards, Okla.
English
Fenwick
Frost
Garcia
Giaimo
Gramm
Hance
Hanley
Jenrette
Johnson, Colo.
Kelly
Kemp
Kindness
Kostmayer
Kramer
Leath, Tex.
Long, Md.
Lott
McCormack
McEwen
McKay
Mathis
Mattox
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Obey
Ottinger
Railsback
Rhodes
Richmond
Rodino
Schroeder
Shuster
Solomon
Spellman
Steed
Thompson
Ullman
Wampler
Wilson, Bob
Wilson, C. H.
Wolff
Wyatt
Yates
Young, Alaska

□ 1820

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of Illinois and Mr. Dickinson for, with Mr. Bethune against.

Mrs. Fenwick and Mr. Railsback for, with Mr. Philip M. Crane against.

Mrs. Collins of Illinois and Mr. Garcia for, with Mr. Wampler against.

Mr. Richmond and Mr. Rodino for, with Mr. Lott against.

Until further notice:

Mr. Murphy of New York with Mr. Beard of Tennessee.

Mr. Thompson with Mr. Shuster.
Mr. Baldus with Mr. Young of Alaska.
Mr. Coelho with Mr. Kemp.
Mr. Jenrette with Mr. McEwen.
Mr. Mathis with Mr. O'Brien.
Mr. McCormack with Mr. Kramer.
Mr. Moorhead of Pennsylvania with Mr. Edwards of Oklahoma.
Mr. Mottl with Mr. Derwinski.
Mr. Hanley with Mr. Johnson of Colorado.
Mr. English with Mr. Kindness.
Mr. Corman with Mr. Bob Wilson.
Mr. Beard of Rhode Island with Mr. Solomon.
Mr. Duncan of Oregon with Mr. Frost.
Mr. Giaimo with Mr. Hance.
Mr. Kostmayer with Mr. Leath of Texas.
Mr. Long of Maryland with Mr. Mattox.
Mr. Neal with Mr. Nedzi.
Mr. Obey with Mr. Ottinger.
Mrs. Schroeder with Mr. Steed.
Mr. Ullman with Mr. Charles H. Wilson of California.
Mr. Wolff with Mr. Yates.

Mr. HIGHTOWER and Mr. HANSEN changed their votes from "yea" to "nay."

Messrs. MARLENEE, HUTTO, LIVINGSTON, ATKINSON, Mrs. BYRON, and Mrs. SMITH of Nebraska changes their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1830

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7020.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANN RODINO, PETER RODINO'S DEVOTED WIFE

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, the lingering illness of Marianna Rodino, wife of our distinguished House Judiciary Committee Chairman PETER RODINO, ended early today in her final demise.

Those of us who have been closely associated with PETER RODINO and his wife, known as Ann, have developed a warm affection for this gentle and devoted woman, whose marriage to our colleague PETER RODINO took place almost 40 years ago.

As a wife, mother of two adult children, and grandmother of four, Ann Rodino gave steadfast support to her husband PETER in his public career. In addition, she participated individually in many civic, community, religious, and cultural activities which distinguished her as a strong individual, as well as a very public-minded woman in her own right.

Mr. Speaker, more particularly, Ann Rodino possessed a friendly and unselfish personality. She made friends easily and she maintained a close contact with those with whom she became acquainted in her personal life as well as in connection with her husband's public career.

My wife, Doris and I, developed a great affection and a respect for Ann Rodino and for all she represented in her individual career as well as for her supporting influence on her husband and our colleague, PETER RODINO.

Mr. Speaker, at this hour of PETER RODINO's bereavement, we extend to him and to Ann's and PETER's children and grandchildren, as well as her mother, our affection, respect and deep sympathy.

A TRIBUTE TO STATE SENATOR HERBERT ARLENE

(Mr. LEDERER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEDERER. Mr. Speaker, I would like to join with the residents of the Pennsylvania Third Senatorial District in paying tribute to State Senator Herbert Arlene, who is retiring from public office at the end of this current session in Harrisburg.

Herb has given long and outstanding service and representation to his constituents in Philadelphia. Elected in 1967, Herb was the first black to be elected to the State Senate in the history of Pennsylvania. Soon after his election, Herb became chairman of the labor and industry committee and vice chairman of the urban affairs and housing committee in the Senate. From these two positions, Herb fervently fought on behalf of the poor and the working people of Pennsylvania.

Herb's service to his city has also been highly distinguished. He has been the leader of the 47th Ward in Philadelphia since 1957 and the executive secretary of the Democratic City Committee since 1964. In addition, prior to his election to the State Senate, Herb served in the Pennsylvania State House from 1958 to 1966.

A list of Herb's community, business, and fraternal activities and associations is no less stellar. He is a member of the North Philadelphia Businessmen's Association and Local No. 10, Laundry and Dry Cleaners International Union, AFL-CIO; the YMCA; the NAACP; Odd Fellows, Elks, Tuscan Morning Star No. 48; Prince Hall Masonic Order; and Melchizedek Chapter No. 25.

Herb is on the board of directors of the Wharton Neighborhood Community Center; a Trustee of the Union AME Church; a member of the Philadelphia Chapter of the Urban League; a member of the board of directors of Lincoln University, the Pennsylvania College of Podiatric Medicine, and the Berean Institute. Herb is also active with quite a large number of citywide health and service commissions and organizations.

It seems clear that despite his retirement from the State Senate Herb's civic involvement will not decrease nor will his concern for his neighbors and constituents diminish. Herb has shown a lifetime record of community service for which we are all grateful. The tremendous work that Herb has given unselfishly to the city of Philadelphia and State of Pennsylvania has lit the way for others to follow. Because of his devotion, the path ahead is considerably brighter.

Senator Herbert Arlene—a credit to Philadelphia, a credit to Pennsylvania, and a truly great American.

HELPING THE SOVIETS

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. PRICE. Mr. Speaker, as reported in the media another major hardware sale to the Soviet Union has been approved to help them in the development of their petroleum supplies. This was administration's approval of Caterpiller Tractor's bid to furnish over a $1 billion worth of pipeline laying equipment. This follows the approval of a sale 2 years ago of oil drilling technology which put the Soviets on the forefront with us. I voiced my disagreement with that sale since, in my view, such actions enable the Soviets to make substantial advances in their drive to weaken the general welfare and security of the West. In my view this latest sale will do the same thing. I just suggest looking at what control the Soviets have now on the Iron Curtain countries as a consequence of actions some years ago when they connected them to Soviet gas and oil pipelines. As a consequence, indigenous fuels were not developed in these countries and now discipline can be imposed at any time simply by throttling a valve.

I am including my letter to the President concerning the earlier sale at the close of my remarks since the fundamental concerns expressed are applicable to this sale.

I am also including at the close of my remarks an editorial from the November 20 issue of the Washington Star which very succinctly covers all of the factors involved in the latest approval.

September 13, 1978.

Hon. Jimmy Carter,
President of the United States,
The White House, Washington, D.C.

Dear Mr. President: I was disappointed to note in the press that you have approved the transfer of certain oil drilling technology to the U.S.S.R. The transfer of this technology, in my view, could well enable the Soviets to make a substantial advance in their central drive to weaken the general welfare and security of the West.

From my long experience in nuclear and defense fields I have come to appreciate the extensive adaptability of sophisticated technological processes and technologies for military applications. In this case, there is really no need for me to suggest a specific list of possible military uses. It is sufficient to point out that reasonable doubt alone as to significant usefulness in weaponry should suffice to tilt our national judgment in favor of a cautionary refusal to permit transfer.

Aside from direct military applicability, and as I stated in my August 17 letter to you, it has now become quite clear that the Soviets are striving to exploit our dependence on external sources of energy supplies and to impair the continuing viability of such sources and the reliability of our assured access to foreign supplies. Materially assisting the Soviets to accelerate the development of their own new domestic supplies of petroleum cannot be counted on to induce a turn-about in their present policy direction of enlarging adversative influence in the Persian Gulf and other geographic areas, on vital energy interests to the free world. Rather, I am afraid, such aid on our part will doubtlessly be regarded as another manifestation of an irresolute national will, and invite even bolder mischief. I am deeply troubled by this outlook.

I respectfully suggest that an additional and thorough review of the implications of the proposed technology transfer to the Soviets before the company is permitted to proceed would persuade you to share my view.

Sincerely,

Melvin Price,
Chairman.

[From the Washington Star, Nov. 20, 1980]

The Soviets' Energy Future

What is frustrating about the Carter administration's controversial approval of Caterpiller Tractor's bid for a $1-billion sale of pipeline-laying equipment to the Soviet Union is not the decision itself but the sense that little thought is being given, here or in Western Europe, to the strategic ramifications of Soviet energy sales to the European allies. The project, of course, is the construction of a natural-gas pipeline from Siberia into Western Europe.

One report has it that "some U.S. military leaders," otherwise unidentified, worry about giving the Soviet Union a potential "pressure point" by making some of our European allies even more dependent on Soviet natural gas.

It *is* a worry. But the project wouldn't be halted if American equipment weren't sold for it. There are other bidders, including the Japanese. The Europeans, almost entirely dependent for oil supplies on the volatile Persian Gulf region, can hardly be blamed for wanting a bit of reinsurance.

But unfortunately no one seems to be thinking through the ultimate strategic implications of energy trade, as we stumble along from one ad hoc decision to the next.

Should the Soviet Union be encouraged to export energy if, as some now predict, there will be an oil shortfall there within the decade? What assurances, if any, are being given that the pipeline won't become a sort of "natural gas weapon" for the Russians, akin to the familiar oil weapon wielded by some OPEC countries?

How much difference would it make for the Soviet Union's future in energy if the U.S., still the world's prime supplier of high oil-drilling and prospecting technology, withheld some of it—or all of it? Is it in the interest of the Western alliance to assist, or deter, the development of new Soviet oil reserves? If the Soviet Union should become a net importer of oil, would that sober her policy in the Gulf area, already significantly encircled by Soviet military power and client states? Or would it make that policy rash and adventurous?

No doubt there must be, here and there throughout the government, people giving at least occasional and casual thought to these strategic quandaries. But if they have resulted in any firm pattern of American or West European response, we have seen no evidence of it. It is a time for a consensus on these issues to begin emerging. It is dangerous territory for sleepwalking.●

MILLIONS FOR DEFENSE BUT NOT 1 CENT FOR TRIBUTE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, when the new administration assumes office just over a month from now, it will inherit the ongoing quagmire in Iran as one of its most pressing responsibilities. Nearly 200 years ago, when John Adams became President, he too inherited an international crisis involving a former ally, France. which—like Iran—was in the midst of revolutionary turmoil. And while history never repeats itself exactly, Adams' performance should remind us of the wisdom of countering unwarranted aggression with strength. and diplomatic blackmail with decisiveness.

Throughout the mid-1790's French ships, many in U.S. territorial waters, were systematically engaged in terrorizing American merchant vessels and manhandling their crews. By the time Adams was inaugurated over 300 such incidents had occurred, in violation not only of international law but of several Franco-American treaties dating back to the U.S. War for Independence.

Adams' initial efforts to end the crisis failed, when the French Directorate refused to recognize or negotiate with Minister Charles C. Pinckney. And the three-man delegation which succeeded him was met by agents of the French leader Talleyrand, who told the envoys that only after payment of over $10 million in bribes would the maritime attacks be stopped.

When the American people learned of this attempted extortion—made famous as the "X.Y.Z. Affair"—they responded with passion and outrage. "Millions for Defense but Not One Cent for Tribute!" became the rallying cry throughout the land. President Adams recalled his envoys, instructed Congress to suspend all relations with France, and declared forcefully:

> I will never send another minister to France without assurance that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation.

But France believed that in 1797 the United States was in no position to enforce its newly belligerent posture. The U.S. Navy consisted of only three uncompleted frigates, and the Army of less than 3,500 men. So the French continued their campaign of piracy and aggression.

What the French did not appreciate, however, was the decisiveness with which the United States could respond when it was provoked. Within a year, the three frigates were finished and over a dozen more American ships were armed and sent to sea. By 1799, they had captured 85 French prizes, cleared U.S. coastal waters of French vessels, and carried the fight into the Caribbean. A year later, France acceded to American demands, pledged not to renew its terrorism, and released the United States from the commercial restraints imposed by the treaties of the 1770's.

Through his willingness to initiate strong but limited military action, President John Adams secured the international credibility and stature of his new nation. Within a decade, the naval power developed during his administration would prevail against the pirates of the Barbary States, ending their long-standing vendetta against American commerce. And France, respectfully aware both of our capabilities and our sense of purpose, would once again be our ally; the Louisiana Purchase of 1803 was, at least in part, a testimonial to this renewed and strengthened relationship.

John Adams, like many Presidents since, had to resolve an international crisis not of his own making. He met the challenge forcefully and effectively, and established the United States as a nation more than capable of holding its own in the world community. Two centuries later, it is well to recall the example of his experience, and I am grateful for the opportunity to do so.

☐ 1350

TRIBUTE TO SAM DEVINE

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, this year has brought its share of optimism and hope in the political arena, as well as its share of disappointment.

The most painful political event for me personally was the failure of voters in Ohio's 12th Congressional District to return their truly great Congressman, Sam Devine, to the House of Representatives.

Along with many other Members of this body, I am privileged to count Sam Devine as a true friend, a special friend who helped me learn the ropes in this body when I first came here as a newly elected Congressman.

Sam and I had the mutually rewarding and inspiring experience of serving as special agents for the Federal Bureau of Investigation under its great director, J. Edgar Hoover.

Sam served in a special mission for the director during World War II, and succeeded in discovering and helping to stop a Napi attempt to infiltrate and subvert the United States.

His service as a special agent for the FBI, as a State legislator for three terms, and as a Member of Congress for 22 years, all stem from a special love of country and loyalty to its constitutional principles and productive enterprise economy.

There is no Member of Congress past or present who has worked more devotedly or tirelessly for his country than Sam Devine.

Combined with his incomparable integrity and loyalty to country is a deep sense of public service which has been the hallmark of every task he has undertaken.

That is why we Republicans in the House of Representatives chose him to be the chairman and leader of our Republican conference.

Sam Devine is a leader.

He has been and will always be an outstanding effective spokesman for the principles of fiscal responsibility and sound governmental management for which he has been such a solid proponent in Congress for more than two decades.

We will all miss Sam Devine as our colleague in this House.

But like all effective and acclaimed public servants, he will go on to other important endeavors in behalf of his country and his fellow citizens.

I look forward to my continued friendship and association with Sam Devine.

The people of Columbus, Ohio, are losing a respected and exemplary representative.

But I have every confidence that our country will continue to benefit from his contributions to our productive enterprise system, and his efforts to lessen Government's restrictive role over our economy and the lives of our people.

Mr. Speaker, I ask unanimous consent to have these remarks in the Record within the special order on Samuel Devine on Monday, December 1, 1980.

ALLEGED NAZI WAR CRIMINALS IN AMERICA

(Ms. HOLTZMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, as I leave the Congress, I believe it is especially important that I review for my colleagues the background and current status of an issue of particular importance to me—the presence of Nazi war criminals in the United States. Over the past 6½ years, I have attempted to focus public attention on the fact that our country has become a haven for some of the most infamous of Hitler's henchmen and I have done everything in my power to force our government to take action to bring these criminals to justice.

While I am proud of what I have been able to accomplish, the victories have been painfully slow in coming, made difficult by repeated instances of governmental inaction and indifference, not to mention bureaucratic footdragging if not outright opposition. Given this history, I am deeply concerned that the impetus to conduct these investigations and prosecutions may diminish when I leave the Congress. This must not happen. Those of my colleagues in both parties who have supported my endeavors in the past must take the lead in assuring the continuation of this effort in the future. And the new Attorney General must show the same commitment to seeing this task successfully concluded as Attorney General Civiletti has over the last year and a half. Only with such a joint effort by the Congress and the executive branch can we be assured that justice will finally be done.

THE EFFORT AS IT STANDS TODAY

In 1974, when I uncovered our Government's failure to investigate allegations that there were Nazi war criminals living in the United States, there was no full-time staff to secure evidence or follow up lead, and no apparent interest by Justice Department officials in prosecuting these individuals. As a result not a single case was in litigation, and only one had ever been brought by the Government.

Today, as a result of my efforts, a special unit—the Office of Special Investigations—has been established in the Criminal Division at the Justice Department, the sole job of which is to investigate and prosecute alleged war criminals. It has a staff of over 50, including more than 20 lawyers, in addition to investigators, historians, and paralegals, and an annual budget of $2.3 million. Seventeen cases are currently in the courts, and another 260 are under investigation. I will include a synopsis of the cases now in litigation prepared by the Justice Department at the end of this statement.

On October 15 of this year, Attorney General Civiletti appeared before the Supreme Court to argue for the Government in Federenko against the United States, a case involving an alleged Nazi war criminal who, the Justice Department charged, served as an armed guard at the infamous Treblinka concentration camp where he beat and shot Jewish prisoners. Because an Attorney General rarely appears in person before the Supreme Court, his appearance in this case not only signified the importance of the legal issues involved but also was a moral statement by our Government that it would no longer condone by inaction the atrocities perpetrated by Hitler's henchmen during World War II.

The appearance of the Attorney General—our Nation's chief law enforcement official—in itself demonstrated how far the Government has moved since I began my efforts to convince prosecutors to take action against war criminals who have found sanctuary in this country. There can be no doubt that the situation now stands in dramatic contrast to what I discovered over 6 years ago.

WHO ARE THE ALLEGED WAR CRIMINALS?

There are those who would argue that since over 30 years have elapsed since the end of World War II that we should bury the past, forget the atrocities. They feel that the alleged war criminals who have found sanctuary here are too old to be punished; that they have washed away their sins by living anonymously and quietly in this country for many years. I do not—and cannot—share this view. If one simply examines the historical record, it is obvious that no mere passage of time can ever justify or excuse the atrocities perpetrated by these men. And it is equally obvious that the failure of our Government to act now would be interpreted as a statement that we condone what was done during the Holocaust.

There should be no statute of limitations on crimes against humanity.

Let me briefly review the charges in some of the cases brought by the Justice Department. As will become evident, these charges do not involve ideology or politics; they involve mass murder and brutality, and the failure to disclose participation in these crimes when individuals sought to enter the United States.

Andrija Artukovic, now living in Long Beach, Calif., was the Interior Minister of the Nazi puppet state of Croatia in Yugoslavia. In that position, he was responsible for many of that country's domestic policies, which allegedly included sending hundreds of thousands of Jews, Serbs, and gypsies to slave labor and death camps.

Valerian Trifa, now living in Detroit, is charged with being a leader of the Fascist Iron Guard in Romania. According to the complaint, Trifa, who entered the United States in 1950, concealed the fact that "he did advocate the killing of Jews and Masons and did participate in activities * * * which resulted in the murder of Jews and destruction of property." In another filing, the Department of Justice alleged that Trifa "used his pistol, shooting with the others, and ordered his men to kill and to torture the Jews."

Boleslavs Maikovskis now lives on Long Island. He is accused of numerous acts of brutality against Jews, including children, and was sentenced to death in absentia for destroying an entire village and other war crimes in Latvia.

Bronius Kaminskas of Hartford, Conn., is charged with participation in the shooting of approximately 200 Jews in a Lithuanian forest.

Ivan Demjanjuk, who lives in Cleveland, Ohio, is charged with serving at Treblinka, as a uniformed guard with the German SS. Demjanjuk was also known as Ivan Grozny, which literally translates to "Ivan the Terrible." He apparently earned the name. An affidavit filed against him states that he "used a knife, sword, bayonet, or other instruments to stab, cut, and remove parts of the bodies of Jewish prisoners before forcing them into the gas chamber," where they were then executed.

Equally appalling charges have been filed against the other alleged Nazi war criminals who are the targets of Justice Department actions. If the people who committed these kinds of crimes are allowed to remain in the United States undisturbed, it would be an affront to human decency and would make a mockery of the sacrifice of the millions of Americans who fought the Nazis during World War II.

A BRIEF HISTORY OF THE INVESTIGATION

In early 1974, I was approached, because of my position on the House Immigration Subcommittee, and told that there were Nazi war criminals in the United States and the Immigration Service, which knew about their presence, was doing nothing about it. I quickly began my own investigation and found out that these charges were true. When I initially raised the issue with the Immigration Commissioner in a subcommittee hearing in April 1974 he admitted that the Service had a list of alleged Nazi war criminals; when I asked what INS was doing about the list he simply had no response. I immediately demanded the INS status reports on the Nazi cases which showed that, despite credible allegations, INS had made no serious efforts for 25 years to pursue these investigations. Specifically, I found that INS had failed to interview available witnesses, refused to pursue leads brought to its attention, and made no effort to centralize and upgrade these investigations so that prosecutions could be brought in a prompt and professional manner. Files, such as they were, were dispersed throughout the country. In short, the Service had proceeded in what can only be characterized as a disorganized, incompetent, and indifferent manner.

The Immigration Service's failure to investigate in the United States was matched by its refusal to locate evidence in foreign countries. INS did not check the main war crimes documents center in Berlin; it did not even contact the State of Israel It refused to seek evidence from the Eastern European countries where most of the war crimes had been committed.

Against this background, it was not surprising that since World War II not one person had been deported from the United States for Nazi war crime activities. The one exception to INS's total inaction was the case of Hermine Braunsteiner Ryan, a former concentration camp guard living in Queens, who in 1973 consented to denaturalization and was extradited to West Germany to stand trial for war crimes.

After my review of the INS files, I publicly exposed our government's mishandling of these cases and in May 1974 issued a detailed report calling for a complete overhaul of the efforts against Nazi war criminals. Most importantly, I advocated the creation of a special war crimes task force at the Justice Department.

Slowly, things began to change. After much congressional and public pressure—and hundreds of hours of my time spent in meetings and hearings, making phone calls and public statements—the Justice Department has taken virtually all the steps I recommended in 1974, and, despite some recurring problems and occasional setbacks, now is making a serious effort to investigate and deport alleged Nazi war criminals.

In 1977, the Immigration Service finally acted on my suggestion and formed a special war crimes task force for the first time in our history.

Unfortunately, the early hopes raised by the creation of the Nazi unit were dissolved in a morass of funding, staffing, and bureaucratic problems which plagued the unit from its inception.

My Immigration Subcommittee discovered that in the first half of fiscal year 1979, less than $250,000 of the over $2 million specifically authorized by Congress for the war criminal investigation was spent, and—for much of the fiscal year—the money had not even formally been segregated from general INS funds, despite a January 1979 opinion from the Justice Department's own Office of Legal Counsel concluding that INS was legally obligated to make the full amount available. Perhaps more disturbing, the Justice Department deleted the $2 million line item for Nazi investigations from its fiscal year 1980 INS authorization request—even though the amount comprised less than 1 percent of the total INS budget.

Interminable delays were encountered in hiring personnel, resulting in wholly inadequate staffing; 5 lawyers and only 2 investigators were on board, despite the fact that there were 12 cases in litigation and hundreds more to be investigated.

The result was that not one new case had been filed since the unit began to function.

Finally, on March 28, 1979, the Justice Department acceded to my demands that steps be taken to upgrade the Nazi unit. In response to my repeated requests, the Department testified before my Immigration Subcommittee that it would:

Set aside the full $2 million authorized by Congress for the unit's operation.

Amend its appropriation requests to earmark $2 million for the unit in fiscal year 1980.

Increase the staff to at least 50, including attorneys, investigators, historians, paralegals, and support personnel.

Transfer the unit from the Immigration Service to the Criminal Division within the Department of Justice.

Subsequently, my amendment raising to $2.3 million the amount appropriated for Nazi investigations and prosecutions was unanimously passed by the House of Representatives and signed into law. The results have been striking: an upgraded, professional staff, new offices with proper equipment and security, and increased numbers of cases in litigation and under investigation.

One of the most important developments which resulted from my criticisms was our Government's efforts to seek evidence from foreign sources. At my urging, in January 1976, INS finally sent a team of investigators to Israel. The eyewitness statements and documentary evidence they initially brought back provided the basis for filing eight denaturalization and deportation cases. One can only speculate how many more cases could have been brought had this been done 10 or 20 years previously.

I also insisted that the Justice Department seek information on Nazi cases from the Soviet Union and Eastern European countries where most of these crimes were committed. In a meeting with me and other members of the Immigration Subcommittee in May 1975, a ranking Soviet prosecutor had indicated that his government would respond favorably to requests for judicial assistance if approached through the State Department. Unfortunately, delays were again encountered before the State Department would act on the Immigration Service's request that the Soviets be contacted. Only when I protested publicly did the Department act. Finally, beginning in January 1976, State forwarded 20 cases to the Soviets for information, and later that year, for the first time since the Nuremberg Trials, our Government asked for the cooperation of Eastern European countries in locating documentary evidence and possible eyewitnesses.

As a result, beginning in the summer of 1978, Justice Department investigators have been able to travel to the Soviet Union and Eastern Europe to speak with government officials and gather evidence. Several countries, such as Poland, have even permitted U.S. prosecutors access to government archives. All this has led to a substantial increase in the flow of documentary evidence from these countries and to the development of innovative techniques to make available eyewitness testimony for use in trials in this country. For example, although the Soviet Union has thus far been reluctant to permit witnesses to come to the United States, officials there have allowed U.S. prosecutors to videotape witnesses, with defense attorneys present, for use in proceedings in this country. Statements taken in this manner were used for the first time in the trial of alleged Nazi war criminal Wolodymir Osidach, which just concluded in Philadelphia.

When problems have arisen, I have worked to resolve them. The Romanian Government, for example, was initially not fully cooperative in the Trifa case. However, after several meetings between me and the Romanian Ambassador and his staff, and after I publicly testified about the problem before the Trade Subcommittee during its consideration of the continuation of most-favored-nation trade benefits for Romania, the situation improved dramatically. I argued that trade benefits should not be given to Romania if it was not cooperating with our Justice Department. The Romanians have, over the past 2 years, made important new efforts to assist in this case, including providing copies of necessary documents and allowing prosecutors access to Government archives. The fact that Trifa voluntarily relinquished his naturalization certificate at the end of August can only be attributed to the strength of the Government's case against him, undoubtedly improved by this new assistance from Romania.

PUBLIC LAW 95–549, AN IMPORTANT ACHIEVEMENT

The achievement of which I am proudest has been the enactment of my bill to provide a direct statutory basis to deport Nazi war criminals from the United States and to prevent their entry into this country as immigrants or as visiting businessmen or tourists. This legislation, which passed in October 1978, in the waning days of the 95th Congress, closed an unbelievable loophole in our immigration law. Prior to its enactment, there was simply no bar to the entry of individuals who had engaged in persecution under the Nazis who wished to come to the United States after 1953. The Displaced Persons Act, which expired in 1953, did contain such a prohibition. It is infuriating to realize that although our immigration laws prohibit the entry of everyone from polygamists to smokers of marihuana, until my bill became law, our doors were wide open to Nazi war criminals. Adolf Hitler, if he were alive, could have entered the United States freely.

The carte blanche we had given since 1953 to the entry of mass murderers caused innumerable problems for the Justice Department. For example, several years ago, I was advised by the Immigration Service that it had developed solid evidence against a number of persons who allegedly had committed war crimes but it had been unable to act because it had no statutory basis on which to do so. Other suspected war criminals could not be barred from entering this country to visit or conduct business.

My bill—now Public Law 95-549—which I first introduced 5 years ago—has finally closed this incredible loophole. The Justice Department now has direct authority to act against all those who persecuted others under the Nazi government of Germany or its allies—to deport post-1953 entrants and to bar from our shores those who wish to immigrate or visit. The bill will also facilitate efforts to deport alleged war criminals like Artukovic, who, although under an order of deportation, have avoided expulsion by claiming they would be politically persecuted if returned to their native country. My bill removes this defense to a deportation action in the case of a Nazi war criminal; based on it, the Department has already moved to revoke Artukovic's stay of deportation.

Although there have been some continuing problems with the implementation of my law insofar as the State Department is concerned, Secretary Muskie assured me by letter last month that he had personally intervened to resolve this matter. The names of all potentially excludable individuals will be entered into the "Visa Lookout System" within the next few weeks and consular officials have been specifically directed to screen all visa applicants closely who might have been involved in wartime persecution.

WHERE DO WE GO FROM HERE?

Measured against 25 years of prior Government inaction, there has been considerable recent progress by the Justice Department. But measured against what needs to be done, progress has been modest indeed. We must remember that not a single Nazi war criminal has yet been deported. And the resurgence of antisemitism worldwide—in the Soviet Union, in Argentina, in France, and in Skokie—will not make our task in the future any easier. It is therefore imperative that those who would continue my work in the Congress on this subject approach their task with dedication, commitment, and a certain impatience.

What must they do?

First, they must insist that the new administration commit itself publicly to supporting the work of the Office of Special Investigations, both by making available sufficient funding and by making it clear to foreign governments that this is an issue of the highest priority on which we expect full and complete cooperation. At the same time, pressure must be kept on the Justice Department to insure that its investigations are proceeding effectively and expeditiously and that its prosecutions are conducted professionally. As I noted previously, it is important that the incoming Attorney General take the same personal interest in the success of this mission that Mr. Civiletti has displayed during his tenure. If the new administration and Justice Department are unwilling to provide the necessary financial support, the Congress itself must act and specifically earmark a sufficient amount in both its authorization and appropriation bills.

Second, supporters of this program must continue to fight for intensified worldwide efforts to bring war criminals to justice. In this regard, I would note that the West German Government acted in the summer of 1979 to abolish entirely its statute of limitations governing war crimes. Had the Government not acted, prosecutions would have been barred against Nazi war criminals living in Germany against whom proceedings had not already been initiated. Those who had escaped detection would have been able to return to West Germany and to live openly without fear of punishment. This would surely have diminished the incentive in other countries to continue their efforts against suspected war criminals.

In an effort to prevent such an unconscionable situation, I introduced a resolution with over 120 cosponsors expressing the sense of the House of Representatives that Germany should extend or abolish entirely the statute. In May 1979, my resolution passed the House of a vote of 401 to 0. Undoubtedly, this lent support to those in Germany who supported abolishing the statute. Those who are concerned about the presence of Nazi war criminals in the United States must be watchful for similar potential problems in countries outside our own—in Europe, in South America, or elsewhere—and they must insist that our Government take a forthright position on the side of the effort for justice.

Finally, they must question past U.S. Government inaction. Why did the Immigration Service and the State Department fail to act on these cases for more than 25 years? Why were these people allowed to remain in the country undisturbed until public and congressional outrage brought some response? How did some of these criminals become citizens even though the Immigration Service had information about their Nazi pasts?

We still do not have answers to these questions, although theories abound. Some believe it was through corruption or antisemitism. Others feel it was simple incompetence. Yet others subscribe to a more sinister conspiracy theory, perhaps involving a Nazi network like "Odessa." Finally, others believe that in the pervasive anti-Communist feeling which marked our attitudes after World War II, that their Nazi war criminal backgrounds were overlooked simply because they claimed to be anti-Communists.

Perhaps most intriguing is the theory that at least some of these alleged Nazis were under government protection and that highly placed political officials might have discouraged the Immigration Service from investigating them. I have discovered a deeply disturbing series of relationships between some of the alleged Nazis and political officials and government agencies.

Artukovic had private bills to grant him citizenship introduced by four Members of Congress. Trifa gave the opening prayer in the U.S. Senate on one occasion in 1955. Several of the alleged Nazis had contacts with the CIA. Edgars Laipenieks of San Diego worked for the CIA. Vilis Hazners of Albany, N.Y., worked for Radio Liberty which for many years was funded by the CIA. Boleslavs Maikovskis and several others were leaders in various Eastern European emigre groups, which undoubtedly received government funding.

It is interesting to note that the General Accounting Office conducted an inquiry into the matter and issued a report in May 1978 confirming the astounding truth—that more than 20 Nazi war criminals had been hired by U.S. Government agencies, including the FBI, CIA, State Department, and Department of Defense. Although the report concluded that it was unlikely that there was any widespread conspiracy by Federal agencies to obstruct investigations of these war criminals, the finding can hardly be considered conclusive, since the GAO did not have access to the raw agency files.

Sadly, instances of suspicious government involvement with suspected war criminals continue even today.

As unbelievable as it may seem, on May 1, 1979, Radio Free Europe, an entity funded by the U.S. Government, broadcast a 45-minute interview regarding religion with alleged war criminal Valerian Trifa. No mention was made of the fact that the Justice Department had initiated proceedings in May 1975 to revoke his citizenship for concealing his participation in war crimes when he entered the United States. My subsequent investigation of this incident led to an even more incredible discovery: Executive branch attempts to impede my efforts to learn why the broadcast was aired. Paul Henze, a member of the National Security Council staff and its liaison with Radio Free Europe and the Board for International Broadcasting—RFE's oversight agency—repeatedly attempted to undercut my investigation.

According to a secret transcript of the Board for International Broadcasting meeting of August 15, 1979, which I obtained, Mr. Henze characterized concern about the Trifa interview as "silly" and stated flatly that it "certainly isn't serious from the point of view of the White House." Despite strenuous protests from several Board members, Mr. Henze continued in the following vein:

> Let me state the White House position on this issue: Bishop Trifa, as an American citizen, represents an important ethnic group.

Similar statements were made by Mr. Henze at a Radio Free Europe/Radio Liberty Board of Directors meeting. He also coincidentally appeared in Munich—the location of RF—where he allegedly minimized congressional interest in the issue to RFE employees. Henze materialized in Munich again during a BIB authorized inquiry of the broadcast.

Because of my concern about this matter, I wrote to President Carter on December 5 and 13, 1979, an on January 24, 1980, and asked that Mr. Henze immediately be dismissed. In response I received two totally unsatisfactory letters from a staff member of the Security Council and no answer or explanation at all from the President or Dr. Brzezinski. Members of the press were equally unsuccessful in obtaining answers to their questions on this matter from the White House. To this date, Henze remains on the Security Council staff.

A second instance occurred in July of this year when the Justice Department moved to dismiss a denaturalization complaint against alleged Nazi war criminal Tscherim Soobzokov which it originally filed in December 1979. The complaint had charged that Soobzokov concealed his membership in various Nazi organizations, including the Waffen SS, when he applied for a visa to enter the United States. The dismissal was required when certain documents—a "V–30 personal data form" and an "operations memorandum"—ostensibly showing that Soobzokov had disclosed what he was charged with concealing mysteriously appeared in the CIA files and in the defendant's possession. Interestingly, the State Department—the agency responsible for issuing Soobzokov's visa—had no record in its files of either this so-called "V–30 personal data form" or the "operations memorandum" on his case purportedly sent from the Embassy in Amman—where Soobzokov applied for his visa—to Washington. Nor was there any record anywhere in the Department's files of any response to the Embassy in Amman in reply to the operations memorandum. There was also no record at the State Department of a request to the CIA by the Department for information based on either the V–30 or the operations memorandum or any indication that the agency responded to such a request. Finally, although the CIA discovered copies of the V–30 and the operations memorandum in its files, when Justice Department attorneys initially reviewed the Agency's file on Soobzokov, no evidence of these materials, or the disclosures made on them, was found. Given all this, it is some may conclude that the CIA may have manufactured this evidence to protect Soobzokov, long rumored to have been an employee of the Agency. It is regrettable that a case would be closed in such circumstances.

CONCLUSION

Mr. Speaker, as I have often said, the presence of Nazi war criminals in the United States constitutes the unfinished business of World War II.

I cannot accept the proposition that we should let the matter die, that we should not pursue those who committed war crimes and those who protected them. To have among us in this country those who massacred innocents is to brutalize ourselves. To let them remain leaves forever unanswered the cries of their victims.

I ask your continued support in the effort for justice.

A Justice Department summary of all Nazi war criminal cases now in litigation follows:

[Office of Special Investigations, Criminal Division, U.S. Department of Justice]

DIGEST OF CASES IN LITIGATION

November 26, 1980

DENATURALIZATION CASES

1. Fedorenko, Feodor

Case pending: U.S. Supreme Court; Case No. 79–5602.

Date filed: August 15, 1977 (U.S. District Court, S.D. Florida, Ft. Lauderdale Division).

Date and place of birth: September 17, 1907, Sivasch, Ukraine.

Entry date: November 5, 1949, under the Displaced Persons Act of 1948.

Immigration status: Naturalized April 23, 1970 by the Superior Court of New Haven County, Connecticut.

Summary of allegation: Defendant misrepresented his wartime service as an armed guard at the Treblinka concentration camp in Poland during the years 1942–43, and his commission of atrocities against prisoners.

Progress to date: On July 25, 1978, the U.S. District Court for the Southern District of Florida entered judgment in favor of defendant. The court concluded that he had served as an armed guard at Treblinka (as admitted by defendant) and that he had lied about his wartime activities when he applied for a visa to come to the United States. The court found, however, that defendant's service at Treblinka was involuntary. The court also concluded that the government had not proven that defendant had committed war crimes at Treblinka. In light of these findings, the court held as a matter of law that defendant's deception was not "material" within the meaning of 8 U.S.C. § 1451(a). In addition, the court ruled that, even if it had found that defendant had willfully concealed material facts, "equitable and mitigating circumstances"—primarily the uncontroverted evidence that he had been a law-abiding citizen since his arrival—required that defendant be permitted to retain his citizenship.

On June 28, 1979, the U.S. Court of Appeals for the Fifth Circuit reversed. The Court of Appeals held that the District Court had applied an incorrect test of "materiality," and that applying the proper test to the evidence revealed that Fedorenko's misrepresentations had in fact been material. The Court of Appeals further ruled that the District Court erred as a matter of law in concluding that it had authority to enter a judgment for defendant based upon equitable considerations. The Court of Appeals directed the District Court to cancel defendant's certificate of naturalization.

On February 19, 1980, the U.S. Supreme Court granted Fedorenko's petition for a writ of certiorari. The Attorney General argued the case for the United States on October 15, 1980, and the Court now has the case under advisement.

2. Osidach, Wolodymir

Case pending: U.S. District Court, Eastern District of Pennsylvania; Civil Action No. 79–4212.

Date filed: November 20, 1979.

Date and place of birth: July 12, 1904, Wetlina, Galicia, Poland.

Entry date: July 29, 1949, under the Displaced Persons Act of 1948.

Immigration status: Naturalized August 7, 1963 by U.S. District Court, E.D. Pa.

Summary of allegation: Defendant misrepresented his wartime service as Commandant in the Ukrainian Police in Rawa-Ruska, Ukraine, and his involvement in the persecution and murder of unarmed Jewish civilians (specifically, his participation, directly and through subordinates, in the roundup and transport to extermination sites of Jewish civilians residing in Rawa-Ruska).

Progress to date: Trial was held in September and October of 1980, in Philadelphia. The trial judge heard final arguments on November 17, 1980, and stated that he would issue judgment within 30 days.

3. Linnas, Karl

Case pending: U.S. District Court, E.D.N.Y., Civil Action No. 79 C 2966.

Date filed: November 29, 1979.

Date and place of birth: August 6, 1919, Tartu, Estonia.

Entry date: August 17, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration status: Naturalized February 5, 1960 by the Supreme Court of New York at Suffolk County.

Summary of allegation: Defendant commanded or was a member of the security forces of a concentration camp at Tartu, Estonia, from 1941 to 1943 where he supervised and participated in the physical abuse and execution of civilian prisoners. He misrepresented his activities during this period when applying for entry to the United States and later when applying for naturalization as a United States citizen.

Progress to date: Two motions to compel defendant to answer interrogatories have been made by the government. Both of these motions were granted by the District Court. In defiance of the second court order, Defendant has refused to reply to the Government's interrogatories, continuing to invoke a claimed Fifth Amendment privilege after the court had ruled that the privilege is inapplicable to these interrogatories. Rule 37 sanctions were subsequently sought by the government. These sanctions were granted by the court, which ordered that the facts as alleged by the government are to be deemed established beyond a reasonable doubt unless defendant offers evidence to the contrary at trial. The trial in this case, originally scheduled for December 15, 1980, is now adjourned *sine die* pending depositions in Estonia. By court order, defendant must pay his own expenses in attending these depositions.

4. Koziy, Bohdan

Case pending: U.S. District Court, S.D. Fla.; Civil Action No. 79–6640–CIV–JCP.

Date filed: October 20, 1979.

Date and place of birth: February 23, 1923, Pukasiwci, Ukraine.

Entry date: December 17, 1949, under the Displaced Persons Act of 1948.

Immigration status: Naturalized February 9, 1956 by the Supreme Court, State of New York, at Utica.

Summary of allegation: During the period 1942–1944, Defendant served as a Ukrainian policeman stationed in Lysiec, Ukraine, and participated in the murders of unarmed civilians. He concealed these facts when applying for entry and naturalization.

Progress to date: Defendant and several witnesses have been deposed by the government. Depositions of additional witnesses in Poland and elsewhere will be taken in the coming months.

5. Dercacz, Michael

Case pending: U.S. District Court, E.D. N.Y.; Case No. 80 Civ. 1854.

Date filed: July 7, 1980.

Date and place of birth: February 22, 1909, Zheldec, Ukraine.

Entry date: May 18, 1949, under the Displaced Persons Act of 1948.

Immigration status: Naturalized November 11, 1954 by the U.S. District Court, E.D.N.Y.

Summary of allegation: From September, 1941 through August, 1943, defendant was a uniformed police officer in the Ukrainian Police Command in Lvov, Ukraine, and was stationed in Nazi-occupied Jaryzow-Nowy, Ukraine. Defendant actively participated in beatings and executions of unarmed Jewish civilians in Jaryzow-Nowy. He concealed and misrepresented these facts when applying for entry and for naturalization.

Progress to date: Case is in the discovery phase. Depositions are continuing.

6. Trucis, Arnolds

Case pending: U.S. District Court, E.D. Pa.; Civil Action No. 80–2321.

Date filed: June 20, 1980.

Date and place of birth: September 20, 1909, Valka, Latvia.

Entry date: April 27, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration status: Naturalized December 18, 1956 by the U.S. District Court, E.D.Pa., at Philadelphia.

Summary of allegation: Between July 1941 and November 1943, Defendant was a member of the Latvian Auxiliary Security Police, an organization which participated in the persecution of Latvian Jews. Defendant personally assisted in such persecution by guarding and abusing civilians. Between approximately October 1943 and October 1944, Defendant held the German Schutzstaffel (SS) rank of Hauptscharfuhrer (Master Sergeant), and served with the Sicherheitspolizei (Security Police), and the Sicherheitsdienst (or SD [Security Service of the SS]), which organizations participated in the persecution of Latvian Jews.

Progress to date: Defendant's answer was filed on July 19, 1980. At his deposition on September 22, 1980, defendant refused to answer any questions, invoking a claimed privilege under the Fifth Amendment. On October 31, 1980, the government filed a motion to compel defendant to answer questions. The parties are currently awaiting a decision by the court.

7. Demjanjuk, John

Case pending: U.S. District Court, N.D. Ohio (Cleveland); Civil Action No. C77–923.

Date filed: August 25, 1977.

Date and place of birth: April 3, 1920, Dub Macharenzi, Ukraine.

Entry date: February 9, 1952, under the Displaced Persons Act of 1948, as amended.

Immigration status: Naturalized November 14, 1958 by the U.S. District Court, N.D. Ohio.

Summary of allegation: Defendant, while employed as a uniformed guard with the German SS at the Nazi death camps at Sobibor and Treblinka, Poland in 1942 and 1943, assisted in the extermination of thousands of Jewish civilians. Defendant operated the gas chambers at Treblinka and abused and persecuted Jewish prisoners and laborers. Defendant misrepresented his background in applying for entry and naturalization.

Progress to date: Case has been set for trial on February 3, 1980.

8. Kairys, Liudas

Case pending: U.S. District Court, N.D.Ill.; Civil Action No. 80–C–4302.

Date filed: August 13, 1980.

Date and place of birth: December 24, 1920, Svilionys, Lithuania.

Entry date: May 28, 1949, under the Displaced Persons Act of 1948.

Immigration status: Naturalized July 16, 1957 by the U.S. District Court, N.D.Ill.

Summary of allegation: From 1942 to 1944 defendant served with the SS auxiliary guard units (SS Wachmannschaft) at Trawnicki, Poland, the SS Commando Luplin, and the SS forced labor camp in Treblinka, Poland, where thousands of Jewish civilian prisoners were murdered by the SS Wachmannschaft. Defendant concealed these facts in applying for entry and for naturalization.

Progress to date: Defendant's time to answer the complaint has been extended pending appointment of counsel.

9. Kowalchuk, Serge

Case pending: U.S. District Court E.D.Pa.; Civil Action No. 77–118.

Date filed: January 13, 1977.

Date and place of birth: March 15, 1920, Kremianec, Poland.

Entry date: February 2, 1950, under the Displaced Persons Act of 1948.

Immigration status: Naturalized on November 30, 1960 by the U.S. District Court, E.D.Pa.

Summary of allegations: Defendant served as a member of the Nazi-controlled Ukranian Police in Luboml, Poland, during the years 1941 and 1942. While serving in this capacity, defendant participated in persecution and the commission of crimes or atrocities against civilians. Defendant concealed these facts in applying for entry and for naturalization.

Progress to date: The District Court has upheld Defendant's claimed privilege under the Fifth Amendment to refuse to answer the Government's questions concerning his activities during World War II. Defendant has been ordered, however, to answer all questions concerning both his entry into the U.S. and his naturalization proceedings. Defendant subsequently refused to answer one of the government's interrogatories; the Court, upon motion, ordered defendant to answer. Depositions of witnesses, including two who live in Israel, have been taken, and depositions of several other witnesses are presently scheduled to be taken during December, 1980 and January, 1981. A status conference will be held on February 5, 1981, at which time a trial date will be set.

10. Kowalchuk, Mykola

Case pending: U.S. District Court, E.D.Pa.; Civil Action No. 77–119.

Date filed: January 13, 1977.

Date and place of birth: December 19, 1925, Kremianec, Poland.

Entry date: May 9, 1950, under the Displaced Persons Act of 1948.

Immigration status: Naturalized November 29, 1966 by the U.S. District Court, E.D.Pa.

Summary of allegations: Defendant served as a member of the Nazi-controlled Ukrainian Police in Luboml, Poland, during the years 1941 and 1942. While serving in this capacity, defendant participated in persecution and the commission of crimes or atrocities against civilians. Defendant concealed these facts in applying for entry and for naturalization.

Progress to date: The District Court has upheld Defendant's claimed privilege under the Fifth Amendment to refuse to answer the Government's questions concerning his activities during World War II. Defendant has been ordered, however, to answer all questions concerning both his entry into the U.S. and his naturalization proceedings. Defendant subsequently refused to answer one of the government's interrogatories; the Court, upon motion, ordered defendant to answer. Depositions of witnesses, including two who live in Israel, have been taken, and depositions of several other witnesses are presently scheduled to be taken during December 1980 and January 1981. A status conference will be held on February 5, 1981, at which time a trial date will be set.

11. Maikovskis, Boleslavs

Case pending: Immigration Court, New York City; File No. A8 194 566.

Date filed: December 20, 1976.

Date and place of birth: January 21, 1904, Mesteri, Rezekne District, Latvia.

Entry date: December 22, 1951, under the Displaced Persons Act of 1948, as amended.

Immigration status: Permanent resident.

Summary of allegations: During World War II, defendant was employed as chief of the Second Police Precinct in Rezekne, Latvia. As chief of police, defendant participated in assaults upon and murders of Latvian Jews, including arrests and execution of the inhabitants of Audrini, Latvia, and the burning of the village. Defendant also ordered the rounding-up of all Gypsies in his police precinct.

Progress to date: Deportation hearings were held in October and December of 1977. Defendant refused to testify at the hearings, invoking a claimed privilege under the Fifth Amendment. The Immigration Judge upheld the privilege, but the U.S. District Court for the Southern District of New York ruled on March 10, 1978 that defendant could not assert the Fifth Amendment and directed him to answer. This ruling was upheld by the Second Circuit Court of Appeals on September 13, 1978.

In April, 1978, the government sought an order from the Immigration Court permitting the taking of depositions of witnesses in Latvia. The Immigration Judge denied the government's motion on the basis that fair depositions could not be taken in the U.S.S.R. The government appealed this ruling to the Board of Immigration Appeals on March 19, 1980. Oral argument was held before the BIA on June 18, 1980, and the Board has had the decision under advisement since then. The government will present the remainder of its case in the deportation proceeding after the Board decides whether the Government can take the depositions.

12. Trifa, Valerian

Case pending: Immigration Court, Detroit; File No. A7 819 396.

Date filed: October 29, 1980.

Date and place of birth: June 28, 1914, Transylvania, Romania.

Entry date: July 17, 1950, under the Displaced Persons Act of 1948.

Immigration status: Naturalized May 13, 1957 by the Circuit Court for Jackson County, Michigan, at Jackson. Denaturalized, pursuant to a consent judgment, on September 3, 1980 by the United States District Court for the Eastern District of Michigan.

Summary of allegation: During World War II, Archbishop Trifa served in Romania as a member of the fascist "Iron Guard," and as president of the National Union of Romanian Christian Students. Defendant also served as editor of the newspaper LIBERTATEA, which openly identified itself with the Iron Guard and which advocated its anti-Semitic policies. From 1936 to 1941, Defendant advocated the persecution of the Jews of Romania, and aligned the National Union of Romanian Christian Students with the policies and politics of the Iron Guard. On January 20, 1941, he issued a manifesto which advocated the replacement of all "Judah-like Masons" in the government and the establishment of an "Iron Guard" government; and in consequence, a rebellion took place in which hundreds of innocent civilians were killed. As an Iron Guard member, defendant was given sanctuary, protection, and care by the German SS in Romania and in Germany from January 1941 until August 1944.

Progress to date: Defendant consented to denaturalization on September 3, 1980, and his certificate of naturalization was thereupon cancelled by the U.S. District Court for the Eastern District of Michigan. The government's Order to Show Cause case was filed in Immigration Court of October 30, 1980.

Defendant filed an appeal of the consent judgment revoking his citizenship on October 31, 1980. On November 18, 1980, the Immigration Judge stayed proceedings in the deportation case until defendant's appeal of the consent judgment is decided. We are now preparing a response to the notice of appeal.

13. Artukovic, Andrija

Case pending: Board of Immigration Appeals; File No. A7 095 961.

Date and place of birth: November 29, 1899, Klobuk, Herzegovina (now Yugoslavia).

Entry date: July 16, 1948 as temporary visitor for pleasure, under the Immigration and Nationality Act of 1952.

Immigration status: Overstayed visitor.

Summary of allegation: Defendant was Minister of the Interior and Minister of Justice of the Nazi "Independent State of Croatia." In that capacity, he signed decrees authorizing executions and persecution and had direct complicity in massacres of thousands of Jews, Serbs, Gypsies, and others.

Progress to date: An order of deportation has been outstanding against Defendant since 1951. In 1953, the Board of Immigration Appeals upheld the order and specifically found that Artukovic was responsible for the mass persecution of Jews. In 1959, however, defendant was granted withholding of deportation, pursuant to § 243(h) of the Immigration and Nationality Act of 1952, 8 U.S.C. § 1253(h) upon a determination by an INS Special Inquiry Officer that Defendant's deportation to Yugoslavia would subject him to "physical persecution." Subsequent attempts to obtain a travel document for deportation to some other country were unsuccessful, as was an INS effort to have the § 243(h) stay rescinded.

In 1978, Congress amended Section 243(h) to make it unavailable to those who had taken part in persecution under the Nazi regimes of Europe (P.L. 95–549, 92 Stat. 2065). In October 1979, the Government moved the Immigration Judge to reconsider the § 243(h) order withholding deportation. In January of 1980, this motion was denied for lack of jurisdiction, upon a finding by the Immigration Judge that jurisdiction was in the Board of Immigration Appeals. A motion was filed with the BIA on March 7, 1980, and argument was heard by the Board on July 23, 1980. The parties are presently awaiting the Board's decision in this case.

14. Paskevicius, Mecis (a/k/a Mike Pasker)

Case pending: U.S. Immigration Court, Miami, Florida; File No. A7 497 596.

Date filed: June 24, 1980.

Date and place of birth: September 26, 1901, Ukmerge, Lithuania.

Entry date: June 15, 1950, under the Displaced Persons Act of 1948.

Immigration status: Naturalized September 4, 1962. Denaturalized, pursuant to a consent judgment, on August 23, 1979 by the United States District Court for the Central District of California.

Summary of allegation: While serving in the Lithuanian Security Police from 1941 to 1944, Defendant participated in the murder, beating, extermination of Jews and other Lithuanian and Russian civilians.

Progress to date: A complaint seeking the revocation of defendant's citizenship was filed by the government on January 17, 1977. Defendant subsequently consented to a judgment revoking his citizenship, and on August 23, 1979, the U.S. District Court for the Central District of California (Los Angeles) revoked the defendant's citizenship. In consenting to this judgment, defendant stipulated that he willfully and intentionally misrepresented facts to U.S. officials concerning his service as a member of the Lithuanian Security Police from 1941 to 1944.

On June 24, 1980, the government filed an Order to Show Cause seeking defendant's deportation. The Immigration Judge ordered that physical and mental examinations of the Defendant be conducted by a court-appointed doctor to determine if defendant is competent to stand trial. The examinations have been conducted, and a decision as to the defendant's competency is pending before the Court. The government has sought an additional examination by a government-appointed doctor, and this request is still pending. The government also has moved for an order directing the taking of depositions of foreign witnesses. The Court has reserved decision on this motion pending a decision as to defendant's competency.

15. Detlavs, Karlis

Case pending: Board of Immigration Appeals; File No. A7 925 159.

Date filed: Order to Show Cause filed with the Immigration Court, Baltimore on October 1, 1978.

Date and place of birth: June 27, 1911, Latvia.

Entry date: December 20, 1950, under the Displaced Persons Act of 1948, as amended.

Immigration status: Permanent resident.

Summary of allegation: From 1941 to 1943, defendant participated in assaults and murders of unarmed civilians, primarily Jews, in Latvia. From 1943 defendant served in the Latvian Legion. In 1950, when applying for admission to the U.S., defendant falsely swore that he had not advocated or assisted in the persecution of any person because of race, religion, or national origin.

Progress to date: Deportation hearings were held during January and February, 1979. At these hearings, defendant admitted that he had concealed his service during the war in the Latvian Legion. Evidence of persecution was presented. In February 1980, the Immigration Judge ruled in favor of defendant, and refused to order his deportation. The court held that the government had failed to prove by clear, convincing, and unequivocal evidence that defendant had engaged in persecution. The court further found that defendant's admitted misrepresentations were not "material." The government appealed this decision to the Board of Immigration Appeals, and the appeal was argued before the Board on August 4, 1980. The parties are currently awaiting a decision by the BIA on the Government's appeal.

16. Kaminskas, Bronius

Case pending: Immigration Court, Hartford, Connecticut; File No. A6 659 477.

Date filed: October 13, 1976.

Date and place of birth: October 15, 1903, Krazial, Lithuania.

Entry date: May 7, 1947, under the Act of May 22, 1918, as amended.

Immigration status: Resident alien.

Summary of allegation: Defendent participated in the shooting of approximately 200 Jews in Lithuania in August, 1941, and the selection of approximately 400 Jews for execution at another location in July or August of 1941.

Progress to date: Defendant was examined by a Government-appointed doctor, who concluded that Defendant's ill health precluded his participation in deportation proceedings. The defense has moved to dismiss the case on the grounds of defendant's incompetency, and the Government has moved to adjourn indefinitely with periodic monitoring of defendant's condition. Both of these motions are currently pending before the Immigration Judge.

17. Hazners, Vilis

Case pending: Board of Immigration Appeals, File No. A10 305 336.

Date filed: Defendant was served with an Order to Show Cause on January 28, 1977.

Date and place of birth: July 23, 1905, Latvia.

Entry date: August 23, 1956, under the Refugee Relief Act of 1953, as amended.

Immigration status: Permanent resident.

Summary of allegation: As an officer in the Latvian Self Defense Gorup and later the Schutzmannschaft, a police organization under German supervision and control, defendant directed and participated in the arrests and beatings of Jews, and in their internment in ghettos of Riga, Latvia.

Progress to date: Deportation hearings commenced on October 25, 1977, and continued on various dates until their conclusion on May 18, 1979. On February 27, 1980, the Immigration Judge terminated the proceedings, concluding that the government's evidence was insufficient to prove defendant's deportability. The Government appealed this decision to the Board of Immigration Appeals on March 5, 1980, and oral argument before the Board was held on September 4, 1980. The parties are currently awaiting a decision by the BIA in this case.

PRECEDENCE OF SPECIAL ORDERS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the special order previously granted for the gentleman from Massachusetts (Mr. BOLAND) and me for 1 hour be permitted to precede other special orders on today's schedule. This is a special order eulogizing the late former Speaker, John W. McCormack, and all Members are invited to participate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from Connecticut (Mr. COTTER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1840

SPEAKER JOHN W. McCORMACK

The SPEAKER pro tempore (Mr. NATCHER). Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have general leave to revise and extend their remarks and to include extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, the distinguished dean of the Massachusetts congressional delegation (Mr. BOLAND) and I have obtained this special order to enable our colleagues to pay tribute to former speaker John W. McCormack.

John McCormack died on November 22, the same date on which another great son of the Commonwealth of Massachusetts died 17 years ago.

John McCormack was my Congressman for 42 years and my constituent for 8 years. I am deeply saddened by his passing and, with all of John McCormack's friends and neighbors, I feel a real sense of personal loss.

He was a man of simple and compelling virtues. His loyalty to this House, to his party, and to his church are legendary. But the center of his life was his devoted wife Harriet. The story is told, and it is true, that from the day they were married in 1920 until her death in 1971 at the age of 87, John and Harriet McCormack never failed to have dinner together a single night in all their 51 years together.

Indeed when Harriet was hospitalized for nearly a year to face a lingering death, John McCormack moved into the hospital room next door so they could spend her last year together. Today, after 9 years alone, John is reunited with Harriet in St. Joseph Cemetery in West Roxbury.

That they are, indeed, together at last is something that John McCormack, a devoutly religious man, never once questioned or never once doubted.

Although many could fairly disagree with some of his unswerving loyalty to Congress and some of its traditions, none could question the sincerity of that loyalty. A few years ago, I received a copy of a prospectus GSA had submitted to the Public Works Committee for its approval.

It outlined remodeiing to be done at the John W. McCormack Federal Courthouse where, as former Speaker, he maintained a small office. As a courtesy, I sent him a copy of the prospectus and asked him if he had any requests, in connection with the remodeling, that he would like me to pass on to the committee. By return mail I received a handwritten note saying, "Whatever Bizz Johnson wants to do is fine with me."

The personal integrity of John McCormack was questioned only once in his life and the experience was devastating for a man who assumed that to be honest was its own proof. He died without ever owning property. As a freshman Congressman he and Harriet had rented a small apartment in the Washington Hotel and still lived in the same suite when he retired after 42 years in Congress. In Boston, they rented an apartment on Columbia Road from their marriage in 1920 until Harriet's death in 1971, when he moved to another small apartment in Jamaica Plain.

John McCormack's career spans a long history. He was born in 1891—when Benjamin Harrison was President. He was first elected to public office in 1920, as a member of the State constitutional convention of 1917 and 1918, which he resigned to serve in the First World War. He was elected to Congress in 1928 to fill an unexpired term and served in the last few months of the administration of Calvin Coolidge. He was first elected majority leader in 1940 and became Speaker following the death of Sam Rayburn in 1962.

He was a man of simple beginnings who never forgot his roots. He was the grandson of Irish immigrants who, on both sides of his family, emigrated to America in the 1840's. He was born in South Boston, the son of Joseph and Mary McCormack. His father, a stone mason, died when John was only 13. He uncomplainingly dropped out of eighth grade to assume the responsibility of supporting his widowed mother and two younger brothers.

He began by delivering newspapers for $3 a week, moved up to become a messenger for a brokerage house at $3.50, and took a job with Attorney William T. Way.

His employer encouraged him to read law, and in 1913 he was admitted to the State bar. In 1917, he opened his own law office and made his first successful bid for elective office.

He served in the State constitutional convention and in both houses of the legislature. He left the State senate as Democratic floor leader. He was elected to Congress in 1928 and appointed to the Ways and Means Committee in 1931. He was an active legislator and was in the forefront of fights to establish social security and win the rights of workingmen through the Wagner Act and the Fair Labor Standards Act. He led efforts to establish the TVA and the Securities and Exchange Commission.

One of his earliest, but most important, victories was the fight to pass the Selective Service Act during the height of American isolationist sentiment prior to Pearl Harbor.

Perhaps the greatest story of his ability to get things done in Congress occurred in 1944.

President Roosevelt called in Rayburn and McCormack and explained the Manhattan project. He asked them to return to the Hill and get him between $1.6 and $2 billion but cautioned that they could not tell anyone what the money was for.

In Roosevelt, McCormack saw the ideals that had drawn him to the Democratic Party and gave his absolute loyalty. Of the President, He said:

> Franklin D. Roosevelt was elected when the country was faced with its worst depression. We needed strong leadership and he provided it. During his Presidency, Hitler rose to power, and started World War II, and had to be put down. Roosevelt met the test.

He served Harry Truman equally by guiding through the House the Marshall plan and NATO.

Despite party differences with President Eisenhower and some personal strain with President Kennedy, he worked effectively and cooperatively with both.

Lyndon Johnson is reported to have once said, with characteristic modesty, "why can't I have Senate majority leadership like Eisenhower had?" Of the House side he could have no similar complaint. John McCormack and Lyndon Johnson were a duet who had grown up in the same political context and knew all the same songs. Together they built the most unorthodox and impossible voting coalition the House of Representatives has ever seen and together they built the Great Society. At the time Johnson summed up McCormack's contribution to his country:

> "When the speaker of the House is compassionate, things happen. When he is not, all the King's horses and all the President's horses too can't make things happen."

In all the decades of this century, two speakers have shown compassion—Mr. Sam Rayburn and John W. McCormack, and to show for it we have the Marshall Plan, NATO, Food for Peace, the Alliance for Progress, the Peace Corps, civil rights bills, medicare—it is a memorial and a living record of John W. McCormack.

Few men in history have gone to their graves with finer memorials to leave future generations.

Another Massachusetts Speaker who followed him has wisely observed that "all politics is local." Certainly, John McCormack was the embodiment of that philosophy. In fact, a decade after John McCormack left Congress, my district must only now adjust to having only one Congressman. Up to his death, our constituents could go to their Congressman's office in the Federal Building or Speaker McCormack's office in the Federal Courthouse. And hundreds of neighbors, even in recent years, called on John McCormack in his office, at his traditional table at a harborside restaurant, or on the streets of South Boston and Dorchester, to ask for his help as they had been doing for half a century.

And even in his 88th year, for each request, large and small, he still knew who to call. And always, even as he had done as Speaker, knew when to make the call himself, a voice to whom few could ever say "no."

He played the role of former Speaker unobtrusively, paying a few quiet visits to the Capitol. He played the role of former Congressman with equal discretion and with unfailing kindness and support to me. But he continued to play his role as a citizen of his city, State, and Nation with the same dedication and energy that had characterized more than a half century in elected office. In his last years he attended the funeral of Cardinal Wright, the dedication of Dorchester Heights and the Kennedy Presidential Library, and the inauguration of the mayor, and went to Logan Airport to welcome Pope John Paul II to his city.

On Tuesday, November 25, the chapter closed. Leaders of the Nation and the Congress, State and local officials, and the people of Boston—the beneficiaries of John McCormack's life of service—joined to say "farewell, Mr. Speaker" at St. Monica's Church in South Boston.

I yield to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. There was a great man among us; and now, he is gone. It is with a heavy and saddened heart that I join my colleagues from Massachusetts in this special order to pay tribute to the late Speaker, John W. McCormack, on the occasion of his passing.

John McCormack was no ordinary man. South Boston was his birthplace—an Irish Catholic neighborhood filled with three-decker tenements and closely knit families, where the politics were personal and Democratic. In John McCormack's South Boston, people did not go to Harvard. In fact, he never went past the eighth grade in his formal education. He had to quit school to support his widowed mother and family as a $3 a week errand boy for a brokerage firm. John McCormack never went to law school; instead, he quietly studied law at night and gained a reputation as an able Boston trial attorney.

This humble and beautiful man attained heights that no South Bostonian of his era ever dreamed remotely imaginable. He became Speaker of the U.S. House of Representatives—the second highest elective office in the land, and for a period in 1963, after the assassination of President John Kennedy, only a heartbeat away from the Presidency. For 42 years, John McCormack served in the House, and for 10 years, as the chief constitutional officer of the legislative branch of Government. Despite all the pomp and glory that went with this position of high power and immense prestige, John McCormack remained a South Bostonian. He never forgot his neighbors, his friends, his family. Pomposity, arrogance and self-importance were alien to his character.

More than two centuries ago, that famous Roman political philosopher, Cicero, pointed out:

> No one has power except from the people. . . . This is the condition of a free people . . . to be able to give or to take away by their votes whatever they see fit.

John McCormack understood this political maxim, and from him, I learned the most important political lesson that has enabled me to follow in his beloved footsteps, "all politics are local." Instinctively, John McCormack knew, and always kept faith with the pulse of the people of South Boston. To him, public service was a privileged opportunity to help the people of his district in a very personal and special way.

Yes, John McCormack was my political mentor. I knew him as a loyal and steadfast friend, a guiding and shining example. His encouragement, support, and counsel were sources of great strength to those of us who were privileged to gain our political and legislative greening from him over the years of his exemplary service in the House of Representatives.

Among his colleagues in the House, John McCormack is remembered for his warmth, humanity, his kindness and his constant willingness to take the time to help with a personal or political problem. As Speaker, his word was golden, his commitment genuine and unwaivering; his parliamentary rulings fair and impartial. John McCormack never avoided an issue, but faced it squarely and honestly. He is remembered by those who served with him for his personal consideration of Members—North, South, East or West—it did not matter, John McCormack manifested a loving and thoughtful disposition to all. He was understanding, compassionate and kind. He had an insight, and a sense and feeling for this House which few others have equaled. He was a consummate politician. He understood the complexities of the legislative process. He presided over the House as Speaker during an era of great social upheaval and revolutionary changes within our society. During his tenure as Speaker more landmark legislation was enacted in the field of civil rights, education, health care for elderly, and welfare to reduce poverty than in the history of man. His place in history would have been assured by any one of his many contributions to the Nation. His work in the Congress will long be remembered as a monument to his abilities and love for the House and his country.

John McCormack set standards by which Speakers and Members of the House will be measured for many generations.

John McCormack has a place in history in the hearts of all Americans.

□ 1850

Mr. MOAKLEY. Mr. Speaker, at this time I would like to yield to the dean of the Massachusetts delegation, Mr. Boland.

Mr. BOLAND. Mr. Speaker, the death on November 22 of Speaker John W. McCormack brought to a close the career of one of the most distinguished and dedicated individuals ever to serve in the House of Representatives.

John McCormack lived by a simple creed. He believed that a man's word was his bond and that the ability to treat friend and foe alike with kindness was a mark of strength, not weakness. A man of unquestionable integrity and deep faith, he could lead by example because his was an example worth following. He was devoted to his beloved wife Harriet and the work of the House of Representatives and his life was a reflection of that devotion.

Born and raised in South Boston at a time when politics was a way of life, Speaker McCormack never viewed public service as a means of self-promotion. He knew that an elected official is a repository for many of his constituents' most deeply cherished hopes and dreams. They trust that, while a public official may not be able to bring all those hopes and dreams to fruition, he will not act in such a manner as to make it impossible for them ever to be realized. Speaker McCormack never betrayed that trust. He never forgot, that the privilege of public service is a free gift of the people, and that it was to the people that primary allegiance was owed.

John McCormack's 8 years as Speaker culminated 42 years of service in the House of Representatives. He presided over the House during a period in which the basic structure of the institution was being challenged. A lesser man, one less sure of himself and with less of a love for the House, might have resisted all change. Speaker McCormack, however, recognized the inevitability of some change and sought only to insure that the new ways were indeed better than the old.

A list of the legislative achievements of John McCormack's speakership would include most of the significant social legislation of the last 30 years. Civil Rights bills, medicare, aid to education, housing assistance programs, and the war on poverty are testaments to the depth of Speaker McCormack's concern for the poor, the young, and those who suffer the effects of discrimination. Regardless of the resistence a particular proposal met in Congress, John McCormack would do his best to get it passed. That he was successful so much of the time is a tribute not only to his own skill but to the respect and admiration in which he was held by Democrats and Republicans alike.

Those of us from Massachusetts understandably had a special bond with Speaker McCormack. He took a particular interest in our careers and was always glad to give us the benefit of his wisdom. He was a friend of unfailing generosity who never hesitated to take us aside if he thought we were in need of help. We knew, perhaps better than anyone else, how fortunate the people of Massachusetts were to have him as their representative. For 64 years he labored on their behalf, never expecting to be repaid, satisfied to be doing a job he genuinely liked and which he regarded as important. He was content to let history judge the value of his efforts—I do not believe there is any doubt as to what that judgment will be.

When John McCormack was buried on November 26, Speaker O'Neill delivered a particularly moving eulogy. It is a beautiful tribute that deserves to be preserved in the Congressional Record. It is good that Mr. Moakley is doing so.

Mr. MOAKLEY. At this time I would like to yield to the chairman of the Rules Committee, the gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. I thank the gentleman for yielding to me. I am glad he is taking this time to honor a very distinguished Member of this body and a distinguished Speaker.

Those who remember a long way back will know that Speaker McCormack and I had our differences. Those who watch carefully will note that I seldom rise to speak of our comrades who have gone to another place, and I never do so unless I feel very strongly about the individual.

I was a great admirer of John McCormack. He was one of the finest human being that I have ever known, kind always, generous, compassionate, interested in individuals. He is as fine a person as I have ever met. He is probably the best Democrat I ever saw. He was one of the greatest fighters of all time.

I remember him vividly in the well of the House leading the battle for what I consider the cause of justice and fairness for the weak of this country. He made a fine Speaker for an infinite number of reasons

One of the greatest pleasures of my life is that after he retired he and I became friends again and kept in touch and he knew what was going on.

Once upon a time one of the great compliments that have ever been paid to me was paid to me by him I think about 5 or 6 years after he had retired. He, in effect, was giving me a blessing and a forgiving. He said:

> Dick, there is one thing we always had in common, we were both fighters.

I will never forget John McCormack as long as I live as one of the people who taught me not only to love this House, but to love working on behalf of the people that he worked for and that I hope all of us work for, and those are the people in this country who cannot have the strength themselves to take care of themselves and need the compassion and the help of those that love them.

I thank the gentleman for yielding.

Mr. MOAKLEY. I thank the gentleman.

At this time I yield to the gentlewoman from Massachusetts (Mrs. Heckler), a colleague of the former Speaker.

Mrs. HECKLER. I thank my distinguished colleague and friend for yielding and also thank him for the opportunity to speak in praise of our distinguished former leader, much lamented, Speaker

John W. McCormack. There is a problem in speaking about Speaker McCormack for every eulogist who speaks in the House this afternoon. The problem is the difficulty lies in the splendid eulogy, the memorable performance rendered by Speaker O'NEILL at St. Monica's Church in South Boston last week. At that funeral mass Speaker O'NEILL offered a very moving and eloquent tribute to our departed friend and leader, and I do not think that anything said today will be able to equal the lyricism of that statement or, indeed, the honesty and the appeal of it.

However, I personally wish to add my own words of praise and loss and affection and respect for what I consider to be one of the most inspirational figures I have met in the Congress.

When I first arrived in Congress in January 1967 to present my election credentials and be received as a part of this historic body, I found many kindly and helpful people who generally wished to be of assistance to new Members, but none was more so than the most important Member, the Speaker of the House of Representatives.

A man who had for years seemed to me to be a myth now suddenly became a friend: A name and a face which had been a legend I now viewed frequently, and who had been a part of a television drama I came to understand with a warm handshake and a friendly smile; a fabled father figure to everyone in Massachusetts and across this country, spotted in newsprint or heard on the radio was suddenly encountered as a rather avuncular presence wreathed in a wondrous aura blended of compassion, chivalry, concern, competence, and cigar smoke.

My reaction—shared, I am sure, with many from other generations of the membership—my reaction to John McCormack was one part awe, one part affinity, and one part adoration. I saw Speaker McCormack and got to know him as a man and as I learned the quality and depth of his humanity I felt the lessons and the ideals that he represented, regardless of party differences, were the same ideals I believed in and shared. I hoped that he knew that and that he would give me passing grades.

John McCormack in many conversations gave me an insight into what it meant to be a good Member of Congress, a good public servant, a good American, and I treasured every conversation with him and our correspondence. I was encouraged by his example to study the issued involved in legislation, to participate in the committee work, to see the business of the House through the perspective which he shared with me in those conversations, to pay attention to the opinions and work of others, and to be respectful of their feelings as all Members worked toward the fashioning of reasonable and important legislative products.

John McCormack I think showed all of us that the best recommendation for anything you represent or believe in is the way you reflect that commitment or belief. John McCormack was in love with everything Gaelic, and he made you proud to be Irish.

John McCormack was devoted to his faith and church, and he made you proud to be Catholic.

John McCormack revered this honorable body and he made you proud to be a Member of Congress.

John McCormack told with similar seriousness the needs of a Nation, the desires of the district, the cares of a constituency, and he made you very proud to be serving this Nation and assisting a citizen and, of course, preferably a registered voter.

John McCormack idealized the family unit and its relationships and he made you proud to stand for those values and to profess them as he did, openly, and to act on them with enthusiasm.

☐ 1900

He was in my view a great patriot and served America with a patriotic passion, and he made you proud to be what he considered to be the best temporal title that this world can bestow, citizen of the United States.

We mourn the man. He is gone; but we need not miss the memories, for they will always be with us. Our melancholy over his loss is tempered by his monument in life. Few of us will ever walk in John McCormack's footsteps here or elsewhere, but the way is better for his having traversed the road.

Mr. MOAKLEY. Mr. Speaker, at this time I yield to the dean of the House of Representatives, the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, it is a sad time to think about the passage of time and the passage of a great American like John McCormack. I listened with a great deal of interest to the description of John McCormack at home. I know he was a great credit to your section of the country. I know he was a great American. I know that he did great things for your region; but by the same token, he was all American and it was my privilege to serve with him. I remember him more as majority leader than as Speaker, for at that time he was in the middle of the fight each and every time. He could debate and hold his own with anyone in this Congress. At the same time, when the debate was over, the parties were just as good friends as when they started.

We have a big country, the United States of America. We have many, many different ideas and many diverse areas of the country. It is not everyone, who comes here who is flexible enough to realize that. Most of us reflect the backgrounds from which we come. It was my privilege to work very closely with Speaker McCormack on many occasions.

On one particular occasion, I remember so well how Mr. McCormack had to serve as a moderating force and try to satisfy all parties. He could not have been more fair. When it was all over—as all things are—John McCormack stood well with all sides. It was good to watch him work here with the other Members of the delegation from Massachusetts who were on the other side of the aisle. The respect that he had, the pleasure that he brought to all his friends, and the contributions that he made to the many different programs were an inspiration to us all. The greatness that is attributed to Speaker Rayburn was enhanced by the abilities of John McCormack.

As Speaker of the House of Representatives, he was everyone's Speaker. Anybody could go to him on each and every occasion and get his counsel and his beliefs. You did not have to agree with John because he understood that people had different views.

I am glad to hear the fine statements that are being made as a tribute to his background, to his ability to rise to the level that he did which few people in history have ever done; and in the process, he made this country much greater along with the U.S. House of Representatives. It was his heart and his love and his joy. He contributed greatly to the heritage that we all have.

Mr. MOAKLEY. Mr. Speaker, I would yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MOAKLEY) for giving me the privilege of joining him and our other eminent colleagues here in paying tribute to one of the greatest and best men that I have ever been privileged to know, Speaker John McCormack. The Commonwealth of Massachusetts has given much to America, from the Minutemen of Lexington down through our own distinguished Speaker O'NEILL today and the Members of the Massachusetts delegation in this House; but no man ever loved America more, ever contributed more dutifully to its goodness and security and greatness than Speaker John McCormack.

He embodied, all of the qualities to make a perfect man in politics. He was a great advocate, a natural advocate of enormous eloquence. When I listened to our distinguished Speaker a few moments ago say that Speaker McCormack had never had a formal education, I thought of the instances I recalled of the moving eloquence with which Speaker John McCormack or majority leader McCormack had often addressed this House, which always listened with the greatest admiration to his commanding persuasiveness.

He was a politician that believed in politics in the formal and the organized way, but he believed that politics was the way by which men governed themselves. It had a dignity in a free society and he thought that politics, therefore, should be discharged in a noble manner comparable to the noble quality of what it was supposed to do.

Speaker McCormack had the natural qualities of a great leader. He had the warmth, that Irish warmth of nature, the personality that somehow made it possible for him to get men to go with him in doing the things that he wanted to do and support him in the great causes that he so much espoused.

Speaker McCormack was one of those Members who loved America with a passion. I think as has been indicated here before there was never a moment in his life which he appreciated more than the privilege he had of leading in bringing about that one-vote majority just before we got into the war, when we were dastardly attacked by the Japanese—the one-vote majority for compulsory military training in this House. I heard him so many times so movingly recall that experience, to which the eminent gentleman in the well referred earlier this evening.

Speaker McCormack had the capacity to look ahead and see the vision of what his country challenged him to do and to be. He had the full concept of America's greatness. To him America was just beginning to grow. To him the greatest America was in the infinite future, not in any part of its noble past. John McCormack thought there was no limit to the greatness, the glory, and the grandeur of America. He was proud of the privileges he had of serving that country that he loved so much.

There was never a man in uniform or not in uniform who more perfectly lived up to that high aspiration—duty, honor, and country—than did Speaker John W. McCormack.

All of us have personal memories of Speaker McCormack and our particular association with him. I remember two occasions I called him up right after I came to the House, having been accustomed to a little larger suite than two rooms, where everybody in the office was sitting in everybody else's lap, it seemed to me.

I said, "Mr. Speaker, I would appreciate it very much if you would help me get another room. I need some more space."

And he said, "Claude, you have stepped on my sore toe," because, of course, that was a common complaint.

Nor shall I ever forget a telephone call that came to my home in Miami just before Christmas in 1964. It was Speaker McCormack on the line. He said, "Claude, how are you?"

I said, "I am getting along fine, Mr. Speaker."

"How is your Mrs.?"

I said, "She is doing fine, too; thank you, Mr. Speaker."

"Claude, I want to tell you something but I do not want you to tell anybody but your Mrs., you understand?"

I said, "Yes, Mr. Speaker, I do."

He said, "I am going to put you on the Committee on Rules."

I shall never forget that privilege that wonderful friend accorded to me nor his cherished friendship which I enjoyed until he passed away. I can only say that there will never be a warmer heart, a loftier spirit, a more eloquent and appealing voice, a nobler man to serve this House than Speaker John McCormack.

I am sure every one of us realizes that each should cling tenaciously to these tender memories we have of Speaker John McCormack, because in the words of Shakespeare: "We shall not see his like again."

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. EARLY).

Mr. EARLY. Mr. Speaker, it is a privilege to join in this rightful tribute to the late Honorable John W. McCormack, former Speaker of this House, who represented the Ninth Congressional District of my home State of Massachusetts here for more than 40 years. He was and is a legendary political figure in our Commonwealth and is universally recognized as one of the greatest Americans and national legislators in modern history. As a World War I veteran and member of our State and National legislatures, John McCormack gave more than 50 years of his life to the military and public service of his country and region. Very few others can even come close to this remarkable record.

However, it was not his length of service but the quality of it that earned him the rare admiration and respect in which he was so widely held. His colleagues tell us that even when he became the head of this House he still spoke with a flaming intensity for the adoption of those measures that he felt were in the national interest, but he presided and ruled over the accompanying debate with unfailing impartiality and fairness. Principled compromise was his formula for the prevention of legislative paralysis and the achievement of balanced, sensible action.

The multitudinous list of basic legislative objectives for the common good that were initiated or advanced under his urging and leadership, such as a social security, equal opportunities, small business assistance, labor-management cooperation, military preparedness and others have already been recited here by those who were witness to them. They will remain forever in our legislative annals as an enduring testament to the extraordinary intelligence, knowledge and dedication that this exceptional man contributed to our national progress.

Nevertheless, I do not think John McCormack's legislative leadership successes are the most important part of his great legacy to us. Immensely more valuable to us than those tremendous achievements is the inspiring example of the standards he applied to himself in governing the everyday activities of his private and public life.

George Washington advised us that "religion and morality are indispensable supports" for the accomplishment of political prosperity in any country. John McCormack exemplified the acceptance and practice of that advice.

He was a highly religious man; he was fiercely patriotic; he was a champion of the oppressed; he was the soul of loyalty to the institutions and causes in which he believed. Yet he was endlessly gracious, patient and tolerant of those who differed with him.

He was an uncomplicated man. He believed in the Almighty; that human life was sacred; that all human beings were equal before God and should be before the law; that all normal individuals were responsible for their own actions; that God helps those who help themselves; that loyalty to family is among the very highest of obligations and that each citizen has a binding duty to love and serve his country.

He lived his beliefs. He was a rock of integrity. He was a monument of decency. He was a tower of principle. He was a pillar of compassion and concern for his fellow men. He moved with equal stature among the mighty of the Earth but he was at home with those in the lowest economic levels in his constituency. He strengthened their hope and faith in the competency and effectiveness of our form of representative government.

He understood the needs and the fears of the poor and the unfortunate because he began his own career as one of them.

His own rise, through sheer courage, industry and perseverance to high station from the near suffocating burdens of childhood poverty and family responsibility is a revealing lesson to each of us of the truth that in the largest measure we can, if we will, become the masters of our own destiny.

He taught us that we can achieve with honor, that we can succeed by doing what is right and that to be a servant, in whatever capacity, is a noble calling. Because he left us this teaching, I believe the people of this Nation will remain forever indebted to the example and memory of John W. McCormack, an uncommon citizen, lawyer, soldier, husband, legislator, statesman, and friend.

I extend my deepest sympathy to his surviving nephews John W. and Edward J. McCormack, Jr.

□ 1910

Mr. MOAKLEY. I thank the gentleman for his comments.

At this time it gives me great pleasure to yield to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Speaker, this past Thanksgiving season saw the passing away of a great American and leader, your mentor and our example, John W. McCormack, the former Speaker of the U.S. House of Representatives.

Although I never had the pleasure of working with him in this august Chamber, I am proud to have known him, proud of our Commonwealth of Massachusetts to have nurtured him, and proud to have followed him in this honorable profession of public service.

Mr. Speaker, I salute this great Democrat, this father of his party.

Indeed, Speaker John W. McCormack's entire 42 years of service in Congress, a period coinciding with the terms of six American Presidents, our greatest economic calamity, and three wars, has been a living testimony to the strength and vitality, compassion and commitment, of the party whose banner he so dearly carried.

His life's work is especially poignant today, as our party seems to have lost its bearings. We Democrats would be well-served if we paused to ponder upon a fallen leader of our party.

To the question all of us seem to be asking today, "What is a Democrat?", Speaker McCormack would have responded without blinking.

A Democrat, he would say, would never turn away from his neighbor during a time of need.

A Democrat, he would continue, would never forget that this Nation's future resides in the hands of her youth, and would therefore take care to provide her young people with the opportunity to grow and prosper.

A Democrat, he would underscore, while defending our American birthrights of freedom and a life of dignity and prosperity, belongs to the party of the people, founded upon compassion.

Whatever we do in Government, he would admonish, it is for the benefit of the American people—first and foremost.

These are sage words to harbor as we go about today strengthening our party.

Keep your eyes on the people, he would say, and you'll never lose your way.

John W. McCormack, today as before, remains our beacon, and I pay tribute to him and his years of meaningful public service today.

May you rest in peace, in the knowledge that another generation is prepared to pick up the fallen banner of the party you so deeply loved.

Let me commend the gentleman in the well for taking the time for a most deserving tribute.

Mr. MOAKLEY. I thank the gentleman from Massachusetts.

Mr. Speaker, it gives me great pleasure now to yield to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I thank the gentleman for yielding.

Mr. Speaker, I would like to take this opportunity to pay tribute to Speaker John W. McCormack, a Member of this body for 42 years, who died last week.

Speaker McCormack was the epitome of the American dream. He was a product of a Boston Irish working-class neighborhood whose father, a stone mason, died when John was just 13 years old. John's only recourse was to drop out of school and go to work to support his mother and two younger brothers. From there he went to work in a law office where under the advice and guidance of a friendly employer he began to study law on his own. By the age of 21, he was admitted to the Massachusetts Bar.

World War I soon broke out and John McCormack volunteered his services. And when he was out of the service his brilliant political career began. John McCormack became a Massachusetts State Representative, a State Senator, a U.S. Representative, and finally with great distinction, Speaker of the House.

John McCormack served with seven Presidents and surely during one of the most controversial times of American history. Known for his integrity and unmatched loyalty, John McCormack was one of the great American public servants of our time. Speaker McCormack's ability to serve his district and Nation, as few have done before, is an example that I will not soon forget and one which is an example for us all.

Mr. MOAKLEY. I thank the gentleman from Massachusetts.

Mr. Speaker, it gives me great pleasure to yield to the gentleman from Massachusetts (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, it is with a mixture of pride and profound sadness that I join my colleagues in paying tribute to a man who served in this Chamber for 42 years, a personal friend and my own former Congressman, Speaker John W. McCormack.

The hand of this firm, gentle and honorable man helped to shape every major achievement of this Nation during a period of unparalleled achievements.

When this Nation emerged from depression, conquered the enemies of liberty, and rebuilt a world ravaged by war;

When this Nation made its ideal of "justice for all" a matter of national policy;

When this Nation committed itself to exploring "new frontiers" beyond the bounds of our Earth, and "new frontiers" beyond the bounds of historic social and economic injustices;

When this Nation assumed the military, economic, social and moral leadership of the world, John McCormack was a guiding force.

Now, when many in our Nation regard with suspicion and cynicism this House that John McCormack loved so much, his passing affords us an occasion to reflect on the essential goodness of this man as well as on the greatness of this public servant.

John McCormack's unwavering devotion to his wife Harriet is a legend. It is also a fact.

His faith in the greatness of his country and its government and its people never eclipsed his faith in God.

John McCormack rose to become a national leader. But he remained the representative of the people who sent him to Washington 21 times.

After he retired from this House, he continued to hold daily office hours to serve the people who still sought his help.

I shall always recall with fondness that this man, who had been the most powerful lawmaker in this country took the time to encourage me, as a young man, to seek a seat in the Massachusetts Legislature.

And I shall always be proud of the support he gave so freely to my own political campaigns, including the one that sent me here 2 years ago.

To everyone he encouraged to seek political office, John McCormack's message was the same. He was fond of saying government offers "widespread opportunity for public service."

That was wise counsel. That was the example of his long life.

We should expect only one thing from our time in this Chamber the opportunity for public service.

Speaker John W. McCormack, thank you.

Our people and our Nation shall miss Speaker McCormack dearly.

Mr. MOAKLEY. I thank the gentleman for his comments.

Mr. Speaker, it gives me great pleasure to yield to the chief deputy whip, the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. I want to thank the gentleman in the well (Mr. MOAKLEY) for taking this opportunity to reflect on what I as a legislator revere in a legislator.

John McCormack probably did more to mold my legislative career in this Chamber than any other man. It was John McCormack who encouraged me at a much earlier age to seek the office of Chairman of the Caucus. It was John McCormack for the 4 years that I served in that capacity who constantly was the guiding light. I think the great attribute about Speaker McCormack was that he was not afraid of a fight. I remember full well, as I am sure my colleagues do, some of the great Halleck-McCormack debates right in that record. I think that in the legislative career that I have had the good fortune of exercising, John McCormack was probably the most capable debater that I had ever seen. It was really a hallmark for me when after his retirement, Speaker McCormack came to Chicago to dedicate a building that I presently office in called the John C. Kluczynski building. It was John McCormack who ushered that legislation through to name the building. But he was there dedicating a building in memory to a friend, and I must make the observation that all the people who stood in that great corridor when Speaker McCormack spoke were amazed at the resilience, at the command, at the sheer dominance of John McCormack at that age.

☐ 1910

You know, we always look upon our legislators as Washingtonians. I think John McCormack never really left Boston. It was Boston that was always in his mind. It was the community that he represented. If there is any way a person can really reflect credit or admiration, it is trying to mold your life in somewhat the same manner that you see a legislator like John McCormack.

I have tried to do that because I know of no person who held the office of Speaker who was more American. John McCormack thought about this country and fought for its principles with such vigor, with such vitality that he was an inspiration. I think that as a legislator I never met anybody more resilient and certainly nobody more admired.

To the family remaining, my deep expression of sympathy. I think truly we have lost a great, great American.

Mr. MOAKLEY. I thank the gentleman very much.

It is a great pleasure to yield to the distinguished Member from Kentucky, (Mr. NATCHER).

Mr. NATCHER. Mr. Speaker, one of the nicest things that has happened to me during my lifetime is the opportunity I have had to serve in the Congress of the United States with my friend, John W. McCormack of Massachusetts.

Prior to his death, our former Speaker visited with us in the House from time to time and on May 12, 1976, during one of his visits, I had an opportunity to again think back over the years of my service with this outstanding American in the most powerful legislative body in the world. I recall that when I was sworn in as a Member of Congress on January 6, 1954, I soon learned that my friend, John W. McCormack was one of the Members in the House who always assisted new Members and his door was open at all times for advice and assistance to a newly elected Member of the House of Representatives. This applied not only to those of us who sat on the Democratic side of the aisle, but also to the new Members who sat on the Republican side.

Like all new Members, I wanted to get a good start in the House of Representatives and shortly after I was sworn in, I went to see my friend, John W. McCormack. His guidance and counsel was freely given and by virtue of my early visits and conversations with him, I learned a great deal about how to get started in the House of Representatives.

Mr. McCormack died at the age of 88. He served for 42 years in the House of Representatives and for 21 years, he was the House's second ranking Democrat and then for 10 years, its Speaker.

His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interests of our people. In every position he held, either private or public, he achieved distinction. As a Member of Congress, he had those qualities that are essential for leadership, sound justice, patience, perseverance and unyielding adherence to the principles and policies advocated by his party for the welfare of the country. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

Mr. Speaker, John W. McCormack was good for the State of Massachusetts and for the United States of America. As you know, Mr. Speaker, our friend, John W. McCormack served as Speaker from January 10, 1962, until January 3, 1972, which was the longest consecutive tenure any Speaker has served since the opening day of the first Congress on March 4, 1789—not as long year by year as Sam Rayburn of Texas, but longer than Henry Clay of Kentucky.

Our former Speaker had charm, wit and he always extended a warm courtesy and consideration toward others at all times. He was known for his intelligence, compassion, and humor. He loved his country, his State, and the House of Representatives.

In future years, historians writing about the House of Representatives will often mention the name of John W. McCormack of Massachusetts. I have often said when history records the story of John W. McCormack's tenure in the Congress, it will state that in addition to his many other duties and offices as a Member of the House, he served as chairman of the Select Committee on Astronautics and Space Exploration.

After the Soviet Union succeeded in placing Sputnik I in orbit on October 4, 1957, a select committee composed of 13 Members of the House and 13 Members of the Senate were named. After conducting hearings and studies for a period of 1 year, the committee prepared and passed through the House and the Senate the legislation creating the space agency and shortly thereafter, the necessary resolution setting up the Committee on Science and Technology.

I had the honor of serving on this select committee with Mr. McCormack, along with Gerald Ford and several others of our old friends. Gerald Ford and I were selected as the two members from the Committee on Appropriations to serve on this select committee. The ranking minority member on the committe was another former Speaker, Joseph W. Martin, Jr., of Massachusetts. This was the most fascinating assignment I have held during my tenure as a Member of Congress—lasting only 1 year, but every day important.

Since the creation of the space agency and the work of this select committee under the chairmanship of John W. McCormack, we have placed 12 men on the Moon and Voyager I and II are over 1 billion miles away from the Earth in outer space. The journey of these two spacecraft began 3 years ago at Cape Canaveral, Fla., and 2 years following their trip into outer space, the spacecraft passed Jupiter and will finally cross the orbit of Uranus in about 5 years, Neptune in 10 years, Pluto in 14 years, and will then go out of the solar system. Pictures are being taken every day and have been since the initial launch of these two spacecraft which are traveling over 35,000 miles per hour. Mr. Speaker, it is almost unbelievable when you consider what has transpired since the days of the Select Committee on Astronautics and Space Exploration.

Our former Speaker's wife, Harriet McCormack died in 1971 and to the end, this was one of the nicest love stories of all time. The Speaker always prided himself on the fact that he and his lovely wife never failed to have dinner together all down through the years, regardless of the occasion or the importance of the event taking place at that time.

Mr. Speaker, we have all lost a true friend and an outstanding former Member of the Congress of the United States.

I extend my deepest sympathy to the members of his family.

Mr. MOAKLEY. I thank the gentleman.

I am pleased to yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, one of the regrets I have for this present Congress is that more than 300 of its Members never had an opportunity to serve with John William McCormack.

When the old Speaker died near Boston the other day, he had been long gone from us, having retired nearly a decade ago after serving in every Congress from the 70th through the 91st.

His time in Congress spanned 7 of the Nation's 39 Presidencies to date. He served during the tenure of seven Speakers of the House before the mantle came to rest upon him January 10, 1962, following the death of the legendary Sam Rayburn.

John McCormack played a major leadership in this House for 30 years, having first been elected majority leader in 1940. He was a great wartime leader during World War II and the Korean war. He was a great minority whip during those two Congresses nearly 30 years ago when the country turned to the Republican Party for its congressional leadership.

For many years he was the stalwart, right-hand bower of Speaker Rayburn before the speakership developed upon him.

During all of his years here, John McCormack was a fighter for social justice. He was a legislator for the people—the good common people he knew so well.

Although he rose to high places in the councils of his country, he never forgot those people in his south Boston district who elected him time after time after time.

During periods of congressional recess, he was not one to tarry in Washington. He and Mrs. McCormack got on the train and rode up to Boston so he could walk the streets and talk to the people—know their joys and share their sorrows. He never forgot who he was.

During his 9 years as Speaker, Congress passed some of the major social legislation of our history. These legislative landmarks shall serve as a living monument to him as long as the Nation reveres its progressive heritage.

It was my pleasure to know John McCormack, and to serve with him for 22 years before he decided to go home to Boston. It was a rich experience, and one I am sorry so many present Members did not have the privilege of sharing.

John McCormack was a giant at the center of national power. During those 14 months after President Kennedy's assassination, he was just one heartbeat away from the White House himself. But he remained a modest man. The highest accolade he would tolerate is the one I would give him now: He was a good man who served his country well.

Mr. MOAKLEY. I thank the gentleman from Kentucky.

At this time I yield to the gentlewoman from Louisiana, Mrs. LINDY BOGGS.

Mrs. BOGGS. I thank the gentleman for yielding and for giving us this opportunity to be able to bid a fond farewell to my dear friend. I rise with utmost respect and with deep affection to say this fond farewell to my leader, the late John W. McCormack of Massachusetts.

It would be with a tinge of sadness, also, if I did not realize that he has realized the ultimate goal of his life, that he has found eternal happiness in heaven with his beloved Harriet.

□ 1930

All of the preceding speakers have talked, of course, about his magnificent qualities of patriotic fervor, devotion to duty, and of the feeling that he had of love for this House and for its individual Members; all traits, of course, which I applaud and which I had an opportunity to witness very closely during the 9 years that my husband Hale was the majority whip through three different Presidential administrations. John McCormack was a stalwart American and a truly devoted Democrat.

But I would like to perhaps shed a little light on another aspect of his service and of his feelings; that is, his strong support of the women Members of Congress. When Hale's plane had disappeared and people were asking me to run for the Congress, the Speaker called me. He had just returned from a trip to Ireland, one of the first trips he had ever taken abroad, and he was encouraging me to run for the House. I asked if he thought that it was really the right place for a woman to be, and he told me this very interesting and revealing story:

He said that when he was a lad, he had attended his political party organization, and he heard all the different speakers get up. One candidate would say that he stood for this, and he would believe that was fine and right; the next candidate would get up and say he believed in thus-and-so, and he believed that was fine and right. He was very puzzled when the meeting was over about choosing the proper candidate and which platform was best for the people of Boston. He repaired to the most intelligent person he knew, one who was so wise that everyone in the family sought her counsel, and he said, "Mother which one of these candidates are you going to vote for?"

He said it was then that he discovered that this wise, wonderful counselor of so many people did not have the right to vote. That is when he became interested in women's right to vote and in women's participation in politics.

He was so helpful to each of us, each of the women Members. He made certain that we had the committee assignments that were agreeable to our areas of interest and our spheres of being able to influence legislation that was right for us and for our districts. I do believe that his love of his mother and his love and respect of his wife played an essential part in being helpful to all the Congresswomen in this august body. For that, I give him a very special thanks and thank you, Mr. MOAKLEY, for allowing us to participate in this tribute to a remarkable American.

Mr. MOAKLEY. I thank the gentlewoman very much.

Mr. Speaker, at this time I would like to yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

I just have a very brief personal reminiscence about the former Speaker. That is, on the day 4 years ago, in the month of December, in which the present Speaker of the House was voted by the Democratic Members here to the speakership of the House to be our candidate for that position, John McCormack on that day returned to the House of Representatives for the first time in 6 years. He did so in order to congratulate his former colleague from Massachusetts as I, just a new Member of Congress, sat in the back of the room and watched all of the older Members go down and hover around the Speaker and go up to him and shake his hand and reminisce.

I was still just on the periphery when somebody grabbed me and pulled me in and introduced me by saying, "Do you know who this young man is?"

He said, "Yes, I do. He is that young Mr. MARKEY from Massachusetts."

With that, he pulled me out that door and down the corridor and into Speaker Albert's office. For the next 2 to 2½ hours John McCormack, Carl Albert, and LINDY BOGGS and I sat there and reminisced about 40 years of politics in America.

There was a point at which Carl Albert turned to John McCormack and he said, "Do you know this young man had never been to Washington before he got elected? This is the first time he has ever come to this city."

John turned to Carl and he said, "Well," he said, "I have watched this young man's race all through the past summer, a young Irishman in an 8-sided Democratic nomination for a seat in the House of Representatives. He reminded me very much of a fight I was in 40 years before in South Boston."

He said, "When I won that fight, Carl, and I got on the train to come down to Washington, it was the first time I had ever been to Washington as well. Carl, it is not where you have been, it is where you are going that is really important."

I learned from him in that long 2-hour session I had with him that although the issues change and the times change, the values never change. The values John McCormack embodied, the things he fought for, the things he made his life for, are really the important things that our existence here is all about. For that, I thank the man for the example and leadership he gave America and so many people, myself included, I thank him as well.

I thank the gentleman from Massachusetts (Mr. MOAKLEY) for giving us this opportunity to pay proper tribute to him.

Mr. MOAKLEY. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my father, the former Representative Andrew Jacobs, Sr., has asked to join in my expression of deep love and profound respect for John McCormack, and an expression of sympathy to his family. My father and Mr. McCormack were unusually close friends; all the more unusual because of the brief tenure that my father served in the House of Representatives.

When the 89th class came to the Congress, Mr. McCormack made a talk to us, and his wisdom poured forth. One of the things he said was, "You may be freshmen Representatives, but before the Constitution of the United States each one of you represents about a half million American citizens who are no less important than those represented by any other Member of this body."

Then, suddenly in lilting Irish poetry, he suddenly raised his voice and said, "I am a freshman Representative every time I pass the Capitol at night and look at the beautiful edifice."

Mr. McCormack's inspiration has been described before and can be described with a great number of others. I simply say that my family and I express appreciation to our Maker for having made such a fine and decent, noble man, as John W. McCormack.

Mr. MOAKLEY. I thank the gentleman very much.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank my very distinguished and esteemed colleague from Massachusetts for yielding this time. I rise to join my colleagues in this tribute to the greatest American I have known.

I first met Speaker McCormack right after my election at the funeral services for Speaker Sam Rayburn in 1961, in November of that year, 19 years ago. I met him for the first time before I had come up here to be sworn in, so that when I did come up on January 10, 1962, to be sworn in, John McCormack was phenomenal in his recollection of the meeting and his sensitivity and his courtesy to me that he showed me to the very end.

I considered his friendship one of the most priceless and valuable things that I could count on in my own time. The Speaker, let me say in a few words, was one of those Americans that I am sure I will seldom have a chance to meet again.

The dimensions of the man, courage, magnimity, greatness of soul, and without parallel as a Speaker, I think those of us that served from that period of time when he assumed the speakership—because he assumed it, as I said, coincidental with my being sworn into the privilege as serving under him as Speaker until he departed the speakership.

□ 1940

Mr. Speaker, I just know that John McCormack is smiling down at us from Heaven, and I only wish we had the ability to hear his comments, which I am sure would be in the vein of those that we just heard from our colleagues, the gentleman from Massachusetts (Mr. MARKEY).

Again, Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for taking time to afford us a chance to speak of Speaker McCormack.

● Mr. CONTE. Mr. Speaker, it is always a very sad occasion when we gather on the floor of the House to pay our tributes to a former Member who has passed away, but the man whose legacy we are honoring tonight, former House Speaker John McCormack, makes this occasion more difficult and indeed more personal.

When I was first elected to the Congress in 1958, John McCormack was already a living legend in the State of Massachusetts. A diligent, caring legislator, John McCormack was a man of his people; and these people from South Boston saw fit to overwhelmingly elect him to 21 terms in the House of Representatives.

When he became Speaker of the House in 1961, McCormack picked up many more constituencies—the sick, the poor, the elderly, and the minorities—and steadfastly fought the battles for those who could not fight themselves. His sensitivity surely stemmed from his home and his heart. He was a devout Catholic, and his warm, loving relationship with his wife Harriet is a large part of his legend. This warmth extended to his chambers and to the House floor, where he treated each Member as an individual and an equal, being attentive to their special needs and interests, and advising them with a firm but loving hand.

When the Speaker quietly retired from the House in 1971, he left behind a record that many will attempt to achieve, but none will ever duplicate. He was a sensitive, honest, and open leader who was deeply committed to his fellow man. The great strides made in civil rights while McCormack led the House will stand as testaments to his decency and good character.

He was down-to-earth, never put on airs, and really cared for his people. He was one of the extraordinary men who served two constituencies equally well—his own ground in South Boston as well as the Nation.●

● Mr. DRINAN. Mr. Speaker, I was never honored to serve in the Congress during my 10 years with Speaker John W. McCormack. But before I came to Congress and since, I have come to know and admire this gentle, unassuming man.

The attached editorial from the Boston Globe of November 25, 1980 expresses very well the essence of the man who gave 42 years of his life to the Congress of the United States.

The attached editorial from the Washington Post of November 26 also indicates the accomplishments of Speaker John McCormack.

John McCormack will be remembered with a deep devotion by the people of Massachusetts and by the citizens of the United States.

[From the Boston Globe, Nov. 25, 1980]

McCORMACK UNDERSTOOD DIVERSITY

John McCormack was luckier than most. He did what he loved and loved what he did for more than 60 years that he served Massachusetts as an elected official and senior statesman. "Politics was a natural to me, I always knew that I'd go into it someday," he once said. "Probably no district in America is more political than mine."

With his long lean frame, handsome Celtic face, wide-rimmed glasses and thatch of hair that whitened as the years went by, he looked like central casting's idea of an Irish pol from South Boston. He had a sharp tongue, quick-wittedness to match, and the skill and instincts needed to survive Democratic party politics for more than four decades in Washington. But he defied the glib stereotype of the gladhanding tenor who could cut deals and cut through the smoke in the backrooms of Congress. And it is too easy to suggest that his death marks the passing of that era in Boston.

Granted, he knew every street in his district and he played by the book in Congress. He remembered the needs of his constituents even as he helped formulate and maneuver the major legislative goals of several Presidents. But he was as committed to his private life as he was to his public career. Devoted to his wife, his friends and his church, McCormack's sense of personal loyalty ran deep and strong. And he distrusted the labels that reduce politicians to rote platforms, programs and philosophies. Although he preferred the term "progressive," he once referred to himself as a "conservative liberal" only to regret it later.

"A liberal is a progressive who wants to own the minds of others. Most of my liberal friends, they aren't more progressive than I am," he explained to a reporter. "But I respect the right of somebody to disagree with me, and in disagreement, we don't have to be disagreeable."

Now those aren't bad ground rules for politics—or for life.

[From the Washington Post, Nov. 26, 1980]

SPEAKER JOHN WILLIAM McCORMACK

During the more turbulent years of the 1960's the mysterious ways of Congress—and more specifically, the House of Representatives—underwent many significant and overdue changes. Not all of them would sit well with Speaker John W. McCormack, then reigning master of the old school of politics, but never could they diminish his love of, and respect for, the powers and glories of the legislative process. As much as any member, Mr. McCormack, who died Saturday at the age of 88, appreciated the importance of public service and the compromises it entails.

"My heart is in this House," he said upon retirement in 1970. "I have an intense love for this body." That intense devotion always extended as well to the people of his diverse home district; as one of 12 children of a poor South Boston family, Mr. McCormack never forgot his origins. From his memories of poverty came a natural support for the early programs of President Roosevelt's New Deal and, later, for civil rights bills, antipoverty measures, housing and health proposals, aid to education, wage-and-hour laws, Medicare and other social programs that came into being during his 42 years in the House.

Model though he was of the old-fashioned, big-city politician, Mr. McCormack did not fit any stereotype of the politician; a teetotaler, he avoided the Washington social circuit, lived austerely and, after leaving office, spent practically all of his time at the side of his wife, Harriet, until she died in 1971.

Even though he preferred to function outside of the limelight, Mr. McCormack was no meek pushover as majority leader or speaker. He exercised great influence, bolstered by a thorough understanding of how the powers of his office—patronage, committee assignments, control of debate and parliamentary tactics—could be used to shape and control legislation. Though younger members of Congress would work for changes aimed at curbing these very tools of power, they valued the patience, fairness and friendship that John McCormack extended to them. For these qualities, and for his deep devotion to the system of checks and balances, John W. McCormack will be remembered with special respect both by those with whom he served in Congress as well as by his beloved constituents in Massachusetts.●

● Mr. UDALL. Mr. Speaker, it was my great honor to serve with John W. McCormack, a giant of a man.

During three of the most tumultuous and difficult decades in American history, he was either majority leader or Speaker. He led this House through World War II, Korea, the cold war, the New Frontier the Great Society, the struggle for civil rights.

We had our differences. Once I made the mistake—in 1969—of running against him. It was a big mistake—I was badly beaten. His colleagues wanted his leadership.

John McCormack was always a gentleman and always a strong leader.

If we measured the worth of life in terms of public service and love of country, then John McCormack lived a fuller life than most.

His is a good and a decent legacy.●

● Mr. MICHEL. Mr. Speaker, a very great gentleman and American patriot, Speaker John W. McCormack, died on November 20, 1980. Speaker McCormack was respected and admired by those on both sides of the aisle for his integrity, his kindly manner and his dedication to the great principles of our nation.

For 42 years he served in Congress. During the years I had the pleasure of serving with him, I found him always to be a man devoted not only to the needs of his constituents but to the Congress as an institution.

Speaker McCormack's life exemplifies those virtues that make a great Congressman: fairness, generosity, willingness to listen, unyielding devotion to the principles of his party combined with an even more fervent dedication to the best interests of his country as he saw those interests.

He left his mark on Congress in his own way—not through any single piece of legislation, not through any special style or mannerism that marked his leadership, but instead, through his character itself.

Straightforward, personally civil and politically astute, he did all he could to see to it that the needs of our nation were met. As one whose own view of what is best for our country sometimes differed from the Speaker's, I want to say that John W. McCormack knew how to disagree without being disagreeable and knew that the very best a Congressman can offer the people is devotion to principle.●

● Mr. GIAIMO. Mr. Speaker, on November 22 former Speaker John W. McCormack left us.

For too many of us in the House today, John McCormack is known only as a former Speaker. To you I say that you missed knowing a great American. I had the distinct privilege of serving with Speaker McCormack for 12 years. The first Congressman that I met, following my election in 1958, was John McCormack, then the majority leader. As a freshman legislator, I came to value his counsel, his judgment, and his knowledge.

John McCormack served in this body for 42 years. A self-made man, he never forgot the community in which he was reared or the people whom he represented. During his decades of service, he helped shepherd through the Congress landmark legislation that will survive after all of us are gone and forgotten. He was a tough Democrat who enjoyed a partisan debate, but he always knew that compromise is not a four-letter word.

As one who was fortunate enough to have been touched by this decent and honest man, I shall miss him.●

● Mr. ST GERMAIN. Mr. Speaker, right after I was elected in 1960, I went up to Boston to meet with then Majority Leader McCormack. He could not have been more gracious to a freshman colleague from New England. And his willingness to see me that day was a characteristic that lasted throughout our relationship. He never said, "I'm too busy right now." He always had time to help and listen—and he would, more often than not, make a note and add it to that famous collection in an already overstuffed suit pocket.

The 1960's brought more than their share of problems to the United States and to the Congress. The fact that the Congress was still able to come to grips with tough social problems and attempt and succeed in enacting major social welfare legislation is strong testament to the leadership abilities of John McCormack. He combined patience, loyalty and intelligence to produce some of the proudest moments in the history of the U.S. Congress. When John McCormack gave his word—you could depend on it.

The life John McCormack was born into was tough and poor—and when hard work was rewarded with success, he never forgot his beginnings. It is difficult to read of the Speaker's childhood without marvelling at the tenacity which exhibited itself early on in his life. He went to work at the age of 13 to keep his mother and brothers together—to keep his brothers from being sent to "the home"—and this was done on a paper boy's salary.

The boy whose family received "pauper's baskets" from the city presided over the development of the food stamp program;

The young man who had to quit school after the eighth grade helped develop programs to provide tuition assistance for students;

The youth who so often saw his family unable to afford $1.25 weekly rent for a two-room tenement guided legislation through the Congress to provide rental assistance to those in need;

The youngster who read law books at night and passed the bar at the age of 21 went on to become a master of legislation;

The messenger who earned $4 a week succeeded in establishing Federal laws which provided fair and decent wages for working men and women;

The brother who lost brothers and sisters to youthful illnesses guided the landmark medicare programs through to success in an effort to insure to no one in the United States would find money the constant barrier to good health;

And the young man who was often told, "no Irish need apply" went on to become the first Roman Catholic Speaker of the U.S. House of Representatives and presided over one of our finest moments in this century—the passage in 1964 of the Civil Rights Act—a vigorous restatement of the dignity of our fellow humans.

John McCormack's life was truly inspirational—he brought great honor to this Chamber—and has left us a rich heritage.●

● Mr. PATTEN. Mr. Speaker, when I arrived in Washington in 1963, John McCormack was Speaker of the House. I went to him and it was one of the most rewarding hours I spent in my lifetime.

I am proud that from then on, I was his man and followed his leadership with great joy. I was fascinated when Speaker McCormack would narrate about the difficulties in World War II. The problems of course, were enormous. Twelve million men were brought into the service. The invasion of Normandy was without parallel in military history. Few people were as patriotic and loyal Americans as was John McCormack during that period. Because of men like him, the House and Senate were united as one, regardless of party.

I remember quite a discourse by John McCormack that we should pay more attention to the countries south of us. I will never forget what he said. His words, however, were neglected and who knows what price we will pay for what is happening in Cuba, San Salvador and the rest of the Carribean; not to mention all of the countries of South America. The same is true of our neighbor to the north, Canada.

So often, John McCormack would be about town trying to raise money for the local hospitals here in Washington. I remember how he brought Mrs. Robert Kennedy to his office and called me in to talk about the problems at Junior Village here in the city.

As we tried to pass the education bills, the health bills and some of the labor bills during the early 1960's, I can say without fear of contradiction that it was John McCormack's leadership that enabled all parts of the Democratic party to work together. He was largely responsible for breaking up the coalition of Republicans and Southern Democrats with the able aid of Carl Albert.

He was always an inspiration. I loved him for the care and love he showed to his wife, for his interest in the welfare of the individual Congressmen and his attention to their problems. He was truly a man of God.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to the late John W. McCormack, the esteemed former Speaker of the House, who died on November 22, 1980.

For 42 years, Speaker McCormack served the people of Massachusetts and the Nation with integrity. For his dedication and political finesse, Mr. McCormack will go down in history as one of the outstanding leaders of the century.

I am sorry I arrived in the House after "Mr. Mac" had retired. But, I did have the honor of meeting him on one of his return visits to the Chamber he loved so well.

I am fortunate to have this opportunity to pay tribute to this truly fine American. John McCormack's passing is a loss to the House of Representatives, as well as to the Nation.●

● Mr. CORRADA. Mr. Speaker, I rise to pay a tribute to the Honorable John McCormack, former Speaker of the House of Representatives, who passed away on November 22.

Our country was extremely fortunate in having a man of the caliber of John McCormack in service to the Congress. He represented with distinction his native State of Massachusetts for 21 terms—almost half a century—the last 5 terms as Speaker of the House.

Speaker McCormack was a man of great dignity, rectitude, and integrity; and his years in the Congress and as a Speaker will be remembered as very productive and energetic ones which produced key legislation.

Our thoughts and prayers are with Speaker McCormack's family. He will always be remembered as a good and decent man and as a great Speaker.●

● Mr. NEDZI. Mr. Speaker, all of us who had the honor of serving with John McCormack in the House of Representatives were saddened to learn of his passing.

John McCormack was for decades one of the major political figures of the House and of the Nation, in a career capped by his elevation to Speaker in 1962.

As a congressman from Massachusetts he was deeply involved in the enactment of the New Deal and as Speaker he presided over the major legislative accomplishments of the Kennedy-Johnson years.

Having myself been elected in a special election, I was sworn in as a new Member of the House on January 10, 1962 along with two other new Members, Joe Waggonner and HENRY GONZALES.

The man administering the oath to us was John McCormack. It was virtually his first official act as the new Speaker of the House, for he had officially replaced the legendary Sam Rayburn that very same day.

He was 71 as he became Speaker. That was almost twice my age, for I was 36.

I had heard him on radio at Democratic National Conventions. I remembered his strong voice in behalf of the working people of his district and of the Nation.

The image I had of him was of a man who spoke with the force of a near-hurricane. When I came to know him he had mellowed, by comparison, to a gentle breeze.

He was helpful to younger Members, and unfailingly courteous to all.

John McCormack will always be associated in my mind with the great and needed reforms of the New Deal, reforms that saved our Nation. And with the Kennedy-Johnson programs of the 1960's, which widened the franchise, brought social justice to millions, and revitalized the economy.

May his memory be eternal.●

● Mr. BROOKS. Mr. Speaker, those of us who served in the House of Representatives during the 1960's were privileged to serve with a great Speaker and a great American, John McCormack. He was a man who loved the House as he loved his country, and those strong feelings guided him through a particularly trying time in our Nation's history.

John McCormack was also a man of great kindness and compassion, who never forgot his humble origin, no matter how high his talents and abilities carried him. It was no accident that while he was Speaker, Congress enacted far-reaching legislation that improved the lives and opportunities of millions of Americans in the lower-income brackets.

And although his fairness and impartiality as Speaker were never subject to challenge, John McCormack was a great and loyal Democrat. We Democrats who will be returning to the 97th Congress can help honor the memory of this great man by remembering the goals and principles of our party and working hard to achieve them.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in eulogizing our late mentor, the Honorable John William McCormack of Massachusetts, Speaker of the House of Representatives.

I am sure that the last thing this noble man from South Boston would want on his day of rememberance would be a cascade of somber remarks mourning his loss.

For John McCormack was a man of action who led the House of Representatives through an extraordinary period of change that will remain unequaled for decades to come. And that is the way he, I am sure, would want to be remembered.

The landmark legislation that passed the House during the 10-year period from 1961 to 1971 while he served as speaker ranged from health care for the elderly, welfare to end poverty to the most wide ranging civil rights legislation considered by this body.

His exemplary reputation for honesty and fairness helped Speaker McCormack establish as close working relationship with Presidents Kennedy, Johnson, and Nixon that helped expedite those pieces of legislation through Congress.

On the House floor that same attitude of fairness coupled with his legendary kindness assured that all sides of an issue, whether they came from Republican or Democratic Members, were given a fair and just hearing.

John McCormack's rise to greatness was not begun under the auspices of great family wealth. Rather, he was the son of a hod carrier who found himself having to quit school in the eighth grade to support his widowed mother as a $3 a week errand boy for a brokerage firm.

When his family was on better financial footing, young John entered the field of law and distinguished himself as a Boston trial lawyer. Eventually he became a member of the State legislature and made his move to Congress in 1928.

Congressman John McCormack's career in the House was meteoric. His dedication and hard work on behalf of the people of the Ninth Congressional District of Massachusetts was so admired by his fellow lawmakers that he secured a seat on the powerful Ways and Means Committee during his second House term.

His efforts did not go unnoticed by then House Speaker Sam Rayburn who supported John McCormack in his 1940 successful bid to become Democratic majority leader.

It was only fitting that 21 years later John McCormack filled the House leadership void left by Speaker Rayburn's death.

John McCormack is gone from us, but his achievements and the sensitiveness that he brought to his role as Speaker of the greatest deliberative body in the world will never be forgotten.●

● Mr. ZABLOCKI. Mr. Speaker, the State of Massachusetts, this House, and the Nation recently lost a great American, former Speaker John W. McCormack.

As one Member who had the privilege of knowing him and working closely with him throughout my service in this body, until his retirement in 1971, I appreciate this opportunity to say a few words in recognition of his long and remarkable career.

President Carter has aptly characterized John McCormack as "a man of strong character and a distinguished speaker of the House, who served with distinction and a strong, heartfelt belief in the Democratic party."

Of all the qualities which distinguished John McCormack the man, as well as John McCormack the legislator and able public servant, I would cite a sense of unwavering loyalty as having been his most outstanding attribute. It is worth recording, for instance, that he not only served as speaker, but loyally served his predecessor in that office, Sam Rayburn, as majority leader for over two decades. Moreover, those of us who knew him best will long remember his steadfast loyalty to his friends and colleagues and, above all his loyalty to this House as an institution in which he spent 43 years of his adult life.

This aspect of his character was most vividly reflected in his relationship with his beloved wife, Harriet—one of the great love affairs ever to have been recorded in the public life of this city. It has been reported that John and Harriet McCormack never spent a night apart from one another in over 52 years of marriage. For more than a year, in fact, before Harriet's death in December 1971, John McCormack spent every night in an adjoining hospital room, providing constant comfort and support.

Mr. Speaker, this is the real legacy of John McCormack, which overshadows all other qualities of this great man, whose loss we mourn today.

To his family and his many devoted friends—including his very close friend who presently serves as our Speaker—I extend my deepest sympathy and my highest regard for the memory of the late John W. McCormack of Massachusetts.●

● Mr. VAN DEERLIN. Mr. Speaker, the late John McCormack was an American institution, whose legacy lay in his magnificent legislative accomplishments during a 42-year congressional career.

From humble origins in South Boston, he worked his way up to become the 45th Speaker, a position in which he served with distinction for 9 years.

Mr. McCormack is perhaps best remembered for his work to win passage of the 1964 Civil Rights Act. But my own most vivid memory is of his impassioned and effective plea on behalf of voting rights for 18-year-olds. Whatever John McCormack did, he did with style, and eloquence.

With all Americans, I join in mourning his passing.●

● Mr. CARTER. Mr. Speaker, this special order to pay tribute today in this body to the memory of former Speaker John W. McCormack is especially appropriate. For Speaker McCormack loved the U.S. House of Representatives and devoted nearly half of his life to service in it.

I am proud to be among the approximately 148 Members, by my calculation, now in the House who served under his speakership. The first three terms after I came to Washington, before Speaker McCormack retired at the end of the 90th Congress, were years of great legislative activity due in no small part to the skill and leadership of the gentleman from Massachusetts. Many of the "Great Society" programs which helped millions of Americans, especially in the Appalachian parts of Kentucky I represent, were guided through the House under the firm hand of Speaker McCormack.

Born into humble circumstances, I believe what John McCormack accomplished during his 88 years is an inspiration for all who believes, as he did, in the American dream of limitless opportunity for those who apply themselves to attain their dreams.

I mourn the passing of a great American.●

● Mr. STOKES. Mr. Speaker, I would like to thank the distinguished gentleman from Massachusetts (Mr. MOAKLEY) for taking out this special order so that Members of this body can acknowledge the passing of one of this century's legendary political figures—Speaker John W. McCormack. I join with my colleagues and the Nation in mourning the loss of this great man.

Mr. Speaker, I had the pleasure of serving under Speaker McCormack in my first term in the U.S. House of Representatives. He was the guiding force in this Congress and was revered and respected by every Member of this body. Many of the great leaders in Congress today, like yourself Mr. Speaker, matured politically under the instruction of Speaker John McCormack.

Mr. Speaker, Speaker McCormack served in this body for 42 years. During his tenure, he left his indelible mark on virtually all the legislation enacted by the House for the better part of half a century. He was unequivocally the bulwark and pillar of strength in the U.S. House of Representatives for many years. Speaker McCormack served in a similar capacity for the late Presidents John Kennedy and Lyndon Johnson as well as for former President Richard Nixon.

But Mr. Speaker, even with the power and respect he commanded from his colleagues, John McCormack was a humble man and one with the utmost integrity and loyalty to Democratic principles. His devotion to his constituents and to the American people was unrelenting. The strength of this Nation and of its citizens will always be, in my mind, a lasting tribute to Speaker John W. McCormack.●

● Mr. ADDABBO. Mr. Speaker, on Saturday, November 22, I was shocked and saddened at the news of the death at the age of 88 of a man who will undoubtably go down in history as one of the greatest Americans, legislators, and public servants ever to serve in the House, former Speaker of the House, John W. McCormack. His passing is a great loss to our Nation, a Nation John touched in so many ways.

John McCormack's record of public service in this Chamber and his dedication to public service throughout his life is to be admired and remembered by those of us who knew of his many achievements. For almost a half century John wrote a notable record that will be hard to top in the future.

I have served in Washington for 20 years now and can honestly say that few men have made a greater impression on than the former Speaker, and I consider myself a better Representative for having known him. He was an astute, articulate leader, a dedicated party man whose knowledge of a great many issues enabled him in one moment to explain an issue of concern to his district, and in the next minute discuss problems facing farmers or autoworkers. A man who served in Congress when the New Deal was in full swing, John saw early in his career that Government could work successfully to solve the needs of the people and he never wavered from that belief.

There are few positions in Washington as demanding as serving as Speaker of the House and John rose to the challenge better than than anyone could have at the time. He was Speaker at a time when Congress was enacting legislation in the areas of civil rights, health care for the elderly, education, and among other countless areas, poverty. Thanks to the remarkable ability to lead and guide the House of Representatives, millions of Americans today benefit.

Our country has lost a man whose work will remain a part of our lives for many years to come and I will miss the gentleman from Massachusetts dearly.●

● Mr. VANIK. Mr. Speaker, I join with my many colleagues who knew and loved Speaker McCormack. For most of my career in the Congress, he served as a friend, as adviser, and as leader.

In some of the most turbulent decades in American history, through three difficult wars, through the period of social advances for all Americans, John McCormack was a wise and thoughtful and compassionate leader.

The work of his lifetime is reflected everywhere around us, and lives on in progressive laws and programs that have brought this Nation together.

I have missed his advice and counsel. All America has lost a great public servant.●

● Mr. MONTGOMERY. Mr. Speaker, we all know that death is inevitable, but it is always especially difficult to accept when it comes to such kind and gentle souls as former Speaker John McCormack. I shall always consider it a high privilege and honor to have served in the House during the time that Speaker McCormack led our party and this Chamber.

I do not think I ever knew another Member who was as fair and forthright in his dealings with his fellow colleagues as was John McCormack. Many of those speaking today have talked about John McCormack's legislative achievements and his efforts on behalf of the less fortunate in America. But a side of John McCormack that was probably less well known outside the Congress was his eminent fairness. He was always the perfect gentleman and a man of his word. To me this is the greatest legacy that he or any other legislator can leave to those who follow.

John McCormack loved this institution. And more importantly he loved his country and always sought to do what he thought was best for his fellow Americans. For this outstanding trait of character in a truly outstanding man, we can all be thankful.

Mr. Speaker. I will miss former Speaker McCormack, but at the same time I can take solace in the fact that I was privileged to serve with him and that this Nation had the benefit of his leadership for so many years. His legacy for good will not be forgotten.●

● Mr. FASCELL. Mr. Speaker, I greatly appreciate having this opportunity to join our colleagues in honoring the memory of Speaker John W. McCormack and I am grateful to the gentleman from Massachusetts (Mr. MOAKLEY) for arranging this tribute.

During the 16 years I was privileged to serve in the House of Representatives with John McCormack, he provided an enviable model of legislative craftsmanship, first as majority leader and then as Speaker of the House. The guidance he offered, his strong moral convictions and indeed his own history of achievement despite adversity, were ever-present sources of inspiration during his tenure here and throughout his life. He showed us all that if we worked together, we could accomplish our goals and make the United States a better and more equitable place in which to live.

Speaker McCormack's ongoing efforts toward the adoption of the Civil Rights Act of 1964 is only one admirable example of his concern for the welfare of this Nation. He worked tirelessly for an effective national legislative program. But in spite of the high positions he attained in the Congress and the enormous amount of good he accomplished for the entire country, the high priority he held for his own Boston constituency never shifted. He gave his best to the people of his district and was rewarded with their love, respect, and support. John McCormack and his constituents enjoyed a great sense of mutual pride during his entire career and I know the loss of this native son is keenly felt across Massachusetts.

Our own sense of loss is tempered by the gratitude we feel for having known this great man. My memories of the House will always include the image of Speaker McCormack presiding over this body, often observed from the gallery by his devoted wife Harriet. They comprised a tradition in themselves of loyalty and teamwork.

I consider it a great privilege to have served in the House with a man of the caliber of Speaker McCormack. ●

● Mr. MITCHELL of Maryland. Mr. Speaker, I am proud to participate in this tribute to former House Speaker John William McCormack. For 42 years, Mr. McCormack served in this very body with distinction, tenacity and dedication. It is only fitting that we acknowledge the hard work which prevailed even throughout the last months of his life.

Admiration and respect for John McCormack extended beyond the halls of Congress. He was noted for his statesmanship, compassion, and sensitivity among all constituents—from judges and foreign dignitaries, to high school students. His service to the Democratic Party and among the Massachusetts congressional delegation remain a part of all whose lives he touched.

While this nation and the Democratic Party have lost a skillful and dedicated politician, I believe that the more personal recollections of John McCormack's life would please the former Speaker even more. City councilpersons, Senators, and former ambassadors who have spoken in his memory probably agree with Mr. McCormack's former administrative assistant, John Monahan, when he said,

> God had people in mind when he made him . . . He was a superb Boston man.●

● Mr. DE LA GARZA. Mr. Speaker, like many others I was greatly saddened upon learning of the death of John McCormack who served in the House for 32 years and as Speaker his last 6. Though it has been 10 years since he retired, I remain ever grateful for the warmth and guidance John McCormack showed me as a freshman in the 89th Congress, his first as Speaker.

John McCormack was both mentor and friend; no freshman Member could have received more kindly treatment or consideration than he afforded me while Speaker. During the 6 years he served as Speaker he guided and assisted me in hundreds of ways.

It would be impossible to pay too great a tribute to John McCormack. He was a great American and a great human being. While I heartily concur in every tribute paid to this great man, the greatest tribute I can pay is to remember and act upon the wisdom he shared with me.●

● Mr. JONES of Tennessee. Mr. Speaker, it was with great sadness that I learned of the death of Speaker John McCormack. When I was first elected to Congress in a special election in 1969, it was Speaker McCormack who swore me into office in the Speaker's chambers.

Speaker McCormack was a very effective leader for this body. He was a devoted Member of Congress, and dedicated most of his life to public service. I have never heard a disparaging comment on his leadership.

I have considered it an honor to have served with him in this House. His public service spanned a long period of time and transcended significant changes in our country, our society, and our Government. Throughout it all, he demonstrated a remarkable resiliency and was able to always look to the future, taking legislative proposals and balancing them out for the good of all concerned.

Throughout his service, I do not believe he ever forgot his background and the common man of our country. It was the average American for whom John McCormack worked, and his achievements as a Member of Congress and as Speaker reflect that.

I am certain that Speaker John McCormack will go down in history as one of the great leaders of this body, and that his life will be its own memorial.●

● Mr. JONES of North Carolina. Mr. Speaker, I was sworn into the U.S. House of Representatives on February 10, 1966. The gentleman who administered the oath was the late Speaker, John McCormack. Certainly this memory is ever fresh in my mind. I recall having a reception that evening and the excitement and thrill when Speaker McCormack attended and became a part of the receiving line.

After his retirement Mrs. Jones and I each year sent him a Christmas card, and each year we received a thank you note from Speaker McCormack in his own handwriting. These have become among my most treasured possessions.

When history is written, I am certain that Speaker John McCormack will be high on the list of outstanding Americans.●

● Mr. DERWINSKI. Mr. Speaker, it was my great privilege to serve in Congress during the period that John W. McCormack was Speaker of the House. He was truly an outstanding legislative leader.

Speaker McCormack's strength came

not only in his tremendous effectiveness as a spokesman and a parliamentarian, but more so as a man so respected that the Members of this body repeatedly sought his advice in the toughest legislative battles. He was respected by his colleagues on both sides of the aisle. Speaker McCormack was justifiably proud of this legislative body, and defended its key role in our governmental structure.

When he was Speaker, I had the opportunity to work closely with him in the field of parliamentary exchanges between the Congress and other parliaments from around the world. He would go out of his way to meet with visiting parliamentarians from other countries, recognizing the kinship that existed between legislators. He was, in his own way, an outstanding diplomat, who could effectively communicate with parliamentarians on behalf of the House and our country.

With the passing of John McCormack, we have lost a great man, a great leader, and a true statesman.

John McCormack is recognized as one of the most outstanding Speakers of the House in American political history. We respect and appreciate the great service he rendered by his stalwart leadership in the Congress. I am mindful of the monumental record of legislative achievements that he left behind.

During his many years of brilliant public service to his constituents in Massachusetts, which he served for so long and so well, Speaker McCormack was constantly a strong and eloquent voice for freedom, liberty and human dignity. His deeds and accomplishments shall be testimony to his service.

I will remember him as a friend, an outstanding legislative leader, a symbol of strength, and an example of the character and accomplishment that our legislative branch of Government should always stand for.●

● Ms. OAKAR. Mr. Speaker, on Saturday, November 22, former Speaker of the House John W. McCormack passed away at the age of 88. It goes without saying that Speaker McCormack was one of this century's most famous political leaders, serving in the House for 42 years. As Speaker of the House, John McCormack exercised extraordinary leadership in persuading the Congress to pass important social and economic legislation.

John McCormack served his constituents of the Ninth Congressional District of Massachusetts as loyally and conscientiously as any Member of Congress ever has. Perhaps what most characterized John McCormack was his selfless devotion toward, and high-minded performance of, his responsibilities as a Representative and then as Speaker of the House. Let history show that John McCormack achieved memorable success in both roles.

To Mr. McCormack's family, I extend my sincere regrets. Because John McCormack served in this Chamber, this House and this country are better for it. May we always uphold his great tradition.●

● Mr. McCLORY. Mr. Speaker, when I first arrived in Washington in January of 1962, the President of the United States was an Irish Catholic Democrat from Boston. But he was not the only man of that description to occupy a high political position in Washington. Of equal importance to me as a freshman Congressman was another Irish Catholic Democrat from Boston named John McCormack.

Speaker McCormack had recently succeeded the legendary Sam Rayburn of Texas. Any man's prestige was bound to suffer by that comparison. But Speaker McCormack was not interested in measuring himself against any other man. He had his own ideas on what to do and he followed them. By being his own man, he achieved the respect and admiration of the whole House.

He was a man renowned for his gentleness and compassion, as well as for his deep sense of loyalty to friends. But this gentleness did not interfere with his being a realistic politician. It may indeed have been an aid to him, since everyone knew that he did not proceed from malice. He fought fairly and he liked to win, which he usually did. He is remembered on both sides of the aisle with affection.●

● Mr. GILMAN. Mr. Speaker, I was not privileged to serve in the House with the late Speaker of the House, Mr. John W. McCormack, but I did have the opportunity to meet with him on a number of occasions in the past years.

Speaker McCormack will long be remembered as a man full of concern for the welfare of his constituents and a man with finely honed legislative skills which allowed him to steer to passage countless legislative proposals that advanced the welfare of this Nation.

Speaker McCormack presided over the beginnings of the reforms in the rules and practices of the House which are now operative, including the passage of the Legislative Reform Act of 1970. Although at times his successors in leadership of the House—on both sides of the aisle—may wish that this movement had not succeeded quite so completely, I think that most of us would now agree that these changes are for the better, on the whole.

John McCormack left his mark on this House and the Nation in many ways; his contribution will long be remembered.●

● Mr. HORTON. Mr. Speaker, the Nation suffered a grave loss on November 22 when former Speaker of the House John W. McCormack passed away. He was indeed one of this Nation's most illustrious and well respected leading citizens.

During his many years as Speaker of the House, John McCormack executed the responsibilities of that office with unparalleled fairness, honor, and integrity. It was all apparent to his colleagues that above all else, John McCormack cherished the House of Representatives as one of the Nation's greatest institutions. He labored long and hard to preserve its finest traditions and promote a greater understanding of the complexities which make it the world's greatest deliberative body.

Speaker McCormack will long be remembered by those of us on this side of aisle for his impartiality and determination to protect the rights of the minority. This fairness he extended not only to Members with years of service, but also to new Members.

His many years as Speaker of the House of Representatives have enriched and made this institution one respected throughout the free world. His legacy to the House and to the people of Massachusetts and the Nation will live on.●

● Mr. FUQUA. Mr. Speaker, a great man and a great friend, Speaker John McCormack of Massachusetts, passed away on November 22 and it is truly difficult to fashion the words that adequately express my feeling of personal loss.

Speaker McCormack was the first Speaker I served under when I arrived in this House in 1963 and it may indicate the depth of respect which I developed for this remarkable man to say that I have tried to fashion my career upon his because I could find no greater role model for a young Congressman.

I looked upon Speaker McCormack as a father figure to whom I could turn in times of doubt or confusion for sound counsel and sensible advice.

His expertise as a legislative technician and tactician, for which he is well renowned and remembered, was only the highly visible portion of the influence he wielded over this House, the Congress and the Nation. Much less visible was the human being who never failed to take the time to assist others as they struggled in the early days of their legislative career.

He was a friend of the House and the Members as well as their Speaker and leader.

My own life has been greater for having known this great man and having had the benefit of his friendship.

John McCormack was a man who left his imprint on history and on people, a great man who faced great issues squarely, a great man to whom this Nation will always be indebted for sensitive, constructive leadership during some of its most troubled periods ●

● Mr. BEVILL. Mr. Speaker, on November 22, 1980, this Nation lost one of its most beloved and effective political giants, former Speaker John McCormack.

I shall never forget coming to Congress in 1967, and meeting with John McCormack. During my freshman term in this body, John McCormack proved to be the best counselor a new Member could have.

He was truly a part of the history of this Nation during nearly half a century of service. I remember his telling me about his thoughts during the swearing in of President Harry Truman, upon the death of Franklin Roosevelt. As he stood there, watching the peaceful and orderly transition of power, he felt a deep respect for the system of government which we enjoy in this country. He also had deep respect for the many true giants of our democracy. He certainly became one of them.

John McCormack was a great American who played a leading role in the history of our country, and I am honored to have known him. It is my sincere hope that the example he left for all of us will serve as guidance and inspiration as we confront the problems facing America today. Although John McCormack is no longer with us, his honesty, integrity and loyalty live on.●

● Mr. ANDERSON of California. Mr. Speaker, it is with deep sorrow that I rise today to join with my colleagues in eulogizing our departed Speaker, the Honorable John W. McCormack.

John McCormack was a man who I always had the deepest respect for. Being born at the turn of the century in a tough, South Boston neighborhood, he overcame great obstacles to become one of this Chamber's most respected and beloved Members.

Although I had the pleasure to serve with Speaker McCormack for only 3 years, I shall always remember his personal warmth and political brilliance. For when I was first elected to serve in this distinguished body, Speaker McCormack was one of the first to welcome me to Washington in January of 1969. My reverence for Speaker McCormack began at this first meeting, and since that time this deep respect has never wavered.

First elected to the House of Representatives in 1928, John McCormack began a dedicated career in public service which reached its zenith in 1964 when he was elected Speaker. For the next 7 years he was instrumental in moving through the House some of the most significant domestic legislation this country has produced.

This tremendous amount of legislation, which benefited all Americans, was due not only to his dedication to and love for the democratic form of government but, as I have stated earlier, his political prowess. It was this combination which gained Speaker McCormack admirers on both sides of the aisle.

Thriving on the political process, John McCormack became this Chamber's most skilled parliamentarian. It was this dexterity which enabled him to successfully steer measures through committee and on to this floor. While we will never be able to determine the amount of good legislation which would have died if it had not been for Speaker McCormack, we are able to look back and see some of the important measures this Chamber produced under his guidance and leadership. John McCormack will be remembered for facing tough issues head on, taking a position, and accomplishing what he set out to do.

Although he enjoyed taking part in some heated debates on the floor, he always worked to enhance the fundamental rights of all men and women, and never a select few who might have benefited from a particular piece of legislation.

While Americans who represent all factions within the political arena were saddened to learn of Speaker McCormack's death, the Democratic Party lost one of its most vocal and dedicated supporters. He prided himself, and rightly so, on being affiliated with New Deal politics and those who worked in the Democratic Party.

Dedicated to the proceedings of the House for 42 consecutive years, John McCormack was always faithful and deeply in love with his wife of 51 years, Harriet Joyce. This is the type of gentleman he was, one who could participate actively in House business all day, but always remember where his roots were in the evening.

My wife, Lee, joins me in saluating Speaker John W. McCormack with the hope that all Members can someday reflect this man's genuine love for this body, and concern for all the citizens of our great country.●

Mr. MOAKLEY. Mr. Speaker, under leave previously granted, I would like to insert at this point in the RECORD two particular moving tributes to Speaker McCormack delivered at his funeral, one by Speaker THOMAS P. O'NEILL, JR., and the other by Senator Bill Bulger, president of the State Senate of the Commonwealth of Massachusetts.

The president of the Massachusetts State Senate, Bill Bulger, is a sensitive and eloquent speaker with a special knack for putting into words what is in the hearts of the people for whom he speaks. Never has this talent been put to better use than at John McCormack's funeral where Bill said:

Mr. Speaker, this morning I join in prayerful tribute to you, dear friend and neighbor and beloved son of South Boston. As one who cherished and took to heart your wise counsel and appreciated, beyond expression, your interest in me. I acknowledge your kindness to me. It is, in a sense, providential that it is in the season of Thanksgiving we pay our respects to you, a great and good man. And although it may offend your sense of humility, it is fitting that we should touch briefly on the lessons you taught us by your own life—lessons which enriched and inspired our lives.

We of this community, Mr. Speaker, are thankful for the lessons of perseverance and industry that were illumined by hard work and zeal for study as you acquired learning in the law. Though denied the luxury of more formal education, you earned admission to the bar of this commonwealth as a young man. You honored your profession from the day of your admission to practice.

We of this community, Mr. Speaker, are thankful to you for your example of dedicated public service. You exemplified the highest standards of public responsibility and devotion to the common good in your long and illustrious public career, representing the community as my predecessor in both the Massachusetts House of Representatives and the Massachusetts Senate, and most notably during 42 years of service in the Congress of the United States. We shared, with special joy and pride, with the rest of the country, the selection of you, our Congressman, to be Speaker of the House. We know, despite the demands of that office, you remained above all else, first and always, our Congressman, ever attentive to the needs of your friends and neighbors. People of South Boston will recall with affection your clarion call "From Andrew Square to the Speaker's Chair."

We of this community are especially thankful to you, Mr. Speaker, for the example of integrity, of fidelity to your words, of generosity to those in need, of compassion for the disadvantaged and the oppressed, of your unswerving devotion to the ideals of social justice. You exemplified the admonition of Seneca, "You must live for your neighbor, if you would live for yourself" and the words of Levitious in the Old Testament and Matthew in the New Testament, "Thou shalt love thy neighbor as thyself."

Yes, Mr. Speaker, in this season of Thanksgiving we thank you, in particular, for your deep and abiding faith in your Creator and Redeemer and your loyal commitment to your Church. You have been an uncommon example to your friends and neighbors and to all who could observe you of deep, pervasive, quiet, unostentatious devotion to the sacramental life of the Church. In this reflection the words of Micah come to mind: "He hath showed thee, O man, what is good, and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God."

Mr. Speaker, the book of your active life is now closed. But the story of your life will endure. Generation will proudly pass to generation the memory of your intrinsic goodness and recollections. Beyond counting, of good deeds beyond number

Your friends and neighbors, Mr. Speaker, join with all present at Saint Monica's this morning and with countless persons throughout the world in honoring your memory. As you now join your beloved Harriet in the saintly joy of eternity with Thanksgiving for the legacy you have left us, we, your friends and neighbors, bid you a prayerful farewell.

Mr. Speaker, I think it would be particularly appropriate to close my remarks by reading into the RECORD a particularly poignant farewell to John McCormack, delivered at his funeral, by the present occupant of his chair. The Speaker said:

EULOGY BY THE HONORABLE THOMAS P. O'NEILL, JR., SPEAKER OF THE HOUSE OF REPRESENTATIVES

Your eminence, reverend clergy, governor, mayor, fellow Members of Congress, relatives and friends of Speaker McCormack:

I could stand here today and recite in chapter and verse the great legislative record of this man who served in positions of leadership in the House with six Presidents during the "Great Depression" and recovery, three wars and any number of foreign and domestic crises; but I'd rather have history recount his constant struggle to educate the young, feed the poor, provide safe, decent housing for the needy, make possible a life of dignity for our senior citizens and maintain the security and freedom of this Nation. His own words are most instructive in this regard:

"The greatest pleasure I get out of life is in serving the people. That means not only in helping to pass such things as social security, minimum wage, low cost housing, but being in a position to serve the needs in a personal way, of the tens of thousands of human beings in my district and elsewhere."

I'd like to talk about my colleague, my leader and my friend, who welcomed me to the House, as he welcomed Carl Albert, Jim Wright and so many others who are with him today. He counseled us. He told us when to speak and when to listen. He told us how to vote and never asked us to do anything that would hurt us in our districts or that he wouldn't do himself. He helped us with committee assignments and he was always available to listen to and help solve our problems.

It has been said that Sam Rayburn got legislation through the House because Members feared him. Well, John McCormack got legislation passed because Members loved him. Let me give you one example which would be repeated hundreds of times. This one involved the 1964 civil rights bill. We had the votes in the Rules Committee to have it go to the floor of the House and we had the votes on the floor to pass it, but the Republicans and southern Democrats were boycotting the Rules Committee meetings. We were one vote short of having a quorum present. John called a Member from the Deep South and said to him, "I want you to come to Washington and make a quorum." The Member said, "Mr. Speaker—I oppose that bill and I will do everything I can to defeat it."

John responded, "I know you oppose the bill, but I gave my word to the President that I'd get a rule out: If you don't make a quorum I'll be forced to break my word to the President and you know I've never broken my word to anyone in my life. I'm not asking you as the Speaker—I'm asking you as John McCormack to do this for me. I expect you to vote against the bill, but I'm asking you as a friend to come up and make a quorum so I won't break my word." He came to Washington, made the quorum, which brought the Republicans to the meeting and the 1964 civil rights bill became law. That Member, like many others, so loved John McCormack as a friend that he could not say "no" when the Speaker asked for something on a personal basis.

John McCormack was understanding, compassionate and kind—although I once saw him silence a critic by saying, "I always try to be kind—but never mistake kindness for weakness."

President Johnson said of John, "If ever an American could say his life was devoted to the creative use of politics, it is this man."

Each day, immediately before he left to open the session of the House, John McCormack would hold a news conference; and, when the clock would approach the time for him to leave, an aide would say, "It is time, Mr. Speaker."

Well, it is time, Mr. Speaker. It is time for you to leave us. And on behalf of your city, your State and your Nation—and particularly, on behalf of those who were privileged to serve with you in government and who were enriched by your friendship, inspired by your example and assisted by your generosity, I say, "Thank you" and pray that the good Lord will take a liking to you. It is time, Mr. Speaker.

TRIBUTES TO RETIRING MEMBERS OF CALIFORNIA DELEGATION: HAROLD T. "BUZZ" JOHNSON JAMES C. CORMAN, LIONEL VAN DEERLIN, CHARLES H. WILSON, AND JIM LLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Edwards) is recognized for 60 minutes.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, this election year was a very sad time for myself and millions of Californians. Five of the most able and talented people that our State has ever sent to Congress will not be coming back to the 97th Congress. It would be impossible in the short time we have set aside today to recount the innumerable services and sacrifices that these men have performed for our State and for the Nation. Our dean, Bizz Johnson has been the architect of the greatest water delivery system ever devised in history. Jim Corman has championed the causes of the poor and disadvantaged for so many years and on so many issues before the Ways and Means Committee. Lionel Van Deerlin is the foremost expert in the House on communications law and its fair application for the benefit of all. Charles Wilson is the main reason that we have the most efficient Postal Service in the world through his hard work and dedication. Jim Lloyd has been a bulwark in the effort to maintain a strong defense for this Nation. All of these Members have remained true to the ideals of our party under extremely trying political circumstances. California will be losing their tremendous resourcefulness in the next Congress. I know though, that all will remain active in the service of our State and Nation in the coming years. They are all the kind of dedicated men who will always be working with us.

Lastly, but of no less importance, we are losing five delightful and interesting wives, Albra Johnson, Nancy Malone Corman, Mary Jo Van Deerlin, Bock Wilson, and Jackie Lloyd. Washington will be a less charming Nation's Capital without their immense contribution to the color and fabric of our daily lives.

A TRIBUTE TO HAROLD T. "BUZZ" JOHNSON

Mr. Speaker, the people of California will be the biggest losers when Bizz Johnson does not come back to this House next year. In my years here in Congress Bizz Johnson was one of the hardest working, most personable Members I have had the pleasure of working with. He translated his political acumen into very real benefits for the people of our State. We have perhaps the greatest water delivery system in the world due in great part to Bizz Johnson's efforts in Congress. At the same time, he has been an adherent to the great tenets of the Democratic Party and has been a firm and trusted Member of the leadership in the House for some time.

Bizz has been the dean of the California delegation here in the House for the past 4 years and was able to achieve harmonious and united efforts by the delegation in many areas to the benefit of the State. I think that all here know what a trying task that can be at time given the wide disparity of interests in the delegation.

So many people here in the House have met and talked with Bizz simply because he made himself accessible at all times to anybody that needed his help. Many people were amazed when Bizz would come out personally to greet them in the front office whether they had a big problem or small; whether they were another Member of Congress or a first-day page.

We simply cannot say too many good things about the legislative record compiled by Bizz Johnson. When you consider the volume of bills he has managed through committee and the full House, he makes most of us look like pikers. It was always a good feeling to know he was on your side. You knew you had a powerful and capable ally. The few times we disagreed on matters were always a lesson for me in legislative one-upmanship.

I am sure that Bizz will continue to be active and serve the country in some manner. I am sorry to see such a good friend and effective Member leave our delegation. It is sure to be some time before we can find another like him or his dear Albra, whose warmth and charm have helped make this old place more pleasant and homelike.

TRIBUTE TO JAMES C. CORMAN

Mr. Speaker, Jim Corman has served in the Congress with leadership and dedication, and it is with great pride that I honor our colleague and warm friend from Van Nuys, Calif.—Jim Corman.

Since 1960, Jim has represented the 21st Congressional District with remarkable constituent attentiveness and service, while concurrently achieving an impressive record of legislative accomplishments.

Monuments to the San Fernando Valley community include Jim's successful efforts to expand the space program, the formulation of the Small and Independent Business Protection Act, and the creation of the Southwest Coast Corridor Service Transportation Act. Additionally, Jim's sponsorship and innovative leadership in passing major legislative proposals serve as a model and inspiration to communities nationwide. Included are such remarkable achievements as the landmark Voting Rights Act of 1965, the Law Enforcement Assistance Act, and the Welfare Reform Act. As with all of Jim's endeavors, passage of these initiatives were characterized by his powerful compassion and grasp of Government's responsibility to those most in need in our society.

Over the last 20 years I have had the great privilege of working in close concert with Jim on the major issues affecting our State of California as well as the Nation, and have found him to be a top-notch adviser, articulate ally and insightful strategist every time. Most importantly, though is the sincere friendship which Jim has bestowed on us all. I will always cherish the opportunities I have had to work on legislative initiatives with Jim, and it is with great respect and admiration that I look forward to continuing our warm friendship.

I join in paying tribute to Jim and the impressive service he has offered to his constituents, the Nation, and his colleagues. With his ability and expertise, I have no doubt that he will continue to enrich the lives of others as he has our own.

To Jim and Nancy Malone we say that we are lucky people for knowing you and sharing your friendship. We will miss you very much.

A TRIBUTE TO LIONEL VAN DEERLIN

Lionel Van Deerlin and I were both elected to Congress back in 1962. You may remember, that was the year my San Francisco Giants beat his Los Angles Dodges in a playoff to win the National League title. Jack Kennedy was President, inflation was nonexistent, one person in 100,000 had heard of Vietnam, and Robert Boldt's "A Man for All Seasons" opened on Broadway. It was a very good year for Democrats, particularly for the print and broadcast journalist from San Diego, Lionel Van Deerlin.

Being a good time for Democrats, Van finally made coverage progress with the then very Republican newspaper, the San Diego Union Tribune, the summer after being elected. It seems that Van, his lovely wife Mary Jo, five of their six children, and the family cat, Oddball, were driving across the country to Washington. They stopped in a small Kansas town for some ice cream and, not too unexpectedly, Oddball managed to escape. A search was made, but the cat could not be found. Picture it: Five bawling kids with a "mean" father trying to explain that they must get on down the road. Mary Jo did the resourceful thing and spotted a newspaper office across the street from this scene. She dashed in, put in an ad for a lost cat guaranteeing shipment to Washington, D.C. Oddball, who must have been on the first of her nine lives, since she later lived to be 17 years, was one smart cat. She strolled into the newspaper office a day later and was promptly shipped to the Longworth Building. Oddball had her picture taken and the freshman from the 42d District in California made the front page.

Van was assigned to the Interstate and Foreign Commerce Committee, and the Subcommittee on Communications. Ten years later he would become the chairman of that subcommittee and begin the arduous task of updating the Communications Act of 1934. His expertise in the communications field and his desire to see Congress encourage the development of new technologies and new ideas across the entire spectrum of communications will be dearly missed. Moreover, his friends and foes will miss the warmth, wit, and penchant for fairness with which Van chaired the Communications Subcommittee.

Van, we will be thinking fond thoughts of you in sunny San Diego as we brave January snows, but please do not come back here embarrassing us by running another Marine Marathon. I understand, however, that certain California State Society members admit they could hear "Casey at the Bat" one more time.

It is with sadness that we must bid farewell to Van. But, would you not know it, he is looking forward to going back to San Diego to do some old and new things. He will do an occasional political column for the San Diego Tribune, and undoubtedly the old reporter's newsnose will be considerably sharpened by 18 years in Congress. The new venture will be teaching a class in the Communications Department at San Diego State University. We can be sure the students will have a darn good time learning from a knowledgable and experienced man who is a master of his subject.

San Diegoans are cheering a welcome home as we say goodbye to one grand guy.

A TRIBUTE TO CHARLES H. WILSON

Mr. Speaker, I am going to miss very much my good friend Charlie Wilson in the next Congress. Charlie is a fighter for the causes of the little people of our country and for their rights. When others have taken up cudgels against the employees of our Government, Charlie has been the one to lead the fights in recognition of their rights and their dignity. The postal workers of the country owe an inestimable debt of gratitude to Charlie for the tremendous job he has done in seeing that the Postal Service continues to be the best in the world while not renouncing the rights of its employees.

Charlie and I came to Congress together in 1963 during a time that many of us look back on with some fondness. During the time since then I have come to know Charlie past his public image as a recognized expert in defense matters and Government organization. He is a true loyalist; one who does not shirk from friendship even when political events make times difficult. He is dependable under the most trying circumstances and that separates him from the many who too often have their agendas set according to politics. I wish he could still be with us. There are many battles ahead of us and we could use his knowledge and friendship in our continuing struggles here. My best to you Charlie for your future. I hope you will stay and continue to help shape our future.

To Bock and Charlie Wilson, I say we will miss you both. Eighteen years we have been colleagues and friends. We have fought battles together—losing some, sweet victory in others.

A TRIBUTE TO JIM LLOYD

Mr. Speaker, Jim Lloyd entered Congress as one of the new wave of Democrats elected in 1974 and quickly moved to establish himself here. Jim is respected by members of both parties and is known as a man of personal integrity. He has always been open to all opinions on an issue, analyzing and reviewing the various arguments before coming to a decision. However, once Jim made up his mind and gave his word to a colleague, his support was guaranteed. Such integrity has helped Jim gain respect here among his colleagues. Jim is also one of the kinder and more personable Members I know, and will be greatly missed.

Perhaps the first thing which comes to my mind when I think of Jim Lloyd is a vision of the flying Congressman. His expertise and experience in aircraft has enabled him to bring insight into congressional debate on issues like the B-1 bomber, wide-bodied aircraft and questions of military technology. Jim is certainly no armchair expert on these questions. While here in Congress, he has flown everything from a helicopter to NASA's Space Shuttle landing simulator, as well as the Douglas DC-10 and Boeing's 747.

Jim has served as a member of the Armed Services Committee, the Committee on Science and Technology, and the Select Committee on Aging.

As chairman of the Subcommittee on Investigations and Oversight, of the House Science and Technology Committee, Jim has investigated the design philosophies of wide-body aircraft and contributed to the successful negotiations for natural gas from Mexico in talks with Mexican President Lopez Portillo.

Among his other legislative accomplishments, Jim has been instrumental in efforts to protect the Nelson bighorn sheep of the Sheep Mountain Wilderness Area. Insuring him a place in the heart of all Americans, Jim authorized legislation which authorizes and requests the President to issue a proclamation honoring the memory of Walt Disney.

I am sure I speak for all of my colleagues when I say that I will miss Jim's integrity and friendship. At this stage, his future plans are uncertain. He has many options and is keeping all of them open for the time being. I am sure that he will be a great addition to whatever he chooses to do in the future, be it here in Government or in the private sector.

Jackie and Jim Corman, you have added style, warmth, and friendship to this Nation's Capital. We all shall miss you.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I take great pleasure in yielding to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I particularly want to pay my respects to the Honorable James C. Corman of California, who is retiring by defeat from the Congress at the end of this term.

Mr. Corman was probably my first and dearest friend when I arrived in Congress in 1965, his office being next to the one that was assigned to my district.

The thing that the record ought to show about Jim Corman is that particularly in those days, when the seniority system was much more rigid than it is today, freshmen were to be seen and not heard and really not very much appreciated by very many people in this institution, but Jim Corman, I noted immediately, was entirely different from the serenity of the upper class people that I met in the House of Representatives that year. He was humble, he was kind, he was helpful, and, as I say, he became a very close friend. We later served together on the historic select committee in the Adam Clayton Powell case, and there I came to admire him even more.

Jim Corman combines the happy elements of high intelligence and high intellectual accomplishment with a heart, with caring for the least of the little ones in this country.

It has become common in American politics to talk about "do-gooders" and "bleeding hearts" and all the rest. I wish really that all of us could spend the time and show the compassion in our congressional work that Jim Corman has shown for those people who have so little in life to hope for and so little in life to live for.

"But for public people and private people who care for others themselves," Solon, the great giver of laws, is supposed to have said, "One way or another today civilization is impossible until the unconcerned are as outraged as the victims."

Shelley said that "The great secret of morals is love. A person to be greatly good must imagine deeply and comprehensively. He must put himself in the place of another, of many others. The pleasures and the pains of his species must become his own."

Such a person is our dear friend, Jim Corman, who, I am happy to say, has not died. He lives, and he will go on for years and decades to come in a fruitful life, both for his lovely wife Nancy and his interesting family of children, both young and old, and on behalf, I think, of peace and progress for all of us.

Mr. Speaker, we are in his debt for having labored here as he has.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Indiana (Mr. Jacobs).

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a difficult thing for me to take part in today's special order, since it is hard to acknowledge the loss of so many fine colleagues from my own State of California. The loss of people like Bizz Johnson, Jim Corman, Lionel Van Deerlin, Jim Lloyd and Charlie Wilson is particularly difficult because I have worked closely on many occasions with all of them since I first came to the Congress in 1974. For me, they represent the tremendous diversity and energy of our State. Through their different strengths, personalities, and interests, they have each made their own special marks on our delegation, and I am proud to say that I have served here with them.

When the 97th Congress convenes next month, one of the most notable absences will be that of Bizz Johnson. I consider Bizz to be among the finest gentlemen with whom I have had the privilege to work. Those of us who have known him as chairman of the Public Works and Transportation Committee and as dean of the California delegation have greatly appreciated his evenhandedness and fairness, and have considered these qualities to be central to his abilities as a leader. I consider myself fortunate to have worked with him on such important committee issues as airline deregulation, and national highway and transit and airport development. The people in our State respect him as an advocate for the outstanding natural resources of California, from our wilderness areas to our seashores. Among his many contributions to the State is the major role Bizz played in all aspects of the Central Valley project throughout the years he served in the Congress.

Another of the noticeable absences will be Lionel Van Deerlin, whose 18 years in the House of Representatives have been characterized by his keen interest in communications advances and his commitment to bringing the 1934 Communications Act into the 21st century. As chairman of the Subcommittee on Communications, Van's goals have been to insure that the airwaves of this country belong to the people and to revise Federal communications laws to make them responsive to technological advancements. At a crucial period in the development of the important communications industries of our State, Van has played a major role in insuring the U.S. predominance in international communications. The scope of his work here has been great and the standards of the policy he has set have been uniformly high, and I will miss his presence here in the House.

It is equally difficult to imagine a meeting of our delegation without the presence of Jim Corman. Jim is someone who embodies the finest qualities of public service. He has translated his deep concern for the needy, the elderly, and the handicapped into concrete actions designed to ease their burdens. His conviction that Government must concern itself with the rights and needs of the working man and woman is unshakable, and he has a distinguished record of accomplishments for American workers as chairman of the Ways and Means Subcommittees on Health and Unemployment Compensation. His deep interest in helping other people has also been reflected in his chairmanship of the Democratic Congressional Campaign Committee. Under his guidance, the committee has expanded its technologies and resources and has greatly increased the support it offers to needy candidates. Jim has played a major role in shaping our party's present and future, and has been a major force in improving the quality of life for many of our Nation's most disadvantaged citizens.

A fellow member of my class of 1974 is Jim Lloyd, a former Navy pilot who had most recently been mayor of West Covina. The knowledge Jim brought with him to the Congress on aviation and military issues has been a real plus in many respects, but especially to his colleagues on the Armed Services and Science and Technology Committees. It is widely known that Jim will actually test out aircraft under congressional study and then provide us with his insights based on his experiences. I am but one of the many who have sought Jim's advice on aviation matters. When my own subcommittee held hearings last year on the performance of the DC–10, Jim's participation was greatly appreciated.

Charlie Wilson's retirement will be another loss to the Congress. In particular, the Post Office and Civil Service Committee will miss his considerable expertise on postal service issues. Charlie's emphasis as chairman of the Postal Operations Subcommittee has been on insuring quality postal services, and he has implemented reforms to increase the oversight role of the Congress with regard to Postal Service operations. He has worked not only on improving postal operations, but also in focusing attention on the need to insure the occupational health and safety of Postal Service employees.

Mr. Speaker, I am certain that whatever courses these men decide to pursue in the years ahead, they will continue to serve the State of California and the Nation in many important ways. I would like to thank Don Edwards for taking this special order today so that we might try to express our admiration for our five colleagues and wish them and their families the very best in the future.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California (Mr. Mineta).

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I am pleased that the distinguished gentleman in the well has asked for leave for Members to say something later about these departing brethren among our colleagues. I cherish the friendship of every one of those Members, and I am grateful for the opportunity to pay my own tribute to them in the Record at a later time.

Mr. EDWARDS of California. Mr. Speaker, I thank the Senator.

Mr. Speaker, I would remind the Members that I have requested 5 legislature days on the subject of this special order, and there are already a great number of contributions regarding these fine Congressmen who are leaving. I am sure that they will be very pleased with the remarks that are submitted.

Mr. DUNCAN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Speaker, I, too, wish to insert in the Record my specific tributes to these five very distinguished Members of the California delegation, with each of whom I have had a very close relationship.

I would just like to say how much I personally regret especially the loss of Bizz Johnson, who was my neighbor when I represented the Fourth Congressional District in Oregon and with whom I worked closely during my first tour in the Congress. In my second reincarnation I have grown even closer to him. His loss is a real one, not only to the country and to his State but to me personally.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman's yielding, and I rise to say thank you to him for getting this special order to give me an opportunity to praise my chairman and my dear friend and colleague, Bizz Johnson. We have stood side by side on the committee for some 19 years.

His departing is a great loss to the country. He is a great gentleman. He has been a great leader, and only time will show to the rest of the people and this country the tremendous job that he has done in providing water, highways, aviation, and other facilities for our people. I am happy that we have been able to add our remarks about a great, great American, Bizz Johnson.

Mr. ANDERSON of California. Mr. Speaker, when my wife, Lee, and I first came to Washington 12 years ago, we were naive about budgeting our time, and reluctant to appear to snub anyone. So, we went to every function we were invited to. There was only one senior Congressman from California that we seemed to run into at every one of these functions. That was Bizz Johnson who, with his wife, Albra, was everywhere, lending charm, prestige and energy to all events. We quickly became convinced that Bizz was inexhaustible.

Our careers have paralleled and crossed many times over the last 40 years. We both started as mayors of small towns at opposite ends of the State, with Bizz in Roseville and I in Hawthorne. My time in Sacramento overlapped the beginning and end of Bizz's 12 years in the California State Senate. He arrived 2 years before I left the State assembly, and he left for Congress shortly after I became Lieutenant Governor. But it was not until I, too, came to the House that we began to work closely together. It has been a rewarding relationship, both for me personally, and, I believe for the State of California.

He has demonstrated a total dedication to the people he represents. I can think of no measure on which he has taken a position which he did not do so because he felt it was in the best interests of his constituency as well as the best interests of our country.

He never forgot the ranchers, farmers, timbermen, miners, and merchants from the First District of California, which is the largest in the most populous State. Nor did he ignore the rest of the State. He saw to it that Los Angeles got prompt and adequate help after the earthquake in 1971. As cochairman of the Congressional Port Caucus, he was able to help the ports of the entire west coast, benefiting the trade of many areas. Most of California's water comes from Bizz's district; and the Los Angeles County area pays more taxes than anywhere else in the State. There is a significant balance there which Bizz appreciated in dealing with projects that served both his district and the rest of the State.

Due to his close attention to legislation and detailed work with his staff, he was a true expert in the fields of public works and transportation. I feel that the bills he and I worked on together in the commitee reflect that expertise. The bills which Public Works and Transportation reported out under his leadership were not day-to-day, plug-the-dike measures. Instead, they were long-range programs looking toward the transportation problems of the next decade, and beyond. Because of this, he was criticized as a "big spender." But those critics little realize that proper transportation systems are expensive, and that to get what this country needs requires money. It is money well spent that will provide a return to our economy in the years ahead.

Buzz' 22 years in Congress and 40 years of unbroken public service set a standard that can be met by few of us.

He is not only a legislator whom I admire greatly, but a valued personal friend. He and Albra have been warm and welcomed guests in our home, and we will miss them.

John McFall, who is a friend of mine and Bizz's, was not returned to the 96th Congress. He said that at first it was frustrating, but that 6 months later, he realized it was a blessing when he no longer had to face the daily crushing schedule. After 40 years, getting out of bed in his own time is a pleasure that Bizz has well earned. And having more time to spend with their grandchildren is a pleasure that we envy Bizz and Albra for. My wife, Lee, joins me in wishing them great happiness in the years ahead.

Mr. HARSHA. Mr. Speaker, the 97th Congress will convene in January without the services of one of this body's most able and distinguished Members—the Honorable Harold T. "Bizz" Johnson—and that is a great loss for the Congress and the Nation.

I am pleased that in what is probably the last week of the 96th Congress. I have this opportunity to publicly praise my friend and colleague, who has given this body, his native California, and this Nation 22 years of outstanding and faithful service. I am grateful for having had the opportunity to serve with him in the House and on the Public Works and Transportation Committee for almost his entire congressional career.

You learn a great deal about a man when you sit next to him during committee sessions week after week and year after year. Having served as ranking member with Chairman Bizz Johnson, I know him to be a dedicated, effective and tireless public servant and a chairman who has consistently dealt fairly and in the spirit of cooperation with his colleagues on both sides of the aisle.

Make no mistake about it, the House of Representatives will miss the quiet efficiency of Chairman Bizz Johnson. He accomplished much for his district, and yet his door was always open to those from outside the First District and outside the State of California. To Bizz, the location of a particular project was not as important as the problem it would solve.

It is probably a fair statement to say that Bizz Johnson never really sought public acclaim, and therefore, he never received the full recognition he deserved for his considerable accomplishments. I suspect, however, that the gentleman from California has always been content to quietly go about his business, outside the glare of publicity. Yet, the people always knew how to reach Bizz Johnson; they always knew where he stood; and they always knew he would hear them out and help them in any way he could.

He came to Congress well equipped to deal with the legislative affairs of Government. His precongressional career included service as a school trustee and city councilman, 7 years as mayor, and 10 years as a State senator. Bizz Johnson was working for better public education, a strong highway program, and the wisest utilization of our natural resources long before he arrived in Washington.

Perhaps his greatest expertise has been in water resource development. He served for many years as chairman of the Water and Power Resources Subcommittee of the Interior and Insular Affairs Committee, and I would imagine that Bizz Johnson knows as much about water resource development as anyone anywhere.

His 4 years as chairman of the Public Works and Transportation Committee were marked by landmark legislation. Under his leadership, we were able to bring major regulatory reform to the aviation and trucking industries, thereby easing the burden on both industry and consumers. He was also an author of the Local Public Works Capital Investment and Development Act, a significant anti-recession measure passed in 1977 to get the American economy moving again.

I shall never forget the warm personal friendship and excellent working relationship I have enjoyed with Bizz Johnson. We have all benefited from our time with this quiet yet strong man, who could be both a thoroughly tenacious advocate and a master of compromise. And in periods of stress, as in those of calm, he was at all times a gentleman in every respect.

Rosemary and I extend our very best wishes to Chairman Bizz Johnson and his lovely wife, Albra, as they return home to Roseville at the end of a job very well done. May God's guiding and good health always be with him.

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Mr. FAZIO. California has been dealt a very heavy blow in the loss of these five gentlemen. We are a State known for its defense industry. With the departure of Jim Lloyd, Charles Wilson, and our friend and colleague, the ranking minority Member, Bob Wilson, our ranks on the Committee on Armed Services have been decimated. In Jim Corman we lost a great man of principle, who was defeated simply because he refused to compromise on the issue of civil rights for all Americans. In Lionel Van Deerlin the House has lost its leading expert on communications law, and whatever legislation is passed in the next Congress, it will bear the imprimatur of his work.

Of course, in "Bizz" Johnson, my neighbor, good friend, and mentor, a man who served in public office for 40 years both as a city councilman, mayor, State senator, and Congressman, California lost one of its greatest leaders.

Bizz and Albra, who never bought a home in Washington, living for 40 years in the same home in the same precinct in the city of Roseville, epitomize the devotion to public service that we shall all miss.

"Bizz" Johnson has been criticized in recent weeks for his commitment to the people he represents. How many of us in our lameduck period would be fighting for a public building in our districts just as hard as we would were we to be returning? It is this very admirable human trait which has earned him criticism in the Washington Post.

All of these gentlemen are going to be greatly missed. I know other members of the California delegation, and other Members of the House would like to add additional remarks to the record so these men can know the great affection and esteem with which they have been held by their colleagues.

Mr. DANIELSON. Mr. Speaker, I wish to join with my colleagues, Mr. Edwards and Mr. Fazio, in paying respect to a few Californians who are not going to be with us next year: Harold T. "Bizz" Johnson from up north along the Oregon border; James C. Corman from down in Los Angeles County; my good friend, our good friend, Charles H. Wilson of California; Jim Lloyd, who adjoins my district on the east; and Lionel Van Deerlin from San Diego.

● Mr. DIXON. Mr. Speaker, in joining Don Edwards and others in paying tribute to our State's departing Democratic Members, I am reminded of the story of the defeated candidate on the morning after. After being consoled, rather philosophically, that "'well, the people have spoken," he turned around and remarked, "Yes, but did they have to shout?"

Well, the winds of change have truly blown, and it is now up to the Republicans to reap the whirlwind. As individuals who put patriotism before partisanship, we of course wish them well. At the same time, we should not lose sight of the individuals who, as a consequence of the unique occupational hazards which afflict all elected officials, will not be returning to the 97th Congress, but whose marks are indelibly left on their communities, our State, and our Nation.

At the outset, I want to commend two Members of our delegation who, though representing opposite ends of the State, share a dedication to public service and legislative excellence. As the dean of our delegation, Bizz Johnson provided a steady hand in forging an agenda to meet the diverse needs of our State. As a mayor, State senator, and Congressman, he selflessly contributed 39 years of his life to public service. As chairman of the Public Works Committee, he brought jobs and progress to his own area, and to many other districts around the country. As a freshman Member of Congress, I valued Bizz' judgment, and regret that future Members will not have the benefit of his counsel and guidance.

We will also miss Lionel Van Deerlin, a distinguished member of the Commerce Committee and chairman of its Subcommittee on Communications. As the Representative of San Diego's 42d District, Lionel Van Deerlin played a major role in improving rail transportation in that area, and throughout the State. As a former journalist, he employed his unique insights and experiences in drawing needed attention to the laws and practices governing the communications industry which is so crucial to modern society.

At this time, I want to say a special word about two southern California colleagues whom I have been particularly close to in my 2 years in the House, and whose loss I will feel especially deeply. Both in his official capacity as California's zone whip and in a personal way, Jim Lloyd was particularly kind and helpful to me in learning the legislative ropes and dealing with the myriad details involved in becoming a new Member of the House. A teacher, pilot, and businessman, Jim is a uniquely gifted individual, and I wish he and Jackie every success.

Mr. Speaker, the election result in the 21st Congressional District of California, the closest in the Nation, is presently undergoing a recount. Nothing would give me greater pleasure to stand before this House in January and retract the electoral eulogy which I am about to deliver on behalf of Jim Corman. In the event that this is not possible, I want to now pay special tribute to truly "one of the best Congressmen in America."

The orphaned son of a Kansas miner who became an attorney, city councilman and influential legislator, Jim Corman represents the very best in the American spirit. The litany of legislation which bears Jim's authorship or imprint reads like a recital of the most progressive legislation of our time: Medicare, the Civil Rights Act of 1964, the Voting Rights Act, the Law Enforcement Assistant Act, the Older Americans Act. Further, unlike many in our party, Jim has always looked to the future; to the unmet or unfulfilled agenda ahead. He helped lead the sometimes unpopular but necessary fights for a welfare system which unites rather than divides families, and which combines tightfistedness with compassion; for a comprehensive national health insurance system which regards health as a necessity, rather than a commodity; and for a fair and progressive tax system.

Perhaps the overriding theme of Jim Corman's career has been a willingness to stand firm, to fight unswervingly for the right. In the fact of discontent and upheaval at home, he was a voice of reason, never wavering from his conviction that the Constitution was intended to promote, rather than deny equality, and that this revered document should not be subjected to the passions of the moment. Truly a man who looks to history rather than to the next election, Jim Corman deserves our recognition as an outstanding statesman. And while all these glowing words may bring precious little comfort, I wish Jim, his wife Nan and young son all the best in the years ahead.

Mr. Speaker, our State and Nation have been enriched by the service of these four individuals, and I join my colleagues in offering my respects, and my thanks.●

● Mr. WHITTEN. Mr. Speaker, we gather today to praise and honor a man who is truly a giant in the House of Representatives—Bizz Johnson.

Bizz has served in this body since the 86th Congress, a total of 22 years. He has given many years of his life to public service, first as a member of the State senate of California and later as a Member of Congress. Since his arrival in Congress, Bizz has served with great distinction. His tenure on the Public Works Committee and his later service as chairman of that committee has provided the Nation with a strong public transportation system and with a defense against natural disasters. His love for his country and his dedication to the people of his district is well known.

We are truly distressed that Bizz will not be back serving with us in the next Congress, but we will remember him with fondness and affection. We hope he will allow us to call upon him for his wisdom and counsel when needed.●

● Mr. ABDNOR. Mr. Speaker, the continuing miracle of the American political system and the freedom and opportunity it provides its people is due largely to the ability of our citizens to work together on common goals—particularly, the ability of our elected officials to pursue such endeavors.

While I do not share the political persuasion of the California colleagues we honor today, I have high respect for the contributions they have made to our deliberations through the years as we have worked to craft legislation benefiting all our people.

It has been a singular pleasure to work closely in committee with Bizz Johnson and Jim Lloyd, and to share the benefits of their special insights on the issues. As chairman of the Public Works and Transportation committee, Bizz Johnson has always been eminently fair and considerate of minority views and proposals. This has been particularly important as we have worked on issues involving deregulation.

I am delighted to join in thanking these gentlemen for the fine work they have done in the Congress, and to wish them well in their future undertakings.●

● Mr. STEED. Mr. Speaker, I join in paying tribute to the four able Members of the California delegation who will, like me, be leaving at the end of this Congress and who have served here a combined total of 80 years—Harold T. (Bizz) Johnson, James C. Corman, Lionel Van Deerlin, and Jim Lloyd. Having worked as a Member with all of them, I can attest to the constructive contribution they have made to the welfare of our country.

A particular friend to me and to my district in Oklahoma is Chairman Bizz Johnson. During his tenure as chairman of the Water and Power Resources Subcommittee of the House Interior and Insular Affairs Committee, he took an active and sympathetic interest in the water resource development problems of our State.

In 1967 he went to Altus, Okla., to conduct a field hearing on the Mountain Park project of the Bureau of Reclamation. This unusual step on his part led to the enactment of the bill authorizing this project, completed in 1975, which has brought urgently needed water supplies to the city of Altus, the nearby Air Force base and the cities of Snyder and Frederick. The prosperity of southwestern Oklahoma owes a lot to "Bizz" Johnson. He also did outstanding work in helping to make usable the waters of Foss Reservoir, troubled by mineral impurities. These are only two examples of the outstanding legislative work he has done. I have never taken a problem to "Bizz" Johnson's committee that did not receive prompt, expert and sympathetic attention. I value his friendship, salute him as a fine legislator, and extend him and his every good wish for the future.

Jim Corman and I have also been associated with frequently, especially on the Committee on Small Business where he has been an effective champion of the small independent businessman. He has been an able legislative craftsman on the Committee on Ways and Means, especially as chairman of the Subcommittee on Public Assistance and Unemployment Compensation. We also owe him a vote of thanks for his intensive efforts as chairman of the Democratic Congressional Campaign Committee, where he has been practical and helpful to so many Members. He will certainly be missed.●

● Mr. ADDABBO. Mr. Speaker, the retirement of Congressman Harold T. "Bizz" Johnson deprives the House of Representatives and the people of the great State of California, with one of the most effective legislative minds this body has ever known. As this Congress comes to a close we have all been called upon to say farewell to some of our colleagues. One such person is a dear friend and trusted coworker, "Bizz" Johnson to whom I would now like to pay tribute to what I consider many years of meritorious public service.

When Harold arrived in Washington he quickly earned the respect of his colleagues for his devotion to detail, his long hours, and his sincere dedication in helping others, whether it was a colleague or a constituent. A man of achievement, his legislative accomplishments are many, accomplishments which have benefited millions of Americans coast-to-coast.

In 1977 he was elected by his colleagus to serve as chairman of the House Committee on Public Works and Transportation. Thanks to his fine leadership and legislative skill he has been able to assist in aviation and airport development, economic development, build vitally needed public buildings and highways, creating jobs for thousands of Americans. In addition he has been an advocate for improved mass transit systems, an advocacy that I am sure many New Yorkers are very grateful for. Under his direction vital water and flood control programs have been developed, protecting the lives and providing water to millions of people.

While serving on the House Interior and Insular Affairs Committee he aided in the drafting of key legislative bills in the areas of national parks, recreation, public lands and water resources. Coming from the State of California, Harold has been aware of the danger of forest fires and his support of legislation to facilitate enforcement of national forest regulations against fire carelessness and litterbugs, is certainly indicative of that concern.

Harold T. "Bizz" Johnson's departure from Congress leaves a void which will be difficult, if not impossible, to fill and it saddens me that I will not have the pleasure of serving with him in January. His district, his State and his country are grateful that he has served so unselfishly and I offer him my best wishes for a happy and healthy retirement.●

● Mr. ROYBAL. Mr. Speaker, I would like to take this opportunity to pay tribute to five of my close friends in Congress—Jim Corman, Jim Lloyd, Bizz Johnson, Charlie Wilson, and Lionel Van Deerlin—who regrettably will not be returning for the 97th Congress. Both the State of California and the country as a whole will miss their leadership and dedication.

Jim Corman has served here for 20 years. Over the years I have gotten to know Jim very well, and I value our longstanding friendship. As an influential Member of Congress, Jim has demonstrated a deep and genuine commitment to the poor and unfortunate of this country. In his capacity as chairman of the Ways and Means Subcommittee on Public Assistance, Jim is recognized as an expert on welfare and unemployment compensation matters. He has been a leading advocate of progressive tax reform and national insurance. As chairman of the Democratic Congressional Campaign Committee, Jim was largely responsible for the very equitable distribution of campaign funds. Jim's leadership, his devotion to the less fortunate of this country, and his strong sense of fair play will be sorely missed by all.

Jim Lloyd has served in the House for only 6 years, but during that time he has earned the respect of his colleagues for his expertise in military matters. As a 21-year Navy veteran and a member of the House Armed Services Committee, he has been very influential in developing military legislation. There are few of us so devoted to our jobs that we would actually try out the military planes under consideration for funding.

Bizz Johnson, in his 22 years in Congress, has proved himself to be a tireless worker for his constituents. He has been instrumental in working for legislation that would benefit not only his district, but the State of California as well. As chairman of he California congressional delegation and of the Public Works Committee, Bizz has exerted his leadership in a quiet, subtle, but most effective manner.

Lionel Van Deerlin's years of service in the House exactly corresponds to mine—18. He has come a long way since our freshman year in 1962. As chairman of the Communications Subcommittee of the House Commerce Committee, Van has left his mark on the broadcasting industry. Recognizing this industry's enormous importance to this country, Van has continually supported new programs and innovations.

Charlie Wilson was also a member of that freshman class of 1962. His influence has been felt in an area that touches the lives of every person in this country—the postal and civil services. As a member of the Post Office and Civil Service Committee, Charlie has been instrumental in keeping the Postal Service strong and effective. He has managed major postal reorganization bills, and more recently was largely responsible for retaining 6-day mail delivery. Charlie has always worked to defend the much-maligned and often troubled postal service, and the loss of his knowledge and expertise in Congress will be keenly felt.

I deeply regret saying goodbye to these five fine legislators and close personal friends. I have enjoyed their company in Congress for many years, and I assure them that their knowledge, skills and leadership will be missed by many, many people. On a more personal note, I wish to thank each of them—Jim Corman, Jim Lloyd, Bizz, Van, and Charlie—for their staunch friendship and support. I will miss all of you.●

● Mr. COELHO. Mr. Speaker, as I look forward to beginning my second term as a Member of this body, I do so with a bit of sadness. My distinguished and able colleagues, Jim Corman, Bizz Johnson, Jim Lloyd, and Lionel Van Deerlin, with whom I have had the pleasure of serving for the past 2 years, will not be returning.

To lose these Members is to lose more than friends. I will miss the expert advice and counsel that they have willingly given to me and many Member of this body, I am sure, just as many in their respective districts will miss their faithful and dedicated service.

Mr. Speaker, I wish each of them and their partners in victory and defeat, their lovely wives, the best of luck and happiness for years to come.●

● Mr. STARK. Mr. Speaker, I rise to express my gratitude to Bizz Johnson, Jim Corman, Jim Lloyd, and Lionel Van Deerlin who will be retiring at the end of this Congress. These men have served their districts, the State of California, and the entire Nation well and faithfully. Their leadership will be especially missed by those of us who are their colleagues from California.

If I may, I would like to express my personal thanks to Jim Corman for 20 years of service to the people of California and the Nation.

It has been my rare privilege to serve with Jim on the Ways and Means Committee and on the Subcommittee on Public Assistance and Unemployment Compensation which he has chaired so ably.

I can say with confidence that no Member of this body has better represented the needs of the poor and the disadvantaged than Jim Corman. We have all been educated by his eloquence and his sincerity on welfare reform and national health insurance.

But Jim Corman's constituency is larger than the disenfranchised of this Nation—it includes every American taxpayer who is concerned about tax equity and justice.

Jim Corman is above all a man with a vision of the United States where no person is cold or hungry, sick or left by the wayside because of social or political forces beyond his control. He has shared that vision with me and with all of us. We are better legislators, better men and women, and better Americans because of it.

Thanks are not enough. We have come a long way in the last 20 years toward the realization of the goals that Jim Corman and I share. But the job is not done, and I know that Jim Corman will not stop working in the years ahead. So I would like to say to the distinguished gentleman from California—you have my thanks and my promise to continue to work with you to realize the vision we share.

And to all my retiring colleagues from California we are honoring this evening I offer my thanks.●

● Mr. MATSUI. Mr. Speaker, I rise to pay tribute to five of our colleagues: Men whose leadership, compassion, and dedication to service have been an inspiration to all their peers in this Chamber.

I am referring, of course, to JIM CORMAN, BIZZ JOHNSON, LIONEL VAN DEERLIN, CHARLIE WILSON, and JIM LLOYD. I am sure that the rest of the California delegation and all Members of the House of Representatives share my deep regret that these esteemed Members will not be joining us in the 97th Congress. Although they will be leaving, their contributions will be long remembered.

We will remember JIM CORMAN's devotion to the well-being of the needy, and BIZZ JOHNSON's leadership as chairman of the Public Works Committee and dean of the delegation. As a member of LIONEL VAN DEERLIN's Communications Subcommittee, I know how much he will be missed. Similarly, we will not forget CHARLIE WILSON's expertise in matters concerning the Postal Service or JIM LLOYD's counsel on defense issues.

Mr. Speaker, the inspiration these men provided for all of us will not end with the adjournment of this Congress. Rather, their service will hearten our delegation and all Members of the House for years to come.●

● Mr. HOWARD. Mr. Speaker, as chairman of the Surface Transportation Subcommittee, I have had the great privilege and honor of working side-by-side with BIZZ JOHNSON on legislation before the Public Works and Transportation Committee.

BIZZ is the kind of full committee chairman who inspires both confidence and hard work in his subcommittee chairmen. He gives latitude and encourages creative approaches to problems and new issues. He offers constructive advice and, when appropriate, firm counsel and direction. Always, he is there to provide support and assistance on tough floor fights.

As a committee, we have maintained an unusual level of cooperation and unanimity on the broad range of legislation that comes before us. BIZZ deserves the lion's share of the credit for this cohesion and for the success of such important and landmark measures as trucking deregulation, economic development, water quality improvement, disaster relief, flood control, mass transportation, and highway and bridge construction.

BIZZ' quiet strength and confidence served as encouragement to me personally when we saw a legislative battle looming ahead. He demonstrated time and again his concern for the health and well-being of committee members and colleagues. He was always available to help out when the chips were down.

He has enjoyed the respect of all of us who had the pleasure of serving with him on the Public Works and Transportation Committee. We are losing a fine chairman and the State of California is losing one of the most influential and conscientious Members of this body.

BIZZ, we wish you the very best and we promise and hope to carry out those programs and those initiatives you began in a way that will make you proud. I know I speak for all the members of the committee when I thank you for your past service and wish you the best in your retirement.●

● Mr. DRINAN. Mr. Speaker, it is hard to imagine how any Congressman could have contributed more to the Congress and to the country than JIM CORMAN. A graduate of the University of California and of the University of Southern California Law School, JIM CORMAN was elected to the Congress on November 8, 1960. During that time, he has served as the chairman of the Democratic National Congressional Committee, member of the House Judiciary Committee, and after that, as a member of the House Committee on Ways and Means.

He has been the able chairman of the Subcommittee on Public Assistance and Unemployment Compensation of the Ways and Means Committee. Mr. CORMAN also served as a member of the House Committee on Small Business.

Achievements and honors before and during his years as a Member of Congress are many. He was a colonel in the U.S. Marine Corps Reserve and has served as a member of the Board of Trustees of the Kennedy Center for the Performing Arts. He was appointed by President Johnson to the National Advisory Commission on Civil Disorders.

Congressman CORMAN's contributions in the area of social security law and unemployment compensation have brought almost countless benefits to the American people. His contribution in this complicated area of the law and public policy is most significant and abiding.

Congressman CORMAN will be missed by Members of the House where he was universally admired. His contributions will always be remembered by a grateful nation whose people he has enriched in many, many ways.●

● Mr. NOWAK. Mr. Speaker, it is a pleasure to join my colleagues today in paying tribute to the leadership of the distinguished chairman of the House Committee on Public Works and Transportation.

It has been my privilege to serve on this committee for the last 6 years, the last 4 under the strong direction of Chairman BIZZ JOHNSON. During more than two decades in the House, the gentleman from California forged a reputation as an advocate of meaningful, cost-effective public works initiatives that added to the economic well-being and the quality of life in our Nation. His contribution to this effort was invaluable and his experience will be missed in the future.

Many of us who were closely associated with BIZZ JOHNSON in developing legislation found him to be a man of firm convictions and a tough negotiator. Underlying that exterior, however, was a basic fairness and a dedication to getting enacted the kind of legislation that would benefit our Nation the most.

BIZZ JOHNSON has succeeded in making a significant contribution to the improvement of our Nation's transportation and water supply and protection network. He is a vigorous man, whose vigor will be missed. I join in wishing our chairman the best of luck as he pursues other areas of activity in the years ahead.●

● Mr. ALBOSTA. Mr. Speaker, a true gentleman legislator, HAROLD T. "BIZZ" JOHNSON, will be retiring from Congress at the end of this session. Although I have only had the privilege of knowing him for the 2 short years we have served together, I have been profoundly impressed by him and all he stands for. I proudly join with my colleagues today in honoring him and paying tribute to his long and significant career of public service.

As a freshman member of the Committee on Public Works and Transportation, I quickly came to appreciate the calm and fair manner in which he directed our committee. His many years of experience on the committee gave him a full knowledge of the wide range of subjects which come before us. Not only did he know the general subjects, but he was always fully familiar with the many details of legislation past and present. Beyond that, BIZZ took the time to know the individual members of his committee and their particular needs and interests.

Throughout his career on the Public Works Committee, he has helped to shape all the major legislation of the last two decades—such major bills as the Interstate Highway System, the local public works and economic development packages, the airport and airway development programs, and numerous water resource development and flood control projects in nearly every State of the Union. Yes, BIZZ JOHNSON has had a guiding influence on much of our land.

Before I came to Congress, BIZZ was an active member of the Committee on Interior and Insular Affairs. Through his active work on this committee, he has helped to create numerous national parks, helped to form the National Wild and Scenic Rivers System and the National Wilderness System, and been instrumental in creating many of the individual wild and scenic rivers and wilderness protective designations. Throughout his service in the House of Representatives, he has been looked to as the voice of moderate and balanced planning for our national parks and national forests. Because of his first-hand experience and knowledge of his native California, he has fully understood and successfully explained to many of his colleagues the importance of a wise utilization of our natural resources. In recent years, the importance of his message has become more obvious as we have for the first time begun to realize the limits of our energy and other natural resources.

Because BIZZ JOHNSON knew and appreciated the fact that our natural resources could be protected and put to good use at the same time, he was quickly recognized as a leader in the field of water resource development. For 10 years he served with distinction in the State Senate of California. There he was a prime proponent of one of the major irrigation and reclamation projects in the world—the Central Valley project. Upon coming to Congress in 1959, he was recognized as an expert in this field. Throughout the Western United States there are reclamation projects which bear the stamp of Bizz Johnson. As the long-time and active chairman of the Subcommittee on Irrigation and Reclamation, he played a leading role in the development of water resources in the West. Not only did this include flood control, recreation, and agricultural benefits for many people, but it also represented a readily available and clean source of electrical energy. Through this subcommittee, he was also able to help shape national efforts in the fields of salinity control and desalinization. These efforts have borne fruit in several areas of the West.

As a legislator, I have had a particular appreciation for Bizz, because he learned his legislative lessons in much the way I have. He began his service in the public sector by serving on the Roseville School Board. He served his hometown of Roseville as mayor for many years. He later went on to serve in the State Senate. After 10 years in that body, most people would have considered their public service obligation over. Bizz Johnson never considered it an obligation. He truly enjoyed his public service. He came to Congress in 1959 fully intending to stay only a few years. But the people he represented loved him and continued to send him back as their Representative for 22 years.

Because he served at all levels of government, he knew the needs and the concerns of officeholders at each level. He worked well with all types of people. As he gained in seniority here in the House of Representatives, more and more people looked to him for help. Because his congressional district once covered nearly half of the Golden State, he, at one time or another, has called many Californians his constituents. It has often been accurately said that Bizz Johnson was in fact California's third U.S. Senator. His office was always open to anyone who needed his help or advice. He believed in people and the American governmental system.

Bizz is a native of California and was the son of a gold miner. He began as part of California's history and grew to help shape its latest chapters. He knew the value of hard work, having started work at age 13. He worked many years with the railroad through the Pacific Fruit Express. He knew the important contributions of the labor movement to the workingman, and he sought at all times to improve the standard of living for all Americans.

Part of Bizz's success is directly attributable to a truly charming and remarkable lady—his wife, Albra. Bizz and Albra, as a team, have shown what great things can be accomplished when a couple shares the challenges and rewards of a political career. My wife, Dorothy, who travels with me and works in my office as a volunteer, and I have often looked to the Johnsons as a model. Albra too deserves our accolades.

When his family, so many years ago, named him after Chancellor Bismarck, they accurately predicted his rise to national prominence and his ability to lead his Nation. He did not rule with an iron hand, though. He is a gentle man. He is immensely fair, always giving his adversary the benefit of the doubt and every opportunity. He is open to everyone and a cheerful man with a friendly comment for all those he knows. His effectiveness as a Congressman came from his careful attention to the needs of his constituents and of his untiring efforts to keep them informed of action in Washington. As a legislator, he was effective through persuasion and careful analysis of the subject and the positions of each individual shaping it. He is not flashy or flamboyant. Instead he is quiet, dedicated, sincere. I am convinced that when historians review his celebrated political career, they may very well use Bizz's own words and pronounce his efforts very good.

Dorothy and I wish Albra and Bizz good health and continued success for the future. Although we will not have their advice and counsel on a daily basis, we hope that they will continue to share with this Nation the experience and knowledge upon which we have relied in the past. This House will lose a great man, but we are all glad to have called him our friend.●

● Mr. SCHULZE. Mr. Speaker, it is my pleasure to join in this salute to the Honorable Lionel Van Deerlin and his many years of praiseworthy service in the House of Representatives.

Van will take with him the title of "Father of Telecommunications." As chairman of the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee, he has labored with great determination to make the law in this area compatible with new and future technologies. In doing so, he has brought communications law up to date with a world of satellites and televisions which simply did not exist in 1934. All American consumers will reap the benefits of his persistent efforts.

Van has earned the respect of his colleagues for his dedication and personal integrity. And more, he has earned our affection for his charm and wit. These qualities will be missed from both sides of the aisle.

Van, we wish you well.●

● Mr. REUSS. Mr. Speaker, I am happy for this opportunity to pay tribute to my Democratic colleagues of the California delegation who will not be returning with the next Congress: Jim Corman, Bizz Johnson, Jim Lloyd, Lionel Van Deerlin, and Charlie Wilson. This is a distinguished group of men, some of whom I have been privileged to serve with for many years, and their absence will be strongly felt in the 97th Congress.

Jim Corman has been an effective chairman of the important Ways and Means Subcommittee on Public Assistance and Unemployment Compensation, and is ranking majority member of its Subcommittee on Health. Jim has also done yeoman's service as chairman of the Democratic Congressional Campaign Committee.

Bizz Johnson has served as the esteemed and active chairman of the Committee on Public Works and Transportation. In this capacity, Bizz has contributed his abundant expertise to legislation concerning everything from aviation and airport development, highway and mass transit projects, to public buildings and grounds, flood control programs, and water quality control.

Jim Lloyd has been a congressional leader in the areas of aviation and defense. As chairman of the Science and Technology Subcommittee on Investigations and Oversight, Jim has led a valuable investigation of declining productivity and innovation in U.S. small businesses. He is a sponsor of vital "sunset" legislation, which could help to eliminate some of the bureaucratic waste in Federal Government.

Lionel Van Deerlin is the knowledgeable and dedicated chairman of the Communications Subcommittee, and has worked hard for the deregulation of that important industry, while encouraging the development of new technologies. He has also stood as a strong and progressive protector of freedom of the press.

Charlie Wilson has sponsored much admirable legislation during his long congressional career. His successful efforts for postal reform and tougher franking standards deserve citation. He has also distinguished himself as an expert in arms control and disarmament.

The contributions of these five Congressmen add up to an impressive legacy of achievement for the people of California and the Nation. I congratulate each of them, and wish them well.●

● Mr. BOB WILSON. Mr. Speaker, for 18 years, Lionel Van Deerlin has been a Member—and an extremely effective Member—of the House of Representatives and we all will miss him. I will, especially, because Van was not only a colleague from San Diego, but also one of my close personal friends. I will sorely miss him, as we have worked together on many issues involving San Diego. His wise advice and counsel have been of immeasurable help to me and his efforts on behalf of San Diego and his constituents will long be remembered.

Van has been one of our most articulate Members and his newsman's choice of words combined with his dry wit have given us some of our lighter moments on the floor of this House. I remember well some years ago when we were debating the tuna-porpoise issue. Debate had gone long, the hour was late and we were all tired. The decision was made to limit debate to 40 seconds. Van was somewhat piqued over the decision as he had requested time to speak. When his turn finally came, he said in exasperation, "Mr. Chairman, in the interest of time, I yield my fat 40 seconds to the gentleman from California."

Van was also a most able subcommittee chairman and was adept at expediting legislation. At one session, a member of Van's committee was distressed at the rapidity with which a bill was moving.

"Does the gentleman believe I'm trying to ramrod this legislation through?" VAN asked.

"How about greasing the skids," the Member replied.

"Now you're getting the idea," VAN said.

I will miss VAN, as we all will. He is a gentleman in the nicest sense of that term. He took his duties and responsibilities as a Member most seriously and devoted himself tirelessly to the job of being a Congressman. Shirley and I join in wishing VAN and Mary Jo all the best—and Godspeed in the future.●

● Mr. DRINAN. Mr. Speaker, LIONEL VAN DEERLIN is a uniquely talented person who has contributed in almost monumental ways to the development of the law of communications.

Before coming to the Congress, Mr. VAN DEERLIN distinguished himself in World War II with overseas service in the Mediterranean theatre. He was a newspaperman, a radio and television news editor and analyst.

The work of Mr. VAN DEERLIN as the chairman of the Subcommittee on Communications of the Interstate and Foreign Commerce Committee will long be remembered. He has had a very fruitful mind and with his unique background in electronic journalism has contributed in very significant ways to the improvement of the law of communications.

Congressman VAN DEERLIN will be missed by his colleagues and associates. All of us know that he will continue his very important work in ways which will be noteworthy.●

● Mr. FLIPPO. Mr. Speaker, there is a destiny that makes us brothers; none goes his way alone; all that we send into the lives of others comes back into our own.

JIM LLOYD and I have been brought together by destiny, and, JIM, I wanted you to know that you most assuredly are not going your way alone.

You will be taking along with you the respect, admiration, gratitude, and warm friendship of many of your colleagues, especially the members of the Science and Technology Committee.

JIM, we cherish your friendship, we are grateful for your dedication and hard work, for your fairness and yeoman service. The people of California and the Nation are much better because of your service, especially those of us who were fortunate enough to work side by side with you for such a long time.

We wish you Godspeed, good luck, and good health.

Friendship is like wine, raw when new and best when it is ripe with old age. I want you to know that I look forward to continuing our friendship for a long, long time and am hopeful that we might do that here on the floor of this House.●

Mr. ANDERSON of California. Mr. Speaker, let me take this time to express my appreciation to our colleague for arranging today to pay tribute to the five Democratic members of the California State delegation who will not be here in January. The Golden State delegation as a whole has worked well together, and the five members we pay tribute to today have been a good and strong part of this delegation.

One of these is LIONEL VAN DEERLIN, a veteran of 18 years here in Congress. He has been a dear friend during the 12 years I have been here in Washington, and I have come to know and respect VAN as a sincere and hard working man. He has played a key role in the development of many pieces of important legislation generated by this House. I cannot help but have a tremendous feeling of loss, knowing that he shall not be available in the next Congress for counsel and advice.

A former newscaster, I greatly admire VAN for the work he has done as chairman of the Subcommittee on Communications since 1977. He has undertaken the revision of the Communications Act of 1934, and having been part of deregulating an industry, I can appreciate the difficulty of this task.

Being a member of the California delegation, I know very well the hardships and personal inconvenience of serving a constituency that is some 3,000 miles away. I therefore, especially wish to commend VAN for the fine service he has given California's 42d Congressional District, as well as our entire Nation, by the work he has done while serving in this House.

My wife, Lee, joins me in saying farewell to LIONEL VAN DEERLIN, and we wish him and his wife, Mary Jo, and their six children well in all their future endeavors.

● Mr. FLIPPO. Mr. Speaker—

> God is not a cosmic bellboy for whom we can press a button to get things done.

We have to have workers and leaders in order to build this great Nation and make this a better world. I have had the distinct privilege of serving with such a worker and leader for the past 4 years.

Better than any man I know, BIZZ JOHNSON is aware that it is not the situation that makes the man, but the man that makes the situation. He has been my teacher, my counsel, indeed my benefactor. But most of all, he has been my friend.

It has been a wonderful and profitable experience serving with this great chairman.

He has taught me that impossible is a word to be found only in the dictionary of fools.

As our great Nation is yet unconquered, so it is unconquerable.

Its history still lies ahead. Our finest hours are yet to come because we have had men like BIZZ JOHNSON laying the groundwork.

Today, as we pay tribute to one of the great architects who charted the course to our past and present greatness, let us look up as befits the most powerful nation on Earth, both spiritually and physically.

And let us not forget the splendid example and excellent record given to us by this great man, HAROLD T. JOHNSON, builder, architect, American.●

● Mr. RICHMOND. Mr. Speaker, it is with a profound sense of sadness that I join my colleagues in bidding farewell to one of the outstanding leaders of this House and the Democratic Party, my good friend, JIM CORMAN, of California.

JIM CORMAN has served 10 terms in the House, representing his constituents and the people of the entire Nation with dedication, distinction, courage, and compassion. He was elected by his colleagues of the Democratic Caucus as chairman of the Democratic Congressional Campaign Committee and he has provided excellent leadership as chairman of the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation.

I have had the privilege of working with JIM CORMAN on both the Special Welfare Reform Subcommittee during the 95th Congress and on the Small Business Committee. Jim is consistently able to translate his deep concern for the well-being and dignity of the poor and downtrodden in our society into meaningful legislation.

His narrow defeat at the polls represents a devastating blow to the continuing effort to reform our Nation's inhumane and excessively complex welfare system and to the ongoing battle to provide adequate funding for essential social services and child welfare programs. Without JIM CORMAN in Congress, the Nation has lost an articulate voice on behalf of such crucial initiatives as fair housing, full employment, comprehensive health care, civil rights, and equity for all Americans—workers, the poor, the elderly, the unemployed, the hungry and the sick.

We will all miss JIM CORMAN's leadership in Congress and offer him our very best wishes.●

● Mr. COLLINS of Texas. Mr. Speaker, I am proud to join with all of those expressing our words of appreciation for the outstanding service that LIONEL VAN DEERLIN has rendered in the U.S. Congress. I have had the pleasure of working as the ranking Republican member on the committee which he chairs as chairman of the Communications Committee for the House. LIONEL is a hard working, dedicated chairman. I was interested to read that our committee was the third most active committee in the House. We had more hearings on major legislation with a smaller staff than anyone in Congress.

As a chairman, LIONEL is fair but keeps the committee moving in an expeditious manner. He gives every member an opportunity to be heard. He lets every witness have adequate time for explanation and discussion on any point. He had his staff prepare comprehensive research covering the entire legislative matters under review for action.

With LIONEL VAN DEERLIN as chairman, the committee developed a monumental telephone bill which was carried all the way through the House. This is the first time that legislation of this type has come forward since 1934.

When you think of LIONEL, you think of a gentleman and a scholar. The first impression is based on his friendly smile and warm greeting. But behind this is a sincere, dedicated Congressman who works diligently to promote a workable legislative program.

LIONEL has the respect of all of the Republicans who serve on his committee. LIONEL has built a strong committee staff of capable people. On hearings, he understood the side of labor as well as industry and balances this out with the consumer interests.

Having served with Lionel Van Deerlin, it is a personal loss to see him leaving the Halls of Congress. We will all miss Lionel and Mary Jo. When we lose the Van Deerlins we lose one of the best loved couples that have ever served on the Hill. And as they return to California, Lionel will know he has placed the name, Van Deerlin, in a permanent mark on the Archives through the Congressional Record. We will always remember from San Diego, Lionel Van Deerlin, the loyal and faithful son of California.●

● Mr. GLICKMAN. Mr. Speaker, at the same time that this Congress is working on developing a viable energy policy that will assure adequate supplies in years ahead, it is an irony that one of the greatest sources of energy within the Congress, Jim Lloyd, will not be with us in the next session. Fortunately for the Nation, Jim has dedicated that seemingly boundless energy and a remarkable degree of commonsense to the work of the House during the last three Congresses. And, lucky for me, I have had the chance of working closely with Jim on the Science and Technology Committee and learning from him. There is no question that Jim Lloyd has been preeminent in his knowledge of aviation in the Congress, and that is something that will be sorely missed.

During my two terms in the House, Jim Lloyd has been among the finest people that I have come to know and among the best of friends. I will miss his guidance here in the next Congress, but I am sure we will be hearing from him. I hope we can count on access to his reasoned wisdom in the years ahead. I wish him well.●

● Mr. UDALL. Mr. Speaker, California, the country and the House will lose the services of four good men, and I am sad. Lionel Van Deerlin is a close friend and one of the ablest Members of the Congress. Always calm and fair, he acts on his beliefs. Bizz Johnson and I have served together for a long time, and it is difficult to find a more decent, friendly, conscientious, or beloved Member than Bizz. Jim Corman and I came to the House together, and I have always admired his belief that a public official ought to stand for something. Jim Corman always has taken stands, always worked to do the right thing and is a credit to this Chamber. Beyond that, Jim served with distinction as chairman of the Democratic Campaign Committee and for that, he deserves thanks. Jim Lloyd is a conscientious and able Member who stands on principle and speaks out strongly, even when he is dealing with an unpopular issue. He has been a good leader. All of these men are my friends. I am sorry they are leaving, but I hope the future is kind to each of them.●

● Mr. YOUNG of Missouri. Mr. Speaker, I rise to pay tribute to the distinguished members of the California delegation, Representative Harold T. (Bizz) Johnson, Representative Jim Lloyd, Representative Lionel Van Deerlin, and Representative James Corman.

Since 1977, I have had the honor of knowing and working with Representative Johnson as chairman of the committee on which I serve, Public Works and Transportation. I would like to express my sincere gratitude to Representative Johnson for his loyal friendship and generous counsel over the years.

In 1977 Congressman Johnson was elected by his colleagues to serve as chairman of the House Committee on Public Works and Transportation. He has served as a member of that committee for many years and has participated actively in all the areas of the committee's jurisdiction including aviation and airport development, economic development, public buildings and grounds, highway programs, mass transit projects, water and flood control programs, and water quality control efforts.

As chairman of the Public Works and Transportation Committee, Representative Johnson has demonstrated the highest example of leadership and dedication to principles. The departure of Representative Johnson will be a great loss to the Nation and especially residents of the First Congressional District of California. As a Member of Congress, I will sorely miss him.

I would also like to express my respect for my other good friend from California, Representative Jim Lloyd. I have had the pleasure of serving with Representative Lloyd on the Science and Technology Committee, and I have particularly appreciated the contributions he has made through his interest in and support for aviation, small business, and problems of aging. As one of the primary sponsors of the Experienced Pilots Act of 1979, Jim was instrumental in pressing for a study of the medical validity of a mandatory retirement age for pilots. This study has the potential for changing retirement standards to allow Americans to continue active employment for as long as they wish and are capable of doing so. Similarly, his subcommittee's investigations of declining productivity and innovation within small business have addressed problems which have far-reaching impact. Accomplishments such as these during Jim's service in Congress will provide a lasting contribution.●

● Mr. FINDLEY. Mr. Speaker, I am saddened by the knowledge that we will no longer have the pleasure of working with the four gentlemen being honored by this special order. Mr. Van Deerlin, Mr. Corman, and Mr. Johnson, and I have worked together in many a common cause over the years. They, together with Mr. Lloyd, are fine gentlemen who have served their country with distinction and honor. As a Republican, I of course rejoice when the party of Lincoln is able to swell its numbers, but at the same time it is sobering to see good friends and able people depart.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring five members of the California delegation who are leaving the House after the 96th Congress.

I commend Jim Corman, Bizz Johnson, Jim Lloyd, "Van" Van Deerlin, and Charlie Wilson for their years of service to the people of California and the Nation.

Their expertise, dedication, and leadership will be sorely missed in the challenging years ahead.

I extend to them all my very best wishes for the future.●

● Mr. GIBBONS. Mr. Speaker, I have had the privilege of sitting near Jim Corman on the Ways and Means Committee since 1969. I have always thought of him as being my best friend here in Congress. But he is certainly more than that. He is a fine gentleman, a highly intelligent individual, and an effective and respected legislator. Jim has a brilliant mind and a wonderful, warm concern for people.

Martha and I first met Jim in the House Restaurant when Jim was an old-timer, and I was just a freshman. Many things have changed since those days, but one thing is permanent: I have a great respect for Jim, for his integrity and for his ability.

As he and Nancy face new careers, we wish them well—and we know that our friendship will endure.●

● Mr. DERRICK. Mr. Speaker, I rise today to join my colleagues in honoring those members of the California delegation who will not be returning in January, and especially to offer farewell to two members of that group whose friendship I have shared during my tenure in this body.

The citizens of the First Congressional District in California will find it difficult to replace Bizz Johnson with a more effective Member of the U.S. House of Representatives. Bizz's 22 years of service in this body find few parallels. His expertise and guidance of legislation through the House Committee on Public Works and Transportation will be sorely missed. Beyond his chairmanship of that important committee, Bizz's record in Congress is simply one of distinction. I am honored to have known and worked with him, and wish him continued success in the future.

Mr. Speaker, I am also saddened by the departure of Jim Lloyd from the House. Jim has served both his Nation, and his constituents ably as a member of the Armed Services Committee, Science and Technology Committee, and the Select Committee on Aging. If Jim's past and present record of success is any indication of the future, I am confident it will be bright for him. As a fellow member of the class of the 94th Congress, I would like to offer Jim the best of luck.

On this recent election day, along with their fellow citizens throughout the Nation, the people of California exercised their ultimate rights of citizenship in choosing their elected representatives. Few could argue that the results of that day do not represent rather pervasive changes in the public mood. I would only have wished, Mr. Speaker, that they could have known and worked with both Bizz Johnson and Jim Lloyd as I have over the past years, as I believe it may have changed the outcome.●

● Mr. BIAGGI. Mr. Speaker, the House, today pays tribute to one of its finest Members, Jim Lloyd, who for the past 6 years has so ably represented the citizens of the 35th Congressional District in California.

In just 6 years, Jim Lloyd emerged as an effective and sensible legislator. He has served with special distinction as a member of the House Select Committee on Aging of which I am an original member. Our committee conducted several important hearings in Jim's district and these helped produce important legislation benefiting our seniors.

Before being elected to Congress, Jim had a distinguished career in local government in his home city of West Covina. He served first as a city councilman and later as mayor.

Jim also had a most distinguished military career. His tenure in the Navy spanned 21 years and included service in World War II, the Korean war and his very last duty station, Guantanamo Bay in Cuba. Jim is an accomplished pilot and officially retired as a lieutenant commander.

It has been my distinct privilege to serve with Jim Lloyd these past 6 years and I wish him every success in the future.●

● Mr. DRINAN. Mr. Speaker, Congressman Johnson served the public for many years before he came to Washington. He was for 7 years the mayor of Roseville, Calif. He served in the State senate from 1948 to 1958 when he was elected to the 86th Congress.

During his very fruitful years in the House, Harold (Bizz) Johnson has done extraordinarily fine work as chairman of the Public Works Committee. In that capacity, he has earned the respect and admiration of members of the committee and Members of the House.

Congressman Johnson has been a hard-working and devoted Member of the House whose legacy all of us should seek to emulate.●

● Mr. BIAGGI. I am pleased to join many of my colleagues who have paid their tribute to a most distinguished Member of this body who has served with distinction, Harold T. "Bizz" Johnson.

Since 1958, the people of the First Congressional District of California have been ably represented by Bizz. Before his election to this body, he was a devoted public servant in the California State House where he served in the State senate from 1948 until his House victory. His career in public office was also highlighted by his tenure as trustee, city councilman, and for 7 years mayor of Roseville, Calif. His years of service to California will be long remembered, as his mark has been left in many areas vital to his district.

Bizz has served with special distinction and unquestioned effectiveness as chairman of the House Public Works and Transportation Committee. During his tenure as chairman, countless landmark pieces of legislation have been passed which have upgraded the quality of transportation in this Nation, both public and private. He has been highly attentive to the interests of his colleagues in public works projects which are the lifeblood of so many areas of this country. We will long be grateful to him in this regard.

Bizz will leave behind many fond memories in the hearts of his colleagues, including mine. I think that we can be assured that whatever his future endeavors encompass, that he will give to them the same qualities of leadership which he exhibited here as chairman of his committee. I am sorry that he feels it is time to voluntarily take himself from his country's service, but am comforted in the fact that while he was here this Nation was served by a most dedicated individual. I know that we all wish him and his wife Albra a happy and healthy retirement for many years to come.●

● Mr. GINN. Mr. Speaker, the 97th Congress will convene next year without the able leadership of our colleague from California, Jim Corman. It will be a loss that will be felt for years to come.

Jim's record of public service goes back many years to his tenure on the Los Angeles City Council. The people of his area quickly recognized his capability and his dedication, and he has always proven himself worthy of that confidence.

It has been my honor to work with Jim Corman on a number of projects and to come to know him as both a friend and one of the most dynamic legislators in the Congress. His work has been characterized by his vision for a better life for all citizens, and his courage in facing every important public issue.

Many of us will best remember Jim's congressional service for his contributions in the health field, welfare reform, and taxation. His contributions through his service on the Committee on Small Business, and his tireless labors for the Democratic Party are also well known.

But I will always appreciate Jim Corman for his work as a leader and an energetic worker on behalf of the multitude of ordinary citizens who so often find it hard to have their voice heard in Washington.

Jim Corman is a man who always has time to take on one more challenge, and one more task, and one more responsibility. He is a public servant of rare quality, and I deeply regret that we will not have him with us in the new Congress.

My disappointment in his departure, however, is tempered by the knowledge that he is the kind of man who will always play an active role in the interests of the public. Mr. Speaker, I salute Jim Corman for his record of achievement, and I wish him the very best for the future.●

● Mr. WHITTEN. Mr. Speaker, I am happy to join with my colleagues and Jim Lloyd's many friends in paying tribute to him upon his departure from the Congress.

Jim has been in Congress only a relatively short time, but in that period he has made many friends and earned a reputation for honesty and integrity. His service on the Armed Services Committee has benefited the Nation and the good people of his district.

It is with deepest regret that we say goodbye to Jim. His years in the Congress will be remembered for their effectiveness in the betterment of the Nation. Jim, we wish you well in your future endeavors and know you will succeed in any new venture. We hope you will remember us fondly and will allow us to call upon you for your valued counsel.●

● Mr. PRICE. Mr. Speaker, when the current session comes to a close, the House Armed Services Committee and the House Post Office and Civil Service Committee will lose the services of Charles H. Wilson of California. Charlie has served as a public official for the past 25 years, since he was elected to the California State Assembly in 1955.

While in Sacramento he served as chairman of the revenue and taxation committee. He was elected to the U.S. House of Representatives in 1962 and has represented California's 31st District continuously for the past 18 years.

Charlie Wilson has played a leading role within the Committee on Armed Services with respect to arms control and disarmament matters. Because of his keen interest in arms control matters, in 1974 he chaired a Special Subcommittee on Arms Control and Disarmament, which examined the SALT I agreement with respect to the national defense and security of the United States. That subcommittee recommended a national policy that "requires neither the advocation of disarmament nor a blind commitment to an all-out arms race, but rather a willingness to back serious negotiations while at the same time making clear our determination that we will not accept a result—through negotiations or other means—that weakens American security."

Mr. Wilson continued his great interest in arms control and disarmament matters as a congressional observer at the SALT II negotiations in Geneva, Switzerland. In December of 1977, at Geneva, Mr. Wilson forcefully and correctly advised both United States and Soviet negotiators that any SALT II agreement perceived by the American people to be inequitable, or injurious to our national security would be doomed to failure.

In 1978 Congressman Wilson chaired a special panel on SALT II and on the negotiations with the Soviet Union and the United Kingdom toward a comprehensive nuclear weapons test ban treaty. This panel issued two very important reports. The first report, entitled "Effects of a Comprehensive Test Ban Treaty on United States National Security Interests," pointed out the dangers inherent in a policy which would allow U.S. nuclear deterrent forces to deteriorate through a refusal to test nuclear weapons. The second report, entitled "SALT II: An Interim Assessment," served as a very valuable guide to Members of the House and Senate in the identification of controversial SALT II issues and their impact on national security.

Since 1977 when the Committee on Armed Services assumed jurisdiction of the defense programs of the Department of Energy, Congressman Wilson has taken a very active interest in support of laser fusion and other research, development, and production programs. He has taken a particular interest in the management of the weapons laboratories at Livermore, Calif., and at Los Alamos, N. Mex.

The members of the Subcommittee on Procurement and Military Nuclear Systems of the Committee on Armed Services will miss the support of CHARLIE WILSON of California in their future legislative and oversight activities, especially his attribute of frankness in calling the shots as he sees them without fear or favor.

As a ranking member of the Military Installations and Facilities Subcommittee, CHARLIE always exerted considerable scrutiny of matters before that panel, particularly the annual military construction authorization bill. Through the years he was always willing to make the extra effort to visit various military bases to learn firsthand about the requirements for new projects proposed by the services. He came to be admired for his incisive questioning of witnesses. His dedicated service on that subcommittee will be deeply missed.

CHARLIE never hesitated to express his views on controversial subjects. He is fiercely loyal to the principle of a strong America, knowledgeable on defense programs and dedicated to improving this country's productive capacity for national security.

I wish CHARLIE and his family well in the future.●

● Mr. CLAUSEN. Mr. Speaker, it is with the greatest of pleasure and yet with an enormous sense of loss that I join my colleagues in paying tribute to a highly respected colleague and a close personal friend. It has been both my honor and distinct privilege to have served with BIZZ JOHNSON on the Public Works and Transportation Committee for the past 18 years.

Mr. Speaker, few people here today are more aware than I of the expertise which BIZZ has demonstrated in the area of this Nation's water resources. His long and distinguished service on the Interior and Insular Affairs Committee, highlighted by his chairmanship of the Water and Power Resources Subcommittee, and for the past 4 years, his competence as chairman of the Public Works Committee will stand as a source of inspiration to all of us fortunate enough to have worked with him. BIZZ JOHNSON will leave a void in this committee, in the California congressional delegation and the House of Representatives which will be most difficult to fill.

Most of all, I will remember BIZZ as a gentleman's politician. His 22 years in the Congress was marked by that quality of personal commitment and dedicated service which typifies a professional statesman. His willingness to rise above partisanship in matters vital to the State and to the Nation made him a highly respected colleague. BIZZ JOHNSON has been the professional who got things done quietly—and got them done well.

BIZZ came to Congress from the grassroots of California politics at a time when his district encompassed more than one-third of the entire State. Over the past two decades, he has played a major role in nearly every water-related piece of legislation, and throughout his career, he has been perceptive to the needs and goals of urban areas, suburban areas, and rural areas—whatever served the vital needs of the public. BIZZ will go down in history as the father of modern water resources development.

BIZZ JOHNSON has an extraordinary record of service to this country and I salute him for a job well done. To his lovely and loyal wife Albra, my wife Ollie and I cannot say enough good things about her. Albra Johnson literally devoted her life to the support of this great Californian, BIZZ JOHNSON's career. May God grant you, Albra and BIZZ, the blessings of a happy and healthy retirement—knowing that you, as a couple, have endeared yourself to your multitudes of friends in Washington, in California, and throughout the country.

You have given your lives to the service of this great country you loved and worked for so much. We shall never forget you and be eternally grateful for your beautiful, beautiful friendship.●

● Mr. BROOKS. Mr. Speaker, I would like to take this opportunity to express my gratitude and appreciation for the many years of admirable congressional service by the Honorable LIONEL VAN DEERLIN. His dedication and hard work are an exemplar for all of us in Congress.

His diligence has enabled LIONEL to tackle the complex technological issues of communications law. As chairman of the Interstate and Foreign Commerce Subcommittee on Communications, he has laid the groundwork for future legislation in this important field.

I will be sorry to see him go, and LIONEL leaves with my best wishes for a productive and rewarding future.●

● Mr. WHITTEN. Mr. Speaker, I am pleased to join with my colleagues in wishing our best to CHARLES H. WILSON.

CHARLIE started his public career as a member of the California State legislative in 1954 and he has continued his public career as a Member of the House since 1963. His tenure on the Post Office and Civil Service Committee and the Armed Services Committee has proven most beneficial to our servicemen and our Federal employees. His concern for their well-being was his driving force and the Nation is better off because of it.

We wish CHARLIE well as he leaves his many friends in the House. We know he will be successful in his future endeavors.●

● Mr. DINGELL. Mr. Speaker. I am proud to join in this much deserved tribute to a good friend and colleague.

JIM CORMAN has had a truly distinguished and productive career in the House. His record of accomplishment during the 20 years he has faithfully served his constituency, is a model of public service at its best.

JIM's outstanding and exceptional abilities as a legislator have been well recognized, particularly in his work on the Ways and Means Committee. His perspectives, insights, and unfailing tenacity in dealing with the complex issues of taxation, health care, and social security have contributed greatly to the shaping of sound legislation in these major impact policy areas.

JIM CORMAN's courage, integrity, vision, and friendship will be missed in this body.●

● Mr. RODINO. Mr. Speaker, I want to join with my colleagues in honoring four distinguished Congressmen with whom I have had the privilege of serving.

These four members of the California delegation will leave the House at the end of this Congress, having given a great deal of themselves to this institution and, in so doing, having enriched our country.

Congressman JAMES CORMAN, the distinguished chairman of the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation, has provided the Congress with a compassionate and intelligent leader who has fought to protect the working men and women of this Nation against financial disaster. I will greatly miss my good friend's advice on social and economic issues, and especially on health matters—on which he has become expert as a member of the Ways and Means Subcommittee on Health.

In fact, the ideas he has fostered in the Congress and the work he has accomplished to promote national health insurance will one day bear fruit—and become a legacy to JIM CORMAN's tireless work as one of the greatest Members of this institution.

The California delegation has also been fortunate to have BIZZ JOHNSON, the fair-minded chairman of the Committee on Public Works as one of its most dedicated members. I have enjoyed our association for the past 22 years, and I will certainly miss BIZZ JOHNSON's leadership on Public Works matters.

I know that the expertise of Congressman JIM LLOYD on matters of military readiness, and especially airplane weaponry, will be sorely missed by this House. Since JIM came to the House in 1974, I have looked to him for his wise counsel on armed services legislation, and I am proud to say that our Nation has been better served because JIM LLOYD came to Washington. I am sorry to see him leave, but I am sure that he will pursue his next challenge with the same enthusiasm and dedication that he gave here in Congress.

Finally, I want also to pay tribute to LIONEL VAN DEERLIN, whose long work as chairman of the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee has provided a lasting contribution to our efforts to reform the communication laws of our land. Congressman VAN DEERLIN has always been willing to take on the tough tasks in a deliberate and thorough way and we all appreciate the mark he has left on the Congress.

Mr. Speaker, I am proud to have served with all of these men and I wish them good luck in their future activities.●

● Mr. MILLER of Ohio. Mr. Speaker, when I first came to Congress, I had the pleasure of being office neighbors with LIONEL VAN DEERLIN. Over the years, though no longer neighbors, we have maintained a warm and friendly relationship. I am going to miss LIONEL and the Congress is going to miss LIONEL. He performed his job with dedication and distinction. His conduct as a legislator brought him the respect and admiration of all who worked with him.

LIONEL is the type of person who could disagree without being disagreeable. Seldom did we share the same political position, but never can I say that our differing political philosophies got in the way of our personal relationship.

LIONEL VAN DEERLIN is the kind of decent, well-meaning person that public service is all about. I wish LIONEL the very best in his future pursuits. May he enjoy the same success in the private sector that he enjoyed as a Member of Congress.●

● Mr. BROOKS. Mr. Speaker, I would like to take this opportunity to commend CHARLES H. WILSON for his years of work and dedicated service in the House of Representatives. CHARLIE WILSON has been a forceful advocate of his constituents' interests since he was elected from the 31st District of California to the 88th Congress. Earlier, he served as a California State legislator and previous to that he had a distinguished military career and a successful career as a businessman. CHARLIE's hard work on the Committees on Armed Services and Post Office and Civil Service is particularly commendable. His presence will be missed in the 97th Congress, and I wish him well in his future endeavors.●

● Mr. MILLER of California. Mr. Speaker, it is with great sadness that I wish to honor those Democratic members of the California delegation who will not be joining us in the new Congress next month. BIZZ JOHNSON, LIONEL VAN DEERLIN, JIM CORMAN, CHARLIE WILSON, and JIM LLOYD. have each made their individual mark on this Congress and on the future course of our Nation.

I want to especially single out BIZZ JOHNSON as a man whom I have known and respected for many years. Although we have disagreed on some issues during my years in Congress, BIZZ has always been willing to listen to the views from junior Members such as myself, and to help secure essential aid for our home districts. His support was critical in breaking a 20-year impasse and winning Federal approval for the Knox-Hoffman Freeway, which will lead to the revitalization of the city of Richmond.

His chairmanship of the Public Works and Transportation Committee has provided California and the Nation with leadership in the development of our water resources, our transportation systems and many other projects important to the progress of the United States. With BIZZ' help, we are beginning to study the enlargement of Shasta Reservoir to help end the water shortages which plague our State. His contributions and leadership will be long acknowledged and sadly missed.●

● Mr. GIBBONS. Mr. Speaker, on the retirement of BIZZ JOHNSON this Congress has lost one of its best Members. This quiet, skillful man has done so much for his people and our country that time and space are not sufficient to enumerate.

BIZZ is a quiet, effective leader, respected by all those who know him. While I have never served on his committee, Martha and I have gotten to know BIZZ and Albra because I have been privileged to serve with him on the Interparliamentary Group that meets with the Canadians. It was during these infrequent gatherings that the Gibbonses got to know the Johnsons and gained a deeper understanding of their true worth as friends.

We will miss them.●

● Mr. RANGEL. Mr. Speaker, today is a truly a sad day for the Congress and especially for me. For we are holding a special order to commemorate the all too premature end of the congressional career of one of the true giants of this House, JAMES C. CORMAN.

I have served with JIM on the Ways and Means Committee for the past 6 years and during that time I have come to admire and respect his dedication and untiring commitment to fulfilling the Founding Father's dream of a government which serves the needs and aspirations of its people. He has always been there to fight for the average American. He has been a leader in the battle for a fair and just tax system. One which disperses the burden of financing the Government as equitably as possible among its citizens while at the same time trying to eliminate the unreasonable tax advantages that many of our wealthier citizens and corporations have enjoyed at the expenses of the average taxpayer.

Some of the taxation areas where JIM has been able to bring more equity to the tax system include: carryover basis, prohibitions on the use of real estate tax shelters, limitations on the use of DISC, the minimum tax and changing the child care deduction to a credit.

But probably the area that he and I worked the closest on concerns social welfare. As chairman of the Public Assistance and Unemployment Insurance Subcommittee of Ways and Means, JIM has been an untiring advocate for the poor. He has shown an uncanny mastery of the welfare laws, an area of the law which is probably only rivaled in complexity by the tax code. When the Congress was receptive to improvements in the welfare laws he shepherded those changes through the House, and when the Congress began to turn its back on the needs of the poor, JIM was there to make sure that the least amount of damage was done to the integrity of the programs and rights of welfare recipients. Twice during the last 4 years he chaired efforts to overhaul the national welfare system. Despite the brilliant pieces of work he produced on both occasions, the Congress failed to enact the fundamental improvements his work produced. The poor of this Nation have surely lost their champion.

For me the loss will mean that not only will I have lost a man I have worked closely with for years, but also that I have lost from Congress one of my closest friends. A friend I know I will continue to see, but whom I will miss as a part of this institution.●

● Mr. HORTON. Mr. Speaker, it is with the greatest respect that I join my colleagues in paying tribute to my good friend and colleague, BIZZ JOHNSON. For 22 years, BIZZ ably served the constituents of the First Congressional District of California, this body and the Nation.

As chairman of the Public Works and Transportation Committee. BIZZ guided many important bills through both his committee and the full House. Perhaps his greatest accomplishments occurred this year with passage of the rail and trucking deregulation bills, both of which were authored by BIZZ and reported from his committee. His leadership proved the deciding factor in many instances as this bill wound its way through the legislative process.

I wish both BIZZ and his wife, Albra, the best in the years ahead. His distinguished work in this body will be sorely missed, but the accomplishments he has registered will be remembered for many years to come.

● Mr. BROOKS. Mr. Speaker, BIZZ JOHNSON's departure from the House at the end of the 96th Congress will mark the end of another chapter in a life of public service. BIZZ has served the people as school trustee, city councilman, and mayor of his hometown of Roseville. He later represented his region of northern California in the State senate, and has been a dedicated spokesman for the people of the First District of California since the beginning of the 86th Congress. BIZZ's leadership abilities and dedication have been further shown in his service as chairman of the Public Works and Transportation Committee. All of us will miss BIZZ. and we wish him well as he leaves the House of Representatives.●

● Mr. PICKLE. Mr. Speaker, my favorite is leaving. It hurts to know that the inimitable LIONEL VAN DEERLIN will not be with us in the next session of Congress. I believe there are more sad and lonely hearts because of that fact about VAN than for any other Member of Congress.

VAN and Mary Jo are dearest of friends. For 10 years, VAN and I sat side by side on the House Interstate and Foreign Commerce Committee. This period was more enriching to me than any other time since I have been here. Here I learned to know the man, the legislator, the humorist, and the compassionate gentleman who voted his conviction before he would succumb to pressure.

For nearly 17 years, it has been a privilige to enjoy VAN's philosophy, witticisms, and acute observations and happiness of LIONEL VAN DEERLIN. It was a particular joy to spend an evening with VAN and Mary Jo and even more enjoyable to take a trip with this delightful couple.

When the roll is called at the 88th Club, I hope it will be possible for VAN to return and deliver his version of "Casey at the Bat," or, "My Bill."

VAN has become a tradition and a legislative folk hero, and we will sorely miss him. And a lot of the fun of this legislative body will go with VAN DEERLIN.●

● Mr. WHITTEN. Mr. Speaker, it is with honor and pleasure that I join with my colleagues in honoring JIM CORMAN, who will be leaving the Congress after serving with distinction since 1961.

Prior to his election to Congress, JIM was serving as a member of the Los Angeles City Council. Since his arrival in the House. he has served many years as a member of the Ways and Means Committee and as chairman of the Subcommittee on Public Assistance and Unemployment Compensation. His valued experience and knowledge was sought by all. He has earned the trust and respect of all his colleagues and his forthcoming departure has filled us all with regret.

We send Jim off with best wishes for a full and productive future. We know we are losing a man of stature—a loss that will be difficult to replace.●

● Mr. NOLAN. Mr. Speaker, the House of Representatives is going to really miss Jim Lloyd. His legislative contribution to the Nation will long be remembered. He always approached every issue with such a kind degree of objectivity and sensitivity to his constituents.

Jim got things done and this world is a better place to live in because of his having served in the Congress. But the really special quality about Jim I want to speak to is the thoughtfulness with which he has treated his colleagues. Too often Members get so wrapped up in their own self importance that they have little time for consideration of the people they serve with. But this was never time of Jim Lloyd. Jim did his job and he did it well. And he not only had time for his friends, he went out of his way to make life more pleasant for all of us in a Congress often characterized by busy schedules, continuous conflicts, and endless pressures.

Jim Lloyd's contributions to us as individuals and as a nation have made their mark with the same accuracy as his "jump shot" on the basketball court (he rarely missed). I want to wish Jim a future full of happiness and success. I feel privileged to have served and worked with Jim Lloyd.●

● Mr. ADDABBO. Mr. Speaker, it is indeed an honor and privilege for me to join my fellow colleagues today in a tribute to one of the finest Representatives ever to serve the State of California, the Honorable Jim Lloyd who is leaving after 6 years of distinguished service in the House.

Jim has served in Congress a relatively brief period, but in that time he has earned the respect of its Members for his devotion to the betterment of his constituents, and in upholding the integrity of the House. He has fought hard and often for legislation be believed would benefit his people and the Nation. His interest in using Government to assist the people has been reflected in the legislation he has supported.

While in Congress he has ably served on the Armed Services Committee, the Committee on Science and Technology, and the Select Committee on Aging where he has earned the respect of his colleagues for his knowledge on the issues confronting those committees. While serving as chairman of the Subcommittee on Investigations and Oversight for the House Technology Committee, he completed an investigation of the design philosophies of wide-body aircraft and also contributed to successful negotiations for natural gas from Mexico in talks with Mexican President Portillo.

I have only briefly mentioned a few of the numerous legislative accomplishments of Jim. Needless to say, he should leave Congress in the knowledge that all who had the privilege of working with him are glad they did and will miss him come January. I offer my sincere best wishes for a happy and healthy future. If the past truly reflects the future, then Jim Lloyd and his family have much to look forward to.●

● Mr. STOKES. Mr. Speaker, I would like to thank the distinguished gentleman from California (Mr. Edwards) for taking this special order so that Members can honor the Honorable James C. Corman, the Honorable Harold T. "Bizz" Johnson, the Honorable Jim Lloyd, the Honorable Lionel Van Deerlin, and the Honorable Charles H. Wilson who will not be returing for the 97th Congress. Mr. Speaker, these Democratic Members from the great State of California represent over 80 years of service in the U.S. House of Representatives.

As we enter the 97th Congress with increasingly complex domestic and foreign affairs issues before us, we will miss the wisdom of these distinguished men. I would like to take this opportunity to commend each one of them for their unique contributions to the Congress and to this Nation. Mr. Speaker, I would like to give a capsuled summary of each Member's contributions.

Mr. Speaker, Harold "Bizz" Johnson was elected to the U.S. House of Representatives in 1959. Bizz serves as the chairman of the House Committee on Public Works and Transportation. His legislative achievements include legislation to create a multimillion dollar water and power conservation development program and legislation to encourage economic development in depressed areas. Additionally, Bizz has sponsored legislation to establish wilderness areas and wild and scenic rivers and to develop a balanced transportation system.

Mr. Speaker, James C. Corman was first elected to the 87th Congress. James is a member of the House Ways and Means Committee and the Small Business Committee. He is chairman of the Subcommittee on Public Assistance and Unemployment Compensation and ranking majority member of the Subcommittee on Health of the Ways and Means Committee. He has gained recognition for the authorship of many articles on public policy affecting employment and health.

Mr. Speaker, Lionel Van Deerlin was elected to the House of Representatives in 1962. During his tenure in this esteemed body he has utilized his expertise as a print and broadcast journalist to provide a framework for his work with the Interstate and Foreign Commerce Committee and the reauthorization of the Communications Act. Lionel has been a strong exponent of press freedoms, including the right of television and radio to cover House proceedings and Presidential election campaigns—without Government imposed restrictions.

Mr. Speaker, moving to the Representative from the 31st District in California, Charlie Wilson came to the House of Representatives in 1962. Charlie is a ranking California Democrat on the House Armed Services Committee whose legislation is of vital interest to the Los Angeles business community and aerospace industry. Additionally, through his membership on the House Post Office and Civil Service Committee, Charlie was successful in getting the bill to reform the postal service passed in the House.

Finally, Mr. Speaker, I would like to note the accomplishments of my friend Jim Lloyd of the 35th Congressional District of California. Jim has established himself as one of the leaders of the House in the areas of aviation and defense. In the first session of the 96th Congress, Lloyd completed an intensive investigation of the design philosophies of wide-body aircraft as chairman of the Subcommittee on Investigation and Oversight, House Science and Technology Committee. Also in that position, he contributed to the successful negotiations for natural gas from Mexico with Mexican President Lopez Portillo.

Mr. Speaker, judging from the abbreviated list of achievements of these outstanding Members from California, it is obvious that this Congress is losing a great deal in terms of leadership, expertise, and potential. I commend my distinguished colleagues and honorees on their outstanding record of service. I join my colleagues in wishing the very best in the future to these men who have given the public their very best for so many years.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from California (Mr. Edwards) for yielding to me and providing this opportunity to pay tribute to the 66 years of combined service of four members of the California delegation who will not be serving with us in the 97th Congress.

"Bizz" Johnson for 22 years, Jim Corman for 20 years, Lionel Van Deerlin for 18 years, and Jim Lloyd for 6 years have all left their mark on this body through their diligent service on behalf of the people of California and this Nation.

Each of these colleagues brought to the Congress prior experience that has served this body well as they carried out their duties on their assigned committees. And I think they have become experts in their individual areas of interest. I particularly appreciate their willingness to work with those of us who had concerns about legislation being considered by the committees and subcommittees they chair.

Mr. Speaker, I would like to pay special tribute to Jim Lloyd. It has been my pleasure to serve with Jim on the House Armed Services Committee where he has been a most valued member. His prior military experience and expert knowledge of military aircraft has been of tremendous help to us as we were called upon to make the hard decisions on the type of aircraft that would best serve the defense needs of this Nation.

I also would like to acknowledge Jim Lloyd's deep appreciation for the welfare of our military personnel. This was most evident to me when Jim served on the Select Committee on Missing Persons in Southeast Asia that I had the privilege to chair. He was one of the most conscientious members of that committee and was always willing to give his all to determine the fate of our servicemen listed as prisoner of war or missing in action.

Mr. Speaker, I personally will miss being able to serve with Jim Lloyd and want to wish him the best in the future, as I also wish for "Bizz" Johnson, Jim Corman, and Lionel Van Deerlin.●

● Mr. MILLER of Ohio. Mr. Speaker, when I first came to Congress, I was a member of the House Public Works and Transportation Committee. In that capacity, I had the pleasure to work closely with Bizz Johnson.

Bizz is the kind of individual that you wish there were more of. Always fair, always accessible, always willing to lend a helping hand. Bizz Johnson has served his country well for the last 22 years. As the Representative from California's First District, he has established a record he can point to with pride.

My very best to you, Bizz, in your retirement. The country is losing an excellent legislator, and this Chamber is losing an outstanding gentleman.●

● Mr. HEFTEL. Mr. Speaker, 6 years ago Jim Lloyd was first voted into Congress. He arrived at a time when the events of Watergate were taking a toll on our institutions of Government, and the future stability and respect for these structures were being seriously challenged.

Jim came in as a voice of reason. Moderate in his political beliefs, he has contributed greatly to the development of legislation which has enhanced the well-being of our Nation. Jim has been a staunch defender of America's national security interests. He has vigorously supported energy research and development. As a pilot, Jim has used his first-hand experience to testify persuasively in support of airline safety and reregulation.

Mr. Speaker, we will miss Jim. I want to wish him the best of luck as he enters a new and equally fascinating facet of his career, and I know that his qualities of leadership and insight will bring about the same successes that he has enjoyed here in Congress.●

● Mr. PICKLE. Mr. Speaker, one of the first friends I made in Washington was Bizz Johnson and his sweet wife, Albra. It seems that I have known them longer than most anyone in Congress has. The relationship has been enriching and rewarding to my wife, Beryl, and me.

Bizz Johnson is one of those quiet, unassuming public servants who does the responsible thing and does it effectively. I do not know of anybody more dedicated to the Congress and who is a higher type public servant than Bizz Johnson.

I particularly remember when I was seeking to get the Palmetto Bend Dam authorized and appropriated. Bizz Johnson along with a few others, made a trip to Texas for a firsthand inspection of that area, to determine the feasibility of the project. He did not send other members of committee staff. He went himself. That dam is just now being completed and will soon be dedicated and we will be reminded once again of Bizz Johnson's dedication.

The people in that part of Texas will give their thanks to this fine individual.

Bizz is the kind of Congressman whose word you can take and trust. If a bill out of Public Works is pending on the floor, and you are wondering how to vote, an inquiry of Bizz Johnson will give you a satisfactory answer. We follow Bizz's recommendation because we trust this gentleman.

We do respect and trust Bizz Johnson, and he has never misled us.●

● Mr. WHITTEN. Mr. Speaker, it is with great pleasure that I join with my colleagues in honoring Lionel Van Deerlin who will be leaving the Congress after serving 16 years with distinction.

Lionel's background as a journalist served him well in his capacity as chairman of the Subcommittee on Communications of the Interstate and Foreign Commerce Committee. His knowledge and dedication has proven an inspiration to all of us. His tenaciousness in fighting for the good of the people is well known and his departure will leave a void in this body which will be difficult to fill.

We wish Lionel the best as he departs these hallowed Halls of Congress. He leaves with the reputation of a job well done.●

● Mr. LEHMAN. Mr. Speaker, when Jim Lloyd lost his bid for reelection last month, it was not just his loss. It was a great loss to the entire House of Representatives.

Jim has always been a very positive person, always seeking to make constructive contributions to the legislative process. He has strong convictions which he has never compromised. Jim is a competitive person, but he takes no pleasure in another's loss. He is competitive in the sense that he strives constantly to improve himself and the institution in which he has served so well.

I feel that I know Jim pretty well, but I would have liked to have known him even better. We did not serve on the same committees or meet very often socially. Nevertheless, I knew that he was a colleague and a friend who would always be there when needed.●

● Mr. CORRADA. Mr. Speaker, this evening we are honoring the Democratic members of the California delegation who will not be with us when the 97th Congress convenes.

My good friends Jim Corman, Bizz Johnson, Jim Lloyd, Lionel Van Deerlin, and Charlie Wilson will be sorely missed by all of their colleagues. Their many years of experience in the House, their counsel, and their friendship are things that unfortunately we will have to do without.

It has been a privilege for me to serve with them in the House of Representatives. They have all been very helpful to me and have shown great understanding and compassion for the special problems of Puerto Rico. They will be missed by me and the people from Puerto Rico who join me at this time in wishing them well in all their future endeavors.●

● Mr. HEFTEL. Mr. Speaker, Harold T. "Bizz" Johnson exhibited in his 22 years of service in the House of Representatives the kind of leadership and initiative which we may not see again for some time to come. The many years our colleague from California spent on the Interior Committee and as chairman of the Public Works and Transportation Committee have given him a long list of environmental projects to his credit of which he surely must be proud and for which we should be thankful.

Bizz' keen understanding of the valuable economic and ecological potential of the new West has led to the provision and expansion of many needed public works projects in his home region of northern California and throughout the west coast region. The large reclamation, dam, canal, and water projects developed under his leadership have been major factors contributing to the growing environmental integrity of the West. His foresight shown through efforts to provide hydroelectric power as a viable alternative energy source so vitally needed is only just now being fully recognized and appreciated. The people of Bizz' district and the entire Nation will be reaping the benefits of his over two decades in Congress for many more years than that.

All of America should turn to Bizz in appreciation of his tireless efforts to remove the regulatory burden from the backs of the people. As chairman of the Public Works and Transportation Committee, Bizz Johnson successfully spearheaded legislative initiatives to deregulate the airline, railroad, and trucking industries in key measures which will serve as models for future regulatory reforms.

As a senior member of his committee, Bizz was always yielding to the younger members' desires for the opportunity to fully participate in the committee proceedings. He worked well with his colleagues in moderating their many differences and minimizing the clashes which can occur over controversial issues.

Lastly, but by no means least, one can hardly speak of Bizz Johnson without recognizing his bold consistency in handling the unpopular duty of considering the fate of Washington's Union Station, a task which earned him the title of "the Ultimate Stationmaster."

He is, however, much more than that. Bizz Johnson in 22 years as a Member of Congress will be recalled for being the ultimate chairman, committee member, colleague, and friend. I am confident that he will excel in whatever new endeavor he chooses to enter as we undertake to reconstruct the House without some of its most forthright and valuable leaders like Bizz Johnson.●

● Mr. ROSTENKOWSKI. Mr. Speaker, today we have an opportunity to pause in our rush to adjournment to recognize and honor the contribution of our colleague from California, Jim Corman. Although the need for this tribute at this time was occasioned by the recent election, a tribute would have been appropriate at any time during Jim's 20-year career in this House.

It has been my privilege to serve with the gentleman from California on the Ways and Means Committee. In observing his work over the years, two characteristics have always been present:

First, and foremost, has been Jim's concern for the poor, the sick, the elderly, the "underrepresented" of society. This concern has been richly manifest in his work on the Subcommittee on Health and as chairman of the Subcommittee on Public Assistance and Unemployment Compensation.

Second, whatever the subject matter confronting him, Jim has diligently and conscientiously attempted to become its master, and the fruit of that effort is a justly deserved reputation for competence. I know of no greater compliment to the work of any member of the Committee on Ways and Means than a comment which has been commonly heard in this city since the election. The comment, which has been repeated by persons of all sorts of political persuasions, is "he will be missed."

So, it is both with pleasure, and more than a tinge of regret, that I join my colleagues in saluting the accomplishments of Jim Corman as he takes his leave from the House. The pleasure has been knowing and working with him, and the regret is amply expressed by those of us who say "he will be missed." ●

● Mr. RAHALL. Mr. Speaker, just as California is our Nation's most populous State, so has its greatness been felt in this body due to the leadership of the five Members who will not be joining us for the 97th Congress. I would like to thank my good friend and colleague, Mr. Edwards, for taking this special order today so that we can pay tribute to these five outstanding Congressmen.

The first is a man for whom I have a great deal of respect, and a man under whom I have had the honor to serve as a member of the Public Works and Transportation Committee. That man is my distinguished chairman, Harold T. Johnson.

The First District, which Chairman Johnson has represented since 1958, comprises 22 percent of the terrain in the State of California, and the size of that of that district is small in comparison to the impact he has had in his 22 years on Capitol Hill.

Since 1977, Bizz Johnson has been a thoughtful and reasonable chairman of a committee that is often attacked for its actions. But as a member of the Public Works Committee, I have seen the needs of many Americans answered by the committee's work and by Bizz Johnson's leadership.

In April of 1977, a region of my congressional district in southern West Virginia was devastated by floodwaters. It was not the first time such a disaster had occurred in this area, and the need was great for long-term flood protection for the men, women, and children of the Tug Valley.

Through many difficult times, I welcomed Chairman Johnson's support and wisdom, and now after a long, 3-year fight, the residents of southern West Virginia and eastern Kentucky will have the security they so rightly deserve.

Many called this project a pork barrel, but Bizz Johnson saw it for what it really was, a compassionate program to help people.

Harold Johnson's entire public career can be described in this way—from the mayor of Roseville, to the State senate, to the U.S. House of Representatives—he has made his mark.

All of us, Mr. Speaker, and particularly myself, will miss his leadership in the 97th Congress, but look forward to our continued years of friendship.

In the same vein is the man who has represented California's 21st District since 1960, Jim Corman. His concerns have likewise been aimed at helping those who have been unable to help themselves.

As a member of the House Ways and Means Committee, Jim Corman has been a leading spokesman for progressive tax reform, and as the chairman of the Public Assistance Subcommittee, he is the leader and sponsor of legislation to deal with the growing cost of health care in this country—two issues that future Congresses will have to tackle without Jim Corman's know-how.

The 42d District has been represented in this House since 1962, by Lionel Van Deerlin, a man who like his California colleagues, is a leader in this body.

As chairman of the Communications Subcommittee, he has worked for reform in the communications field, and has guided the industry through the major transition and growth of cable TV. His Communications Rewrite Act will have to be taken up by others.

While Lionel Van Deerlin's impact and leadership will no doubt be missed in the forefront, as this bill and many others progress in the years ahead, the groundwork that has been laid will reflect Lionel Van Deerlin's expertise.

Since 1962, Charlie Wilson has served in Congress from the 31st District of California. For those 18 years he never disregarded the needs and concerns of his constituents.

There were situations in his career during which he came under attack, but the people of this Nation, the State of California, and the 31st District, will never regret the fact that Charlie Wilson represented them.

Another issue of great concern to the 97th Congress will be that of national security. In this regard, the muscle and fight of Jim Lloyd will be missed.

Since 1974, this 21-year veteran of the Navy and an experienced pilot, has been sought out by his colleagues because of his knowledge of this subject.

When Jim Lloyd talks about military matters, he knows what his is talking about. We respect his knowledge and concern, and we will miss his friendship.

Mr. Speaker, very seldom does a State lose so many distinguished Members of Congress at once. I am sorry for the State of California, and I am sorry for this body, because those whom we honor today served with honor and dedication.

I feel confident however, that they will continue to serve their country and State in various capacities. We will see their faces, we will feel their presence, we will see their professional skills, but most of all, we will be warmed by the friendship of these statesmen, who have served this great land in the past and will continue to do so for many years to come.●

● Mr. HEFTEL. Mr. Speaker, Jim Corman's life has been one of service to his country. As a young marine fighting on the islands of the Pacific and as a senior legislator in the Halls of Congress, Jim's efforts have been expended in the preservation and improvement of his society.

My own impression of Jim Corman's abilities and his humanity has been shaped largely as a result of working with him in the Ways and Means Committee. There are literally millions of Americans who are living a better life today because of Jim Corman's efforts as chairman of the Public Assistance and Unemployment Insurance Subcommittee. In this way, Jim embodies and has promulgated traditional Democratic values. The Nation's welfare system and much of the unemployment compensation laws reflect the commitment and hard work which Jim and his very talented professional staff have put forward.

Jim Corman has also given tirelessly of his energies on behalf of the Democratic Congressional Campaign Committee as its chairman. His service in this position also bespeaks a dedication to principles which is then translated into action.

The House of Representatives is a better place as a result of Jim Corman's presence. Those of us who have had the privilege of serving with him have been both instructed and inspired and in that way, his presence in this body will continue.

I am sure that Jim Corman will continue to pursue public service during the next phase of his manifold career, and our society will again benefit by his efforts.●

● Mr. GIBBONS. Mr. Speaker, Martha and I came to Washington with the Van Deerlins. Our children attended the same schools, and we learned the new life of being Congressmen together. Though we are from opposites ends of the country, we had common purposes and goals that bound us.

I was never privileged to serve on any committee with Van, but I know of his effective service and his leadership in the areas of his responsibility here in Congress.

We have shared the joys and sorrows of this job together, and we wish Van and Mary Jo the best of everything. We hope and expect that our friendship will endure.●

● Mr. GINN. Mr. Speaker, I consider it a great privilege to rise today to pay tribute to my colleague, Jim Lloyd.

Jim's departure from this Congress will create a lack that will weigh heavily on us in the 97th Congress, and he will be missed for many years into the future.

When he first came to Congress in 1975, Jim Lloyd brought with him, along with his dedication to serve the people of the 35th Congressional District of California, his expertise in the field of aviation. His knowledge in this area has enabled him to make many contributions in our national aviation defense capabilities. It was under his able leadership as chairman of the Subcommittee on Investigations and Oversight of the House Science and Technology Committee that a comprehensive investigation of the design philosophies of wide-body aircraft was instituted.

Under Jim Lloyd's intelligent guidance, this country was able to successfully negotiate with Mexico for natural gas supplies. In this same line, he paved the way for future negotiations on oil trade.

Among his other contributions to this Congress, this Nation, and the people of his own congressional district, Jim instructed his Subcommittee on Investigations and Oversight to investigate the problem of declining productivity and innovation found in our Nation's small businesses—a problem which is of deep concern to most of this Nation.

Jim was the catalyst behind legislation to cut back the Government bureaucracy and to require justification of many of the Federal regulatory agencies.

And most assuredly, his role in the Select Committee on Missing Persons in Southeast Asia will long be remembered by those who had loved ones unaccounted for in that part of the world. Jim Lloyd gave those people hope.

Jim Lloyd has earned a record of achievement that few will equal. I salute him for his accomplishments and wish him the very best for the future.●

● Mr. DERWINSKI. Mr. Speaker, this year we will see the departure of five members of the California delegation who have made great contributions to their constituencies, the Congress, and their country. Each in their own capacity has had a positive impact on the programs of our Nation's fiscal policies, our international position, and on the preservation of our national resources and our national heritage.

During his 22 years of dedicated service, Harold T. (Bizz) Johnson has made many invaluable contributions to the people of this Nation. As chairman of the House Public Works and Transportation Committee, Bizz has set an example of fine leadership. Bizz Johnson will be remembered as a man of great ability, a conscientious and highly capable legislator. The people of this country are greatly indebted to this diligent and devoted Member of the House.

Lionel Van Deerlin has distinguished himself as a man of integrity and ability. His good and balanced judgment deserves recognition as well as his devotion to the cause of good government. As a member of the House Administration and Interstate and Foreign Commerce Committee, Lionel complied an outstanding record of achievement.

Having served for many years with Charlie Wilson on the House Post Office and Civil Service Committee, I wish to join in expressing my appreciation for his hard work and effectiveness in handling the legislation which came under the jurisdiction of our committee. During his 16 years in Congress, Charlie was an active, dedicated, strong Member.

I congratulate all those retiring members of the California delegation for their handling of the responsibilities of their congressional assignments with intelligence and insight. I wish to add my sincerest wishes to them and the members of their families for long and happy years in retirement.●

● Mr. SHUMWAY. Mr. Speaker, I deeply appreciate having this opportunity to pay tribute to four outstanding members of California's congressional delegation whose leadership will be absent at the end of this session. To my friends and colleagues Harold T. (Bizz) Johnson, James C. Corman, Jim Lloyd, and Lionel Van Deerlin, I say that your contributions in the Congress on behalf of our great State and the Nation will be remembered.

Although I have only been privileged to participate in the deliberations of this body for one term, the impact made by these four members from neighboring districts in California has been made clear to me. During the time that I have served as a Member of the House, legislative circumstances and the proximity of our districts have resulted in my having a particularly close and enjoyable working relationship with "Bizz" Johnson. While it is certainly not my intention to demonstrate favoritism, I would like to add some special words of thanks and tribute for Bizz' outstanding efforts.

It has been said that he has become an institution during his 22 years in the House and, working with him, it is easy to understand why. All of his actions have reflected his love for his district, his State and his country, and his commendable leadership ability has certainly benefitted all three. Those who know realize that large sections of the now-fertile agricultural lands in California would be little more than barren wastelands today had it not been for leadership and foresight. They also realize that Bizz Johnson is largely to thank. I join in that round of thanks, and in stating that I will miss working with Bizz in the future.

It is with sincerity that I wish our departing colleagues continued success, prosperity and fulfillment, and with confidence that I say I am certain such will be the case.

I join with my colleagues in the House in honoring the numerous accomplishments of Representatives Johnson, Corman, Lloyd, and Van Deerlin, and in extending to them every best personal wish for their future endeavors.●

● Mr. DRINAN. Mr. Speaker, before coming to Congress Jim Lloyd had earned his B.A. from Stanford University in political science and his M.A. from the University of Southern California. He was an instructor in political science for 3 years prior to his very distinguished service in the U.S. Navy during World War II. He rose to the rank of lieutenant commander and contributed many years of his life to the defense of his Nation.

Prior to his election to the Congress on November 5, 1974, he served as city councilman and mayor of West Covina.

Jim Lloyd has used his extensive background in the military to become a most knowledgeable member of the House Armed Services Committee. He has earned the respect and admiration of his colleagues on that committee and of his associates in the House of Representatives.

The unique background which Jim Lloyd has both in the military and in public affairs will not, we can hope, be lost to the Congress and to the country. It is certain that Jim Lloyd will continue his career of public service—hopefully in the Congress of the United States. He leaves this body with the admiration, appreciation and affection of all of its Members.●

● Mr. BROOKS. Mr. Speaker, I am pleased to offer a word of tribute to Jim Corman, our colleague from California, who is retiring from the House of Representatives this year.

Jim has been a great force for good in the Congress. His stress has been on people and their needs. On the Ways and Means Committee, where he chaired the Subcommittee on Public Assistance and Unemployment Compensation, he made a significant contribution to legislation in those areas—so important now that our national economy is in the throes of recession and severe unemployment. His constant attention to the needs of our small businessmen was evident in his work on the Small Business Committee.

But Jim may well be remembered most for his devotion to the rights of all our country's diverse citizens. He sought to make the American dream a reality.

We wish you well, Jim, in all of your coming endeavors.●

● Mr. FUQUA. Mr. Speaker, my former freshman classmate Lionel Van Deerlin will be retiring from this House at the conclusion of the 96th Congress after 18 years of service and I want to take the opportunity to share with you my reflections on his outstanding contribution to his district and this Nation.

Lionel Van Deerlin's academic training and his early work experience was in journalism and that probably accounts for his tireless dedication to truth, knowledge, and the public welfare that has so distinguished his career in the U.S. House of Representatives.

Lionel Van Deerlin has always brought the unique insights of journalism to our deliberations, always seeking objective answers and hard facts upon which to base the decisions a member is called upon to make.

His journalism training and experience is probably also responsible for his deep commitment to fairness and public service.

Lionel Van Deerlin's career in this House of Representatives has enhanced the stature of this legislative body and has earned him the respect and friendship of all who have had the privilege to serve with him.●

● Mr. BEVILL. Mr. Speaker, it is a pleasure to join with my colleagues to honor Jim Lloyd for his outstanding performance in the House of Representatives.

Jim has been a very effective and dedicated representative of the people of the 35th District of California, and I have come to admire his legislative skills and abilities.

Jim Lloyd is also one of the most effective communicators in Congress, and is admired by all those whose pleasure it is to know him. His leadership and effectiveness will be missed by all of us in Congress.●

● Mr. BOLAND. Mr. Speaker, I appreciate the opportunity to join my colleagues in paying tribute to four of the most distinguished members of the California delegation.

After someone has served in the House for awhile, he tends to view the end of Congress with mixed emotions. Certainly there is a feeling of relief that an end, however temporary, has been reached in the legislative routine. That feeling is tempered, however, by a realization that when that routine resumes, Members who played important roles in the operation of the House of Representatives will not be present to provide leadership and counsel.

The men we honor today, Bizz Johnson, Jim Corman, Lionel Van Deerlin, and Jim Lloyd, have a combined length of service in this House which exceeds half a century. They have labored with zeal and dedication on some of the most important and influential committees of the Congress including Public Works, Ways and Means, Interstate and Foreign Commerce and Armed Services. They have served the people of California and the people of this Nation with distinction during periods of great change and uncertainty and they have had a hand in shaping some of the most significant legislation of the last three decades.

We will undoubtedly miss their wisdom and experience in the weeks ahead. Our loss will be tempered by the knowledge that their efforts in this body contributed to the well being of not only their own constituents, but of all Americans. They have every reason to reflect with pride on their achievements.

My best wishes go with each of these dedicated public servants as they leave the House to seek new challenges in other endeavors. I wish them every success in the years to come.●

● Mr. BEVILL. Mr. Speaker, Lionel Van Deerlin has been an effective and admired Member of the House of Representatives, and has made many lasting contributions to our country.

His service as chairman of the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce, has meant a great deal to the improved effectiveness of this Nation's communications media. His hard work and study of the country's broadcast communications industry has made him one of the most knowledgeable people in the United States on this important industry.

Van is one of those people who can draw the best from people, and in whom everyone can put their trust. His abilities, his strong desire to serve his fellow man, and his sharp mind have made him one of the leaders of this Congress. I speak for all of his colleagues when I say that he will be deeply missed by all of us in Congress. I wish Van the good luck and happiness which he deserves as he leaves the Congress.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from California (Mr. Edwards) for yielding to me and providing this opportunity to pay tribute to the 66 years of combined service of four members of the California delegation who will not be serving with us in the 97th Congress.

"Bizz" Johnson for 22 years, Jim Corman for 20 years, Lionel Van Deerlin for 18 years, and Jim Lloyd for 6 years, have all left their mark on this body through their diligent service on behalf of the people of California and this Nation.

Each of these colleagues brought to the Congress prior experience that has served this body well as they carried out their duties on their assigned committees. And I think they have become experts in their individual areas of interest. I particularly appreciate their willingness to work with those of us who had concerns about legislation being considered by the committees and subcommittees they chair.

Mr. Speaker, I would like to pay special tribute to Jim Lloyd. It has been my pleasure to serve with Jim on the House Armed Services Committee where he has been a most valued member. His prior military experience and expert knowledge of military aircraft has been of tremendous help to us as we were called upon to make the hard decisions on the type of aircraft that would best serve the defense needs of this Nation.

I also would like to acknowledge Jim Lloyd's deep appreciation for the welfare of our military personnel. This was most evident to me when Jim served on the Select Committee on Missing Persons in Southeast Asia that I had the privilege to chair. He was one of the most conscientious members of that committee and was always willing to give his all to determine the fate of our servicemen listed as prisoner of war or missing in action.

Mr. Speaker, I personally will miss being able to serve with Jim Lloyd and want to wish him the best in the future, as I also wish for "Bizz" Johnson, Jim Corman, and Lionel Van Deerlin.●

● Mr. ANNUNZIO. Mr. Speaker I rise in tribute to the Honorable James C. Corman, who is retiring at the end of the 96th Congress.

Jim Corman has given 20 years of dedicated and devoted service to his constituents of the 21st District of California, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Committee on Small Business have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Jim Corman. As the chairman of the Subcommittee on Public Assistance and Unemployment Compensation of the House Ways and Means Committee, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of those citizens who are forced to change jobs or who are unable to help themselves.

Jim is a fine legislator and a distinguished leader, and he shall be missed by both his constituents and his colleagues.

I extend to Jim Corman my best wishes for continued success in devotion to the highest principles.●

● Mr. HORTON. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of California's most able and respected Members of Congress, Congressman James Corman.

Throughout his 20 years of service in the House of Representatives, Jim has gained the respect and admiration of his colleagues, on both sides of the aisle. His legislative expertise proved invaluable to both the Committee on Small Business and the Committee on Ways and Means. Many of us will recall the difficult task Jim Corman undertook as chairman of the Subcommittee on Public Assistance and Unemployment Compensation in 1977 and 1978 when the subcommittee tackled the massive job of welfare reform. Jim deserves and won high marks for the dedication and determination he brought to that task. His invaluable expertise in that capacity will certainly be missed.

I am confident that Jim's career of public service will not end with the 96th Congress. His many affiliations with groups such as the NAACP will undoubtedly provide Jim many opportunities to continue his contributions to California and the Nation.●

● Mr. GINN. Mr. Speaker, I rise today to honor a colleague whose voice will not be heard in this Chamber during the 97th Congress, the Honorable Bizz Johnson.

Although Bizz Johnson's First District of California and my own First District of Georgia are a continent apart, it is a tribute to Bizz' leadership that he is a man whose national vision has often joined our respective areas together on issues of mutual interest.

When Bizz came to this Congress in 1959, his awareness of the fragile nature of our natural resources was urgently needed. Since that time, he has led the Congress in efforts to pass legislation which would best develop and protect our natural resources. In this "land of plenty," he was quick to realize that many of our policies were contributing to the rapid abuse and depletion of those resources.

As chairman of the House Committee on Public Works and Transportation, on which I have served, Bizz Johnson has been instrumental in legislation to create a multimillion dollar water and power conservation and development program. He has supported legislation which would protect our vast national forests, and at the same time utilize these forests in the best possible way.

He has worked to develop disaster relief programs, economic development programs, and public transportation systems. The list of his achievements is virtually unlimited, and we will see the impact of BIZZ JOHNSON's record of public service for many years to come.

Although BIZZ JOHNSON's voice will not be heard in the 97th Congress, his many accomplishments will stand as a permanent testament in his honor.●

● Mr. PRICE. Mr. Speaker, I rise to pay tribute to our departing colleague, the Honorable JIM LLOYD of California, a good friend who has served with distinction on the House Armed Services Committee for the past 6 years.

The committee has been indeed fortunate to have as one of its more outspoken members, a man with such extensive background and understanding of our Armed Forces. JIM has brought to the committee an intimate knowledge and first-hand expertise in tactical fighters and naval operations at sea, as he himself is a naval aviator who fought in the South Pacific during World War II.

Just this past year JIM LLOYD drew on his experience as a fighter pilot in leading the debate for the new CVN-71 nuclear-powered aircraft carrier. The nuclear aircraft carrier issue is one of the more significant initiatives of the House Armed Services Committee in recent years. This effort has been a success as this ship is now under construction. JIM LLOYD did yeoman service in this effort and deserves considerable credit in its ultimate accomplishment.

JIM's work on the Research and Development Subcommittee, particularly in the area of tactical air power at sea, has been distinguished by his thoroughness and farsighted understanding of defense programs. Never one to "rubber stamp" a defense request, JIM always pressed the services to clearly and adequately justify their rationale for spending the taxpayer's money. His perseverance and appreciation of the key issues involved were instrumental in the successful development of the Navy's newest fighter and attack aircraft, the F/A-18 Hornet.

JIM's experience is not limited to fighter aircraft as he has flown nearly all the aircraft currently in our inventory. I remember during the debate on the fiscal year 1977 authorization bill in which the first production funds for the B-1 bomber were requested, JIM LLOYD was the member who took on the opposition and for that period of time, insured the program's continuance. His comprehension and technical knowledge of strategic military matters that he developed over the years served him well on the floor and has been a most valuable input to the Armed Services Committee.

Throughout his years on Congress, JIM has supported the individual men and women in the service and not just the development of exotic weapons systems. He has continually fought the "up or out" requirement of the personnel policies of the military. This debate is still with us but his views as a past career military man have been clearly stated and his message is understood.

Understanding the critical manpower shortage of the services, JIM has pressed hard for the concept of an alternative employment for our youth in the form of a "national service" which would complement the All-Volunteer Force. This notion has many supporters but few as committed and articulate as JIM LLOYD.

JIM LLOYD is also a member of the Committee on Science and Technology and chairman of its Investigation and Oversight Subcommittee. During his chairmanship, significant progress was made in the areas of aviation innovation and international technology trade. Here again JIM's love and understanding of aviation complemented his demanding committee assignments and responsibilities.

The House Armed Services Committee is going to miss our able and friendly colleague. We wish you the very best and thank you for a job well done.●

● Mr. HEFTEL. Mr. Speaker, I am pleased to rise today to honor LIONEL VAN DEERLIN who has ably served in Congress and provided leadership to the California delegation since 1963. He has been a source of stability and wisdom throughout a crisis-ridden period in our Nation's history which has witnessed tragic assassinations, a debilitating Vietnam conflict, and the Watergate scandal which fostered mistrust of our Government.

As chairman of the House Communications Subcommittee, VAN had devoted his efforts over the past few years to the much needed revision of the Communications Act of 1934. This outdated law was written at a time when our communications industry was comprised of telegraphs and just a few telephones.

Although VAN is leaving Congress before having the satisfaction of seeing this act rewritten, he can certainly be proud of his efforts which have generated widespread bipartisan support for the need to bring the communications law into conformity with the advanced communications industry which exists today. His guidance and perseverance have stimulated debate and policy changes which have resulted in the FCC moving forward to deregulate the radio and cable TV industry, and to begin the restructuring of A.T. & T.

VAN certainly has been a friend to the people of Hawaii as he has spearheaded the movement to revise section 222 of the Communications Act and reclassify Hawaii as a domestic, rather than an international point. The State of Hawaii can ill afford to lose VAN's expertise and leadership as we continue our efforts to reverse this antiquated law.

LIONEL VAN DEERLIN has been the vanguard of regulatory reform in communications, and I am hopeful that he will continue to share his knowledge as we enter the 1980's and a new era of communications advancement. We will miss his counsel here in Congress, but will continue to value his friendship.●

Mr. ANDERSON of California. Mr. Speaker, let me take this time to thank my colleague for reserving this time today to pay tribute to the five Democratic members of the California State delegation who will not be returning to serve in the next Congress.

Twenty years ago JIM CORMAN came to Washington as a freshman Congressman. Being a former city councilman from Los Angeles, he brought a wealth of knowledge that has proven time and again to be invaluable to those Members unfamiliar with California's issues and politics, and especially the special problems of the densely populated Los Angeles area.

JIM has served in an outstanding manner as chairman of the Democratic National Congressional Committee, and was highly successful in raising funds for the party. Not only has JIM served California's 21st Congressional District and his Democratic Party well—he has found the time to serve on the Board of Trustees for the John F. Kennedy Center for the Performing Arts here in Washington, D.C. There are too few of us that have made the time to work for the betterment of a city that houses us, but is not our home. For this I commend and admire JIM greatly.

JIM CORMAN has willingly driven himself to make extra time available so that he could give extra service to his country as chairman of the House Welfare Reform Committee, and as a member of the Ad Hoc Energy Committee. In 1967 President Johnson, recognizing his experience with and compassion for the less fortunate people of our large cities, appointed him to the National Advisory Commission for Civil Disorders. JIM has served his constituency, his State, and our Nation well in his committee assignments as chairman of the Public Assistance and Unemployment Compensation Subcommittee, and as a member of the House Committee on Small Business.

If I had only two words to say about JIM CORMAN, I would say he was a "Great Congressman." But two words are grossly inadequate to express the void that will be left in the ranks of the California delegation with his departure. We shall truly miss him.

My wife, Lee, joins me in saying a sad farewell to our friends, JIM and his wife, Nancy. We wish them all the best in their future endeavors.

Mr. Speaker, it is a sad occasion for me to join with my colleagues in expressing our sincere best wishes to our close friend from my State, California, the Honorable JIM LLOYD.

Throughout his 6 years in this Chamber, JIM has represented the 35th District of California with the highest level of legislative ability, and has shown his genuine concern for his constituents and for our country. Members on both sides of the aisle can attest to this through his dedicated, hard work in the Science and Technology Committee, the Select Committee on Aging, and the Armed Services Committee.

While his diligence, expertise, and knowledge have been evident in the production of many fine pieces of legislation, the Congress will remember JIM especially for his impact on military affairs. For as many of you know, he had a distinguished 21-year career in the Navy prior to his entrance into public life. While I did not have the pleasure to serve with JIM on the Armed Services Committee, I know from others that his invaluable experience as a former Navy pilot proved to be a great asset in helping this country remain second to none in national defense.

Jim's absence in the 97th Congress will be felt by all those who had the opportunity of serving with him. While Jim's departure has created a void in the House of Representatives, the Democratic leadership and party will lose a most loyal and vocal supporter. He took great pride, and properly so, on being affiliated with the Democratic Party. This was not only evident through his tireless work as the Democratic Whip for California, but also through his efforts at the national level.

I shall personally miss Jim's friendly disposition, quick wit, and wise counsel—not only on the issues which affect the people of California but also all Americans across the land.

My wife Lee joins me in extending to Jim, and his lovely wife, Jackie, and their son, Brian, our warmest wishes in all their future endeavors.

● Mr. FUQUA. Mr. Speaker, it is always a saddening task to say goodbye to friends, but it is particularly difficult today to adequately express my feelings on the departure of four of our colleagues from California at the end of the 96th Congress.

James C. Corman, Harold T. (Bizz) Johnson, Jim Lloyd, and Lionel Van Deerlin have each brought particular talents and insights to help mold our collective judgment on this House floor and, along with others who have served with them, I will miss not only their friendship, but their valuable counsel.

Each has served this House and his constituents with dignity and dedication, never afraid to provide leadership on issues about which they had particular insights and never hesitant to seek information and counsel on issues outside their particular fields of expertise.

Losing any one of these colleagues would diminish the intellectual resources of the House significantly. Losing all four at the same time is a particularly grievous blow.

I am happy and proud to join with others of this House to salute their outstanding achievements in the past and wish them well in all their future endeavors.●

● Mr. BEVILL. Mr. Speaker, Jim Corman has been an effective representative for the people of the 21st District of California and has served in the Congress with honor and dignity, and I am proud to call him my friend.

Jim has been an important asset to this country's small businesses, through his service on the Small Business Committee. He has been an outspoken advocate for the free enterprise system, which these businesses depend upon. Also, his service on the Ways and Means Committee, and his chairmanship of the Subcommittee on Public Assistance and Unemployment Compensation have shown his compassion and concern for his fellow man.

Jim Corman has been a wise and steading influence in the House of Representatives, and his presence will be greatly missed by all of us whose pleasure it was to serve with him.●

● Mr. FUQUA. Mr. Speaker, my good friend and valued colleague, Jim Lloyd, will be leaving our ranks at the end of the 96th Congress and I felt a personal word about his accomplishments would be particularly appropriate.

I have had the pleasure to serve with Jim Lloyd as fellow members of the House Committee on Science and Technology where, during the past 2 years, Jim served as chairman of the Subcommittee on Investigations and Oversight.

As chairman of the full committee, I was fortunate to be in a position to work closely with Jim and to develop a deep respect for the dedication and effort which he brought to his duties.

Not only has Jim Lloyd distinguished himself as a hard working Member of this House, but he has developed an enviable reputation as an effective representative of the interests of his constituents.

He has served this House and his constituents with dignity and honor and his departure from this body will be missed by all who had the opportunity to work with him.

I wish him the best in all his future endeavors and hope that he will continue to share with us, even on an informal basis, the judgments and insights we learned to respect so deeply as colleagues.●

● Mr. HALL of Texas. Mr. Speaker, I join my colleagues in honoring our friends from California, Jim Corman, Bizz Johnson, Jim Lloyd, and Lionel Van Deerlin. These gentlemen have had a profound impact on Congress and the Nation,-and we are going to miss their leadership, good counsel, and strong friendship in the next Congress.

Each of these gentlemen has achieved an enviable legislative record, and the impact of their absence from Congress is going to be felt very keenly by all of us. While I have often differed philosophically with our colleagues who are being honored here today, each of them is a friend and a gentleman of the highest order.

As we all know, Jim Corman has been a prime mover on the Ways and Means Committee. His efforts in behalf of tax reform and welfare reform are known all over this country. He has a strong social consciousness and a total commitment to improving the plight of America's poor. In the political arena, Jim does not take a back seat to anyone. Our Republican colleagues can attest to this in view of his chairmanship of the Democratic Congressional Campaign Committee.

By the same token I want to commend our able colleague, the distinguished chairman of the Public Works and Transportation Committee, Bizz Johnson. As we know, several years ago Bizz was in the enviable position of having to decide whether to be chairman of the Interior and Insular Affairs Committee or the Public Works and Transportation Committee. Frankly, I am glad Bizz decided to chair Public Works, where he has been a true friend of those of us in the Southwest who so desperately need a national commitment to fully develop our water resources.

As much as any person among us, Bizz Johnson knows how important it is to develop and harness water for agricultural, industrial, and municipal use. As a member of both the Interior Committee and the Public Works Committee he has been tremendously effective in all phases of water resource development, and his leadership in this regard will be sorely missed.

I also rise to commend Jim Lloyd, whose friendship over the past few years has meant a great deal to me. Jim Lloyd is truly a modern hero. His role as a Navy combat pilot in World War II could fill a book devoted to courage, honor, and duty. He is still an active pilot, and I understand that few aircraft exist that Jim Lloyd has not flown.

Jim is one of the most engaging personalities in the House. He is a man of quick wit, sincerity, and strong devotion to his work. His service on the Armed Services Committee and the Science and Technology Committee has been outstanding, and America owes him a debt of gratitude for his role in promoting a strong national defense and advancing the cause of scientific and technological achievement which has given this Nation the highest standard of living in the world.

Finally, Mr. Speaker, the House is also losing another able veteran lawmaker when the current session ends, Lionel Van Deerlin. Lionel has been a positive force on the Interstate and Foreign Commerce Committee, and we have grown to rely on his expertise in consumer protection matters and communications law. In a quiet and unassuming way he has commanded respect and serious attention from his colleagues. He has a tremendous sense of fair play and objectivity that has symbolized an outstanding career in Congress spanning 18 years.

Mr. Speaker, in elective politics nothing is certain. When the people speak every 2 years there will certainly be changes in a body as large as this. This is the democratic process, and none of us would have it any other way. But we make friends and establish a comaradie unparalled in any other endeavor, and this will never change. I deem it the greatest possible honor to have served in the House with my friends and colleagues, Jim Corman, Bizz Johnson, Jim Lloyd, and Lionel Van Deerlin, and there is no question that the future will continue to find them involved in the growth and development of their State and Nation.●

● Mr. de la GARZA. Mr. Speaker, it is a pleasure to join my colleagues in paying tribute to James Corman, Harold (Bizz) Johnson, Jim Lloyd, Lionel Van Deerlin, and Charles Wilson, all from the State of California. In just these five distinguished individuals, the California delegation and the House lose a combined total of 58 years of experience in Congress. We will all be poorer for their departure.

Harold (Bizz) Johnson is ending his career in Congress having served the past 4 years as chairman of the Committee on Public Works and Transportation. During his 22 years in the House Bizz John-

SON has worked hard for the benefit of his constituents in the First District of California. As chairman, he has effectively and fairly worked for all the people.

In the 20 years that JAMES CORMAN has represented the 21st District of California he has earned our great trust and respect. In addition to the expertise he has gained in welfare and tax issues as a ranking member of the Committee on Ways and Means, he served most effectively as the chairman of the Democratic Congressional Campaign Committee. We shall all miss the benefits of Mr. CORMAN's expertise and leadership abilities.

LIONEL VAN DEERLIN has effectively served the people of the 42d District of California during his 18-year tenure in office. He has earned our respect for his grasp of communications matters. As a former newscaster it is only fitting that Mr. VAN DEERLIN has had the opportunity to serve as chairman of the Subcommittee on Communications. LIONEL VAN DEERLIN's dedication, knowledge, and experience will be difficult to replace.

CHARLES H. WILSON is also leaving after 18 years service in Congress representing the people of the 31st District. I have appreciated Mr. WILSON's support for a strong defense policy as a member of the Armed Services Committee, and his accomplishments in reorganizing the Postal Service.

In the 6 years he has served in Congress, JIM LLOYD has earned our trust and respect for his expertise in military matters. With 21 years of service in the Navy, and as an experienced pilot, JIM LLOYD has been a most valuable member of the Armed Services Committee. While he has tackled the complex issues of national defense, I know that JIM LLOYD has also worked hard to keep in contact with and serve the people of the 35th District of California.

I have enjoyed having the opportunity to know and work with these five distinguished gentlemen and wish each of them nothing but the best in the future.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. HAROLD T. JOHNSON, who is retiring at the end of the 96th Congress after over two decades of service in the House of Representatives.

Elected to the 86th Congress in 1958, BIZZ JOHNSON has given dedicated and devoted service to his constituents of the 1st District of California, and has compiled an outstanding record during his distinguished career. His diligent efforts as the chairman of the House Public Works and Transportation Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have more compassionate understanding of human problems than has BIZZ JOHNSON. He has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House.

Seldom does one find a man of BIZZ JOHNSON's stature, a man so wholeheartedly dedicated to the well-being and greatness of our Nation, and his contributions have strengthened our democracy. I extend my warmest best wishes to BIZZ for a healthy and happy retirement.●

Mr. ANDERSON of California. Mr. Speaker, before this Congress folds its tent and passes into history, I would like to take a few moments of my colleagues' time to say something about a Member who has been with us ever since the 88th Congress, and who will not be returning to the 97th. The man of whom I speak is CHARLES H. WILSON—CHARLIE WILSON to his friends—of Hawthorne, Calif.

CHARLIE WILSON has spent these past 18 years in the House of Representatives representing his constituency, a constituency he knows well. CHARLIE WILSON is a real native of our South Bay area, having lived there since 1922. I will not hold the fact that he was born in Magna, Utah, against him—for he has displayed great good judgment in establishing his residence in Hawthorne, Calif., the town I was born in. Our paths have crossed in many other ways. We were both in the Army in the Second World War; we both served in the California Legislature, although not at the same time; I have had the pleasure of serving in Congress with him for the past 12 years, even though we do not serve on the same committees; and our offices have been immediately adjacent to each other. And lastly, we are members of the same organizations, such as the American Legion, the Elks, and the Kiwanis.

I recite the above simply to show that I know CHARLIE WILSON well, and I also know his congressional district well, as before the last reappointment, I was privileged to represent parts of it. He has fought hard for those things which he felt his constituents wanted, and he has fought hard opposing those things which were not for the good of his constituency. I would also say that CHARLIE WILSON has always kept the best interests of his country foremost in his mind, whether it be his work on the Armed Services Committee, on the Post Office and Civil Service Committee, or on the floor of the House. I know that his constituents will miss his strong voice in the House in the next and succeeding Congresses. But I think 18 years is a great deal of one's life to serve in the Congress. While I know there are some who go on much longer, I cannot help but admire the perserverence and dedication of one who serves that long.

My wife, Lee, joins me in wishing CHARLIE and his wife, Bock, all the best in the future. You both will be missed here, and certainly not forgotten.

● Mr. BEVILL. Mr. Speaker, BIZZ JOHNSON has served in Congress with an ability few have shared. His amiable manner and gracious charm teamed with his legislative ability have made him one of the most effective Representatives this House has had.

As chairman of the House Public Works and Transportation Committee BIZZ JOHNSON has made a lasting contribution to his country. BIZZ has worked tirelessly in his committee role, overseeing the authorization of many worthwhile public works projects throughout the country.

He also has been a true representative of the people of the First District of California. BIZZ JOHNSON is the type of person who people like immediately, and want to get to know better. I have always enjoyed his friendship, and I consider him one of my good friends. The cooperation he has always shown have been appreciated by all of his colleagues, and his presence in the House will be missed by us all.●

● Mr. BIAGGI. Mr. Speaker, I rise today to join my colleagues in paying tribute to a great man and friend, LIONEL VAN DEERLIN.

For the past 16 years, the people of the 42d Congressional District have been fortunate to be represented by "VAN." In addition to providing the highest level of constituent services, VAN has been an effective and well respected legislator.

VAN has served with special distinction and effectiveness as chairman of the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee. VAN was elected to Congress after a distinguished career in communications, first as a newspaper reporter and later as a radio and television news editor and analyst. His background combined with his being chairman of the Communications Subcommittee has made him one of this Nation's foremost authorities on vitally important communications laws.

It has been a privilege to have "VAN" as a friend. He is a man of great sense, compassion, and warmth. He has given much to this House and I know his future will be equally as productive and meaningful and I wish him well.●

● Mr. SEBELIUS. Mr. Speaker, I want to join with the other Members of this body in paying tribute to our colleague, the Honorable HAROLD T. JOHNSON of California. BIZZ, as we all know him, and I served together for many years on the Interior Committee.

When I was a freshman 12 years ago, one of the first people who befriended me was BIZZ JOHNSON. We lived down the hall from each other and became good friends as well as colleagues.

I will miss working with him in the Congress, but most of all I will miss the good fellowship we have shared through the years.

He has been a good public servant and a good friend and I want to wish him the best in all his future endeavors.●

● Mr. BIAGGI. Mr. Speaker, I am pleased to participate in today's special order in honor of our colleague JIM CORMAN. It is an opportunity for us to acknowledge the many important contributions which he has made to this Congress and the Nation.

For the past 20 years, JIM CORMAN has been one of the most respected and effective of our colleagues. The people of the 21st Congressional District have been provided with the finest quality of representation by JIM CORMAN.

JIM will best be remembered for his work as a leading member of the House Ways and Means Committee. As chairman of the Subcommittee on Public Assistance and Unemployment Compensation, Jim Corman has championed the rights of the needy in this Nation. He was one of the key architects of the legislation which established title XX of the Social Security Act, a program which provides vital social and human services to Americans, young and old. His commitment to welfare reform is also well known to many of us in the House.

Jim's vast knowledge will be missed in this House. His commitment was total to his work and I am confident that he will continue to make important contributions in whatever vocation he chooses for the future.●

● Mr. DOWNEY. Mr. Speaker, I have known Jim Lloyd for 6 years. In all that time he only beat me in one-on-one basketball once. But he taught me a great deal about life, myself, and the Congress.

Jim has a keen insight into the problems of our military. He critically examined all the great issues before this Congress and his wisdom will be sorely missed.

I am sure my teammate, friend, and colleague will be a success outside of Congress. I fervently hope he considers returning. We have far too few men of guts and intelligence.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Lionel Van Deerlin, who is retiring at the close of the 96th Congress after almost two decades of service in the House of Representatives.

During the 16 years that I have served in Congress, I have had the opportunity to get to know Lionel well as a fellow member of the House Administration Committee. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage.

Elected to the 88th Congress, Lionel Van Deerlin has given dedicated and devoted service to his constituents of the 42d District of California. His diligent efforts as chairman of the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee have been both fruitful and beneficial to the citizens of this Nation, and he has compiled a splendid record of excellence and achievement.

Lionel is a fine legislator and distinguished leader, and he will be missed here in the House of Representatives.

I extend to Lionel Van Deerlin my best wishes for continued success in devotion to the highest principles.●

● Mr. MILLER of Ohio. Mr. Speaker, one of the drawbacks of politics is the suddenness with which circumstances can change. The last one I have to convince of that fact is Jim Lloyd. Coming from a marginal district as he does, he always had to walk a political tightrope. Like any high wire act, the slightest breeze can blow one off. The breeze this fall was more of a wind and it took Jim Lloyd with it.

In so doing, it took from the House one heck of a nice guy. Jim Lloyd is the type of fellow that knows no enemies. He is a likeable, well-meaning individual and an effective legislator.

I wish Jim well as he exits the House. May he enjoy good fortune in the years ahead. Though he was in Congress a relatively short time, he leaves a long record of accomplishment behind.●

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity and call upon my colleagues in the House to bid a fond farewell to a valued friend and respected coworker, the Honorable James C. Corman of California on the occasion of his retirement from this body.

Jim has been a credit not only to Congress where he has served so ably, but also to the people of his district and the Nation as a whole. I have had the privilege of serving with him for almost two decades and have met few men so dedicated to improving the lives of the people he has represented.

During his career in Washington, Jim has made a legion of friends who have long respected his intellect, drive, and wonderful disposition. I have served with him on the Small Business Committee where he has long been considered an invaluable asset. As chairman of the Subcommittee on Public Assistance and Unemployment Compensation he has been a leader in addressing the needs of millions of Americans. His loss from the committee leaves a void that will be hard to fill. In addition to his fine work on small business, he has served ably on the Ways and Means Committee, where he has worked hard assisting the people of this country with their health problems as ranking majority member of the Subcommittee on Health. Most men in Congress would have considered those responsibilities more than enough, but not James Corman, who found the time to serve brilliantly as chairman of the Democratic Congressional Campaign Committee, a position well suited for someone who enjoys demanding responsibilities.

It goes without saying that we will all miss Jim when he leaves this Chamber. I consider it an honor to have worked with such a talented, hard-working, courteous human being whose career in Washington has epitomized the very best in public service. I wish him and his family the very best in the upcomng years and hope that he will take the time to come back and visit his friends in the House.●

● Mr. PICKLE. Mr. Speaker, as the chairman of the Democratic Congressional Campaign Committee, Jim Corman has been one of the most effective and concerned people in this position. It was my privilege to serve on the executive committee of the DCCC, and I was able to observe Jim's fairness and dedication up close. In contrast to the days when the chairman of that committee came from Public Works and represented largesse, and in contrast to the days when chairmen served for their own recognition and power, Jim Corman offered cooperation to all regions of the country. He worked with the members in a most admirable fashion and we could not have had more cooperation. Every recommendation was made with the consent of the regional representatives. Thus, there has been the closest cooperation and coordination between the chairman and all regions of the country. Jim has been understanding, fair and considerate. He has raised money for the members at a personal sacrifice to his own interests.

It has been a privilege to serve with Jim on the Ways and Means Committee. He has chaired the Public Assistance and Unemployment Compensation Subcommittee, while I have chaired the Social Security Subcommittee. We have many overlapping areas. I know firsthand how deeply Jim feels about the poor and how he has worked to give underprivileged and disabled people a better break in life.

Congress has lost its most understanding Member for poor. At times when it would have been to his political advantage to be more conservative or cautious, Jim refused to deviate 1 inch from his steadfast idealism and liberalism. His sense of vision helped millions of people. He was a Democrat and a Democratic liberal. Most of all, Corman is a good man.●

● Mr. FARY. Mr. Speaker, I rise today to express my great esteem for "Bizz" Johnson the distinguished gentleman from California who is retiring this year after more than three decades of service to America in this House of Representatives. In my few years as a Member of Congress, I have come to know and greatly respect Mr. Johnson who has been chairman of the Public Works and Transportation Committee for 4 of the 5 years I have served on that committee.

During his tenure as chairman, most legislation reported by the committee has had the unusual benefit of strong bipartisan support. "Bizz" Johnson's leadership fostered a strong feeling of camaradie on both sides of the committee and enabled us to work out differences with a minimum of acrimony and report out bills that have given the committee a record of outstanding success.

Chicago and the rest of America has had a good friend in "Bizz" Johnson. Throughout his tenure in Congress, he has consistently worked to guarantee a secure supply of water for our cities and farms. He has worked tirelessly to guarantee ample funding for our massive Interstate Highway System. He has been the guardian of our transportation network, fighting to maintain its viability and continued safety. America, its industry and agriculture would not have risen to their present heights were it not for "Bizz" Johnson.

It has been a great honor to have served with him. He will be greatly missed by the committee, the Congress, and this country.●

● Mr. CHAPPELL. Mr. Speaker, this body will surely miss Lionel Van Deerlin of California, the communications/broadcast expert on Capitol Hill. Our colleague has worked hard and long hours on the House subcommittee most closely connected with the subject of broadcasting and his broad knowledge in this area is august.

Lionel's political history is long and notable. A print and broadcast journalist in San Diego before his first election to Congress in 1962, Lionel had 10 years of experience on the communications panel prior to becoming chairman. As chairman of the Communications Subcommittee, he worked hard to revise the 1934 Federal Communications Act, to adapt it to emerging communications methods such as cable TV and satellites.

Lionel was in the forefront—always encouraging the development of new technologies and new ideas across the entire spectrum of communications. And he worked hard to convince his colleagues of the importance of deregulation in this vital area which touches on the life of nearly every citizen.

Drawing on his own background as a newsman to pose questions as well as solutions for the myriad of problems that came before the committee, Lionel Van Deerlin has been forceful and forthright in the statement of his positions. His political courage has been manifest in many situations.

With close to two decades to service here, Lionel Van Deerlin has won many friends, and he has been a genuine friend to many. I shall miss Lionel and wish him all success and happiness for the future.●

● Mr. WAXMAN. Mr. Speaker, the California delegation has lost four of its most prestigious and productive members: Jim Corman, Bizz Johnson, Jim Lloyd, and Lionel Van Deerlin. Each has made a distinctive contribution to our State and the Nation. The people of California have lost four men who have consistently rendered inspired leadership and selfless public service.

Jim Corman is a dear friend who has earned the highest respect for his work on the Ways and Means Committee. He struggled tirelessly for an equitable and progressive tax code. He is an outstanding individual and the very model of a committed legislator. Jim has not hesitated to express his convictions; he is known for his courage and dignity. Jim will be greatly missed in Congress.

Bizz Johnson has served, of course, as the dean of our delegation. He worked to mold us into a more effective instrument on behalf of our State, and we greatly respected his leadership. As chairman of the Committee on Public Works and Transportation, Bizz has been responsible for strengthening the finest transportation infrastructure in the world. The most recent legislation from his committee, which deregulated the trucking industry, is a tribute to his service and dedication.

Jim Lloyd and I came to Congress in 1974, and we have looked to each other ever since for support in our respective fields. As a member of the Armed Services Committee, Jim was a leading proponent for a strong and effective defense—particularly a capable air force. I deeply regret we will not have the benefit of his guidance in this next Congress.

For the last 6 years, I have served with Lionel Van Deerlin on the Commerce Committee. He was my chairman when I joined its Subcommittee on Communications. It was a position Van especially cherished. He invested enormous amounts of his time and energy on behalf of a pressing, if little-appreciated, cause: The need to bring the Communications Act of 1934 out of the dark ages and into the modern era of telecommunications. Van's greatest attribute as a legislator has been his courageous advocacy of principled reforms in communications law—proposals that stand beyond the reach of self-perpetuating special interests.

Van brought to these battles the most even temperament and judicious sense of humor. He could defuse the tensest moment with a dash of conviviality. All who dealt with him have great affection for him.

The next Congress will continue Van's work. Although he will not manage the legislation, his imprint will be on it. I enjoyed working with him, and will miss him. I extend the very best wishes to Van and his beloved Mary Jo. ●

● Mr. BROOKS. Mr. Speaker, I wish to extend my best wishes to Jim Lloyd, a retiring Member, who has made a fine record in the House of Representatives and who has served his country and constituents well.

Jim made a special contribution to the Armed Services Committee and the Science and Technology Committee. His previous responsibilities as a commander in the Navy gave him the needed background to fully understand our national defense needs and their relationship to modern technology. The elderly of our country will long benefit from his hard work on the Committee on Aging.

We will all miss Jim very much and wish him Godspeed and success in his future undertakings, and may they include his earliest return to the U.S. Congress where he contributes so substantially to their work for this country.●

● Mr. ADDABBO. Mr. Speaker, I join my fellow colleagues today in paying tribute to my close personal friend, Lionel Van Deerlin of California, who will not be returning to Congress next year. It is a moment of mixed emotions for myself, for although I am pleased he will now be able to spend more time with his family, I am also aware that his expertise and leadership will be solely missed by this body.

Lionel was undoubtably one of the most articulate and dedicated men to serve in the House in recent memory. A man deeply committed to improving the lives of others, he has always been driven by the idea that Government could work to solve the needs of the people. As we all know, there are some men in Washington who are considered the show horses of politics. They get the attention, but accomplish little. Others, like Lionel Van Deerlin, are the workhorses. It is they who keep the business moving and it is they who are the most respected by their peers.

Lionel chose to devote a good part of his time with a subject, broadcasting, that touches virtually every American citizen. As chairman of the Communications Subcommittee of the Committee on Interstate and Foreign Commerce, he has become a leader in the development of legislation for public broadcasting, cable television, communications satellites, as well as the all-important area of interstate telephone and telegraph services.

In addition to his concerns in the communications field, Lionel has worked hard to address the specific needs of his district, and he has done much to facilitate the dramatic development of the waterfront area in San Diego.

Lionel has been a model public servant for his people, his State, and the Nation. He is a man whose dedication and determination to his congressional duties will long be remembered and I hope the future years will be as productive as his past years in Washington have been. I enjoyed working with him and am sorry to see him leave. ●

● Ms. FERRARO. Mr. Speaker, for me this special order brings into sharp focus the coming close of my first term in Congress and the impending start of the 97th Congress, and all the changes that will bring. For the men who we are honoring tonight have played special roles over these 2 years in teaching me how the Congress works.

Even before my arrival in Washington, Jim Corman, in his role as chairman of the Democratic Congressional Campaign Committee, provided invaluable assistance in my 1978 campaign, which was the first time I had ever run for public office. His support was a key factor in my election, and I was not shy about seeking help and advice.

When I got to Washington, I found quickly that Jim Corman did more than simply help other people get to Congress. Much more. As the third-ranking Democrat on the Ways and Means Committee, Jim earned the respect of all his colleagues for his efforts to help less fortunate Americans. As chairman of the subcommittee on Public Assistance, Jim championed compassionate welfare reform. And his expertise in the area of national health policy, which led to his sponsorship of the Corman-Kennedy national health insurance plan, was universally recognized.

Once I got to Congress, I determined that the needs of the people I had been elected to serve would be best served by my seeking assignment to the Committee on Public Works and Transportation. I did not know when I made that decision that it would give me an opportunity to work with, and learn from, a truly outstanding legislator and chairman, Bizz Johnson.

By the time I got here in 1978, Bizz had already been here for 20 years, had been serving as a member of the Interior Committee as well as the Public Works Committee, and was probably the most knowledgeable man in Washington about Public Works. So while I may not have known much about Public Works, I knew plenty enough to watch—and listen—and learn.

And mostly what I learned was that to be effective, you did not need to be flamboyant, or loud, or pushy. The way Bizz Johnson did things was to work hard, be well-prepared, and be persuasive. Year after year, Bizz served the people of his district, his State, and the Nation with skill and dedication.

Sometime after I joined the Public Works Committee, somebody told me that the committee had not lost on a bill it had taken to the floor in something like 20 years. Well, I am not sure 20 years is exactly right, but I do know that the record fell in December 1979, and it fell because of a bill that I was deeply involved in, the Experienced Pilots Act of 1979.

I guess I should apologize to the chairman for that, but while apologizing to Chairman Johnson for breaking the record, I have to say thanks to another Member being honored today, Jim Lloyd. Because while the pilots bill was defeated, Jim's efforts were critical to moving the bill as far as we did.

I worked closely with Jim during the Aging Committee and the Public Works Committee's consideration of the bill. Jim, himself a pilot, brought personal expertise, tireless efforts, and his vast knowledge of the legislative process to the task.

Besides the help he provided on that bill, Jim has been known as a hardworking member of both the Armed Services Committee and the Science and Technology Committee, where his knowledge of aviation has improved the quality of legislation in the House.

So these three men, Jim Corman, Bizz Johnson, and Jim Lloyd, have all played major roles in my first term in Congress. The final tribute I wish to offer these men I have borrowed from a "Dear Colleague" letter I received earlier this week. The letter was from a Member who is leaving after the 96th Congress, and these are the words he wrote about his service here:

> I will always remember those Members who fought hard for the needs of the people of their district and State while not overlooking the needs of people beyond their district and their State. I will always remember those who knew the risks of taking sides and took those risks anyway. The high quality of leadership and the dedication to public service which I have seen reflected in my friendship and association with all my colleagues give me confidence that the future will bring a continued elevation of those who govern and those who are governed in this country.

The writer was Bizz Johnson. And the words he wrote apply with special meaning to himself, Jim Corman, and Jim Lloyd. I wish all of them the greatest success and happiness as they leave Congress.●

Mr. EDWARDS of California. Mr. Speaker, I thank the many participants in this special order, and I yield back the balance of my time.

A TRIBUTE TO HON. RAY ROBERTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. de la Garza) is recognized for 60 minutes.

Mr. de la GARZA. Mr. Speaker, it is a high privilege to come to this well and lead a very special tribute to our good friend and colleague, Ray Roberts. For the past 18 years in Congress, he has built a powerful record as a legislator. He has also rightfully earned a strong reputation as a Democrat and as a free thinking but determined representative for the people of the Fourth Congressional District of Texas. I know that all the Members of this House, but especially the members of the Texas delegation, join me in regretting his decision to retire. We are going to miss Ray Roberts. But we can all be thankful that we have had the opportunity to work with him and learn from him.

Ray brought to the Congress a style of politics clearly associated with the State of Texas. This is an open, freewheeling style of straight talking and straight shooting. He learned his lessons well from his close association with both Sam Rayburn and Lyndon Johnson. He has taught us all that it is possible to achieve more, both in Congress and in life, by being open and direct rather than by design or scheme. Some people might characterize Ray's style at times as shooting from the hip. But, as we have all seen, a quick draw can be very effective if you have a sharp eye and enough experience. Ray is a very good marksman, as many of our colleagues who have traded shots with him in the past can surely testify.

Whether in the major areas of public works, or in defense of our Nation's veterans, Ray Roberts has certainly earned our respect for his insight and plain good judgment. He says what he thinks and then does what he stays. Whether you side with him on an issue or not, you always know where you stand with Ray Roberts. I have been fortunate to side with him and along side him for my 16 years in the Congress. I respect him. I admire him, and I am proud to call him my friend.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order, the Honorable Ray Roberts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Speaker, I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. I thank my very distinguished, esteemed and highly respected colleague from South Texas which we call the Valley of Texas, and I particularly want to thank the gentleman for obtaining this special order giving us an opportunity to speak on the tremendous achievements of our departing colleague from Texas, Ray Roberts.

Mr. Speaker, it is with extreme regret that I see he has decided to retire from service in the House of Representatives. There is no question in my mind whatsoever that had he chosen to be reelected he would have been overwhelmingly reelected. There is no question of that. It is sad and tragic for us all, particularly those of us who have had an association with our colleague prior to serving in the House of Representatives of the United States and who realize we have an obligation for the service Ray Roberts has rendered.

I had the privilege of serving with Ray in the Texas State Senate where he became chairman of the powerful Finance Committee. I wish to acknowledge again at this time for the record our indebtedness in the particular area I have the honor of representing, the 26th Senatorial District, to Ray Roberts sensitivity and responsiveness to his duties as chairman of the Finance Committee.

It is also more than coincidental that the greatest facility in southwest Texas for the veterans who have served loyally and patriotically their country, became possible because of the actions that he had taken as chairman of the Finance Committee in the late 1950's in the Texas State Senate because it was through his actions as chairman of the committee that it became possible to have the third branch of a medical school of the University of Texas in San Antonio, which then gave the basis for the medical complex that in turn enabled the President of the United States, John Kennedy, to designate that area as a site for the veterans' hospital which today is known as the Audie Murphy Veterans' Hospital.

Mr. Speaker, we now have him as chairman of the Committee on Veterans' Affairs coming back to San Antonio to commemorate the construction and dedication of the hospital to the veterans of our country.

Mr. Speaker, these are just some glimpses that I thought were necessary that we spread on the record in order to round out what might be overlooked on the record with respect to Ray Roberts' tremendous achievements and his rendering of service to the American people.

Here in the Congress, of course, my colleagues have gotten to know him as the chairman of the Committee on Veterans' Affairs but also and very actively as the chairman of the very important subcommittee of the Committee on Public Works and Transportation. I do not think there is a geographical entity in our country that, within the last 10 to 15 years, does not have some debt because of the service that Ray Roberts has rendered in that capacity. Ray Roberts has transcended the purely local or geographic or sectional on the national level just as he did as a State senator on the State level.

I repeat it is with sincere and extreme sadness and regret that I see him voluntarily deciding to leave. I have told him this personally and I certainly would not have said it if I did not mean it that if there ever was a time for us to have a Ray Roberts present on the active roles of the U.S. House of Representatives, it is certainly now. Nevertheless, it was his choice, his decision, and it remains only for me to say that I wish him Godspeed and happiness in the fulfillment of his future endeavors.

Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. de la GARZA. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. Pepper).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman in the well for giving me the privilege of sharing with him and our colleagues an occasion when we are paying tribute to one of our most esteemed Members, Ray Roberts.

Mr. Speaker, Ray Roberts is one of those men who goes quietly but persistently and very ably about the performance of his duties. He is one of those men who has the capacity to grasp in an early way and manner, the pith and meaning of what happens to be challenging his attention. The work he has been able to turn out is a high tribute to his industry and his capacity to mobilize information and make it meaningful in the implementation of those objectives.

Every one of us in this House has watched him as he has quietly but effectively gone about the performance of his responsible duties. The chairman of the subcommittee of the Committee on Public Works and Transportation having to do with rivers and harbors projects, public improvements all over America. All over this great land today there are monuments to Ray Roberts' conception of a greater and better America, of his willingness sometimes to take criticism to try to build America into a more majestic land even than it is today.

Mr. Speaker, I know I shall always be profoundly grateful to Ray Roberts because in my own area, principally in my own district, there was an eroded beach where buildings were being eroded away by the water, where our tourist trade very badly suffered and Ray Roberts came personally and inspected the needs that we presented to him.

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Upon the recommendation of the Corp of Engineers, he put his own valued stamp of approval and made it possible for us almost to be nearing the completion of a project that will give our area one of the most beautiful and one of the most valuable beaches in the world. That is simply one little item all over America that has been made possible by the drive and the ability to understand the significance of it by our colleague, Ray Roberts.

I think every one of us who is sensitive to the needs of this country's veterans will be profoundly grateful forever for what he has done for the veterans of this land. We all know there is hardly too much that we can do for the veterans of this country. Ray Roberts led the recognition by this House of what America's debt to the veterans is, and he made millions of veterans in America healthier, happier and more secure because of the provisions that he led this House in making for them.

They, too, will forever be grateful that America at this critical time had Ray Roberts as chairman of the Veterans' Committee of this House.

The Members will remember Ray Roberts for the warmth of friendship that we enjoyed with him, for the quality that made him somehow the kind of a man one would like to be with, whose handshake or whose kindly words were stimulating and enjoyable.

So as a Member of this House, I am proud to have had the honor and privilege of serving with Ray Roberts.

As an American, I am proud for what he has done for America. As a friend, I am proud to have had such a friend as Ray Roberts. My affectionate best wishes go with him and his family into the years of the future which we hope may be long and happy.

Mr. de la GARZA. I thank my distinguished colleague.

I yield to the gentleman from Texas (Mr. Hightower.)

Mr. HIGHTOWER. Mr. Speaker, I rise to say a few words about our dear friend and colleague, Ray Roberts. There are many attributes of friendship, kindness, generosity, loyalty, and Ray has demonstrated these and many more in abundance to me and to the other members of the Texas delegation during his years of service here, but there is one particular attribute that we will always remember about Ray Roberts, and that is his dependability. We could depend on Ray.

The people of the Fourth District of Texas and certainly the people of the entire State of Texas have known him for this very special quality during all the years of his service both in the Texas Senate and here in the House of Representatives.

It was hard for me to believe that he had served for the length of time that he has, when he told us last year of his intention not to stand for reelection, because we have depended on him for so long; and we approached the 97th Congress with not only the sadness of just not having him around and not having him here, but aware of our own inadequacy to do the job that he has done so well for so long.

We will miss him. We appreciate what his service has meant to the people of this country as well as to his State and district.

We wish for him many years of good health and continued service in yet another capacity, because Ray Roberts is not going to sit back in a rocking chair. I know him well enough to know that is true. He will be serving in some way, because service is a part of his nature.

I appreciate so much the opportunity to express my sentiments about the departure from this body of our dear friend.

Thank you.

Mr. de la GARZA. I thank my colleague.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. Hubbard).

Mr. HUBBARD. Mr. Speaker. I add these brief remarks about our dear friend and colleague who is retiring, the Honorable Ray Roberts of Texas. I have served in the Air Force and Army. Many of us in Congress have served in the military and we have thousands of veterans in our districts. Each of us does.

When I am home in Kentucky, I hear veterans express appreciation for those things that the Members of Congress do in their behalf and often they have said, "Please tell that chairman of the Veterans' Committee that we appreciate what he has done and what the committee has done in our behalf."

To Ray Roberts, thank you for all you have done for me personally. Thank you for all you have done for this great country of ours and for the U.S. Congress. We will miss you, and we wish you God's richest blessings.

Mr. de la GARZA. Mr. Speaker, I yield to the gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Speaker for 18 years Ray Roberts has worked in this House in behalf of his own constituents of the Fourth Congressional District of Texas and for the betterment of the Nation as a whole. He has done his work well. I have grown to appreciate his fairness, his openness and his decency. He has always been willing to cooperate and to listen to divergent views even when I must admit, at times, we have been on opposite sides of certain issues. Quite often it is easier to say "no" without giving the other side a chance to be heard. Ray Roberts fairness and his friendships with his colleagues have greatly enhanced his effectiveness as a committee chairman and his insight as a legislator.

I have worked for well over 10 years with Ray on the House Committee on Veterans' Affairs. As committee chairman for the past 6 years, Ray has led what might be called the most bipartisan committee in the U.S. House of Representatives. I can safely say it has been his skill and his personal style which has kept politics and partisanship separate from our concern for the welfare of the Nation's veterans. During this time, the committee has been challenged by many serious issues. We have seen the needs of older veterans intensify while trying to accommodate the just demands of an entirely new generation of veterans from the Vietnam era. Ray Roberts has kept us together. He has kept us working in the best interest of all veterans even at a time of tight budgets and tougher problems. I have learned from his style. I appreciate his friendship and his leadership which has helped make all this possible.

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Mr. de la GARZA. I thank the gentleman.

I yield to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. I thank the gentleman for yielding.

I, too, have had the benefit of serving on the Veterans' Affairs Committee under Chairman Ray Roberts. In fact, before Ray became chairman I served for a few terms starting with the tenure of another great Texan, Tiger T, whom we all love and revere, as we do Ray Roberts.

Ray has had the ability to not only

keep the committee together, but to almost totally eliminate any friction, any strife, any disputes between members of different factions. He has seen to it that the needs of the veterans have been met in the many, many fields in which they are impacted, in education, educational benefits, in hospitalization. He has done a great deal to keep our hospitals together because, as we all know, there are forces which would like to take over the great veterans hospital system, but not while Ray Roberts was chairman.

On medical care, another very important field on which he has shown leadership, on benefits for the disabled and for their widows, for orphans, Ray Roberts has set a record which is a standard which any who follow him could seek to emulate.

I thank him for the help that he has given me as well as the veterans of this country, and I wish him Godspeed in the future.

Mr. DE LA GARZA. I thank the gentleman and yield to the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I would like to join my colleagues today in paying tribute to a good friend of ours, the Honorable Ray Roberts.

I believe it was about 2 months ago, Mr. Speaker, that the Members of this body expressed our respect and affection for Ray by naming a lake for him in his beloved Texas. If only his district bordered on an ocean.

Ray, of course, served the House as its chairman of the Water Resources Subcommittee. He has done an outstanding job in that capacity. And as a member of the full Public Works and Transportation Committee, Ray never failed to impress me as to how quickly he could grasp an issue that came through a subcommittee on which he did not sit. Members of a subcommittee could struggle with a piece of legislation for weeks, trying to understand all its ramifications. Ray, somehow, was always able to sit down with that bill in full committee, and explain to others what it would do.

And those who have worked closely with him know that Ray is always willing to share his insights with others. And whether you would agree with him or not, he always seemed to be able to stimulate your own thoughts on the issue. And if your thoughts were not the same as his, well Ray would never object to telling you why his were right.

Mr. Speaker, Congress needs more people like Ray Roberts. We need people who know what they think; know what is right and what is wrong. And then, know how to go about achieving their goals. These people are called leaders. We will be losing such a leader when Ray Roberts leaves us at the end of the 96th Congress.

Lee and I wish him nothing but the best in the years that are ahead.

Mr. DE LA GARZA. I thank the gentleman and yield to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. I thank the gentleman from Texas (Mr. de la Garza) for yielding.

I want to rise and join with my colleagues in paying tribute to Ray Roberts. I have heard some of my friends on the other side of the aisle speak of what a great Democrat he was, and from our side of the aisle, as a Republican, I want to tell my colleagues that he is the finest neighbor that anyone could ever have.

It has been my privilege and honor to serve the Third District of Texas and Ray represents the Fourth. Many times we see in Congress people that are interested in their district, their district primarily, and sometimes that is all they are interested in. But with Ray Roberts, he was interested in the entire country and in every service that he has had here in Congress it has always been for what is good for everyone.

I have heard some speak of what he has meant to Veterans' Affairs, and there is certainly no committee that stands with greater honor or greater prestige in the State of Texas than the committee that works for the veterans of America, because in Texas we still and always have had the deepest respect for the military tradition.

But I would also like to say something about what he has meant for water resources. A few years ago I was talking to the president of a bank down there in Texas and we were talking about oil, which we often do down there in Texas, and he said, "Jim, you don't understand." He said, "It is not oil that is the future of America, it is water." And I have thought of that so many times because that is absolutely true, it is water that represents the future of America.

For these many years Ray Roberts has been the dynamic figure that has been primarily concerned with building, providing for, and seeing to it that we establish adequate water reservoirs in America. I have seen him time and again fight through redtape, fight through these conflicts of interest that we have from different communities, and come out with a working program that meant better, better water reservoirs for our community.

The last one that we had down there in our area we went through one fight after another with these local communities, all of them wanting to know how they came out on it. The thing died at least six deaths before it all got together and finally we got it started. It was a lake down there known as Lake Aubrey, and it was absolutely essential because gradually we see people moving into that area and we see it becoming settled, and if we had not done something about it quickly that lake would not have existed and we would have lost the opportunity to build that great water reservoir. The greatest thrill to me about it was not only that it was under way, but this Congress in its wisdom has designated that next year when we have the opportunity that that lake will be known as Lake Ray Roberts.

Ray is planning to settle down there near Lake Roberts. He is going to settle in Denton. Again, we will have another Texan coming home. It is our loss in Congress, but it is our gain in Texas when Ray Roberts comes back home. I thank the gentleman.

Mr. DE LA GARZA. I thank my colleague for his comments.

I now yield to the gentleman from Oregon (Mr. Duncan).

Mr. DUNCAN of Oregon. I thank the gentleman for calling our attention to the retirement of Ray Roberts. When I first came to Congress, for some reason I guess I became better acquainted with the Texas delegation than all of the rest, and of those Texans the one who has become my closest and longest and dearest friend is Ray Roberts. I remember when I first met him I was told that he had been an aide to Sam Rayburn and I know that was true. I know that he learned his lessons well from Sam Rayburn.

I also remember the many water bills that were brought to this floor by Mike Kirwan. Mike Kirwan always used to say as he introduced a bill, "This is a bill for all America." Ray Roberts, as he has continued the tradition of Mike Kirwan in the field of natural resources, has brought bills to the floor that were bills for all America.

He likewise has continued the tradition of Tiger T, whose name has been mentioned here before, in continuing to fulfill the responsibilities of this Nation to the veterans who gave so much in the days when they were so badly needed.

I am not going to say that I will miss Ray Roberts because I intend to continue the friendship that Ray Roberts and I have had for so many years for many, many more years into the future.

Mr. DE LA GARZA. I thank the gentleman.

I now yield to my colleague from Ohio (Mr. Wylie).

Mr. WYLIE. I thank the gentleman for yielding and wish to compliment him for taking this special order and thus affording me the opportunity and the privilege, along with others, to join with my colleagues in paying tribute to Ray Roberts. With his retirement from the U.S. Congress the people of his district and every veteran and their families will have lost one of the most valuable friends and servants they could have.

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As a member of the Committee on Veterans' Affairs, of which Ray Roberts is chairman, I have watched him from the other side of the aisle work tirelessly on behalf of those who have served this country. I would say that Ray Roberts is a man of high principle and great compassion, and his name is indelibly etched in the history books on legislation benefiting the veterans of this country as well as all of the people of the United States.

I will say that as a member of the minority party I have been pleased that Chairman Ray Roberts has always conducted the affairs of his chairmanship in an objective manner and he has never been political. I owe Ray Roberts a special thanks which I would like to acknowledge publicly for chairing a hearing during the great blizzard in 1977 in my district in Columbus, Ohio. I asked him if he would come in to help me with a problem, and he did. As a result of those hearings evidence was developed which helped formulate a special consolidated procedure so that if a community is hit by a blizzard—and this was a special situation—there would be a consolidation and a coordination of the disaster relief efforts so a community would not have to go through 8, 9, or 10 different agencies to get relief in a hurry.

As I say, the application process was consolidated at a saving to the community and country. It has been a pleasure for me to serve with RAY ROBERTS. I have been the beneficiary of service on the Committee on Veterans' Affairs with him. Marjorie and I wish to join with all those here in best wishes to RAY ROBERTS and his family and for good luck in any new endeavor in the years ahead.

● Mr. BROOKS. Mr. Speaker, during the 18 years that I have had the honor of serving with RAY ROBERTS, I have come to value his warm friendship, wise counsel, drive, and determination. The people of Texas' Fourth Congressional District could not have picked a more conscientious Congressman. RAY ROBERTS has served his district, State, and Nation in a most responsible and able manner.

As chairman of the Water Resources Subcommittee of the Public Works and Transportation Committee, RAY ROBERTS has contributed greatly to the economic progress our country has made during the past two decades. His chairmanship of the House Veterans' Affairs Committee has set a high standard of performance which will not soon be matched. We can all take pride in the outstanding leadership he brought to this all-important post.

As dean of the Texas delegation, I would like to congratulate RAY ROBERTS on a distinguished career. His devoted record of service has been appreciated and will be greatly missed in the years to come.●

● Mr. ZABLOCKI. Mr. Speaker, with the decision of RAY ROBERTS to retire from Congress we are, unfortunately, losing an especially valuable Member of the House.

RAY came here in 1962, as a successor to the seat of Speaker Sam Rayburn. He has served fully in the great Rayburn tradition ever since. He has worked hard and intelligently and in concert with his House colleagues. He has been a leader and a team player in support of those causes which he saw as in the best interest of his constituency and of his country.

Among RAY's many contributions here has been his role as a member and chairman of the Veterans' Affairs Committee in achieving legislation to improve veterans hospitals and programs. As a member of the Public Works Committee and chairman of its Water Resources Subcommittee, he has been particularly outstanding in the field of water resource development and conservation, including his work on the Clean Water Act of 1977.

RAY's office happens to be next to mine in the Rayburn Office Building. I hope this had no effect on his decision to leave.

But he is departing, and the House will miss one of its most distinguished Members. We wish him and his family a fine future.●

● Mr. JOHNSON of California. Mr. Speaker, Congress, Texas, and, indeed, the entire Nation lost a great public servant when RAY ROBERTS announced his decision to give up the seat he has graced in the House of Representatives for the past 18 years.

RAY ROBERTS has served his country long and well in peace and war. He began his public service back in 1935 as a director of the National Youth Administration of Texas, under Lyndon B. Johnson, and 5 years later he came to Washington to work for then-speaker Sam Rayburn.

When the attack on Pearl Harbor plunged America into war, RAY volunteered immediately for duty in the U.S. Navy and served in both the Atlantic and Pacific theaters, earning seven combat stars. He was recalled during the Korean conflict and subsequently retired from the Naval Reserve with the rank of captain.

He served in the Texas State Senate for 7 years before winning a special election on January 30, 1962, to fill the vacancy created in Congress by the death of Speaker Rayburn. His constituents in the Fourth Congressional District of Texas returned him to office in every succeeding election until this year, when he decided to call it a day.

Mr. Speaker, I have had the good fortune to work shoulder to shoulder with Congressman ROBERTS through all his years in this body, and I am proud to be numbered among his legion of friends and admirers. All of us are familiar with the contributions he has made as chairman of the Veterans' Affairs Committee for the past 6 years to the improvement of veterans' hospitals and programs.

As chairman of the Committee on Public Works and Transportation, I am especially aware of the leadership he has demonstrated in the development and conservation of our national water resources. RAY chairs our Subcommittee on Water Resources and truly merits the lion's share of credit for the landmark enactment of the Clean Water Act of 1977.

Our great and good friend will be sorely missed, and from our hearts we wish him well.●

● Mr. BOLAND. Mr. Speaker, I am delighted to join the many friends of RAY ROBERTS in paying tribute to him as he retires from 18 years of distinguished service in the House.

RAY's retirement will leave the House and the State of Texas without one of the most effective legislators of our time. From his days on the staff of Speaker Sam Rayburn, through his service in the Texas State Senate, and during his 18 years as Representative from the Fourth District of Texas, RAY has dedicated himself unselfishly to serving the people of this Nation.

As chairman of the Subcommittee on Water Resources of the Committee on Public Works, RAY ROBERTS has provided valuable leadership to the Congress in solving problems of the development and preservation of our vitally needed water resources. I am happy to have worked very closely with RAY ROBERTS on the budget for the Veterans' Administration. I have personally seen his compassion for veterans and his deep concern for their welfare. As chairman of the Veterans' Affairs Committee, Ray has been the American veterans' most dedicated and persistent advocate.

We are indeed fortunate to have had the opportunity to work alongside this great statesman from Texas. The decisions we make in the future will be more difficult without the benefit of his scholarly insight. It is with great pleasure that I join my colleagues in extending to RAY our best wishes for happiness, prosperity and good health in the future.

● Mr. CARTER. Mr. Speaker, it is a pleasure to pay tribute to one of the finest Members of this body, RAY ROBERTS of Texas.

As chairman of the Veterans' Affairs Committee, RAY has accomplished much for this country's veterans. His contributions to the well-being of those who have served in our Nation's defense have won him wide acclaim and honors.

He has been a personal friend of mine in the years we have served together. I have supported him on every occasion; I was pleased to do so because I always knew that his positions were honorable and his judgment sound.

I want to join in saying goodby and best wishes to a fine man, an honorable and distinguished colleague, and a friend.●

● Mr. MONTGOMERY. Mr. Speaker, I want to thank my distinguished colleague from Texas, KIKA DE LA GARZA, for obtaining the time for us to pay tribute to a great American, the Honorable RAY ROBERTS.

I was elected to the Congress on November 8, 1966, and when I arrived in the House, I quickly became friends with RAY ROBERTS. During my years in the Congress it has been a privilege to work closely with him.

Few Members of this body have attained the positions of leadership RAY has. For many years he has served on the Committee on Veterans' Affairs. In 1975 his colleagues elected him chairman of the committee and he has served effectively in that capacity for the past 6 years.

RAY is also the ranking member of the Committee on Public Works, and had he decided not to retire this year, he would have been elected by his colleagues to be the new chairman of that committee in the 97th Congress.

Mr. Speaker, there is little I can add to what has already been said about RAY. Having had the opportunity to serve as one of his subcommittee chairmen on the Committee on Veterans' Affairs, I can only tell you that he has been outstanding. No one could have a better chairman. He assigns responsibility well. He is always available and is willing to discuss issues relating to our committee's work on a moment's notice. He conducts the affairs of the committee so that every member is given an opportunity to express his or her views on any issue.

Mr. Speaker, when Ray leaves the House this year it will be a personal loss to me. Veterans throughout our Nation will lose a great leader. When Ray assumed the chairmanship of the Committee on Veterans' Affairs, he had to develop legislative initiatives within the bounds of the Budget Act. Not only did he have to assume the leadership role of the committee, but he also had to deal with critical budget issues. He had to make some tough decisions in establishing budget priorities. All of these things he did and did them well. It was a critical time for the committee.

The level of benefits and services provided our Nation's veterans today is second to none. In establishing this level of benefits and services Ray has had the strong support of all veterans organizations who speak for veterans. In bringing this about Ray has never brought a veterans' bill to the floor of the House that exceeded the targets established in any budget resolution. He is viewed by our Nation's veterans as their chief spokesman. He is their leader. This has been accomplished because Ray is totally committed to veterans and they know it. He has worked with the Budget Committee and the House leadership to make certain that he could provide for veterans without doing grave harm to the budget process. This is what leadership is all about. I think Ray's work has been exceptional and I am sure all of my colleagues agree with me.

Mr. Speaker, as I indicated previously, I shall miss Ray as a Member of this body. As he leaves this body we all wish him continuing good health and success always.●

● Mr. MILLER of Ohio. Mr. Speaker, Ray Roberts had no small shoes to fill. Elected to Texas' Fourth District, he succeeded former Speaker Sam Rayburn and had the proverbial "hard act to follow." Ray Roberts followed well, rising to the chairmanship of the Veterans' Affairs Committee while serving a long and distinguished career in the House of Representatives.

During his 19 years in the Congress, Ray established an outstanding record on behalf of the American veteran. As chairman of the House Public Works and Transportation Subcommittee on Water Resources, he was a leading spokesman for improving our waterways and making them more navigable.

By word and deed, Ray Roberts is a leader. Using his soft, down home Texas style, he has the ability to get things done. I would like to take this opportunity to wish Ray well in his retirement. He had big shoes to fill and he filled them well.●

● Mr. CLAUSEN. Mr. Speaker, it is with mixed emotions that I rise to pay tribute to my colleague and friend, Ray Roberts. When I first heard of his retirement my feelings were that of sorrow that 18 years of comradeship were drawing to a close and that I would be without his scholarly counsel in the next session. However, in further reflection I feel extremely fortunate and honored to have had the privilege of knowing his warmth, friendliness, and kindness. After his long service and hard work, his retirement is certainly well deserved.

During his years of congressional service Ray Roberts, as chairman, and I as ranking minority member of the Water Resources Subcommittee have shared the same podium in the fight to protect and upgrade our irreplaceable water supplies, to clean up our ravaged rivers and lakes and restore them for the benefit of future generations. I have long admired and respected his farsightedness and firm commitment to the development of a progressive national water program.

Ray Roberts has devoted his life unsparingly to the service of his country, both in his capacity as a World War II Navy veteran and as chairman of the Veterans' Affairs Committee. His diligent efforts and numerous accomplishments as chairman of this committee have been extremely beneficial to veterans across the Nation, and will long be remembered. I can honestly say that there have been very few legislative problems of concern to veterans from my own district which did not receive fair and expeditious scrutiny. I am therefore taking this opportunity to thank Ray Roberts for being a champion of legislation that is responsible and responsive from a nationwide perspective.

This great and genial Texan will be remembered as a fair and firm fiscal conservative who consistently fought against the liberal forces in the country who have caused this runaway inflation we are facing.

I have indeed been fortunate to have served with Ray Roberts in the House of Representatives and the people of this Nation have greatly benefited by his public service. My own career has been enriched by my association with this great statesman. We will miss you Ray, and your colleagues will never forget the exemplary service that you have so honorably performed. I join in wishing you the best of health and happiness in the future.

You, Ray Roberts, my very close friend and working colleague in the Congress of the United States will always be remembered by me as a giant redwood in the forest of great men—always dedicated to the service of your country and your fellow man.●

● Mr. ROE. Mr. Speaker, the end of a session of Congress unfortunately also represents the final chapter in the careers of some of the Nation's finest lawmakers.

And that situation is indeed well represented in the decision of my colleague and close friend, Ray Roberts of Texas to retire from the House of Representatives.

I have had the fortunate opportunity to work along side Ray Roberts on the Public Works Committee. It can be surely stated that the Fourth Congressional District of Texas had a forceful representative working for their interests in the Halls of Congress.

Ray's success in securing public work's funding for dam projects in Texas is a legacy that will live on forever.

But Ray Robert's will, I am sure, be most remembered here for his excellent service as chairman of the highly important Veterans' Affairs Committees.

Veterans of all branches of the Nation's military service owe a strong debt of gratitude to Ray Roberts for his efforts on their behalf.

Ray, my good friend, we will all miss you.●

● Mr. WHITE. Mr. Speaker, this Chamber will be the poorer when the 96th Congress adjourns because of the many dedicated, experienced, and highly accomplished Members who have chosen not to remain in the U.S. House of Representatives. Among those I will most sorely miss is the Honorable Ray Roberts who has represented the Fourth District of Texas with such dignity and excellence for the past 18 years.

Ray Roberts accomplished what few, if any, other men could do: he more than adequately filled the shoes of one of the greatest men ever to grace the U.S. House, Speaker Sam Rayburn. Certainly, I wish Ray Roberts the best of everything in his retirement from Congress, but I wish even more that I could greet him as a fellow Member when the 97th convenes in January of 1981. I know I am joined in these sentiments by the millions of veterans in this country who came to recognize Chairman Ray Roberts of the Veterans' Affairs Committee as one of their greatest champions.●

● Mr. HARSHA. Mr. Speaker, it has been a special honor to have served for the past 20 years with a great Texan and a great American, the Honorable Ray Roberts.

For many, the shoes of the late speaker Sam Rayburn would have seemed too large to fill, but not for an energetic State senator from McKinney, Tex. Ray Roberts more than filled those shoes and went on to serve the people of the Fourth Congressional District of Texas with distinction for two decades.

He closes out his outstanding career of service in this body as chairman of the Veterans' Affairs Committee and of the Water Resources Subcommittee of the Public Works and Transportation Committee. His impact on legislation produced by both committees has been substantial, and his presence and influence on both will be sorely missed.

No one has served with more dedication and effectiveness than my friend and colleague, Ray Roberts. The veterans of this Nation certainly know that they have had a friend in Chairman Roberts. He knows well the special needs of veterans, having served in the Atlantic and Pacific theaters during World War II, and again in the Korean conflict. During his 6 years as chairman of the Veterans' Affairs Committee, he has taken the lead in shaping effective legislation to improve veterans hospitals and programs.

Having served with Ray Roberts for many years on the Public Works and Transportation Committee. I know firsthand the leadership and legislative skill he has brought to the vitally important work of our Water Resources Subcommittee, which he has chaired since 1973. No one has worked harder and more successfully for the development and conservation of our Nation's water resources than Chairman Roberts.

He has left his mark on the major water legislation enacted into public law during his House tenure. One of the greatest of these is the landmark Clean Water Act of 1977, drafted and enacted under the leadership of Chairman Ray Roberts. The many important water supply, flood control and recreation projects across this Nation are a tribute to his concern, wisdom, and direction.

Our committee and the Congress will sorely miss the commonsense judgment and legislative expertise contributed for so long by the gentleman from Texas. I know how proud he is of his home State and particularly his loyal constituents in east Texas. And they are proud of him, for he has served them long and well, and his shoes will be extremely hard to fill.

I value highly my personal friendship with Ray Roberts and the good fortune I have enjoyed in working with him in this body. I certainly wish him every success as he leaves the Congress at the close of an exceptional career of public service to the people of his district, his State, and his Nation.●

● Mr. LOEFFLER. Mr. Speaker, to those of us who have known him—who have had the privilege of working alongside him, who have sought his advice and counsel—Ray Roberts has exemplified the dedication and honesty that are the main responsibility of public service. These qualities have been the trademark of a man who has devoted a lifetime to Texas—and to the Nation—18 years as a Congressman representing the Fourth District of Texas, and before that, 7 year as a State senator in Texas.

No American has cared more for this Nation's veterans. As chairman of the Veterans' Affairs Committee, Ray Roberts has been the chief spokesman in the Congress for the maintenance of essential benefits for those who have served their country when their country called. He has also demonstrated repeatedly his legislative skills as the chairman of the Water Resources Subcommittee of the Public Works and Transportation Committee. I know I speak for many others when I say his leadership will be missed sorely in this body.

His record of public service, and his demonstrated leadership, have set high standards for the rest of us to follow. Many of us who are new to the Congress have strived to match Ray Roberts' dedication to the interests of his constituents—and to the country.

I wish him the very best in his future endeavors, and I offer him the heartfelt thanks of one who has been honored to call him friend.●

● Mr. KAZEN. Mr. Speaker, we Texans who serve in the House of Representatives take great pride in the contributions to this body by citizens of our State. President Lyndon B. Johnson began his elective service in this House. Speaker Sam Rayburn, as well as Speaker John Nance Garner and a host of others through the years, made history in this body. I respectfully suggest that Ray Roberts ranks with them as a friend, a legislator, and a gentleman.

I had the pleasure and privilege to serve with him in the Texas State Senate. He had been one of the core of able young men recruited by young Lyndon Johnson to serve in the national youth administration of the depression days. In fact, when Lyndon Johnson first ran for the House, after the death in midterm of 1937 of Congressman James Buchanan, Ray Roberts had an important part in that LBJ effort. The Johnsons owned a 4-year-old Ford, while Ray Roberts had a new car that he was buying on credit. He turned that new car over to Lyndon Johnson, who covered his district thoroughly and won over nine other candidates.

Ray Roberts, after finishing his education at Texas A. & M., North Texas State, and the University of Texas, began his Washington experience on the staff of Sam Rayburn. He left for a great World War II record in the Navy, where he again served in the Korean conflict. He was a State senator and a successful businessman when Mr. Rayburn died, and his many friends in the Red River Valley around McKinney, his home town, chose him to succeed Mr. Sam in the House.

In the Congress we have known him for his serious, dedicated work in behalf of veterans, and all of us have noted that whenever Chairman Roberts presented bills with provisions for the welfare and benefit of veterans, dissenting votes were rare indeed. He also has worked hard and well as chairman of the Water Resources Subcommittee of our Public Works Committee.

Few of us have ever heard him raise his voice. He could be firm, yes, but he was always courteous and gentlemanly. I know I am only one among many when I say I am proud to count Ray Roberts as my friend. We wish him well, of course, but we know how much we shall miss him as he retires.●

● Mr. ADDABBO. Mr. Speaker, as the 96th Congress draws to a close I would like to take this opportunity to pay tribute to the Honorable Ray Roberts, a trusted colleague, dear friend, and a man I consider one of the greatest public servants ever to come out of the State of Texas, who is retiring after 18 years of dedicated service in the House. Ray should leave this body content in the knowledge that his efforts have improved the lives of millions of Americans, and I am quite sure I do not speak alone when I say we will all miss his presence in this Chamber.

One of the things I have never gotten used to while serving in Washington, is having to say goodbye to coworkers I have considered it a privilege to have worked with. That is why I find it so difficult to accept the fact that when Congress convenes in January, Ray Roberts will not be here. He is a man whose absence will be noticed because he has epitomized what a public servant should be. Few men have worked as hard, fought as well for constituents and the Nation as a whole, or has been of the highest integrity, as Ray.

A man of many accomplishments, Ray has served notably as chairman of the House Veterans' Affairs Committee and chairman of the Water Resources Subcommittee of the Public Works and Transportation Committee.

While serving as chairman of the Veterans' Committee Ray has been a leader and advocate for the veterans of this country and he has been instrumental in shaping legislation to improve veterans hospitals and programs. Thanks to Ray's efforts, these people, who have given so much for our country, have benefited greatly.

As chairman of the Water Resources Subcommittee Ray has been a force in the development and conservation of the Nation's water resources. Indicative of his concern for the future of our water supplies, Ray is the author of the Clean Water Act of 1977, certainly one of the most important and long overdue pieces of legislation Congress has passed in recent years.

Ray Roberts will long be remembered for his accomplishments in the House of Representatives and I hope his future years will be as productive as his past years in Washington have been. I wish him the very best for many happy and healthy years that await him.●

● Mr. VAN DEERLIN. Mr. Speaker, it is never easy to say goodby to an able colleague, but in the case of Ray Roberts' departure our loss is especially great. For 19 years Ray has held with distinction the seat once occupied by Sam Rayburn, a formidable predecessor indeed.

As chairman of the Committee on Veterans' Affairs, and of the Water Resources Subcommittee, Ray has made his influence felt in manifold ways. He has always been most courteous to me, and sensitive to the political and environmental problems surrounding a major flood control project proposed for my district. Ray has fully earned all the best that we can wish him.●

● Mr. HANCE. Mr. Speaker, it has been my privilege and pleasure to work alongside of my colleague from Texas, Ray Roberts. Chairman Roberts has been one of the most diligent and hard-working representatives of the people whom I have observed since I have been in public service, and I am honored today to be able to participate in this tribute to him upon this occasion of his retirement from the House of Representatives.

The people of the Fourth Congressional District of Texas have been some of the best represented people in the Nation. Congressman Roberts stepped in to fill the term of the late Mr. Sam Rayburn and thus continued the outstanding service to which the Fourth District had become accustomed.

But his constituents will not be the only ones who will miss him. The leadership he has provided as chairman of the House Veterans' Affairs Committee has been outstanding and an example to his peers in public service. My hat goes off to Congressman Roberts for a job well done, and my best wishes go to him in his future endeavors.●

● Mr. ARCHER. Mr. Speaker, it is with great honor, and yet also with deep feelings of regret, that I join today in this tribute to our friend and colleague, RAY ROBERTS.

He has provided truly outstanding service to his district, State and Nation for so many years—and he has done so in the highest traditions of this House of Representatives in which we serve.

Certainly we all wish him well as he resumes his private life outside of government service—but we will miss his steady hand and leadership in the months and years ahead.●

● Mr. FINDLEY. Mr. Speaker, it is an honor to join in the tributes to a distinguished public servant, RAY ROBERTS. I say that with authority because he and I came to the Congress about the same time, and I have watched his leadership and qualities of character with admiration ever since. He has been particularly thoughtful and supportive of several of my undertakings and therefore I rejoice in this opportunity to salute. I am saddened by the prospect that he will not be in the next Congress.●

● Mr. UDALL. Mr. Speaker, RAY ROBERTS entered the 87th Congress to replace the late Sam Rayburn—one of the outstanding figures in congressional history—and RAY brought along many of Rayburn's quiet assets.

RAY knows the meaning of honor and fair play and commonsense. He is a solid and a good man, and I am proud to have served with him.●

● Mr. RUSSO. Mr. Speaker, for 18 years Texans of the Fourth District and the people of the Nation have been well served by Representative RAY ROBERTS. He has worked with dedication and has proved himself to be a conscientious legislator.

Whether it was dams, veterans affairs, or the farmers of the Red River Valley area, RAY knew his subject. The folks back home could count on him and the people he worked with knew he could be relied upon.

It has been a pleasure to serve with this fine gentleman and I want to wish him continued success and happiness.●

● Mr. PANETTA. Mr. Speaker, I would like to join my colleagues in paying tribute to one of our most respected Members, RAY ROBERTS, who has decided to retire this year.

As chairman of the Subcommittee on Water Resources, RAY has been a fair and effective leader, marshaling our Nation's water supplies and helping to promote the conservation and hydroelectric projects so necessary to our Nation's future. In addition, of course, RAY has been the best friend this country's veterans have. He has chaired the Committee on Veterans' Affairs, showing compassion toward the plight of veterans as well as an intelligent sense of their needs.

I know the entire House joins me in wishing RAY the best of luck in the future. My best wishes go to him and his family.●

● Mr. COELHO. Mr. Speaker, having worked on the Hill for Congressman Bernie Sisk long before I was elected to Congress myself, I was well aware of RAY ROBERTS ability and reputation. The gentleman from Texas has always had the ability to make his presence known and his influence felt in a crowd. For this reason it has been a distinct honor for me to serve with him during the 96th Congress. It has also been a privilege to join with him on the House Committee on Veterans' Affairs to work in behalf of the veterans of this country. RAY ROBERTS reputation as a defender of the rights of those who have served in defense of this Nation will last long after he retires from Congress. Those of us who serve on the Veterans' Committee have learned by his example the importance of keeping this very deserving commitment. His work will continue.

But RAY ROBERTS reputaton goes far beyond the area of just veterans affairs. In many parts of this country, not only Texas and the Southwest but in my own home area of the San Joaquin Valley, water can be as valuable as oil, and equally as scarce. Throughout his congressional career RAY ROBERTS has consistently and successfully fought for legislation authorizing public works projects which have brought the benefits of increased water supply and productivity to millions of Americans. RAY ROBERTS understands the value of water and his record of achievement will continue to be a boon to agriculture, industry, and a better way of life for Americans now and in years to come.

I would like to congratulate RAY ROBERTS on a long and distinguished career and thanks for his longstanding interest, his care, and concern for the welfare of the American people.●

● Mr. NOWAK. Mr. Speaker, it is a special pleasure for me to join in paying tribute to one of our outstanding colleagues, RAY ROBERTS.

RAY has been an invaluable member of this body and will be sorely missed when we convene in January to begin a new Congress. His leadership abilities have come forward both as chairman of the Veterans' Affairs Committee, and the Water Resources Subcommittee of the Public Works and Transportation Committee.

I have had the privilege of serving with RAY on the Public Works Committee and as a member of its Water Resources Subcommittee. I had the fine experience and firsthand knowledge of his effective leadership. His expertise in the area of water resources was a guiding source in developing sound and effective legislation.

In saying farewell to RAY, I extend my sincere gratitude for his able work and best wishes for his continued success and happiness.●

● Mr. CORRADA. Mr. Speaker, I rise along with my fellow colleagues to salute the gentleman from Texas, my good friend RAY ROBERTS. RAY has been an active and distinguished Member of the House of Representatives for over 20 years, and for his accomplishments he will be warmly remembered.

As the Representative of Puerto Rico in Congress, I deeply regret Mr. ROBERTS' decision to retire. The gentleman from Texas has been a good friend of ours through his many years in service and has shown great sensitivity in understanding the peculiar problems of Puerto Rico.

He will be missed by all his colleagues in the House, but not as much, I am sure, as he will be missed by the hundreds of thousands of veterans on whose behalf he has labored for so many years. I am sure they will never forget him.

We will all feel the loss of this outstanding man, but we all know that he will continue maintaining in the future the role of public leadership that has so distinguished him in the past. Because of his contributions to a better America, he certainly will always be an asset in his future endeavors to our Nation. I wish him the best of luck.●

● Mr. ULLMAN. Mr. Speaker, it is a pleasure to join my colleagues in paying tribute to RAY ROBERTS, a good friend over the years and a conscientious legislator. Elected in 1962 to the 87th Congress to fill the shoes of our distinguished Speaker, "Mr. Sam," RAY has been returned continuously since and has served the Fourth District of Texas diligently and well.

Himself a veteran of both the Second World War and the Korean conflict, RAY is best known for his work as chairman of the Veterans' Affairs Committee, where he has performed the difficult job of serving the traditional veterans' interests within the budget limitations of today's economy.

It has been a privilege to know RAY as a congressional colleague and a friend; Audrey and I wish him the very best in his retirement years.●

● Mr. DRINAN. Mr. Speaker, I would like to take this opportunity to honor our retiring colleague, the Honorable RAY ROBERTS of Texas. Mr. ROBERTS has had a long and distinguished career in the House of Representatives and his presence will be sorely missed.

As chairman of the Veterans' Affairs Committee, Mr. ROBERTS has been in the forefront of efforts to provide for the renovation and modernization of the Veterans' Administration health care services and facilities. To this end, he sponsored the VA health care personnel scholarship program which will train thousands of doctors and nurses for VA medical service. In honor of his work for this program, the VA has very appropriately recommended that the scholarship be named "The Ray Roberts Scholarship Program."

The House will also miss Mr. ROBERTS' labors to preserve our natural resources. As a result of his dedication and diligence, the House and Senate were able to work out a compromise on the Clean Water Act of 1977 which he authored. This landmark legislation has played a vital role in the cleaning and safeguarding of our waterways.

I am certain that RAY ROBERTS will continue to serve the public and will have another distinguished career when he leaves the Congress. I know that I join my colleagues and his constituents of the Fourth Congressional District of Texas in thanking RAY ROBERTS for his fine service to our Nation.●

● Mr. JONES of North Carolina. Mr.

Speaker, personally I am going to miss RAY ROBERTS. Due to the geography of my district which contains some 260 miles of coastline and multiple water problems, I have frequently had to go to Chairman ROBERTS of the Water Resources Committee. On all occasions I received a complete and sympathetic understanding of the problems at hand. Perhaps there is no need for me to say that I will miss him, for I believe the above statement verifies that fact.

Above and beyond all the congressional relationships, I considered him a personal friend and feel confident that he considers me the same. I wish for him many, many years of health and happiness in his retirement.●

● Mr. VANIK. Mr. Speaker, I am pleased to add my remarks to those already offered in tribute to the distinguished Democrat from Texas, my colleague, the Honorable RAY ROBERTS.

RAY has been a strong and vibrant force in the House since his appointment in 1961 to fill the seat vacated by the death of then Speaker of the House Sam Rayburn.

A three-term chairman of the Veterans' Affairs Committee, RAY has provided the leadership needed to shape legislation to improve veterans' hospitals and programs. As chairman of the Water Resources Subcommittee of the Public Works and Transportation Committee, he authored the Clean Water Act of 1977, considered by many a landmark in the field of water resource conservation.

RAY is a responsible legislator and a dedicated Congressman. I am proud to have served with him these many years.●

● Mr. RAHALL. Mr. Speaker, many of us come to this House free from the shadow of our predecessor. Our slate is clean, and we are able to do what we feel is right for our district and our Nation based on our own instincts. Others follow a Member whose shadow is so imposing, they are sometimes swept away by trying to overcome that shadow. In the case of the man we honor today, no one would have faulted him had he failed, for he replaced in the House, from the Fourth District of Texas, Speaker Sam Rayburn.

But that did not happen to RAY ROBERTS.

From the day he was elected, January 30, 1962, RAY ROBERTS set out to be his own man, not by following in Sam Rayburn's footsteps, but by following Sam Rayburn's lead. RAY ROBERTS did so with great success.

For 18 years, RAY ROBERTS has built a career of which he can be proud. A career built on hard work, dedication, and concern for those who elected him.

As chairman of the House Veterans' Committee, he has been a firm supporter of those who have given their lives so that the rest of us may remain free. He followed the words of Teddy Roosevelt, that were:

> A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled to, and less than that no man shall have.

The programs that have come out of the Veterans' Committee under RAY ROBERTS' leadership are substantive and useful. He has seen to it that our Nation's veterans are taken care of.

As chairman of the Water Resources Subcommittee of Public Works, he has fostered major water projects for the safety and betterment of many regions of this country. His assistance to me with regard to flood protection programs for the Tug Valley in my congressional district, is just one of the examples of where RAY ROBERTS has served the will of the people.

The list goes on and on, and after 18 years, RAY ROBERTS has left a shadow for his successor.

Those of us who will be part of the 97th Congress however, must deal with the reality of working without RAY ROBERTS. He is a man we have been able to call upon, he is a man with whom we have all worked, and he is a man we have all called a friend.

We wish him and his family well in the years to come, and I for one, hope that he will still share with us the leadership qualities he has shown over the last 18 years.●

● Mr. GUYER. Mr. Speaker, the Chinese uttered these simple truths:

> Wherever you go, employ all your heart. The pleasure of doing good is the only one which will never wear out.

In that spirit, Congressman RAY ROBERTS magnified his office. Bringing the fine traditions of Texas to the Halls of Congress, RAY brought into concert, the best of a great State, infused into the best of a great country.

As member, then chairman of the Committee on Veterans' Affairs, RAY engraved his hallmark on legislation that gave orchids of benefits and roses of recognition to those who served America in the military.

RAY ROBERTS was and still is, the champion of the veteran, his family, and for those who paid the supreme sacrifice—remembrance and care for their survivors.

RAY shared their concerns, and knew the depth of their service, as well as the anguish of their despair. He understood the meaning of an empty sleeve, a missing leg, eyes eternally closed, and the bitter loneliness of a man laying on a cot in a veterans hospital.

RAY was the man veterans and veterans organizations looked to for leadership. He took the lead in saving our veterans hospitals from being abolished or absorbed into the miasma of nameless facilities.

Veterans and their families knew their letters were always answered, their phone calls received, and their pleas for aid, always returned with action and promptitude. These people knew they had a real man in their corner.

Congress is not always a happy service arena. Responsibility has its price, and leadership has its loneliness.

But RAY ROBERTS transcended these penalties. He turned human needs into opportunities to serve. He believed that people were worth loving, America worth saving, and God worth trusting.

RAY stood tall when he came to Congress. He stands even taller as he leaves it. Tall in service. Tall in sacrifice. Tall in compassion. Tall in believing. May his tomorrows be blessed by the majesty of his yesterdays. RAY ROBERTS—American.●

● Mr. ABDNOR. Mr. Speaker, in the closing days of this 96th Congress, I welcome the opportunity to salute my good friend and distinguished colleague, RAY ROBERTS, who is concluding his last term as Representative from the Fourth Congressional District of Texas. All of us here in Congress, and people everywhere who know of his public service, will always be mindful of his dedication to this country and his outstanding leadership. Since my coming to the House in 1973, I have been privileged to serve with RAY ROBERTS both on the Committee on Veterans' Affairs and the Committee on Public Works and Transportation. My most intimate work with him has been on the Veterans' Affairs Committee, where he has served for more than 18 years and where he has been chairman of the full committee since 1975. In that period of time, he has initiated and helped to steer through Congress numerous pieces of legislation vital to our veterans, their survivors and dependents. And thanks to the evenhanded leadership of RAY ROBERTS, these measures have always represented thoughtful and responsible legislation which I and my colleagues wholeheartedly have supported.

If any one piece of legislation of recent date typifies the lasting contribution which RAY ROBERTS has made in the interest of our veterans, I would point to the action which he took on the President's veto of the Veterans' Administration Health Care Personnel Act of 1980. As soon as the veto was announced, he in his quiet but determined way managed to bring about the override of the veto on a vote of 401 to 5 in this body, followed by an 85 to 0 vote in the Senate.

I do not know when I may be privileged to serve again with such an able and dedicated legislator as RAY ROBERTS. I wish he would be back with us next year. My best wishes go with him.●

● Mr. BONER of Tennessee. Mr. Speaker, I, too, would like to join my colleagues in tribute to RAY ROBERTS. As a freshman member of the House Committee on Veterans' Affairs during the 96th Congress, I had the privilege to witness firsthand his strong leadership and direction. But also under that direction I had the opportunity to learn several important lessons. First, and most important, would be a greater appreciation for the needs of our Nation's veterans. No one in recent times in Congress has championed the veterans cause more effectively than RAY ROBERTS.

Second, I have seen by example an effective and efficient legislator working in an honest, straightforward manner to achieve those goals. I am grateful for the opportunity he gave me, even in my first years in Congress, to participate fully in the decisionmaking process.

Third, I have learned from RAY ROBERTS that good government does not always have to be expensive government. He has consistently called for increased spending where there was a true and genuine need, but he has been a powerful foe of waste and abuse in budgets we oversee. We will continue to follow his example.

Mr. Speaker, as the only member of the House Committee on Veterans' Affairs from the State of Tennessee, I would like to express my thanks and the appreciation of all Tennessee veterans for Ray Roberts' long and distinguished career in this House. He has been a powerful friend and true ally. We will miss him.●

● Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to the Honorable Ray Roberts who is not only a colleague, but my personal friend. Ray is retiring at the end of the 96th Congress and it is with great sorrow that we will see him go.

Ray, who was first elected to the House on January 30, 1962, to fill the congressional vacancy created by the death of Speaker Rayburn, has since then served both faithfully and continuously from the Fourth Congressional District of Texas.

I have had not only the honor, but the pleasure of serving with Congressman Roberts on the House Public Works and Transportation Committee of which he is chairman of the Water Resources Subcommittee. Ray has been one of the leading proponents of development and conservation of America's water resources. He authored the 1977 Clean Water Act which was heralded as a landmark piece of legislation. Being on the same House committee with Ray, I have seen how masterfully he handles legislative matters, for which he stands high in the esteem of all his colleagues.

Congressman Roberts also serves as the chairman of the House Veterans' Affairs Committee where he played a major role in shaping effective legislation to improve and upgrade veterans' hospitals and programs.

The House will sorely miss Congressman Ray Roberts, and I will personally feel the loss of a close friend and ally. As he stands, a man among men, I am confident that Ray Roberts will take his enthusiasm and bright energies with him in whatever endeavor he chooses in the future.●

● Mr. LONG of Maryland. Mr. Speaker, the lives of millions of veterans throughout our Nation are better because of the dedication of our friend and colleague, Ray Roberts.

As chairman of the House Veterans' Affairs Committee, Ray fought to insure adequate benefits for all veterans.

In 1975, the first year of his chairmanship, the Veterans' Administration was closing VA hospitals because of the lack of nurses. Responding to this problem, Ray fought for legislation guaranteeing improved pay, and scholarship opportunities to physicians and nurses. As author of the Pension Reform Act of 1978, Ray was one of the first Members to not only recognize the problems of the faltering VA pension program, but correct them. All qualified veterans are guaranteed pensions which are automatically indexed for inflation. Veterans on services connected disability pensions can thank Ray for insuring that their pensions also keep pace with inflation.

During his chairmanship, Ray provided more funds for the hospital construction program to replace deteriorating veterans hospitals than any other Veterans' Affairs Committee chairman in history.

Ray has always been careful with the taxpayers' money. In fiscal year 1981, the Veterans' Administration will save $130 million by collecting overpayments to veterans.

One of Ray's greatest achievements, however, is that he improved veterans programs while always keeping within the targets of the Budget Act.

All Americans, especially the people of Texas' Fourth District, will miss the leadership that Ray Roberts provided in this Chamber.

Best wishes to Ray, and his gracious wife, Elizabeth. He will miss them both.●

● Mr. RHODES. Mr. Speaker, among the many of our colleagues who are leaving the Hill at the end of the 96th Congress is Ray Roberts, who has represented the Fourth District of the State of Texas for 18 years.

Ray Roberts has been an effective Member of this body, a hard working Member, for Texas and the Nation. As chairman of the Veterans' Affairs Committee he has helped shape legislation that directly affects some millions of American families. His work with water development has served the West well through his chairmanship of the Water Resources Subcommittee of the House Public Works Committee.

Although we have served across the aisle from each other during his nearly two decades in Congress, and we have disagreed on some issues, I respect Ray for his dedication and integrity.

He has contributed a great deal during his career in the House, and I join his many friends in wishing him a most happy, long, and fulfilling retirement.●

● Mr. FARY. Mr. Speaker, it has been my great privilege to have served in this Congress and in the Public Works Committee with the distinguished gentleman from Texas, Ray Roberts. His retirement will deprive us of an outstanding legislative leader in both Public Works and Veterans' Affairs. I am sorry to see him leave but glad to know that he will finally have time to enjoy the leisure he has forgone for so long.

This House will be hard pressed to maintain the record of achievement set by Ray Roberts in guaranteeing the quality and soundness of our Nation's water supply. All Americans who drink water, eat our agricultural products or enjoy water recreation are deeply indebted to this man though I am sure few realize it. Chicago, which has greatly benefited from water treatment programs, thanks him.

Veterans who often take for granted the benefits that come to them after their military service should thank their lucky stars that such a hard working fighter should have been so interested in the continued health of veterans programs.

In closing, Mr. Speaker, I wish to thank Mr. Roberts for his valuable comradeship over these past few years. He has always been a great help to me and I will miss him greatly. It has been a great honor to know him and serve with him. I wish him the best of luck.●

● Mr. HALL of Texas. Mr. Speaker, I commend the gentleman for taking this special order to honor one of my dearest friends, Ray Roberts, who has decided after a long and productive career of public service to retire.

It would take far longer than the time allotted us to fully catalog the distinguished career of this truly remarkable man. We all know him as a gentleman of the first order, totally dedicated to this House and committed to the democratic process. Ray Roberts is respected, admired, and appreciated by everyone who has come into contact with him. He listens to his colleagues, helps us on critical matters affecting our constituencies that involve the jurisdiction of his committees, and at all times is courteous and patient.

I am especially proud that the Fourth District of Texas, which Ray Roberts so ably represents, is contiguous with the first district, which I have the honor to represent. When Ray was first elected almost 19 years ago, it was to fill the unexpired term of our late beloved Speaker, Sam Rayburn. Speaker Rayburn was from Bonham, Tex., which at the time was in the fourth district. Several years back Bonham became part of the first district, so I like to think that both Ray and myself can share the Sam Rayburn legacy.

Nevertheless, I cannot claim an honor of singular importance which accrues to Ray Roberts and that is the fact that he was on the staff of Speaker Rayburn. Actually, Ray was on the Speaker's staff when the United States entered World War II. He resigned and entered the U.S. Navy, where he achieved an outstanding record of heroism and valor. He was awarded seven battle stars. During the Battle of Santa Cruz, when the Japanese sank one of our carriers, the *Hornet*, Ray Roberts saw one of our injured men drowning and at great personal risk, dove overboard and saved him.

It is this humanitarianism and concern for the welfare of others that has characterized Ray Roberts' entire career. As chairman of the House Veterans' Affairs Committee, Ray Roberts has been in the forefront of efforts to remind the American people of the obligation and thanks we owe the Vietnam war veterans, young men and women too often ignored due to the frustration and bitterness that many Americans feel toward that war. All veterans have benefitted from his concern and dedication, and it has been a privilege for me to serve under his leadership as a member of the Veterans' Affairs Committee.

Ray's district embraces the Red River Valley, and no person who ever served in this body knows and understands the problems this Nation faces with adequate water supply than him. As chairman of the Water Resources Committee his foresight and strong conviction have alerted the Nation to an impending water crisis, which could dwarf present energy shortages as a national calamity. Some shortsighted, uninformed groups have even had the gall to accuse him of being against the environment. This is rubbish pure and simple. What he has done with great success is to help all regions of this country develop water resources for farming, flood control, municipal water supply, energy stimulus, and recreation. He deserves our thanks and heartfelt appreciation.

Ray Roberts is a giant of a man. He is courtly, unassuming, a man of ethic. He loves this wonderful country of ours with a patriotic fervor unmatched. He is the kind of man that makes Texas stand tall and makes me proud to be a fellow Texan. He has touched all our lives in a positive, constructive way, and it is going to be particularly difficult for me to return here in January knowing that he will not be joining us for the 97th Congress. But I take consolation in the fact that he will be watching, indeed, coaching from the sidelines. And, Ray Roberts is quite a coach.●

● Mr. SATTERFIELD. Mr. Speaker, I rise to join my colleagues in paying tribute to the gentleman from Texas, the Honorable Ray Roberts, on the occasion of his retirement from the Congress.

I have had the privilege and good fortune to work closely with Ray during my 16 years in this House. By personal observation, I know him to be an effective legislator, an inspiring leader and one who is totally dedicated in his representation, not only of the people of Texas, but of all of the people of this country.

Ray has the enviable reputation of being the Congressman of the 30 million veterans of this Nation. During his 18 years as a member of the Committee on Veterans' Affairs, and as chairman of the committee since 1975, he has fought hard and long to insure that the veterans were provided with the finest medical care available in the VA hospital system. That system is now the largest health care delivery system in the western world.

He has worked diligently also to insure that compensation paid to those veterans who have suffered wounds or other disabilities while serving their country continued to be adequate and sufficient to maintain them during this era of high inflation and economic instability.

Perhaps the hallmark of his distinguished service is Public Law 96-22, legislation to provide for Vietnam veterans important new health services such as readjustment counseling, preventive health care and an expanded treatment and rehabilitation program for veterans suffering from alcohol or drug dependence or abuse. His success in obtaining these well deserved benefits for young veterans of an unpopular war was a major signal that the Nation was indeed grateful for their sacrifices.

Ray Roberts stands tall, even among Texans. He is a combat Navy veteran who served in both Pacific and Atlantic theatres during World War II. He was aboard the aircraft carrier *Hornet* when she was sunk by the Japanese during the Battle of Coral Sea. Ray was promoted to lieutenant commander while serving in the Mediterranean and subseqently became division commander and flew his personal flag over LST Division 71. The chairman's Naval career spanned the globe in World War II and carried him through the Korean conflict as well. He earned seven combat stars in those wars and retired as a captain in the Naval Reserve.

He is ending an illustrious legislative career with an admirable record to which he can look with pride. He will be sorely missed by his colleagues in the Congress, by the people of the great State of Texas and of the Nation, especially the 30 million veterans of this country.

As a fellow Navy captain, I take this opportunity to express to Chairman Roberts the hope that the new voyage upon which he is about to embark will be blessed with a fair wind and a following sea.●

● Mr. McCLORY. Mr. Speaker, although every 2 years brings us a host of retirements among senior Members of Congress, this year seems especially notable for the loss of experienced senior Members. In the forefront of these retiring veterans is my Democratic colleague, Ray Roberts of Texas.

Ray Roberts came to Congress only 1 year before I did, winning a special election to replace that Texas and national institution, Speaker Sam Rayburn. He went on to win his first election to a full term in the House in 1962, the same year I first came to Washington.

I have had ample opportunity, therefore, to observe Ray Roberts' splendid career in the House and to witness the growing respect in which he is held by his colleagues, who value his Texas sagacity, as well as his experience in the ways of Washington.

As chairman of the Veterans' Affairs Committee, Ray Roberts has made a notable contribution to the security of those brave men and women who have served their Nation in the Armed Forces. But his wisdom has not been limited to this area, for his colleagues have grown to value his insights on the whole array of issues which come to the floor for deliberation. His wise counsel will be sorely missed in the future.●

● Mr. MICA. Mr. Speaker, I too would like to take this opportunity to pay tribute to Ray Roberts. His constituents of the Fourth Congressional District of Texas, his friends in the Congress, but especially for the 30 million veterans in this country that will sorely miss his leadership when he retires at the end of this session.

I would like to express my own thanks and the great appreciation of the veterans of the State of Florida for the interest Ray Roberts has shown over the years as chairman of the House Committee on Veterans' Affairs in maintaining and improving VA medical services in particular.

Florida has the fastest growing veterans population of any State in the Union. On the average an estimated 5,000 veterans per month, primarily older veterans, are moving to the Sunshine State to spend their retirement years. The problems we face in meeting their health care needs are perhaps an exaggerated mirror image of the problem faced throughout the Nation in caring for the enormous number of World War I and World War II veterans across this land.

For the past 6 years, the House Committee on Veterans' Affairs under the strong leadership of Ray Roberts has made a determined effort to equip the VA with the personnel, the construction funds, and the resources to meet this demand. He has spoken often of the commitment we have made to the veterans of this country; a commitment which we must meet in full. His words have been followed by strong action to put thousands of medical professionals back into VA hospitals where they are desperately needed. He has consistently called for increases in nursing home and extended care bed levels within the VA medical system and has strongly advocated that the VA intensify its efforts in geriatric care and the continued study of the aging process. Current estimates show the health care needs of the aging veteran population will triple in the next 15 years alone.

Ray Roberts has pointed the way to improve the quality and quantity of VA health care service, not only to provide for the present, but to meet that great future demand as well. I know the veterans of Florida, and veterans and their families throughout the United States, are as grateful as I am for his insight, his support, and his compassion. He will be missed.●

● Mr. BRINKLEY. Mr. Speaker, it gives me great personal pleasure to participate in this special order for the distinguished chairman of the House Committee on Veterans' Affairs, the Honorable Ray Roberts. To quote Longfellow:

> Lives of great men—departing leave behind footprints on the sand of time.

When the able gentleman from Texas returns to his native State at the end of the 96th Congress, the path of leadership he will have left behind will be one all of us would be wise to follow.

As chairman of the Subcommittee on Housing of the House Committee on Veterans' Affairs, I have had the opportunity to witness the gentleman's leadership abilities firsthand. He has been most instrumental in guiding and assuring passage of several legislative initiatives my subcommittee has authored. For his support and assistance, I will be forever grateful.

Mr. Speaker, upon the adjournment of this current session of Congress, the VA hospital system and those valued public servants who provide medical care to this Nation's veterans will have lost a tried and true ally in Ray Roberts. The number of times he has taken to the House floor to successfully defend the VA budget against damaging restrictions should never be forgotten. It should be noted that Chairman Roberts' success in these efforts came because he truly cares about the VA hospital system, and believes that it must continue to provide essential medical care to those citizen soldiers who served their country in times of its greatest need.

Mr. Speaker, Ray Roberts is cast in the same mold of his predecessors, former chairman William Jennings Bryan Dorn and fellow Texan Olin "Tiger" Teague. His work on behalf of the deserving men and women who have served this Nation in the uniforms of the armed services has not gone unnoticed. The veterans' organizations have honored him on numerous occasions for his steadfast support of America's veterans. Although Chairman Roberts will not be here to personally guide the future of veterans' benefits, I do hope he will be free with his counsel and advice. Mr. Chairman, I do wish you the best in your future endeavors and hope that you will visit us from time to time.

In the meantime, may we follow your good example.

I conclude, also, with Longfellow in suggesting Ray Roberts example which commends itself to us:

> Go forth and meet the shadowy future without fear and with a manly heart.

Ray is, indeed, a man's man. One who dares the briney deeps as he does, is both a skillful sailor, and is a man in close communion with nature and with his maker. It is with admiration for those deep-down qualities of his that we say farewell.●

● Mr. YOUNG of Missouri. Mr. Speaker, the retirement of my good friend Ray Roberts is not only a loss for the Fourth District of Texas and to Congress, but also to millions of veterans around the country. I know of no individual who has been a more stalwart backer of the needs of the veteran. Within the last few months, Ray has played a key role in the passage of legislation to provide long overdue salary increases for Veterans' Administration doctors and dentists. His leadership was crucial in the establishment of a scholarship program for Veterans' Administration health care professionals—a scholarship that is fittingly named the Ray Roberts scholarship.

Ray's many talents have not been entirely focused on his important position as chairman of the Veterans' Affairs Committee. He also was a major architect of the passage of the landmark Water Pollution Control Act as chairman of the Water Resources Subcommittee of the Public Works and Transportation Committee, of which I am a member. He has taught many of us the importance of planning for future water resource needs across the Nation. He has been especially helpful to me in providing assistance with the development of legislation for the much-needed replacement of locks and dam 26 at Alton, Ill.

It has been a privilege to serve with Ray for these past 4 years.●

● Mr. FUQUA. Mr. Speaker, it is with a particular sadness that I recognize the departure from this House at the conclusion of the 96th Congress of my good friend and esteemed colleague, Ray Roberts of Texas.

Ray Roberts came to the House of Representatives in 1962 to take up the seat of one of the greatest Members this Congress has ever produced, Sam Rayburn of Texas.

Ray Roberts had prepared himself well to fill the giant shoes of Speaker Sam, having worked on his staff during Mr. Rayburn's speakership.

Ray Roberts further prepared for his congressional responsibilities by serving in the Texas State Senate from 1955 until 1962, where he developed a deep respect for the values and the needs of the constituents he would later represent in this House.

Even with that preparation, it would have been hard for anyone to accept that the people of the Fourth District of Texas could ever be satisfied with anyone who followed the legend they had previously sent to Congress.

The constituents of the Fourth District of Texas, however, certified their satisfaction with Ray Roberts in nine separate successive elections.

Not only has Ray Roberts been an articulate advocate for his constituents, but he has through hard and effective work risen to a position of leadership and responsibility in Congress, thus creating and leaving a legend of his own for his successors to follow.

As chairman of the House Veterans Affairs Committee, Ray Roberts has demonstrated a unique concern for the problems of those who have served their Nation in uniform and an insistence that their needs be met by a grateful Nation.

Ray Roberts has been a valuable and distinguished Member of this House and his service will be remembered and missed by those who served with him.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Ray Roberts, chairman of the House Veterans' Affairs Committee, who is retiring at the close of the 96th Congress. It has been a truly rewarding personal experience for me to have known him as a colleague and I am honored to have served with him during the 16 years I have been in the House of Representatives.

Several years ago I had the privilege of working with Ray on legislation to provide VA hospital and medical benefits to American citizens who had served with the armed forces of Poland during World War I or II. Chairman Roberts' leadership in the passage of this legislation, and its subsequent enactment into law, was without parallel in excellence and dedication. Indeed, the legislation would not have become law if it were not for the chairman's efforts, and he will always be remembered by those freedom fighters who fought so valiantly in the cause of liberty.

Ray Roberts has given 18 years of dedicated and devoted service to his constituents of the Fourth District of Texas, and has compiled an outstanding record during his distinguished career. His diligent efforts as chairman of the Subcommittee on Water Resources of the House Public Works and Transportation Committee have been both fruitful and beneficial to the citizens of this Nation, and, indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Ray Roberts. As the chairman of the House Veterans' Affairs Committee he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's veterans caught in the maze of Federal bureaucracy.

Ray is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Ray Roberts my best wishes for a healthy and happy retirement.●

● Mr. STOKES. Mr. Speaker, first of all, I would like to thank my distinguished colleague from Texas (Mr. de la Garza) for being so thoughtful and taking this special order to honor the Honorable Ray Roberts who is retiring from the House of Representatives after 18 years of service.

The Fourth District of Texas is losing an exceptional leader with Ray's retirement. Mr. Speaker, this loss is shared by the Congress and Americans across this great land.

Mr. Speaker, I have not had the pleasure of serving on a committee with Ray Roberts. However, through our collaboration on legislative matters, I gained a lot of respect for him. In fact, we have become good friends. I would like to note here that this respect and admiration is shared by the people of Cleveland. Ray Roberts has been a great help to Cleveland and I would like to thank him again publicly for that support.

Mr. Speaker, as I thought about Ray's tenure on Capitol Hill in preparation for this special order, my mind kept going back to the Fourth District of Texas. My friend Ray Robert's legislative skills and achievements are steeped in the tradition of excellence of the late great Speaker Sam Rayburn who was the representative of the Fourth District of Texas until his death in 1962. After 7 years of service in the Texas State Senate, Ray was elected to fill the vacancy created by the death of that distinguished gentleman.

Mr. Speaker, I am sure you will agree that Ray has lived up to the expectations of the people of the Fourth Congressional District and his colleagues who were accustomed to a strong leader and outstanding legislator from that district.

At this juncture, Mr. Speaker, I think it is appropriate to review briefly some of Ray's outstanding legislative achievements. My good friend probably is most noted for his role on the Veterans' Affairs Committee of which he now serves as chairman. During his tenure on the committee, Ray has played a major role in shaping effective and innovative legislation to improve veterans hospitals and programs.

In his role as chairman of the Water Resource Subcommittee of the Public Works and Transportation Committee, Ray has been a leader in the development and conservation of the Nation's water resources. He is the author of the Clean Water Act of 1977 which is widely heralded as landmark legislation.

Mr. Speaker, Ray Roberts has been an outstanding statesman in the House of Representatives. I am proud of him. The people of the Fourth District in Texas are proud of him. I know that the late Speaker Sam Rayburn would have been proud of him. On behalf of the citizens of the Cleveland metropolitan area, I thank Ray for his outstanding work in Congress and wish him the very best in the future.●

● Mr. HEFNER. Mr. Speaker, at the close of this Congress, we will be losing one of our most able Members and capable legislators, the Honorable Ray Roberts of Texas. I know of no individual more dedicated to the people he represents. He will be sorely missed by all who have come to know and work with him.

It has been my pleasure to serve with Ray Roberts on two committees. We all know that he has made significant contributions, both as chairman of the Subcommittee on Water Resources of the Committee on Public Works and Transportation, and as chairman of the Committee on Veterans' Affairs.

During this Congress, I was honored to be elected the chairman of the Subcommittee on Education, Training and Employment of the Committee on Veterans' Affairs. In that capacity, I worked closely with Chairman Roberts. He has been a most capable chairman, giving consideration to each member's views. He has been a fair, compassionate, and most effective leader. His mastery of the legislative process, and the application of the rules under which we work, have helped to establish his reputation as the veterans' spokesman in the Halls of Congress.

Ray Roberts became chairman of the Committee on Veterans' Affairs during a period when both the membership of the House and the rules under which we operate had recently changed. The legislative Reorganization Act of 1970 changed the committee system, which together with the Budget Act diluted the power enjoyed by previous chairmen of standing committees.

Notwithstanding these changes, Ray Roberts has been a chairman in the tradition of his fellow Texan, the great Olin E. "Tiger" Teague. Mr. Roberts will leave a legacy regarding veterans' programs which will be very difficult to match. During the relatively short period of 6 years, Ray Roberts won a great many battles for this Nation's veterans. However, Mr. Roberts does not count any of his legislative triumphs as personal victories. His pleasure, I am sure, comes from the knowledge that he has been able to do something for the people he loves, the men and women who have defended our country during periods of war and great national peril.

Time does not permit me to enumerate the many outstanding achievements that will always be identified with the name of Ray Roberts in the years to come. Mr. Roberts has not hesitated to do battle with the heads of departments and agencies who have made attempts to take over veterans' programs, or the Office of Management and Budget and the President himself, when efforts were underway to dismantle the Veterans' Administration or scatter veterans' programs throughout other departments and agencies.

Here in the House we have seen Ray Roberts stand before us urging support of his amendments, which have restored millions of dollars to the budget resolution for veterans' programs, which would have been drastically reduced or phased out if the administration had had its way.

During the 6 years I have known Ray Roberts, he has always been a good soldier. In that regard, when our committee received its marching orders this year from the House, as provided in the budget resolution to cut $400 million from existing veterans' programs, Ray Roberts bit the bullet. I believe our committee was the first to have gained congressional approval of the cost savings provisions requested by the reconciliation instructions of the first concurrent budget resolution.

Mr. Speaker, these are just a few examples of what Ray Roberts has done to earn him the justifiable reputation as being the veterans' leader in the Halls of Congress. I know that veterans and their dependents will sorely miss him. The House will be the poorer without his presence. I feel fortunate that I have had the opportunity to work with Ray Roberts during my brief period in the Congress, and know that I will be a better legislator for having known and worked with him.

I extend my best wishes to Ray for success in whatever his endeavors may be during his well earned retirement.●

● Mr. MOTTL. Mr. Speaker, I rise to join my colleagues in paying tribute to Ray Roberts, a great Member of this body who has served his constituents, the American veterans, and the American people in the best traditions of the House of Representatives.

Chairman Roberts was first elected to the House in 1962, succeeding his mentor, the late Speaker Sam Rayburn. He has served continuously since that time and has occupied a position of leadership in the Congress as chairman of the Committee on Veterans' Affairs and as chairman of the Subcommittee on Water Resources of the Committee on Public Works and Transportation.

Soon after his election, Ray Roberts requested to serve on the Committee on Veterans' Affairs where he became a champion for the American veteran. He has fought tirelessly to assure that the Nation's commitment to provide congressionally mandated benefits are not forgotten.

A veteran of World War II, Ray served with distinction in the U.S. Navy including action on D-day in Europe and on the aircraft carrier USS *Hornet*. While he was serving aboard this great ship, the *Hornet* was sunk in the Pacific Theater. He remained in the U.S. Naval Reserves after his discharge following VJ Day. As a reservist, he was recalled for duty in the Korean conflict; and after returning to civilian life, he rose to the rank of captain in the Reserves.

For the past 6 years, Ray Roberts has served as the chairman of the Committee on Veterans' Affairs. In this leadership role, he has directed veterans legislation which has been more beneficial and far-reaching than at any period since the end of World War II. He has worked to guide legislation which insures that the needs of veterans are met and has vehemently opposed measures which would be detrimental to veterans and the Nation as a whole. Ray has always placed the highest priority on the needs of the service-connected veteran. He has been successful in guiding the expansion of a wide range of programs and services, including the home loan program, construction of regional national veterans cemeteries, improvement of the GI bill for Vietnam veterans, maintenance of a pension program which brings veterans' incomes above the poverty level, expansion of the vocational rehabilitation program, and the successful defense of veterans preference in Federal employment.

Probably Ray Roberts' greatest accomplishment has been his leadership to maintain the integrity of the VA's health care delivery system. The provision of medical care is, in Ray Roberts' opinion, the greatest of all veterans benefits. There are those both within and without the Government who would dismantale this great program—a program which has not only served the veteran, but all of the citizens of our Nation through its research and education programs, as well as through the direct delivery of health services. Ray has been untiring in his efforts in this regard, and the fact that it remains intact today is a tribute to these efforts.

Recently he led legislation through Congress which enhanced the pay for VA doctors and nurses. He also authored a bill to provide a scholarship program for health professionals in return for service in the Veterans Administration. He was in the forefront of both of these legislative efforts which became Public Law 96-330. These proposals were fought hard by the administration and resulted in a Presidential veto. Perhaps the climax of his distinguished congressional career came when he led the fight to override this ill-advised veto. It was the largest vote to override a Presidential veto in the history of the U.S. Congress.

Mr. Speaker, his constituents in the Fourth District of Texas, as well as the American veteran, will sorely miss the leadership and legislative skills of Ray Roberts. Most of all, however, I think his colleagues on the Committee on Veterans' Affairs, the Committee on Public Works and Transportation, as well as this entire body will miss this dynamic personality and his ability to "get the job done."●

● Mr. REUSS. Mr. Speaker, it is a privilege to pay tribute to my friend and colleague, Congressman Ray Roberts, who is retiring at the conclusion of the 96th Congress. In his capacity as chairman of the Veterans' Affairs Committee, and as chairman of the Water Resources Subcommittee, Ray has left his indelible stamp on the lives of millions of Americans.

Ray was first elected to Congress to fill the vacancy created by the death of House Speaker Sam Rayburn. Those were mighty large shoes to fill, but Ray has admirably continued the tradition of strong and effective leadership which the citizens of Texas' Fourth Congressional District have come to expect.

In his three terms as Veterans' Committee chairman, Ray has played a major role in the creation and passage of important legislation to improve veterans hospitals and programs. His skilled leadership and dedication have bettered the lives of millions of this Nation's deserving veterans. In addition, Ray has been an outstanding advocate for the conservation of U.S. water resources. His authorship of the landmark Clean Water Act of 1977 is one of his most substantive achievements.

For almost two decades, Ray Roberts has been a respected, productive Member of this body. His retirement leaves a gap in congressional leadership and proficiency which will be hard to fill.●

● Mr. QUILLEN. Mr. Speaker, I am pleased to join my colleagues in extending my sincere best wishes to Congressman Ray Roberts on his retirement from the House of Representatives.

As chairman of the Veterans' Affairs Committee, the service he has rendered to the veterans of this Nation will long be remembered and greatly missed during the years ahead. The tremendous job he has done is deeply appreciated by all.

It has been a real pleasure to work with him for the cause of veterans in my district and throughout the country, and I know that the Veterans' Affairs Committee will not be the same without his leadership. The footprints he has left will be a guiding light for all to follow.

Even though we are on different sides of the aisle, I have enjoyed working with Ray, and he has my respect and admiration for his hard work and dedication.

I extend my congratulations to Ray on his many years of outstanding service and wish him the very best that life has to offer in the years ahead.●

● Mr. HORTON. Mr. Speaker, after 18 years of loyal, dedicated and industrious service in the House of Representatives, our friend and colleague, Congressman Ray Roberts has decided to retire. Although this is certainly a well-deserved retirement, I regret that the House will not have the benefit of his leadership and experience in the months ahead.

The constituents of Ray's Fourth Congressional District in Texas know all too well how effective he has been since he was first elected to the 87th Congress. That effectiveness never diminished.

Many of us, however, will best remember Ray for his exemplary leadership of the House Committee on Veterans' Affairs. In this capacity, Ray established an impressive record of accomplishments on behalf of our Nation's veterans. Disability, service-connected and other veterans' benefits all have been dramatically improved under Ray's leadership.

In addition to his excellent work on the Veterans' Affairs Committee, Ray is to be credited with major achievements on the House Public Works and Transportation Committee. As chairman of the Subcommittee on Water Resources, Ray Roberts was responsible for water projects throughout the Nation which have improved and changed the face of the United States.

His legacy to the veterans of this country and to those who have shared in the benefits from the many national water projects will stand as a monument to his masterful legislative abilities. His service in the House will long be remembered.

I join my colleagues in wishing Ray Roberts well as he prepares to retire from the House.●

● Mr. BEVILL. Mr. Speaker, it is a personal pleasure to join with my colleagues in the House of Representatives in honoring a good friend and an excellent Congressman, Ray Roberts.

It has been a rewarding experience to work with Ray on the many projects he has helped to authorize in his position as chairman of the Public Works and Transportation Committee's Subcommittee on Water Resources.

I know that Ray worked diligently to make sure that the projects which were authorized were not only beneficial to the country, but also were sure to return more money to our Nation's economy than they cost to build. These wise investments in our Nation's future span the country, and are in use today as living testimonials to the wisdom and foresight which Ray Roberts has.

Ray Roberts had some mighty big shoes to fill, coming to Congress to fill the seat of former Speaker Sam Rayburn. After serving the people of the Fourth District of Texas for 19 years in the House, with integrity, kindness and true human concern, I know that his constituents are proud of Ray.

Ray Roberts is a person who is easy to like, and one who deserves the accolades which he has received. I will miss him dearly, as he leaves the House, but I know that this country is better because Ray Roberts has served it well. I wish Ray a long and happy retirement.●

● Mr. LEE. Mr. Speaker, it is my great privilege to have the opportunity to publicly praise Ray Roberts for his selfless and unwavering support of this Nation's veterans. He has done so much to, in some small way, allow us to thank the brave men and women who, through the years, have risked their lives to insure that we and our descendents might continue to enjoy the greatest personal freedom of any citizens in the world.

My experience as a first-term Congressman has been immeasurably enriched by my good fortune in serving on the Veterans' Affairs Committee under the dedicated and exceptional leadership of Ray Roberts. As a veteran myself, I want to thank this man for the tribute he has paid me and all of my comrades in arms through his efforts to see that we will be cared for if the day comes we are in need, in the same way we supported the American people when their need was the greatest.

Chairman Roberts has been working for 18 years to see that our veterans are provided with appropriate medical care, the opportunity for a postsecondary education, and a means of subsistence for those, who through their service to this Nation or other events beyond their control, are unable to provide for themselves. All of us owe our gratitude to Ray Roberts, one of the best friends the veteran ever had, and we will most certainly miss him.

As a member of the Veterans' Affairs Committee, I would welcome and hope for Ray's continued advice and counsel as we continue to carry on in the tradition of one of the most sage and able leaders ever to serve the House of Representatives.

Thank you, Ray. May life in the years ahead hold only the best for you and yours.●

● Ms. OAKAR. Mr. Speaker, I join my other colleagues in praising Congressman Ray Roberts for his 18 years of distinguished service in this House. Ray Roberts has faithfully and ably represented the needs and concerns of his constitutents of the Fourth Congressional District of Texas. Likewise, Ray Roberts has served his country with distinction, especially as chairman of the House Veterans' Affairs Committee and as chairman of the Public Works Subcommittee on Water Resources. In both leadership roles, Ray Roberts has been responsible for landmark legislation in improving veterans' hospitals and programs and in protecting our lakes and rivers through his authorship of the 1977 Clean Water Act.

I have come to know Ray Roberts and respect his experience and expertise in working with him on water resources and development legislation in the past two Congresses.

I have been impressed by Ray Roberts' tireless efforts mobilizing support for worthwhile water projects and I am grateful to him for his personal support of authorizing legislation to fund much-needed improvements to the harbor and port facilities of my own city of Cleveland, where tens of thousands of jobs are tied directly to a healthy and active port. Indeed, under Ray Roberts' chairmanship of the Water Resources Subcommittee, Congress has taken a more responsible and effective role in addressing the water problems of this country.

Congress is losing an accomplished Member whose many years of service have resulted in important national legislation. It has been a privilege and pleasure for me to have served alongside Ray Roberts for the past two Congresses. I wish him a happy and prosperous retirement.●

● Ms. FERRARO. Mr. Speaker, over the past 68 years, or almost three-quarters of a century, only two men have represented the Fourth District of Texas. The first man, who served from 1913 to 1961, was Sam Rayburn, who was probably the single most dominant figure in the House in this century. The man who has served the fourth district since Sam Rayburn left, and who has continued the district's tradition of sending outstanding legislators to Washington, is Ray Roberts.

It has been my distinct pleasure to serve on the Public Works Subcommittee on Water Resources, which Ray chairs. Over the past 2 years, and particularly during the formation of the omnibus water resources bill, I have been amazed at the scope and depth of Ray's knowledge of Federal water policy. It has been said Ray has an encyclopedic knowledge of dams and other water projects in his native Texas. After observing firsthand his knowledge of water projects all over the country, I am not at all surprised that he would have that kind of knowledge of one State.

And as much as Ray knows about water projects, he knows even more about veterans matters. Since 1974, when he became chairman of the House Veterans' Affairs Committee, Ray has been the leading proponent of the cause of American veterans in the House. Every person who has worn a uniform in this country can count Ray Roberts as a friend.

The last thing I want to mention is relatively minor when compared to Chairman Roberts' many achievements, but it has special significance for me and the city I represent. Probably the most important legislative propect I undertook in my first term in Congress was the effort to win Federal funding for the third water tunnel in New York City. Never before had Federal water policy been extended to include single-purpose water projects in urban areas. As a matter of fact, never before had the Water Resources Subcommittee ever been to New York City. But under Ray Roberts leadership, the House this year passed a bill that included $25 million for construction and maintenance work on New York City's water tunnel. And that provision was included in the bill after the subcommittee traveled to New York to hold a hearing on the subject and to take an elevator ride down some 700 feet to look at the construction work that was being done. Through it all, Ray was tremendously helpful and cooperative, and I am deeply grateful for his efforts.

Starting in January, the Fourth District of Texas will have a new Representative, its third since 1913. If the new Member rises to the same stature as Ray Roberts, he will have had a truly extraordinary congressional career.●

Mr. de la GARZA. Mr. Speaker, I guess just briefly to summarize: We could take days to list the achievements of Ray Roberts as an individual, as a businessman, as a public-spirited citizen, as a public servant, as a dedicated servant of the people in wartime in the Navy of the United States, continuing that in the Reserve component and his service here in the House of Representatives.

His achievements and his dedication to the people of his district in the State Senate of Texas were of the highest caliber, his service in the military, where he achieved command of a naval vessel during wartime—which is no small exploit for any sailor—his service to his country in the service of his country in the administrative field, beginning with President Roosevelt and serving during those times, and then coming to the State legislature, then the senate, and then coming to the Congress.

One thing that I think should be said, and I say it with some degree of sadness, somehow throughout the land there is a pervasive attitude fueled by many people—out of ignorance probably more than anything else—that tries to detract as a whole from those who serve in public office. There seems to be almost an organized attempt to discredit this body or the legislative branch of our Government. You see it throughout the United States. Somehow—I say it with a degree of sadness—in part this is what is causing statesmen, public servants like Ray Roberts, to finally make the ultimate decision and not give any more of their lives and not sacrifice any more for public service.

It is sad because our country needs so much from this type of individual. Our country will be the one who loses; and our future may be diminished in many ways because, as has been mentioned very briefly, the contributions of Ray Roberts to the natural resources and water resources are such that in the century to come, we will benefit from the things that he has done.

Yet, he has done it giving you and me a dollar's worth for your tax dollar because he has been dedicated and frugal as far as the handling of the taxpayers' money. He handles the taxpayers' money in what to my personal philosophy is a sacred trust, that this is hard-earned money, earned by the sweat of the brow of those who pay it.

Ray Roberts has never forgotten this. Yet, what he has been able to achieve through his leadership, and yet respecting that sacred trust of those tax dollars, I think is a greater tribute to him as a citizen; and needless to say, dollars and cents, the ingenuity and the resourcefulness of this man, would yield to him in private enterprise hundreds of times above what he could make here. That is the sad part, that we would be here tonight paying tribute to a man in a very small way for so many things that he has done; but yet knowing full well that in another time, under other circumstances, with different attitudes throughout the land, we might still have that genuine expertise and that dedication to his country for many more years.

That is the sad part.

We wish him well in his endeavors. We know that he will do well. I hope that in the retirement of many of our colleagues, voluntary or not, that we who will remain here rededicate ourselves to the fact that those who serve here serve with honor and distinction, with very, very few exceptions. Regretfully, it is those few exceptions that get the majority of the publicity. The day-to-day efforts of people like Ray Roberts are not the headlines in the daily newspapers and are not the headlines on the local evening television shows; but yet you have a veteran who might perhaps not be alive, who might not be employed or educated were it not for the efforts of people such as Ray Roberts.

You will have transportation and you will have conservation of water resources and you will have children, perhaps, playing many years from now on the shore of a lake; and yet few people will ever know or associate the name of Ray Roberts with all of this endeavor.

I hope if we did anything here tonight that we engraved in the personal record of this Chamber the memory of many great statesmen who have served today.

We dedicate this special tribute to one of those great statesmen and one who will be very difficult to replace and one who gave his all in everything that he did; and it was my personal pride and honor to be his colleague and to be his friend.

Mr. Speaker, with that as a tribute to our dear colleague, Ray Roberts, we of the Texas delegation thank the rest of our colleagues who have joined us this evening.

I yield back the balance of my time.

TRIBUTE TO THE HONORABLE MENDEL DAVIS OF SOUTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina (Mr. Derrick) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DERRICK. Mr. Speaker, I have requested this special order today so that the Members of this Chamber might have an opportunity to pay tribute to a great friend of mine, the gentleman from South Carolina, Mr. Mendel Davis.

Since 1971, Mr. Speaker, Mendel Davis has represented the citizens of the First District in South Carolina. And because I share the honor of representing South Carolina in the U.S. Congress, I have also had the distinction of knowing and working with Mendel throughout my tenure in this body.

It would be my preference, Mr. Speaker, that this special order would not be necessary, however, as you know, Mendel did decide earlier this year not to seek reelection to the U.S. House of Representatives. I am sure that the constituents of the First District, as well as my colleagues in the House, share my sincere regret over the loss of such a fine legislator.

Mr. Speaker, Mendel J. Davis was born and raised in North Charleston, S.C. He is a graduate of the College of Charleston with a degree in history, and received his juris doctorate from the University of South Carolina Law School. Mendel is a member of both the South Carolina and American Bar Associations.

Mendel Davis' association with the House of Representatives predates his election as a Member of Congress in a special election on April 27, 1971. In 1960, Mendel came to Washington and served as a doorman on the floor of the House of Representatives, a distinction and steppingstone he is pleased to note was only shared by one other Member of Congress—the late Lyndon B. Johnson.

From that point, MENDEL worked his way through college in the congressional office of the late L. Mendel Rivers. As the Godson and subsequent staff member for that well-known Congressman, MENDEL became the heir apparent to the seat upon the death of Mendel Rivers.

☐ 2040

The legacy left by Congressman Rivers to South Carolina and particularly the First District has been managed and enhanced through the tenure of MENDEL J. DAVIS. The First District alone, Mr. Speaker, contains no less than 11 major Navy installations. As a Member of the House Armed Service Committee's Subcommittee on Military Installations and Facilities, MENDEL has overseen and augmented these interests.

Important both to the citizens of the First District and the citizens of this Nation, MENDEL has been a guardian of defense interests throughout his tenure, long before the recently noted shift in public sentiment toward that area.

Mr. Speaker, as we all know, the desire to form a strong common defense was perhaps the goal on which this Nation was founded. The achievement of a modern and capable defense is a commitment MENDEL made earlier in his career and it is one from which he has not wavered.

Likewise, as a member of the Subcommittee on Military Compensation, MENDEL has tackled one of the most critical military issues facing us, to provide adequate and just compensation for military service and particularly for junior enlisted personnel.

MENDEL DAVIS has also served on the Committee on House Administration and on two of its subcommittees. Without question, MENDEL has proven himself a competent and experienced legislator on a wide range of issues.

While the interests of the constituents of the First District have always occupied center stage, MENDEL has always been able to understand and appreciate the implications of issues on a national level. He is indeed a statesman, Mr. Speaker.

MENDEL, I personally will miss your presence in the Chamber. Suzanne and I would like to wish you and your family nothing but the best from life and the best of luck in what I am sure is going to be a very bright future.

I am going to cut off right now and have a few remarks at the end so that I can recognize my colleagues whom I know would like to say something on their behalf.

I recognize the gentleman from South Carolina for such time as he may consume.

Mr. HOLLAND. Mr. Speaker, I want to thank my distinguished colleague from South Carolina for taking this special order.

As the gentleman in the well knows, when he and I came to the Congress in 1975 we needed leadership and we needed friends and we soon learned that the true dean of our delegation was a man who in reality was younger than us in years but was a man, as the gentleman said, who had served in this body in many capacities for more time than we really realized.

We in South Carolina consider MENDEL DAVIS a State resource and he has proven to be that. We are privileged and honored to have shared with this Nation what we now consider to be a national resource. His service to his district following in the footsteps of his namesake is literally legend within the State of South Carolina. His service to the Nation is something all of us in the Congress admire and wish to emulate. But I think the greatest asset this man from Charleston—you know, Charleston is a place where they say they have a lot in common with the Chinese; they eat rice and worship their ancestors—in his native Charleston MENDEL DAVIS is considered with pride. He is revered as few public officals in history have been. He was returned to this body as long as he wished to be and his constituents loved him.

Beyond that, I believe our State has made many friends in Washington and across this Nation, not only within this body but in the other body because of the personality, the devotion, the true friendship that MENDEL JACKSON DAVIS is able to extend to all with whom he comes in contact. He has taught us so much and left us at an age so young that perhaps we can look forward to a future return to service to this Nation.

I and many people in my district, and I am sure the gentleman from the Third District shares this feeling, feel that he still has so much to offer and to give to this country. It has been a privilege to share with him the Congress, to share him with the Nation.

I know we join in wishing him Godspeed in every endeavor he might undertake in the future.

Again, I thank the gentleman from the Third District of South Carolina for taking this most deserved time to recognize a truly great American, MENDEL JACKSON DAVIS.

Mr. HARSHA. Mr. Speaker, would the distinguished gentleman yield to me?

Mr. DERRICK. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding.

I want to join my colleagues in the tribute to MENDEL DAVIS. I do it not only as a Republican but as an American who is concerned with the welfare of his Nation.

I have been here longer than some of the Members here who are speaking tonight and I have had occasion to view and observe many Members of the Congress.

MENDEL DAVIS is a young man. He came here as a young man. I had the privilege of serving with his predecessor who was a very distinguished gentleman who did many things for the welfare and benefit of his district.

When this young man came to Congress succeeding a man who was in the revered position that his predecessor was, there were many people who questioned whether or not this young man could ever fulfill those shoes. But I want to say to you as a member of the loyal opposition, if that is the proper terminology, that I have never been so impressed by a young man who has appeared on the scene in this deliberative body, which I consider and I am sure other Members consider one of the greatest deliberative bodies in the world.

This young man came with desire, with drive, with energy. He knew he had big shoes to fill—and I mean big shoes. Mendel Rivers did a lot for South Carolina. So the anticipation was great and they expected great things out of this young upstart who came to Congress.

You know, the amazing thing, he delivered. I have never been so impressed by a younger Member of Congress. He came here with a grasp of the legislative problems. He understood the problem of compromise. He could deal with both sides of the aisle. This was a great, great young man who had bold new approaches to things but yet had enough moxie, if that is the proper term, to understand how the system worked and worked within the system and accomplished things that probably no other man of his age who came to Congress could accomplish.

Probably one of the most important things to me personally, and I am being very provincial about it, is that he is a friend of mine.

While he has done great things for South Carolina and done great things for the United States of America, he has been a friend of mine. As I leave this body, I look back on those friendships and I cherish them and I am proud to have been associated with this young man because he is one of the great young men of the country. The future of this country is in the hands of these young men.

I regret very much that he has decided to leave this great deliberative body. I think he could add immeasurably to the ability of the Congress of the United States to deal with the problems that are facing this country. But I know that MENDEL DAVIS is not going to be satisfied with just leaving this body and resorting to private life. He is going to go out and he is going to make a name for himself because he has the initiative, he has the desire, he has the drive, and he has the capability to get out and make a name for himself. As he did in this House, in the government sector of this country of ours, he can make the same name in the private sector and make an equal contribution to the welfare of the whole country.

☐ 2050

I congratulate the gentleman for taking the time to put on this special order, and pay particular recognition to this great young man, because this is the future of America, the young men that come up here with the foresight and with the initiative and with the drive and with the capability of accomplishing things. Many Members come to the Congress that have that initiative, that have that desire, that have that drive, but they do not have the capability that Mendel Davis has.

I want to join my friend in commending the gentleman from South Carolina in wishing him well, and I know that in whatever endeavor he seeks to undertake after he leaves this body, he will be highly successful.

Mr. DUNCAN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Speaker, I think it is appropriate that I say at the conclusion of the remarks of the gentleman from Ohio how particularly generous I think they are, because it is seldom that we can praise a Member not only for his legislative ability, but also for his athletic ability. I think Mr. Harsha's remarks were all the more generous because I think there is no one on the Democratic side that has done more annually to humiliate the Republicans on the baseball field than has the distinguished friend who is leaving us tonight. I know he is going to be missed for his legislative accomplishments, but I want him to know he is going to be missed on the baseball field also.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, let me take this time to say thank you to my colleague, the Honorable Butler Derrick, from South Carolina, for giving us this time to pay tribute to Mendel Davis.

When Mendel came to Washington to serve as a freshman 9 years ago, he was then the youngest Member in Congress. But during his first term, Mendel proved himself to be wise beyond his years. Throughout each succeeding term, I have been continually impressed by his diligence and forthrightness when addressing an issue.

Mendel Davis has been involved in government for many years. He worked for his godfather and namesake, the Honorable L. Mendel Rivers, as a doorman on the floor of the House of Representatives—and like the late Lyndon B. Johnson, this was the beginning of a career as a public servant.

Mendel is a member of the Armed Services Committee and has taken a particular interest in military compensation, as proven by his dedication to work on the Subcommittee on Military Compensation. I would be remiss if I did not mention his hard work on the Committee on House Administration.

I commend Mendel Davis for the fine district work he has done for South Carolina's First Congressional District, and will surely miss his counsel on the floor.

My wife, Lee, joins me in saying a sad farewell to Mendel Davis and we wish him, his wife Suzannah, and their daughters Elizabeth and Lila the best of everything in all their future endeavors.

Mr. HARSHA. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. DERRICK. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, earlier we had a special tribute paid to the distinguished chairman of the Public Works Committee, the gentleman from California (Mr. Johnson). I want to join my colleagues, and ask unanimous consent that I may be permitted to revise and extend my remarks after the remarks of the distinguished gentleman from California (Mr. Anderson) about our distinguished chairman, Mr. Bizz Johnson, who served as chairman of that committee and handled some of the most far-reaching legislation that this Congress has ever handled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think it is particularly appropriate that the subject of our discussion here today is here in his normal position on the rail, for Mendel Davis is a railbird. For several months I never saw him any way but from the chin-up perspective that we see over the back bench. His normal position is one which always involves a cigarette, one which normally means that his face is wreathed in smoke.

It was for this reason that I found particularly interesting watching him steal second base one night. Mr. Duncan alluded to his ability as a baseball player. You have not seen anything until you have seen Mendel Davis steal second base after having two packs that day.

I also know of the physical strength that this man has, because when I needed him one day when I was in the midst of seeking appointment to the Appropriations Committee, and he was flat on his stomach, because it was his back they had operated on in Cincinnati, Ohio, he had the vast strength to not only pick up the phone and talk to this young new Member from another part of the country, but also found it necessary to make several additional calls to people from his part of the country and made it possible for me to gain appointment to the Appropriations Committee. I am sure he did it, because it meant that I left the two committees he served on.

I was, I guess, fortunate to be appointed to the House Administration Committee and the Armed Services Committee upon my arrival. Little did I know that made me one of the first people who had the privilege to serve on both committees with Mendel Davis. My appointment to the House Administration Committee was totally negative. He and I were on opposite sides of every issue, particularly the subject I felt most important in the committee's work, public financing.

Mr. Davis, not known as a great reformer, thought this was probably one of the worst measures the House had ever even considered engaging in, and led the committee in its efforts to reject not only the speaker but its chairman in the majority rule of our caucus in rejecting public financing and led the bitter fight here on the floor and held the House up several weeks, I remember, in order to preserve the prerogatives of those special interests he loved so well.

Mr. Davis and I had another opportunity to work together on the Armed Services Committee. We had, it turned out, naval shipyards in our districts. I found quickly that if Charleston got what it wanted, Mr. Davis would help me in what little Mare Island wanted among the leavings. I never felt at all that I had a strong supporter, but I did know that if I needed help I could get Mr. Davis very often, and I would have the assistance I needed to bring home the bacon to the people of Vallejo, Calif. In fact, we did have several opportunities to memorialize Mr. Davis in his departure. In fact, one of his early retirements led us to give almost the entire military construction budget to Charleston. I remember we tombstoned the bill, "The Mendel Davis Bring Home the Bacon Act," after he gave us all the assistance he could in making sure that Davis-Bacon was preserved in the bill.

So, I do feel very strongly about the departure of this young man.

I know he has not finished with me because I have not been able to repay him for the assistance he gave me. As I said to him earlier, I anticipate seeing him in my office many times, where I am sure he will contribute to the delinquency of this minor.

● Mr. RUSSO. Mr. Speaker, I want to join with my colleagues today in paying tribute to a real southern gentleman, Representative Mendel Davis. A way-down-South-in-Dixie, you do learn to take your stand. Mendel ably represented the concerns of his constituency and could be depended upon not only by the folks back home but those of us privileged to serve with him here.

Now, of course, Mendel also has a special talent or two in the athletic field. He demonstrated real foresight in spotting the younger Members with potential and grooming them properly. I must remain in his debt for coaching me so capably.

I also want to say how much I admire Mendel for the hard work he has done for his constituents, and for the joy and good humor he has always brought to his work. It has been a pleasure to serve with him, and I wish him all the best in the future. He deserves it.●

● Mr. JONES of Oklahoma. Mr. Speaker, I am pleased to join with my colleagues in honoring Mendel Davis. He has been an outstanding representative of his district, and has made a significant contribution to our country.

Mendel had a hard act to follow in taking over the seat of L. Mendel Rivers. But I think all would agree he has done an excellent job. He has maintained a commitment to a strong national defense, and has helped translate that commitment into reality through his distinguished service on the Armed Services Committee. His dedication to the interests of his constituency cannot be questioned. But Mendel brought more than that to the House of Representatives—he brought the farsightedness to know what was good for the country as well as what was good for Charleston. And Mendel never wavered in his dedication to that good.

We cannot have too much of that sort of dedication in Congress, Mr. Speaker. For that reason, and so many others, we will miss having Mendel in the House of Representatives. I know, though, that the future can only hold good things for him, and I wish him the best in whatever he pursues.●

● Mr. JOHNSON of California. Mr. Speaker, I rise in tribute to my distinguished friend and colleague, Mendel Davis, who has announced his retirement from Congress. He will be sorely missed.

It was my good fortune to work closely with Mendel Davis in his role as a member of the Committee on House Administration and in my role as chairman of the Committee on Public Works and Transportation. In our committee's yearly contact with the Subcommittee on Accounts, on which he served with distinction, I was assured that the budget requests of our committee would be scrutinized carefully and objectively by him, and always with a sense of understanding and fairness.

His candor and unfailing good humor were the hallmark of a distinguished career of public service. The First District of the State of South Carolina has been well served by this fine gentleman.

While we will be losing the dedication and knowledge that Mendel Davis has consistently brought to this Chamber, I am sure that his active life of public service will continue. When he was elected to Congress at the age of 28, he was the youngest sitting Member of that body. Now he retires at a young, vigorous age to face new and different challenges.

With deep affection and respect, I join my colleagues in wishing Mendel Davis health and happiness in the years ahead.●

● Mr. MONTGOMERY. Mr. Speaker, I join with my colleagues today, and I might add that I join with pride, to pay tribute to Mendel Davis of South Carolina for the many contributions he has made to this body during 10 years of service.

It has been my pleasure to serve with Mendel on the House Armed Services Committee and to observe firsthand his wealth of knowledge and experience. He has been an invaluable member of our panel and I can assure you his presence will be missed in the 97th Congress as we go about the very difficult task of setting priorities for the rebuilding of our national defense posture.

Mr. Speaker, on a more personal note, I would emphasize that the friendly demeanor and outgoing personality of the gentleman from South Carolina will be missed in this Chamber. We all wish him the best in the years ahead and hope that he will not be a stranger in the Nation's Capital.●

● Mr. PANETTA. Mr. Speaker, it is with great sadness that I join this tribute to Mendel Davis. We will all miss Mendel, not only for the tremendous work he has done but also for the knowledge and personality that he has brought to House proceedings.

The largest part of Mendel's attention has been focused on defense matters, and, as a member of the Committee on Armed Services, he has made a huge contribution to our efforts to maintain a strong national defense. The Nation will miss his energy and intelligence in this vital area.

Mr. Speaker, at this time I would like to express my best wishes to Mendel and his family. I know that he has a great future ahead of him, and I am sure we all wish him good luck for the years ahead.●

● Mr. BROOKS. Mr. Speaker, we pay tribute today to one of the outstanding young Members of the House of Representatives, Mendel Davis who is retiring. It saddens me deeply to see the capable and energetic young men leave this body because their vitality and leadership abilities are just beginning to have a great impact on our Nation.

Mendel Davis personifies the type of fresh ideas and strong commitments that we need in our Nation and I will miss him greatly. However, I want to join with his many friends in wishing him the best in his future endeavors.●

● Mr. UDALL. Mr. Speaker, the people of South Carolina and the Nation, and this House, are losing the services of a good man. Mendel Davis is retiring. While I wish him all the very best that he wants of the future, I am sad to see him leave. Mendel's good mind, conscientious and hard work, and practical approach to the problems we have faced together will be missed.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my collegaues in the House of Representatives in honoring Mendel Davis, Congressman from the First District of South Carolina, who has decided to retire after 9 years of devoted service to the people of South Carolina and the Nation.

His dedication and leadership will be sorely missed in the years ahead.

I wish all the best to Mendel and his family in the future.●

● Mr. CAMPBELL. Mr. Speaker, I am honored to take this opportunity to come before the House of Representatives to say farewell to our colleague and my good friend Congressman Mendel Davis of South Carolina.

When Mendel Davis came to the House in 1971, he was the youngest Member of Congress. And he had a tough act to follow, as he was the godson and successor to one of our State's real giants of the 20th century, the late Congressman and chairman of the House Armed Services Committee, L. Mendel Rivers. But, aided by his experience as an assistant to Congressman Rivers, Mendel Davis quickly grasped the workings of the House; accordingly, the people of the First District of South Carolina returned our colleague to Congress in every election since 1972.

I know the fine work Mendel Davis has done as a member of the House Armed Services Committee—he has steadfastly supported a strong defense and has worked to keep our naval forces the best in the world—but I know best his efforts on behalf of the House Administration Committee. As a committee colleague, I was proud to work with him on important issues affecting our Federal election laws. His contributions to the committee will be greatly missed.

Mendel Davis leaves Congress with full satisfaction of a job well done. While he chose not to seek reelection to Congress, his voice will no doubt continue to be heard in public affairs. I join my colleagues in wishing Mendel all the best in the coming days.●

● Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues in paying tribute to my good friend, the Honorable Mendel Davis from South Carolina, who will retire at the end of this Congress.

Mendel has played an important role in the nearly 10 years he has served in this House. As a member of the staff of the late chairman, Mendel Rivers, Mendel Davis learned well the lesson of old-fashioned horse trading, plain speaking, and honoring your commitments. Upon his succession to the seat in 1971, as a result of the death of Chairman Rivers, Mendel carried on that long tradition so unique to the South of bringing home the bacon to the district.

But Mendel's interests and talents were never confined in that regard during his 10 years of service. He was a strong advocate of the Nation's armed services. He played a vital role in the internal affairs of this House and he was a strong and articulate advocate of any issue in which be became personally involved. I think it is fair to say that in the relatively short period that he served here he gained an uncommon respect from his peers, which was based on his ability to focus on the heart of any issue.

Perhaps just as important as his abilities on this floor and within the committees, Mendel proved himself to be a good friend and companion away from the corridors of this Capitol. He has made friends in this body which will last far beyond the length of his service here and I am proud to count myself as one of those close friends. It is a sorrow to me that Mendel decided not to run for reelection this year, but I know that wherever his interests take him in the years to come, he will be successful at what he does as he has been during this time with us.●

● Mr. PRICE. Mr. Speaker, one of the most interesting persons I have know in the Congress is the gentleman from South Carolina, the Honorable Mendel Davis. Always an articulate spokesman for his cause, his seriousness of purpose seems always embossed with a sense of humor and compassion for people.

Mendel Davis is a special friend of the enlisted men and women of the armed services. He chose to become a member of the Military Compensation Subcommittee of the House Armed Services Committee because of his abiding interest in fair and just compensation for the military personnel, particularly the junior enlisted personnel.

He was a leader in urging more equitable compensation to improve retention in the Armed Forces.

Mendel Davis has always had a special interest in the quality of life of the enlisted servicemen and women. A simple but relevant event illustrates the point. Several years ago Mendel visited for a few hours at the naval station in Keflavik, Iceland. As a member of the Military Installations and Facilities Subcommittee, he took the time to tour some enlisted housing at a tenant activity on the naval base. He was very upset by the rundown condition of the quarters, and on his return to Washington he set out to improve the situation. I understand that he said something to someone in the Department of Defense to the effect that unless some immediate improvements were made in that housing area, all hell would break loose.

Mendel did not forget that experience. Two years later he returned to Keflavik, made a special point of checking the enlisted housing, and saw that it had been greatly and satisfactorily improved.

Among Mendel's most cherished honors is the L. Mendel Rivers Award presented to him on June 22, 1980 by the Non-Commissioned Officers Association. The award is given to the legislator who, in the opinion of the association, is most worthy of recognition for his efforts in furthering the ideas of democracy, freedom, and patriotism on behalf of the Nation. NCOA officials will affectionately tell you that whenever legislation on military personnel was debated in the Congress, Mendel Davis could be counted on to ask, "What does it do for the enlisted people?"

Mendel Davis was also appointed to membership on the Special Subcommittee on NATO Standardization, Interoperability, and Readiness. Prior to his appointment to the subcommittee, Mendel made several trips to NATO's northern flank. On each occasion he sounded warnings to the full House Armed Services Committee about his concern for the lack of readiness, as he saw it, in that vital area of Europe. Events since then have substantiated his concerns, and much has been done to strengthen the NATO Alliance. Once again, he seems to have been ahead of his time in recognizing what needed to be done to be responsive to America's best interests.

Mendel Davis is also a member of the Committee on House Administration. This committee has responsibility for the study, drafting, and oversight of laws and agencies regarding Federal elections. Among other things, the House Administration Committee is responsible for legislation governing the Federal Election Commission, the funding of Presidential and congressional elections and the way the Political Action Committees (PAC's) can operate. Mendel is an acknowledged authority in that very complex subject area.

Looking back on his career also brings to mind the possibility that the Congress might not have benefited from his special talents.

Were it not for a fortuitous association with the late L. Mendel Rivers, we might now recognize Mendel as "Yogi" Davis, the all-American catcher for the St. Louis Cardinals or the Los Angeles Dodgers. It is a little know fact that, just out of high school, Mendel Davis was offered a contract by each of the two major league baseball clubs.

However, politics interceded and Mendel Davis chose to follow in the footsteps of his godfather, L. Mendel Rivers. Mendel started on Capitol Hill as a doorman on the floor of the House of Representatives. He shares this distinction with the late Lyndon B. Johnson as the only other Member of Congress to have served at the door of the House. Following his graduation from the University of South Carolina Law School, he went to work in Mendel Rivers' congressional office.

When Mendel Rivers passed away, it was a natural thing for Mendel Davis to succeed him.

Mendel Davis has done yeoman work not only for the constituents of his district but for the Nation as well. He will always be remembered for his dedicated public service. All of us wish him well in the future. We want him to know we will sincerely miss his wise counsel as a Member of Congress.

● Mr. ROE. Mr. Speaker, it is with deep misgivings that I accede to my good friend Mendel Davis' request to retire from Congress.

In addition to being a fine lawmaker and a hard working representative for his constituents, Mendel Davis is the kind of likeable human being who is capable of evoking a smile on even the toughest of days.

While a southerner, Mendel Davis has many times voted with northern Democrats on key economic issues. We in the Northeast salute him for that.

Mendel Davis is an energetic young man who I am sure will succeed in whatever venture he now decides to undertake. While I do not agree with his decision to retire. I wish him the best in the future.●

● Mr. NICHOLS. Mr. Speaker, I am pleased that the South Carolina delegation has taken this special order to honor our colleague, Mendel Davis, who has announced his decision to retire at the close of the 96th Congress.

The Congressman from South Carolina has been a close friend of mine for many years, having first made his acquaintance in a Birmingham motel during the period when his Congressman and namesake, the late Mendel Rivers was confined to the University of Alabama Medical Center. When Chairman Rivers died, Mendel Davis was selected as an able successor to this great American patriot, and in that capacity he has represented his State and his Nation ably for the past 10 years.

Mendel has been a staunch supporter of the military, and especially he has championed the cause for better pay and living conditions for the junior enlisted men and women of our armed services. A few years back, the two of us visited over a Fourth of July recess period, with our junior enlisted personnel stationed in Germany, and I was moved by the deep personal feeling which Mendel Davis expressed for the welfare of these personnel, their spouses, and children. We returned to the Congress and Mendel Davis continued his strong support of the military by his active leadership which brought about travel allowances for the dependents of junior personnel stationed overseas; increased pay schedules and education benefits for the junior enlisted man and woman, and I will always remember and be grateful for his outstanding leadership in these areas.

There is no doubt in my mind, Mr. Speaker, but that Mendel's constituents in Charleston, Beaufort, and elsewhere in his district would have returned him again and again to serve them in the U.S. Congress had he elected to continue as a public official. Instead, he has chosen to pursue his field of law, and in that capacity it is our hope that he will be able to spend considerable time in the Washington area. We shall miss his able leadership on the House Armed Services Committee, and I shall miss his friendship "behind the rails." I extend my best wishes to him as he continues his outstanding career.●

● Mr. FORD of Michigan. Mr. Speaker, the adjournment of the 96th Congress marks the end of Mendel Davis' 10 years of service in the House representing South Carolina's First Congressional District. Mr. Speaker, I am honored but saddened to use this occasion to pay tribute to an outstanding and widely admired legislator.

When he was elected in 1971 at the age of 28 in a special election, Mendel was the youngest Member then in Congress. The years have seen him mature and seen him become extremely effective and respected Member of this body.

Though elected by the citizens of his district, the Nation has benefited from his presence in the Congress. As a member of the Committee on Armed Services, he served on the Subcommittee on Military Installations and Facilities and the Subcommittee on Military Compensation. Of obvious importance to our national defense, he is a member of the Special Subcommitte on NATO Standardization, Interoperability, and Readiness.

Through his service on the Committee on House Administration, he played an important role in writing and overseeing laws and agencies regarding Federal elections.

Mr. Speaker, to say Mendel will be missed is to greatly understate the situation. His wisdom and his sharp wit, his intelligence and his integrity have impressed and delighted us all. I join my many colleagues in wishing Mendel a future as bright as his congressional career has been.●

● Mr. HORTON. Mr. Speaker, at the close of the 96th Congress later this week, the House will lose a great many of its most accomplished and respected Members. Unfortunately, Mendel Davis is one of our colleagues who has decided to retire at the close of the session. His contributions to the committees he served and to the House will always be greatly respected and remembered.

For approximately 9 years, Mendel Davis has ably served the constituents of South Carolina's First Congressional District. His colleagues on both sides of the aisle long admired the devotion and dedication which he brought to his work on behalf of his constituents.

Mendel's service in the House will also be well recalled for his contributions to the Committee on Armed Services and the House Administration Committee. As one of the ranking members of the Special Subcommittee on NATO Standardization, Interoperability, and Readiness, Mendel played an extremely important role in improving the readiness of our NATO forces. He also made important contributions on the Subcommittee on Military Installations and Facilities.

Mendel has been an able and honorable Member of the House. I join my many colleagues in wishing him well as he prepares to retire from the House.●

● Mr. BEVILL. Mr. Speaker, Mendel Davis is one of the brightest young men it has been my pleasure to associate with, and I truly admire his legislative skill which he has exhibited during his 9 years of service in Congress.

This country needs to have more people like Mendel Davis to get involved with the political process with the vigor and intensity which he has demonstrated during his service here. The people of the First District of South Carolina have been very fortunate to have him serve them.

I will watch Mendel's future with great anticipation, because I am sure that he will accomplish many more remarkable milestones in his life.

I wish him a long and active life as he leaves the House with the good wishes of all his colleagues.●

● Mr. STOKES. Mr. Speaker, I would like first of all to thank my distinguished colleague from South Carolina (Mr. Derrick) for reserving a special order so that we can formally honor our colleague the Honorable Mendel J. Davis who will be retiring at the end of the 96th Congress. Mendel will be missed greatly by Members from both sides of the aisle as we enter the 97th Congress.

Mr. Speaker, Mendel was elected to the House of Representatives as the Representative of the First District of South Carolina, in a special election in 1971. At the age of 28, Mendel became the youngest Member then sitting in the Congress.

Although Mendel may have been the youngest Member of Congress at that time, he had a good working knowledge of the work of the U.S. House of Representatives. Mr. Speaker, Mendel's familiarity with and allegiance to the House of Representatives was a result of his godfather and namesake, the late Honorable L. Mendel Rivers.

The late Congressman Rivers was a member of this body from the First District of South Carolina until his death in 1970. It was under Congressman Rivers' patronage that Mendel first came to Capitol Hill to work in his congressional office and as a doorman on the floor of the House of Representatives.

From that association, Mendel developed a keen sense of the role of public policy formulated in Congress on the lives of the American people. Accordingly, Mr. Speaker, it was only natural that Mendel was elected to seek the U.S. House of Representatives from the First Congressional District of South Carolina when Congressman L. Mendel Rivers died.

Armed with the legacy of Congressman Rivers and the determination to do the best possible job, Mendel has become an exemplary legislator. His contributions as a member of the House Committee on Armed Services and the House Administration Committee have been praised by Members of this body and citizens throughout the country.

Mr. Speaker, at this point, I would like to mention some of Mendel's accomplishments during his tenure in Congress.

On the House Armed Services Committee, Mendel has devoted his efforts to the area of military compensation. He is noted by his colleagues and American servicemen for his work in the area of reasonable pay for junior enlisted personnel, an often overlooked group. Additionally Mendel has been a conscientious member of the Special Subcommittee on NATO Standardization, Interoperability and Readiness—a subject of increasing strategic concern.

Mr. Speaker, as a member of the House Administration Committee, Mendel has been instrumental in working on legislation affecting the Federal Election Commission. His focus has been in the areas of funding of Presidential and congressional elections and the terms under which business and labor political action committees operate.

Mr. Speaker, I am proud to have worked with Mendel Davis. He has proceeded in the great tradition of his godfather and namesake, the Honorable L. Mendel Rivers.

But more importantly, Mr. Speaker, Mendel has established himself as an exemplary public servant. I join my colleagues in wishing Mendel the very best in the future.●

● Mr. de la GARZA. Mr. Speaker, I am pleased to be joining my colleagues in the House of Representatives in honoring Mendel Davis upon his retirement from Congress after 10 years of effective and dedicated public service in behalf of the people of the First District of South Carolina and the Nation.

As a member of the Armed Services Committee Mendel Davis has used his skills and leadership abilities in favor of increasing our country's military preparedness, for which we should all be appreciative. I also know that Mendel Davis has put his abilities to work for the benefit of his constituents.

While I am saddened by the fact that Mendel Davis will not be here to share his expertise with us in the future, I certainly understand his desire to find new challenges. I wish nothing but the best for Mendel Davis in his future career.●

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this opportunity to pay tribute to the Honorable Mendel Davis, who has announced his retirement at the close of this session. Mendel has been a good friend and close colleague—serving on several of the same subcommittees of the Armed Services Committee. I have the most sincere appreciation for his cooperation, assistance and support throughout the time we have shared in the House.

He will most certainly be missed by his colleagues on the committee and in the whole House, but he will be especially missed by the citizens of First Congressional District of South Carolina and by every citizen of this Nation who recognizes the need for the maintenance of our national defense.●

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to honor our colleague and my good friend Mendel Davis of South Carolina. It is with regret that I do so because I think that Congress and our Nation is losing a man of great talent and ability.

I have served with Mendel on the House Administration Committee and have come to respect his work and his dedication to doing a good job in the House for his district and for our country. Mendel Davis came to Washington to fill the vacancy left by the death of his predecessor, Mendel Rivers. In electing him as Mr. Rivers' successor the people of South Carolina's First Congressional District chose well.

Not one to drag his feet, Mendel Davis established himself quickly as a very competent and very able legislator and spokesman for his district. He filled the vacancy admirably, and this body as well as the First District of South Carolina will miss him greatly.●

● Mr. JONES of North Carolina. Mr. Speaker, it has certainly been a pleasure to serve with Congressman Mendel Davis, who is from the adjoining State of South Carolina, which gave us much in common. His pleasant attitude will certainly be missed as well as his efficient service as a Member of Congress.

Certainly the military defense of this Nation has lost a true friend and I, too, will feel the same loss.

To Mendel, I can only wish him the best of everything in the years ahead. On behalf of the people of his district as well as the United States, I personally thank him for his service in the U.S. House of Representatives. In closing, I wish he and his family much health and happiness in the years ahead.●

● Mr. RAHALL. Mr. Speaker, I would first of all like to thank our colleague, the gentleman from South Carolina, Mr.

Derrick, for taking this special order today so that we all may pay tribute to a distinguished Member of this House since 1971, Mendel Davis.

Following in the mold of his godfather Mendel Rivers, Mendel Davis has carried on the fine tradition of top-notch public service to the residents of the First District.

His membership on the House Armed Services Committee and on the House Administration Committee, made him a leader in this body.

In a time when we will be called upon to deal with the issue of national security, a man of Mendel Davis' caliber will indeed be missed. His knowledge on this subject will certainly be called upon by his colleagues in the future, although he may no longer be a member.

His decision to retire is respected, just as he has been for his 9 years here.

We will miss him, and miss his friendship, and wish him the very best in the years to come. In my short two terms in Congress Mendel Davis has become to me a true personal friend, in every aspect of the word. While we all shall miss his ever beaming face on an every day basis, we shall delight upon seeing him, maybe less frequently in the future, but certainly no less in meaning.●

● Mr. FUQUA. Mr. Speaker, our esteemed and distinguished colleague, Mendel Davis of South Carolina, will conclude his career in this House at the close of the 96th Congress, leaving behind a reputation for articulate representation of his constituents and a deep concern for the welfare of the Nation.

Since his election to the House of Representatives in 1971, Mendel Davis has quietly and effectively built a reputation for sound judgment, consideration of all sides of an issue, and an insight into the needs of the people.

It has been both a pleasure and a privilege to serve alongside this fellow Southerner, who has been so open with his friendship and whose counsel has always been a valuable resource for myself and his other friends and colleagues.

Mendel Davis' actions have brought dignity and honor to himself and to those with whom he served and his departure from this House will leave a void which will be difficult to fill.●

● Mr. GINN. Mr. Speaker, I would like to rise today to honor a fellow Democrat, colleague, and congressional neighbor—the Honorable Mendel J. Davis of South Carolina.

Mendel Davis has for the last 9 years represented coastal South Carolina as I have represented coastal Georgia for almost that length of time. As a congressional neighbor to Mendel, I often sought his help in areas which affected both of our districts.

When Mendel began his tenure of office, he was at that time the youngest Member of Congress. Since then, he has attained a remarkable record of public service.

As a member of the House Committee on Armed Services, Mendel has given much of his time and energy toward achieving equitable compensation for our military. I have long been aware of the inadequate pay for our servicemen and women, and I am very grateful for the active role Mendel has played in urging fair compensation for our military.

Mendel's position on the Military Installations and Facilities Subcommittee was of great importance to the State of South Carolina and the Nation. He was well aware of the necessity of military preparedness for our country, and as a member of this subcommittee, he urged the full support of the best possible national defense.

Among Mendel's many other contributions were his efforts as a member of the Committee on House Administration to insure the proper operation of the Federal Election Commission.

He was a careful steward of the public trust in his handling of the many other programs under the jurisdiction of the committee.

I am confident that the citizens of the First District of South Carolina will continue to reap the harvest that Mendel Davis has sown in this Congress for many years to come.●

● Mr. JENKINS. Mr. Speaker, I join my colleagues today in paying tribute to the gentleman from the First District of South Carolina, Mendel J. Davis, who will be retiring at the end of this session.

Mendel Davis' godfather and mentor was the late Honorable L. Mendel Rivers under whose patronage he first came to Washington to work in 1960 as an office aide and doorman on the floor of the House of Representatives. For the next 10 years, Mendel continued to work in Rivers' district office and was elected to fill Rivers' seat in Congress upon his death in 1971. At the time Davis was elected, he was the youngest Member of this body and I wish to see him retain his interest in the Government for many years to come.

Mendel Davis served the First District of South Carolina well by his involvement on the Armed Services Committee and the Committee on House Administration.

I am sure that the citizens of South Carolina will continue to benefit from the knowledge and insight that the distinguished gentleman from the Palmetto State has contributed during his service as a Member of Congress.

I extend to this fine gentleman every success in his future endeavors.●

● Mr. RHODES. Mr. Speaker, I would like to join my colleagues in this special order to bid a fond farewell to my good friend from South Carolina, Congressman Mendel Davis, who is retiring at the end of the 96th Congress.

Mendel was first elected to the House in 1970. He has been reelected each term by large majorities, and anyone who knows him knows it is not difficult to figure out why.

Mendel Davis is one of the most personable, articulate, and knowledgeable Members it has ever been my privilege and pleasure to meet, and I am delighted that, as a Democrat, he does not live in my district.

He combines a pragmatic viewpoint with a down-to-earth approach all of us on both sides of the aisle will miss when the 97th Congress convenes next month.●

Mr. DERRICK. I thank the gentleman.

Mr. Speaker, I mentioned in my opening remarks, and at the close, I think, of all of these very fine remarks, Mendel shows the distinction of only one other Member of Congress as having served as a doorman. Mendel and I have one distinction that is shared by no one else that I am aware of in the Halls of the Congress—the Senate or the House.

When I served in the State legislature, Mendel was my page in the State legislature. Now, if you can picture this, he was my page; 4 years later I was elected to Congress. He was a dean of the delegation talking about my committee appointments. I think that has to be a first for both houses.

Mendel, we all love you; we will miss you personally and professionally.

A TRIBUTE TO SECRETARY OF COMMERCE PHILIP KLUTZNICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Bingham) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, I am honored to lead my colleagues in paying tribute to my longtime friend and associate, Secretary of Commerce Philip Klutznick. His contributions to the public, to the Federal Government and to the business community have been substantial despite his regrettably short tenure. We have all benefited from his strong leadership at the Department. His wisdom and experience will be sorely missed.

Secretary Klutznick took over leadership of the Commerce Department at an unusually trying time in our Nation's history. Simultaneously, he was charged with implementing major new trade responsibilities of the Department, enforcing the President's embargo on U.S. exports of grain and high technology products to the Soviet Union in response to their invasion of Afghanistan and working to reverse the deterioration in the U.S. balance of trade. He did that and more. Under his leadership, the Department of Commerce became the major voice within the administration for a responsible and workable trade policy.

To implement the trade reorganization approved by the Congress last year, Secretary Klutznick assumed responsibility over our programs to counteract dumping of foreign products and enforce countervailing duties. These programs are complicated and controversial and have thus been subject to criticism in the past. His first challenge was the steel dumping allegation and he responded by placing the investigation under his personal supervision and by establishing a Special Steel Task Force to review all developments in international steel movements that could lead to possible disruptions of trade. In that and subsequent cases, he earned a reputation for himself and the Department for efficient, open and honest operation of these programs.

By developing guidelines for implementation of the President's grain and high technology embargo in an expeditious, clear and fair manner, he eased a period of difficult transition in our trading relationship with the Soviet Union. In conjunction with the Attorney General, he moved to strengthen enforcement of the Export Administration Act by aggressive pursuit of all violations of the law and its regulations. Simultaneously, he presided over a tough but fair implementation of the antiboycott law approved by the Congress in 1977.

Secretary Klutznick viewed his stewardship at the Department as an opportunity to improve the atmosphere for U.S. exports. To protect U.S. exporters from having to disclose sensitive commercial information, which would place them at an unfair disadvantage with foreign competitors, he worked closely and tirelessly with the Congress to insure that appropriate confidentiality legislation was approved before the expiration of existing protection.

To encourage exporting by small- and medium-sized companies, he worked within the administration to develop a legislative framework to facilitate the formation of export trading companies. His recommendations strike a careful balance between the need to provide businessmen with the certainty that their export trade activities will not lead to antitrust liability and the need to prevent anticompetitive developments within the United States. Secretary Klutznick was never deterred in his effort by the challenge of breaking new ground, in both the banking and antitrust areas, in a shortened legislative year. The significant progress we have made toward enactment of this bill is due in large part to the Secretary's determination.

He has also built on the progress of his predecessor Secretary Kreps in facilitating U.S. trade with China. Following congressional approval of most-favored-nation treatment for China earlier this year, Secretary Klutznick reached an historic bilateral maritime agreement with China which includes reciprocal provisions for the treatment of duties, port access, crews, and cargo sharing. The Chinese exhibited their goods in the United States for the first time and just last month, about 225 U.S. companies participated in the U.S. National Economic and Trade Exhibition in Beijing (Peking) which was the first major U.S. Government-sponsored trade event in the PRC and one of the largest ever sponsored by the DOC.

The Department of Commerce under Secretary Klutznick has sought not only to foster a rational export program but enhance the U.S. industrial base for future U.S. exports as well. To enhance business-labor-government cooperation to produce a more productive, competitive and prosperous American economy, he has moved to aggressively implement the President's 1979 industrial innovation program. Under his leadership, the Department has identified technologies which are common to many industrial processes. Taken together, these technologies account for hundreds of billions of dollars in sales, equipment and durable goods output in the United States each year. Cooperative generic technology centers are now being established to facilitate Government-industry cooperation to enhance the sophistication of these technologies and thus improve our productivity in general. Another program will facilitate use by the private sector of the $20 billion of federally funded research and development. An innovative fellowship program will permit private industry commercial development teams to learn about federally developed technologies by working directly with individuals from Federal laboratories.

Rarely, in my memory, has a Secretary of Commerce been so determined to work closely and constructively with the Congress. He has an intuitive sense of the workings of Government—both the executive and legislative branches—and an unusual ability to appreciate our concerns and communicate those of an administration.

I know I speak for many of my colleagues in commending Secretary Klutznick for a job well done.

I first came to know Philip Klutznick early in 1961 when President Kennedy, upon the recommendation of Adlai Stevenson, appointed him to represent the United States on the United Nations Economic and Social Council with the rank of Ambassador. He served with distinction in that capacity, as he has in many other activities, both public and private, before and since. In spite of his extraordinarily full working life, Philip Klutznick has been a devoted family man. He and his wonderful wife Ethel celebrated their golden wedding anniversary this past June.

On behalf of my wife and myself and their many friends on and off Capitol Hill, I want to wish for Philip and Ethel Klutznick many years of continued happiness and constructive service.

● Mr. SCHEUER. Mr. Speaker, I rise to honor outgoing Secretary of Commerce Philip M. Klutznick on the occasion of his impending retirement.

Mr. Klutznick, a prominent attorney and real estate developer from Chicago, has devoted most of his life to a distinguished career in domestic and international public service. He is currently serving as Secretary of Commerce in the Carter administration and has served in other positions in six previous administrations. Mr. Klutznick has also served as a member of the U.S. delegation to the United Nations in the Eisenhower administration and later in the Kennedy administration during which time he was one of Ambassador Adlai Stevenson's principal deputies. His primary responsibility as Ambassador to the U.N. Economic and Social Council (UNESCO) was development problems in the Third World, including efforts aimed at poverty, illiteracy, and disease in developing countries.

As a distinguished businessman, Mr. Klutznick founded and headed the Urban Investment & Development Co. in Chicago and was a limited partner of Saloman Bros.; he was a member of the boards of directors of the Continental Foreign Trade Bank of Geneva, the First Mark Corp., and the Mortgage Guaranty Insurance Corp. of Milwaukee.

Mr. Klutznick's remarkable career has also included service as a member of President Ford's Advisory Committee on Indo-Chinese Refugees, of the National Council of Boy Scouts of America, of the World Jewish Congress, and of the Institute of Jewish Policy Planning. He is also a trustee of the Eleanor Roosevelt Institute and the Adlai Stevenson Institute for International Affairs.

I congratulate Philip M. Klutznick on such distinguished service and wish him many more years of continued success.●

● Mr. ALEXANDER. Mr. Speaker, I am pleased to have the opportunity to participate today in this tribute to an extraordinarily public spirited citizen, the Honorable Philip M. Klutznick.

When Phil Klutznick became the 25th Secretary of Commerce in January he brought to the office a half century of knowledge garnered as a successful businessman and in dedicated work in humanitarian and civic affairs in national and international arenas.

Previous Democratic and Republican administrations had already tapped the energies and ideas of this dynamic man. His posts had included that of U.S. representative with the rank of Ambassador to the United Nations Economic and Social Council and as President Roosevelt's Commissioner of the Federal Public Housing Authority. The list of private and public organizations which have benefited from his expertise is far too long to be summarized here.

Phil Klutznick came to Commerce at a time when this Nation is in the midst of a rising awareness of the importance of expanded and vigorous participation in the fiercely competitive international export markets. He came at a time when we were in the throes of reorganizing our international trade policy and program activities into a more manageable, efficient, and effective system. His dedication to the objective of strengthening the U.S. position in international commerce has been enormously beneficial.

It is only just and appropriate that we take this time today to honor Phil Klutznick. He has honored the theory, principles, and philosophy upon which our Nation is built through his willingness to place his abilities at the service of our people.

Thank you, Phil Klutznick. May our Nation be blessed with millions more men and women who, like you, not only hear but respond in a superlative manner to the call to service of our communities, States, Nation, and world.●

● Mr. JOHNSON of California. Mr. Speaker, the record of this 96th Congress would not be complete without memorializing the singular contributions the Honorable Philip M. Klutznick has made to the Nation in his all-too-brief tenure as Secretary of Commerce.

Indeed, Mr. Klutznick has devoted much of his life to public service in both the domestic and international fields. He has served in various Federal Government posts under seven Presidents, Democratic and Republican.

As Secretary of Commerce, his personal involvement helped move a great deal of difficult trade legislation through the Congress, and his leadership of the administration's steel tripartite exercise won admiring praise throughout the business community.

Secretary Klutznick set new standards of excellence for his Department that are reflected today in the sense of unity that has developed in its disparate branches.

We wish him well in his return to private life, confident that he will stand ready always to respond to future calls to the public service.●

● Mr. BROOKS. Mr. Speaker, I join with my colleagues in paying tribute to the Honorable Philip M. Klutznick, the 25th Secretary of Commerce. We have been fortunate to have this attorney and businessman, who has devoted much of his life to public service in both the domestic and international spheres, serve in this most important Cabinet post.

During Secretary Klutznick's tenure he has proposed and seen enacted a great deal of legislation and it has been a pleasure as chairman of the House Government Operations Committee to personally work with him.

Secretary Klutznick will be missed, however, I feel sure that many of the proposals that he has initiated will be continued. I wish him the best in the future.●

● Mr. DERWINSKI. Mr. Speaker, it is a special pleasure for me to join this afternoon in honoring my dear friend, Secretary of Commerce, Philip M. Klutznick. His list of accomplishments are so numerous and they have benefited the lives of countless numbers of people in one fashion or another.

Phil, an outstanding Chicago attorney and businessman, was appointed to serve as Secretary of the Department of Commerce in January of this year. During the past 11 months, Phil has brought new vitality to the Department's responsibilities. His many years of experience and his understanding of the intricacies of the American business system made him expertly equipped to deal with the issues and problems under the jurisdiction of the Commerce Department. He also brought to this assignment the added dimension of a lifetime of public service. His rapport with the Congress has resulted in major legislation being passed which has helped to lead this Nation toward a stronger economic future.

Secretary Klutznick's extensive background in humanitarian and civic affairs included his appointment by former President Ford to the President's Advisory Committee on Indo-Chinese Refugees, which assisted in the resettlement of thousands of people fleeing Southeast Asia. His active role in the National Council of Boy Scouts of America, and as a trustee of the Eleanor Roosevelt Institute and Adlai Stevenson Institute for International Affairs and a Commissioner of the Federal Public Housing Authority, were representative of the spirited interest that Phil exhibits in his fellow man.

Phil's effectiveness and leadership in the American Jewish Community were particularly instrumental in supporting the initiatives which led to the peace treaty between Israel and Egypt. Phil was president of the World Jewish Congress and an honorary international president of B'nai B'rith.

One of Phil's early accomplishments was as a developer of one of the most progressive, spirited, and leading suburban communities in my congressional district, Park Forest, Ill., which has now grown to a population of over 30,000. He was instrumental in the development of Chicago's Watertower Place, one of the most impressive hotel, apartment, shopping, and office complexes in the city.

In addition, Phil was an outstanding spokesman on behalf of the U.S. foreign policy as a member of the U.S. delegation to the United Nations. He served with the rank of Ambassador to the U.N. Economic and Social Council in 1961.

To recite such achievements is to note only a small part of the contributions made by this great and warm American. I know they will never be forgotten, for he has made many invaluable donations to the progress of this Nation, and toward a better America. I am sure that his expertise and experience will continue to be called upon as a valuable source of counsel.

Phil is a generous, affectionate, and energetic individual, who has devoted much of his life to public service in both the domestic and international arenas. His exceptional service in the Federal Government has spanned the administrations of seven Presidents. He retires with a record of accomplishment and personal example which we will always treasure.

My family joins me in wishing Phil and his lovely wife, Ethel, continued good health and happiness in what I know will be a very active retirement.●

● Mr. DRINAN. Mr. Speaker, among the numerous individuals soon to depart from governmental positions is the Honorable Philip M. Klutznick, Secretary of Commerce. Mr. Klutznick's record during his all too brief term of office has been inspirational to all, as evidenced by a much increased level of efficiency and dedication in the Department of Commerce offices. The shippers export declaration legislation, the patent reform bill, the Product Liability-Risk Retention Act, and the export trading company legislation are only a few of the issues to which he has applied his energies.

Throughout Philip Klutznick's extensive history of public service, he has devoted himself to such humanitarian concerns as increased aid to developing countries, while serving at the United Nations, and resettlement of Southeast Asian refugees in the United States, while a member of President Ford's Indochinese Refugees Advisory Committee.

As a member of the Committee for Economic Development's (CED) Research and Policy Committee, as vice chair of the CED board, and as a member of the board of the National Bureau for Economic Research, Mr. Klutznick has put to use his expertise in the field of economics.

Still another facet of Philip M. Klutznick's distinguished career is his work in real estate development. His name is surely well known in Chicago, where he has focused his energies; however, he also assisted in the planning of the industrial center and deepwater port of Ashdod in Israel during the 1950's.

To all of the aforementioned positions he has held, Mr. Klutznick has brought ability and dedication, enriched by his close contact with cultural and educational organizations such as the National Council of Boy Scouts of America, the Lyric Opera Co. of Chicago, the World Jewish Congress, and Creighton and Roosevelt Universities. These associations with various spheres of public activity have proven to be a useful asset to Mr. Klutznick in his professional life, and it has been to everyone's advantage to have such a man as Secretary of Commerce.

With these reflections on Philip M. Klutznick's admirable career, I join with my colleagues in expressing gratitude for his fine service and in bidding him farewell.

Ms. HOLTZMAN. Mr. Speaker, I am honored to join my colleagues in paying tribute to my friend, the distinguished Secretary of Commerce, Philip Klutznick.

Secretary Klutznick has served under seven different Presidents and has devoted much of his life to public service in both the domestic and international areas. During his latest assignment as Secretary of Commerce, Mr. Klutznick has played a leading role in efforts to try and revitalize the U.S. steel industry and to expand this country's export market.

Secretary Klutznick has represented this country before the United Nations General Assembly where he made strong appeals to assist developing nations in their efforts to fight poverty, illiteracy, disease, and to stabilize their economies. He was named by President Ford to membership on the President's Advisory Committee on Indo-Chinese Refugees that helped resettle thousands of people fleeing Southeast Asia.

Secretary Klutznick's contributions to the Jewish community have been equally impressive. including his service as president of the World Jewish Congress, chairman of the Institute of Jewish Policy Planning, and international president of B'nai B'rith. He was also a leading advocate for the Middle East peace initiatives which led to the treaty between Israel and Egypt.

I regret that we will lose Secretary Klutznick as head of the Commerce Department, but I trust he will continue to serve his country in the years ahead. I wish him well.●

● Mr. RICHMOND. Mr. Speaker nothing gives me greater pleasure than to join in this tribute to my good friend of more than 25 years, the outstanding Secretary of Commerce, Philip M. Klutznick.

Phil Klutznick is a shining example of the selfless public servant who has spent much of his life in highly responsible Government positions. In his all-too-brief tenure as Secretary of Commerce, Phil Klutznick accomplished much for U.S. trade; he brought much-needed effective management to the Department; and, his vision and innate kindness kept the Department of Commerce focused on the Democratic ideal of helping all of the people in our society.

Mr. Speaker, Phil Klutznick is a man universally loved and respected—a thoughtful and effective Government and civic leader, an innovator, a successful businessman, a tower of strength in the American Jewish community. Yet, despite the many outstanding achievements of his lifetime, he remains as humble, charming, and hard working as always.

At a spry 73 years of age (and getting younger all the time) Phil Klutznick can be counted on to continue his efforts to improve the quality of life for all Americans and to move our national economy forward. I am happy to join in wishing him the very best of success and every happiness as he begins a new phase in his most illustrious career.●

● Mr. McCLORY. Mr. Speaker, in the forthcoming change of administrations, one of my longtime friends, Philip M. Klutznick, the Secretary of Commerce, will be replaced by an appointee of President-elect Ronald Reagan. It should be said that the Carter administration has been most fortunate to have had the services of Philip Klutznick during the past several years in a key position to which he brought his extensive business experience, which has been demonstrated primarily in my native State of Illinois.

Philip Klutznick has demonstrated special skills and talents as a successful businessman and as the principal developer of Park Forest, Ill., and of an important shopping area known as Hawthorne Center which is located in the vicinity of my 13th Congressional District.

Mr. Speaker, Philip Klutznick's business success has not been employed for selfish ends. On the contrary, he has contributed generously of his time to public affairs and to the civic and cultural lives of our community and of our Nation.

Mr. Speaker, it has been my privilege to know Philip Klutznick for many years and to have observed his high standards of professional and personal conduct, as well as the devoted and constructive service which he has brought most recently to our Nation as Secretary of Commerce.

Mr. Speaker, I am pleased indeed to extend to Philip Klutznick my warm congratulations on this most recent example of his public service and to wish him and his wife, Ethel, my best wishes for good health and happiness in the years that lie ahead.●

● Mr. REUSS. Mr. Speaker, I appreciate this opportunity to join in praising the significant accomplishments of Secretary of Commerce Philip Klutznick, whose 1-year tenure will end with the outgoing administration. Despite his brief term as Secretary, Phil served this administration admirably, as he has served six others previously.

I have always respected Phil's earlier work on behalf of the United Nations, and his strong advocacy of increased assistance to developing nations in their battles against poverty, illiteracy, and disease. Phil brought that same resolve and dedication to his post at Commerce, and the results were predictably superb. His central role in the enactment of this year's patent reform legislation, and his strong involvement on behalf of the Export Trading Company legislation are just two of many examples deserving citation. Phil Klutznick's wisdom and experience make his counsel extremely valuable as we attempt to combat this Nation's inflation, recession, and balance-of-payments deficit. I salute Phil Klutznick for a job well done, and I look forward to his future contributions.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Philip M. Klutznick, who will retire from service as the 25th Secretary of Commerce.

It was my privilege to serve with Secretary Klutznick in Governor Adlai Stevenson's administration in Illinois. He was appointed by the Governor to be a member and vice chairman of the Illinois State Housing Board, and I was serving as Secretary of Labor at that time. He is a dedicated and devoted American, and a man of outstanding ability, deep compassion, and courage.

Phil has a long and distinguished career of public service which spans the administrations of seven Presidents. As a resident of Chicago, he has long been involved in civic and humanitarian endeavors in our community, and at the national level. He served as a member of the senior council and advisory committee of the Chicago Association of Commerce and Industry, and on the boards of Creighton University, Roosevelt University, and the Lyric Opera Co. of Chicago. He was governor and senior director of the United Nations Association, a member of the National Council of Boy Scouts of America, a trustee of the Eleanor Roosevelt Institute and the Adlai Stevenson Institute for International Affairs, president of the World Jewish Congress, honorary international president of B'nai B'rith, chairman of the Committee for Economic Development's Research and Policy Committee, and a member of the board of the National Bureau for Economic Research.

Philip Klutznick was appointed by President Roosevelt to be the Commissioner of the Federal Public Housing Authority, and has also served in several U.S. delegations to the United Nations. During the U.N. Ambassadorship of Adlai Stevenson, he was a principal deputy and had responsibility for development problems in underdeveloped nations and also served as Ambassador to the United Nations Economic and Social Council. President Ford also appointed him a member of the President's Advisory Council on Indo-Chinese Refugees.

During his leadership as the 25th Secretary of Commerce, Phil has given dedicated and devoted service to the people of this Nation. His diligent and successful efforts in improved Commerce Department performance, and in legislation relating to patent reform, product liability, export trading, and many other subjects, has been both fruitful and beneficial to the citizens of America, and has complied a splendid record of excellence and achievement.

I extend to Philip M. Klutznick my best wishes for continued success in devotion to the highest principles.●

● Mr. YATES. Mr. Speaker, it is with great pleasure that I join my colleagues in honoring a great American and most dedicated public servant, my good friend the Secretary of Commerce, Philip M. Klutznick.

Although Secretary Klutznick was born in Missouri and attended the Universities of Kansas and Nebraska, he saw the light and settled in Chicago, where he soon became a leader of the financial community. While achieving financial success, Secretary Klutznick did not forget his civic obligations, and served with distinction on numerous boards and commissions, including a term as U.S. Representative with rank of Ambassador to the United Nations Economic and Social Council. In addition, he became a leader and national spokesman for the American Jewish community, and one of the most eloquent advocates of the free State of Israel.

When President Carter called upon Phil Klutznick to serve as Secretary of Commerce, he did not hesitate to accept. "If I can make a contribution to our national progress, I am glad to serve," he said. Although his tenure has been brief, Secretary Klutznick made major gains in fighting inflation and cementing trade relations with our allies. Moreover, his mature and tremendous experience made him a much-valued adviser to the President.

I cherish the friendship Phil and I have had for many years in Chicago and Washington. I regret his forthcoming departure from Washington next month, but rejoice that we in Chicago will again have the benefit of his services.●

● Mr. ROE. Mr. Speaker, I take great pleasure today in rising to join in the well-deserved salute to our outgoing Secretary of Commerce Philip M. Klutznick.

Philip Klutznick has provided many years of dedicated service to the people of this Nation in both the private and public sectors.

In his most recent position as Secretary of Commerce under the Carter administration, he has helped secure the passage of key legislation that has greatly improved the Nation's trade situation.

During his 1 year term in that position, Phil Klutznick has gained the confidence and respect of American industry.

But success is something not new to Phil Klutznick. He has served in many Federal positions under seven Presidents of the United States. The first came as a member of the U.S. delegation to the

United Nations under President Eisenhower. His United Nations work continued under the Kennedy administration when he served with the rank of ambassador to the United Nations Economic and Social Council. It was at that time he began an involvement in aid to developing nations that would be a hallmark of his career for many years to come.

In private industry, Phil Klutznick became a giant in real estate development, founding, and heading the Urban Investment and Development Co. in Chicago, which is now a wholly owned subsidiary of the Aetna Life and Casualty Co.

In the field of humanitarian and civic affairs, Philip Klutznick was named by President Ford to serve on the President's Advisory Committee on Indo-Chinese Refugees that help settle the thousands of displaced persons who were forced to flee Southeast Asia.

An active leader in the Jewish community, Phil Klutznick has served in such positions as president of the World Jewish Congress and honorary international president of the B'nai B'rith.

Philip Klutznick is a unique leader at a time when the United States faces severe challenges at home and abroad. I can only hope that he decides once again to share his expertise to benefit the people of this great Nation.●

A TRIBUTE TO THE HONORABLE AL ULLMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DUNCAN) is recognized for 60 minutes, and to revise and extend his remarks.

Mr. DUNCAN of Oregon. Mr. Speaker, AL ULLMAN has been my friend since at least 1959, when I was Speaker in the Oregon House, and he was a comparatively new Congressman. When I came to the Congress, he was already on the Ways and Means Committee. I was so pleasantly surprised at the committee assignments I received. I like to think I got on appropriations because of my knowledge, and skill, and charm—but I know it was because AL was on the Committee on Committees.

The only good thing about the fact that AL ULLMAN will not be returning to Congress next year is that it does give us this opportunity to get up and say nice things about him. I have not figured out why we name buildings after people after they have died, or why we feel inhibited about praising our colleagues until we know they would not be returning—but that seems to be the order of things. It tends to make these last few days of the session take on the appearance of a gigantic wake.

I would like to avoid that atmosphere this afternoon—for those of us who know AL well know that his distinguished career is far from over, and is just entering a different phase.

Those who know AL only slightly may be misled by his mild manner and his quiet, dignified way of doing business. But I have been AL's friend and colleague for many years now, and I know—perhaps better than anyone else—that behind that unassuming demeanor is a fighter and a scrapper in the old Western tradition. Perhaps that is the key to his effectiveness; AL can do battle with you and win without your ever realizing you were engaged in a fight.

AL is a master at recognizing what can be accomplished and then accomplishing it. He is an expert compromiser—not in the sense of compromising one s values, which I have never known AL to do—but he is an expert at recognizing what is important, which points are irrefutable, and which points can be sacrificed without losing sight of your long-term goal.

AL is the ultimate realist, well versed in the art of the possible, and adept at determining which bills can make it through and which cannot. This is a skill that we who are engaged in the daily process of formulating policy can appreciate. But it is a talent that is difficult to explain to the general populace—which has been very much to AL's disadvantage in the political arena.

Since AL came to Congress in 1957, he has constantly been one step ahead of everyone else. He was one of the authors of our modern budget process, and today managed the reconciliation bill which was the product of one of the most difficult parts of the process. He was advocating a comprehensive energy plan before most of us realized we had an energy problem. And he pioneered natural resource management legislation that has proved so important to the western part of the country he represents.

AL has also worked hard for the people of his district, and of Oregon. The Northwest power bill is the most recent example of his prowess. He authored laws establishing the Hells Canyon Recreation Area and the Minam Wilderness. He is almost a legend for his work to help the Indian Tribes of Oregon. The Chemawa Indian School, the innumerable fish hatcheries, the generator going into Pelton Dam, all of the industrial and commercial projects of the Confederated Tribes at Warm Springs—all attest to his legislative skill and his understanding and compassion.

AL has worked out trade legislation to help the export of wheat and assisting the cattle industry. He has guarded the Columbia River—the lifeline of the Northwest—from the vigorous assaults of brigands and pirates from other sections of the country thirsting for our birthright. Range rehabilitation, roads, investments in the productivity of the land—all received his strong leadership and support. Even Amtrak, and the Pioneer train through eastern Oregon are beneficiaries of AL's interest and industry.

Of course, AL will be remembered best for his able leadership of the Ways and Means Committee. He had a pretty rough task facing him when he took the committee over from its able and long-term chairman, Wilbur Mills, in 1975. The committee he inherited was radically different from the one run by Mills—just as the post-Watergate Congress of that year was different from all its predecessors. The committee and the Congress called for a different type of leadership—and AL ULLMAN provided that leadership, in a style less assertive than that of Mr. Mills, but no less effective.

To really understand AL ULLMAN, I believe you have to understand the district which he represents. Eastern Oregon typifies what most Easterners think the West should be—wide open spaces where nothing is respected more than rugged individualism, and where plain common horsesense is essential for survival. This environment breeds the kind of independent thinking for which Oregonian politicians are famous—tough, stubborn and determined. While I am not a stubborn, or hardheaded, man myself, I am able to appreciate the quality in my fellow Oregonians—especially in AL, who manages to cloak his hardheaded determination in such grace and dignity.

I refuse to fall into the usual cliche of lamenting on how sorely AL ULLMAN will be missed next year—I did promise not to make this a wake. AL ULLMAN's presence will be very much felt next year, no matter what endeavor he decides to tackle next.

Now AL may be the chairman, but the chief executive officer of that family is his wife Audrey. She has as much congressional experience and knowledge as AL, and is without a doubt the better half of a superb husband and wife team.

I will continue to treasure the friendship Marijane and I have enjoyed with AL and Audrey. AL, our very best wishes go with you.

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Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN of Oregon. I am pleased to yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Oregon (Mr. DUNCAN). It is with a heavy heart that I wish both you, BOB DUNCAN, and AL ULLMAN the very best as you go away from the House of Representatives that you have both served so ably and so well.

I agree with your words, BOB. I was impressed to hear the achievements of AL ULLMAN as you have recited them, because as a beginning politician back in the 1950's it was quite thrilling to have AL ULLMAN and several others be elected to Congress in what had heretofore been a Republican State. I will never forget that AL came in on the public power movement on Hells Canyon, and one of his great achievements that you have mentioned was making sure that Hells Canyon was preserved for the people, just as he fought to make sure that any electricity generated from that area benefited the people.

I will never forget my admiration for his courage when he cast one of four votes in the House of Representatives in 1958 against the House Unamerican Activities Committee. That took courage, whether you agreed with it or not. He cast one of the four votes against it, and that was real courage.

AL ULLMAN served on the Ways and Means Committee so well and so ably and distinguished himself, and as you said, BOB, he led the fight today in the debate on one of the most complicated and important bills that we have had come before the House.

We recall, too, that he did help form and was the first chairman of the Budget Committee, one of the foremost processes of Government developed in our time.

So I bid farewell to AL ULLMAN. I have been very proud and honored to have served with him as the dean of our delegation in the House of Representatives, and I thank you, BOB, for reserving this time to honor Congressman ULLMAN.

Mr. DUNCAN of Oregon. Mr. Speaker, I thank the gentleman from Oregon (Mr. WEAVER).

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for the last 6 years, AL ULLMAN has had one of the most difficult jobs in Congress. That much is clear. And what is equally clear is that he has handled that job, chairman of the House Ways and Means Committee, masterfully.

AL ULLMAN has treated all his colleagues in a fair and equitable manner. While he has definite ideas and philosophies of his own, he has always given those of differing views their day in court. I do not believe that under his chairmanship, there is any responsible group in the country that has felt as though it could not provide the House with meaningful input into our decisionmaking process.

And if AL has sometimes served as the ears—or perhaps lightning rod would be a more appropriate phrase—he has also been a voice. Those of us who do not serve on the Ways and Means Committee have known that we could count on him for reliable explanations of what some seemingly minor change in an arcane section of our tax laws would accomplish.

AL ULLMAN knows this Nation's tax codes, and he is able to effectively articulate even the most difficult ideas involving them. He has earned the trust of his colleagues.

More importantly, people around the country, from Maine to California, have known that we could count on Chairman ULLMAN to treat them fairly. The interests of the average taxpayer in Iowa would not be forsaken at the whim of some corperate head in New York. He would listen to the fellow in New York, and the fellow in Iowa, and then do what he thought was right.

Of course, AL ULLMAN is a child of the West; born in Montana with career roots in the State of Washington as well as Oregon. And he has never forgotten those roots. They have given him a firm understanding of the problems we have in the West, which some eastern Congressmen never seem to understand. With his background, he has been an invaluable friend on the Ways and Means Committee and, of course, on other issues that have come before the House. He has been able to combine his expertise with his roots to benefit all of us in California, Washington, and Montana, as well as his beloved Oregon.

We will miss AL ULLMAN when the 97th Congress convenes. Whoever takes over the unenviable jobs as Ways and Means Chairman will have a difficult time in replacing him.

In conclusion, Lee and I would like to take this opportunity to thank AL for the job he has done for his constituents and his country, and to wish he and Audrey all the best in the months and years ahead.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our friend and colleague, Congressman ULLMAN, took the helm of the House Ways and Means Committee at a time when American history was changing, changing significantly in this institution, at a time when the curtains were being drawn back and the sunshine was admitted to the formerly arcane chambers of discussion among members of various committees of the Congress.

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People had decided they wanted more in on the proceedings of this institution. In my judgment, having served with Chairman ULLMAN for a number of years since the mid-1960's, Chairman ULLMAN'S significant contribution to history was taking the responsibility of chairing the House Committee on Ways and Means at that important juncture in our history when the people's body became more so and at the same time the Ways and Means Committee was divided for the first time into subcommittees. Nobody knew whether it would work very well. It has worked very well, chiefly because Mr. ULLMAN is not an autocrat, because he does not insist on his own way, because he is, I think, in the highest traditions of what the Constitution had in mind for a legislative body that the leadership is not a power elite. The leadership is rather like the monitor chosen as a servant to the body, to the rank and file Members of the body.

Thomas Jefferson said when he left the White House:

> I go now to accept a promotion from servant to master.

The Representative in Congress who remembers the above will be a good Representative in Congress, who remembers that he or she is a servant and that the private citizens whom he or she serves are the masters.

The leader in the Congress, the committee chairperson or other leader in Congress who remembers that he or she is a servant, indirectly, to all people but immediately to the Membership of the Congress; not there to boss, not there to direct but there to serve. Chairman ULLMAN has filled that role admirably and because he has filled that role and did not lose sight of that essential element of the function of chairmanship the subcommittee system has worked in our Committee on Ways and Means.

Shakespeare wrote in "Henry the V" to the oration of the King to the French woman:

> A good heart is the sun and not the moon for it shines bright and keeps his course constant.

That describes AL ULLMAN: A good, generous, compassionate heart.

Shakespeare also wrote that these fellows of infinite tongue who can rhyme their way into people's favors do often reason their way back out again.

Constancy and a good heart. They describe our chairman.

Other Members of the House Committee on Ways and Means have asked Congressman HOLLAND and me to represent them here this evening in pledging their affection and their continued friendship and, above all, their gratitude for this great and good man who has been so fair and, I might add, who has shown so much dignity, who has shown, as has the gentleman in the well himself, has shown so much dignity in defeat, remembering that some of the great people in the political processes of the world, like Winston Churchill, first gave their all for their people and accomplished much for their people, following which they were taken out of office by the people.

Mr. ULLMAN has shown dignity in defeat and in that he has achieved greater triumph than all the many, many times that he has been elected to this body.

I thank the gentleman.

Mr. DUNCAN of Oregon. Mr. Speaker, I thank the gentleman for his eloquence. I would like to underscore what he said because I like the sound of it: "Churchill, ULLMAN and DUNCAN."

Mr. JACOBS. And precisely in that order, Mr. Speaker.

Mr. DUNCAN of Oregon. Mr. Speaker, I now yield to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Speaker, I thank the gentleman from Oregon for yielding a small amount of time to me to relate something about AL ULLMAN that possibly he does not even remember.

In 1976 I had a severe reelection problem. I was not even a member of the Committee on Ways and Means. People down my way in South Carolina thought it would be good and probably lend some distinction to an otherwise undistinguished political career if I could have the chairman of the great Committee on Ways and Means come to my State during that reelection process. Mr. Speaker, I know the man had no reason to do it but I asked him to visit my State on my behalf and he did. He made a great impression on the people there.

It may be hard for you gentleman from Oregon to realize that, but Oregon from South Carolina is a mightly long distance.

His name was known and his reputation. He made an impression there on behalf of not only the Committee on Ways and Means but on behalf of the Congress itself, that committee chairmen beyond all else that had been published, were good and decent people who simply thought the best of this Nation, enough to give their best. That is the impression AL ULLMAN gave in my State. I have always been grateful for this and I have never really had an opportunity to tell him. I am, therefore, grateful for this special order tonight to be able to say that.

Another thing I though distinguished him on that particular trip: Returning on the airplane, we served some sort of a dinner. It was steak and grits. I always was impressed that Chairman ULLMAN did not ask what grits was. He did not even turn up his nose. I do know that he ate the grits but at least he did not say anything derogatory about it. I took that as a great compliment to my part of the country. I have tried to serve that way on the Ways and Means Committee in gratitude to this great man for his service to this great land. We will miss him as the committee, we will miss him as a Congress, we will miss him as a Nation but we will never forget the difficult times that he encountered, the difficult problems he overcame on behalf of the constituents of all of us. To him at this time I would say Godspeed, to him and his lovely wife, in whatever endeavors they pursue.

I thank you, Mr. Chairman, for the guidance you have given us all.

I thank the gentleman in the well for yielding to me.

Mr. DUNCAN of Oregon. Mr. Speaker, I thank the gentleman for his remarks. Perhaps I can explain the reason Chairman ULLMAN did not have to ask you what grits is, is that we raise a lot of cattle out in Oregon and AL particularly eats his meats so rare that when we eat meat rare we frequently put along a little cow peas on the plate to feed that steer before we eat him.

Mr. Speaker, I am indebted to my colleague Mr. WEAVER from Oregon for reminding me of Congressman ULLMAN's courageous vote on the Un-American Activities Committee at the height of the McCarthy era. It was a courageous vote and it is characteristic of AL that he had the courage not only to stand up against the passions and the prejudices of the moment however widespread they might be. I recall the times when he has fought here on the floor of the House on behalf of the committee and the Congress, against the executive branch of Government and against the President of the United States. He had the same courage to say that the President was wrong as he did to say that all those who supported those McCarthy hearings were wrong.

● Mr. BAFALIS. Mr. Speaker, I rise to join my colleagues—both in this body and on the House Ways and Means Committee—in paying tribute to my chairman, AL ULLMAN.

AL ULLMAN has served as chairman of the House Ways and Means Committee for each of the 6 years I have had the privilege of serving on that body. In all that time, I have found him fair, easy to work with, and a friend.

It is no easy task to win the respect and admiration of every member of a committee with so many diverse and often conflicting views. But AL ULLMAN has managed to do just that.

In addition, he has made every effort to see that conflicts inside the hearing room remain there—and do not carry over outside the committee. Further, he has made every effort to see that all sides to an issue get to be heard.

For more than 24 years, AL ULLMAN has served his country as a member of this body. And before that, he served this Nation well and ably as a member of the U.S. Navy during World War II. The Nation has been made better for his service.

AL ULLMAN will be missed by his many friends here in the Congress, but our best wishes will go with him, no matter what his future plans.●

● Mr. McCLORY. Mr. Speaker, when a senior Member of this body leaves, a great deal of experience is lost. Certainly, in the case of AL ULLMAN, the departing chairman of the important Ways and Means Committee, a valuable expertise will be lost.

With so much public concern about the heavy burden of taxes, the chairmanship of the House Ways and Means Committee would appear to be a uniquely vulnerable political position. Every proposed or approved change in the Tax Code has the potential of being linked personally to the chairman. Even if the change is desirable, the general unpopularity of taxes may make this politically detrimental.

In spite of these obvious risks, I believe that AL ULLMAN has been a diligent, effective and public-spirited chairman of the Ways and Means Committee. It is my hope and expectation that he will continue to make a contribution to the development of an equitable and sensible tax code when he returns to private life. The opportunities for constructive service available to one of his knowledge and experience are sure to be very great.●

● Mr. SHANNON. Mr. Speaker, today we are paying tribute to our distinguished colleague, the chairman of the Ways and Means Committee, AL ULLMAN.

My relationship, as a freshman of the Ways and Means Committee, to the chairman is one that is close to being unique in the history of the House of Representatives. I can make this statement simply because until AL ULLMAN assumed the chairmanship of that committee it was virtually unheard of for a freshman to be allowed to serve on the Ways and Means Committee.

I have benefited from Mr. ULLMAN's guidance both in committee and in the House and for this I am very grateful. But I think that AL will be long remembered here in this body especially for how he has helped to transform this body.

He has presided over the Ways and Means Committee in a particularly turbulent period—a period during which the making of tax policy moved out from behind the closed committee doors into the open hearing room. As I have said, he has not only allowed freshman members on the committee, he has also allowed and encouraged them to participate fully in that policymaking process.

AL ULLMAN will also be remembered for his contributions to the new budget process. As a major author of the 1974 Budget Act and the first chairman of the House Budget Committee, the budget process will continue to bear AL's mark even as long as the Ways and Means Committee will.

AL ULLMAN served his Nation and his district well. His kindness, his friendship and stewardship of this Nation's changing economic policy during trying times will continue to inspire us.●

● Mr. BROOKS. Mr. Speaker, the 97th Congress will lose one of its most dedicated legislators with the departure of AL ULLMAN of Oregon. Since coming to Congress in 1957, AL has served his district diligently and has distinguished himself as a thoughtful and talented legislator. These qualities have come to the fore most recently with AL's leadership of the Ways and Means Committee as well as earlier service with the Committee on the Budget and the Joint Committee on Taxation. AL has been a guiding force in the development of the congressional budget procedure. For this work, we in Congress and in the country are in his debt and we will miss his ability and his companionship.●

● Mr. ROE. Mr. Speaker, I take great pleasure in rising today to honor Representative AL ULLMAN of Oregon, who unfortunately, will not be returning to serve in the 97th Congress.

During his 24 years in Congress, AL ULLMAN has set a high standard of excellence that will be hard to follow.

As chairman of the powerful Ways and Means Committee, AL ULLMAN has brought new meaning to the term "fight for what is right for America."

There is probably no committee in the entire Congress that handles more difficult and controversial legislation than the Ways and Means Committee Whether it be tax cuts, social security or health care financing, the burden falls on the Ways and Means Committee to produce workable legislation in those areas.

And AL ULLMAN utilized his position as chairman of the committee to press for legislation he believed was best for the Nation. While some of us have not always agreed with his position on issues, we have always respected his zeal in pressing his views.

There is no question that in the tough economic climate that exists today, a man of AL ULLMAN's expertise will be sorely missed.●

● Mr. GUARINI. Mr. Speaker, today I rise to join my colleagues in paying tribute to the distinguished chairman of the Ways and Means Committee, AL ULLMAN, who is leaving after nearly a quarter of a century of service to his country.

As a member of the Ways and Means Committee for nearly 20 years, AL ULLMAN has played an important and enviable role in shaping our Nation's tax laws, particularly in developing innovative approaches to solving some of our

Nation's pressing problems such as providing adequate health care for our citizens and incentives to energy conservation.

Perhaps, more than most Members of this Congress, Al Ullman has had the opportunity to gain a broad perspective of our Nation's financial structure. He has served as chairman of the Joint Committee on Taxation, cochairman of the Joint Study Committee on the Budget, chairman of the Committee on the Budget and for several years was a member of the Advisory Commission on Intergovernmental Relations. Perhaps in this way Al developed the ability to put aside the clamor of special interests and look to the needs of the country as a whole. His steadfastness in pursuit of the best for his country has on occasion led him to take up unpopular causes, but his decisions have been motivated by a clarity of vision and purpose not easily matched.

Al Ullman's integrity, his principled leadership of one of the leading committees in the House has been of crucial importance in the 96th Congress. As chairman, he has guided us through an exceedingly difficult 2 years, years marked by intractible inflation, budget-balancing and the rigors of the reconciliation process which we are winding up only today.

In spite of Al Ullman's considerable expertise and long years on the Hill, accessibility to his office has been the hallmark of his chairmanship. When I came to the committee scarcely 2 years ago, Al was quick to come forward to offer his friendship and counsel. Al and his gracious wife, Audrey, extended their hospitality to me on many occasions and made me feel that Washington was less than a sheltered workplace for confirmed workaholics. It is also a city where lasting friendships can flourish.

If there is a second distinguishing characteristic to Al Ullman's leadership, it must be his sense of fair play. Al's evenhanded treatment of new members to the committee has been unfailing. Although serving as chairman of a committee with 35 contentious members requires long hours of work, Al never failed to hear me out when there was an issue about which I was concerned. All of us, regardless of seniority or party affiliation, knew we would have a fair hearing when Al Ullman was in the chair.

I know you will not miss the public debt ceiling fights, Al, but we will surely miss your calm, considered approach to the complex issues before us, whether in the committee or on the House floor.

To you and Audrey, I offer my wishes for happiness in the years ahead and my deep gratitude for your continuing friendship.●

● Mr. FOWLER. Mr. Speaker—

> There is nothing stable in the world; uproar's your only music.

During the past decade of congressional change that observation has been as appropriate as it was when John Keats made it 162 years ago.

One man has been a beacon of stability, responsibility, and integrity during this tumultuous period—that man is Al Ullman.

I have had the pleasure to serve under and learn from him while he has chaired the Committee on Ways and Means with unusual patience and equanimity.

Our chairman has understood the meaning of democratic leadership. He took the helm of the committee in 1975 at a time when it had been drastically altered by the congressional reforms of the mid-1970's. His was an impossible task: The committee was expanded from 25 to 37 members, transforming it from a tightly knit group to a much less governable committee.

Other changes—such as the proliferation of nonclosed rules on the House floor for tax legislation, the greatly expanded use of tax legislation for nontax purposes—for example to help solve the energy crisis—the assignment of more junior and less electorally secure members to the Ways and Means Committee—left our chairman with a herculean task.

Our chairman met the challenge before him by leading his committee as fairly as is humanly possible. He has bent over backward to see that every member of the committee has had a chance to have a say in legislation before the committee.

Also, he has been willing to bear the criticism which tax legislation invariably draws.

Many Members in this body may not remember that in the midst of all the changes that have made this House so difficult to govern, the leader we honor today helped construct the congressional budget process. This procedure has forced us to face up to very difficult budgetary decisions and has provided us with one of the few mechanisms we have to apply fiscal responsibility in a systematic fashion.

He also was the first chairman of the House Budget Committee and helped define the uncertain role of the new committee and the budget process for this body.

Al Ullman's legacy to Congress and to the Nation is bountiful and is one for which we will never be able fully to repay him. But we can honor this leader, this man of his word, this builder on rock. And we can emulate the courage through example he has taught us: Despite physical pain, despite probable electoral repercussions, despite difficult times, Al Ullman has shown us how to serve our country.●

● Mr. BEVILL. Mr. Speaker, for the past 22 years Al Ullman has been an effective and highly respected Representative of the people of Oregon's Second District. He has also been a very important member of this country's budgetary process.

Al's service as chairman of Ways and Means has given him an opportunity to serve the entire Nation with his wise and concerned budgetary leadership. He has developed an immense amount of knowledge about this Nation's budget needs, and he has done a remarkable job of helping this country provide funds for necessary projects.

Al Ullman's job has been difficult, to say the least. But all the while he has remained a caring and effective Representative of his constituents, and he has put their interest first.

All of us will miss Al's presence in the House, and our best wishes go with him, along with our thanks for a job well done.●

● Mr. VANIK. Mr. Speaker, I want to join with so many others in congratulating Chairman Al Ullman for a distinguished career in public service and in wishing him the best in the years to come.

I have served with Al for 16 years in the Ways and Means Committee. Thanks in large part to his contributions and efforts, these have been good and creative years for the committee and the Congress.

During the past decade, the House has gone through a real revolution in style and procedure—and Al was the chairman who led the Ways and Means Committee into this new, more open, more democratic reform era. As many on the committee have commented, Al has been the perfect chairman for this era of transistion. He took a small, closed, secretive committee, and changed it into one which is much more representative and responsive to the House. His patience, tact, and ability to listen insured the success of "democracy" in the "premier" committee of the Congress.

Under his chairmanship, we have enacted extraordinarily complex and difficult tax, energy, and trade bills—bills which are making a major attack on the problems confronting America domestically and internationally.

My wife joins me in wishing "Our Chairman" and Audrey happiness in the years ahead and in thanking them for a job magnificently done.●

● Mr. WHITTEN. Mr. Speaker, it is with deep sorrow that I rise in paying tribute to Al Ullman who will be leaving the Congress after serving the people of his district and the Nation since 1957.

Al Ullman is the type of person this Congress needs and it is unfortunate that the Congress and the Nation will not have his counsel during the critical days ahead. Al has been a stalwart in the fight for better Government and has gained the trust and respect of all his colleagues. He has struggled to provide for the welfare of our citizens—he has fought the good fight—and the Nation is better off for his diligence and perserverence.

The Congress is losing one of its most distinguished Members in Al Ullman. We will continue as always, but it will not be the same. I join with Al's many friends in wishing him all success in his future endeavors. His work in the Congress will long be remembered and the legacy of his legislation will benefit the people of this Nation for many years to come.●

● Mr. RANGEL. Mr. Speaker, the loss of Al Ullman from the House and especially from the chairmanship of the Ways and Means Committee is a major blow to the Congress. For if ever a man was right for the times in which he served, it was AL ULLMAN.

I first began my service on the Ways and Means Committee 6 years ago when AL ULLMAN began his chairmanship. As you will all remember, those were turbulent days. A time when reform was the byword of the House. Under AL the Ways and Means Committee moved swiftly and smoothly to a subcommittee system which we never had before. It was AL's confidence in his subcommittee chairmen, always giving them a free hand, that made that transition go so smoothly.

During a period when almost every other committee was experiencing major schisms when they brought bills to the floor, Chairman ULLMAN was successful in bringing almost all of our bills to the floor with bipartisan support and with the backing of the vast majority of the committee members. AL was a master at discerning where the consensus of the committee was and then forming coalitions around that consensus. As a chairman he was always fair, he respected everyone's opinions and even more importantly gave them the opportunity to express those views. The patience and understanding he showed made all of us believe that our problems meant something to him. I do not remember him ever cutting off a member. He always encouraged us to have our say.

And the man had courage. He sponsored such unpopular but necessary legislation as the Mortgage Bond Revenue Act which was designed to plug the gaping hole in the Treasury which was being dug by the proliferation of bond issues to finance not only the low-income housing projects we had all intended the bonds to be used for, but also to provide low-interest loans to the upper middle class to purchase homes. AL knew if nothing were done and done now, no matter how unpopular such legislation would be among State and local governments, the pressure for higher interest rates on the more traditional uses of revenue bonds such as schools, hospitals, and roads would be enormous. He also realized the critical importance of limiting what was then a blank check on the Treasury. We spent months on the legislation and finally passed it as a part of reconciliation and a tribute to AL's responsibility as a guardian of the National Treasury.

We are all going to miss AL around here. Especially those of us who had the honor and pleasure of working under his chairmanship.●

● Mr. PANETTA. Mr. Speaker, the House of Representatives is losing one of its most important and respected Members in AL ULLMAN. As chairman of the Committee on Ways and Means, he has been a strong force for making our system of taxation more equitable and comprehensible. He has ably represented his Oregon district for more than 20 years, and his accomplishments, both in and away from the Ways and Means Committee, have been enormous.

More than the Congress and his constituents, though, it is the Nation that will suffer for the loss of AL ULLMAN. His energy and skill will not easily be replaced. At this time, I would like to wish AL and his family the best of luck in the years to come. He will be dearly missed.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from Oregon (Mr. DUNCAN) for taking out this special order so that Members can salute my distinguished colleague and friend the Honorable AL ULLMAN who will not be returning for the 97th Congress. Mr. Speaker, AL ULLMAN's absence from the 97th Congress will be a great loss not only to this legislative body but also to this Nation.

First elected to the 85th Congress, Al came to this body with a determination to serve the best interests not only of the people in the Second District of Oregon but also all people in the Nation. Mr. Speaker, AL has pursued that mandate with the utmost sincerity and conviction during his tenure in the U.S. House of Representatives. His actions have gained him the respect of his colleagues and people throughout this Nation.

My good friend AL ULLMAN has been a pioneer and tower of strength in the House of Representatives. AL served as a member of the House Committee on Interior and Insular Affairs between 1957 and 1961. Later he became a member of the Committee on Ways and Means and served as acting chairman during much of 1973 and 1974. Additionally, AL was cochairman of the Joint Study Committee on the Budget in 1973 and was elected the first chairman of the new House Budget Committee in 1974. He served as the chairman until the beginning of the 94th Congress when he was elected chairman of the powerful House Ways and Means Committee.

Since 1975 as chairman of the House Ways and Means Committee, AL has made an indelible mark on legislation which affects each citizen in this Nation. As Ways and Means chairman, he alternates with the chairman of the Senate Committee on Finance as chairman of the Joint Committee on Taxation.

Some of his numerous accomplishments in his role on the Ways and Means Committee, include passage of legislation to stabilize the financing of the social security system and measures to improve the U.S. trade position. Additionally AL has been a leading proponent of a national energy policy which is so vital to our Nation. He played a major role in the enactment of the National Energy Act of 1978.

During his tenure as chairman of the tax-writing committee, the Congress adopted two major tax reductions, in 1975 and 1978 and the Tax Reform Act of 1976, the most far-reaching reform of Federal tax law in years.

Mr. Speaker, again I would like to reiterate that AL has worked long and hard for the people in this country. Such a man like AL ULLMAN can only be described with superlatives. AL is a man of the utmost integrity. He is a man of great legislative achievement and outstanding ability. Finally, he is a man whose first concern is not for himself but for others.

Mr. Speaker, I and my colleagues on both sides of the aisle will miss AL in the 97th Congress. He is a good man and an individual who I have been proud to be associated with. I salute AL ULLMAN and wish him the very best in his future endeavors.●

● Mr. ADDABBO. Mr. Speaker, it is an honor to have the opportunity today to join my distinguished colleagues in a tribute to one of the most dedicated Representatives ever to serve in the Chamber, the Honorable AL ULLMAN, who is retiring after 24 years of outstanding service to the Nation. Certainly one of the most dear and valuable friends of mine in Washington, I am sure I share the sentiments of all of us here today when I say his expertise and leadership will be sorely missed.

In the over two decades of dedicated service for his people AL has earned the respect of his coworkers for his drive, and his sincere desire to solve many of the problems facing the United States today. One of the key things I will remember about AL is that no matter how busy he was with his areas of interest, he always had the time to give advice and explain an issue when it was requested.

AL served with distinction as chairman of the all-important Ways and Means Committee. As chairman, AL was instrumental in leading the fight for a long overdue national energy policy, and it was he who introduced the first comprehensive legislation in 1975, playing a key role in the enactment of the National Energy Act of 1978. While serving as chairman of the tax-writing committee, AL assisted Congress in adopting two major tax reductions, and the Tax Reform Act of 1976, an act many consider one of the most vital pieces of legislation passed by Congress in many years.

A man with an incredible list of accomplishments, AL has helped lead the fight for legislation to stabilize the financing of the social security system and improve the U.S. trade position. AL has also been committed to reforming the Nation's welfare programs, as well as developing and enacting legislation to provide an affordable health care system within reach for all Americans.

The people of Oregon should be proud for having had such a fine gentleman representing them for all these years. A man who has always given 100 percent for his people and the Nation, AL has been a credit to the House and I wish him the best of luck and happiness in the future.●

● Mr. MONTGOMERY. Mr. Speaker, in his quiet and unassuming way, our colleague, AL ULLMAN, tackled his very difficult task of serving as chairman of the Ways and Means Committee always with objectivity and fairness. Without the customary fanfare, he continually sought to improve and refine the Nation's Tax Code in order to lessen the burden on individual Americans and spur business investment within the financial capability of the Nation.

I am particularly appreciative of AL's special efforts to provide relief for the small business firms of America. He always showed a deep understanding of the special needs of this important segment of the private sector of the economy.

Mr. Speaker, for 24 years, Al Ullman has labored diligently on behalf of the people of Oregon, and really the people of America. His long experience and vast knowledge will be sorely missed when the 97th Congress convenes next January. I join with my colleagues in wishing him the very best in the years to come and also in expressing our deep thanks for a job well done.●

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to honor a greatly respected colleague and friend, Al Ullman, who, unfortunately for the House, will not be returning to the 97th Congress.

Before he became a Congressman, Al was a teacher. Even though he left that profession for public service, he has certainly continued teaching through the fine examples he has set during his tenure in Washington.

Al was first elected to Congress in 1956. He has conscientiously and faithfully served the Second District of Oregon, as well as the rest of the Nation, with unwavering dedication since that time. He was reelected to Congress 11 times, no small feat in itself.

Congressman Ullman has been a member of the Ways and Means Committee since 1961 and became chairman of that committee in 1975. His leadership and recognized ability in the area of taxation deserve special recognition.

It is always regrettable to see a man of Al Ullman's stature leave the House, but I join my colleagues in wishing him the best for continued success in the future.●

● Mr. JOHNSON of California. Mr. Speaker, I rise in tribute to the Honorable Al Ullman who leaves Congress at the close of this session after nearly a quarter century of distinguished service to his country and to his constituents in the Second Congressional District of Oregon.

Al Ullman leaves office with a memorable record of legislative achievement ranging from natural resource management to wilderness protection, energy, budget control, and income tax reduction.

The list of honors conferred on Congressman Ullman by him colleagues is almost endless: he was cochairman of the Joint Study Committee on the Budget in 1973 and was elected chairman of the new House Committee on the Budget in 1974, serving in that capacity until the beginning of the 94th Congress in January 1975, when he was elected chairman of the Ways and Means Committee. As chairman of that committee he alternates with the chairman of the Senate Finance Committee as chairman of the Joint Committee on Taxation.

His departure from this body in which he has served so long and so well will be keenly felt by all who have had the privilege of serving with him.●

● Mr. de la GARZA. Mr. Speaker, I join my colleagues of the House of Representatives in honoring one of our more distinguished Members, the Honorable Al Ullman, upon his departure from the House. During his 26 years of service in Congress Al Ullman has dedicatedly and effectively served the people of the Second District of Oregon and the Nation.

Al Ullman has held one of the most difficult positions in the House for the past 6 years as chairman of the Ways and Means Committee. We all owe Al Ullman our gratitude for the competent and effective manner in which he has carried out the complex responsibilities and duties as chairman of this important committee. I know that we will miss Al Ullman's experience and expertise in the years ahead.

Like many others, I wish nothing but the best for Al Ullman in whatever paths he decides to follow in the future.●

● Mr. ROSTENKOWSKI. Mr. Speaker, when we hear the phrase "a mighty oak has fallen" it is normally in the context of the passing away of some great figure. So, I hesitate to employ such somber terms on this occasion, for, after all, we are honoring a vibrant, vital human being today in Al Ullman. But, we all know that the landscape of this body will be forever altered by the departure of our colleague from Oregon. So great is his contribution, so endearing are his relationships here, that we cannot help but miss his presence when the next Congress convenes. So, perhaps it is not a misplaced metaphor to describe my chairman, colleague and friend from the Pacific Northwest as a "mighty oak."

Al Ullman has represented the people of the Second District of Oregon with utter distinction for 24 years. But, even more than that, he has served the country with courage, patience, and sacrifice.

Al Ullman was handed the very difficult task of steering a powerful and yet transformed committee through changes in leadership and structure, all the while contending with the enormous problems which are the work of Ways and Means. Just handling the routine work of that committee is a Herculean job, and with it Al had to guide an enlarged committee to the creation of subcommittees and deal with major tax reform legislation in the process. As I look back at that period, the real reason the committee persevered in its work was that Al Ullman was at the helm. It was his unending patience, his earnestness, and his willingness to let each member become a part of the process which made that committee work.

I am not sure that those who were not closely associated with his efforts can fully appreciate the magnitude of that contribution for the Nation.

For as long as I have known and served with Al Ullman, I have never discerned the slightest deviation from the unswerving dedication to that which is best for America.

Al Ullman has been, in these difficult times when leadership is so much harder to perform than it used to be, a chairman who has worked out problems, who has listened patiently, always accessible, who tried to develop consensus from the various thoughts and proposals presented. This has not been an easy job, and sometimes the positions he had to take were not those that would be popular. He has accepted that role with grace and determination.

For that, those of us who have been privileged to serve with Al Ullman thank him. I am proud of my association with this fine man, and I wish him well as he leaves this institution. With him goes the gratitude of his colleagues and the respect of the Nation he has served so well.●

● Mr. RUSSO. Mr. Speaker, it is not easy to picture Congress without Representative Al Ullman. A man of great stature and personal integrity, he has been an outstanding legislator.

Under his capable leadership, the Ways and Means Committee has retained its tradition of effectiveness. Not only is Al a fine leader with a firm intellectual grasp of the complicated issues with which he dealt, he also is fair and decent and open. As a result it was easy for other Members to have their opinions heard, to make an impact.

Al demonstrated great skill in handling controversial legislation on which there was seldom agreement. It called for a finely tuned sense of balancing, and a good deal of dedication to sticking with the tough issues and seeing them through. He deserves our thanks and our admiration.

Yes, we are going to miss Al here, and I personally am going to miss working with him in committee, but I know that a man of his talents will not disappear on us. I wish him continued success and much enjoyment of life.●

● Mr. JONES of Tennessee. Mr. Speaker, I appreciate the opportunity afforded me today to participate in this special order honoring our colleague, Al Ullman. It is indeed a pleasure for me to take part in this effort to honor a dedicated and devoted public servant who has served his constituency and the Nation as has Al Ullman.

During his tenure on the Ways and Means Committee, and especially during his service as chairman of that committee, Al participated in and guided through the Congress important tax legislation. Included in that period was legislation aimed at making the tax burden of the average American more equitable while also providing needed stimulus for our Nation's economy.

In dealing with problems of that magnitude, Al Ullman developed a constituency that enveloped all the taxpayers of our country. He has done a remarkable job, and his leadership and expertise in tax matters is going to be sorely missed by this body. I want to wish him a fruitful and productive future, and let him know that we shall miss his leadership and expertise.●

Mr. LEDERER. Mr. Speaker, today we honor Al Ullman, the distinguished chairman of the Ways and Means Committee. As a member of that committee for the past 4 years, I have had the opportunity to work very closely with Al. I found this experience very rewarding, and I believe that I have benefited by our relationship.

During my first few months in the

Congress, I remember that I was a bit overwhelmed by the amount and the complexity of the workload. However, that burden was made easier by Al Ullman. He took the time to assist and educate a freshman Member with the intracacies of tax legislation. That is something for which I shall always be grateful.

Al Ullman has been chairman of the Ways and Means Committee for the past 6 years. During those years, the committee has seen a great many changes. The committee is a lot more open and democratic in its deliberations. I believe that the public has benefited by this openness, and a large measure of the credit for this goes to Chairman Ullman. We in the Congress and the Nation itself are grateful for his achievements.

On a personal note, Al and Audrey have always been especially kind to me. Whether we are traveling together or meeting socially, they have always been great friends. Al, I hope I shall continue to see you here in Washington. Your friendship means a great deal to me.

● Mr. JONES of North Carolina. Mr. Speaker, I know we all appreciate the outstanding job that Congressman Al Ullman has done while serving as chairman of the Ways and Means Committee. Certainly his leadership will be missed.

I have considered him a personal friend since my early days in the Congress during the late sixties. I don't recall ever going to him with a problem that he did not lend a sympathetic ear. I believe this trait was the reason why he was considered such a popular chairman. Certainly I know the future holds a great amount of opportunity for him, and to him and his family I wish many years of health and happiness in the days ahead.●

● Mr. CORRADA. Mr. Speaker, today we are honoring our dear friend and colleague Al Ullman. Al has most effectively represented the Second District of Oregon since 1957 and has been a hardworking and outstanding chairman of the Committee on Ways and Means during the last three Congresses.

It is with a sense of personal loss that we bid farewell to him and I am sure that all of my colleagues will miss his leadership, counsel, and personal friendship.

I hope that Al will be a frequent visitor to the Hill so that we may continue to benefit from his experience and counsel.

I join the rest of the House in hoping that Al's future endeavors will be as successful and fruitful as the years during which he served his constituents here in the House.●

● Mr. RAHALL. Mr. Speaker, like the district he represents, that contains 73 percent of Oregon's land area, Al Ullman has been a considerable figure in this House for 26 years.

Since his days as a communications officer in the South and Southwest Pacific during World War II, through this the 96th Congress. Al Ullman has earned the respect of those with whom he has worked, and has been a friend, we are all proud to have.

There are times in our Nation's history, when a leader comes forth to equal the challenges he faces. Al Ullman has been that type of individual. In 1974, few in this town believed anyone could handle the complicated and sensitive issues that would come before the House Ways and Means Committee. Those skeptics were soon silenced by Al Ullman's dedicated and tireless efforts.

For 6 years, he guided the committee with a firm and responsible hand. He dealt with difficult and controversial legislation—tax cuts, tax increases, social security financing, health care, public assistance and energy—all issues that raised a stir among Members and their constituents, but each and every time, Al Ullman did his job with pride and commitment.

Twenty-six years is a long time for a person to serve in this body. During such a lengthy period of time, a person gains great knowledge and expertise. Al Ullman did just that, and I know there are many among us would like for him to return for the 97th Congress, but that will not be the case. Instead, we will be faced with the heavy task of filling the void caused by his absence.

I am sure Al Ullman is not the kind of man who will disappear from the public scene. His wisdom and compassion are qualities that are too great to lose, and I hope we will hear from him in the future, and I know we will welcome his views and comments.●

● Mr. JENKINS. Mr. Speaker, for the past 4 years, I have been privileged to serve on the Ways and Means Committee under the chairmanship of the Honorable Al Ullman, and I feel a personal sense of loss at his leaving. I am honored to join my colleagues today in paying tribute to this outstanding man.

Chairman Ullman took over the committee at a time of tremendous change and has guided it through difficult years. His skillful handling of the complex and far-reaching issues which come before the Ways and Means Committee was coupled with a sense of fairness and even-handedness which earned him the respect of the members of the committee and of the Congress as a whole. Although his achievements as chairman have been many, I shall particularly remember his outstanding leadership in guiding through committee the first comprehensive energy legislation, as well as his fight to prevent the collapse of the social security system. The country has benefited greatly from his dedicated service.

As a legislator, Al Ullman has been able to look beyond the immediate or the expeditious and to consider the possible. I believe that the future will show him to be a man ahead of his time and that many of his progressive legislative ideas in the tax area will be enacted in some form in the years to come.

As leader, representative, and advocate, Al Ullman has ably and conscientiously served not only the people of Oregon, but also the citizens of this country. He will be missed.●

● Mr. GIBBONS. Mr. Speaker, Al Ullman took over the chairmanship of the Ways and Means Committee at a very difficult time, and he provided fine leadership for the committee. Al is an industrious, intelligent, and patient man, and he has helped the committee through some of its most difficult days.

Audrey and Al have provided a new spirit for the Ways and Means Committee. They have helped bring an overly enlarged committee together and have infused a spirit of understanding and teamwork into the development of legislation.

Under Al's leadership the committee has developed a set of rules and established subcommittees and strengthened its staff. All of us will miss Al and Audrey. Martha joins me in thanking them for their service and for their friendship. We wish them well.●

● Mr. JONES of Oklahoma. Mr. Speaker, there are many distinguished colleagues leaving this body as the 96th Congress draws to a close, but certainly none are more distinguished than our dear friend, Al Ullman of Oregon. An outstanding gentleman, an excellent public servant, and a leader throughout his years in the House, Al will be deeply missed by all of us who know him.

As a member of the House Ways and Means Committee, which Al chaired with great courage and foresight, I have had the pleasure of working closely with him over the past 6 years. He has served as the "point man" on many of the most challenging and controversial issues of our times, and he has never swerved from the course he felt best served his district, his State, and our Nation.

However, Al also realized the priorities and responsibilities of other Members of Congress, and he mastered the art of compromise during his 23 years as a legislator. We worked closely together on the 1978 tax bill, and his firm leadership and negotiating skills yielded a tax cut of $19 billion for American taxpayers in 1979. As our Nation's attention has turned increasingly to economic matters, Al Ullman has battled to meet the demands of an expanded and rapidly changing world market. He has done his job well.

Al has also had the pleasure of sharing his many accomplishments with his lovely wife and confidante, Audrey. I have had the pleasure of knowing both Al and Audrey since my days on the Hill as a staff assistant to Congressman Ed Edmondson, and she is a lovely and gracious person.

The Ways and Means Committee and the House of Representatives will be without a key asset in 1981. Al Ullman's intelligence, dedication, preparedness, and wit will be long remembered by those who had the pleasure and honor to know him.●

● Mr. FISHER. Mr. Speaker, I am pleased to join so many of our colleagues in honoring Al Ullman. Al has had a long and marvelous career in the House of Representatives, capped by 6 years as chairman of what is truly called the "powerful" Ways and Means Committee. I have had the pleasure of serving on that committee during Al's chairmanship.

What can I add? Al has given steady.

careful, and productive leadership to the committee. I shall always think of him as a friend and an extraordinarily fair chairman. His sense of fairness and his consideration for all of us on the committee have been notable, not always to be found in the rough and tumble of congressional life.

In both his personality and his policies, Al has exhibited balance and maturity. This, in my book, is high praise and is wholly deserved.●

● Mr. CORMAN. Mr. Speaker, I have worked closely with Al Ullman since I joined the Ways and Means Committee 12 years ago. I have had a chance to observe firsthand his hard-working patience, his cooperative spirit and his warm kindness. I saw him maximize all of his talents when he rose to chairman of the committee in the 94th Congress. His chairmanship was marked by a new openness in which every view was given full consideration. The issues before the committee during his tenure were extremely complex and controversial, but Al always managed to restore calmness and order in the most volatile of situations.

Under Al Ullman's leadership, the committee drafted and saw enacted a large body of major legislation. The Energy Tax Act of 1978, an important part of the National Energy Act, helped set the country on the road toward a national energy policy. The landmark Windfall Profit Tax Act, passed last year, will insure the implementation of our energy policy. Perhaps the highlight of Al's productive chairmanship was the enactment of the Tax Reform Act of 1976. This important legislation produced some of the most far-reaching and significant tax reforms ever achieved, and I am proud to have played a role in its conception.

One of the saddest things about the end of a congressional career is leaving old and dear friends. Al and I will both leave this year, but I hope our friendship will continue. Nancy joins me in wishing the very best to Al and Audrey as they take up their new life. I am sure they will be happy and sucecssful.●

● Mr. DRINAN. Mr. Speaker, I have had the honor to serve in Congress with Al Ullman since 1971, but the Nation has been fortunate that he was elected long before then. For 24 years, Congressman Ullman has contributed to the formulation of effective public policy, and the effective operation of Congress as well.

Congressman Ullman will always be remembered as the first chairman of the House Budget Committee. He was a leading architect of the congressional budget process, a process I am optimistic will lead to increasing budgetary restraint.

As chairman of the House Ways and Means Committee, Congressman Ullman oversaw major tax reductions in 1975 and 1978, and the enactment of the Tax Reform Act of 1976, one of the broadest tax measures considered during my years in Congress. He was also instrumental in providing for payments in lieu of taxes to counties where tax-free Federal land eroded the tax base.

Mr. Speaker, the 97th Congress will miss Al Ullman. I hope he will be as successful in his new endeavors as he has been as a Member of this House.●

● Mr. McKAY. Mr. Speaker, I want to thank Congressman Duncan for arranging this special order for a great Oregonian who much to the misfortune of the Nation his constituents in Oregon decided that he should not serve them.

Let me say a few things about Al Ullman. When I first came to Congress Al was on the Ways and Means Committee or as it was called at that time the Committee on Committees. I chatted first with Wilbur Mills about getting on the Appropriations Committee and then I met with Al who was the advocate for my region. He suggested that I meet with each of the members of the committee and discuss with them my concerns and interests, which I did. One day the phone rang and it was Al Ullman. He said, "Gunn, I am still pushing for you but they are realining the States and they are going to give your State to Omar Burleson of Texas but I will push with all I can." I became the third freshman I believe this century to get on the Appropriations Committee.

I have appreciated his friendship, his willingness to come to my district to give speeches, and to hear my constituents as they came on special causes. I recall in particular a doctor from my district who had a mentally retarded son and desired to set up a special trust fund for his care rather than put the burden on the rest of the taxpayers for the care of his child. And Al in the sympathy of kindness heard and did what he could to open doors for him. He helped to take care of a single individual's problem.

Al has always had a personality which makes a person feel comfortable and warm in this very competitive society in Washington.

The country and I will miss Al Ullman. I trust that life will be good to him and his family hereafter for he deserves it for the great public service he has provided this Nation.●

● Mr. RHODES. Mr. Speaker, I would like to join my colleagues in saying farewell and paying tribute to my good friend from Oregon, Congressman Al Ullman, as the 96th Congress draws to a close.

For the past 4 years Al has served, with grace and good humor, as chairman of the Ways and Means Committee, a position that has been one of the most demanding in the House.

Beyond that, however, Al Ullman leaves an indelible imprint upon one of the most important legislative tools which I believe the Congress has ever developed. I refer to the Congressional Budget Act of 1974, and the congressional budget process that was established pursuant to the provisions of that legislation.

The Budget Act, as you know, was the product of the Joint Study Committee on the Budget, which Al served as cochairman during 1973 and 1974. As a member of the Joint Study Committee, I appreciated Al's conscientious dedication to the concept of developing a rational system for Congress to address and deal with the Federal budget.

I applaud Al Ullman for the 24 years of service he has rendered this body and the people of this Nation, and wish him the best in his future endeavors.●

● Mr. FORD of Michigan. Mr. Speaker, I am pleased and proud to join today in paying tribute to our distinguished colleague, Congressman Al Ullman.

When I came to the Congress in 1965, Al Ullman was already an 8-year veteran of the House, and was a respected member of the Ways and Means Committee.

I quickly learned that he was a man to whom a freshman Member could turn for advice and guidance. He was well informed, and always ready and willing to answer questions and explain complicated issues.

Since becoming Chairman of the Ways and Means Committee in the 94th Congress, Al Ullman has served with great distinction, honor and courage. He is held in high respect, and rightly so, by every Member of the House.

Al Ullman has served our Nation long and faithfully, beginning as a naval officer in World War II, and now concluding a quarter of a century in the House of Representatives.

He has been a hard-working and dedicated representative, and he will be sorely missed.

I wish him well in all his future endeavors.●

● Mr. BOLAND. Mr. Speaker, I appreciate the opportunity provided by Representative Bob Duncan to pay a well-deserved tribute to Congressman Al Ullman.

Al Ullman leaves the House with an enviable record of achievement on measures affecting fiscal policy. Few Members in the recent history of this body could match Al's depth of knowledge on tax matters. He has served with distinction as chairman of the House Budget Committee, the Joint Committee on Taxation, and the Ways and Means Committee. Every major piece of tax legislation passed by the Congress in the last decade bears the imprint of his leadership and his hard work.

The reputation which Al Ullman enjoys in the House of Representatives is the product of the quality of his service and not its length. He is a man of keen intelligence and integrity, qualities which have earned him the respect of Members on both sides of the aisle. The people of Oregon always received an honest day's labor from Al Ullman. He repsented them in the best sense of that term and they, and he, can take pride in his accomplishments.

Mr. Speaker, the citizens of the United States were well served by Al Ullman's sojourn in this House. We will miss his counsel in the next Congress but I hope he will remain available in some capacity to give us the benefit of his wisdom and his skill. I want to wish him every success in whatever course he chooses to follow in the days ahead.●

● Mr. WON PAT. Mr. Speaker, nothing pleases me more than to add my own words of praise to those of many here today for our colleague, Representative Al Ullman.

I have been honored to work closely with this outstanding man for many years. And true to his beliefs, in every instance he was always a man of his word and a man who was a perfect gentleman.

As the chairman of the House Ways and Means Committee, AL ULLMAN worked harder than anyone will ever know to bring meaningful tax reductions to the people of this Nation. He was a pillar of strength in a time of great national unrest. His convictions are those of the majority of this Nation and his principles have served this country well.

I am particularly grateful to Chairman ULLMAN for his constant concern for the welfare of my constituents. He recognized the problems facing Guam and other territories in the matter of taxation. And the legislation he endorsed to help Guam in the areas of taxation and in public assistance are a reflection of his willingness to be a true friend.

We who work for the interests of American territories have lost a great friend and supporter when AL ULLMAN leaves Capitol Hill. His presence here was a reassuring force and I sincerely regret that I will not have the benefit of his ever sage counsel and support in the next Congress.

I hope that whatever AL chooses to do he will not deny the Nation and his countless friends here in Washington the benefit of his vast knowledge and expertise. Now, more than ever before, America needs to have men such as AL ULLMAN lead us as we face an uncertain future.

Whatever he does, I am confident that Congressman ULLMAN will go about his new career with the same cheerfulness and dedication that he always showed as a Congressman. He is a great patriot and I wish him the best of good fortune and success in the future.

Thank you.●

● Mr. FUQUA. Mr. Speaker, the distinguished chairman of the Ways and Means Committee, AL ULLMAN of Oregon, will conclude a remarkable and honorable career in this House at the conclusion of the 96th Congress.

During his 24 years in the U.S. House of Representatives, Mr. ULLMAN has been a constant voice for efficient and effective government whose tenacious study of issues and articulation of commonsense approaches to problems have made him a most valuable Member of Congress.

Though his duties over the past several years as chairman of the Ways and Means Committee have demanded an increasing percentage of his time and attention, AL ULLMAN was never too busy to give his undivided attention to the problems of his constituents.

If I were to advise an incoming Member of Congress how to become an effective Congressman, I could give no better advice than to study the career of AL ULLMAN and try to live up to the high standards of performance and personal conduct which he has so well exemplified.

This House will be diminished by the loss of AL ULLMAN's wisdom, counsel, friendship, and work.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable AL ULLMAN, chairman of the House Ways and Means Committee, who is retiring at the close of the 96th Congress as the dean of the Oregon congressional delegation. It has been a truly rewarding personal experience for me to have known him as a colleague and I am honored to have served with him during the 16 years I have been in the House of Representatives.

AL was first elected to the 85th Congress in 1956. He is dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage. These qualities earned him the respect of his colleagues, and his inspiring example will be missed here in the House.

AL ULLMAN's diligent efforts as chairman of the powerful Ways and Means Committee has been both fruitful and beneficial to the citizens of this Nation, and he has compiled a splendid record of excellence and achievement.

I extend to AL ULLMAN my best wishes for continued success in devotion to the highest principles.●

● Ms. OAKAR. Mr. Speaker, it has truly been a privilege to have served in this House with the distinguished chairman of the Ways and Means Committee, AL ULLMAN. In the 24 years that he has represented the Second District of Oregon, Chairman ULLMAN has given tremendous service to Oregonians and to the Nation. As the first chairman of the Committee on the Budget, he guided that very important body through the difficult first years of its existence. The result is a historic improvement in the way that this Congress pursues its budget goals. Without the leadership of AL ULLMAN, long a student of the congressional budget process, the Committee on the Budget may not have been as successful an innovation as it has proven itself to be.

The Nation has also benefited from Congressman ULLMAN's dedicated stewardship of the Ways and Means Committee. During his tenure as chairman of this committee, the Congress has passed two major tax cuts, as well as the Federal Tax Reform Act of 1976. These reforms represent Chairman ULLMAN's continuing commitment to a progressive and fair tax system for all Americans. He has continually been at the forefront of efforts toward new and imaginative reforms of the Nation's tax structure.

I join with all of my colleagues in wishing AL a happy and fulfilling retirement. We all know that he will continue to serve his country and his party by speaking out on those issues which were so important to him during his long and able service in this House.●

● Mr. RODINO. Mr. Speaker, I want to join Congressman ROBERT DUNCAN and all my colleagues in tribute to the distinguished chairman of the Ways and Means Committee, AL ULLMAN, who is leaving Congress at the end of this term.

AL ULLMAN has served this institution with dignity and honor for the last 24 years. His leadership on issues of tax policy has been intelligent and fairminded, and I have always appreciated his advice. His distinguished service to the people of Oregon and the American public will be sorely missed.

I wish AL all the best in the future.●

● Mr. BINGHAM. Mr. Speaker, it is a pleasure to join with my colleagues in celebrating AL ULLMAN's 24 years of service to the country, the people of Oregon, and this House. Others will describe his many accomplishments on the domestic policy side: His leadership in the areas of rural development, conservation, energy policy, tax reform, and many others; and his role, as the first chairman of the House Budget Committee, in launching the congressional budget reform process. But as chairman of the Subcommittee on International Economic Policy and Trade, I want to pay special tribute to AL's work in the area of international trade.

I am confident that AL ULLMAN will be remembered for a long time to come as an advocate of an open international trading system. AL played a key role in the passage of the landmark Trade Act of 1974—the single most important statute governing our international trade relations. Pursuant to the authority granted by that act, the Carter administration negotiated the Multilateral Trade Agreements, which will significantly lower tariff and nontariff barriers to trade and will serve for a decade or more to promote order and harmony in trade relations among the nations of the world. Under AL's leadership, and pursuant to procedures set forth in the Trade Act, legislation approving and implementing these agreements sailed through the House by a vote of 395 to 7. Because of the vision of people like AL ULLMAN in recognizing the necessity of congressional involvement at all stages of the multilateral trade negotiations and for congressional participation in drafting the implementing legislation, Congress was able to act as a partner rather than a competitor of the President in securing the adoption by our country of this farreaching international agreement.

While this was perhaps AL's crowning accomplishment in the international trade area, it was not the only one. For example, AL was an early advocate of most favored nation status for the People's Republic of China. It was under his chairmanship of the Ways and Means Committee that the United States-China trade agreement was approved by the House. This key step in the normalization of our relations with a quarter of the world's people will, according to Commerce Secretary Klutznick, lead to at least $10 billion in trade between our two countries by 1985.

I hope we will all remember, as we deal with trade agreements, import questions, and other trade matters that will come before us from time to time in future Congresses, that we are acting under procedures adopted under AL ULLMAN's leadership. The people not only of this country, but of all countries, have an enormous stake in the functioning of the international trading system, and we all owe AL ULLMAN a great debt for his contributions to the health of that system.

I am sure that all of us wish for AL and Audrey the best of everything in the future.●

• Mr. HARRIS. Mr. Speaker, since 1956 Oregon's Second District has been represented by Congressman AL ULLMAN. In those 24 years, AL has provided consistent, able, and dedicated service to the people of Oregon, and to our Nation.

As chairman of the House Ways and Means Committee, AL was in a tough position, moderating between powerful business interests who see "tax reform" as a means of protecting their special industry, and between those of us who want tax reform to mean a more equitable distribution of the tax burden, with significant tax relief going to families, working people, and small businesses.

It is a challenging, almost impossible task. But AL's special abilities suited him to the job.

Under his leadership, the Ways and Means Committee opened its doors to the public, an immensely significant reform. AL oversaw the creation for the first time of subcommittees of the Ways and Means Committee, permitting more thorough examination of revenue problems, and exploiting the expertise of other members of this House to benefit us all.

AL's chairmanship came at a difficult time, but he did an excellent job.

But AL ULLMAN always remembered that his job was to represent the people of Oregon's Second District in the Congress of the United States.

AL traveled to Oregon often, holding congressional "get togethers" all over his district to hear how his constituents viewed this Nation's troubles. And when he returned to Washington from those frequent trips to Oregon, he remembered what the people had told him, and he acted on it.

I am sorry AL ULLMAN will not be back in the House of Representatives. His expertise in tax matters, and his dedication to his constituents of 24 years will surely be missed.•

• Mr. BRADEMAS. Mr. Speaker, no Member of this institution has held a more difficult or challenging task than has AL ULLMAN, the distinguished chairman of the House Ways and Means Committee. And few people have handled such a difficult post so faithfully.

Both as chairman and as ranking majority member of Ways and Means, AL ULLMAN contributed qualities of sagacity and fairness that this body will miss.

Mr. Speaker, I have been honored to have had the opportunity to serve throughout my 22 years in this body with AL ULLMAN, and I wish him all good fortune in the years ahead.•

• Mr. CHAPPELL. Mr. Speaker, it gives me great pleasure to join with my colleagues in paying tribute to Congressman AL ULLMAN, who is leaving Congress at the conclusion of this session after 24 years of outstanding service to the Nation and to the residents of Oregon's Second District.

During his years of service, AL has brought to the deliberations of the House a strong sense of personal convictions, integrity, and high moral character. As chairman of the powerful House Committee on Ways and Means, AL has been the leading proponent of a national energy policy. He introduced the first comprehensive legislation which subsequently became a part of the National Energy Act of 1978.

As chairman of Ways and Means, AL has had the difficult task of finding compromises on extremely delicate and politically difficult issues such as tax reform, social security and health care financing. His leadership abilities and persuasive powers have brought forth legislation to stabilize the financing of the social security system and improve the U.S. trade position. He has also introduced major bills to reform the Nation's welfare program and to provide a system of health care the Nation can afford.

The Congress is losing an extremely able legislator with the departure of AL ULLMAN and the people of the Second District of Oregon an effective representative. We are truly sorry to see him go, and I am sure that he takes with him our heartfelt thanks and our best wishes for continued success and fulfillment.•

• Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues in honoring my good friend and distinguished colleague, AL ULLMAN. One of the truly major losses in the 1980 elections was the defeat of AL ULLMAN.

AL has served as Chair of the Ways and Means Committee since 1975. He has presided over this important committee during some of the worst economic turmoil since the Great Depression. AL's able handling of this committee in spite of severe disagreements among Democrats as to the direction tax policies should take is testament to his political and legislative acumen.

I am certain all my colleagues join me in wishing AL good fortune in his future endeavors.•

• Mr. HORTON. Mr. Speaker, I am pleased to join my colleague from Oregon, Congressman Bob DUNCAN, in paying tribute to our good friend, AL ULLMAN. I have known AL since I first came to Congress in 1962 and admire and respect his many accomplishments.

During his 23 years of service in the House of Representatives, AL ULLMAN has achieved a record of success that has been the envy of most of his colleagues. As chairman of the Committee on Ways and Means, AL has left this body with an impressive legacy of tax reform, social security improvements and a major international trade agreement. All of these stand as noteworthy reflections of his leadership of that most important House committee.

Although his service as chairman of the Ways and Means Committee may leave the most lasting impression, AL also distinguished himself as chairman of the Committee on the Budget in 1974, as cochairman of the Joint Study Committee on the Budget in 1973 and as a member of the Advisory Commission on Intergovernmental Relations until 1974. In all of this, AL ULLMAN has ably served this House and the residents of Oregon's Second Congressional District.

The challenges that will confront the Congress next year and the years ahead will require the guidance and counsel of experts in all fields with records of achievement and exceptional experience. I am confident AL ULLMAN will continue to help shape our future policies. I join my colleagues in wishing AL the very best.•

GENERAL LEAVE

Mr. DUNCAN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE RETIREMENT OF HON. ROBERT N. GIAIMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 60 minutes.

• Mr. COTTER. Mr. Speaker, with the close of the 96th Congress, our State of Connecticut will lose the representation of ROBERT N. GIAIMO who has served in the Congress of the United States for 22 years, longer than any other Member from Connecticut. During these years, BOB GIAIMO has established a distinguished record of service to the people of the Third District, and has earned the respect of all of those who know him.

When BOB first came to Congress in 1958, he served on the Education and Labor Committee until he was elected to the Appropriations Committee in 1963. He has served on that committee ever since, and has made his mark in the annals of the appropriations process by pursuing a rational approach to our country's defense budget.

BOB GIAIMO has spearheaded many successful legislative actions during his long career, but perhaps the most significant effort was BOB's leadership in the effort to end the war in Vietnam. His efforts brought him the admiration of Members on both sides of the issue.

The esteem in which BOB is held by this body was evident in 1977 when he was elected chairman of the House Budget Committee, and reelected in 1979 when an unprecedented change of the rules was agreed to so that he could serve a second term as chairman.

As we all know, BOB has done an outstanding job in this capacity. He has been a driving force in establishing the congressional budgetary process. Bob led the 96th Congress in curbing the Federal budget, and indeed produced a first balanced budget resolution. Changing economic circumstances thwarted these efforts to balance the 1981 budget, but BOB has placed Congress on an even course, and has paved the way for such action in the future.

Time will not permit me to comment on all of BOB's legislative achievements, but I would like to cite several of his major accomplishments which affect not only the citizens of Connecticut, but of the entire country.

BOB authored the Vocational Education Act;

He authored legislation establishing the Arts and Humanities Commissions;

He was the chief architect of the reconciliation process which can be used in the future to restructure entitlements programs;

Bob worked intensively on the Northeast Corridor project to insure that Connecticut was included;

He funded the Milford, Conn., Shellfish Laboratory;

He kept the Bridgeport Weather Station;

He secured funds for dredging the New Haven Harbour;

He secured a control tower for the New Haven Airport;

He secured $1,000,000 for the innovative Hospice program to care for the terminally ill; and

Established the Cooley's anemia research fund.

Bob Giaimo is one of Connecticut's great political leaders. He is an able and talented public servant in whom we are all proud, and will deeply miss.

I commend you, Bob, on your brilliant accomplishments, and wish you the very best in your retirement. My best wishes too, to your wife Maria and your daughter Barbara.

I am certain that they are looking forward to having more time with you. I know that you will not be silent on the issues simply because you are not serving in public office, and I am certain too, that you will be called upon for counsel and advice by those of us who are still struggling to legislate responsibly, fairly, and constructively.

I am joined in this salute to Bob by our former colleague and our Governor, Ella Grasso. I will add her statement on Bob's retirement at the conclusion of my remarks.

> It is a great honor for me to pay tribute to one of the most distinguished public servants in the history of Connecticut, the Honorable Robert N. Giaimo.
>
> Bob is an outstanding example of a native son who made good. He is a native of New Haven, a graduate of Hillhouse High School and the recipient of a law degree from the University of Connecticut.
>
> In earlier years, he served his community of North Haven as a member of the Board of Education, the Board of Finance and as the town's Third Selectman.
>
> He was first elected to the Congress in 1958, and he has been reelected ever since, providing our state and his Third District with 22 years of excellent representation, the longest continuous service to our state in the United States House of Representatives.
>
> He became a ranking and tremendously respected member of the Appropriations Committee and sponsored much-needed and meaningful legislation in a wide range of important areas of concern. These included urban renewal, vocational rehabilitation for the handicapped and research into Cooley's Anemia.
>
> Later, his colleagues paid him the highest of honors by selecting him to be Chairperson of the prestigious Budget Committee. In this office, he has won the respect and admiration of his peers and all our people through his strong commitment to fiscal responsibility.
>
> He was a great help to me during my two terms in the Congress, and he has been a staunch supporter of the vital interests of Connecticut whenever I have turned to him for assistance in my role as Governor.
>
> On behalf of the people of Connecticut, it is my privilege to extend to Bob the deepest appreciation of his many achievements. The citizens of our state will surely miss his experience and expertise in the Congress. We wish him good health, happiness and continued success and fulfillment in his future endeavors.
>
> Ella Grasso,
> *Governor.*●

● Mr. O'NEILL. Mr. Speaker, it is with sincerely strong emotional feelings that I rise to honor one of the most talented and diligent legislators of the past decade, and one of the warmest, most likeable individuals I know, Robert N. Giaimo, on the occasion of his retirement from the House of Representatives. Bob Giaimo and I have served together in the House for more than two decades. With Bob Giaimo's departure from the House, I feel that I am losing the good counsel, advice, and firm support of one of my closest personal friends and colleagues.

When Bob Giaimo first came to the Congress in 1958, he served on the Education and Labor Committee. Then in 1963, he was assigned to the House Appropriations Committee. Pursuing a reasonable and rational approach to our Nation's defense spending, Bob made an impressive and indelible mark on the annals of the congressional appropriations process. When the House Budget Committee was first established by the Congressional Budget and Impoundment Control Act of 1974, Bob was elected to its membership. First, as a member of that important committee, and most recently, since 1977, as chairman of the Budget Committee, Bob Giaimo has been a guiding light and driving force behind the successful implementation of the budgetary process.

Every Member of the House knows that the budgetary road has been far from an easy one to travel. When Bob Giaimo decided to pursue a legislative course of action, he pushed hard and fast, convincing not only the members of the Budget Committee, but, indeed, the whole House of the correctness of that approach. The recommendations of Chairman Giaimo demonstrate the same intelligence and judgment that have characterized his service to the people of his district and his home State of Connecticut, as well as to the entire Nation.

The New York Times has named Bob Giaimo "Congress foremost budgeteer—a true believer in the necessity of fiscal discipline and spending constraints." And we all know that had it not been for Bob Giaimo's knowledge, persuasiveness, perseverence, and dogged determination, the 6-year-old congressional budgetary process would not be looking forward to the celebration of its seventh birthday.

As Speaker, I am proud to say that Bob Giaimo has been an indispensable Member of the House Democratic leadership team. He has brought to his position as chairman such qualities of leadership as openness, fairness, a sense of conviction, and reliability. He always made sure that everyone on his committee, Democrats or Republicans, conservatives or liberals, defense-oriented or domestic-priorities advocates—had a voice in the deliberations of the Budget Committee.

In short, as the Washington Post pointed out, Bob Giaimo—

> Has acquired widespread respect as one of the toughest and most effective committee chairmen in Congress, knowledgeable about the issues and a good negotiator, to boot.

In addition, Bob Giaimo deserves the praise and commendation of his colleagues, not only for his role in the House of Representatives, but also for his position as one of Connecticut's finest political leaders. As dean of the Connecticut delegation, Bob holds the longevity record for the State of Connecticut for service in the House of Representatives. He is the first Connecticut Democrat in this century and the first Connecticut Congressman since 1931 to chair a House committee.

Despite all of his personal achievements, and praise and accolades from his colleagues, Bob Giaimo has remained a forceful advocate for the causes in which he believes—consistent, resolute, and determined. I recall the many battles during the late sixties and early seventies when we worked together to end American involvement in the Vietnam war. In the beginning, it was awfully lonely out there, yet Bob's unyielding political toughness and willingness to stand up and be counted helped to give me the strength and courage to pursue the fight until the ultimate day of triumph.

It is indeed a remarkable achievement to be both a superb legislator and a fine human being. Bob Giaimo meets both qualifications. I commend his amiable personal qualities as well as his outstanding legislative skills and keen political insights.

I extend my best wishes to Bob and his lovely Marion, for continued health, happiness and success in all their new endeavors.●

● Mr. RATCHFORD. Mr. Speaker, I welcome this opportunity to add my voice to the many statements of praise, respect and sorrow as we anticipate the loss of one of the most honored and distinguished Members of this House—my colleague from Connecticut, Robert N. Giaimo.

For me, it is hard to imagine the House without the presence of Bob Giaimo. In Connecticut history, Chairman Giaimo holds a unique place, serving the most consecutive terms as a Member of the U.S. House of Representatives from our State. He has represented the Third Congressional District of Connecticut with distinction for a period spanning my entire adult life, and his departure from the Halls of Congress is an occasion for sadness both at home and here in Washington.

Any attempt to summarize the career and the personality of Bob Giaimo brings one back continually to a few rare qualities—integrity, leadership, and respect. He has enjoyed a special kind of respect among his colleagues here in the House, for his integrity as a strong and effective leader, and more recently for his thankless efforts to forge a meaningful budget process in the Congress which responds to the will of this House and this Nation. Bob has offered a measure of strength in his years in the House, of moral courage and character, which the Congress can ill afford to lose during these turbulent times.

Yet I cannot offer this tribute to my distinguished colleague from Connecticut without adding what Bob Giaimo has meant to me personally—as a friend and as a model for my own career in this august body. I can remember so vividly the many hours which Bob has spent with me over the course of the past 2 years, helping me to adjust to my new responsibilities during my first term, always patient and mindful of his own beginnings in the House some 22 years ago. His guidance has left me with a deep respect and a sense of friendship which I value most highly.

We will miss Bob Giaimo. There will be countless challenges ahead which will remind us of the many contributions he has made and of the ways in which we will be at a disadvantage without his leadership and his counsel. Perhaps our only lasting solace lies in the knowledge that we have been fortunate to have had for so long the benefits of his service in this chamber. The loss is ours, but we wish him well.●

● Mr. DODD. Mr. Speaker, the Connecticut delegation is losing its dean. Congress is losing its fiscal watchdog, and the Nation is losing one of its most dedicated legislators. After 22 years representing Connecticut's Third District in the House of Representatives, Bob Giaimo is retiring.

I do not envy Bob's successor. He is going to have a tough act to follow. His new office may even be located in the Robert N. Giaimo Federal Building in New Haven.

Bob Giaimo has served the Third District for 11 consecutive terms, and during that time he has built a reputation as a hardworking, courageous and influential spokesman for his constituency. As the chairman of the Budget Committee for the past 4 years, he has also received national recognition for his strong stands on budgetary restraint to control inflation. The Reconciliation Act we considered today represents the culmination of his work as Budget Committee chairman and he can be proud of the result.

Bob is also a ranking member on the Appropriations Committee and has served on the Education and Labor Committee, the Joint Committee on Congressional Operations, and the Select Committee on Intelligence. In 1976, Bob chaired the Democratic State Convention, and at this year's convention, a resolution was passed in his honor for his work on behalf of the Democratic party and the people of Connecticut.

Although Bob is retiring, I am certain that his voice and his opinions will continue to be familiar to those of us in Washington and Connecticut politics. I am proud to have had the opportunity to serve with Bob Giaimo in the House, and I am proud to have been the recipient of his counsel and his barbs on occasion. I wish both Bob and Marion the best of luck and the best of life.●

● Mr. NELSON. Mr. Speaker, in 1962, as a sophomore at Yale University, I ventured to the New Haven Green for President Kennedy's whistle-stop tour. He came to New Haven on behalf of second-term Congressman Bob Giaimo. I was impressed by the warmth and competence of this Congressman.

Sixteen years later, I had the privilege of getting to know this Member of Congress as my chairman of the Budget Committee and he is still the warm and competent human being that I observed so long ago.

Under his outstanding leadership, the Budget Committee has become a major instrument in the House to control Federal spending. With his leadership in the 96th Congress, two budget landmarks have been achieved—a balanced budget in the first budget resolution for fiscal year 1981 and the first budget reconciliation bill representing about $8.7 billion in savings.

Although the changes in the economy have resulted in an increase in the deficit for fiscal year 1981 second budget resolution, we were able, with Bob's leadership, to cut $16.5 billion from the President's proposal last January. In spite of economic difficulties the fact still remains that this Congress achieved a balanced budget for the first time since the enactment of the Budget Act in 1974. The momentum has now been established——Congress knows that it must discipline itself.

We have also passed the gargantuan Omnibus Reconciliation Act of 1980. This bill represents the efforts of 8 committees in each House and more than 100 conferees. Bob's strong will and his leadership guided all of the 12 subconferences through to completion with resulting savings of about $8.7 billion. This is a first. And we could not have done it without Bob Giaimo at the helm.

These are just two examples of Bob's extremely effective leadership which will be missed by this body when he retires. I will miss working with him on the Budget Committee and I will miss him as a friend.●

● Mr. ROSTENKOWSKI. Mr. Speaker, as the 96th Congress draws to a close, I am proud to say that I have served with a man as capable as Robert N. Giaimo.

Bob has consistently demonstrated his ability as a totally professional Member of Congress. On numerous occasions he has taken politically difficult stands for he has felt such positions were in our long-term national interest. Let me further say that he never has taken a difficult stand with any degree of timidity—when Bob Giaimo takes a position it is clear and straightforward.

For the last 4 years as chairman of the Budget Committee, he has been the point man for responsible fiscal policy. I must say that position with its job of constantly reigning in on expenditure levels is oftentimes a thankless assignment. Yet, through all the stress accompanying the Budget Committee chairmanship, Bob has maintained his high level of fairness.

Mr. Speaker, I wish Bob the best of luck in his future endeavors. I am certain that he will be quite active in the years to come for a mind as keen as his cannot remain idle.●

● Mr. MOFFETT. Mr. Speaker, Bob Giaimo has represented Connecticut's Third District for 22 years, but he is not retiring because he has lost his vigor or his ability to fight for what he believes in. He is, rather, leaving the House of Representatives at the height of his power and professional success.

As chairman of the House Budget Committee for the last 4 years, Bob has been largely responsible for the continued existence and strength of the congressional budget process. This year, for example, he succeeded in making reconciliation a viable useful part of the budget process for the first time since it was instituted. I hope that the budget process can retain its strength and relevance once Bob leaves the Congress.

Bob's leadership and integrity have always deserved and received my respect and admiration, and I will be sorry to see him go. I first came to the House of Representatives as part of the class of 1974, a somewhat overzealous and vocal group. Bob showed us that it was possible to mix idealism with pragmatism and effectiveness in the House of Representatives. I thank him for this important lesson and for the fine example he has set for all of us; and I wish him the best of success in his future endeavors.●

● Mr. ROE. Mr. Speaker, I am pleased to join in the salute today to Bob Giaimo, who is retiring from this body after 20 years of outstanding service to the people of Connecticut and the Nation.

As chairman of the key House Committee on the Budget, Bob Giaimo has helped secure passage of legislation that has helped to stabilize the Nation's economy during these turbulent times.

His dedication and hard work have established him as one of the true leaders of this Congress. As we move into the 1980's, tough decisions will have to be made as to how Federal Treasury revenues should be spent to meet the needs and interests of the American people.

In that effort, Bob Giaimo's expertise and guidance will be sorely missed. Bob, we salute you for your service to the United States of America.●

● Mr. JONES of North Carolina. Mr. Speaker, it is difficult to anticipate the frequent battles over the budget without having the wise leadership and counsel of Bob Giaimo. Certainly he has one of the most frustrating jobs in continually striving to reach a balanced budget. Although I personally will miss him, I certainly feel he is entitled to a well earned rest in the private sector.

To him and his family I wish the best of everything in the years ahead.●

● Mr. de la GARZA. Mr. Speaker, it is a great honor to be joining my colleagues today in paying tribute to one of the most respected Members of the House of Representatives, the Honorable Robert Giaimo, who has so competently served the people of the Third District of Connecticut and the Nation during his 22 years in Congress.

In the past 4 years, Robert Giaimo has served in one of the most difficult positions in the House as chairman of the Budget Committee. That we in Congress have been able to show a sense of discipline in the budgetary process is a tribute to Robert Giaimo's dedication and effectiveness as a chairman of the Budget Committee. We must all be thankful for the leadership Robert Giaimo has shown in trying to curb the growth of Government expenditures.

In whatever Robert Giaimo may decide to do in the months and years ahead, I wish him the best of luck.●

● Mr. WHITTEN. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Bob Giaimo, the distinguished chairman of our Budget Committee and a longtime member of our Appropriations Committee.

I have known Bob Giaimo for many years, having served with him on the Appropriations Committee since 1963, and can truly say that he is one of the giants in the House of Representatives. His dedication and devotion to working for his district and the Nation is unsurpassed. His superb handling of the budget resolutions as chairman of the Budget Committee as well as his expertise on budget matters is well known throughout Government.

Bob truly deserves the appreciation of all the Nation and his colleagues for his diligent work in the Congress. The House is losing one of its most-abled Members, one who we all will miss. I join with all of Bob's many friends in wishing him a very happy retirement, and hope he will visit us often.●

● Mr. CARTER. Mr. Speaker, the decision by Robert Giaimo to retire at the end of this Congress is a loss to the good people of Connecticut who saw fit to send him to Washington 11 times to represent them.

But it is a loss to this body as well for Bob Giaimo has been a particularly astute and adept legislator. Those qualities have been particularly apparent over the past 4 years as he served as chairman of the House Committee on the Budget.

When we enacted the Congressional Budget Reform and Impoundment Control Act of 1974, we did so to get a better handle on management of the Federal budget and Federal fiscal policy. While still maturing, that budget system continues to offer the greatest hope for responsible Federal spending control. The successes it has enjoyed thus far are due in no small part to the diligent and intelligent service of Bob Giaimo. The Congress and the Nation will miss his good services.

As he leaves the House, I want to wish Bob a very long and rewarding retirement.●

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to take part in this special order for our distinguished colleague Bob Giaimo. It has truly been a pleasure serving with him during my time in this body.

I know that Bob and I did not always agree on legislative initiatives that came before us in this Chamber. However, I did want to express to him today my great appreciation for the fine work he has done as a Member of Congress and especially as chairman of the House Budget Committee. He has served in that capacity since 1977, during a time when it became imperative that Congress gain greater control over the Federal budget. It was a monumental task and Bob Giaimo did a superb job in providing this body leadership and expertise on budget matters.

As you go into retirement, Bob, I hope that you will be able to reflect on the accomplishments you have been able to achieve with a young budget process. You can be proud of your work and satisfied that there are many of us who will miss your expertise and guidance. I wish for you and your family the very best and warm wishes for a well deserved retirement.●

● Mr. VAN DEERLIN. Mr. Speaker, of our good friend and colleague, Bob Giaimo, it can truly be said that he has grown in full measure with rapidly increasing responsibilities.

As chairman of the Committee on the Budget, Mr. Giaimo has withstood enormous pressures to establish a systematic and effective approach to processing the budget. To his eternal credit, he has been most evenhanded in his treatment of the many and diverse interests involved in the most complex of processes. As much as any of us, Bob Giaimo has earned the right to rest on his laurels.●

● Mr. COUGHLIN. Mr. Speaker, I am honored to join my colleagues today in acknowledging the retirement of an outstanding legislator and public servant, the Honorable Robert N. Giaimo, from the House of Representatives. After 22 years of distinguished service to the Third Congressional District of Connecticut and the Nation, Bob's presence in the House will be greatly missed by all those who have had the privilege of serving with him.

Having worked with Bob on the House Appropriations Committee for a number of years, I know personally of Bob's skill as a legislator and a leader. In assessing Bob Giaimo's most significant contributions to the House, I also want to point out his tireless efforts and undying devotion as chairman of the House Budget Committee. Under Bob's leadership the Budget Committee was able to take on the Herculean task of setting Federal budgetary guidelines, thereby affecting important national policy priorities. Bob's success during the 1980 House-Senate conference on the budget is but the most recent example of his leadership abilities in directing a reasonable balance between widely varying interests and perspectives within the Congress.

A well-respected Member of the House, Bob's firm dedication to the responsibilities of his office, to the welfare of his constituents in the Third District, and to the principles in which he believes will continue to provide a shining example to all his colleagues. I would like to extend both my gratitude and best wishes to Bob.●

● Mr. EDWARDS of California. Mr. Speaker, I would like to thank the gentleman from Connecticut (Mr. Cotter) for arranging for this afternoon's special order to pay tribute to our colleague, Bob Giaimo.

We will all miss Bob's leadership here in the House. His strong efforts to effectively implement our budget process have been remarkable. He has faced the unenviable task of trying to reconcile the requests of the various committees of the House for larger budgets for programs they authorize with demands for real reductions in Federal spending levels.

Although the task might appear impossible to many, Bob has never avoided his responsibility and his efforts have seen much success. Under his leadership we have seen a steady decline in the level of our Federal budget deficit. In the last year of President Ford's administration, the deficit was some $63 billion. Under the budget resolution just approved, for which Bob Giaimo was largely responsible, the deficit is $27 billion. I feel confident that his success in bringing our budget process into maturity has laid the groundwork for elimination of the deficit in the near future.

For his achievements in bringing order to our Federal budget process, this body owes Bob a debt of gratitude. We will miss his leadership and his counsel on this and other issues.

In closing, I would like to wish Bob all the best in his future endeavors and to express the hope that he will continue to give us the benefit of his counsel on the difficult issues which will face the 97th Congress.●

● Mr. LONG of Maryland. Mr. Speaker, Bob Giaimo leaves this House concluding 22 years of distinguished service to his country. All of us will miss his sound judgment.

Bob's forthrightness and his deep commitment to the well-being of this Nation have been clearly illustrated in his eminent success in the difficult task of chairman of the House Budget Committee, through his strong stands against wasteful Government spending, and his support for a balanced Federal budget.

One of the proudest moments that Bob and I shared, along with our colleague Joe Addabbo, was our collaboration to get House passage, in May 1973, of the first amendment banning U.S. combat in Southeast Asia. Bob was always thoughtful, constructive and thoroughly prepared throughout our battle. His legislative craftsmanship insured our success.

Susie and I wish Bob and Marion every joy in their well-earned return to private life.●

● Mr. ADDABBO. Mr. Speaker, as the business of Congress comes to an end for this session, I would like to take time out for a moment or two to join my fellow colleagues in a tribute to the Honorable Robert Giaimo, a distinguished colleague, faithful public servant to the State of Connecticut, and equally important, a dear and trusted friend, who is retiring after 22 years of service in the House.

If one were to ask each and every one of us who serve in the House whom we consider some of the hardest working, most skillful and respected Members, it would not surprise me in the least that the name of Bob Giaimo would rank near the top of that list. I say that because I consider Bob one of the finest and most able legislators to have served in this Chamber. His dedication in striving to better his district and the Nation has been greatly appreciated by all who have come to know him, and few men have accomplished so much with so little fanfare. Needless to say, few will be missed as much as Bob.

I have had the privilege of working closely with Bob on the Appropriations Committee where I have found him to be an invaluable, irreplaceable coworker, whose expertise has made the committee's job so much easier. Bob will never really know how grateful I was that he was on my right when we served together on the Defense Appropriations Subcommittee, and I find it very difficult to comprehend that he will not be with us come January.

One of the most dynamic leaders on Capitol Hill, Bob used his attributes as a master technician to the fullest while serving with distinction as chairman of the House Budget Committee, certainly one of the most grueiling and important responsibilities in Washington. I am sure I speak for all of us when I say that few men could have handled it better than Bob.

A dedicated family man, I am sure Bob relishes the opportunity to be able to spend more time with them. I will miss Bob very much and I hope he takes the opportunity to come back and visit a Chamber where his achievements will long be remembered, and I wish him the very best of luck in a future that I am sure will be as fruitful as his past.●

● Mr. JOHNSON of California. Mr. Speaker, after 22 years of dedicated service in the House of Representatives, Congressman Robert N. Giaimo is retiring to private life, and this body will be the poorer for his going.

Bob Giaimo and I entered the Congress together some 22 years ago, and through those years I have never ceased to admire the vigor and the intellectual strength he brought daily to the work of the House.

His constituents in the Third District of Connecticut obviously shared the respect and affection that we, his colleagues, feel for him, because they have elected and reelected him 11 times and would undoubtedly have given him still another term had he so desired. As it is, he has served in the Congress longer than any Member from Connecticut in the history of the Republic.

Bob Giaimo has played a key role in one of the most fundamental legislative actions ever taken by the Congress—the Congressional Budget and Impoundment Control Act of 1974, which established new procedures for congressional consideration of Federal budget and fiscal policies. It is altogether fitting that his colleagues selected him as chairman of the House Budget Committee in addition to his pivotal position as ranking majority member of the Appropriations Committee.

His role in congressional budgeting is but one of the many through which our friend and colleague has made an unforgettable mark on the record of the House. He will be greatly missed in the years ahead.●

● Mr. STOKES. Mr. Speaker, I would like to thank the distinguished gentleman from Connecticut (Mr. Cotter) for taking this special order so that we can honor the Honorable Robert N. Giaimo, who is retiring after 22 years in the House of Representatives. As the senior member of the Connecticut congressional delegation, and the people of outstanding leaders of this body, it is only fitting that we pause to salute Bob.

Mr. Speaker, as we enter the 97th Congress with an increasing attention to the economic crisis in this country, I can say unequivocally that the unrelenting leadership of Bob Giaimo will be missed in the Congress and in this Nation.

Mr. Speaker, I have had the good fortune of serving with Bob on both the House Budget Committee of which he serves as the chairman and the House Appropriations Committee.

During our tenure together on these two important committees, we had our disagreements on occasion. But, Mr. Speaker, Bob always has been willing to consider all arguments and make a decision based not solely on his views but on what he felt was best for this Nation. This stance has earned him the respect of Members on both sides of the aisle.

Since his election as chairman of the House Budget Committee in 1977, Bob has set a standard of excellence which will be hard to match. He has been a conscientious worker and has expected each member of the committee to approach the budget process with the same seriousness and commitment. Mr. Speaker, Bob constantly stressed that the economy and the welfare of the American people should be given the highest priority.

I know that my colleagues on the House Budget Committee will agree that the budget deliberation process was not always pleasant. However, Mr. Speaker, it was organized and was conducted effectively largely because of the strong leadership of Bob Giaimo. In my estimation, Bob's greatest achievements were made in this area.

Mr. Speaker, the members of the Budget Committee, the Connecticut congressional delegation and the people of the Third District will miss Bob. I would like to thank him for a job well done. Mr. Speaker, I join with my colleagues in bidding him farewell and wishing the best for him in the future.●

● Mr. MONTGOMERY. Mr. Speaker, it is extremely difficult to rise today for the purpose of bidding a fond farewell to Bob Giaimo, because in doing so we are saying goodby to the man who truly worked untiringly to make the budget process not only work, but work properly.

I certainly have not envied his task as chairman of the Budget Committee because I know of the many hard decisions he had to make in setting budget priorities at a time our Nation was facing very serious economic problems. To his credit, Bob always attempted to fashion a budget resolution that would represent a consensus view. Even though some of us might have disagreed with the final product, we always knew that he had given the task at hand his all with fairness and objectivity.

For 22 years, the people of the Third Congressional District of Connecticut have had the wisdom to elect Bob Giaimo as their representative and for 22 years, we in this body have benefited from his wisdom and experience. I join with my colleagues in wishing Bob the very best in the future and thanking him for being a dedicated colleague who set an example for the rest of us to follow to become effective legislators.●

● Mr. KEMP. Mr. Speaker, there are few tougher jobs in this legislative body than that of the chairman of the Committee on the Budget.

Albeit from the struggle in which I am still engaged—to make America's economic pie big enough for everybody to have a bigger share—I say this because I know that Bob Giaimo shares the goals and love we all have for our country and the betterment of the American people.

By his deeds and contributions, Bob Giaimo is not only one tough Connecticut Yankee, he is an exceptionally talented and dedicated public servant. This I know because I have had the privilege of working with him on the Appropriations Defense Committee. All of us in this body and the American people are the better for his years of faithful service and the legacy he leaves with us.

What makes American democracy the envy of the world and what makes it work is the leadership Bob has given us.

Perhaps uppermost in the minds of many of us at this time is the exceptional skill and patience it took to work out the first budget reconciliation bill. This commitment to maintaining the integrity of the budget is paramount. For this I wish to add my own words of praise for Bob Giaimo's work to the articulate commendations of our colleagues.

But beyond this outstanding achievement is the day-to-day skill Bob has lent to the entire complicated budget process and, indeed, to all the deliberations in which we, on both sides of the aisle, have engaged over the years.

Twenty-two years of devoted service to his congressional district, to his State, and to his country has been rewarding to the people, to us in the Congress and, surely, to Bob.

But, Mr. Chairman, you will not escape our requests for counsel nor our fondness for you, personally.

I wish my colleague, Bob Giaimo and his family well in the years ahead. And I look forward to our lasting friendship.●

● Mr. VANIK. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the finest gentlemen in Congress, the distinguished representative from Connecticut, the Honorable Robert N. Giaimo.

I have known Bob since 1958, when he first came to Congress, and I can say without hesitation, that Bob has been a credit to the Congress and to all who served with him.

His committee work has been exemplary. As chairman of the House Committee on the Budget, he set a standard which was indicative of the conscientious and responsible manner in which he discharged all his duties as a Member of this body.

Bob Giaimo proved that the budget process could work. He made brave, courageous decisions. He was the man for the job in every respect.

I am proud to have served with this fine Congressman.●

● Mr. CONTE. Mr. Speaker, it is with a heavy heart that I join with my colleagues in paying tribute to Congressman Bob Giaimo on his retirement from this body.

Bob and I have shared many experiences over the past 22 years in the Congress. We were both elected in 1958 from States in New England to the 86th Congress. We are both of Italian descent, and have worked hard, struggling up the ladder to achieve our successes together. More importantly, Bob and I worked alongside one another on the House Appropriations Committee, where he exhibited his fair and trustworthy leadership qualities, always working to report legislation which would be equitable, honest, and just.

Of course, one of the major things we do not have in common is that he is now retiring, and I am not. It has been my pleasure to serve with Bob in the Congress. His fine leadership and superior efforts as a conscientious Member of this body have demonstrated quality that will, without a doubt, be sorely missed. As one of the original members of the House Budget Committee established by the Budget and Impoundment Control Act of 1974, Bob has had a profound impact on setting Federal spending, revenue, and debt levels and establishing broad national policy priorities. His impact on this kind of legislation was increased by his appointment to the chairmanship of this committee in 1977. Holding that position for the past 3 years, he has proven himself to be a truly reasonable leader whose politics never get in the way of his commonsense.

I have enjoyed the tenure I have shared with Bob, wish him the very best for the future, and only hope our paths will continue to cross.●

● Mr. UDALL. Mr. Speaker, Bob Giaimo is one of the best people I have had the privilege to work with in my years in the Congress. His stewardship and leadership as chairman of the House Budget Committee have been immensely important. He has laid the truth out bluntly and eloquently. Bob is a fine man and a solid leader, and I will miss him.●

● Mr. ST GERMAIN. Mr. Speaker, it is honor to pay tribute to Representative Bob Giaimo for his 22 years of untiring service in this legislative Chamber.

As one of the few Members whom I have served with throughout my tenure, I have been able to observe and appreciate, what an incomparable resource Bob Giaimo has been to myself, and to the constituency he represented for so many years. Not only was he a fine New England colleague, his labors served far beyond the regional scope as well. In his role as chairman of the House Budget Committee, a position he executed with great pragmatism and foresight, he addressed a national mandate in establishing extensive budgetary policy priorities.

Personally, it was also in the area of budgetary concerns where Bob Giaimo was extremely helpful. He offered his time, knowledge, and true concern, to a number of budget projects of paramount importance to me. I am very fortunate to have been the recipient of his invaluable assistance in these endeavors.

Bob Giaimo represents hard work, sterling character, and a true dedication to the meaning of public service. I hope that he leaves this body having found these years as personally rewarding as we have been rewarded by his tenure.●

● Mr. WIRTH. Mr. Speaker, I am pleased to join Representative Cotter and other Members in paying tribute to our distinguished colleague from Connecticut, Bob Giaimo. When he retires at the end of this session, he will be removing from our midst 22 years of distinguished service in the House of Representatives, including thoughtful and effective work on the House Budget Committee and the Appropriations Subcommittee on Defense.

During his tenure as chairman of the Budget Committee, Bob has done much to develop a consensus as to the need for reigning in on the growth of Federal spending. We are all painfully aware of the difficulty of governing effectively in the face of increasingly diverse and powerful special interests, and Bob has often served as our point man, taking much of the heat and criticism for budget-cutting proposals which inevitably upset one constituency or another.

It is fitting that we choose today to remember the contributions which Bob has made to Congress and to the Nation, since it was this morning that we overwhelmingly approved the conference report on the omnibus reconciliation bill which will reduce the 1981 budget deficit by more than $8.5 billion through changes in existing laws. It is Bob Giaimo who deserves the lion's share of the credit for this bill.

The guidance and friendship which he has provided to so many of us will be sorely missed. I join in wishing Bob the very best in the years ahead.●

● Mr. ANDERSON of California. Mr. Speaker, it is my pleasure today to say a few words about our good friend and colleague, Congressman Robert N. Giaimo. It is difficult to condense the career of a man who was always so thoroughly in the thick of things.

And Bob, over the years, has kept himself totally involved in the workings of Congress. Somehow, headlines generally seemed to go to other Members, but it has been Bob that got the work done. Whether it was as a long-time member of the Appropriations Committee, or chairman of the Budget Committee, Bob was always given the difficult tasks, and he has never failed to rise to the occasion.

When he was handed the reins of the then-fragile Budget process, there were many who doubted whether that process, and the Budget Committee, could last. By its very nature, the Budget Committee has been a key target of every special interest group in the Nation. In the 4 years that Bob has been its chairman, the committee has not only survived, it has flourished. Sometime this week, the House will pass its reconciliation bill. That legislation could not have gotten to this stage today if it were not for the tremendous respect and trust the full House has in Bob Giaimo.

With Bob Giaimo's retirement, his constituents, the State of Connecticut, and the Nation, are losing a leader and a statesman. His colleagues in the House are also losing a leader, and a friend.

Lee and I wish Bob and Marion all the best in the years ahead. They have worked together and thoroughly deserve the leisure they will have a chance to enjoy in their retirement.●

● Mr. DERWINSKI. Mr. Speaker, As the 96th Congress passes into history, the legislative career of one of our distinguished Members comes to a close. After 22 years of outstanding service to his constituents and to our country, Bob Giaimo is retiring from public service.

His career in Congress has been historic not only in that he has served longer than any other Member from the State of Connecticut, but also in terms of its achievements. Bob has been one of Congress most vigorous champions of fiscal responsibility. As chairman of the key House Committee on the Budget, his effective legislative leadership led to many landmark procedures for congressional consideration of the Federal budget and national fiscal policy priorities. In addition to his chairmanship, Bob has been a progressive member of the Appropriations Committee.

As fellow members of the class of the 86th Congress, I have known Bob for 22 years and worked with him on matters of mutual concern. Bob has distinguished himself as a man of integrity and tremendous ability. He has been a great asset to this body, and I want to join in congratulating him upon his many years of valuable public service.

As he relinquishes his congressional office, my wife Pat and I wish to extend Bob and his wife, Marion, our sincerest best wishes for continued success and happiness in the years ahead.●

● Mr. GILMAN. Mr. Speaker, I rise to note the retirement of one of the most distinguished Members of the House, the gentleman from Connecticut (Mr. Robert N. Giaimo).

While Bob Giaimo and I have differed on many issues, I have long admired his most heartfelt concern over the last few years, the congressional budget. Bob Giaimo's dedication to the Congress, and to the budget process, is legendary. His has been a voice which is willing to ask us to face up to the difficult choices we must make as legislators in a time of economic difficulties. While we have not always agreed with the solutions he has advocated, Chairman Giaimo has made our choices crystal clear.

I join my colleagues in wishing Bob good health and happiness as he leaves active service in this House. I am certain that his strong voice will be heard again.●

● Mr. HORTON. Mr. Speaker, with his retirement at the close of the 96th Congress, the House will lose one of its most able and respected Members. Congressman Bob Giaimo has served in this House longer than any other Member from the State of Connecticut and has achieved a legislative record second to none. His departure from the legislative branch represents a significant loss to this institution.

In his 22 years of service in the House, Bob Giaimo has played an important role in a number of areas. Outstanding among these is his chairmanship of the House Committee on the Budget. Bob assumed that position in January of 1977 and has done an impressive job in establishing the integrity of the Congressional Budget and Impoundment Control Act of 1974. This has been a particularly arduous and politically difficult job. Bob is to be commended for his objectivity and evenhanded leadership of the committee.

Bob Giaimo has also been a key member of the House Committee on Appropriations. His contributions to the Subcommittees on the Department of Defense, Legislative Branch and Treasury, Postal Service and General Government are recognized for their quality and persuasiveness.

I join my many colleagues in extending to Bob my best wishes as he retires from service in the House of Representatives. His legacy to this great institution will remain vital to the work of the House for years to come.●

● Mr. MATTOX. Mr. Speaker, the House of Representatives, the Congress and, indeed, the entire Nation soon must accept with a great deal of sadness, the departure of our colleague, Robert N. Giaimo. Bob Giaimo's decision to retire after 22 years of unblemished service capped by 4 years as chairman of the House Budget Committee is understandable and we must accept it. But this place will not be the same when he is gone.

I came to the House of Representatives 4 years ago and immediately was elected as a member to the House Budget Committee. Bob Giaimo became the committee's third chairman that year. Interestingly enough, the Democratic Caucus had to change its rules then and again 2 years later so Bob Giaimo could retain his chairmanship. These acts alone attest to the high esteem of our colleague.

But there is more, so much more that needs to be told. I must, however, practice Spartan brevity and go right to essence. Bob Giaimo has been a great chairman, a great Member of the House of Representatives, a great colleague and a great public servant. He could compromise when compromise was called for. He could stand firm when the situation called for that. And he could do all this without rancor or vindictiveness. In keeping the budget process alive and functioning, he has perhaps made one of the most significant contributions to this Nation's capacity to manage its fiscal affairs.

I am proud to have served with Bob Giaimo. I am honored that he is my friend. He is truly a great American and we will all be calling on him again and again for his wise counsel and advice. Good luck, Mr. Chairman, and stay close to all of us. We still need you.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in this tribute to my eminent colleague, Robert Giaimo, upon his retirement from Congress. Bob's service as chairman of the Budget Committee has been most distinguished. As we all know, that position posed great challenges, and served to demonstrate Bob's consummate legislative skill. For 4 years, Bob has guided us in the difficult and sensitive task of authorizing a national budget. His stewardship, during a period of great contention, has provided moderation and direction. Bob deserves tribute for his central role in the restoration of credibility to the congressional budget process.

As chairman of the Budget Committee, Bob Giaimo was faced with a complex and thankless task, but he bore the burden with grace and determination. I join in complimenting him on his distinguished and principled service not only to his constituents, but to all the people of this Nation. Bob, the House will miss you. My best wishes for a full and rewarding retirement.●

● Mr. BINGHAM. Mr. Speaker, I am happy to join with my colleagues in paying tribute to Robert Giaimo of Connecticut.

I had known of Bob Giaimo before I came to the Congress, and he was one of the first Members from a State other than New York that I met in the course of 1964. Ever since, he has always been a friend, genial, and helpful, a good companion, with a fine sense of humor.

For 22 years Bob has represented Connecticut's Third District, which includes the city of New Haven, where I was born and where my son and his family now live. His service to his constituents and to the Nation have been very great indeed. As others have noted, he has done an outstanding job in the difficult role of chairman of the Budget Committee, showing a remarkable ability to fashion compromises among members of differing views.

We hate to see Bob leave this body, but 22 years is a long time and his desire to move on to other pursuits is understandable. We wish him well in whatever he undertakes.●

● Mr. CORRADA. Mr. Speaker, it is fitting that we honor Bob Giaimo on his retirement on the same day that the House has passed the conference report on the budget reconciliation.

As chairman of the House Committee on the Budget, Bob Giaimo has steered the key legislation mandated by the Budget Act of 1974 through this House and thanks to his leadership this body has been able to comply with the requirements of this act. For this he will be remembered.

But more than anything else, Bob Giaimo will be remembered for his very efficient and effective representation of Connecticut's Third District for his intelligence compassion, and friendship.

I am fortunate to have Bob Giaimo as my friend and to have had his guidance, counsel, and assistance for the last 4 years. I will miss him as I am sure the House will miss him.

I am sure that all of my colleagues join me in wishing Bob Giaimo the best in his future endeavors.●

● Mr. RAHALL. Mr. Speaker, I would first of all like to thank my colleague, Mr. Cotter, for taking this special order today so that we may pay tribute to a man who has literally served in the "hot-seat" for the past 4 years as chairman of the House Budget Committee. That man, Robert Giaimo, is owed the gratitude of not only this House, but the entire Nation as well, for his leadership in this and many other areas.

In 1958, Bob Giaimo was elected to represent the Third District of Connecticut. Those 22 years of dedicated commitment to his constituents, marks the longest period of time any Member has served in the congressional delegation from Connecticut. Such a record is enough to earn the merit of his colleagues, but Bob Giaimo has done much more.

Before coming to Congress, Bob Giaimo won the respect and love of those with whom he lived. He was a veteran, an attorney, a member of the board of education and a selectman from his hometown of North Haven. He earned the same respect and love from those with whom he served in this House.

The needs and concerns of the Third District always came first, but in 1975 Bob Giaimo, as a member of the Defense Appropriations Subcommittee, led the fight against American involvement in Cambodia and Vietnam. He called for greater oversight of the intelligence community and in 1976, was elected chairman of the Budget Committee.

His term as chairman can be termed as one that, sought a level of Government spending that was reasonable, effective and efficient. He balanced the delicate political concerns of many of us, just as he sought to bring balance to the budget.

When the Congressional Budget and Impoundment Act of 1974 was approved, it set forth a process to guide Federal spending and fiscal policies. This process has had its doubters in the past, but due to Bob Giaimo's tireless determination the congressional budget process is now strong, and the framework he has set will benefit future generations of Americans.●

● Mr. RHODES. Mr. Speaker, among our colleagues who are retiring at the end of the 96th Congress is the chairman of the Budget Committee, Bob Giaimo. Bob and I were among the earliest proponents in the Congress of the Budget Committee concept, an attempt to get a handle on Federal expenditures that for so many years, like Topsy, "just growed."

Today, the Budget Committee is a reality, but we still are striving for budget control. However, the committee offers us the machinery to use, if we will, to compile a comprehensive budget, that adjusts expenditures within a framework of restraint.

Bob Giaimo has earned the respect and friendship of many Members, on both sides of the political aisle during his more than two decades of service in the House. We always hate to see one of our long-time colleagues leave, but I know that I join his many friends in the House in wishing Bob and his lovely wife, Marion, a well-earned, long, happy, and fulfilling retirement.●

● Mr. LEHMAN. Mr. Speaker, one of the genuine privileges of my tenure in the House has been knowing Bob Giaimo. I have served with him on three different committees, where I have been able to see him affect very important decisions.

The Select Committee on Intelligence

was volatile in its composition and very sensitive in its subject matter, but Bob provided a steady and meaningful point of reference.

Bob's leadership on the Budget Committee has been superb; he has really developed the budget process and made it work in his years as chairman. He has combined a solid commitment to his priorities with the ability to "fall back and regroup" when the survival of the congressional budget process was threatened.

On the Appropriations Committee, Bob has been a strong voice for responsibility and restraint in Federal spending. He has carried the message of the Budget Committee's overall priorities to the committee which appropriates funds for actual programs, and he has been an eloquent messenger.

But beyond his legislative expertise and capabilities, Bob is a caring, sensitive, and firm friend, to me and to many of our colleagues. His exceptional abilities will be missed, but he will be missed far more for himself.

Joan and I wish Bob and Marion the very best in whatever they do, and health and happiness wherever they go. And we hope they will not stay away from Washington; their friends here will welcome them as often as they come back.●

● Mr. ZABLOCKI. Mr. Speaker, our friend and colleague, Representative Bob Giaimo, will be sorely missed when he retires at the end of this year after completing 11 terms in Congress.

Bob Giaimo has made his mark on this body through his outstanding work as chairman of the House Budget Committee. Our colleague, Bob, is a thoroughly dedicated and hard-working individual—one who remained committed to the guiding principles of fiscal responsibility during the toughest periods. As the chairman of the Budget Committee and the ranking member of the House Appropriations Committee, Bob often had to make politically unpopular decisions. But he remained firm to his conscience and performed his tasks with excellence.

Before coming to Congress, Representative Giaimo was an attorney and commissioned officer in the U.S. Army. He has contributed significantly to his State of Connecticut and to our country.

Mr. Speaker, I join my colleagues in wishing Representative Bob Giaimo, his wife, Marion, and his daughter, Barbara Lee, a fulfilling and happy retirement.●

● Mr. MICA. Mr. Speaker, I am proud today to take the floor to pay tribute to my good friend and colleague, Representative Robert Giaimo of Connecticut.

Congressman Bob Giaimo was first elected to the Congress in 1958, and commenced his congressional service in the 86th Congress. Twenty-two years later Bob Giaimo has decided to retire from his life in the Congress, but I have no doubt that his influence will be felt for many years to come.

I offer this observation for two reasons. First, Bob Giaimo leaves a legacy of accomplishment in his service as chairman of the House Committee on the Budget. Fewer jobs could have been more difficult, fewer responsibilities more great than dealing with the federal budget while maintaining the integrity of the congressional budget process. Congressman Bob Giaimo has given us his best effort in both tasks, and in the process he has given us all a better understanding of the workings of our Government.

Another reason Bob Giaimo's presence will continue is that he plans to embark on a most active and useful post-congressional life. At the peak of his career, Congressman Giaimo will be able to work with people from all parts of his Nation. People in business and industry, the professions and academia as well as the Federal Government will meet Bob Giaimo and be impressed with his detailed and thorough knowledge of our Government. I am just as sure that Bob Giaimo will keep in contact with Members to offer to us additional insights he will be gaining in his new role as private citizen.

Mr. Speaker, I want to add a special note regarding my appreciation of Bob Giaimo's help and support. Any first-term Representative, such as I, who comes to the House of Representatives, looks for leadership and support from Members who have already distinguished themselves in their career of service to the House and their districts. Throughout the past 2 years, I have sought the advice and counsel of Bob Giaimo, and he has helped me learn the often arcane and mysterious ways of this institution.

I might also add that this 96th Congress has looked to men and women of integrity, and in that area Bob Giaimo has been a pillar of strength. He has certainly filled the qualities which any Representative seeks to emulate, and it is certainly with honor that I call to the attention of my colleagues Congressman Bob Giaimo's distinguished career as a Member of Congress.●

● Mr. RUSSO. Mr. Speaker, Bob Giaimo is a man who is good at balancing. He has struggled so much with keeping a budget in balance that he merits a fiscal purple heart. He also is one of the talented legislators able to appropriately balance the needs of his constituency with those of the Nation. It is a skill that grows out of his clear-sighted way of viewing issues and a no-nonsense way of facing up to the tough problems. He is a man with convictions who backs them up with action.

These are qualities that have served Bob well in the difficult job of Budget Committee chairman. The Congress has benefited, as has the Nation. To have tackled this innovative and challenging new approach to budgeting and to have performed so brilliantly, demonstrates Bob's fine mind as well as his dedication.

Of course, Bob must face up to the sad truth that you can not excel everywhere. While he became a shining star at budgeting I would be remiss not to note that his golf swing suffered accordingly. You learn to accept the shortcomings of your friends.

There are very few shortcomings to worry about with this fine gentleman, however. I know all of us here wish Bob the best. He deserves it.●

● Mr. JENKINS. Mr. Speaker, I am pleased and honored to take this opportunity to speak on behalf of my friend and colleague, Robert N. Giaimo.

Bob Giaimo deserves our thanks and appreciation for over 20 years of dedication and responsible leadership in the House of Representatives. One does not rise to serve as chairman of the Committee on the Budget without justification. The monumental task of establishing fiscal policies is no doubt a great responsibility which Bob undertook with steadforth determination and zeal. Bob's expertise in guiding this powerful committee is abundant. Through his untiring efforts and diligent work as chairman, he brought forth some meaning to the reduction of the Federal deficit.

Bob was not only respected by those who served with him on the Committee on the Budget, but the entire membership of the house. I commend Bob Giaimo for the strength of his leadership and for the outstanding example he has set through his service to the Third District of Connecticut and to the Nation. I can continue to elaborate on the accomplishments of this great man, but his work will long be remembered after his departure to the State he has so successfully represented.

I extend to Bob every best wish for a productive and enjoyable retirement.●

● Mr. SHUMWAY. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in bidding farewell to our friend, Bob Giaimo, and in wishing him continued years of rewarding service in his future endeavors.

Although we are from different sides of the aisle, and have not always seen eye to eye in terms of political ideology, I have the highest respect for Bob Giaimo. He has utilized his leadership abilities in a most effective manner, and has consistently demonstrated strength of character. I have no doubt that his expert opinion in the area of economics and financial philosophy will be missed in his absence, or that his numerous contributions will be remembered.

Since his election to the 86th Congress in 1958, Bob's efforts as a legislator have made a lasting impact. He has always been an articulate spokesman for that in which he believes, and he has surely mastered the nuances of the legislative process. I am confident that he has served his district and the Nation in a manner guided by sincere concern and a desire to protect the best interests of our citizens.

I extend every best wish to Bob and to his family as he prepares to leave this body, and I am pleased to have had the opportunity to work with him.●

● Ms. OAKAR. Mr. Speaker, I wish to publicly acknowledge and commend the 22 years of dedicated service and notable achievements by our colleague from the State of Connecticut, Mr. Robert Giaimo, as he retires after this term in Congress.

The constituents of his Third Congressional District—as well as the people of the State of Connecticut—can be justly proud of his record during his 11 terms in the House of Representatives.

Since coming to the House in 1958, Bob Giaimo has been an articulate spokesman and effective legislator on a number of important national issues. As chairman of the Budget Committee, Bob Giaimo has handled that difficult responsibility with patience and understanding. Under Bob's leadership, the Budget Committee has emerged as the essential legislative tool in shaping the Federal budget.

I join with my colleagues in honoring Congressman Robert Giaimo for his outstanding work in Congress and extend to him my warmest wishes for an enjoyable retirement.●

● Mr. BROOKS. Mr. Speaker, the retirement of Bob Giaimo is a loss both to his constituents, his colleagues here in the Congress, and the Nation.

There has been a huge turnover in the membership of the House during the last few years and we have gained enthusiasm and fresh thinking. However, we have lost experience and wisdom that comes only from serving a number of years in this body.

On the House Committee on the Budget, Bob Giaimo has participated and led the way toward a balanced budget. He has done an outstanding job as chairman of the committee and his expertise will be greatly missed as we continue our efforts to set Federal spending, revenue, and national priorities.

I have come to admire Bob Giaimo and above all to respect him. It has been a pleasure to serve with him and I wish him the best in his retirement.●

● Mr. DRINAN. Mr. Speaker, the Congress and the country will always be grateful for the 22 years of service given to this body by Congressman Robert N. Giaimo.

During all these years, Bob Giaimo has served as an able and hard-working member of the Committee on Appropriations. He was one of the architects of the House Committee on the Budget which he chaired with distinction.

Before coming to the Congress, Bob Giaimo graduated from Fordham College and from the University of Connecticut Law School. He served his Nation in the U.S. Army and became a captain in the Judge Advocate General Corps of the U.S. Army Reserve.

All of the many friends of Bob Giaimo wish him well, along with his wife, Marion, and his daughter, Barbara Lee, as he begins another phase in his distinguished career.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Robert N. Giaimo, chairman of the House Budget Committee, who is retiring at the close of the 96th Congress as the dean of the Connecticut delegation to Congress. It has been a truly rewarding personal experience for me to have known him as a colleague and I am honored to have served with him during the 16 years I have been in the House of Representatives.

Bob was first elected to the 86th Congress in 1958, was reelected to every succeeding Congress until the present 96th Congress, and he proved himself a capable legislator and fully worthy of the trust and confidence of his constituents of the Third Congressional District of Connecticut.

This admiration for his leadership is not confined to the citizens of Connecticut, for he is respected by every Member of Congress. As chairman of the House Budget Committee, and as a ranking member of the House Appropriations Committee, Bob Giaimo has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Bob Giaimo. As the House leader in fiscal affairs and chairman of the Budget Committee, he has been in the forefront of efforts to implement meaningful solutions and effective action to see that the House of Representatives fulfills its constitutional responsibilities to stable financial policies for our Nation.

Bob is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Robert N. Giaimo my best wishes for continued success in devotion to the highest principles.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman Robert N. Giaimo, who will be leaving the House after 22 years of outstanding service to the people of the Third District of Connecticut, the Congress, and the Nation.

Bob's pioneer work as chairman of the Budget Committee will always be remembered by those of us who well understood the difficulty of the task he faced.

Bob's experience and expertise in legislative matters will be sorely missed by all.

I extend to Bob, his wife Marion and his family all my very best wishes for health and happiness for the future.●

● Mr. FUQUA. Mr. Speaker, Robert N. Giaimo will conclude an outstanding 22-year career in this House of Representatives at the close of the 96th Congress, leaving behind a legacy and body of work which should be an inspiration to all who follow.

While always providing able and effective representation for the constituents of Connecticut's Third District, Bob Giaimo has still found time and personal resources to provide leadership for the entire House which included yeoman service as chairman of the House Budget Committee since January 1977.

Bob Giaimo's understanding of issues, his thoughtful consideration of conflicting opinions, his careful balancing of human priorities against Government resources, have made his chairmanship of the Budget Committee a landmark of legislative service.

Having served longer than any other Member from the State of Connecticut, Bob Giaimo has brought great honor to his State and has contributed substantially to the workings and the dignity of this House.

Bob Giaimo's departure from our ranks will leave a void that will be hard to fill and a legacy to which all can aspire.●

● Mr. ROBINSON. Mr. Speaker, I welcome the opportunity to join in paying respects to our colleague, the distinguished gentleman from Connecticut, Robert N. Giaimo.

While his identity in the House has been linked, in recent years, principally to his energetic and conscientious service as chairman of the Committee on the Budget, my association with Bob Giaimo has been in his other important assignment as a member of the Committee on Appropriations and, particularly, in the work of the Subcommittee on Defense. We have had in common the experience of Army service in World War II and a concern for the national preparedness in the more recent times of mounting new threats to our continued enjoyment of peace.

Although we may have differed, from time to time, as to specifics of the defense effort, Bob Giaimo has been willing to consider viewpoints varying from his own. He has sought to arive at his own considered judgments on the basis of all available pertinent information.

The decision of our colleague to retire from the House is taking from the ranks a keen student of budget management. He has paid his dues to the society of public service, and we can understand and respect his wish to have time for other pursuits.

May our colleague and his family enjoy good health and every happiness.●

● Ms. FERRARO. Mr. Speaker, when the 96th Congress adjourns sine die, several of our most distinguished colleagues will end their careers as Members of the House of Representatives. All of them will be missed by those who have had the privilege of serving with them, and by the constituents who have benefited by their public service. They will also be missed by the millions of Americans on whose lives these men and women have made an impact.

It has been my privilege to be a Member of the House and serve with Bob Giaimo. Bob epitomizes the essence of public service. His dedication, diligence, and compassion have been the hallmarks of his career. Best known for his work as chairman of the House Budget Committee, Bob's indelible signature has been on the major budget legislation of the past two Congresses. All of us know how he has stewarded the budget process and the House of Representatives through difficult times. Throughout those times, Bob Giaimo never lost sight of the principles of equity and compassion.

To report a balanced budget resolution this year, the first one in 12 years, Bob Giaimo had to make some difficult decisions and author some fragile compromises. His willingness to do so made our task, as Members of the House, far easier than it could have been. The result was a carefully crafted compromise which reflected the need for fiscal austerity, and the true social and economic needs of this Nation. Unwilling to bend under pressure, from both directions, Bob Giaimo insured that the needs of this Nation were met, and were met in a manner best suited to the times.

Earlier this year, I had the pleasure of joining Bob and several other Italian-American Members of the House in

Italy as we participated in a conference with Italian legislators. The conference afforded me the opportunity to spend hours speaking with Bob and his wife, Marion. Marion, I found, shares Bob's dedication to public service, and his commitment to the Nation he has served so admirably for the past 22 years as a Member of Congress. I thank both Bob and Marion for the warmth and kindness they gave my daughter Donna on the trip. She has deep respect and love for both of them. I am delighted she had the chance to meet the "cream of the crop."

To say that Bob Giaimo is an outstanding legislator who has made his mark on this House and this Nation, is an understatement. To say that I, as a freshman Member, appreciate his wisdom and his guidance, is also an understatement. Suffice it to say that I have served with him with pride and a feeling of privilege, and that I shall miss him. I join his many admirers in thanking him for his work on behalf of this institution and the American people, and in wishing him the best of luck in any endeavor he chooses to undertake in the future.●

● Mr. BOLAND. Mr. Speaker, at the end of the 96th Congress the House of Representatives will lose one of its most capable Members, Congressman Bob Giaimo.

I have had the pleasure of working with Bob Giaimo for more than 20 years. We have served together on the House Appropriations Committee and I can attest to the high regard with which he is held in that body. His well-deserved reputation for legislative skill is a product of thorough preparation, attention to detail, and incisiveness. Those qualities have been on display in subcommittee and full committee sessions for two decades, and many new members of the Appropriations Committee have "learned the ropes" by watching Bob Giaimo.

Bob could lay claim to a distinguished career based solely on his productive efforts on appropriations measures. We all know, however, that he will be best remembered in the history of this House for his work as chairman of the Budget Committee. The difficulties which Congress has experienced in exercising the discipline required by the Budget Act are well known. It would have been easy at any number of times over the last 6 years to have succumbed to the temptation to jetison the budget process. That we as a body have not been permitted to yield to that temptation is a tribute to the tenacity and perseverance of Bob Giaimo. He has prodded and cajoled, and compromised, in an effort to achieve consensus when it appeared that agreement on a budget resolution could never be reached.

Under his chairmanship, the role of the Budget Committee in the fight to restrain Federal spending has become solidified. Succeeding chairmen will find that their efforts to improve the budget process have been greatly facilitated because of the secure foundation which Bob has left to them.

While I share the regret of my colleagues that Bob has decided to leave the House, I know I also share their understanding of his desire to seek new challenges elsewhere. He leaves this body secure in the knowledge that he has served the people of Connecticut and the people of this Nation with distinction. I want to wish him all the best in the days to come.●

● Mr. DERRICK. Mr. Speaker, I would like to thank my colleague and friend from Connecticut, Bill Cotter, for taking this special order to honor our colleague and distinguished chairman of the House Committee on the Budget, Bob Giaimo.

Mr. Speaker, the makeup of this legislative body will be quite different during the coming 2 years of the 97th Congress. In part, this change will be a result of a shift of mood in this country, and in part a desire on the part of some Members to pursue opportunities outside of the realm of the U.S. House of Representatives. Regardless of the circumstances, however, I can think of few Members whose departure will have a more profound effect on this body than the loss of Bob Giaimo.

Bob's 22 years of service in this Chamber will find few parallels. Having had the distinction of serving two terms on the House Budget Committee, I can attest to the demanding and frequently frustrating work its members, and particularly its chairman, must undertake. In large part, the budget process we see today is a reflection of the dedication and commitment Bob has made to it. Few would argue that the vote in 1978 to allow the chairman of that committee to serve two terms was anything but a strong vote of confidence in Bob Giaimo. The budget process, Mr. Speaker, is a complex and intricate animal, and Bob Giaimo has tamed it well. He will leave us the best possible mechanism for going about the rational, systematic, and orderly task of achieving meaningful fiscal control and restraint.

Beyond the budget, Bob's tenure in the House has included his fight against American involvement in Cambodia and Vietnam in 1975 as a member of the Defense Appropriations Subcommittee, as well as his efforts to improve and make more aggressive the congressional oversight of domestic intelligence agencies. As these issues would suggest, Bob has never chosen the easy route, he has tackled the tough and politically volatile issues head on.

Mr. Speaker, I have taken this opportunity to voice my regret over the loss of Bob Giaimo to the House, and I hope my remarks will be taken as an indication of the deep respect and admiration I have for him. I remain confident that whatever course Bob chooses after leaving this position will lead to continued and enhanced distinction. Bob, I would like to extend to you my sincere thanks, and offer you only the best of luck in the future.●

● Mr. HALL of Texas. Mr. Speaker, when the curtain closes on the 96th Congress in a few days, we will be saying farewell to a very able, distinguished and respected gentleman, our friend Bob Giamo.

Bob Giaimo is a dedicated, hard-working Member of this body. and for the past 22 years the citizens of his congressional district in Connecticut have recognized this fact as evidenced by his tremendous success at the polls.

One of his most admirable traits is the courage to tackle an issue squarely when others would prefer to duck and run. Characteristic of his tenacity and resolve is the magnificent leadership that Bob Giaimo has given Congress and the Nation as chairman of the Budget Committee. His has been a thankless job, because the tenacles of the budget octopus reach into every corner of the land, and every imaginable vested interest group is vieing for attention. But, he has never wavered in his efforts to bring the Federal budget into line with what the taxpayers can afford.

I have often disagreed with Bob Giaimo; however, I have always admired his forthright, honest, and scholarly approach to the complex issues that come before the House. Come January we will recognize this fact more than ever.

As Bob Giaimo enters a well-deserved retirement, I want to thank him for his leadership and great contribution to our democratic form of government. I predict that the future will find him still involved in matters that affect the well-being of America, and like all my colleagues, I look forward to our continued association and friendship.●

● Mr. BEVILL. Mr. Speaker, there are few Members in the history of the U.S. House of Representatives who have exhibited more true concern and dedication for the budget process than Bob Giaimo.

It is a sincere pleasure to join with my colleagues in honoring Bob for his work in Congress for these past 22 years. He was certainly the right person for the job, when he was elected chairman of the House Committee on the Budget. His work there has been legendary, as he has fought long and hard for responsible fiscal integrity in the Nation's budgetary process.

That position is, no doubt, one of the most challenging which this Government has to offer, and Bob Giaimo tackled the job with the ability, skill and enthusiasm which it called for. He has made a long lasting contribution to the country by his achievements in that position. At the same time, he has served the people of the Third District of Connecticut admirably, and his constituents have been pleased, as they have shown by reelecting him to more terms than any other Member of that State.

I know that I join with all my colleagues in wishing Bob a long and enjoyable retirement.●

● Mr. COELHO. Mr. Speaker, it is difficult to say enough good things about Bob Giaimo, a man who took a tough job and has performed admirably with it.

Without his guidance and driving force, I fear that the congressional budget process would be in shambles at present. Bob has recognized the problems which the U.S. economy faces and has taken positive steps to deal with them through his influence on the budget. He knew that our budgetary problems cannot be solved in one or two Congresses, but he has kept us on track. We're moving in the right direction, thanks to Bob Giaimo.

I look upon him as a friend and a man of principle. When he knows he is right he is unyielding. When he discovers he has made a mistake, he is willing to own up to it and then go about resolving the problem.

His successor as Budget Committee chairman will have the unenviable task of following in his footsteps. I know that the House and the Nation will miss Bob's guidance and counsel in the years ahead.●

● Mr. MINETA. Mr. Speaker, I take great pleasure in joining my colleagues in this special recognition of Bob Giaimo's retirement from the Congress and from his tenure on the House Budget Committee.

During his 4 years as chairman of the Budget Committee, Bob has been at the forefront of congressional attempts to reduce Federal spending on a widespread scale. At a time when Congress was acutely challenged by the disparate demands of special interests, Bob remained steadfastly committed to fiscal restraint. His achievement in working with Republicans and Democrats alike to reach a successful compromise is attested to by the recent passage of the conference report on the omnibus reconciliation bill.

As a fellow member of the House Budget Committee, I have had many occasions to witness Bob's skillful leadership as we struggled toward a goal of across-the-board reduction in Federal spending. Bob's openmindedness to reforms in the budget process was indispensable as he and I worked on legislation to limit the growth of Government spending to a fixed percentage of the gross national product, and to start a program of Federal credit control.

Bob has been a strong chairman when we most needed strength in leadership, and I have great admiration for the time and effort he has dedicated to the committee and this Congress. Bob's commitment to reviewing the congressional budget process to examine how procedures are working and to identify areas of potential improvement, has been invaluable to the committee, to the House, and to the people of this Nation. Bob's achievements in an often difficult time inspire my complete respect and admiration, and I wish him and his wife Marion only the best in the years ahead. His retirement will most certainly be a loss to all of us here in the House.●

☐ 2120

A TRIBUTE TO DR. TIM LEE CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. Perkins) is recognized for 60 minutes.

Mr. PERKINS. Mr. Speaker, for 16 years the House has been graced by a great gentleman from my home State of Kentucky—Dr. Tim Lee Carter.

Early this year he announced that he would not again stand for reelection, an announcement that was greeted with genuine regret throughout his district and throughout this House.

As a matter of fact, as the Congressman from an adjoining district I can say, in all honesty, that I tried to talk him out of retiring, because of his great contributions to the people of the Appalachian area.

Tim Lee Carter was born in Tompkinsville, Monroe County, Ky., down along Kentucky's southern border with Tennessee. He attended the public schools in his home community.

Later he attended Lindsey Wilson College in Columbia, and in 1934 was graduated from what has now become Western Kentucky University.

Three years later he won his doctorate in medicine from the University of Tennessee, and did his internship at the U.S. Marine Hospital and the Chicago Maternity Center.

When World War II came along, Dr. Carter immediately volunteered for service, and was a combat medic with the 38th Infantry Division.

His decorations include the Combat Medical Badge and the Bronze Star.

After the war, he resumed the practice of medicine in his home community in southern Kentucky and very quickly became a legend. I do not know how many of his constituents he has personally delivered into this world—but I would bet they make up a sizable bloc of his political strength.

Dr. Carter's career among the homefolks has always been one of service. He found time to interest himself in community affairs and in the business activities in his region.

In fact, when our former colleague Representative Gene Siler decided he wanted to retire in 1964, Dr. Carter was almost the automatic choice. He was so well and favorably known in his area that people naturally turned to him.

Dr. Carter's name is a household word among his people in the Fifth District, and he has served them well.

In the House, his voice has been the voice of reason. His colleagues on both sides of the aisle quickly came to respect him as a man of integrity and dedication to the common good of the people.

Tim Lee Carter is by nature, as well as by profession, a healer—a facet of his character that carries over into all his work.

The Congress and the country need people like that, and it is unfortunate that this House will be without his healing presence in the turbulent years ahead.

But Dr. Carter has merited the retirement he seeks, and we wish him well as he and Mrs. Carter leave to take up the skeins of their personal life after a long public career.

Mr. Speaker, at this time I yield to the distinguished gentleman from Florida (Mr. Pepper), who has served with the gentleman from Kentucky (Mr. Carter) on the committee for several years.

Mr. PEPPER. Mr. Speaker, I thank my distinguished friend in the well for yielding to me and giving me the privilege to join him and our other colleagues in paying most merited tribute to Dr. Tim Lee Carter.

I personally profoundly regret to see Dr. Carter leave this House. He is a friend. He is an inestimable and gracious gentleman. He is a wonderful man. He is a delightful and grand colleague.

I regret more his passing for what it will cost the people of America. It has been my privilege as chairman of the Committee on Aging of the House to appear many times and to work closely with the Subcommittee on Health of the House Committee on Interstate and Foreign Commerce Committee, of which Dr. Carter has for many years been the ranking minority member. It has been enormously gratifying to me to see a man of his profession, which not unlike those of other professions, sometimes see problems shaped and colored by the interest of their own profession, rise far beyond the confines of any limitations that might be possibly on other occasions associated with his profession and take always the broader, humane, humanitarian view of what was best to prolong the lives, promote the health and happiness of the people of this country.

Using his skill as a distinguished physician, Dr. Carter knew the significance of the various proposals that were before his subcommittee, and he always responded with compassion and the manifestation of genuine concern about the problems of the people.

I was particularly concerned in most of my appearances about problems affecting the elderly. Nobody could have been more sensitive to those problems, to the needs of our older people, with a sincere desire to lighten the load of life for them and to prolong life's enjoyment for them than Dr. Carter.

So, due to the lateness of the hour, I will not extend my remarks, but I just want to say, with all my heart, America owes a great debt to Dr. Tim Lee Carter for what he has done as a Member of this House, serving with great ability, with great dedication, with great compassion, with great earnestness the interests of the people of this Nation.

So, may the Lord's blessings go with him, and may the blessings that he has bestowed upon so many others be reflected in the length and happiness of the life that stretches before him.

I thank my distinguished friend.

Mr. PERKINS. Mr. Speaker, I yield to my distinguished colleague from Kentucky (Mr. Natcher).

Mr. NATCHER. Mr. Speaker, it has been a distinct honor and a privilege for me to serve in the House of Representatives with my friend, Tim Lee Carter of the Fifth Congressional District of Kentucky.

No man has served in Congress from his congressional district who has done more for his people and for our country. As a member of the Committee on Interstate and Foreign Commerce, and as the ranking minority member on the Subcommittee on Health, his contributions over the years may well prove to be the key which unlocks the door to the final conquest of a number of diseases which have troubled our people all down through the years.

As chairman of the subcommittee that appropriates the money for the Departments of Education, Health and Human Services, and Labor, it has been a privilege for me to work with Tim Lee Carter on all problems of great concern to our people in the field of health, and every Member of this House knows of the contributions that the distinguished gentleman from the Fifth Congressional District of Kentucky has made since he has been a Member of the Congress of the United States. The poor people of this country have always been one of his great concerns and especially those who have had troubles physically. In his long and distinguished service in the House, Tim Lee Carter played a key role in shaping national policies in the fields of public and mental health. His personal contributions to the advancement of health education and medical scientific research were immeasurable.

He has been widely recognized as a leader and authority in these fields. In addition to recognizing his boundless enthusiasm and personal responsibility for many great advances in the fight against sickness and disease in our Nation, I have always admired him tremendously as a person and as a friend.

Mr. Speaker, we will all miss our friend, Tim Lee Carter and I want to wish him and his lovely wife the best of everything in the future.

□ 2130

Mr. PERKINS. Mr. Speaker, I yield to my distinguished colleague from Kentucky (Mr. Hubbard).

Mr. HUBBARD. I want to thank the dean of our delegation, Mr. Speaker, the Honorable Carl Perkins, for taking the time during this special order, and compliment the Honorable Carl Perkins and the Honorable William H. Natcher for their remarks regarding our dear friend and colleague, the Honorable Tim Lee Carter of Tompkinsville, Ky. Indeed, the people of the United States owe to this distinguished Republican Member of Congress from Kentucky's Fifth Congressional District much gratitude. For sure, the people of the Commonwealth of Kentucky are proud of and will always remember with gratitude Tim Lee Carter.

I realize how those of us in the Congress hold this gentleman in high esteem. We love and admire him. We regret his decision to retire and to return to the area of the country he loves so much, Tompkinsville, Monroe County, Ky.

When I first came to Congress in January of 1975 my wife Joyce and I remember it was Kathleen and Tim Lee Carter who were so warm and hospitable, Kathleen being so kind and helpful to my wife. We are grateful to them for not only what they have meant to the United States and to this country, but even personally for what this outstanding couple have meant to us.

The last time I was in Tompkinsville, Ky., it was my sad opportunity to attend the funeral of the only child of Kathleen and Tim Lee Carter, their talented son, William Starr Carter, who died at unfortunately an early age, and who was being eulogized by the people there who knew him, and by this Member of Congress who did not know him that well but who knew of him, knew of his talents and record, and yet who knew his dedicated parents. I have never attended a funeral which was filled with so much emotion and attended by so many people as that of the son, William Starr Carter, of Kathleen and Tim Lee Carter.

But on again with a happier note, I would say to Tim Lee Carter, although we will miss you a lot in this Chamber and at receptions, dinners, and functions both in Washington and back in Kentucky, we do look forward to seeing Tim Lee and Kathleen often, and we know that we can look back toward his record as one that is truly admirable.

Lastly, I would say that to this member of the Kentucky delegation, the youngest in age, who greatly admires giants of the Congress like Bill Natcher and Carl Perkins and Tim Lee Carter, that I join with Carl Perkins and Bill Natcher in saying that I, too, wish he had not decided to retire. We wish he had continued to work and to do even more than he has done during his many years in Congress. But we wish him the very best of everything, praying God's richest blessings on this outstanding couple as they leave Washington and go back to the area and the people they know best.

Mr. DUNCAN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am happy to yield to the distinguished gentleman from Oregon (Mr. Duncan).

Mr. DUNCAN of Oregon. One of the things that our more partisan constituents have difficulty in understanding is the friendships that can develop across this center aisle between Republicans and Democrats. I consider my relationship with Dr. Carter to be a manifestation of that phenomena. As loyal as he is to the political party of his choice, the Republican Party, I have never yet once seen the slightest evidence of petty partisanship creep into his debate or his relationship with his colleagues.

I have always considered Dr. Carter to be a gentleman in the real sense of that word. Dr. Carter is a gentle man, and yet in the defense of those things in which he believes so deeply, in his efforts to thrust back the frontiers of age in the medical sciences, we have all seen the familiar picture of his thundering voice and his earnest, dedicated and devoted service to this body. I have had such confidence in Dr. Carter that when, as frequently happens, we cannot study each bill as carefully as we would like, if it had anything to do with health, public health or private health, all I had to do as I came in that door was to look for Dr. Carter and see which side he was on and I knew that if I voted with Dr. Carter on those issues I would never be very far wrong.

I consider him to be one of my good friends. I consider his service to the country and to his State and to this Congress to have been outstanding and I wish for him many, many more years of service to his country and to his State. I thank the gentleman.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for taking this special order. Dr. Carter and I came here together in January of 1965. I must say that coming from southwest Alabama where we never had elected a Republican to anything before, he was the most Republican person I had ever met in my life. It was a real pleasure to get to know him, to work with him, to come to love him, to meet with him. Our 89th Club, unlike many other groups of that type, has met every Monday for the last 16 years. We have really come to know Tim Lee Carter and Kathleen.

Back in 1972 when I decided to run for the Republican leadership as secretary. I turned to Tim Lee Carter to nominate me. Each succeeding 2 years Tim Lee Carter has nominated me for the position of secretary and later vice chairman. Now here we come up on another 2-year term and I do not know what I am going to do. Tim Lee will not be here to nominate me and I guess I will probably lose now that he is going on his separate way.

I hope that Tim Lee and Kathleen will find the opportunity to work within this new administration. I think there are so many things that Tim Lee can do for the good of this country. I know that there is a great pull on him to go back to Tomkinsville.

It was my pleasure just a few years ago to go to his district and speak in his behalf, as if that was necessary to do, because everybody down there loves him. I have never seen anybody who is more beloved than Tim Lee in his own area.

So I am going to miss him around here, but I look forward to having many more pleasant occasions to spend with Tim Lee and Kathleen, because while they may be leaving the House, I think we will see much more of them. I do wish them Godspeed in whatever endeavor that they assume from here.

□ 2140

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding and providing me this opportunity to express my own friendship for Dr. Tim Lee Carter. Dr. Carter is a people-oriented person. Dr. Carter likes people and they like him in return. I have never asked Dr. Carter for assistance that he has not been willing to give me what he could.

Dr. Carter is a man of great principle. He is a man of human kindness. I know that he has voted against the popular position on occasion; but he did so from conviction, and his contributions to the health of the people of this Nation are indelibly etched in history. He will be missed by us, but he will be remembered for what he has done. He will be missed by us and by the people of the district he represented.

I think in the last election, if I am correct, he received over 85 percent of the votes cast in his district, which is quite a testimonial to the popularity of those he served.

My wife, Marjorie, and I wish for him and his wife best wishes and hope for them happiness and success in any endeavor they undertake in the future.

● Mr. DANNEMEYER. Mr. Speaker, it is a privilege to join with my colleagues in the House to pay tribute, and to say thanks, to a most distinguished colleague as he concludes his congressional career. While we may have disagreed from time to time on this issue or that, it has been an honor and a pleasure to serve with Tim Lee Carter. With his experience in the medical field, his hard work, his integrity and his dedication, he has made a tremendous contribution to the work of the Commerce Committee and to the House as a whole. His departure as ranking minority member of the Health Subcommittee of the Commerce Committee leaves some big shoes to fill and I know he will be missed.●

● Mr. DICKINSON. Mr. Speaker, it is with great sadness that I must accept the fact that my good friend and fellow 89th classmate, Tim Lee Carter of Kentucky is retiring from this body after 16 years of outstanding service. I want to thank our colleague, Carl Perkins for holding this special order.

Tim Lee and I grew up together in this institution. He has always been one of those colleagues who exudes competence, and, therefore, in whom one has a great deal of confidence. The Doctor brought his Kentucky bedside manner right into the House and was always one of those who had the patience and kindness to share his knowledge and expertise about matters before the House. As a practicing physician Tim Lee was generous in diagnosing the physical ailments of his House colleagues. It was almost like having our own personal physician.

Tim Lee is a man of great humor, compassion, commonsense and an accomplished poet. He has always been attentive to his congressional responsibilities and dedicated to serving his constituents.

Having become a physician prior to World War II, Tim Lee served the U.S. Army as a combat doctor during the war. An outstanding citizen of Tomkinsville, Ky., Tim Lee has received numerous awards and honors for both his legislative and other public service.

I will miss Tim Lee as a colleague. I wish him and his lovely wife Kathleen great happiness in their new endeavors.●

● Mr. HEFTEL. Mr. Speaker, I wish to pay tribute today to one of our most honorable and distinguished colleagues, Dr. Tim Lee Carter, whose departure from our midst at the close of this Congress is going to be a very great loss to us all.

Dr. Carter embodies all of those qualities that are so greatly esteemed and aspired to by the Members of this body and by the people of the United States who send us here. Above all, he is a man of integrity, that rarest and most valued of human qualities. On each and every issue that has been of importance to this country during the time that Dr. Carter has been in the Congress, his performance has consistently reflected his compassion, his wisdom, and his deep concern for the quality of the responses to the problems.

Dr. Carter is, as we all know, a physician. As such, his opinions on issues relating to matters of health have been of special value and have, as have his opinions on other matters as well, embodied his considerable knowledge and understanding of the issues and his abiding humanitarian concerns. Dr. Carter is a man with the courage of his convictions. With his departure, it is not only his constituents in the Fifth District of Kentucky, but all of us, who will be losing a voice in the Congress that we have learned to listen to with confidence and trust.

And so, it is with considerable reluctance that I say "goodbye" to Dr. Tim Lee Carter. I do so, however, with the utmost appreciation of his presence here in the past and with sincere good wishes for the fulfillment of every hope that he has for the future.●

● Mr. GORE. Mr. Speaker, I want to take this opportunity to join the House in paying sincere tribute to our good friend and colleague, Tim Lee Carter, who leaves the Congress after so many years of dedicated service.

I have felt a kinship with Tim Lee Carter as I represent a district in his neighbor State of Tennessee. He was especially helpful to me when I joined the Commerce Committee as a freshman member in 1977. His thoughtful leadership and courteous advice transcend the boundaries of that committee.

Through his professional background and expertise, and through his strength and wisdom at moments of decision, Dr. Carter championed better health care for all Americans. He was an invaluable resource to the committee.

Republicans and Democrats, the people of Kentucky's Fifth Congressional District, and all Americans will lose a valued ally in our effort to make Government work better. We will miss his skill and advice, and we will remember his friendship.

I join my colleagues today in paying tribute to a superlative legislator and a good friend.●

● Mr. MONTGOMERY. Mr. Speaker, with the close of the 96th Congress, we will be losing the dedicated service of one of the finest gentlemen to ever grace this Chamber, Dr. Tim Lee Carter.

As a physician by profession, Dr. Carter has been our resident expert on legislation dealing with the health field. Many has been the time that I have relied on his advice and wise counsel to reach a decision on legislation concerning health care or amendments to that legislation. He has never led me astray and for this I thank him.

Another outstanding quality of Tim Lee has been his friendly relationship with so many of us. He has always been able to maintain his quiet demeanor even in the midst of a heated debate and I have never known him to say a word in anger.

Mr. Speaker, I understand that Dr. Carter probably has one of the best relationships with his constituents of any Member of Congress. He has always made himself accessible and available to help solve their problems. It is no wonder that Kentucky's Fifth District has expressed so much regret over losing Tim Lee as their representative.

As a friend and colleague, I wish Dr. Carter the very best in the years ahead and also thank him sincerely for the privilege of having served with him and known him as a friend.●

● Mr. BROOKS. Mr. Speaker, Dr. Tim Lee Carter has established an enviable record as Congressman in his eight terms in the House of Representatives. He has certainly won the esteem and affection of everyone with whom he has served.

Dr. Carter can leave this House with the sure knowledge that he has done his duty, he has served his people well, and has reflected credit upon the good people from the Fifth District of Kentucky.

As he leaves the Congress Dr. Carter carries with him my best wishes for a long and fulfilling life as he concludes his service here.●

● Mr. QUILLEN. Mr. Speaker, it is a privilege for me to join my colleagues in the House in paying tribute to a great Congressman, Dr. Tim Lee Carter.

The House will not be the same without Dr. Carter, and the mark he has left in the health field is a shining example for others to follow. The people of this Nation appreciate the job he has done not only for his constituents in the Fifth District of Kentucky, but for all of us.

One of my happiest reflections is my friendship with Dr. Carter, and Cecile and I will miss him and Kathleen, but we hope that our paths will continue to cross.

There is no question but that Dr. Carter has done an outstanding job, and the many awards and honors he has received are well-deserved recognition of his dedication and ability.

I know Dr. Carter will continue his efforts during his retirement and that his counsel and advice will be broadly sought. I hope he will have an opportunity to do some of the things for which he has never had time in the past, as we all dream of doing some day.

My thoughts and best wishes will be ever present with Dr. Carter for every success and happiness in the future, and I am sure my colleagues join me in congratulating him for a job well done.●

● Mr. ANDERSON of California. Mr. Speaker, let me take this time to thank our colleague, Mr. Perkins, for giving us this time to pay tribute to the Honorable Tim Lee Carter of Kentucky.

I have admired Tim Lee since my first term 12 years ago. Although we sit on opposite sides of the aisle, I have found him to be fair, honest and diligent when addressing an issue, regardless of its partisan significance. And though we do not serve on any of the same committees, I know of his fine work in the development of the legislation passed through the Interstate and Foreign Commerce Committee, and as ranking member of the Subcommittee on General Oversight and Minority Enterprise of the Small Business Committee.

But, since coming to Congress in 1965, Tim Lee shall probably be best remembered for his efforts in the health field. As he is an M.D., this is not surprising. But what is notable are the numerous awards and honors recognizing his many contributions to health care and related fields that he has received from such prestigious organiaztions as the American Medical Association, the American Dental Association, the American Academy of General Practices, and many State and local organizations as well.

I commend Tim Lee Carter for the fine district work he has done for Kentucky's

Fifth Congressional District and we will surely miss him here on the floor.

My wife, Lee, joins me in saying "well done" to Tim Lee, and we wish him and his wife, Katie, well in all their future endeavors.●

● Mr. DERWINSKI. Mr. Speaker, it is a special pleasure for me to join in paying tribute to Dr. Tim Lee Carter, who will be retiring at the close of this session of the Congress. Throughout his career, he has established a record of high quality service to his constituents and to our country.

On several occasions, I have traveled abroad with Tim in connection with our assignment with the Interparliamentary Union, and I can attest to his excellent representation and effective voice on behalf of the United States.

Throughout his 16 years in Congress, Tim has represented the Fifth District of Kentucky with the highest level of competence and genuine concern for his constituents. The people of his district have every right to be proud of the tremendous job that Dr. Carter has done for them.

I hold Tim in the highest respect and have appreciated his friendship over the years. I know that all of us will miss his warm and friendly disposition.

Because of his medical background, Tim brought with him a special dedication and commitment to do his very best for the people in this Nation. I also believe this was reflected in his deep concern for the well-being of his constituents.

We will all miss this great "Kentucky gentleman," but I join in wishing Tim and his wife, Kathleen, much happiness in his richly deserved retirement.●

● Mr. de la GARZA. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Tim Lee Carter upon his retirement from Congress after 16 years of dedicated and effective service to the people of the Fifth District of Kentucky and the Nation.

Tim Lee Carter has been an especially valuable Member. As a practicing physician he has had a practical understanding of legislation affecting medical practice, an understanding that he has amply shared with all of us. His expertise in health matters will not easily be replaced.

Tim Lee Carter and I were both freshmen in the 89th Congress. I have enjoyed knowing and working with Tim Lee Carter during the past 16 years, and I certainly wish him the best in his retirement.●

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity tonight to say a few words about my colleagues, Dr. Tim Lee Carter. After 16 years of dedicated service in the House of Representatives, it is a pleasure to wish my good friend the very best on his retirement, but at the same time, it is very difficult for me to see Tim leave the House.

Tim brought to Congress his medical expertise and has used his knowledge to provide us all with insight into the health field. His contributions have been immense in health-related areas. I would like to commend Tim for his efforts on behalf of many worthy health organizations and for his arduous work on legislation in this area. I might also add at this point that it has been quite handy having a doctor like Tim around. He has one sure-fire remedy or "prescription" for all who ail and that too, I will certainly miss.

Tim's efforts as ranking minority member of the Committee on Small Business' Subcommittee on SBA Oversight and Minority Enterprise have also been immeasurable. Tim is a dedicated and hardworking legislator whose concerns have always been for those that are needy and for worthwhile causes. His character is the finest and Congress as a whole will be at a great loss.

It has been a pleasure to serve with Tim and he will be greatly missed especially by me.●

● Mr. FUQUA. Mr. Speaker, I appreciate the opportunity to join with his many other friends in this tribute to our valued colleague, Dr. Tim Lee Carter of Kentucky's Fifth District.

As a medical doctor, Tim Lee Carter has devoted his life to the healing of wounds and the curing of ailments.

As a wise and thoughtful Member of this House, he has brought those same skills to the legislative process where he has so often used his healing talents to mend the wounds inflicted in the heat of philosophical combat.

Tim Lee Carter's 16-year career in this House has been one of distinction and dignity, bringing honor both to his district and to those who have had the privilege and pleasure to serve with him.

Tim Lee Carter has lived up to the highest standards of service in this House exhibiting always a deep love of his country and a compassionate concern not only for his own constituents, but of all the citizens of the Nation.

For the past several years, Dr. Carter has been my office neighbor, which has provided me with a unique opportunity to benefit more frequently and directly from his wise and scholarly counsel.

It is with great sadness that I bid farewell as a friend, a neighbor, and as a vital force in this House of Representatives.●

● Mr. DERRICK. Mr. Speaker, I would like to thank my friend and colleague, Chairman Carl D. Perkins, for reserving this time today so that Members of the House might have the opportunity to offer tribute to a retiring Member who is certainly deserving of all the accolades he will receive today, Dr. Tim Lee Carter.

Mr. Speaker, Dr. Carter's career in this body spans the last 16 years. As a practicing physician, Tim Lee has aggressively pursued issues in a field which truly has a national constituency. As ranking Republican member of the Health Subcommittee, I do not believe the issue of health care in this country has had a more dedicated or thoughtful spokesman. Tim Lee's work on the House Commerce Committee bears an equal amount of distinction.

If we can agree that the test of a statesman is the ability to rise above partisan disputes on issues of national import, Mr. Speaker, I think we have to recognize that Dr. Carter has passed with flying colors. The citizens of Kentucky's Fifth District, as well as the U.S. House of Representatives, will be hard-pressed to find a representative of comparable legislative skill and experience.

Mr. Speaker, I genuinely regret the loss of Dr. Carter to this body. I am confident, however, that the career of distinction already established by Dr. Carter will continue in whatever endeavor he chooses upon leaving the U.S. House of Representatives. Tim Lee, I would like to wish you the best of luck and happiness in the future.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Tim Lee Carter, who is retiring at the close of the 96th Congress.

Tim Lee Carter, who is also a medical doctor, was elected to the 89th Congress in 1964, and it was my good fortune and privilege to be elected to Congress at the same time and to have served with him. He has given 16 years of dedicated and devoted service to his constituents of the Fifth District of Kentucky, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Committee on Small Business have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Tim Lee Carter. As the ranking minority member of the Subcommittee on Health and the Environment of the House Interstate and Foreign Commerce Committee, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of those citizens who are unable to help themselves due to sickness, disability, or age.

Tim is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Dr. Tim Lee Carter my best wishes for a healthy and happy retirement.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring my good friend and fellow Kentuckian, Dr. Tim Lee Carter, Congressman from the Fifth District of Kentucky, who has decided to retire after 15 years of devoted service to the people of our State and the Nation.

Although at times Tim Lee and I had our political differences, I never doubted that he considered issues with forethought and conviction. The needs of the people of the Fifth District were never far from Tim Lee's consideration.

Dr. Carter's efforts on the Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee will be sorely missed by all. Over the years, he has gained the respect and admiration of his colleagues with his expertise and first-hand knowledge concerning health related issues.

It has been an honor and a privilege to serve the people of Kentucky with Tim Lee. I sincerely wish him and Kathleen every best wish for health and happiness in the years ahead.●

● Mr. McCLORY. Mr. Speaker, I have had a special reason during this past Congress to value the abilities of Dr. Tim Lee Carter. Due to the peculiar geology of the land in my district, there is a larger than average amount of barium naturally present in the drinking water.

The Federal Environmental Protection Agency, acting without an adequate basis of scientific testing, stood ready last year to impose large new water treatment costs on several of the small towns in my district. As it became clear that the EPA would be unyielding in its position, several Members affected by similar problems joined with me in seeking a legislative solution.

This decision required us to work closely with the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee, the ranking minority member on which is Dr. Tim Lee Carter. Dr. Carter was most helpful to us, guiding us patiently through the labyrinth of Federal regulations which we were confronting for the first time.

In the end, with Dr. Carter's invaluable assistance, we produced a legislative vehicle, H.R. 8117, which now awaits the President's signature. I am sure this achievement would not have been possible unless Dr. Carter had been cognizant of the need to interpret Federal regulations in a sensible way so as to achieve their true purpose of protecting the public, and not merely providing bureaucratic employment.

The courteous, thoughtful and responsible attitude displayed by Dr. Carter regarding H.R. 8117 is only one small example of the character he displays on every occasion. It has won him the affection as well as the respect of his colleagues.

My wife Doris and I wish Tim Lee Carter and his wife, Kathleen, our best wishes for good health and happiness in the years ahead.●

● Mr. HOLLENBECK. Mr. Speaker, it is a great pleasure and honor for me to participate in this special order paying tribute to our distinguished colleague and my good friend, Dr. Tim Lee Carter who is retiring at the end of this Congress. Dr. Carter was first elected to Congress in November 1964, and has ably served the people of Kentucky's Fifth District for eight terms.

Tim's presence on the House Commerce Committee and especially the leadership position he has played on the Health Subcommittee for the last three Congress will surely be missed when the new Congress convenes in January. The impact he has had on health legislation is reflected by the numerous awards he has received from a variety of national medical and hospital associations. Health care legislation has made great strides under Dr. Carter's leadership and his understanding and expertise of health issues will be difficult to replace.

Furthermore, his work as ranking minority member on the Small Business Oversight Subcommittee should not go unnoticed. This is evidenced by his selection by the National Federation of Independent Business (NFIB) in 1972 as "Kentucky Man of the Year." More recently, that same organization presented him the "Guardian of Small Business" award for his outstanding work on small business issues in the 95th Congress.

I will always remember Dr. Carter as an outstanding representative for the people of Kentucky and for the Nation. His record as a Member of Congress speaks for itself and it is with sadness that I bid him farewell. Finally, I wish him and his wife, Kathleen, the very best in all their future endeavors.●

● Mr. WAXMAN. Mr. Speaker, over the past 6 years, few personal and professional relationships have been as rewarding as the one I have enjoyed with Tim Lee Carter. He is, as we all know so well a delightful person, with strong convictions, and a deep sensitivity to people. As a physician, Dr. Carter has always been guided by the most abiding commitment to human life and human dignity. Each of these remarkable qualities has been consistently reflected in his work. They distinguish him as one of the outstanding Members of the House.

I daresay that no chairman of a subcommittee could have as fine a working relationship with a ranking minority member as I have enjoyed with Tim over the past 2 years. It has been his commitment and leadership on basic values that I share on health care legislation that have enabled ours to remain one of the most productive subcommittees in the House. Every bill we have passed has had his imprint. Every issue we have faced has been resolved with his guidance no less than mine.

All of us know there are, at times, partisan differences on health policy issues. At times they threaten to paralyze us, to prevent us from continuing to provide quality health care to all Americans. Tim Lee Carter made certain this did not happen. He constantly worked with all of us to find the solution that would bring us together. It was his voice for moderation which eased our divisions and brought forward a consensus.

What has impressed me most in working with Tim is his compassion for people. No issue is more wrenching or emotionally charged as abortion. But time and again, we have heard Tim's call to conscience, his plea for human dignity, in opposing restrictive amendments on this issue. Time and again, we were swayed by Tim's arguments that we do not desert the basic health care needs of children, or the poor, or the elderly. Tim fully understood the costs of these programs—and the greater awareness that we could not afford not to undertake these essential commitments.

On environmental issues, Tim appreciated the need to impose strong pollution controls on industry in order to protect public health. Tim is no less an architect of the Clean Air Act than Ed Muskie or Paul Rogers—a fact which deserves to be recognized.

Tim Lee Carter is a gentleman, so very decent, warm, and kind. I will miss not having him at my side. I will miss his advice. Most importantly, I will miss not having the benefit of his tireless efforts.

Along with all my colleagues, I wish Tim and his wonderful wife the very best in the future.●

● Mr. LONG of Maryland. Mr. Speaker, this House will not be the same with the retirement of our colleague, Tim Lee Carter.

Residents of Kentucky's Fifth District will miss the smalltown physician who rose through their political ranks to serve them in the U.S. Congress.

As ranking member of the Interstate and Foreign Commerce Subcommittee on Health and the Environment, Tim's expertise in health care problems was invaluable in forging human services legislation.

Best wishes to Tim and his gracious wife, Kathleen.●

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

TRIBUTE TO HON. JOHN H. BUCHANAN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 60 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I take this time today to pay tribute to one of our outstanding colleagues who will not be returning to the 97th Congress. I am referring to our good friend, John Buchanan.

I have had the good fortune of serving with John since we both were first elected in 1964 to represent the State of Alabama to the 89th Congress. I can say without equivocation that there is not a more honest, sincere, loyal, and dedicated public servant than John Buchanan.

He is a man of character and high moral principles. In short, John Buchanan is a gentleman, a proud father of two daughters, Liz and Lynn; a devoted husband to his lovely wife, Betty, and a man I have been very proud to call my good friend all these many years. We are going to miss John in this House.

As ranking minority member on the Postsecondary Education Subcommittee of the Education and Labor Committee, and as ranking minority member of the International Operations Subcommittee of the House Committee on Foreign Affairs, he was a conscientious, respected, knowledgeable and helpful colleague.

As recognition of his ability to get the job done, John was selected by the President to serve as a member of the U.S. delegation to the United Nations and he was selected by the Speaker of the House to serve on the Commission on Security and Cooperation in Europe, a part of the Helsinki Commission.

JOHN was a member of the U.S. delegation to the U.N. Commission on Human Rights and is serving on the President's Commission on Coal. He also was an active member of the Congressional Steel Caucus and served that group as vice chairman and a cofounder.

JOHN BUCHANAN received a bachelor of arts degree in economics and history from Howard College, now Samford University in Birmingham, Ala. He also did graduate work in economics at the University of Virginia and received a bachelor of theology degree from Southern Theological Seminary in Louisville, Ky. He received an honorary doctor of laws from Samford and an honorary doctorate from Southwest Baptist College, Bolivar, Mo.

He served in the U.S. Navy during World War II.

JOHN BUCHANAN's accomplishments have been recognized far and wide from many diverse groups. He was awarded the Distinguished Service Award by the Council of Jewish Federations, the Link with Freedom Award from the Alabama Council to Save Soviet Jews, an award from the Alabama Council for School Administration & Supervision, an award for meritorious service from the National Council for Resource Development and the American Association of Community & Junior Colleges, an Award of Merit from the National Association for Public Continuing & Adult Education, the Guardian of Small Business Award from the National Federation of Independent Business, the Watchdog of the Treasury from the National Associated Businessmen, a Distinguished Service Award from Americans for Constitutional Action, the Liberty Bell Award from the Student Bar Association of the Cumberland School of Law in Birmingham, Alabama, a citation from the National Alliance of Postal & Federal Employees, the Eisenhower Award from the Captive Nations, the University of Virginia's Sesquicentennial Award for Public Service, a Friend of Students Award from the Coalition of Independent College & University Students, and a distinguished service award from the National Association of Independent Colleges & Universities. And these are only a few of the groups and organizations that have given tribute to JOHN and his work.

JOHN BUCHANAN has served his constituents, his State, and his Nation well. He is one who could always be counted on to vote for what he deemed the best for his country and he never wavered in that commitment.

His presence will be missed from this legislative body in the days ahead.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me congratulate the gentleman from Alabama for taking this special order.

JOHN BUCHANAN has been a member of the Committee on Education and Labor ever since he came to the Congress insofar as formulating constructive legislation.

He has represented his district very well. He has been tremendously interested in higher education, the student assistance programs, elementary and secondary education, vocational education, and has been most attentive on all those meetings held by the Committee on Education and Labor. I do not remember a single occasion that the full committee convened on an important piece of legislation—whether it was on labor or education—that JOHN BUCHANAN failed to put in an appearance. He was always present offering suggestions, trying to improve the legislation, and trying to do something for those people in need.

He never opposed any legislation that was for the common people that ever came out of the House Committee on Education and Labor. He supported employment programs for minority groups. He supported all types of legislation that sometimes was not popular to support, that was for the welfare of the poorest of the poor. No one regretted to see JOHN BUCHANAN fail to come back more so than CARL PERKINS.

We are members of opposite parties, but he never let partisanship overrule any of his convictions on the committee. JOHN BUCHANAN was one of the most productive Members of this House; and, Mr. Speaker, let me say in conclusion that I regret to see him leaving the Congress and I hope on some future occasion at his youthful age that he will return.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I am glad to yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank JACK EDWARDS for providing me this opportunity to express my feeling of personal warmth and affection for Congressman JOHN BUCHANAN. JOHN was here when I came in 1967 and was one of the first persons to offer help to a new Congressman.

The case of Engel against Vitale has always been galling to me. This is the case which cast so much doubt about the constitutionality of voluntary recognition of the Supreme Deity in public schools; the prayer in public schools issue. In 1971 when the issue was debated on the House floor JOHN was especially helpful and although more than half of the Members voted for the resolution, it fell 21 short of passage because of the two-thirds vote requirement for a constitutional amendment.

JOHN BUCHANAN is an articulate and sensitive person whose penchant for principle undoubtedly contributed to his defeat in his bid for a ninth term.

He has received many honors and awards for his unselfish devotion to the causes of religious and human freedom.

JOHN BUCHANAN will be missed for his nonpartisan approach to international problems and his desires to help provide peaceful solutions to problems with would be adversaries. I may not have always voted with JOHN but I was always impressed with his depth of understanding of world problems. He can look back with satisfaction on his contributions to the history of this body and this Nation.

Marjorie and I wish for JOHN, Elizabeth, and his daughters best wishes, contentment, and pleasure in whatever endeavor or opportunity is presented to them in the future.

Mr. HUBBARD. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Kentucky (Mr. HUBBARD).

Mr. HUBBARD. Mr. Speaker, I want to thank the gentleman from Alabama (Mr. EDWARDS) for taking the time to pay tribute to his fellow Alabaman and our colleague and friend, the Hon. JOHN BUCHANAN of Birmingham, Ala.

I have known JOHN BUCHANAN for several years. The first time I met him and the last time I was in Birmingham was on the occasion of my having the privilege of giving the commencement address at Stamford University, a Baptist college in Birmingham. There I learned how the people hold in high esteem this outstanding Member who voted his conscience, his convictions, in a courageous way as a Member of Congress.

He attended the Southern Baptist Theological Seminary in Louisville, Ky., where my father is on the faculty. Southern Baptists across this Nation who know the record of JOHN BUCHANAN have always been proud to say that we have a Baptist preacher from Alabama in the Congress.

As one who is a born again Southern Baptist, I would say that I believe my friends in the Moral Majority picked out the wrong man when they sought to defeat the Honorable JOHN BUCHANAN. This man is a giant among men and will go down in the history of this Congress as one of the more outstanding people who served here. I predict that history will be very kind to JOHN BUCHANAN and that in the years to come, those who criticized his record may realize that he was, indeed, not only voting his conscience but on many occasions voting correctly for the best interests of the United States of America. So it is that another Democrat from Kentucky pays tribute to JOHN BUCHANAN, saying that we will miss him and we wish for him God's richest blessing as he continues his work, his ministry, among the people.

Perhaps it can be said vividly that it was his concern for God's creations, human beings worldwide in foreign countries, the oppressed in faraway lands and in the United States and in his own district, that caused some who were less courageous and less informed to seek to defeat a man who was of such vision and courage as JOHN BUCHANAN.

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I am a better person for having known him and for having served in the Congress with him.

Mr. EDWARDS of Alabama. I thank the gentleman very much, and all of the gentlemen for their comments about our colleague, JOHN BUCHANAN. There is no more moral person in the House in Washington that John Buchanan. He is a Baptist minister, and while he has not had an active church since he has been in the Congress, I suppose very few Sundays have ever gone by in the last 16 years that John Buchanan was not in some pulpit in some church somewhere in his district or here in Washington, or somewhere across the country. We are going to miss him here, and I think, as the gentleman from Kentucky (Mr. Hubbard) has suggested, he dared to be different. He dared to stand for his particular beliefs. I think he knew that those beliefs kept him in some trouble in his district with those who disagreed with him. But I do not think that deterred him one bit.

He felt compassion. He felt very strongly for his fellow man. He felt very strongly for the downtrodden and the oppressed. He felt very strongly about the need for education for our young people, whoever they may be. I think he rose to great heights here in this capital city and in this House of Representatives.

It would be my hope, and I have suggested this to the incoming administration, that he be considered for a high position in this new administration. I think he has much to offer to his country yet. I think he will give much to his country in the years to come.

I just wanted to take a few moments tonight and say to John and to Betty, and to Lizz and Lynn, that we are going to miss them around the Capitol and the House of Representatives, but we look forward to seeing much of them over the years to come in other capacities where I know that that service will continue to his country and to his brothers and sisters across this land and throughout the world.

John Buchanan will be greatly missed here. He left his mark here.

I was delighted to hear the gentleman from Kentucky (Mr. Perkins) who is chairman of the Committee on Education and Labor, and probably has known John as well as anybody here in the House say what he did because he had a chance to observe him closely. He has been a good public servant, and I think he will continue to serve in some capacity in the years to come.

● Mr. MILLER of Ohio. Mr. Speaker, courage, conviction, and confidence are all words I would use to describe my distinguished colleague from Alabama, John Buchanan.

In this day of political cynicism, when much of the electorate is suspicious of the motives and methods of elected officials, John Buchanan stands out for his strong dedication to principle. John could have taken the easy road to reelection. He could have swallowed hard and voted one way even though he felt the opposite. He did not. As a result, John Buchanan's 16-year congressional career has been terminated.

John Buchanan had the courage to take unpopular positions. He had the conviction to put principle above his political career. When John cast a vote in the House of Representatives, you could be confident that he was voting as he thought best.

We are going to miss John in these Chambers. His high standard of performance was the hallmark of a long and distinguished career.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring John Buchanan, Congressman from the Sixth District of Alabama, who will not be returning for the 97th Congress.

Over the years I have had the opportunity to get to know John. He is a fine person, and I have truly enjoyed working with him in the House.

John's conviction and leadership to the people of Alabama and the Nation will be sorely missed.

I wish him well in the future.●

● Mr. JEFFORDS. Mr. Speaker, John Buchanan has been a colleague, a supporter, a friend of many of us. He puts aside personal bias to consider the good of the whole. Disagreements are chosen carefully, yet he approaches every issue with an open mind.

What stands out foremost in my mind though, is the leadership role John Buchanan has achieved regarding issues that affect many youth throughout the country. His work on educational issues is of particular note. It spans the elementary through postsecondary years in a student's career. Increasing sensitivity to and providing greater educational opportunity and access for all students, including the disadvantaged, handicapped, and minority, have become standard during Mr. Buchanan's tenure with the Education and Labor Committee. Consideration of how to meet the expressed need of special populations and how disenfranchised youth can be served, have formed a large portion of his efforts on the committee. Without exception, John's work has made committee initiatives better legislation.

John Buchanan's comprehensive and sensitive approach to issues can be exemplified through examinations of his role during the reauthorization of the higher education amendments. He pressed for a fair hearing and inclusion of the needs of the various regions of this country. These efforts resulted in the addition of a waiver under title III for institutions of higher education in rural areas to increase the opportunity for students whose needs for the most part have been unserved by other postsecondary education institutions.

Mr. Buchanan exhibited sensitivity to the needs of rural and small States by supporting a provision under the urban grant university program which allows at least one area in each State to be designated as an urban area eligible for assistance. This provision assures that even in the smallest of States there is a possibility of qualifying for assistance to aid their university communities.

John Buchanan also supported strongly the inclusion of the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973 among the requirements that would be cause for institutions of higher education to receive funds under title VII of the act. With this provision, hopefully more postsecondary institutions will be accessible to a segment of our student population that has until just recently been dramatically underserved.

Although John and I did not always agree on issues, we were always able to reach a compromise. He added immeasurably to the positive outcomes of the committee. For these, and for many other reasons, John Buchanan will be missed. I wish the best for John, and hope that our paths will cross many times over in the future.●

● Mr. VANIK. Mr. Speaker, I wish to join my colleagues in paying tribute to a fellow Navy man, the distinguished Representative from Alabama, the Honorable John H. Buchanan, Jr.

Since the beginning of his term in Congress in 1964, John has worked diligently in the cause of human rights. His selfless devotion to the cause of religious liberty and human freedom has earned him the respect and admiration of all who have come to know him.

As a member of the Committee on Education, and ranking minority member of the Postsecondary Education Subcommittee, he has been responsible for the many positive trends in the field of education. As a member of the steel caucus John Buchanan fought vigorously to preserve a vital steel industry in the United States.

I know we will all miss John. He has served his district and his country well.●

● Mr. FOWLER. Mr. Speaker, one of the saddest days for me during the recent election season was when I learned that our esteemed colleague, the Honorable John Buchanan, had been defeated in his try for renomination. The circumstances and manner of his defeat are known to us all and I will not dwell on the subject except to say that not only this House but our cherished electoral process suffered great loss in that campaign.

Nor will I speak at length of the legislative accomplishments of Representative Buchanan in his 16 years of service to his district and his Nation. Others in this Chamber, who have had the pleasure of serving with John far longer than I, are much better qualified to attest to his achievements in fields ranging from education and foreign policy to home rule for the citizens of the District of Columbia.

What I do want to say about John Buchanan is that in the short time I have known him he has at all times comported himself with integrity, with dignity and with compassion. He has upheld the finest principles enunciated by the first Republican President, Abraham Lincoln, in his second inaugural address, as appropriate today as they were when first spoken 116 years ago:

> With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphans—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

I will miss John Buchanan as a colleague and as a friend. This House will be diminished by the absence of his leadership and dedication. The country will suffer from not having him here in Congress as we tackle the difficult problems ahead.

In closing, it seems appropriate to quote Nehru in his eulogy for Mahatma Gandhi:

> That glory that we saw for all these years, that man with the divine fire, changed us also—and such as we are, we have been moulded by him during these years; and out of that divine fire many of us also took a small spark which strengthened and made us work to some extent on the lines that he fashioned. And so if we praise him, our words seem rather small, and if we praise him, to some extent we also praise ourselves.●

● Mr. MONTGOMERY. Mr. Speaker, I am pleased to join with my other colleagues today in paying tribute to the 16 years of outstanding service John Buchanan has rendered my sister State of Alabama, as well as the Nation. He has truly been one of our most dedicated Members.

John has not always taken stands that are politically popular, but he always stuck to his own high principles and voted and spoke in a way that would reflect those principles. This is a trait of character that is to be much admired in any public figure and John Buchanan has certainly always set an example for the rest of us in this respect.

Mr. Speaker, I feel privileged to have been able to serve with John Buchanan and would like to thank him for the many contributions he has made to this body over the years. We all wish him the best in the years to come.●

● Mr. ADDABBO. Mr. Speaker, I welcome the opportunity to join my fellow colleagues in the House in paying tribute to the Honorable John Buchanan, a man who has given so much to this body in 16 years of dedicated, unselfish service to the people of the State of Alabama and this country, who is retiring at the close of this Congress.

John Buchanan has served his district admirably since he arrived in Washington in 1964 and has made a name for himself because of his sincere concern for a great many people. His ability to develop programs which have assisted men and women, young and old in a variety of fields, has won him the friendship and respect from us all. An extremely versatile legislator, he has never shied away from controversial issues, as lesser men might.

As a member of the Committee on Education and Labor, John has distinguished himself for his knowledge and hard work on a variety of education issues. He has also served as a member of the Foreign Affairs Committee where he is ranking minority member on the International Operations Subcommittee. While serving on that committee he has shown the ability to grasp easily the countless confusing and complicated issues before him, drawing bipartisan praise for his work.

While most men would have been content with those areas of responsibility, John has made time for other important ventures. In 1973, John was one of the select few selected by the President to serve as a member of the U.S. delegation to the United Nations for 1973–74 and was also selected by the Speaker of the House to serve on the Commission on Security and Cooperation in Europe from 1976 to the present. Long considered a leader in Congress for his concern for human rights around the world, John was a member of the U.S. delegation to the U.N. Commission on Human Rights in 1978–79. Of all the areas where John has distinguished himself it is in that area where he will be sorely missed.

John Buchanan will be missed by all who enjoyed working with him, and I am sure I am not alone in wishing him a happy and healthy retirement he is certainly entitled to.●

● Mr. FLIPPO. Mr. Speaker, during the past 4 years, I have had the pleasure of serving in this body with a distinguished gentleman from Birmingham.

John Buchanan has served the people of the Sixth District effectively, with honor and great distinction for the past 16 years. Birmingham has been designated an all-American city, and is, unquestionably, one of the outstanding cities in this great Nation. Much of the credit for that belongs to John Buchanan.

He has demonstrated selfless devotion, outstanding ability, an uncommon concern for the welfare of his constituents, a willingness to work for his country as well as for his district and a moral standard that is a credit to the U.S. Congress.

Those of us in the Alabama delegation have come to depend on John Buchanan for leadership and wise counsel in many areas, but especially in education. Through his service on the Education and Labor Committee, he has made priceless contributions to the quality of education in his district, in our State and in this country. The people of Alabama are indebted to him.

Education in Alabama has no better friend than John Buchanan. We are going to miss his leadership, his knowledge and his insightful approach to solving problems for all of Alabama.

I know all the Members of this House join with me in wishing John Buchanan good luck, good health and Godspeed.●

● Mr. de la Garza. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to the Honorable John Buchanan, who has so ably and dedicatedly served the people of the Sixth Congressional District of Alabama for the past 16 years.

In the years that I have known and respected him, John Buchanan has worked long and hard for the things he believed in. We will all be poorer without John Buchanan's experience and wisdom.

John Buchanan and I both arrived in Washington at the beginning of the 89th Congress, so it is with a special warmth that I wish him well in the months and years ahead.●

● Mr. STANTON. Mr. Speaker, it is difficult to think of a new Congress without the distinguished gentleman from Alabama, John Buchanan.

It was my pleasure to come to the House with John at the start of the 89th Congress. Since the very beginning in 1965, John Buchanan has been a stalwart defender of the less fortunate among us. He has championed his causes with honestly and distinction.

John should take his leave from Congress with his head held high. In 16 years of service he has brought to the House a sense of dignity and respect that have made all of us richer for having known him.

To John Buchanan and his lovely family go my best wishes for many successful years ahead. I shall miss him.●

● Mr. DICKINSON. Mr. Speaker, it is with a great deal of sadness and melancholy that I must make this tribute to my good friend, 89th classmate, and fellow Alabamian, John Buchanan. John, Jack Edwards, Jim Martin, Glenn Andrews, and I all came to the House together in 1965. We were the first Republicans elected to Congress from Alabama in 100 years. John, Jack and I have continued together through these 8 terms as close personal friends and associates. John has always been a loyal member of the Alabama Republican Party. I am terribly sorry this will be our last session together.

John Buchanan is a remarkably honest, sincere, and conscientious legislator. I know of no Member of Congress who has been more attentive to his duties and responsibilities. John consistently maintained, perhaps, the highest voting percentage in the Alabama delegation. John Buchanan has more friends on both sides of the aisle and has probably touched more people during his tenure in the House than any other member of our delegation.

As everyone knows, John has been a distinguished member of the Committee on Foreign Affairs and a permanent member of the Commission on Security and Cooperation in Europe. I shall always remember and admire John most for his sensitivity and humaneness, for his caring and concern for people. I will respect and remember John for his role in the effort to achieve human rights for people locked behind the Iron and Bamboo Curtains. It was John more than anyone else in this world who was responsible for the liberation of the great Russian Baptist pastor and leader—the Reverend George Vins and his family.

In caring for the economic needs of his district, the Birmingham area, John was a founder and active participant in the Steel Caucus which has fought hard to help develop a viable steel industry in the United States and to defend it against unfair foreign competition. As a member of the Education and Labor Committee, John has rendered outstanding service in the improvement of higher education in America.

John is an ordained Baptist minister. Though he has been a dedicated, hardworking Congressman, he has always maintained consistently high standards of character and morality, even while working with the several black sheep among our company in the House. I have always had the deepest respect for John's high personal standards and his consistent Christian life.

I am truly saddened at losing John as a colleague. However, I know he will continue to contribute much to our Nation in public service or in whatever he chooses to do in the future. My love and best wishes will go with John and his wife, Elizabeth, and their two daughters, Elizabeth and Lynn.●

● Mr. TAUKE. Mr. Speaker, for the past 2 years, I have had the privilege of serving on the House Education and Labor Committee. One of the most outstanding members of that committee and also the ranking member of the Postsecondary Education Subcommittee, on which I also serve, is John Buchanan. I am pleased to have the opportunity to join with his other colleagues and many friends in this special order.

John Buchanan has served the people of his district and of our country very well for the past 16 years. He represents the very best in this House—he is a man of highest character who is dedicated to the public interest. He has always been willing to share his special expertise in the various educational programs. As a newcomer to the committee, I found his aid invaluable. In attempting to refine some of the title III developing institutions procedures, John was always available to lend his sound advice.

John should be proud of his innumerable accomplishments and his fine work in this body. His constituency should also be proud, as well as grateful, for his dedication and exemplary service of the past 16 years. His has been a beneficial influence in the House which I, like many others, will profoundly miss.●

● Mr. REUSS. Mr. Speaker, it is with deep and heartfelt regret that I bid farewell to my distinguished colleague, John Buchanan, who is concluding 16 years of outstanding and inspirational service in Congress. Yet I am happy in the realization that this one individual, blessed with extraordinary courage and integrity, has made such a valuable and lasting contribution to our Nation.

John Buchanan has been more than just a representative of the people. He has been an educator, a spiritual leader, and an inspiration to all who have been privileged to know and work with him. John has been in the forefront of the ceaseless struggle to bring human dignity and justice to every inhabitant of our planet. His efforts on behalf of religious liberty and human freedom were not limited to the Halls of Congress, but extended to his service in the United Nations, and on the Helsinki Commission. John has always held that the best U.S. foreign policy is one based on morality and human rights, and has supported that belief, through word and deed, even when it was not politically expedient.

Through his excellent work as ranking minority member of the Postsecondary Education Subcommitte, John has helped to enhance the educational opportunities for millions of Americans. His efforts on behalf of our country's thousands of community and junior colleges have insured the survival and growth of that important component of our national educational system. He has also worked hard to improve opportunities for the handicapped and mentally retarded, through legislation as well as his personal efforts.

John Buchanan exemplifies the true public servant. He has never failed to represent the disadvantaged and oppressed, offering them not platitudes or handouts, but opportunities. I am sorry to see John leave Congress, but joyful in knowing that he has made a difference.●

● Mr. CARTER. Mr. Speaker, I wish to join in this special order honoring my friend. John Buchanan, who has represented Alabama's Sixth Congressional District so ably these past 16 years.

John and I were among the rather select group of 21 Republicans elected to Congress in the Democratic landslide year of 1964. As a fellow member of the 89th Club which we founded in that Congress, I came to know John well. He is an honorable man, a man whose life and public service are testimony to the highest ideals of the Christianity he professes.

It has been a pleasure having John as a colleague, and Katie and I wish him and Elizabeth the very best.●

● Mr. RHODES. Mr. Speaker, the end of the 96th Congress will see many of our colleagues leave the House. Among them is John Buchanan, who has served Alabama, and our Nation, for 16 years with dedication and distinction.

I will miss John, both as a colleague who believed in and fought fiercely for sound and sensible Federal fiscal policies, and as a warm personal friend during his tenure in the Congress.

John Buchanan has been an unwavering supporter of prudence and less government, freedom of opportunity for all Americans and the rights of States and localities to make their own decisions. We have been through many legislative battles together, and as minority leader I have been most pleased and proud to have him on our Republican team in the House.

I join his host of friends in Congress in wishing John every success endeavor in whatever he turns his talents and energies to in the future.●

● Mr. CONTE. Mr. Speaker, when the 97th Congress convenes in January, it will be without one of its staunchest supporters of human rights—Congressman John Buchanan from the Sixth District of Alabama.

For the past 16 years, John Buchanan's concern for his fellow man has manifest itself in his work on the Education and Labor Committee, and as a member of the U.S. delegation to the U.N. Commission on Human Rights and the Helsinki Commission.

I have been very fortunate to serve with John during his entire tenure in the House and can say unequivocally that very few Members on either side of the aisle are as firmly committed to insuring the dignity of man than John. Even after he has left, his work will stand as an example for all of us to follow.

Representing one of the steel capitals of the country, Birmingham, Ala., John was one of the founders of the Congressional Steel Caucus, and is presently its cochairman. John has always maintained close ties with the workingman and has arduously sought to help the people of his district for 16 years.

I count myself among John's many friends and admirers, and I know that the void he leaves will not easily be filled. I wish him every success on the road ahead, and hope that our paths will cross often in the future.●

● Mr. HALL of Texas. Mr. Speaker, I welcome the opportunity to pay a well-deserved tribute to our colleague, a distinguished southern gentleman and able lawmaker, John Buchanan. John Buchanan is one of the most conscientious, hardworking Members to be found, and he has established a solid reputation for helping people in need and promoting understanding and harmony between people, regardless of race or economic condition.

We all know John Buchanan as a man of strong principle and high ethic. He is forthright, unpretentious, and totally dedicated to the work of the House.

I was very sorry to hear that after 16 years of outstanding service in the House, John Buchanan missed the mark during the primary election in Alabama. I have a genuine affection and regard for him, and his commitment to making the world a better place to live. What he has achieved in this body can never be diminished by a lack of success at the polls.

John Buchanan is still a young man, and the positive traits and qualities that he brings to public life will no doubt manifest themselves over and over again in the years to come. We will hear more from him.

I wish John well in his future endeavors, and I count myself very fortunate to call him friend and to have served with him in the House.●

● Mr. CORRADA. Mr. Speaker, I wish to join my colleagues in paying tribute to John Buchanan, a distinguished Member of the House since his election to the 89th Congress. The people of the Sixth Congressional District of Alabama have, indeed, been fortunate to have been represented by a unique individual who has given himself in selfless dedication to helping others.

I have been personally privileged to work with John on the Education and Labor Committee, and I can think of no stronger advocate for the welfare of our Nation's youngsters and their right to educational opportunities. His knowledge and concern for the issues which frequently outweigh partisan constraints earned him the respect of his fellow committeemen. As ranking minority member of the Subcommittee on Postsecondary Education, he was instrumental in developing landmark changes in the Higher Education Act, a bill which will now expand the financial assistance to needy students in our colleges and universities.

The Education and Labor Committee and the Congress as a whole will certainly suffer from the lack of John's presence. I wish him success and happiness in his future endeavors, with the knowledge that his goal will remain the same—to better the life of the individual and to assure the equality of every citizen.●

● Mr. BINGHAM. Mr. Speaker, there is literally no Member of the House leaving us this year whom I hate more to see go than John Buchanan.

He has been without any question one of the most valuable members of the House Foreign Affairs Committee on which I have the honor also to serve.

John was always an articulate and effective spokesman for policies he believes in, and he had the courage of his convictions, a quality that is all to rare in elected officials. At the same time, he showed an unusual capacity to be guided by the facts and the logic of a situation, even if it meant changing his position.

John and I came to the Congress the same year, far apart in terms of the political spectrum, but we ended up working together on many matters, and it was a privilege for me to do so.

I will not attempt to repeat what other colleagues have said about John's legislative record. Let me just say that in the Foreign Affairs Committee, and in the House, we will miss him to an extraordinary degree.

My hope is that he will return to Capitol Hill someday, but even if he does not, I am sure that he will be serving the public interest in whatever he undertakes.●

● Mr. RAHALL. Mr. Speaker, it is with great pleasure that I join in this special order today for a very distinguished colleague of ours, John Buchanan of Alabama.

For 16 years the people of Alabama's Sixth District have had the wisdom to have this fine man represent them in this House, for as he departs, John Buchanan departs as a man highly respected and warmly loved by us all.

I have had the pleasure of working when John on a mutual concern of ours, coal. John and I share the belief that coal should be our Nation's No. 1 energy source, and I will certainly miss his leadership on this issue in the future, as the 97th Congress confronts the energy crisis.

Like many others, however, I will miss the presence of this very decent man. Party labels did not count with him, nor did the fact that some of his positions were politically risky. He followed the call of what was right, for his constituency and for his country.

As the time call for more and more bipartisan action on legislation, the absence of John Buchanan will be hard felt by this body.

I wish him the very best in the future, and am honored to have worked with him, and am honored to call him a friend.●

● Ms. MIKULSKI. Mr. Speaker, it is with a deep sense of regret that I bid farewell to my good friend and colleague, Representative John Buchanan of Alabama. I have appreciated his leadership in behalf of his constituents and the Nation in the Steel Caucus, which he cofounded and in which he served as vice chairman. He served with distinction as a member of the delegation to the United Nations Commission on Human Rights. His criticism of Soviet aggression against other nations and of the Soviet disregard of human rights was heard loudly and clearly around the world.

I will miss him in Congress as a loyal friend of American women and as a champion of women's equity in our Nation. American women who have fought and worked so hard toward the passage of the equal rights amendment found a rare southern friend in Representative John Buchanan. He saw in the equal rights amendment the principles of fairness and equity which he knew to be consistent with his own faith. And he was willing to stand up for those great principles of the Judeo-Christian tradition even though the zealots of his time mistook reaction, patriarchy, and conformity for morality.

Representative John Buchanan never accepted the fallacious thinking of those who feel that husbands have the right to abuse and mistreat their wives. John's support of the domestic violence bill, which I introduced, has been appreciated by women all over the country. He has indeed proved himself to be a man of courage in the face of ignorance and hatred and apathy.

Much of the legislation of the 96th Congress which benefited women had John's support. Consistently, he supported women's freedom of conscience and freedom of choice. He opposed cuts in funding for food stamps. He fought against the antiaffirmative action amendment to the Department of Education. He cosponsored the Education Amendments Act of 1980, which became public law in October: These amendments expanded aid to nontraditional students, including older women.

As a member of the Foreign Affairs Committee, John supported H.R. 6790, the Foreign Service Act, which made provisions for pensions for former spouses of Foreign Service personnel when the marriage had endured for at least 10 years of creditable service.

I find it terribly ironic that a man like Representative John Buchanan, who served southern Baptist churches in Tennessee, Virginia, and Alabama as a pastor for 12 years before he began his 16 years in Congress was defeated by a group which claims for itself the adjective "moral." Americans of all faiths owe a salute to Representative John Buchanan for his courageous attempts to educate and inform the American public of the dangers of moral absolutism in American politics.

On behalf of many American women, I shall express the hope that John's departure from Congress will be only a temporary setback. For the strength of his convictions and the moral courage which have characterized John and his representation of the people of his district, for his great State of Alabama, and our great Nation, are examples for all of us who serve in this body.●

● Mr. McCLORY. Mr. Speaker, it is a great honor for me to rise today to pay tribute to my fellow Republican, Representative John Buchanan. John has been an invaluable force for sensible moderation both within the Republican Party and within the Congress. His eloquent advocacy of justice for all citizens will be sorely missed in the next Congress.

Especially on issues involving equal justice for the black citizens of our Nation, Congressman Buchanan's absence will be noticed. Speaking as one who has long believed that the civil rights revolution was only a long-overdue vindication of the historic principles of the Republican Party, I am proud that our party has produced in Congressman Buchanan such a stalwart champion of those principles.

Although John Buchanan will be missed in the Halls of Congress next year, I know that his voice will continue to be heard and that he will remain active and effective on behalf of the ideals he has so faithfully espoused as a Member of Congress.●

● Mr. FUQUA. Mr. Speaker, our esteemed and distinguished colleague, John Buchanan of Alabama's First District, will be concluding 16 years of service in this House at the close of the 96th Congress and leaves behind an enviable record of service to his constituents and to his Nation.

As a member of the Committee on Education and Labor and ranking minority member of its Subcommittee on Postsecondary Education, John Buchanan has built a reputation as an indefatigable friend of education who has always boldly and articulately advocated the need for quality in our classrooms.

His knowledgeable and dedicated work on the Foreign Affairs Committee has added considerably to his reputation for tireless work on difficult issues and for a willingness to listen to all viewpoints concerning questions on which he was required to make decisions.

With education as both an economist and a theologian, John Buchanan brought with him to this House both a deep respect for our economic system and for the separation of powers as provided in the U.S. Constitution which guarantees the free expression of religion by all Americans.

His dedication to his duties and effective and responsive representation of his constituents have been hallmarks of a career in this House which has brought honor and dignity to both himself and those with whom he served.

Those of us who have had the pleasure and privilege of serving with John Buchanan will deeply miss his presence in this House and hope he will soon again take up his outstanding career in public service.●

● Mr. DRINAN. Mr. Speaker, it is with great sorrow that I note that Congressman John Hall Buchanan, Jr., will not be in the 97th Congress.

John Buchanan has a distinguished educational and professional background. He graduated from the Southern Theological Seminary in Louisville and has served as pastor in churches in Tennessee. Virginia, and Alabama.

In the Congress of the United States, John Buchanan has distinguished himself as a member of the U.S. delegation to the United Nations in the 28th General Assembly in 1973 and at the sixth special session in 1974. He was a member of the U.S. delegation to the Belgrade Conference in 1977 and has been a member of the U.S. delegation to the United Nations Human Rights Commission.

He has been chosen as a member of the Commission on Security and Cooperation in Europe, the so-called Helsinki Commission.

Every one of us is grateful to John Buchanan for the devoted work which he has done in his capacity as a member of the House Committee on Foreign Affairs and the House Committee on Education and Labor.

I and the countless friends of John Buchanan in the Congress of the United States know that he will go on to very important work where he will continue to utilize to the fullest those moral and spiritual convictions which have caused everyone in the Congress and in the country to admire him immensely.●

● Mr. BEVILL. Mr. Speaker, I am honored to say that I consider my good friend and colleague from Alabama, John Buchanan, to be one of the most intelligent, dedicated and sincere people who has ever served in this distinguished body.

I have had the pleasure of working closely with John on many matters relating to Alabama, since his district and mine border one another.

John and I have served together on the executive committee of the Congressional Steel Caucus, and I have come to deeply admire his ability and sincere concern which has been so evident as he has sought to help the steel industry which is so vital to the continued economic security of this Nation. John has been a champion of the battle to reduce unnecessary bureaucratic redtape which has hampered American steel manufacturers. He has also been an effective spokesman for the steelworkers, not only of his district, but those of the entire Nation, as well.

John has been a loyal friend in helping America's waterways to develop so that they might save energy and dollars for American consumers. He has actively participated in their growth and has proven to be a true believer.

John Buchanan's legislative skill is etched in the many bills and resolutions which he has written during his 16 years of service in this body.

I would be remiss if I did not mention John's tremendous record of accomplishments as ranking minority member of the Postsecondary Education Subcommittee of the Education and Labor Committee. He has become one of the most knowledgeable people in the country on the issues affecting higher education, and is widely respected for his abilities in that area.

Above all, however, John Buchanan has been an excellent representative to the people of the Sixth District of Alabama. He has consistently given them the highest caliber of representation and has earned the respect and admiration of all of his colleagues. I will deeply miss his friendship and counsel, and I wish him the best as he leaves this body.●

● Mr. QUILLEN. Mr. Speaker, I would like to take this opportunity, along with my colleagues, to offer my congratulations to Congressman John Buchanan for his distinguished service in the House of Representatives.

I remember so well when John came into my district, and the people are still talking about the good job he did. His friendship has meant a great deal to me, and we will certainly miss his knowledge and experience in the House.

John made many important contributions as a member of the Foreign Affairs Committee and the Education and Labor Committee, not only to his constituents, but to the entire country as well. He has done a great job over the past 16 years, and his loss will be sorely felt.

Although John is leaving the Congress, I know he will continue his efforts and dedication to serving this country, and I am sure the future holds many new and rewarding challenges for him.

I join my colleagues in paying tribute to John for his tremendous service in the House, and I wish him the very best in the years ahead.●

● Mr. VAN DEERLIN. Mr. Speaker, John Buchanan probably qualifies as the first 1980 victim of a new political assassination team calling itself the "moral majority." This loosely knit collection of the self-righteous has undertaken to recast the U.S. Government in one of the most presumptuous ways imaginable.

Each of us in Congress was assigned a "moral rating" according to our votes on a variety of issues—many of them highly complex political questions—which the moral majority translated as simple matters of right or wrong.

Most of us in public life have become accustomed to criticism that our actions stem from prejudice, or misinformation, or plain stupidity. We are fair game for that sort of attack. But this new national element, the moral majority, asks people to believe that our judgments may also be branded wicked.

To anyone who knows him, John Buchanan's "moral rating" at 18 percent seemed ludicrous. Mr. Buchanan happens to have come to us as an ordained minister in a conventional religious denomination. Nor did it escape notice that Mr. Buchanan's judges in righteousness listed another of our House clerics, the Reverend Robert Drinan—a Jesuit priest—at zero.

If this is the best advice the moral majority can provide, I say "Send us more sinners." And I join my colleagues in wishing John Buchanan a long, happy retirement.●

● Mr. GAYDOS. Mr. Speaker, I am proud to join in this special order today to pay tribute to our distinguished colleague, John Buchanan, who is departing the House of Representatives after 16 years of dedicated service.

Congressman Buchanan served on the Education and Labor Committee, and as a member of its education subcommittees has been a strong proponent of Federal aid to education. He was a major force behind the passage of the Higher Education Act of 1980 and the Elementary, Secondary, and Vocational Education Act Amendments of 1978.

John also served on the Health and Safety Subcommittee, which I have the honor to chair, and has been an invaluable aid to the subcommittee in its deliberations on the Occupational Health and Safety Act and the Mine Safety and Health Act. We have worked in close cooperation to make these acts more effective in carrying out the mandate of protecting the health and safety of working men and women throughout the country.

Congressman Buchanan and I were among the cofounders of the Congressional Steel Caucus, which he serves as vice-chairman. He has worked tirelessly to preserve the economic stability of the domestic steel industry through limitations on foreign imports, increased capitalization, and implementation of the trigger price mechanism.

Congressman Buchanan also served on the House Foreign Affairs Committee Due to his extensive experience in foreign affairs, he was selected by the President to serve as a member of the U.S. delegation to the United Nations in 1973 and 1974. In 1976, he was chosen by the Speaker of the House to serve on the Helsinki Commission, and later served as a member of the U.S. delegation to the U.N. Commission on Human Rights. John presently serves on the President's Commission on Coal.

In recognition of his efforts and achievements, Congressman Buchanan has a long list of awards and honors presented by many religious, educational, civic and business groups, a list which would take some time to enumerate.

Mr. Speaker, it is readily apparent that John Buchanan is an outstanding human being as well as an accomplished legislator. Service to the field of education, working people, retarded children and minorities are all listed among his many accomplishments. It is with deep regret that we note his departure from the Congress. We will sorely miss his legislative expertise and his never-ending human compassion. John, we wish you and your family the best of luck in your future endeavors.●

● Mr. NICHOLS. Mr. Speaker, I appreciate our mutual friend Jack Edwards, having arranged for a special order this afternoon to honor our colleague, John Buchanan, who for 16 years now has served with distinction as a member of the Alabama delegation.

Our colleague was first elected to this body in 1964 and has done an outstanding job on both the Foreign Affairs and Education and Labor Committees. Prior to being elected to Congress, John served as pastor of Baptist churches in Tennessee, Virginia, and Alabama, and he is respected for his continuing concern for human suffering throughout the world.

I have admired John Buchanan because of his many fine qualities, and of his honest desire to do what he believed to be right in his own mind, regardless of where the political chips might fall. I have not always been in accord with my colleague's views, but of one thing I am certain, that the view John expressed and the vote he made on the tough and often controversial issues were JOHN's honest views, and I admired him as he voted his convictions, and often times these votes were not necessarily the popular votes back home.

Over the years JOHN has been honored by being selected to serve as a member of the U.S. delegation to the United Nations, and he has been diligent in his continuing efforts to protect the American steel industry.

During his busy life, in addition to his legislative responsibilities JOHN has found time to minister to the needs of several churches in the Washington area, which from time to time have been without a minister. I have marveled at the tremendous energy of this ordained man of God, who has given generously of his time in promoting God's work in the Washington community.

Carolyn and I shall miss JOHN and Betty on the many occasions when the Alabama delegation and our wives serve as host to the Alabama State society, et cetera, and I have reason to believe God is not yet done with the services of this fine Christian couple. Certainly as they leave the 96th Congress they carry the best wishes of the entire Alabama delegation in whatever opportunity may present itself to JOHN BUCHANAN in the years ahead.●

● Mr. ZABLOCKI. Mr. Speaker, no single member of the Committee on Foreign Affairs has played a more active role in our deliberations or exerted a more constructive and consistent influence on major legislation than the gentleman from Alabama (Mr. BUCHANAN). His absence in the 97th Congress will be a considerable loss to our entire membership, which has benefited for so many years from his thoughtful advice and sound judgment.

JOHN BUCHANAN will, in fact, be remembered as a man of great personal integrity, independence of mind, eloquence and conviction—whose leadership, both in committee and on the House floor, has made an indelible impression on those of us who have been privileged to work with him—often on causes and programs which were both necessary and, more often than not, controversial. His steadfast support and constructive criticism has been welcomed and appreciated over the years, not only by this chairman, but by my predecessor as well, and by a succession of distinguished ranking minority members.

It should be recorded, however, that many of JOHN's accomplishments during a distinguished and honorable career of public service will survive his departure from the Congress. As ranking minority member of the Subcommittee on International Operations, for instance, he has made a lasting contribution to such long-term programs as the Foreign Service Reform Act, which required many long hours of hearings as well as the persistent, cooperative efforts of two different subcommittees before it was finally enacted into law in this session. His input is also reflected in many other legislative acts and resolutions which this committee has reviewed, amended, and pushed through to completion after many long conferences with the Senate.

Above all, JOHN BUCHANAN's legacy to this body is a commitment to principle, which has earned him the admiration and respect of his colleagues.

To JOHN and his family I extend my warmest appreciation and best wishes for the future—a future which I have no doubt will involve continued distinguished service to Alabama and the Nation.●

● Mr. BROOKS. Mr. Speaker, it is with regret that I take note of the impending departure of JOHN BUCHANAN from Congress. We served together for 6 years on the Committee on Government Operations, and although we sometimes found ourselves with differences of opinion, I developed a deep respect for his compassion and dedication and his great sense of fairness.

JOHN brought fun and enthusiasm to his work as a Congressman, and this attitude made working with him a pleasure. He was a constructive legislator and his influence and his contributions will be greatly missed. My best wishes for the future go with him as he takes his leave of us.●

LT. COL. DENNIS O. SPARKS—AN OUTSTANDING MEMBER OF CIVIL AIR PATROL'S TENNESSEE WING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

● Mr. DUNCAN of Tennessee. Mr. Speaker, I rise before the House today to make my colleagues aware of the services provided to this Nation by the Civil Air Patrol and its thousands of volunteers and—in particular—by one member of the Civil Air Patrol's Tennessee Wing. CAP Lt. Col. Dennis O. "Denny" Sparks recently spotted his 14th downed aircraft during a search mission in northern Tennessee and southeastern Kentucky. I have been told that this represents an all-time record in the CAP.

In his latest find, which occurred just last week, Lieutenant Colonel Sparks located a single-engine aircraft near Corbin, Ky. Unfortunately, both occupants of the craft were dead. However, his sharp eyes spotted a plane wreck in Polk County, Tenn., in the fall of 1979 which contained two injured persons. Lieutenant Colonel Spark's timely discovery of the wreckage undoubtedly resulted in two lives being saved.

When not involved in Civil Air Patrol activities, Lieutenant Colonel Sparks works as an electrical engineer for the Union Carbide Corp. in Oak Ridge, Tenn. Maryville, Tenn., is home for Lieutenant Colonel Sparks who has accumulated more than 20 years of service with the CAP. He is currently Operations Officer for the Tennessee Wing. I hope all of my colleagues will join me in congratulating Lieutenant Colonel Sparks for his service to Tennessee, this Nation, the Civil Air Patrol, and all of those who have occasion to use the country's airways. I personally send Lieutenant Colonel Sparks my strongest congratulations and sincere wishes for continued success in his service with the Civil Air Patrol.●

WHOLESALE ELECTRIC RATE FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, there continues to be a substantial number of wholesale electric rate increase applications pending at the Federal Energy Regulatory Commission which, despite express statutory direction to expedite rate hearings and decisions, are subject to delays that are costly to both the utility requesting the rate change, the consuming electric company, and its consumers.

Several communities in my congressional district have encountered such delays. In some instances, as in that of cases involving rate changes affecting Batavia and Geneva, Ill., a contested rate increase is permitted to become effective while one or more contested rate increases have already been allowed to take effect—this has come to be known as "pancaking."

With the advent of oil import problems, the number of rate increase filings rose dramatically. While there was an average of 46 such applications filed in 1970–74, there was an average of 148 filed annually in 1975–79. The number of cases under part II of the Federal Power Act—most of which involve wholesale electric rates—pending at the end of the fiscal year has risen from 28 in 1969 to 248 in 1979.

I raised this continuing, undesirable situation during an Energy and Power Subcommittee oversight hearing on June 19, 1979, at which the Federal Energy Regulatory Commission (FERC) was testifying. At that time, I engaged FERC Chairman Charles B. Curtis in a lengthy discussion of the problem, noting that three rate increases that had gone into effect, and which involved the cities of Batavia and Geneva, were simultaneously under appeal—the oldest dating from 1970.

At the time the report on this subject was being compiled by the Chairman of FERC, as required under the Public Utility Regulatory Policies Act of 1978, I indicated that I was considering introducing legislation to address the problem of backlogged electric rate appeals.

Despite actions taken by the Commission and its staff to expedite these cases, including actions which stemmed from Chairman Curtis' report, the backlog continues. I am today introducing legislation which comprises the two statutory changes suggested by Mr. Curtis in his report to augment Commission efforts to more promptly resolve wholesale electric rate cases.

Referring to the first of his two specific legislative suggestions, Chairman Curtis wrote:

> Agencies cannot cope effectively with the torrents of business that come before them unless the people at the top can delegate to their staffs final decision-making responsibility. * * *
>
> What the Commission needs is express statutory authority to delegate functions and responsibilities to its employees and to provide that the decisions made pursuant to such delegated authority shall be deemed to have been made by the Commission itself.
>
> That would enable the Commission to delegate to a single Commissioner or staff member the suspension decision * * *. This step alone would free the Commission from acting collegially on as many as 120 to 190 matters over a year's time.

The bill I am introducing today would permit FERC to "delegate by rule or order to any Commissioner or any other officer or employee of the Commission the authority" to suspend the proposed rate increase, and it would validate such a decision under delegated authority as being "a determination of the Commission."

In discussing his second suggestion for legislative change, Chairman Curtis notes that the Federal Power Act requires all court appeals of Commission decisions to be preceded by an "application to the Commission for a rehearing thereon" (16 U.S.C. § 825.1(a) 1935). While stating that applications for reconsideration "serve the ends of justice," Curtis makes the point that—

> One who seeks to challenge some basic Commission position or doctrine has to go through an expensive, a time-consuming and an essentially ritualistic rehearing procedure. It would be a far better procedure to give the Commission the option to waive rehearing before the Commission.

Further, he makes the point that—

> There is no limitation on the nature of the contentions that can be put forward in support of an application for rehearing * * *. Thus old cases drag on interminably.

This leads to his suggestion that the rehearing provisions be amended to allow FERC—

> To waive rehearing provisions of the Federal Power Act in appropriate cases or with respect to designated classes of orders, and that the Commission be freed to promulgate such rules and to adopt such policies with respect to rehearing and reconsideration as it thinks appropriate.

Both suggestions are reflected in the legislation.

These suggestions have been endorsed by the General Accounting Office in its July 15, 1979, report, "Additional Management Improvements Are Needed To Speed Case Processing At The Federal Energy Regulatory Commission" (pp. 57–60). That report, in discussing added delegation of decisionmaking authority, supports the argument in favor of additional flexibility by stating that—

> Recent deligations of authority have clearly reduced the workload on the Commission's agenda and appear to have had a positive impact on the reduction of delay and case backlog.

As to Chairman Curtis' suggestions for changing the provisions relating to rehearings, GAO says, "We agree."

Mr. Speaker, I am introducing this legislation today in preparation for next year's reauthorization of the Federal Energy Regulatory Commission by the Energy and Commerce Committee during the 97th Congress. For the benefit of our colleagues, Mr. Speaker, I ask that the text of the bill be printed in the Record at this point.

H.R. 8408

A bill to amend the Federal Power Act to modify certain administrative procedures in order to expedite proceedings of the Federal Energy Regulatory Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesale Electric Rate Fairness Act".

Sec. 2. (a) Section 205(e) of the Federal Power Act is amended by adding the following at the end thereof: "The Commission may, in its discretion, delegate by rule or order to any Commissioner or to any officer or employee of the Commission the authority of the Commission under this subsection to suspend the operation of any schedule and to thereby defer the use of a rate, charge, classification, or service. Any determination made by a Commissioner or by an officer or employee of the Commission pursuant to a delegation under the preceding sentence shall be treated for purposes of any law or rule of law as a determination of the Commission.".

(b) Section 313(a) of such Act is amended by inserting the following immediately after the fifth sentence thereof: "The Commission may in its discretion waive, by rule or order, the restriction contained in the preceding sentence.".

(c) Section 313 of such Act is amended by adding the following at the end thereof:

"(d) The Commission may promulgate such rules, and adopt such policies and procedures, respecting the rehearings referred to in this section as the Commission deems appropriate, including rules relating to the consideration in such rehearings of facts and arguments which have not been considered in the original hearing.".●

A TRIBUTE TO FRED KAHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Goldwater) is recognized for 5 minutes.

○ Mr. GOLDWATER. Mr. Speaker, a number of people have had a profound influence on me during the course of my life, my parents chief among them. As a source of courage and inspiration, few can match my mother and father. But another individual prominently stands out among those whom it would be wise to emulate: Fred Kahan.

As the western regional executive vice president of the Jewish National Fund, Fred is retiring after 42 outstanding years of service to humanity. He will be honored by those who love and respect him Sunday evening, December 7, in Los Angeles. In the years I have been privileged to know him, I have been constantly inspired by his ability to do so many things, so well. Everyone seems to know him, and his lovely wife and helpmate, Rose.

Fred has never limited himself to exclusively religious interests. His activities have been as broad and complex as the sprawling area in southern California he adopted so many years ago. He has served as both a commissioner for the city and county of Los Angeles; he is the past treasurer of the Los Angeles Community Redevelopment Agency, and is currently traffic commissioner of the city of Los Angeles. His good works are known far and wide, and I am but one of many people who have benefited from his time and attention. No tribute to Fred Kahan could be too generous. I am proud to be a part of this opportunity to honor him.●

A "DEMOCRATIC COUNCIL"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. Oakar) is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, next week Congressman Henry S. Reuss will present to the House Democratic Caucus a resolution which calls for the establishment of a "Democratic Council" to be made up of selected Representatives and Senators, State and local Democratic officials, and "nonofficial" Democrats. The purpose of the Council would be to develop a Democratic agenda and to recommend party reforms, particularly reforms in the Presidential selection process.

The November 30, 1980, edition of the Cleveland Plain Dealer contained an excellent editorial, entitled "Reuss Has a Good Idea," endorsing the proposal. I want to share that editorial with my colleagues.

[From the Cleveland Plain Dealer, Nov. 30, 1980]

Reuss Has a Good Idea

Rep. Henry S. Reuss, an influential Democrat from Wisconsin, wants the Democratic party to consider reforming the presidential nominating process.

His idea for the party to create a representative council to deal with the presidential nominating process, along with other subjects, is a sound one. The council, to include members of Congress and other elected party leaders, should be created to offer solutions to such problems as the recent changes in procedures that have spawned the long and disorderly system of primaries.

Reuss had no specific recommendations, but he is correct in looking for a way to return an ingredient now lacking—party accountability.

The long network of primaries has instilled an overdose of direct democracy substituting for representative democracy.

The authors of the Constitution had in mind an electoral system which they believed would produce quality presidents. They desired a peer review. People with a share of power and responsibility to help govern were thought of as being in the best position to make judgments on the abilities and qualities of presidential aspirants.

Unfortunately, the reforms and subsequent growth in primaries with their too heavy reliance on direct democracy have left the process without the function envisioned so properly by the framers of the Constitution.

Party leaders and elected officeholders are voiceless. Presidential candidates no longer need to build necessary coalitions that help them to govern more effectively. And there is no party accountability.

A sound presidential nominating process obviously requires some direct democracy, but the process also needs to blend in representative democracy to restore the influence of senators, House members, governors, party leaders and, perhaps mayors.

Elected officials, especially those with an influential share of the decision-making power in Washington, should be guaranteed an uncommitted role as convention delegates.

It might be desirable to make it impossible for a candidate to wrap up the presidential nomination by winning the beauty contests in the primaries. The political conventions also would be more meaningful. They would not be mere rubber stamps, or coronations.

If the Democrats follow Reuss' advice, as they should, and initiate a reform of the reforms, the Republicans are sure to follow.

The present process is too flawed, too costly and too time consuming. We doubt whether Thomas Jefferson et al. would like it. Even the brilliant framers of the Constitution would now be excluded from any influential role in selecting presidential candidates.

Democratic House Caucus Resolution for a Democratic Council—Congressman Henry S. Reuss, November 14, 1980

Be it resolved by the House Democratic Caucus that the Speaker, in association with the Steering and Policy Committee, should seek to create a Democratic Council for the purpose of developing a Democratic program, recommending reforms in the Democratic presidential selection process, and generally reinvigorating the Democratic Party. Membership in the Council could be roughtly 250, of which 80 would be Congressmen chosen by the House Democratic Caucus, 20 Senators chosen by Senate Democrats, which 100 members would in turn select 50 Democratic elected officials in state and local government, which 150 members would in turn select 100 non-official Democrats. Every effort should be made to assure that the Council is broadly representative, particularly with respect to women, minorities, and regions.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, during the session of Friday, November 21, 1980, I was on leave of absence from the House of Representatives.

Had I been present, I would have voted "nay" on rollcall No. 649, on approval of the conference report to accompany H.R. 7584, making appropriations for State, Justice, Commerce, and the judiciary for fiscal year 1981.●

RESIGNATION OF JAY JANIS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Rhode Island (Mr. St Germain) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the recent resignation announcement of Jay Janis, Chairman of the Federal Home Loan Bank Board, is deeply regretted by me and I just wish to take this opportunity to express my disappointment that this distinguished public servant will in the very near future be relinquishing the helm of the Federal Home Loan Bank Board. I take comfort in the fact that this truly remarkable public administrator has left Government service before only to return to positions of greater responsibility. I predict that such will be the case again.

Shortly after my first election to Congress in 1960, I had occasion to work with Jay Janis as he commenced his Federal service first in 1964 with the Department of Commerce and subsequently in 1966 as executive assistant to HUD's first Secretary, Robert C. Weaver. It was in the latter post that Jay Janis' superb academic training and extraordinary administrative talents came to the fore, marking him as a future leader of this Nation. The intervening years have vindicated the judgment of those of us who have known and worked with Jay through the years.

His return to DHUD in 1977 as Under Secretary from a distinguished career both as a businessman, private developer, and as an academician, senior vice president of the University of Massachusetts, gave to Jay still another extraordinary opportunity to serve the public at large. His quiet effective service as Under Secretary of DHUD earned for him the justified plaudits of all. His unassuming manner and willingness to go to any length was directly responsible for the smooth transition as Secretary Harris moved from DHUD to the Department of Human Resources. His early resignation is characteristic. Jay has always placed the best interest of the public and the interest of the institutions he has served above any possible personal considerations.

While Jay's term does not expire until June 30, 1981, his decision to leave Government service on December 15 gives to the President-elect an opportunity for his choice to begin immediate service in this crucially important regulatory agency to the savings and loan industry, the principal supplier of home mortgage financing, and the homebuilding industry, struggling through the worst recession in its history.

Jay Janis, drawing on his superb background, has provided absolutely crucial leadership to the industry during its most perilous period in its history and he has been the driving force in the implementation of Public Law 96-221, the most significant deregulation step taken in this centry impacting on all financial institutions. He has provided impartial leadership and stability to the dedicated employees of the Board after a period of instability primarily brought about by frequent turnovers and Board member vacancies. I urge the incoming President's transition team to give immediate consideration to Mr. Janis' replacement so that the momentum for constructive change accompanying the deregulation process not be disrupted.

Mr. Speaker, many rise to positions of prominence and power in Washington. Rarely, however, has anyone worn the robes of power with grace as has Jay Janis throughout his governmental service. While a pragmatic realist, he, nevertheless, has always served as an inspirational leader offering hope even at times in the face of seemingly impossible odds. In the final analysis, when Government and its leaders fail to serve as a beacon of hope for the less fortunate among us then it has lost its right to serve. This tribute to my friend, Jay Janis, is best closed by his concluding remarks at a recent savings and loan convention:

> Realistically, of course, we must acknowledge that we aren't going to solve the affordability problem all by ourselves. The thrift industry will not be able—singlehandedly—to cope with the housing pressures that are even now becoming apparent as a result of demographics over which we have no control.
>
> But we can try. And we can, by a concerted effort on the part of all elements of the housing and housing finance industries, demonstrate our concern about the dimensions of the problem that not we alone, but the nation as a whole, face in the next ten years.
>
> It is, in fact, a national problem, and one that will elude solution until there is a national awareness of its pressing nature, and more importantly, a national commitment to its resolution.
>
> Let me leave you with this thought, written some 35 years ago by Franklin Delano Roosevelt. "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."●

CONGRESSIONAL DELEGATION TO THE MADRID REVIEW MEETING OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fascell) is recognized for 15 minutes.

● Mr. FASCELL. Mr. Speaker, I should like to report briefly on the visit of a congressional delegation headed by Senator Claiborne Pell and myself to Madrid, November 22 to 29 to attend the review meeting of the Conference on Security and Cooperation in Europe. Included in our delegation were four other members of the Commission on Security and Cooperation in Europe—Representative Sidney Yates, of Illinois, Representative Jonathan B. Bingham, of New York, Representative Millicent Fenwick, of New Jersey, and Deputy Assistant Secretary of State Millard Arnold, representing Commissioner Patricia M. Derian, Assistant Secretary of State for Human Rights and Humanitarian Affairs. Other members of the delegation were Representatives Robert F. Drinan, of Massachusetts, Paul Findley, of Illinois, Wyche Fowler, Jr., of Georgia, Benjamin A. Gilman, of New York, John J. LaFalce, of New York, Dawson Mathis, of Georgia, Anthony Toby Moffett, of Connecticut, and Henry A. Waxman, of California.

The Madrid meeting was convened to review compliance with the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki, August 1, 1975, commonly known as the Helsinki accord, and to consider future activities under the accord.

The Commission on Security and Cooperation in Europe—an independent, advisory agency which was created by Public Law 94-304 and is chaired by myself and Senator PELL—is authorized "to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference Security and Cooperation in Europe (CSCE), with particular regard to the provisions relating to cooperation in humanitarian fields."

Mr. Speaker, our delegation had a very successful and full week in Madrid.

We were well received by our Ambassador to Madrid, the Honorable Terence Todman, and the cochairman of the U.S. delegation to the Madrid Review Meeting, the Honorable Max Kampelman. Our congressional delegation became a part of the U.S. delegation to the review meeting, and in this capacity, we attended plenary sessions and meetings of the subsidiary working groups.

We had very useful meetings with the Ambassadors of our NATO allies and the neutral and nonalined countries attending the Madrid meeting.

Of special interest was our 3-hour meeting with the Soviet delegation which was arranged at our request. We were received by the entire Soviet delegation to Madrid, headed by Deputy Foreign Minister Leonid Ilyichev and his two deputies. In a wide ranging discussion, which was both frank and lively, we exchanged observations and criticisms on implementation of the Helsinki Accords. We pressed the Soviets on such issues as family reunification, the imprisonment of Helsinki monitors, the exile of Andrei Sakharov, the imprisonment of Anatoly Shcharansky and Jewish emigration. Also discussed was Afghanistan and the Olympic boycott.

We did not have a meeting of the minds with the Soviets on any of these issues, and the discussion was at times sharp, although polite. But at the end of the meeting, I told the Soviets that we should continue to talk with each other about things which we do not like, but which need to be talked about. I also said that we need to act so that we may increase confidence in each other. The issues which may help to overcome this lack of mutual knowledge and confidence are part of the CSCE process. And in this connection, I urged the Soviets to take some action which would help restore the confidence of the American people in Soviet intentions. I pointed out that there were many doubts and questions in the United States about Soviet intentions. I pointed out that there were many doubts and questions in the United States about Soviet intentions, and this was adversely affecting the CSCE process and our bilateral relations.

Ilyichev asked us to consider the connection between political détente and military détente, which he implied were interconnected. He said that any positive steps taken by the United States in regard to bilateral issues, and specifically security issues, will help to improve the situation and will find complete understanding from the Soviet Union.

In our meeting with the Soviets, and with the other groups in Madrid, we stressed that the actions of the Soviets in Afghanistan and the Soviets' blatant disregard for many of the promises of the final act, have raised grave and serious questions in the Congress and among the American people regarding Soviet intentions in various parts of the world. This situation is affecting our bilateral relations and is seriously calling into question the entire Helsinki process and the viability and future of the accords themselves.

Senator PELL, at a plenary session of the Conference, gave an important speech proposing a treaty requiring international environmental assessments in connection with any project or activity that could cause environmental damage across international boundaries. Senator PELL interrupted his stay in Madrid to travel to Italy November 26 to 27 to visit the areas stricken by the earthquake and to make a firsthand assessment of the damage and what the appropriate U.S. contribution should be to relief and reconstruction efforts. He returned to Madrid and rejoined the delegation on the evening of November 27.

Speaking for the U.S. delegation, I delivered a speech in the subsidiary working group on Basket 1, which focused on Soviet actions in Afghanistan, as violating all of the principles of Basket 1. (CONGRESSIONAL RECORD, December 3, 1980.)

Our delegation met with Ambassador Todman for a very thorough, in-depth briefing on United States-Spanish relations which have been developing very favorably in recent years. We were pleased to hear of the progress made in the consolidation of democracy in Spain. Our delegation was hosted at a working lunch by the Spanish delegation to the Conference, which was joined by several members of the Foreign Affairs Committee of the Spanish Parliament. This gave us an opportunity to discuss United States-Spanish bilateral issues as well as the implementation of the Helsinki accords and the progress of the Conference.

Representative DRINAN was guest of honor at a luncheon given by the U.S. Human Rights Information Center in recognition of his many years of activity in support of human rights throughout the world. The lunch was preceded by a seminar on Soviet emigration policies, conducted by Prof. Alan Dershowitz, Harvard Law School, and Ambassador Jerome J. Shestack, U.S. representative on the U.N. Human Rights Commission.

We also met with representatives of several nongovernmental organizations represented at Madrid. These included the U.S. Helsinki Watch Committee, the National Conference on Soviet Jewry, and the Union of Councils of Soviet Jews. With these and others we discussed Soviet violations of the Helsinki accords and the situation of Jews in the Soviet Union.

Mr. Speaker, I would like to call attention to the work of the public members on the U.S. delegation to Madrid. Appointed by the President, these public members are giving most generously of their time and effort in support of human rights, which is fully consonant with the work of the Commission on Security and Cooperation in Europe. I realize that there are logistical and administrative burdens, particularly for the Department of State, in transporting these people to Madrid and providing support for them there. But I believe that it is fully worth the effort to have public members included in the official U.S. delegation to such meetings.

At Madrid the public members, the nongovernmental organizations from both the United States and Europe, together with the congressional delegation and members of the Commission on Security and Cooperation in Europe, demonstrated to all in attendance at the meeting, from both East and West, the bipartisan and broad public and congressional interest in the Helsinki accords, in particular to those provisions relating to human rights and fundamental freedoms.●

AMTRAK SERVICE FOR KING CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, in October of this year the county of Monterey in my congressional district passed a resolution in support of the request by King City, Calif., residents that Amtrak's Coast Starlight train make one northbound and one southbound stop in their city. I strongly supported this request; in light of the isolated location of this growing community in the Salinas Valley and the lack of transportation alternatives available there, it was my belief that it would be to the advantage of both Amtrak and those living in the region for passenger rail transportation to be made available at King City.

At present, south Monterey County residents must travel for over an hour by car to reach the nearest location at which the Coast Starlight boards passengers, either in Salinas to the north or the city of San Luis Obispo to the south. The only alternative to private automobile transportation in the region is the use of commercial bus services.

It was with some distress, then, that I recently learned that Amtrak had denied the county's request. The basis of that agency's decision was not that there was insufficient interest demonstrated in the area for use of the train; to the contrary, over 500 local residents signed a petition attesting to their interest in the proposal. Rather, King City's city manager was informed that because trains on this route were already running at capacity, Amtrak would be unable to provide the requested service.

Mr. Speaker, when I supported legislation adopted by this body last year (H.R. 3996) reorganizing the Amtrak rail system, it was my expectation that by reducing the size of the passenger rail network we would be liberating funds and equipment for use on those portions of the system where demand was high. Unless this has not proven to be the case, and unless Amtrak continues to be plagued by a lack of sufficient resources to meet customer demand, then it is my hope that the corporation will initiate steps to meet the needs of King City residents. I have consequently sent the following letter to Amtrak director Alan Boyd asking that he reconsider Monterey County's request:

Washington, D.C.,
December 3, 1980.

Alan S. Boyd,
Director, National Railroad Passenger Corporation, Washington, D.C.

Dear Mr. Boyd: I would like to express my strong support for the request submitted by the County of Monterey that Amtrak's Coast Starlight make one northbound stop and one southbound stop at King City, California, and would ask that you review your agency's initial decision on this matter.

There are a number of factors which have been raised by the County which, were they to be closely examined by Amtrak, I believe would lead you to consider more carefully the advantages of adding an additional stop at King City on the north and south routes of this train.

King City is approximately equidistant from the two nearest locations at which the Coast Starlight does board passengers: the Cities of Salinas and San Luis Obispo. The distance between these two is some 135 miles, and the intervening region includes a large number of cities and towns in the Salinas Valley, many of which are experiencing rapid population gains. King City itself has increased its population by almost one-half over the last decade. Over 500 residents of the City signed a petition in favor of the County's request, indicating the considerable interest which exists in the availability of rail transportation for the area. At present, these people have very limited alternatives to private automobile transportation for traveling within California or to out-of-state destinations. Finally, the City has enjoyed passenger rail service in the past; the presence of depot facilities there would thus render unnecessary costly new construction to accommodate an additional stop in King City.

As one who strongly supported the Amtrak reorganization legislation which was enacted in the 96th Congress, it was my understanding that a careful restructuring of our Nation's passenger train network would enable an adequate level of capital and equipment to be made available on routes which were experiencing growing consumer demand. Consequently, it was with some surprise that I learned of the response received from Amtrak's Office of State and Local Services suggesting an inability to accommodate the additional capacity which would result from use of the train by King City residents and those of the surrounding area.

I would appreciate your reviewing your initial decision on this matter to determine if circumstances would permit Amtrak to meet the County's request. If not, do you foresee the possibility of adding the requested train stops in the near future?

Thank you for your attention to this matter. I look forward to your reply.

Sincerely,

Leon E. Panetta
Member of Congress.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Mavroules) is recognized for 5 minutes.

● Mr. MAVROULES. Mr. Speaker, because of the untimely death of Esthemios Tsongas, the father of Senator Paul Tsongas, I was attending the funeral of Esthemios Tsongas on December 3, and missed four recorded votes. Had I been able to vote on these measures, I would have voted in the following manner: Against H.R. 7765; for House Joint Resolution 637; for House Resolution 821; and for House Resolution 822.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Nelson) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, due to official business, I was not recorded on rollcalls 607 and 608 on September 30, 1980. If I had been present, I would have voted "yes" on passage of H.R. 8195, the Railroad Retirement Act, and "yes" on adoption of the conference report on House Joint Resolution 610, fiscal 1981 continuing appropriations.●

THE HONORABLE BOB WILSON FROM CALIFORNIA

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

● Mr. PERKINS. Mr. Speaker, Bob Wilson came to the Congress when the Korean war was underway and he has served his constituents and this Nation well ever since then. He has always looked first at the defense posture of the Nation, and he has always worked to insure American military strength. Through these 28 years that we have had the privilege of working with him, he has demonstrated an ability to present his views with clarity and without rancor. While he is leaving the House, I hope he will continue to provide us with his wisdom and good judgment as he enjoys a well earn respite from the hectic activities of the House●

THE HONORABLE ELIZABETH HOLTZMAN

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

● Mr. PERKINS. Mr. Speaker, when our colleague Elizabeth Holtzman closes her office at the end of the 96th Congress, New York and the Nation will be a great deal poorer.

Ms. Holtzman has been a splendid Member of this body, a representative of integrity, understanding, dedication, and great insight into the character of the Republic.

Perhaps it is not entirely fitting to bring up the subject of her recent defeat in the New York election for the U.S. Senate. But it seems to me that in turning away from her, the voters of New York have passed up an opportunity for real greatness. She would have made an outstanding Senator and I look forward to the day when the voters of New York will recognize the mistake and return her to a position of honor and trust in their governance. Elizabeth Holtzman has added great luster to the House of Representatives during her years here. All those who worked with her will be sorry to see her go and will miss her greatly in the 97th Congress.●

THE HONORABLE MENDEL DAVIS, OF SOUTH CAROLINA

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

● Mr. PERKINS. Mr. Speaker, I join my colleagues today in paying tribute to our colleague, Mendel Davis, on the occasion of his retirement from the House.

There was a time, long ago, when a Member had to be here five or six terms before any notice was taken of him. But that has changed, happily, and for the best.

One of the reasons for that change was the appearance of bright young legislators like Mendel Davis of South Carolina. Mendel had hardly set foot on the floor before the House knew it had a special person in its midst.

During his five terms, he has proved himself to be the peer of any of those distinguished Members that the Palmetto State has sent to Washington since colonial days.

A hard working, dedicated Congressman, a man of keen understanding of the times in which we live and the nature of change in society, Mendel Davis has made a splendid contribution to the House. I regret very much his decision not to stand for reelection; but like all his friends, I wish him well in whatever new career he undertakes.●

PAYING RESPECTS TO THE HONORABLE JAMES CORMAN, THE HONORABLE HAROLD T. JOHNSON, THE HONORABLE JIM LLOYD AND THE HONORABLE LIONEL VAN DEERLIN

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

● Mr. PERKINS. Mr. Speaker, I think it is fitting that this time be set aside for the Members to pay their respects to those outstanding Californians who are ending their service in the Congress this year. James Corman, Harold T. Johnson, Jim Lloyd, and Lionel Van Deerlin have been outstanding and dedicated Members who have brought honor and respect to this Chamber.

It has been a great privilege to work with and serve with them and to observe their dedication to the welfare of our people. Abler men have never graced this Chamber. We could well consume a whole day in extolling the virtue of any one of them, but in this little time I simply want to say that they carry with them into retirement the good wishes and the warm regard of all of those with whom they have served so loyally.●

LEAVE OF ABSENCE

Mr. RODINO (at the request of Mr. Wright), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Snowe) to revise and extend their remarks and include extraneous material:)

Mr. Duncan of Tennessee, for 5 minutes, today.

Mr. Corcoran, for 5 minutes, today.

Mr. Goldwater, for 5 minutes, today.

Mr. Porter, for 5 minutes today.

Mr. Tauke, for 5 minutes, today.

Mr. Guyer, for 5 minutes, today.

Mrs. Heckler, for 10 minutes, today.

Mr. Porter, for 5 minutes, December 4.

(The following Members (at the request of Mr. Panetta) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Ms. Ferraro, for 5 minutes, today.

Ms. Oakar, for 5 minutes, today.

Mr. Drinan, for 5 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Fascell, for 15 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Nelson, for 5 minutes, today.

Mr. Price, for 60 minutes, December 4.

Mr. Murtha, for 60 minutes, December 5.

Mr. Foley, for 60 minutes, December 5.

(The following Members (at the request of Mr. Hubbard) to revise and extend their remarks and include extraneous material:)

Mr. Mavroules, for 5 minutes, today.

Mr. Dodd, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel, to revise and extend his remarks on the resolution just passed, House Resolution 637.

Ms. Holtzman, and to include extraneous matter notwithstanding the fact that it exceeds five pages of the Congressional Record and is estimated by the Public Printer to cost $2,652.75.

(The following Members (at the request of Mrs. Snowe) and to include extraneous matter:)

Mr. Porter.

Mr. Duncan of Tennessee.

Mr. Derwinski in two instances.

Mr. Livingston.

Mr. Findley in two instances.

Mr. Grassley.

Mr. Paul.

Mr. Gilman.

Mr. Carter.

Mr. Guyer.

Mr. Sebelius.

Mr. Collins of Texas in two instances.

Mr. Green.

Mr. Lent.

Mr. Bafalis.

Mr. Hyde.

Mr. Fish.

Mr. Marriott.

(The following Members (at the request of Mr. Panetta) and to include extraneous matter:)

Mr. Yatron.

Mr. Ottinger in two instances.

Mr. Wolff in three instances.

Mr. Biaggi in 20 instances.

Mrs. Byron.

Mr. Stokes.

Mr. Fazio.

Mr. Barnes in two instances.

Mr. Drinan in three instances.

Mr. Donnelly.

Mr. Jenkins.

Mr. Bingham in two instances.

Mr. Hamilton.

Mr. Edgar.

Ms. Oakar in two instances.

Mr. Conyers.

Mr. Walgren in two instances.

Mr. Wirth.

Mr. Simon in two instances.

Mr. Brodhead.

Mr. Nowak.

Mr. Heftel in five instances.

Mr. Rodino.

Mr. Mattox.

Mr. O'Neill in two instances.

Mr. Hutto.

Mr. Hawkins.

Mr. Scheuer.

Mr. Matsui.

Mr. Dixon in three instances.

Mr. Hubbard in two instances.

Mr. Long of Maryland.

Mr. Stark.

EXTENSIONS OF REMARKS

THE SYNFUELS BILL—WHAT HATH CONGRESS WROUGHT?

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FUQUA. Mr. Speaker, I am pleased to share with my colleague's remarks titled "The Synfuels Bill—What Hath Congress Wrought?" which were made on October 21, 1980, by Congressman JOHN WYDLER at the NERO Symposium.

JACK WYDLER is a thoughtful and hard-working legislator who is highly dedicated to improving energy production in our country by using our own resources and technology. As a conferee on the Energy Security Act, he spent untold hours seeking to improve the bill. I feel, because of his dedication and contribution, it is a much better piece of legislation.

Mr. WYDLER's remarks follow:

THE SYNFUELS BILL—WHAT HATH CONGRESS WROUGHT?

Good morning ladies and gentlemen. I appreciate the invitation to speak not only because I believe it might prove interesting for you to have more congressional background on the Synthetic Fuels Corporation, but also because it serves as a stimulus for me to identify issues and concerns as to how the Corporation will operate.

The conference on S. 932 was a complex and torturous exercise not simply because of the controversy surrounding the nature of the Corporation itself, but also because the Senate had tacked on a number of additional titles which had very little to do with energy supply. One of these extra titles on wind energy was split out and handled as separate legislation. Some of the others, including the notorious "Energy Targets" title, were adopted in forms considerably different from the Senate version. One day I hope that we will be able to look back on this conference effort as productive in terms of barrels of synthetic fuels production per hour of conference deliberation. Such a figure expressed in barrels of oil saved was extremely small for the infamous conference on the National Energy Act. As you recall, the premises of that bill were:

1. We have no more gas, so let's continue to regulate it.

2. We have very little oil, but more oil than gas.

3. Raising energy prices to real values won't result in any conservation.

Let's hope that the synfuels bill was based on a more solid set of premises than the National Energy Act.

I think it is best to begin by giving you a perspective on what the House conferees wanted in setting up the U.S. Synthetic Fuels Corporation. As many of you know, since the House bill had originated in the Banking Committee thru amendments to the Defense Production Act (DPA), there was great concern for retaining these DPA authorities to stimulate synthetic fuels commercialization. The Senate, on the other hand, was very preoccupied about the Corporation being the sole instrument for funding large synthetic fuels commercialization projects. The compromise reached in the final version of S. 932 displeased me and many House conferees and Members because it confined the Defense Production Act authorizations to the period prior to the "fully operational" phase of the Synfuels Corporation. Since then, however, the Appropriations Committees have acted with sufficient urgency that it appears a significant amount of funding will be committed under both the Federal Non-Nuclear Act and the DPA authorities through the Department of Energy. All in all, up to $5 billion in appropriations could be committed to synfuels projects by the end of this calendar year.

In the area of control of the Corporation and reporting requirements to the Congress, there were also significant differences between the House and Senate. The SFC as it turned out, is "neither fish nor fowl" and although many control and reporting requirements were written in at the strong insistence of the House conferees, the SFC does not come under the full aegis of the Government Corporation Act. I feel, however, that we came a long way on this issue from the situation we were presented with in conference where the Senate simply wanted to give five unidentified men over $20 billion to go off and do God knows what and, then come back five years later and tell us how they spent the money. The question of a long range Synfuels Corporation strategy was resolved in a more satisfactory compromise, and hopefully, the various authorization committees in the House and Senate as well as both bodies will have sufficient opportunity to review such a strategy and the related funding requirements for phase two of the Corporation's activities.

I might say a word here about some of the specific concerns of the Science and Technology Committee on which I have served as the ranking minority member for the past four years. Both myself and Chairman Fuqua approached this conference from the perspective of authorization of and oversight responsibility for the technology demonstration projects in fossil energy carried out by DOE. It was also our committee which authorized alternate fuels loan guarantees in P.L. 95-238. Thus, we are well aware of the difficulties of undertaking the design and construction of a large plant incorporating new technology with the requirements of environmental acceptability and the need to control costs while maintaining project schedule.

Many of you are familiar with the COALCON fiasco and the cost overruns on DOE's large pilot plants. Thus, we were very concerned about the capability of the Corporation to make investment decisions with regard to projects which would demonstrate technology at commercial scale with some degree of economic risk. We were even more concerned about the Senate's joint venture financial mechanism for synfuels projects since these activities by definition involved modular-size demonstrations with some technical risk. Such projects are, in fact a step closer to the first-of-a-kind technology demonstrations which we have authorized for the past five years in the fossil energy programs of DOE. I must say that our concerns about the SFC which is to function chiefly as a bank, having the capability to make decisions from day to day that involve technological trade-offs, has left us with serious misgivings. Our attempts to clarify statutory and report language so that the Department of Energy would be written explicitly into the joint venture projects and also assigned a strong role as the Federal technical arm of the Corporation were not very successful.

Further, we felt that the Corporation would have difficulty making judgments on refined proposals versus early conceptual designs given the variety of criteria to be used in making project selections. As a result, we did provide for a cost-sharing design mechanism so that rough proposals could be carried on to the preliminary design stage and thus, be ultimately on a better comparative basis with competing project proposals. My understanding is that the DOE feasibility studies and cooperative agreement solicitations provide precisely this opportunity.

Our concern here, of course, was the overzealous proposal which has a sufficiently innovative flavor to deserve a second look. Such proposals should be encouraged and the House conferees were intent on allowing "general" solicitations by the SFC so as to accomplish this. However, the SFC cannot be in the position of funding a batch of risky activities heavily spiced with optimism for synfuels production. I can't imagine a more crippling blow to the infant synfuels industry than several early project failures under the SFC commercialization activity or, even in DOE technology demonstration programs, although the latter are inherently riskier projects.

I think we will have to wait and see just what the SFC organization looks like before we can make a decision on whether the chances are good that this "investment house" will indeed be able to exercise a significant degree of technical judgment. The fact that DOE is involved in screening and negotiation of this first $5 billion of solicitations under S. 932, is somewhat reassuring but we are still left with the major question of what happens when the Corporation becomes the agent for this activity and, moreover, becomes "the middleman" for DOD purchases.

We are going to hear this morning from Dr. Ruth Davis who is going to tell us about the DOE interface with the Synfuels Corporation and that should give us a better idea just how the administration is interpreting the statutory and report language of S. 932. I might note that, given my admiration for Dr. Davis and her impressive track record with DOD and DOE, I am still not convinced that the Department has "gotten its act together" internally. For instance, I don't see any firm evidence that her resource applications people, who have issued the solicitations, are working with the Assistant Secretary Fumich's fossil energy group and the OMB to see that the Department presents a capable and coherent interface with the SFC. Neither did I see an identifiable task team out of the White House drawing organizational boxes for SFC. I might add I know of no consultation with the Hill on those boxes or how they might be arranged.

I think I would be remiss if I didn't indicate my displeasure with the provisions of title II of S. 932, particularly with respect to the massive incentives for biomass energy. The biomass incentives came from certain grain States' advocates in the other body and received great support from the Agri-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cultural Committee and "soft" technology advocates in the House. If I could believe that this commitment of nearly $1 billion in appropriations would constitute the entire Federal subsidy for gasohol programs, I would feel a little more comfortable. Unfortunately, given the politics of the situation, I don't think we can safely conclude that and, as a result, we have huge DOE and Department of Agriculture programs being put in place without any careful recognition of their relation to other incentives, such as the gasohol tax credit of forty cents a gallon. I think it is clear that the amount of energy to be saved by having people simply building various stills all over the country does not justify this kind of expenditure. We hear a lot about gasohol use in Brazil and yet it represents less than 2 percent of their energy use and is not expected to exceed 4 percent in this century. When you consider this massive Federal commitment in the light of other incentives, including tax credits and remind yourself that the technical data on the use of methanol and ethanol is incomplete, I think you can see this situation for what it is. It is simply a case where politics has outrun not only technology development, but even ultimate energy promise.

Finally, I would like to make a few remarks about some of the so-called "out titles" of the synthetic fuels bill. Curiously enough, in some cases I think the House managed to salvage sensible legislation out of a hodge-podge of Senate provisions. Our committee was instrumental in drafting title VII, which calls for a comprehensive R. & D. program on acid rain rather than a premature and reckless regulatory standards program. We in the northeast are already keenly aware of the acid rain problem and I believe our committee has crafted legislation for workable and meaningful interagency cooperation on acid rain formation and effects. I am concerned, however, that the executive is very reluctant to move out to implement the intent of S. 932 and we must provide encouragement. The administration was not happy with our assignment of a lead management role to NOAA or our delegation of a lead research role to the national labs.

The stragetic petroleum reserve deserves some comment. I spoke at some length to the Saudis on this question in January and feel that the legislation could have been written somewhat differently. Nevertheless, I do endorse the goal of reaching a fill rate of at least several hundred thousands barrels a day within a year from now. In fact, I am puzzled that the President is not moving out on this as quickly as we had hoped, by oil purchases. It seems to me that providing oil from the naval reserve as well as directing significant purchases from Africa, Venezuela and Mexico, should meet our needs without raising the strategic reserve issue directly with the Saudis.

I am looking forward to hearing the remaining talks this morning although my major regret is that we cannot discuss a bill related to the Synfuels Act, that is the Energy Mobilization Board legislation. This was truly to be the companion piece to the Energy Security Act and despite what its critics said on both sides, offered a great advantage in its consolidation of the judicial review process. If the next President is serious about building synthetic fuel plants, he must direct his agencies to cooperate in a way which expedites the granting of permits and licenses so that these "priority energy projects" can go ahead.

An example of an area where the Federal Government must actively and positively intervene to accelerate synthetic fuels development is that of Federal leasing of lands. It is clear that oil shale development in the West cannot go ahead at the pace required to meet the synfuels goals without an accelerated Federal leasing policy, with the positive goal in mind being the expeditious deployment of oil shale facilities targeted at meeting 400,000 barrels per day contribution by 1992, with at least 250,000 coming from five commercial-size plants in the West. It is worth noting that the nomination of Secretary of Interior Andrus to the SFC Board raises a major question about how Federal land leasing may be handled. Many of us in the Congress have perceived Mr. Andrus to be an integral part of the Federal leasing problem. I have no reason to believe he will prove any less of a problem in this question of oil shale development as it comes before the Board.

If Mr. Speth is still a White House advisor and "part of the energy supply problem" and, the Environmental Protection Agency operates as they have in the past in setting guidelines and standards, I am not very hopeful that President Carter can ever effect the goals of the Energy Security Act. It is naive to assume that many plants could be built in the face of such serious anti-industry and anti-growth opposition at the highest policy levels.

We must remind ourselves also that one of the primary motives in setting up the SFC is to create an infrastructure for what is loosely called "the synthetic fuels industry". I expect that Walter Flowers will tell us a bit more about what the industry expects from Congress, the executive, and the Corporation, however, I do think the question of what kind of an industry we expect to have to support the goals of S. 932 is worth pursuing as well as its major requirements. To meet two million barrels per day by 1992 will require the construction of about forty commercial size plants costing in the range of $120 to $160 billion in today's dollars. To construct and operate the plants will require:

Thousands of additional coal miners;

Tens of thousands of construction workers;

Thousands of engineers to design, build and operate the plants. It should be noted the competition for chemcial process engineers, already intense, will become fierce since the petroleum industry has already embarked on a $20 billion plus program to upgrade and provide additional refinery capacity over the next several years; and several thousands of uniquely skilled project managers will be required. This is no small challenge for the construction-engineering industry already carrying a backlog of roughly $40 billion worth of plant orders, with many companies already competing furiously for technical staff and supporting engineers.

Of course, there will be transportation requirements to haul coal by train, particularly for synthetic plants in the East, and additional transportation requirements not yet identified until the sites of these plants are chosen.

Finally, there will be an unparalleled need for construction materials and critical components which, even given the transfer of aerospace and nuclear industry manufacturers to coal conversion projects, will undoubtedly result in many delays and shortages of vessels, valves, and other hardware.

There is no evidence of an overall White House strategy to see that this industry can be put in place. Such a strategy must involve commitment to a new regulatory climate and day-to-day encouragement on the part of the Federal Government to its implementation in every one of the sectors I've listed. Meeting this challenge must be considered a national security goal including mining and water requirements thru transportation and infrastructure planning.

Governor Reagan has been stressing the need for an energy supply thrust to solve our problems in the future. That kind of commitment is needed if a synfuels program is to succeed. Any one of a number of obstacles to production will destroy the program. To date, President Carter has not shown the desire nor the determination to reach the 1987-92 production goals. That will require a radical shift from his past ambivalency on the energy supply.

The President, whoever he may be, will have the authority to form the Corporation and to name and control the board members. In my judgment, their selection should be controlled by asking whether they are people that are intent on increasing energy supply for our Nation. The difficult compromises and decisions, however, will have to be made by the President, who will be the pacing item in the program and the decisive factor in determining its success or failure.●

PERSONAL EXPLANATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. SIMON. Mr. Speaker, I had to be in my district this morning early and because of the lateness of the return flight I missed the vote on the reconciliation issue. Had I been present I would have supported that resolution which I have been supporting from its infancy in our Budget Committee.●

IMPORTANCE OF THE 1980 NOBEL PRIZE IN MEDICINE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. WALGREN. Mr. Speaker, on Wednesday, November 19, the Committee on Science and Technology, under the chairmanship of Don Fuqua of Florida, held a very significant and informative hearing on "Outlooks From Nobel Laureates." I compliment the chairman for arranging this hearing and for this opportunity to hear from the U.S. Nobel Prize winners in the sciences and medicine.

As a member also of the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce, I was particulary interested in the testimony from Dr. Baruj Benacerraf of Harvard University, who is chairman of the department of pathology and president of the Sidney Farber Cancer Institute. Dr. Benacerraf argued strongly for the need for excellence and the need to try our very best in our competitive world. Certainly, the Nobel Prize winning research in sciences and medicine exemplify the highest of excellence.

THE NOBEL PRIZES IN MEDICINE

Among the eight U.S. winners of Nobel Prizes for 1980, two were for medicine. One to Dr. Baruj Benacerraf, and the other was to Dr. George Snell of the Jackson Laboratory of Bar Harbor, Maine. Dr. Snell was unfortunately unable to be present at the hearing. This Nobel Prize in medicine in 1980 was also shared by Dr. Jean Dausset of France.

Their collective prize was for work in making tissue typing possible and for shedding new light on the body's immune system. In the work of these three Nobel Prize winners, attention was given to the antigens that are attached to cells in all people or animals. These subcellular molecules act as signatures that are peculiar to that particular living creature. The body looks at these signatures to determine whether they are acceptable and healthly to that life. If not, the body creates substances called antibodies to rid the body of the foreign intrusions.

Many applications to human and animal health result from this subcellular interplay. A particulary important one concerns transplants of organs, which have now become somewhat common for kidneys and even, although to a lesser extent, for hearts. The transplanted organ would be rejected by a body because of the antigen signature, unless specially selected organs are chosen and measures are taken about the compatibility of their antigens with the host body.

Another important application of immunology is in understanding the ability of the body to identify and to fight bacteria and viruses that enter the body. In addition, these results from immunology provide the basis for identifications from specimens of blood and other body parts. This is used for positive determines of disputed paternity and even for forensic medicine, anthropology studies, and evolutionary studies.

DEVELOPMENTAL HISTORY

As pointed out by Dr. Benacerraf in the hearings before the Committee on Science and Technology, long periods of research are required to produce significant results. For example, Dr. Snell started his award-sharing work at Bar Harbor in the mid-1940's by breeding colonies of mice with nearly identical characteristics for research purposes. As a sidelight, this quickly had a setback when the Jackson Laboratory was burned out in 1947, but Dr. Snell persisted and rebuilt.

Dr. Benacerraf said that he started investigating the genetic control of immune responses "accidentally" in the early 1960's when he found that some animals in his laboratories responded by making antibodies to antigens and others did not. This led to very intensive investigations. He has now published some 500 scientific papers. Results that won the Nobel Prize are extremely complicated. As Dr. Benacerraf admits: "A very complex system is needed for controlling immune responses; the only parallel is the interactions in the nervous systems." Nevertheless, he says: "We are finally beginning to understand the workings of the immune system and the intricate mechanisms for distinguishing self from nonself."

CONGRESSIONAL ROLE

I believe my colleagues will agree that the custom now established by the Committee on Science and Technology in hearing and lauding the Nobel Prize winners is of importance to the Congress.

Much of the expensive and long-term support that is required for producing such outstanding research must, of necessity, be funded from the Congress. This requires diligence and continuity. However, as we have heard from this hearing, the results are often of very immediate application to the health and welfare of the Nation and, as in the case of Nobel Prize awards, are world recognized.●

THE OMNIBUS RECONCILIATION ACT OF 1980

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FISHER. Mr. Speaker, I am pleased to see that in one of its final acts, the 96th Congress has taken a significant step toward budgetary discipline by passing the Omnibus Reconciliation Act of 1980. This legislation will trim the Federal deficit for fiscal year 1981 by almost $9 billion from what it would have been otherwise, and the money saved or revenue raised in future years will be even greater. It represents a followthrough in a commitment which the Congress made earlier this year when it voted to embark on the reconciliation procedure as part of the first budget resolution for fiscal year 1981.

At that time I voted in favor of the reconciliation procedure, even though I strongly opposed one of the recommendations associated with it—the reduction in the cost-of-living increases for Federal retirees from twice a year to once a year. Over the next 6 months I was actively involved in the formulation of the reconciliation bill. I would like to take a few minutes to highlight some portions of that bill which I have been instrumental in developing.

FOREIGN INVESTMENT IN U.S. REAL ESTATE

Late in 1979 I introduced legislation which would tax the gains which nonresident aliens and foreign corporations realize on the sale of U.S. real estate. Up until now, these individuals and corporations were able to avoid paying capital gains taxes through a variety of tax devices. As a matter of tax policy, this situation is inequitable. If a gain is realized as the result of the sale of real estate within the United States, it should be taxed regardless of whether the seller is a resident or not a resident of this country. Furthermore, as a matter of revenue raising, this change which I proposed involves significant amounts of additional revenue.

The Joint Committee on Taxation projects that it will raise $42 million in fiscal year 1981 and this will grow by fiscal year 1985 to over $120 million. While this does not mean the difference between a deficit and a balanced budget, it is the type of measure which, if repeated in other areas, either in terms of spending reductions or revenue raising, will make it easier to balance the budget in the future. In short, it is significant in the effort to reduce the Government's deficit.

Finally, the legislation which I introduced would remove a competitive advantage which nonresident aliens and foreign corporations have over U.S. residents and domestic corporations in bidding for land in the United States. Since under current law, a nonresident alien or foreign corporation can avoid paying capital gains taxes on the sale of real estate, they can pay more for the property than could a U.S. resident or domestic corporation and still over the long term receive the same rate of return on their investment. A recent study by the Department of Agriculture shows that because of these tax incentives, the nonresident alien or foreign corporation can pay 12 to 15 percent more for land than can a U.S. resident or corporation and receive the same rate of return. I am particularly aware of this situation because of the farming area of my district in Loudoun County and to less extent in Fairfax County.

When the reconciliation bill came before the Ways and Means Committee, the substance of this capital gains legislation was made part of the committee's package of revenue measures designed to achieve the goals set out in the reconciliation bill. I am pleased to see that the version of the reconciliation bill which was reported out by the conference committee and just passed by the Congress includes this change in the tax law which I advocated. It is a good result in terms of tax and budget policy.

COLA

Another section of the bill in which I took an active interest was the section dealing with the civil service. The original reconciliation bill proposed eliminating one of the two cost-of-living adjustments (COLA) for civil service, postal service, and military retirees in fiscal year 1981. I strongly opposed that provision and worked to obtain a separate vote in the House on that issue. At my urging, the Rules Committee agreed to permit such a vote. This proved to be a controversial decision and, as a result, action on the reconciliation bill was delayed. In the end, the House was permitted to vote on the COLA issue and overwhelmingly decided to eliminate the change. The House version of the reconciliation bill left the COLA alone. I was gratified that the conferees went along with the House decision to preserve the twice-a-year COLA.

LOOKBACK

The conference version of the bill, however, does contain a change that will affect the annuities of Federal employees who retire in the future by eliminating the so-called lookback and by prorating the first COLA after a retiree comes on the rolls.

When the annuity is calculated for a new retiree, it is based on the highest 3 years' salary and the length of the worker's service. Then the most recent COLA for retirees is added to the annuity. A person retiring in December gets his annuity plus the COLA that retirees received in the previous September. This is referred to as the lookback provision. The House version of the budget bill proposed repealing the lookback, effective on the day the President signed the bill. Whatever the merits of eliminating the lookback, the uncertainty about its effective date made rational planning very difficult for employees who were eligible to retire. Delaying retirement by 1 day could cost them the benefit of the last COLA and permanently reduce their annuities. For many long-time employees the choice appeared to be either to retire immediately without wrapping up their work in an orderly way or to continue working until some predetermined date, taking the risk that the change might become effective before their retirement. This was a most undignified and insensitive way to treat people who have served their Government long and well, not to mention its inefficiency.

At my suggestion, and that of others, the House and Senate Members working on the final version of the budget bill included a 45-day grace period for the repeal of the lookback. The repeal will not become effective until 45 days after the President signs the bill. This will allow for an orderly departure for workers who wish to retire in time to take advantage of the lookback.

PRORATING THE FIRST COLA

New retirees have been given the full COLA that is given to all other retirees after they come on the rolls even though they may not have been retired for the entire 6 months covered by the adjustment. For instance, a person retiring in February can receive the full adjustment that is effective on March 1. The reconciliation bill requires that the first COLA be prorated. A new retiree will now get only the percentage of the COLA that is equal to the amount of time during that 6-month period that he has been retired. People retired for 3 out of the 6 months will get one-half of the COLA for that period. This change affects everyone who has retired since the last COLA on September 1, 1980.

RESERVE AND NATIONAL GUARD PAY

One other provision in the reconciliation bill which has caused concern among Federal employees is the proposal to eliminate dual pay for Federal employees who are on active duty for training with the National Guard or Reserve in a military leave status. This would have set a bad precedent for employers who continue to pay their employees while they are in training camp and would have hurt participation in these vital military programs. I urged the conferees to drop this provision. The final version of the bill does not make a change in dual pay, so the present plan will continue.

SUMMARY

The Omnibus Reconciliation Act of 1980 reduces the Federal deficit by making a number of changes in spending and revenue-raising legislation. I was pleased to have a role in shaping some of these provisions. This bill is an important step in the long-term process of controlling the Federal budget, but much more remains to be done. I commend my colleagues for taking this difficult step and urge them to continue the process.●

SALUTE TO GEORGE ROGERS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JENKINS. Mr. Speaker, an amazing story of success was highlighted this week when my constituent, George Rogers, was named as the winner of the 1980 Heisman Trophy. This award is presented to the most outstanding college football player in the Nation each year.

George Rogers began his phenomenal football career at Duluth High School in Duluth, Ga. School, region, and State records fell as he progressed there. At the University of South Carolina, Rogers continued his journey to stardom.

He rushed for more than 100 yards in 21 straight games. He is South Carolina's all-time total offense leader. He is finishing his college career, with only the Gator Bowl game yet to play, with 4,958 yards rushing. This year, he led the Nation in rushing with 1,781 yards.

For Rogers, the Heisman culminates an athletic career that has never been less than outstanding since high school, and a life that has been anything but ordinary since birth. This young man grabbed onto a football in high school and let it carry him to college and eventually to the kind of life he had no idea existed. As he readily admits, "If not for football, I would be lost."

I join with my colleagues from Georgia and South Carolina today not only to salute this fine young man, but also to salute his family for their support and dedication, his coaching staff at Duluth High School and the University of South Carolina, and his many fans in Georgia and South Carolina.

Perhaps his greatest honor came when he returned from New York to the South Carolina campus this week where 10,000 fans turned out to greet him. I am confident that a similar greeting will be awaiting him when he returns home to Duluth, Ga.

Mr. Speaker, the entire Nation joins in this salute to a most deserving young man. Thank you.●

KATYN MASSACRE COMMEMORATED

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. NOWAK. Mr. Speaker, current news reports of Soviet troop movements along the Polish border are disturbing. At this juncture, Americans reaffirm their interest in a peaceful resolution of the economic and political debates that have surged in Poland and hope that the current military gestures by the Soviet Union are just that—gestures, rather than evidence of any intention to use force to end those debates to the liking of the Russians.

Force and violence regrettably too often are a fact of life, between people and among nations. While civilized nations often find ways to rationalize the use of violence, even in wartime there are recognized limits. The Nazi concentration camps were a classic example of such unbridled brutality. Another example marked its 40th anniversary this year—the massacre of 15,000 Polish officers and intellectuals in the Katyn Forest in Poland.

To commemorate this tragic event, the Polish American Congress, Western New York Division, headed by Bronislaus Durewicz, sponsored a daylong program last month in Buffalo, N.Y. Our former colleague, Representative Thaddeus J. Dulski, was general chairman of the commemorative events.

Former Representative Roman Pucinski of Chicago was the main speaker. His comments and a description of the commemorative events are chronicled in articles which appeared in the November 10, 1980, editions of the Buffalo Evening News and the Buffalo Courier-Express.

The articles follow:

WARN SOVIETS NOW ON POLAND, SPEAKER ADVISES

(By John Sinclair)

Chicago Alderman Roman Pucinski, a former congressman and chief investigator for the select congressional committee that established the guilt of the Soviet Union for the Katyn Forest massacre in 1940, Sunday called upon the free world to warn the Soviets against committing another bloodbath in Poland against the Polish freedom-strikers.

"We cannot allow what happened in 1940 to happen again in 1980," Mr. Pucinski told about 400 persons gathered in the Villa Maria College auditorium to mark the 40th anniversary of the Katyn Forest atrocity.

The massacre involved 15,000 Polish officers and intellectuals being held by the Russians after the Soviet Union invaded a collapsing Poland early in World War II. Bodies of some of the Poles and other evidence of mass executions were discovered in 1943 and the crime was charged to the Soviets.

Worried because the Soviet Union has 40,000 troops on Poland's borders and may be looking for provocation to move in as it did in Hungary in 1956 and Czechoslovakia in 1968, Mr. Pucinski said a point-blank warning to the Russians is needed.

"The free world must make it clear to the Russians that an invasion of Poland by Soviet troops will constitute an act of aggression against the entire free world and the Soviets will have to suffer the full consequences," he said.

"We must issue the warning now, before Russia takes any overt action, rather than protest after the action is taken."

Mr. Pucinski said a stern warning to the Russians does not necessarily mean armed conflict, since economic and other non-military moves against the Soviet Union could be taken by the free world if the need arose.

But, he cautioned, "only a firm stand by the free world at this time can avoid armed conflict in the near future."

The program at Villa Maria was part of a day-long commemoration arranged by the Katyn Massacre Remembrance Committee of the Western New York Division of the Polish American Congress.

A Memorial Mass was celebrated in St. Stanislaus Church and a special exhibit showing photos and other documents of the Katyn Forest massacre was on display all afternoon in the library at Villa Maria. Special commemorative post office covers and stamp cancellations also were available.

A resolution was adopted calling for the Soviet Union, which has never admitted its guilt, to provide reparations for the families of the victims. The resolution also calls for the massacre site to be designated and consecrated as a cemetery "open to visitation and reverence by all peoples of the world."

Polish Massacre Remembered Here

The massacre of 15,000 Polish officers and intellectuals by Russia in the Katyn forest 40 years ago was recalled in a solemn program of speeches and music at Villa Maria College, Cheektowaga, Sunday.

But the World War II atrocity was also called a "warning" against possible Soviet action against Polish strikers by guest speaker Roman Pucinski of Chicago. Pucinski, born in Buffalo, is a former congressman who was chief investigator for a select congressional committee which probed the killings in 1952.

"Russia has 40,000 troops poised on Poland's borders, looking for provocation to wage 'another Katyn' in Poland," he charged. "The free world must make it clear that an invasion of Poland by Soviet troops will constitute an act of aggression against the entire free world. Total economic sanctions could bring Russia to its knees without firing a shot."

Pucinski, a 20-year reporter with the Chicago Sun-Times and now a Chicago City Council member, called for UN investigation of the massacre, as did Daniel J. Kij, secretary of the local Polish American Congress, sponsor of the program.

An exhibit of photos and other materials will continue at the college auditorium from 9 a.m. to 8 p.m. through Thursday.

Dr. Matt A. Gajewski, physician and former president of the Buffalo Board of Education, reviewed the historical evidence of Katyn and noted a first cousin had died there. Aleksander Witlib of Port Colborne, Ont., who was a prisoner at one of three camps whose officers were shipped off to die at Katyn, spoke of life in the camp, and how Russian secret police tried to propagandize the prisoners and then restricted their religious practices when they resisted.

Mr. Speaker, the remembrance of the atrocity of Katyn is also a reminder of the horrors of war, compounded by the nuclear era, and the dark potential that lurks among us, the potential for man's inhumanity to man—that we must continue to work to control.

In that spirit, therefore, we again hope and pray that the current turmoil in Poland can be settled in a civilized, peaceful fashion and that no more inhumanity is added to the pages of 20th century history.●

PCP STATEMENT

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. LIVINGSTON. Mr. Speaker, last summer during floor consideration of H.R. 85 I brought up the issue of the pentachlorophenol spill that occurred in my district on July 22, 1980. In a colloquy with the Water Resources Subcommittee chairman, Ray Roberts, I was urged to make the matter the subject of a separate bill. Today I am introducing legislation that will amend the Federal Water Pollution Control Act to provide for the payment of claims resulting from the spill.

The spill occurred when a West German container ship and a Panamanian freighter collided in the Mississippi River gulf outlet. The accident released over 12 tons of the highly toxic herbicide pentachlorophenol into the waterway and surrounding bays and estuaries.

For 4 weeks the port was helpless as vessels destined for New Orleans through the Mississippi River gulf outlet were rerouted to Houston and Mobile. In addition, 1 week after the spill, at the height of the brown shrimp season, health authorities closed over 400 square miles of water to all fishing. The financial losses to the port and fishermen have been estimated to be $5 million.

My bill is a scaled-down version of H.R. 5338, the Campeche oilspill bill, which was passed by the Public Works Committee last spring. I have also limited claims in this bill to those listed in H.R. 85, superfund legislation passed by this body last September.

I have made every attempt to fully investigate this tragic accident. My efforts lead me to believe that the companies and persons affected by the spill deserve compensation; thus, my bill is a sincere, and modest, attempt to provide the means for that purpose.●

TRIBUTE TO CONGRESSMAN HERB HARRIS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BARNES. Mr. Speaker, I am pleased to bring to the attention of the House the much-deserved praise received by our distinguished colleague from Virginia, HERB HARRIS, in an editorial published in the Washington Star on Saturday, November 29:

Farewell—and Well Done

All over Capitol Hill these days one of the more lugubrious acts in the American political drama is being played out—packing up, in accordance with the stern dictates of one's constituency, to go back to Pocatello.

It is hard not to sympathize with the whirl of emotions a national political figure must feel as he stuffs the files and mementos of office into cardboard boxes, bids farewell to those who have twined their destiny with his for a time and feels, as palpably as a biting winter wind, that he has become of distinctly diminished consequence in the activity continuing around him.

But the political ego must be resilient, of course, or its possessor would never have attained the height from which he now is banished. Resiliency as a rule insures that the politician, after binding his wounds, will probably adjust to being once again a plain citizen of the republic, though one with horizons, perspectives and interests expanded.

That, at least, is what we deduce from Herb Harris' comment, "I'll be around," even as he is closing the Longworth Building suite that has been his headquarters for six years as the Democratic representative of Virginia's 8th Congressional District. "You can't do something like take Metro and make it a living, breathing, operating thing, and then not stick around to see it through," he said. Fortunately for Mr. Harris—and for the Washington area generally—his Pocatello is merely across the Potomac. We may reasonably count on the exuberant, and effective, energies that characterized his congressional tenure remaining available in local issues.

If Mr. Harris was far from alone in making Metro an expanding reality, he may take significant credit for driving a crucial stake in the rapid-transit rail system here. He was, with California's Pete Stark (who returns for the 97th Congress), a prime mover in getting a decidedly unenthusiastic House to approve $1.9 billion in final construction funds for the full 101-mile Metro design, and working tenaciously to see that the money also got through the Senate. That was a major accomplishment, though not his only achievement in six years, to be sure. His sponsorship of a bill passed in the last session to study the expansion of the Metro system demonstrated his sensitivity to the needs of the Washington area.

Mr. Harris told The Star's Zofia Smardz that he has not decided yet the azimuth of his future—practicing law or perhaps even lobbying on the Hill, a time-honored vocation of ex-congressmen. There is some talk that he might challenge Virginia's Independent Sen. Harry Byrd Jr. in 1982.

It must sting certainly to have lost his House seat to the man he beat six years ago, Republican Stanford Parris, by a mist of an electoral margin—0.5584 percent of the vote. But he did a fine job on the Hill, and it will not be quickly forgotten by those who follow local affairs. We wish Herb Harris well.●

TRIBUTE TO DR. MARTIN GREENFIELD

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. WOLFF. Mr. Speaker, it is my pleasure to call to the attention of this Congress and our Nation the accomplishments and achievements of Dr. Martin Greenfield, executive director of the Society of Friends of Touro Synagogue and the chairman of the board of Martin Greenfield Associates. Dr. Greenfield's tireless efforts clearly reflect upon his commitment to his faith and to the citizens of our country.

Mr. Speaker and my distinguished colleagues, in these times when our Nation seeks direction and leadership, the contribution of Dr. Greenfield stands for more than just his service to the Society of Friends of Touro Synagogue. Dr. Greenfield's lasting service will be the inspirational dedication he demonstrates in his work. The example he sets for his fellow citizens can be followed in every course of action.

I have spoken on the floor of the House of Representatives on many occasions on behalf of the interests and concerns of the citizens of my congressional district. It is indeed a particular pleasure for me to speak of the great contributions of one of our leading citizens in calling the attention of the Congress to the work of Dr. Martin Greenfield.

I would now like to submit to the Congress and the Nation the following statement by Dr. Martin Greenfield, delivered at Patriots Park adjoining Touro Synagogue in Newport, R.I. Its message is important to us all.

ADDRESS GIVEN BY DR. MARTIN GREENFIELD

Rabbi Lewis, Rabbi Katz, President Fine, President Slom, Dr. Goldowsky, Senator Chafee, Senator Pell, Judge Bogle, Mayor Donnelly, Senator McKenna, distinguished guests, ladies and gentlemen.

First may I say that the Greenfield family feels privileged and honored to dedicate these two benches in Patriots Park, one in loving memory of our parents, Majer and Pauline Greenfield and the other in loving memory of our brother Manuel, who fought courageously and gallantly in World War II, and gave his life in the name of freedom.

The George Washington Letter that was just read has even greater significance today, than ever. Wouldn't it be wonderful if Iran, Russia, and scores of the world nations would heed President Washington's words from his great letter to the Hebrew Congregation of Newport. When he said, quote:

"The Citizens of the United States of America have a right to applaud themselves for having given to Mankind examples of an enlarged and liberal policy, a policy worthy of imitation."

And went on to say, quote:

"* * * while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid."

But even in America we have great problems. The President of a religious sect who is the spokesman for over 10,000,000 congregants stated that only his followers have a key to heaven, and the God of all mankind only listens to him. Yes, we can not take our freedom for granted, when we have Americans such as he. Professor McLoughlin of Brown University cautioned us regarding this problem during the George Washington Letter Ceremonies of 1978. He told us not to be lax, we must keep vigil, we must fight to retain the freedom granted us under our constitution.

But there is Justice in this world and I would like to share with you a letter I received, dated October 10, 1980 from Postmaster General William F. Bolger.

DEAR DR. GREENFIELD: This is in response to your letter of September 29 concerning the Touro Synagogue stamp.

I appreciate your support and enthusiasm for the issuance of this stamp.

I have forwarded your suggestions on the design and caption of the stamp to the Citizens' Stamp Advisory Committee for consideration. We will also consider your proposal for the issuance of the stamp on February 22, 1982, the 250th birthday of George Washington.

Again, thank you for taking the time to share your thoughts with me.

Sincerely,

WILLIAM F. BOLGER.

Yes, there is Justice—This letter took 17 years in coming. The stamp will be unusual. It will depict Touro Synagogue, with the year 1763 on it, and also a likeness of President George Washington with his famous words "to bigotry no sanction, to persecution no assistance."

Copies of the complete stamp saga will be given out as you leave.

We have much to do in Patriots Park. We need your continued help and financial support. You have been sensitive to our needs in the past. Help us build Patriots Park. Help us to keep Americans free and safe, from people who are striving to negate every word and prayer that our great President George Washington had for all of us, and for all of our children.

Let us work together to make Touro Synagogue and Patriots Park stand as the bastion of religious freedom for all Americans and all nations on earth, so that all persons, if they so desire, may enter the door of their religious persuasion, to make their peace with their God.

May He who makes peace in the heavenly spheres above, may He bring peace and prosperity to all Americans and all freedom loving people throughout the world, Amen.

Thank you.●

THE DEBT COLLECTION PROBLEM

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GRASSLEY. Mr. Speaker, the Washington Post of November 16 reported that, of the $47 billion owed to the Federal Government that came due in fiscal 1980, $25 billion was delinquent. As the article correctly pointed out, Federal loans are social programs and, therefore, the Federal Government will never be able to collect as large a percentage of its debts as private industry. However, the article also pointed out that collection methods have been lax, to say the least. Or, as the article quoted a recent Senate Appropriations Committee report:

It appears that agency officials often think their only role is to hand out Federal money, rather than collecting it when it is due.

In fact, an OMB team that recently completed a 15-month report on the debt collection problem discovered that one of its chief problems was in compiling figures on outstanding debt. Agencies, OMB found, do not maintain adequate records, systems, or staffing to even know how much money is owed them, let alone collect it.

The Senate Governmental Affairs Committee has already held hearings to look into the debt collection problem. The vehicle for the hearings was a bill introduced by Senators CHARLES PERCY and JAMES SASSER, which would amend the Privacy Act to allow Federal agencies to report delinquent loans to credit bureaus. The rationale is that if people know their credit ratings will suffer, they might think twice about falling into arrears. It is not my purpose at this point to take a stand in support of or opposition to the proposal of Senators PERCY and SASSER. What I would like to do is to point out how very important it is that we take steps to insure that the Federal Government is a conscientious steward of taxpayer dollars.

Mr. Speaker, $25 billion is no mean sum. I believe that the results of the recent election show a clear determination on the part of the American people that Government spending should be curtailed. Therefore, as we strive to carry out this mandate, every dollar of legitimate debt we can collect is a dollar that will not have to be taken from a worthwhile program.●

PREVENTING COLDS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DONNELLY. Mr. Speaker, I would like to share with my colleagues some wise advice on prevention of the common cold. This sound advice was offered by Dr. Vincent Pattavina of Braintree, Mass. We will do well to study Dr. Pattavina's scholarly treatise as the winter winds gust around the Capitol.

The material follows:

PREVENTING COLDS

As one doctor facetiously said to his patient, "Go home, I can't do anything for your cold, but come back when you have pneumonia, because I can cure that."

Seriously, prevention of colds is possible, and when colds are prevented, more serious illnesses, such as bronchitis, pneumonia and meningitis may also be prevented. Of course it is important that one eats, sleeps well and is in good physical health to prevent colds.

Experimental evidence as to the causation of colds has not produced as yet an effective vaccine because of the number of viruses involved in the production of colds, each having the ability to change, resulting in an infinite variety of strains of cold inciting viruses. Viruses are known to multiply faster than rabbits.

Low outdoor temperatures and inclement weather apparently have little direct effect on causing colds, otherwise mailmen and policemen, who work outdoors, would frequently have colds, and this is not the case. Wet feet, dampness, drafts, also, although thought to cause colds, probably have nothing to do with colds, except to lower one's resistance. (Dampness may cause cold symptoms by releasing molds in the inspired air and thereby causing allergic symptoms similar to colds, but allergies are not colds. Only a physician should differentiate between the two.)

With Americans eating and living better than ever, why is it that we have more colds that ever? In other countries, people have fewer colds than we do. Can it be that we have different viruses or that viruses are politically oriented. Why is it that our schools have to be shut down to prevent the spread of illness? To shut down schools for illness prevention was unheard of when I went to school in the "dark ages." Why is it that people traveling in cars, buses, trains and airplanes for long distances in the heating season frequently contract colds?

The evidence keeps pointing to one big factor in the causation of colds. The common denominator appears to be lowered humidity due to the excellent heating systems of our homes, schools, offices and factories during the heating season from September to May. Today's homes with good insulation, storm windows, continuous excellent heating and lack of drafts, make our homes very warm and very dry. Years ago, our homes were not as tight and the heat was not continuous usually, so that the houses were never as dry as today's houses, and colds, although present, were less prevalent.

Well, how does low humidity cause colds? Simply by taking away nature's barrier against cold viruses—by making the respiratory area, consisting of the nose sinuses, throat and bronchial tubes, dry. Removing the vapor barrier in the respiratory area eliminates nature's defenses against a cold. With a dry respiratory area, one is certainly more apt to catch cold and its attendant misery. This moisture barrier is a veritable shield and conveyer belt protecting us from viruses by removing the viruses before causing a cold. By removing this mechanism i.e., by a heated environment, one asks for trouble.

There must be a solution for the prevention of colds. There is a solution—in fact, several.

First—lowering the temperatures in one's home to the mid 60's provided no other medical problem exists. By doing this, the humidity may not be burned off below the critical point of less than 25 percent. (Optimum relative humidity is, incidentally, 35-45 percent of comfort and cold prevention.) There is no reason why one must work in shirt sleeves or negligees in our homes, offices or schools. Heavier clothes including sweaters etc. would be more effective. Lower temperatures in schools result in brighter students. Heat appears to dull thinking and induce sleep. As a corollary, who catches cold in May, June or July, when frequently average minimum outside temperatures are in the 50 or low 60 range? And who has the heat on? Very few. If one feels cold at the above suggested temperature range, more activity to generate body heat, or running outside in the cold to empty the trash, etc. will result in a feeling of adequate warmth on returning inside.

Liberal amounts of fluid intake (liquor of course is not meant) may prevent drying out of the respiratory area, and hence colds are prevented. But doing so entails a disadvantage, namely, frequent visits to the water closet. The amount of shoe leather used in this process may be astronomical.

A third possibility would be to open windows and let in moisture from cold air. But unfortunately, cold air holds only one-fourth the amount of moisture that warm air will hold, so this is impractical unless the bedroom heat is off and the doors to the rest of the house are shut. But this is also impractical and expensive.

A fourth and more appealing way to prevent a dry respiratory area lies in supplying humidity to the heated air in adequate amounts from an indoor source. In this way, conditions favorable to the cold inducing agents will practically be eliminated.

Fifth, don't pollute your air and that of others by smoking, producing hot gases to dry your nose and throat.

Proper humidification, as I said previously, should result in a relative humidity of 35-45 percent, but a little less is satisfactory. Good humidity requires approximately one gallon of water per room per day at average indoor temperatures during the peak of the heating season. Pans or water about a home or school are unsatisfactory. Machines are needed to disperse adequate amounts of moisture to prevent colds. Other benefits are concomitant to prevention of colds such as, protection of the home, its furnishings, decreased fuel costs, prevention of dry, itchy skin and nosebleeds.

What are the machines I speak of? They are called humidifiers. Some humidifiers are excellent, some poor, and some fair to good. Specifications of the units are helpful in determining one's needs. Also reliable appliance dealers, fuel merchants, and heating contractors and engineers will advise you. Note: Reservoirs of humidifiers must be kept free of mold, which may cause allergies in susceptible persons.

In summary, "Medicine, the only profession that labors incessantly to destroy the reason for its existence." This article, I hope, is a contribution we as physicians can make to implement this well known fact.

Mr. Speaker, with the present energy crisis being what it is, causing problems for all of us and our country, it is generally suggested that due to the really cold weather—in this part of the United States—to sleep with lots of blankets—preferably a down comforter, high quality—without heat in bedrooms, also wear thermal underwear, woolens, and extra sweaters in the house. Also, when you feel cold in your home, run outside for a minute or two, return inside and you will feel warm again, so you will not play the thermostat. With enough good insulation on your body, this means, people insulation instead of raising thermostatic temperature and using up precious and expensive fuel oil which is one of the main causes of inflation for you and me, you can save on oil which is expensive and a drain on our economy, not to mention inflationary. No matter what age you are, you should be comfortable in your home with temperatures of 62 during the day, and 60 at night during the winter months. Also, you and your family should have less colds which can lead to respiratory illnesses, or to more serious illnesses, some fatal—unless you catch colds at schools or offices and so forth, which may be excessively warm and dehumidified. Air-conditioning also causes colds by dehumidifying the air, but air-conditioning generally is not a problem in the New England area.●

LONDON TIMES GIVES GOOD ADVICE TO THIS NATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. SIMON. Mr. Speaker, the morning after the election the Chicago Tribune ran an editorial from the London Times which discusses the East/West conflict and the task confronting the next American President.

But the editorial contains so much wisdom that ought to be recognized by Members of Congress as well as the President.

It points out that one of the important ways we must check Soviet expansion is by creating economic stability and hope in all areas of the world.

For some reason which I have never understood, it is much easier to get appropriations for new military equipment than it is to get appropriations which will reduce the likelihood of Soviet expansion in nonmilitary ways.

I hope my colleagues will take the time to read the editorial.

East-West Conflict

(From the London Times)

United States military power might have had short-term success in Africa but probably at great cost in the long term. It could not realistically have been used to stop the Soviet Union invading Afghanistan—that was a result, in the first instance, of a western failure to declare and sustain a political interest in Afghanistan and, in the second, of a Soviet failure to sustain its own influence by political means.

As for the Gulf, the difficulties of usefully deploying military power there have already become glaringly obvious.

This does not diminish the need to possess military power and to be ready to use it when necessary. The widespread belief that after Viet Nam the United States would never find the will to use force outside the NATO area certainly influenced some states less interested in ideology than in which of the superpowers seems militarily in the ascendant. Even in the Gulf, the ability to put in some military force is essential if the Soviet Union is to feel it cannot move without risking a confrontation with the West.

Elsewhere the same principle applies. President Carter has been a late but welcome convert to this view, and NATO as a whole is gradually putting its defenses in better order . . . The essential point, however, is that there are very few places [Europe is one] where Soviet expansion can be checked by direct military confrontation alone. This is because there are few places where the permanent presence of large western forces is welcome or conducive to stability, and also because the Soviet Union rarely moves without some kind of invitation, phony or otherwise, from political forces on the spot.

If, therefore, the Western Alliance is to defend its security and especially its oil supplies against either local turbulence or Soviet expansion or combinations of both its primary effort must be political. It must work to support areas of regional stability, economic prosperity and political moderation which develop their own resistance to Soviet influence without being forced into East-West alignments.

The next American President will therefore have the difficult task of trying to unite the western alliance behind the policies requiring extreme sensitivity as well as military strength. An election campaign does not provide the best conditions for displaying the necessary qualities but this one seems somewhat worse than most.●

NEW TOWN SQUARE, ARLINGTON, TENN.

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I want to take this opportunity to share with my colleagues a recent experience I enjoyed on a Sunday afternoon in a small town in my district. It was my great honor and pleasure to participate, along with many dear friends, in the dedication of a new town square in Arlington, Tenn. on November 9, 1980. The square is located on Airline Road at Douglas Road, and has been designed to accommodate, for generations to come, the city hall and fire station needs of the town.

Arlington is but one of hundreds of the rural; peaceful, picturesque communities located on the beautiful rolling land of west Tennessee. Early pioneers settled in the Arlington area around 1820. A depot called Withe Station was established in 1856. The land was given by Gen. Samuel Jackson Hays, and in 1872, his land holdings were sold at public auction, and the community became Haysville, incorporated in 1878. The name was changed to Arlington in 1883, and again incorporated in 1900. Situated in Shelby County, just 16 miles east of Memphis, this village of less than 2,000 people has managed to maintain its quaint charm and country atmosphere, despite the ever encroaching boundary limits of the big city.

My good friend, Sam T. Wilson, has served as mayor of Arlington since 1970, and was a member of the board of aldermen for 20 years before that. It was by his kind invitation that I was able to be a part of that truly historic Indian summer afternoon in early November. The citizens of Arlington can be proud of the dedication and leadership that has been shown by not only the town's officials, but also the many hardworking, devoted volunteers who put so much of themselves into making theirs a good place to call home.

One of the truly remarkable people who, for many years, has given tirelessly to the spiritual and civic well-being of Arlington is Mrs. Rachel H. K. Burrow. In 1962, Mrs. Burrow wrote, as a labor of love, "Arlington, a Short Historical Writing of the Town." As I prepared myself for the visit on that Sunday afternoon, I recalled the closing passage of her book. I believe it has as much significance today as it did 18 years ago:

> The past is over. Yet, the here and the now of our town, the homes, churches, school, businesses its very life can be made great if we join hands and hearts to make Arlington a good—yes, the very best place to live.

In his welcoming remarks dedicating the new square to the town of Arlington, Mayor Wilson also dedicated "its government and its people to this generation and all future ones—to make Arlington a better place in which to live."

I think you will all agree with me that these attitudes embody the best possible spirit of the kind of civic cooperation that we must all encourage in our local communities. It would, of course, be impossible to recall to you everyone who played a role in the events which culminated in the dedication of the new town square on November 9, but I do think it is important to recognize the following people who have made it their duty to maintain the spirit and progress of Arlington:

STANDING COMMITTEES

ALDERMEN

B. G. Bailey, Fire Department and Airport.

Brandon B. Barker, Finance and Records.

Frank Chambers, Streets, Street Lights and Water/Sewer.

James A. Clark, Buildings, Ground, and Parks.

Gene Fletcher, Permits, Inspections and Taxes.

George M. Horton, Solid Waste, Landfill and Garbage Pickup.

PLANNING COMMISSION

B. G. Bailey, Board Representative.

Jesse Williams, Chairman.

Robert M. Wilkinson, Advisor.

Jack Brister, Wallace Dyke, Raymond Funk, Larry Howell, Larry Howse, Harold Keith, and John Charles Wilson.

FINANCE AND RECORDS

B. B. Barker, Board Representative.

Elizabeth Osborne, Chairman.

Cecil Dowell, Ellis Townsend, and David Velander.

BOARD OF ADJUSTMENTS

George M. Horton, Board Representative.

Harold Keith, Chairman.

Ann Claire Simpson.

INDUSTRIAL DEVELOPMENT BOARD

Frank Chambers, Board Representative.

P. J. Henry, Chairman

Leonard Glidewell, James Johnson, Helen Keith, Corbin Mangum and Ellis Townsend.

AIRPORT COMMISSION

B. G. Bailey, Board Representative.

Lawrence T. Hughes, Chairman.

Bill Carruthers, Tommy Liles and Frank Shepard.

PERMITS, INSPECTIONS, TAXES

Gene Fletcher, Board Representative.

Tom Gay, Chairman.

Bill Masters, Tommy Morris and Robert Street.

PARKS, BUILDINGS AND GROUNDS

James A. Clark, Board Representative.

Juanita Coleman, Chairman.

Bert Dargie, Jimmy Hampton, Joe Hines, David Norvall and Jean Rimer.

Miriam M. Wilson, City Clerk.

Elizabeth Osborn, Assistant Clerk.

Dupree Holden, Public Works Director.

Joe Harrel, Water Works Operator.

R. Lee Winchester, Jr., Town Attorney.

Fouts and Morgan, Town CPA.●

TRANSPORTATION: ISSUES FOR THE 1980'S

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, December 3, 1980, into the CONGRESSIONAL RECORD:

TRANSPORTATION: ISSUES FOR THE 1980's

The American transportation system will be a key concern of Congress in the 1980's. The system, as good as it is, is nevertheless in deep trouble. Highways are crumbling, railroads are shrinking, airports are crowded, and waterways are clogged. It will cost us billions of dollars to correct these and other difficulties.

The importance of transportation in modern-day America can scarcely be overstated. Transportation affects the daily lives of all citizens, whether as passengers, consumers, employees, providers, or investors. It influences the distribution of population, economic development, the shape of cities, the consumption of energy, the balance of trade, the access of farmers and businessmen to markets and materials, and the quality of life in rural areas. Hardly a day goes by without our being reminded of our dependence on transportation in our own personal lives. Americans travelled farther and more often in the 1970's than ever before—three times as much to visit relatives and friends, or just to have fun, as to work or for purposes of business.

Another way to appreciate the role of transportation is to tally up what we spend for it. The nation's bill for transportation comes to $500 billion per year, about one-fifth of the gross national product. Total private and public spending on transportation in the last 25 years of this century may exceed $14 trillion. The federal government alone spends more than $22 billion per year on agencies and programs related to transportation. Even these estimates, as high as they are, do not give a complete picture of the impact of transportation on our society. Excluded from them are indirect costs, such as accidental deaths on the highways, pollution of the environment, urban sprawl, and reliance on uncertain sources of energy abroad.

Congress recently identified and listed several issues that will require attention:

Coordination of programs: Since our transportation system is really a series of independent systems, federal programs are focused on limited groups of problems in single modes of transportation. At least 22 agencies outside the Department of Transportation administer such programs. This decentralization results in waste, so more coordination will be needed as the cost of energy rises and the economy continues to grow at a slow pace. Congress must begin to think in terms of a cohesive, unified approach to transportation.

Effects of deregulation: Congress has recently moved to deregulate the airline, trucking, and railroad industries, three large segments of our system of transportation. While a less regulated market is better for many reasons, it can treat some businesses and consumers harshly. Congress will have to assure itself that its initiatives to deregulate, eliminate unnecessary rules but leave intact needed protection for businesses and consumers.

Railroads: Despite assistance from the federal government, the railroads, a vital part of our system of transportation, are still in trouble. Low earnings have led to poorer services, which in turn have led to further losses of business. Problems of safety—derailments, spills of hazardous cargo—are causes of concern. The future of intercity rail service for passengers raises another question. All these issues will be matters of intense debate.

Automobiles: Automobiles are essential to our system of transportation, yet they impose high costs on us. Traffic accidents claimed more than 50,000 lives last year. The automobile consumes 40 per cent of the oil we use, and it is a major cause of the pollution that fills the air of our cities. At issue is the manner in which we reduce these costs without putting too heavy a burden on our ailing automotive industry.

Highways: Our system of highways is a monument to American progress and ingenuity. It represents an investment of huge proportions, and it costs us $32 billion per year, including $8 billion in federal subsidies. The rising cost of maintenance, a steady increase in the volume of traffic, and the severe weather of the past few winters, however, have caused our highways to deteriorate. How will we raise enough money to keep our highways up?

Mass transit: Coaxing Americans out of cars and into buses is a wise policy, especially in view of the skyrocketing cost of oil. Federal aid to urban mass transit will reach $3.5 billion this year. Higher levels of aid are foreseen as we try to overcome operating deficits, upgrade existing systems, and build new ones. Other important items on Congress' agenda are mass transit for rural areas and for the elderly and handicapped.

Aviation: The two worst accidents in the history of American civil aviation have occurred since 1978, reigniting public concern for the safety of the airways. Coupled with this concern are problems of increased air traffic, crowded airports, and the advanced age of the equipment we use to monitor takeoffs, and landings. Congress' main task will be to ensure that civil aviation remains the safest, easiest means of travel over long distances.

Water transport: Federal subsidies totaling $4.2 billion since 1970 have not helped to reverse the decline of the American merchant fleet. Shipbuilding is down, and our maritime industry seems unable to improve its position in foreign commerce. Barges on our 25,000 miles of inland waterway move nearly ten percent of all domestic freight, but serious bottlenecks in the system reduce its efficiency. Congress must seek ways to revitalize the merchant fleet and keep the barge lanes open in the years ahead.

Future of transportation: Upcoming developments in energy, technology, and the environment will have far-reaching effects on transportation. Congress will have to acquire additional interest and expertise in these areas so that it can mold policies in tune with the future. Congress will also be called on to decide whether general revenues or user fees will provide the billions that must be spent for changes and improvements.●

FRIENDS IN NEED

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BRODHEAD. Mr. Speaker, I would like to share with my colleagues the article, "Friends In Need," from the Jerusalem Post Magazine of October 10, 1980.

There is a clear need for the United States to act in a way that will help insure the stability of the Mideast region. The effort to do so involves not only the continuation of our strong and growing relationship with Israel, but the formation of new friendships with other countries in the region. "Friends In Need" provides a thoughtful discussion of the way in which these two factors can affect one another. It also reviews the many indications of the continued friendship between the United States and Israel, and it points up the importance of Israel's military and intelligence-gathering capabilities, which are of extreme value to the United States.

In view of the increased tensions in the Mideast and the importance of this region to the vital interests of our country, I feel that this article presents a point of view that is both interesting and timely. I commend it to the attention of my colleagues.

FRIENDS IN NEED

Never before, or so it seems from the voluminous reportage on the issue, has the question of Israeli-American strategic cooperation been more confused. Certainly not for the past 15 years.

The current public debate started when the press disclosed that the strategic dialogue between the two countries had been suspended. Against the background of growing American military ties with Egypt, Saudi Arabia, Kuwait, Somalia and several peripheral Gulf states, it was automatically assumed that Israel had become a strategic embarrassment to the U.S. Moreover, moves by Israel, such as the Jerusalem Law, and the U.S. abstention on a Security Council condemnation of Israel's policies, served both to fuel the fires and to obfuscate the issue still further.

There is no question that Israel continues, as it has always done, to serve a vital strategic and tactical role for Western interests in general, and those of the U.S. in the context of superpower regional and global interplay in particular.

There is also no question that now, with the Soviet invasion of Afghanistan, the Gulf in turmoil, and the possibility of American military intervention, overt recognition of Israel's contribution could only hamper the U.S. in fostering its tenuous ties in the Arab, anti-Zionist world—a world which is fast assuming a cardinal role for the U.S., given that the fulcrum of conflict has moved from the Mediterranean basin to the Gulf region.

Israeli government officials, both at the Prime Minister's Office and in the defense establishment, are frustrated and angry. The source of their displeasure is the public debate which has sprung up in Israel over the entire question of American relations—a debate which, according to them, has been notable for lack of knowledge, downright inaccuracies and harmful speculation. Each article in the Israeli press, characterized by armchair punditry and based on unspecified "informed sources," has, they feel, thrown an additional spanner in the works.

They are satisfied that it is in Israel's interest at this time to keep a low profile in order not to force the U.S. into making public choices. They are satisfied that the basic strategic understanding—even the "special relationship"—Israel enjoys with the U.S. is alive and well, but that for pragmatic reasons the U.S. is currently in the position of not being able to lay its cards on the table.

"The marriage is sound, even though we don't whisper our love for each other every night before we go to sleep, and despite the lack of flowers," one official in the Prime Minister's Office said this week.

He and his colleagues understand America's sensitivity at this formative stage of renewing its alliances in the Arab world. The situation is not new, they claim; it is just that it has acquired a new dimension in the eyes of the population, which seem to be clouded by a developing national fear of becoming totally isolated.

While it is true that the U.S. is seeking to consolidate its position in the Arab world, there is, so far, no tangible proof that it is doing so at the expense of Israel. This, one supposes, is mainly because the Arab world has yet to demonstrate its reliability as a stable pillar of American policy in this region. Until that happens, if ever, and until the U.S. is forced to make choices, speculation about the eclipse of Israel as a long-term security and strategic asset to America seems both premature and irresponsible.

Between 1948 and 1980, the U.S. has funnelled $15.6b. in assistance to the State of Israel. (This is exclusive of the cost of the Negev base construction and a special $200m. grant made last year by the House Foreign Affairs Committee.) For fiscal 1981, the administration has asked Congressional approval for another $1.985b. While this may seem high it constitutes only about 1 per cent of what the U.S. spends on defence each year.

More important, according to Israeli officials, not a single significant item on Israel's arms shopping-list has been turned down, including the supply of weapons systems so advanced that they have yet to be released to NATO allies.

Israeli officers continue to take part in American exchange programmes, and joint research and development projects are flourishing. There is a constant sharing of intelligence and flow of American technology to Israel, and the Pentagon has relented on its decision not to allow Israel to market its own systems in the U.S.

True, there have been no joint military maneuvers, and none are likely in the future, and the U.S. has not taken up repeated offers from Prime Minister Begin either to establish an American base here, or to conclude a defence pact. The question is, are these important to Israel's security and conversely are they indicative of a slide in American military support for Israel? The question also arose as to whether the Israeli-American relationship should necessarily copy the U.S. relationship with Egypt or Saudi Arabia and whether it is axiomatic that the stationing of American squadrons and facilities in these countires is at Israel's expense.

The answers to all these questions depend on a clear analysis of what Israel has to offer the U.S., and what Israel needs for its own defence. In neither case are openness or publicity integral, and, on reflection, the physical stationing here of American forces could only serve to undermine Israel's claim to be a competent and stable ally of the U.S.

For what Israel has to offer the U.S., and what the latter cannot expect from any of its developing alliances in the region, is a highly trained, battle-proven, Western oriented and extremely sophisticated military infrastructure to which the Americans can adapt in a moment of need with almost no preparation.

Israel has the world's most modern air bases, capable of arming, maintaining and turning over aircraft which today form the backbone of the U.S. air force—notably Phantoms, F-15s and F-16s.

Israel has the technological capability to provide credible real-time tactical and strategic intelligence on regional events, and has developed a communications network enabling battle coordination second to none in the Western world.

Because of the small size of the country and the quantitative and qualitative nature of the threat it constantly faces, Israel has invested heavily in a multi-pronged early-warning system, backed up by locally produced electronic technologies which are currently being exported to some of the world's most technologically-developed nations.

All this is here, and all this would be readily available to the U.S. should the Americans require the use of Israel as a base of operations for a potential conflict in either the Mediterranean or the northern Gulf region.

Neither Egypt, Saudi Arabia, Somalia, Kenya nor the U.S.'s other allies possess this infrastructure—a fact which helps to explain the presence in those countries of American technicians and military personnel.

Israelis were incensed last week, for example, when the U.S. decided to send several AWACS, electronic intelligence-gathering and battle command aircraft, to Saudi Arabia. How do they know that the U.S. is not receiving the same type of intelligence from Israeli sources without physically stationing aircraft here? And if there is intelligence cooperation, why should one assume that Israel is less of a strategic asset simply because there are no American forces here?

It will take years, if not decades, before Egypt can offer the U.S. facilities comparable to those already available in Israel. The bilateral strategic relationship between the two countries has only just been established, and it starts out on a very unsound base. Egypt can supply the physical facilities American forces may need for participation in a Middle East conflict. But without a sizeable American technological and manpower presence to maintain, command and supply intelligence to the forces operating out of them, these bases will be little more than barren tracts of land.

Thus, the American decision to dispatch a Phantom squadron to Egypt for a series of joint exercises last month did not come as a surprise here. Nor was the move interpreted as a sign of the strength of the American-Egyptian relationship.

It was well known here that the Egyptians were having trouble flying, let alone developing tactical doctrine for, the Phantoms they received in 1979. Several of the planes crashed in the first weeks of their arrival, and they found maintenance so difficult that a considerable proportion of them could not get off the ground. The deployment of American fighter aircraft in Egypt, therefore, did not indicate closer military cooperation than between the U.S. and Israel, but rather an attempt—an almost desperate attempt—to lay the cornerstone for that fledgling cooperation.

This, however, does not stop Israel being chagrined at its total exclusion from the American attempt to release the hostages from the Teheran Embassy last April. There were those at the highest levels who regarded the fact that we were not asked for intelligence or facilities, or even to prepare hospital beds, as a slap in the face.

And just recently, officials were piqued when they heard that Defence Under-Secretary Robert Komer and the chairman of the Joint Chiefs of Staff, David Jones, were scheduled to visit the Middle East and that Israel was not on their itinerary.

They understand here that America wants to keep a low profile on its Israeli connection, and they accept that the Americans have a legitimate interest in establishing a solid relationship with pro-Western states in the Arab world; but they feel it is dangerous for the Americans to give the impression to Arabs and Israelis alike that a line is being drawn between their relationship with the Arab states on the one hand and Israel on the other. By doing this, Israeli analysis and officials feel, America is not only giving *de facto* legitimization to the isolation of Israel in the Middle East, but is precluding any chance of the pro-Western axis ever working in tandem to block Soviet interests and foster those of the West.

Perhaps Israel's greatest problem in its relationship with the U.S.—and this was underscored by some of America's recent moves, which displayed an almost callous lack of sensitivity to the Israeli need to be a strategic asset to the West—is Israel's lack of options.

The U.S. knows that Israel has few, if any, alternatives to maintaining its side of the "special relationship." It is hardly likely that the U.S. could be replaced by another ally of similar stature, certainly not the Soviet Union; and it is just as unlikely that Israel will, in the foreseeable future, achieve a level of independence which will allow it to dictate the terms governing the relationship or even to have a significant say in those terms. Israel is predictable, in that if America ever felt the need to demand strategic favours, Israel could do little but grant these.

Not so on the Arab side of the fence—not even the Egyptian side—where the Americans have been forced into a position of having to court favour.

A clear example of how quickly a pro-Western ally can change its spots is Jordan, which just this week has come out openly in support of Iraq. In less than two years, we have witnessed a gradual but definite transformation from an exclusively pro-Western stand to one based on accommodation and military cooperation with the Soviet Union. There have already been military exchange programmes between the two countries, and Jordan, for the first time, is purchasing Soviet-made weapons. Now, King Hussein is about to pay a visit to Moscow.

This scenario is very likely to be repeated by other pro-Western Arab states. Not only to play off one side against the other in order to extract as much as possible for as small a price as possible, but also because of the unstable nature of the regimes in these countries.

While it is unlikely that Saudi Arabia, Kuwait or Egypt will at this point in time turn to the Soviets, the regimes of these countries could change as quickly as Iran's, with the logical consequences of such an upheaval. The chronic instability of these countries, both internally and in their relations with one another, makes the American task of building a permanent relationship that much more complex and difficult, and calls for an entirely revised tactical application of policy in trying to cement pro-Western bonds.

It follows, therefore, that not all that the U.S. does in terms of forging its strategic understandings with the Arab world is automatically applicable to Israel, and the absence of joint maneuvers or the failure to station troops here should be seen in the correct perspective. However, this does not justify the Americans' giving the impression that Israel is not essential to their interests, or that it is isolated in the Middle East equation.

There is a vast difference between aspects of the U.S.-Israeli understanding remaining clandestine and a total shunning of any overt recognition of Israel's strategic worth. In the past, there has been a careful balance between categorizing the essence of the relationship as top secret and periodically applying cosmetic touches in order to leave no doubt in the minds of those who question the permanence or significance of the relationship. The two are not mutually exclusive and a wise American policy would be able to maintain the balance.

It is difficult to examine the essence of America's relationship with Israel, both because of a lack of credible information, and also because of security constraints. However, general guidelines to the way this understanding has worked in the past—with probable indications of how it works at present—can be found.

It is common knowledge that in the early stages of the relationship, and particularly between 1967 and 1973, there was a clear understanding here that Israel would act on America's behalf if there were changes in the established Mideast status quo.

One outstanding example was the Israeli war preparations in September 1970, on American instructions, to deter a Syrian attack on Jordan designed to establish a Palestinian stronghold there in place of the Hashemite kingdom.

Another example can be seen in the Saudi Arabian perception, between 1967 and 1973, that despite its enmity towards Israel, if a pro-Moscow, under-financed and over-populated Egypt were to move against an under-populated and over-financed sheikhdom closely aligned with the West, Israel could be expected to intervene in the Western interest.

Today, Israel holds the key to preventing a Syrian takeover of Lebanon (surely an American interest) and to containing attempts at regional hegemony by either Iraq or Syria. Nor is it inconceivable that there is some understanding as to Israel's role should the Sadat regime be threatened by bellicose Libya.

In other words, Israel does not serve a vital American interest only in a total war scenario, either in a global or a regional context, in which Israeli facilities and power would be placed at the disposal of the Americans, but also as a deterrent in an ongoing situation. Israel's willingness to go to war to protect Western interests which coincide with its own is a major factor in this relationship, and a major reason for America's commitment to building an armed force which could, if need be positively decide a localized conflict with "acceptable lots."

There are other avenues of strategic cooperation which do not immediately meet the eye. For example, until 1973 Israel was active in over 100 Third World countries providing both military and agricultural assistance. Israel was, in many cases, acting as an agent of the West in these countries, most of them suspicious of Western, "Yankee" imperialism, and was forgoing pro-Western alliances in the developing world.

Israeli military men were to be found in Asia, Latin America and Africa, often working with regimes with which it would be difficult for the U.S. to maintain an overt relationship. Even though most African countries broke their formal Israeli ties in 1973, Israel continues to have close contacts with all manner of regimes on three continents.

Israel has also acted in cooperation with the U.S. for tactical purposes. Premier Begin's disclosure last week that Israel had armed, trained and supported the Kurdish revolutionaries, to be joined later by the Americans, is one example. The American interest here was clear: effective Kurdish revolt would weaken Iraq, and a weak Iraq would be more accommodating in its dealings with the Shah, a close American ally. Israel, for its part, managed to divert several Iraqi divisions from the immediate arena of conflict for redeployment in Syria, as was illustrated in the Yom Kippur War.

Thus, one found the U.S. and Israel, for different reasons, acting in tandem, with Israel funtioning as a conduit for the Amercians in a conflict which served American interests.

The Kurdish case is unique, but there are many instances in which Israel serves as an intermediary for American and Western interests. While details of Israeli-South African cooperation are kept under wraps the published material indicates that it is considerable. Foreign publications claim that there has been Israeli-South African nuclear cooperation, and that Israel has sold arms to the Republic.

It is also clear that Western control of the Cape of Good Hope is of vital strategic interest to America, and that because of the nature of the South African regime, America is severely restricted in the overt support it can give to ensuring that South Africa does not fall into the hands of Marxists, like its newly independent neighbours to the north.

It would be going too far to say that in the case of South Africa, Israel is acting in the American interest. One could use the well-worn argument that our dealings with South Africa, if these, as reported by the foreign press, indeed exist, are dictated largely by our need to export arms if we are to be able to maintain a weapons industry for our own requirements. But in the final analysis, by strengthening the Republic, we are also serving a clear Western interest.

There are countless other fields in which Israel serves American military and defence interests. The battle test provided for American systems through their use with the IDF is invaluable. The downing of seven Syrian Mig-21s recently by F-15s supplied the U.S. Air Force with invaluable operational information. The interphase of primarily American land and air systems (Israel uses its own maritime equipment), as demonstrated in Lebanon over the past two years, has provided some important lessons.

According to foreign sources Israel used the Hawkeye airborne control system in coordinating recent air battles against the Syrians. If this is true one can assume that this has led to important American rethinking in the operational application of the aircraft. Also, Israeli published material on its ongoing military operations enable the U.S. peace-time army to keep up with methods of dealing with predominantly Soviet conventional weapons and tactics.

Much has been written and spoken about the part Israel intelligence data has played in the formulation of America's posture, Israeli warnings on the pending overthrow of the Shah were largely ignored, but would have been invaluable had they been taken seriously. The same is true of Israeli information about the rapidly developing Iraqi nuclear capability. Information about international terrorist contacts and cooperation is always made available, even when Israel is not directly involved, and there have been innumerable news stories over the years of how Israeli tip-offs to the CIA about plots to assassinate pro-Western Arab leaders have nipped those schemes in the bud.

Given the extent of Israeli-American strategic and tactical cooperation, one feels less guilty about the huge sums invested by the U.S. in Israel on the one hand, and more certain of the permanency of the relationship on the other. For the relationship is of mutual benefit and must, therefore, endure.

The question is whether the Israeli-American axis can be replaced by those developing in Arab countries, and whether this is an American goal. Given the instability of these regimes, and their technological shortcomings, one doubts that a phasing out of Israel is possible or probable, in the short term. However, it should be clear that as American interests in the Arab world develop, so the Israeli connection will be downplayed and pushed underground.

The problems Israeli and American policymakers are facing is how to maintain a bond strong enough to constitute a deterrent and ensure an Israeli victory if, despite everything, one or more of our neighbours decide to go to War, but concealed enough not to jeopardize American interests in the Arab world.

It is this balance which both sides are having difficulty in evolving at present. And it is because of this need for balance that it is difficult to understand Premier Begin's repeated call for a mutual defence pact with the U.S. Not only can there be no expectation that the Americans will contemplate one, especially now, with conflict raging in the Gulf and the need for consolidation in the peripheral states, but there is the very real danger that an American refusal on the matter will be interpreted by the unthinking and shortsighted as a basic change in America's appreciation of Israel as a strategic asset.

One can appreciate Begin's motives—the pact would prove that his policies have not led to a breach with the Americans as claimed by the opposition—and one can recognize that such a pact might be of great value in formulating a highly credible deterrent posture. But sound policy is based on the examination of probability, not wishful thinking, and weighing what one has against what one is jeopardizing.

The Americans having repeatedly spurned Israeli offers of a pact and invitations to deploy troops here. American thinking on the subject is clear. Since Israeli competence in high-technology maintenance and operation is one of our main strategic selling-points, one cannot but ponder incredulously why we not only continue to embarrass the U.S., but undermine out own arguments as well.●

A TRIBUTE TO ARMAND GIANUNZIO

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. OTTINGER. Mr. Speaker, I would ask my colleagues to join me in paying tribute to an outstanding public servant, Armand Gianunzio.

Mr. Gianunzio, the manager of the village of Mamaroneck, N.Y., will be retiring at the end of this month after nearly a quarter of a century as a public official. Armand Gianunzio became clerk-treasurer in 1957 and served in that capacity until 1970 when he assumed the village manager position.

I have worked with Mr. Gianunzio on many projects ranging from the dredging of the local harbor—which, due largely to the persistence and hard work of Armand Gianunzio will take place early next year—to housing and neighborhood development assistance for low- and moderate-income village residents. Other village projects and activities inspired by Mr. Gianunzio include the River Road and park projects; the new public works department building on Harbor Island; the additional recreational facilities on Harbor Island; the development and expansion of a large local CETA program; flood control measures; various local beautification initiatives; and the development of offstreet parking around the central business district. This list could go on and these select examples of his work demonstrate his boundless energy as he champions local interests and concerns.

Professionally, Mr. Gianunzio is one of the best in his field. He is noted for his financial wizardry and the creativity with which he handles his job. He is a master grantsman and has directed hundreds of thousands of dollars in county, State, and Federal assistance to the village in an effort to address local problems and concerns.

Working with Armand Gianunzio has been a joy and an honor. He has a delightful sense of humor and a unique and genuine sensitivity to the needs of the people whom he serves. His concern for the community does not end when he leaves village hall each day and I am constantly impressed with the way he reaches out to serve others. He is presently coordinating a drive to provide relief to the people of southern Italy devastated by the recent earthquake.

On December 14, the B'nai B'rith Larchmont-Mamaroneck Lodge will honor Armand Gianunzio by presenting him with the 1980 Brotherhood Award. I can think of no one more fitting or deserving of this special tribute. In his 23 years of public service, Mr. Gianunzio has touched the lives of so many people and has become a valuable and beloved public servant. His friends, his community, and the Nation owe him a great deal of thanks.●

AVITAL SHCHARANSKY TAKES HER HUSBAND'S CASE TO MADRID

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DRINAN. Mr. Speaker, Avital Shcharansky traveled to Madrid last week to make her husband's case known to the participants of the 35-nation Second Review Conference of the Helsinki Final Act.

Since Anatoly Shcharansky's arrest on March 15, 1977, Avital has traveled throughout the Western World in an effort to bring pressure to bear on the Soviet Union to release her husband.

In her discussions with the leaders of the Western delegations in Madrid, she again impressed upon them the harsh conditions Anatoly must face, and the injustices he is forced to endure after the farcical trial in 1978 that resulted in a 13-year sentence in prison and in a labor camp.

Avital Shcharansky's courage and vigilance gives all those concerned with the human rights of others inspiration and strength.

I commend this article which appeared in the International Herald Tribune on November 28, 1980, to my colleagues. The article follows:

WORLDS OF REPRESSION COME TOGETHER IN MADRID

(By James M. Markham)

MADRID.—The 30-year-old Russian woman with the haunting, sad brown eyes finished her awful story, which she had told many times before. For six years, she has not seen her husband, Anatoli Shcharansky, who is sick in a Soviet labor camp. Their married life lasted exactly one day before she was obliged to emigrate to Israel, with the promise that he would soon be permitted to follow.

Avital Shcharansky turned to the slight, balding Argentine who had arrived, unexpected, at her Madrid hotel suite.

"I'm sorry," she said in English. "What prize is it that you won?"

"El premio Nobel," answered Adolfo Perez Esquivel softly. An American translated: "The Nobel prize."

"For peace," interjected Mr. Perez Esquivel's son Leonardo, who speaks some English.

"Ah," nodded Mr. Shcharansky. "Like Sakharov."

"Si," answered the Argentine sculptor.

Two worlds of trampled human rights had met, had connected

LOBBYING DIPLOMATS

For a month, Madrid has been the human rights capital of the world. At the modernistic Palacio de Congresos and in hotels small and luxurious, human rights campaigners, many of them Russian and Eastern European emigres, have also installed themselves, hoping to catch the ears of diplomats and journalists.

Their press releases pile up. Union of Russian Solidarists. World Congress of Free Ukrainians. Andrei Sakharov Defense Campaign. Union of Councils for Soviet Jews. Estonians. Latvians.

The competition for attention is such that some of these groups resort to the hard sell. In Madrid's chaotic marketplace of ideals, one group seems not always to recognize the existence of another. After Andrei Amalrik, the Russian historian, was killed in an automobile accident in Spain as he was coming to Madrid, there were some unseemly moments as different organizations vied for the privilege of burying him.

Neither Mrs. Shcharansky nor Mr. Perez Esquivel, who last month was awarded the Nobel Peace Prize for having "shone a light in the darkness" of Argentina's military rule, needs to push forward to the head of the crowd here. Each is a "star" in the terrible universe of concentration camps, torture chambers and human beings who "disappear" because they displease governments.

Yet, when a reporter suggested to Mr. Perez Esquivel over lunch that he might find a meeting with Mrs. Shcharansky interesting, the modest, 48-year-old Argentine knew as little about Anatoli Shcharansky and the Jewish emigration movement in the Soviet Union as it turned out Mrs. Shcharansky knew about the Nobel laureate and his Peace and Justice movement in Latin America.

When they began to converse, they found they had things in common. A Jew, Mrs. Shcharansky spoke of a rising tide of anti-Semitism in the Soviet Union; in the police interrogation room where Mr. Perez Esquivel was first arrested in 1977, in Buenos Aires, swastikas were painted on the walls.

"Why were you arrested?" asked Mrs. Shcharansky.

The Argentine smiled and lifted his hands with his palms up, in a gesture of bewildered questioning: a wordless answer, meaning, as the Nobel citation put it, "without cause being shown."

"I hope you are in good health after the torture you suffered," she continued, doubtless thinking of her own husband's failing health in Perm Camp 35 in the Urals.

Again, Mr. Perez Esquivel, who is not given to grand formulations, shrugged slightly, saying without words that he was as well as one might expect after 17 months in prison.

The two uncovered some cruel ironies. The Soviet Union, bastion of world Communism, recently spared Argentina's rightist military regime embarrassment at a United Nations commission by blocking an investigation into the junta's civil rights record. Argentina sells the Soviet Union wheat.

It was not said between them but both are depending on the United States for help. If Anatoli Shcharansky does not die in the Urals and is one day allowed to join his wife in Israel, it will be because of pressure and publicity from America. If Argentina is to become a more liberal society, the United States will probably have to insist it respect human rights.

"The human rights policies started by Carter not only should be continued, they should be deepened," said Mr. Perez Esquivel. "Carter has been helpful in Argentina; he has even saved a few lives."●

ALLARD LOWENSTEIN MEMORIAL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. WALGREN. Mr. Speaker, there has been considerable conversation among Members of Congress touched by the life of Allard Lowenstein, a former Member of Congress tragically assassinated last spring, about a proper memorial to the legacy he left to the democratic process for liberals and conservatives alike.

In that context the following excerpt of Mr. Lowenstein's last appearance on William Buckley's program, "Firing Line," seems central. In his discussion, Lowenstein urged all of us to do more than campaign by shooting tired slogans past each other which deny the voters in our democracy the ability to move their Government to deal with the merits of important questions.

Also included are the eulogies of Allard Lowenstein's life by the major spokesmen of both the conservatives and liberal approaches to our public policy, William F. Buckley and Senator EDWARD KENNEDY, delivered at Allard's funeral in New York City on March 18, 1980.

MR. BUCKLEY'S EULOGY

Mr. BUCKLEY. Possibly, as a dissenter, my own experience with him was unique, in that we conservatives did not generally endorse his political prescriptions. So that we were, presumptively, opponents of Al Lowenstein, in those straitened chambers in which we spend and misspend, so much of our lives. It was his genius that so many of those he touched—generally arriving a half hour late—discovered intuitively the underlying communion. He was, in our time, the original activist, such was his impatience with the sluggishness of justice, so that his rhythms were more often than not disharmonious with those that govern the practical banausic councils of this world. His habits were appropriately disarrayed. He was late to breakfast, to his appointments; late in announcing his sequential availability for public service. He was punctual only in registering—though often underage—for service in any army that conceived itself bound in righteousness.

How did he live such a life, so hectic with public concern, while preoccupying himself so fully with the individual human being, whose torments, never mind their singularity, he adopted as his own with the passion that some give only to the universal? Eleanor Roosevelt, James Burnham once mused, looked on all the world as her personal slum project. Although at home with collectivist formulations, one had the impression of Allard Lowenstein that he might be late in aborting a Third World War because of his absorption with the problems of one sophomore. Oh, they followed him everywhere, because we experienced in him the essence of an entirely personal dedication. Of all the partisans I have known, from the furthest steppes of the spectrum, his was the most undistracted concern, not for humanity—though he was conversant with big-think formulations—but with human beings.

Those of us who dealt with him—often in those narrow passages constrained by time clocks and fire laws and deadlines—think back ruefully on the happy blend of purpose and carelessness with which he arranged his own career and his own schedule. A poet might be tempted to say, "If only the Lord had granted us that Allard should also have arrived late at his own assassination!"

But all his life he was felled by mysteries, dominant among them those most readily understood by more worldly men—namely, that his rhythms were not of this world. His days, foreshortened, lived out the secular dissonances. "Behold, Thou hast made my days as it were a span long: and mine age is even as nothing in respect of Thee; and verily every man living is altogether vanity." The psalmist spoke to Al on Friday last—"I became dumb, and opened not my mouth, for it was Thy doing." To those of us not yet dumb, the psalmist also spoke, saying, "The Lord is close to the broken-hearted; and those who are crushed in spirit, He saves." Who was the wit who said that Nature abhors a vacuum? Let Nature then fill this vacuum. That is the challenge which, bereft, the friends of Allard Lowenstein hurl up to Nature and to Nature's

God, prayerfully, demandingly, because today, Lord, our loneliness is great.

SENATOR KENNEDY'S EULOGY

Senator **EDWARD KENNEDY**. What a friend we have all lost. And far beyond the walls of this temple or the borders of this city there are countless human beings whom Al Lowenstein had befriended and did not even know his name. There are black people in Mississippi who can vote because he was there in the civil rights summer of 1964. There are American sons living out normal lives who did not die in Vietnam because he was there in New Hampshire in 1968 in the winter of our national discontent. There are political prisoners in the Soviet Union whose cause was heard before the world because he was there in the United Nations to demand their cases be stated and debated. He was everywhere. He was the man who lived for others. I always thought that somehow he was too good for this world, and in the end the world he reached out to broke him because he was the last friend left of a man scorned by everyone else. But while we mourn his death, we remember most the light and joy of his life. He was a person of impassioned political conviction, but personally he loved so many who so often disagreed with his politics. Who but Al Lowenstein could claim among his best friends both Bill Buckley and Robert Kennedy? Bill Buckley had the good political sense to endorse him for Congress, and Al had the good political sense not to endorse Bill for mayor in 1965. (Laughter.) Al would do almost anything for Bill. (laughter) Al was a loyal friend who spoke with uncommon frankness. No man was an island as long as Al Lowenstein was near. Where blacks were repressed, he was black. When soldiers were dying in a war that was wrong, he was a draftee to his own conscience. Where children were hungry, he thirsted after justice. When families could not afford a house, he was homeless. For me he was more than a friend, though his friendship was rare. He was more than a counselor, though his counsel was wise. For me and for so many others he was our brother. Last Thursday, the day before he died, he was writing a speech he wanted me to give. His last words in that speech read, "Do we want four more years of what we have experienced to date?" It was the wonder and the glory of Al Lowenstein that he never wanted more years of what we have experienced to date. Always he called us to do better. It is the last and the least that we can give to Al in return for all that he gave to us—the pledge of our hearts that we shall, each in our own way, strive as he so tirelessly did to do better. Our brother left us his love. He goes with ours.

LOWENSTEIN DISCUSSION

Mr. **BUCKLEY**. And then a final comment, in which he meditated on the public dialogue, the course of the presidential elections and, as he put it, "the nature of the civilization we're trying to build."

Mr. **LOWENSTEIN**. The question I really wanted to get to, if I can just take a second, is that we've tottered on toward the question of politicians saying very little as they run no matter who they are, and I think that's an indictment that applies to most politicians in most campaigns, and it is compounded by the fact that everybody now spends 90 percent of their money on television where it's very difficult to say anything in 30 seconds or one minute that means anything. I think that's true of every candidate for President right now, and I think it's sad. And I would agree with you that if we could discuss why, as politics descends into that level of non-discussion, why that's a terrible problem in a society faced with great crises. Fifty-two percent of the people in this country now receive assistance from the government compared to 48 percent. I mean, how is that going to continue? What are we going to do about energy? Why don't we put a dollar tax on gas so we can begin to conserve instead of waste? I mean all these topics about which I think we ought to be talking in this campaign are not being discussed by any candidates. And if we discuss the year 1979 or prospectively, the next campaign, without dealing with those questions instead of the sort of simplistic slogans about who's left or who's right, I think we've done a disservice to the public dialogue.

Mr. **BUCKLEY**. I couldn't agree with you more. But are you saying that nobody who's running for President has taken positions on any of these subjects?

Mr. **LOWENSTEIN**. Well, I say that most of them in the end sound like a blur, that it's part of the process that we seem to have arrived at of everything getting homogenized. I mean, the press will say Reagan's moving to the center, Kennedy's moving to the center, everbody's moving here and there, but what really does happen, it seems to me, is that there is—not just for President, but for Congress, for every position—there is an increased disinclination to have discourse on subjects, and it would be much more important on a program like this—which is one of the few genuinely useful programs, I think, that exists, because it brings people together to discuss ideas—to talk about the question of what do we do about the inflation and energy questions in a presidential year. How do we get a country which is capable of such magnificient conduct out of the terrible sloth that's led us to the position where we are now—where everybody is more parochial, more self-seeking—not just politicians, but the public and all the communities that constitute that mosaic? What is it we do to try to raise that in this year so that we discuss not only individuals for President but the nature of the civilization we're trying to build?●

TRIBUTE TO E. B. ELLER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to pay tribute to one of my constituents, Dr. E. B. Eller, who has been a leader in the field of education in Tennessee for many years. He recently announced his retirement from his current post as president of Dyersburg State Community College in Dyersburg, Tenn.

What makes Dr. Eller's announcement so significant is that he has been the only president Dyersburg State has had since it opened its doors in 1969. Since becoming its president, Dr. Eller has been the community college's leader in developing it from a one building junior college to a major institution of higher learning serving a seven county area in west Tennessee.

Dr. Eller has been a very competent and dynamic leader. He has been good for the college and he has been good for the development of the junior college system in Tennessee. I regret that he is retiring, but I wanted to wish for him many happy and fruitful retirement years.

I would like to take this occasion to insert into the RECORD a recent story from The Dyersburg State Gazette newspaper regarding Dr. Eller:

E. B. ELLER ANNOUNCES RETIREMENT AS PRESIDENT OF DYERSBURG STATE

(By Jan Taylor)

Dr. Edward B. Eller, president of Dyersburg State Community College since the founding of the institution in 1969, today announced that he will retire June 31.

Eller, who will be 65 in January, disclosed his plans at a meeting of college faculty and staff members this morning.

He said, "It is with mixed emotions that I come to this point. When change comes, it provides the opportunity for growth and improvement. This could be one of our finest hours."

Eller commented briefly on his 43 years of service in the field of education.

"A superintendent in Alabama took a chance on me 43 years ago," he said. "They have been 43 good years. I've enjoyed them. They have brought many rewards."

Eller said that Dr. Roy S. Nicks, Chancellor of the State University and Community College System, will meet with faculty and staff members next week to discuss the selection process for a new college president and the transition period.

He said his request to retire will be presented to the State Board of Education on Dec. 12.

Eller said that after his retirement he hopes to continue in his association with the college in some manner.

"I will maintain some connection with the college," he said. "Possibly as president emeritus of the college."

Eller, who was a former assistant commissioner for the Tennessee Department of Education, opened the doors of the junior college in one building in the fall of 1969. Construction continued across the 100 acre campus while the first 588 member student body attended classes in the class room building.

Dyersburg was chosen as a site for the college by the Tennessee Board of Education in 1967. Eller assumed the task of turning a site and six buildings into a live, well organized, higher educational complex.

The facility, constructed at a cost of about $3 million, was the result of a cooperative effort between local, county, state and federal governments.

Dyersburg gave the 100 acre site for the college and the Dyer County Court provided the sum of $250,000 for capital outlay funds. Matching federal funds were obtained by the state to complete the funding package.

The site is located on what was formerly Dyersburg Okeena Park and Golf Course. An additional 46 acres adjacent to the park was purchased by the city for $186,000 to meet the 100 acre requirement for locating the college here.

The college serves a seven county area in West Tennessee, that includes Dyer, Lake, Lauderdale, Tipton, Obion, Crockett and Gibson Counties.

Eller began his tenure in the field of education in Alabama in 1938 as a teacher. He came to South Fulton, Tennessee in 1942, as a teacher, and then principal. He became a principal at Martin in 1947 and in 1954 accepted the post of Regional Supervisor of Instruction with the Tennessee Department of Education. In 1956, he was appointed Director of area Curriculum and Supervision for the state. He later became Coordinator of the Division of Instruction for the state, and finally Assistant Commissioner in 1965.

He is listed in "Who's Who in American Education" and "Outstanding Educators of America," and Phi Delta Kappa honorary fraternity. He has served the Chamber of Commerce as Vice President for Organizational Development, Chairman of the Program of Work Committee, and as a board member. Dr. Eller is a member of the Dyersburg Rotary Club and the First United Methodist Church.

Dr. Eller is married to the former Ellen Curry of Troy. They have a son, Ed Eller, Jr. of Dyersburg, who is principal of Dyersburg Middle School, and a daughter, Mrs. Harry Fuqua of Nashville.●

A TRIBUTE TO ELIZABETH HOLTZMAN

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, it is difficult to summarize the accomplishments of Liz Holtzman or measure the impact that she has had on the quality of American life. Elected in 1972 to replace one of the most revered and legendary of House members, Emanuel Celler, Liz Holtzman set a standard of innovation and a record of achievement which will stand the test of time.

An outspoken advocate of programs to assist the have-nots in our society, Liz Holtzman epitomizes the vigor which has guided the Democratic Party and the Nation through decades of progress. Her devotion to service in the House has set a standard for membership in this body. We will be hard pressed to find a better advocate in the House for women's rights, civil rights and the restoration of economic and social justice throughout this land.

Our Nation owes Liz Holtzman a debt of gratitude for her performance as a member of the House Judiciary Committee during the Watergate summer of 1974. Her staunch defense of our Government of laws and its Constitution served to restore a sense of trust and faith in a process which had been brought to the brink.

Though Liz will be leaving the House at the end of this Congress, her youth and qualities of leadership foretell a promising career ahead with whatever she undertakes. We wish her well and know that her idealism and staunch devotion to principle will remain with us.●

LAMAR GUDGER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. UDALL. Mr. Speaker, in politics, I admire most the people who do not always play it safe—who vote and act out of conscience and commitment. Lamar Gudger has served with me on the House Interior Committee where I saw him work under fire. He has a real feel for the balance that is so needed in the environment-resource conflicts. I value his contributions and I will miss this good lawmaker.●

TRIBUTE TO SAM DEVINE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LENT. Mr. Speaker, I want to take this opportunity to extend my sincere best wishes to my good friend and colleague, Sam Devine, as he makes his new plans for the coming year. Congress and the Nation face a loss with Sam's departure from this body, and I am gratified to have this chance to pay tribute to Sam—a gentleman in the truest sense of the word.

During his 22 years of service to Ohio's 12th Congressional District, Sam served with distinction and pride. He successfully blended his wide range of experience with a firm commitment to serve the best interests of this Nation into an effective record of service. As a lawyer, former FBI agent, prosecutor, and State legislator, Sam had special insight into the national problems to be addressed. He applied his special brand of commonsense and a wonderful sense of humor to the rigors of public service, and serving with him has always been a delight.

Sam will be sorely missed by the Interstate and Foreign Commerce Committee, on which he has served with great distinction as its ranking minority member. The leadership qualities he so ably displayed during that service were more recently applied in his position as chairman of the House Republican Conference. Sam did an excellent job and I thank him for his many years of service which have been an inspiration to all of us.

Sam, please accept my wife Barbara's and my own very best wishes for much success and happiness in the years ahead. We will miss your wonderful laugh and your many witticisms, as well as your strong leadership capabilities. Congress and the Nation are better for your having served in the House of Representatives.●

RETIREMENT OF EDWARD H. "NED" LESESNE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to call to your attention the impending retirement of Edward H. "Ned" Lesesne, a 40-year veteran of service to the Tennessee Valley Authority. Mr. Lesesne will step down from his post as Director of the Division of Water Resources in January 1981. His services will be greatly missed by this agency.

Recently, Mr. Lesesne was interviewed by a reporter for the Knoxville News-Sentinel. During this interview, he stated that he finds the TVA's critics are still sniping at some of the same issues which were topics of discussion 40 years ago. I commend to the Congress this article, and ask that all Members carefully study Mr. Lesesne's views and comments which are now made available:

40-Year TVA Exec Finds Agency's Critics Still Sniping at Same Issues

(By John Moulton)

At the time Edward H. (Ned) Lesesne went to work for TVA, critics were accusing the agency of overbuilding its capacity to generate electricity.

Ironically, that same argument exists today, almost 40 years later.

But when Lesesne, retiring director of the division of water resources, joined TVA in 1941, TVA was accused of building more dams than it would ever need. Today, critics say the agency is building too many nuclear plants.

"Critics were saying at that time, 'Why do we need all these dams and all this electricity?' " Lesesne, 60, recalled. "If we did not have that electricity * * * we would have had a hard time winning that war (World War II)."

He said the TVA dams supplied power used at Oak Ridge and the Aluminum Co. of America, both of which aided the war effort.

But construction schedules were a little different then, he said.

"Douglas Dam generated electricity 13 months after the first bulldozer appeared on the scene," said Lesesne. "Nowadays we can't build one (a nuclear plant) in 13 years."

Despite the public outcry about too many dams and too much electricity, by 1950 the electrical demand had increased so much that "the hydro system couldn't meet it," he said.

In his 40 years at TVA, Lesesne has witnessed the dam-building era, the fossil-fuel plant-building era and the nuclear-plant building era. He has watched the agency change from a New Deal experiment in "restoring an entire river valley" to the largest producer of electrical power in the country.

He has served under every TVA chairman but the first, Arther E. Morgan, who was removed from the board in 1938. He declined to compare them.

Lesesne went to work for TVA as an engineering aide earning $1620 a year. He was fresh out of Clemson University, where he graduated first in a class of 20 civil engineering students. His salary now is $50,700 a year.

His first job involved building of stream gauges to measure the flow and velocity of water, which was information "essential to the design of dams." He recalled building those gauges for Chatuge Dam, southeast of Murphy, N.C., for Nottely Dam, near Blairsville, Ga., and for Douglas Dam in Sevier County.

He said he was "actually building one below Douglas Dam when a guy came walking across the field one morning with my orders to active duty." Lesesne served as an engineering officer in the Army Air Corps between 1942 and 1946 and returned to TVA to continue his career.

As an area engineer in Bryson City, N.C., in 1946, he helped establish eight weather stations in the Smoky Mountains, which TVA used to measure the amount of snow.

"One thing that TVA was interested in was the amount of snow on the high mountain ranges and how much water was contained in that snow," said Lesesne. "It was just like a major storm sitting up there."

When the snow melted in a warm rain, it would run off in a hurry and have an effect on stream flow and flood control, he explained. He remembered using jeeps with chains to reach the weather stations for readings. But today, TVA uses radio gauges that measure the snow and broadcast the information to an office in Knoxville, he said.

Lesesne has watched TVA's image gradually become tarnished over the years and attributes that to "continued increases in rates which obscure the so many other good things TVA does. I very much believe in TVA," he said.

Projects he has been involved in include the Parker Branch experiment near Asheville, which was an eight-year demonstration in the reclamation of eroded land. He also helped in the planning of the Telico Dam.

Lesesne was promoted to director of water control planning in 1974 and named to his present position in the major reorganization of 1979. In his current job, he is "responsible for any and everything connected with water" including the operation of TVA reservoirs, water quality, fisheries programs and flood control.

His early retirement, which he decided to take when TVA asked for volunteers in order to meet Federal budget cuts, is effective in January.

Lesesne lives in Holston Hills. He is an elder in the Eastminster Presbyterian Church. He and his wife, Sarah, have four children. He is a native of Charleston, S.C.

Mr. Speaker, I hope all Members of this body will join me in wishing Ned Lesesne an enjoyable retirement. The entire Tennessee Valley Region owes much to this gentleman.●

TRIBUTE TO SAM DEVINE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CLEVELAND. Mr. Speaker, throughout my 18 years in Congress I have looked to Sam Devine for assistance and leadership. He has been a good friend throughout my time in Congress. As both of us wind up our congressional careers this week, it is especially appropriate that I join this tribute to Sam.

Many others are recounting the highlights of Sam Devine's career, both as chairman of the Republican Conference, as the ranking minority member of the Energy and Commerce Committee and on House Administration Committee where we served together for many years.

Our careers have spanned some tumultuous times, and have been largely consumed with trying to make sense out of the huge expansion of the activities of the Federal Government which has occurred during our careers. Both of us have faith in the ability of local governments to solve many problems, and resent the arrogance of Washington trying to tell communities how to do everything: as a result, our work in Congress has been especially challenging and of course frustrating.

No one has been a clearer voice in this battle than Sam Devine. His responsibilities on his committees and in the Republican Conference have put him right in the middle of many of these battles, and I particularly have appreciated his counsel and guidance.

The Congress is going to be poorer with the loss of Sam Devine. I want Sam to know that I have appreciated his friendship, his commonsense, his strong sense of duty, and courageous voting record for a strong defense and fiscal sanity.●

ENERGY PRICE DECONTROL AND SEVERANCE TAXES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. EDGAR. Mr. Speaker, I would like to include in the Record a speech made by Tom Cochran, director of the Northeast-Midwest Institute, before the Alaska Growth Policies Council. This speech addressed a growing problem between the States that have abundant energy resources and those that do not.

The remarks follow:

REMARKS BY TOM COCHRAN BEFORE ALASKA GROWTH POLICIES COUNCIL

Governor Hammond, distinguished members of the Alaska Growth Policies Council, fellow panelists, and ladies and gentlemen—I feel deeply honored to be here today, participating in the discussion of issues which I believe will be pivotal for our Nation during the 1980's and 1990's. And I think that it says a great deal about the wisdom and foresight of Alaska's own leaders—including many people sitting in this room—that this essential dialogue is beginning here in Alaska.

I don't think there can be much doubt any more about the urgent need for this dialogue—we have only to look north from the "lower forty eight" and east from Alaska to witness a set of extremely serious energy-related tensions threatening the Canadian federal system. A remarkably similar set of tensions is rapidly developing in our own country as well. The parallels are too strong to ignore. For example:

In both countries, a small number of States (or Provinces) with a relatively small share of the Nation's population control most of the Nation's domestic energy resources;

In both countries, the major producing States or Provinces are endeavouring to reap the greatest possible economic or fiscal advantage from their positions as net energy exporters, although by somewhat different methods;

In both countries, the energy consuming States or Provinces are more heavily industrialized and older than the producing States—and in both countries the older manufacturing regions are suffering similar problems of economic stagnation; and

In both countries polarization between what the National Journal called the energy "winners" and "losers" has been growing rapidly.

In the United States, a strong contributing factor to these new energy tensions will be the extraordinary increase in severance tax and royalty revenues derived from the extraction of oil, gas and coal during the era of domestic price decontrol.

Oil and gas severance tax revenues had already grown substantially since the Arab oil embargo. There was an almost three-fold increase in these revenues from $710 million in 1972 to over $2 billion in 1973.

However, the increases expected between 1980 and 1990—the era of decontrol—will dwarf anything we have seen so far. The Treasury Department estimates last year that all State and local revenue increases in the decade as the result of oil price decontrol alone will add up to more than $127 billion. Ninety percent of these enormous new sums of revenue will be concentrated in the eight major oil-producing States. And I think Treasury's assumptions may have been a bit conservative.

No reliable estimates have yet been made concerning revenue increases resulting from the decontrol of natural gas. However, we have been told by one reliable analyst that the figure will be about $50 billion—and this would be on top of the $127 billion increase resulting from oil price decontrol.

Now these are very crude estimates made over a year ago by econometric modelling techniques which don't even distinguish between severance, royalty and other forms of revenue. In our search for better data, we've gone to the states themselves, but only one has done a good job projecting oil severance and royalty revenues into the future and, naturally, that State is Alaska. And the estimates (made by this State's excellent petroleum revenue division) of oil revenues approaching $72 billion in this decade alone—before peak production is achieved—are truly breath-taking.

No reliable estimate has been made concerning the various revenue decreases the energy importing States will suffer as the result of energy price decontrol, except perhaps in the area of motor fuel taxes. But, for example, how will the corporate income taxes of energy importing states be effected by the higher costs of energy? My guess is that there will be substantial reductions with respect to firms which buy a significant amount of energy. Already enormous cash outflows from such firms to energy-producing firms are developing according to Business Week magazine, but thus far the State revenue effects of this shift have not been projected, to our knowledge. However, it is reasonable to assume that energy consuming States will be made worse off.

A good deal of attention is being paid to coal severance taxes. In large part, this attention is due to the well-healed lobbying efforts of some of the Nation's electric utilities. A number of folks in the Congress have introduced bills with many cosponsors to limit such taxes to 12.5 percent, and one of these bills is actually ready for floor action on the House side. There is enormous variation in coal severance tax rates around the country, with western coal generally taxed at high rates—with Montana at the top of the scale—and eastern coal taxed at low rates or not taxed at all.

Yet, despite all the attention paid to coal taxes it's important to keep in mind the findings of a new CRS study—the net economic of coal severance taxes is nowhere near as large as the impact of either oil or gas taxes and fees. The rates on oil and gas imposed by the States are somewhat more uniform from State to State—and might appear to be more reasonable. However, because of the massive volumes of oil and gas purchased now and likely to be purchased in the future on the domestic market, the impact of oil and gas severance taxes and royalties on the consuming States is much higher than is the impact of the coal taxes.

Why should we be concerned about the enormous increases in State severance tax and royalty revenues resulting from energy decontrol? I think the general concern is that we are witnessing the creation of a kind of United American Emirates—a group of superstates, with unprecedented power to begger their neighbors in the Federal system in economic and fiscal terms.

We have identified at least three separate problem areas of a more specific nature.

First, these enormous new revenues will almost inevitably lead to powerful new location incentives for people and businesses—accelerating the massive shifts of population to these areas already taking place. In the next several years we can expect other States to follow Alaska's lead and cut or eliminate more traditional taxes, making them even more attractive places in which to relocate. States which don't have the natural resources to tax won't be able to compete with such tactics and will lose out.

A second reason for concern is that several major Federal funding formulas will be distorted. Under these formulas, the energy-rich States could actually receive larger shares of Federal funds—or continue receiving the same favorable shares they now receive—even though the actual need for these funds will be much smaller because of the new-found wealth which can be tapped by these States.

Third, we think that there is a strong possibility that a dangerously divisive severance tax warfare will break out, with each State striving to tax a precious commodity just to preserve its competitive position. In fact, this warfare may already have begun—Montana's State legislature passed its huge coal tax increase after strong debate language about the need to keep up with Texas in the severance tax business—I understand the same is true of Wyoming. A few years ago, Pennsylvania contemplated a severance tax on electricity generated at mine-mouth plants and exported to other States. Connecticut and New York have passed special taxes on oil companies although these taxes have just been thrown out by the courts. New Jersey is looking into a tax on oil refineries. Oregon has a tax on trees—there is nothing preventing the imposition of State taxes on other crops, and it would not surprise me in the least if agricultural States retaliated against other severance taxes by putting their own taxes against grains used in alcohol fuel production.

In any such warfare, the Northeast and Midwest region will be heavy losers—and so, ultimately will the whole Nation, as its State and perhaps its local governments impose harmful new tax burdens on certain sectors, and become dangerously reliant on these narrow and probably regressive tax bases.

The perception among consuming States is that tax burdens of severance taxes and royalties are fully "forward-shifted" to consumers and, thus, exported beyond the borders of the State imposing the tax. Actually, I think this is a more complicated question than most folks in the consuming States have acknowledged and that the answer will be different according to the energy commodity being taxed and the State doing the taxing. But is there anybody who doubts that at least a very large share of that $72 billion tax burden Alaska is imposing during the 1980's will be exported to consumers in the rest of the Nation?

The fact that enormous tax burdens are going to be exported—together with the concerns I mentioned earlier—will compell Congress to take some action over the next few years, despite the obvious Constitutional problems which any Federal intervention in State taxing powers would entail.

What is the spectrum of possible federal policies to deal with this area? I think it includes the following options, none of which are mutually exclusive:

Correcting for formula distortions, either through some form of omnibus legislation, or through amendments to specific authorization bills.

Limiting State severance tax rates or total revenues in some fashion, or outlawing the severance taxes altogether.

Replacing State severance taxes and royalties with a uniform system of national severance taxes and fees, the revenues from which could be shared in some equitable fashion around the Nation.

I'd like to elaborate for a moment on that last option. Here in Alaska, you have wisely chosen to invest some of your energy revenues in the Alaska Renewable Resources Corporation, a large scale, flexible development entity which could be the single brightest hope for a stable, diverse Alaskan economy of the future, an economy which need not be dependent on finite supplies of fossil fuels.

Yet, the Nation as a whole faces a bewildering array of natural resources scarcities in the coming decades, from minerals like silver and bauxite, to foodstuffs like fish, to the resource we've all taken for granted too long: Water. The National Security implications of these scarcity problems demands that we wake up to their existance, just as we have with respect to energy.

As a nation, we should follow Alaska's lead and give consideration to setting up a National Resources Corporation, which would incorporate the current but go far beyond the chapter of the all-too-narrow Synfuels Corporation. The National Resources Corporation could be charged with investing also in the development of a wide range of renewable energy production and conservation technologies, and conservation technologies designed to help us deal with a wide range of natural resource scarcities other than energy.

The source of capital for such a corporation could be the national uniform severance tax I suggested earlier. There are those who will say that it is not necessary to replace State severance taxes with a national severance tax in order to finance the investments we need in national resources. After all, don't we have a "Windfall Profits Tax" which is supported to bring in $225 billion over the next ten years? Well, of course we have that tax in place. But, it seems increasingly clear that these revenues are not going to be reinvested exclusively in making the U.S. energy independent—the Synfuels Corporation may be the only significant use of Windfall Profits Tax revenue for that purpose—instead, other fiscal pressures are going to determine that it be used for general purposes and to balance the budget. President-elect Reagan's new-found willingness to keep the tax is perhaps the clearest signal of this fact.

The other problem with using the Windfall Profits Tax for the purpose I've outlined in that it shuts off of its own accord when the required amount of revenue—counted in manual, not real dollars—has been raised. Yet, we need a permanent predictable method of insuring that capital created from the sale of OPEC prices, non-renewable energy is reinvested in ways which can preserve and enhance our independence in increasing uncertain world resource markets.

Other revenues from a permanent national severance tax could be used in the form of general revenue sharing, with two "pots" of money. One pot could be used exclusively to hold the energy producing States "harmless" in real dollar terms from the fiscal effects of replacing their severance taxes with a national severance tax. Thus, their tax base as of the year the change was made could be fully preserved. The second "pot" could be distributed under any fair formula—since the ultimate incidence of a severance tax is probably on consumers, consumption patterns might be used with other data elements in this formula.

I dreamed this proposal up not because I believe in it specifically, but because it illustrates that we need to find some solution that is not only fair to all parties concerned, but which at the same time seizes an opportunity to address some of the difficult problems which confront our nation. Perhaps a way can be found for the energy producing and consuming States to sit down together, come up with a common solution and ask Congress to bless it. I know that sounds a bit like pollyana but isn't that a preferable way to deal with a sensitive explosive issue of this kind that to have Congress impose a solution from "on high"?

Again, thank you for the opportunity to address you here today.●

TRIBUTES TO RICHARDSON PREYER, LAMAR GUDGER AND ROBERT MORGAN OF NORTH CAROLINA

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. JENKINS. Mr. Speaker, I am pleased to join in the tributes for our distinguished colleagues from the State of North Carolina who will not be with us in the 97th Congress, Congressman RICHARDSON PREYER, Congressman LAMAR GUDGER, and Senator ROBERT MORGAN.

RICHARDSON PREYER has represented the Sixth District of North Carolina well since 1968. Before his election to the 91st Congress, RICHARDSON PREYER displayed his interest and dedication to the citizens of North Carolina through service as a city judge, State superior court judge and U.S. district court judge. Of all the Members of Congress, I can think of no one more able or no one who possesses greater integrity than RICHARDSON PREYER. He has rendered the highest in public service that any public servant could render.

LAMAR GUDGER, a native of Asheville, is the champion of the working people. His district adjoins my district and I have enjoyed the privilege of working with him on legislative issues of mutual interest. He has proven his outstanding ability not only in the Congress but also through his outstanding work on the Judiciary Committee. LAMAR's active role on the Judiciary Committee was an asset to his district and State. I hope he will continue his involvement and interest in the Government upon his return to North Carolina.

Robert Morgan, who has a distinguished background, will also be missed by his colleagues from the Senate.

I extend to these fine legislators from the great State of North Carolina every best wish for the future.●

ROSA PARKS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mrs. COLLINS of Illinois. Mr. Speaker, it is with great pride that I rise today in honor of the 25th anniversary of the famous Montgomery, Ala., bus boycott, which was led by the courageous Rosa Parks. I thank my friend and colleague, John Conyers for taking out a special order that we in the Congress might commemorate this significant event.

For those unaware of what took place on Thursday evening, December 1, 1955, I would like to take time to refresh their memories. The place was Montgomery, Ala., the time was evening and the setting was one in which black folk were not allowed to use any facility unless so labeled. They had to use "colored" water fountains, rest rooms, booths, had to pass a test before they could vote, had to attend old, crowded schools, not the new shiny one for white children and to add insult to injury, blacks had to pay at the front of the bus, get off, go to the back door, wait for the busdriver to open the door, and take a seat in the back of the bus. Of course their seat was given up if a white person wanted to sit there. On the night of December 1, 1955, Mrs. Rosa Parks was tired and did not feel like walking home to avoid the injustice of having to ride in the back of the bus. She was tired and she was weary, but she gave the bus driver her fare and sat in the first seat for blacks, right behind the last of the white section. When a white man asked for her seat, she refused, she had paid her money to ride on the bus and in her mind that meant that she was entitled to sit anywhere. Mrs. Parks was arrested and later released on bail provided by the president of the Montgomery NAACP, Edgar Nixon.

On the evening of December 2, 1955, Mrs. Parks along with Dr. Martin Luther King met with leaders of the black community. The historical outcome of that meeting was the beginning of the civil rights revolution. On December 5, 1955, the black people in Montgomery, Ala., did not ride any buses. They walked to school, church, work, stores, hospitals, et cetera. -

On December 5, 1955, Mrs. Rosa Parks was found guilty by the court for refusing to relinquish her seat to a white person. That same night, another meeting was held and it was decided that black people would continue to walk rather than ride the bus until the bus company treated all its customers fairly. This marked the beginning of the Montgomery bus boycott and the American civil rights movement. Almost a year later on November 1956, the Supreme Court ruled against the discrimination of black bus riders. Rosa Parks, along with hundreds of other black folks could finally sit anywhere in the bus without having to give up their seat.

In 1981, we will see a concerted effort on the part of the conservative movement to put a stop to the gains that blacks and minorities have struggled to achieve. Senator Strom Thurmond, in line to chair the Senate Judiciary Committee has been quoted as saying that he favors the repeal of the Voting Rights Act, an end to busing to achieve racial equality, and an end to affirmative action programs. If that is not enough, we will again be hearing an old but not dead confederate war cry—"return to States rights."

A return to States rights will mean that instead of relying on the Federal Government to insure across-the-board equality, we will have to take legal action reminiscent of action taken by Mrs. Parks to insure that justice is carried out.

Without a continued commitment to equal rights and affirmative action equal opportunity will go right out the window. Whether we label them as quotas or goals, some form of measurements are necessary if agencies or firms are to be accountable for the enforcement of the equal protection clause of the Constitution. How else are we to determine whether or not efforts are being made to ameliorate the conditions that minority Americans have to bear?

It is my view that the Republican/conservative/abnormal minority—alias moral majority—attack on black gains is a great opportunity for minorities to unite with others to form a new coalition that will challenge the economic, social, and political basis of unequal opportunity for once and for all.

Our Constitution and civil rights legislation guarantee equal opportunity to all Americans regardless of race or sex. After hundreds of years of systematic discrimination and exclusion from economic, educational, and social benefits our country's institutions continue to confer de facto advantages on whites and men and impose disadvantages on racial minorities and women. The affirmative use of racial and sexual criteria in hiring and promotion practices are designed as a voluntary and where necessary, mandatory means for overcoming this country's past legacy. Without affirmative action, it is impossible to imagine how equal opportunity can be anymore than empty rhetoric. Affirmative action, in itself, is in response to public perceptions.

You will note that the names and dates have changed, but the fight for equal rights as provided for under the Constitution of the United States goes on.●

TRIBUTE TO ROBERT McEWEN

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, let me take this opportunity to thank Bob McEwen for his years of service in the House of Representatives.

Bob has served with distinction on one of our most prestigious committees, the Appropriations Committee, and has during his tenure made a record of unimpeachable integrity which has served the people of New York State well.

Bob has exemplified the need to be prudent in Federal expenditures but compassionate at the same time. His record reflects a balance of conflicting interests with an emphasis on fiscal responsibility and integrity, qualities for which our Nation yearns.

I wish Bob much happiness as he returns to New York. We will miss his good humor, grace, and staunch devotion to duty and principle.●

JACOB K. JAVITS OF NEW YORK

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ZABLOCKI. Mr. Speaker, when the 96th Congress adjourns, the Senate Foreign Relations Committee will officially say farewell to its ranking minority member, the senior Senator from New York (Mr. Javits). I join, therefore, my colleagues in both Houses of the Congress in paying tribute to a truly remarkable career of public service—of more than three decades, under seven Presidents.

While his leadership in the other body is well known and has been characterized by a high sense of responsibility and bipartisanship in the foreign policy field, I would like to call attention to the Senator's previous service in this House during the 80th, 81st, 82d, and 83d Congresses—that is, before his election as attorney general of the State of New York in 1954. He was, I might note, a distinguised member of the Committee on Foreign Affairs where, I am convinced, he first developed the basic knowledge and skills which were to serve him so well in later years—both as a Senator and a statesman.

The Senator's many legislative accomplishments have been well documented over the years, and I will not attempt to enumerate them further at this time. History will surely record them for the benefit of posterity.

I would, however, merely add a personal note: I have had the privilege of working very closely with JAKE JAVITS throughout his long tenure in the Congress, and it has been a most rewarding experience.

I particularly recall the long, sometimes frustrating, and often tedious conference sessions we have lived through and survived together—and especially his talent for seeking out and proposing the reasonable and balanced compromise solutions to many seemingly intractable problems. His influence was invariably positive and constructive—always focused on areas of potential agreement, rather than confrontation. At the same time, he demonstrated that more is to be gained than lost through the negotiating process, as he rarely emerged as a loser. He has, in fact, established a useful precedent in foreign affairs, which I hope our two committees will heed in the months and years ahead.

To Senator JAKE JAVITS, his family, and many devoted friends throughout the Nation, I want to express my warmest congratulations and highest regard for a public record which speaks so clearly and eloquently—for itself.●

THE OTHER TRAGIC LINCOLN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FINDLEY. Mr. Speaker, S. L. Carson is the author of a thoughtful piece on Robert Todd Lincoln, delivered at a recent meeting of the Lincoln Group of the District of Columbia. He is the author of the current one-man play, "The Last Lincoln." Here is his statement on the Civil War President's eldest son:

THE OTHER TRAGIC LINCOLN: ROBERT TODD

(By S. L. Carson)

When the news came in banner headlines that Robert Todd Lincoln was dead, cannon boomed at military posts across America and sirens sang on ships at sea for the former Secretary of War. Flags fell to half-staff at our diplomatic missions around the world for the former Ambassador to Great Britain, and directors and board chairmen knelt in prayer in the corporate chambers of America for the Chairman of the Board and former President of the Pullman Palace Car Railroad Company. In The White House, Calvin Coolidge sat down and wrote a letter of condolence for a friend, and down Pennsylvania Avenue, in the Chambers of the Chief Justice of the United States, Robert's longtime personal friend and frequent houseguest, William Howard Taft, did the same.

Except for John Quincy Adams, no other President's son has ever been accorded such homage.

Upon his death in 1926 one week before his eighty-third birthday, Robert Todd Lincoln, eldest and sole surviving son of Abraham Lincoln, left a loving wife, two daughters and grandchildren, a 412 acre summer estate called Hildene in Manchester, Vt. where he died, and which is now open to the public, a Georgetown mansion still standing at 3014 N Street, and, after inheriting $110,000 from his father, Robert left his own financial estate valued today at about $20 million.

By anyone's reckoning, he had come out from under his father's massive shadow and in today's reference works he is cited for his own accomplishments. Why then are there rumblings and indeed outright spoken thoughts among historians, writers and others that there was something sad and dark about Robert Todd Lincoln?

Whether through the quirks of 19th century law or positions he held, it was his sad fate to be forced to share an unusual series of tragedies with the public, if not to be actually on the public scene itself when they occurred. And for historians, manuscript curators, librarians, and indeed, all Americans, this is of more than casual interest, for these tragedies darkened an already shy and wounded personality and led directly not only to his own nervous collapse near the end of his life, but to his closing Abraham Lincoln's papers to the people for almost one hundred years. In his long life, he allowed only two friends to use the papers. For decades after his death, Robert's deed of gift stipulated that no one was to see them. Why? Then as now his handling of these papers has led to incredible implications regarding the assassination that continue to capture headlines and be the subject of books, motion pictures, and television shows. Two years ago, I made my own discovery further putting a conspiracy theory to rest.

At his father's side, Robert burst into tears when told there was no hope, then, composing himself, spent the rest of the vigil silently bending over the President while his mother moaned, fainted, called repeatedly for younger son Tad as his father "loves him so" and finally, shrieking "Shoot me, too!" lapsed deeper into shock. But Robert had often seen her carry on so. And there was the personal agony he would bear for the rest of his life: if only he had accepted the invitation to the theater, he might have been able to do something. But he had been too tired from witnessing Lee's surrender, he had told them.

The President was dead, the Civil War over. In his twenty-one years Robert had buried two brothers, and in a few years Tad would be gone too, none having reached manhood.

In the years that followed, Robert married happily and proved himself an excellent businessman and lawyer. His father's estate was $110,000, a goodly sum in those days. But his mother refused to believe it, and, without the presidential widow's pension which was not yet customary, she agonized over bills that staggered Robert when he finally discovered them.

As First Lady she had purchased hundreds of articles of clothing, clothes by the ton, it seemed. Now, moving into cheap rooms, often lit by a single candle and always dressed in black, she would again start to make reckless purchases even while worrying about money, carrying thousands of dollars in cash and securities on her person, apparently winding up in strange cities wondering how she got there while Robert frantically tried to find her before the press could. She feared wild Indians followed her and that she was being poisoned; she wired the family doctor Robert was dying, paid photographers who photographed her (they promised), showing the President's ghost beside her, and sold her old clothes, causing a scandal and driving Robert to despair. Finally, a mortified son and a hotel aide had to subdue her, half nude, in a hotel corridor as she shrieked that Robert was trying to assassinate her.

Of all people Robert was the least equipped to understand her, the least able to cope. Why couldn't she just "buck up"? he wondered. She was just doing these things to get attention; she was spoiled.

Eventually something had to be done, even though the law, to Robert's dismay, provided that a sanity hearing had to be public. The stares and gossip of strangers, Robert felt, had brought his mother to her present situation, and she would have to be put away. But it was only on the advice of six doctors and seventeen witnesses that he acted. Earlier diaries and letters of one of her sisters and associates, unknown in 1875, would have offered massive corroboration of her state. As early as 1867 the press had implied that she was insane. Tears came to Robert's eyes as he related her story to the court. The night the court entered the name Mary Lincoln in the "Lunatic Record," Mrs. Abraham Lincoln slipped past her attendants and tried to commit suicide. The press pilloried Robert without knowing all the facts, and his answer was typical for him: a wall of silence.

Here, with regard to his family's letters, Robert made one of many major errors affecting the one thing he treasured most: his reputation and that of his family. We can only guess at his torment. Did he have any doubts or recriminations? Where is his human side? We do not know, for there is evidence that he later burned most of his correspondence and those of his mother and her defenders, so painful were they to him. One result is the permanent harsh picture of both mother and son that is unjustified.

For his mother Robert hoped for and meant the best, but as usual he misread the turmoil in her mind. Within a year she was declared "restored to reason" through the efforts of friends and relatives, and she emerged rested and somewhat healthier but seething with bitterness toward Robert, who she believed had schemed to get her money. One physician, however, correctly saw she was almost as irrational as before.

In one respect, this estrangement was good for both and came just at the right time. With Mary Lincoln soon traveling in Europe, she apparently did not hear of a crime that would surely have pushed her finally into the abyss, and would have made Robert's burden unendurable. One month after she sailed for Europe in 1876, ghouls broke into Lincoln's tomb in Springfield, smashed the sarcophagus, and were removing the casket when, thanks to an informant, they were caught, though not before gunshots splattered off the marble walls.

It didn't end here. Robert was in horror of the deed being repeated, perhaps by rabid ex-Confederates. Before Abraham Lincoln was truly laid to rest his body was to be moved seventeen times in the next twenty-five years, mostly in secret.

By July, 1882, long-sought death finally came to tragic Mary Lincoln. But after the elaborate obsequies, at 10 p.m., on Robert's orders, her coffin too was secretly taken from the crypt where it has been so ceremoniously placed hours before. Staggering under its double-leaded weight, guards bore her slowly around to the back, to lie beside her husband.

By now, Robert Lincoln was well versed in the ways of secrecy and silence that would, in the end, perpetuate the very legend he most wanted to dispel. Life, though, was not otherwise very bad for him at this stage. A charter member of the Chicago Bar Association and a trustee of the Illinois Central

Railroad, he was considered one of the state's ablest lawyers. Business was to woo him away, however, and newspapers would eventually label him a "tycoon." He was not yet forty and, in addition to a loving wife, he had three children, including a young son, Abraham Lincoln II, called Jack. And he was, incongruously, Secretary of War.

Perhaps to prove that he was his own man, perhaps because he had been recommended for the post by a man he viewed as his second father, Judge David Davis, perhaps again out of his sense of duty and ardent Republicanism, or perhaps, finally, for all these reasons, Robert put aside his reserve and accepted President-Elect Garfield's offer. Robert Lincoln remains one of the very few children of famous people still cited in reference works today for his own achievements. His War Department reforms included modernizing weapons that were twenty years old, dating from the Civil War, and reorganizing the nation's military structure.

In any case, his negative personality comes through when, in summing up his four years in the War Department, he said there was nothing "worth recording" and he was "satisfied to have got out of it without more grief." Could a man like Robert Lincoln, with such a negative view of life, have been a happy man? A caring and warm person within a very small circle of friends, even something of a raconteur, he built walls of aloofness against the world and spent his whole life trying to avoid getting hurt. He got hurt more than most.

A few months after assuming his War Department duties, Robert was to join the President on a trip. Arriving at the Washington railroad station, he entered just in time to hear a shot. President Garfield, arms flying, hurtled to the floor. Robert was ill-equipped for this shock. In the reams of newsprint on this assassination, reporters noted how particularly affected the Secretary of War seemed to be as memories overwhelmed him. Yet "in seconds" he was at Garfield's side, holding him with Secretary of State James G. Blaine.

Twenty years later, in 1901, he was among the invited guests at the Buffalo Pan-American Exposition, and as he enterd the hall, President McKinley was slowly sinking to the floor from two shots. After this he would sadly remark that not many men had been near at hand for the murder of three American Presidents. In fact, he was probably the only one in our history.

In that same year of McKinley's death Abraham Lincoln was reburied for the last time. The tomb had finally been restored and strengthened, and Robert, determined that his father would never again be disturbed, arranged for a unique burial, in many ways reflecting his own personality. Crated, the casket was placed in a cage of steel bars which was then filled with concrete to the top of the bars, whereupon this solid rock was buried ten feet below the tomb's marble floor.

Unlike the President, who was warm, humorous and unpretentious, Robert seemed cold, stuffy and aloof. A regular supporter of the standpat wing of the Republican Party, Robert also lacked his father's concern for liberty and justice, conventional, conservative, Victorian gentleman that he was. But there were reasons. Suffering might have made another man more sensitive to others and caused him to identify with human needs and aspirations; for Robert, it just made him more shy and hypersensitive to slights.

The more he was importuned to give information he felt was personal, and the more strangers asked to see the papers, the more he drew a wall around himself. He had bitterly seen what Lincoln's law partner William Herndon had done to his mother and the family name by publishing legends as facts, and he had no intention of taking chances. The same was true of Ward Hill Lamon's largely ghost-written biography of the President. Only Robert's friends, the President's former secretaries John Nicolay and John Hay, would be allowed to see the papers, as they could be trusted to write the "right" things.

With the passage of time and given a good education, love, and freedom from prying eyes, however, Robert felt that his son would have a better time of it than he had. The family's hopes settled fervently on young Jack. But it was not to be.

It was a reporter who broke the news to Robert that President Benjamin Harrison, without his knowledge, had sent his name to the Senate to be Ambassador to Great Britain, and, it was duly noted in the press, Robert was rather agitated and displeased. Duty, friends, and a desire for "social benefits" for his family from such a post prevailed, however, and the family sailed for England in 1889, where for the next four years he ran the envoy's office as well as he had the War Department.

But Robert Lincoln's years abroad were years of grief, as a letter from my own collection shows. At sixteen, Jack Lincoln was at school in France when he developed a carbuncle under his arm. In the Fall, 1977 issue of Manuscripts, Ib Melchior writes how he stumbled upon a largely illegible letter of Jack's distraught father describing the failure of the November 1889 operation and relating that the French doctors had pronounced the case hopeless. Melchior's letter is dated January 13, 1890.

The letter in my possession is dated February 27, 1890. Written from the U.S. envoy's London residence to a minister with the unlikely name of the Rev. George F. Pentecost, Robert Lincoln, noting how the press was keeping watch, indicates a fact his biographers John S. Goff and Ruth Painter Randall apparently did not know. It seems there was another operation though with Robert's handwriting it's hard to be sure. In addition to the one in November in France, Robert was able to write hurriedly now because "an [unexpected] . . . rally has permitted an operation upon my son which has removed the immediate danger of death but leaving him in a condition causing us intense anxiety." Therefore, Robert writes, he cannot see the minister. One week later Robert Lincoln's son was dead. This letter describes, therefore, the end of the Lincoln name, and was saved by me twenty years ago as it was headed for the junk pile by the owner then because of its illegibility—and I am still trying to decipher all of it! A genealogical chart in Lincoln Lore had given me a clue as to the letter's contents.

Thanking Nicolay for his condolences, Robert anguished in another letter, "You can imagine that for more than common reasons our boy's life was very precious to us and as his character and ability became year by year more assured, I had good reason for setting no limit in our hopes for him. Now that there is nothing left but a memory, the loss is very hard to bear." None of Robert Lincoln's grandchildren from his two daughters had any issue. Thus the Lincoln line is on the verge of extinction.

For Robert, both his past and his future were now buried, and the present must have often seemed a void.

Closing his years of public service firmly determined never to serve again, he said, upon hearing his name bandied about again for the Presidency, "It seems difficult for the average American to understand that it is possible for anyone not to desire the Presidency, but I most certainly do not. I have seen enough of the inside of Washington official life to have lost all interest in it. The Presidential office is but a gilded prison. Its care and worries outweigh the honor which surrounds the position."

But he did accept one presidency—that of the Pullman Railroad Company (though on the eve of his election, a daughter eloped with a man he disapproved of, an event which the press reported on the same front page). In 1911 Robert became Chairman of the Board. With Lincoln's presidency the Pullman Company underwent its greatest period of growth, with profits after taxes soaring from $384,000 in 1898 to over $10,000,000 in 1910.

Robert Lincoln inherited his father's papers in 1865, following a tradition that a President and his family could walk off with them at the end of an administration.

Robert had had enough of prying eyes, gossiping tongues, interminable (and, as he often felt, impertinent) questions. His Victorian attitudes, curious to some even then and almost incomprehensible to people today, blinded him. He thought that if he just issued blanket refusals that would end the matter. It only whetted people's appetite to see "what was hidden" in the papers. Life's buffeting had turned a shy, sensitive man into an almost morbid recluse, and this deepened after what his biographer Ruth Painter Randall called "something of a nervous breakdown" in his early seventies.

The reputation of the President's son has been so tarnished by his restriction and secretiveness, and by irate writers forbidden for decades to see the papers, that a word of explanation is in order.

In placing his restriction of over two decades on the papers, Robert wrote that this was to spare immediate relatives from possible pain arising out of unfavorable comments made in the fratricidal atmosphere of the Civil War. But few knew this.

Some of the accusations aimed at Robert seem justified, for it appears that he did destroy many of his own and his mother's papers. The disappearance of many of his mother's letters, which he no doubt effected to cover up her madness and their strained relations, and because of his rigid sense of privacy, is a major loss. What might have won that harried woman—and her son—a more compassionate and earlier understanding in history was forever swept away as the Keeper of the Flame threw their letters into it. Similarly, love letters between the President and Mary would have gone a long way towards dispelling the Ann Rutledge legend and the legend that he didn't love his wife.

What would have horrified Robert Lincoln to the depths of his soul, however, was the allegation, now given fresh impetus in a popular motion picture and best-selling book, that he destroyed evidence linking Lincoln's Secretary of War to his father's murder.

In the 1960's a television show based on an earlier conspiracy book showed an aged houseguest of Robert's sauntering by to find Robert burning assassination-related papers at Hildene. This myth is perpetuated today. Would the secretive, reclusive Robert Lincoln really burn such momentous letters in his fireplace while houseguests wandered through his living room or library? Wouldn't he at least have locked the doors? The charge was made that Robert burned the papers in 1923. But he gave the papers to the Library of Congress in 1919.

Would Robert Lincoln, who throughout his long life fiercely resented any slight to his father's memory, have protected a conspirator to his murder? Inviting only a small circle of friends to his wedding in 1868, would Robert have invited Secretary Stanton and his family to be present if he felt Stanton plotted his father's death? Would Robert write a warm, moving letter of condolence to an alleged conspirator's son in which he noted how the late Secretary had wept and comforted him on the President's death? Robert did so. Would he keep a large framed print of the Secretary in his home, which I discovered in the attic at Hildene? No other cabinet member's photo was found, except for a group portrait. If treason, a word too casually used, was uttered, was it, as Mearns says, perhaps political treason of confidences betrayed? In Robert's library I also found a book of funeral orations to Mr. Stanton, and a book, In Memoriam: Edwin McMasters Stanton by Joseph B. Doyle (1911) in which on page 368 it states Robert contributed to the erection of a statue to Stanton and had intended to be present at the dedication except for illness when a telegram was sent instead. Near Robert's desk in the library was a copy of a famous statue, "Council of War" which prominently portrayed Secretary Stanton with Lincoln and Grant.

If Robert Lincoln destroyed incriminating documents, why did he impose a twenty-one year restriction on the use of the papers? If the papers had been purged, what was there left to hide? If there was a witness to the burning of some letters, those papers were probably written by Mary Todd Lincoln.

Robert lies not in Springfield but in Arlington National Cemetery next to his wife and Jack. A beautiful spot chosen for its peace and solitude, it remained that way for almost forty years, until another assassinated President was buried only yards away. The crowds flock by all the time now.●

A TRIBUTE TO JAMES M. HANLEY

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, let me take this opportunity to congratulate Jim Hanley upon his retirement and thank him for his years of service to the House of Representatives and to the Nation. Let me just offer a personal note as well.

I was privileged to serve with Jim on the Post Office and Civil Service Committee during my first 2 years as a Member of this House. Jim was of invaluable assistance to me in my early days in the House, and I will be forever grateful for the assistance and guidance which he rendered.

At a time when the Federal bureaucracy is under increasing criticism, Jim Hanley has been in the forefront of efforts to curb that bureaucracy and simply make it run better. One of the major accomplishments of the Carter administration, the Civil Service Reform Act of 1978, was enacted in large part due to Jim Hanley's ability to balance the conflicting interests in the Congress and the administration over this proposal.

The civil servants owe Jim a debt of gratitude for his efforts on their behalf. The people of the Nation owe Jim their thanks for his efforts to accentuate the public service aspect of a civil service career.

We wish Jim much health and happiness in his retirement. We will miss him greatly, but we are all richer for having known him and worked with him.●

ROSA PARKS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. YATRON. Mr. Speaker, I take this opportunity to pay tribute to a very courageous and outstanding woman, Mrs. Rosa Parks. It was 25 years ago, December 1, 1955, that Mrs. Parks changed the course of American history when she refused to give up her seat on a bus, precipitating the Montgomery, Ala., bus boycott.

To fully appreciate Mrs. Parks' achievement, we must remember that in 1955, black Americans were subjected to the severest forms of discrimination and harassment.

Thus, the courage of Mrs. Parks cannot be overemphasized. She was arrested, went to jail, was repeatedly badgered, and was victimized by threats to her life and the lives of her family. Yet, she persevered and gave strength to the other blacks who participated in the yearlong boycott of the bus company. Her methods were peaceful and she counseled against violent approaches to obtain her goal of racial equality.

Mrs. Parks was truly a woman of high principle, willing to undertake great sacrifice to restore self-respect, dignity, and a sense of purpose to an oppressed people. Rosa Parks serves as a shining example of strength, courage, and fortitude to all Americans, regardless of race, religious convictions, or ethnic origin.●

ALCOHOLIC BEVERAGE WARNING LABELS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BROWN of California. Mr. Speaker, today I am introducing legislation to require a health warning on alcoholic beverage labeling and advertising.

Some of my colleagues may be surprised at this action. Given the lateness of the legislative session, there is virtually no possibility of considering, much less enacting, this proposal. And a recently issued report, mandated by Congress and jointly sponsored by two Government agencies, recommended against alcohol warning labels. The most publicized finding of the "Report on Health Hazards Associated With Alcohol and Methods To Inform the General Public of These Hazards" concluded, "it would be premature to recommend health warning labels at this time." After reviewing the findings and recommendations of this report, I find them to be less than convincing.

The report begins with a survey of health effects and the costs to the public associated with alcohol consumption. Alcohol misuse has been associated with nervous disorders, genetic effects, suicide, heart disease, certain cancers and, of course, cirrhosis of the liver. Cirrhosis of the liver was the seventh leading cause of death in the United States in 1975.

Alcohol misuse is related in a significant number of industrial accidents, drownings, burnings, and traffic deaths. One third of all traffic fatalities are alcohol related.

As the holiday season approaches, I hope these statistics will be kept in mind by my colleagues.

Something needs to be done to bring attention to this serious problem. I do not suggest that putting a health warning on a label and advertising will solve the problem. It is one of many efforts that need to be done by both Government and the industry to inform the public of these hazards. The alcohol report confirmed that the cumulative effect of health warnings for smoking was positive.

Mr. Speaker, I recommend that we move forward early in the next Congress to enact this proposal and others aimed at alcohol misuse. I introduce this legislation in the last days of the 96th Congress in hopes that my colleagues will join me early in the 97th Congress to address this urgent problem.●

TRIBUTE TO BILL HARSHA

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. JENKINS. Mr. Speaker, I am pleased to join with my colleagues in giving tribute to William Harsha and to his legislative contributions which have effectively served both his district and the Nation.

Bill Harsha, in his forthcoming retirement, will be leaving behind a record of distinguished and dedicated service as a highly respected Member of this body and as the ranking Republican in the House Committee on Public Works and Transportation. He was first elected in 1960 from Ohio's Sixth District and has continued to serve his constituents through to this 96th Congress. His leading role as ranking minority member of the Public Works and Transportation

Committee has not been that of an antagonist in a story of opposing forces; rather, his role has been that of protagonist in a story of effective and needed legislation.

Bill has coauthored bills that have affected both his region and the Nation on topics ranging from water quality to regional and economic development. His concern for the public in transportation safety can be best noted by his various coauthorships of bills of highway aid and highway safety. First and foremost of these bills is the Highway Safety Act of 1973, for which he has been many times deservedly honored. These acts have all demonstrated the high regard for his fellow citizens that is reflective of Bill Harsha.

Bill's absence from the House will be noted, and he will be missed. He has deserved our attention and has commanded our respect. We applaud him in his 20 years of service and wish him well in his retirement.●

A TRIBUTE TO CHARLES VANIK

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. ULLMAN. Mr. Speaker, Charles Vanik is one of a disappearing breed of legislators—bold, independent, at times irreverent, and of inexhaustible good humor.

His retirement from Congress marks an end of an era. He leaves his name behind on a series of landmark public laws. Perhaps more than anyone, he has drawn the critical attention of his colleagues and the Nation to America's vital ties with the rest of the planet. His is a legacy and a guide in battling for the underdog against established powers.

As chairman of the Committee on Ways and Means, I have had the great privilege of having Charlie as one of the senior members on the committee and as chairman of two of our subcommittees. Following the creation of our standing subcommittees in 1975, he served as first chairman of the Subcommittee on Oversight and 2 years later as chairman of the Subcommittee on Trade. It is for his work in American trade that Charlie Vanik will longest be remembered.

He has a rare sense of the political and economic relations between people and their governments; he has a rare sense of America's power and her vulnerability; he has a profound sense of individual rights and national freedom.

The Jackson-Vanik amendment to the Trade Act of 1974 established his name and his belief.

Linking human rights with trade opened the borders to freedom for thousands of families held within the Soviet block. Many now living in this country—of varying creeds, and nationalities—owe their freedom to Charlie Vanik.

He also deserves great recognition for his part in normalizing trade relations with China. His travels and discussions with United States and Chinese officials gave very real impetus to the cause for broadening bilateral trade.

As chairman of the Subcommittee on Trade, Charlie played a masterful role in guiding through Congress the Trade Agreements Act of 1979. His political ability and sense of fairness to all sides led to overwhelming passage of a bill that may have no chance of approval. That bill may well turn out to be the most far-reaching legislation of the 96th Congress, setting standards for international trade that form such a vital artery in our economic system.

His hearings on troubled sectors in our trade economy brought critical attention to the contradictions and gaps in our economic policy at home and abroad. Reindustrialization—the buzzword of the 1980's—was coined by Charlie years before. The subcommittee's exploration of the steel and automobile industries was as timely as it was thorough.

Those in the private sector who feared that Charlie would turn his chairmanship into a bully pulpit were soon convinced that he was fair, intellingent, and hard working. His views were not shaped in another decade, but reflected the political and economic realities of today.

Charlie has been a friend and benchmate for the better part of a quarter century. He is a wise and forthright man—a symbol that will not soon be forgotten.●

ENGINEERING EDUCATION—PART III

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FUQUA. Mr. Speaker, today I would like to include in the Record the third, and last, in a series of articles printed in Western Engineer, the publication of the Professional Engineers of Colorado of the National Society of Professional Engineers. This series of articles highlights the problems facing engineering education in America today and I want to call my colleagues' attention to this most serious matter:

OPPORTUNITIES ON HORIZON FOR ENGINEERS: CAN COLORADO MEET THE NEED?

Editor's note.—Engineering colleges in Colorado and across the nation are confronted by major opportunities and problems. They need the understanding and help of practicing engineers, and in order to further this understanding, Western Engineer here prints the last of three articles presented by the academic heads of Colorado's three engineering colleges: Dean Lionel V. Baldwin of Colorado State University, Vice President William M. Mueller of the Colorado School of Mines, and Frank S. Barnes, Acting Dean of the University of Colorado at Boulder. Previous articles dealt with equipment shortages and lack of adequate facilities; this one deals with overall funding problems.

Opportunities for engineers are booming in Colorado. From high technology electronics and aerospace, land and water resources, and minerals, energy, and fuels, there is a demand for more engineers in the state. These capable engineers can help create jobs—or preserve jobs—for Coloradoans while giving attention to environmental concerns, research, and public service.

Colorado is fortunate that high technology industries have been attracted to the state; such industries would not locate here if they could not have access to the facilities and personnel of the engineering schools. The engineering deans feel that in view of these opportunities and challenges, the best interests of Colorado and the West will be better served by engineering students, particularly Colorado residents, educated at the three schools.

So what is the problem? "We're the bottleneck," says CU's Frank Barnes. Addressing the keen interest of prospective students in engineering education, he said the schools are "turning them away when we should be letting them in. To remain economically viable and contribute to the state, the industries we serve must have top-notch personnel equipped to handle the most advanced technology."

INADEQUATE FUNDING

The "bottleneck" can be traced to many things: the enrollment caps at CU and CSU and the self-imposed cap at CSM; inflation and soaring operational costs; lack of sufficient equipment, facilities, and support personnel, such as secretaries and technicians; cut in faculty improvement programs such as travel to professional meetings; and the falloff in faculty salaries in comparison to institutions in other states and with industry. All these relate to inadequate funding at a time of peak industry and public demand for trained engineers.

The case for increased faculty salaries should be of concern to professional engineers. Full professors at CU-Boulder earn an average of more than $3,000 per year less—11.8 percent—than those at comparable institutions, according to a report on engineering colleges of member institutions of the American Association of Universities. In the last annual survey of the 16 mineral engineering colleges in the U.S. conducted by the South Dakota School of Mines, CSM ranked 10th in average full-time engineering faculty salaries. The failure of faculty salaries to keep up at CSU has resulted in 24 voluntary departures out of 93 full-time faculty in the past three years, according to Lionel Baldwin.

Senior faculty members who have left CU-Boulder recently for industrial jobs have received salaries ranging from 50 percent more than they were gettting to more than twice as much. And another faculty member commented, "My recent Ph.D. student accepted a position at Kansas State University beginning at a salary $5,000 more than that which I receive after 10 years at CU."

CSU lost a creative electrical engineer to a private university in Chicago for over $1,000 a month more than he was getting—plus an 8 percent home mortgage.

Last May's graduates at Mines received starting salary offers averaging $26,000 a year, more than quite a few of their professors were being paid. A department head at CSU said, concerning recruiting new faculty. "I can't honestly look a prospective faculty member in the eye and tell him this is a good place to come." Bill Mueller at Mines says turnover has not been a problem in past years but is developing. The deans cite another aspect of the situation: senior faculty with tenure tend to persevere, but under pressure of cut-backs in positions and doubled work loads, younger faculty are driven off.

The faculty salary condition, brought about by inadequate funding, is affecting the engineering schools' performance in education, research, and public service.

CONSTRUCTIVE EFFORTS

What is being done? While pressing for more adequate funding through their institutional budget requests for state appropriations, the deans are mounting innovative efforts on other fronts.

CU and CSU are appealing to alumni for funds to supplement instruction. CU's Engineering Dean's Club solicits alumni for funds that are unavailable through appropriations and CSU recently launched the Dean's Council, a new annual support group for engineering. Three years ago Mines began a 10-year development effort called The Resource Fund, aimed at $65.5 million for capital construction and academic enrichment programs. A total of $25 million has been gained to date.

CSM also embarked this summer on an imaginative plan by doubling in-state tuition (to $1,282) while cushioning the jolt for students by private fund-raising for financial aid (this year $373,000). "This creative fund-raising," says Bill Mueller, "is designed not merely to maintain but to improve the school's quality." Mines—like CU and CSU—has been caught in the bind between 10 and 16 percent inflation and the Legislature's 7 percent annual limit on state fund increases. The student response to the tuition increase is encouraging; enrollment for the fall is 2,891—81 more than budgeted.

It is estimated the three engineering schools last year got 40 percent less state money, in terms of real puchasing power, than they did in 1970.

The deans are not complaining about the Legislature; indeed, they realize the many pressures for appropriations decisions that are being placed upon its members. State funding is vital, but, looking the situation straight in the eye, they and their institutions are not about to sit back and do nothing about it. At CSU, as an example, Lionel Baldwin is forming a small working committee of interested persons from outside the university to guide him in "spreading the word" about the seriousness of the budgetary situation in the engineering college. This grew out of an Industrial Leader Conference on engineering education that he convened in late 1979. CU has a well-organized communications effort involving friends in industry and alumni to explain the value of engineering education to legislators and state officials. Mines is engaged in a Future Graduate Study aimed at identifying the needs of the engineer of the 1990's and involving students, faculty, alumni, friends, industry, and state officials in the process.

ENGINEERS CAN HELP

What can concerned practicing engineers do? The deans suggest they contact their engineering college and find out how critical the budgetary situation is, particularly with regard to faculty salaries, and faculty support. Then they are urged to express the need for adequate funding to their legislators, their neighbors, and their friends. The opportunities and challenges embodied in Colorado's high technology, resources, and energy booms are too good to miss. A public alerted to the service to the state the engineering schools can provide if fully funded is top priority among the deans.●

TRIBUTE TO LESTER L. WOLFF

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, let me take this opportunity to honor Lester Wolff for his many accomplishments as a Member of the House.

Elected to the House in 1964, Les has served at a time when America's traditional role as leader of the free world was being challenged, her status as broker of conflicting ideology was being seriously questioned. As a member of the Foreign Affairs Committee, Les has brought a vitality of purpose to a challenging task and has managed to open lines of communication in heretofore overlooked nations. As chairman of the Asian and Pacific Affairs Subcommittee, Les has brought a sense of purpose to a foreign policy which is crucial to our relations with an area of the world undergoing significant economic and social change.

As a member of the Veterans' Affairs Committee, Les has been an outspoken advocate of the rights of Vietnam-era veterans. As a member of the Select Committee on Narcotics Abuse and Control, Les has worked diligently on a national policy which would guard the Nation's youth from the dangers of drug dependence.

Mr. Speaker, we will surely miss Les' tireless devotion to his duties as a Member of the House. We wish him well in his future endeavors and hope he will visit us often in the coming years.●

TRIBUTE TO BOB WILSON

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PRICE. Mr. Speaker, I rise to join in today's tribute to our departing colleague, Mr. Bob Wilson of California, a dear friend who has served with great distinction on the Armed Services Committee during his 28 years of service in the House.

Rarely have we seen the accolades given a Member of this body as given to Bob Wilson by so many groups representing our defense community. Indeed, it has been almost a daily event during the past few months where one group or another has gathered to express its appreciation to Bob for service to his country, constituents, and the Military Establishment.

The list of Bob's achievements during his career in Congress is too long to enumerate here, but several deserve special mention because of their significant contribution to our national defense.

Known as Mr. Navy on our committee and representing the huge U.S. naval community of San Diego, Bob was in the legislative forefront that gave birth to our nuclear naval fleet, the Polaris and Trident submarine force, and the generation of super carriers now plying the world's oceans to keep peace.

During the Vietnam war, Bob also represented many families of Americans held as prisoners of war. Because of his compassion for their plight, he authored more laws than any other Member to assist the families of the American prisoners and the missing-in-action.

Bob has always felt that military hardware alone does not give us a strong defense. The well-being of the soldier, sailor, marine, and airman is just as important. Through the years, he has been honored numerous times for his legislative efforts on behalf of the noncommissioned officer, being heralded as the enlisted man's friend on our committee.

We used to tease Bob for his tardiness at times at committee meetings until we learned that usually it was because he took the time to direct lost tourists to the Capitol, or to double back to his office to fetch an aspirin for an aching elevator operator. Bob has always been admired for his desire to help people, which became the hallmark of his representation of the people of the 41st District of California.

All of us on the committee are going to miss this distinguished legislator, his unflagging dedication, and the engaging wit he employed at times to always lighten the sometimes heavy atmosphere that descended on us. To you, Bob, and to your lovely wife, Shirley, we wish you the very best in your future endeavors and thank you for a job well done.●

RICHARDSON PREYER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. UDALL. Mr. Speaker, there is no more decent, intelligent, fairminded man ever to have served in the House of Representatives than Richardson Preyer. He is one of the most respected people with whom I have served. I wish him well. I am sorry to see him leave.●

A TRIBUTE TO JOHN W. WYDLER

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, few Members are as respected for their abilities or sought after for their counsel as Jack Wydler. It is with great pleasure that I join in honoring Jack with this special order.

Elected in 1962, Jack's career in Congress has spanned a tumultuous period in American history, one which has witnessed the Kennedy Presidency, the Vietnam era, Watergate, and the energy crisis. Throughout this period, Jack has displayed a grace and inner strength which has served to guide his fellow colleagues and temper possible division in the House.

Jack Wydler will probably be remembered most for the leadership he has displayed in dealing with our most vexing and potentially dangerous domestic problem, the energy crisis. As the ranking Republican on the House Science and Technology Committee, he has advocated the development of a pluralistic national energy policy which includes nuclear energy as one of its underpinnings. However, I also recall that Jack was instrumental in marshaling support among Republicans on the committee for the wind energy legislation which was also approved by this 96th Congress.

I am sure that history will accurately reflect the wisdom of Jack's efforts on behalf of energy development.

Again, let me congratulate Jack for his efforts. I hope that he will come back to Capitol Hill to visit us often.●

TRIBUTE TO HON. WILLIAM HARSHA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Ms. OAKAR. Mr. Speaker, I rise in tribute to my distinguished colleague from Ohio, Hon. Bill Harsha, who is retiring after a distinguished 20-year career in this House. Bill has made an excellent contribution to his district as well as our entire State of Ohio through his service here.

Congressman Harsha is known internationally for his leadership role in the area of automoble safety. As the author of the Highway Safety Act of 1973, and as the coauthor of numerous other bills on highway safety, he has made an outstanding contribution toward making America's roads safer places to travel.

Bill has also expressed his love for the great outdoors through his work in resource management and water pollution. He has been honored consistently for his great contributions to the better management of our natural resources.

I know I join all of my colleagues in wishing Bill a happy and fulfilling retirement.●

INFLATION: MYTHICAL DRAGON?

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GREEN. Mr. Speaker, if any consensus has emerged out of the 1980 Presidential election results, it is that inflation is the Nation's No. 1 problem. In the 97th Congress, we must pursue the legislative course that will allow us to bring inflation under control. In this context, I would like to bring to my colleague's attention a keynote address given by David Rockefeller, chairman of the Chase Manhattan Bank, on October 13 at the American Bankers Association convention in Chicago. The following is excerpted from that speech:

FACING UP TO THE HARD FACTS OF INFLATION

During the last two years, inflation has continued to surge, and deficits have continued to grow. Productivity has continued to deteriorate, and personal savings—a vital source of future productivity growth and a crucial bastion against inflation--have shrivelled to the lowest level in recent history, and to the lowest rate of increase in the free world.

There is no question that we face an inflation crisis of worldwide reach and profound ramifications in the United States. Nonetheless, discussions of this crisis all too often drift off into metaphor, without first driving home the specific character and consequences of the problem. Inflation is compared to a "mythical dragon" that devours our substance; or "obesity", an effect of excessive consumption; or a "fire", as in the common warning not to fuel its flames. Or inflation is seen as a problem of the aerodynamics of money: the economy viewed as an airplane that has to be brought down safely, avoiding two extremes—either a crash landing or a runaway into an orbit if hyperinflation.

All these metaphors are vivid and alarming, particularly in combination: "an obese and blazing airborne dragon." But such images leave the audience more frightened than informed. Inflation is not a UFO. It is a mundane and pervasive reality that should be carefully considered in view of its effects and causes, its nature and its remedy.

Notice I mentioned its effects before its causes. That is because inflation is so often defined by its effects—namely rising prices—that many people have come to believe that rising prices are both the cause and the effect.

A recent study of the coverage of inflation on television news programs found that 80 percent of the reports deal with the problem only as a matter of price hikes or wage increases. The public then learns to see inflation as something done by the private sector: businesses lifting prices and pulling in higher profits; workers demanding raises; bankers asking higher interest rates. The Government is left altogether out, which is somewhat like giving a performance of Hamlet without the moody Danish prince—in this case the moody American administration, Congress, and Federal Reserve Board. For inflation, as every banker knows, is a decline in the value of money—and only Government has the power to debase the currency by creating too much of it.

Nonetheless, erratically rising prices are indeed a key facet of inflation and an index of its destructive effects. The effect on the poor is particularly grievous. The goods and services consumed by a family living on a low budget cost just under $7,000 in 1970. Today they cost nearly $12,600. And at the inflation rate of the last five years, this budget will be over $24,000 by 1990.

The food budget of an average family of four has risen from $59 a week in 1970 to $122 today.

This family can no longer afford a new house. A house that cost $29,000 to buy in 1970 would cost about $75,000 today. At the recent rate of inflation, the price of an identical house will be $131,000 just five years from now—and $231,000 by 1990.

The insidious impact of inflation cuts across our entire society. For example, the fastest growing population group is the one between 25 and 34 years of age: the period when most people marry and have their first children. According to the Department of Labor, such a family will have to double its real income in 10 years, even to maintain its standard of living as it moves from being a family of two to becoming a family of four.

Older people also suffer from inflation. Even though social security payments are tied to the Consumer Price Index, social security, on the average, amounts to just one-third of the incomes of the elderly. The elderly also hold approximately one-third of the Nation's personal savings, and inflation has been destroying these savings at a rate of more then 10 percent a year—or an estimated 30 billion dollars in 1979 alone. The sad fact is that what the Government gives the elderly with one hand it takes away with the other.

Some analysts of inflation—and demagogic politicians—try to divide the American people by blaming the problem on one group or another in the private sector: whether profiteering capitalists or greedy workers or grasping lobbies or even interest-gouging bankers.

Such explanations may be politically appealing. But to speak of a "wage-price spiral" and blame it on either wages or prices misses the point. Wages after all are simply the price of labor. What we really have is a price-price spiral. Even interest rates can be considered the price of money, and the greater part of them now consists of an inflation premium based on expectations of inflation.

And there is one further price—or more accurately, cost—that is the most onerous of all. Over the last decade, this cost has risen faster than the cost of food or the cost of housing, faster than wages and infinitely faster than profits. You might think that I am speaking of the cost of energy. Well, I am not. The fastest rising cost in the American economy over the past 15 years is neither the cost of haircuts nor mortgages nor any of the other goods and services in the Consumer Price Index. It is the cost of government—Federal, State and local—paid for through our systemic taxation.

Between 1975 and 1979, the Federal tax bill for all Americans increased more than eight times as much as their fuel bill. During those years, personal consumption expenditures on gas and oil rose 65 percent, or by a total of more than $25 billion. Total personal taxes at the Federal level rose by

$211 billion, or 78 percent, and total taxes at all levels rose by $303 billion.

To put it bluntly, the root of our current inflationary crisis is clearly the soaring price of government.

Yet this fact does not appear obvious to everyone. The monetarists among us have another explanation. They say inflation is a monetary phenomenon. We all know that if the supply of money increases more rapidly than supplies of goods and services, prices are likely to rise. The Federal Reserve has permitted this to happen. But a nagging question remains. Why has the supply of money in our country increased as much as it has—enough to fuel a rising inflation? Is it because our Federal Reserve is weak and supine, derelict in its duty to manage the money supply? Or are the reasons more complex?

I think the latter. In the end, in fact, the answer lies at the very heart of the socio-political process.

We don't have to search far and wide for the instigator of much of the increase in the money supply. It rests in the huge rise in government spending. As a Nation, we have been unwilling to couple this increase in government claims on our economy with an equivalent reduction in private spending. Instead, we have countenanced a steady stream of government deficits. For 19 of the past 20 years, the Federal budget has been in deficit, with the total exceeding $400 billion. Add to this another $300 billion representing borrowing and loan guarantees by over 150 Federal credit agencies, and it should be no mystery why our Nation has experienced an inflationary increase in its money supply.

There are those who still contend that the Federal Reserve, like the Dutch boy with his finger in the dike, could have held back this monetary flood. Technically, this could have been possible. And yet, to do so would have been to fly in the face of what appeared to be the expressed will of the people. Budget deficits first ballooned as a result of the Vietnam war. They were compounded by the host of social programs that fell under the name of the Great Society—programs many of which were worthy in themselves, but which frequently were adopted with no understanding of future costs. Over the past decade, Federal outlays for education, health, social security and other benefits increased by $270 billion. And they now account for more than 60 percent of the total budget. Moreover, these outlays have gained the name "entitlements" and many have come to be indexed to inflation—so costs rise automatically.

These programs were all authorized by elected representatives of the people—who frequently promised that such programs would be enacted. That is why I say, in the end, inflation is the result of the socio-political process. It is not this group or that group that is to blame. All of us, collectively, are responsible.

It is popular these days and appropriate to analyze inflation and its cure in terms of demand side and supply elements. Clearly, the Federal budget is the outstanding culprit on the demand side.

A top priority of the new Congress therefore must be a more effective control over expenditures.

There is much to be said for further changes in the budgetmaking process—building on the reforms in the Budget Control Act of 1974—that would force Congress to control expenditures more effectively. One possibility would require any deficit to be approved by more than a simple majority vote—perhaps by two-thirds or more. Alternatively, a similar vote might be required to approve any appropriations bill. Or the President might be authorized to withhold expenditures that Congress has authorized unless his decision is overridden by 60 percent of the Congress. Such changes merit serious consideration by both the administration and the Congress.

At the same time, we must recognize that no effective control over expenses is possible without action on the so-called entitlements. Standards for some of these programs could be tightened without creating hardship for genuinely needy recipients. Moreover, the practice and method of indexing many of these benefits to inflation should be scrutinized carefully.

Certainly upward adjustments for inflation need to be made for social security and other purposes. But I am opposed to using the Consumer Price Index as the inflation barometer for such purposes. Perhaps a more reasonable and more equitable measure would be the average increase in hourly wages. If this lagged somewhat behind the rate of inflation, both active workers and the retired would share the burden of adjustment during periods of rapid inflation. This approach would also permit retired people to share in the real growth of our economy once we got inflation under control.

While we as bankers should support efforts to bring the money supply under control, all the moral support in the world will be insufficient to ensure a sound monetary policy if Federal spending is allowed perpetually to expand beyond the willingness of the public to foot the bill.

Much of our tax system is also geared to the promotion of demand. In particular, capital gains taxes discourage saving. So, too, does the personal income tax. In both cases, income is taxed even if it is entirely lost to inflation. The tax system does not quite order us to spend rather than save. But an abysmal national record of saving indicates that more and more Americans are getting the point anyway.

While the government has promoted consumption, it has also been busy discouraging supply. If inflation can be roughly summed up as too much money chasing too few goods, a relative decline in production is as inflationary as a relative increase in money.

Inflation has made a travesty of reported corporate profits. American industry was reported to enjoy before tax profits of close to $240 billion dollars in 1979. A quarter of that amount represented underdepreciation of assets and appreciation of inventory. These profits, of course, are not real; capital must be available to replace them. But the supposed gains are taxed anyway—and the capital available to expand production and improve efficiency accordingly erodes—a process that goes on year after year.

Environmental, health, safety and other regulations proliferate. They not only add directly to costs, and therefore prices; they also preempt billions in capital that otherwise might be productive.

Small wonder that the United States trails most of the major industrial nations in the share of output devoted to capital investment. Even less wonder that it trails in improving productivity and thus raising its standard of living.

A meaningful program to restrain inflation must emphasize an aggressive array of regulatory reforms and judicious supply-side tax cuts.

Many regulations—in the environmental, civil rights, and other areas—are useful and necessary. But too many regulations, issued too rapidly and thoughtlessly, in every greater complexity, defeat their every purpose, except perhaps the enlargement of governmental power. A crucial mandate is to prune the forest of rules and let the economy grow.

Equally important is a prudent program of tax cuts for corporations and individuals. One purpose of supply-side tax cuts is to counteract the damage already inflicted on America's corporations by the vicious interplay of inflation and taxes. While there is still some disagreement on the form that depreciation reform should take, there is now gratifying agreement that it has top priority in tax reform—that we must increase, and increase dramatically, the speed at which new plant and equipment can be written off. We should also implement a judicious program of income tax cuts that will ultimately encourage personal savings.

Special assistance for R. & D. also is justified because its benefits spread far beyond the company pursuing it. Otto Eckstein of Data Resources has concluded that supply-side tax reforms designed to enhance productivity can be an effective instrument in overcoming inflation. In a report for the Joint Economic Committee, he presented empirical evidence of a multiplier effect in the relationship between productivity and inflation. Each sustained increase of 1 percent in productivity growth can bring a 2-percent reduction in the rate of inflation.

In the long run, innovation is perhaps the economy's most potent force for lower prices. Between 1950 and 1974, for example, high technology companies grew about twice as fast as the rest of the economy, while their prices grew only one-sixth as fast. In general, throughout the economy, the companies with the highest profits are those that can use earnings most productively in reducing the costs of the entire system.

Let me conclude on this note. As bankers, you and I—and particularly you—must spread the word to all of those with whom we come in contact—our customers, our neighbors, the media and politicians alike. We must convince our constituents that inflation, once and for all, must be brought under control. You in this audience carry considerable clout in your local communities. I would urge you to use it—to demand an end to the debauchery of the money of the American people and the betrayal of their trust.

The key truth we must communicate, the crucial fact we must face is that unless we halt the irresponsible growth of government spending—we will fail in all our other goals.

It is that simple and also that painful.

We are talking about programs that involve literally millions of Americans. The growth of such programs over the past 40 years is a great tribute to the generosity of the American people—and no major politician or other American leader, least of all myself—wishes to have these programs repealed.

But I would not be honest with you if I did not say something else: The headlong expansion of government benefits, if it continues, will make it impossible for us to control inflation, or restore healthy economic growth, or provide adequately for the national defense. The burden of government benefits on the productive economy must first be reduced, and future increases must be no greater than can be soundly supported by growth in the private economy.

We have reached the end of the line. The growth of social programs can no longer exceed the growth of the businesses on which they finally depend.

That is the bottom line.

But there is also a line of hope. For the best way to reduce the burden on all Americans is to enlarge the total economy and to give the poor and the unemployed opportunities for real jobs. And that can be done if we have faith in the future of freedom. We can never surely predict what is to come. But we can be sure that any trial or difficulty can be overcome by the American people, if their leaders trust them to be free.

By relieving our workers and entrepreneurs of the burdens of inflation and controls, we can release the most powerful energies in the history of the globe—the energies that transformed a wilderness into the world's most productive economy. We face problems today. We confront limits. But if we remember our past, we can gain inspiration for our future. We can understand that our current limits and problems are merely our newest frontier.

In my own lifetime, I have seen America triumph over crises of depression and war, far more desperate than our current plight. Provided we keep our trust with the American people—and maintain our faith in God and in freedom—I am confident we can prevail over this curse of inflation that afflicts us today.●

TRIBUTE TO SAMUEL L. DEVINE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. REGULA. Mr. Speaker, one of the qualities that should be most admired in a member of any legislative body is a willingness to have the courage of his or her convictions. We are often confronted with tough decisions that require courageous votes for the good of our Nation.

My friend and colleague, Sam Devine, is a legislator who can be counted on to fit the mold I have just described.

Sam has never wavered when called upon to do the right thing for his constituents and our Nation regardless of the political price.

Our Nation will be fortunate if we can continue to have individuals serving in this body who have the same willingness as our friend, Sam, to make courageous decisions on behalf of the people.

We will all miss his wise counsel and leadership.●

CAN EUROPE DEFEND ITSELF?

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PAUL. Mr. Speaker, the December issue of Washington Monthly has a most provocative article on U.S. defense subsidies for Western Europe.

In the 22d District of Texas, 95 percent of the people have indicated in a survey that we should not be subsidizing the defense of such wealthy allies as West Germany and Japan, especially in view of our own need for strengthened defense.

I would like to call this article to my colleagues' attention. This is a subject we need to give extremely careful consideration to.

Europe Can Afford To Defend Itself

(by George Ott)

This year nearly one half of our defense budget—more than $81 billion—will not be spent on American defense at all. It will be spent to defend our North Atlantic Treaty Organization allies in Europe. That is, it will be presented as a gift to countries rich and powerful enough to defend themselves.

Stop and think for a moment about the helpless Europe we are defending from the Russian juggernaut. NATO's European member countries exceed the Soviet Union in combined population and industrial capacity. The total gross national product of European NATO countries is nearly twice that of the Warsaw Pact nations. Twice. Two times. NATO countries have the wealth, knowledge, and manpower to look after themselves.

Yet they don't. Why should they? We supply them with defense for next-to-nothing. Europeans, though they live within shouting distance of the Soviet menace, spend little more than half as much for defense, on a per-capita basis, as we geographically isolated Americans. But they'd be fools to spend any more, since we are willing to do the spending for them.

The alternative is to withdraw our soldiers and money from NATO and to return the burden of defending Europe to the Europeans, the ones who enjoy its benefits.

When NATO was created in 1949, Europe lay in ruin. As a reasonable (and generous) temporary measure, the U.S. committed six divisions to European defense, pending the continent's economic recovery.

Now, 31 years later, the "temporary" force has swelled to 350,000 American soldiers—19 divisions. We spend $57 billion a year, a third of the Pentagon's budget, on our forces physically stationed in Europe. If you include the cost of U.S.-stationed troops designated for NATO duty, and then throw in NATO's share of weapon-procurement costs and Pentagon overhead, the cost balloons to $81.1 billion, the Pentagon says. In fact the NATO flavor runs through our entire armed forces structure, with Defense Secretary Harold Brown recently acknowledging that the U.S. Army is geared primarily for ground war in Europe.

At the very time American presence in Europe is becoming increasingly costly and less necessary, however, there is a congressional movement to increase U.S. subsidies to NATO. If it succeeds, we might spend as much as $1.5 trillion—$150 billion a year—on NATO in the next decade.

This illogical movement reflects, in part, the fact that American presence in NATO has never been particularly logical. For instance, though few would question some loan of troops to post-war Europe, logically there was little reason to be concerned for the continent's security. Europe was a shambles—but then so was the Soviet Union. Exhausted by the war, which inflicted much more severe damage on Russia than Europe, the Soviets posed no threat to anyone, except by their atomic weapons, against which troops are useless.

Even former Secretary of State John Foster Dulles, bitterly anti-communist, was aware of this fact. In the year of NATO's birth, he said, "I do not know any responsible high official, military or civilian, in this government or any government, who believes the Soviet government plans conquest by open military aggression."

That a Soviet threat played no role in NATO's inception was affirmed by General Hugh B. Hester, a top U.S. administrator in Germany immediately after the war. NATO was organized, he wrote, "to prevent by whatever means any left-wing front from coming to power in areas under Western military control." This goal obviously was unrelated to stopping a mass Soviet invasion.

A few congressmen and senators opposed a U.S.-financed NATO at the time, and among them Ohio's Senator Robert A. Taft displayed the gift of prophecy. A NATO alliance with large-scale U.S. presence, the pro-military Taft warned, would be seen by the Russians as a direct assault on their security. This would force the Russians into an arms race, Taft said, and divide the world into two hostile camps. This race will be especially difficult to end, Taft noted in 1951, because once we send Europe troops at our expense, we will be constantly asked for more.

This is not to suggest that Europe is in no danger from the Soviet Union. But that danger is nowhere near as great as many assume, and nothing that European NATO can handle on its own, if it is willing to apply its size and resources at a reasonable level.

Modern military developments, chiefly the cheap anti-tank missile, favor the defender over the attacker. Strategists believe that a successful modern attacker needs a three-to-one advantage over a defender. Not even the martial Soviet society could produce superiority of such magnitude, If European NATO applied its wealth to its defense.

Moreover, the Warsaw Pact is not the cohesive, rigidly disciplined bloc we usually picture. Could Russia really count on Eastern European troops to bear the brunt of sacrifice in a campaign against NATO? If war broke out today, do you think the Polish army would be eager to die in service to the Kremlin?

Yet even if you believe the Soviet threat to Europe is immediate and grave, there is no reason to assume, as Pentagon NATO planners do, that the economic power relationship between Europe and the U.S. has not changed since World War II. Europe is no longer a rubble-strewn heap, but a competitive economic giant, one that is prospering at our expense.

Former Defense Secretary Robert McNamara once said that increasing military expenditures can actually erode security, rather than strengthen it, by reducing the resources available for other essential investments. That seemingly abstract point is well-illustrated in our subsidization of NATO. While American productivity declines, and our economy lags in comparison to Western Europe and Japan, the Pentagon has a stranglehold on technical research. It commandeers nearly one half of American scientists and engineers, keeping the best minds out of the civilian economy. The products of Pentagon research are then presented free of charge to our NATO allies—while they assign their best thinkers to improving their economies, the better to steal business from their benefactors.

Similarly, our vast defense subsidies to Europe are a primary cause of U.S. inflation. Meanwhile, West Germany and Japan in particular avoid inflation by spending a mere fraction of what we spend on defense.

Why won't the U.S. withdraw its subsidies (not its membership, just its subsidies) from NATO? One reason is that the Pentagon and its suppliers are quite content with the arrangement. The Pentagon has a strong stake in expanding its budget by preserving its European presence. The maintenance of a large garrison in Europe offers openings for thousands of U.S. career officers. Likewise, arms suppliers are happy to have the U.S. finance NATO, since they know this guarantees the purchase of U.S., rather than European, weapons. Where the money for those weapons comes from is not the manufacturers' concern.

The result, General James M. Gavin noted in 1967, is that "the very existence" of American forces in NATO "acts in a manner inimical to the long-term military interests of Europe." By this he meant that Europe has become lazy, all too happy to wallow in our subsidies and remain inherently weak. Announcing the withdrawal of American troops and subsidies from NATO would awaken Europeans to their need to be responsible for themselves, and perhaps give impetus to the continent's political and military integration, enhancing its overall security.

An independent, European-financed NATO would also alter the global balance of power in a positive fashion. It would create a third superpower, ending the precarious bipolar balance of terror in which every development can be viewed as a U.S.-Soviet showdown. It would also seriously complicate Russia's strategies. Since Western response to events would become much more difficult to predict or manage, Russia would be less likely to embark on its little adventures. Finally, the balance of power would be improved because America would get most of its $81.1-billion-a-year back. We could use the money either to make the U.S. stronger economically, or to improve our defenses designed to counter the Soviets directly.

As often happens in defense affairs, the most lucid summary of the situation comes not from some think-tank analyst, but from the most successful military establishmentarian of our times, General Dwight D. Eisenhower. When he was supreme commander of all NATO forces, Eisenhower noted that "the large-scale permanent commitment of American troops to relatively fixed positions outside the continental limits would be costly beyond military return." Luckily for the Pentagon and our spoiled allies, Eisenhower isn't around today.●

TRIBUTE TO SAMUEL L. DEVINE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday December 1, 1980

● Mr. ERLENBORN. Mr. Speaker, I am pleased to join the gentleman from Ohio, Mr. LATTA, in honoring one of his home State colleagues.

SAMUEL DEVINE, of Columbus, Ohio,
We gather today to reflect on your bio.
It's impressive, indeed, the record you've acquired;
You can relax with pride when you're retired.
That day, my friend, is but a short time away,
So this seems like the right time to say,
Whatever you do, if you travel east or west;
It's been a pleasure to know you, and I wish you life's best.●

CLEVELAND OUT OF DEFAULT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Ms. OAKAR. Mr. Speaker, as the Congresswoman whose district represents one of the largest concentration of Clevelanders, I am pleased to formally announce that the city of Cleveland is out of "Default" as of November 18, 1980.

For 2 years now, the city of Cleveland has been suffering the stigma of being the first city in default. This was caused by our serious financial problems that had been building for years.

Cleveland citizens and officials have been forced to take a hard look at our city's finances. This dilemma has strengthened community bonds—and brought many factions of the public and private sectors together. The citizens of Cleveland have chosen to believe in the future of our city and to work toward being the most fiscally sound city in the country.

It is important to note that Mayor George Voinovich and his administration did not turn to the Federal Government for help. Instead they worked to solve their own problem. Through negotiations, local banks in Cleveland created their own bond market at a very good interest rate for the city. Cleveland is paying only 8⅞ percent interest instead of 10 percent interest that it could have expected because of being in default, saving the city $3.3 million in interest over the 12-year term of the agreement.

Cleveland is well on its way to fiscal recovery. For the first time in 10 years we have a balanced budget and have opened wide the books of the city to be examined. The title of being in "Default" was not a pretty one for Cleveland, but it did cause us to become fiscally responsible.

We are out of default, but the battle is not over yet. Mayor George Voinovich is committed to solving the remaining problems through cooperation, negotiation, hard work, and sacrifice.

I am confident that Cleveland will be a model city of the 1980's. A spirit of cooperation is prevalent in both the private and government sectors, and this attitude is what will make Cleveland greater than it has ever been.●

A RESOLUTION TO CALL AN ATLANTIC CONVENTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FINDLEY. Mr. Speaker, I am introducing today a joint resolution to convene an Atlantic Convention of NATO and other parliamentary democracies. The purpose of this convention would be to explore the possibilities for transforming the present relationship among these nations into a more effective unity of their peoples. An Atlantic union based on democratic, Federal principles would strengthen the common defense, assure adequate energy resources, and enhance the general economic prosperity of the people of the nations joining this effort. At the same time, it would preserve their welfare, liberty, and sovereignty.

It is, I believe, more important than ever, to pursue the ideal and objective of Atlantic union. We are entering a period of great challenge and enormous danger for all free peoples. Scarce energy supplies, vast economic dislocation, the growing Soviet military threat and aggression totalitarianism place our democratic way of life in jeopardy.

Tragically, the West has been unable to concentrate its efforts in order to confront these challenges together. Instead, the West appears to be falling increasingly into disarray; 1980 has been a year of serious dissension within the Atlantic community. The Soviet invasion of Afghanistan and the crisis in the Persian Gulf has stimulated divisiveness and recriminations among the United States and its allies rather than a stronger resolve to unite in opposition to common threats. There are worrisome trends in United States-European relations toward trade protectionism and reckless competition for scarce energy resources. The United States and Europe also seem to be headed toward divergent paths in East-West arms control efforts and Middle East peace initiatives.

It is critical that the people of the Atlantic community of democratic nations recognize that all will lose should their governments pursue policies antagonistic to one another rather than joining forces to confront mutual problems.

Text of resolution follows:

H.J. RES.—

Joint Resolution to Call an Atlantic Convention

Whereas a more perfect union of the Atlantic Community consistent with the United States Constitution gives promise of strengthening common defense, assuring more adequate energy resources, providing a stable currency to improve commerce of all kinds, and enhancing the economic prosperity, while preserving the general welfare, liberty, and sovereignty of the people of the member nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby establishes a delegation, composed of United States citizens, and authorizes it to organize and participate in a convention, made up of similar delegations from such North Atlantic Treaty parliamentary democracies and other parliamentary democracies as desire to join in the enterprise, to explore the possibility of agreement on—

(1) a declaration that it is the goal of their peoples to transform their present relationship into a more effective unity based on Federal or other democratic principles;

(2) a timetable for transition by stages to this goal; and

(3) a commission or other means to facilitate this transition.

(b) The convention's recommendations will be submitted to the Congress, as part of the delegation's final report, for action under constitutional process.

SEC. 2. (a) The delegation shall consist of seven members appointed as follows:

(1) Two appointed by the Speaker of the House of Representatives, after consultation with the House leadership and the Committee on Foreign Affairs.

(2) Two appointed by the President pro tempore of the Senate, after consultation with the Senate leadership and the Committee on Foreign Relations.

(3) Three appointed by the President.

(b) The delegation shall elect a Chairman and Vice Chairman from among its members.

(c) All members of the delegation shall be free from official instructions and free to speak and vote individually.

(d) Vacancies shall not affect the delegation's powers and shall be filled in the same manner as the original selection.

(e) Members of the delegation, who shall serve without compensation, shall be reimbursed for, or shall be furnished, travel, subsistence, and other necessary expenses incurred by them in the performance of their duties under this joint resolution.

SEC. 3. (a) The delegation may appoint not more than ten temporary professional and clerical staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) The delegation may expend not to exceed $200,000 of the funds appropriated to carry out this joint resolution for expenses incurred in conjunction with the meetings described in the first section.

SEC. 4. (a) The delegation shall report to the President and the Congress at least once each six months. Such reports shall include an accounting for all expenditures by the delegation and such other information as the delegation deems appropriate.

(b) The delegation shall submit a final report to the President and the Congress setting forth the results of the convention described in the first section of this joint resolution, including the recommendations made by the convention.

SEC. 5. Effective October 1, 1981, there is authorized to be appropriated not to exceed $500,000 to carry out this joint resolution, payments to be made upon vouchers approved by the Chairman of the delegation.

SEC. 6. The delegation shall cease to exist at the expiration of the three-year period beginning on the date that appropriations first become available to carry out this joint resolution.●

A TRIBUTE TO JEROME A. AMBRO

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HEFTEL. Mr. Speaker, it is with great pleasure that I join in this special order honoring our distinguished colleague from New York, JEROME AMBRO.

JERRY has served with distinction for 6 years and we will miss the leadership and creativity he has displayed over that time frame. As a member of the House Science and Technology Committee, he has championed the development of renewable energy resources. As vice chairman of the Environmental Study Conference in the 95th Congress, JERRY showed the leadership necessary to harmonize the various competing interests in the energy and environment field. As a member of the House Public Works Committee, he has worked diligently for equitable water resources policies and has been actively involved in the effort to deregulate the airline industry.

Mr. Speaker, we will miss JERRY's vigor and innovation in the House, but hope that he will continue to participate in the national debate on the issues with which he has so long been involved.

Let me take this opportunity to wish JEROME AMBRO and his family good health and much success in the years ahead.●

CHAIRMAN GIAIMO'S AAAS ADDRESS ON FEDERAL R. & D. EXPENDITURES IN AN INFLATIONARY ENVIRONMENT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. WIRTH. Mr. Speaker, our colleague ROBERT GIAIMO, chairman of the House Budget Committee, recently gave a speech at the AAAS—American Association for the Advancement of Science—colloquium on R. & D. policy in an inflationary environment. In the speech delivered on June 19, Chairman GIAIMO made several provocative points about the future relationship between the scientific community and the Federal Government. He stated that the relationship would become a rougher one, particularly because of the prospect of future tight Federal budgets. Despite this problem, it was Chairman GIAIMO's belief that it was vital to America's national security and economic interests that its scientific and technological enterprise be in a position to play an important role in the decade ahead. Because of this, he pointed out that it would require the best efforts of the scientific community over the years ahead to insure the future health of America's scientific endeavors.

While Chairman GIAIMO and I hold differing views on the relative merits of a number of individual Federal programs, I hope the central message of his address will be heard clearly both in the House and in the scientific community: Our Nation's research and development efforts are critical to the long-term health of our economy.

I believe the chairman's comments will be of great interest to my colleagues, and I therefore submit the text of his speech into the RECORD at this point:

SPEECH OF ROBERT N. GIAIMO

I'm honored to be here with you this morning and, personally, let me say it's particularly a special honor to be here with an Association that has as its President-Elect one of my dear friends from New Haven, Allan Bromley.

For the importance of R&D as a national priority to be really understood, it's essential that you get those of us in Congress to understand what R&D does and what it means, particularly in the long term. And again, Allan, I don't want to be your campaign spokesman here, since you've already been elected as President-Elect, but on several occasions I have had the unique opportunity to sit with Allan in his office in New Haven for an hour or more, and I wish more Congressmen had that opportunity. And I suggest that all of you back in your universities do what Allan did on several occasions; that is we would sit and discuss things I never heard of, certainly in my basic physics course in college—things like solid state physics, and fusion power, and what they mean to our society in the future.

Too many of my colleagues in Congress give lip-service to R&D but don't realize that if we don't take the necessary steps now, we will fall behind. And once we have fallen behind, particularly when we have fallen behind in the presence of competitors, it is doubly difficult for us to catch up. I believe that you, as scientists, have very fertile ground in that great institution known as the Congress of the United States to get this point across. The members have their heads filled with a lot of things these days—particularly how they can get reelected; I suggest that you get them tuned in to something more long-range and more serving of the people in future decades.

You have to do that because, first of all, it's necessary in order for us to stay ahead—if you will—and not find ourselves in the current situation of the automotive industry. We are in trouble there because, quite frankly, we have lost our competitive edge—our R&D edge—over other countries. It has happened in other industries, too. And it is going to be a devil of a job to get out of that position.

You might also think seriously of other roles that you have to play in educating your Congressmen—not just because of the competitiveness with other countries, but because you are going to have to compete more with the rest of society in this country which looks to the federal government for money.

And that brings us to budgets, which is where the immediate problems are. We used to mosey along in a very happy way here in the government. Everyone would come in and tell the government what they needed, and those great geniuses that sit on Capitol Hill—and I'm one of them—would evaluate and assess them—irrespective of what was going on in the subcommittee next door, in a different area of interest—and at the end we would add up the total and that would be the budget of the United States. If it happened, fortuitously, to be in balance once or twice every 20 years, so be it. If it were in deficit, the Treasury would go out and borrow the money.

This year, the balanced budget concept came about not so much because there is something magical in balance that is going to cure inflation and cure all of our other ills, but because it is a tool that, in the proper circumstances and the proper climate, can get some kind of controls on federal spending. And rightly or wrongly—and I happen to think it's rightly—there is an overwhelming demand in the land to gain some form of control over federal spending—not necessarily their own spending, you understand, but someone else's.

If you take it all in totality, and if you speak to economists and others, you will find that we must get some sense of controlling the activities and expenditures of the government, if for no other reasons than that people don't want their taxes raised and that federal spending is contributing to inflation. All in all, I think there is a strong sense that we are in serious danger and that, if we don't bring inflation down, that danger will persist, along with all the harms that accompany it.

You have to realize, therefore, that when you work within the constraints of a budget in balance, you have to fight harder for your own programs, because you now are competing with other people in the United States who are fighting unusually hard for their programs. If they win, you are going to lose—and vice versa. This is a new phenomenon in Washington. I think this is its first year.

But while we are going to have an unusually difficult year in budgeting because of the new situations and demands on the economy which have arisen and which threaten to upset a balanced budget, the underlying reasons for the present balanced budget drive will not be upset. If the budget which we put together in September is out of balance, it will not be out of balance because of add-ons to expenditure programs. There will be strong efforts to tack on additional funds, however, I can assure you. We already are hearing people say: "There is a recession out there; we need more stimulus." They are talking about more spending stimulus, but I submit that there isn't much willingness yet—and I think it will stay that way—to accommodate more spending. You may hear of stimulus along the lines of productivity-type tax reductions, which would help in the fight against inflation. But increases which could bring about a deficit will occur not because of add-ons to old or new programs, but basically because of a fall-off in revenues, and because of add-ons which have to take place in existing programs because of their uncontrollability. The most obvious case, of course, is unemployment compensation. If unemployment goes up, as you know, unemployment compensation will go up also, and, hence, we may have a deficit.

Therefore, you should realize that the levels of spending in the various programs which are established in the First Budget Resolution are the parameters with which you are going to have to live in the coming fiscal year. Only in very rare instances will you be able to get substantial increases in the Second Budget Resolution over the First. The first resolution really will set the guidelines for the coming year. In a balance situation, you will find yourself competing with other interest groups.

I happen to think that this is healthy, because it forces us for the first time to cut out that business I explained to you before—where everyone came in and got theirs, and then we added up the bill. It forces you to look at the other guy's program, and say: "Hey, mine is better than his," and prove it. Let me tell you, we have an awful lot of bad programs in the federal budget. The trouble is that they have strong support—political support.

I'll give you an example: trade adjustment assistance for unemployed automobile workers. This was a deal which was made when the Trade Act came up. It started out in the several hundred million dollar range; and now the future is very bleak. It could run well over a billion and a half to two billion dollars. It's another sort of Chrysler deal. If you're an unemployed autoworker, you get trade adjustment. But if you're a farmer afflicted by the grain embargo, or if you're a worker in some other small industry that's not covered by trade adjustment, you don't get the assistance. Trade adjustment assistance is all right as a stop-gap measure, but if in fact it goes to several billion dollars, that's several billion dollars worth of money that, in my opinion, could have been better used elsewhere. This is to say nothing of the fact that, if you're going to pay people substantially the amount of money which they received while they were working, I submit that during the 36 weeks or so that they're getting payments—either through unemployment compensation or trade adjustment or anything else—the ardor with which they go out and look for another job is going to be somewhat diminished. We've got to cut this out in the United States. We've got to really begin to look at programs like this and see where they can be made better.

We have made some small starts this year with the budget process. You've heard mention of reconciliation this morning. It's an exciting concept. Normally, reconciliation may be adopted in the Second Budget Resolution. It is designed to say to the committees: "Look, our budget's too big. Go back to your committees and chop out some money or find some revenues." The trouble is that if we do that in the second resolution in September—just about the time we are ready to go home—there is no way we are going to get the committees to do that and report back and then get the resolution passed through both the House and Senate in order to make the savings.

So this year, when the leadership of the House and Senate had the historic meetings with the administration in March, we decided three things: we had to balance the budget; we had to make real savings—and we did—of about $16.5 billion; and somehow we had to get Congress to make these savings based on the legislative reform packages that presidents traditionally have sent up to the Hill and Congress traditionally has ignored. And these savings had to amount to a total in the neighborhood of about $6.5 billion, plus about $4 billion in revenues—about $10 billion in all.

And, just imagine, when we said we were going to do it in the first resolution so that the committees would have plenty of time during the summer to do it, and when we told them we were going to impose a deadline on them. There was hell to pay when the first resolution came up. Almost all of the committee chairmen with the exception of about three, led a fight to resist reconciliation in the First Budget Resolution. But it passed overwhelmingly. The same Members of Congress who wouldn't dare vote against Saturday mail, who wouldn't dare vote against veterans' benefits, or wouldn't dare vote against school lunch subsidies for middle-income children were all in favor of saving money in these areas.

It is exciting, in that for the first time we now have a new concept of a spending bill—a spending savings bill, as it will be called. The committees are ordered by the House and Senate, as of last week, to come up with savings, and the amounts are specified. We have told the committees that they can find the savings any place they want; all we are telling them is to find the specified amounts. They have been instructed to report back to the House and Senate by July 2. At that time, all of their savings bills will be accumulated by the Budget Committee, the Rules Committee will instruct as to how the bill should be handled, and it will go to the Floor as a savings bill of $6.5 billion or so.

And I submit to you that when the savings bill comes up, Members of Congress will find it very difficult to vote against it. If they voted piecemeal on veterans or the postal service or school lunches or many other things, on the other hand, there is no way that we would ever get more than 30 or 40 votes. That's the way it works, and that's the way it should work in a democracy.

Anyway, what I'm telling you is that you have to compete more in the whole process now—not just in your own domain. You have to help us hold the line on other spending, or there won't be any money for your programs. And there will be crowding out because, first, the committees will be at the limits of their spending allocations under the Budget Act and, second, we have new measures now, whereby appropriations bills which exceed their subcommittee target allocations will be held at the Speaker's desk rather than engrossed and sent to the President to be signed. They will be held until all of the other appropriations bills come in, so that then we can take a look at them in their totality and see where we are. If the total is excessive, then something will have to give.

You have to work doubly hard because, while I understand the importance of R&D, I can tell you that you are competing with school lunch subsidies, and postal services, and social security, and pensions, and with twice-a-year cost-of-living adjustments as opposed to once. And while you may have a pretty good lobby and while I know you are all articulate, you don't have the numbers some others have and you don't scream and raise hell as well as they do. So, you have some serious problems.

Because of the funding pressures which I have mentioned, I don't think that you're going to be able to afford a "business as usual" policy with regard to the funding of R&D. We're going to have to be more discriminating between basic research which by its nature may someday be useful and basic research which in all probability will not be so useful. You certainly are going to be able to determine that better than I or other Members of Congress can. I urge you to look not only at your own area of interest, but at all other areas of interest.

Basic coal research, for example, certainly will pay off some day, even if we are not sure now just how, and that should have a high priority. I am not so sure about basic research in some other areas that we presently fund.

So, I think the scientific community has a strong self-interest in letting the public know what research is important and what research is not.

For example, we all know that in the rush to commercialize solar energy—and I hear more about solar energy because for some reason it's considered harmless whereas other energy sources apparently have some threats associated with them (I suspect there's a lot of wishful thinking in this)—we have indulged in some rather frivolous expenditures. We have increased solar energy spending from $15 million in FY 1974 to over $600 million in FY 1980. I question how much of that is a wise expenditure, and I wonder how much of it is emotional and due to the perceptions I just mentioned. I don't believe solar central station electric power is going to result in massive supplies of less costly electric energy, and it is especially silly to do this when we have ample domestic resources for the production of electricity, such as coal and uranium. On the other hand, we probably have not supported basic solar energy research as strongly as we should have. I think that you're going to have to do a lot more talking about that in the scientific community and get into the fight with us in the political community, with all that involves. In the future it will be even more in your self-interest to argue against wasteful kinds of expenditures because of what I have told you about the budget.

I suggest that you continue to make strong selling arguments—stronger than ever, in fact—on the benefits of basic research, bringing it down to terms that Members of Congress can understand, particularly those of us on the appropriations committees, the budget committees, and the appropriate authorizing committees. When faced with real competition for funds, as we are today, there is a great temptation for those of us in Congress to shortchange projects which have great usefulness but in which the political pressure is more bearable. If we have to find money and cut out some projects in Congress, there's always a disposition to take it out of foreign aid—because poor little old foreign aid basically has no constituency in the United States—or take it out of something like R&D which isn't going to affect the economy or the society for 20 or 30 years, and put it into trade adjustment assistance. That's why I have pointed out that program before. I think it is a bad program, but it is here, and it has huge support behind it.

Even though I think you will face increased funding pressures over the years ahead, you're going to have to make this fight. I also think that you have something working for you. Basically, there is a great awareness in Congress that if the United States is ever to find a way out of its economic stagnation, it will be based on American science and technology and the willingness of the country to have it applied. I think you have this going for you, and I think you should take advantage of it. We're in the doldrums in many ways in this country. Certainly in the foreign policy area, in the economic area, in the productivity area, and in some of our massive industries—steel, electronics, and automobiles, just to name a few. But I think that R&D and science are the way out, and I think there is a great opportunity for you to bring home this point to the opinion-makers in the Congress and outside of the Congress.

There are many institutional impediments to this progress, however, some good and some bad. For example, we cannot afford to overlook the possible dangers of the rapid introduction of new chemicals. On the other hand, we also can't afford to let that genuine fear paralyze the development of new products. You are going to have to get into these kinds of fights, whether it be chemicals or nuclear power or whatever. There is always the fight between the environment and productivity, and it's becoming more serious. The scientific community owes it to the rest of society to help us discover what is necessary by way of regulation and limitation and what is not.

We also know that new technology is sometimes delayed by its threats to present employment, and that's another area you are going to have to get into. The reaction of auto workers to the introduction of robotics in the automobile plants is an example. Their reaction is perfectly understandable in the short term; but, in the long term, such delays may have significant negative impacts on the domestic auto industry as a whole, on the workers as well as the companies. Had these cost-saving technologies been introduced at an earlier stage, the industry might not have been as deeply affected by foreign competition as it now is. The simple fact is that too much of our economy today is based on outmoded industrial capacity and processes. We will have to learn, as a society, to make the accommodations needed to let the introduction of new technology occur.

But it seems to me that one of the most positive things that government could do to foster the introduction of new technology would be to provide a stable, low-inflation economic environment. That's what we in Congress are trying to do, and that's what the budget is designed to do. In such an environment, private investment in long-term R&D would become infinitely more attractive than it now is. It simply doesn't make sense to invest in long-term payoff activities, either in R&D or anything else, when a company's internal rate of return is set at rates sharply above 20 percent.

In the energy area alone, we face an almost incredible challenge, one that is especially worthy of our scientific and technological expertise. OPEC price increases over the past 7 years have raised the cost of energy inputs to our economy by at least $200 billion over what they otherwise would have been, and $90 billion of this is going abroad to pay for our oil imports. This means that in 1980 we will have to dedicate 8 percent more of our GNP to the purchase of energy inputs than they would have cost in 1973. As a nation, we are poorer to that extent. We will have to find ways to make much more efficient use of our energy supplies, while discovering ways to make use of new resources. You know the great struggles that are going on in the Congress over this, in the administration, and in the government at large. It's a struggle where in my opinion you play the key role and must play an even greater role. These certainly are tasks worthy of science and technology at their best.

You will also note that almost all of the solutions to the energy problem involve investing massive amounts of capital to retool industry, to weatherize homes and businesses, and to produce synthetic fuels, among other things. To the extent that government can help keep inflation lower than it otherwise would be, it would help to make these investments possible sooner.

That's an added reason, if we need an added reason, why we have got to continue the fight on inflation. It is the number one enemy which is impeding everything—your efforts, the efforts of industry, the efforts of labor, the efforts of retired people, the efforts of the sick and the aged to take care of themselves—every segment of society is afflicted by inflation. And it's not over. Just because of the fact that inflation has been dropping since March or April, and just because of the fact that interest rates are coming down, let's not fall into the trap that some of my colleagues are in, thinking: "Well, we've whipped inflation, now let's turn to unemployment and start the printing presses again." The commitment to fighting inflation has got to be a long-term one—much more than several years. There is no short-term solution. And until we do solve inflation, your struggle for investment and for budgetary increases will be hurt and hindered.

By way of summary, I strongly believe that the scientific and engineering community will have to develop a broader view of its interests if it is to continue to prosper. I invite you to get into that fight, to show where your requirements fit in the total order of priorities which is presented to the Congress each and every year. As I have said, you now have to look at a nonexpanding pie. We used to have that wonderful situation in the government where we just kept adding and the pie kept growing. It doesn't grow any more. Therefore, you have to compete for your priorities compared to someone else's. If the other ones are bad, you have to help us knock them down. It's not a pleasant job—it would be easier if you all came over, as you used to, and you all received something; but those days are over.

The budget process will be very much attacked, and it will have its hard days, particularly this fall if in fact the budget is in deficit. But it will survive, because there is a very real awareness among many Members of Congress that we have to do something, that we cannot go on the way we have gone these many years.

But more importantly than that, there is a very wise feeling on the part of the American people, demanding that we control ourselves in government and that we limit ourselves when it comes to expenditures. In fact, it is more than a demand; there are threats that if we don't do it voluntarily through a budget process, it will be done to us involuntarily through spending limitation laws or through constitutional amendments which would prohibit Congress from spending more than a certain percentage of the GNP or from spending out of balance.

I don't think we should have that type of constraint on Congress, because it would remove flexibility that is necessary in periods of emergency. But I do think that the time has come for Congress to do as many of the states have done and adopt—and live with—a budgetary discipline. If we don't, then the people, I suspect, will impose it on us.●

HON. CHARLES H. WILSON

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. HORTON. Mr. Speaker, it is my pleasure to join in this tribute to one of the senior members of the California delegation, CHARLES H. WILSON. As a fellow member of the class of 1962, I wish CHARLIE the best as he prepares for private life after his long and distinguished career in public service.

For 18 years, CHARLIE worked hard for the citizens of the 15th Congressional District of California. Their interests were well represented. In addition, he played important roles in the development of major bills under the jurisdiction of his committees, Armed Services and Post Office and Civil Service. The accomplishments he registered during his career will be remembered for many years to come.●

DO NOT ABANDON THE HUMAN RIGHTS STRUGGLE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BINGHAM. Mr. Speaker, I am depressed by reports that the new administration is considering abandoning President Carter's emphasis on human rights. According to at least one top Reagan adviser, the new administration will not allow human rights to stand in the way of our relationships with moderately repressive governments. Vice-President-elect George Bush has called for a reevaluation of our relationship with both Argentina and Chile, two of the nations which were targets of the Carter policy.

I believe the Carter administration's stress on human rights will be recognized by future historians as having created a new image for the United States around the world. Contrary to what has been sometimes said, the pressure has been applied equally on authoritarian states of the left and of the right. To cite but one example, our present delegation at Madrid has been vigorous in its criticism of the Soviet Union's failure to live up to its commitments in the Helsinki Final Act.

What I am afraid of is that the next administration will focus its attacks only on the left and will ease up only on rightist regimes such as those in Korea, Argentina, and Chile, thus destroying the balance and the integrity of the present policy.

In today's Washington Post Richard Cohen has written eloquently about the importance of maintaining the high standard in these matters which we like to think is characteristic of the United States. His column follows:

ABANDONING THE QUALITY THAT MAKES US BETTER

(By Richard Cohen)

Back in the 1950's, it seemed that every time you turned around President Eisenhower was appointing yet another commission to study America, figure out if it had lost its way and how it was different from other nations. The answer, then as now, should have been apparent: It is better.

I don't mean better in a flip chauvinistic way, like some sort of statement having to do with the innate superiority of Americans. And I don't mean better in our abilities to turn out cars or grow wheat or field armies. I mean better in some sort of commonly held view of ourselves as being a moral people—a nation that either pretends to care about morality or really does. I leave the distinction to others.

Now, though, we seem to be abandoning this standard—as vague as it is. From representatives of the incoming Reagan administration we are getting cold lectures about how human rights and national security don't always mix and that when they clash and one of them has to go, it's goodbye human rights. This is the message David Rockefeller took down to Argentina where he informed the torturers who run the government there that no longer would human rights stand in the way of either a good foreign policy or a sound profit—the two being the same to Rockefeller.

We have heard similar statements from others, some of them much closer to Ronald Reagan than Rockefeller. In some cases they talk of a new realism and in other cases they talk of moderating our concern for human rights, but in all cases they make it plain that when the sea gets rough, human rights is going to be the first thing overboard. This is a ship of fools they are sailing.

Already their statements have had an impact. Throughout Central America, repressive governments are moving fast to eradicate opposition, feeling, apparently, that the restraints imposed on them by the Carter administration and its concern about human rights are no longer applicable. In El Salvador, five opposition leftist leaders were murdered recently, and while the government denies responsibility, it would have a harder time denying that every since the American elections things have gotten a bit bloodier in Central America.

It's hard to understand why some people find the Carter administration's concern for human rights so vexing. It annoyed the hell out of some dictators around the globe and it was unevenly applied, but one would be hard pressed to come up with a single instance where the policy resulted in some foreign policy debacle. Instead, the real debacles have had other causes, but human rights has been cited as if it were somehow responsible for everything—as if it were the same as weakness or softness or mushy thinking.

At one time a concern for morality seemed to be the exclusive concern of the American Right. It was journals such as the National Review that wrote about right and wrong and scorned what it called "situation ethics." It was the American conservative movement that denounced godless Communism, prayed for an uprising in Eastern Europe and had nothing but scorn for those on the Left who said that we must not impose our morality on other nations. We must learn to live and let live—find a place on this globe for the mean Ruskies and us nice guys or else we were all going to go up in a puff of smoke—a mushroom-shaped one at that.

If there is a middle ground on the issue it is that you adhere to a human rights policy until you simply cannot—until it leads you either into a foreign policy debacle or into a situation where by trying to impose a policy we lose all leverage. But that is not the same as announcing in advance that we will no longer expect governments to measure up to certain minimum standards of decency. What the Reagan representatives seem to be saying is that we would hope that governments would stop torturing, or killing off the opposition, or simply taking people away in the night never to be seen again, but if they simply cannot stop themselves from doing those sorts of things—if they just feel compelled to torture—well, then okay—we can understand a little torture here and there.

What this does is take this country down into the muck with all the petty little sadists of the world—with the thumb breakers and the genital smashers and the cold killers of the night. It robs us of our distinction, of our moral tone, of our sense of morality—what we expect from ourselves and what the world expects from us. It leaves us purposeless, no different from the other guy, no better, no worse and after a while it will make us wonder why we are in the struggle at all. We used to know once. We thought we were better.●

REPRESENTATIVE BOB WILSON

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DANIELSON. Mr. Speaker, California is losing a powerful influence, especially in the area of national defense, with the retirement of Bob Wilson from the House of Representatives.

As the senior member of the California delegation, and the ranking minority member of the Committee on Armed Services, Bob has been an instrumental factor in helping to keep California's defense industries healthy, remaining one of the principal areas of employment in our still fast growing State.

Regardless of party affiliation, we will all miss Bob Wilson, whose 28 years of experience as a Member of Congress rolled up with his wisdom, warmth, and sense of humor has served as a shining example of service to his constituents and the Nation for all of us.●

SAM DEVINE ENDS FINE CAREER

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FUQUA. Mr. Speaker, our colleague, Mr. Samuel L. Devine, of Ohio, will be concluding his service in this House at the end of the 96th Congress.

Sam Devine has distinguished himself as an effective and articulate Member of Congress and, particularly, by his valuable participation as a member of the Committee on Interstate and Foreign Commerce where he currently serves as ranking minority member.

Throughout a career in elective public office, which encompasses service in the Ohio Legislature and as a prosecuting attorney in Ohio, Sam Devine has achieved an enviable reputation of leadership and dedication to the public welfare.

His departure from this House after 12 years of valued service will be felt by all of us who have come to know and respect him.●

BILL INTRODUCED TO EXCLUDE CERTAIN RETIREMENT BENEFITS FROM GROSS INCOME

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Ms. OAKAR. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of certain retirement benefits received by individuals who have attained age 55. The effect of this legislation is to exempt from taxation the first $17,000 in benefits received by beneficiaries from public and private pension plans.

The wisdon of exempting retirement income from taxation has been discussed and debated since 1935. A 1937 Supreme Court decision and a 1941 ruling of the Bureau of Internal Revenue rendered the benefits from social security tax exempt. In 1957, Congress sought to assure greater equity between the tax treatment of social security benefits and other kinds of retirement income by allowing a tax credit for low-income elderly. However, this tax credit is very limited in application, extremely complicated, and has not been updated to keep pace with inflation.

While these are important steps, there is a pressing need to provide equitable tax treatment to public and private pensions to the millions of Americans relying on this type of income. The cost of fuel, housing, and food has skyrocketed in the last decade. As much as one-fourth of the elderly's income is spent on health care alone. However, only some public pensions permit cost-of-living adjustments for annuities, while most private pensions contain no cost-of-living adjustments at all. Yet income from these pensions are subject to taxation. For those Americans who depend in part or entirely on income from pension annuities and who have seen the value of their pension annuities ravaged by the high rate of inflation, I believe it is imperative that we enact legislation to exempt qualified pension plans from taxation.

The following is a text of the bill:

H.R.—

A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of certain retirement benefits received by individuals who have attained age 55.

Be it enacted by the Senate and House of Representatives of the United of America in Congress assembled, That (a) subsection (a) of section 72 of the Internal Revenue Code of 1954 (relating to annuities) is amended to read as follows:

"(a) GENERAL RULE FOR ANNUITIES.—

"(1) INCLUSION IN GROSS INCOME.—Except as otherwise provided in this chapter and to the extent not excluded by paragraph (2) or by any other provision of this section, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

"(2) EXCLUSION OF CERTAIN RETIREMENT BENEFITS.—

"(A) IN GENERAL.—In the case of an individual who has attained age 55 before the close of the taxable year, gross income does not include any qualified retirement benefit received by such individual. Nothing in this subparagraph shall limit the exclusions provided in subsection (b).

"(B) LIMITATION.—The amount excluded from gross income under subparagaph (A) for any taxable year shall not exceed $17,000.

"(C) QUALIFIED RETIREMENT BENEFIT.—For purposes of this paragraph, the term 'qualified retirement benefit' means any annuity, pension, or other retirement benefit which is received from—

"(i) a plan described in section 219(b)(2)(A),

"(ii) an annuity contract described in section 403(b), or

"(iii) an individual retirement account described in section 408(a), an individual retirement annuity described in section 408(b), or an individual retirement bond described in section 409.

"(D) SPECIAL RULES FOR MARRIED INDIVIDUALS.—

"(i) JOINT RETURNS.—In the case of a joint return, the limitation of subparagraph (B) shall be applied separately with respect to each individual.

"(ii) COMMUNITY PROPERTY LAWS.—This paragraph shall be applied without regard to any community property laws."

(b)(1) The last sentence of section 72(d)(1) of such Code (relating to certain employees' annuities) is amended by striking out "shall be included" and inserting in lieu thereof "shall, except as provided in subsection (a)(2), be included".

(2) Paragraph (1) of section 408(d) of such Code (relating to tax treatment of distributions from individual retirement accounts and annuities) is amended by striking out "this subsection" and inserting in lieu thereof "this subsection or section 72(a)(2)".

(3) Paragraph (1) of section 409(b) of such Code (relating to tax treatment of individual retirement bonds) is amended—

(A) by striking out "this subsection" and inserting in lieu thereof "this subsection or section 72(a)(2)", and

(B) by striking out "section 72 (relating to annuities)" and inserting in lieu thereof "section 72 (other than subsection (a)(2) thereof)".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1980.●

PENSION OFFSET REQUIREMENT MUST BE REPEALED

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. OTTINGER. Mr. Speaker, today, I am introducing legislation to eliminate the pension offset which requires States to deduct retirement benefits from unemployment benefits. This cruel and unfair provision is causing great financial hardship for older workers in New York and around the country and must be repealed immediately.

Since April 1, Federal law has required all States to reduce a person's unemployment compensation benefits, dollar-for-dollar, by the amount of any governmental or private pension or retirement pay received by the individual. I have opposed this offset since it was included in the comprehensive Unemployment Compensation Reform Act of 1976. I believe this provision, which was added by the Senate, was enacted without careful consideration of its consequences.

The effective date of the offset requirement was delayed until 1979 and later postponed until April 1, 1980, in order to allow time for the National Commission on Unemployment Compensation to study the issue and for Congress to act in light of the Commission's findings. The Commission unanimously recommended repeal of the offset; unfortunately, to date, Congress has not followed this recommendation.

Earlier this year, Congress modified the offset provision to reduce the harmful effects of the law. Briefly, these modifications, contained in H.R. 3904 and signed into law on September 26, 1980, provide that States may disregard a pension that is based on work performed prior to the employment upon which his or her eligibility for unemployment is based. Specifically, the agreement would require States to make the offset only in those cases in which the pension was maintained or contributed to by a base period or chargeable employer. These are employers whose accounts will be charged for unemployment compensation received by the individual.

The amendments further allow States to reduce the amount of the offset by an amount consistent with any contribution the employee made toward the pension. This would allow States to limit the offset to one-half of the amount of a social security pension received by an individual who qualifies for unemployment benefits.

While these changes mean that fewer retirees will be receiving reduced unemployment benefits, they do not go far enough. Thousands of retirees are still suffering, barely able to make ends meet as inflation eats up their pensions.

The key issue in my mind is: Should an individual who is involuntarily unemployed and looking for work be denied the same unemployment benefits as those received by other job seekers simply because that individual has earned certain retirement benefits? Clearly the answer is "No." I find it appalling that Congress has singled out retirement income from all other income to reduce or eliminate unemployment benefits.

Hardworking Americans have a right to unemployment benefits. We must recognize and insure that right. It is incumbent upon the Congress to take immediate and effective action to insure that this injustice is eliminated by repealing the pension offset provision.

The text of my bill is printed below:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 3304 of the Internal Revenue Code of 1954 (relating to requirements for approval of State laws) is amended by striking out paragraph (15) and by redesignating paragraphs (16) and (17) as paragraphs (15) and (16) respectively.

SEC. 2. The amendment made by section 1 of this Act shall apply with respect to certifications of State programs for 1980 and subsequent years.●

SPECIAL ORDER—RICHARDSON PREYER

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. McKAY. Mr. Speaker, I want to thank L. H. Fountain for his willingness to arrange this special order. I appreciate the opportunity to say a few words about Richardson Preyer.

Richardson, or as he is affectionately called, Rich, is a very quiet, unassuming individual with tremendous ability, commonsense, good judgment, a sense of integrity, and especially the need for integrity in public office. He has devoted himself to some of the hard decisions over ethics.

He and I were among the 20 Members who were invited by President Carter to Camp David to discuss national and international problems as well as politics in general. We had a great 2 days of association. I was especially impressed with Rich and his intelligence and commonsense.

North Carolina will miss his representation and he will not easily be replaced. The Nation will miss his good judgment and his vision.

I want to extend to him my best wishes for his well-being and trust there will still be public service for him to render.●

TRIBUTE TO CHARLES VANIK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. CONTE. Mr. Speaker, I rise to pay tribute to my good friend, Charlie Vanik, whom we all know and love. He is respected in this Chamber for many reasons. He is an able debater, who truly enjoys the exchange of rhetoric on the House floor. In addition, it is fair to say that this 26-year veteran of the Congress has been one of this Nation's leading statesmen. Through his legislative skills and shrewd political instincts he was able to coauthor an amendment which has become an important building block in American foreign policy. I refer, of course, to the Jackson-Vanik amendment to the 1974 Trade Act which was the precedent that made possible the human rights policies pursued by recent administrations.

I am sure most Members will agree that there are few men in the House who serve with the integrity and dedication of Charlie Vanik. He will be sorely missed as chairman of the Ways and Means Trade Subcommittee. It was his deep-rooted sense of integrity which prompted him not to accept contributions in order to run a campaign for a 14th term of service to people in his beloved Cleveland area.

He has been an aggressive and able legislator. His political interests run the gamut from taxes to energy to consumer affairs to public works. He can be accurately described as the model public-interest Congressman. Charles Vanik has a commendable idea of how public office should work—if you do the job with distinction, the people back home will return you to Washington.

As a long time friend of this man, I can say, with all honesty, he may have missed his calling. Due to his insatiable need to wear the color black, it is my belief that he may have been "suited" better as a mortician. In addition, if it wasn't for his tin-ear and horrendous harmonica playing, he could be considered a "Renaissance" man—a man for all seasons. However, it also must be said that when he sits down with any instrument there surely is much fun and excitement to follow.

I regret the loss of his friendship and camaraderie we've experienced in these halls of Congress. However, the relationship developed over the years in this Chamber as well as on a social level shall not be forgotten.

Godspeed to you and your bride, Betty.●

A KENTUCKY VOICE IN WASHINGTON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CARTER. Mr. Speaker, a fellow Kentuckian, Al Smith of Russellville, for the past year has been Federal cochairman of the Appalachian Regional Commission.

Al Smith has done an outstanding job as Federal cochairman. But I believe that the other Members of this body would do well to better understand the philosophy which has guided him, a philosophy of service to the people and understanding of their needs which perhaps only an Appalachian native could bring to that post.

The rural Kentuckian magazine recently interviewed Al Smith about what he has attempted to accomplish and what he sees as the ARC's mission. I include for the Record the article which appeared in the November edition of the magazine as a result of that interview.

The article follows:

A Kentucky Voice in Washington

(By Gary Luhr)

The staff numbers only 115—tiny by Washington standards. The offices are located several blocks from the marble mausoleums that house many government agencies. Conceived as part of Lyndon Johnson's "Great Society," the Appalachian Regional Commission (ARC) is one of the few survivors of the "war on poverty."

Since its creation in 1965, the ARC has channeled more than $3.9 billion into an area that covers parts of 13 states along the spine of the Appalachian Mountains. The money, which has generated an even greater amount of state and local spending—more than $8 billion in all—has gone for roads, schools, libraries, hospitals, housing, industrial sites, recreational facilities, solid waste disposal and water and sewage projects.

Today, as the nation turns its attention increasingly to energy and the search for alternatives to foreign oil, the ARC has a new mission that centers around the region's vast coal reserves.

"The ARC, while I'm here, is going to be a coal shop," said Al Smith, a Kentuckian who has presided over the commission for the past year as its federal cochairman.

"I firmly believe that this country is in an economic war for survival. It is crucial to obtain near domestic independence in energy," he declared.

Around 60% of all coal produced in the United States comes from Appalachia. At a regionwide conference last year, the ARC adopted a resolution requiring each state to include an "energy component" in the development plan it must prepare for the commission each year. The commission also set aside $3 million in "incentive" funds for projects related to energy.

This new emphasis doesn't mean the ARC has abandoned its original mission, however.

"When I talk about being a coal shop, I'm talking about the amenities of life that go with putting people in the coal fields and keeping them there," Smith said. "It means coal field housing. It means education for miners and their children. It means assistance in solving the great transportation issues."

ECONOMIC DEVELOPER

The ARC is made up of Smith, a newspaper publisher from Russellville, and the governors of the 13 states—Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. They must approve the plan each state submits for spending the money it receives.

At first glance, the leadership of a highly political, sometimes controversial government agency would appear to be as far removed from Smith's previous occupation as Washington or Appalachia is from Russellville. Smith, however, quickly lays such thoughts to rest.

"The ARC is basically an economic development agency and economic development has been an involvement of mine as a newspaperman in Kentucky for nearly 25 years," he said, "My papers are in towns where, if the editor doesn't get out and promote the town, he may not have any readers to have a newspaper for."

Although his six weekly newspapers all are in western Kentucky or Tennessee, Smith has roots in Appalachia. "My father was born in Cookeville, Tennessee on the Cumberland Plateau," he said. "(His) people had been in Cookeville since the Cookeville area opened up. So the job with ARC is kind of a return home for me I've got relatives still up there."

Smith became further familiar with Kentucky's mountain area as a former chairman of the Kentucky Arts Commission, a member of the Council of Supervisors of the University of Kentucky Hospital, a trustee of the Frontier Nursing Service in Leslie County, and the narrator of several television documentaries. His appointment by President Carter followed an unsuccessful attempt by Kentucky Senator Wendell Ford and Walter Huddleston to have Smith appointed as a commissioner of the Tennessee Valley Authority (TVA).

BOTTOM LINE GUY

"The President said to me in effect, 'Here's an opportunity to work for an agency that cares about people, that cares about their economic future, that has a great deal of flexibility,'" Smith said, in recalling his appointment. "The opportunity to move over to the federal side for a few years, not as a journalist but in a decision-making capacity in areas where I had been working as a newspaper publisher, was just really irresistible."

The only requirement the White House said he had to meet, Smith recalled with a chuckle, was pleasing West Virginia Senator Jennings Randolph, the chairman of the Senate Public Works and Environment Committee, which oversees the ARC. Randolph, along with former Kentucky Senator John Sherman Cooper, introduced the legislation creating the ARC.

"I had two long meetings with the staff and then I had a meeting with the Senator," Smith said. "We told a lot of good old Depression-Era stories to each other. Finally, at the end of the conversation, he looked at me and said, 'I like the way you talk. I like the way you think about things. I want you to take this job.'

"I'm a bottom line guy," Smith said. "I started my newspaper business 12 years ago with very little money. I've had to borrow money and pay it off. So the ARC is headed at the top by somebody who thinks of himself as a small businessman and a taxpayer.

"But there's another piece of me that's a populist too. I've got plenty of room in my life for people who reflect the concerns of Jennings Randolph, the people who are the children and grandchildren of the Civil War in the mountains and in the South; who know what happened to the economy of Appalachia because of its inability to get capital; who know of the exploitation of the region by outside interests; and who want human services."

Smith sees a strong similarity between the work of the ARC and that of the rural electrification program.

"I grew up in a utility-oriented family. My father and grandfather were yellow dog Democrats who believed with my mother that Franklin Rossevelt invented electricity, because the TVA and the New Deal were the most significant social adventures of their time." he said.

"My father was born in 1897; my mother was five years younger. My grandfather was born in 1870, the son of a Civil War soldier up in the mountains. They really believed in rural electrification; it was a passion in our family.

"My kids just laugh at me when I tell them I went to school and did my homework by an Aladdin Lamp in the eighth grade in 1939 and 1940 on a farm in Hendersonville, Tennessee, 18 miles from the Capital in Nashville. I remember when the Cumberland Rural Electric Co-op brought electricity in, in 1940, and what it did to our lives. I never wanted to see another Aladdin Lamp."

Smith said, however, that over the years he came to realize that Kentuckians paid a price for some of the benefits of public power.

QUALITY GROWTH

"I have learned things about conservation needs. I had to learn to become sensitive to what the costs were for cheap power," he said.

"What I'm looking for now is a way we can get quality growth in the 1980's and the way we can use all of our energy resources in an enlightened and intelligent manner to handle our energy needs. The ARC is involved in this."

Smith becomes slightly aggravated when reminded that the ARC has not been without its critics.

"There's a kind of reporter who comes in with a chip on his shoulder and a story to write, and I know that story by now," he says. "This story begins this way: 'The ARC was set up in 1965, and now, 15 years later and $3.5 billion down the road, there's still poverty in Appalachia. You still haven't built enough houses for people to live in; the creeks still are polluted; they still have sanitation problems; and mining is still a primitive industry compared to the rest of them. Don't you think it's time to go to the president and say, "This doesn't work, close it down?" And I say, 'No, it just tells me we need two ARCs or three ARCs. The problem is much bigger than they ever dreamed it was.'

"You know how people in government are with figures and you know how people are in arguments with figures. We've got figures on improvement in per capita income; on improvement in health in some areas; on reduction of the illiteracy rate; on how children are living longer. We've got figures that show there's been a net migration back to the mountains.

"On almost every economic factor you've got gain," Smith said. "Of course, they turn it around when they're going to Congress for money. They show there are still major needs.

PEOPLE LIKE IT

"The more I get out in the field, the more I find people like what we are doing. They love the road program," Smith said.

"I've had people laugh at me and say ARC is just a road-building agency. But I quote Cooper, who said, 'If you don't have roads and bridges and airports and hospitals in Appalachia, you're not going to have commerce; and if you don't have commerce you're not ever going to solve the people's economic problems because they're not going to have jobs.'"

About 60% of the ARC's money goes for roads. Over half of a proposed 3,000-mile regional network of highways has been completed. Kentucky has built more miles than any other state—more than 300—and will eventually have the most miles of any state in the system—585.

"The road program has helped keep the ARC alive," Smith said, "along with the program's flexibility and the discretion states have in how its money will be spent.

"We're into everything the federal government is," he said, "except the military department. We don't make war."●

REPORT ON THE MADRID REVIEW CONFERENCE ON IMPLEMENTATION OF THE HELSINKI FINAL ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GILMAN. Mr. Speaker, I recently attended, with several of my colleagues in the House and the Senate, the Madrid Review Conference on the Implementation of the Helsinki Final Act. Our congressional delegation, chaired by the distinguished gentleman from Florida (Mr. FASCELL), and cochaired by our colleague in the Senate, the gentleman from Rhode Island (Mr. PELL), included Representatives BINGHAM, YATES, FENWICK, FINDLEY, DRINAN, LAFALCE, MOFFETT, WAXMAN, MATHIS, LEVITAS, and FOWLER. We joined the U.S. delegatin to the Conference in Madrid, chaired by the Honorable Griffin Bell and cochaired by ambassador Max Kampelman, from November 22 through November 29, 1980.

The Helsinki accords of the Conference on Security and Cooperation in Europe (CSCE) were signed in Helsinki in 1975 by 35 states—33 from Europe (East and West), the United States, and Canada. While the Helsinki Final Act is not technically a legally binding agreement, it does have considerable moral and political significance as all states party to the agreement have pledged to abide by the Final Act's statement on intent.

The Final Act is contained in four principal sections: One, basket No. 1: Declaration of principles concerning respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion and belief, as well as statements outlining the territorial integrity of states and inviolability of frontiers; two, basket No. 1: Confidence-building measures to lessen tension, thus reducing the danger of armed conflict among the participating states; three, basket No. 2: Economic, scientific, technical, and environmental cooperation; and four, basket No. 3: Cooperation in humanitarian and other fields including a freer movement of people, ideas and information.

In 1977, I went to Belgrade, Yugoslavia, to participate with our congressional delegation in the initial review conference of the Helsinki Final Act. The major objective of that conference was to exchange views on the CSCE implementation record of the preceding 2 years and to examine means of improving implementation in the future. Our review in Belgrade confirmed, unfortunately, that the Soviet Union and other Eastern European countries in their continued mistreatment of human rights activists were clearly violating the spirit and the letter of the Helsinki Final Act.

Three years later in Madrid, the Soviets' 1979 invasion of Afghanistan, documented charges of blatant conduct contrary to the intent of the Helsinki accords in the areas of human rights, facilitation of family reunification and human contacts, and economic, scientific and cultural cooperation moved not only the United States, but many other nations as well, to question whether the Soviet Union and several Eastern European nations had any intention of abiding by the agreements to which they had pledged their adherence.

Not only was there a strong case against Soviet violations of the Helsinki accords, but also by their efforts to keep the human rights implementation question off the Madrid agenda, the Soviets almost brought about a complete collapse of the Madrid session. It was only an 11th hour compromise which enabled the Madrid Conference to proceed as planned.

Addressing the Plenary on November 24, Hon. Jerome J. Shestack, Senior Adviser to the U.S. Delegation, underscored the continuing problem of Soviet human rights violations. Noting some progress, he indicated however, that a number of serious problems exist which point to "how far we still have to travel." Persistent obstacles exist, in contravention of the Helsinki Final Act, concerning reunification of families. Emigration from the Soviet Union, while improving after Belgrade, dropped more than 50 percent for Soviet Jewry even as the number of those wishing to leave increased. Ukranians, Lithuanians, Pentacostals, and Jews, for example, are also restricted from exercising their cultural and social rights to live as members of an ethnic and religious minority, again in sharp contrast to the objectives of basket No. 3. Moreover, again in violation of basket No. 3 guarantees, the free flow of information via press, radio, and correspondence is severely curtailed.

Throughout the Madrid discussions and related meetings between delegations and interested private organizations, we heard the now all too familiar ordeals of those whom the Soviet Union has labeled dissidents—individuals whose only crime is seeking their nation's genuine and sincere implementation of the Helsinki Final Act. The names of Yuri Orlov, Anatoly Shcharansky, Andrei Sakharov, Mark Nasphitz, Vladimir Slepak, Raoul Wallenberg, Mykola Rudenko, and Victor Brailovsky were frequently referred to, and our thoughts also focused on the many other so-called dissidents and refuseniks summarily denied these basic human rights as a result of the Soviet Union's contorted interpretation of the Helsinki Final Act.

In another area, Chairmen Bell and Fascell and Ambassador Kampelman hammered at a recent glaring illustration of Soviet disregard for the Helsinki Final Act: the invasion of Afghanistan by the U.S.S.R. Mr. Bell stated that this invasion, besides violating the Helsinki Final Act, the United Nations Charter, and other well-recognized international agreements, "cast a dark shadow over East-West relations which no meeting, no pronouncement, nothing in fact but the total withdrawal of Soviet troops can dispel."

Chairman Fascell called for the "prompt withdrawal" of all Soviet troops from Afghanistan. Based on his consummate knowledge of the Helsinki accords gained by his distinguished tenure as Chairman of the Joint Executive Legislative Commission on Security and Cooperation in Europe, Chairman Fascell pointed out that the Soviet incursion into Afghanistan stood squarely at odds with many key principles of the Helsinki Final Act. He charged that "The Declaration of Principles is a virtual catalog of fundamental tenents of international behavior violated by the Soviet invasion," and that "Efforts to defend the Soviet invasion are as hollow and unconvincing today as they ever were." The complete text of Chairman Fascell's statement is annexed to this report.

In Madrid, the congressional delegation also had the opportunity to meet with representatives of delegations of other states party to the Helsinki Final Act and interested organizations such as the NATO group to discuss our mutual interests in exploring ways that give maximum expression to the spirit and letter of the Helsinki accords. We also met with the Soviet delegation, headed by Ambassador L. F. Ilyichev, for a frank discussion of Soviet-American differences concerning implementation of the Final Act.

The Soviets charged that the U.S. does not address its own failings concerning implementation in this country of human rights agreements. We referred to the thrust of Chairman Bell's earlier remarks before the Plenary:

> The U.S. record of implementation is something we can be proud of. We are a free society—free enough to admit our shortcomings and concerned enough to try to correct them. The degree to which we have fulfilled our obligations under the Helsinki Final Act is an open book for all to read. We are willing to profit from examination, suggestions, and criticisms.

The Soviets further stated that they had established legitimate monitoring groups to oversee U.S.S.R. compliance with human rights provisions, indicating that organized groups of dissidents were intent only on showing the Soviet Union in "a bad light."

Even as members of our delegation pointed to the unprincipled invasion of Afghanistan, the Soviets countered by questioning the lack of American friendliness demonstrated by the grain embargo and the boycott of the Moscow Olympics, claiming awkwardly, in light of their action in Afghanistan, that military considerations and disarmament were more closely linked to détente than was the issue of human rights.

On another front, I raised within the U.S. delegation an issue pointing to the Soviet violation of the Helsinki Final Act which I have long monitored from my position as a member of the House Committee on Post Office and Civil Service: the Soviet Union's persistent, systematic interruption of United States mail to citizens of the U.S.S.R. and a continuing policy of failing to notify the sender of non-delivery and the reasons therefore.

These charges of continued noncompliance with the Helsinki accords are not without abundant substantiation. Since 1970, along with many of my colleagues in the House and Senate, I have been receiving a large volume of constituent complaints concerning Soviet interruption of mail from the United States to the U.S.S.R.

Such problems were further documented in 1978 and 1979 during three congressional hearings at which representatives of the Jewish community, other religious and ethnic groups, and scientific and professional organizations outlined specific charges against the Soviet Union concerning its deliberate undertaking to impede, intercept, and otherwise interrupt the flow of mail from these organizations and individuals to citizens in the Soviet Union.

Indeed, such charges led me to introduce legislation in which the United States Congress strongly denounced the Soviets' practices and urged a cessation of mail interruption activities. This legislation passed both houses of Congress by a unanimous vote in 1979—H. Con. Res. 167.

In spite of such action and the continued legitimate efforts of individuals in the United States to correspond with citizens of the U.S.S.R., the Soviet Union adheres to its deliberate policy of mail interruption.

The U.S. delegation will be addressing this issue during the course of the Conference.

What is to be expected from the Madrid Conference? As Chairman Bell indicated to the Plenary, "Our expectations for the present meeting are modest." Yet the implementation review undertaken at this conference is both constructive and imperative. Constructive, because an institutionalized process of review is the only way we can hope to assure progress toward an increasing realization of the basic human guarantees envisioned by the Helsinki Final Act. Imperative, because this type of conference provides yet another important international forum for peace-loving nations to demonstrate that unbridled aggression, such as the Soviet invasion of Afghanistan, and blatant disregard for the most basic of human rights will be met with strong, concerted condemnation and opprobrium.

Mr. Speaker, I request that the complete text of the statement of the Honorable Dante Fascell before the Madrid Review Conference on the Implementation of the Helsinki Final Act be inserted at this point in the Record:

> Mr. Chairman. In the last two weeks, we have heard delegation after delegation rise to condemn the Soviet invasion of Afghanistan. The invasion of this formerly independent state has severely damaged the international climate. It has done great harm to East-West relations. It has undermined the confidence on which the building of true security and cooperation depends. It has undercut all of the principles of the Helsinki Final Act and negatively affected the atmosphere in which this meeting is taking place.
>
> Almost a year since Soviet troops marched into Afghanistan, the Afghan people are still struggling to free themselves of the reign of violence and oppression which has descended on them, imposed by a foreign army.
>
> The Soviet invasion of Afghanistan cannot be reconciled with the principles in the Helsinki Final Act, and it has special relevance to this meeting. The general political basis of our concern is well expressed in

the Final Act itself. In the introductory language of basket one, the participating states recognized "the close link between peace and security in Europe and in the world as a whole." It is obvious that events in Afghanistan cannot be isolated from events in Europe or in the world at large, as the Final Act itself acknowledges. The principles guiding relations among states embodied in the Final Act are as valid and as necessary outside Europe as within. But the Final Act is even more explicit concerning the declaration of principles, for the participating states declared their intention to conduct their relations with all other states in the spirit of those principles.

The declaration of principles is a virtual catalogue of fundamental tenets of international behavior violated by the Soviet invasion. One could cite the discrepancy between Soviet actions and each of the ten principles of the Final Act. In the interest of brevity, I will confine myself to several principles that were openly flouted:

In principle one, the participating states pledged to respect each other's sovereign equality as we: as the rights inherent in sovereignty. Two of the rights specifically mentioned in this regard are the right to territorial integrity and to freedom and political independence. The Soviet invasion violates these rights.

Principle two calls for refraining from the threat or use of force, not only against the participating states, but also in international relations in general. No consideration, the final act warns, may be invoked to warrant resort to the threat or use by force in contravention of this principle. The Soviet use of force in Afghanistan, from the day of the invasion through this very day, violates this commitment.

Principle three recognizes the inviolability of frontiers. Here the participating states pledged to refrain from assaulting national frontiers and from seizure or usurpation of other states' territory. When it is recalled how hard the Soviet delegation fought for this principle in the negotiations leading to the Final Act, the Soviet violations of it in Afghanistan is particularly ironic.

In principle four, the participating states agreed to respect the territorial integrity of states. They pledged to refrain from making the territory of other states the object of military occupation. The Soviet occupation of Afghanistan is a manifest violation of this principle.

The eastern states have placed great importance on observance of principle six, non-intervention in internal affairs. My country shares the belief in its importance, and would note that what this principle is meant to forbid is precisely what the Soviet Union has done in Afghanistan: commit armed intervention and coercion against another country.

The participating states reaffirmed the universal significance of respect for, and effective exercise of, equal rights and self-determination of peoples. This is principle eight, in which they also declared that all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development. All of these commitments are violated by the Soviet occupation of Afghanistan.

I could equally cite the other four principles of the Final Act infringed upon in greater or lesser degree by the Soviet invasion and occupation of Afghanistan. But I think the pattern is clear.

The Soviet invasion and occupation of Afghanistan have struck at the very heart of the Final Act principles I described. I would now like to examine the objective reality, that is, the concrete Soviet actions in that suffering country as they relate to the principles.

In late December 1979, the Soviet invasion of Afghanistan was launched. Soviet tanks crossed the Afghan border, along with tens of thousands of Soviet Troops. The then-leader of the Afghan Government, Hafizullah Amin, was killed after elite Soviet troops attacked his headquarters. Other members of his family and leaders of his government were also killed. Babrak Karmal was installed as leader by Soviet force of arms. The first speech of Babrak to Afghanistan was on a tape, broadcast from a radio station inside the Soviet Union. He did not return to Afghanistan until several days after Soviet forces had seized firm control of Kabul.

The Soviet Union has claimed that its troops were invited into Afghanistan by the Afghan Government, pursuant to the Soviet-Afghan Treaty of Friendship, Good-Neighbor Liness, and Cooperation signed in 1978. Article four of this treaty provides that the Soviet Union and Afghanistan shall consult each other and by agreement of the two sides take appropriate measures to ensure the security, independence, and territorial integrity of the two countries. Before the Soviet Union invaded Afghanistan, whom did it consult? Whose agreement did it obtain? As one Islamic diplomat put it, it seems odd that Amin would have invited his own executioner into the country. Was the Soviet Army invited by Babrak Karmal, who was not even in Afghanistan? As I have noted, the Babrak Karmal regime is a pure invention of the Soviet Union, a fiction imposed on the Afghan people without their consent. Obviously, article four of the Soviet-Afghan Treaty was not invoked in any genuine way.

I suggest it might be more fruitful for the Soviet Union to review article one of that same treaty, which is more pertinent. In this article, the Soviet Union and Afghanistan declared their determination to develop cooperation on the basis of equality, respect for national sovereignty, territorial integrity, and non-interference in each others' internal affairs. These are sound principles, but they were honored in the breach by the Soviet armies.

Nor can any reasonable observer accept the contention that compelling Soviet security concerns caused the invasion. We cannot believe that a small, neutral nonaligned country in any sense threatened the security of the Soviet Union. The argument that the Soviet Union invaded Afghanistan as a response to intervention from other countries is also patently false. The only external interference in Afghanistan has come from the Soviet Union itself.

During the opening statements to this meeting, we have heard a few efforts to justify the Soviet actions in Afghanistan. Of the four delegations which spoke in favor of the Soviet invasion, one referred to the "rightfulness and necessity of Soviet assistance to the Afghan people." In view of the character which that assistance took, the Afghan people may be forgiven for wondering—with friends like this—whether they need enemies.

Efforts to defend the Soviet invasion are as hollow and unconvincing today as they ever were. The international community has spoken clearly. Just last week, 111 members of the United Nations General Assembly voted to call for the immediate withdrawal of foreign, that is, Soviet, troops from Afghanistan. This was not the first expression of internation opinion on this matter. The Soviet invasion was condemned by 104 nations at the U.N., on January 14 of this year, by the Islamic Conference of Foreign Ministers on January 29 and May 21, by the United Nations Human Rights Commission on February 14, by the foreign ministers of the European Community and the Association of Southeast Asian Nations (ASEAN) on March 7, and by the Inter-Parliamentary Union Council on April 12 and again on September 24. Surely, it is time for the Soviet Union to go beyond transparent attempts to justify past actions and to move toward the obvious solution repeatedly advanced in international forums.

Some would tell us that the situation in Afghanistan is improving, that we need not concern ourselves with it. In point of fact, the opposite is true. Soviet troops have occupied Afghanistan for nearly a year now. The fire-power available to them continues to increase and the Soviet troop level in that country, at least 85,000 strong, is as high today as before the so-called partial troop withdrawal of June 1980. Widespread and spontaneous resistance by the Afghan people continues, attesting to the fact that the Soviet presence and the Babrak regime defy the popular will. Despite this massive military force the Soviet Union is unable to establish control of the countryside. Control of main population centers and transportation routes between them is tenuous at best.

Moreover, to the extent that the Soviet Union has established control, it has denied a proud nation its independence. Babrak was and remains a Soviet puppet. He has acquired no legitimacy or significant following among his people. Every ministry and government office is permeated by Soviet "advisors" who make or approve all decisions.

The Soviet army of occupation has resorted to escalating violence in an effort to quell the Afghan insurgency. Tactics used include bombing of villages, destruction of crops, helicopter gunship attacks on innocent civilians, dropping of anti-personnel mines which maim their civilian victims, not only in border areas, but also in cultivated fields and villages away from the border. Dissent has been ruthlessly suppressed. As testament to the suffering in Afghanistan, more than one million refugees, nearly ten percent of the Afghan population, have fled their country.

In sum, the situation is one of bloody, brutal repression instigated and perpetuated by the Soviet Union, depriving Afghanistan and its people of their independence and freedom, the Soviet Union has made no movement toward withdrawal. The only solution it has suggested is acceptable neither to the Afghan people nor to neighboring countries. That solution would in effect endorse the illegal military occupation of the country and the Babrak regime.

I return to the preambular language of basket one of the Final Act. In this section, the participating states stressed the need for each of them to make its contribution to the strengthening of world peace and security. More than any other country at this moment, the Soviet Union has the opportunity and the power to make such a contribution, not in words, but in concrete action in Afghanistan.

Accordingly, the U.S. Delegation and the U.S. Government join many others in calling on the Soviet Union to withdraw promptly from Afghanistan and to allow the brave people of that country to determine their own future. We favor a political settlement which would lead to restoration of a genuinely independent, neutral, nonaligned Afghanistan, with a Government acceptable to its people. This can only be accomplished through the prompt withdrawal of all Soviet troops. We have said that we are prepared to consider transitional arrangements to facilitate Soviet withdrawal and appropriate international guarantees. Such a settlement would take into account the legitimate concerns of the Soviet Union in the security of its border.

The opportunity is there. We urge the Soviet Union to take it. Thank you, Mr. Chairman.●

SHOPLIFTING PREVENTION CAMPAIGN

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mrs. BYRON. Mr. Speaker, almost a year ago I advised Congress of the valuable work being conducted by students at the Frederick County Vocational-Technical Center to combat the serious crime of shoplifting.

I am pleased to report that their efforts to develop an awareness in youths and adults as to the seriousness of shoplifting has brought them many commendations from local and State community organizations, public officials, and business groups. The marketing students involved in the campaign have traveled to Washington, D.C. to brief officials from the President's Council on Wage and Price Stability, the National Institute of Justice, and the Law Enforcement Assistance Agency on their educational program. Most recently, these students received recognition for having the outstanding shoplifting prevention campaign for the State of Maryland. At the National Competitive Events sponsored by the National Association of the Distributive Education Clubs of America held in Miami, Fla., this year, they received national recognition for their program.

I am extremely pleased to report that the students from the Frederick County Vo-Tech Center have decided to further expand this project during the 1980-81 campaign. New and innovative techniques will be used to further involve local organizations and individuals throughout the State of Maryland. Clearly these students need the cooperation and interest of all segments of the population in their efforts to raise the awareness of the public to the seriousness of shoplifting. I am certainly pleased and honored to give my support to their campaign against this pervasive and expensive crime.●

THE HIDDEN WAR FOR RAW MATERIAL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HYDE. Mr. Speaker, in his column for the Chicago Tribune, Bob Wiedrich has often provided some much needed insight into national problems that deserve immediate attention. In his December 2 article on the hidden war for raw materials, Bob outlines the urgent need for the United States to frame a national nonfuel-mineral policy.

I take pleasure in sharing Bob's column with my colleagues:

[From the Chicago Tribune, Dec. 2, 1980]

The Hidden War for Raw Material

(By Bob Wiedrich)

Americans may worry about nuclear proliferation. They may spend sleepless nights pondering the strength of the Warsaw Pact forces arrayed against the West.

Sometimes, they may foolishly dream that detente has softened the threat of all that.

However, before detente lulls them into a sense of security, they should consider a less obvious but no less sinister conflict already under way between the Free World and the U.S.S.R.—the strategic minerals or resources war.

For while our national leaders have been concerning themselves with such traditional national security questions as defense and diplomatic alliances, the Soviets have been waging a minerals resource war that has placed the United States, Western Europe, and Japan at their mercy.

With a flick of their four-ocean navy, the Russians could sever the supply lines upon which the West depends for certain raw materials crucial to economic survival for industrialized societies.

And, as the Russians concentrate their subversive activities on southern Africa, a major source of these materials, the threat to the Free World grows.

Clearly, there is an urgent need for the United States to frame a national nonfuel-minerals policy to safeguard the unimpeded flow of such metals to the West.

By applying political and military influence in the Third World, the Kremlin leaders are achieving a silent, low cost victory against the Western allies without firing a shot.

And the United States, while remaining almost 100 per cent dependent on imports for such strategic materials, has limited its response to the stockpiling of some of them in wholly inadequate amounts. Or, it has restricted domestic production of those available at home because of environmental objections.

Today, the U.S. imports 98 per cent of its manganese; 97 per cent of its cobalt; 92 per cent of its chromium, and 91 per cent of its platinum group metals.

Combined, Southern Africa and the U.S.S.R. share 99 per cent of the world's reserves of platinum metals; 98 per cent of the manganese; 96 per cent of the chrome ore, and 25 per cent of the cobalt.

Conversely, the Soviet Union imports none of these materials, and, in fact, exports some.

Consequently, American, European, and Japanese vulnerability is heightened by the political instability or unfriendliness of their prime strategic materials sources.

Why are these minerals so essential? A look at the uses of chromium and cobalt will furnish a clue.

Chromium, for example, is widely used in industry for conventional and nuclear power plants; all stainless steel; oil refineries, and in petrochemical complexes. In some applications, there is no substitute for chromium-bearing stainless steel.

Cobalt is equally crucial in the manufacture of mining tools; machining tool bits; permanent magnets, and for use in the high temperature and stress areas of jet aircraft engines. Again, in some applications, no substitute for cobalt has been found.

In the case of cobalt, some experts have estimated that 30 per cent of U.S. needs could be supplied by deposits in Idaho. However, the deposits are contained within a 2.3 million acre tract owned by Uncle Sam which environmentalists are seeking to have designated a wilderness area in which mining would be prohibited.

Thus, continued Soviet and communist bloc influence in Southern Africa, coupled with the absence of a strategic metals policy at home, is placing the United States and its allies in a vise that could spell disaster.

"If the Soviets get control of Southern Africa, they will be in the driver's seat," said Calvin A. Campbell Jr., president of Goodman Equipment Corp., a Chicago-based manufacturer of heavy mining machinery.

An economist, attorney, and chemical engineer, Campbell has visited Southern Africa nine times in the last decade and plans a business trip there again next January.

"Unless we maintain access to overseas supplies, while developing our own resources, the results could be catastrophic in terms of unemployment and economic decline.

"Once Americans realize the magnitude of the resources war, it will dwarf the energy crisis in their eyes. The energy problem is potentially solvable domestically. The resources war is not.

"We have to protect South Africa and the other Southern African countries from Marxist rule. We can't throw in the sponge. We must make them our allies.

"At the same time, Washington must make some accommodations. We have supplies of some of these materials in strategic quantities in the U.S. and Alaska. However, environmental laws and regulations prohibit mining, let alone exploration for them.

"We cannot become self-sufficient. But we can act to diminish dependence on foreign sources and protect those that we have.

"This war is being fought without guns. But if the Soviets win, it could mean the end of the United States, Europe, and Japan as industrialized powers.

"Right now, we are losing that war because we have no national policy either to protect supplies or develop our own. We have no mineral policy and we won't have one until the American people recognize the scope of the problem and demand one.

"I'm suggesting that as soon as Ronald Reagan takes office next January, that he develop, with the Congress, a policy that will accomplish both ends.

"That may require a grass-roots uprising. But with enough public education we can—and must—accomplish it."●

NATIONAL CENTER FOR THERAPEUTIC RIDING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STOKES. Mr. Speaker, I have recently become aware of a remarkable program operated here in the Nation's Capital that can take a handicapped child who is unable to stand or walk, and impart to that child the ability to ride a horse. Not only does the handicapped child learn to control a huge animal many times larger than himself, but he also develops self-confidence, self-esteem, and often increased physical and mental abilities. Associated with the teaching of skills is an academic program through which the student learns about horses, grooming, tack, and horsemanship, with an emphasis on basic skills—reading, writing, and math.

This program, operated by the National Center for Therapeutic Riding under the direction of Robert Douglass, trained 500 handicapped children last year. The program is currently in jeopardy because the facility housing it has been deemed unsafe. The authority for funds for a program of this kind is found in sections 311 and 316 of the Rehabilitation Amendments of 1978. These authorities are for the purpose of providing recreational programs for handicapped persons.

I cannot imagine a more worthwhile opportunity for the use of funds appropriated under this authority.

The program has received recognition from all parts of the United States as well as internationally. Because of its success, there are plans to expand it to 1,000 handicapped students, and to extend training opportunities to instructors from around the country and abroad so they could return to their communities and begin similar programs. But these plans will not be realized without Federal assistance.

The Department of Education, and specifically, the Rehabilitative Services Administration, must make sure that this program continues through support under the authorities cited above. It is appropriate that such a national and potentially an international center for therapeutic riding programs and the training of instructors for such programs be situated in Washington, D.C. It has been a wise investment of deep significance to the students who have participated in it and can be for students to come. The National Center for Therapeutic Riding is a fitting endeavor to support in 1981, the International Year of the Disabled.●

DEPARTMENT OF TRANSPORTATION TESTIMONY ON SITUATION FACING AMERICAN AUTO INDUSTRY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. VANIK. Mr. Speaker, on November 18, the Subcommittee on Trade held a 1-day hearing entitled, "Auto Situation: Autumn, 1980." At this hearing, Mr. William B. Johnston, Assistant Secretary for Policy, Department of Transportation, submitted an excellent written statement, summarizing the problems currently facing the industry and the efforts underway to assist the industry.

I include this important summary document in the RECORD at this point:

TESTIMONY PREPARED FOR WILLIAM B. JOHNSTON

Good morning. I am pleased to have this opportunity to discuss the situation confronting the U.S. automotive industry.

That industry continues to be hardpressed and faces a stern challenge to regain its financial vitality. Recent upbeat reports about the new efficient models that have been introduced by the U.S. manufacturers and the International Trade Commission's finding that imports are not the primary cause of the industry's problems might lead one to believe that the bulk of those problems have already been overcome. We should not, however, be misled by these events. The severity of the industry's problems has not changed. The stiff competition and economic challenge posed by imports have not diminished. The magnitude of the industry's forthcoming investments remain enormous. Now is not the time for government to slacken its efforts to aid this most important industry and the workers and communities that gain their livelihoods from it.

The 1980 model year was a disaster for the major U.S. manufacturers. General Motors' U.S. automobile production was down approximately 22 percent compared to model year 1979. Ford's production was off approximately 45 percent for the year. Chrysler's declined by approximately 34 percent. Accompanying these declines in production were unprecedented financial losses. Through the first nine months of this year these three manufacturers have all run deeply in the red, collectively losing more than $3.5 billion. The industry's challenge is to rebuild its plant and equipment and redesign its product lines to compete more effectively with the imports at a time when it is sustaining record losses and market erosion.

Dealers have also felt the effects of the industry's problems. Since the beginning of the year, more than 1400 dealers of domestic autos have closed their doors. In addition to the problems created by the economic downturn, record high interest rates have significantly cut into dealers' sales and added to their costs.

Not to paint an entirely gloomy picture, the new model year has shown potential to date, but it is still too early to predict a significant short term turnaround in the fortunes of the U.S. manufacturers. With the introduction of Ford's and Chrysler's new fuel efficient front wheel drive models, the imports' share of the market fell to 21.6 percent in October, its lowest level since November 1979. GM's subcompact Chevette and its front wheel drive compacts, the X-bodies, continue to be strong performers. Overall sales, however, continue to be weak. October's daily selling rate was still the worst for the month since 1974, another recession year. Production is being held in check to keep inventories from running up again.

The rapid changes in the world's petroleum markets in the last two years have brought about a dramatic shift in demand to new fuel efficient cars. The auto manufacturers were not ready to meet this demand for numerous reasons: it is an industry which requires long lead times for engineering and design; new designs that are major departures from existing models require that massive capital investments be put in place and amortized over many years; and the U.S. public had been large car oriented for years, in part because of encouragement by the manufacturers themselves, and in part because it had been the policy of the U.S. government to keep gas prices artificially low through regulation.

There is nothing to be gained by attempting to lay the blame for the industry's problems at any particular doorstep. The fact remains that today the auto industry is under-Environmental Protection Agency-going a dynamic transition whose reverberations will have major impacts throughout our economy. The nature of the industry is being permanently altered, with gains in market position by some auto manufacturers, and losses by others. These gains and losses are directly translatable into financial strength. In the supplier industries, many will find new opportunities for growth as they shift to supply the products newly in demand; others will experience a marked decline in the need for theirs; still others will find their products and services totally obsolete, and may be forced out of business.

As their employers prosper or decline, so will workers. Some will find added new opportunities, while others will find their jobs permanently gone, and be forced to seek new careers. Some communities will experience substantial growth; others, which have long served the auto industry and benefitted from its prosperity, will lose a major proportion of their primary employment, and with it major components of their tax base.

In bringing about this transition, the U.S. manufacturers are beset with formidable problems. Massive new investments in facilities, in machinery, and in engineering designs are required to maintain competitive positions, not only in the domestic market but in world markets as well. For example, it is estimated that by 1985, the industry will have to build 30 new engine lines, 19 new transmission lines and 89 new assembly lines at a cost of more than $50 billion. In varying degrees, each of the major domestic producers is encountering difficulty in raising the needed cash and financing to fund these investments. These problems have been compounded by the steep decline in sales beginning in the spring of 1980, attributable to the economic downturn, the high cost of credit, lack of interest by consumers in the big cars that have traditionally been the industry's best cash generators, and increased losses of sales to imports.

Thus, this major American industry, which in 1978 contained the nation's 1st, 3rd, and 10th largest companies, as well as thousands of smaller ones, is now in a state of rapid change with far reaching dimensions. It is incumbent on those who are responsible for maintaining our industrial wellbeing to understand the possible long range implications of these changes so that we can anticipate them instead of merely responding reactively to them.

Today's pressures, and the choices being made by the industry in response to them will alter the character of the industry for decades to come. For example:

Most of the world auto market has reached the stage of maturity, with little growth projected for the 80's. The U.S. market, for example, is expected to grow at less than a 2.5 percent annual rate through 1990.

The U.S. market will henceforth be much more integrated into the world market. More components will be sourced overseas, benefitting the consumer with lower prices, but reducing the U.S. domestic value added.

Competitive positions within the U.S. market are changing substantially, fueled by the unprecedented losses being experienced in 1980 by all five domestic producers. Ford is in the process of retrenchment. Chrysler has had to resort to Govenment aid and AMC to a foreign producer.

Our auto companies are scrambling to accommodate their lost competitive advantage, even in the domestic market. U.S.

wage rates are comparatively high and other countries assemble cars with fewer man hours. The Department of Commerce has estimated, for example, that the Japanese spend $860 less per vehicle on labor than do the U.S. manufacturers because of the difference in wage rates alone.

In the U.S., GM is aggressively maintaining its market share while the others are losing share to Japanese producers. On small cars it appears that GM has lost its position as price leader to the Japanese.

In spite of their severe losses, the U.S. companies must make major investments today, to meet the new market demand and remain competitive, with the result that they will be under a strained capital structure throughout most of the 80s. They need to realize higher margins, but may not be able to because of imports.

In the drive to reduce production costs, one result will be fewer U.S. plants, with higher productivity and fewer workers. Even if significantly higher production levels are attained, improvements in productivity of 5 percent annually could eliminate as many as 200,000 auto manufacturer jobs by 1985. As a result, many auto industry oriented communities will suffer continued severe economic dislocation.

In the world-wide competition, our multinationals often compete with Government/industry combinations. Other countries are playing the game by different rules than our own, with their overriding policy considerations being jobs and labor stability.

It was in response to these types of problems and concerns that this Administration undertook this past summer a priority program to aid the automotive industry, its workers and the communities that derive their economic livelihoods from it. I think this Administration can point with pride to the accomplishments of that program.

In the area of regulation, numerous requests for waivers have been expedited, with many granted. High altitude emissions standards have been reviewed to reduce the cost of compliance. OSHA has worked closely with GM, Ford and Chrysler to reach agreement on variances to the standards for worker exposure to lead and arsenic.

In the area of worker assistance the Department of Labor has initiated a $50 million series of positive adjustment assistance demonstration projects. Additional funds were obtained for the Trade Adjustment Assistance Program.

To help auto and truck dealers in financial trouble, the Small Business Administration has made numerous direct loans and loan guarantees. Through October 24 the SBA made more than $17 million in direct loans to 107 dealers and guaranteed loans totalling nearly $237 million for 1,086 dealers.

The Economic Development Administration is working with approximately 20 state, local and county governments, some of which have already received grants, to help them plan for and accommodate the changes that the auto industry is going through.

With an eye toward improving cash flow, Treasury has accelerated its review of depreciation lives of motor vehicle manufacturing equipment and hopes to conclude it by late this month or early December. Not related solely to the auto industry, but vitally important nevertheless, this Administration proposed making the investment tax credit refundable to assist all industries in making needed investment in plant and equipment.

Both we in Government and those in the auto industry have accurately characterized these efforts to aid the auto industry as only a beginning. More can and should be done to build a stronger bond between the two of us. To help bring this about, this Administration formed the Auto Industry Committee to advise the President on major public policy issues affecting this important component of the nation's economy. While the outcome of the election has postponed action by this Committee until the new Administration is in place, I firmly believe that this Committee's efforts must be continued, regardless of which party is in office, to help in bringing the industry, labor and Government closer together in areas of mutual concern. Through the efforts of the Auto Industry Committee and those of the Congress, much can be done to help the domestic auto industry regain its vitality.

Despite the difficult straits in which the industry currently finds itself, I am confident that the next several years will see a significant improvement in its financial condition and competitive position both at home and throughout the world. Our labor has the skills and our manufacturers possess the technology and desire to do both.●

THE INDEPENDENCE OF STATES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DAVIS of Michigan. Mr. Speaker, it is essential that as we run the affairs of Congress, we keep in mind that the United States is a federation of independent States. This notion is particularly relevant during today's consideration of H.R. 8378, the Nuclear Waste Policy Act.

As currently written, this legislation proposes to override the right of States effectively to determine their own destinies with regard to the management and disposal of nuclear wastes, whether such materials are generated within or outside of State boundaries. Proponents of the bill as reported contend that without this Federal override provision, no State would allow the establishment of a depository under its jurisdiction. However, this allegation is simple conjecture. It is my opinion that if States and communities—indeed, all parties involved or affected by nuclear waste disposal decisions—are given the opportunity actively and directly to participate in all stages of the decision-making process, the merits of any resulting decisions will prevail. Rather than imposing faits accomplis upon States and their citizens, a consensus could be reached which would satisfy the major concerns of all parties involved. This is the essence of participatory democracy, where decisions are made by consensus, rather than by dictate.

For this reason, I cannot accept H.R. 8378 without the Kostmayer-Santini-Roth amendment. In fact, I would rather see an absolute authority provided for States to reject decisions to locate nuclear waste depositories within their borders. This is a right of each State. Again, if a decision is defensible and reached by consensus, then there should be no threat of rejection. But to disallow this right to the States is to reject the notion of States independence.

As a member of the Michigan State Senate, I introduced and passed a public act prohibiting the disposal of radioactive wastes in Michigan. This act was approved with the safety of the Great Lakes water tables in mind. I have written to the Michigan State Legislature and to the Governor of Michigan assuring them that the integrity of that decision should remain intact. However, if H.R. 8378 passes unamended, Michigan's ability to shape its own future without interference from the Federal Government will be severely diminished.

It is unfortunate that an amendment allowing for absolute State veto authority over nuclear waste disposal decisions was not permitted for consideration before the full House. Therefore, it is essential that we approve the Kostmayer-Santini-Roth amendment as a second-best defense of States independence.●

TOWN HONORS MAILMAN JOHN HART

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BARNES. Mr. Speaker, last September ceremonies were held in my district on the occasion of the retirement of John W. Hart, Jr., who left the U.S. Postal Service after many years of dedicated service to our community in Montgomery County, Md. An article on Mr. Hart appeared in the Uniontown, Pa., Herald-Standard of October 26, 1980, and I submit that story for the RECORD. Mr. Hart was formerly a resident of Uniontown, which is represented by our colleague AUSTIN MURPHY, and still has many friends there.

The article follows:

TOWN HONORS MAILMAN JOHN HART

(By Sonia Metelsky)

John W. Hart, Jr., "the best mailman in the United States," was honored in a week-long tribute by the Green Acres-Glen Cove community (Bethesda, Md.) for service above and beyond the call of duty.

For the past 23 years, Hart delivered residents' mail promptly and cheerfully. He visited their sick in hospitals, helped them solve problems and attended weddings and funerals. He was their confidant and friend.

Although neither snow nor rain nor heat nor gloom of night stayed John Hart from the swift completion of his appointed rounds—a lost dog, an injured child or a friendly chat delayed John a bit on occasion.

On Saturday, Sept. 20, Hart hung up his mail bag for the last time. He retired from the appropriately-named Friendship Station (Washington, D.C.) after 29 years with the U.S. Postal Service.

Hart's friends from the 235 homes on his route covered telephone poles and trees with posters proclaiming, "The One and Only John Hart, Our Man of the Quarter Century!" They decorated doors and lampposts with signs, banners and balloons bidding their favorite mailman goodby.

About 100 of his customers gathered on Yorktown Road for an impromptu demonstration of affection. Posters bearing slogans including "We Love the World's Greatest Mailman, John Hart, Don't Depart," and "Even Our Dogs Love You, John Hart," carried the crowd's sentiments.

The community wrapped up "John Hart Week" with a family picnic Saturday, Sept. 27, at the Westbrook Elementary School Playground in Bethesda. After, more than 350 of his friends and relatives crowded the school auditorium for a formal ceremony where Hart was presented a $1,500 check, camera, gold plaque, tape recorder, blue blazer and other gifts. In addition, he received books and letters from children and adults on his route.

Bethesda residents also made a donation in his name to the Mount Pleasant Baptist Church of Washington, D.C., where Hart has been a member since 1948. While accepting the check for the church, the Rev. Sidney T. Yancey said, "John is my right arm. He's never too busy to help me whenever I ask."

Hart led his church choir in singing gospel songs at the ceremony. A former director, he has performed with the group in 11 states. During the ceremony, Hart sang a solo in the Inspirational Singers' presentation of "Yours Because of Calvary." Hart formed the group 32 years ago.

The Rev. M.E. Johnson, a Mount Pleasant Church Sunday School teacher and about 25 other church members attended the program.

Sharing the spotlight with Hart was his wife of 32 years, Lucille. Family members also attending were his son, Jefferey; sister, Mrs. Justine McClelland of Lemont Furnace; brothers James of Washington and Charles and his wife Mattie of Connellsville; brother-in-law Jefferson Powell and wife Janie of Washington and others. The Hart's son Tyrone was unable to attend.

Representatives from the Postal Service attending included Clarence Johnson, assistant manager; Arthur Coe, carrier supervisor and Steve Brown, mail carrier, all of Friendship Station and Patrick McCabe, official Postal Service photographer.

Hart ended the evening program by asking his customers "not to be too hard on my successor. Give him a break. Everyone approaches a job differently."

"I'll be around to see you often. If any of you need someone to talk to, to make your life more tranquil, I'll stand by your side."

When asked why former residents would travel to the event from as far as North Carolina and California to bid him goodbye, and why such a large number would turn out on a Saturday night to honor their mail carrier, Hart replied, "It's simple. I love them and they love me." He then led the group in singing "God Bless America."

The Honor John Hart Committee met at least once a month since January preparing for the ceremony and week's tribute.

WDVM-Television featured John Hart on its "One and Only" spot Aug. 4. The television crew followed Hart on his route which ran from the 4600 to the 4900 block of River Road; the community of Green Acres and Baltimore and Saratoga Avenues in Glen Cove.

He also appeared on the WTTG-Television "10 O'Clock News" Sept. 20. The Washington Post and The Washington Star also carried pictures of the popular mailman.

Hart was born in Louisa County, Va., Sept. 21, 1925. He grew up in Uniontown and was graduated in 1944 from Georges Twp. High School. Following graduation he joined the Army where he served two years. He moved to Washington D.C. in 1948 and worked for the Internal Revenue Service until he went to work for the Post Office Department in 1955. He and his wife live at 6534 North Capitol St., Washington, D.C. They were planning a cross-country motor trip to celebrate his retirement.●

THE TEN COMMANDMENTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HUBBARD. Mr. Speaker, the U.S. Supreme Court recently ruled that Kentucky's public schools could not place copies of the "Ten Commandments" in their classrooms. It mattered little to the Court that private donors purchased these copies of the "Ten Commandments" and that no one forced Kentucky's school children to read or study the posted commandments. The Supreme Court seems so determined to wipe away all mention or hint of God in our public schools that it has overlooked the fact that a copy of the "Ten Commandments" hangs in a prominent place in its own chambers. Furthermore, the Supreme Court fails to recognize that the "Ten Commandments" serve not only as a good guide to school children for daily living but also as a fundamental basis of Western legal tradition.

I would like to introduce the text of a letter by Rev. Dale Peterson, of the Broadway Baptist Church in Paducah, Ky., which highlights the detrimental impact of this Supreme Court ruling:

> As I have followed the unfolding scenario of the court proceedings with regard to the Ten Commandments in the public school rooms, I have been overwhelmed by how far from its foundation America has really come. Since you know the details of this proceeding, I will not belabor the issue, but rather make my point and call upon you to wield as much influence as possible in turning our Great Country back to its original position.
>
> The Supreme Court has become, at least in dozens (more likely hundreds) of situations, the dictator of the American people. When the people of the State of Kentucky, the General Assembly (in an 81-4 and 32-4 vote), and the courts of Kentucky say, "We want the Ten Commandments before our school children," who is the Supreme Court to mandate to the "majority rank and file" of Kentucky that it shall not be so? Further, who are four Louisville residents (Anne Bowers, Patricia Bricking, Sydell Stone and Martin Perley) that the majority of Kentucky residents should be required to live by the insanity of these few. That is not democracy.
>
> It is my opinion that the time has come that, as a nation, we should review our judiciary system. When the destiny of a people is placed in the hands of nine men who are appointed (for life) by a President, men who control the people, we have ceased being a government of the people, by the people, and for the people. The only alternative government form is government over the people. That is not America.
>
> Mr. Hubbard, may I urge you to promote the principles upon which America was founded. "Happy is the people whose God is the Lord" (Psalm 144:15). The few have now temporarily succeeded in removing basic human-living principles (the Ten Commandments) from the schools as well. The few are pushing for the removal of this basic tenet of our American heritage from all public institutions.
>
> I believe it is time the "majority rule" went back into effect in more things than Presidential elections. The people of Broadway Baptist Church feel the same way.●

A LIFETIME OF SERVICE TO HIS COUNTRY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FISH. Mr. Speaker, those men and women who have served in America's Armed Forces deserve our recognition for the great service they have provided our Nation. It is my deep honor to pay tribute to Lt. Gen. Willis D. Crittenberger of the U.S. Army. During World War II, General Crittenberger commanded the IV Corps in Italy where he displayed all the qualities of a great military leader. General Crittenberger passed on last August 4 and it is my great privilege to submit the following summary of his distinguished career.

A LIFETIME OF SERVICE TO HIS COUNTRY

Lieutenant General Willis D. Crittenberger, U.S. Army (Retired) was born on December 2, 1890 in Anderson, Indiana, and grew up there. After attending Braden Preparatory School in Highland Falls, N.Y., he went on to graduate from the U.S. Military Academy at West Point in 1913. He was commissioned a 2nd Lieutenant of cavalry in the U.S. Army, and throughout his military career, he held every command from platoon through Army. His first assignment was with A Troop, 3rd Cavalry, in Texas. In 1916, he became aide-de-camp to General James Parker, who commanded all cavalry units along the Mexican border. During this time General Crittenberger saw action on the Rio Grande River, when he was ordered to defend the bridge between Brownsville, Texas, and Matamoros, Mexico, against attacking Mexican irregulars.

Throughout his career, General Crittenberger served as an instructor in horsemanship at the Academy and at the Cavalry School at Ft. Riley, Kansas. At West Point, he was also an instructor in Military Topography and Graphics, and Tactics. He completed advanced courses in the Cavalry School at Ft. Riley, served on the War Department General Staff, Washington, D.C., and was a student at the Army War College. He was assigned command of the 2nd Squadron, 8th Cavalry, at Ft. Bliss, Texas. Following this, he served as Assistant Chief of Staff for Intelligence (G-2) at Hq. Philippine Department.

Later, General Crittenberger joined the pioneers of armor at Ft. Knox, Ky., and was active in mechanizing the Cavalry. He served as a staff officer and commander in the 1st Cavalry, Mechanized, and in the 7th Cavalry Brigade. In 1938, he joined the Office of the Chief of Cavalry in Washington in duties connected with the development of armored forces. With two other officers he drew up the first Table of Organization for an Army Armored Division, a plan which was still in effect with only slight modifications at the time of his retirement in 1952. In 1940, he was the first Chief of Staff of the newly organized 1st Armored Division. In 1940-42, he commanded the 2nd Armored Brigade, 2nd Armored Division, and later became its Commanding General. In August, 1942, he organized and commanded the III Armored Corps, taking it to England in January, 1944.

Two months later, he was ordered to the Mediterranean Theater Operations to command the IV Corps, composed of Allied forces of American Infantry, Mountain troops, and Armored divisions, Indian and Brazilian Infantry divisions, a South African Armored division, Italian Infantry and Engineers, and British Artillery. The IV Corps entered combat south of Rome, Italy, and in 326 days of continuous combat, fought its way up the shinbone of the Italian boot to the final surrender of German forces in Northwest Italy. The surrender of the Army of Liguria signaled the beginning of the end for German forces in Italy and elsewhere on the Western Front. In the final campaign in Northwest Italy, the IV Corps was assigned a minor role—a holding action while the main Allied thrust fought its way up the eastern side of Italy. However, two situations occurred: The enemy resisted the IV Corps' attack, and General Crittenberger saw a weak spot in the enemy line. He immediately seized the initiative, throwing the 1st Armored Division and supporting infantry through the opening. An all-out advance followed. IV Corps armor left the Appenine Mountains and crossed the Po River, sealing Alpine passes that prevented the enemy forces in Italy from joining the main German armies in their last stand in Europe.

After the war, General Crittenberger served as Commanding General of the Caribbean Defense Command and the Panama Canal Department from 1945 to 1947. The following year, he became the first Unified Commander-in-Chief of all U.S. forces in that command area, including army, navy, and air force units. He returned to the U.S. in 1948, and from that year until he took command of the 1st Army in 1950, he served in the Office of the Joint Chiefs of Staff, the UN, and NATO.

Following the military career, General Crittenberger led the Greater New York Fund for three years, after which he assumed leadership of The Free Europe Committee, Inc., including Radio Free Europe. He was also advisor on Civil Defense for New York City, a grand trustee of Sigma Chi Fraternity, Commander of the N.Y. Chapter of The Military Order of the World Wars, and as a member of the Board of Directors of the N.Y. Chapters of the American Red Cross and the YMCA.

General Crittenberger has been awarded numerous military and other honors, among them the U.S. Distinguished Service Medal with Oak-Leaf Cluster, the BSM with V and Cluster. Foreign decorations were awarded by Argentina, Brazil (4), Chile, Colombia, Ecuador, France (2), Guatemala, Italy (3 awards, including the Military Order of Malta), Mexico, Panama, Peru, and the UK. The citizens of Milano, Italy presented him a statue of Saint Ambrosio in recognition of his victory in Northwest Italy. Other awards include the Chauncey M. Depew Medallion for Distinguished Public Service. He also served as President and director of the U.S. Associations of Cavalry and later Armor, and as president of the Association of Graduates of the U.S. Military Academy. An excellent horseman, he often rode in horse shows and exhibitions, and played polo during his early years.

On June 23, 1917, he married Josephine Frost Woodhull in San Antonio, Texas, and had three sons: Willis Dale, Jr., now a retired Major General; a second son, Townsend Woodhull, who was killed in action at the Remagen Bridgehead area, Germany, in March, 1945; and a third son, Colonel Dale Jackson, who was killed in action in Vietnam, in September, 1969. His wife, Josephine, died in December, 1978. General Crittenberger is survived by his son and daughter-in-law, Major General and Mrs. W. D. Crittenberger, Jr., USA (Ret.), a second daughter-in-law, Mrs. Dale J. Crittenberger, eleven grandchildren, and five great grandchildren.

One can easily say that General Crittenberger saw it all—from horse soldiering to the launching of missiles! A pioneer in the development and application of armor, a strategist, a tactician, an administrator, a field general, an Army commander, a beacon in the field of public service—all these and other attributes made him the man he was. Now, he answered his last bugle call, and joins that long, distinguished line of heroic Americans, from Washington to Eisenhower, and we mourn him for so many reasons. Mostly, because he was our friend.●

PERSONAL EXPLANATION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DIXON. Mr. Speaker, due to official business outside the Capitol, I was absent for the vote on the McDade amendment to the continuing resolution, House Joint Resolution 637. Had I been present, I would have voted "no".●

TRIBUTE TO CONGRESSMAN SAM DEVINE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PEPPER. Mr. Speaker, I thank the able gentleman in the well for yielding. It is a privilege for me to join in the tribute of my colleagues to one of our able and beloved colleagues who is leaving us at the end of this session, SAM DEVINE.

SAM DEVINE is respected and esteemed by every Member of this House. He is an able, honorable, dedicated public servant, and he has been for many years. SAM is a friendly man and, therefore, is a warm friend of almost every Member of the House, regardless of party. He and I do not belong to the same party but I have the warmest friendship and the greatest admiration and appreciation of SAM DEVINE. He is a credit to public office, a fine example of a public servant. He is a man of public and private character and deep dedication to duty. So, it is with special regret to me that SAM DEVINE will not be among us after the end of this session. His memory, his warm personality, his genial manner, and his warm friendship will linger on into the long years ahead.

Duty well done, SAM. May your years be long, your health good, your success satisfying, and your happiness gratifying in the years ahead.●

FOREIGN OPERATIONS SUBCOMMITTEE REPORT ON HAITI

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mrs. CHISHOLM. Mr. Speaker, I wish to call my colleagues attention to the language in the Foreign Operations Subcommittee report relating to a reduction in aid to Haiti. It is indeed prothetic that the Appropriations Committee reduced $2 million in economic assistance and eliminated all military assistance to Haiti because of "the government's tragic disregard for the well-being of its people," and the "brutality and corruption in Haiti." Just last week, the Organization of American States included Haiti as one of the six countries which it condemned for human rights abuses.

This past week several hundred journalists, political and human rights activists, doctors, teachers, student leaders, writers, and others were arrested in Haiti and detained without charge. Only last night four journalists were forcibly exiled to the United States and are now in Brooklyn, N.Y. Gregoire Eugene, president of the Social Christian Party; journalists Jean Jacques Honorat; Michele Montas; and Marc Garcia were forcibly expelled from their homeland because they dared to challenge their Government's malfeasance in handling the country's economic woes. The subcommittee report paints a glaring picture of Haiti's economic situation:

> According to a World Bank Report, Haiti lacks even the most basic fiscal accountability in recent years, 30 percent of all expenditures and 35 percent of total revenues were channeled through checking accounts at the national bank, which prevent their being accounted for in any way. More recently, the world was astonished by the garish display of public funds to conduct a presidential wedding at reported costs ranging from $3 to $5 million in a country which has an infant mortality rate exceeding that of India, and is the poorest in this hemisphere. Although the Government espouses its commitment to development, in 1978 less than 10 percent of governmental resources were directed toward agricultural development, although 45 percent of Haiti's gross domestic product is derived from agriculture, and it provides 75 percent of the national employment.

Mr. Speaker, the New York Times today reported that Haiti is seeking $44 million from international monetary institutions to meet its foreign exchange shortage. Haiti has consistently failed to meet the fund's requirement for credit.

The democratic rights of Haitian citizens are being abridged because the Haitian Government refuses to tolerate any political dissent. As the New York Times reported today:

> Foreign minister Georges Solomon met with the heads of seven foreign diplomatic missions yesterday and explained to some of them that the press had recently gone too far, not only in criticizing Haiti's economic crisis but also in blaming the Government for it.

Mr. Speaker, I would urge the State Department to accede to the restrictions on aid to Haiti as reported by the House Appropriations Committee. As the committee report indicates maintenance of direct U.S. Government assistance programs with a developing country carries with it an implicit approval of the recipient country's approach toward development. We cannot afford to reward gross human rights violations and corruption with more foreign aid which will not enhance the basic human needs of Haiti's impoverished people.●

TRIBUTE TO SAM DEVINE

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WHITTEN. Mr. Speaker, this body is losing many distinguished members at the end of the Congress, and one of the most distinguished is Sam Devine.

Sam has served in the House for the past 22 years. As the ranking minority member of the Interstate and Foreign Commerce Committee, he has held a position of power and has used it wisely. His willingness to listen and accommodate Members is but one of his many fine qualities. He has represented the people of his district to the best of his ability and has done it well. No district could have had better representation.

We all regret that Sam is leaving his many friends and admirers in this body, but he is leaving for a well-deserved retirement. I hope he will come back and visit with us frequently and share with us his valued advice and counsel.●

A TRIBUTE TO MR. KIGUMA J. MURATA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of the Sacramento community, Mr. Kiguma J. Murata. Mr. Murata is one of the most distinguished scientists and Government employees among Americans of Japanese ancestry in this country. I would like to share with my colleagues a brief summary of the public service he has contributed to our society. Recently, Mr. Murata was granted the Distinguished Service Award of the Department of the Interior in recognition of his scientific creativity and outstanding scientific leadership in geochemistry and mineralogy.

A native of Yuba City, Calif., he came to Washington to work for the Department of the Interior in January 1930. Working his way through school in the evenings, he graduated from the George Washington University in 1938. He then earned his masters degree from the University of Maryland, again going to school in the evenings.

In the 1950's he received the Distinguished Achievement Award from the Japanese American Citizens League. Also, in 1976 he received the Meritorious Service Award from the Department of the Interior.

He officially retired 2½ years ago after serving 47 full years at the Geological Survey of the Department of the Interior. Because of his worldwide reputation as a volcanoist, and his inexhaustible energy he was recalled to service recently when Mount St. Helens in Vancouver, Wash. errupted. He arrived in Washington for the award ceremony in which he received the citation for distinguished service from the Secretary of the Interior on October 21 directly from Mount St. Helens only to return there immediately after the ceremony.

I would like to conclude with this citation awarded to Mr. Murata from the Secretary of the Interior. I cannot find a better description of the astounding achievements of this fine human being.

Citation for Distinguished Service

Kiguma J. Murata in recognition of his scientific creativity and outstanding scientific leadership in geochemistry and mineralogy.

Mr. Murata has been making highly significant contributions to the disciplines of geochemistry and mineralogy for nearly 50 years. He directed the Geological Survey's spectrographic laboratory in World War II and contributed materially to the success of the strategic minerals program through his strong and effective leadership of the laboratory's contribution to this key wartime project. Mr. Murata has combined the theoretical capabilities of a research-oriented scientist with the practical nature of an astute problem solver. For example, his basic research on crystall structures of silicates and their behavior when treated with acids led directly to commercial processes for preparation of reactive silica. He developed and patented a quantitative field method for determination of the amount of molybdenum in the mineral scheelite, and his studies of red fluorescence in common table salt led to a new concept of "sensitized luminescence" which provided a breakthrough for a Navy research group working on strategic problems. He turned his efforts to the study of uranium and other radioactive minerals during the period of expansion of the search for those minerals and made important contributions to the knowledge of their geochemistry. After completing basic studies of the rare earth minerals, Mr. Murata became Scientist-in-Charge of the Hawaiian Volcano Observatory where he undertook new scientific researches that have been important in the success of this world famous research station. His papers on mineralogy, spectrography, geochemistry, and diagenesis are models of scientific ingenuity and pioneering imagination. His most recent work on silicate minerals has been of great consequence in the development of the geothermal energy program. For his outstanding scientific achievements and leadership, Mr. Kiguma J. Murata is granted the Distinguished Service Award of the Department of the Interior.

Cecil D. Andrus.●

FOREIGN AUTOMOBILE IMPORTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HUBBARD. Mr. Speaker, in recent months we have heard much about the dramatic increase in the number of foreign automobiles being imported into the United States. Various sources have offered several remedies to bolster our sagging automobile industry. One of the most prevalent of these remedies has been the suggestion that the United States move to restrict foreign car imports.

I insert in the Record the text of a letter by Donnell Miller, of Hopkinsville, Ky., as his letter offers an interesting insight into Detroit's failure to compete successfully with foreign imports:

> This is to inform you that as one of your constituents, I am not in favor of limiting the importation of foreign cars.
>
> My 1979 GM product has had to have a new transmission after only 36,000 miles as well as needing to replace radial tires several months ago. The man who replaced the transmission said I was lucky that mine lasted so long as in most cases this particular transmission fails much sooner. The attitude of the dealer, the Zone office (GM) and I'm sure the Division itself is "tough sledding old cob". If auto imports are limited I'm sure that the quality of U.S. autos will decrease even further.
>
> I expect to buy quality. If U.S. auto makers and auto workers cannot provide it in a free market then they should go the way of Studebaker, Packard, etc. If we limit imports it will only serve to make imports more of a seller's market and cause their prices to rise in relation to U.S. cars. All Detroit will do is raise their own prices. Do not limit the imports, make Detroit compete.●

TRIBUTE TO SAM DEVINE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CARTER. Mr. Speaker, I want to add my comment to this special order being requested for my distinguished colleague from Ohio's 12th Congressional District, Sam Devine.

SAM is ending 22 years of service in the House of Representatives this month. He had spent many years in public service before his election as well, as an agent for the Federal Bureau of Investigation and in the Ohio Legislature.

SAM and I have served together on the Commerce Committee the past 16 years. His has been a distinguished career, and I wish him the best.●

PROBE OF U.S. MEATPACKING INDUSTRY

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MARRIOTT. Mr. Speaker, a House Small Business Subcommittee on which I serve has spent much of the past 2 years probing various aspects of the meat industry. Our investigation has generated a number of reports, some of which raise the issue of undue concentration in the meat industry.

I have recently learned of an independent study, conducted for the American Meat Institute by Schnittker Associates, a Washington-based consulting firm. This report reaches different conclusions than those in the subcommittee reports. I suggest this comprehensive study, "An Economic Analysis of the Structure of the U.S. Meat Packing Industry," helps illuminate another side of this issue, and that it deserves the thoughtful consideration of my colleagues. I am, therefore, inserting into the RECORD an executive summary of its findings.

AN ECONOMIC ANALYSIS OF THE STRUCTURE OF THE U.S. MEAT PACKING INDUSTRY

EXECUTIVE SUMMARY

The U.S. meat packing industry has undergone considerable structural change in the last decade. Two developments have contributed to this change, especially in the case of beef. One is the introduction of large-scale and highly efficient beef slaughtering operations that have lowered the cost of slaughter and improved the efficiency of marketing by-products. The other is the advent of boxed beef, which breaks carcasses into primal and subprimal cuts, reduces the weight of the beef that has to be transported through removal of fat and bone, and decreases the amount of labor required at the retail level.

Several new firms entered the beef slaughtering business in the 1960's and 1970's, and they have experienced rapid growth within the industry. This raised questions about the structure of the meat packing industry and about the possible exercise of monopoly power. This report analyzes the meat packing industry structure with respect to the issue of monopoly power. The analysis includes references to proposed legislation that could restructure the industry by restricting the market share of meat packing firms, and hence, their size. If enacted, such legislation could have important economic implications for the meat packing industry, for livestock producers, and for consumers.

Recent attempts to pass legislation aimed at restructuring the meat packing industry are predicated upon the assumptions that major meat packing companies are characterized by growing monopoly power, the use of unfair trade practices, and the exercise of unreasonable economic power. This report examines the validity of these assumptions. The report deals with three types of livestock: steers and heifers; cows and bulls; and hogs.

The principal conclusions of this report are discussed below.

All available evidence indicates that the meat packing industry is highly competitive on a national, regional, and state basis. This is true for all major classes of livestock—steers and heifers, cows and bulls, and hogs. Numerous economic studies using different measures of monopoly power have found that such power is totally absent from the meat packing industry. The meat packing industry is highly competitive in terms of any acceptable measure of competition.

Industry profits are the lowest of nearly any major industry in the U.S. In 1979 the meat packing industry had the lowest earnings as a percent of sales of any industry, the lowest earnings as a percent of assets except for the industries classified as "other transportation equipment" and "rubber and miscellaneous plastics products," and the lowest rate of earnings as a percent of net worth except for the iron and steel industry.

Large numbers of meat packing firms compete vigorously for supplies of livestock and for the consumer meat market.

No group of firms accounts for a large enough share of livestock slaughter to be able to exercise any monopolistic (selling power) influence on meat prices or monopolistic (buying power) pressure on livestock prices. In 1978, the last year for which data are available, the top four firms in steer and heifer slaughter accounted for nearly 32 percent of total slaughter, and there was no upward trend in this market share during the 1969-78 periods; the share of total cow and bull slaughter accounted for by the top four firms declined from 20 percent in 1969 to nearly 11 percent by 1978; and the share of total hog slaughter by the top four firms remained relatively constant in the 32-34 percent range during the 1969-78 period. These concentration or share-of-the-market ratios do not signify any undue degree of industry concentration or economic power as indicated by conventional economic measures.

There is no evidence whatsoever that livestock and meat prices are anything but highly competitive. A recent study by USDA found a complete absence of monopoly power in the meat packing industry based on the relationships among prices, cost margins, and profit rates.

Many meat packing firms are efficient and highly innovative. They have "revolutionized" the meat packing industry, especially with respect to steer and heifer slaughter, through the introduction of:

Large-scale and highly automated slaughtering plants; and

Large-scale breaking and boning operations in conjunction with slaughter plants that dismember carcasses and ship primal and subprimal cuts as boxed beef.

These developments have resulted in more efficient use of labor and capital and have reduced the cost of processing beef by at least $0.05-$0.06 a pound. We estimate that the total cost savings from boxed beef production are $400-$500 million and will continue to increase as boxed beef accounts for a greater proportion of meat packing industry shipments. These savings are shared by cattle feeders, meat packers, retailers, and consumers. Because of the highly competitive nature of the meat packing industry, a large part of the total savings has been passed on to consumers, although the precise amount is hard to quantify.

The growth of efficient firms in several important cattle slaughter regions of the country has improved competition and increased returns to cattle producers and cattle feeders. This is clearly why these groups support increased efficiency and competition in the meat packing industry.

Legislation proposed to restrict the size of meat packers would not promote competition and efficiency. Rather, it would restrict competition in the industry by perpetuating obsolete and inefficient plants at a great cost to cattlemen, consumers, and the more innovative segments of the meat packing industry. This would occur because such legislation proposes to:

Restrict the size of firms and plants nationally and on a state basis to a size below the optimum or most efficient for the slaughter of steers and heifers, cows and bulls, and hogs. In the case of cattle, this would affect steer and heifer slaughter, but it would be especially restrictive in the case of cow and bull slaughter because even the largest firms are small or medium-sized operations and many would be forced to become even smaller.

Retard or prevent the introduction of more efficient livestock slaughter and the further growth of boxed beef production, both of which represent a significant cost savings. This would deny consumers, livestock producers, and feedlot operators opportunities to capture significant economic gains flowing from further improvement in meat processing efficiency.

Perpetuate surplus cattle production relative to slaughter capacity in several important cattle producing regions to the detriment of cattle producers and feedlot operators. If efficient slaughtering plants were prevented from expanding in areas that have a surplus of slaughter cattle, and if slaughter in these areas is reserved to a large extent for less efficient firms, cattle prices would be depressed, cattlemen and feedlot operators would make less money than they otherwise could, growth in beef production would be retarded, and consumers would pay more for beef than they would otherwise have to.

It is for these reasons that cattlemen have been strongly opposed to the provisions of such legislative proposals. Consumers may also voice their opposition to these bills once the costs to them are realized.

A careful analysis of the proposed legislation indicates that its real intent, as opposed to its stated objective, is to restrict competition. The legislation would hinder the vigorous and widespread competition and innovation that has brought improved efficiency and productivity in the meat packing industry. Such restrictions would impose a considerable cost on the livestock industry and on consumers.

At a time when the national sentiment is for industry deregulation, increased competition, and improved efficiency and productivity, legislation such as has been proposed would force the meat packing industry to move in the opposite direction and would burden it with increased regulation, reduced competition, and lower levels of efficiency and productivity.

The provisions of two recent bills that attempt to restrict the size of meat packers are outlined below.

H.R. 5733

The stated purpose of H.R. 5733, entitled the "Meat Industry Act to Preserve Competition," is to "restore, preserve, and promote competition in the meat industry and to protect small businesses against the growth and use of monopoly power and unfair trade practices of major meat companies."

It proposes to achieve its objective by prohibiting meat packers from:

Slaughtering more than 25 percent of the national production[1] of steers and heifers, cows and bulls, or hogs in the United States;

Controlling more than 25 percent of the boxed beef or centrally cut beef market;

Slaughtering more than 30 percent of the steers and heifers, cows and bulls, or hogs in any one of the major producing or "concentrated" states;[2] and

Owning retail outlets if the packer has more than a 5 percent share of the national slaughter, national boxed beef production, or the national centrally cut beef production.

H.R. 7197

The stated purpose of H.R. 7197, entitled the "Small Business Preservation and Protection Act of 1980," is to "assist and protect small businesses against unreasonable use of economic power by major meat packing companies."

Under the proposed bill, meat packers that are not classified as small businesses would be prohibited from:

Owning, leasing, or operating any retail meat outlet;

Slaughtering more than 25 percent of the national slaughter of steers and heifers, cows and bulls, or hogs as reported by the Crop Reporting Board of the U.S. Department of Agriculture, including acquisition of carcasses or other meat products from other persons or packers;

Engaging in the unreasonable use of economic power or discriminating in price for the purpose of impairing in any manner the marketing ability of one or more small business meat packing concerns;

Selling below cost for the purpose of impairing the marketing ability of one or more small business meat packing concerns;

Allowing officials to buy or sell livestock futures contracts; and

Speculating in livestock futures contracts.●

TRIBUTE TO BILL HARSHA

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WHITTEN. Mr. Speaker, it is with great pleasure that I join with my colleagues in honoring Bill Harsha who is departing from the House of Representatives after 20 years in the Congress.

Bill has been serving as the ranking minority member on the Public Works and Transportation Committee and in that capacity has been a champion for providing for the protection of our natural resources and alleviating the tremendous damages caused by floods and other natural disasters. His skill and knowledge of legislation have been instrumental in providing us all with a better place to live. We have all come to admire and respect the devotion and dedication which he gave to the people in his district and to the country.

Mr. Speaker, there comes a time when we all must leave this august body. Bill Harsha is leaving us, but he is leaving behind a legacy which will long be remembered. I salute Bill Harsha and wish him many long years of happy retirement.●

CARDINAL COOKE ESTABLISHES INTENSIVE PROGRAM WITHIN ARCHDIOCESE OF NEW YORK TO COMBAT DRUG ABUSE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. WOLFF. Mr. Speaker, on November 30, 1980, Terence Cardinal Cooke, archbishop of New York, issued a pastoral letter to all Roman Catholic parishioners within the archdiocese expressing his deep concern regarding the proliferating problem of drug, alcohol, and substance abuse which today has reached epidemic proportions in the United States—and in the world.

His eminence clearly notes in his message that this threat to the spiritual well-being and health of society has undeniable far-reaching destructive effects on too many individuals, families, and neighborhoods throughout our great Nation. He stressed further that of primary concern to his eminence is the addicted individual who must be meaningfully helped through effective programs of education, prevention, and treatment if responsible members of the community realistically intend to solve the myriad family and social problems resulting from such addiction.

The cardinal informed his parishioners that an intensive program of training and education—at the parish and family levels, to include full laity—especially the young—and religious participation—will be implemented shortly within the archdiocese of New York to effectively address and overcome the problem of drug addiction. His eminence asked that all parishioners give freely of their talents, energies, and resources in support of this urgent undertaking.

Mr. Speaker, I am certain that you and every Member of the House join me and members of the select committee in individually and collectively applauding and congratulating Cardinal Cooke for his most commendable assessment of the scourge of drug abuse which now confronts our American people; and, above all, for his courageous initiative as proposed in his pastoral letter to the faithful for effectively combating this evil threat to the individual, the family, and the community.

We, on the select committee, are particularly pleased and encouraged by the cardinal's letter because representatives—Congressman Leo C. Zeferetti and myself—of the select committee met with Cardinal Cooke at his residence on two occasions earlier this year to share and discuss suggestions and recommendations drafted by the select committee on the issue of drug abuse and how best to effectively combat this menace which his holiness, Pope John Paul II, requested me during a private audience in February to prepare and later submit to him for Vatican review and such action he, as supreme pontiff, believed appropriate in directing the unique force of his personal appeal to all peoples of the world in support of enlightening the uninformed of this threat—thereby encouraging implementation of strong measures/programs—including education, religious, laity and/or parental involvement—necessary to counter and destroy drug abuse/addiction.

In essence, Cardinal Cooke and we agreed that his thoughts, and ours, on approaching and combating drug abuse/addiction were compatible in all significant respects. His pastoral letter eloquently reflects the select committee's thinking that informed leadership, both religious and civil, can effectively assist in defeating the menace of drug abuse/addiction which increasingly threatens the spiritual as well as physical health of our citizens, particularly our young.

His eminence should be commended by one and all for being the first to address the drug abuse/addiction problem with firm resolve. Mr. Speaker, accordingly, I am most pleased to insert the full text of Cardinal Cooke's pastoral letter into the Congressional Record.

Cardinal's Residence,
New York, N.Y., November 30, 1980.

Dear Friends in Christ: Advent is for all followers of the Lord a time of joyful expectation and preparation for the celebration of the Birth of Our Savior. We listen attentively to the words of John the Baptist and pray for the grace to turn to Christ with all our hearts and souls. Each one of us realizes that we live in a world beset by many evils and that we need the salvation of the loving God Who dwells among us.

At this season, I write to you with a sense of great urgency about a problem in our permissive society which in one way or another touches the lives of every one of us—the scourage of drug, alcohol and substance abuse. It is epidemic in our country, state and cities and has far-reaching destructive effects on individuals, families and neighborhoods.

Despite the efforts which have been made to curtail it, the addictive use of harmful drugs is growing and becomes more serious every day. Its ravages reach to people in all social and economic groups—the rich, middle class and poor, the educated and uneducated, those from urban areas as well as from rural and suburban sections. It has spread to every part of the world—a fact brought home to me at the recent Synod in Rome.

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[1] National production is defined as the annual output of packers who slaughter in excess of 10,000 head of steers and heifers, cows and bulls, or hogs, or process in excess of 6 million pounds of carcasses or steers and heifers, cows and bulls, or process in excess of 1.7 million pounds of hog carcasses.

[2] Defined as a state whose portion of national slaughter is in excess of 3 percent of any category of livestock. Plants located within 100 miles of the border of a "concentrated state" are counted in the production totals for the concentrated state.

Our primary concern, though, must be the individual person who is trapped by addiction. It is that person whose whole life is affected and whose human freedom is either taken away or vastly diminished. It is that person to whom we must reach out with effective programs of education, prevention and treatment. Only by helping the individual addict, will we begin to solve the numerous family and social problems which result from addiction.

One year ago I asked a group of key leaders in the New York area to serve on a Commission on Youth, Drugs and Alcohol. As a result of their study and research, they have recommended an intensive program in the Archdiocese. It will be a parish and family based effort, and will require that we face the reality of the problems of drug addiction and its vast extent, even among the very young. In a unified way, we will speak to the consciences of people who have romanticized and glamorized the use of drugs and promoted attitudes which try to make them socially acceptable so that their destructive effects have not even been recognized, much less understood.

This call for determined and persevering action is based on a positive attitude that the evil of addiction can be overcome. As people who believe in God's love and in the goodness of the human spirit, we cannot allow these deadly forces to dominate our lives and society.

As this program is implemented, laity, religious and clergy will be asked to participate in training sessions. Young people will be called on to take part and to exercise the powerful influence of their leadership among peers.

On this first Sunday of Advent, I ask all of you, the people of the Archdiocese of New York, to give of your talents, energies and resources to overcome the problem of drug addiction and to rebuild the individual lives, the families, the communities of people who have suffered from this scourge.

We must emphasize over and over again the essential role of the family, especially when it is founded on the love of Christ and the teaching of the Church. The family unit is the key element in establishing stable, loving relationships and in offering to every person the support needed for a drug free and fulfilling life.

The season of Advent is also an opportunity to practice penance and discipline for our own sake and as a sacrifice for those who are victims of drug and alcohol abuse. It is a time for prayer, and with you, I pray that the Lord will direct and bless our efforts to overcome the evil of addiction and to assist all people to know the power of His love which truly makes us free.

With prayerful good wishes, I am

Devotedly yours,

TERENCE CARDINAL COOKE,
Archbishop of New York.

P.S.—Please read this letter at all the Masses on Sunday November 30, including the anticipated Mass on Saturday, November 29.●

STUDENTS VISIT CAPITOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. LONG of Maryland. Mr. Speaker, I ask my colleagues in the Congress to join me in welcoming students from the Garrison Forest School, who with their teachers, Mr. Bayly Buck, Ms. Ann Teaff, and Ms. Ann Mellow, are visiting the Capitol. The students will tour the House of Representatives, attend committee hearings, and observe floor debate. I will be meeting with the students from Garrison Forest School to discuss the legislative process and issues of the day.

The students are: Whitney Blumenthal, Alexandra von Kessler, Lizbeth Aravz, Polly Wharton, Annie Hackney, Susan Moxley, Peggy Finney, Suzanne Smith, Catherine Lewis, Linda Lau, Corey Hudgins, Stevie Kerns, Lizzie Merryman, Anne Dulany, and Laurie Puchner.●

IN HONOR OF ROSA PARKS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DIXON. Mr. Speaker, I join JOHN CONYERS and other colleagues in commemorating the 25th anniversary of a simple yet courageous act which unleashed both the pent-up frustration and the creative energies of an entire race; and which led to perhaps the greatest people's movement this country has ever known: the civil rights revolution. It was a quarter of century ago that the arrest of Rosa Parks on a Montgomery, Ala., bus set off a mass boycott which shook and eventually toppled the insidious institution of Jim Crow.

By now, students of history and public affairs are familiar with the story of how Rosa Parks, a 42-year-old department store worker refused to give up her seat in the front of a crowded bus. In daring to assert her rights as an equal creation of God, she was arrested, booked, fingerprinted, and incarcerated, but fortunately for those who value justice and equality, not forgotten. Equally familiar is the tale of the reaction which this affront provoked; how Dr. Martin Luther King and others organized a successful boycott which caused the officials of Montgomery, and in time the citizens of this Nation, to look into their own faces, and their own souls, and discover the error of their ways.

It is a story which, though familiar, if anything, gains with each telling. It humbles us as Americans to realize that such outrageous and egregious forms of racism are less than a quarter century removed, and that many, less subtle forms exist to the present day. On the other hand, it reminds us, as blacks, of the uplifting potential of individual and collective action against oppression. In any case, the lessons of Rosa Parks and the Montgomery bus boycott are as vivid and appropriate now as then, and I commend Representative CONYERS for marking this historic occasion.●

ROSA PARKS AND THE MONTGOMERY, ALA., BUS BOYCOTT

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Ms. CHISHOLM. Mr. Speaker, Monday, December 1, was the 25th anniversary of the Montgomery, Ala., boycott and in a sense the birthday of the civil rights movement. Rosa Parks, by the seemingly simple act of refusing to relinquish her seat on a bus to a white man, helped to rewrite history.

For years, it was the custom in Montgomery, Ala., and in many other southern cities for blacks to enter the front door of the bus, pay their fares, leave and reenter through the back door to take a seat. Often the bus drivers would leave before they could reboard. On many days, Mrs. Parks was unwilling to suffer this indignity and she would walk. On this particular day she was too tired to walk and also unwilling to give up her seat adjacent to the white section.

Because of her actions, Jim Crow laws that once governed the South and created an entire system of segregated restaurants, theaters, and water fountains have all been abolished.

The civil rights movement has come a long way in the last 25 years since the Montgomery, Ala., boycott that started a new era in civil rights history.

I would like my colleagues to join me in remembering this day and the extremely important role Mrs. Parks played in these events.●

THE NUCLEAR POWERPLANT COST ASSURANCE ACT OF 1980

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DRINAN. Mr. Speaker, I have today introduced the Nuclear Powerplant Cost Assurance Act of 1980, legislation designed to insure that the licensees of nuclear powerplants will be financially able to pay for the potentially high costs of decommissioning and radioactive waste and spent fuel management when these bills come due.

A nuclear powerplant, like any other powerplant, has only a limited useful lifetime—after some 35 to 40 years of useful service it must be shut down. Unlike other generating facilities, however, a nuclear powerplant must also be ridden of the large and dangerous amounts of radioactivity it has produced and accumulated over the years. This decommissioning process, for safety reasons, might not begin until many decades from the time the plant is first commissioned.

At present, the Nuclear Regulatory Commission (NRC) does require applicants for operating licenses to "demonstrate" that they can obtain the funds necessary to operate and to permanently shut down their nuclear facilities and to maintain them in a safe condition—10 CFR 50.33(f) and 50.82. The NRC has now also recognized, however, the flaw in its fundamental assumption that an applicant capable of constructing or operating a nuclear plant is necessarily also capable of shutting it down.

In fact, the long time lag between the applicant's required demonstration and the date of the eventual decommissioning negates the value of any assurance that might have been provided to the Commission. In a draft report—"Assuring the Availability of Funds for Decommissioning Nuclear Facilities, NUREG-0584, Rev. 2"—the NRC notes:

> No matter what the current financial health of a utility is, financial solvency of any particular enterprise or even the structure of the electric utility industry cannot be projected with confidence so far into the future * * *. Certainly the accident at Three Mile Island (TMI) indicates that a utility can rapidly find itself in a precarious financial position with the resulting uncertainties that such a position raises * * *. These uncertainties by themselves warrant the NRC's utmost concern for adequate funding assurance. (page 4)

The cost of decommissioning, of course, is dependent on the method of decommissioning. A study prepared for the NRC and published in June of this year—"Technology, Safety and Costs of Decommissioning a Reference Boiling Water Reactor Power Station, NUREG/CR-0672"—contains estimates ranging from $35 million for the lowest cost entombment option to $58.8 million for the highest-cost option for passive safe storage with deferred dismantlement—1978 dollars. A 1978 report of the House Committee on Government Operations—Nuclear Power Costs, (H. Rept. 95-1090) indicated possible decommissioning costs of $31 million to more than $100 million per plant—1977 dollars—between 3 percent and 10 percent of capital costs.

The NRC is now in the process of reappraising its regulatory position relative to the decommissioning of nuclear facilities and examining the crucial matter of fund availability. In this regard, the Nuclear Powerplant Cost Assurance Act would require the NRC to develop standards for the decommissioning of commercial nuclear powerplants and, on the basis of these standards, to formulate a projected cost estimate for each operating and planned nuclear power facility. Likewise, the NRC would be required to promulgate standards and individual cost estimates for the management of radioactive waste and spent fuel from each such plant. These estimates would be maintained in real dollars and would be modified from time to time to reflect any changes in the policy standards or the relevant technologies.

Following the preparation and publication of these cost estimates, the NRC under the act would require licensees, permittees, and applicants to certify to the Commission that sufficient funds for the purposes of paying the full amount of the costs as estimated will be available at the end of the useful lifetime of the powerplant. This certification would be required in order to obtain, and to hold, an operating license or construction permit and may be reviewed by the Commission periodically.

In addition, the bill would require that the customers of a licensee be notified by the licensee of any additional costs charged to them due to the provisions of the act and would also stipulate that any charges be amortized, to the extent practicable, over the useful lifetime of the plant and that they may only be levied when the plant is in operation or under scheduled maintenance.

While many believe that the NRC now has the statutory authority to accomplish administratively the aims of this legislation, the Commission has been reluctant to take any action despite numerous studies recognizing the extent and seriousness of the problem. The Nuclear Powerplant Cost Assurance Act, based on a recommendation of the Government Operations Committee in "Nuclear Power Costs", would permit no further delay. The bill would provide the NRC with a specific mandate to promptly address the problem of assuring fund availability for the back-end costs of nuclear power.

Under the act, the NRC would be permitted appropriate administrative rulemaking flexibility in working with the utilities, consumer groups, and other concerned parties to develop the most effective and practical approaches to the requirements of the legislation. The bill mandates no specific financial assurance mechanism, nor does it prescribe who ultimately will pay any necessary charges during the lifetime of a powerplant.

In the United States today 73 nuclear powerplants are in operation; the NRC has issued 85 additional construction permits, with 14 more such permits pending. The first of those plants now in operation will probably be shut down within 15 years, with scores of others soon to follow.

If we confront now the unavoidable costs of decommissioning and waste management, we will minimize their impact on consumers, the utility industry, and the economy—those who benefit from nuclear power will pay its true life-cycle cost. If we continue to wait we will only increase the likelihood of future financial difficulties and the need for Government intervention.

In this regard I must note that a new staff report prepared by the NRC's utility finance specialists for the Commission suggests a Chrysler-style Federal bailout as one way to keep the Metropolitan Edison utility solvent until it decontaminates the damaged Three Mile Island facility. While my legislation does not specifically address the financial problems associated with extraordinary reactor accidents and premature shutdowns, it does provide the necessary legislative framework for preventing such needless dilemmas each time one of our commercial nuclear powerplants reaches the need of its useful lifetime.

The licensee of a nuclear powerplant must be required to maintain the financial capability to pay for decommissioning and waste management. I offer the Nuclear Powerplant Cost Assurance Act today as the foundation for consideration of this most important matter in the 97th Congress.

For the reference of my colleagues, the text of the bill follows:

H.R.—

A bill to ensure that the full cost of a nuclear power generating facility is provided for over the useful life of each such facility, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Powerplant Cost Assurance Act of 1980".

SEC. 2. The Congress finds that—

(1) the costs associated with the generation of nuclear power should be borne by those who benefit from it;

(2) licensees of nuclear powerplants are not now required to make adequate financial preparations for the anticipated costs of decommissioning of each nuclear powerplant and the perpetual care of its radioactive wastes and spent fuel; and

(3) the Government of the United States must act to ensure that sufficient funds for these purposes are responsibly collected and maintained by each person licensed to operate a nuclear powerplant.

TITLE I—STANDARDS AND ESTIMATES

STANDARDS

SEC. 101. (a) WASTE AND SPENT FUEL.—Within one year from the date of the enactment of this Act, the Nuclear Regulatory Commission shall promulgate standards for the management and disposal of radioactive waste and spent fuel from commercial nuclear powerplants.

(b) DECOMMISSIONING.—Within one year of the date of the enactment of this Act, the Nuclear Regulatory Commission shall promulgate standards for the decommissioning of nuclear powerplants. Such standards shall be consistent with public safety and with the goal of restoring the site of the facility to general public use within no more than 120 years after the end of the useful life of the powerplant.

COST ESTIMATES FOR EACH POWERPLANT

SEC. 102. The Nuclear Regulatory Commission shall develop, based on the standards promulgated under sections 101 and 102, for each nuclear powerplant which is in operation and for each such powerplant which is under construction or for which application for a construction license is pending, an estimate of the full cost of compliance with such standards. Such estimate shall include estimated security costs, real estate taxes, insurance, and contingencies. The estimate shall be adjusted from time to time to reflect subsequent changes in these costs, including changes due to economic inflation or deflation and changes due to modification of the standards promulgated under section 101.

TITLE II—AVAILABILITY OF FUNDS

PUBLICATION OF ESTIMATES

Sec. 201. Within one year after the date of the promulgation of the standards described in section 101 (or within 90 days from the date of application for a construction permit for a powerplant, if later), the Nuclear Regulatory Commission shall publish and submit to the appropriate State regulatory authorities a notice of each cost estimate prepared for a commercial nuclear powerplant under section 102.

LICENSES AND PERMITS

Sec. 202. (a) Funds.—In the case of a nuclear powerplant the Nuclear Regulatory Commission shall require, as a condition of a construction permit and as a condition of an operating license under the Atomic Energy Act of 1954, that the licensee or permittee (or applicant for such a license or permit) certify to the Commission that sufficient funds for the purposes of paying the full amount of the costs as estimated under section 102 will be available at the end of the useful life of such powerplant. Such certifications shall be reviewed by the Commission from time to time and following any change in the estimates required under section 102.

(b) Effective Date.—No construction permit or operating license for any commercial nuclear powerplant may be issued to any person after the date three years after the date of the enactment of this Act, unless the applicant for such permit or license meets the requirements of this title. No such permit or license issued before the date three years after the date of the enactment of this Act shall be valid after the date three years after such date of enactment unless the permittee or licensee has complied with such requirements.

CHARGES

Sec. 203. No amount charged to any consumer of electric energy for purposes of providing the assurance required under section 202 may be charged to such consumer during any period other than a period during which the powerplant is in operation or under scheduled maintenance. To the extent practicable, charges shall be amortized over the useful lifetime of the powerplant.

NOTICE TO CUSTOMERS

Sec. 204. Each licensee of a commercial nuclear powerplant required to comply with the provisions of this Act shall notify its customers from time to time of any additional costs charged to them by reason of the provisions of this Act. Such notice shall be provided promptly following any change in the amount of such additional costs and shall include a current statement of the total costs for such powerplant estimated under section 102, the method of funds collection and maintenance utilized by the licensee, and the total cost estimate allocated on the basis of cents per kilowatt hour.

TITLE III—REPORTS

Reports

Sec. 301. The Nuclear Regulatory Commission shall submit to the Congress progress reports on its compliance with the applicable requirements of this Act. Such reports shall be due 12, 24, and 36 months following enactment of this Act.●

ROSA PARKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STOKES. Mr. Speaker, I want to thank my distinguished colleague from Michigan, Mr. Conyers, for taking out this special order in remembrance of December 1, 1955. I especially commend the gentleman for reminding us of Rosa Parks on that fateful day.

It is important for us all to remember this anniversary, for it was December 1, 1955, that Rosa Parks refused to tolerate the humiliation and indignity of subordination. By the simple act of refusing to give up her bus seat for a white man, she refused to accept a system which allocated fundamental rights on the basis of racial heritage. By refusing to stand on that bus in 1955, Rosa Parks forced America to recognize the injustice and inhumanness of its laws.

Mr. Speaker, certainly the events of that day did not suddenly transform race relations in this country. Nor has the journey toward economic, social, and political justice ended. In fact, many of the inequities that Rosa Parks confronted in 1955 remain true today. And perhaps Rosa Parks' task was less complex because her obstacles were vividly defined. Black Americans in the 1980's, on the other hand, are faced with a system that more cleverly disguises injustice, hatred, and bigotry.

Yet, this is not to minimize either Rosa Parks' courage nor the significance of her actions. The dignity and the strength that she demonstrated led to an 11-month bus boycott in protest to Ms. Parks' conviction. The sacrifice and courage of the boycott participants was spirited, for the most part, by her steadfast and enduring commitment to justice.

The boycott, in turn, spirited a movement within black communities nationwide in protest of Rosa Parks' conviction specifically, and racism and injustice in general. Ultimately, the Montgomery bus system's segregationist policies reached the Supreme Court. In November 1955, the Court ruled in favor of Rosa Parks and against Jim Crow. I consider it monumental that this single individual, Rosa Parks, not only helped to overturn an age old practice and forced the highest court in the land to examine the matter, but she helped create a new consciousness and sensibility in America that lives today.

Mr. Speaker, we must not forget December 1, 1955, as we must not forget Rosa Parks on that day. And we must not forget that the battle is far from won.●

TRIBUTE TO SENATOR ROBERT MORGAN, REPRESENTATIVES RICHARDSON PREYER AND LAMAR GUDGER

HON. IKE ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ANDREWS of North Carolina. Mr. Speaker, much to my regret, I was not able to be present on Monday afternoon when a number of my colleagues, from North Carolina and no doubt elsewhere, joined in paying tribute to Senator Robert Morgan, Representative Richardson Preyer, and Representative Lamar Gudger.

On Monday, I had the pleasure of joining with our distinguished former colleague, Hon. Horace Kornegay, now president of the Tobacco Institute, and our outstanding Governor, Hon. James B. Hunt, Jr., and numerous others for a Golden Leaf Appreciation Day luncheon in Raleigh, and I was unable to get back in time to participate in paying tribute to my three colleagues from North Carolina who will not be returning to serve in the 97th Congress.

I feel sure that much of the biographical information about Robert, Rich, and Lamar has already been recounted by other colleagues. It is interesting, I think, that all three are law school graduates and have, at one time or another practiced law. Robert, Lamar, and I got to know each other while serving in the State legislature some years ago. Rich, as many of you know, once ran for Governor of our State, and he has the distinction of being the only former Federal judge serving in Congress.

Together, these men have served 22 years in Congress, and they have left their respective marks on Capitol Hill in many ways. They have served with great distinction, and their defeat in the November general election represented in my mind a loss for the Nation as well as for the Tar Heel State.

Each of these men has my respect, friendship, and very best wishes. We are all indebted to them for the fine service they have rendered.●

RICHARDSON PREYER AND LAMAR GUDGER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. RODINO. Mr. Speaker, I want to join with Congressman Fountain and my other colleagues in honoring two outstanding Members of this House from North Carolina, Richardson Preyer and Lamar Gudger, who are leaving the Congress.

Richardson Preyer has worked to provide quality health care for all Americans, to protect our country's environment, and to promote world peace since he came to the House in 1968. I have appreciated Congressman Preyer as one of the most thoughtful and well-informed members of the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee. As the chairman of the Subcommittee on Government Information and Individual Rights of the Government Operations Committee, Richardson Preyer has been a staunch guardian of the civil liberties of all Americans. I have a great deal of respect for the Congressman from North Carolina's Sixth District because he is a man who acts according to his conscience on matters of national importance. I believe that the people of North Carolina and the American public have been well served by Richardson Preyer's record in the House.

It has been my special pleasure to serve with Congressman Preyer's fellow North Carolinian, Lamar Gudger, because he is a member of the House Judiciary Committee. As chairman of that committee, I have been fortunate to draw on Lamar Gudger's intelligence, geniality, and good humor to handle the tough issues that have confronted the committee since 1976. As a member of the Judiciary Subcommittees on Crime and Criminal Justice, Lamar Gudger has carried a heavy workload which has earned him my respect as well as the respect of all the members of the committee. He has been an articulate spokesman for helping local communities to fight crime and provide swift and equal justice to carry out the laws of our land.

The House will miss the contributions of Lamar Gudger and Richardson Preyer, and I wish them good health and good luck in the future.●

HONORING RICHARDSON PREYER AND LAMAR GUDGER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ROE. Mr. Speaker, the people of North Carolina and the Nation will be losing two good friends when Richardson Preyer and Lamar Gudger leave Congress at the end of their current terms.

The name Richardson Preyer has become synonymous with honesty and ethics in government. This North Carolina gentleman has developed a strong reputation for great integrity and sound judgment while serving in some of the toughest roles in Congress.

His leadership on the Ethics Committee in handling the Koreagate scandal will be long remembered as an example of fairness and dedication to determine the truth in this most delicate of matters.

During his two terms in the House, Lamar Gudger has established himself as an expert in the field of judicial legislation.

As a member of the House Judiciary Committee, he has excelled in the areas of the courts system and civil liberties. I wish them both well in their future endeavors.●

LESTER L. WOLFF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ZABLOCKI. Mr. Speaker, when the 97th Congress convenes in January, the Committee on Foreign Affairs will be diminished by the loss of one of its most distinguished and active members, the gentleman from New York (Mr. Wolff).

I know that I speak for the entire membership of our committee in extending to him our collective congratulations and warm appreciation for the leadership he has displayed in a number of important fields and the lasting contribution he has made to our legislative agenda.

As chairman of the Subcommittee on Asian and Pacific Affairs, Lester Wolff has been an energetic, conscientious, and innovative leader—determined to probe and question all aspects of U.S. policy toward that vital area of the world. Through his initiatives, he has effectively reminded both the Congress and the public that the United States remains a Pacific power, with a continuing interest in the peace, stability, and cooperative development of all nations in the region—despite the shifting focus of attention to other areas of potential confrontation.

Aside from the hearings and investigations initiated by his subcommittee, Lester has also attempted to develop closer links and contacts between Congress and the Asian diplomatic community here in Washington—with excellent and, I hope, lasting results.

The main focus of Lester's concern in recent years has, however, been the U.S. program to control the traffic and importation of dangerous drugs into this country—and as we all know, he has been tireless in his efforts to bring about international cooperation in this field and to improve the U.S. antidrug enforcement capability. As chairman of the Select Committee on Narcotics Abuse and Control, he has not confined his attention to the Far East, but has established meaningful links with ranking officials in Europe, the Middle East, South Asia, and in Latin America. Above all, he has attempted to convince and persuade these foreign leaders that the narcotics trade is a world problem, in which all countries have an important stake.

These are merely a few of the contributions the gentleman from New York has made over a long and distinguished period of public service. I welcome this opportunity to join my colleagues in extending to Lester and his family my warmest congratulations for his past accomplishments and sincere best wishes for the future.

Knowing something about his energy and talents, I have no doubt at all that the future for Lester Wolff will be an active—sometimes controversial—but always rewarding one—both for himself and for the people of the Sixth District of New York.●

NEEDED POLICIES FOR FULL EMPLOYMENT, FULL PRODUCTION, AND ECONOMIC JUSTICE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HAWKINS. Mr. Speaker, during the past 12 years, the average annual real economic growth rate has been less than three-fifths of that required to make full use of a growing labor force and other enlarged production capabilities. Recessions have been frequent, unemployment and idle plant chronically on the rise. In 1979 the economy practically stood still; in 1980 we suffered the third recession within 10 years. Assuming national policies and programs now in prospect, informed forecasts are that real economic growth will be extremely low in 1981, with even more unemployment and continued double-digit inflation.

READJUSTING THE FEDERAL BUDGET TO ECONOMIC AND SOCIAL NEEDS

The misuse of the Federal budget during recent years is central to all our mishaps. The spending side of the budget comes before the tax side, because the spending side is or should be responsive to positive and specific national needs of a priority nature which cannot otherwise be served adequately. This spending is also needed to generate part of the total demand required for a fully used economy. The tax side is mainly to provide enough revenues to finance this spending.

During recent years and now, Federal spending has been held far below the needed amounts, the argument being that this would balance the Federal budget and help combat inflation. But the condition of the national economy and the people are far more important than the condition of the Federal budget. And the persistent effort to balance the Federal budget at the expense of the national economy resulted in tax-revenue forfeitures leading to huge and growing budget deficits—and also led to fantastic inflation for reasons set forth below.

To help toward reasonably full employment and production by 1983, and thus to balance the budget by then, the Federal budget for fiscal 1981 should be at least $20 billion above the level now established. This is in no way inconsistent with elimination of waste, duplication, and outmoded programs. Increased Federal spending should concentrate mainly upon assistance to these essential programs:

First, more direct public service jobs; second, greatly accelerated home construction for those who cannot afford such housing at existing and foreseeable costs. This would bring huge economic and social benefits; third, more public works, both active and standby, not merely to increase employment and demand for products, but also to meet important needs; fourth, expansion of the supply of energy, directly and through aid to private enterprise; fifth, more training for jobs and improved education at costs within the means of recipients; sixth, a large start toward a comprehensive national health care system; seventh, increased aid to urban areas confronted with multiple problems requiring Federal assistance; eighth, expanded efforts to reduce great disparities in incomes and public services among farm families; ninth, improved mass transportation; and tenth, stronger environmental-improvement measures.

All of these will do most to stimulate production, cut unemployment, especially among those most vulnerable to it, and curb inflation.

RESTORING BALANCE BETWEEN INVESTMENT AND CONSUMPTION: NEEDED CHANGES IN NATIONAL TAX POLICY

The repeated stagnations and recessions, with intolerable unemployment and idle plant, have had one obvious common cause: During the upturn periods, investment in the plant and equipment which add to ability to produce, abetted by corporate profits growing far more than wages and salaries, has grown much faster in real terms than ultimate demand for products in the form of private consumer spending plus public outlays. These imbalances have always led to cutbacks in investment plans and these cutbacks, plus the larger deficiencies in ultimate demand, have brought on stagnations and recessions. The 1980 recession has not corrected these imbalances.

Unfortunately, at least since 1964, repeated tax cuts have provided relatively too much stimulation to investment and relatively too little to consumer income and spending. For example, the 1971 tax cuts allocated almost three times as many dollars to investment as to consumption. This was really about 24 times as much, considering the relative size of the two factors. Looking at two approaches to the problem, the 1981 tax cuts proposed by President Carter included tremendous concessions to investors, while those to consumers were designed merely to counterbalance scheduled increases in social security taxes. President-elect Reagan's proposals to cut Federal outlays by very large amounts would do more damage to the economy than his proposed tax cuts would do good, and the total economic stimulation on net balance would be far too small.

The "supply-side" economics argument is that the proposed amount of stimulus to business investment would expand production and employment, increase productivity, and reduce inflation. True, for balanced economic restoration, investment must grow rapidly. But big business in general has not been restrained by inadequate funds, and in any event can borrow more easily and on more favorable terms than others. General Motors now has about $10 billion in retained earnings, and other bellwether corporations are also favorably situated. Increased ultimate demand spurs increased investment; this depends upon increased consumer incomes and spending. In addition to the priority outlays listed above, we need increases in minimum wages and social security benefits, a nationwide welfare policy, and a voluntary national incomes policy including price and wage guidelines which are equitable instead of being stacked against wage earners. These guidelines should also be related to profits, dividends, and interest, for all income flows affect economic balance and performance.

For fiscal 1981, Federal tax cuts should be less than half those now being proposed and require expanded production, especially in shortage areas, as a quid pro quo. Tax cuts should focus much more upon direct stimulation of consumption than upon business investment, and be progressive rather than regressive. Social security taxes should be reduced, and a larger share of financing benefits should be drawn from general revenues.

Meanwhile, it should always be remembered that, per dollar spent, carefully selected public outlays create more jobs and production, come closer to meeting priority needs, and are thus better for the Federal budget than tax reduction.

TOWARD IMPROVED PRODUCTIVITY

The erroneous attribution of low productivity growth to inadequate funds for investors is at the heart of supply-side economics and excessive tax cuts for investors. Experience demonstrates that productivity returns to a rewarding rate of growth when national policies help the economy move surely and steadily toward full resource use. Excessive bonanzas to investors do not accomplish this.

TO CORRECT INJUSTICE AND DISCRIMINATION IN CREATING OPPORTUNITIES FOR EMPLOYMENT

An overall program toward full employment will do most to remedy unemployment, much higher in percentage terms among women than among men, and many times as high among minorities and especially teenagers. In addition, we need special measures, such as training and education, and better antidiscrimination and affirmative action measures, to achieve equalization of job opportunities.

DRASTIC REVISION OF MONEY SUPPLY AND INTEREST RATE POLICIES

For two decades or longer, Federal Reserve policies have done devastating damage to the whole economy, notably homebuilding and occupants, the automobile industry, the farm population, and the more than half of all families who must rely upon heavy borrowings to make ends meet. The growth of the money supply in real terms determines it ability to support an adequate rate of real economic growth. This real growth rate has averaged very low since 1953, and has become negative during recent years. When the recession struck in 1980, an embarrassed Federal Reserve quickly reduced all time high interest rates, but not nearly enough. More recently still, although the recovery movement remains inconsequential and uncertain, interest rates are moving upward again at a very rapid rate.

The President, and the Congress through legislation, should require the Federal Reserve to increase the money supply in real terms about in line with the needed rate of real economic growth, about 6 percent a year until we get close to full economic restoration, reduce interest rates at an average of about 2 percentage points a year until they are about cut in half, and apply favorable credit and interest-rate policies to consumers and to national priority programs such as housing.

TO REPLACE INFLATION WITH REASONABLE PRICE STABILITY

More and more people now admit that the attempt to reduce inflation by increasing unemployment and causing recessions have been a ghastly failure on all scores. But the so-called trade off is still imbedded in our economic policies. Abandonment of the tradeoff is an indispensable step toward price stability. In addition, we should make use of the specified anti-inflationary measures in the Humphrey-Hawkins Act, such as monitoring inflation trends, antishortage programs, strengthening competition, removing unnecessary regulations, and a fair voluntary national incomes policy covering all types of income.

TOWARD A CONSISTENT, COMPREHENSIVE, AND SUCCESSFUL NATIONAL ECONOMIC POLICY

We are often told that the Federal Government can learn something from the policies of the largest and most successful private business corporation. But unlike most of these corporations, Government policies remain improvised and emergency oriented, disconnected and inconsistent, moving back and forth, and ineffective in their totality.

The clear mandates of the 1978 Humphrey-Hawkins Full Employment and Balanced Growth Act provide for effective treatment of all of the problems set forth in this discussion.

We must push for abandoning the gross violations of Humphrey-Hawkins and translating into actuality the potential victory we won when it was enacted more than 2 years ago.●

H.R. 8285, THE PIRACY AND COUNTERFEITING AMENDMENTS ACT OF 1980

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DRINAN. Mr. Speaker, I hope that in the final days of this Congress the House will take up H.R. 8285, the Piracy and Counterfeiting Amendments Act of 1980. This bill results from work done on the recodification of Federal criminal laws by the Judiciary Committee's Subcommittee on Criminal Justice, which I chair. During its work, the subcommittee concluded that the current law provisions pertaining to record, film, tape counterfeiting and piracy needed modification. Consequently, the bill to recodify Federal criminal laws that was reported by the subcommittee—H.R. 6915—made changes in the current law. These changes were not controversial in subcommittee, nor was any question about them raised during the 18 markups of the criminal code bill that were held by the full Judiciary Committee.

On October 2 of this year, I introduced a separate bill—H.R. 8285—to make the changes in the current piracy and counterfeiting provisions that were recommended by the Subcommittee on Criminal Justice and the full committee on the Judiciary. In order to acquaint my colleagues with H.R. 8285 and what it does, I am inserting in the RECORD an explanation of the provisions of the bill, a section-by-section of the bill, and an explanation of the changes in existing law made by the bill. Persons who want additional information are invited to contact the Subcommittee on Criminal Justice (ext. 50406).

I hope my colleagues will support the bill. It is endorsed by the Justice Department, and its provisions were noncontroversial in the Subcommittee on Criminal Justice and in the full committee on the Judiciary.

EXPLANATION OF THE PROVISIONS OF H.R. 8285

There has in recent years been a rapid growth in record, tape, and film counterfeiting and piracy. Counterfeiting and piracy reduces the volume of revenues going to legitimate recording and motion picture companies and diminishes the payment of royalties to recording artists, actors, and actresses, musicians, producers, directors, writers, composers, publishers, and other participants in the creative process. Counterfeiting and piracy, of course, also reduces the tax revenues going to Federal, State, and local governments.

During the course of its work on the recodification of Federal criminal laws, the Subcommittee on Criminal Justice determined to modify present law dealing with record, tape, and film piracy. The principal modification increases the punishment for large scale piracy and counterfeiting. The subcommittee's action was ratified, without dissent, by the full committee on the Judiciary.

Section 2318 of title 18 of the United States Code presently makes it an offense for someone, knowingly and with fraudulent intent, to transport, receive, or offer for sale in interstate or foreign commerce any article on which sounds are recorded and to which is affixed a counterfeit label. H.R. 8285 amends 18 U.S.C. 2318 to make it an offense knowingly to traffic in a counterfeit label that is affixed to—or designed to be affixed to—a phonorecord or to a copy of a motion picture or audiovisual work. The term "traffic" is defined in subsection (b)(2) of section 2318 as amended to mean "to transfer or to otherwise dispose of, to another, as consideration for anything of value." The term "traffic" also includes possession or obtaining control of with intent to so transfer or dispose of.

The new formulation of the offense modifies current law in order to close a loophole presently used by counterfeiters to escape Federal prosecution. Record and film counterfeiters have been shipping the counterfeit labels unattached. The discs, 8 track cartridges, or other containers are shipped separately, and the labels are attached after those articles have come to rest at their destination. Thus, even though the counterfeiters have utilized the means of interstate transportation, no Federal prosecution is possible under current law because the record, disk, wire, tape, film, or other article on which sounds are recorded did not have the counterfeit label affixed at the time of shipment.

Section 2318 as amended refers to labels that are affixed or designed to be affixed. Thus, even though the counterfeit labels are shipped unattached and later affixed, the section as amended would permit Federal prosecution as long as those labels were designed to be affixed to a phonorecord, or to a copy of a motion picture or an audiovisual work.

Section 2318 currently provides misdemeanor punishment for a first offense and a maximum punishment of 2 years imprisonment and a $25,000 fine for a second or subsequent offense. Because record and film counterfeiting has been growing at an alarming rate, it was decided to increase the penalty and to treat all violations—whether a first or subsequent offense—alike. Section 2318 as amended makes the maximum punishment 5 years imprisonment and a $250,000 fine.

Not all trafficking in counterfeit labels is made a Federal offense. There is authority for the Federal Government to prosecute such trafficking in three situations. First, the Federal Government can prosecute if the offense is committed within the special maritime and territorial jurisdiction of the United States. Second, the Federal Government can prosecute if the mail or a facility of interstate or foreign commerce is used in the commission of the offense. Third, the Federal Government can prosecute if the counterfeit label is affixed to or encloses—or is designed to be affixed to or to enclose—a copyrighted audiovisual work or motion picture, or a phonorecord of a copyrighted sound recording.

H.R. 8285 also increases the penalty for copyright infringement involving sound recordings, motion pictures, and audiovisual works where that infringement is done willfully and for purposes of commercial advantage or private financial gain. Present law (17 U.S.C. 506(a)) makes a first offense a misdemeanor. The maximum penalty for a second or subsequent offense is 2 years imprisonment and a $50,000 fine. H.R. 8285 provides that the maximum penalty is 5 years imprisonment and a $250,000 fine if the offense involves: (1) The reproduction or distribution, during any 180-day period, of at least 1,000 phonorecords or copies infringing the copyright in one or more sound recordings; (2) the reproduction or distribution, during any 180-day period, of at least 65 copies infringing the copyright in one or more motion pictures or audiovisual works; or (3) a sound recording, motion picture, or audiovisual work, and is a second or subsequent offense. The maximum penalty is 2 years imprisonment and a $250,000 fine if the offense involves: (1) The reproduction or distribution, during any 180-day period, of more than 100 but less than 1,000 phonorecords or copies infringing the copyright in one or more sound recordings, or (2) involves the reproduction or distribution, during any 180-day period, of more than 7 but less than 65 copies infringing the copyright in one or more motion pictures or audiovisual works. In any other instance, the maximum penalty is 1 year imprisonment and a $25,000 fine.

Thus, H.R. 8285 changes present law in two ways. First, the penalty for a second or subsequent offense is increased. Second, where the first offense involves a copyright in a sound recording, motion picture or audiovisual work, the penalty is increased for large-scale criminal operations.

For additional information, see pages 324-26 and 340-42 of House Report No. 96-1396—accompanying H.R. 6915.

SECTION-BY-SECTION ANALYSIS OF H.R. 8285

SECTION 1

Section 1 provides that the bill's short title is the "Piracy and Counterfeiting Amendments Act of 1980."

SECTION 2

Section 2 of the bill amends section 2318 of title 18 of the United States Code, which is presently entitled "Transportation, sale, or receipt of phonograph records bearing forged or counterfeit labels." Section 2318 as amended makes it an offense knowingly to traffic in a counterfeit label that is affixed, or that is designed to be affixed, to a phonorecord or a copy of a motion picture or an audiovisual work. The maximum penalty is 5 years imprisonment and a $250,000 fine. The term "traffic" is defined to mean "to transfer or otherwise dispose of, to another, as consideration for anything of value" or to possess or obtain control of with intent to so transfer or dispose of. There is Federal jurisdiction over the offense if (1) the offense is committed within the special territorial, aircraft, or maritime jurisdiction of the United States; (2) the mail or a facility of interstate or foreign commerce is used in the commission of the offense; or (3) the counterfeit label is affixed to or encloses, or is designed to be affixed to or enclose, a copyrighted audiovisual work or motion picture, or a phonorecord of a copyrighted sound recording.

SECTION 3

Section 3 of the bill adds a new section (2319) to title 18 of the United States Code. The new section, entitled "Criminal infringement of a copyright," makes it an offense to violate section 506(a) of title 17 of the United States Code. (Section 506(a) is amended by Section 5 of the bill.) The maximum penalty for violation of section 2319 is 5 years imprisonment and a $250,000 fine if the offense (a) involves the reproduction or distribution, during any 180 day period, of at least 1,000 phonorecords or copies infringing the copyright in one or more sound recordings, (b) involves the reproduction or distribution, during any 180 day period, of at least 65 copies infringing the copyright in one or more audiovisual works, or (c) involves a sound recording, motion picture, or audiovisual work and is a second or subsequent offense. If the offense (a) involves the reproduction or distribution, during any 180 day period, of more than 100 but less than 1,000 phonorecords or copies infringing the copyright in one or more sound recordings or (b) involves the reproduction or distribution, during any 180 day period, of more than 7 but less than 65 copies infringing the copyright in one or more motion pictures or audiovisual works, the maximum penalty is 2 years imprisonment and a $250,000 fine. The maximum penalty in any other instance is 1 year imprisonment and a $25,000 fine.

SECTION 4

Section 4 of the bill amends the table of sections for chapter 113 of title 18 of the United States Codes to show the new section (2319) and to conform the title of section 2318 in the table of sections to the title of the section as amended by section 2 of the bill.

SECTION 5

Section 5 of the bill amends section 506(a) of title 17 of the United States Code to provide that whoever "infringes a copyright willfully and for purposes of commercial advantage shall be punished as provided in section 2319 of title 18, United States Code.

CHANGES IN EXISTING LAW MADE BY H.R. 8285

Changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 18 OF THE UNITED STATES CODE

* * * * *

PART I—CRIMES

* * * * *

Chapter 113—Stolen Property

Sec.
2311. Definitions.
2312. Transportation of stolen vehicles.
2313. Sale or receipt of stolen vehicles.
2314. Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting.
2315. Sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps.
2316. Transportation of cattle.
2317. Sale or receipt of cattle.
2318. [Transportation, sale, or receipt of phonograph records bearing forged or counterfeit labels.] *Trafficking in counterfeit labels for phonorecords and copies of motion pictures and audiovisual works.*
2319. Criminal infringement of a copyright.

* * * * *

[§ 2318. Transportation, sale or receipt of phonograph records bearing forged or counterfeit labels

(a) Whoever knowingly and with fraudulent intent transports, causes to be transported, receives, sells, or offers for sale in interstate or foreign commerce any phonograph record, disk, wire, tape, film, or other article on which sounds are recorded, to which or upon which is stamped, pasted, or affixed any forged or counterfeited label, knowing the label to have been falsely made, forged, or counterfeited shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for the first such offense and shall be fined not more than $25,000 or imprisoned for not more than two years, or both, for any subsequent offense.

(b) When any person is convicted of any violation of subsection (a), the court in its judgment of conviction shall, in addition to the penalty therein prescribed, order the forfeiture and destruction or other disposition of all counterfeit labels and all articles to which counterfeit labels have been affixed or which were intended to have had such labels affixed.

(c) Except to the extent they are inconsistent with the provisions of this title, all provisions of section 509, title 17, United States Code, are applicable to violations of subsection (a).]

§ 2318. Trafficking in counterfeit labels for phonorecords, and copies of motion pictures and audiovisual works

(a) Whoever, in any of the circumstances described in subsection (c) of this section, knowingly trafficks in a counterfeit label affixed or designed to be affixed to a phonorecord, or a copy of a motion picture, or an audiovisual work, shall be fined not more than $250,000 or imprisoned for not more than five years, or both.

(b) As used in this section—

(1) the term "counterfeit label" means an identifying label or container that appears to be genuine, but is not;

(2) the term "traffic" means to transfer or otherwise dispose of, to another, as consideration for anything of value or obtain control of with intent to so transfer or dispose; and

(3) the terms "copy", "phonorecord", "motion picture", and "audiovisual work" have, respectively, the meanings given those terms in section 101 (relating to definitions) of title 17.

(c) The circumstances referred to in subsection (a) of this section are—

(1) the offense is committed within the special territorial, aircraft, or maritime jurisdiction of the United States;

(2) the mail or a facility of interstate or foreign commerce is used in the commission of the offense; or

(3) the counterfeit label is affixed to or encloses, or is designed to be affixed to or enclose, a copyrighted audiovisual work or motion picture, or a phonorecord of a copyrighted sound recording.

* * * * *

§ 2319. Criminal infringement of a copyright

(a) Whoever violates section 506(a) (relating to criminal offenses) of title 17 shall be punished as provided in subsection (b) of this section.

(b) any person who commits an offense under subsection (a) of this section—

(1) shall be fined not more than $250,000 or imprisoned for not more than five years, or both, if the offense—

(A) involves the reproduction or distribution, during any one hundred and eighty-day period, of at least one thousand phonorecords, or copies infringing the copyright in one or more sound recordings;

(B) involves the reproduction or distribution, during any one hundred and eighty-day period, of at least sixty-five copies infringing the copyright in one or more motion pictures or audiovisual works; or

(C) involves a sound recording, motion picture, or audiovisual work, and is a second or subsequent offense under this section;

(2) shall be fined not more than $250,000 or imprisoned for not more than two years, or both, if the offense—

(A) involves the reproduction or distribution, during any one hundred and eighty-day period, of more than one hundred but less than one thousand phonorecords, or copies infringing the copyright in one or more sound recordings; or

(B) involves the reproduction or distribution, during any one hundred and eighty-day period, of more than seven but less than sixty-five copies infringing the copyright in one or more motion pictures or audiovisual works; and

(3) shall be fined not more than $25,000 or imprisoned for not more than one year, or both, in any other case.

(c) As used in this section—

(1) the terms "sound recording", "motion picture", "audiovisual work", "phonorecord", and "copies" have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17; and

(2) the terms "reproduce" and "distribute" have, respectively, the meanings set forth in section 106 of title 17.

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TITLE 17 OF THE UNITED STATES CODE

* * * * *

Chapter 5—Copyright Infringement and Remedies

* * * * *

§ 506. Criminal offenses

[(a) Criminal infringement

Any person who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $10,000 or imprisoned for not more than one year, or both: *Provided, however,* That any person who infringes willfully and for purposes of commercial advantage or private financial gain the copyright in a sound recording afforded by subsections (1), (2), or (3) of section 106 or the copyright in a motion picture afforded by subsections (1), (3), or (4) of section 106 shall be fined not more than $25,000 or imprisoned for not more than one year, or both, for the first such offense and shall be fined not more than $50,000 or imprisoned for not more than two years, or both, for any subsequent offense.]

(a) Criminal infringement

Any person who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be punished as provided in section 2319 of title 18, United States Code.●

TRIBUTE TO CHARLIE VANIK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BIAGGI. Mr. Speaker, I am extremely honored to join my fellow colleagues in paying tribute to one of this body's most respected and dedicated retiring Members—CHARLIE VANIK.

During his 26 years of service in the House as a Representative from Ohio, CHARLIE's total commitment to fairness and integrity has become legendary. He has championed many causes, including consumer rights, tax justice, and equality for the working man.

He gave these causes the special abilities that only CHARLIE VANIK could provide. He attacked the unfair influence and tax benefits enjoyed by big business, yet he earned the corporate community's respect as chairman of the House Trade Subcommittee through his unquestioned fairness and intellect; he is tremendously independent in both his thinking and his actions, yet he is respected by all; he announced his retirement in January, yet he has worked harder during the past year than many people do in a lifetime.

A most effective legislator, CHARLIE has used his expertise as a senior member of the House Ways and Means Committee to accomplish many difficult tasks, including the improvement of emigration rights for Soviet Jews. Together with Senator HENRY JACKSON, CHARLIE successfully amended the Trade Act of 1974 so that the Soviet Union would be penalized by U.S. trade laws if they did not relax their emigration policies. Soviet Jews have greatly benefited as a result.

Unfortunately—for this body and the Nation—CHARLIE's high level of integrity and independence has caused him to seek retirement rather than compromise his principles and accept campaign funds for a reelection effort—something he has not had to do in the past three elections.

As a result, many of his causes will suffer, including his latest effort to provide tax credits for technology development. I was proud to join CHARLIE as a cosponsor of this worthy initiative, and I am confident that, like so many of CHARLIE's ideas, its time will soon come.

In his January 30 retirement announcement, CHARLIE said, "26 years is substantial commitment to any endeavor—it is time for me to meet new challenges." On behalf of my constituents and the Nation, I would simply like to say thank you for those 26 very substantial years, and wish you, CHARLIE, a prosperous and well-deserved retirement from Congress.●

DRINAN, HARRIS, GUDGER, CARR LEAVE JUDICIARY COMMITTEE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RODINO. Mr. Speaker, I would like to say a few words about four Members of this House who have served with distinction on the House Judiciary Committee but who will not be returning to Congress in January.

As chairman of the Judiciary Committee I have been very fortunate to work with ROBERT DRINAN, HERBERT HARRIS, LAMAR GUDGER, and BOB CARR because they all added a full measure of dedication and commitment to the legal principles that form the foundation of our great Nation.

I remember especially Father DRINAN's contributions to the committee and the Congress at a time when the foundations of our democratic system of government were challenged. During that time Father DRINAN's outspoken adherence to the rule of law, his integrity and his moral guidance helped our Nation take the right course of action which allowed our democracy to endure.

I have been privileged to work with Father DRINAN on many issues, including the Voting Rights Act and the Fair Housing Act. As chairman of the Judiciary Subcommittee on Criminal Justice he has labored hundreds of hours to revise the Federal Criminal Code, and I am confident that his leadership in this area will leave a lasting contribution to our law.

HERBERT HARRIS has been a valuable member of the Judiciary Committee since his election to the House in 1974. His service on the Subcommittees on Administrative Law and Governmental Relations, Immigration Naturalization and Refugee Policy, and Monopolies and Commercial Law was marked by a strong commitment to cut waste in Government. HERB HARRIS's contribution to the committee was that of always providing candid, intelligent insight into problems of Government ethics, immigration policy, and antitrust issues.

As chairman of the Monopolies Subcommittee, I will especially miss HERB's work in the antitrust field because he has been a strong ally of consumer rights, and the need for strong antitrust legislation.

LAMAR GUDGER also has been a very special member of the committee because of his intelligence, geniality, and good humor. As a member of the Judiciary Subcommittee on Crime and Criminal Justice, LAMAR GUDGER has carried a heavy workload which has earned him my respect as well as the respect of all the members of the committee. He has worked to provide help to local communities in their efforts to fight crime and improve their local criminal justice systems, and he has provided valuable insight into the committee's work to revise the Federal Criminal Code. His contributions will help the committee for many years.

BOB CARR's stay on the Judiciary Committee was too short. BOB served with us during the 96th Congress, but he quickly earned my admiration for his deep commitment to strengthening our civil rights laws to improving the quality of justice throughout our Nation, and to maintaining competition in American business. BOB CARR's work on the House Judiciary Committee complemented his outstanding record as a member of the Armed Services Committee where he successfully fought against unreasonable defense expenditures and worked to bring an end to the Vietnam war.

The House will miss BOB CARR, LAMAR GUDGER, HERB HARRIS, and ROBERT DRINAN because each one of these special individuals gave this institution keen insight into how to make America a stronger Nation, while preserving our country as a place where Americans are free.

I know that whatever endeavors these four men choose to do in the future will greatly benefit from their tremendous abilities and energies, and I thank them for the time that they have given to the Judiciary Committee and the Congress in service to their country.●

MEMORIAL TO DR. RALPH J. BUNCHE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BIAGGI. Mr. Speaker, earlier this week, the House passed a resolution, House Joint Resolution 205, authorizing funds for the acquisition and installation of a monument memorializing one of our Nation's most distinguished citizens—Dr. Ralph J. Bunche. As a cosponsor and strong supporter of this legislation, I view this action as most responsible and worthwhile.

Dr. Bunche brought a great honor to our Nation with his noble and untiring efforts for civil rights and world peace. During his lifetime, he inspired and earned the respect of millions * * * this memorial will help to instill some of those same positive feelings in this and future generations.

While enough cannot be said about the contributions Dr. Bunche made to our great Nation, I would like to briefly review some important highlights of his life. Being a deeply concerned American, Dr. Bunche was a leader in the civil rights movement, and was director of the NAACP. As a distinguished scholar, he was the first black to receive a Ph. D. in political science, and the first black to serve as president of the American Political Science Association.

However, it was his two decades of service in the United Nations, where he was the highest ranking black American official, that earned him an everlasting place in history. During that time, Dr. Bunche became the first black to receive a Nobel Peace Prize—in 1950—for his efforts in negotiating the Palestine accord between the new State of Israel and the Arab States.

It is only fitting then, that the memorial to Dr. Bunche will stand across from the United Nations in a small New York City park, which in 1979 was renamed the Ralph J. Bunche Park.

Mr. Speaker, at this time, I would like to pay a special tribute to the Phelps-Stokes Foundation, which has coordinated this effort to honor Dr. Bunche. It should be noted that largely through the foundation's efforts, the overwhelming majority of funds for this memorial were contributed by the private sector. The $45,000 authorized in this resolution represents only a small and well-deserved Federal donation to this extremely worthy cause.

I deeply appreciate the opportunity to associate myself with this legislation and the great American we have honored—Dr. Ralph J. Bunche.●

TIM LEE CARTER—GREAT ADVOCATE OF IMPROVED HEALTH CARE

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GUYER. Mr. Speaker, one of this body's greatest advocates of improved health care for our people, and certainly one of its most knowledgeable on health matters is retiring at the end of this Congress.

TIM LEE CARTER, our colleague from Kentucky, has devoted his entire 16 years in the House to service on the Commerce Committee's Subcommittee on Health and the Environment. His counsel and leadership on health issues has been helpful to many of us on both sides of the aisle. He also has won the respect and support of many medical associations for his efforts on health legislation.

The Journal of the American Dental Association, in its November issue, carries an interview with Representative CARTER about his reflections on his years of lawmaking. I include that article for the RECORD.

REPORT FROM THE WASHINGTON OFFICE—A LONG-TIME FRIEND OF DENTISTRY REFLECTS ON 16 YEARS OF LAWMAKING

This month's report questions Rep. Tim Lee Carter (R-Ky), a key health legislator who is voluntarily retiring after the 96th Congress. Elected in 1964 to represent the Fifth Kentucky Congressional District, Congressman Carter has served eight terms in Congress.

One of the few physicians in Congress and a long-time friend of dentistry, he has been a strong supporter of fluoridation and other preventive dental care legislation. Largely because of his strong insistence in the 95th Congress, the House broke with tradition and authorized the first funding for voluntary water fluoridation projects. For longstanding contributions to dental health legislation, Representative Carter received an honorary ADA membership at the 1978 annual session.

Representative Carter has been ranking Republican on the health subcommittee of the Interstate and Foreign Commerce Committee. Because he is leaving, because he has been so intimately involved with health legislation, because he has been a friend of dentistry and the health professions, we asked him to share his reflections with readers of the Journal.

Journal: When you arrived on the Hill in 1965, Congress was in the midst of a dynamic, activist period of producing legislation. The Medicare and voting rights bills of your freshman term are two landmark examples. The President proposed and Congress did indeed dispose, in partnership. Later you saw the rise of the so-called "Imperial Presidency" and laments that Congress was in eclipse. Now, the common criticism is that the imbalance has swung the other way, with Mr. Carter supposedly hamstrung by a balky Congress.

Against this background, reminisce a bit for us. How has Congress changed as an institution, as a political mechanism for getting things done, in your time here?

Carter: Well, I wish I could say it had changed for the better. I don't think that is true. I think there is perhaps too great a majority of the majority party. In addition, many young members have wanted a position of prominence. As a result, there has been a proliferation of subcommittees, and this has not been for the good of the Congress. Another thing is that we have so many hearings going on when legislative work is being conducted on the floor of the House. I never thought we should have hearings or markups, except in emergencies, when business is going on on the floor. But I see an increasing amount of this, and so much legislation passes with which many members are not really conversant. That disturbs me a great deal. As for President Carter being hamstrung by a balky Congress whenever a problem comes up of great importance to the people of this country, I think the entire Congress perceives this and acts accordingly. If the President's in agreement, well, all right; if he's not in agreement, Congress still will follow the will of the majority of the people. I've seen it time after time.

Journal: Much is made of the breakdown in the traditional discipline system, based on seniority, committee assignment, and loyalty to leadership directives on key issues. Is this criticism overdone or have these things led to a less productive Congress?

Carter: I believe in many cases they have led to a less productive Congress. I don't think that a person who is not qualified should be chairman or ranking member. But by and large, if a person has been here a number of years, he must have something going for him. And he must know the legislative process; he must know the issues that are before him, better than a newcomer.

Journal: Do you see a similar breakdown in loyalty to party? Are the Democratic and Republican leadership having difficulty keeping control over their freshmen?

Carter: I think so, and really, I think this is healthy. I don't know that any party can write a platform that is completely compatible with the feelings of every person. I don't agree with several of the planks in the Republican platform; I simply don't agree with them. When I am called upon to speak, I just don't bring up those parts with which I don't agree. However, there are certain votes, certain issues, where you have party-line votes as a usual thing. The discipline on that score has been right good on our side of the aisle. However, we are always free to vote our conscience and if party loyalty conflicts with conscience, I vote my conscience. And I will continue to do it as long as I'm here.

Journal: Congress has to deal with a public impression that things are not getting done. US News & World Report recently surveyed members of Congress and found that fewer than one in four were satisfied with the job the legislative branch is doing. What's your view of that assessment?

Carter: This session of this Congress, particularly, has done less than any session of Congress in which I've served. Even our own subcommittee and full committee have done less, perhaps because it's an election year and they have tried to avoid issues that would put a damper on their reelection.

Journal: A lot of the blame seems to fall on the budget reform act and the reconcilation process, that this is all very new to Congress, and that perhaps Congress created a monster in its effort to control the budget. Do you think this blame is justified?

Carter: Yes, I think there is some truth to that. The purpose of the Budget Reform Act was commendable. But when you get down to it, I believe that perhaps we would have done better if we had required the Appropriations Committee to have stayed within the budget rather than establish a separate Budget Committee. There is constant warfare going on now between the Appropriations and Budget Committees, as you know. If we had required the Appropriations Committee by law to stay within the budget, a Budget Committee would not have been necessary.

Journal: In recent years, some retiring Congressmen have said they were leaving because the job just isn't fun anymore. How about Tim Lee Carter? Why retire now?

Carter: I've been here for 16 years; I've had a very enjoyable time. Just about all the health legislation since 1965 bears my mark. Last year I had heart surgery, and I felt that since I have a large district—27 counties, half of another, and a portion of another, part of it mountainous—and since I was approaching retirement age and the workload was getting more difficult, that it would be a good time for me to retire. I feel I would not have had significant opposition if I had decided to run; I got 80 percent of the vote last time I was elected.

Journal: As a young man you set out to become a physician, went to medical school, and that was your dream and you were able to fulfill it. What prompted you then to go into public life?

Carter: There are a few modifications I must make in your question. First, I began making my own living as a school teacher at the age of 17 in a one-room school in Kentucky. Then, I was a basketball coach at Tompkinsville High School, and we won the regional tournament at Bowling Green for three consecutive years. I was a teacher and a coach. I had always thought of being a physician, but my older brother said he wanted to be a physician. Once when we visited a medical school with my father and went into an anatomy lab my brother found he didn't like it, and he actually got a little sick. So he decided to be a lawyer. My father approached me and said, "Son, if you want to go to medical school I'll help you." So he lent me the money to go, and I went.

Journal: Your background as a physician makes your contribution to the health subcommittee invaluable. But when did you make the decision to run for Congress?

Carter: I had been a physician for 27 years, and, of course, had gone through the war. We built a hospital in a rural area in 1953; then we built a three-man clinic in my area. It's hard for anyone to believe how much we had to work. I went for as long as a year at a time without getting to bed before 1 a.m. and without a holiday.

Even when I had two partners, the work didn't let up.

My family had been in politics for many years. My father was a circuit judge. I had been county chairman, and my predecessor, Gene Siler, was a good friend of mine. He decided to retire, and I felt we were going to have a lot of legislation in the health area, and that I could be helpful in writing that legislation. So I ran and was elected in 1964.

Journal: Do you agree with recent Health and Human Services assessments indicating we may be overproducing dentists and physicians?

Carter: It's possible. Right now we have 450,000 physicians, and it's projected by this group or the other that we'll have 600,000 by the year 1990. However, it's not obvious in rural areas that we have enough physicians. What is obvious is that we have a lack of physicians there.

The main problem is with maldistribution of physicians, dentists, and certain other types of health personnel. It's possible, of course, that we might have an oversupply. We've seen the number of medical schools grow up from about 77 to 125 or so in the past few years. We may have overdone it; we may have. On the other hand, I think that because most medical and dental education is so expensive today, we've got to continue federal programs of assistance to the schools and to the students. If we don't, many of the schools will go under.

Journal: Do you think federal agencies such as the Federal Trade Commission should get into such matters as determining who is or who is not qualified to practice dentistry or medicine?

Carter: No I don't. I think they're going too far when they do this. I don't think they should get into that field. Usually the medical associations, the PSROs [Professional Standards Review Organizations], and the dental associations can identify the people who are able without the Federal Trade Commission getting involved.

Journal: What impact, if any, do you think professional associations, such as the ADA, have had on the formulation of health care policies?

Carter: They have a great influence. For instance, through their different organizations, if a dentist or a physician is not doing good work, they don't hesitate to inform him. They will.

Journal: In your time here, Dr. Carter, what do you think was Congress' finest hour?

Carter: There have been many, many hours which I thought were good, things that meant a great deal to me. The CHAP bill [Child Health Assurance Program]: I enjoyed that thoroughly even though I lost some amendments. The CHAP bill was a great bill; it would have taken care of very poor children and poor pregnant mothers.

The passage of the National Cancer Act, for which we have increased the funding to more than $1 billion has been helpful. It's had a great impact on health care. We've seen the arthritis legislation pass. I worked hard on both the Cancer and Arthritis Acts, and I am proud to have received national awards on both these. Also, I am pleased to have sponsored the amendment that added the word "Blood" to the title of the Institute, making it the "National Heart, Lung, and Blood Institute." I feel the development of these programs has meant a lot to the health of the people of the country, and I'm glad to have played a minor role in it.

Journal: What gave you your greatest personal satisfaction?

Carter: There's no single thing. I've always enjoyed discussions or debates on the floor. One really must be on his toes and know his legislation well.

Then there's a separate little thing that has to do with the blind that was very meaningful to me. The General Services Administration was about to let out bids for vendor stands within federal buildings. The blind, traditionally, I don't know if by any right or regulation, but traditionally they had franchises to sell in federal buildings. This right or privilege was about to be taken away from them under the Nixon administration. The president of a national association for the blind called me. I called the White House, and within an hour this order was rescinded. The blind, who are really very independent people and want to work to make a living, were permitted to continue to sell. And I got a great deal of personal satisfaction out of this, although very little about it was ever mentioned anywhere.

Journal: We are going to sneak in one more question. Are you going to miss us? Are you going to miss Congress and Washington?

Carter: Well, of course I will. But I'll be busy. Just last week I had a very interesting medical case. I practice some too. And I have farm work to keep me busy.

Journal: We greatly appreciate your taking the time with us today, Dr. Carter. You're going to be greatly missed in Congress. We wish you every happiness in your retirement from the legislature and hope you will come back once in a while and counsel us all.

Carter: This certainly has been for me, I know this sounds trite perhaps, but it's been a labor of love to have been a member of the health professions and to promote legislation which would be helpful to the people and to the professions.

Journal: Thank you.

(This interview was conducted by Beverly J. Bailey, legislative assistant in the Washington Office.)●

TRIBUTE TO LESTER WOLFF

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BIAGGI. Mr. Speaker, today I would like to pay tribute to a close friend and colleague of many years who will not be with us next year, LESTER L. WOLFF of New York.

In the 16 years he has served this body, LESTER WOLFF has achieved a legislative record for which he can be extremely proud. As a senior member of the House Foreign Affairs Committee and chairman of its Subcommittee on Asian and Pacific Affairs, LESTER has become one of the foremost authorities in Congress on this vital area of our world. His expertise in this subject has been utilized by various administrations which have called upon him for advice and counsel over the past 16 years. I know that his colleagues on the committee share my regret that his services on this committee will be sorely missed next Congress.

Consistent with his concern with international issues, LESTER and I have worked together on an issue which we both share a deep and abiding concern with—human rights in Northern Ireland. As chairman of the ad hoc Congressional Committee for Irish Affairs, I have been fortunate to have LESTER serve on our executive committee where he has been in the forefront of our efforts in this area. His contributions were constant, thought provoking, and made him a crusader in this struggle, one which the entire Irish American community in this Nation will always remember.

LESTER has also served with distinction on the House Veterans' Affairs Committee. He is an outspoken supporter of the GI bill and was instrumental in extending the time period under which veterans from Vietnam could qualify for educational benefits. In addition, LESTER has diligently worked to increase the number of nursing beds for the elderly veterans of our Nation and has also been a leading advocate for pensions for veterans of World War I.

LESTER was also responsible for the creation of the Select Committee on Narcotics Abuse and Control and has served as its first chairman. In this capacity, he has been able to focus national and international attention on a problem which had previously been underaddressed by this Congress. He has traveled worldwide in an effort to end drug abuse and drug trafficking and through publicity in this area, information on this growing problem has been provided to those who had previously known very little. As an ex-officio member of this committee, I can attest to his success in working to end narcotics abuse in this Nation.

I am proud to call LESTER a friend. He is a man of great integrity and strength, as well as a man of character who is always willing to address controversial issues which effect the lives of so many. We have spent many hours together working on behalf of causes we both deeply believe in. Our battles have been numerous, and the fruits of victory were always best shared with friends like him. I shall miss his contributions and feel certain that his departure from public life will be brief. I extend my best wishes to him and his wife Blanche for a fruitful and healthy future in whatever he undertakes.●

TRIBUTE TO ELIZABETH HOLTZMAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. O'NEILL. Mr. Speaker, it is with strong admiration and deep respect that I take this opportunity to honor one of the most able, talented, and brightest legislators who has ever served in the House of Representatives, Hon. ELIZABETH HOLTZMAN.

In every way, LIZ HOLTZMAN is an irreplaceable legislator, politician, and stateswoman. She has been the unflappable guardian of the young, the old, the sick, the poor, and the oppressed peoples of the world. Her firm and uncompromising positions on issues before the Budget Committee, where she has served with diligence and resourcefulness, reflect her abiding concern for people-oriented and domestic priorities legislation.

We are all familiar with her manifested sense of constitutional obligation and responsibility as a member of the famed Impeachment Judiciary Committee. No one who has served with LIZ over the past 8 years will ever forget her perseverence in aiding and assisting Soviet Jews who have tried to escape the oppression of their native land to gain freedom, human dignity, and the right to choose their own way of life: Nor will we ever forget the outrage and indignation LIZ expressed as she cochaired a delegation of women Members who visited Cambodia where millions of children were dying from starvation and disease, and millions of others were murdered in a war that had produced another genocide in our time.

Neither will we soon forget her indefatigable efforts on behalf of humane causes which reflected her strong personal convictions and her unwavering support of human rights and social and economic justice.

LIZ HOLTZMAN has been one of the most conscientious, dedicated, and committed Members of the House. To chronicle all her prodigious legislative achievements would not pay her the accolades she so justly deserved. Included in any legislative list of HOLTZMAN's accomplishments would be the victims of crime bill, the hazardous waste bill, the Refugee Act, and most significantly, the ERA extension.

LIZ HOLTZMAN is a woman of remarkable personal qualities and a distinguished public servant. She has graced this Chamber and the House of Representatives with enthusiasm, boundless energy, and real determination. She has never betrayed her trust and never defaulted on a promise to her constituents. LIZ HOLTZMAN has always given her best, and that best has always been more than enough. Possessing a keen intellect, an incisive mind, and a sense of purpose, LIZ HOLTZMAN has pursued a chosen political and legislative course that has been a hallmark of dignity and responsible representation.

I salute LIZ HOLTZMAN and wish her health, happiness, and much success in all her future endeavors.●

NATO ALLIES MUST PAY THEIR SHARE OF INCREASED DEFENSE COSTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PORTER. Mr. Speaker, the need for increased military spending to meet the challenge of dangerous power vacuums at major world flash points is apparent. This burden, however, must be shared by America's NATO allies. Despite planned increases in defense spending of 5 percent to 7 percent in the Reagan administration, the United States cannot go it alone, notably in the Middle East and Persian Gulf. We need the supporting contributions of those countries sharing our commitments and historic views if we are to preserve peace through strength and preparedness. I enclose for Members' attention the editorial on this subject from the Chicago Tribune of November 30.

OUR EXASPERATING ALLIES

For nearly three years, America's European allies have been grumbling about our foreign policy. Inconsistent, they said. Unpredictable. Undependable.

And they were right. The Carter administration has clearly been out of its depth in dealing with foreign affairs. But just as the Carter administration is being swept aside by a new one that promises greater consistency, the Europeans themselves are becoming inconsistent and undependable. Nearly every European member of NATO is weaseling on commitments to increase defense spending by at least 3 per cent a year in real terms.

Some of the members have good excuses. The economies of Turkey and Portugal are wrecks, and there is little hope they can increase defense spending. Greece is only now arranging for its return to the military wing of NATO after its prolonged dispute with Turkey over the invasion of Cyprus. Of the others, only Norway, Iceland, and tiny Luxembourg are expected to meet the commitment. Italy, Denmark, Belgium, and the Netherlands almost certainly will fall short, and the biggest members, Britain and West Germany, are refusing to promise that the goal will be met.

[Ironically, the biggest increases in spending probably will come in France, which quit the military side of the alliance 13 years ago and is not committed to the 3 per cent figure.]

The public explanation for this foot-dragging is that the European economies are in straitened circumstances, a complaint that Americans will not easily accept. Most of the West European economies are in better shape than that of the U.S. [Nine of the 15 NATO countries have a higher per capita income than the U.S., yet most are spending less per capita on defense. Belgium, for example, spends $363 per citizen on its armed forces while the American figure is $520.]

The United States is also providing a disproportionate share of the NATO budget—60 per cent in 1980. Europeans point out that the U.S. share has been dropping, but it has not been dropping in proportion to the phenomenal growth in European economies during the last two decades.

A more likely explanation for the allies' reluctance to bear their fair share of NATO defense spending can be found in European dissatisfaction with the failure of SALT II. High hopes had been placed on the SALT process for defusing tensions between NATO and the Soviet Union, and the Europeans may be using the defense spending issue as leverage to push Washington to get the SALT process going again.

That is a legitimate concern, and it is one the Reagan administration must address. The control of strategic weapons is the best possible basis for building a credible defense for the West.

But the Europeans' refusal to provide for their own defense is the worst possible basis for negotiating a strategic arms agreement. If the Soviets see that the allies are being divided over the spending issue, they will do everything they can to promote that division. And if the division is tied to the strategic arms problem, the Russians will see to it that the problem does not get solved.

But more to the point, the time is long past when the United States can take up the defense slack for Europe. Despite planned increases of 5 to 7 per cent in the Reagan administration, the U.S. is being called upon to fill dangerous power vacuums elsewhere, notably in the Middle East. There is not enough room left in the budget or in the American voter's reservoir of patience to continue subsidizing European armies. Europe has come a long way from the uncertain poverty of the postwar years, when the United States willingly assumed burdens beyond the capacity of a devastated continent. Americans have been dependable allies in the past, and we have a right to expect dependability from Europe in the future.●

TRIBUTE TO RICHARDSON PREYER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CONTE. Mr. Speaker, I rise with my friends and colleagues to pay special tribute to a friend and colleague, RICHARDSON PREYER. RICH has served his district, his State, and his Nation admirably for 12 years.

Since 1968 I have witnessed this fine gentleman from North Carolina evolve into one of our most respected Members. Because of his high degree of integrity, he was asked to serve on the House Ethics Committee and the Assassinations Committee, which he did so superbly. He accepted these controversial positions because he truly felt it was his duty to do so.

Congressman Preyer has always demonstrated a genuine concern for his constituents and his country. He has been untiring in his devotion to those who elected him to the Congress every 2 years since 1968. While this great institution will be the poorer for his departure, his constituents back home will be the ones who will be most affected.

Richardson Preyer leaves this body after spending years at the forefront in our common struggle for further equality of opportunity in this country. The courage he displayed on the tough issues of the day was inspiring to all of us. We will miss his voice of moderation and conciliation in the House.●

TRIBUTE TO SAMUEL L. DEVINE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DICKINSON. Mr. Speaker, it is with great affection that I pay tribute to may good friend and mentor, Sam Devine of Ohio, who much to the sadness of those of us who know and love him, will be leaving this body at the end of this term.

Sam is the premier public servant and citizen—every inch an American patriot and statesman—a man of great principle and high moral character.

When I came to Congress in 1965 Sam was one of those veterans who offered a helping hand to Bill Dickinson—a new guy on the block. Sam had the generosity to take me in hand and show me the ropes and he has continued to do so throughout my eight terms. I shall forever be appreciative of his kindness to me.

Sam is the model conservative, one who has fought for fiscal responsibility and who has tried to teach and preach that the role and power of the Federal Government must have limits. As leader of conservative Republicans in the House Sam has courageously proclaimed to all who would listen that there is no such thing as a free lunch. Sam told us the truth when he has insisted that no institution, to include the Federal Government, can spend itself in the red year after year without destroying the country. And Sam always had the courage to vote his convictions, even when doing so was not politically popular.

I was terribly disappointed when I heard, amid a national Republican landslide, that Sam had not been reelected. I am so sorry that he will not be able to build now, on the super foundations of conservatism which he has so soundly laid during his 22 years in the House. I do want Sam to know that those of us here who know and love him will remember him dearly as we achieve and finish some of the victories that he started.

My wife, Barbara, and I wish the best to Sam and his loyal wife, Betty. We plan to keep in touch. It is with the greatest respect and admiration that I salute my good friend, Sam Devine of Ohio.●

SPECIAL ORDER ON REPRESENTATIVES KOSTMAYER AND MUSTO

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MURPHY of Pennsylvania. Mr. Speaker, I rise to join in paying tribute for two distinguished colleagues. I am proud to have served in Congress with my friends, Raphael Musto and Peter Kostmayer. It has been my privilege and honor to have served on the Education and Labor Committee with Mr. Musto and on the Interior and Insular Affairs Committee with Mr. Kostmayer. During this time, through these committees and our subcommittees, I have had the opportunity to work closely with both men and have developed a deep respect for their abilities.

My friendship with Mr. Musto goes back several years when I had the honor to serve with him in the Pennsylvania Legislature. Before that, I served in that body with his father. I have always been impressed with his dedicated work in behalf of his constituents.

Mr. Kostmayer and myself first came to Congress in 1976. From the very beginning, I found him to be a man of great personal integrity and intelligence.

The talents, abilities, and character, expressed by these fine public servants will be missed by myself, the Commonwealth of Pennsylvania, and, indeed, by our great country. While they have served in the House of Representatives a relatively short time, their contributions to this distinguished body and our country will be long remembered.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, December 4, 1980, may be found in the Daily Digest of today's Record.

Meetings Scheduled

DECEMBER 5

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings on the trade and economic issues confronting the United States, and on an international trade strategy for the United States.
2221 Dirksen Building

10:00 a.m.
Budget
Special Subcommittee on Industrial Growth and Productivity
To resume hearings on the decline in productivity and on proposals for long-term improvement in the economy, focusing on concerns of capital-intensive industries such as steel and chemicals.
6202 Dirksen Building

Joint Economic
To hold hearings on the employment/unemployment situation for November.
5110 Dirksen Building

DECEMBER 11

9:30 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings to investigate alleged contacts between Robert L. Vesco and officers and employees of the United States as contained in the Judiciary Committee resolution agreed to July 23, 1980.
2228 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, December 4, 1980*

The House met at 10 a.m.

Dr. John F. Steinbruck, pastor, Luther Place Memorial Church, Washington, D.C., offered the following prayer:

Almighty God, in this season of Hanukkah and Christmas we give thanks that You gave light in history's darker moments of oppression and that Your light did not fail.

In this moment—our moment—use this body of chosen servants, as was Israel of old and the prophet Jesus of Nazareth, to bring to light the darkened places of suffering, oppression, and concerns that now afflict this city, our Nation, and the world.

That within steps of where we stand, men wait in line for soup and women wander as homeless nomads over Washington's asphalt desert, youth look in vain for work, and the evicted from slum dwellings have no new ghetto to receive them.

That one ocean away tens of thousands stand homeless upon the rubble of their shattered villages, shivering above and shedding warm tears for their loved ones below.

And that nations away, many seek daily the Hanukkah-Advent light of freedom from oppression. Inspire this community of lawmakers of all faiths in their commitment to religious-human rights thereby holding out the light of hope to the Shcharanskys, Vashchenkos, Kisliks, Tsitverblits, and Wallenbergs.

Your light must burn bright, O God, and may we here work faithfully and ceaselessly in its afterglow of eternal shalom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 927. An act for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong; and

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7631) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 6, 19, 23, 25, 29, 37, 45, 59, 60, 67, 69, 73, 74, 76, and 77 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7765) entitled 'An act to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2363) entitled "An act to authorize the establishment of the Georgia O'Keeffe National Historic Site, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2728) entitled "An act to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House with an amendment to a bill of the Senate of the following title:

S. 2163. An act to provide for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the treaty and nontreaty harvesters of those resources, and for other purposes.

THE INSURANCE HOAX CONTINUES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, there has been another outbreak of false information about an insurance dividend for World War II veterans. The Veterans' Affairs Committee is receiving a large number of inquiries, from Members' offices and from the general public, about a law which was supposed to have just been passed to pay this dividend.

The fact is that in 1950, the VA paid almost $3 billion in dividends to former servicemen who carried GI insurance during the war. Under the law, claim for that dividend must have been filed within 6 years from the time it was declared and the time limit for filing passed many years ago. The only insurance dividends being paid today by the VA are to World War I and World War II veterans who are continuing to carry their insurance. These dividends are payable on an annual basis and are generally paid on the anniversary date of each policy.

I regret that some person or persons would implement this cruel hoax on our veterans. I urge your support in doing what you can to stop this rumor from spreading further.

CONNECTICUT GOVERNOR ELLA T. GRASSO ANNOUNCES HER RESIGNATION

(Mr. DODD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. DODD. Mr. Speaker, I am deeply saddened today, as I know my colleagues in the House will be, by the news that Connecticut Governor Ella T. Grasso has announced her resignation as Governor effective December 31, 1980.

Many of our colleagues here will remember her service in this body from 1971 to 1974. Since then she has continued her efforts on behalf of the people of Connecticut in the outstanding tradition that the Members will all recall. As a State legislator, as secretary of state, as a Member of Congress, and now as Governor, Ella Grasso has dedicated almost three decades of her life to the public good. Her indomitable courage has never been more evident than in her fight against cancer at this very hour. While the people in Connecticut are suffering a great loss by her withdrawal from public service, I know the prayers of her State and the Nation are with her and her family at this very hour.

□ 1010

TROUBLING SIGNALS FROM REAGAN CAMP

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I rise today to voice my concern for a possible shift in energy policy under the new administration.

President-elect Reagan's comments and the comments of his energy task force on the removal of all price controls on oil and natural gas reflect not only a discouraging insensitivity to the needs of consumers, but also a sad disregard for the potential of conservation measures in alleviating our energy problems.

Any energy policy needs to address our dangerous dependence on foreign oil; a responsible program must tap the full

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

range of domestic energy options to insure adequate supplies at an affordable price.

A plan which emphasizes conservation and alternative energy sources must take precedence over one of decontrol and deprivation. The welfare of consumer States and of the entire Nation depends on it.

THE LATE DOROTHY DAY

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, on Saturday last in New York, Dorothy Day died at the age of 83 at Maryhouse, a Lower East Side shelter that she ran for homeless women.

Dorothy Day lived among the poor, shared their table, stood in their lines, and endured their daily insecurities.

In what stark contrast, through her quiet work with the Catholic worker, does she stand against the thundering materialism of today's electronic religion?

For Dorothy Day the Sermon on the Mount was not just something to be preached, but was something to be lived.

Dorothy Day joins such kindly figures as Mother Theresa and Fred Rosewater as examples of how high the human spirit can soar. God bless you, Ms. Day.

GAS WARFARE IN LAOS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, on the heels of rumors about chemical warfare being used by Soviet forces on Afghani rebels, the October issue of Reader's Digest has reported that poisonous gases have been used with devastating effect against the pro-American H'mong tribesmen of Laos. According to the article, upward of 350,000 of these tribesmen may have died as a result of what appears to be a calculated and barbaric program of extermination.

While the use of chemical warfare against the H'mongs has not been proven to the satisfaction of U.S. officials, the possibility of such a development should be cause for the utmost concern. No one can forget the programs of the late thirties and early forties and if, indeed, a rebirth of such a mentality is occurring we need to know that sooner rather than later. To help ascertain that, I would hope that one of the first items of business in the 97th Congress would be a full-scale investigation of the possible use of chemical warfare in Laos. We have a moral obligation to do no less.

GAS WARFARE IN LAOS: COMMUNISM'S DRIVE TO ANNIHILATE A PEOPLE

(By Jane Hamilton-Merritt)

The place is not a pretty sight. I.V.s drip fluid into skinny arms. Doctors and nurses scurry from one wooden-slab bed to another, responding to pleas for help. I am at Ban Vinai, a refugee camp along the Mekong River just inside northern Thailand. It is populated by some 35,000 H'mong (pronounced Mŏng) tribal refugees from the mountains of Laos. They suffer from severe malnutrition, malaria, amoebic dysentery, tuberculosis, pneumonia and a host of parasites. For many there is a tragic complication: they have been gassed.

One of them is a friend of mine; yet I don't recognize him, although I have passed his pallet at least 20 times. Finally, through his pain, he recognizes me and sends a relative to bring me to him.

Nhia Yang Vang, about 40, had once been vigorous, energetic. Now he is a skeleton with sunken, haunted eyes. In a weak voice he tells me he had returned to Laos after I saw him in January. Concerned about relatives, he had gone back there with a party of 19 men for three months. During that time, he says, his team had been in areas sprayed by poisonous chemicals nine times.

Every few minutes his talk is broken by a racking cough that nearly strangles him. He spits bloody sputum into a tin can. A H'mong nurse tells me that he has chest pains, finds breathing difficult, cannot eat.

Nhia continues: "They hit us at the end of May at Nam Khing with the yellow chemicals. It was a white plane like a Soviet helicopter—low enough so that I could see the figures of two pilots. Immediately when they dropped the gas I fell to the ground vomiting blood. My eyes burned; I could not see. I have the 'red' diarrhea.

"It was a powder. When it touched my skin it became sticky, like an ointment, and when water is put on it, it becomes liquid." He stops for another bout of coughing. "You know, after a rain the chemicals will get into the water and poison it. Now that it is the rainy season, it will be so easy to poison us all."

JUST LIKE THE JEWS

In 1960, there were at least 500,000 H'mong in Laos. Today, perhaps 70,000 are still alive there, many of them sick or dying of malnutrition. Another 50,000 are in Thai refugee camps, and some 35,000 have been resettled in Western countries. The H'mong survivors in Laos now face a terrible future, for they are the targets of a deliberate, calculated policy of extermination.

This policy is the tragic heritage of the H'mong commitment to America's effort to prevent a communist takeover in Vietnam and Laos. The United States, unwilling to send its own troops into Laos, opted for another kind of army—a guerrilla army recruited mostly from the H'mong, but also from other Laotian tribes, such as the Yao, Lahu, Lao Teung. Trained by the U.S. military and the CIA, the H'mong formed the backbone of the resistance against the communist forces in Laos that were supported by North Vietnam, China and the U.S.S.R. They sabotaged war supplies moving south along the Ho Chi Minh Trail, and rescued American pilots shot down in Laos. They proved adept at intelligence work, gathering vital information on troop, tank and supply movements.

Gen. Vang Pao, who commanded the H'mong forces and now lives in the United States, told me recently that his forces destroyed millions of dollars' worth of military equipment, medical and food supplies moving down the Ho Chi Minh Trail into South Vietnam bteween 1962 and 1975. "To do that," he said, "my people gave 12.000 lives. All of that was secret, but now I want the American people to know."

When the Americans pulled out of Vietnam and Laos, the H'mong—and the sacrifices they had made—remained largely unknown. But the Vietnamese and Pathet Lao did not forget. Li Chai, who now lives in Denver, Colo., and is a leader of the H'mong refugee group there, tells why: "The communists know that we were the Americans' hands, arms, feet and mouths. That's why they believe they must kill all H'mong—soldiers, farmers, children. We suffer and die just like the Jews in World War II, but the world ignores us."

HIDE IN CAVES

Gen. Vang Pao says, "Communist gassing of the H'mong people began in August 1975, at Mung Om and Nam Fen, south of Phu Bia, where 17,000 men, women and children were killed. I learned from a Pathet Lao defector that from 1975 to 1978 the gassing had killed 50,000 H'mong in the Phu Bia area alone. During that time some 45,000 died from starvation and disease, or were shot trying to escape to Thailand."

Today, in tribal refugee camps in northern Thailand, H'mong refugees tell of starvation, rape, the crippling of children whose fathers worked for the United States, of massacres. But what frightens them most are the poisons, which they call "rain," "gas," or "smoke," for they cannot hide from the chemicals that poison them, their water, animals, plants and fields.

Survivors speak of several kinds of "rain." Yellow and red are very serious, and a direct hit means sure death. Green and blue-green rains are not as immediately lethal. A small bit of opium often enables victims to survive, but they suffer vomiting, bloody diarrhea, fever, bleeding through the nose, and dizziness.*

Recently, still another chemical, a light-yellow powder, has been dropped by four-engine planes or by helicopters. The latter, a U.S. military spokesman tells me, resemble Soviet MI-4s or MI-8s.

A H'mong farmer, looking much older than his 40 years, says: "For two years they attack my area in Laos. The planes cover us with red smoke, and the people and animals die. We cannot grow rice or farm. We must hide in caves.

"They drop poison on us 200 times in 1978 and 1979. The first time five people die immediately. Red smoke rolls over the area and everyone is sick. It smells like burning rubber. I swallow a bit of opium, but slide to the ground unable to move. In about an hour I can get up, but I cannot eat or drink. I become very skinny. Twelve more people in my village die of being skinny."

CHRONICLE OF HORROR

The stories are countless. One man sits before me in Ban Vinai refugee camp in Thailand carrying "evidence" of the continued gassing in Laos. Trained by the Americans in intelligence in the 1970s, this former H'mong lieutenant had crossed the Mekong River to Thailand on June 6. From a miniature diary that he miraculously managed to bring, he quietly reads:

"On 15 May 1980, two Soviet helicopters dropped yellow powder on a H'mong village of 200 at coordinate TF 9376. Thirty-five died within seven days; the remaining are very sick."

He recites another attack. Then carefully turning the tattered pages of his diary to check dates, figures and locations, he chronicles what happened to him after the American withdrawal from Laos in April 1975:

"The first gas attack was in October 1975. The communists couldn't take our village by fighting, but they came back with airplanes. One carried red gas, another yellow. Those near where the chemical rockets exploded fell unconscious, with bleeding from the mouth and nose. Many died. Soon afterwards a yellow water flowed from their bodies.

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*Opium has for centuries been used medicinally for severe gastro-intestinal disturbances.

"They hit us with gas for three days. Seventy-five people died immediately. Five hundred more died within a short time. I was lucky, for I was not in the village at the time.

"For three years we were constantly attacked like this. We must live in the jungle like animals. Since early 1980, people are so hungry that they eat leaves exposed to the chemicals, and 715 people have died in my area. I dig in the ground for roots and water, but many are too weak to do this. We have no cloth to cover our bodies from mosquitoes, so we all have malaria. We have no medicine, so we are all sick.

SHOT IN THE ARM

On a visit to Thailand in January, my friend Nhia Vang, who had just escaped from a Vietnamese prison camp in Laos, told me a story not only of genocide, but of an added horror: medically supervised experimentation that uses chemical agents on imprisoned H'mong men, women and children:

"In November 1978, a Vietnamese force of 3500 captured about 1200 H'mong men, women, and children—including mine—in the jungle where the red and yellow smoke had forced us to live. We were taken to a camp called Tong Mien, which held 2000 H'mong prisoners. We were given only a small portion of rice every 15 days, and many of my people were shot trying to get to the forest for food.

"Then, on March 25, two MiG jets flew low over our prison camp and sprayed us with white rain. One hundred people died immediately. The rest of us had diarrhea for 20 days, then fever; we cannot walk or raise our arms. Many more people die.

"In May, four Pathet Lao medics gave injections in the arm to 30 H'mong, including me. It was the color of water. I immediately became dizzy and could not breathe. Blood spurted from my nose and I fell to the ground unconscious. A relative blew opium smoke over me for several hours and finally the bleeding stopped. In 12 hours I could see again and by the next day I could walk.

"The next day four new medics came. This time they had injections and pills for 40 gassing victims. Some medics gave my people injections and green pills, others injections and white pills. Nothing happened for 12 hours; then they have trouble seeing, can't speak and black out. Fifteen died; the rest are very sick for a long time. The medics wrote reports on the people given medicine."

What has been the response of the United States to these atrocities? In my view, it has been appallingly weak and ineffectual.

The House Subcommittee on Asian and Pacific Affairs has taken testimony on the gassings. And the State Department and Department of Defense have made their own investigations. But they and other U.S. officials, including those in the White House, refuse to acknowledge that the evidence is conclusive.

After listening to testimony at the subcommittee hearings in April, Congressman Jim Leach (R., Iowa) stated: "I personally interviewed these refugees. I read State Department and Defense Department reports which are so numerous and so persuasive that they cannot be denied. No one in the White House ever saw a person being gassed in Auschwitz, but we know it occurred. I think this Administration has a moral responsibility to tell the people of the world what is happening."

URGENT MISSION

What government agencies want for "conclusive evidence" is a body for autopsy. But there are serious logistical difficulties in obtaining recently gassed victims and fresh chemicals because the gassing occurs in the remote mountains of Laos, many days' walk through enemy territory to the Thai border. One H'mong found a dispensed gas canister, wrapped it heavily in old clothes, and started to walk it out of Laos to Thailand. The chemical residue in the canister killed him before he reached the Mekong.

I asked Vang Neng, H'mong chief at Ban Vinai, about the U.S. insistence on having a body for autopsy. In a voice of frustration and anger, he said, "Yes, I have bodies for autopsy. I learned yesterday that the communists gassed a village on May 14, killing ten immediately. This is many days' walk from the Mekong. By the time we carry one body out, it will be spoiled."

Last fall, a step in the right direction was made when a team from the office of the Army Surgeon General was sent to Thailand to investigate the gassing allegations. They interviewed 40 men, two women and a 12-year-old girl, all of whom were wtnesses to, and survivors of, gassing attacks in Laos, and concluded in a report withheld from the public that chemical agents had been used against the H'mong. Two recommendations were: to "develop a plain whereby blood, tissue or other specimens may be rapidly transported from the suspect area to the Biomedical Laboratory for analysis, and to establish a medical team, on a standby basis, prepared to travel to the site of future allegations to conduct interviews/examinations." The final recommendation read: "From a military defense position, it would seem to be an extremely urgent mission to initiate every effort possible to identify the chemical agents that have been used and to develop appropriate countermeasures, antidotes, etc."

Unfortunately — indeed, unbelievably — those recommendations have been ignored. On June 30, 1980, I reported to the U.S. embassy in Bangkok that I had located two men in a refugee-camp hospital who reported being gassed in the latter part of May. The timing for testing was within the six-week limit recommended by the Surgeon General. After 14 days of evasive and false information by the embassy and other U.S. officials in Thailand, I returned to the camp myself to speak directly to the two men recently gassed and to the camp medical personnel.

Only then did I learn that medical experts familiar with gassing had not conducted the investigations. We had sent a Thai nurse and an American public-health worker, who admitted he was a "novice" with regard to chemical warfare and, in his own words, had "very little" instruction even in how to collect samples. When I left Bangkok on July 18, the specimens were still there.

WILL YOU HELP?

While the West refuses to acknowledge the use of lethal chemical agents by the Soviet-backed regimes of Hanoi and the Pathet Lao, the Vietnamese government applauds its army's chemical-warfare branch by awarding it a Ho Chi Minh medal. According to Hanoi radio monitored in Thailand in April 1980, Gen. Le Trong Tan told the unit: "Chemical weapons contributed to winning the great victory in the great anti-U.S. salvation resistance struggle" and in "tasks in the new situation " The "new situation" undoubtedly refers to Laos, Cambodia—and possibly to Afghanistan.

The State Department calls evidence suggesting a Soviet role "circumstantial," but it is more than that. Independent intelligence sources have confirmed the presence of Soviet Gen. V. K. Pikolov's chemical-warfare forces in Laos—and subsequently in Kabul, Afghanistan. In addition, Soviet chemical-warfare experts are said to have visited several cities and areas in Laos to inspect "chemical explosives"—artillery shells, bombs, rockets. In sum, it is hard to escape the conclusion that the Soviets are involved, certainly in the production and distribution of chemical agents, and probably in on-site surveillance and medical experimentation.

Meanwhile, the H'mong continue to die. A H'mong leader who is responsible for almost 30,000 civilians in Laos recently crossed into Thailand. His words haunt me: "I have come to see if anyone has food, clothing or medicine to protect us from the gassing. Someone must help, soon, or we will all die. We are friends of the Americans. We fought for freedom. Will you help?"

Will we? How?

First, a fully publicized Congressional hearing—both Senate and House—into the gassing of the H'mong should be held. This would inform the U.S. people and attract world-press coverage of the atrocity. And the U.S. government should make communist gas warfare a major issue before the United Nations and every international forum.

Second, direct pressure should be applied on Hanoi by Free World industrial nations on whom Hanoi greatly relies for the technology and financial aid to rebuild Vietnam. This must be done at the highest private "hot-line" leader-to-leader level. Hanoi should be told that this inhuman policy must stop or aid will be halted.

Finally, since Vietnam is a client state of the Soviets (apparently the source of the lethal chemicals), the United States should inform the Soviets that any discussions of other issues will be put off until we are satisfied that chemical warfare in Laos has ceased.

At Ban Vinai camp, Vang Chue, an 18-year-old boy who has been gassed, is carried into the hospital. His chest heaves with erratic contractions and he struggles to breathe. His face is heavy with sweat and I see a tear looming—the first H'mong-soldier tear that I have ever seen. I lean down to talk with him.

"I'm so sorry that my country is dying," he says in a voice of pain. "Please do something."

THE SOVIET UNION AND THE POLISH CRISIS

(Mr. RITTER asked and was given permission to address the House for 1 minute.)

Mr. RITTER. Mr. Speaker, about 3 months ago, 228 of you joined me in supporting a resolution insisting that the Polish people be left to resolve their own disputes without violent or forceful intervention by any other foreign power. Later a similar resolution emerged from the Foreign Affairs Committee and unanimously passed the House of Representatives.

Today on the eve of adjournment the situation in Poland is reaching crisis proportions as never before. According to news reports this morning, the buildup and positioning of Soviet forces along the Polish border indicates that the Soviets are poised and ready for a possible invasion of Poland.

Leaders in both the Polish Communist Party and the labor solidarity movement are urging restraint and caution on the part of the workers to avoid any cause to justify the Soviet intervention.

Over the years the Soviets have proved to be insensitive to world opinion. Therefore an effective deterrent outside of war is severe curtailment of the massive financial credits and loans extended to them by the Western industrial nations. That means curtailment of trade and economic financing through loans and credits which Western countries have for years been building with the U.S.S.R. and on which the U.S.S.R. is dependent.

I believe that the U.S. Congress must make a statement, and today I am introducing a resolution indicating that if the Soviets do invade, the United States, in conjunction with its NATO allies, Japan and Australia, will discontinue the extension of loans and credits to the Soviet Union. We need now to send out a clear signal to the Soviets that the Western World will not finance the Soviet economy while they destroy security in Europe. I hope you will join me in supporting this resolution.

THE HUNGER STRIKE IN IRELAND

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, on October 27, 1980, seven inmates in the Long Kesh Prison facility in Northern Ireland began a hunger strike. Now more than 6 weeks later, their condition is deteriorating and they have now been moved into the prison hospital. These seven inmates were joined by three women prisoners in the Armagh women's facility who began their hunger strike last Monday.

As chairman of the 132-member Ad Hoc Congressional Committee for Irish Affairs, I take to the House floor today to renew my appeal that a humanitarian resolution to this problem can be reached before any prisoner dies. I made this appeal on October 29 to President Carter, and last week to the United Nations which I feel can be a mediator in this dispute.

It is obvious that all dialog between the two sides has broken off and the lines of communication must be reopened.

The New York Times, in a Thanksgiving Day editorial noted of this situation—

> If Mrs. Thatcher's government can end the present confrontation on humanitarian terms, that may not of itself bring out the better angels among ancient adversaries. It would, however, be a salutary setback for the politics of hate.

THE HUNGER STRIKE IN IRELAND

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, the hunger strike currently in progress in the "H blocks" of the infamous Long Kesh Prison which I have visited is symbolic of the tragic situation in Northern Ireland. The hopelessness and the despair, the violence and the horror, are symptoms of a crisis which has been perpetuated for the past 300 years.

I am proud of efforts I have made in the cause of peace in Northern Ireland during my 16 year congressional tenure. I have not confined my actions to hollow and passionless oratory. At personal risk, I journeyed to Northern Ireland, and witnessed the horror and the grief, the magnitude of which most Americans cannot conceptualize. Unfortunately, I am the only Congressman ever to be allowed to venture inside the notorious Long Kesh Prison; while traveling under the alias Joe Branigan, I was privy to the suffering and deprivation which official visitors are not.

The pain and the suffering continues as the violence and the tension mounts. There are no simplistic solutions to a question which has loomed for centuries, yet we must continue to do our best. Catholic, Protestant, and British terror must cease; the Irish people have suffered long enough. Desperation breeds terror in Ireland, and terror breeds more terror. I do not have to explain how vicious such a cycle can be. We must appeal to all sides to bring a halt to the violence which has cost so many innocent lives, for the ultimate solution to the crisis in Northern Ireland will not be brought about by terror, but by peaceful political negotiation. In order for such a solution to be effective, it must address the fundamental problems of discrimination, bigotry, equal opportunity, and ultimately the issue of the British presence in Northern Ireland. History has proven that unless these problems are solved, the tragic cycle of destruction cannot be halted.

□ 1020

A CALL FOR NEGOTIATIONS TO RESOLVE IRISH POLITICAL STRIFE

(Mr. MAVROULES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, I rise today out of a sense of grave concern for the 6-week-old hunger strike waged by seven male and three female Northern Ireland prisoners in the H block wing of the Long Kesh prison facility and the women's jail in Armagh.

We are all too keenly aware of the ongoing political strife in war-torn Northern Ireland—we read and hear daily reminders of these tragic, embittered people and their never-ending struggle for independence. The potential ramifications of this hunger strike, however, command our renewed attention.

We, as a nation, cannot sit idly by without letting our voices be heard. It is our moral obligation, as a nation who places the respect of human rights as the highest of priorities, to speak out in an endeavor to see this deplorable situation righted in as timely a manner as possible.

Diplomatic negotiations have broken down completely—absolutely no progress toward a reopening of discussions has been made. As the length of this stalemate increases, the potential for a dramatic growth in violence becomes more paramount.

It is imperative that the United Nations intercede as a mediator between opposing factions and attempt to reinstate diplomatic negotiation toward a peaceful, humanitarian resolution to this tragic conflict. As each day passes, I fear, the possibility of peaceful resolution becomes all the more remote.

Mr. Speaker, the United Nations must take a stand on this most important issue. I urge my colleagues to cast their eyes toward Ireland and to let their voices be heard.

HUNGER STRIKE IN NORTHERN IRELAND

(Mr. ZEFERETTI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZEFERETTI. Mr. Speaker, I join my colleagues here this morning in focusing on the ongoing hunger strike being waged by the men and women in Northern Ireland's prisons.

These prisoners were arrested under special laws, held incommunicado for periods of up to 7 days, tried in special nonjury courts that permit coerced confessions as admissible evidence, and sentenced to extremely harsh jail terms. Yet these prisoners, convicted of politically motivated crimes, are refused special status by British officials.

In short, they are the victims of a system of justice that Americans and freedom-loving people everywhere would find repugnant. Few of the prisoners would be incarcerated in the H-block prison were it not for the fact they consider the British presence in the north as unlawful. The hunger strike is the culmination of their 4½-year struggle to gain political-prisoner status.

It appears that the British Government will not intercede to negotiate the demands of the striking prisoners. Should any or all of the hunger strikers die, I am fearful that a renewed rash of terrorist violence will result in the deaths of Catholics and Protestants alike.

As a member of the Ad Hoc Committee for Irish affairs, I oppose all violence in Northern Ireland—that of the terrorists as well as the institutionalized violence of the British authorities. I implore the Government of Great Britain to avoid any escalation in that volatile region of the globe.

THE IRISH PRISONERS HUNGER STRIKE

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, I would like to express my deep concern over the ongoing hunger strike being carried out by 7 male prisoners at the Long Kesh Prison and 3 women prisoners at the Armagh Women's Prison in Northern Ireland. These 10 prisoners went on a hunger strike for the following conditions: First, the right to wear nonprison clothing; second, the right not to do prison work; third, the right to family visits and food parcels; fourth, free association; and fifth, full remission—similar to parole in our system, which today does not apply to these prisoners.

The essential issue of the hunger strike is that the prisoners are demanding special status because they insist that their position is special. In fact, prior to March of 1976, they were acknowledged to have special status. The men and women on the hunger strike contend that they were: First, arrested in a special way and under special laws; second, detained and interrogated in a special manner, prosecuted by a special act of Parliament; third, sentenced in a special court; namely, a nonjury court; fourth, given especially long sentences; and fifth, incarcerated in a special prison.

So, in fact, there is logic that their status is clearly special from the ordinary prisoner. Recognizing or granting special status would be simply recognizing existing realities.

Because the British Government refuses to accept that reality, prisoners for years have been living naked, "on the blanket," in confinement.

Cardinal O'Fiaich, the Irish Government, and others have appealed to the British Government to restore those concessions. Tragically, the British Government has refused. The death of a hunger strike, I fear, would only serve as a further setback to the cause of peace in Ireland.

IRISH HUNGER STRIKE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the unrest and violence in Ireland is tragic, exacerbated by ignorance and propaganda which has been intensified by efforts to discredit and malign the Irish. At present, there are 10 individuals in Ireland who are participating in a hunger strike in an effort to focus world attention on the plight of those prisoners in Ireland who are being treated as common criminals instead of recognizing their political commitment. The British occupation of Northern Ireland has led to an atmosphere of distrust for the law, and a sense of futility on the part of the prisoners whose trials have been conducted in name only. Justice in Northern Ireland leaves much to be desired, despite assurances by the British that respect for law and order are primary concerns.

Mr. Speaker, it is imperative that human rights in Northern Ireland improve drastically if we wish to bring about any meaningful and lasting peace in that part of the world. Let us heed the significance of the acts of the striking prisoners, three of whom are women in Armagh Prison, which I visited, and let us work toward peace and justice which is worthy of the Irish people.

U.N. INVOLVEMENT NEEDED IN IRISH HUNGER STRIKE CRISIS

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, a very dangerous situation is developing in the Long Kesh Prison near Belfast, Northern Ireland. The seven prisoners, now in the fourth week of a hunger strike, await the British Government's move to grant them political prisoner status. However, until this action is taken, a volatile situation worsens in Northern Ireland, and a fear of increased violence is felt throughout the region.

The distinguished chairman of the Ad Hoc Congressional Committee for Irish Affairs, Hon. MARIO BIAGGI, has led an appeal to the United Nations for their intervention in this situation. The channels of dialog must remain open and direct if there is to be a resolution to this crisis. Humanitarian needs are of the utmost concern, and must be instrumental in the framework of the resolution of this dangerous situation. As a member of the Ad Hoc Irish Affairs Committee, I join with my colleagues in urging U.N. Ambassador McHenry to appeal to the U.N. for their active involvement to mediate a peaceful and mutual agreement.

INTRODUCTION OF BILL ENCOURAGING PUBLIC PARTICIPATION IN FEDERAL AGENCY RULEMAKING

(Mrs. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SNOWE. Mr. Speaker, I recently introduced H.R. 8205, a bill to encourage public participation in Federal agency rulemaking. The bill is designed to simplify the present complex, costly, arcane procedure by making three simple changes.

Anyone would be permitted to submit comments on proposed rulemaking as a matter of right without having to show in advance legal "interest."

Notice of rulemaking would be required to be published in the Federal Register, and at least 30 days would be allowed for public comment as a matter of law.

For formal rulemaking, any person not a party to a rulemaking could submit comments in a manner similar to that now permitted for informal rulemaking. Persons making such a submission do not become parties to the rulemaking.

This bill is limited in scope but broad in impact. It opens the Federal rulemaking process to those affected by it; individuals and small businesses who previously have shied away from participating because of the excessive cost and complexity of doing so.

These changes could be implemented with minimum expense, but maximum payoff for the Federal agencies and the individuals involved in the rulemaking. Today, I will give a detailed explanation of the bill in the extension of remarks. I recommend it to my colleagues, and hope we can make this a priority issue in the 97th Congress.

VIOLENCE FEARED AS IRISH HUNGER STRIKE CONTINUES

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, as a member of the Ad Hoc Congressional Committee for Irish Affairs, I rise to join our distinguished chairman, MARIO BIAGGI, in expressing grave concern about the dangerous situation created by the hunger strike being waged by 10 prisoners in Northern Ireland and by the intransigence of the British Government.

These people have vowed to refuse all food until the British Government grants them political status. As the hunger strike enters its 4th week, a highly charged emotional mood has swept through Northern Ireland, and the British fear outbreaks of violence should the the situation continue.

Clearly, Ireland has seen too much violence and turmoil. The parties to this conflict must do everything in their power not to agitate an already explosive situation. Our Irish Caucus is dedicated to ending violence on both sides. Unfortunately, all dialog between the British and Northern Irish has broken down. As the health of the strikers declines, the chance of violence increases.

I join Mr. BIAGGI in his appeal to U.N. Ambassador McHenry to request the United Nations to initiate efforts to resolve this matter. I think it is long past time that the United States exercised its responsibilities in this situation.

□ 1030

RETIREMENT OF THE GOVERNOR OF CONNECTICUT, ELLA GRASSO

(Mr. GIAIMO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIAIMO. Mr. Speaker, today our former colleague, Ella Grasso, is announcing her retirement as Governor of Connecticut, sometime later this month.

Connecticut politics will never be the same again without my dear friend Ella's active participation. She has devoted her entire life to public service, and it is difficult to imagine Connecticut politics without her.

I know how difficult it must have been for Ella to make the decision to give up the rigors and responsibilities of public life, particularly when she knows that she still can and would accomplish much. It is time that she looks out for herself, however, and hopefully we will be able to see each other more often now that I, too, am retiring from public life and can spend more time in Connecticut.

Ella's dedication, determination, and devotion to Connecticut and the entire Nation will be remembered for years to come. She has my love, and, I know, the love of everyone in this Chamber. She continues to have my prayers as she faces the greatest challenge of her life. We wish her the very best, which she so richly deserves.

LEGISLATIVE PROGRAM

(Mr. BOLLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, I have been asked to read the schedule for the day as planned by the leadership:

Conference report on S. 1159—Motor Vehicle Safety and Cost Savings Authorization, including consideration of its rule;

H.R. 6417. Surface Transportation Act of 1980, complete consideration;

Conference report on S. 988, Health Science Promotion Act; and

Conference report on H.R. 7018, Insecticide, Fungicide, and Rodenticide Act.

In addition, the conference report on H.R. 7591, the agricultural appropriation bill, may be brought to the House floor later today.

Then there will be four suspensions. Recorded votes on suspensions will be postponed until after all suspensions have been debated.

H.R. 8406, pneumococcal vaccine bill;

S. 2163, Northwest salmon bill, concur in Senate amendment;

H.R. 8285, Piracy Act of 1980; and

S. 1784, Alaska Federal-Civilian Energy Efficiency Swap Act of 1980.

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1980

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 820 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 820

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, and all points of order against said conference report for failure to comply with the provisions of clauses 3 and 4, rule XXVIII are hereby waived.

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) for the purpose of debate, pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of this rule will know that it waives a number of points of order on scope and germaneness. This is not a rule that I can say is noncontroversial. It is very controversial. There are many divisions. There seems to be, at least in the Rules Committee, a division by party. I think all the Democrats voted for the rule being reported and all the Republicans who voted, voted against it.

Mr. Speaker, I know there are Democrats who oppose the rule, also, because I have agreed to yield some time to my distinguished friend from Michigan (Mr. DINGELL).

The reason this particular matter was scheduled before the Rules Committee at all—I hope the Members have noticed the Rules Committee has not been enormously generous in granting rules in the last few days; we have only been dealing with necessities, with rare exceptions. This is one of the exceptions. The reason is, as far as I am concerned, primarily because the matter came up on suspension and had a majority on suspension. In other words, a majority of the House—as I remember it 209 to 192—voted for this piece of legislation. I thought that justified its being brought to the floor for a decision by the full membership.

Mr. Speaker, I happen to support the rule and I support the conference report. I feel very strongly that it is a good idea to deal with this problem now. I do not think it will be dealt with better later. That is a personal view and I hope I have described accurately the situation that confronts us. I hope, of course, that my side wins on the rule and wins on the conference report. In the meantime, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

My good friend, the able gentleman from Missouri, the chairman of the House Committee on Rules, has explained the provisions in the rule. Normally we are together, but today I would like to see the defeat of the rule.

This rule would waive clauses 3 and 4 of House rule 28, two of the most important rules we have fought to include in our system of rules and to uphold over the years. These are the rules of scope and germaneness on conference reports, designed to shut out nongermane Senate riders and to prevent conferees from writing new legislation in conference.

And yet we are being asked to waive these rules today, not just for some minor or technical violation contained in the conference report but because this conference report is riddled with violations of clauses 3 and 4. The gentleman from North Carolina (Mr. BROYHILL) testified before our Rules Committee that eight of the nine sections of this bill were in violation of one or both of those clauses, and the gentleman from Michigan (Mr. DINGELL) confirmed that assessment.

I think if we had continued with the suspension of the Dingell-Broyhill bill as scheduled the first of this week, this measure would not have been before the House, today. The Dingell-Broyhill provision did not contain any provision whatsoever for airbags. They gave up a legislative veto provision in the measure in order to get it scheduled, but it was then withdrawn.

Mr. Speaker, this measure, today, in addition to all of the provisions mandates airbags in certain automobiles by a certain date.

It seems to me that airbags should be on a completely voluntary basis: If you want them in your automobile, that is one thing; but mandating in this conference report a design that must be carried out is going to add considerably to the cost of the automobile.

I think, today, it is time we put our foot down, it is time we defeated this rule and go back to the Dingell-Broyhill measure which would solve all of the problems that we have, would give us fine legislation and we could go forward without the mandatory provision.

The right of legislative veto in the Dingell-Broyhill provision which was scheduled under suspension was dropped in order to get it scheduled on the House floor. But that then was not enough. The pressures coming from downtown, I am sure, had something to do with the scheduling of this conference report.

It is true, in the Rules Committee the Republicans voted no and the Democrats voted yes for reporting. However, it really is not a partisan situation. It is not partisan when you go to buy a car and have to pay $600 or $700 additional with a high interest. In my opinion, it is going to put on the skids other automobile manufacturers and will bring about a desperate situation for the consumers of this Nation.

Mr. Speaker, I urge the defeat of this rule because I think this is clearly an instance in which we must draw the line clearly in the dust for our conferees and stand by our rules. If we do not draw that line now, we will be inviting future conferees to write completely new legislation in coneference in total disregard of the wishes of the House.

Mr. Speaker, I yield 5 minutes to the distingiushed gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I thank the gentleman from Tennessee for yielding. I rise in opposition to this rule, Mr. Speaker. The rule before us waives all points of order. It is my judgment that the House should reject this rule that is before us for a number of reasons.

□ 1040

Why did the Rules Committee grant this drastic a rule that would waive all points of order, and override the rules of the House and the rights of Members under those rules?

The rule is necessary because the conference report on S. 1159 would be subject to a wide variety of points of order without this rule. The conference report has nine sections to it. Eight of those nine sections are either not germane to the House-passed bill or they exceed the scope of conference. The only section of the conference report that the conferees managed to get right was the one that contains the short title to the bill.

There are certain provisions in the conference report that were dreamed up by this small group of conferees without direction from either body, the House or the other body. One of the most outstanding examples of what I am talking about is the provision that would mandate five automobile companies tool up to provide airbags in a line of cars. Of course, this is not only beyond the scope of the conference, but is directly contrary to the clearly expressed House position.

The House over the last several years by a substantial margin has repeatedly voted against allowing this traffic safety agency to require the installation of airbags. This is what the conference report does.

The fact is that the automobile companies in many cases will be required to tool up for a line of cars to provide airbags in those cars, and that line of cars will not even be manufactured 2 or 3 years from now. In other words, all of that expense will be totally wasted and will be unnecessary as the automobile companies are going through their plans of downsizing their cars.

The large cars where airbags will be included will not even be in the line a couple of years from now. It just does not seem to me to make sense that we should require them to go to this expense. And, of course, who is going to pay for it? It will be the consumer who will have to pay for it in terms of higher prices on new cars in future years.

So, Mr. Speaker, if this rule is granted, and if the conference report is adopted, we will be signaling future conferences that they need not consider themselves bound by the rules of the House. They do not even have to be found by the direction of the House, and so I think that this rule deserves to be defeated.

I would point out that if the rule is defeated, we are prepared to work with the chairman of the subcommittee, the gentleman from New York (Mr. SCHEUER), to offer a compromise that will solve the problems that have been called to our attention, and that is to delay the standard and to reverse the order of the safety standard.

The House has voted time and again over the past several years to prohibit NHTSA from requiring the installation of airbags. This conference report makes that mandatory. This is the first time that the Congress would be, by law, requiring the compliance with a design standard. I think that this is a bad precedent, and it should not be permitted. The cost associated with tooling up to meet these standards are substantial. These costs are going to be incurred regardless of whether or not the consumers actually order airbags. And, of course, the cost will have to be absorbed by companies at a time they can ill afford the high cost associated with it.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend from Missouri. I regret he and I have a difference of view on this rule, because I have the utmost respect and affection for the gentleman from Missouri, as he very well knows.

Mr. Speaker, this rule should be rejected.

Mr. Speaker, the original House bill that was passed is widely different than that which this rule would place before us.

Mr. Speaker, the rule that is before us would sanctify the act by certain conferees on behalf of the House who went to conference with the Senate, did not fully uphold the overwhelming vote of the House, and have brought back a proposal which is in major conflict with the rules of the House. So major are the conflicts that it has to have waivers of points of order and waivers of points of order on scope in no less than eight of the nine sections of the bill.

Now when this matter, S. 1159, was before the House at an earlier time, it was rejected by 68 votes. It should be defeated again.

It is a substantial departure from the House bill in which the House overwhelmingly adopted by bipartisan vote the Stockman amendment, which provides consumers for a choice of automobiles of at least three safety protection devices. The conference report was defeated, as I have mentioned, in large part because of a long-standing controversy surrounding airbags. The questions of high cost and the questions of effectiveness which still surround them and which have been chronicled in extenso in the report to the Congress by the General Accounting Office.

Mr. Speaker, S. 1159 was earlier defeated in this House because neither the Congress nor the Federal agencies in view of the House should have a mandate for a design standard. It has always been the position of the House that we should have performance standards. That is standards which say that the vehicle or the equipment should do a certain thing and then leave the choice of how it is to be done to the manufacturer and to the demands of the marketplace.

Mr. Speaker, this is not a partisan question. The vote was overwhelmingly for the House position. The question is not even whether airbags or passive restraints are going in, because under existing law passive restraints, as opposed to airbags, which include airbags but which also include other devices such as passive belts, are still required under regulation and some passive belts and others are and new ones will shortly be on the market.

Mr. Speaker, it must be pointed out that the requirements of 208, the motor vehicle safety standard are still in place and can be laid in place at any time or changed by NHTSA.

What we are being asked to do by this rule and what we are asked to do by the S. 1159 proposal is to mandate airbags on the automobiles. The manufacturers then would have to do it if S. 1159 passes whether they have a better technique or not. The consumer is probably forced with paying the cost of these, which is probably going to run about $1,000 per vehicle whether he in fact wants to or not.

This is not a proposal which affords freedom of choice to the American consumers.

Now, all of the manufacturers propose a compromise, which the gentleman from North Carolina (Mr. BROYHILL) and I, in a bipartisan effort, will offer to the House as soon as this unfortunate rule has been rejected.

All of the manufacturers favor that course. All of the automobile dealers favor that course.

I would submit to this body, Mr. Speaker, that the automobile dealers as late as last night have communicated to us their stern and strenuous opposition to the course upon which this rule would embark not only the Congress, but the Nation.

Remember, Mr. Speaker, that adoption of this rule says to conferees that they can just clearly go to conference, and disregard the instructions of the House.

Now the bill which was passed by the House December 12, 1979, H.R. 2585, is radically different than S. 1159 which is before us. The bill H.R. 2585 was passed overwhelmingly.

□ 1050

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BOLLING. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, whether this rule is adopted or not, airbags will go in American manufactured automobiles. Ford plans to put them in. GM plans to put them in. Mercedes will have them in. Volvo will have them in and BMW says it plans to have them in. That is five lines; but that is a free choice by the manufacturers. That is not a design standard. It is a response of those manufacturers to what they believe the marketplace is. If this rule is rejected, the gentleman from North Carolina (Mr. BROYHILL) and I, working together, will move to get before the House a proposal which is already on the suspension calendar, H.R. 8379, which does everything that this conference report does except to mandate an airbag design standard, something which is extremely unfortunate.

The House should know that never before in my memory have we legislated into place design standards. We have always said you will have performance standards. Design standards are perhaps the worst thing you can inflict on industry. Afford the consumer then the best way of choosing those things which work best, which cost least, and which are most desirable from the standpoint of the consumer. That is why this rule should be rejected. We will then be able upon its rejection to move forward to the consideration of H.R. 8379, which is already on the suspension calendar and which can pass, which can become law and which meets the desires not only of American manufacturers, but American labor and also which meets the desires of the American consumers and the dealers who will be selling these vehicles.

Mr. Speaker, I again urge that we dispense with the confusion and that we reject this rule. We must insure that our conferees act in conformity with the requirements of the rules of the House and in accordance with its traditions.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I rise in support of the rule providing for consideration of the conference report on S. 1159, the Motor Vehicle Safety and Cost Savings Authorization Act of 1980.

I urge my colleagues to adopt the rule and then the conference report for three reasons.

First, enactment of this legislation would provide desperately needed relief to the domestic automobile industry.

The domestic automobile industry is in a deep crisis.

Over 1 million workers are now unemployed in the auto and auto-related industries, and car sales are down over 17 percent below last year's weak levels.

The industry may well be headed for another deep slump, if it is not already in one.

By delaying implementation of the passive restraint standard for 1 year, this conference report will save the domestic automakers millions of dollars.

General Motors alone has estimated it will save $50 million by May 1, 1981 alone if this measure is adopted.

The conference report further reverses the application of the passive restraint standard so as to eliminate a competitive advantage the foreign carmakers have over the American industry.

It also gives the domestic carmakers additional time to comply with the standard.

Further, the conference report provides for "consumer choice" with respect to passive restraints.

The second reason to adopt this rule and then the conference report is to eliminate an enormous regulatory burden upon the tire dealers and retailers across this Nation.

The conference report changes the current mandatory tire registration system into a voluntary program which eliminates the paperwork burden on tire dealers, while simultaneously protecting consumers in the event of a tire recall.

Finally, I urge you to support the rule because the conference report reauthorizes the National Highway Traffic and Safety Administration (NHTSA) through fiscal year 1982.

This agency has been without an authorization since fiscal year 1978.

It needs to be reauthorized so that it may continue to carry out its safety and consumer protection mission.

Before concluding, I would like to address the concern that this conference report contains provisions which are beyond the scope of the conference or which are nongermane.

Certainly, there are such provisions and much has been made of that fact.

However, such provisions were included by the conferees neither lightly nor carelessly.

In each instance, the conferees carefully weighed the merits of the provision against the spirit of the House rules.

Let me cite a few examples.

The seven germaneness problems in the conference report resulted because the House bill contained only a 1-year authorization.

The Senate bill ran for 3 years and contained permanent amendments to the act.

Thus, any Senate provision adopted by the conferees was automatically nongermane to the House bill.

For instance, section 2 of the conference report is nongermane because it authorizes NHTSA through fiscal year 1982.

As I mentioned before, the House bill only authorized the agency through fiscal year 1980.

The only way the conferees could adopt provision to deregulate tire dealers and provide for a cost-effectiveness analysis of the bumper standard was to breach the germaneness rule.

Another example in section 2 of the conference report.

It is nongermane because it authorizes NHTSA through fiscal year 1982.

As I mentioned before, the House bill only authorized the agency through fiscal year 1980.

Unfortunately, the conference did not convene until July of this year.

At that point, 2 months remained of the House authorization period.

I would note that by now, the House authorization would have expired.

Rather than follow the letter of House rules and produce an absurd result, the conferees adopted the Senate provision which authorized NHTSA through fiscal year 1982.

I would also point out that the provisions to deregulate tire registration and to provide for a cost-effectiveness analysis of the bumper standard were nongermane for the same reasons.

These are also some provisions in S. 1159 which are outside the scope of the conference.

Section 8 dealing with passive restraints is a good example of this problem.

S. 1159 passed the House in December 1979.

However, it was not until July 1980 that the conference on this measure convened.

During that time, conditions dramatically deteriorated in the domestic automobile industry.

I am certain that every Member is aware of the massive unemployment and enormous losses in the auto industry.

Numerous requests for assistance were put forward by the auto industry.

Again, the conferees had to choose between blindly adhering to the rules or attempting to respond in an intelligent fashion to a drastically changed situation.

The conferees chose the latter course of action—the only responsible thing we could do.

This conference report has been adopted by the Senate.

It is strongly supported by General Motors and Ford.

It is also favored by the UAW.

In these closing days of the Congress, adoption of the rule and the conference report is the only certain means to help the automobile industry, deregulate the tire dealers, and reauthorize NHTSA.

I urge my colleagues to support the rule.

GENERAL MOTORS,
DIRECTOR OF GOVERNMENT RELATIONS,
December 3, 1980.

DEAR CONGRESSMAN: We have previously communicated with you in support of H.R. 8379, a bill which would correct critical problems with the existing government standard requiring passive restraints in automobiles. It now appears that H.R. 8379 will not be scheduled for a vote. Instead, S. 1159 will come up for a vote today.

We urge you to vote in favor of S. 1159 which will correct many of the existing problems (by reducing current expenditures and eliminating a competitive advantage for foreign cars). As a matter of principle, we are opposed to the concept of including in legislation a design requirement as opposed to a performance requirement. Unfortunately, S. 1159 contains a design requirement for five companies to tool for and offer for sale air bags. However, S. 1159 does not compel anyone to buy air bags.

In view of the urgent need to remove competitive advantages for foreign cars under current regulations, and the need to conserve scarce capital, we urge you to vote for S. 1159. The attached contains more information on this issue.

JAMES D. JOHNSTON.

GENERAL MOTORS POSITION ON S. 1159

There is an urgent need for the House to pass S. 1159:

Passage of S. 1159 will remove the competitive advantage that the present Federal safety standard gives to foreign car manufacturers in the next two model years (1982 and 1983).

Passage of S. 1159 will permit domestic manufacturers to save millions of dollars. (Tooling cost for GM is running at $6–8 million per month under the present standard. These costs will be wasted if the regulation is changed at a later date, as it should be.)

Two misconceptions about S. 1159 should be corrected:

S. 1159 does not create an air bag standard.

S. 1159 does not compel anyone to buy an air bag.

EXPLANATION OF S. 1159

Competitive advantage and cost

Motor Vehicle Safety Standard 208 requires passive restraints (automatic belt systems or air bags) on large cars commencing next August (1982 model year), on midsize cars in the 1983 model year, and on small cars in the 1984 model year. S. 1159 would change this schedule to make the standard applicable to small cars a year earlier (1983), thus enhancing vehicle safety. It would delay the standard for all other cars until the 1984 model year. Since automatic belts cost at least $50 more than present belt systems and it appears that there is customer resistance to them, this change in schedule permits domestic manufacturers to compete on an equal basis with foreign imports.

Misconceptions

S. 1159 does require five manufacturers (GM, Ford, VW, Toyota, and Nissan) to tool for and offer for sale air bags on one car line each. GM does not agree with this provision since it is contrary to the basic statute which rejects design standards. However, there is no requirement that anyone buy an air bag at any time. Because of the urgent need to remove the competitive advantage to foreign manufacturers in the existing standard and to permit domestic manufacturers to save millions of dollars, we urge you to vote for S. 1159 now.

History

On October 1, the House voted on S. 1159. The measure received a majority 209–192, but since it was voted on under a suspension of the rules, the measure did not pass.

Ford Motor Co.,
Dearborn, Mich., December 3, 1980.

To: All Members of the House of Representatives.

Ford Motor Company recommends House approval of the Conference Report on S. 1159, NHTSA Authorizations, which is scheduled for a vote today, December 3. Although we object to the report's discriminatory treatment of manufacturers and its unprecedented mandating of design standards, House passage will eliminate the confusion and uncertainty on passive restraint requirements that have been extremely costly and disruptive of orderly product development.

Will Scott.

☐ 1100

Mr. BOLLING. Mr. Speaker, I yield myself 1 minute for the purpose of answering a question from the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman.

Mr. LEVITAS. The question I have is that I notice the chairman of the subcommittee, the gentleman from New York (Mr. Scheuer) made reference to the fact that the bill as passed by the House and adopted in the conference contains a provision for a congressional or legislative veto of rules and regulations issued by this agency. I would like to ascertain whether the rule which is being proposed protects the provision for a legislative veto which is contained within the conference report?

Mr. BOLLING. The answer is "Yes," it does.

Mr. LEVITAS. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened to the argument just made by the gentleman from New York (Mr. Scheuer). I think he is going through a new assembly plant. I think he is assembling some information which is contrary to this conference report.

It is true one can buy a bicycle without airbags. It is true one can buy a motorcycle without airbags. But when we mandate airbags in certain automobiles at a certain date, to me it is not voluntary, it is absolutely mandatory.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. Devine).

Mr. DEVINE. Mr. Speaker, I thank the gentleman from Tennessee for yielding.

We are talking about the rule, I would say to the Members on the floor as well as those that may be monitoring the floor debate, and that they will probably be called upon to have a record vote on the issue of the rule.

When the Rules Committee met to consider S. 1159 our colleague from Michigan (Mr. Dingell), our colleague from North Carolina (Mr. Broyhill), and our colleague from Texas (Mr. Gramm), testified in opposition to the conference report. That is the issue right now.

At that time we detailed our strong objection to the granting of a rule for this report, pointing out then, and I would like to point out again now that the conference report has nine sections, eight of which are subject to points of order for germaneness or scope. In fact, the only provision which is not subject to a point of order is the title. Think of that.

What we have here is a conference report that bears little resemblance to the legislation that passed either body. This rule, in effect, means that all future conferences need not consider themselves bound by the rules of the House.

In the substance of the legislation, I guess Members of the House are going to have to believe in reincarnation. We put airbags to bed in this session two or three times. Just like mercury, you put your thumb on it and it pops out some place else. Here we are again 1 day before the end of the session again voting on something that the House has rejected time and time again.

The insurance companies and the proponents of this conference report like Nader and Joan Claybrook say, "Well, you might save 8,000 lives." Of course, that is an emotional appeal and we all want to save lives. But solely on that type of premise are we going to mandate that all drivers or passengers in automobiles dress up like a professional football player, mandate all drivers and passengers put headgear on, put shoulder pads on, put hip pads on, and knee shin guards, to protect themselves in case they have an accident?

There are a number of emotional arguments that can be used, one of which we do not often hear. The fact is that 50,000 persons a year lose their lives through traffic accidents. The National Highway Safety Council says that over 50 percent of fatalities and injuries in automobile accidents are the result of the use of alcohol, but we do not hear anyone in here now saying let us ban alcohol in order to prevent traffic deaths.

But they do come in with something that is repugnant to the general public, and that is compulsion, compulsion, saying, "We have to save you from yourself and, if you will not do it, we will do it; we will mandate airbags in one line of each car put out by each manufacturing company." If people want to buy them, let them, but let us not force it down the throats of the Ameircan people.

I urge my colleagues to vote against the adoption of this rule.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. Lott).

Mr. LOTT. Mr. Speaker, I think maybe it is symbolically very important that here in the last day or two of this Congress we are debating airbags. Perhaps that tells us something about this whole Congress.

Mr. Speaker, if birds of a feather flock together, then this lameduck Congress has found a feathered friend in the seasonal turkey. That is just what the Rules Committee has served up on this platter of a rule—a real turkey, stuffed with an airbag.

In all my years in the House I have never seen such an unruly recipe for a fowl dish as this rule for the vehicle safety conference report we are being asked to stomach. Not only do we have to hold our noses to swallow this unsavory bird; we are being asked to throw the House Rules Manual out the window before we can partake of this tainted turkey.

I would ask my colleagues not to be deceived by the brevity of this rule, for in this case, brevity is the soul of witlessness. In just a few words, this rule would have us waive clauses 3 and 4 of House rule 28. Those two clauses state that it is against House rules for a conference committee to report any matters which go beyond the scope of matters committed to conference by both Houses or which would not have been germane if offered as amendments to the House bill. And yet, according to the testimony of two witnesses who appeared before our Rules Committee on November 19, Messrs. Broyhill and Dingell, eight of the nine sections of this conference report are in violation of one or both of those clauses. Indeed, the only section of this conference report which is in conformity with our rules, according to the witnesses, is section 1, the short title of the bill.

The gentleman from Ohio (Mr. Devine) just stated that in this particular bill each of the nine sections, everything but the title, is beyond the scope, and yet here we have a rule asking us to just take it like it is, waive every rule that we really should consider sacrosanct around here so that we can take up airbags.

The most flagrant violation of the scope rule is section 8 which deals with the subject of airbags. The House adopted an amendment which would make airbags an option for purchasers to choose or reject. The Senate-passed bill contained no provision relating to airbags. And yet, the conferees turned this whole issue on its head by requiring that airbags be installed in certain makes of cars by certain dates. If ever there were a more blatant example of flouting House rules as they pertain to conference reports, it eludes me.

And perhaps the most blatant violation of our germaneness rule on conference reports is section 9 which is the so-called legislative veto provision. The House-passed bill contained a simple 1½-House veto provision which was in conformity with existing House rules. The Senate-passed bill contained no veto provision. The conferees, in another fit of creativity, converted this simple veto provision into a complex two-House veto subject to all manner of new rules and procedures that do violence to existing House rules. In proposing that we significantly alter existing House procedures in this veto provision, the conferees have clearly invaded the jurisdiction of the Rules Committee without consulting us. While I am sympathetic to the concept of the legislative veto, I do not think it is advisable to allow conferees from other committees to run wild rewriting House rules and procedures—especially conferees from the other body.

In conclusion, Mr. Speaker, this is a House of rules, not just of men and women. Our rules have been fashioned to provide for the orderly consideration of legislation and to put reasonable constraints on our conferees when that legislation is committed to conference. If we ignore those rules, as we are being asked to do in this resolution, then we invite legislative chaos, subject only to the whims of new super conference committees, armed with vast and arbitrary powers beyond anything we have granted ourselves in this House. For these reasons, I strongly urge that we defeat this rule, or we are going to make another tragic mistake in this last hour.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, we should draw the line now and make it crystal clear to the future conferees that we must stick to the rules of the House or else they are going to be legislating and taking away our authority and bringing to the House floor completely new measures. We must draw a line today and defeat this rule.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend, the gentleman from Tennessee (Mr. QUILLEN) for yielding to me. He has pointed out that what we have before us is a group of runaway conferees who have presented to us a bill which is clearly in defiance of almost every rule in the House and requires not one, but eight waivers of points of order on nine sections.

Mr. Speaker, it has been said that the auto companies favor this. The auto companies are in open opposition to design standards. I would like to read what Ford had to say here. This is in a letter dated September 23. It says as follows:

> As you know from our earlier discussions, Ford has had several serious objections to the bill which is still in the final draft. The bill is highly discriminatory in that it applies new regulatory requirements only to the largest manufacturers. We consider this an extremely bad precedent.

Here is what GM had to say in a letter dated September 24:

> As a matter of principle, we believe that it would have been appropriate for these changes to be made administratively and not legislated into law. Also, we are opposed to the concept of including in legislation a design requirement as opposed to a performance requirement.

What this panel of conferees has done would be like dealing with coal mine safety by saying, "You shall build a coal mine which will conform to these plans." What we do in coal mine safety is say, "You shall do the following things to assure safety," and then leave the design of the mine to the coal mine builders. This proposal is so bad that even a number of insurance companies, supposedly beneficiaries of this, are opposed, such as the Alliance of Insurors which is a trade association of the insurance companies of the United States who feel that this is a bad proposal and not in conformity with the best interests of that industry and of the motoring public and the persons who are insured.

Mr. Speaker, if we reject this proposal—and I hope we do—we have a proposal which is already on the Suspension Calendar which can be amended to give simply a 1-year extension with regard to the standards, take care of all the problems that afflict the industry, and then deal with all of these questions administratively next year; and in that substitute, we will also do one thing else which is, I believe, important, and that is to leave the agency with an appropriate authorization for expenditure of money.

If this proposal is rejected—that is the proposal which lies before us, the rule for this outrageous conference—the NHTSA has its money for the next fiscal year. They are now spending it. The appropriation has already been passed. And if we reject this proposal, Airbags and Motor Vehicle Safety Standard 208, which is a performance standard, will still be in place and will not be affected by the action of the House in rejecting the action of a group of runaway conferees who have openly flaunted and disregarded the will of the House.

As a matter of fact, they have disregarded not only their responsibility to this body but they have also disregarded their own vote. The gentleman from New York (Mr. SCHEUER) accepted an amendment which is at wide variance with his action here, an action which is not only nongermane but which clearly exceeds the scope of the conference.

More importantly, the gentleman from Texas (Mr. KAZEN) raised a very important point. That is that this proposal actually favors the imports.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Missouri (Mr. BOLLING) for yielding. I had not intended to speak, but I think that I should give a brief explanation. We have heard a lot of talk this morning about the conferees. As chairman of the conference committee, I can tell you that all of the conferees were present at all times when we were having a conference with the Senate. They realized what was going on and they realized that, if we were going to try to get a bill of any kind, there had to be some compromises made. So we cannot blame the conferees, or any one individual in that conference.

The time for the bill is now and not in the future.

The change in the passive restraint standard, agreed to by the conferees, was proposed with safety in mind. It is estimated that the standard, when fully implemented, will save 9,000 lives a year. This might be your life or that of a loved one. In addition, it will help reduce the thousands of injuries that occur in automobile accidents each year.

Under this legislation, the standard would not go into effect until 1983 and will apply to small cars first which will keep foreign manufacturers from having an advantage over our domestic automobile manufacturers.

I urge my colleagues to support the rule allowing for the immediate consideration of S. 1159.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, this is one of the questions that I had. What foreign-made automobiles are exempt from the provisions?

Mr. STAGGERS. None that I know of.

□ 1120

Mr. KAZEN. Let me ask the gentleman: Is Honda included?

Mr. STAGGERS. I would have to ask my subcommittee chairman.

Mr. SCHEUER. The three major foreign manufacturers are covered. Toyota, Nisan, and Volkswagen.

Mr. KAZEN. In other words, Honda, Sabaru, Mercedes-Benz, all of these cars are not included, which will give them a price advantage in the showroom over the American cars that are mandated to have these airbags in the United States.

Mr. SCHEUER. They are covered by the standards, and they must have a passive restraint.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. I would just like to say to my friend, the gentleman from Texas, that we have exempted three of the American-made cars that are having trouble, and we know that. Chrysler is one of them.

Mr. KAZEN. Having what kind of trouble, Mr. Speaker?

Mr. STAGGERS. Financial trouble.

Mr. KAZEN. Oh, so then the standard is not safety?

Mr. STAGGERS. It is safety, and the gentleman knows it is safety.

Mr. KAZEN. Well, if you are exempting some because they are in financial trouble, then what has that got to do with the safety feature?

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Yes, I yield to the gentleman from New York.

Mr. SCHEUER. We have heard the statements of what the automobile companies said in September. I have already indicated what General Motors said yesterday. Let me read what Ford said yesterday:

> The Ford Motor Company recommends House approval of the conference report on S. 1159 . . . House passage will eliminate the confusion and uncertainty on passive restraint requirements that have been extremely costly and disruptive of orderly product development.

The time for this body to act is now.

Mr. BOLLING. Mr. Speaker, I reserve my time.

Does the gentleman from Tennessee desire to yield further time, Mr. Speaker?

Mr. QUILLEN. I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman from Tennessee for his great courtesy. I urge my colleagues again to reject the rule.

Mr. Speaker, the bill is supposedly, in the minds of some of my colleagues, a proposal which is anti-imports. Let me lay that to rest right now. The gentleman from Texas (Mr. KAZEN) put his finger on it. I want to read to the chairman of the subcommittee and my dear friend, the chairman of the full committee, the list of foreign companies which manufacture automobiles that will be exempted from the mandate to install air bags and which will compete more favorably against U.S. manufacturers who are right now having the worst sales year in history. All three of the major U.S. manufacturers lost one-half billion dollars each in the most recent quarter. As I observed, this proposal is going to confer significant additional competitive benefits on imported automobiles.

Foreign automobile manufacturers will be amongst the principal beneficiaries. These are the companies that are exempted from the requirement that they put air bags in their cars. At the same time, the bill would impose a requirement that U.S. manufacturers install air bags. Exempted would be Honda. Exempted will be Subaru. Exempted will be Mazda, Peugeot, Fiat, British Leyland, Alfa Romeo, Renault, and Ferrari and Maserati, as well as BMW. They get an advantage in the marketplace of about a thousand dollars a car under this proposal. Deny it if you dare, but that is what you got.

Mr. Speaker, I yield to my good friend, the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Speaker, I would like to make one point about economics. I think it has been made clear here that this rule proposal clearly violates the rules by which we run the House. But I think it is important to make one point again.

We are talking about mandating that one line carry these airbags, and estimates are that the additional per-unit cost will be between $800 and $1.200. But it is important to recognize that the logic of this requirement is based on a faulty economic assumption. That assumption is that by requiring only one line to carry the airbag, we lessen substantially the economic impact. That is not true. You still have to design the airbag and make it operational to put it on 1 line or 100 lines. The engineering cost must be considered. You have to develop the mass-production techniques.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, the engineering and design cost is the same whether you put an assembly line up to produce airbags on one line or every line of automobiles.

I think it is important to note that what is going to happen here is that this additional $800 to $1,200 per unit is going to mean that the line which is designated to receive the airbag is not going to sell. What we are going to do is to force producers to jettison one line of automobiles. And to the extent that that line does not sell, to the extent that the American people are not willing to pay $1,200 per unit for this airbag, then that overhead cost of design and engineering and set-up is going to have to be borne by the manufacturers.

So we are imposing a very heavy cost on producers. This cost is not going to be borne disproportionately by foreign manufacturers. We are adding another deadweight burden on auto manufacturers and auto consumers. I do not think that this is the business we ought to be carrying on.

I yield to my colleague, the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Speaker, first of all, we have heard that Ford Motor Co. is very strong for this bill. On December 3, the letter that they have been reading here, they neglected to read out loud that Ford people say:

> We object to the report's discriminatory treatment of manufacturers and its unprecedented mandating of design standards.

So U.S. manufacturers have to take it because apparently this is going to be shoved down their throats and they just do not want to be opposed to the whole idea; but they are opposed to the provisions of this bill.

Mr. GRAMM. Mr. Speaker, I ask my colleagues to look at the hard economics of this question when we vote on the rule and to reject the report.

Mr. QUILLEN. Mr. Speaker, I would like to advise the chairman of the Rules Committee that I have one request for time.

At this time I yield 4 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I did not intend to get into the debate on this rule, but I could not help but do so after listening to some of the arguments being put forth.

I have not had one single letter from anybody in my district wanting an airbag in their automobile. You know, the majority in this Congress just does not keep in touch with the people back home. What I am hearing from the people back home is the price of those cars right now in the showrooms is too high. I am hearing from the people back home saying, "We have got to do something about the automobile industry to put people back to work." We ought to stop, look and listen to the people back home. We have people out of work. They cannot buy the cars at the price they are today. You are going to add $1,200 more by 1983 on one line. How ridiculous can you be? We are going to be out of the automobile business before 1983 with the Government mandated equipment that we already have on our cars.

Let us have a little reasoning here in this lameduck session. We do not need this legislation. The people do not want it. We ought to defeat this rule and go home. Let us think about the people. You can listen to all of these lobbyists who want to make millions of dollars selling airbags that people do not want; but you better start listening to the people in this great country of ours. And the people spoke on November 4. I know some of the lameducks did not hear it. That is the reason they are lameducks. But I say to the Members who want to listen that the people do not want these airbags. You ought to defeat this rule, save this time, pass the continuing resolution and go home. That is what the people want, because the longer you are here, the more you are running this country into the red. It is time to stop, look and listen.

So I oppose the rule, I hope it is voted down overwhelmingly and that we do not take the time to debate this question any further.

Mr. BOLLING. Mr. Speaker, will the gentleman yield back his time? I have only one speaker.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I yield to the gentleman from California (Mr. DANIELSON), to file a report.

CONFERENCE REPORT ON S. 1615, FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON submitted the following conference report and statement on the bill (S. 1615) for the relief of James R. Thornwell:

CONFERENCE REPORT (H. REPT. NO. 96–1522)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1615) for the relief of James R. Thornwell, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $625,000 to the trustee designated pursuant to section 2 of this Act for the benefit of James R. Thornwell, originally of South Carolina and now of Oakland, California. Such sum shall be in full satisfaction for the severe physical, psychological, and economic damage, including pain, suffering, emotional distress, trauma, and permanent injuries, inflicted upon James R. Thornwell as a result of the administration by Army personnel of LSD to him in 1961 without his knowledge or consent after subjecting him for six preceding weeks to extreme physical and emotional stress, as part of an Army drug testing program in which he was the only American subject, and as a result of the concealment by the Army of the use of LSD from James R. Thornwell for seventeen years thereafter, during which time he suffered from severe psychological disorientation, and as a result of the Army's failure to provide him any followup care. The payment of such sum shall be in full satisfaction of all claims of James R. Thornwell, his heirs, executors, personal representatives, or assigns; of any nature whatsoever against the United States and its agencies, or against any past or present employee, agent, officer, or person of or associated with the United States, including those asserted in the United States District Court for the District of Columbia in Civil Action Numbered 78-1845, in connection with the circumstances of his injuries compensated by this Act, including injuries incurred subsequent to his discharge from the Armed Forces. James R. Thornwell shall not be eligible for any compensation or benefits from the Veterans' Administration or the Department of Defense.

SEC. 2. The sum paid pursuant to the first section of this Act shall be paid to a California bank as trustee, under a trust agreement to be entered into by such bank and James R. Thornwell (and to be approved as to form by a representative of the Department of Justice of the United States). The trust agreement shall provide that the trustee shall initially pay James R. Thornwell's outstanding debts and obligations, including legal fees and reimbursable expenses in connection with legal services (as limited by section 3 of this Act), shall invest the remaining amounts and hold them in trust, shall during the lifetime of James R. Thornwell pay to him all of the net income of the trust on a monthly basis, and also pay or apply such amounts of the principal as the trustee deems necessary for the health, welfare, comfort, and maintenance of James R. Thornwell, and upon his death shall pay to his estate all assets then held in trust.

SEC. 3. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim described in the first section of this Act, notwithstanding any contract to the contrary. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

And the House agree to the same.

GEORGE E. DANIELSON,
ROMANO L. MAZZOLI,
WILLIAM J. HUGHES,
HERBERT E. HARRIS,
DAN GLICKMAN,
MICHAEL D. BARNES,
Managers on the Part of the House.

TED KENNEDY,
HOWELL HEFLIN,
HOWARD M. METZENBAUM,
ALAN SIMPSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1615) for the relief of James R. Thornwell, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

As originally passed by the Senate, S. 1615 provided for an award of $1 million to the claimant, James R. Thornwell. The House amended the Senate bill to provide for the award of $250,000 and to require that this award be placed in a trust for the benefit of Mr. Thornwell.

The Senate and the House agreed to the award of $625,000 to the claimant. The Senate agreed with the House on the creation of a trust for the benefit of the claimant.

GEORGE E. DANIELSON,
ROMANO L. MAZZOLI,
WILLIAM J. HUGHES,
HERBERT E. HARRIS,
DAN GLICKMAN,
MICHAEL D. BARNES,
Managers on the Part of the House.

TED KENNEDY,
HOWELL HEFLIN,
HOWARD M. METZENBAUM,
ALAN SIMPSON,
Managers on the Part of the Senate.

Mr. DANIELSON. With the approval of the Speaker, I announce my intention to call up this conference report later today, subject to the provisions of House Resolution 821.

☐ 1130

Mr. BOLLING. Mr. Speaker, I have listened very carefully to the debate on the rule. It is one of the more remarkable debates I have heard in a long time. I think it proves absolutely that the rule should be adopted. There is so much confusion based on the statements that have been made that I think the House owes it to itself to clarify that confusion.

There have been statements made that have nothing to do with the case, and certainly they have nothing to do with whether the rule should be granted. The rule is not that unusual in the circumstances. The bill passed the House a year ago. There was a very difficult situation in conference.

This is not a remarkable rule. The rule should be passed and the House should make a decision. My information is that the Ford Motor Co., Chrysler, General Motors, all automobile companies, and the union that has all of them organized all agree in support of the bill that will be made in order, the conference report that will be made in order by this rule.

I think that is a very important point.

Mr. Speaker, I therefore move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 186, nays 189, answered "present" 1, not voting 56, as follows:

[Roll No. 664]

YEAS—186

Addabbo
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Aspin
Atkinson
Bailey
Baldus
Barnes
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Chappell
Chisholm
Clay
Conte
Conyers
Coughlin
Crockett
Danielson
Davis, Mich.
Davis, S.C.
Derrick
Dicks
Dixon
Donnelly
Dougherty
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ga.
Fascell
Fazio
Ferraro
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Fowler
Frost
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Gore
Gray
Green
Guarini
Hall, Ohio
Hamilton
Harkin
Harris
Harsha
Heckler
Hefner
Hillis
Holland
Hollenbeck
Howard
Huckaby
Hughes
Jenkins
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kostmayer
LaFalce
Leach, La.
Lederer
Lent
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McHugh
McKinney
Maguire
Markey
Marks
Marriott
Mathis
Matsui
Mavroules
Mica
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Pa.
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Ratchford
Reuss
Rinaldo
Rosenthal
Roybal
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Smith, Iowa
Solarz
St Germain
Stack
Staggers
Stark
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Williams, Mont.
Wirth
Wolff
Wolpe
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—189

Abdnor
Akaka
Andrews N.Dak.
Annunzio
Archer
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Bevill
Boner
Bouquard
Bowen
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Corcoran
Cotter
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Deckard
Derwinski
Devine
Dingell
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fary
Flippo
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gingrich
Goldwater
Gonzalez

Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Heftel
Hightower
Hinson
Holt
Hopkins
Horton
Hubbard
Hutchinson
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kazen
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
Madigan
Marlenee
Martin
Mattox
Mazzoli
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nichols
Pashayan
Patten
Paul
Perkins
Petri
Quillen
Regula
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Winn
Wyatt
Young, Fla.

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—56

Ambro
Anthony
Applegate
Ashley
AuCoin
Beard, R.I.
Cavanaugh
Coelho
Collins, Ill.
Conable
Corman
Crane, Philip
Daschle
Dellums
Dickinson
Dodd
Duncan, Oreg.
Early
Fenwick
Findley
Fish
Ford, Mich.
Garcia
Hanley
Hawkins
Holtzman
Ichord
Ireland
Jenrette
Kelly
Kemp
Leland
Luken
McKay
Mikulski
Murphy, Ill.
Murphy, N.Y.
Neal
O'Brien
Pepper
Quayle
Rangel
Rhodes
Richmond
Rodino
Rose
Schroeder
Spellman
Thompson
Volkmer
White
Wilson, Bob
Wilson, C. H.
Wright
Wydler
Young, Alaska

□ 1140

The Clerk announced the following pairs:

On this vote:

Mr. Richmond for, with Mrs. Collins of Illinois against.

Until further notice:

Mr. Thompson with Mr. Cavanaugh.
Mr. Ford of Michigan with Mr. Conable.
Mr. AuCoin with Mrs. Fenwick.
Mr. Applegate with Mr. Dickinson.
Mr. Dodd with Mr. Findley.
Mr. Early with Mr. O'Brien.
Mr. Hawkins with Mr. Bob Wilson.
Mr. Rangel with Mr. Young of Alaska.
Mr. Pepper with Mr. Kemp.
Mr. Murphy of New York with Mr. Daschle.
Ms. Mikulski with Mr. Philip M. Crane.
Mr. Ireland with Mr. Jenrette.
Mr. Hanley with Mr. Fish.
Mr. Ambro with Mr. Neal.
Mr. Coelho with Mr. Duncan of Oregon.
Mr. Corman with Mr. Volkmer.
Mr. Ichord with Mr. Charles H. Wilson of California.
Mr. Garcia with Mr. Wydler.
Mrs. Schroeder with Mr. Leland.
Mr. Rodino with Mr. Kelly.
Mr. Anthony with Mr. Luken.
Mr. Ashley with Mr. McKay.
Mr. Dellums with Mr. Beard of Rhode Island.
Ms. Holtzman with Mr. Murphy of Illinois.
Mr. Rose with Mr. Quayle.
Mr. Wright with Mr. White.

Messrs. BROWN of Ohio, ANNUNZIO, and AKAKA changed their votes from "yea" to "nay."

Messrs. MINISH, WATKINS, STENHOLM, SYNAR, ANDREWS of North Carolina, and ECKHARDT changed their votes from "nay" to "yea."

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR ALL COMMITTEES TO HAVE UNTIL NOON, JANUARY 3, 1981, TO FILE MATERIALS RELATING TO CONFERENCE REPORT ON SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR 1981

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all committees of the House have until noon January 3, 1981 to file their section 302(b) subdivisions of budget authority and outlays allocated to them in the statement of managers accompanying the conference report on the second concurrent resolution on the budget for fiscal year 1981, and as required by section 302(b) of the Congressional Budget Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

□ 1150

REPORTS ON RESOLUTION PROVIDING FOR PRINTING AS HOUSE DOCUMENT OF TRIBUTES MADE TO THE LATE HONORABLE F. EDWARD HÉBERT

Mr. NEDZI, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–1523) on the resolution (H. Res. 806) to provide for the printing as a House document of tributes made to the late Honorable F. Edward Hébert on the floor of the House, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AUTHORIZING REPRINTING OF REPORT ENTITLED "THE ADEQUACY OF THE FEDERAL RESPONSE TO FOREIGN INVESTMENT IN THE UNITED STATES"

Mr. NEDZI, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–1524) on the concurrent resolution (H. Con. Res. 449) to authorize the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States", which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AUTHORIZING PRINTING AS HOUSE DOCUMENT OF REPORT OF COMMITTEE ON SMALL BUSINESS ENTITLED "CONGLOMERATE MERGERS—THEIR EFFECTS ON SMALL BUSINESS AND LOCAL COMMUNITIES"

Mr. NEDZI, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–1525) on the resolution (H. Res. 818) authorizing the printing as a House document of the report of the Committee on Small Business entitled "Conglomerate Mergers—Their Effects on Small Business and Local Communities," which was referred to the House Calendar and ordered to be printed.

PRINTING AS HOUSE DOCUMENT TRIBUTES TO LATE HONORABLE F. EDWARD HÉBERT

Mr. NEDZI. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 806 and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 806

Resolved, That the statements made on the floor of the House of Representatives with respect to the death of the Honorable F. Edward Hébert, together with other pertinent matter, shall be printed as a House document.

SEC. 2. In addition to the usual number there shall be printed such number of copies, at not to exceed a cost of $1,200, of the House document referred to in the first section of this resolution which shall be casebound in such style as the Joint Committee on Printing shall direct for the use of the Committee on Armed Services.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause, and insert in lieu thereof the following:

That the statements made on the floor of the House of Representatives with respect to the death of the Honorable F. Edward Hébert, together with other pertinent matter, shall be printed as a House document.

SEC. 2. In addition to the usual number there shall be printed 300 additional copies of the House document referred to in the first section of this resolution which shall be casebound in such style as the Joint Committee on Printing shall direct for the use of the Committee on Armed Services.

Mr. NEDZI. Mr. Speaker, this resolution provides for the printing of a collection of tributes and eulogies made in honor of the late F. Edward Hébert, former chairman of the Committee on Armed Services. Chairman Hébert's long and illustrious service to the people of this Nation more than merits such tribute.

The resolution calls for the printing of the collection as a House document with 300 additional bound copies to be made available to the Committee on Armed Services for appropriate distribution to Members and to the family of Chairman Hébert.

The cost of printing the document is estimated to be $7,672.03.

Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS HOUSE DOCUMENT REPORT OF COMMITTEE ON SMALL BUSINESS ENTITLED "CONGLOMERATE MERGERS—THEIR EFFECTS ON SMALL BUSINESS AND LOCAL COMMUNITIES"

Mr. NEDZI. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 818 and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 818

Resolved, That there shall be printed as a House document the volume entitled, "Conglomerate Mergers—Their Effects on Small Business and Local Communities", a report of the Committee on Small Business. In addition to the usual number, there shall be printed for the use of the Committee on Small Business such number of copies of the report as does not exceed a cost of $1,200.

Mr. NEDZI (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Speaker, the resolution provides for the reprinting of a report entitled "Conglomerate Mergers—Their Effects on Small Business and Local Communities." The report was issued by the Committee on Small Business on October 2, 1980, and the large public demand has virtually exhausted the supply of 3,000 copies while many requests remain unfilled.

The resolution calls for the printing of the report as house document with an additional 4,375 copies supplied to the Committee on Small Business.

The cost of printing the document is estimated to be $2,388.69.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF REPORT ENTITLED "THE ADEQUACY OF THE FEDERAL RESPONSE TO FOREIGN INVESTMENT IN THE UNITED STATES"

Mr. NEDZI. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 449 and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 449

Resolved by the House of Representatives (the Senate concurring). That there shall be reprinted for the use of the Committee on Government Operations one thousand copies of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States".

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Speaker, this resolution provides for the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States." The report was originally issued by the Committee on Government Operations on August 1, 1980. Since that time the supply has been depleted while hundreds of requests for the document remain unfilled.

The resolution calls for printing 1,000 copies for the use of the Committee on Government Operations.

The cost of printing the document is estimated to be $3,356.37.

Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SIDNEY L. CHRISTIE FEDERAL BUILDING

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1298) to designate the United States Post Office and Federal Building in Huntington, W. Va., as the "Sidney L. Christie Federal Building," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, after line 8, insert:

Sec. 2. The seventh sentence of section 202 (c) of the Appalachian Regional Development Act of 1965 is amended by striking everything after "except" and through "child development demonstrations" and inserting in lieu thereof "that child development demonstrations assisted under this section during fiscal year 1979 may, upon State request, be approved under section 303 of this Act for continued support beyond that period".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. HARSHA. Mr. Speaker, reserving the right to object, would the gentleman from Georgia explain the amendment?

Mr. LEVITAS. Will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I urge the House to pass H.R. 1298 as amended by the Senate. The House has previously passed this bill to name a Federal building in Huntington, W. Va., after Judge Sidney Christie. Therefore, the only new matter before the House is a proposal to allow the Appalachian Regional Commission to provide badly needed funding to continue a number of child development programs.

The Appalachian Regional Commission has, since 1971, provided an invaluable source of financing for child development programs. This program provides comprehensive services including day care, health, and nutritional services. It has had overwhelming support throughout the years, and the House has previously accepted similar language in a more comprehensive economic development measure which we were unable to reach agreement on in conference.

This bill deserves your support. It is noncontroversial. It provides authority to continue ongoing child development services in a number of States. Without this action, many worthwhile programs will have to be terminated. I urge its enactment.

Mr. HARSHA. Mr. Speaker, I support H.R. 1298 as amended by the other body which names a Federal building in Huntington, W. Va., after Judge Sidney Christie. Additionally, this bill extends the child development program of the Appalachian Regional Commission so that programs in six Appalachian States may continue. This is particularly helpful to the State of Ohio which has 17 child development centers which in fiscal year 1981 will need some $877,000. There are 502 projects that have been funded over the years by this program. Most projects are now State funded and funded with other public funds. This amendment will fund child care centers still in need of Appalachian funding.

There are 34,000 children served by centers funded through the Appalachian Commission. Twenty nine thousand are in Ohio.

I believe this program is, for the dollars spent, a worthwhile effort by the Commission. Commission funds will only be used upon State request. Since most States in Appalachia are funding the child development centers, future commission funding for this program may not be necessary. This amendment will allow Appalachian funds to be used when needed. I urge enactment of this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia (Mr. LEVITAS)?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR ACQUISITION OF CERTAIN PROPERTY IN DISTRICT OF COLUMBIA

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from the further consideration of the bill (S. 2134) to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the U.S. Supreme Court Building, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

Is there objection to the request of the gentleman from Georgia?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman could explain the Senate bill?

Mr. LEVITAS. Will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, S. 2134 would authorize the Architect of the Capitol to acquire lots 2, 3, 800, 801, and 802 in square 758, located at the northwest corner of Third and A Streets NE., east of the U.S. Supreme Court buildings and grounds, to be used as a parking lot for employees of the Supreme Court.

This site, containing about 15,000 square feet, has been used as a parking lot by Supreme Court personnel for more than 20 years. This site, however, is leased to the Court by the Marlow Coal Co.; and the lease expired on September 30, 1980. The Marlow Co. does not plan to renew this lease and intends to develop the property for other purposes if the Government does not acquire the site. The annual rent on this site has been about $15,000 annually.

The parking lot currently accommodates about 75 vehicles, and the parking spaces are needed by Supreme Court personnel. Therefore, S. 2934 would authorize the acquisition of this lot at a total cost of $645,000. Of this sum, about $585,000 would be for the actual cost of the land. An additional $60,000 would defray administrative costs, including surveys, appraisals, and relocation costs, if any, as well as expenses for paving and landscaping the site.

☐ 1200

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia (Mr. LEVITAS)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act.

SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970", Public Law 91–646, approved January 2, 1971, and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D.C. Code, secs. 1351–1368).

SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended.

SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

SEC. 5. There is hereby authorized to be appropriated the sum of $645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 O'CLOCK, FRIDAY, DECEMBER 19, 1980, TO FILE INVESTIGATIVE REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 o'clock Friday, December 19, to file five investigative reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SURFACE TRANSPORTATION ACT OF 1980

Mr. HOWARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6417, with Mr. STUDDS, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, December 2, 1980, section 1 was open for amendment at any point, and pending was an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD).

Are there further amendments to the bill?

AMENDMENTS OFFERED BY MR. CLEVELAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. CLEVELAND. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendments offered by Mr. CLEVELAND to the amendment in the nature of a substitute offered by HOWARD, as amended: Page 36, strike out lines 18 through 25 and insert in lieu thereof the following:

"(2) The Secretary shall approve a program respecting transportation of handicapped persons who cannot reasonably use one or more modes of mass transportation service available to the general public under this subsection which—

Page 38, line 3, strike out "eight" and insert in lieu thereof "ten".

Page 38, line 24, after the semicolon insert "and".

Page 39, line 4, strike out the semicolon and all that follows through line 17 and insert in lieu thereof a period.

Page 39, strike out line 18 and all that follows through the period on line 23.

Page 40, strike out lines 5 through 23 and insert in lieu thereof the following:

"(3) The Secretary shall not approve a program under this subsection unless (A) the community of handicapped persons for whom such transportation will be provided was consulted by the recipient in the development of such program, and (B) the program was developed in cooperation with responsible elected officials of local governments concerned.

"(4) A recipient may amend a program approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) the amendment was developed in consultation with the community of handicapped persons for whom the transportation is being provided, and (C) the amendment was developed in cooperation with responsible elected officials of local governments concerned.

"(5)(A) The Secretary may not impose any requirements under this subsection which are in addition to the requirements set forth in this subsection respecting a program for providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide transportation to the general public.

"(B) The regulations issued to carry out this subsection shall be kept to an absolute minimum."

Page 40, line 24, strike out "(5)" and insert in lieu thereof "(6)".

Page 41, line 5, strike out "Nothing" and all that follows through line 18.

Page 41, line 19, strike out "(6)" and insert in lieu thereof "(7)".

Page 42, line 8, strike out "(7)" and insert in lieu thereof "(8)".

Page 42, line 12, strike out "(8)" and insert in lieu thereof "(9)".

Page 42, line 16, strike out "or waterborne".

Page 42, lines 18 and 19, strike out "or waterborne".

Page 42, lines 24 and 25, strike out "or waterborne".

Page 43, strike out lines 1 through 6 and insert in lieu thereof the following:

"mines that in the replacement, major alteration, or major renovation of such segment it is technologically feasible, operationally practicable, and economically reasonable to make such station accessible or more accessible to handicapped persons, and that such replacement, major alteration, or major renovation (i) affects or could affect the accessibility of such segment, and (ii) has sufficient independent utility for the transportation of handicapped persons.".

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of the amendment made by subsection (a) of this section, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that such amendment is being implemented according to congressional intent and purpose. Such hearings shall include, for each such year, consideration of the effects of reducing the maximum amount of time in which service must be provided after request by a handicapped person under section 16(d)(2)(D) of the Urban Mass Transportation Act of 1964.

Page 43, line 7, strike out "(b)" and insert in lieu thereof "(c)".

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will continue reading the amendments.

The Clerk concluded the reading of the amendments.

Mr. CLEVELAND. Mr. Chairman, I am pleased to be able to offer a real compromise solution to the handicapped transportation problem which both the gentleman from New Jersey and I can strongly support. At this late date, I believe that through his efforts and mine we have struck a proper balance with respect to those communities which choose to avail themselves of the option to provide an alternative to fully accessible mainline service. That balance should assure that alternative service will indeed provide service tailored to the needs of the handicapped without being thwarted by the excesses of bureaucratic overregulation.

As author of the compromise, I see no need for extensive elaboration as to the intent of its provisions. It means what it says and it says what it means.

This language was crafted very carefully after an extensive, exhaustive, and ultimately unsuccessful series of negotiations over several months in an attempt to reach an agreement acceptable to, among others, all segments of the handicapped community. I make no pretense that this compromise does that. There remain differences, and in adopting this amendment we in the House are choosing where to come down. And it is based on a clear reflection of where, in current vernacular, all parties are coming from. So to that extent, the efforts of the past months have not been wasted.

This provision states clearly what an acceptable alternative service plan must consist of, how it must be developed by a community choosing that option, and how its sufficiency is to be determined by the Secretary.

I mentioned a moment ago that there is no need for extensive legislative history on this amendment. In discussing the intent of his original substitute a couple of days ago, the gentleman from New Jersey went into several provisions at some length; his comments, to the extent that they apply to the provisions of his substitute which remain unchanged in my compromise amendment, provide an adequate explanation.

I do, however, wish to clarify the intent of certain provisions of this compromise in response to some of the floor discussion 2 days ago.

First, it should be noted that the compromise deletes the provision in the Howard substitute which makes reference to private rights of action under title V of the Rehabilitation Act. Our reason for dropping it is this: The compromise provision does not repeal section 504 of the Rehabilitation Act, but merely provides statutory authority for an alternative means of complying with that act. Our concern was that the reference might be construed as conferring a new or additional right to sue, which is not our intent.

Second, I want to make it absolutely clear that communities choosing to offer alternative service are required to serve those handicapped persons who, but for their disability, would ordinarily be able to use the same regular transportation service available to the general public.

And third, with respect to station modernization, we intend that, before making a station modernization grant contingent upon the construction of elevators, the Secretary must establish that enough other boarding and destination stations have elevators so as to make the system generally usable by wheelchair users, that the available elevator technology would make their construction economically reasonable, and that substitute forms of public transportation would be less cost-effective in serving wheelchair users. These tests will most likely lead to very little elevator construction in the short to medium term, although technological advancements in elevator technology could change this in the long term.

Beyond these points, there is no need for further elaboration. Nor is there need for volumes of regulations in the Federal Register. Indeed, such is expressly prohibited by language of a sort which the House may want to use again in the future to forestall the distortion of congressional intent by bureaucrats in the executive branch.

The language—particularly with respect to service criteria—is written clearly enough to be understood by local transit operators and the representatives of handicapped people in the community with whom they will consult in drafting alternative service plans. It should even be clear enough to be understood by those who draft regulations for the Urban Mass Transportation Administration. To them, it says in general that regulations shall be kept to a minimum and in specific that no additional service criteria beyond those in statute shall be imposed by regulation.

Unlike the strict and unworkable regulatory process that gave us the original, infamous 504 regulations, this language mandates flexibility in local option. Adaptability to local conditions, on a case-by-case basis, is its very essence. At the same time, it does not give the localities carte blanche. The affected handicapped must be given a voice, and the Secretary still has the ultimate approval authority, that is, the duty to determine whether a local plan meets the criteria of the statute.

My language also contains an additional safeguard: A statutory requirement for congressional oversight to insure that the Congress fulfills its responsibility to assure that local option—where it is tried—works. Thus, it remains under control of the Congress, rather than the regulators in the executive branch or in the courts.

Mr. Chairman, I want to express my appreciation to the gentleman from New Jersey for sharing in this effort to reach a workable compromise. In particular, I want to commend his sensitivity to the potential for regulatory overkill in this area, which we believe our compromise takes care of. He and I have been through enough battles with the bureaucracy by now to have some idea of where the enemy is.

Mr. Chairman, as those of us who followed the debate on the difference between the so-called Cleveland amendment and the language in the Howard substitute that attempted to accomplish the same general objectives as the

Cleveland amendment, reviewed that debate it became clear that the gentleman from New Jersey (Mr. Howard) and I were not really all that far apart.

As a result, we sat down yesterday and worked out what I consider to be a very acceptable, a very fair compromise. If the Members were to add up the things that were taken from my proposal and the things that we have either changed or altered or taken from the Howard proposal, it would be pretty much of a 50-50 proposition.

Mr. Chairman, I do not think it is necessary to go into any further detail on this although I know there are some people who will raise questions about it and object to it.

I yield back the balance of my time.

□ 1210

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from California.

Mr. MILLER of California. Could the gentleman just describe what the differences are in this amendment and what the differences are in the substitute before the committee regarding consultation with the handicapped groups? What is required of the recipient in terms of consulting with handicapped groups prior to the implementation of the plan's submission to the secretary?

Mr. CLEVELAND. I will answer that question, and I will ask the gentleman from New Jersey to pay particular attention so there will not be any misleading statements in the record. As I understand our compromise, the section that had this wide dissemination of information about the ultimate systems was taken out. The language that is now in the compromise, which is that before these plans can be adopted or approved there has to be consultation with the handicapped community that are going to use the transportation. We felt that that would be enough dissemination of information, because the people that are going to use it have to be consulted with before the plan is going to be approved. Also local elected officials are consulted.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would state that the amendment provides that any handicapped person who would be reasonably expected to utilize any alternative system must be consulted.

Mr. CLEVELAND. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, if the gentleman will continue to yield, does that mean now as an individual or as an organization in terms of people to be consulted on this plan? Are we talking about groups that represent the handicapped or about an individual who might reasonably expect to use that system?

Mr. HOWARD. Mr. Chairman, if the gentleman will yield to me, I would say both.

Mr. MILLER of California. Both?

Mr. HOWARD. It does not deprive either any organization from representing people or any single individual who might possibly use the program from participating in the consultation process.

Mr. MILLER of California. If I might ask the gentleman from New Jersey, then we are not in a position where we are then going to have the rules and regulations of the bureaucracy ruling out certain people who would not reasonably be likely to use the system.

Mr. HOWARD. If they happen to belong to organizations representing people who would use it, then they would certainly be included; but people who would never use it individually would not be included.

Mr. MILLER of California. That is my concern, if the gentleman will continue to yield. A person may be multiple handicapped and a bureaucrat at the local transportation level or at the Federal level may determine that multiple handicapped people are not reasonably likely to use it. My concern is that we rule out a class of people based upon multiple handicapped persons, as opposed to a person who is singly handicapped, because we know the difficulties of providing transportation for a person who is both physically impaired and perhaps mentally retarded is far different from providing transportation for somebody who is walking on crutches.

So my concern is who can make this determination?

Mr. HOWARD. If the gentleman would yield, I believe if a bureaucrat would try to make such a ruling, that handicapped person has many, many legal rights available to them and I would certainly expect that they would pursue those rights.

We certainly are not and we feel this legislation does not affect other legal rights, to the extent they exist.

The CHAIRMAN pro tempore (Mr. Nedzi). The time of the gentleman from New Hampshire (Mr. Cleveland) has expired.

(At the request of Mr. Howard, and by unanimous consent, Mr. Cleveland was allowed to proceed for 5 additional minutes.)

Mr. HOWARD. Mr. Chairman, if the gentleman will yield further—this legislation does not rule out anybody who might have an interest in this. That is not our intent. It never has been and I would not agree to such a situation.

Mr. MILLER of California. It is not the gentleman's intent that the multiply handicapped fall within a classification of those who would not reasonably be expected to use the system.

Mr. HOWARD. No.

Mr. MILLER of California. I thank the gentleman.

If the gentleman will continue to yield, I would like to ask another question.

Mr. CLEVELAND. I thought the Chair gave the time to the gentleman from New Hampshire.

Mr. MILLER of California. I believe it is still the gentleman's time.

The CHAIRMAN pro tempore. The gentleman requested 5 additional minutes for the gentleman from New Hampshire. The gentleman from New Hampshire has the time.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would like to ask the gentleman what this new amendment does in terms of the amount of trip time and transfer frequency in terms of comparability with existing transit systems. As I understood it, the original Howard amendment said that they must be comparable, and a great point was made that it must be comparable that you can get across the city or jurisdiction using the alternative system for the handicapped.

I also have been told that has now been eliminated from this new provision. Could the gentleman explain to me whether or not that is so and why?

Mr. CLEVELAND. That is so and it was part of the compromise that it was taken out. We felt and felt quite strongly that it was not particularly necessary.

Second, we thought it was an invitation to litigation and an invitation to uncertainty.

I want to remind the gentleman, I remember the gentleman's remarks when we considered this matter Tuesday on the floor. His remarks were not exactly friendly toward my position. I just want to remind the gentleman that in my amendment and in this compromise, we have riveted into it that there has to be consultation, not only with the handicapped community and handicapped people, but with local elected officials.

Now, I do not know just what kind of district the gentleman represents, but I can tell the gentleman that in my district and in many of the districts represented here, we do not think the local elected officials are out to do in the handicapped. We give them some credit for having compassion. We give them some credit for having commonsense. The basic thing that we are trying to accomplish is to write legislation that will be as free as possible of regulation, as free as possible from litigation, and that will work.

Mr. MILLER of California. If the gentleman will yield further, I understand that, and I am not addressing the issue of the good faith. But I am very concerned, because in effect what is happening here is that Congress has established one standard of accessibility under section 504. We can all argue about how that has been twisted by the bureaucrats or not, but the concern is that we are now making a legislative statement as to what will be considered compliance with the 504 accessibility regulations and 504 was a very hard fought for standard within the handicapped community and by this Congress.

I want to make sure we know exactly what we are doing, because this is the first time we have seen this amendment. I am trying to get down what the distinctions are, because I have all the faith in the world in the local officials, but we have got to understand also that it is one thing for them to be required to provide a comparable service and it is another thing the next day not to require that for the handicapped person who still has to give further notice and then not know how long it will take to get across town. So I am worried about the standards and

I am trying to determine just what those are.

There are substantial language changes between the Howard substitute amendment as it is now before the Congress and the amendment that is now being offered by the gentleman from New Hampshire. I saw this amendment 25 minutes ago and I am trying to go down and identify those distinctions. I have already been assured that it is not the intent that multiply handicapped people are precluded. That is very helpful to me.

I am trying to determine what we can except in terms of the intent of Congress as to what the trip time and transfer frequency should be, because if you have to transfer from one specially equipped vehicle to another, I think you would like to know how long you have to sit at the curb in the wheelchair before the next one is coming along. Is it comparable to what you would expect in an intracity transfer from bus to bus if you are going back and forth across Washington, D.C.?

Those are the kinds of concerns that I have for this community. They are not here today. We do not have them in this Congress. I am very concerned that we develop some type of record, so the gentleman is being very helpful to me, because I have only seen this amendment a few minutes ago.

The other concern was, as I understood the Howard amendment——

The CHAIRMAN pro tempore. The time of the gentleman from New Hampshire (Mr. CLEVELAND) has again expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the gentleman be given 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. CLEVELAND. Mr. Chairman, just a minute. I am going to reserve the right to object.

I think it would be better if the gentleman from California got his own time and then on his own time could ask either myself or the gentleman from New Jersey (Mr. HOWARD) to answer his questions.

Mr. MILLER of California. My concern and my problem is that the last time my time expired, I got 1 minute and 20 seconds.

The CHAIRMAN pro tempore. Does the gentleman from California seek recognition?

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent the gentleman from New Hampshire be given 5 additional minutes.

The CHAIRMAN pro tempore. The gentleman from New Hampshire reserves the right to object. Does the gentleman object?

Mr. CLEVELAND. I think it would be better if the gentleman got his own time. If the gentleman does not get time, I will come back and get some time and give the gentleman some time.

Mr. MILLER of California. The last time I got 1 minute and 20 seconds.

The CHAIRMAN pro tempore. Objection is heard.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to continue the dialog with my colleagues, the gentleman from California and the gentleman from New Jersey and the gentleman from New Hampshire (Mr. CLEVELAND).

My concerns are quite similar to those that have been expressed by the gentleman from California (Mr. MILLER). I am concerned about the situation in which you have a specialized transportation program for handicapped people. For instance, in my particular district we have known what is known as a Met System. It is an essential transportation system for handicapped and the elderly. It works within a certain boundary within the metropolitan Detroit area. That boundary is confined to about a quarter of the metropolitan Detroit area.

□ 1220

My question or concerns are the same as have been expressed by the gentleman from California (Mr. MILLER) that is once this system is used and the client is taken to a border of a particular geographic area and needs to transfer to get to the other quadrant of the metropolitan area to perform his or her needs, whether it be work or hospital services or whatever, what type of requirements or language are included in this amendment that will take care of that person's needs?

Are we saying that he or she shall have access to a public transportation facility every other bus, for instance, that comes along? Are we saying that they shall wait a half hour, an hour? Those are the types of concerns that I would like clarified by the sponsors of the amendment. I would request some type of a response on that question.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the chairman of the committee.

Mr. HOWARD. I would say that the legislation still provides that if there is an alternative system, that that system must cover not only the area that the regular public transit system serves, but it must cover it from the beginning of the day's operation to the end of the day's operation for the alternative service compared to the regular public transit system.

Mr. BONIOR of Michigan. So the gentleman is telling me that the alternative service has to overlap the entire service that is available?

Mr. HOWARD. We cannot say that a plan could be provided as part of the criteria which would say that this special service, if we have it, will not be able to go to the same areas that the general public transportation system for the rest of the public may go. It must cover that same area to get the people from all of the places they could go on the regular system.

Mr. BONIOR of Michigan. Unfortunately, I was hospitalized during the debate over this issue the other day and was not here and, because of that hospitalization, in fact, may be in need of this service myself sometime.

Mr. HOWARD. If the gentleman will yield further, I could read just one sentence.

Mr. BONIOR of Michigan. The question I have to ask—and then the gentleman can read the sentence and maybe incorporate the answer in the reading of the sentence—the question is how does this language now differ from what we were considering the other day when we were discussing the amendment.

Mr. HOWARD. I would say to the gentleman that was in both the substitute that I offered the other day and the amendment of the gentleman from New Hampshire (Mr. CLEVELAND) and is not changed now. It says that the system provides, that the recipient will provide, the transit system will provide transportation to such handicapped persons throughout the service area in which the recipient provides mass transportation to the general public.

Mr. BONIOR of Michigan. What then is the difference, may I ask the chairman, in what we have before us now and what we did have before us?

Mr. HOWARD. We are discussing, and I am going to take time later to tell you what all of the differences are, but there are just basically two changes I would say, major changes that were made in this legislation; one which I reluctantly dropped from what appears in my pending amendment, and one that the gentleman from New Hampshire (Mr. CLEVELAND) reluctantly did not include. The one that I dropped relates to what the gentleman from California (Mr. MILLER) referred to, which was vague. We know what we meant. We still feel it will be carried out and would be the comparable trip time. Where operationally practicable, the trip time for the alternative service must be reasonably comparable to service for a similar trip on regular transit. I still like that. I would like to state, if I may, in continuing this, that we intended that this shall be done. There was a lot of vague wording in it. However, even with the deletion of the reasonable and operationally practicable language which could be argued over by lawyers and engineers and others, we feel we have covered it.

There is another provision in here that we accepted from the gentleman's original amendment, which I think is very good. It requires the committee to oversight the operation of this every year for the next 5 years, and certainly we would expect that if there is any deviation from this that that would be corrected.

I would like to state that the other major difference, since you ask for the differences, is that we did get, on our side, acknowledgement of a basic civil right.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

(At the request of Mr. HOWARD and by unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 3 additional minutes.)

Mr. BONIOR of Michigan. I yield to the gentleman.

Mr. HOWARD. The amendment of the gentleman from New Hampshire (Mr. CLEVELAND) had stated that there would be a priority on use of this alternate service for medical reasons, which could turn out to mean just an ordinary visit to a doctor, which then would give priority over someone who might be wanting to use this service in order to get to work. Beyond that, just by putting in that section would mean that there would be a requirement that the user would have to state the purpose of each trip to some bureaucrat who might run this, who then would decide who goes on and who does not go on. That has been eliminated.

That was a compromise we felt was very, very important that was made by the gentleman from New Hampshire. Those are the basic changes, on each side, from what we voted on.

Mr. BONIOR of Michigan. I thank the gentleman for clarifying those changes. Of course, as the gentleman has indicated, the terms "reasonable" and "technically feasible" are, indeed, vague and can be interpreted in various fashions and ways. But I gather from the discussions we have been having, and especially from the comments of the gentleman from New Hampshire (Mr. Cleveland), that the input into what is technically feasible and what is reasonable will be made not only by the handicapped community but by public officials who represent that community. Am I correct in stating that?

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman.

Mr. CLEVELAND. Elected public officials.

Another thing, too, to address the gentleman's concerns and those of the gentleman from California (Mr. Miller) we have written right into this, as the gentleman from New Jersey (Mr. Howard) has already pointed out, oversight. That means that if this is put in place and it passes the other body, next year if the gentleman's handicapped community or members of his community who are handicapped come and tell him, "What did you guys do to us," there will be hearings and legislation if necessary. This may be something not as good as we think it is.

We know what we have got now is not good. But if it does not work well, then the gentleman could be absolutely certain that the gentleman from New Jersey (Mr. Howard), who will then be chairman of the whole Committee on Public Works and Transportation, will order his Subcommittee on Investigations and Review to hold oversight hearings. The gentleman will have a forum and then if the Committee on Public Works and Transportation agrees, their legislative people will have to come up with legislation and correct the problem.

Mr. BONIOR of Michigan. I understand and thank the gentleman.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield, but before that I ask unanimous consent to proceed for 3 additional minutes.

(By unanimous consent Mr. Bonior of Michigan was allowed to proceed for 3 additional minutes.)

Mr. BONIOR of Michigan. I yield to the gentleman from California (Mr. Miller).

Mr. MILLER of California. I would like to ask the gentleman, in the gentleman's original substitute on line 34 there is a statement that the Secretary shall approve a program respecting transportation of the handicapped person under the subsection which insures that no handicapped persons who cannot reasonably use one or more modes of mass transportation available to the general public is denied effective transportation by a recipient. Can the gentleman tell me how that is now changed?

Mr. HOWARD. Will the gentleman yield to me?

Mr. BONIOR of Michigan. I yield to the gentleman.

Mr. HOWARD. We eliminated that so we will not have what we would consider to be a further test of service standards, and do not subject it to unnecessary litigation which might be used by some communities to deny some people transportation.

Mr. MILLER of California. By the same token, let me ask the gentleman: What does he think the implication is of denying or striking the language at line 15 which insures that no handicapped person cannot reasonably use one or more mode?

Mr. HOWARD. I do not believe there is any intent or difference in intent between the two provisions, I would say to the gentleman.

Mr. MILLER of California. But I would like to marry this with our earlier discussions at which time we talked about those people who can reasonably be expected to use this system, which to me is a different test than assuring no handicapped person who cannot. Is that not a different test?

Mr. HOWARD. Could the gentleman state that again, please?

Mr. MILLER of California. The original Howard amendment insured no handicapped person would be denied transportation. The new Cleveland amendment says that we can get by by offering it only to those people who would reasonably be expected to use it. I would ask the gentleman if those are not, in fact, different tests?

☐ 1230

Mr. HOWARD. I do not think they are different. We certainly know what we intend to do here. I believe that the communities and the Secretary of Transportation will know what we intend to do here based upon the legislative history. We wish to be able to provide transportation for people who cannot use regular transportation. This was the whole idea of the total accessibility which brought about what amounted to a decision which I think was very bad, that a lift on every bus would meet that requirement. We know that it will not. So what we have up here today is something infinitely better for the handicapped, something reasonable, something that can be done.

I just wish to assure the gentleman from California (Mr. Miller) that no one here, to my knowledge, on either side of the aisle is trying in some way to write some wording into this legislation to provide any local community a reason to do something unfair with the handicapped people of this Nation.

I do not like the inference that we get on this.

Mr. MILLER of California. That is not it.

Mr. HOWARD. I do not believe this is different.

Mr. MILLER of California. The amendment of the gentleman from New Jersey (Mr. Howard) had my support, as he knows. My concern is that you do not have to write anything into a lot of these communities to do something unfair. They have been doing it for 3 years with the handicapped. They did not need any law to do that.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. Miller of California, and by unanimous consent, Mr. Bonior was allowed to proceed for 3 minutes.)

Mr. HOWARD. Mr. Chairman, I also prefer my amendment which the gentleman from California (Mr. Miller) supported the other day. However, I feel that I am in a position now where we have something in this legislation that has to do with handicapped transportation, but has to do with a lot more, for all the people in this country, with energy: from energy-efficient highways to general mass transportation to help meet the energy crisis. What we are trying to do is to get something that can be law and which will be infinitely better for all the people in the country, as well as the handicapped in this Nation.

And is it perfect? Is it exactly what I want? No, it is not exactly what I want, but it is something that I believe can become law.

Mr. MILLER of California. Mr. Chairman, if the gentleman will continue to yield, let me say the concern is the laws are made up of words. We have already seen this law turned based upon the bureaucratic interpretation. I want to know what signal we are sending to the bureaucrats when on line 17 we admit this handicapped person's right to effective transportation? When we lessen that standard, what message are we sending to the bureaucrats who then write that standard under the guise of 504 accessibility? That is how laws are interpreted. We cannot get away from that just because we are in a hurry in the last 24 hours of the session.

Mr. HOWARD. What we intend is that the criteria should determine the effective transportation, not the Secretary of Transportation, I say to the gentleman from California, which was the intent of my amendment as well.

Mr. MILLER of California. So you are now replacing effective transportation with the criteria in the substitute of the gentleman from New Hampshire (Mr. Cleveland)?

Mr. HOWARD. Mr. Chairman, the criterion is something in which we state that any local community which wishes to avail itself of alternative service must meet as a minimum. We put that in to assure that there would be no avoidance of the intent of 504 and that the elderly and the handicapped will be able to get transportation and have it available to them which has not been the case, unfortunatelly, over the past few years, I say to the gentleman.

Mr. MILLER of California. I thank the gentleman.

Mr. BONIOR of Michigan. Mr. Chairman, to further go on with this, does that mean that that type of transportation for the elderly and the handicapped be available to them so they can be effective in their communities in terms of work and receiving health care?

Mr. HOWARD. We are trying to give them the freedom that they do not have now compared to people who are not handicapped. That is the general intent, of course.

Mr. BONIOR of Michigan. I thank the gentleman from New Jersey.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, first of all I want to make clear that I am not questioning the motivation of my colleague from New Hampshire (Mr. CLEVELAND), and particularly my colleague from New Jersey (Mr. HOWARD) who has been laboring on this for years, literally; but we have an amendment here that is not good. A general rule for all of us that is sound: In the last days of a legislative session be careful about major amendments that all of a sudden get thrust your way. We know that is sound. The gentleman from New Jersey described this amendment to me in general terms last night, and about 45 minutes ago I saw this amendment for the first time. What this amendment does is take a major step backward for the handicapped people of this Nation on transportation. Do not let anyone mislead you. That is the fact.

The Howard amendment was changed under this amendment so that the word "effective" service is dropped. Why do we drop "effective" service for the handicapped? We are assured it means nothing to drop the word "effective" service. If it means nothing, why was it dropped? Under the Howard amendment we had a provision that I supported with great reluctance which said during the first 2-year period, the handicapped have to get service within 24 hours; and then it moved to 8 hours. That is now back to 10 hours. It means if you are handicapped, the first 2 years you do not get service for 24 hours or they do not have to provide it; after that first 2 years, you have to wait for 10 hours if you are handicapped to get service.

Again if anyone is questioning whether this is a step backward, the original language said that the handicapped communities have to get transportation, "that is reasonably comparable to the extent operationally practicable."

That is generous language by any measurement, and now that loose language is even dropped. The comparability provision is no more if we accept this language. It also changes the consultation requirement. The original language says you consult with the handicapped community. That is now changed so you consult with the handicapped community that will use this transportation.

Who is going to use the transportation? That is a judgment call by the local officials. So instead of consulting with the entire handicapped community, you pick the people you think might ride the transportation and you consult with them; and, lo and behold, you get the kind of answers you want, no matter what outcome you intend to have.

The gentleman from New Hampshire (Mr. CLEVELAND) says we have to have faith in local officials. I have faith in local officials to the extent I supported revenue sharing; I have supported aid to local officials, but let me remind the gentleman that in 1970 this body urged local officials across this Nation to provide transportation for the handicapped; and what was the result of that urging by this body? The result was absolutely nothing. Those local officials did not provide help; and so when we are urged to turn this over to local officials and have faith in them, I suggest the record in this particular area has not been a good one.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. SIMON. Mr. Chairman, I will yield to my colleague from New Hampshire.

Mr. CLEVELAND. In the hearings that we had before the Subcommittee on Oversight and Review of the Committee on Public Works and Transportation, some of the handicapped people who were supportive of my approach informed me that there were more than 110 federally supported programs to provide transportation for the handicapped and the elderly.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. SIMON was allowed to proceed for 3 additional minutes.)

Mr. CLEVELAND. Mr. Chairman, will the gentleman from Illinois (Mr. SIMON) yield further?

Mr. SIMON. I will yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I think there is a fairly important concern in this country about this problem. Certainly, if you have more than 110 federally supported programs under various agencies and departments and cabinets of the Federal Government, I just do not think the record shows that after section 504 passed, nothing happened. Some things happened. Maybe more things should have happened.

Mr. SIMON. Mr. Chairman, I agree with the gentleman. If I could reclaim my time for a moment here——

Mr. CLEVELAND. One more point: The gentleman keeps talking about local officials. I distinguish between local elected officials and local officials.

Mr. SIMON. Mr. Chairman, I want to clarify one point. When I said nothing happened, I am talking about the time between 1970 and the passage of 504. During that period, when we had admonished local officials to do something, nothing happened; and then when 504 passed, communities like Seattle, Wash., and other communities moved in and did something. We are now apt to take a sizable step backward from 504.

□ 1240

That is a major mistake for the fundamental rights of some people who need some protection in our country.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I will be pleased to yield to my colleague from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, I just cannot agree with what the gentleman is saying, that this is a substantial step backwards. The reason I got interested in this was because of my position on that Transportation Appropriations Subcommittee, where I became rapidly convinced that the interpretation which the administration was putting on 504 was wrong. It was expensive and it was not serving the handicapped community. I became convinced that 504, as the administration was interpreting it, had become a symbol. Symbols are important, but I think we have to go beyond symbolism and produce some results. When I saw a program that was being forced on to both the handicapped community and the local transportation systems, that was going to cost us over $7 billion to furnish some benefits to less than 4 percent of the handicapped community, I decided it was wrong, and I think the people who have gone around the country and said that the gentleman from New Hampshire (Mr. CLEVELAND) or the gentleman from New Jersey (Mr. HOWARD) are against the handicapped are dead wrong.

I think what we are trying to do here today is to work out a practical program that will extend the benefits over all the transportation system, not to just handicapped, but to aged people; and to insist on solving this problem exclusively by putting lifts on trains and buses and elevators in stations is not going to help more than about 4 percent of the handicapped community.

The CHAIRMAN pro tempore (Mr. NEDZI). The time of the gentleman from Illinois has expired.

(At the request of Mr. DUNCAN of Oregon and by unanimous consent, Mr. SIMON was allowed to proceed for 5 additional minutes.)

Mr. DUNCAN of Oregon. It is not going to help more than approximately 4 percent of the handicapped community because the rest of them do not even get to the street corner to get the bus.

I heard the gentleman from California on television talking about multiple handicapped people. It seems to me that that is precisely the sort of situation that this compromise will address. It will enable the local communities to adapt their handicapped and aged transportation systems to meet the needs of far more people than the rigid enforcement of 504 as interpreted by HEW is ever going to permit them to do. I do not believe that we ought to look at this as turning this whole problem over to local people, because we do not. The amendment in the compromise is carefully drafted to permit the local transportation system, in consultation with the handicapped community, to submit a program, but still there is retained in this compromise the power and the responsibility in the Department of Transportation to approve that program.

I am firmly convinced that while this compromise does not answer all of our problems, it goes a long way toward making it rational, achievable from a financial standpoint, and it is going to end up helping far more of the handicapped community than the way we have been going.

Mr. SIMON. If I may respond to my friend from Oregon. First of all I have never said—and I made clear at the beginning of my remarks—that either the gentleman from New Hampshire or the gentleman from New Jersey is opposed to the handicapped community. That obviously is not the case. Second, without belaboring it, I do not happen to agree with the gentleman's statistics.

But, the gentleman from Oregon is correct in saying that the inflexibility of the Department of Transportation in applying 504 is the reason we are in the mess we are in right now. The present law is fundamentally not a bad law.

Mr. DUNCAN of Oregon. Well, if the gentleman will yield, I would like to give him credit also for recognizing this inflexibility and trying to do something about it. The gentleman deserves a great deal of credit, I think, for helping to bring this into focus.

Mr. SIMON. Let me just finally add—and I thank the gentleman from Oregon—there are many people who are interested in this bill far beyond the problem of the handicapped. I know that the gentleman from New Jersey is concerned about passage of the bill. I believe that if this amendment is adopted, there is virtually no chance that the Senate of the United States is going to go along with this bill. If we adopt this amendment, we sound the death knell of this legislation for this session.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield at this point?

Mr. SIMON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I might say that I have been informed that if we do not pass the Cleveland amendment in some form, it will be the death knell of this bill over in the Senate, because there are those Senators who say that without the Cleveland amendment, they will put a hold on it and kill it.

Mr. SIMON. If I may add, my understanding is that the gentleman from New Jersey is interested in saving this legislation. He is concerned about what is going to happen here in the House if this is not adopted. I simply am suggesting that there is another body that is going to have a voice in this question, and we are down at the very end of this session where it is easy to kill legislation. My belief is, if this amendment is adopted, this is goodby to this legislation.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I simply would like to point out to my friend, I was concerned about this type of amendment when it first came up because I did not want to be painted in the anti-handicapped position that many Members are painted into that corner here. So, I went home and met with a group of handicapped people, and what they told me was very interesting, and something I had not realized.

The lifts on the Albuquerque bus system are used five or six or maybe eight times a week. In the alternative, the van program has something like 1,500. Would the defeat of this amendment force us back into just lifts, or could we have both the lifts and the vans under this amendment?

Mr. SIMON. I am pleased to respond to the gentleman from New Mexico, because if this amendment is not adopted, we revert to the Howard amendment which is now before the body, and that provides the flexibility that the gentleman's communities need and that all communities need. It is a practical compromise. It is not the step backward that this particular amendment provides.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think that the comments of the gentleman from Illinois are very sound and demonstrate his interest in trying to provide some reasonable, commonsense approach for the elderly and handicapped as they seek accessibility to basic public transportation systems across the Nation.

I think the point of the efforts being made by Mr. HOWARD and Mr. CLEVELAND is to provide: First, that all new systems be fully accessible to the elderly and handicapped; second, that we establish a commonsense way to look at each of the existing systems and determine where retrofit makes sense and where it does not make sense; and third, that where you do not retrofit, you provide a system of mobility through paratransit services.

There are two key words to describe the current controversy. One is the word, "mainstream," and the other is "mobility." Do we put in place a system that mainstreams the handicapped into every vehicle be it light rail, heavy rail or other transit mode, or, do we provide mobility and make sure that the system we put in place gives the elderly and handicapped as much mobility as possible?

□ 1250

The Washington Metro is fully accessible to the elderly and handicapped. But to retrofit commuter rail systems like we have in Philadelphia does not make commonsense, or economical sense. We could use every dollar to meet the current accessibility requirements at the expense of modernizing the older systems of Philadelphia, New York, Boston, and Chicago for the benefit of all their users.

Concerned about the cost of the current regulations, especially as they apply to older subway systems in New York, Chicago, and other cities, the Congress in 1978 required that the Department of Transportation report to Congress by January 1980 with an analysis of what it will take to make America's rapid transit systems accessible to and usable by handicapped persons. Here we are in December 1980 and we still do not have the analysis we requested.

Why the delay? Quite simply, the Transportation Department has withheld this information from the Congress deliberately, because the data show the costs of this regulation to be astronomical when considered in the context of how many people actually will use the elevators, wheelchair lifts, and other modifications necessary for compliance.

The Congress, I believe, must raise serious doubts about the concept of mainstreaming the disabled onto rail mass transportation systems. How much better it would be, both for our beleaguered mass transit systems and for the transportation handicapped, if we could dismiss these current regulations altogether and, in their place, get down to the serious business of designing special dial-a-ride systems that can provide door-to-door mobility for the disabled. Such dial-a-ride systems are working successfully in such cities as Toronto and Cleveland, are used by thousands of transportation handicapped persons each week, and operate at a cost well below the estimated costs of compliance with the current regulation. In other words, by changing the law it should be possible to provide superior service at less cost.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Now, I would like to ask the gentleman from New Hampshire (Mr. CLEVELAND) the following: On page 4 of the compromise you have some language that refers to rail station renovation. How does this language affect the large rail cities such as Philadelphia, New York, and Boston?

Mr. CLEVELAND. Mr. Chairman, if the gentleman will yield, the gentleman and I did have an exchange when we debated my amendment on Tuesday. Since that time, as part of the compromise, we have worked out the language you have referred to on page 4 of the printed amendment. I would ask the gentleman from New Jersey (Mr. HOWARD) to listen closely to this because I do not want to misstate anything here for the record.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. The compromise is that we have written into the legislation language that, in my opinion, makes it clear that a city like Philadelphia, if it did indeed refurbish one of its rail stations or subway stations, would not be required to make that totally accessible if it was not economically practical to do so.

If it was a matter where the simple introduction of a ramp would do the trick and it did not cost too much money, then it might be required. I can only say that, mindful of the concerns of local officials for the handicapped, they might very well do it without being required to do it. However, under this language, they would not be forced to do it unless it made economic sense or commonsense, whichever one you want to use.

So, I think we have protected a city such as Philadelphia from being required to retrofit transportation facilities at enormous expense when that money might better be used either to improve the alternate means of transporting handicapped which they prefer, or to improve the system itself. That is the way I interpret the language.

I thank the gentleman for yielding. I think he should now ask the cosponsor of the compromise, Mr. HOWARD, if I have correctly stated the situation.

Mr. HOWARD. If the gentleman would yield, I agree with the gentleman from New Hampshire.

Mr. EDGAR. I thank both gentleman for their comments.

I would like to conclude by saying that replacement, repair and restoration of existing fixed rail systems, as you have described it, would not be subject to full accessibility requirements unless it is technologically feasible, operationally practicable, and economically reasonable to make such stations accessible. Is that the understanding?

Mr. CLEVELAND. That is not only the understanding, but I believe it is the precise language of the compromise.

Mr. HOWARD. I think the gentleman is reading the pending amendment.

Mr. EDGAR. I yield to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. I think the gentleman has put his finger on this. The argument is accessibility against mobility. What we want to do is improve mobility for as many people as we can. It has been called to my attention that I suggested that we were spending outrageous amounts of money. I really believe that in the long run we will end up spending more money for mobility, but in so doing we are going to serve an infinitely greater number of people so the cost per trip is going to come down and we are really going to have a chance to achieve the mobility that we are trying to get for the elderly and the handicapped.

Mr. EDGAR. I thank the gentleman.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time because I know it is probably one of the final pieces of legislation that the gentleman from New Hampshire will engage in in the House, maybe the last. I want to compliment him personally for the effort he has made on this particular amendment. There has to be somebody in the House of Representatives who is willing to stand up and take the heat on these issues for the good of the people at large in our Nation. It is a very unpopular kind of amendment. Most Members would turn away from it and shudder at the thought of offering an amendment which on its face could look like it does not want to do everything that money can do to help, in this case, the handicapped people of our country.

Yet, unless there are Members who are willing to do that, we will never get control of the Government processes and we will never have any budgetary commonsense in the affairs of our Government. It takes some Member who is willing to put his name up front for an item such as this which is not the kind that wins you any friends, gets you written up in newspaper stories for what you are doing, to do this kind of a job for the Congress. And I compliment him for it. He has taken heat on the Cleveland amendment, but the Cleveland amendment makes sense, it makes good commonsense.

I am glad that there has been a compromise worked out that allows it in effect to become part of the law of our land.

Now let me ask the gentleman from New Hampshire (Mr. CLEVELAND) this: In New York City, which is probably the citadel of liberalism in our country, and of course which has the most liberal policies on practically any social issue that exists anywhere, recently the MTA, the local transportation authority in New York City, announced publicly that they could not participate in the Federal program, much as they might have wanted to, because it was economically ruinous if they tried to do so; that they literally had to refuse whatever Federal money was available because they could not comply with the unreasonable kind of requirements that were being demanded by law and regulations thereunder which is being corrected by the Cleveland amendment.

I would ask the gentleman, will this compromise that you have entered into make it possible for the city of New York to get back into this program and to take advantage of the other parts of the program for the benefit of all the people of the city?

Mr. CLEVELAND. If the gentleman would yield, the answer is yes. I am glad the gentleman asked me that particular question in reference to New York City because there is no question that Mayor Koch, who has called me up on several occasions and has called up the gentleman from New Jersey (Mr. HOWARD) wants this legislation.

The compromise is written well within the parameters of what Mayor Koch's staff has asked us to do. I might say in that connection, speaking of our former colleague, Mayor Koch, that I think you may remember that when he was here he was one of our outstanding liberal Members. But since then, as Mayor of New York, he has seen the light and has been confessing. His confessions read very well to someone like myself. He has said in effect—this is not a precise quote, "I really did not realize what I was doing back there in Congress. We were passing laws on the basis of a sociologist's report, totally unsubstantiated."

He says, that as far as he is concerned they (Congress) are nuts down there and they are ruining the country, or words to that effect. It is not an exact quote. So, I am delighted that you have raised this question.

I think it is fair to say that this compromise amendment will answer the problem that New York City now faces.

Mr. WYDLER. I thank the gentleman. I congratulate him and the gentleman from New Jersey (Mr. HOWARD) for arriving at this very constructive and worthwhile compromise. I know it is in the best interests of our country.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the new Cleveland amendment. I do not believe that it speaks to the best interests of the handicapped in this country. I do not believe that it practically enforces the 504 regulations.

□ 1300

I think what we have to remember is that the reason we are here today is because the Department of Transportation acted in a bureaucratic fashion which is repugnant to every Member of this House regardless of his or her views on the handicapped.

The Department of Transportation has precipitated the current situation by refusing to demonstrate a reasonable amount of flexibility in addressing the requirements of the law—and I say that as a person who is as strident as anyone here in my views on the handicapped. I am a person who 1 year spent all of Easter break a few years ago inside the HEW building in San Francisco in a sit-in and later marched on the Secretary of HEW's office with the handicapped seeking the enforcement of this law.

This proposal would cause innumerable problems for disabled people. It would require that transportation be made available to the disabled within 24 hours. If you need to transfer to another vehicle to go in another direction across town, there is no requirement that your transfer time be comparable to what any of us would reasonably expect if we had to stand on the corner and wait for a transfer bus.

I suggest that for handicapped people, it is very difficult, if not impossible, to go to work when they do not know when the transfer bus is coming. They only know that the bus they need tomorrow morning at 7 o'clock should be there within 24 hours of the time they request it. If they have to go to work and they are required to transfer, they do not know how long they will stand on the corner waiting to get to the job. If they have to come home from work at 5 o'clock at night, it starts all over again.

The handicapped community can literally, under this amendment, be standing on the corner for 24 hours.

This is not anybody's intent and certainly the gentleman from New Jersey, in his amendment, requires comparability within, I think the language was—"transfer frequency and the trip time that was reasonably comparable, to the extent operationally practical, to the amount of time in our system." My God, that is a loophole you could drive a bus with a lift through.

We are trying to make this effort to get handicapped people across town within a reasonable time. That is being struck by this amendment.

By voting down the Cleveland amendment here you do not require a lift on every bus. I do not endorse that concept. By voting down the Cleveland amendment you go to the Howard amendment which says that you can use various alternative systems in every town and city in this country to make transportation services for handicapped individuals somewhat comparable to the systems that others enjoy. That is not the 504 standard, but it is a restatement with regard to transportation by this Congress—a sensitive restatement, a statement that recognizes that there are at least 13 million transportation handicapped people in this country. They are the elderly, they are the multiple handicapped, they are the retarded, the physically handicapped.

This amendment writes them off of our system.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 5 additional minutes.)

Mr. MILLER of California. This amendment suggests to them, and I suggest that by deletion, the legislative history we are building here today is that this system need not even be effective because we are striking that requirement.

So let us add it up again, my colleagues. We are imposing an amendment that says if you have an alternative system it need only come by your house within 24 hours of your request, that once it picks you up you need not be provided trip time comparable to that of the nonhandicapped community. If you require transfer, it need not require you a comparable time of standing or sitting on the corner regardless of your disability. It need not require that you have effective transportation. I do not think that that is what you want to do to the handicapped population of this country. If you think that for one moment the handicapped population of this country supports this amendment, you are perpetuating one of the greatest lies on yourself that you have ever experienced.

This House voted down the first Cleveland amendment a couple of days ago. Some suggested that national handicapped groups supported the amendment. No they did not. Upon investigation we found that we really had some handicapped groups and individuals who represented, I think, just 26 communities in this entire country. We had in opposition the Paralyzed Veterans of America. Tell them they have to stand on the corner when they are trying to get a job. We know what unemployment is among paralyzed veterans. Tell them they have to stand on the corner because they cannot get across town.

Tell that to the Goodwill Industries who provide jobs to the handicapped, that within 24 hours their people may show up for a job or get home.

Tell that to the National Association of Retarded Citizens, many of whose members need attendants, that there is no assurance that an attendant can ride on this system with you if you are physically disabled.

When I went to law school, I lived next door to a young man who was going to law school and who now works for the State government out in California as a practicing attorney. Every now and then I used to get a call from his wife: Could I stop by their apartment and help get Jim back into the bathtub or out of the bathtub, help get him out of bed because Jim's attendant had not shown up, or could I be his attendant to get him to law school.

If I was his attendant and I was riding a bus, I might not be able to accompany him because I suspect that the system proposed by the Cleveland amendment would not assure me that right.

Now, I want to ask you, is that what you want to do to the paralyzed veterans and to the Goodwill Industries? How about the multiple sclerosis victim whose disabling disease is not always detectable. If he wanted to use this system, he would have to stand on a corner, even though his disability prevents him from barely standing anywhere. For what period of time does this Congress tell them? Comparable to what you and I enjoy? Not at all.

The Easter Seal Society which works with these people is in opposition.

The National Rehabilitation Association.

The American Council of the Blind.

I am not demanding a lift on every bus or that every system be retrofitted. Not at all. But with whatever system we design, can we not at least "to the extent operationally practical," tell local governments that they have a responsibility to offer such a reasonable system?

I am telling you that you do not want to tell the handicapped constituencies of this country that the Congress of the United States just did not care enough to fight on their behalf.

□ 1310

We talked about a voter landslide in the country a month ago. Most handicapped people could not get there. "Get them absentee ballots," was the response.

A lot of handicapped people cannot write away for a ballot or cannot make a phone call for it. Let us think about what we are doing to this constituency, which includes the elderly, a constituency which is growing day by day because of the impairments that advancing age brings.

I think it is very important for every Member here to understand this is not a rush to judgment on the Surface Transportation Act. We can rush to judgment with the Howard amendment, which at least tries to be sensitive to within the extent and mandates of this Congress. This amendment absolutely fails to do that.

Mr. BEREUTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would have to say, respectfully, that we have just heard the worst case argument against the new Cleveland amendment. I would like to compliment the chairman for his willingness to work with the gentleman from New Hampshire (Mr. CLEVELAND) and others on developing an amendment which, I think, satisfies many needs and eliminates many problems. The legislative process does work.

Second, in regard to the organizations just listed as being in opposition to the Cleveland amendment, it should be recognized that those organizations' positions were taken on a far different legislative product than the one we have seen developed here today.

Third, I would like to point out that in many cases the people who are paid as volunteer representatives for the handicapped here in Washington are frequently far different in their attitudes on this matter than are the people they represent, the handicapped. That is the case, by and large, in this instance.

I would like to compliment the gentleman from New Hampshire (Mr. CLEVELAND) as did the gentleman from New York (Mr. WYDLER), for his courage and his perseverance and especially compliment the distinguished chairman (Mr. HOWARD) for working with the gentleman from New Hampshire on this matter.

Finally, I would hope that all of the Members would remember the colloquy that took place between the gentleman from Pennsylvania and the gentleman from Oregon (Mr. DUNCAN). That colloquy came to a fine and accurate conclusion, and I would like to be associated with that conclusion.

The fact of the matter is that under the blind implementation of section 504 by DOT accessibility and mobility for the handicapped will decline. We have crafted here on the floor and in the committee rooms a product which meets the needs—in reality assures better that the transportation needs of the handicapped will be met—and will provide increased accessibility, and especially increased mobility, to the handicapped people in this Nation.

I ask for the support of the House in behalf of the Cleveland amendment now offered.

Mr. Chairman, I yield back the balance of my time.

Mr. JOHN L. BURTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, the last thing I would like to do as he leaves here is to oppose the amendment by my good friend, the gentleman from New Hampshire (Mr. CLEVELAND), who has been a gracious host to me, my daughter, and my wife, and the gentleman from New Jersey (Mr. HOWARD), who is a master at trying to get legislation through by a consensus position.

But basically, we all know what is going to happen. The handicapped, and it is not—I mean I love the gentleman from New Hampshire (Mr. CLEVELAND), and I love the gentleman from New Jersey (Mr. HOWARD)—it is not their intent. But they will not be administering it. The handicapped are going to get screwed, pure and simple. They do not have the muscle. They do not have the ability to move around except, maybe in certain parts of the bay area, there are some with political clout, but basically, they are just going to be left somewhere. We are not talking about, in many instances, the indigent handicapped. We are talking about people trying to be self-supporting on a bill that we passed 3 years ago that was authored by Martha Keys.

In San Francisco, I am convinced under the initial Howard amendment that they would have made it work. Eddie Koch says we do not know what the hell we are doing down here, but I tell the Members this, if we ever bail out New York, he will think we are doing the right thing.

Now, what DOT has done, in my judgment, is the same thing that the people in OSHA did. They tried to sabotage the program. OSHA was really put in to protect people's lives and safety in many industries where they got hurt. It really was not that important how many miles the cowboy had to ride to find an outhouse, but they decided to enforce regulations like that.

DOT did not have to come out with regulations that made this program unlivable. They did it, and I think they sabotaged it.

We are leaving the handicapped and the elderly really at the mercy of what all of us seem not to like—bureaucrats; what some of us seem to like—elected officials who, I think, will have a little bit more compassion at least for the elderly. They might not be sure the handicapped will turn out and vote.

I know what the chairman is doing. This is an important piece of legislation. It has got a ton of money in it. I am sure, for my city, and I know the gentleman from New Hampshire (Mr. CLEVELAND) is trying to do the right thing, because I think he is one of the most decent and honorable people that I have met since I have been here. We are fairly far apart philosophically. I know there is no malice, no intention on their part to do something that would harm the elderly and the handicapped, but the protections are not there. The protections are not there.

You know, I can count votes somewhere. I figure the votes are there, but I can say this, and I mean no disrespect to my friend from New Jersey or anyone on his committee. My Subcommittee on Government Operations has oversight over the Department of Transportation, and now that they got rid of Langhorne Bond, we will not have a lot to do for a while. We are going to follow and monitor very closely, working with the gentleman from New Jersey (Mr. HOWARD) and his committee, so that we do not duplicate to see if they are doing the right thing.

I had Thanksgiving dinner with the head of our PUC, the Muni Railway, and he was in love with the Howard amendment. He said that it was really better than present law, because, as was stated, people could not get four blocks from their house to the bus that had the lift in it and that they would have special jitneys and special cabs; but I mean, 24-hour notice? How do they know when they have an emergency? It just is not comparable. It is not close to being comparable.

I tell the Members they are the easiest people in the world to kick around. I mean the easiest people to kick around are the disabled, the mentally ill, and the mentally retarded.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. JOHN L. BURTON) has expired.

(By unanimous consent, Mr. JOHN L. BURTON was allowed to proceed for 4 additional minutes.)

Mr. JOHN L. BURTON. I know that everybody wants to get to a vote on this, but it is something that I feel that has to be said, because the gentleman from California (Mr. MILLER), who has long championed this, got to me as I was sitting in my office signing mail; and I said, "What am I doing when he is over here carrying the ball by himself?"

There is no one in this House who wants to do the wrong thing by these groups. I would hope, and I know we can get the commitment from the gentleman from New Jersey (Mr. HOWARD) and if the gentleman from New Hampshire (Mr. CLEVELAND) was coming back, I think we would have his; and I will work with the gentleman from New Jersey (Mr. HOWARD) to see what his committee is going to do on oversight.

I will tell the Members what we are going to do. We are going to do a lot of it. We are very close to the Center for Independent Living in Berkeley. I want to tell the Members, you see those people move around and to lobby in the legislature, as they did in the State legislature and in Governor Reagan's office and my office and in other offices, I mean, you wonder how they can even leave their homes.

If we come back, I would hope that everyone, because I have heard the speeches today, and nobody wants to do them harm, that everyone will take a look at the reports, take a look at the facts, and when it is proven—and I believe it will be proven in many instances, that they need corrections, that we will change this. We are not here in Congress, for Pete's sake, to make Eddie Koch's job easier. That is not our job to make Eddie Koch's job easier. I sent him money to help elect him. We are here to look after the people of the United States. There are millions of handicapped and elderly who pay more taxes, than Eddie Koch pays.

□ 1320

I love Eddie Koch. It is not our job to make Eddie Koch's job easy. You know, when he comes up for the New York bailout bill, I want to see how many people are going to say, "Let's make it easy for good old Eddie Koch. Let's give him some bread."

It will not be the gentleman from New Hampshire, JIMMY CLEVELAND, not the guys on this side of the aisle, you know. They will say, "Let Eddie go find it himself. We saved him a bundle with the amendment."

So I think that is a fallacious argument. Knowing Eddie's even temperament, he probably has got me on the phone right now letting me have it, you know, thinking I am the gentleman from New York, BENJI ROSENTHAL, or something else.

It is not our job to make Eddie Koch's job easier. It is our job to try to protect and give equal rights to all citizens in this country, regardless of infirmity, age, color of their hair, color of their skin, or the size of their feet. We are taking this away from certain people.

I know it is in the interest of the broad general bill that the chairman is accepting this. I know the gentleman from New Hampshire, JIM CLEVELAND, really feels that he is doing the right thing and is going to improve it, because the bureaucrats screwed it up, so we will let the elderly and the disabled suffer because DOT screwed it up.

Well, I got news for them. Unless they make the gentleman from Ohio, BILL HARSHA, chairman of DOT, which would be a pretty good idea in my judgment, after I have my discussion with the gentleman from New Jersey, JIMMY HOWARD, if that guy fouls up this program, he will think that Langhorne Bond was going to birthday parties when he appears before our committee, because we have got a very softspoken, easy, subtle committee. We never get outraged. We never raise our voices, we never let the bureaucrats have it. We are very cooperative with them, until we catch them in an alley somewhere.

I would say this in closing, that I know that the gentleman from Pennsylvania, BOB WALKER—I cannot speak for him on this amendment, but as the ranking member has been one of the fairest, most open-minded people I have ever met in Congress.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

(By unanimous consent, Mr. JOHN L BURTON was allowed to proceed for 1 additional minute.)

Mr. JOHN L. BURTON. He will see if the facts show, as we think they will, that these people are getting the short end of the stick or being, as it was an issue in my election, I will say that they are getting shafted, although I have got my tie on straight and my vest, so it makes me look a little better in my image; he will be right here with us and I hope to God and pray, and I think the gentlemen from California, GEORGE MILLER, does, that the gentleman is right; but I just think we are putting too much faith in people that for years just have not paid attention to the handicapped.

Have you ever gone into a restaurant and sat with a handicapped person and they come up and say, "What does he want?"

I mean, the guys says, "It's my legs that have gone bad, not my mouth."

I mean, they treat them like they are nonpersons. You are having a cheeseburger and what does he want, you know?

The guy is in a wheelchair, so he cannot talk, he cannot make up his own mind. That is the stereotype. That is why we have this fight.

I know the amendment is going to pass, but I just hope and I know the gentleman from New Jersey, JIMMY HOWARD, will keep his eye on them and I am going to keep my eye on them. Unfortunately, the die is cast and the handicapped once more will suffer for being handicapped.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I wish to thank the Members for the debate that we have had on this compromise amendment. Those who are speaking most emphatically, as they say, in favor of the handicapped and opposed to this compromise amendment, I am grateful that what they were supporting was the amendment that I offered in the substitute which was supported on Tuesday.

I would like to just bring up a few points relative to the debate that we have had and to talk about what we gave up and what we received.

Trip purpose is one great accomplishment that we have in the bill that will stay if this is adopted. There was a provision by the gentleman from New Hampshire that would provide a priority on the use of this alternate service and that priority would go under the broad range of medical reasons, not emergency, just medical reasons, which would mean that a priority would be given to a handicapped person who might be going to the doctor for a routine checkup or perhaps going to a drugstore to get a prescription filled, over a handicapped person who wanted to use that seat to go to work. Beyond that unfair situation, having any priority at all would require that the handicapped person, anytime he wanted a ride, would have to notify some bureaucrat what the reason for the trip is. That is certainly different from what we have in our daily lives if we are not handicapped. When we want to go somewhere and are going to pay for it, we do not have to ask someone's permission and tell them why we have to go; so that is not in this new compromise. There is no necessity for anyone to have to tell some bureaucrat the purpose for the trip.

The one thing that we gave up and I am not that happy about, has to do with the comparable trip time. We had vague language. We talked about reasonably comparable. We talked about operationally practicable. We do feel that the trip time for alternative service for the handicapped should certainly be comparable to the time it would take for a trip between the same two destinations on regular public transportation; but one important thing we have added that we did not have in my amendment is the requirement, the mandate, for annual oversight by the Committee on Public Works and Transportation. I would like to state for sure and to make it clear and to make legislative history to all the communities who are going to be involved in this that we certainly expect that there will be comparable trip time and if we find that there is not, then you can bet, if I am here next year, and if I have anything to say about it, that that will be in a law next year.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield for just 10 seconds?

Mr. HOWARD. I would be happy to yield for 12.

Mr. JOHN L. BURTON. Make it 13; it is some day.

Mr. Chairman, I look forward to working with the gentleman so that there is no duplication on this oversight to see that it is done, because I swear to God, I hope that the gentleman is right. I just do not trust them and do not think it is going to be right, basically. I do look forward in the next session to sitting down with the gentleman and whoever is going to do the oversight because, as I say, without Langhorne Bond, we need something to do.

Mr. HOWARD. I would like to state to the gentleman that I am grateful for his cooperation and I am sure that the two of us working together can make sure that the intent of this Congress is followed.

I just would speak about something that was said concerning the response time. It was stated that it is 24 hours, that as long as you are within 24 hours you are in compliance.

My bill had 24 hours the first 2 years, then going down to 8 hours for 2 years and then going down to 6 hours.

I would like to state to the gentleman from California who talked about they do not have to come in within 24, this amendment has 24 hours the first 2 years, changes to 10 hours the second 2 years and down to 6.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. HOWARD) has expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 3 additional minutes.)

Mr. HOWARD. So that it is not accurate to say that there is only a 24-hour response. This—with the one exception of going from 8 to 10, the second 2 years—is exactly as it was in my amendment.

I would like to state also to the gentleman from California, he mentioned something about attendants and help. Handicapped people very often do need to have an attendant with them to help them. I would like to state that as far as the attendant is concerned, I am sure the gentleman did not mean to give the wrong impression, because on page 38, subparagraph (F) which is not affected by this Cleveland amendment, it says, "provides that, where feasible," and where feasible means only not in competition with another handicapped person, and it states in full:

(F) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

□ 1330

So it is not true that we do not have provisions for attendants.

The next to the last point has to do with the gentleman from California (Mr. MILLER) talking about groups who do not want any change, the ones who want section 504 to stay the way it is. The gentleman mentioned several national groups. They are in the minority. He mentioned the Paralyzed Veterans of America.

I would just like to state that I do have a list here, only a partial list, of handicapped groups begging us to do what we are trying to do on the floor here today. I submit that list.

HANDICAPPED GROUPS IN SUPPORT OF LOCAL OPTION

Mayor's Committee of Independent Living for the Handicapped (City of Brockton, MA).

Transportation Council for the Elderly & Handicapped (Erie, PA).

Fond du Lac Elderly & Handicapped Technical Advisory Committee (Fond du Lac, WI).

Tarrant County Association for the Blind (Fort Worth, TX).

Easter Seal Society for Crippled Children and Adults of Tarrant County, Inc. (Fort Worth, TX).

United Cerebral Palsy of Lancaster County (Lancaster, PA).

Handicapped Advisory Group, Lima-Allen County Regional Planning Commission (Lima, OH).

Transportation Handicapped Advisory Group (Montgomery, Ala.).

Friendship Village (Fargo, ND).

Red River Valley Handicaps Club (Moorehead, MN).

Kidney Foundation of East Tennessee (Knoxville, TN).

Cerebral Palsy Center for Handicapped Adults (Knoxville, TN).

National Society for Autistic Children—East Tennessee Chapter (Knoxville, TN).

Knoxville-Knox County Community Action Committee (Knoxville, TN).

Muscular Dystrophy Association (Knoxville, TN).

Knoxville Association for the Blind (Knoxville, TN).

Architectural Barriers Committee of Knoxville (Knoxville, TN).

Handicapped Advisory Committee (Lexington, KY).

Hattie B. Monroe Pavilion (serves handicapped children) (Omaha, NE).

Echo, Inc. (serves physically handicapped of Omaha) (Omaha, NE).

Port Arthur Handicapped Advisory Group (Port Arthur, TX).

Central Advisory Group on Transportation for the Elderly & Disabled (Rochester, NY).

Berks County Citizens Advisory Committee for Accessible Transportation (Reading, PA).

Berks County Senior Citizens Council (Reading, PA).

Berks County Office on Aging Advisory Council (Reading, PA).

San Joaquin Association for the Retarded (Stockton, CA).

Hanot Foundation (Lockeford, CA).

Catholic Charities Diocese of Stockton Services for the Disabled (Stockton, CA).

Senior Service Agency of San Joaquin County, Inc. (Stockton, CA).

Transportation for the Elderly & Disabled Committee (Spokane, WA).

Community Center for the Blind (Stockton, CA).

Lower Pioneer Valley Task Force on Transportation for the Elderly & Handicapped (Springfield, MA).

Mobility Advisory Group of the Westport Transit District (Westport, CN).

National Council for the Transportation Disadvantaged.

Arthritis Foundation (Akron Area Chapter, Akron, OH).

Vocational Guidance and Rehabilitation Services (Cleveland, OH).

United Cerebral Palsy Association, Inc. of Cuyahoga County (Cuyahoga County, OH).

Overcoming Mobility Barriers, Inc. (Omaha, NE).

Eastern Nebraska Human Services Agency (Office of Aging).

State of Nebraska Commission on Aging.

Kent Graybill (Handicapped activist; wheelchair bound).

Elderly & Handicapped Advisory Board.

Union County Board of Chosen Freeholders.

Senior Health Improvement Program.

Handicapped Jewish Geriatric Center (Tuscon, AZ).

Wheels, Inc., a non-profit medical & specialized transportation agency (Philadelphia, PA).

There is a big difference. There are only 48 on this list, but they are groups, I will just read a few of the areas, local groups: Brockton, Mass.; Erie, Pa.; Fond du Lac, Wis.; Fort Worth, Tex.; Knoxville, Tenn.; Omaha, Nebr.; Rochester, N.Y.; Reading, Pa.; Stockton, Calif.; Spokane, Wash.; and many areas, groups like the Arthritis Foundation, the National Council for the Transportation Disadvantaged, Muscular Dystrophy Association of Knoxville, Tenn. When this list was spoken about originally, some of the national representatives objected and said that this was not important because they are only locals. I think that is very, very significant that some of the Washington-based people who are looking at language, redtape and bureaucracy feel that they have the only right to speak for the handicapped. Yet those who are asking us to do what we are trying to do today, the handicapped people who are the locals across this country, they are the people who have to live with it and the people who have seen that in their own communities, despite all of the flowery words about so-called total accessibility, the handicapped cannot go anyplace. So I would be willing to match up in the public interest all of those local people, who are in the towns where the handicapped people are not being served, against any big Washington-based group.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from California.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. HOWARD) has again expired.

(By unanimous consent Mr. HOWARD was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Would the gentleman tell me if any of the groups I have mentioned are, in fact, in support of this legislation?

Mr. HOWARD. No. I would like to tell the gentleman about one of the veterans groups. I do not know the name of it. We talked about the fact that putting a lift on every bus does not help a lot of the weak and elderly people who cannot get six blocks to where the bus is, and they said—

> We do not care, they are young, they are strong, they are perfectly able, as everyone else is, except they are in wheelchairs.

What we think we ought to concern ourselves with is not just their interest, but with all the elderly, the elderly who are handicapped, because that is a problem that is not being met by what some of the national groups, to which the gentleman referred, want to be the law of the land.

Mr. MILLER of California. The gentleman has suggested when I read the national groups that I suggested that they wanted to go back to no amendment, nothing, and I want to suggest to the gentleman that, in fact, is not what I said.

Mr. HOWARD. They do.

Mr. MILLER of California. That is not, in fact, what I said. What I said is, in fact, they are not in support of the amendment of the gentleman from New Hampshire (Mr. CLEVELAND) and that is correct.

Mr. HOWARD. I will straighten the gentleman out and say that is what they want, to go back, they want to go back to what they call total accessibility, a lift on every bus.

Mr. MILLER of California. As to the gentleman's remarks on national groups versus local groups, let me suggest if the gentleman had all of the national groups on a list and I presented all the local groups, the national groups would then be the good guys and the local groups would be the bad guys.

Mr. HOWARD. I think we have to consider the people who have to be concerned with whether or not, here and now, in this local community they are getting transportation.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield.

Mr. SIMON. Is it not true that every advantage that the gentleman has mentioned, with the one exception of the mandate on oversight, which I am sure the gentleman from New Jersey (Mr. HOWARD) would do anyway, that if we defeat this particular amendment we go back and we have all of those advantages in the gentleman's amendment; is that not correct?

Mr. HOWARD. The practical results, I can state to the gentleman, I would love to see that happen. I like what I had on Tuesday, but the actual result is not as great as the gentleman from Pennsylvania said before, that this bill would be dead in the other body if we sent it over that way, but I can state that the actual fact is the bill will be dead in this body and will never get out of the Committee of the Whole because we do have some 60 amendments all in the RECORD which could be debated, which could be offered, which would keep us well past the time we would ever have a quorum here. That is why we are in the position we are in today. I would like to state that if we do not pass this overall bill, and we have not talked about the importance of the overall bill yet, if we do not pass that bill, if it does not become law, we are going to be back to square one, a lift on every bus, a provision that is not, has not, will not, and cannot serve the needs of the handicapped. But if we pass this amendment, we have a very good chance of having in the law not only a great public transportation and highway bill, but a program which will finally get the handicapped people in this Nation mobile.

I urge the adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1340

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The CHAIRMAN pro tempore. The pending business before the Committee is the demand by the gentleman from California (Mr. MILLER) for a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute, as amended, was agreed to.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could have the attention of the gentleman from New Jersey (Mr. HOWARD) I would like to engage the gentleman from New Jersey in a colloquy concerning section 131(g) of title 23.

Mr. HOWARD. If the gentleman would yield, I would be more than happy to answer any questions from my distinguished colleague from Kentucky with regard to that section.

Mr. SNYDER. I thank the gentleman from New Jersey. As I am sure the gentleman will recall, section 131 sets forth Federal policy with regard to the control of outdoor advertising. As the gentleman will recall, we amended subsection (g) during the Surface Transportation Assistance Act of 1978 to require the payment of just compensation for the removal of signs if the signs were lawfully erected and in existence on November 6, 1978.

Mr. HOWARD. Yes; I recall that amendment very well. It is my recollection that our purpose was to insure compensation for signs removed subject to an amortization schedule imposed by the States. It was our belief that, State decision notwithstanding, an amortization schedule was not sufficient to meet our mandate that just compensation be awarded.

Mr. SNYDER. I thank the gentleman. It was also my recollection that we had previously amended this section so that signs lawfully erected after October 22, 1965, during the so-called hiatus period were also eligible for compensation.

Mr. HOWARD. Again, the gentleman is correct.

Mr. SNYDER. I thank the gentleman. It is my understanding that despite these two provisions, there still remains some uncertainty as to whether signs erected during the hiatus period under conditional permits issued by a State are compensable within the meaning of section 131. Am I correct that a clarification of the issue of compensability of conditional signs will be considered as part of the highway legislation anticipated during the first session of the 97th Congress?

Mr. HOWARD. The gentleman from Kentucky is correct. This is an area that will be explored for possible clarification during next Congress consideration of highway legislation.

Mr. SNYDER. I thank the gentleman from New Jersey. I would hope that the Federal Highway Administration would do everything in their power to maintain the status quo of conditionally permitted signs until Congress has the opportunity to clarify the status of their compensability. I for one had thought that our previous legislative efforts had sufficiently demonstrated our intent that all lawfully erected signs during the hiatus period and ordered removed were compensable. I had hoped that understanding would settle the issue.

Mr. HOWARD. I will say that during the next Congress, I am hopeful that we will once and for all remove any ambiguities as to the compensation policy.

Mr. SNYDER. I thank the gentleman from New Jersey, and yield back the balance of my time.

AMENDMENT OFFERED BY MR. EDGAR TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. EDGAR to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 22, line 20, strike the period and insert in lieu thereof the following: ", except as amended by section 210(e) of the Federal Public Transportation Act of 1980 (relating to the definition of 'fixed guideway').".

Page 28, after line 10, insert the following:

(e) Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after "separate right-of-way" the following: "or rails"; and by striking out the semicolon at the end of such paragraph (2) and inserting in lieu thereof a comma and the following: "and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;".

Mr. EDGAR (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

☐ 1350

Mr. EDGAR. Mr. Chairman, the amendment that I am offering now is a relatively simple technical amendment. It simply restores a definition contained in the original bill, H.R. 6417 which was inadvertently omitted from this substitute. I do not think there is any controversy on either side, and I hope we can accept the amendment very quickly.

I am offering this amendment to your substitute bill in order to revise the definition of "fixed guideway" under the Urban Mass Transportation Act of 1964. Since we are talking about adopting a formula for fiscal year 1982 which is based half on the old 4-tier formula, it is necessary to address this issue as we did in the original bill, H.R. 6417, as reported.

Currently, fixed guideway is defined as a facility which uses a separate right of way for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles. The problem has been that UMTA interprets this language to exclude trolley cars and buses from the definition of fixed guideway for the purpose of receiving allocations under tier three of the formula. UMTA has maintained that trolley cars and buses do not have exclusive use of the road since they share it with other vehicles. As a result of continued confusion over this matter, the administration asked for statutory clarification and the committee clarified the language in H.R. 6417 so that trolley cars and buses would be considered "fixed guideway."

I urge my colleagues to accept this technical amendment.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding, and I thank him for bringing this problem to our attention. I think the gentleman's amendment is strictly technical. It was an oversight. It was intended to be included in the bill, and our side has no objection to the amendment.

Mr. EDGAR. I thank the gentleman for his comments.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ERTEL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. ERTEL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. ERTEL to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 24, after line 13, insert the following:

"(iv) Notwithstanding any other provision of this subparagraph, except as otherwise provided in this clause no urbanized area with a population of 200,000 or more shall be apportioned an amount under this subparagraph for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, which is less than the amount apportioned to such urbanized area for the fiscal year ending September 30, 1981, under paragraphs (1), (2), (3), and (4) of subsection (a) of this section. If, for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, the amount appropriated under subparagraph (A) of this paragraph is less than the amount appropriated under paragraphs (1), (2), (3), and (4) of this subsection and section 18 of this Act for the fiscal year ending September 30, 1981, no urbanized area with a population of 200,000 or more shall be apportioned a percentage of the amount appropriated under subparagraph (A) for such fiscal year which is less than the percentage it was apportioned of the amount appropriated under such paragraphs and such section 18 for the fiscal year ending September 30, 1981. Nothing in this clause shall result in a change in the percentage apportioned under clause (i), (ii), or (iii) of subparagraph (B) of this paragraph for any fiscal year.".

Mr. ERTEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ERTEL. Mr. Chairman, this amendment adds a hold-harmless clause to section 5, the formula grant provision of the Howard substitute. My amendment provides that in years when the annual appropriations to section 5 is equal to or exceeds the 1981 appropriations, urbanized areas with a population of 200,000 or more be provided with no less than the sum they received in fiscal year 1981.

I would like to repeat that. The urbanized population of over 200,000. So if you have a city of 50,000 or less, it may have an urbanized population of over 200,000.

My amendment also provides that if the section 5 appropriations drop below the fiscal year 1981 level, that these urbanized areas be held harmless on a percentage basis to their fiscal year 1981 level.

This amendment would not affect the percentage of section 5 funds set aside for small and rural communities.

Let me explain why we need this hold-harmless clause. The Howard substitute changes the formula for section 5 dramatically. My distinguished New Jersey colleague himself characterizes this particular change as "a major restructuring." The result is that a number of urbanized areas will be receiving far less section 5 money under the Howard substitute than they are receiving now. In fact, the committee's own printout shows a minimum of 38 urbanized areas would receive less in 1984 and 1985 than they are receiving now, and that is based on the very best possibility for those areas. This does not include urbanized areas which may take a loss between now and 1985 but reach the 1981 appropriation level again by 1985. In other words, in 1981 you get a certain amount of moneys for your mass transit program. For 1982 and 1983 you may in fact lose dramatic sums of money and then go uphill again and reach the level I talked about in 1984 and 1985 and still be losing. We were only able to get a computer printout for 1984 and 1985 under the new formula. Thirty-eight lose in that particular instance.

I would suggest to the Members that the significant thing is that the committee's figures which were based on the Department of Transportation printout are the most optimistic projections. And when I say "optimistic," that means that we would have to have a 35-percent increase in the appropriations level from 1981 through 1982, 1983, 1984, and 1985. So it seems to me if you look at it realistically and you realize that the Reagan administration, when they were campaigning, was talking about budget cuts, that to anticipate a 35-percent increase is just unrealistic. So the net result under the Howard substitute is that there are going to be a lot of losers, more losers than is evident from the committee's printout for just 1984–85.

Let me just read to the Members some of the losers that we can project, based upon a 35-percent increase in funding and based only on the years 1984–85. Losers are going to be cities like Philadelphia; Buffalo; Detroit; Fort Worth; Grand Rapids; Tampa; Indianapolis; Jackson, Miss.; Wichita; Mobile, Ala.; Little Rock, Ark.; Oxnard-Ventura, Calif.; Colorado Springs, Colo.; Danbury, Conn.; Wilmington, Del.; Tampa, Orlando, and Sarasota, Fla.; Peoria, Elgin, and Rockford, Ill.; Indianapolis and South Bend, Ind.; Wichita, Kans.; Baton Rouge and Freeport, La.; Lawrence and Haverhill, Mass.; Detroit, Grand Rapids, and Flint, Mich.; Buffalo, N.Y.; Las Vegas, Nev.; Columbus, Dayton, Youngstown, Canton, and Lorain, Ohio; Oklahoma City; Allentown, Easton, Bethlehem, Harrisburg, Wilkes-Barre, and Scranton, Pa.; Fort Worth and Corpus Christ, Tex.; and San Juan, Puerto Rico.

These are just some. These are the ones we have been able to identify based on the DOT printout.

(By unanimous consent, Mr. Ertel was allowed to proceed for 5 additional minutes.)

Mr. ERTEL. There are a multitude of other cities which may in fact lose money, and dramatic amounts of it.

Initially, I had two concerns about the loss of section 5 funds to some urbanized areas.

First, the loss would have denied these communities the capital their transit systems would need to purchase additional equipment and buses. They would be unable to increase their revenue miles and eventually get a better shake under the Howard formula change. I am pleased to say that that concern has been addressed by the chairman of the committee. Yesterday the committee accepted my amendment to give urbanized areas hurt by the Howard formula first priority to section 3 funding, and I appreciate the distinguished subcommittee chairman's cooperation on that amendment. I think it was a good step in the right direction.

But there is a second reason why my hold-harmless amendment should be adopted. Much of the section 5 funding is used to meet transit systems operating costs. In the face of rising fuel costs and inflation, continued operating assistance is necessary and desirable for those cities who will lose.

Now, my distinguished colleague will argue that the formula change he is proposing will provide an incentive for transit systems to expand and provide better service, and that is a commendable objective and I applaud it. But the adoption of this hold-harmless amendment will not detract from that incentive. These communities I have mentioned are still facing a very real loss, and if there are amendments which increase the appropriations level, all we say is that these cities stay at the 1981 level. You do not participate in the increases. So even with that, staying at the same level, we would be losing in real dollar terms, because inflation would have taken the sums upward and these cities would lose in real dollar sense even though the actual dollar amounts would remain the same.

On the other hand, if the Reagan administration chooses to cut the appropriations level below the 1981 level, my amendment would say these cities would go down on a percentage basis so that we would not take unfair advantage of any other community.

Really, what we are saying is that if there is an increase in appropriations or if it stays the same, my amendment with its hold-harmless is a safety net. We would protect those communities so that they would not take dramatic cuts.

I would suggest to the Members that this formula in the bill is a last minute piece of legislation. It is a new formulation. The formula has not gone through the committee structure and, therefore, by putting the safety net in, next year and the following year you will not wake up with a rude shock that your transit systems have been dramatically cut in funds. This is a reasonable provision to put a safety net in place. It will not interfere with the objectives of the legislation and it will in fact guarantee our cities that we are in fact concerned about them and protecting them.

☐ 1400

I would urge the committee to adopt this amendment.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to my colleague from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank my colleague for yielding. I have one basic question about the gentleman's amendment, and then a specific series of questions after that. As I understand the gentleman's amendment, he holds harmless at a 1981 level of funding the communities of 200,000 or less. Is that correct?

Mr. ERTEL. Or more.

Mr. LEVITAS. Two hundred thousand population or more.

Mr. ERTEL. Not the cities. It would be the urbanized areas. Urbanized areas can mean a city of 50,000, 25,000, if the urban area has grown large enough, depending on where the boundaries are.

Mr. LEVITAS. In the event that there should be larger reductions in the overall funding of the mass transit program in the succeeding years, and the gentleman holds harmless at 1981 levels the communities he has identified, would not that mean that the entire reduction of funding in the future years would have to be disproportionately taken out of the other communities which would not be protected by the gentleman's amendment?

Mr. ERTEL. If I may reclaim my time, that is not correct because I have put into the amendment that in the event the appropriation level goes down from 1981, the hold-harmless would be scaled down on a percentage basis so that we would not take funds from anybody else. The funds would be scaled down. If the appropriation decreases from the 1981 level, we would take the percentage that each city would get at the 1981 level and apply it to the appropriation; so that in fact those cities would not be hurt.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. Mitchell of Maryland and by unanimous consent, Mr. Ertel was allowed to proceed for 1 additional minute.)

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I have a very brief question. The gentleman is using the term, "urbanized areas." I have a little bit of a problem with that. Is that term used in the same sense as we would talk about the standard metropolitan statistical area?

Mr. ERTEL. No, it does not. Sometimes it corresponds and sometimes it does not. This wording is from the old legislation, the same language that was in the previous legislation. Those urbanized areas are drawn based on their mass transit systems and do not necessarily correspond.

Mr. MITCHELL of Maryland. I had a little bit of difficulty hearing. Would the gentleman just restate it, please?

Mr. ERTEL. This is from previous legislation defining an urbanized area, and it does not necessarily correspond to an SMSA. I cannot give the gentleman a definition because they draw urbanized areas differently for different areas.

Mr. MITCHELL of Maryland. That is why I have a problem, because the gentleman says that does not necessarily correspond with a standard metropolitan statistical area, but it may, and in the event it does, you are just spreading yourself all over the board.

Mr. ERTEL. I understand exactly what the gentleman from Maryland is saying. Unfortunately, these urbanized areas and the boundaries have been drawn in past legislation, and have already been interpreted, so that therefore it is not new legislation here. This is coming from the existing legislation which is already on the books. They use that term, and they have been defined in the respective areas.

Mr. MITCHELL of Maryland. I thank the gentleman.

Mr. HOWARD. Mr. Chairman, I rise in opposition to this amendment, which really goes to the heart of the whole legislation that we have before us. I can understand the gentleman's concern that some cities might be hurt by the new formula, or think they might be hurt by the new formula. I would like to explain some of the features of this bill that may show that they are not being hurt and that the whole Nation is being benefited.

No. 1, we have the 1982 transition year. A major new feature of this compromise is to provide a transition year for the larger urbanized areas in 1982 so that half the money will be apportioned under the old formula, which is to population and population density; and only half of it will go by the new formula, which is a formula based on service—how much revenue service is provided? That is the new priority.

We found that in many cities, because of the population-based formula, the State got money—not that city. The State got money for operating a transit system where there was no transit system. They just had the people to trigger the formula. It is a waste of taxpayers' money to be putting money in there.

But in order to also help the cities that have a large population, over 200,000, but do not have service, we have some new incentive grants. For the first time, the UMTA grant program will make incentive grants to urbanized areas that increase ridership or decrease transit deficit. This bonus, which varies from 4 percent to 9 percent of the normal section 5 formula apportionment, is above and beyond the amounts shown in the computer tables for these areas.

Third, Mr. Chairman, we put in a priority just 2 days ago for these areas. If there are any urbanized areas that do experience a shortfall in section 5 funding, included in the substitute, is direction to DOT to give such areas priority from the section 3 discretionary capital fund. The committee amendment adds $1 billion a year to the section 3 levels. These enhanced levels will lessen any squeeze that urbanized areas might feel for section 5 capital funds. The reason they may reduce temporarily in operating money is because they do not serve enough people, so what we have done is, we have given them a priority in section 3 capital money so that they may build up their service, build up their fleets, and then be on the plus side of the formula that relates to service.

Fourth, I would like to say, Mr. Chairman, that under our program, the recipients control their own destiny. What this bill will do for large urbanized areas, is to give them the tools to control their own destiny. The more transit service that an area provides, the more money it receives. All that a large urbanized area has to do to prosper under the new formula is to use the transition year dollars, the incentive grant dollars and its priority to section 3 dollars to provide more transit service. As it provides more service, its apportionment under the formula increases and our Nation obtains the increased transit capacity we need to decrease our dependence on foreign oil.

This is the heart of the legislation, the heart of the legislation in the other body. This is what this bill is all about, and I urge a resounding defeat of this amendment.

● Mr. CARR. Mr. Chairman, I support the change made by the Howard substitute in the operating assistance formula of the mass transit grant program. It makes very good sense to provide assistance on the basis of actual service provided, rather than simply on the basis of population density. At the same time, it makes sense to distribute equitably the burden resulting from that change. No one disputes the existence of the inequities inherent in the change: The Howard substitute itself recognizes them and proposes to provide a 1-year cushion.

The amendment offered by Mr. ERTEL provides a more realistic cushion. It assures that no urbanized area over 200,000 in population would receive less under the Howard substitute than it received in fiscal year 1981. The amendment holds these cities harmless for 5 years, allowing them time to adjust to the new realities and to make their plans accordingly.

The limited funds at our disposal make it impossible for us to provide the aid that our cities tell us is necessary to encourage the growth of mass transit and to move us closer to our goal of energy efficiency and independence. We must act carefully to be sure that the change in the operating assistance formula does not actually discourage mass transit in a few of our cities.

I support the Ertel amendment and urge my colleagues to do likewise.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ERTEL) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ERTEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 286, not voting 60 as follows:

[Roll No. 665]

AYES—86

Anderson, Calif.
Anderson, Ill.
Archer
Beilenson
Bereuter
Bethune
Blanchard
Bonior
Bouquard
Brademas
Brodhead
Brown, Ohio
Buchanan
Campbell
Carr
Carter
Clinger
Collins, Tex.
Coughlin
Crockett
Danielson
Dannemeyer
Dixon
Dougherty
Early
Edgar
Ertel
Fowler
Gephardt
Gibbons
Glickman
Goldwater
Goodling
Gradison
Gray
Grisham
Hammerschmidt
Harsha
Heftel
Jacobs
Jeffries
Kildee
Kostmayer
Lewis
Livingston
Long, La.
Lungren
McClory
McDade
McDonald
McKinney
Maguire
Marks
Mavroules
Michel
Moore
Moorhead, Pa.
Murphy, Pa.
Musto
Nowak
Paul
Pease
Quayle
Regula
Ritter
Roybal
Sawyer
Seiberling
Shannon
Shuster
Snyder
Solomon
Spence
Thomas
Traxler
Walgren
Walker
Waxman
Whitehurst
Whittaker
Williams, Ohio
Winn
Wolpe
Wyatt
Wylie
Yatron

NOES—286

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Boggs
Boland
Boner
Bonker
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Broyhill
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carney
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Coleman
Conable
Conte
Conyers
Corcoran
Cotter
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dicks
Dingell
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Frenzel
Frost
Fuqua
Gaydos
Giaimo
Gilman
Gingrich
Ginn
Gonzalez
Gore
Gramm
Grassley
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hansen
Harkin
Harris
Heckler
Hefner
Hightower
Hillis
Hinson

Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Olka.
Jones, Tenn.
Kastenmeier
Kazen
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lehman
Leland
Lent
Levitas
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
McCloskey
McCormack
McEwen
McHugh
Madigan
Markey
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Mottl
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Nolan
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Rinaldo
Roberts
Robinson
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
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Sabo
Santini
Scheuer
Sensenbrenner
Sharp
Shelby
Shumway
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Wampler
Watkins
Weaver
Weiss
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wolff
Wright
Yates
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—60

Anthony
Ashley
Beard, R.I.
Bolling
Cavanaugh
Coelho
Collins, Ill.
Corman
Crane, Philip
D'Amours
Davis, S.C.
Deckard
Dickinson
Dodd
Fenwick
Findley
Fish
Ford, Mich.
Ford, Tenn.
Garcia
Hanley
Hawkins
Jenrette
Kelly
Kemp
LaFalce
Lederer
Lee
Luken
Lundine
McKay
Mathis
Mikulski
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Pepper
Pursell
Rhodes
Richmond
Rodino
Roe
Rose
Satterfield
Schroeder
Schulze
Sebelius
Skelton
Spellman
Steed
Thompson
White
Wilson, Bob
Wilson, C. H.
Wirth
Wydler
Young, Alaska
Young, Fla.

☐ 1420

Messrs. ALBOSTA, DANIEL B. CRANE, HUCKABY, and DICKS changed their votes from "aye" to "no."

Mr. BEILENSON changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEWIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. LEWIS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. LEWIS to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 11, after line 17, insert the following new section:

FEASIBILITY STUDY

SEC. 110. The Secretary of Transportation shall study the feasibility of upgrading California State Highway 86 between Interstate Highways 8 and 10 for the purpose of improving highway safety and the delivery of agricultural products to market. The Secretary shall submit a report on the results of such study to Congress not later than 2 years after the date of the enactment of this Act.

Mr. LEWIS. Mr. Chairman, the purpose of this amendment is to authorize the Secretary of Transportation to conduct a study regarding the feasibility of upgrading California State Highway 86 between Interstate Highways 8 and 10 in order to promote improved highway safety and improve the sufficient delay of agricultural products to market from the Coachella and Imperial Valleys.

The portion of Highway 86 that is subject to the study is a 68-mile stretch of two-lane highway that has experienced one of the highest accident and death rates of any road in the Nation. It suffers from an antequated design that is insufficient to meet the high volume of large truck traffic that uses the road on a daily basis. It is known in the community as "killer highway." According to highway improvement safety statistics, 400 schoolbus trips are made daily on Highway 86 to schools in Imperial and Riverside Counties. During the last 4 years, there have been two spectacular crashes involving children on buses on this highway.

Because of this significance to our Nation's agricultural products, I would urge that this study be undertaken.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We have studied the amendment and we find it acceptable.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, we have examined this amendment and find it satisfactory on this side.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LEWIS) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. OBERSTAR. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 44, after line 7, insert the following:

BUY AMERICA

SEC. 225. (a) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h) (1) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act for any project contract whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States at least 50 per centum from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project contract.

"(2) The provisions of paragraph (1) of this subsection shall not apply where the Secretary determines—

"(A) their application would be inconsistent with the public interest;

"(B) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

"(C) that articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

"(D) that inclusion of domestic material will increase the cost of the overall project contract by more than 15 per centum.".

(b) The amendment made by subsection (a) shall not apply to project contracts entered into on or before the date of enactment of this Act or options exercised pursuant to such contracts. Section 401 of the Surface Transportation Assistance Act of 1978 shall not apply to any project contract entered into after the date of enactment of this Act for a project to which section 12(h) of the Urban Mass Transportation Act of 1964 applies.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR). This proposed amendment violates rule XVI, clause 7, which states in part that no motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

Hinds, volume V, section 5825, states that while a committee may report a bill embracing different subjects, it is not an order during consideration in the House to introduce a new subject by way of amendment.

Cannons, chapter 8, section 2995, states that the burden of proof is on the proponent of an amendment to establish germaneness, and where an amendment is equally susceptible to more than one interpretation, one of which renders it not germane, the Chair will rule it out of order.

□ 1430

Mr. Chairman, the Oberstar amendment seeks to introduce a new subject which is part neither of this bill nor of the statute which this bill seeks to amend. The Oberstar amendment would introduce a Buy America requirement, through which funds will be limited, into the Urban Mass Transit Act of 1964, where none now exists, and in so doing, it repeals the similar provision that currently exists in the Surface Transportation Assistance Act of 1978. It is an attempt to amend the Surface Transportation Assistance Act of 1978 by adding to the statute which this bill amends and repealing it where it currently exists.

It may be argued that the amendments made by this bill are sufficiently broad to open the entire 1964 act for amendment. But the 1964 act contains no such domestic content provision.

The Oberstar amendment introduces a new subject, and couching it in language that tacks the provision on at the end of the existing section of the 1964 act is not enough to make it germane.

The Oberstar amendment really amends the Surface Transportation Act of 1978, an act which itself amended the 1964 act.

I submit that regardless of whether H.R. 6417 is broad enough to open the entire 1964 act for amendment, it is not broad enough to open other acts for amendments as well, and neither is it broad enough to render germane any new subject, even though not addressed either in this bill or the act it omits.

Mr. Chairman, I request my point of order be sustained.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. OBERSTAR) desire to be heard on the point of order?

Mr. OBERSTAR. Yes, I do, Mr. Chairman.

I rise in opposition to the point of order.

Mr. Chairman, the amendment that I am offering is to the Howard substitute, which is substantially broad enough to admit an amendment dealing with the Buy America Act, which is a part of the original Urban Mass Transit Act. There was a Buy America provision in the Surface Transportation Assistance Act of 1978, which provided that a final manufactured article should be substantially all-American produced and established the 10-percent price differential between foreign and domestic bids.

My amendment would broaden that language, which is existing law somewhat, and is perfectly in order because it is an amendment to the Howard substitute and is restricted entirely to the language of the Urban Mass Transportation Act and does not, as the gentleman from Minnesota suggested, go beyond the provisions of the Urban Mass Transportation Act.

I urge the Chair to rule against the point of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair has heard the arguments of both the maker of the point of order and the opponent of it, and the Chair is constrained to agree with the gentleman from Minnesota (Mr. OBERSTAR) that the amendment amends only the Urban Mass Transportation Act. That law in 1978 was in effect amended by the Buy America title contained in the Surface Transportation Assistance Act, and the pending amendment only alters the effect of the 1978 law as it relates to authorities under UMTA. On two previous occasions, Buy America amendments have been held germane when offered to bills, comprehensively amending existing laws and drafted as restrictions on authorities contained in those laws.

The first was on May 7, 1959, when Chairman Bass held germane to a bill permitting the Tennessee Valley Authority to raise capital by issuance of bonds, an amendment prohibiting use of such funds to purchase foreign-made equipment. On another occasion perhaps the gentleman from Minnesota (Mr. FRENZEL) will recall, when he made a similar point of order to the Outer Continental Shelf Lands Act amendments; and the chairman of the committee at that time, the gentleman from Kentucky (Mr. NATCHER), on July 21, 1976, held the amendment to be in order. These precedents are contained in Deschler's Procedure, chapter 28, sections 4.27 and 23.7.

The Chair, therefore, overrules the point of order and recognizes the gentleman from Minnesota (Mr. OBERSTAR) in support of his amendment for 5 minutes.

Mr. OBERSTAR. I thank the chairman for that ruling.

The purpose of this amendment is to broaden and strengthen modestly, very moderately, the "buy America" provisions of existing law. The first Buy America Act was passed by the Congress in 1933. It was expanded upon in 1964 and in 1978. The purpose of my amendment in 1980 is to tighten up a little more on the loopholes that have existed in the Buy America Act and permitted foreign manufacturers to come in and take jobs away from American workers, and that is what is at stake here—jobs.

The purpose of my amendment is to further define the existing law requiring manufactured articles purchased under this act to be substantially all American produced by saying that substantially all means 50 percent. That is how the Department of Transportation presently is interpreting the current law.

Second, my amendment increases the differential between the foreign bid and domestic American bid from 10 percent to 15 percent. That will insure better competition, insure that American firms are not disadvantaged by foreign-subsidized or foreign-government-operated firms competing in the mass transit market.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

This is something we have discussed before. I at one time had serious reservations about the original amendment, which is different as I understand it, from the amendment today. I believe the original requirement of more than 70 percent domestic components would hurt U.S. jobs and U.S. companies because it would destroy profitable joint-venture relationships that these companies enjoy with foreign companies.

We have in this amendment only 50 percent, which has been the rule all along, I believe, as far as the component parts, and the final product must be assembled in the United States; and so the difference is only with regard to the 10 percent, for the differential in American bids compared to foreign bids, and that would, under the gentleman's amendment, go up to 15 percent. That is the only change which will really result from the gentleman's amendment. Am I correct in that?

Mr. OBERSTAR. The gentleman from New Jersey understands it correctly.

Mr. HOWARD. I think it would make a big difference in jobs for the people in the United States. I am glad it does not go as far as some other versions with regard to the component part percentage—going above the 50 percent.

I am happy to support the amendment of the gentleman.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We have examined the amendment and have no objection to it.

Mr. BENJAMIN. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Indiana.

Mr. BENJAMIN. Mr. Chairman, I support Congressman OBERSTAR's amendment to H.R. 6417 which instructs the Secretary of Transportation to provide that American-made products are defined as those not less than 50 percent domestically produced and raises the domestic price differential in contract bids from the present 10 to 15 percent.

The Senate companion bill, S. 2740, which the other body passed on June 25, includes a similar provision although its composition requirement is 70 percent, a figure I would prefer.

The "buy American" provision of the Surface Transportation Act of 1978 instructs the Secretary of Transportation to provide a preference to transit contract bids for "substantially" American-made equipment. This provision was included to insure that the Federal Government purchase domestically produced products unless "substantial" reasoning prohibits such a purchase.

DOT has interpreted "substantial" to mean in excess of 50 percent. I consider this a total misreading of the intent of Congress by DOT.

However in the spirit of compromise, I am prepared to accept the 50 percent interpretation rather than 70 percent to provide a statutory basis for further congressional examination.

As a result of this definition and other market conditions, there is one remaining domestic railcar manufacturer, whereas 5 years ago five domestic manufacturers were in operation. The domestic railcar supply industry has lost hundreds of millions of dollars in contracts to foreign competition because of poor economic conditions in this country and relaxed interpretation of the existing "buy American" provision by UMTA officials.

While the amendment does not modify the required composition from the 50-percent UMTA regulation level, it does place the figure in statute and raises the preference to a more practical level of 15 percent. If we are to have more than one domestic producer and competition in America in the production of railcars, this amendment must be adopted.

I believe that there can be no justification for spending the tax dollars of American citizens to support Japanese, German or any other foreign firm at the expense of a domestic firm. particulraly when questions of unfair trade practices already exist and the intent of Congress is ignored.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I would like to commend the gentleman in the well for offering this particular amendment at this time. I think the gentleman in the well would agree, and I am sure that our chairman, the gentleman from New Jersey (Mr. HOWARD), would also agree that as a result of the action taken in the 1978 Surface Transportation Assistance Act, we placed into that law the very strong "buy American" provision.

Over the last 2 years, administratively, there have been some changes and some regulations written in terms of how that law is implemented.

I know that the intention of the gentleman in the well is not only to offer this amendment at this time, but to hope that in the 97th Congress we would have oversight hearings to thoroughly look at all of the administrative regulation that is now being put in law to comply with not only the gentleman's amendment, but the amendments of the 1978 act.

I think the gentleman in the well would also agree that it is important for us to look at the larger issue of "buy America" as it relates to all of these transportation issues, and I think we can best do that through careful oversight of the Committee on Public Works and Transportation and other committees of the House that look at those issues, and that there is need early in the 97th Congress to deal with that in oversight hearings.

Mr. OBERSTAR. I concur completely with the gentleman. That is the reason I scaled down my amendment to these numbers and applied strictly to the mass transit provisions of the Surface Transportation Act, and not extend this amendment to other issues, in the hopes that we can come back next year and perfect this "buy America" program along the lines the gentleman has so eloquently stated.

Mr. EDGAR. I thank the gentleman for his contribution.

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Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Chairman, I also would like to commend the gentleman for his amendment and commend him for scaling it down so that we could take a look and see exactly what differential effect it will have on inflation and perhaps we can even go farther, as the gentleman from Pennsylvania has indicated, after oversight.

I express my gratitude for the gentleman's amendment.

Mr. OBERSTAR. I thank the gentleman for his comments.

At stake are American jobs in the steel industry and in the car and bus building industry and I hope we pass this amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose the amendment offered by my colleague, the distinguished gentleman from Minnesota (Mr. OBERSTAR). It is simply another example of a "buy America" amendment that will contribute to inflationary pressures, contradict free trade principles and probably not achieve expansion in the domestic industry as is intended.

In fact, current law now requires that the composition of mass transit equipment purchased by the Federal Government be "substantially all" American made. The department has ruled administratively that "substantially all" means 50-percent local content. This requirement can be waived if the inclusion of domestic materials inflates the cost of the overall project by more than 10 percent.

Now, the first thing the gentleman from Minnesota intends to do is to define by statute the 50-percent "buy America" or the 50-percent local content, which is the way the department has interpreted the words "substantially all."

That, I suppose, is not in itself so offensive as the second part of his amendment. It increases the protected extra cost of the project from 10 to 15 percent. That, of course, will cost the taxpayers more money and will give us a little more inflation.

If we can take the gentleman's statement at face value, next year he will give us a little more again. His amendment is supposed to encourage domestic manufacture of mass transit equipment.

In my judgment, all it is going to do is encourage higher priced mass transit equipment. It would create, I think in one instance, a monopoly situation for a firm in Pennsylvania that manufactures subway cars and other mass transit equipment.

This amendment will, of course, raise project costs 5 percent more than they are now, and it will insure that this one firm's protection is bigger and stronger.

Protectionism is awfully easy to sell in the Congress these days, but I would invite my colleagues' attention to the fact that there are very real costs to the domestic interests involved as well. One or two firms, one industry, a few employees, may well benefit from protection, and yet other industries who also employ good American workers suffer and the consumer pays higher and higher prices.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to my colleague, the gentleman from Ohio.

Mr. VANIK. I thank the gentleman from Minnesota.

Mr. Chairman, I rise in opposition to the amendment to H.R. 6417 proposed by the gentleman from Minnesota (Mr. OBERSTAR).

The purpose of the amendment is to increase the preference for domestic supplies unless they exceed 15 percent rather than the present 10 percent of total project cost. In fact, however, the buy America amendment would reduce rather than increase domestic production and employment.

The further result, particularly from raising the domestic preference, will be to reduce competition and enhance a monopoly position for the sole U.S. mass transit railcar producer. While this producer may benefit in the short term, to the extent it is unable to meet the growing demand, consumers will suffer from delivery delays and increased prices and foreign producers will be able to overcome the domestic preference. Given the price of gasoline and automobile transportation today, the last action we should take is to discourage and make more expensive the development of mass transit.

EUROPEAN FAVORABLE TRADE BALANCE RETALIATION

The amendment is principally directed against European producer nations with whom we enjoy a favorable trade balance. We must expect some form of retaliation.

Finally, I point out that on January 1 the United States and other major industrialized countries will implement an international agreement on Government procurement, approved by the Congress in July 1979. The Trade Agreements Act implementing legislation authorizes the President to waive the Buy America Act preferences for a significant portion of Federal Government procurement in return for increased access to procurement by foreign governments. Legislative action to increase the restrictiveness and to expand the coverage of Buy America preferences can only be counterproductive at a time when we are seeking the further liberalization of Government procurement restrictions of foreign countries for the benefit of American export production and employment.

I urge the support of my colleagues in defeating this amendment.

Mr. FRENZEL. I thank the gentleman for his contribution.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Vermont.

Mr. JEFFORDS. As I understand it now, what we are saying is that instead of just having a 10-percent inflationary factor for these railcars, under this amendment it is going up to 15 percent; is that correct?

Mr. FRENZEL. That is correct, but it is the whole project, it is not just the cars.

Mr. JEFFORDS. And also, it is not correct that the one railcar company that we are protecting is a wholly-owned subsidiary Thyssen AG of West Germany; so in effect what we are doing is giving more profits to West German investors?

Mr. FRENZEL. The gentleman knows more about the company than I do, but I am glad to have the information.

Mr. JEFFORDS. Well, I support the gentleman in opposition to this amendment.

My remarks will be somewhat redundant but I would like to express them.

Realizing that his original amendment would not carry, the gentleman from Minnesota (Mr. OBERSTAR) has at the last minute scaled it back. He is offering a far more modest and far less inimical "buy America" amendment. I sent out a "Dear Colleague" in opposition to the first Oberstar amendment, and wrote letters to the committee urging that it not be adopted; accordingly, the fact that the Congressman from Minnesota has retreated from his earlier, extreme position is gratifying.

Nonetheless, the new amendment is not a good amendment, and it, too, should be rejected. Like its predecessor, it would benefit one American railroad passenger car manufacturing company, which is in fact the subsidiary of a West German corporation, and might be helpful to two U.S. bus manufacturers, but it is inflationary, make no mistake about it, and would not be in the best interests of the consumers in this country. If there is one clear signal we can read in the results of the November 4 election results, it is that the consumer has had his fill of inflation.

Arguments can be made for import protection for some of our industries. Certainly other countries with which we compete in various markets have engaged in protectionism. For example, the Japanese have not allowed American firms to compete in their domestic telecommunications and cigarette markets, although restrictions in the latter case have recently been eased.

But current U.S. law already contains a "buy America" provision for transit vehicles. A section of the Surface Transportation Assistance Act of 1978, modeled after the Roosevelt administration's Depression era Buy America Act of 1933, stipulates that, if local transit authorities wish to qualify for UMTA funding for contracts of $500,000 or more, they must purchase mass transit vehicles containing "substantially all" U.S. components, and finally assembled in this country. The Department of Transportation has interpreted "substantially all" to mean more than 50 percent. UMTA is permitted to grant waivers to these criteria only when no U.S. firm can supply the equipment, when the use of domestic materials would boost a transit project's costs by more than 10 percent, or when such use would result in unreasonable costs. This "buy America" law provides our transit industry with more than adequate and reasonable protection.

When the Senate passed its equivalent of H.R. 6417, S. 2720, Senator HEINZ successfully offered a "buy America" amendment raising the U.S. component percentage to an excessive 70 percent. Mr. OBERSTAR had originally planned to offer an amendment raising the U.S. component percentage still further, to 75 percent, and hiking the domestic price differential in contract bids from 10 to 20 percent. The revised Oberstar amendment, which we now have before us, codifies the DOT interpretation of "substantially all" as meaning 50 percent, and increases the contract price differential from 10 to 15 percent.

There is no question that our domestic mass transit vehicle industry is beleaguered. Although orders are up, only two domestic bus manufacturers, the GMC Truck and Coach Division of General Motors and Grumman Flxible, a subsidiary of Grumman Flxible Allied Industries, remain in business. Although foreign firms or their U.S. subsidiaries account for only 10 percent of the conventional buses sold annually in the United States, the domestic firms are wary of what they see as increasing foreign encroachment. The U.S. railcar building picture is far more bleak, however. In 1978, only two of the original five U.S. manufacturers remained operational, and one of these two, Boeing-Vertol, has since called it quits. The sole survivor, the Budd Co. is a wholly-owned subsidiary of Thyssen A.G. of West Germany.

While U.S. railcar manufacturers maintain that foreign competition has strangled the Nation's transit equipment producing industry, U.S. companies have suffered primarily from an inability to make necessary capital investments, the lack of standard specifications, the losses sustained on fixed-price contracts as inflation soared, and the expenses incurred complying with often exhaustive environmental, equal employment, and safety regulations. When Budd filed a petition with the International Trade Commission seeking antidumping penalties against foreign concerns, the Justice Department successfully argued that foreign firms have penetrated the American market in the absence of domestic competition, and have not driven our companies from the field.

If the Heinz amendment is adopted as law, many foreign firms will be effectively shut out of the U.S. bidding process, and American transit riders could be deprived of superior buses and railcars by the limiting of healthy competition. While not nearly as drastic, the revised Oberstar amendment will have an inflationary impact on UMTA and local transit budgets.

Moreover, American jobs may be lost as the result of foreign builders canceling plans to establish assembly plants and to invest in joint production ventures here. In addition, foreign companies which have recently decided to locate here may determine they have to scale back their plans. I am particularly concerned that the fine Canadian railcar manufacturer, Bombardier Ltd., which has of late finalized plans to build an assembly plant in the town of Barre in my State of Vermont, may be forced to shift to more modest alternatives with a resultant loss of potential employment in Vermont.

I am relieved, though, that the gentleman from Minnesota has abandoned the 75-percent U.S. parts figure; it is very difficult for a concern starting up in a foreign country to immediately begin turning out products with such a high foreign component figure, and those Members of the other body who have supported Senator HEINZ' amendment should be alerted to this fact. The transfer of technology from the home base to the branch or subsidiary often must be gradual.

It should also be pointed out that if we turn increasingly to protectionism, the United States and individual States stand to lose tax revenues when foreign builders abandon plans to build here. Foreign branch plants pay a regular Federal corporate tax on the income effectively connected with their U.S. operations, in addition to applicable State taxes. Foreign companies deriving a majority of their incomes from U.S. branches would also owe a Federal withholding tax, and foreign subsidiaries in this country are subject to a shareholder level tax.

In conclusion, Mr. Chairman, I believe we have a clear choice to make on this amendment. Either we can adopt it, siding with protectionism and the wholly owned West German subsidiary, the Budd Co., siding with inflation, or we can vote against the Oberstar amendment, and for free trade, for lower transit budgets, better competition, improved services to our cities and rural areas, and for joint venture generated jobs and taxes. If we are to encourage American participation in the mass transit equipment market, and we should, let us not choose this misguided path, but rather let us foster research and development so that we can catch up with our foreign competitors. Let us encourage investment in modern production facilities, and insist that our foreign suppliers open their markets to our manufacturers.

In summary, I would say I can see no good reason in the railcar industry to raise the price to our consumers 15 percent to increase the profits of West German investors.

Mr. FRENZEL. I thank the gentleman from Vermont for his sage observations.

Mr. Chairman, I want to restate the position of the gentleman from Ohio, the chairman of the Trade Subcommittee about the matter of what we are doing to expand American sales overseas.

We have pressed for open competitive bidding in foreign markets. We have achieved a Government procurement code in the MTN and we are beginning to open new markets abroad. At the same time, we are trying to encourage foreign investment in this country.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. Frenzel was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. While we are doing all this, if we accept the Oberstar amendment, we are going to be passing laws that run counter to those aims.

I believe that this amendment violates the spirit of the MTN Government procurement code and that it also violates the spirit of the GATT itself. I think it hurts rather than helps American business and American employment.

I know that it hurts the American taxpayer and the American consumer who has to pay the extra amount of money.

I would urge my colleagues to defeat the amendment.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment. I will not take the full 5 minutes.

I would just like to make two points on this. It had been mentioned that in some ways this just helped one railcar construction company. Nothing could be further from the truth. When we are talking about the future of mass transit in this country, we are talking about billions of dollars, just in the purchase in the next several years of buses alone; so it goes well beyond talking about one company in the United States.

As to the other statement that was just made on the other side of the aisle that all it does with that 5-percent increase in differential is increase the inflation 5 percent, what they are not thinking about in saying that is the number of American jobs that will be provided. If those jobs are not provided by this 15 percent, that means we have more people out of work and there is nothing less productive in Federal spending in this country than the nonproductive expenditures for welfare and for unemployment in this country. So that more than overbalances the 5-percent differential.

I think in behalf of industry in this country in the future, we should accept this amendment.

Mr. DOUGHERTY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

I would like to go on record in support of the Oberstar amendment and point out that we are not talking about a company having a monopoly. What has happened in the railcar industry in this country is that there is only one company left in the United States that makes railcars, because all the other companies have been forced out of business by the unfair foreign competition. Since that particular company happens to be located in my district, let me put on the record a rather horrendous situation where in the city of Philadelphia in buying railcars, they had to accept a bid from a Japanese company because of Federal law, even though the American manufacturer, the Budd Company, was in the city of Philadelphia. This presented a problem wherein almost 300 jobs were lost in the city of Philadelphia because the Federal law was such that the city could not buy cars made in its own city. That is how ironic it is and how ridiculous it is that we have a municipality in the United States that has a manufacturer of railcars who could not buy the railcars made in their own city because of ridiculous Federal laws.

I think the Oberstar amendment is in order and necessary.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words. I rise in behalf of the amendment.

Mr. Chairman, I rise in support of this amendment, since there were some changes made from the original version, but I would like to point out to my colleagues that this issue is not quite as black and white as has been suggested.

I would like to give an example of a major manufacturer in my district, McDonnell Douglas, which produces aircraft. McDonnell Douglas, in attempting to sell aircraft to countries in Eastern Europe, discovered those countries did not have available American dollars. So about 10 or 12 years ago they made an amazing and rather ingenious discovery that they could sell certain products of the foreign country in this country, generate American dollars and then apply those American dollars to the purchase of American aircraft.

□ 1450

So strangely, if you would call McDonnell Douglas in my particular district and ask for the ham department, they would give you a department where they sell Polish ham. They have been selling them for about 10 years and have sold millions of dollars worth of Polish ham to generate dollars for the purchase of American-made aircraft.

McDonnell Douglas, utilizing the regulations that now exist with UMTA, participated in an agreement with the Hungarian manufacturer of articulated bus parts. That manufacturer struck an agreement with an American company, Crown Coach Co., to utilize those parts in order to build articulated buses that could be utilized in the United States, thereby generating American dollars. These American dollars could then be applied toward the purchase of American products, to wit: American-manufactured aircraft in the United States. They did this under the basis that the present bureaucratically required arrangements would continue; that is, 50-percent American-made parts.

I was extremely upset when I found out what happened on the Senate side, that we would raise the requirement to 70 or 75 percent and, because of something that would not be recognized on the floor, put people out of jobs in the United States in an industry which is one of the major exporting industries in the United States, the aerospace industry.

The reason I rise in support of this amendment is that they have scaled it back so that now it tracks what the regulations are at UMTA. However, I must express my own concern that if we do go to conference on this and an effort is made to bump up these percentages to get closer to what Senator Heinz did in the other body, we may, in effect, be putting people out of work in my particular district. Those are American jobs. In every case, I think we ought to look very seriously when we deal with "buy America" provisions to make sure we are doing what we claim they do; that is, protect American industry.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield.

Mr. OBERSTAR. I thank the gentleman for his support of the amendment and I understand the concern he has expressed with respect to the original 70-percent provision. That concern was justified. I think it could have had some adverse effects.

But I want to point out, in support of what the gentleman is saying, by letter of August 12, 1980, to the chairman of the Committee on Public Works and Transportation, the attorney representing the Crown Coach Co., states, "Crown supports these existing protections of U.S. industry," referring to the 50-percent provision in the administrative regulations of the Department of Transportation. So the company is aware of what we are doing. The 50 percent poses no problem for them.

We have an understanding with the other body that the 50-percent provision will be accepted in conference if we have to go to a conference.

Mr. LUNGREN. I appreciate the gentleman's statement very much. I just wanted to bring to the attention of my colleagues that in some cases when we wish to protect American jobs, if we are not very, very careful in the manner in which we are legislating, we may, in effect, be denying American jobs that are already in existence. I thank the gentleman.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this point to ask the author of the amendment a question. There has been some question and concern about whether or not U.S. products that go overseas to be integrated into a product for assembly back here in the United States and the way the identity of that item would be kept toward the counting of that 50-percent provision that is now going to be incorporated into the law under the gentleman's provision. What I am wondering is: There has been the concern that there is a loss of identity. Will this, through the gentleman's amendment, strengthen that so that there will not be the loss of identity of those component parts that come in as part of an integrated manufactured item?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. OBERSTAR. No, there is no intent, there is no language in the amendment itself that would in any way affect the question of the domestic identity of an item. My amendment does not address, nor does it affect that aspect in any way.

Mr. MINETA. Let me also ask a second question of concern. That is, when those items come back for final assembly in the United States as part of an intermediate manufacturing process, does the direct labor cost of that final assembly and those kinds of overhead costs that are part of that final assembly also count toward that 50 percent?

Mr. OBERSTAR. That would have to be determined by the administrative procedures of the Department of Transportation. It is my understanding the Department of Transportation may propose that labor costs be included.

Mr. MINETA. The direct labor costs would be; but the question of overhead costs may still be a questionable item?

Mr. OBERSTAR. I think those are matters at this point that I could not respond to. I do not deal with the matter in this amendment; it would be left up to administrative action.

Mr. MINETA. I thank the author of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 250, noes 107, not voting 75, as follows:

[Roll No. 666]

AYES—250

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Applegate
Ashbrook
Atkinson
Badham
Bailey
Baldus
Bauman
Bedell
Benjamin
Bennett
Bevill
Biaggi
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Chisholm
Clausen
Clay
Clinger
Coleman
Conte
Conyers
Corcoran
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
de la Garza
Derrick
Derwinski
Devine
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Early
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Ertel
Evans, Ga.
Evans, Ind.
Fary
Ferraro
Flippo
Florio
Foley
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Gonzalez
Goodling
Grassley
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harsha
Heckler
Hefner
Hillis
Holland
Hollenbeck
Hopkins
Howard
Hubbard
Hughes
Hutchinson
Hutto
Ichord
Jacobs
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kazen
Kildee
Kogovsek
Kostmayer
Latta
Leach, La.
Leath, Tex.
Leland
Lent
Livingston
Lloyd
Long, La.
Lott
Lujan
Lungren
McCormack
McDade
McEwen
McKay
McKinney
Markey
Marks
Marlenee
Marriott
Mattox
Mavroules
Mica
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Pease
Perkins
Peyser
Pickle
Preyer
Price
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Rinaldo
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roth
Rousselot
Roybal
Royer
Russo
Santini
Satterfield
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Snowe
Snyder
Spence
St Germain
Stack
Stark
Stewart
Stokes
Stratton
Studds
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Whitehurst
Whitley
Whitten
Williams, Mont.
Williams, Ohio
Wolff
Wolpe
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zeferetti

NOES—107

Alexander
Anderson, Ill.
Andrews, N.Dak.
Archer
Aspin
AuCoin
Bafalis
Barnard
Barnes
Beilenson
Bereuter
Bethune
Bingham
Bowen
Brooks
Broomfield
Cheney
Cleveland
Collins, Tex.
Conable
Courter
Crane, Daniel
Dannemeyer
Dellums
Duncan, Oreg.
Eckhardt
Edwards, Calif.
Erdahl
Erlenborn
Evans, Del.
Fascell
Fazio
Fisher
Ford, Tenn.
Forsythe
Frenzel
Gibbons
Glickman
Gore
Gradison
Gramm
Green
Hagedorn
Hansen
Harris
Hinson
Holt
Holtzman
Huckaby
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Jones, Okla.
Kastenmeier
Kramer
Lagomarsino
Leach, Iowa
Lehman
Levitas
Lewis
Loeffler
Long, Md.
Lowry
McClory
McCloskey
McDonald
McHugh
Maguire
Martin
Matsui
Mazzoli
Michel
Moore
Moorhead, Pa.
Paul
Petri
Porter
Pritchard
Railsback
Reuss
Rosenthal
Rudd
Sabo
Sawyer
Scheuer
Shannon
Smith, Iowa
Smith, Nebr.
Solarz
Stangeland
Stanton
Stenholm
Stump
Swift
Symms
Synar
Tauke
Van Deerlin
Vanik
Waxman
Weiss
Whittaker
Wilson, Tex.
Winn
Zablocki

NOT VOTING—75

Anthony
Ashley
Beard, R.I.
Beard, Tenn.
Bolling
Burton, Phillip
Cavanaugh
Coelho
Collins, Ill.
Corman
Crane, Philip
Crockett
Danielson
Davis, S.C.
Deckard
Dickinson
Dodd
Duncan, Tenn.
Fenwick
Findley
Fish
Fithian
Ford, Mich.
Garcia
Giaimo
Goldwater
Gray
Hanley
Harkin
Hawkins
Heftel
Hightower
Horton
Jenrette
Kelly
Kemp
Kindness
LaFalce
Lederer
Lee
Luken
Lundine
Madigan
Mathis
Mikulski
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Patterson
Pepper
Pursell
Rhodes
Richmond
Rodino
Rose
Schroeder
Schulze
Sebelius
Solomon
Spellman
Staggers
Steed
Stockman
Thompson
Ullman
White
Wilson, Bob
Wilson, C. H.
Wirth
Wydler
Yates
Young, Alaska

□ 1510

The Clerk announced the following pairs:

On this vote:

Mr. Dickinson for, with Mr. Philip M. Crane against.

Mr. Wydler for, with Mr. Sebelius against.

Mr. HINSON changed his vote from "aye" to "no."

Mr. STOKES changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was agreed to.

Mr. CLEVELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to engage the chairman in the following colloquy. As the chairman is probably aware, the Federal Rail Administration authorized and funded a demonstration project to encourage commuter railroad transportation in the corridor between Concord, N.H., and Boston. Under the demonstration project, we have had service in this area funded through FRA for the past 2 years. The State is now interested in continuing service after the demonstration expires early next year. The State of New Hampshire would like very much to continue the service but in order to do so they need to acquire new or rehabilitated railcars. It is my understanding that this kind of project, namely the acquisition of commuter railcars for legitimate commuter corridors, is eligible for capital discretionary grants under section 3 of the Urban Mass Transportation Administration. Is my understanding correct?

Mr. HOWARD. Mr. Chairman, if the gentleman will yield, the gentleman from New Hampshire is quite correct. Capital improvements of such rail service in terms of acquisition and rehabilitation of rolling stock is precisely the kind of project we had in mind as being eligible under section 3.

Mr. CLEVELAND. I thank the gentleman from New Jersey and I wish to commend him for his lead in encouraging and developing such worthwhile projects that benefit the transportation needs in small and medium cities and promote such worthwhile projects as utilizing efficient transportation resources to meet the challenges of the 1980's.

AMENDMENT OFFERED BY MR. CLEVELAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 11, after line 17, insert the following new section:

F. E. EVERETT TURNPIKE IN NEW HAMPSHIRE

SEC. 110. (a) The amount of all Federal-aid highway funds paid on account of those sections of the F. E. Everett Turnpike in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programmed for expenditure on any such project, shall be credited to the unprogrammed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of Title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of the F. E. Everett Turnpike as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in Title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following section of the F. E. Everett Turnpike between the Hallis Street Interchange (No. 5) to the New Hampshire Route 130 Interchange (No. 6) a distance of approximately 1.6 miles.

Mr. CLEVELAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Chairman, the purpose of this amendment is to give the State of New Hampshire the authority to give back a portion of road that had received Federal-aid money so that necessary improvements, totally locally financed, can be constructed. New Hampshire has experienced substantial growth in our southern tier during the past decade. This growth has caused a substantial increase in local and commuter traffic, particularly in the Nashua area.

The New Hampshire highway officials have been exploring solutions to the increased congestion and are of the opinion that the necessary road improvements will cost close to $100 million.

The State believes it would be impossible to undertake such a project using Federal funds because the scope of the project would take all of New Hampshire's allotment for the better part of a decade. They believe the fairest approach would be to make the Nashua portion of the Everett Turnpike a toll road and use the user generated receipts to pay for the improvements. However, since the existing roadway was recipient of a small amount of Federal funding in the past, both the legislative approval and technical pay back are required.

I believe what the State has requested is sensible and I urge its acceptance.

Mr. HOWARD. Absolutely. There are precedents for this. It has been done several times, provided the State pays back Federal money that it had received.

We will accept the amendment on this side.

Mr. CLEVELAND. I thank the gentleman.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from New Jersey.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We certainly think it is a good amendment, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ALEXANDER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. ALEXANDER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: On page 11, after line 17, add the following new section:

SEC. 110. Section 170(b) of the Surface Transportation Assistance Act of 1978, Public Law 95-599 is amended by striking out "eighteen months" and inserting in lieu thereof "thirty-six months", and section 170(l) of such Act is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,500,000".

Mr. ALEXANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I rise to introduce an amendment to the Surface Transportation Act of 1978 which will extend the life of the National Alcohol Fuels Commission for a period of 18 months until December 31, 1982.

The role of the National Alcohol Fuels Commission, as specified in its authorizing legislation, is "to make a full and complete investigation and study of the long and short-term potential for alcohol fuels, from biomass—and coal, to contribute to meeting the Nation's energy needs" in the area of liquid fuel alternatives to petro-based fuels.

Since its inception in 1979, the Commission has conducted regional and national hearings, contracted for numerous technical studies and formulated policy recommendations for Congress and the Executive with respect to its broad legislative mandate.

In addition, it has served as a national clearinghouse for information needed by the public for spurring alternative liquid fuels development.

The Commission is scheduled to submit its final report to the Congress by the end of this year. The report will reflect the existence of great national enthusiasm for development of a nationwide alcohol fuels industry. It will also reflect a developmental environment which is substantially more complex than that envisioned at the time the Commission was established.

As the activities of the NAFC have evolved over the past year and a half, as many questions have been raised as have been answered. For that reason, the work of the Commission, although substantial, remains unfinished.

Some of the more salient tasks which remain only partially completed are:

First. Assessment of technological alternatives for meeting alcohol fuels production and development goals.

Second. Evaluation and coordination of intergovernmental policies for facilitating development and production goal achievement.

Third. Identification of barriers, disincentives and impediments to accelerated development of a national alcohol fuels industry and formulation of policy recommendations for removing them.

Fourth. Assessment of the adequacy and appropriateness of existing policies for creating economic incentives and governmental support programs for alcohol fuels development.

Fifth. Evaluation of the disparate and competing technological approaches to alcohol fuels production.

Sixth. Examination of alternatives for achieving effective and efficient distribution and end-use systems for alcohol fuels.

Seventh. Further study of unresolved, and often controversial, issues surrounding the social, economic, and environmental impacts of the development of a national alcohol fuels industry.

The list of specific concerns subsumed under each of the foregoing topical areas is quite long. For example: Should the major developmental emphasis be placed on large-scale, cellulosic conversion of municipal, forest, and agricultural wastes or upon small-scale, farm-based technology?

What are the most viable alternatives for meeting energy balance considerations in the production process?

How can an integrated regulatory system of fuel standards be achieved given the wide variance in State laws?

How can market forces be managed to alter consumer preferences in favor of alcohol fuels or blends in a manner which will insure that fuel supplies keep pace with expanding demand?

How can interdepartmental activities be coordinated to insure nonduplication of effort in research and development of alternative fuels?

What will be the main effects of increased alcohol fuels production and consumption upon the various demographic segments of our society, upon food prices and agricultural trade, and upon national land-use patterns?

And so on.

The Commission has surfaced and addressed these questions but because of the complexity of the issues, its vital role remains largely unfulfilled. If extended, the NAFC will have an opportunity to further assess the real potential for production and use of alcohol fuels and identify courses of action for overcoming the most significant difficulties impeding the realization of the potential for alcohol fuels in our energy future.

These difficulties must be acknowledged and challenged. Because of its central position between the Executive, the Congress, and the private sector, the National Alcohol Fuels Commission is probably the existing organization best equipped to begin tying together the loose ends of this vital, but still formative industry.

Although it is apparent that the magnitude of the work remaining to be accomplished far exceeds the ability of the Commission to complete in a mere 18 additional months, this extension of the NAFC will allow sufficient time for the Congress to modify the Commission's authority in a way which will allow it to more fully address the problems facing our fledgling alcohol fuels industry.

I urge my colleagues to associate themselves with this amendment and support its adoption.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment, and we accept it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I understand that this is being offered in conjunction with the gentleman from New Jersey (Mr. Roe).

Mr. ALEXANDER. Yes.

Mr. HOWARD. It merely extends this Commission on Alcohol Fuels for 18 months and provides $1 million in funding for it?

Mr. ALEXANDER. Yes.

Mr. HOWARD. We accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. Alexander) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

☐ 1520

AMENDMENT OFFERED BY MR. STARK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. STARK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Stark to the amendment in the nature of a substitute offered by Mr. Howard, as amended: Page 11, after line 17, insert the following:

Sec. 119. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to toll roads or bridges.

Mr. STARK. Mr. Chairman, for the past 3 years, commuters in my district have needlessly spent thousands of hours in traffic because one particular highway in my district, a Federal highway, has had its nine-lane capacity reduced to four in a short, 4.8 mile stretch of road.

The reduction in the usable lanes is a result of an agreement between environmental groups and the State of California—an agreement which has proven to be wholly unpopular with the 200,000 persons who must use this one road as their access to both Oakland and San Francisco. The reduction in the use of this road is due to the temporary designation of one lane in each direction as high-occupancy vehicle lanes. Two more lanes have been taken out of use as they were rebuilt to serve as dividers between the high-occupancy lanes and the remaining two lanes.

As recently as this past April, more than four out of five voters in the affected area expressed their disapproval of these lanes.

The amendment I offer would alleviate this headache. I would ask for its adoption.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the distinguished gentleman from California (Mr. Clausen).

Mr. CLAUSEN. Mr. Chairman, we have had an opportunity on the minority side to review the amendment, and we are prepared to accept it.

Mr. STARK. I thank the gentleman.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, we understand that the amendment is agreed to by the California transit people, and under those conditions we have no objection to the amendment.

Mr. STARK. I thank the gentleman.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Stark) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard), as amended.

The amendment to the amendment in a nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MITCHELL OF MARYLAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. MITCHELL of Maryland. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Mitchell of Maryland to the amendment in the nature of a substitute offered by Mr. Howard, as amended: Page 11, after line 17, insert the following:

MARYLAND TRANSPORTATION AUTHORITY

Sec. 110. (a) The Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said Commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938, and the Act of June 16, 1948 (62 Stat. 463, Public Law 654, 80th Congress), as amended by the Act of November 17, 1967 (81 Stat. 466, Public Law 144, 90th Congress) are hereby repealed.

(b) The State of Maryland, by and through the Maryland Transportation Authority or the successors of such Authority, is authorized, subject to all applicable Federal laws, (1) to continue to collect tolls after the date of enactment of this Act from its existing transportation facilities projects, as defined on the date of enactment of this Act in the laws of the State of Maryland, and (2) to use the revenues from such tolls for transportation projects of the type which the State or the Maryland Transportation Authority is authorized to construct, operate, or maintain under the laws of the State of Maryland as such laws exist on the date of enactment of this Act.

Mr. MITCHELL of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL of Maryland. Mr. Chairman, this amendment is crucial to the financing and construction of the I-95 Fort McHenry Tunnel which is one of the last remaining links in the Northeastern Corridor Interstate Highway System between Washington and Boston. That tunnel will relieve the congestion in the existing Baltimore Harbor Tunnel and will facilitate the transportation of goods and people up and down the east coast.

The Maryland Transportation Authority, an agency of the State of Maryland, will sell revenue bonds to finance the local share of the cost of the Fort McHenry Tunnel, construction of which has already begun.

The interest on these bonds can be significantly reduced if the revenues from the Maryland Transportation Authority's other toll facilities can be pledged as security for payment of principal and interest on the bonds. This amendment frees the Maryland Transportation Authority from the constraints imposed by earlier legislation and enables it to apply its revenues from existing toll facilities to other transportation projects in the State of Maryland of the type which either the authority or the State is currently authorized to construct, operate, or maintain. The Fort McHenry Tunnel will be the principal initial beneficiary of this authority.

The amendment does not by its terms nor by its intent and purpose relieve either the Fort McHenry Tunnel or any other transportation facility from any applicable requirements of Federal law, including but not limited to the Federal aid highway laws, the Federal aviation laws, the general bridge laws or the Interstate Commerce Act.

Mr. Speaker, this amendment which I am offering is, I believe, acceptable to the managers of the bill. The amendment is needed at this time to permit the

State of Maryland, acting through the Maryland Transportation Authority, to use revenues from existing State transportation toll facilities to guarantee bonds for a new Interstate 95 tunnel under Baltimore Harbor, to be known as the Fort McHenry Tunnel. The interest rate on the bonds to be sold for the local share of the I-95 Fort McHenry Tunnel can be significantly reduced if investors acquiring the bonds can look to the additional security provided by the revenues from the other Maryland toll facilities. This amendment will not change any requirements of Federal law applicable to the Fort McHenry Tunnel or to any other transportation facility.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding. We have had a chance to look at this amendment. I believe it simply permits the Maryland Transportation Authority to have the flexibility to pledge as security its existing toll facility revenues in marketing bond issues for new existing and planned transportation facilities projects. The amendment, as I understand, in no way affects other applicable Federal laws respecting bridges, tunnels, highways, or other transportation projects which the State or the Authority may decide to construct, operate, or maintain in the future. Nor does this amendment affect any Federal transportation facility or Federal transportation regulatory law. Am I correct?

Mr. MITCHELL of Maryland. The gentleman is precisely correct.

Mr. HOWARD. Mr. Chairman, we are very happy to support the amendment of the gentleman.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from California.

Mr. CLAUSEN. Do I understand that this will be confined just to the State of Maryland? There is no other national application?

Mr. MITCHELL of Maryland. The gentleman's understanding is correct.

Mr. CLAUSEN. And it will complete the linkage of I-95?

Mr. MITCHELL of Maryland. The Fort McHenry Tunnel is one of the last linkages to be completed.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment and accept it.

Mr. MITCHELL of Maryland. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MRS. HOLT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mrs. HOLT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mrs. HOLT to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 11, after line 17, insert the following:

BRIDGE RECONSTRUCTION

SEC. 115. (a) The Secretary of Transportation may approve any project for the reconstruction, resurfacing, restoration, or rehabilitation of any bridge on the Interstate System which is both owned by the United States Government and located in two States and the District of Columbia, whenever both such States and such District shall submit to such Secretary for his approval, appropriate plans, specifications, and estimates for any such project.

(b) There is hereby authorized to be appropriated, for fiscal years beginning after September 30, 1981, $60,000,000 out of the Highway Trust Fund to carry out the provisions of this section. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, for the Interstate System.

(c) In making any revised estimate of the cost of completing the Interstate System, which estimate is required by section 104(b)(5)(A) of title 23, United States Code, to be transmitted to the Congress after the date of enactment of this Act, the Secretary of Transportation shall not include any costs for any bridge eligible for approval under subsection (a). The Secretary of Transportation shall reduce apportionments made under section 104(b)(5) of title 23, United States Code, to such States or District by an amount, if any, equal to amounts apportioned under such section to any such State or District with respect to any such bridge for any fiscal year ending before October 1, 1981. The reduction, if any, made by the preceding sentence for each such State or District shall be made out of apportionments under such section to such State or District, beginning with the apportionment for the fiscal year ending September 30, 1983, and shall be made, in equal shares, over the number of fiscal years in which apportionments described in the preceding sentence were made.

Mrs. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. HOLT. Mr. Chairman, I rise to offer an amendment that would provide full Federal funding for the redecking of the Woodrow Wilson Bridge.

This bridge is not only a major key to the flow of Capital Beltway commuter traffic but also is a vital link in east coast interstate traffic.

This is a unique bridge in that it is owned by the Federal Government. In fact, it is the only bridge in the country owned by the Federal Highway Administration. In 1954, Congress authorized the Secretary of Commerce to construct the Woodrow Wilson Bridge.

At that time, Maryland, Virginia, and the District of Columbia entered into an agreement with the Federal Government to do routine maintenance on the bridge. The complete redecking—for all practical purposes, the rebuilding of the bridge from the pilings up—is not routine and reasonable maintenance, and the local jurisdictions cannot assume these costs.

The structure has three serious problems: First, a severe deterioration of the concrete deck portion of the structure (emergency patches of 4 feet by 16 feet are not unusual); second, a lack of shoulder areas for disabled vehicles; and third, the existing six lanes cannot accommodate the present 100,000 vehicles per day.

Maryland and Virginia have developed plans for a complete redecking which includes shoulder areas in both directions to accommodate disabled vehicles, while maintaining all traffic during rush hours. The engineering plans will be completed by January of 1981. Both State and Federal engineers have serious concerns as to whether this deck can survive an additional year without major repairs It is anticipated that conditions could develop that can only be handled by closing lanes on the structure or drastically reducing truck weight limits.

Since the current Federal share is already 90 percent my amendment simply provides the 10 percent of the funds necessary to keep this vital bridge in operation.

This federally owned bridge needs immediate repair. I ask you to allow this amendment to pass so that this Federal responsibility can be met by voting for this amendment.

Mr. HOWARD. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I would like to state that we have discussed this amendment, and the initial concerns I had about it have been remedied by this new version. In the earlier version, it appeared that the State of Maryland would be able to receive funds from two different sources—in effect, a double dip—but in this version the only source of funding will be funding provided in this amendment. It is reasonable to note also that this bridge is totally federally owned.

Mrs. HOLT. I thank the gentleman.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment and support it.

Mrs. HOLT. I thank the gentleman.

Mr. Chairman, I urge the committee to adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. HOLT) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD), as amended.

The amendment to the amendment in

the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Miller of California to the amendment in the nature of a substitute offered by Mr. Howard, as amended: Page 43, after line 17, insert the following:

(c) Notwithstanding any other provision of section 16(d) of the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall not approve a program respecting transportation of handicapped persons under such section unless such program provides that transportation will be provided to such handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable, to the extent operationally practicable, to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman and members of the committee, the purpose of this amendment is to get an up or down vote on whether or not the Congress of the United States—in this case, the House of Representatives—believes that under the Cleveland amendment that we have adopted, whether or not handicapped people are entitled to our best effort to construct a system which will offer them comparable trip time and transfer time, as we would expect in a regular system of transportation. I want to read to the Members very carefully the language, because this is the language that Mr. Howard, the chairman of the subcommittee, wrote in his original proposal. It says that the system that will now be approved under the Cleveland amendment that was earlier adopted will provide transportation to such handicapped persons for a trip in the amount of time and with a transfer frequency that is reasonably comparable to the extent operationally practicable to the amount of time and transfer frequency such trip would require if taken on a transit system serving the general public.

So, what we are saying, Mr. Chairman, is that we owe it to the extent practical within the operation of this system for the handicapped to try to provide them comparable trip times and comparable transfer times. This has nothing to do with the lift on every bus. This has nothing to do with response time. This has nothing to do with fares. This simply says that if a handicapped person calls for the service, that they have a reasonable expectation that it will take them no greater time to get across the city than it would a person riding the normal transportation system.

But, it also says that the system is under no greater requirement than is reasonably comparable to the extent it is within their operation they can practically provide that service. I do not think that is too much to ask for this Congress to give the right to the handicapped people under the Cleveland amendment. I think that the committee would do well to accept the amendment, but if we do not, I want the Members to know that I will be asking for a vote so that Members will hopefully have the chance to vote up or down on whether or not we think there is some comparability between the rights of the handicapped in systems and our rights.

Mr. Chairman, I would hope that Members would vote favorably for this amendment.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Chairman, I rise in strong support. I would simply point out to my colleagues in the House that all this language does is say: "We want comparable service for the handicapped where it is practical to do so."

That is all this amendment does. It goes back to the original Howard language, and I would urge the adoption of this amendment.

☐ 1530

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have been down this road before. We discussed this portion of the Howard amendment in the agreement that was supported by this body several hours ago. It deals with comparable trip time for the handicapped, using alternate sources of transportation. We found that in the writing of it we had great concerns that this could be a loophole for delay for court cases because we were talking about reasonably comparable trip time. We were talking about where operationally practicable which, as I said before, gets not only the lawyers but the engineers involved in it.

As the gentleman said correctly, it does not involve lifts on buses and many other things.

But what it does involve is this entire legislation, because after months of negotiations, we came up with compromise language which this body accepted. Of course, I would rather have had this language on comparable trip time in the provision. But when you get something in a compromise, you have to give something in a compromise.

There is plenty of legislative history made on the floor by myself and the gentleman from California (Mr. John L. Burton). We pointed out the fact that we intend that there shall be comparable trip time, where operationally practicable, not writing it in language which would be brought to court. We intend that to happen. The gentleman from California (Mr. John L. Burton) and I will have oversight over this legislation next year. There will be some clear-cut language developed if any community thinks that they can work against the needs of the handicapped and not provide, where practicable, comparable trip time. But what is involved is that here we are at the end of a very great piece of legislation that we want to see enacted into law this year. We will not see that if this amendment is adopted.

Therefore, Mr. Chairman, I thank the gentleman for his support for my position, which in his position, but urge this body to please vote down this amendment. It could be a disaster, not only for the handicapped, but for everyone concerned with public transportation and energy conserving transportation in this country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Miller) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 253, not voting 85, as follows:

[Roll No. 667]

AYES—94

Addabbo
Anderson, Calif.
Anderson, Ill.
Bafalis
Barnes
Beilenson
Bennett
Bingham
Boggs
Boland
Bonior
Brademas
Brown, Calif.
Buchanan
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Conte
Conyers
Danielson
Daschle
Dellums
Derrick
Dixon
Early
Eckhardt
Edwards, Calif.
Ertel
Fascell
Fazio
Fisher
Florio
Gilman
Gingrich
Glickman
Gore
Gray
Green
Guarini
Harris
Hawkins
Holtzman
Jeffords
Kildee
Kogovsek
Kostmayer
Leach, La.
Lehman
Leland
Lowry
McHugh
McKinney
Maguire
Markey
Marks
Matsui
Mica
Miller, Calif.
Mineta
Mitchell, Md.
Mottl
Oakar
Ottinger
Panetta
Pursell
Rangel
Ratchford
Richmond
Rosenthal
Roybal
Santini
Scheuer
Seiberling
Simon
Solarz
Stack
Stark
Stokes
Studds
Traxler
Van Deerlin
Vanik
Vento
Waxman
Weiss
Whitehurst
Williams, Mont.
Williams, Ohio
Wolff
Wolpe
Young, Fla.
Zeferetti

NOES—253

Abdnor
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Baldus
Barnard
Bauman
Beard, Tenn.
Bedell
Benjamin
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boner
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broyhill
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Cotter
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.

de la Garza
Derwinski
Devine
Dicks
Dingell
Donnelly
Dornan
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Ferraro
Flippo
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gibbons
Ginn
Gonzalez
Goodling
Gradison
Gramm
Grassley
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harsha
Heckler
Hefner
Hillis
Hinson
Holland
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McKay
Madigan
Marlenee
Marriott
Martin
Mattox
Mavroules
Mazzoli
Michel
Miller, Ohio
Minish
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oberstar
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quillen
Rahall
Railsback
Regula
Reuss
Rinaldo
Ritter
Roberts
Robinson
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sawyer
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Spence
Staggers
Stangeland
Stanton
Stenholm
Stratton
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Udall
Ullman
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Whitley
Whittaker
Whitten
Wilson, Bob
Wilson, Tex.
Wyatt
Wydler
Wylie
Yatron
Young, Mo.
Zablocki

NOT VOTING—85

Anthony
Applegate
Bailey
Beard, R.I.
Bolling
Bonker
Brodhead
Broomfield
Brown, Ohio
Cavanaugh
Coelho
Collins, Ill.
Corman
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Davis, S.C.
Deckard
Dickinson
Dodd
Downey
Fenwick
Findley
Fish
Fithian
Ford, Mich.
Ford, Tenn.
Garcia
Gephardt
Giaimo
Goldwater
Grisham
Hagedorn
Hall, Ohio
Harkin
Heftel
Hightower
Hollenbeck
Horton
Jenrette
Jones, N.C.
Kelly
Kemp
Lederer
Lloyd
Luken
Lundine
McEwen
Mathis
Mikulski
Mitchell, N.Y.
Moffett
Murphy, Ill.
Murphy, N.Y.
Musto
Neal
Nedzi
Nolan
O'Brien
Obey
Pepper
Quayle
Rhodes
Rodino
Roe
Rose
Sabo
Satterfield
Schroeder
Schulze
Solomon
Spellman
St Germain
Steed
Stewart
Stockman
Thompson
White
Wilson, C. H.
Winn
Wirth
Wright
Yates
Young, Alaska

☐ 1540

Mr. LUJAN changed his vote from "aye" to "no."

Mr. BROWN of California and Mr. GILMAN changed their votes from "no" to "aye."

So the amendment to the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

☐ 1530

AMENDMENTS OFFERED BY MR. BEREUTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Mr. BEREUTER. Mr. Chairman, I offer two amendments to the amendment in the nature of a substitute, as amended, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BEREUTER to the amendment in the nature of a substitute offered by Mr. HOWARD, as amended: Page 5, line 9, after "substantial" insert "or increased".

Page 5, line 25, insert after the period the following: "Any State may, without regard to the preceding sentence, use up to 50 per centum of that portion of the sums apportioned to such State for any fiscal year under this section, which portion is attributable to railroad needs in such State, for the construction of grade separations between railroads and highways.".

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, these two amendments now being considered en bloc are exclusively to section 104, the energy impacted rail and highway transportation systems, and they relate only to the coal train traffic and not to coal roads.

Some States such as my own are greatly affected by the transportation of western low-sulfur coal even though we have no coal mined in the State.

Indeed more coal is moved across Nebraska than any other non-coal-producing State. Therefore, we have no revenues coming into the State from energy sources, such as coal severance taxes. The problem is particularly severe in our instance in that we have 99 communities in our State which are either bisected or immediately adjacent to these major coal routes.

What these two amendments attempt to do is to provide that, first of all, the aid will be available not only to aid States with "substantial" coal traffic, but also those which are heavily impacted in the future by adding the words "or increased" before the phrase, "coal traffic."

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from California (Mr. CLAUSEN), the ranking minority member of the Interior Committee on which I serve.

Mr. CLAUSEN. We on the minority side have had an opportunity to review the amendments and accept the amendments.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from New Jersey, Chairman HOWARD.

Mr. HOWARD. We have discussed the two amendments en bloc, and we are happy to accept them on this side.

Mr. BEREUTER. I thank both gentlemen, and I also wish to express to them and the gentleman from Pennsylvania (Mr. SHUSTER), and to the majority and minority staff members my appreciation for their assistance on refining these amendments.

For purposes of legislative history, I need to make about two additional points.

One, by the acceptance of these amendments, the House recognizes a specific exception to the language on page 6 of the committee report which relates to the "low-cost systems management" techniques. Because these alternatives are really not helpful to States such as my own with small communities bisected by major coal train routes; this amendment will grant such State the option of providing for the use of these funds for such capital construction projects overpasses or underpasses at least to the extent of 50 percent of its allotted funds.

Second, by adopting this amendment, the House still indicates that the Secretary may authorize the use of more than 50 percent of allotted funds for such capital construction activities.

Finally, the problems in Nebraska to which I have alluded have been well described by my distinguished colleague from Nebraska in her remarks on page 30549 of the CONGRESSIONAL RECORD on November 21, 1980. I wish to associate myself with those remarks and commend her highly for her exceptionally fine work on identifying and working on the coal train traffic problem of Nebraska and Great Plains States.

A major step to decrease our Nation's reliance on foreign oil is the conversion of oil-powered electrical generating plants to coal-powered plants. For environmental reasons, the low-sulfur coal of Wyoming and Montana is becoming the predominant coal used in these converted plants and in newly constructed plants.

Most of the powerplants are located in the populous States of the eastern Midwest and the South. The coal is hauled by unit coal trains from the mines to the users. These trains traverse the sparsely populated rural plains States such as Nebraska.

The "National Energy Transportation Study," conducted jointly by the U.S. Department of Transportation and the Department of Energy, discusses the transportation of western coal. The study states that, "in 1990, western coal represents 625 million tons or over six times the tonnage of western coal moved by rail in 1975." * * * "Most of the congestion is west of the Mississippi, with a set of congested links lying in a corridor stretching from the Powder River Basin in Montana and Wyoming through Nebraska and Kansas." It is a well known fact that the coal train problem exists and will continue to worsen.

My own State, Nebraska, has conducted several studies of the impact of these unit coal trains on communities. An overview study conducted for the Federal Highway Administration found that 99 communities are adjacent to or bisected by coal train routes. The majority of these communities (86) are smaller than 5,000 population with many of these (66) less than 1,000.

The communities on the Burlington Northern coal route had been accustomed to having only six trains a day pass through their town. Suddenly, these volumes have increased to 30 trains per day with projected traffic of three trains per hour with in excess of 100 railcars per train. The suddenness and size of this increased train traffic has a shock effect on the citizens, and there is little they can do about it. In some cases, community development plans will need major revisions and the preferred land use will be sacrificed.

The citizens are often isolated from emergency services by the railroad tracks. An added frustration is caused by the vehicle delays to the normal flow of vehicle traffic. In addition to the time lost, energy efficiency is impacted since motor fuel is wasted in idling cars, or in starting those cars whose motors have been turned off. The vehicle delays normally vary from 1½ minutes to over 5 minutes, depending on the speed of the train. Should it be necessary for the train to stop, a series of crossings can be blocked and the delay of emergency vehicles could be intolerable.

Safety at these crossings is an overriding concern. There are over 1,000 crossings of public roads with coal train routes in Nebraska.

A great deal of research has been conducted to develop hazard indexes, which attempt to predict accident occurrence at highway-railroad grade crossings. While the number and types of variables to be included in these indexes is widely disputed, there is a general agreement among researchers that vehicle and train volumes are by far the most important factors in predicting accidents at railroad crossings. In fact, the Transportation Systems Center of the U.S. Department of Transportation, in a study prepared for the Federal Railroad Administration, concluded after extensive experimentation and tests that simple volume-dependent formulas have 90–95 percent of the predictive power of the more complex formulas. Thus, since train volume is one of the key variables in predicting accidents at highway-railroad crossings, it is only logical that if this volume is significantly increased due to additional coal train traffic, the potential for accident occurrence will also increase. In 1979, for instance, Nebraska had 175 car/train accidents. Of these, 18 were fatal accidents resulting in 27 deaths.

In summary, the three major problems are safety, economic, and a disruption to the community. The solution to the problem revolves around the construction of grade separations. Based on 1979 train volumes and using Federal Highway Administration criteria, Nebraska needs 76 viaducts on coal train routes at a cost of $207 million. A similar study conducted for the National Governor's Association and based on 1985 train volumes found a need for 121 viaducts at a cost of $312 million.

With viaducts costing from $1 to $4 million, these communities cannot afford this option. The question remains, who should pay for the needed viaducts?

The energy problem is a national problem. An effort to mitigate the energy problem is causing a severe hardship to certain citizens. The entire Nation benefits from the increased use of coal while a captive portion suffers. The Federal Government has a responsibility here. Nebraska's needs to mitigate the direct coal train impacts have been estimated as $207 million, based on current train traffic and $312 million based on 1985 train traffic. Nebraska did not create this problem. Nebraska has no coal mines and, therefore, no means of taxing the production of coal, yet less than 10 percent of the coal coming into Nebraska is used by Nebraskans. Any increase in coal costs is counterproductive to the goal of more domestic coal usage. Use of windfall profit tax for this problem is proper, in that this is an energy problem.

Finally, I would serve notice that I would hope that next year in the 97th Congress the committee and this House would give complete and favorable consideration to the impact of coal train traffic on States like Nebraska and Kansas that are and will be greatly impacted by such traffic but which cannot generate energy-rated revenues to cope with this problem. These States are impacted by the Nation's requirement for low-sulfur western coal from Wyoming and Montana without direct, substantial economic benefit. The Nation therefore should provide adequate assistance to these impacted States.

Again, I thank the committee and their staff for their assistance on this amendment and ask for its adoption.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am delighted to yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendments offered by my good friend and colleague, the gentleman from Nebraska, which would require 50 percent of the authorized funds appropriated to be used for the construction of grade separations.

We in the areas that are impacted by the heavy increase in coal train traffic need grade separations desperately. Our communities are cut in half by continual unit train traffic which is expected to double, triple, and even quadruple on some lines. Schools, hospitals, and other essential services are severed from those who need and use them.

Most communities have some sort of safety device on their main crossing but grade separations are what is needed to allow vehicular movement over the tracks.

A recent survey done by the Nebraska Department of Roads indicates that 240 crossings need increased protection. Of the total estimated cost, 92 percent is consumed by grade separations. The $2.5 million need for each separation cannot come from local or State funds; they simply are not available.

I believe in energy independence and the increased use of coal to obtain that goal. However, I also believe in helping those who are bearing the brunt of this new national effort.

Mr. BEREUTER. I thank the gentlewoman.

This is a good start. I commend the committee on it, but it is a small start; with $300 million coming in the next fiscal year, the State department representative in my own State estimates $207 million is our immediate problem and need in our State.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Nebraska (Mr. Bereuter) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard), as amended.

The amendments to the amendment in the nature of a substitute, as amended, were agreed to.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. Price) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sanders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 2, 1980:

H.R. 7942. An act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development; and

H.R. 8329. An act to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

On December 3, 1980:

H.R. 3765. An act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a 5-year food security wheat reserve, and for other purposes; and

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California.

The SPEAKER pro tempore. The Committee will resume its sitting.

SURFACE TRANSPORTATION ACT OF 1980

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. Holtzman).

AMENDMENT OFFERED BY MS. HOLTZMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD, AS AMENDED

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Ms. Holtzman to the amendment in the nature of a substitute offered by Mr. Howard, as amended: Add the following new section at the end of the bill.

Sec. 226. Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h) The Secretary may require a State or local public body or agency thereof to develop a comprehensive plan to reduce crime on a public mass transportation system that receives financial assistance under this Act if he determines that the incidence of crime on such system reaches such significant proportions that it becomes a serious deterrent to ridership. This section shall not be construed to allow the use of financial assistance under this Act for any purpose not "eligible for such financial assistance on the day before the date of enactment of this subsection.".

Ms. HOLTZMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. Mr. Chairman, this is a very noncontroversial amendment. Its purpose is to try to solve the serious problem of crime that plagues many mass transit systems around the country and seriously deters ridership.

Under this amendment, the Secretary may require a State or local transit authority or a local government to develop a comprehensive plan to deal with the problems of crime that deter local ridership.

In New York City, for example, even though crime on mass transit facilities is increasing rapidly and ridership is falling off, there is no comprehensive plan to combat crime.

Under this amendment, if New York City continues to refuse to develop plans to deal with crime on the subways and buses, it would be wholly appropriate and, indeed, contemplated that the Secretary of Transportation would refuse New York City or the MTA to produce such a plan.

We will not get full value from our Federal transit dollars if the public is afraid to use the facilities we are improving.

I urge the adoption of this amendment.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment and have no objection to it.

Ms. HOLTZMAN. I thank the gentleman for his comments and his courtesy.

Mr. HOWARD. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentlewoman for yielding.

I think the gentlewoman brings up a very, very important problem that we have. We are trying to get people to utilize public transportation. We find in many places, especially our older cities, there is not the fullest use possible of our transit system because of fear, fear of crime.

I think the gentlewoman's amendment, which does not cost any money, is an excellent amendment and will help us to eliminate this problem and to be able to have the people more fully willing to utilize public transportation, and we are happy to accept the amendment on this side.

Ms. HOLTZMAN. I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Holtzman) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. Howard), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with my good friend, the chairman of the committee.

Mr. Chairman, I would like to make an inquiry of my good friend from New Jersey (Mr. Howard) about the section in title I of his substitute regarding transportation systems management. Am I correct in stating that the intent of this section of energy conservation projects along nontoll public roads, which would include bicycle paths, be directed toward rural as well as urban areas?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. Yes, that is correct, there are instances such as large businesses, popular tourist attractions, or recreational areas outside of small towns located on Federal-aid highways where bicycle paths and other alternative systems could save energy.

Mr. SHUSTER. In that regard, I cite the case of the Old Bedford Village along Route 220 near Bedford, Pa., which had 100,000 visitors this year. A bicycle path between the Old Bedford Village and the downtown area, approximately 1.38 miles away, would certainly cut down on employee and tourist vehicle traffic and reduce traffic congestion. Do you agree that this would be a project that would fit the intent of this section?

Mr. HOWARD. I most certainly do.

Mr. SHUSTER. I thank the distinguished chairman of the Surface Transportation Subcommittee.

□ 1600

Mr. DONNELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a brief colloquy to clarify the committee's intentions regarding section 224 of the substitute.

At the outset, let me commend the committee's efforts to set up a demonstration of high-speed waterborne mass transportation.

This mode of transportation holds considerable promise for many areas of our country.

Currently, the Urban Mass Transportation Administration is limited to subsidizing the operations of existing transit systems through section 3 and section 5 funding.

Section 224 of the substitute would provide the startup capital that will be needed if we are going to determine whether waterborne transportation is a feasible addition to conventional public transit systems.

Mr. Chairman, I have two questions. First, if the area designated in section 224 does not indicate an adequate interest, would it be the intention of the committee to use this funding for a similar demonstration project in another area of the country that was willing to investigate waterborne transit?

Second, Mr. Chairman, research and development funds for innovative projects are included in title II, section 208 of the substitute. If the designated area does not provide an adequate response, would it be the intent of the committee that the authorized demonstration project funding be considered as research and development funding for waterborne transportation projects in other areas of the country?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I would be glad to yield to the gentleman.

Mr. HOWARD. I would just say to the gentleman, I agree with him.

I would say that if funds are not to be appropriated for that project in the bill, it does seem most reasonable that additional funds appropriated under section 6 of the UMTA Act could be used for demonstration projects in areas other than in Portland, Oreg.

Mr. DONNELLY. I thank the chairman for his explanation.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I am glad to yield to my colleague, the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I thank my colleague for yielding. I associate myself with his remarks.

Mr. Chairman, we in Massachusetts appreciate your continuing interest in encouraging local high-speed water mass transit projects. We wish to draw the committee's attention to an ambitious and very successful effort to support high-speed commuter boat service between Boston's South Shore and the city of Boston. The 60-passenger Hovercraft whisked commuters into downtown Boston without the bumper-to-bumper congestion of the single highway leading into the city, and four times faster than a conventional boat. Records of ridership and return ridership clearly attest to its popularity with passengers, most of whom would otherwise be forced to drive to work in Boston.

The project has unequivocal backing from the State, the Massachusetts Legislature, nearby towns, the South Shore Chamber of Commerce, and the area's newspapers. I know of no other region of the country that has shown comparable enthusiasm or financial commitment to the concept of waterborne transit—or gone so far toward showing that it can work locally.

The project's few problems stemmed directly from funding constraints which, quite understandably, limited the State to buying one vessel. These limitations meant, for example, that service had to be suspended altogether for even routine or minor maintenance on the lone Hovercraft. And in September of this year, after bearing the financial burden of this experiment for 22 months, the State had little practical alternative but to take advantage of the manufacturer's offer to buy back the Hovercraft.

Now the project's future appears to rest on the elusive prospect of Federal assistance for initial capital investment. My distinguished colleague, Mr. DONNELLY, and I believe strongly that the project we have outlined would fulfill admirably the forward-looking national goals of section 224. If the authorization currently contained in section 224 were to go unused and if this authorization might then accrue to another deserving waterborne transit project—in that case, would the committee intend to place a high priority on waterborne projects which show considerable local initiative?

Mr. HOWARD. Mr. Chairman, if the gentleman will yield, I would think that they would, and I would say to the gentleman that if not under that section itself, certainly under section 6.

I look for a time in the not too distant future where we will be able to find that high-speed waterborne transportation will be a regular, vital part of our total mass transit operation here in the country.

Mr. STUDDS. I appreciate the gentleman's cooperation and I thank the gentleman from Massachusetts for yielding.

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the requisite number of words.

I would like to engage in a colloquy with the chairman of the Subcommittee on Surface Transportation concerning the intent of section 103 of the substitute and original bill. Section 103 provides some examples of items which may be approved as transportation system management projects. As the committee report on H.R. 6417 makes clear, "Other innovative energy conserving projects may be approved."

The American Motorcyclist Association has pointed out that a motorcycle with its operator is equivalent if not superior in energy savings to a carpool, and when a passenger is added, it uses less energy per mile than a four-person carpool. There are more motorcycles being used for transportation and commuting than ever before, since they are recognized as a fuel-efficient, economical transportation alternative. California has considered allowing motorcycles to use the diamond or high occupancy vehicle lanes. Other projects should be allowed to be considered, such as attention to traffic signalization that would allow motorcycles to register their places in line for traffic lights.

Since the purpose of section 103 projects is to increase the efficiency of highways and highway vehicle use, is it to be understood that projects involving motorcycle transportation may be approved if applied for under that section?

Mr. HOWARD. If the gentleman will yield, I would like to respond and say that as the gentleman has indicated, section 103 does provide some examples of the types of energy-conserving projects that may be approved. Under that section, States are free to apply for other types of energy-conserving projects, including those that involve motorcycle transportation. If approved, the projects certainly could receive grants as contemplated. When the rules for this program are written, it should be made clear that the examples contained in section 103 are only examples and that other types of energy-conserving projects such as those involving motorcycle transportation may be included.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman from New Jersey (Mr. HOWARD). That clarifies the point.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

I would like to engage the distinguished gentleman from New Jersey, the chairman of the subcommittee, in a colloquy, if I may, concerning section 103 of the bill, H.R. 6417.

Mr. HOWARD. I would be more than happy to answer any questions from the gentleman from Pennsylvania with regard to that section.

Mr. CLINGER. It is my understanding that the purpose of this section is to provide an additional source of funding to repair, and/or improve certain public roads that are incurring a substantial use as a result of the transportation of coal and other energy materials.

Mr. HOWARD. If the gentleman will yield, the gentleman from Pennsylvania is correct in the understanding of this section. Specifically, this section authorizes $1.75 billion during the 5 fiscal years commencing with fiscal 1981 for highway and rail crossing improvements.

Mr. CLINGER. The Commonwealth of Pennsylvania has identified more than $1 billion in proposed improvements to 2,500 miles of coal-haul highways and 700 bridges. The proposed improvements are based primarily on the reconstruction, resurfacing, restoration, and rehabilitation of existing routes and rights-of-way. The key objective of the Pennsylvania assessment of its coal-haul roads was to sufficiently restore existing highways to carry present and anticipated coal truck traffic avoiding new construction wherever possible. Am I correct that this was the criteria envisioned by this body for grant eligibility under the new section 103?

Mr. HOWARD. The gentleman from Pennsylvania is absolutely correct. It was the intention of this committee to encourage rehabilitation of existing roads rather than new construction and focus those new activities on both existing and anticipated coal truck traffic routes.

Mr. CLINGER. U.S. Route 219 has been identified by the Commonwealth of Pennsylvania as a prime candidate for coal-haul highway status. Is this the type of route that would be a priority item under section 103, I would ask the chairman?

Mr. HOWARD. I am familiar with U.S. Route 219. It is a north/south route traveling from the northwestern corner of Maryland through western Pennsylvania and due north into Buffalo and the ports on Lake Erie. It connects not only coal mining activities in Pennsylvania but also the fields of western Maryland and West Virginia as well to steel producers along its route and both the steel production and transportation centers of New York State. U.S. Route 219 carries the type of traffic that we considered when we drafted section 103.

Mr. CLINGER. Am I correct that the use of funds authorized by section 103 in no way precludes the use of other Federal-aid highway funding sections for additional segments on the route?

Mr. HOWARD. The gentleman from Pennsylvania is quite correct. Section 104 moneys create an additional category for funding. But that category does not preclude an eligible project from being funded out of the existing applicable categories.

Mr. CLINGER. I thank the gentleman.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 6417, as amended by the Howard substitute. I do so not with any great joy, as I do have some reservations about it. Frankly, I do not believe that this legislation is as good as the version which we reported from the Committee on Public Works and Transportation some 6 months ago. But it is a bill which recognizes some more recent political realities. It is a pared down bill.

Funding levels for transit operating subsidies and new rail starts and rail extensions have been reduced from our earlier effort at precisely that point in our Nation's history when we must move more and more in the direction of fixed rail transit, and away from the automobile. Fortunately, some of this new rail money was saved when it looked as though even greater cuts might be made.

Some members of the committee know of other problems I have with this bill. Yet, I am supporting it. It does still provide us with some steps in the right direction in the field of public transportation. There are increases in authorizations for transit operating subsidies. I hope future appropriations committees will recognize our wisdom in including these funds; and provide the full funding that the country's transit properties will surely require.

Another piece of this legislation which I feel should be pointed out to our colleagues is the transportation systems management program which we are creating. It is a keystone of this bill. Transportation system management funds will be used to encourage the energy-efficient use of the Nation's highways. It will facilitate such road projects as ramp-metering, light synchronization, the use of carpools and vanpools, and the use of bicycles. As a matter of fact, there is a special emphasis on nonrecreational bicycle projects, as a result of an amendment I offered in subcommittee.

So, Mr. Chairman, there is much to be said for this bill. I have hit on only a couple of its strengths. There are others. There are also some very real weaknesses. But on balance, it is a bill which merits the support of our colleagues.

And for this, we must all express our thanks to Chairman Bizz Johnson for yet another job well done, and to Chairman Jim Howard for the long hours which he, too, has spent in making this the best bill possible under the circumstances. Our colleagues on the minority side, led by Bill Harsha and Bud Shuster have worked hard on this bill, and their imprints can clearly be found throughout the legislation, although perhaps not to the extent they might have liked.

Mr. Chairman, I hope our colleagues will support H.R. 6417, as amended.

Mr. BARNES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the Washington metropolitan area we have a tristate agency which operates the rail and bus system and distributes deficits on the basis of a rather complicated formula. This agency is the Washington Metropolitan Area Transportation Authority, which operates pursuant to interstate compact.

I was wondering if the chairman of the subcommittee would agree that this legislation under consideration does not impose a regional distribution scheme for section 5 funds based on revenue miles, but would allow our region to continue to make mutually acceptable arrangements based on our particular operating and financial arrangements.

Mr. HOWARD. Yes, the revenue-mile formula is intended only to fix apportionments among the urbanized areas. Within those areas, a distribution may be mutually agreed to which is consistent with local funding arrangements. New subparagraph (E) could not be affected by these local funding arrangements.

□ 1610

Mr. BARNES. I thank the distinguished chairman and very able staff of the committee and subcommittee for their cooperation and assistance.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Howard substitute amendment.

Since H.R. 6417 was reported by the Committee on Public Works and Transportation on May 14, Chairman Howard and Representative Cleveland have been engaged in one of the most prolonged negotiations since Pete Rose became a free agent. At one time or another the negotiations have included Members and staff from both sides of the aisle, from both Houses of Congress, as well as representatives of the handicapped community, local transit authorities, and the Carter administration. Everybody with more than a passing interest in the question made a contribution.

Finally, last night, after months of discussions that had failed to resolve the differences between the various parties, and after a vote Tuesday on the original Cleveland amendment was decided by the narrowest of margins, an agreement was reached.

The language that has been agreed to will give local governments and transit authorities the flexibilty they need in designing plans to provide transit service to the handicapped, while retaining enough specificity to insure that the needs of those individuals will also be met.

I am not totally pleased with the compromise despite what my distinguished colleague from New Hampshire indicated earlier is the mayor's wish. I would like to see greater consideration given to the needs of the handicapped. But I am realistic, and I think Ed Koch is too. Realistically, New York City would have to forfeit assistance, as my colleague from Long Island, Mr. Wydler indicated earlier because it cannot retrofit in accordance with section 504. So, the handicapped may be getting less with the amendment, but, without the amendment, they will get nothing at all.

The compromise moves away from the total accessibility requirements of the Department of Transportation's regulations which threatened to bankrupt local transit systems, but does not go back to the pre-504 days when there were no requirements at all made in this area, and in too many cases no service was provided.

So I congratulate Chairman Howard and Representative Cleveland on the yeoman work they have done, and I urge all my colleagues to join in supporting this careful compromise and moving expeditiously to passage of this legislation.

Before I close, there is one additional provision of the Howard substitute which I wish to address. I am referring to the formula changes in section 5 operating assistance that will base section 5 assistance on actual service provided rather than the population and population density of any given area. The existing formula has resulted in an inefficient and illogical use of Federal funds.

With aid based on population, areas may be eligible to receive aid whether or not they need it to operate their system, or even if they have no system at all, as is the case of Odessa, Tex. In some cases, this has resulted in cities banking their apportionments for future use, or offering service practically for nothing, since their Federal apportionment covers their operating costs.

The new formula will eliminate many of these problems. Areas will receive aid based on the service they provide. For many areas, this change will mean increased Federal aid. For others, of course, there will be a loss of aid. To help communities adjust to cuts in funding, the formula change will be phased in over 2 years, so that in 1982 apportionments will be based half on the existing formula and half on the new formula. And in 1983 just the new formula will be used.

There are several major points that need to be stressed with regard to the formula change.

First, the change makes sense. Transit aid should go to places that have transit systems, and not to any area where there are people without regard to whether or not there is a transit system.

Second, the change will benefit cities all over the country.

Third, the change will result in better use of limited Federal transit dollars.

Fourth, the change will not affect cities with populations under 200,000 which will continue to receive aid under the existing formula. The change will also not affect the total amount of Federal aid available to smaller cities.

And finally, the change has been approved by the Senate by a vote of 79 to 15. If we are going to pass a good transit bill in this Congress, we will pass the Howard substitute with the new formula for operating assistance.

Mr. ADDABBO. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I am happy to yield.

Mr. ADDABBO. I also rise in support of the Howard substitute and wish to commend the gentlewoman from New York for her great work on this legislation. She has kept our New York delegation well informed and we deeply appreciate the work she has done.

Ms. FERRARO. I thank my colleague from New York for those kind words.

Mr. WEISS. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I am happy to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I want to express my appreciation and commendation to the gentlewoman from New York for her fine work on this piece of legislation, and also our distinguished colleague, the gentleman from New Jersey (Mr. Howard).

Mr. Chairman, I rise in support of the substitute amendment offered by our distinguished colleague Representative Howard to the Surface Transportation Act of 1980.

Scarce energy supplies, tight economic conditions and environmental concerns all underscore the importance of wise investment in public transportation systems. Millions of Americans have understood these new realities, and have contributed to the substantial increase in mass transit ridership in recent years. Adequate Federal funding must be provided to continue meeting the rising demand and need for mass transit.

Every Member of this body remembers the first sign of an energy crunch in the early 1970's. Americans began the shift away from the sole use of the automobile to buses, subways and commuter railroads. Because State and local subsidies and fares did not rise to meet the increased costs of operation, the Federal Government began exploring methods of subsidizing mass transit operating costs. In 1974 the first Federal subsidy was allocated on the basis of population in urban areas and was distributed on a State-by-State basis. As a result, many urban areas with very new transit systems received a windfall and other smaller cities and towns, particularly in the Midwest, also received substantial amounts of aid. At the same time, large urban centers such as New York, with extensive rail, bus, and subway lines received a considerably smaller share of Federal assistance.

Plans have been discussed for the last 2 years to adjust the formula so that it reflects the level of service provided by a transit system. The Surface Transportation Act of 1980 is the culmination of such efforts to more equitably distribute Federal funds, incorporating a landmark revision of the formula for funding mass transit operations in large urban communities.

Rather than calculating on the basis of population for all areas, the new formula for section 5 operating assistance—identical to that used in the Senate version of the bill—will award Federal assistance according to the extent of service it provides. This formula, which uses both rail and bus "revenue vehicle miles" in computing aid, is a great improvement in fairness over the present system. For New York, the improvement is obvious.

During fiscal year 1982 it is estimated that the New York metropolitan area will receive an increase of almost $80 million in operating funds under the new formula. Over the 5-year life of the bill's authorization New York State can expect to receive more than $5 billion in transit capital and operating assistance. Yet, those who would claim that the formula benefits New York to an unfair degree should take pause. Every city in the Nation, except one, will receive 72 cents per vehicle mile of mass transit. The exception is New York City which will receive 58 cents per mile due to the cap on total Federal assistance allotted to a single urban area. This is a shortfall for New York, but it still provides a much more equitable allocation than under the current formula.

The substitute also contains an incentive provision that will award greater Federal aid to cities that generate increases in mass transit ridership. Areas with ridership gains of 4 percent or more over the previous year would be eligible for the bonus under the incentive tier provision, calculated as a uniform percentage of the area's yearly appropriation.

In addition, the substitute creates a new program under the Surface Transportation Act to help coordinate different transportation systems that serve the same area. This categorical grant program, transportation systems management (TSM), would provide $300 million in fiscal year 1982 and increase funding each year to $450 million in fiscal year 1985. TSM assistance to New York and other large urbanized areas would be extremely valuable in coordinating the varied modes of transportation operating within metropolitan areas. These funds will be aimed at improvements to traffic signal networks, the construction of exclusive use bus and bike lanes, promotion of carpooling, and construction of contraflow bus lanes to speed rush-hour commuting.

Finally, the legislation would support needed growth in the capital program of the Urban Mass Transportation Administration. Additional funds would be made available to help cities purchase buses and related equipment and to aid in construction of certain facilities such as intercity bus terminals.

The demand for improved public transportation has been clearly demonstrated by the continuing increase in transit ridership in both large and small urban areas. In 1979 8.13 billion riders used mass transit systems nationwide, representing a 15-percent increase over each of the previous 2 years. At a time when energy conservation and efficiency is imperative, mass transit deserves the firm support of all Members of this House. I urge my colleagues to support this very important legislation.

Ms. FERRARO. I thank the gentleman for his kind words, and yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a Member from the city of New York I am deeply concerned about the dramatic increase in crimes on our mass transit system, especially our subways. The fiscal crisis has caused a net reduction of 1,000 uniformed transit police in the city, yet on the average 300 felony crimes a week are being committed.

I have three questions. Can section 5 funds be used by a locality specifically for the hiring of uniformed police officers to foster improved safety of mass transit systems?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. HOWARD. I would answer the gentleman and say yes to the gentleman.

Mr. BIAGGI. I thank the chairman. Has that always been the case?

Mr. HOWARD. This has been the case, yes.

Mr. BIAGGI. Does this legislation and the new formula change that in any way?

Mr. HOWARD. I would say to the gentleman this changes it not in any way at all, and we think the gentleman brings up a very important item, not only in behalf of people generally but also because the effort made in this area will be able to have us increase the utilization of public transportation systems in many cities around the country.

Mr. BIAGGI. I thank the gentleman for his responses and commend him for his leadership in promulgating this legislation, and for the cooperation of his excellent staff.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this opportunity to clarify an understanding with our able and distinguished colleague, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. Chairman, last week when H.R. 6417 was debated, an unfinished freeway in my district called Stadium Freeway South was discussed and there was agreement that Congress intended projects like Stadium Freeway South, with a high cost factor, to be considered for priority primary and discretionary funding under the 1978 Surface Transportation Act.

The gentleman from Pennsylvania, the ranking minority member of the subcommittee, Mr. SHUSTER, quite rightly indicated that the minority has not had the opportunity to review the issue. I would like to ask the gentleman whether the minority has had the opportunity to review the Stadium Freeway South issue and does the gentleman concur that projects like Stadium Freeway South were intended to be considered in the disbursement of DOT priority primary funds under the 1978 Transportation Act?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for providing me with a full and complete record on this situation. Indeed, I would agree with the Congressman and confirm that this project should qualify for consideration for discretionary funding as a priority primary highway as designated under the 1978 Surface Transportation Act.

Mr. ZABLOCKI. I thank the gentleman, and yield back the balance of my time.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take the time now to engage in a colloquy with the distinguished chairman of the subcommittee.

In the gentleman's substitute, I notice that for fiscal years 1985 through 1990 that $1.5 billion is authorized for new rail transportation systems, rail extensions, automated fixed guideways, and the advance acquisition of rights-of-way. This figure, I believe, has been reduced from the original committee bill recommendation of $4.75 billion. Is that correct?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. HOWARD. The gentleman is correct.

Mr. MINETA. I would like to be assured that this reduction represents a prudent attempt to control the overall authorization levels in this bill and does not represent a change in this committee's commitment to these sorts of projects.

Mr. HOWARD. I can assure the gentleman and our colleagues that it was with great regret that this authorization was reduced. It was done so, as the gentleman described, in an effort to contain the authorization levels and does not in any way represent a slackening in our commitment to these projects.

Mr. MINETA. Further, as you are aware, many urban areas including my own are well into the process of determining the feasibility of implementing a modest light-rail system. I am most supportive of this component of the substitute because it would provide local agencies a clear picture of the future congressional intent. Since the amounts authorized have been substantially reduced I am concerned that only one or two large projects would receive preliminary approval from DOT rather than numerous and cost-effective smaller projects now under what is known as alternative analysis. In this regard I request that the record be clear and indicate that this commitment not be recognized by DOT as going to only one or two large urban areas.

Mr. HOWARD. I would like to assure the gentleman from California that I am very aware of the progress that is being made in many areas, such as San Jose and San Francisco, in transit development. I am also aware that a possible light-rail project could emerge for the Guadalupe Corridor in Santa Clara County from the well-thought-out decisionmaking process being exhibited by local transportation and private individuals in the Bay area. Projects like light rail and expansion to existing systems should be given a high priority in future years by DOT in connection with this aspect of the bill.

☐ 1620

Mr. MINETA. Mr. Chairman, I would like to thank the gentleman for clarifying this matter. I would also like to ask the gentleman about the section 5 formula. In section 210 of the substitute I observe that areas below 200,000 in population would receive 10 percent of the Federal operating assistance program beginning in fiscal year 1982. I believe that this share is completely consistent with the short-term operating assistance needs in these areas. However, I am concerned that the substitute goes too far and provides unspecified and sizable shifts in future years. I recommend that the committee retain jurisdictional control over this important aspect of the operating assistance program. Furthermore, I suggest that DOT provide the committee with extensive analysis and justification prior to increasing the percentage of future operating funds for areas below 200,000 in population. This information should allow the committee, not DOT, to realine operating assistance percentages in future years.

Mr. HOWARD. I thank the gentleman for raising these important concerns. I would like to simply say that the committee will oversee this legislation and that future Congresses are certainly free to make any adjustment that may be indicated.

Mr. MINETA. Mr. Chairman, I have one final question in regard to TSM, because I rise in support of the substitute language concerning the transportation system management program. I strongly commend the chairman for including authorizations for DOT to emphasize energy conservation projects which would reduce traffic congestion and facilitate traffic flow. In my own county there exists at least two projects that go to the heart of what is intended by this program, those projects being the Pacheco Pass on Route 152 and the high-occupancy lane project on Route 237. These projects represent excellent examples of extremely congested highways in which traffic flow could be greatly improved by the application of TSM strategies.

I am hopeful and certain that the State of California would move quickly to resolve these and other highway congestion problems in Santa Clara County once this program is implemented.

I thank the gentleman for yielding.

Mr. HOWARD. I thank the gentleman for bringing to our attention some fine examples of how the TSM program may be applied.

Mr. MINETA. I thank the gentleman very much.

Mr. BEILENSON. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask a question of the distinguished chairman of the subcommittee, if I may.

Mr. Chairman, in analyzing this bill, I see that $1.5 billion will be available for grants and loans for new rail transportation systems, rail extensions, and automated fixed guideways for the period beginning October 1, 1985 and ending September 30, 1990.

As you may know, the Southern California Rapid Transit District recently received a $12 million grant from the Urban Mass Transportation Administration to begin preliminary engineering work on the Wilshire Rail Rapid Transit starter line in Los Angeles. They anticipate receiving another $30 million from both the State and Federal governments this spring with which to complete preliminary design work.

Am I correct to assume, Mr. Chairman, that the $1.5 billion in H.R. 6417 will be available for such projects as the Wilshire starter line in Los Angeles?

Mr. HOWARD. If the gentleman will yield, I am very happy to have him bring this up to me. I would say the gentleman is correct that portions of this $1.5 billion would be available for projects such as the Wilshire starter line in Los Angeles.

Mr. BEILENSON. I thank the gentleman very much.

Mr. PATTERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the colloquy between the gentleman from California (Mr. BEILENSON) and the chairman, the gentleman from New Jersey (Mr. HOWARD) and I support that colloquy on the Wilshire project in Los Angeles. However, my colleague from the other side of the aisle, the gentleman from California (Mr. BADHAM) and I would like to engage the chairman (Mr. HOWARD) in colloquy at this point, if we may. Though Orange County, Calif., is a separate standard metropolitan statistical area apart from Los Angeles, for purposes of mass transit projects we are part of the Los Angeles-Long Beach urbanized area. The Orange County Transit District is now in the alternative analysis stage of development of a rapid transit system. The final alternative will be selected within the next 2 to 3 months. This will be followed by the preliminary design and engineering stages, with actual construction scheduled to commence in 1986. This schedule is far beyond the time limits of this particular authorization and I do not mean to suggest that Orange County is seeking any part of the construction funds authorized here.

I am concerned, however, Mr. Chairman, that when the Orange County rapid transit system enters the construction phase there may be a tendency on the part of some to remember the Wilshire project and contend that the Los Angeles urbanized area has already received its fair share of construction funds. I hope that Orange County's rapid transit project will not be prejudiced simply because our separate transit district happens to be within the same urbanized area as Los Angeles.

Mr. HOWARD. Mr. Chairman, if the gentleman would yield, I would like to say that it would be my intention to examine the Orange County rapid transit project on its own merits. As much, I would view it as separate and distinct from the Wilshire project, as indeed it is. I recognize that Orange County, is by definition, within the same urbanized area as Los Angeles, but I would not anticipate the committee prejudging this later project simply because of the present authorization for the L.A. project.

Mr. PATTERSON. I thank the chairman.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield now to my colleague from California (Mr. BADHAM).

Mr. BADHAM. I thank my colleague for yielding.

Mr. Chairman, I would like to associate myself with the sentiments just expressed. In the not too distant past Orange County learned, to its detriment, that being part of the Los Angeles-Long Beach urbanized area worked to its disadvantage. At that time the Southern California Rapid Transit District received a grant of some $600 million for the purchase of buses for its bus fleet. While this certainly was a much-needed and worthwhile grant, sometime later when the Orange County Transit District made a much smaller request for bus purchase funds we were told that our urbanized area had already received $600 million.

In the legislation before us today, another large, worthwhile Los Angeles rapid transit project is being authorized. I am sure that this project is an important and well-deserved one, but our Orange County rapid transit system is also worthwhile, well-deserved, and very necessary given the extremely rapid development of our county. I want to be sure that in 1986, when the Orange County Transit District seeks funding for its rapid transit project, we will not be told again that our urbanized area has already received all the funding for rapid transit projects that it can expect.

Mr. HOWARD. Will the gentleman yield?

Mr. PATTERSON. I yield to my colleague.

Mr. HOWARD. I would like to respond to the gentleman from California (Mr. BADHAM). I agree with the gentleman from California that the Orange County project should not be prejudiced by the funding of the Wilshire project in Los Angeles. When the Orange County rapid transit project is ready to seek funding for construction I would not, and I believe the committee will not, hold it against it that the L.A. project has already received funding in a substantial amount.

Mr. BADHAM. I thank the chairman.

Mr. PATTERSON. I thank the Chairman very much and yield back the balance of my time.

● Mr. MOORE. Mr. Chairman, I was obligated to oppose H.R. 6417, the surface transportation authorization bill, today for several reasons. The most important among them was the grossly unfair treatment three cities in Louisiana received in the section 5 formula change for operating subsidies. Of the three, Baton Rouge was treated the worst and received a 65-percent decrease in subsidies presently received. I supported several unsuccessful efforts to rectify this misfortune, and absent their passage, I was constrained to continue my protest by opposing the final passage of the bill.●

● Mr. GLICKMAN. Mr. Chairman, due to long-standing commitments in my home State of Kansas, I was unable to be here Tuesday when the House resumed consideration of H.R. 6417 and when the vote was taken on the amendment offered by the gentleman from Pennsylvania, the ranking minority member of the subcommittee (Mr. SHUSTER). Had I been present, I would have supported that amendment because I am very much concerned about the change proposed in the funding formula for apportioning bus and bus-related purchase grants under the UMTA section 5 program.

As my colleagues realize, section 208 of the committee-reported bill would continue the present funding allocation formula. Unfortunately, the Senate-passed bill, like the Howard substitute which is before us, would significantly modify the formula to give preference to large urban centers with extensive mass transit systems already in place. I hope we will reject the Howard substitute and thus revert to the funding formula in the committee-reported bill. Should this legislation make it to conference, our House conferees should also work to retain the funding formula which has already been in use.

There are two practical reasons for rejecting the change in funding allocation. First and foremost, the proposed change would severely hamper the ability of systems, particularly smaller ones just being put into operation, to expand. In that regard, I think it is most important for all of us here to remember that the lack of adequate mass transit in so many parts of this country is a key reason why we have not been able to reduce our motor fuel consumption further than we have. Changing the funding formula, as proposed in the Howard substitute, would slow the process toward instituting such service just at the time that rising energy costs are making mass transit look more appealing in many areas of this country. Second, changing the formula along the lines proposed in this substitute could very likely lead to rewarding inefficient expansion of those larger, established systems which it is intended to help. At a time when we are supposedly trying to be cutting back on Government inefficiency, that change seems to run completely contrary to our national goals.

While I support this important legislation, I do object to the changed allocation formula.●

● Mrs. CHISHOLM. Mr. Chairman, I rise to strongly object to the language in H.R. 6417 denying handicapped persons the right of access to federally supported mass transit systems.

While the provisions of the Cleveland amendment have been modified to try to to meet the concerns of the handicapped community, the "local option" concept that is at the heart of this issue still runs contrary to standing commitments by the Congress to barrier-free public transportation.

I believe, Mr. Chairman, that local option really means no option for physically disabled people living in our cities. These people have the same needs as the rest of us for inexpensive and reliable public transportation. They have jobs to get to, schools to attend, appointments to keep, and many other places to go. It is not fair, and it is not right, to make them watch the buses and trains go by while they wait for the taxi or van that may come—if they thought to reserve one hours or days earlier.

There are more handicapped people out there than we know. They have been bearing the extra costs and burdens of "options" to public transportation; or they have sat at home because it is just too difficult to get out. They should not have their hopes for mobility dashed by local governments unwilling to face the responsibility for serving them.

The U.S. Department of Transportation is trying to meet that responsibility. In following the laws we have made, they are insisting that along with the millions of Federal dollars to local transit systems comes the mandate to let the wheelchairs get on the buses, trains and subway cars.

Let us permit DOT to get on with the job. Let us not stand in the bus door with a "handicapped, keep out" sign. Let us remember, Mr. Chairman, that even some Members of Congress might possibly end up confined to wheelchairs; and will expect more than sympathy from local governments.

It is not too late to reaffirm our commitment to America's handicapped. I hope that, prior to final enactment of H.R. 6417, this controversial issue will be reconsidered and that the offensive "local option" language will be removed.●

● Mr. LENT. Mr. Chairman, I rise in support of the Howard substitute to H.R. 6417, the proposed Surface Transportation Act of 1980. The substitute embodies a responsible approach to eliminating the need for a conference on this much-needed authorization bill, and makes a number of improvements in several areas which are of particular concern to those of us who seek to provide this Nation with a viable mass transit system that is accessible to all.

I refer specifically to the provisions improving the formula by which section 5 operating funds are allocated. The legislation reported by the Public Works and Transportation Committee retained the existing formula which is based on population and population density. Experience has shown, however, that that formula does not distinguish between the transit needs of those cities which provide substantial mass transit service and those that do not. As a result, cities such as New York and Boston, which face declining populations and costly transit service, receive from the Federal Government only 9.17 percent and 8.85 percent of their transit operating costs while cities with relatively young transit systems, receive a far larger percentage of their operating costs for transit service under this program.

The Howard substitute recognizes the important improvement in this formula already approved by the other body by incorporating a similar service-based formula calculated on rail or bus revenue vehicle miles for cities with populations over 200,000 effective in 1983. Cities with existing transit networks will benefit greatly from this formula change; under the formula included in the Howard substitute, the New York City area's share of these funds will increase to up to 20 percent of the national total. This will help hold the line on fares.

To my colleagues from areas with less extensive transit networks and smaller populations which are growing, I would point out that the Howard substitute retains the current population-based formula for cities with populations under 200,000.

As well, this substitute provides for a new DOT plan for allocating section 3 funds for modernization, rehabilitation, and replacement of rail mass transportation facilities and rolling stock for urban areas with rail mass transit. Beginning in fiscal year 1983, at least 75 percent of section 3 funds will be distributed in accordance with that plan. There is little question that New York's aging system will be eligible for nearly 25 percent of this funding and believe me, it is needed.

In addition, the Howard substitute offers a viable approach to compliance with section 504 of the Rehabilitation Act as it relates to transportation for the handicapped. This is of utmost importance to the handicapped residing and visiting the New York City metropolitan area because the MTA has already announced that it simply cannot afford to comply with current law and its future funding is now in jeopardy. Under the substitute, alternative transportation services for the handicapped would be acceptable substitutes for mainline accessibility to most mass transit systems. Such alternative service must be approved by the relevant local planning organization to facilitate the transportation needs of the handicapped. Service would have to be available regardless of trip purpose, and for at least the same time period for which regular transit service is provided. It is likely that numerous alternatives will be available to transport the handicapped, and I commend this more flexible approach to meeting the transportation needs of the handicapped.

Again, I support the Howard substitute, and urge my colleagues to vote for it so that this vitally important bill can be enacted without further delay.●

● Mr. CHAPPELL. Mr. Chairman, I am pleased to rise today in support of the substitute to the Surface Transportation Act, offered by our colleague, Mr. Howard. This effort on the part of Chairman Howard and his committee represents an important compromise and, as such, deserves our full support.

We are all very much aware of the critical need for this legislation. Passage of the Howard substitute would have the important effect of reaffirming the commitment of the Congress to insure suitable and efficient mass transportation for the citizens of our Nation. The legislation would authorize both capital construction funds and operating expenses for mass transit projects through 1985. The rising cost of energy and the increasing difficulty in securing stable, adequate supplies, demand that immediate, favorable action be taken on this legislation. Changing lifestyles and the public demand for an efficient transportation alternative, dictate the need for prompt action.

Unlike the committee bill, the Howard substitute would revise the formula for apportionment of Federal grants to provide more funds for those areas that provide more service. This, I believe, is a realistic standard for the attainment of the national policy goals which have been established. Additionally, an incentive tier is provided for those urbanized areas in which ridership increases 4 percent over the previous year or where the ratio of operating revenues to expenses exceeds the national median. In either case, a 4-percent bonus is awarded. Should both conditions be met, a 6-percent bonus will be provided.

Mr. Chairman, I believe it is a tribute to the ability of the chairman and his committee that the Howard substitute enjoys such a broad base of support. Elements of local government, citizen groups, and most advocates of the handicapped support this flexible approach to the solution of vexing mass transit problems. It is important to note that this measure realistically addresses the Department of Transportation section 504 regulations governing the treatment of handicapped access to public transportation. By allowing localities wider latitude to address specific regional or individual concerns within a general framework, the Howard substitute removes a considerable burden from local governments.

Chairman Howard's substitute legislation will move America toward the important goals in mass transportation which are currently recognized by the Nation. The legislation is a coherent, balanced approach to public transportation policy. It provides incentives for increasing participation in mass transportation by localities while encouraging energy efficiency today and in the future. I am convinced that the legislation which we are considering today will serve as a landmark, signaling strong Federal encouragement for energy-efficient mass transportation programs.●

● Mr. HARRIS. Mr. Chairman, I rise in support of the amendment to H.R. 6417, the Surface Transportation Act of 1980, offered by Congresswoman Marjorie Holt. This amendment would authorize the funding necessary for a complete rehabilitation and reconstruction of the Woodrow Wilson Memorial Bridge located between Maryland and Virginia along I-495. The amendment is similar to legislation which I introduced in April 1980, to provide 100-percent Federal funding for this project.

As a major connecting link of I-495, the Wilson Bridge is not only of importance to the Washington Metropolitan area but also to the entire Interstate Highway System. With an average daily traffic flow of over 100,000 vehicles, the bridge structure has deteriorated significantly in recent years. This has created a serious safety problem for area commuters and other travelers utilizing the bridge. In the last 3 years alone, over 200 serious accidents have occurred on the Wilson Bridge. The condition of the bridge is a matter of serious safety concern, and without immediate action the situation will continue to worsen.

The Federal Government is the sole owner of the Wilson Bridge and under the provisions of Public Law 87-358 Virginia, Maryland, and the District of Columbia agreed to accept responsibility for the routine maintenance and operation of the structure. The local jurisdictions have expended $450.000 annually for routine maintenance. A reconstruction project of this magnitude involves more than routine maintenance, however, and should not be the responsibility of the local jurisdictions.

The reconstruction of the Wilson Bridge will cost an estimated $60 million. The Federal Highway Administration is willing to participate in a 90-percent Federal, 10-percent State funding arrangement. Under this arrangement Maryland, Virginia, and the District of Columbia would have to finance a portion totaling $6 million—funds that these jurisdictions can ill afford to expend on property owned by the Federal Government, especially at a time when Federal assistance to States and localities are being dramatically slashed.

Given that the Federal Government owns the Wilson Bridge and that its repair requires immediate attention, the amendment under consideration would provide for 100-percent Federal funding for this major reconstruction project. Clearly, States and localities should not have to use their limited funds to repair property owned by the Federal Government. Again, I urge your support for the Holt amendment.●

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from New Jersey (Mr. Howard).

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McKay, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, pursuant to House Resolution 767, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1630

MOTION TO RECOMMIT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HARSHA. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Harsha moves to recommit the bill, H.R. 6417, to the Committee on Public Works and Transportation.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HARSHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 346, nays 33, answered "present" 1, not voting 52, as follows:

[Roll No. 668]

YEAS—346

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carr
Carter
Chappell
Chisholm
Clausen
Clay
Clinger
Coleman
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McClory
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—33

Ashbrook
Bauman
Bonior
Cheney
Cleveland
Collins, Tex.
Crane, Daniel
Dellums
Devine
Evans, Ind.
Frenzel
Hansen
Harsha
Hubbard
Ichord
Jacobs
Jeffries
Jones, Okla.
Latta
Lee
Livingston
McDonald
Mazzoli
Miller, Calif.
Moore
Myers, Ind.
Paul
Simon
Snyder
Stenholm
Stockman
Taylor
Wylie

ANSWERED "PRESENT"—1

Burton, John

NOT VOTING—52

Anthony
Ashley
Aspin
Burton, Phillip
Carney
Cavanaugh
Coelho
Collins, Ill.
Crane, Philip
Daschle
Davis, S.C.
Deckard
Derwinski
Dickinson
Dodd
Fenwick
Findley
Foley
Garcia
Giaimo
Goldwater
Hightower
Jenrette
Kelly
Kemp
Kindness
Lederer
Luken
Lundine
McEwen
Madigan
Mikulski
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Pepper
Rhodes
Rodino
Schroeder
Solomon
Spellman
Symms
Thompson
Traxler
Waxman
White
Wilson, C. H.
Yates
Young, Alaska

□ 1640

The Clerk announced the following pairs:

Mr. Rodino with Mr. Carney.
Mr. Thompson with Mr. Goldwater.
Mr. Dodd with Mr. O'Brien.
Mr. Phillip Burton with Mr. Solomon.
Mr. Anthony with Mr. Kelly.
Mr. Lederer with Mr. Cavanaugh.
Ms. Mikulski with Mr. Philip M. Crane.
Mr. Murphy of New York with Mr. Kemp.
Mrs. Schroeder with Mr. Kindness.
Mr. Pepper with Mr. Symms.
Mr. Traxler with Mr. Young of Alaska.
Mr. Waxman with Mr. McEwen.
Mr. Yates with Mr. Deckard.
Mr. Coelho with Mr. Derwinski.
Mr. Foley with Mr. Daschle.
Mr. Neal with Mrs. Fenwick.
Mr. Murphy of Illinois with Mr. Dickinson.
Mr. Nolan with Mr. Findley.
Mr. Giaimo with Mr. Charles H. Wilson of California.
Mr. Garcia with Mr. Aspin.
Mr. Lundine with Mr. Davis of South Carolina.
Mr. Luken with Mr. Jenrette.
Mr. Nedzi with Mr. Madigan.
Mr. Ashley with Mr. White.
Mrs. Collins of Illinois with Mr. Hightower.

Mr. EDWARDS of Oklahoma changed his vote from "nay" to "yea."

Mr. FRENZEL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for certain energy-related highway projects in accordance with title 23 of the United States Code, for mass transportation in urban and rural areas, and for other purposes."

A motion to reconsider was laid on the table.

□ 1650

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2720) to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. This title may be cited as the "Federal Public Transportation Act of 1980".

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 102. Section 3(a)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" the second place it appears and by inserting immediately before the semicolon at the end thereof a comma and the following: "and the acquisition of rights-of-way for fixed guideway corridor development for projects in advanced stages of any such detailed alternatives analyses".

ALLOCATION PLAN

SEC. 103. Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(5)(A) Prior to January 1, 1982, the Secretary shall submit a proposed final allocation plan to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such plan shall become final when the Congress agrees to a concurrent resolution stating in substance that the Congress favors the allocation plan. The final allocation plan shall be based on a thorough survey of the necessary costs of a program for modernizing, rehabilitating, or replacing rolling stock and fixed facilities to improve the reliability, safety, and attractiveness of rail mass transportation systems. The final allocation plan shall contain for each rail mass transportation system serving an urbanized area a calculation of the ratio that the cost of the modernization or rehabilitation program for such system bears to the total of the costs of the programs for all such systems as estimated by the survey. Such survey shall be revised and updated annually by the Secretary and submitted to the authorizing committees of Congress.

"(B) For each fiscal year beginning with fiscal year 1983, of the funds appropriated for the purpose of this section and made available by the Secretary for modernization and rehabilitation of rail facilities and equipment, not less than 75 per centum shall be distributed in accordance with the allocation plan.".

DIRECT PURCHASE AUTHORITY

SEC. 104. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following:

"(6)(A) The Secretary is authorized to purchase equipment for use in public transportation service with funds authorized under section 4(c)(3)(E) and with funds made available under this paragraph. Such funds shall remain available until expended. Purchases under this paragraph may be undertaken directly or through the use of a Federal purchasing authority. Such purchases shall be made based upon projections of the needs of States and local public bodies and will consider costs in addition to initial acquisition costs.

"(B) The Secretary is authorized to make grants of equipment to States and local public bodies. A grant under this paragraph must comply with statutory requirements which are applicable to grants under section 3, except as otherwise provided under this paragraph.

"(C) The State or local public body which receives equipment under this paragraph must provide at least 20 per centum of the net project cost in cash or in-kind contributions. Cash shall be returned to the Urban Mass Transportation Fund and shall be available for the purposes of this paragraph when so provided in an appropriations Act.

"(D) In an urbanized area, the value of a grant for buses and related equipment made under this paragraph shall be subtracted from the allocation for purchase of bus capital equipment under section 5 of this Act.".

(b) Section 4(c)(3) of such Act is amended by adding at the end thereof the following:

"(E) In each fiscal year, not more than $150,000,000 of the sums appropriated pursuant to subparagraph (A) shall be available for the purposes of section 3(a)(6).".

LETTER OF INTENT

SEC. 105. Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence thereof the following: "At least thirty days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed issuance of such letter of intent.".

ADVANCE LAND LOANS

SEC. 106. Section 5 of the Urban Mass Transportation Act of 1964 is amended by—

(1) inserting "unless a longer period is determined to be reasonable by the Secretary" after "made" in the second sentence;

(2) inserting "unless a longer period is determined to be reasonable by the Secretary" after "is made" in the third sentence; and

(3) striking "of" and substituting "is made unless a longer period is determined to be reasonable by the Secretary" after "loan agreement" in the 6th sentence.

AUTHORIZATION AND OTHER AMENDMENTS UNDER SECTION 4

SEC. 107. (a) The first sentence of section 4(c)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1.515,000,000" and all that follows through "1983" before the period at the end thereof and inserting in lieu thereof the following: "$2,490,000,000 for the fiscal year ending September 30, 1981; $2,625,000,000 for the fiscal year ending September 30, 1982; $2,775,000,000 for the fiscal year ending September 30, 1983; $2,930,000,000 for the fiscal year ending September 30, 1984; and $3,090,000,000 for the fiscal year ending September 30, 1985.".

(b) Section 4(d) of such Act is amended by striking out "and September 30, 1982" and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985".

(c) The first sentence of section 4(e) of such Act is amended by inserting "and" before "$110,000,000" and by striking out "; $120,000,000,000 for the year ending September 30, 1982".

(d) Effective October 1, 1981, section 4(f) of such Act is amended to read as follows:

"(f)(1) There are authorized to be appropriated for administrative costs, including salaries and expenses necessary to carry out the functions of this Act, such sums as may be necessary.

"(2) There are authorized to be appropriated to carry out the purposes of sections 6, 10, and 11(a) of this Act aggregate sums not to exceed $85,000,000 by September 30, 1982; $175,000,000 by September 30, 1983; $270,000,000 by September 30, 1984; and $370,000,000 by September 30, 1985. Sums appropriated under this paragraph shall remain available until expended.".

(e) Section 4(h)(2) of such Act is amended to read as follows:

"(2) Not later than February 1 of each even-numbered year, the Secretary shall report to the Congress the Secretary's proposed authorization requests for sections 3 and 5 of this Act for the next succeeding five fiscal years. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary.".

(f) Section 4 of such Act is amended by adding at the end thereof the following:

"(j) Not more than $15,000,000 of the funds appropriated for any fiscal year pursuant to subsection (c)(3)(A) of this section may be used for the purposes of section 20 of this Act, including related administrative costs.".

AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

SEC. 108. (a) Section 5 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out paragraph (1)(B);

(2) in paragraph (2)(B), by striking out all after "1980", and inserting in lieu thereof a period;

(3) in paragraph (3)(B), by striking out all after "1980", and inserting in lieu thereof a period;

(4) in paragraph (4)(A) strike the second sentence and insert in lieu thereof the following sentence: "In fiscal year 1981, such sums shall be made available for expenditure in urbanized areas of over 200,000 population on the basis of a formula under which urbanized areas will be entitled to receive an amount equal to the amount so apportioned multiplied by the ratio which the number of bus revenue vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of bus revenue vehicle miles directly serving all urbanized areas; for urbanized areas under 200,000 in population the apportionments shall be made in accordance with the formula set out in subsection (a)(1)(A) of this section.";

(5) in paragraph (4)(B), by striking out all after "1980", and inserting in lieu thereof a period; and

(6) by adding at the end thereof the following:

"(5) To finance grants and loans for the purposes of this section, there are authorized to be appropriated not to exceed $1.665,000,000 for the fiscal year ending September 30, 1981. Funds appropriated under this subsection shall be distributed as follows:

"(A) 54 per centum for the purposes eligible and according to the formula provided in subsection (a)(1) of this section;

"(B) 15 per centum for the purposes eligible and according to the formula provided in subsection (a)(2) of this section;

"(C) 9 per centum for the purposes eligible and according to the formula provided in subsection (a)(3) of this section; and

"(D) 22 per centum for the purposes eligible and according to the formula provided in subsection (a)(4) of this section.

"(6)(A) To finance grants for construction and operating assistance under this section and under section 18 of this Act, there are authorized to be appropriated not to exceed $1,925,000,000 for the fiscal year ending September 30, 1982; not to exceed $2,055,000,000 for the fiscal year ending September 30, 1983; not to exceed $2,165,000,000 for the fiscal year ending September 30, 1984; and not to exceed $2,275,000,000 for the fiscal year ending September 30, 1985.

"(B) In each fiscal year, 86 per centum of the sums appropriated under this paragraph shall be apportioned to urbanized areas with populations of 200,000 or more. The amount available for each such area shall be an amount equal to the sum of—

"(i) 80 per centum of the amount to be apportioned under this subparagraph multiplied by the ratio which the number of revenue rail and bus vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of revenue rail and bus vehicle miles directly serving all urbanized areas, except that no single eligible State's portion of an urbanized area which has revenue rail vehicle miles shall be given credit for more than 45 per centum of the total national revenue rail vehicle miles, and no urbanized area of over 750,000 population which has revenue rail vehicle miles shall be given credit for less than ½ per centum of the total national revenue rail vehicle miles.

"(ii) 20 per centum of the amount to be apportioned under this subparagraph multiplied by the ratio which the number of revenue bus vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of all revenue bus vehicle miles directly serving all urbanized areas, except that sums apportioned to each urbanized area under this clause shall be used by the recipient only for the purchase of buses and related equipment.

"(C) In each fiscal year, 9 per centum of the sums appropriated under this paragraph shall be apportioned to the Governor for use in urbanized areas with populations of under 200,000. The amounts available for each State shall be based on an amount calculated as the greater of the amounts determined by applying the formula in subparagraph (B) to each such urbanized area in the State to the amount apportioned under this subparagraph, or by calculating for each such urbanized area in the State the sum of—

"(i) 50 per centum of the amount to be apportioned under this subparagraph multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census;

"(ii) 50 per centum of the amount to be apportioned under this subparagraph multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary: *Provided, however,* That not less than 20 per centum of the sums apportioned to each State under this subparagraph shall be used only for the purchase of buses and related equipment: *And provided further,* That the apportionment shall be reduced if an urbanized area with population less than 200,000, where public transportation service is provided by a single State or local public body covering more than one urbanized area and one urbanized area is above 200,000 population, includes its revenue vehicle miles in such larger urbanized areas apportionment. As used in clause (ii) of this paragraph, the term 'density' means the number of inhabitants per square mile.

"(D) In each fiscal year, 5 per centum of the sums appropriated under this paragraph shall be apportioned and used pursuant to the provisions of section 18 of this Act.".

(b) Section 5(b) of such Act is amended by adding at the end thereof the following:

"(3) Beginning in fiscal year 1982, to the extent possible the Governor shall take into account service based factors, such as revenue vehicle miles, as a basis for distribution of funds available to the Governor under subsection (b)(2). The Governor may transfer up to 25 per centum of the State's apportionment under subsection (a)(6)(C) of this section to supplement the apportionment available to urbanized areas under subsection (a)(6)(B) of this section, or to supplement funds apportioned to the State under subsection (a)(6)(D) for the purposes of section 18 of this Act.".

(c)(1) In section 3(a)(1)(B) strike "apportionments under section 5(a)(4) of the Act" and insert in lieu thereof "apportionments under section 5 which are limited to the purchases of buses and related equipment".

(2) In section 3(h) strike "with funds available under section 5(a)(4)" and insert in lieu thereof "with funds available under section 5 which are limited to the purchase of buses and related equipment.".

(3) Section 18 of such Act is amended by inserting "or section 5(a)(6)D)" after "section 4(e)".

(d) Subsection (c)(3) of such section is amended to read as follows:

"(3) Appropriations pursuant to the authority of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall be available until expended.".

INCENTIVE GRANTS FORMULA

Sec. 109. Section 5(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(7)(A) To make incentive grants under this subsection to urbanized areas, the Secretary shall apportion in each fiscal year beginning after September 30, 1982, the sums appropriated pursuant to subparagraph (C). An incentive grant shall be 7.5 per centum of that portion of the apportionment attributable to the urbanized area under paragraph (6) which is available for operating assistance if the urbanized area qualifies for an incentive grant under either subparagraph (B)(i) or (B)(ii) of this paragraph, but not under both subparagraphs, and a total of 10 per centum of such apportionment if it qualifies under both subparagraphs (B)(i) and (B)(ii). Incentive grants under this paragraph shall be supplementary to, and not in substitution for, sums otherwise available under this Act. Such grants shall not be subject to the local share requirements of this Act and may be used by the recipient for any purpose which would be eligible for assistance under this Act.

"(B)i) An urbanized area will receive an incentive grant apportionment if mass transportation ridership for that area during any year exceeds such ridership for that area during the immediately preceding year by more than 4 per centum as determined by the Secretary.

"(ii) An urbanized area will receive an incentive grant apportionment if the ratio of operating revenues, including such revenues as farebox receipts and dedicated tax revenues (including mandatory assessments paid by local governments on a net cost of service basis), to eligible operating expenses exceeds the national median ratio of such factors, as determined by the Secretary.

"(C) There are authorized to be appropriated for the purposes of this paragraph such sums as may be necessary.".

ENERGY CONSERVATION

Sec. 110. Section 8(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" before "(2)"; and

(2) by inserting before the period at the end thereof the following: ", and (3) on or after July 1, 1983, the Secretary finds that the program of projects includes adequate consideration of energy conservation and, in the case of a capital project, that the program of projects includes the consideration, to the maximum extent feasible, of renewable resources recovery and energy conservation measures".

REVISED FIXED GUIDEWAY DEFINITION

Sec. 111. Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(2) the term 'fixed guideway' means any public transportation facility which utilizes and occupies a separate right-of-way or rails for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles.".

SAFETY INVESTIGATIONS

Sec. 112. Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(h)(1) The Secretary is authorized to investigate the safety of any facility, equipment, or manner of operation financed under this Act to determine whether an unsafe condition which creates a serious risk of death or injury may exist. Such investigation shall determine (A) the nature and extent of any unsafe condition; and (B) the action or range of alternative actions which might best be employed to eliminate or correct the unsafe condition. Before finally determining such action or range of actions, the Secretary shall consult with the affected State or local public body. If the Secretary determines that a condition in any facility, equipment, or manner of operation is unsafe, the Secretary shall require the State or local public body to submit a corrective action plan, which shall be developed in consultation with the Secretary. The Secretary may withhold further financial assistance from the State or local public body until a corrective action plan is approved by the Secretary and implemented.

"(2) No part of any report or other document prepared as part of any unsafe condition investigation under subsection (a), shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

"(3) The Secretary is authorized to promulgate such rules as are necessary to implement this section and to establish safety criteria and standards for use during the investigation of unsafe conditions in any facility, equipment, or manner of operation of any transit system financed under this Act.

"(4) If the amount of paperwork that the Urban Mass Transportation Administration requires of profit and nonprofit businesses, private persons, and State and local governments in fiscal year 1981 exceeds 100 per centum of the amount of paperwork required by the Urban Mass Transportation Administration in fiscal year 1980, the amount authorized to be appropriated by Congress for the Urban Mass Transportation Administration for fiscal year 1982 shall not exceed 100 per centum of the amount appropriated for the Urban Mass Transportation Administration for fiscal year 1980.

"(5) For the purposes of this subsection, 'paperwork' means reports, applications, forms, and other written presentations that an agency, under statutory authority, requires to be submitted to the local, State, or Federal Government.".

"(i)(1) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act for any project contract whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project contract.

"(2) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

"(A) their application would be inconsistent with the public interest;

"(B) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

"(C) supplies of the class or kind to be used in the manufacture of articles, materials, supplies are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(D) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum.

"(3) For purposes of this subsection, 'substantially all' means not less than 70 percent.".

AREAS OTHER THAN URBANIZED AREAS

Sec. 113. (a) Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For areas other than urbanized areas, there shall be a planning process carried on by the State, in cooperation and consultation with appropriate local officials, and substate planning entities if any, which shall result in the development of a State plan for nonurbanized area public transportation equipment and services which is consistent with the requirements of this section to the extent appropriate to the nature of the area served and the services provided.".

(b) Section 18(b) of such Act is amended by adding at the end thereof the following: "After September 30, 1981, the program required under this subsection shall be based on the State plan for nonurbanized area public transportation equipment and services required under section 8 of this Act.".

USE OF MEDICARE CARDS FOR REDUCED FARES

Sec. 114. (a) Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection and as a condition of assistance under this Act, any person who, when boarding or paying mass transit fares, presents a medicare card duly issued to that person pursuant to title II or title XVIII of the Social Security Act shall receive the benefit of the rates established pursuant to this subsection for elderly or handicapped persons.".

(b) This section shall take effect ninety days after the date of enactment of this Act.

SUPPLEMENTAL AUTHORIZATION

Sec. 115. Section 4(c)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1,410,000,000 for the year ending September 30, 1980" and inserting in lieu thereof "$1.810,000,000 for the fiscal year ending September 30, 1980".

MINIMUM FUNDING LEVEL

Sec. 116. Section 18(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act—

"(1) the aggregate amount of grants for each State under this section during each fiscal year beginning on or after October 1, 1980, shall be first allocated among the States, with the exceptions of the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands, so that each State will be allocated at least 1 per centum of the amount appropriated.".

LIMITATION ON STATE ADMINISTRATIVE EXPENSES

SEC. 117. The first sentence of section 18(d) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Secretary may permit a part of the amount apportioned to each State to be used for administering this section and for providing technical assistance to recipients of funds under this section. Such part may not exceed 10 per centum of the amount allocated to each State under this section."

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF HANDICAPPED PERSONS

SEC. 118. Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d)(1) Any State, any recipient of financial assistance under section 3, or any recipient designated to receive or dispense funds under section 5 of this Act may submit for approval by the Secretary a program, which has been approved by the metropolitan planning organization after considering and soliciting the views of the community of handicapped persons for whom such transportation shall be provided. The Secretary, with the concurrence of the Architectural and Transportation Barriers Compliance Board, may approve any program (including a program providing transportation of handicapped persons through facilities other than facilities used by the State or recipient to provide transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection and other applicable law.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which—

"(A) provides that at least 5 per centum of all Federal funds apportioned under sections 3, 5, and 18 of this Act to the State or made available for expenditure by the recipient under section 3 or 5 of this Act for any fiscal year will be expended for the specific purpose of providing transportation for handicapped persons, except that the Secretary may reduce the percentage of such Federal funds below 5 per centum or waive such requirement if the Secretary determines that the program with such reduction or waiver will still comply with subparagraphs (B) and (C) of this paragraph:

"(B) provides that the State or recipient will provide transportation to handicapped persons in a manner which (i) will provide service no less beneficial for handicapped persons than that which would be required if such application had not been made, and (ii) will—

"(I) provide transportation services throughout the recipient's normal service area;

"(II) provide there will be no waiting lists for handicapped persons desiring to use the system;

"(III) provide for no prior registration or approval of handicapped persons who wish to utilize the service;

"(IV) provide for fare rates which are comparable to those of the transit system serving the general public;

"(V) provide for reasonable minimum waiting periods; and

"(VI) provide that there will be no restrictions as to the purpose of the trip as desired by the handicapped person; and

"(C)(i) provides, in the case of an urbanized area with a population of 50,000 to 750,000, that at least 50 per centum of the buses purchased are fully accessible to handicapped persons unless the Secretary determines that a different percentage is consistent with the area's program respecting transportation of handicapped persons; or

"(ii) provides, in the case of an urbanized area with a population in excess of 750,000, that 100 per centum of the buses purchased are fully accessible to handicapped persons unless the Secretary determines that a different percentage is consistent with the area's program respecting transportation of handicapped persons.

"(3) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection only after soliciting and considering the views of handicapped persons for whom such transportation will be provided.

"(4) A State or recipient may amend a program approved under this section if (A) the Secretary, with the concurrence of the Architectural and Transportation Barriers Compliance Board, determines that the program, as amended, complies with this subsection, and (B) such amendment was approved by the metropolitan planning organization after soliciting and considering the views of the community of handicapped persons for whom the transportation is being provided.

"(5) Notwithstanding any other provision of law or any regulation, if a State or recipient has a program approved by the Secretary under this subsection, such State or recipient shall be deemed to satisfy the requirements of this section and any other provision of Federal law relating to discrimination against handicapped persons to the extent that such provision of law relates to transportation of handicapped persons, except that nothing in this paragraph shall allow discrimination in use of facilities or equipment by handicapped persons able to use such facilities or equipment.

"(6) Each State and recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such State or recipient is complying with such program.

"(7)(A) If the Secretary determines, after notice and an opportunity for a hearing, that a State or recipient with an approved program respecting transportation of handicapped persons is not providing such transportation in accordance with its program, the Secretary shall issue an order requiring such State or recipient to comply with its program.

"(B) If, after the 90th day following the date of issuance of an order under subparagraph (A) of this paragraph, the Secretary determines, after notice and an opportunity for an agency hearing on the record, that the State or recipient is not providing transportation to handicapped persons in accordance with its approved program, the Secretary may withhold a portion not to exceed 25 per centum of Federal funds available to the State or to the recipient under section 3, 5, or 18 of this Act. If the Secretary later determines that the State or recipient is providing transportation to handicapped persons in accordance with such program, the Secretary may resume making available such Federal funds to the State or designated area.

"(8) This subsection does not apply to any new fixed rail system for the mass transportation of the general public which is constructed after January 1, 1970, nor to the major rehabilitation or extension of any fixed rail system in existence on December 31, 1969.

"(9) Assistance under this Act used to provide transportation for handicapped persons shall not be used in substitution for other Federal funds used to provide transportation for handicapped persons.".

TITLE II

SHORT TITLE

SEC. 201. This may be cited as the "Federal-aid Highway Amendments of 1980.

OBLIGATION LIMITATION

SEC. 202. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1981 shall not exceed $8,450,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code.

(b) For fiscal year 1981, the Secretary of Transportation shall control the obligation of the limitation imposed by subsection (a) by allocation according to the following formula: 80 per centum in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State for fiscal year 1981 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year: *Provided,* That the collective obligations of all the States may not exceed one-fourth of the obligation ceiling imposed by subsection (a) in each of the first two calendar quarters of fiscal year 1981; the remaining 20 per centum not so allocated, in the order in which States having obligated all such sums so allocated submit projects on or after August 1, 1981, to the Secretary of Transportation for his approval and in the amounts for such projects.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1981, revise a distribution of the 80 per centum made under subsection (b) if a State will not obligate the amount distributed during fiscal year 1981 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1981; and

(3) not distribute amounts authorized for administrative expenses.

RURAL TRANSPORTATION STUDY

SEC. 203. (a) The General Accounting Office is hereby authorized and directed to undertake a study of the transportation needs in rural areas. The study should include but is not limited to—

(1) the impact of any reduction of the Federal contribution to the construction and maintenance of the Federal-aid highway secondary system;

(2) the identification and evaluation of alternative funding methods for the Federal-aid highway secondary system;

(3) the impact the current energy situation has had on rural transportation in view of fewer transportation alternatives in rural areas;

(4) an assessment of the implementation of existing mass transit programs available in rural areas including the section 18 program of the Urban Mass Transit Act;

(5) the impact of anticipated reductions in funding for public and special client

transportation by Federal agencies other than the Department of Transportation on rural mass transit; and

(6) the identification of any other problems unique to rural transportation.

ENERGY IMPACTED RAIL AND HIGHWAY TRANSPORTATION

Sec. 204. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 157. Energy impacted rail and highway transportation

"(a) The Secretary is authorized to make grants to reconstruct, resurface, restore, and rehabilitate nontoll public roads which are incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use. In the case of any road with respect to which Federal financial assistance is provided under this subsection, the geometric and construction standards established under section 109 of this title for the Federal-aid secondary system, except those standards which the Secretary determines are not appropriate, shall apply to the reconstruction, resurfacing, restoration, or rehabilitation of such road.

"(b) The Secretary is authorized to make grants for transportation projects which will alleviate the environmental, social, and economic impact of increased train traffic to meet national energy requirements in communities located along rail corridors incurring such increased traffic. Such projects may include, but are not limited to, low-cost systems management methods, grade crossing separation, and rail line and highway relocation. A project for elimination of a railroad crossing by relocation of a rail line may receive financial assistance under this section only if the Secretary determines that the cost of such project (1) is less than the cost of relocation of the highway, and (2) is less than the cost of grade separation between the highway and the railroad. In the case of any transportation project other than a low-cost systems management improvement financial assistance may only be provided under this subsection if the Secretary is satisfied that low-cost systems management improvements were considered before consideration of such project and other more costly improvements.

"(c) The Federal share of the cost of any project under this section shall be 80 per centum.

"(d) The provisions of this chapter, other than those provisions which the Secretary determines are inconsistent with the section, shall apply to projects under this section.

"(e) Taking into account both railroad and highway needs, the Secretary shall establish, by regulation, a formula for apportionment of funds authorized to be appropriated under this section among the States. No State shall, in any fiscal year, receive less than one-half of 1 per centum or more than 12 per centum of the total apportionment made under this subsection for such fiscal year.

"(f) There are authorized to be appropriated, out of amounts attributable to revenue from the tax imposed by section 4996 of the Internal Revenue Code of 1954, as amended, to carry out this section not to exceed $250,000,000 for the fiscal year ending September 30, 1981, $300,000,000 for the fiscal year ending September 30, 1982, $350,000,000 for the fiscal year ending September 30, 1983, $400,000,000 for the fiscal year ending September 30, 1984, and $450,000,000 for the fiscal year ending September 3, 1985.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof

"157. Energy impacted rail and highway transportation."

MARYLAND TRANSPORTATION AUTHORITY

Sec. 205. (a) The Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938, and the Act of June 16, 1948 (62 Stat. 463, Public Law 654, 80th Congress), as amended by the Act of November 17, 1967 (81 Stat. 466, Public Law 144, 90th Congress) are hereby repealed.

(b) The State of Maryland, by and through the Maryland Transportation Authority or the successors of said Authority, is authorized to construct, maintain, operate, and finance transportation facilities projects, as defined in the laws of the State of Maryland, in accordance with the laws of the State of Maryland, subject, with respect to any future bridge, to the provisions of subsection (b) of section 502 of the Act of August 2, 1946 (33 U.S.C. 525).

MOTION OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Speaker, I offer a motion.

The Clerk reads as follows:

Mr. Howard moves to strike out all after the enacting clause of the Senate bill, S. 2720, and to insert in lieu thereof the provisions of H.R. 6417, as passed, as follows:

That this Act may be cited as the "Surface Transportation Act of 1980".

TITLE I

Sec. 101. This title may be cited as the "Federal-Aid Highway Amendments of 1980".

EMERGENCY RELIEF

Sec. 102. Clause (1) of the second sentence of subsection (a) of section 125 of title 23, United States Code, is amended by striking out "commencing after September 30, 1976," and inserting in lieu thereof the following: "in the period beginning October 1, 1976, and ending September 30, 1979, to carry out this section, and not more than $350,000,000 is authorized to be expended in the fiscal year ending September 30, 1980, to carry out the provisions of this section, and not more than $150,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980,".

TRANSPORTATION SYSTEMS MANAGEMENT

Sec. 103. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Transportation systems management

"(a) The Secretary is authorized to make grants for energy conservation projects on nontoll public roads to reduce traffic congestion and facilitate traffic flow on a Federal-aid system. Such projects shall include, but not be limited to, projects for (1) channelization of traffic, (2) improved traffic control signalization, (3) preferential treatment for mass transit and other high occupancy vehicles, (4) passenger loading areas and facilities, (5) fringe and corridor parking facilities, (6) encouragement of the use of car pools and van pools, (7) bicycle transportation, (8) separation of pedestrian and vehicular traffic, and (9) technical assistance in connection with such energy conservation projects.

"(b) The Federal share of the cost of any project under this section shall be 90 per centum, except that projects designed to encourage the nonrecreational use of bicycles may receive a Federal share of 95 per centum. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project receiving Federal assistance under this title of 90 per centum of the cost of such project if such project would be eligible for a grant under this section. Funds apportioned under this section may, upon approval by the Secretary, be used to increase the Federal share of any project encouraging the nonrecreational use of bicycles receiving Federal assistance under this title to 95 per centum of the cost of such project if such project would be eligible for a grant under this section.

"(c) On October 1 of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the States as follows:

"(1) three-fourths in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all States; and

"(2) one-fourth in accordance with the apportionment formula for the Federal-aid primary system established in section 104 (b)(1) of this title.

No State shall, in any fiscal year, receive less than one-half of 1 per centum of the total apportionment made under this subsection for such fiscal year.

"(d) There is authorized to be appropriated to carry out this section not to exceed $300,000,000 for the fiscal year ending September 30, 1982; $350,000,000 for the fiscal year ending September 30, 1983; $400,000,000 for the fiscal year ending September 30, 1984; and $450,000,000 for the fiscal year ending September 30, 1985.

"(e) Except as otherwise provided in this section, the provisions of chapter 1 of this title, other than those provisions determined by the Secretary to be inconsistent with this section, shall be applicable to projects under this section.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"135. Traffic operations improvement programs."

and inserting in lieu thereof:

"135. Transportation systems management.".

(c) The second sentence of subsection (a) of section 116 of title 23, United States Code, is hereby repealed.

ENERGY IMPACTED RAIL AND HIGHWAY TRANSPORTATION

Sec. 104. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 157. Energy impacted rail and highway transportation

"(a) The Secretary is authorized to make grants to reconstruct, resurface, restore, and rehabilitate nontoll public roads which are incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use. In the case of any road with respect to which Federal financial assistance is provided under this subsection, the geometric and construction standards established under section 109 of this title for the Federal-aid secondary system, except those standards which the Secretary determines are not appropriate, shall apply to the reconstruction, resurfacing, restoration, or rehabilitation of such road.

"(b) The Secretary is authorized to make grants for transportation projects which will alleviate the environmental, social, and economic impact of substantial or increased train traffic to meet national energy requirements in communities located along rail corridors incurring such traffic. Such projects may include, but are not limited to, low-cost systems management methods, grade crossing separation, and rail line and highway relocation. A project for elimination of a railroad crossing by relocation of a rail line may receive financial assistance under this section only if the Secretary determines that the cost of such project (1) is less than the cost of relocation of the highway, and (2) is less than the cost of grade separation between the highway and the railroad. In the case of any transportation project other than a low-cost systems management improvement financial assistance may only be provided under this subsection if the Secretary is satisfied that low-cost systems management improvements were considered before consideration of such project and other more costly improvements. Any State may, without regard to the preceding sentence, use up to 50 per centum of that portion of the sums apportioned to such State for any fiscal year under this section, which portion is attributable to railroad needs in such State, for the construction of grade separations between railroads and highways.

"(c) The Federal share of the cost of any project under this section shall be 80 per centum. For purposes of determining the railroad's share, if any, of the cost of a project under this section which would otherwise be eligible for assistance under section 130 of title 23, United States Code, or under section 203 of the Highway Safety Act of 1973, subsections (b) and (c) of section 130 of title 23, United States Code, shall apply to such project.

"(d) The provisions of this chapter, other than those provisions which the Secretary determines are inconsistent with the section, shall apply to projects under this section.

"(e) Taking into account both railroad and highway needs, the Secretary shall establish, by regulation, a formula for apportionment of funds authorized to be appropriated under this section among the States. No State shall, in any fiscal year, receive less than one-half of 1 per centum or more than 12 per centum of the total apportionment made under this subsection for such fiscal year.

"(f) There is authorized to be appropriated to carry out this section not to exceed $300,000,000 for the fiscal year ending September 30, 1982, $350,000,000 for the fiscal year ending September 30, 1983, $400,000,000 for the fiscal year ending September 30, 1984, and $450,000,000 for the fiscal year ending September 30, 1985.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof

"157. Energy impacted rail and highway transportation.".

CARPOOLS AND VANPOOLS AUTHORIZATION

SEC. 105. Subsection (f) of section 126 of the Federal-Aid Highway Act of 1978 is amended by striking out "and $1,000,000 for the fiscal year ending September 30, 1981,", and inserting in lieu thereof the following: "$1,000,000 for the fiscal year ending September 30, 1981, and $1,000,000 for the fiscal year ending September 30, 1982,", and by striking out "and $9,000,000 for the fiscal year ending September 30, 1980," and inserting in lieu thereof the following: "$9,000,000 for the fiscal year ending September 30, 1980, $10,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982,".

OBLIGATION LIMITATION

SEC. 106. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1981 shall not exceed $8,750,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978 or upon any ongoing emergency project for replacement or rehabilitation of a bridge the Federal share of the costs of which is obligated at the discretion of the Secretary under section 144 of such title 23.

(b) For fiscal year 1981, the Secretary of Transportation shall control the obligation of the limitation imposed by subsection (a) by allocation according to the following formula: 80 percent in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to a State for fiscal year 1981 bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year; the remaining 20 per centum not so allocated, in the order in which States having obligated all such sums so allocated submit projects on or after August 1, 1981, to the Secretary of Transportation for his approval and in the amounts for such projects.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1981, revise a distribution of the 80 per centum made under subsection (b) if a State will not obligate the amount distributed during fiscal year 1981 and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during fiscal year 1981; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

BRIDGE CONSTRUCTION

SEC. 107. Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act, authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.

REIMBURSEMENT

SEC. 108. In any case in which the city of Santa Rosa, California, has incurred costs on behalf of the State of California for the acquisition, between the date of enactment of Public Law 94–154 and the date of enactment of the Federal-Aid Highway Act of 1976 (Public Law 94–280), of land which was utilized in a Federal-aid urban system project at an intersection with a segment of the Federal-aid primary system, the Secretary of Transportation is authorized, notwithstanding any other provision of law, to reimburse the State of California from funds apportioned to the State of California under section 104(b)(6) of title 23, United States Code, 75 per centum of such costs.

PARKING FACILITIES

SEC. 109. (a) Subsection (a) of section 137 of title 23, United States Code, is amended by inserting "(1)" after "(a)" and by adding at the end of such subsection the following new paragraph:

"(2) The Secretary may approve as a project on the Interstate System the acquisition of land adjacent to the Interstate System and the construction of publicly owned parking facilities on such land if such facilities are located and designed in conjunction with existing or planned public transportation automated distributor facilities. Persons using such publicly owned parking facilities may be charged fees for using such facilities. Such fees may be commensurate with fees charged for using other parking facilities in the immediate area. Fees or permits for use of such publicly owned parking facilities shall be designed to encourage carpools and vanpools using the Interstate System to use such facilities. Revenues derived from such fees in excess of those required for the operation and maintenance of such facility shall be used in accordance with an agreement entered into under subsection (b) of this section for the non-Federal share of acquiring land and constructing publicly owned parking facilities under paragraph (1) of this subsection in the standard metropolitan statistical area in which such facility is located.".

(b) Subsection (c) of such section is amended by inserting "(1)" after "(c)" and adding at the end of such subsection the following new paragraph:

"(2) For purposes of this subsection, the term 'standard metropolitan statistical area' means the area in and around a city of 50,000 inhabitants or more as defined by the Bureau of the Census.".

FEASIBILITY STUDY

SEC. 110. The Secretary of Transportation shall study the feasibility of upgrading California State Highway 86 between Interstate Highways 8 and 10 for the purpose of improving highway safety and the delivery of agricultural products to market. The Secretary shall submit a report on the results of such study to Congress not later than 2 years after the date of the enactment of this Act.

F. E. EVERETT TURNPIKE IN NEW HAMPSHIRE

SEC. 111. (a) The amount of all Federal-aid highway funds paid on account of those sections of the F. E. Everett Turnpike in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programmed for expenditure on any such project, shall be credited to the unprogrammed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of Title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of the F. E. Everett Turnpike as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in Title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following section of the F. E. Everett Turnpike between the Hallis Street Interchange (No. 5) to the New Hampshire Route 130 Interchange (No. 6) a distance of approximately 1.6 miles.

Sec. 112. Sec. 170(b) of the Surface Transportation Assistance Act of 1978, Public Law 95–599 is amended by striking out "eighteen months" and inserting in lieu thereof "thirty six months", and section 170(1) of such Act is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,500,000".

SEC. 113. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to toll roads or bridges.

MARYLAND TRANSPORTATION AUTHORITY

SEC. 114. (a) The Act entitled "An Act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said Commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State", approved April 7, 1938, and the Act of June 16, 1948 (62 Stat. 463, Public Law 654, 80th Congress), as amended by the Act of November 17, 1967 (81 Stat. 466, Public Law 144, 90th Congress) are hereby repealed.

(b) The State of Maryland, by and through the Maryland Transportation Authority or the successors of such Authority, is authorized, subject to all applicable Federal laws, (1) to continue to collect tolls after the date of enactment of this Act from its existing transportation facilities projects, as defined on on the date of enactment of this Act in the laws of the State of Maryland, and (2) to use the revenues from such tolls for transportation projects of the type which the State or the Maryland Transportation Authority is authorized to construct, operate, or maintain under the laws of the State of Maryland as such laws exist on the date of enactment of this Act.

BRIDGE RECONSTRUCTION

SEC. 115. (a) The Secretary of Transportation may approve any project for the reconstruction, resurfacing, restoration, or rehabilitation of any bridge on the Interstate System which is both owned by the United States Government and located in two States and the District of Columbia, whenever both such States and such District shall submit to such Secretary for his approval, appropriate plans, specifications, and estimates for any such project.

(b) There is hereby authorized to be appropriated, for fiscal years beginning after September 30, 1981, $60,000,000 out of the Highway Trust Fund to carry out the provisions of this section. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, for the Interstate System.

(c) In making any revised estimate of the cost of completing the Interstate System, which estimate is required by section 104 (b)(5)(A) of title 23, United States Code, to be transmitted to the Congress after the date of enactment of this Act, the Secretary of Transportation shall not include any costs for any bridge eligible for approval under subsection (a). The Secretary of transportation shall reduce apportionments made under section 104(b)(5) of title 23, United States Code, to such States or District by an amount, if any, equal to amounts apportioned under such section to any such State or District with respect to any such bridge for any fiscal year ending before October 1, 1981. The reduction, if any, made by the preceding sentence for each such State or District shall be made out of apportionments under such section to such State or District, beginning with the apportionment for the fiscal year ending September 30, 1983, and shall be made, in equal shares, over the number of fiscal years in which apportionments described in the preceding sentence were made.

TITLE II

SEC. 201. This title may be cited as the "Federal Public Transportation Act of 1980".

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 202. Section 3(a)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" the second place it appears and by inserting immediately before the semicolon at the end thereof a comma and the following: "and the acquisition of rights-of-way for fixed guideway corridor development for projects in advanced stages of any such detailed alternatives analyses".

LETTER OF INTENT

SEC. 203. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the first sentence thereof the following: "At least thirty days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent.".

(b) Notwithstanding any other provision of law, no announcement by the Secretary of Transportation of an intention to obligate for a project through issuance of a letter of intent during the period beginning on the date of enactment of this Act and ending January 31, 1981, under any new or increased authorization contained in section 3 of the Urban Mass Transportation Act of 1964 as the result of any amendment made by this Act shall be effective as an intention to obligate from future available budget authority provided in an appropriation Act.

ALLOCATION PLAN

SEC. 204. Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(5)(A) Prior to April 15, 1982, the Secretary shall submit a proposed allocation plan to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such plan shall become final upon approval by the Congress. The proposed allocation plan shall be based on a thorough survey of the necessary costs of a program for modernizing, rehabilitating, or replacing rolling stock and fixed facilities to improve the reliability, safety, and attractiveness of rail mass transportation systems. The proposed allocation plan shall, for each rail mass transportation system serving an urbanized area, be based on a calculation of the ratio that the cost of the modernization or rehabilitation program for such system bears to the total of the costs of the programs for all such systems as estimated by the survey. The Secretary shall submit a revised allocation plan to such Committees prior to January 1, 1984, and every two years thereafter and such plan shall become the final allocation plan upon approval by the Congress.

"(B) For each fiscal year beginning with fiscal year 1983, of the funds appropriated for the purpose of this section and made available by the Secretary for modernization and rehabilitation of rail facilities and equipment, not less than 75 per centum shall be distributed in accordance with the latest final allocation plan approved by the Congress.".

ADVANCED LAND LOANS

SEC. 205. Section 3(b) of the Urban Mass Transportation Act of 1964 is amended by—

(1) inserting "unless a longer period is determined to be reasonable by the Secretary" after "made" in the second sentence;

(2) inserting "unless a longer period is determined to be reasonable by the Secretary" after "is made" in the third sentence; and

(3) striking out "of" the first place it appears in the 6th sentence asd inserting "is made unless a longer period is determined to be reasonable by the Secretary" after "loan agreement" in such sentence.

DISCRETIONARY GRANT OR LOAN AUTHORIZATIONS

SEC. 206. (a) The first sentence of section 4(c)(3(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1,410,000,000" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$1,710,000,000 for the fiscal year ending September 30, 1980; $2,490,000,000 for the fiscal year ending September 30, 1981; $2,625,000,000 for the fiscal year ending September 30, 1982; $2.775.000,000 for the fiscal year ending September 30, 1983; $2.930,000,000 for the fiscal year ending September 30, 1984; $3.090,000,000 for the fiscal year ending September 30, 1985; and $1,500,000,000 for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way) for the period beginning October 1 1985, through September 3, 1990.".

(b) Such section 4(c)(3) is further amended by adding at the end thereof the following new subparagraphs:

"(E) Of the total sums appropriated pursuant to subparagraph (A) in each of the fiscal years 1982 through 1985, not less than 20 per centum shall be available for grants and loans for new rail transportation systems, rail extensions, and automated fixed guideways (including advance acquisition of rights-of-way) and $1,500,000,000 shall be available for such purposes for the period beginning October 1, 1985 and ending September 30, 1990.

"(F) In any fiscal year beginning after September 30, 1980, not less than 5 per centum of the sums appropriated pursuant to subparagraph (A) of this paragraph for grants and loans under section 3 of this Act shall be obligated for projects in urbanized areas having populations of less than 200,000 and in areas other than urbanized areas.".

(c) The first sentence of section 4(e) of such Act is amended by inserting "and" before "$110,000,000" and by striking out "; and $120,000,000 for the year ending September 30, 1982".

(d) Section 4 of such Act is amended by adding at the end thereof the following:

"(j) Not more than $15,000,000 of the funds appropriated for any fiscal year pursuant to subsection (c)(3)(A) of this section may be used for the purposes of section 20 of this Act, including related administrative costs.".

(e) Section 4(h)(2) of such Act is amended to read as follows:

"(2) Not later than February 1 of each even-numbered year, the Secretary shall report to the Congress the Secretary's proposed authorization requests for sections 3 and 5 of this Act for the next succeeding five fiscal years. Such authorization requests shall contain a description and analysis of the methods used and the assumptions relied upon by the Secretary.".

(f) The Secretary shall conduct a study to determine whether factors other than those used under section 5(a) of the Urban Mass Transportation Act of 1964 could result in a more equitable and more feasible allocation method for determining apportionments under such section. The Secretary shall communicate the results of such study to the Congress in the first report required by section 4(h)(2) of the Urban Mass Transportation Act of 1964. In conducting such study, the Secretary shall consider and evaluate at least the following:

(1) passenger-related factors, including passenger miles traveled;

(2) the weighting of vehicle-related factors, including a weighting by size, age, type, and service pattern of commuter rail vehicles, heavy rail vehicles, light rail vehicles, trolley buses, express buses, exclusive busway service vehicles, buses, and demand service vehicles; and

(3) the views of State and local officials and public transportation service operators.

GRANTS FOR TRANSPORTATION CENTERS

SEC. 207. Section 4(d) of the Urban Mass Transportation Act of 1964 as amended by striking out "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985,".

ADMINISTRATIVE AND OTHER EXPENSES

SEC. 208. Section 4(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and $105,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof the following: "$125,000,000 for the fiscal year ending September 30, 1982; $135,000,000 for the fiscal year ending September 30, 1983; $150,000,000 for the fiscal year ending September 30, 1984; and $165,000,000 for the fiscal year ending September 30, 1985.".

EMERGENCY REPAIRS

SEC. 209. Section 4 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) (1) An emergency fund is authorized for expenditure by the Secretary, in accordance with this subsection, for grants to States, and local public bodies and agencies thereof on such expedited terms and conditions as the Secretary shall provide, for repair or replacement of public transportation equipment and facilities which the Secretary finds have suffered serious damage as the result of (A) a natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides or (B) a catastrophic occurrence from any cause, which seriously disrupts scheduled public transportation services.

"(2) No funds shall be expended under this subsection unless the Secretary has received an application therefor from the State, local public body, or agency, as the case may be, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.

"(3) In each fiscal year, not more than $25,000,000 of the sums authorized by subsection (c) (3) (A) of this section are authorized to be appropriated to carry out this subsection.".

AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

SEC. 210. (a) Section 5(a) of the Urban Mass Transportation Act of 1964 is amended—

(1) in paragraph (1) (B), by striking out "each" and inserting in lieu thereof "the" and by striking and all after "1981" and inserting in lieu thereof a period;

(2) in paragraph (2) (B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period;

(3) in paragraph (3) (B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period;

(4) in paragraph (4) (B), by inserting "and" after "1980;" and by striking out all after "1981" and inserting in lieu thereof a period; and

(5) by adding at the end thereof the following:

"(5) (A) To finance grants for construction and operating assistance under this section and under section 18 of this Act, there are authorized to be appropriated not to exceed $1,970,000,000 for the fiscal year ending September 30, 1982; not to exceed $2,138,000,000 for the fiscal year ending September 30, 1983; not to exceed $2,310,000,000 for the fiscal year ending September 30, 1984; and not to exceed $2,490,000,000 for the fiscal year ending September 30, 1985.

"(B) In each fiscal year after fiscal year 1981 sums appropriated under this paragraph shall be apportioned as follows:

"(i) Six per centum shall be apportioned and used under section 18 of this Act.

"(ii) A percentage shall be apportioned for urbanized areas with populations of less than 200,000 which percentage shall be 10 per centum in fiscal year 1982 and shall, in fiscal years after fiscal year 1982, be that percentage such urbanized areas (determined on the basis of the latest available Federal census) would be entitled to of the sums authorized by paragraphs (1), (2), (3), and (4) of this subsection for the fiscal year ending September 30, 1981, by applying to all urbanized areas the formulas contained in such paragraphs as such paragraphs were in effect on September 30, 1980, and the amount so apportioned shall be available for expenditure in accordance with subparagraph (C) of this paragraph.

"(iii) The remainder shall be apportioned to urbanized areas with populations of 200,000 or more in accordance with subparagraph (D) of this paragraph.

"(C) Of the percentage apportioned for each fiscal year under clause (ii) of subparagraph (B) of this paragraph the amount which shall be made available for each State shall be determined by calculating for each urbanized area with a population of less than 200,000 in such State the sum of—

"(i) 50 per centum of the amount to be apportioned under such clause multiplied by the ratio which the population of such urbanized area or part thereof, as designated by the Bureau of Census, bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

"(ii) 50 per centum of the amount to be apportioned under such clause multipled by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

Not less than 20 per centum of the sums apportioned to each State under clause (ii) of subparagraph (B) of this paragraph shall be used only for the purchase of buses and related facilities and equipment.

"(D) (i) For the fiscal year ending September 30, 1982, one-half of the amount apportioned under clause (iii) of subparagraph (B) shall be apportioned in accordance with clause (ii) of this subparagraph and one-half of such amount shall be apportioned under clause (iii) of this subparagraph. For each of the fiscal years beginning after September 30, 1982, all of the amount apportioned under clause (iii) of subparagraph (B) of this paragraph shall be apportioned in accordance with clause (iii) of this subparagraph.

"(ii) Of the amount to be apportioned under this clause, each urbanized area with a population of 200,000 or more shall be apportioned for fiscal year 1982 a percentage equal to the percentage such urbanized area would be entitled to of the sums authorized by paragraphs (1), (2), (3), and (4) of this subsection for the fiscal year ending September 30, 1981, by applying to all urbanized areas with a population of 200,000 or more the formulas contained in such paragraphs as such paragraphs were in effect on September 30, 1980, except as amended by section 210(e) of the Federal Public Transportation Act of 1980 (relating to the definition of 'fixed guideway') The amount of any apportionment to an urbanized area under this clause which is attributable to the factor calculated for paragraph (4) of this subsection under the preceding sentence shall be used only for the purchase of buses and related facilities and equipment.

"(iii) Of the amount to be apportioned under this clause, each urbanized area with a population of 200,000 or more shall be apportioned an amount equal to the sum of—

"(I) 80 per centum of the amount to be apportioned under this clause multiplied by the ratio which the number of revenue rail and bus vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of revenue rail and bus vehicle miles directly serving all such urbanized areas, except that no single eligible State's portion of such an urbanized area which has revenue rail vehicle miles shall be given credit for more than 45 per centum of the total national revenue rail vehicle miles, and no urbanized area of over 750,000 population which has revenue rail vehicle miles shall be given credit for less than ½ per centum of the total national revenue rail vehicle miles; and

"(II) 20 per centum of the amount to be apportioned under such clause multiplied by the ratio which the number of bus revenue vehicle miles directly serving the urbanized area, as determined by the Secretary, bears to the total number of all bus revenue vehicle miles directly serving all such urbanized areas, except that sums apportioned to each urbanized area under this clause shall be used by the recipient only for the purchase of buses and related facilities and equipment. Bus and rail revenue vehicle miles which a public body provides itself or under contract which directly serve an urbanized area with a population of 200,000 or more but are provided outside of such urbanized area shall be included in the apportionment of this clause. Any such rail revenue vehicle miles provided in a State adjacent to the State or States in which such urbanized area is located shall be attributed to the public body in the adjacent State which contracts, directly or indirectly, for such service as if the public body were an urbanized area with a population of 200,000 or more.

"(E) In the case of an urbanized area entirely within two States with both rail and bus systems operating in such two States, if the portion of such urbanized area within a State which portion has the smaller share of population receives a percentage of the aggregate amount apportioned to such urbanized area under subparagraph (D) (ii) (to the extent attributable to the factors calculated for paragraphs (1), (2), and (3) of this subsection as determined under such subparagraph) and subparagraph (D) (iii) (I) of this paragraph in any fiscal year which is lower than the percentage it was allocated of the amount apportioned to such urbanized area in the fiscal year 1980 apportionment under paragraph (1), (2), and (3) of subsection (a) of this section, the Secretary shall make available to such smaller portion (from sums appropriated pursuant to this subparagraph) an amount equal to the difference between such percentages multiplied by the aggregate amount apportioned to such urbanized area under subparagraph (D) (ii) (to the extent attributable to the factors calculated for paragraphs (1), (2), and (3) of this subsection as determined under such subparagraph) and subparagraph (D) (iii) (I) of this paragraph for such fiscal year. There are authorized to be appropriated such sums as may be necessary to carry out this subparagraph. Sums so appropriated shall remain available until expended.".

(b) (1) Section 5(b) of such Act is amended by adding at the end thereof the following:

"(3) (A) Beginning in fiscal year 1982, the Governor is encouraged to take into account service based factors, such as revenue vehicle miles, in distributing funds available to the Governor under paragraph (2) of this subsection.

"(B) Subject to subparagraph (C) of this paragraph, the Governor may transfer an amount of the State's apportionment under subsection (a) (5) (B) (ii) of this section to supplement the apportionment available to urbanized areas under subsection (a) (5) (B) (iii) of this section, or to supplement funds apportioned to the State under subsection (a) (5) (B) (i) for purposes of section 18 of this Act, and the Governor may transfer an amount of the State's apportionment under subsection (a) (5) (B) (i) or an amount of the total of apportionments to urbanized areas or portions thereof within such State under subsection (a) (5) (B) (iii) of this section to supplement the apportionment available under subsection (a) (5) (B) (ii) of this section.

"(C) The transfer of apportionments under subparagraph (B) shall be subject to the following conditions:

"(i) The total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment, or such total of apportionments under subsection (a)(5)(B)(iii), for such fiscal year by more than 25 per centum. Not more than 25 per centum of such original amount for any fiscal year shall be transferred to other apportionments.

"(ii) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment. If a transfer has been made to an apportionment under clause (iii) of subsection (a)(5)(B) of this section during any fiscal year, no transfer may be made from any apportionment under such clause within the same State during such fiscal year. No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment. If a transfer has been made from an apportionment under clause (iii) of subsection (a)(5)(B) of this section during any fiscal year, no transfer may be made to any apportionment under such clause within the same State during such fiscal year.

"(iii) A transfer from an apportionment under subsection (a)(5)(B)(iii) to an apportionment under subsection (a)(5)(B)(ii) may be made only if approved by responsible officials of local governments concerned.

"(iv) Amounts transferred shall be subject to the limitations applicable to the original apportionment of such amounts.".

(2) Section 5(b)(1) of such Act is amended by inserting after the first sentence thereof the following: "In the case of any urbanized area which is in more than one State, amounts apportioned to such area under subsection (a) of this section shall be distributed to the Governor of each such State in the case of an urbanized area with a population of less than 200,000, or to the designated recipient in the portion of the urbanized area in each such State in the case of an urbanized area with a population of 200,000 or more.".

(c)(1) In section 3(a)(1)(B) of such Act strike out "apportionments under section 5 (a)(4) of this Act" and insert in lieu thereof "apportionments under section 5 which are limited to the purchase of buses and related equipment".

(2) In section 3(h) of such Act strike out "with funds available under section 5(a)(4)" and insert in lieu thereof "with funds available under section 5 which are limited to the purchase of buses and related equipment.".

(3) Section 18(a) of such Act is amended by inserting "or the sums referred to in section 5(a)(5)(B)(i)" after "section 4(e)".

(d) Subsection (c)(3) of such section 5 is amended to read as follows:

"(3) Appropriations pursuant to the authority of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall be available until expended.".

(e) In considering applications for financial assistance for any fiscal year beginning after September 30, 1981, and ending before October 1, 1985, under section 3 of the Urban Mass Transportation Act of 1964 for the purchase of buses and related facilities and equipment, the Secretary of Transportation shall give priority to the applications of urbanized areas which are adversely affected by the amendment made by subsection (a) of this section relating to the formula for apportioning funds under section 5 of such Act and the Secretary of Transportation shall give the highest priority to the applications of those urbanized areas which are the most adversely affected by such amendment.

(f) Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after "separate right-of-way" the following: "or rails"; and by striking out the semicolon at the end of such paragraph (2) and inserting in lieu thereof a coma and the following: "and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;".

AUTHORIZATION FOR PURCHASE OF BUSES AND RELATED MATERIAL

SEC. 211. The second sentence of section 5(a)(4)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" before "1980" and inserting in lieu thereof a comma and by inserting ", and 1981" after "1980".

INCENTIVE GRANTS FORMULA

SEC. 212. Section 5(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(6)(A) To make incentive grants under this subsection to urbanized areas, the Secretary shall apportion in each fiscal year beginning after September 30, 1981, the sums appropriated pursuant to subparagraph (C). An incentive grant shall be 4 per centum in fiscal year 1982 and 6 per centum in fiscal years beginning with fiscal year 1983 of that portion of the apportionment attributable to the urbanized area under paragraph (5) which is available for operating assistance if the urbanized area qualifies for an incentive grant under either subparagraph (B)(i) or (B)(ii) of this paragraph, but not under both subparagraphs, and a total of 6 per centum in fiscal year 1982 and 9 per centum in fiscal years beginning with fiscal year 1983 of such apportionment if it qualifies under both subparagraphs (B)(i) and (B)(ii). Incentive grants under this paragraph shall be supplementary to, and not in substitution for, sums otherwise available under this Act. Such grants shall not be subject to the local share requirements of this Act and may be used by the recipient for any purpose which would be eligible for assistance under this Act.

"(B)(i) An urbanized area will receive an incentive grant apportionment if mass transportation ridership for that area during any year exceeds such ridership for that area during the immediately preceding year by more than 4 per centum, as determined by the Secretary.

"(ii) An urbanized area will receive an incentive grant apportionment if the ratio of operating revenues, including such revenues as farebox receipts and dedicated tax revenues (including mandatory assessments paid by local governments on a net cost of service basis), to eligible operating expenses exceeds the national median ratio of such factors, as determined by the Secretary.

"(C) There are authorized to be appropriated for the purposes of this paragraph such sums as may be necessary. Sums so appropriated shall remain available until expended."

MAINTENANCE OF EFFORT

SEC. 213. The first sentence of section 5(f) of the Urban Mass Transportation Act of 1964 is amended by striking out "and apportioned for fiscal years ending prior to October 1, 1981,".

FARES FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 214. (a) Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection and as a condition of assistance under this Act, any person who when boarding or paying mass transit fares, presents a medicare card duly issued to that person pursuant to title II or title XVIII of the Social Security Act shall receive the benefit of the rates established pursuant to this subsection for elderly or handicapped persons.".

(b) This section shall take effect ninety days after the date of enactment of this Act.

ENERGY CONSERVATION

SEC. 215. Section 8(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" before "(2)"; and

(2) by inserting before the period at the end of such section the following: ", and (3) on or after July 1, 1983, the Secretary finds that in developing the program of projects adequate consideration has, to the maximum extent feasible, been given to projects designed to increase energy efficiency of mass transportation facilities and equipment, including for capital projects consideration of renewable-resource recovery and energy conservation measures".

MINIMUM FUNDING LEVEL

SEC. 216. Section 18(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, for any fiscal year beginning on or after October 1, 1981, no State (other than the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands) shall be allocated less than one per centum of the amount appropriated under this section.".

AREAS OTHER THAN URBANIZED AREAS

SEC. 217. Section 18(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "The State, in cooperation and consultation with appropriate local officials, and substate planning entities if any, shall develop a State plan for nonurbanized area public transportation equipment and services. After September 30, 1983, the program required under this section shall be consistent with such State plan.".

TERMINAL DEVELOPMENT AUTHORIZATION

SEC. 218. Section 21(d) of the Urban Mass Transportation Act of 1964 is amended by inserting "and" after "1980," and by striking out "and September 30, 1982." and inserting in lieu thereof the following: "and $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

INTERCITY BUS SERVICE AUTHORIZATION

SEC. 219. Section 22(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "and" after "1980," and by striking out "and September 30, 1982." and inserting in lieu thereof the following: "and $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985.".

SAFETY CRITERIA

SEC. 220. Section 107 of the National Mass Transportation Assistance Act of 1974 is repealed. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"SAFETY CRITERIA AND DETERMINATIONS

"SEC. 23. (a) Notwithstanding the provisions of section 12(d), the Secretary is authorized to establish safety criteria and standards for use during the investigation of unsafe conditions in any facility, equipment or manner of operation of any transit systems financed under this Act.

"(b) The Secretary shall investigate conditions in any facility, equipment, or manner of operation of any transit system financed under this Act which he believes may create a serious hazard of death or injury for the purposes of determining the nature and extent of the conditions and the means or alternative means which might best be employed to eliminate or correct them. If the Secretary determines that any facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or the approved plan is implemented.

"(c) No part of any report or other document prepared as part of any unsafe condition investigation under subsection (b), shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.".

PLANNING PROCESS EVALUATION

SEC. 221. The Secretary of Transportation shall make an evaluation of the urbanized area planning process carried out under the provisions of section 8 of the Urban Mass Transportation Act of 1964 and under section 134 of title 23, United States Code. Such evaluation shall consider ways to make more efficient the planning process, to reduce its cost, to reduce paperwork, to avoid duplication of effort, and to increase public understanding of the results of such planning process. The Secretary's findings and policy recommendations, including a description of any statutory changes which may be necessary to implement such recommendations, shall be reported to Congress not later than one year from the date of enactment of this section.

STUDY OF CERTAIN HIGH OCCUPANCY VEHICLE LANES

SEC. 222. (a) Not later than January 1, 1983, the Secretary of Transportation, after consultation with appropriate State and local officials, shall conduct a feasibility study and cost-benefit analysis, and submit to Congress a report, on (1) adding high occupancy vehicle lanes to freeways in the South Coast Air Basin of southern California, (2) adding such lanes to any freeway providing service to Ontario International Airport, Ontario, California, Orange County Airport, Orange County, California, Long Beach Airport, Long Beach, California, or Los Angeles International Airport, Los Angeles, California, (3) adding such lanes to any freeway providing service to those airports in other regions of the country which the Secretary determines are sufficiently representative that the results of such study will be of general application, including, but not limited to, at least one airport having intermodal connections, and (4) providing fringe parking and other facilities and services for users of such airports which will reduce traffic congestion, promote energy conservation, and reduce air pollution. Such study shall also include developments forecasted for other modes of intercity transportation as they relate to airports which are the subject of the study authorized by this section.

(b) The report prepared under subsection (a) shall include, but not be limited to—

(1) the results of the study and analysis conducted under such subsection; and

(2) the recommendations of the Secretary of Transportation concerning (A) any freeways to which he determines high occupancy lanes should be added, (B) any facilities or services which he determines should be provided for users of the airports referred to in such subsection, and (C) any legislative action which he determines is necessary to implement his recommendations under subparagraphs (A) and (B) of this paragraph.

MASS TRANSPORTATION TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 223. (a) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d)(1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons who cannot reasonably use one or more modes of mass transportation service available to the general public under this subsection which—

"(A) provides that the recipient will provide transportation to such handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(C) provides that, if the recipient charges a fare for transporting such a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(D) provides that—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to any such handicapped person upon request in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to any such handicapped person upon request in less than ten hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than six hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(E) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(F) provides that, where feasible, the recipient will also provide transportation, if requested by the handicapped person, to at least one person accompanying the handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance; and

"(G) provides that the recipient will provide transportation to handicapped persons for at least the same time period for which the recipient provides mass transportation to the general public.

A recipient's program shall be deemed to meet the requirements of this paragraph with respect to a mass transportation corridor if the recipient provides accessible bus service in such corridor. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(3) The Secretary shall not approve a program under this subsection unless (A) the community of handicapped persons for whom such transportation will be provided was consulted by the recipient in the development of such program, and (B) the program was developed in cooperation with responsible elected officials of local governments concerned.

"(4) A recipient may amend a program approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) the amendment was developed in consultation with the community of handicapped persons for whom the transportation is being provided, and (C) the amendment was developed in cooperation with responsible elected officials of local governments concerned.

"(5)(A) The Secretary may not impose any requirements under this subsection which are in addition to the requirements set forth in this subsection respecting a program for providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide transportation to the general public.

"(B) The regulations issued to carry out this subsection shall be kept to an absolute minimum.

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Architectural Barriers Act of 1968 (Public Law 90-480) and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation of handicapped persons served under such program.

"(7)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 per centum of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(8) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(9) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transportation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway system constructed after the date of enactment of this subsection;

"(B) to the extension of any fixed guideway system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multiyear program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway system in any case in which the Secretary determines that in the replacement, major alteration, or major renovation of such segment it is technologically feasible, operationally practicable, and economically reasonable to make such station accessible or more accessible to handicapped persons, and that such replacement, major alteration, or major renovation (i) affects or could affect the accessibility of such segment, and (ii) has sufficient independent utility for the transportation of handicapped persons.".

(b) The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of the amendment made by subsection (a) of this section, no less than annually for the first 5 years following the date of enactment of this Act, to ensure that such amendment is being implemented according to congressional intent and purpose. Such hearings shall include, for each such year, consideration of the effects of reducing the maximum amount of time in which service must be provided after request by a handicapped person under section 16(d) (2)(D) of the Urban Mass Transportation Act of 1964.

(c) Section 10723(b) of title 49, United States Code, is amended—

(1) by striking out "totally blind" in paragraph (2)(A) and inserting in lieu thereof "handicapped"; and

(2) by adding at the end of such section the following new paragraph:

"(3) For purposes of this subsection, an individual is handicapped if any mental or physiological disorder or condition or anatomical loss substantially limits such individual's ability to walk, see, hear, or learn.".

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 224. (a) The Secretary of Transportation shall carry out a demonstration project using high-speed waterborne transportation equipment and facilities and operating in, and in the vicinity of, Portland, Oregon, for the purpose of determining the feasibility of utilizing this technology in providing certain public mass transportation service. The Secretary shall report to Congress the results of such project no later than September 30, 1983, together with his recommendations.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not to exceed $25,000,000. Sums appropriated under this section are authorized to remain available until expended.

BUY AMERICA

SEC. 225. (a) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act for any project contract whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States at least 50 per centum from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project contract.

"(2) The provisions of paragraph (1) of this subsection shall not apply where the Secretary determines—

"(A) their application would be inconsistent with the public interest;

"(B) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

"(C) that articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

"(D) that inclusion of domestic material will increase the cost of the overall project contract by more than 15 per centum.".

(b) The amendment made by subsection (a) shall not apply to project contracts entered into on or before the date of enactment of this Act or options exercised pursuant to such contracts. Section 401 of the Surface Transportation Assistance Act of 1978 shall not apply to any project contract entered into after the date of enactment of this Act for a project to which section 12(h) of the Urban Mass Transportation Act of 1964 applies.

SEC. 226. Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h) The Secretary may require a State or local public body or agency thereof to develop a comprehensive plan to reduce crime on a public mass transportation system that receives financial assistance under this Act if he determines that the incidence of crime on such system reaches such significant proportions that it becomes a serious deterrent to ridership. This section shall not be construed to allow the use of financial assistance under this Act for any purpose not eligible for such financial assistance on the day before the date of enactment of this subsection.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to authorize appropriations for certain energy-related highway projects in accordance with title 23 of the United States Code, for mass transportation in urban and rural areas, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6417), was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 2720

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the Senate bill S. 2720, the clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the House bill, H.R. 6417.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRANSMITTAL OF REGULATIONS PURSUANT TO EXECUTIVE ORDERS DEALING WITH IRANIAN SITUATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–392)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, December 4, 1980.)

LEGISLATIVE PROGRAM

(Mr. SCHEUER asked and was given permission to address the House for 1 minute.)

Mr. SCHEUER. Mr. Speaker, I am authorized by the Speaker to announce that the House this afternoon will have under consideration on suspension the bill, H.R. 8379, the National Highway Traffic Safety Administration authorization.

Mr. Speaker, I fought long and hard to get the conference report passed. I have tried to get a bill. We failed by a few votes. At this late hour, the last best hope of getting some relief for the beleaguered automobile industry is to get quick, prompt action on the Dingell-Broyhill bill. I support it, and I very much hope that this House will pass it.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ECKHARDT. Mr. Speaker, I did not fully understand the announcement that the gentleman from New York (Mr. SCHEUER) was making. Do I understand that there will be on this afternoon the consideration of the Dingell-Broyhill bill on suspension? We have not yet had notice of what that bill is.

The SPEAKER. The Chair will inform the gentleman that the bill cannot come up for at least an hour, and the Chair intends to ask for adjournment at 6:30. So if the bill does not come up tonight in the normal course of business, the gentleman will have to make a similar request tomorrow.

Mr. ECKHARDT. I thank the Speaker.

CONFERENCE REPORT ON S. 988, HEALTH PROGRAMS EXTENSION ACT OF 1980

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 988) entitled the Health Sciences Promotion Act of 1980.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as read.

(For conference report and statement, see proceedings of the House of November 21, 1980.)

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall be very brief. This bill was fully discussed on the floor when it was initially considered by the House. It was passed by an almost unanimous vote at that time. We have before the

House now the conference report on the Health Sciences Promotion Act of 1980. It is an extremely important piece of legislation. I think we ought to enact it as soon as we possibly can.

This conference report extends a number of programs and provisions essential to the continued operations of the Nation's biomedical research and other health programs.

I have long supported these efforts. This bill extends for 2 years the existing, expiring authorizations for the National Cancer Institute and the National Heart, Lung and Blood Institute. It provides the basis for continued effort to conquer cancer, prevent heart disease, and detect and cure many others disorders which afflict people in this Nation and around the world.

The bill also includes substantial new provisions in the areas of arthritis, diabetes, digestive, and kidney diseases. Current diabetes and arthritis programs are substantially strengthened and extended for 3 years. Greater emphasis is placed on research in the areas of digestive and kidney diseases. The provisions of this bill insure that the Nation will begin the eighties with stronger, better organized research into the causes and cures for those destructive, chronic diseases.

This bill also includes a number of minor technical amendments with regard to the health planning and health manpower programs.

In particular, the HEAL loan program is extended for 1 year. I have recently heard from hundreds of medical and dental students at dozens of schools around the country. The extension of the HEAL program is essential to the availability of loans necessary for these students to remain in school this year. I understand from Chase-Manhattan, and the other banks, that is, if these amendments are enacted funds will be available in short order.

Mr. Speaker, I urge all Members of the House to join me in supporting S. 988. It is supported by all of the managers on the part of the House. It provides for the continuation of our excellent biomedical research programs in the eighties.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation and I want to commend the distinguished gentleman from West Virginia (Mr. STAGGERS) for his wonderful work as chairman of the Committee on Interstate and Foreign Commerce over the years. He is one of the finest men I know, and I say to him: May his health improve and his tribe increase. He is a wonderful man.

I also want to commend my friend, the gentleman from California, BILL DANNEMEYER, who has been very helpful on this legislation, and also, the gentleman from Texas, JIM COLLINS. They are, we might say, two conservative Members, but very helpful individuals, and I have enjoyed working with them.

Mr. Speaker, I am firmly convinced that biomedical research is tremendously important to the future health and well-being of the citizens of this country and of the people of the world. There is no doubt in my mind that the directions and priorities set by the Congress for ongoing and future federally supported research, particularly in the area of prevention, can significantly alter the nature of disease as we know it today. This is why I have strongly supported our biomedical research efforts in the past and will continue to do so in the future.

Although the press of time and the unwillingness of the other body to negotiate has meant that we are bringing a much scaled-down bill to the House, I am very pleased that the conferees have agreed to include in this bill changes in the research and training programs for arthritis and diabetes, and a new program for digestive diseases—all based on bills which I introduced.

In the case of the ongoing programs in arthritis and diabetes, the conference report makes various improvements in the programs which I believe will be helpful:

First, the legislation provides for a small number of training stipends for health professionals in our regional arthritis and diabetes centers.

Second, the responsibilities of the associate directors for arthritis and for diabetes as well as for digestive diseases are clarified.

Third, the National Diabetes Information Clearinghouse and the diabetes data group are clearly established in statute; and,

Fourth, the diabetes and arthritis advisory boards are extended for a period of 3 years.

I have been pleased with the progress being made in both these areas, and I would submit that the changes made by the conference report will serve to enhance that progress.

In the case of digestive diseases, the conference report establishes for the first time in statute, an information and education center and an advisory board for digestive diseases. These actions were taken as a result of the recommendations of the National Commission on Digestive Diseases and the resulting concern that in contrast to the magnitude of the problem posed by digestive diseases, efforts to control these diseases have been tragically inadequate.

I would point out to my colleagues that digestive diseases account for:

Ten percent of the total economic burden of illness;

Ten percent of the total days of illness among adults;

Fifteen percent of all admissions to general hospitals;

Twenty-five percent of all surgical operations; and,

More than 190,000 deaths per year.

As these statistics indicate, digestive diseases are an extremely significant problem, one to which we have not paid sufficient attention until now. Although many important issues are not addressed by this report, I think it particularly appropriate that we were able to address this most important concern.

The conference report also includes certain technical amendments to the health planning law which are necessary at this time. First, the legislation reduces the administrative burdens on planning agencies and on those institutions which conduct biomedical research by removing much health research from the certificate of need requirements of existing law. Second, this bill will extend the period of time during which States must come into compliance with the certificate of need requirements of the 1979 Amendments to the Planning Act, a change made necessary by the lack of timely regulations in this area. Last, the bill makes various minor technical and clarifying amendments.

Also, the conference contains three emergency provisions relating to health professions programs. First, the bill removes the provision in current law which limits the interest rates on health education assistance loans to 12 percent and substitutes a higher ceiling which should insure that loans will be made available by private lenders to health professions students. Second, the bill deletes a provision in current law relating to the national health service corps program which has undermined effective use of the private placement authority. And, finally, the bill provides that waivers of the provisions of the immigration and nationality act regarding exchange visitor foreign medical graduates may continue to be granted through December 31, 1981. Because resolution on the health professions legislation has not been reached with the Senate on all issues, we agreed that these essential provisions should be incorporated in this measure to insure their enactment.

Mr. Speaker, let me say last that working on the legislation to enhance our Nation's biomedical research efforts has been a labor of love. Over the years that I have been in the Congress, I have seen many, many improvements in our ability to diagnose and treat human disease, and it has been gratifying to know that much of this progress has been due to the dedicated individuals of the National Institutes of Health. Clearly, the record of these distinguished scientists, as well as others throughout the country, is one of which we can all be proud. I remain committed to strong Federal support of biomedical research so that these scientists can continue their efforts to unlock the puzzles presented by the many killers and cripplers of mankind.

I urge support for this legislation.

Thank you, Mr. Speaker.

Mr. BAUMAN. Mr. Speaker, would the gentleman yield?

Mr. CARTER. Mr. Speaker, I yield to the distinguished gentleman from Maryland.

Mr. BAUMAN. Several months ago we had before us, I think, a separate piece of legislation dealing with the authority of the National Institutes of Health. That bill had attached to it, as I remember hearing in the Rules Committee and the debate on the floor, considerable testimony in opposition from various medical research facilities including Johns Hopkins in Baltimore. Is that issue resolved?

Mr. CARTER. That issue is resolved because this measure is essentially an extension of current law. Our bill authorizes two institutes, the first is the cancer institute, and the second is the heart, lung, and blood institute. As for the other nine institutes, the appropriations are made under section 301 of the public health law by the Committee on Appropriations and do not require authorizations. This is acceptable to the medical schools throughout our country, because it is the approach which has been followed for many years and is current law.

Mr. BAUMAN. If the gentleman would yield further, I believe the charge was made at the time that the legislation might ultimately result in some sort of political control over medical research in this country.

I assume from what the gentleman from Kentucky (Mr. CARTER) says, that this fear has now been obviated by the terms of this bill.

Mr. CARTER. As I understand it, and I think I understand it fully, there is no opposition from the medical community or the research community to this conference report.

Mr. BAUMAN. I thank the good doctor from Kentucky.

Mr. CARTER. I thank the gentleman.

Mr. Speaker, I strongly support this conference report.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will take just a moment. The gentleman from Kentucky (Mr. CARTER) spoke of the cooperation of our colleague from California (Mr. DANNEMEYER) and that of the gentleman from Texas, Mr. JIM COLLINS. I also want to indicate my appreciation of that. They are Americans in the true sense of the word. They have always tried to cooperate when we need cooperation here on the House floor. For that, I wish to thank them.

And I would be remiss if I did not say one word about our subcommittee chairman, the gentleman from California, HENRY WAXMAN, who has worked hard with the ranking minority member, Dr. CARTER, to bring us this conference report.

☐ 1700

They are two great men who have worked hard to make this a better and healthier Nation. I especially want to acknowledge the magnificent contribution of Dr. CARTER who is leaving this year. There have been many words of praise said about Dr. CARTER. I have said many words. Dr. CARTER has always voted for what he thought was for the good of America. Thank God we have the gentleman from Kentucky. I am sorry he is leaving. I wish we had a House full of people here just like the gentleman from Kentucky. The country would then be in safe hands, I can assure you of that. He has worked for those things that he believed were right.

I would like to thank all of the staff members, too, because they have worked hard to make this a good bill. This is a fine piece of legislation and one that needs to be passed.

With that, Mr. Speaker, I have no other requests for time on this side of the aisle.

Mr. CARTER. Mr. Speaker, I yield back the balance of my time.

● Mr. WAXMAN. Mr. Speaker, the House is considering the conference report on S. 988, the Health Sciences Promotion Act of 1980.

This report includes a number of important provisions relating to the Nation's biomedical research and other health programs. Together these provisions constitute an essential bill, one that must be adopted before this Congress adjourns.

I would like to begin by thanking the members of the Interstate and Foreign Commerce Committee for their support in the development of this legislation. I especially want to recognize Dr. TIM LEE CARTER for his many contributions during the deliberations on this bill. His leadership in the diabetes, arthritis, and digestive disease areas is fully recognized in the bill that we are considering here today. I also would like to thank Chairman STAGGERS for his unstinting support for the NIH and all of our health programs over the years.

The most important features of this conference report relate to the Nation's biomedical research program and the National Institutes of Health. In particular, this bill extends for 2 years the existing, expiring authorizations for the National Cancer Institute and the National Heart, Lung, and Blood Institute.

The 1981 and 1982 authorizations for these programs are modestly greater—roughly 9 percent a year—than the 1980 authorizations for these programs. These increases will allow these programs sufficient funds to compensate for projected increases in the cost of conducting biomedical research.

I would note that a number of provisions for changes in the statutory authority and management of NIH in the House passed bill were not incorporated in the conference report. While I continue to believe that these changes are important and would improve the administration of the Nation's research programs, it was not possible to reach agreement with the Senate on all of the issues involved in the short time available. I hope we can return to these issues in the near future and complete the work on this important legislation at that time.

The bill mandates that NIH undertake more intensive efforts in the areas of arthritis, diabetes, digestive, and kidney diseases. The existing diabetes and arthritis programs are all revised and extended for 3 years. Associate institute directors and advisory subcommittees are established in each of the areas of arthritis, diabetes, digestive, and kidney diseases. These new administrative units will insure that NIH pays proper attention to these critical, chronic diseases and that the research is properly managed.

A number of minor and technical amendments to the health planning provisions of the Public Health Service Act are included in the bill. The most important of these extends the deadline for State enactment of certificate of need laws by 1 year. This extension is necessitated by the delay in the publishing of final regulations for State programs by the Department of Health and Human Services.

Other important provisions in this area provide that State certificate of need programs need not apply to research facilities sponsored by hospitals and correct an error in the allocation of funds to health systems agencies. The new authority provides that after 1982 the largest agencies will not have their grants reduced disproportionately if appropriations are insufficient to fund all agencies at the statutorily set levels.

The bill also includes amendments to the health professions education authorities of the Public Health Service Act. These amendments are all technical or of a very minor nature. They are imperative this year, however, to insure that important programs are not disrupted. In particular:

Three amendments to the HEAL program insure that loan funds will again be available to medical and other health professions students. These amendments increase the allowable interest rate, extended to December 31, 1981. This provi- loans through fiscal year 1981, and allow students to borrow under both the GSL and HEAL programs in the same academic year. The HEAL program provides guaranteed but unsubsidized loans to health professions students. There is no on-budget cost to the Federal Government for these amendments.

The deadline for the operation of the "substantial disruption waiver" program for foreign medical graduates is extended to December 31, 1981. This provision is included in this bill in the case that similar provisions of H.R. 7273, adopted by the House on Monday, are not finally enacted by this Congress.

The "private practice" option is made more available to national health service corps scholarship recipients.

Again, all of these health manpower amendments are both vital and of an extremely urgent nature.

Finally, the Secretary of Health and Human Services is instructed to conduct a review of the status of research on spinal cord regeneration and report back to the House and Senate within 12 months. This study is in response to the interest of many Members of the House, Mr. WALGREN in particular, in strengthening research in the area of spinal cord regeneration. It is hoped that this study will provide background for a further effort in this area during the 1980's.

Mr. Speaker, S. 988 is a good bill. It is an essential bill. I hope that all of the Members here today will join myself, and the other managers for the House, in speedy adoption of the report on this bill.●

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 988, HEALTH SCIENCES PROMOTION ACT OF 1980

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 136) directing the Secretary of the Senate to make corrections in the enrollment of the bill (S. 988).

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 136

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980", the Secretary of the Senate shall make the following corrections:

(1) In the proposed heading for section 434 of the Public Health Service Act (as contained in section 203(a) of the bill) strike out "INSTITUTES" and insert in lieu thereof "INSTITUTE".

(2) In section 435(a) of the Public Health Service Act (as amended by section 204(c) of the bill) strike out "subsection (d)" and insert in lieu thereof "this subsection".

(3) In section 206 of the bill strike out "304" and insert in lieu thereof "205".

(4) In the proposed section 437(b)(2) of the Public Health Service Act (as contained in section 206 of the bill)—

(A) strike out "(or the director's designee)";

(B) insert after "Defense" the following: "(or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established"; and

(C) insert before the period at the end the following: "(or the designees of such ex officio members)".

(5) In the proposed section 437(h)(3) of the Public Health Service Act (as contained in section 206 of the bill) strike out "the Secretary" and insert in lieu thereof "Congress, the Secretary".

(6) In the proposed section 1516(d)(3)(B)(iii) of the Public Health Service Act (as contained in section 302 of the bill)—

(A) insert before ", or" at the end of subclause (I) the following: "unless the population of the area for which it is designated has decreased, unless the level of non-Federal funds on which its grant is computed has decreased, or unless the amount available for its grant is decreased because of an increase in the minimum grant prescribed by subsection (c)(1)(C)"; and

(B) insert before the period at the end of subclause (II) the following: "unless the population of the area for which it is designated has increased, unless the level of non-Federal funds on which its grant is computed has increased, or unless the amount of its grant is increased under subsection (c)(1)(C)".

(7) In the proposed section 1527(h) of the Public Health Service Act (as contained in section 307 of the bill)—

(A) strike out "the change" in paragraph (2)(B)(ii) and insert in lieu thereof "a change"; and

(B) strike out "the change described in subparagraph (A)" in paragraph (3) and insert in lieu thereof "a change described in subparagraph (A), (B), or (C)".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8105, DEFENSE DEPARTMENT APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Thursday, December 4, 1980, to file a conference report on the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Conference Report (H. Rept. No. 96–1528)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8105) making appropriations for the Department of Defense for fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 24, 46, 48, 50, 59, 64, 66, 78, 82, 89, and 91.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 15, 16, 18, 22, 25, 26, 28, 35, 39, 42, 49, 52, 53, 55, 62, 73, 84, 85, 86, and 87, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,060,468,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,857,423,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,350,086,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8.976,309,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$789,150,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$102,767,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$258,974,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,035,997,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,735,394,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That not less than $3,745,700,000 of this appropriation shall be available only for regularly scheduled ship overhauls, restricted availabilities and expenses associated with the installation of equipment, improvements, and modifications scheduled to be accomplished concurrently during an overhaul or restricted availability"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,056,793,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$531,435,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$558,680,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,419,607,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$135,850,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,582,200,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,223,658,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,110,707,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,766,029,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$991,700,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the matter stricken by said amendment insert "maritime prepositioning ship programs, $318,000,000, of which not to exceed $33,000,000 shall be for the T-AKX ship program, and for the roll-on/roll-off prepositioning ship program and the"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,455,700,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,037,657,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$486,813,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,674,143,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,140,917,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,999,372,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,086,757,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,861,160,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,774,011,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,254,602,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

Change the section number to 751-A.

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Sec. 764-B. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 10, 13, 17, 20, 23, 27, 30, 31, 33, 37, 40, 69, 70, 71, 72, 74, 75, 77, 79, 81, 83, 88, 90, and 92.

J. P. Addabbo,
R. N. Giaimo,
Bill Chappell,
Bill D. Burlison,
John P. Murtha,
Norman D. Dicks,
Charles Wilson,
Jamie L. Whitten,
Jack Edwards,
J. K. Robinson,
Jack Kemp,
Silvio O. Conte,
Managers on the Part of the House.

John C. Stennis,
Warren G. Magnuson,
William Proxmire,
Daniel K. Inouye,
Ernest F. Hollings,
Tom Eagleton,
Lawton Chiles,
J. Bennett Johnston,
Walter D. Huddleston,
Milton R. Young,
Ted Stevens,
Richard S. Schweiker,
Henry Bellmon,
L. P. Weicker, Jr.,
Jake Garn,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8105), making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying conference report:

TITLE I—MILITARY PERSONNEL

The following items addressed by the conferees apply to more than one appropriation. Specific dollar amounts by military service will be reflected under each summary appropriation table.

Recruiting and Advertising.—Both the House and the Senate recognized the need to provide the Defense Department greater flexibility in managing recruiting and advertising resources while at the same time continuing congressional control over this highly visible program. As a result, the conferees agreed that to the extent that the total appropriated to each service for recruiting and advertising is not exceeded, each service is free to realign these resources with a stipulation that the advertising program of each active and reserve component remains a separate item of special congressional interest. In placing a ceiling on the total funds available, the conferees include all costs associated with recruiting such as civilian and military personnel pay and allowances (including hometown and division recruiter aides), advertising, leases for recruiting stations, enlistment incentives, recruiting support, telecommunications, headquarters, recruiter training, and participation of nonrecruiting personnel in the recruiting effort whether as individuals or units.

Additionally, the conferees agreed that the active Army program appears understated to continue into FY 1981 the congressionally approved initiatives begun in FY 1980. To the extent that additional funds are required only for Army enlistment bonuses, communications and systems equipment support and upgrade, as well as increased vehicle costs, the total Army recruiting and advertising ceiling may be increased by no more than $20.0 million.

Obligated/unexpended balances.—The conferees agreed that to the extent the services are unable to absorb this adjustment without significant program reductions, additional funds should be requested through a reprogramming or supplemental.

Additional Language Items.—The conferees agreed that certain differences in report language should be resolved as follows: The conferees accept as a part of the statement of managers the Senate report language addressing "Monetary-Allowance-in-Lieu-of-Transporation Plus Per Diem" and "Permanent Change of Station Travel"; and the House report language addressing "Cooperative Education Program".

MILITARY PERSONNEL, ARMY

Amendment No. 1: Appropriates $11,060,468,000 instead of $10,881,768,000 as proposed by the House and $11,076,468,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Basic allowance for subsistance, enlisted			−1,500	−1,500
Variable housing allowance (Nunn-Warner)		127,000	170,100	170,100
Permanent change of station (Nunn-Warner)	832,400	829,600	831,100	831,100
Maximum award for enlistment/reenlist bonuses			3,000	3,000
Advanced inflation funding	75,100		46,700	46,700
Authorization adjustment			−2,400	−2,400
Family separation allowance	14,999	14,999	22,299	22,299
Trailer allowance	1,693	1,693	9,493	9,493
Physician special pay	19,049	19,049	40,049	40,049
Flight pay, warrant officers	11,964	11,964	11,464	11,464
Obligated/unexpended balance	84,900	21,000	84,900	68,900
Military discharge policy		−9,300	−4,500	−4,500

MILITARY PERSONNEL, NAVY

Amendment No. 2: Appropriates $7,857,423,000 instead of $7,644,094,000 as proposed by the House and $7,867,173,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)		97,600	215,500	215,500
Permanent change of station (Nunn-Warner)	464,939.	480,139	464,939	464,939
Maximum award for enlisted/reenlist bonuses			24,200	24,200
Family separation allowance	9,377	9,377	.10,577	10,577
Trailer allowance	361	361	1,961	1,961
Increase in temporary duty travel (per diem)	9,951	9,951	.14,451	14,451
Physician special pay	16,022	16,022	30,422	30.422
Basic allowance for Quarters	621,780	621,780	630.780	630,780
Reserve helicopter squadrons		5,200	3,100	3,100
Authorization adjustment			21,900	21,900
Advanced inflation funding	42,221	21	17,500	17,500
Obligated/unexpended balance	53 300	37,300	53,300	49,300
Military discharge policy		−8,200	−4,000	−4,000
Midway Island	6,000	3,000	6,000	5,250
Enlisted tar prog	5,000		5,000	

MILITARY PERSONNEL, MARINE CORPS

Amendment No. 3: Appropriates $2,350,086,000 instead of $2,284,951,000 as proposed by the House and $2,359,836,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)		24,400	50,900	50,900
Permanent change of station (Nunn-Warner)	138,790	140,790	136,890	136,890
Maximum award for enlistment/reenlist bonuses			3,900	3,900
Family separation allowance	2,159	2,159	3,159	3,159
Trailer alowance	200	200	1,400	1,400
Increase in temporary duty travel (per diem)	392	392	992	992
Advanced inflation funding	11,515	15	4,100	4,100
obligated/unexpended balance	50,100	11,100	50,100	40,350
Military discharge policy		−3,000	−500	−500

MILITARY PERSONNEL, AIR FORCE

Amendment No. 4: Appropriates $8,976,309,000 instead of $8,698,509,000 as proposed by the House and $9,017,309,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)		112,000	184,800	184,800
Permanent change of station (Nunn-Warner)	690,653	687,353	690,653	690,653
Family separation allowance	7,533	7,533	9,633	9,633
Trailer allowance	113	113	1,713	1,713
Physician special pay	14,961	14,961	27,461	27,461
Advanced inflation funding	52,700		59,200	59,200
Obligated/unexpended balance	180,200	16,400	180,200	139,200
Military discharge policy	6,800		3,500	3,500

RESERVE PERSONNEL, ARMY

Amendment No. 5: Appropriates $789,150,000 instead of $771,300,000 as proposed by the House and $790,050,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Permanent change of station (Nunn-Warner)		100		100
Variable housing allowance (Nunn-Warner)			10,600	10,600
IRR bonus			5,800	5,800
Selective affiliation bonus			4,700	4,700
Increase in temporary duty travel (per diem)	15,550	15,550	22,000	22,000
Reserve drill rate	172,842	172,842	163,242	163,242
ROTC scholarship increase	9,042	9,012	9,942	9,942
Strength increase		48,800	20,100	28,100
Civilian technician strength			−4,000	−4,000
Obligated / unexpended balance	45,500	13,800	45,500	37,500
Overstrength noncombat units		−1,000		−1,000

RESERVE PERSONNEL, NAVY

Amendment No. 6: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $302,003,000 instead of $288,274,000 as proposed by the House and $297,003,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warrner)			3,800	3,800
IRR bonus			2,000	2,000
Selective affiliation bonus			900	900
Increase in temporary duty travel (per diem)	8,526	8,526	12,170	12,170
Selected Reserve recall program			2,000	2,000
Advanced inflation funding	2,815	1,015	2,400	2,400
Enlisted TAR program		5,000		5,000

RESERVE PERSONNEL, MARINE CORPS

Amendment No. 7: Appropriates $102,767,000 instead of $93,424,000 as proposed by the House and $104,567,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)			1,000	1,000
IRR bonus			300	300
Selective affiliation bonus			400	400
Increase in temporary duty travel (per diem)	891	891	1,274	1,274
Advanced inflation funding	1,340	40	1,800	1,800
Obligated/unexpended balance	9,700	2,400	9,700	7,900

RESERVE PERSONNEL, AIR FORCE

Amendment No. 8: Appropriates $258,974,000 instead of $243,100,000 as proposed by the House and $262,074,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows.

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)			3,900	3,900
Advanced inflation funding	2,435	535	2,700	2,700
Obligated/unexpended balance	10,900	6,800	10,900	9,900
IRR bonus			2,300	2,300
Selective affiliation bonus			3,000	900
Increase in temporary duty travel (per diem)	9,588	9,588	13,097	13,097

NATIONAL GUARD PERSONNEL, ARMY

Amendment No. 9: Appropriates $1,035,997,000 instead of $999,800,000 as proposed by the House and $1,048,297,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Permanent change of station (Nunn-Warner)		400		400
Variable housing allowance (Nunn-Warner)			12,300	12,300
Advanced inflation funding	5,485	−15	1,600	1,600
Civilian technician strength			−17,600	−17,600
IRR bonus			1,500	1,500
Selective affiliation bonus			3,000	3,000
Overstated full-time man-years	156,958	156,958	153,758	153,758
Increase in temporary duty travel (per diem)	8,117	8,117	11,499	11,499
Obligated/unexpended balance	70,300	23,400	70,300	58,600
Overstrength noncombat units		−1,000		−1,000

NATIONAL GUARD PERSONNEL, AIR FORCE

Amendment No. 10: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $341,172,000 instead of $320,600,000 as proposed by the House and $340,472,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary.—Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Variable housing allowance (Nunn-Warner)			6,000	6,000
Advanced inflation funding	1,800		1,700	1,700
Civilian technician strength			−1,000	−1,000
Obligated unexpended balance	17,200	2,400	17,200	13,500
Selective affiliation bonus			1,000	1,000
Overstated full-time man-years	49,455	49,455	43,055	47,455
Increase in temporary duty travel (per diem)	9,430	9,430	13,202	13,202

TITLE III OPERATION AND MAINTENANCE

The following items addressed by the conferees apply to all Operation and Maintenance Appropriations of the Department of Defense.

TRANSPORTATION/TRAFFIC MANAGEMENT

The Conferees did not agree to direct the consolidation of air passenger transportation management within the Military Airlift command or the transfer of Military Air Traffic Co-ordinating Units to the Military Airlift Command as the House had proposed. Instead, the Conferees are of the opinion that the Department of Defense must move expeditiously in the direction of establishing a unified Military Traffic Management Agency or Command. The creation of such a command has been recommended by the General Accounting Office, two studies by the Surveys and Investigations staff of the House Appropriations Committee, and most recently by a contractor hired by the DoD to study the organization of transportation and traffic management within DoD. The need for such an organization has been recognized for at least a decade. Study after study during the past 10 years has revalidated the need. The Conferees believe that further studies are not required and that DoD should submit a plan for the creation of such an organization by May 1, 1981.

SCHEDULED AIRLINE TICKET OFFICES AND ELECTRONIC RESERVATION AND TICKETING EQUIPMENT

The House report prohibited DoD from purchasing in-house electronic reservation and ticketing equipment (ERTS) and recommended that DoD purchase teleticketing equipment for those locations not serviced by scheduled airline ticket offices (SATOs). The Senate report disagreed with the House prohibition on the purchase of ERTS, allowing DoD the option of acquiring ERTS for locations not receiving SATO service. The Conferees agree with the Senate position and note that DoD is allowed to purchase ERTS equipment in instances where it is determined by economic analysis to be cost effective to do so. The Conferees direct the Department to assure, however, that no equipment is purchased which duplicates the SATO's current or planned capabilities, and that there are auditable cost savings to be gained by the acquisition of such equipment.

AUTOMATIC DATA PROCESSING (ADP)

The House made a general reduction of $15 million to the Services' budgets to re-emphasize its concern that the Services and Defense agencies have not consistently considered lowest total overall cost in making contract awards for ADP acquisition. The Senate supported, in general, the House position in this regard, but restored the $15 million. The Conferees agreed to the general reduction, with the exception of the Marine Corps where 50 percent of the reduction was restored. The Conferees emphasized that this reduction was to be applied across-the-board to the ADP programs but is not intended to preclude the Services from awarding contracts, including those for software conversions, in cases where lowest total overall cost is properly considered.

CHILD ADVOCACY PROGRAM

The conferees are concerned about the continuing indications of child abuse and spousal violence within families of military personnel, especially in areas of high concentration. Given the increasing number of married personnel in our Armed Forces, the conferees feel that there is every indication that this problem will continue to be significant. This matter was the subject of two GAO reports and the conferees were concerned that, although a formal assesment was requested in the fiscal year 1980 appropriation bill, none has yet been transmitted. Accordingly, the $3 million proposed by the Senate was deleted with instructions that the Department continue its efforts to address this pressing problem within existing Quality of Life resources, including utilizing funds for psychiatric services provided under the CHAMPUS program. The conferees also direct the Department to provide, in conjunction with the fiscal year 1982 budget, a report on the DoD's ongoing efforts to define the scope of the problem, coordinate its internal activities to reduce incidents, establish various regional family advocacy initiatives, assure that accurate statistics on child abuse/family violence are being obtained and determine the extent to which the problem in the military differs from that in civilian communities.

OPERATION AND MAINTENANCE, ARMY

Amendment No. 11: Adds the subtitle "(Including Transfer of Funds)" as proposed by the Senate.

Amendment No. 12: Appropriates $12,302,784,000 as proposed by the Senate in lieu of $12,249,579,000 as proposed by the House.

Amendment No. 13: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The Senate amendment proposes the transfer of $5,000,000 from the "Army Stock Fund".

DEPOT MAINTENANCE, ARMY

The conferees agreed to provide one-half of the $66.9 million added by the House for pay of civilian personnel but not provided by the Senate. The amended budget proposed this reduction based upon the fact that the one-for-two hiring freeze currently in effect would result in a decrease in Federal employment. To date, employment has not declined to the extent projected. A portion of this increase will also be used to pay employees at Army depots.

In addition, the conferees agree to provide $50 million above the budget as proposed by the Senate to reduce the backlog of Army equipment awaiting depot maintenance. There is some concern that the Army will be unable to effectively utilize these funds if current Federal hiring freezes continue.

The conferees agreed that the Army should not utilize these funds to induct equipment into the depots for repair when actual work on the equipment inducted cannot be undertaken within 90 days. The conferees realize that in recent years the Army has inducted equipment into its depots or has had "work in process" far in excess of Department of Defense guidance. When this situation occurs, the Depot Maintenance Industrial Fund becomes a way of "banking" appropriations which would otherwise expire and revert to the Treasury. If the work financed with these additional funds cannot be completed by the end of the first quarter of fiscal year 1982, the funds are not to be obligated but returned to the Treasury, or used to finance the fiscal year 1981 pay supplemental.

Prepositioned Materiel Configured in Unit Sets (POMCUS).—The conferees agreed that no funds in this bill or contained in a future budget submission to support the deployment of division sets five and six should be obligated until specifically appropriated for this purpose.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed by the House and Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	1,277,769	1,364,729	1,277,769	1,293,769
Civilian personnel strength		66,900	3,100	35,000
Ammunition rework	15,791	30,591	15,791	30,591
Overtime pay	101,259	93,259	101,259	101,259
Communications	80,600	75,800	78,600	75,800
ADP	557,500	538,500	553,800	550,500
Personnel service contracts	57,046	39,046	46,046	39,046
Supply activities	1,086,852	1,071,852	1,081,052	1,081,852
Foreign national pay	211,752	182,752	186,752	182,752
Civil service bonuses	700	300	700	700
Use of DOD medical facilities by foreign personnel		−8,000		
Seavan container agreement	121,200	118,200	121,200	121,200
Overseas port operations	73,690	66,190	73,690	66,190
Consolidation, air traffic components	27,200	25,700	27,200	27,200
Deployment of new system to Europe	58,656	38,656	58,656	48,656
Military construction projects	10,100		6,100	
Rate stabilization/cash mgt, depots		−20,000		−20,000
Customs inspectors	1,173	−27	1,173	1,173
ROTC	35,579	34,579	35,579	35,579
Cooperative education and training	250	−1,750	250	−1,750
Civilian education and training	60,485	51,985	56,234	56,235
Intelligence activities	124,460	123,260	124,371	124,371
Undergraduate helicopter pilot training	3,200	3,200		
Training developments	7,485	7,485	3,189	3,189
Additional ROTC scholarships			1,200	1,200
Depot maintenance backlog			50,000	50,000
Military family housing transfers			27,000	27,000
Per diem rate increases			25,700	25,700
Discount coupons at commissaries			−800	−800

OPERATION AND MAINTENANCE, NAVY

Amendment No. 14: Appropriates $16,735,394,000 in lieu of $16,865,275,000 as proposed by the House and $16,544,229,000 as proposed by the Senate.

Amendment No. 15: Provides for the transfer of $135,500,000 as proposed by the Senate in lieu of $128,500,000 as proposed by the House.

Amendment No. 16: Makes a technical correction deleting the word "and" in order to provide for an additional transfer contained in Amendment No. 17.

Amendment No. 17: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provided for the transfer of $7,000,000 from "Navy Stock Fund".

Amendment No. 18: Provides that $2,600,000,000 shall be available for the performance of maintenance work in Navy shipyards as proposed by the Senate in lieu of $2,400,000,000 as proposed by the House.

Amendment No. 19: Restores language proposed by the House with an amendment. The language agreed to follows: ": *Provided further*, That not less than $3,745,700,000 of this appropriation shall be available only for regularly scheduled ship overhauls, restricted availabilities and expenses associated with the installation of equipment, improvements, and modifications scheduled to be accomplished concurrently during an overhaul or restricted availability.".

The House bill contained a provision that established a "floor" of $3,745,700,000 for funding ship overhauls, restricted availabilities, and associated costs, and made these funds available for two years rather than the usual one-year availability of "Operation and Maintenance, Navy" appropriations. The Senate bill deleted this provision. The conferees agreed to retain the funding "floor" in the House bill, but deleted the two-year availability provision.

Amendment No. 20: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment which directs that at least $24,000,000 must be available only for the Ship Repair Facility, Guam.

The conferees agreed to continue this provision in the Operation and Maintenance, Navy appropriation, which requires the expenditure of at least $24,000,000 at the Ship Repair Facility in Guam during FY 1981. The House passed version of the bill did not include this provision. The Navy is directed to submit to the Congress by May 1, 1981, a report on the feasibility of homeporting ships at Guam. Homeporting appears to be the most appropriate way to ensure the long term viability of the Ship Repair Facility. The Ship Repair Facility and numerous other Navy activities and facilities at Guam are grossly underutilized today. The report should also consider alternatives other than a homeporting program which could ensure an economically viable ship repair capability at Guam.

Summary.—Items for which the conferees have provided specific guidance are discussed elsewhere in this report or in the separate reports accompanying the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	2,707,088	2,988,688	2,707,088	2,900,303
Civilian personnel strength		59,900	2,900	31,400
Overtime pay	248,847	232,847	248,847	248,847
Ship overhaul and maintenance	4,028,900	4,003,900	3,944,400	3,944,400
ADP	395,636	389,336	391,636	389,336
Personnel service contracts	505,489	446,989	467,739	446,989
Supply activities	290,078	277,078	283,078	283,078
Civil service bonuses	1,035	535	1,035	1,035
C-12 maintenance services	5,816	2,816	5,816	4,816
Use of DOD medical facilities by foreign personnel		−5,000		
Logair/quick trans	20,800	18,800	20,800	19,800
Seavan container agreement	117,592	115,592	117,592	117,592
Captor	7,563	3,563	7,563	5,563
NAV pros	24,760	22,060	24,760	22,060
Midway Island	1,500	3,500	1,500	2,000
Cooperative education and training	2,800	1,700	2,800	1,700
Civilian education and training	2,153	1,753	1,953	1,953
Intelligence activities	82,227	82,527	82,667	82,467
Utility operations inflation	1,740	1,740		
Wholesale supply consolidations			−4,696	−4,696
Military family housing transfers			13,000	13,000
Per diem rate increases			27,400	27,400
Discount coupons at commissaries			−600	−600
Trident operational support	165,300	165,300	145,300	145,300

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 21: Appropriates $994,200,000 as proposed by the House instead of $990,050,000 as proposed by the Senate.

Amendment No. 22: Provides for the transfer of $9,700,000 as proposed by the Senate in lieu of $8,700,000 as proposed by the House.

Amendment No. 23: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the transfer of $1,000,000 from the "Marine Corps Stock Fund".

Summary.—Items for which the conferees have provided specific guidance are discussed elsewhere in this report or in the separate reports accompanying the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Full price	73,981	81,181	73,981	77,231
Civilian personnel strenght	240,206	244,506	240,206	242,356
Overtime pay	2,276	1,776	2,276	2,276
ADP	700	−1,300	700	−300
Personnel service contracts	5,914	5,414	5,664	5,414
Supply activities	41,650	39,650	40,650	40,650
Seavan container agreement	6,146	5,846	6,146	6,146
Military family housing transfers			700	700
Per diem rate increases			2,600	2,600

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 24: Appropriates $13,555,046,000 as proposed by the House in lieu of $13,350,741,000 as proposed by the Senate.

Amendment No. 25: Provides for the transfer of $56,000,000 as proposed by the Senate in lieu of $49,000,000 as proposed by the House.

Amendment No. 26: Deletes the word "and" as proposed by the Senate in order to provide for an additional transfer contained in amendment No. 27.

Amendment No. 27: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers $7,000,000 from the "Air Force Stock Fund".

Flying by Non-Aircrew Personnel.—The conferees agreed to restore the $40 million reduction proposed by the House which represented a portion of the estimated amount required for personnel employed in Air Force Headquarters activities but not assigned as crew members to perform flying duty. These funds are restored with the understanding that the Air Force will use them to provide additional flying hours for air crew members and terminate flying by staff officers at numbered Air Force and major command headquarters levels.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed by the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conferenc
Fuel price	3,067,699	3,403,219	3,067,699	3,284,554
Civilian personnel strength		57,700	1,200	29,450
Overtime pay	52,094	49,094	52,094	52,094
ADP	468,240	464,240	468,240	464,240
Personnel service contracts	192,171	162,171	174,171	162,171
Supply activities	1,104,192	1,089,192	1,097,192	1,097,192
Foreign national pay	220,800	215,400	217,400	215,400
Civil service bonuses	800	400	800	800
Use of DOD medical facilities by foreign personnel		−7,000		
Repositioning C-5/C141 fleet	87,600	47,600	87,600	87,600
Logair/quick trans	73,700	60,700	73,700	67,200
Seavan container agreement	90,481	88,781	90,481	90,481
Flying by non-flying personnel		−40,000		
Discount coupons at commissaries		−1,000	−1,600	−1,600
Surveillance and warning radars	264,246	251,246	264,246	251,246
Cooperative education and training	2,800	2,700	2,800	2,700
Civilian education and training	9,102	8,002	8,552	8,552
Headquarters restructuring	171,983	168,783	171,983	168,783
Space available mail	9,775	4,775	9,775	9,775
WC-130 squadron			3,469	3,469
Audiovisual activities transition	1,910	1,910	839	839
JCS exercises	152,435	152,435	140,335	140,335
Inflation budgeting	240	240		
Military family housing transfers			14,624	14,624
Per diem rate increases			30,200	30,200
Intelligence activities			483	483

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

Amendment No. 28: Adds the subtitle "(Including transfer of funds)" as proposed by the Senate.

Amendment No. 29: Appropriates $4,056,793,000 in lieu of $4,014,895,000 as proposed by the House and $4,059,853,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the transfer of $20,000,000 from the "Defense Stock Fund".

Summary.—Items for which the conferees have provided specific guidance are discussed elsewhere in this report or in the separate reports accompanying the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	29,957	30,597	29,957	30,597
Civilian personnel strength		19,500	5,300	12,400
Overtime pay	16,465	13,965	16,465	16,465
Personnel service contracts	64,349	48,349	56,349	48,349
Supply activities	438,280	403,280	418,280	418,280
Civil service bonuses	1,438	738	1,438	1,438
Cooperative education and training	1,423	1,123	1,423	1,123
CHAMPUS	832,200	832,200	852,200	852,200
Child advocacy programs			3,000	
Per deim rate increases			2,000	2,000
Education assistance test program			6,800	6,800
Intelligence activities			1,498	1,998

OPERATION AND MAINTENANCE, ARMY RESERVE

Amendment No. 31: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $488,393,000 in lieu of $485,993,000 as proposed by the House and $487,993,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	29,934	33,134	29,934	29,934
Civilian personnel strength		2,800		1,400
Personnel service contracts	2,965	1,965	2,965	1,965
Per diem rate increases			3,000	3,000
Civilian technician strength			4,000	4,000

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 32: Appropriates $531,435,000 in lieu of $597,145,000 as proposed by the House and $510,235,000 as proposed by the Senate.

Naval Reserve Destroyers—Over the past several years, the House Committee has recognized the critical need for additional escort ships in the Navy's operating inventory. The reports of the House Committee in the last two years have carefully noted the mobilization requirement for these ships. In addition, the House has studied and recommended the most effective, and accountable, peacetime command and control organization within which Naval Reserve ships can be operated and maintained in an improved state of readiness. This examination has not been limited to overall concepts, but has highlighted the detailed manning and maintenance actions necessary to obtain the kind of peacetime training that will ensure ready-to-fight ships and crews.

In a parallel effort, Navy has undertaken to build upon the initial suggestions of the House and, as a result, a new concept for the convoy escort mission within the Naval Reserve Force (NRF) is emerging. The concept is endorsed by the conferees and involves the following:

Mission—To assign the wartime convoy escort mission to the Navy Reserve.

Ship Manning—A crew mix of 50 percent active and 50 percent Selected Reserve with a phase-in of TAR personnel to replace the active duty crews.

Ship Maintenance—Meet established class maintenance standards, consistent with the Destroyer Engineered Overhaul Cycle, adjusted to reflect the reduced tempo of operations. Active duty crews would perform a proportionate share of ship maintenance in conjunction with expanded reliance on Selected Reserve Shore Intermediate Maintenance Activities (SIMA). Accordingly, the homeporting of NRF ships will be based, as much as possible, on the drilling Reservist population and the feasibility of collocating capable SIMA units. Plans and programs which Navy is developing will employ other naval activities or contractors for maintenance beyond the capacity of the ship's crew and the SIMA's.

Ship Operations—NRF escorts will operate under the direction of the Chief of the Naval Reserve. The peacetime employment of the NRF surface combatants will be devoted to the training of their crews in the wartime mission of antisubmarine warfare (ASW) convoy escorts.

Command Structure—Operational control of the Reserve destroyers will be shifted to the Chief of the Naval Reserve.

Current Force Level—No fewer than eight FRAM destroyers will remain in the Naval Reserve pending transfer of newer FF–1052's, FFG–1's, or FFG–7's from the active force.

Replacement Ships—The Navy will program the transfer of newer replacement ships (FF–1052's, FFG–1's, or FFG–7's) with an objective of growing to a force level of not less than 24 ships. At least four ships will be transferred by end FY 1982, and at least 12 ships in the period FY 1982–1987.

Funding—Authority over and control of funds appropriated for Naval Reserve activities will rest with the Chief of Naval Reserve. Funding requests for all TAR personnel shall be included in the Reserve Personnel, Navy appropriation in lieu of the Military Personnel, Navy appropriation.

The conferees direct the Navy to submit a detailed plan for implementing the above concept to the Congress not later than April 1, 1981. The conferees further agree that during FY 1981 the Navy should continue operating those FRAM destroyers which have less than two years of service since their last overhaul, it being agreed that the number to continue in operation shall not be less than eight. The conferees recommend the inclusion of the $11.0 million for destroyer operations in the House bill for this purpose. The $60.0 million for overhaul of three destroyers included in the House bill has been deleted.

Summary.—Items for which the conferees have provided specific guidance are discussed elsewhere in this report or in the separate reports accompanying the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	144,229	160,229	144,229	154,229
Operation of reserve destroyers		11,000		11,000
Depot maint. for 3 destroyers		60,000		
Civil personnel strength	47,849	48,249	47,849	48,049
Per diem rate increases			490	490

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

Amendment No. 33: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment appropriating $28,854,000 in lieu of $28,654,000 as proposed by the House and $28,694,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	2,439	2,599	2,439	2,599
Per diem rate increases			200	200

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

Amendment No. 34: Appropriates $558,680,000 in lieu of $564,610,000 as proposed by the House and $547,920,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	135,427	153,187	135,427	147,187
Personnel service contracts	2,687	1,687	2,687	1,687
Per diem rate increases			70	70

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Amendment No. 35: Appropriates $890,820,000 as proposed by the Senate in lieu of $878,990,000 as proposed by the House.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed the

House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	65, 943	71, 783	65, 943	65, 943
Per diem rate increases			70	70
Civilian technician strength			17, 600	17, 600

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 36: Appropriates $1,419,607,000 in lieu of $1,435,307,000 as proposed by the House and $1,391,487,000 as proposed by the Senate.

Summary.—Items for which the conferees have provided specific guidance are addressed elsewhere in this report or in the separate reports supporting the bill as passed the House and the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Fuel price	434, 313	479, 433	434, 313	462, 433
Per diem rate increases			300	300
Civilian technician strength			1, 000	1, 000

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

Amendment No. 37: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The Senate bill included this provision which authorizes the Department of Army to pay for subsistence and travel expenses of participants in National Rifle and Pistol Matches in excess of the $1.50 per diem and five cents per mile for private automobile travel. These amounts are currently authorized under sections 4312 and 4313, title 10, United States Code.

CLAIMS, DEFENSE

Amendment No. 38: Appropriates $135,850,000 in lieu of $124,900,000 as proposed by the House and $146,800,000 as proposed by the Senate.

[In thousands of dollars]

	Budget	House	Senate	Conference
Maneuver damage claims (FRG)	31, 800	9, 900	31, 800	20, 850

TITLE IV—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

Amendment No. 39: Appropriates $1,076,400,000 as proposed by the Senate instead of $1,029,600,000 as proposed by the House.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Airplane, cargo, C–12A			9, 000	9, 000
UH–60A (Black Hawk)	291, 100	324, 000	352, 300	352, 300
Spares and repair parts	127, 600	129, 200	138, 700	138, 700

MISSILE PROCUREMENT, ARMY

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,519,800,000 instead of $1,533,600,000 as proposed by the House and $1,555,500,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Confernece
Patriot (Sam–D)	473, 700	473, 700	448, 700	448, 700
Grass Blade	11, 200		11, 200	11, 200
Defense acquisition radar			35, 700	

GENERAL SUPPORT ROCKET SYSTEM (GSRS)

The Senate report included language which encouraged a second production source for GSRS rockets as early as fiscal year 1982. The conferees agreed that the Army should proceed with a second source procurement strategy that uses the technical data package developed by the prime contractor. This approach minimizes program risk and assures NATO standardization. If it is determined that a second source for the GSRS program would be advantageous, maximum benefit can be realized only after the prime contractor's technical data package has been proven and accepted by the government. Using these guidelines, a second source procurement could not be made in fiscal year 1982, but could be thereafter.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Amendment No. 41: Appropriates $2,582,200,000 instead of $2,523,500,000 as proposed by the House and $2,648,000,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Tank, combat, ft, 105 mm gun, XM1 series (adv. proc. CY)	96, 900	96, 900	174, 900	135, 900
Tank, combat, ft, 105mm gun, M60 ser. (mod.)	50, 300	100, 300	75, 300	75, 300
Divad gun (adv. proc. CY)		95, 300	140, 000	140, 000
Vulcan			26, 800	

M60 TANK MODIFICATION PROGRAM

The conference agreement for the M60 tank modification program provides $75,300,000 which is the authorized amount. This will fund procurement of about 190 M60A3 conversion kits. The conferees agreed that this is a high priority program for the Army and should be funded in future years.

The conferees are aware that the Department of Defense is selling increasing numbers of first-line tanks to foreign governments at a time when there is a critical shortage of tanks in the U.S. inventory. The Army has firm foreign sales orders for about 500 M60A3's with the possibility of additional sales in the future. The conferees believe that these sales may be inconsistent with the spirit and intent of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329). The conferees feel that it is unconscionable to be selling our first-line tanks in such large numbers so long as the United States is so short of tanks.

VULCAN AIR DEFENSE GUN

The conferees agreed to deny without prejudice the $26,800,000 included in the Senate bill for procurement of modifications to the Vulcan gun system. As evidence of Congressional support, the conference agreement includes $9,600,000 in Research, development, test and evaluation, Army for development and testing of these modifications. However, development and production funding in the same year would involve extensive concurrency with minimal testing. A more appropriate course is to provide production funding in a future year when the development and testing program is complete. Therefore, a reprogramming or other budget request for production funds will be considered when test results are satisfactory and the Army can demonstrate its commitment to this modification program.

PROCUREMENT OF AMMUNITION, ARMY

Amendment No. 42: Appropriates $1,531,000,000 as proposed by the Senate instead of $1,536,200,000 as proposed by the House.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Cartridge, cal. .45, ball	400	100	400	100
Electronic time fuzesetter	3, 800	3, 800		
Fuze, electronic, time	42, 600	42, 600		
Fuze, mechanical, time	24, 300	31, 200		
Time fuze for artillery projectiles			77, 600	77, 600
Light antitank weapon			13, 500	13, 800
Binary chemical facility		19, 000		

BINARY CHEMICAL MUNITION FACILITY

The conference agreement denies without prejudice the $19,000,000 included in the House bill for production equipment and tooling for binary chemical munitions. The conferees support the need to modernize our production base for these munitions and note the high cost of maintaining our current stockpile of chemical weapons. In addition, the new binary chemical munition is inherently safer to store than current assets. The Military Construction Appropriation Act, 1981 includes $3,150,000 to initiate the construction of this facility. The Army has already announced its intention to prepare the necessary environmental impact statement for this project.

The conferees expect the new administration to give this serious and important matter early consideration and to forward its recommendations for carrying out this project.

EIGHT INCH IMPROVED CONVENTIONAL MUNITION

The House report directed the manufacture of M509 eight inch improved conventional munition metal parts at the Scranton Army Ammunition Plant. The Senate report expressed concern that the directed procurement would inhibit the Army from selecting the manufacturer that can produce the projectile at the minimum cost.

The conferees believe that under normal circumstances it is desirable that the Army continue to have the prerogative of selecting the manufacturer that can produce the most effective projectile at the minimum cost. However, it is similarly essential that ammunition production capability be maintained throughout the United States. Therefore, the conferees direct that the metal parts for the M509 projectile be manufactured at the Scranton Army Ammunition Plant for the fiscal year 1981 procurement to assure that this vital manufacturing facility is maintained. Additionally, the conferees direct the Department of Defense to review ammunition requirements of the various military services to assure the continuation of our manufacturing capability. The Secretary of Defense is directed to report to the Senate and House Committees on Appropriations by March 18, 1981 the results of this review and the ammunition requirements that will be manufactured at the Scranton Army Ammunition Plant.

OTHER PROCUREMENT, ARMY

Amendment No. 43: Appropriates $2,223,658,000 instead of $2,177,738,000 as proposed by the House and $2,240,658,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Centr off TP auto AN/TTC-39(V)3	43,200	17,280	43,200	43,200
Centr off TP auto AN/TTC-39(V)1	11,300	7,500	11,300	11,300
Comsec shelter, OX-54	1,800	900	1,800	1,800
Digital data modem, MD-1065	1,100	600	1,100	1,100
Group modem (GM) MD-1026	1,100	600	1,100	1,100
Maintenance shelter, AN/ARM-164	2,000	1,000	2,000	2,000
Orderwire control unit (OCU) I	1,800	1,000	1,800	1,800
Orderwire control unit (OCU) II	1,900	1,000	1,900	1,900
Remote MUX combiner (RMC) TD-1234	1,800	1,100	1,800	1,800
Data buf hi speed TD-1065	7,100	4,000	7,100	5,500
Multiplexer TD-660	4,900	4,000	4,900	4,900
Small unit trans AN/PRC-68	8,500	7,000	8,500	8,200
FM multiplexer, TD-1289	9,200	7,000	9,200	7,000
Mod of in-svc equip (CSC)	10,600	8,300	10,600	10,600
Manpack radio set AN/PSC-1	3,100	--------	3,100	--------
Must components	9,800	--------	9,800	--------
Medical support equipment	74,100	69,100	74,100	74,100

MUST COMPONENTS

The conferees agreed to deny funding for procurement of MUST components but will consider a supplemental or other budget request if justified.

AIRCRAFT PROCUREMENT, NAVY

Amendment No. 44: Appropriates $6,110,707,000 instead of $6,057,607,000 as proposed by the House and $6,140,707,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
EA-6B (electronic warfare) prowler (adv. proc. CY	8,100	14,100	15,400	15,400
F-14A (fighter) Tomcat (adv. proc. CY)	140,700	133,100	147,900	147,900
CH-53E (helicopter) super stallion (adv. proc. CY)			2,000	--------
SH-60B (ASW helo.) Seahawk (adv. proc. CY)	121,500	91,500	121,500	106,500
P-3C (Patrol) Orion (adv. proc. CY)	49,600	47,600	49,600	47,600
E-2C (early warning) Hawkeye (adv. proc. CY)	20,100	17,700	20,100	20,100
SH-2F (ASW helo.) Seasprite (adv. proc. CY)		20,000	25,000	20,000
AV-8A	15,200	14,657	15,657	15,657
H-2 series	13,000	13,000	14,000	14,000
H-3 series	1,000	966	12,966	6,966
Undistributed reduction		11,600		

F-14 FIGHTER AIRCRAFT (TOMCAT)

The conferees concur with the Senate directing that $14,000,000 of the recommended amount ($700,897,000) is to be used to procure the remaining 144 weapons rails for the F-14 in fiscal year 1981.

F/A-18 FIGHTER/ATTACK AIRCRAFT (HORNET)

Funds in the bill for the F/A-18 program are to be made available for obligation with the understanding that the Secretary of Defense will certify that significant deficiencies identified in developmental testing III, and those identified by investigation of the accident which resulted in the loss of aircraft TF-2 have been corrected and successfully tested prior to the full DSARC III. Further, the certification shall include a statement that the system meets performance and reliability criteria established by the Navy and approved by the Secretary of Defense.

CARRIER ONBOARD DELIVERY (COD) AIRCRAFT

The Senate report approved the reprogramming of Aircraft procurement, Navy funds during fiscal year 1981 to modify two non-ASW aircraft now being converted to CS-3A's to the full US-3A configuration. The modification would be accomplished with funds available to the Department of the Navy and the amount involved is below the threshold of reprogramming authority available to the Department.

Since the issue of COD aircraft is of special interest, the conferees agreed that the Navy should submit a reprogramming action in fiscal year 1981 for any modification of S-3 aircraft to the COD configuration.

H-3 SERIES MODIFICATIONS

The conferees agreed to add $6,000,000 over the $966,000 in the House bill for H-3 series modifications and direct that these funds be used for safety enhancement and safety of flight modifications.

WEAPONS PROCUREMENT, NAVY

Amendment No. 45: Appropriates $2,766,029,000 instead of $2 679.829,000 as proposed by the House and $2,818,500,000 as proposed by the Senate.

Conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
BGM-109 Tomahawk	66,800	158,000	163,000	163,000
AIM/RIM-7 F/M Sparrow	126,900	140,835	141,000	140,835
AIM-9L/M Sidewinder	39,200	39,000	39,200	39,000
AGM-84A Harpoon	175,700	175,594	175,700	175,594
RIM-66E Standard MR	80,500	80,500	120,500	120,500
Spares and repair parts	25,900	84,300	89,300	89,300
Torpedo MK-48	35,300	80,300	125,300	102,800
MK-60 captor	7,100	80,000	87,100	87,100
Torpedo MK-46 mods	45,300	--------	29,500	--------
MK-15 close in weapons system	134,300	127,700	134,300	134,300

SHIPBUILDING AND CONVERSION, NAVY

Amendment No. 46: Appropriates $1,088,200,000 for the Trident submarine program as proposed by the House instead of $1,090,200,000 as proposed by the Senate. The conference agreement includes $38,000,000 in advance procurement funding as proposed by the House instead of $40,000,000 as proposed by the Senate.

Amendment No. 47: Appropriates $991,700,000 for the SSN-688 nuclear attack submarine program instead of $972,900,000 as proposed by the House and $1,105,300,000 as proposed by the Senate. The conference agreement includes $188,800,000 in advance procurement funding instead of $170,000,000 as proposed by the House and $302,400,000 as proposed by the Senate.

Amendment No. 48: Appropriates $501,400,000 for the aircraft carrier service life extension program as proposed by the House instead of $515,400,000 as proposed by the Senate. The conference agreement includes $81,000,000 in advance procurement funding as proposed by the House instead of $95,000,000 as proposed by the Senate.

Amendment No. 49: Appropriates $1,759,500,000 for CG-47 AEGIS cruiser program as proposed by the Senate instead of $1,628,500,000 as proposed by the House. The conference agreement provides $131,000,000 for advance procurement funding as proposed by the Senate. No funds for advance procurement were included in the House bill.

Amendment No. 50: Deletes Senate language appropriating $16,000,000 for the MCM mine countermeasures ship program and $207,000,000 for the T-AKX Maritime Prepositioning Ship program. The House bill included no funds for these programs.

Amendment No. 51: Appropriates $318,000,000 for the Maritime Prepositioning Ship and the SL-7 cargo ship program. The conference agreement provides funds not to exceed $33,000,000 in advance procurement funding for the T-AKX Maritime Prepositioning Ship designated the C8-M-MA134j. The conference agreement also provides $285,000,000 for the charter and/or purchase and conversion of existing ships or ships under construction.

In selecting conversion candidates for the Maritime Prepositioning Ships, the Navy should take full cognizance of the advantages of American constructed ships available and/or under construction and proceed in an expeditious manner with the conversion of ships which could be converted to conform most closely to the design specifications of the newly designed Maritime Prepositioning Ship (C8-M-MA134j).

The conferees direct the Navy to obtain independent appraisals of the value of any ships to be purchased and/or chartered, and to obtain the lowest possible price for the ships. The conferees believe that the requirement for additional sealift capability is urgent and that the most rapid procedure for obtaining additional sealift is by the purchase and conversion of commercial ships.

The conferees direct the Department of the Navy to expeditiously decide how it wishes to proceed with the acquisition of cargo ships and report its findings to the Committees on Appropriations prior to the obligation of funds for ship acquisition or charter.

Amendment No. 52: Appropriates $580-100,000 for craft, outfitting, post delivery, cost growth, and escalation on prior year programs as proposed by the Senate instead of $551,300,000 as proposed by the House.

Amendment No. 53: Transfers $27,900,000 from "CGN-42 class nuclear-powered cruiser program" of "Shipbuilding and Conversion, Navy, 1978/1982" as proposed by the Senate instead of $56,700,000 as proposed by the House.

Amendment No. 54: Provides $7,455,700,000 for the Shipbuilding and Conversion, Navy appropriation instead of $7,244,100,000 as proposed by the House and $7,775,300,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Trident (nuclear)	1,050,200	1,050,200	1,050,200	1,050,200
Trident (nuclear) (adv. proc. CY)	40,000	38,000	40,000	38,000
SSN-688 class submarine (nuclear)	389,500	802,900	802,900	802,900
SSN-688 class submarine (nuclear) (adv. proc CY)	75,000	170,000	302,400	188,800
CV SLFP	420,400	420,400	420,400	420,400
CV SLFP (avd. proc. CY)	95,000	81,000	95,000	81,000
CG-47 Aegis cruiser	1,628,500	1,628,500	1,628,500	1,628,500
CG-47 Aegis cruiser (adv. proc. CY)			131,000	131,000
MCM mine countermeasures ship			16,000	--------
Maritime prepositioning ship (T-AKX)	207,000	--------	174,000	--------
Advance procurement (CY)			33,000	--------
SL-7 cargo ship			285,000	--------
SL-7 cargo ship or roll-on/roll-off ships		285,000	--------	--------
Maritime prepositioning ship program				318,000
General reduction		—56,700	—27,900	—27,900

Amendment No. 55: Transfers a total of $27,900,000 as proposed by the Senate instead of $56,700,000 as proposed by the House.

OTHER PROCUREMENT, NAVY

Amendment No. 56. Appropriates $3,037,657,000 instead of $2,983,125,000 as proposed by the House and $3,062,097,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Navsat receiver			2,500	2,500
Verdin	6,629	5,029	6,629	5,829
Single audio sys. (SAS)	15,953	14,953	15,953	15,953
TSEC/KY-57/58	7,508	7,108	7,508	7,508
SSQ-77	24,540		24,540	19,000
General purpose bombs	45,847	37,447	45,847	45,847
Walleye	12,201	13,201	12,201	12,201
2.75 inch rocket	306	4,006	306	306
Machine gun ammunition	7,157	4,157	7,157	7,157
Practice bombs	35,470	34,470	35,470	35,470
Misc. cart, cads, + rocats	17,067	17,367	17,067	17,067
ASW tactical support equip	10,332		10,332	10,332
CIWS ammo	21,636	16,036	21,736	21,636
76MM ammo	26,731	29,531	26,731	26,731
Gun fire control equipment	27,460	24,460	27,460	24,460
Small arms ammo	9,207	7,507	9,207	9,207
Special activities	7,021	5,471	7,071	7,021
Medical support equipment	26,049	18,249	26,049	26,049
General reduction		−14,000		−14,000
Adjustment			300	−750

NAVY AMMUNITION AND ORDNANCE

The House bill contained numerous adjustments in individual line items for ship gun ammunition and air delivered ordnance. The adjustments were based on fact-of-life changes and cost reestimates which the Navy supplied to the Committee during hearings. They were made in order to minimize future reprogrammings. The Senate bill, and the conference agreement, restore these lines to the budget estimate. The conferees direct, however, that there be no reprogramming of these funds.

PROCUREMENT, MARINE CORPS

Amendment No. 57: Appropriates $486,813,000 instead of $477,141,000 as proposed by the House and $515,313,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Cartridge, .45 cal., ball	2,497	1,297	2,497	2,497
Lightweight armored vehicle			26,000	
Laser guided Maverick (AGM-65E)			2,500	
Cutlass Spirit	8,472		8,472	8,472

LIGHTWEIGHT ARMORED VEHICLE

The Senate bill contained $26,000,000 for procurement of lightweight armored vehicles. No funds were provided for this item in the budget estimate or the House bill. The conference agreement deletes procurement funds and transfers $17,000,000 of the amount included in the Senate bill to the Research, development, test, and evaluation, Navy appropriation. The funds, when combined with those already included in that appropriation, will be used to procure and test candidate vehicles. Once source selection is made, procurement funding will be considered.

LASER MAVERICK

The Senate bill contained $2,500,000 for initial procurement of Laser-Guided Maverick missiles. No funds were provided for this item in the budget estimate or the House bill. The conferees agreed to transfer $1,500,000 to the Research, development, test and evaluation, Navy appropriation, for a total program of $4,500,000. These funds will provide for the completion of the engineering development program including producibility engineering for the fuze, arm fire device, seeker and guidance unit.

AIRCRAFT PROCUREMENT, AIR FORCE

Amendment No. 58: Appropriates $9,674,143,000 instead of $9,639,329,000 as proposed by the House and $9,689,143,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Strategic weapons launcher (adv. proc.)			75,000	
A-10 two seat			24,000	24,000
F-15A/B/C/D	665,986	844,986	784,986	844,986
F/RF-4	52,500	81,500	77,500	77,500
Civil reserve airlift fleet (CRAF)	79,814	40,000	54,814	54,814
Proceeds from foreign sales			(60,000)	

F/RF-4 MODIFICATIONS

The conferees agreed that within the $77,500,000 appropriated for F/RF-4 modifications, $4,000,000 is to be allocated for J-79 Low Smoke Combustor Modification kits. The Conferees also agreed that within available funds, $8,000,000 shall be provided for J-79 Low Smoke Combustor Modification kits. These kits are to be retrofitted on aircraft of the Air Force, Air Force Reserve and the Air National Guard.

Amendment No. 59: Deletes transfer of $60,000,000 from proceeds of the sale of aircraft to Egypt which was proposed by the Senate. The conferees agreed that these funds should go into the general fund of the Treasury, pursuant to existing law.

MISSILE PROCUREMENT, AIR FORCE

Amendment No. 60: Appropriates $3,140,917,000 instead of $3,107,712,000 as proposed by the House and $3,153,417,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Minuteman upgrade and expansion			10,000	5,000
Rapier		50,000	90,000	90,000
AF satellite comm. system	13,665	8,165	13,665	8,165
Space Shuttle	133,042	133,042	118,600	118,600
Special programs	686,000	661,652	666,299	664,299

MINUTEMAN UPGRADE AND EXPANSION

The conferees are in agreement that the additional $5,000,000 for the Minuteman Upgrade and Expansion program shall be applied to the Minuteman extended survivable power (MESP) program.

OTHER PROCUREMENT, AIR FORCE

Amendment No. 61: Appropriates $2,999,372,000 instead of $2,949,401,000 as proposed by the House and $3,001,742,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Ground directed bombing system	7,601		7,601	7,601
Powerplant A/E 24 U-8	3,970		3,970	3,970
Items less than $900,000	3,477	777	3,477	3,477
Base procured equipment	30,828	28,728	30,828	28,728
Medical/dental equipment	31,312	30,312	31,012	31,012
Selected activities	1,478,846	1,458,646	1,493,916	1,493,646

FMU-112 FUZE

The House denied the $9,533,000 budgeted for procurement of FMU-112 fuzes and directed program termination. The Senate also denied funding but did not direct program termination. The justification for continued procurement of the FMU-112 will be closely examined and considered when the Committees review the fiscal year 1982 budget.

RANGE IMPROVEMENT EQUIPMENT

The Senate report included language which put the Air Force on notice that procurement of a one-of-a-kind range system for Hill Air Force Base should not be undertaken without presentation of a study showing the cost effectiveness of such a system. The conferees agreed that the Air Force should demonstrate to the Committees on Appropriations of the House and Senate the cost effectiveness of whatever choice it proposes for additional range improvement equipment at Hill Air Force Base.

AIR FORCE SPACE COMMUNICATIONS SECURITY (COMSEC)

The conferees agreed with the language in the Senate report which recommended an additional $7,700,000 for Air Force space communications security (COMSEC) equipment to be derived from excess funds in the Space Shuttle and COMSEC spares line items.

PROCUREMENT, DEFENSE AGENCIES

Amendment No. 62: Appropriates $305,028,000 as proposed by the Senate instead of $301,123,000 as proposed by the House.

[In thousands of dollars]

	Budget	House	Senate	Conference
Classified programs	246,393	241,993	245,898	245,898

TITLE V—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

Amendment No. 63: Appropriates $3,086,757,000 instead of $2,961,054,000 as proposed by the House and $3,248,005,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense research sciences	137,366	125,000	130,755	125,000
Aircraft avionics technology	5,991	5,801	5,991	5,991
Aeronautical technology	21,679	19,000	21,679	21,679
Airdrop technology	1,899	1,500	1,899	1,899
High energy laser technology	20,581	15,581	20,581	20,581
Tank and automotive technology	15,707	12,707	13,707	13,707
Small cal. and fire cntrl. technology	10,344	10,344	13,832	13,832
Mil. enviornmental criteria dev	3,943	2,643	3,400	3,400
Mapping—geodesy	5,532	5,000	5,532	5,532
Environmental quality tech	10,183	5,000	7,500	7,500
Clothing equip. and shelter tech	6,901	4,901	6,901	6,901
Jt. svc. food sys. tech	6,146	5,306	6,146	6,146
Cold regions engineering technology	4,507	4,000	4,507	4,507
Military disease hazards tech	17,393	14,393	17,393	17,393
Combat casualty care tech	17,043	14,043	17,043	17,043
Combat maxillofacial injury	769	539	769	769
Undistributed reduction		−5,000	−10,000	−10,000
Rotary wing controls/rotors/structures	13,908	13,908	15,408	13,908
Terminally guided projectiles	7,541	7,541	15,541	11,541
Advanced land mob. systems concepts	12,387	12,387	37,387	37,387
Army small arms program			1,135	
Human factors in tng./oper. effect	2,571	2,100	2,571	2,571
Soldier support/survivability	3,494	3,244	3,494	3,494
Ballistic msl. def. sys. tech	134,114	134,114	149,114	149,114
Surf.-to-surf. msl. rocket sys	2,717		1,000	1,000
Short range air def. self-prot. wpn	16,982	10,000	10,160	10,160
Corps support weapon system	7,691	7,691	14,891	14,891
Landmine/barrier sys	6,107	5,000	6,107	5,000
Field artillery ammo dev	8,026	8,026	18,026	13,026
Command and control	12,994	10,494	12,994	12,994
Copperhead	6,091	4,491	6,091	6,091
High mobility multipurpose vehicle	2,797	1,397	2,797	2,797
Tacfire modular improvement program	3,560		3,560	
Advance field artillery tactical data system		3,560		3,560
Combat vehicle improve prog	14,383	8,753	10,753	10,753
Materiel systems analysis	14,037	11,037	13,000	11,037
Programwide activities	59,040	54,040	56,293	54,040
Technical info. activities	4,886	4,500	4,886	4,500
Darcom. major range/test facil	256,531	236,531	256,531	246,531
Mgt. Hq. (research/development)	36,055	30,000	36,055	30,000
Studies and analysis, undistributed		−3,000		−3,000
Reduction, senior executive service bonuses		−248		−248
General reduction, inflation		−149,000		−120,000
Undistributed reductions, budget amendment			−1,154	

CHAPARRAL

The conferees agreed that some of the funds provided for Chaparral are to be used either to develop improvements to the existing Forward Area Alerting Radar or to begin development of a new radar.

TACFIRE MODULAR IMPROVEMENT PROGRAM

Advanced field artillery tactical data system

The conferees agreed that the Army is to select the best alternative for modernizing automated support for the field artillery. It was further agreed that competition must be employed to the maximum extent possible in pursuing the selected alternative.

Rotary wing aircraft escape system

The conferees agreed to direct the Army, within existing funds, to evaluate and demonstrate the feasibility and cost effectiveness of adapting the rotor system research aircraft escape system for tri-service combat applications (SOTAS, Cobra).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

Amendment No. 64: Restores the phrase "(including transfer of funds)" as included in the House bill but deleted by the Senate amendment.

Amendment No. 65: Appropriates $4,861,160,000 instead of $4,502,211,000 as proposed by the House and $5,110,015,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense research sciences	231,177	216,177	225,000	225,000
Undersea target surveillance	43,454	40,454	43,454	43,454
Surf./aerospace target surveil. tech	29,728	24,728	29,728	29,728
High energy laser	32,525	32,525	50,525	32,525
Biomedical technology	12,293	10,793	12,293	12,293
Logistics technology	15,144	13,644	15,144	15,144
Materials technology	28,714	28,714	30,714	30,714
Energy and environmental protection	9,457	5,000	7,700	7,700
Undistributed reduction		−10,000	−48,600	−48,600
Aircraft propulsion	9,096	16,096	9,096	16,096
Adv. software/computing tech	7,679	6,019	7,679	6,019
Human factors eng. dev	3,978	3,478	3,978	3,978
Medical development	10,648	8,648	10,648	9,648
Advanced marine biological system	3,750	3,500	3,750	3,500
Environmental protection	5,608	3,000	4,500	3,000
Manufacturing technology			10,000	5,000
Trident II missle sys	36,897	36,897	65,000	65,000
Extremaly low frequency comm	453	453	2,500	2,500
V/STOL acft. dev	20,707		10,000	5,000
Acft. survivability/vulnerability	7,603	5,603	7,603	5,603
Laser Maverick		3,000	3,000	4,500
Medium range A-A surf. msl	23,009	10,000	23,009	23,009
Advanced identification techniques	4,149		1,000	1,000
Submarine combat sys. dev	38,194		12,000	12,000
Over-the-horizon targeting	19,508	5,285	10,000	10,000
Major surface combatants			113,900	113,900
Ship development	21,871		17,771	14,671
Adv. design sub. nuclear prop	4,713		2,500	2,500
Combat system integration	2,956		1,000	1,000
Landing vehicle assault	22,251	31,251	45,251	48,251
Area air defense	30,899	19,357	25,799	25,799
Surface launched weaponry sys. tech	32,113	32,113	34,113	32,113
Surface missile warhead dev			4,000	
Surface missile warhead dev. (financial adj., fiscal year 79/80)		−6,052		−6,052
Radar surveillance eq	11,759	8,759	11,759	11,759
FCS. electro. optics	11,288	11,288	16,788	16,788
Jt. Army/Navy semiactive laser guide proj	21,210	21,210	22,000	21,210
Medical development (eng.)	1,728	1,428	1,728	1,428
Management and technical support	14,677	12,677	14,677	12,677
A-6 squadrons	7,838	6,000	7,838	7,838
Tactical information systems	31,677	21,677	31,677	31,677
Modular guided glide wpn. imp	2,412	807	2,412	807
Mc. grd. combat/spt. arms sys	1,884	1,430	1,884	1,884
New class carrier design			30,000	20,000
Ship systems engineering standards (seamod)		6,000	8,000	8,000
Security/investigative acts	699		699	
MK-48 advance capability torpedo			10,000	10,000
AIM-9C semiactive radar improvement			5,000	5,000
MK-92 fire control upgrade			20,000	20,000
LH-X			9,000	
Combat systems architecture			8,000	4,000
Attack submarine/SLCM integration			9,000	9,0000
Classified programs	99,242	96,876	114,023	114,023
Patrol combatants	949		949	
Special activities	77,606	73,906	77,606	77,606
Studies and analysis support (Marine Corps)	4,228	3,500	4,228	3,500
Studies and analysis support (Navy)	9,175	7,000	9,175	7,000
Civilian training/education/develop	1,170	870	1,170	870
Reduction, senior Executive service bonuses		−247		−247
General reduction, inflation		−223,000		−178,000
Undistributed reduction, budget amendment			−13,000	−13,000

Blue green lasers

The House recommended that funds for blue green laser communications be spent only on satellite-based lasers. The Senate stated that funds should be spent on both satellite-based and ground-based lasers. The House recedes, with the understanding that the appropriate tradeoffs are to be made at the earliest possible time in order that funding of only one approach will be required in fiscal year 1982 and beyond.

Amendment No. 66: Restores the transfer of $4,086,000 from "Research, Development, Test and Evaluation, Navy, 1979/1980", and $1,966,000 from "Research, Development, Test and Evaluation, Navy, 1980/1981", as included in the House bill but deleted by the Senate amendment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

Amendment No. 67: Appropriates $6,774,011,000 instead of $6,234,779,000 as proposed by the House and $7,159,857,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense research sciences	125, 240	121, 000	125, 240	125, 240
Geophysics	32, 400	30, 900	32, 400	32, 400
Materials	39, 500	37, 500	39, 500	39, 500
Aerospace flight dynamics	57, 300	54, 000	57, 300	57, 300
Aerospace biotechnology	36, 200	34, 200	36, 200	36, 200
Aerospace propulsion	54, 500	51, 300	54, 500	54, 500
Training/simulation tech	13, 100	12, 100	13, 100	13, 100
Rocket propulsion	33, 100	32, 500	33, 100	33, 100
Advanced weapons	37, 300	36, 000	37, 300	37, 300
Command/control/communication	63, 800	62, 000	63, 800	63, 800
Acft. propulsion subsys. integration	13, 600	18, 600	13, 600	18, 600
Aerospace structures/materials	18, 800	15, 800	18, 800	18, 800
Adv. turbine engine gas generator	26, 300	31, 300	26, 300	31, 300
Aircraft subsystems tech	1, 800	1, 800	5, 300	5, 300
Advanced radiation tech	59, 081	59, 081	74, 081	59, 081
Comd. contl. plus comm. adv. dev	9, 200	10, 900	11, 000	11, 000
Adv. strategic air launched msl	26, 000	16, 000	26, 000	21, 000
M–X	1, 564, 900	1, 444, 900	1, 564, 900	1, 504, 900
B–52 companion trainer aircraft	15, 300	10, 000	15, 300	12, 500
Minuteman squadrons	48, 800	48, 800	53, 800	53, 800
Air Force sat. comm. sys	62, 000	34, 000	39, 800	36, 900
New strategic bomber		175, 000	300, 000	300, 000
Next generation trainer Acft	2, 000		2, 000	
Enforcer aircraft			6, 000	6, 000
Adv. msl. subsystems demonstration	6, 600		6, 600	3, 300
Adv. attack weapons	25, 400	24, 900	34, 900	34, 900
Air-launched assault breaker	7, 200		3, 000	3, 000
Advanced communications technology	4, 200	600	4, 200	600
Side looking airborne radar	27, 700	17, 700	22, 700	22, 700
Acft. avionics equipment development	17, 300	17, 300	25, 300	21, 300
C-X	81, 296	20, 000	35, 000	35, 000
Low altitude afld. attack sys	56, 500		56, 500	
Close air support weapons system	40, 700	40, 700	47, 400	47, 400
Low level laser guided bomb	9, 100	2, 100	5, 000	5, 000
Weather systems	5, 900	4, 100	5, 900	5, 900
Tac. C3 countermeasures	15, 900	9, 900	15, 900	9, 900
Appl. for info. processing tech	5, 900	3, 200	5, 900	4, 550
Precision location strike system	30, 900		30, 900	15, 000
Jt. tac. info. dist. sys. spt	72, 200	42, 100	60, 000	60, 000
Classified programs	87, 100	84, 100	87, 100	84, 100
NAVSTAR gps	127, 900	127, 900	150, 000	150, 000
Defense dissemination program	9, 640	2, 040	9, 640	9, 640
Special activities	670, 984	553, 406	673, 684	659, 606
R. & D. future options	−26, 461	−26, 461	−40, 903	−26, 461
Adv. aerial targets dev	17, 100	12, 100	17, 100	17, 100
Space Shuttle	232, 200	232, 200	246, 642	246, 642
Mgt Hq. (research/development)	21, 500	20, 000	21, 500	20, 000
General reduction, studies and analyses		−3, 000		−3, 000
General reduction			−47, 640	
General reduction, inflation		−322, 000		−258, 000

B–52 Companion trainer aircraft

The conferees agreed to provide $12,500,000 for B–52 Companion Trainer Aircraft (CTA), rather than $10,000,000 as proposed by the House and $15,300,000 as proposed by the Senate. These funds are for the purpose of testing the CTA concept, and do not represent a commitment to a long-range program or to the start of a full scale development program. In an effort to minimize cost and fuel consumption, all aircraft, both jet and turbo-prop, now in the Air Force inventory or commercially available for off-the-shelf procurement shall be equally evaluated. To achieve this requirement and to allow maximum innovation by industry participants, all desired performance standards (such as speed, etc.) which could have the effect of reducing competition, should be stated as goals as opposed to inflexible requirements. In addition, the alternatives of aircraft lease and the purchase of services shall also be evaluated. The conferees agreed to the language in Senate Report No. 96–1020, pages 177–178, regarding aircraft of non-U.S. manufacture, provided that compliance with the qualifications specified must be demonstrated on the date the CTA contract is signed. All bidders who demonstrate a good faith intention to comply shall be considered.

New Strategic Bomber

The conferees agreed that a total of $300,000,000 is provided for RDT&E on a new strategic bomber. When the Department has made a decision on the specific aircraft to be developed, a reprogramming request will be entertained to transfer funds from RDT&E to Procurement.

CX

The conferees agreed to provide $35,000,000 as proposed by the Senate instead of $20,000,000 as proposed by the House. This does not constitute agreement to the start of a several billion dollar program to develop a new airlifter. To the contrary, the conferees emphasized if the studies required by the 1981 Authorization Act substantiate a need for additional airlift, consideration should be given to all alternatives.

NEXT GENERATION TRAINER AIRCRAFT

The conferees agreed that the Navy T–34C should be evaluated by the Air Force, using existing funds, as an alternative for the Next Generation Trainer Aircraft program.

Engine model derivative program

The conferees agreed to the Senate language concerning the Engine Model Derivative Program, with the added proviso that the questions of durability and reliability shall be given appropriate emphasis in any future engine developments.

RAPPORT III

The conferees agreed that developmental tests should be made of the RAPPORT III system in order to provide a full and fair evaluation of the system's ability to meet the requirements of U.S. forces. The conferees agreed that funds required to procure test articles and to pay the costs of the tests are to be derived by reprogramming within available funds.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

Amendment No. 68: Appropriates $1,254,602,000 instead of $1,172,352,000 as proposed by the House and $1,325,702,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense research sciences	96, 800	96, 300	105, 100	100, 700
In-house lab independent research	1, 650	1, 400	1, 650	1, 400
Strategic technology	114, 900	114, 900	130, 700	122, 800
Integrated comd./control tech	37, 600	33, 100	37, 600	35, 350
Experimental eval. maj. innovative tech	203, 050	183, 050	223, 050	203, 050
Undistributed reduction, DARPA		−22, 500	−10, 000	−10, 000
WWMCCS system engineer	31, 062	22, 062	31, 062	26, 562
Classified programs	405, 014	401, 914	404, 114	404, 114
Technical support to USDR/E	14, 397	11, 200	13, 000	11, 200
General support for PA/E	3, 302		1, 500	1, 500
General support for net assessment	3, 742	1, 000	2, 000	2, 000
General reduction (all other defense agencies)			−4, 000	−4, 000
General reduction, inflation		−60, 000		−30, 000

TITLE VII—GENERAL PROVISIONS

Amendment No. 69: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Amended; and (1) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agreed that the Department of Defense needed authority to purchase foreign made right-hand-drive vehicles because of the Department's extensive overseas operations. The House did not include the requested subsection because it would have permitted purchases of automobiles and other vehicles without cost limitation. The agreed to provision establishes a cost limitation of $12,000 per vehicle.

Amendment No. 70: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken and inserted by said amendment, insert as follows:

SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligations during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 71: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "*Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $3,400,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further*, That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contacts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 percent:".

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Conferees agree that the Secretary of Defense shall carefully monitor this exception to the Maybank Amendment made on a test basis for certain contracts and provide a status report to the Appropriation and Armed Services Committees of the House and

Senate on the results of the test not later than July 31, 1981. Such report shall include a) the total number and value of contracts awarded in this test; b) the price differential paid; c) the labor market areas the contracts caused by the contract awards nationwide were awarded in; d) employment change and in each labor market area affected; e) the labor market areas which would have been eligible to be awarded the contracts on a competitive basis and the employment situation in them.

Amendment No. 72: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits direct reimbursement to podiatrists from funds appropriated for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

Amendment No. 73: The House receded to the Senate amendment which deleted the word "or". This is a technical change made necessary by the insertion of amendment No. 74.

Amendment No. 74: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

The Senate amendment permits the Department of Defense to continue a test program to determine whether it is cost effective to allow direct, independent reimbursement to certified psychiatric nurses, other certified nurse practitioners, and certified clinical social workers. Direct reimbursement to certified clinical social workers is included for the first time.

Amendment No. 75: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 751. No appropriations contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of Setpember 30, 1980, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That if enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officer Training Corps units are revised, then the revised standards may be used to determine compliance with this provision, in lieu of the standards cited above.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate deleted section 751 of the House bill in order to allow complete flexibility to DoD in determining the viability of any given ROTC unit. The conferees restored the general provision contained in last year's bill with an amendment which permits DoD to begin implementation of an alternative system of viability standards. The conferees agreed that a single viability standard shall be developed by the Services and approved by the Secretary of Defense, and shall consider the quality of officer produced, costs, unit production, and kinds of officers produced. The Services may place different emphasis on each of the four elements in order to ensure that the formula is responsive to the unique missions of the Services and their ROTC programs.

Amendment No. 76: The conferees agreed to include language proposed by the Senate prohibiting implementation of the Competitive Rate Program for the transportation of household goods to or from Alaska or Hawaii. A similar provision has been contained in previous Department of Defense Appropriation Acts.

Amendment No. 77: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

The House receded to the Senate amendment which allows limited Federal funding of abortions. The agreed to provision is the same as that contained in the current Joint Resolution Making Continuing Appropriations for fiscal year 1981 (P.L. 96-369). This provision permits Federal funding of abortions for victims of rape when such rape has within seventy-two hours been reported to a law enforcement agency or public health service.

This section reads as follows:

SEC. 760. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Amendment No. 78: The Senate receded from its amendment which strikes Sec. 764 from the bill. This section requires that the Department of Defense charge a fair market price for items of insignia purchased for resale.

Amendment No. 79: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment, with an amendment, as follows:

In lieu of the section number named in said amendment insert the following "764-A".

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 80: Restores the matter stricken by said amendment, amended to read as follows:

SEC. 764-B. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Amendment No. 81: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The Senate added a provision designed to improve the collection of overdue debts owed to the United States, to charge interest on such debts and to reduce the amount of such debts written off as uncollectible.

Amendment No. 82: The Senate receded and agreed to restore the House provision which requires that the Department of Defense be reimbursed for the cost of providing in-patient hospital care to foreign military and diplomatic personnel and their dependents.

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows: in lieu of section number named in said amendment insert "767-A".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section relieves DOD from the necessity of transferring funds between the Military Personnel appropriations and the Foreign Currency Fluctuations, Defense account.

Amendment No. 84: The House receded and agreed to the deletion of the provision that would have restricted overtime payments to the amounts provided for in title 5, U.S.C. in lieu of the amounts provided for by the Fair Labor Standards Act as determined by the Office of Personnel Management for certain employees.

Amendment No. 85: The House receded and agreed to inclusion of a provision which prohibits the use of funds in the bill for second career training of air traffic controllers employed by the Department of Defense. A similar provision is contained in the Transportation and Related Agencies Appropriation Act for the last few years. Enactment of P.L. 96-347 gave DoD air traffic controllers the same rights and privileges as FAA controllers. Inclusion of this section ensures equal treatment with respect to the matter of second career training.

Amendment No. 86: The House receded and agreed to the deletion of Sec. 769 which prevented the decommissioning, transferring or disposing of certain Naval Reserve destroyers.

Amendment No. 87: The House receded to the change of section numbers made by the deletion of Sec. 769 as contained in the House bill.

Amendment No. 88: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 770. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing prepaid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 89: The Senate receded from its amendment which proposed to provide authority for the Secretary of Defense to spend up to $750,000 of the funds appropriated in the bill for support of the commemoration of the 200th anniversary of the Battle of Yorktown.

Amendment No. 90: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the Section number named in said amendment insert the following: "771".

The amendment agreed to by the House will convey the Kennebec Arsenal property in Augusta, Maine, to the State of Maine for public purposes. This property was conveyed to the city of Augusta in the mid-1800's with the proviso that the property would be used in connection with the Maine Insane Hospital. The property is no longer needed for use as a mental hospital. The provision provides the State of Maine with authority to extend its useful life for other public purposes.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 91: The Senate receded from its amendment which proposed to restrict the Defense Logistics Agency from cancelling or significantly modifying the Brand Name Supply Bulletin pertaining to the purchase of chilled box beef.

The conferees agreed to delete section 773 from the bill with the understanding that the Department of Defense should not entirely eliminate the Brand Name Supply Bulletin technique for the procurement of beef. This technique should continue to be used along with the continued use of competitive requirement type contracts. However, the conferees insist that future use of Supply Bulletins insure that a larger number of firms, including small business, can qualify for listing on the bulletins.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows: In lieu of section number named in said amendment insert "772".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section includes National Guardsmen and the Reserves in the Federal incentive awards program, thus removing the restrictions that requires a member of the Armed Forces to be on active duty in order to be eligible for a cash award for a suggestion, invention, or scientific achievement.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	$137,357,905,000
Transfer from other accounts, fiscal year 1980	(897,848,000)
Total funding available	138,255,753,000
Budget estimates of new (obligational) authority, fiscal year 1981	154,496,424,000
Transfer from other accounts	(253,400,000)
Total funding available	154,749,824,000
House bill, fiscal year 1981	157,211,492,000
Transfer from other accounts	(244,866,000)
Total funding available	157,456,358,000
Senate bill, fiscal year 1981	160,847,830,000
Transfer from other accounts	(254,100,000)
Total funding available	161,101,930,000
Conference agreement, fiscal year 1981	159,738,836,000
Transfer from other accounts	(256,066,000)
Total funding available	159,994,902,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	+22,380,931,000
Transfer from other accounts	(−641,782,000)
Total funding available	(+21,739,149,000)
Budget estimates of new (obligational) authority, fiscal year 1981	+5,242,412,000
Transfer from other accounts	(+2,666,000)
Total funding available	(+5,245,078,000)
House bill, fiscal year 1981	+2,527,344,000
Transfer from other accounts	(+11,200,000)
Total funding available	(+2,538,544,000)
Senate bill, fiscal year 1981	−1,108,994,000
Transfer from other accounts	(+1,966,000)
Total funding available	(+1,110,960,000)

J. P. ADDABBO,
R. N. GIAIMO,
BILL CHAPPELL,
BILL D. BURLISON,
JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
JAMIE L. WHITTEN,
JACK EDWARDS,
J. K. ROBINSON,
JACK KEMP,
SILVIO O. CONTE,
Managers on the Part of the House.

JOHN C. STENNIS,
WARREN G. MAGNUSON,
WILLIAM PROXMIRE,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
TOM EAGLETON,
LAWTON CHILES,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
MILTON R. YOUNG,
TED STEVENS,
RICHARD S. SCHWEIKER,
HENRY BELLMON,
L. P. WEICKER, JR.,
JAKE GARN,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7591, AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, pursuant to the provisions of House Resolution 821, I call up the conference report on the bill (H.R. 7591) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 2, 1980.)

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. MYERS) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring forth a conference report signed by all the conferees.

Mr. Speaker, this bill making appropriations for the Department of Agriculture, rural development, and related agencies for fiscal year 1981 also includes the Food and Drug Administration and the Commodity Futures Trading Commission. Included are funds for rural development and conservation, the school lunch and school milk programs, the food stamp program, and many other food programs relating to production, processing, and orderly marketing.

The conference agreement, may I explain, is $347,000,000 less than the budget request.

As would be the case with such reports, I do not know that it reflects entirely the viewpoint of any individual Member but by and large it does represent a getting together of the various viewpoints. I think it takes care of the Department of Agriculture and its activities in the coming year at just about the same level as before.

Frequently, I have brought to the attention of the House the fact that our high standard of living rests on the ability of the relative few who are engaged in agriculture, because the less than 5 percent of our population which is engaged in agriculture feed the 95 percent of our population who are engaged in nonagricultural activities.

Furthermore, agriculture is the largest market for industry and labor while on the other hand it is the most economical supplier of the essentials of life.

Mr. Speaker, I know my remarks bear repetition because as we become more and more an urban population less and less attention is paid to the fact that our standard of living comes about through the large investment and great risk and hard work of those engaged in agriculture. Their efforts make it possible for the rest of us to enjoy the standard of living.

Mr. Speaker, I am very appreciative of my colleagues in the Congress who have supported us in the past years.

Mr. Speaker, we who are interested in agriculture and those of us interested in other facets of the economy worry about the financial situation of our country. It is good to know that through the actions of the Congress we have endeavored to protect the physical wealth of our Nation. Twenty-eight times this Congress has overridden the recommendations of Presidents and their Budget Bureaus in order to take care of the land from which everything else comes. We have a rich country in material wealth though financially we may be in bad shape.

We have exempted small watersheds from approval by the Water Resources Council which in many cases had delayed greatly the activities and facilities so badly needed if we are to save some of the eroded areas of our country. We have increased funds in some areas but by and large we have kept programs about at this year's level.

May I say this conference agreement will operate within the overall budget that we approved the other day. We do have some problems that will face us in the future, however.

Mr. Speaker, I would like to say to the House that through the years my colleagues on this committee have done a tremendous job. Mr. Speaker, this year particularly, they have all made major and essential contributions to the development of this bill.

Mr. Speaker, may I say we on our committee regret to see our friend and colleague with whom we have worked so many years, MARK ANDREWS, retire from the House and go to the Senate. I would say our loss is their gain.

Be that as it may, Mr. Speaker, it will be a help to us to have him on the other side with his broad knowledge, to make this bill better each year for the American people.

Mr. Speaker, I would also like to add my thanks to the gentleman from Missouri (Mr. BURLISON), our ranking majority member, and the gentleman from Michigan (Mr. TRAXLER), the gentleman from Arkansas (Mr. ALEXANDER), the gentleman from New York (Mr. McHUGH), the gentleman from Kentucky (Mr. NATCHER) whom I have worked closely with for many years now, and the gentleman from Texas (Mr. HIGHTOWER). I would also like to commend our other two minority members, the gentleman from Virginia (Mr. ROBINSON), and the gentleman from Indiana (Mr. MYERS).

Mr. Speaker, may I also say it has been a pleasure this year, not only on this bill but all bills we deal with, to work with the gentleman from Massachusetts (Mr. CONTE), the ranking minority member of the full committee. No one could ask for better cooperation.

Mr. Speaker, I would like to extend a very special thank you for my good friend and colleague, the gentleman from Oklahoma (Mr. STEED), for assisting us so ably in this conference. It has been a great pleasure working with the gentleman over the years, and we were pleased to have him help us out over on Agriculture before his retirement.

Mr. Speaker, all of the gentlemen have done a marvelous job, and we have been able to bring this bill to you because the House has confidence in them and their efforts on this bill which is so important to the standard of living of every American. I give my personal thanks to each and every one of them.

Mr. Speaker, we bring to the Members today a conference report which I highly commend to my colleagues.

I would like at this time to describe some of the highlights of this bill. The conference report recommends $23,576,314,000 in total budget authority for fiscal year 1981. The amount agreed to by the conferees is $346,965,000 less than the budget request, $214,000,000 less than the House bill, and $26,000,000 more than the Senate bill.

TITLE I—AGRICULTURAL PROGRAMS

Mr. Speaker, for agricultural research the conference agreement provides $414,367,000. Included in the agreement is an overall increase in the research and development budget over comparable 1980 figures. This is crucial in view of such challenges facing agricultural research as the leveling off of productivity increases, the loss of prime farmland, and the continuing pressures of population growth on global food supply.

As you can see in reading the conference report, there were literally dozens of research projects to be decided by the conferees. I will provide a table for the RECORD which covers the conference agreement on individual research items.

	House	Senate	Conference
Basic agricultural research	$155, 016, 000	$158, 016, 000	$156, 516, 000
Guayule	665, 000	--------------	500, 000
Human nutrition requirements	34, 457, 000	33, 457, 000	34, 457, 000
Factors affecting food choice and consumer preferences	1, 000, 000	200, 000	200, 000
Pear pathology		20, 000	20, 000
Kearneysville (phase III) (West Virginia)		1, 000, 000	500, 000
Beckley soil laboratory (West Virginia)		750, 000	375, 000
African swine fever		262, 000	262, 000
Grasshopper fungus		115, 000	115, 000
Mount St. Helens, high priority research		2, 000, 000	1, 000, 000
Plant Science Laboratory (Stillwater, Okla)		1, 000, 000	1, 000, 000
Energy retrofit of facilities	2, 000, 000	3, 000, 000	2, 500, 000
Tobacco production	1, 048, 000	--------------	1, 048, 000
Bee diseases	406, 000	335, 000	406, 000
Beef forage crop study		2, 000, 000	1, 000, 000
Wool and mohair	1, 224, 000	875, 000	1, 075, 000
Sweet potato quality	220, 000	118, 000	220, 000
Aquaculture	100, 000	--------------	100, 000
Tobacco insects	797, 000	615, 000	797, 000
Byssinosis (cotton dust)	750, 000	1, 200, 000	975, 000
Yellow wilt (sugarbeet disease)	25, 000	--------------	25, 000
Pickles	30, 000	--------------	30, 000
Consumer nutrition center	7, 084, 000	6, 084, 000	6, 584, 000
Program evaluation	4, 495, 000	7, 495, 000	5, 495, 000
Plum Island		10, 100, 000	10, 100, 000
Beckley Laboratory (West Virginia)		2, 500, 000	1, 000, 000
Dairy forage research (Wisconsin)	1, 150, 000	2, 000, 000	2, 000, 000
Asparagus aphid		150, 000	100, 000
Tropical/subtropical	2, 665, 000	3, 000, 000	2, 865, 000
All other	183, 102, 000	183, 102, 000	183, 102, 000
Total agricultural research	396, 234, 000	419, 391, 000	414, 367, 000
Special fund	2, 000, 000	2, 000, 000	2, 000, 000

Mr. Speaker, for cooperative research the conference agreement provides $200,897,000. Included in the agreement is $128,615,000 in Hatch Act funds and $19,270,000 for our 1890 land-grant colleges and Tuskegee Institute. The agreement provides $17,076,000 for special grants and projects, including $5,050,000 for animal health research. We agreed to $10,774,000 for cooperative forestry research, and $6,500,000 for section 1433 grants for animal health and disease research. The agreement also includes $16,000,000 for competitive research grants, for specific purposes.

I will provide for the RECORD a table which reflects the conference agreement on special grants:

	House	Senate	Conference
STEEP-Soil erosion in Northwest	$450, 000	$950, 000	$600, 000
Pest management	2, 000, 000	1, 000, 000	1, 500, 000
Blueberries (Michigan)		100, 000	100, 000
Genetic vulnerability	300, 000	--------------	--------------
Bean and beet	75, 000	--------------	75, 000
Animal health	5, 050, 000	--------------	5, 050, 000
Dairy photoperiod	35, 000	--------------	35, 000
Mushroom byproduct utilization research		38, 000	38, 000
Soil and water research (Alaska)		290, 000	290, 000
Bean flour	103, 000	--------------	103, 000
High priority agricultural research	2, 500, 000	--------------	--------------
Aquaculture	500, 000	--------------	500, 000
Antidesertification	1, 000, 000	--------------	1, 000, 000
Peach tree short life		200, 000	100, 000
Mount St. Helen's research		1, 700, 000	850, 000

For cooperative extension the conference agreement provides a total of $303,633,000. Included in the agreement is $205,448,000 for payments under the Smith-Lever Act and $11,250,000 for the 1890 land-grant colleges and Tuskegee Institute. We were able to hold the House position in regard to urban gardening and farm safety.

Mr. Speaker, all of the gentlemen have Health Inspection Service the agreement provides $259,255,000, including $6,000,000 for the fire ant program, which will fund treatment of nearly 2 million acres. The conferees did not agree to the Senate proposal to transfer $17,526,000 from the Department of the Interior for activities relating to animal damage control.

I will provide a table for the RECORD which shows the amounts agreed to for APHIS.

	House	Senate	Conference
Biocontrol	$3,322,000	$3,572,000	$3,422,000
Boll weevil	1,686,000	886,000	1,686,000
Citrus blackfly	1,702,000	2,002,000	1,852,000
Grasshopper, Morman cricket and predator control	1,723,000	1,223,000	1,723,000
Imported fire ant	2,500,000	5,500,000	6,000,000
Japanese beetle	162,000	112,000	162,000
Mediterranean fruit fly	7,986,000	8,257,000	8,257,000
Mexican fruit fly	1,452,000	2,252,000	1,452,000
Multiflora rose		200,000	200,000
Pink bollworm	3,356,000	3,091,000	3,091,000
West Indian sugarcane root borer	150,000	300,000	225,000
Animal welfare	4,269,000	4,355,000	4,355,000
Brucellosis eradication	77,879,000	85,038,000	82,879,000
Poultry diseases	999,000	687,000	999,000

The agreement provides $6,986,000 for APHIS buildings and facilities, including $3,800,000 for a sterile fly rearing facility to be constructed on a cost-share basis with the States of Hawaii and California.

For the Food Safety and Quality Service, the conference agreement includes $293,318,000 and continues meat and poultry inspection grants at not less than current levels.

Mr. Speaker, the conference agreement includes $90,203,000 for the Economics and Statistics Service, $4,500,000 for the Agricultural Cooperatives Service, and $52,709,000 for the Agricultural Marketing Service. The conferees agreed that no action is to be taken to close or reduce market news offices and services. The agreement also included $29,558,000 for the administrative and operating expenses of the Federal Crop Insurance Corporation, which will begin implementation of the new provisions of the Federal Crop Insurance Act of 1980.

TITLE II—RURAL DEVELOPMENT PROGRAMS

Mr. Speaker, for the Farmers Home Administration the conference agreement provides $915,000,000 for rural rental housing loans (section 515), $3,195,000,000 for subsidized interest loans to low-income borrowers, the level of $403,000,000 for rental assistance agreements, an additional $25,000,000 for unsubsidized interest guaranteed loans, $920,000,000 for farm ownership loans, $260,000,000 for community facility loans, and $5,000,000 for rural development grants.

For insured water and sewer facility loans the agreement includes $750,000,000, and both the House and Senate versions of the bill included $200,000,000 for rural water and waste disposal grants. The conferees agreed that not less than 30 percent of the funds provided for rural water and waste disposal grants and loans shall be used for the expansion of existing systems with special emphasis on area coverage. The conferees also encouraged water systems and electric systems to coordinate and consolidate where practical to achieve better service.

We have provided for an increase of 200 additional permanent positions for Farmers Home, all of which are to be located outside of the Washington area and used primarily to supervise the agency's loan portfolio which now totals over $40 billion.

For the agricultural conservation program the agreement includes $190,000,000, to be available for approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act.

For the Soil Conservation Service programs the agreement includes $293,001,000 for conservation operations, $17,442,000 for river basin surveys and investigations, $10,000,000 for watershed planning, $20,000,000 for the Great Plains conservation program, and $192,524,000 for watershed and flood prevention operations.

For the resource conservation and development program the agreement includes $34,046,000 and provides for four new area authorizations. The agreement also includes $12,500,000 for the forestry incentives program.

TITLE III—DOMESTIC FOOD PROGRAMS

Mr. Speaker, the conference agreement includes a total of $3,353,776,000 for child nutrition programs.

In view of authorization changes which have been agreed upon by the House and Senate in separate legislation, the conferees agreed to a rescission of $285,000,000 contingent upon enactment of that legislation.

The conference agreement provides for a 3-year, $1,975,000 pilot study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch program. The conferees will expect the pilot study to be based on the same per meal price as the regular school lunch program and that a thorough evaluation be made of the impact of the cash-in-lieu approach on the costs and operation of all the other feeding programs.

For the special milk program, the agreement includes $118,800,000 to continue the program as it is presently being operated. The conferees also agreed to $927,040,000 for the special supplemental food programs.

Many of these feeding programs have reportedly become plagued with fraud and abuses. The conferees have taken every reasonable action available through an appropriations bill to urge and promote the aggressive pursuit of eliminating fraud, abuse and waste from these programs.

TITLE V—RELATED AGENCIES

Mr. Speaker, for salaries and expenses of the Food and Drug Administration the conference agreement provides $321,035,000; $17,966,000 is also provided for the Commodity Futures Trading Commission.

TITLE VI—GENERAL PROVISIONS

Mr. Speaker, among the general provisions agreed to was a specific limitation restricting the accumulation of capital in the working capital fund language pertaining to year-end spending and procurement of consulting services, language precluding any chance of the sale of certificates of beneficial ownership being used to manipulate total Federal outlay figures, language limiting overhead charges on cooperative agreements to 10 percent, a transfer of $10,800,000 from the Department of Energy for biomass and alcohol fuels research, language pertaining to the reporting of anticipated outlays, and language exempting watersheds from the provisions of Executive Orders 12113 and 12141 for review by the Water Resources Council. The conferees also agreed that producers shall not be required to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to 1981 programs for cotton, wheat, feed grains, and rice.

The Senate provision would have prevented the Department from enforcing an order which it has issued recently requiring folks to hold back production to the 1977 level if they were to participate in the benefits of the farm program. May I say most of those so-called benefits came about because industry and labor had received a larger and larger share of the consumer dollar in the first instance through other laws.

However, with the world needing food and with all the defense matters involved in the report considered awhile ago, the best weapon that we have in the world that we live in today is our ability to produce food. This committee differed with the Department in issuing this order and in conference it was agreed that the farmers could plant to the degree they wished to, but any increase brought about in these areas would not go to increasing the allotments in future years.

Mr. Speaker, I think this is a very sound approach to this matter. The fact is we must continue our production to handle our foreign trade, particularly with China coming into the picture. I also think it is well that, in view the limitation in acreage being lifted, that it is probably sound, as was required on the other side before we could reach agreement, that what is done this year should not be counted in the permanent structure of price supports and things like that. That will be left to the new Congress and such laws as it may pass.

Mr. Speaker, we bring you a good bill and we hope that we will have your support in its passage.

Mr. Speaker, I will provide detailed tables for the RECORD at this point:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE I—AGRICULTURAL PROGRAMS PRODUCTION, PROCESSING AND MARKETING									
Office of the Secretary	$4,670,000	$5,187,000	$4,810,000	$4,810,000	$4,810,000	+$140,000	−$377,000		
Departmental Administration	12,450,836	13,887,992	12,950,000	12,950,000	12,950,000	+499,164	−937,992		
Governmental and Public Affairs	7,772,170	9,591,641	9,063,000	8,861,000	8,861,000	+1,088,830	−730,641	−$202,000	
Office of the Inspector General	26,527,000	28,721,000	27,752,000	28,127,000	28,052,000	+1,525,000	−669,000	+300,000	−$75,000
Transfer from food stamp program	(9,401,000)	(9,405,000)	(10,000,000)	(10,000,000)	(10,000,000)	(+599,000)	(+595,000)		
Total, Office of the Inspector General	(35,928,000)	(38,127,000)	(37,752,000)	(38,127,000)	(38,052,000)	(+2,124,000)	(−75,000)	(+300,000)	(−75,000)
Office of the General Counsel	11,500,000	12,022,000	11,609,000	11,609,000	11,609,000	+109,000	−413,000		
Federal Grain Inspection Service:									
Salaries and expenses	24,022,000	25,957,000	22,457,000	24,957,000	24,457,000	+435,000	−1,500,000	+2,000,000	−500,000
Science and Education Administration:									
Agricultural research	373,323,000	399,823,000	396,234,000	419,394,000	414,367,000	+41,044,000	+14,544,000	+18,133,000	−5,027,000
Special fund	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000				
Scientific activities overseas (special foreign currency program)	5,750,000	5,642,000	5,000,000	5,000,000	5,000,000	−750,000	−642,000		
Rescission	−1,200,000					+1,200,000			
Cooperative research	189,045,000	195,104,000	175,592,000	214,514,000	200,897,000	+11,852,000	+5,793,000	+25,305,000	−13,617,000
Rescission	−3,000,000					+3,000,000			
Extension activities	285,537,000	282,017,000	299,029,000	310,928,000	303,633,000	+18,096,000	+21,616,000	+4,604,000	−7,295,000
Technical information systems	7,986,000	8,686,000	8,541,000	8,541,000	8,541,000	+555,000	−145,000		
Total, Science and Education Administration	859,440,000	893,272,000	886,396,000	960,377,000	934,438,000	+74,998,000	+41,166,000	+48,042,000	−25,939,000
Animal Plant Health Inspection Service:									
Salaries and expenses	247,291,000	253,270,000	250,138,000	262,486,000	259,255,000	+11,964,000	+5,985,000	+9,117,000	−3,231,000
Buildings and facilities	2,340,000	3,186,000	3,186,000	6,986,000	6,986,000	+4,646,000	+3,800,000	+3,800,000	
Total, Animal and Plant Health Inspection Service	249,631,000	256,456,000	253,324,000	269,472,000	266,241,000	+16,610,000	+9,785,000	+12,917,000	−3,231,000
Food Safety and Quality Service	291,385,000	298,313,000	292,818,000	293,818,000	293,318,000	+1,933,000	−4,995,000	+500,000	−500,000
Economics and Statistics Service	87,945,000	97,803,000	94,803,000	89,953,000	90,203,000	+2,258,000	+7,600,000	−4,600,000	+250,000
Agricultural Cooperatives Service				4,700,000	4,500,000	+4,500,000	+4,500,000	+4,500,000	−200,000
World food and agricultural outlook and situation board	1,045,000	2,059,000	1,731,000	1,731,000	1,731,000	+686,000	−364,000		
Agricultural Marketing Service:									
Market Services	49,343,000	50,109,000	49,109,000	49,109,000	49,109,000	−234,000	−1,000,000		
Transportation office		2,190,000	1,699,000		2,000,000	+2,000,000	−190,000	+301,000	+2,000,000
Payments to States and possessions	1,600,000		1,600,000	1,600,000	1,600,000		+1,600,000		
Total, Agricultural Marketing Service	50,943,000	52,299,000	52,408,000	50,709,000	52,709,000	+1,766,000	+410,000	+301,000	+2,000,000
Office of Transportation				2,677,000					−2,677,000
Total, Production, Processing and Marketing	1,627,326,006	1,695,604,633	1,670,211,000	1,764,751,000	1,733,879,000	+106,552,994	+38,274,367	+63,758,000	+30,872,000
FARM INCOME STABILIZATION									
Agricultural Stabilization and Conservation Service:									
Salaries and expenses	191,586,000	196,571,000	195,671,000	195,671,000	195,671,000	+4,085,000	−900,000		
(Transfer from Commodity Credit Corporation)	(155,932,000)	(159,789,000)	(159,789,000)	(159,789,000)	(159,789,000)	(+3,866,000)			
Total, salaries and expenses, ASCS	(347,509,000)	(356,360,000)	(355,460,000)	(355,460,000)	(355,460,000)	(+7,951,000)	(−900,000)		
Dairy and beekeeper indemnity programs	3,290,000	200,000	1,700,000	1,700,000	1,700,000	−1,590,000	+1,500,000		
Total, Agricultural Stabilization and Conservation Service	194,876,000	196,771,000	197,371,000	197,371,000	197,371,000	+2,495,000	+600,000		
Federal Crop Insurance Corporation:									
Administrative and operating expenses	12,000,000	11,858,000	11,195,000	29,558,000	29,558,000	+17,558,000	+17,700,000	+18,363,000	
Federal Crop Insurance Corporation Fund	(17,512,000)	(18,363,000)	(18,363,000)			(−17,512,000)	(−18,363,000)	(−18,363,000)	
Total, Federal Corp Insurance Corporation	(29,512,000)	(30,221,000)	(29,558,000)	(29,558,000)	(29,558,000)	(+46,000)	(−663,000)		
Commodity Credit Corporation:									
Reimbursement for net realized losses	3,056,189,000	3,299,887,696	3,299,887,000	3,299,887,000	3,299,887,000	+243,698,000	−696		
(Limitation on administrative expenses)	(50,700,000)	(53,010,000)	(52,750,000)	(52,750,000)	(52,750,000)	(+2,050,000)	(−260,000)		
Total, Farm Income Stabilization	3,263,065,000	3,508,516,696	3,508,453,000	3,526,816,000	3,526,816,000	+263,751,000	+18,299,304	+18,363,000	
Total, title I, new budget (obligational) authority, agricultural programs	4,890,391,006	5,204,121,329	5,178,574,000	5,291,567,000	5,260,695,000	+370,303,994	+56,573,671	+82,121,000	−30,872,000
Appropriations	4,894,591,006	5,204,121,329	5,178,574,000	5,291,567,000	5,260,695,000	+366,103,994	+56,573,671	+82,121,000	−30,872,000
Rescissions	−4,200,000					+4,200,000			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE II—RURAL DEVELOPMENT PROGRAMS									
RURAL DEVELOPMENT ASSISTANCE									
Farmers Home Administration:									
Rural Housing Insurance Fund:									
Direct loans	($24,000,000)	($50,000,000)	($24,000,000)	($24,000,000)	($24,000,000)		(−$26,000,000)		
Insured loans	(3,979,000,000)	(3,672,600,000)	(4,125,000,000)	(4,025,600,000)	(4,075,600,000)	(+$96,600,000)	(+403,000,000)	(−$50,000,000)	(+$50,000,000)
Guaranteed loans	(500,000,000)			(100,000,000)	(25,000,000)	(−475,000,000)	(+25,000,000)	(+25,000,000)	(−75,000,000)
Construction defects authorization	(5,000,000)	(5,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(−3,000,000)	(−3,000,000)		
Rent supplement authorization	(393,000,000)	(393,000,000)	(393,000,000)	(413,000,000)	(403,000,000)	(+10,000,000)	(+10,000,000)	(+10,000,000)	(−10,000,000)
Home ownership assistance (authority to borrow)		99,000,000					−99,000,000		
Miscellaneous offsetting adjustments		−99,000,000	−99,000,000	−99,000,000	−99,000,000	−99,000,000			
Reinbursement for interest and other losses	320,209,000	504,318,000	504,318,000	504,318,000	504,318,000	+184,109,000			
Reimbursement for rent supplement payments	76,150,000	110,000,000	110,000,000	110,000,000	110,000,000	+33,850,000			
Home ownership assistance payments		1,000,000					−1,000,000		
Total, Rural Housing Insurance Fund	(4,904,359,000)	(4,342,918,000)	(4,666,918,000)	(4,666,918,000)	(4,641,918,000)	(−262,441,000)	(+299,000,000)	(−25,000,000)	(−25,000,000)
Agricultural Credit Insurance Fund:									
Real estate loans:									
Insured	(993,600,000)	(893,600,000)	(983,600,000)	(993,600,000)	(943,600,000)	(−50,000,000)	(+50,000,000)	(+50,000,000)	(−50,000,000)
Guaranteed	(56,000,000)	(56,000,000)	(56,000,000)	(56,000,000)	(56,000,000)				
Total, real estate loans	(1,049,600,000)	(949,600,000)	(949,600,000)	(1,049,600,000)	(999,600,000)	(−50,000,000)	(+50,000,000)	(+50,000,000)	(−50,000,000)
Soil conservation loans	(30,000,000)	(24,000,000)	(30,000,000)	(30,000,000)	(30,000,000)		(+6,000,000)		
Operating loans:									
Insured	(850,000,000)	(850,000,000)	(850,000,000)	(850,000,000)	(850,000,000)				
Guaranteed	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)				
Total, operating loans	(875,000,000)	(875,000,000)	(875,000,000)	(875,000,000)	(875,000,000)				
Emergency disaster loans	(2,500,000,000)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	(−500,000,000)			
Reimbursement for interest and other losses	272,809,000	297,032,000	297,032,000	297,932,000	297,032,000	+24,223,000			
Total, Agricultural Credit Insurance Fund	(4,697,409,000)	(4,121,632,000)	(4,121,632,000)	(4,221,632,000)	(4,171,632,000)	(−525,777,000)	(+50,000,000)	(+50,000,000)	(−50,000,000)
Rural Development Insurance Fund:									
Reimbursement for losses	91,874,000	143,282,000	143,282,000	143,282,000	143,282,000	+51,408,000			
Water and sewer facility loans	(700,000,000)	(400,000,000)	(700,000,000)	(900,000,000)	(750,000,000)	(+50,000,000)	(+350,000,000)	(+50,000,000)	(−150,000,000)
Industrial development loans:									
Insured	(10,000,000)	(10,000,000)	(10,000,000)			(−10,000,000)	(−10,000,000)	(−10,000,000)	
Guaranteed	(1,090,000,000)	(741,000,000)	(741,000,000)	(741,000,000)	(741,000,000)	(−349,000,000)			
Total, industrial development loans	(1,100,000,000)	(751,000,000)	(751,000,000)	(741,000,000)	(741,000,000)	(−359,000,000)	(−10,000,000)	(−10,000,000)	
Community facility loans	(250,000,000)	(240,000,000)	(210,000,000)	(300,000,000)	(260,000,000)	(+10,000,000)	(+20,000,000)	(+20,000,000)	(−40,000,000)
Total, Rural Development Insurance Fund	(2,141,874,000)	(1,534,282,000)	(1,834,282,000)	(2,084,282,000)	(1,894,282,000)	(−217,592,000)	(+360,000,000)	(+60,000,000)	(−190,000,000)
Rural water and waste disposal grants	300,000,000	100,000,000	200,000,000	200,000,000	200,000,000	−100,000,000	+100,000,000		
Rescission	−10,000,000					+10,000,000			
Very low income housing repair grants	24,000,0000	25,000,000	25,000,000	25,000,000	25,000,000	−1,000,000			
Rural housing for domestic farm labor	25,000,000	25,000,000	25,000,000	25,000,000	25,000,000				
Mutual and self-help housing	5,000,000					−5,000,000			
Rescission	−10,000,000					+10,000,000			
Self-help housing land development fund		4,000,000	1,000,000	1,000,000	1,000,000	+1,000,000	−3,000,000		
Rural community fire protection grants	3,500,000		3,500,000	3,500,000	3,500,000		+3,500,000		
Rural development planning grants	7,000,000	5,000,000	5,000,000	5,000,000	5,000,000	−2,000,000			
Rescission	−1,000,000					+1,000,000			
Rural housing supervisory assistance grants	1,500,000	2,000,000	1,500,000	1,500,000	1,500,000		−500,000		
Rural Development Grants	10,000,000		10,000,000		5,000,000	+5,000,000	+5,000,000	−5,000,000	+5,000,000
Salaries and expenses	236,018,000	243,684,000	239,684,000	244,984,000	244,984,000	+8,966,000	+1,300,000	+5,300,000	
(Transfer from loan accounts)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)				
Total, salaries and expenses	(239,518,000)	(247,184,000)	(243,184,000)	(248,484,000)	(248,484,000)	(+8,966,000)	(+1,300,000)	(+5,300,000)	
Total, Farmers Home Administration	1,352,0 0,000	1,450,316,000	1,466,316,000	1,461,616,000	1,466,616,000	114,556,000	+6,300,000	+300,000	+5,000,000
Rural Electrification Administration:									
Rural electrification and telephone revolving fund:									
Electric loans	(850,000,000)	(850,000,000)	(850,000,000)	(850,000,000)	(850,000,000)				
Telephone loans	(250,000,000)	(250,000,000)	(250,000,000)	(250,000,000)	(250,000,000)				
Total, loans	(1,100,000,000)	(1,100,000,000)	(1,100,000,000)	(1,100,000,000)	(1,100,000,000)				

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
Capitalization of Rural Telephone Bank	($30, 000, 000)	($22, 500, 000)	($22, 500, 000)	($22, 500, 000)	($22, 500, 000)	(−$7, 500, 000)			
Rural Communication Development Fund			(34, 000, 000)	(34, 000, 000)	(34, 000, 000)	(+34, 000, 000)	(+$34, 000, 000)		
Salaries and expenses	26, 645, 000	27, 719, 000	27, 719, 000	27, 719, 000	27, 719, 000	+1, 074, 000			
Total, Rural Electrification Administration	26, 645, 000	27, 719, 000	27, 719, 000	27, 719, 000	27, 719, 000	+1, 074, 000			
Total, Rural Development Assistance	1, 378, 705, 000	1, 488, 035, 000	1, 494, 035, 000	1, 489, 335, 000	1, 494, 335, 000	+115, 630, 000	+6, 300, 000	+$300, 000	+$5, 000, 000
CONSERVATION									
Soil Conservation Service:									
Conservation operations	274, 947, 000	283, 801, 000	283, 001, 000	300, 000, 000	293, 001, 000	+18, 054, 000	+9, 200, 000	+10, 000, 000	−6, 999, 000
River basin surveys and investigation	16, 487, 000	17, 442, 000	17, 442, 000	17, 442, 000	17, 442, 000	+955, 000			
Watershed planning	11, 000, 000	6, 660, 000	10, 660, 000	6, 660, 000	10, 000, 000	−1, 000, 000	+3, 340, 000	−660, 000	+3, 340, 000
Watershed and flood prevention operations	187, 524, 000	128, 464, 000	167, 524, 000	205, 641, 000	192, 524, 000	+5, 000, 000	+64, 060, 000	+25, 000, 000	−13, 127, 000
Recission	−2, 000, 000					+2, 000, 000			
Resource conservation and development	32, 000, 000	34, 046, 000	34, 046, 000	34, 046, 000	34, 046, 000	+2, 046, 000			
Great Plains conservation program	18, 689, 000	20, 122, 000	19, 987, 000	20, 122, 000	20, 000, 000	+1, 311, 000	−122, 000	+13, 000	−122, 000
Total, Soil Conservation Service	538, 647, 000	498, 535, 000	532, 660, 000	583, 912, 000	567, 013, 000	+28, 366, 000	+76, 478, 000	34, 353, 000 +	−16, 908, 000
Agricultural Stabilization and Conservation Service:									
Agricultural conservation program	190, 000, 000	160, 000, 000	190, 000, 000	190, 000, 000	190, 000, 000		+30, 000, 000		
Rural clean water program	50, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	−30, 000, 000			
Forestry incentives program	15, 000, 000	15, 000, 000	10, 000, 000	15, 000, 000	12, 500, 000	−2, 500, 000	+2, 500, 000	−2, 500, 000	−2, 500, 000
Water bank program	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000				
Emergency conservation program	35, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	−25, 000, 000			
Total, Agricultural Stabilization and Conservation Service	300, 000, 000	215, 000, 000	240, 000, 000	245, 000, 000	242, 500, 000	−57, 500, 000	+27, 500, 000	+2, 500, 000	−2, 500, 000
Total, Conservation	838, 647, 000	705, 535, 000	772, 660, 000	828, 921, 000	809, 513, 000	−29, 134, 000	+103, 978, 000	+36, 853, 000	−19, 408, 000
Total, title II, rural development programs:									
New budget (obligational) authority	2, 217, 352, 000	2, 193, 570, 000	2, 266, 695, 000	2, 318, 256, 000	2, 303, 848, 000	+86, 496, 000	+110, 278, 000	+37, 153, 000	−14, 408, 000
Appropriations	2, 240, 352, 000	2, 193, 570, 000	2, 266, 695, 000	2, 318, 256, 000	2, 303, 848, 000	+63, 496, 000	+110, 278, 000	+37, 153, 000	−17, 408, 000
Recessions	−23, 000, 000					+23, 000, 000			
TITLE III—DOMESTIC FOOD PROGRAMS									
Food and Nutrition Service:									
Child nutrition programs	1, 591, 615, 000	1, 759, 123, 000	1, 759, 123, 000	1, 395, 123, 000	1, 759, 123, 000	+167, 508, 000			+364, 000, 000
Rescission					−285, 000, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000
(Transfer from sec. 32)	(1, 831, 086, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(+48, 567, 000)			
Total, child nutrition programs	(3, 422, 701, 000)	(3, 638, 776, 000)	(3, 638, 776, 000)	(3, 274, 776, 000)	(3, 353, 776, 000)	(−68, 925, 000)	(−285, 000, 000)	(−285, 000, 000)	(+79, 000, 000)
Special milk program	156, 800, 000	176, 200, 000	176, 200, 000	118, 800, 000	118, 800, 000	−38, 000, 000	−57, 400, 000	−57, 400, 000	
Special supplemental food programs (WIC)	757, 950, 000	924, 540, 000	924, 540, 000	927, 040, 000	927, 040, 000	+169, 090, 000	+2, 500, 000	+2, 500, 000	
Food stamp program	8, 948, 000, 000	9, 903, 276, 000	9, 739, 276, 000	9, 739, 276, 000	9, 739, 276, 000	+791, 276, 000	−164, 000, 000		
(Transfer from child nutrition programs)	(243, 000, 000)					(−243, 000, 000)			
Total food stamp program	(9, 191, 000, 000)	(9, 903, 276, 000)	(9, 739, 276, 000)	(9, 739, 276, 000)	(9, 739, 276, 000)	(+548, 276, 000)	(−164, 000, 000)		
Food donations programs:									
Needy family program	39, 790, 000	53, 750, 000	53, 750, 000	53, 750, 000	53, 750, 000	+13, 960, 000			
Elderly feeding program	66, 544, 000	74, 910, 000	74, 910, 000	74, 910, 000	74, 910, 000	+8, 366, 000			
Total, food donations programs	106, 334, 000	128, 660, 000	128, 660, 000	128, 660, 000	128, 660, 000	+22, 326, 000			
Food Program Administration	82, 000, 000	35, 977, 000	82, 000, 000	85, 977, 000	84, 000, 000	+2, 000, 0000	−1, 977, 000	+2, 000, 000	−1, 977, 000
Rescission	−500, 000					+500, 000			
Total, title III, new budget (obligational) authority, domestic food programs	11, 642, 199, 000	12, 977, 776, 000	12, 809, 799, 000	12, 394, 876, 000	12, 741, 899, 000	+829, 700, 000	−505, 887, 000	−337, 900, 000	+77, 023, 000
Appropriations	11, 642, 699, 000	12, 977, 776, 000	12, 809, 799, 000	12, 394, 876, 000	12, 756, 899, 000	+1, 114, 200, 000	−220, 877, 000	−52, 900, 000	+362, 023, 000
Rescissions	−500, 000				−285, 000, 000	−284, 500, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000
TITLE IV–INTERNATIONAL PROGRAMS									
Foreign Agricultural Service	56, 427, 000	61, 025, 000	60, 535, 000	60, 535, 000	60, 535, 000	+4, 108, 000	−490, 000		
Office of International Cooperation and Development	1, 864, 000	6, 832, 000	2, 000, 000	6, 832, 000	3, 500, 000	+1, 636, 000	−3, 332, 000	+1, 500, 000	−3, 332, 000
Public Law 480:									
Title I and III—credit sales	266, 248, 000	406, 330, 000	406, 330, 000	406, 330, 000	406, 330, 000	+140, 082, 000			
Title II—commodities for disposition abroad	620, 088, 000	822, 600, 000	822, 600, 000	833 600, 000	822, 600, 000	+202, 512, 000			
Sales manager	(4, 608, 000)	(4, 979, 000)	(4, 719, 000)	(4, 719, 000)	(4, 719, 000)	(+111, 000)	(−260, 000)		
Total, Public law 480	886, 336, 000	1, 228, 930, 000	1, 228, 930, 000	1, 228, 930, 000	1, 228, 930, 000	+342, 594, 000			
Total, title IV, new budget (obligational) authority, international programs	944, 627, 000	1, 296, 787, 000	1, 291, 465, 000	1, 291, 297, 000	1, 292, 965, 000	+348, 338, 000	−3, 822, 000	+1, 500, 000, 000	−3, 332, 000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE V—RELATED AGENCIES									
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Food and Drug Administration:									
Salaries and expenses	$321, 296, 000	$322, 670, 000	$319, 535, 000	$322, 670, 000	$321, 035, 000	−$261, 000	−$1, 635, 000	−$1, 500, 000	−$1, 635, 000
Buildings and facilities	4, 372, 000	29, 663, 000	28, 253, 000	28, 253, 000	28, 253, 000	+23, 881, 000	−1, 410, 000		
Total, Food and Drug Administration	325, 668, 000	352, 333, 000	347, 788, 000	350, 923, 000	349, 288, 000	+23, 620, 000	−3, 045, 000	+1, 500, 000	−1, 635, 000
INDEPENDENT AGENCIES									
Commodity Futures Trading Commission	16, 617, 000	19, 039, 000	16, 366, 000	18, 489, 000	17, 966, 000	+1, 349, 000	−1, 073, 000	+1, 500, 000	−1, 623, 000
Farm Credit Administration (limitation on administrative expenses)	(12, 428, 000)	(13, 444, 000)	(13, 444, 000)	(13, 444, 000)	(13, 444, 000)	(+1, 016, 000)			
Total, title V, new budget (obligational) authority, related agencies	342, 275, 000	371, 372, 000	364, 154, 000	369, 412, 000	367, 254, 000	+24, 969, 000	−4, 118, 000	+3, 100, 000	−2, 158, 000
RECAPITULATION									
Title I—Agricultural programs	4, 890, 391, 006	5, 204, 121, 329	5, 178, 574, 000	5, 291, 567, 000	5, 260, 695, 000	+370, 303, 994	+56, 573, 671	+82, 121, 000	+30, 872, 000
Title II—Rural development programs	2, 217, 352, 000	2, 193, 570, 000	2, 266, 695, 000	2, 318, 256, 000	2, 303, 848, 000	+86, 496, 000	+110, 278, 000	+37, 153, 000	−14, 408, 000
Title III—Domestic food programs	11, 642, 199, 000	12, 977, 776, 000	12, 809, 799, 000	12, 394, 876, 000	12, 471, 899, 000	+829, 700, 000	−505, 877, 000	−337, 900, 000	+77, 023, 000
Title IV—International programs	944, 627, 000	1, 296, 787, 000	1, 291, 465, 000	1, 296, 297, 000	1, 292, 965, 000	+348, 338, 000	−3, 822, 000	+1, 500, 000	−3, 332, 000
Title V—Related agencies	342, 285, 000	371, 372, 000	364, 154, 000	369, 412, 000	367, 254, 000	+24, 969, 000	−4, 118, 000	+3, 100, 000	−2, 158, 000
Total, new budget (obligational) authority	20, 036, 854, 006	22, 043, 626, 329	2, , 910, 687, 000	21, 670, 408, 000	21, 696, 661, 000	+1, 659, 806, 994	−346, 965, 329	−214, 026, 000	+26, 253, 000
Transfer from sec. 32	1, 831, 086, 000	1, 879, 653, 000	1, 879, 653, 000	1, 879, 653, 000	1, 879, 653, 000	+48, 567, 000			
Total obligational authority	21, 867, 940, 006	23, 923, 279, 329	23, 790, 340, 000	23, 550, 061, 000	23, 576, 314, 000	+1, 708, 373, 994	−346, 965, 329	−214, 026, 000	+26, 253, 000
Consisting of:									
1. Appropriations	20, 064, 554, 006	22, 043, 626, 329	2 , 910, 687, 000	21, 670, 408, 000	21, 981, 661, 000	+1, 917, 106, 994	−61, 965, 329	+70, 974, 000	+311, 253, 000
2. Recissions	−27, 700, 000				−285, 000, 000	−257, 300. 000	−285, 000, 000	−285, 000, 000	−285, 000, 000
3. Direct and insured loan level	10, 441, 600, 000	9, 245, 200, 000	10, 009, 200, 000	10, 259, 200, 000	10, 069, 200, 000	−372, 400, 000	+824, 000, 000	+60, 000, 000	−190, 000, 000
4. Guaranteed loan level	1, 671, 000, 000	822, 000, 000	822, 000, 000	922, 000, 000	847, 000, 000	−824, 000, 000	+25, 000, 000	+25, 000, 000	−75, 000, 000
5. Rent supplement authorization	393, 000, 000	393, 000, 000	393, 000, 000	413, 000, 000	403, 000, 000	+10, 000, 000	+10, 000, 000	+10, 000, 000	−10, 000, 000
Momoranda:									
1. Appropriations to liquidate contract authorizations									
2. Appropriations including appropriations to liquidate contract authority	21, 036, 854, 006	22, 043, 626, 329	21, 910, 687, 000	21, 670, 408, 000	21, 696, 661, 000	+1, 659, 806, 994	−346, 965, 329	−214, 026, 000	+26, 253, 000
3. Transfers from sec. 32	1, 831, 086, 000	1, 879, 653, 000	1, 879, 653, 000	1, 879, 653, 000	1, 879, 653, 000	+48, 567, 000			
4. Transfers from Commodity Credit Corporation	155, 923, 000	159, 789, 000	159, 789, 000	159, 789, 000	159, 789, 000	+3, 866, 000			

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Mr. MYERS of Indiana. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I join the chairman of our committee in paying tribute to our colleague, the gentleman from North Dakota, Mr. Mark Andrews, who is the ranking minority Member, and would be here, however, he is already starting to do some of his responsibilities in the other body.

At this hour, he has to be in the other body rather than taking care of his responsibilities here.

Of course, second on our side is the gentleman from Virginia (Mr. Robinson), who necessarily was wearing two hats at the time we were meeting in this conference and spent part of the time with us, but much of the time with the defense side in conference with the other body and was unable to be here and is not quite as familiar, even though he had a tremendous input, the gentleman from Virginia did present us with his wishes.

I will say that in most cases we were successful in carrying out the wishes of the gentleman from Virginia (Mr. Robinson), but often we had to compromise as the conference necessarily has to do.

But the gentleman and our chairman from Mississippi, as he usually does do, has done an excellent job in telling us what is in the bill. It is not often that I can say that a bill coming back from conference is better than the House version, but in this particular instance I must say that I believe that this conference report is better than the bill that passed the House.

Now, I do not say that in disregard of the job that the Subcommittee on Agriculture did on the appropriation bill. It is a matter of timing.

The Appropriations Committee reported this agriculture appropriation bill on June 17, and it passed the House on July 30.

The other body has had more time to work on this bill. It was not until 2 weeks ago that they passed this bill. In fact, I think it was on November 25 that they passed the bill, and we were in conference day before yesterday. So they had more time, and conditions have changed somewhat and their bill is more up to date.

I am pleased that the chairman has mentioned the fact that one very major change was to limit the authority of the Department in administering the provisions of the Agricultural Act of 1977 as it has to do with the normal acreage allotments. The Department had imposed a restriction on acreage this year, and it was necessary because of severe problems in the agricultural areas of the country in droughts that we had less production this past year. We had less carryover of feed grains of wheat and soybeans because of that drought.

There is a world demand today, and the conference felt that it was very necessary that we limit the authority of the Department, and being able to impose the crop acreage as a condition upon eligibility of farmers to draw support loans, as well as target price programs and assistance in disaster areas.

We did make it very clear, however, that it was not the intentions of the conferees that these acreage increases that probably will be planted in crop year 1981 ever be used as a base year, realizing, of course, that this is just a 1-year appropriation bill; but the conferees intend to send a very clear message to the Department that this 1981 planted acreage shall never be used as a base year because of the increased allotment. I think that should be made very clear. The chairman has done this.

Again, I recommend this bill without any question. It is a much better bill, and I do hope that we can pass this bill overwhelmingly.

Mr. Speaker, I now yield 5 minutes to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Speaker, I want to express my gratitude to the gentleman from Indiana for covering for me when I was unable to be present during most of the consideration of this bill during the conference, because of my necessary attendance at the Defense Subcommittee conference going on at the same time.

I also want to express my feeling of deep regret that we have lost our colleague from North Dakota in that he has gone to the other body, but I am pleased to report informally that he has already found himself a seat on the Agriculture Committee of the other body and also of the Appropriations Committee, so we can be certain that in the future as in the past, he is going to have a great deal of input with regard to the agriculture of this country and the economic problems that affect it as generated here in Washington and as solved here in Washington.

It is a pleasure to be able to help to bring to the Members this bill and recommended that we accept this conference report as a good one and in the best interest of the agriculture of this country.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Speaker, I extend my heartiest best wishes to our esteemed colleague from North Dakota as he is—I was going to say elevated. I think I will just say as he goes to the Senate. It has been indeed a pleasure working with him. We know he is going to be a distinct asset over there as a hardworking member of the agriculture team.

I want to extend my deep appreciation to the chairman, to the fine staff and members on this side, as well as, of course, my esteemed colleague and good friend, the gentleman from Indiana (Mr. MYERS), who is always a pleasure to work with and whom I am very proud to have become acquainted with and know is a strong friend of agriculture.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Since the gentleman was about to say "elevated," maybe we should extend our sympathy to our colleague for moving to the other body.

Mr. TRAXLER. He has sort of got a partial wing, and he is working on the handle. We will be monitoring him carefully.

Mr. Speaker, I rise in complete support of the conference report to accompany H.R. 7591, the agriculture appropriations bill for fiscal 1981. I want to compliment our distinguished chairman, Mr. WHITTEN, on his excellent leadership in guiding us expeditiously through a most productive conference with the Senate.

I also want to take this opportunity to once again thank my good friend and colleague MARK ANDREWS, our ranking minority member on the subcommittee for his contribution of knowledge and leadership in our efforts to help preserve and expand the livelihood of American farmers. He is going to the Senate in a few short weeks, and he will truly be missed on our subcommittee.

Mr. Speaker, this conference report provides an excellent argreement in a very tough budgetary year. We have retained the House position on all vital programs and we have agreed to responsible increases in various programs, particularly research and extension programs, which will help the American farmer remain viable in the year ahead.

I want to highlight certain portions of the agreement which I believe to be of special significance. First of all, in the area of research, I am pleased that we were able to restore several projects that the House had funded in its bill earlier this year but that the Senate had deleted.

For the Agricultural Research Division of the Science and Education Administration, we were able to restore $30,000 for pickle research funds which had been available in each of the past 2 fiscal years to carry on research of vital interest to the pickling industry and pickle growers in the State of Michigan.

In the Cooperative Research Service, we were also able to restore other programs vital to Michigan's agriculture.

First, we restored $75,000 for the Saginaw Valley Bean and Beet Research Farm. This level is a $25,000 increase over fiscal 1980, with the increase being specially directed toward greater research in colored dry bean varieties. Bean farmers in my congressional district this year have produced historic levels of colored dry beans for sale to Mexico, with hopes that similar sales will continue in the future. It is for this reason that it is vital that colored dry bean research be conducted in the same area where the beans are being grown.

Second, we restored $103,000 for bean flour research. This project is being conducted jointly by Michigan State University and Texas A. & M. in order to provide our bean growers with another outlet for their product while providing consumers with an extremely nutritious food in various forms.

Third, we restored $35,000 for dairy photoperiod research being conducted at Michigan State University to determine the impact of light sensitivity of dairy animals and its relationship to milk production. This project holds much promise for the future, and is essential to a better understanding of responsible management of dairy herd size.

I am very pleased that we were able to provide an increase of roughly $3.5 million for Hatch Act formula research grants. This money goes to our State agricultural colleges and is used to help farmers solve the problems that are of immediate urgency in the production of crops and the raising of livestock. This work has often included plant variety work, disease research, and productivity methodology. It is the base of agricultural research and deserves strong Federal support.

The conferees have agreed to provide $16 million for the competitive grant program, the same level as available in fiscal 1980. I remain personally unconvinced that this method of providing research grants is the best one to use. I have absolutely no doubt that the projects funded are meritorious. My concern is purely that the Department has failed to convince me in 3 years that peer review panels are the superior way of approving Federal grants. Taxpayers have a right to be concerned about the ability of nongovernment employees to approve the granting of Federal money, and it is a paramount responsibility of the Department to justify this methodology. I hope that the agency will do a superior job of justifying the program in the coming year.

I also still believe that we need to have a contract grant program operating simultaneously with the competitive grant program so that we can compare the administrative problems and advantages of the different approaches. But as I said, this is a tight budget year, and for this reason the conferees have agreed to delete the funds for this project in the coming year. I hope to restore the funds in fiscal 1982.

For the extension service, I am pleased that we were able to accept a $5.5-million increase in Smith-Lever funding while retaining the farm safety and urban gardening programs. The extension service gets timely information directly to our producers and serves as the most important day-to-day link between farmers and research results which provide innovative information. This agency has always had the support of our subcommittee, and the fact that we have provided such an increase in a period of budget restraint gives evidence of the high esteem in which we hold the agency.

The conference report appears to be silent on the issue of food labeling under the Food Safety and Quality Service and the Food and Drug Administration. That should not be interpreted by anyone as meaning that the conferees did not consider the matter critical. The reason that it is not mentioned is that the House and Senate consider themselves to be in agreement on the point that food labeling, while it can be helpful to consumers, needs to be based on hard scientific evidence and not the whims of those who have personal disagreements with the availability of food items. As I explained in my remarks on passage of the bill and as the Senate expressed in its report, food labeling should not be required unless it is based on proven scientific fact.

Title II provides funds for our conservation efforts and assistance to individual farmers in the way of loans for various purposes, as well as the various loan and grant funds available to rural communities for water and sewer operations, business and industrial operations and various other functions. Agreement on these provisions was quite swift. We want to help farmers and farm communities, and the funding levels in this section demonstrate that fact.

I want to particularly emphasize that the House and Senate had agreed on providing $190 million for the agricultural conservation program, as we have in over the past 30 years. Farmers cannot produce unless they have fertile land, and conservation is essential to the preservation of fertile land. This program creates a partnership between the Government and the farmer in the mutual effort to save farmland for future production. Not a single member of either Appropriations Subcommittee on Agriculture disagrees with this principle, and I expect our feelings to remain firm in the future.

Title III provides funds for the various feeding programs operated by the Department of Agriculture. The fact that the House and Senate had agreed on most funding levels in advance of any conference demonstrates how we recognize the need to retain these programs at effective funding levels.

I want to call attention to two items in particular. First of all, the conferees agreed to allow 60 school districts to elect to participate in a pilot program of receiving cash in lieu of commodities or letters of credit in lieu of commodities so that they can purchase 100 percent of their food for the lunch program on their own, as opposed to receiving 20 percent of it directly from USDA in the form of commodities. Some believe that the pilot program will demonstrate ways to save money in the school lunch program without jeopardizing the quality of lunches. Obviously others disagree. By allowing this pilot project we hope to settle the issue once and for all.

But USDA needs to take notice of two facts which, unfortunately, do not appear in the text of the conference report. It is the agreed intent of the conferees that in the operation of the pilot program that the schools hold their per meal cost no more than the per meal support level they receive in the operation of the regular school lunch program. All that is being tested with this pilot project is whether or not schools can buy food on their own at a lower cost. We are not trying to set up a different lunch program. I expect that the same meal standards will apply as is currently the case and that all other rules and regulations not contrary to the special situation of food purchases will apply to these schools during the duration of this 3-year pilot project to take place in the 60 school districts.

Additionally, the Department must assess the impact of operating the lunch program in this fashion on other USDA feeding programs. Currently the commodity supplemental feeding program and the elderly feeding program, to identify just two as examples, benefit from the distribution network of the school lunch program and the surplus food items that are available. We want the Department to report to us any problems that they see being created for these other programs by the loss of bulk commodity purchasing power and the distribution network, as well as any other mutually beneficial factor associated with the programs.

We agreed in conference to accept the $2.5 million increase the Senate has provided for the commodity supplemental feeding program. This increase is justified on the basis of increased need for the program, particularly in the two largest CSFP locations: Detroit and New Orleans. We expect that these programs will be allowed to continue their expansion, and that the Department will take advantage of its option of transferring any unneeded WIC money to the CSFP program which is expanding at record rates providing food at one of the lowest per person costs of all Federal food aid programs.

I also want to voice my concern about the agreement to reduce special milk funding in the coming year. This decrease was adopted in order to conform with the provisions imposed upon us by the Budget Reconciliation Act of 1980 which reduce the reimbursement rate by approximately 2½ cents per pint. We agreed in order to be fiscally responsible. We did not agree to harm the program. It is fair to say that we expect USDA to advise us of the impact of this reduction and to promptly provide us with any information that would indicate that supplemental funding is needed for the duration of the program in fiscal 1981. As one member of the Subcommittee on Agricultural Appropriations, I can certainly say that I will be prepared to question the new Secretary of Agriculture about the operation of this program in order to be sure that our school children are provided with adequate sources of milk. Fiscal responsibility does not mean that we take away the assistance that Americans need to maintain and improve their standard of living.

There is one other title III program which bears crucial notice: The food stamp program. No one can predict the actual need for the program in periods of high unemployment. For this reason, to restrain the Department to absolute spending levels or requiring the Department to reduce benefits to stretch out the money while demand for the program is increasing is both unrealistic and totally irresponsible. It is for these reasons that the House report mandated that the benefits for the food stamp program not be reduced below mandated levels, including the now once-a-year cost-of-living increase. The Senate report simply stated that the Senate concurred in the recommendations of the House with respect to the food stamp program. This simple statement meant that by virtue of this agreement, directives on operation of the food stamp program were not an item for conference. Both the House and Senate agree that food stamp benefit levels should not be cut.

Therefore, we will expect both the current administrators of the program and the Office of Management and Budget to heed this demand. We also expect the same obedience from any new personnel who may be placed at the Department of Agriculture and the Office of Management and Budget as a result of the new administration after January 20, 1981.

Mr. Speaker, I support this conference report as a responsible agreement in a tight budget year. It does not reflect everything that we would like to do for agriculture nor everything that needs to be done. But it does provide for a responsible program to keep the most critical operations of USDA going for the benefit of the American farmer and those who depend upon farm products: Every single American.

● Mr. JEFFORDS. Mr. Speaker, although I will not actively oppose this conference report, nor will I urge people to vote against it, I will be casting a vote of protest. I am concerned about the reductions in funding for the special milk program. This is not the time or place to fight cuts in the funding level for this program, as the cuts were scheduled some time ago in the budget reconciliation process. I objected to the cuts when the Education and Labor Committee acted on the reconciliation package, and I will now briefly restate those objections.

When the Education and Labor Committee took up its portion of the reconciliation bill, I was deeply disturbed that we were forced to approve significant reductions in child nutrition programs, including the special milk program and the school lunch and breakfast programs. These are important programs that help advance the health and well-being of our Nation's young people, and I believe that there are far better candidates for budget cuts. I will not take the time to enumerate those areas, but I can think of many more responsible and effective ways to reduce Federal spending. It concerned me even more to discover that the conferees on the reconciliation bill failed to approve reductions in areas that I consider extras, while some basic and necessary programs suffered substantial cuts.

It is my hope that the next Congress finds the will to reduce the budget in areas that can truly withstand cuts, before it slices into the programs that serve basic needs.●

● Mr. BROWN of California. Mr. Speaker, I rise in strong support of the conference report on H.R. 7591, the fiscal year 1981 agriculture appropriations bill, and commend the conferees on a job well done. I would like to especially commend the gentleman from Mississippi, the chairman of both the Agricultural Appropriations Subcommittee and the full Appropriations Committee, for his work in this effort. As in years past, he has shown his ability to insure that our food and agriculture programs receive the support that they deserve.

Mr. WHITTEN has shown himself sensitive to regional concerns in the conferees' support of a needed sterile fly rearing facility to be constructed in Hawaii. This cooperative State-Federal effort has been needed for years but past uncertainties on the States cooperative roles has hindered any progress. The conference report clearly spells out the conditions and requirements and should remove the past obstacles.

As I stated during debate on the House passage of this bill in July, there is an infestation of Mediterranean fruit flies in California that requires large numbers of sterile males for an erradication program. Unfortunately, there was not time to include funding for a rearing facility during House consideration of H.R. 7591. The Senate did propose funding for this facility and the conferees, sensitive to the emergent need in California and Hawaii, accepted the Senate proposal.

In another area of regional concern, the House conferees held on to funding for guayule research in the Agricultural Research Service account. Guayule, a semiarid shrub that will become a domestic source of natural rubber, is receiving increasing attention. The AR funding was needed to begin a seed propagation program, a necessary step in the commercialization of guayule. This funding is also a vital part of a program proposal to meet our strategic stockpile needs of natural rubber by growing it domestically. This critical national security program may be proposed next year and I will be keeping my colleagues informed of any progress. This will undoubtedly sound like old business to Mr. WHITTEN, a strong supporter of guayule programs in the past.

The conferees agreed to continue funding for the competitive grants program, a necessary element of our agricultural research effort. This valuable supplement to formula funded research has reached some research institutions not traditionally funded by USDA, bringing related disciplines to bear on pressing agricultural problems. It should be noted that our land-grant institutions continue to benefit from this program as well, receiving the majority of grant funding.

The conferees showed their sensitivity to urban needs by holding fast on the funding for the urban gardening program. This small stepchild in USDA has a great potential for the greening of urban areas and is a program that needs more emphasis and acknowledgement in our urban redevolpment efforts. It also brings to urban residents a better understanding of the production end of our agricultural system, helping to generate urban support for USDA programs.

Two small areas of research being funded under the bill before us need mention. One is the tropical/subtropical research in AR and the other is antidesertification research in the cooperative research program. These two areas need much attention and the results of this research will have tremendous payback both here and, most importantly, in the developing countries. Our national security depends upon stability in the Third World, in countries located mainly in the moist tropical and arid tropical regions. By directing research at these regions in the two programs funded here, we can develop information that can be applied in the Third World and help stabilize countries facing problems of food and natural resources. And, there are arid and tropical areas in this country that will receive the most direct benefit of this increased attention.

In summary, I find this conference report to be a fine product. I again commend the conferees, the able chairman, and urge my colleagues to support this report.●

● Mr. RUDD. Mr. Speaker, I would like to take this opportunity to outline the primary reasons why I must oppose this conference report on appropriations for the Department of Agriculture.

I have no major quarrel with the truly agricultural aspects of this bill. There are a number of federally supported farm programs which accomplish a great deal to aid the American farmer, and the funds to finance these programs are well spent on behalf of our taxpayers.

It should be noted, however, that title III of this bill, dealing with domestic food programs, contains over half of the appropriations in the entire bill, accounting for $12.7 billion of $21.9 billion.

The largest of these domestic food programs, quietly nestled in this bill, is the food stamp program. Food stamps are allocated $9.7 billion and will provide benefits to over 22 million people—1 out of every 10 Americans.

As a member of the House Budget Committee, I have had the opportunity to study this program closely in search of legislative savings to reduce the Federal budget.

I was absolutely astounded by the extravagance of the current program, much of it sanctioned by Congress through authorizing legislation.

I know that talk about reforming the food stamp program immediately sends some liberal Members and outside advocate groups into rhetorical denunciations that conservatives somehow want to starve the hungry and poor.

Nothing could be more spurious.

The reforms which I have talked about this year, and which other Members of this House and the other body have recommended, would do virtually nothing to change the current eligibility of the truly needy—the blind, disabled, or elderly, and others actually unable to work or care for themselves; nor would reforms penalize those who do work and nonetheless fall below the poverty level.

What I and others object to are provisions of current law which allow households with gross incomes considerably above the poverty line to be eligible for food stamps.

The congressionally enacted deductions which families are allowed to claim before determining food stamp eligibility permit such families to draw benefits. Indeed, 13 percent of all benefits are paid to households with gross incomes above the poverty line, according to figures from the Department of Agriculture itself. As the table below indicates, this includes families who are earning almost twice the poverty level.

The following figures, verified by the Congressional Budget Office, indicate the effective gross income limits which are in effect—assuming maximum deductions—in comparison with the actual poverty standard as defined by the Office of Management and Budget:

MAXIMUM EFFECTIVE GROSS INCOME ELIGIBILITY (UNDER EXISTING LAW), PERIOD OF JULY TO DECEMBER 1980

Family size	Net income cutoff[1]	Maximum gross income[2]
1	$3,790	$7,588
2	5,010	9,113
3	6,230	10,638
4	7,450	12,162
5	8,670	13,687
6	9,890	15,212

[1] OMB poverty level.

[2] Assumes working household eligible for 20 percent earned income credit; $80 standard deduction; $110 dependent care/excess shelter deduction. (Does not assume deductions for payments above $35 for medical expenses which are available for elderly, blind and disabled.)

Note.—Figures verified by Congressional Budget Office.

We object to the costly duplication between the food stamp and school lunch programs, the continued outreach efforts designed to further swell the food stamp rolls, the abuse of already lenient work-registration requirements, pilot projects which allow food stamps to be used in restaurants, and other misuses of this program.

I certainly recognize, Mr. Speaker, the difficulty in addressing these concerns during the appropriations process. There are, however, a number of limitations which I believe should be placed on food stamp appropriations. I will certainly work with our distinguished chairman (Mr. WHITTEN) on these areas during consideration of the fiscal year 1982 Agriculture appropriations bill.

Additionally, it should be noted that the Congress must consider reauthorization of the Food Stamp Act next year. I would encourage my colleagues who share my concerns about this program to forward reform suggestions to the members of the Agriculture Committee for early consideration.

The reauthorization of the food stamp program will provide an early opportunity for the Members of this House to work with the new Senate next year in developing a more sound, efficient, and economical program with benefits more accurately targeted to those most in need.

In an effort to further stimulate constructive recommendations, I shall introduce a food stamp reform package at the beginning of the 97th Congress.

This package will include the following concepts:

A gross income eligibility limit and partial restoration of the purchase requirement, exempting, however, the elderly, blind, and disabled.

A tightening of the work registration requirements and implementation of work requirement — "workfare" — for those able-bodied individuals applying for benefits.

Inclusion of energy assistance in determining household income and resources.

Elimination of strikers from eligibility.

Elimination of outreach activities which seek to expand the program further.

Elimination of "dine-out" pilot projects whereby food stamps are used in restaurants.

Individualization of benefit allotments based on the actual nutritional needs of the recipient families rather than using a standardized allotment.

Because the bulk of the bill before us furnishes the appropriations to finance a perpetuation of a costly, unreformed program, I cannot support it.●

Mr. WHITTEN. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. Hutto). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ECKHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 25, not voting 82, as follows:

[Roll No. 669]

YEAS—325

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ahsbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnard
Barnes
Bauman
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Clay
Clinger
Coleman
Conte
Conyers
Coughlin
Courter
Crockett
Daniel, Dan
Daniel, R. W.
Danielson
Davis, Mich.
de la Garza
Dellums
Derrick
Devine
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gramm
Grassley
Gray
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harsha
Hawkins
Heckler
Hefner
Heftel
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
McClory
McCloskey
McCormack
McDade
McHugh
McKay
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wirth
Wolpe
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—25

Anderson, Calif.
Archer
Cleveland
Collins, Tex.
Conable
Crane, Daniel
Dannemeyer
Gradison
Grisham
Harris
Jacobs
Jeffords
Lagomarsino
Lewis
Lungren
McDonald
Mottl
Paul
Porter
Ritter
Rousselot
Rudd
Snyder
Stump
Weaver

NOT VOTING—82

Anthony
Applegate
Ashley
Baldus
Beard, R.I.
Beard, Tenn.
Bolling
Broomfield
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Coelho
Collins, Ill.
Corcoran
Corman
Cotter
Crane, Philip
D'Amours
Daschle
Davis, S.C.
Deckard
Derwinski
Dickinson
Dodd
Dougherty
Duncan, Oreg.
Edwards, Ala.
Evans, Ga.
Fenwick
Findley
Ford, Tenn.
Garcia
Giaimo
Goldwater
Hansen
Hightower
Holtzman
Huckaby
Jenkins
Jenrette
Kelly
Kemp
Kindness
LaFalce
Lederer
Luken
Lundine
McEwen
McKinney
Maguire
Mathis
Michel
Mikulski
Moffett
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Patterson
Pepper
Quayle
Rhodes
Rodino
Schroeder
Solomon
Spellman
Stark
Stockman
Symms
Thompson
Vander Jagt
Waxman
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wolff
Wydler
Yates
Young, Alaska

☐ 1730

The Clerk announced the following pairs:

Mr. Rodino with Mr. Beard of Tennessee.

Mr. Cotter with Mr. Broomfield.

Mr. Lederer with Mr. Evans of Georgia.

Mr. Giaimo with Mr. Findley.

Mr. Ford of Tennessee with Mr. O'Brien.

Mr. Pepper with Mr. Quayle.

Mr. Thompson with Mrs. Fenwick.

Mr. Wolff with Mr. Philip M. Crane.

Mr. Yates with Mr. Daschle.

Mr. Murphy of New York with Mr. Deckard.

Ms. Mikulski with Mr. Derwinski.

Mr. Corman with Mr. Goldwater.

Mrs. Chisholm with Mr. Hansen.

Mr. Applegate with Mr. Jenkins.

Mrs. Collins of Illinois with Mr. Kelly.

Mr. Maguire with Mr. Solomon.

Mr. Stark with Mr. Stockman.

Mrs. Schroeder with Mr. Bob Wilson.

Mr. Neal with Mr. Young of Alaska.

Ms. Holtzman with Mr. Dickinson.

Mr. Huckaby with Mr. McKinney.

Mr. Phillip Burton with Mr. Kemp.

Mr. D'Amours with Mr. Dougherty.

Mr. Dodd with Mr. Edwards of Alabama.

Mr. Waxman with Mr. Symms.

Mr. White with Mr. Vander Jagt.

Mr. Nedzi with Mr. McEwen.

Mr. Hightower with Mr. Kindness.

Mr. Jenrette with Mr. Corcoran.

Mr. Baldus with Mr. Beard of Rhode Island.

Mr. Anthony with Mr. Cavanaugh.

Mr. Ashley with Mr. Garcia.

Mr. Coelho with Mr. LaFalce.

Mr. John L. Burton with Mr. Luken.

Mr. Davis of South Carolina with Mr. Michel.

Mr. Duncan of Oregon with Mr. Murphy of Illinois.

Mr. Patterson with Mr. Charles H. Wilson of California.

Mr. Charles Wilson of Texas with Mr. Wydler.

Mr. Moffett with Mr. Mathis.

Mr. Lundine with Mr. Rhodes.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 3: Page 2, lines 18 and 19, strike out "for Capper-Volstead Monitoring, $200,000;".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following: "for Capper-Volstead Monitoring, $200,000, to be transferred to the Economics and Statistics Service;".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 6, line 12, after "California" insert ", the establishment of a photo-period house at Canal Point, Florida, and construction of facilities at Plum Island, New York; Beckley, West Virginia; and Stillwater, Oklahoma".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 12: Page 6, line 17, after "113a)" insert ": *Provided further*, That $13,600,000 of the appropriation provided herein for construction of facilities shall remain available until expended".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $12,100,000 of the appropriation provided herein for construction of facilities shall remain available until expended".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 28: Page 10, line 20, after "extension" insert "and higher education".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 13, line 5, after "$1,400,000;" insert "a facility in Hawaii at a Federal cost of $3,800,000;".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 40: Page 17, strike out all after line 19 over to and including line 6 on page 18.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,000,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 47: Page 16, after "Act" insert ": *Provided*, That unsubsidized interest guaranteed loans of not to exceed $100,000,000 shall be in addition to these amounts".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts".

The motion was agreed to.

□ 1740

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 62: Page 34, line 20, strike out "$18,500,000" and insert "$17,489,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$23,500,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senator amendment No. 69; Page 41, line 19, strike out "during fiscal year 1981" and insert "after September 1, 1980".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the admendment of the Senate numbered 69 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 70: Page 43, line 12, after "Centers" insert: *Provided further*, That, of the funds provided herein, there shall be available $2,250,000 with which the Secretary shall conduct a 2-year pilot project study in 108 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That $285,000,000 of the amount appropriated herein shall be held in reserve until the Omnibus Reconciliation Act of 1980 is enacted or the 96th Congress adjourns sine die: *Provided further*, That upon enactment of the Omnibus Reconciliation Act of 1980, which requires reductions in Child Nutrition Program levels, $285,000,000 of the amount herein appropriated shall hereby be rescinded, and the program level shall be reduced by a similar amount: *Provided further*, That, of the funds provided herein for the school lunch program, there shall be available $1,975,000 with which the secretary shall conduct a 3-year pilot project study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion may be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 72: Page 43, line 20, after "reimbursement" insert ": *Provided further*, That none of the funds appropriated in this Act may be used for payments which exceed 5 cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 76: Page 45, line 24, after "3109" insert ": *Provided further*, That no funds appropriated in this or any other Act shall be used by the Secretary to administer directly in any State any program authorized under the National School Lunch Act or the Child Nutrition Act of 1966 that the Secretary did not directly administer in fiscal year 1980".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 82: Page 49, line 1, after "space" insert "(to include multiple year leases)".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 82 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 84: Page 50, strike out all after line 20, over to and including line 2 on page 51, and insert:

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No: 85: Page 52, strike out all after line 9, over to and including line 5, on page 53, and insert:

Sec. 614. (a) No appropriations made available in this act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

Sec. 614. Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 88: Page 53, after line 10, insert:

Sec. 618. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for procurement of consultant services shall be reduced by $1,488,000.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant services contractual arrangements.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 616. (a) For fiscal year 1982 and thereafter a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 89: Page 53, after line 10, insert:

Sec. 619. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 per centum of the value of the loans closed during the fiscal year.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following "Sec. 617".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 90: Page 53, after line 10, insert:

Sec. 620. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the value of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "Sec. 618".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 91: Page 53, after line 10, insert:

Sec. 621. Within 60 days of enactment of this Act, the Department of Energy shall transfer $10,800,000 to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing interagency agreements. This sum represents the total fiscal year 1981 funding for the Department of Energy's on-farm and herbaceous programs, the near-term silviculture program and on-farm alcohol stills.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "Sec. 619".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 53, after line 10, insert:

Sec. 622. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281).

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 620. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Ford and Agriculture Act of 1977, as amended (7 U.S.C. 1281): *Provided*, That any increases in acreage in 1981 shall not be used in determining normal crop acreage in future years.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 93: Page 53, after line 10, insert:

Sec. 623. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and related agencies shall also submit to the appropriations committees, within 30 days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committees on Appropriations of the two Houses a revised schedule. Departments and related agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budget of the two Houses of Congress.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 621. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 94: Page 53, after line 10, insert:

Sec. 624. Notwithstanding any other provision of law, the following watershed projects under Public Law 83–566 are hereby exempted from the requirements of Executive Orders 12133 and 12141: Grasshopper-Coal Creek, Kansas; Stewart Creek, Kentucky; Mozingo Creek, Missouri; Blind Brook, New York; Piney Creek-Soak Creek, West Virginia; Upper Mud River, West Virginia; South Zumbro Watershed, Dodge and Olmstead Counties, Minnesota; Elk Creek Watershed, Kansas; and Little Calumet Watershed, Illinois.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 622. Notwithstanding any other provision of law, watershed projects under Public Law 83–566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just considered, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT EXTENSION

Mr. de la GARZA. Mr. Speaker, I call up the conference report on the bill (H.R. 7018) to extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 1, 1980.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. de la Garza) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. Wampler), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7018—legislation to extend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) through September 30, 1981.

H.R. 7018 was ordered reported by the Committee on Agriculture with wide support and was passed by that body overwhelmingly. The conference committee generally accepted the House bill with an amendment offered by the Senate to provisions dealing with congressional veto.

Mr. Speaker, H.R. 7018 as reported by the conference would—

Extend the authorization for funding Federal pesticide control programs through September 30, 1981;

Authorize the appropriation of $77,500,000 in fiscal year 1981 to operate the EPA's pesticide program, including research and demonstration;

Authorize scientists other than appointed members of the Scientific Advisory Panel to be included on temporary subpanels created to assist the full Panel established by the Act;

Require all emergency suspension actions taken by the Administrator of the Environmental Protection Agency to be submitted for comment by the Scientific Advisory Panel without limiting the Administrator's authority to take necessary action to protect human health and safety;

Require the Administrator to issue a written procedure providing for peer review of the design, protocols and conduct as well as the result of major scientific studies conducted under the act; authorize the Administrator to proceed with an emergency suspension action without completion of this peer review when circumstances warrant such action, provided that he initiate peer review promptly after such an order is issued;

Permit a two-House congressional veto of future EPA rules and regulations dealing with pesticides. Conferees accepted a Senate amendment to a House provision authorizing expedited judicial review of any future attempt to construe the constitutionality of the legislative veto section. The language agreed to by the conferees is similar to provisions which became law as part of a Federal Trade Commission bill earlier this year.

Mr. Speaker, H.R. 7018 is the result of the efforts of many people working together toward a reasonable resolution of many issues. H.R. 7018 is necessary to extend the funding authorization for FIFRA through fiscal 1981 with a funding ceiling of $77,500,000. In addition, the bill provides an authorization of $72,160,000 for fiscal 1980, which is the amount appropriated by Congress in Public Law 96–103.

I urge my colleagues to support this legislation in its present form.

□ 1750

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 7018. This legislation extends the authorization for FIFRA programs through fiscal year 1981.

As many of you will remember the fiscal year 1980 authorization bill for FIFRA died in conference last year after the Senate refused to accept a House provision establishing a one-House congressional veto over EPA's FIFRA regulations.

This year to make sure that EPA carries out the intent of the Congress, the House, extended the funding authorization for fiscal year 1980 and fiscal year 1981, and in the spirit of compromise included a two-House congressional veto thus giving Congress the authority to veto future EPA rules and regulations dealing with FIFRA.

The House-Senate conferees agreed to accept this two-House congressional veto provision with a modification that would establish procedures to expedite judicial review of the constitutionality of the legislative veto. Under the conference substitute the Supreme Court and courts of appeal would have a duty to advance on the docket and expedite to the greatest possible extent any action brought under this amendment.

A provision that I sponsored was accepted and made a part of this legislation. It adds a new directive to EPA to the effect that formal procedures for peer review must be established. This would provide independent scientific review of the design and results of major scientific studies which are used by EPA for regulatory actions. Peer review should improve the decisionmaking powers of EPA and revive public confidence in the Agency's studies and determinations.

Another provision of this legislation as proposed by our esteemed colleague, FLOYD FITHIAN, would authorize the inclusion on temporary subpanels, used to assist the Scientific Advisory Panel, of scientists who are not Panel members but who because of their expertise would be selected by the Panel to be of assistance. This feature should further enhance the decisionmaking powers of EPA and insure that conclusions reached are fully supportable by independent and objective scientists.

Mr. Speaker, it will soon again be time to consider the authorization of EPA for FIFRA programs for fiscal year 1982, but I see no reason for disapproving the conference report. Consequently, I urge passage of this conference report.

Mr. DE LA GARZA. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI), chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. I thank the gentleman for yielding.

(By unanimous consent, Mr. ZABLOCKI was allowed to speak out of order.)

INTERNATIONAL SECURITY AND THE SITUATION IN POLAND

Mr. ZABLOCKI. Mr. Speaker, I have asked for this time to comment on the situation in Poland.

The eyes of the world are intently fixed on Poland today. While the international system has recently been jolted by the Iran-Iraq conflict, and the Soviet invasion of Afghanistan, the threat of a new and much more dangerous crisis in Poland has taken precedence.

Such attention is justified. Poland is the largest and most important country in Eastern Europe. Because of too many successful efforts at foreign domination, Poland has been an unwitting catalyst for international tension and the gravest of conflicts, including World War II. Poland's fierce independence and desire to solve its problems without outside interference have historically been callously ignored by her neighbors. In recent weeks ominous signals emanating from the Soviet Union raise this tragic specter once again.

Despite its official status as a member of the Warsaw Pact, Poland is of vital concern to the national security of the United States and Western Europe. In addition, to millions of Americans of Polish descent, including myself, Poland and its future involves direct cultural ties and a commitment to the hope of a better life for the Polish people. The combined effect of this policy and cultural interest has created a special relationship between the United States and Poland to which there is nothing comparable in Eastern Europe.

The increasingly alarming pattern of Soviet adventurism and aggression, graphically demonstrated by the Soviet invasion of Afghanistan, has sharply and properly heightened U.S. concern about the situation in Poland. As mobilization of Soviet military reserves and the closing of Polish borders continues, U.S. apprehension over the possible crushing of even the most modest of new freedoms in Poland must increase as well. The operating dictum of Soviet foreign policy that "what's mine is mine, what's yours is negotiable," may once again be rearing its ugly head.

As such, I firmly add my voice to those concerned officials of both the outgoing Carter and incoming Reagan administrations regarding the possibility of Soviet military intervention in Poland. Such action which would be a violation of the Helsinki accords and international law would have the gravest of consequences for international peace and security and East-West relations.

Lest Moscow perceive strong talk to be cheap, in my view the United States would have to seriously consider a number of strong sanctions in the face of Soviet military action. An effective and complete trade embargo, the indefinite suspension of arms control discussions, the speeding up of a number of military programs, and moratoria on existing scientific exchanges and the refusal to extend new ones would be examples of such sanctions.

Furthermore, despite unfortunate campaign rhetoric to the contrary, the Soviet Union should not doubt for even a moment the willingness or ability of the United States to use its military capabilities to defend its vital interests and assist its allies to do the same. That capability is credible, it is significant, and it is effective. If sanctions would have to be implemented, I believe our European allies would and must support them. The European memory is a long and rich one; and 1939 was only 41 years ago.

While U.S. concern for Poland at this moment is great, so is Soviet foreign policy and national security interest. Despite its tragic record, we should not prejudge Soviet responses to the situation in Poland, or spasmodically assume the worst about Soviet intentions. The one fact that is unalterably clear is that international relations are a two-way street. Strong Western sanctions would be dictated by Soviet intervention; but if the pattern of Soviet aggression is reversed, possible steps toward cooperation in arms control, international trade, and other areas could well develop.

Even mutual cooperation in helping Poland to solve its economic problems in its own way could be developed. Threats and tension need not be the primary direction of United States-Soviet relations. The basic principle that the Soviet Union must clearly understand is that their moderation will bring U.S. moderation and the prospect of cooperation. Extreme Soviet action, however, will bring strong U.S. reaction.

If this principle is adhered to by both East and West, the first faltering steps taken by the Polish people and their Government to create a better life will be strengthened. The Polish workers will perhaps find that if their major commitment is to greater economic freedom, slowly but surely political freedoms will follow. If the Polish Government recognizes that some power can be shared, they may find that their ultimate political position will not wither away. Such lessons could also be learned by Poland's other Communist neighbors, including the Soviet Union.

The future of Poland should lie in the hands of its people and its government. If this objective can be achieved, international security will have been enhanced and the groundwork laid for a better climate of East-West relations. If the Soviet Union cannot accept such a course for Poland, it runs the risk of grave international tension and conflict. More than 2 years ago, President Carter frankly told Moscow it could choose between either confrontation or cooperation in United States-Soviet relations. The situation in Poland bears out the continuing relevance of that remark.

It is my hope the Soviet leaders will fully consider that it is the interest of the Soviet Union not to precipitate a dangerous crisis by resorting to force and intervention by invasion.

• Mr. FOLEY. Mr. Speaker, I rise in support of the conference report on the bill H.R. 7018. The report extends the funding authorization for the Federal Insecticide, Fungicide, and Rodenticide Act, commonly known as FIFRA, for 1 year until September 30, 1981, and contains a few changes in the provisions of the act.

The conferees on the part of the House bring back to you today a conference report that represents the bill previously agreed to by the House by a rollcall vote of 392 to 22 with but one minor amendment. Included in H.R. 7018, as passed the House, was the incorporation of a provision that would authorize a two-House congressional veto of future EPA rules and regulations issued under authority of the act. The conferees agreed to accept that provision with the addition of procedures to authorize expedited judicial review in the event an interested party should challenge the constitutionality of the legislative veto provision. This amendment is identical to language previously agreed to by the House in an amendment to the basic authority of the Federal Trade Commission.

The conference report also contains the other amendments which had been included in the House bill. One provides for peer review of scientific studies conducted under the act and is the result of an amendment in committee originated by the gentleman from Virginia, the ranking minority member of the committee, Mr. WAMPLER. This provision requires the Administrator to issue written procedures providing for peer review of the design, protocols and conduct as well as of the results of major scientific studies conducted under the act. The Administrator could, however, proceed with an emergency suspension action without completion of this peer review when circumstances warrant such action, provided that he initiate peer review promptly after such an order is issued. A similar provision had also been agreed to by the Senate in the bill passed in the other House.

In addition, the conferees agreed to the inclusion of a provision in the House bill which originated as a proposal by Mr. FITHIAN of Indiana. This provision would authorize scientists other than appointed members of the Scientific Advisory Panel to be included on temporary subpanels that might be established to evaluate scientific studies that the Administrator of EPA relies on with respect to proposed action.

Adoption of the conference report is necessary at this time to extend the funding authority for FIFRA through the end of the current fiscal year and to make the changes discussed above. The members gave this measure its enthusiastic support when the bill, H.R. 7018, was originally considered by the House. I urge the members to join me in support of enactment of this report.•

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is one the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ECKHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 334, nays 13, not voting 85, as follows:

[Roll No. 670]

YEAS—334

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Applegate
Archer
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Rudd
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coleman
Conable
Conte
Conyers
Corman
Coughlin
Courter
Crane, Daniel
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Devine
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Howard
Hubbard
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McClory
McCloskey
McCormack
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marriott
Martin
Matsui
Mattox
Mavroules
Mica
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta

Pashayan
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauzin
Thomas
Trible
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolpe
Wright
Wyatt
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—13

Ashbrook
Bauman
Collins, Tex.
Dannemeyer
Goodling
Hansen
McDonald
Marlenee
Paul
Porter
Rousselot
Taylor
Walker

NOT VOTING—85

Alexander
Annunzio
Anthony
Ashley
Aspin
Beard, R.I.
Bolling
Broomfield
Broyhill
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Coelho
Collins, Ill.
Corcoran
Cotter
Crane, Philip
Daschle
Davis, S.C.
Derwinski
Dickinson
Dodd
Dougherty
Duncan, Oreg.
Edwards, Ala.
Evans, Ga.
Fenwick
Ferraro
Findley
Ford, Tenn.
Garcia
Giaimo
Goldwater
Gudger
Harsha
Hightower
Horton
Huckaby
Ichord
Jenkins
Jenrette
Kelly
Kemp
Kindness
LaFalce
Lederer
Luken
Lundine
McEwen
McKinney
Mathis
Mazzoli
Michel
Mikulski
Moffett
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Pepper
Railsback
Rhodes
Rodino
Satterfield
Schroeder
Solomon
Spellman
Stark
Stockman
Symms
Tauke
Thompson
Traxler
Ullman
Vander Jagt
Waxman
White
Wilson, C. H.
Wilson, Tex.
Wolff
Wydler
Yates
Young, Alaska

□ 1810

The Clerk announced the following pairs:

Mr. Rodino with Mr. Broomfield.
Mr. Phillip Burton with Mr. Kindness.
Mr. Annunzio with Mr. Young of Alaska.
Mr. Dodd with Mr. Kemp.
Mr. Lederer with Mr. Broyhill.
Mr. Mazzoli with Mr. McEwen.
Ms. Mikulski with Mr. Wydler.
Mr. Murphy of New York with Mr. Kelly.
Mr. Hightower with Mr. Dougherty.
Mr. Giaimo with Mr. Edwards of Alabama.
Mrs. Chisholm with Mr. Railsback.
Mr. John L. Burton with Mr. Solomon.
Mr. Cotter with Mr. Corcoran.
Mrs. Schroeder with Mr. Philip M. Crane.
Mr. Thompson with Mr. McKinney.
Mr. Waxman with Mr. Michel.
Mr. Wolff with Mr. Vander Jagt.
Mr. LaFalce with Mr. Tauke.
Mr. Ichord with Mr. Horton.
Mr. Pepper with Mr. Harsha.
Mr. Lundine with Mr. Derwinski.
Mr. Evans of Georgia with Mr. O'Brien.
Ms. Ferraro with Mr. Stockman.
Mr. Anthony with Mr. Goldwater.
Mr. Alexander with Mr. Findley.
Mrs. Collins of Illinois with Mr. Symms.
Mr. Stark with Mrs. Fenwick.
Mr. Traxler with Mr. Dickinson.
Mr. Charles Wilson of Texas with Mr. Jenkins.
Mr. Gudger with Mr. Davis of South Carolina.
Mr. Moffett with Mr. Luken.
Mr. Mathis with Mr. Nedzi.
Mr. Neal with Mr. Garcia.
Mr. Satterfield with Mr. Duncan of Oregon.
Mr. Ford of Tennessee with Mr. Ashley.
Mr. Aspin with Mr. Beard of Rhode Island.
Mr. Cavanaugh with Mr. Coelho.
Mr. Daschle with Mr. Ullman.
Mr. White with Mr. Charles H. Wilson of California.
Mr. Huckaby with Mr. Jenrette.

Mr. DANIEL B. CRANE changed his vote from "yea" to "nay."

Mr. FORD of Michigan and Mr. DANIEL B. CRANE changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. Hutto). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1996, WOOD RESIDUE UTILIZATION ACT OF 1980

Mr. de la GARZA on behalf of Mr. Foley and without objection, submitted the following conference report and statement on the Senate bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program:

Conference Report (H. Rept. No. 96–1526)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Wood Residue Utilization Act of 1980".

Sec. 2. The purpose of this Act is to develop, demonstrate, and make available information on feasible methods that have potential for commercial applications to increase and improve utilization, in residential, commercial, and industrial or powerplant applications, of wood residues resulting from timber harvesting and forest protection and management activities occurring on public and private forest lands, and from the manufacture of forest products, including woodpulp.

Sec. 3. (a) The Secretary may establish pilot projects and demonstrations to carry out the purposes of this Act. The pilot projects and demonstrations established under this section (1) may be operated by the Secretary; or (2) may be carried out through contracts or agreements with owners of private forest lands or other persons, or in conjunction with projects, contracts, or agreements entered into under any other authority which the Secretary may possess: *Provided*, That nothing contained in this Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of national forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

(b) Pilot projects and demonstrations carried out under this section may include, but are not limited to (1) establishment and operation of utilization demonstration areas; (2) establishment and operation of fuel wood concentration and distribution centers; and (3) construction of access roads needed to facilitate wood residue utilization: *Provided*, That residue removal credits may be utilized by the Secretary only as provided in section 4.

Sec. 4. The Secretary may carry out pilot wood residue utilization projects under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may except as otherwise provided in this section, be required to remove wood residues not purchased by them to points of prospective use in return for compensation in the form of "residue removal credits." Such projects may be carried out where the Secretary identifies situations in which pilot wood residue utilization projects on the National Forest System can provide important information on various methods and approaches to increasing the utilization, in residential, commercial, and industrial or powerplant applications, of wood residues and where such information cannot reasonably be obtained unless the pilot projects are done in conjunction with normal National Forest timber sale activities. The residue removal credits shall be applied against the amount payable for the timber purchased and shall represent the anticipated cost of removal of wood residues. The following guidelines shall apply to projects carried out under this section:

(1) Except in cases where wood residue removal is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement, or other land management purposes, the Secretary may not provide for removal of wood residues in instances where the anticipated cost of removal would exceed the anticipated value.

(2) The residue removal credits authorized by this section shall not exceed the amount payable by the purchaser for timber after the application of all other designated charges and credits.

(3) The Secretary may sell the wood residues removed to points of prospective use for not less than their appraised value.

(4) Pilot projects, demonstrations, and other programs established pursuant to this Act shall be carried out in a manner which

does not result in an adverse effect on the furnishing of timber, free of charge, under any other provision of law.

(5) Wood residues shall be collected from a site so as to avoid soil depletion or erosion giving full consideration to the protection of wildlife habitat.

(6) For the purposes of the sixth undesignated paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Forest Service in processing and storing such residues.

SEC. 5. The Secretary shall make annual reports to the Congress on the programs authorized by this Act. These reports shall be submitted with the reports required under section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974.

SEC. 6. The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this Act.

SEC. 7. For purposes of this Act, the term:

(1) "Anticipated cost of removal" means the projected cost of removal of wood residues from timber sales areas to points of prospective use, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(2) "Anticipated value" means the projected value of wood residues as fuel or other merchantable wood products, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(3) "Points of prospective use" means the locations where the wood residues are sold or otherwise put to use, as determined by the Secretary in accordance with appropriate appraisal and sale procedures.

(4) "Person" means an individual, partnership, joint-stock company, corporation, association, trust, estate, or any other legal entity, or any agency of Federal or State government or of a political subdivision of a State.

(5) "Secretary" means the Secretary of Agriculture.

(6) "Wood residues" includes, but is not limited to, logging slash, down timber material, woody plants, and standing live or dead trees which do not meet utilization standards because of size, species, merchantable volume, or economic selection criteria and which, in the case of live trees, are surplus to growing stock needs.

SEC. 8. There is hereby authorized to be appropriated not to exceed $25,000,000 for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects and demonstrations authorized by section 3 of this Act, the residue removal credits authorized by section 4 of this Act, and the other provisions of this Act: *Provided*, That not to exceed $2,500,000 of such amount may be appropriated for administrative expenses to carry out this Act for the period beginning October 1, 1981, and ending September 30, 1986. Such sums shall be in addition to those provided under other provisions of law and shall remain available until expended.

SEC. 9. This Act shall become effective October 1, 1981

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill.

THOMAS S. FOLEY,
JIM WEAVER,
BERYL ANTHONY, JR.,
JERRY HUCKABY,
TONY COELHO,
RICHARD NOLAN,
KEITH G. SEBELIUS,
JAMES P. JOHNSON,
Managers on the Part of the House.

HERMAN E. TALMADGE,
WALTER D. HUDDLESTON,
DICK STONE,
JOHN MELCHER,
DONALD W. STEWART,
ROGER W. JEPSEN,
S. I. HAYAKAWA,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause, inserted a substitute text, and amended the title of the bill. The committee of conference recommends a substitute for both the Senate bill and the House amendments.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the adjustments made in the committee of conference are noted below:

(1) CITATION

The *Senate* bill provides that the Act may be cited as the "Wood Utilization Act of 1980".

The *House* amendment provides that the Act may be cited as the "Wood Residue Utilization Act of 1980".

The *conference* substitute adopts the *House* provision.

(2) PURPOSE

The *Senate* bill and the *House* amendment have similar statements of purpose. The *House* amendment, however, enumerates the kinds of improved utilization of wood residues—in residential, commercial, and industrial or powerplant operations—which are the subject of the legislation.

The *Senate* bill contains no comparable provision.

The *conference* substitute adopts the *House* provision.

(3) PILOT PROJECTS AND DEMONSTRATIONS

(a) The *Senate* bill provides that pilot projects and demonstrations may be established in conjunction with projects, contracts, or agreements entered into under any other authority the Secretary of Agriculture may possess.

The *House* amendment provides that pilot projects and demonstrations may be operated by the Secretary, may be carried out through contracts or agreements with owners of private forest lands or other persons, or in conjunction with projects, contracts, or agreements entered into under any other authority the Secretary may possess.

The *conference* substitute adopts the *House* provision.

(b) The *Senate* bill provides that nothing contained in the Act shall abrogate or modify the applicable provisions of existing contracts for the sale of National Forest System timber.

The *House* amendment provides that nothing contained in the Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of National Forest System timber.

The *conference* substitute adopts the *House* provision.

(c) The *Senate* bill provides that pilot projects and demonstrations on National Forest System lands may include, among other things, development and operation of utilization demonstration areas, development and establishment of fuelwood concentration and distribution centers, and construction of necessary access roads.

The *House* amendment provides that pilot projects and demonstrations carried out under the Act (which include those operated by the Secretary, and those carried out through contracts or agreements with owners of private forest lands or in conjunction with projects, contracts, or agreements entered into under other authority the Secretary may possess) may include, among other things, establishment and operation of utilization demonstration areas and fuel wood concentration and distribution centers, and construction of necessary access roads.

The *conference* substitute adopts the *House* provision.

(4) RESIDUE REMOVAL CREDITS

(a) The *Senate* bill provides that the Secretary may establish a pilot wood utilization program, using residue removal credits, for sales of National Forest System timber awarded prior to October 1, 1986.

The *House* amendment provides that the Secretary may establish such a program for sales of National Forest System timber awarded prior to October 1, 1985.

The *conference* substitute adopts the *Senate* provision.

(b) The *House* amendment enumerates the kinds of utilization of residues to be addressed—residential, commercial, and industrial or powerplant applications.

The *Senate* bill contains no comparable provision.

The *conference* substitute adopts the *House* provision.

(c) The *Senate* bill provides that the form and method of activities necessary for removal shall be prescribed by the Secretary in accordance with appropriate appraisal and sales procedures.

The *House* amendment contains no comparable provision.

The *conference* substitute deletes the *Senate* provision.

(d) The *Senate* bill provides that, except for the volume designated for free-use disposal, wood residues shall not be sold for less than the appraised value when a market for such material exists.

The *House* amendment provides that the Secretary may sell the residues removed to points of prospective use for not less than their appraised value, and that the pilot projects, demonstrations, and other programs established under the Act shall be carried out in a manner which does not result in an adverse effect on the furnishing of timber free of charge under any other provision of law.

The *conference* substitute adopts the *House* provision.

(e) The *Senate* bill provides that residue removal credits and the revenues from the sale of wood residues, calculated on the basis of the estimated value of the residues before removal and any processing, shall be considered as "moneys received" for the purpose of calculating payments due States from moneys received from the National Forests.

The *House* amendment provides that any residue removal credits applied under the Act shall be considered as "moneys received" for such purpose, and that the "moneys received" from the sale of wood residues removed to points of prospective use shall be the proceeds of the sale less the sum of any residue removal credits applied with respect to such residues plus any costs incurred by the Forest Service in processing and storing the residues.

The *conference* substitute adopts the *House* provision.

(5) DEFINITIONS

(a) The *Senate* bill and the *House* amendment contain similar definitions of "wood residues". The *House* amendment, however, includes "woody plants" in the definition of "wood residues".

The *Senate* bill contains no comparable provision.

The *conference* substitute adopts the *House* provision.

(b) The *Senate* bill states that the point of prospective use is to be determined in accordance with appropriate timber appraisal and sales procedures.

The *House* amendment defines "points of prospective use" as the locations where the wood residues are sold or otherwise put to use, as determined by the Secretary in accordance with appropriate appraisal and sales procedures.

The *conference* substitute adopts the *House* provision.

(c) The *House* amendment defines certain terms as follows:

(i) "Anticipated cost of removal" means the projected cost of removal of wood residues from timber sales areas to points of prospective use, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sales procedures.

(ii) "Anticipated value" means the projected value of wood residues as fuel or other merchantable wood products, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sales procedures.

(iii) "Person" means an individual, partnership, joint-stock company, corporation, association, trust, estate, or any other legal entity, or any agency of Federal or State government or of a political subdivision of a State.

The *Senate* bill contains no comparable provisions.

The *conference* substitute adopts the *House* provisions.

(6) REPORTS

The *Senate* bill and the *House* amendment require the Secretary to make annual reports to the Congress on the pilot wood residue utilization program. The *House* amendment also requires the Secretary to recommend, in the first annual report under the Act, necessary and desirable amendments to existing authorities.

The *Senate* bill contains no comparable provision.

The *conference* substitute deletes the *House* provision.

(7) AUTHORIZATION FOR APPROPRIATIONS

(a) The *Senate* bill authorizes appropriations for fiscal years 1982 through 1986.

The *House* amendment authorizes appropriations for fiscal years 1981 through 1985.

The *conference* substitute adopts the *Senate* provision.

(b) The *Senate* bill authorizes appropriations of not to exceed $50 million *each year* for five fiscal years for the purpose of funding the projects and demonstrations authorized by the Act (but does not include any limitation on residue removal incentives).

The *House* amendment authorizes appropriations of such sums as may be necessary to carry out such projects and demonstrations, as well as the residue removal incentives, for five fiscal years, provided that the *total costs* of the projects, demonstrations and incentives shall not exceed $35 million. The *House* amendment also authorizes appropriations of not to exceed a *total* of $2.5 million for five fiscal years to carry out other provisions of the Act, including administrative expenses.

The *conference* substitute authorizes appropriations of not to exceed $25,000,000 for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects and demonstrations authorized by section 3 of the Act, the residue removal credits authorized by section 4 of the Act, and the other provisions of the Act. The *conference* substitute also provides that not to exceed $2,500,000 of such amount may be appropriated for administrative expenses to carry out the Act for the period beginning October 1, 1981, and ending September 30, 1986.

THOMAS S. FOLEY,
JIM WEAVER,
BERYL ANTHONY, JR.,
JERRY HUCKABY,
TONY COELHO,
RICHARD NOLAN,
KEITH G. SEBELIUS,
JAMES P. JOHNSON,
Managers on the Part of the House.

HERMAN E. TALMADGE,
WALTER D. HUDDLESTON,
DICK STONE,
JOHN MELCHER,
DONALD W. STEWART,
ROGER W. JEPSEN,
S. I. HAYAKAWA,
THAD COCHRAN,
Managers on the Part of the Senate.

PROVIDING FOR THE CONSERVATION AND ENHANCEMENT OF SALMON AND STEELHEAD RESOURCES

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2163) to provide for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the treaty and nontreaty harvesters of those resources, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the text of S. 2163, insert the following:

TITLE I—CONSERVATION AND ENHANCEMENT OF SALMON AND STEELHEAD RESOURCES

PART A—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Salmon and Steelhead Conservation and Enhancement Act of 1980".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The stocks of salmon and steelhead which originate in the rivers of the conservation areas constitute valuable and renewable natural resources. Many groups of commercial, recreational, and treaty fishermen have historically depended upon these stocks of fish for their livelihoods and avocations. These fishery resources contribute to the food supply and economic health of the Pacific Northwest and the Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States, and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest.

(2) Over a period of several decades, competing uses of salmon and steelhead habitat and historical problems relating to conservation measures, the regulation of harvest and enhancement have depressed several of these stocks of salmon and steelhead.

(3) Improved management and enhancement planning and coordination among salmon and steelhead managers will help prevent a further decline of salmon and steelhead stocks and will assist in increasing the supply of these stocks.

(4) Due in principal part to the Federal court decisions in the United States v. Washington and Sohappy v. Smith, the fishing capacity of nontreaty fishermen in the conservation areas established by this title exceeds that required to harvest the available salmon resources. This excess capacity causes severe economic problems for these fishermen.

(5) The supply of salmon and steelhead can be increased through carefully planned enhancement measures designed to improve the survival of stocks and to augment the production of artificially propagated stocks. By careful choice of species, areas, and stocking procedures, enhancement programs can be used to—

(A) improve the distribution of fish among different groups of treaty and nontreaty fishermen; and

(B) add stability to the treaty and nontreaty fisheries by reducing variations in fish availability.

(b) PURPOSES.—In order to assist the harvesters of the salmon and steelhead resources within the Columbia River conservation area and the Washington conservation area established by this title to overcome temporary dislocations arising from the decisions in the cases of United States v. Washington and Sohappy v. Smith and from other causes, this title authorizes the establishment of a cooperative program involving the United States, the States of Washington and Oregon, the treaty tribes acting through the appropriate tribal coordinating bodies, and other parties, to—

(1) encourage stability in and promote the economic well-being of the treaty and nontreaty commercial fishing and charter fishing industries and improve the distribution of fishing power between treaty and nontreaty fisheries through—

(A) the purchase of nontreaty commercial and charter fishing vessels, gear, and licenses; and

(B) coordinated research, enhancement, and management of salmon and steelhead resources and habitat; and

(2) improve the quality of, and maintain the opportunities for, salmon and steelhead recreational fishing.

SEC. 103. DEFINITIONS.

As used in this title—

(1) The term "appropriate tribal coordinating body" means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term "charter vessel" means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term "charter fishing" means fishing undertaken aboard charter vessels.

(4) The term "Columbia River conservation area" means—

(A) all habitat within the Columbia River drainage basin; and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial seas of Oregon and Washington,

in which one or more stocks that originate in the habitat described in subparagraph (A) migrate.

(5) The term "Columbia River tribal coordinating body" means the organization duly authorized by those treaty tribes of the

Columbia River drainage basin to coordinate activities for them for purposes of this title.

(6) The term "commercial fishing" means fishing for the purpose of sale or barter.

(7) The term "commercial fishing vessel" or "fishing vessel" means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term "enhancement" means projects undertaken to increase the production of naturally spawning or artificially propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

(9) The term "habitat" means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term "recreational fishing" means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term "salmon" means any anadromous species of the family Salmonidae and Genus Oncorhynchus, commonly known as Pacific salmon.

(12) The term "salmon or steelhead resource" means any stock of salmon or steelhead.

(13) The term "steelhead" means the anadromous rainbow trout species Salmo gairdneri, commonly known as steelhead.

(14) The term "stock" means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term "treaty" means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead within the Washington or Columbia River conservation areas.

(16) The term "treaty tribe" means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term "Washington conservation area" means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term "Washington tribal coordinating body" means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this title.

Part B—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

SEC. 110. ESTABLISHMENT AND FUNCTIONS OF SALMON AND STEELHEAD ADVISORY COMMISSION.

(a) ESTABLISHMENT.—Within 90 days after the date of the enactment of this title, the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") shall establish the Salmon and Steelhead Advisory Commission (hereinafter referred to in this title as the "Commission"), which shall consist of one voting member from each of the following:

(1) The State of Washington.

(2) The State of Oregon.

(3) The Washington tribal coordinating body.

(4) The Columbia River tribal coordinating body.

(5) The Pacific Fishery Management Council.

(6) The National Marine Fisheries Service.

(b) MEMBERSHIP.—(1) The voting representatives shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

(3) For the purposes of this subsection, the term "qualified individual" means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

(c) REPORT BY COMMISSION.—Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

(1) the development of common principles to govern and coordinate effectively management and enhancement activities;

(2) the prevention of overfishing;

(3) the use of the best scientific information available;

(4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;

(5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;

(6) the optimization of the use of resources for enforcement;

(7) the consideration of harvest activities as they relate to existing and future international commitments;

(8) the minimization of costs and the avoidance of unnecessary duplication; and

(9) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(d) UNANIMOUS VOTE REQUIRED.—No report or revision thereto may be submitted by the Commission to the Secretary for approval under this section unless the report or revision is approved by all of the voting members of the Commission.

(e) SECRETARIAL ACTION ON REPORT.—Within 4 months after the date of the submission of the comprehensive report, or any revision thereto, under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall review the report and, if he finds that the management structure recommended in the report would, if implemented, meet the objectives and standards specified in this section and be consistent with this title, approve the report. If the Secretary, in consultation with the Secretary of the Interior, finds that such structure is not in conformity with the standards and objectives set forth in this section, the provisions of this title, or other applicable laws, he shall return the report to the Commission together with a written statement of the reasons for not approving the report. If the Commission submits a revised report to the Secretary within 2 months after the date of return, the Secretary shall approve the report if he finds that the objections on which the prior disapproval was based are overcome.

(f) PER DIEM AND TRAVEL ALLOWANCES.—The members of the Commission (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

(g) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.

(h) TERMINATION OF COMMISSION.—Unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report pursuant to subsection (e).

SEC. 111. PRECONDITION FOR ELIGIBILITY FOR ASSISTANCE UNDER PART C

Upon approval by the Secretary of the Commission's report under section 110, a State represented by a voting member on the Commission and any treaty tribe represented by a tribal coordinating body shall be eligible for financial assistance under part C if the State or treaty tribe enters into an agreement with the Secretary under which that State or treaty tribe obligates itself—

(1) to implement and enforce the provisions of the report and revisions thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power; and

(2) to engage in such coordination and consultation as may be necessary or appropriate to ensure, to the maximum extent practicable, that the report and revisions thereto are fully and effectively implemented.

SEC. 112. COORDINATION GRANTS.

The Secretary, in consultation with the Secretary of Interior, is authorized to establish a program to provide grants to prepare reports and plans provided for in Parts B and C in order to promote coordinated research, enforcement, enhancement, and management of the salmon and steelhead resources within the Washington and Columbia River conservation areas consistent with the purposes of this title. Such grants shall be available for use by the State of Washington, the State of Oregon, appropriate tribal coordinating bodies, or any joint governmental entity established for undertaking research, or providing advice on or mechanisms for coordinating management or enforcement, or preparing the reports and plans described in Parts B and C.

SEC. 113. DISCONTINUANCE OF ASSISTANCE UNDER PARTS B AND C.

If the Secretary finds that as of the close of the 18th month after Secretarial approval of the Commission report under section 110 (e), the number of parties which have adopted and implemented the Commission's management program in accordance with the provisions of this title and the report is insufficient to ensure that the management structure is effective and consistent with the standards and objectives in section 110(c) he shall discontinue any further funding under Parts B or C of this title.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this part in fiscal years commencing after September 30, 1981, an aggregate amount of $3,000,000. Funds appropriated pursuant to this section remain available to the Secretary until expended.

PART C—RESOURCE ENHANCEMENT

SEC. 120. GRANTS FOR PROJECTS UNDER APPROVED ENHANCEMENT PLANS.

(a) AUTHORITY.—The Secretary of the Interior (hereinafter referred to in this part as the "Secretary"), in consultation with the Secretary of Commerce, is authorized to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington conservation area and the Columbia River conservation area.

(b) PLANS.—Any such project in the Washington conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington and the Washington tribal coordinating body within 18 months after the date of enactment of this title. Any enhancement project in the Columbia River conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington, the State of Oregon, and the Columbia River tribal coordinating body within 18 months after the date of enactment of this title. Such plans must be approved by the Secretary, in consultation with the Secretary of Commerce, as provided in this part. The States shall solicit and consider the comments and views of interested commercial and recreational fishermen, and other interested parties, in developing the comprehensive enhancement plan.

(c) SCOPE.—Each comprehensive enhancement plan, and any revisions, or modifications of such plan, shall describe all enhancement projects in the conservation area, and associated stocking policies (when relevant), including any related research necessary to such enhancement anticipated by the States and the treaty tribes (acting through the appropriate tribal coordinating body) for a period of at least 5 years.

(d) STANDARDS.—Each comprehensive enhancement plan shall include such standards, restrictions, or conditions as are necessary, to assure that any project included in the plan contributes to the balanced and integrated development of the salmon and steelhead resources of the area. Such standards shall include, but not be limited to, provisions designed to—

(1) assure that all commercial and recreational fishermen and the treaty tribes shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the salmon and steelhead resources development;

(2) minimize, to the extent practicable, significant adverse interaction between naturally spawning and artifically propagated stocks;

(3) ensure that all projects included within the plan are designed to complement the contribution of sound State, Federal, and tribal enhancement activities;

(4) ensure that all projects included within the plan are economically and biologically sound and supported by adequate scientific research;

(5) assure that all projects included within the plan achieve significant benefits relative to the overall cost of each such project;

(6) consider the effect of enhancement activities as they relate to existing and future international commitments; and

(7) Notwithstanding any of the above measures, provide for the harvest of fish by treaty tribes in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(e) APPROVAL.—(1) The Secretary, in consultation with the Secretary of Commerce, shall review each comprehensive enhancement plan and approve such plan within 120 days of the date of its receipt, if found to be consistent with this title and other applicable law. If the Secretary, in consultation with the Secretary of Commerce, finds that a plan is not in conformity with the provisions of this title or other applicable law, he shall return such plan to the State of Washington or the State of Oregon, or both, as appropriate, and the appropriate tribal coordinating body with recommendations.

(2) Upon receiving such a plan, the Secretary, in consultation with the Secretary of Commerce, shall—

(A) publish a notice in the Federal Register of the availability of the plan;

(B) provide a copy of the plan to the Pacific Fishery Management Council and, upon request, to any other interested person or group, and solicit and consider the comments and views of such persons or groups with respect to the plan;

(C) undertake a biological and technical review of the plan, in consultation with individuals who are knowledgeable with regard to the management, conservation, enhancement, and harvest of the salmon and steelhead resources of the area;

(D) provide a copy of the plan to and consult with the Secretary of State and the Secretary of Commerce, with respect to the effect of such plan on any international fisheries; and

(E) determine whether the State of Washington or the State of Oregon, as appropriate, and the treaty tribes, acting through their chosen agency or agencies, have the authority to carry out the plan in accordance with this title, and in accordance with standards included within the plan.

(3) The Secretary, in consultation with the Secretary of Commerce, shall not approve a comprehensive enhancement plan unless the State of Washington or the State of Oregon, or both, as appropriate, and the treaty tribes, acting through the appropriate tribal coordinating body, agree not to undertake any salmon or steelhead enhancement project, using funds provided pursuant to this part or otherwise, that would be inconsistent with the plan.

(4) The Secretary may not approve a comprehensive plan unless the Secretary of Commerce concurs that such plan satisfactorily complies with standards (1), (6), and (7) of subsection (d) of this section.

(f) Review Modification, or Revisions.—Each comprehensive enhancement plan shall be reviewed periodically. The Secretary, the Secretary of Commerce, the State of Washington, the State of Oregon, or the appropriate tribal coordinating body may request a review modification, or revision of a plan at any time. Any revision or modification of a plan, developed and agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body, shall be approved by the Secretary, in consultation with the Secretary of Commerce, within 45 days of receipt of the proposed revision or modification, if such revision or modification is in conformity with this title and other applicable law. The Secretary, in consultation with the Secretary of Commerce, may withdraw approval of a plan if he finds that (1) the plan or its implementation is not consistent with this title, and (2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

SEC. 121. ENHANCEMENT PROJECTS.

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enactment goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stocks;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this title; and

(6) After approval of the Commission's report pursuant to section 110 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission's management program.

SEC. 122. APPROVAL AND FUNDING OF PROJECTS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this title, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the amount of funding made available under this title for such project.

(b) LIMITATIONS ON FEDERAL SHARE.—The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on the date of the enactment of this title as having expended $32,000,000 (reduced by the amount treated as expended by the State under section 135 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this title. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this title and the goals of the comprehensive plan.

SEC. 123. REVIEW OF ENHANCEMENT PROJECTS.

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this part, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this title. Each recipient of a grant under this part shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

(a) SALMON ENHANCEMENT.—For purposes of carrying out the provisions of this part for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed $45,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed $25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(b) Steelhead Enhancement.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to carry out steelhead enhancement projects under this part (including, but not limited to operation and maintenance of enhancement facilities) not to exceed $7,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area; and not to exceed $7,000,000 for the ten-year period beginning on such date for the Columbia River Conservation area.

(c) Limitation.—No monies appropriated pursuant to subsection (a) or (b) may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 120 of the enhancement plan for the conservation area concerned.

Part D—Commercial Fishing Fleet Adjustment

Sec. 130. Fleet Adjustment Program.

(a) In General.—The Secretary of Commerce (hereinafter referred to in this part as the "Secretary"), upon approval of a program submitted pursuant to section 132 of this part, is authorized to distribute Federal funds to the State of Washington (hereinafter in this part referred to as the "state"), subject to the standards, conditions, and restrictions set forth in this part, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this part. The Federal share payable under this part shall not exceed 75 percent of the total cost of the program.

(b) Legal Title.—Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this part shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

Sec. 131. Standards.

The State shall submit to the Secretary a program within three months of the date of enactment of this title designed to—

(1) provide incentives for early retirement of licenses, or early sale of vessels;

(2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;

(3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and

(4) provide State funding for 25 per centum of the total cost of the program.

Sec. 132. Program Approval.

(a) Submission for Approval.—The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 131 and in such manner and form as the Secretary shall prescribe.

(b) Requirements for Approval.—Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this part the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this part;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on the date of the enactment of this title,

(3) the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and

(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program (A) shall be placed in such revolving fund, (B) shall, for at least 2 years from the date of the program's inception, be placed in the appropriate individual account, and (C) shall be used exclusively to purchase commercial fishing and charter vessels and licenses in accordance with the provisions of this part.

(c) Secretarial Action.—The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this title and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this title or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this title or other applicable law.

Sec. 133. Review by Secretary.

(a) In General.—The Secretary shall conduct a continuing review of the State program to determine whether the program remains consistent with this title or other applicable law. Such review shall include a biennial audit of the records of the State program.

(b) Action Upon Finding of Noncompliance.—If the Secretary finds that the program or the administration thereof is no longer in compliance with this part he shall reduce or discontinue distribution of funds under this part, or take other appropriate action.

(c) Disposition of Certain Moneys.—If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this part the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.

Sec. 134. Authorization of Appropriations.

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this part, $37,500,000 for the five-year period beginning October 1, 1981.

Sec. 135. Special Provision.

On the date the Secretary approves the program under section 132, the State shall be treated as having expended such portion of $32,000,000 as the State deems appropriate for purposes of implementing the program.

Part E—Miscellaneous

Sec. 140. Regulations.

The Secretary of Commerce and the Secretary of the Interior may each promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out his functions under this title.

Sec. 141. Reports and Monitoring.

(a) Reports.—The State of Washington, the State of Oregon, and the appropriate tribal coordinating bodies shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this title or any other relevant report requested by such Secretary.

(b) Monitoring.—After the 18-month period after approval of the report of the Salmon and Steel head Advisory Commission under Part B, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 113 has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under Part C.

Sec. 142. Relationship to Provisions of Fishery Conservation and Management Act of 1976.

(a) Consistency.—Nothing in this title shall be construed as affecting the provisions of title III of the Fishery Conservation and Management Act of 1976 as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 110 and any enhancement plan under part C.

(b) Fleet Mobility.—The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of part D, and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

Sec. 143. Relation to Other Laws.

Nothing in this title shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and manage-

ment, or control of water resources, submerged lands, or navigable waters; nor to limit the authority of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable law, except as provided for in section 143 of this title.

SEC. 144. AUTHORIZATION OF ADDITIONAL APPROPRIATION.

In addition to other authorizations of appropriations contained in this title, there are authorized to be appropriated to the Secretary of Commerce beginning October 1, 1981, an amount not to exceed $5,000,000 for the purpose of developing fisheries port facilities in the State of Oregon. The Secretary shall obligate such funds for projects proposed by units of State or local government, Indian tribes, or private nonprofit entities, and approved by the State of Oregon in consultation with the National Marine Fisheries Service and the Economic Development Administration. To the extent practicable, the Secretary shall assure that projects under this section are integrated with planning and assistance under the Public Works and Economic Development Act. Funds available under this section shall not be used for any navigational improvement or other modification of the navigable waters of the United States. Funds appropriated pursuant to this section shall remain available until expended.

SEC. 145. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH PORTUGAL.

Notwithstanding section 203 of the Fishery Conservation and Management Act of 1976, the governing international fishery agreement between the Government of the United States of America and the Government of Portugal Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated December 1, 1980—

(1) is hereby approved by Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

(2) shall enter into force and effect with respect to the United States on the date of the enactment of this title.

TITLE II—PROMOTION OF AMERICAN FISHERIES

SEC. 201. SHORT TITLE.

This Title may be cited as the "American Fisheries Promotion Act".

PART A—RESEARCH AND DEVELOPMENT REGARDING UNITED STATES FISHERIES

SEC. 210. RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS.

AMENDMENTS TO SALTONSTALL-KENNEDY ACT

AMENDMENTS TO SALTONSTALL-KENNEDY ACT.—Section 2 of the Act of August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act, 15 U.S.C. 713c–3), is amended—

(1) by striking out subsections (b), (c), (d), and (e);

(2) by redesignating subsection (a) as subsection (b);

(3) by inserting immediately before subsection (b) (as so redesignated) the following new subsection:

"SEC. 2. (a) DEFINITIONS.—As used in this section—

"(1) The term 'person' means—

"(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

"(B) any fishery development foundation or other private nonprofit corporation located in Alaska; and

"(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private nonprofit corporation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802) and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State referred to in paragraph (3),

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

"(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

"(2) The term 'Secretary' means the Secretary of Commerce.

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

"(4) The term 'United States fishery' means any fishery, including any tuna fishing, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

"(5) The term 'citizen of the Northern Mariana Islands' means—

"(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).";

(4) by amending subsection (b) (as so redesignated)—

(i) by inserting "Fund.—" immediately after "(b)" and before the first word of such subsection,

(ii) by striking out "Secretary of the Interior" the first place it appears therein and inserting in lieu thereof "Secretary",

(iii) by striking out "and used by the Secretary of the Interior" and inserting in lieu thereof "only for use by the Secretary", and

(iv) by striking out clauses (1), (2), and (3) and inserting in lieu thereof the following: "(1) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c), and (2) to implement the national fisheries research and development program provided for under subsection (d)."; and

(5) by adding immediately after subsection (b) (as so redesignated) the following:

"(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

"(2) The Secretary shall—

"(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

"(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

"(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

"(3) No application for a grant under this subsection may be approved unless the Secretary—

"(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

"(B) evaluates the proposed project as to—

"(i) soundness of design,

"(ii) the possibilities of securing productive results,

"(iii) minimization of duplication with other fisheries research and development projects,

"(iv) the organization and management of the project,

"(v) methods proposed for monitoring and evaluating the success or failure of the project, and

"(vi) such other criteria as the Secretary may require.

"(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

"(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

"(C) The recipient of the grant must submit to the Secretary periodic project status reports.

"(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

"(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i) the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

"(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

"(d) NATIONAL FISHERIES RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures), if not adequately covered by projects assisted under subsection (c), as the Secretary deems appropriate.

"(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing—

"(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

"(B) a description of all pending projects assisted under subsection (c) or carried out under paragraph (1), in addition to—

"(i) a list of those applications approved and those disapproved under subsection (c), and the total amount of grants made, for the current fiscal year, and

"(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) during the current fiscal year; and

"(C) an assessment of each project assisted under subsection (c) or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

"(e) ALLOCATION OF FUND MONEYS.—(1) With respect to any fiscal year, not less than 50 percent of—

"(A) the moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year; and

"(B) such existing fund moneys carried over into that fiscal year;

shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c); and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) during that fiscal year.

"(2) Moneys accruing to the fund established under subsection (b) for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.".

SEC. 211. UNITED STATES FISHERY TRADE OFFICERS.

(a) APPOINTMENT.—For purposes of carrying out export promotion and other fishery development responsibilities, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall appoint not fewer than six officers who shall serve abroad to promote United States fishing interests. These officers shall be knowledgeable about the United States fishing industry, preferably with experience derived from the harvesting, processing, or marketing sectors of the industry or from the administration of fisheries programs. Such officers, who shall be employees of the Department of Commerce, shall have the designation of fishery trade officers.

(b) ASSIGNMENT.—Upon the request of the Secretary, the Secretary of State shall officially assign fishery trade officers to such diplomatic missions of the United States as the Secretary designates (three of which shall be those in Brussels, Belgium; Rome, Italy; and Tokyo, Japan) and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by foreign service personnel of comparable rank and salary.

(c) FUNCTIONS OF FISHERY TRADE OFFICERS.—The functions of fishery trade officers appointed under subsection (a) shall be—

(1) to increase the effectiveness of United States fishery export promotion efforts through such activities as the coordination of market development efforts and the provision of services and facilities for exporters of United States fishery products;

(2) to develop, maintain, and make available to interested persons listings of (A) trade, government, and other organizations that are concerned with, or have an interest in, international trade in United States fishery products, and (B) United States fishery products available for such trade;

(3) to prepare quarterly reports regarding (A) the supply, demand, and prices of each United States fishery product exported, or for which there may be export potential, to the foreign nation or area concerned, and (B) the trade barriers or incentives of such nation or area that affect imports of such products;

(4) to prepare weekly statements regarding the prices for each fishery product for which there may be United States export potential to the foreign nation or area concerned; and

(5) to carry out such other functions as the Secretary may require.

(d) ADMINISTRATION.—The Secretary of State and the Secretary shall enter into cooperative arrangements concerning the provision of office space, equipment, facilities, clerical services, and such other administrative support as may be required for fishery trade officers and their families.

PART B—FINANCIAL ASSISTANCE WITH RESPECT TO FISHING VESSELS AND FISHERY FACILITIES

SEC. 220. GUARANTEE OF OBLIGATIONS FOR FISHING VESSELS AND FOR FISHERY FACILITIES.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280) is amended as follows:

(1) Section 1101 is amended:

(A) in subsection (h) by striking "equipping; and" and substituting "equipping;";

(B) in subsection (i) by striking "mark." and substituting "mark;"; and

(C) by adding at the end thereof the following new subsections:

"(j) The term 'citizen of the Northern Mariana Islands' means—

"(1) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(2) a corporation, partnership, association, or other entity formed under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in paragraph (1) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802);

"(K) the term 'fishery facility' means—

"(1) for operations on land—

"(A) any structure or appurtenance thereto designed for the unloading and receiving from vessels, the processing, the holding pending processing, the distribution after processing, or the holding pending distribution, of fish from one or more fisheries,

"(B) the land necessary for any such structure or appurtenance described in subparagraph (A), and

"(C) equipment which is for use in connection with any such structure or appurtenance and which is necessary for the performance of any function referred to in subparagraph (A); or

"(2) for operations other than on land, any vessel built in the United States used for, equipped to be used for, or of a type which is normally used for, the processing of fish;

but only if such structure, appurtenance, land, equipment, or vessel is owned by an individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands or by a corporation, partnership, association, or other entity that is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802), and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States; and

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement;

"(l) The term 'fishing vessel' has the meaning given such term by section 3(11) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(11)); and any reference in this title to a vessel designed principally for commercial use in the fishing trade or industry shall be treated as a reference to a fishing vessel;

"(m) The term 'United States' when used in a geographical context with respect to fishing vessels or fishery facilities includes all States referred to in subsection (k)(i).".

(2) Section 1103(f) is amended by inserting immediately before the period the following: "; except that—

"(1) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(1), and

"(2) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(2),

but the aggregate amount reserved for the purposes set forth in paragraphs (1) and (2) must equal 10 percent of such sum.".

(3) Section 1104 is amended—

(A) in subsection (a)—

(i) by striking out "(D) in the fishing trade or industry; or (E)" in paragraph (1) and inserting in lieu thereof "; or (D)";

(ii) by redesignating subparagraph (F) in paragraph (1) as subparagraph (E);

(iii) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) financing, including reimbursement of an obligator for expenditures previously made for, construction, reconstruction, reconditioning, or purchase of a vessel or vessels owned by citizens or nationals of the United States or citizens of the Northern Mariana Islands which are designated principally for research, or for commerical use in the fishing trade or industry;";

(iv) by striking out "or" at the end of paragraph (4) (as redesignated by clause (iii));

(v) by striking out "or (3)" in paragraph (5) (as so redesignated) and inserting in lieu thereof "(3), or (4)", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(vi) by adding immediately after paragraph (5) the following:

"(6) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made for, the construction, reconstruction, reconditioning, or purchase of fishery facilities; or

"(7) financing the purchase of fishing vessels or fishery facilities, the construction, reconstruction, reconditioning, or purchase of which was guaranteed under this title, that are sold at foreclosure instituted by the Secretary, or are sold by the Secretary following purchase at foreclosure, and the reconstruction or reconditioning thereof.

Any obligation guaranteed under paragraph (6) shall be treated, for purposes of this title, in the same manner and to the same extent as an obligation guaranteed under this title which aids in the construction, reconstruction, reconditioning, or purchase of a vessel; except with respect to provisions of this title that by their nature can only be applied to vessels.";

(B) by adding at the end of subsection (b) the following: "The Secretary may not establish, as a condition of eligiblity for guarantee under this title, a minimum principal amount for an obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility. For purposes of this title the reconstruction or reconditioning of a fishing vessel or fishery facility does not include the routine minor repair or maintenance of the vessel or facility.";

(C) in subsection (d)—

(i) by striking out "No" and inserting in lieu thereof "(1) Except as provided in paragraph (2), no"; and

(ii) by adding at the end thereof the following:

"(2) In applying paragraph (1) with respect to commitments to guarantee, and the guarantee of, obligations for fishing vessels and fishery facilities used for underutilized fisheries, the Secretary of Commerce may apply an economic soundness test that is less stringent than that which has been traditionally applied to obligation guarantees under such paragraph.

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary of Commerce under this title for the purchase of a used fishing vessel or used fishery facility unless—

"(A) the vessel or facility will be reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

"(B) the vessel or facility will be used in the harvesting of fish from, or for a purpose described in section 1101(k) with respect to, an underutilized fishery."; and

(D) in subsection (g)—

(i) by inserting "(1)" immediately after "(g)"; and

(ii) by adding at the end there of the following new paragraph:

"(2) The Sceretary of Commerce shall establish within the Fund the following subfunds:

"(A) The standard fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect of fishing vessels and fishery facilities to which the economic soundless criteria set forth in section 1104(d) (1) apply.

"(B) The underutilized fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d) (2) apply.

"(C) The general subfund which shall contain all moneys received for, and incident to, the guarantee of obligations for vessels other than fishing vessels.".

(4) The first sentence of section 1105(d) is amended by inserting immediately before the period at the end thereof the following: ", and shall be paid from the appropriate subfund required to be established under section 1104(g) (2)".

Sec. 221. Loans Under the Fish and Wildlife Act of 1956.

(a) Loan Authority Until October 1, 1982.—During the period beginning on the date of the enactment of this title and ending at the close of September 30, 1982, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") may make loans from the fisheries loan fund established under subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with, or contrary to, this section, the provisions of such section 4 shall apply with respect to loans made for such purposes.

(b) Loans To Avoid Default on Obligations Covering Fishing Vessels.—(1) The Secretary may make loans for the purpose of assisting obligors to avoid default on obligations that are issued with respect to the construction, reconstruction, reconditioning or purchase of fishing vessels and that—

(A) are guaranteed by the United States under title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271–1280, relating to Federal ship mortgage insurance); or

(B) are not guaranteed under such title XI, but the fishing vessels concerned meet the use and documentation requirements, and the obligors meet the citizenship requirements, that would apply if the obligations were guaranteed under that title.

(2)(A) Within the 30-day period beginning on the date of the enactment of this title in the case of fiscal year 1981, and before the beginning of fiscal year 1982, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

(B) If any moneys are available in the fisheries loan fund for each such fiscal year after subparagraph (A) is complied with for that year, the Secretary shall use such moneys for the purpose of making loans described in paragraph (1)(B) during that year.

(C) At an appropriate time during each of fiscal years 1981 and 1982, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply moneys reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

(3) The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. Each such loan shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purpose of this subsection. In establishing such terms and conditions, the Secretary shall take into account, among such other factors he deems pertinent, the extent to which the obligations concerned have been retired, and the overall financial condition of the obligors. The interest rate on loans made under the authority of this subsection shall not exceed that rate determined by the Secretary to be sufficient to cover the costs incurred in processing and servicing of such loans.

(c) Loans To Cover Operating Losses.—(1) If the Secretary determines that moneys will be available in such fisheries loan fund for fiscal year 1981 or 1982, or both, after loans under subsection (b) are provided for for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or many incur, a net operating loss within such fiscal year.

(2) Each loan made by the Secretary under this subsection shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purposes of this subsection. The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. The interest rate on loans made under this subsection shall be the rate prevailing for loans made under the Emergency Agricultural Credit Act of 1978 (7 U.S.C. preceding 1961 note).

Part C—Amendments to the Fishery Conservation and Management Act of 1976

Subpart 1—Foreign Fishing, in Fisheries Subject to the Exclusive Fishery Management Authority of the United States

Sec. 230. Foreign Fishing.

Section 201(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821 (d)) is amended to read as follows:

"(d) Total Allowable Level of Foreign Fishing.—(1) As used in this subsection—

"(A) The term 'base harvest' means with respect to any United States fishery, the total allowable level of foreign fishing during the 1979 harvesting season.

"(B) The term 'harvesting season' means the period established under this Act by the Secretary during which foreign fishing is permitted within a United States fishery. For purposes of this subsection, a harvesting season is designated by the calendar year in which the last day of the harvesting season occurs, regardless whether fishing is not permitted on that day due to emergency or other closure of the fishery.

"(C) The term 'calculation factor' means, with respect to each United States fishery, 15 percent of the base harvest.

"(D) The term 'reduction factor amount' means, with respect to each United States fishery, for any harvesting season after the 1980 harvesting season—

"(i) an amount equal to 15 percent of the base harvest for that fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 75 percent of the calculation factor;

"(ii) an amount equal to 10 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery such vessels harvest, in one or more harvesting seasons, not less than 50 percent, but less than 75 percent, of the calculation factor; or

"(iii) an amount equal to 5 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated previous harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 25 percent, but less than 50 percent, of the calculation factor.

For purposes of this paragraph, the term 'designated preceding harvest season' means—

"(I) until a reduction factor amount is first achieved under this paragraph with respect to the fishery concerned, the 1979 harvesting season, and

"(II) after such amount is first achieved, the most recent harvesting season in which a reduction factor amount was achieved.

"(E) The term 'annual fishing level' for any United States fishery during any harvesting season after the 1980 harvesting season is the base harvest for the fishery reduced by—

"(i) an amount equal to the reduction factor amount for that harvesting season; and

"(ii) an amount equal to the increased level of harvest by vessels of the United States over the level achieved by such vessels in the 1979 harvesting season for the fishery.

"(F) The term 'United States fishery' means any fishery subject to the exclusive fishery management authority of the United States.

"(2) The total allowable level of foreign fishing, if any, with respect to any United Sttaes fishery for ecah harvesting season after the 1980 harvesting season shall be—

"(A) the level representing that portion of the optimum yield of such fishery that will not be harvested by vessels of the United States as determined in accordance with the provisions of this Act (other than those relating to the determination of annual fishing levels), or

"(B) the annual fishing level determined pursuant to paragraph (3) for the harvesting season.

"(3) For each United States fishery, the appropriate fishery management council, on a timely basis, may determine and certify to the Secretary of State and the Secretary the annual fishing level for that fishery for each harvesting season after the 1980 harvesting season.

"(4) If with respect to any harvesting season for any United States fishery for which the total allowable level of foreign fishing is determined under paragraph (2)(B), the Secretary, in consultation with the Secretary of State, approves the determination by any appropriate fishery management council that any portion of the optimum yield for that harvesting season will not be harvested by vessels of the United States, the Secretary of State, in accordance with subsection (e), shall allocate such portion for use during that harvesting season by foreign fishing vessels; except that if—

"(A) the making available of such portion (or any part thereof) during that harvesting season is determined to be detrimental to the development of the United States fishing industry, and

"(B) such portion or part will be available for harvest in the immediately succeeding harvesting season, as determined on the basis of the best available scientific information; then such portion or part shall be allocated for use by foreign fishing vessels in such succeeding harvesting season. The determinations required to be made under subparagraphs (A) and (B) of the preceding sentence shall be made by the Secretary in consultation with the Secretary of State and on the basis of any recommendation of any appropriate fishery management council."

SEC. 231. ALLOCATION OF ALLOWABLE LEVELS OF FOREIGN FISHING.

(a) AMENDMENTS.—The last sentence of section 201(e)(1) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)(1)) is amended to read as follows: "All such determinations shall be made by the Secretary of State and the Secretary on the basis of—

"(A) whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;

"(B) whether, and to what extent, such nations are cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

"(C) whether, and to what extent, such nations and the fishing fleets of such nations have cooperated with the United States in the enforcement of United States fishing regulations;

"(D) whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;

"(E) whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

"(F) whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;

"(G) whether, and to what extent, such nations are cooperating with the United States in, and making substantial contributions to fishery research and the identification of fishery resources; and

"(H) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.".

(b) TAKING EFFECT OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to the 1981 harvesting season and harvesting seasons thereafter (as defined in section 201(d)(1) of the Fishery Conservation and Management Act of 1976, as amended by section 301).

SEC. 232. PERMIT FEES.

(a) INTERIM FEES.—(1) Effective with respect to permits issued under section 204(b) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(10)) for 1981, paragraph (10) of such section is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "Such fees shall be formulated so as to ensure that the receipts resulting from the payment of the fees under this paragraph for permits issued for 1981 are not less than an amount equal to 7 percent of the ex vessel value of the total harvest by foreign fishing vessels in the fishery conservation zone during 1979. The fees collected by the Secretary under this paragraph for permits issued for 1981 shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

(b) PERMANENT FEES.—Effective with respect to permits issued under section 204(b) of such Act of 1976 after 1981, paragraph (10) of such section is amended to read as follows—

"(10) FEES.—Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish a schedule of such fees which shall apply nondiscriminatorily to each foreign nation. The fees imposed under this paragraph shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement, but excluding costs for observers covered by surcharges under section 201(i)(4)) during each fiscal year the same ratio as the aggregate quantity of the fish harvested by foreign fishing vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year. The amount collected by the Secretary under this paragraph shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) for so long as such fund exists and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

SEC. 233. FISHERY DEVELOPMENT OBJECTIVES.

Section 2(b)(6) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801(b)(6)) is amended by inserting immediately before the period at the end thereof the following: ", and to that end, to ensure that optimum yield determinations promote such development".

SEC. 234. FISHERY MANAGEMENT COUNCIL TRAVEL FUNDS.

The second sentence of section 302(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(d)) is amended by striking out the period and inserting in lieu thereof the following: ", and other nonvoting members may be reimbursed for actual expenses.".

SEC. 235. NOTICE OF AVAILABILITY OF MANAGEMENT PLANS.

Section 305(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1855(a)) is amended by inserting "a notice of availability of" immediately after "Federal Register (A)".

SUBPART 2—FULL OBSERVER COVERAGE PROGRAM

SEC. 236. ESTABLISHMENT OF FULL OBSERVER COVERAGE PROGRAM.

Section 201 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821) is amended by adding at the end thereof the following new subsection:

"(i) FULL OBSERVER COVERAGE PROGRAM.—(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

"(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that—

"(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

"(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone—

"(i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or

"(ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(3) United States observers, while aboard foreign fishing vessels, shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act.

"(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

"(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The

Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

SEC. 237. EFFECTIVE DATE.

The amendment made by section 236 shall take effect October 1, 1981, and shall apply with respect to permits issued under section 204 of the Fishery Conservation and Management Act of 1976 after December 31, 1981.

SEC. 238. SHORT TITLE.

(a) Effective 15 days after the date of enactment of this title, section 1 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801) is amended to read as follows:

"That this Act may be cited as the 'Magnuson Fishery Conservation and Management Act'.".

(b) Effective 15 days after the date of enactment of this title, all references to the Fishery Conservation and Management Act of 1976 shall be redesignated as references to the Magnuson Fishery Conservation and Management Act.

PART D—MISCELLANEOUS PROVISIONS

SEC. 240. APPLICATIONS AND FILINGS FOR COMPENSATION FOR CERTAIN FISHING VESSEL AND GEAR DAMAGE.

(a) IN GENERAL.—If—

(1) any owner or operator of a fishing vessel who suffered, after September 17, 1978, and before the date of the enactment of this title, damage to, or loss or destruction of, such vessel or fishing gear used with such vessel, but did not apply for compensation therefor under section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) within the 60-day period prescribed in subsection (c)(1) of such section; or

(2) any commercial fisherman who suffered, after September 17, 1978, and before the date of the enactment of this title, damages compensable under title IV of the Outer Continental Shelf Lands Act of 1978 (43 U.S.C. 1841 et seq.), but who did not timely file a claim therefor within the 60-day period prescribed in section 405(a) of such Act;

such owner or operator may make application for compensation with respect to such damage, loss or destruction under such section 10, and such commercial fisherman may file a claim for, compensation for such damages under such title IV, to the Secretary of Commerce, within the 60-day period beginning on the date of the enactment of this title.

(b) SPECIAL PROVISIONS.—(1) Notwithstanding any other provision of law—

(A) any application or filing timely made under subsection (a) shall be treated by the Secretary of Commerce as an application timely made under such section 10(c)(1), or as a filing timely made under such section 405(a), as the case may be, with respect to the damage, loss, or destruction claimed; and

(B) any claim for fishing gear loss that was pending on June 1, 1980, before the United States-Union of Soviet Socialist Republics Fisheries Claims Board or the American-Spanish Fisheries Board shall be treated by the Secretary of Commerce as a timely application made, on the date of the enactment of this title under such section 10(c)(1) for compensation for such loss.

(2) Section 403(c)(2)(A) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1843(c)(2)(A)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof "and the party admits responsibility;".

SEC. 241. AMENDMENTS TO FISHERMEN'S PROTECTIVE ACT OF 1967:

Section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following:

"(4) The term 'resulting economic loss' means the gross income, as estimated by the Secretary, that a fishing vessel owner or operator who is eligible for compensation under this section for damage to, loss of, or destruction of, a fishing vessel or the fishing gear used with such vessel will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the vessel or gear, or both, are repaired or replaced and available for use.".

(2) Subsection (b) is amended—

(A) by inserting "and for any resulting economic loss", immediately after ", or both," in the matter preceding paragraph (1); and

(B) by striking out paragraph (2)(B) and inserting in lieu thereof the following:

"(B) is attributable to any other vessel, whether or not such vessel is a vessel of the United States.

For purposes of subparagraph (B), there shall be a rebuttable presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel.".

(3) Subsection (c) is amended by inserting "and resulting economic loss" immediately after "destruction" in the matter appearing immediately before paragraph (1).

(4) Subsection (d) is amended—

(A) by inserting ", and resulting economic loss," immediately after "destruction" in paragraph (1); and

(B) by amending paragraph (2) to read as follows:

"(2) The amount of compensation awarded to any vessel owner under this section shall be—

"(A) the depreciated replacement cost, or the repair cost, whichever cost is less, of the fishing vessel or the fishing gear concerned; and

"(B) 25 percent of any resulting economic loss.

Any amount determined pursuant to subparagraph (A) or (B) shall be reduced to the extent that evidence indicates that negligence by the vessel owner or operator contributed to the cause or the extent of the damage, loss, or destruction and shall be further reduced by the amount of compensation, if any, that the vessel owner or operator has received or will receive with respect to the damage, loss, destruction, or resulting economic loss through insurance, pursuant to any other provision of law, or otherwise.".

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. ECKHARDT. Mr. Speaker, reserving the right to object, will the gentleman explain what the bill provides?

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Mr. BREAUX. Mr. Speaker, the bill before us today was originally initiated by the administration in an effort to seek a resolution of the longstanding controversies over the salmon and steelhead resources of the Pacific Northwest. This legislation authorizes the development and implementation of salmon and steelhead management and enhancement plans, and provides for a program to reduce fishing pressure in the State of Washington.

The bill before us today combines the major features of the House bill which was unanimously adopted on September 23 of this year with the Senate bill adopted earlier in this session. The amendments which we are concurring in today would authorize less Federal expenditures than the House bill authorized this year and much less than the Senate-passed bill. Funds would be provided to eligible States on a 50–50 matching fund basis with the exception of the vessel buy-back program which would permit 75-percent Federal funding.

Amendments being agreed to would establish a Salmon and Steelhead Advisory Commission composed of representatives from the States of Oregon and Washington, Indian tribes from both States, the Pacific Fishery Council, and the National Marine Fisheries Service.

This Commission would be responsible for preparing a management program report to address procedures, mechanisms, and institutional arrangements for the ultimate objective of effective coordination of management and enforcement policies for salmon and steelhead stocks. No report can be presented to the Secretary of Commerce unless it is agreed to by each voting member on the Commission and no funds would flow unless the Secretary found that the report contains specified standards outlined in the bill. These features of the legislation are the key elements originally in the House measure and represent significant improvements over the original Senate bill.

In addition, if the Secretary approves the management report and the recommendations contained therein, the State or treaty tribes must enter into an agreement with the Secretary to obligate themselves to implement and enforce the provisions of the report in order to be eligible for any financial assistance under the bill. If all of these conditions are met and funds actually are provided for the enhancement program, the Secretary has an obligation to review annually whether the programs are being implemented effectively—if they are not, the Secretary is required to cease all funding.

The total authorizations contained in this measure are less than the House-passed version and significantly less than the original Senate bill. For enhancement funds provided over a 10-year period, there is authorized $45 million for the Washington conservation area and $25 million for the Columbia River conservation area. For steelhead enhancement, there is provided over a 10-year period $7 million each for the Washington and Columbia River conservation areas. The fishing vessel buy-back program provides authorizations for a 5-year period of $37.5 million and there is $3 million authorized for coordination grants to allow the Commission to accomplish their work prior to the submission of the comprehensive report. This represents a total authorization of $12 million less than the House-passed version and $36 million less than the Senate bill.

I believe that the bill being presented today for final adoption represents the best of both original measures. Even though authorizations are provided for in this measure, no moneys will be permitted to flow from the Federal Treasury unless management and enhancement programs positively show that they will remedy problems in the Pacific Northwest that have arisen over salmon and steelhead resources. Indicative of this responsible approach is the fact that the bill now has been agreed to by virtually all the participants in the legislative process who have struggled with the bill for several years. The States of Washington and Oregon, the Indian tribal representatives, the fishermen and the entire membership of the Washington and Oregon delegations have indicated their unanimous support for this measure.

S. 1656, the American Fisheries Promotion Act represents the culmination of many months of intensive efforts by the House and the Senate to develop comprehensive legislation encouraging the full and rapid expansion of the U.S. fishing industry.

I am proud of this measure and I commend my colleagues for their hard work in seeing to it that this vitally important segment of our economy will receive the recognition and assistance that it has long deserved.

The bill before the House today contains all the essential provisions of the bill which was passed by this body on September 23, 1980. Amendments are strictly technical in nature, and offer nothing of substantive concern.

The bill provides the following:

Emergency assistance loans until September 30, 1982, for seriously depressed sectors of the fishing industry;

Accelerated fisheries research and development, with an emphasis on industry-initiated projects;

Extension of the Federal fishing vessel obligation guarantee program under title XI of the Merchant Marine Act to the undercapitalized shoreside segment of the fishing industry;

Improved access to foreign markets for U.S. fish products by conditioning allocations of surplus U.S. fish to foreign fishermen on favorable trade considerations by their countries;

Increased fees on foreign fishermen to be utilized for temporary assistance to the U.S. industry and long-term reimbursement of the costs to the Federal Government attributable to foreign fishing;

Full U.S. observer coverage on foreign fishing vessels to assure proper conservation of the stocks as a sound basis for their further development; and

The assignment of fishery trade officers to six key foreign capitals to promote U.S. fish exports.

I am particularly proud to point out that the American Fisheries Promotion Act will not involve the expenditure of any additional taxpayers' moneys. Indeed, through increased fees on foreign fishing, the bill will provide a net gain.

I do not need to repeat here the many conclusively persuasive arguments favoring the enactment of this measure. The House and the Senate have both made their approval of this important legislation a matter of record and I trust that those actions will be readily reaffirmed today.

BILL SUMMARY

The bill provides for the rapid and full development of the U.S. fishing industry through: Emergency assistance loans until September 30, 1982 for seriously depressed sectors of the fishing industry; accelerated fisheries research and development, with an emphasis in industry-initiated projects; extension of the Federal obligation guarantee program under title XI of the Merchant Marine Act to the undercapitalized shoreside segment of the fishing industry; improved access to foreign markets for U.S. fish products by conditioning allocations of surplus U.S. fish to foreign fishermen on favorable trade consideration; increased fees on foreign fishermen to be utilized for temporary assistance to the U.S. industry and long-term reimbursement of the costs to the Federal Government attributable to foreign fishing; full U.S. observer coverage on foreign fishing vessels (with limited exceptions) to assure proper conservation of the stocks as a sound basis for their further development; and the assignment of fishery trade officers to six key foreign capitals to promote U.S. fish exports.

CBO estimates no additional significant costs would be incurred as a result of the enactment of this bill.

Mr. ECKHARDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana (Mr. BREAUX)?

Mr. CLAUSEN. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I reserve the right to object in order to ask a question of the gentleman from Louisiana. As the chairman knows, by mutual consent we have agreed to drop the California portion and the California enhancement portion of the bill with the clear understanding we would address this particular problem on a priority basis next year. Is that understanding correct?

Mr. BREAUX. If the gentleman from California will yield, the gentleman has the commitment of the chairman of the subcommittee, certainly, to pursue this. I also think the ranking minority member would concur.

Mr. CLAUSEN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana that the amendment be considered as read and printed in the RECORD?

Mr. STUDDS. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to thank my colleagues from Louisiana and New Jersey for their continued efforts in forging a fisheries development bill acceptable to both bodies. We have spent many hours in this House debating such legislation and now that we have a bill which everyone can support—I believe we should quickly approve these measures.

However, I would like to bring to your attention one part of this legislation, specifically, the provisions which give congressional approval to a recently negotiated fisheries agreement between the Governments of the United States and Portugal. This agreement—commonly known as a "GIFA"—is required under the Fishery Conservation and Management Act before a foreign nation can apply for an allocation of surplus U.S. fish. Because Portugal is not eligible for a fisheries allocation based on historical fishing activity in our zone, this agreement is particularly desirable from their point of view, and should help greatly to cement the bonds of friendship between our two democracies. Moreover, I believe this agreement is mutually beneficial to both countries, and in particular to our own fishing industry. I say this, Mr. Speaker, because unlike previous agreements, we have linked specific economic benefits to the U.S. fishing industry to allocations of fish in our waters. The Government of Portugal has agreed to increase fisheries trade opportunities for the U.S. fishing industry and, as I understand, has made a commitment to purchase $7 million of U.S. origin fish next year. Let me say, I believe this is an appropriate policy—that of linking access to our surplus fishery resources to benefits to our own fishing industry—one which we have been attempting to institute in spite of the State Department and one which is bolstered by the provisions in the Fisheries Promotion Act.

Finally, Mr. Speaker, the New England Regional Fisheries Management Council has gone on record as supporting this agreement as well as this legislation, and I urge quick passage of the bill now before us.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana (Mr. BREAUX) that the amendment be considered as read?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

Mr. FORSYTHE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, S. 2163 establishes a comprehensive enhancement and management program for the salmon and steelhead resources of the Pacific Northwest. Rivers once teeming with salmon continue their timeless flow—but the salmon are no more. Environmental degradation and habitat loss because of dam construction have reduced magnificent salmon runs to a mere shadow of their former selves.

Although salmon catches in Oregon and Washington have been increasing, these increasing harvests are not truly indicative of the status of the resource. To a large extent, the increased catch reflects increased hatchery production as well as increased fishing activity. The harvesting success of recent years tends to mask serious declines in the abundance of wild stocks.

In the Columbia River, for example, fishing peaked between 1866 and 1940. Hydroelectric development on the river has blocked access to historic and important spawning areas. The Grand Coulee Dam alone blocked access to 1,100 miles of tributary habitat in the Upper Columbia River Basin. In fact, in the Columbia River, only 50 miles of free-flowing stream remains. In the Snake River, only 100 miles of natural stream remain.

A steady reduction of the resource has been accompanied by a rapidly escalating fishing effort. In 1965, only 1,800 trollers were licensed by the State of Washington. By 1977, that number had doubled. The gillnet fleet in Puget Sound and in the Columbia River also doubled between 1965 and 1977. Increasing fishing pressure, coupled with diminishing resources, led to severe resource management and allocation problems.

Compounding the allocation difficulties in the region are a series of court decisions establishing that Indian residents have a right to harvest a specific percentage of the available resource—a right created in the 1850's by treaties between sovereign nations. It is alleged that the problem we have today is a problem caused by Indian treaty fishing rights. This is not the case. The problem is that there are too many fishermen and too few fish. This is a problem compounded, but not caused, by Indian treaty fishing rights.

To address these problems, S. 2163 establishes a mechanism which will provide assistance to the State of Washington for the purpose of reducing the number of fishing vessels in the fleet, thereby reducing the pressure on the resource. At the same time, the legislation authorizes the expenditure of funds for the enhancement of the salmon and steelhead resource. It is estimated that an effective enhancement program could increase the current annual landings of salmon by 2 to 3 times. S. 2163 will enable this result to be realized.

S. 2163 recognizes that enhancement in the absence of coordinated management will not resolve the problems confronting the fishery. Simply putting more fish in the rivers and in the ocean does not address the problems caused by having these resources managed by almost thirty independent entities, each with the authority to establish catch limits, gear restrictions, et cetera. Nor does producing more fish solve the question of how these fish are to be allocated between the various fishermen in order to insure that the Indian treaty rights are fulfilled.

Dr. Peter Bergman, assistant director of the Washington Department of Fisheries, has testified that in the absence of a coordinated management program "the managers, be they State, tribal, or Federal, are doomed to failure. The controversy will continue and fishermen as well as the resource will suffer." Dr. Donald E. Bevan, chairman of the Scientific and Statistical Committee of the Pacific Fishery Management Council, has stated "we must create a unified management system." Dr. Dayton L. Alverson, former Director of the Northwest Fisheries Center of the National Marine Fisheries Service, has stated "the multiplicity of regulatory bodies makes the achievement of coordinated successful management practices in the salmon stocks difficult."

Recognizing that more fish is not the answer to the problem and further recognizing the need to change the status quo to coordinated mangement efforts, S. 2163 clearly provides that in the absence of an approved and effectively coordinated and implemented management program, no enhancement funding may be spent. The legislation pending before us today differs from the bill passed by the House in one significant respect. The House-passed bill directed the various management parties, the State, the Pacific Fishery Management Council, and the treaty tribes to prepare a management plan specifically modeled after the Fishery Conservation and Management Act.

S. 2163 deletes the language specifying the exact provisions of the management program which is to be developed. In its place, S. 2163 establishes a mechanism whereby the current management parties will establish a management structure the purpose of which will be to effectively coordinate management according to standards specified in the act. Deletion of the specific plan content provisions of the House-passed bill does not mean that the Committee on Merchant Marine and Fisheries expects no change from current management practices and coordination. The committee expects the current managers to effectively coordinate their efforts so that there is a thorough and complete integration of management plans. Only through effective and total coordination can the standards specified in section 110 be satisfied. Precisely how this coordination is achieved is left to the management parties through the establishment of a management structure. S. 2163 clearly contemplates that the management parties will coordinate their management programs through the structure provided for in the bill so as to achieve an integated and cohesive management plan for the fishery.

As I noted earlier, S. 2163 also establishes a program by which the State of Washington can reduce the number of fishing vessels in the Washington State salmon fishery by purchasing those vessels and their licenses. Funds will be available under the buy-back program only if the State establishes a buy-back program which meets standards specified in the act. I should note that one of these standards is that the State will continue its moratorium on the licensing of new salmon fishing vessels. It is the intent of the Committee on Merchant Marine and Fisheries that this moratorium last for longer than the 5-year buy-back program.

The legislation before us today also establishes a comprehensive fisheries development program for the U.S. fishing industry. With approximately one-fifth of the world's marine fishery resources located off the U.S. coasts, it might be expected that our fishing industry would be strong and prosperous. Unfortunately, this is not the case. U.S. landings of fish have not kept pace with our population growth. In fact, annual landings have remained relatively constant since 1960—and as the demand for fish has increased, U.S. fishermen have supplied a declining share of the market. The result is that imports have jumped sharply. In 1979, we imported $3.8 billion in fishery products, a $1 billion increase from 1978. Our net fisheries trade deficit of $2.7 billion represented approximately 10 percent of the U.S. balance-of-payments deficit last year.

The bill pending before us establishes a framework for resolving these problems and for developing the U.S. fishing industry. This bill is virtually identical to the bill which already passed the House. The amendments made to this bill in the other body are strictly technical. For example, one amendment renames one of the sections of the bill. Virtually unchanged are those provisions of the House-passed bill restructuring the Saltonstall-Kennedy Act which funds fishery development projects, establishing a phased reduction of foreign fishing if U.S. fishermen increase their harvest of fish, extending the Federal fishing vessel loan guarantee program to cover fishing vessels operating in nontraditional fisheries and to include onshore fishery facilities, establishing a 100-percent observer program aboard foreign fishing vessels operating within the U.S. fishery conservation zone, increasing the level of fees charged these vessels, and providing emergency loan assistance to U.S. fishermen suffering economic dislocation.

Passing this legislation will be a major stimulus in the development of the U.S. industry. This legislation requires no new authorizations and will bring significant benefits to the economy. Development of the U.S. fishing industry would, by 1990, create 43,000 new jobs, add $1 billion per year to the national economy, and double our fish exports to $2.1 billion. Increased U.S. fisheries production will dramatically decrease our demand for foreign harvested and processed fish, thereby reducing our fisheries trade deficit. None of the benefits will flow to the industry and to this country unless there is an aggressive expansion of the U.S. fishing industry—an expansion which S. 2163 will assist.

Finally, S. 2163 expresses congressional approval of the Governing International Fisheries Agreement with the Government of Portugal. This agreement is consistent with all previous agreements with foreign nations except that for the first time this agreement includes an article conditioning the allocation of fish to Portugal on the extent to which the Portuguese have cooperating in making available Portuguese markets for U.S. fish products. It is necessary to affirmatively approve this agreement, rather than employing the usual procedure of letting the agreement lay on the table for 60 days, because Portuguese companies have expressed an interest in purchasing U.S. harvested fish through a joint venture under which Portuguese processing vessels would purchase U.S. harvested fish. Permits for the Portuguese vessels to enter the U.S. zone cannot be approved without a Governing International Fisheries Agreement being in place. If we wait until Congress reconvenes to approve this agreement, the necessary arrangements could not be made before the commencement of the fishing season.

Mr. Speaker, the legislation pending before us today will have a dramatic effect on the development of the U.S. fishing industry, and will provide for the effective enhancement and management of the salmon and steelhead resource of the Pacific Northwest. For these reasons, I urge the adoption of this legislation.

GENERAL LEAVE

Mr. FORSYTHE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FORSYTHE. Mr. Speaker, I would like to yield to my chairman and join him in asking for full support of this because it is something we have worked out with the Senate and so far as I know there is no interested party who now has a problem with this bill. The commitments we have made to this House in terms of the CCF fund are fully kept. The GAO says there will be no cost for fisheries promotion whatsoever. The Northwest salmon bill is one that the Washington delegation, the Oregon delegation and our committee have worked very diligently on. It is a consensus that could pass this Congress. I believe we have done this, again, reserving the essential points that both the gentleman from Louisiana (Mr. BREAUX) and myself held as we first started this.

Mr. Speaker, I urge agreement on this.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I certainly will yield to my friend from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. I note that the gentleman said this was resolved to everyone's satisfaction. I simply want the RECORD to show this bill does not wholly satisfy everyone. I would also like the RECORD to show that I have no desire to foul up the proceedings with an objection although the sensation is almost overwhelming.

I thank the gentleman for yielding.

● Mr. DICKS. Mr. Speaker, I rise to join my distinguished colleagues in support of S. 2163.

I also rise to commend the subcommittee chairman, my good friend from Louisiana, and my other good friend from New Jersey, the ranking minority member, for their leadership on this vital piece of legislation.

These gentlemen and their very capable staffs have worked diligently to create sound legislation which we consider today.

I would also like to commend my colleagues and friends from the Pacific Northwest for their superb work on this bill. Their perseverance, ability, and cooperation have been outstanding and consistent with the finest traditions of this House.

In addition, I would like to express my personal gratitude to Senator WARREN G. MAGNUSON, the leader of the Washington State delegation, for his leadership on this measure. Again, those of us in the Pacific Northwest have benefited from the respect which he enjoys from his colleagues in the other Chamber and from his sage counsel on this legislation.

Mr. Speaker, I urge support for this legislation because it proposes an effective solution to the longstanding and serious controversy over Pacific Northwest salmon and steelhead resources.

This bill is vital to the Pacific Northwest and will provide for fair, effective management and enhancement of the region's salmon and steelhead, while equitably reducing fishing efforts on the resources.

It also protects some of the last remaining natural runs of salmon in the world. Without the protections in this bill, these runs and many others will be lost forever.

While this bill contains provisions which differ slightly from those contained in the House bill, this bill is substantially the same as the legislation the House passed on September 23.

This bill does not increase the amount of Federal funds authorized for salmon and steelhead enhancement in the Pacific Northwest, and it still requires that any grants for enhancement projects be on a 50–50 matching basis, except for grants of 100 percent to Indian tribes.

The amount the State of Washington is credited with expending for enhancement projects is not increased and the State is still required to secure the approval of the Secretary of Commerce prior to receiving Federal matching assistance for a commercial fishing vessel adjustment program. The amount of Federal funds for this program remains the same.

While differences can be found between the management and enhancement policy formation mechanism in this bill and that contained in the original House bill, these differences are minor.

This legislation still requires local jurisdictions to develop fair and effective management and enhancement policies prior to the expenditure of Federal funds. This will allow those most knowledgeable about this controversy to solve it, without new or additional Federal bureaucratic intervention.

Mr. Speaker, this bill is a good bill based on the numerous hearings, studies, and compromises by the members of the Washington and Oregon delegations, two House committees, the Senate, and all affected parties.

This bill is carefully crafted to address the complexities of a regional problem created by Federal court decisions interpreting several treaties between Indian tribes and the U.S. Government, and competition for a dwindling resource by treaty and nontreaty fishermen.

S. 2163 is fiscally responsible, and absolutely essential to protect our national salmon and steelhead resources and to end the longstanding controversy over these treasured fish.

For these reasons, I urge my colleagues in this Chamber to support and pass that measure.

Thank you.●

● Mr. MURPHY of New York. Mr. Speaker, S. 2163 has as its primary purpose to provide for the enhancement and conservation of the salmon and steelhead resources of the Pacific Northwest.

The bill is in response to a number of Federal court decisions, guaranteeing to Indian treaty tribes the right to harvest 50 percent of the salmon and steelhead resources passing through their traditional fishing grounds.

Legislation for this purpose, H.R. 6959, originally passed the House on September 23, 1980. A similar bill, S. 2163, which had previously passed the Senate, was returned to the Senate on the same day with the language of the House passed bill, H.R. 6959.

Mr. Speaker, S. 2163, as it is before the House today for consideration, is substantially the same as it passed the House on September 23. However, when the Senate adopted amendments to the bill on December 3, it included an amendment which is in essence the language of another bill, S. 1656, which had previously passed the House on November 18, 1980.

Mr. Speaker, S. 1656, as it passed the House on November 18, is designed to assist in the development of the U.S. fishing industry. In accomplishing this purpose, it would provide for emergency loans to American fishermen, increase foreign fishing license fees, extend the title XI obligation guarantee program to shoreside fisheries facilities, extend the Saltonstall-Kennedy Act to promote fisheries development projects relating to all aspects of the fishing industry, and provide for a phasing-down of all foreign fishing in U.S. waters.

Mr. Speaker, except for minor changes, S. 2163, as it relates to the development of the U.S. fishing industry, is substantially the same as the language adopted by the House for this purpose on November 18.

Mr. Speaker, I urge the prompt passage of S. 2163, as amended.●

● Mr. ASHLEY. Mr. Speaker, I rise in strong support of S. 2163, as amended.

This legislation has as its basic purpose to resolve the longstanding controversy over the salmon and steelhead resources of the Pacific Northwest. In accomplishing this purpose, the legislation would provide for the development and implementation of salmon and steelhead management and enhancement plans and for a buy-back program in the State of Washington in order to reduce the fishing vessel pressure on these resources.

S. 2163, as it passed the House on September 23, 1980, was substantially the same as H.R. 6959, as reported by the Committee on Merchant Marine and Fisheries and as subsequently reported by the Committee on Interior and Insular Affairs. Only minor changes were made in the House version of that bill as it was amended by the Senate on December 3, 1980.

However, when the Senate amended the House amendment to S. 2163 on December 3, it added to the bill the language of S. 1656, the American Fisheries Development Act, a bill which had previously passed the House on November 18, 1980. This legislation has as its purpose to assist in the development of the U.S. fishing industry, to promote the sale of domestically produced fisheries products in the United States as well as abroad, and to provide assistance in the form of loans to American fishermen who are about to default on mortgages on their vessels.

In summary, S. 2163, as amended by the Senate on December 3, is substantially the same, except for technical changes, as two bills which have previously passed the House.

Mr. Speaker, I urge the prompt passage of S. 2163, as amended.●

● Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of S. 2163 and urge its adoption.

The bill before us today is an amalgamation of two very important fisheries measures that will be extremely helpful in promoting the full development of our fishing industry and in solving certain problems that have occurred in the Pacific Northwest.

The first title, which deals with salmon in Washington and Oregon, is widely supported in those States and in Alaska. The bill seeks to coordinate activities relating to the conservation and management of Pacific salmon and to try to promote wise utilization of this resource. I have worked with my colleagues in both the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs to produce a bill which is acceptable to all salmon fishermen in the Pacific Northwest, both Indian and non-Indian. I am very pleased with the outcome and I think it will enable us to resolve some of the difficulties that have occurred as the result of habitat modifications and certain court decisions. I hope that all groups involved will continue to work together to insure that an equitable harvest scheme can be implemented.

There are still some areas that must be looked at next year and I intend to do my part to insure that salmon fishermen in Alaska and California have a fair chance to have their problems reviewed in the next Congress. Negotiations are currently being conducted between the United States and Canada regarding salmon interceptions and the results of these negotiations will have an impact on salmon fishing in the Pacific. Fishermen from California also have certain problems that need to be looked at and I feel that they should be given a chance to present these problems to the Congress.

The second part of this legislation has been before the House on previous occasions as the "American Fisheries Promotion Act." As many of my colleagues are aware, I have expressed doubts in the past about certain sections of the bill. However, with the hard work and cooperation of the distinguished chairman and ranking minority member of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, the subcommittee staff, and our colleagues in the Senate, a compromise has been reached that removes any obstacles to the passage of this bill.

Fishing is very important in my State of Alaska and thus this bill will be helpful to us. Some fishermen have been concerned that sections of the bill would hamper proper management of our Nation's fisheries. However, the language that is before us today has been changed significantly so that we do not just have a bill we can live with, but more to the point, a bill that we can be proud of. With any comprehensive measure of this type, there are always changes that need to be made and I am sure that this will occur in the future. As I stated before, however, our subcommittee leaders have done an excellent job in producing legislation that will help our domestic fishing industry.

Briefly, the bill contains such things as a revitalization of the Saltonstall-Kennedy program; a provision to use trade officers to help our fish products to compete on the world market; and increased observer coverage on foreign vessels fishing in our 200-mile zone. In addition, it sets into law the so-called "fish and chips" policy that many of us have supported for some time. This policy requires the U.S. Government to consider the benefits to the U.S. fishing industry that will accrue from any allocation of fish to foreign nations. Congress, when it passed the Fisheries Conservation and Management Act, intended that foreign fishing in our fisheries conservation zone was to be considered as a privilege, and one that should be earned. Too often in the past, foreign nations, and indeed our own Government, considered that fishing to be a right. The enactment of this bill will reinforce the intent of Congress and will pave the way for growth in our fishing industry.

Mr. Speaker, there is something in this bill for everyone, but most important, we have a chance here to fully develop a domestic industry at no cost to the American public. In these times of high inflation, increased Government spending, and unbalanced budgets, I think that a measure such as this deserves our full support. I urge my colleagues to voice their approval.●

● Mr. AuCOIN. Mr. Speaker, I rise in strong support of the legislation before us.

This bill deals with two fisheries issues of the utmost urgency: namely, salmon and steelhead enhancement in the Pacific Northwest, and the national issue of fisheries development.

The management of salmon and steelhead is the most serious fisheries problem in the Pacific Northwest today. In fact, I submit that it is probably the most serious fisheries management problem in the Nation today.

A big part of the solution to the problem is contained in the bill before us. This bill is based on a very positive principle: That the way out of the dilemma is to produce more fish for all user groups—to return our salmon and steelhead stocks to their historic levels—and to stop the fish wars that are so deeply dividing our region.

As to the other major provision in the bill, Federal assistance to develop our fisheries resources is needed to put the abundant wealth found in our waters to work for the benefit of the United States. Twenty percent of the world's fish are found off our shores, yet we catch only 4 percent of the world harvest. We need to turn this situation around. This bill gives us the means to do just that.

Mr. Speaker, many of us have worked long and hard for this bill. The fishing industry will fase significant opportunities to develop as a result of this legislation. But I must note three disappointments I have with these final provisions:

First, the salmon and steelhead enhancement projects come under the jurisdiction of the Secretary of the Interior. They should come under the Secretary of Commerce—so as to keep all of the Federal responsibility for the bill within a single agency. Commerce is more experienced and better equipped for the kind of fisheries management and enhancement activities called for in this bill.

Second, the bill does not allow for enhancement projects in Oregon coastal streams. Even though these streams fall outside the geographic boundaries of the Federal court decisions necessitating this bill, enhancement funding could be far more productively spent here. Quite simply, the same number of dollars spent for projects on these coastal streams would produce more salmon and steelhead that would grow to maturity than would upstream projects on the Columbia River.

Third, within the fisheries development section the bill unfortunately does not extend the capital construction fund to shoreside seafood processors. While we all understand the technical reasons why the capital construction fund cannot be included at this time, shoreside processors desperately need this opportunity to expand and upgrade their facilities. Early in the 97th Congress I look forward to introduction of a bill that will accomplish this.

This bill is admittedly not perfect. At the same time it provides important assistance to America's first industry—our fishing industry—at a time when it needs help if it is to survive. Mr. Speaker. I strongly urge my colleagues to support and pass it.●

● Mr. SWIFT. Mr. Speaker, today we are bringing to the House floor a bill for fisheries enhancement in the Pacific Northwest. The bill addresses critical fisheries problems facing my region, in part, thanks to a 1974 court ruling by a Federal judge.

Let me explain the origins of our problem, for it stems not from something the region did but from something the Nation did more than a century ago.

In the mid-1800's, as America expanded westward, the Federal Government negotiated treaties with Native American tribes in the Pacific Northwest. Nearly two dozen tribes signed treaties with the U.S. Government to pave the way for expansion, agreeing to fish "in common with" nontreaty fishermen for the salmon and steelhead that filled our streams, rivers, and bays. Fishing was then—and it still is today—a vital part of commerce for the tribes and others. Folklore has it that you could once walk across the Columbia River on the backs of the migrating salmon. Not so today. Our salmon and steelhead runs are badly depleted. And in many ways this depletion—and the problems it has created—has come about because of Federal actions.

More than 40 years ago, the Federal Government embarked on an ambitious and successful program of building hydro-electric generating dams along the Columbia and its tributaries. The dams provided electricity that lights up the Pacific Northwest and necessary energy for aluminum needed then in our war efforts. Additionally, the Federal Energy Regulatory Commission, formerly the Federal Power Commission, has approved dams on Puget Sound rivers.

But the dams also had their detrimental impact. The dams that stretched across the rivers prevented the migrating fish from reaching their upstream spawning grounds, dooming untold millions of fish to never be born. The turbines that spun to produce power also produced havoc with those fish that did make it upstream, spawned and were now headed out to sea again in this most amazing of nature's sojourns.

Year after year, our region's indigenous fisheries are injured a bit more. The cornucopia of plenty turned into increasingly sparsely filled nets of the fishermen. And as scarcity became the rule, tensions mounted between treaty and nontreaty fishermen competing for the last remaining salmon and steelhead.

This was all further exacerbated when in 1974 U.S. District Judge George H. Boldt ruled that the treaties—treaties negotiated with the tribes on behalf of all the citizens of the United States—meant that the treaty tribes were entitled to the chance to catch up to half of all the salmon and steelhead.

Understandably, the ramifications were broad, deep and highly controversial. Nontreaty fishermen, combining with the State of Washington, twice appealed the ruling to the U.S. Supreme Court. Twice the High Court upheld the so-called "Boldt Decision", and in the meantime no one was able to develop a coordinated management and enhancement program to slow, and reverse, the downward spiral that seemed to doom these prized game fish.

Today we have a chance to begin to turn this spiral around. The bill before you is not a solution in and of itself. It is a vehicle to deal with the problem. It is a vehicle that, to succeed, will require the earnest cooperation of often feuding factions within the region to develop—finally—a comprehensive management plan for fisheries. It is a vehicle that can relieve some of the pressure on the fisheries by getting at least some of the nets out of these presently overfished waters. It is a vehicle that can, over the next decade, launch us on meaningful enhancement programs for both salmon and steelhead. It is a vehicle to deal with problems that are regional in impact but—ultimately—national in cause.

This bill is an appropriate response by Congress to a regional problem created by Federal treaties negotiated on behalf of all the citizens of the United States.

Mr. Speaker, I urge adoption of the bill.●

● Mr. PRITCHARD. Mr. Speaker, I rise in support of the motion to suspend the rules and concur in the Senate amendment to S. 2163, the salmon and steelhead conservation and enhancement legislation.

Mr. Speaker, this legislation is the product of several years of negotiation and controversy in the aftermath of a Federal court decision handed down in 1974, and affirmed by the Supreme Court in 1979. This Federal court decision, the so-called "Boldt" decision, U.S. against Washington, and a similar decision which affects the Columbia River salmon and steelhead stocks, had a major impact on the commercial and recreational fisheries of the States of Oregon and Washington.

Judge Boldt interpreted some 1850's treaty language as meaning that the treaty tribes were entitled to the opportunity to catch 50 percent of the harvestable salmon and steelhead resources in the case areas. As a result, many of the nontreaty fishermen have had their fishing season shortened substantially and their catches reduced in order to implement the treaty rights. Considerable turmoil and controversy has resulted and substantial change has occurred in the way the fisheries resources are being managed. Also, since 1974, and throughout the process of developing this legislation, the communication between tribal leaders and nontreaty fishermen and the managers of the resources has increased substantially. We are hopeful that in passing this legislation this improved communication will continue and that the legislation establishes the necessary framework for the maintenance of a healthy salmon and steelhead resource and a healthy commercial and recreational fishery.

This legislation establishes a Salmon and Steelhead Advisory Commission which is required to submit a report within 18 months from the date of enactment which will recommend a structure for improved management and coordination of a number of different management entities in the region. If the Secretary approves this management report, then enhancement projects may be funded if they are consistent with enhancement plans which are submitted for the two conservation areas, also within 18 months from the date of enactment. Funds may continue for enhancement projects for a period of 18 months, after which time the Secretary determines whether the recommendations of the Advisory Commission's report are being implemented. If they are not, then the Secretary shall curtail further funding of enhancement projects.

The Department of Commerce is the lead agency for the management of the salmon and steelhead resources, and the Department of the Interior is the lead agency for approving enhancement plans and projects. However, the Secretary of Commerce may overrule the Secretary of the Interior on the approval of enhancement plans if they are inconsistent with certain enhancement plan standards which deal with the allocation of harvest shares between treaty and nontreaty fishermen, or which deal with future international agreements which affect the management of these fishery stocks.

The funding levels in the legislation are very similar to the House-passed version, except that $15 million have been subtracted with the deletion of the Klamath River provisions, and $3 million have been added for coordination, as well as $5 million added for Columbia River port development. The other body has also used this measure as a vehicle for attaching the Portuguese GIFA (Governing International Fisheries Agreement) as well as the American Fisheries Promotion Act. This additional legislation is sound and it should be supported.

Mr. Speaker, I would also like to express my strong appreciation for the efforts of my colleagues from Louisiana and New Jersey, the chairman and ranking minority member of the subcommittee on Fisheries and Wildlife Conservation and the Environment. They have made an inordinate effort to understand the complexity of these issues and without this effort, this legislation would have been impossible. In addition, without the goodwill and cooperation of the Members of the Washington and Oregon delegations, and without a lot of hard work and compromise on all of their parts, this legislation would not have been possible.

Mr. Speaker, this legislation is of extreme importance to the Pacific Northwest and to the future of an important and unique resource and an important and unique fishing industry. I am hopeful that future generations will be able to appreciate and experience the benefits of a viable salmon and steelhead fishery. This legislation provides the framework for the maintenance, conservation, and improved management of this important national resource.

Thank you, Mr. Speaker.●

● Mr. LOWRY. Mr. Speaker, after years of work, the Northwest Fisheries Enhancement Act has been passed by the House and the Senate. The product of unanimous agreement among the Northwest delegation, the bill will address the severe problems of the salmon and steelhead resource. It will help to reverse the decline of these stocks that has been brought on by deteriorating habitat, water project construction, and lack of coordinated management.

Under the provisions of S. 2163, State, Federal, and tribal agencies will develop a cooperative enhancement and management plan. Upon approval by the Secretaries of Commerce and Interior, the Boldt case area and the Columbia River Basin will be eligible for $45 million and $25 million, respectively, for enhancement projects. These funds will be matched by a 50-percent State contribution, except that Washington's heavy expenditures of $32 million will be counted as part of its contribution. In addition, $14 million is authorized exclusively for steelhead enhancement. The bill also provides for $3 million for the developmental phases of the plan.

A commercial fishing fleet adjustment program provides for the Secretary of Commerce to buy back vessels, gear, and licenses in Washington's overcapitalized commercial fishing industry. For this purpose, the bill authorizes a $50 million program with 75 percent of the funding coming from the Federal Government and 25 percent from the State of Washington.

S. 2163 will put an end to the acrimonious struggle over salmon and steelhead stocks, yet it avoids abrogation of Indian treaty rights. It will remove the legal battle of the last several years and make the real issue the practical question of how to increase the supply of fish, and so benefit all user groups.

I would like to thank my colleagues, Congressmen BONKER, PRITCHARD, and AUCOIN, who sit on the Merchant Marine Committee, and also Senators MAGNUSON and JACKSON and my other colleagues from the Northwest for their hard work in developing a bill which the entire Northwest can support. Their involvement has been vital in this process. The cooperation of the States of Washington and Oregon and all of the treaty tribes has been especially crucial to the passage of the bill. I am pleased that our years of effort have finally been successful.●

● Mr. BONKER. Mr. Speaker, for some time now, the fishing industry in the Northwest has been on the brink of crisis. A combination of factors has been decimating salmon and steelhead runs—threatening the economic livelihood of commercial fishermen and opportunities for sportsmen.

The legislation before us today is absolutely necessary if we are to address the problems facing this magnificent and once abundant resource.

It is the product of years of work, of careful negotiations, and compromises among all the various governmental and user groups that have been struggling to find solutions.

At the outset, I want to extend the thanks of all of us in the Northwest to Chairman JOHN BREAUX, of the Fish and Wildlife Subcommittee, who has taken the time to familiarize himself with the issues and who has done yeoman's work in helping us reach a consensus. Without his help, this legislation would not have been possible.

This legislation attempts to address the many facets of the problem facing our fishery.

First, it includes some $70 million in salmon enhancement money for Washington and Oregon over a 10-year period—$45 million for western Washington, $25 million for the Columbia River fishery.

This money will improve the survival of stocks and will augment the production of hatchery fish. By careful choice of species, areas, and stocking procedures, enhancement programs can be used to improve the distribution of fish among different groups of treaty and nontreaty fishermen, and add stability to the industry by reducing variations in fish availability.

In addition to the salmon resource, this bill will provide $14 million to enhance our stocks of steelhead—one of the world's great game fish, creating more opportunities for the thousands of steelheaders in the area.

A third major provision of the legislation will fund a $37.5 million buy-back program to reduce the size of our fishing fleet, and to assist fishermen who are experiencing economic hardship.

Coupled with this important legislation is the American Fisheries Promotion Act, which will address the problems created in 1974, when Congress extended U.S. fisheries rights to 200 miles off our coast. Today, foreign vessels are still around, while our domestic industry lacks the incentives and support it needs to compete for these abundant fish resources.

This legislation will give us the flexibility to either phase out all foreign fishing within 200 miles, while insuring optimum yield at the same time. It will restructure the fisheries loan fund to aid vessel owners who, through no fault of their own, face loan defaults or economic losses.

New fees that reflect the true value of fish caught will be levied on foreign fishermen to pay for enhancement programs; it includes dedication of 75 percent Saltonstall-Kennedy program funds for non-Federal fisheries. Federal observers are mandated on all foreign vessels within the U.S. zone to prevent unauthorized and incidental catch of our fishing resource, and the title XI loan guarantee program is extended to develop and expand shoreside fisheries facilities.

It also must be mentioned that the Northwest regional power bill, which passed Congress a week ago, includes language that will mitigate the devastation to our anadromous fish runs caused by the dams on the Columbia River.

Taken together, the provisions of all these bills offer us a rare opportunity to creatively enhance one of the country's most vital natural resources. The salmon has played an integral role in the life of the Northwest. The legislation before us today will insure that the salmon will play an important role in our future as well.●

Mr. FORSYTHE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

DESIGNATING CERTAIN LANDS IN THE MONONGAHELA NATIONAL FOREST, W. VA., AS THE CRANBERRY WILDERNESS AREA

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 7033) to designate certain lands in the Monongahela National Forest, W. Va., as the Cranberry Wilderness Area, to establish the Cranberry Glades National Botanical Area, to establish the Cranberry Back Country, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, I believe this does reflect our prior discussion about the haulage provisions?

Mr. SEIBERLING. If the gentleman will yield, the answer is yes. This bill would not provide compensation to the Chessie system for loss of haulage profits on coal that it would be compensated for.

Mr. Speaker, I rise in support of H.R. 7033, the West Virginia national forest wilderness bill, with an amendment in the nature of a substitute, and am hopeful that my colleagues will concur in this consensus approach to the subject matter of this bill. The substitute offered today is the product of many hours of discussions and negotiations held subsequent to hearings on H.R. 7033 by the Subcommittee on Public Lands on May 16, 1980. At that hearing, testimony generally supported the four modest national forest wilderness proposals in West Virginia which are contained in the substitute, and which were also recommended for wilderness by the administration pursuant to the RARE II program. However, the largest of the four areas, the proposed 35,600-acre Cranberry Wilderness, represents a typical pattern of national forest lands ownership prevalent in the East, in which Federal surface ownership is underlain by deposits of non-Federal minerals—in this case, coal owned by the CSX Corp.—formerly the Chessie System. Coal mining in the area would be incompatible with wilderness preservation.

Matters were somewhat complicated by the fact that the State of West Virginia, on March 29, 1978, placed a moratorium on any mining in the Cranberry area. Although the moratorium expires at the end of this year, there is every indication that the State of West Virginia feels strongly about protecting the area in its current largely wild condition, and that the moratorium will be extended if Congress fails to act on the wilderness issue.

Thus, as I see it, Mr. Speaker, the dilemma to be resolved by the legislation proposed today is twofold. First, will Congress act to afford permanent wilderness protection to one of the largest and most biologically unique undeveloped national forest areas in the Eastern

United States? And second, will Congress terminate the remaining implications to sound land management of the area by acquiring the non-Federal mineral rights and providing unity of ownership of the subsurface and surface estates. If the answer to either of these questions is "no," I fear the entire issue and parties involved face the possibility of protracted litigation, which may or may not resolve the issue to the satisfaction of anyone concerned.

As a result of the evidence presented at the hearings, and after consultation with Congressman STAGGERS, in whose district the area is located, it was determined that the interests of all the parties would best be served if Congress could develop a legislation proposal whereby the Cranberry area would be designated as wilderness with the non-Federal mineral interests being consolidated into Federal ownership. In furtherance of this goal, the Public Lands Subcommittee staff and I participated in several meetings with representatives of the CSX Corp., the U.S. Forest Service, the Bureau of Land Management, the West Virginia Highlands Conservancy, and other interested parties. The net result of these meetings is incorporated in section 4 of the substitute before us today.

In view of the fact that time constraints have not allowed the substitute to undergo the normal process of subcommittee and committee markup and publication of a committee report, I offer the following detailed explanation of the substitute's terms and provisions.

WILDERNESS DESIGNATIONS

The substitute would designate four new wilderness areas on national forest lands in the State of West Virginia. These are the 35,600-acre Cranberry Wilderness, the 6,100-acre Laurel Fork North Wilderness, the 6,100-acre Laurel Fork South Wilderness, and the 21,800-acre Seneca Creek Wilderness. All four were recommended for wilderness by the administration as a result of the RARE II program.

The proposed 35,600-acre Cranberry Wilderness was designated as a wilderness study area by Congress in 1975 (Public Law 93-622), and is part of the larger Cranberry Back Country which has been closed to motor vehicles and managed by the Forest Service to preserve its natural values since the 1930's. It is one of the largest undeveloped national forest areas in the Eastern United States, and has long been recognized for its outstanding wild values and opportunities for primitive recreation. Primitive recreation use in the area is becoming increasingly popular, and is expected to double by the year 2000.

The area is also part of the larger Cranberry Black Bear Sanctuary, and contains important habitat for other wildlife species. The Highland Scenic Highway forms the eastern boundary of the proposed wilderness, and offers convenient access for those seeking a wilderness experience. In drawing the wilderness boundary of the area, the substitute excludes from wilderness designation the 50-acre Cranberry Glades Botanical Area. This area will continue to be managed by the Forest Service to promote its outstanding scenic qualities and to protect its vegetative diversity.

NONFEDERALLY OWNED MINERAL RIGHTS

In order to minimize the potential cash layouts by the U.S. Government in acquiring nonfederally owned mineral interests within and adjacent to the proposed Cranberry Wilderness, the substitute is drafted to promote, if at all possible, an exchange of the nonfederally owned coal for an equal value of coal owned by the United States east of the 100th meridian. Although such exchanges are authorized within a given State by the Federal Land Policy and Management Act of 1976 (FLPMA), the provisions of section 4 of the substitute go beyond FLPMA to authorize an exchange for mineral rights owned by the United States in any State in the Eastern United States. This flexibility should enhance opportunities for the parties involved in an exchange to identify lands where an exchange can be quickly and efficiently consummated.

To promote an exchange on a timely basis, the legislation requires an exchange to be completed within 3 years. If this deadline is not met, the Government is directed to offer to purchase the nonfederally owned mineral interests within 39 months of enactment. Provisions are also made to accelerate the determination of the fair market value of the mineral interests to be exchanged, and to clarify the extent of the non-Federal mineral interests which the Government will be obligated to acquire by exchange or purchase.

Mr. Speaker, throughout the long and complicated negotiations which led to the development of section 4 of the substitute, it was recognized that all parties want an exchange to be consummated as rapidly as possible. In the past it has been alleged that the U.S. Government has been less than expeditious in exchange negotiations, and as a matter of equity to the non-Federal mineral holders, it was determined that the Government should pay interest if an exchange is not consummated and purchase becomes necessary.

I feel there are sufficient incentives for both sides to diligently pursue the exchange process, and I share CSX's confidence that the exchange process, with its minimal cash layouts on the part of the United States, is likely to succeed. I therefore believe the compromise of section 4 is equitable and workable.

SUFFICIENCY LANGUAGE

The sufficiency language of section 5 of the substitute is the same formula which is contained in Senate- or House-passed legislation pertaining to RARE II lands in Alaska, California, Colorado, and New Mexico. The effects of the formula are thoroughly discussed in House Report 96-1223 and Senate Report 96-914, and provide that lands not designated as wilderness by the substitute—or remaining in further planning—will not be required to undergo further wilderness review until "second generation" forest land management plans are developed in the 1990's.

Mr. Speaker, I am gratified that we were able to work out a compromise on this difficult issue, and I urge adoption of the substitute. In so doing, I would particularly like to convey my personal thanks to Chairman STAGGERS for his advice and counsel in working out a fair solution.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SEIBERLING: On page 1, strike all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-five thousand six hundred acres, as generally depicted on a map entitled "Cranberry Wilderness—Proposed", dated December 1980, and which shall be known as the Cranberry Wilderness;

(2) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately twenty-one thousand eight hundred acres, as generally depicted on a map entitled "Seneca Creek Wilderness—Proposed", dated December 1980, and which shall be known as the Seneca Creek Wilderness;

(3) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork North Wilderness—Proposed", dated December 1980, and which shall be known as the Laurel Fork North Wilderness;

(4) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork South Wilderness—Proposed", dated December 1980, and which shall be known as the Laurel Fork South Wilderness.

MAPS AND DESCRIPTIONS

SEC. 2. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 3. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of the relevant provision of this Act.

SEC. 4. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is hereby authorized to, and shall not later than 3 months from the date of enactment of this Act initiate negotiations to, acquire all non-Federally owned mineral interests or rights within the boundaries of the Cranberry Wilderness designated by this Act and mineral interests and rights in land outside the Wilderness but contiguous to the mineral interests and rights within the Wilderness owned by the same entity or person or which are economically accessible only through the exercise of rights held within the Wilderness, through exchange of Federal coal deposits east of the 100th meridian administered by the Bureau of Land Management. During the course of the negotiations for exchange, the Secretary shall be obligated to conduct coal evaluations on no more than four sites mutually identified by the Secretary and owner for possible transfer out of the Federal ownership. The Secretary shall provide the owner with all data available to the Secretary for evaluations of the site or sites offered in exchange for such owner's mineral interests or rights. The fair market values of any interest in lands exchanged under this Act shall be equal or, if they are not equal, the values shall be equalized by the payment of money to the Secretary by an owner of the non-Federally owned mineral interests or rights or the payment of money to an owner of the non-Federally owned mineral interests or rights as the circumstances require, so long as the payment required for equalization does not exceed 25 percent of the total value of the interest in lands transferred out of Federal ownership.

(b) Should the Secretary of the Interior and an owner of the non-Federally owned mineral interests or rights within the Cranberry Wilderness fail to agree on an exchange as authorized by paragraph (a) within three years after the effective date of this Act, or at a time prior thereto mutually agreed upon by the parties, the Secretary is authorized to acquire and shall no later than 39 months after the effective date of this Act offer to acquire by purchase such mineral interests or rights at their fair market value through cash payment.

(c) Fair market value shall be determined for purposes of exchange, purchase, or condemnation on the assumption that all minerals to which such interests or rights pertain are legally recoverable and removable. Should the Secretary of the Interior and an owner of non-Federally owned mineral interests or rights within the Cranberry Wilderness fail to agree upon the fair market value of such mineral interests or rights within 18 months after the effective date of this Act, the fair market value of such mineral interests or rights shall, for the purposes of exchange or purchase, be determined by an independent nationally-recognized authority on the valuation of mineral interests, whose compensation shall be paid equally by the Secretary of the Interior and the owner of the mineral interests or rights to be valued. Should the Secretary of the Interior and the owner of non-Federally owned mineral interests or rights be unable within two years of the effective date of this Act to agree upon an authority to determine fair market value as herein set out, then either the Secretary or such owner may petition the United States District Court for the Southern District of West Virginia to appoint an independent nationally-recognized authority on the valuation of mineral interests to determine the fair market value of such mineral interests or rights. When non-Federally owned mineral interests or rights are acquired under other than the exchange procedures designated in this Act, the Government of the United States shall in addition to paying for such acquisition at fair market value, pay interest on the amount of the fair market value as of the date at which fair market value is determined, or 18 months from the date of enactment of this Act, whichever is later. The interest payable shall be computed at the average rate of interest paid on short term securities of the government of the United States during the period for which such interest is computed.

(d) Should the Secretary of the Interior and an owner of the non-Federally owned mineral interests or rights within the Cranberry Wilderness fail to agree on an exchange as authorized by paragraph (a) and if the offer of the Secretary to purchase the non-Federally owned mineral rights at the value agreed upon by the Secretary and owner or determined by the mutually agreed-upon authority or the Court-appointed authority is not accepted by the owner of such mineral interests or rights within ninety days following receipt of the Secretary's offer, the Secretary shall within three months following the refusal in writing of the owner to accept such offer initiate proceedings to acquire such owner's non-Federally owned mineral interests or rights by condemnation at fair market value.

(e) There is hereby authorized to be appropriated such sums as may be necessary to establish the value of the non-Federally owned mineral interests or rights lying within the Cranberry Wilderness area and to establish the value of Federally owned coal interests to be exchanged under the authority contained in paragraph (a). Effective October 1, 1981, there are hereby authorized to be appropriated from the Land and Water Conservation Fund such sums as are necessary to carry out the other provisions of this Act.

(f) Exploration activities, including core drilling and use of mechanized ground equipment, shall be allowed in the Cranberry Wilderness designated by this Act, to determine the value of the non-Federally owned mineral resources therein, under such reasonable stipulations and conditions as may be imposed by the Secretary of Agriculture.

(g) The Secretary of the Interior and the United States Government shall deal separately and independently with each owner of non-Federally owned mineral interests or rights within the boundaries of the Cranberry Wilderness designated by this Act and the mineral interests or rights of each such owner shall for purposes of exchange, purchase, or condemnation be valued separately from the mineral interests or rights of any other owner.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of West Virginia and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than West Virginia, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of West Virginia.

(2) with respect to the National Forest System lands in the State of West Virginia which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of West Virginia reviewed in such Final Environmental Statement and not designated as wilderness or for study by this Act or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of West Virginia for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NUCLEAR SAFETY RESEARCH DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7865) to provide for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment: Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Nuclear Safety Research and Development Act of 1980".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;

(2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;

(3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and

(4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct of a research, development, and demonstration program to provide important scientific and technical information which can contribute to sound design and safe operation of these plants.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish a research and development program for developing practical improvements in the generic safety of nuclear powerplants during the next five years, beginning in the fiscal year 1981. The objectives of such program shall be—

(1) to reduce the likelihood and severity of potentially serious nuclear powerplant accidents; and

(2) to reduce the likelihood of disrupting the population in the vicinity of nuclear powerplants as the result of nuclear powerplant accidents.

Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities, in addition to those specified in this Act, which appropriately further the purpose and objectives set forth in this subsection. Nothing in this Act shall authorize the Secretary to assume responsibility for the management, cleanup or repair of any commercial nuclear powerplant.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Secretary" means the Secretary of Energy;

(2) the term "Government agency" means any department, agency, commission, or independent establishment in the executive branch of the Federal Government, or any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Federal Government;

(3) the term "Commission" means the Nuclear Regulatory Commission; and

(4) the term "Advisory Committee" means the Advisory Committee on Reactor Safeguards established by section 29 of the Atomic Energy Act of 1954, as amended.

ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM FOR IMPROVING THE SAFETY OF NUCLEAR POWERPLANTS

SEC. 4. (a) The Secretary shall establish a research and development program to carry out the purpose of this Act. As part of such program, the Secretary shall at a minimum—

(1) refine further the means of determining failure rates in components, subsystems, and systems, and the methodology of assessing the effects of such failures on the generic design and operation of nuclear powerplants;"

(2) develop potentially cost-beneficial changes in the generic design and operation of nuclear powerplants that can (A) significantly reduce the risks from unintentional release of radioactive material from the various engineered barriers of nuclear powerplants and (B) reduce the radiation exposure to workers during plant operation and maintenance;

(3) develop potentially cost-beneficial generic methods and designs that will significantly improve the performance of operators of nuclear powerplants under abnormal and accident conditions;

(4) identify the effect of total or partial automation of generic plant systems on reactor safety, operation, reliability, economics, and operator performance;

(5) to conduct further experimental investigations under abnormal operational and postulated accident conditions to determine the consequences of such conditions. These investigations shall include, but not be limited to, the following:

(A) fuel failure at higher than standard burn-up levels;

(B) fuel-cladding interactions;

(C) fuel and cladding interactions with coolant under various temperatures and pressures;

(D) thermohydraulic behavior in the reactor core;

(E) mechanisms to suppress and control the generation of hydrogen gas;

(F) improved instrumentation for monitoring reactor cores;

(G) engineered-barrier failure modes; and

(H) fission product released and transport from failed fuel.

(6) provide for the examination and analysis of any nuclear powerplant fuel, component, or subsystem which the Secretary deems to offer significant benefit in safety analysis and which is made available to the Secretary for a nominal cost, such as $1: Provided, however, That the Secretary shall accept only the minimum number of samples of such fuel, component, or subsystem necessary to carry out such examination and analysis; and

(7) identify the aptitudes, training, and manning levels which are necessary to assure reliable operator performance under normal, abnormal, and emergency conditions.

(b) In carrying out the generic safety research and development program established under this Act the Secretary—

(1) shall consult with the Commission for the purpose of eliminating unnecessary duplication and avoiding programmatic conflict with any reactor safety research program of the Commission, including the improved safety systems research program;

(2) shall, to the extent practicable, coordinate his activities with other Government agencies through memoranda of understanding and with nongovernmental entities supporting nuclear safety research and development in order to minimize his duplication of efforts by others and to ensure that advanced concepts resulting from his activities on generic nuclear powerplant safety are available for application in a timely manner;

(3) shall utilize, to the extent feasible, underutilized federally owned research reactors and facilities, along with the associated personnel, to maintain existing capabilities and to ensure that the research is generic in nature; and

(4) shall have as a prime objective the reduction in the complexity of nuclear powerplant systems, including secondary systems, and operations.

(c) The Secretary shall explore the potential benefits of, and may enter into, international agreements in the development and implementation of the program under this Act: Provided, That, no such agreement shall have the effect of delaying the development and implementation of such program.

NATIONAL REACTOR ENGINEERING SIMULATOR

SEC. 5. (a) The Secretary, in consultation with the Commission and the Advisory Committee, shall initiate a study of the need for and feasibility of creating a reactor engineering simulator facility at a national laboratory for the primary purpose of fostering research in generic design improvements and simplifications through the simulation of the performance of various types of reactors under a wide variety of abnormal conditions and postulated accident conditions.

(b) In performing the study, the Secretary shall consider relevant factors including, but not limited to—

(1) the potential advantages that would accrue from the establishment of such a facility;

(2) the extent to which such a facility would further the generic safety research and development program established by this Act;

(3) the extent to which such a facility can be established by nongovernmental entities;

(4) the opportunities for cost sharing by nongovernmental entities in the construction and operation of such a facility;

(5) the importance of such a facility in emergencies to limit the extent of any future nuclear powerplant excursions; and

(6) the potential for international cooperation in the establishment and operation of such a facility.

(c) The Secretary shall submit by July 1, 1981, a report to the House Committee on Science and Technology and the Senate Committee on Energy and Natural Resources characterizing the study and the resulting conclusions and recommendations.

FEDERAL NUCLEAR OPERATIONS CORPS

SEC. 6. (a) The Secretary in cooperation with the Nuclear Regulatory Commission shall initiate a study as to the sufficiency of efforts in the United States to provide specially trained professionals to operate the control rooms of nuclear powerplants and other facilities in the back-end of the nuclear fuel cycle.

(b)(1) In conducting the study the Secretary shall assess the desirability and feasibility of creating a Federal Corps of such professionals to inspect and supervise such operations.

(2) The assessment shall consider the establishment of an academy to train Corps professionals in all aspects of nuclear technology, nuclear operations, nuclear regulatory and related law, and health science.

(3) The assessment shall include the appropriate organizational approach for the establishment of a Federal Corps within the executive branch.

(c) The Secretary shall complete the study within one year after the date of enactment of this Act and shall submit a report along with his recommendations to the Congress.

REPORTS AND DISSEMINATION OF INFORMATION

SEC. 7. The Secretary shall assure that full and complete safety-related information resulting from any project or other activity conducted under this Act is made available in a timely manner to appropriate committees of Congress, Federal, State, and local authorities, relevant segments of private industry, the scientific community, and the public.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

SEC. 8. (a) The Secretary is authorized and directed to prepare a comprehensive program management plan for the conduct of research and development activities under this Act consistent with the provisions of section 4. In the preparation of such plan, the Secretary shall consult with the Commission and the Advisory Committee and with the heads of such other Federal agencies and such public and private organizations as he deems appropriate.

(b) The Secretary shall transmit the comprehensive program management plan, including separate reports by the Secretary and the Commission on whether the programs under such plan unnecessarily duplicate or conflict programmatically with any reactor safety research programs of the Commission, including the Improved Safety Systems Research program, to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate within six months after the date of the enactment of this Act. Revisions to the plan shall be transmitted to such committees whenever deemed appropriate by the Secretary.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the comprehensive plan as then in effect. The detailed description of the comprehensive plan under this subsection shall include, but need not be limited to, a statement setting forth any change in—

(1) the program strategies and plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(2) the economic, environmental, and societal significance which the program may have;

(3) the total estimated cost of individual program items; and

(4) the estimated relative financial contributions of the Federal Government and non-Federal participants in the program.

Such description shall also include a detailed justification of any such changes, a description of the progress made toward achieving the goals of this Act, a statement on the status of interagency cooperation in meeting such goals, and any legislative or other recommendations which the Secretary may have to help attain such goals.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. (a) There is authorized to be appropriated to the Secretary to carry out this Act such sums as may be authorized by legislation hereafter enacted.

(b) In carrying out the provisions of this Act, the Secretary is authorized to enter into contracts only to such extent or in such amount as may be provided in advance in appropriations Acts.

House amendment to Senate amendment: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

That this Act may be cited as the "Nuclear Safety Research, Development, and Demonstration Act of 1980".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;

(2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;

(3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and

(4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct of a research, development, and demonstration program to provide important scientific and technical information which can contribute to sound design and safe operation of these plants.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish a research, development, and demonstration program for developing practical improvements in the generic safety of nuclear powerplants during the next five years, beginning in the fiscal year 1981. The objectives of such program shall be—

(1) to reduce the likelihood and severity of potentially serious nuclear powerplant accidents;

(2) to reduce the likelihood of disrupting the population in the vicinity of nuclear powerplants as the result of nuclear powerplant accidents; and

(3) to develop a data base and methodology which could be used for assessing the relative safety of nuclear powerplants.

Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities, in addition to those specified in this Act, which appropriately further the purpose and objectives set forth in this subsection. Nothing in this Act shall authorize the Secretary to assume responsibility for the management, cleanup or repair of any commercial nuclear powerplant. Nothing in this Act shall be construed as limiting the authority of the Secretary under any other law.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Secretary" means the Secretary of Energy;

(2) the term "Government agency" means any department, agency, commission, or independent establishment in the executive branch of the Federal Government, or any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Federal Government;

(3) the term "Commission" means the Nuclear Regulatory Commission; and

(4) the term "Advisory Committee" means the Advisory Committee on Reactor Safeguards established by section 29 of the Atomic Energy Act of 1954, as amended.

ESTABLISHMENT OF RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM FOR IMPROVING THE SAFETY OF NUCLEAR POWERPLANTS

SEC. 4. (a) The Secretary shall establish a research, development, and demonstration program to carry out the purpose of this Act. As part of such program, the Secretary shall at a minimum—

(1) refine further the assessment of risk factors associated with the generic design and operation of nuclear powerplants to determine the degree and consequences of propagation of failures of systems, subsystems, and components, including consideration of the interaction between the primary and secondary systems;

(2) develop potentially cost-beneficial changes in the generic design and operation of nuclear powerplants that can (A) significantly reduce the risks from unintentional release of radioactive material from the various engineered barriers of nuclear powerplants and (B) reduce the radiation exposure to workers during plant operation and maintenance;

(3) develop potentially cost-beneficial generic methods and designs that will significantly improve the performance of operators of nuclear powerplants under routine, abnormal, and accident conditions;

(4) identify the effect of total or partial automation of generic plant systems on reactor safety, operation, reliability, economics, and operator performance;

(5) conduct further experimental investigations under abnormal operational and postulated accident conditions primarily for light water reactors to determine the consequences of such conditions. These investigations shall include, but not be limited to, the following:

(A) fuel failure at higher than standard burn-up levels;

(B) fuel-cladding interactions;

(C) fuel and cladding interactions with coolant under various temperatures and pressures;

(D) thermohydraulic behavior in the reactor core;

(E) mechanisms to suppress and control the generation of hydrogen gas;

(F) improved instrumentation for monitoring reactor cores;

(G) engineered-barrier failure modes; and

(H) fission product release and transport from failed fuel.

(6) provide for the examination and analysis of any nuclear powerplant fuel, component, or system which the Secretary deems to offer significant benefit in safety analysis and which is made available to the Secretary for a nominal cost, such as $1: Provided, however, that the Secretary shall accept only the number of samples of such fuel, component, or system necessary to carry out such examination and analysis;

(7) identify the aptitudes, training, and manning levels which are necessary to assure reliable operator performance under normal, abnormal, and emergency conditions; and

(8) conduct studies and analyses to establish a data base and to develop a methodology which would be suitable to permit a comparison throughout each fuel cycle of the relative risks associated with all aspects of using, or not using, each potentially significant electrical energy source.

(b) In carrying out the generic safety research, development, and demonstration program established under this Act, the Secretary—

(1) shall coordinate with the Commission and, to the extent necessary, enter into a new memorandum of understanding or revise existing memoranda for the purpose of eliminating unnecessary duplication and avoiding programmatic conflict with any reactor safety research program of the Commission, including the Improved Safety Systems Research program.

(2) shall, to the extent practical, coordinate his activities with such other Government agencies, foreign governments, and industry as he deems appropriate to utilize their expertise, to minimize duplication of effort, and to ensure that information useful for improved concepts applicable to nuclear powerplant safety can be applied in a timely manner. The Secretary may enter into agreements and memoranda of understanding to accomplish these ends, but no such agree-

ment shall have the effect of delaying the development and implementation of programs authorized under this Act.

(3) shall utilize, to the extent feasible, underutilized federally owned research reactors and facilities, along with the associated personnel, to maintain existing capabilities and to ensure that the research is generic in nature; and

(4) shall make such recommendations as are practical to minimize the complexity of nuclear power plant systems, including secondary systems, and operations.

NATIONAL REACTOR ENGINEERING SIMULATOR

SEC. 5. (a) The Secretary, in consultation with the Commission and the Advisory Committee, shall initiate a study of the need for and feasibility of establishing a reactor engineering simulator facility at a national laboratory, for the primary purpose of fostering research in generic design improvements and simplifications through the simulation of the performance of various types of light water reactors under a wide variety of abnormal conditions and postulated accident conditions.

(b) In performing the study, the Secretary shall consider relevant factors including, but not limited to—

(1) the potential advantages that would accrue from the establishment of such a facility;

(2) the extent to which such a facility would further the generic safety research and development program established by this Act;

(3) the extent to which such a facility can be established by non-governmental entities;

(4) the opportunities for cost sharing by non-governmental entities in the construction and operation of such a facility;

(5) the importance of such a facility in emergencies to limit the extent of any future nuclear powerplant excursions;

(6) the potential for international cooperation in the establishment and operation of such a facility; and

(7) the appropriate national laboratory for siting such a facility.

(c) The Secretary shall, by January 1, 1982, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report characterizing the study and the resulting conclusions and recommendations.

FEDERAL NUCLEAR OPERATIONS CORPS

SEC. 6. (a) The Secretary, in cooperation with the Nuclear Regulatory Commission, shall initiate a study as to the sufficiency of efforts in the United States to provide specially trained professionals to operate the controls of nuclear powerplants and other facilities in the back-end of the nuclear fuel cycle. In carrying out the study, the Secretary shall coordinate his activities with the on-going programs of the utility industry and other Federal governmental agencies for obtaining high standards of operator performance.

(b)(1) In conducting the study the Secretary shall assess the desirability and feasibility of creating a Federal Corps of such professionals to inspect and supervise such operations.

(2) The assessment shall consider the establishment of an academy to train Corps professionals in all aspects of nuclear technology, nuclear operations, nuclear regulatory and related law, and health science; and

(3) The assessment shall include the appropriate organizational approach for the establishment of a Federal Corp within the executive branch.

(c) The Secretary shall complete the study within one year after the date of enactment of this Act and shall submit a report along with his recommendations to the Congress.

REPORTS AND DISSEMINATION OF INFORMATION

SEC. 7. The Secretary shall assure that full and complete safety-related information resulting from any project or other activity conducted under this Act is made available in a timely manner to appropriate committees of Congress, Federal, State, and local authorities, relevant segments of private industry, the scientific community, and the public.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

SEC. 8. (a) The Secretary is authorized and directed to prepare a comprehensive program management plan for the conduct of research, development, and demonstration activities under this Act consistent with the provisions of Section 4. In the preparation of such plan, the Secretary shall consult with the Commission and the Advisory Committee and with the heads of such other Government agencies and such public and private organizations as he deems appropriate.

(b) The Secretary shall transmit the comprehensive program management plan along with any comments by the Commission on the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate within twelve months after the date of the enactment of this Act. Revisions to the plan shall be transmitted to such committees whenever deemed appropriate by the Secretary.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the comprehensive plan as then in effect. The detailed description of the comprehensive plan under this subsection shall include, but need not be limited to, a statement setting forth any change in—

(1) the program strategies and plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(2) the economic, environmental, and societal significance which the program may have;

(3) the total estimated cost of individual program items; and

(4) the estimated relative financial contributions of the Federal Government and non-Federal participants in the program.

Such description shall also include a detailed justification of any such changes, a description of the progress made toward achieving the goals of this Act, a statement on the status of interagency cooperation in meeting such goals, and any legislative or other recommendations which the Secretary may have to help attain such goals.

SEC. 9. There is authorized to be appropriated to the Secretary to carry out this Act such sums as may be authorized by legislation hereafter enacted.

SEC. 10. Project 78-3-b, authorized by Sec. 102 of Public Law 95-238, the fusion materials irradiation test facility, is hereby designated as the "Mike McCormack Fusion Materials Test Facility". Any reference in any law, regulation, map, record, or other document of the United States to the fusion materials irradiation test facility shall be considered a reference to the "Mike McCormack Fusion Materials Test Facility".

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WINN. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I will not object. I wonder if the chairman of the full committee could explain to the House very briefly exactly what the differences are between the House version and the Senate version.

Mr. FUQUA. Mr. Speaker, the Nuclear Safety Research, Development and Demonstration Act of 1980, H.R. 7865, passed the House on August 25, 1980. The Senate passed a very similar bill on September 26, 1980. Since the bills were substantially the same and the differences relatively easy to resolve, a compromise version of the bill has been prepared for consideration by this body.

There are five substantive changes to the House bill, most of which I consider to be improvements in the original bill. The remainder are studies requested by the other body.

The first change to the House bill accepts a provision added by the other body which directs the Secretary of Energy to evaluate in further detail the risk factors associated with the generic design and operation of nuclear powerplants. This directive is intended to focus appropriate emphasis on one mechanism for defining the areas requiring improvement in light water nuclear powerplants. If the risk factors can be more accurately projected and evaluated, the DOE's research, development, and demonstration efforts can be placed on the areas yielding the most productive results.

The second change modifies the House provision requiring an in-depth study and evaluation of the health and safety risks associated with all significant electrical energy sources. The House provision was intended to require the DOE to publish and periodically update a report comparing the various risks of each significant electrical energy source. This modified provision requires the Secretary to establish a data base and develop a methodology which would be suitable to permit the comparison of relative risks between each significant electrical energy source, but does not require that the Secretary evaluate and prepare a report on the relative risks of each source. I believe that this is an adequate compromise.

The third change adds a provision which requires the Secretary to coordinate his activities with the Nuclear Regulatory Commission. This provision was included in a more general provision in the House-passed version, which stated that the Secretary had to coordinate his activities with other Government agencies. The new provision specifically mentions the Nuclear Regulatory Commission because it is recognized that this agency does perform research on improving reactor safety, and it is intended that there be no duplication of effort or programmatic conflict between the Nuclear Regulatory Commission and the Department of Energy. However, this provision does not authorize or require the Nuclear Regulatory Commission to direct or perform any of the research, development and demonstration work under this act.

The fourth change retains a provision added by the other body requiring the Secretary to study the need for and feasibility of creating a reactor engineering simulator facility at a national laboratory. This study would focus on the use of such facility for fostering research in the generic design of various types of light water reactors, under a wide variety of abnormal conditions and postulated accident conditions.

The fifth change retains the Senate provision directing the Secretary to initiate a study as to the sufficiency of efforts to provide trained nuclear powerplant operators, and to assess the feasibility of creating a Federal corps of professionals to inspect and supervise reactor operations. I note, however, that the nuclear industry has established an Institute of Nuclear Power Operations with an aggressive nuclear powerplant operator training program, and it is my understanding that all utilities with nuclear powerplants are members of this Institute. It is expected that the Department of Energy would work with industry in conducting this study, and that it would take full account of the need to avoid Federal expenditures and involvement if the private sector intends to accomplish the same goal.

There are, additionally, a few minor word changes which do not affect the intent of the original House-passed version of this bill.

With these modest changes to our version of the bill, I believe that the other body will quickly and favorably act upon this legislation.

As I said, there are a few minor word changes that do not affect the intent of this. It has one other change which was added, and that is to name the Fusion Test Facility at Hanford, Wash., after our longtime colleague, Congressman Mike McCormack, who has served so well on this committee. This facility is in his congressional district, and ground was just broken in February of this year. It is our intention to name that facility after our colleague as a tribute to his long and dedicated service in the field of fusion energy.

□ 1830

Mr WINN. I thank the chairman for the clarification.

I, too, want to add my comments as far as the dedication of the building in Mr. McCormack's name. We certainly wholeheartedly endorsed that endeavor, and I want to commend the gentleman from Washington (Mr. McCormack) and the chairman for including that in the recommendations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Florida (Mr. Fuqua)?

Mr. WEISS. Mr. Speaker, reserving the right to object, the last part of the legislation is one with which I have not only no problem, but I think the gentleman deserves amply to have that facility named in his honor. I think that the fusion program is an extremely critical one, and as the gentleman said, maybe the most important development of this century.

I am not sure I understand the earlier parts of the legislation that the gentleman from Florida described, and I wonder if he would tell me whether, in fact, is this a conference report that we are discussing at this point?

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Florida.

Mr. FUQUA. I mentioned the Senate bill and the House bills were very similar in nature. Rather than having a conference, we agreed to amendments that I think substantially increase the bill and probably will make it much more acceptable even to the gentleman from New York, even though it would not be unacceptable to him in its present form when it passed the House.

So we are choosing this method that it will go back to the Senate. The Senate will have an opportunity to act on the amendments.

Mr. WEISS. Mr Speaker, further reserving the right to object, this matter, I assume it was discussed with other members of the subcommittee and the committee who usually have some questions about this kind of legislation. I am wondering whether, in fact, it has been unanimously approved.

Mr. FUQUA. If the gentleman will yield further, I do not see the gentleman on the floor at this time, but we did discuss this; and some question was raised by the gentleman from Massachusetts (Mr. Markey). We discussed that with our colleague and a member of the committee, the gentleman from Iowa (Mr. Harkin). The gentleman from Iowa (Mr. Harkin) is in full support of the bill and thinks it is a good measure and has assured me he intends to support it.

Mr. WEISS. Further reserving the right to object, Mr. Speaker, does the gentleman know the position of the gentleman from New York (Mr. Ottinger) on this legislation?

Mr. FUQUA. I have not talked to the gentleman from New York, however, I think the gentleman from Washington has discussed it with him. It is my understanding he has no objection.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Washington.

Mr. McCORMACK. The gentleman from New York (Mr. Ottinger), talked this matter over with us just about 10 minutes ago. He went through a series of questions with us, and when it was concluded, he said in effect, "I have no objections."

Mr. WEISS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. Fuqua)?

Mr. McCORMACK. Mr. Speaker, reserving the right to object, first of all, Mr. Speaker, I obviously will not object.

I want to thank the chairman, the gentleman from Florida (Mr. Fuqua), the gentleman from Kansas (Mr. Winn), and all of the members on the committee who have worked on this bill.

If I may exclude for a moment the final section of the bill from my remarks, I want to say I think it is an excellent bill. We have worked for a long time to develop a program, an aggressive program, to increase even further the safety of our nuclear powerplants, and this bill obviously will do that.

Finally, with respect to the last paragraph of the bill, I want to say that I was shocked probably and more surprised than at anything that has happened to me since I have been in the Congress. I am overwhelmed and flattered. I cannot adequately express my appreciation to the chairman and all those around him for their consideration. I shall never forget this, and I assure the Members that I am delighted with the fact that my name, if this bill becomes law, will be attached to our first step into the engineering development phase of our nuclear fusion program. I am indeed honored.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I want to say no person has probably contributed any more to the development of fusion energy in the last decade than the gentleman from Washington. I think it is very fitting and appropriate that this facility be named in his honor.

Mr. McCORMACK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. Fuqua)?

Mrs. BOUQUARD. Mr. Speaker, reserving the right to object, I rise in strong support of the amendment to the Senate amendments to H.R. 7865, the Nuclear Safety Research, Development, and Demonstration Act of 1980. This legislation, sponsored by my good friend, Representative Mike McCormack, is the product of lengthy hearings before the Subcommittee on Energy Research and Production. We undertook our consideration of this measure in the aftermath of the accident at Three Mile Island nuclear plant. I believe that our domestic nuclear power industry, as well as the Department of Energy, have learned a number of significant lessons from this incident. Despite the outstanding safety record of commercial nuclear plants, greater safety is both necessary and attainable.

Specifically, there are a number of design criteria and operator training practices that can be upgraded. By and large, I am not satisfied with the current state of technology applied in the control room to monitor conditions within the core of the reactor; improved instrumentation could remedy this situation. Finally, the Department of Energy itself can vastly improve the information flow among plant operators and vendors, thus increasing the role of preventive maintenance.

This bill provides a solid and workable base for the continued safe, orderly, and economic development of nuclear power. Nuclear power today provides about 13 percent of our total electricity. That figure will increase over the next few years. Our country will continue to rely on this energy source, and this bill will help us to assure the safety of these plants.

There is, Mr. Speaker, one other facet of this bill which I would like to call to the attention of the House. After a decade of leadership in the Chamber, the gentleman from Washington (Mr. McCormack) will be leaving the Congress. Everyone of us who has served with Mike realize how enormous his contributions to this Nation have been. The fact that our country has, at last, an energy policy is in large part a tribute to his work. In recognition of his efforts his colleagues have recommended renaming the FMIT facility at Hannaford after Representative McCormack. I believe that this is a well-deserved reward and simply want to offer my congratulations to the gentleman from Washington, my good friend, Mike McCormack.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. Fuqua?)

Mr. McCLORY. Mr. Speaker, reserving the right to object, under my reservation I would like to add a word of commendation to our distinguished colleague, the gentleman from Washington (Mike McCormack), who has been a major force in this body toward solving our very acute energy problem, bringing a great deal of vision, a great deal of understanding, technical and scientific expertise, and it has been a privilege to work with him along these lines in addition to having a very close personal relationship with the gentleman from Washington And while his retirement is coming involuntarily, I certainly want to express to him publicly here in this body, that Members on this side of the aisle gained a great respect and affection for the gentleman from Washington; and we certainly hope that he and his wife, Margaret, will have good health and much pleasure in the years ahead. I am sure he will have a very active retirement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. Fuqua)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

□ 1840

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 2 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill, H.R. 7033, which the House passed earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the death of Mrs. Peter W. Rodino, Jr.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMUNICATION FROM NICHOLAS WULTICH

The SPEAKER pro tempore laid before the House the following communication from Nicholas Wultich:

COMMITTEE ON SMALL BUSINESS,
Washington, D.C., December 4, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of H. Res. 722, 96th Congress, this is to advise you that I was served today with a subpoena to appear for the purpose of taking my deposition in an action entitled In Re: IBP Confidential Business Documents Litigation, M.D.L. No. 428. The subpoena also requires me to bring "all documents relating in any manner to Iowa Beef Processors, Inc. or Hughes A. Bagley."

It is apparent that the deposition involves my employment during a Small Business Committee study and investigation of problems of small business involved in the production, slaughtering, processing and marketing of commodities, including meat, and thus is related to the official functions of the House. The documents involved are all records of the Committee, and thus involves the production or disclosure of documents relating to the official functions of the House.

The subpoena is being examined and I am consulting with Chairman Smith regarding determinations to be made pursuant to the provisions of Section 3 of H. Res. 722.

Respectfully,

NICHOLAS WULTICH.

A 10-PERCENT LIMIT ON INTEREST

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, there is no question but that inflation is the No. 1 problem facing this country today. But I suggest it is no solution at all to allow the Federal Reserve to make recession No. 1 with inflation a very close second.

The Fed's policy of driving the cost of money skyward without regard for whether they are choking off industrial and agricultural production will surely push the Nation into a new and deeper recession unless the trend is soon reversed.

I have prepared a very simple bill which will work the necessary remedy. It will impose a 10-percent ceiling on the interest rate which can be charged by any lender.

Mr. Speaker, I am not satisfied that Chairman Volker's breadth of vision is broad enough. He has said he wants "to squeeze out inflation, not growth," but I submit he may be doing the opposite. If the Fed cannot restrain itself then perhaps it is time for the Congress to impose the needed restraints with law which will impose a national usury rate.

The bill that I plan to offer during the 97th Congress reads as follows:

H.R. —

A bill to provide that no creditor may charge interest on any loan or extension of credit at a rate of interest which is greater than 10 percent per annum

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding any other provision of law, no creditor may take, receive, reserve, or charge interest on any loan or extension of credit at a rate greater than 10 percent per annum.

SEC. 2. For purposes of this Act, the term "creditor" means any person, the Federal Government and any department, agency, or instrumentality thereof, and any State or local government or agency thereof.

CONSULTATIONS ON FOREIGN POLICY—NEED FOR A BICAMERAL APPROACH

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, a New York Times article of November 26 outlined the willingness of the incoming Reagan administration to consult directly with Senate Republicans and Democrats on the formulation of U.S. arms control policy. Under such an arrangement, Members of the Senate would have a direct role in shaping U.S. SALT negotiating positions. Some advisers to the President elect apparently feel such Senate input would smooth ratification of any future SALT agreement. That belief is certainly understandable and justified.

If such an approach is undertaken by the new President, it would be an important step up in the level of consultation undertaken by the executive branch on arms control policy. In principle, this new intimacy in consultations is certainly to be welcomed and encouraged. It is consistent with the view that Congress should have a role in the formulation of policy and not merely be asked to accept or reject what the Executive has proposed. Indeed, I would welcome such an approach in this instance were it not for its obvious one-sidedness. Therefore, I submit the House of Representatives should be included in the consultation process. Certainly it is our intention to cooperate with the new administration.

Since the Carter administration decided to send the SALT II agreement to the Congress as a treaty, an alarming perception has grown that the House of Representatives should be ignored and that its role in shaping the future of the SALT process should be minimized. In light of the effects of the November election on the Senate and the White House, I suppose that the growth of this perception is only natural. In an effort to dispel such ideas, let me offer, in the words of the President-elect, some "straight talk" about the SALT process.

First, the role of the House of Representatives in helping to shape arms control policy through its appropriations function is constitutionally mandated. Second, that constitutional mandate is not sensitive to the partisan composition of the House. Third, the notion that SALT agreements should be treaties and therefore sent only to the Senate for approval is not set in stone. One of the President-elect's Republican predecessors, President Nixon, submitted the SALT I agreement to both Houses of Congress. Fourth, even if treaties are subject to the advice and consent of the Senate only, the implementation of any future SALT treaty will directly affect the budgets of the Defense Department and many other agencies. These budgets must be approved by both Houses of Congress.

As the intense SALT debate of the past years indicates, broad national understanding and consensus are required in significant matters like strategic arms limitation.

But strategic arms limitation is only one of the important areas in which the House of Representatives looks forward to working with the new Reagan administration. It is my hope that the apparent willingness of the President-elect to recognize a role for Congress on U.S. arms control questions will also be shown in all other important foreign policy matters. For example, the executive branch will soon be engaged in discussions on base agreements and bilateral treaties, some perhaps entailing commitments of U.S. assistance. As the new administration begins to consider these various pacts it should consult with the House as well as the Senate.

Policies and actions regarding our alliances must be well presented to the House before they are put into effect. For instance, various efforts to improve NATO capability will require legislative initiatives to which the House can make unique and significant contributions.

The development of a rapid deployment force and of policies concerning the Persian Gulf should also be formulated with careful consideration to the views of the House.

Similarly, advance consultation with and involvement of the House will be required for advancing peace in the Mideast, on trade negotiations, nuclear nonproliferation, and a host of other political and economic matters.

These are just some of the areas where advance and close consultation with the House of Representatives will be essential for the foreign policy initiatives of the administration requiring legislative action to be successful.

Mr. Speaker, as chairman of the Committee on Foreign Affairs, I intend to work closely with the new President—as I have with his predecessors of both parties—in seeking a bipartisan approach to all foreign policy issues. In order to achieve that goal, I intend to seek the highest and widest possible level of consultations with the executive branch. My Republican colleagues inform me that the new President intends to do the same.

The intentions of the new administration to seek a greater Senate role in SALT negotiating positions would be consistent with this consultative effort—and more promising of future success—if it recognized that the House of Representatives also has an essential and legitimate role to play in the crafting of arms control policy and other vital U.S. foreign policy questions.

Reagan Advisers Weigh a Greater Role for the Senate in Arms Talks

(By Richard Burt)

Washington, November 25.—President-elect Ronald Reagan's foreign policy advisers are considering an arms control plan in which amendments proposed by the incoming Senate to the existing strategic arms treaty would form the basis of the American negotiating position at a new round of talks with Moscow, Republican officials said today.

The officials said that although Mr. Reagan had not yet decided who would serve as Secretary of State or in other senior foreign policy posts, key Republican aides had already begun to examine how the Administration would deal with strategic arms negotiations.

During the campaign, Mr. Reagan said he would scrap the existing accord, signed by Moscow and Washington in June 1979, but he and other senior Republicans have said that they would continue the negotiating process in an effort to obtain a better agreement.

In recent days specialists in strategic arms matters who advised Mr. Reagan during the campaign and who are active in the transition process have started studying options open to the new administration.

According to Republican officials, one proposal that has received support from military experts as well as Republican members of Congress calls for the Senate to have a large, voice in shaping a new position. The officials said that under the proposal the Senate, Republicans and Democrats alike, would be asked to study the existing agreement and suggest changes that if adopted in talks between Moscow and Washington would insure that the accord would be accepted by the Senate.

Republican officials said this could help them avoid the situation faced by the Carter Administration last year when it appeared that the White House had signed a treaty that might not be accepted by the required two-thirds majority of the Senate.

The officials said that if Senate-proposed amendments to the existing treaty became the basis of the Reagan administration's arms position, the White House would have a much better chance of gaining support for an agreement emerging from talks with Moscow.

In addition, Republican aides are also known to believe that eliciting suggestions from the Senate on changes to the 1979 treaty would strengthen the administration's bargaining leverage with Moscow. "If the Russians know that the Senate won't approve the treaty without certain revisions," one said, "then they will probably consider our list of amendments a lot more seriously."

While the proposal is said to have the backing of several Republican Senators, including Howard H. Baker Jr., who is expected to become the majority leader in January, it is viewed with skepticism by other Republican officials. In particular, some specialists on arms-control matters said that even if the new administration were able to guarantee that an amended treaty would be approved by the Senate, Moscow might be unwilling to accept certain proposals.

"Then the Reagan White House would come under terrific pressure to make concessions in the talks which would be viewed in the Senate as a betrayal," said a Reagan national security adviser.

However, another Reagan adviser said that Senate-proposed amendments would be a positive factor in new negotiations because it would act "to stiffen our backbone."

"It would be a lot harder for us to make concessions knowing that we had marching orders from the Senate," the adviser said.

The treaty signed by President Carter would limit the bomber and missile forces of each side to 2,250 systems through 1985. The treaty also contains additional ceiling on special categories of systems, such as missiles armed with multiple warheads and so-called "heavy" land-based rockets.

A protocol to the treaty, which would expire at the end of 1981, also places range limits on land- and sea-launched cruise missiles.

In preliminary discussions on the treaty in the Senate last year, Republicans and conservative Democrats discussed a variety of possible amendments to the treaty. These included changes to improve Washington's ability to monitor Moscow's compliance; reductions in the number of "heavy" missiles that Moscow would be allowed; the inclusion of longer-range Soviet bombers in the overall weapons ceiling, and the abolition of restrictions on cruise missiles and the deployment of mobile missiles contained in the protocol.

Reagan advisers said that even if Senate-proposed amendments were not formally incorporated into a new negotiating position, many of these changes would still be reflected in the new administration's approach to arms control.

BONNEVILLE POWER BILL TO BE USED FOR NUCLEAR PLANT

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, we stood in this Chamber less than a month ago debating the Northwest power bill and heard constant reassurances that passage of the bill would result in a great new commitment to conservation and the development of renewable resources.

However, just a few days ago, the top officials of the Bonneville Power Administration stated that the bill will indeed be used to underwrite new nuclear plants.

I bring to your attention a newspaper story from the Eugene Register Guard of November 23, 1980, which quotes Deputy BPA Administrator Ray Foleen as saying BPA may help finance a total of nine new nuclear plants—including the five plants now planned by the Washington Public Power Supply System which have had cost overruns of about $13 billion already.

I ask unanimous consent that this story be printed in the RECORD at the conclusion of my remarks.

And just this week, BPA Administrator Sterling Munro gave a speech in Spokane saying that the power from WPPSS 4 and 5 are "absolutely necessary" to meet the region's needs.

I ask unanimous consent that the transcript of a report on this speech as reported by KUGN Radio in Eugene, be printed in the RECORD following the aforementioned Eugene Register Guard story.

And, only 2 days ago, a story appeared in the Portland Oregonian relating an interview with Robert L. Ferguson, the new manager of WPPSS, talking about the latest cost projections on the five WPPSS plants. Mr. Ferguson revealed in his speech that with the aid of the blank check known as "guaranteed purchase" that this body provided, bonding for the WPPSS nuclear plants in the State of Washington now account for half—that is half—of all the outstanding municipal revenue bonds in this country.

Because of the tremendous amount of interest being paid on these bonds, a single day of delay in construction on these plants costs between $5 and $10 million.

The truth is that the utilities who have signed away their assets to WPPSS are now faced with the fact that the bond market is saturated with WPPSS bonds. They had to pay 10.63 percent interest on tax-free bonds which they sold only a few weeks ago.

These utilities are in such a desperate situation that they are counting on BPA to bail them out. And BPA has now made it clear that they will be doing everything they can to see that they do get bailed out.

But I ask you, who is going to bail out the ratepayers of the Northwest who will be obligated by BPA to pick up the tab for these outrageous cost overruns? You and I both know the answer. No one.

If this bill is not to be a total charade, if the cost-effective clauses and the priority clauses for conservation and renewables are not to be mere window dressing, then I call on everyone who supported this bill to repudiate the statements made by the BPA.

And I call on the Governors in making their appointments to the regional planning council, especially Governor Atiyeh of Oregon, to appoint people who will see that everything possible is done to develop the least expensive alternatives—conservation and renewable resources—before any commitments are made to underwrite new thermal projects.

I hope that Governor Atiyeh will, in addition, finally choose to admit the truth about this bill. Because it was he who said, and I quote from his letter to me of May 28, 1980:

> Oregonians need the bill for the fullest possible development of renewable resources and to assure that all the conservation that can be wrung from the system is achieved. Oregonians need the bill to make sure that only those power plants that are needed are built when needed and at the lowest possible cost.

It was also the Governor of Oregon who stated to the Eugene Register Guard on October 1, 1980, that he "supported the measure because it would assure Oregon's supply of energy for the future, would help reduce rates for energy consumers, and would provide benefits for conservation and alternative energy resources."

With the recent statements of the BPA Administrator, his staff, and others, it should be clear to everyone, especially to Governor Atiyeh, that this bill was never designed by its promoters as a conservation bill. If the Governor was unfortunately hoodwinked by the bill's supporters into believing that the bill provided anything more than window dressing in the way of conservation and renewables, then I urge him to do all that he can to now guarantee that development of the most low-cost alternatives—conservation and renewables—comes first before any additional new thermal development, despite what the BPA, the nuclear industry, the giant direct service corporations, and the lobbyists, want.

I can assure my colleagues, and the Governor, that low-cost conservation and renewables is what the people of Oregon want, and what any elected official will be expected to provide before he or she will be granted an extension of the electorate's trust.

[From the Eugene Register-Guard,
Nov. 23, 1980]

BPA PLANS TO HELP PAY FOR N-PLANTS

(By Jacqui Banaszynski)

RICHLAND, WASH.—The Federal Bonneville Power Administration almost certainly will help finance the cost of new nuclear power plants in Washington state despite a congressional mandate that conservation and renewable resource programs be given first preference for financing, a top BPA official said Saturday.

Deputy Administrator Ray Foleen said the BPA is "not just paying homage" to provisions of the recently passed Northwest energy bill that require conservation programs and renewable resource projects to be fully developed before the government turns to new thermal power plants to meet the region's energy needs.

However, Foleen also said that the energy from all those sources, including as many as nine new nuclear plants in Washington state, will be needed to avoid electricity shortages in the region in the next 20 years.

Foleen's predictions were echoed by officials from privately owned and publicly owned utilities in Washington, but were criticized by the leader of a citizen watchdog group, who said the "utility mentality" lacks a strong conservation ethic.

The Northwest could get along without costly new thermal plants if it would spend the same amount of money on home weatherization, on solar retrofitting and on the development of small-scale renewable genertion projects, according to Jim Lazar, director of Fair Energy Rates Now (FERN).

Lazar joined Foleen and other energy officials in a debate on Northwest energy policy during the last day of the Hanford Energy Seminar here.

Even with massive conservation efforts and with the construction of all planned generation plants, the Northwest could face an energy deficit in the mid-1980s of 4,000 megawatts, or 20 percent of its needs, Foleen said.

The region will need the energy from all five nuclear power plants now being built by the Washington Public Power Supply System (WPPSS), from two nuclear plants planned by Puget Sound Power & Light Co. and from the two Pebble Springs nuclear plants planned by Portland General Electric Co., he said.

PGE's Pebble Springs project, originally proposed for a site near Arlington in north-central Oregon, has been jeopardized by a recently passed state constitutional amendment temporarily banning the construction of new nuclear plants in Oregon. Nevertheless, Foleen and other Northwest energy leaders speculated that the project would be moved to the federal government's Hanford Nuclear Reservation near here.

Meanwhile, two of the WPPSS plants already under construction at the Hanford reservation are being threatened by labor disputes and significant cost overruns.

However, Robert Ferguson, WPPSS executive director, assured seminar participants Saturday that the projects would be completed. Because of construction delays and spiraling inflation, the original $4 billion cost of the five plants is now estimated at $16 billion.

The BPA already has guaranteed that it will purchase the power produced by three of the five WPPSS plants. Now the BPA is considering extending that promise to the final two projects, which would make financing of the plants less costly, Foleen said.

Although the BPA must give preference to developing conservation programs and renewable resources under the new Northwest energy bill, the bill also gives the BPA the authority to guarantee financing of nuclear plants.

Lazar challenged the utilities' statistics and said the region could get along without new power plants. Completion of the WPPSS plants and construction of new thermal plants would "bankrupt" the region, he said.

As electricity rates continue to rise, consumers will use less power, eventually turning large central-station power plants into unnecessary white elephants, he said.

TRANSCRIPT OF STORY AIRED ON KUGN-RADIO (EUGENE), DECEMBER 3, 1980

BPA Administrator Sterling Munro told the Northwest Public Power Association the region needs *all* five nuclear plants being built in Washington. Munro says those plants are figured into the region's future energy supplies and will be important to the regional power planning council once it's appointed and its planning is started.

"We do not know if the regional council will include in its plan the acquisition of the participants' interests in conventional plants, such as WPPSS 4 and 5. However, given the current projections, I think there is something we do know. It is inescapable that the generation from these plants is absolutely necessary to meet the region's needs if the deficits in the region are not allowed to grow even higher than they are now projected."

And, Munro says those projects will be attractive if they meet construction schedules with some end to cost escalations. And he says he likes new directions taken with these projects and he wants them finished.

MASS ARRESTS IN HAITI

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, I would like to express my concern and dismay about recent developments in Haiti. In the past week, the Haitian Government has arrested hundreds of persons who have dared to be critical of the Duvalier regime. In addition to those who were active in forming political opposition parties and workers organizations, members of the press and the academic community have been arrested.

In 1979, I was in Haiti and I had the privilege of meeting some of the people connected with Radio Metropole and with the newspaper, Le Petit Samedi Soir. I was greatly impressed by their efforts to provide the people of Haiti with alternative sources of information. I found them to be very dedicated to the goal of a better life for the Haitian people. They were idealists, not revolutionaries. Now I have learned that they have been arrested, and both the radio station and the newspaper have been closed. Such has been the case with all media which sought to be independent.

During the past few years, the Government of Haiti has tried to portray itself as a government interested in improving its historically poor human rights record. The United States has responded generously to these announced good intentions. Indeed, in my view, the United States has overlooked many human rights violations in the hope that better days were sure to come if we were only patient. This latest wave of arrests, however, shows us that the government of President Jean-Claude Duvalier has not turned away from its dismal record of repression and terror.

I deplore this blatant disregard of the rights of those persons who dared to express their views even though they were contrary to the wishes of the Haitian Government.

As a member of the Appropriations Subcommittee on Foreign Operations, I have a responsibility to see that our foreign assistance dollars are used to advance the health and well-being of the needy people of the world. Haiti desperately needs outside assistance, but I must question the wisdom of providing aid to a government which engages in political and economic repression. We cannot close your eyes to the continued violations of the rights of the people of Haiti.

I call upon the Government of Haiti to release those persons arrested during the past week. I also strongly urge our own State Department to use whatever influence it has to persuade the Haitian Government to free its political prisoners and begin to live up to its promises of greater freedom for the Haitian people.

REVERSAL OF FINDING IN THE WILMINGTON 10 CASE

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the U.S. Court of Appeals for the Fourth Circuit today handed down its ruling in the case of the Wilmington 10. The court reversed the finding of the U.S. district court in Raleigh, N.C., that the Wilmington 10 were not entitled to a writ of habeas corpus. The court of appeals has remanded the case to the district court.

The appeals court action is a tremendous victory for the Wilmington 10. I am sure I need not recount for my colleagues the horrendous irregularities and inequities present in the original trial of the Wilmington 10. As I am sure they recall, the key witnesses in the case all recanted their damaging testimony, and there was evidence that witnesses had been encouraged to make statements unfavorable to the defendants in exchange for favors.

The gross injustice present in this case resulted in the unprecedented action of the Justice Department in filing a "friend of the court" brief when the case was heard by the U.S. district court in Raleigh, N.C. When the district court unfortunately denied the Wilmington 10's request for a writ of habeas corpus, a group of us here in the House decided to file our own "friend of the court" brief with the court of appeals. I would like to thank my 55 colleagues, from both sides of the aisle, for joining with me in filing this brief.

The law firm of Arnold and Porter served as our counsel and did a truly remarkable job. I am sure that their magnificent oral argument before the appeals court, and the excellent briefs which they filed on our behalf, played a large part in the court's favorable determination. I would like to thank for the record, Mr. David Bonderman, Mr. Charles Cochran and Mr. Walter Rockler of Arnold and Porter for their fine work, as well as to extend my gratitude to Mr. Dick Gordin, formerly of Arnold and Porter and now serving with the U.S. attorney's office. They all did a tremendous job.

Mr. Speaker, the Wilmington 10 defendants were long overdue for some good news in their case. I am optimistic that this favorable ruling by the appeals court today will lead to the complete exoneration of the defendants. Although no member of the Wilmington 10 is still in prison today, I think they would all agree with me that none of them are truly free until the criminal convictions against them are expunged and their names cleared. Today's court ruling is a huge step in achieving that goal.

TRIBUTE TO THE HONORABLE THOMAS L. ASHLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 60 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I deem it a privilege to take this special order to pay tribute to a member who has distinguished himself in this body for 26 years. I frankly cannot imagine this institution without LUD ASHLEY pacing its corridors, fiercely defending bills on the House floor, and always adding his fine sense of humor at what might otherwise be tense and highly serious moments.

Mr. Speaker, LUD ASHLEY is respected in this body for many reasons. He is an artful debater. He possesses a record of impeccable integrity that has never once been questioned. And, he is viewed by all as a nationally recognized legislator.

To refer to LUD as "Mr. Housing" is no overstatement, for as chairman of the Subcommittee on Housing he has been a most skillful legislator. Time and again he has brought highly technical housing bills to the floor and guided them through as only a genuine expert in this field could. In 1977, LUD's legislative duties were significantly increased when he was appointed by the speaker to chair the newly chartered Ad Hoc Committee on Energy. On this assignment he demonstrated genuine skill in the legislative process, sound knowledge of a variety of issues, and an unusual ability to consistently work long hours. The reward of such labors was one of increased recognition to an already respected Member as LUD clearly was, but far more significantly, our Nation benefited, as the most elaborate package of energy legislation became public law.

But, there is so much more to the gentleman from Ohio than even these conspicuous legislative achievements represent. Mr. Speaker, LUD ASHLEY is a most unusual man: With a patrician background, as the great-grandson of a Civil War Congressman, education at such institutions as the Kent School and Yale, LUD has never once conveyed the attitude of an elitist. He is an individual not ornately dressed or possessing an affected accent of some sort, but rather he is a man most comfortable in the environment of a hot, stuffy, House-Senate conference with his sleeves rolled-up, arguing issues of national importance. His inclinations are anything but those of the idle elite.

I must make special mention of Lud's sense of humor. Not only is it funny, but more importantly, it is timely. It always seems when nerves are approaching their limits and seriousness is growing to awkwardly high levels, Lud somehow comes up with a funny story or a quick "one-liner." Lud, it is just not going to be as much fun without you.

The personality of Lud Ashley goes far beyond activities as a distinguished legislator—he is a pilot of fearsome reputation. I do not mean to be one to initiate rumor, but some have said that the reason he no longer has his pilot's license is that he "buzzed" a few too many control towers. Again, I do not want to incite rumor, but you know I am not surprised—Lud's creativity as a legislator is exceeded only by his creativity as an aviator.

I made mention earlier that Lud Ashley is a man of humility despite his patrician background, and I was told a story just last week that seems to confirm that idea. The story goes that late on election night, Lud was at a popular working-class establishment in his native Toledo—"Jim and Lou's Bar." As the night went on, and the more ominous election returns were coming in, Lud is said to have placed a $50 bill on the bar and announced, "Drinks are on me." I would like to believe this story, for Lud is certainly one to enjoy fraternizing with his constituents. But, I do have trouble believing the story for if it is in fact correct, it will be the first time in his life that Lud Ashley spent $50 at one place at one time.

Mr. Speaker, I can say with full confidence that Lud Ashley has brought only distinction to this Chamber. He is a man with a keen mind who possesses an appetite for hard work. And I am certain that Lud will stay active for many, many years to come. To my good friend, Lud, to his lovely wife, Kathy, and their two children, I wish the best of luck.

I wish them luck on behalf of my wife, LaVerne; my daughters, Dawn, Christie, Stacey, and particularly Gail, who truly has a love affair with Lud Ashley. On election night when the returns came in, I never saw my daughter so disheartened as when she found out that the people in the Toledo district failed to recognize the greatness of her most admired Member of Congress.

☐ 1850

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman.

Mr. SEIBERLING. I would like to compliment and commend the gentleman from Illinois (Mr. Rostenkowski) for taking this time to pay tribute to our dear colleague, Lud Ashley. One of the blessings of coming from Ohio as a freshman Congressman to this body was having people like Lud Ashley and Charlie Vanik as the two senior Members of the Democratic delegation from Ohio.

I have already spoken a couple of nights ago in behalf of Charlie Vanik, and it is a real pleasure to speak in behalf of the other one of these two illustrious Democrats and illustrious Congressmen from our State.

Lud is a really genuine person. He came to my own district on a number of occasions just because I asked him and I thought he might be interested in what was there. But what was really important was that Lud was interested in helping another fellow Congressman, and also in finding out what were the housing problems in the Akron area, what were we doing with our urban renewal money, what were we doing with our rehabilitation fund. He had a tremendously inquiring mind and was tremendously human in everything he did. Of course, as the gentleman from Illinois has pointed out, he was a man of admirable intellect and character and has a record in this House that is probably not going to be excelled by very many of our colleagues in a comparable period of time.

It is a real honor to have served here with Lud Ashley and particularly to have served as a fellow Ohio Representative. I am going to miss him in many, many ways. I wish him Godspeed.

Mr. BLANCHARD. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Michigan.

Mr. BLANCHARD. Mr. Speaker, I thank the gentleman for yielding and want to commend the gentleman from Illinois for hosting this special tribute to Lud Ashley. I had the pleasure of serving with Lud on the Banking Committee for the past 6 years, 5 of which I was on the Housing Subcommittee, and also on the Committee on Economic Stabilization.

Without Lud Ashley the package which helped rescue New York City would never have occurred. The same is true with the Chrysler legislation.

There are just countless urban and housing legislative items that Lud was the chief architect, but also the technician that got them through the Congress.

Everybody has their favorite story about Lud and I do not know that we want to tell them all tonight. But certainly my experience in Congress compels me to always remember Lud as a master teacher. I have sat at his side on so many things, and in 6 short years I have learned just volumes of how this place works, because I have had the honor, as all of us have, and the privilege of working closely with and watching a master teacher, a master legislator, and for me a dear friend who I will always miss here. I am sure I will be ready to call upon him continuously for advice in whatever capacity he serves in the future. I know he will be serving in important capacities in public service, whether he wants to or not, and I am going to miss him very much.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, it is with strong mixed feelings that I join my colleagues in paying tribute to one of my closest friends and colleagues, Lud Ashley.

The departure of Lud Ashley at the end of this Congress will leave this Chamber, the Nation, and the Democratic Party diminished in many ways. Brilliant, incisive, dedicated, and feisty, Lud has been one of the most popular and widely respected Members on both sides of the aisle. He has given this House 26 years of inimitable charm and wit, and genuine friendliness toward everyone with whom he has conversed and worked. Lud has earned the respect and support of his colleagues, the love and reverence of his friends.

We are all familiar with Lud's remarkable and distinguished record as one of the premier legislators of this Chamber, and the extraordinary legal and educational background from which he came. As a member of the Budget Committee since its inception in 1974, Lud Ashley has been a leading architect in the successful implementation of the Budget Act over the last 6 years. This position, coupled with his chairmanship of the Housing Subcommittee, has enabled Lud to become one of the foremost economists in the country; and his substantive and political contributions to the deliberations of this body have helped to create the Democratic economic stimulus programs of the last decade and the yearly reduction of Federal deficits.

Perhaps one of the most stimulating, and certainly the most challenging, experiences Lud has had in nearly three decades of service in the House was his willingness to chair the special Ad Hoc Committee on Energy created in the 95th Congress. When I asked him to serve in that capacity, he knew this appointment of leadership carried with it an awesome responsibility. It was an appointment not without its difficulties in bringing together all the divergent parochial and sectional views on energy mirrored in the House and the Nation. To sort out and consolidate 132 separate pieces of energy legislation into one viable conservation bill which not only had teeth in it, but also could obtain the requisite votes of approval in committee, in Rules and in the House, as well as stand on its political and substantive merits in conference with the Senate, was an appointment that really measured the political and legislative mettle of a Member. It was an appointment that did not win great popularity contests among your peers, Lud, because you had to twist, cajole, and use every manner of persuasion available to muster support. Sharp legislative skills, shrewd political instincts, decisive leadership and strategical flexibility were minimum requirements for the chairman of that ad hoc committee. Lud Ashley possessed all of these qualities in abundance.

I knew what kind of a person was needed to take on that responsibility, and that is why I chose Lud Ashley. Thank you, Lud, for a superlative job and a creative precedent to the legislative process.

While Lud has been a national leader and has held positions of leadership in the House unparalleled in congressional history, he has kept a proper perspective over 26 years of dedicated service and has not lost sight of his home State of Ohio or his roots in Toledo. Through his efforts and masterful leadership on the homefront, Toledo's downtown revitalization programs are living monuments to Lud's continued support of his district; he has, almost single-handedly, united local businesses, labor and the municipal government in a cooperative effort to rebuild Toledo.

While biographies chronicle the lives of men in terms of their noble accomplishments, Members are remembered by their colleagues and friends for their personal courage, their integrity and their forthrightness. Lud Ashley's support, loyalty, dedication and constant words of encouragement were sources of strength to those of us who were privileged to work closely with him over the years of his distinguished service. As Speaker, I thank you, Lud, from the bottom of a grateful heart, for your significant contributions to the success of the Democratic leadership in the last decade; and a special thank you for the joy of your friendship, the laughter and anecdotes at home and abroad, and the personal loyalty and support in legislative triumph and defeat. I will greatly miss your advice, counsel, and assistance in the 97th Congress.

You know, Lud, my door is always open to you. Millie joins me in wishing you and your delightful wife, Kathryn, much health, happiness and every success in all your future endeavors.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the very distinguished gentleman from Illinois (Mr. Rostenkowski) and our leader, and I thank him also for dedicating this period for our pausing and commemorating the tremendous contributions of Lud Ashley.

I have had the privilege of serving with Lud Ashley on the same committee since I came to the Congress 19 years or more ago and, therefore, have had ample opportunity, as we all recognize in this House, we get to know those that serve on our committees probably better than we do the rest, and I have come to recognize his tremendous expertise and merit. The Speaker has just mentioned his versatility, but particularly in the Committee on Banking we had ample opportunity to see the extent of the loss to the country, not just for the Ohio district he represents, in losing Lud Ashley's service in the House.

He transcended the purely local and involved himself in forging all of the national housing policies that were enacted into legislation since the 1965 Omnibus Housing Act which, as my colleagues know, was one of the breakthrough housing acts in the history of congressional legislation and in that important area.

I, for one, definitely consider it a serious and a sad loss that we will not continue to have Lud Ashley in future Congresses, at least in the next one. But at this time I wish to add my voice to all of my colleagues who are contributing to this tribute in behalf of Lud Ashley. I wish him and his wife and family Godspeed in all their future endeavors.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman.

Mr. PATTERSON. Mr. Speaker, much could be said of Lud Ashley. I wish he were here. I wish this room were filled.

I would like to speak for a few moments on behalf of the more junior Members of this House of Representatives. When I came here 6 years ago my first choice was the Banking Committee. My first subcommittee choice was the Housing Subcommittee. That subcommittee was chaired by Thomas Ludlow Ashley.

He is an outstanding individual in everything that he undertakes. I can say that I learned much from him over the past 6 years on housing.

Without regard to adding many more things that could be said about him, let me relate a story. When I was in law school in 1965 and 1966 at UCLA, I was doing a research paper on housing. In doing that research paper I came across over and over again the name of Thomas Ludlow Ashley as being the father of the town, the new town concept, new community, the national housing policy. I said to myself then that I would like to work with this man.

That was in 1966. In 1975 I had the opportunity to serve under him and have since that time as a member of the Housing Subcommittee. He has done, I think, an outstanding job in negotiating. He is the toughest negotiator that I have ever met. He has chaired long, hard, and arduous meetings in the Housing Subcommittee.

☐ 1900

It is no wonder he was honored by the leadership as he is here this evening. It is no wonder that he chaired the Committee on the Budget and had one of the toughest jobs in Congress.

I offer a written statement in further tribute to our good friend, Lud Ashley.

Mr. Speaker, it gives me pleasure to join in the tribute being paid today to a most distinguished colleague, Thomas Ludlow Ashley.

Over the past 26 years which "Lud" Ashley has ably served the Congress and the constituents of Ohio's Ninth District Members of the House have come to appreciate and respect the diverse talent and leadership ability of this outstanding gentleman.

"Lud's" stewardship and expertise in the areas of housing as chairman of the Housing and Urban Affairs Subcommittee, in Energy as chairman of the Ad Hoc Energy Committee; in the Budget Committee as a senior ranking Democrat; and in Merchant Marine and Fisheries as acting chairman of that committee, is a tribute to his unique ability to forge national policy on several fronts.

I and my fellow colleagues who served on the Housing Subcommittee under Lud's chairmanship will especially miss his skillful mastery over complex housing issues. Since the subcommittee was established in 1955, Lud Ashley has been a chief architect of our national housing policy. He has played a key role in fashioning every piece of housing legislation over the past quarter century.

Lud's personal blend of toughness and flexibility enabled him to build coalitions around the most sensitive housing issues and take command of unwieldy conference negotiations. He has left a model for younger subcommittee members who must now grapple with the difficult housing problems which confront us without Lud at the helm. The retirement of Lud Ashley shall mean that the battle for decent and affordable housing in this Nation has lost one of its finest generals.

I bid him a fond farewell with my sincerest gratitude for his most able work and wish him happiness and success in his future endeavors.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Illinois (Mr. Rostenkowski) for providing this special order.

Mr. Speaker, it is a bittersweet experience to participate in this special order to salute Representative Thomas Ludlow Ashley. On one hand it is an honor and a pleasure paying tribute to our colleague who for the last 26 years has dedicated his life in public service to the people of Toledo, Ohio, and the Nation. But at the same time, it is with personal and professional sorrow and with a sense of disbelief that I must recognize that the House will be without the services of this most able and conscientious Member.

During my 4 years in Congress Lud Ashley has been one of the most influential and powerful Members of this body. In addition to his senior leadership position on the Banking and Merchant Marine Committees, Lud has chaired the Ad Hoc Energy Committee. His tenacious leadership of this committee was in large part responsible for the passage of the Omnibus Energy Act. Lud continued his efforts toward a more rational national energy policy by his service on the Energy Security Act Conference Committee.

Just this past term as an example, Lud was called on for special service. He was a senior member of the House Budget Committee; and during the illness of our colleague, Bob Giaimo, Lud assumed the House leadership of the budget conference. He also assumed the acting chairmanship of the Merchant Marine and Fisheries Committee.

My own involvement with Lud stems from his chairmanship of the Housing and Community Development Subcommittee, a subcommittee that Congressional Quarterly calls "almost a Committee unto itself." I have been privileged to serve on this subcommittee and am amazed with his mastery of one of the most complex and time-consuming issues this body must deal with each year.

Lud's chairmanship gave this large and disparate subcommittee direction and purpose. He has been a forceful and effective voice in increasing housing opportunities for all Americans. This leadership style proved most effective in conference when he dug in his heels and refused to compromise with the Senate on issues that were unacceptable to the House. At the same time he was cognizant of the needs of younger members of the committee to exert their own influence on committee legislation and was, in fact, very helpful to me in this way. Just ask Lud about the Vento "Bomb Shelter Amendment."

As a longtime member of the subcommittee, Lud leaves a legacy of which he and the Nation can be proud. He successfully fought for housing assistance programs that were both compassionate and financially responsible. He saw beyond the narrow demands of special interests and crafted legislation to provide safe, decent, sanitary and affordable housing to millions of low- and moderate-income Americans. He was instrumental in legislation which developed incentives for middle-income homeowners to install solar energy devices in their homes and to develop assistance for low- and moderate-income families to retrofit existing structures with energy-conserving features. Literally millions of people are living in rehabilitated structures because of the 312 program. And in cities across the Nation, we are seeing a renaissance of the downtown area that are direct results of the community development block grant program and the urban development action grant program.

We all know it is easy to serve the interests of the rich and powerful. They make it their business to reward their friends and punish those not in their corner. It is not so easy to fight for the interests of the less fortunate.

Lud Ashley can look back with pride to know that millions of people's lives have been improved through a more sensible energy policy, a decent home, or at good paying job insured through a UDAG program. Lud, you are going to be missed by people who may not even know your name, but who need a tenacious fighter in their corner.

I continue to believe that in the long run, the American voter is almost providential about the choices he or she makes. But they are not infallible and, in this case, surely test the credibility of this theory.

Your colleagues are going to miss you; Lud. Toledo could not have been better represented; and the Nation will miss your iron will in a fight, your compassion for the less fortunate and your vision. Certainly I wish Lud Ashley and his wife Kathy and their family my best wishes in their future endeavor.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. Rostenkowski) for yielding. As one of the Members on the other side of the aisle, I have been involved with a few résumes recently. I just happened to have the television set on, and I saw the gentleman from Illinois (Mr. Rostenkowski) and recognized that he was speaking in tribute to one of the finest people I have ever had the privilege of knowing, Thomas L. Ashley, Lud Ashley, from Ohio, as we all know him.

It was indeed not only a privilege but an honor to have served with Lud Ashley on the Committee on Banking, Finance and Urban Affairs and on the Subcommittee on Housing and Community Development. I have always felt that Lud Ashley was as fair as any person I have ever known. He is tough, yes. He has a lot of guts and a lot of courage; but throughout all of that, in spite of the fact that he was a Democrat and I was a Republican, I felt I had a real friend in Lud Ashley. Our body, the U.S. House of Representatives, is going to miss him and not only are we going to miss him, but I think the American people are going to miss him because of the many contributions he made. He had many great qualities which I admire but above all he cared a great deal for people. He was an outstanding leader in this body and chairman of one of the most important subcommittees in the House and yet he never lost perspective by taking himself too seriously. I would just like to say that I care a great deal about him and it is a great privilege and an honor to join in tribute to Lud Ashley of Ohio.

We will all miss him as an active colleague but know that he will continue to contribute his many talents to making our country a better Nation in which to live.

Mr. HEFTEL. Mr. Speaker, will the gentlemen yield?

Mr. ROSTENKOWSKI. I will yield to the gentleman from Hawaii.

Mr. HEFTEL. Mr. Speaker, I want to commend the gentleman from Illinois for arranging for this opportunity for us to acknowledge the contribution that Lud Ashley made to this country, but on a personal note I had talked with Lud when I first came here, an older newcomer; and expressed my interest in ultimately serving on the Committee on Ways and Means and possibly the Committee on the Budget. He spent some time and assisted me in the process and I had ultimate success in achieving membership on the Committee on Ways and Means.

Along the way, I came to see his work on the Ad Hoc Energy Committee and he worked so tirelessly. He was such a credit to his district, to himself, to this body. The last thing I thought about was the possibility that Lud Ashley would not be reelected to this Congress; and when finally those results hit the point that I found out he had been defeated, I knew that we had lost something that you do not easily regain in any organization.

In a way, it seems a little heartbreaking that someone who takes their life and dedicates it, as he did, successfully to serving, suddenly is terminated at a time in his life when he had so very much to offer us.

I hope somehow that he moves on somewhere in the public sector and that we as a body realize that when we do not together successfully do those things which must be done for the people, we run the risk of losing people like Lud Ashley.

I hope that perhaps there is a lesson for us as the years unfold now in realizing the risk we run in losing people we must have if we do not work together.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman from Illinois (Mr. Rostenkowski) for giving us this opportunity. I suppose we overloaded Lud, not that we could give him more load than he could carry; but we made him do things for us and for the people of the United States that probably took him too much out of his district; but I tell you that the service that he rendered to the United States, particularly in that extremely innovative job he did as chairman of the Ad Hoc Committee on Energy, is something that will never be forgotten in this body. He blended in that system the best aspects of a system, building a committee around a piece of legislation that included many other committees and our ordinary standing committee system. I have never seen anything done like it. It was a real stroke of genius, both on the part of the Speaker and on the Speaker's man who carried the program out.

He did it with that kind of lightheartedness that kept that committee from bogging down. He gave every opportunity for a caucus before every vote with ultimate, extreme patience. Without his efforts, we would not have had the energy legislation respecting the gas bill and the gas use bill in 1978. One could not see that operation without observing that this is a craftsman of the highest capability in this body; and he will always be remembered for that as well as for the many other services that he rendered his country.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I will yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman from Illinois (Mr. Rostenkowski) very much for yielding and thank the gentleman very much for giving us this opportunity to say some of the things that are in our hearts about Lud Ashley. Lud and Kathlen and my husband, Hale, and I had such a long and affectionate relationship that when their second son, Mark, was born—a brother to their splendid son Meredith—they asked Hale to be his godfather. Unfortunately, for Mark and for all of us, Hale disappeared before the date of baptism and I proudly am Mark's godmother; so I have a very affectionate relationship and one of prideful knowledge that Lud Ashley is one of the heroes of this country and of this House. When I first came to Congress, a major difficulty in the Second Congressional District of Louisiana, which I have the honor of representing, was in housing and urban development.

☐ 1910

I wanted desperately to go into a committee where I could be guided by Lud Ashley and by the gentleman from Ohio (Mr. Stanton) on the other side of the aisle because I respected them and knew that they knew more about housing and urban development than any other two people in the United States. I was not disappointed in their performance and in their help. They have been enormously helpful to me.

Then I watched with such pride Lud going onto the Committee on the Budget, and then as chairman of the Ad Hoc Committee on Energy where he could display his sense of fairness, his wisdom, and his great knowledge, not only of all of the subjects at hand but of this House and of the parliamentary procedure under which we operate.

So it is with great sadness that I think we are going to lose this tremendous Member of Congress, one who has a long family history of being a part of this House because, after all, it was his grandfather, Thomas Ludlow, who entered the plea of impeachment against President Andrew Johnson. But we have to know that he is a child of that House, and he has performed with great honor to his heritage. We are all going to miss him very, very much.

I thank the gentleman from Illinois for allowing me to say this.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. I appreciate the gentleman's yielding and I want to commend him—and I think I speak for all of Lud's friends, numerous as they are—for arranging this special order tonight so we might say a few things about a man who has influenced us all.

It is never easy to accept or choose to understand why it is that sometimes one of the best of us from our ranks gets struck down in the process of reelection, but it happens. No one said the political process is fair, nor did anyone ever say that the best always prevail. Clearly in the case of Lud Ashley this Congress has lost one of the very best legislative minds and one of the very best people it has produced.

I do not think it is necessary for me to recount Lud's many achievements in so many fields because my colleagues have done an excellent job of doing this.

I would just like to use this occasion to pay tribute to Lud from the perspective of a member of his own Subcommittee on Housing. I was one of those young Turks who came to Congress with the class of the 94th Congress thinking that we had all the answers, thinking that we were going to turn this Congress on its ear and start legislating this way and that way, with great notions. I think it is safe to say that many members of my class did have great notions, and we made contributions, but one of the things that we needed to learn was that our ideas needed to be held up against the very strongest fire, the very strongest resistance, so that we would learn to accept the kind of discipline that comes from that, and become better legislators for it. I can say as one of those junior members of the Housing Subcommittee of the gentleman from Ohio (Mr. Ashley) that I learned very well under his leadership.

I used to call the housing subcommittee the "lion den" because if I dared to offer an amendment that Lud did not see eye to eye with me on, I knew darned well that I was in for the fight of my life, as did every member of the committee. And that is good, I would suggest to the gentleman from Illinois (Mr. Rostenkowski) and to the rest of my colleagues, because it is true that out of the strongest fire one builds or forges the strongest steel. It will be a mark of Lud Ashley that he has not only written legislative achievements that people will remember, but he will be remembered in another way that will also be his mark. He will be remembered for the skill in his legislators, who have become better legislators through the tough leadership and the education that he has given to them as chairman of the committee.

He was fair. It has been stated that he was fair. He had a heart. I think those who know him know that that is true as well. He was also an encyclopedia of knowledge. He had fear and courage. If ever a man had courage, Lud Ashley had courage. But, more importantly, he may be from Ohio, but I think the Harry Truman statement, when Harry Truman said: "You have got to show me because I am from Missouri" applies just as much to Lud Ashley, because you had to show him. You had to give him your best argument on the merits of the issue as a member of the committee in offering amendments to his legislation. He forced us to bring up the best that was within us, and there is a whole generation, if not two or three generations, of legislators in this body now who are better legislators and will continue to be as a result of Lud Ashley's leadership.

So his effect on this institution goes well beyond the years he will have spent in this institution, to be carried on by the achievements of the Members who have profited from his leadership and who will go on, hopefully, to emulate his experience and the standards he stood for. I think the gentleman has done a great service to arrange this special order. I deeply regret losing, I think, one of the finest minds of men in the House. I just am thankful for the opportunity to pay this tribute to him.

Mr. ROSTENKOWSKI. I now yield to the gentleman from Rhode Island (Mr. St Germain).

Mr. ST GERMAIN. I thank the gentleman for yielding to me. As he knows, I did, indeed, prepare remarks for the Record in tribute to our colleague, Lud Ashley, and I ask that they appear subsequent to the few words I would like to say now in person. The reason I went to prepared remarks is that our friendship, our career, our work together spanned a 20-year period, and it is rather difficult just standing here to delineate and outline the many achievements that I personally and particularly was impressed with over the years.

We fought many battles. In many instances we fought them on the same side. At other times we were on different sides of the coin, of the proposition. I do not think it was any secret. I think in many instances it was very obvious to the membership of the House. However, in all of those years, not once could I say that we disagreed in a disagreeable manner. We always disagreed agreeably. As others have stated, we are losing an experienced legislator, a very intense legislator, and a legislator with a mind that one does not often find in these halls, and that is with all due deference to all of my colleagues.

Lud was quick; he was sharp; and he had a sense of history. And that is the unfortunate thing about this—the loss of his service here, the fact that at his tender age he leaves us, at a very young age he leaves us, but he takes away a wealth of knowledge and experience and history. When he and I, as I say, oftentimes would come to the floor or be in committee, or be in a conference committee with the Senate, he could always draw upon history to make his points. We are losing that.

All I can say is that all of my years on the Committee on Banking with Lud Ashley have been very pleasant and rewarding ones. As a result of his leaving, because of the seniority system, I benefit, but I say most sincerely that I would much rather Lud were still here so that we could continue to work together.

I hope for him and for his family the best in the days and the years ahead. I expect that he will remain in the forefront, continue to make his views known, continue to share his knowledge and his opinions with us, because I feel the American people and the Congress will benefit therefrom.

Again, I thank my colleague, the gentleman from Illinois (Mr. Rostenkowski), for taking this special order for our good friend Lud. It is sad. I do not like standing up here, but yet I do and did want to participate and say to Lud again: The best of everything, and thanks for your friendship over the years that we served together.

Mr. Speaker, it is with sincere regret that I join in this tribute to our departing colleague, Thomas L. Ashley. When Lud leaves the Congress, he will take a good bit of the tenacity, the intelligence, the sense of purpose and the institutional memory that we need to keep this place running.

It has been my pleasure to serve with Lud on the Banking Committee over the past two decades and while we have not always shared the same view on some issues, you had only to see Lud in action on a wide variety of issues to know that you were watching a master at work.

Of the many legislative accomplishments of Mr. Ashley as a member of the Banking Committee two will always stand out in my mind. One was his great craftsmanship, untiring effort, and legislative genius in putting together the first New York City financial aid package. I doubt that anyone else in the Congress could have locked up that one and gotten it through the Senate over the opposition of Chairman Proxmire.

The other was watching and admiring Lud as chairman of our Housing Subcommittee. There is no more complicated legislation affecting more citizens than that which emanates from our Housing Subcommittee. I can think of no area of legislative responsibility which requires greater understanding of economics and sociology, and which requires such a degree of human compassion than that which is involved in housing legislation. Shepherding through housing legislation requires not only all of these abilities, but also consummate legislative ability. All of these Lud possesses. I have particular recent memories of working with Lud on the Housing Subcommittee to insure that UDAG programs benefited older citizens in the Northeastern part of our country and, while we were not successful in this last go around, it was enjoyable working with Lud to try to make Federal mortgage assistance credit programs benefit moderate-income citizens.

Over the past few years, Lud and I have developed the type of relationship that is necessary between the chairman of two subcommittees which often overlap and mesh in terms of jurisdictions and programs. I am personally grateful, as the chairman of the Financial Institutions Subcommittee, at the smoothness of this joint effort, and I thank Lud for that.

It is one of the ironies of congressional service that—in the end—we depended on Lud too much. We knew he would do the homework on New York City; we knew he would work unstintingly on the Budget Committee; we were delighted when the Speaker asked him to take on the impossible task of the newly chartered Ad Hoc Committee on Energy in 1977 and succeed in what must have looked at times like the most thankless task in the world. Bill Moorhead and the Congress knew they could depend on Lud for support at any time as the issues facing the Subcommittee on Economic Stabilization, which Lud had formerly chaired, grew more intractable in an ever-worsening economy—problems such as the monumental Chrysler headache, credit controls, and wage and price issues. I say irony because it appears that in the end this man to whom we turned so often on national issues, on whom we depended for other than a parochial view, was kept so busy by the demands we put on him, that he may not have had the time necessary for the effort needed for his own reelection.

Few of us are indispensable, but I have grave doubts that we will replace at any time the knowledge that Lud Ashley takes with him out of these halls.

I know the phrase has been overused but I can think of none to whom the phrase "he is a legislator's legislator" applies more aptly.

We will truly miss him.

□ 1920

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding and for taking this occasion to recognize the achievements of my colleague from Ohio.

I remember that as a member of the State legislature in Ohio, one of the individuals who was not only conversant with the State legislature but also the U.S. Congress, and was a mutual friend of myself and my colleague Lud, asked me if I knew Lud Ashley. I said no, I did not personally. He said, "Well, you will get to know him when you get to Washington, and you will be both impressed with his skills and you will like him as a person."

I would say that on both counts I was not disappointed. In fact, I think it was a very fair assessment of the qualities of Lud Ashley. One of the refreshing things that I found about Lud as a fellow member of the Budget Committee was his willingness always to listen to the other person's point of view. Whatever idea that you might want to bring to Lud's attention, he would evaluate it, give it a lot of consideration, and in many instances temper his own positions in response to something that a colleague might point out. I think that is a wonderful quality in a legislator, and it is one of the great strengths that Lud demonstrated as a colleague of all of us on many of the different committees, as well as of this body.

I would also add, that having been with Lud in the councils with members of parliamentary bodies from other nations, he had a keen insight into the foreign policy issues of this Nation, and he demonstrated that many times over with incisive questioning.

On a note that he only will understand, he has a great knowledge of castles also, and he is also very articulate in describing some in some parts of the world.

On a personal note, it has been a pleasure to know Lud Ashley and to serve with him. I certainly know that I speak for not only myself, but all of my Ohio colleagues in wishing him well.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Speaker, I thank the gentleman, and thank him for making this possible. I apologize for being late for this, and I do not know if anyone talked about the sometimes forgotten ad hoc Committee on Energy and the leadership of the gentleman from Ohio on that committee. But, I happened to be in my office and realized, watching the television, that this special order was being taken and I thought immediately of the experience that I had as a second-term Member serving under the gentleman from Ohio (Mr. Ashley) on the ad hoc committee.

I did not, as with many of our colleagues—and I think the gentleman from Oregon (Mr. AuCoin) brought this up and articulated it quite well—many of us did not come here from political institutions exactly. I was a so-called consumer advocate, citizen group leader. Many of us had not been involved in politics before in an electoral sense, and I think having the opportunity to serve under some really good politicians has been an interesting and valuable experience.

I think of the gentleman from Michigan (Mr. Dingell), who just came into the Chamber, and I think of many other colleagues that I have had the opportunity to serve with and under when they were chairmen and I was a member of their committees. But, it is hard to imagine someone putting together a more interesting piece of leadership than Lud Ashley did with the Ad Hoc Committee on Energy.

We have caucuses about every 10 minutes, and I at this moment note that there are no Members of the other side here present, so I can perhaps be more free and let them read my remarks, but they did not appreciate in some instances those many caucuses because we came out of those caucuses very united. The gentleman from Ohio would fashion a piece of old-time leadership in those caucuses and say, "Now, here is what seems to be the consensus. Has anybody got any problems with it?"

I had not really been exposed to this kind of behavior before, not having been part of a political institution, and I must say that I appreciated his effort and saw it produce results. He made us understand that we had to give a little bit, and those of us who fancied ourselves as idealistic and aggressive advocates of the underdog, and so forth, and consumer advocates, had to be willing to give a little bit in order to move something through.

It is not remembered now, and in fact I think the gentleman from Michigan and the gentleman from Texas (Mr. Eckhardt) share this view. We did a good job on that energy bill. As a matter of fact, it was the only time since I have been here that the House was accused of going too fast on a major piece of legislation. We passed about 85 or 90 percent of what President Carter wanted, and we did it in under 4 months. Deadlines were set by Speaker O'Neill, carried out by committee and subcommittee chairmen of respective jurisdictions, and then molded into a consensus by the gentleman from Ohio.

It was only when the other body delayed for months and months and months, and we became embroiled in, I think, something like a year-long conference on natural gas, that the energy bill deliberations earned a measure of history as being very long deliberations. But, in the House under the leadership of Mr. Ashley they moved very quickly, and we cooperated with the President of the United States and unfortunately it was lost for the most part on the press, and therefore on the American people.

But, I thank the gentleman for yielding, and I want to say that we are going to miss this giant very, very much. We are going to miss his genius, his feistiness, his ability to bring people together, his persistence. I consider myself very, very lucky indeed to have not only served with him as a colleague, but to have been alongside him in battle.

I thank the gentleman.

● Mr. MOAKLEY. Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. Rostenkowski) for giving me the opportunity to pay tribute to Lud Ashley. I was fortunate to serve with Lud on the then Committee on Banking and Currency during my freshman term in Congress, where I had a chance to work closely with him on legislation handled by the Subcommittee on Housing and Community Development which Lud so ably chaired for all these years. His work on that subcommittee was of great service to my constituents in Boston as well as to all those in the Nation's cities.

Probably the greatest challenge that we have faced these past few years has been the establishment of a national energy policy. In 1976, when my good friend Speaker O'Neill created the Ad Hoc Committee on Energy, he turned to Lud Ashley to chair the committee. Through the hard work and persistence of Lud, we were able to pass the great majority of President Carter's energy package.

Lud has shown his sensitivity and fairness by listening to the requests of every individual Member's housing problems, while at the same time, keeping the national housing program in perspective. He has also shown his willingness to work hard through his tireless efforts to systematically review all of the programs within the Department of Housing and Urban Development. Through his able management of the bill on the floor of the House, Lud is able to bring the Housing and Urban Development authorization for consideration under an open rule, where all of the Department's activities are completely reviewed in a single massive bill. Each and every program is subject to modification and improvement and where necessary, terminated. I believe that Lud has never failed to bring this bill to the floor for enactment in other than a timely fashion.

I think that Lud Ashley's management of his subcommittee could serve as a model for every committee in Congress and it is a contribution to the House far too easy to overlook. Each year, he sits down and begins a systematic review of one of the most important departments of Government. After this probing examination, a detailed authorization bill is drafted setting spending priorities of vital importance to our cities and other communities.

In conjunction with this, the programs themselves are subject to detailed revision and updating. And finally, the entire package is brought before the House where we are able to look at an entire department through one comprehensive piece of legislation. On the floor Lud manages his bill with an unmatched knowledge of the subject, a real sense of fairness, and a willingness to compromise when he considers it both necessary and appropriate.

If each committee were as capably and thoughtfully managed, the Congress and the taxpayers would be better served.

Lud Ashley deserves our praise for this kind of work. It is with a real sense of regret that I see him leave this House. But I will always value the gentleman as a friend and I wish him well in the future.●

● Mr. ADDABBO. Mr. Speaker, as the 96th Congress comes to a close many of us have taken the time to put aside our work to pay tribute to many of our respected and dedicated colleagues who will not be returning in January. Today, we take a few moments to pay tribute to such a Member, a man whose accomplishments will long be remembered, the gentleman from Ohio, the Honorable Thomas Ashley. Without hesitation I consider him one of the most skilled and conscientious Representatives the House has ever known and his departure from this body is indeed a great blow.

In his 26 years of outstanding public service, Lud Ashley rose to become one of the most valuable and respected Members of this body, a man whose advice and expertise was shared with, and valued by us all. Possessed with one of the keenest legislative minds around, Lud's goal always has been to make government respond to a variety of public issues of deep concern to himself, issues such as housing, banking and finance, the budget, as well as problems pertaining to the redevelopment of our urban areas. He distinguished himself in these and countless other areas as few before him have.

Many of his achievements have come while serving on such committees as Banking, Finance and Urban Affairs, Merchant Marine and Fisheries, and Budget. While serving on the Banking Committee Lud chaired the Subcommittee on Housing and Community Development, a role that earned him the name "Mr. Housing" in the Congress. Indicative of his interest in the housing problems facing many Americans, he was a potent force behind passage of the Demonstration Cities Act, the Urban Growth and New Community Development Act of 1970, as well as the Community Development Acts of 1974 and 1977.

I have only briefly scratched the surface as far as highlighting some of the numerous accomplishments of Lud, but needless to say, it should give us a clear picture of just what type of Congressman he has been and I will miss his friendship just as much as I will miss and admire his skills as a legislator. To him and his entire family I wish the very best for the coming years.●

● Mr. ULLMAN. Mr. Speaker, it is a pleasure to join my colleagues in commemorating the long and distinguished career in public service of my good friend, Lud Ashley.

The Ninth Congressional District of Ohio has been sending Ashleys to Washington since the time of the Civil War. Having found a good thing in the present generation, his constituents have faithfully returned Lud from 1954 until the debacle of this year.

As chairman of the Subcommittee on Housing and Urban Development, Lud has done much to shape urban and community growth policies in this country. His experience served as valuable background for his chairmanship of the Ad Hoc Committee on Energy in the 95th Congress. Lud pulled the complex intrajurisdictional web into a coordinated national energy policy on which the Congress was finally able to come to agreement, a legislative achievement that will have far-reaching implications for the Nation into the next decade.

Audrey and I wish Lud the very best for a healthy and productive retirement.●

● Mr. VANIK. Mr. Speaker, it is my great privilege to pay tribute to the fine work of my distinguished colleague, Thomas "Lud" Ashley, my colleague and good friend from the State of Ohio.

Lud and I came to the Congress at the same time in 1955. Both of us served as members of the House Banking and Currency Committee.

In his long service on the committee, and as chairman of the Housing Subcommittee, Lud took over complete responsibility of the most vital sectors in the development of American policy. In his tenure, he sponsored and monitored the tremendous growth of the American housing industry. He was known as "Mr. Housing." In addition to these responsibilities, as chairman of the ad hoc energy committee he put together perhaps the most comprehensive and extensive piece of legislation adopted by the House. He shepherded this intricate legislation involving the jurisdiction of many other committees of the House in a package of landmark legislation which was addressed to the problems of this country. This legislation will serve as the foundation for all of the future energy legislation in this country.

Lud Ashley was a leader of both the delegation and the House. He conducted himself with respect, with devotion, and with an extraordinary sense of humor. He was always at ease with responsibility. He is a unique, modest person of great power and talent.

I am proud to have been his associate and friend. I wish Lud and Kathleen every happiness.●

● Mr. BROOKS. Mr. Speaker, today we salute our departing friend and colleague, Thomas Ludlow Ashley. As a Member of the House of Representatives, he has reflected credit upon the people of his Ninth Congressional District of Ohio and he has served their interest ably and with great dedication.

As chairman of the Banking, Finance, and Urban Affairs Subcommittee on Housing he was extremely supportive of legislation to benefit housing programs for low- and middle-income families in my congressional district. His work on behalf of new communities will bear his mark for years and years to come for which all Americans should be grateful. His expertise on all housing matters will be a great loss to the Congress.

Lud will certainly be missed but I salute him as he concludes his service here and wish him happiness, good health, prosperity, and a long life as he leaves the House of Representatives.●

● Mr. BOLAND. Mr. Speaker, I am delighted to join my colleagues in paying tribute to Lud Ashley who will be retiring at the end of this Congress.

It has been my privilege to work very closely with Lud on the budget for the Department of Housing and Urban Development. I have personally witnessed his scholarly dedication to his work in the Congress and his profound compassion for the poor and homeless of our Nation. His knowledge of matters affecting housing in this Nation has been of immeasurable help to the members of the Appropriations Committee and the entire House.

Many of the Federal Government's most effective housing programs were authored by Lud Ashley. His concern for our Nation's cities and the neighborhoods within them has been reflected in his numerous legislative accomplishments. Because of Lud's foresight and legislative know-how, many of our older cities have quite literally been saved from destruction.

Lud's guidance of the House has certainly not been limited to housing matters. As the ranking member of the Merchant Marine and Fisheries Committee, and a senior member of the Budget Committee, Lud Ashley has left his mark on nearly every facet of the law. He has had one of the most productive legislative careers of our time.

One of the most significant products of that careeer was the incredible complex, difficult, laborious and time consuming issue dealing with energy.

Congressman Ashley was selected by Speaker O'Neill to chair the ad hoc committee on energy. The makeup of that committee was a conglomerate of members from five major committees of the House of Representatives, that is, Banking, Finance and Urban Affairs; Ways and Means; Interstate and Foreign Commerce; Interior and Insular Affairs; and Public Works and Transportation.

Additional members from varying sections across the country were selected by Speaker O'Neill to bring the total membership to 52 on the ad hoc energy committee.

In marathon sessions of the committee hearings, floor actions and interminable conferences with its Senate counterpart, the final energy bill was crafted that is the basis for the Nation's goal of energy independence.

I know that all the Members of the House will miss Lud Ashley. Our work in future years will be vastly more difficult without the benefit of his compassion, imagination, and scholarly counsel. I join my colleagues in extending to Lud our best wishes for success, happiness, and good health in the future.●

● Mr. CONTE. Mr. Speaker, tonight, I would like to pay tribute to a very distinguished and special friend of mine, Ludlow Ashley. Lud began serving our Nation in the 84th Congress and for 22 out of the 24 years, I have had the privilege of serving with him. After that length of time, it is not easy to see my good friend and colleague depart from the House of Representatives.

Lud has demonstrated his fine leadership as the ranking member of both the House Banking, Finance and Urban Affairs Committee, and the Merchant Marine and Fisheries Committee. He has made significant strides initiating important housing legislation in Congress which has substantially aided the handicapped, the elderly and low-income persons. Lud's efforts as the senior member of the House Budget Committee have been tremendous as well.

A busy Member of Congress with ever increasing responsibilities, Lud has been involved with almost every facet of Congress and its makings. With all that he had to do, each task is undertaken with enthusiasm and genuine concern. After 13 terms in Congress, Lud has represented his constituency with dedication and pride. He has provided this House and its Members with innovative ideas in many areas, most especially the areas of housing and community development. He is leaving us all with a foundation well built and one which may be expanded upon further.

I want to take this opportunity to wish Lud the very best on his retirement from the House. The Ninth Congressional District and this House is at a great loss and we will miss you Lud.●

● Mr. MONTGOMERY. Mr. Speaker, when Lud Ashley leaves office at the end of the 96th Congress he can look back with pride at the many accomplishments he has been able to achieve for the people of Ohio and this Nation for the last 26 years. His record will be one of envy for those of us who remain.

The last few years particularly, Lud has become our resident authority on housing in America—housing in both urban and rural areas. Even though I did not always agree with the approach he took to provide better housing for our fellow Americans, I did know that he was sincere in his approach and that he felt the legislative proposals he made were the best based on extensive testimony and study.

I also want to point out that when I would go to Lud Ashley and point out problem areas in our housing programs and what I considered wasteful practices, he was always willing to listen and would direct his staff to look further into the problem. For this objective approach and willingness to listen to other ideas, I would like to thank him.

Mr. Speaker, we all wish Lud Ashley much happiness in the years to come and thank him for being a valued colleague.●

● Mr. MINETA. Mr. Speaker, I am anticipating a great loss when the 97th Congress convenes next month and Lud Ashley is not here with us. I will feel that absence most acutely when the Budget Committee meets, since I have come to depend upon his skills there as invaluable to the committee's business.

Lud's career has been devoted almost entirely to serving his district in the House of Representatives. During his 13 terms here, he has been known as one of the hardest working and most highly respected Members of the House. I consider myself lucky to have worked alongside Lud in the Budget Committee and to have observed his ability to work well with others, facilitating agreement, and shouldering the tough, time consuming, yet crucial detail work with which we were often faced. I will miss his counsel on budget matters.

Lud is the kind of person with a style that lends itself naturally to leadership positions, and it is no wonder that the Speaker chose Lud to chair the special committee on energy, charged with the important task of working out an effective energy program at a crucial time in our Nation's history. I have greatly admired the hard work he performed with that committee in shaping a workable energy package that meets important national goals.

Mr. Speaker, I would like to add my best wishes to Lud upon his retirement, and express my hope that he will stay in touch with his many friends here in the House of Representatives.●

● Mr. CORRADA. Mr. Speaker, I am pleased to join my colleagues in honoring our friend, the Honorable Thomas Ludlow Ashley, who is retiring.

The House of Representatives was fortunate in having Lud among us during his 26 years of service to the country. The people of the Ninth District of Ohio can feel proud of their representative. His experience, good nature, and leadership will be sorely missed. Those of us who had the privilege of serving with him in the Congress wish Lud and his family the best of luck and good health.●

● Ms. OAKAR. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle in paying tribute to Lud Ashley on the occasion of his departure from Congress. I am especially sad to see him go since I have enjoyed working with him as a member of the Ohio delegation and as a colleague on the Banking Committee.

I do not think that it is an exaggeration to say that there has hardly been any piece of major legislation on housing, energy, and urban policy that has not felt the influence of Lud's legislative craftsmanship. He has served his country and his party far beyond the normal expectations of service. He responded to the request of the Speaker for example, and took up the difficult task of shepherding the President's energy program through the Congress. This of course was in addition to his important duties as chairman of the Housing Subcommittee, and ranking member of the Merchant Marine and Fisheries Committee.

But I think that it is safe to say that Congressman Ashley's greatest contribution is in the area of housing and urban development. For the past 2 years I have had the privilege of serving on the Housing Subcommittee with Lud and I know personally of the great contribution which he has made to the Nation's housing effort. His leadership will truly be missed by those of us on the Banking Committee.

I join with the rest of my colleagues in wishing Lud every success in his future endeavors. I know that he will always be willing to serve the public interest in the best traditions of political leadership.●

● Mr. JONES of Oklahoma. Mr. Speaker, on Tuesday of this week, the House of Representatives honored an outstanding Congressman from Ohio, Charlie Vanik. We know 1954 was a propitious year for the State of Ohio, because it brought not only Charles Vanik to Congress, but also Thomas Ashley, better known as "Lud." Now we see both of these men leaving the House, taking with them a total of more than half a century of dedicated, conscientious congressional service.

Lud Ashley has left his mark on two of the most important issues our country faces—housing and energy. He is the acknowledged master of housing legislation, but what is so important is that he has used this mastery to the benefit of millions of underprivileged Americans.

It was under his leadership that our country made the first step toward development of a comprehensive energy policy. Without the type of leadership that Lud Ashley provided for the ad hoc energy committee, the entire program could have collapsed. Instead, the House-passed measure was substantially similar to the committee bill, which is a tribute, I feel, to Lud's able leadership.

Lud's style is not flashy. He does not use the political hyperbole so common to Congress. He prefers to work hard on a project until he has done his job, and you know he will not quit until the job is done. His commitment to public service is strong, and, although he has earned his retirement many times over, I shall still miss his commonsense approach to governing here in the House.●

● Mr. COTTER. Mr. Speaker, I join my colleagues in their laudatory remarks concerning the distinguished career of Lud Ashley who will retire at the end of this session of the 96th Congress.

Lud came to the House of Representatives in 1954 in the tradition of his great-grandfather, James M. Ashley, who served in this body from 1859 to 1869 and was the first Member of Congress to initiate impeachment proceedings against President Andrew Johnson. He was also the first to advocate the abolishment of slavery in the District of Columbia.

While the era in which Lud served was not so difficult as the Civil War years, he has struggled with some very perplexing issues during his tenure, and his leadership qualities have brought him to the forefront on many occasions.

Lud serves as chairman of the Housing Subcommittee and I know that each and every one of us is familiar with the outstanding job he has done in effectively dealing with the stupendous amount of housing legislation which faces each congressional session.

He has also proven himself to be a valuable member of the House Budget Committee where he has always approached fiscal matters with a keenly perceptive and responsible attitude.

Perhaps one of Lud's outstanding accomplishments in the House was the legislative measures which resulted from the work of the ad hoc energy committee during the 95th Congress. This committee produced a comprehensive energy reorganization package as well as the National Energy Act.

And so I want to wish Lud Ashley the very best during the coming years, and want to thank him for his many years of dedicated public service. I know that his wife Kathy and his sons Meredith and Mark share with us a great pride in the work Lud has done in the Congress, and I want them all to know that the Congress of the United States will always have a need for men like Lud Ashley.●

● Mr. COELHO. Mr. Speaker, I am pleased to join in tribute to Lud Ashley, though I very much regret his departure from the House.

He has served in Congress continuously since his election in 1954 and has represented his district and the Nation well. Particularly will his advice and counsel be missed in the area of housing programs, with which he has been deeply involved for many years, particularly since he became chairman of the Subcommittee on Housing and Community Development 5 years ago.

It is still the Government's goal to provide a decent and suitable living environment for all Americans, and Lud has helped many, many families and individuals attain that goal. He has been willing to try innovative new programs to move us in that direction, and has also been firm in his resolve to make those programs work, or change them to make them better when needed.

He has provided leadership in the housing field, and that leadership will be missed.

Mr. Speaker, I wish him nothing but the best for the future.●

● Mr. STANTON. Mr. Speaker, it is difficult to look forward to the start of a new Congress without Thomas Ludlow Ashley in the House of Representatives. For many years, Lud Ashley has been the most knowledgeable Member of Congress on the subject of federally subsidized housing programs. Not only is he an expert on the programs, but his personality and sense of fairness have made him an outstanding leader in this field.

Lud Ashley's absence from the Congress is bound to be felt nationwide.

I wish to take this opportunity to thank him for his years of public service and to express to Kathleen and to Lud our sincerest best wishes for a most successful life ahead. I am sure he will be making a valuable contribution to whatever field of endeavor he undertakes.●

● Mr. MINISH. Mr. Speaker, I rise in tribute to our distinguished colleague, Lud Ashley, who has so ably represented the people of Toledo, Ohio, since 1955. Lud Ashley has been in the best sense an institution in the House of Representatives, and it is difficult to realize that we will not have his counsel and leadership to rely on in the 97th Congress. I cannot begin to catalog the many achievements of Lud's long and productive career in Congress; his contributions in the areas of economics, housing, and energy are only the best known. Only a legislator with Lud's experience, judgment, and remarkable ability to master complex situations would have been able to jump into the tangled energy situation, as Lud did in 1977, organize matters, and emerge with proposals for effective legislation. That achievement is typical of the astute decisiveness which has earned Lud the respect of his colleagues for so many years.

I enjoyed the opportunity of watching Lud at work as a member of the Banking Committee. Most particularly I recall working with him last year in our efforts to curtail fraud against consumers in interstate land sales. With patience, skill, and good sense, Lud Ashley helped to produce a strong bill to protect the land purchaser without creating a massive bureaucracy or a mountain of paperwork. Members of both parties admire the professionalism with which Lud worked so hard in the public interest. His mastery of the complicated area of housing policy has won him the reputation of one of the most knowledgeable Members of the House.

We will miss Lud Ashley here next January, all the more because we have come to rely on his astuteness in the legislative process. I am certain, however, that he leaves us proud of his quarter century of achievement for the country. Surely Lud's prodigious talent and energy will guarantee his success in whatever new endeavors he undertakes.●

● Mr. COLLINS of Texas. Mr. Speaker, I appreciate the opportunity to join with our colleagues from Ohio in expressing a few words of appreciation for Lud Ashley on the occasion of his departure walk back and forth from the Rayburn Office Building to the Capitol. It is always good to visit with Lud because he has a smile on his face and a cheerful, friendly outlook on life. Lud is on the upbeat. Lud is a most interesting Representative. He is a graduate of Yale who comes from a great tradition. He is the great-grandson of James Ashley who served as a Congressman over 100 years ago besides serving as the Governor of Montana. Lud is a graduate of Yale balanced out with his law training from his own Ohio State University. Lud has had a long and strong career in Congress having been a Member since 1954.

I appreciated the year that I served with Lud when he was chairman of the ad hoc Energy Committee. This committee represented the combined strength from all of the various committees of Congress who were concerned with energy. Lud provided superior leadership. His depth of knowledge and experience was always evident. He was fair in all of his hearings. With the divided and most controversial nature of the subject, he did a magnificent job of constantly moving the committee forward.

Sitting on the other side of the aisle, I extend my best wishes for Lud Ashley in the exciting future that is ahead of him.●

● Mr. DRINAN. Mr. Speaker, it is difficult to accept that Thomas Ludlow Ashley, whose presence has been a constant and stabilizing force in the House of Representatives since 1952, will be terminating his career in the House this year. As we offer our thanks and appreciation to him today, we still do not fully understand the impact his departure will have upon the 97th Congress.

Mr. Ashley has gone about his work in a thoughtful, studious, and tireless fashion. His efforts as chair of the Housing and Banking Committee's Subcommittee on Housing and Community Development have won him the affectionate nickname of "Mr. Housing." He brings to his work a strong committment to programs which aid the handicapped, the elderly, persons of low or moderate income, the unemployed, and those who depend on social security and flood insurance.

One of Lud's most shining achievements has been his chairmanship of the ad hoc Committee on Energy. With vigor he led the committee in evaluating and restructuring President Carter's energy program.

Lud's years of experience have provided him with a unique wisdom which has been of great value to us all. This wisdom has touched and enhanced every group with which he has had contact, including President Ford's 1974 Economic Summit, the Democratic Study Group and the Democratic Steering Committee, both of which he has vice-chaired, the Office of Assistant Majority Whip, and the Budget Committee.

I am truly honored to have had the opportunity of serving with him, and I know that he will be sorely missed in the coming years.●

● Mr. LONG of Maryland. Mr. Speaker, I wish to join my colleagues in praising my good friend, and neighbor for the past 2 years, Lud Ashley.

For 26 years the people of Ohio's Ninth Congressional District have been ably represented by Lud because he has never been too busy to help them with their problems.

Lud has always been known as a hard worker who manages to hammer out agreements on complicated national issues. As chairman of the House Energy Committee, his legislative skills helped to forge programs which are the cornerstone of our Nation's energy program.

Lud's expertise on housing legislation and promotion of a national urban growth policy will be greatly missed in this Chamber.

My best wishes to his lovely wife, Kathleen, and their sons Meredith and Mark.●

● Mr. BINGHAM. Mr. Speaker, one of the outstanding Members of Congress who was swept away in the November 4 tidal wave was Thomas Ludlow Ashley of Ohio.

Others have recited his legislative achievements, and for me to list them would be unduly repetitious.

What I do want to mention briefly is the experience I had of serving under "Lud's" chairmanship on the ad hoc Committee on Energy appointed by the Speaker early in the 95th Congress. Lud was a superb chairman of this disparate group. Not only did he drive us hard to cover the necessary ground and to finish our work without delay, but he showed great skill and statesmanship in working out constructive compromises among the differing points of view represented.

I served with Lud on the Banking and Currency Committee in the 90th Congress, but I was not a member of that great committee when he began his tenure as chairman of the Housing Subcommittee. In that capacity, he has shown great imagination and drive, for which millions of people in this country have reason to be grateful.

Lud will be greatly missed.●

● Mr. FUQUA. Mr. Speaker, I am pleased to be able to join my many other colleagues in paying tribute to the distinguished 26-year career in this House of Thomas Ludlow Ashley, the esteemed Congressman from Ohio's Ninth District, and I thank my good friend, Dan Rostenkowski, for making time available for this purpose.

It was not my privilege to have known Lud Ashley when he arrived in Congress in 1955, but it was not long after I was sworn in 8 years later that I started to appreciate the deep insights and wise counsel of this remarkable individual.

Lud Ashley's articulate ability to manage difficult legislative assignments was never more clearly demonstrated than in the first year of the 96th Congress when he chaired the ad hoc committee on energy in such a manner that he won the respect and admiration of all those representing different viewpoints on this sensitive and volatile subject.

Lud Ashley has always conducted himself in a manner which reflected dignity and honor on himself and on those who have been privileged to serve with him.

While always effectively and efficiently caring for his legislative duties, Lud Ashley has never hesitated to take up the individual problems of constituents in the best tradition of the ombudsman-legislator who must serve as the eyes and ears of the people he represents in the Nation's Capital.

Lud Ashley has been a significant and important contributor to the deliberations of this House and his departure will leave a void which will be felt by all of us.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in honoring our distinguished colleague, Thomas Ludlow Ashley. Lud and I have served together since the 84th Congress, beginning in 1955. In the subsequent quarter century, Lud has firmly established himself as one of the most knowledgeable and effective Members of this body.

As ranking majority member of the Banking Committee, on which I also served, Lud lent his considerable expertise and legislative skills to the passage of legislation concerning banking and finance, housing, urban development, and other issues of direct benefit to his constituents in the city of Toledo, and to all U.S. city dwellers. It is particularly in the area of housing where Lud's achievements abound. As chairman of the Housing Subcommittee, Lud has authored much of the significant housing legislation to pass Congress in recent years. Among his admirable initiatives were bills to provide housing for the handicapped, the elderly, and those with low to moderate incomes. Lud has also sponsored visionary community development legislation, resulting in the urban homesteading program, the National Commission on Neighborhoods, and other programs to revitalize our Nation's cities.

Lud has been a leader among Democratic Members, serving as vice chairman of both the Democratic study group and the Democratic steering committee. Perhaps his greatest challenge was his service as chairman of the ad hoc committee on energy. In that role, Lud helped shape and coordinate President Carter's energy package and the resulting legislation which has gotten us started on the road to solving this Nation's energy crisis.

Lud Ashley has achieved much during his many years in Congress. We will miss him, but I know that we will continue to benefit from his interest and his valuable counsel.●

● Mr. STOKES. Mr. Speaker, first of all I would like to thank my distinguished colleague from Illinois (Mr. Rostenkowski) for taking this special order so that Members of the House can salute our colleague, the Honorable Thomas Ludlow Ashley, who will not be returning for the 97th Congress.

As a fellow member of the Ohio congressional delegation, Lud's absence will be a great loss to us as well as to the entire Congress. I deem it an honor to join in this tribute to this great legislator who has given 26 years of service to his country.

Mr. Speaker, my friend Lud is respected and revered by people not only in Ohio but across the Nation. On Capitol Hill, Members on both sides of the aisle have praised him as being both a serious student and highly skilled practitioner of the legislative process.

Lud serves as the ranking member of both the House Banking, Finance and Urban Affairs Committee and the Merchant Marine and Fisheries Committee. He has chaired the Subcommittee on Housing and Community Development of the Banking, Finance and Urban Affairs Committee for the past 4 years. During that time, Lud authored most of the significant housing legislation that passed in the Congress. In fact, he has earned the unofficial title of "Mr. Housing" in Congress.

Additionally, Mr. Speaker, I have had the pleasure of serving with Lud on the House Budget Committee. During that association amidst the rigors of the budget deliberation process, my respect for Lud has increased. I have found Lud to be a methodical and skillful debater, a master of public policy formulation, and a man who is deeply concerned about the well-being of the American people.

To complement his committee achievements, Lud has accumulated an exhaustive list of legislative victories. Included in his legislative initiatives in recent years have been measures to provide housing for the handicapped, the elderly, and low- to moderate-income persons; area redevelopment and the Demonstration Cities Act; unemployment compensation; social security amendments, including medical care for the aged; the Bank Merger Act of 1966; and the urban homesteading program. Mr. Speaker, I pause at this juncture to note that this is merely an abbreviated list of his legislative achievements in the House of Representatives.

Mr. Speaker, Lud has had a profound impact on the work in this House for over a quarter of a century. The exemplary work he has done, especially in the housing area, is a lasting tribute to his wisdom and legislative skill. The strength of the Ohio congressional delegation is an additional tribute to Lud's ability to create linkages amongst people of diverse areas and constituencies for one reason—the well-being of all the people and this Nation.

Mr. Speaker, I applaud Lud's work. Toledo, the State of Ohio, and this Nation are all better off because of Lud Ashley. I wish him well in the future.●

● Mr. BLANCHARD. Mr. Speaker, I would like to take this opportunity to join Congressman Rostenkowski's special order honoring one of the most talented men ever to have served in the Congress, my good friend Thomas "Lud" Ashley.

I have had the honor of serving with Lud Ashley on the Banking Committee, as a member of the Subcommittee on Housing and Community Development which he chaired with distinction, and as a member of the Subcommittee on Economic Stabilization where I had the privilege of serving as Lud's ranking Democrat. In my 6 years as a Member of the House of Representatives, I have never been in the company of a more dedicated legislator—dedicated to the process of forging policy out of the complex array of special interests and often conflicting positions that seem to dominate the business on Capitol Hill, dedicated to the position of the House of Representatives when faced with often difficult Senators in conference, and most importantly, dedicated to doing what is in the best interests of the country.

All of us have our favorite stories about Lud. From my own experience, I have found him to be a great teacher. Whether it was in guiding the New York City loan guarantee legislation through Congress, or in managing the intricacies of a housing bill. Lud was a master legislator and a master teacher.

Lud Ashley will have represented his native Toledo, Ohio, for 26 years when this session of Congress draws to a close. I join my colleagues in wishing him all the best—for there are many privileges in serving my constituents as a Member of Congress, and among them is having served with Congressman Ashley.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman Thomas L. Ashley, of the Ninth District of Ohio, who is retiring after 26 years of service to the people of the Ninth District and the Nation.

I highly commend Lud for his years of leadership and hard work in the House. We will all miss our distinguished colleague.

I wish him health and happiness in the years to come.●

● Mr. ANDERSON of California. Mr. Speaker, in the two centuries of the history of this House, over 8,000 people have served as Representatives. Only a handful have served as long as 26 years. For many of that handful, seniority meant power without much expenditure of effort. Not so with Lud Ashley. With the vigor of a freshman, he has never been content to relax in his position. He has always been ready to take on new responsibilities, to work harder than anyone else, to make himself an expert in new areas, and to exert his leadership through expertise rather than seniority.

Four years ago, when we desperately needed an energy policy, I do not know if anyone but Lud Ashley could have succeeded with an ad hoc committee and come up with as strong a result as he did. We have only to look at the Senate during the same period to see how bad it might have been on this side, or even worse with four times as many Members to pick apart such a broad and controversial program. For his work on the Energy Committee, if for nothing else, this entire country owes a debt of gratitude to Chairman Ashley. Because he works quietly and is most effective when hammering out compromises, I suspect that he will never get the recognition he justly deserves.

I find that the longer we are here, the shorter becomes the list of issues which take most of our attention. In contrast, Lud Ashley reached out and sought the chairmanship of the Budget Committee, a killer of a job, demanding and unrewarding. That he lost by only 10 votes indicates the confidence we have in Lud's ability to master a completely new area of endeavor. Recently, he took over our Merchant Marine and Fisheries Committee, and did the job with it that needed to be done.

And so far, I have not even mentioned what Lud is best known for. With all of the members and subcommittees that haved served in the House, few have ever been awarded, by common acknowledgement, the title of "Mr." accompanied by the name of an issue. That Lud Ashley is "Mr. Housing" is a rare accolade, and one well earned. There is very little of our urban policy which does not have the positive work of Lud Ashley incorporated throughout.

We will all miss "Mr. Housing" in this next Congress. My wife, Lee, joins me in wishing Lud and his wife, Kathleen, all the best in whatever lies in their future.●

● Mr. McKINNEY. Mr. Speaker, this is one of the most difficult speeches I shall ever make in this Chamber. How do I put into words all of the things that I would like to say about Lud Ashley?

I was proud to be at his side when he took the first steps to resolve New York City's financial crisis. In his typical fashion he boldly challenged the city and its critics to face up to the facts.

As if the problems of our largest city were not enough, Lud then eagerly assumed the chairmanship of the Housing and Community Development Subcommittee and the problems of all of our Nation's communities. His tireless efforts to provide a better standard of living for the American people is a model of leadership for all of us to follow. In spite of the lengthy hours and often heated debate demanded by his position, Lud remained fair to all, determined to produce the best legislation and—thanks to the Lord—able to ease the pressure with a strong sense of humor.

There have been times during the past few years when I have thought that Lud was a glutton for punishment. His role as chairman of the Ad Hoc Energy Committee during the 95th Congress constituted service above and beyond the call of duty. During this Congress the load he carried in the Budget Committee as well as his leading role in the Banking Committee's deliberations over such legislation as the Chrysler Loan Guarantee Act, two major housing and community development bills, the Energy Security Act, and numerous bills affecting the financial industry would have crushed a lesser man. As if these demands were not enough, Lud chaired the Merchant Marine and Fisheries Committee during the final months of this session.

As I said to begin these remarks, feelings cannot be put into words. How do I express the void that I will feel when our committee meets without him? Who will I turn to on the floor to share my frustrations?

Lud has been everything to me that a friend should ever be. It is not often in life that such alliances are formed. I consider myself to have been most fortunate. I only hope that Lud Ashley will be a frequent visitor to these halls. We need his wisdom and advice and I know I certainly need his friendship.

I realize that this back-breaking career has earned Lud the opportunity to relax with his lovely wife, Kathleen. I wish them a well-deserved rest and then I look forward to sharing a few laughs with him. Thank you for everything, my friend.●

● Mr. HORTON. Mr. Speaker, for 26 years, Lud Ashley has faithfully and resolutely served the constituents of Ohio's Ninth Congressional District and the House of Representatives. His is a record of distinction, integrity and most importantly, accomplishment. His departure from the House is indeed sorely felt by his colleagues on both sides of the aisle.

Throughout his many years of service, Lud has given his energy and immense ability to a great many worthy legislative efforts. His contributions to the House Banking, Finance and Urban Affairs Committee, Subcommittee on Housing are well-known. To those of us from the Northeast and Midwest, his work on the housing and community development block grant program will long be held in high regard. His endeavors on the Merchant Marine and Fisheries Committee and the Committee on the Budget are of equal magnitude.

Lud's integrity and ability to get the job done have always thrust him to the forefront of difficult and often seemingly impossible tasks. Certainly this description aptly applies to the job of bringing to the floor the President's National Energy Act. As a member of the former Ad Hoc Committee on Energy I can attest to ability and response to this challenge.

Lud's considerable experience and knowledge will be missed when the 97th Congress is convened on January 5. I join my many colleagues in wishing Lud well as he prepares to leave the House.●

● Mr. VAN DEERLIN. Mr. Speaker, losing a campaign for reelection to Congress is not nearly so tough to take when you find yourself bracketed with the likes of Lud Ashley.

I have shared a Rayburn hallway with Lud for 4 years, and thus have enjoyed his company innumerable times while awaiting elevators or making our way to the House floor. It hardly seems necessary to attest that Lud Ashley "wears well."

And perhaps we have shared another experience, of sorts. Just as I have toiled through two Congresses in support of a new Communications Act that never quite made it—so Lud found his most conspicuous service as the chairman of a combined emergency committee to reconcile differences over an energy bill in the 95th Congress.

Conflicts of producer State versus consumer State, economic interest versus environmental concern, and other obstacles too numerous to catalog doomed that effort toward landmark legislation—but no one faulted the determined work of Lud Ashley to bring it about.

He is truly "a Congressman's Congressman."●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Thomas L. Ashley, who is retiring at the close of the 96th Congress after a quarter century of service in the House of Representatives.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know Lud Ashley well as a fellow member of the House Banking, Finance and Urban Affairs Committee. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage.

Elected to the 84th Congress, Congressman Ashley has given outstanding service to his constituents of the Ninth District of Ohio. His diligent efforts as acting chairman of the House Committee on Merchant Marine and Fisheries and as chairman of the Task Force on Economic Policy, Projections and Productivity of the House Budget Committee have been both fruitful and beneficial to the citizens of this Nation, and these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Lud Ashley. As the chairman of the Subcommittee on Housing and Community Development of the House Banking, Finance and Urban Affairs Committee, he has been in the forefront of efforts to make sure adequate housing is available for all of our citizens.

Lud is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Thomas L. Ashley my best wishes for continued success in devotion to the highest principles.●

● Mr. LEDERER. Mr. Speaker, today we honor a very great and distinguished Member of the House, Thomas Ludlow Ashley.

No one could have predicted the magnitude of the electoral tide that swept Lud and many other fine Members from this Chamber last month. The Nation, the Congress, and most especially, the citizens of the Ninth District of Ohio will be the poorer for Lud's absence from this body next session.

Since 1954, Lud has represented his district with pride and tremendous distinction. In that time, Lud successfully blended his wide range of experience with a firm devotion to serve the best interests of this Nation and her people. He has become the House expert on the housing needs of this country and, using his skills and great determination, has ushered through legislation to meet those needs.

Perhaps the hallmark of Lud's career is the successful passage of the five-part energy package in October 1968. Lud, the personal choice of Speaker O'Neill to chair the Ad Hoc Energy Committee, demonstrated his great legislative skill in attaining a bill that addressed the concerns of the many Members and interests that composed the fragile coalition desiring a bill. With each of the many delays and deadlocks, Lud was able to reach a compromise and retain the most important provisions of the bill. All Americans are indebted to Lud for his patience, perseverance, and political acumen in achieving the passage of this bill.

Lud has been one of the most conscientious, dedicated, and respected Members of the House. To chronical all his legislative achievements would not pay him the tribute that he so justly deserves. Needless to say that all of his friends in this Chamber will miss him.

We wish Lud well in his future endeavors. I hope he will return to visit and share with us the insight and wisdom acquired from his very distinguished career.●

● Mr. EVANS of Indiana. Mr. Speaker, in the all too near future, the House of Representatives will lose one of the most distinguished Members to have served in this Chamber. But Lud Ashley's unflagging service to this body, to his constituents, and to his country will continue to have an effect long after his tenure.

It has been a privilege and a pleasure to serve with Lud Ashley both in the House and on the Banking, Finance and Urban Affairs Committee. Those of us on that committee will soon feel the absence of his wisdom and expertise on the complex issues of housing and urban problems. We have relied on his direction and command of those matters in his role as chairman of the Housing and Community Development Subcommittee.

Yet Lud Ashley's ability was by no means limited to this area. The knowledge and independence he displayed in energy matters was a great asset in our Nation's response to the energy crisis. His grasp of complex issues, his tenacity in resolving the most difficult conflicts, reaffirmed the esteem and admiration we have for him. His work on energy legislation alone is a distinguished contribution, but, for Lud, it was one of many marks he has made in his 26 years of service.

I traveled to China with Lud and other Banking Committee members in 1978. It was an enlightening trip, made more so by Lud's presence. I will miss Chairman Ashley. I will miss his leadership, integrity, commitment, diligence, and humor. To my distinguished colleague, I will not say goodby, but rather, "gom bei."●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with deep sadness and nostalgia that I rise to pay tribute to our distinguished colleague and my good friend, Lud Ashley, a Member of this body for 26 years, and a brilliant legislator and leader of the Democratic majority on the Banking, Finance and Urban Affairs Committee.

My association with Lud Ashley predates our years together in the House which have been the last 22. Lud and I were born the same year, and both of us went to Yale. However, because our country was at war at the time, college life was not what it is today, and many of us had to interrupt our studies to help our country fight that war. Lud did his military service before finishing college; I did mine after graduating. But we both served in the Pacific theater during the war, and have shared a great many experiences in common.

Through these last two decades in the House together, I have gained even greater respect for Lud Ashley, as chairman of the Housing and Community Development Subcommittee. As the ranking majority member, I have worked closely with him on many innovative proposals to bring homeownership to millions of Americans who could not otherwise afford it; we have dealt with problems of inner-city blight, of urban renewal, of community development, of economic revitalization of our Nation's cities; of housing for the elderly, for the handicapped, for the poor, and for the rural areas of America.

I have watched Lud Ashley in action, and in charge of committee hearings, of committee markups, of floor management of housing bills—year after year.

Most fun of all is to watch how Lud handles Members of the other body in conference committees. I have observed the respect and the confidence with which Members of the House and Senate, members of congressional staffs, and those in the executive branch, as well as the thousands of representatives of private interest groups who deal with these matters, regard Lud Ashley.

They know he is a pro, and that he knows his subject and is familiar with the many repercussions of legislative actions, better than anyone else associated with the process.

Let me add my tribute to the many others which will be offered here today to a great American, a great Congressman, and a cherished friend.

To his wife Kathleen, and their two sons, let me wish you a whole new life together with many years of happiness and adventure ahead.●

● Mr. RAHALL. Mr. Speaker, I would first of all like to thank my colleague from Illinois (Mr. Rostenkowski) for taking this special order today so that we may pay tribute to a distinguished Member of this body who will not be joining us for the 97th Congress, Thomas Lud Ashley.

For 26 years, the residents of Lucus County, and the city of Toledo, Ohio—the region which makes up the Ninth District, Thomas Ashley has served to the utmost of his ability, an ability that has won him great respect in this body.

As a subcommitee chairman on the Banking, Housing and Urban Affairs Committee, Thomas Ashley was a leader and expert on housing legislation and a promoter of a national urban growth policy.

In 1977, his broad knowledge and expertise was put into the chairmanship of the special Committee on Energy. Under his leadership, the groundwork was laid for a national energy policy, and many of the proposals he and his committee advanced are now law.

A man of Thomas Ashley's caliber is very hard to replace, and his absence will indeed create a void in the legislative activities of this House. We all wish him great success in the future, and will remember him always as a dedicated and and warm public servant.●

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO THE HONORABLE LUCIEN NEDZI OF MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Blanchard) is recognized for 60 minutes.

Mr. BLANCHARD. Mr. Speaker, on behalf of the Michigan congressional delegation, I take this time to rise in tribute to our dear friend and colleague, Lucien Nedzi, who is retiring after 20 years of distinguished service to his constituents and to this House.

Few men have represented their districts with greater dedication, with more energy, or with more thoughtfulness than Lucien Nedzi. Nor have many been more representative of the people they serve. As the Detroit Free Press put it not long ago:

> Nedzi is the kid who grew up in the shadows of Dodge Main in Hamtramack and rose to a position of influence in the House by the simple formula he learned from his parents . . . doing his quiet best to learn and to represent the best interests of his people.

Speaking personally as one of the younger Members of the House who has worked closely with Lucien, I am grateful for his advice, his teaching, and his friendship, on so many different matters. And that goes for his wife, Peggy, as well.

Congressman Nedzi's record is one of outstanding accomplishment. As a senior member of the Armed Services Committee, he has steadfastly supported a sensible defense policy. As a senior member of the Committee on House Administration, he has worked diligently and often successfully for improvements in campaign finance laws and congressional ethics. Most recently he was responsible for bringing hundreds of new jobs into the Detroit area as the principal sponsor of legislation needed for Volkswagen to operate its second American assembly plant.

Throughout his adult life, whether as an infantryman during the Second World War, as an attorney in Detroit, or here in Washington as a legislator, Lucien has epitomized what it means to be a fine citizen, working for the public good. He has consistently stood up for his constituents in southeastern Michigan, yet he has never hesitated from doing what he felt was needed for his country.

Congress will not be the same without Lucien Nedzi. I will miss him, the Michigan delegation will miss him, and the entire country will miss his experience, his determination, and his wisdom. But Lucien's retirement is well-deserved, and I wish him and his family all the best in the years ahead.

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Mr. Speaker, I yield now to the distinguished dean and longstanding friend of Lucien Nedzi, Congressman Dingell of Michigan.

Mr. DINGELL. Mr. Speaker, I rise in great sorrow to pay tribute to a dear personal friend whom I have known and loved long before I came to the Congress of the United States.

My dear friend, the Honorable Lucien Nedzi, will be leaving the Congress of the United States at the conclusion of this term. His departure from the Congress is regarded as a loss not only by me but by the people of his district and of our State of Michigan, by our entire delegation, and by his legion of friends here in the House.

His record of accomplishment in the Congress is enormous. Quiet though he is, and thoroughly beloved by all of his colleagues as he properly is, Lucien Nedzi is nonetheless a forceful and effective worker on behalf of legislation and causes in which he believes.

Gentle in demeanor but strong in conviction and action, Lucien has no peer in this body as an effective legislator and public servant.

He is married to a delightful and graceful woman, Peggy, who is known for her goodness and beloved by all who have had the privilege of meeting her.

Our friendship and interest in politics together goes back to our service together in the Young Democrats of the State of Michigan where he was chairman of the First District Young Democrats and where he provided not only valuable leadership but guidance to others learning politics.

He is a distinguished practicing attorney in the State of Michigan, a member of the Bar of the State of Michigan and of Washington, D.C. He served with distinction as a public administrator for the State of Michigan. He had a distinguished record of service overseas as a combat infantryman in World War II and in Korea. His patriotism and talent in the area of public affairs and service to his country have long been thoroughly established.

His service in the Congress has been equally distinguished. He has served as chairman of the Armed Services Subcommittee on Installations and Facilities, has been chairman of the House Administration Committee for a number of months, has been chairman of the Subcommittee on Library and Memorials, as well as cochairman of the Joint Committee on the Library.

Further, he has served his Nation as a delegate to the Interparliamentary Union where his leadership is particularly felt with regard to matters involving Eastern Europe.

As Americans of Polish descent, we share a common heritage, and his leadership in affairs concerning Americans of Polish descent and Poland is something to which all of us look with great pride. Fluent in a number of languages, Lucien Nedzi has contributed his services to the Voice of America and to Polish language broadcasts into Poland where his influence has been widely felt on behalf of the causes of liberty and freedom, a dedication shared by the Polish people throughout so many difficult centuries.

As his friend, I grieve that he will be leaving us, and as a legislator, I deeply regret that this body will be losing a man of such extraordinary quality, ability, and dedication to the public interest. Nonetheless, I rejoice that Lucien will be returning to the practice of law which he has long loved and in which he is an outstanding practitioner. I rejoice that his talent will be again available to the bench and bar and that his return to the profession which he loves will enrich that profession with new leadership and a wonderful voice for good, together with a man whose character shines brightly as a gentle but forceful leader for public good.

Like all of LUCIEN's colleagues, I rejoice that he and his wonderful Peggy will be now having more time to enjoy each other and the family that all of us have come so much to admire. His is a family life which has as its most noteworthy characteristic the strong ties, the love and the mutual affection and trust built in large part by the extraordinary character of LUCIEN and Peggy NEDZI.

Our good wishes go to his family, his sons, Lucien, Brendan and Eric, and his two lovely daughters, Bridget and Gretchen.

Our sorrow at his departure is overcome by our joy that he is embarking on a new career that we know will be both successful and will bring him happiness.

The best wishes of his colleagues in the Michigan delegation and the House and, certainly, the warm good wishes and friendship of this Member go with one of our finest and most capable Members in his departure from this body.

Mr. Speaker, pursuant to permission granted, I insert into the RECORD a number of commentaries on his outstanding service in this body.

[From The Detroit News, Apr. 24, 1980]

LUCIEN NEDZI

Almost 19 years after he arrived in Washington to represent Michigan's 14th District in Congress, Lucien Nedzi is leaving public life.

The 54-year-old Democrat chose a propitious moment to announce his retirement, shortly after he helped pave the way for a Volkswagen assembly plant to occupy the Army missile facility in Sterling Heights.

Mr. Nedzi has served a changing constituency very well over the years. The 14th District included only Hamtramck and six Detroit precincts when he was elected to his first term. Since then, it has been redrawn to encompass Center Line, East Detroit, Harper Woods, the five Grosse Pointes, and part of Warren.

The scramble to succeed Mr. Nedzi already has begun, but it will be some years before anyone effectively replaces him.

BIOGRAPHICAL DATA—LUCIEN N. NEDZI

Member of Congress, 14th District—Detroit, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe Shores, Hamtramck, Harper Woods, Warren, East Detroit and Center Line, Michigan.

Elected to the House of Representatives, November 7, 1961.

Committee on Armed Services, Chairman, Installations and Facilities Subcommittee.

Committee on House Administration—Ranking Democrat, Chairman, Library and Memorials Subcommittee, Vice Chairman, Joint Committee on the Library.

House of Representatives Delegate to Inter-Parliamentary Union.

Born May 28, 1925 in Hamtramck, Michigan.

Married: January 28, 1952 to Margaret Garvey (former teacher and dietician).

Family: Lucien A. (1958), Bridget K. (1959), Brendan T. (1961), Gretchen T. (1962), Eric F. (1966).

Education: Hamtramck High School, 1943; University of Michigan, Economics A.B. Degree, 1948; University of Detroit Law School, 1949; University of Michigan Law School, J.D. Degree, 1951; Attended National War College, Naval War College.

Military Service: World War II, July 12, 1944 to August 15, 1946 (20 months of overseas duty as combat infantryman in Philippines and Corps of Engineers in Japan); Korean War, February 10, 1951 to October 16, 1951; Army Reserve, August 15, 1946 to March 17, 1953.

Professional background: Member of State Bar of Michigan, D.C. Bar. Engaged in general practice of law prior to election. Wayne County Public Administrator, 1955 to 1961.

Congressman Nedzi has consistently worked for reforms in campaign expenditures, election procedures, Congressional ethics, Congressional reorganization and procedures.

As a member of the House Armed Services Committee, he has steadfastly supported a sensible defense policy and has resisted increments in the arms race.

Congressman Nedzi is fluent in several languages and has frequently contributed his services to the Voice of America through Polish language broadcasts to Poland.

[From the Macomb Daily, Apr. 23, 1980]

NEDZI SERVICE LAUDED

If it were a routine retirement, we could say without equivocation that U.S. Rep. Lucien Nedzi had earned a rest after 19 years of service to his constituents and his country.

But the veteran lawmaker has other designs. Serving in Congress has been rewarding in all ways except financial, he says.

A few of those "rewards" include helping colleague Rep. James Blanchard push approval of the Chrysler loan guarantee bill and steering legislation through the House to get the Volkswagen plant in Sterling Heights.

His retirement announcement Monday came as a surprise to his colleagues and his constituents. But he admits he has been contemplating it for some time in deference to his future. At age 54, he says he doesn't have too many years of "working time" left.

We and the country have been fortunate that Lucien Nedzi spent his earlier "working time" in our behalf as a member of the U.S. Congress.

[From the Free Press, June 25, 1980]

REP. NEDZI WON'T BE EASILY REPLACED

Listening to Lucien Nedzi talk about his 19 years in the United States Congress a few nights ago left me with one very strong conviction:

It's sad . . . albeit understandable . . . that this quality person has decided to retire from the political arena.

Nedzi is the kid who grew up in the shadows of Dodge Main in Hamtramck and rose to a position of influence in the House by the simple formula he learned from his parents . . . doing his quiet best to learn and to represent the best interests of the people.

He is retiring because, as he put it, "When you begin to sense that the time may come when you will be running to win in order to make a living, it's time for a change."

But beyond that there is another reason on which, being the sort of person he is, he would not dwell. It's tough . . . on you and particularly on your family . . . to have to take the snide little reactions of people because you happen to be a politician.

Nedzi feels great pride in having served as he has, and he knows firsthand of the quality of service provided by others, so it hurts him to get such negative responses.

"There are more really fine people in Congress today than ever," he insisted.

Ironically, this sort of public reaction may have led to what he feels is the biggest problem the House faces today . . . reform that has produced something akin to legislative anarchy.

"There are 162 subcommittees, 162 of them," he reiterated by way of emphasis during a speech to the Detroit chapter of the Society of Professional Journalists, "and this tyranny of the subcommittees has almost brought the legislative process out of control."

On the way, he said, there has been more of everything . . . staff, roll calls, meetings . . . but a loss of "graciousness" and "time to think out issues."

He provided figures on "this serious proliferation of staff." House committees employed 181 persons in 1947, 2,266 today, and House members had a total of 2,582 on their personal staffs in 1960, 7,325 today.

Nedzi said he is opposed to limiting the number of terms a congressman may serve, and he also is strong for the seniority system because, he said, it helps to insure "the institutional memory" that is so important to provide continuity.

It takes years to become expert enough to be able to understand complex legislative issues, to be in a position to be able to challenge special interest testimony.

"A legislator who has this background helps to provide a committee the balance needed to make a wise decision," he added.

Nedzi, who has been a key person on the House Armed Forces Committee (an assignment he deliberately sought when he first went to Congress) feels the United States is ahead of the Soviet Union in military power, but he realizes that the USSR has closed the gap on us in recent years.

History also suggests, he added, that if the U.S. slips militarily, there are others, Germany and Japan, for example, prepared to fill that vacuum, a prospect that he finds unacceptable.

"We tend (the United States) to underestimate ourselves," he said. "We get in down moods and we're in one such down mood today, but we must realize that it's only because we have a vigorous democracy that we are criticizing ourselves all the time, something which other nations find it hard to understand."

Nedzi went on to point to "an accumulation of negatives for the Soviets" that included a firsthand observation that the Polish people have "a greater sense of grievance against Russia than with us."

He emphasized the importance of China's opening of relations with the West and the Egyptian rejection of the Soviets, and added that the Russians "will pay a high price for their incursion in Afghanistan."

Nedzi, who has four children, all still in college, hasn't decided what course he will follow in the future, but of one thing he can feel confident. He has set a high standard for whomever it is who follows him in that 14th District seat.

Mr. BLANCHARD. Mr. Speaker, I yield to the distinguished gentleman from Michigan, the Honorable WILLIAM FORD.

Mr. FORD of Michigan. Mr. Speaker, I thank my distinguished colleague for yielding to me. It is a pleasure to see him in this leadership role in this occasion when we pay our tribute to our good friend, LUCIEN NEDZI. We are very proud of the Michigan delegation, of the speed and rapidity with which JIMMY BLANCHARD has demonstrated to this body his leadership capabilities. We are very proud that he has been leading us as our whip.

Mr. Speaker, unlike some of the people we have been hearing about in the past few days, LUCIEN NEDZI is leaving voluntarily. I think it should be noted at the outset in the RECORD that if LUCIEN had chosen to stay, the people of his district would, in my opinion, have been very happy to return him again and again. I am happy to see that a man who has served here for 20 years and is universally respected by liberal and conservative, big city and rural, north and south, representation in our Congress on both sides of the aisle, is leaving us at his own volition in the bloom of health and with a healthy and united family to return to his profession that he loves so much, practicing law.

He is leaving as a champ. He has conducted himself as a champ all of his years here. I can recall that when he first came, for example, it was discovered by people in our Government that he was fluent in both Polish and Russian as well as having speaking ability in other Slavic languages. He was called upon to go overseas from time to time and make radio broadcasts that were thought to be beneficial to us in countering Communist propaganda. He was doing so well at it, as a matter of fact, that the Russians branded him a fraud because they said it could not be true that an American, a person born and raised in America, could speak the language as fluently as he did. They said he was obviously a traitor who had come over to our side to oppose them.

Indeed, Lucien is the son of immigrants. He is in the best tradition of the kind of people who have always made our State very strong. As the Detroit paper referred to him, he lived most of his life in the shadow of the smokestacks of Dodge Main. His father was an autoworker.

Lucien served in World War II and in the Korean war, was a combat veteran of the Infantry. He came home in what became the tradition of our generation, was able to take advantage of the GI bill and ultimately ended up as a lawyer and was developing a very successful law practice at the time that the opportunity in the natural course of events occurred for him to become a candidate for Congress. He did not, as they say, fall off the tree as a candidate for Congress. He had paid his dues. As a young man freshly home from the service, people like he and John Dingell were active in what we in those days called the Young Democrats of Michigan. Now the young Democrats are not the young Democrats any longer, but it was in those days thought to be very unusual for young men or women to spend the kind of time that they did practicing the art of politics in our State.

It has been a distinct privilege for me to serve with Lucien for the past 16 years. I have known him for much longer than that and admired him as a personal friend through all the years that I have known him.

He has, in a way not often duplicated, been recognized in this House for his integrity. I believe that each and every one of us would hope that the one thing we can take with us when we leave here is the confidence of our people that we have represented, and the people with whom we have worked here, in our integrity. I believe it can be said that no one has ever questioned Lucien's integrity. As a matter of fact, he may be one of the few people who has actually had a vote to certify his integrity. In my extension of remarks, I will put the roll call in.

A few years ago when he attempted in the middle of a difficult situation we had here in the House to resign as a way to stop a divisive battle from an ad hoc committee, and the reaction of the House was an overwhelming vote to reject his resignation, and then respecting his will and his motives in wanting to bring about a peaceful solution and wanting to accomplish the purpose for which the committee was created, the following day we respectfully accepted his resignation. But on the record for the whole country to see, the overwhelming majority of the House said no, as long as anybody is questioning this man, we will stand with them.

I have not seen that kind of demonstration of support for a colleague in this body many times in my 16 years, but it is one that sticks in my mind.

He has, as Jim Blanchard has said, always stood for a sensible defense policy. I suppose it would be pretty hard to characterize him with the modern kind of cliches that people use to bring to people's defense posture. His patriotism and his devotion to this country have been proven in every possible way that an American can do it and his commitment to doing his job and representing his people has been proven over and over, but Lucien was willing to stand up in the days when committee chairmen in this place literally made or broke the careers of young Members who did not follow the old admonition: If you want to get along, go along.

I remember when we in the delegation were disappointed because Lucien stuck to his principles so thoroughly in the Armed Services Committee that a very autocratic chairman at that time would not even assign him to the subcommittee of his choice.

We have since changed all that and the newer Members have not been subjected to that sort of thing. But when we think of the kind of contributions that have been made by Members around here, we have to remember that there have been men of courage who, like Lucien, were willing to stand for their principles at the risk of their own position and their own advancement.

As things have turned out, the people who remembered his stance for principle have been able to see him rise to a position of leadership in the Congress. We are going to miss him very much as a colleague, but I for one will be doing everything I can, as I know the other members of the delegation will, to continue to talk with my friend, Lucien, and seek his advice, as I have. From the first day I came here, he is one of the people that I trust most and respect most when I have a serious question that I am trying to resolve. And that ranges from personal matters to matters involving great and momentous decisions affecting the country.

He can always be counted on to be responsive and sensitive and straight, and if it is not too corny, Lucien will be remembered here as one of the real "straight arrows" of this establishment and this institution.

Mr. Speaker, we are all made better by having had the privilege of serving with Lucien Nedzi and being able to call him our friend.

Mr. BLANCHARD. Mr. Speaker, I thank the gentleman for those remarks.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. BLANCHARD. I yield to the gentleman from Michigan, the Honorable Dale Kildee.

Mr. KILDEE. Mr. Speaker, I am pleased to join my colleagues in paying tribute to our friend from Michigan, the Honorable Lucien N. Nedzi.

It has been a privilege and an honor to work with Lucien Nedzi during my 4 years in the House, and I have grown to frequently rely upon his sound advice and excellent judgment. Lucien Nedzi is respected by all in the Congress for his honesty and integrity, and his experience and leadership. He will be greatly missed by all of us in the Congress, and his able successor will have a worthy challenge in continuing the high record of service set by Lucien Nedzi to his country, to Michigan, and in a very special manner to the residents of the 14th District.

Lucien Nedzi has served his constituents with distinction since 1961, and I am happy to join my colleagues in wishing him happy and productive years ahead in his new endeavors. It is not often that we are honored to know a person of such high quality as Lucien N. Nedzi. This House is clearly a better body because Lucien Nedzi served in it, and I know I am a better person for having shared his friendship. I am grateful for the opportunity of having had him as my mentor and adviser these past 4 years.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BLANCHARD. I yield to the gentleman from Michigan, the Honorable David Bonior.

Mr. BONIOR of Michigan. Mr. Speaker, I thank my colleague, the gentleman from Michigan (Mr. Blanchard), for setting this time aside to honor a very dear friend of mine, Lucien Nedzi.

Lucien and I have very similar backgrounds. We were raised in the same community, a little Polish community or enclave within Detroit called Hamtramck—as Bill Ford has indicated, in the shadows of Dodge Main. Lucien went to school with my mother and father. They were classmates together in high school. We have very many mutual friends. We have the same backgrounds, the same heritage.

Bill Ford mentioned that one of Lucien's greatest attributes was listening to people, and that we could go to him and he would counsel us. That he has done for me many times on this floor.

The Members may know that the Michigan delegation sometimes has the reputation of having a number of members in it who studied for the ministry or the priesthood, and they are often referred to as the "clergy of the House." I myself have, and so have Dale Kildee and Bill Brodhead and Guy Vander Jagt. But I think of all of us Lucien probably would have made the best counselor of all because he has a quality for listening and for analyzing someone's problems. Often I would sit next to him and not only discuss legislation in a very analytical and bare way but talk about personal problems, and he has been an immense help to me over the years that I have served here in this capacity.

There are two things in his legislative career that stand out in my mind and that will, I think, live in the annals of legislative history, and one is his ability to deal with foreign policy. In particular, I refer to the role that he played in the Nedzi-Whalen amendment, the amendment that finally cut off the funds for the war in Vietnam.

Second, the other thing that I will remember the most—and perhaps those who look back at the Congresses in which Lucien served will remember this—is the role he played in the Camp David accords in getting Anwar Sadat and Mr. Begin together to discuss their mutual concerns and problems. Many people do not realize the significance of the role that Lucien Nedzi played in that particular issue.

He has had an innate ability to temper the jingolistic tendencies that often creep into our legislative process in terms of foreign policy and defense. He has been a very quiet and a very sane voice when we needed quiet and sane voices in this Government, and in that respect he will be sorely, sorely missed.

I think that I will remember Lucien most of all for being a man of understatement and for being a man who dealt in subtleties.

□ 1950

It reminds me of a story that his staff once told me when Lucien was elected to Congress. Then after his first term, he was pitted in a reapportionment with another member of the Michigan delegation during that race. The evening of that race, it looked as if Lucien was going to lose, and in fact, Lucien went to bed thinking he had lost his seat.

As it turned out, one of his dearest friends had passed away 2 days earlier, and he had to get up that morning and give a eulogy at a funeral for his friend. As was common in those days in the Polish neighborhood, they would march openly and physically in the streets with the coffin.

As they were marching down the street after the funeral services, and Lucien was at the head of the coffin, he passed by what had been his campaign headquarters, thinking he was defeated. He walked by the headquarters, and he looked at the headquarters, and all of a sudden he noticed his campaign workers coming out smiling and waving at him, which I suspect was somewhat out of tone and temperament for the occasion of a funeral.

He thought they were just suggesting to him that he was a grand guy and they were with him to the end. Little did Lucien know at that time that it claimed him a victor. I guess the real victors of that story were the people of the 14th Congressional District, who he went on to serve with such distinction and nobility for 14 more years or 16 more years.

Lucien will be missed, but I am sure he will be around to give us his advice and counsel.

I would again thank my colleague from Michigan for reserving the time so we could honor this very kind and decent man.

Mr. BLANCHARD. Mr. Speaker, I thank the gentleman for his very eloquent remarks.

I now yield to the gentleman from Michigan (Mr. Wolpe).

Mr. WOLPE. Mr. Speaker, I want to also express my appreciation to the gentleman from Michigan (Mr. Blanchard), for taking this time in order that those of use in the Michigan delegation may express our feelings upon the occasion of Lucien Nedzi's retirement.

His years of dedication to his constituents, to this Congress, and to his country will be very deeply missed.

I do not think I have ever heard in my 2 years in this Congress, an unkind word about Lucien. He is a gentleman in every essence of the word, and I think it is evident by the enormous respect that he enjoys among his colleagues on both sides of the aisle.

For me personally, Lucien has been a valued friend and a learned teacher during my first term. His advice and counsel have meant a great deal to me. I feel privileged to have had the opportunity of working with him during these past 2 years.

As a member of the Committee on Armed Services, he has been a constant force for reasonableness and moderation, and others of my colleagues have detailed the substantial contributions he has made over the years to the conduct of American foreign policy and the development of our military policy. Our Nation has benefited enormously from his involvement in complex and often very controversial and difficult subjects. His district in the State of Michigan will certainly never forget the work he has done representing their concerns. He has won many battles over the past 19 years. Most recently, he was instrumental in securing the Sterling Heights missile plant as a location for a new Volkswagen facility in Michigan, a victory alone which will add some 5,000 jobs to the economically battered Detroit area.

All of us will miss Lucien, and I want to join my colleague in the well and all the other Members of the delegation in wishing him the very best in the years ahead.

Mr. BLANCHARD. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank my distinguished colleague for allowing me this privilege. It is a privilege. I was sworn in as a classmate with Lucien Nedzi and a former Member, Joe Waggonner of Louisiana. There were three of us sworn in on January 10, 1962, in the 2d session of the 87th Congress.

Through the years, I have known no Member who has won such complete and thorough love and affection and high respect from every single Member I have known in this House on both sides of the aisle as Lucien Nedzi.

It was really with extreme sadness and disappointment that I learned from his lips his intention to retire earlier this year.

I have on the record spread my remarks concerning my colleague, Lucien Nedzi, on the occasion of the last substantive bill that he handled as the chairman of the Subcommittee on Armed Services. So I do not think it would be in order to repeat those remarks, but I do want to say for the record that we have a tremendous debt of gratitude to Lucien Nedzi, those of us not living in the State of Michigan, or constituencies far away from that State.

As a Member who represents a very heavily involved defense district, I want to go on the record as saying that we have a great debt of gratitude to Lucien Nedzi for taking the time to visit those districts and taking a personal involvement in defending the proper national defense interests insofar as those bases in our districts were concerned. I can think of several vital defense activities that we owe singlehandedly to the efforts of Lucien Nedzi.

It is with a real deep sense of loss that I rise at this time, because I know full well that not only is Michigan and the 14th District losing a great Congressman, a great American, but every one of us in the United States.

I thank the gentleman for giving me this opportunity.

Mr. BLANCHARD. Mr. Speaker, there were several references made earlier to some of Lucien's legislative skills. Let me indicate with regard to trying to protect and save jobs in the matter of the loan guarantee for the Chrysler workers, Lucien Nedzi was indispensable in that effort, and without him, tens of thousands of jobs would have been lost, and without him, the battle legislatively never would have been won.

Speaking personally as one who worked hard on that with Lucien I want to thank in behalf of all those people and families affected. Lucien is one of those lucky people of politics who leaves on a high note. He leaves voluntarily. He leaves at a young age. He leaves with his colleagues' respect. He leaves with some major legislative achievements that plan for the future in the area that he represents.

It is a shame, I think, that a person of such talent and integrity would choose to leave, although it is understandable in terms of wanting to do some other things. But it is a shame that we cannot in our system today keep people like Lucien Nedzi in the Congress working for the people. But because he has had such distinguished service, if anyone is entitled to have, in good health another career and some privacy, it is Lucien and his family.

So on behalf of all Members of the House and those who have served with him over the years, the people of Michigan and especially, I am sure, those he has represented over the years in the 14th District, on behalf of all of them, I want to wish Lucien and his family the very best in the years ahead.

● Mr. MOAKLEY. Mr. Speaker, I would like to commend the gentleman from

Michigan (Mr. Dingell) for taking this special order to afford us with an opportunity to pay tribute to our retiring colleague (Mr. Nedzi). I join all of my colleagues in wishing Lucien Nedzi well and in thanking him for his many kindnesses to me during the time I have had the great privilege of serving with him in this House.

The gentleman has been an able legislator and his record of accomplishment is one in which he may be justly proud. He is a member of the Committee on Armed Services, where he chairs the Subcommittee on Installations and Facilities, and the Committee on House Administration. He has chaired the Joint Committee on the Library and the equivalent Subcommittee in House Administration.

I think it is important to take this opportunity to comment on those committee assignments and what they say about Lucien Nedzi. These are not the kind of committee assignments that get Members on network news or the front page. What they are, Mr. Speaker, is plain hard work. The oversight of billions of dollars spent by the Pentagon on bases and other facilities has required the gentleman to invest countless hours in highly technical, but vitally important, committee work. It is a job that he had done well and for which this House and the Nation owe him a debt of gratitude.

I can think of no job in Congress more thankless than the oversight of the closing and realinement of military bases. But it is work that he has done with fairness and judgment that has won him the esteem of all of us who serve here. He has been available to every Member affected by any Pentagon decision and has always bent over backward to minimize the harm done to their constituents. But he has been firm, also, in insuring the most effective use of defense spending.

In the wake of the closing of a major Navy installation in my district, Lucien Nedzi came to Boston to talk with my constitutents and look over the facilities in person. When he returned to Washington, he worked closely with the Department of Defense and with me. Although the Boston Navy Yard is a thing of the past, that site and those facilities are in partial use today and are the subject of continuing redevelopment designed to provide military and civilian uses that have significantly curtailed the economic and employment consequences of the base closing.

His responsibilities as a member of the House Administration Committee have been equally demanding. This committee requires members who can handle the hard work of managing this complex institution in a responsible and efficient manner. He has handled these responsibilities with sensitivity and commonsense.

As the senior House member of the Joint Committee on the Library, the gentleman alternates with his Senate counterpart as chairman. In this capacity, he is responsible for the management and oversight of an extraordinary institution. The Library of Congress is of great importance to Congress and one of this Nation's most important intellectual resources. When the gentleman accepted this assignment, he knew how much work was involved and he knew it was work for which he would receive little notice or thanks.

Mr. Speaker, it is men like Lucien Nedzi who make Congress work. It is hard to imagine what would happen to this House without his kind. For nearly two decades, the gentleman has worked tirelessly for his constituents in Michigan. He has worked with equal dedication for national concerns, particularly America's defense. But I will always remember Lucien Nedzi best for his quiet dedication to this House of Representatives and willingness to take on the real chores of this institution. He has never sought praise or thanks for this work and has been willing to take his own satisfaction from knowing that he did his job and he did it well.

I shall always be grateful for finally having this opportunity to say, "Thank you, Lucien." ●

● Mr. BROOKS. Mr. Speaker, as the 96th Congress draws to a close I would like to take this opportunity to pay tribute to a good friend and colleague, the Honorable Lucien Nedzi, who will be retiring at the end of this session.

While he has tended to the needs of his constituents, he had also blended the needs of the Nation and his people together. As a man concerned about national defense, he has worked tirelessly on the House Armed Services Committee to see that our Nation remains strong militarily. He has won the respect of his colleagues over the years through his expert knowledge and his effectiveness will be missed.

Lucien's decision to retire from Congress leaves a large gap among us. However, I wish him and his family well as returns to private life.●

● Mr. MONTGOMERY. Mr. Speaker, I am pleased to join with members of the Michigan delegation and our other colleagues in paying tribute to Lucien Nedzi today.

It has been my privilege to serve with Lucien on the House Armed Services Committee where he has been a most valued member and one whose experience and expertise we will sorely miss in the 97th Congress. I want to particularly thank Lucien for the assistance he has provided me whenever I had a matter before the Subcommittee on Military Installations and Facilities that he chairs. His task as subcommittee chairman was certainly never easy, but he always approached his job with fairness and objectivity.

Mr. Speaker. I would also like to commend our colleague, Mr. Nedzi, for the many contributions he has made over the years as a member of the House Administration Committee and the Joint Committee on the Library. Again his guiding hand has been quite evident in the deliberations of these two committees, especially the Joint Library Committee that has been deeply involved in a major expansion of facilities at the Library of Congress in the recent past.

We shall all miss Lucien when the 97th Congress convenes in January, but at the same time we feel most fortunate to have had the benefit of his conscientious service for the last 20 years.●

● Mr. DANIELSON. Mr. Speaker, Lucien Nedzi, for 19 years, has represented one of the most economically important regions in the country. His efforts on behalf of the citizens of Detroit and the 14th District of Michigan have earned him the respect and admiration of all of us. He has been instrumental, as the chairman of the Military Installations Subcommittee, in maintaining a healthy American defense industry and in providing jobs in his own district and in other parts of the country, including California.

We are all grateful, as well, for the excellent job he did this year when it became necessary for him to step in as acting chairman of the House Administration Committee. That is a big job, and a thankless job, and I want him to know that we appreciate his fine work in that capacity.

I know that we will miss his wise counsel in this body and I wish him the very best in all his future endeavors.●

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to take a few moments to pay tribute to Lucien Nedzi, a dedicated Representative, trusted colleague, and dear friend, who is retiring after almost two decades of outstanding service to the people of Michigan. I am sure I do not speak alone when I say he is one of the finest gentlemen ever to serve in this Chamber and I will miss his expertise and companionship very much.

Lucien believed government could play an important role in improving the lives of the less fortunate in our Nation. He deeply cared about his people and did everything in his power to serve them to the best of his ability. A man knowledgeable in a great many areas, he was constantly asked by Members for advice and he never was too busy to help when asked. Respected by his colleagues for his hard work and preparedness, I consider myself a much better Congressman for having known him.

He served with distinction on the Armed Services Committee, and did a tremendous job as chairman of the Installations and Facilities Subcommittee. He was admired for his support of a sensible defense policy, resisting increments in the arms race at a time when many would prefer just that. In other areas he has labored for reforms in campaign expenditures and congressional ethics earning the admiration from those who know of his devotion to his work.

As Lucien leaves Congress I want him to know his work will long be remembered and that the people of Michigan are quite proud of his unselfish service on their behalf. I wish him the very best in the years to come.●

● Mr. McCLORY. Mr. Speaker, it is a pleasure to rise in this House and pay tribute to one of its most distinguished retiring Members, Lucien Nedzi of Michigan.

Lucien Nedzi has served almost 20 years in the House and, during that time, has compiled an enviable record for responsible and effective advocacy of his views.

LUCIEN NEDZI has been a valuable member of the House Armed Services Committee. I gained a particular respect for him when he served as the first chairman of the temporary Select Committee on Intelligence.

Indeed, Congressman LUCIEN NEDZI and I share virtually identical views on issues relating to our national security and support of a strong intelligence community.

Mr. Speaker, my wife Doris and I have enjoyed a close personal friendship with LUCIEN NEDZI and his wife Peggy and wish them success in their future endeavors and much health and happiness.●

● Mr. DICKINSON. Mr. Speaker, it is an honor and a priviledge for me to have the opportunity to pay tribute to my good friend LUCIEN NEDZI of Michigan. However, I am saddened by the circumstances—the fact that LUCIEN is retiring at the end of this term, and that we must bid him a fond adieu.

When I first came to Congress 16 years ago it was my lot and my pleasure to be put on the House Administration Committee and 2 years later, the House Armed Services Committee. Sitting across the table from me in both of these committees has been the distinguished gentleman from Michigan. He is chairman of the Military Construction Subcommittee of which I am a member. LUCIEN and I have served together now for lo these many years and I have come to know, to respect, to admire, and to be very genuinely fond of him for his wit, his capabilities, his knowledge, his dedication and hard work. We have sat across the table and the aisle for these many years, voting together sometimes, against each other at other times. I can think of no one in the House for whom I have higher regard or whom I have enjoyed working with more.

LUCIEN has always been very courteous and considerate of me as a minority Member and I join with all his friends and everyone in the House in saying that his retirement is going to be a great loss to the Congress and, in my opinion, a loss to those in the Nation who are trying to reestablish an adequate U.S. military defense. He has been a stalwart advocate of a strong defense and his departure will leave a vacancy that will be a long time in filling. I will greatly miss him. My wife, Barbara, and I, wish LUCIEN and his lovely wife, Margaret, Godspeed in all their future endeavors.●

● Mr. DAVIS of South Carolina. Mr. Speaker, I am glad that we have this occasion to pay some well-earned tributes to LUCIEN NEDZI.

His lifetime has exemplified the tradition of service to one's country. I have had the honor of serving under him both on the Military Construction Subcommittee of the Armed Services Committee and on the House Administration Committee. Always, he has been my mentor and my friend.

LU NEDZI is one of the most dedicated and effective Members of this body. His retirement is a genuine loss to his constituents, to the Congress and to our country. His contributions to our national defense have been massive; LU is truly that great rarity, an irreplaceable Congressman.

I know that I speak for all my colleagues when I say that his warmth, his wisdom and his counsel will be sorely missed in the next Congress. I wish that I possessed the eloquence to give him the honor he is due. Yet, no matter what any of us try to say, LUCIEN NEDZI's own record pays him greater tribute than mere words could ever accomplish.

LU, I wish for you the best of futures. I hope that I am fortunate enough to see you often, and I personally shall never forget your many kind and thoughtful deeds.●

● Mr. CARR. Mr. Speaker, as LUCIEN NEDZI's colleague on the Armed Services Committee, I have had a special opportunity to work closely with him. His dignified, firm approach to defense issues and his well-informed judgments on those issues have been extremely important to the work of the committee, and he will be sorely missed. Even before I came to Washington, I was impressed by LUCIEN's voice in speaking out against the Vietnam war. His sponsorship of the Nedzi-Whalen amendment to end the Vietnam war put him high on my list of courageous American peacemakers. I have been proud to be associated with him, and I wish him the best in the future.●

● Mr. BRODHEAD. Mr. Speaker, LUCIEN NEDZI is the type of Congressman that most of us can only aspire to be.

In his 20 years in the House, LUCIEN has served as a model for so many newer Members who have sought to reach the heights of public service.

He is a man of honor and integrity, whose career and personal life have always been above reproach. He has adopted a strong set of principles and has fought for them even when they were temporarily unpopular.

He is a man of industry and effectiveness. His achievements as a Member of Congress—both legislative and administrative—comprise a superb example for all of us. Yet even when he knew that he would be leaving this body, he continued to represent his district with great vigor. The most recent example of that representation was his successful campaign to locate a major new auto manufacturing plant in his district which was so devastated by unemployment.

He is a man who knows the meaning of the word loyalty, and who practices that virtue in every aspect of his life. He understands better than anyone I have known that loyalty to those he represents in Congress is the basis of our form of Government.

Finally, LUCIEN NEDZI is a man of great warmth and humanity. Through a long and very successful career, he has remained a humble man—and a kind one. Some of my earliest and best memories of Washington relate to the kindness and concern he showed me. It has been an honor to call him my friend and it will remain so in the years to come.

The words that I have used to describe LUCIEN—honor, integrity, industry, effectiveness, loyalty, warmth, and humanity—are a remarkable testimonial to a remarkable man. I will continue to consider him a model for my own career and I will be fortunate indeed to achieve half of what he has achieved. He deserves our honor.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in this tribute to my longtime colleague and friend, LUCIEN NEDZI, who is retiring from Congress with the conclusion of this session. LUCIEN has compiled an admirable record of quiet, effective representation for the people of Michigan's 14th District, who were shocked and saddened at his decision to retire, announced earlier this year.

LUCIEN has never been a flamboyant headline-grabber, but his many achievements deserve attention. In the 96th Congress alone, LUCIEN played a central role in passage of the Chrysler loan guarantee bill and in arranging the lease of a former Army missile plant in his district to Volkswagen—measures which secured thousands of jobs for his constituents. LUCIEN has been a key member of the Armed Services Committee, and, as chairman of the Subcommittee on Military Installations and Facilities, has been a consistent spokesman for sensible defense policies and an opponent of unwarranted arms increases. He has also worked hard for the adoption of much-needed reforms in congressional campaign expenditures, election procedures, and ethics.

LUCIEN NEDZI has set a high standard of representation for the people of his district. His quiet influence and legislative skills have made our job easier and have served his constituents well.●

● Mr. VANIK. Mr. Speaker, I want to take this opportunity to join my colleagues in the House on the voluntary retirement of our distinguished colleague from Michigan, the Honorable LUCIEN NEDZI.

It has been my privilege to serve with LUCIEN NEDZI since 1961. He is a careful, responsible, prudent legislator. The House gave him the most trusting assignment available in connection with oversight of the CIA.

In his legislative work, he is thorough and thoroughly respected. Few Members enjoy such universal respect.

I am proud to have served with LUCIEN and extend my heartiest best wishes to LUCIEN and his lovely wife Margaret.

Life after Congress should be exciting to LUCIEN. He could have a second career as a concert violinist in Hamtramck.

Again, my best wishes to LUCIEN and Margaret for a happy new life.●

● Mr. DAVIS of Michigan. Mr. Speaker, I am honored to take part in this tribute to my good friend and colleague, LUCIEN NEDZI. I know I speak for all of us when I say his presence will be deeply missed. I was saddened last summer when I learned of his decision to retire from Congress. There is no question that during his 19 years in Congress, LUCIEN has acquired a reputation for his personal honor, knowledge of important issues and skill as a legislative tactician. In addition, I believe all of us will remember him as a man of great courage. His early opposition to the Vietnam war is but one example. But while he opposed that war, he nonetheless provided insightful and meaningful leadership on the House Armed Services Committee in an effort to insure that our Nation's defense remains strong. In his 19 years, he became widely recognized as a national leader. But he was wise enough to avoid the mistake that too many politicians make, which is to forget about the people who elected him. In this regard, he showed tremendous leadership this past year in guiding legislation that will lead to the establishment of a major automobile manufacturing plant in Michigan, something that will benefit thousands, including many in my own congressional district. The people of the 14th District in Michigan, therefore, lose a great Congressman with the retirement of Lucien Nedzi. Their loss will be shared by the people of Michigan and throughout the United States as well.●

● Mr. CONTE. Mr. Speaker, it is a real pleasure for me to join with my colleagues in paying tribute to one of the real "workhorses" of the Congress on his retirement.

Lucien Nedzi, of Michigan's 14th District, has served in the Congress with distinction since 1961. I know that when many Members think of Lucien, they immediately associate him with the Library of Congress. As chairman of the Library and Memorials Subcommittee of House Administration and vice chairman of the Joint Committee on the Library, Lucien has served all of us in a relatively thankless job—insuring that we have reliable, comprehensive information available at our fingertips. But of course our library is much more than that—it is a monument to the American people, their intelligence, their quest for knowledge, and their insatiable appetite for information. Lucien Nedzi can take great pride in the work he has done for the library, especially in its recent expansion into the Madison Building.

Lucien has also been a ranking member of the House Armed Services Committee, chairing its Subcommittee on Installations and Facilities. I am sure that the members of that committee will miss his reason and fair hand in the next Congress. Lucien will leave a void that will not be easily filled, and I wish him every success in the future.●

● Mr. ALBOSTA. Mr. Speaker, I rise to pay tribute to a distinguished colleague and fellow member of the Michigan congressional delegation—Lucien Nedzi. When I first came to Washington in 1978, Lucien was extremely helpful to me. As an able and experienced Member of Congress, Lucien has been a very effective Representative of his district for almost 20 years. While working on behalf of his constituents, Lucien has also been a leader on military and defense issues in the House of Representatives.

He is currently chairman of the Armed Services Subcommittee on Military Installations and Facilities. From this position, he is able to scrutinize and supervise the adequacy and the construction of our Nation's military facilities.

Lucien has been able to work with all different types of people to hammer out effective legislation in Congress.

The people of Michigan's 14th District have been well represented during Lucien Nedzi's illustrious career in Congress. The people of Michigan have a concerned and caring friend in Congress who has been willing many times to help out other parts of the State. The people of the United States have had an elected official who has conscientiously fulfilled his duties to make this country a better place for everyone.

Lucien's ability and knowledge will be missed in the 97th Congress. The constant support of his devoted wife and family has been with him throughout his career. I know they are justifiably proud of him and his dedication to his country.

I wish Lucien and his family happiness and success in whatever he chooses to pursue in the future.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Lucien Nedzi, Congressman from the 14th District of Michigan, who has announced his retirement at the close of the 96th Congress.

Lucien served the people of his district and his colleagues with dedication and leadership for 19 years. I commend him for his conscientious efforts over the years.

I wish Lucien health and happiness for the future.●

● Mr. HORTON. Mr. Speaker, it is a pleasure for me to join my colleagues from Michigan in paying tribute to our good friend and departing colleague, Lucien Nedzi. He has ably and effectively served both this House and the constituents of Michigan's 14th Congressional District. His departure from the House represents a tremendous loss to this institution and the committees on which he so capably served.

During his tenure in the House, Lucien served both the House Administration Committee and the Committee on Armed Services. In the case of the former, he was chairman of the Subcommittee on Library and Memorials. As a consequence of distinguished service in that capacity, he also served as vice chairman of the Joint Committee on the Library. Lucien will also be well remembered for his leadership role on the Subcommittee on Personnel (Committee on Armed Services) where he served as chairman. Lucien displayed his interest in and compassion for military personnel by holding hearings on abuses of Marine personnel, including two of my constituents.

I join my many colleagues in wishing Lucien well as he prepares to retire from the Congress. I am confident he will bring the same kind of dedication and integrity to any future endeavor.●

● Mr. STOKES. Mr. Speaker, I would like to commend and thank my distinguished colleague from Michigan, Mr. Blanchard, and other Members of the Michigan delegation, Mr. Dingell, Mr. Broomfield, and Mr. Ford, for taking this special order so that we can salute the Honorable Lucien Nedzi, who will retire at the end of the 96th Congress. Although I am sorry to see a man of the caliber of my friend, Lucien, leave public service, I am encouraged by the challenge of excellence he leaves.

Mr. Speaker, Lucien was first elected to the U.S. House of Representatives in 1961 from the 14th District of Michigan. During his tenure, his low-key approach and his ability as the master negotiator have earned him the respect of Members on both sides of the aisle.

Lucien has served as the chairman of the Armed Services Installations and Facilities Subcommittee. As a result of his influence on this committee, the committee has supported a sensible defense policy. Mr. Speaker, Lucien has been the voice of moderation and the "peacemaker" in his attempts to slow down the arms race.

Mr. Speaker, Lucien has played a similarly strong but deliberate role as the ranking Democrat on the Committee on House Administration. He has consistently worked for reform in campaign expenditures, election procedures, congressional ethics and congressional reorganization and procedures.

Mr. Speaker, Lucien's achievements on behalf of the American auto industry have gained him national recognition. He was instrumental in securing the approval of this body for the Chrysler loan guarantee bill. He also was the principal strategist for the legislation that permitted the State of Michigan to acquire the Army missile plant in Sterling Heights and lease it to Volkswagen. At a time when the American auto industry is suffering and auto workers are without work, Lucien's efforts will put many of these men back to work.

Mr. Speaker, whether it has been a foreign policy issue or a domestic crisis like the auto industry, Lucien has been the calm in the storm. By taking this posture, he has been at the helm of the formulation of sensible and exemplary public policy. Mr. Speaker, I know that we will miss his pleasant demeanor and legislative expertise in the days ahead.

In bidding Lucien farewell, I wish him the best of luck in the future.●

● Mr. PURSELL. Mr. Speaker, there are many levels of public service, and many public officials who have served their communities with dedication and distinction. But there are some individuals who have exceeded these superlatives through their own personal character and respect for the institution and people they serve. I rank my Michigan delegation colleague Lucien Nedzi in that category.

I have had the privilege of working with Lucien and learning from him as he engineered passage of legislation early this year to assist the job situation in the depressed Detroit area. I want to express my deep respect for Lucien and personal thanks for all he has done for his community and State. We will miss him.

There is an old saw that divides men into two groups: workhorses and show horses. However simplified that division may be, it is true by any standard that Lucien Nedzi is one of the workhorses of his generation. Best wishes Lucien in all your future endeavors.●

● Mr. TRAXLER. Mr. Speaker, I want to join my colleagues in paying tribute today to Lucien Nedzi, the Congressman for Michigan's 14th Congressional District. Few Members of this body can equal the dedication and leadership of this gentleman who for 19 years has demonstrated his concern for the people of his district, the needs of the State of Michigan, and the vital interests of the United States.

Lucien Nedzi was one of the first Members of this body to come to my aid as a freshman Member of Congress. He helped me to learn my way around this body, and he helped me to have a better appreciation for the Federal legislative process.

But one of the factors that I believe is the key to the success of Lucien Nedzi is the fact that he is a man who truly cares about the people he represents. As a member of the House Armed Services Committee he had had ample opportunity to be taken up with national and world events. Despite his opportunities to become a "national" Congressman, he has never forgotten that his chief role in this body is to represent the people and the interests of Michigan's 14th District. He has set an example that every Member of this body should follow.

Lucien Nedzi has been instrumental in his efforts to help continue the vitality of the American auto industry. He has worked tirelessly to help auto workers and those who work for the suppliers of the auto industry to retain their jobs. He has worked to help the city of Detroit and its suburbs revitalize themselves in this era of the Detroit rennaisance.

He has also remembered those other sectors of his constituency which are just as important as the auto industry and the communities which he represents, whether it be the problems that our individual constituents all have with the Federal bureaucracy from time to time, or the promotion of some of the finest Polish sausage in the world produced by the big three kielbasa makers that he has the honor to represent in the city of Hamtramck. This excellent sausage has become an institution that Lucien has provided every year when he has invited myself and many of our colleagues to enjoy his hospitatility at his home. It is an institution that is no less important than the daily serving of Michigan navy bean soup in the Capitol, demonstrating that Michigan provides fine food along with quality industrial products.

Lucien Nedzi will be missed in this body. There is a vital need for leadership in our Nation, and we all lose something when one of our leaders has decided that the time has come to say goodbye. The fact that he has been returned to the Congress in every election in which he was a candidate since 1961 is evidence of the high esteem in which his constituents hold him.

Mr. Speaker, I appreciate this opportunity to say goodbye to a friend and a colleague, and I hope that Lucien Nedzi will often return to this Chamber as a former Member in the days ahead. Lucien, my very best wishes to you and your family in the time to come.●

● Mr. CAMPBELL. Mr. Speaker, it has been my honor and my pleasure to serve with Lucien Nedzi in the House of Representatives and on the House Administration Committee for the past 2 years. The fair and deliberate manner in which he has always carried out his duties is a model all of us can look to for guidance, and I know I have learned a great deal from him.

As a high ranking Democrat on the Administration Committee and more recently as acting chairman, Lucien could be counted on to be prepared and thoughtful in his dealings on any issue. As a member of the minority, I particularly appreciated his evenhandedness in conducting committee business.

The people of Michigan will miss Lucien Nedzi, a great public servant in the best statesmanlike tradition. This House has been fortunate to benefit from his contributions for 29 years, and he can leave the Congress with the full satisfaction of a job well done.

I join our colleagues in wishing Lucien, his wife and his children all the best in coming days.●

● Mr. MILLER of Ohio. Mr. Speaker, for 20 years Lucien Nedzi has ably represented the interests of Michigan's 14th District. On the eve of his departure from the Congress I would like to take this opportunity to thank him for a job well done.

Lucien Nedzi did his job with dedication and distinction. He was a public servant in every sense of the word. No problem was too small, no task too challenging.

We in Congress will miss Lucien Nedzi. He leaves behind a lot of good friends and a lot of good deeds. I wish him well in his future pursuits. May he enjoy the success in the private sector that he did in the Congress.●

● Mr. GAYDOS. Mr. Speakeer, I am grateful for this opportunity to pay tribute to our departing colleague, the distinguished gentleman from Michigan, Lucien N. Nedzi. Congressman Nedzi has served his constituents and the Nation for 19 years in the House of Representatives.

I have had the honor of working closely with Lucien on the House Administration Committee, where he has been in the forefront of the struggle for ethics and efficiency in Congress. As a member of the committee, and later as acting chairman, Congressman Nedzi remained committed to a policy of being ever watchful for inefficiency and waste. And among his legislative accomplishments on the Committee on House Administration has been his active support for reform of Federal election laws. As chairman of the Subcommittee on Libraries and Memorials, he worked diligently on various administrative duties for the House of Representatives, again in keeping with the commitment to establishing and preserving the public trust.

Lucien has also served with distinction as chairman of the Subcommittee on Installation and Facilities of the House Armed Services Committee, the subcommittee responsible for military construction legislation. The subcommittee also oversees the purchase of real estate for the Department of Defense and has jurisdiction over the civil defense effort.

As a member of the committee responsible for three major military appropriations bills, Lucien Nedzi once again proved to be a man who is cautious with the taxpayers' money, and in these inflationary times, when our constituents are demanding governmental responsibility in spending, such a man will be sincerely missed.

Lucien, your friendship as well as your legislative expertise will be truly missed, and I wish you and your lovely family the best of good fortune in the years to come.●

● Mr. DRINAN. Mr. Speaker, I join my colleagues today in honoring the distinguished Lucien N. Nedzi, who has represented the 14th District in Michigan since 1961. His name brings to mind the image of a man who penetrates all sides of an issue in order to make careful and realistic decisions. He has utilized this skill time and time again in all aspects of congressional business, and he is therefore highly respected both by his colleagues and by his constituency.

Mr. Nedzi's extensive military experience has profoundly enhanced his perspective as a member of the Armed Services Committee, on which he has been one of the strongest proponents for peaceful solutions. He sponsored the Nezdi-Whalen amendment to end the war in Vietnam and has voted against increased defense spending and the B-1 bomber. These actions are indicative of his extremely wise judgment on defense matters, and of his admirable endeavors to maintain peace.

In seeking reforms in campaign expenditures, election procedures, and congressional ethics, Mr. Nedzi has displayed his staunch commitment to insuring justice in legislative affairs.

I extend my very best wishes to Mr. Nedzi and my personal thanks for his 19 years of excellent work.●

● Mr. BROWN of California. Mr. Speaker, I take this time to add my own brief words of praise to our retiring colleague, Lucien Nedzi, after a distinguished career in Congress.

The one point in Lucien's service which I believe the country should most salute was his earnest effort to bring the tragic war in Vietnam to an end. As one who also worked for that goal, before its time, I can attest to hostility such action engendered.

More, recently, I have had the privilege of working with Lucien on encouraging the relatively new Federal Emergency Management Agency (FEMA) to focus its efforts on multidisaster preparedness, research, and mitigation. The legislation we passed earlier this year to further this end would not have been possible without the cooperation I received.

I wish Lucien well in his retirement.●

● Mr. ANDERSON of California. Mr. Speaker, it is with great pleasure that I rise today to join with my colleagues in saluting our devoted friend and respected colleague from Michigan, the Honorable Lucien Nedzi.

Lucien Nedzi was first elected to this distinguished Chamber in 1961. His career is one that any of us here today would be proud to have. He currently is the chairman of the House Administration Committee, chairman of the Subcommittee on Military Installations and Facilities of the Armed Services Committee, and vice chairman on the Joint Committee on the Library.

In the 12 years in which I have served with Lucien, I have found him to possess an abundance of skills which have made him one of this body's most respected Members. Many times I have benefited from his wise counsel on matters affecting the future security of our Nation.

Although Lucien always worked to improve conditions in all the 50 States, he never forgot his constituents back home. I know I can speak for most of my colleagues when I say that the people of Michigan's 14th Congressional District could not have a finer individual as their Representative in Congress. And this is indicated through Lucien's reelection to the House of Representatives for the past 19 years. I sincerely regret his decision to retire, although I fully respect his decision to do so.

Lucien leaves with us an unblemished record of dedicated public service which we all should try to emulate. His presence shall be sorely missed when the 97th Congress convenes in January.

My wife, Lee, joins me in wishing Lucien, and his wife, Margaret, and their five children, Lucien, Bridget, Brendan, Gretchen, and Eric, well in all their future endeavors.●

● Mr. VAN DEERLIN. Mr. Speaker, Lucien Nedzi is one of the departing Members who has served in every Congress to which I was elected. He had shown himself the kind of quiet legislative craftsmen who willingly forgoes rhetoric for results.

As a San Diegan, I am especially in his debt for the patient consideration he displayed throughout a protracted dispute over the proper location for a new multimillion-dollar Navy medical facility in our community. As of this evening, the outcome of that dispute remains in doubt—but Mr. Nedzi provided assurances that his Armed Services Subcommittee would countenance no "fast shuffle" in favor of either side to the dispute.

On the House Administration Committee, I personally witnessed the considerable grace with which Mr. Nedzi assumed the responsibilities of a temporary chairmanship he neither sought nor wanted.

With scores more like this man, Mr. Speaker, I think Congress would enjoy a far higher reputation.●

● Mr. GINN. Mr. Speaker, the news that our colleague, Lucien N. Nedzi, has decided to retire from the Congress brought me great sadness. That sadness comes both because we are losing a great friend and colleague, and because we are losing one of the premier experts in the Congress on our national defense needs.

Lucien Nedzi is a man who has brought to the Congress the commonsense and sense of America's purpose that he learned in his beloved native Michigan. He also brought with him the experience of a distinguished background of combat service in the military, and a career in public service in Wayne County, Mich.

Lucien used that experience to great benefit to meet the challenges of the Congress, and the country as a whole has been the better for it.

Lucien is a man who has been mindful of his responsibilities to his district. He has rightfully earned the reputation of a man who can get the job done, and a man who did not forget that he works for the people of his district.

But beyond that, Lucien has become one of the Nation's true experts on our national defense. As chairman of the Installations and Facilities Subcommittee of the Armed Services Committee, he has played a vital role in providing our Nation with the resources we need to get the job done for our national defense.

He has counseled against those who say that the Nation's military posture is in a state of crisis, and he has spoken out forthrightly in calling for the improvements we need to meet our modern defense requirements.

On the one hand, Mr. Speaker, I am especially sorry that Lucien will be leaving the Congress at a time when our national defense system is on the center stage of the legislative agenda. My regret, however, is tempered by the fact that as we enter this challenging time, we are fortunate to inherit the legacy of accomplishment that Lucien has left us in the defense arena.

Our tasks in the 97th Congress will be easier and our burden lighter because, at a time when it was not popular, Lucien Nedzi was a powerful advocate for military power. He has worked to put in place the military resources which we can now draw upon.

I salute our distinguished colleague for his accomplishments, and on behalf of the people of my own district, I thank him for his service to our great Nation.●

● Mr. PRICE. Mr. Speaker, as the gavel sounds for the adjournment of the 96th Congress, it will mean the loss of the experience and talents of a number of our most able colleagues.

Lucien N. Nedzi is one of those men. Had he chosen, he could have spent many more years in public life with great challenges and honors awaiting him. Although I understand the personal reasons behind his decision to bring his House service to a close at the end of this Congress, I am deeply saddened at his departure.

Of the many fine men and women I have been privileged to know during my years in the House Lu Nedzi is in the front ranks in talent, ability, dedication, warmth, and personal friendship.

Not many people know that he is a linguist who fluently speaks four languages—Polish, Russian, Ukranian, and English—and that his linguistic abilities were so much in demand for Voice of America broadcasts that Edward R. Murrow once introduced him as a colleague.

This multitalented man also plays the violin expertly and has a command of other string instruments including the mandolin and balalaika.

His desire for public service was realized when he was elected to Congress in November 1961 to fill a vacancy created when President John F. Kennedy appointed his predecessor to the Federal bench. He was assigned to the Armed Services Committee in January 1963 where he has served for 18 years chairing various subcommittees including Personnel, Installations and Facilities, and Intelligence.

It was a little unusual at that particular moment in history for a young, northern, urban, liberal to seek assignment to the Armed Services Committee. However, we were soon to learn that he had a humorous bent and an easy spirit of fellowship that served him well during the long hours of hearings, inspection trips, and other work of the committee. Lu was courteous, low key, hard working, and perhaps most important of all, able to accept differing opinions in good humor. He could always see the large picture without overlooking the details.

When a person with those personal traits is given an opportunity to spend thousands of hours in committee meetings, he is able to accumulate little by little a vast amount of information. At first, the expert witness has more knowledge. But if a Member stays in Congress long enough, he will acquire more expertise than the expert simply by his cumulative knowledge. He then becomes a greater asset, not only to Congress, but to the Nation as well because of his institutional memory and independence of mind. Lucien Nedzi is such a person and the Congress is losing one of its greatest resources.

There are three elements that are important in a Member's successful rise in influence in the House of Representatives, and not necessarily in this order: committee assignment, seniority, and the regard of his colleagues. Lu Nedzi ranks high in all areas, but most especially in the regard of his colleagues. He is one of the truly respected Members of this body and the station of influence he has achieved is directly related to this fact.

Another very important reason for Lucien's success is his delightful partner—a sparkling Irish lass from Wisconsin, Margaret "Peggy" Garvey, and his five wonderful children—four of whom are in college. Lu and Peggy are truly one of the most popular and delightful couples it has been my pleasure to know.

I shall miss Lucien Nedzi for many reasons, but I shall miss him especially in my capacity as chairman of the Armed Services Committee. Throughout my tenure and that of my predecessors, we called on Lu Nedzi if there was a difficult task to be performed, confident in the knowledge that he would put his heart and soul into the assignment and do a first-rate job.

Upon the occasion of the signing of the Military Construction Authorization Act for fiscal year 1981, President Carter expressed the feelings of all of us when he said:

I want to particularly pay tribute to Mr. Nedzi, whose long and faithful service will be dearly missed when he retires from Congress following the completion of his current term.

His retirement will leave a void not easily filled. His warm personality and understanding of human nature have endeared him to those of us who have for many years been privileged to call him our friend. He will be sorely missed by his colleagues in the Congress and by the Nation as well. We wish him good health, happiness, and great success in whatever endeavor he chooses to pursue.

I would like to include as part of my remarks the text of a Joseph McCaffrey broadcast featuring Lucien Nedzi:

MEET THE MEMBER

Lucien Nedzi's staff members refer to him proudly as a workhorse rather than a show horse variety of Congressman. They know what they are saying, because the Michigan Congressman's impact is becoming more evident as his responsibilities increase, especially in matters dealing with the intelligence community.

Nedzi has enough seniority to be effective. He was elected in a special election in 1961, beating out a field of nine to win by 900 votes. One of those he defeated was the lieutenant governor of the state. Today he serves on the important Armed Services Committee and heads an extremely sensitive subcommittee, the one dealing with intelligence. All of this is topped by the fact that he has the respect of his colleagues.

Since his narrow win 13 years ago, Nedzi has run in two other very close elections, both of which were decided in the final count of ballots the next morning. Since then, however, he has established himself more firmly and is regarded as an odds on choice to be reelected this fall. Nedzi brings to that election campaign some solid legislative accomplishments, not the least of which is the careful, thorough way he has handled his intelligence subcommittee. His conduct of this committee has won him the praise of the Chairman of the Armed Services Committee, F. Edward Hebert.

Speaking at the organizational meeting of the full committee, Hebert said: "I pay tribute to the manner in which Mr. Nedzi has conducted this committee. It is a very sensitive committee, extremely sensitive. It is a committee that takes the greatest amount of tact and understanding to chair. Mr. Nedzi never faltered or never failed in any area.

"Of particular significance is the fact that, as everybody knows, certainly he and I disagree in many political philosophies and the fact I choose him is an added tribute in my implicit belief in his integrity and honesty, and as an effort to make the committee a whole committee and not a sectional or individual committee with individual people doing individual things for whatever purpose they want. I pay Mr. Nedzi the highest tribute I can, and I know that he will carry on in this Congress."

Nedzi's leadership was further recognized both on the floor and in the Democratic Caucus when he led the House to adopt a position on the Vietnam War. The House was slow to register a collective position on this war, but the amendment that Nedzi cosponsored with Ohio's Charles Whalen in 1971 and the Nedzi resolution in the Democratic caucus in January 1973 were significant steps in forming the House position.

Also of importance is the fact that Nedzi conducted the first comprehensive hearings on pollsters ever held in the U.S. Congress. The transcript which his committee issued is a valuable compilation of testimony from a cross section of public opinion experts.

Lucien Nedzi, who is now 49, was an attorney in private practice before coming to Congress. An active Democrat and chairman of his congressional district party at the time of his election to the House, his consideration and thoughtfulness are credited with having healed a badly divided organization.●

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to recognize a very fine Congressman who is leaving the Congress this year. Lucien Nedzi is a man who is widely respected in his home State of Michigan and in the Congress for his courageous stands on issues.

As a member of the Armed Services Committee, Lucien Nedzi has been a persistent voice in favor of sensible defense expenditures and against unnecessary and costly weapons that do not strengthen our national security. I was proud to join with him in opposing a continuation of the war in Southeast Asia because he was not afraid to stand up for what he believed was right. Lucien Nedzi has served with distinction as the chairman of the Armed Services Subcommittee on Military Installations and Facilities, and this House wil sorely miss his expert and candid advice on defense matters.

He has been a devoted statesman and I wish him all the best in the future.●

● Mr. BROOMFIELD. Mr. Speaker, as this session draws to a close, one of its most effective and respected Members will depart as quietly as he has served for the last 19 years.

But Lucien Nedzi's contributions to this body have been too important to allow his retirement to go unrecognized.

I want to thank Jim Blanchard for taking this special order permitting us to pay proper tribute to Lucien.

Never a headline seeker, he always has preferred to accomplish his goals through discussion, hard work, and quiet compromise.

Over the years, I have had the privilege of working closely with Lucien on a number of projects for the benefit of our home State of Michigan, I learned quickly that he was an invaluable ally. His involvement brings immediate credibility and broad support to virtually any undertaking because of the universal respect he enjoys in Congress and in Michigan.

His early cosponsorship of antibusing legislation I introduced in 1972 was responsible for the bipartisan support it received and for its eventual passage by Congress.

Although a staunch and dedicated Member of his party, Lucien has never flaunted that loyalty and frequently has gone out of his way to find a bipartisan solution to a difficult problem.

A key member of the House Armed Services Committee, he always has placed the welfare of his country ahead of his political party.

In 1975 he was named chairman of a Special Subcommittee on Intelligence formed to investigate the CIA at a time when many in this country were calling for strong sanctions against the Agency.

Unswayed by the political atmosphere, Lucien again demonstrated the balance and good sense that has always been his trademark. After studying the problems as carefully as he could, he argued for more congressional control over the CIA. But at the same time, he fought hard at considerable expense to himself against efforts to dismantle the Agency's intelligence gathering capabilities. Subsequent events have proven the correctness of his position.

Through all of the legislative battles he has fought here in Congress, Lucien's first priority has always been the welfare of the people he represents in the 14th Congressional District of Michigan.

One of the final acts of his career in Congress was to play a key role in securing an Army missile plant in suburban Detroit for lease to Volkswagen.

That new plant will provide about 5,000 jobs for the Detroit area's long-suffering economy.

With dignity, good humor and quiet competence, Lucien has set a high standard for all of us.

He will not be easily replaced, nor will he soon be forgotten by this House and especially by those of us in the Michigan delegation who have known and respected him for nearly two decades.●

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this opportunity to pay tribute to my distinguished colleague from Michigan, the Honorable Lucien Nedzi, who has announced his retirement at the end of this session of Congress.

As a member of the Armed Services' Subcommittee on Military Installations, I have had the pleasure and privilege of working with Lucien, who has provided superb leadership as the chairman of that subcommittee.

I wish to express my respect and admiration for Lucien and thank him for the guidance, support, and personal kindness he has demonstrated throughout the time we have worked together.

I know that he will be missed by the subcommittee, by his colleagues on the Armed Services Committee, and throughout the House of Representatives, but I am sure that he will be missed the most by the constituents of the 14th District of Michigan, who he has served so diligently since 1962, and by all the citizens of this country who recognize the need for a strong national defense.●

● Mr. COELHO. Mr. Speaker, I join with my colleagues in tribute to Congressman Nedzi.

Earlier this year, I had the privilege and honor of accompanying him on a visit to Castle AFB in my district in California, and I can say from firsthand experience that Lucien has a unique sensitivity to the issues and concerns of members of our Armed Forces.

As chairman of the Military Installations and Facilities Subcommittee of the Armed Services Committee, this sensitivity is and has been important to the work of the subcommittee. Particularly when the morale of our military personnel is discussed so frequently as it has been in recent years, it is important to have a subcommittee chairman of the caliber of Lucien Nedzi in this key position.

I wish him the best for the future, but I regret his departure nevertheless.●

● Mr. DERWINSKI. I am especially pleased to have this opportunity to pay special tribute to my good friend and close associate, Lucien Nedzi, who will be greatly missed in this legislative body and by the Nation.

Lucien is known by all for his great integrity and sound judgment. His service on the Armed Services Committee and House Administration has been exemplary. Lucien has been a champion for security and military strength for this country, and his effective voice on behalf of a defense program to improve our military capabilities has had a major impact on legislation that has been processed by the Armed Services Committee. His perceptive insights and broad experience will be hard to replace.

Lucien and I have served as U.S. delegates at various Interparliamentary Union meetings. I have been impressed with his great skill and his articulate manner at these world forums. I especially appreciate his contributions to the formation of policy decisions on behalf of the United States at delegation meetings.

For 19 years, Lucien has worked hard for the citizens of the 14th District of Michigan. Their interests were well represented. The accomplishments he registered during his career will be remembered for many years to come.

Over the years, my family and Lucien's have enjoyed a close personal friendship. I know that my wife Pat, joins me in expressing our appreciation for this camaraderie we have developed, and in expressing our warm wishes to Lucien and Margaret and their family for much happiness and fortune in the years ahead.●

● Mr. FUQUA. Mr. Speaker, it is a pleasure and a privilege to be able to pay tribute to our esteemed colleague from Michigan, Lucien Nedzi, who has achieved so much during his 19-year career in Congress. At the same time I would like to thank the Michigan congressional delegation for making the opportunity available.

As a veteran of two wars, it was appropriate that Lucien Nedzi should have made his deepest impression on this House and the Nation as a member of the House Armed Services Committee where he has always been an articulate advocate for a sound and rational defense policy.

To list the many accomplishments of Lucien Nedzi during his service in this House would require more time than we can spare in the waning days of the 96th Congress and would still not capture the essence of the man and his valuable contributions to this legislative body.

We all know that the true measure of a Congressman is not the number, no matter how great, of the bills that bear his name, nor the particular position he attains in the House structure.

The true measure of a Congressman is the respect he earns from his colleagues for the dedicated and effective work he does, for the manner in which he squarely addresses issues, and for his participation in the legislative process.

He is also measured by the value his peers place on his counsel and the friendships which he cements during his years of service.

He is measured by the way he conducts himself and the grace he demonstrates during the sometimes frantic hours of heated philosophical battle.

By any of these standards, Lucien Nedzi has more than measured up.

He can be proud of his career and we share that pride with him.●

● Ms. MIKULSKI. Mr. Speaker, I rise in tribute to the Honorable Lucien Nedzi, who will be retiring at the close of the 96th Congress.

Congressman Nedzi has given nearly two decades of dedicated and devoted service to his constitutents of the 14th District of Michigan and has compiled a fine record during his distinguished career.

I truly appreciate and applaud my fellow Polish-American Congressman's vital services to the "Voice of America" through Polish language broadcasts to Poland. Not only will the people in Michigan feel Congressman Nedzi's absence, but all Polish-Americans and the people of Poland will also deeply miss him in his retirement.

As chairman of the Subcommittee on Installations and Facilities of the House Armed Services Committee, Lucien showed sense and consistency as he always supported sound defense policies and yet worked to restrain the arms race. Congressman Nedzi was also the outstanding chairman of the Library and Memorials Subcommittee of the House Committee on Administration where he worked hard and long for reforms in campaign expenditures, election procedures, congressional ethics, reorganization, and procedures.

I know that Lucien Nedzi will continue to adhere to his high principles and his sense of honor and duty in the years ahead. He was truly an asset to the Congress and to the Nation, and I know that we will all miss him in the 97th Congress.●

● Mr. ANNUNZIO. I rise in tribute to the Honorable Lucien N. Nedzi, acting chairman of the House Administration Committee, who is retiring at the close of the 96th Congress after almost two decades of service in the House of Representatives.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know Lucien well as a fellow member of the House Administration Committee. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage. It has been a rewarding personal experience for me to have known him as a colleague and I am honored to have served with him in the House.

Elected to the 87th Congress in 1961, Lucien Nedzi has given dedicated and devoted service to his constitutents of the 14th District of Michigan. Admiration for his leadership is not confined to the citizens of Michigan, for he is respected by every Member of Congress. His diligent efforts as vice chairman of the Joint Committee on the Library of Congress, as chairman of the Subcommittee on Libraries and Memorials of the House Administration Committee, and as acting chairman of the full committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Lucien Nedzi. As chairman of the Subcommittee on Military Installations and Facilities of the House Armed Services Committee, he has been in the forefront of efforts to strengthen our country's resistance to Communist aggression and preserve America's precious heritage of liberty.

Lucien has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House. Seldom does one find a man of his stature in public service. He can leave the House with the assurance that through his efforts mankind has benefited, and there is no tribute higher than this.

I extend to Lucien N. Nedzi my warmest best wishes for continued success in devotion to the highest principles.●

● Mr. LONG of Maryland. Mr. Speaker, as Lucien Nedzi leaves the House after an exemplary 19 years of service to the people of the East Side of Detroit, we shall be losing a hard-working, commonsense legislator whose abiding interest in national defense and in the well-being of working men and women brought great compassion, creativity, and sensitivity to his legislative effort.

The years of service as an attorney and as public administrator of Wayne County which led up to his House career gave him sound grounding for his work in the House of Representatives. His Army experience in World War II and Korea made him readily aware of the complex interrelationship of military manpower, equipment, logistics, and strategy essential to national defense not only at the policy level but at the practical level as well. His constructive leadership in military facilities and installations and in military personnel matters have contributed greatly to the Nation's growing understanding of the price we must pay for our defense.

We shall miss Lucien, but we know that his wife, Margaret, and his five children will be glad to have him back in private life. I hope that he and his family will enjoy a long and pleasant "retirement," and Susie joins me in that wish.●

GENERAL LEAVE

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

☐ 2000

A TRIBUTE TO THE HONORABLE BOB ECKHARDT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, nothing in my life has ever been a source of greater pride than the privilege of serving with BOB ECKHARDT.

BOB is my friend, going back to days when we were a tiny and lonely band in the Texas Legislature. He has been more than a friend. He has been an inspiration.

Nobody works harder at the job of being a legislator than BOB ECKHARDT. Nobdy is more effective than he is, nobody is more persuasive as an advocate.

BOB ECKHARDT has always been a fighter for the people. He has never been afraid to take lonely stands, never been afraid to take on the biggest enemies, never been afraid to stand by the truth.

BOB ECKHARDT is a man of stubborn courage. He will take on a long and hard fight; he will fight as long as need be. as long as there is an inch of ground, as long as there is any glimmer of hope. And then he will keep on fighting for justice.

BOB ECKHARDT is a man of gentle humor, kind words, and a keen intellect. He is filled with profound insight. No matter how hot the battle, no matter how difficult the fight, no matter how he has been abused, BOB always maintains a cool, courteous, respectful demeanor. No matter what the provocation, BOB ECKHARDT is always in control of his feelings.

The people of Texas have never had a finer, more constant, more dedicated public servant. The people of the United States have never enjoyed the services of a finer legislator.

BOB ECKHARDT does not merely speak, he speaks with an astonishing depth of knowledge. He speaks with painstaking thought. He explains why he believes as he does, and his reasoning is so powerful that there are few who can contest his logic, fewer still who can say that he is wrong. He is indeed a man who is far more often right than wrong, whose judgments have almost always, in the fullness of time, proved sound.

I do not know of anyone who has ever had a mean thing to say about BOB ECKHARDT. His greatest enemies, and they may be legion—for he has offended every kind of powerful interest group there is—hold deep respect for him. I recall a business magazine profile, and it praised his skills, noted his manifold accomplishments, and then noted that big business made him their No. 1 target in Texas, which it did. They were out after him, but they respected him.

No better legislator ever came to the House. No greater friend of the people ever went to the well to argue for a cause.

The people will miss BOB ECKHARDT. So will I. There is no way for me to tell what plans he may have, but my great hope is that BOB will come back and serve another day. Until then, I count it my great fortune to have stood on the same ground he has, defended the same principles, and served with him for the greater good of Texas and the country.

I yield to my very distinguished colleague from Texas.

Mr. LELAND. I thank my colleague for providing this opportunity and facilitating me with the privilege of speaking about a friend, a person who I feel very close to. A great philosopher once said that the difference between a politician and a statesman is that a politician rises to the occasion while the statesman creates the occasion.

BOB ECKHARDT is that statesman. He has indeed created many occasions here in his service in Congress—many indeed—from his tireless efforts on behalf of consumers of America, to protecting the health and safety of communities as he served diligently as chairman of Oversight and Investigations Subcommittee of the Interstate and Foreign Commerce Committee.

He was the first Member of Congress I ever met in my life, and served as a standard by which I could judge my political effectiveness. I guess you could say that BOB ECKHARDT, for many years of my political life, was my mentor. I have been impressed by his devotion to the environment, the poor, the disabled, the disadvantaged, ethnic minorities, and to America.

BOB ECKHARDT is a leader with great wisdom, but more importantly a leader with a conscience, a leader with high moral convictions, a leader committed to the rights of human beings. As he leaves these hallowed halls as Congressman of the Eighth Congressional District, he leaves a legacy as a consummate constitutional authority and a supreme liberal strategist. Few can measure up to the heights of this man, this wonderful human being.

I would be remiss in not referring to the defeat of BOB ECKHARDT, this liberal legend, this champion of the people. He stood for what he believed in, steadfastly. He fought against those who would hurt the little folk of our Nation and he was effective. For this, big moneyed interests fought him tooth and nail to the bitter end on that gloomy night of November 4, 1980.

Quite a scenario on American politics.

It was not BOB ECKHARDT who fell at the hands of misguided perpetrators of this American travesty. It was America, it was Americans who lost.

Thank you BOB ECKHARDT on behalf of the liberal progressive movement of America. Thank you for your reminder that no matter what the political consequences we must fight for justice, equality, and comprehensive human rights.

Thank you BOB ECKHARDT on my behalf for being my standard, my friend, my brother.

Thank you BOB ECKHARDT.

Mr. GONZALEZ. I yield to the distinguished gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, it is a great pleasure for me to participate in this special order for our beloved friend, BOB ECKHARDT. There is no finer mind in the U.S. Congress, there is no person of greater intellectual integrity or strength of character. There is no person, as has already been pointed out, who is more dedicated and has shown by his record that he is more dedicated to serving the people in all walks of life, and there is certainly no one who has been more fearless in standing up for what is right, what is just and what is fair in our society.

That is the reason that he is leaving us at the end of this session. It is the tall trees that draw the lightning. That is why our colleague, LUD ASHLEY, a person also of tremendous talent and intellectual integrity, is not going to be with us in the next session. Even though one is a liberal and another is a middle-of-the-road Congressman by the customary pigeonholes, both of them are primarily men of tremendous force of character and integrity who did what their minds and their hearts told them was the right thing to do, regardless of the political consequences to them. That is why those powerful interests that they antagonized did everything in their power to insure their defeat.

□ 2010

What a tragedy to replace two giants by men of lesser stature. What a tragedy for us who remain who will no longer be able to call upon their many talents and their wonderfully honed minds.

BOB ECKHARDT and I served for a number of years on the Committee on Interior and Insular Affairs, and it was simply wonderful the way BOB could take a knotty problem and through the lucidity of his thought and his expression reduce it to simple terms and resolve it for many of us. Sometimes the problems were not easily resolved that way or any other way, and then BOB always took the position, "Well, what is the right thing to do from the standpoint of the public interest?"

Certainly we are all going to miss him personally as well as professionally. Fortunately, since he is undoubtedly the most able constitutional lawyer in this House and will continue to practice law, our country will not be deprived of the force of his intellect in that particular field. There may be many private litigants and people who need the services in some just cause of a fine mind who will be able to call upon him in ways that they cannot today.

So I just want to add my few words and my personal feelings to those that have been expressed today and wish our colleague all of the greatest fortune in the years to come.

Mr. GONZALEZ. I wish to thank the distinguished gentleman from Ohio for taking time to participate in this tribute to BOB ECKHARDT.

Mr. MAGUIRE. Mr. Speaker, as part of the special order called for our good colleague, BOB ECKHARDT of Texas, I include the following remarks in the form of an open letter to the Congressman from a member of his staff. The gentleman from Texas has a loyal and dedicated staff. The person who penned these words in his honor has asked to remain anonymous.

In addition, Mr. Speaker, on my own behalf, following the open letter, I insert in the RECORD a poem by W. H. Auden entitled "Law Like Love" in honor of our colleague.

AN OPEN LETTER TO CONGRESSMAN BOB ECKHARDT FROM A MEMBER OF YOUR STAFF

This week you will cast your last vote on behalf of the people of the Eighth Congressional District of Texas. For many of us Congress watchers from Texas, it is a sad occasion: the House has lost an exemplary legislator, and the people of the Eighth District have lost a true champion. Notwithstanding Jack Fields' complaint that you "represented everything that's wrong with this country," there are a large number of us who know you represented the best of this country. More importantly, throughout your 14 years in Congress, you have been the embodiment of the best in a legislator.

Of course I am biased. I have worked for you for 8 years. But, we staff see Members of Congress in their most shining and in their worst hours. So I feel what I have to say is soundly based.

You are guilty, as charged, of being a liberal—maybe even an "ultra liberal." When the choice was championing the cause of the folks against the big, and rich, and powerful, you always chose the folks. When the choice was championing the cause of constitutional rights against the fad of the year, you chose the Constitution. In your consistent adherence to those causes—and in your unflagging support of a clean environment, health and safety, and the rights of the people—you showed your true stripes as a liberal, and as a champion of the working people who make up the Eighth Congressional District.

As a Member of the House of Representatives you repeatedly demonstrated qualities which, if shared by more of your colleagues, would assure Congress would no longer be the subject of public ridicule. I remember one conversation at the beginning of a new Congress that captures your view of the role of a legislator.

You were inching up the power structure of the Interstate and Foreign Commerce Committee. Energy issues intrigued you, but not from the traditional perspective of a producer state legislator. Your concerns were the consumer paying gasoline bills, and the costs of goods inflated by fuel costs—in short, the consumers in the Eighth Congressional District, not the corporate executives living across town in River Oaks. As your influence expanded, some of us Eckhardt observers worried about what that might mean.

As just another vote in 435, a Texan could probably get by with stands that were most unpopular in downtown Houston, but what would happen as you became more successful in your endeavors? One day I took the audacious step of proffering political advice: Why not just vote your conscience, I suggested, but do not lead the troops, that way, maybe you could avoid making the industry so angry that they would seriously try to defeat you. You looked at me rather harshly, allowed as how you understood all that, but said: "Sometimes you just have to do whatever is right, regardless of the consequences." I withered into the corner and never raised the issue again.

But that almost fatherly rebuke stood me in good stead in the years to come. I could deal with lobbyists advocating their particular special interest, secure in the knowledge that you would compromise where necessary and appropriate, but on the bottom line issues, would do what was right.

You established a reputation as a very intelligent Member, and that you were. In fact, you were one of those Members who make his staff look good, not vice versa. You dealt with a myriad of subjects—in some respects spreading yourself too thinly—and could leap from one to the other with the greatest of ease. When you picked up a bill and read it, you invariably had questions, or found technical problems, that all of the bright Capitol Hill and agency staff had overlooked. But, lest you get too heady at this point, I will hasten to add that all of us have rolled our eyes and moaned, when we felt you were getting off on a tangent, or had not given us enough time to brief you with our carefully marshalled data so that you could really do an outstanding job, or avoid that occasional slip-up.

You were conscientious about your job as a legislator, and a total space cadet when it came to the housekeeping details—like knowing when you were supposed to be somewhere and keeping up with your briefing books. While some Members would appear more interested in press coverage, you would actually sit and listen to the debate, spending long and tedious hours in committee or conference trying to hammer out the right language and making sure the proper procedure was followed. Staff simply learned the rule and the subrule. The rule: Be prepared for ECKHARDT to ask anything about anything. Subrule: Never give ECKHARDT anything unless there is a duplicate somewhere.

Your interest in the act of legislating is exemplified by a story relayed by a lobbyist. The Commerce Committee was considering major amendments to the securities laws. One of your colleagues was discussing proposed amendments with the lobbyist, and suggested moving a comma from one place in a sentence to another. The lobbyist said: "That does not make much sense." Your colleague agreed, but said something like "ECKHARDT will notice it, and we can keep him busy for 2 hours trying to figure out the significance of the change."

You were a gentleman legislator. Frequently, you strongly disagreed with your colleagues, but were always polite in your disagreement. We Eckhardt watchers were sometimes frustrated by your lack of a political memory—you rarely took your revenge when let down on an important amendment, or misled by a colleague.

As chairman of the Oversight and Investigations Subcommittee, you were generally satisfied to let the facts make the case. We sometimes wished you had more of a "killer-instinct" when it came to dealing with witnesses engaged in obfuscation, or when drafting subcommittee reports. In working with staff, you were courteous, treating us as colleagues with something worthwhile to say. You lost your temper so rarely that when you did, we knew something was really up. But, your practice was to apologize when that happened. Now, you were not very good on the effusive stuff—like "thanks very much," or "you did a great job," and you were terrible about making us wait around to see you, but our egos generally survived because working with you on an issue was such a rewarding experience.

And, you provided us with entertainment—your cartoons, often produced at the most boring or outrageous of hearings, were funny and insightful. On more than one occasion, you sent someone scurrying to find the latest caricature, for fear the subject would find it first and not be amused. Sometimes, at a most inopportune time, you would whisper a funny comment to committee counsel, triggering a vain effort to keep a straight face during a serious proceeding. Your bow tie, rumpled suit, and bicycle riding image, of course, provided a source of Washington party chitchat.

And, finally, you have always had that increasingly rare commodity among elected officials—honesty.

Now, for the bad part. You were a terrible politican. The day after the election, you said you were most disappointed that people in the district did not understand what you had done in Congress. But, you did not take advantage of the powers of an incumbent to consolidate your position. You resisted blowing your own horn through chatty newsletters and letters of congratulations to parents of newborn babies. The reasons for your votes on antibusing and school prayer amendments were rooted in a sophisticated understanding of and strong belief in the Constitution, and you were unable to successfully explain those beliefs to voters. Jack Fields, taking his cues from the moral majority, cleverly exploited that failing.

You forgot more names than you remembered—including those of your colleagues in the House of Representatives. Once I tried to calm an offended contributor by explaining your notoriety with names. I told him that after working for you for 6 years, you had called me by my full name from the top of the Capitol steps, and I was on cloud nine for an entire week.

But, even with the bad, you still come out with high marks, and yours is a tough act to follow.

I suspect you, like the Eckhardt watchers, may be sad about leaving the Congress—you clearly thrived on its process, the debate, the parliamentary maneuvering. But, it must give you tremendous satisfaction to be able to look back on your career and know you have served Texas and the country with diligence, integrity, and conviction. We were proud to have you serve us, and we will miss you.

LAW LIKE LOVE

(By W. H. Auden)

Law, say the gardeners, is the sun,
Law is the one
All gardeners obey
To-morrow, yesterday, to-day.

Law is the wisdom of the old
The impotent grandfathers shrilly scold;
The grandchildren put out a treble tongue
Law is the senses of the young.

Law, says the priest with a priestly look,
Expounding to an unpriestly people,
Law is the words in my priestly book,
Law is my pulpit and my steeple.

Law, says the judges as he looks down his nose.
Speaking clearly and most severely,
Law is as I've told you before,

Law is as you know I suppose,
Law is but let me explain it once more,
Law is The Law.

Yet law-abiding scholars write:
Law is neither wrong nor right,
Law is only crimes
Punished by places and by times,
Law is the clothes men wear
Anytime, anywhere,
Law is Good-morning and Good-night.

Others say, Law is our Fate;
Others say, Law is our State;
Others say, others say
Law is no more
Law has gone away.

And always the loud angry crowd
Very angry and very loud
Law is We,
And always the soft idiot softly Me.

If we, dear, know we know no more
Than they about the law,
If I no more than you
Know what we should and should not do
Except that all agree
Gladly or miserably
That the law is
And that all know this,
If therefore thinking it absurd
To identify Law with some other word,
Unlike so many men
I cannot say Law is again,
No more than they can we suppress
The universal wish to guess
Or slip out of our own position
Into an unconcerned condition.

Although I can at least confine
Your vanity and mine
To stating timidly
A timid similarity,
We shall boast anyway:
Like love I say.

Like love we don't know where or why
Like love we can't compel or fly
Like love we often weep
Like love we seldom keep.

SEPTEMBER 1939.

● Mr. KAZEN. Mr. Speaker, this is a time for formal farewells and good wishes to a distinguished member of the Texas delegation, Bob Eckhardt. He is a lawyer, as I am. We served in the Air Force and later in the Texas Legislature. We came to Washington together as freshmen in the 90th Congress. We have not always agreed, either on issues or on the bow ties he always wears, but I have always respected him as a thoughtful, dedicated student of government.

In his days at the University of Texas, he worked his way through college and his skills as a cartoonist stood him in good stead. I can remember that he drew cartoons on the walls of one of the eating places on "the drag" near the university campus, and thereby earned his meals for the rest of the semester.

He was a renowned labor lawyer before he came to the House, where we have served together on the Committee on Interior and Insular Affairs, where he will be sorely missed. He was also an important member of the Interstate and Foreign Commerce Committee. As we have all observed, he is a constitutional expert. I am proud to count him as a friend.

It has been said that many Texas liberals lose their passion for their beliefs, but Bob Eckhardt never has. He thought long and carefully on issues that concerned him, and when he came to a conclusion, he worked hard to persuade others to his line of reasoning. The House, the Congress, and the American people will miss him, and I join my colleagues in wishing him well as he leaves this House.●

● Mr. GLICKMAN. Mr. Speaker, I would like to join my colleagues in expressing my sadness in the departure of our colleague, Bob Eckhardt. This House will be losing a real genius when he departs, and we will have lost one of our most knowledgeable experts in the field of energy. With our continuing focus on our Nation's energy problem, that loss will be particularly deep.

I also want to emphasize the deep respect I felt for Bob Eckhardt and his commitment to principle. Bob is a man who stands by what he thinks is right and fights for it regardless of the popularity of his views. We all know that that is a rarity in the political field, and I am sure each and every one of my colleagues will agree that, without Bob Eckhardt around here next year, our debates will miss his wisdom, his insight, and his gusto for what he believed in.

Bob, I wish you all the best.●

● Mr. REUSS. Mr. Speaker, I appreciate this opportunity to honor my colorful colleague, Bob Eckhardt, as he concludes 14 years of remarkable congressional service. If there is one thing to say in summation of Bob's work as a Congressman, it is this: Bob Eckhardt got results. I find it difficult to think of another legislator who carried out as many valuable public investigations, or successfully sponsored as much worthwhile legislation, as has my friend from Texas.

Bob has established a deserved reputation as a champion of consumer and environmental causes. He leaves a legacy of important legislation providing protection for Americans in areas as diverse as energy (gasoline and oil pricing), health (X-rays, drugs, and cosmetics), and defense (nuclear fallout and the wartime use of herbicides). Bob has used his chairmanships of important Commerce Subcommittees to closely examine industry and government policies in areas of concern to every citizen of this Nation. The vigor of his investigations did not wane with the dimming of the television lights, but was translated into effective new laws. Some of the landmark legislation which Bob either sponsored or steered through Congress includes the Unlawful Corporate Payments Act, the Surface Mining Control and Reclamation Act, the Toxic Substances Control Act, the Safe Drinking Water Act, and the Consumer Product Safety Act. These are not extraneous and expendable Government regulations, but necessary and effective laws which have changed for the better the way in which America does business.

I extend my heartfelt respect and admiration to Congressman Bob Eckhardt for his legacy of legislative achievement which will not soon be equaled.●

● Mr. HANCE. Mr. Speaker, we are honoring one of the outstanding Members of the House today in recognizing Bob Eckhardt. Mr. Eckhardt is one of the more knowledgeable Members of the House and we will sincerely miss his expertise and experience in many of our deliberations. His 14 years of experience have given him the insight into Congress, its workings and procedures, which are important to all Members of Congress.

As a colleague of mine from Texas, Mr. Eckhardt has provided me with an exemplary model of how legislative goals can be accomplished by hard work and study. He is a great man, a great Texan, and a great American.●

● Mr. EDWARDS of California. Mr. Speaker, I would like to commend our colleague from Texas (Mr. Gonzalez) for arranging for this special order today. It is a great pleasure for me to honor the contribution and high stature which Bob Eckhardt has brought to the House and our Nation during his seven-term tenure from the Eighth District of Texas.

Bob's mastery of a varied range of issues, as well as his legislative craftsmanship have made him one of the most widely admired Members of Congress. His superb theoretical analyses of such complicated issues as constitutional law and national energy policy, as well as his fondness for the common touch have endeared him to his colleagues and constituents alike. Bob has deserved and received the accolades of major newspapers, respected organizations and congressional polls, where he has continually been rated as one of the "best and brightest" in the Congress.

Bob Eckhardt has been one of the most powerful and effective voices on behalf of the consumer in shaping energy and environmental legislation in the Congress. Major contributions of Bob's include provisions in the Toxic Substances Control Act, the Hazardous Waste Containment Act, and the National Energy Act. His chairmanship of the Consumer Protection and Oversight Subcommittees on the Commerce Committee have led the Congress to a continuing focus on issues of vital concern to senior citizens, consumerists, and working people. Hearings into the automobile repair industry, monopoly coal hauling rates and unsafe products improved the Government's action to correct avoidable consumer risks and unnecessary costs.

The contributions which Bob offered to the House of Representatives will be truly missed as the 97th Congress convenes. His bow ties and irrelevent doodlings have become Capitol Hill legends. More importantly, consumers and average Americans who counted on Bob's dedication to their rights and pocketbooks versus those of the special interests will find his dedication hard to replace.

I would like to offer Bob and Celia my respect, admiration and warm wishes for a continued friendship and productive future.●

● Mr. COLLINS of Texas. Mr. Speaker, I want to join with my colleagues from Texas in expressing my admiration for Bob Eckhardt. As I recall, I cannot remember when Bob and I ever voted alike on any issue. Our outlook on the function of government is completely different.

But I have developed a tremendous respect for Bob Eckhardt's sincerity. On unpopular issues he will stand by his principles. In Congress where Congressmen tend to bounce from one side to another, Bob is always steady on course. Bob Eckhardt knows where he stands.

What is more, Bob Eckhardt can explain his position in a most scholarly and statesmanlike manner. When he steps forward and goes to the well of the House to speak, you would think that Daniel Webster was again in the Halls of Congress. And Bob is tenacious as he stands up for what he believes.

He is his own man. Bob answers to no one except the people of Texas. Since both of us are Texans, we have heard the voices of people from down in our State in different ways.

I strongly believe that the less government that Congress creates for America that the better off the country is. But as I see Bob through the years come through with legislative concepts one after another, I am impressed with the way he continually speaks in his gentle manner about this clarifying amendment or that clarifying amendment. Many times what he describes as a simple clarifying amendment will simply change the entire concept of the bill before us.

Bob Eckhardt is a man of his word. He is a man who stands up under fire. Bob has courage combined with a brilliant mind.

I must say in all candor that I do not grieve to see Bob Eckhardt leave the Halls of Congress. When you have an adversary of Eckhardt's ability leave the Halls of Congress, those of us who believe in a less powerful Federal Government consider Eckhardt's departure a blessing.●

● Mr. RINALDO. Mr. Speaker, with the impending conclusion of the 96th Congress, it is fitting that we pause to pay tribute to one of our more conscientious and dedicated colleagues, Bob Eckhardt, who completes his term of service at the end of this session.

Bob has served his constituents, his State, and his Nation with distinction. His introduction to public service came in 1958 with his election to the Texas House of Representatives, where he was to serve until his election in 1966 to the 90th Congress as the representative from Texas Eighth District.

During his 14 years of service, Bob has loyally championed and creatively contributed to legislation significantly advancing the welfare of our Nation. He has exhibited a spirit of challenge, a dispassionate dignity and an intelligent assurance that has benefited us all.

In our respective roles as chairman and minority member of the House Commerce's Subcommittee on Oversight and Investigations, Bob and I developed a rapport that transcended party lines and permitted our subcommittee to function efficiently and harmoniously. He truly has been a fine servant of the people, and his leadership will be greatly missed.

I express my gratitude for the noble service he has extended to the American people, and wish him well in his future endeavors.●

● Mr. ANDERSON of California. Mr. Speaker, with 535 Members of the House and Senate at any one time, there are bound to be many whom we never get to know well enough. In the 12 years I have been in the House, Bob Eckhardt has certainly been visible enough, and I have admired his persistence. And I have always envied the strength that the Texas Democratic delegation gets from its unity, and the position of leadership in that unity of Chairman Eckhardt. But, because we served on different committees, I never had the opportunity to work closely with him until this summer.

Throughout July and August and September, we fought together shoulder-to-shoulder to improve the rail bill, and then I came to know what a very special person and legislator he really is. Although our success on that bill was very modest, the rapport we built was a very satisfying and unexpected reward. I was looking forward to a long and close association with Bob Eckhardt for the rest of our careers in Congress. Now, I feel cheated that he is leaving us this year.

I will leave it to those who have known him longer to catalog in detail his many accomplishments. But, I will definitely miss him in this Chamber, and I am sad that I found out how much I will miss him only so late.

My wife Lee joins me in wishing Bob Eckhardt and his wife Celia the best in what I am certain will be a continuation of their already highly successful careers.●

● Mr. WAXMAN. Mr. Speaker, this is a day that has come too soon, and not by our choice. For today we bid farewell to Bob Eckhardt of Texas, one of the most remarkable legislators in Congress.

Few who have served here have achieved so much, or are so respected, or will be so missed. His most striking attribute in his vast intellect, his abiding love of the law, his fidelity to the Constitution, and his penetrating vision of people, their government, and our society.

Bob Eckhardt does not merely study a piece of legislation. He dissects it, meticulously revealing not only its legal structure but its very meaning; not merely the words, but their implication; not simply the intent, but the effect. It is simply a remarkable experience to have the benefit of this great man's thinking. And so Bob Eckhardt has not only informed us, and educated us, but he has led us as well.

Bob's critical abilities are wedded to a commitment to enduring values of concern for common people. Bob believes so strongly in the great progressive tradition—so distinctly American and democratic—of recognizing the need to control the forces in the world on behalf of the common good lest they control our destiny at the expense of our freedom.

Whether the issue is the unbridled power of huge industrial empires, or insensitive agencies of the Government that have lost their identity and their mission, or the protection of the basic right of citizens to due process and equal protection under the law, Bob Eckhardt has never acquiesced in searching for justice.

Certainly he confronted the great questions, such as the price of energy or the extent of Presidential power. But he never ignored the small ones, such as who controls the burden of proof in litigation, or whether a hearing is permitted. The common theme in Bob Eckhardt's work is fairness; the common denominator, justice—legal, political, economic, and social.

The most powerful interests in the land have fought Bob Eckhardt on these issues. Sometimes they won; more often, not. But never was Bob deterred from being faithful to his conscience and the principles whose very purpose was to withstand the enormous pressures of the moment. This is why Bob Eckhardt is known and respected.

On every issue we have decided—energy, consumer protection, transportation, securities regulation, health care, ethics—Bob Eckhardt has made us think twice, and act responsibly. He has changed the way Congress works, the standards it applies, the decisions it would have otherwise reached. This is why so much has been achieved, and why Bob's departure leaves a breach that cannot be filled.

I was proud to stand with Bob Eckhardt. I wished so much he could have served longer. The Halls of Congress will not be the same after he leaves. We will miss him terribly.●

● Mr. FUQUA. Mr. Speaker, it is an honor and a pleasure today to join in this tribute to Bob Eckhardt of the great Eighth District of Texas who has gained a giant stature in this House which matches the renowned stature of his native State. I thank my good friend, Henry Gonzalez, for making the time available for this well-deserved recognition of a great legislator.

Experienced already in the Texas Legislature when he arrived in Congress, Bob Eckhardt quickly and ably demonstrated the talents he learned at the State level to become an effective and articulate spokesman in this House for the multitude of causes and issues in which he so deeply believed.

He believed most, as he demonstrated time and again, in fairness and justice for all Americans.

Bob Eckhardt always showed the courage to take a position and to be an advocate whether the issue was popular or unpopular; his only measure was whether he thought it was right.

His 12 years in this House have benefited not only the good people of the Eighth District of Texas, but those of us who had the pleasure and privilege of serving with him.

Bob Eckhardt has served with dignity and honor and his service to the people of his district has exemplified the highest traditions of constituent service.

We will all miss Bob Eckhardt but hope he will continue to remain available both for his valued counsel and invaluable friendship.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague from Texas (Mr. Gonzalez) for taking this special order so that we can pay tribute to our colleague, the Honorable Bob Eckhardt, who will not be returning for the 97th Congress. Mr. Speaker, I join in commending my colleague and friend, Bob Eckhardt, for his dedication to the people of this country.

Mr. Speaker, Bob has spent 21 years of his life in public service—8 in the Texas Legislature and 13 in the U.S. House of Representatives. During that time, he has amassed accolades from various sectors of our society. He has been dubbed a "legislative craftsman" and one of the "brightest Members" of this body.

Mr. Speaker, one only needs to review Bob's achievements to substantiate these praises. Indeed, he has shed a clear and constant light as this body has addressed complex issues crucial to the people of this Nation.

Mr. Speaker, Bob's chairmanship of the Interstate and Foreign Commerce Oversight and Investigation Subcommittee has been his podium to pursue his interest in consumer advocacy. His theme in this role has been prevention of avoidable costs and harm to the consuming public and demonstration of the true benefits as well as the costs of Government regulations.

Additionally, Bob has taken a leading role in investigating key energy matters and exercising strong oversight over related administration proposals and actions. He has been a firm and consistent opponent of removing governmental controls over domestic crude oil before the 1981 expiration of the Energy Policy and Conservation Act of 1975 because of its inflationary effects. He led the support for a resolution that passed the Democratic Caucus for reinstatement of controls.

Mr. Speaker, Bob has done a yeoman's job in this Congress. I concur with the assessments that Bob has been a legislative craftsman in the House of Representatives. We will miss his exemplary skills greatly in the 97th Congress. Even though he will not be here in Washington, I look forward to hearing great things about him in the future. I join with my colleagues at this time in wishing Bob all the best in the future.●

● Mr. ADDABBO. Mr. Speaker, in the hectic final hours of the 96th Congress I would like to take this opportunity to say a few words about one of the most versatile and creative legislators ever to have served in Congress, the Honorable Bob Eckhardt of Texas, who is retiring after 13 years of meritorious public service in Washington. Bob joins a long line of outstanding Representatives from the State of Texas who have served with distinction in this Chamber and I have considered it an honor to have been able to work with him.

In the 20 years I have served in the House of Representatives, I dare say I have worked with no person more concerned with the needs of consumers, senior citizens, and the environment, than Bob Eckhardt. A man of incredible vigor, Bob always tackled a major issue head on and his hard work has paid off in a plethora of legislation designed to protect and improve the lives of countless Americans.

Bob served with distinction on such House Committees as Interior and Insular Affairs and Interstate and Foreign Commerce, where he was chairman of the Subcommittee on Oversight and Investigations. As chairman of that vital subcommittee, Bob gained the respect of consumers across the Nation for his extensive investigations into such problems as involuntary human exposure to toxic substances, energy policy, and escalating inflation. His work in the Interior Committee has been marked by a sincere commitment to resolving our energy problems and preserving and protecting our environment. He cosponsored the Surface Mining Control and Reclamation Act, served on the Ad Hoc Committee on Energy and the House-Senate Conference Committee on the National Energy Act and was instrumental in securing its passage. Back in the 94th Congress, Bob was the author of the Toxic Substances Control Act, a landmark piece of legislation designed to protect people from the adverse effects of new chemical substances.

I could go on and on with a list of Bob's accomplishments we can be proud of, but needless to say, his record of achievement will long stand as a reminder to us, to all, how Government can best serve the public good. I wish him well in what I am confident will be a future as equally successful and fulfilling as his past.●

● Mr. MONTGOMERY. Mr. Speaker, 14 years ago when I first came to this body, I was joined by another freshman Member from Texas by the name of Bob Eckhardt. During the seven terms we have served together, I have always found Bob to be one of the hardest working and most conscientious of all my colleagues.

It is no secret that we have been on the opposite side of most issues, but I always knew that whenever Bob Eckhardt took a stand it was only after thoroughly researching the issue and considering all aspects of the matter in question. And once he made his decision you always knew that you would have either a very formidable opponent or a very strong ally.

Mr. Speaker, at his relatively young age, I feel sure Bob Eckhardt will continue to be quite active in the public arena and will continue to make worthwhile contributions to our Nation. I join with my colleagues today in wishing him the best in his future endeavors.●

● Mr. PICKLE. Mr. Speaker, if one were to ask who is the most qualified legislator in this Chamber, the vote would probably go to Bob Eckhardt of Texas. He is a legal wordsmith, a draftsman, a legislator in the finest sense. Bob Eckhardt looks and sounds like the prototypical old southern mint-julep-sipping legislator, but he thinks like a national legislator in the public interest. He takes a position based on study and he seeks changes on the basis of calm analysis.

Even though Bob battles injustice and fights the wrongs he finds in our society, there is not an angry bone in his body. Some people call him liberal in a negative sense, while others call him liberal out of admiration. Perhaps we could call him an "absolute" liberal, or better yet, an "absolute" legislator.

I served with Bob Eckhardt on the Commerce Committee and admired his hard work first hand. His mind is as precise as his suits are rumpled. Without Bob Eckhardt, the national public interest will suffer. He does not vote for something because it is fashionable. He does his homework, stakes his claim and lays the groundwork for others to copy.

I have known Bob since we were freshmen together at the University of Texas. Through the years, regardless of political battles, I have never known Bob to break his word or abuse his privilege, be it on campus, in the Texas Legislature or on this floor.

Finally, as a Texan, Bob may not always vote or think the way many people think Texans are supposed to behave. But to many people outside his district and even outside the State, Bob is regarded as their second Congressman. He has held a partnership with the interests of people and a love affair with the Constitution. Even though Bob will not be sharing his wisdom in this Chamber next year, we hope that brilliant mind and that vision will continue showing the way.●

● Mr. JOHNSON of California. Mr. Speaker, I consider it a privilege to join my many colleagues today in paying tribute to one of our most respected colleagues, Congressman Bob Eckhardt.

I have been struck over the years by the fact that every time a group sets out to select the 10 most outstanding Congressmen or the 10 most effective legislators, or similar such rankings, Bob Eckhardt is always included at or near the top of the list. While these rankings may not be perfect and may at times reflect the particular perspective of the group doing the ranking, the procedure has proven to be accurate in the case of Bob Eckhardt. My dealings directly with Bob and my observations of him on many other occasions have led me to hold a deep respect for his abilities as a legislator. He is a true legislative craftsman. His precision and attention to detail have contributed mightily to the qualities of legislation which has emerged from this body and from the committees on which he has served in the past 14 years in the U.S. House of Representatives.

I do not know of any Member who has done more for the average consumer than Bob Eckhardt. He has championed effective, reasonable legislation which will continue to protect the consumers in the marketplace from now on and serve as a living legacy to his service.

Bob Eckhardt has exemplified Thomas Jefferson's assertion that the study of law qualifies a man to be useful to himself, to his neighbors, and to the public. He has used his skills as an attorney to the utmost during his congressional career.

Because Bob Eckhardt has been one Member of Congress who has made a great difference and has always made his tremendous abilities felt in all that he does, he will be sorely missed in the years to come. I believe we can expect many more contributions from Bob Eckhardt in the future.●

● Mr. BRADEMAS. Mr. Speaker, for the past 14 years Bob Eckhardt has brought his unique talents and qualities to the House of Representatives. It has been a pleasure to have worked with him.

Few Members, past or present, have been so dedicated to the interests of the consumer as has Bob Eckhardt. He has used his position on the Interstate and Foreign Commerce Committee to champion the consumer. His vision was often far ahead of that of others and he was never deterred by the array of narrow economic forces alined against him.

This body will long remember Bob's eloquence and the precision which he brought to debate. Few of us equaled him in his mastery of constitutional nuances.

Bob Eckhardt has never stopped fighting for what he believed, Mr. Speaker, and I count it a privilege to have served in this House with him.●

● Mr. BROOKS. Mr. Speaker, it has been my distinct privilege and very great honor to have served with Bob Eckhardt in this body for the past 13 years. When his Houston constituents elected Bob to the House of Representatives in 1967, they sent us a public servant determined to improve the quality of life in America.

During the past 13 years I have come to appreciate Bob Eckhardt's willingness to work hard for the principles of our Democratic heritage in the interests of the working men and women of our great country.

As dean of the Texas delegation, I know from firsthand experience that Bob Eckhardt is an untiring advocate for human rights and environmental quality. His work in the House of Representatives has contributed immeasurably to the well being of our Nation.

I am going to miss Bob Eckhardt when the 97th Congress convenes in January, and I want to wish him the very best that life has to offer in any endeavor that he might undertake.●

● Mr. HALL of Texas. Mr. Speaker, I thank my dear friend, colleague, and fellow Texan for taking this special order to honor our good friend, Bob Eckhardt, who has so ably represented Harris County, Tex., for the past 14 years.

Those of us in the Texas delegation admire and respect Bob Eckhardt. He is his own man—sincere, dedicated and forthright. He champions the cause of the little man and is not afraid to speak out on issues that may not be popular.

In Texas we have an affectionate name for a man like Bob Eckhart that is woven into the history, folklore, and culture of our State. Its a maverick. Bob Eckhardt is a maverick in the finest, most classic sense of the word. He simply is not afraid to take on what is often construed to be an unpopular issue. And while the majority may disagree, none can question his sincerity, honesty, and integrity.

Bob Eckhardt believes in fair play. He is a man of compassion who is dedicated to civil liberties and humanitarian concerns. He never apologizes for the ardor and dedication with which he approaches such matters. A flamboyant style and beautiful command of the English language only add to the uniqueness and independence of Bob Eckhardt.

I would be remiss if I did not say that there are often disagreements between us, but it does not affect our friendship and the admiration I feel for him. As Voltaire said, "I may disagree with him, but I will defend his right to say it."

Bob Eckhardt will be missed. I count it a rare privilege to have served with him.●

● Mr. CARTER. Mr. Speaker, I am pleased that my good friend from Texas, Bob Eckhardt, is being paid this honor today.

Bob and I serve together on the Commerce Committee, and I have come to know him well. He has helped me many times over the 14 years we have served together. He is very much a gentleman, well-read, and an astute lawyer.

He has been extremely effective and diligent in his work on our committee, especially as chairman of the Oversight and Investigations Subcommittee these past 2 years. His humor and courtliness have eased many tense moments, and it has been good to work with him.

I wish Bob well as he leaves the Congress.●

● Mr. RANGEL. Mr. Speaker, it is with great sadness that I rise to say farewell to Bob Eckhardt, of Texas, one of the giants of this body, and a champion of the rights of the consumer and the average workingman. I was fortunate to be involved with Bob early in my career in the House. In the early seventies, we worked together on grand jury reform. It was then that I learned to appreciate his prodigious abilities; as a legislator, his grasp of complex issues, and the political nature of a situation was astounding; as a constitutional lawyer, he was able to bring a great deal of expertise to the particular issue of reforming the grand jury system; and finally, as a person, his concern for justice and the protection of individual rights and liberties was complete.

I will always remember Bob most, however, for his principles. He exhibited the kind of integrity and sound judgment that exemplify the ideal of the public servant. His untimely and unfortunate defeat came as a result of his unwavering commitment to his ideals, and I salute him for his determination. I am proud to have served with Bob Eckhardt, and I think that the country is poorer because Bob Eckhardt will not be with us in the 97th Congress.●

● Mr. WHITTEN. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Bob Eckhardt, who has ably represented the people of the Eighth District of Texas since 1967.

Prior to his service in the U.S. House of Representatives, Bob was a member of the Texas State Legislature for 8 years. He has always had the best interests of his constituents and the Nation at heart and the people of his district have lost a distinguished spokesman on their behalf.

Bob distinguished himself during his years in the Congress as an extremely hard worker on behalf of the needs of his district and the Nation. During my years here I have seldom seen a more dedicated public servant and effective legislator. He will always be remembered by his colleagues for his brilliance and his wit.

Bob leaves the Congress with the satisfaction of knowing he has served his district and the Nation to the best of his ability. No one would expect anything less from Bob.

I wish Bob well in his new endeavors as he leaves the Halls of Congress, knowing that whatever he does he will be a success. His presence here will be sorely missed.●

● Mr. DRINAN. Mr. Speaker, the U.S. House of Representatives will be a great deal poorer when Bob Eckhardt does not return to the 97th Congress.

The Congress of the United States has been fortunate, indeed, to have this able, wise, and thoughtful individual as a Member in the 90th through the 96th Congresses.

Bob Eckhardt was a public servant before he came to this House; he served in the Texas House of Representatives from 1958 to 1966.

Bob Eckhardt has been universally recognized as an expert on constitutional law and has been admired and listened to as a very thoughtful, perceptive, and creative legislator.

He has been particularly effective in all of those issues under the jurisdiction of the Committee on Interstate and Foreign Commerce where he has served so well, especially in his role as chairman of the Subcommittee on Oversight and Investigation.

Bob Eckhardt is a courageous individual who never shrinks back from the strong convictions which are his. He showed this leadership when he served as the chairman of the Democratic Study Committee and, indeed, in all of his other many affiliations in the House.

I and the many friends of Bob Eckhardt wish him every continued success in the months and years ahead.●

● Mr. VAN DEERLIN. Mr. Speaker, I doubt there is anyone associated with Congress who did not feel at least a tinge of regret on learning Bob Eckhardt would not be returning for the 97th Congress. He has been one of our noblemen.

Once a professional cartoonist, Bob would enliven dull sessions of the Commerce Committee by capturing the essense of individual colleagues in quick but perceptive sketches. When passed around, these would always break the monotony, and add new life to whatever hearing was in progress.

Bob, of course, has for years been among the most erudite and learned among us. His newsletters and other writings are models of scholarly thought, reasonable argument and elegant prose. He has even helped raise the humble bicycle to new levels of respectability, by using one to get to work when gasoline was in short supply.

Certainly, people with qualities of Bob Eckhardt do not come along very often, in Congress or elsewhere. I know that whatever he does in the future, he will continue to set examples.●

• Mr. BINGHAM. Mr. Speaker, this House will be a different place without Bob Eckhardt. His departure will leave a gap that it is not reasonable to expect can be filled in our time.

When I used to watch the Senate in action in my father's time there (1924–33), there were many Members who were colorful, not to say picturesque, who spoke in old-fashioned terms bespeaking great learning and long study. In more recent years, while Members of the Congress represent sharply contrasting points of view, there is a somewhat depressing sameness in the way they dress and the way they talk.

Bob has been a refreshing exception to this atmosphere of conformity. He has looked and sounded like a distinguished 19th century Texas lawyer arguing a case before the U.S. Supreme Court, yet the policies he has espoused have been up to the minute progressive. This got him in trouble with powerful interests who made a concerted effort to defeat him: with the help of a national tidal wave, they succeeded. In my view this House is the poorer, and so is the Nation.•

• Mr. VANIK. I am pleased to add my name to those Congressmen who have taken this time to pay tribute to the distinguished Representative from Texas, the Honorable Robert Eckhardt.

Bob, a fellow bow-tie fancier, has served this body responsibly and effectively for 13 terms. Throughout his term, Bob has remained a strong and important voice for the poor, the elderly, and the consumer.

As chairman of the Oversight and Investigations Subcommittee, Bob alerted us all to the dangers of improper disposal of hazardous waste. His hearings brought national attention to bear on the adverse affects of dental X-rays, over-the-counter drugs, hair dyes, and agent orange. For this, as well as for his leadership in the areas of consumer protection, tax reform, and energy sufficiency, we all owe Bob a debt of gratitude.

Courage was Bob Eckhardt's trademark as much as his tie. He stands out as a giant among us.

Bob Eckhardt is a knowledgeable and dedicated Congressman who exemplifies the highest ideals of representation.•

• Ms. MIKULSKI. Mr. Speaker, I have served with Bob Eckhardt on the Interstate and Foreign Commerce Committee for the last 4 years. It was a pleasure to do so because he was an excellent mentor and I learned a lot from him. Bob Eckhardt's major interests were consumers, senior citizens, working people, and environmental causes. He authored the Toxic Substances Control Act which provides protection for consumers, working people, and industrial users from the adverse effects of new chemical substances. He battled against oil gouging, against consumer fraud, and fought the special interests to make sure they did not get what they wanted.

But this year the special interests got what they wanted; they defeated Bob Eckhardt. They pumped more money into his race than has ever been spent in a Texas congressional election. So we are losing a real star, a top-quality legislator. I know I am going to miss him. But I have learned my lessons from this natural-born teacher and I want him to know that many of us will carry on the same work he has been doing.•

• Mr. RAHALL. Mr. Speaker, it is extremely difficult to visualize the U.S. House of Representatives without Bob Eckhardt. But I am afraid we will have to accept the fact that he will not be joining us for the 97th Congress.

For 14 years, Bob Eckhardt has been a leader of this body. He could always be found pushing bills and opposing others, while backed with the proper information, experience, wisdom, and knowledge of House rules.

I have had the honor of serving with him on the Interior and Insular Affairs Committee, and also was privileged to work with him on the Staggers Rail Act of 1980. When Bob Eckhardt committed himself to what he firmly believed to be in the best interests of this country, the most enormous pressures could not budge him.

Bob Eckhardt's philosophy has always been strong, and often it pulled him away from the crowd. But he always did what he thought was right, and leaves here as one of the most respected Members of Congress.

I welcome his friendship, and hope to see him from time to time, as he now pursues from a different perspective his strong dedication to help people and desire to help our country.•

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. Seiberling). Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL TRADE COMMISSION'S SUIT AGAINST NATION'S MAJOR CEREAL MANUFACTURERS IS CAUSE FOR CONCERN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Wolpe) is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, I have requested this special order today to express my continuing deep concern over the course of the Federal Trade Commission's suit against our Nation's major cereal manufacturers: General Mills, General Foods, and the Kellogg Company (FTC docket No. 8883) and to review for the Congress the status of this case.

The controversy surrounding this litigation stems from three principal concerns. First, the Federal Trade Commission, in my judgment, is attempting to write new law through the litigation of this suit. If successful in this effort, it will be the FTC, not the Congress which has established a whole new area of antitrust law. Second, it seems clear that the proposed remedy sought by the FTC, namely divestiture of the cereal companies under section 5 of the FTC Act, was never contemplated by the Congress and has been pursued by the agency without Congress having examined the implications or ramifications of such an action. Finally, there have been numerous procedural concerns, highlighted by the contractual employment of the administrative law judge originally assigned to the case.

Mr. Speaker, I would like to indicate at the outset of my comments that I believe the FTC performs a critical function. I have consistently supported strong consumer protection legislation and the strongest possible enforcement of laws designed to protect the consumer against unfair trade practices. Pursuant to Federal mandate, it is the FTC which has been assigned an important role in safeguarding Americans from questionable business practices.

Clearly an agency which is assigned these functions will be controversial and will inspire the opposition of those special interests which are the target of their activities. My concern is that the FTC not engage in actions which only play into the hand of those special economic interests that would like nothing better than to destroy the agency's operational effectiveness. In my judgment, however, the FTC's approach to the "cereals case" has been enormously counterproductive and has diminished rather than enhanced the agency's credibility and effectiveness. The quicker the FTC acts to correct what has been a very serious mistake, the quicker it will restore both its credibility and its effectiveness.

Mr. Speaker, some 10 years ago the Federal Trade Commission initiated its proceedings against the cereal companies. A particularly troubling aspect of this controversial litigation has been the discovery of highly questionable activities on the part of the FTC when the Commission entered into a private employment contract with the then sitting administrative law judge, Harry R. Hinkes. Indeed, this contract appears to have been negotiated in direct violation of the Administrative Procedure Act, without the required consent, and against the advice of, the Civil Service Commission—now Office of Personnel Management. The provisions of this extra-legal contract not only established the administrative law judge's tenure and salary while hearing the ongoing FTC case but, in effect, made the supposedly independent hearing officer an employee of the Federal Trade Commission. The due process implications of this extraordinary arrangement are readily apparent.

When I became aware of the "Hinkes affair," I called upon the FTC to immediately seek an independent investigation into this procedural irregularity. In the interest of impartiality, it seemed imperative to me that an inquiry be made—outside of the agency issuing the complaint against the cereal industry—into the circumstances surrounding the contractual hiring by the FTC of then sitting administrative law judge, Hinkes. Subsequent to my appeal to the FTC for such a review, and with the assistance of my colleague from Michigan (Mr. ALBOSTA) the House Subcommittee on Investigations of the Post Office and Civil Service Committee held a day of hearings which, in part, focused upon the Hinkes issue. Additionally, this year the Consumer Subcommittee of the Senate Commerce Committee requested a detailed report from the FTC on the activities and actions of the agency with regard to this matter. That report has recently arrived in the Senate from the FTC General Counsel's office.

Mr. Speaker, it would have been my hope that I could report to the Congress today that the questions I had 2 years ago concerning the propriety of the FTC's action in connection with the Hinkes affair had been resolved to my satisfaction. However, regrettably, I cannot. The responses which I have received from the FTC to my letters, the House hearing testimony, and the recent report of the FTC's General Counsel to the Senate, seem to raise as many questions about the incident as they resolve.

For example, in an affidavit Mr. Barry Kefauver, Deputy Executive Director and contracting officer of the FTC, stated that he had contacted Mr. Charles Dullea, head of the Office of Administrative Law Judges at the Civil Service Commission and had been told by Mr. Dullea that "A contract was the only course to follow" if retention as a reemployed annuitant was not acceptable to Judge Hinkes (Kefauver affidavit, December 13, 1979). However, in Mr. Dullea's affidavit of August 1980, he states flatly that, "I did not at any time agree with anyone that the only course to follow with regard to Judge Hinkes was a contract."

In the recent General Counsel's report, I was also stunned by the fact that at the time a contract for Judge Hinkes was under consideration at the FTC, Mr. Kefauver had a number of meetings with the Bureau of Competition Staff—the same division of the agency which is bringing the complaint against the respondents. At those meetings discussion took place surrounding alternatives that would avoid the risk that if Judge Hinkes retired, a retrial might be required (Swartz affidavit, August 18, 1980). Additionally, the Bureau of Competition staff was charged with the duty of conducting research as to whether to pursue the contract alternative (General Counsel's report, page 3, November 24, 1980). Thus, we find that the section of the FTC responsible for arguing the case before the judge was also responsible for conducting the research into the propriety and legality of entering into such a contract.

It would seem to me that if questions regarding the appropriatness and legality of the contract were going to be investigate, it was the General Counsel's office, not the Bureau of Competition, which should have undertaken that inquiry. Indeed, the General Counsel's office ultimately had responsibility for drafting the contract (Kefauver affidavit, December 13, 1979; Rubin affidavit, August 6, 1980).

Mr. Speaker, I could continue at some length with other persistent questions. Suffice it to say that until an independent, full evidentiary hearing takes place, where all parties have the right to cross-examine witnesses and review FTC documents, the questions which I and my colleagues have, will remain unanswered.

Mr. Speaker, the FTC has issued its complaint against the cereal manufacturers under section 5 of the Federal Trade Commission Act. The Bureau of Competition staff has alleged that Kellogg's, General Mills, and General Foods comprise what they term a "shared monopoly." This new theory of law, as fashioned by the FTC, holds that the respondent companies did not have to conspire to fix prices, engage in collusion or otherwise directly act to reduce competition, but instead that they form a monopoly and are engaged in unfair trade practices simply as a result of their size and number.

I view this theoretical exercise by the FTC as another prime example of the bureaucracy taking it upon itself to write new law. It is the Congress, not the executive agencies, that should determine whether or not major expansions of antitrust law—or any other area of law—will be pursued. Continued lawmaking by agencies through an abuse of their administrative and legislative mandates cannot be tolerated. Indeed, when this occurs, it is up to the Congress to regain control over the bureaucracy through whatever measures are necessary to insure that the constitutional principle of separation of powers is maintained.

Theoretical and legislative considerations aside, let me close by simply pointing out that the FTC's proposed remedy in the cereal's case—divestiture—has been attacked not only by many Members of Congress, a substantial segment of the economic community and by the press corps, but both the current administration and President-elect Reagan have expressed their opposition to this proposal. President-elect Reagan in an October 29, 1980, letter pointed out that "it was never intended that the FTC would have the authority to order a company to divest its assets and thereby restructure an entire industry under section 5 of the Federal Trade Commission Act." And, Vice President MONDALE speaking for the administration on November 3, 1980, stated that "when this case was first initiated during the Nixon administration, divestiture was suggested as a possible remedy. Today—after 8 years of intensive study—it is inconceivable to me and to many independent experts that divestiture would be pursued. Neither President Carter nor I would support such action."

Mr. Speaker, 10 years and 40,000 pages of hearing transcript later, the FTC's case against the cereal industry finds itself plagued with difficulties. We find procedural irregularities in the form of employment contracts for the presiding judge, and fundamental jurisdictional questions regarding the appropriateness of the FTC initiating the case in the first instance. My distinguished colleagues who have joined with me these past months in protesting this FTC initiative have varied philosophical and political orientations. But we all share a deep sense of concern over the procedural and lawmaking direction this case has taken.

● Mr. KEMP. Mr. Speaker, today we are discussing the so-called FTC cereal case. But before I take up that subject, let me say for the record that I am not antiantitrust.

But I do not endorse some of the strange notions of the Federal Trade Commission. I do not think, for example, that we must penalize any firm—or small number of firms—that, by operating efficiently and making consumer goods more available, wins a large share of the market. And I do not think that big really is bad, as FTC Chairman Michael Pertschuk admitted to a Senate Commerce Subcommittee this past year.

After 8 years, 130 or so witnesses, 40,000 pages of transcript and several million dollars, the FTC is still light years from a decision on its "shared monopoly" case against the "Big Three" cereal makers.

Now with details of the so-called Hinkes affair coming to light, the whole thing should be dropped immediately. The questions surrounding the extremely dubious switch of administrative law judges in the middle of the case is reason enough to dismiss the charges and end the case.

Other than a few diehards at the FTC, it is extremely hard to find anyone who wants to prolong this farce. The case has no legal precedents and offers no potential benefit to consumers. The indiscreet use of the agency's broad discretionary authority makes it imperative that the next Congress review the FTC's antitrust mandate.

In the meantime, I join the views of the three important commentators about this costly exercise in antitrust theory.

I support New York Times economist, Peter Passell's statement in a November 3, 1979, column, when he concluded:

> The cereal case was a mistake when it was initiated in 1972. Today it is a mistake waiting to become a debacle for consumers. The sooner the Commissioners admit the error, and dismiss the proceedings, the better.

I wholeheartedly agreed with the AFL–CIO that "the loss of 2,600 jobs of cereal workers who are members of the Grain Millers and of the Retail, Wholesale and Department Store Union" is an "entirely unacceptable result."

And I stand behind President-elect Reagan's finding that, "It was never intended that the FTC would have the authority to order a company to divest its assets and thereby restructure an entire industry under section 5 of the Federal Trade Commission."

Governor Reagan went on to further say:

> Not only has the FTC exceeded their legislative mandate, but they have done so with callous disregard for the impact their actions will have in human terms.

The fallacy of the FTC cereal case is the underlying but false assumption that the FTC is the governmental entity created to enforce the antitrust laws. Hence the policy argument that antitrust enforcement is impaired unless the FTC has power to order divestiture under the FTC Act is a false one.

The FTC chooses to ignore the role of the Antitrust Division, the courts and the Congress in preserving competition.

The necessity has arisen to confine the FTC to its congressionally mandated authority because it has overstepped that mandate and sought to usurp authority, seeking to become the sole determiner of antitrust policy.

An examination of the FTC's authority, as defined by Congress, within the overall context of governmental control of competition, demonstrates that the FTC has an important, but limited, role in regulating competition.

The FTC Act and the Clayton Act, which created and defined the authority of the FTC, supplemented rather than replaced the Sherman Act. The Sherman Act remained the cornerstone of our antitrust policy. And litigation in the courts by the Antitrust Division remains the chief enforcement procedure.

The FTC seems to ignore the fact that Congresss did not directly give the FTC authority to enforce the most basic antitrust law—the Sherman Act. Accordingly, traditional enforcement of the Sherman Act's bans on conspiracies (such as price fixing) and monopolization lie with the Antitrust Division and the courts.

Congress did not create the FTC for the purpose of supplanting the Justice Department Antitrust Division. Nor did Congress intend to clone a second antitrust enforcement agency from the Antitrust Division when it created the Federal Trade Commission. The Antitrust Division was given authority to bring criminal as well as civil cases. Antitrust Division enforcement was to be carried out through court proceedings in which courts had available their traditional equity powers, including divestiture.

By contrast, the FTC was given very specific and narrow authority with regard to the Sherman Act and other statutes specifically denominated as "Antitrust Acts."* Thus the FTC is authorized to investigate compliance with court decrees under the "Antitrust Acts" (15 U.S.C. 46(c)), "[u]pon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violation of the Antitrust Acts by any corporation" (15 U.S.C. 46(d)), upon the application of the Attorney General to recommend readjustment of the business of any corporation alleged to violate the Antitrust Acts (15 U.S.C. 46(e)), and to make reports to the Congress and recommend any needed additional antitrust legislation (15 U.S.C. 46(f)). These powers were designed to dovetail with the preexisting powers of the Antitrust Division.

In addition to these specific responsibilities under the Antitrust Acts, the FTC shares with the Department of Justice the express statutory authority to enforce sections 2, 3, 7 and 8 of the Clayton Act, which relate to specific practices: price discrimination, tying and exclusive dealing, mergers and interlocking directorates. See 15 U.S.C. 21(a). In the case of illegal mergers, the FTC was given the explicit authority to order a person to "divest itself of the stock, or other share capital, or assets," held in violation of section 7 of the Clayton Act. See 15 U.S.C. 21(b).

Finally, Congress has given the FTC an area of exclusive enforcement authority—the FTC Act's prohibition of unfair acts and practices and unfair methods of competition. Congress deliberately created a separate and distinct enforcement procedure under the FTC Act. Congress believed that unfair competitive acts could lead to monopoly power. But since it was impossible to define unfair competitive acts with precision, the statutory standard was left vague and the remedial sanctions were narrowly defined. Administrative proceedings were utilized rather than court proceedings. No criminal violation or private liability was created. And the FTC's remedial authority was limited to cease and desist orders.

The cereal case we are discussing tonight is an issue of whether property can be taken by FTC bureaucratic action or court action.

The FTC's filing of the cereal industry complaints represents one of the most blatant power grabs ever attempted by a Federal agency. The complaints use the vague prohibition of section 5, which lacks any true standard to challenge what the agency calls shared monopoly. This has never been defined in any statute or judicial decision. The FTC's complaints do little to clarify what they mean by shared monopoly.

The case basically represents an attempt to advance some academically outworn oligopoly theory that may have been fashionable a decade ago but which is disputed by respected economists today—and which has never been empirically proven.

What is just as frightening, this shared monopoly theory penalizes economic efficiencies, inhibits capital investment, destroys jobs and damages the Nation's prosperity and capacity to compete in world markets. It presumes the bureaucrat is bright and the consumer is hopelessly dumb.

Behind this FTC "industrial restructuring" rests an unmistakable antibusiness action to produce an "ideal market." More fundamentally, restructuring schemes are often aimed at industries whose mode of competition—that is, product diversification in cereal, design competition in automobiles—is important to consumers.

The FTC's industrial restructuring approach is a serious threat to the business community and to working people concerned about the job effects of restructuring—several hundred of whom live in the Buffalo area.

Congress never conferred authority upon the FTC to dismember industries or to break up companies because of monopolization. The congressionally-defined role of the FTC is set forth in existing legislation, but should now be clarified. If unfair methods of competition or unfair or deceptive acts or practices exist, the FTC should move promptly to end such conduct. If the FTC concludes that monopolization exists in any industry and that divestiture would be an appropriate remedy, the FTC should refer that part of the case to the Antitrust Division. If the FTC concludes that anticompetitive structure or practices exist in an industry which warrant divestiture but which do not constitute monopolization, the FTC should recommend appropriate legislation to Congress.

Congress enacted the Sherman Act, the Clayton Act, and the FTC Act. The Federal Trade Commission is a creation of Congress. Since the FTC's attempts to overstep the bounds of its authority are impairing the FTC's effective performance of its congressionally mandated role, it is essential for Congress to clarify that role of the FTC, as it dovetails with the roles of Congress, the Antitrust Division, and the courts. Such a clarification will enhance antitrust enforcement by focusing the FTC on its proper statutory mandate, in coordination with the Congress, the Antitrust Division, and the courts.●

● Mr. NOWAK. Mr. Speaker, for 8 years the Federal Trade Commission has been conducting its "shared monopoly" case against the "Big Three" breakfast cereal makers—Kellogg Co., General Mills, Inc., and General Foods Corp.

The cost to taxpayers and consumers surely must be measured in the millions of dollars by the protracted legal proceeding.

Yet, a decision by the administrative law judge in the case is not expected until next October and further protracted proceedings within the FTC itself and in the courts are contemplated.

Even giving the FTC the benefit of the doubt that such antitrust proceedings are extremely complex, it remains difficult to understand why 8 years have elapsed and still no decision is in sight. It would seem to be a fair question that if the FTC were so interested in initiating this proceeding why has it not applied its energies more energetically?

There are many controversial issues raised by this case, including the very basic ones of whether the FTC in effect overextended its authorities and whether such a divestiture proceeding should be rather conducted by the Justice Department's Anti-Trust Division.

Serious questions also have been raised about the costs/savings to consumers—depending on the final outcome of the case—and on potential job losses in the industry if divestiture were the final result.

During the last 2 years, however, another issue has surfaced which has tended to muddle these already murky waters. That issue dealt with the award by the FTC of a contract to the original administrative law judge in the case after he retired, the revocation of that contract several weeks later, and the subsequent assignment of a new administrative law judge to the 6-year-old case.

In the wake of this activity, the new administrative law judge denied the companies' request to start a new trial or dismiss the case.

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*Section 4 of the FTC Act defines "Antitrust Acts" as used in Section 5. The term includes four statutes: the Sherman Act, parts of the Wilson Tariff Act, an act amending the Wilson Tariff Act and the Clayton Act. The same listing of "antitrust laws" is contained in Section 1 of the Clayton Act.

Without getting into the merits of the basic case or prejudging the propriety of this switch in judges, it appears the latter issue raises certain questions of fairness. How have the rights of the companies and the soundness of the proceeding been affected by what has transpired in-house in the FTC?

On the surface, it does not seem that the FTC or its successor judge in this case is the appropriate final arbiter.

It would appear to be more appropriate for the FTC spearheaded by its Chairman, Michael Pertschuk, at the very least, to seek those answers outside the agency. Would not the air be cleared more swiftly if the FTC requested an independent opinion, perhaps that of an administrative law judge from another agency?

Such a step might also go a long way toward helping improve the reputation of Federal regulators and regulation generally, not only at the FTC.●

● Mr. WALKER. Mr. Speaker, the Federal Trade Commission case against the "ready to eat" cereal industry has been dragging along for 8 years now at a cost to the taxpayers of millions of dollars; and yet, there is no conclusion in sight for the foreseeable future. The premise of the case, as undertaken by the FTC—divestiture of three cereal companies—is in itself questionable since it was never intended under section 5 of the Federal Trade Commission Act that the FTC would have the authority to order a company to divest its assets and thereby restructure an entire industry. Furthermore, this case has been fraught with charges, countercharges and conflicting facts regarding the ethics of the FTC in its proceedings through the case, specifically with regard to the resignation of the administrative law judge hearing the case and his replacement.

What seems to have been neglected through all of this is that we are not only talking about another example of needless bureaucratic interference in the bureaucratic interference in the marketplace—we are also talking about the livelihoods of some 2.500 to 3.000 workers. Is it good Government policy to force thousands of workers to forfeit their jobs for the sake of power politics? The FTC, under the guise of protecting the consumer, is attempting to usurp the legislative powers of the Congress by creating its own business policies, and is doing so without ever considering the impact of their actions on jobs, local economies, and the lives of men, women, and families who will be affected by their decisions.●

● Mr. ALBOSTA. Mr. Speaker, on June 17, 1980, the House Investigations Subcommittee of the Post Office and Civil Service Committee heard testimony on what has been popularly referred to as the Hinkes matter in the Federal Trade Commission's shared monopoly case. The reason we held this hearing was because the administrative law judge presiding over that case, Harry Hinkes, announced his retirement in 1978, after hearing the case since 1972. To apparently avoid having to rehear the entire cereals case, the FTC entered into a contract with Judge Hinkes to continue presiding over the cereals case until its completion. This contract was signed on September 6, 1978, and was administered by the procurement and contracting branch of the FTC. The amount of the contract was $46,000. Judge Hinkes was to receive installment payments at different stages of the cereals case, which was to be concluded within about a year. This would all take place while he was receiving his Government pension.

The June 17 hearing looked into the legality of this postretirement contract with an administrative law judge. Representatives from the FTC, the Office of Personnel Management, and the American Bar Association testified. The FTC, because of the pending cereals case, which has now continued with a new ALJ, did not shed much light as to the legality of the contract. However, the Director of the Office of Administrative Law Judges at OPM testified that he would not have approved such a contract had it been presented to him.

The FTC negotiated and signed the Hinkes contract independently of OPM (then Civil Service Commission). Included in those negotiations were people from the Bureau of Competition, the very office handling the shared monopoly case. Also, Commission Chairman Michael Pertschuk was involved in the direct negotiations with Judge Hinkes.

At the conclusion of our June 17, 1980, hearing on this matter, I, along with many of my colleagues on the committee, was convinced that this contract arrangement was improper. However, the FTC has still failed to adequately explain their actions in this matter.

Mr. Speaker, both the present administration and the President-elect have come out opposed to the subject matter of the FTC litigation against the cereal industry. I am not going to comment on the litigation here, however. I am concerned that the FTC, throughout the controversy over the Harry Hinkes matter, has insisted on continuing the case. I believe that there are clearly enough questions that still need answering by the FTC to warrant suspending the cereal, shared monopoly case until the Hinkes matter is resolved.

Before closing, I would like to thank my friend and colleague HOWARD WOLPE for originally bringing this issue to my attention. His leadership in Congress on this matter has been superb.●

● Mr. BREAUX. Mr. Speaker, I take this opportunity to express my concern, along with several of my colleagues, with regard to the Federal Trade Commission's handling of the "cereals case" brought against three of the Nation's cereal companies 8 years ago. The FTC has, for several reasons, mishandled this cereals case, I believe.

First of all, the fact that after 8 years, voluminous pages of testimony, a series of witnesses, and huge amounts of time and money expended, the FTC still has not settled this matter. I have problems with this rather lengthy and unresolved handling of a public case by a Federal agency. I question it as being inefficient and excessive in terms of its time and money and that of the cereal companies and the general public.

Second, the FTC, it seems to me, has involved itself in an area of antitrust action that is questionable in terms of what the law allows it to undertake. I refer, of course, to its complaint of "shared monopoly" brought against the cereal companies by the agency.

"Shared monopoly" is, it seems, a novel antimonopoly toy invented by the FTC's legal minds. They felt, as I understand it, that because these companies were so big in terms of the market, that they deserved to be investigated, and possibly divested of some of their holdings. Being big, in essence, was bad.

The question has been raised whether the FTC has exceeded its authority to attempt such an investigation and possible divestiture under such a new concept of "shared monopoly", which is not a part of the traditional antitrust provisions of the law. The Congress, I feel, should explore this action to determine if the agency is infringing upon congressional responsibilities with this new concept instead of implementing congressional intent as traditionally expressed in the law in antitrust matters.

Third, I would like to discuss an aspect of the cereals case which involves questionable judgment and procedure by the agency with regard to the hiring practices and policies for administrative law judges. I refer to the case of former administrative law judge, Harry Hinkes.

In essence, ALJ Hinkes, who had presided over the cereals case for 6 years for the FTC, announced one day in 1978 that he was going to retire, but would continue to preside anyway, after retiring, as he had entered into a contract with the FTC to continue his work. This decision and action by the agency, in spite of apparently being warned against it because of possible impropriety or illegality, raises questions as to what is the proper procedure and what, ultimately, is in the public interest. This type of action has the unfortunate potential of tainting or spoiling ongoing cases because of possible incompetence, mismanagement, and poor judgment.

What compounds this Hinkes matter is the complaint that the companies involved in the cereals case have not had the opportunity to cross-examine agency officials or to participate in an investigation of the case by the agency. Certainly, any person or organization's case before a Federal agency is to be allowed due process of law, namely, the right to question and cross-examine.

In addition, the fact that ALJ Hinkes was rehired by the FTC under apparent questionable procedures requires that statutes be clarified as to the hiring, the assignments, and the tenure of ALJ's. Statutes also need to be clarified and enforced with regard to the rehiring of retired ALJ's.

Finally, because the FTC still has not cleared up its action in the Hinkes case, though the former ALJ has been removed from the cereals case, this failure to settle the matter requires that an independent investigation be launched to settle the questionable actions and decisions. Making this ever more urgent is the FTC's continuance of the cereals case seemingly in disregard and without respect to settlement of the Hinkes matter. For the future, consideration must be given to action which would clarify what role a Federal agency has in investigating itself for possible impropriety or wrongdoing, with steps taken to insure, either legislatively or administratively, that those who are the subject of such actions not be allowed to investigate themselves or to determine the outcome of the investigation.

Mr. Speaker, I feel and hope the Congress sees fit in the next session to look into these matters and to act to clarify and correct problems which have arisen in the course of the cereals case and the Hinkes matter.●

● Mr. CLAY. Mr. Speaker, when Congress established the Federal Trade Commission and other administrative agencies, it understood the necessity of insuring that the broad powers to be exercised by these agencies needed to be checked by rigorous procedural standards and safeguards. Their actions needed not only to be fair, but to be perceived as being fair. This intent of the Congress was further expressed when the Administrative Procedures Act (APA) was passed in 1949.

The matter under discussion today—the alleged improprieties involved in a contract negotiated by the Federal Trade Commission and one of its administrative law judges—underscores the importance of Congress desire for administrative fairness and proper procedure. Several important questions have been raised in that discussion and further inquiries are appropriate.

The FTC's "shared monopoly" case against the cereal industry has been called the Government's most important antitrust case in decades. It involves not only the companies charged in the case, but their employees, suppliers and communities. Moreover, the case serves as an important precedent in that a decision in the FTC's favor will grant the Government power to examine more closely the concentrated industries of our country—industries which comprise close to one-third of our economy. Surely in a case of this sort, administrative improprieties should not be allowed to go unexamined and unexplored.

Certain facts relating to the FTC's contract are already known. From affidavits submitted to the Commission and from testimony before the House Post Office and Civil Service Committee last June, we have learned that in the summer of 1978. the Commission and ALJ Harry R. Hinkes engaged in negotiations and signed a contract stipulating that Hinkes would retire as a judge and then be rehired by the Commission, as a special annuitant, to continue presiding over the case. The motivations behind the actions of the players in this contractual arrangement are not clear, despite several requests for an open examination of the events which took place.

What is clear, however, is that the contract negotiated by the parties deviates from the standard practice enunciated in the Administrative Procedures Act. In his testimony before our committee last spring, Marvin H. Morse, Director of the Office of Administrative Law Judges at the Office of Personnel Management, stated:

> I do not deem it lawful or proper for an agency to contract with any person to preside in a proceeding under the Administrative Procedures Act.

In fact, the APA specifically states that the sole responsibility to set the pay and tenure of administrative law judges is the Civil Service Commission (CSC), now the Office of Personnel Management. It states that an agency may appoint an ALJ only with the prior approval of the CSC, except when the agency selects from a "certificate of eligibles." And it prohibits an agency from removing a judge except for good cause determined by the Civil Service Commission.

Those provisions were included in the APA for only one purpose: to insulate administrative law judges from the agencies where they are stationed. The FTC-Hinkes contract appears to subvert the spirit and the expressed intent of the APA, because it gave to the FTC total control over the judge's hiring, compensation, and tenure. To make matters worse, the Office of Personnel Management denies that any request for an approval of the contract was received from the FTC.

The questions of administrative procedure and respect for the due process rights of respondents are of immense importance in any case which the Government initiates. Questions of impropriety, of administrative bias or judicial tampering threaten the legitimacy and the goals of the Government's worthwhile tasks. In this instance, the FTC's decision to enter into an unprecedented contractual arrangement with an ALJ has raised questions which remain unresolved. Why did the FTC engage in an arrangement without Civil Service Commission approval? Why was Judge Hinkes later found to be "unavailable"? What checks exist against an improper mingling of the FTC's judicial and administrative arms?

Over 250,000 cases are heard each year before administrative law judges. As a rule, the ALJ's demonstrate a capacity for fairness and a commitment to equity. It is exceedingly rare for issues involving ALJ's to come before the Congress. That is why this particular case is so troubling. That is why a further examination of all the issues involved is of such great importance. I join my colleagues in their concern for a resolution of these issues.●

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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TRIBUTE TO THE HONORABLE HERBERT E. HARRIS II AND THE HONORABLE JOSEPH L. FISHER

The SPEAKER pro tempore (Mr. Gonzalez). Under a previous order of the House, the gentleman from Maryland (Mr. Barnes) is recognized for 60 minutes.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARNES. Mr. Speaker, it is a privilege for me, albeit a sad one, to have the occasion today to call to the attention of our colleagues in the House the departure of two of our most distinguished friends, Herb Harris and Joe Fisher, from Virginia.

Herb and Joe have represented northern Virginia with great energy, devotion, and distinction during the last 6 years in this House, and we are losing two of our most tireless and dedicated Members. Their shoes are going to be very hard, indeed, to fill.

When I came here almost 2 years ago, after winning election from Montgomery County, Herb and Joe and our other colleague from Maryland, Gladys Spellman, helped me learn the ropes of this institution. We have functioned so often as a team on many issues which our districts have in common and we have worked very closely on other matters as well.

Herb and Joe are great coworkers, they are great friends. It is going to be more lonely here without them. I know if Gladys Spellman were here today, she would share those sentiments; and obviously we all hope and pray for her quick return to us.

What I am saying about being lonely is not something I am just saying tonight for the record of the Congress. The day after the election, a few weeks ago, I was interviewed by a reporter for one of the local newspapers in my district, the Montgomery County Journal; and a story was written about that interview, and the headline on the story, "GOP Victory Leaves Mike Barnes Lonely."

The story said in part:

> Sophomore county Congressman Mike Barnes, who handily turned back the challenge of former congressman Newton Steers on Tuesday, is now the senior active congressman from the suburban area.
>
> "I feel pretty lonely down here today" Barnes said Wednesday.
>
> "The loss of Herb Harris and Joe Fisher is a very serious blow to the Washington area and our interests in Congress," he said. "Both Joe and Herb have built up seniority in the institution, and they've both been leaders on the whole range of local questions that are important to us."
>
> "With Gladys in the hospital and Joe and Herb defeated, we lose three of our most important advocates for federal employees. Yesterday was just devastating for a lot of local concerns," Barnes said.
>
> Barnes said he was also concerned about

Metro money, which he caller "an annual fight."

"I don't look forward to waging that battle without Joe Fisher and Herb Harris," he said.

Barnes said issues such as impact aid and revenue sharing, on which the county has been fighting a rearguard action in recent years, will become even more difficult. "With a Republican majority in the Senate, the prospect of winning some of these fights doesn't look too good," he said.

"I feel a lot of responsibility to pick up some of these battles that the others have been leading very effectively," Barnes said.

I do not just rise tonight to talk about my feelings about what a great loss HERB and JOE are for our area. I feel it very sincerely and I say it every opportunity that I get. HERB and JOE came to Congress both after long careers of public service, both nationally and in local government.

Mr. Speaker, JOE FISHER came to the House in 1974, after a very distinguished career already in public service. At the national level he was a senior economist for the Council of Economic Advisers and for the State Department. On the local level, in northern Virginia, JOE served as one of the most respected members ever of the Arlington Planning Commission, the Northern Virginia Transportation Commission, the Northern Virginia Regional Planning District Commission, the Washington Metropolitan Area Transit Authority, and the Washington Metropolitan Council of Governments.

JOE's major elective position prior to his service in the House was on the Arlington County Board where he served with tremendous distinction for 11 years. JOE has given us the benefit of his extensive expertise in the field of the economy and taxation. As a member of the Committee on Ways and Means, beginning with his first term here in 1975, JOE worked to reform our tax laws. As a member of the Committee on the Budget, he helped get the new congressional budget process off the ground and functioning to give us greater control over Federal expenditures.

As cochairman of the Environmental Study Conference, JOE FISHER has been in the forefront of issues affecting the quality of life across our Nation and also here in the metropolitan area.

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Whenever the House has dealt with the Metro subway system, the problem of airport noise at National and Dulles, which were both in JOE's district, and pollution in the Potomac River, JOE FISHER was there offering his always thoughtful leadership on these local issues so important to his constituency—issues also very visible to all of our colleagues here in the Congress who reside in the metropolitan area—many issues in JOE's district.

On issues affecting Federal employees, a constituency of tremendous importance in all of our districts, JOE has worked to insure that Government workers receive fair salaries and benefits. He appeared before the Committee on Rules earlier this year to argue passionately, and I might say successfully, for protection of the rights of retired Federal employees who were threatened by inflation and the high cost of living. He has worked tirelessly to protect the integrity of the Civil Service Retirement System.

Mr. Speaker, HERB HARRIS was first elected to Congress in 1974, and he is now completing his third term in the House as Virginia's Eighth District Representative. HERB has served on three committees: the Committee on the Judiciary, the Committee on Post Office and Civil Service, and the Committee on the District of Columbia. I had the privilege to serve with him on two of those: The Committee on the Judiciary and the Committee on the District of Columbia this year.

HERB is widely respected on Capitol Hill as a hard-working, effective legislator who does his homework and keeps in close touch with his constituents. His public town meetings and his local constituent service offices have provided an easy and convenient opportunity for people to question him about his votes and to state their own feelings about issues before the Congress.

As a member of the Committee on the Judiciary, HERB has worked tirelessly to streamline the Federal regulatory process, revise and update the criminal justice system, restore competition to the oil and other big industries, and require public disclosure of lobbyists' activities. HERB's priorities on the Post Office and Civil Service Committee included preserving the semiannual cost-of-living adjustments for Federal and military retirees, and keeping Saturday mail delivery; assuring that Federal employees receive pay and benefits comparable to private-sector employees; and preventing a merger of the Civil Service Retirement System and the social security system, which would break the contract that the Federal Government has made with its employees.

On the District of Columbia Committee, HERB led the successful fight opposing D.C. commuter tax legislation, sponsored legislation which authorized the Federal funding needed to complete the 101 miles of the Metro system, and he encouraged regional approaches by Maryland, Virginia, and the District of Columbia with respect to gasoline, natural gas, and water supplies. HERB also sponsored legislation to fund a study of extending the Metro rail service to the Burke/Springfield, and the Dulles/Reston areas of his district; and to fund a complete renovation of the Wilson Bridge, legislation which we just got through the House today.

In addition, HERB has been leading a major investigation into wasteful Federal contracting and year-end spending sprees. HERB has sponsored legislation to insure competition in the use of outside consultants and contractors and to eliminate year-end spending. He has also secured passage of an amendment which makes sabotage of nuclear powerplants a Federal offense.

An international trade attorney before coming to Congress, HERB HARRIS helped draft America's first food for peace law in 1955 and parts of the Trade Expansion Act of 1962. He served as a U.S. delegate to the United Nations Food and Agriculture Organization, and he was a member of President Johnson's Public Advisory Committee on Trade Policy.

HERB HARRIS has a long record of service in northern Virginia civic and public affairs, including service as president of the Fairfax County Federation of Civic Associations, 7 years on the Fairfax County Board of Supervisors, and as vice chairman of the Metro board of directors.

I want to say to my colleagues tonight that I really will be lonely here as I come to the floor for votes, as I come to the floor seeking the advice and counsel of colleagues on important issues before us when JOE FISHER and HERB HARRIS are not here.

As a personal note, I have to say that the thoughtful, always very responsible and deliberate counsel that JOE FISHER has given to this body is going to be missed, not only by those of us who will serve here in the future, but by the people he served so ably, and by this Nation and by this world.

HERB HARRIS will be missed by all of us for his humor, for his indefatigable efforts on behalf of any issue with which he became associated, and for his ability to articulate and advocate issues so effectively—and for his humor.

If GLADYS SPELLMAN were here tonight, I have a feeling that is what she would talk about. So many times after a really tough vote, GLADYS and I would be back up here in the corner, and we would be thinking, how are we going to explain this one back home? And GLADYS would grab me by the arm and say, "Let's go find HERB. He will give us a good line on this one." And HERB would have a bit of wit that one could use in difficult moments to make it possible for me and GLADYS and others in the House to recognize that we do not need to take ourselves as seriously as sometimes this institution makes us feel we might.

I am going to miss JOE and HERB tremendously. But one thing I feel confident of is the inscription on the wall above me that I read so often as I am sitting here on the floor and listening to debate. The statement of Daniel Webster is going to be remembered as applying to these two gentlemen who served here so well. The statement reads:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Mr. Speaker, our distinguished colleagues, JOE FISHER and HERB HARRIS, have performed many things in this very room that are worthy to be remembered.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I am delighted to yield to the gentleman from Virginia.

Mr. WAMPLER. I thank my distinguished colleague from Maryland for yielding.

May I express to the gentleman on behalf of the Virginia delegation our appreciation for his taking this time to pay proper respect and tribute to our two distinguished colleagues from northern Virginia.

As the gentleman from Maryland knows, I am not of the same political party as our two colleagues from northern Virginia, but, nonetheless, I am appreciative of their dedicated service here in the House of Representatives. Also the gentleman from Maryland knows that northern Virginia is not typical of some sections of the Commonwealth of Virginia in that this gentleman represents a small town and rural constituency, but, northern Virginia is a very important part of the Commonwealth of Virginia. As the associate dean of the delegation, I want to take this opportunity to express on behalf of the Virginia delegation our appreciation for the loyal service of Joe Fisher and Herb Harris in the House of Representatives. As one who has served here for a period of years, and one who has known political victory and political defeat, let me say to the gentleman from Maryland I am sure we all like it better when we win than when we lose, but that is political reality.

I want to say to the gentleman from Maryland and to the Speaker that our two distinguished colleagues from Virginia carry with them as they leave this session of Congress the best wishes of the Virginia delegation and, I am sure, the entire membership of this House. We express to them our appreciation for the contributions that they made in the various committees on which they serve and to their contributions here in the House of Representatives.

No one can accurately predict what the future may hold, Mr. Speaker, and I say to the gentleman from Maryland, again I want to express the appreciation of the people of Virginia for the loyal, dedicated service of the two gentlemen from Virginia, Mr. Harris and Mr. Fisher. They carry with them our best wishes for the future, not only for themselves but for their families. I am confident that we will be hearing more from them in the future.

I thank the gentleman for yielding to me and thank him again for taking this time and paying proper respect to these two distinguished colleagues of ours from Virginia.

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Mr. BARNES. I thank the gentleman from Virginia for his comments.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I thank the gentleman for yielding. I guess my purpose in being here more than anything else is to let the country know that it is not just the people from Maryland and the people from Virginia and the people from the East that appreciated the great services performed by our colleagues Herb Harris and Joe Fisher. The gentleman from Maryland says that it is going to be lonely without them here. It is not only the gentleman from Maryland who is going to be lonely without them here, I want to tell you: it is the gentleman from Iowa who is going to be lonely without them here, and a great many other people who serve in this body as well.

The gentleman from Maryland indicated that they had helped him when he came to Congress. I came to Congress with them, but I want you to know that they helped me as well. We were a part of that group that came in together, that instituted a great many changes. It was an exciting time for us, and it was partly because of having Herb Harris, as the gentleman has mentioned, with his humor, as well as Joe Fisher with his maturity, that meant a great deal to us.

The gentleman has spoken of the loss for the Federal employees, but I want him to know it is not just the Federal employees who have lost by not having these two fine men here to serve us in the Congress. I was well aware of Joe Fisher's concern for the future and his interest in where we are headed, not just today, but in the future. There are not many people, probably, that realize how knowledgeable Herb Harris was on agricultural policies. I served with the gentleman from Virginia on the Agriculture Committee, and I was astounded to find out how knowledgeable Herb was in regard to those particular policies.

I tell many people that what we do here in the Congress in trying to be of service, that is not nearly as much the laws that we may pass as individuals, but the example that we may set for others as we serve here. And at least in my opinion, there are no two people who fit that description any better and who set a better example than our two colleagues from Virginia, so that I tell you that the Middlewest will miss them just as the people from Maryland and Virginia will miss them.

But, mostly I am thankful for having had the opportunity to serve with them, to know them, and for the service which they have performed for all of us. I thank the gentleman from Maryland for calling for this special order.

Mr. BARNES. I thank the gentleman from Iowa for his contribution.

In closing, I just want to say a couple of other things very briefly. I spent several days sitting in that chair right there with Joe Fisher last year. Joe and I had an amendment that we intended to offer that I called the Fisher-Barnes amendment, and Joe called the Barnes-Fisher amendment. It was a lengthy wait during the budget process for the opportunity to offer our amendment.

It was literally day after day as we awaited the opportunity to offer our amendment, and Joe and I sat sometimes almost hour after hour waiting patiently—sometimes not so patiently—for the opportunity to offer our amendment.

But, it was at that time that I had the chance to talk at length with Joe and to come to have such enormous respect for the way in which he analyzes issues and the thoughtful and responsible manner in which he always exercises his responsibilities as a Member of Congress. As I look back on my first term, I do not have any better friends in Congress than Joe Fisher and Herb Harris, and an indication that this is not simply respect for the professionalism of colleagues and the role we played together as colleagues in Congress, but actually personal affection for fellow human beings and friends is that my wife Claudia is seated in the gallery tonight, and has joined us tonight to be here for this tribute to our friends, Herb and Joe; and, I might add, to their wives, Nancy Harris and Margaret Fisher.

Herb and Joe found the time to be such great family men while serving in this body. Herb has five children; Joe has seven children, and their children and their grandchildren have great reason to be proud of the record of public service of two outstanding Members of the U.S. Congress. It has been a privilege that I will never forget to serve with them, and an honor to stand here today in tribute to them.

● Mr. JEFFRIES. Mr. Speaker, as a former cochairman of the Environmental Study Conference I wish to express my admiration for the fine work and the resulting achievements of Joe Fisher during his notable service as cochairman. While I have deep respect for my good friend from Virginia as an individual, I respect him even more as a conscientious and expert legislator.

While there are many examples of Joe's work on legislative matters which I could describe as outstanding, I believe his most notable achievements have come in seeking an appropriate balance of our national energy and environmental goals. His dedication to the development of a coherent and comprehensive national energy policy with full recognition of the effects upon, and respect for, the environment has been evident in his service for the past 6 years.

Joe Fisher's leadership has been repeatedly demonstrated on the landmark environmental and energy legislation of the past six sessions of Congress. His support has been important in the passage of legislation such as the Surface Mining Control and Reclamation Act of 1977, the Clean Air Act Amendments of 1977, the Alaska National Interest Lands Conservation Act, and other legislation protecting our vital natural resources. Yet this concern for our environment, and the environment of generations yet to come, has been balanced by a determination to find realistic solutions to the energy challenges which confront our Nation. Joe's leadership on the implementation of solar energy banks was instrumental in the passage of an integral part of a national energy policy. A few weeks ago at a reception in his honor, Congressman Fisher commented that the passage of a chemical waste cleanup bill would be a very satisfactory conclusion to his career in the House of Representatives. I would like to view the recent passage of the Hazardous Waste Containment Act of 1980 as the crowning achievement and a tribute to the outstanding career of this fine Virginia statesman.

I wish our good friend well in the time he spends outside of this particular institution and am hopeful that Virginia and the Nation will continue to benefit from his wisdom and experience.●

● Mr. ADDABBO. Mr. Speaker, I would like to take this moment to say a few words about a man who in a relatively brief time period has become a highly respected Member of Congress, the Honorable Joseph Fisher, of Virginia, who is retiring at the end of this Congress. I consider him a fine friend and will miss his company in the House.

Joe Fisher gained a reputation in Congress as an honest, sincere, hardworking public servant who felt that the needs of the general public should never take second fiddle to the desires of a special few. He truly loved his constituents and did his best to tend to their needs, an innovative man of action who fought hard on a range of issues important to him, issues such as the survival of the small businessman, airport noise, mass transit, and among others, addressing the needs of the elderly.

He served admirably on the all important Ways and Means Committee, where he quickly gained respect for his knowledge on the numerous issues facing the committee, and he constantly fought for improvements in our Nation's Social Security System, especially in the area of providing equity of payments to women.

A man concerned with the affects of noise pollution eminating from National Airport, Joe has fought hard for a reduction in the relative use of the airport. A firm believer in the future of mass transit to reduce air pollution and conserve energy, Joe Fisher has supported construction of a local underground commuter-rail system which benefits the entire Washington, D.C., metropolitan area. In addition, he has authorized a bill calling for the development of a plan for the protection of the Potomac River shoreline in Maryland and Virginia, one of our Nation's most scenic and historic waterways.

Joe Fisher has been a credit to the State of Virginia for the three terms he has been in office and I wish him all the best of luck and happiness in his future endeavors. I have no doubt he will continue to give the same all-out effort he shared with us.●

● Mr. LONG of Maryland. Mr. Speaker, the House is losing two of its hardest working Members with the retirements of Herb Harris and Joe Fisher after 6 years of exemplary service to their Nation.

I have known Joe Fisher for many years having served together with Arthur Burns on the President's Council of Economic Advisors during the Eisenhower administration. Joe's leadership, sharp intelligence, and sensible approach to our Nation's complicated problems have earned him respect from both sides of the aisle. In 1974, as a freshman, Joe played important roles on the Ways and Means Committee in developing tax reform legislation and energy policy. All of us, especially residents of Virginia's 10th District, will miss Joe, his lovely wife Margaret, and their seven children.

The people of Virginia's Eighth District have been ably represented by Herb Harris. It is no secret that Herb earned his seat in Congress the hard way—through the rough and tumble of Fairfax County politics. As a member of its board of supervisors, Herb demonstrated his genuine concern for his constituents problems which followed him to this Chamber. He has always been a staunch fighter for Federal employees and he has never been afraid to take a stand. All of us will miss Herb and we wish him and his gracious wife, Nancy the best of luck.●

● Mr. MINETA. Mr. Speaker, I am pleased to have this opportunity to praise the work of our two colleagues from northern Virginia, Herb Harris and Joe Fisher, who, like myself, were both elected to the House in 1974. I know I speak for other classmates of ours when I say that our class has been greatly enriched by their many contributions.

Herb has brought his considerable energy and enthusiasm to his job as representative of a district which houses many Government workers, congressional staff members, and his congressional colleagues and their families, including my own. I am certain that many others will be joining me today in thanking Herb for the major role he played in insuring the steady expansion of Washington's Metro. Due to his efforts, the Metro has emerged as one of the most outstanding rapid transit systems nationwide, a fitting feature of our Nation's Capital, and a practical, valuable transit alternative for hundreds of thousands of commuters who depend upon it daily. Another accomplishment for which Herb can justly be proud is a bill that was enacted this past October to expand the historic Manassas Battleground by 1,500 acres. Both of these longstanding efforts demonstrate Herb's commitment to improving the area he has served for the past 6 years.

Joe Fisher, our other northern Virginia Congressman, has shared Herb's interest in insuring the Federal Government's involvement in expanding the Metro. Joe's training and many years of experience as an economist have made him an invaluable asset to both the Budget and Ways and Means Committees, which he has served, and I, like many others, have often sought his advice on economic matters. Joe has also contributed greatly to the Congress as chairman of the Environmental Study Conference. His commitment to renewable energy source development has won him a reputation as a leading advocate for a responsible and enlightened energy policy. The House will also miss his sensitivity and keen intelligence.

Mr. Speaker, the only bright spot in saying farewell to these two gentlemen is in knowing that their homes are nearby, and we will be able to continue our friendship with them long past the closing days of this Congress.●

● Mr. VANIK. Mr. Speaker, I am pleased to join with my colleagues today in paying tribute to the very distinguished gentleman from Virginia, Joe Fisher. It has been my privilege to work with Joe for 6 years in the House and to serve with him on the Ways and Means Committee, and my Subcommittee on Trade.

Joe has never been afraid to take controversial positions and he was never interested in hiding his views from his constituents in order to become noncontroversial. A professional economist of great repute. He never limited himself to one issue but could be found working simultaneously on taxes and energy.

I will always remember Joe Fisher as a man with excellent legislative skills.

I wish Joe good health and a happy retirement. His work in the Congress was important and well done.●

● Mr. BUTLER. Mr. Speaker, I am pleased to join with my colleagues in honoring my good friend, the distinguished gentleman from the 10th District of Virginia, Joe Fisher. His intelligence and cooperative spirit are highly regarded by his colleagues on both sides of the aisle. I have been privileged to work with him on many projects of mutual concern to Virginia and the Nation. While our political philosophies may differ, I never considered our differences to be personal. I value his friendship and respect his intellect, and will look forward to the times when our paths will cross again.

I also take this opportunity to pay tribute to our colleague from the Eighth District of Virginia, Herbert Harris. We served together on the House Judiciary Committee and have had several occasions to work jointly on issues of concern to the entire State of Virginia. I refer particularly to the Virginia cares ex-offender project which would not be in operation today without his cooperation. I am confident that he will continue to be involved in community matters affecting the citizens of northern Virginia.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague from Maryland (Mr. Barnes) for taking this special order so that we can salute two Members from the Old Dominion, the Honorable Herb Harris and the Honorable Joseph Fisher who will not be returning for the 97th Congress. I know that my colleagues on both sides of the aisle will agree that these exemplary public servants will be missed in the coming years.

Mr. Speaker, I think that it would be appropriate at this time to note the accomplishments of my distinguished colleagues and friends Herb Harris and Joe Fisher in the U.S. House of Representatives.

Mr. Speaker, Herb Harris was elected to Congress as the representative of the Eighth Congressional District in Virginia in 1974. During his tenure, he has pursued not only the best interests of the voters in that district but the best interests of all the people in this Nation.

Mr. Speaker, in his position as chairman of the House Post Office and Civil Service Subcommittee on Human Resources, Herb has pioneered legislation to increase the cost effectiveness of Government contracting; strengthen the merit system; and to protect employee rights. Additionally, Herb has taken a position of strong leadership on the House Judiciary Committee. He has done a yeoman's job as the committee worked to revise and update the criminal justice system.

Finally, Mr. Speaker, Herb has worked not only for the people of the Eighth District of Virginia, but for the residents of northern Virginia, District of Columbia, and the Maryland metropolitan area. As a member of the House District of Columbia Committee, Herb successfully sponsored legislation to increase Federal funds to complete the entire 101-mile metro system and to encourage regional approaches to such problems as air pollution, water supply, and energy sources. In this manner, HERB has worked to unify the efforts of and benefits to the people of this metropolitan area.

Mr. Speaker, my distinguished colleague JOE FISHER, too, represents a district in the northern Virginia area—the 10th Congresstional District. Like his colleague, HERB HARRIS, JOE has served also three terms in the House of Representatives. JOE has been an active member of the House Ways and Means Committee. Through his subcommittee assignments of this committee, JOE has been a reformer on tax and social security legislation. JOE's overriding concern with tax legislation relates to the proper modification of current tax laws to stimulate investment and restore productivity. With regard to the social security system, JOE has dedicated himself to insuring that the system meets the needs of all Americans.

Additionally, JOE has been a trailblazer in terms of environmental issues. Mr. Speaker, JOE served as the chairman of the Environmental Study Conference and accordingly coordinated the 10th annual Congressional Earth Day. JOE also played an active role in the drafting and passage of the Alaska lands bill and the superfund bill—two landmark pieces of legislation.

Mr. Speaker, in closing, I would like to note that both men have contributed to the resolution of some of our kev domestic problems. As a result of their tireless efforts, the American domestic policy is stronger. This is a fitting testimonial to these outstanding men. I join with my colleagues in wishing them the best in the future.●

● Mr. PHILLIP BURTON. Mr. Speaker, I rise today to pay tribute to HERB HARRIS. He is a good friend and outstanding colleague who suffered defeat after serving 6 years in the House.

HERB served on the District of Columbia, Judiciary, and Post Office and Civil Service Committees, where he performed as a highly competent and extremely productive legislator. Acutely aware of the intimate relationship between his district and the District of Columbia just next door, HERB's work ultimately benefited District of Columbia residents as well as his own constituents. Examples of this include his concern for Federal workers and for the development of the Metro subway system. HERB's successful efforts in providing needed protection for Manassas National Battlefield Park is one of many legacies HERB HARRIS has left his country.

It is my hope that HERB will continue to remain politically active, and I look forward to his return to the House.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to two fine gentlemen from the State of Virginia, Congressmen HERB HARRIS and JOSEPH FISHER, who will be leaving the House after the 96th Congress.

HERB HARRIS and I shared a common bond even before he came to the House of Representatives. He attended my alma mater, the University of Notre Dame, and shares my love and respect for those "hallowed halls" we both knew so well.

I really came to know and respect HERB after serving with him on both the Judiciary and the District of Columbia Committees. He is a hard worker and a most effective Representative.

HERB championed issues of importance to his constituents, many of whom are Federal employees. Among some of the concerns he actively promoted were home rule for the District of Columbia, D.C. voting rights, as well as measures dealing with ethical reform.

JOE FISHER's departure from Congress will be regretted by all who know of his integrity and commitment to his constituents. He is a fine legislator who can take pride in his accomplishments while serving in the House.

I extend to both these gentlemen—and to their families—best wishes for a happy and satisfying future.●

● Mr. BINGHAM. Mr. Speaker, I am glad to have this opportunity to add my praise for two of the most talented and dedicated Members of the House of Representatives has had in many a year. Both HERB HARRIS and JOE FISHER have been highly visible and effective members of the Virginia congressional delegation from the moment they took their oaths of office 6 years ago. I remember well the excitement so many of us who live in the Washington area felt when these two new champions of the Democratic Party swept into office, and their accomplishments since then have not disappointed.

HERB HARRIS maintained an almost unbelievable schedule, trying to respond to the needs of his northern Virginia constituents and to shape national policies in the public interest. I particularly admired his forceful and widely noticed efforts to reform Government contracting procedures and stop year-end spending binges. I could not begin to count the times that I would hear his voice on my radio as I was driving carefully home, giving reasoned and impassioned views on public policy issues. He was never inclined to duck controversial issues and take a stand, and always seemed to be leading the way on issues like Metro and regional water supplies. We will sorely miss his company, his compassion and his effectiveness.

JOE FISHER probably does not know this, but his was always one of the names I would check on the electronic voting displays before casting my own vote on Ways and Means issues. We were together on so many issues, and joined in pushing for enactment of some 40 different pieces of legislation in the 96th Congress alone. I was always grateful for his thoughtful and articulate views on issues that too many others ignored—explosive population growth around the world, age discrimination in employment, and declining charitable contributions in the United States. I also knew I could consistently trust his leadership and judgment on complex issues like unemployment compensation and tax law changes. He was a tireless chairman of the Environmental Study Conference, arranging and attending early morning skull sessions on tough environmental problems and pushing for stronger protections for our beleaguered parks, forests, and wildernesses. In many ways, his contributions to the legislative process in the House are irreplaceable. I am deeply saddened by his departure.●

● Mr. ANDERSON of California. Mr. Speaker, I would like to take this opportunity to thank our colleague, Mr. BARNES, for having requested this special order so that we could pay tribute to the Honorable JOSEPH FISHER.

JOE came to the House of Representatives in 1974, possessing a wealth of knowledge and experience as an economist. Economics, as well we know, is a complex and difficult discipline, especially to explain to the layman; but JOE always made it understandable for those of us here in the House who were not economists. Through his assignment on the Ways and Means Committee, JOE was able to make good use of his expertise and was able to start his service on that committee at full speed, whereas many others began to learn only after receiving this assignment. He also brought to the committee experience gained from service on the Council of Economic Advisors, as well as with the State Department. As a result, the entire legislative process, and of course, the Nation as a whole, has benefited.

While JOE was keenly aware of the economic necessities of his constituents in Virginia's 10th District, he did not ignore their many other concerns. Unlike most of us, JOE's constituents live in the Washington area, and are, perhaps, more well-versed in the various pieces of legislation which affect them. So, it is a tribute to JOE and his untiring efforts on their behalf that he was able to address himself to the many issues that they brought before him.

Although JOE will be unable to continue with us on a day-to-day basis next Congress, as he is from the Washington area, I hope he will continue to provide us with his expertise when we are in need. He will always be welcome on the Hill.

My wife, Lee, joins me in wishing JOE, his wife, Margaret, and their entire family, all the best in future endeavors.●

● Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Maryand for taking this special order to commend our good friends and colleagues, HERB HARRIS and JOE FISHER. I have enjoyed serving in the House with them. Both of these gentlemen have achieved a high profile in Congress as progressive, hard-working, and dedicated lawmakers. They have been especially effective in helping their constituencies in northern Virginia, and while their bid for reelection was not successful this time, as we all know the margin between them and their opponents was extremely close.

As a member of the House Judiciary Committee, HERB HARRIS is known for his objective, thoughtful, and analytical approach to complex issues. These are traits that help fashion legislation that takes into account the tremendous diversity of opinion on the committee. While we have had our differences, I always know that his point of view will be forthright and based upon strong reason and a great knowledge of the law.

Herb Harris is active in the political affairs of northern Virginia, and there is no question that we will be hearing more from him in the future. I wish him continued success and commend him for a job well done.

As we all know, Joe Fisher brought a wealth of practical experience and academic talent to the House upon his election 6 years ago. His experience in economics and financial matters is without equal. Since receiving his doctorate from Harvard University over 30 years ago, Joe Fisher has held impressive positions in Government as an economist. He enjoys tremendous respect as a member of the Ways and Means Committee, and while I have certainly disagreed with him on a number of issues before the committee, he is a worthy opponent in this connection, a gentleman of the first order.

I look forward to working with Joe Fisher in the years ahead. He is a man of the highest integrity and a credit to this body.●

● Mr. WAXMAN. Mr. Speaker, the people of northern Virginia have lost two superb legislators, Herb Harris and Joe Fisher. They are men of quality, dedication, and commitment who have served their communities, the country, and the Congress. They are my good friends, and I am indebted to their leadership. They will be sorely missed.

Joe Fisher was elected in 1974 and won a seat on the Ways and Means Committee. His expertise in economics and his heartfelt concern for equity in the tax laws made Joe a champion of progressive and responsible tax policy. He has been especially forceful as a proponent for energy conservation, and wrote into law several crucial provisions that encourage consumers to save energy. Joe has also been one of the leading environmentalists in the House. We have greatly benefited from his efforts.

Herb Harris was also elected 6 years ago. He brought to Congress an abiding concern for the welfare of his constituents, particularly Federal employees, and an enlightened attitude toward home rule in the District of Columbia. Herb has also been outspoken on behalf of Soviet Jewry and the survival of the State of Israel. He is a courageous person. I very much hope he will maintain his active involvement in public policy.

To both men, I extend my best wishes for success in the future.●

● Mr. BROWN of California. Mr. Speaker, among the Members who will be departing this Congress is our colleague, Joseph Fisher. As one who has admired his contribution to the legislation and the comity of this institution, I will miss Joe's presence as a Member. As one who served with him on the Executive Committee of the Environmental Study Conference, I want to thank him for his dedication and hard work on behalf of the environment. I hope and expect that we will continue to benefit from his experience and intelligent perspective as we deal with the problems of the 1980's.●

● Mr. ANDERSON of California. Mr. Speaker, it is with sadness that I rise today to join in paying tribute to our friends and colleagues from the neighboring State of Virginia. I would like to thank Mr. Barnes, of Maryland, for reserving this time for us today.

Throughout this, and the last two Congresses, I have been impressed by the diligence and forthrightness exhibited by Herb Harris. His tireless and seemingly thankless work on the Committee on the District of Columbia has proven Herb's concern for the seat of this Government, the Federal City. He successfully sponsored increased Federal funds to complete the entire 101-mile Metro system here in Washington, D.C., a system that is breathing new life into many parts of the city.

I would feel remiss if I did not also mention his fine record of service on the Committee on the Judiciary, where he worked to revise and update our criminal justice system, and a chairman of the Subcommittee on Human Resources of the Post Office and Civil Service Committee.

I commend Herb for the fine work he has done for Virginia's Eighth Congressional District, and know that his constituents will miss his strong voice in the next Congress. I hope that Herb will continue to provide us with his expertise when we are in need. Herb will always be welcome here and as he is from the Washington area, I expect that he will be no stranger to us.

My wife, Lee, joins me in saying farewell to Herb. We wish him and his wife, Nancy, and their five children, all the best for the future.●

● Mr. DRINAN. Mr. Speaker, I am very sorry personally and professionally and politically that Herb E. Harris II will not be a Member of the 97th Congress.

I was a classmate of Herb Harris at Georgetown University Law School. Then and now, I have come to admire Herb Harris as a remarkable individual with fine talents and total integrity.

Herb Harris has achieved a great deal in the 6 years that he has honored the Nation by serving this country as a Member of the U.S. House of Representatives. He has done exceptionally find work as a member of the House Judiciary Committee, where I have served with him in many capacities. In addition, he has devoted his characteristic industry and resourcefulness to the important problem involving the District of Columbia and surrounding areas.

I know that Herb Harris will return to political life and look forward to the opportunity, hopefully in the very near future, when I can see him once again serving his constituents and the people of America.

I send to Herb and his wife, Nancy, and their five children, my very best wishes and warm regards.●

● Mr. JONES of Oklahoma. Mr. Speaker. I am pleased to join in honoring these two fine members of the Virginia delegation. I have had the pleasure of serving with Joe Fisher on the Ways and Means Committee.

Joe Fisher is a scholar of national reputation. He has put that scholarly background to good use in our work on taxes and the economy. What I admire so about Joe is that he combines the best of both worlds. With his scholarly background, he combined a healthy dose of commonsense about what makes good public policy and what can and cannot be accomplished in the real world.

Joe was never afraid to take controversial stands when he was convinced that his viewpoint was right. I will miss his frankness and his knowledge of the issues both in committee and on the House floor.

Herb Harris was enthusiastically dedicated to the interests of his constituents. Federal workers knew they had a friend in Herb, and he is owed a debt by every Federal worker in the country for what he has achieved to help them maintain their standard of living. But Herb's vision went beyond just the interests of his district. He also strived for things that were good for the country as a whole.

Herb Harris vigorously pursued changes in wasteful spending policies and was instrumental in bringing to public attention the year-end spending sprees by Federal agencies. Herb was dedicated to public service and put that dedication to good use as an effective representative for Virginia and for the Nation.●

● Mr. DANIELSON. Mr. Speaker, northern Virginians have lost a tremendous "one-two punch" with the departure of Herb Harris and Joe Fisher from the House of Representatives at the end of the 96th Congress.

I have observed and worked with both Joe and Herb since they took office 6 years ago, and have great admiration for both of them.

Joe Fisher's evenhanded guidance on tax issues and social security questions has helped me reach tough decisions on many occasions. Even as a newcomer, during his first term here, there was general recognition that Joe was a man whose advice on economic matters would be extremely helpful to us.

I have had the opportunity to work even more closely with Herb Harris, since we are both members of the Committee on the Judiciary, and he is a member of the Subcommittee on Administrative Law and Governmental Relations, which I chair. We have spent hundreds of hours together working on ethics in government, lobbying disclosure, regulation reform, private claims bills, and much more.

I will miss Herb, with his sense of humor, his quick wit, and his incisive mind, as much as any of our departing colleagues. Hopefully we have not seen the last of him and he will return quickly.●

● Mr. RAHALL. Mr. Speaker, in 1974, many new Members came to this body, and two of the most distinguished were the gentlemen we honor today, Herb Harris and Joe Fisher.

Herb Harris came to Congress from the Eighth District of Virginia, with a long list of accomplishments in his previous public service. The Fairfax County board of supervisors, the Northern Virginia Transportation Commission, the

Washington Metropolitan Area Transit Authority, the Fairfax County Federation of Citizens Associations, and numerous civic groups, have all experienced the impact of Herb Harris' leadership.

In Congress, Herb was a staunch supporter of the Metro system and of Federal employees. On these and many other issues, Herb Harris never backed down from a fight, when the interests of his constituents and the Nation were at stake.

Joe Fisher, from Virginia's 10th District, also came to Congress in 1974, well prepared to do his job. Besides his service on the Arlington County Board and a number of other local commissions, Joe Fisher came to this House as a highly respected economist and had served on the council of economic advisers.

As a member of the Ways and Means Committee, Joe Fisher played an important role on tax and energy matters. Like his colleague from the Eighth District, Joe took controversial stands, but always with the interests of those he represented in mind.

Mr. Speaker, with the departure of Herb Harris and Joe Fisher, this House will lose two fine men, but most of all we will lose two good friends.●

● Mr. LEDERER. Mr. Speaker, today we honor two distinguished colleagues from the State of Virginia. I have had the opportunity to work closely with both of these men. They have served their districts admirably. We who remain in the Congress shall sorely miss their legislative skills.

For the past 4 years, I have served with Joe Fisher on the Ways and Means Committee. During that time, we have worked together on many important tax issues. His background in economics has proved very helpful in the committee's deliberations. His contributions to our debates have been clear and to the point. I know that Joe has given me much assistance in understanding tax legislation, and I am sure that other Members are also indebted to him for this reason.

Herb Harris is a special friend. When I first came to the House, he showed me the ropes and taught me how to get things done on Capitol Hill. He was my big brother. Since that time, our friendship has continued to grow. I know that we shall remain friends for a long time.

Both of these men represent the suburban communities of Washington. Consequently, many of their constituents are Federal employees or former Federal workers. Both Herb and Joe have done an outstanding job of fighting for the interests of these constituents. The Federal worker and the Federal retiree had strong advocates in Herb Harris and Joe Fisher. They will be difficult to replace.●

● Mr. DRINAN. Mr. Speaker, I and the countless friends of Joseph Lyman Fisher will miss a great deal his presence in the 97th Congress.

The Congress and the country were indeed fortunate to have this talented and able man as a Member of the House of Representatives for 6 years. A graduate of Bowdoin College with a Ph. D. in economics from Harvard University, he served as a professional economist and as the president of the Resources for the Future for many years prior to his election to the 94th Congress. He is one of the Nation's top experts in the area of economic planning and the deployment of our natural resources.

In addition, Joe Fisher was for many years the national moderator and board chairman of the Unitarian-Universalist Association. He served as the senior economist for many years on the Council of Economic Advisers and had the role of a planner for the Natural Resources Planning Board for a number of years.

Joe Fisher served with distinction as a member of the House Ways and Means Committee. His positions were always carefully reasoned and were highly regarded by Members of the House.

I send to Joe and to his wife, Margaret, my sincere best wishes and warm regards. He has placed all of us in his debt.●

● Mr. REUSS. Mr. Speaker, it is with great pleasure that I join in this tribute to two distinguished gentlemen from the Virginia delegation, Joseph L. Fisher and Herbert E. Harris II. Both have served their State and country well, and will be sorely missed in the next Congress.

Joe Fisher has been a knowledgeable and eloquent member of the important Ways and Means Subcommittees on Trade and Social Security. His expertise on economic issues has made him nationally known, and widely respected among colleagues who often seek his counsel.

Another of Joe's valuable contributions to Virginia and the Nation has been in the field of environmental research. For 21 years, Joe was a member of Resources for the Future, Inc., serving as president for 15 of those years. During Joe's tenure, this private foundation conducted fundamental research in the crucial fields of natural resources conservation and development, and environmental protection. Joe brought that expertise to Congress, becoming an effective and respected chairman of the Environmental Study Conferences. The people of this Nation are fortunate to have had Joseph Fisher lending his abundant talents to the search for solutions to our economic and environmental problems.

Joe's Virginia colleague, Herb Harris, has also realized great success in implementing effective environmental programs. As a diligent and progressive member of the District of Columbia Subcommittees on Metropolitan Affairs and Governmental Affairs and Budget, Herb has been the driving force behind programs to improve the air and water quality in this area, while strengthening its energy resources. Herb also sponsored the far-sighted legislation providing the Federal funds necessary to complete the Metro rail system—a showcase for effective urban mass transportation.

As chairman of the Subcommittee on Human Resources, Herb has stressed the protection of employee rights and the development of cost-effective policies for Federal Government contracting. Herb has also served admirably on the Judiciary Committee, working vigorously to update the Nation's troubled criminal justice system.

In many diverse areas, Joe Fisher and Herb Harris have made important contributions to the welfare of the people of this region and the entire Nation. I praise these two fine men for the depth of their commitment and the breadth of their involvement. I regret that their valuable legislative contributions and friendly, cooperative demeanor will be absent from the 97th Congress.●

● Mr. ADDABBO. Mr. Speaker, I welcome the opportunity to join my fellow colleagues in the House in paying tribute to the Honorable Herb Harris, one of the brightest and most capable Congressman ever to serve the State of Virginia, who is retiring at the end of this session. I consider him a fine public servant who did everything in his power to serve his constituents. I have enjoyed working with him.

One of the most enjoyable facets of working in this Chamber is that you very quickly develop a bond of friendship known nowhere else. Such it is with Herb, a man I have known only for a short while, yet one whom I have grown to respect and admire. I know of few men who in such a short timespan have garnered so many accomplishments in so many areas, and I consider his departure from this Chamber a tremendous loss.

Herb's committee assignments reflected his sincere concern to help his people. As chairman of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service, Herb used his legislative skills to support legislation designed to increase the cost effectiveness of Government contracting, strengthen the merit system, and to protect the rights of employees.

While serving on the Committee on the District of Columbia Herb was a major reason why the Metro rapid rail system has become the success it is, and he has been a leader in addressing such pressing issues as air pollution, water supply, and energy sources. Herb used his experience as an attorney on the Committee on the Judiciary, where he soon gained the admiration of his peers for his ability to deal with initiatives to improve the criminal justice system and to restore competition to the oil industry.

Herb Harris should leave Congress content in the knowledge that he has made a great many friends who have admired his dedication to his job, and I extend to him my very best wishes for a future I am sure will be filled with much success and happiness.●

● Mr. JACOBS. Mr. Speaker, the House and the country owe a debt of gratitude to the gentleman from Maryland, Mr. Barnes, for arranging this tribute to our colleagues, Mr. Harris and Mr. Fisher. Both of these men are immensely talented and hardworking.

Herb Harris has brightened all our days by his good humor and sensible ideas.

Joe Fisher, that gentle from man, has not only been a significant conscience in the House but is also among the most erudite of Members.

Both of these colleagues leave a lonesome place in their stead in the House.●

TRIBUTE TO HON. MORGAN MURPHY AND HON. BENNETT STEWART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 60 minutes.

● Mr. PRICE. Mr. Speaker, 'tis the season for special orders, and I am here today to talk about two of our colleagues from Illinois who will not be back next year: MORGAN MURPHY and BENNETT STEWART.

It is the nature of this place that the close working relationships we develop as we go about our business here are biennially subject to termination. It is sad, sometimes.

MORGAN MURPHY and BENNETT STEWART are from adjacent districts in Chicago. Mr. MURPHY first came to the House 10 years ago in the 92d Congress and has built up a solid record of service to his constituents and to the Congress. I consider him a friend and am sorry to see him go.

MORGAN'S record was well established by the time BENNETT STEWART joined us here. I found BENNETT easy to work with and a gentleman of honor, sincerely concerned about the ways the Federal Government could provide services to the people of Chicago. I am sorry the gentleman was not destined to stay around longer. I enjoyed having him as a Member of our delegation and wish him the best in future pursuits.

To MORGAN, I would note that we have worked together successfully in the past, and I will miss having the benefit of his thinking on matters of concern to our State, to the Midwest, and to the Nation.

I regret the departure of both these gentleman, not only because the Illinois delegation has lost two Democratic seats, but also and especially because I think MORGAN MURPHY was a good legislator and that BENNETT STEWART in a single term showed considerable potential. I speak for the Illinois delegation and for the House of Representatives as a whole—although I invite individual Members to speak for themselves—in expressing gratitude for their contributions and sorrow at their departure.●

● Mr. DRINAN. Mr. Speaker, today we pay tribute to the Honorable MORGAN F. MURPHY, who represents the Second District of Illinois. Mr. MURPHY has been highly popular in his district as demonstrated by his consistently wide margins of election victories.

Since we both entered the House of Representatives in 1970, I have come to respect this man of great integrity, dedication, and principle. He has also won the esteem of such groups as the Consumer Federation of America and the National Farmers Union.

The rapidly increasing conservative trend that has marked the past decade has not engulfed Mr. MURPHY. An example of his firm commitment is his continued resistance to attempts to increase military spending and weapons development.

I salute Mr. MURPHY and sincerely thank him for his valuable and devoted service in the House.●

● Mr. ADDABBO. Mr. Speaker, the retirement of the Honorable BENNETT STEWART from the great city of Chicago is indeed a great loss to the House and I am sure I speak for many when I say BEN touched many of us and will be missed. A man of compassion, dignity, and intelligence, BEN distinguished himself in the House far sooner than most newcomers to Congress, and I consider it an honor to have served with him.

To many freshman Congressmen the House is a rather confusing and complicated place to work. It is for that reason that most first term Representatives tend to stay in the background, content to follow, not lead. BENNETT STEWART, as we all know, felt the needs of the people of Chicago were too important to have him waste any time in Washington, and he immediately set out to tackle issues of great concern to himself and his people. He distinguished himself in numerous fields, earning the respect of his colleagues for hard work and devotion to detail. In the area of civil rights he was a cosponsor of the Equal Credit Opportunity Act, a law designed to prohibit discrimination against any applicant for credit on the basis of location of residence, as well as the Nondiscrimination in Insurance Act of 1979, a law designed to correct a serious problem that today exists in the insurance industry.

I had the privilege of serving with BEN on the Appropriations Committee where he soon became an invaluable member, a man committed to improving the quality of housing and transportation in our cities. An outspoken advocate for the senior citizens of our country, he supported the Older Americans Employment Rights Act, a law designed to ban completely age discrimination in the private sector.

I have only mentioned just a few of the many areas where BEN lent his support. As he returns home to Chicago BEN should leave content in the knowledge that he has served his city and his Nation well, and I wish him the finest in health and success in the future.●

● Mr. DRINAN. Mr. Speaker, it is with great sadness that I bid goodbye to our colleague, the Honorable BENNETT MCVEY STEWART. In the 2 years he has been a Member of the House of Representatives, hè has accumulated an exceptionally long and distinguished record of accomplishments and the House will certainly suffer from the loss of his extraordinary energies.

Mr. STEWART has championed causes which will benefit not only his Chicago district but all Americans. As a member of the Appropriations Committee, he has worked extensively for urban housing development, fair housing laws, urban mass transportation, and air safety. Congressman STEWART has also championed such causes as gun control, CETA programs, privacy protection, and the Moscow Olympic boycott.

I deeply regret that this humanitarian and dedicated man, whose performance far surpasses the length of his stay in office, must take his leave from the Congress. I know that he shall continue his valiant efforts through other avenues, and I wish him the best of luck.●

● Mr. ADDABBO. Mr. Speaker, I join my fellow colleagues today in paying tribute to my close personal friend, the Honorable MORGAN F. MURPHY of Illinois, who will not be returning to Congress next year. It is a moment of mixed emotions for myself, for although I am pleased he will now be able to spend more time with his family, I am also aware that the House of Representatives is losing a Member whose expertise, leadership, and dedication will be difficult, if not impossible to replace. A man with many friends, I considered it a privilege to have learned so much from him.

MORGAN certainly was one of the most articulate Members of Congress to have served in recent memory. He also was the type of man not to shy away from controversial or sensitive issues, time after time taking the bull by the horns when it had to be done. A man with a seemingly endless supply of energy and vigor he was driven by the notion that Government could work to solve the needs of the people, and his initiatives were indicative of that belief.

He was one of our Nation's leading spokesman against drug abuse and the trafficking of narcotics. A friend of the American businessman and worker, he constantly fought to protect American jobs and businesses from unfair foreign competition in the steel, TV, and railcar industries. While serving with distinction on the House Intelligence Committee he sought to protect the national security of our country by U.S. intelligence agencies while at the same time the constitutional rights of its citizens would not be violated. In addition, he helped our urban areas by supporting efforts to prevent "redlining."

MORGAN has been a model public servant to the people of Illinois, and the Nation as a whole. He is a man whose dedication and determination to his congressional duties will long be remembered, and I offer to him my best wishes for a future filled with success.●

● Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to praise the hard work and lasting contribution made by our colleague, MORGAN MURPHY, to the work of the Permanent Select Committee on Intelligence.

He has been a stalwart member of the committee from its inception and particularly in the organization of the committee, when his years of experience on the Pike committee stood the rest of us in such good stead.

MORGAN has served during the past 3 years as chairman of the Subcommittee on Legislation.

He has been at the helm during committee, and later House, consideration of both the Foreign Intelligence Surveillance Act and the Classified Information Procedures Act—the "Graymail" Act.

These two acts will serve as an enduring legacy for the work of the Permanent Select Committee in the 95th and 96th Congresses.

Without his leadership, patience and grasp of the complexities of these statutes, they might never have been enacted.

Mr. Speaker, the Permanent Select Committee on Intelligence will sorely miss the many contributions and loyal participation of MORGAN MURPHY.

The intelligence community—especially those patriotic men and women who serve at the forefront of intelligence activities—will lose an understanding and sympathetic supporter.

And all of us will lose a warm friend and esteemed colleague.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable MORGAN F. MURPHY, who is retiring at the close of the 96th Congress after 10 years of service.

Congressman MURPHY is my friend and he has served the people of the Second District of Illinois with distinction and devotion. His distinguished career of public service will long be remembered by all of us who had the good fortune of knowing him and working with him.

MORGAN has compiled a splendid record of excellence, and his diligent efforts as a member of the House Rules Committee and the House Committee on Standards of Official Conduct have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a stronger and better country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has MORGAN MURPHY. As a member of the Permanent Select Committee on Intelligence, he has been in the forefront of efforts to strengthen our country's resistance to Communist aggression and make the Central Intelligence Agency and the Federal Bureau of Investigation even more effective agencies in defense of America's precious heritage of liberty.

MORGAN is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to MORGAN F. MURPHY my best wishes for continued success in devotion to the highest principles.●

● Mr. COTTER. Mr. Speaker, with the end of the 96th Congress, many of our former colleagues will not return.

I feel a personal sense of loss with the retirement of my good friend MORGAN MURPHY of Illinois. MORGAN's legislative efforts for the Committee on Rules and on the Intelligence Committee are well known to most Members.

I believe that the 97th Congress will be diminished by the absence of this distinguished legislator, but I am confident that he will continue his contributions in the public sector.●

● Mr. BROOKS. Mr. Speaker, I take this opportunity to pay tribute to the service of BENNETT M. STEWART who is retiring from this body. His genial personality and friendly cooperation made a strong impression upon his colleagues in the House. He is a capable legislator as was indicated from his work on the Committee on Appropriations.

He served his constituents well and will be long remembered. I wish him and his family all good things in the years ahead.●

● Mr. ANDERSON of California. Mr. Speaker. I am honored to rise today to join with my colleagues in paying tribute to our most distinguished colleague from the State of Illinois, the Honorable MORGAN F. MURPHY.

For the past 10 years MORGAN has represented Illinois' Second Congressional District with the highest possible level of legislative ability and dignity. MORGAN's popularity both at home and on this floor is solid proof of his outstanding performance as a Member of the House of Representatives.

MORGAN's service on the Rules Committee and his tireless work on the Select Committee on Intelligence was always performed with the utmost efficiency and competence, coupled with the keen insight and intelligence necessary to effectively deal with the many intricate pieces of legislation which come before these two committees.

Although he never forgot the needs of his constituents back home, he always worked on behalf of the entire Nation. It is this genuine concern for the welfare of all the people which earned him respect from Members on both sides of the aisle and from all those who are familiar with his accomplishments.

When the 97th Congress convenes in January, you can be sure that MORGAN's presence and friendly disposition will be greatly missed by all of us who have had the pleasure of serving with him. MORGAN has been a good friend of ours through the years and has shown enormous wisdom in understanding the needs which face the people in the city of Chicago and the State of Illinois, as well as the other 49 States.

My wife, Lee, joins me in saying farewell to MORGAN, and we wish him and his wife, Charlene, and their three children, Morgan, Michele, and Constance, all the best in their future endeavors.●

● Mr. BROOKS. Mr. Speaker, I join my colleagues in extending best wishes to our friend, Congressman MORGAN F. MURPHY, who is retiring at the end of this session.

He served the Nation and the House well. He was recognized by his peers for his excellent grasp of congressional procedure when they elected him to the Rules Committee, one of the most powerful committees of this body.

Morgan was a distinguished lawyer in Chicago and brought this capacity for analysis to the House which he used effectively. I wish him well in his future activities.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. PRICE) for taking this special order so that we can honor two of our colleagues from the Windy City, Chicago, the Honorable BENNETT STEWART and the Honorable MORGAN MURPHY, who will not be returning for the 97th Congress.

Mr. Speaker, these two men are outstanding public servants. I am honored to be a part of this action to acknowledge and commend them for their dedication and contributions to this nation.

Mr. Speaker, I would like to take this opportunity to cite briefly the achievements of our honorees in the U.S. House of Representatives.

My friend, MORGAN, has given 10 years of service as the representative of the Second District of Illinois. MORGAN has been an active member of the House Rules Committee, the House Intelligence Committee, and the House Steering and Policy Committee.

In addition to his committee assignments, MORGAN has worked diligently in the House on legislation in the following areas: drug abuse and narcotics trafficking problems; protecting American jobs and businesses from unfair foreign competition; and insuring that U.S. intelligence agencies are protecting the national security without violating the constitutional rights of American citizens. Further establishing himself as a problem solver, MORGAN has supported efforts to preserve declining neighborhoods by preventing "redlining" and "blockbusting".

Mr. Speaker, at this time, I would like to mention the contributions of the other distinguished gentleman from Chicago and my good friend, BENNETT STEWART. I have had the pleasure of working closely with BENNETT in this Congress through our mutual membership on the Congressional Black Caucus and the House HUD-Independent Agencies Appropriations Subcommittee. Through both associations, I have found BENNETT to be a conscientious legislator. He has never missed an important meeting or strategy session.

Mr. Speaker, at the forefront of BENNETT's work, there has always been a fervent commitment to minorities, the poor and the "have-nots" of our society. BENNETT has dedicated his legislative efforts and energies to soldiering the cause of these groups. At a time when such a stance is becoming less popular, BENNETT has stepped up his efforts. I feel a particularly great loss for my friend BENNETT who has given so much for those who traditionally have had so little.

Mr. Speaker, as I close, I must note that the city of Chicago is losing two exemplary public servents. Both BENNETT and MORGAN have given their very best for their constituencies in Chicago as well as for the people across this great land. Their service has added to the strength of this Nation. I wish them both the very best in the future.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring two very fine gentlemen from Illinois, Congressmen MORGAN MURPHY and BENNETT STEWART who will not be with us in the 97th Congress.

MORGAN MURPHY came to the House the same year I did—1971—we are classmates in the congressional sense. We have served together for 3 years on the House Intelligence Committee. MORGAN is an effective legislator—having served with distinction on the House Rules Committee—a fine gentleman and a friend. I am very sorry he has decided to depart the House for the private life.

Though he has not been with us long, BENNETT STEWART served the first district and the State of Illinois in the House with dedication and hard work.

I hope that both MORGAN and BENNETT—and their families—enjoy many years of happiness in the future.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I rise in tribute to MORGAN F. MURPHY and BENNETT M. STEWART, two very distinguished Members of the Chicago delegation, who will be retiring at the close of this session of the 96th Congress.

BENNETT STEWART has been a first-rate gentleman during his service to this institution. His assignment as a member of the Committee on Appropriations has been difficult, yet he has been able to perform most capably. In particular, his work in the Subcommittee on Transportation of the Appropriations Committee has demonstrated his ability as a strong advocate of mass transit funding which has been most beneficial to the Chicago area. There is no question that BENNY with his gentlemanly qualities and always pleasant demeanor will be missed by all in this Chamber.

In MORGAN MURPHY our delegation is losing a strong and consistent Member. For 10 years MORG has labored hard for the people of Chicago and I know I speak for many, many Chicagoans who feel a void has been created through his departure.

MORG attacked with enthusiasm his important but not well known role as a member of the Permanent Select Committee on Intelligence. Of course, we in this Chamber are all aware of his regular assignment on the Committee on Rules. Here, MORG's background in law has served him well for he has been a pragmatic and well-reasoned member of this exclusive committee.

But beyond his legislative achievements, MORG is a very close friend whose company I greatly value.

I wish MORG the best of luck on his future endeavors and make one request of him—that he comes back often to visit his many friends in this House.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon BENNETT M. STEWART, who is retiring at the close of the 96th Congress.

BEN STEWART is my good friend and was an alderman in the Chicago City Council for 7 years before being elected to represent the First District of Illinois in 1978. He is a man of deep compassion and courage, and his inspiration will be missed here in the House of Representatives.

As a member of the vitally important House Appropriations Committee, BEN's service in Congress was of invaluable benefit to the people of Chicago and to all the citizens of our Nation, and he served with diligence and devotion.

I extend to BENNETT M. STEWART my best wishes for many years of health and happiness as he continues his life of service.●

● Mr. DERWINSKI. Mr. Speaker, I wish to join with my colleagues in expressing our appreciation for the effective service given this body by our distinguished colleagues, MORGAN MURPHY and BENNETT STEWART. They have represented their respective constituents, the people of Illinois, and this country in a most dedicated and capable manner. As a result, they have not only earned the respect of their constituents, but their colleagues as well.

During his 10 years of service in the House, MORGAN MURPHY has exhibited his superb legislative skills and conscientiousness as a key member of the Rules Committee, and in carrying out his other committee assignments.

As we represent neighboring districts, it has been a great pleasure to work in close cooperation with MORGAN on programs involving the State and county levels of government as well as matters concerning the Chicago metropolitan sanitary district and the Rock Island Railroad. I have been especially impressed with the extra service he provided to his constituents and his effective representation on behalf of the State of Illinois and our country. It has been an honor and a privilege to serve with MORGAN in the House, and I will miss him as a truly good friend.

BENNETT STEWART has shown his strong sense of dedication to our country by his hard work in the Congress and in his contributions to the legislation under the jurisdiction of the Appropriations Committee. Before coming to Congress, BENNIE was an outstanding leader on the Chicago City Council; and although his tenure in this body was brief, his diligent efforts on behalf of the people of the First District of Illinois have been beneficial in providing them effective representation in the Congress. We have all benefited from his leadership, knowledge, and committment to a stronger and better America. BENNIE has always exhibited his great integrity and sound judgment, and I commend him on his responsible representation.

The people of Illinois have been especially fortunate to have such fine and responsible Representatives serving them in the Congress, and we have been fortunate to have their leadership and friendship. I wish them and their families the very best for the future, and commend them on a job well done.●

● Mr. RUSSO. Mr. Speaker, Congress is one of those places where you become friends with people you have always admired. MORGAN MURPHY is such a man. MORGAN's friendship has always meant a lot to me. I remember as a young precinct captain attending Democratic functions, admiring the rapport and respect MORGAN MURPHY had from constituents and political figures alike.

MORGAN was a tremendous help to me when I was beginning in politics. Being from an adjacent district, he not only helped teach me about Washington, but he also helped me learn about Chicago politics. I would like to take this opportunity to thank him for all the support he has given me through my political career.

One particular trait I admire about MORGAN is that he never developed the kind of snobbery one might expect from someone who could say he resides in Beverly Hills. Of course, MORGAN was never one that would confuse Chicago with California—he always knew what Illinois was all about. He is clear on the needs of his constituents, the State of Illinois and the country.

He commands respect in the legislative area. As a Congressman, MORGAN was the first to discover the problems of drug addiction of Vietnam veterans. His understanding of U.S. intelligence and the Rules Committee is matched by few Members of Congress.

Illinois will be hard-pressed to find a Congressman with MORGAN MURPHY's sense of humor, dedication, and legislative skills, and we are going to miss him here. I am looking forward to a long friendship with him. I am not wishing him goodby but good luck.●

● Mr. RUSSO. Mr. Speaker, while Representative BENNETT STEWART has not served long in the Congress, he has certainly left his mark, proving to be a valuable addition to the Appropriation Committee and a fine Representative of his constituency.

BENNETT has certainly served Chicago well—as an alderman, a committeeman and as a Congressman. His Democratic credentials are outstanding. Personally, BENNETT is someone you can have confidence in because he is dependable and a man of his word.

While serving here, BENNETT has been concientious and dedicated and deserves our thanks. I wish him all the best in the future.●

● Mr. YATES. Mr. Speaker, it is with pleasure that I rise to commend BENNETT STEWART for his outstanding record in the 96th Congress. BENNETT STEWART has been a champion of human needs, a fighter for our cities, and an excellent Representative of the city of Chicago and the Nation.

On the Appropriations Committee, I have seen BENNETT especially effective in winning support for a rejuvination of our great urban areas, particularly in the field of mass transportation.

BENNETT has been a close friend and a delightful colleague. We wish him well as he leaves this Congress. We know that he will continue to be a strong advocate of public progress for which he worked so vigorously.●

● Mr. HORTON. Mr. Speaker, MORGAN MURPHY, our good friend and colleague will be leaving us at the end of the 96th Congress. I am pleased to join my colleague from Illinois, Congressman MELVIN PRICE, in paying tribute to this most able and effective Representative from Illinois.

For 10 years, MORGAN has established a record of achievement and concern for his constituents. His dedication and integrity were qualities that endeared him to his many friends and colleagues.

As a member of the House Committee on Rules, MORGAN played an important role in the legislative process. His legislative skills and excellent legal training ably suited him for this most important committee assignment. MORGAN also served on the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence.

I join my many colleagues in wishing our good friend well as he prepares to depart from the Congress. I am confident he will bring the same qualities of dedication and hard work to whatever endeavor he next assumes.●

● Mr. YATES. Mr. Speaker, MORGAN MURPHY, who is retiring from the House at the end of this Congress, is a dear friend and colleague and I want to take a moment to thank and commend him for his distinguished service to the Nation and the people of Illinois.

I will miss MORGAN MURPHY, and I

know that the Members of this House share my affection for him and appreciate fully the many important contributions that he has made to the work of the House. I know that his decision to leave the Congress does not mean an end to his participation in public life. We need public officials with the intelligence and dedication that Morgan has demonstrated during his years in the House. I want him to know that I have been honored to serve with him.●

● Mr. FUQUA. Mr. Speaker, two of our esteemed colleagues from Illinois will not be returning for the 97th Congress and I consider it a privilege to participate with their many other friends in this well-deserved tribute to their service in this House.

Morgan Murphy and Bennett Stewart, elected from the First and Second Districts of Illinois in Chicago, have served with honor and dignity in this House, each earning the respect and admiration of those of us with whom they served.

Morgan Murphy has been a leading Member of the House of Representatives almost from the time he arrived 10 years ago. His tenacious advocacy of issues which concerned him won him the respect and admiration of all those with whom he came in contact whether or not they agreed with his point of view on the particular issue in question.

We had the opportunity to serve with Bennett Stewart for only one term and can only regret that we were not afforded more time to become better acquainted. Certainly he earned an enviable reputation for a single-term Congressman with his diligent study of the difficult issues with which the 96th Congress has had to deal.

The people of Chicago and the people of Illinois have been well represented by these two able legislators and their departure from this House will be felt by all who have come to know and respect their work.●

● Mr. HALL of Texas. Mr. Speaker, I commend the distinguished dean of the Illinois delegation for taking this special order to commend the hard work and dedication of our colleagues, Morgan Murphy and Bennett Stewart, who will be leaving the House at the conclusion of the 96th Congress.

Both of the gentlemen have been productive, conscientious Members of the House, and we will certainly miss them in January.

Residents of the Second Congressional District of Illinois have been fortunate indeed to have a person of the caliber of Morgan Murphy to represent them these past 10 years. He has been a strong and effective leader in achieving equity for our beleaguered steel industry, whose very lifeblood is being threatened by foreign imports. Morgan Murphy represents an area of the country that is vital to the economic well-being of America. He understands the problems of the steel industry and the men and women who work in this industry. He has championed their cause with effectiveness, and as a member of the Steel Caucus myself, I know that all of us have profited from his insight and knowledge of the steel import problem.

Morgan Murphy has performed strong yeoman duty as a member of the Rules Committee and the Ethics Committee. He is reflective, considerate of the opposing viewpoints of his colleagues, and totally open to discussion of matters pending before his committees. He is always candid and forthright, and I have valued our association and friendship.

Bennett Stewart, who replaced the late Ralph Metcalf as the Representative for the First District of Illinois, is an outstanding gentleman and scholar. I was very saddened and surprised when his primary bid fell short, but this in no way diminishes the fine role he has played as a Member of this body. He has been a worthy successor to Ralph Metcalf, whom we all respected and admired so much.

Bennett Stewart is a doer. He has been a strong participant in politics for a long time, and the residents of Chicago's Southside have benefited tremendously from his career as a public servant. There is no question that the future will find him assuming the role that he has always played so effectively, that of helping people. I wish him well.●

PRESIDENT REAGAN'S SUCCESS MAY WELL DEPEND ON THE RULES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Bauman) is recognized for 60 minutes.

● Mr. BAUMAN. Mr. Speaker, while all the leadership races are roaring along on both sides of the aisle, conservatives in both parties had better sit up and take notice of what is about to happen to the rules of the House of Representatives. If history repeats itself the opening day of the 1st session of the 97th Congress next January could see a major obstacle placed in the path toward success of Ronald Reagan's administration.

When the Democratic Caucus meets next Monday they will debate and decide numerous proposed amendments to the House rules which are designed to protect and preserve the power of the liberal Democratic leadership in this House. No less than a nullification of the 1980 election results could well be involved in these rules changes and this threat to the popular will should be resisted by those in both parties who call themselves conservatives.

In spite of public pronouncements of cooperation by the House Democratic leadership they have already begun setting mousetraps for President Reagan as evidenced by the great solicitude in offering a 2-percent across-the-board cut in the budget resolution spending. The rules changes could be more of the same unless a concerted effort is made to fight on opening day.

Toward that end in my remarks today I wish to offer a historical perspective showing where the House is regarding its rules and what may be expected in the 97th Congress.

In my view, it is of great importance that the new Congress be able to produce the results the people demand. Americans have now shown that they are not at all satisfied with what they have been getting from Capitol Hill under liberal Democratic domination and they do want a change.

But despite the much vaunted congressional "reforms" of recent years the people of America remain largely ignorant about the rules and methods of Congress which permit and even guarantee that the people's will is thwarted repeatedly. Even now the leadership of the Democrats in this House is trying to figure out how best to change the rules of the new 97th Congress so as to maximize their power and to nullify the rights of an expanded minority Republican Party. Next week the Democratic Caucus will meet to formalize these rules proposals and undoubtedly on the opening day of the 97th Congress, in January, the majority will once again seek to ram through the House, without amendment, and without proper debate, a new set of rules stacked against the people.

My own experience during nearly 8 years in the House convinces me that the procedural manipulation exercised by the Democratic leadership, especially through control of the Committee on Rules, constitutes one of the great unreported scandals of our time. What has happened in this House is nothing less than an assault on our democratic traditions and this is at the heart of our legislative breakdowns and low public opinion approval ratings. Why this scandal goes unreported by the news media is itself a fitting subject for lengthy discourse, but my guess is that the press either does not understand much of the procedure of Congress, or cares little about its abuse since they agree with the end result, or both.

REFORM IN THE HOUSE

Mr. Speaker, for more than 10 years the House has been in the process of continual reform, beginning with the Reorganization Act of 1970 which opened previously secret committee hearings and meetings, exposing the vote records for all to see. That act also permitted for the first time rollcall votes in the Committee of the Whole House so that the public could find out how their representatives voted on controversial amendments that previously escaped scrutiny on unrecorded teller votes.

The 1974 Budget Act, for which I reluctantly voted, was another step in the so-called reform movement, but many of us now wonder whether it only complicated an already difficult appropriations procedure. It was in that same year that persistent calls for realinement of committee jurisdictions, produced reforms in the Democratic Caucus, only to meet death when a much weaker substitute prevailed on the House floor.

Another revolutionary reform was the televising of proceedings of the House. As a conservative I did not share the concern about television in the House that many of my colleagues had. Although the majority leadership obviously did not want television coverage, they were almost forced into it because of the public's "right to know" which was made an issue. I think the result has been excellent. In areas of the Nation receiving C–SPANN coverage, citizens have taken a new interest in what goes on here on Capitol Hill and that may well be the reason a great many of our colleagues have changed their political tunes.

WHAT WENT WRONG

But while there have been some good reforms, a far more revolutionary movement in the House has occurred through the rules changes coming out of the Democratic Caucus. The majority party has systematically overthrown its own committee chairmen, especially those who are conservatives, and dispersed their powers among a whole host of semi-autonomous subcommittees which have proliferated, along with their staffs, at an almost geometric rate.

In 10 years the number of standing committees has remained relatively constant but the number of subcommittees has gone up 35 percent from 108 to nearly 150. At the same time the committee staff numbers have gone from 632 to nearly 2,000, an increase in excess of 175 percent. From 1968 when the total staff numbers of both the Senate and House were about 11,700, to the present the total has risen to about 20,000. Last year for the first time Congress own budget passed the $1 billion mark for the first time. The billion dollar Congress had arrived.

Consider what has happened as a result of several of these developments. In 1974 the House refused to realine committee jurisdictions in a sensible and logical order. Then came the proliferation of more subcommittees and their staffs, and more recently new rules have allowed joint referral of bills to two or more committees, and overlaid on all this is the budget process with deadlines which are rarely met and spending ceilings and restrictions which are routinely waived by the Rules Committee. The net result in the House has been a fragmented legislative mess which makes anarchy look organized. Then people ask why Congress is held in low regard.

Think for a moment about the ordeal facing the average House Member when it comes to committee and subcommittee duties. With multiple assignments a Member spreads himself thin, often specializes in one area and ignores others, comes to depend on aides to do his thinking for him, and then wonders why he is too exhausted to think straight.

In the 96th Congress I was honored to serve on the House Committee on Administrative Review chaired by our colleague from Wisconsin (Mr. OBEY). Our hearings revealed that in the 1977-78 session of the House there were no less than 11,000 schedule conflicts for individual Members when we were supposed to be in two or more places at once; not to mention the requirement of the U.S. Constitution that a quorum of Members be on the floor of the House during sessions. As the Obey Commission report stated, the number of committees, subcommittees, and assignments resulted in "decentralizing and fragmenting the policy process and stripping policy formation and oversight of much of its coherence and rationality."

LOGIC PUT ASIDE

Mr. Speaker, logic would dictate that these problems be dealt with rationally. But this is the U.S. Congress. So instead of true reform that will make the system work, the liberal Democratic leadership in the House set about adopting cosmetic rules changes to mask the chaos in repsectability. The basic thrust of these changes had been to give the appearance that the legislative process is working smoothly. But what has resulted in fact has been an absentee Congress with phantom legislators—a far cry from "the world's greatest deliberative body" which the House is often said to be.

Many of the majority party's rules changes have been most undemocratic in their nature, but perhaps the best example of the dictatorial manner in which the House has been run is the method by which the rules of the House are adopted at the beginning of each new Congress. I say undemocratic because the minority party in the House is simply shut out of the rules adoption process, even though the Constitution clearly authorizes each House to adopt its own rules; not just the political party which controls each House.

PURPOSE OF THE RULES

Keep in mind that the assumed purpose of the rules of any parliamentary body is both to facilitate majority rule and to protect minority rights. In this regard I would again refer to one of the first parts of Jefferson's "Manual on Parliamentary Practice" which forms part of the rules of this House:

> As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings—by a strict adherence to which the weaker party can only be protected from those iregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Mr. Speaker, despite the fact that the liberal Democrats claim Jefferson as one of their own, and despite the fact that Jefferson's Manual provides the foundation of parliamentary procedure in the House, there is mounting evidence that the liberals are throwing Jefferson, his manual, and minority rights out the window. Seldom is this more evident than on the first day of a newly elected Congress when a resolution is called up by the majority leader providing for the adoption of House rules for that Congress.

The proposed rules contained in that resolution are not the product of a Rules Committee comprising members from both parties. Instead, they are proposals adopted in the majority party caucus. This might be an acceptable starting point if the entire House were then permitted to add to or subtract from those proposals by offering amendments on the House floor. But this is not the case. The resolution is called up under the 1-hour rule, meaning the majority leader, the gentleman from Texas (Mr. WRIGHT) controls the time and only he can yield for amendment, which he never does. Thus, the House is confronted with the alternative of voting the whole package up or down after the hour of debate, unless the minority party, by some miracle, succeeds in "defeating the previous question" prior to the final vote, which would then give it an hour of debate and the opportunity to offer its own amendments. Since it is made clear to the Democrats in their party caucus that they are expected to vote a straight party line on electing the Speaker and adopting the House rules package proposed by their caucus, the Republicans are even denied the chance to offer their rules proposals for a vote.

It is through this undemocratic rules adoption procedure that the majority party has further managed to strip the minority party of its rights and to pervert democratic committee and floor procedures. A glaring example of this occurred in 1975, when the Democratic Caucus, in its House rules resolution, simply abolished the House Committee on Internal Security—the former House Committee on Un-American Activities—a major objective of the Communist Party and the far left in America. Procedure prevented us from even having a vote on this important issue.

In 1974 the House voted in its committee reform amendments resolution to abolish proxy voting in committees, a practice which permitted absent committee members to designate a member present at a committee meeting to cast his absentee vote for him. But, lo and behold, when the House convened in 1975 the Democratic Caucus magically restored through its House rules resolution the practice of proxy voting. I need not elaborate here on how proxy voting detracts from the kind of deliberation and conscientious voting on complicated amendments which is necessary to insure quality and accountability in a committee's legislative product. The liberal Democrats asserted that some form of proxy voting was necessary because Members could not possibly attend all the committee and subcommittee meetings expected of them. Never mind that the obvious answer would be to reduce the number of subcommittee and other assignments a Member could hold. So under this rule one or two majority party Members sit with a fist full of paper proxies passing bad bills out of committees.

THE 95TH CONGRESS

The Democratic move to an absentee Congress marched on at the beginning of the 95th Congress when the Democratic Caucus served up a new House rule permitting committees to mark up legislation with as few as one-third of their members actually present.

Even though a majority of the committee would still have to be present to report a bill, the effect of one-third quorum requirement during the most crucial and substantive amendment stage of a bill is to permit as few members as one-sixth plus one of a committee to make the most important determinations on a bill. Considering the fact that the proxy voting and one-third quorum rules apply as well to subcommittees, which are small in number, and that full committees are increasingly deferring to the actions taken by their subcommittees, one is not surprised that bills reported nowadays from committees are less and less responsive to the will of the House as a whole; one-sixth of the members of a subcommittee can hardly represent a cross section of the House.

MORE IN THE 96TH

The House rules reported from the Democratic Caucus at the beginning of the 96th Congress brought us even closer to an absentee Congress by permitting the Speaker to defer to another day final votes on bills and resolutions in the House. Rules adopted in previous Congresses had already permitted the clustering of votes on different bills, thus making it more "convenient" for Members to stay away from the House floor during the actual debate on those measures. The new rule permitting up to a 2-day delay on final passage of bills made it comfortable for the so-called Tuesday-to-Thursday club of House Members to stay away from Washington on Mondays and even some Fridays without worrying that they would miss critical votes, though often they later voted in ignorance of the debate they missed.

The liberal Democrats have also made it virtually impossible to insist that a House majority or quorum be present during the debate on a bill, once a quorum has been established at the beginning of a day. And, with the rules package offered at the beginning of the 96th Congress, they also made it more difficult to obtain a recorded rollcall vote on amendments in the House by increasing from 20 to 25 the number of Members required to demand such a vote—a reversal of the aim of the 1970 Legislative Act.

It is obvious that with the breakdown of the committee system in the House and its replacement by an unrepresentative, proliferating, and fragmented subcommittee system, the wheels are grinding more slowly on processing and passing the ill-conceived and ill-considered bills originating in these subcommittees. When such legislation reaches the House floor and for the first time is exposed to the critical light of a fully representative body, its flaws are bared and belated attempts are made to salvage and improve the legislation through the amendment process.

NOW: THE 97TH

Mr. Speaker, within a few weeks the first day of the new 97th Congress will arrive and once again the majority will try to ram through a package of rules changes without debate and without a chance for amendment. It is worth considering just what is being suggested from various quarters of the majority party because the outcome of these rules changes could seriously alter the rights, not just of the Republican minority, but the Democrats as well. With their reduced numbers and the emergence of a conservative Democratic bloc known as the "forum," these rules changes could hurt many more than the intended Republican minority Members at which they are ostensibly aimed.

One such proposal suggests that the number of Members required to obtain a recorded vote on amendments in the Committee of the Whole be increased from the present 25 to 30. Bear in mind that the number was upped from 20 to 25 only 2 years ago. This change will indeed make it far more difficult to obtain votes on amendments and it will further nullify the reform of the 1970 Reorganization Act which sought to make Members accountable.

Undoubtedly this change, if adopted, will result in even greater numbers of requests for quorum calls in the Committee of the Whole preceding each amendment vote, thus causing more delay, all for the sake of avoiding having to go on record and possibly be politically embarrassed. The majority had best think twice about this proposal since a reduced number of Democrats, even though in the majority, might very well wish to offer floor amendments to bills which come out of committees with new and more conservative ratios of Members.

NO MORE UPSETTING AMENDMENTS

Mr. Speaker, perhaps one of the most flagrant of the suggested new rules amendments is that which would bar any amendment to an appropriation bill if such amendment would change existing law or has the result of imposing any limitations on the expenditure of Federal funds.

Depending upon the form such a rules change might take, it could, and probably would, prevent the offering of any amendments prohibiting the expenditure of Federal funds for abortions, the so-called Hyde amendment. It would stop across-the-board percentage reductions in spending totals. And it would leave Federal funds without restriction or legislative direction in the many instances when appropriations are passed into law before the legislative authorization bill is passed, an ever-increasing phenomenon.

Think for a moment of the many social and political issues which have been considered by the House only because they have been raised in the context of an amendment limiting the use of Federal funds. I have offered many such amendments as have many of my colleagues, especially my good friend, the gentleman from Ohio (Mr. ASHBROOK). These issues have included prohibitions against busing students away from their neighborhood schools for the purpose of racial balance; prohibitions on Internal Revenue Service rules seeking to control private educational institutions and their policies; and numerous restrictions on funds going for foreign countries who are our enemies.

Small wonder that our liberal friends in Congress want to avoid the offering of such amendments. Such amendments, when voted upon, are adopted, and often become the law of the land. And now with a simple rules change every Member of Congress would be denied the right to offer such amendments. That is legislative tyranny, pure and simple.

WHAT IS THE REAL PROBLEM?

Mr. Speaker, I know it has been a considerable embarrassment to the Democratic leadership that they cannot control their troops, and that problem is likely to become even more serious to them in the new Congress.

Rather than dealing with the obvious source of these problems, the House Democratic leadership has chosen to flail away at those who would dare offer amendments to improve these bad bills on the House floor. The liberal Democratic leadership has propounded the preposterous theory that the ills of the House and our low public-approval ratings trace to minority obstructionist tactics, that is, the offering of "frivolous"—read: Republican or conservative—amendments, which are supposedly bringing the legislative process to a grinding halt.

Never mind that the Democrats have been offering more than their proportionate share of amendments on most bills; never mind that a House majority can vote at any time to bring the amendment process to a halt on any bill; never mind that many Republican-sponsored amendments have actually been adopted, meaning they attracted substantial support from the Democrats.

Even a casual check of the number of amendments to bills offered on the floor of the House gives the lie to the Democratic leadership charge that the minority party is the obstructionist bloc. For example, a major revision of Federal energy laws was debated in the House on July 26, October 11, 12, 16, and 18, and finally passed on October 24, 1979. During consideration no fewer than 67 amendments to the bill were offered, 52 of them from the majority Democrats and most of them from members of the committee that was supposed to have carefully deliberated the bill.

Similarly, the Justice Department authorization bill was subjected to 19 amendments, all of them from Judiciary Committee Democrats. The annual Defense Department authorization bill was subjected to hours of debate and 26 amendments, 22 of them from the Democrats and most of them rejected. The same pattern emerges on most legislation. Who then are the real obstructionists, if indeed the offering of amendments should be regarded as obstructionist at all? After all, I have long thought that the House of Representatives is a place where Congressmen are supposed to legislate.

That Republicans have won on the House floor is what has perhaps most galled the Democratic leadership. Such victories expose both the inability of that leadership to hold its own troops in line when voting on certain Republican amendments, and the ability of Republicans to develop responsible and meritorious legislative alternatives that transcend mere partisan considerations.

Given some embarrassing Democratic leadership setbacks on key Republican floor amendments, a group of liberal Democrats wrote to the Speaker and the chairman of the Rules Committee on August 2, 1979, in effect beseeching them to save Democrats from themselves by severely limiting the number of amendments that could be offered to a bill. The limitation should be effected, said the liberals, by means of the resolutions reported from the Rules Committee, which establishes conditions for floor debate and amendments on the floor.

Despite the fact that the letter to the Speaker had only 35 signatures, and that a subsequent copy circulated for additional signatures after the August recess picked up only 8 more signatures, the Speaker and Rules Committee chairman indicated a willingness to give this new "gag-rule" approach a try.

CLOSED RULES

The first major fight over this modified closed-rule approach came on November 1, 1979, on a resolution reported from the Rules Committee permitting only one minor amendment to the multibillion-dollar welfare reform amendments of 1979. Our efforts in the Rules Committee to make at least a few other alternative amendments in order were turned back on a nearly straight party-line vote.

When the controversial resolution reached the House floor, a heated debate ensued. As I pointed out to my colleagues in my floor remarks:

> The only reason that this bill is being brought to us under a closed rule, allowing one relatively minor amendment, is that apparently the majority on the Ways and Means subcommittee that controls this legislation does not want to be bothered with the nuisance of members of the House being able to offer amendments for vote on the floor. . . . This is a continuing trend that we have seen in recent weeks. . . . I think if this is allowed to continue on bill after bill, it is going to hurt both sides of the aisle, because someday their turn will come, no matter what group we may consider ourselves to be a part of.

Unfortunately, our further attempts to open up the rule to just three additional amendments, including a major, bipartisan block-grant alternative sponsored by Congressmen **JOHN ROUSSELOT** (R-Calif.) and **JAMES JONES** (D-Okla.), went down on a procedural vote of 209 to 177. The rule was subsequently adopted by an even narrower margin of 202 to 181. The chance for true welfare reform was denied.

This new restrictive procedure on offering amendments on the House floor is the most serious and scandalous blow struck against democratic procedures in the House to date, for it effectively disfranchises all 435 Members by denying them the opportunity to offer, consider, and vote on amendments to legislation when it comes to the House floor. In addition to being undemocratic, this restrictive approach is based on the assumption that the judgments of our committees are somehow infallible and therefore beyond question or alteration. As I have attempted to demonstrate, just the opposite is the case: Our committee system is chaotic and the bills our committees report usually reflect this sad state of affairs.

THE MOTION TO RECOMMIT

Another suggested change emanating from Democratic leadership ranks suggests that the motion to instruct conferees on a bill should be abolished. Why this is being considered is not hard to see. It would prevent the minority party in the House from nailing down the House position on various issues in the 97th Congress when the other body will be in control of the Republican Party. When the other body acts first, or when this House might wish to confirm its position, the opportunity will no longer exist to agree with the Senate in advance or to seek to uphold the House position. Thus a majority of Democratic conferees can seek to sell out the House position without reference to a definitive House position as evidenced by a rollcall vote.

I would hope that this change would be mightily resisted. There have been many instances where the motion to instruct the conferees has served a very useful purpose. Last year when the Panama Canal treaties implementation legislation was rejected by the House, such a motion forced the Senate conferees to accede to the position which I and others advocated by a majority vote in the House.

Several times such votes on motions to instruct have served to promote solutions to the periodic impasses which have occurred over the abortion issue. This motion is a necessary tool of legislative compromise that should not be denied the House.

Mr. Speaker, there have also been suggestions that there should be instituted time limits on amendments which are offered to a bill in the Committee of the Whole. It is not clear whether this is to be written into the rules of the House or to be imposed on an ad hoc basis by the Rules Committee in the case of each bill. In either case it will not work and should be rejected. Free debate is the essence of a legislative body, especially in the people's House. It is far better to allow the debate to flow as it will, since the majority always has the power to curtail that debate once that seems best.

COMMITTEE RATIOS MUST BE FAIR

I need not dwell at length on the subject of the ratios of assignments alloted to members of each political party on the committees of the House. That has received a great deal of public comment in recent days and well it should. It is the height of political arrogance when the majority leadership seeks to simply nullify the results of the 1980 House elections by stacking the committees of the House with numbers that do not reflect the true 44 percent of the membership which the Republican Party will soon represent. I am pleased that the next majority leader of the other body has made plain his intention to retaliate if the House majority leadership pursues this plan.

Mr. Speaker, it is worth mentioning at this point that there must be some definitive attention given to amending the Budget Act or else the Congress and the country are doomed next year and years after to repeat the sorry record of this year which saw the failure of the budget process. Much of the power over the budget has fallen to the Rules Committee which has granted hundreds of waivers of almost every part of the Budget Act. At some point this abuse of process constitutes one great waiver of the Budget Act. If that is so the Budget Act's repeal should be seriously considered.

THE RULES COMMITTEE—A SPECIAL PROBLEM

I would also suggest that the Rules Committee itself bears the closest scrutiny, especially from the minority Rules members. Too often minority party members of the Rules Committee have been content, for whatever reason, to go along with the majority members and the Chairman in adopting rules that have seriously hurt the minority party's position on the House floor when bills are considered. Minority members of the Rules Committee should be well versed in procedure and be able to see the full implications of their acquiescence in majority party rules drafts, most of which are the product of the Democratic leadership's political designs.

In the 97th Congress many of these individual rules will reflect the intention of the majority leadership to embarrass President Reagan or to thwart the reforms and changes which his election makes possible. Republicans should remember that with an increased number of Republicans in the House, as well as Democrats who have suddenly found it fashionable to be "conservative," individual rules can be brought to the floor and defeated or amended. That threat should be made plain to the full Rules Committee as each rule is considered.

This is particularly important in view of the obvious trend within the Rules Committee in the last two Congresses to tailor each rule to the advantage of the liberal position. Take for example the consideration of H.R. 39, the Alaska lands legislation, where the Rules Committee made three substitutes in order for consideration; one reported by the Interior Committee; one by Merchant Marine and Fisheries; and one known as the Udall-Anderson bill which had been rejected by the Interior Committee.

Even so, the Rules Committee majority placed the Udall-Anderson substitute in the most advantageous parliamentary position so that it would be the first to be amended and voted upon, and thus it eventually prevailed. Such stacking of legislative and political alternatives in order to define what the House will do, can become much more prevalent in the next Congress and these attempts should be fought.

Another warning should also be sounded. With the other body in control of the Republicans, the House majority may seek to make in order nongermane amendments to legislation which is considered to be a "must" bill. The objective will be to force through liberal initiatives as part of emergency bills, such as budget resolutions or tax cuts, in the hope that President Reagan will not veto them.

Again the Rules Committee minority has an important role to play, keeping in mind that it is far more difficult to change the outcome once the rule has gone to the floor unless the minority's case has been made in the Rules Committee first.

POLICY MUST BE COORDINATED

Needless to say, liaison between the White House, the executive departments, and the House minority leadership is essential to any coherent and coordinated legislative program.

Mr. Speaker, no amount of knowledge about the rules of Congress can substitute for determined conviction about political principles and a will to see them succeed. Together with the ability to use the rules there must be a conscious policy governing the parliamentary treatment of every major issue that comes before the Congress. There is a lamentable tendency to reduce congressional strategy to an ad hoc basis with decisions being made only when they are forced, often within minutes of the showdown on the floor of the House. That kind of horseback decisionmaking will not suffice if President Reagan is to fulfill the hopes and expectations of the millions of Americans who genuinely desire change.

How such strategy is planned and executed will have much to do with whether or not my party, the conservative party, the Republican Party, controls the 98th House of Representatives, as well as the other body. That is within our grasp, but more importantly I believe the welfare of our great Nation and its people demands this eventuality. What is done here within the next 2 years will decide that future.

THE HOUSE AS AN INSTITUTION

Last, Mr. Speaker, let me reiterate my often expressed love and respect for this great institution which is the House of Representatives of the United States. Man and boy I have worked and served here for 22 of my 43 years, on the staff and as a Member. It has been the greatest privilege of my public life to serve the people of the First District of Maryland and I sincerely hope that I have been able to contribute in some small way to the work of Congress and to the best interests of our Nation.

Naturally, I greatly regret that I shall not be here as a Member of the 97th Congress, especially in view of the ascendancy of a great American whom I have supported since his first Presidential campaign in 1968. I have found, however, that indispensability is not a commodity attached to any individual in this town; nor has it ever been so.

Mr. Speaker, this House is part of the oldest continuing revolutionary process on the face of the Earth. Here, indeed the people do rule, through their instruments, their representatives, one of which I have been privileged to be. That this parliamentary body be preserved and enhanced is the surest safeguard that our democratic system will prosper and endure, that our liberties will be protected and that freedom will continue. Now, more than ever, their objectives must be accomplished.●

A TRIBUTE TO ANDREW MAGUIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Nolan) is recognized for 60 minutes.

● Mr. NOLAN. Mr. Speaker, at a time in our history when powerful, wealthy, special interests dominate the public policy process, it has been so refreshing and reassuring to witness Andy Maguire work in Congress with his unparalleled passion for justice and commitment to the public interest side of every issue.

Andy has been the Congress strongest advocate of human rights and human concerns. He initiated the "Countdown to Human Rights Day" vigil for Cambodian relief in November last year and recruited over a dozen colleagues to devote 1-minute speeches to the famine in Cambodia and summarize their actions to spur the State Department into a meaningful response.

He led the special order of the House to commemorate the 31st anniversary of the Declaration of Human Rights by the United Nations in which he focused on South Africa, the Cambodian famine, and Soviet treatment of dissidents.

In June of this year the Maguire amendment to add $43 million to Public Law 480 emergency food accounts passed the House. And in August Andy introduced a House concurrent resolution to provide immediate humanitarian assistance to Somalia in order to help the nation cope with a massive influx of refugees.

Andy was also named chairman of the "Spirit of Helsinki Vigil," a congressional monitoring group on behalf of Soviet Prisoners of Conscience, by the Union of Councils on Soviet Jewry.

In addition he has played a leadership role on many health issues, particularly as they concern the citizens of this country who often have no voice in the process.

For instance, he introduced the first child health assurance program legislation in 1977 to provide for the early, periodic screening of physical and mental defects in children under 21 who are members of families eligible for medicaid or AFDC. He reintroduced the CHAP bill every year and worked tenaciously until it passed the House in December 1979.

When I think of my friend Andy Maguire and his work in Congress, these words come to mind as appropriate in describing him:

> I expect to pass through this world but once; any good thing therefore that I can do, or any kindness that I can show to any fellow creature, let me do it now; let me not defer or neglect it, for I shall not pass this way again.

It has been a pleasure working with Andy, and he will be missed. My best wishes for the future go with him.●

● Mr. WOLFF. Mr. Speaker, it is with regret that I pay tribute today to Andy Maguire, who will not be returning to this body next year after his having earned our respect as a most effective legislator, and a man of worthy ideals.

Andy's outspoken support for the rights of the consumer will long be remembered, and I fear that we will sorely miss the likes of Andy in the years to come. I have personally admired Andy's steadfast opposition to the evergrowing influence of the oil lobby, as well as his defense of the rights of all Americans to clean air and water. Andy's positions were at times controversial, as he did not hesitate to take unpopular positions when he felt that they were for the greater good.

Andy and I have worked very closely together on an issue which has been very close to our hearts. Andy's valued leadership in efforts to win the freedom of the 3 million Soviet Jews has produced many positive results. It was Andy's tireless and persistent efforts which made this year's Vigil 1980 an overwhelming success. When a most pressing matter dictated that I could not be in town to host a tribute to Hon. Robert Drinan which was sponsored by the Union of Councils for Soviet Jews, I could think of no one more qualified to host than Andy Maguire. It is a tribute to Andy's selfless dedication that he accepted the task on a very short notice.

Although I too will not be returning to the 97th Congress, I can honestly say that Andy's intelligent and articulate presence in the Chamber will be sorely missed. Andy will not fade from the public eye in the coming decade, for then we will need him most. That he will continue to pursue his most vigorous defense of the right of the individual to a better life is beyond doubt, especially in the years to come when the preservation of those rights will be difficult indeed.●

● Mr. DRINAN. Mr. Speaker, Andy Maguire had a very distinguished career even before he came to the Congress in 1974. He has his B.A. from Oberlin College and his Ph. D. in government from Harvard University. He was the recipient of a Woodrow Wilson Fellowship as well as a Danforth Graduate Fellowship. He attended the London University School of Oriental and African Studies and was an advisor on political and security affairs to the U.S. delegation to the United Nations.

He has distinguished himself in a wide variety of activities in New Jersey and was as a result eminently qualified personally and professionally for his role in the Congress.

During his 6 years in the Congress, he has brought about developments in many areas. His work on the Government Operations Committee, where I was honored to serve with him, will make many consumers and countless Americans grateful for a long, long time to come. His work in the area of energy and environment are well-known to our colleagues in the House of Representatives and to all who have labored in these two difficult fields.

Andy Maguire will be missed a great deal in the Congress. He is a young man who has already distinguished himself in a number of ways. He will, I hope, return to public life and hopefully may return to continue his very important and influential role as a Member of the Congress of the United States.●

● Mr. BINGHAM. Mr. Speaker, one of the leaders of that remarkable group of members who arrived in the House following the 1974 elections was ANDREW MAGUIRE of New Jersey.

He has served his constituents and the Nation admirably and it is sad that he was swept away in the tidal wave that hit on November 4.

I have worked with ANDY on a number of matters, and I have always admired his courage and the intensity of feeling with which he pursued his objectives. His work often represented many hours of research and study, as when recently he proposed a change in the formula for distributing revenue-sharing funds to the States, a change that would end an injustice to so many States.

His concerns were not limited to a narrow horizon. He recognized, for example, the importance of Africa to the United States and strove to head off a disastrous conflict in southern Africa by pressing for steps that might mitigate the racial injustices in South Africa and Namibia.

On the all-important energy front, ANDY MAGUIRE made consistent good sense. I frequently followed his lead.

I am sure that whatever he does in the future ANDY will be devoting himself to the public interest and will make outstanding contributions. And I hope that, before too long, he will be back here on Capitol Hill.●

● Mr. PHILLIP BURTON. Mr. Speaker, I rise to pay tribute to one of the outstanding members of the well-known Class of '74, ANDY MAGUIRE. His loss was certainly one of the most devastating for the progressive cause in the House. ANDY has been one of the brightest, hard-working Members of this institution.

ANDY MAGUIRE's achievements during a relatively short career in Congress included successful fights to raise the ethical standards of this body, protect the consumer and to maintain rigorous clean air quality standards. He has been an effective opponent of the oil companies' efforts to make unfair profits from the Nation's energy crisis.

ANDY will be missed by his colleagues but I am certain he will continue his efforts successfully outside this body.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in paying tribute to ANDY MAGUIRE, Congressman from the Seventh District of New Jersey, who will not be returning for the 97th Congress.

A sincere environmentalist, ANDY has always stuck to his convictions when considering issues of a controversial nature. I commend him for his expertise and leadership, particularly in the environmental field.

I wish ANDY the best for the future.●

● Mr. RAHALL. Mr. Speaker, for 6 years, the residents of the Seventh District of New Jersey have been ably represented in this body by ANDY MAGUIRE. When the 97th Congress convenes next January, ANDY MAGUIRE will not be joining us. His presence will be missed.

Hard working and dedicated is the best way to describe his term in Congress, for ANDY MAGUIRE was well-known for his detailed and constant problem-solving capability, which he delivered to his constituents.

In this body, when he took a stand on an issue, it was a strong stand. Positions that were based on knowledge and concern. He was Congress most outspoken critic of delaying the ban on saccharin, and was a vigorous and effective opponent of measures sought by the oil companies at the expense of the American consumer.

These positions did not always win him votes in corporate boardrooms, but they did win him the respect of those who elected him, and those who served with him.

I know I am joined by all of us, when I wish him the best in the future and express the hope that he will continue to make his voice heard.●

● Mr. BROOKS. Mr. Speaker, it has been a distinct pleasure during the 6 years I have been chairman of the Committee on Government Operations to have had ANDY MAGUIRE as a member of the committee. His contributions have been many and great, not only in the work we have done, but in the tone and manner of our deliberations.

ANDY brought a sense of dedication and commitment to the causes in which he believed that challenged all who engaged him in debate to be on their finest mettle. At the same time, he showed unfailing courtesy and good humor in all our discussions. These are qualities of great value in carrying out the work of our committee and they, along with their possessor, will be sorely missed.●

● Mr. NOLAN. Mr. Speaker, as a freshman, this year is the first time I have been through the experience of seeing colleagues and good friends defeated in their bids for reelection. It is an experience which I will not get over for some time, and I expect that with more tenure in the House, I will learn that you never get over the disappointment of seeing dedicated legislators defeated at the polls.

The defeat of ANDY MAGUIRE is one which touched me deeply. ANDY has a well deserved reputation for being among the most thoughtful legislators in this body. He has taken on his causes, often times winning and sometimes losing, but has brought to them a fierce dedication and commitment. When issues like natural gas deregulation, or the decontrol of domestic oil were considered by the Congress, ANDY MAGUIRE was always out in the forefront. His colleagues, many with far more experience than ANDY, looked to him for guidance on these issues, as he had established himself as an expert. His leadership of what was often the loyal opposition, in the Commerce Committee, was quite naturally transformed into a position of leadership among all his colleagues.

ANDY's record as a public servant is exemplary. I know that he will continue to distinguish himself in any endeavor he undertakes, and that the America of the 1980's will be affected by ANDY's work both during his 6 years in the House, and by his involvement in the future. I join his many friends and admirers in expressing my appreciation for his past service, and best wishes for continued success.●

● Mr. RODINO. Mr. Speaker, I want to recognize an outstanding member of the New Jersey congressional delegation, ANDREW MAGUIRE who will not be returning to the House next year.

ANDREW MAGUIRE came to the House in 1975, a relatively short time ago, but since then he has made his mark on this institution. He has reminded the Nation of its commitment to quality health care for all Americans, and to a safer, cleaner, more energy efficient environment. He pushed for improved air quality standards; he has been a strong advocate of increased research to fight cancer and for more active Federal involvement in rooting out the agents which cause cancer in our society; he also has worked to promote solar energy as an important part of America's energy future. All these initiatives which ANDY MAGUIRE took up will bear fruit in the years ahead, partly because ANDY MAGUIRE had the courage to push so hard for them during his 6 years in Congress.

I am especially proud of ANDY's persistent efforts on behalf of all the citizens of New Jersey to obtain a VHF television station. I believe we are closer now than we have ever been to reaching our goal and much of the credit has to go to ANDY MAGUIRE.

The people of New Jersey and all the people of our Nation have benefitted greatly from ANDY MAGUIRE's service in this House, and I am proud to have served with him.●

Mr. HOLLENBECH. Mr. Speaker, we join our colleagues today in saluting and saying farewell to our colleague, ANDY MAGUIRE.

ANDY has represented the western half of our home county for the past 6 years and we have had the opportunity to work with him on several matters. While we did not always agree, one could have nothing but admiration for the way he pursued implementation of his principles.

He leaves behind several unfinished quests, some near completion, some ongoing. World hunger, human rights abroad, particularly in the Soviet Union and South Africa, women's rights, child health, and balanced media coverage for our home State are only a few areas in which ANDY has successfully made his interests felt. But he also leaves behind a challenge to us to see that progress will continue in those areas. And we know that his advice and counsel will always be available.

Thank you, Mr. Speaker.

Ms. MIKULSKI. Mr. Speaker, I take this time today to pay tribute to one of my outstanding colleagues, ANDY MAGUIRE, who will not be returning to the 97th Congress.

The people of the Seventh District of New Jersey are certainly losing a dedicated, influential and hard-working Representative and leader in the U.S. Congress.

I will miss ANDY's efforts for the health of our citizens. As an ally and colleague of mine on the Subcommittee on Health and the Environment of the

House Interstate and Foreign Commerce Committee, he worked endlessly for issues close to us all. Andy is one of the most influential legislators working on the child health assurance program (CHAP) and the Select Panel to study child health. Just today, this panel issued its helpful and vital report.

Andy believes, as I do, that preventive health is the avenue we should stress in formulating health policy. He offered six amendments to the biomedical research bill that refocused the National Cancer Institute's research efforts from not only searching for cures for cancer, to seeking preventive measures, also.

Consistently and steadfastly, Andy Maguire was a compelling force in the cause for human rights. He is one of the founders of the Ad Hoc Monitoring Group on South Africa, a group that was formed after the slaying of Steve Biko.

Andy now serves as the current chairman of a congressional group that monitors Soviet treatment of Jewish dissidents called the Spirit of Helsinki. Also in line with his humanitarian concerns, Andy just recently won an additional $43 million for the food for peace program. This program provides food aid for impoverished countries such as Cambodia and Somalia.

Andy Maguire, in his short 6 year stay in the Congress, has truly compiled a remarkable record. He will be missed.

● Mr. WAXMAN. Mr. Speaker, for over 6 years, Andy Maquire has been my close friend and ally. No one better exemplified the distinctive and outstanding qualities of our class, the Democrats of the 94th Congress, than Andy. Intelligent, active, idealistic, committed to constituent service, Andy exemplified the new breed of Members who came to Congress to serve the people, improve our country, and leave this institution a better place. Andy succeeded in all these goals. All of us are so proud to have been associated with him.

Andy's energy is seemingly boundless, as if there is not enough time in the day to complete all that has to be done. There is no area of legislation which is not marked by Andy's intense interest and concern.

He has consistently fought for fair energy prices, and for energy conservation. He is a staunch defender of the environment against the ravages of industry. He is a champion of quality health care for all Americans. He is an advocate on behalf of strong and sensible measures to protect consumers in the marketplace. He is a watchdog of Government agencies that callously disregard their mandate to protect the rights of our citizens. He is a vigilant force for a progressive foreign policy that is sensitive to human rights. He is the conscience of American attitude toward southern Africa. He is a voice for Soviet Jewry.

Andy has not only been interested in these issues; he has shaped them. The National Energy Act, the Clean Air Act, the FTC Improvements Act, food and drug law, health care legislation, communications policy—he has been involved in them all. These are better laws, that better serve the needs of the American people, because of his efforts.

It has been a rewarding experience to work with Andy. We started in 1975 by fighting together on the clean air legislation, and have cooperated on numerous bills since that time. On the Subcommittee on Health and the Environment, Andy has been an indispensable force for insuring that basic health care needs are met.

The people of New Jersey have lost an exceptional legislator. Few will ever be able to match his record of achievement, fewer still his selflessness and dedication. I have treasured the opportunity to serve with him. I will always value our friendship.●

THE INSPIRING HENRY CROWN OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it gives me a great deal of pleasure to call the attention of my colleagues to an article in the December 8 edition of Forbes magazine entitled, "The Crowning Touch," a profile of Chicago's Henry Crown and his inspiring success story.

I have known Henry Crown for 35 years, and I feel especially close to him because he and I were born and grew up in the same neighborhood in Chicago. He is a decent human being with a genuine common touch so lacking in many men who have achieved success.

We in Chicago are tremendously proud of the achievements of Henry Crown in the financial world. He and his family have given countless gifts to our city for schools, hospitals, cultural activities, and many, many other worthwhile endeavors. As pointed out in the article, Henry Crown has contributed an astounding $75 million to numerous charities and humanitarian causes, with no end in sight to his intense philanthropic efforts.

The article follows:

THE CROWNING TOUCH

(By Howard Rudnitsky)

Growing up on the streets of Chicago is an education in toughness, and few learned those lessons better than Henry Crown. He has applied his old survival tactics to high finance with truly impressive results. The jewel in Crown's large investment portfolio is General Dynamics Corp., a likely beneficiary of increased defense spending. Its stock has already more than tripled in price over the past two years, and Crown, his family and friendly "associates" hold a controlling 20 percent block of 10 million shares—currently selling at $40 a share. Crown, however, is 84 years old, and even as General Dynamics' stock is surging he worries about the future.

Already, says Crown, a well-known investment banker has offered to buy Crown's block of stock and arrange a merger between St. Louis-based GD and another large corporation. "A major steel company was mentioned—which I immediately said I wasn't interested in," says Crown. "Then we talked about some large oil companies." Crown hastens to add that he's not pushing anything. Just listening, mind you. But he's smart enough to know that the time to sell is when you are riding high rather than when the cycle inevitably turns down. "I'm looking out to the second half of the 1980s and 1990 when some of the bigger current defense projects may begin to taper off," he explains. "We could have heavy development costs then, and a merger would substantially reduce that risk."

Despite Crown's age, his mind is as sharp as ever—and so is his need for control. Though his 55-year-old son Lester is a capable executive, there is no doubt as to who oversees the family enterprises. When Forbes telephoned Lester, Crown himself called back with a terse explanation: "When I'm retired or gone, he'll be the family spokesman. We can't have everyone saying something different, so I'll do the talking."

Crown, the son of a penniless Latvian immigrant, keeps his memory honed, too. In the rough-and-tumble Chicago of the Twenties and Thirties—when he launched his business career—it was important always to remember your friends and not to forget your enemies. To this day, for example, he can't bring himself to forget A. N. Pritzker, patriarch of the hotel and real estate clan who, Crown alleges, snatched a smallish acquisition from under his nose decades ago. That may seem like vindictiveness, but it is really the tough underside of a tenacity that made Crown one of the richest men in the nation.

While General Dynamics is his passion, it is only part of his empire—and lately several other Crown investments have been faring well too. For example, the Crown family holds stock that could be worth its current $45 million market value if the proposed merger between the Burlington Northern and his St. Louis & San Francisco Railway is approved. His 460,000 Frisco shares would also make him the Burlington's largest stockholder.

Then there's the current spinoff of Esmark's oil properties, part of another corporate restructuring that particularly pleases Crown. His family bought a 2.5 percent stake in Esmark's predecessor, Swift & Co., in the late Sixties. With the feeling that a new management and strong-willed directors could help diversify the company, son Lester Crown took a seat on the board. The wait was long, but the family's $10 million-plus investment has now more than tripled in value. "Esmark will end up with a sound consumer products and chemicals business," says Henry Crown. "They'll have greatly reduced debt and pension liabilities, tax-loss credits, and the red meat business will be off their backs." Crown, in fact, is so impressed that he will tender none of his shares in the reorganization—and soon will own a 5 percent stake in the slimmed-down company.

Finally, Crown added 100,000 shares to his long-standing First Chicago holdings last March after the bank parted ways with former President Robert Abboud. Nothing against Abboud, mind you. He's a close friend. But at $13 a share, the price looked like a bargain. Already he has a $212,000 paper profit.

There are scores of other deals and investments. The basic Crown business is $577 million-a-year Material Service Corp., a building supply company that Crown started from scratch and sold to General Dynamics in 1958. The Crowns have real estate, too, including half of New York's Tishman Building, at 666 Fifth Ave., the 55-story Mid-Continent Building in Chicago's Loop, a 2,000-acre California ranch. But mostly they buy stocks and bonds.

Crown never finished high school. Instead he took a job soliciting orders for a small steel firm. In 1919, with his older brother Sol, he started a building supply business using $10,000 from the sale of another company Sol started in 1916. His brother soon died of tuberculosis, leaving the 25-year-old Henry in charge of buying sand and gravel to make what he calls "s'ment." He'd order a full rail car and deliver by horse and wagon.

In 1922 Crown had a run-in with the Internal Revenue Service over the valuation of his company. He and his accountant took a train to Washington and settled the matter, but Crown learned a lesson that he never forgot: "I eventually managed to come up with the back taxes," he says. "But at least I could use the money during the months we negotiated. That taught me the need for good tax-planning. What good is it to make money so it's taxed away? Uncle Sam becomes your partner."

From that moment on Crown never made a business decision without considering the tax consequences—and working to limit Uncle Sam to a minority stake. By the mid-Twenties, Material Service had a net worth of close to $1 million because of a Chicago building boom. Instead of showing much profit, however, Crown plowed all his money back into the company.

Crown also figured out early on how to gain a freight cost advantage over his competitors. "I had studied shipping classifications of barges," he says. "They weren't regulated like the railroads, so I figured I could haul aggregates by barge at a lower per-ton rate."

There was one catch: Crown needed a raw material source near the water. So he spent many a Sunday scouring the Chicago suburbs on foot. Eventually, he spotted a site, but it was a mile inland. Crown wangled a $200,000 loan with no collateral to finance a feeder rail line and developed the Lockport sand and gravel pit. His assured supplies and transportation savings helped launch Material Service's dynamic growth.

Thus, before he was 30, Crown had mastered two of the most critical ingredients for accumulating wealth—tax deferral and using borrowed money.

In 1931 Foreman State National Bank, the institution that had advanced Crown $1 million in uncollateralized loans, was insolvent. At the same time, Material Service itself was in a tight financial bind. The construction business was terrible, and Crown owed $10,000 in other debt payments.

Then, Crown got a real scare. He was facing bankruptcy. As he tells the story, he was walking by the Foreman Bank one Saturday afternoon when he noticed it was open. On Saturday afternoon? A bank? He knew something was drastically wrong. A teller told him that Foreman would merge on Monday with the First National Bank of Chicago. He also warned Crown that First Chicago would demand collateral.

Crown had few commercial assets he could pledge, but if he refused he knew he probably never could borrow again. So he offered to put up his receivables, his house, even his life insurance policies. That impressed the chief lending officer, who knew that Crown could have walked away from his loans. As a result, First Chicago began working to help Material Service. The bank negotiated a new repayment schedule and brought in accountants to make sure Crown no longer overextended himself. Thus began a relationship that financed three decades of growth.

Crown made another cagey move at the outbreak of World War II, or as he calls it, "War II." Says he: "I realized there would be little private construction because materials would be used for the war effort, but I also figured there would be good coal business." So Crown bought the Freeman Coal Co. for $1.5 million, mostly borrowed, avoiding excess profits taxes by combining losses in his gravel business with depreciation and interest from the coal purchase. To aid the war effort he volunteered for the Army Corps of Engineers, which put him in charge of $1 billion worth of contracts. Those connections came in handy later when Crown started selling building supplies to some of the same contractors.

After the war, Crown began branching out. He bought into what is now the Chicago, Rock Island & Pacific railroad and the fledgling Hilton Hotels Corp. In 1951 Crown also bought a 25 percent interest in the Empire State Building for $10 million. A year later, with money flooding in, he decided to buy it all. But first he had to deal with the late railroad financier, Robert Young.

Crown suggested to Young, the owner of a 20 percent stake in the Empire State Building, that it was better for one man to hold a 45 percent interest. "I told him one of us could choose a price and the other could say whether he wanted to buy or sell," Crown explains. Young wanted the option of buying or selling, rather than naming the price, and Crown swiftly decided that a 50 percent profit was in order. Crown, of course, remembered that Young had crossed him over the Rock Island and figured that his rival was now overextended. A slightly dazed Young asked for a day to think. He then telephoned to say he would sell his shares. With Young gone Crown eventually bought out the other investors.

It cost Crown and his family $33 million to buy the building—but the whole acquisition was handled with borrowed money. In 1961, with problems brewing at General Dynamics, Crown sold the skyscraper for $64 million. Think of it: In a matter of eight years Crown parlayed a cash outlay of virtually nothing and a few signatures on bank notes into a $31 million gain.

And real estate was just a sideline. The Fifties were boom times for construction, and by 1958 Material Service had a net worth of $72 million. "We were getting to be a bank," says Crown. "We had either to swallow or be swallowed." So he engineered another deal, selling out to General Dynamics for a package of convertible preferred stock worth $125 million. It gave GD badly needed earnings and gave Crown at best tenuous control of the aerospace giant. Material Service's cash hoard would fund development of military hardware and commercial aircraft.

By 1961, however, the perfect fit had several ripped seams. General Dynamics' venture into commercial-jet transport with the Convair 880 and 990 produced a staggering $427 million in losses. Chairman Frank Pace stepped aside. But the man Crown hired to replace him, Roger Lewis, a Pan American World Airways executive, became an even bigger problem. Lewis rankled Crown by buying the Quincy, Mass. shipyards, which proceeded to lose money.

In 1966 Lewis persuaded the board to ask Crown to convert his stock. This presented a painful choice. If Crown didn't convert, he stood to lose $24 million in market value. If he redeemed for $125 million in cash, he would have to pay capital gains taxes and lose control of his own Material Service.

Outsiders assumed Crown would convert, but he was so furious with Lewis and the board that he redeemed. A hard-pressed General Dynamics had to come up with $125 million to pay Crown, and he was soon buying its stock on the open market at prices well below the old conversion rate. In little more than six months he had acquired 8 percent. Then he stopped.

Three years went by, and in 1969 Crown was stunned by the sudden death of his oldest son, Robert. To help recover from that shock, he decided to mount a major assault on General Dynamics. With his younger son Lester and his pal Nathan Cummings, founder of Consolidated Foods, Crown bought aggressively until by mid-1970 his group had accumulated some 20 percent of General Dynamics common at a cost of about $60 million.

Crown moved back on the GD board and requested an audit, because the company's financial condition was deteriorating again. Crown guessed that management was putting a good face on a bad situation. "General Dynamics was showing a small bookkeeping profit on its shipbuilding," claims Crown. "But when the auditors went over it, we had a considerable cash drain that was only going to grow."

Confronted with Crown's opposition, Roger Lewis bowed out and went on to head up Amtrak. Crown had to find another executive to help rebuild General Dynamics. "This time," he says, "I hired the right Lewis—David Lewis, the man who had merged Douglas Aircraft into McDonnell in 1967."

The turnaround took the better part of the Seventies. In 1979 General Dynamics wrote off the last of $843 million in Navy submarine cost overruns. Then the company began paying its first cash dividend since 1970, a signal that management—and Henry Crown—thought the business was sound again.

Henry Crown today lives more like a man who's not totally convinced he's made it big than like a man who controls great wealth. In the morning, a Cadillac limousine takes him from his 17-room house in suburban Evanston, Ill. to downtown Chicago. He usually stops off at the Conrad Hilton Hotel for a shave. Then, unnoticed, he briskly walks the 1½ miles to his office in the old Mercantile Exchange building, which he owns and which houses the executive offices of his Material Service Corp. Arriving before 8 a.m., he rides a waiting elevator, steps out and enters an office that's marked only "1600."

Henry Crown doesn't come to work before eight to shuffle papers or sign checks. He is so used to fighting battles and climbing ladders that it's an ingrained reflex. Crown works hard because it makes him feel more alive. He doesn't want to "sit in California or Florida and play cards and wait for death," though mortality is clearly on his mind. To avoid worrying about the future he keeps busy.

One side of Henry Crown's old street code ordains toughness, an unwillingness to forgive. The other side ordains loyalty to friends and allies. Crown is legendary for his generous rewards to loyal employees who served him over the years; he typically offers bonuses or shares in the profits. David Lewis, for example, is a comfortable man today with 550,000 shares of General Dynamics stock including options, or 1 percent of the outstanding. Crown is a philanthropist too: Over the years he has donated some $75 million to charities as well as to institutions like Northwestern and Stanford universities.

Like many other very wealthy men, Crown's view is that he isn't very rich at all. He never tires of telling people, "My aim is to make my net worth less at the end of each year than it was at the beginning." Through donations and a complex network of 30 or so "sprinkle trusts" that are designed to spread holdings throughout his family, close friends and charities, Crown usually succeeds. "I personally own very little," he explains. "I've already given most of it away."

Despite his deep-seated feelings about taxes, Crown thinks it is still possible to accumulate fortunes as large as his. "There is no merit at all in the contention that because of high tax rates today people can't do well," he says. "You can still accumulate capital. The capital gains rate is only 28 percent, and my guess is that next year we'll see that reduced. There's ample opportunity."

Ample opportunities, that is, for those with the energy and stamina to take advantage of them. Crown's conquest of General Dynamics didn't come easy; he won because he refused to admit defeat or to lose patience. On a smaller scale he's probably not even going to lose out in his 35-year-old investment in Rock Island railroad. He began buying Rock Island bonds at a deep discount in the 1940s, when he thought the railroad had a future. As the Rock Island sank deeper into insolvency, Crown pressed the board first to approve a merger, then liquidation. He even poured $1 million of his own money into legal fees. He finally won his battle in early 1979, and the road is being sold off for what its assets will bring. Crown will make a tidy profit on his bonds.

Henry Crown is currently involved with Hilton Hotels in a seven-year, $200 million redevelopment in downtown Chicago. That will benefit Crown directly by helping Hilton, of which he owns 3.8 percent, and indirectly by shoring up the value of his commercial real estate in the Loop. The really spectacular way to cap his career, however, would be to arrange a merger that makes General Dynamics, already almost a $5 billion company, far larger and more diversified. That's the sort of deal Henry Crown thinks about a lot these days. Don't be surprised if he gives it a try—and be sure he'll use all his old tricks to come out on top.●

A FEDERAL USURY LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LaFalce) is recognized for 20 minutes.

● Mr. LaFALCE. Mr. Speaker, on July 2 of this year, I introduced a bill, H.R. 7735, to preempt State usury ceilings on consumer credit. Today, after two hearings and much additional study, I am introducing a clean bill which, like its predecessor, preempts State usury ceilings on consumer credit, but has a somewhat broader scope, contains a variety of consumer protection provisions, allows States to retain more prerogatives, and involves only a temporary Federal preemption of State usury ceilings, to bring us through this period of high inflation and correspondingly high market interest rates.

My new bill is consistent with the 1972 findings of the National Commission on Consumer Finance and the 1980 findings of the Task Force on Thrift Institutions, both of which were commissioned by the Congress to study State usury ceilings on consumer credit and both of which recommended relaxation of existing ceilings. My new bill is also consistent with the positions taken by most of the representatives of different interest groups and organizations testifying on my original bill before the General Oversight Subcommittee of the Small Business Committee. Indeed, many of their suggested changes were incorporated into my new bill.

THE NEED FOR CONGRESSIONAL ACTION

A great number of articles have appeared recently in the popular press indicating that, as their cost of funds has risen recently, banks and other lenders have become increasingly reluctant to finance big-ticket items and to extend revolving credit. My own State of New York acted recently to abolish its usury ceilings on consumer credit. It is the exception, however. Most States still have usury ceilings set at levels well below current market interest rates. Such ceilings hurt not only lenders, but consumers who cannot secure credit at any price and small businesses that rely on commercial credit to finance their retail sales.

The bill I am introducing today would do much to remedy this situation. I am introducing the bill at this time for discussion and study purposes and expect a bill which embodies the same concepts to be introduced and enacted early in the next session of Congress if, as expected, interest rates remain at their current high levels or rise even further, and a vast majority of States do not respond by raising their usury ceilings.

I think we would all prefer that the States themselves take action to alleviate any untenable conditions caused by their usury ceilings. However, in the absence of State action, I believe that it is incumbent on the Congress to provide relief to consumers, small businesses, and lenders.

THE NEED FOR COMPROMISE AND ACCOMMODATION

I have observed in political life a strong tendency toward polarization on issues of public policy. Much of the time, polarization is a result of opinions and positions being slow to change with changing circumstances; the conventional wisdom simply does not keep pace with reality.

I believe such is the case with usury ceilings. The witnesses at the hearings on my original bill preempting State usury ceilings on consumer credit fell neatly into two camps. Small business associations, whose members at times cannot get commercial creditors to finance consumer purchases, favored the bill. Lending associations, whose members at times cannot earn a reasonable return on consumer loans and credit cards, also favored the bill. Consumer groups, whose members are shielded from high interest rates by State usury laws, and State legislators, whose constituents expect protection from unscrupulous lenders, opposed the bill.

Yet, I perceive the issue of Federal preemption of State usury ceilings as one which affords much room for compromise and accommodation. Indeed, I believe that groups on both sides of the issue could benefit from Federal preemption if certain safeguards accompanied preemption.

Preemptive legislation need not open the door to usurious lending practices, needs not preempt debtors' rights and remedies, and need not usurp basic State prerogatives. Such legislation may simply make credit available to consumers while States with highly restrictive usury ceilings are deciding what to do about them. Small businesses that rely on bank cards and installment sales contracts to finance their sales will benefit from increased retail activity. Financial institutions will benefit from diversified portfolios and will be ensured a reasonable return on consumer loans and credit cards.

All consumers will benefit from the introduction of new credit options, and low-income consumers will be less likely to find themselves without credit in periods of high inflation.

Studies and surveys have shown that:

First, consumers in States with restrictive usury ceilings end up losing through higher fees, larger down payments, shorter maturities, and stricter collateral requirements much of the advantage they gain through lower interest rates;

Second, cash customers in States with restrictive usury ceilings end up subsidizing credit customers as the price of goods and services is marked up to compensate for low yields on credit sales;

Third, consumers as a group in States with restrictive usury ceilings find it difficult to secure credit as capital flows to other States and to other credit users, particularly businesses, within the same State; and

Fourth, low-income consumers in States with restrictive usury ceilings cannot secure credit at any price as creditors seek to minimize default losses.

There was a time when low State usury ceilings provided consumers with necessary protection and did not significantly restrict their access to consumer credit. However, such is not the case today. Consumers are more sophisticated, credit markets are more competitive, and States have enacted many laws protecting the unwary consumer, all of this while market interest rates have climbed to unprecedented levels and begun to bump against State usury ceilings. Clearly, under present circumstances, everyone, including consumers, could benefit from the relaxation of artificially low State usury ceilings.

CONCEPTS UNDERLYING THE NEW BILL

Four major concepts underlie my new bill. First, my bill will rely principally on competitive market forces to protect consumers from usurious lending practices. The bill preempts State usury ceilings on interest rates, transaction fees, and access fees and imposes in their place Federal usury ceilings set high enough to allow market forces to operate unconstrained in most cases.

Second, my bill contains a number of provisions designed to protect consumers should market competition fail to do so. As noted above, the bill imposes Federal usury ceilings at the same time it preempts lower State ceilings. The bill requires clear written notice to consumers well before interest rates and other terms of revolving credit are changed, and allows consumers to repay outstanding indebtedness on the old terms following a change as long as they do not incur additional indebtedness. The bill leaves intact State limitations on fees and charges levied in case of default, delinquency, prepayment, and similar circumstances unforseen by the consumer at the time credit is extended. Finally, the bill allows consumers to recover twice the total amount charged by creditors when they are overcharged relative to the Federal ceilings, and allows them to recover reasonable attorney's fees as well.

Third, my bill does not usurp basic State prerogatives in the area of credit control. The bill contains a temporary preemption designed to get us through this difficult period, not to permanently shift the balance of power from State to Federal Government. The preemption is subject to a State override at any time before or after it goes into effect, and the override reimposes all State limitations preempted by the Federal Government. Finally, the preemption goes into effect at the creditor's option, allowing creditors to extend credit under higher State usury ceilings, set to reflect the higher cost of certain types of credit transactions (for example, small loans), or the higher degree of sophistication possessed by certain types of consumers (for example, those borrowing large amounts).

Fourth, my bill does much to correct distortions in credit allocation resulting from different State usury ceilings for different types of credit transactions and different types of creditors. The bill preempts State usury ceilings on the principal credit transactions that have not yet been subject to Federal preemption—personal loans, credit sales, and second mortgage real estate loans. The preemption of State usury ceilings extends to all regular creditors, whether federally insured or not and whether individuals or organizations. Finally, the Federal usury ceilings that accompany the preemption are the same for all regular creditors, avoiding any artificial advantage to one or another of them.

SECTION-BY-SECTION ANALYSIS

With this introduction to the concepts underlying my new bill, I would like to review its provisions, section by section. As I do, I will indicate what purposes these provisions serve and what factors were considered as we drafted them.

THE PREEMPTION PROVISION

The bill amends title V of the Depository Institutions Deregulation and Monetary Control Act of 1980, the title which already preempts State usury ceilings on first-mortgage residential real estate loans, mobile home loans, and business and agricultural loans. Section 531(a) gives creditors the option of extending credit to a consumer under ceilings which result from preempting State and other Federal limitations on interest rates, transaction fees, and access fees and imposing in their place new Federal usury ceilings. The Federal usury ceiling on interest rates is set at 10 percentage points above the average yield on 2-year U.S. Government securities during the period beginning 8 weeks and ending 5 weeks prior to the calendar quarter in which a credit transaction occurs. The Federal usury ceilings on transaction fees and access fees are set, respectively, at 15 cents per transaction and $20 per year for open-end credit plans.

The average yield on 2-year U.S. Government securities is used as the peg rate for purposes of computing the Federal usury ceiling on interest rates because this particular peg rate is a market rather than a managed rate and relates to debt whose maturity is comparable to many consumer loans. Graphical plots comparing interest rates for different types of consumer credit to alternative peg rates showed that yields on Treasury notes move up and down more consistently with the average cost of consumer credit than does any other peg rate studied, including the prime lending rate, the Federal Reserve discount rate, the average U.S. Treasury bill rate, the average U.S. Treasury bond rate, the average 6-month commercial paper rate, and the average corporate AAA utility bond rate.

A 10-point spread between the average yield on 2-year U.S. Government securities and the Federal usury ceiling on interest rates was chosen to provide some headroom for competitive market forces to operate after creditors have covered their cost of funds, credit losses, and overhead, yet to still preclude truly usurious lending practices. The maximum transaction and access fees were set, respectively, at 15 cents per credit transaction and $20 per year to cover the special administrative costs associated with open-end credit plans.

Adjustments in the Federal usury ceiling on interest rates are made at the beginning of each calendar quarter to ordinarily keep pace with changing market conditions without creating an administrative nightmare for small retailers, banks with revolving credit plans, and other creditors.

Finally, the period for which average yields on U.S. Government securities will be computed is set at 8 to 5 weeks prior to the calendar quarter during which the ceiling will apply so as to dampen out daily fluctuations in yields and to be as close to the beginning of the new quarter as possible, given the requirement that consumers be notified of a rate change 30 days before it goes into effect.

THE PENALTY PROVISION

Section 531(b) prescribes penalties for creditors charging more than allowed under the Federal usury ceilings. Specifically, creditors that overcharge consumers forfeit all interest, transaction fees, and access fees payable on outstanding indebtedness, and consumers who are overcharged may recover twice the total amount of interest, transaction fees, and access fees already paid, plus reasonable attorney's fees.

The penalty provision in my bill is identical to penalty provisions in other Federal legislation preempting State usury ceilings, with two exceptions. First, consumers who are overcharged may recover not only twice the amount already paid, but reasonable attorney's fees. The addition of reasonable attorney's fees in my bill is a response to two salient features of consumer lending—the amounts involved are usually small and the borrower is a consumer of limited means, not a business.

Second, consumers may recover twice the amount paid, plus reasonable attorney's fees, only in the case of an individual action, not a class action suit. In the case of a class action, consumers may recover only the actual damage sustained or whatever amount up to $500,000 or 1 percent of a creditor's net worth a court may allow. The treatment of individual and class actions in my bill is similiar to that in the Truth in Lending Act.

CONSUMER PROTECTION PROVISIONS

Section 531 contains three additional consumer protection provisions. Subsection (a) requires 30-day clear written notice of a change in interest rates, transaction fees, or access fees on open-end credit extended under the Federal preemption, and allows creditors to apply the new terms to outstanding debt only if consumers, by incurring additional debt after the change and notice, signal their willingness to repay all debt under the new terms. This subsection, as written, will give consumers the option of repaying outstanding debt under the old rate structure or the new rate structure after a change in the Federal usury ceiling. It will, in addition, greatly simplify record keeping for creditors by allowing them to apply just one rate to all outstanding indebtedness. This provision is essentially the same as the compromise worked out between consumer groups and commercial lenders under the Federal Reserve's special credit restraint program.

Subsection (b) provides that the Federal preemption shall not extend to fees and charges other than interest, transaction fees, and access fees. Other fees and charges, including prepayment penalties, rebates on prepayment, default charges, and other fees and charges which have proven particularly susceptible to creditor abuse, remain subject to existing State consumer protection laws. No fee or charge becomes completely unregulated due to the Federal preemption.

DEFINITIONS

Section 533 defines the terms used in the bill. The key ones are:

Creditor—defined to include any individual or organization that regularly extends credit;

Extension of consumer credit—defined to include all credit extended to an individual primarily for personal, family, household, home-acquisition, or home-improvement purposes, excepting only first-mortgage residential real estate and mobile home loans, which are already subject to a preemption under part A of the same title.

REGULATIONS

Section 534 authorizes the Board of Governors of the Federal Reserve System to issue implementing regulations. However, the bill is written in a way that would permit it to be put into effect before the implementing regulations are finalized, so as to avoid delay.

STATE OVERRIDE

Section 535 empowers States to override the Federal preemption before it goes into effect on April 1, 1981, or any time during its effective period of April 1, 1981, through April 1, 1984.

April 1, 1981 was chosen as the effective date of the Federal preemption to give States, all but one of whose 1981 legislative sessions begin well in advance of April 1, ample time to override the Federal preemption prospectively. It will also give creditors ample time to adapt their recordkeeping systems to a floating Federal usury ceiling and to notify consumers of any change in rates effective on April 1, the beginning of the new calendar quarter.

An effective period of 3 years was chosen to give States ample time to raise their usury ceilings on consumer credit before the Federal preemption ends. It has precedent in other temporary Federal preemptions of State usury ceilings—including the current preemption of State usury ceilings on business and agricultural loans—and conforms to the legislative cycle of Congress, ending at a time when Congress could take action to extend the Federal preemption if need be.

HIGHEST APPLICABLE RATE

Section 2 amends section 528 of the same title to provide that, as with other credit transactions subject to more than one Federal rate ceiling, extensions of consumer credit may be made at the highest applicable rate. The section also provides that, notwithstanding administrative determinations, all credit unions, whether State or federally chartered, may extend credit at the highest applicable rate provided by this act and other Federal legislation. Otherwise, credit unions would be at a competitive disadvantage relative to all other creditors.

EFFECTIVE DATE

Section 3 provides that the amendments shall take effect upon enactment.

The actual bill itself reads as follows:

H.R. 8421

A bill to amend the Depository Institutions Deregulation and Monetary Control Act of 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Depository Institutions Deregulation and Monetary Control Act of 1980 (94 Stat. 161; Public Law 96–221) is amended by adding at the end thereof the following:

"PART D—CONSUMER CREDIT

"EXTENSIONS OF CONSUMER CREDIT

"SEC. 531. (a) (1) Notwithstanding any Federal or State statutory or constitutional provision, a creditor may take, receive, reserve, or charge on any extension of consumer credit—

"(A) interest at a rate not more than 10 percent in excess of the average of the daily 2-year constant maturity index on United States Government securities as derived by the Secretary of the Treasury from his daily Treasury yield curves during the period beginning 8 weeks before the commencement of the calendar quarter during which an extension of consumer credit occurs and ending 5 weeks before such calendar quarter;

"(B) a transaction fee of not more than 15 cents per transaction; and

"(C) an access fee of not more than $20 per year.

"(2) (A) Not later than 30 days before the beginning of each calendar quarter the Board shall—

"(i) compute the maximum annual interest rate described in paragraph (1) (A), rounding off such rate to the nearest one-fourth of one percent; and

"(ii) disseminate information regarding such rate in such manner as the Board considers necessary and appropriate.

"(B) The Board shall publish each rate computed under subparagraph (A) in the Federal Register at the earliest possible date.

"(b) (1) If the amount of interest, transaction fees, or access fees prescribed in subsection (a) (1) exceeds the amount such creditor would be permitted to charge in the absence of this section, the taking, receiving, reserving, or charging of an amount greater than that allowed in subsection (a) (1), when knowingly done, shall be deemed a forfeiture of all interest charges, transaction fees, and access fees which are payable on the outstanding balance of the consumer credit involved.

"(2) If the greater rate described in paragraph (1) has been paid, the individual who paid it may recover—

"(A) in an individual action commenced in a court of appropriate jurisdiction not later than two years after the date of such payment, an amount equal to twice the amount of interest, transaction fees, and access fees paid to the creditor, plus reasonable attorney's fees; or

"(B) in a class action—

"(i) an amount equal to all actual damages sustained by such individual as a result of the overcharge involved; or

"(ii) such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery under this clause in any class action or series of class actions arising out of the same failure to comply with this Act by the same creditor shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the creditor.

"(3) In determining the amount of award in any class action pursuant to paragraph (2) (B), the court shall consider, among other relevant factors, the amount of any actual damages sustained, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of individuals adversely affected, and the extent to which the creditor's failure of compliance was intentional.

"CONSUMER PROTECTIONS

"SEC. 532. (a) No amount determined under section 531(a) (1) shall be applicable to an extension of open-end credit unless—

"(1) the creditor gives to the individual involved a clearly written notice of any change in the interest rate, the transaction fee, or the access fee charged not less than 30 days prior to the effective date of such change; and

"(2) the individual obligated to repay the indebtedness outstanding at the time of such change indicates, by incurring additional indebtedness, his willingness to repay all indebtedness, both that outstanding and that incurred after such change, pursuant to the new terms.

"(b) In any case in which any amount determined in section 531(a) (1) is applicable to an extension of consumer credit, the preemption involved shall only apply to interest charges, transaction fees, and access fees, and not to any other fees or charges imposed in connection with any extension of consumer credit.

"DEFINITIONS

"SEC. 533. For purposes of this part—

"(1) the term 'access fee' means any fee or other charge paid by an individual to a creditor for the privilege of using an open end credit plan;

"(2) the term 'Board' means the Board of Governors of the Federal Reserve System;

"(3) the term 'credit' means the right granted by a creditor to an individual to defer payment of debt or to incur debt and defer its payment;

"(4) the term 'creditor' means a natural person or organization which regularly extends, or arranges for the extension of, credit which is payable by agreement in installments or for which the payment of a finance charge may be required, whether in connection with a loan, sale of property or services, or otherwise;

"(5) the term 'extension of consumer credit' means credit made available by a creditor to a natural person, primarily for personal, family, household, home-acquisition, or home-improvement purposes, whether secured or unsecured and without regard to the nature of the property securing the indebtedness, but excluding credit subject to the provisions of section 501 of this title;

"(6) the term 'open end credit plan' means a plan under which the creditor reasonably contemplates repeated transactions, which prescribes the terms of such transactions, and which provides for a finance charge which may be computed from time to time on the outstanding unpaid balance;

"(7) the term 'organization' means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, association, or other entity; and

"(8) the term 'transaction fee' means a fee charged for a purchase or loan made under an open end credit plan.

"REGULATIONS

"SEC. 534. The Board is authorized to issue rules and regulations and to publish interpretations governing the implementation of this part.

"EFFECTIVE DATE OF PART D

"SEC. 535. (a) The provisions of this part shall not apply to extensions of consumer credit made pursuant to the laws of any State before April 1, 1981, or after the earlier of—

"(1) April 1, 1984; or

"(2) the date, on or after the date of the enactment of this Act, on which such State adopts a law or certifies that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this part to apply to extensions of consumer credit made pursuant to laws of such State.

"(b) An extension of consumer credit shall be deemed to have occurred at the time a legal obligation to repay indebtedness is incurred.".

SEC. 2. Section 528 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (94 Stat. 168; Public Law 96–221) is amended—

(1) by inserting "section 107(5) (A) (vi) of the Federal Credit Union Act," after "National Housing Act,"; and

(2) by striking out "the same loan, mortgage, credit sale, or advance, such loan, mortgage, credit sale, or advance" and inserting in lieu thereof "the same loan, mortgage, credit sale, extension of consumer credit, or advance, such loan, mortgage, credit sale, extension of consumer credit, or advance".

SEC. 3. This Act shall take effect on the date of the enactment of this Act.●

FOUNDATION FOR ALTERNATIVE RELIGIOUS BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota, (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, there is currently a very important development about to take place in the field of religious broadcasting. This development is the formation of the Foundation for Alternative Religious Broadcasting. Sponsored by the Paulist Fathers in Washington, D.C., the foundation seeks to raise social consciousness and spiritual/ethical responsibility by providing a forum for the presentation of a variety of views of interest to the church in this country and throughout the world. I can especially appreciate the foundation because they will not seek to package and sell religion the way so many others have today. The foundation's purpose and goals are more specifically defined in the following text:

WHAT IS THE FOUNDATION FOR ALTERNATIVE RELIGIOUS BROADCASTING?

The Foundation is a governing body of television professional and religious educators who have united to improve programming on American television and in the public media industry.

This corporation will begin its mission by producing material pertinent to the spiritual needs of a television audience that does not receive substantial inter-faith program material.

Authorities of religious broadcasting, press and educational groups will be approached in order to draw up a survey on the most urgent needs in social-spiritual programming. Subscribers to the Foundation and financial support for its projects will be encouraged through numerous magazine articles on the doctrine of the Foundation and its broadcasting goals. One of the principal initial organs used for this purpose will be the publication of a newsletter, Second Thoughts.

The initial goal is to utilize broadcasting facilities in Washington, D.C. (the current location of the national office) to express the existential ideologies of the Christian faith and other religious doctrines of the Foundation affiliates which share its goals and purposes. The Foundation will air, produce, and syndicate material dealing with raising social consciousness and socio-religious ethical responsibilities.

Advance publicity will be carried out via a nationally broadcasted commercial film, or television series that will publicly establish the Foundation and its purposes as the series *Insight* has done for the Paulist Fathers.

The Foundation will attempt to make the airwaves open to public interest groups, political lobbies, and independent film-makers within a format that would reflect the Foundation as beinng non-partisan. Time will be purchased, or bartered with a view toward intelligently offering both sides of issues. It will facilitate experimentation and innovative change in regards to presenting material that would hold the attention of a general audience. For example, freelance film-makers and outside reporters would have access to oppose a previously broadcasted ideal.

Other program material will include a series of interviews with in-depth study on current events based on the format of the *MacNeil-Lehrer Report*. The intent of most will be to bring national lawmakers and those with public influence into the public forum of social and ethical discussion as it relates to law and policy-making.

There will also be an effort to produce documentaries and editorials covering the same urgent issues in order to get a varied overview of the possible and potential solutions to contemporary problems.

The Foundation will make overtures to the socially enlightened news audience in Washington by creating and airing 'News-with-Views' reports. These political-historical perspectives of topical events will allow the audience to understand the full context within which a problem situation exists or grows. For example, a historical background on Islamic law could be presented with news items of Iranian-American violence relative to the current hostage crisis.

The Foundation seeks to facilitate an in-the-street reporting team that will pursue local broadcast items for viewers in the immediate area. This would be along the line of covering the developments of the black slums near the U.S. Capitol, or how local problems relate to world problems.

The Foundation would offer information programs which would be promoted as a theological source of reference by which politicians, foreign delegates and concerned lobbies could obtain news information to better inform the public in a way that would illustrate the necessary relationship between the religious and secular world.

The Foundation will support and pursue the purchase and programming of an inter-faith "public" television facility in Washington, D.C. This facility will connect with satellite, and/or cable to allow live feed of programming aforesaid to nationwide independent stations.

The program schedule will include award winning religious productions such as *Insight*, and other inter-faith religious programming in tune with the purposes and goals of the Foundation. This could include anthologies of "classic" television material, dramatic or documentary.

The station will also air foreign productions that are rarely shown in the U.S. because of the use of sub-titles.

Several documentaries are already on schedule for production such as biographies of well-known personalities who have undergone a profound spiritual change . . . a follow-up on why several Pentagon personnel have recently left their jobs . . . a report on the study of psychological disturbances at Three Mile Island underway by a team of psychiatrists who form the membership of the National Task Force on the Effects of Nuclear Advances . . . a report on the revitalization of religion in Russia . . . an in-depth study of the Southern Baptist Church as an American phenomenon.

Through the station and in conjunction with the Foundation there will be sponsorship of seminars and clinics to collaborate with concerned citizens and educators on how to best utilize the public airwaves. The station will also be open to the energetic offerings of university media researchers and interns.

The station will work in conjunction with such operations as that of UNDA, the National Catholic News Service, the Catholic Communication offices, and other inter-faith and secular broadcasting organs in the utilization of sister radio station and television hookups.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, due to official business, I was not recorded on rollcalls 607 and 608 on September 30, 1980. If I had been present, I would have voted "yea" on passage of H.R. 8195, the Railroad Retirement Act, and "yea" on adoption of the conference report on House Joint Resolution 610, the fiscal 1981 continuing appropriations.●

OUR ECONOMY IN THE 1980'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

● Mr. WOLFF. Mr. Speaker, as I stand at the finale of my career in Congress, I should like to offer some thoughts, both reflective and prospective, on the state of our economy and the remedial path which I hope the ensuing Congresses will follow. Having witnessed 16 years of economic ebbs and tides, I have been afforded a unique opportunity to study and examine the idiosyncrasies of our economic structure from a most fortuitous vantage point. The incoming Members would do well to heed the premonitions of the outgoing, and learn from the transcripts of our tenure.

Our international economic predominance has wavered, indeed even dissipated over the past 20 years. The consequences of such a displacement of power and prestige bears bitter fruit for our Nation, both in terms of our negotiations with other countries and our domestic welfare. Without a strong, solvent economy we cannot expect to wield power or influence in any sphere of international confrontation or turmoil. We can have no strong defense capability, we can have no technological prowess and we can no longer enjoy the prerogatives of international supremacy. Hence, the legislators and administrations of the 1980's must concentrate on rebuilding and refurbishing the foundations of our economy—instituting sound policy measures born not of a poltical contest but of prudent economic strategy.

I submit that it is folly to focus upon a sweeping tax cut at this time, particularly one which simply perpetuates the existing inequities and disincentives in our present tax code, albeit at a lower rate. The American people are not asking for a little extra pocket money, we are desperate for an end to this inflationary spiral, higher rates of productivity and individual financial stability.

We do not need a temporary reduction in our tax rates, only to be usurped by 12, 15, or 18 percent inflation rates. Does this temporary reduction in tax rates compensate for such pernicious rates of inflation or the jeopardy in which so many of our jobs have been placed? Does a temporary reduction in tax rates assist our ever-declining rate of productivity? Indeed not. If Federal revenues are to suffer, they should suffer for the betterment of our economic foundation—rather than a transient increase in disposable income.

I submit that the underpinnings of our economy might be bolstered with the following policies:

We must target our attempts to reduce taxes in areas which have borne a disproportionate burden in the past, and in areas which promise the greatest levels of productivity in the future. Not only must we design a system whereby businesses recycle their own funds (through accelerated depreciation allowances and investment tax credits), but we must also develop a system which allows individuals to contribute capital through healthy savings accounts and prudent investment (through increased tax allowances for savings interest and dividend reinvestment).

We must bolster our economic position abroad, retiring our balance of payments deficit and strengthening the dollar. This can only be accomplished with a renewed commitment toward research and development, which will once again provide us with the technological prowess we need for a strong position in international markets. As a nation, we have come full circle in our productive capabilities. We began as an agrarian society, importing finished products and exporting raw materials and foodstuffs. With time, we developed into a primary manufacturer of innovative finished products of unparalleled quality. Unfortunately, we have lost this competitive edge, and now find ourselves exporting wheat, soy beans and cotton, and importing such things as electronics, automobiles and clothing. We must recapture this lost market, and reap the concomitant profits.

We must form a consortium of energy consuming nations, which can negotiate the price of oil and other finite resources with producers of their commodities. With a unified presence, we could resist the arbitrary and confiscatory pricing policies of OPEC, and establish an international commitment to resolving this international dilemma.

We need to insure that the elderly and disadvantaged are buffered against the sacrifices which accompany a lean economy. We must abandon the philosophy of our predecessors which equated retirement with ineptitude. We must tap the precious resources of our senior citizens, while guaranteeing financial remuneration of their services.

With the institution of such measures, we can realize great wealth and prosperity in the eighties. Numerous demographic factors will accommodate unprecedented growth, such as a population decline and shifting productivity potential.

Americans are getting older and having smaller families. Such shifts in the composure of our population will produce welcome repercussions for our economic situation. Older workers tend to be less transient in their jobs, and develop necessary expertise and skills. In addition, the influx of women into the work force of the seventies will become fully acclimated in the eighties, settling in to become more effective, productive and less sociologically "experimental" than in the past. Further, an older population tends to consume less and save more than their younger counterparts, which will augment our atrophied capital base.

With the American population demonstrating a tendency toward smaller families the labor market will decline, forcing manufacturers to replace inexpensive, available laborers with labor saving machinery. Hence, it is reasonable to assume that productivity will be forced upward as industry introduces modern, efficient equipment into its plants and factories.

This decreasing population will require fewer schools and lesser municipal services, easing the strain on State, local and Federal budgets. The strain will be further reduced as the dual income family becomes firmly entrenched in our society. A recent study conducted by MIT and Harvard points out that by 1990 husband-wife households in which only one spouse works will account for only 14 percent of all households, down from 43 percent in 1960. Thus, the taxable incomes of most households will provide an adequate revenue base for States, local and Federal treasuries, and perhaps will lend itself to a substantial reduction in per capita tax rates.

In sum, the prospects for our economy in the eighties is far from destitute. But without the aforementioned reforms in our policies and proposals, we can realize only mediocre success. I appeal to the legislators of the future to embrace these principles, and fashion a legislative program for the eighties which reflects a commitment toward rebuilding our economy.●

REPORT ON THE 96TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 15 minutes.

● Mr. SMITH of Iowa. Mr. Speaker, at the end of each Congress I summarize the activities of the Congress and distribute this to many of my constituents so that they may have a summary of the preceding 2 years' legislation. Although it is not possible to list every bill and describe every time-consuming and important action taken during a Congress, I will list the items which are most likely to be of interest to constituents in the Fourth Congressional District of Iowa.

That summary follows:

AGRICULTURE

Public Law 96-213. Increased target prices for wheat and feed grains for the 1980 and 1981 crop years, extended the disaster payments program for wheat, feed grains, upland cotton, and rice through the 1980 crop year, and raised the disaster payment limitation.

Public Law 96-438. Authorizes specific lending levels for Farmers Home Administration programs, requires that a certain percentage of insured loans be made to low-income borrowers, increases to 20,000 population the size of communities eligible for water and sewer facility loans, and limits the maximum size of emergency loans in fiscal year 1980 and provides for gradually lower limits through fiscal year 1983.

Public Law 96-127. Extends the time that the price of milk will be supported at not less than 80 percent of parity.

Public Law 96-177. Establishes a countercyclical formula to allow more meat to be imported when domestic supplies are abundant, establishes a floor for beef imports, and restricts the President's power to suspend the quotas. This formula replaces the 1964 law which increased imports when domestic supplies increased. I always opposed that formula and advocated this new law; but, until recently, the old law was supported by cattlemen's associations. The 1964 law was originally promoted by packers who wanted more manufacturing beef to mix with the increased supplies of fat which they acquire when feeders hold cattle to heavier weights during a bad cattle market.

Public Law 96-220. Extends through fiscal year 1981 the economic emergency agricultural loan program that permits farmers to refinance debts and to borrow for other purposes.

Public Law 96-358. Promotes the construction and improvement of subterminal storage and shipping facilities for any agricultural commodity that can be transported in bulk from the farm. This was needed to provide more storage at gathering points, especially when many railroads are being abandoned and so much grain is being shipped for export.

Public Law 96-365. Extends the disaster payments programs for wheat, feed grains, upland cotton, and rice to the 1980 crop, but replaces it in 1982 with an expanded crop insurance program under the Federal Crop Insurance Corporation. This does not prevent farmers from participating in a declared disaster loan program to cover actual losses resulting from a major drought, tornado, flood, or similar disaster.

Public Law 96-276. Increases the check off paid by egg producers.

BANKING AND COMMERCE

Public Law 96-10. Extended the duration of the Council on Wage and Price Stability to September 30, 1980, authorizes funding, and directs the Council to consider ways to promote greater productivity growth. Congress has passed and sent to the President legislation which would further extend the duration of the Council on Wage and Price Stability to September 30, 1981.

Public Law 96-172. Establishes a temporary legal framework to facilitate the development and regulation of deep seabed mining of manganese nodules by U.S. companies, pending adoption of an international agreement.

Public Law 96-37. Exempts savings and loan institutions from the provisions of the Federal Trade Commission Act.

Public Law 96-221. Authorizes interest-bearing checking accounts, phases out interest rate ceilings on savings accounts, and gives the Federal Reserve authority to require reserves from both member and non-member financial institutions.

Public Laws 96-183 and 196-185. Authorized federal loan guarantees to the Chrysler Corporation to forestall bankruptcy and thereby keep the corporation operating and provided funds for the administration expenses associated with the loan guarantee program. This is a loan guarantee and not a grant program. As in the case of the Lockheed guarantees, the federal government charges a fee for the service and risk.

Public Law 96-252. Authorizes funds for the Federal Trade Commission (FTC), provides for a congressional veto of FTC rules, changes the FTC's internal decision-making procedures, and requires comprehensive analyses of proposed and final rules and a periodic review of all promulgated rules.

Public Law 96-377. Authorizes the Treasury Secretary to increase the interest rate on U.S. savings bonds as necessary.

Public Law 96-433. Subjects the Securities and Exchange Commission (SEC) to the Right to Financial Privacy Act, except in certain cases.

Public Law 96-3. Amends the Right to Financial Privacy Act to eliminate the requirement that financial institutions notify their customers of their rights under the act.

Public Law 96-425. Exempts very low-volume automobile manufacturers from certain fuel economy requirements, allows some manufacturers to combine their domestic and foreign fleets for computing fuel efficiency performance, and extends the time available to manufacturers to carry forward or carry back fuel efficiency "credits" earned by exceeding fuel economy standards.

Public Law 96-454. Reduces the regulation of and increases competition in the household goods moving industry.

DEFENSE AND NATIONAL SECURITY

Public Law 96-175. Authorizes disposal of tin from the national and supplemental stockpiles and authorizes contributions of tin to the International Tin Buffer and the International Tin Council.

Public Law 96-41. Creates one National Defense Stockpile and establishes a fund in the Treasury to receive receipts from sales to be used for purchasing other materials.

Public Law 96-323. Authorizes the Defense Department to conclude agreements with NATO countries for the reciprocal exchange of logistic support, supplies, and services between U.S. military forces in Europe and forces of the host country.

Public Law 96-284. Establishes new systems of special pay for uniformed military doctors so they can be paid more than other military personnel of equal rank. Top federal government personnel have received pay increases considerably lower than the cost of living increases granted in the private sector. These special pay incentives were deemed necessary to attract a sufficient number of competent doctors for the military.

Public Law 96-282. Authorizes funds for the Selective Service System so that it could begin the pre-mobilization military draft registration of 18- to 20-year old males during fiscal year 1980.

Several separate bills were passed which will result in an expenditure of between $152.6 billion and $160.0 billion for defense purposes in the present fiscal year.

EDUCATION AND HEALTH

Public Law 96-88. Creates a Cabinet-level Department of Education.

Public Law 96-270. Authorizes a federal program of technical, scientific, and financial assistance to help elementary and secondary schools identify and control hazardous asbestos conditions.

Public Law 96-76. Extends through fiscal year 1980 the authorization of federal assistance for nurses training.

Public Law 96-273. Extends a moratorium on the Food and Drug Administration ban on the artificial sweetener saccharin and required studies and health warnings on saccharin-flavored products and in stores selling the products.

Public Law 96-359. Authorizes the Department of Health and Human Services to regulate the manufacture and sale of infant formulas to assure that they are safe and nutritious.

Public Law 96-398. Extends and revises programs authorized under the Community Mental Health Centers Act, makes changes in the existing mental health service delivery system, and authorizes funds for programs through fiscal year 1984.

ENERGY

Public Law 96-129. Strengthens the Department of Transportation's (DOT) authority to enforce safety programs for gas pipelines, directs the DOT to set standards for the siting, construction, and operation of liquefied natural gas facilities, and authorizes funds to implement the Natural Gas Pipeline Safety Act.

Public Law 96-294. Authorizes funds to be administered by the Synthetic Fuels Corporation to encourage the production of synthetic fuels, requires a comprehensive plan for achieving a specified synfuel production level, and creates a solar energy and conservation bank authorized to dispense funds in solar and conservation loan subsidies.

Public Law 96-94. Extends the antitrust immunities granted to oil companies which participate in the international energy program's effort to share oil shortages among importing nations during supply emergencies.

Public Law 96-345. Establishes a wind energy systems research, development, and demonstration program in the Energy Department.

Public Law 96-320. Establishes streamlined licensing procedures to encourage and regulate the development of ocean thermal energy conservation as a commercial energy technology.

Public Law 96-310. Establishes in the Energy Department an accelerated Research and Development program designed to achieve early commercial development of ocean thermal energy conversion.

Public Law 96-102. Grants the President authority to propose a gasoline rationing plan, subject to a two-house congressional veto, and permits the implementation of gasoline rationing under certain circumstances, subject to a one-house congressional veto.

Public Law 96-223. Provides a package of energy tax credits and incentives including tax incentives for businesses to encourage energy conservation and investments in energy production from alternative sources such as solar, wind, geothermal, biomass, and small scale hydroelectric plants; and expands the residential tax credits for eligible solar, wind, and geothermal equipment to 40 percent of the first $10,000 of expenditures, up to a maximum credit of $4,000.

ENVIRONMENT AND CONSERVATION

Public Law 96-487. Creates new national parks, wildlife refuges, and forests, designates some as wilderness areas, prohibits exploratory drilling for oil and gas on the Arctic National Wildlife Range Coastal Plain, opens the National Petroleum Reserve-Alaska for competitive oil and gas leasing, and restricts mining activities in national parks and wilderness.

Public Law 96-95. Protects archaeological resources found on U.S. public land.

Public Law 96-182. Increases annual Water Bank program expenditures, expands types of wetlands covered, permits the Agriculture Secretary to enter into agreements for types of wetlands not specified in the act, and directs the Agriculture Department to study inclusion of coastal wetlands.

Public Law 96-199. Makes several changes in the National Park and Recreation Act, and limits entrance and admission fees charged at national parks.

Public Law 96-482. Authorizes funds for fiscal years 1980 through 1982 for Environmental Protection Agency Programs to study, plan, and regulate solid waste disposal and authorizes funds for fiscal years 1981 through 1985 for grants to aid states in planning waste recovery.

Public Law 96-301. Authorizes funds for the recovery, protection, preservation, and display of archaeological resources in the area of the Animas-LaPlata and Dolores projects of the Bureau of Reclamation.

Public Law 96-362. Authorizes the Departments of Agriculture, Commerce, and Interior to formulate a National Aquaculture Development Plan and authorizes funds for fiscal years 1981 through 1983 for aquaculture research and development. Fish farming is becoming one of our fastest growing profitable industries.

Public Law 96-262. Authorizes funds for fiscal years 1981 through 1983 for cooperative federal-state fisheries research and development for disaster relief of damaged state fisheries, and new commercial fisheries.

Public Law 96-367. Provided funding for Public Works projects including a total of $10.554 million for Red Rock, Saylorville and Rathbun to maintain and improve them during fiscal year 1981. $5.645 million was provided for construction and operations at Saylorville. In addition to regular planned construction and Greenbelt acquisition, these funds will allow further campground and trail construction as well as additional ranger activities, bank stabilization, expansion and remodeling of the Visitors Center, road resurfacing and additional restrooms. Funds for Red Rock total $3.863 million and include $1.5 million for new construction and the balance for additional ranger activities, building repairs, bank stabilization, wildlife enhancement and tree planting. Rathbun Lake will also receive $1.046 million for operations and maintenance.

FOREIGN AFFAIRS

Public Law 96-70. Implements the Panama Canal Treaty, establishes the Panama Canal Commission to run the canal through 1999, sets new wage and labor relations for commission employees, and provides for the operation and maintenance of the Canal through 1999.

Public Law 96-8. Redefines U.S. relations with the Republic of China (Taiwan) in light of the recognition of the People's Republic of China as the government of China, declares that an armed attack or the use of economic force against Taiwan would be of grave concern to the U.S., and recognizes a nongovernmental entity to handle U.S. Government relations with Taiwan.

Public Law 96-212. Provides a systematic procedure for admitting refugees, increases the number of refugees admitted annually to the U.S. for fiscal years 1980 through 1982, and authorizes funds for resettlement and refugee services.

Public Law 96-67. Repeals the prohibition on U.S. foreign economic and security supporting assistance to Uganda, lifts the embargo on trade with that country, and continues the existing prohibition on military aid.

Public Law 96-72. Extends government authority to control exports for national security or foreign policy reasons, or because of inadequate domestic supplies. This legislation contains my amendment to permit exempting from any future embargos those agreements with Mexico and others to barter grain for oil.

Public Law 96-39. Makes changes in U.S. law to carry out multi-national trade agreements limiting nontariff barriers to trade, including export subsidies and customs valuations methods.

Public Law 96-275. Authorizes special assistance funds for Nicaragua and Honduras.

Public Law 96-201. Authorizes the President to present on behalf of Congress a specially struck gold medal to Canadian Ambassador Kenneth Taylor in appreciation for his help in securing the safe return of six American Embassy officials from Iran.

Public Law 96-334. Increased the lending authority of the Export-Import Bank for the remainder of fiscal year 1980.

Public Law 96-327. Authorizes the Overseas Private Investment Corporation to provide insurance and guarantees to American businessmen interested in investing in the People's Republic of China.

Public Law 96-9. Reaffirms the U.S. commitment to the North Atlantic Alliance.

HOUSING

Public Law 96-104. Authorizes national banks, federally insured savings and loan associations, savings banks, and other federally chartered financial institutions to loan money at the Federal Reserve System's discount rate, regardless of state usury restrictions.

Public Law 96-153. Changes housing and community development laws, reauthorizes and extends most mortgage and loan insurance programs, and authorizes the Community Development Block Grant program and the Urban Development Action Grant program.

Public Law 96-399. Reauthorizes the Community Development Block Grant and Urban Development Action Grant programs through fiscal year 1983, eliminates hold-harmless grant provisions, and reauthorizes numerous other rental, homeowner, and housing assistance programs in fiscal year 1981.

JUSTICE

Public Law 96–247. Grants the Attorney General express statutory authority to bring suit in federal district courts to redress systematic deprivations of the rights of institutionalized persons.

Public Law 96–82. Expands the power of federal magistrates in civil and criminal matters, establishes a merit selection process for the appointment of magistrates, creates an appeals process, and requires biennial reports on the qualifications of appointees and types and outcomes of cases.

Public Law 96–350. Prohibits all trafficking of illicit drugs on the high seas which the U.S. can reach under international law.

Public Law 96–42. Delays conditionally the effective date of certain rules of procedure and evidence proposed by the U.S. Supreme Court.

Public Law 96–440. Provides a protection against searches for materials which are obtained or prepared in connection with First Amendment activities.

Public Law 96–456. Establishes a mechanism by which the government will be made aware prior to trial of what classified information must be disclosed.

Public Law 96–190. Authorizes funds through fiscal year 1984 for a federal grant program to encourage the development of local dispute resolution systems to settle civil and criminal matters not worth taking to court and authorizes funds for offices to help implement the act.

Public Law 96–43. Suspends temporarily the requirement that federal trials be dismissed for failure to meet time limits established under the Speedy Trial Act, and revises some of the limits.

LABOR

Public Law 96–326. Creates an arbitration board to settle disputes between the U.S. Postal Service and supervisors and sets criteria and time limits for disputes referred to the Board.

Public Law 96–347. Provides that civilian air traffic controllers in the Defense Department be treated the same as those in the Transportation Department with respect to retirement and other regulations.

Public Law 96–135. Grants early retirement benefits to non-Indian employees of the Bureau of Indian Affairs and the Indian Health Service who had been adversely affected by Indian preference laws.

Public Law 96–364. Amends the definition of multiemployer pension plans to increase stability, discourage employer withdrawals and plan terminations, encourage new employers to join existing plans, and shorten funding amortization periods.

Public Law 96–24. Delays the starting date of payments by the Pension Benefit Guaranty Corporation of benefits under terminated multiemployer pension plans.

Public Law 96–239. Delays the date by which the Pension Benefit Guaranty Corporation would automatically be required to guarantee benefits under terminations of or withdrawals from multi-employer pension plans.

SCIENCE AND TECHNOLOGY

Public Law 96–480. Establishes organizations to promote technology innovation by universities and federal laboratories and authorizes funds for fiscal years 1981 through 1985 for their operation.

Public Law 96–472. Authorizes funds for various agencies for fiscal year 1981 for research and planning on earthquake hazard reduction, fire prevention and control, and multihazard reduction.

SMALL BUSINESS

Public Law 96–481. Encompasses several important small business measures including the Equal Access to Justice Act, revision of the 8(a) minority and handicapped business procurement program, a prohibition on any revision of Small Business Administration size standards until March 31, 1981 and assistance for small businesses to expand exports. The Equal Access to Justice Act allows small businesses and individuals to be reimbursed for attorney fees and other costs incurred when they prevail against the United States in an agency civil adjudication or court action unless the position of the government is substantially justified. Farm cooperatives are included as small business concerns in the Act.

Public Law 96–354. The Regulatory Flexibility Act would lessen the impact of federal agency regulations and paperwork on small businesses, cities and towns. Agencies are required to consider the impact of their regulations on small entities and if possible, to reduce the paperwork requirements. Agencies are required to exempt small businesses or simplify rules when at all possible.

Public Law 96–302. Provides authorizations and extensions for more than $30 billion in loans and guarantees through fiscal year 1984 and modifies disaster loan programs administered by the Farmers Home Administration so they coincide with the provisions in the disaster program administered by the Small Business Administration. The bill also contains authority to guarantee debentures issued by state and local development companies. Another program permits SBA to guarantee loans to employees who wish to buy a small business from a retiring family. It also provides for a program to help very small businesses with management problems. Iowa State University, in conjunction with the State University of Iowa, University of Northern Iowa and Drake University, was awarded a grant under this program and will provide such services in Iowa.

Public Law 96–477. Creates a new category of venture capital companies and limits Securities and Exchange Commission regulatory control over these new companies in order to encourage faster capital investment in new small businesses.

Public Law 96–517. Allows small businesses which receive Federal research and development grants to retain the patent rights to inventions resulting in whole or in part from the grant.

SOCIAL SERVICES

Public Law 96–265. Establishes a voluntary certification program for supplemental Medicare health insurance plans, places a ceiling on the amount of benefits a disabled worker's family may receive, reduces the number of drop-out years for younger disabled workers, makes administrative changes to improve Social Security disability program accountability.

Public Law 96–272. Increases the statutory ceiling on federal funds for programs for the elderly and other Title XX Social Services, sets new guidelines for state Title XX planning, and makes needy children who are voluntarily placed in foster care eligible for federal foster care assistance.

Public Law 96–58. Increases the spending ceiling for the food stamp program in fiscal year 1979 and allows increased deductions for medical and shelter costs for elderly and disabled recipients.

Public Law 96–249. Raises the statutory ceiling on food stamp spending in FY 1980 and FY 1981 and makes changes in the food stamp program.

Public Law 96–110. Authorizes funds for assistance to refugees, including emergency aid in fiscal year 1980 to relieve starvation in Cambodia.

Public Law 96–473. Amends Title II of the Social Security Act to allow a monthly earnings test to be applied to mothers, children, and students for the year in which they leave the benefit rolls and to make clear that the 1977 amendments eliminating the monthly application of the earnings test would be applied on a prospective basis only.

Public Law 96–422. Authorizes federal grant programs to assist state educational agencies in educating Cuban, Haitian, and Indochinese refugees.

H. Con. Res. 351. Expressed the sense of Congress that Social Security benefits should remain exempt from federal taxation.

TAXES

Public Law 96–439. Increases the number of U.S. Tax Court judges and repeals the present prohibition against initial appointment as judges of individuals who are 65 or older.

Public Law 96–403. Adjusts the allocation of Social Security tax receipts between the Old Age and Survivors Insurance trust fund and the Disability Insurance trust fund for calendar years 1980 and 1981. The retirement fund continues to be a separate fund.

Public Law 96–167. Extends the prohibition on the Internal Revenue Service from issuing final regulations relating to the income tax treatment of fringe benefits and any ruling or final regulation changing the tax treatment of certain commuting expenses.

Public Law 96–178. Extends the tax treatment of state legislators which allows them to consider their district residences as homes for tax purposes and their trips to the state capital as business expenses.

Public Law 96–222. Makes technical, clerical, conforming, and clarifying amendments to provisions of the Revenue Act of 1978, the Energy Tax Act of 1978, the Foreign Earned Income Act of 1978, and the Black Lung Benefits Revenue Act.

Public Law 96–223. Imposes an excise tax on various categories of domestic oil production, provides energy tax credits for businesses and homeowners, repeals the carryover basis for taxing inherited assets which had prevented settlement of estates and especially those including farm land, and excludes from inclusion in individual income taxes bank interest and stock dividend income below $200 on an individual return and $400 on a joint return. The exclusion for interest and dividends will be effective in tax year 1981 (on the return most people file in early 1982).

TRANSPORTATION

Public Law 96–193. Allows some aircraft to delay meeting federal standards designed to reduce aircraft noise and authorizes funding for noise abatement and airport development projects.

Public Law 96–106. Makes changes in the highway safety and public transportation programs.

Public Law 96–192. Changes current laws governing international aviation by generally providing for less regulation of airlines.

Public Law 96–380. Establishes a Towing Safety Advisory Committee on matters relating to shallow-draft inland waterway navigation and towing safety.

Public Law 96–296. Partially deregulates the trucking industry by easing entry of motor carriers, expanding the range of goods that unregulated truckers are permitted to carry, establishing time limits within the ICC approval processing, and phasing out ratemaking authority.

Public Law 96–254. Provides for the protection of benefits for employes of the bankrupt Rock Island Railroad and authorizes additional appropriations for the Northeast Corridor improvement project and for the development of high-speed rail passenger corridors.

Public Law 96–448. Eliminates Interstate Commerce Commission review of rail freight increases under certain conditions, permits the imposition of surcharges where freight is shipped jointly by different railroads, allows contracts between shippers and carriers, relaxes regulations regarding the acquisition, elimination, or restructuring of rail lines, establishing new accounting standards, and provides additional funds for the revitalization of U.S. rail lines.

Public Law 96–423. Reauthorizes a number of rail safety programs in fiscal years 1981 and 1982, expands the state role in safety inspection and enforcement, clarifies emergency powers of the Federal Railroad Administration, and provides protections for "whistleblowing" railroad employees.

Public Law 96–101. Requires the continuation of the Milwaukee Railroad over existing routes and at current levels of service for a specified period of time.

Public Law 96–400. Provides funding for highway systems and other transportation modes. Construction is beginning using the $2 million in funds I obtained for an access road to permit development of a fishing and recreation area below Saylorville Dam. The plan is being modified to include an additional segment of new road. Bids were lower than expected and a major new fishing and recreation area will be available as a result of this special funding with no matching local funds. Funding without a requirement of local matching funds was provided in a special unusual amendment which I was able to secure only because I am a senior member of the committee.

VETERANS AFFAIRS

Public Law 96–22. Authorizes a psychological readjustment counseling program for Vietnam veterans, authorizes a preventive health care program for veterans with a service-connected disability, and expands drug and alcohol abuse treatment and rehabilitation programs and other VA health care programs.

Public Law 96–128. Increases the basic rate of disability compensation for veterans with service-connected disabilities and compensation for spouses and children of veterans who die from service-connected causes.

Public Law 96–151. Authorizes the Veterans' Administration to provide World War I veterans with emergency medical services in private facilities and outpatient medical services for any disability as if it were service connected.

Public Law 96–173. Provides that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for the disability under CHAMPUS solely because such a person is eligible for care and treatment in Veterans' Administration facilities.

Public Law 96–466. Changes education and training programs administered by the Veterans' Administration relating to the vocational rehabilitation program, G.I. Bill education benefits, and Veterans' Administration debt collection procedures, and makes miscellaneous technical changes.

Public Law 96–330. Authorizes a special scholarship program for training doctors and nurses to work in Veterans' Administration medical facilities and sets new limits for special pay for VA doctors and dentists.

Public Law 96–385. Authorizes a cost-of-living increase in the basic compensation paid to disabled veterans and dependents of veterans killed in the service, authorizes special home adaption grants for certain severely disabled veterans and provides for easier refinancing of VA home loans.

MISCELLANEOUS

Public Law 96–349. Contains several provisions to expedite and reduce the cost of antitrust litigation.

Public Law 96–391. Requires federal employees who, at retirement, elect to reduce or eliminate the survivor annuity for their spouse, to notify the spouse of that decision.

Public Law 96–317. Authorizes funds to establish a commission to study the internment of Japanese-Americans and the forced transfer of Aleuts from Alaska during World War II.

Public Law 96–230. Extends the President's authority to submit reorganization plans.

Public Law 96–304. Provides new increased budget authority and contains provisions for trade adjustment assistance, primarily for laid-off auto workers, loan guarantees for Chrysler, pay increases for federal employees, assistance for victims of physical disasters, and resettlement assistance for Cuban and Haitian refugees.

Public Law 96–306. Authorizes funds for the striking of gold-plated medals for those U.S. athletes selected through the U.S. Olympic trial process for the 1980 summer team, in recognition of their outstanding athletic achievements.

Public Law 96–156. Amends the Retired Federal Employees' Health Benefit program by providing a built-in escalator to help pay for subsequent increases in health care costs.

Public Law 96–28. Eases restrictions on former government officials in representing anyone before the Federal Government, limits the prohibition on aiding and assisting someone on matters in which the former official is actually present, and exempts state and local government employees and employees of medical and educational institutions from the ban on contact with the official's former agency.

Public Law 96–465. Simplifies the personnel categories in the Foreign Service, emphasizes the Foreign Service requirement of availability for worldwide service, provides for a single Foreign Service salary schedule at levels comparable to those of the civil service, and establishes a Senior Foreign Service.

Public Law 96–451. Establishes and authorizes funds for fiscal years 1981 through 1983 for the National Recreational Boating Safety and Facilities Improvement Fund.●

LEGISLATION ON SUGAR COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, Congressman Shannon and I are today introducing a tariff reduction bill which, if enacted, will have a small impact on reducing sugar prices or slowing the rise of sugar prices.

Eighteen months ago, the world price of sugar was about 8 to 10 cents per pound—a price level too low to support many of the world's efficient producers. Today, sugar is selling in the spot markets for 31 cents per pound. In the past month, it was selling for more than 40 cents per pound. These prices are entirely too high and reflect widespread speculation—speculation which may drive the price higher, or which may burst and lead to a return of more realistic prices. Efficient American sugar growers can produce sugar profitably at about 15 to 17 cents per pound. Thus at today's prices, they are making about 16 cents-per-pound pure profit—much more than enough to compensate for the lean years of the late 1970's.

The effect on the consumer is significant. Each American consumes about 130 pounds per year of sweeteners. The price per pound to consumers has gone from about 19 cents a year and a half ago to about 44 cents in September. Since them, it has fallen, but may well soar again. At this rate, a family of four may face sweetener costs increases of over $100 during 1980 compared to 1979.

To a small extent, high sugar prices are compounded by a Government import tariff of 0.625 cents per pound. Since the United States imports about one-third of its sweetener needs, the price of imports controls the price of domestic sugar and corn sweeteners. Thus the tariff on sugar imports also increases the price of all domestic sugar and corn sweeteners by about 0.625 cents per pound.

By eliminating this tariff, the Treasury would lose some revenues, but the consumer would benefit as all sweetener prices were reduced or at least did not rise as fast. In the battle against inflation, reduction of the tariff would have a favorable cost-benefit ratio. The cost to the Treasury would be more than offset by lower sugar prices to the public.

Earlier this year, I introduced legislation, H.R. 6453, to allow the President to reduce the tariff on sugar from its current level of 0.625 cent per pound to 0.01 cent per pound. The de minimis tariff is useful in that it insures that the Customs Service will maintain an accurate count on the amount of sugar entering the country.

Because the domestic sugar industry has endured a number of years of exceptionally low prices, however, they are reluctant to allow the President to reduce tariffs, and they fear that if the price does suddenly drop—as it has in the past—the President would not restore the tariffs to the 0.625 cent level. To address this legitimate fear, the bill I am introducing today provides that the President cannot reduce the tariff below the 0.625 level, unless the world spot price of sugar is at least twice the current or most recent CCC loan support price level for sugar. The support level has been 13.5 cents per pound. Thus, the President, under my bill, could not reduce the tariff unless the world price were above 27 cents. Since the spot price is now 31 cents per pound, he would have authority to reduce the tariff, thus assisting consumers. If sugar prices fall below the 27 cent level, he would have to restore the tariff to the 0.625 figure.

We hope that this legislation, offered in a spirit of compromise, may be considered by the 97th Congress early next year.●

H.R. 6625 DOES NOT DESERVE SUPPORT OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. Wirth) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, the Committee on Interstate and Foreign Commerce today filed its report on H.R. 6625, legislation to place a Federal ceiling on the severance taxes the States may impose upon coal produced within their borders.

As many of my colleagues are aware, those of us who represent the Rocky Mountain region are virtually unanimous in our opposition to this legislation. H.R. 6625 seeks to roll back the coal severance taxes of two Western States—Montana and Wyoming—under the guise of removing impediments to expanded consumption of domestic coal.

Mr. Speaker, I am not one of those who holds a State's right of taxation of its resources to be constitutionally immune to Federal intervention. However, for the Federal Government to seek to regulate the States' activities in areas which have traditionally been their exclusive province, a clear conflict between the results of State tax policy and critical national goals must be demonstrated. In my view, such a conflict has not been demonstrated here, as outlined in dissenting views I filed today with the committee's report.

While H.R. 6625 has been sequentially referred to the Committee on the Interior and will not come before the full House in the remaining hours of the 96th Congress, sponsors of the legislation have made clear that the issue is not closed and that they will work to bring a successor to H.R. 6625 to the floor next year. For that reason I would like to frame for my colleagues in more detail the fundamental flaws of this legislation, and ask that my dissenting views appear in the RECORD at the conclusion of my remarks.

In closing, Mr. Speaker, I would like to thank Chairman DINGELL of the Energy and Power Subcommittee for his consideration during the preparation of the committee's report and in handling the sharp differences of opinion on the subcommittee during consideration of this legislation, and to thank Mr. MOFFETT and his staff member, Cathy Hurwit, for their extensive efforts to mediate that disagreement. Finally, I would like to commend our colleague, Mr. WILLIAMS of Montana, for his very effective representation of his State's interests in the controversy surrounding this legislation.

DISSENTING VIEWS OF REPRESENTATIVE WIRTH

H.R. 6625 came before the Committee with a worthy goal, one which is shared by both the sponsors and the opponents of the legislation: to promote increased reliance upon domestic energy resources and to aid in reducing the nation's dangerous dependence on foreign oil. Many of us who represent Western states with abundant unexploited coal resources have worked to promote federal initiatives to speed their development, and state governments in our region have adopted their own policies and programs to achieve that objective. Well-managed development is, after all, in our states' economic interests, as well as the national interest.

But this legislation brings with it not only questions of national energy policy. It raises other fundamental issues—not basic Constitutional issues, as some have argued, but issues of balance within the parameters of federal-state relationships and relationships among the states established by the Constitution. H.R. 6625 is an exercise of the federal government's Commerce Clause authority as a means of regulating the states' activities in a field which has heretofore been exclusively their province.

Such a broad expansion of federal authority should only be undertaken if state policies are in clear and serious conflict with an overriding national goal.

THE "RIGHT" TO TAX

A number of witnesses before the Energy and Power Subcommittee during hearings on this legislation questioned Congress' Constitutional authority to impose federal limits on state mineral resources taxation. They argued that a state's right to impose taxes on resources within its borders was a "sovereign right," upon which the federal government has no authority to infringe, regardless of the consequences of state tax policy.

In my view, neither the Constitution nor the relevant case law provides the states with such a guarantee, and my opposition to this legislation does not arise from a belief that state taxation policies are, or should be, inviolable or immune from federal interference. The courts have held that Congress may not abrogate state tax policies simply because they intrude upon interstate commerce (*General Motors* v. *Washington* (1964), 377 U.S. 436, *Norton Co.* v. *Dept. of Revenue* (1951), 340 U.S. 354). But it is clear that where such state actions frustrate critical national policies through interstate commerce, federal intervention is justified and would be upheld.

H.R. 6625, however, simply fails to meet that test, whether one views the overriding national policy goal Congress seeks to promote as the expansion of domestic coal consumption or the protection of the citizens of one state from excessive taxation by the government of another. In addition, the legislation promotes an inequitable and discriminatory federal policy toward state energy resource taxation, both among coal producing states and among states producing other fossil fuels. The legislation is aimed at rolling back through federal intervention the coal severance taxes of two Western states, Montana and Wyoming, an action whose effect does nothing discernible at the present time to promote any national policy.

1. There is no evidence that the current state coal severance taxes levied by Montana and Wyoming have impeded the development of these states' coal resources or restrained the growth of powerplant or industrial coal use.

Each state's coal production has shown strong growth throughout the past decade, even following the imposition of the coal severance tax rates which this legislation seeks to repeal. Montana, for example, the nominal 30% severance tax rate of which was imposed in 1975, continues to experience rapid growth in coal production. The only pause in expansion during the past ten years occurred in 1978, when a nationwide coal strike depressed production across the country:

Montana coal production

Calendar year:	*Gross tons*
1971	6, 983, 186
1972	8, 224, 118
1973	10, 678, 058
1974	14, 116, 625
1975	22, 160, 236
1976	26, 347, 923
1977	27, 340, 005
1978	26, 516, 481
1979	32, 545, 071

Source: Montana Department of Revenue.

Despite its tax rates, the state's coal production has more than quadrupled since the 1973 oil embargo.

Nor has the Montana tax discouraged coal conversion by the state's primary potential customers, Midwestern and Texas powerplants and industrial facilities. Immediately after the imposition of the new tax, for example, Detroit Edison signed a 26-year, 200-million-ton contract with Montana mines, estimating that Montana coal prices, over the life of the contract and including both the tax and rising transportation costs, would remain 40 per cent below comparable Eastern coal prices—saving $1 billion for Detroit Edison customers.

Finally, Western coal remains the cheapest in the nation, even when coal severance taxes are added into the delivered price. Even with an effective 10½ per cent tax rate, Wyoming coal, for example, is priced far below its Eastern competitors:

	Coal prices per ton including state tax		Percent increase
	1970	1979	
Wyoming	$5.24	$8.52	63
Illinois, Kentucky, Ohio average	7.50	21.00	300

Source: State Coal Associations.

Under these conditions, it is hard to give credence to arguments that current Western state coal severance tax rates present a substantial impediment to increased reliance on domestic coal resources.

2. Current state coal severance taxes have relatively little impact on electricity consumers in other regions.

Midwestern and Texas utilities are the primary consumers of Montana and Wyoming coal. It was frequently argued during the Committee's consideration of H.R. 6625 that these states' nominal 30 per cent and 10½ per cent coal severance taxes constitute a heavy tax upon the average residential utility customer in consuming areas—a burden imposed by "foreign" legislators. Congress, it was argued, must protect consumers from this onerous form of "taxation without representation."

In actuality, the impact of the current Montana and Wyoming coal severance taxes on consumers is minimal—far less than the average five per cent utility sales tax Midwestern states and Texas have imposed upon their own citizens:

Utility	Average annual residential consumer electricity cost	Coal severance tax	Percent
Minnesota Power & Light	$355.93	$4.04	1.1
Wisconsin Power & Light	374.73	3.96	1.1
Montana Power	234.80	2.50	1.1
Northern States Power	303.34	2.76	.9
Commonwealth Edison	340.99	1.54	.5
Detroit Edison	327.14	1.24	.4
Interstate Power	384.98	.91	.2

Source: Securities and Exchange Commission Form 10-K, 2

Federal intervention is again difficult to justify when its benefit to consumers in these areas is minimal, and when H.R. 6625 includes no provisions mandating that coal cost reductions to utilities be matched by equivalent reductions in consumer utility charges.

3. H.R. 6625 creates inequitable federal policies toward state energy resource taxation in general, and state coal severance taxation in particular.

(a) *Inequities among coal producing states.* H.R. 6625 sets an arbitrary 12.5 per cent ceiling on the severance taxes states may charge on coal mined within their borders. Such a mechanism is simplistic. By focusing on the simple percentage of minemouth price, the legislation discriminates against Western states with low-cost coal. Eastern and Midwestern coal producing states, whose coal may be priced at levels three times higher than their Western counterparts, may raise substantially greater revenues under such a ceiling than Montana, Wyoming, Colorado and others.

(b) *Inequities among energy producing states.* If the federal government's goal is to limit the impact of state policies on energy production, legislation which imposes ceilings on coal severance taxes while ignoring severance taxes on other resources, oil and gas in particular, does little to promote such a national policy. Once again, it discriminates among states on a resource basis, and takes no cognizance of comparable severance tax rates or state resource-derived revenues.

In 1979, the Texas Railroad Commission conducted an across-the-board study of state energy severance taxes, and found that Montana and Wyoming coal severance taxes were equal to or lower than oil severance taxes imposed by other states on a per million Btu basis—the most useful basis on which such taxes can be compared because of varying prices among resources:

State: Resource	Rate per million Btu's (cents)	Revenues (millions)	Percent of State resources
Montana: Coal	8.68	$66.7	11.6
Wyoming: Coal	8.26	69.7	12.1
Texas: Oil	8.46	[1]1.02	18.9
Louisiana: Oil	16.63	495	29.0

[1] Billions.

Finally, at the same time that it seeks to promote rapid development of Western coal resources, H.R. 6625 would deprive Western states of revenues which are critical to dealing with the social and economic impacts of such development. While Colorado, for example, currently imposes state coal severance taxes aggregating only three per cent, rapid energy development in the Northwestern portion of the state will require more than $1 billion in investment in new state capital equipment and services—from education to transportation to housing to water—between now and 1985. Coal severance taxes in Western states are currently earmarked to meet those needs.

This legislation does not clearly promote any national policy, either on resource development or energy pricing equity. To expand federal authority into the field of energy resource taxation without a clearly demonstrated necessity and demonstrable benefits, at the cost of depriving the Western states of increasingly critical revenues, is neither good federal energy policy nor a reasonable extension of our Commerce Clause powers.

H.R. 6625 does not deserve the support of the Committee or of the House.●

OCCUPATIONAL HAZARDS OF LIBERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Moffett) is recognized for 5 minutes.

● Mr. MOFFETT. Mr. Speaker, the electoral tide of November 4 swept from office some of our most distinguished lawmakers. Yet I feared this immense loss to the Nation would go virtually unnoticed until I happened to read recently an article by columnist Colman McCarthy. Mr. McCarthy said some things that needed to be said about the statesmen in Congress who suffered undeserving defeat. One name in particular caught my eye—Congressman Bob Carr. Mr. McCarthy captured the character and achievements of my friend Bob Carr well.

Noting Bob Carr's tireless efforts to cut fat from the Federal budget, Mr. McCarthy accurately pointed out his particular expertise in the area of military spending. He called Bob Carr "a highly skilled analyst of Defense Department waste." Mr. McCarthy pointed out Bob Carr's painstaking efforts to study such unglamorous items as weapons operation and maintenance—with an eye toward reducing waste of taxpayer's dollars while enhancing our real military readiness.

Mr. McCarthy said Bob Carr has "doggedly labored to control the fiscal profligacy of Washington's richest and most impenetrable agency, the Defense Department." Most of all, Mr. McCarthy justly noted Bob Carr's interest in the future of our entire Nation. Perhaps, Mr. McCarthy speculated, the mistake of Bob Carr "was to remember too strongly the needs of people beyond the district and State." For while Bob Carr has skillfully and ably been an advocate for the needs and interests of Michigan's Sixth Congressional District, he has also acted on a vision of what is best for America. And that is why we will miss him.

I attach the text of Mr. McCarthy's article in full:

[From the Washington Post, Nov. 29, 1980]

OCCUPATIONAL HAZARDS OF LIBERALISM

(By Colman McCarthy)

"The hurt was greatest of all because he was rejected by the very people—the textile workers, the farmers and sharecroppers, the small businessmen—for whom he had lived and fought. And it had happened because he was misunderstood."

The words are from a new biography of Sen. Frank Graham, one of the giants of American liberalism who was turned out of office in 1950 by voters in North Carolina. The author, Prof. Warren Ashby of the University of North Carolina at Greensboro, describes how Graham's liberalism collided with two of the hot issues of American politics 30 years ago: racism and communism. The senator, it was both shouted and whispered, was hard on one and soft on the other.

The attacks on his liberal integrationist views were such that in one North Carolina mill town, where Graham 15 years earlier had defended workers against factory owners, citizens chanted at him: "No school with niggers, no school with niggers." In the same town, as in every other part of the state, Graham was confronted by leaflets that called him a "hooded Socialist . . . who is up to his neck with communists."

It is impossible to read Ashby's biography without seeing the obvious: the tactics used to defeat Frank Graham and his gritty, courageous liberalism in 1950 are frighteningly similar to those used against the group of liberals—McGovern, Culver, Nelson, Bayh, Durkin, Church, Brademas, Eckhardt, Carr and others—driven from office in 1980. Instead of "no school with niggers," chants were heard this year about "no votes for baby-killers." Instead of charges that one senator or another was a pinko, this year liberals were scolded for America's so-called weak national defense.

If there is one high-risk occupational hazard to being a liberal in Congress these days, it is, as Frank Graham learned, to be misunderstood. John Culver of Iowa, for example, took on the tedium of becoming knowledgeable about the spending addictions of the Pentagon. He knew which weapons were turkeys. He learned the ploys of the defense contractors out to enrich themselves. Culver knew his facts so well that his colleagues came to trust him. Last July, a Culver speech against some bombers of dubious value was credited with changing the minds of several senators who had previously been blind-faith believers in the Pentagon line.

In the House, it was Rep. Bob Carr of Michigan who became a highly skilled analyst of Defense Department waste and self-serving attitude.

Yet in Iowa and the 6th District of Michigan, the contributions of Culver and Carr were unvalued. Voters in both places were worried about "the economy." Here were two men who had doggedly labored to control the fiscal profligacy of Washington's richest and most impenetrable agency, the Defense Department. They were out-front liberals and everyone knows what big-spending liberalism has done to the economy. The message of Culver and Carr—that if you want to get angry at some truly big spending, look at the excesses in the name of national security—was misunderstood.

The other occupational hazard for congressional liberals is the ease with which they can become national figures. Gaylord Nelson was Mr. Environment to many people. But he was much more than that. He was a proven ally of small businessmen, presumably a mostly Republican group but one that Nelson, in hundreds of unpublicized Senate hearings, fought for. McGovern become synonymous throughout the nation with food stamp and anti-hunger programs; John Brademas with education and the arts; Bob Eckhardt with consumer issues.

In winning national stature for themselves, these liberals were vulnerable to the age-old charge of neglecting the folks back home. But did they? If the records of McGovern and the others are examined, it is learned that they had skills too in getting highways, parks, dams, and grants for their constituents. If the folks at home weren't forgotten, the mistake of the liberals was to remember too strongly the needs of people beyond the district and the state.

"I have run the risks of taking sides," said Frank Graham after his loss in 1950. These are words of fitting farewell for the defeated liberals of 1980. Yet for some reason—perhaps it is subconscious gratitude—great liberals of Congress are long remembered: Paul Douglas, Philip Hart, Robert Kennedy, Hubert Humphrey.

That will be small consolation for the McGoverns and Culvers. But however hard they went down, the ideals they championed will stand.

Just as they won't be forgotten, does anyone remember who beat Frank Graham?●

THE YOUTH ACT OF 1980: OPPORTUNITY'S LAST KNOCK

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

Mr. PERKINS. Mr. Speaker, on August 26 this body overwhelmingly approved a bold new piece of legislation, the Youth Act of 1980, that promised to make real progress in reducing youth unemployment. This bill, H.R. 6711, would provide a combination of job opportunities, employment training, and education in the basic skills to disadvantaged youth.

On September 25 the Senate Labor and Human Resources Committee approved a companion version of this bill, S. 2385. Since then, the bill has languished in limbo, awaiting Senate floor action.

I strongly believe that if the Senate does not act on this measure before the end of the session, we will have missed a last, rare opportunity to do something in a comprehensive, coordinated way about the problem of youth unemployment. We will have let a landmark bill slip through the cracks.

Surely, no one can argue that the need for this program is not as great as ever. At the end of this October, the unemployment rate for youth 16 through 19 was 18.4 percent, scarcely any better than it was at the height of the recession in August, and much worse than in October 1979. By the same token, minority youth unemployment has worsened since last year and now stands at 37.8 percent.

The Youth Act contains unprecedented linkages between education and labor programs. I have never witnessed such cooperation between the education and labor communities, or between majority and minority Members, as went into this bill. I fear that this cross-jurisdictional cooperation and spirit of bipartisan support will not easily be replicated.

By the same token, many of the key provisions of the bill will not be easily regained, once lost. On the labor side, we will lose a consolidation of the CETA youth programs that would have reduced administrative costs and delay. Even if the current CETA youth programs are extended by a continuing resolution, we will lose the youth incentive entitlement pilot projects which would not be reauthorized in this resolution. We will be operating at the least efficient level with the funds we have, since we will lose many key improvements in the Youth Act.

On the education side, I fear we will be left with nothing. I do not think circumstances will be ripe next year for enactment of a basic and employment skills program for secondary school youth, as contained in H.R. 6711. This means that the lack of employability skills will continue to hamper job opportunities for disadvantaged youth.

But most of all, we will lose the opportunity to bring about real linkage between education and CETA programs. We will have to go back to the drawing board next year, and without a new education program, these linkages will be most difficult to forge.

I urge our friends in the Senate to realize what is at stake and act rapidly on this crucial legislation.

THE POLICY OF RUSSIFICATION OF UKRAINIAN SCHOOL SYSTEM

(Mr. HYDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HYDE. Mr. Speaker, Ukrainians in their homeland and in the free world have been alarmed by the U.S.S.R.'s intense policy of russification of the Ukrainian school system. Last year, during our commemoration of the International Year of the Child, the Women's Association for the Defense of Four Freedoms for Ukraine, Inc., submitted a study to U.N. Secretary General Kurt Waldheim and Director General Amady Matar M'Bar of UNESCO, regarding this russification policy.

I believe this associaiton's analysis outlining this grave problem which results in discrimination against Ukrainian children who are being denied their nationality and cultural heritage deserves the attention of my colleagues, and I am pleased to submit the following report:

WOMEN'S ASSOCIATION FOR THE DEFENSE OF FOUR FREEDOMS FOR UKRAINE, INC.,
New York, December 12, 1979.

In re the matter of violation of the Declaration of Rights of the Child and the russification of the school system in Ukraine.

His Excellency KURT WALDHEIM,
Secretary General of the United Nations.
The Honorable AMADY MATAR M'BAR,
Director General of UNESCO:

The Women's Association for the Defense of Four Freedoms for Ukraine, Inc., Ukrainian American Youth Association, Inc. and Ukrainian Student Organization of Mykola Michnowsky, organizations with branches numbering over two hundred in major cities of the United States, membership totalling over 10,000, hereby petition His Excellency Kurt Waldheim and the Honorable Amady Matar M'Bar on the matter of russification of Ukrainian school system.

Ukrainians in their homeland and in the Free World have been alarmed by the new wave of aggression upon the most innocent and weakest members of Ukrainian nation, namely Ukrainian children and youth, by applying to them a forceful and intensive policy of russification of Ukrainian school system.

The policy of russification has been introduced by the resolution of the XXV Congress of Communist Party of the U.S.S.R., sanctioned at the meeting of the Council of Ministers of the U.S.S.R. on October 13, 1978, and abstracts thereof announced in the official publication "Soviet Education" on November 11, 1978, which read, in part, as follows:

". . . with reference to further strive toward excellence in education, tutoring of students of general instruction schools and readying them for work in the republic, effort is being made for betterment of learning and teaching of Russian language—the language of friendship and brotherhood of the republics of the U.S.S.R., the language that contributes toward active participation of the working class in the industrial and social life of the Union . . . All this contributes toward higher level of practical use of the language of the great Lenin."

Further resolutions relate toward ". . . perfecting the learning and teaching of Russian language and literature in schools, pedagogical institutes, pre-schools and extra-scholastic institutions of the republic." During the years 1979–1985, in Ukraine, there will be realized a wide complex of developments aimed at fundamental learning of Russian language by the growing generation.

The above information does not need any comments. Ukrainian children and youth, as well as the entire nation, is facing complete annihilation of its native language. It should be noted that in the past the policy of russification of Ukrainian schools has been opposed by Ukrainian professors, teachers and parents, resulting in persecution, imprisonment and Siberian exile for many of them. Among the more famous activists are Sviatoslav Karavansky—poet, Viacheslav Chornovil—author of "Chornovil Papers", Ivan Dziuba—author of "Internationalism or Russification", and many, many others.

For emphasis on the catastrophic situation of Ukrainian school system, we offer the following information:

PRE-SCHOOL FACILITIES

In Ukraine day-care centers and kindergartens are not run by private or philanthropic organizations. They are government institutions and parents have nothing to say. All activities of day-care centers are conducted in Russian language only. Children from three months to six years of age attending said day-care centers five days a week, are being taught by Russian teachers, transferred from Russia, using Russian language only. Ukrainian, the children's mother language, can only be used on Saturdays and Sundays. Exactly the same situation exists in kindergartens, where the pressure of russification is intensified by Russian films, games, etc., glorifying and expounding the superiority of Russia itself and Russian culture. Of course, Ukrainian children's literature, films, games, etc. are completely omitted. (For further information, please note pages 3, 4 and 5 of the enclosed analysis.)

DIMINISHING OF UKRAINIAN SCHOOLS

The catastrophic liquidation of Ukrainian schools in Ukraine is exemplified by statistics of the Minister of Education of Ukrainian S.S.R., I. K. Bilodid, stating that in 1961/1962 Ukrainian language schools totalled 33,309 (82.11 percent). In the year 1966/1967, pursuant to Alla Bondar's information, Ukrainian language schools totalled 23,900—a decrease of 10,000 during a five year period. When taking into consideration the fact that almost all industrial, technical and other schools of higher education are located in cities and not in rural areas, with specific emphasis on universities, it is self-evident that, with minimal exceptions, they are all Russian language schools. (For further information, please note pages 2 and 3 of the enclosed analysis).

SCHOOL TEXT BOOKS

For 54.65 percent of Russian students in the U.S.S.R., 205,500,000 Russian language text books were published. For 45.35 percent of students of all other nationalities, only 78,805,000 text books were published in their native languages. This amply illustrates the fact of using school text books as further weapons of russification. (For further information, please note pages 4 and 5 of the enclosed analysis).

SCIENCE

The Catalogue of the Academy of Sciences of Ukrainian S.S.R. entitled "Naukova Dumka" (Scientific Thought) illustrates the progress of russification in scientific fields. Its 277 pages contain 584 titles of scientific publications in fifty different fields such as mathematics, physics, mechanics, astronomy, chemistry, biology, genetics, microbiology, medicine, radio-electronics, metallurgy, mining, sociology, world economics, economics of the U.S.S.R., international relations, jurisprudence, etc., all being published only in Russian language, regardless of the fact that most of the authors of said publications are Ukrainians. Only 75 popular books will be published in Ukrainian language on the subjects of atheism, art, folklore, kolkhozes in Ukraine, and history of Ukrainian S.S.R., as well as the Ukrainian language as subject.

The above clearly demonstrates the violations of the governments of U.S.S.R. and Ukrainian S.S.R. of the United Nations Declaration of the Rights of the Child and the Universal Declaration of Human Rights, as well as the respective Constitutions of the U.S.S.R. and Ukrainian S.S.R. (Please refer to page 6 of the enclosed analysis for further information). Communist-Russian government has developed a ukrainophobia against the Ukrainian nation and is practicing progressive languacide in Ukraine. Ukrainian language and culture are in very grave danger.

The present government of the so-called Ukrainian Soviet Socialist Republic, which purports to represent Ukraine in United Nations, does not truly represent the people of Ukraine. It would, in fact, prevent its own people's opposition to Russian order of russification and possible appeal to the United Nations and UNESCO on behalf of children's and human rights in Ukraine.

Your petitioners, the Presidents of the Women's Association for the Defense of Four Freedoms of Ukraine, Inc., Ukrainian American Youth Association, Inc. and Ukrainian Student Organization of Mykola Michnowsky, on behalf of the 4,267 signatories of the enclosed Petition, appeal to His Excellency Kurt Waldheim and the Honorable Amady Matar M'Bar to take jurisdiction of this matter and to intervene with Chairman Leonid Brezhnev and the government of the U.S.S.R. to cancel its order of russification of the school system in Ukraine, and return the mother language to the Ukrainian children, youth and nation.

Respectfully submitted,

ULANA CELEWYCH,
President, Women's Association for the Defense of Four Freedoms for Ukraine, Inc.

MYROSLAW SHMIGEL,
President, Ukrainian-American Youth Association, Inc.

ANDRIY PRIADKA,
President, Ukrainian Student Organization of Mykola Michnowsky.

THE POLICY OF RUSSIFICATION OF UKRAINIAN SCHOOL SYSTEM

The year 1979 marks the twentieth anniversary of the most humanitarian document of our time, the United Nations Declaration of the Rights of the Child. Included among the signatories of this document are the U.S.S.R. and the Ukrainian S.S.R. The purpose of the Declaration of the Rights of the Child is set forth in its Preamble, namely that mankind owes to the child the best it has to give. Also, the Declaration emphasizes that children shall be brought up in spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood.

Vitaliy Kalynychenko, who completed his ten-year sentence in April, 1976 and presently lives under constant KGB surveillance in Dnipropetrovsk Region of Ukraine, in his declaration of rejection of Soviet citizenship, mentioned the tragic state in Ukraine. "Ukraine was turned into an economic colony of Russia. Part of official governmental policy is russification. In all phases of Ukrainian administrative life Russian language is predominant, namely in such fields as manufacturing, education, science, culture, government. Ukraine is threatened with the same kind of annihilation as has occurred among the approximately ten million Ukrainians living in Russian Soviet Federated Socialist Republic (R.S.F.S.R.)."

Facts strengthen V. Kalynychenko's prophesies and fears. Open official policy of russification in all of U.S.S.R. was enacted by the 25th Congress of the Communist Party and the so-called "Brezhnev Constitution" made it law in October 1977. This gigantic conspiracy by Russia against enslaved nations, particularly Ukraine, is the more dangerous because it encompasses all spheres of the population, peoples of all ages, professions, classes or educations—the aim of which is to annihilate native language, mother language, as the means of communication between individuals and as indication of national, specifically Ukrainian, separability and identity.

Politics of russification, particularly in Ukraine, is a large and multi-faceted concern. In connection with 1979 being the International and the Ukrainian Year of the Child, this analysis will cover only one facet of the attack and process of russification of Ukrainian children, namely the one dealing with russification of education in Ukraine. In the Soviet Union, the kindergarten, school, youth organizations and institutions of higher education are under obligation to produce standard Soviet citizens, denationalized and separated from their native countries. Ukrainian nation is forced to take preventive action against this russification, for the retention of the Ukrainian child by its nation, and the unbreakable bond between the child and its mother, its home and its family.

WOMAN—MOTHER—FAMILY

The problems of russification of Ukrainian educational system and the fate of Ukrainian child cannot be separated from the fate of Ukrainian woman, mother and family as such. Historically, Ukrainians, based on their inbred high Christian morality and national conservatism, have always considered the family as the foundation of existence and development. Marriage was considered a religiously sanctified unbreakable bond. Ukrainian nationality factor in marriage was safeguarded by the Church, family and Ukrainian environment. Mixed marriages in Ukraine were very rare.

Ukrainian family life was based upon traditional bonds, respect and love of everything native, parents, land, language and culture. This, as outlined by Dr. Vasyl Shymoniak, professor at Marquette University, in his book "Woman in Communist Reality", was the foundation of Ukrainian idealistic outlook, the strength of Ukrainian resistance, and the source of Ukrainian nationalistic patriotism. Presently, under Communist-Russian occupation, through destruction of the Church and forcefully inflicted atheism, through annual deportations of thousands upon thousands of Ukrainians to Asiatic and other so-called Soviet Republics, and through mass influx into Ukraine of foreign, predominantly Russian, element, these foundations were shaken and partially destroyed. Existent situation in Ukraine today demands from Ukrainian mother great effort and faith in her nation in order to safeguard her family and resist russification.

Even in these harsh circumstances, it is the Ukrainian family, for most part, that stands as the stronghold of Ukrainian language, faith in God, pride in its national origin and culture. In spite of all efforts, endeavors, pressures and terror of the U.S.S.R. government, a generation of Ukrainian patriots grows and multiplies in Ukraine.

SCHOOL AND CHILD

Further most important factor of russification of Ukraine is the school. Child's school years are the most critical and decisive in the lives of Ukrainian mother and child. The whole educational system of the U.S.S.R. is aimed, pursuant to Article 36 of the Soviet Constitution, ". . . at cultivation of citizens in the spirit of Soviet patriotism and social internationalism through Russian language and languages of other republics of the U.S.S.R." Meaning that schools, universities, youth organizations of "Pioneers" and "Komsomol" are obligated to train a "Soviet" not Ukrainian patriot, with orientation upon Moscow and not Kiev, capital of Ukrainian Republic.

Here, Ukrainian mother must realize her responsibility of safeguarding of her child and its soul. From the first step a child takes into a day-care center, from the first day of kindergarten, through all the following levels of schooling, Ukrainian child must live through a process of spiritual division, doubts and choices—who constitutes the greater authority—parents and home or teachers and school; who is the child supposed to love and obey; what road should it choose for its lifetime. The school is obliged to supply the child with the necessary education and knowledge, however, it is the parental responsibility to inject the child with respect toward its origin and the necessity to maintain national loyalty toward its native country for the rest of its life.

To go through the Soviet educational system and not to lose one's soul—is a great test for the Ukrainian child. Statistics show that in Ukraine Russian language schools are on the increase and Ukrainian on the decrease. Day-care centers, kindergartens and schools are the predominant instruments of russification. On April 17, 1959, the Supreme Soviet of the Ukrainian S.S.R. enacted an educational law, Article 9 of which states, according to "Education in Soviet Ukraine" by John Kolasky, as follows: "Instruction in the schools of the Ukrainian S.S.R. is conducted in the native language of the pupils. Parents decide to which school with what language of instruction they wish to send their children. The study of one of the languages of the peoples of the U.S.S.R., in which instruction is not conducted in the given school, is realized upon the application of sufficient numbers of the parents and students." The meaning is clear—in Ukraine Ukrainian language is not obligatory in all schools—on the other hand, Russian language is obligatory in all schools of Ukraine. Minister of Education of the Ukrainian S.S.R., I. K. Bilodid, discloses the following data for the school year 1961/1962 in Ukraine:

1. Ukrainian language schools, 33,309 (82.11 percent).
2. Russian language schools, 6,292 (15.51 percent).
3. Other language schools (Moldavian, Hungarian, Polish, etc.), 963 (2.38 percent).

In the same school year 1961/1962, in accordance with information supplied by official of the Ministry of Education of Ukrainian S.S.R. Alla Bondar, the chosen language of instruction in Ukrainian schools was as follows:

1. Ukrainian, 4,170,900 students (64.49 percent).
2. Russian, 2,000,100 students (30.93 percent).
3. Other, 52,400 students (0.81 percent).
4. Two different languages, 244,200 students (3.77 percent).

In the school year 1966/1967, pursuant to Alla Bondar's information, Ukrainian language schools totalled 23,900—a decrease of

10,000 of Ukrainian language schools in Ukraine during a five-year period.

When taken into consideration the fact that almost all industrial, technical and other schools of higher education are located in cities and not in rural areas, it is self-evident that, with minimal exceptions, they are all Russian language schools.

ATTACK ON PRE-SCHOOL FACILITIES

Politics of russification by the Communist Party and Communist-Russian regime in Ukraine and other captive nations characteristically appear in declarations of the 25th Congress of the Communist Party of the Soviet Union enumerating the responsibilities of pre-school training, and in the proclamations and edicts of the Central Committee of the Communist Party of the Soviet Union, of July 1978 to all subordinate Committees to concretely ". . . in the shortest time possible, in each city and particularly in each village" increase the work of, and establish where they do not exist, "pre-school facilities" (day-care centers and kindergartens). All this is done, understandably, to separate the child from its mother, to weaken the mother's training and influence during these most formative years, to relieve the mother for long hours of exhaustive work outside the home, and to supply an identical, russified mold to the educational system for future generations.

Following these proclamations and edicts from Moscow, the obedient Party Committees of Ukraine and other captive nations forcefully and hurriedly organized contests between cities and villages for "over-performance" of the instructions even before the conclusion of the Five-Year Plan. An example of this intensified process of russification of pre-school facilities in Ukraine is the Crimean Region of Ukraine, where the above mentioned edict from Moscow was more than fulfilled ". . . in pursuit of Communist training of Ukrainian children", according to an article in "Soviet Woman", No. 1, 1979, there are intensely working ". . . 990 pre-school establishments at various collective farms (kolkhozes), industrial and other facilities, where attendance amounts to 114,000 children". Today, these Crimean pre-school facilities employ over 8,000 specially trained and indoctrinated teachers, in addition to a number of various party inspectors of the Ministry of Education of the U.S.S.R., whose responsibility consists of making sure that all the plans and edicts from Moscow regarding the indoctrination of Ukrainian pre-school children are carefully fulfilled and over-fulfilled.

Obligatory language in all of these pre-school establishments is, of course, Russian! The magazine "Soviet Woman", wrote that in Kiev, capital of Ukraine, even before the edicts of July, 1978, there were sixteen kindergartens, and only four of which were Ukrainian language ones. The result is clear—in the event a Ukrainian child did not learn from its mother its native language, Ukrainian, before going to such day-care center, kindergarten and school, it is forced first to learn a foreign language, namely Russian, before being able to learn Ukrainian as a second language.

SCHOOL TEXT BOOKS

To illustrate the politics of russification in education, the following numbers of school books printed are statistically annotated: In 1964/1965 in the U.S.S.R. there were published 205,500,000 school books in Russian for 54.65 percent of Russian students in the U.S.S.R. and 78.805.000 for 45.35 percent of students of all other nationalities. Next year, the number of Russian school text books published was increased again by four million.

About the principal obligations of schools and teachers in Ukrainian S.S.R. writes the magazine "Soviet Woman", No. 9, 1978, "Over 700,000 teachers of Ukraine greeted on September 1st close to 8 million students of the Republic. It is they, caring tutors, who will teach our children reading, writing and the virtues of citizenship, to love their homeland, who will help our children choose their professions, or even in school, to specialize." Further, this magazine supplies the news about the establishment of "educational-production combines" in accordance with "the complex plan of industrious education and training" of pupils, the so-called "Child Five-Year Plan."

Today, there are more than 170 of such combines and by 1983, the number should be increased to more than 600. Therefore, one more factor is added to the russificational Communist-Russian machinery in Ukraine. In addition, the educational system in Ukraine is supplemented by Communist organizations such as the "Pioneers" and "Komsomol", through their hundreds of thousands of groups, kindergartens, palaces, playgrounds, youth camps, uniforms and tempting prizes, insignias and promises of shining careers. All this has a tremendous effect upon youthful imaginations. Enormous effort in influence and training is necessary to help a young person withstand these kind of temptations. Therefore, we bow our heads before those who resist and fight in order to develop their own individualities and identities.

TEACHING COLLECTIVE

The magazine "Soviet Education" of November 11, 1978, informs about an edict of Ukrainian S.S.R. Ministry of Education in the matter of increase of attacks on the remaining Ukrainian language schools, resulting in strengthening of russification of Ukrainian youth. This edict planned and put into effect such means of russification as obligatory teaching of Russian language from the first grade in all elementary schools in Ukraine, increase of teachers of Russian nationality, establishing in Ukraine special institutes of Russian language, filling of Ukrainian libraries with Russian literature, organizing contests in excellence of Russian language and literature, etc.

Although the russification situation in Ukraine is very grave, it is worse for the approximately 10 million Ukrainians and their children living in the U.S.S.R., outside of Ukraine. They are sentenced to annihilation, though, by law, they should have all the opportunities of Ukrainian education. In Ukraine, in contrast to foreign territories, as much as possible, we find activities of resistance to russification and in defense of Ukrainian language. As an example, known facts of protests of young mothers against russification of kindergartens for Ukrainian children in Dniepropetrovsk. Or again, letters of so-called creative youth of Dniepropetrovsk in 1969, which were followed by arrests of poets Ivan Sokulskyj, Mykola Kulchyckvj, and engineer Victor Sawchenko. The well-known Dr. Mykola Plakhotniuk, author of letter "Truth is With Us!—Answer to Liars", who for the last eight years has been imprisoned in Communist-Russian so-called psychiatric clinic "psykhushka" also took part in this 1969 creative youth protest.

Ukraine is resisting russification in all fields, inclusive of the school system, in order to preserve its right to its native language in education. By policy of russification, the Soviet Government is practicing languacide in Ukraine.

By this practice, the U.S.S.R. violates the international United Nations Universal Declaration of Human Rights of 1948 and United Nations Declaration of the Rights of the Child of November 20, 1959.

In the Preamble to the Declaration of the Rights of the Child, the United Nations reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and further the United Nations has determined to promote social progress and better standards of life in larger freedom.

Taking into consideration the results of the First and Second World Wars, members of the United Nations, by this Declaration asserted that the most innocent victims of wars are children. Therefore, a need arose to proclaim a special Declaration of the Rights of the Child, that in its ten Principles defines the basic rights of children. The following Principles of the Declaration of the Rights of the Child have never been applied in Ukraine:

Principle 1: The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 3: The child shall be entitled from his birth to a name and nationality.

Principle 6: The child . . . shall, whenever possible, grow up in the care and under the responsibility of his parents . . .

Principle 7: The child is entitled to receive an education . . .

Principle 10: The child shall be protected from practices which may foster racial, religious and any other form of discrimination . . .

Resolutions Nos. 3 and 4 of the Commission of the International Year of the Child in 1977 state:

3. Children may not be discriminated against for . . . political records of their parents.

4. . . children should obtain their education in their native languages, because only the child's native language assures full facilitation of the child's learning abilities and secures the free mainfestation of the child's creative talents.

In view of the above described situation in Ukraine, with particular emphasis on its school system, we must state that the Principles of the United Nations Declaration of the Rights of the Child as well as the United Nations Universal Declaration of Human Rights have never been implemented in Ukraine. Therefore, we, on behalf of Ukrainian children in Ukraine and the U.S.S.R. are appealing to the Secretary General of the United Nations and member nations of the United Nations to intervene with Chairman Brezhnev to cease and desist the politics and policies of russification of Ukraine and its school system. We demand the return to Ukrainian children of their inalienable rights to receive their education in their native-mother language, Ukrainian. We request immediate discontinuance of discrimination against Ukrainian children, particularly the children of Ukrainian political prisoners, because of their Ukrainian nationality, culture, origin or religion.

Respectfully submitted,

Ulana Celewych,

President, Women's Association for the Defense of Four Freedoms for Ukraine, Inc.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subjects of the special orders today by the gentleman from Minnesota (Mr. Nolan) and the gentleman from Illinois (Mr. Price).

The SPEAKER pro tempore (Mr. Gonzalez). Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. White (at the request of Mr. Wright) for the balance of the session on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Zablocki for 10 minutes.

(The following Members (at the request of Mrs. Snowe) to revise and extend their remarks and include extraneous material:)

Mr. Bauman, for 60 minutes, today.
Mr. Goldwater, for 5 minutes, today.
Mr. Hollenbeck, for 5 minutes, today.
Mr. Florio, for 5 minutes, today.
Mrs. Holt, for 60 minutes, December 5.

(The following Members (at the request of Mr. Wolpe) to revise and extend their remarks and include extraneous material:)

Mr. Nolan, for 60 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Brademas, for 5 minutes, today.
Ms. Ferraro, for 5 minutes, today.
Mr. Roberts, for 10 minutes, today.
Mr. LaFalce, for 20 minutes, today.
Mr. Daschle, for 5 minutes, today.
Mr. Nelson, for 5 minutes, today.
Mr. Weaver, for 5 minutes, today.
Mr. Wolff, for 15 minutes, today.
Mr. Smith of Iowa, for 15 minutes, today.
Mr. Vanik, for 5 minutes, today.
Mr. Wirth, for 5 minutes, today.
Mr. Zablocki, for 60 minutes, on December 5.
Mr. Moffett, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hyde, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,080.75.

Mr. Carr, immediately prior to the vote on the Ertel amendment to the Howard substitute to H.R. 6417 in the Committee of the Whole today.

Mr. Jeffords, to revise and extend his remarks prior to the vote on the conference report on H.R. 7591, agricultural appropriations.

(The following Members (at the request of Mrs. Snowe) and to include extraneous matter:)

Mr. Wydler.
Mr. Lent.
Mrs. Snowe.
Mr. Hyde.
Mr. Duncan of Tennessee.
Mr. Pursell.
Mr. Hinson.
Mr. Philip M. Crane.
Mr. Erlenborn.
Mr. Whitehurst.
Mr. Wampler.
Mr. Derwinski.
Mr. Kemp.
Mr. Goldwater.
Mr. Conable.
Mr. Buchanan in two instances.
Mr. Porter.
Mr. Ashbrook in three instances.
Mr. Moore.
Mr. Rinaldo.
Mr. Miller of Ohio in four instances.
Mr. Dickinson.
Mr. Corcoran.

(The following Members (at the request of Mr. Wolpe) and to include extraneous matter:)

Mr. Brademas in five instances.
Mr. Solarz in two instances.
Mr. Drinan in 10 instances.
Mr. Hubbard.
Mr. Waxman.
Mr. Vento in two instances.
Mr. Gaydos.
Mr. Rodino in 11 instances.
Mr. Charles H. Wilson of Califorina in two instances.
Mr. Charles Wilson of Texas.
Mr. Weiss in 12 instances.
Mr. Evans of Georgia in two instances.
Mr. McKay.
Mr. Roe in three instances.
Ms. Ferraro in two instances.
Mr. Annunzio.
Mr. Lloyd.
Mr. Peyser.
Mr. Mathis.
Mr. Corman.
Mr. Simon.
Mr. Edwards of California.
Mr. Ottinger in two instances.
Mr. Stark.
Mr. Musto.
Mr. Dingell.
Mr. Long of Maryland.
Mr. McDonald.
Mr. Bennett.
Mr. Barnes.
Mr. Hubbard.
Mr. Glickman.
Mr. Maguire.
Mr. Duncan of Oregon in 10 instances.
Mr. Blanchard.
Mr. McCormack.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2728. An act to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes;

S. 3074. An act to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes;

S. 3235. An act to clarify certain effective date provisions of the Customs Courts Act of 1980; and

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health."

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 927. An act for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong;

H.R. 6243. An act to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Shaefer Heard Park";

H.R. 6258. An act providing for reinstatement and validation of U.S. oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595;

H.R. 6410. An act to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes;

H.R. 6975. An act to extend certain temporary tax provisions, and for other purposes;

H.R. 7385. An act to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes;

H.R. 7765. An act to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981; and

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

ADJOURNMENT

Mr. BARNES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Friday, December 5, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5757. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to assure the safety and quality of our Nation's meat, poultry, and egg products by providing the Secretary of Agriculture with the authority to quarantine animals if he believes they may contain illegal residue levels, to strengthen the enforcement power of the Secretary under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Agricultural Marketing Act of 1946 by providing authority to withdraw inspection services under certain conditions; to levy civil penalties for certain penalties for certain violations; and to provide consistent standards and penalties for bribery; to the Committee on Agriculture.

5758. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

5759. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics), transmitting notice of plans to study the conversion from in-house operations to commercial contract of various functions at different installations in fiscal years 1981 and 1982, pursuant to section

502(a) of Public Law 96-342; to the Committee on Armed Services.

5760. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of plans to study the conversion from in-house operation to commercial contract of various functions at different installations in fiscal years 1981 and 1982, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

5761. A letter from the Assistant Deputy Chief of Naval Material (Contracts and Business Management), transmitting the Navy's annual report of research and development contracting actions of $50,000 and over, covering fiscal year 1980, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

5762. A letter from the Secretary of Housing and Urban Development, transmitting the annual report for fiscal year 1980 on Indian and Alaska Native housing and community development programs, pursuant to section 4(d) of the Department of Housing and Urban Development Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

5763. A letter from the Secretary of Education, transmitting proposed final regulations to implement changes in the teachers centers program, pursuant to section 431 (d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

5764. A letter from the Inspector General-Designate, Department of Health and Human Services, transmitting the quarterly report on the activities of his office, covering the period ended September 30, 1980, pursuant to section 204(b) of Public Law 94-505; to the Committee on Government Operations.

5765. A letter from the Administrator of Veterans Affairs, transmitting the semiannual report of the Veterans' Administration's Inspector General, for the period ended September 30, 1980, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5766. A letter from the Deputy Administrator of Veterans Affairs, transmitting a report on the Veterans' Administration's disposal of foreign excess property during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

5767. A letter from the Administrator of General Services, transmitting notice of a proposed change in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5768. A letter from the Custodian, U.S. Army Nonappropriated Fund Retirement Plan, transmitting the annual report on the Retirement Plan for fiscal year 1979, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5769. A letter from the Deputy Chief of Staff for Installations and Logistics, U.S. Marine Corps, transmitting the annual report on the retirement plan for civilian employees of the U.S. Marine Corps Exchanges, recreation funds, clubs, messes and Marine Corps Exchange Service, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950 as amended; to the Committee on Government Operations.

5770. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the court's judgment order in Nos. 15-E, 29-C, and 338, *The Pottawatomie Tribe of Indians, etc.* v. *The United States;* to the Committee on Interior and Insular Affairs.

5771. A letter from the Secretary of Health and Human Services, transmitting a report covering fiscal year 1980 on Health Incentive Grants to State health authorities for comprehensive public health services, under section 314(d) of the Public Health Service Act, pursuant to section 227 of the act; to the Committee on Interstate and Foreign Commerce.

5772. A letter from the Secretary of Health and Human Services, transmitting the annual report on the costs and financing of health care, the distribution of health care resources, the utilization of health resources, and the health of the Nation's people, pursuant to section 308(a)(2) of the Public Health Service Act, as amended, together with the first national disease prevention data profile, pursuant to section 404 of Public Law 95-626; to the Committee on Interstate and Foreign Commerce.

5773. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report of the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases on activities conducted under the arthritis plan, pursuant to section 434(f) of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

5774. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the second annual report on performance profiles of major energy producers, pursuant to section 205(h) of the Department of Energy Organization Act; to the Committee on Interstate and Foreign Commerce.

5775. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's second annual report, covering the last quarter of calendar year 1978 and calendar year 1979; to the Committee on Interstate and Foreign Commerce.

5776. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

5777. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5778. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5779. A letter from the Director, Office of Personnel Management, transmitting notice of various exclusions from the Senior Executive Service made by the President, pursuant to 5 U.S.C. 3132(f); to the Committee on Post Office and Civil Service.

5780. A letter from the Acting Deputy Secretary of Energy, transmitting a report on Federal and State programs for encouraging biomass energy and alcohol fuel production and use, pursuant to section 218(b) of Public law 96-294; jointly, to the Committees on Agriculture and Interstate and Foreign Commerce.

5781. A letter from the Chairman, Federal Election Commission, transmitting a copy of the Commission's appeal of the President's proposed fiscal year 1982 budget request for the Commission, pursuant to section 310(d)(1) of the Federal Election Campaign Act of 1971 as amended; jointly, to the Committees on Appropriations and House Administration.

5782. A letter from the Comptroller General of the United States, transmitting a report recommending that additional Federal aid for urban water distribution systems should wait until needs are clearly established (CED-8117, November 24, 1980); jointly, to the Committees on Government Operations, Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

5783. A letter from the Comptroller General of the United States, transmitting a report on promoting private sector productivity by the Department of Labor; jointly, to the Committees on Government Operations and Education and Labor.

5784. A letter from the Comptroller General of the United States, transmitting a report on achieving representations of minorities and women in the Federal work force (FPCD-81-5, December 3, 1980); jointly, to the Committees on Government Operations and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. House Resolution 806. Resolution to provide for the printing as a House document of tributes made to the late Honorable F. Edward Hébert on the floor of the House; with amendment (Rept. No. 96-1523). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Concurrent Resolution 449. Concurrent resolution to authorize the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States" (Rept. No. 96-1524). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 818. Resolution authorizing the printing as a House document of the report of the Committee on Small Business entitled "Conglomerate Mergers—Their Effect on Small Business and Local Communities" (Rept. No. 96-1525). Referred to the House Calendar.

Mr. FOLEY: Committee of conference. Conference report on S. 1996. (Rept. No. 96-1526). Ordered to be printed.

Mr. ADDABBO: Committee of conference. Conference report on H.R. 8105 (Rept. No. 96-1528). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6625. A bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to further the objectives of national energy policy of conserving oil and natural resources through removing excessive burdens on production of coal. Referred to the Committee on Interior and Insular Affairs and to the Committee on The Judiciary for consideration of such provisions of the bill as fall within the jurisdiction of those committees under clause 1(K) and 1(M), rule X, respectively (Rept. No. 96-1527, Pt. 1). And ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee of conference. Conference report on S. 1615 (Rept. No. 96-1522). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI (for himself, and Mr. Pepper):

H.R. 8416. A bill establishing a national toll-free telephone information line for senior citizens, and for other purposes; to the Committee on Government Operations.

By Mr. PHILIP M. CRANE:

H.R. 8417. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax a certain portion of the pay received by members of the Armed Forces who have served at least 4 years; to the Committee on Ways and Means.

By Mr. DASCHLE (by request):

H.R. 8418. A bill pertaining to the inheritance of trust or restricted or fee land on the Lake Traverse Indian Reservation, N. Dak., and S. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUDGER:

H.R. 8419. A bill for the relief of Swain County, N.C.; to the Committee on the Judiciary.

By Mr. HAGEDORN:

H.R. 8420. A bill to provide that the interest rates applicable for purposes of sections 482 and 483 of the Internal Revenue Code of 1954 shall not exceed the interest rates applicable for such purposes on August 1, 1980; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 8421. A bill to amend the Depository Institutions Deregulation and Monetary Control Act of 1980; Committee on Banking, Finance and Urban Affairs.

By Mr. McCLOSKEY:

H.R. 8422. A bill to amend the Atomic Energy Act of 1954 to modify certain provisions relating to restricted data, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 8423. A bill to grant immigrant visas to certain nationals of Italy who were victims of earthquakes which occurred on or about November 23, 1980, in Italy; to the Committee on the Judiciary.

By Mr. ROUSSELOT (for himself, Mr. Pickle, Mr. Vander Jagt, Mr. Kemp, Mr. Downey, and Mr. Courter):

H.R. 8424. A bill to amend the Internal Revenue Code of 1954 to cut in half the capital gains tax on the sale of certain stocks and bonds of qualified small corporations; to the Committee on Ways and Means.

By Mr. VANIK (for himself and Mr. Shannon):

H.R. 8425. A bill to amend the Tariff Schedules of the United States regarding the rate of duty that may be proclaimed by the President with respect to sugar imports; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 8426. A bill to provide for the retirement of former Vice Presidents of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRINKLEY:

H.J. Res. 640. Joint resolution designating the month of February 1981, as "National PTA Membership Month"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY (for himself, Mr. Pritchard, Mr. McCormack, Mr. Bonker, Mr. Dicks, Mr. Lowry, Mr. Swift, Mr. Whitten, and Mr. Ford of Michigan):

H.J. Res. 641. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health"; to the Committee on Interstate and Foreign Commerce.

By Mr. RITTER:

H. Con. Res. 454. Concurrent resolution expressing the sense of the Congress that the Congress would regard Soviet military action against Poland as a serious breach of international peace, and that if the Union of Soviet Socialist Republics takes military action against Poland, the President of the United States should, in conjunction with the leaders of Japan, Australia, and our NATO Allies, immediately discontinue all credit lines and severely curtail trade and economic relations with the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. SOLARZ:

H. Res. 825. Resolution for the relief of Italian orphans; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WRIGHT:

H.R. 8427. A bill for the relief of Elena Kosztelnik Cazimir; to the Committee on the Judiciary.

H.R. 8428. A bill for the relief of Marius Radu Stefan Cazimir; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 365: Mr. Robert W. Daniel, Jr.

H.R. 7447: Mr. Lagomarsino.

H.R. 7506: Mr. Beard of Tennessee, Mr. Bowen, Mr. Burgener, Mr. Dornan, Mr. Hyde, Mr. Lagomarsino, Mr. Lujan, Mr. Nelson, Mr. Pickle, Mr. Shelby, Mr. Synar, and Mr. Winn.

H.R. 8252: Mr. Whitehurst.

H.R. 8295: Mr. Charles Wilson of Texas, Mr. Lott, Mr. Butler, Mr. Lujan, Mr. English, Mr. Edwards of Oklahoma, Mr. Synar, and Mr. Steed.

H.R. 8333: Mr. Butler, Mr. Fithian, Mr. Rose, Mr. Fowler, Mr. Glickman, and Mr. Montgomery.

H.R. 8339: Mr. Leach of Louisiana, Mr. Fountain, Mr. Stump, Mr. Winn, Mr. Philip M. Crane, Mr. Hall of Texas, Mr. Robert W. Daniel, Jr., Mr. Young of Florida, Mr. Bevill, Mr. Cleveland, Mr. Derwinski, Mr. Wyatt, Mr. Nichols, Mr. Dannemeyer, Mr. McDonald, Mr. Hughes, Mr. Dougherty, Mr. Hubbard, Mr. Badham, Mr. Dornan, Mr. Livingston, Mr. Ichord, Mr. Lagomarsino, Mr. Guyer, Mr. Pepper, Mr. Robinson, Mr. Shumway, Mr. Whitehurst, Mr. Brinkley, and Mrs. Holt.

H.J. Res. 633: Mr. Collins of Texas, Mr. Cleveland, Mr. Derwinski, Mr. McDonald, Mr. Solomon, Mr. Murphy of Pennsylvania, Mr. Synar, Mr. Robert W. Daniel, Jr., Mr. Pepper, Mr. Yatron, Mr. Kramer, Mr. Winn, Mr. Kindness, Mr. Dornan, Mr. Guyer, Mr. Lagomarsino, Mr. Frenzel, Mr. Marriott, and Mr. Frost.

H. Con. Res. 122: Mrs. Schroeder and Mr. Dannemeyer.

H. Con. Res. 442: Mr. Oberstar, Mr. Winn, Mr. Lagomarsino, Mr. Scheuer, Mr. Traxler, Mr. Pepper, Mr. Foley, and Mr. Cheney.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

654. By the SPEAKER: Petition of Mrs. Jack Zengler, Midland, Tex., relative to the Trilateral Commission and the Council on Foreign Relations; to the Committee on Foreign Affairs.

655. Also, petition of the county council, County of Hawaii, Hilo, Hawaii, relative to the general revenue sharing program; to the Committee on Government Operations.

SENATE—*Thursday, December 4, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

ADVENT

Almighty God, who by the prophet promised one whose name would be called "Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace," and that the government would be "upon His shoulders," open our hearts anew to receive His grace and our minds to receive the gentle wisdom of His spirit. Guide us by His star to the manger-throne where, rejoicing in Thy gift, to us, we may offer the gift of our love and labor to Him. As wise men of old were star-led to Him, so may we become wise in the elemental and eternal truths He revealed. May His spirit become our spirit, His wisdom our wisdom, His will our will, that Thy kingdom may come on Earth as it is in Heaven.

In the name of Him who promised "Peace on Earth among men of good will." Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore (Mr. MORGAN). Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REDUCTION IN LEADERSHIP TIME UNDER THE STANDING ORDER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders be reduced to 1 minute each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE RECORDS OF THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, inscribed in stone at the entrance to the National Archives building, which stands halfway between the Capitol and the White House on Pennsylvania Avenue, are the words: "The Past is Prologue." This is an important sentiment for the lawmakers of this nation to consider as we grapple with the problems of our society today and look toward the future. We cannot, and should not forget our history, for in the words of the philosopher George Santayana: "Those who do not remember the past are condemned to repeat it."

These are concerns which have caused me, over the past year, to address the Senate on a regular basis regarding its historical development, that we may not forget the heritage of this great institution, and that we may build upon the successes of the past and not repeat the failures.

Our predecessors have left for us, and we leave for posterity, a bountiful record of words and accomplishments. These are in the form of our speeches and actions in the *Congressional Record*, and the bills and resolutions, reports and other documents we introduce into the record during each session of Congress. Those who study our actions—historians, political scientists, sociologists, lawyers, and many others—will scrutinize this record carefully. But they will want more. They will want to see the correspondence and memoranda, the minutes and transcripts, and other background material that shaped the legislative history of the laws we have enacted.

Such records are being compiled every day by every senator's office, by the Senate committees, and by the clerks and other staff members that we see before us here in the Senate Chamber. It is to the making and the preservation of these records, and all of the records of the United States Senate since 1789, that I direct our attention today.

When the public records of the Senate were transferred to the National Archives in 1937, the examiner who surveyed the collection reported to the Archivist of the United States: "From the standpoint of historical as well as intrinsic interest, this is perhaps the most valuable collection of records in the entire Government. It touches all phases of governmental activity, and contains a vast amount of research that has never been used."

The records of the Senate may be small by comparison to the voluminous paperwork turned out by the executive departments, but in content they are rich and rewarding. In the legislative records division of the National Archives, just seven blocks from here, one may open a small metal box and find the records of the Senate in the first Congress, which met in April 1789. There are the actual documents which President George Washington—some written in his own hand—sent to the Senate, nominating his Cabinet officers, making diplomatic appointments, sending treaties and other executive communications. There also are the electoral ballots from the first presidential election; petitions from citizens, including Revolutionary War veterans seeking benefits; and handwritten drafts of the first legislation introduced in Congress. One outstanding example is the Judiciary Act of 1789 which established our federal court system. There is the rough copy of the first *Senate Journal*, badly water damaged, perhaps the result of a leaky roof in the first Federal Hall, (or of a spilled teakettle) and also the smooth copy of the *Journal* with its elegant eighteenth century script, as overseen by the first Secretary of the Senate, Samuel A. Otis.

This is the stuff upon which history is made. It is quite awe-inspiring to hold in one's hands documents signed by Washington, Hamilton, Jefferson, Madison, and later by those three great leaders of the Senate in its so-called "Golden Age," Henry Clay, Daniel Webster, and John C. Calhoun. Unlike the early records of the House of Representatives, many of which were lost either through the carelessness of its clerks or in the raging fires which gutted the Capitol during the War of 1812, Senate records dating back to 1789 are essentially intact. Considering the treatment of these records over the years, this is truly a miracle.

As I have discussed in earlier remarks, the government of the United States moved about in its first years in search of a permanent home, and its records were carried about with it. Because of the poor roads in those days, the records were packed in trunks and cases and strapped to the decks of flatboats which hauled them first from New York to Philadelphia in 1790 and then from Philadelphia to Washington in 1800. The papers of Congress arrived on the docks of Alexandria, Virginia some months before the House and Senate convened in November of 1800, and were carted up to the as yet unfinished Senate wing of the Capitol. There they remained until August of 1814, when word reached Washington that British troops had broken through the American lines at Bladensburg and were advancing on the city. Chaos reigned and many of the clerks of Congress were pressed into service by the local militia. All available carts and wagons were also gathered up for military needs.

In the Senate, the long-time Secretary, Samuel Otis, had recently died and his successor had not yet been elected. For-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tunately a young clerk, Lewis Machen, had the presence of mind to take charge. Commandeering a farmer's wagon he piled the Senate's valuable records into it and made haste for his farm near Centreville, Virginia; thus the records of the Senate were saved. In the House, the remaining clerks were frantically loading records onto an ox cart on the very eve of the invasion. In their haste they lost most of the petitions and private papers for the years 1789 to 1799, and also the secret journal of the House, which was consumed by the flames which the British troops set. The House, quite bitter about the destruction of these records, appointed a select committee to investigate the matter. When this committee branded the Clerk of the House, Patrick Magruder, derelict in duty, he resigned, expressing the hope that his successor might have "an easier and happier time in the discharge of his duties" than he had had.

Even more hazardous to the records of the Congress than dangerous sea voyages and invading armies, was the century of neglect which followed.

Busy Senators, and their very small clerical staffs, who simply had no use for documents once the legislation was enacted and the Congress had adjourned, consigned the records of the Senate to the darkest, dankest rooms of the Capitol basement, those unfit for human occupation or for other supplies. Here in vault-like chambers the records piled up. The papers were on wooden racks, while bound volumes were stacked upon the floor. There were no windows in these rooms, and their brick and steel walls and ceilings afforded protection against fire, but not against dampness. The nineteenth century brickwork is quite porous and the records grew damp and moldy. Here again is the report of the survey done by archivists in 1937:

> Rooms scattered throughout the basement contain bound volumes of engrossed copies of Senate Bills, original Minutes and Journals of Legislative proceedings of the Senate, Bill Books, Account Books and other Legislative and Administrative records. Most of these have been subject to severe hazards. Some of the volumes are stacked on the concrete floor. Water has seeped through the floor of the terrace above and cockroaches and other insects have damaged many of the documents.

I should point out that in those days it was the custom to fold all Government documents roughly into thirds, and then tie them with thin red ribbon—hence the expression "red tape"—so that they could be conveniently stacked in the pigeonholes of the clerks' desks, and other receptacles. Stored in such damp and unventilated conditions, the documents became dirty and brittle, so that there was danger they would literally fall apart in one's hand should they be unfolded. Before the Fiftieth Congress, none of the documents was stored in envelopes, and as a result they were out of sequence and scattered about in no particular order. The lack of indexes and inventories made them, for all purposes, irretrievable and of no possible research use, either to the Senate or to private scholars.

Indeed, while some records of the House had been deposited in the Library of Congress, for years it was said of Senate records that they were "somewhere around the Capitol." Now, I am not talking about a few file cabinets of documents. The records of the Senate at that time totaled some 6,638 linear feet—over a mile long. This is small by today's standards, but still quite a collection to be lost "somewhere around the Capitol."

In 1927 came a fortuitous appointment to the Senate staff which would set in motion a massive rescue operation for these valuable records. The Secretary of the Senate was Edwin Pope Thayer, an Indiana Republican, and he hired as a file clerk a young man from his home town. This was Harold Hufford, who took the job with the Senate to support himself while a student at the George Washington University law school. (Mr. Hufford, I should note, began his college education at Bethany College in Bethany, West Virginia.) One day, in search of some needed documents, Hufford went down into the basement rooms under the terrace. Cautiously opening the door, he found himself faced with a mountain of papers, in filing cases, stacked in boxes, or just scattered about the floor. He reported that his entrance disturbed a host of mice and swarms of fat roaches. Groping his way across the dark room he reached for the light switch. When the single yellow bulb came on, Hufford looked down and saw that he was standing on an official-looking document. Picking it up he found two markings on it: "the print of my rubber heel and the signature of Vice-President John C. Calhoun." Said Hufford: "I knew who Calhoun was; and I knew that the Nation's documents shouldn't be treated like that."

From that day on, the preservation of the Senate's records became both an obsession and a career for Harold Hufford. Each day he would go about his regular duties as a filing clerk for the Secretary of Senate, and attend his law school classes, but in every free moment he would search out Senate documents and haul them up to the Senate attic.

At the beginning of the twentieth century, the Capitol roof was lifted as part of a renovation program, and created a large storage space. As early as 1904 the Office of the Secretary of the Senate began transferring noncurrent records to the attic, and Hufford added to them his new discoveries. There in the attic he would pore over the material and attempt to place the records into some order. His hunt took him to unlikely places in some fifty to seventy-five different areas of the Capitol. Nor was he the first to find many items. Autograph hunters had often beaten him in his search, and snipped off the signatures from presidential messages and other documents. Other items were gone and lost probably forever: President Wilson's message on the outbreak of World War I, and President Franklin Roosevelt's hand-written message on the soldiers' bonus, among the most prominent.

For a while Hufford was unable to locate any Senate records from the Fortieth and Fiftieth Congresses, but then one day some builders tore down a wall while remodeling a room and uncovered the missing records. These, as with the others he had been collecting, the young clerk carried up to the attic.

Harold Hufford's one-man search and salvage operation brought together in one place, and in reasonable order, the many thousand feet of historical records of the Senate, but the story does not stop there. While the Senate attic was an improvement over the many dingy basement hideaways, and was large enough to house the entire collection in one place, it too was unsuitable for proper preservation of the records. Dust and sooty grime sifted through the roof; rain seeped through the skylights; and temperatures were too extreme to guarantee the survival of these fragile documents.

Finally, in 1936, the massive National Archives building was completed in the Federal Triangle. It is startling to realize how long it took this Nation to recognize its careless and cavalier treatment of its precious historical resources. As cases of documents were being carried out of the basements of the State Department and other executive agencies—many thousands of records having already been lost in tragic fires during the nineteenth century—the United States Senate made arrangements to ship its own files from the Senate attic to the Archives building.

Under Senate Resolution 99, of the Seventy-fifth Congress, first session, agreed to on March 29, 1937, the Senate authorized its Secretary, Edwin Halsey, to transfer to the Archives all records he did not deem necessary for current business. On April 2, 1937, a truck and five workmen arrived at the Senate wing to haul away Harold Hufford's laboriously assembled collection.

Mr. President, I am happy to say that Mr. Hufford's efforts to preserve Senate records continued on. In 1935, he had become one of the first employees of the National Archives and when the records of Congress arrived there he became director of the legislative section. With a staff of nine assistants he went about placing the records of the Senate, and later of the House, into archival containers in fire-proof surroundings, with proper temperature and ventilation for long-term preservation. Many of the older documents were unfolded, laminated, and placed in envelopes. In addition to organizing, storing, and inventorying the records, Hufford believed in fast and efficient service to the Congress. He argued that misplaced or inaccessible records were no better than no records at all. Former Representative Ralph Harvey recalled at the time of Mr. Hufford's retirement how the archivist could always be counted upon for prompt service: "Many times, upon receiving a request from the Hill, he located the desired records, ran into the street, hailed a taxicab and, at his own expense, delivered the records into the hands of those who requested them." Expressions of astonishment at such fast service were not infrequent. The result was that many on Capitol Hill said that they could receive faster service on their noncurrent records from the National Archives than they could by keeping and servicing the records themselves. That remains true today.

During World War II, the Truman Committee called upon Mr. Hufford to handle its records searches in the mammoth files it had compiled on all aspects of wartime defense production. Hufford put in an eight-hour day at the Archives and then another eight hours at the Truman Committee, until he finally collapsed from exhaustion. Harold Hufford continued his valuable service for the records of Congress until his retirement on August 31, 1961. He died in 1970. He was succeeded at the Archives by two of his assistants, first by Buford Rowland, and currently and ably by George Perros. I recently congratulated Mr. Perros on the occasion of his fortieth anniversary in federal service, most of it devoted to the records of Congress.

While the Senate sent its records to the Archives in 1937, the House did not follow suit for another decade. In June 1937, the House Library Committee favorably reported a resolution to move House records from the Library of Congress and eight other locations in the Capitol and House Office buildings down to the National Archives. However, due to the objections of the Clerk of the House, the House did not act on the resolution. The Clerk in those days regarded the records of little historical interest, thought the transfer would be an unnecessary expense, and feared that the records would be less accessible to the House. In 1946, however, the special committee which drafted the Legislative Reorganization Act considered it incongruous for Senate records to be housed at the National Archives while House records were elsewhere, and the act required that the Secretary of the Senate and Clerk of the House oversee the transfer of all records of Congress to the National Archives. That provision, as it relates to this body, has been incorporated in Senate Rule XI.

The transferral of records to the National Archives is a continuous process, and as we complete the work of the Ninety-sixth Congress there will be numerous shipments of non-current records to the Archives from the various Senate committees. These committee records comprise the largest share of Senate records at the Archives, and also pose the greatest problems in archival management. Even before the first transfer of records to the Archives, Senate rules required that all records on measures referred to committees, and not reported upon, be returned (for safekeeping) to the Secretary of the Senate at the close of each session. This apparently was done; but the rule made no provision for transfer of papers which the committees had received directly, such as letters from the president or communications between the chairman of the committee and the executive departments, nor was correspondence from the public included. Some committees returned all of their files to the Secretary, while others retained or destroyed their records.

There are no records at all for many committees for a number of Congresses, and only the most perfunctory material survives for many others. I am told that the surviving records of the Foreign Relations Committee for much of the 1930's, when important neutrality issues and other foreign policy matters were under discussion, can be fitted into a single envelope—and this only because the material was discovered behind a file cabinet some years later. Conversely, for other committees there is an abundance of material. Students of Indian policies, for instance, have good reason to thank Albert A. Grorud, clerk of the Senate Indian Affairs Committee from 1927 to 1952. While the official papers of the committee for those years are infinitesimal, Grorud saved his own files on the committee's activities which fill 141 boxes in the Archives.

Other committees have retained their past records in storage spaces here in the Senate Office Buildings, often to be forgotten for many years. Under the direction of Chairman John Stennis, the Senate Armed Services Committee, not too long ago, shipped some nine hundred boxes of its non-current papers—some dating back to the Military Affairs and Naval Affairs Committees as early as 1901. These records comprise a magnificent testimony to our Nation's defense policies in the twentieth century and will be of immeasurable use to military historians in the future. Carefully inventoried and screened for sensitive and classified materials, this collection is being made available to researchers on a case-by-case basis.

For those committees which transfer their non-current records at regular intervals, say at the end of each Congress, there are also many troublesome considerations. What should they save? What will be useful to researchers in the future? And what will merely waste space? For some time now the National Archives and the Senate Historical Office have been preparing a guidebook for Senate committees with recommendations on the types of records to save and those to discard. But this is a very sensitive chore, for one cannot completely predict the research needs and imaginations of the future.

For example, a great many of the records of the Congress at the Archives are from citizens, citizens exercising their right under the First Amendment "to petition Government for a redress of grievances." These petitions come in all shapes and sizes, from a single sheet of paper signed by one or more people, to great rolls of paper with thousands of signatures. Recently a professor from the State University of New York at Oswego, Judith Wellman made use of the petitions of women abolitionists from upstate New York in the 1830's. By carefully examining the signatures on the petitions and the addresses they gave. Dr. Wellman was able to describe in considerable detail the distribution of women abolitionists in this critical period of pre-Civil War agitation. After 1840. however, she found that many of the petitions were destroyed; and she describes how "the late Dr. C. H. Van Tyne used to tell his classes at the University of Michigan how, when he was making his Guide to the Archives of the Government of the United States, he found a caretaker in the Capitol keeping his stove hot with bundles of antislavery petitions. "There were so many of them," the caretaker said, "that those he used would never be missed."

Today, Senate records are in constant use by a wide variety of researchers. During 1979 alone, the National Archives responded to approximately five thousand research requests for information found in the Senate records. Besides the academic user, there are also law firms who consult judicial nomination files to study federal judges; and there are even prisoners who write to the Archives for background information on the law that they were convicted of violating! Among the largest on-going research projects are the various publications of the National Historical Publications and Records Commission, within the National Archives. These massive searches to find, edit, and publish the letters of great Americans have included the edited papers of such senators as John C. Calhoun, Henry Clay, Jefferson Davis, Andrew Jackson, Andrew Johnson, and Daniel Webster, as well as microform editions of the papers of Albert Gallatin, Timothy Pickering, and William Plumer. In addition, the editors of many other publications projects, covering the lives of Americans, great and humble, have combed through Senate records looking for appropriate correspondence.

Mr. President, I shall submit for the RECORD at the conclusion of my remarks a list of edited works using the papers of the Senate.

Mr. President, I should also like to give some flavor of the records of the Senate housed in the National Archives. One of the most fascinating groups of papers is the so-called "McCook Collection." This collection of particularly rare presidential papers was initiated by Secretary of the Senate Anson McCook who culled them from the larger body of Senate records during the 1880's. He chose at least one document from each president. There is Washington's list of Cabinet officers. There is John Adams nomination of his son John Quincy Adams to be minister to Prussia. There is Abraham Lincoln nomination of U.S. Grant as Lieutenant General in the Army. There are Supreme Court nominations ranging from John Marshall to Thurgood Marshall. There is John Kennedy's message concerning the Nuclear Test Ban Treaty. To turn the pages of these volumes—which for years were maintained by the Secretaries of the Senate until they were finally transferred to the Archives—is to travel across nearly two centuries of American history.

Some years ago, the legislative reference division at the Archives compiled a list sampling some of the more memorable documents of historical interest in the records of the Senate. Mr. President, I shall submit this list for the RECORD at the conclusion of my remarks.

Mr. President, although my remarks today deal primarily with the official records of the Senate, I would like to mention briefly another important body of material without which it would be impossible to study and fully understand the Nation's past. I am referring to the papers of the 1,735 men and women who have served as members of this body during its 191-year history. Technically, these papers belong to the senators in whose offices they were assembled and created. More appropriately, however, they belong to the Nation. In this spirit, senators over the years have deposited and eventually donated their office files and personal papers to approximately 350 universities, colleges, historical societies, and other educational institutions across the breadth of our country. Recently, I made arrangements with West Virginia University in Morgantown to deposit my papers in the hope that future generations will benefit from them.

In September 1978, the Senate sponsored a Conference on the Research Use and Disposition of Senators' Papers. In addressing that gathering of 250 historians, archivists, and congressional staff. I noted that "certain senators have eclipsed even sitting presidents in the influence they exerted on our national destiny and have long since been remembered when presidents have been forgotten." I reminded those present that "many important documents from the records and files of such senators have vanished, or have been destroyed over the years," and I called for action to establish preservation standards for senatorial records. I am glad to hear that work is well under way to develop such standards, drawing upon the experience of historians, archivists, and those who work with these records here in the Senate.

Early in 1981, the Senate Historical Office plans to publish an extensive catalog of locations of former senators' papers. This publication is the product of five years of labor. It will facilitate the use of these valuable collections and will be the first in a series of publications prepared in connection with the commemoration of the Senate's forthcoming bicentenary.

Mr. President, I came to the United States Senate as a senator from West Virginia in January 1959. When the Ninety-seventh Congress opens in January, only eight other members of the Senate will have been serving that long or longer. When I arrived, the Senate included such figures as Lyndon Johnson, Richard Russell, John F. Kennedy, and Hubert Humphrey. They now belong to history. Over the twenty-two year period—beginning in January 1959 and ending January 5, 1981—174 Americans will have taken the oath to become senators of the United States. Of that number, fifty-six senators in the Ninety-seventh Congress will be serving in their first six-year term, and our collective memory of men and events in this institution will be growing shorter. This should alert us to take care that our records are preserved, here on the floor, in our personal offices, and in our committees. The nature of our responsibilities as United States Senators fixed our attention on the present and the future; but we must not forget our heritage, being ever mindful of the inscription on the National Archives building. Indeed, "The Past is Prologue."

Mr. President, I ask unanimous consent to have printed in the RECORD the two attachments to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDITED WORKS USING PAPERS OF THE SENATE

The National Historical Publications and Records Commission makes plans, estimates, and recommendations for the publication of important historical documents and works with various public and private institutions in gathering, annotating, and publishing papers and records of national historical significance. It also assists agencies and institutions in gathering, arranging, describing, and preserving significant papers and records. The Commission makes grants from an annual appropriation of $4,000,000. The following Publications projects have used the Records of the United States Senate or papers of United States Senators in providing scholarly book and microform publications for the public:

BOOK EDITIONS

The Adams Papers, Massachusetts Historical Society, 23 vols. to date.

The Papers of Jane Addams, University of Illinois at Chicago Circle, book and microfilm editions.

Baker Maritime Journals, Eastern Michigan University.

Papers of Black Abolitionists, Florida State University, book and microfilm editions.

Papers of William Cullen Bryant, Tusculum College.

Papers of Aaron Burr, New York Historical Society.

The Papers of John C. Calhoun, South Carolina Department of Archives and History, 12 vols. to date.

The Lydia Maria Child Papers, The University of Massachusetts, Amherst, book and microfilm editions.

Circular Letters of Congressmen to Their Constituents, Institute of Early American History and Culture, complete in 3 vols.

The Papers of Henry Clay, University of Kentucky Research Foundation, 5 vols. to date.

The Papers of Jefferson Davis, Jefferson Davis Association, 2 vols. to date.

Papers of Eugene V. Debs, Indiana State University, book and microfilm editions.

Documentary History of the First Federal Congress, The George Washington University, 3 vols. to date.

The Documentary History of the First Federal Elections, University of Wisconsin Research Foundation, 1 vol. to date.

The Documentary History of the Ratification of the Constitution, University of Wisconsin Research Foundation, 3 vols. to date, including microfiche supplements.

Documents Illustrating the Impact of the American Revolution in the British West Indies, Island Resources Foundation.

The Papers of Frederick Douglass, Yale University, 1 vol. to date.

The Papers of Benjamin Franklin, Yale University, 21 vols. to date.

Freedmen and Southern Society: A Documentary Record, University of Maryland.

The Expeditions of John Charles Fremont, University of Illinois, 2 vols. to date.

The Papers of Daniel Chester French, National Trust for Historic Preservation.

The Papers of Marcus Garvey and the Universal Negro Improvement Association, 1910–1940, University of California at Los Angeles.

The Papers of Samuel Gompers, The University of Maryland.

The Papers of Ulysses S. Grant, Southern Illinois University, 2 vols. to date.

The Papers of Nathanael Greene, The Rhode Island Historical Society, 1 vol. to date.

The Papers of Alexander Hamilton, Columbia University Press, 26 vols. to date (complete except for an index volume).

The Papers of Joseph Henry, Smithsonian Institution, 2 vols. to date.

The Papers of Andrew Jackson, University of Tennessee.

The Papers of John Jay, Columbia University, 1 vol. to date.

The Papers of Thomas Jefferson, Princeton University, 19 vols. to date.

The Papers of Andrew Johnson, University of Tennessee, 4 vols. to date.

Papers of John Paul Jones, U.S. Naval Academy.

Lafayette and the Age of the American Revolution, Cornell University, 1 vol. to date.

The Papers of Benjamin Henry Latrobe, Maryland Historical Society, 2 vols. to date.

The Papers of Henry Laurens, South Carolina Historical Society, 7 vols. to date.

Journals of the Lewis and Clark Expedition, University of Nebraska.

The Papers of William Livingston, New Jersey Historical Commission, 1 vol. to date.

The Papers of James Madison, University of Virginia, 12 vols. to date.

The Papers of John Marshall, College of William and Mary, 2 vols. to date.

Papers of Carlos Montezuma, Klein Independent School District, Texas.

The Papers of Robert Morris, 1781–84, Queens College of the City University of New York, 4 vols. to date.

The Papers of Frederick Law Olmstead, American University, 1 vol. to date.

Selected Papers of Charles Willson Peale and His Family, National Portrait Gallery, Smithsonian Institution, book and microfiche editions.

The Journals of Zebulon Montgomery Pike, With Letters and Related Documents, University of Oklahoma Press, complete in 2 vols.

The Correspondence of James K. Polk, Vanderbilt University, 3 vols. to date.

The Papers of Chief John Ross, Southwestern Oklahoma State University.

Documentary History of the Supreme Court of the United States, 1789–1800, Supreme Court Historical Society.

Calendar of the Papers of Roger B. Taney, Ohio University Press.

Papers of William Thornton, The American Institute of Architects Foundation.

The Booker T. Washington Papers, University of Maryland, 8 vols. to date.

The Papers of George Washington, The University of Virginia, 4 vols. to date.

The Papers of Daniel Webster, Dartmouth College, 3 vols. to date.

The Papers of Woodrow Wilson, Princeton University, 31 vols. to date.

MICROFORM EDITIONS

The Josiah Bartlett Papers, New Hampshire Historical Society, 7 reels.

Aaron Burr Papers, New York Historical Society, 27 reels.

George Washington Carver Papers, Tuskegee Institute, 67 reels.

Papers of Albert Gallatin, New York University, 46 reels.

The Horatio Gates Papers, New York Historical Society, 20 reels.

The Microfiche Edition of the Papers of Benjamin Henry Latrobe, Maryland Historical Society, 315 microfiche.

Panton, Leslie and Company Records, University of West Florida.

Timothy Pickering Papers, Massachusetts Historical Society, 69 reels.

William Plumer Papers, New Hampshire Historical Society.

Richard Rush Papers, Nassau Community College.

Haym Salomon Papers, Jewish Historical Society.

Friedrich Wilhelm von Steuben Papers, University of Pennsylvania.

Papers of Daniel Webster, Dartmouth College, 41 reels.

NOTABLE SENATE RECORDS AT THE NATIONAL ARCHIVES

Inaugural address of George Washington, given at New York City, April 30, 1789.

Memorial sent to the Senate by Baron Friedrich von Steuben, August 25, 1789, stating his claim for compensation for services during the Revolutionary War. The memorial is accompanied by a 21-page statement which describes von Steuben's American activities in detail. Also in this file are three letters to von Steuben from George Washington, dated December 23, 1783, March 15, 1784, and November 10, 1787. The 1783 letter was written by Washington in Annapolis on the day of his resigning his commission; he refers in it to "this last moment of my public life."

Joint resolutions received from the House of Representatives in August 1789, containing the proposed Bill of Rights amendments. Also included are proposed Senate amendments. These resolutions have not been found in the records of the House in the National Archives, and these Senate records may therefore be referred to as the "originals."

Messages to the Senate from President Washington, March–August 1790, transmitting notices of ratification of the Bill of Rights from the various States.

Original of "A Bill to establish the judicial courts of the United States" (Judiciary Act of 1789), read first on June 12, 1789; includes amendments and Senate action on House amendments.

Message from President Washington, February 19, 1794, transmitting a letter to Congress signed by Chief Justice John Jay and the four associate justices, pointing out certain defects in the judicial system.

Farewell message of Vice President John Adams to the Senate, February 15, 1797, (in his handwriting) on the occasion of his assuming the Presidency.

Alien and Sedition Acts of 1798. Originals of "A Bill concerning aliens," introduced May 4, 1798, and "A Bill to define more particularly the crime of treason and to define and punish the crime of sedition," introduced June 26, 1798.

Message from President Adams, January 8, 1800, enclosing a letter from Martha Washington of December 31, 1799, consenting to George Washington's interment in the Capitol.

Farewell message to the Senate from Vice President Thomas Jefferson on his assumption of the Presidency, February 28, 1801.

Letter from President Madison to the President of the Senate, September 17, 1814, on the subject of accommodations for Congress after the burning of Washington; Madison said that chambers had been set aside "in the Public Building heretofore allotted for the Post and other Public offices."

Letter from Chief Justice John Marshall to Senator Dudley Chase, February 7, 1817, in support of a bill to publish Supreme Court opinions.

Missouri Compromise Bills. Original of Senate Joint Resolution 2, Sixteenth Congress, for the admission of Missouri; printed copy of H.R. 17, for the admission of Maine, and Senate amendments which added the Missouri bill to it; and manuscript Senate amendment to exclude slavery in the Louisiana Purchase north of 36°30′.

Annual message of President James Monroe, December 2, 1823, containing the Monroe Doctrine.

Message to the Senate from the House, February 9, 1825, announcing their election of John Quincy Adams as President of the United States.

Letter from Secretary of State Henry Clay, transmitting laws of the Legislative Council of Florida Territory, March 22, 1826, in response to a Senate resolution.

Letter from Senator Daniel Webster to Michigan Territorial Delegate A. E. Wing, February 28, 1832, inquiring about "the general character of Judges Woodbridge and Doty" of Michigan; the letter is filed with the nomination papers on the judges.

Tabulation of the vote of the Senate to elect a Vice President February 8, 1837, the only time such an election has occurred; Richard Johnson of Kentucky defeated Francis Granger of New York, 33 to 16.

Letter from the Mayor of Alexandria to Senator Haywood, Chairman of the Senate District of Columbia Committee, January 20, 1846, in support of the retrocession of Alexandria to the Commonwealth of Virginia; two resolutions of the Alexandria Common Council are enclosed.

Letter from Millard Fillmore to the Senate, July 10, 1850, addressed by way of Secretary of the Senate Asbury Dickins, giving formal notice that he would no longer "occupy the chair of the Senate" due to his accession to the Presidency on the death of Zachary Taylor.

Petition to the Senate from Samuel Colt, January 7, 1858, asking for an extension of his patent for "Colt's repeating fire arm." Colt describes his business problems since 1836 at length, saying that his gun did not become really successful until the outbreak of the Mexican War, when it was used by "the Texan rangers."

Protest signed by forty-four members of the Pennsylvania House of Representatives and fifteen members of the Pennsylvania Senate against the seating of Simon Cameron as a Senator from that State, March 9, 1857; electoral irregularities were alleged.

Message from President Abraham Lincoln, February 28, 1863, transmitting copies of addresses to him from meetings of workers in Manchester and London, England, expressing appreciation for preliminary emancipation of slaves; also included are letters from Minister Charles Francis Adams and Secretary of State William Henry Seward.

Papers of the Senate Committee on the Pacific Railroad, Fortieth Congress, relating to an investigation of the issuing of bonds for the Union Pacific Railroad by the Government; included are a "List of Stockholders of the U. P. R. R. Company" with the names of Thurlow Weed, Brigham Young, and Tiffany and Company" and a "Report of Geologist of the U. P. R. R.," January 1, 1864, concerning possible mineral-producing areas in the Rocky Mountains.

Papers relating to the impeachment of President Andrew Johnson, including original transcripts of testimony taken by the House managers, May–June 1868; exhibits used in the trial; ballots taken in the Senate; and a letter from Chief Justice Salmon P. Chase with observations on the proper mode of conducting the trial.

Petition signed by Susan B. Anthony and Elizabeth Cady Stanton as officers of the National Woman Suffrage Association, January 22, 1873, asking for legislation "to protect women citizens . . . in their right to vote."

Tabulation of the 1876 electoral vote as counted in the Senate on March 1, 1877, showing Rutherford B. Hayes as the winner by one vote.

Memorial signed by authors Thomas Bailey Aldrich, Oliver Wendell Holmes, and John Greenleaf Whittier, February 15, 1883, asking the retention of the 25 percent tariff on printed books in the interest of United States publishers.

Transcripts of hearings held by the Senate Committee on Civil Service and Retrenchment on S. 133, Forty-seventh Congress, the bill which became the Pendleton Act and established the Civil Service Commission.

Omnibus Statehood Bill (S. 185), Fiftieth Congress. The different copies of this bill reflect its changing versions before final passage on February 22, 1889, when it provided for the admission of North Dakota, South Dakota, Montana, and Washington. Earlier drafts would have admitted "Dakota" only and organized a new territory to be known as "Lincoln" or would have admitted South Dakota only.

Original of S. 1, Fifty-first Congress, a bill to protect trade and commerce against unlawful restraints and monopolies (Sherman Act), July 2, 1890. Included are various proposed amendments.

Typed transcripts of confidential Senate debates relating to the Spanish-American War and Hawaiian annexation, held in "secret legislative session" on April 25, May 18, and May 31, 1898. These transcripts amount to 274 pages and were first made public by Senate Resolution 69, Ninety-first Congress, January 10, 1969.

Message of President William McKinley, January 30, 1899, submitting a list of Army officer nominations, including that of Theodore Roosevelt to be Brigadier General by brevet of the First Volunteer United States Cavalry, for gallantry in battle in Cuba, July 1, 1898.

Papers of Foreign Relations Committee relating to the Treaty of Versailles, Sixty-sixth Congress, including numerous typed drafts of proposed reservations, some marked with the author's name; a draft resolution of ratification marked "Draft submitted by HCL to committee"; roll call votes of the committee on reservations and amendments; and two letters from President Wilson to Senator Lodge, August 8 and August 15, 1919, relating to a request for papers and arrangements for meeting with the committee.

Letter from Secretary of the Interior Albert B. Fall to Senator James Wadsworth of the Military Affairs Committee, September 9, 1922, in support of a bill to reinstate Henry Flipper as an Army officer. Flipper, a longtime associate of Fall, had been the first black to graduate from West Point.

Letter (5 pages) from Mrs. Herbert Hoover to the Chairman of the Senate Appropriations Committee, April 24, 1924, discussing the public schools of the District of Columbia and making an appeal for increased appropriations.

Message from President Calvin Coolidge, January 12, 1926, submitting the "Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or other Gases, and of Bacteriological Methods of Warfare." This treaty was never ratified.

Letter from President Herbert Hoover to Senator Wesley Jones of the Appropriations Committee, April 18, 1930, expressing alarm at a number of appropriation bills favorably reported which would produce a deficit of some $400 million if passed.

President Franklin Roosevelt's Pearl Harbor message, with alterations in his handwriting, December 8, 1941.

Message of President Dwight D. Eisenhower, April 2, 1958, recommending a "national space program" and the creation of a "National Aeronautics and Space Agency."

Message of President John F. Kennedy, March 2, 1961, asking for the establishment of a Peace Corps.

The records of the Senate in the National Archives also include records created by many prominent investigative committees, both special and standing. Some of the more outstanding are listed below, with estimates of the quantity of their records:

Special Committee Investigating the Munitions Industry (Nye Committee). 1934–1936; 200 cubic feet.

Special Committee to Investigate the National Defense Program (Truman Committee). 1941–1948; 400 cubic feet.

Subcommittee of the Committee on Interstate Commerce to Investigate Interstate Railroads. 1935–1943; 500 cubic feet.

Joint Committee on the Investigation of the Pearl Harbor Attack (Alben W. Barkley, Chairman). 1945–1946; 40 cubic feet.

Special Committee to Investigate Organized Crime in Interstate Commerce (Kefauver Committee). 1950–1951; 87 cubic feet.

Senate Select Committee on Presidential Campaign Activities (Watergate/Ervin Committee). 1973–1974; 300 cubic feet.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have no need for my time this morning and I yield it back.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, will the majority leader permit me to speak on that subject for a moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I am advised that both the Senator from Oklahoma and the Senator from New Mexico (Mr. DOMENICI) procured their special orders for this morning in order to talk on matters related to the budget, and they wish to speak in sequence. The way the orders read at the present time, I believe, they are interrupted by a special order in favor of the Senator from Illinois (Mr. PERCY). Is that not correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. I wonder, Mr. President, if the majority leader would consider a request that the order be changed so that Mr. PERCY's order would appear first to be followed by Mr. BELLMON and Mr. DOMENICI.

Mr. ROBERT C. BYRD. Mr. President, I make such request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the majority leader.

Mr. President, I also must tell the majority leader that the Senator from Illinois is not here at this moment. I understand the constraints of time we have this morning, but I think we have no other alternative except to await his arrival and charge that time against his special order this morning.

Mr. President, might I suggest, if the majority leader is agreeable, that while we are awaiting the first speaker we charge the time so utilized pro rata against the three special orders.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR BELLMON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized.

Mr. BELLMON. I thank the Chair.

THE FEDERAL BUDGET

Mr. BELLMON. Mr. President, over the 6 years I have worked within the scope of the congressional budget process, both as ranking member of the Budget Committee and as a Member of this legislative body, I have been pleased with the progress that Congress has made in understanding and controlling the immensely complex Federal budget. With a few exceptions that I shall enumerate elsewhere today, the 1974 Budget Act has proven to be an effective tool for establishing budgetary control and decisionmaking. But, complexity demands precision, Mr. President. There are nearly 2,000 individual accounts in each budget. The individual analysts of the Budget Committee staff must analyze nearly 1,000 bills each year having budgetary significance. The Budget Committee itself is required by the act to produce two budgets each year after carefully weighing the most recent economic and programmatic trends. It would be a travesty, Mr. President, to bury the extraordinary efforts of everyone concerned by anything but the most up-to-date and accurate budget data possible, and to produce a budget that is anything less than the most up-to-date and accurate reflection of spending priorities possible is unacceptable.

To the extent that the budget process has helped us better assess national priorities and needs in Federal programs in light of projected economic circumstances—and I believe it has served us exceptionally well in this regard—it has done so because the budget numbers and forecasts that the committees produced were the best available to them. Budget forecasts were never concocted or embellished.

Just 3 weeks ago, Congress approved a ceiling on Federal expenditures for fiscal year 1981 of $632.4 billion. I noted at the time, and I should like to reiterate now, Mr. President, that without further restraint this ceiling is not only lean and tight—it is impossible to meet! Unless legislative changes are made in existing programs—primarily entitlements—this ceiling understates fiscal 1981 spending by at least $11 billion and probably more.

Let me state that again for emphasis: The budget ceiling we have approved, $632.4 billion, understates fiscal 1981 spending by at least $11 billion and probably more, depending upon economic trends.

When the budget was marked up nearly 3 months ago, the outlay ceiling was based upon an economic scenario with a fiscal year inflation rate of 10.9 percent, an unemployment rate of 8.5 percent, and an interest rate on the 3-month Treasury bills of 10.13 percent. Inflation in the latest month was 12.7 percent and, as we all know, the prime rate has again risen to 18½ percent.

That has an enormous impact on our budget because of the huge Federal debt that we pay interest on.

If the economy had suddenly undergone some sudden and unpredictable shock the striking difference between budget assumption and fact would be understandable. But the fact is, Mr. President, that there has not been any such shock. The economy will have a profound impact on the level of Federal outlays in fiscal year 1981, and we knew it when the budget was approved. The amount of understatement, primarily in the interest function, is at least $1.5 billion and could be several billion dollars more, depending upon what happens to interest rates.

Furthermore, recent estimates on spend out rates for various entitlement programs indicate that outlays for these programs are understated by at least $2.5 billion. For example, while the budget resolution assumes that food stamps will cost $9.5 billion, recent CBO and USDA estimates indicate that $11 billion is a more realistic estimate.

Appropriations actions reported and through conference will produce spending at least $2.5 billion above the levels assumed in the second concurrent budget resolution. Because of economics and program changes, the $6.4 billion assumed in reconciliation savings, will, in fact, be only $4.6 billion of savings—a further loss of $1.8 billion relative to the resolution. Disaster relief will add another $1.9 billion in appropriations requirements above the amount contained in the budget resolution and a possible $2.1 billion additional may be required to resolve the Penn Central situation. Experts also tell us that $4.0 billion of loan assets sales, which would otherwise reduce the overall level of outlays may not, because of unfavorable interest rates, occur during fiscal year 1981.

All told, Mr. President, it is quite possible that the $632.4 billion budget is understated by $16.3 billion that we know of now—certainly by $11 billion that is accomplished legislation—unless the Congress is able to engage in some heretofore unseen heroic program reconciliations. It is my understanding as well that the continuing resolution will do nothing to reduce this problem.

As a matter of fact, it may exacerbate the overage by taking the higher numbers in the House-passed bill, although there will be an amendment today that may change that situation.

Mr. President, we know this situation now—in December 1980. The Federal deficit, without further action by Congress or the administration, threatens to be around $40 billion or more—not the $27.4 billion voted on the second budget resolution.

Let me say that again for emphasis, Mr. President. From what we know now, the deficit for fiscal year 1981 is likely to be somewhere around $40 billion and not the $27.4 billion voted in the second budget resolution.

It should not come as a surprise to anyone that President Reagan will likely be forced to reestimate the budget total upwards before he can even begin to propose budgetary savings. Through no fault of a Reagan administration, the President-elect will be forced sometime next year to submit to Congress the Nation's first request for a trillion-dollar-debt ceiling. The point is, Mr. President, that this Congress has placed the new administration in a difficult position by not recognizing the true costs of its own actions.

I will not be back next year to face the difficult task that most of my colleagues will face—finding difficult cuts in a budget that is growing rampantly. I am confident that the new chairman of the Budget Committee, my friend from New Mexico (Mr. Domenici), the committee members and the Congress will strive diligently to bring control to the deteriorating condition of our national finances. I would further hope, Mr. President, that when the supplementals, third budget resolutions or, more hopefully, thoughtful initiatives to reduce spending are proposed next year, that we all remember that this was a foreseeable circumstance—not one brought about by a new Republican Senate or a new Reagan administration but by many years of excessive Federal spending—and excesses which were not recognized by Congress second budget resolution, with the understatement of spending which I have outlined.

Mr. President, I ask unanimous consent that a table I have showing these overages be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Possible overages compared to second budget resolution

	Billion
Outlays in second resolution	$632.4
Overage due to:	
Higher interest costs	+1.5
Spending for entitlement programs	+2.5
Appropriations bills reported	+2.5
Reduced reconciliation savings	+1.8
Disaster relief	+1.9
Penn Central bailout	+2.1
Reduced loan asset sales	+4.0
Total possible overage	+16.3
Total potential outlays	648.7

Mr. DOMENICI. Will the Senator yield me 5 minutes?

Mr. BELLMON. I am very happy to yield to my friend.

Mr. DOMENICI. Mr. President, Senator Bellmon has spelled the situation out quite clearly—the second budget resolution passed just 3 weeks ago has understated the level of outlays under current law by $11 to $16 billion. This is not a situation that has suddenly overtaken us. It is not something that we just discovered. Senator Bellmon and I both discussed the problem during floor consideration of the budget resolution. The deficit threatens to be $50 billion in fiscal year 1981.

Mr. President, I am not saying this to be an alarmist—there is every evidence that people knowledgeable of such matters are well aware of this prospect. I am reiterating the probability to remind us all of the task the Reagan administration undertakes as they face the prospect of finding and effecting substantial cuts in a budget which will have been appropriated and in place for 6 months before their actions can be made effective. The second, budget resolution calls for spending ceiling of $632.4 billion, revenues of $605 billion, a deficit of $27.4 billion and a public debt not to exceed $978.6 billion. President-elect Reagan has vowed to trim 2 percent from this budget. But everyone should note that he will not be trimming from a $632.4 billion base but rather a $643 to $650 billion base. And, the new President has been willed this out-of-control budget by us, by this Congress and this administration—not a $978.6 billion public debt—but a public debt which will, for the first time in our Nation's history exceed $1 trillion.

Appropriation bills reported and conferenced exceed budget assumptions by at least $5 billion.

Reconciliation achieved $2.2 billion less savings on the deficit than the Senate resolution envisioned.

Spending is estimated to be running $2.5 billion ahead of budget assumptions due mainly to the inability of this Congress to bring entitlement programs under control.

Disaster relief and business bailouts may add another $1.9 billion and economics may dictate another loss of $4 billion in asset sales, which Senator Bellmon already mentioned.

The budget is indeed out of control. It will take great effort and persistence by the administration and every Member of Congress to bring the budget into rational alinement with our means—to preserve the $27.4 billion deficit of the second budget resolution—let alone cut below the $632.4 billion spending ceiling. We know this now—with President Carter in the White House and a Democrat Congress—and honesty demands that we admit it. The budget that President Reagan will have to cut is not $632.4 billion but more like $650 billion.

Mr. President, yesterday we passed a historic reconciliation bill—a first in the 200-year history of this legislative body. I can assure my departing colleague from Oklahoma that this Senator will do what he can to use the tools of the budget process to achieve budget control and reverse the present course of runaway spending.

Mr. BELLMON. Mr. President, I thank the new chairman of the Budget Committee (Mr. Domenici) for his statement.

Frankly, I want to apologize to Senator Domenici for the problems he is going to inherit as chairman of the Budget Committee. It had been my hope that we could, through the budget process, achieve balance in the budget. It looked for a time early this year that we might be able to do that. But with recent economic trends and with the rapid rise in interest rates, along with the underfunding of programs, which we have discussed this morning, it appears to me that the problems facing the new administration and the new Budget Committee next year will, absolutely, be monumental.

We are setting up a situation here which is going to make it almost certain that——

The ACTING PRESIDENT pro tempore. The Chair would inform the Senator that the time has expired.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DOMENICI. Was there a second order for the Senator from New Mexico?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has a special order.

Mr. DOMENICI. Is the Senator from New Mexico in order now to use his?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator's order was to follow that of the Senator from Oklahoma.

Mr. DOMENICI. I yield as much of my time as the Senator from Oklahoma wants.

Mr. BELLMON. Mr. President, as I was saying, the net result of what we have done here is to leave an enormous headache for the new administration and for the new Budget Committee.

It is very likely that rather than being able to produce the kinds of reductions in Government spending which President Reagan has anticipated, that just to live up to the programs Congress has already passed, which are underfunded by something like $16 billion, the new administration may be forced to send up a supplemental early in the new term which will make it appear they are actually increasing spending when, in fact, all they will be doing is trying to be honest and admit what the bills already passed will cost.

I hope the record will be plain. It is understated by something in the range of $16 billion, certainly more than $11 billion, and it will be a tremendous problem to avoid having what appears to be increased Government spending in this first fiscal year. It will be fiscal year 1982 before the new administration can really get a handle on fiscal affairs, although I hope they will make some monumental efforts early on to produce fiscal responsibility.

So I say to my friend, the new chairman of the Budget Committee, we have left him a lot of headaches. I know the Senator will be able to accomplish a good deal. But I wish we were leaving this Nation's fiscal affairs in better shape.

Mr. PERCY. Will the Senator yield for a question?

Mr. BELLMON. The Senator from New Mexico has the time.

Mr. DOMENICI. Yes.

Mr. PERCY. I would like to put this question to both my colleagues.

In the Governmental Affairs Committee, then the Government Operations Committee, I worked for 3 years on budget reform, the original bill I introduced with Senator Ervin, and Senator Muskie joined us. We put about 3 years in on it.

At the time we did so, we said then that no matter how hard we worked on it, it would probably be an imperfect process.

We had immeasurable help from Senator Robert C. Byrd, because it involved the rules of the Senate and the precedents we wanted to meet, the firm dates which made it the pending business, to give every power possible to the Budget Committee.

Of course, we did have, at first, some stiff opposition from the Appropriations Committee, and then understanding from the Appropriations Committee.

The budget process has far exceeded our expectations as the authors of that legislation. It is attributable in great part to the leadership we have had. Senator Bellmon has done a tremendous job. He has been a Governor, has had a budget, knows what it was like to work with his own legislature, and he has done a masterful job. Ed Muskie did a great job in being chairman; and, of course, Senator Hollings is the subsequent chairman and has worked closely with Senator Bellmon.

The teamwork and bipartisanship have been absolutely remarkable. We could not be more pleased. Of course, now we will have a Republican chairman, Senator Domenici, whose devotion to the budget process and the energy he has put into it have been remarkable.

I have made the decision to leave the ranking minority membership and to give up the chairmanship of the Governmental Affairs Committee and to move to the chairmanship—if my colleagues see fit to elect me—of the Foreign Relations Committee. I will be the second ranking minority member of the Governmental Affairs Committee.

I have had discussions with Senator Roth, who is a full supporter of the budget process. He has a set of priorities that I have concurred with completely and on which I wish to work with him. But I have said to him that one of the most important things to me on which I would like to continue the continuity in the subcommittee I will chair would be oversight on the budget process.

In the discussions Senator Bellmon and I have had about the process, there have occurred to him, I know, certain thoughts—now that he has had the experience of a number of years—as to modification, changes, and improvements we could make in the process. I assume that those would be coordinated with the new chairman of the Budget Committee, Senator Domenici. We would be honored and pleased to have hearings—I will coordinate this with Senator Roth, who will be chairman—and give Senator Bellmon, the new chairman, and Senator Hollings the opportunity to appear before our committee, to see what changes, if any, can be made to improve and refine the process.

I ask Senator Bellmon if that is in accordance with his wishes—that he appear before the committee at a time convenient to Senator Roth, the committee, and himself, to help us with the process of perfecting an instrument that has worked well and that we feel now, in the light of Senator Bellmon's experience, can be made to work even better.

Mr. BELLMON. Mr. President, first, I commend Senator Percy for the inspired work that was done in developing the Budget Act. I believe it is an act that has served Congress and the country extremely well.

Frankly, I am amazed at the insights and the understanding that went into the development of the act. Personally, I had nothing to do with it. I know the key role Senator Percy had, and I commend him publicly at this time for the great contribution he has made. I consider the Budget Act to be probably the single most important action Congress has taken in the 12 years I have been here.

In response to the question by Senator Percy, I state that I have prepared a lengthy letter to Senator Percy, at his request, which details many changes in the Budget Act that I feel would strengthen the process. This letter will be in the mail before the end of the day; and if the Senator has no objection, I hope to put it in the Record tomorrow, so that other Members may know about the suggested changes.

The act, fundamentally, is sound. There are some slight variations that experience has proved are needed.

I would be happy to return to Washington and appear before the Governmental Affairs Committee to present these suggestions and to respond to any questions Members might have. I have not shown the letter to Senator Domenici, but I will do so.

Mr. PERCY. I thank my distinguished colleague. If he will remain in the Chamber until my special order comes up, I should like to ask him an additional question.

Mr. DOMENICI. Mr. President, how much time do I have remaining on my order?

The PRESIDING OFFICER (Mr. Ford). Four minutes and twenty seconds.

Mr. DOMENICI. Mr. President, I should like to respond to Senator Percy's inquiry about hearings on the Budget Act.

It is my understanding that the Governmental Affairs Committee and the Budget Committee have joint jurisdiction with reference to amendments. I say this to Senator Percy: It needs oversight and probably needs a number of amendments. I believe we should work together—Senator Percy, Senator Roth, and I—to see whether it might be better to hold some joint hearings. I think we have some built-in insights since we have been living with it.

Senator Bellmon will be giving us his experience. However, it might be better to hold them jointly, so that the product that comes out is already tempered by the experience and the general jurisdiction of the Governmental Affairs Committee in the area. Perhaps we could leave that issue open and discuss it as we get our new committee in full swing and see what our workload is in terms of the first resolution, and leave that issue open.

I just want Senator Percy to know that, yes, we think some amendments are necessary and we want to work on them. We probably want to work with him, rather than have two separate thrusts.

Mr. PERCY. Mr. President, I respond in this way to my distinguished colleague:

We do have joint jurisdiction. It was intended that way. We welcome it. We do find sometimes, when a committee is reorganizing itself, and it may come up, that we need more authority, more power, which might detract something from other committees. There might be an advantage then in having the Governmental Affairs Committee handle that aspect of it, because we fought that battle. We fought it with every committee in the Senate.

We fought that down the line. The Rules Committee and Senator Robert C. Byrd could not have been more helpful in helping us and having the Appropriations Committee see that there had to be some yielding of turf and territory if we were going to get anyplace. It would determine whether this Congress had a budget and the discipline. We had to stop this pellmell appropriating of money in the last few days of a session, when no one even knew what we were doing.

That is all out the window now. We have to go back to the discipline of meaning it when we say that we start the fiscal year on October 1, that we have the budget October 1, and that we do not let it slip the way we did this year for the first time.

I believe this matter should be held in abeyance. It can be discussed with Senator Roth. He will be the chairman. The basic decision should be worked out jointly with us. If it would save everyone's time, perhaps joint hearings could be held and we each could come up with our own report. But let us take the onus of fighting some of the battles of the Senator's committee, battles in which the Senator's committee may not be quite successful. We, with our independent jurisdiction of organization, perhaps could do a more impartial job, but it must be done in cooperation, and really in cooperation with every other colleague in the Senate. That is the way we worked it out before, and that is the way we should work it this time.

I thank my colleagues.

Mr. DOMENICI. I thank the Senator.

Mr. President, I yield back the remainder of the time I have under my special order.

RECOGNITION OF SENATOR PERCY

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO SENATOR BELLMON

Mr. PERCY. Mr. President, before I begin the purpose for which I asked for time this morning, I say to Senator Bellmon that he is one of the finest colleagues I have ever worked with in any field I have been in—business, labor, education, Government, whatever it may be.

I saw him in his home State early in my career. I saw the affection and love people had for him. I saw the way he was devoted to his State and to his Nation. His service in the U.S. Senate has been magnificent, not only in the fields in which he has been involved immediately but also as to the breadth and depth and range of his knowledge.

At this time, I wish not only to acclaim him publicly for what he has done but also to tell him something that may please him. An idea that he has been working on, and we have been working on together, is to draw the relationship between a credible foreign policy and a strong national defense. I have talked this over with former President Nixon. I have just left breakfast with Dr. Brzezinski and discussed the matter of the National Security Council working on this problem.

I am pledged, as chairman of the Foreign Relations Committee, to carry on this concept and to work and hopefully have Senator BELLMON in Washington frequently to consult and help us.

I had a telephone call from a dear friend of mine, one of the most dedicated industrialists and outstanding businessmen in America today, who said that he was pleased that I was going to be the chairman of the Foreign Relations Committee. He knows that I am going to cut the budget 10 percent to start with, and we are going to try to get twice the output with 10 percent less money, and that is our goal. It is not going to be easy to accomplish.

But he is so impressed with what we think and what he thinks is necessary. In order to have a credible foreign policy we must have a strong national defense. We cannot be out there with strong words and a weak stick. We have to have power and force behind what we say.

When we say we draw the line this far and no farther in the Gulf and we have nothing out there, that is not a credible foreign policy when we scramble to get oil, steal it and take it away and expose other areas of the world as we have done.

This gentleman said he is so strongly and firmly of the mind that this is a concept that must be furthered that he will recommend as head of his foundation a grant of $½ million to $1 million be made available to any institutions that we can find and pick in this country that will do the best job, whether it is the Georgetown Institute of Strategic Studies or the Hoover Institute, whoever it might be.

I wish to counsel with my distinguished colleague as I did with Dr. Brzezinski, as I will with Dr. Kissinger and I certainly will with Governor Reagan and Vice President Bush when they are in office to work together with the administration, but also to do with now private funds to get some of the finest minds in this country working on one of the toughest problems we have. That, of course, leads me to the purpose of my calling for this time to talk about the economy and the commerce of this country and the interrelationship among having a strong economy, a balanced budget, a sound fiscal program, low unemployment, low interest costs and rates, low inflation—all of that relates to our defense establishment which in effect relates to our foreign policy.

If we have a real growth of 5 percent and we have 14-percent inflation that means we have a 19-percent increase in our budget for defense expenditures. Where do we get lower taxes? How do we get the incentive for capital formation? All of those things are tied together.

Senator BELLMON may be thinking he is leaving the Senate, but he is not leaving his fellow colleagues who are going to lean heavily on his vision and foresight and the way he has magnificently applied himself in the greatest tradition of the Senate. I think he has been one of the finest Senators whom this body has ever had the privilege to have, and I thank him from the bottom of my heart.

Mr. BELLMON. Mr. President, I am overwhelmed by the tribute which my good friend from Illinois has just made.

I wish to say only two things.

First of all, the news that the new chairman of the Foreign Relations Committee will press ahead to find a way to coordinate better our defense policy and our foreign policy is probably the best news I have had since I came to the Senate.

It has made no sense at all to me that we advance our defense spending by 2 percent, 3 percent, 5 percent, some arbitrary number, with no concept of whether or not we are actually forwarding our foreign policy objectives.

I believe the new chairman of the Foreign Relations Committee will be able to work with the new chairman of the Armed Services Committee to make certain that our defense establishment is able to forward our foreign policy objectives, and this is certainly great news to me.

Also I wish to commend the distinguished Senator from Illinois for the initiative he took in going immediately, even before he became chairman of the Foreign Relations Committee, to the Soviet Union and having conservations there with the highest officials of that government.

The world situation has developed now so there are only two nations that seem to have the capacity to sustain major arms conflict, and if we can somehow work out a better understanding with the Soviet Union we will go a long way in preserving peace on this planet.

I commend Senator PERCY for the initiative he took and the obvious successes he enjoyed while he was in the Soviet Union.

It seems to me that this Nation's foreign policy so far as the Senate is concerned is in very good hands for the next several years, and I am very pleased to be leaving the Senate with that knowledge.

Mr. PERCY. I thank my distinguished colleague very much.

I have one additional comment on the trip to the Soviet Union. I had an unusual meeting with the Defense Minister Ustinov whom very few Americans and very few Europeans have met. Chancellor Schmidt the night before I left asked that I make every effort to meet with him, with the Chief of Staff of the Military Forces of the Soviet Union. I spent 4 hours with them in conference. At the end of the meeting, I found he had never been to the United States of America, and I invited him to come to meet with the Foreign Relations Committee. I outlined the five goals that our new chairman of the Armed Services Committee, my distinguished colleague, Senator JOHN TOWER, had just the day before enunciated, that I picked up out of cabled traffic, the five goals of the United States of America, and I asked President Brezhnev, and I asked also others of his colleagues if they disagree with those goals as objective, reasonable goals for this country to have, and I found no real disagreement with them.

I said, "We would like to better understand what your goals are, where you would like to go, what is your objective and goal for your military establishment, for your political goals with respect to the Third World. Let us exchange ideas."

And if my distinguished colleague, JOHN TOWER, would be willing and would be joined by Senator PELL on the new minority side and Senator JOHN STENNIS on the new minority side, we could have a joint session together and just talk across the table and better understand each other.

That is going to be the beginning of the process that Senator BELLMON has alerted me to that we must do, and it is going to be, I think, an undertaking that will be worthy of his continuing interest and close association with us, and I welcome it.

PHIL KLUTZNICK

Mr. PERCY. Mr. President, election victories are joyful events for those in the winning party, but there is a certain personal regret in saying goodbye to people whom one knows and respects. I have asked the Senate leadership to set aside time this morning so that I and my colleagues might comment on one of the men with whom I have worked intimately and closely for so many years and for whom I have such great respect, Secretary of Commerce Philip Klutznick of the State of Illinois, a long-time friend and colleague in Government who will be greatly missed by all who have been privileged to know and closely worked with him through a part of his very extensive career as a businessman and public figure. In the year that he has served as a Cabinet member and trusted advisor to President Carter, Phil Klutznick has imparted his own high standards of dedication, management, and achievement to the Department of Commerce.

Although he has risen to national and, indeed, international prominence as a statesman, a businessman, and a humanitarian, Secretary Klutznick has remained a loyal son of the Midwest.Few men have worked harder for the people of their State and their city. The common purpose uniting Phil's achievements as vice chairman of the Illinois State Housing Authority, founder of the Urban Investment and Development Corp., and developer of Chicago's downtown Watertower Place and suburban Park Forest has been a passionate commitment to improve the community of which he is a vital part. Some men leave only monuments of stone; Phil's achievements are written in the lives of those who have benefited and will continue to benefit from his good works for years to come.

It was with both local and national pride that I recently joined many of Secretary Klutznick's friends in honoring him as he received the Adlai Stevenson Award for International Service from the United Nations Association of Illinois and Greater Chicago. I can think of no more worthy tribute to the memory of Adlai Stevenson than the career of his good friend and protege, Phil Klutznick.

No one, I believe, could better exemplify the ideals of public service than my friend Phil Klutznick. Others might have justifiably been content to reap the privileges, powers and honors that are the rewards of an eminently successful business career. Secretary Klutznick has instead chosen to dedicate his valuable time and remarkable energy to helping those in need both at home and abroad. As Ambassador to the United Nations Economic and Social Council he was an advocate of increased assistance to developing nations. Many remember his strong appeals before the General Assembly and his selfless work behind the scenes for what he called "a new impetus to national and international efforts aimed against poverty, illiteracy and disease in developing countries." A decade later, turning his words into works, Phil Klutznick as a member of President Ford's Advisory Committee on Indo-Chinese Refugees, assisted in the resettlement in the United States of thousands of people fleeing Southeast Asia.

In recognition of his many talents and as a tribute to the bipartisanship of his social vision Philip Klutznick has served under seven Presidents of the United States. Whether as a Commissioner of Federal Public Housing under President Roosevelt or as delegate to the U.N. under President Eisenhower or as Secretary of Commerce under President Carter, Phil Klutznick has left behind him a distinguished record of successes.

During his brief tenure at Commerce over the past year the Secretary has served the business community well. As a tireless manager he began his day in the early hours of the morning and often worked late into the night and sometimes—I have been there, I was there on one occasion at least, when it was very late indeed because when I left he contnued to stay right on with his work into the night. I understand from those whose privilege it was to serve under him that the Secretary demanded and received the same high measure of performance that he imposed upon himself. Bureaucrats and businessmen learned in very short order not to confuse humility and an unpretentious demeanor for firmness of purpose.

Knowledgeable of the ways of power in Washington the Secretary played a willing and vital role in the legislative process. I am particularly thankful to Secretary Klutznick for his involvement in enacting the shippers export declaration legislation which I sponsored. This legislation averted serious problems which would have arisen if our Nation's exporters' confidential information had become public.

Through his personal attention and contact with Congress, Secretary Klutznick has served the American business community well. Much credit, for example, must be given to him for his personal contributions toward the enactment of this year's patent reform legislation which should assist our Nation's ability to utilize our innovations, a subject we have discussed at great length personally, privately in his office a goal that he established for himself, and in a remarkably short period of time has accomplished an immense amount of good. Great progress has been made. Always happy to sell what he believes in, Phil has appeared before numerous committees of Congress to speak in favor of product liability insurance and export trading companies.

I know many of you have commented on the Secretary's willingness to meet with us in our offices to explore these and many other ideas he has to help American business. I think many of you have also learned what I knew long ago—it is very hard to say "No" to Phil Klutznick.

While the list of Secretary Klutznick's achievements at Commerce would easily consume the remainder of my allotted time I hesitate to conclude without making special note of his contributions to our domestic industry and our international trading posture. As cochairman of the Steel Tripartite Advisory Committee Secretary Klutznick worked to fashion a program that was applauded by industry and labor—no easy task for solving a problem that is critical to not only my State but to those of many of you in this Chamber.

Throughout his life Secretary Klutznick has believed in the economic benefits of free trade between nations and particularly the opening of new foreign markets to American exporters. Thanks in part to Secretary Klutznick that belief is becoming a reality. Recently it was my pleasure to attend the opening in Chicago of the America-China Trade Exhibit presided over by the Secretary of Commerce, which I had the privilege of cochairing, and which I believe is a great step forward.

Mr. President, I hope that in my brief remarks today I have shown that the accomplishments of Secretary Klutznick at the Department of Commerce are consistent with his long career of successful accomplishments in Government. Others who follow would do well to walk in the footsteps of Phil Klutznick. I wish my friend well in whatever challenge he chooses to rise to in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD my original statement in presenting the distinguished Secretary of Commerce to the Committee on Commerce on the occasion of his nomination.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. CHARLES H. PERCY, U.S. SENATOR FROM ILLINOIS

Senator PERCY. Mr. Chairman, it is with a great deal of pleasure that I appear before you for the second time now to present an Illinoisan for this post. I feel very strongly about this appointment, in part because I was asked to come down in a similar capacity by President Eisenhower and could not at the time.

Pete Peterson, my successor at Bell & Howell, made it, and I presented him to this committee and he served with great distinction. I have served with Mr. Klutznick in the business community for three decades in Chicago, and I think that coming from the heartland of America we like to look upon Illinois as the hub of commerce, finance, and manufacturing in the country.

This kind of a business experience is an extraordinary asset for a Secretary of Commerce. Certainly Pete Peterson proved that, and I know that Philip Klutznick will as well.

He understands the importance of trade and economic development which is a vital quality for a Secretary of Commerce to have. He understands relationships between our domestic production and commerce and manufacturing efforts and our international obligations and dependence and the growing importance of both exports and imports to keep American enterprise going.

The nomination of Philip Klutznick to be Secretary of Commerce, I think, is an astute choice on the part of the Carter administration. With extensive international experience as a businessman and diplomat, he will contribute greatly to promoting lagging U.S. exports, which the Commerce Department has recently carved out to be one of their primary missions.

I know he is also as concerned as I am about the fatal flaw in our American economy today: Lagging development innovation, particularly the lagging number of applications for patents by American enterprise as against applications being made by the Japanese, Germans and other people abroad, and also lagging productivity. Lack of innovation and lagging productivity are at the heart of one of the problems of our automotive industry today. We have been outstripped by many manufacturers and developers abroad in the automotive field.

Last year, productivity in the automobile industry, as I mentioned just this morning on the floor of the Senate, actually *dropped* 1.6 percent. Now that is catastrophic when compared with the increases in productivity that our automotive industry experienced—leading American manufacturers—for so many years. It is one of the symptoms of the problems in the automotive field today, and I think Phil Klutznick's knowledge of that and his determination to do something about it certainly comes to this Government at a crucial time.

We would be hard pressed to find a person with such vast experience in all areas of world trade, business development and economic policy as Phil Klutznick. He has had a successful career in law, in business and diplomacy. He is one of the hardest working, most perceptive and immensely effective and creative men that I have ever known. His keen insight into how a city should best develop is phenomenal, and rebuilding the cities of America, getting industry to come back into the city, building tax bases in the city, is a problem every city in America has. Every city faced with financial problems today should thank heavens we are going to have the kind of skill he can bring to city development.

This talent is exemplified by his contributions to Chicago shortly after World War II when cities were just beginning to outgrow their boundaries. He played an instrumental role in the development of Forest Park, one of America's great suburbs. This new concept that he developed at that time has saught on. He later developed, along with Marshall Field & Co. the Chicago area's first regional shopping center.

Many people would consider his largest single business achievement to be the recently completed Water Tower Place. This development is located at the north end of the so-called Magnificent Mile on Michigan Avenue. It includes a $150 million, 74-story vertical business community of offices apartments, department stores, movie theaters, and a plush hotel.

Phil Klutznick himself called it the world's first vertical shopping center. His apartment is up on top of it and he said he is no different than his mother and farther that, I think, ran a delicatessen store—they lived up above the store. He lives up above the store in this case, too. It just happens to be Marshall Field & Co., and a few other little local stores.

If the amendment ever goes through to stop construction on the third Senate office building, now we know who we ought to turn that project over to, for finding some useful purpose for that building. The creative way that Phil Klutznick goes about solving every single problem that he has faced—and the Government has thrown to him immense problems through every administration in his adult lifetime—I think this creative ability has been nurtured since he first became assistant city attorney in Omaha, Nebr., during the Depression years. At that time he showed the genius of his ability to continue to develop projects with Federal, State, and local support and help, matching private money with public money to simply see that Omaha was probably first in the country in finding innovative ways, mainly through housing in those days, to help fight the recession.

He has been active in the housing authority area for many years after that, which allowed him to become extremely familiar with housing and Government regulations. He became so well known in this area that he was asked to move to Washington during World War II, when he became Commissioner of the Federal Public Housing Authority. He was responsible for the direct develpment of entire communities of defense workers.

As if that's not enough to have an outstanding reputation in both the business and law professions, he also has had a great deal of experience in public service work as a diplomat representing this country on many occasions since the Eisenhower administration. He has been actively involved in religious and civil activities, president of the World Jewish Congress, president of the American Housing Committee for Israel, vice chairman and trustee of the American Committee for Economic Development and a member of the board of governors and directors of the United Nations Association.

As I understand it, the Commerce Department was created to serve and promote economic development and technological advancement through the encouragement of the competitive enterprise system. As Secretary of Commerce he will have direct input to remedy many of the problems plaguing our great Nation—such as a weakening dollar abroad and lagging exports. In the private sector he has gained experience in all aspects of these areas covered by the Commerce Department.

To attract a man of Philip Klutznick's caliber to the public sector is a tremendous accomplishment. He knows the commercial world, he has served well as a diplomat, and he will bring a new vitality and vision to this important position.

We are very fortunate to have Phil Klutznick willing to take on this responsibility o help boost our lagging exports by strengthening our Nation's international trade and steer our country toward the dynamism and prosperity that we so well deserve.

The CHAIRMAN. Thank you. We will excuse our two Senate colleagues. We also have another colleague here, Senator Tsongas, who is desirous of introducing Mr. Moyer. We will let him proceed with the introduction before we start hearing from the nominees.

RECOGNITION OF SENATOR

RECOGNITION OF SENATOR STEVENSON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. STEVENSON) is recognized for not to exceed 15 minutes.

SECRETARY OF COMMERCE PHILIP M. KLUTZNICK

Mr. STEVENSON. Mr. President, I congratulate my good friend and fellow Illinoisan, Phil Klutznick, on his outstanding record as Secretary of Commerce. Those of us who knew him well before his appointment are not surprised that he has accomplished so much in the year he has served in that position. He as excelled in meeing new challenges all his life.

As Secretary of Commerce, Phil Klutznick has raised a new standard for his successors to strive toward. His policy initiatives and administrative accomplishments have stirred new hopes for efforts to revitalize the American economy through business-government collaboration.

Phil Klutznick has vigorously supported new legislation to increase U.S. innovation, productivity and trade competitiveness. He supported S. 1250 establishing cooperative generic technology centers around the country and an Office of Industrial Technology in the Department of Commerce. He personally helped secure passage of patent legislation which marks the first major step toward a uniform Government patent policy. He took the leadership in developing strong administration support for passage of S. 2718, legislation originating in the Senate which would encourage the development of American export trading companies and clarify antitrust ambiguities for U.S. exporters. He has worked unceasingly to obtain final enactment of this legislation, which unfortunately may not occur until next year.

Phil Kluznick has done the groundwork for more rational industrial policies in the United States thruogh his unprecedented—and successful—effort to turn the Commerce Department's collection of separate fiefdoms into a unified program. He demanded and received coordination among the Economic Development Administration, the International Trade Administration, and the new Office of Producivity, Technology and Innovation. He recognized the need for and supported the development of a competent industrial analytical capability in the Department: the Bureau of Industrial Economics. He required development of budget "crosswalks" among agencies of the Department of Commerce.

The Department of Commerce was tional international trade functions pur- just beginning to absorb major additional international trade functions pursuant to a Presidential reorganization plan when Phil Klutznick took office. He promptly and vigorously implemented the reorganization plan by recruiting an exceptionally able team of top officials and giving international trade the high priority intended under the plan. Under Phil Klutznick's leadership the Commerce Department is gaining new recognition for export promotion services and administration of trade laws.

Shortly after Phil Klutznick became Secretary of Commerce, the Russian invasion of Afghanistan prompted the President to order new controls of U.S. exports and a sweeping reassessment of restrictions on trade with the Russians. Phil Klutznick carried out the President's orders vigorously and expeditiously, earning the respect of even those who disagreed with th President's policies. At the same time, Secretary Klutznick made every effort to implement on schedule the Export Administration Act of 1979 which mandated numerous changes in the administration of export controls.

All this—cooperative technology centers, patent reform, the beginning of an industrial policy and an export policy, trade reorganization, and implementation of new trade administration policies—achieved in less than a year.

Mr. Klutznick's achievements as Secretary of Commerce are the latest contributions of a long, energetic, and altogether successful life. He has excelled in everything he set out to do, in the law, in real estate and business, in diplomacy, as well as in the conduct of domestic affairs. He has a large and loving famwonderful wife, Ethel. His contributions to innumerable religious and charitable endeavors are the mark of the good citizen, never neglecting his obligations ily and is joined in all things by his to his community and his kind.

No, Mr. Klutznick's achievements as Commerce Secretary come as no surprise to those of us who know him best. I would be surprised if his public service did not continue, for a long time to come, and wish him well.

(The following statements are printed at this point in the RECORD by unanimous consent:)

Mr. JAVITS. Mr. President, I have known Philip Klutznick for decades and I consider him one of my close personal friends. He has occupied the office of Secretary of Commerce for just about a year now, having been sworn in in January 1980. He will now be leaving our Government service in this capacity. I wish to call attention to the signal and extraordinary service which Mr. Klutznick has rendered to the people of the United States in this capacity, as well as in the many capacities in which he has already served our country.

It is well known that Mr. Klutznick is one of the most successful lawyers and businessmen in Chicago and has been for many years. He has been an ambassador on behalf of the United States to the Uited Nations. He has been an Ambassador on behalf of the United States to the United Nations. He has been an Ambassador of the United States leading our delegation to UNESCO.

In private enterprise, he has shown his deep consciousness of the public interest in the work of the Committee for Economic Development, as chairman of its Research and Policy Committee for 6 years. The CED is considered one of the most forward-looking of our great business organiations.

What is more significant, even is that at his stage of life, over 70, he nevertheeless accepted the responsibility of being Secretary of Commerce at a time when the President called upon him to take this over. And he did a superb job. He showed a profound sensitivity and understanding of the trade relations of the United States. He served in the only way in which a man who has had experience in Government and experience privately could serve, with the extraordinary sensivity which was required to pilot us through a period when, in automobiles and steel and many other areas, it would have been possible to put this Nation on a protectionist course. Had it been put on such course, it would, in my judgment have guaranteed, as it had earlier in the century, an economic depression brought on by trade.

Mr. Klutznick devoted his powers to the beenfits of our country. Also, he favored very strongly and helped greatly in the development of the President's Expotr Council, because it is becoming true, even in our own Nation, that it is largely a question of export or die, now that we have to spend so much foreign exchange in the need for acquiring highly expensive oil for our energy requirements in the United States.

Finally, Mr. Klutznick ran the Department of Commerce, one of the most complicated in our Federal system, with its enormous number of employees and its enormous role in American commerce, in the highly expert way in which only a businessman of his attainments could run it.

Mr. President, Philip Klutznick has not only been an outstanding Govern-
an outstandingadeuWq-
ment servant, an outstanding lawyer, an outstanding leader, but he has also served on many volunteer organizations like the Boy Scouts and in many refugees efforts made in this country. He has also been a devoted member of his own faith, very prominent in affairs affecting the Jewish people of the United States and the Jewish people of the world in the perils through which they have passed. Indeed, he is president of the World Jewish Congress, a body representative, insofar as there is common opinion, in terms of the proglems of Jews as a minority, of the opinion of Jewish people throughout the world.

He has led an exemplary life and he is entitled to be recognized by his country with the greatest distinction and the greatest honor. This is the basis of my remarks here today. I wish him many, many more years of continued effective service, of which he is so capable to this very day, and health and happiness throughout the rest of his life.

Mr. President, I yield the floor.

Mr. HEINZ. Mr. President, I am pleased to join my colleagues in paying tribute to the service of Philip M. Klutznick as Secretary of Commerce. I am particularly appreciative of his work on behalf of a stronger export policy.

Secretary Klutznick came to this post with a long and impressive background as a successful businessman and a dedicated public servant who has served seven Presidents.

This background was crucial to his appreciation for the need for a more aggressive export promotion policy. He intuitively understood what many of us in the Senate have been stressing for some time—that our export growth in this decade has trailed that of our most important competitors. That our most important competitors. That our share of world markets has declined as well. And that the Government has a responsibility to develop policies to deal with these problems.

He also realized that xeporting is a complicated, often marginal business and that the Federal Government must therefore facilitate than than obstruct our export potential if we are to tip the balance in favor of export trade.

Thus he became a dedicated ally to those of us working to increase export opportunities through enactment of legislation to facilitate the formation and operation of export trading companies. This legislation is designed to provide an effective one-stop service for small- and mediuc-sized companies who manufacture exportable products but do not now export.

It involves delicate banking and antitrust policy issues. Our ability to resolve these issues and secure Senate passage of this bill by a vote of 77 to 0 was due in no small part to the assistance and determination of Secretary Klutznick.

I have also worked with Secretary Klutznick to reverse the deteriorating situation in the steel industry. As cochairman of the Steel Tripartite Advisory Committee, Secretary Klutznick devoted a great deal of his time and energy to the difficult discussions that led to the stele tripartite recommendations. He consistently guaranteed both labor and industry a fair and representative voice in these deliberations.

While these initiatives represent the beginning rather than the conclusion of the effort this Nation must understake to revitalize our steel industry, the recommendations represent an important step on the road to recovery and Secretary Klutznick deserves credit for his leadership within the administration to produce these recommendations.

Although I have frequently disagreed with this administration on a number of matters, including steel policy, I must say the country has been fortunate to have a man of Secretary Klutznick's stature in Government service, and his energy and commitment will be missed.

FAIR HOUSING AMENDMENTS ACT OF 1980

The PRESIDING OFFICER (Mr. Boren). There will now be 15 minutes of debate preceding the vote on the motion to invoke cloture on the motion to proceed to the consideration of the fair housing legislation, H.R. 5200.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I yield myself such time as I might need.

Mr. President, for a second time the Senate will have an opportunity to vote on whether we will address in a serious and responsible way the issue of fair housing for the American people. I believe, and I think the overwhelming majority of the Members of the Congress believe, that when we passed the 1969 Civil Rights Act that we were at that time, as we had in the area of voting rights and the public accommodations provisions, taking meaningful steps to assure that individuals in this country would not be discriminated against on the basis of race or religion or national origin or even on the basis of some handicap.

But the record is very clear and it has been made during the course of this debate that the discrimination against those groups still exists on the basis of renting housing and also in the area of the purchasing of housing. What we have tried to fashion in this legislation is a simple, relatively inexpensive but effective remedy for those individuals who are discriminated against.

As has been raised in the discussion yesterday, there are really just two areas of conflict or two areas of difference which would have to be addressed should we enact the cloture petition. It seems to me that those are issues which have been debated over some period of time, certainly within our Judiciary Committee and in varying forms on other civil rights legislation that this body has addressed over the period of years. And it seems to me that we could, even in the final hours of this session, address those two issues in such a way that the Members of this body could make an informed, balanced, and reasoned judgment on those questions and that we could go to conference with the House and on those principal items which there would be action by this body we could reach a satisfactory conclusion and a satisfactory resolution.

Basically, the issues which are involved are the issues of the method of enforcement, whether to use the administrative judges or other means, and, secondly, the method of proof of discrimination, whether we have an effect or an intent test.

(Mr. STEVENSON assumed the chair.)

Mr. KENNEDY. These were issues that were long discussed and debated within the Senate Judiciary Committee. And during the debate and discussion on these issues there really was no partisanship, there were those who were committed to the concept of fair housing. There was some difference about what can be the most effective and what can be the most meaningful and what can be the most timely methods of enforcement and what can be the fairest method of proof.

So, Mr. President, I have indicated—and I want to indicate at least today to the Members of this body—that, having talked to the principal sponsors of the legislation, we have agreed that should the Senate enact cloture we would support the Senate bill with the DeConcini amendment to provide for enforcement by the magistrates.

In other words, an amendment would be offered which would, when the parliamentary situation presented itself, permit the Senate to consider the Senate bill and when the DeConcini magistrate amendment was offered—an amendment which, as I indicated earlier, we had very considerable debate and discussion within the Judiciary Committee and which was rejected by the Judiciary Committee in a very close vote—we would be prepared to accept the DeConcini amendment. And I would hope the House would accept the Senate bill intact as they did the superfund bill yesterday. I certainly hope to avoid a filibuster on a conference report.

Mr. BOREN. Will the Senator yield?

Mr. MATHIAS. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield to the Senator from Oklahoma.

Mr. MATHIAS. Mr. President, I wanted to say to the Senator from Massachusetts that I agree with his analysis of this situation. I was one of those who opposed the DeConcini amendment in the committee. I felt it was not as strong as I would like to see the bill. However, I agree with the assessment that the Senator has made that this is a step we ought to take now.

It is not an unprecedented step, Mr. President. I can recall that, in 1968, we had a somewhat similar situation, when I was serving in the other body. The price of getting the 1968 fair housing bill through the other body and to the Senate for action was some compromise, some breadth of vision on the provisions of the bill. We are up against a similar situation today.

I join with the Senator from Massachusetts in his suggestion.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. KENNEDY. I am glad to yield.

Mr. BOREN. I appreciate very much the assurance that has been given by the Senator from Massachusetts and concurred in by our colleague from Maryland.

As I said on the floor yesterday, and I think it is a concern reflected by several others, there are many of us who feel strongly that we need to strengthen the present fair housing legislation. We did have some misgivings about the provision in the house bill relating to the adjudicatory process. Several of us do support the DeConcini amendment and the language of the Senate bill.

As I understand the Senator from Massachusetts, it is his position that he personally—and I realize he cannot bind others—can support this position and also support bringing the bill out of conference with the Senate language plus the DeConcini amendment. Is that correct?

Mr. KENNEDY. Mr. President, the Senator is exactly correct. I thank the Senator from Oklahoma. He made his position clear before the Senate yesterday. There were a number of Members of the Senate who shared that view. I think that indicated, as we have seen, that there really are probably just two major issues which are in contention in this legislation. Even though this is an extremely important bill, I do not see why we could not, within a very reasonable period of time, take action.

I commend the Senator from Oklahoma for the constructive attitude he has taken toward the legislation and for his assistance in reaching what I consider to be a constructive step forward to helping us reach a final determination on this important issue.

Mr. BOREN. I thank my colleague very much. With the assurance that he has given—and I appreciate very much his cooperative and constructive attitude on this matter—I certainly intend to vote for cloture and hope that this will move us along the road toward a successful conclusion in enacting a good piece of fair housing legislation this year.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The Senator from Utah is recognized.

(Mr. BOREN assumed the chair.)

Mr. HATCH. Mr. President, I have been interested in the spirit of compromise here this morning. The DeConcini amendment will do nothing more or less than allow these cases to begin before Federal magistrates rather than before administrative law judges, who, many feel, are captives of the bureaucracy. I think that is a step in the right direction.

However, let us understand what we are talking about here, Mr. President. The big issue is not a procedural issue. That is one of the issues, one of the two major issues. Let us also understand that, even though the cases will be tried before magistrates, citizens of this country will be subject to punitive $10,000 fines without a right to a trial by a jury of their peers. I might also add, without any proof of their intent to discriminate.

That is the issue here much more than the procedural issue of whether or not we try this before magistrates. We are concerned about the right of individual citizens in this country to have a trial before a jury of their peers, when they can be fined up to $10,000 and such other remedies as may be available, and when they can be accused of racism and actually convicted of it, even though this is a so-called "civil" punitive fine, without any proof that they intended to discriminate. That is a pretty important issue here. So, of course, I rise in opposition to cloture on this motion.

Mr. President, I wish to emphasize once more what I see as the key issue in this debate. It is an issue that cannot be overemphasized, in my opinion. That is—can an individual or can a community be judged to be engaging in discriminatory conduct under this act without some proof of discriminatory purpose or motivation?

I do not believe that they can. The test for discrimination that HUD has adopted—the so-called "effects" test—is repugnant to me on two major grounds. First, it is a test for discrimination that accords virtually unchecked discretion to HUD and the Justice Department to sue communities on the basis of these agencies' notion of the public good. If it is no longer necessary to demonstrate some unlawful intent to discriminate "because of" race, color, religion, sex, or national origin, as the law reads, there is literally no local zoning or land use practice that may not become suspect in the eyes of the social engineers. Most, if not all, such practices ultimately may have the effect of making housing more costly and more inaccessible to low-income groups. It is HUD's argument that this fact alone tends disproportionately to affect minority groups, who may be more greatly represented among these groups.

In other words, the "effects" test would read into the Fair Housing Act an additional protected classification—that of economic status. By doing so, the authority of Washington to oversee local planning affairs and to harass communities will be sharply enhanced.

Already, communities like Birmingham, Mich.; Chickasaw, Ala.; Rye and Yonkers, N.Y.; Manchester, Conn.; and Dunkirk, N.Y., have felt their wrath on this test of "intent."

Second, and perhaps even more importantly, it is a violation of some of the most fundamental premises of our system of justice to convict someone of a violation of this sort, subject him to a $10,000 punitive fine, subject him to "such other relief as may be appropriate," and castigate him as a "civil rights violator" without having to make the faintest showing that such person possessed a bad state of mind of some sort. It is not discrimination to sell one's home or to lease one's apartment to a white instead of a black; it is discrimination when the reason for doing so is because one is white rather than black.

I am amused by my friends in the civil rights and the civil libertarian community who justify the "effects" test on the grounds that it is often difficult to prove intent. I remind them that it is also difficult on a great many occasions to prove that an individual is "guilty beyond a reasonable doubt" in our criminal justice system. It would be much easier for prosecutors if they had merely to satisfy some lesser standard. Under our system, they do not have to satisfy a lesser standard because there are other considerations that our system considers important, such as basic equity and due process. It has never been the objective in our system merely to insure that criminal prosecutors or HUD prosecutors are able to obtain high litigative batting averages.

Mr. President, despite what many seem to believe, the issue here is not commitment to equal rights, except in the sense that all individuals are entitled to a presumption of innocence before they are pursued in court by the long arm of the Government. I am just as committed to equal rights as anyone in this body.

I cast a deciding vote in the institutional civil rights bill. I got a lot of flak all over the country for doing it, but I did it.

I pledge to do all within my authority and power next year to see that the Subcommittee on the Constitution and the Committee on the Judiciary report out a new fair housing bill, one that treats individual citizens fairly and one that does not discriminate against other people merely because they may have had the effect of discriminating although they had no intent to discriminate.

Mr. President, the real issue here is not whether we have a procedural ploy of letting the magistrate hear the case. That is an improvement; I acknowledge that. The two major issues are: are we going to give our fellow citizens a right to a trial by jury before subjecting them to a punitive $10,000 fine? And the more important issue, are we going to allow people to be branded as racist in our society when they literally had no intent to discriminate to begin with, merely because HUD wants an easier burden of proof than we have ever allowed in this country before on this type of issue or any type of issue that would brand somebody something that he or she is not? That is not right.

Frankly, it will create more racism and more discrimination in America than we have today, and there is plenty out there now, just because of the overreaching by those of us in the Federal Government to try to bring its long arm down upon every citizen in our society.

I hope that our fellow Senators will consider voting against cloture on this matter today.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MATHIAS. Mr. President, will a live quorum, as is usual before a cloture vote, now ensue?

The PRESIDING OFFICER. First, the clerk will state the motion to invoke cloture.

The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 5200, an act to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

Robert C. Byrd, John Culver, Max Baucus, Bill Bradley, Donald Riegle, Thomas Eagleton, John H. Chafee, William Proxmire, Alan Cranston, Charles McC. Mathias, Howard M. Metzenbaum, Paul Sarbanes, Harrison Williams, Patrick Leahy, Daniel K. Inouye, Birch Bayh.

The PRESIDING OFFICER. In response to the inquiry of the Senator from Maryland, the call for the quorum to establish a quorum is not automatic, but will certainly be ordered if any Senator so requests.

Mr. MATHIAS. I make that point of order.

Mr. ROBERT C. BYRD. I wonder if we could have an additional 2 or 3 minutes divided between both sides for debate.

Mr. MATHIAS. Surely.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an additional 10 minutes for debate to be equally divided before the automatic quorum.

Mr. President, may I ask the Chair, after looking at the record carefully, if it is not correct that the automatic quorum was not waived?

The PRESIDING OFFICER. The Senator is correct.

The Chair had thought, looking at the record, that there had been a waiver. But the waiver applied to another procedure, and the Senator from West Virginia is correct.

The Chair would correct the record to say that there will be an automatic quorum since it has not been waived or entered into the record.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that there may be 2 additional minutes for each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that Senators will vote to invoke cloture. The matter before us can be appropriately transacted before the Senate adjourns sine die.

I do not intend to call up the sine die resolution today, nor do I necessarily intend to call it up tomorrow if business remains to be done that can be transacted.

There is a House bill in this instance. So we are not confronting a situation in which the Senate would be taking action on a bill never acted upon by the House. The House has acted on the legislation.

So I hope the Senate will face up to its responsibility and act on this legislation before it goes home.

There are other matters to be taken care of. The Senate can be in Saturday. The Senate can be in Monday. The Senate can be in Tuesday, and can be in as long as it is necessary to complete action on this legislation.

Our contracts of service, if I may speak of our responsibilities in that way, our service to the people in the Nation, did not end with the election on November 4.

Our contracts are still good, and whether we are retiring from the Senate or whether we will be serving after January 3, I am sure we are ready to face up to our duties, to serve the people, till noon on January 3.

So with those thoughts, I would hope that Senators would vote for cloture today and not delay doing so in the thought that the Senate has to go home at the close of business tomorrow. It does not have to do that.

I thank the Chair for listening so carefully.

CALL OF THE ROLL

The PRESIDING OFFICER. Has all time been yielded back? All time having been yielded back, pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain a presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 37 Leg.]

Boren
Boschwitz
Byrd, Robert C.
Domenici
Exon
Goldwater
Hart
Hatch
Kennedy
Lugar
Mathias
Sarbanes
Stevenson
Thurmond
Tsongas

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the roll of absent Senators.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (Mr. ROBERT C. BYRD). On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MELCHER), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Florida (Mr. STONE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 503 Leg.]

YEAS—85

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
McGovern
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Zorinsky

NAYS—3

Goldwater
Hayakawa
Weicker

NOT VOTING—12

Biden
Cochran
Cohen
Culver
Durkin
Gravel
Magnuson
Melcher
Ribicoff
Stennis
Stone
Young

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 5200, to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MELCHER), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Mr. COHEN) are necessarily absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 504 Leg.]

YEAS—62

Baucus
Bayh
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Chiles
Church
Cranston
Culver
DeConcini
Dole
Durenberger
Eagleton
Ford
Glenn
Gravel
Hart
Hatfield
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Mathias
Matsunaga
McGovern
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams

NAYS—32

Armstrong
Baker
Bellmon
Byrd,
  Harry F., Jr.
Cannon
Danforth
Domenici
Exon
Garn
Goldwater
Hatch
Hayakawa
Helms
Humphrey
Jepsen
Laxalt
Lugar
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Stennis
Stevens
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—6

Cochran
Cohen
Durkin
Magnuson
Melcher
Ribicoff

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Will the Senator withhold for one moment so the Senate may be in order? The Senate will be in order.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I wonder if it would be possible to vote fairly soon on the motion to proceed to the fair housing bill, or if we can achieve an agreement to limit debate to a reasonably short time on the motion?

Would it be agreeable, I ask the distinguished Senator from Utah?

Mr. HATCH. Mr. President, I want to congratulate the other side for achieving cloture on the question to move to proceed. However, a number of us feel it is important, before you can brand somebody a racist, to prove intent to discriminate. I suspect that, because of the importance of that issue, we may want to chat about that issue for a while. Respectfully, I say I think we shall do that for at least a while.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HATCH. Mr. President, the parliamentary situation is, as I understand it, that cloture has been invoked on the motion to proceed to the consideration of the Fair Housing Act, so-called. That is the first step in what I suspect will be a long procedural battle.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Kansas on his own time.

Mr. DOLE. Mr. President, as one who voted to invoke cloture on the motion to proceed, I want to indicate at this point that unless there are substantial changes in the bill, including a right to trial by jury in certain cases, an expedited trial, maybe a six-person jury, but some way to preserve basic rights as well as some way to address the question of intent, the Senator from Kansas would not be voting to invoke cloture on the bill itself and would be offering a substitute to any amendment which will be offered from the other side.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I hope that the Senate will not delay overly long in voting on the motion to proceed.

Once the Senate is on the bill, of course, there will be ample time to discuss amendments and any compromises that might be achievable.

I would point out that under the order that has been entered, following the vote, when that occurs on the motion to proceed, once that is taken, the Senate will then proceed to vote on the motion to invoke cloture on the Breyer nomination.

Only after those votes occur can the Senate proceed to the revenue-sharing bill, and other matters.

It is hoped that Senators might be able to utilize the time to the best advantage by proceeding in a reasonably short time to vote on the motion to proceed, so that then the Senate could vote on the cloture motion on the Breyer nomination, and then could proceed to revenue sharing while Senators were attempting to work out their problems in connection with the fair housing bill.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Utah as to whether or not he will yield.

Mr. HATCH. I will yield on his time.

Mr. BOSCHWITZ. Mr. President, I want to join in the sentiments of the Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that Senators may yield to other Senators to speak on their own time only by unanimous consent of the Senate.

The PRESIDING OFFICER. The Chair did inquire as to whether the Senator from Utah was finished. I understood he was. Therefore, I recognized the Senator from Minnesota.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, under those circumstances, would the remarks so far made by the Senator from Utah count as one of the two speeches he would be entitled to under the rule?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I ask unanimous consent that he may yield without it counting as one of the two speeches.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I have no objection to his yielding in this instance without it counting as one of the two speeches. I would object, however, to his yielding to another Senator on that Senator's time because that is not allowed under the rules.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I want to join with the senior Senator from Kansas in his remarks.

While I voted for cloture, the way the bill is presently structured, I would not vote for it. I hope there would be some changes in the procedural aspects of the relief that will be sought under the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Did the Chair rule on my unanimous-consent request, previously made, in respect to a second speech?

The PRESIDING OFFICER. The Chair has not yet ruled.

Mr. BAKER. I inquire if the Chair is disposed to rule on that request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. Mr. President, I was trying to reserve the right to object.

Will the Senator yield to tell me what the request was?

Mr. BAKER. I advise the Senator from North Carolina that I had made a unanimous-consent request previously that the remarks made thus far by the Senator from Utah not count as a speech under rule XXII, and the Chair had not ruled at the time the absence of a quorum was suggested.

The purpose of this inquiry was to see if the Chair was disposed to rule, which the Chair has now done.

Mr. MORGAN. I thank the distinguished Senator.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, notwithstanding the cloture rule, I ask unanimous consent that Mr. BUMPERS may proceed for not to exceed 3 minutes on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

TITAN II MISSILE HAZARD TEAM

Mr. BUMPERS. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 549) honoring the Tital II missile hazard team.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUMPERS. Mr. President, on September 24 this year the U.S. Senate unanimously approved Senate Resolution No. 529, a tribute to the heroism of a Titan II missile hazard team. This resolution was cosponsored by Senator PRYOR, Senator DOLE, Senator THURMOND, Senator LEVIN, Senator KASSEBAUM, Senator MITCHELL, Senator COHEN, Senator HUDDLESTON, Senator EXON, Senator HELMS, Senator STONE, and Senator KENNEDY.

Unfortunately, Mr. President, the names of four U.S. Air Force members who also risked their lives during the Titan II ICBM explosion near Damascus, Ark., were not included in Senate Resolution No. 529. U.S. Air Force officials, in their haste to accomplish various emergency matters following the explosion, failed to provide me with the names of these four airmen—T. Sgt. Thomas A. Brocksmith of Vincennes, Ind., 1st Lt. Allan D. Childers of Charleroi, Pa., S. Sgt. Ronald O. Fuller of Elmira, N.Y., and S. Sgt. Rodney L. Holder of Glenwood, Ark.

We have been informed by the U.S. Air Force that these men also performed various outstanding duties during the tragic mishap on the morning of September 19, 1980.

Accordingly, Mr. President, I submit a new resolution which includes not only the names of those honored in Senate Resolution No. 529 but also the names and hometowns of these additional four men. I ask for inclusion in the RECORD of this new resolution, following my remarks, and, Mr. President, I ask for prompt consideration by the U.S. Senate of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 549) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Members of the United States Senate were deeply saddened by the death of USAF Sergeant David Livingston of Heath, Ohio, and of the serious injuries to USAF Sergeant Jeff Kennedy of Portland, Maine, USAF Senior Airman Rex W. Hukle of Wichita, Kansas, and USAF Senior Airman John G. Devlin of Cincinnati, Ohio, on September 19, 1980, while they were on an official but voluntary mission for the United States Air Force at a Titan II intercontinental ballistic missile site near Damascus, Arkansas; and

Whereas USAF Technical Sergeant Jimmy Roberts of San Antonio, Texas, and USAF Technical Sergeant Donald Green of Old Town, Florida, promptly returned to the missile complex following the explosion of the Titan II missile at 3:02 a.m. on September 19, 1980, to locate and hopefully rescue Sergeants Livingston and Kennedy; and

Whereas USAF Colonel James L. Morris of Marietta, Georgia, USAF Master Sergeant Ronald Christal of Birmingham, Alabama, USAF Staff Sergeant Archie G. James of Coward, South Carolina, Technical Sergeant Michael A. Hanson of Wichita, Kansas, Technical Sergeant Davis Rossborough of Groveland, New York, USAF Lt. Col. Jimmie D. Gray of Kokomo, Indiana, USAF Major Wayne L. Wallace of Wyandotte, Oklahoma, Captain George H. Short of Chattanooga, Tennessee, USAF Captain Michael T. Mazzaro, USAF Staff Sergeant Silas L. Spann, Jr., of Jackson, Mississippi, USAF Senior Airman James R. Sandaker of Evansville, Minnesota, USAF Sergeant Stephen L. Riva of East Alton, Illinois, USAF Airman First Class J. P. Tallman, Jr., of San Antonio, Texas, USAF Airman Patrick C. Roylan of Bridgefield, Connecticut, USAF Airman First Class, Gene M. Schneider of Wilmington, Delaware, USAF Technician Sergeant Thomas A. Brocksmith of Vincennes, Indiana, USAF First Lieutenant Allan D. Childers of Charleroi, Pennsylvania, USAF Staff Sergeant Ronald O. Fuller of Elmira, New York, USAF Staff Sergeant Rodney L. Holder of Glenwood, Arkansas, and civilian Richard L. English of Sartell, Minnesota, were also bravely attempting to determine the status of the leaking and clearly dangerous Titan II missile at that site; and

Whereas the exemplary and brave actions of all members of this United States Air Force team brought honor to the United States Air Force and this Nation: Now be it

Resolved, That the Members of the United States Senate here assembled, by this resolution, pay tribute and respect to the heroism of these courageous and patriotic men.

CALL OF THE ROLL

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 38 Leg.]

Bumpers
Byrd, Robert C.
Chafee
Cranston
Goldwater
Hatch
Hayakawa
Kennedy
Leahy
Levin
Mathias
Metzenbaum
Morgan
Pryor

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. MELCHER), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from Florida (Mr. STONE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), and the Senator from Iowa (Mr. JEPSEN) are necessarily absent.

The PRESIDING OFFICER (Mr. HEFLIN). Are there any other Senators desiring to vote? If so, let them come forth.

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 505 Leg.]

YEAS—85

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon

Ford
Garn
Glenn
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stewart
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Young
Zorinsky

NAYS—3

Goldwater
Proxmire
Weicker

NOT VOTING—12

Cochran
Cohen
Culver
Durkin
Gravel
Jepsen
Magnuson
McGovern
Melcher
Ribicoff
Stevenson
Stone

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer to the quorum call, a quorum is now present.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. SCHWEIKER. Mr. President, I yield my hour of debate to the Senator from Tennessee (Mr. Baker).

Mr. ROBERT C. BYRD. Mr. President, I did not hear that.

The PRESIDING OFFICER. Will the Senator repeat what he said?

Mr. SCHWEIKER. I yield my hour of debate on the pending issue to the Senator from Tennessee (Mr. Baker).

Mr. PROXMIRE. Will the Senators use their microphones? We cannot hear them back here.

Mr. WEICKER. Mr. President, I yield my 1 hour of debate on the pending measure to the Senator from Tennessee (Mr. Baker).

Mr. HATFIELD. Mr. President, I yield my hour of time to the Senator from Utah (Mr. Hatch).

Mr. DANFORTH. I yield my hour to Senator Hatch.

Mr. ROBERT C. BYRD. To what Senator, may I ask, Mr. President?

Mr. DANFORTH. To Senator Hatch, Mr. President.

Mr. HATCH. Mr. President, I move to table the motion to proceed, and I ask for a quorum call.

Mr. ROBERT C. BYRD. Mr. President, what was the Senator's request?

Mr. HATCH. I move to table the motion to proceed.

Now I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold and let me see if I can get the yeas and nays?

Mr. HATCH. I would prefer to have the quorum call, Mr. President.

Mr. MOYNIHAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The suggestion of the absence of a quorum has been made. The clerk will call the roll.

CALL OF THE ROLL

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HATCH. I object.

The PRESIDING OFFICER. The objection is heard.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 39 Leg.]

Armstrong
Baker
Bayh
Boschwitz
Bradley
Byrd, Robert C.
Cannon
Chafee
Chiles
Danforth
Dole
Domenici
Eagleton
Glenn
Hatch
Hatfield
Heflin
Helms
Hollings
Humphrey
Jackson
Kassebaum
Kennedy
Leahy
Mathias
Mitchell
Morgan
Moynihan
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Stevens
Thurmond

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 39 Leg.]

Baucus
Bentsen
Bumpers
Burdick
DeConcini
Durenberger
Exon
Ford
Garn
Goldwater
Heinz
Inouye
Jepsen
Long
Matsunaga
McClure
Metzenbaum
Nelson
Packwood
Pell
Pressler
Roth
Sasser
Schmitt
Simpson
Stafford
Tower
Wallop
Warner
Williams

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to table.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

QUORUM CALL

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 40 Leg.]

Armstrong
Baker
Boschwitz
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Danforth
DeConcini
Exon
Ford
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Hollings
Humphrey
Inouye
Jackson
Javits
Kassebaum
Kennedy
Matsunaga
Moynihan
Nelson
Pell
Pryor
Randolph
Sasser
Schmitt
Stafford
Thurmond
Tower
Warner
Williams

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 40 Leg.]

Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Bradley
Byrd, Harry F., Jr.
Chiles
Church
Cochran
Cranston
Dole
Domenici
Durenberger
Durkin
Eagleton
Garn
Glenn
Gravel
Hart
Heinz
Helms
Huddleston
Jepsen
Johnston
Laxalt
Leahy
Levin
Lugar
Mathias
McClure
Metzenbaum
Mitchell
Morgan
Nunn
Packwood
Percy
Pressler
Proxmire
Riegle
Roth
Sarbanes
Schweiker
Simpson
Stennis
Stevens
Stevenson
Stewart
Stone
Tsongas
Wallop
Weicker
Young
Zorinsky

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to lay on the table the motion to proceed.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa (Mr. Culver), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Melcher), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen) is necessarily absent.

The PRESIDING OFFICER (Mr. Bradley). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 61, as follows:

[Rollcall Vote No. 506 Leg.]

YEAS—30

Armstrong
Baker
Bellmon
Byrd, Harry F., Jr.
Cochran
Danforth
Domenici
Exon
Garn
Goldwater
Hayakawa
Helms
Humphrey
Jepsen
Laxalt
Lugar
McClure
Morgan
Pressler
Roth
Schmitt
Schweiker
Simpson
Stevens
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NAYS—61

Baucus
Bayh
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
DeConcini
Dole
Durenberger
Durkin
Eagleton
Ford
Glenn
Gravel
Hart
Hatch
Hatfield
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stennis
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams

NOT VOTING—9

Cohen
Culver
Kennedy
Long
Magnuson
McGovern
Melcher
Ribicoff
Talmadge

So the motion to lay on the table the motion to proceed was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

CALL OF THE ROLL

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 41 Leg.]

Armstrong
Boschwitz
Bradley
Byrd, Robert C.
Cranston
Domenici
Durkin
Exon
Goldwater
Hart
Hatch
Hatfield
Helms
Humphrey
Jepsen
Nunn
Pressler
Roth
Simpson
Stevens

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 41 Leg.]

Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Bumpers
Burdick
Byrd,
Harry F., Jr.
Cannon
Chafee
Chiles
Church
Cochran
Danforth
DeConcini
Dole
Durenberger
Eagleton
Ford
Garn
Glenn
Gravel
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevenson
Stewart
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERT C. BYRD. Vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the motion to lay on the table the motion to proceed to the consideration of the fair housing bill was rejected.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. CULVER), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 507 Leg.]

YEAS—61

Baucus
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
DeConcini
Dole
Durenberger
Durkin
Eagleton
Ford
Glenn
Gravel
Hart
Hatfield
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Mathias
Matsunaga
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stennis
Stevenson
Stewart
Tsongas
Weicker
Williams

NAYS—31

Armstrong
Baker
Bellmon
Byrd,
Harry F., Jr.
Cochran
Danforth
Domenici
Exon
Garn
Goldwater
Hatch
Hayakawa
Helms
Humphrey
Jepsen
Laxalt
Lugar
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Stevens
Talmadge
Thurmond
Tower
Wallop
Warner
Young
Zorinsky

NOT VOTING—8

Bayh
Cohen
Culver
Magnuson
McGovern
Melcher
Ribicoff
Stone

So the motion to lay on the table the motion to reconsider the vote by which the motion to lay on the table the motion to proceed to the consideration of the fair housing bill (H.R. 5200) was rejected was agreed to.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I take this occasion to remind my colleagues on my side of the aisle of the conference. The Senators on the other side of the aisle wish to deliver some tributes to Senator JAVITS and possibly other Senators.

I ask unanimous consent that there be 1 hour for the delivery of eulogies and tributes to departing Senators. I further ask unanimous consent that all Senators may have up to 10 calendar days to insert statements in the RECORD. This will give Senators on my side of the aisle an opportunity to insert the statements. Perhaps later, before the Senate adjourns sine die, I hope that we can set aside time again to give Senators who wish to present statements on the floor in tribute to their departing Senators an opportunity to do so.

The PRESIDING OFFICER. (Mr. METZENBAUM). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the hour be under the control of the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

(Mr. STEWART assumed the chair).

Mr. BAKER. Mr. President, I understand the distinguished Senator from Wisconsin wishes me to yield to him.

Mr. PROXMIRE. Mr. President, I thank my friend. I have a brief statement I should like to make.

ON WISCONSIN

Mr. PROXMIRE. Mr. President, the Wall Street Journal carries a fascinating editorial this morning about what the State government in Wisconsin has accomplished in the last couple of years and how our Governor, a Republican named Lee Dreyfus, could give pointers to the Reagan administration in how to push a tax policy. The Dreyfus approach—as the Journal accurately describes it—is to cut taxes first and then force the budget to fit what is left.

Mr. President, there are loud groans of pain in my State as this agonizing process of shrinking State government goes on. It may or may not succeed in Wisconsin. But it does, as the Wall Street Journal points out, indeed offer a neat and timely case history in what—given the will—we could accomplish in Washington.

Of course, the Wall Street Journal does overlook a critical difference. It is this: Once the State cuts taxes, as the Democratic Wisconsin Legislature has done, the die is cast. Revenues shrink and spending must be cut because our State constitution prohibits a State debt. The only grim alternative available to Governor and legislature is to increase taxes and, politically, that is a very fat political no no these days.

But here Democratic and Republican administrations have been getting around that little obstacle like German panzers racing around the maginot line. We cut taxes—and we could do it again—enact Kemp-Roth all the way. And we still would not cut spending, because we can and will do just what we have been doing for 19 of the last 20 years—run a bigger, fatter deficit than ever.

If Reagan is going to follow Dreyfus, if Washington is to take a pointer from Wisconsin, then we must find a way, a sure and certain way, to balance the budget. Then and only then will the Wisconsin experience have any real relevance.

The formula for fiscal sanity and the basis of a genuine anti-inflation policy is clear.

Yes, cut taxes. Yes, index the tax system so revenues do not automatically increase with inflation. Follow this Wisconsin State government lead. But in addition, balance the budget. I hope and pray that balancing the budget will not take the rigidity of a constitutional amendment. But, Mr. President, in both 1979 and again this year, this body rejected Proxmire amendments that would have balanced the budget by simply cutting revenues to meet expenditures and the votes were overwhelming. So I am, with great reluctance, wavering in my opposition to riveting into the Constitution a requirement that we balance the budget, except in periods of such serious emergency that two-thirds of each House of Congress votes for a deficit.

One more serious caveat: This situation, reducing State and local taxes and matching State budgets to lower expenditure levels, bears with it a hidden danger. There is an overwhelming temptation to substitute Federal dollars for the displaced State dollars. The cry for Federal revenue sharing will increase in proportion to the reduction in State revenues and my Wisconsin State government friends are right in the middle of this cry. Countercyclical revenue sharing, State revenue sharing, general revenue sharing, phony disaster assistance—all of these easy-money solutions will be eyed with increasing attention by State elected leaders as a financial solution to their lower revenue ceilings. As this substitution occurs, and it increases every day, then the entire purpose of State budget balancing is lost. Uncle Sugar becomes the fall guy and a balanced budget at the Federal level is even more unlikely.

So, let us keep a full and wary eye on Mayors and Governors to see if they balance their budgets by looking to Washington for a financial bailout after the tough State and local decisions have been made.

At any rate, our Republican Wisconsin Governor, Lee Dreyfus, and our Democratic Wisconsin Legislature deserve kudos for giving us a very helpful start in the right direction.

Mr. President, I ask unanimous consent that the editorial from this morning's Wall Street Journal entitled "On, Wisconsin" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON, WISCONSIN

Wisconsin Governor Lee Sherman Dreyfus makes a bright red vest his political trademark and delights the Badger State with outrageous one-liners. But along with the showmanship, he can give the incoming Reagan administration pointers on how to push a tax policy. Gov. Dreyfus's approach is to cut taxes first and then force the budget to fit what's left.

Of course, Gov. Dreyfus had little desire or leeway to do anything else when he came into office in 1979. The former professor of public speaking had emerged from political nowhere in beating an establishment Republican in the primary and then the incumbent Democrat; one of his main issues in those heady post-Proposition 13 days was to give back a projected $1 billion accumulated budget surplus by declaring a moratorium on state taxes. The governor did just that, suspending state income tax withholding for the May and June after his inauguration.

Gov. Dreyfus also attacked the main cause of the surplus, the state's steeply progressive income tax. The average wage-earner was being hustled so quickly upward through the brackets, which hit the top level of 11.4% at only $14,000, that state officials estimated every one percentage point increase in inflation was worth at least a 1.5% increase in the tax take. Thanks to this "bracket creep," or rather bracket rush, the state income tax take rose 19% in 1978 without any change in the law. That kind of windfall revenue, said Gov. Dreyfus, amounts to taxation without representation. He stretched out the brackets, cut the top rate and indexed the tax to counteract the inflation windfall. Wisconsin, which in 1911 became the first state to pass an income tax, is now one of the first to index it.

The new governor had worse luck controlling spending, however. Out-maneuvered by veteran legislators, he accepted a 23% rise in his first biennial budget. Recession hit harder than projected. A recently announced short-fall in the corporate income tax leaves the state facing a $240 million deficit in the current fiscal year.

But the shortfall, Governor Dreyfus says cheerily, gives him a chance to "go to fiscal brinksmanship." The pressure, he says, should make the legislature receptive to long overdue controls on state spending. Specifically, he's preparing to attack the state's unique habit of open-ended appropriations, 180 in all, for items ranging from tax relief to debt service accounts. His aides expect some resistance from entrenched special interests, but hardly as much as they'd get under more conventional circumstances.

All these tax and spending cuts are going on without the benefit of "supply-side" rhetoric, yet Wisconsin may find some pleasant surprises in store from the Laffer curve. The state's economists are already puzzling over Wisconsin's apparent departure from its traditional recession performance of higher than national unemployment and slower recovery. But those of us who believe in the economic benefits of cutting tax burdens aren't at all surprised to find that Wisconsin's September unemployment rate of 7.1% is significantly below the nation's. The state has a solid base for recovery, since its private capital spending in 1979 was the highest of the decade.

If this case study works out as we think it will, Gov. Dreyfus shouldn't be bashful about pushing the rest of his tax-cutting program, such as reduction of the capital gains tax, highest in the nation, and that farmer's bane, the inheritance tax. And the new regime in Washington, D.C., shouldn't hesitate to follow his example.

HISTORY DICTATES UNITED STATES SHOULD PASS THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, our country has long been admired by other nations for its dedication to the rights of the individual, and to the principles of liberty, justice, and equality for all peoples.

Examples of this concern date from the beginning of our Nation's history with the Declaration of Independence. Our Founding Fathers proclaimed that all peoples had the inalienable right to determine their own form of Government. In the 19th century, the U.S. protected its citizens from backbreaking and dangerous work by enacting progressive labor reforms.

In the 20th century, the United States continued to show its concern for the welfare of people everywhere by becoming the site for the headquarters of the United Nations, and becoming actively participant in that body, striving for world peace and a higher standard of living for all of the citizens of the globe.

These and other demonstrations of concern for the rights of individuals have been admired and emulated by other nations. Mutual concern for these essential human rights has long been a cohesive force unifying us and our allies.

Yet despite our dedication to the preservation of the rights of all peoples, we have sadly lagged behind on one crucially important human rights issue. We have never ratified the Genocide Convention.

This treaty expresses contempt for the horrendous crime of genocide. This barbarity can lead to the extermination of an entire mass of people. The passage of this treaty would express universal contempt for this odious crime, which can affect any religious, ethnic, racial or national group of peoples.

We can reaffirm our concern about human rights to our allies by ratifying the Genocide Convention.

Since the United States is the only major industrialized nation to have not ratified this important document, it is little wonder that some nations question whether the United States indeed always acts unselfishly on behalf of all nations. The embarrassment and gravity of this situation are accentuated by the fact that we have had over three decades to ratify the Genocide Convention.

Mr. President, the Senate must ratify this treaty. Its passage will prove to the other nations of the world that the United States truly is still concerned about the plight of nations everywhere. It will help eliminate our allies' growing skepticism; it will also facilitate international cooperation on other issues.

I ask my colleagues to immediately move to ratify the Genocide Convention.

I thank my good friend, the coming majority leader.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I was delighted to yield.

I wish to express my appreciation to the Senator from Wisconsin for his diligence in presenting his views on economic policy with such regularity, that we have all come to depend upon.

Mr. PROXMIRE. I thank my good friend.

TRIBUTES TO DEPARTING SENATORS

Mr. BAKER. Mr. President, I would like to take this time this afternoon to make note of a very bittersweet moment for me personally and for the Senate as a whole as we now draw near the adjournment sine die of this 96th Congress.

And with that conclusion, so also will the Senate careers of four of my most able and most distinguished colleagues from this side of the aisle conclude. I speak, of course, of the Senator from North Dakota (Mr. YOUNG), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Oklahoma (Mr. BELLMON), and the Senator from New York (Mr. JAVITS). Each of these men has done so very much for me personally, so very much for the Senate, and so very much for this Nation that it would be difficult for me to try to chronicle their accomplishments.

In the aggregate, they have a simply astounding record of 128 years of elective public service—83 years of which have been in this Chamber.

Each of these men, were they to be with us in the 97th Congress, would chair vital Senate committees. Thus, while I wish them well in retirement, I am doubly sad to see them go. Not only will I be losing close friends, the Senate will be losing unparalleled leaders.

SENATOR MILTON YOUNG

I would turn first, Mr. President, to the dean of the Republican Members of the Senate and the second-ranking Member of our entire body, our friend and most distinguished Senator from North Dakota, Milt Young.

I dare to say that no man in the long history of the Senate has been more thoughtful, more compassionate, more dedicated, more patriotic, or more decent than Milt Young.

He alone contributed 56 of the 128 years of service I spoke of earlier.

On this coming Saturday, Senator Young will celebrate his 83d birthday and I know we all wish him many happy returns of that day. It is my understanding, by the way, Mr. President, that to commemorate that 83-year-"young," Milton Young plans to unsheate his karate-trained hand to break boards for firewood.

Milton Young grew up a farmer, Mr. President. In fact, if one were to ask him his occupation this very day, after 35 years in the Senate, I imagine Milton would say he is still a farmer, although the soil on Capitol Hill is no doubt less fertile than in his LaMoure, N. Dak., home.

In the 1920's, Milton Young served on township and school boards around LaMoure and was elected to North Dakota House of Representatives in 1932. After only one term there, his neighbors elevated him to the State senate, where he served as president pro tempore and as majority leader until 1945.

In that year, Milton was appointed to this body to complete the term of his good friend, Senator John Moses, who had unfortunately passed away.

Senator Young has been here ever since. In fact, I believe Milton Young has never lost an election—which is more than some of us can say, including this speaker. Most of the time, he has not only won, but carried every county in his State.

During his six terms in this Chamber, Milton Young has done more for the people of North Dakota than there is time or space to recount. Suffice it to say, he is fondly referred to in North Dakota as "Mr. Wheat," and referred to here as "our most distinguished colleague."

It was Milt Young, for instance, who played a key role in the drafting of the 1973 landmark farm program. It was Milt Young who developed the target price concept for wheat farmers to assure them a fair return on their labors. Beyond that, in every area of agriculture—rural electification, Famers Home Administration grants and loans, soil conservation, rural water and sewer loans and grants, rural housing development, agricultural research programs, whatever the need—Milt Young has helped find the solutions for America's farmer.

And he has always done that, Mr. President, in a manner so as to protect the American taxpayer. As the ranking Republican on the Appropriations Committee, he has worked tirelessly to protect the Federal Treasury—to spend what needs to be spent, but to spend only that and only in an efficient and effective manner.

Senator Young is the only member of the Reorganized Church of Jesus Christ of the Latter Day Saints to have served in the Senate. Throughout that service, he has been the paragon of the humility, hard work, and virtue his faith inspires.

It was my privilege, Mr. President, once to attend the graduation ceremonies of his alma mater and to deliver a commencement address there in his presence.

I remember that occasion with great pleasure, Mr. President, because not only was it an honor for me, but it was also an opportunity to see firsthand the extraordinary respect, even reverence, with which his fellow citizens viewed him and in which he was held.

Senator Young and his wife, Patricia, are now to return to North Dakota for the summers—to be with their family, which includes 13 grandchildren and 10 great grandchildren. The winters, I believe, will be spent in Arizona where I am certain Milt, as a new constituent, and Pat, will frequently advise his "junior" colleague, Senator Goldwater, on matters of great interest to this Nation.

I know I speak for every Member of this body in saying we will miss Senator Young and Pat and that we wish them every happiness in this richly deserved retirement.

No Republican ever served longer, consecutively, in the Senate. No one, of either party, ever served better.

Mr. President, later in this day, it will be my purpose to make other statements in respect to Senator Young's service and offer certain resolutions, which I will not dispose of at this moment since our colleagues on the other side of the aisle are engaged in a caucus and would wish to be present at the time they are presented.

SENATOR JACOB JAVITS

Mr. President, I see in the Chamber another of my colleagues for whom I have such an enormous respect and to whom I owe so much. I am speaking of the distinguished senior Senator from New York, Jack Javits.

Mr. President, when the 97th Congress convenes in this Capitol next January 5, missing from our number will be a great many of the "giants" of the U.S. Senate.

As I said a moment ago, four of those missing giants will come from this side of the aisle and none is more of a giant in terms of accomplishment, ability and stature than the most distinguished senior Senator from the State of New York, our esteemed friend and colleague (Mr. Javits).

It is extraordinarily difficult for me to envision the Senate without Jack Javits. For all of the 14 years which I have been privileged to spend in this Chamber, and for 10 years before that, Jack Javits has been a Member of the Senate, indeed, the very embodiment of the most noble traditions of the Senate.

If Senator Javits were to be with us in the 97th Congress, he would become the chairman of the Foreign Relations Committee. With all deference and respect to my friend, the distinguished Senator from Illinois (Mr. Percy), who has already given us all an indication of what a splendid chairman he will be—with all deference to him, Senator Javits would have been an historic Foreign Relations chairman, just as he has been a historic Member of the Senate. For, as we rightly look back to our late colleague, Senator Philip Hart of Michigan, as the "conscience of the Senate," and perhaps our late colleague, Senator Hubert Humphrey of Minnesota, as the "heart of the Senate," then most surely Jack Javits is the "soul of the Senate."

For no one individual of contemporary time has so come to represent that which is best about this body as has Jack Javits. No one individual has been so respected, so highly regarded, or so often listened to as has Jack Javits.

Four times Jack Javits has been chosen by the people of New York to represent them in the Senate; before that as their attorney general; and four times before that, as a Member of Congress.

Among the political opponents Jack Javits has vanquished at the polls during his career are such preeminent Democratic figures as former New York Mayor Robert Wagner and Franklin Delano Roosevelt, Jr., the son of the late President of the United States. It is a measure of the greatness of our colleague, Senator Javits, that in each case, these men continued to hold a high regard and warm affection for their political rival.

As we all know, politics at any level is a crucible. But as very few of us know, statewide politics in New York is a veritable caldron. For an absolutely remarkable 34 years, Jack Javits has been the master of that caldron.

Survey after survey has deemed Jack Javits the most intellectual, most effective Member of this Chamber. His capacity for endless work and his uncanny ability to understand and explain the most complex matters of legislation have made him, at one time or another, an advisor to every Member of every Senate in which he has served, and certainly in every session in which I have served.

I recall, Mr. President, with remarkable clarity, the first day I served in this Chamber, in January 1967. To stand here is a great thrill for me, and a rainbow array of memories flashes across my mind's eye as I think back to that—for me—historic occasion.

One piece of advice given by another Member of the Senate who occupied this chair and desk stands out, in relation to our colleague Jack Javits. On that occasion in January 1967, the late

Senator Everett McKinley Dirksen accompanied me to the platform of the Senate when I accepted the oath of office and inscribed my signature in the rollbook of this body.

During the course of that day, I recall Ev Dirksen saying that the men and women of the Senate are unique and special, each in his or her own way, and they have talents that they contribute to the general welfare of the Senate. "However," he said, "there is one man in the Senate who is so clearly intellectually superior and whose judgments and insights are so keen and whose ability as a lawyer is so valued that I urge you to listen, and to listen carefully, to the advice of Jack Javits."

I recall, as well, that Ev Dirksen on the same occasion, with a flip of his unruly hair and a glint in his eye, said, "Don't listen too carefully. He's not always right, but he is always persuasive, and he is the Senate's lawyer." And so he has been.

As one who has drawn frequently and deeply from his well of counsel, I know the quality of Jack Javits. I know of his dedication to this Nation. I know of his devotion to his wife Marian, and his family. I know of his devotion to the U.S. Senate. I know of his thoughtfulness. I know of his compassion for those of unfortunate circumstances, as were the circumstances of his childhood in a New York tenement.

I know of the great legislation Jack Javits has authored: to reform our pension programs across this Nation, to provide employment and incentive for economically disadvantaged youths, to recognize and take advantage of the enormous contributions of elderly Americans and to prevent discrimination against them in the marketplace, to return to Congress its just responsibility for controlling American military commitments in time of peace, and to provide a better life for all Americans.

I know these things, and thus I am terribly saddened by the pending departure of Jack Javits.

I am certain every Member of the Senate joins me in wishing Senator and Mrs. Javits every happiness and success.

No person, in the history of the U.S. Congress, has done more to improve the quality of Congress and the quality of life in this Nation than has the most able senior Senator from the State of New York, our friend Jacob K. Javits.

SENATOR HENRY BELLMON

Mr. President, the next Senator of whom I speak is Senator Henry Bellmon of Oklahoma.

I am especially saddened by the imminent departure of Henry Bellmon. We have served together now for the past 12 years, not only as colleagues but also as friends, and, as in the case of Milton Young and Jack Javits, of whom I spoke, he is a great man of the Senate.

Henry Bellmon grew up, as Milt Young grew up, and remains, a farmer, a wheat farmer, who I am thus certain knows full well the contributions that each has made to American agriculture.

Many of us who seek elective office often find it necessary or advantageous to glamorize our record of military service. It makes for good politics. I have never known Henry Bellmon to do that, but he most certainly could have; for the senior Senator from Oklahoma is indeed a genuine hero in a time when heroes are in scarce supply.

He served 40 months with the U.S. Marine Corps during World War II. He left the service with the rank of major and was highly decorated, having received the "Legion of Merit" for bravery on Saipan and the Silver Star for "conspicuous gallantry" on Iwo Jima.

Upon his return from the service, Henry was elected to the State House for 2 years, during which time he met and married his lovely wife, Shirley.

He quite literally became known as "Mr. Republican" in Oklahoma and, in 1962, was elected as that State's first Republican Governor. In 1968, he was elected to the Senate and was reelected in 1974, thus becoming the first member of my party ever reelected for statewide office in Oklahoma—a practice, I might add, which I am certain Henry's successor, Senator-elect Don Nickles, will duplicate many times in the future.

Mr. President, I do not wish to prolong my contribution to this period unduly, but I ask the indulgence of my colleagues while I speak briefly about two more of our colleagues who are retiring.

Much like Milt Young, Henry's career in the Senate has been marked by a deeply held concern for the American farmer and an equally deep conviction to protect the American taxpayer.

Senator Bellmon was instrumental in the drafting and passage of the Agriculture Act of 1970, the Farm Credit Act of 1971, the Rural Development Act of 1972, the Agricultural Act of 1978, and the Agricultural Credit Assistance Act of 1978.

As the ranking Republican member of the Senate Budget Committee, Henry Bellmon and our former colleague and chairman of that committee, the distinguished Secretary of State, Edmund Muskie, worked tirelessly to develop budget guidelines for Federal departments and agencies and to see to it that those guidelines were enforced and adhered to.

We take great pride in the Senate in what we call the congressional budget process. That process is far from being perfected, as Senator Bellmon would be the first to say. But it is an ever-increasing tool to help control Federal spending, and no Member of this Senate has had more to do with its establishment or its credibility than has Henry Bellmon.

Throughout his career of public service, spanning some 34 years, Henry Bellmon has been a beacon of leadership, compassion, honesty, and decency. He is the personification of the unflagging spirit of our land. His leadership will be greatly missed here.

I have been blessed, Mr. President, during the course of my 14 years in the Senate, to have enjoyed and drawn strength and advice from the friendships I have had with two Oklahoma Senators, Henry Bellmon, and our late colleague, Dewey Bartlett.

Dewey Bartlett is lost to us all now, and Henry Bellmon's service will soon be lost to this Senate. But I know that my wife, Joy, and I, and all of us in the Senate, will not lose the friendship of Henry and Shirley Bellmon as they return to their ranch.

Nor will Henry Bellmon ever lose the admiration, gratitude, and love we all feel for him.

SENATOR RICHARD S. SCHWEIKER

Mr. President, finally, I draw attention sadly to the retirement of our friend and colleague, Senator Richard Schweiker of Pennsylvania.

After 8 years in the House and 12 years in this Chamber, Dick Schweiker is leaving Congress. He leaves voluntarily. Surely, his was a seat Dick could have held as long as he wished, so much do the people of his beloved Pennsylvania admire him. But he has chosen to leave us to pursue other interests. I regret that decision, but I understand it. Further, I hope and I believe that we will again see Dick Schweiker in service to Pennsylvania and all America soon, perhaps not in Congress but elsewhere in the Government of the United States.

Were Senator Schweiker returning to the Senate next year, he would chair the Committee on Labor and Human Resources. I know he would have very much liked to have enjoyed that chairmanship before he retired. And I know he would have been a magnificent chairman, just as he has been a magnificent ranking member.

No Member of this Senate has more tirelessly dedicated his time and labors to the betterment of medical care for all Americans than has Dick Schweiker. He has drafted legislation which has been instrumental in our struggles to overcome the illnesses: cancer, heart disease, sickle cell anemia, lead poisoning, and diabetes.

He has worked diligently for a sensible comprehensive health care program to reduce the crushing financial burden often imposed on American families by extensive medical care.

Dick Schweiker is the father of the National Commission on Diabetes and the National Diabetes Advisory Board. We all know how fully he has given of his time and energy to help us all to understand diabetes, to recognize it and to overcome it.

His interests, however, have gone beyond the bounds of health care. It was Dick Schweiker who helped devise the formula which allowed us to establish the All-Volunteer Armed Forces in this country. And he has worked constantly to see that the quality of that voluntary service has been maintained and improved upon.

For these past 20 years, the people of Pennsylvania, and of all America, have been well served by Senator Schweiker in Congress. He is a magnanimous and thoughtful leader. He has been at the forefront of every effort in Congress to make life better for the American people.

Indeed, Dick Schweiker has been more than merely at the forefront; 4 years ago, and I proceed gingerly here out of my respect for both our President-elect, Ronald Reagan, and our former President, Gerald Ford—4 years ago, Dick valiantly sought the Vice Presidential nomination of my party, answering the call of Governor Reagan. So, you see, he has not only been at the forefront. Our friend, Dick Schweiker, has actually been "ahead of his time."

I am sure, Mr. President, that Dick Schweiker's prescience, his insight, and his understanding of great national issues will continue to manifest themselves in whatever endeavor he chooses to undertake. I speculate that he will continue that public service. There is great speculation as to what that endeavor may be. But I am confident that it will be meaningful. I do not know what role he will play, but I am sure that he will play it well, and we look forward to his future leadership and the future contribution of his insight into the matters of public concern in this Nation.

I wish him and Claire a fond farewell from this body and extend our good wishes, those of the Senate, our friends and families, for their success in a new career and for the future.

Several Senators addressed the Chair.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I will yield first, if I may, to the Senator from Pennsylvania and then I wish to yield, if I may, to the distinguished chairman of the Policy Committee.

Mr. HEINZ. Mr. President, I associate myself and if it were possible to cosponsor I would wish to cosponsor the remarks of our soon to be majority leader, Senator Baker, with respect to my distinguished senior colleague from Pennsylvania, my dear friend, Dick Schweiker.

I rise not only to associate myself with what I believe are accurate comments about my colleague and his service but also to express my strong feelings about him not only as a Senator but as a man to whom my State, my constituents, and I are deeply indebted.

All of us know Dick Schweiker as a very fine and effective legislator, a man who has worked nearly two decades in the House of Representatives and Senate, who has a wonderful legislative record built up over the years on service in a variety of responsibilities.

These include but are by no means limited to his work on what is now the Human Resources Committee where he has served with great distinction as the ranking minority member, and in that capacity he has come forward with some very visionary, far-reaching, and most profound ideas and concepts.

We are losing a man of great imagination and energy in losing my senior colleague from this body, although we are all expecting and indeed hoping that we will be compensated by some of the speculations that are currently in the news media and on the wire coming true.

Indeed, I have already offered my precongratulations to my senior colleague saying that if I did not congratulate him now I might be among the last to congratulate him if these things in fact did come to pass.

There has been a lineup of people wanting to express their good wishes to my senior colleague well in advance of anything formal or solid or definite, and I think that is a mark of the great respect and affection that we have and which we hold for Dick Schweiker.

I will not speak at length about the many parliamentary, legislative, and senatorial accomplishments of my senior colleague. I do wish to say that Dick Schweiker has been important personally to me and to our party, particularly in Pennsylvania.

It is my view that the bastion of Republicanism in Pennsylvania has long been that which was established in Dick's home county of Montgomery County. It is a very large county. It is a county, the population of which exceeds that of some States and that, incidentally, of some countries. It is a county which has had a very fine tradition of exception public service and particularly good, honest, and clean Government where integrity among the public officials is something that is always expected and to my knowledge always has been performed to such expectation.

It is my view that Dick Schweiker vitalized the politics of my party in my State by his entry into politics in Montgomery County nearly two decades ago.

It is my view that he set the standards for that county and that those standards became accepted as the norm for the Republicans in my State in our other 66 counties.

It is my view that Dick Schweiker achieved what he set out to achieve during his work in Montgomery County in the very boilerrooms of the American political process, as a committeeman, as someone deeply involved in trying to reform the Republican organization in that county, which he did do. He was someone who then went on to represent that county in Congress, as someone who by virtue of all those and many other deeds set the stage for the possibility of a Bill Scranton to win statewide in 1962 in the election that changed the course of party politics in our State, leading to 8 years of Republican governorships in the Scranton and Shafer administration; that made it possible for those of us who came along later, after Bill Scranton, to be accepted as indeed we came to be accepted after Dick ran for the Senate in 1968 and did such an outstanding job from his very first day.

It became possible for the John Langs, the Dick Thornburghs, the Arlen Specters, to go before the electorate of our State, secure in the knowledge that we were following in an absolutely honorable and respected tradition of Republicanism in our State.

Let me tell you, when you think back to 1974 and how difficult it was for so many of us in our party, not just in our State but throughout the Nation, that was a mighty powerful, helpful, and necessary legacy for our party in our State to have. Only shortly after it became possible for me and Arlen Specter this year to follow Dick Schweiker's path that he started out on so long ago, a path that he followed faithfully, a path that is called excellence, and particularly excellence in public service and in his own private conduct of affairs.

Mr. President, I know of no higher attribute, I know of no more far-reaching compliment, than to say that a man has a good name. In every way I think Dick Schweiker not only deserves his good name, but he has made it great through the wonderful legacy that he has given all of us in our State and, in my view, to our Nation as well.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, I yield to the Senator from Texas, the chairman of the Republican Policy Committee.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I will not elaborate on the very excellent catalog of achievements of the four men we pay tribute to here today. It has been so well done by our distinguished minority leader. I would simply briefly like to reflect on some of my own impressions based on my association with these men with whom I have been privileged to serve.

SENATOR MILTON R. YOUNG

Milton Young is one of the most working legislators I have ever seen. I think that he is a quite essential public servant because he only seeks to accomplish; he does not seek self-aggrandizement. He is self-effacing almost to a fault. But with all this, he is certainly one of the most effective legislators I have known.

It would really be difficult for us to gage the impact he has had on the spending habits of the Government of the United States. I might say favorable impact because he has always been one of those who believed that you could not simply throw Federal money at a problem and expect it to go away.

He is an unselfish man. He has given of himself without seeking credit or fame for what he has done.

I am particularly grateful to him for the stalwart way in which he has supported our efforts to build a defense capability of the United States that will at once enable us to maintain our national security and at the same time support our foreign policy objectives based on a clear perception of our vital national interests throughout the world.

Those of us who believe that we can ultimately achieve peace only through strength will agree to that concerning Milt Young.

I have been privileged to serve with him now for 20 years. I have learned from him. I have benefited enormously both personally and professionally, by my association with him, and I offer him now my profound thanks.

SENATOR JACOB K. JAVITS

I have also been privileged to serve throughout my 20 years here with Jack Javits, of New York. Jack and I, I suppose, could hardly be regarded as philosophically compatible, but perhaps we are far more compatible than the journalists who resort to shorthand terms would indicate to the public at large, because I share with him what I believe to be his wonderful vision of America and what it should be.

Again, here is an unselfish public servant who has always subordinated his own personal interests and, indeed, subordinated political expediency to the greater goal of doing what is right and trying to achieve the greatest good for the greatest number.

I have not always agreed with JACK JAVITS, but I think I have rarely failed to appreciate the objectives he sought, the vision he has for our country and our people, and his fine sense of justice and equanimity.

Certainly, he is persuasive. Certainly, he is a towering intellect. Certainly, he is a lawyer without peer. But he also has a marvelous facility for taking disparate approaches to a public problem, with a fine electric sense drawing from the best proposals of many, and synthesizing those into a consensus that certainly all of us on the Republican side of the aisle could agree with. He has proved that time and time again in his skillful formulation of policy positions, which have been supported by a substantial majority, if not unanimously, in the Republican conferences.

It is with deep emotion that I say to him today that I wish him well in whatever endeavor he pursues from this place and express my deep regret at his departure.

SENATOR HENRY BELLMON

I am also sad to see my friend HENRY BELLMON, a fellow Southwesterner, go back to Oklahoma. I wish he had felt motivated to serve here longer as a Southwesterner. I appreciate the way he has reflected the legitimate interests of my section of the country, his sensitivities to our problems. But at the same time, I am somewhat envious of his enormous facility for rising above mere regionalism and parochialism and considering that which is the national interest and in the public good for all Americans.

He is a man of enormous conscience, as well as being tireless, as well as being dedicated, as well as having the facility for getting things done.

SENATOR RICHARD S. SCHWEIKER

I am reluctant, too, to say farewell to my friend from Pennsylvania, DICK SCHWEIKER, a man who has a marvelous ability for rising above dogmatic answers to problems and seeking practically and pragmatically the right kinds of solutions; a man who in 12 years has demonstrated enormous ability and a facile mind; one who in my view leaves us too early in life. He is younger than I am. And I think that is too bad that we lose from this body a man who has so many useful years left in him.

I am delighted to read of the speculation that he may be a member of the Cabinet of the Reagan administration. I hope that our President-elect, in his wisdom, will prevail on him to take a position in the Cabinet. I certainly will be among his most active and vocal supporters for a position in that body which will initiate the public policy that we will respond to here and that will shape the future of our country, perhaps, for the next decade.

Mr. President, on this side of the aisle we do feel a profound sense of loss that these men will no longer be with us and move among us and bring to us their great ability and their great insights, their great dedication and personal patriotism. I express the hope to them that they will come back often and, whenever they feel so disposed, give us the benefit of their wisdom and experience.

Mr. STEVENS. Mr. President, I yield to the Senator from California such time as he may desire.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I thank the distinguished assistant minority leader.

Mr. President, yesterday it was my privilege to rise to urge my colleagues to accept a conference report on H.R. 6942, the International Security Development Assistance Act of 1980.

In closing those remarks, which I did not read in full, I did say a few words about some of my colleagues to whom I feel especially indebted. I would like to reiterate those remarks at this time since they were not uttered in this Chamber.

I would like to express the sense of deep privilege of serving on the Foreign Relations Committee with Senators FRANK CHURCH, GEORGE MCGOVERN, RICHARD STONE, and JACOB JAVITS.

SENATOR GEORGE M'GOVERN

Senator MCGOVERN and I both served on the African Affairs Subcommittee and during this past session of Congress together we introduced Senate Concurrent Resolution No. 8, urging the congressional leadership to appoint a team of observers for the Rhodesian elections which were held in April 1979.

Although I am sure that Senator MCGOVERN and I had different hopes for the outcome of the election, we did agree profoundly that we ought to have American observers there. And I must say I am deeply indebted to Senator MCGOVERN for his assistance in getting this resolution through the Senate, although a parallel resolution in the House was not passed so we did not send observers.

Nevertheless, it is particularly an example of cooperation across party lines that has remained with me and is something for which I am very grateful.

SENATOR RICHARD (DICK) STONE

Senator STONE and I were on the Western Hemisphere Subcommittee together and shared many of the same views with regard to Cuba and other nations in the Caribbean. His contributions during the consideration of the SALT agreement by the full committee were outstanding. I shall miss very much sitting across from him during our committee meetings.

SENATOR FRANK CHURCH

The chairman of the Foreign Relations Committee, Senator CHURCH, has assisted me on many occasions and I am grateful for his help. I know that his job at times was extremely frustrating and I appreciate the effort he made to restore a congressional voice in foreign policy decisions.

SENATOR JACOB K. JAVITS

Above all, Mr. President, I have had the privilege to serve with Senator JACOB JAVITS on the Labor and Human Resources Committee during the first years I was here and then after my move to Foreign Relations served another 2 years on that committee with him.

On both committees, he has been most generous in advising and assisting me. There are hardly enough words to express my gratitude, Senator—even for a semanticist.

The interesting thing that I have been learning in this distinguished body is to learn not only what people are saying, even when we are disagreeing with them, but in what way they are saying it, with what degree of courtesy, with what degree of thoughtfulness, with what degree of concern for the views of those who disagree with them. And in that kind of presentation, Senator JAVITS has always set an example to me which I have been grateful to learn as a freshman Senator.

His leadership on the committee was deeply appreciated by those on the minority side, but I know that the majority side also benefited from his comments which were full of insight, full in ingenuity and skill in accommodating all interests present. I, among many others, will miss sorely his reasoned voice in the U.S. Senate.

To all these gentlemen with whom I have had the honor to serve, I wish the greatest happiness and success in their future endeavors.

I thank the Chair.

Mr. STEVENS. Mr. President, I yield such time to the Senator from New Mexico as he wishes for the eulogies.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, as a 4-year Member of this illustrious and historic body, it has already become painful at other times to say an official goodbye to good friends—good friends from both sides of the aisle. Unfortunately, that is the nature not only of the body but also of life.

I am particularly appreciative of the association during those 4 years that I have had with my four distinguished colleagues on this side of the aisle.

SENATOR MILTON R. YOUNG

Senator YOUNG, who came within an election of being the President pro tempore of the Senate, has throughout my stay in the Senate been a guiding light within the Appropriations Committee and, during the last 2 years, a counsel of great wisdom in the operation of that committee and in my education to its intricacies.

As a sidelight, Senator YOUNG and I had the privilege of working together—or I had the privilege of working with him—to insure that the retirement that he is now embarking upon will be graced with a golf cart. It was one of those little issues that came before the illustrious Ethics Committee while I was vice chairman, and we were happy to work that little problem out for him.

SENATOR JACOB JAVITS

Mr. President, Senator JAVITS and I very quickly found that we had a problem the solution to which we both thought we understood. In the very first month of my career in the Senate, we became embroiled in the discussion over the code of conduct of the U.S. Senate. From that day forward, I have thought of Senator JAVITS not only as our lawyer, but as my lawyer on these matters and many others. We did not prevail in that contest, as we had hoped that we would. Nevertheless, the education and the spirit and the wisdom with which I was introduced as to the ways of the Senate and the conduct of the Senate will always be foremost in my mind.

I think most important in all of our minds is that one man during this trying year—now almost 400 days—has risen to the top as Mr. Foreign Policy for the U.S. Senate and for the Congress of the United States. There is no question in my mind, nor do I know of any question in any other mind in this body, of whose advice and counsel we could most rely upon than that of Senator JAVITS. JACK'S departure from the Senate is one which was, in many minds, premature. I am sure that his service to the country will be no less out of the Senate than it has been within it.

SENATOR RICHARD S. SCHWEIKER

My good friend, DICK SCHWEIKER, Senator SCHWEIKER of Pennsylvania, and I became best acquainted as we worked through the problems of the last 2 years in the Labor and Health, Education, and Welfare Subcommittee of the Committee on Appropriations. I am extremely enthusiastic about the thought that we may continue to have an opportunity to work together in some capacity or other in discussions relating to the very, very difficult problems revolving around the provision of necessary services to those truly in need in this country while, at the same time, finding ways in which those services can be delivered in a far more efficient manner than they have been to date. That is a challenge that I am confident both of us can meet in our various new capacities. I am looking forward to whatever association we may have with Mr. Secretary or whatever other title he may assume.

SENATOR HENRY BELLMON

Mr. President, my dear friend and western colleague (Mr. BELLMON) has set a standard of courage of conviction to which we all can aspire as we deal with the problems of the future, particularly those that have to do with the conduct of the fiscal policy of this great country and the role of the U.S. Senate in the formation of that fiscal policy.

I am sure there are many in this body who are very envious of what at least appears to be the Senator's intention. That is to go home for a while and enjoy the life that he has known in the past and will know in the future in the great State of Oklahoma.

However, again, I firmly believe, as in the case of all the four Senators on this side of the aisle about whom I have spoken, we shall see a continuation of service that will be as illustrious in the cause of the Nation, in the cause of their constituencies, as any that has gone before. It is with sadness that I see them depart. However, it is with gladness that I know the associations will continue.

Mr. President, I yield to the distinguished Senator from Wyoming—I should say the distinguished senior Senator from Wyoming (Mr. WALLOP) such time as he may require.

Mr. WALLOP. I thank my friend from New Mexico.

Mr. President, I cannot begin to chronicle the achievements of all our colleagues this afternoon who are departing our company. I would not attempt to and I do not think it is necessary because their achievements are chronicled in the records of the Senate and in their constituents' minds. I came to the floor because of great respect and affection for all four of them. I came because I am inherently sentimental about people who have become good friends, for whose personality and character traits I have so much respect and who have been just good and decent friends to me in 4 years of the Senate.

All of them were public names before I even contemplated entering politics. All of them have continued to hold high that standard of public names, the kind of names that the rest of America, from whatever political persuasion it approaches politics, feels are still respected and admired people whose judgment has been intellectually honest and very clean.

SENATOR MILTON R. YOUNG

Senator YOUNG has, in most respects, to me been a hero like a hero of the author Louis Lamour, whom we both share admiration for. It is pure western, pure integrity, it is pure self-effacement and pure knuckling down to the job, until he gains success and achievement at those jobs.

SENATOR HENRY BELLMON

HENRY BELLMON and I had the privilege of going on a long automobile drive at one time. I asked him whatever brought him into politics. He told me that it had come about from his military experience, a desire during World War II, in the war with Japan, to do something about making the world a little better and a little safer and to add whatever he could to the political spectrum and life in America. I must say he has succeeded. He is a solid farmer; he represents the very best in agricultural America, the very best in citizen legislatures, the very kind of thing which this country absolutely needs more of. It is with regret that we see him go, but it is with some pride that we have that record in the Senate to hold up for other people to emulate and follow.

SENATOR JACOB K. JAVITS

Senator JAVITS is a good friend. How many of us have know that name since long before we were in politics. Some of us were in college when we heard that name, a name of enormous intellectual courage and integrity.

The only unkind thing he ever said to me was, "Come on, Senator, we are both lawyers." I had to dissuade him from that view, but I never held it against him.

He is a man who has fought for his constituents, who has fought for his State, fought for his friends, fought for the Republican Conference, fought for policies which we put together, some of which he agreed with entirely and some of which he had disagreements with. It is the case with every one of these men.

So it is with respect that I bid him farewell. Certainly, it is with a sense of sadness that we see him leave this Chamber. All of us were party to signing a letter asking him to remain. All of us signed that letter with every expectation and hope that he would be back.

Certainly, we wish him well in his struggle with the disease which has afflicted him physically, but not mentally. All of us who know him, know perfectly well the intellectual capacity he possesses will be at the service of the country whenever the country asks for it.

SENATOR RICHARD SCHWEIKER

As to DICK SCHWEIKER, I first came across Senator SCHWEIKER when I was in the Wyoming State Legislature. I was back here trying to work toward getting some national surface mining legislation. His office was active in that because of the great care he had for the natural resources his State possessed and wanted to continue to produce, and had an unhappy record with, and whose State, incidentally, was among the leaders in finding a way to take care of their own problems without coming to the National Congress.

At that time, I was a young State representative from Wyoming and asked for and received an appointment in the office of the Senator from Pennsylvania, not because there was anything in it for him, I could not affect a constituent. I did not know a constituent of his at the time.

But he gave me the courtesy of hearing me out and helped me put on some of the things that ultimately became the law after I got here. It was that long a struggle.

I find DICK SCHWEIKER the quintessance of the family man who struggles with public life and maintains the credibilty and love of and with his family, and cares for it. All of us who have any knowledge of that find that among the most admirable and respected traits the Senator has. He does it better than most of us have done it, he does the job of Senator as well or better than any of us.

That is a dual accomplishment some of us are envious of—I certainly am.

I bid them all farewell. I will miss their humor. I will miss their friendship. I will miss their integrity. I will miss their ability as Senators. Certainly, all of us will find this place empty, though their seats will be filled.

I salute them all.

Mr. President, I thank the Chair and I yield the floor.

Mr. SCHMITT. Mr. President, I yield to the distinguished Senator from Rhode Island (Mr. CHAFEE) such time as he requires.

Mr. CHAFEE. Mr. President, I thank the junior Senator from New Mexico very much for yielding me this time.

Mr. President, the tributes we are making today have already dealt with the legislative abilities of the four distinguished Senators who are leaving us at the end of this session.

If I might, Mr. President, I would like to touch on personal relationships that it has been my privilege to have, and all the other Senators in their way, with each of these Senators.

SENATOR MILTON YOUNG

First, Senator MILTON YOUNG. Senator YOUNG has been here longer than most of us even can think about. Of course, he is the senior Republican.

My first occasion to get to know Senator Young was when he was the ranking member of the Appropriations Committee, when I came before him as Secretary of the Navy in connection with naval matters. This started some 11 years ago.

At that time, when I came up to testify before the Appropriations Committee, Senator Young always had penetrating questions. It was obvious that he had what we called the corporate memory. In other words, he knew what had gone on under previous Secretaries of the Navy. He had seen them come and go.

So he was interested and tolerant of whatever mistakes I might have made.

He was constructive in his views. It was a treat to testify before a gentleman of his vast experience and interests.

So I say as an individual that I am going to miss him terribly as, indeed, the others will also.

SENATOR JACOB JAVITS

As to Senator Jack Javits, I suppose there is no Senator here whose interests have touched more facets of governmental operations, of the U.S. Government, than Jack Javits. He is a man of extremely broad and fertile imagination. He has been interested in foreign relations. He has been interested in the economy. Indeed, he has been interested in the strength of our Armed Forces, as well.

I first came to know him when he was good enough to come to Rhode Island to give me a hand when I was running for the U.S. Senate in 1972. Indeed, before that, I had connections with him when we served on various committees.

As others have testified, he has an extremely able legal mind. I will never forget serving on the Platform Committee of the Republican Party in 1968, when I was cochairman of the platform committee, in Miami, Fla., and there was a member of that platform committee from one of the Western States who stood in awe of Senator Javits' capabilities.

Referring to Senator Javits' abilities, he said, "If I am ever charged with murder, I certainly want Jack Javits to defend me. He could talk a dog off a meat wagon." I suspect he could.

So Senator Javits is one of the real giants of the Senate. We are going to miss him greatly.

SENATOR RICHARD SCHWEIKER

As to Dick Schweiker from Pennsylvania, he was one of the senior members of the Labor and Human Resources Committee when I served on that 4 years ago upon coming to the Senate.

Senator Schweiker had this vast interest and knowledge of all that was going on within that committee. He had a deep compassion for each of the fields that committee touched, which, as those who served on it know, is a vast committee with its responsibilities.

Senator Schweiker immediately impressed me as somebody who could be termed a constructive legislator. In other words, we had run into impasses, whether it was a health measure, or dealing with the lunch programs, the milk program, or whatever it was, and in all the areas it was Dick Schweiker from Pennsylvania who was able to construct a final solution that was acceptable to the various parties.

He is a man who we have heard rumored will take on further responsibilities in the area of human services. Whether that comes about, I do not know. But I certainly hope it will because there could not be a finer appointment the President-elect could make than that of Dick Schweiker in this particular area.

So we will miss him greatly here.

SENATOR HENRY BELLMON

As to Senator Henry Bellmon, I think of him, of course, in connection with the budget activities that have consumed so much of our time here on the Senate floor for the past year and a half.

Senator Bellmon can probably best be characterized as a man of massive integrity, a person who will proceed to do what is right for the Nation, taking votes and stands that are often unpopular because, in the long run, they are for the good of the United States of America.

I have known Henry for a good number of years. We both served as Governors. We went to Japan together on a trip of the Governors in 1965. That is where I really got to know him best. We have kept up this friendship over the many years since.

Henry Bellmon's departure, indeed, leaves a great gap in this Senate. Others will fill his shoes. Others will take stands that he took. But I think in taking these stands, we will always be reinforced in our courage to do the right thing remembering that Henry Bellmon passed through these halls and he, himself, had the courage to stand up and perceive what was best for our country.

So all these gentlemen will be gone, but we will think of them frequently, remember them.

I wish them God speed. I wish them well. I wish them good health in all they undertake.

Mr. President, I thank the Chair.

Mr. SCHMITT. Mr. President, I yield to the distinguished Senator from Mississippi such time as he may require.

Mr. COCHRAN. I thank the Senator from New Mexico.

Mr. President, it is with some reluctance that I rise to join the other Members who have paid tribute to the four Senators who are retiring this year from the Republican side of the aisle—not because of a lack of respect or friendship for them, but, because, having been here only 2 years, I cannot add much to what has been said by those who have spoken before me with respect to the record of legislative accomplishments and leadership that has been provided to the Senate by these retiring Senators.

However, I have to say that in these 2 short years, I have grown to respect deeply and to love each of these Senators. I have found in each of them qualities that we hope are imbued in every Senator.

SENATOR MILTON R. YOUNG

Senator Young and I have had the opportunity, from time to time, to talk about his early recollections of coming to the Senate and the way things were then. When I was a very small boy, he was already serving in the U.S. Senate. He has told me of his close friendship with Senators from my region of the country, such as the late Senator Richard Russell. His stories have helped me to appreciate, in a deeper and more meaningful way, what the Senate really is, what it has been, and what it should be as an institution.

I observe the irony that were it not for Senator Young's decision to retire at this particular time, when the Republicans are gaining a majority in control of this body, he would be our President pro tempore, and may yet have that honor, in spite of the fact that he has decided to retire. I certainly hope that this comes true.

SENATOR RICHARD S. SCHWEIKER

Senator Schweiker, I hope, will stay in the Capital City—although not as a Senator, certainly in a capacity of leadership in the new administration. We will miss his leadership in the areas in which he has concentrated his efforts and energy. He has been a true leader.

I recall a matter that we have in common. On weekends 2 years ago, our sons competed against each other on all-star soccer teams. I recall one day in particular when my son, who was the goalie in a game in Alexandria, was guarding the goal, and a big crash occurred at that end of the soccer field.

Two or three boys were laid out, and rushing onto the field were a couple of interested parents. We found that our sons had collided head-on and had just about knocked each other out.

We have not had any run-ins like that in the Senate. We more or less have followed the same course.

We will miss Senator Schweiker very deeply.

SENATOR JACOB K. JAVITS

Senator Javits, as we all know, has been one of the great intellects in the Senate. He is widely recognized for his leadership qualities, for his commitment to being a Senator, for his dedication, for his conscientious work in behalf of his State and of this great Nation of ours. He is known for his ability to marshal facts around him, to make the poignant arguments, to get right to the heart of the issue, and to be persuasive. He has been a delight to observe.

As a young Senator, I certainly can say that we will definitely miss his courageous leadership here.

SENATOR HENRY BELLMON

Senator Bellmon, I suppose, is the epitome of the Western agrarian Senator, dedicated to certain principles that have made this country great—individuality, self-awareness. He is a person of great integrity. He does not mind hard work. As a matter of fact, he seems to embrace it. He gets right down to the point where it makes a difference: He has done his homework and knows his facts—and usually better than most others. The great contributions he has made in terms of trying to develop a sense of fiscal responsibility in this institution have been very enviable.

As a Governor, as a Senator, and as

an Oklahoman, we will miss him and the members of his family.

Therefore, Mr. President, in spite of the reluctance I mentioned earlier, I appreciate the distinguished Senator from New Mexico giving me this opportunity to express my sadness over the fact that these distinguished Senators are leaving us.

Mr. SCHMITT. Mr. President, I see that the distinguished Senator from North Dakota would like to add to these deliberations, and I yield such time as he may require.

Mr. YOUNG. Mr. President, it is difficult for me to find words to express my deep gratitude for all the nice things that have been said about me. I am fortunate that all the eloquence here today was about the better side of my life. I am fortunate that they did not talk about the other side. With all their eloquence, I might not have looked so well. All this today provides a better appreciation of the wonderful body this is—truly great friendship and a wonderful spirit.

Mr. President, when I go to the next world, I hope that the CONGRESSIONAL RECORD of today will precede me when judgment is passed on me. I am sure that my standing in the next world will be much improved if the CONGRESSIONAL RECORD of today, with all the wonderful things that have been said about me, were to become a part of my record.

Again, I express my deep gratitude for all the wonderful things that have been said about me. This, in a way, makes it even more difficult to leave here. I will be looking forward to retirement, but the one thing I will miss most is the real friendship of the Senators I have had the pleasure to serve with all these years.

Mr. SCHMITT. Mr. President, before yielding to the distinguished Senator from Pennsylvania, I ask unanimous consent that to the existing order there be added another one-half hour, for the purpose of recognition of the retiring Senators, as has been forthcoming up to now. I understand that this agreement has been cleared on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCHMITT. Mr. President, I yield to the distinguished Senator from Pennsylvania for such remarks as he may wish to make.

Mr. SCHWEIKER. I thank the distinguished Senator from New Mexico for yielding to me and for his leadership in conducting this colloquy, which I am sure Senator YOUNG, Senator JACKSON, and Senator BELLMON, have enjoyed thoroughly as I have.

Mr. President, after serving 20 years in the House and the Senate, it is a real privilege and honor to sit here and listen to the very kind words that have been spoken today.

It is a privilege, also, to have served with my other colleagues who are retiring. I have had occasion to work with all of them in various ways.

SENATOR MILTON R. YOUNG

Senator YOUNG is the ranking Republican member on the Appropriations Committee, and he would be chairman if he had elected to stay for another term. With respect to his work on that committee, it is important to say that he always was willing, eager and able to allow the younger and newer members of the committee to assume responsible roles on the Republican side.

There was never any question of your having to worry about MILT YOUNG letting you pursue a line of activity or work that you were interested in because it conflicted with him. There never was any question that, if you wanted to take the active leadership in some field in which he had done some work before, he would yield to you.

There always was an opportunity for the newer and younger members of the committee to play very satisfying and fulfilling roles because of his broad leadership, because of his willingness to bring people in, to include them, and to give them responsible roles.

Mr. President, I pay my personal tribute to Senator YOUNG because, as one who sought to work and do many things on the Appropriations Committee, it was most encouraging to have a ranking Republican Member who was so willing and able to welcome that kind of service and encourage it, and also to be supportive of it with staffing and all the other prerequisites that are necessary to those endeavors.

I think, also, that something should be said about his work on the Defense Appropriations Subcommittee on which we serve. Senator YOUNG is an acknowledged expert in this field because of his service here. Because it is Defense, a lot of the work is dealt with in closed meetings, in closed markups, due to its security label and its classified nature. Thus, not all people are aware of the great amount of time, the detail and effort that he has put into this effort. He was one to be there and to take an active and vital role in the closed hearing when the TV cameras were not there. When there was no recognition whatsoever, MILT YOUNG was there minding the store and making sure, from his perspective, that this Nation got the kind of defense appropriations he felt were needed, and he was there to listen, to hear, and to assess whether such appropriations were appropriate.

Previous to my service on the Defense Appropriations Subcommittee I served on the House Armed Services Committee and the Senate Armed Services Committee, so I really had a very fine understanding of the work, interest, and ability that MILT applied to that job and for which I greatly respected him.

I think, too, that it is quite fitting that we should honor him here today because of his 34 years of service, because it is the longest service of any Republican Senator in the history of this body, and because of the fact he has been quietly, effectively, and efficiently doing his job in just the way that I described the Defense Appropriations Committee—for his State and for his country.

I was proud and very happy to participate and serve with him.

SENATOR JACOB K. JAVITS

Senator JAVITS, another retiring Senator with whom I have had a very close association, and I first came together on the Labor and Human Resources Committee where, when I came to the committee, he was the ranking Republican. Now, as I leave the committee, I am the ranking Republican. I mention this because it was under Senator JAVITS' leadership and interest that stimulated a lot of my activities in some of the fields that he had pioneered—in education, in health, in the arts and humanities—in these fields that are so broad in scope and yet so concentrated on helping people and providing services for people and caring about their activities, their interests, and their relationship with the Federal Government.

So he has been not only a leader, an initiator, and a creative thinker in these areas, but he has also been a very practical implementor of legislative policy in them.

So, when he elected to leave the position that he held and go to the ranking Republican position on the Foreign Relations Committee, I was very pleased to have the honor to succeed him in the post that he had held and to try to carry on some of the work he started and initiated.

In addition, Senator JAVITS has been most active in the international field, of course because of his foreign policy interests, but also because of his instinctive belief in the free enterprise system, in a competitive world economy, in working not just as an industrial power but in competing in a constructive and positive way with our trading partners like Japan, West Germany, France, England, and others, in all of which he was so actively concerned and involved as an advocate of building a free world and a free society on that kind of economic base.

I commend Senator JAVITS for that broad gage approach of serving the people in the Labor and Human Resources Committee and then at the same time looking at the economic, financial, business, and industrial components of our world, all of which are so important.

SENATOR HENRY BELLMON

Mr. President, Senator BELLMON of Oklahoma was a Senator who came to the Senate when I did, some 12 years ago. We served together as new Senators and now as retiring Senators. I had occasion to deal with my good friend and colleague, Senator BELLMON, primarily through our work on the Appropriations Committee.

I think, without question, that Senator BELLMON's greatest contribution, and I am sure there are many, but his greatest contribution, I think, to the senatorial process and to the legislative arena is in the area of budget and fiscal restraint. I think Senator BELLMON was leading and initiating in this before it became a national crisis, before it become a national issue, before it became the issue that it did in the latest Presidential campaign. Senator BELLMON was an active leader in the formation of the Budget Committee, the Congressional Budget Office, and the budget process, and, once having put in into effect, he was an individual supporter, initiator, and implementor in making the process work and improving and refining it.

The work he has done has laid a good foundation for a lot of work that we all know still needs to be done. But, I am sure as the new chairman of that committee, Senator Domenici, carries on, he will build on the foundation that Senator Bellmon has laid.

In another area of service to his State, Senator Bellmon's interest was naturally in the field of energy. I know, long before several of the recent energy crises hit, Senator Bellmon was telling us about the shortfall that we were going to experience and criticizing what he felt were shortsighted policies that would put our country in trouble in terms of energy production and energy shortages.

He, of course, was quite right and quite correct and now, belatedly, but nevertheless fortunately, our energy policies have turned more to the role that Senator Bellmon first envisioned, and I think the country and Senate has seen the wisdom of the policies on energy production, incentives for energy usage and conservation and incentives for domestic energy production that he advocated for so long. I think that is not only a tribute to his representing his State but also a tribute to his ability to foresee a problem and be an advocate when it was not too popular to do so.

Finally, let me just conclude by thanking all my good colleagues who came forth today to speak in behalf of myself and my colleagues, particularly my colleague from Pennsylvania, my junior colleague, soon to be my senior colleague, Senator John Heinz, who did, I feel, such a fine job in representing our State when I was serving with him as Senator and whom I know now, in his new role of senior Senator, will go on doing an outstanding job in representing the State with my successor, Senator Specter of Pennsylvania.

I know that Pennsylvania will be well represented by Senator Heinz becoming the senior Senator and by my new colleague and successor Senator Specter taking my place.

Mr. SCHMITT. Mr. President, I yield to the distinguished senior Senator from Utah, Senator Garn, such time as he will require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. I thank my distinguished colleague from New Mexico.

Mr. President, it is rather difficult to believe that, in just 6 years, so many changes have taken place. It was just 6 years ago this month in December, 1974 that I was first sworn into the Senate. I at that time felt very fortunate that I was No. 91 among the 100 to start out. But I suppose like most freshmen I was in great awe of the Senate and those who served here and could not imagine that in just a period of 6 years there would be such great turnover in the Senate that I would move from No. 91 to about No. 40 and be chairman of a committee.

The point I wish to make, in talking about changes that have occurred in those 6 years, I still stand in awe, after having been here myself for the last 6 years, of men such as Milt Young, because when Milt Young came to the Senate I was 11 years old and I had heard a great deal about him over the years and, of course, never thought I would have the opportunity to serve with him. I am not going to take the time, because I have listened to all of the comments made by many of my colleagues today, to enumerate what each of our labor colleagues have done. That has certainly been well said, and I subscribe to it.

But I do wish to talk in maybe a more personal way of some of my remembrances because I have had the opportunity for the last 2 years to serve on the Appropriations Committee where Milt Young has been the ranking minority member. I think that is one of the unfortunate things about this particular year's election, that after 36 years service, Milt Young is denied the opportunity of being chairman of the Appropriations Committee and a relatively inexperienced Senator like myself after 6 years is going to be one.

But having served with Senator Young on the Appropriations Committee the last 2 years, to have had the opportunity to see how he has conducted himself as the ranking minority member of that committee and the cooperation and kindness with which he has treated those of us who are junior on the committee, not only in our subcommittee assignments but in full committee markups, always with great concern for our viewpoint even when he may not have always agreed with us, has been really a great pleasure to have had that opportunity.

I am very grateful that I have been able to serve with Senator Young on the Appropriations Committee and only sorry that he will not be there to be the chairman of the committee and that certainly is not to take anything away from Senator Hatfield who will be a great chairman. But once again it has been a great privilege to serve with a man on a committee who has served so long and so well, and I certainly hope that in the future as I serve on that committee I will remember what I have learned and benefit from the experience, the things that Senator Young has taught me.

SENATOR JACOB K. JAVITS

Mr. President, the career of Senator Javits of New York has certainly been one that has been well outlined today.

When I came to the Senate 6 years ago, I had never been on the Senate floor before, and I met with Senator Javits and he was the first one to bring me on the floor of the Senate. I was a little bit puzzled and a little bit hesitant because of the fact that someone was speaking on the floor of the Senate and there were people standing around in the corners, as there are today, talking. We walked right by the speaker and ignored him, and I thought this is really rather unusual. What are we doing on the floor? Why is Senator Javits taking me around introducing me when someone is speaking? Little did I know that is the way the Senate operates every day and always will, and so I have become accustomed to it.

I have not had the privilege of serving on a committee with Senator Javits, but I have certainly had the opportunity through various issues that I have been interested in to see the unbelievable fairness with which he has treated us all, and I specifically refer to the SALT debate as one who was not on the Foreign Relations Committee but who was very vitally interested in that particular treaty. Although I was not a member of the committee, Senator Javits, as he has treated us all, even when he disagreed with us on an issue, has been so incredibly fair in allowing others of different viewpoints to be able to present their views. That was true on the Foreign Relations Committee. Even though I was overwhelmingly opposed to the SALT II treaty, did not want it ratified, I was afforded the opportunity by Senator Javits to sit in at the table in the hearings on the SALT II treaty before Foreign Relations, and I was allowed to participate which is unusual, particularly when you have a subject that is that controversial and we had somewhat different views.

That has always been my experience with Senator Javits of an incredible sense of duty, incredible sense of fairness, and honor and honesty.

So he also will be missed.

SENATOR HENRY BELLMON

Senator Bellmon is one who, during the entire time I have served with him during 6 years, has always performed on the Senate floor and in committee as if he were never going to run again for public office. And I mean that as a very great compliment, because I do not think I ever detected in Henry Bellmon any decision on this floor or in committee that ever even had the hint that he was making his decision on the basis of how it might affect him politically.

We talk about politicians and statesmen. Certainly Henry Bellmon was one of those among us who was a statesman and who always based his decisions on what he thought was right and correct and on the basis of his judgment and never on the basis of how it might affect him in Oklahoma. And I am sure that is why he has been so successful in his political career, as I know that the people of Oklahoma recognize that quality of absolute integrity and honesty, as well.

Henry is another one that I will personally miss and have certainly benefited by the standards that he has set as I continue my Senate work.

SENATOR RICHARD S. SCHWEIKER

As I speak about Dick Schweiker, he and I have sat here on the back row of the Senate now for a long, long time. And that has given us an opportunity to know each other very well, more intimately than you normally do, because of the proximity of our seats. We have had Senator Paul Laxalt to sit between us and moderate sometimes.

Dick will be missed, certainly by me. There is no one in the Senate of the United States that I have more personal respect for than Dick Schweiker, no one that I will miss more, no one that I consider more of a personal friend, apart from the great service that he has provided that all of you have heard about today, particularly in the field of health.

I am also one who echoes what I have heard previously on the floor, that I do very much hope that President Reagan is wise enough to continue to use Senator SCHWEIKER's talents, because it would be a shame, after all the years that he has spent in the Congress of the United States and in the Senate of the United States and the great expertise that he has, that he not be utilized. He is far too young to leave us and deny us the benefit of his experience.

Maybe I will send President-elect Reagan a copy of the RECORD tomorrow, Senator SCHWEIKER, and hope that he reads the comments that have been made today in hopes that he will see fit to utilize your talent, not only in the area where you have expertise here, but because of your relationship with all of your colleagues. That is something that has not been the best in some administrations, the President's relationships with the Congress. With the respect that all of us have for Senator SCHWEIKER on both sides of the aisle, both Democrats and Republicans, and the knowledge and background you have had from serving with us, I do not know of any better liaison the administration could have in these particular areas than if you continued to work with us.

I certainly will miss all of these gentlemen. They are personal friends of mine. They have served us well. I am sure all of them will continue to serve the people of this country in whatever capacity they choose.

I thank my colleague from New Mexico for allowing me this time. I understand that Senator WARNER would also like some time and, if he is close, I would like to yield to him at this time.

Mr. HATCH. Will the Senator yield to me for a few moments?

Mr. GARN. I yield to my distinguished colleague from Utah, Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I also would feel remiss if I did not stand up to praise my colleagues who are departing for the great work that they have done while they have been U.S. Senators.

SENATOR MILTON R. YOUNG

One of the closest friends to all of us on the floor of the Senate is Senator MILTON YOUNG, from the great State of North Dakota. He has been a very dear friend and almost like a father image for me as we have served here on the floor of the Senate. I have appreciated the many kindnesses that he has shown to me.

When I think of his long tenure in the Senate and in the Congress of the United States and the great service that he has given, I cannot help but feel that the people in North Dakota should expand their chests with pride because of the great efforts he has made.

As the ranking minority member of the Appropriations Committee during these last number of years, he has had a great influence on better government in this country.

I personally will dearly miss him and I personally hope that we can see him for many years into the future.

SENATOR JACOB K. JAVITS

With regard to our colleague Senator JAVITS, to me he has been one of the great intellects of the U.S. Senate. I have had the great privilege of serving with him on the Labor and Human Resources Committee for the last 4 years. There has never been a time when, even though we have disagreed widely on various subjects, he has not taken the time to be courteous and kind and to protect my rights.

He is one of the greatest men, along with Senator YOUNG, who has ever sat in the U S. Senate. I will dearly miss him as well and the tremendous influence he has had in international affairs and international trade matters.

Without question, he is one of the authorities in our Nation in these areas. But there is hardly anything that has come before the Senate that Senator JAVITS is not one of the great authorities on because of his superior intellect and the enhancements of those abilities he has made over the last number of years of his life. He is also a great student of the rules of the U.S. Senate and I think he is unsurpassed with regard to his knowledge of the rules.

There is so much more I would like to say about him and about my other colleagues, but there is not enough time. But I do respect him and I will dearly miss him.

SENATOR HENRY BELLMON

Senator BELLMON has been a good friend. I have served with him on the Budget Committee. I have seen him do everything in his power to try, according to the best of his abilities, to serve this country well in that capacity and in so many others.

He has been, without question, one of the most knowledgeable people of the budget process and certainly one of the most knowledgeable in the field of energy and natural resources. We all have deep feelings of respect and regard for him. Again, he is another Senator I will dearly miss.

SENATOR RICHARD S. SCHWEIKER

I have also had the privilege of serving with Senator RICHARD SCHWEIKER, DICK SCHWEIKER, on the Labor and Human Resources Committee over the last 4 years. During the last 2 years he has been the ranking minority member on that committee. He, again, has treated us with a great deal of fairness and kindness.

He has been most gracious in trying to help me understand my way around the Senate and particularly in that committee. I count him as one of my dearest friends in the U.S. Senate. I believe he has been one of the most courageous Senators we have had in the U.S. Senate during the 4 years that I have been here. I have a deep and abiding respect for him.

All of these departing Republican Senators deserve all of our best regards for great future lives of health, happiness, prosperity and love. I think they can depart this great body with the feeling that they have served well, that they have done their best, that they have helped to preserve this great country, and that they have each contributed way beyond, perhaps, even what their constituents expected.

TRIBUTE TO DEPARTING DEMOCRATIC SENATORS

I would also like to say that I will miss our departing Democratic colleagues, as well. Everyone of them have had a special part in my life. And although we have had disagreements, as all Senators do—any two Senators on the floor do from time to time—we all realize that one day we are on each other's side while we may be against each other the next. And I understand that. I have respect for our Democratic colleagues and those who are departing.

Rather than take too much time to discuss that and to name each one of them, I would just close by saying that it has been a privilege to serve with all of these brethren in the U.S. Senate and I wish them all Godspeed, health, happiness, love, and prosperity.

Thank you, Mr. President.

(Mr. MITCHELL assumed the chair.)

MILTON YOUNG

Mr. PRESSLER. Mr. President, I rise today to note the upcoming retirement of my friend and colleague, Senator MILTON YOUNG, a man who has had a tremendous impact upon my own political career.

Senator YOUNG has represented my neighboring State of North Dakota for nearly all my lifetime. Before I entered grade school I was well familiar with Senator YOUNG's name, and his career has been one of the lights upon which I have attempted to chart my course. Senator YOUNG has always been pointed out to me as the finest example of Midwestern integrity and hard-working, indomitable Dakota spirit. I am, therefore, extremely proud to be able to serve in the same body and become personally acquainted with the man who is known as Mr. Republican in my part of the country and who was one of my boyhood heroes.

Since I have come to the Congress in January 1975, Senator YOUNG, the dean of the Senate Republicans, has always been extremely generous with his time and assistance for me and other younger Members. His friendliness and desire to help others has been a hallmark of his public service.

The work ethic that Senator YOUNG learned growing up on a farm has served him well in the Senate. Rising early and staying past the time many other Senators have departed for home, Senator YOUNG has always well represented the people of North Dakota. He has never neglected the primary interest of our part of the world, having served on the Agriculture Committee since coming to the Senate. MILTON YOUNG was a farmer before coming to Washington and, with this experience, has been primarily involved in the writing of all major farm legislation in the last several decades. He is known nationally as "Mr. Wheat."

MILTON YOUNG has also had tremendous impact on the entire Nation as the longtime senior Republican on the Appropriations Committee. These two committee assignments together with his effective personality have made him one of the most influential Members of the Senate.

Mr. President, I join with all of our colleagues in wishing MILT and his wonderful wife best wishes for the future. We hope to continue our contact and close friendship.

TRIBUTE TO SENATOR HENRY BELLMON

Mr. President, our distinguished Oklahoma colleague, Senator HENRY BELLMON, will be sorely missed in this body in the years ahead. Senator BELLMON has set an outstanding example for me and other Senate colleagues in his dedication to make the congressional budget process work as intended. Having served nearly 2 years with him on the Senate Budget Committee, I have observed with admiration his skillful leadership in developing compromises and solutions to the frequent impasses which occur in writing budget resolutions.

Above all, the senior Senator from Oklahoma has been a fair, objective, impartial, and politically sensitive leader in the effort to make the budget process work. His devotion to the ideals of fiscal sanity has helped to bring the Congress measurably closer to those ideals.

Senator BELLMON leaves this esteemed body a winner in all respects. As with his budget leadership, his contributions to agricultural legislation have been extensive. Rural Americans cannot but regret his departure from the Senate. As a fellow farmer, I will personally miss his thoughtful and productive approach to improving U.S. farm policies, and I hope that he will continue to offer his great capabilities to make further farm program improvements from outside the Senate. His voice on rural issues and budget policy will be constructive and useful to the Congress, the executive branch, and the American people for many more years.

HENRY, we will miss you, we still need your wisdom here in Washington, and we hope you will offer us your thoughts frequently.

JACOB JAVITS

Mr. President, Senator JAVITS' service in the Senate has enriched our Nation, and our relations with foreign nations. His keen intelligence has earned him the respect, not only of his colleagues, but of the world's leaders over the years that he has served in the U.S. Congress.

He has applied his formidable mind to some of the most difficult public policy questions facing our Nation and through his diligent work, he developed sound solutions and policies to deal with them.

He has served the people of New York State and our Nation well. New York was lucky to have someone of the caliber and dedication of JACK JAVITS representing their State in Congress. I know that his colleagues will miss him, and the Senate as an institution will not be the same without Senator JAVITS.

I have worked with Senator JAVITS on several occasions to try to improve U.S. development and security assistance programs. Senator JAVITS was unfailingly accommodating to me, and I will long remember his many kindnesses.

TRIBUTE TO SENATOR RICHARD SCHWEIKER

Mr. President, it is with some sorrow that I rise to note the upcoming retirement of Senator RICHARD SCHWEIKER. My feelings are mixed, however, because although we will miss our day-to-day relationship, I know that he looks forward to spending more time with his lovely wife and wonderful family.

For the past 20 years, Pennsylvania has indeed been fortunate to have the services of such an energetic and dedicated individual. Service in the Congress is not easy for anyone, but for a younger man with a large family there are extra burdens. DICK has borne up in admirable fashion and has not neglected any of his duties as is witnessed by his legislative record as well as fine children.

DICK SCHWEIKER has not only well served the interests of his State but also has made a number of national contributions. His leadership in the health area has benefited the lives of millions of Americans. I know that he must have at least some slight misgivings about leaving the Senate at this time now that his party has control of the Senate and his long work would be recognized by Chairmanship of the Labor and Human Resources Committee.

But, Mr. President, it is perhaps in a personal sense, however, that I am most impressed with DICK SCHWEIKER. He has always had time to help new members of the Senate with their projects and has never failed to be exceedingly generous with his time in assisting others. I feel privileged to have served with DICK and to be counted as one of his friends and colleagues.

Mr. President, I know I join all of my collegaues in extending DICK best wishes for the future. I only hope that his endeavors will enable us to stay in close contact.

Mr. DANFORTH. Mr. President, I want to add my words of tribute to my four retiring Republican colleagues—MILTON YOUNG, JACK JAVITS, DICK SCHWEIKER, and HENRY BELLMON.

Their retirement is a loss for the Republican Party, a loss for the U.S. Senate, and, indeed, a loss for the country. I mean that as no reflection whatsoever on their elected successors, but rather as a tribute to the unparalleled contributions these men have made.

I want to say a special word about two of these men with whom I have worked closely on a number of occasions.

I first met HENRY BELLMON in 1970. He came to Missouri to assist in my unsuccessful campaign for the Senate. I was tremendously impressed with his generosity and willingness to participate in the losing cause I mounted at the time but, I was even more impressed with the character of the man himself. With his typical generosity, he again played an important role in my election in 1976.

Much as I respected him during those early encounters, I underestimated him. It was not until I came to the Senate 4 years ago that I saw firsthand what a giant of integrity, compassion, fairness, and dignity is HENRY BELLMON. He is a man I look to for advice and counsel on all manner of issues. He is a man I look up to for his fundamental goodness, his decency, and his principles.

Whether he is prodding this country to take the lead in helping to solve the problems of world hunger, or prodding his Senate colleagues to preserve the integrity of the budget process, he represents the best of what this country stands for. I am honored to count him as my friend and mentor.

Another man who has taught me—and I daresay all of us—so much is JACK JAVITS. His towering intellect is legend, as is his stubborn defense of principle. His areas of leadership cover the spectrum of foreign and domestic issues—any one of which would be the proud life's achievement of most of us.

One can call him the champion of civil liberties, the champion of those less fortunate, the champion of a firm and consistent foreign policy, or the champion of a coherent economic policy. In every case you are correct.

I have watched this man work—fighting for principle, deftly fashioning a compromise when both sides were convinced none existed, and just plain working, harder and longer than almost anybody. He has set a standard of excellence we would all do well to emulate.

All four of these men are giants in their field. The Senate will suffer from their departure. But all of us have gained immeasurably from our association with them.

FAIR HOUSING AMENDMENTS ACT OF 1980

The Senate continued with the consideration of H.R. 5200.

Mr. JEPSEN. Mr. President, I wish to emphasize to my colleagues that the subject before us is the motion to proceed not on Senate bill S. 506, but on House bill H.R. 5200.

The House bill was placed directly on the Senate Calendar in July. There have been no hearings on the House bill. No subcommittee consideration. No full committee consideration, and no Senate action whatsoever.

Whatever we think about the Senate bill, whatever our views on the effects test, whatever our views of the propriety of the administrative process, consider, if you will, for a brief moment the differences in the House bill, differences that have been affirmatively rejected or never considered by the Senate.

One, insurance.

The House bill for the first time would establish Federal jurisdiction over discrimination in the area of property insurance.

Why? What is the compelling reason for this?

There has been virtually no significant criticism of the manner in which State insurance authorities have carried out their responsibilities in this area.

The issue is not whether or not there is to be authority with respect to discriminatory property insurance practices, but where this authority is to lie. Nearly every State in the Union has adopted its own statutes in this regard. The issue is whether or not such practices are to be regulated by the 50 States or by HUD.

The only result of HUD insurance authority will be to establish duplicative bureaucracies in the States and the Federal Government.

There are serious difficulties in HUD regulating one isolated element of the insurance transaction—discriminatory practices. As the Maryland State Insurance Commissioner has testified:

> It is impossible for a regulator to operate on a single plane. We as State regulators look at companies from all aspects: solvency, licensing of agents, rates, etc.

By parcelling out responsibility for regulating a single aspect of the insurance industry to HUD, the original insurance coverage would have insured that this aspect will be viewed and regulated in a distorted manner.

According to HUD itself, there have been virtually no complaints made of it of inadequate enforcement by State officials of State antidiscrimination laws in the area of property insurance.

Insurance coverage in HUD would be inconsistent with long-standing policy under McCarran-Ferguson to invest primary responsibility for insurance regulation with the States.

No. 2, in the area of appraisers, unlike the House bill, the Senate bill has strong language protecting the first amendment rights and professional responsibilities of property appraisers to assess properties at their true market value.

Section 5(e) of S. 506, the Fair Housing Amendments Act of 1980, adds a new section 805(b) to title VIII of the 1968 Civil Rights Act. This new section provides in full:

> It is not a violation of this title for a person engaged in the business of furnishing appraisals of real property to take into consideration or to report to the person for whom the appraisal is being done all factors relevant to the appraiser's estimate of the fair market value of the property: *Provided,* that such factors are not used by the appraiser for the purpose of discriminating or denying rights guaranteed by this title.

I believe that the appraisal section is necessary in order for Congress to control the Federal regulatory agencies whose current restrictions on appraisers jeopardize the appraisal process. I support the goals of fair housing but believe that fair housing can be achieved without abridging the first amendment rights of real estate appraisers and without jeopardizing the integrity of the appraisal process.

Everyone knows that unless all factors affecting market value are accurately and completely reported, there is the real danger of fictitious market value resulting in overvaluation. The Department of Justice, HUD and the Federal Home Loan Bank Board have not produced any evidence of appraisals that resulted in the denial of housing in violation of title VIII. SREA has repeatedly asked these agencies for any such evidence and none—I underscore "none"—has yet been provided.

The existence of appraisers' first amendment commercial free speech rights is recognized by the Supreme Court's decision in *Linmark Associates* v. *Township of Willingboro,* 431 U.S. 85 (1977).

The appraisal language is not an attempt to perpetuate discrimination in housing; appraisers are already prohibited by title VIII from discriminating and this section does not exempt appraisers. All that appraisers are seeking is the right to continue to report all the facts that exist in the marketplace.

The Society of Real Estate Appraisers teaches that it is improper for an appraiser to base an opinion of value upon biased concepts or upon unsupported, preconceived notions or presumptions of value; if a factor does not affect market value, then it cannot be reported in the appraisal report.

No. 3, unlike the Senate bill, the House bill has no so-called Bumpers amendment language which would insure a full and fair review of HUD fair housing regulations in the courts. Consider the scope of such regulations:

> Port V of the order requires CLP to file a written report of compliance with the Commission, within sixty days after service upon it of this order and it must notify the Commission at least thirty days prior to any proposed change in its status which may affect its compliance obligations under the order.
>
> The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

In the area of advanced notice of proposed rulemaking:

> The Secretary is considering the adoption of rules to implement Title VIII of the Civil Rights Act of 1968 prohibiting discrimination on the basis of race, color, religion, sex or national origin when selling, renting or financing housing or when providing brokerage services. These rules would supplement 24 CFR Part 105, the Fair Housing Regulation, which established the procedures for the implementation of Title VIII.
>
> This notice invites public comments on possible alternatives to rulemaking and on specific issues which a rulemaking proceeding should consider.

Until March 25, 1980, the Secretary accepted and invited all relevant comments with regard to this section.

> On August 1, 1979 the Secretary published HUD's semiannual agenda of significant regulations, (44 CFR 45344) giving notice that significant regulations are being considered with respect to: discrimination in the financing of housing, discrimination in real estate practices, conduct which constitutes steering, residential redlining, discrimination in appraisal practices, discrimination in property insurance practices, zoning and land use practices, and affirmative administration of programs relating to HUD. This notice invites early public comment with respect to rulemaking in these matters in view of the need to issue these rules as soon as possible, the comment period for this notice is being limited to 30 days.
>
> The matters for which respective rules are being considered are the following:
>
> (1) Discrimination in Financing of Housing. This rule would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil Rights Act of 1968 and would require the collection of data by financial institutions on the race, national origin, and sex of applicants for loans or other assistance related to dwellings.
>
> (2) Discrimination in Real Estate Practices. This rule would inform persons engaged in the marketing of real estate for sale or rental of their responsibilities with respect to fair housing in solicitation, sales advertising, marketing and the provision of services. It would also provide advice regarding access or membership in multiple listing services and real estate brokers' organizations.
>
> (3) Conduct Which Constitutes Steering. This rule would describe real estate practices which constitute steering on the basis of race, color, religion, sex or national origin and which may be in violation of Title VIII.
>
> (4) Unlawful Zoning and Land Use Practices. This rule would describe the applicability of Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and would indicate the tests to be used by HUD in determining whether a violation has occurred.
>
> 5. Prohibited Appraisal Practices. This rule would provide guidance to persons regarding HUD's interpretation under Title VIII of proper standards and policies concerning the appraisal of dwellings and would advise appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which can constitute a violation of Title VIII.
>
> 6. Residential Redlining. This rule would indicate HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining and would set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex or national origin.
>
> 7. Discrimination in Property Insurance Practices. This rule would describe the coverage of Title VIII of the Civil Rights Act of 1968 with respect to the availability of property insurance and would advise the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.
>
> 8. Affirmative Administration of Federal Programs Relating to Housing and Urban Development. This rule would set forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner that affirmatively furthers the purposes of fair housing. It would also identify the nature and types of a action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.
>
> HUD has already received unsolicited comments and advice on the issuance of proposed rules from public interest and civil rights groups, industry representatives, and other government agencies. This information, which is being included in the formal docket file for public information, will be considered together with information gained from experience in administering Title VIII.
>
> Interested persons are invited to comment on the need for rulemaking and whether there may be practical alternatives to regulation. HUD invites comments regarding the types of practices which should be subject to the regulations (such as practices which would constitute steering or redlining) and actions persons and businesses can take in the areas involved in the regulations. Comments addressing methods to minimize costs associated with compliance, comments on the existence of data already available with regard to equal housing opportunity, and comments on the relationship of any new requirements under these rules to existing requirements under other authorities are also solicited. Comments should specify, to the extent possible, the general area of rulemaking, as described above.

Mr. President, I also wish for the record to read what some editorials have recently said with regard to fair-housing deficiencies.

In the Sunday, October 5, 1980, edition of the Washington Star it was editorialized that:

It is just as well that the fair housing proposal did not come up in the Senate in the jumbled days before the election recess. Better to leave it for the lame-duck session in November when two aspects, also contained in the House version, can be debated as their sensitivity demands. And, we trust, be modified.

One must look hard to find opposition to the principle of strengthening the Open Housing Act of 1968. That law was largely an exhortation, relying on reconciliation as the primary enforcement mechanism, and the results have not been negligible. But if the law has not been toothless, as supporters of the new proposal maintain, neither does it provide effective redress for persistent discrimination.

The new fair housing proposal would establish a special corps of administrative law judges to hear and decide complaints; they could levy fines of up to $10,000 for violations. This means that charges of discrimination would be prosecuted, judged and decided within the executive branch rather than the judicial.

The major argument in behalf of the administrative law judges is that relief through the courts has not been sufficiently rapid. Expediency, in and of itself, is a poor legislative premise. To negate such a procedural flanking maneuver, Sen. Dennis DeConcini, R-Ariz., is offering a sensible amendment to insure due process and, at the same time, accelerate the resolution of complaints. Expedited hearings would be held, appropriately, before judicial magistrates. This would provide the right to trial by jury, compliance with rules of evidence and procedure and, far from least, an independent and neutral judge.

Further, to create yet another layer of bureaucracy, when an appropriate forum for adjudication already exists, amounts to another exercise in statism.

That brings us to an even greater deficiency in the House bill and the measure pending in the Senate—a mischievous murkiness over what would constitute discrimination "because of" race, color, religion, sex, national origin or physical handicap under Title VIII of the 1968 law. Interpretation of this provision will significantly determine the federal government's role in zoning and land-use decisions of local communities where contentions of housing discrimination arise, as they increasingly have done.

The Departments of Justice and HUD have adopted a test for determining unlawful discrimination that "is totally inconsistent with the intent" of the 1968 law, argue Senators Thurmond, Hatch, Laxalt and Cochran in a convincing Judiciary Committee minority report. "Rather than accepting the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have begun to bring suit against communities on the basis of practices that have the discriminatory effect of 'under-representation' of minorities within neighborhoods or communities."

An "effect" of discrimination is an elusive interpretive basis. The implications could extend even to "economic status." It may be more difficult to establish intent to discriminate—though not nearly so difficult as supporters of the "effects test" contend. Circumstantial evidence can establish legal intent.

But "that prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity, due process, and congressional purpose," the minority report correctly asserts. Senator Hatch intends to offer two remedial amendments, one addressing policy issues such as zoning and the other targeted to alleged violations by apartment owners and homesellers.

The DeConcini and Hatch modifications, we believe, are vital. While it is desirable to strengthen the Open Housing Act, it is imperative that the means to that end do not themselves do violence to fundamental principles of equity.

Mr. President, in the Review & Outlook column in the Wall Street Journal of September 15, 1980, there is a comment very well written on equity housing:

Equity and Housing

Since the enactments of civil rights legislation in the early 1960s, federal agencies have greatly distorted the original concept of equality of opportunity. With support from the courts, the principle of affirmative action has been introduced to justify discrimination in favor of blacks and other minorities in recompense for discrimination against their forbears. Further yet, we now have federal agencies pursuing a doctrine that turns equality of opportunity entirely on its ear in an attempt to produce a utopian miracle, equality of result. This has led to attempts at social engineering that are the antithesis of the freedoms the civil rights movement originally sought to protect. And there is every evidence they produce nothing but discontent and disorder.

The Senate has a chance this week to begin to redress the balance. Senator Orrin Hatch—with the backing of Senators Thurmond, Laxalt and Cochran—plans to introduce an amendment to the Open Housing Act of 1968 to clarify what constitutes discrimination "because of" race, color, creed or national origin. His intention is to tell federal agencies that they have no authority to engineer the structure of society; their job, rather, is to guard against infringement of individual rights.

The Open Housing Act was designed to outlaw discrimination in the sale or rental of housing and to provide mechanisms for enforcement. The act, along with a growing public awareness of the unfairness of racial and religious discrimination, has undoubtedly reduced the level of intentional discrimination in housing. Of course, it still is true that blacks, on average, are less able to afford higher cost housing than whites, a problem that in some cases may reflect continuing barriers to job entry or advancement but has little if anything to do with housing discrimination.

Federal officials, however, have broadened their attack from real estate sales practices and the like to local zoning and land-use laws. Moreover, the Department of Housing and Urban Development and the Justice Department no longer accept the burden of proving whether a community has a discriminatory intent in adopting certain zoning or land-use practices. Rather, they have begun to bring suit against communities because of practices which have the effect of "under-representing" minorities within neighborhoods.

Instead of prohibiting intentional discrimination, HUD and Justice are acting to prohibit any action that doesn't affirmatively contribute to achieving "proportional" representation of minorities in a community. HUD's procedure is to use statistics. If, for example, a suburban community has a 10 percent minority population while the surrounding metropolitan area has a 20 percent minority population, that community's zoning practices become suspect. This "effect test" has been used against minimum lot size requirements and restrictions on multi-family dwellings in order to achieve the "proper" minority ratio for that community.

"To use any other test for discrimination than an intent test is to invest overwhelming authority in the federal bureaucracy to utilize their own notion of social good to restructure communities across the nation," states the minority report of the Senate Judiciary Committee on the Open Housing Act.

The notion that government could or even should ensure equality of result is fallacious and dangerous. It attacks the concepts of freedom and property protection embodied in the Constitution.

The framers of the Constitution and the legislators who enacted the 1960s civil rights bills could never have intended the federal government to take on the responsibility to restructure society. Their clear intention was to protect minorities from discrimination aimed at denying them their just and full constitutional rights. The further we stray away from that concept of discrimination the less freedom each of us will enjoy.

On Tuesday, September 30, 1980, the Washington Star published in its point of view column an article written by Senator Orrin G. Hatch. The title of the article, and very appropriately named, is "Proof and Prejudice."

Proof and Prejudice

(By Senator Orrin G. Hatch)

A significant but little noticed development in the area of civil rights has been the gradual abandonment of the concept that proof of discrimination requires proof of discriminatory intent. Increasingly courts and executive agencies have interpreted civil rights laws in a way in which the motivation becomes irrelevant.

Thus a New York City apartment owner is sued under the federal open housing act because he adopts a policy requiring tenants to have weekly salaries equaling at least 90 per cent of their monthly rental. The claim is that such a policy will have the "effect" of discriminating because a disproportionate number of welfare recipients (ineligible for tenancy because they have no salary) are members of minorities.

A small suburban community is sued under the same act because of a "minimum lot size" zoning policy designed to maintain the upper middle-class character of the community. Here, the claim is similar. Because such a zoning measure will limit community residence to relatively well-to-do individuals, it will have the "effect" of discriminating against racial minorities who tend disproportionately to be less financially able.

In both instances, it makes little difference that there might have been legitimate business or public policy justifications for an action; or that there existed no evidence to suggest that such actions were adopted with an eye toward discrimination.

What has been taking place here, as well as in other areas of civil rights policy, has been the creation of an entirely new test for determining the existence of illegal discrimination. Instead of the traditional test of looking to the purpose or motivation behind an action—did the apartment owner intend to deny housing opportunities to blacks or Puerto Ricans?—the new "effects" test looks primarily to statistics.

If a community (or an apartment or subdivision), for example, contains 14 percent minority group members while the surrounding metropolitan area contains 30 percent minority group members, then that community immediately becomes suspect in the eyes of the federal government. Never mind that no evidence exists to suggest that the community developed in anything other than a benign and natural manner. In the view of at least some courts that have adopted the "effects" test, there is absolutely nothing then that the community can do to rebut the presumption of discrimination.

LABELING "VIOLATORS"

What is so wrong with the "effects" test as a means for identifying discrimination is that it labels as "civil rights violators" individuals and communities who have no wrongful purpose or motivation. They become vulnerable to prosecution purely on the basis of accommodating a balance of races or sexes or ethnic groups that the government finds "unrepresentative."

In addition, the "effects" test invests tremendous potential authority in the bureaucracy to indulge in the sort of social engineering that has been so strongly resented by the American public. Once the "effects" test has been put into effect, what is the standard for determining that discrimination remedies are no longer needed short of absolute numerical equality?

Proponents of the "effects" test have argued that reliance upon the traditional "intent" test makes it more difficult to secure successful prosecutions because of the often subtle nature of such discrimination. This may be marginally true. There are many elements in our system of justice that make it more "difficult" to successfully prosecute. If, for example, prosecutors did not have to prove guilt "beyond a reasonable doubt" in criminal cases, prosecutions would be much easier to secure. There, quite simply, are other relevant considerations, such as due process of law.

No one has ever suggested that the "intent" test requires outward expressions of bigotry in order to prove discrimination. The test permits all circumstances to be considered—including the "effects" of an action or policy.

Continued use of the "effects" test by the federal government carries substantial implications for the role of Washington in our country. Particularly in the area of zoning and land-use policy, the test has the potential for radically transforming the relationship between the federal government and the states and localities. It is an issue that Congress will address before the end of the present session.

Mr. President, it is an issue that we have before us today.

When the Fair Housing Act is considered by the Senate, there will be an amendment offered to require that local zoning and land use practices be treated as violations of the act only where such practices are adopted by a community with an intent or purpose thereby to discriminate against a protected class of persons. This is an extremely important amendment that would insure that the Federal Government not be empowered to second-guess local zoning and land use decisions.

OPEN HOUSING ACT

The Open Housing Act of 1968 prohibited discriminatory practices in the sale or rental of housing. The act was intended primarily to reach private discrimination, with nothing in it authorizing HUD to regulate local zoning or land use practices. Shortly after passage of the act, HUD began to bring actions against communities on the basis of zoning and land use practices that discriminated against protected groups. The proposed Fair Housing Act would clarify this authority.

EFFECTS TEST

Increasingly, however, HUD, through the Justice Department has brought suits against communities not on the basis of local actions which had discriminatory purposes, but on the basis of actions which had the "effect" of yielding "underrepresentation" of minorities within neighborhoods or communities. There is absolutely no justification for this test of "discrimination" either in the plain language of the act or in its legislative history. As both Representative Peter Rodino and Senator Edward Brooke noted at the time, the act was not intended to ban any housing or real estate action so long as it was not "racially motivated".

Through use of the effects test, communities have been sued where absolutely no discriminatory purpose was shown, on the basis of restrictions upon apartment construction; minimum lot size requirements; restrictions upon group homes in residential neighborhoods; et cetera. One community was sued because it refused to participate in a Federal grant program that would have required the construction of large numbers of low-income housing units.

PROPOSED FEDERAL ACTION

HUD has recently announced its intention to issue rules and regulations with respect to appropriate land-use and zoning practices (Fed. Reg. Feb. 5, 25, 1980). In addition, the Civil Rights Division of the Justice Department has announced its plans to take a "major new look" at local zoning policies and housing discrimination (Wash. Post, Jan. 8, 1980).

IMPLICATIONS OF EFFECTS TEST

Use of the effects test by Federal agencies transforms the Open Housing Act from a statute prohibiting discriminatory housing practices into one mandating "representative" balances of protected groups. HUD's procedure is to use statistics. For example, if a suburban community has a 10 percent minority population while the neighboring metropolitan area has a 20 percent minority population, that community becomes suspect. Any local zoning or land use policy adopted by that community is suspect to the extent that it does not have the effect of affirmatively promoting the "proper" 20 percent minority balance.

If the effects test is allowed to be used, it will result in the de facto addition of economic status to the list of traits that cannot lawfully be a basis for discrimination in housing. This represents a direct assault upon local land use and zoning prerogatives. Many, even most, land use and zoning practices have the effect of increasing the cost of housing and therefore of limiting access by lower income individuals. Since various groups differ in their wealth and income characteristics, the impact of zoning practices will often be "disparate." Whatever any of us may think about the desirability of community diversity or heterogeneity, we must recognize that decisions on these matters remain those for the local citizenry, provided that no actions are taken with an intent to discriminate against protected groups. As the Supreme Court has observed, "A law neutral on its face and serving ends otherwise within the power of government to pursue is not otherwise invalid simply because it may affect a greater proportion of one race than of another," *Washington* v. *Davis* 426 U.S. 229, 242 (1976).

Mr. President, I now yield to my colleague from California (Mr. Hayakawa) and reserve the remainder of my time.

Mr. HAYAKAWA. I thank the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. Leahy). Does the Senator from Iowa yield the floor?

Mr. JEPSEN. I yield to the distinguished Senator from California and reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. HAYAKAWA. I thank the Chair.

Mr. President, the right of an individual to fair housing is unquestionable and the right to fair housing is most certainly not in question at this time. On three different occasions in my own life—in 1941, in 1945, and in 1955—I, myself, was a victim of housing discrimination in the search for an apartment and, later on, a house, and this discrimination was based entirely upon race. So I know what we are talking about when we talk about housing discrimination.

I do believe, however, Mr. President, that H.R. 5200, for the first time, would establish authority in the Federal Government to regulate discriminatory property insurance practices. In view of the fact that no serious criticism has ever been made of the manner in which such practices have been regulated as, at present, by State authorities, I am hard-pressed to understand the need for such a concentration of authority in the Federal Government.

I would like to discuss the present applicability of title VIII to such transactions. Only by examining this do I feel one can appreciate the substantial implications of this new coverage.

I shall consider the applicability of title VIII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601 et seq., to the sale of insurance. Recent developments have made the issue a question of practical importance. On August 1, 1979, the Secretary of Housing and Urban Development gave notice that regulations relating to alleged discrimination in property insurance were being considered. Also, legislation has been introduced in Congress which would include the sale of insurance within the coverage of title VIII. Finally, a Federal judge in Ohio has ruled at the trial level that the Fair Housing Act does apply to the sale of insurance.

Upon analysis of this issue, the conclusion reached in this opinion is that title VIII of the Civil Rights Act of 1968 does not apply to the sale of insurance. The legislative history of title VIII reveals that Congress understood and intended that the act have no application to the sale of insurance. A sound interpretation of the cases construing the act is consistent with this view. Finally, the McCarran Act does not permit such application to the sale of insurance.

The Federal Fair Housing Act, title VIII of the Civil Rights Act of 1968, is set forth in 42 U.S.C. section 3604. An examination of the statute makes it quite clear that title VIII does not cover, either directly or indirectly, the sale of insurance.

In order for a practice to be covered by the act, the practice would have come within the definition of a "discriminatory housing practice." Section 3602(f) defines a "discriminatory housing practice" to mean an act that is unlawful under sections 3604, 3605, or 3606. No reference is made in any of the sections to the sale of insurance.

Section 3604 prohibits discrimination in the sale or rental of housing. While section 3604(a) contains the phrase "or otherwise make unavailable or deny" a dwelling, the focus of the section indicates that the phrase should be interpreted in light of the statute's over-all purpose—discrimination by owners, realtors, and the real estate industry in the sale or rental of housing.

Section 3605 prohibits discrimination in the financing of housing. It would prohibit discrimination in lending by an insurance company "whose business consists in whole or in part in the making of commercial real estate loans." It does not apply to the sale of insurance.

Finally, section 3606 is limited to discrimination in the provision of brokerage services.

Clearly then, the failure of Congress to expressly include the sale of insurance in the act argues strongly against any such application. The legislative history of the act discussed in the next section, supports the view that Congress did not intend the act to apply to the sale of insurance.

Only one Federal court case, *Austin Dunn et al.* v. *Midwestern Indemnity Company*, (C.A. 3-78-105), has applied title VIII to the sale of insurance. This case, which is contrary to both congressional intent and sound judicial construction of the act, is discussed in a later section of this opinion.

The legislative history of title VIII of the Civil Rights Act of 1968 not only fails to support the conclusion that Congress intended title VIII to apply to the sale of property insurance, but clearly indicates that Congress understood that the Fair Housing Act did not apply to the sale of insurance and did not intend to act to so apply.

Originally, title VIII was not a part of H.R. 2516, which contained the first seven titles of the Civil Rights Act of 1968. Rather the Fair Housing Act was added to H.R. 2516 by amendment on the Senate floor by Senator Mondale. The Fair Housing Act was originally contained in the Senate bill 1358 which contained the original provisions of title VIII. Senate bill 1358 was being considered by the Senate Banking and Currency Committee at the same time that the Civil Rights Act was making its way through Congress. On February 6, 1968, the fair housing bill was admitted as an amendment to H.R. 2516 by Senator Mondale and Senator Brooke. After much discussion, the House ultimately concurred in the Senate amendment and the Federal fair housing bill became title VIII of the Civil Rights Act of 1968.

The legislative history of the enactment of title VIII leaves little doubt that Congress had no intention of applying the Fair Housing Act to the sale of insurance. The debate of title VIII on the Senate and House floor, with one exception to be discussed later, made no mention of any application of the Fair Housing Act to the sale of insurance. Rather the debate focused on constitutionality of the major provisions of the Fair Housing Act which raised the extremely controversial question of whether the Federal Government had the power to place restrictions on the right of the property owner to dispose of his property as he wished. Since the Supreme Court had not, at that time, decided the case of *Jones* v. *Mayer*, 392 U.S. 490 (1968), which declared that Congress did have power to place such restrictions, the constitutional question was an extremely important issue. Opponents of the legislation argued strenuously that the open housing portion of the civil rights bill was a revolutionary usurpation of authority by the Federal Government.

Senator MONDALE and the other proponents of the legislation recognized that the bill was extremely controversial. Throughout the legislative debate, the proponents were anxious to demonstrate that the open housing bill was a modest proposal. The proponents argued that the open housing law was like many housing laws enacted by the States which sought only to provide that the real estate industry must not discriminate against renters or buyers of housing. As Senator MONDALE noted:

> It does nothing affirmative to relieve the immense problems our nation faces. It puts only a negative restriction on the sale and rental of housing. A person is left with all his rights to sell to whomever he pleases—the first buyer with cash who appears, his neighbor—his son—but there is one thing he cannot do: he cannot if he uses a real estate broker, refuse on the grounds of race to sell to a Negro buyer.

Thus, title VIII was seen and understood by the proponents of the legislation as a very limited act which affected the sale and rental of housing by owners, real estate brokers and other real estate organizations. Far from extending the scope of anti-discrimination provisions throughout society, the act was considered to be very limited even with respect to its application within the real estate industry. It did not go as far as many proponents in the House of Representatives wished it might even with respect to its application within the real estate industry. During the debate of title VIII on the House Floor, Representative McGregor, who had supported a stronger bill 2 years earlier, noted that the Senate would not have gone along with a much stronger bill than title VIII:

> Yet I am convinced from a careful reading of debate in the other body on this legislation that the Senate, at the present time, would oppose any effort on our part to strengthen this provision. So many of us find ourselves faced with the imperfect choice of accepting this provision or no provision at all during this session of Congress. While I would prefer a ban on discrimination in the sale of all housing, I will vote today for the more limited coverage which excludes single family house sales and rentals by an owner who acts without the assistance of any real estate broker, agent, or salesman.

An examination of the legislative history of title VIII therefore, reveals the utter improbability of the proposition that Congress intended to extend the provisions of the Fair Housing Act to the sale of insurance. First of all, the lack of discussion of any such application to insurance is in itself evidence that no such application was intended. Indeed, the bill in its application to the real estate industry was so controversial, that opponents of the legislation would hardly have neglected to bring to light another controversial feature which application to insurance in light of the McCarran-Ferguson Act would surely have been. Second, it is extremely unlikely that the proponents of title VIII would have added another barrier to its enactment—namely an application of the bill to insurance in light of McCarran-Ferguson. The lack of any express inclusion of insurance in the bill and the utter lack of any discussion of the bill's application to insurance is strong evidence that Congress did not intend the Federal Fair Housing Act to apply to industries other than the real estate industry engaged in the sale or rental of housing.

If this evidence is not sufficient to dispel the notion that Congress did not intend any application of the Federal Fair Housing Act to insurance, the statement of Representative Randall on the House floor leaves little doubt that Congress understood the legislation not to apply to insurance. Representative Randall, while commenting upon the onerous effect of the open housing bill upon banks and other lending institutions, pointedly noted that the Federal Fair Housing Act does not extend those provisions to the business of insurance. In his speech on the House floor, he stated:

> Thus, the lending institutions can be subjected to continuous harassment and must continuously defend themselves for refusing to make a loan even to those who are bad credit risks. That the Bill is so inconsistent that while it puts the burden on banks and savings and loans, an insurance company can refuse title or fire, casualty or other insurance without discriminating or without subjecting themselves to lawsuits.

Therefore, far from indicating that the title VIII has any application to insurance, rather the clear evidence provided by the legislative history is that no such application was intended and that the understanding in Congress was that the bill did not apply to the sale of insurance.

I hope my colleagues will forgive me for the long and tedious detail in which I have gone into this matter, but the legislative history of the applicability of the Fair Housing Act to insurance is important, in light of which we must plan our legislation today.

Prior to 1979, the applicability of title VIII of the Civil Rights Act of 1968 to the sale of insurance had not been considered by the courts. On June 20, 1979, however, an Ohio Federal Judge, in the case *Austin Dunn et al.* v. *Midwestern Indemnity Co., et al.*—"al." is always getting into trouble, have you ever noticed?—(C.A. C-3-78-105), held that a discriminatory denial of property insurance is a violation of section 3604(a) and 3617 of the Federal Fair Housing Act. In light of the legislative history and judicial construction of the act, the

Austin Dunn decision is clearly erroneous and should be reversed on appeal.

The Austin Dunn case involves an allegation of wrongful cancellation of a homeowners policy by Midwestern. Midwestern actually terminated an agency contract which ultimately led to a nonrenewal of the homeowners policy. Midwestern filed a motion to dismiss the complaint on the ground that the Fair Housing Act had no application to property insurance. The U.S. Department of Justice intervened to file an amicus curiae brief in opposition to the defendant's motion to dismiss and in support of the plaintiff's broad interpretation of the Fair Housing Act. On June 20, 1979, U.S. District Judge Carl Rubin denied the defendant's motion to dismiss the case and noted that "the concerns of insurance redlining are within the especial province of the Fair Housing Act."

As a matter of law, the court decided that first, insurance "redlining" is violative of the provisions of sections 3604(a) and 3617 of the Fair Housing Act, and second, the McCarran Act, the Urban Property Insurance Protection and Reinsurance Act of 1968, and the Ohio FAIR plan were not designed to address the problems of insurance redlining. In so ruling, the court did not decide that the defendants had, in fact, violated the act but only that "redlining" was a violation and that the plaintiffs were entitled to go forward with proof that the defendants "redlined."

In construing section 36(a), the court was strongly influenced by the views of the Department of Housing and Urban Development as to the close nexus between insurance, financing, and the availability of suitable housing. Upon finding that a discriminatory denial of property insurance violated sections 3604 (b), the court did note that section 3605, relating to loans by banks and insurers, had no bearing on the refusal to issue an insurance policy.

A second case involving this issue, *Wildman* v. *State Farm Fire and Casualty Co.* (C.A.C-3-78-346) is also pending before the Ohio U.S. District Court.

The court in Austin Dunn adopted the construction of several housing cases also cited in legal opinion by Ruth T. Prokop and dated August 25, 1978. An analysis of these cases in section IV of this opinion indicates that the court's (and HUD's) interpretation of these cases is overly broad. These cases certainly do not support applicability of title VIII to the sale of insurance.

Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California has asked that the Senate be in order. The Senator from California has noted the Senate is not in order and he is entitled to be heard.

Mr. HAYAKAWA. I thank the President.

The PRESIDING OFFICER. The Senate is now in order.

Mr. HAYAKAWA. Mr. President, the Austin Dunn court also accepted the argument of the plaintiffs and echoed by HUD that unavailability of property insurance makes a dwelling "unavailable" within the meaning of section 3604. HUD has stated that "adequate insurance coverage is often a prerequisite to obtain financing." HUD memorandum, dated August 25, 1978. If this reasoning were taken to its logical conclusion, however, the scope of title VIII would become infinite. As a practical matter, many factors are a prerequisite for financing and sale of housing: Adequate legal representation of mortgagors, the location of lending institutions, the adequacy of building inspectors, the availability of contractors to do repair work, the fairness of courts in construing mortgage rights, et cetera. To hold, however, that an attorney who does not locate his office in the city so as to represent buyers in mortgage closings is guilty of "housing discrimination" is clearly absurd. Yet, this is the logical extension of the Austin Dunn courts reasoning and that of HUD.

The fact of the matter is that insurers sell insurance on various property risks, regardless of whether the property is acquired through sale, rental, gift or inheritance. Insurers are not an extension of the housing industry so as to make title VIII applicable.

In addition, a number of cases suggest that the nexus between the defendant in a title VIII case and the housing transaction must be more than "incidental."

Mr. President, may I implore again for order in the Senate Chamber?

The VICE PRESIDENT. The Senate will be in order.

Mr. HAYAKAWA. I thank the Chair. In *Hollins* v. *Kraass*, 369 F. Supp. 1355 (N.D. Ill. 1973) a bank was not held liable for damages under the Fair Housing Act absent actual and personal involvement. The owners in that case had conveyed the deed to their property to the bank and entered into a trust agreement. The owners then refused to rent to a black couple. The plaintiffs sued the bank and the property owners under the Fair Housing Act. The court found that the plaintiffs had stated no cause of action against the bank. The court stated:

> The purpose of the Fair Housing law and in this respect the application of the Civil Rights Act of 1866 is to provide a remedy against those individuals who are guilty of unlawful discrimination in the rental or sale of housing and is not directed at those who merely are responsible for putting the violator in the position in which he can act improperly. (369 F. Supp. at 1358)
>
> It is well settled that police supervisory personnel are not liable for damages under 42 U.S.C. § 1983 to one injured by police misconduct absent direct personal participation. Similarly, an owner of a piece of realty or a bank holding it in trust should not be liable for damages under 42 U.S.C. § 3604 or 42 U.S.C. § 1982 absent actual and personal involvement. (369 F. Supp. at 1358)

Another case under the Fair Housing Act is *Dillon* v. *AFBIC Development Corporation*, 597 F. 2d 556 (5th Cir., 1979). In that case, the court held that the corporate agent and the company, of which the agent was the sole shareholder, was liable, but that the developer was not because the developer was not involved in and did not control the marketing of the development.

The Hollins case is part of a general rule that no one can be a defendant under any Federal rights statute unless he is personally involved in the alleged misconduct or had knowledge that his subordinates are causing deprivations of civil rights. *Triplett* v. *Azordegan* 570 F. 2d 819 (8th Cir 1978). That is, the Hollins case is part of a well settled rule of law that the defendant must be personally involved in order to be liable under federal civil rights statutes proscribing a deprivation of rights. While Hollins may be the only case applying this principle to the Fair Housing Act, there are numerous analogous cases applying the exact principle to other Federal civil rights legislation. The Ninth Circuit may have expanded the personal participation principle slightly. In *Johnson* v. *Duffy* 588 F.2d 740 (9th Cir 1978), the court held it was enough that the defendant set into motion an event or events which he knew or had reason to know would inflict constitutional injury. This expansion is not significant because the court is still requiring a casual connection to the defendant.

May I ask for order in the Chamber?

The VICE PRESIDENT. The Senate will be in order. The Senate will be in order.

The Senator will proceed.

Mr. HAYAKAWA. Mr. President, I apologize to my distinguished colleagues that I have to go through this kind of legal detail, but it is important in establishing our position in opposition to the Fair Housing Act as now written, and it is a legal matter. It is something to be taken quite seriously and again I apologize for the fact that it is a tedious presentation, but I am going to go on and on nevertheless because the matters have to be explained properly.

The argument that seems to flow from this is that although the courts say the Fair Housing Act must be construed liberally, there has to be a limit somewhere. One of those limits is application of the law only to housing problems. Another limit is the application of the rule that the defendant has to be personally involved in order to be liable. Indeed, in the only case so far deciding the issue, the court applied that principle to violations of the Fair Housing Act. Hollins. Otherwise, any incidental party, such as lawyers of title companies, could be brought under the act.

The Dillon case used the analogy of a tort action. In other words, only the one actually causing the harm can be the defendant. The harm of the Fair Housing Act is discrimination involving the sale or rental of housing. There is no direct casual link between selling property insurance and discrimination in housing.

Despite these arguments, the Office of the General Counsel of HUD continues to maintain that title VIII is applicable to the sale of insurance.

Mr. President, I believe that I have cited enough historical evidence and legislative history to indicate quite clearly that this inclusion of insurance as a matter to be placed into litigation is quite improper in the light of that legal history.

I am going to wind these remarks up by talking about discriminatory intent and the discriminatory effects.

A major concern with H.R. 5200 is its failure to provide guidance on the threshold question in title VIII of the Open Housing Act of 1968: What constitutes discrimination "because of" race, color, religion, sex, national origin or handicap? It is a major concern because of the role the Federal Government has played in the past and will continue to play in reviewing the zoning and land-use decisions of local communities throughout the country.

It is apparent that the Department of Housing and Urban Development and the Department of Justice have already adopted a test for determining unlawful discrimination that is arguably inconsistent with the intent of the original authors of the Open Housing Act of 1968. Rather than bringing suit and carrying the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have brought suit against communities on the basis of a much different burden of proof: Proving up practices which have some discriminatory effect.

Mr. President, since I am getting to the crux of my argument here, may I again ask for order in the Chamber?

The VICE PRESIDENT. The Senator is correct.

Mr. HAYAKAWA. I thank the Chair.

The VICE PRESIDENT. The Senator will proceed.

Mr. HAYAKAWA. I want to call attention to the distinction, artificial distinction, now being drawn between discriminatory intent and discriminatory effect. Discriminatory intent would mean something like this, "I am determined to keep blacks out of my apartment house which I own." Discriminatory effect would be the result of no such intent. It may be simply that there are no blacks in town who can afford those apartments.

One of the best examples I can give you of the difference between discriminatory intent and discriminatory effect is this: I ask you, and I ask all the Members, all my colleagues in the Senate, the following question: Is there discriminatory intent in the fact that there are no Japanese, Chinese, or Koreans whatsoever in big league basketball, big league baseball, or big league football?

Mr. PERCY. Mr. President, may we have order in the Chamber so that we can hear the Senator? The statement he is making is an important statement.

The VICE PRESIDENT. The Senator is absolutely correct.

Mr. HAYAKAWA. I thank the distinguished Senator from Illinois and I thank the Chair.

I do want to make this distinction between discriminatory intent and discriminatory effect. There are no Chinese, Japanese, Koreans, or even Philippinos in big league baseball, in big league football, or in big league basketball. Is this the result of intent? If it is, then it falls under all kinds of civil rights statutes.

It is as if the leaders of the league had said among themselves, "We are going to keep baseball nice and clean. We are not going to let any Chinese, Japanese, or Koreans in the game."

Mr. President, I wish to yield to the distinguished Senator from Tennessee without giving up my right to the floor.

Mr. BAKER. Mr. President, will the Senator yield to the majority leader?

Mr. HAYAKAWA. I yield to the majority leader without losing my right to the floor, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

ELECTION OF PRESIDENT PRO TEMPORE AND CHAIRMAN OF COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, on my own time I ask unanimous consent that there now be a period of not to exceed 30 minutes which will be charged against the aggregate under the rule, for the consideration of three resolutions pending at the desk relative to the office of the President pro tempore, and the administering of an oath thereon, and a further resolution relative to the chairmanship of the Committee on Foreign Relations; provided that no prejudice accrue to the right of any Senator with respect to the motion to proceed to the consideration of H.R. 5200.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished minority leader on his time to call up the various resolutions.

ELECTION OF SENATOR YOUNG AS THE PRESIDENT PRO TEMPORE

Mr. BAKER. Mr. President, I thank the majority leader and I thank the Senator from California for yielding so that we can proceed with the ceremony.

Mr. President, there is at the desk a resolution with respect to the election of the President of the Senate pro tempore, and I ask the clerk to report.

The VICE PRESIDENT. The clerk will state the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 551) to amend S. Res. 4 of the 96th Congress, First Session, to provide for the election of Milton R. Young, of the State of North Dakota, to be President pro tempore.

The text of the resolution follows:

Resolved, That the Honorable Milton R. Young, a Senator from the State of North Dakota, be, and he is hereby, elected President of the Senate pro tempore, to hold office for the calendar day of Friday, December 5, 1980, vice the Honorable Warren G. Magnuson (excused).

The VICE PRESIDENT. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I will not object—this resolution has been cleared, and so have the other resolutions which will be offered by the distinguished Republican leader, with the leadership on this side of the aisle, with Mr. Magnuson, the President pro tempore of the Senate, and with Mr. Church, the chairman of the Foreign Relations Committee, and I hope that this precedent will be remembered in the days to come of the 97th Congress [laughter] and that we on this side of the aisle might expect good things to flow therefrom.

Mr. BAKER. Mr. President, reserving the right to object—and obviously I will not object—I must simply respond to the majority leader and say that I herewith make the solemn promise that 26 years from today we will accord him similar treatment. [Laughter.]

Mr. MAGNUSON addressed the Chair.

The VICE PRESIDENT. The Senator from Washington.

Mr. MAGNUSON. Mr. President, as long as I am the subject of this resolution, I reserve the right to object but I shall not object. I want to say that I have known Milt Young for so long. I met him when he got off the train coming from Fargo as a new Senator, and he had a cardboard box with him. He did not know where he was going to stay or anything else, and that was a long time ago.

We have been good friends ever since, and I am very privileged to accede to him this one day.

Now, we have a chauffeur and a car, and I am going to let him use that car tomorrow—only tomorrow. [Laughter.]

I heartily endorse the resolution, Mr. Vice President.

The Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 551) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. The distinguished Senator from Washington has deprived me of the opportunity to move to lay on the table the motion by the distinguished Senator from Tennessee.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. BAKER. Mr. President, I have two more resolutions at the desk, and I ask the clerk to report.

The VICE PRESIDENT. The clerk will report the next resolution.

The legislative clerk read as follows:

A resolution (S. Res. 552) notifying the House of Representatives of the election of a President pro tempore.

The text of the resolution follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Milton R. Young, a Senator from the State of North Dakota, as President of the Senate pro tempore, to hold that office for the calendar day of Friday, December 5, 1980, vice the Honorable Warren G. Magnuson (excused).

The Senate proceeded to consider the resolution.

The resolution (S. Res. 552) was agreed to.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. BAKER. Mr. President, I ask the clerk to report the next resolution.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 553) notifying the President of the United States of the election of a President pro tempore.

The text of the resolution follows:

Resolved, That the President of the United States be notified of the election of the Honorable Milton R. Young, a Senator from the State of North Dakota, as President of the Senate pro tempore, to hold office for the calendar day of Friday, December 5, 1980, vice the Honorable Warren G. Magnuson (excused).

The Senate proceeded to consider the resolution.

The resolution (S. Res. 553) was agreed to.

Mr. BAKER. Mr. President, might I present him to the desk to receive the oath of office?

ADMINISTRATION OF OATH

The VICE PRESIDENT. The Chair appoints the Senator from Washington (Mr. Magnuson) to escort the Senator from North Dakota to the desk for the purpose of administering the oath.

The Honorable Milton R. Young, escorted by Mr. Magnuson, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President.

[Applause, Senators rising.]

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee.

ELECTION OF SENATOR JAVITS AS CHAIRMAN OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I have a resolution at the desk in respect to the election of a chairman of the Foreign Relations Committee.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 550) to elect the Senator from New York, Mr. Javits, Chairman of the Committee on Foreign Relations for the Calendar day December 4, 1980.

The text of the resolution follows:

Resolved, that the Senator from New York, Mr. Javits, is hereby elected Chairman of the Committee on Foreign Relations for the calendar day December 4, 1980, vice the Senator from Idaho, Mr. Church (excused).

Mr. CHURCH addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. CHURCH. Mr. President, reserving the right to object, and I do not object, I would like to report to the Senate that earlier today, at a meeting of the Senate Foreign Relations Committee, it was my pleasure to endorse warmly the resolution that the committee unanimously approved making Senator Javits the chairman of the committee for a day.

When that was done, Senator Javits, with his typical generosity, having received the gavel from me, turned to me and said, "This sets a new precedent. I want to do my part by giving you my proxy for the remainder of the day for any business that the committee may transact."

That, in a way, symbolizes, Mr. President, the kind of cooperation that I have enjoyed from Senator Javits, my very dear friend, in the past 2 years.

Mr. President, we are very proud of the committee's record. During this Congress not once do I recall the Senate Foreign Relations Committee being overturned in the Senate on any major issue. That, in large measure, was due to the kind of cooperation and support that I received from the ranking member of the committee. He was like my right arm. Nothing could have given me more pleasure than turning the gavel over to him this morning.

I am only sorry, Jack, that I do not have a limousine to put at your disposal. Perhaps the new incoming chairman, who is now on his feet, will remedy that defect and see to it that, in the future, the chairman of the Foreign Relations Committee has a suitable means of transportation in this city.

Mr. President, I join enthusiastically in endorsing the resolution and ask for its unanimous adoption.

Mr. President, I shall now present a summary of the work of the committee during the period that I served as chairman and Senator Javits served as the ranking member on the Republican side.

REPORT OF SENATE FOREIGN RELATIONS COMMITTEE FOR 1979 AND 1980

The last 2 years have been unusually busy ones for the Committee on Foreign Relations. As the statistics and summaries appended to this statement clearly show, the committee has completed action on an extraordinary amount of work.

This is all the more remarkable because at the outset of the 96th Congress, the committee was faced with a new chairman and ranking minority member, the addition of five new committee members, and substantial staff changes, including the formation of a minority staff. We were later to add another new member following the departure of Senator Muskie to the position of Secretary of State.

I doubt that the Foreign Relations Committee has ever faced a heavier workload. The numbers speak for themselves and I shall include them for the Record at the conclusion of my remarks.

Mr. President, I take pride and great personal satisfaction in the comment of my colleague Senator Robert C. Byrd, the distinguished majority leader, who has referred to the committee's lengthy hearings on the SALT II treaty as the most thorough consideration of arms control in the history of the Senate. During the hearing process on the treaty, the committee held 30 public sessions and 16 executive sessions. These were followed by 16 days of markup, including 16 public sessions and 6 executive sessions. The committee ultimately heard from 94 witnesses and compiled a hearing record of more than 4,000 pages.

What does this all mean? The SALT II treaty has yet to be voted on by the Senate and its fate remains in doubt. But I remind my colleagues that the consideration of the SALT treaty held a significance that went beyond the complexities of the treaty itself. From our discussion of SALT came a clearer understanding of the true nature of the strategic balance and of the relative military balance between the United States and the Soviet Union.

While not all Senators could agree that ratification of the treaty served the best interests of the United States, I believe the hearings produced a widening consensus that SALT II would not interfere with a U.S. ability to match the Soviets in strategic power. At the same time, it dramatized the country's need to bolster its defenses and thus led to subsequent increases in defense spending.

It is important and useful to look beyond the more obvious details of the committee's other work as well. Early in the first session, the committee took up the Taiwan Relations Act which was ultimately approved by the Congress and signed into law April 10, 1979. Needed changes were made in the provisions of the Taiwan omnibus legislation introduced by the administration and this law now forms the basis for continued close relations between the United States and Taiwan.

This legislation contains a strong provision for congressional oversight and, under, the able direction of Senator Glenn, chairman of the Subcommittee on East Asian and Pacific Affairs, there has been thorough monitoring of the implementation of the act, the legal and technical aspects of the continuing relationship with Taiwan, and the implementation of U.S. policies concerning security and cooperation in East Asia.

The committee's actions have helped reassure the Taiwanese that the United States is not abandoning them. At the same time, the removal of ambiguities in the enabling legislation has underscored for the leaders of mainland China the determination of the Congress to adhere to the dual arrangement that forms the underlying basis of American policy.

There was healthy and vigorous debate within the committee on U.S. policy toward Rhodesia. After hearing from administration officials, a majority of committee members agreed that it was unwise to lift prematurely the U.N. sanctions imposed against the white-ruled government for fear that this would disturb the delicate negotiations which ultimately achieved a peaceful transition to majority rule. The committee continues to monitor the situation closely.

While a majority of the committee voted to support the policy initiatives of the Carter administration on a number of occasions, there were important instances in which the committee differed sharply with the White House. The committee's report to the Senate in June 1980 on conventional arms transfer policy, for example, found major problems with the program and called for specific changes.

The committee began the second session of the 96th Congress by beginning a comprehensive study of U.S. foreign policy and national security, the military force levels needed to support U.S. foreign policy, and U.S. nuclear nonproliferation policies. By focusing initially on U.S. interests in the Persian Gulf and Southwest Asia, the committee was able to bring into sharper definition the realities and constraints imposed on the exercise of American power in that vital part of the world.

Legislative oversight activities were vigorously pursued with excellent results. The committee was able to give precise policy advice to the administration on arms sales to the volatile Middle East and to Morocco. A staff study of Turkey provided a detailed account of the conditions that led to the recent military takeover in that troubled country. And the timely release of another staff study helped to focus world attention on serious shortcomings in the international aid program for refugees in Somalia.

Other subjects studied by committee members and staff included Cambodian famine and U.S. contingency relief plans, the administration's proposed supplemental aid package for Central America and the Caribbean, United States-Middle East policy, the role and accountability of national security advisers to the President, world population growth, the Soviet invasion of Afghanistan and the proposed boycott of the Moscow Olympic games, developments in Southern Africa, Eastern Europe, and Southwest Asia, and a broad range of international economic issues.

It gives me great pleasure to acknowledge the contributions of all the members of the Committee on Foreign Relations in furthering the committee's work. The ranking minority member, Senator JAVITS, deserves particular credit for his wise counsel and for sustaining a nonpartisan spirit within the committee.

As I noted at the start of my remarks, the committee completed action on a substantial body of important matters. Following is a summary of committee activities which, taken together, represent a significant increase in the workload of the committee compared with recent years.

The committee reported out 28 bills of which 24 have become law. It should be noted that thorough consideration within the committee has helped to produce large affirmative votes for key legislation on the Senate floor with a minimum of time spent on debate.

For example, the Taiwan Relations Act passed by a vote of 90 to 6; the International Security Assistance Act of 1979 by a vote of 69 to 21; the special Middle East peace package passed by a vote of 73 to 11; the Foreign Relations Authorization Act of 1980 by a vote of 69 to 10; and the Foreign Service Improvement Act by a voice vote.

In the past years, it has been unusual for the Senate to pass any major authorizing bills received from the committee prior to June. Foreign assistance legislation rarely won Senate approval before late June or early July. Yet, in 1979, the committee considered and voted out more foreign assistance legislation—five bills—than any previous session. Three of those five bills were passed before May 25. Further, the committee filed all its authorizing legislation prior to the May 15 deadline set by the Budget Committee. It was because of the expeditious manner in which the committee dealt with these bills that Foreign Relations Committee legislation dominated the Senate's attention during the month of May last year.

The committee met on 77 occasions during the 96th Congress with distinguished foreign visitors. Among these were: Vice President Teng Hsiao-Ping of the People's Republic of China, Prime Minister Menachem Begin of Israel, President Anwar Sadat of Egypt, Prime Minister Masayoshi Ohira of Japan, Prime Minister Kriangsak Chomanan of Thailand, U.N. Secretary General Kurt Waldheim, Prime Minister Margaret Thatcher of Great Britain, Prime Minister Francesco Cossiga of Italy, Franz Joseph Strauss, Minister-President of Bavaria and King Hussein of Jordan.

LEGISLATION

Following is a listing of bills and joint resolutions acted on by the committee during the 96th Congress:

H.R. 2479—Taiwan Relations Act; reported 14–0; passed Senate 3–14–79, 90–6; P.L. 96–8.

H.R. 2774—ACDA Authorization Act; reported 10–1; passed Senate 5–1–79, voice vote; P.L. 96–66.

S. 1019—Uganda Aid (lifting prohibitions); reported 12–1; passed Senate 5–7–79; voice vote; P.L. 96–67.

S. 1007—Security Assistance for Egypt and Israel; reported 10–1; passed Senate 5–14–79, 73–11; P.L. 96–35.

H.R. 3363—Foreign Relations Authorization Act; reported 9–0; passed Senate 5–15–79, 84–10; P.L. 96–60.

S. 662—International Financial Banks; reported 10–1; passed Senate 5–17–79, 67–24; P.L. 96–259.

H.R. 3173—International Security Assistance Act; reported 9–0; passed Senate 5–22–79, 69–21; P.L. 96–92.

H.R. 3324—International Development Assistance; reported 13–1; passed Senate 6–19–79, 70–25; P.L. 96–53.

H.J. Res. 373—Warsaw Uprising Anniversary; reported voice vote; passed Senate 7–23–79, voice vote; P.L. 96–45.

H.R. 5218—Caribbean Hurricane Relief; reported 9–0; passed Senate 10–30–79, voice vote; P.L. 96–109.

H.R. 4955—Migration and Refugee Assistance; reported 8–0; passed Senate 11–2–79, voice vote; P.L. 96–110.

H.R. 5279—ICA Film on George Meany; reported 14–0; passed Senate 11–6–79, voice vote; P.L. 96–116.

H.R. 5079—International Energy Exposition; reported 8–1; passed Senate 11–14–79, voice vote; P.L. 96–169.

S. 2076—Rhodesian sanctions terminated; reported 14–0; passed Senate 12–6–79, 90–0 (referred to House Foreign Affairs 12–11–79).

H.R. 2759—Deep Seabed Mineral Resources Act; reported voice vote; passed Senate 12–14–79, voice vote; P.L. 96–283.

H.R. 6081—Special Central American Caribbean Assistance; reported 11–1; passed Senate 1–29–80, 44–35; P.L. 96–257.

S. 2194—Special Azores Earthquake Relief Assistance; reported 11–1; passed Senate 2–28–80 (referred to House Foreign Affairs on 3–3–80).

S.J. Res. 89—Permitting the Supply of low-enriched Uranium; reported 11–0; passed Senate 4–28–80, voice vote; P.L. 96–280.

S. 2666—International Natural Rubber Agreement Implementing Act; reported 11–0; passed Senate 5–22–80, voice vote; P.L. 96–271.

(IMF Authorization)

S. 2271—Bretton Woods Agreement Act Amendments; reported 12–0; passed Senate 6–16–80, 55–25; P.L. 96–389.

S. 2422—International Financial Institutions Authorization; reported 10–1; passed Senate 6–16–80; 53–24.

S. 2727[1]—Department of State Authorization; reported 10–0; passed Senate 6–16–80, 69–10.

H.R. 6942[2]—International Security and Development Assistance Act and Peace Corps Authorization; reported 13–0; passed Senate 6–17–80, 58–32; conference report filed on 11–20–80.

H.R. 5580—NATO Mutual Support Act of 1979; reported 14–0; passed Senate 7–21–80, voice vote; P.L. 96–323.

S. 1916—OPIC Authorization for the PRC; reported 12–1; passed Senate 7–21–80, voice vote; P.L. 96–327.

H.R. 6790—Foreign Service Improvement; reported 9–0; passed Senate 9–15–80, voice vote; P.L. 96–465.

H.R. 3956—For relief of Hewson Ryan; reported voice vote; passed Senate 9–30–80, voice vote; P.L. 96–407.

H.R. 6440—Claims against the PRC; discharged from Committee; passed Senate 10–1–80, voice vote; P.L. 96–445.

S. 333—Act to Combat International Terrorism; reported 14–0, 7–25–80; placed on Senate Calendar.

H.J. Res. 283—U.S. Commitment to North Atlantic Alliance; passed Senate 4–5–79 (voice vote) without referral to Committee.

TREATIES

The committee reported out 43 treaties during the 96th Congress, of which 38 have been approved by the Senate. In the 95th Congress, the committee reported 16 treaties, 15 of which were approved.

Following is a list of treaties reported by the committee and approved by the Senate:

Convention on Psychotropic Substances (Ex. G, 92–1, approved 92–0 on 3–20–80).

Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Ex. L, 94–2, approved 98–0 on 11–28–79).

Tax Convention with the Republic of Korea (Ex. P, 94–2, approved 98–0 on 7–9–79).

Protocol with Canada to Amend the Convention for the Protection, Preservation, and Estension of the Sockeye Salmon Fisheries in the Fraser River System (Ex. G, 95–1, approved 92–0 on 3–20–80).

Extradition Treaty with Finland (Ex. I, 95–1, approved 93–0 on 11–29–79).

International Sugar Agreement (Ex. A, 95–2, approved 80–11 on 11–30–79).

Agreement with the International Atomic Energy Agency for the Application of Safeguards in the U.S. (Ex. B, 95–2, approved 90–0 on 7–2–80).

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (Ex. K, 95–2, approved 98–0 on 11–28–79).

Extradition Treaty with the Federal Republic of Germany (Ex. A, 96–1, approved 93–0 on 11–29–79).

Agreement on the International Carriage of Perishable Foodstuffs and on the Special

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[1] It should be noted that 5 separate bills were consolidated into this legislation; Department of State and BIB FY 1980 Supplemental Authorizations; Department of State and BIB FY 1981–82 Authorizations; Claims against PRC; U.N. and Foreign Service Act amendments; and ICA amendments.

[2] The Peace Corps Authorization bill was consolidated into this legislation.

Equipment to be Used for Such Carriage (Ex. B, 96–1, approved 92–0 on 3–20–80).

Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships (Ex. C, 96–1, approved 90–0 on 7–2–80).

Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea (Ex. D, 96–1, approved 90–0 on 7–2–80).

Maritime Boundary Treaty between the U.S. and the Republic of Venezuela (Ex. G, 96–1, approved 94–0 on 9–17–80).

Proposed Amendment to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (Ex. I, 96–1, approved 94–0 on 9–17–80).

Convention with the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances and Gifts (Ex. J, 96–1, approved 98–0 on 7–9–79).

Protocol to the Convention with the French Republic with respect to Taxes on Income and Property (Ex. K, 96–1, approved 98–0 on 7–9–79).

Protocols for the Fourth Extension of the 1971 International Wheat Agreement (Ex. L, 96–1, approved 89–6 on 6–26–79).

Extradition Treaty with the United Mexican States (Ex. M, 96–1, approved 91–0 on 11–30–79).

Extradition Treaty with Japan (Ex. P, 96–1, approved 91–0 on 11–30–79).

Third Protocol to the 1975 Tax Convention with the U.K. of Great Britain and Northern Ireland (Ex. Q, 96–1, approved 98–0 on 7–9–79).

Convention with the U.K. of Great Britain and Northern Ireland with respect to Taxes on Estates of Deceased Persons and on Gifts (Ex. R, 96–1, approved 98–0 on 7–9–79).

Amendments to the 1948 Convention on the Intergovernmental Maritime Consultative Organization (Ex. S, 96–1, approved 90–0 on 7–2–80).

Tax Convention with the Hungarian People's Republic (Ex. X, 96–1, approved 98–0 on 7–9–79).

Treaty with the Republic of Panama on the Execution of Penal Sentences (Ex. Z, 96–1, approved 91–0 on 11–30–79).

Treaty with the Republic of Turkey on Extradition and Mutual Assistance in Criminal Matters (Ex. AA, 96–1, approved 98–0 on 11–28–79).

Treaty with the Republic of Turkey on the Enforcement of Penal Judgments (Ex. BB, 96–1, approved 91–0 on 11–30–79).

Extradition Treaty with Norway (Ex. CC, 96–1, approved 91–0 on 11–30–79).

Protocol, with Annex, Amending the 1953 Halibut Fishery Convention with Canada (Ex. DD, 96–1, approved 92–0 on 3–20–80).

Protocols for the Fifth Extension of the International Wheat Agreement 1971 (Ex. FF, 96–1, approved 94–0 on 9–17–80).

Amendment to the 1966 International Convention on Load Lines (Ex. GG, 96–1, approved 90–0 on 7–2–80).

Convention on the Inter-American Institute for Cooperation of Agriculture (Ex. HH, 96–1, approved 94–0 on 9–17–80).

Treaty with the Republic of Peru on the Execution of Penal Sentences (Ex. II, 96–1, approved 96–0 on 3–25–80).

1978 Partial Revision of the Radio Regulations (Geneva 1959) (Ex. B, 96–2, approved 94–0 on 9–17–80).

Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Ex. C, 96–2, approved 94–0 on 9–17–80).

International Natural Rubber Agreement, 1979 (Ex. D, 96–2, approved 90–1 on 5–22–80).

Consular Convention with the German Democratic Republic (Ex. F, 96–2, approved 90–0 on 7–2–80).

The Food Aid Convention, 1980 (Ex. G, 96–2, approved 94–0 on 9–17–80).

International Convention on Maritime Search and Rescue, 1979 (Ex. J, 96–2, approved 90–0 on 7–2–80).

The following is a list of five treaties which have been reported by the committee, but have not yet been agreed to by the Senate:

Revised Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (Ex. M, 95–1, reported 15–0 on 9–24–80).

Treaty on Maritime Boundaries between the U.S. and the United Mexican States (Ex. F, 96–1, reported 15–0 on 8–5–80).

Maritime Boundary Agreement between the U.S. and the Republic of Cuba (Ex. H, 96–1, reported 15–0 on 8–5–80).

Treaty on the Limitation of Strategic Offensive Arms and Protocol Thereto (SALT II Treaty) (Ex. Y, 96–1, reported 9–6 on 11–19–79).

Amendments to the Intergovernmental Maritime Consultative Organization Convention (Ex. K, 96–2, reported 15–0 on 9–22–80).

One treaty which was ordered reported by the committee has not yet been reported:

Treaty with the Republic of Colombia concerning the status of Quita Sueno, Roncador, and Serrana (Ex. A, 93–1, ordered reported 13–0 on 12–4–79).

CONCURRENT AND SENATE RESOLUTIONS

The committee reported out 53 concurrent and Senate resolutions during the 96th Congress; 47 were agreed to and 1 was rejected in the Senate. In the 95th Congress, 35 concurrent and Senate resolutions were reported by the committee; 32 were agreed to in the Senate and 1 was rejected.

Resolutions considered and approved during this Congress included: a Senate resolution calling on the Federal Republic of Germany to abolish or extend its statute of limitations applicable to war crimes; a concurrent resolution calling for a U.N. special investigatory commission to secure a full accounting of Americans listed as missing in Southeast Asia; a Senate resolution relating to the commitment to ease human suffering in Cambodia; a concurrent resolution calling for prominent attention to human rights concerns at the 1980 Helsinki accords conference; and a concurrent resolution urging nonparticipation in the 1980 summer Olympic games due to the Soviet invasion of Afghanistan.

NOMINATIONS

During the 96th Congress, a total of 214 executive branch nominations were received by the Foreign Relations Committee, 201 of which have been reported. Of those reported, 185 have been approved by the Senate.

In addition, the committee received 2,514 routine promotions of Foreign Service officers, Foreign Service information officers and career ministers, all of which were reported and approved by the Senate.

Among the nominations receiving committee attention were those of: Leonard Woodcock, to be Ambassador to the People's Republic of China; Ralph Earle, to be Director of the Arms Control and Disarmament Agency; Richard F. Celeste, to be Director of the Peace Corps; Donald F. McHenry, to be U.S. representative to the U.N.; and Edmund Muskie, to be Secretary of State.

HEARING SCHEDULE

As noted earlier, consideration of the SALT II treaty occupied the greater part of the committee's time in the latter half of 1979. During the entire Congress, the full committee held a total of 199 public hearings and 93 executive sessions. In the 95th Congress, there were a total of 115 public hearings and 56 executive hearings.

Subcommittees, during the 96th Congress, held 19 public hearings and 20 executive hearings. During the 95th Congress, subcommittees held a total of 103 public hearings and 32 executive hearings.

Attached is a more detailed compilation of statistics:

	95th	96th
Bills and joint resolutions:		
Referred to committee	101	77
Reported by committee	28	28
Original bills reported	(4)	(4)
Agreed to in Senate	34	[1] 29
Became public law	[2] 33	[3] 24

[1] Includes 1 joint resolution passed without referral and 1 bill discharged.

[2] Includes 1 joint resolution passed without referral.

[3] Includes 1 joint resolution passed without referral.

	95th	96th
Concurrent and Senate resolutions:		
Referred to committee	88	110
Reported by committee	35	53
Original resolutions reported	(18)	(23)
Agreed to in Senate	[1] 50	[2] 53
Rejected by Senate	1	1
Withdrawn		1

[1] Includes 19 resolutions agreed to without referral.

[2] Includes 5 resolutions agreed to without referral and 1 discharged and agreed to.

	95th	96th
Treaties:		
Pending at beginning of Congress	24	35
Submitted during Congress	26	57
Total pending	50	92
Reported from committee	16	43
Approved in Senate	15	38
Still pending in committee at end of Congress	35	49

	95th	96th
Nominations:		
Executive branch and agencies:		
Received	296	214
Reported	289	201
Approved	289	185
Withdrawn	4	4
Returned to President	(3)	
Foreign Service promotions:		
Received	2,320	2,494
Reported	2,320	2,494
Approved	2,320	2,494
Career ministers:		
Received	12	20
Reported	12	20
Approved	12	20
Committee hearings:		
Full committee:		
Public hearings	115	199
Executive hearings	[1] 56	[2] 93
Total	171	292
Subcommittees:		
Public hearings	103	19
Executive hearings	32	20
Total	135	39
Total full and subcommittee hearings (executive and public)	306	331

[1] This figure includes 1 informal briefing for which no transcript was kept.

[2] This figure includes 21 informal briefings for which no transcript was kept.

Of the executive nominations reported by the committee in the 96th Congress, 12 have not yet been acted upon in the Senate.

Mr. PERCY addressed the Chair.

The VICE PRESIDENT. The Senator from Illinois.

Mr. PERCY. Mr. President, I wish to thank our distinguished chairman for graciously making this action possible.

The inspiration came out of a meeting with Howard Baker yesterday when we talked about the possibility of this. I raised it at the Republican Caucus and asked for a precedent as to whether or not there was any procedure that we could go by and, if not, let us establish a precedent, because, if ever this honor was deserved, it is deserved in this case.

I think we all recognize Jack Javits as most brilliant and one of the finest lawyers, parliamentarians, and a man of principle and decency. He fights for what he believes in and he even sometimes admits that he is wrong, which is very unusual for Senators. But he is not wrong very frequently, in my judgment.

He really is in every sense of what this Senate should stand for. We look forward to great things in the future for Frank Church and for Jack Javits. Ahead of them lie exciting opportunities and challenges and they are prepared for them.

I only hope that I can be half as competent and capable as my distinguished colleague, Senator Javits, has been in the job. But I do know that I am strengthened by the assurance that I have had that I can turn to him for advice and counsel and to rely heavily on him and look to him as a lifelong friend who has meant so much to every one of us.

Again, I thank my distinguished colleague, Senator Church, for cosponsoring this resolution I introduced and Senator Pell, who has cosponsored it. The unanimous approval of the U.S. Senate Foreign Relations Committee in their voting this morning is the only unanimous vote we have ever had.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER (Mr. Matsunaga). The Senator from New York.

Mr. JAVITS. Mr. President, I wish to thank the Senate very much. It is sometimes said that politicians know how to take care of their own. Well, I think we have shown that we know how to take care of our own without cost to the taxpayer in these wonderfully generous dealings which we have displayed for older Members who are going on to do other things—Senator Young, because he wished to, and I, because that was a decision of the voters of my State.

As I said to the press when the event occurred, "Who knows? That fellow up there may know something I don't know." I hope I will find out in the days ahead.

But it is a wonderfully generous place, this Senate. In all of the festivities of the week—and I have had them, as I am sure Senator Young and Senator Bellmon and Senator Schweiker have had them. And, by the way, I find myself in very distinguished company, indeed, on this side and in equally distinguished company among the Democratic Members, led by Senator Magnuson, who has been, I feel, an almost life-long friend. We have served so long together.

But I have felt that in all these years I have become a Senate man. I believe in this institution. And I needed no encomium like this—though it is very welcome to me and my wife Marion and to our children, very welcome, indeed—to convince me of that.

But I do believe that if there is one word I would like to leave for my colleagues and for the many, many Senators who will follow them is that I feel I have served for 24 years in an institution that is one of the most stalwart and one of the most effective defenders of freedom that mankind has ever known. I hope and pray only that while I am here and when I am gone that those who are here may keep it ever so.

Thank you, Mr. President.

[Applause, Senators rising.]

Mr. ROBERT C. BYRD. Mr. President, may I express on behalf of all my colleagues our appreciation to the Vice President for his participation in this event. As he facetiously stated to the minority leader and me just a moment ago, he stated in wonderment as to whether or not it might be possible to pass a resolution making him the Vice President pro tempore.

TRIBUTES TO SENATOR JACOB K. JAVITS

Mr. TALMADGE. Mr. President, it is with great pride that I pay tribute today to the distinguished Senator from New York, Jacob K. Javits.

Jack Javits is a warm personal friend and I have enjoyed the advice and counsel he has given me since we entered the U.S. Senate together in 1956. I have worked closely with Senator Javits on many occasions and I highly respect his leadership in the Senate. His record in the Senate is indicative of his great legislative talents, and he is widely acclaimed for his expertise in the area of foreign relations, economics, and health.

His accomplishments include the ERISA legislation, which streamlines bureaucratic procedures, and the public service job program (CETA) which has proved to be a major bill in combating unemployment. He also authored the War Powers Act, returning to the Congress control commitments of U.S. Armed Forces to hostilities in the absence of a formal declaration of war, which became law over Presidential veto in 1973.

The years Senator Javits and I have shared in the Senate have not been easy ones. Through the trying times, I have always admired his personal integrity and dedication to the principles of our Government. He is universally respected by his colleagues on both sides of the aisle. His many contributions to the legislative process will continue to benefit the citizens of the State of New York and our Nation. I salute Senator Javits and wish him God's richest blessing in his future endeavors.

Mr. CRANSTON. Mr. President, it is indeed very difficult to put into words the sentiments one feels when saying farewell to colleagues who will not be returning to this body next year. In the case of Senator Jacob K. Javits, the extraordinarily capable senior Senator from New York, the task is all the more difficult since Jack is much more than a colleague. He is my very good friend, and his contributions as a U.S. Senator have been truly exceptional—if not unique.

When Senator Javits leaves the Senate at the end of this Congress, he will have completed more than three decades of dedicated and illustrious service to his country in elective office. He has served in the U.S. Senate longer than any New Yorker in history, and each year of his service has been marked by excellence and distinction. He has earned fully his reputation as one of the Senate's finest Members—through his diligence and dedication to this country and its citizens who have benefited in so many ways from his service to this body. Mr. President, I can think of few individuals whose lives have not been bettered in some way as a direct result of the never-ending efforts of this fine statesman.

His enormous compassion for and tireless efforts on behalf of this Nation's disadvantaged persons have resulted in enactment of hundreds of pieces of legislation that have contributed significantly to the well-being of millions of Americans and have furthered the principles on which this country is founded. Throughout his years in the Congress, he has championed many causes and has left a great legacy in our Nation's laws.

Mr. President, when I first came to the Senate in 1968, Jack was entering his third term as a Senator from New York. But I had known him for far longer than our service together in the Senate. Our mutual interest in assuring peace on Earth first brought us together, and no tribute to this remarkable man would be complete without mention of his efforts to return to the Congress control of the commitment of U.S. Armed Forces to hostilities in the absence of a formal declaration of war. His authorship of the War Powers Act, which was enacted in 1973 over a Presidential veto, has contributed to sustaining peace.

As members of the Labor and Human Resources Committee, Jack and I have had the opportunity to work very closely together many, many times on important issues, and on each occasion his energy, compassion, and intelligence have contributed to the development of a body of law in which he must take great pride. As the ranking minority member of that committee for 14 years, he has left his particular stamp on literally every bill developed by that committee over the last two decades.

Mr. President, to focus on any one particular aspect of Jack's career is extremely difficult. His very deep and very honest concerns for those who are young, those who are old, those who are unemployed, those who are minorities, those who are ill, those who are poor, and those men and women who make up our labor force—indeed, concerns for each and every individual—have been reflected time and again throughout his long, yet still too short, career.

JACK was the principal author of the Pension Reform Act which safeguards the retirement pensions of more than 30 million Americans. He was a principal architect of the Comprehensive Employment and Training Act which provides thousands of jobs and job training opportunities to Americans most in need of work. He has devoted endless hours of effort to creating job, job training, and education opportunities for this country s young people. He was a principal actor in efforts leading to the Age Discrimination in Employment Act of 1978 which raised the mandatory retirement age from 65 to 70 years of age. He was one of the principal authors of legislation that created the National Endowment for the Arts and the National Endowment for the Humanities, and he has been a vigorous champion of those programs throughout his Senate career.

His contributions in the area of health are hallmarked by equity and fairness. His leadership in health-related legislation has benefited all Americans but at the same time has recognized the legitimate interests of health-care providers. JACK has consistently placed a very high priority on protection and advocacy for those citizens who are incapable of protecting their own rights, and has been a leader in our efforts to improve programs and civil rights for handicapped persons.

In the area of equal opportunity, JACK has similarly led the way. In 1964, he was instrumental in securing passage of the Civil Rights Act; in 1972, he worked on behalf of the Equal Employment Act. His efforts on behalf of those who are getting less than a fair share have been unrelenting.

Senator JAVITS has also contributed greatly to the development of legislation in the areas of legal services, welfare reform, and economic opportunity. Even as I speak, thousands of individuals throughout this country who would otherwise lack adequate legal assistance, go to bed hungry, or have their electricity turned off in the middle of winter will not suffer those hardships because of the efforts of this remarkable man.

Mr. President, last year on May 3, this body joined together to approve Senate Resolution 149, recognizing Senator JACOB K. JAVITS on the occasion of having become the longest serving Senator in the history of New York State. At that time, we recognized, as we do today, his unequaled intelligence, inexhaustible energy, unfailing compassion, and unexcelled mastery of the legislative arts. We expressed to him from both sides of the aisle our best wishes and continuing high regard.

At that time, I noted, as I do again today, that JACOB JAVITS exemplifies the very best that a Senator can give to the Senate and to our people. There is no higher tribute.

As we say our farewells to this truly great man and to my dear friend, I can only add how much he will be missed by all of us here and by all Americans.

Mr. MOYNIHAN. Mr. President, for the past 24 years, the U.S. Senate has been enriched by the presence of JACOB JAVITS whose fierce and fiesty dedication to the causes of social justice and human dignity will continue to prod our collective conscience for the years to come. A man of principle, of great intellect and of compassion, he has used assertiveness and skill to become one of this deliberative body's most distinguished debaters. Few of his colleagues through the years would welcome the opportunity to take on JACK on the Senate floor. One was almost certain to face defeat at the hands of a master.

The State of New York was wise in electing JACK JAVITS to represent its people for four terms. During that time, New York has faced its share of economic and social hardships. Without a strong voice in the Senate, New York would not have been able to meet these challenges so effectively.

But JACK JAVITS' constituency was not bound by any State's borders. Those he represented lived in all regions of the country, sharing the common need for a strong voice in support of their right to life's necessities and equal standing under the law. The economically and socially disadvantaged have had a great friend and champion in him.

JACK JAVITS will always be respected for his unequivocal dedication to equal access to the voting booth, to educational opportunities, to humane working conditions, to adequate health care and economic security. In the eyes of other governments he is viewed as a statesman committed to the support of our allies, especially to a strong and secure Israel.

It is certain that Senator JAVITS will not disappear from the public eye. We can not afford to ignore his talents and the contributions he can continue to make in our national interest.

It is certain, however, that it will be some time before we are fortunate to count among us an individual of his caliber in the Senate. His absence will leave a void that will be difficult to fill with someone of equal stature.

Mr. KENNEDY. Mr. President, when the Senate reconvenes in January, we will all be saddened by the loss of many of our colleagues, whatever their party affiliation and whatever their ideological outlook. But surely the absence of the distinguished Senator from New York, JACOB JAVITS, who has represented his State so well for so many years, will be a loss felt deeply by all Members of this body, just as it will be felt by all the people of New York.

Few Senators can match JACK JAVITS' encyclopedic knowledge. Still fewer have his ability to analyze the issues and move straight to the heart of every complex problem. Few can express their views so clearly or fight so tenaciously for what they believe is right.

In my 18 years in the Senate, I have rarely seen a Member with his prodigious capacity for hard work. His dedication to his principles and his constituents is unsurpassed in the U.S. Senate. He has a driving sense of curiosity that has led him to leadership positions in fields ranging from urban revitalization to mine safety, from arms control to the cure of cancer. Clearly, JACK JAVITS deserves his reputation as one of the great intellects of the Senate.

Over 30 years ago, not long after he had been discharged from the Navy, my brother John Kennedy returned from a meeting of the American Veterans Committee in Boston. He could not stop speaking of the articulate freshman Congressman from New York by the name of JAVITS. His feeling of admiration grew when he served with Senator JAVITS in this body. That feeling was also shared by my brother Bob when he served as the junior Senator from New York with JACK.

Since that time, I have worked closely with Senator JAVITS on many issues. And let me tell you, it is good to be on the same side of an issue with JACK. Many is the time that I have listened to the distinguished Senator from New York give off-the-cuff remarks that sounded as if they had been polished through three drafts. Many is the time that I have seen JACK patiently bring skeptical Senators around to his point of view. Many is the time that I have been proud to stand with JACK JAVITS in the fight for the causes in which we believed deeply.

Mr. President, JACK JAVITS has left a great mark on this Nation and its laws. For the past three decades, he has been the shaping force in the coalition which saw the passage of the greatest civil rights acts of this century—measures that have done more to fulfill the promise of equality in all phases of American life than any action since the 14th amendment. He is the father of the Social Security Act amendments that created medicaid. He is the author of the historic War Powers Act, which limits the commitment of American troops to foreign countries without the consent of the Congress. He also helped give the American worker one of the most important measures of protection since the passage of social security, ERISA; under that act some 40 million workers saw their pensions protected for the first time from cruel circumstances or mismanagement. And he fought long and hard for the Coal Mine Health and Safety Act, which has meant the difference between life and death for thousands of American miners.

JACK JAVITS and I have worked closely together on the Labor and Human Resources Committee, and especially on the Health Subcommittee, which I chair, and where, for many years, Senator JAVITS was the ranking minority member. He has made an outstanding contribution to the health of this Nation. A few examples illustrate the incredible breadth and depth of Senator JAVITS' concerns: The National Cancer Act of 1971, the Drug Abuse Office and Treatment Act of 1972; the National Sickle Cell Anemia Control Act of 1972; the Emergency Health Personnel Act of 1972; the Sudden Infant Death Syndrome Act of 1974; the National Research Act of 1974, which established the Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; the Health Professions Educational Assistance Act of 1975; the Health Maintenance Organization Act of 1975; and the Medical Devices Regulation Act of 1976. And I know that Senator JAVITS is also particularly proud of his work on the Developmentally Disabled Assistance and Bill of Rights Act of 1976, which has done so much to help the mentally retarded, and which is also a special concern of mine.

As a member of the Senate Foreign Relations Committee, Senator Javits has also made a major mark in the area of foreign affairs. He has been a strong supporter of close ties with our European allies and Japan. He is one of the finest friends Israel ever had, and he has helped to lead the search for peace in the Middle East. He has enhanced our national security by supporting a strong defense and by his determined efforts to reduce the risk of war through arms control and diplomacy. He has promoted U.S. leadership in international economics and trade. He has supported increased development assistance, recognizing that foreign assistance is a necessary tool of American diplomacy. On every major foreign policy issue, Jack Javits has been a voice of knowledge and reason; he has been a voice for a strong, coherent and bipartisan foreign policy crucial to America's international position.

Mr. President, one other matter also illustrates the commitment and ability of Senator Javits. He has been hard at work all day, helping to construct a possible compromise to save the Fair Housing Act and to make its enactment possible in the closing moments of this session. We do not know at this hour whether those efforts will succeed. But if they do, it will be in large measure because of the dedication of Senator Javits to the cause of fair housing for all Americans.

Our brilliant colleague and loyal friend for 18 years has been a wise, compassionate, and vigorous leader in the Senate. This Chamber will certainly miss him. But like many Americans, I look forward to the role he will play in public service in the years to come, and hopefully in a position of great responsibility in the new administration.

I am proud to give this tribute to one of the great intellects and leaders in the history of the U.S. Senate. I am proud, as were my brothers, to have worked with him for all those years. And I am sure that we will continue to hear his articulate and thoughtful voice on the great challenges now before us.

TRIBUTE TO SENATOR MILTON R. YOUNG

Mr. TALMADGE. Mr. President, it is a great privilege for me to honor my friend and colleague, Milton R. Young, on his retirement after 35 years of distinguished service in the U.S. Senate.

I have had the opportunity to work closely with Milt Young on the Agriculture Committee where he has served with distinction since his first term in the Senate. Today, landmark farm legislation bear his name as either sponsor or cosponsor, including the target price provisions of the 1973 Agriculture Act; all major price support legislation since 1945; the Aiken-Poage Act of 1965, authorizing loans and grants for rural water and sewer systems; the "food for peace" program of 1954; the Rural Telephone Act of 1949; the Water Bank Act of 1970; the Small Watershed Act of 1954; and the Rural Development Act of 1972. Having played a vital role in getting these programs enacted, Milt Young—as ranking Republican member of the Appropriations Committee—got them funded.

Milt Young was recently honored by the agriculture division of the National Association of State Universities and Land-Grant Colleges, and the plaque he received on this occasion pays fitting tribute to his long and unwavering support of American agriculture:

> The Division of Agriculture of the National Association of State Universities and Land-Grant Colleges is proud to honor Senator Milton R. Young, A Son of the Soil of North Dakota for his long service and dedication to American agriculture. Senator Young served on the Senate Agriculture Committee for 35 years and 10 months, longer than any other member. His agricultural heritage, understanding of rural America, and his personal integrity have influenced and helped shape every U.S. agricultural program since the mid-1940's.

Through his invaluable contributes in public works, research, social needs, education, fish and wildlife, and recreation—and through his long-standing support of young people and veterans—Milt Young has left his imprint everywhere in North Dakota. His record in elections shows just how highly North Dakota people regard him. In seven different statewide elections, he carried every county.

Milt Young retires as the dean of all Republicans in the Senate. For his 56 years of outstanding public service, we commend and congratulate him on a remarkable career—and wish for him the best of success in whatever endeavors he chooses to pursue.

RETIREMENT TRIBUTE TO SENATOR MILTON YOUNG

Mr. CRANSTON. Mr. President, many of my colleagues know that I like to quote the ancient Chinese philosopher Lao-tse, who many centuries ago wrote:

> A leader is best/When people barely know/That he exists. . . . Of a good leader/When his work is done/They will all say:/"We did this ourselves."

For more than a half-century Milton R. Young has been such a leader among the people of the vast wheatlands and silent prairies of North Dakota. In the Senate for 35 of those years, with faithful service to the people who returned him six times to these Chambers, Milton Young exemplifies the ideal of the ancient Chinese epigram and of my own deeply-held convictions of good leadership.

Milton Young has been described by others as dignified, dependable, "old-school" and fundamentally decent. I agree, and will add that the Senator is a politician in the accurate and best sense of the word—molded by the requirements of an earlier age, before television and the mass media deeply altered the political profession. Milton Young is a strong man, spare of word and gesture, utterly honest and faithful; a model to all in his refusal to get locked into party lines or absolutist positions which would prevent his exercising his best judgment on an issue.

These personal qualities combined with years of seniority have made him an effective legislator on issues where he chose to concentrate his efforts. He made his mark on many areas of legislation from national defense to medical research. But his work on behalf of farmers and farming communities will be his monument.

When Milton Young entered public life, one in four Americans lived on farms. The simple ways and habits of small rural communities were central to the American experience, not only in the Great Basin States of the West and Midwest, but of much of the rest of the country as well.

Today farm population is less than 5 percent of the U.S. total. The focus of public affairs has shifted to the great cities and sprawling suburbs where the bulk of Americans now live. But in all that time, Milt Young never forgot his primary responsibility to the people of the land who kept sending him to do their bidding in Washington, D.C.

Next year, 1981, will be the first year since 1924 that Milt Young has neither sought nor exercised the responsibilities of public office.

His career is an amazing political success story. My own 12 years in the Senate, along with my recent reelection to a third term, are counted historic events in California. I share the distinction of being elected three times only with Hiram Johnson, who won his third term 52 years ago. Yet my years in the Senate are barely more than one-third of Senator Young's tenure.

It is more than electoral success that is noteworthy about Senator Young's career, however. His presence in these Chambers reminds us of the demands and rewards of honest political stewardship. His hard work and faithful devotion demonstrates what is sometimes forgotten: That Senators first and foremost are servants of the people. And in his retirement, Milt Young shows that honorable service to State and country, and knowledge of a job well done, are a precious legacy of a lifetime in public service.

When I first came to Washington as a Senator, Lyndon B. Johnson told me: "There are two kinds of Senators, showhorses and workhorses. I hope you re going to be one of the workhorses."

I have tried to fulfill President Johnson's wish. Today I would give the same advice to any incoming freshman legislator. And I would point out Milton Young of North Dakota as the premier example of the breed.

Mr. HATFIELD. Mr. President, I am honored and delighted to be able to join this tribute to the legislative and personal accomplishments of Senator Milton Young.

Seldom in my years of public life have I known and individual who has been as attentive to his job and as effective in seeing his views become the law of the land.

Milt Young came from the rich farmlands of North Dakota and, perhaps more than any single individual, has shaped the present agricultural policy of this Nation. In his over 50 years in public life, he has left his personal imprint on a vast and complex variety of legislation.

Most importantly, he has accomplished these goals with an unflagging personal faithfulness to his colleagues and friends. I know of no one who has individually spent more time attending hearings, concentrating on the necessary detail of legislative work, and the demands of the committee process than Milt Young. He was instrumental in establishing a core of professional staff members among the minority of the Appropriations Committee—a staff that has served Republicans well in the past and that will continue to serve them with distinction in the future.

Milt has also remained uncommonly close to his roots. He has retained a remarkable contact with his constituency. He remains in his heart a man of the land, and he has represented the vital interests of his State with skill, agility, and, above all, dedication.

I join the rest of my colleagues in wishing Milt and Pat a glorious future. They both will be badly missed in Washington. But it is only fitting that he is returning to the land—and the people—that is his home. His State and the Nation have benefited immensely from his devotion to public service.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor. I believe the Senator from California seeks recognition.

The PRESIDING OFFICER. The Senator from California.

FAIR HOUSING AMENDMENTS ACT OF 1980

The Senate continued with the consideration of H.R. 5200.

Mr. HAYAKAWA. Mr. President, I was drawing the distinction, before the ceremony by which my remarks were interrupted, between discriminatory intent and discriminatory effect.

There is a world of difference between, let us say, a policy which results in—and I say this to you, Mr. President, because you and I are in the same boat on this—a policy that results in no Japanese or Chinese in big league basketball, baseball or football. Is that a result of discriminatory intent or is it simply the effect of the particular rules of those games and the particular size which we represent? There is a world of difference between discriminatory intent and discriminatory effect.

I believe that if you use discriminatory effect as a standard on the basis of which to carry on litigation against individuals or corporations, for whatever they are responsible for, I believe such a standard is poorly advised, contrary to some public policy, and subject to abuse by overzealous regulators who can prove any case with the right statistics.

No less an objective observer as Congressional Quarterly said that this standard would "significantly buttress Federal authority to fight housing discrimination." I am not so readily disposed to give the Federal Government the additional power to "significantly buttress" an already burgeoning area of Federal intervention into matters best entrusted to State and local jurisdictions.

The Fair Housing Act does not give the Department of Housing and Urban Development the authority to bring actions against those parties charged with discrimination. Presently, HUD can only attempt to settle disputes between aggrieved persons and alleged violators. I believe this was a finely struck balance at the time the original bill was passed and I believe it suffices at the present time. While I do know from my personal experiences and that of my family that discriminatory housing practices do exist in this country—and I ran into them in Illinois before I went to California where I ran into them again—I do not feel it wise to alter drastically the roles of the players as they are now defined. If HUD need be somewhat more involved in ensuring that fair housing practices are the norm in this country, then let them do so with a standard much less expansive than the one of "discriminatory effects" which the present bill would establish.

HUD and the Department of Justice have initiated an increasing number of law suits around the country against communities adopting zoning and land use policies disapproved by these agencies. Given the test of discriminatory effect, HUD will be readily able to translate its disapproval of local practices into a law suit full of egregious discriminatory effects. I submit the agency's disapproval will probably be directly proportional to the number of discriminatory effects the local practice will spawn. Such suits have been and will continue to be successful despite no evidence of an actual intent to discriminate against the protected classes involved. I care not to inflict such a litigious possibility on the communities of this country.

It should also be noted that while most commentators are not opposed to the basic concept of strengthening the Open Housing Act of 1968, most commentators appear to consider the "discriminatory effects" test a deficiency in providing effective redress for persistent discrimination. In an editorial dated October 5, 1980, the Washington Star characterized this aspect of the pending legislation as a "* * * mischievous murkiness over what would constitute discrimination * * * ." The Star rightly emphasized that interpretation of title VIII's "because of" phrase will "* * * significantly determine the Federal Government's role in zoning and land-use decisions of communities where contentions of housing discrimination arise * * *."

I care not to cast the Department of Housing and Urban Development adrift in this aptly defined area of mischievous murkiness."

If we rely on enacting a law with the probability of finding housing discrimination based on an "effects" standard, we risk what the Wall Street Journal characterized as "pursuing a doctrine that turns equality of opportunity entirely on its ear in an attempt to produce a utopian miracle, equality of result * * *." I believe this Congress should have no intention to tell HUD and the Department of Justice and other Federal agencies that they have the implicit authority to engineer the structure of society.

The Wall Street Journal went on to say in its editorial of September 15, 1980, that—

> The notion that Government could or even should ensure equality of result is fallacious and dangerous. It attacks the concepts of freedom and property protection embodied in the Constitution. The framers of the Constitution and the legislators who enacted the 1960's civil rights bills could never have intended the Federal Government to take on the responsibility to restructure society. Their clear intention was to protect minorities from discrimination aimed at denying them their just and full constitutional rights. The further we stray from that concept of discrimination the less freedom each of us will enjoy.

I adhere to this view.

The "effects" test is a test that has been widely employed by the bureaucracy in determining the existence of private sector employment discrimination. The "effects" test for identifying violations of Federal civil rights laws has been developed by Federal agencies entirely without congressional sanction.

This test does not seek to determine whether or not a discriminatory purpose or motivation lay behind an action by a community or business. Based purely on statistics, communities or businesses which fail to measure up to the bureaucratically determined proportions immediately become suspect. This, Mr. President, is patently unfair.

Under the "effects" test, communities have been sued for the many varied practices this body has been previously made aware of by my colleagues. In none of those instances did it matter that there may have been legitimate public policy considerations for such actions or that there existed no discriminatory intent by the community or business. Any statistical variance from the norm decreed in Washington can be and, I suggest, will be utilized to justify a finding of discrimination. Presumably, only pure statistical equality with the decreed norm will serve as evidence that further remedial action will no longer be necessary. I am concerned that such a test will be used to justify even deeper encroachments by the Federal Government into the affairs of communities and businesses across the country.

As the Washington Star concluded in its aforementioned editorial—

> An effect of discrimination is an elusive interpretive basis . . . . It may be more difficult to establish intent to discriminate—though not nearly so difficult as supporters of the effects test contend . . . . But that prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity, due process and congressional purpose . . . . While it is desirable to strengthen the Open Housing Act, it is imperative that the means to that end do not themselves do violence to fundamental principles of equity.

It is my opinion, Mr. President, that this will be the result if we allow communities and businesses to be sued, not on the basis of local actions which had some discriminatory purposes but on the basis of actions which have the "effect" of yielding underrepresentation of minorities within neighborhoods or communities. It bears repeating that, through the use of the "effects" test, communities have been sued where absolutely no discriminatory purpose was shown, much less alleged.

Mr. President, whatever any individual Senator may think about the desirability of community diversity, it is incumbent upon us to recognize that decisions on these matters should remain those for the community; provided, of course, that no decisions are sanctioned which have an intent to discriminate against any protected group.

It is my belief that the original legislative intent proposed that in order to be in violation of the act, land-use and zoning practices would have to be found to have been adopted with an intent or purpose to discriminate. An evidentiary standard of "effect" completely obviates this legislative intent and gives to the Federal Government additional power that is neither wise nor warranted. It is one thing to consider legislation which would prohibit intended discriminatory actions in land-use and zoning practices; it is entirely something else to consider legislation that would prohibit any action that does not have the effect of providing the most housing for the classes involved. To use a test for discrimination other than an intent test not only breaks new ground yet untrod by both Congress and the Supreme Court, but vests in the Federal bureaucracy the power to expand the test as they see fit. I can find no evidence in the Open Housing Act's legislative history to suggest that any standard other than an intent standard was to be applied.

I therefore ask my fellow Senators to earnestly consider what authority the "effects" test would impart to the Federal agencies. I believe its previous use has been both unsound and harmful in addressing the real issues involved in any fair housing legislation.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. HAYAKAWA. Mr. President, I yield the floor without giving up the 12 minutes and ask unanimous consent that I may resume without its counting as a second speech?

The PRESIDING OFFICER. Is the Senator requesting unanimous consent that he may, at a later time, consume the remainder of his time?

Mr. HAYAKAWA. Yes, Mr. President.

The PRESIDING OFFICER. The Senator does not need unanimous consent.

Mr. HAYAKAWA. I ask unanimous consent that it not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. What was the request, Mr. President?

The PRESIDING OFFICER. That when the Senator resumes speaking, it will not count as a second speech.

Mr. CRANSTON. Mr. President, is the Senator yielding to the Senator from South Carolina?

The PRESIDING OFFICER. The Senator is not, according to the Chair's understanding.

The Senator from California, of course, knows that he has the right to speak again for the second time.

Mr. HAYAKAWA. For 12 minutes, Mr. President?

The PRESIDING OFFICER. It is now down to 10 minutes.

Mr. HAYAKAWA. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, as I understand what the Senator from California has requested, it is that he be allowed to resume his speech at a later date and that it not be counted as a second speech.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Was that agreed to, Mr. President?

The PRESIDING OFFICER. There was no objection.

Mr. THURMOND. I thank the Chair. The committee, in its consideration of this bill and especially, provisions to enforce administrative complaints isued by the Secretary of Housing and Urban Development (HUD), gave careful study to a wide range of solutions. The committee adopted provisions that would create an independent review commission under the President's general authority. I believe, however, that creation of such a commission to hear fair housing complaints will not provide adequate constitutional protections. Such protections were afforded by an earlier version which had been approved by the Subcommittee on the Constitution.

The subcommittee version of section 811 provided for the filing of a complaint with an appropriate U.S. magistrate who would hear the matter and make a finding of fact and conclusion of law. The magistrate would also be able to issue an order for such appropriate relief as may be warranted and may impose a civil penalty not to exceed $10,000. A de novo trial in a district court with the right to a jury trial was made available to a party seeking judicial review of any order.

It is this approach, approved by a 4 to 2 vote in subcommittee, that I feel offers the most protection to all parties. This is especially true for a person charged with a discriminatory act under the provisions of this legislation. Any person, in my opinion, who faces the possibility of a $10,000 fine should have all the protections afforded by the U.S. Constitution and current case law, especially the right to a trial by jury.

As I pointed out during committee consideration of section 811, any person in the District of Columbia who is issued a speeding ticket has the right to a jury trial. Our Constitution provides in article II, section II that:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

This language is plain and clear on its face with regard to a fundamental principle of our constitutional forefathers.

There are arguments made that because the $10,000 fine in the bill is a civil fine and not a criminal penalty, no right to a jury trial exists. I cannot accept that argument.

The imposition of a $10,000 fine, where actual damages and relief can be ordered by a judicial officer or administrative law judge, cannot be viewed as anything but punitive in nature. This is not a fine to make the aggrieved person "whole." It is not a penalty imposed to reimburse the Government for the expenses of litigating the matter. It has one purpose—to serve as a penalty for engaging in "certain acts of violence or intimidation."

Under the language proposed by the subcommittee, the magistrate would initially hear such cases and if either party sought a new trial in district court, the right to a trial by jury would be afforded. It is important to note that in the subcommittee bill a trial by jury is not mandated at the magistrate level, only when a de novo trial is sought in Federal district court. This is an important distinction, because one of the concerns raised by opponents of the subcommittee version is that whenever a trial by jury is involved, there is the possibility for delays and added expense. I think such fears are unwarranted.

First, there is no evidence to indicate that an aggrieved party is going to be less inclined to file a charge of discriminatory practices under the bill whether enforcement is sought in a magistrate's court or before an administrative law judge. To begin with, an aggrieved party does not file the complaint, the Secretary of HUD does. Thus, any decision to proceed with expedited proceedings is in the hands of HUD, not the person who is alleging a discriminatory housing practice.

Second, there is no evidence to indicate that where the availability of a de novo trial in district court exists following a trial in the magistrate court, either party to the proceeding will not exercise good faith efforts to resolve it at the magistrate level. No litigant wants to prolong the legal process if he believes a just result can be reached at the initial phase of a proceeding. The Government will surely put its best case forward and we expect that a defendant would also put forth his best efforts to defend his case.

Mr. President, during consideration of the Bayh-Heflin substitute for section 811, arguments were made that it would be a burden on the Government to have to pursue these cases in Federal court and that magistrates would be given additional duties and powers beyond their congressional mandates.

I cannot accept this argument either. Under the approach taken in S. 506 as reported, administrative law judges would now be given new duties and powers considerably beyond anything they now have in the housing enforcement area. This legislation would give an administrative law judge the power to impose a civil penalty of up to $10,000 and anyone violating a final order may be subject to a civil penalty of $1,000 a day. Although a Federal magistrate has similar powers under existing law, the proponents of the administrative law judge provisions would lead us to believe that magistrates are not necessary to handle such cases and administrative law judges are. I cannot accept that conclusion.

Mr. President, there are a number of reasons I cannot accept the provisions of the bill as reported, besides the fact that it does not provide for a trial by jury. First, it gives the appearance of independence, while actually creating less independence than could be achieved in the Federal court system. The bill provides for the establishment of a Fair Housing Review Commission which shall be composed of three members who shall be appointed by the President, with the advice and consent of the Senate. It is the Commission's duty to appoint administrative law judges and other such personnel that are necessary and to promulgate rules and a code of ethics to assure the independence and fairness of administrative law judges.

While this approach appears to be politically expedient one to take because of the controversy of these provisions both in committee and in the House, it is, in my opinion, full of difficulties. How can independence be assured if the appointing authority for administrative law judges is the most political office in the land—the office of the Presidency of the United States?

A few cosmetic attempts to downplay political overtones have been made by dividing the Commission by political party and providing for staggered terms. That is not an answer to the real issue which is to insulate decisions on housing discrimination matters from political consideration. There are political implications in any scheme where the President is given the power to appoint and the Senate to advise and consent. Clearly, the establishment of a Fair Housing Review Commission in this bill will not promote an independent resolution of fair housing complaints or alleged discriminatory acts.

Another confusing aspect of the provisions adopted by the committee is the provision for judicial review of an administrative law judge's final order to the appropriate court of appeals. It is difficult for me to understand why it is impractical to have a magistrate and then a district court review and yet practical for a circuit court of appeals to review final orders of administrative law judges. In my view, there are sufficient legal and constitutional issues involved in these fair housing cases to warrant review by a district court. The magistrate level with a review in the district court seems designed and well suited for such purposes.

Our final problem raised by the prospects of a Fair Housing Review Commission is the further fragmentation of the administrative law judge system within the Federal Government. The traditional concepts of hearing examiners, or as we now call them, administrative law judges, will be done irreparable damage by adoption of such a scheme.

Historically, administrative law judges have been used in the settlement of disputes or questions of interpretation between an agency and the constituency it is responsible for or regulates. It required the expertise of someone familiar with the agency. This system has developed, however, over the years into a much greater adversarial arena than had been originally intended. Efforts to provide intervenor funding, expand subpoena powers and increase penalties available to administrative law judges (ALJ's) are widespread in legislation in the Congress, S. 506, as introduced, is such a bill. It would have given HUD ALJ's unprecedented powers in the housing enforcement area. For that reason I opposed those portions of the bill.

Unfortunately, the version reported by the full committee does not solve these problems, it only adds to them.

Mr. President, the creation of a Fair Housing Review Commission departs fundamentally not only from traditional notions of justice, but also from accepted concepts of dispute resolution. What is created in this bill is a separate judicial system that is neither fish nor fowl. It is not an article III count such as a Federal district court, and it is not an article I court such as the U.S. Tax Court or the newly created bankruptcy court. Instead, it is an expansion of the existing administrative law judge system embodied in title 5 of the United States Code. That system, which has evolved over the years has significant problems of its own.

Now we intend to add another, new fragmented part to an already crumbling system of "administrative justice." Surely, Congress can do better in this regard.

Mr. President, my conclusion is that the creation of a Fair Housing Review Commission to hear housing discrimination complaints under this legislation will not accomplish what it is intended to do. Beyond the fact that the notion of an allegedly independent Commission appointed by the President is virtually impossible to achieve, the approach of a non-judicial forum for the resolution of complaints under the fair housing laws is fundamentally flawed.

The range of potential penalties contained in this bill that face an unsuspecting public, and a certain segment of our economy, demand, in my opinion, certain minimum constitutional protections. Foremost, of course, is the availability of a trial by jury at some point in the proceedings.

Another major concern with S. 506 relates to its failure to provide guidance on the threshold question in title VIII: What constitutes discrimination "because of" race, color, religion, sex, national origin, or handicap? The answer to this question of statutory construction will be critical in determining the role of the Federal Government in reviewing the zoning and land-use decisions of local communities throughout the country.

HUD and the Justice Department have recently adopted a test for determining unlawful discrimination that is totally inconsistent with the intent of the framers of the original Open Housing Act in 1968. Rather than accepting the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have begun to bring suit against communities on the basis of practices which have the discriminatory effect of "under-representation" of minorities within neighborhoods or communities.

Use of this "effects" test transforms title VIII from a measure prohibiting discriminatory actions into one prohibiting any actions that do not affirmatively contribute to "proportional" representation in the local community for minority or other groups given special protection by title VIII.

Through use of this test, suits have been brought against communities on the basis of minimum lot size requirements, restrictions upon multifamily dwellings, and restrictions upon group homes in residential neighborhoods. One community has been sued because it refused to participate in a Federal grant program that would have required the construction of large numbers of low-income housing units. Communities have been sued for acts of legislative omission, as well as acts of commission.

HUD's procedure is to use statistics. For example, if a suburban community has a 10-percent minority population while the neighboring metropolitan area has a 20-percent minority population, that community becomes suspect. Any local zoning or land-use policy adopted by that community is suspect to the extent that it does not have the effect of affirmatively promoting the "proper" 20-percent minority representation.

Apart from the fact that these statistics tend to be abused in the sense that they overlook obvious demographic differences between various groups, if such an interpretation of title VIII is consistently used, one of the results will be the de facto addition of "economic status" to the list of traits that cannot lawfully be a basis for discrimination in housing. The result would be a direct assault upon local zoning and land-use prerogatives.

Many, even most, land use practices—which are efforts to promote community health, safety, beauty, residential character, property values, et cetera—have the effect of increasing the cost of housing and, therefore, of limiting access by lower income individuals. Since various groups differ in their wealth and income characteristics, the impact of zoning or land-use practices on various groups may often be "disparate." "Underrepresentation" of some groups and "overrepresentation" of others is inevitable if we are to have the benefits of zoning and land-use planning.

Not only has an "effects test" been adopted based on the issue of whether or not actions have the effect of disproportionately limiting access by protected groups, but also, it has been suggested that a broader "effects test" could be justified by title VIII. This broader "effects test" would make unlawful even actions which have the effect of limiting access to all groups equally, but which thereby delay the achievement of "proportionate" representation for protected groups. Such a test would make unlawful local practices by predominately white communities that tend toward maintenance of the character of the community, not in the racial sense, but in the sense, for example, of placing limitations upon new construction or in preferring single-family detached dwellings to apartment units, or in other policies designed to maintain the existing population density, or the suburban or rural lifestyle.

Whatever any of us may think about the desirability of community diversity, I believe that decisions on these matters remain those for the local citizenry, provided that no actions are taken with an intent to discriminate against groups protected by title VIII. To use any other test for discrimination than an intent test is to invest overwhelming authority in the Federal bureaucracy to utilize their own notions of social good to restructure communities across the Nation.

There is absolutely no authority in the Open Housing Act of 1968 that would justify the use of the effects test. The operative language makes it unlawful to make unavailable or deny a dwelling to any person because of race, color, religion, sex, or national origin. Even casual scrutiny of the legislative history of the act makes the intent of Congress very clear. Members of Congress stated repeatedly that the act was designed to reach only individuals motivated by discrimination. For example, Senator Edward Brooke, one of the most active proponents of the measure, noted that—

> A person can sell his property to anyone he chooses as long as it is by personal choice and not because of motivations of discrimination.

Representative PETER RODINO, a leading House spokesman, observed that the bill was not intended to ban geographical discrimination as long as it is not racially motivated. According to Senator, now Vice President, WALTER MONDALE—

> The bill permits an owner to do everything that he could do anyhow with his property . . . except refuse to sell it to a person solely on the basis of his color. That is all it does.

The reason why these and other statements were phrased in terms of individual homeowners, rather than in terms of municipalities, was simply that Congress perceived title VIII as reaching primarily private discrimination. It was not until several years after the passage of title VIII that the Department of Justice began to sue communities on the basis of zoning or land-use practices. In any event, there is certainly no evidence to suggest that any standard other than an intent standard was to be applied to either municipal or private discrimination cases. In order to be in violation of title VIII, each must undertake to make housing unavailable because of race, color, religion, sex, or national origin.

The courts have had mixed views on this issue. The Supreme Court has clearly stated that public actions, in order to be violative of the 14th amendment's equal protection clause, must be committed with discriminatory intent or purpose.

In law neutral on its face and serving ends otherwise within the power of government to pursue is not invalid under the equal protection clause simply because it may affect a greater proportion of one race than of another.

The Supreme Court has not issued an opinion on the question of statutory interpretation, that is whether or not Congress intended that title VIII must meet this same standard. Lower courts have differed on whether or not discriminatory intent is required under title VIII. In a sixth circuit case, the Court upheld the right of a community, in the absence of discriminatory intent, to refuse to pass a new zoning ordinance decreasing minimum square footage requirements on building lots. A nonprofit corporation had brought an action against the city on the basis that existing lot size requirements prevented the construction of a number of low-income housing units. In rejecting the "effects" test, the Court noted that—

> We live in a free society. The time has not yet arrived for the courts to strike down zoning laws which are neutral on their face and valid when passed in order to permit the construction of large numbers of low cost public housing units in a neighborhood where they do not belong and where property owners, relying on zoning laws, have invested large sums of money to build homes for the enjoyment of their families.

The fourth circuit similarly rejected use of the "effects" test in Madison against Jeffers, while the second circuit repudiated the test in Boyd against Lefrak Organization.

Whichever line of decisions one prefers to rely on, none of the circuits purported to do anything other than construe the present statutory language of title VIII. Congress, of course, remains totally free to clarify or amend this language in any manner that it desires.

An amendment offered by Senator HATCH in committee would expressly require that zoning or land-use decisions, in order to violate title VIII, must have been motivated by racial or other impermissible considerations. It would establish a clear intent standard for violations of title VIII arising out of land-use or zoning actions. Such a standard does not require that there be evidence of overtly bigoted behavior or express indications of discrimination. Intent, for purposes of title VIII, like for most other legal purposes, could be proved through circumstantial evidence; it could be proved through an analysis of the totality of circumstances existing in a case.

In addition to express statements of discriminatory intent, the Supreme Court in Arlington Heights noted a variety of other factors that could be considered in demonstrating the requisite discriminatory testimony by participants in an action, the sequence of events leading up to a decision, the existence of deviations from standard operating procedures, and "any other relevent factors." There is no doubt that included among the factors relevant to the intent issue is the extent to which an action has a disparate impact upon different racial groups. This consideration, however, would not be dispositive as it is when the "effects" test is applied. Under the intent test, large disparities in impact are not necessarily indicative that some action was motivated by unlawful discrimination, but neither are small disparities necessarily indicative that an action was not so motivated.

It is worth emphasizing also that the use of the "effects" test by HUD is not merely a device for shifting the burden of proof in housing discrimination cases, although that would be cause enough for opposing the test since it is rarely easy to prove a negative, such as lack of intent to discriminate. At least some of the courts that have sanctioned the test have laid down an inflexible rule; where there is disparate impact, there is a title VIII violation.

The major objection that has been raised to the intent test is that it will make it more difficult to prosecute housing "discrimination" suits against individuals or communities. This totally begs the question, which is: What does Congress seek to accomplish? Does it seek to prohibit discriminatory actions, or rather does it seek to prohibit any actions—or even any omissions—that do not have the effect of providing the most housing for protected groups? If it is the former, then not only should the test make the prosecution of cases that do not involve discriminatory intent "more difficult," the test should make this impossible. That prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity, due process, and congressional purpose.

I ask my colleagues to consider carefully what authority we will be vesting in Washington if we permit continued use of the "effects" test. I note for the record that the Justice Department has announced its intention to take a "major new look" at zoning policies under title VIII. In addition, HUD has announced its intent to promulgate rules and regulations with respect to "unlawful zoning and land use practices under title VIII," including the development of "tests" to be used by the Department in determining whether or not a violation has occurred. I contend that there is only one test that HUD or the Department of Justice should be allowed to use: Whether or not a community has intended to discriminate. It is the only permissible test under the equal protection clause of the 14th amendment and, in my view, should be the only test for legislation promulgated under the authority of that amendment.

Finally, I wish to make a few clarifying observations on the intent issue that have been the source of some confusion in committee:

First. Language in the present bill which requires land use or zoning cases to be heard by courts rather than by HUD administrative law judges does not address our concern. The present concern is not the procedural one of which forum these cases are to be heard in, but rather the substantive one of which legal standard is to be applied, in whatever the forum is.

Second. Language in the present bill would require that local minimum lot size requirements be judged by the intent standard. This provision is fine as far as it goes. There are, however, a large number of other zoning or land-use policies that ought to be judged by the same standard. There is absolutely no reason why minimum lot size provisions and other zoning or land-use provisions ought to be judged by different standards.

Third. There is language in the present bill that would supersede the intent amendment with respect to certain types of group homes for the handicapped.

A related intent amendment that was offered in the Judiciary Committee would clarify congressional intent that private actions are also to be judged by an intent standard. In the absence of discriminatory intent, it is wrong for HUD and the Justice Department to be suing landlords or developers or anyone else on the basis that their apartments or subdivisions contain an 'inadequate" proportion of members of groups protected under title VIII. If there is evidence of discrimination (and again I emphasize that intent need not be proved by express statements but simply through consideration of all the evidence), then such individuals ought to be subject to sanctions under title VIII. Otherwise, persons should not be subject to $10,000 fines and stigmatized as civil rights violators.

An illustration of the problems with an "effects" test in the context of private parties arose in a Second Circuit case, Boyd against Lefrak in which a New York City apartment owner was sued under the act because of a policy that required tenants to have weekly net incomes equal to 90 percent of their monthly rental. The policy was adopted, all parties conceded, as a means for insuring a financially stable group of tenants, certainly an understandable business consideration. It was argued, however, that such financial criteria had the effect of excluding large numbers of welfare recipients who earned no salary and that a disproportionate large fraction of such recipients were black or Puerto Rican. The court ultimately decided for the defendant apartment owner, but only because it rejected the "effects" test. In a more recent case, an apartment owner is being sued for having adopted an "adults only" tenants policy in a community in which a larger share of families with children are black rather than white.

I am adamantly committed to the elimination of discrimination in the area of housing opportunities. I am just as adamantly opposed, however, to the sort of Federal social engineering policies that will be encouraged by congressional acquiescence in the use of the "effects" test. In both of these positions, I believe that I am faithfully reflecting the views of a large majority of the citizenry of this country, without regard to race, color, religion, sex, handicap, or national origin.

Mr. President, I ask unanimous consent that I may continue my speech on another day, and that when I resume it will not be counted as a second speech.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Is there objection? The Chair hears none, and it is so ordered.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my colleague from South Carolina, and I appreciate his efforts in this matter. I have come to enjoy him greatly as I serve on the Judiciary Committee. It will be a most interesting experience during the coming session.

Mr. President, I wish to speak on the question of whether discriminatory intent is and should be required before a violation can occur under the terms of this legislation.

The first issue that should be emphasized is that Congress clearly intended that a violation of title VIII must require discriminatory intent or motivation, in other words, some type of discriminatory state of mind.

I think it is most unfortunate that any reluctance to embrace this particular legislation tags one as being opposed to civil rights. That is not where I stand. I do not fit in that category. That is galling argument to me.

(Mr. MATSUNAGA assumed the chair.)

Mr. SIMPSON. I have here an old dusty and rather musty volume of the CONGRESSIONAL RECORD. The RECORD contains some of the legislative history of the Fair Housing Act in the Senate. By the looks of those pages I found they had not appeared to be read too often. Indeed, it may be that the copies of these volumes in the law libraries of some, but certainly not all, of our circuit courts are similarly unread.

I say that because the opinions of these courts do not seem to reflect much knowledge of the legislative intent and the legislative history of this act.

Mr. President, it may be perhaps that these volumes have not been read because the print is so small, and as I approach my 50th birthday I find the print does recede for each year of that timespan.

As a consequence—and for that purpose—I want to read into the record some of the statements I think all of us will find most interesting. These come from the original debate on this measure.

I believe that they show unequivocally that the primary sponsors of the bill in its origination, as well as the other Senators who spoke on the floor at that time, understood and intended that the law would outlaw only acts based on discriminatory intent.

To my knowledge, no legislative history has been or could be presented to support a standard that would allow a violation of title VIII to be established solely by a showing of disproportionate effects.

Mr. President, in my view this Congress has a clear duty to protect the legislative process by either overriding or correcting the judiciary when it has misrepresented the statute or alternatively to amend the statute to conform to the cases.

The practice of passively allowing statutes that are lawfully enacted by a democratically elected Congress and a President to be amended by judicial fiat is undemocratic in the most literal sense of the word, and it is extremely dangerous. If my colleagues wish the "intent test" to be in the statute they should have the courage to say so. I say courage because the American people, I have no doubt, would be shocked at the idea that a private individual or a public body could be held guilty of an unlawful discriminatory housing practice merely because their actions have unintentionally affected certain ethnic or other groups differently.

Mr. President, it seems to me that in order for Senators responsibly to support the existing statutory language, which is not changed by this bill, they would have to believe that the Congress did intend the "effects test" to be used. That is not the case.

Despite the extensive legislative history to the contrary, and despite the lack of legislative history in favor of such a view, I would ask those who have such a view to present to me or to any of the Senators any legislative history that they may have to support their position.

Mr. President, there are some who seem to believe that courts should ignore the plain meaning of the statute and the intent of Congress, if necessary, to do justice.

Well, I have observed that we all still enjoy saying, "We are a Government of laws, not men." Yet to ignore the law as intended by the legislators who enacted it, in the service of some allegedly higher goal, is literally to abolish the rule of law and, consequently, the structure on which depends all of our freedoms.

Mr. President, the first expression of the concept of government by laws and not by men was by Aristotle, and I will just share with you a moment, a very brief quotation, from Aristotle's Ethics where he argued that the judge should fill a gap in the law "by ruling as the lawgiver himself would rule were he there present, and would have provided by law had he foreseen the case would arise."

Mr. President, at this point I would like to cite some of the legislative history of the fair housing law. I urge my colleagues to listen carefully to this very brief selection and not dismiss it as some type of useless filibuster material, which it is not.

First, let me quote from the questions and answers on the Fair Housing Act of 1967 which was submitted for printing in the CONGRESSIONAL RECORD when then Senator MONDALE, who honored us with his presence this afternoon in a most impressive event, when Senator MONDALE of Minnesota, introduced the act, and the questions were asked:

> What exemption does the act have?

The response:

> The act forbids refusals only on the basis of race, color, religion or national origin.

(Mr. HARRY F. BYRD, JR. assumed the chair.)

Mr. SIMPSON. Mr. President, the next question is:

> Would the act prohibit a person from refusing to sell or rent for any reason other than race, color, religion, or national origin?

Senator MONDALE's answer:

> No. Other reasons for refusing would continue to be as valid as they are now.

The next question in the debate:

> Will a person against whom a complaint of discrimination is issued have to prove that he did not discriminate?

Senator MONDALE's response:

> No, the burden of proof rests on the Department of Housing and Urban Development or the complaining person to prove that the defending person did discriminate on the basis of race, color, religion, or national origin.

I would like now to present some comments of Senator Ed Brooke, one of the fine Republicans who served in this body and one of the prime sponsors of the bill. He said:

> This bill will prevent no one from selling his house to whomever he chooses so long as it is a personal choice and not discrimination which affects his action.

He then went on to state as follows:

> This nearly universal pattern of residential segregation cannot be explained as resulting from economic discrimination against all low-income groups. . . . Thus, racial discrimination appears to be the key factor underlining housing segregation patterns.
>
> What they are really asking for is respect as individuals. They do not want to be denied it merely because their skin happens to be black.
>
> A person can sell his property to anyone he chooses, as long as it is by personal choice and not because of motivations of discrimination.
>
> We must do all that is reasonable and just to guarantee that no individual will suffer for the prejudice or venality of another.
>
> This measure, as we have said so often before, will not tear down the ghetto. It will merely unlock the door for those who are able and choose to leave. I canot imagine a step so modest, yet so significant, as the proposal now before the Senate.

That was the quote of Senator Ed Brooke.

Then Senator Brooke cited a 1963 study by the U.S. Housing and Home Finance Agency.

He said:

> While the study cites a number of related factors inhibiting homeownership among nonwhites, it points particularly to racial restrictions as an important deterrent to the availability for new housing for this group.

And then I want to be very careful that you understand that this is a quote, because Senator Brooke uses the term "Negroes" rather than "blacks" which is certainly the most acceptable term in these days.

Senator Brooke went on to say:

> Although low income is an obstacle to many Negroes in acquiring adequate housing, a large number of Negroes have moved up to middle class levels of income and many of these Negroes who have the money want to live in a suitable environment.

Those were the comments of Senator Brooke in 1963. He then went on to say:

> But often the Negro cannot realize this aim because he is surrounded by a pattern of discrimination based on individual prejudice.

Those were the comments of Senator Brooke in 1963.

Now I would like to present some statements of Senator Joseph Tydings, who is a delightful person that I have come to know in my time here. He was another major sponsor of the legislation. He said this:

> Purposeful exclusion from residential neighborhoods particularly on grounds of race, is the rule rather than the exception in many parts of our country.
>
> I believe that landlords and property owners should be free to demand proper qualifications of prospective tenants or home buyers.

Please understand that comment of his.

> Such as adequate income, good credit record, proper family size to insure against overcrowding and so forth. But I firmly believe that sellers and landlords must deal with everyone fairly and equally, by not excluding anyone from residences solely because of race, religion, or national creed.

Senator Tydings went on to say:

> (T)here is nothing that would prevent a person from selling his property to a relative, a friend, a business acquaintance, or a personal acquaintance. What it does, do, however, if he puts it up for public sale, is prohibit discrimination on the basis of race, religion, or color.

Senator Tydings then quotes President Johnson in his 1968 civil rights message to Congress:

> Every American who wishes to buy a home and can afford it should be free to do so.

And then Senator Tydings went on to quote Attorney General Ramsey Clark. He said:

> There is nothing in (this title) to prevent personal choice, where personal choice, not discrimination, is the real reason for action . . . It would simply assure that houses put up for sale or rent to the public are in fact for sale or rent to the public. It would assure that anyone who answered an advertisement for housing would not be turned away on the basis of his race.

I could go on with those statements from the CONGRESSIONAL RECORD and other sources, but let me just say that it is very, very clear from the legislative history of the act that it was about discrimination and that discrimination was about actions motivated by racial and other prejudices. I invite my colleagues to peruse the legislative history contained in those volumes.

I think I would actually bet any Senator the price of a brand-new Stetson against one shrinking dollar bill that nothing can be found here that would ever have supported an "effects test."

Since I am laying a bet there, I must share with you a story that our good friend JENNINGS RANDOLPH shared at breakfast the other morning when he held a committee meeting of his committee as he stepped down after 14½ years as chairman.

He told a very clever little anecdote about a fellow who lived in Washington and who worked in the mint. The press broke down and off the press came about 25 $18 bills. He gathered them up and he went off to West Virginia, which is the Senator's home State. He was buying some gasoline from a small mountain gas station and he decided he would foist it off on this mountaineer.

So he pulled out one of his $18 bills and he gave him that. And then he said, "I don't seem to have any change. Have you got any change for this bill?"

The old mountaineer picked it up and looked at this $18 bill. He said, "Yeah, I could change that." He said, "What do you want? Two nines or three sixes?"

Maybe that is where we will end up on a bet like that one I just made.

Mr. President, this Congress is not, of course, bound to agree with the intent of a previous Congress. However, if it does not, then it should amend the statute accordingly. Personally, I believe that the test of discrimination is quite well understood by the 96th Congress. And that test is the intent test. It is the test most consistent with traditional American ideals and with the desires of the American people.

I hope my colleagues will remember exactly what sanctions will be available in this legislation to enforce title VIII. They have been reviewed previously. They would include a $10,000 fine and "such other relief as may be appropriate."

It is the position of the proponents of this bill in its present form that this would simply include out-of-pocket costs. In addition the defendant, of course, is in effect labeled as a violator of civil rights.

The curse is automatically, then, placed upon him—a curse of what I call compassion fatigue in this country. Several of these remedies are punitive in nature and, in my opinion, should not be imposed without any wrongful purpose on the part of the defendant. That appalls me. The criminal law requirement of a guilty mind, or I guess as we learned in law school, as the professors like to say it, mens rea, is a perfect analogy.

Mr. President, I want to make a few specific comments on that issue with regard to the zoning context. I hope my colleagues realize that if the effects test were consistently applied in the zoning area, very few, if any, zoning ordinances would be held to be lawful. Most efforts to promote community health, safety, beauty, residential character, property values, and other very laudable objectives of zoning, have the effect of increasing the cost of housing, and, therefore, the similar effect of limiting access by lower income individuals.

Since various ethnic and other population groups differ in their wealth and income characteristics, the impact of zoning or other land use practices on these various groups is indeed disproportionate. So-called "underrepresentation" of some groups and "overrepresentation" of others is thus quite inevitable if we are to have the benefits of zoning and other land use planning.

In addition to advocating an effects test based on the issue of whether or not actions have the effect of limiting access by protected groups disproportionately, some social engineers in this country seem to believe that an additional step should be taken to get away from congressional intent. Broader effects tests would make unlawful even actions which have the effect of limiting access to all groups equally, and which would thereby delay the achievement of "proportionate" representation for the protected groups.

Such a test would make unlawful local practices by predominantly white communities that tend toward maintenance of the character of the community not in the racial sense but in the sense, for example, of placing limitations on new construction or in other policies designed to maintain what they define as an existing population density and suburban or rural lifestyle as defined by them.

Mr. President, I think there are few actions that present such a potential for ethnic conflict as the interference by the Federal Government in local land use decisions which have been made for entirely proper purposes and yet which are not consistent with the "visions of the good" as held by certain well-meaning but rather tunnel-visioned folk within this community.

I strongly urge my colleagues not to allow HUD, the Department of Justice or the Federal courts to go much further down that very dangerous road in the zoning area.

Let me say that I served as a member of the Park County Planning & Zoning Commission many years ago, which was the most hideous public service job I have ever held. During the 6 years on that particular commission, I was accused of just about everything.

Let me emphasize that, although the most timely area of controversy is zoning, because of certain recent initiatives of the Department of Justice in which the effects test is being applied, there is even less justification for enlisting the power of the Federal Government against private individuals who have not intended to do any wrong.

If the owner of a small apartment building has imposed a rule that tenants' incomes be at least equal to a certain multiple of rent or that there would be no children because of the desire of his other tenants and he has no intent to discriminate, the Federal Government should not interfere to reduce his freedom.

Mr. President, at this point I want to explain why I believe that if this bill is to go forward, congressional intent must be restored and the dispute among the circuits of the United States must be resolved now and not left to the Supreme Court or a later Congress.

First, the Senate bill expressly provides for the intent test in two specific situations: Minimum lot size zoning ordinances and real estate appraisals.

I introduced and cosponsored the first of those provisions myself, and supported the second one in committee because the broader amendment offered by Senator HATCH was defeated in earlier committee votes, even though there is no principle which can justify the intent test in these specific situations but not in others.

The combination of these two specific provisions with the committee's defeat of the broader intent test amendment and the language of the committee report, which inaccurately describes existing law, are likely to be cited as evidence of the intent of this Congress that an effects test should generally be applied. That would certainly be too bad.

Second, the strengthening of title VIII's enforcement makes it imperative that the proper legal standard be applied to determine whether discrimination has occurred. The opportunity for serious harm to defendants who have intended no wrong is obviously much greater the stronger the enforcement that is available.

Mr. President, the primary argument against an intent test is that it would be more difficult for HUD and the complaining person to win the cases. That is the argument.

I must share with my colleagues, frankly, and as an attorney for 20 years, that I find that concept to be very, very disturbing. Since when has fairness or justice been determined by whether it consistently benefits one class or another in a peculiar or particular type of controversy? It was never intended that fairness or justice be stretched to incorporate that.

Indeed, this argument totally begs the question, which is: What does Congress seek to accomplish? Does it seek to prohibit discriminatory actions, or, rather, does it seek to prohibit any actions, or even any omissions, that do not have the effect of providing the most housing for favored groups?

If it is the former, then not only should the proper test make the prosecution of cases that do not invoke discriminatory intent more difficult, the test should indeed make that impossible.

Mr. President, I want to emphasize that a state of mind requirement in this area does not require mindreading any more than such a requirement does in other areas of both the civil and the criminal law. Discriminatory intent may be shown by circumstantial evidence, such as the historical background of a decision, the specific sequence of events leading up to the challenged action, whether or not there were any departures from regular operating procedures, contemporary statements of involved parties, as well as the disproportionate impact or effect of an action.

These factors were noted by the Supreme Court in the famous Arlington Heights case in which the Supreme Court held that a showing that the act of a local government had a disproportionate effect on different ethnic groups is not sufficient in itself to establish a violation of the 14th amendment. Furthermore, the intent test does not require a showing that the discriminatory intent was the only motivation for an act. Once any discriminatory motive has been shown, the burden is shifted to the defendant to prove that the same decision would have resulted even without the improper motive.

According to some, the effects test is only a shifting of the burden of proof upon a showing by the plaintiffs of discriminatory effect. The defendant would then be required to prove by a preponderance of the evidence that his purpose was not discriminatory.

Even if the effects test were limited to a shifting of the burden of proof, it would be improper and it should be remembered that this burden-shifting theory is not the theory which the Justice Department appears to be applying nor the theory of all of the courts supporting an effects test.

A shifting of the burden of proof to the defendant is not common in the law. It has generally been used, one, when the defendant's position is inherently less plausible—for example, when the legislature might make a finding that certain fact situations are generally linked so that the proving of one would create a rebuttable presumption that the second existed; or, two, if the defendant is in a unique position to ascertain and prove material facts.

The first situation does not appear applicable at all, since there is not necessary connection between discriminatory effect and discriminatory intent. The second situation is also not applicable.

The plaintiff's burden of proving the existence of discriminatory intent through circumstantial and other evidence such as express statements, including those that could be available through subpena, is no more difficult than a defendant's burden in showing the absence of any improper intent—which is, as we define it, the proving of a negative, a most difficult task, as we all have come to know.

I remind my colleagues that the plaintiff must show only that an improper intent was involved. He need not show that it was the only intent. That is a serious flaw and, at that point, then, under existing law, the burden of proof shifts to the defendant.

Mr. President, I want to read selections from several circuit court opinions stating that title VIII calls for an intent test and not an effects test.

The first is a case reported in 509 Federal Reporter 2d Series. Dorothy Boyd, Individually And On Behalf Of All Others Similarly Situated, was the plaintiff in this case. There was an Inez Stoney, an intervenor-plaintiff-appellee, and a Lefrak Organization and Life Realty, Inc., defendants and appellants. It was argued before the U.S. Court of Appeals, Second Circuit, in 1974.

> Class action was brought on behalf of public assistance recipient seeking injunctive and declaratory relief on ground that defendants' use of certain financial criteria to determine eligibility for tenancy in their apartments violated the Civil Rights Act of 1968 and the Civil Rights Act of 1866. The United States District Court for the Eastern District of New York, Tom C. Clark, Associate Justice of the United States Supreme Court, Retired, sitting by designation, enjoined defendants from applying the criteria to plaintiffs and all others similarly situated, and defendants appealed. The Court of Appeals, Hays, Circuit Judge, held that defendants' requirement that an applicant have a weekly net income equal to at least 90% of the monthly rental of the apartment applied for or, alternatively, obtain a cosigner of the lease whose weekly net income was equal to 110% of the month's rent, which requirement was applied evenhandedly to all applicants, violated neither Act, notwithstanding that rule excluded almost all public assistance recipients, the large majority of whom were black or Puerto Rican, and that a landlord in the private sector is entitled

to choose whom he will accept as tenants as long as he does not discriminate on one of the statutorily condemned bases.

The case law was clear; the facts were clear. The Court said, at one point in the decision:

The premise of plaintiffs' argument is that "[w]elfare recipiency . . . must be seen as the 'functional equivalent' of race." Appellee's brief at 36. Such an equivalency between race and income has been rejected by the Supreme Court in James v. Valtierra, 402 U.S. 137, 91 S.Ct. 1331, 28 L.Ed.2d 678 (1971). Plaintiffs in that case, relying on a line of reasoning similar to that advanced by plaintiffs here, challenged an article of the California state constitution which provided that no low-rent housing projects should be developed, constructed or acquired by a state public body until the project was approved by the majority of those voting at a community election. Despite implicit recognition of the correlation between racial minority and low income, the Court refused to equate the two factors. The Court, in upholding the validity of the provision, said: "The Article requires referendum approval for any low-rent public housing project, not only for projects which will be occupied by a racial minority." Id. at 141, 91 S.Ct. at 1333.

[2-5] As in *Valtierra*, supra, the rule under consideration here cannot be said to rest on distinctions based on race. See 402 U.S. at 141, 91 S.Ct. 1331. While blacks and Puerto Ricans do not have the same access to Lefrak apartments as do whites, the reason for this inequality is not racial discrimination but rather the disparity in economic level among these groups. While a showing of a disproportionate effect on nonwhites is sufficient to require application of the compelling state interest standard in the context of an equal protection challenge to government action, see, e.g., Hunter v. Erickson, 393 U.S. 385, 391–392, 89 S.Ct. 557, 21 L.Ed.2d 616 (1969), such an analysis is inappropriate in the context of a purely private action asserting a claim of racial discrimination. A businessman's differential treatment of different economic groups is not necessarily racial discrimination and is not made so because minorities are statistically overrepresented in the poorer economic groups. The fact that differentiation in eligibility rates for defendants' apartments is correlated with race proves merely that minorities tend to be poorer than is the general population. In order to utilize this correlation to establish a violation of the Fair Housing Act on the part of a private landlord, plaintiffs would have to show that there existed some demonstrable prejudicial treatment of minorities over and above that which is the inevitable result of disparity in income. Cf. James v. Valtierra, supra. Just as this court will not impose even on the government an affirmative duty to construct low-income housing when the decision not to build is not racially motivated, Citizens Committee for Faraday Wood v. Lindsay, 507 F.2d 1065, 1071 (2d Cir. 1974); Acevedo v. Nassau County, 500 F.2d 1078, 1080–1081 (2d Cir. 1974), so we will not impose an affirmative duty on the private landlord to accept low income tenants absent evidence that his motivation is racial rather than economic in origin.

The conclusion that defendants' seemingly neutral rule is in fact aimed at excluding a racial minority finds no support in the record. The percentage of blacks in appellants' apartments (about 19.8%) closely approximates the percentage of blacks in the population of New York City (21%). There is no claim that black public assistance recipients are treated differently from white public assistance recipients. Nor is there any evidence that public assistance recipients have been excluded from Lefrak apartments for any reason other than inability to meet the financial standard. On the other hand, the evidence indicates that when the financial standard could be met as, for example, by obtaining an acceptable co-signer, public assistance recipients, including those belonging to minority ethnic groups, were rented apartments on the same terms as were any other qualifying applicants. To use ethnic distribution of tenants excluded from appellants' apartments as a basis for inferring discriminatory practices in this situation is like imputing discriminatory motives to producers of high priced goods because such goods more often find their way into the hands of wealthier white consumers than into the hands of the poor. As this court has said in the context of the equal protection clause, "[t]he mere fact that a requirement, otherwise proper, may have a greater impact on the poor, does not render it invalid. . . ." English v. Town of Huntington, 448 F.2d 319, 324 (2d Cir. 1971).

[6] A landlord in the private sector[6] is entitled to choose whom he will accept as tenants as long as he does not discriminate on one of the statutorily condemned bases. Certainly he may seek assurance that prospective tenants will be able to meet their rental responsibilities. "[T]here is no requirement that welfare recipients, or any other individuals, may secure apartments . . . without regard to their ability to pay." Male v. Crossroads Associates, 469 F.2d 616, 622 (2d Cir. 1972).

Plaintiffs claim that the 90% rule, and indeed any economic standard computed on a percentage-of-income basis, is an inappropriate measure of a public assistance recipient's rent-paying ability because, unlike the working person the amount which a recipient receives for his non-shelter needs remains the same regardless of the amount of his shelter allowance[7] and because increased shelter allowances can be obtained by recipients if approved by the New York City Department of Social Services. While it may be true that a public assistance recipient's ability to pay rent is related to the Department of Social Services' willingness to approve shelter allowances, the private landlord in choosing his tenants is free to use any grounds he likes so long as no discriminatory purpose is shown. See Madison v. Jeffers, 494 F.2d 114, 116–117 (4th Cir. 1974); Pughsley v. 3750 Lake Shore Drive Cooperative Building, 463 F.2d 1055, 1056 (7th Cir. 1972). His choice is not limited by any obligation to accommodate a special class of low income applicants.

Plaintiffs' reliance on Griggs v. Duke Power Co., 401 U.S. 424, 91 S.Ct. 849, 28 L.Ed.2d 158 (1971) and other cases interpreting the Fair Employment Act, 42 U.S.C. § 2000e et seq. (1970) is misplaced. The "business necessity" test developed in that context, whereby employers must demonstrate the business necessity of employment tests which have an unequal impact on minority job applicants, has never been applied in any Fair Housing Act case, either public or private, and we find it to be inapposite here. Cf. Jefferson v. Hackney, 406 U.S. 535, 549 n. 19, 92 S.Ct. 1724, 32 L.Ed.2d 285 (1972).

Plaintiffs have contended that the 90% rule is unevenly applied in that the income of welfare recipients was, in effect, dismissed out of hand as insufficient while the income of the working family was carefully explored and all non-cash bonuses included in order to enhance the possibility of acceptance. Not only is this contention irrelevant to the issue of racial discrimination but defendants have denied that their rule is thus applied. In any event, plaintiff's contention ignores the fact that even if liberal allowance is made for non-cash benefits and increased shelter allowances, welfare recipients would still have to pay a disproportionate amount (from 47.8% to 64.8%) of their income for rent in order to live in appellants' apartments. Conversely, if an individual could meet the minimum income level necessary to comply with the 90% rule, calculated at trial to be $10,500 per annum, he would be precluded from remaining a welfare recipient. Consequently, defendants' so called "uneven application" of their rule, if it occurred, is merely an acknowledgment of irrefutable mathematical facts and is certainly not indicative of racially discriminatory behavior.

Similarly because there has been no finding of racially-motivated discrimination, appellants have not violated the Civil Rights Act of 1866, 42 U.S.C. § 1982 (1970). See Jones v. Alfred H. Mayer Co., 392 U.S. 409, 421, 88 S.Ct. 2186, 20 L.Ed.2d 1189 (1968); Madison v. Jeffers, 494 F.2d 114, 116–117 (4th Cir. 1974); Pughsley v. 3750 Lake Shore Drive Cooperative Building, 463 F.2d 1055, 1056 (7th Cir. 1972).

Accordingly, the judgment of the district court is reversed.

MANSFIELD, Circuit Judge (dissenting):

With due respect, the majority opinion seems to me to be grounded upon the erroneous concept that, in order to establish a violation of the Fair Housing Act, 42 U.S.C. § 3601 et seq., direct evidence of a racially discriminatory motive or purpose on the part of the alleged violator must be adduced. In my view such proof is not required.

On the burden of proof, the Court went on to say:

In recognition of the old adage that actions speak louder than words, to make out a prima facie violation of the Act it should be sufficient to show that the challenged practice excludes a disproportionately high percentage of minority persons as compared with non-minority. The burden of going forward with a non-racial justification should then shift to the person using the practice.

It does not say anything about the burden of proof.

That is another quote from the dissent. I wanted to share that.

I have another case and I think portions of this are important.

[United States Court of Appeals, Fourth Circuit]

SYLVESTER MADISON ET AL., APPELLANTS, v. WILLIAM H. JEFFERS, APPELLEE, No. 73–1097

Argued Nov. 5, 1973.
Decided March 20, 1974.

Rehearing Denied May 2, 1974.

Action under civil rights laws and Fair Housing Act on claim that defendant had unlawfully discriminated by refusing to sell land to plaintiffs because they were black. The United States District Court for the District of South Carolina, at Florence, Robert F. Chapman, J., dismissed the action and

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[6] There is concededly no state action in this case.

[7] Public assistance recipients receive a grant issued semi-monthly to meet shelter and other needs. New York Social Services Law § 131–a (McKinney's Consol. Laws, c. 55, 1974). The amount they receive for food, clothing, and other non-shelter needs is fixed by statute and is based on a statewide "standard of need". Id. Shelter needs (rent) of the recipient household are met on an "as paid" basis, i.e., whatever the household actually pays for shelter, and there are no upper limits on this portion of their grant. A recipient obtains a shelter allowance by first locating an apartment to rent, and then requesting approval of the rental from the New York City Department of Social Services; however, approval is not given until a landlord has agreed to rent a particular apartment to the recipient.

> plaintiffs appeal. The Court of Appeals held that evidence supported findings that defendant had taken land off market for income tax reasons, not race, and that plaintiffs had not communicated willingness to purchase at time when property was for sale.
>
> Affirmed.
>
> Butzner, Circuit Judge, dissented and filed opinion.

In that case, the Court said in a per curiam opinion:

> Sylvester Madison, his wife, and son brought this action under 42 U.S.C. §§ 1981 and 1982, and 42 U.S.C. § 3601 et seq. (Fair Housing Act of 1968), alleging that William H. Jeffers had unlawfully discriminated against them in refusing to sell land to them because they were black. The district court, sitting without a jury, heard the testimony of the witnesses *ore tenus,* in open court, found that Jeffers had taken the land off the market for income tax reasons, not race, and that the plaintiffs had not communicated a willingness to purchase at a time when the property was for sale, and dismissed the action. The crucial issue on this appeal is whether these findings of fact are clearly erroneous and require reversal under FRCP 52(a). Because the record supports the findings of the district court, we affirm.
>
> Jeffers bought a tract of land consisting of approximately 298 acres in 1940, and known as the Home Place. He also purchased a one-third undivided interest in a nearby tract of land in the same community known as the Jeffers Place, which he owned with his father-in-law and one Brunson. Both the Home Place and the Jeffers Place are on TV Road. Jeffers began selling land from the Home Place in 1942, but the sales were sporadic until 1960, when he began selling an average of two tracts a year for the purpose of providing money to educate his five children. The years 1964 and 1971, in each of which Jeffers sold three lots, were the only years in which he had conveyed more than two lots from the Home Place.[1] Jeffers and the other co-owners also sold lots and tracts from the Jeffers Place, through Brunson as the agent, and also, in at least one instance, through Martin Real Estate Company. Jeffers had limited his sales from the Home Place each year because he had been advised, albeit erroneously, that if he sold more than five parcels a year, he would lose his right to capital gains tax status on the sales.[2] He also had an average yearly income from sources other than land sales of only $4,000, and he testified that, in addition to his capital gains status, he wanted to keep his income taxes to a minimum.
>
> Jeffers, at the request of a niece's husband who worked for Martin Real Estate Company (Martin Co.), allowed twelve lots from the Home Place to be listed for sale with the Martin Company during 1970. Thereafter, a FOR SALE sign was placed on this property listing Martin Company as the agent, and Martin Company, from time to time, ran advertisements for sale of the property in the Florence newspaper. These advertisements were run at Martin Company's instance, and Jeffers was not consulted prior to their publication. He was not aware the advertisements were inadvertently continued in the paper after the listing contract expired July 31, 1971.
>
> During the summer of 1971, Madison noticed the FOR SALE signs on the property and the newspaper advertisements concerning the property. On August 13, 1971, Madison contacted L. A. Tallon, an employee of Martin Company, who thereafter took Mr. and Mrs. Madison to look at the property. The Madisons expressed interest in two different lots belonging to Jeffers, but they were also interested in other land in the vicinity. Tallon was not sure what the Madisons wanted to buy, as they had also expressed interest in some lots in the area that were commercial property. Tallon did advise the Madisons that they should make a deposit if they wanted to buy, but the Madisons said they wanted to investigate the matter further, and did not make a deposit. After the Madisons left, Tallon called Jeffers to advise him of the prospective buyers, and Jeffers immediately told Tallon that he could not sell any more land because of tax reasons. Tallon did not did not advise Jeffers at that time that the Madisons were black, nor did Jeffers know it.
>
> Madison did make subsequent inquiries about other available property for sale in the area; he also apparently made inquiries concerning a title check on Jeffers' land he had been shown.
>
> On August 16, 1971, three days after their initial visit to the land with Tallon, Madison attempted to call Jeffers, who was not at home; Madison left word for Jeffers to return his call. Jeffers did return the call on the same day, and talked to Mrs. Madison. Mrs. Madison apparently asked Jeffers if he owned property adjacent to his lots with the FOR SALE sign on them, and he replied that he did not. The conversation, taken as a whole certainly indicates that the Madisons had not specifically narrowed their search for property to lots owned by Jeffers, and Mrs. Madison testified that she was trying to find out who owned other property in the area of the Home Place. Jeffers did not tell Mrs. Madison that his property was not for sale at this time, and she did not question him as to the specific property that he owned.
>
> The Madisons did not pursue the matter any further with either Martin Company or Jeffers until August 20, 1971. On that date, Madison told Tallon that they would buy Jeffers' land, and Tallon told Madison that Jeffers refused to sell for tax reasons. Tallon then went to see Jeffers personally. Jeffers reiterated to Tallon his refusal to sell, and Tallon informed Jeffers that the prospects were colored people; Jeffers responded that he was not prejudiced, and repeated that he would not sell "any more of it on account of tax purposes."[3]
>
> The following day, August 21, 1971, Madison called Jeffers and asked if the reason he would not sell was because Madison was black. Jeffers responded that it was not, and again reiterated the tax reason for not selling.
>
> The Madisons obviously concluded that Jeffers was not sincere in his refusal to sell for tax reasons, and they filed a complaint with the Department of Housing and Urban Development (HUD) on December 30, 1971, alleging that Jeffers refused to sell them land because they were black. They did not communicate with Jeffers in 1972, after his new tax year began, to see if he would then sell to them.
>
> [1, 2] The district court concluded that there was no proof of Jeffers' failure to sell because of the Madisons' race, color, religion, or national origin, and found that Jeffers in fact refused to sell because of legitimate tax reasons. The record clearly shows that Jeffers consistently stated he would not sell for tax reasons, both before and after he discovered that the prospective purchasers were black. There was little or no evidence to indicate racial bias, other than the Madisons' belief that this was the reason. The record also supports the finding of the district court that the Madisons never indicated to Jeffers or his real estate agent a willingness to purchase the property during the time it was available for sale. The civil rights statutes as interpreted make clear that one who sells or leases real estate "[has] a right to refuse approval on any honest basis unrelated to the race of the prospective purchaser. . ."

That is the fact situation in a case which, under the proposed legislation, would be tried first by an administrative law judge, which, to me, is one of the most disturbing parts of the legislation, especially when you have a penalty as you do under this particular legislation.

It obviously is troubling enough to a man of the robes who sits on the judicial bench to deal with these types of cases, and I seriously question the opinions that would come down from an administrative law judge.

There was a dissent in that case, and I quote a tad of it:

> When a person announces withdrawal of property from the market after he, or his agent, learns that the prospective purchaser is black, I would require him to prove that withdrawal served a business or other rational purpose.

So even there the dissent is limited to shifting the burden of proof. At any rate, even this is rejected by the majority.

Mr. President, I would share one other interesting statement from the case of *Pughsley* v. *3750 Lake Shore Drive Cooperative Building,* which is a case at 463 F.2d 1055. That was a case in which the U.S. District Court for the Northern District of Illinois dismissed an action at the close of hearings on application for preliminary injunction and the plaintiffs appealed.

Mr. President, I see my good colleague, the gentleman from New Hampshire, Mr. HUMPHREY, has arrived in the Chamber, obviously stirred from his quarters by my magnificent remarks. Therefore, I ask unanimous consent that I be allowed to complete my speech at a later time and that it not count as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SIMPSON. Mr. President, I also in yielding express to Senator HUMPHREY that Senator THURMOND requests that Senator HUMPHREY be available to reserve approximately 10 minutes of our time with a few procedural motions and he will have those prepared in a few moments.

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[1] In 1971, there were three transfers from the Home Place, but one of them had been contracted for in 1970, a year in which no other sales were made from the Home Place. One of the 1971 conveyances was an exchange of property. In 1971, three parcels were sold from the Jeffers Place.

[2] Jeffers' testimony is unclear as to whether he thought the five sales were from each tract, or from the Home Place and Jeffers tract combined. At any rate, the combined sales from both tracts never exceeded five in any one year, unless the sale contracted for in 1970 is counted in the year 1971. He never discussed his income tax with an attorney or accountant, rather relying on Brunson, a real estate agent.

[3] Jeffers' recollection is that he talked to Mrs. Madison on the telephone after Tallon came to see him. The time sequence followed for convenience here is that expressed by the Madisons. In all events, Jeffers did not know the Madisons were black until advised in his second conversation with Tallon, and he had refused to sell the property when he first talked to Tallon, before he knew their race.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Hampshire has 1 hour.

Mr. HUMPHREY. Mr. President, I was informed that it would be arranged that the distinguished minority leader would yield me 1 hour of his time. Was that not accomplished?

The PRESIDING OFFICER. The Chair has no record of that having been done at this point.

Mr. HUMPHREY. I thank the Chair.

Mr. President, we are here this evening to discuss legislation that is of extreme importance to this country, S. 506, the Fair Housing Amendments Act of 1980.

It is a bill that deserves much thought and deliberation. It addresses the right of every citizen in this country to live where he is economically able to live.

This fundamental issue, however, is one which is often clouded by emotion and politics.

In the ensuing controversy, the impact features of the administrative law process provided in the bill, the inherent problems in the bill as reported out of the Judiciary Committee and strengthening provisions elsewhere in the legislation, are overlooked because of the emotional outcry.

What is necessary is a practical approach to support a proposal which would provide easier access to the courts for the true victim of discrimination in an expedited proceeding through the utilization of the Federal magistrates, nearly 500 of whom are in place in Federal district courts throughout the country.

I wish to share with my colleagues an editorial which appeared in the Washington Star on Sunday, October 5, 1980. This editorial addresses my two major concerns with this bill, the administrative law judge provisions and the effects test issue. The article is entitled "Fair Housing Deficiencies."

> It is just as well that the fair housing proposal did not come up in the Senate in the jumbled days before the election recess. Better to leave it for the lame-duck session in November when two aspects, also contained in the House version, can be debated as their sensitivity demands. And, we trust, be modified.
>
> One must look hard to find opposition to the principle of strengthening the Open Housing Act of 1968. That law was largely an exhortation, relying on reconciliation as the primary enforcement mechanism, and the results have not been negligible. But if the law has not been toothless, as supporters of the new proposal maintain, neither does it provide effective redress for persistent discrimination.
>
> The new fair housing proposal would establish a special corps of administrative law judges to hear and decide complaints; they could levy fines of up to $10,000 for violations. This means that charges of discrimination would be prosecuted, judged and decided within the executive branch rather than the judicial.
>
> The major argument in behalf of the administrative law judges is that relief through the courts has not been sufficiently rapid. Expediency, in and of itself, is a poor legislative premise. To negate such a procedural flanking maneuver, Sen. Dennis DeConcini,——

It says Republican but I know he is a Democrat and would want to be called a Democrat.

Senator Dennis DeConcini, of Arizona—

> is offering a sensible amendment to insure due process and, at the same time, accelerate the resolution of complaints. Expedited hearings would be held, appropriately, before judicial magistrates. This would provide the right to trial by jury, compliance with rules of evidence and procedure and, far from least, an independent and neutral judge.
>
> Further, to create yet another layer of bureaucracy, when an appropriate forum for adjudication already exists, amounts to another exercise in statism.
>
> That brings us to an even greater deficiency in the House bill and the measure pending in the Senate—a mischievous murkiness over what would constitute discrimination "because of" race, color, religion, sex, national origin or physical handicap under Title VIII of the 1968 law. Interpretation of this provision will significantly determine the federal government's role in zoning and land-use decisions of local communities where contentions of housing discrimination arise, as they increasingly have done.
>
> The Departments of Justice and HUD have adopted a test for determining unlawful discrimination that "is totally inconsistent with the intent" of the 1968 law, argue Senators Thurmond, Hatch, Laxalt and Cochran in a convincing Judiciary Committee minority report. "Rather than accepting the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have begun to bring suit against communities on the basis of practices that have the discriminatory effect of 'under-representation' of minorities within neighborhoods or communities."
>
> An "effect" of discrimination is an elusive interpretive basis. The implications could extend even to "economic status." It may be more difficult to establish intent to discriminate—though not nearly so difficult as supporters of the "effects test" contend. Circumstantial evidence can establish legal intent.
>
> But "that prosecutions would be made more or less difficult is not nearly as relevant a point as are considerations of equity, due process, and congressional purpose," the minority report correctly asserts. Senator Hatch intends to offer two remedial amendments, one addressing policy issues such as zoning and the other targeted to alleged violations by apartment owners and homesellers.
>
> The DeConcini and Hatch modifications, we believe, are vital. While it is desirable to strengthen the Open Housing Act, it is imperative that the means to that end do not themselves do violence to fundamental principles of equity.

Mr. President, I have to say that in this day, after we have learned in recent years at such great expense so many valuable lessons about the danger of bureaucracy, the danger of concentrated power, I am surprised and shocked that we would even have to consider a measure containing the pernicious and obnoxious elements to which the editorial in the Washington Star referred.

Who could possibly believe that any legislative body would recommend giving the Department of Housing and Urban Development the power to be not only the prosecutor but the judge at the same time, the power to levy fines of up to $10,000 without any opportunity to the accused party to a trial before a jury or even a trial before a judge in a conventional sense? It is outrageous, utterly outrageous.

Surely the great electoral change just wrought is in part a response to the kind of thinking that this legislation embodies.

Of course, we are all for fair housing but simply giving a bill a euphemistic title that is so often the case around here does not make it a good bill.

I commend my colleagues who have at considerable discomfort and inconvenience to themselves and their families decided to make a fight over these points at a time when it would be very much easier to turn their heads and close their eyes and let the matter sail by and sail on into history when so many other matters are filling the headlines and their actions would hardly be noticed, at least not for the time being.

Mr. President, the other day we were discussing the implications of the effects test. As I have said, I am also greatly concerned about the application of this test, as Senator Hatch has often stated that use of the effects test by the Federal agencies transformed the Open Housing Act from a statute prohibiting discriminatory housing practices into one mandating representative balance of protected groups.

The minority views of Senators Thurmond, Laxalt, Hatch, and Cochran in the Senate committee report on S. 506 express a similar concern.

I believe these views are extremely important in our consideration of this housing bill.

In regard to the effects test versus the use of a discriminatory intent test, the minority views begin by addressing the following question with regard to zoning and land use policy: What constitutes discrimination because of race, color, religion, sex, national origin, or handicap?

The answer to this question of statutory construction will be critical in determining the role of the Federal Government in reviewing the zoning and land-use decisions of local communities throughout the country.

HUD and the Justice Department have recently adopted a test for determining unlawful discrimination that is totally inconsistent with the intent of the framers of the original Open Housing Act in 1968. Rather than accepting the burden of proving whether or not a community possesses a discriminatory intent in adopting a zoning or land-use practice, these agencies have begun to bring suit against communities on the basis of practices which have the discriminatory effect of "under-representation" of minorities within neighborhoods or communities.

Use of this "effects" test transforms title VIII from a measure prohibiting discriminatory actions into one prohibiting any actions that do not affirmatively contribute to representation in the local community for minority or other "protected" groups.

Through use of this test, suits have been brought against communities on the basis of minimum lot size requirements, restrictions upon multifamily dwellings, and restrictions upon group homes in residential neighborhoods. One community has been sued because it refused to participate in a Federal grant program that would have required the construction of large numbers of low-income housing. Communities have been sued for acts of omission, as well as acts of commission.

HUD's procedure is to use statistics. For example, if a suburban community has a 10-percent minority population while the neighboring metropolitan area has a 20-percent minority population, that community becomes suspect. Any local zoning or land-use policy adopted by that community is suspect to the extent that it does not affirmatively promote the "proper" 20-percent minority balance.

Apart from the fact that these statistics tend to be abused in the sense that they overlook obvious demographic differences between various groups, if such an interpretation of title VIII is consistently used, one of the results will be the de facto addition of "economic status" to the list of traits that cannot lawfully be a basis for discrimination in housing. The result would be a direct assault upon local zoning and land-use prerogatives. Many, even most land use practices—which are efforts to promote community health, safety, beauty, low density, residential character, property values, and so forth—have the effect of increasing the cost of housing and therefore, of limiting access by lower income individuals. Since various groups differ in their wealth and income characteristics, the impact of zoning or land-use practices on various groups may often be "disparate." "Under-representation" of some groups and "over-representation" of others is inevitable if we are to have the benefits of zoning and land-use planning.

Similarly suspect under HUD's test are local practices by predominantly white communities that tend toward maintenance of the character of the community, not in the racial sense, but in the sense, for example, of placing limitations upon population growth, or in preferring single-family detached dwellings to apartment units or in policies designed to maintain a middle class or upper-middle class environment.

Whatever any of us may think about the desirability of community diversity or heterogeneity, I believe and the minority views state that decisions on these matters remain those for the local citizenry, provided that no actions are taken with an intent to discriminate against groups protected by title VIII. To use any other test for discrimination than an intent test is to invest overwhelming authority in the Federal bureaucracy to utilize their own notions of social good to restructure communities across the Nation.

The views go on to state that there is absolutely no authority in the Open Housing Act of 1968 that would justify the use of the "effects" test. The operative language makes it unlawful to "* * * make unavailable or deny a dwelling to any person because of race, color, religion, sex, or national origin", Public Law 93-383, section 804(a). Even casual scrutiny of the legislative history of the act makes clear that Congress understood this provision to require some element of racial motivation. Members of Congress state repeatedly that the act was designed to reach only individuals motivated by discrimination. For example, Senator Edward Brooke, one of the most active proponents of the measure, noted that—

> A person can sell his property to anyone he chooses as long as it is by personal choice and not because of motivations of discrimination. 114 Congressional Record 2283 (1968).

Representative Peter Rodino, a leading House spokesman, observed that the bill was not intended to ban geographical discrimination "as long as it is not racially motivated" (114 Congressional Record, S17551 (1966)). Senator, now Vice President, Walter Mondale, remarked that—

> The bill permits an owner to do everything that he could do anyhow with his property . . . except refuse to sell it to a person solely on the basis of his color. That is all it does (114 Congressional Record 5643, (1968)).

The reason why these and other statements were phrased in terms of individual homeowners, rather than in terms of municipalities, was simply that Congress perceived title VIII as reaching primarily private discrimination. See, for example, *Otera* v. *NYC Housing Authority* 484 Fed. 2d 1122, 1133 (2d Circuit 1973) (Title VIII was designed primarily to prohibit discrimination in the sale or rental of private housing). It was not until several years after the passage of title VIII that the Department of Justice began to sue communities on the basis of zoning or land-use practices. In any event, there is certainly no evidence to suggest that any standard other than an intent standard was to be applied to either municipal or private discrimination cases. In order to be in violation of title VIII, each must undertake to make housing unavailable "because of" race, color, religion, sex, or national origin.

It is important to note the Court opinions on this issue. The Supreme Court has clearly stated that public actions, in order to be violative of the 14th amendment's equal protection clause, must be committed with discriminatory intent or purpose. *Washington* v. *Davis* 426 U.S. 229 (1976); *Arlington Heights* v. *Metropolitan Housing Development Corp.* 429 U.S. 252 (1977) (A local official's refusal to zone a parcel of land to accommodate a proposed low- and moderate-income housing project did not violate the equal protection clause because there was no showing of a racially discriminatory intent); *City of Mobile* v. *Bolden* (Docket No. 77-1844, 1980). As the court observed in Washington against Davis:

> A law neutral on its face and serving ends otherwise within the power of government to pursue is not invalid under the equal protection clause simply because it *may* affect a greater proportion of one race than of another (426 U.S. 229, 242). (Emphasis added)

The Court, however, has been unclear with respect to whether or not statutes enacted under the authority of the 14th amendment must meet this same standard. Lower courts have differed, in particular, on whether or not discriminatory intent is required under title VIII. In a sixth circuit case, the court upheld the right of a community, in the absence of discriminatory intent, to refuse to pass a new zoning ordinance decreasing minimum square footage requirements on building lots. A nonprofit corporation had brought an action against the city on the basis that existing lot size requirements prevented the construction of a number of low-income housing units. In rejecting the "effects" test, the court noted that—

> We live in a free society. The time has not yet arrived for the courts to strike down zoning laws which are neutral on their face and valid when passed in order to permit the construction of large numbers of low cost public housing units in a neighborhood where they do not belong and where property owners, relying on zoning laws, have invested large sums of money to build homes for the enjoyment of their families. *Joseph Skillken* v. *City of Toledo* 528 F.2d. 867 (6th Cir. 1975)

The fourth circuit similarly rejected use of the "effects" test in *Madison* v. *Jeffers* 494 Fed. 2d 114 (1974), while the Second Circuit repudiated the test in *Boyd* v. *Lefrak Organization* 509 Fed. 2d 1110 (1975). For cases allowing the test, see *Arlington Heights* v. *Metropolitan Development Corp.* 558 Fed. 2d 1283 (7th Cir. 1977); *U.S.* v. *Blackjack* 508 Fed. 2d 1179 (Eighth Cir. 1974).

Whichever line of decisions one prefers to rely on, I believe that it is significant that none of the circuits purported to do anything other than construe the present statutory language of title VIII. Congress, of course, remains totally free to amend or clarify this language in any manner that it desires. The minority views go on to state that an amendment offered by Senator Hatch in committee would expressly require that zoning or land-use decisions, in order to be violative of title VIII, have been motivated by racial or other impermissible considerations. It would establish a clear intent standard for violations of title VIII arising out of land-use or zoning actions. It is important to emphasize that such a standard does not require that there be evidence of overtly bigoted behavior or express intentions of discrimination. Intent, for purposes of title VIII, like for most other legal purposes could be proved through circumstantial evidence; it could be proved through an analysis of the totality of circumstances existing in a case.

For example, apart from express statements of discriminatory intent, the Supreme Court in Arlington Heights noted a variety of factors that could be considered in demonstrating requisite intent. These include the historical circumstances in a community, testimony by participants in an action, the sequence of events leading up to a decision, the existence of deviations from standard operating procedures, and "any other relevant factor." There is no doubt that included among the factors relevant to the intent issue is the extent to which an action has a disparate impact upon different racial groups, but this is not the only factor. This consideration would not be dispositive as it is when the "effects" test is applied. Under the intent test, large disparities in impact are not necessarily indicative that some action was undertaken for racial reasons, but neither are small disparities necessarily indicative that an action was not intended to discriminate.

The report further emphasizes that the use of the "effects" test by HUD is not merely a device for shifting the burden of proof in housing discrimination cases, although that would be cause enough for opposing the test; it is rarely easy to prove a negative, such as lack of intent to discriminate. As has been frequently noted, however, courts that have sanctioned the test have laid down an inflexible rule: Where there is disparate impact, there is a title VIII violation.

The minority views state that the major objection that has been raised to the intent test is that it will make it more difficult to prosecute housing discrimination suits against individuals or communities. This is likely to be marginally true (although not so difficult as some would have one believe).

Mr. President, I ask unanimous consent that when I have completed this portion of my speech that I be allowed to complete the time remaining without it being counted as a second speech.

The PRESIDING OFFICER (Mr. TSONGAS). Is there objection? If not, it is so ordered.

Mr. HUMPHREY. Mr. President, needless to say there are many elements of our system of justice that make it more difficult to prosecute suits successfully. For example, if prosecutors did not have to prove guilt "beyond a reasonable doubt," but simply had to satisfy a lesser standard, prosecutions would be much easier to obtain. There, quite simply, are other relevant considerations, such as equity and due process of the law. I agree that it is a dangerous and incredible notion that the Government can adduce violations of an antidiscrimination law in the absence of discriminatory intent.

What authority will we be vesting in Washington if we permit continued use of the "effects" test? The minority views further note that the Justice Department has announced its intention to take a "major new look" at zoning policies under title VIII, Washington Post, January 18, 1980. In addition, HUD has announced its intent to promulgate rules and regulations with respect to "unlawful zoning and land-use practices under title VIII," including the development of "tests" to be used by the Department in determining whether or not a violation has occurred. The report contends that there is only one test that HUD or the Department of Justice should be allowed to use: Whether or not a community has intended to discriminate. It is the only permissible test under the equal protection clause of the 14th amendment and, should be the only test for legislation promulgated under the authority of that amendment.

Finally, the minority views make a few clarifying observations on the intent issue that were apparently the source of some confusion in committee:

First. Language in the present bill which required land-use or zoning cases to be heard by courts, rather than by HUD administrative law judges does not address our concern. The President concern is not the procedural one of which forum these cases are to be heard in but rather the substantive one of which legal standard is to be applied in whichever forum.

Second. Language in the present bill would require that local minimum lot size requirements be judged by the intent standard. This provision is fine as far as it goes. There are, however, a large number of other zoning or land-use policies that ought to be judged by the same standard. In principle, there is absolutely no reason why minimum lot size provisions and other zoning or land-use provisions ought to be judged by different standards; and

Third. There is language in the present bill that would supercede the intent amendment with respect to certain classifications of handicapped group homes. Such homes would be excepted from operation of the amendment.

A related intent amendment that was addressed in committee would clarify Congressional intent that private actions are also to be judged by an intent standard. In the absence of discriminatory intent, the minority views state—we believe that it is wrong for HUD to be suing landlords or developers or anyone else on the basis that their apartments or subdivisions contain "inadequate" numbers of minority groups. If there is evidence of discrimination—and again we emphasize that intent need not be proved by express statements but simply through consideration of all the evidence—then such individuals ought to be subject to sanctions under title VIII. Otherwise, we do not believe that persons should be subject to $10,000 fines and stigmatized as civil rights violators. An illustration of the problems with an "effects" test arose in a second circuit case Boyd against LeFrak in which a New York City apartment owner was sued under the act because of a policy that required tenants to have weekly net incomes equal to 90 percent of the monthly rental.

The policy was adopted, all parties conceded, as a means for insuring a financially stable group of tenants, certainly an understandable business consideration. It was argued, however, that such financial criteria had the effect of excluding large numbers of welfare recipients who earned no salary, and that a disproportionate large fraction of such recipients were black or Puerto Rican. The court ultimately decided for the defendant-apartment owner but only because it rejected the "effects" test. In a more recent case, an apartment owner is being sued for having adopted an "adults only" policy in a community in which a larger share of families with children are black rather than white.

I am strongly in agreement with the conclusion of the minority views when it states:

> We are adamantly committed to the elimination of discrimination in the area of housing opportunities. We are just as adamantly opposed, however, to the sort of federal social engineering policies that will be encouraged by Congressional acquiescence in the use of the "effects" test. In both of these positions, we believe that we are faithfully reflecting the views of a large majority of the citizenry of this country, without regard to race, color, religion, sex, handicap, or national origin.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I ask unanimous consent that I may ask the Senator to yield without losing his right to the floor and without his resumption counting as a second speech.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from New Hampshire 1 hour under rule XXII as previously allocated to me.

The PRESIDING OFFICER. The Senator has that right.

Mr. HUMPHREY. Mr. President, in further consideration of the effects test, I would like to now read portions of an article entitled "Antidiscrimination Law," printed in the Nebraska Law Review, volume 59 beginning at page 537. This article discusses some of the dangers associated versus the use of the test with intent to discriminate.

B. DISCRIMINATION OTHER THAN IN EMPLOYMENT

1. HOUSING

Since its emergence in cases dealing with employment discrimination, the influence of the effects test in the lower courts has spread to other facets of anti-discrimination law as well. For example, in *United States* v. *City of Black Jack,*[49] it was argued that a city had violated the Fair Housing Act[50] by adopting a zoning ordinance prohibiting any further construction of multi-family dwelling units in the face of an attempt by builders to construct a complex of townhouses for low and moderate income families. The court held that under the Act, in order to establish a prima facie case of illegal discrimination, "the plaintiff need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination, in other words, that it has a discriminatory effect."[51] If such a showing was made, the court concluded that the challenged ordinance would fall unless necessary to serve a compelling governmental interest.[52] Finding that the ordinance would have a disparate impact because ninety-nine percent of the inhabitants of Black Jack were white and the ordinance would have the "ultimate effect" of foreclosing eighty-five percent of the blacks in the relevant metropolitan area from obtaining housing there,[53] the court struck down the ordinance because the necessary justification had not been provided.

In evaluating the *Black Jack* approach, one must begin by recognizing that local land use authorities have traditionally enjoyed very great latitude in the objectives which they are permitted to pursue,[54] insofar as the federal courts have been concerned, this discretion has been limited only by the explicit provisions of the Constitution.

Footnote at end of article.

Further, in pursuit of many of these objectives, the local government must of necessity implement policies which have a disparate impact. For example, any attempt to preserve or raise property values lessens the opportunity for the poor to obtain housing in a given area. Since blacks represent a disproportionate number of the poor, such actions will necessarily have a disparate impact.

Given this situation, if the effects test is to be applied meaningfully to zoning decisions and the like, then some formulation must be found which acceptably limits the range of objectives open to local governmental authorities. The approach of the *Black Jack* court was to require that the challenged action be necessary to serve a "compelling" governmental interest[55]—a phrase borrowed from equal protection analysis under the Constitution. This standard of review has been described as "'strict' in theory and fatal in fact" by one noted commentator.[56] This is something of an overstatement even in the equal protection context,[57] nonetheless, given the near-inevitability of disparate impact in land-use regulation, application of this approach would result in a deep intrusion of the traditional prerogatives of local governments.

First, the range of objectives which they would appropriately seek to achieve would be drastically reduced, rather than being limited solely by the Constitution, land-use authorities would be restricted to that narrow range of interests which could be appropriately deemed "compelling." But equally important, local governments would be faced with the task of demonstrating that the means chosen was necessary to the furtherance of these compelling concerns. This second step will often be particularly difficult in cases involving land-use regulation, where the goal is likely to involve unquantifiable values such as the improvement or preservation of the ambience of a community. Consider for example, a denial of a permit to build a multi-unit, low-income housing project on the ground that it would disrupt the aesthetics of an area dominated by single-family homes. It is well established that considerations of aesthetics are within the purview of local land-use authorities,[58] nonetheless, (assuming that the denial of the permit was found to have a disparate impact) under the *Black Jack* approach the court would be forced to independently reevaluate the justification proffered in support of the denial. Yet there are no readily apparent objective standards to guide the court in making such a judgment; the only alternative would seem to be for the court to make its own independent evaluation of the aesthetic needs of the relevant community.

In short, the application of the *Black Jack* approach to the Fair Housing Act would radically alter the respective roles of local government and the federal courts in land-use control affecting housing patterns. Certainly if Congress had intended such a result, one would expect to find some indication of that intention in the legislative history of the Act. But the *Black Jack* opinion cites no such authority. Thus it seems inappropriate to infer from the bare prohibition against racial discrimination in housing that the *Griggs-Moody* standards should be applied to local governmental decisions affecting housing patterns.[59]

III. CONCLUSION

This comment is not intended to be an exhaustive study of the problems associated with the application of the effects test in all contexts. Instead, it is simply an attempt to point out the dangers of automatically adopting the *Griggs-Moody* approach whenever a statute prohibits discrimination against a given group. The effects test is strong medicine, developed to deal with a particular type of discrimination in a limited context. Even when applied within that context, it rises difficult problems; when transferred to other areas, these problems are often magnified.

Unfortunately, some courts and administrative agencies seem to be oblivious to these problems. Particularly when dealing with problems of discrimination against the handicapped in employment and racial discrimination, the effects test seems to have been adopted almost as a reflex, with no thought apparently given to the implications of and problems associated with the application of the *Griggs-Moody* approach. Hopefully, in the future, Congress, the courts and administrative agencies will be more sensitive to the difficulties in formulating the standards for implementing anti-discrimination laws.

FOOTNOTES

[49] 508 F.2d 1179 (8th Cir. 1974), *cert. denied*, 422 U.S. 1042 (1975). *See also*, Metropolitan Housing Dev. Corp. v. Village of Arlington Heights, 553 F.2d 1283 (7th Cir. 1977), *cert. denied*, 434 U.S. 1025 (1978).

[50] 42 U.S.C. §§ 3601-3631 (1976).

[51] 508 F.2d at 1184.

[52] *Id.* at 1186.

[53] This concept of a disparate impact differs somewhat from that generally applied in Title VII cases. Under Title VII, the focus of disparate impact analysis is on the particular employment practice being challenged. While statistics on the overall composition of the employer's workforce may give rise to an implication that the employer is intentionally engaging in a "pattern or practice" of deliberate discrimination, *see, e.g.*, Hazelwood School Dist. v. United States, 433 U.S. 299 (1977); International Brotherhood of Teamsters v. United States, 431 U.S. 324 (1977), such statistics alone are not enough to condemn any particular practice under the effects test. *But ef.* Smith v. Troyan 520 F.2d 492, 497–98 (6th Cir. 1975) (where overall employment criterion has no disparate impact, fact that part of criterion had such impact does not establish prima facie case).

If this approach had been adopted in *Black Jack*, the court would have found that the challenged ordinance did not have a disparate impact. Taken alone, it would have excluded 29 percent of the white families and 32 percent of the black families in the relevant metropolitan area. *See* 508 F.2d at 1186. This difference is insufficient to establish the degree of the disparate impact which proves a prima facie case. *See* 29 C.F.R. § 1607.4D (1979).

[54] *See. e.g.*, Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), Berman v. Parker, 348 U.S. 26 (1954).

[55] 508 F. 2d at 1185.

[56] Gunther, *Foreword In Search of Evolving Doctrine On a Changing Court I Model for Newer Equal Protection*, 86 Harv. L. Rev. 1, 8 (1972), *See also, e.g.*, Illinois State Bd. of Elections v. Socialist Workers Party, 440 U.S. 173, 188 89 (1979) (Blackmun, J., concurring); Massachusetts Bd. of Retirement v. Murgia, 427 U.S. 307, 319 (1976) (Marshall J., dissenting); Dunn v. Blumstein, 405 U.S. 330, 363–64 (1972) Burger, C.J., dissenting).

[57] *See, e.g.*, American Party of Texas v. White, 415 U.S. 767 (1974) (state law survives strict scrutiny); Marston v. Lewis, 410 U.S. 679 (1973) (per curiam) (same).

[58] *See, e.g.*, Berman v. Parker, 348 U.S. 26, 32-33 (1954); State *ex rel.* Stoyanoff v. Berkeley, 458 S.W. 2d 305 (Mo. 1970).

[59] *Cf*, Washington v. Davis, 126 U.S. 229-248 & n. 14 (1976) noting that application at the effects test in const/cases might result in disruption of many gov't functions.

Mr. President, having completed the first portion of my speech, I move that the Senate recess for 10 minutes. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that suggestion of the absence of a quorum?

Mr. HUMPHREY. Mr. President, I withhold.

Mr. ROBERT C. BYRD. The motion to recess, Mr. President, is customarily made by the leadership. I hope the Senator will not press his motion.

Mr. HUMPHREY. Mr. President, I shall withdraw that motion.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. HUMPHREY. Mr. President, an article by Senator HATCH, entitled "Proof and Prejudice," was published in the Washington Star on September 30, 1980. This article discusses the dangers of the effects test.

A significant but little noticed development in the area of civil rights has been the gradual abandonment of the concept that proof of discrimination requires proof of discriminatory intent. Increasingly courts and executive agencies have interpreted civil rights laws in a way in which the motivation becomes irrelevant.

Thus a New York City apartment owner is sued under the federal open housing act because he adopts a policy requiring tenants to have weekly salaries equaling at least 90 per cent of their monthly rental. The claim is that such a policy will have the "effect" of discriminating because a disproportionate number of welfare recipients (ineligible for tenancy because they have no salary) are members of minorities.

A small suburban community is sued under the same act because of a "minimum lot size" zoning policy designed to maintain the upper middle-class character of the community. Here, the claim is similar. Because such a zoning measure will limit community residence to relatively well-to-do individuals, it will have the "effect" of discriminating against racial minorities who tend disproportionately to be less financially able.

In both instances, it makes little difference that there might have been legitimate business or public policy justifications for an action; or that there existed no evidence to suggest that such actions were adopted with an eye toward discrimination.

What has been taking place here, as well as in other areas of civil rights policy, has been the creation of an entirely new test for determining the existence of illegal discrimination. Instead of the traditional test of looking to the purpose or motivation behind an action—did the apartment owner intend to deny housing opportunities to blacks or Puerto Ricans?—the new "effects" test looks primarily to statistics.

If a community (or an apartment or subdivision), for example, contains 14 per cent minority group members while the surrounding metropolitan areas contains 30 percent minority group members, then that community immediately becomes suspect in the eyes of the federal government. Never mind that no evidence exists to suggest that the community developed in anything other than a benign and natural manner. In the view of at least some courts that have adopted the "effects" test, there is absolutely nothing then that the community can do to rebut the presumption of discrimination.

LABELING "VIOLATORS"

What is so wrong with the "effects" test as a means for identifying discrimination is that it labels as "civil rights violators" individuals and communities who have no wrongful purpose or motivation. They become vulnerable to prosecution purely on the basis of accommodating a balance of races or sexes or ethnic groups that the government finds "unrepresentative."

In addition, the "effects" test invests tremendous potential authority in the bureaucracy to indulge in the sort of social engineering that has been so strongly resented by the American public. Once the "effects" test has been put into effect what is the standard for determining that discrimination remedies are no longer needed short of absolute numerical equality?

Proponents of the "effects" test have argued that reliance upon the traditional "intent" test makes it more difficult to secure successful prosecutions because of the often subtle nature of such discrimination. This may be marginally true. There are many elements in our system of justice that make it more "difficult" to successfully prosecute. If, for example, prosecutors did not have to prove guilt "beyond a reasonable doubt" in criminal cases, prosecutions would be much easier to secure. There, quite simply, are other relevant considerations, such as due process of law.

No one has ever suggested that the "intent" test requires outward expressions of bigotry in order to prove discrimination. The test permits all circumstances to be considered—including the "effects" of an action or policy.

Continued use of the "effects" test by the federal government carries substantial implications for the role of Washington in our country. Particularly in the area of zoning and land-use policy, the test has the potential for radically transforming the relationship between the federal government and the states and localities. It is an issue that Congress will address before the end of the present session.

Mr. President, I should like to discuss some of the problems with the administrative law judge process.

In addition to the effects test problems. I am also concerned about the provision of S. 506 that would authorize administrative law judges (ALJs) to hear citizen-versus-citizen complaints of housing discrimination through a procedure developed in the executive branch.

There are numerous powers being given in this bill to strengthen the hand of the prosecutor—HUD's prosecutors—which seem to me to go beyond what might normally be required to successfully prosecute such a law. Let me point out just a few:

First. The ability of HUD to initiate investigations without waiting for a complaint to be filed;

Second. The specific authority for HUD to seek arbitration if parties to a conciliation effort require this procedure;

Third. The extension of the statute of limitations;

Fourth. The specific authority to write fair housing regulations for housing areas outside HUD programs;

Fifth. The new authority for the Attorney General of the United States to take an individual's case to court, thereby eliminating the requirement that a pattern or practice of abuse must be shown for the Federal prosecutor to step into a case;

Sixth. The ability for a temporary restraining order to be obtained; and

Seventh. The ability for HUD to develop its own rules and procedures, presumably to be consistent with the Rules of Civil Procedure but nonetheless unique to the HUD prosecutor's use of administrative law judges.

Now those powers, and more, are in this bill for HUD's prosecutors to use. Then, in addition, the Judiciary Committee bill would create an administrative tribunal for HUD's prosecutors to use.

With all these new powers, why have the proponents insisted on the ALJ? It has many defects. For example:

The costs to respondents are great. The costs to the complainant of the ALJ procedure are nil. The costs to the complainants of magistrates are nil, too. The costs to the complainants of having the Attorney General pursue their case are nil, too. But the costs to the respondent of the ALJ are great, far greater than would be the case with the magistrates. Why? Many reasons come to mind easily: First, the ALJ practice will become specialized, requiring specialized lawyers; second, the ALJ practice, at least initially, will be in Washington and maybe one or two major metropolitan areas as the "test" cases are developed. Travel will be involved; third, local customs and procedures will be blurred as Washington's technical "judges" take over local issues, fourth, in contrast, commonly understood and familiar rules of civil procedure could prevail, under a magistrates amendment.

The time for an ALJ procedure is not as short as proponents may believe. The executive branch recently completed a study of all ALJ's and procedures. The majority of ALJ procedures took well over 2 years, with some approaching 8 years—and this is before any appeal process in court. Far preferable, it would appear, is to create the small claims court process of using magistrates.

While the due process of an ALJ procedure in a licensing or registration case may have been upheld, not one ALJ procedure exists to resolve complaints when brought one citizen against another alleging something as imprecise as housing discrimination. The Equal Employment Opportunities Commission, for example, uses the administrative judges only through a finding of reasonable cause. After that, the case is given to the Attorney General to be resolved in court.

The benefit to the complainant in an ALJ procedure is limited to injunctive relief—this cannot be awarded if the house or apartment has already gone to another person—and perhaps out-of-pocket expenses. The awards granted by the court can include actual damages, compensatory damages, suffering and grief, as well as unlimited punitive damages. The fine in the ALJ proceeding can be $10,000, but it goes to the Government, not to the complainant.

The magistrate amendment may be offered in an attempt to use a small claims court to handle adjudication. A network of over 500 magistrates has already been established within the Federal district court system. This method has two significant advantages over the ALJ procedure:

Judicial decisions would remain with the judicial branch. This is an extremely important issue which is being glossed over. While it is true that ALJ's are being used widely in the executive branch, their authority has been limited to technical matters or very specific applications of the law. Never have ALJ's been used to decide controversies involving one citizen against another. We have seen the problems associated with the erosion of congressional authority as more executive agencies in effect write the law through their regulatory power. It is time to stop the usurpation of judicial authority.

Establishment of an ALJ procedure within the executive branch is an unnecessary cost burden for the Federal budget. The House version of the bill calls for only seven ALJ's to handle cases for the entire country. Even proponents of the ALJ provision admit this figure is entirely too low. Hundreds of ALJ's would be needed to match the effectiveness of the magistrates who are already available.

In my view, a minor change in the Magistrates Act, is certainly preferable to a new procedure which completely alters the separation of the powers of the executive and judicial branches guaranteed by the Constitution.

In regard to the problems with administrative enforcement it is again worthwhile to note the minority views of Senators THURMOND, LAXALT, HATCH and COCHRAN, contained in the Senate Judiciary Committee report on S. 506.

The committee considered a wide range of proposals to strengthen the enforcement of title VIII. By a vote of 10 to 6, the committee adopted an approach utilizing administrative law judges, who would be appointed by an independent review commission set up by the President. The minority views proceed to state, we do not believe, however, that the adjudication of fair housing complaints through such a procedure would provide the constitutional protections available under the bill as it was approved by the Subcommittee on the Constitution.

The subcommittee version of section 811 provided for the filing of a complaint with an appropriate U.S. magistrate, who would hear the matter and make findings of fact and conclusions of law. The magistrate would be authorized to issue an order for such relief as might be appropriate and impose a civil penalty not to exceed $10,000. The magistrate's decision would be subject to judicial review, including a de novo trial in a district court, before a jury if requested by either party. Such review would be made as expeditiously as possible.

It is this approach, offered by Senator DECONCINI and approved by the subcommittee, that we believe offers adequate protection to all parties. Most of us would have preferred an approach offered in subcommittee that would have placed discrimination complaints initially in Federal court. We believe it is especially important that discriminatory housing complaints against individuals be heard by a judicial rather than an administrative forum. In our opinion, any person who faces the possibility of a $10,000 fine—and a court order providing appropriate relief—should have all the protection afforded by the U.S. Constitution and case law, especially the right to a trial by jury. I, too, agree that the judicial approach is preferable to an administrative forum.

As Senator THURMOND pointed out during committee consideration of section 811—

> Any person in the District of Columbia who is issued a speeding ticket has the right to a jury trial.

The U.S. Constitution provides in article II, section II that:

> The trial of all crimes except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The language is plain and clear on its face as to a fundamental constitutional principle.

The minority views note that the argument is made that because the $10,000 fine in the bill is a civil fine and not a criminal penalty, no right to a jury trial exists. However, they do not accept that argument, nor do I.

Imposition of a $10,000 fine cannot be viewed as anything but punitive in nature. This is not a fine intended to make the aggrieved person "whole." It is not a penalty imposed to reimburse the Government for the expenses of litigation. It has one purpose—to deter unlawful acts by the threat of punishment.

The report further states, it is important to note that the subcommittee bill did not mandate a trial by jury at the magistrate level. A jury trial would occur only if a de novo trial was sought in the Federal district court and only if a jury was requested by one of the parties. This is an important distinction. One of the concerns of opponents of the subcommittee approach was that if trial by jury were provided, substantial delay and added expense might result. We think such fears are unwarranted.

First, there is no evidence that an aggrieved party would be less inclined to file a charge of discrimination under the bill because enforcement would be sought in a magistrate's court with the possibility of a de novo appeal. After all, it would be HUD, not the aggrieved party, who would incur the expense of any judicial review.

Second, there is no evidence to indicate that either party to the proceeding would exercise less than good faith efforts to resolve it at the initial magistrate level. The Government as well as the defendant would surely put their best case forward before the initial forum. The Government, on behalf of the person alleging unlawful discrimination, would want a quick resolution and remedy. The defendant would be unlikely to want to incur the expense of de novo trial on frivolous grounds.

During full committee consideration, arguments were made that the subcommittee language would impose undue burdens upon the Government since cases might have to be pursued in Federal court, and that magistrates would be given duties beyond their capabilities.

The minority views do not accept this argument either. They state, under the approach taken in S. 506 as reported, a totally new category of administrative law judge would be created, with totally new duties and powers. This legislation would give the new administrative law judges the power to impose penalties of up to $1,000 per day. Although a Federal magistrate has similar powers under existing law, the proponents of the administrative law judge provisions would have us believe that magistrates would not be capable of handling such cases while the new administrative law judges would be. Such a view is without foundation.

The minority views then proceed to explain why the administrative enforcement provisions of S. 506 as reported are undesirable, in addition to the failure to provide for a trial by jury.

First, the bill offers merely the illusion of an independent adjudicating authority. It actually creates a far less independent one that what would be available in the Federal court system. S. 506 provides for the establishment of a Fair Housing Review Commission in the executive branch. The Commission would be composed of three members appointed by the President with the advice and consent of the Senate. It would be the Commission's duty to appoint administrative law judges and to promulgate rules and a code of ethics to insure the independence and fairness of the administrative law judges.

While this approach appears to be a politically expedient one to adopt in light of the controversy surrounding these provisions both in committee and in the House. The minority comments state that it would create serious difficulties. How can independence be assured if the appointing authority for administrative law judges lies in the most political office in the land—the Presidency?

Cosmetic attempts to downplay political overtones have been made by requiring bipartisan appointments to the Commission and providing for staggered terms, but this provides no solution to the real problems, which is the need to insulate decisions on housing discrimination matters from political considerations. We have only to look at recent fights on the Senate floor over nominations to the Federal Election Commission, the National Labor Relations Board, and the Legal Services Corporation to see the potential for trouble here. There are political implications in any scheme in which the President is given the power to make temporary appointments and the Senate is given the power to advise and consent. The establishment of a Fair Housing Review Commission in this bill will not promote a truly independent resolution of fair housing complaints.

An additional reason for opposition to the administrative approach adopted by the committee, and I believe it is an important one, is that such approach is inconsistent with the traditional role of administrative law judges, who were originally known as hearing examiners. The administrative hearing procedure was established for the purpose of settling disputes on questions of interpretation between regulatory agencies and the members of the regulated industry. Typical of the issues handled have been rate regulation, agricultural marketing orders, and other complex questions involving technical expertise and special knowledge of an industry. It was this need for technical expertise, and the strength of the parties subject to the proceedings, that made the lack of full judicial protections necessary and consistent with due process.

I agree with the statements in the minority views that the use of administrative enforcement in the fair housing area is totally inappropriate. No special technical expertise is required. Consequently, magistrates and judges are perfectly capable of handling the issues. Furthermore, the proceedings would frequently involve on the one side an individual property owner with limited resources, not a large corporate member of a regulated industry, and on the other side a powerful agency of the Federal Government with vast resources. The lack of full judicial protection is, therefore, unnecessary and inconsistent with due process. The argument which has been offered to support the bill's approach is that an inexpensive, expedited proceeding is needed. Yet, as these views correctly point out, an alternative judicial proceeding was offered which would provide expedited enforcement but which would at the same time provide due process.

I believe that it is important in our consideration of S. 506 to note the conclusion of the minority views, that the creation of an administrative procedure to hear housing discrimination complaints under this legislation would not accomplish what is intended. Not only would a truly independent, nonpolitical commission appointed by the President be virtually impossible to achieve, but the use of a nonjudicial forum for the resolution of genuinely adversarial nontechnical disputes concerning the fair housing laws, with the Federal Government supporting one side, is fundamentally flawed.

Because of the range of the potential penalties and liabilities, individual respondents would face as a result of this bill, certain minimum constitutional protections must be provided. Foremost is the availability of a trial by jury at some stage of the proceedings. Although the DeConcini language may not have been perfect in the minds of all committee members, it did establish the opportunity for discrimination complaints to be heard before neutral, independent, dispassionate members of the Federal judicial branch. Regrettably the present language in S. 506 does not come near to accomplishing this objective. For this reason, those writing the minority views could not support this aspect of the proposed legislation, and neither can I.

Mr. President, James J. Kilpatrick has written an article entitled "How Goliath Grows," published in the Washington Star of Saturday, June 21, 1980. This article expresses a legitimate concern that Congress may once again be expanding the powers it has vested in Federal agencies by adopting this new administrative law judge procedure, Mr. Kilpatrick states:

> Twelve years ago, in the legislative convulsions that followed the slaying of Martin Luther King, Congress adopted what was euphemistically knows as the "Fair" Housing Act. The act never was fair. Now the House of Representatives has voted to make it even less fair.
>
> The 1968 housing act went beyond the earlier Civil Rights Act of 1964. The earlier act had dealt chiefly with minority rights of access to public institutions and to place of public accommodation. By contrast, the 1968 law went directly to the sale and lease of wholly private property, and it turned old rules of property transfer on their heads.
>
> In some situations, the law worked acceptably: Homes in new suburban subdivisions became equally available to prospective buyers of every race and religion. In other situations, the law served to make racial tensions worse: Old neighborhoods discovered the professional blockbuster and the malcontent, and property owners who were compelled to sell against their will discovered new meanings in the word "discrimination."
>
> In the liberal view, the 1968 law never went far enough. A person with real or imagined grievances had to go into a U.S. District Court and bring a civil suit if efforts at conciliation failed. This burden was thought to be intolerable. Thus a move developed to put broad enforcement powers in the hands of the secretary of Housing and Urban Development. Last week that movement came to fruition.
>
> Under a bill approved by the House, an aggrieved person has only to file a complaint with HUD, within one year of the alleged discriminatory act, in order to set in motion the whole might, power and majesty of the federal government in his behalf.
>
> The complaint may be transferred to a state agency, but only if the secretary finds that the state agency's past performance, "if any," is acceptable. After token efforts at conciliation, the complaint goes to an administrative law judge. There HUD's battery of lawyers will prosecute the charge.
>
> The administrative law judge, under the House bill, would have authority to impose "civil penalties" on the property owner of up to $10,000. Under certain circumstances, additional penalties of up to $1,000 a day may be imposed. An appeal may be taken to a U.S. District Court, where a *"de novo* determination" will be made of the "adequacy" of the record developed by the administrative law judge. A "*de novo* determination," it should be explained, is not a *"de novo* trial." One difference is that a *"de novo* determination" carries no right to a Seventh Amendment jury.
>
> This is sock-it-to-'em law, in which property owners, for all practical purposes, are regarded as guilty of discrimination until proven innocent. If the zealots of HUD pursue the harassing tactics made famous by the zealots of the Equal Employment Opportunity Commission—and there is no reason to believe otherwise—we may expect a series of proceedings just short of extortion. Property owners will be given a fair choice: Capitulate to HUD's proposals in "conciliation," or face months of expensive litigation.
>
> The bill that emerged from the House is better in some respect than the bill approved by the House committee. Originally it was proposed to make the administrative law judges outright employees of HUD, appointed by the secretary, with all their biases intact. This arrogant proposition was more than the House would swallow.
>
> An amendment by Oklahoma's Michael L. Synar puts the administrative law judges under the Department of Justice instead. James Sensenbrenner of Wisconsin and Harold L. Volkmer of Missouri tried valiantly to give jurisdiction to federal magistrates and judges; they lost, 205–204.
>
> Maybe the House bill, if the Senate concurs, will provide an effective mechanism for minority persons who truly have been victims of discrimination. I am uncertain. But of this there can be no doubt. To secure whatever rights may be involved in an average of 115 cases a week—only 115 a week in the entire Nation—enormous new powers would be vested in a federal bureaucracy. This is how Goliath grows, one bulging muscle at a time.

Mr. President, on August 13, 1980, the Heritage Foundation published a bulletin entitled "Fair Housing Amendments: Collision Between Property Rights And Civil Rights."

I believe that portions of this report provide a useful perspective from which to consider the bill we are currently discussing.

> On July 30, the Senate Judiciary Committee reported S. 506, a bill concerning amendments to Title VIII (housing discrimination) of the Civil Rights Act of 1968. The bill was originally introduced by Senator Charles Mathias (R-Md.), but was substantially marked up by both the Constitutional Subcommittee and the full Senate Judiciary Committee. Previously, on June 11, the House of Representatives had passed its own version of the bill, H.R. 5200, sponsored by Representative Don Edwards (D-Cal.).
>
> ### BACKGROUND
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> The purpose of the two bills is to make federal enforcement of existing housing discrimination laws more powerful and more expeditious. Substantive law concerning housing discrimination began in 1962 when President Kennedy issued Executive Order 11063 which forbade discrimination because of race, color, creed, or national origin in housing financed through federal assistance. It covered housing provided through mortgage insurance by the Federal Housing Administration, and in federally-assisted public housing. Title VI of the Civil Rights Act of 1964 extended the federal efforts in housing discrimination by including under its coverage all housing in urban areas as well as all public housing that received federal financial assistance. In 1968, with the passage of Title VIII of the Civil Rights Act, Congress acted to prohibit discrimination in the sale or rental of all housing, private and public.
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> ### DEFINITIONS
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> Under current law, it is unlawful for private individuals or corporations to engage in "discriminatory housing practices" in the sale or rental of housing, or in the provision of brokerage services, based on race, color, religion, sex, or national origin.
>
> H.R. 5200 and S. 506 broaden the definition of "discriminatory" to include any failure by HUD or other government agencies to "affirmatively" administer Title VIII of the Civil Rights Act. Thus, individuals could sue the government if they felt that Title VIII was not being enforced satisfactorily.
>
> Under current law, the handicapped are not covered by Title VIII. H.R. 5200 and S. 506 add the handicapped to the nondiscrimination list of race, color, religion, sex, and national origin. For the purposes of Title VIII, "handicapped" would mean "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment; but such term does not include any current impairment that consists of alcoholism or drug abuse, or any other impairment that would be a direct threat to the property or the safety of others."
>
> Under current law, a "direct victim" of housing discrimination can bring a suit immediately into federal court while an "aggrieved person" must bring his complaint to HUD. Current law defines an "aggrieved person" as "any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur." The two bills permit an aggrieved person to bring his suit directly into federal courts.
>
> S. 506 redefines an "aggrieved person" by eliminating from coverage those who "believe" that they have been victims of discrimination. Earlier this year, HUD had announced that it would begin to send federal employees into neighborhoods to act as "testors" for housing discrimination. S. 506 excludes this kind of entrapment by limiting its coverage to persons who are making "bona fide" attempts to purchase or rent housing.
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> ### EXEMPTIONS
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> Under current law, persons exempt from the power of Title VIII are those attempting to sell or rent a single-family home who live in the home before the transaction, those absentee owners who seek to sell or rent not more than three single-family homes, those owners seeking to sell or rent a unit of a four-unit dwelling who live in one of the units. But all those exemptions apply only to those who sell or rent their homes privately, that is, without the use of any real estate agents or brokers or any advertising. Additionally, religious institutions or "private clubs not open to the public" are exempt from the scope of Title VIII. The two bills retain all these exemptions and, additionally, exempt local zoning ordinances that require minimum lot sizes unless such ordinances were enacted with discriminatory intent.
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> ### PROHIBITED PRACTICES
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> Under current law, it is unlawful to discriminate on the basis of race, color, religion, sex or national origin in the sale or rental of housing, in making representations about housing or neighborhoods ("blockbusting"), in making housing loans ("redlining"), and in the provision of real estate brokerage services.
>
> The two bills include the handicapped on the list of those who are protected from the above practices and add to the number of prohibited practices by outlawing discrimination in the sale of housing insurance, in real estate appraisals, and in the fixing of the interest and other conditions of real estate loans. The intent of the House bill is to prohibit real estate appraisers from taking into consideration the racial or ethnic composition of the neighborhood when evaluating property. This provision was hotly debated on the House floor because, it was contended, such a restriction violated the First Amendment rights of free speech of real estate appraisers and because it prevented appraisers from objectively evaluating real estate. S. 506 changes the provision to allow appraisers to take into account "all factors relevant to the appraiser's estimate of the fair market value of the property" provided that such factors are not considered for the purpose of discriminating under Title VIII as amended.
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> ### ENFORCEMENT
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> Under current law, any person who "claims to have been injured" or "believes that he will be irrevocably injured" by a discriminatory housing practice must file a complaint with the Department of HUD within 180 days of the alleged infraction. HUD may try to correct the alleged discriminatory housing practice by voluntary compliance." If this is unsuccessful, the aggrieved person may bring a civil suit in federal district court, but only if a judicial remedy is not available under a state or local law. Additionally, the Attorney General may file suit on behalf of any aggrieved person

or group of persons. As a remedy, a court may issue temporary or permanent injunctions, temporary restraining orders, or other judicial orders and may award actual damages and not more than $1,000 punitive damages, together with court costs and "reasonable" attorney's fees for a prevailing plaintiff.

H.R. 5200 completely revamps the enforcement procedures. An aggrieved person or HUD itself could bring a complaint to the Department of HUD. The Department, or a state housing agency certified by HUD, would make an effort to correct the alleged discriminatory practice by "voluntary compliance." If unsuccessful, HUD could file a complaint before administrative law judges (ALJs) of the Justice Department or request the Attorney General to bring a civil suit in a federal court. Additionally, the Attorney General could initiate suits in a federal district court on his own, as could the aggrieved person.

If the case is referred to an administrative law judge, an administrative hearing would be held at which the judge would issue findings of fact, conclusions of law and, where appropriate, compensatory and injunctive relief together with penalties of up to $10,000. HUD could not review the decision of an ALJ, but any party to an administrative ruling could appeal the ruling in a federal district court which would be able to make a de novo determination of the adequacy of the finding of fact and conclusions of law. Prevailing parties in both administrative hearings and civil suits could receive attorney's fees. Suits concerning zoning and land use could be brought to court by the Attorney General only.

S. 506 provides for another enforcement procedure. Housing discrimination complaints would be filed with the Department of HUD where an attempt would be made to resolve the complaint by voluntary compliance or conciliation, or, if the parties involved agreed, by binding arbitration. HUD could also refer the case to a state housing agency certified by HUD but the referral must be complete, that is, HUD could not take the case back if dissatisfied with the state agency's handling of the case. HUD could also refer the case to the Attorney General, who would bring the case into federal court. Alternatively, HUD could refer the case to an administrative law hearing.

(Mr. SARBANES assumed the chair.)

Mr. HUMPHREY (continuing):

Under S. 506, administrative law judges hearing housing discrimination complaints would be employees of a new agency, the Fair Housing Review Commission, an independent commission headed by three commissioners, not more than two of whom could be from the same political party. Commissioners would sit for six-year overlapping terms. Decisions of ALJs would be reviewed by a panel of the commission consisting of one of the commissioners and two other ALJs. This panel could overturn any decision. Administrative law judges of the commission could not decide cases involving local land use or zoning practices or any "novel issue of law or fact." Such cases would be handled in federal courts by way of the initiative of the Attorney General. Monetary penalties imposed by ALJs would be the same as in H.R. 5200.

Any losing party to an administrative hearing could seek judicial review in a federal court of appeals. The standard for review would be the presumed conclusiveness of the findings of fact of an ALJ if supported by substantial evidence.

LEGISLATIVE VETO

H.R. 5200 provides for a congressional veto over any rules and regulations promulgated under Title VIII. S. 506 contains no such provision. Under H.R. 5200, any agency proposing a regulation under Title VIII must submit that regulation to the judiciary committees of both Houses of Congress. The regulation would not become effective if (1) both Houses of Congress adopt a concurrent resolution of disapproval within 90 days, or (2) one House adopts a resolution of disapproval within 60 days and the other House does not disapprove that resolution within 30 days.

ADMINISTRATIVE ENFORCEMENT OF CIVIL RIGHTS

Under current law, the Secretary of HUD has sweeping powers, the most prominent of which is the threatened cancellation of federal funds, to back his ability to negotiate "voluntary compliance" in housing discrimination disputes. Nevertheless, only the Attorney General has the power to bring a Title VIII housing discrimination suit into the federal courts, although, in fact, the Attorney General normally acts upon the recommendation of the Secretary of HUD.

The Equal Employment Opportunity Commission has the statutory authority to sue individuals in employment discrimination cases, but must refer any possible suits against any level of government or against a governmental agency to the Attorney General. Overall, the primary responsibility for the enforcement of the many federal civil rights laws (i.e., the authority to sue in court) resides with the Attorney General. Other departments and agencies are restricted to the use of whatever "voluntary compliance" procedures they can concoct.

With respect to housing discrimination, H.R. 5200 creates a completely new procedure for the enforcement of civil rights—the administrative law hearing. And with this creation the bill alters the normal practice and procedure of administrative law.

CONCLUSION

The Heritage study concludes that Federal enforcement and judicial decisions under Title VIII are at a turning point. The next question to be decided is whether the federal notion of housing discrimination will follow the evolution of civil rights enforcement that has taken place in the fields of employment and education, whether there is to be an "affirmative action" version of housing discrimination or, in legal terms, whether the standard for housing discrimination will be discriminatory "intent" or discriminatory "effect."

Litigation under Title VIII has moved far from its original purpose, i.e., guaranteeing that persons will not be denied individual housing because of their race, and has become increasingly dominated by considerations of broad racial mixing and comparative racial statistics, placing public housing in middle and high income neighborhoods, local zoning laws, and land use laws. In *Village of Arlington Heights* v. *Metropolitan Housing Development Corp* (429 U.S. 252, 1977), the Supreme Court ruled that a village's refusal to rezone a parcel of land to allow the construction of public housing was not a violation of the Equal Protection Clause of the Constitution because no discriminatory intent was proved. However, the Court remanded the case to the Seventh Circuit Court of Appeals for a determination of whether the village could still be held liable to a violation of Title VIII. The Seventh Circuit decided that under some circumstances zoning laws could violate Title VIII if it could be demonstrated that their effect resulted in the segregation of the races. The decision of the Seventh Circuit closely paralleled a previous employment discrimination case before the Supreme Court, *Griggs* v. *Duke Power Co.* (401 U.S. 229, 1971), in which the Court held that Title VII of the Civil Rights Act prohibits employment practices that have the effect of discriminating on the basis of race even though no purposeful racial discrimination can be demonstrated. Since Arlington Heights, the other Circuit Courts of Appeal have split on the extent the effects test can be used to oversee the patterns of local housing. Nevertheless, such a test is now being litigated widely and needs only a final Supreme Court ruling on whether the now well-established federally-enforced procedures of statistical racial mixing used in education and employment will be completely extended to housing.

The two bills under consideration would give a new impetus to federal housing enforcement efforts. With the provision making administrative law judges the new adjudicators of civil rights on housing, the intention is to speed up enforcement and to handle ever more cases in this field. By adding housing insurance, real estate appraising, zoning and land use, and the fixing of interest of real estate loans to the already covered activities of selling, renting, making representations about housing or neighborhoods, housing loans, and brokerage services, the bills extend considerations of federal civil rights law to every transaction having to do with housing, both public and private.

There could hardly be a more sensitive area of litigation than a housing discrimination suit involving, as it does, a collision between property rights and civil rights. The Supreme Court has always acquiesced to the congressional delegation of judicial authority to administrative agencies because the issues concerned, such as individual eligibility for Social Security benefits, were issues that the Court did not want to be bothered with, or because the issues, such as communications licenses, were technical issues better handled by those with technical expertise. The two proposed bills transform civil and property rights into technical issues that can be dealt with by non-judicial means. This is a revolutionary idea—

And an idea, Mr. President, that greatly concerns me.

APPRAISALS

Mr. President, one of the more controversial aspects of the House bill, H.R. 5200, is its treatment of appraisers' rights. In recent years, both HUD and the Federal Home Loan Bank Board have promulgated regulations that would limit the authority of appraisers to consider all factors relevant to an accurate appraisal.

These policies are not only short sighted, but I believe that they seriously infringe upon the fundamental first amendment freedoms of appraisers.

I would like to direct some comments to this critical issues. I would note, however, before doing so that appraisers are fully covered by the present housing discrimination law. The only issue is the authority of HUD to go beyond prohibiting discriminatory conduct by appraisers, and actually issue Federal standards for such appraisers.

Mr. President, I will read a document published by the National Savings & Loan League in 1979, entitled "Are the Contents of Real Estate Appraisals Entitled to First Amendment Protection?"

Although real estate appraisers were not specifically referred to in Section 804 of the Fair Housing Act ("Act") of 1968, 42 U.S.C. 3604, relating to discrimination in the sale or rental of housing, at least one court in 1977 has held that appraisers are covered under its provisions.

This conclusion has been readily accepted by the Federal Home Loan Bank Board and the Department of Housing and Urban Development ("HUD"), which in 1978 issued rules imposing restrictions on the content of appraisal reports.

These rules, along with a 1976 Justice Department lawsuit and current legislative proposals to amend the Act, have generated considerable controversy as to the extent of the government's power under the Act to impose restrictions on the content of real estate appraisal reports.

Representatives of the appraisal profession claim that these restrictions violate their first amendment right of freedom of speech under the Constitution. The position of the government agencies varies. As noted below, HUD's position is that the government has the right to prohibit absolutely any reference by appraisers in their reports to the ethnic or racial composition of neighborhoods. The Bank Board's policy as set out in its regulations is somewhat less restrictive.

HUD would apparently argue that such factors have no bearing on market value, so that any reference to them in an appraisal report is a per se violation of the Act.

The position of the appaisal profession is that the appraiser has a professional obligation to take into account all facts affecting market value. Racial and ethnic factors *do* have relevancy to value in some cases—and such factors can operate positively as well as negatively on value. The profession admits, generally, that the difficulty lies in quantifying these factors and demonstrating their effect on value.

The General Policy of the American Institute of Real Estate Appaisers states that it is improper to base an appraisal opinion on the premise that racial, ethnic or religious homogeneity of an area is necessary for maximum value and that "[r]acial, religious, and ethnic factors are deemed unreliable predictors of value . . .". The Statement also says that it is improper to base an appraisal opinion on "stereotyped or biased presumptions relating to race, color, religion, sex or national origin . . .".

The Policy Statement of the Society of Real Estate Appraisers states that "[t]he use of 'stereotypes' or preconceived biased concepts of value is anathema to the appraisal process" and also rejects the principle that homogeneity is necessary for maximum value. It provides also, that ". . . an appraiser must observe and be cognizant of a range of factors and forces operating within a neighborhood setting and that any change in that setting must be recorded and evaluated . . . [and] an appraiser has an obligation to investigate and consider any factor or force which might signal a changing pattern of rents and/or sales prices within a neighborhood setting."

The Statement further provides that "Society of Real Estate Appraisers does not teach that certain terms such as 'homogeneous' or other terms are meant to be 'code words' to disguise racial, ethnic or religious characteristics of a given area."

Attorneys representing mortgage lenders have a stake in this controversy for at least two reasons. The first, obviously, is that the lender has a critical interest in receiving appraisals which will accurately reflect the value of the appraised property as security for a mortgage loan. The second is that a lender who denies a loan on the basis of an appraisal report which says the "wrong thing" may find itself facing a charge of violating the Act for having based a refusal to lend, or a change in loan terms, on an improper inference from the prohibited information.

The purpose of this paper is to explore the degree of first amendment protection to which real estate appraisal reports may be entitled. It is not a defense of the use of biased or stereotyped assumptions in appraisal reports.

APPRAISAL REPORTS AND THE FAIR HOUSING ACT—RECENT HISTORY

A. Voluntary action thwarted

Although appraisers and appraisals were not specifically covered by the Act, representatives of the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers entered into discussions in 1973 with HUD's Office of Voluntary Compliance to assess problems or potential problems in housing discrimination which might involve appraisers or the appraisal process.

These voluntary efforts were thwarted by the Justice Department, which filed a complaint under the Act in 1976 against these two organizations, the United States League of Savings Associations, and the Mortgage Bankers Association alleging that the appraisal practices endorsed and taught by the two appraisal groups and disseminated by the other two defendants constituted a "denial" of housing to protected classes under the Fair Housing Act and otherwise interfered with the rights of such classes under the Act.

The Justice Department suit removed the question of appraisal practices from a forum in which reasonable accommodation of sensitive and complex issues had a chance of being resolved on a voluntary basis and placed the issue in an adversary posture where, despite resolutions of the issues between the government and the two appraisal organizations in 1977 and 1978, and the two industry associations in 1979, it has remained ever since.

B. The agency regulations and policy statements

On May 18, 1978, the Bank Board adopted comprehensive amendments to 12 CFR Parts 528 and 531 of the Bank System Regulations and Policy Statements, incorporating judicial and legislative actions on nondiscrimination in housing and credit, including the AIREA Settlement Agreement, which had taken place since these regulations were originally adopted.

The Bank Board amendments to Part 528 added a new § 528.2a entitled "Nondiscrimination In Appraisal and Underwriting". Paragraph (a) enjoins Bank System members from using or relying on an appraisal which is: (1) discriminatory on the basis of age or location of the dwelling; (2) discriminatory per se; or (3) discriminatory "in effect".

The pertinent parts of the Bank Board's amendment to its Policy Statement on nondiscrimination in lending in Part 531, 12 CFR 531.8, which combine discussions of appraisal practices with those of underwriting policy, provide as follows:

"§ 531.8 Guidelines relating to nondiscrimination in lending

"(b) Loan Underwriting Standards . . . The use of lending standards which have no economic basis and which are discriminatory in effect is a violation of the law even in the absence of an actual intent to discriminate. However, a standard which has a discriminatory effect is not necessarily improper if its use achieves a genuine business need which cannot be achieved by means which are not discriminatory in effect or less discriminatory in effect.

"(c) Discriminatory Practices.

(6) Income level or racial composition of area. Refusing to lend or lending on less favorable terms in particular areas because of their racial composition is unlawful. Refusing to lend, or offering less favorable terms (such as interest rate, downpayment, or maturity) to applicants because of the income level in an area can discriminate against minority group persons.

(7) Age and location factors. Sections 528.2, 528.2a, and 528.3 prohibit loan denials based upon the age or location of a dwelling. These restrictions are intended to prohibit use of unfounded or unsubstantiated assumptions regarding the effect upon loan risk of the age of a dwelling or the physical or economic characteristic of an area."

The 1978 HUD Policy Statement directs all offices of HUD to revise as necessary forms and handbooks to reflect several principles related to antidiscrimination practices. The Statement relating to appraisals provides:

"1. Factors relating to race, color, religion, sex or national origin, or to racial, religious and ethnic identification of neighborhoods are not relevant to the estimation of value and should not be considered in connection with appraisals of residential real property."

As to age of dwelling, HUD's Policy Statement is more pragmatic stating that as to age "appraisal policies and practices should avoid reliance on the concept of a *predetermined* neighborhood life cycle." (Emphasis supplied.)

The Bank Board's statement, as quoted above, stops short of an absolute ban on an appraiser's consideration of factors of age and ethnic composition of neighborhoods. The underlined passages seem to allow room for the use of factors in making appraisals which can be shown to have a demonstrable relationship to market value.

The HUD statement on the other hand tells the appraiser that factors based on the prohibited factors "are not relevant" to the estimated value and cannot be considered in appraisals of residential property. Subsequent attempts to implement the Bank Board's restrictions resulted in some well-intentioned but questionable restrictions on the contents of appraisal reports by examiners of the Federal Home Loan Bank Board, as noted in the following section.

C. The prohibition of "code words"

One of the difficulties in resolving the issues in dispute between the appraisal profession and the government has been the recent revelation of the practice by some Bank Board examiners across the country of forbidding the use of certain terms, or "code words" which were believed to be "signals" from appraisers to lenders about the ethnic composition of neighborhoods in order to assist them to maintain a perceived passion for homogeneity.

While this practice may have abated in recent months, the "code word" prohibition got the ongoing discussions between appraisers and regulators off the real issue involved, i.e., whether or not certain factors do in fact affect market value, and onto the more polarized issue of censorship versus free speech.

The regulators in justifying the proscription of specific words apparently argue that certain terms cannot be used in appraisal reports if: (1) their relevance to market value cannot be demonstrated; and (2) if they are deemed to be discriminatory per se or "in effect" in violation of § 528.2a(b).

The appraisal profession would agree with this argument. The controversy centers around the first point—can relevance to market value and the necessity for their use be demonstrated? If so, then (2) above would be irrelevant.

Misunderstandings have persisted, exacerbated by the "code word" issue, because regulators and civil rights groups apparently perceive the appraisal profession as having gone underground on its advocacy of a preordained effect between race and market value. The appraisal profession, as indicated by the discussion below, does not espouse this principle.

D. The hearings

One of the best sources of information relating to the arguments of the appraisal profession and the "code word" issue are the hearings conducted in April, May and June 1979, by the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee on H.R. 2540 (now H.R. 5200), the "Fair Housing Amendments of 1979", ("hearings") in which representatives of the Justice Department, HUD, the Bank Board, SREA, AIREA, American Society of Appraisers, major civil rights groups and other interested parties testified or filed statements.

As noted above, the practice of banning

certain words from appraisal reports may have abated. A brief look at some of the points made at the hearings, however, may be helpful in the ensuing discussion of recent case law.

Witnesses representing the appraisal profession gave extensive and detailed evidence that racial, religious and ethnic considerations do in fact have a bearing on the estimation of property in some cases, and that if the government can tell appraisers how to reach a conclusion of market value, that term will become a misnomer and the appraisal process will become a fraud.

Witnesses representing the Appraisal Society pointed out the problems encountered by the HUD "Section 235" housing program, when, in their view, inaccurate appraisals were encouraged by the Federal Housing Administration staff. The result of inflated valuations was an "inordinate number of foreclosures" providing speculators with the ultimate benefits.

Then witnesses pointed out that examiners from the Bank Board had been interpreting that agency's regulations as prohibiting the use of certain words in appraisal reports such as "church", "synagogue", "pride of ownership", "prestigious neighborhood", "poor schools", "declining neighborhood" or "homogeneous'.

The following colloquy between Society and Real Estate Appraisers witnesses, R. J. Frank and Charles L. Osenbaugh, and Representative Henry Hyde (R., Ill.) illustrates the relevancy to market value which ethnic makeup of a neighborhood may have in certain cases on value.

"Mr. Frank. Let's take an example in Chicago of an ethnic neighborhood. Let's assume its Chinese. Let's assume, because there is competition to get into that neighborhood, that the prices are bid up, which is typical.

"As a result, the prices peak in that neighborhood. Typically they are 20 to 25 percent higher than they would be in a nonethnic neighborhood adjacent to that neighborhood [for a comparable residence].

"Let's assume that the appraiser is out in the market and checks sales from within the ethnic neighborhood. He's placing those sales in the direct sales comparison approach to give an indication of value of the residence in the nonethnic neighborhood.

"He has a judgment decision to make, basically, in support of the fact that there were ethnic considerations within that one neighborhood. If he doesn't use this factor and he says the home sold for $60,000 in the ethnic neighborhood and concludes that a home should sell for $60,000 in a nonethnic neighborhood, he has done a disservice to the buyer, the lender and the depositors.

"Mr. Osenbaugh. To say that this is a Chinese neighborhood and stopping there, would be an improper appraisal. I would assume that when you have neighborhoods that a particular group wants to move into, it's a fact of life that those houses are going to be well kept because there is a great demand for them. Those people obviously want to get in that area because they have a pride of getting in that neighborhood, and it's going to reflect on the value of the property.

"Mr. Hyde. In other words, a house is more valuable to a Chinese family at 22d and Wentworth, which is the Chinese community in Chicago, than it would be to a Polish family, and the economics may well be affected significantly by the ethnicity of the community. Is that not a fact?

"Mr. Osenbaugh. That is a fact.

"Mr. Hyde. So it is a factor, maybe not determinative, maybe not overwhelming, but it's a relevant factor, which, in the honest, professional performance of your duty, ought to be communicated to somebody who's evaluating that property.

"Mr. Osenbaugh. Exactly. It's one of the relevant factors. *It's not the only relevant factor.*" (Emphasis supplied.)

An example of the complexity of markets in large metropolitan areas and of impact on value of the reputation of a school in a particular school district was given by Society witness F. Gregory Opelka in a dialogue with Representative Harold Volkmer (D., Mo.):

"Mr. Opelka. We use . . . information relating to the religion and ethnicity in continuing analyses of markets so that we can quantify and qualify, in either order of sequence, the number of people that tend to make a market. In some cases when we deal in a city of 3 to 5 million people, there are many submarkets. By virtue of proximity to those markets, whether the markets have limitations by requiring people to live in a city, by requiring people through a religious culture to live in a given parish, or by virtue of their religious persuasion people must walk to church on their Sabbath, all these things identify the size of markets and cultural attractions for different people. . . .

"Mr. Volkmer. Let me ask you a question, just out of curiosity. Let's say I was looking for a house. . . . And I have a certain religion that I belong to, and that I like to have my children go to school, and I would like to be located near a good school with that religion. . . . And I find a place and I ask you to do an appraisal on it. If we have what HUD wants, would you be able to include that in the presentation?

"Mr. Opelka. Probably not. At best I'd run a risk. The most dangerous word you can give me is 'Thou shall not consider.'

"Mr. Volkmer. Would it be wrong for you to also find within that community or area around that school that there are also, say, one-fourth of the people that belong to that same religion and send their children to that school and that's a good school and probably other people would want to send them to that school in the event I moved out?

"Mr. Opelka. I think I could do what you are asking me to do on a consulting basis—and that's slightly different than appraisal per se, because we are comingling two professional services. . . .

"We give you the impersonal appraisal of the property irrespective of who you are and this is a valuation of the property in consideration of all of the neighborhood dynamics in that neighborhood. Under government rules and regulations I could not include that information in the appraisal report even though it may be very relevant.

"Mr. Volkmer. Would that have an effect if, say, 25 or 30 percent of the people in that area went to that church?

"Mr. Opelka. Sure. That's what makes the neighborhood what it is. The people are zeroing in on that community because it's got a church, a school, and everyone knows it's the in thing.

"Back home, for years it was New Trier High School. It meant a big thing to get into New Trier district and *people, for whatever reasons, were paying higher prices than they were on the other side of the line within a different district. It was a desirable area to be in.*" (Emphasis supplied.)

These examples demonstrate that ethnic factors and reputation of schools are not always used as excuses for racial discrimination, or as "signals" to lenders that there are minority groups lurking in the wings.

The "code words" referred to above were undoubtedly attempts by examiners to reach some sort of definition of appraisal practices which are discriminatory per se or in effect under the terms of § 528.2a, but, as also noted above, outright bans on specific words or terms can hamper the appraiser's taking into account factors which can be shown to have a bearing on market value in certain cases.

The ban on such code words was defended by then Bank Board Chairman Robert McKinney in response to an inquiry by Subcommittee Chairman Don Edwards (D., Calif.) on the grounds that such terms are often used "as a substitute for detailed analysts." He stated that: "It is the Bank Board's position that appraisers should be factual reporters describing, for example, sales in the neighborhood, rising or declining home prices, actual neighborhood maintenance, and proximity to religion and education facilities, public transportation and shopping services. We do not believe that the use of subjective phrases such as 'pride of ownership' provide underwriters with the necessary specific market information. They do not meet the requirements of factual reporting and they may carry discriminatory connotations."

". . . We believe that appropriate indicia of neighborhood value include facts related to supply and demand, actual maintenance of properties, and proximity to services. All of the factors should be described in precise terms without reference to vague 'catchall' phrases. . . ."

The McKinney letter by its reference to factual reporting and detailed analysis seems to bear out the appraisers' stress on such analysis, but stops short of acknowledging that racial and ethnic factors themselves can be the subject of "detailed analysis." It illustrates the fact that going after a "list" of prohibited terms which are perceived to be per se violations is doing things in reverse order. If "detailed analysis" leads to evidence of the relevance of the prohibited term, and if there is no "less overt way to refer to such factors" (to defer to the effects test), then the term cannot be proscribed as a per se or an "in effect" violation.

The Society of Real Estate Appraisers strongly objected to the conclusions reached in the letter, the constitutionality of the censorship of appraisal reports, and pointed out several factual errors including a misquotation of the Society's Policy Statement.

The Appraisal Institute has also challenged HUD's Policy Statement quoted above on the grounds that its provisions violated the Settlement Agreement which the Institute entered into with the Justice Department and HUD. The Institute in its Policy Statement did not agree that racial or ethnic factors have no relationship to market value. The Institute "holds that the professional appraisers must be free to investigate and report facts and to examine any . . . social factors for possible relevancy."

The Bank Board staff reportedly has under consideration a proposed policy statement, possibly an amendment to § 531.8, relating to appraisal reports which may resolve some of the issues raised at these hearings. A legislative remedy has also been proposed by the Appraisal Society. It has drafted amendments to House and Senate bills (H.R. 5200 and S. 506) which amend the Fair Housing Act to provide that the use by appraisers of documented evidence relating to market value will not constitute a violation of the Act. To date, however, the issues raised by the Society and the Institute remain unresolved.

It may be appropriate, therefore, to examine case law on the subject of first amendment protections of speech made in a commercial context, and the related issues, raised by the AIREA case, of the constitutional protection of standards of practice espoused by professional and industry organizations.

THE CASES

A. Constitutional protection of commercial speech

Until 1975, speech "proposing a commercial transaction", principally in advertisements, was not accorded first amendment protection by the courts. This rule has changed radically since then.

The leading case for many years was *Val-*

entine v. *Chrestensen,* 361 U.S. 52 (1942), which upheld a New York City ordinance banning the distribution of handbills containing advertising. The court held that speech which merely "proposes a commercial transaction" is outside the protection of the first amendment. The view at that time was that the first amendment was designed to protect the free exchange of opinion and information in the "marketplace of ideas"—and that it was not designed to provide unfettered access to the public for those engaged in business transactions.

While commercial speech has not been defined precisely over the years, the Chrestensen ruling has been applied by the courts to other kinds of commercial—or business—speech.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. HUMPHREY. I ask that the clerk inform me when I have 1 minute remaining.

The PRESIDING OFFICER. The clerk will note the Senator's request.

Mr. HUMPHREY (reading):

It has been applied, for example, to press releases which are in violation of the securities laws, *SEC* v. *Texas Gulf Sulphur,* 446 F 2d 1301 (CA 2 1971) and to credit reports, *Worthen* v. *Dunn and Bradstreet,* 399 F. Supp. 633 (S.D. Tex., 1975). Appraisal reports would clearly be "commercial speech" for the purpose of these cases, and those which are discussed below.

Thirty years later, in *Pittsburgh Press* v. *Human Relations Commission,* 413 U.S. 376 (1973) the Supreme Court hinted for the first time that commercial speech might not be wholly outside the reach of the first amendment.

The case involved a charge that a newspaper's printing of help wanted ads under separate "help wanted-male", "help wanted-female" headings violated a local ordinance prohibiting discrimination in employment on the basis of sex. The ordinance specifically prohibited the printing of an advertisements referring to employment which imply that the employer discriminates on the basis of sex or the participation in any act of discrimination declared by the ordinance to be unlawful.

The Court upheld a lower court finding that the arrangement of the ads under male-female headings was a direct violation of the ordinance that the ads were "pure" commercial speech as distinguished in this case, from the editorial content of the paper.

In its opinion the court did not simply reiterate the Chrestensen rule, but implied that, in another context, the government's justification for its restriction of commercial speech would be balanced against "some" degree of constitutional protection.

Justice Goldberg, writing for the majority stated:

"The advertisements, as embodied by their placement, signaled that the advertisers were likely to show an illegal sex preference in their hiring decisions. Any First Amendments interests which might be served by advertising an ordinary commercial proposal, and which might arguably outweigh the governmental interest supporting the regulation is altogether absent when the commercial activity itself is illegal and the restriction on advertising is incidental to a valid limitation on economic activity." (Emphasis supplied.)

In 1975 and 1976, the Supreme Court had two opportunities to consider direct constitutional challenges to state statutes which imposed limits on advertising.

The 1975 case was *Bigelow* v. *Virginia,* 421 U.S. 809, involving a Virginia statute which made the publication of ads for abortion agencies a misdemeanor. The appellant, a newspaper publisher, was indicted for printing an ad for an abortion referred service located in New York. Abortions were legal in both Virginia and New York.

The court said in its opinion that just because a question involves commercial speech, "a court may not escape the task of assessing the First Amendment interest at stake and weighing it against the public interest allegedly served by the regulation."

The Virginia Supreme Court in affirming the indictment had said that the statute was a valid exercise of the police power of the State to ensue that Virginia women who decide to have abortions reach that decision without the commercial advertising pressures, which are "normally used for the sale of soap powder."

The Surpeme Court rejected this argument holding that what the Virginia statute really did in this case was to regulate that Virginians may see or hear about services offered in New York State. Had the statute been directed to the quality of medical practice, a different set of issues would have been raised, but it was directed at advertisements of medical services.

The Court stated that the commercial speech in this instance provided the public with useful information and said that "the relationship of [commercial] speech to the marketplace of products and services does not make it valueless in the marketplace of ideas."

Some commentators suggested that a major consideration in the court's decision in Bigelow was the fact that the activity advertised was in another State.

The following year, however, the Supreme Court followed *Bigelow* in a case involving a restriction on activities conducted in-state. In *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.,* 425 U.S. 748 (1976), the Court had before it a state statute prohibiting the advertisement by pharmacists of the price they charged for prescription drugs.

In weighing the competing interests in this case, the Court invested commercial speech with even more weight under the constitutional balancing-of-interests test than it did in *Bigelow* by stating that speech involved here—pure commercial speech—provides information which is in the public interest because society has a strong interest in the free flow of information on comparative prices of products—especially those vital to the health and welfare of consumers.

The Court said that the "state interest" in this case—the concern that price advertising would lead to price cutting and inferior service by pharmacists to the public—did not outweigh the public interest in comparing prices. Virginia already regulated the practice of pharmacy quite closely. The statute did not deal with professional standards, but was an attempt to achieve the state's goals through "the reaction it is assumed people will have to the free flow of drug price information." (Emphasis supplied.) The Court also pointed out that the law contested here would not work in any case because even under the prohibition, an unscrupulous pharmacist could still sell inferior prescription drugs in the price range which everyone else was charging. The result of the state statute, in the last analysis, was to keep the public in ignorance of truthful information of value to it.

Virginia Pharmacy to date remains the leading case on constitutional protection of commercial advertising and has been followed in later cases on the subject.

In 1977, the Court had an opportunity to apply the Virginia Pharmacy rationale to a case involving an attempted ban on information perceived by the community to thwart the purposes of the Fair Housing Act. It dealt with an ordinance by the town of Willingboro, New Jersey prohibiting the use by homeowners of 'for sale" and "sold" signs on their properties. Its purpose was to prevent "panic selling" of real estate in integrated neighborhoods in the community. Here, the Court was presented with issues involving the balancing of the community's lawful purpose of maintaining integrated and stable neighborhoods and the right of individual homeowners and real estate brokers to "advertise" the fact that a house was for sale or had been sold. The case was *Linmark Associates, Inc.* v. *Township of Willingboro,* 431 U.S. 85 (1977).

The Willingboro Township Council had passed the ordinance prohibiting the signs on all but model homes in March, 1974.

Statistics revealed that between 1970 and 1973 the population of Willingboro had grown only three percent after rapid growth in the 1960s. In this three-year period, non-white population had grown from 11.7 percent of the total population to 18.2 percent—an increase of 60 percent. Although the ordinance had been in effect for nine months prior to the trial, the Court observed that no data had been gathered to assess its effect.

The ordinance was challenged by a corporation desiring to sell a piece of real property in Willingboro. The District Court held the ordinance unconstitutional but was reversed by the third circuit, *Linmark Associates, Inc.* v. *Township of Willingboro,* 535 F.2d 786 (CA 3, 1976).

Justice Marshall, writing the unanimous opinion of the Court (Rehnquist not participating) said that the Township, to prevail, must show that its ordinance was "constitutionally distinguishable" from the bans on abortion and prescription drugs considered in Bigelow and Virginia Pharmacy;

"If the Willingboro law is to be treated differently from those invalidated in Bigelow and Virginia Pharmacy, it cannot be because the speakers—or listeners—have a lesser First Amendment interest in the subject matter of the speech that is regulated here. Persons desiring to sell their homes are just as interested in communicating that fact as are sellers of other goods and services. Similarly, would-be-purchasers of realty are no less interested in receiving information about available property than are purchasers of other commodities in receiving like information about these commodities. And the societal interest in the free flow of commercial information.' (quoting from Virginia Pharmacy) is in no way lessened by the fact that the subject of the commercial information here is realty rather than abortions or drugs." (Emphasis supplied.)

The court went on to say that the community's interest in achieving integrated housing was a strong and legitimate one validated by the Fair Housing Act—as was the State of Virginia's interest in assuring the quality of prescription drugs in Virginia Pharmacy—but the court here, as in Virginia Pharmacy, held that the statute was an unconstitutional abridgement of free speech on two grounds.

First, the ordinance was not necessary to preserve integrated housing because there was no evidence of so-called white flight taking place. Second, the ordinance restricted the free flow of truthful information of definite value to the public.

The court left open the possibility that it might have reached a different conclusion had there been strong evidence of panic selling and if there were evidence that the banning of "for sale" signs would have been effective in reducing panic selling.

A seventh circuit case decided in 1974, *Barrick Realty* v. *City of Gary,* 401 F. 2d 161 (CA 7, 1979), had upheld a similar ordinance on evidence that there was in fact panic selling caused by both the signs and concerted efforts of real estate brokers to encourage whites to sell. Justice Marshall in Linmark distinguishes its facts from those in Barrick and states that the court expresses no view as to whether it would reverse Barrick were it to consider that case in light of Linmark.

This statement hints that the court might have upheld the ordinance had the "for sale" signs proven to be evidence of panic selling and *if* their prohibition could be shown to have an effective way of reducing such selling. The court, however, also cited a study by Laska and Hewitt, "Are Laws Against 'For sale' Signs Constitutional?", 4 Real Estate L. J. 153 (1975), which provides evidence that a ban on for sale signs is not only ineffective as a means of reducing panic selling—because there are obviously other means of making known the fact that a house is for sale—but also may exacerbate the situation by making homeowners in the community more dependent on rumor and innuendo.** Thus the court indicated that evidence about how the market place actually works would be relevant in assessing the effectiveness of restrictions designed to affect its behavior.

Linmark and its predecessors suggest that government restrictions on commercial speech cannot be undertaken lightly. The restrictions must apply to speech which itself is a violation of a valid law, as in Pittsburgh Press above, or it must be justified on the basis that it is otherwise necessary to achieve a valid governmental purpose. In the latter event, the "societal value" of the suppressed information must be weighed against the purpose for which it is suppressed and the effectiveness of the suppression in achieving that purpose.

There does not appear to be any evidence that Congress, in enacting the Fair Housing Act, intended that it prohibit speech relating to factors having a documented relationship to market value. It is also evident, as discussed below, that accurate determinations of market value of real property are essential to the protection of both buyers and sellers of houses, and to a sound system of housing finance.

Even on such emotionally charged subjects as abortion and fair housing, the government's determination that the suppression of certain truthful information is good for the public is not enough.

B. "Linmark" and the HUD ban

After Linmark, it seems clear that HUD's policy that "Factors relating to race, color, religion, sex or national origin, or to social, religious and ethnic identification of neighborhoods are not relevant to the estimation of value and should not be considered in connection with appraisals on real property.", is suspect from a constitutional standpoint.

There is little question that the Fair Housing Act permits suppression of certain kinds of commercial information. Advertisements, for example, which show an overt racial preference are prohibited. Although the question was not litigated in AIREA, it seems clear a priori assumptions about the effect of racial or ethnic factors on market value violate the Fair Housing Act, the standards of professional ethics of the appraisal organizations, and possibly any other statute which requires that accurate determinations of such value be made.

The question raised by the appraisal groups, however, deals with more subtle issues, and these are the extent to which racial and ethnic factors actually affect market value, the extent to which the effect of such factors on value can be documented, and the extent to which direct reference to such factors is necessary to provide a complete and accurate appraisal report.

That the need for accurate appraisals meet the "societal interest" requirement of Virginia Pharmacy and Linmark seems self-evident, since they are the cornerstone of a "safe and sound" system of housing finance.

Under-appraisals of houses for sale require the seller to sacrifice equity, or the buyer to come up with a larger downpayment. An over-appraisal may simply encourage the owner to hold out for an artificially high price. In either case, potential buyers, who would otherwise be able to afford the house, would be disqualified.

Accurate appraisals of the value of property securing a mortgage are obviously critical for the safety of financial institutions and for the protection of the funds of their depositors.

The whole point of the Justice Department's case in AIREA was, after all, that the practice of assigning lower values a priori to certain properties because of assumptions based on racial and ethnic stereotypes constituted a distortion of market value.

For the reasons stated herein, it seems clear that the courts would examine these questions closely in any litigation involving standards such as HUD's, and it is suggested that agencies promulgating standards on this subject consider them carefully as well.

While it is true that an appraisal report is not an advertisement, it is clearly commercial speech. The fact that this "speech" is directed initially to a more limited audience than the general public, does not lessen the right of the "listener" in this case to receive the information.

While Linmark suggests that suppression of commercial speech would be upheld if the speech was an obstacle to the achievement of a valid governmental purpose, it seems doubtful that suppression of facts directly bearing on market value would ever achieve the purposes of the Fair Housing Act. Such suppression would cause the appraiser either to omit a relevant factor in the appraisal report, or give an inaccurate estimate of market value. Either occurrence would be a disservice to the client and a compromise of professional standards. More importantly, the suppression would not accomplish the desired result.

Even if genuine "panic selling" had been found in Linmark, the court, as noted above, cited evidence that the suppression imposed would not work. Similarly, it is suggested that in that situation that suppression of the reasons for the unusual market behavior—reasons which obviously are well known by the panic sellers—would not abate the panic.

Mr. President, may we have order?

The PRESIDING OFFICER. Will Members please take their seats and clear the aisles?

Will Members and their staff please clear the aisle?

Pursuant to the Senator's earlier request the Chair will advise the Senator from New Hampshire that he has 1 minute of time remaining.

Mr. BAKER. Mr. President, might I inquire is that the same time that the Chair had apprised us of previously?

The PRESIDING OFFICER. The Chair is informed that an error was previously made and the Senator from New Hampshire received 20 minutes over and above what he was entitled to.

Mr. BAKER. Mr. President, I expect neither the Senate nor the Senator from New Hampshire will count that as an unmixed blessing.

But might I inquire of the majority leader if he has any plans now to proceed to any other matter at this point?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I wish to proceed to Calendar Order No. 1159 which is the Lake Tahoe measure. I wish to take the D.C. appropriations conference report this evening and possibly the agricultural appropriations conference report if we could get consent to proceed with these matters under a brief limitation of time.

Mr. BAKER. Mr. President, will the majority leader yield to me for a brief moment?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I believe we are prepared on this side to not object to the unanimous consent to set aside the debate on the pending measure for the purpose of considering these items, assuming that we can establish some time to recess the Senate tonight and some hour at which we could reconvene tomorrow and the status of these measures at the time we do reconvene.

Mr. ROBERT C. BYRD. Mr. President, several hours have been spent by Members in the effort to resolve some of the issues connected with the fair housing bill, and I think some progress has been made.

Senator Kennedy, Senator Hatch, Senator Thurmond, Senator Javits, and other Senators have met from time to time throughout the afternoon and evening, and they have reached a point where they feel that they wish to take a little time to consider some of the proposals that have been suggested and they will be meeting again tomorrow morning.

So that being the case and with such progress having been made and some prospects of further progress, I think it would be well if the Senate could proceed to take up other business which needs to be done before the Senate adjourns sine die and in that way we will be expediting the business of the Senate to the advantage of all concerned.

UNANIMOUS-CONSENT AGREEMENT

I therefore, ask unanimous consent that the Senate now proceed for not to exceed 15 minutes on Calendar Order No. 1159, the Lake Tahoe measure, and following that to proceed with the D.C. appropriations conference report with the understanding if any rollcall vote is ordered that it will be put over until tomorrow and then following that perhaps if I could secure the appropriate papers perhaps proceed to the agricultural appropriations conference report with the understanding that if more than 1 hour is spent on any one of these measures, the Senate would set the measure aside for the time being unless further unanimous consent can be granted.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, and I do not plan to object, I wonder if I understand the majority leader's request clearly, that is, it would be his hope that we could proceed to all three measures that he has just identified but in any event if we conclude, say, one or two of those tonight, that we would recess the Senate tonight until sometime in the morning.

Mr. ROBERT C. BYRD. Yes. That is the case. If such unanimous consent is granted I would then ask unanimous consent that the Senate go over until 10 a.m. tomorrow, but I will not press that request at this time.

Mr. BAKER. Mr. President, reserving the right to object, I fully concur in that, and I assume then that in response to the request put by the majority leader if it were granted that the parties would be in exactly the same shape in the morning when the Senate reconvenes as we leave them at this point tonight.

Mr. ROBERT C. BYRD. Yes, with reference to the motion to proceed, that is correct.

Mr. BAKER. Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. Mr. President, is it my understanding that there will not be a vote either on the District of Columbia appropriations bill or the agricultural bill? The leader only spoke about a vote on the District of Columbia bill being held over until the morning.

Mr. ROBERT C. BYRD. Mr. President, if a rollcall vote is requested I would seek to put the rollcall vote over until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. KENNEDY. Mr. President, it is the leader's intention after concluding that legislation to return to this matter?

Mr. ROBERT C. BYRD. Yes. It would be the intention that on tomorrow, or even tonight if any Senator wishes to speak thereon, the Senate would return then to the motion to proceed which would remain in the same status as now.

Mr. KENNEDY. So with regards to this matter for this evening we have at least included the possibility of that.

Mr. ROBERT C. BYRD. Yes.

LAKE TAHOE BASIN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1159, H.R. 7306.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7306) to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 4, line 2, strike "States:", and insert the following "States: *Provided*, That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.".

On page 4, line 11, strike "Twenty", and "Ten";

On page 4, line 20, strike "The" through and including line 25;

On page 7, line 10, strike "September 8, 1980" and insert "the date of enactment of this Act";

On page 7, line 21, after the comma, insert the following: "the Tahoe Regional Planning Agency";

On page 8, line 1, strike "on or before December 31, 1980" and insert the following: "within six months of the date of enactment of this Act";

On page 8, strike line 11 through and including line 16;

On page 8, line 17, strike "(D)" and insert "(C)";

On page 8, line 18, beginning with "lands", strike through and including line 22;

On page 9, strike line 12 through and including line 14;

On page 9, line 15, strike "(v)" and insert "(iv)";

On page 9, line 17, strike "(E)" and insert "(D)";

On page 9, line 23, after the comma, insert the following: "the Tahoe Regional Planning Agency";

On page 10, line 1, after the period, insert the following: "The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis."

On page 10, line 10, beginning with "(1)" strike through and including "(2)" on line 12:

On page 11, line 3, strike "air, water, or visual qualities" and insert the following: "water quality";

On page 11, line 8, after "Agriculture", insert the following: "with the concurrence of the Tahoe Regional Planning Agency";

On page 11, line 16, strike "air, water, or visual qualities" and insert the following: "water quality";

On page 11, line 20, strike "air, water, or visual qualities" and insert the following: "water quality";

On page 12, line 4, strike "September 8, 1980" and insert the following: "the date of enactment of this Act";

On page 14, line 17, strike "1981" and insert "1982";

On page 14, line 18, strike "1982" and insert "1983";

On page 14, after line 24, insert the following:

"Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the provisions of section 7(a) (1) of the Land and Water Conservation Fund Act of 1965."

On page 15, line 6, strike "1980" and insert "1981";

On page 15 after line 9, insert the following:

SEC. 4. (a) (1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Majorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Mr. ROBERT C. BYRD. Mr. President, I have called this measure up at the request of Mr. CANNON.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

UP AMENDMENT NO. 1819

(Purpose: To provide the Tahoe Regional Planning agency the authority to concur in the acquisition authority of the Secretary of Agriculture in the Lake Tahoe area)

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) for Mr. CANNON and Mr. LAXALT proposes an unprinted amendment numbered 1819:

On page 13, line 13, after the word "Agriculture" insert "with concurrence of the Tahoe Regional Planning Agency".

● Mr. CANNON. The amendment requires that the planning body in the Tahoe Basin, the Tahoe Regional Planning Agency, concur in the acquisition of land through condemnation. While concurrence is required in the bill for improved lands considered to be environmentally sensitive, this amendment will extend the concurrence requirement to all such environmentally sensitive lands acquired under the act. We feel that, in order to be equitable, it was important that this requirement for concurrence apply equally to improved and unimproved lands in the basin.

I move the adoption of the amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1819) was agreed to.

● Mr. CANNON. Mr. President, passage of the Lake Tahoe Basin bill, H.R. 7306, marks an important milestone in the protection of the scenic and wildlife values at Lake Tahoe.

This alpine lake rivals in beauty any spot in the world to which it might be compared. Unfortunately, the fragile alpine nature of the lake and its location in a natural basin makes it particularly susceptible to damage from untrammeled growth. Alarm over the degredation caused to the air and water resources by this development has led to calls for regulating further development and reclaiming endangered areas. The bill provides a novel and effective means of securing particularly sensitive areas for management by the Forest Service.

The bill creates a self-sustaining fund for the acquisition of lands deemed to be environmentally sensitive. This fund will be generated by the sale of checkerboarded Federal lands in Nevada. Such checkerboarded lands are difficult and costly to administer and in that sense will relieve the Bureau of Land Management of a difficult task. At the same time it will bring onto the tax rolls lands which now provide no local revenue in a State which is 87 percent federally owned. It is a good solution.

The measure has been the object of hearings both in the Congress and in the field. I believe the bill before the Senate is the most equitable that could be provided and I welcome this opportunity for the Senate to act on the measure.●

Mr. HAYAKAWA. Mr. President, as everyone understands, Lake Tahoe is a very, very beautiful place but there are conflicting interests in gambling, commerce, casinos, and the beauties of nature which are certainly outstanding there and, therefore, I would like to commend Senators LAXALT, CANNON, and CRANSTON, and Congressmen BURTON and SANTINI for their efforts in producing this legislation which represents a compromise worked out over very many, many years of serious negotiations.

This bill recognizes the need to preserve a unique and fragile national environmental treasure in the Lake Tahoe basin. Various government studies over the last 25 years have carefully documented the air, water, soil, and visual degradation of the basin. The conclusion of these studies is that the Lake Tahoe basin has deteriorated in a measurable, cumulative way since 1970. Passage of this legislation will help to halt this deterioration by reducing the impact of further development on environmentally sensitive lands. In addition, this legislation offers a solution to the problems associated with "checkerboarded" land management in Clark County, Nev.

Mr. President, passage of this legislation will benefit those who use and enjoy the attractions of Lake Tahoe, as well as those who will appreciate its natural beauty in future generations. In addition, this bill will benefit those who feel the Tahoe basin is best governed and protected by local and State government bodies with minimal assistance from the Federal Government.

I, therefore, support H.R. 7306 and I ask unanimous consent to have my name added as a cosponsor, and I urge speedy action on this legislation. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, a major goal of mine and of countless Californians, many Nevadans, my colleague from California and others, has been to save Lake Tahoe, one of the great jewels of beauty in the United States and in the Sierra Nevada Mountains, from overdevelopment and from destruction.

The measure that is now before the Senate is by no means a perfect one, but it is a major step in the direction of saving the beauties of Lake Tahoe not only for the people of California and Nevada but for all of the people in this country and the world to enjoy in days on into the future.

I have spent many summers, many weekends, many days on the shores and on the waters of Lake Tahoe and among the beautiful trees and mountains that surround it, and I am thrilled that we are taking a significant step forward in preserving the beauties of that part of our America, and I urge support of this measure.

Under this bill, the revenue generated by the sale of Bureau of Land Management lands in Nevada will provide the funds necessary for the Forest Service to purchase environmentally sensitive lands at Tahoe.

This is not as strong a bill as I originally cosponsored and supported. Several amendments were adopted in committee and here on the Senate floor, and as a result I am concerned that the bill fails to protect air and visual qualities of the Tahoe Basin. There is no longer any authority for the Secretary of Agriculture to acquire lands for this purpose.

Also I am concerned about the dilution of the Secretary of Agriculture's power to protect the Federal interest at Lake Tahoe. By requiring TRPA concurrence of any condemnation of property at Tahoe—improved or unimproved—there is no guarantee that the Federal Government will be able to halt activities which threaten Lake Tahoe's water quality.

Questions also may be raised about TRPA's own planning and zoning if TRPA is part of the Federal land acquisition process.

Nonetheless, I believe that this bill provides a workable solution to the Tahoe problem. It is at least a good beginning. We may have to do more in the future. I'm pleased to have the opportunity, now, however, to support this legislation to protect this extraordinarily beautiful alpine lake.

● Mr. LAXALT. Mr. President, on behalf of myself and the Senator from California (Mr. HAYAKAWA) I want to state that through this bill we have an opportunity to help Federal and local governments join hands to protect a great national treasure.

I have been going to Lake Tahoe for more than 50 years, man and boy. I grew up in its shadow and developed quite early an appreciation of and respect for what it should mean to all of us.

Lake Tahoe, if any of you are unfamiliar with it, is an alpine body of water of near breath-taking beauty. Until you see it you simply cannot grasp the glimpse it offers at near perfection in water quality. It is a marvelous gift from our Creator.

But its beauty has also been its burden. In the last two or three decades, its attraction has meant a sharp increase in the number of people visiting this mountain jewel and in the number of people who would establish permanent year-round or vacation homes along its shores.

As man's imprint has become more readily defined, concern has become widespread that the waters of Lake Tahoe are being degraded. Some of these concerns probably have been exaggerated, but it is obvious today that we must draw the line on future development, particularly in certain environmentally sensitive areas of the Tahoe Basin.

The legislation you are being asked to approve today, H.R. 7306, I am convinced, will help safeguard the future of Lake Tahoe and at the same time will protect the rights of private property owners near it.

What does the bill do?

In simple terms, public lands in and around Las Vegas, Nev., will be sold, with the revenues being used to purchase private property at Tahoe. The property to be purchased will be determined by the Secretary of Agriculture through the U.S. Forest Service, with the cooperation of local governments and the bistate Tahoe Regional Planning Agency.

I believe the best approach for dealing with Tahoe's problems is through local, State, and regional governments, and every effort has been made to assure their participation as this legislation is carried out. Importantly, H.R. 7306 has the support of government at all levels, and the support of Tahoe interest groups and private citizens. Three field hearings were held, including one in the Tahoe Basin, and local concerns have been aired in detail and the bill has been amended to meet some of these concerns.

In summary, let me say that the original intent of this legislation was to protect Lake Tahoe's water quality. The bill before you does just that. Congressmen SANTINI and BURTON, who authored the bill, have come up with a unique method of financing the acquisitions, and their legislation calls for the outlay of a minimum amount of Federal funds. This bill permits the Forest Service to use condemnation powers, but in very limited circumstances and then only with the concurrence of the TRPA. Personally, I believe those powers will never need to be used. Finally, the bill protects private property owners—largely individuals owning small lots on which they dreamed of building someday—who are being asked to give up their property for the sake of Lake Tahoe's beauty.

Finally, H.R. 7306 is a much-preferred alternative to proposals to create a national scenic area at Tahoe. Such proposals would turn over the total management of the basin to the Federal Government. I find that objectionable and so do Lake Tahoe residents.

I urge approval for what is actually just one auxiliary step toward protecting Tahoe for all time.

As I said last May when I introduced this bill into the Senate, I believe the most effective tool we have for dealing with Tahoe's problems is the bistate Tahoe Regional Planning Agency. The Congress has now approved a new TRPA agreement which has been hammered out in very painstaking fashion by the States of California and Nevada.

With a revitalized TRPA and with

passage of H.R. 7306, I am convinced that this Nation will have done much to guarantee that the beauty that is Lake Tahoe remains in the eyes of its beholders for generations to come.

Mr. President, the bill now provides that in determining fair market value of property to be purchased, the impacts of the adoption of the Santini-Burton bill shall not be considered. However, there is concern that appraisers would have to take into account the impact of the moratorium imposed in the new Tahoe Regional Planning Agency compact, new restrictions inevitably imposed by the Tahoe Regional Planning Agency, as well as other existing restrictions that have now been put in place on the California side of the basin by the California Tahoe Regional Planning Agency and the State water resources control board. To the extent that these various moratoria and restrictions make nearly 50 percent of the property in the basin "unbuildable", the value of those properties may have been adversely affected.

The intent of the Burton-Santini acquisition program is to provide an equitable and fair market value compensation to owners whose lands are being purchased.

As was provided in proposition 2 submitted to California voters in the general election on November 4, 1980, a measure intended to buy environmentally sensitive land in the Tahoe Basin, if land value was substantially reduced by any State, regional, or local action adopted after January 1, 1980, the land would be purchased at a price that would assure fairness to the land owner.

It is the intent of this legislation to provide that same assurance of fairness to the affected land owners.

Accordingly when the Secretary determines that State, regional, or local action taken after January 1, 1980 has significantly reduced fair market value of lands to be acquired, it is the intent of this legislation that the Secretary is authorized to determine a fair and reasonable price for the land that takes into consideration such factors as original price, special assessments and taxes paid and any other factors the Secretary determines should be considered to provide that a fair and reasonable price is paid for the land.●

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and, as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDATION OF MARY JANE CHECCHI

Mr. ROBERT C. BYRD. Now, Mr. President, I send to the desk a resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

SENATE RESOLUTION 554

Whereas Mary Jane Checchi has served as an exemplary Chief Counsel and Staff Director of the United States Senate Democratic Policy Committee during the 96th Congress;

Whereas Mary Jane Checchi has persistently worked to achieve those goals that will improve our nation;

Whereas Mary Jane Checchi has served the Senate, the Senators of the Democratic Majority, the Senate Leadership, and her Staff with unparalleled competence, dedication, and loyalty;

Whereas Mary Jane Checchi has greatly assisted the Democratic Leadership by assembling a staff of the highest calibre and has consistently inspired her staff to work to the best of their abilities; and

Whereas Mary Jane Checchi is an outstanding lawyer, and who is incisively intelligent, persuasive, compassionate, analytical, and hard-working, *Now, therefore be it*

Resolved, that the Senate of the United States extends its appreciation and gratitude to Mary Jane Checchi for her devoted and superb service to her Country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Mary Jane Checchi.

The Senate proceeded to consider the resolution.

A TRIBUTE TO AN EXCEPTIONAL STAFF DIRECTOR

Mr. ROBERT C. BYRD. Mr. President, the U.S. Senate is an extraordinary body. And, as I have said before, Senators have rendered exceptional service to the country during the 96th Congress.

But there are hundreds of men and women on the Senate staffs, in every office and department, who work with us. The dedication, loyalty, and caliber of work of many of these staff people are remarkable.

From time to time, however, the quality of counsel, skills, and talents of an individual staff member are so commendable as to earn the genuine gratitude of all Senators. In such a case, one of the highest tributes we can pay is to single that person out for recognition on the floor of this Chamber.

As this session draws to a close, I want to extend just such recognition to one such person. During the 96th Congress, Mary Jane Checchi has served as staff director of the Democratic Policy Committee. Because of the special nature of the Policy Committee. Ms. Checchi has been directly responsible for providing vital day-to-day services to all Senators. In addition, she has won the respect and admiration of the Senators with whom she has worked personally during this Congress.

Ms. Checchi is the first woman to serve as staff director of the Democratic Policy Committee. In fact, she is only the second woman to serve as a committee staff director in the history of the Senate. She came to this position with an enviable educational and professional background. She graduated magna cum laude from Vassar College. She earned her juris doctor degree from the University of Chicago Law School.

She has also done postgraduate study at the University of Geneva and Georgetown University. Prior to becoming staff director of the Democratic Policy Commitee, Ms. Checchi provided legal and legislative research and assistance to several professors of law and U.S. Senators. She served as deputy counsel to the Senate Budget Committee. She also served as my staff member on the Judiciary Committee, and on the staff of the Democratic Policy Committee.

The many tributes paid to her by her staff colleagues underline her unique abilities. Attention has been called to her rare qualities of mind, her ability to assimilate facts, assess complicated situations, refine problems into their most elementary terms, and then to recommend decisions and actions in a clear, concise manner. I would add that her wise and professional advice has been of inestimable value to the functioning of the Democratic Policy Committee and to me.

Throughout her months of service with the policy committee, Ms. Checchi has demonstrated an exceptional range of legislative, legal, and administrative abilities. She possesses political acumen and personal warmth. Her mind is capable of a high degree of legal precision and legislative perception. In addition, she has been able to coordinate and inspire, to manage and personally counsel a significant and talented staff.

Ms. Checchi is voluntarily leaving Capitol Hill for the private sector. As she leaves the Senate staff, I know that I speak for many Senators and staff people in thanking her for the excellent job she has done and for contributing so directly to the successful achievements of the Senate during the 96th Congress. We shall miss her, and we shall never forget the extraordinary talents she shared with us.

Mr. BAKER. Mr. President, I will not take but just a moment. I would feel derelict if I did not take a brief moment of the Senate's time, even at this late hour, to speak on behalf of the minority and our appreciation of Mary Jane for her singularly efficient service not only to the majority but to the Senate as a whole.

I am delighted that she is here in the Chamber to hear these words of tribute and to witness the passing of this resolution, which she so richly deserves.

It may be that the perspective from the other side of the aisle may add something to the richly deserved words of praise of the majority leader, but that perspective from this side is of a person who is dedicated, who is capable, who is loyal, and who has rendered singular service to the Senate, and we are all in her debt.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Republican leader for his words of praise.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 554) was agreed to.

The preamble was agreed to.

[Applause, Senators rising.]

DISTRICT OF COLUMBIA APPROPRIATIONS, 1981—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 8061 and ask for its immediate consideration.

I do this on behalf of Mr. LEAHY, the chairman of the Appropriations Subcommittee for the District of Columbia.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 21, 1980.)

Mr. LEAHY. Mr. President, the conferees on the District of Columbia appropriations bill (H.R. 8061) met on November 21, 1980, and developed an agreement that in terms of dollars is essentially the same as that passed by the Senate on November 17, 1980. I regret that the Senate policy of not directly interfering in matters which do not have a clear Federal interest was not completely sustained throughout this conference agreement. However, the end result is a bill which provides as much funding as can be justified, and leaves as many decisions as possible, in the hands of locally elected officials. I think conference agreement is one that deserves the support of every Member of the Senate.

By way of comparison, the conference agreement is far closer to the Senate bill than the House bill. A Federal payment of $295.4 million has been agreed to, which is $600,000 below the Senate mark and $4.7 million above the House mark. Total Federal funds in the conference agreement amount to roughly $491 million—$2.3 million over the Senate mark and $18.9 below the House mark. For District of Columbia funds, the conferees have agreed to a total of $1.741 billion, which is $3.3 million above the Senate mark and $23.9 million below the House mark.

FEDERAL FUNDS

FEDERAL PAYMENT

The Federal payment agreed to by the conferees will provide sufficient resources, when combined with estimated local revenues, to result in a budget that is balanced on an accrual basis. As I mentioned earlier, the final conference agreement on the Federal payment, $295,400,000, is just $600,000 below that originally recommended by the Senate.

DEMONSTRATION EXPENSES

Although both bills contained special appropriations to cover anticipated expenses incurred in connection with the upcoming Presidential inaugural, only the Senate bill included $3.3 million to reimburse the city for payment of claims and judgements resulting from the mass arrests of the 1971 May Day demonstrations in Washington. The conferees have accepted the Senate position, and provided a special account for these funds.

LOANS FOR CAPITAL OUTLAY

Just over $130 million has been provided for loans to finance capital outlay projects, again much closer to the Senate level than the House level. The amount was determined by the number of specific projects approved under the capital outlay section of the bill.

In addition to the dollar amounts approved in the Federal funds portion of the bill, the conferees have accepted Senate proposed report language concerning loans for land acquisition on the Convention Center project. The city borrowed some $15 million from the U.S. Treasury for this project. Treasury, not aware of the specific purpose for this money, agreed to the normal 30-year repayment schedule.

The problem with this action is that it violates earlier agreements made with Congress concerning the financial aspects of the Convention Center. The intent of Congress was that the city enact taxes to generate sufficient new revenues to cover all of the land acquisition costs and the early operating costs so that the project would not create an additional burden on the local taxpayers. The city has enacted the taxes, and will collect adequate revenues in less than 5 years. The city, however, had no intention of repaying the U.S. Treasury loans earlier than the negotiated term.

The result, Mr. President, is that the city would create a cash reserve—or a slush fund—with no oversight or control by either the City Council or Congress. The conferees wisely accepted the Senate proposed language directing the city to establish a 5-year repayment schedule of these loans with the U.S. Treasury. Quite simply, the U.S. Treasury would be repaid rather than allowing the funds to be used in some uncontrolled manner by the city.

DISTRICT OF COLUMBIA FUNDS

As I mentioned earlier, the conference agreement on the District of Columbia funds contained in the bill is $1.741 billion. I will not go over each and every change from the Senate position, but rather highlight the significant adjustments.

FUNDING FOR POLICE AND TEACHERS

Although the House conferees were generally in agreement with the Senate policy of not interfering with priorities established by local officials, in two areas of the budget there were significant differences.

The House added to the city's budget request in the areas of police and public school teachers. Both of these areas had been reduced by action from the City Council and the Mayor within their internal procedures. The Senate agreed to these local decisions in that there was no apparent Federal interest.

The House conferees disagreed. Their position was that both police staffing levels and the quality of education in the District were matters of Federal concern, and therefore required congressional oversight. The Senate therefore agreed to include in the conference agreement $6 million of the $6.4 million House increase for the Police Department and $1.25 million of the $2 million House increase for the public school system.

Mr. President, in order to accommodate these adjustments and remain within the limits of the Federal payment, however, the Senate conferees were required to recede on nearly $8 million of items which previously had gone untouched, in line with the stated policy of not interfering with local matters. I regret that such action had to occur, not only because it violates the principle of "Home Rule," but because it opens a door for the Mayor and others to blame the Congress for any problems that develop.

As we well know, the Mayor has not held back on blaming Congress for the financial difficulties of the District, or for the shortcomings in the Federal support for the retirement program, or for the failure to enact "realistic" Federal payment legislation. We have all heard that the District, under "Home Rule," was meant to sever ties with Congress and become a municipality. I support that status, and the city desperately wants that status. But when the chips are down, the city decides it is far better to remain intimately connected with Congress. After all, without the aid of Congress, how will the city erase, or begin to erase, the accumulated deficit? The Mayor tells the public he does not expect Congress to live up to its responsibility, and he will instead develop an independent means of overcoming the city's problems. Unfortunately, the salvation developed by the Mayor involves the Congress every step of the way.

Mr. President, my intent in pursuing a hands-off policy for the city was also to address this attitude. If the city wants true Home Rule, if it wants budget autonomy, then let the locally elected officials be held totally accountable for their actions and decisions. Let us eliminate the finger pointing recently used by the city to explain to the local voters how the current financial situation developed. The Senate position on the budget would have clearly provided, in fiscal year 1981, a budget whose implementation could be used as a measure of performance by local voters.

This particularly disturbs me because I will no longer have the opportunity to manage this appropriation bill on the floor of the Senate. I only hope that the next subcommittee chairman will examine the alternatives carefully before developing a policy on handling the city's budget request.

SPECIFIC CHANGES FROM SENATE BILL

Now, getting back to the major items which the Senate conferees agreed to delete from the budget, there are several large dollar amounts I would highlight. Under the conference agreement, the funding for the local advisory neighborhood commissions is reduced from the $1.3 million requested to $719,000. Had the Senate position prevailed, these commissions would have been fully funded for the first time.

Under the Department of Housing and Community Development, the $1 million requested to establish a rent supplement program has fallen by the wayside. Total funding under the Department of Employment Services for year-round jobs for youth programs will be $3.4 million instead of the $4.9 million requested. The total available for payments to Saint Elizabeths hospital has been reduced by $1.6 million. There are many other specific changes that I will not detail since the conference report clearly explains all adjustments.

PERSONAL SERVICES ACCOUNT

The conferees have agreed with the Senate position doing away with the personal services account. This account was a central depository for the cost-of-living pay raise amount for all city employees. The full $25 million had been approved, but it is now allocated directly to each agency and department of the local government. This action finally places the city budget in a true mission-oriented format, an action which was begun in 1978.

CAPITAL IMPROVEMENTS PROGRAM

Mr. President, one area of the budget has of late been slighted by both the city and Congress, that area being capital improvements. The tendency is to include this amount as an afterthought when discussing the budget, and it is generally not included in budget totals used by many people since it is not an operating program. However, it has a very clear and direct impact on the operating budget and subsequently on the financial condition of the city.

The capital outlay section of the bill authorizes the city to borrow from the U.S. Treasury to finance specific capital projects. The repayment of those U.S. Treasury loans appears annually in the operating budget of the District of Columbia. The repayment of loans has been characterized by the Mayor and others in local government as an "uncontrollable" expense. I think that is a totally unfair characterization. The simple, direct means of controlling loan repayment is to limit borrowings to legitimate needs.

Mr. President, a look at the President's budget for the District of Columbia over the past few years will show that the city's capital outlay program has clearly been too ambitious. The key to such an analysis is obligation of authority, and the record is not good. In fiscal year 1978, the unobligated carryover was $128 million. That is authority which Congress approved at the insistence of the city and on the assurance that the funding could and would be obligated in a timely and productive fashion. Think of the importance of that amount. It is nearly half of the Federal payment approved in this bill. Fiscal year 1979 was greatly improved, but the carryover was still $28 million. I suspect that fiscal year 1980 will be no better when the final figures are in after the audit is conducted.

The point, Mr. President, is that the overall program is clearly more than the city can handle. The Senate responded by requesting a priority listing of projects so that specific projects could be eliminated when a cut-off point was determined. That is exactly what took place. The specific projects denied in the Senate passed bill were determined by a priority list supplied by the city.

Now, after that action was made known, the priority list was suddenly in need of adjustment. The city discovered that they perhaps should have given a higher priority to certain projects. I would have no objection to changing priorities, and informed the House conferees of that fact. My concern was developing a realistic level of authority for the overall capital improvements program.

While I had hoped the city would learn the importance of priorities by being held to their original listing, the House insisted on adding two projects to those approved by the Senate. Those projects are $2,530,000 for master utility work at the Fort Lincoln project and $363,900 for roadside improvements. The total approved by the conferees for capital outlay is $220,908,400, which is $2.9 million above the Senate mark and $26.9 million below the House mark.

GENERAL PROVISIONS

Finally, Mr. President, the conferees have accepted several Senate initiated changes in the general provisions section of the bill. I would note that the Senate deleted several provisions making the bill more consistent with the hands-off policy.

Although the conference agreement retains the restriction on installation of meters in taxicabs, the City Council has been requested to provide their views on the advisability of continuing this restriction in the future to both House and Senate Appropriations Committees.

The conferees have agreed with the Senate proposal to delete the general provisions limiting the salaries of chauffeurs for city officials. I think it is rather clear that this is a purely local matter.

The House passed provision relating to the funding of abortions has been retained. This language limits the use of Federal funds for abortions to cases of rape, incest, or when the life of the mother would be in danger if the pregnancy were carried to term.

Finally, Mr. President, two provisions relating to street lighting have been deleted, as suggested by the Senate. The first removes the restriction on payment of rates for electric current for street lighting in excess of 2 cents per kilowatt hour. The city is thus permitted to, and indeed is responsible for, paying the full rate for electric current for street lighting as determined by the Public Service Commission. The other language which has been deleted relates to a restriction of payment of a legal judgment for failure to pay the prevailing rate for street lighting.

The Potomac Electric Power Co. won a judgement earlier this year amounting to roughly $2.5 million plus interest which represents the difference between actual payments made by the city for street lighting at 2 cents per kilowatt hour and the fair rate for street lighting as determined by the Public Service Commission for a specific period of time. Conference report language notes that the Potomac Electric Power Co., is willing to work out a 10-year plan for payment of this judgement, finally resolved by the court of appeals in May of this year, and directs the city to pursue this matter.

Mr. President, I would now like to take a moment to acknowledge the contribution that certain staff members have made to the enactment of this bill. John Gnorski, the subcommittee counsel, and Betty Hoem, his assistant have very ably taken the agreements reached by the conferees and forged them into the report before the Senate today. They have not been alone in this task. As I am certain Senator MATHIAS will note, Wallace Berger, of the minority staff, has worked equally hard on this bill. Collectively, their knowledge of the operations of the local government are unmatched.

Mr. President, as I have said many times in this Chamber, I have been truly honored to serve with Senator MATHIAS as the ranking member of the District of Columbia Subcommittee. I will now yield to him for any remarks he may wish to make.

Mr. MATHIAS. Mr. President, I wish to comment briefly on this conference report.

First, I would like to express my personal appreciation to the Senator from Vermont (Mr. LEAHY) the chairman of the subcommittee for his diligent attention to business in connection with this whole appropriation process. He has exhibited those sterling qualities of the granite of the State that he represents. He is frugal and tough and hardworking. In fact, his work habits challenge a statement made by the late lamented Mae West who said that you cannot have enough of a good thing. And the chairman of our subcommittee, by calling committee meetings at 7 o'clock in the morning, raises at least a reasonable question about the accuracy of the statement that Miss West is supposed to have made.

But, nonetheless, we did hold those meetings at 7 in the morning. We heard many witnesses and we compiled a very extensive record of the needs of the District of Columbia. This conference report is reflective of those extensive hearings.

I call the attention of the Senate to just three matters that I think should be held in mind as we act on this amendment. First is that the Federal payment that was finally agreed is, as the Senator has suggested, $295,400,000. That is getting very close to the limit of the authorization. That is a kind of a warning sign that the authorization now on the books is very nearly exhausted. Whether by reason of increasing expenses of the District of Columbia or whether by reason of the effect of inflation, I think the Congress next year is going to have to look at the authorization as well as the appropriation. I hope that we could do that in a positive and in a helpful way.

Second, I point to a rather extraordinary feature of this conference report. The conference action provides $118,013,200, instead of $113,522,100 as proposed by the House and $112,013,200 proposed by the Senate. In other words, the conference report provides for $6 million more than either House for the Metropolitan Police Department.

I make a special point of that because the conferees are concerned with the low level of staffing of the uniformed police force. They specifically direct that no further reductions be made in the number of sworn officers below the current level. The conferees further direct District officials to move aggressively toward a hiring and training program that will bring the employment level of the Metropolitan Police Department above the level of 3,800 filled sworn police officer positions immediately. This has been a matter of special concern for the distinguished Representative from Kentucky (Mr. NATCHER). I have concurred with Mr. NATCHER in his concerns in this respect. I am glad the conference has taken this action.

Finally, Mr. President, I point out that the Senate has virtually doubled the amount proposed by the other body for the Office on Latino Affairs. That has been a subject of some interest, particularly among the members of the Hispanic community, the growing Hispanic community in the District. I am hopeful that this action by the conference committee will mean that there will be adequate programs for the Hispanic community to help them in their relationships with the community at large.

I hope that the Senate will find the conference report acceptable and that it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$295,400,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$352,705,600".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$393,956,500".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein within an amendment as follows: In lieu of the number proposed by said amendment, insert "35,313".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the number proposed by said amendment, insert "31,005".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendments Nos. 1, 8, 10, 36, and 37.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. EAGLETON, I submit a report of the committee of conference on H.R. 7591 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7591) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

● Mr. EAGLETON. Mr. President, the conferees on H.R. 7591, the 1981 agriculture appropriations bill, met on December 2 and after very careful deliberations agreed to what I believe is a very reasonable compromise. I wish to compliment Chairman WHITTEN and all the other House conferees, as well as my fellow Senate conferees, for their careful work and reasoned effort. A particular note of thanks is due the staffs of the two Appropriations Committees—Bob Foster, Chip Hardin, and Toni Perla of the House committee staff, and Dick Lieberman, Ken Auer, Stephen Kohashi, and Irma Hanema of the Senate committee staff—for their thorough and commendable assistance in crafting a very fair compromise.

Before discussing the conference agreement, I want to make a comment about our distinguished colleague from Oklahoma, who has served as ranking minority member during the 3 years I have chaired the subcommittee. Senator BELLMON's long experience as a practical farmer, his keen interest in agriculture, and his penetrating insights in matters in this bill have been of inestimable value to me and to all of our colleagues. I truly value his friendship and regret that the Senate will not have the benefit of his wise counsel as a Member of this body in the future.

Mr. President, the conference agreement provides new budget authority of $21,696,661,000 and transfers of $1,879,653,000 for a total of $23,576,314,000. This is $346,965,329 less than the budget estimate, $214,026,000 less than the House bill provided, but $26,253,000 more than the Senate bill contained. These numbers reflect the fact that there will be a $285,000,000 rescission of funds for child nutrition that will happen automatically upon enactment of the legislative savings embodied in the Omnibus Reconciliation Act of 1980.

I must further caution that the grand totals in the bill do not represent the full requirements for 1981. The conferees were only able to provide $9.7 billion for food stamps—the maximum amount currently authorized. Program needs will undoubtedly be significantly higher—on the order of $11 billion, I am told—and the action taken by the conferees endorses the language accompanying the House bill. In essence, this language states that the Department of Agriculture will be expected to continue program operations at the level of benefits stipulated in current law until Congress has had a chance to deal with further authorizations and budget reestimates. I am pleased that the conferees supported this position and that there will be no reduction in food stamp benefits until Congress can reexamine the matter next year.

I insert a brief explanation of the conference action and summary tabulation in the RECORD.

The material follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE I—AGRICULTURAL PROGRAMS PRODUCTION, PROCESSING AND MARKETING									
Office of the Secretary	$4,670,000	$5,187,000	$4,810,000	$4,810,000	$4,810,000	+$140,000	−$377,000		
Departmental Administration	12,450,836	13,887,992	12,950,000	12,950,000	12,950,000	+499,164	−937,992		
Governmental and Public Affairs	7,772,170	9,591,641	9,063,000	8,861,000	8,861,000	+1,088,830	−730,641	−$202,000	
Office of the Inspector General	26,527,000	28,721,000	27,752,000	28,127,000	28,052,000	+1,525,000	−669,000	+300,000	−$75,000
Transfer from food stamp program	(9,401,000)	(9,406,000)	(10,000,000)	(10,000,000)	(10,000,000)	(+599,000)	(+594,000)		
Total, Office of the Inspector General	(35,928,000)	(38,127,000)	(37,752,000)	(38,127,000)	(38,052,000)	(+2,124,000)	(−75,000)	(+300,000)	(−75,000)
Office of the General Counsel	11,500,000	12,022,000	11,609,000	11,609,000	11,609,000	+109,000	−413,000		
Federal Grain Inspection Service: Salaries and expenses	24,002,000	25,957,000	22,457,000	24,957,000	24,457,000	+435,000	−1,500,000	+2,000,000	−500,000
Science and Education Administration:									
Agricultural research	373,323,000	399,823,000	396,234,000	419,394,000	414,367,000	+41,044,000	+14,544,000	+18,133,000	−5,027,000
Special fund	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000				
Scientific activities overseas (special foreign currency program)	5,750,000	5,642,000	5,000,000	5,000,000	5,000,000	−750,000	−642,000		
Rescission	−1,200,000					+1,200,000			
Cooperative research	189,045,000	195,104,000	175,592,000	214,514,000	200,897,000	+11,852,000	+5,793,000	+25,305,000	−13,617,000
Rescission	−3,000,000					+3,000,000			
Extension activities	285,537,000	282,017,000	299,029,000	310,928,000	303,633,000	+18,096,000	+21,616,000	+4,604,000	−7,295,000
Technical information systems	7,985,000	8,686,000	8,541,000	8,541,000	8,541,000	+556,000	−145,000		
Total, Science and Education Administration	859,440,000	893,272,000	886,396,000	960,377,000	934,438,000	+74,998,000	+41,166,000	+48,042,000	−25,939,000
Animal Plant Health Inspection Service:									
Salaries and expenses	247,291,000	253,270,000	250,138,000	262,486,000	259,255,000	+11,964,000	+5,985,000	+9,117,000	−3,231,000
Buildings and facilities	2,340,000	3,186,000	3,186,000	6,986,000	6,986,000	+4,646,000	+3,800,000	+3,800,000	
Total, Animal and Plant Health Inspection Service	249,631,000	256,456,000	253,324,000	269,472,000	266,241,000	+16,610,000	+9,785,000	+12,917,000	−3,231,000
Food Safety and Quality Service	291,380,000	298,313,000	292,818,000	293,818,000	293,318,000	+1,938,000	−4,995,000	+500,000	−500,000
Economics and Statistics Service	87,945,000	97,803,000	94,803,000	89,953,000	90,203,000	+2,258,000	−7,600,000	−4,600,000	+250,000
Agricultural Cooperatives Service				4,700,000	4,500,000	+4,500,000	+4,500,000	+4,500,000	−200,000
World food and agricultural outlook and situation board	1,045,000	2,095,000	1,731,000	1,731,000	1,731,000	+686,000	−364,000		
Agricultural Marketing Service:									
Market Services	49,343,000	50,109,000	49,109,000	49,109,000	49,109,000	−234,000	−1,000,000		
Transportation office		2,190,000	1,699,000		2,000,000	+2,000,000	−190,000	+301,000	+2,000,000
Payments to States and possessions	1,600,000		1,600,000	1,600,000	1,600,000		+1,600,000		
Total, Agricultural Marketing Service	50,943,000	52,299,000	52,408,000	50,709,000	52,709,000	+1,766,000	+410,000	+301,000	+2,000,000
Office of Transportation				2,677,000					−2,677,000
Total, Production, Processing and Marketing	1,627,326,006	1,695,604,633	1,670,211,000	1,764,751,000	1,733,879,000	+106,,552,994	+38,274,367	+63,758,000	−30,872,000
FARM INCOME STABILIZATION									
Agricultural Stabilization and Conservation Service:									
Salaries and expenses	191,586,000	196,571,000	195,671,000	195,671,000	195,671,000	+4,085,000	−900,000		
(Transfer from Commodity Credit Corporation)	(155,932.000)	(159,789,000)	(159,789,000)	(159,789,000)	(159,789,000)	(+3,866,000)			
Total, salaries and expenses, ASCS	(347,509,000)	(356,360,000)	(355,460,000)	(355,460,000)	(355,460,000)	(+7,951,000)	(−900,000)		
Dairy and beekeeper indemnity programs	3,290,000	200,000	1,700,000	1,700,000	1,700,000	−1,590,000	+1,500,000		
Total, Agricultural Stabilization and Conservation Service	194,876,000	196,771,000	197,371,000	197,371,000	197,371,000	+2,495,000	+600,000		
Federal Crop Insurance Corporation:									
Administrative and operating expenses	12,000,000	11,858,000	11,195,000	29,558,000	29,558,000	+17,558,000	+17,700,000	+18,363,000	
Federal Crop Insurance Corporation Fund	(17,512,000)	(18,363,000)	(18,363,000)			(−17,512,000)	(−18,363,000)	(−18,363,000)	
Total, Federal Crop Insurance Corporation	(29,512,000)	(30,221,000)	(29,558,000)	(29,558,000)	(29,558,000)	(+46,000)	(−663,000)		
Commodity Credit Corporation:									
Reimbursement for net realized losses	3,056,189,000	3,299,887,696	3,299,887,000	3,299,887,000	3,299,887,000	+243,698,000	−696		
(Limitation on administrative expenses)	(50,700,000)	(53,010,000)	(52,750,000)	(52,750,000)	(52,750.000)	(+2,050,000)	(−260,000)		
Total, Farm Income Stabilization	3,263,065,000	3,508,516,696	3,508,453,000	3,526,816,000	3,526,816,000	+263,751,000	+18,299,304	+18,363,000	
Total, title I, new budget (obligational) authority agricultural programs	4,890,391,006	5,204,121,329	5,178,574,000	5,291,567,000	5,260,695,000	+370,303,994	+56,573,671	+82,121,000	−30,872,000
Appropriations	4,894,591,006	5,204,121,329	5,178,574,000	5,291,567,000	5,260,695,000	+366,103,994	+56,573,671	+82,121,000	−30,872,000
Rescissions	−4,200,000					+4,200,000			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE II—RURAL DEVELOPMENT PROGRAMS									
RURAL DEVELOPMENT ASSISTANCE									
Farmers Home Administration:									
Rural Housing Insurance Fund:									
Direct loans	($24, 000, 000)	($50, 000, 000)	($24, 000, 000)	($24, 000, 000)	($24, 000, 000)		(−$26, 000, 000)		
Insured loans	(3, 979, 000, 000)	(3, 672, 600, 000)	(4, 125, 000, 000)	(4, 025, 600, 000)	(4, 075, 600, 000)	(+$96, 600, 000)	(+403, 000, 000)	(−$50, 000, 000)	(+$50, 000, 000)
Guaranteed loans	(500, 000, 000)			(100, 000, 000)	(25, 000, 000)	(−475, 000, 000)	(+25, 000, 000)	(+25, 000, 000)	(−75, 000, 000)
Construction defects authorization	(5, 000, 000)	(5, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(−3, 000, 000)	(−3, 000, 000)		
Rent supplement authorization	(393, 000, 000)	(393, 000, 000)	(393, 000, 000)	(413, 000, 000)	(403, 000, 000)	(+10, 000, 000)	(+10, 000, 000)	(+10, 000, 000)	(−10, 000, 000)
Home ownership assistance (authority to borrow)		99, 000, 000					−99, 000, 000		
Miscellaneous offsetting adjustments		−99, 000, 000	−99, 000, 000	−99, 000, 000	−99, 000, 000	−99, 000, 000			
Reimbursement for interest and other losses	320, 209, 000	504, 318, 000	504, 318, 000	504, 318, 000	504, 318, 000	+184, 109, 000			
Reimbursement for rent supplement payments	76, 150, 000	110, 000, 000	110, 000, 000	110, 000, 000	110, 000, 000	+33, 850, 000			
Home ownership assistance payments		1, 000, 000					−1, 000, 000		
Total, Rural Housing Insurance Fund	(4, 904, 359, 000)	(4, 342, 918, 000)	(4, 666, 918, 000)	(4, 666, 918, 000)	(4, 641, 918, 000)	(−262, 441, 000)	(+299, 000, 000)	(−25, 000, 000)	(−25, 000, 000)
Agricultural Credit Insurance Fund:									
Real estate loans:									
Insured	(993, 600, 000)	(893, 600, 000)	(893, 600, 000)	(993, 600, 000)	(943, 600, 000)	(−50, 000, 000)	(+50, 000, 000)	(+50, 000, 000)	(−50, 000, 000)
Guaranteed	(56, 000, 000)	(56, 000, 000)	(56, 000, 000)	(55, 000, 000)	(56, 000, 000)				
Total, real estate loans	(1, 049, 600, 000)	(949, 600, 000)	(949, 600, 000)	(1, 049, 600, 000)	(999, 600, 000)	(−50, 000, 000)	(+50, 000, 000)	(+50, 000, 000)	(−50, 000, 000)
Soil conservation loans	(30, 000, 000)	(24, 000, 000)	(30, 000, 000)	(30, 000, 000)	(30, 000, 000)		(+6, 000, 000)		
Operating loans:									
Insured	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)				
Guaranteed	(25, 000, 000)	(25, 000, 000)	(25, 000, 000)	(25, 000, 000)	(25, 000, 000)				
Total, operating loans	(875, 000, 000)	(875, 000, 000)	(875, 000, 000)	(875, 000, 000)	(875, 000, 000)				
Emergency disaster loans	(2, 500, 000, 000)	(2, 000, 000, 000)	(2, 000, 000, 000)	(2, 000, 000, 000)	(2, 000, 000, 000)	(−500, 000, 000)			
Reimbursement for interest and other losses	272, 809, 000	297, 032, 000	297, 032, 000	297, 032, 000	297, 032, 000	+24, 223, 000			
Total, Agricultural Credit Insurance Fund	(4, 697, 409, 000)	(4, 121, 632, 000)	(4, 121, 632, 000)	(4, 221, 632, 000)	(4, 171, 632, 000)	(−525, 777, 000)	(+50, 000, 000)	(+50, 000, 000)	(−50, 000, 000)
Rural Development Insurance Fund:									
Reimbursement for losses	91, 874, 000	143, 282, 000	143, 282, 000	143, 282, 000	143, 282, 000	+51, 408, 000			
Water and sewer facility loans	(700, 000, 000)	(400, 000, 000)	(700, 000, 000)	(900, 000, 000)	(750, 000, 000)	(+50, 000, 000)	(+350, 000, 000)	(+50, 000, 000)	(−150, 000, 000)
Industrial development loans:									
Insured	(10, 000, 000)	(10, 000, 000)	(10, 000, 000)			(−10, 000, 000)	(−10, 000, 000)	(−10, 000, 000)	
Guaranteed	(1, 090, 000, 000)	(741, 000, 000)	(741, 000, 000)	(741, 000, 000)	(741, 000, 000)	(−349, 000, 000)			
Total, industrial development loans	(1, 100, 000, 000)	(751, 000, 000)	(751, 000, 000)	(741, 000, 000)	(741, 000, 000)	(−359, 000, 000)	(−10, 000, 000)	(−10, 000, 000)	
Community facility loans	(250, 000, 000)	(240, 000, 000)	(240, 000, 000)	(300, 000, 000)	(260, 000, 000)	(+10, 000, 000)	(+20, 000, 000)	(+20, 000, 000)	(−40, 000, 000)
Total, Rural Development Insurance Fund	(2, 141, 874, 000)	(1, 534, 282, 000)	(1, 834, 282, 000)	(2, 084, 282, 000)	(1, 894, 282, 000)	(−247, 592, 000)	(+360, 000, 000)	(+60, 000, 000)	(−190, 000, 000)
Rural water and waste disposal grants	300, 000, 000	100, 000, 000	200, 000, 000	200, 000, 000	200, 000, 000	−100, 000, 000	+100, 000, 000		
Rescission	−10, 000, 000					+10, 000, 000			
Very low income housing repair grants	24, 000, 0000	25, 000, 000	25, 000, 000	25, 000, 000	25, 000, 000	+1, 000, 000			
Rural housing for domestic farm labor	25, 000, 000	25, 000, 000	25, 000, 000	25, 000, 000	25, 000, 000				
Mutual and self-help housing	5, 000, 000					−5, 000, 000			
Rescission	−10, 000, 000					+10, 000, 000			
Self-help housing land development fund		4, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000	+1, 000, 000	−3, 000, 000		
Rural community fire protection grants	3, 500, 000		3, 500, 000	3, 500, 000	3, 500, 000		+3, 500, 000		
Rural development planning grants	7, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	−2, 000, 000			
Rescission	−1, 000, 000					+1, 000, 000			
Rural housing supervisory assistance grants	1, 500, 000	2, 000, 000	1, 500, 000	1, 500, 000	1, 500, 000		−500, 000		
Rural Development Grants	10, 000, 000		10, 000, 000		5, 000, 000	−5, 000, 000	+5, 000, 000	−5, 000, 000	+5, 000, 000
Salaries and expenses	236, 018, 000	243, 684, 000	239, 684, 000	244, 984, 000	244, 984, 000	+8, 966, 000	+1, 300, 000	+5, 300, 000	
(Transfer from loan accounts)	(3, 500, 000)	(3, 500, 000)	(3, 500, 000)	(3, 500, 000)	(3, 500, 000)				
Total, salaries and expenses	(239, 518, 000)	(247, 184, 000)	(243, 184, 000)	(248, 484, 000)	(248, 484, 000)	(+8, 966, 000)	(+1, 300, 000)	(+5, 300, 000)	
Total, Farmers Home Administration	1, 352, 060, 000	1, 460, 316, 000	1, 466, 316, 000	1, 461, 616, 000	1, 466, 616, 000	+114, 556, 000	+6, 300, 000	+300, 000	+5, 000, 000
Rural Electrification Administration:									
Rural electrification and telephone revolving fund:									
Electric loans	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)	(850, 000, 000)				
Telephone loans	(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(250, 000, 000)	(250, 000, 000)				
Total, loans	(1, 100, 000, 000)	(1, 100, 000, 000)	(1, 100, 000, 000)	(1, 100, 000, 000)	(1, 100, 000, 000)				

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
Capitalization of Rural Telephone Bank	($30, 000, 000)	($22, 500, 000)	($22, 500, 000)	($22, 500, 000)	($22, 500, 000)	(−$7, 500, 000)			
Rural Communication Development Fund			(34, 000, 000)	(34, 000, 000)	(34, 000, 000)	(+34, 000, 000)	(+$34, 000, 000)		
Salaries and expenses	26, 645, 000	27, 719, 000	27, 719, 000	27, 719, 000	27, 719, 000	+1, 074, 000			
Total, Rural Electrification Administration	26, 645, 000	27, 719, 000	27, 719, 000	27, 719, 000	27, 719, 000	+1, 074, 000			
Total, Rural Development Assistance	1, 378, 705, 000	1, 488, 035, 000	1, 494, 035, 000	1, 489, 335, 000	1, 494, 335, 000	+115, 630, 000	+6, 300, 000	+$300, 000	+$5, 000, 000
CONSERVATION									
Soil Conservation Service:									
Conservation operations	274, 947, 000	283, 801, 000	283, 001, 000	300, 000, 000	293, 001, 000	+18, 054, 000	+9, 200, 000	+10, 000, 000	−6, 999, 000
River basin surveys and investigations	16, 487, 000	17, 442, 000	17, 442, 000	17, 442, 000	17, 442, 000	+955, 000			
Watershed planning	11, 000, 000	6, 660, 000	10, 660, 000	6, 660, 000	10, 000, 000	−1, 000, 000	+3, 340, 000	−660, 000	+3, 340, 000
Watershed and flood prevention operations	187, 524, 000	128, 464, 000	167, 524, 000	205, 651, 000	192, 524, 000	+5, 000, 000	+64, 060, 000	+25, 000, 000	−13, 127, 000
Rescission	−2, 000, 000					+2, 000, 000			
Resource conservation and development	32, 000, 000	34, 046, 000	34, 046, 000	34, 046, 000	34, 046, 000	+2, 046, 000			
Great Plains conservation program	18, 689, 000	20, 122, 000	19, 987, 000	20, 122, 000	20, 000, 000	+1, 311, 000	−122, 000	+13, 000	−122,000
Total, Soil Conservation Service	538, 647, 000	498, 535, 000	532, 660, 000	583, 912, 000	567, 013, 000	+28, 366, 000	+76, 478, 000	+34, 353, 000	−16, 908, 000
Agricultural Stabilization and Conservation Service:									
Agricultural conservation program	190, 000, 000	160, 000, 000	190, 000, 000	190, 000, 000	190, 000, 000		+30, 000, 000		
Rural clean water program	50, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	20, 000, 000	−30, 000, 000			
Forestry incentives program	15, 000, 000	15, 000, 000	10, 000, 000	15, 000, 000	12, 500, 000	−2, 500, 000	+2, 500, 000	−2, 500, 000	−2, 500, 000
Water bank program	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000				
Emergency conservation program	35, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	−25, 000, 000			
Total, Agricultural Stabilization and Conservation Service	300, 000, 000	215, 000, 000	240, 000, 000	245, 000, 000	242, 500, 000	−57, 500, 000	+27, 500, 000	+2, 500, 000	−2, 500, 000
Total, Conservation	838, 647, 000	705, 535, 000	772, 660, 000	828, 921, 000	809, 513, 000	−29, 134, 000	+103, 978, 000	+36, 853, 000	−19, 408, 000
Total, title II, rural development programs:									
New budget (obligational) authority	2, 217, 352, 000	2, 193, 570, 000	2, 266, 695, 000	2, 318, 256, 000	2, 303, 848, 000	+86, 496, 000	+110, 278, 000	+37, 153, 000	−14, 408, 000
Appropriations	2, 240, 352, 000	2, 193, 570, 000	2, 266, 695, 000	2, 318, 256, 000	2, 303, 848, 000	+63, 496, 000	+110, 278, 000	+37, 153, 000	−14, 408, 000
Rescissions	−23, 000, 000					+23, 000, 000			
TITLE III—DOMESTIC FOOD PROGRAMS									
Food and Nutrition Service:									
Child nutrition programs	1, 591, 615, 000	1, 759, 123, 000	1, 759, 123, 000	1, 395, 123, 000	1, 759, 123, 000	+167, 508, 000			+364, 000, 000
Rescission					−285, 000, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000
(Transfer from sec. 32)	(1, 831, 086, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(1, 879, 653, 000)	(+48, 567, 000)			
Total, child nutrition programs	(3, 422, 701, 000)	(3, 638, 776, 000)	(3, 638, 776, 000)	(3, 274, 776, 000)	(3, 353, 776, 000)	(−68, 925, 000)	(−285, 000, 000)	(−285, 000, 000)	(+79, 000, 000)
Special milk program	156, 800, 000	176, 200, 000	176, 200, 000	118, 800, 000	118, 800, 000	−38, 000, 000	−57, 400, 000	−57, 400, 000	
Special supplemental food programs (WIC)	757, 950, 000	924, 540, 000	924, 540, 000	927, 040, 000	927, 040, 000	+169, 090, 000	+2, 500, 000	+2, 500, 000	
Food stamp program	8, 948, 000, 000	9, 903, 276, 000	9, 739, 276, 000	9, 739, 276, 000	9, 739, 276, 000	+791, 276, 000	−164, 000, 000		
(Transfer from child nutrition programs)	(243, 000, 000)					(−243, 000, 000)			
Total, food stamp program	(9, 191, 000, 000)	(9, 903, 276, 000)	(9, 739, 276, 000)	(9, 739, 276, 000)	(9, 739, 276, 000)	(+548, 276, 000)	(−164, 000, 000)		
Food donations programs:									
Needy family program	39, 790, 000	53, 750, 000	53, 750, 000	53, 750, 000	53, 750, 000	+13, 960, 000			
Elderly feeding program	66, 544, 000	74, 910, 000	74, 910, 000	74, 910, 000	74, 910, 000	+8, 366, 000			
Total, food donations programs	106, 334, 000	128, 660, 000	128, 660, 000	128, 660, 000	128, 660, 000	+22, 326, 000			
Food Program Administration	82, 000, 000	85, 977, 000	82, 000, 000	85, 977, 000	84, 000, 000	+2, 000, 000	−1, 977, 000	+2, 000, 000	−1, 977, 000
Rescission	−500, 000					+500, 000			
Total, title III, new budget (obligational) authority, domestic food programs	11, 642, 199, 000	12, 977, 776, 000	12, 809, 799, 000	12, 394, 876, 000	12, 471, 899, 000	+829, 700, 000	−505, 877, 000	−337, 900, 000	+77, 023, 000
Appropriations	11, 642, 699, 000	12, 977, 776, 000	12, 809, 799, 000	12, 394, 876, 000	12, 756, 899, 000	+1, 114, 200, 000	−220, 877, 000	−52, 900, 000	+362, 023, 000
Rescissions	−500, 000				−285, 000, 000	−284, 500, 000	−285, 000, 000	−285, 000, 000	−285, 000, 000
TITLE IV–INTERNATIONAL PROGRAMS									
Foreign Agricultural Service	56, 427, 000	61, 025, 000	60, 535, 000	60, 535, 000	60, 535, 000	+4, 108, 000	−490, 000		
Office of International Cooperation and Development	1, 864, 000	6, 832, 000	2, 000, 000	6, 832, 000	3, 500, 000	+1, 636, 000	−3, 332, 000	+1, 500, 000	−3, 332, 000
Public Law 480:									
Title I and III—credit sales	266, 248, 000	406, 330, 000	406, 330, 000	406, 330, 000	406, 330, 000	+140, 082, 000			
Title II—commodities for disposition abroad	620, 088, 000	822, 600, 000	822, 600, 000	833 600, 000	822, 600, 000	+202, 512, 000			
Sales manager	(4, 608, 000)	(4, 979, 000)	(4, 719, 000)	(4, 719, 000)	(4, 719, 000)	(+111, 000)	(-260, 000)		
Total, Public Law 480	886, 336, 000	1, 228, 930, 000	1, 228, 930, 000	1, 228, 930, 000	1, 228, 930, 000	+342, 594, 000			
Total, title IV, new budget (obligational) authority, international programs	944, 627, 000	1, 296, 787, 000	1, 291, 465, 000	1, 291, 297, 000	1, 292, 965, 000	+348, 338, 000	−3, 822, 000	+1, 500, 000	−3, 332, 000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted, 1980	Estimates, 1981	House, 1981	Senate, 1981	Conference, 1981	1980 enacted	1981 estimate	House bill	Senate bill
TITLE V—RELATED AGENCIES									
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Food and Drug Administration:									
Salaries and expenses	$321,296,000	$322,670,000	$319,535,000	$322,670,000	$321,035,000	−$261,000	−$1,635,000	+$1,500,000	−$1,635,000
Buildings and facilities	4,372,000	29,663,000	28,253,000	28,253,000	28,253,000	+23,881,000	−1,410,000		
Total, Food and Drug Administration	325,668,000	352,333,000	347,788,000	350,923,000	349,288,000	+23,620,000	−3,045,000	+1,500,000	−1,635,000
INDEPENDENT AGENCIES									
Commodity Futures Trading Commission	16,617,000	19,039,000	16,366,000	18,489,000	17,966,000	+1,349,000	−1,073,000	+1,600,000	−523,000
Farm Credit Administration (limitation on administrative expenses)	(12,428,000)	(13,444,000)	(13,444,000)	(13,444,000)	(13,444,000)	(+1,016,000)			
Total, title V, new budget (obligational) authority, related agencies	342,275,000	371,372,000	364,154,000	369,412,000	367,254,000	+24,969,000	−4,118,000	+3,100,000	−2,158,000
RECAPITULATION									
Title I—Agricultural programs	4,890,391,006	5,204,121,329	5,178,574,000	5,291,567,000	5,260,695,000	+370,303,994	+56,573,671	+82,121,000	−30,872,000
Title II—Rural development programs	2,217,352,000	2,193,570,000	2,266,695,000	2,318,256,000	2,303,848,000	+86,496,000	+110,278,000	+37,153,000	−14,408,000
Title III—Domestic food programs	11,642,199,000	12,977,776,000	12,809,799,000	12,394,876,000	12,471,899,000	+829,700,000	−505,877,000	−337,900,000	+77,023,000
Title IV—International programs	944,627,000	1,296,787,000	1,291,465,000	1,296,297,000	1,292,965,000	+348,338,000	−3,822,000	+1,500,000	−3,332,000
Title V—Related agencies	342,285,000	371,372,000	364,154,000	369,412,000	367,254,000	+24,969,000	−4,118,000	+3,100,000	−2,158,000
Total, new budget (obligational) authority	20,036,854,006	22,043,626,329	21,910,687,000	21,670,408,000	21,696,661,000	+1,659.806,994	−346,965,329	−214,026,000	+26,253,000
Transfer from sec. 32	1,831,086,000	1,879,653,000	1,879,653,000	1,879,653,000	1,879,653,000	+48,567,000			
Total obligational authority	21,867,940,006	23,923,279,329	23,790.340,000	23,550,061,000	23,576,314,000	+1,708,373,994	−346,965,329	−214,026,000	+26,253,000
Consisting of:									
1. Appropriations	20,064,554,006	22,043,626,329	21,910,687,000	21,670,408,000	21,981,661,000	+1,917,106,994	−61,965,329	+70,974,000	+311,253,000
2. Fescissions	−27,700,000				−285,000,000	−257,300,000	−285,000,000	−285,000,000	−285,000,000
3. Direct and insured loan level	10,441,600,000	9,245,200,000	10,009,200,000	10,259,200,000	10,069,200,000	−372,400,000	+824,000,000	+60,000,000	−190,000,000
4. Guaranteed loan level	1,671,000,000	822,000,000	822,000,000	922,000,000	847,000,000	−824,000,000	+25,000,000	+25,000,000	−75,000,000
5. Rent supplement authorization	393,000,000	393,000,000	393,000,000	413,000,000	403,000,000	+10,000,000	+10,000,000	+10,000,000	−10,000,000
Memoranda:									
1. Appropriations to liquidate contract authorizations									
2. Appropriations including appropriations to liquidate contract authority	20,036,854,006	22,043,626,329	21,910,687,000	21,670,408,000	21,696,661,000	+1,653,806,994	−346,965,329	−214,026,000	+26,253,000
3. Transfers from sec. 32	1,831,086,000	1,879,653,000	1,879,653,000	1,879,653,000	1,879,653,000	+43,567,000			
4. Transfers from Commodity Credit Corporation	155,923,000	159,789,000	159,789,000	159,789,000	159,789,000	+3,866,000			

BRIEF EXPLANATION OF THE CONFERENCE ACTION

SCIENCE AND EDUCATION ADMINISTRATION

The conference agreement provides $934 million for Science and Education Administration programs, including Agricultural Research, Cooperative Research, Extension, and Technical Information Systems. This is a $75 million increase over 1980 and a $41 million increase over the House bill. Important construction items are funded in the conference agreement, including $10.1 million to solve a severe contracting and construction problem at an important animal disease research center at Plum Island, N.Y. Hatch Act grants are included at $128.6 million, Smith-Lever grants at $205.4 million, and animal health and disease grants at $6.5 million in formula funding and $5 million in special grant funding.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The conference agreement provides $259 million for salaries and expenses, including an $82.9 million brucellosis program and a $6 million fire ant program. In addition, it provides $3.8 million for construction of a sterile fly rearing facility in Hawaii, an important new project.

ECONOMICS AND STATISTICS SERVICE AND AGRICULTURAL COOPERATIVES SERVICE

The conference agreement provides $90 million for the Economics and Statistics Service and funds a separate, new Agricultural Cooperatives Service at $4.5 million.

AGRICULTURAL MARKETING SERVICE

The conferees included language directing that there be no reduction in market news services. It should be pointed out, with respect to the original Senate report (No. 96–1030), a statement appearing on page 53 indicating that $1,753,000 of the agency travel appropriation had not been justified, was in error. The Department supplied figures to the committee in a hearing on overall agency travel budgets which inadvertently included nonappropriated funds in the total for AMS travel. In fact, the agency's request of $4,852,000 for appropriated fund travel was justified and was the correct figure.

TRANSPORTATION OFFICE

The conference agreement places the transportation office within AMS and provides $2 million.

FEDERAL CROP INSURANCE CORPORATION

The conference agreement provides $29.6 million for FCIC, and includes language directing the Corporation to begin implementation of the new crop insurance program authorized by law in anticipation of additional funding.

SOIL CONSERVATION SERVICE—CONSERVATION OPERATIONS

The conference agreement provides $293 million for conservation operations, $10 million more than the House bill included.

SCS—WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $192.5 million for this program, including $159 million for P.L. 566 watersheds and $23.5 million for P.L. 534 watersheds. An important aspect of the conference agreement was the provision exempting P.L. 566 watersheds from review by the Water Resources Council. In addition, the conferees specifically cited the urgent need for the Piney Creek-Soak Creek, West Virginia, Mozingo Creek, Missouri, and Stewart Creek, Kentucky projects. The conference agreement included additional funding above the amounts in the House bill to provide funding for these projects.

CHILD NUTRITION PROGRAMS

The conference agreement provided a total of $3.6 billion for child nutrition programs, consisting of both a direct appropriation and a section 32 transfer. The conference agreement also provides that upon enactment of the 1980 Omnibus Reconciliation Act, $285 million is to be rescinded to reflect savings incorporated in that Act. The conference agreement also provided for a 60 school district cash-in-lieu commodity letter of credit pilot program, using school lunch funds. This is to be a pilot study that will be based on the same per meal support as in the school lunch program that uses regular USDA commodity support. Furthermore, as part of the pilot study evaluation, USDA will be expected to evaluate the impact of this program on other departmental programs that involve commodity support.

FOOD STAMPS

The conference agreement funds $9.7 billion, the maximum amount authorized, but concurs in House direction that there be no reduction in food stamp benefits under current law until the Congress can act on future authorization and budget requests in fiscal year 1981. Also, the conferees agreed with the Senate report language that directs the Department not to issue proposed or final regulations implementing a food stamp program in the Commonwealth of the Northern Marianas until the potential impact of such a program has been restudied, and a detailed justification for the program and its intended mode of operation is submitted to both the House and Senate Appropriations Committees.

GENERAL PROVISIONS

The conference agreement includes various provisions relating to reports on spending during the last quarter and on total outlays. Also, the conference agreement includes a modified version of a Senate amendment that prohibits producers from being required by USDA to remain within their normal crop acreage in order to be eligible for price support for cotton, wheat, feed grains and rice, with the stipulation that increases in 1981 acreage shall not be used in determining normal crop acreage in future years.●

Mr. BELLMON. Mr. President, we have before us the conference report on the fiscal year 1981 agriculture appropriations bill. Consideration of this measure has taken a long, often delayed, and tortuous year.

The continuing problems of our economy, the increasing constraints on Federal spending and the host of issues confronting agriculture have greatly complicated our consideration of this bill. The fact that we have been able to resolve and reconcile these issues is due in very large measure to the outstanding chairman of the subcommittee, Senator EAGLETON.

I have had the pleasure to serve with him on the subcommittee for the past 4 years.

During this time, my respect and admiration for the distinguished Senator from Missouri has grown greatly. His leadership, his ability, his faculty of understanding a complex bill and a complex subject have made it possible for the legislation which we have reported to serve American agriculture and the millions of constituents of this bill extremely well.

It has been a great honor to be associated with Senator EAGLETON in this endeavor and I shall miss the opportunity to work with him in the future, although I certainly leave the Senate with my best wishes toward Senator EAGLETON and toward the work of this important subcommittee.

In the past 4 years we have managed to increase funding for critical agricultural research by 35 percent.

Mr. President, I look upon this as a wise investment of Federal funds because there is pending in this world a food crisis that will make the present energy problems pale by comparison. Unless we are able to continue supporting agricultural research at a level that will make it possible for the very productive farmers of this country to continue to increase their output, then I predict that the day will very shortly come when this Nation will no longer be looked upon as the breadbasket of the world but when we will have a very serious problem in meeting the food demands of our own population plus the demands of those abroad who depend upon us when their own food production falls below expectations.

I frankly feel, Mr. President, that much more needs to be done in the way of providing support for agricultural research, but during these times of constraint, the 35 percent increase we have been able to provide I feel shows that this subcommittee is aware of the problem and I believe reflects well upon the Senate.

We have maintained funding for urgently needed soil and water conservation programs, while more directly focussing assistance to those activities and areas where the need is the greatest.

We have also worked together to continue the commitment to provide direct Federal assistance to eradicate hunger in America, as well as to address pressing needs for food assistance abroad. More than 80 percent of the outlays of the programs within the jurisdiction of this subcommittee provide direct assistance in improving peoples' diets.

Mr. President, I believe this is worth repeating for emphasis. We look upon this as the agricultural appropriations bill, but the fact is that 80 percent of these funds go to provide food assistance to Americans or to those we assist abroad. So this, in effect, is not so much an agriculture bill as it is a food assistance bill.

This subcommittee has worked aggressively to assure that this massive expenditure—totaling $16 billion—is used in the most efficient and effective manner possible in meeting the legitimate needs of those who are eligible for these programs.

Our conference agreement represents, as usual, a genuine compromise between sometimes very conflicting positions between the House and the Senate. We were not able to prevail on many important issues, but in balance I believe the report before us allows continued progress in addressing the critical issues confronting the country.

From the budget perspective, we have succeeded in maintaining a degree of restraint unprecedented in my 12 years in the Senate. The Senate version which traditionally provides more spending than the House version, was actually lower this year. In conference we held down the agreement to only $26 million over the Senate version when the reconciliation bill was adopted.

This, to me, means that the bill is substantially in compliance with the budget resolution.

Mr. President, we are not out of the woods. Indeed, the next Congress and administration will be confronted with the difficult decision of how to curb the growth of the food stamp program. If this program is fully funded, along with other anticipated supplemental requirements, we will exceed the allocation of the second budget resolution. I am not pleased that these issues remain unresolved; however, I do think it appropriate that nothing we do today preempts or otherwise frustrates the next Congress in working its will on these important programs.

As a final note, I would like to thank and compliment our fine subcommittee staff—Dick Lieberman, Ken Auer, and Irma Hanneman on the majority side, and Stephen Kohashi and Cathy O'Connor on the minority side. These dedicated men and women put long hours into handling the many issues and details which make our complete consideration of the bill possible.

I should have to say, Mr. President, that except for those who work closely with the staff of the subcommittee, it is almost impossible to understand the enormous grasp of the details that staff possesses. I should like to confess to the Senate that this bill would simply have been impossible to bring to the Senate floor without the input from people on the staff, particularly Stephen Kohashi, who has provided particular guidance and insight into the many issues that this legislation deals with.

So, while this is the last time I shall have the opportunity to participate in the development of this bill, I am confident that with this staff available, those who assume this responsibility in the future will be able to handle the legislation in the same professional manner it has been dealt with in the past.

Mr. President, I have nothing further to add.

Mr. McCLURE. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. BELLMON. I am happy to yield.

Mr. McCLURE. Mr. President, I make reference to the conference report submitted in the House of Representatives by Representative WHITTEN. I refer to amendment No. 70, which appears on pages 21 and 22 of that conference report. It deals with the school lunch program and reference is made to 60 school districts with all-cash assistance and all-commodity letter of credit assistance. I think the intention of the conferees was clearly that there be 30 of each, making a total of 60. The report language does not make that clear, but it is my understanding that that was the intention of the conferees.

Am I correct?

Mr. BELLMON. Mr. President, let me respond to the Senator by saying it was the intent of the conferees to provide for a statistically sound study of cash-in-lieu and letter-of-credit alternatives to commodity distribution. It is our understanding that a balanced sample of equal numbers of the test school programs is necessary to achieve this goal. Therefore, the Senator is correct in that the study, at least as I understand it, should involve 30 each.

Mr. McCLURE. I thank the Senator. That was my understanding. I think it was clearly the discussion and understanding of the conferees.

In addition, I feel it is appropriate to make a part of the legislative history of these cash-in-lieu and commodity letter-of-credit pilot projects the fact that, when previously approved by the conferees on the Child Nutrition Act Amendments, a number of conditions were established by which the conferees believed the pilot projects should be conducted by the Food and Nutrition Service, United States Department of Agriculture. These conditions are important to assure that the pilot projects are, in fact, conducted fairly and accurately; and while the House-Senate conference on the Child Nutrition Act Amendments appears stalemated for the remainder of this Congress, I fully believe it would be prudent for the Department of Agriculture to consider and adopt these following conditions when implementing the pilot projects as set forth in this fiscal 1981 Agriculture, Rural Development and Related Agencies Appropriations Act:

First. The Secretary shall publish in the Federal Register a notice of the opportunity for participation in the pilot projects.

Second. Federal and State authorities shall monitor the activities carried out during the pilot projects to insure the objectivity of the projects.

Third. The Secretary shall allow school districts not less than 45 days or more than 60 days from the date of the publication of a notice in which to apply for participation in pilot projects conducted under this subsection. If the applications submitted by the school districts are determined by the Secretary not to constitute a stratified random sample of all school districts, the Secretary shall solicit the participation of appropriate school districts.

Fourth. The pilot projects conducted shall include only those school lunches that satisfy the meal pattern requirements promulgated by the Secretary.

Fifth. The Secretary shall submit the methodology that shall be used in the pilot projects to the House Committee on Education and Labor and the Senate Committee on Agriculture, Nutrition, and Forestry at least 15 days prior to the commencement of such pilot projects.

Sixth. The Secretary shall conduct a study to analyze the effect of the pilot projects. The study shall include an assessment of—

> (A) the administrative feasibility and nutritional effect of cash and letters of credit in lieu of donated foods, cost savings, if any, that may be effected thereby at the Federal, State, and local levels, any additional costs that may be placed on programs and participating students; and
>
> (B) the effect on farmers, the quality of food served, plate waste in the school lunch program, local economies, and local, regional, and national marketing of the commodities used in the school lunch program, with special emphasis on milk and other dairy products and beef and other meat products.

Mr. BURDICK. Mr. President, I quote a legislative provision from the conference report now before us:

> None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977.

First of all, Mr. President, this language is legislating through an appropriations act. Time after time, this body has correctly refused to do that. I want to lodge my objections to this departure today.

But equally serious, this provision, I am convinced, will do irreparable damage to this farm program and to the credibility of future farm programs.

Mr. President, in Appropriations Committee action, I voted against the provision I quoted. However, I am going to vote for this appropriations bill for agriculture and related programs today realizing the difficulty of opposing a conference report. But, I want to express my deep concern to my colleagues on the provision that ends the authority of the Secretary of Agriculture to require farmers to plant only within their established normal crop acres if they want to participate in farm program benefits.

The normal crop acres provision of the 1977 Food and Agriculture Act was a carefully deliberated Federal policy. It was designed, first of all, to end the "fence row to fence row" planting policies of the early 1970's that encouraged farmers to produce themselves into an economic depression. It was intended to give farmers an opportunity and incentive to dedicate to conservation purposes fragile lands that are only marginally suited for crop production, or that have a high propensity for soil erosion.

Mr. President, food and fiber production in this country and the world depends on a very delicate base of a few inches of topsoil, and a few inches of rainfall, year to year. In the United States, we are losing over 1 million acres of prime producing topsoil every year to erosion and urban sprawl. Our land resources are a unique national asset. We should be adopting policies to protect and preserve our land base, not speed its decline as fence-row-to-fence-row planting policies surely do.

Mr. President, the farm program authorized in 1977 and in place today is a voluntary program. Farmers have to make the effort to go to their local ASCS office and sign up for the program. If they agree to stay within their normal crop acres, or observe a set-aside when it is in place, they have the right to commodity loans on the harvested crop, access to the farmer-owned grain reserve, and other program benefits.

Most of the farmers in my State have signed up for the program every year. Farmers have told me that they understand production control is essential to a long-term healthy farm economy, to a functioning farmer-owned grain reserve, to the success of conservation programs, and to preventing the farm economy from becoming a drain on tax dollars.

Mr. President, this action we take today in ending the normal crop acres provision of the farm program is a serious mistake that all of us will certainly regret.

Mr. President, I ask unanimous consent that a letter I have received since the committee action from the office of the president, George W. Stone, of the National Farmers Union, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> National Farmers Union,
> *December 3, 1980.*
>
> Hon. Quentin N. Burdick,
> *U.S. Senate,*
> *Washington, D.C.*
>
> Dear Senator Burdick: National Farmers Union is very disappointed in the action by the Conference Committee on the Agricultural Appropriations Bill which maintained a provision prohibiting the Secretary of Agriculture from requiring producers to plant within their Normal Crop Acreage even though no set-aside of crop acreage is required.
>
> As you know, the Congress only this year granted this authority to the Secretary. We believe such action by the Conference Committee is inappropriate; 1) legislation should not be included in appropriation bills; and, 2) producers cannot nor should not expect adequate support levels without some maintenance of supply/management considerations. The action by the Conference Committee destroys any semblance of supply/management in our agricultural programs, which in turn will be detrimental to both producers and consumers.
>
> National Farmers Union is appreciative of your efforts on the Conference Committee and hope to work with you in the near future to remedy this ill-conceived action.
>
> Sincerely,
>
> George W. Stone.

Mr. ROBERT C. BYRD. Mr. President, the conference agreement provides $192.5 million for the Soil Conservation Service watershed and flood prevention operations, including $159 million for Public Law 566 watersheds and $23.5 million for Public Law 534 watersheds. An important aspect of the conference agreement was the provision exempting Public Law 566 watersheds from review by the Water Resources Council. In addition, the conferees specifically cited the urgent need for the Piney Creek-Soak Creek, W. Va., project, which is in my home town of Sophia, just on the outskirts of Beckley, about 56 miles from Charleston, the capital of West Virginia and in the heart of the bituminous coal fields. It also includes the Mozingo Creek, Mo., and Stewart Creek, Ky. projects. The conference agreement included additional funding above the amounts in the House bill to provide funding for these projects.

Mr. President, I wish personally to thank Mr. Eagleton, the manager of the Senate conferees on my side of the aisle, Mr. Bellmon, the ranking Republican member, and the other Senate conferees, and also Mr. Whitten and the conferees on the House side for the consideration they gave to these much-needed projects.

Mr. ARMSTRONG. Mr. President, Senators will recall that when the agriculture appropriations bill was considered by the Senate, I proposed and the Senate adopted an amendment which prohibited the Department from continued funding or expanded funding for an Office of Consumer Affairs, which was established within that Department pursuant to an Executive order. Senators will recall that I objected to this funding on the grounds that, first, the Department has no statutory authority to undertake such a program of an Office of Consumer Affairs within the Department; second, that the Congress of the United States has considered the idea of creating such a consumer affairs or consumer advocacy agency on numerous occasions and has declined to do so. In past years, this money, which was never funded, never budgeted by the Congress, was taken out of the office of the Secretary. With that explanation at the time we considered this appropriation bill, I did ask the Senate to put in a specific prohibition on any further such funding on the grounds that, first, Congress was not to be trifled with and preempted; second, that it was unnecessary, that this so-called Office of Consumer Affairs was nothing more than just an additional layer of regulation and bureaucracy which really did not serve any worthy consumer purpose.

I was pleased that the Senate adopted that amendment. I must say I am disappointed tonight that the Senate conferees were unable to retain the amendment in conference, but my comments are under the heading of "Don't get mad, but don't give up."

I express particularly my appreciation to the Senator from Idaho, who spoke forcefully and eloquently to support the Senate position in conference. I thank him for that. I would like all Senators, including those who voted with me in the majority when this matter was considered a few days ago, to know that I will be back in a few hours on the continuing resolution, at which time I shall offer this amendment and ask for support—not because the money is large, because, beside the Federal budget it is not; not because I really think the new President has any intention of continuing to operate this nonstatutory and, in my opinion, ultraillegal entity within the Department of Agriculture, but because I think it is important for the Congress of the United States to assert its prerogatives and prevent being short circuited in this manner. I shall ask my colleagues when the time comes again to stand up and be counted in support of this issue.

The **PRESIDING OFFICER**. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. **ROBERT C. BYRD**. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. **BAKER**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

"for Capper-Volstead Monitoring, $200,000, to be transferred to the Economics and Statistics Service;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: *Provided further*, That $12,100,000 of the appropriation provided herein for construction of facilities shall remain available until expended

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,000,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: *Provided*, That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: $23,500,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Provided further, That $285,000,000 of the amount appropriated herein shall be held in reserve until the Omnibus Reconciliation Act of 1980 is enacted or the 96th Congress adjourns sine die: *Provided further*, That upon enactment of the Omnibus Reconciliation Act of 1980, which requires reductions in Child Nutrition Program levels, $285,000,000 of the amount herein appropriated shall be hereby rescinded, and the program level shall be reduced by a similar amount: *Provided further*, That, of the funds provided herein for the school lunch program, there shall be available $1,975,000 with which the secretary shall conduct a 3-year pilot project study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 85 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 614. Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 616. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: *617*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: *618*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: *619*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 620. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281): *Provided*, That any increases in acreage in 1981 shall not be used in determining normal crop acreage in future years.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 621. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 622. Notwithstanding any other provision of law, watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

Mr. **ROBERT C. BYRD**. Mr. President, on behalf of Mr. EAGLETON, I move that the Senate concur en bloc in the amendments of the House of Representatives to the amendments of the Senate numbered 3, 12, 40, 47, 62, 70, 85, 88, 89, 90, 91, 92, 93, and 94.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KALAUPAPA NATIONAL HISTORIC PARK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1160.

The PRESIDING OFFICER. The clerk will state it.

The assistant legislative clerk read as follows:

A bill (H.R. 7217) to enact certain provisions relative to units of the National Park System in the State of Hawaii, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 9, line 19, strike "There" and insert the following: "Effective October 1, 1981, there";

On page 10, strike line 2, through and including page 13, line 10, and insert the following:

Sec. 201. In furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 6666), the Secretary of the Interior is authorized to provide financial assistance for the operation, maintenance and protection of the historic sailing ship Falls of Clyde, located in Honolulu Harbor, Hawaii. Such authorization shall terminate at such time as the Falls of Clyde is no longer located in the State of Hawaii.

Sec. 202. Authority to enter into contracts or cooperative agreements, to incur obligations or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Mr. MATSUNAGA. Mr. President, I support H.R. 7217, a bill which would establish the Kalaupapa National Historical Park in the State of Hawaii.

In 1976, Congress passed legislation directing the Secretary of the Interior to conduct a study of the proposed establishment of a national park at Kalaupapa, which is located on the Hawaiin Island of Molokai. That study, conducted with the advice and assistance of a 15-member advisory commission has been completed and it is the basis of the legislation now under consideration.

I know that many of my colleagues are familiar with the famous statute of Father Damien DeVeuster, sculptured by Marisol, which is one of two statues placed in the U.S. Capitol by the people of Hawaii shortly after Hawaii became a State. The history of the Hansen's disease center at Kalupapa and Father Damien are inextricably entwined.

Hansen's disease, formerly called leprosy, was brought to the Hawaiian islands in the early 18th century and reached epidemic proportions by the 1860's. Beginning in 1866, victims of the dread disease were banished to the isolated Kalaupapa Peninsula, where they lived a lonely and very difficult life. Some never saw their families again. Damien, a Belgian priest who was ordained in Honolulu in 1864, volunteered to serve the residents of Kalaupapa in 1873. For 16 years, he lived among the victims of Hansen's disease, ministering to their needs regardless of race or faith. During the course of his ministry, he contracted the disease and died in 1889.

Early in the 20th century, the U.S. Government established a modern facility for the treatment of Hansen's disease at Kalaupapa. By that time, however, residents of the settlement had established a unique lifestyle of their own. Only nine patients were willing to enter the Federal hospital at Kalaupapa and it eventually was closed. In 1969, after the development of a new treatment for Hansen's disease, the policy of isolating its victims was abandoned. Now, only a few patients remain at Kalaupapa and they are primarily elderly people who have lived there for many years. H.R. 7217 would permit them to live at Kalaupapa for as long as they wish, and the policy of protecting their privacy and restricting visitors to the settlement would be continued as long as necessary.

However, the enactment of the bill would enable the Federal Government to proceed with the protection of historic sites at Kalaupapa—those related to the prediscovery Hawaiians who inhabited the area and those relating to Father Damien and the Hansen's disease settlement. Patients who choose to remain at Kalaupapa would still be cared for by the Hawaii State Department of Health, and the historic preservation programs would be conducted by the Federal Government.

In addition to the establishment of the Kalaupapa National Historical Park, H.R. 7217 provides for the preservation of the Falls of Clyde, the last remaining full-rigged, four-masted sailing ship.

The Falls of Clyde was brought to Hawaii in the early 1960's after a group of interested Island State residents discovered it rotting away in a mainland harbor. The ship had played a historic role in Pacific trade between 1898 and 1920, carrying sugar, passengers, and, finally, oil, and it is the only surviving sailing vessel which served as an oil tanker. Upon her arrival in Hawaii, the Falls of Clyde was placed in the care of the Bernice P. Bishop Museum.

Last summer, the museum announced that it could no longer afford to care for the ship and would have to sell it. The Members of the Hawaii congressional delegation and other interested citizens in Hawaii immediately launched an effort to save the Falls of Clyde. This legislation provides the legal authority for the Department of the Interior to provide operating and maintenance funding for the ship on an emergency basis. Funds for the restoration of the ship, in the form of matching grants from the Interior Department and the National Trust for Historic Preservation have already been provided. It is my hope that the Interior Department, during the next year or two, will assist the ship's owner—whether it is the Bishop Museum or another organization—to develop a sound management and financial plan for the ship, consistent with its preservation.

In recent years, interest in "Tall Ships" like the Falls of Clyde has increased. Moreover, the energy crisis has stimulated a renewed interest in sailing vessels, or "sail-assisted" vessels for trade and commerce. The last fully rigged, four-masted sailing vessel is surely worth preserving.

Mr. President, I hope that the Senate will act favorably on H.R. 7217.

Mr. ROBERT C. BYRD. Mr. President, I hope that I shall be able to get a good night's sleep now that this bill has been called up, because Senator MATSUNAGA has not given me any respite whatsoever for the last 10 days, urging me to call up this measure.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

UP AMENDMENT NO. 1820

(Purpose: To establish the Native Hawaiians Study Commission, and for other purposes)

Mr. MATSUNAGA. Mr. President, I send an amendment to the desk. It has been agreed to and cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment will be considered original text. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an unprinted amendment numbered 1820.

TITLE III

Sec. 301. This title may be cited as the "Native Hawaiians Study Commission Act".

NATIVE HAWAIIANS STUDY COMMISSION

Sec. 302. (a) There is hereby established the Native Hawaiians Study Commission (hereinafter in this title referred to as the "Commission").

(b) The Commission shall be composed of nine members appointed by the President. Not more than three of such members shall be residents of the State of Hawaii.

(c) The Chairman and Vice Chairman of the Commission shall be designated by the President at the time of appointment.

(d) Vacancies in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission and shall be filled in the same manner in which the original appointments were made.

(e) The President shall call the first meeting of the Commission not more than ninety days after the date of the enactment of this title.

(f) Five members of the Commission shall constitute a quorum, but a smaller number specified by the Commission may conduct hearings.

(g) Each member of the Commission shall receive $100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are fulltime officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

SEC. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.

(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and copies of all written comments on the draft submitted to the Commission under paragraph (c) to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representativees.

(e) The Commission shall make recommendations to the Congress based on its findings and conclusions under subsection (a) of this section.

TERMINATION OF THE COMMISSION

SEC. 304. Except as provided in subsection (b) of section 307, upon the expiration of the sixty-day period following the submission of the report required by section 303, the Commission shall cease to exist.

DEFINITIONS

SEC. 305. For the purpose of this title, the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.

SAVINGS CLAUSES

SEC. 306. No provision of this title shall be construed as—

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Native Hawaiians to sue the United States or any of its offices; or

(2) constituting a precedent for reopening, renegotiating, or legislating any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

SEC. 307. (a) There are hereby authorized to be appropriated for fiscal years 1982 and 1983 such sums as are necessary to carry out the provisions of this title. Until October 1, 1981, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 304.

Mr. MATSUNAGA. Mr. President, the proposed amendment provides for the establishment of a nine-member Federal Study Commission to examine the culture and needs of the Native Hawaiian people. The proposal has a detailed legislative history, dating back to 1974, when legislation providing for the settlement of the historic claims of the Native Hawaiians was introduced in the House of Representatives. The same bill was reintroduced as H.R. 1944 at the beginning of the 94th Congress in 1975. Hearings were held on that measure by a subcommittee of the House Interior and Insular Affairs Committee.

These hearings, held in Hawaii, were well attended and helped to focus the attention of Congress on the facts surrounding the overthrow of the Hawaiian monarchy in 1893 and the seizure of lands belonging to the crown and the Hawaiian people. In addition, the hearings raised further questions about whether compensation should be provided, what form such compensation should take, how it should be distributed and the definition of Native Hawaiian.

Because of these valid questions, a different approach was adopted by the U.S. Senate. In December 1975 the then junior Senator from Hawaii, the Honorable DANIEL K. INOUYE, introduced Senate Joint Resolution 155, which sought congressional recognition of the wrongs done to the Native Hawaiians and the establishment of a Hawaiian Native Claims Settlement Study Commission with broad mandate to conduct a comprehensive study of the questions relating to Native Hawaiian claims.

Senate Joint Resolution 155 was referred for consideration to the Senate Interior Committee where, initially, an effort was made to amend the measure to place a ceiling on the amount of any compensation which might eventually be paid to Native Hawaiians. The proposed amendment was strongly opposed by all four Members of the Hawaii congressional delegation and, late in the 94th Congress, the resolution was reported without the amendment. However, it was not considered before the adjournment of the Congress that year.

Early in the 96th Congress, Senator INOUYE and I introduced Senate Joint Resolution 4, a measure providing for recognition of the wrongs committed against the Native Hawaiians and for the establishment of a 15-member Federal Study Commission including several Native Hawaiians. Similar legislation was introduced by Hawaii's two Congressmen in the House of Representatives (H.J. Res. 526). Again, extensive public hearings were held on the legislation in Hawaii and, again, an excellent response was received. In October 1977, the Senate passed Senate Joint Resolution 4 without a single dissenting vote.

In the interim, several important related events occurred. In 1974, Native Hawaiians were defined for the first time as "Native Americans" under title VIII of the Community Services Act. Subsequently, they were found to be eligible for special assistance provided to other Native Americans under title III of the Comprehensive Employment and Training Act and under section 8(a) of the Small Business Act. Native Hawaiians were also included, along with American Indians and Alaskan Natives, in the American Indian Religious Freedom Act and, earlier this year, Congress authorized a study of the educational needs of Native Hawaiians to determine whether they should be included in educational programs designed for other Native Americans.

Senate Joint Resolution 4, having passed the Senate unanimously, was referred to the House Committee on Interior and Insular Affairs and, in due course, it was reported with amendments. On May 23, 1978, the legislation was brought to the House floor under "suspension of the rules," a procedure wherein a two-thirds vote of the House is required to pass a bill. Although the measure received a majority vote of 210 to 194, it did not receive a two-thirds majority. Subsequently, it was referred to the House Rules Committee, which unanimously granted a rule, and it returned to the House floor on September 3, 1978, at which time the House voted to recommit the bill to the House Interior Committee. I reintroduced the Senate-passed version of the resolution in December 1979.

Senator INOUYE and I have made an extraordinary effort to discuss our bill with House Members on both sides of the aisle. The amendment which I am proposing at this time is a compromise. We have deleted from the bill those provisions which were most objectionable to certain House Members during the 95th Congress. For example, we have deleted the preamble previously approved by the Senate in which Congress expressed its sense that a wrong had been done to the Native Hawaiians. In addition, the membership of the Commission has been reduced from 15 to 9, and only three of the Commissioners could be residents of the State of Hawaii. Moreover, the duties of the Commission have been broadened to include a study of the culture and needs of Native Hawaiians, without reference to the "claims" which were the subject of the previous legislation. It is our belief that the proposed amendment provides for a comprehensive and objective study of Native Hawaiians—one in which the outcome will not be "predetermined" by the authorizing legislation. Moreover, there appears to be every reason to believe that the House will accept such legislation.

Mr. President, at the time that the Hawaiian monarchy was overthrown in 1893, it was almost as old as the Government of the United States of America. The separate island kingdoms of Hawaii were united into one kingdom by King Kamehameha the Great, whose statue stands today in Statuary Hall in the Capitol. After a 10-year war still known as "the bitter war," this "founding father" of modern Hawaii established a unified kingdom in 1795. One of the first laws promulgated by the new king, the "Law of the Splintered Paddle," as enunciated by the King himself, provided for the protection of the aged, children, and the weak. It was, for that time, a most enlightened government. One of the king's successors, King Kamehameha IV, proposed universal free education for the kingdom, long before that dream became a reality in the United States.

By the time that Queen Liliuokalani ascended the throne in 1891, the Kingdom of Hawaii had a Constitution and an elected legislature. The Queen, who was well educated in the Victorian sense, had traveled widely (including a state visit to Great Britain with Queen Kapiolani, the consort of King Kalakaua), and she was a well-known poet and composer. There seems to be no historical doubt that she enjoyed the support of her Hawaiian subjects and that she would have been a strong and capable monarch.

The rulers of Hawaii had always extended the hand of friendship to the peoples of other nations who chose to live and work in Hawaii. At the time of the so-called "resolution" in 1893, a number of the members of Liliuokalani's cabinet were descendents of those who had come from the United States and other nations to make a new life in Hawaii. It is also clear that Liliuokalani was giving consideration to proposed changes in the Kingdom's constitution, designed to restore authority which had been "usurped" by some of the newcomers. This may have frightened the American businessmen who had prospered in Hawaii for a number of years.

In any event, the Government of Hawaii was overthrown by them with the assistance of the Resident Minister of the United States and Marines from the U.S.S. *Boston*, an American destroyer which was then anchored in Honolulu Harbor, with its guns aimed at the city. Liliuokalani surrendered to the superior force in the belief that she would receive a fair hearing in Washington, and that her Government would be restored when the facts were known.

In fact, the new President of the United States, Grover Cleveland, did attempt to investigate the overthrow of the Government of Hawaii, designating his friend, James Blount, to visit Hawaii and try to ascertain what had happened. Blount, the distinguished Congressman from the State of Georgia and a chairman of the House Foreign Affairs Committee, decided that an injustice had occurred. In his subsequent report to the Congress, Cleveland observed that:

> By an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress, the government of a friendly but feeble and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires that we should endeavor to repair.

President Cleveland further noted that the new "provisional government" of Hawaii—

> Has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people . . . Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can best be ruled by arbitrary or despotic power.

Despite this strong statement, Congress did not act to restore the constitutional government of Queen Liliuokalani. The President's opposition did prevent consideration of the proposed annexation of Hawaii. It was not until 1898 that Hawaii became a territory of the United States. Even then, however, no consideration was given to the injury suffered by the Native Hawaiian people.

Mr. President, Native Hawaiians are the only aboriginal Americans whose claims have never been given due consideration by the Congress. In recent years, the Indian, Aleut, and Eskimo peoples of Alaska have received compensation in settlement of their longstanding claims against the U.S. Government. The claims of the American Indian peoples are also being settled. Only recently, the 96th Congress passed the Maine Indian lands settlement and, prior to that, a Federal court awarded $5 million in damages to the Sioux Indian Tribe for loss of the Black Hills. The fair and unbiased consideration of the claims of the Native Hawaiians is long overdue.

The pending amendment is not a "settlement act." Indeed, it hardly even mentions the word "claims." It merely provides for a study of the Native Hawaiians by an unbiased Federal Commission composed primarily of non-Hawaiians, and it would require the Commission to report its findings to Congress. If, at that time, the Congress determines that further action is necessary, perhaps a settlement act would be introduced as it was in the case of the Alaskan Natives.

Mr. President, I believe that the amendment deserves favorable consideration and I ask for its immediate adoption.

Mr. MATSUNAGA. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1820) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

> The title was amended so as to read "An act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes."

Mr. MATSUNAGA. Mr. President, I thank the majority and minority leaders, the ranking member of the Energy Committee, and the slated chairman of that committee for this consideration.

Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF CERTAIN POST OFFICES

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. EAGLETON, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1191.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 7815) to recognize the meritorious achievements of certain individuals by providing for the designation of certain post offices in their honor, and for other purposes.

The Senate proceeded to consider the bill.

● Mr. EAGLETON. Mr. President, I speak today to urge Senate adoption of H.R. 7815, a bill to provide for the naming of post offices in St. Louis and Kansas City in honor of three distinguished Missourians: Henry Winfield Wheeler, Bernard F. Dickmann, and Leon Mercer Jordan.

Henry Winfield Wheeler, a black postal employee, served as State representative and president of the St. Louis chapter of the NAACP. His strenuous efforts to eliminate discrimination in employment and public accommodations during 51 years in civic life more than merit designation of the central postal facility at 1140 Olive Street as the "Henry Winfield Wheeler Post Office."

The pivotal role of Bernard F. Dickmann, mayor of St. Louis from 1933 to 1941, in eliminating segregation from city employment and otherwise improving the quality of life throughout his community, also warrants recognition. His service as postmaster of St. Louis, as well as his mayoral achievements, make naming the city's main post office at

1720 Market Street in his honor particularly appropriate.

Leon Mercer Jordan's accomplishments in behalf of the people of Kansas City—as a champion of civil rights, a representative in the State legislature and an officer in the police force—are well-known. Designation of the postal facility at 3106 Indiana Street, Kansas City, as the "Leon Mercer Jordan Post Office" would be a fitting reminder of his significant work prior to a tragic death in 1970.

My esteemed colleague, Representative William Clay, introduced this measure to commemorate these men earlier this year. H.R. 7815 received House approval September 25. Congressman Clay's own outstanding record—of leadership in the cause of civil rights, of conscientious service to the people of Missouri, and of expertise in the complex area of postal affairs—makes his sponsorship of this legislation especially significant. For similar reasons, the support of Representatives Bolling and Gephardt, in whose districts the three post offices are located, attests further to the importance of honoring Messrs. Wheeler, Dickmann and Jordan, and to the suitability of the means which this measure would provide.

Post offices have a unique place in the spirit and identity of a community. Naming these post offices after individuals who played such vital, courageous roles in their communities will serve both as a memorial to their contributions, and as an inspiration to us, who reap the benefits of their work. The cost of three bronze plaques is negligible, approximately $70 apiece, but their value to the people of St. Louis and Kansas City will be beyond price. It is for that reason that I speak in strong support of this legislation, and am pleased to have played a part in insuring its enactment prior to the end of this session.●

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COLORADO WILDERNESS ACT OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Bumpers, I submit a report of the committee of conference on H.R. 5487 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of December 3, 1980.)

Mr. HART. Mr. President, it is my great pleasure to recommend to the Senate approval of the conference report on H.R. 5487, the 1980 Colorado wilderness bill. Since the House of Representatives has already approved this conference report by a unanimous vote, today's Senate action will be the final congressional step in the long RARE II process, clearing the bill for the President's signature. This vote gives the people of Colorado what they want—a balanced and fair resolution of the RARE II issue this year.

The final bill recommended by the Senate/House conference committee is very similar to the bill approved by the Senate earlier this year. It protects more than 1.9 million acres of national forest land as wilderness and wilderness study areas, and resolves important policy issues related to the future planning and management of the remaining national forest land and to the administration of grazing in wilderness areas.

WILDERNESS

The most important part of the bill is the designation of 14 new wilderness areas and the expansion of seven existing wilderness areas. These 21 areas total 1,424,430 acres, slightly more than the 1,421,800 acres contained in the Senate bill, and substantially more than the 1,278,530 acres contained in the House bill. This more than doubles the amount of congressionally designated wilderness in Colorado, raising the total amount of protected land to 4 percent of the State's area.

These wilderness designations provide permanent protection for the most spectacular parts of Colorado's Rocky Mountains, preserving for all time that which is so special about our State. The grandeur of these mountains has stirred the spirit of Americans as long as people have lived on this continent. We cannot create these mountains, we can only refrain from destroying them. This legislation does that, by adding the most magnificent parts of the mountains to the National Wilderness Preservation System, which guarantees that the land will never be destroyed. We owe this to our children, and to the unborn generations who will follow them.

The new wilderness areas contain at least 21 peaks higher than 14,000 feet; about 140 higher than 13,000 feet; and about 200 higher than 12,000 feet. Well over half the acreage is above timberline. There are more than 400 alpine lakes, each larger than 1 acre. The new wilderness areas also include major stretches of the Continental Divide National Scenic Trail, established by Congress in 1978.

As one writer has said, wilderness without wildlife is just scenery. The wilderness being designated by this bill certainly includes spectacular scenery, but it also includes much more. The 1.42 million acres include some of the most important wildlife habitat in the State. Among the wilderness-dependent species in these areas are: Elk, mule deer, mountain goats, bighorn sheep, mountain lions, grizzly and black bears, wolverines, lynx, bobcats, pine martens, and fishers.

The boundaries of all 21 wilderness areas have been carefully drawn to accommodate the specific interests of Colorado's conservationists, ranchers, miners, and other users of the public lands. We have taken great pains to include in the wilderness areas lands with particularly high wildlife and other wilderness-related values, and to exclude from the wilderness areas lands best left in an unrestricted status.

The new wilderness areas include four areas larger than 100,000 acres.

The Collegiate Peaks Wilderness, at 159,500 acres, will be the largest new wilderness. Straddling the Continental Divide, this area by itself includes 6 peaks higher than 14,000 feet and about 60 higher than 13,000 feet. Primitive recreation use of this area is higher than any other national forest area in the Rocky Mountains. During the Forest Service's RARE II process, more individuals commented in favor of wilderness designation for this area than for any other area in the Rocky Mountain region.

The South San Juan Wilderness has been the most controversial wilderness proposal in the State. I am especially pleased that this area of 130,000 acres, including some of the most rugged and inaccessible areas in Colorado, is part of the final legislation. The confirmed discovery last fall of a grizzly bear in this area shattered the belief that this species had been extinct in Colorado for most of this century. There have been other, unconfirmed reports of grizzly bears in the area, and the Colorado Division of Wildlife has undertaken a major study to determine the population and range of grizzlies in the South San Juan Mountains. While there are other reasons for wilderness designation of this area, the likely presence of grizzly bears is by itself sufficient reason. Grizzlies now have only the most precarious of footholds in the lower 48 United States, because they—even more than other wildlife—require vast expenses of undisturbed wilderness for their survival.

The Holy Cross Wilderness, of 126,000 acres, will be an especially important addition to Colorado's protected wild lands. This spectacular area is only a short drive west of the Denver metropolitan region, and is heavily used by backpackers, cross-country skiers, hunters, and other outdoor recreationists. The area includes more than 25 peaks over 13,000 feet in elevation, including the famous Mount of the Holy Cross.

The bill includes a statutory exemption allowing construction and operation of the Homestake water project planned by the cities of Colorado Springs and Aurora. This water project will supply water which is necessary to meet the future municipal needs of these growing cities. Recognizing the important wilderness values of the Holy Cross area, the project sponsors already are designing the project to reduce its interference with those wilderness values. For instance, access for construction within the wilderness will be by helicopter, horseback, or through underground tunnels; and the water will be diverted through a system of diversion structures, designed to blend into the natural environment as much as possible, and of underground conveyance tunnels.

The fourth largest new wilderness area is Lost Creek, which contains 106,000 acres. This area was included in the Senate bill but not in the House bill. It received more public support for wilderness designation during RARE I than any other area in the country. The area contains some of the most spectacular mountain formations to be found in Colorado, and is home for the Tarryall herd of bighorn sheep, the largest in the State. The close proximity of this area to the Denver metropolitan region provides an opportunity for recreation in an unspoiled environment, meeting the needs of the urban population of over 1 million people.

The other large wilderness designations include the new Big Blue Wilderness, which is almost 100,000 acres; the new Mount Evans Wilderness, 73,000 acres; the new Raggeds Wilderness, 68,000 acres; the new Comanche Peak Wilderness, 65,000 acres; and major expansions—each totaling more than 100,000 acres—of the Maroon Bells-Snowmass and West Elk Wilderness Areas.

STUDY AREAS

The bill also designates for further study 11 areas, totaling 469,000 acres. These areas—except Oh-Be-Joyful, which has different management provisions—are to be managed, until Congress determines otherwise, to preserve their wilderness character. The legislation excepts from this management policy livestock grazing and exploration and development of oil, gas, and mineral resources. This management policy, including the exception for grazing and mining, is essentially the same policy which Congress adopted when it authorized the Bureau of Land Management to establish wilderness study areas on BLM lands.

Seven of the study areas were recommended by the administration for wilderness following the Forest Service's RARE II study. Congress has not yet reviewed these areas in sufficient detail to determine whether they should be designated as wilderness. To help Congress with the future review of these areas, the Forest Service is directed to submit to Congress within 3 years more detailed information on the wilderness and other resource values of these areas than was compiled during RARE II.

Three of the study areas were not recommended by the administration for wilderness, but were instead allocated to nonwilderness following RARE II. One of these areas is Oh-Be-Joyful, a possible expansion of the new Raggeds Wilderness. Although this 5,500-acre area represents only one-fourth of 1 percent of the total acreage designated as wilderness and wilderness study in the bill, Oh-Be-Joyful has received probably more public attention than any other area in the bill. The conferees decided to designate this area for wilderness study, with different management provisions than the other wilderness study areas.

The Forest Service is directed to manage the area to preserve its wilderness character; but, in a difference from the other study areas, this directive does not remain in force until replaced by subsequent legislation. Instead, the management provision expires immediately upon the filing of the wilderness study report with Congress if the President's recommendation is to leave the area as nonwilderness; if the President's recommendation is to add the area to the Raggeds Wilderness, the management provision continues in effect for an additional 2 years. The conferees also adopted a special provision for the management of the Oh-Be-Joyful Area, providing that oil, gas, and mineral exploration and development activities shall be managed as if the area were wilderness.

The last study area is the Wheeler Geologic Study Area, containing 14,000 acres, which is to be reviewed jointly by the Forest Service and the Park Service to determine which of several management options is best for this special area.

AREAS TO BE RELEASED

The statement of managers accompanying the final conference committee bill specifically releases five areas from their current status as areas recommended by the administration for wilderness designation. These areas—Pawnee, Kannah Greek, Roubideau, Tabeguache, and Hermosa—are to be returned to regular nonwilderness planning and management. These areas total 142,800 acres.

The 800-acre portion of the proposed North Platte Wilderness which lies in Colorado is not being either designated as wilderness or released. Since the vast majority of this proposed wilderness area lies in Wyoming, the small portion of the area in Colorado will be dealt with in the context of RARE II legislation for Wyoming.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a chart comparing the designations to be made by the final form of H.R. 5487 with the wilderness designations proposed by the Senate and House versions of H.R. 5487, by the wilderness bills introduced by Senator ARMSTRONG and myself, and by the recommendations of the administration and the Colorado State government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF COLORADO WILDERNESS DESIGNATION PROPOSALS

	Final version H.R. 5487	Senate version H.R. 5487	House version H.R. 5487	S. 2123 (Hart)[1]	S. 2741 (Armstrong)	Administration	State
Big Blue[2]	97, 700	83, 100	100, 000	83, 100	96, 000	59, 500	59, 500
Cache La Poudre	9, 400	9, 400	9, 400	9, 400	9, 400	9, 400	9, 400
Collegiate Peaks[3]	159, 900	168, 000	155, 000	184, 200	154, 000	193, 500	193, 500
Comanche Peak	67, 500	74, 000	59, 500	73, 300	59, 500	74, 000	74, 000
Holy Cross	126, 000	134, 000	101, 400	131, 500	97, 000	121, 400	132, 900
Indian Peaks additions[4]	1, 300	1, 300	0	0	0	1, 300	0
La Garita additions	[5] 60, 000	[5] 60, 000	[5] 60, 000	[5] 60, 000	[5] 60, 000	122, 000	[5] 72, 800
Lizard Head[6]	40, 000	34, 200	40, 000	34, 400	40, 000	19, 000	19, 000
Lost Creek	106, 000	106, 000	0	71, 000	71, 000	71, 000	71, 000
Maroon Bells-Snowmass additions	103, 000	100, 000	101, 500	101, 500	85, 000	109, 100	109, 100
Mount Evans	73, 000	73, 000	74, 000	74, 000	74, 000	74, 000	74, 000
Mount Massive[7]	26, 000	26, 000	26, 000	26, 000	26, 000	26, 700	26, 700
Mount Sneffels	16, 200	16, 200	16, 200	16, 200	16, 200	16, 200	16, 200
Mount Zirkel additions	68, 500	68, 000	68, 800	86, 600	42, 500	113, 000	76, 600
Neota	9, 900	9, 900	9, 900	9, 900	9, 900	9, 900	9, 900
Never Summer	14, 100	14, 100	14, 900	25, 300	10, 000	14, 900	14, 900
Raggeds	[8] 68, 000	68, 300	67, 000	70, 600	61, 100	61, 100	61, 100
Rawah additions	48, 930	48, 800	48, 930	48, 900	48, 900	49, 200	49, 200
South San Juan[9]	[10] 130, 000	[10] 130, 000	130, 000	163, 200	75, 000	134, 000	159, 000
Weminuche additions	66, 000	66, 000	66, 000	66, 000	66, 000	66, 000	66, 000
West Elk additions	133, 000	131, 500	130, 000	133, 500	119, 000	150, 000	131, 500
Buffalo Peaks WSA[11]	(56, 900)	(56, 900)	0	0	0	56, 900	56, 900
Fossil Ridge WSA[11]	(54, 700)	(54, 700)	0	(54, 700)	0	0	54, 700
Greenhorn Mountain WSA[11]	(22, 300)	(22, 300)	0	0	0	22, 300	22, 300
Oh-Be-Joyful WSA[11]	(5, 500)	0	[12] 0	[12] 0	0	0	0
Piedra WSA[11]	(41, 500)	(41, 500)	0	0	0	41, 500	41, 500
Sangre de Cristo WSA[11]	(221, 000)	(221, 000)	0	0	0	221, 000	221, 000
South San Juan WESA[13]	(32, 800)	(32, 800)	0	[14] 0	0	0	[14] 0
Spanish Peaks WSA[15]	(19, 600)	(19, 600)	0	0	0	19, 600	19, 600
Vasquez Peak WSA[16]	(12, 800)	(12, 800)	0	13, 300	9, 500	13, 300	13, 300
West Needle WSA[11]	(15, 800)	(15, 800)	0	0	0	15, 800	15, 800
Wheeler Geologic Area[17]	(14, 000)	(21, 000)	(11, 000)	(33, 000)	(11, 000)	[18] 0	(58, 900)
Hermosa	[19] 0	[20] 0	0	0	0	75, 600	75, 600
Kannah Creek	[19] 0	[20] 0	0	0	0	30, 200	30, 200
Pawnee	[19] 0	[20] 0	0	0	0	12, 800	0
Platte River	[21] 0	[20] 0	0	0	0	800	800
Roubideau	[19] 0	[20] 0	0	0	0	16, 000	16, 000
San Miguel	[22] 0	0	0	0	0	0	30, 200

COMPARISON OF COLORADO WILDERNESS DESIGNATION PROPOSALS—Continued

	Final version H.R. 5487	Senate version H.R. 5487	House version H.R. 5487	S. 2123 (Hart) [1]	S. 2741 (Armstrong)	Administration	State
Service Creek	[22] 0	0	0	0	0	0	46, 900
Tabeguache	[19] 0	[20] 0	0	0	0	7, 800	7, 800
Total wilderness	1, 424, 400	1, 421, 800	1, 278, 530	1, 481, 900	1, 228, 000	2, 028, 800	2, 084, 500
Total wilderness study	(496, 900)	(498, 400)	(11, 000)	(33, 000)	(11, 000)	0	(58, 900)
Total wilderness and wilderness study	1, 921, 330	1, 920, 200	1, 289, 530	1, 514, 900	1, 239, 000	2, 028, 800	2, 153, 400

[1] These figures have been recalculated since S. 2123 was introduced and in some instances differ slightly from the figures used in the bill.

[2] The name used in S. 2123 and S. 2741 for this area is Uncompahgre. This area includes the administration's recommendations for 2 separate wilderness areas: Big Blue and Courthouse Mountain.

[3] The name used in S. 2123 and S. 2741 fcr this area is Collegiate Mountains. The name used in H.R. 5487 and in the administration and State government recommendations is Elk Mountain-Collegiate.

[4] The changes in the boundaries of Rocky Mountain National Park, included in sec. 111 of the final version of H.R. 5487, transfer 1,300 acres formerly within Rocky Mountain National Park to the adjacent Indian Peaks Wilderness. Other lands, totaling 2,900 acres, now within the Indian Peaks Wilderness are transferred to the national park but remain in the National Wilderness Preservation System.

[5] See related entry for Wheeler Geologic Study Area.

[6] The name used in S. 2123 for this area is Wilson Mountains. This area includes the administration's and State government's recommendations fcr 2 separate wilderness areas: Dolores Peak and Mount Wilson.

[7] The name used in H.R. 5487 for this area is Hunter-Fryingpan additions.

[8] See related entry for Oh-Be-Joyful wilderness study area.

[9] The name used by the administration for this area is Gunsight Pass.

[10] See related entry for South San Juan wilderness expansion study area.

[11] WSA: Wilderness study area.

[12] See related entry for Raggeds wilderness.

[13] WESA: Wilderness expansion study area. The name used in the Senate version of H.R. 5487 for this area is Montezuma Peak-V Rock Trail wilderness study area.

[14] See related entry for South San Juan wilderness.

[15] WSA: Wilderness study area. The name used in the administration's recommendation for this area is Wahatoya.

[16] WSA: Wilderness study area. The name used in S. 2123 and S. 2741 and in the administration's and State government's recommendations for this area is St. Louis Peak.

[17] This area will be jointly studied by the Forest Service and the National Park Service.

[18] See related entry for La Garita additions.

[19] The conference committee report releases this area from its current status as an area recommended by the administration for wilderness designation, returning it to nonwilderness multiple use management.

[20] The Senate committee report proposes this area for release from its current status as an area recommended by the administration for wilderness designation, proposing to return it to nonwilderness multiple use management.

[21] This area is left in its current status as an area recommended by the administration for wilderness designation, and will be reviewed in the future by Congress in the context of the RARE II proposals for Wyoming (which include most of the proposed Platte River wilderness).

[22] This area is currently being managed as nonwilderness.

Note: All acreages are approximate. Figures in parentheses indicate wilderness study areas.

SUFFICIENCY

Mr. HART. Mr. President, the final bill includes the "sufficiency" or "release" provisions contained in the Senate bill. These provisions are carefully crafted to allow the regular Forest Service land management planning process to continue on the remaining RARE II lands, without the interruption of two possible types of lawsuits which could tie up all 6.5 million acres in Colorado which were studied under RARE II. These provisions were first developed by Senator ARMSTRONG and myself as part of our compromise Senate bill and were then refined by Members of the House of Representatives in the context of the California RARE II bill. These provisions are supported by the Sierra Club and other environmental groups, and by many commercial users of the national forest lands. Congress has already approved identical provisions in the Alaska and New Mexico wilderness bills.

The "sufficiency" provisions protect the Colorado portion of the RARE II environmental impact statement from court review, preventing a lawsuit like California against Bergland, which has tied up the California RARE II land until new environmental studies are done. The "sufficiency" provisions also provide congressional approval of the Forest Service's decision to not conduct an additional wilderness review as part of the land management plans now being prepared for each national forest. Although this Forest Service decision may not be consistent with the National Forest Management Act of 1976, the initial land management plans follow so rapidly on the heels of the RARE II study, that additional wilderness reviews are not necessary until the land management plans are revised in the future. The "sufficiency" provisions also prohibit a RARE III in Colorado; future wilderness reviews will instead be conducted as part of the regular land management planning process.

GRAZING

The final bill includes a statutory provision directing the Forest Service to follow, on a nationwide basis, the guidelines on grazing in national forest wilderness areas that are contained in the House committee report accompanying H.R. 5487. These guidelines, which were prepared under the direction of Representative JOHN SEIBERLING, in consultation with Representatives JIM JOHNSON and RAY KOGOVSEK, environmentalists, and ranchers, provide specific guidance to the Forest Service on the administration of the provisions of the Wilderness Act which allow grazing to continue in wilderness areas. The guidelines do not change or expand the provisions of the Wilderness Act. Instead, they provide specific guidance to the Forest Service to enable all local Forest Service officials across the country to interpret the act in the same fashion, rather than in the widely differing styles which have been followed.

Mr. President, I ask unanimous consent to insert those committee report guidelines in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAZING IN NATIONAL FOREST WILDERNESS AREAS

Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest Wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964, Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95–620 and 95–1321) specificially provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled "under the general regulations governing grazing of livestock on National Forests * * *". This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96th Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4(d)(4)(2) of the Wilderness Act. This has led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) is managed on the public lands, the Committee feels that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion. Therefore, the Committee declined to amend section 4(d) (4) (2) of the Wilderness Act, opting instead for a reaffirmation of the 4(d) (4) (2) of the Wilderness language in section 5 of H.R. 5487 and for the following nationwide guidelines and specific statements of legislative policy. It is the intention of the Committee that these guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted in those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with these guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined in this report, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to reestablish uses where such uses have been discontinued.

INSECTS, DISEASES, FIRES

Mr. HART. Mr. President, the conference report contains the Senate bill's provision directing the Forest Service to review its practices on the management of insect infestations, diseases, and fires in Colorado wilderness areas, and to insure that those practices carry out the original intent of the Wilderness Act that appropriate control measures are followed.

BUFFER ZONES

The conference report contains the Senate bill's provision which makes it clear that the designation of wilderness areas does not create any need for buffer zones in which nonwilderness activities are banned near wilderness areas.

ACCESS

The conference committee did not accept the Senate bill's provision on access to inholdings in Colorado wilderness areas, because Congress has recently enacted—as part of the Alaska lands bill—a similar provision to apply to access to inholdings in all public lands.

Mr. President, this is an excellent bill. I doubt that anybody will think that it is perfect, but I am confident that all will recognize that it is a fair compromise addressing all the different interests Coloradans have in the national forest lands in our State.

I want to express my heartfelt thanks to the thousands of Coloradans who have participated, directly and indirectly, in the Forest Service's RARE II study and in the congressional consideration of this legislation. It would not have been possible for Congress to have prepared such a balanced bill without the dedicated assistance of these Coloradans.

I also want to thank my colleagues in Congress who have been instrumental in the preparation of this bill. Senator DALE BUMPERS, as chairman of the Subcommittee on Parks and Recreation, has done an admirable job of steering this legislation to final enactment. Representative JOHN SEIBERLING, chairman of the House Subcommittee on Public Lands, has performed a similar function on the House side. All Coloradans owe these two distinguished Members of Congress a lasting debt for the excellent work they have done for us.

Most of all, however, I want to thank my colleagues in the Colorado delegation. Senator BILL ARMSTRONG and Representatives JIM JOHNSON and RAY KOGOVSEK—and their staffs—have spent long months working on this legislation. Although in some instances we have had initial differences, all parties have been willing to move beyond those differences and develop a common Colorado solution to the RARE II issue. I am sure that all Coloradans are grateful for the fair and responsible manner in which my colleagues and their staffs have approached this issue.

Mr. BUMPERS. Mr. President, this measure would designate certain lands in the States of Colorado, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System. The conferees were, in my view, able to arrive at an excellent compromise between the two versions. I commend my two colleagues from Colorado (Senators HART and ARMSTRONG), Congressmen JOHNSON and KOGOVSEK of Colorado, and Congressman JOHN SEIBERLING, chairman of the House Subcommittee on Public Lands for a job well done. I think a reasonable and fair balance has been struck here and I urge my colleagues to join with me in approving this conference report.

Mr. President, I move the adoption of the conference report.

Mr. ARMSTRONG. Mr. President, I appreciate the help of the majority leader and the minority leader in bringing this to the floor and for accommodating the Senators from Colorado at this late hour in this way.

Mr. President, a few months ago, I recalled and shared with my colleagues a great vision of President Theodore Roosevelt, a leader of America's conservation movement. In 1905, he declared that it was his goal not to "lock up" the forests, but to "consider how best to combine use with preservation."

I appealed to the Senate—and to our colleagues in the House, as well as thousands of interested Colorado citizens—to bring such a standard of balance and moderation to the task of designating new wilderness areas in Colorado.

I objected to the Colorado wilderness bill which was adopted by the House, and I disagreed with other proposals which were pending.

These bills, while worthy in many ways, were not well balanced. They designated huge tracts of Colorado land for wilderness status but failed to unequivocally release nondesignated lands to multiple-use management to permit mining, timbering, watershed and wildlife management, nonwilderness recreational use, energy production and other uses.

Nor did these bills recognize and solve the crucial problems encountered by ranchers who use Federal lands for grazing.

I also felt a proper Colorado wilderness bill should provide for review of existing Forest Service policies with respect to fire, disease and insect control, needs of the timber industry, strong language to prevent the creation of arbitrary "buffer zones" around wilderness areas, and so on.

I proposed a wilderness bill to accomplish these purposes. In preparing this legislation, I sought the advice and counsel of a vast cross-section of public opinion throughout my State.

My recommendations were initially met with considerable skepticism. I was warned that the House would never agree to the changes I suggested. Some thought I was merely trying to delay passage of Colorado wilderness legislation; others feared—or hoped—that I was just trying to "kill" the bill.

But the legislation which comes before us today comes very, very close to the ideal to which Teddy Roosevelt aspired. It is not a perfect bill, but this legislation represents the end product of the legislative process working at its best. The bill preserves much valuable wilderness for the use of future generations, while also accommodating a wide range of other uses of Federal lands in Colorado. In short, we will "combine use with preservation."

Too often, debates over wilderness bills have degenerated into confrontations between those who regard people as the enemies of the land, and those who would exploit the resources of the land with reckless disregard for environmental consequences that would haunt us for generations.

This wilderness bill is proof that the best wilderness bill is not one that pits the interests of environmentalists against those ranchers, miners, and tourists, but one which serves the interests of all: preservation for people, not preservation from people.

This compromise preserves the natural wonders of our State, but does not render them inaccessible to those who wish to admire them. It balances the need of our people to benefit from the timber and grass on, and the minerals below, our land, with the need for conservation measures to protect the source of these treasures for generations to come.

We achieved this compromise by recognizing that all competing interests were legitimate, and deserved fair and balanced treatment. And while none of the interests concerned are completely happy with all of the provisions of this bill, all can be reassured that the best interests of everyone, now and for years to come, are served by this carefully wrought compromise.

This important legislation began with a detailed examination of Forest Service proposals for RARE II wilderness lands in the State of Colorado by the Colorado congressional delegation, other Senators and Representatives and many different interest groups in Colorado. The bill we are about to enact, I believe, is a good compromise reached after much debate, careful scrutiny, and negotiation.

This legislation will end the uncertainty regarding the status of various RARE II lands which have been recommended for wilderness, nonwilderness and further study by the Department of Agriculture. Threatened lawsuits, the restraint which such lawsuits and wilderness studies have placed on needed development projects in the State of Colorado, and the need to act to preserve some of Colorado's wildest lands all are reasons which emphasize the significance of this bill.

It is impossible to thank every individual who participated in the development of this landmark legislation. However, I would like to take a moment to thank some of those who were most deeply involved for their many hours of hard work, their courtesy, and cooperation, and their willingness to negotiate so many of these issues.

I would especially like to thank Senator HART, Congressmen JOHNSON and KOGOVSEK, Senator McCLURE, Senator BUMPERS and Congressman SEIBERLING. I also express my appreciation to their staff for the literally thousands of hours of time which they gave to this issue: Stephen Saunders, Larry Smith and Peter Gold in Senator HART's office; Jim Huska and Bill Cleary in Congressman JOHNSON's office; Mike Lopez and Chuck Ford in Congressman KOGOVSEK's office; Steve Crow and Tom Williams with the Energy Committee; and Debbie Bogossian in Senator McCLURE's office. Most of all, I would also like to give special commendation to Paul Driessen, David Swoap and Bob Potts of my own staff. Their faithfully effective and dedicated efforts have been exemplary.

I would also like to thank both the wilderness and multiple-use groups in Colorado for their long hours, cooperative efforts and detailed information, especially the Colorado Wilderness Network, the Colorado Resources Consortium and the numerous individuals who gave so much of their time and energy during the past 2 years. I would also like to thank the Forest Service people—especially Don Girton, Bruce Hronek and Craig Rupp, the Regional Forester for Colorado—for their efforts.

Undoubtedly, problems will arise, some unexpected and some already anticipated. I intend to address these problems and unresolved questions during the coming session of Congress: The South San Juan access issue, the snow pack monitoring question and extending the Wilderness Act's 1984 minerals exploration deadline have yet been satisfactorily resolved—to name just a few of the issues which will require prompt attention.

As those who are familiar with this Colorado legislation know, the Colorado wilderness bill includes a number of policy provisions which are not found in any other wilderness bill. I would like to take a few moments now to address several of these important policy issues, so that there is no misunderstanding as to the intent of Congress on these provisions.

CONGRESSIONAL FINDINGS AND INTENT

The nonwilderness uses listed in the Senate bill were deleted in the conference bill due to a misunderstanding among conferees and staff. The nonwilderness uses intended by Congress include, but are not limited to, the following: campground, alpine skiing and other recreation site development, energy and mineral exploration and production, timber harvesting, intensive range management, management of wildlife and wildlife habitat, and watershed and vegetative manipulation, in accordance with the general land-use and environmental laws and regulations of the United States and the State of Colorado.

The purpose of releasing these areas is to insure that nonwilderness options are not foreclosed and that the Nation's needs for energy, minerals, timber, rangeland, national security, watershed, nonwilderness recreation, employment and a sound economy will be addressed in a timely and environmentally sound manner.

RELEASE LANGUAGE

The inclusion of release language means the threat of lawsuits like California against Bergland has been significantly reduced. Investment and land-use decisions can now be made in an atmosphere of greater certainty that such decisions will not be subject to repeated administrative appeals and litigation. So RARE II will, in fact, result in long-lasting decisions about how these National Forest System lands will be managed.

This statutory release language also means the majority of Colorado's RARE II lands which are not being designated as wilderness by this legislation will be released from further wilderness study management, and will be managed under the general land-use and environmental laws which we have so carefully crafted during the past decade. These laws will assure that the nonwilderness lands will continue to be protected even as they are made available for other potential uses.

Of course, statutory release language does not mean wilderness options are foreclosed. Congress can always reconsider this year's decisions and, under the land management planning process, the Forest Service and the Department of Agriculture can and will again review the wilderness options as they develop new forest plans under the Resources Planning Act.

What statutory release language does mean is that important nonwilderness options—energy, mineral, recreation, timber, watershed, ranching, and wildlife management—will not be foreclosed to this and future generations.

GRAZING LANGUAGE

I am very pleased that the Forest Service has been making efforts to eliminate problems that have plagued the Colorado and other western ranchers for years. However, legal questions still exist as to possible conflicts between grazing guidelines contained in House Report 96–617 and section 4(c) of the 1964 Wilderness Act.

Thus, there is still a question as to the Forest Service's ability, especially in the face of an administrative or district court challenge, to follow all the provisions of these guidelines, in the absence of clear statutory language directing them to do so and to resolve apparent conflicts between statute and report guidelines in favor of the report guidelines.

The statutory language included in this bill will make it clear that Congress intends that grazing and grazing activities continue in designated wilderness areas throughout the United States, that past problems and conflicts be eliminated, and that the guidelines be followed in those cases where apparent conflicts exist between the guidelines and the Wilderness Act. The language will help insure that the guidelines, so carefully worked out by the House Interior Committee, can and will in fact be followed.

I should perhaps point out that this new statutory language does not amend the 1964 Wilderness Act. The language merely adds statutory authority, and restates and clarifies Congress' longstanding intent regarding grazing activities in wilderness areas.

The wilderness boundaries contained in this bill are intended to eliminate known conflicts with fences, access roads, and other facilities related to grazing. However, as this language recognizes, many presently unknown conflicts may still exist. Indeed, some were uncovered only in recent weeks, and others are noted on some topographic maps but not others for the very same areas (for example, the Rawah and West Elk areas).

In addition, the House report guidelines also cover grazing activities, in addition to actual physical facilities. This statutory language will help assure that those activities are also protected and that Colorado's ranchers will no longer encounter the frustrations, problems, and economic hardships that caused the House Interior Committee to draft the guidelines in the first place.

This grazing language underscores Congress' intent that the term "grazing," as used in the Wilderness Act, also includes the human activities that are necessary if livestock grazing is to continue in wilderness areas as an economically viable activity. By including this provision in the Colorado wilderness legislation, we are saying that existing grazing permittees must be allowed to continue economically viable operations in wilderness areas throughout the United States. These operations include, but are not limited to, occasional vehicle access; occasional use of backhoes and other mechanized equipment; and repair, reconstruction and replacement of facilities.

The intent of Congress is not that at least one cow or sheep be permitted to continue chewing grass in wilderness areas, but that all grazing permitees in an area be permitted to continue their operations at the level established prior to the date the area was designated as wilderness. Congress is also concerned about the cumulative impacts on permittees and the West's grazing industry of more and more wilderness designations, and of more and more restrictive rules and regulations (that is, more and more layers of increasingly restrictive regulations, applied to more and more land).

The purpose of this statutory language and the statement of managers is to assure that such past policies and practices be replaced by policies and rules that recognize the need for grazing and livestock management in wilderness areas and the cumulative impacts of past and future wilderness designations and rules; the importance of Forest Service and Agriculture Department recognition of economic realities as they concern modern ranching and grazing operations; and the fact that these activities need not be conducted by 19th Century methods and equipment, but may be conducted with the latest tools and equipment, so long as the basic wilderness resource values are not unduly, unnecessarily or permanently damaged.

ACCESS TO INHOLDINGS

Access to privately owned inholdings within designated wilderness areas is especially important today because: First the 1980 Colorado legislation designates so much additional land as wilderness; second, much of this new wilderness land is located in lower elevations closer to civilization and human activity, is less "pristine," and contains many more private inholdings than do previously designated wilderness areas; and third, a June 23, 1980, Attorney General's opinion has suggested that the Federal Government does not necessarily have to grant access. As should be clear to all concerned, this access question is one of critical concern to many westerners.

Language guarantying access to these inholdings was included in the Senate-passed Colorado RARE II bill. It has been dropped from this final legislation only because even more comprehensive language is included in the Alaska Lands legislation which President Carter signed yesterday.

This access language directs both the Secretary of Agriculture and the Secretary of the Interior to provide reasonable access, including motorized air and ground access where necessary to secure the landowner reasonable use and enjoyment of his property, to private inholdings within all national forest and BLM lands in the United States, including wilderness areas. This language was developed by Senator JOHN MELCHER, of Montana, who worked diligently to insure its passage, so that westerners would no longer be subjected to the whims of Federal land managers who have all too frequently denied reasonable access.

On a related note concerning access, I would like to make it clear that access by cars, jeeps, snowmobiles and other motor vehicles into the congressionally designated wilderness study areas and Forest Service further planning areas is to be permitted during the period of study, so long as that vehicle use does not unnecessarily, unduly or permanently harm the areas' wilderness character or their potential for inclusion in the National Wilderness Preservation System.

FIRE, DISEASE, AND INSECT CONTROL

Colorado's wilderness system is now being greatly expanded. Many of the new areas are close to homes, mountain communities, private and State-owned commercial forest land, and potential development sites. Thus, the danger that fire, disease, and insect outbreaks could spread far beyond the boundaries of a wilderness area is greatly increased and a review of current Forest Service policies is in order.

The inclusion of special fire, disease, and insect control language in the 1980 Colorado bill reflects a growing recognition that it is impossible to have small, scattered "islands" of wilderness, where nature operates as it once did, when the rest of the land is under often intensive human management. Fires, diseases, and insects do not respect arbitrary human boundary lines drawn on a map.

Moreover, we cannot and should not try to overturn 50 years of fire prevention policies overnight. The dead timber, brush, and slash that have accumulated in the past decades, if set afire, would create a catastrophic fire that is anything but natural. Thus, there may be times when "prescribed burns" are advisable, at least when new "natural burn" policies are first implemented, and the use of mechanical equipment and other practices to keep prescribed burns and other fires under control may also be advisable.

The 1964 Wilderness Act says only that "such measures may be taken as may be necessary in the control of fire, insects, and disease, subject to such conditions as the Secretary of Agriculture deems desirable." That this is insufficient guidance is apparent from the Forest Service Manual; Forest Service policies and practices with regard to fires, disease outbreaks, and insect infestations in wilderness areas; and some of the major fires that have occurred in national forest and park wilderness areas during the last few years.

In my opinion, the following are among the specific deficiencies in the Forest Service Manual, and agency policies and practices:

(1) The Forest Service Manual does not address the issue of disease or insect outbreaks in wilderness areas.

(2) As the fires, the Manual presents the following policy: (a) "naturally occurring fires will be allowed to more fully play their natural role," unless they threaten life or property in the wilderness area, or imminently threaten life, resources or property outside the area with "unacceptable damage"; (b) prescribed burning, which under some circumstances could help remove a serious hazard, is generally prohibited; (c) firefighting must generally be done with primitive tools and by methods which will cause "the minimum adverse impact on the wilderness resource" and which "least alter the landscape or disturb the land surface"; (d) decisions to use certain mechanized transportation and fire suppression equip-

ment may be made by the Regional Forester, but decisions to use heavy equipment like bulldozers must be made by the Chief of the Forest Service, who will often be thousands of miles from the scene.

The policies on allowable tools and methods mean that even airplanes and chemical retardants are often not permitted, that adequate ground support for "smoke jumpers" is often lacking, thus increasing the danger to those smoke jumpers, and that the ability to control forest fires is greatly reduced. Restrictions on equipment and methods create similar problems with respect to controlling insect and disease outbreaks which, consequently, often spread far beyond the boundaries of the wilderness areas; if insect and disease outbreaks are allowed to continue unchecked in wilderness areas, prevention and control measures taken outside the areas will frequently be ineffective.

These policies have occasionally caused the Forest Service merely to "observe" incipient forest fires in wilderness and other areas, as it did last summer in the Gallagher Peak fire in Idaho. What happened at Gallagher Peak should prove a lesson to both Congress and the Forest Service regarding forest fire policies.

The fire began on July 6 and grew slowly until, by August 2, the fire had burned about 300 acres; on the afternoon of August 3 the Forest Service received a "redflag warning" which indicated that high winds, dropping humidity, and rising temperatures had created extreme fire dangers; by the end of the next day, August 4, fire had burned 3,600 acres, more than 100 times as much land as had been affected on the preceding morning.

The lesson is this: Once the wilderness or adjacent property and forest land is "imminently threatened" with "unacceptable damage" it is too late to exercise control over the fire. The same is true with respect to insect and disease outbreaks that begin in wilderness areas, if they continue largely unchecked until they reach epidemic proportions.

It is my hope that the inclusion of this special provision in the 1980 Colorado National Forest Wilderness Act will lead to a careful reassessment of current Forest Services theories, policies, practices, and regulations for controlling fire, disease and insect outbreaks in wilderness areas.

BUFFER ZONES

In this provision as well, there is an implicit recognition that wilderness areas are now closer than ever before to various human activities and structures. Furthermore, in many cases, the boundaries of these new Colorado wilderness areas were drawn in such a way as barely to exclude structures, roads, grazing activities, proposed mines, important mining claims and energy development areas, highly valuable commercial timber land, nonwilderness recreation areas, and other nonwilderness values.

We do not intend that "buffer zones" be created around Colorado's wilderness areas. We are also concerned that, without language like this, problems may arise with regard to ongoing and proposed activities near these wilderness areas, including oil shale and power plant development, utility lines, smoke plumes, mines, ski areas, and timber operations.

There are already indications that efforts will be made in the near future to restrict or stop activities outside of wilderness areas, on the ground that the activities can be seen or heard by persons hiking in the wilderness, or even standing on a mountaintop within a wilderness area. These indications include: An incident involving a ski area operator who was told part of a lift could not be built, because it would be visible from an adjacent wilderness area; the case of Sierra Club against Parker, which originated in Colorado; and recent letters from various Colorado wilderness organizations, which appear to support the concept of buffer zones.

The antibuffer zone language in this act gives a statutory basis for what is already general Forest Service policy. It is designed to protect the Forest Service and users of nonwilderness areas from legal actions through our courts and Federal agencies, and to provide a reasonable degree of certainty or predictability as to congressional intent and land management policies. It is also designed to underscore the congressional intent that the Clean Air Act was designed to protect air quality within wilderness areas, not the "scenic vistas" of hikers using a wilderness and looking out of it onto neighboring lands.

MINERAL ACTIVITIES

Special mineral exploration and development language for wilderness study areas was included in the Colorado wilderness bill out of a recognition that many of these study areas are located in the very rich Colorado mineral belt; that exploration is necessary for informed decisions on land use decisions and wise resource planning; that is a contradictory to mandate a continuing wilderness study and then prohibit gathering the very information needed to complete the study and make informed decisions about wilderness versus nonwilderness; and that development of energy and mineral resources, under careful environmental controls, is necessary to provide the basic raw materials on which American industry and jobs depend.

These points are also underscored by the 1980 National Materials and Minerals Policy Act, which stresses that it is Congress intent that, henceforth, mineral issues and mineral values be fully evaluated before any land use or resource allocation decisions are made. Eliminating the mineral exploration and development provision would undercut the National Materials and Minerals Policy Act almost immediately after its passage. This must not be allowed to happen. Moreover, the 1980 act actually requires that these exploration activities and assessments be a part of the decisionmaking process.

Some have suggested that there is an internal conflict within section 103(c) of the Colorado wilderness bill, because that section instructs the Secretary of Agriculture to maintain the presently existing wilderness character of these areas and their potential for inclusion in the National Wilderness Preservation System, but then requires the Secretary to permit oil, gas, and mineral exploration and development (as well as grazing) activities in those areas. This "conflict" is illusory rather than real.

The language in question simply requires the land managers to balance the need to preserve wilderness values against the need for exploration data, fuel and nonfuel minerals, and grazing.

The 1964 Wilderness Act instructs the Federal land managers to strike a balance between wilderness preservation on the one hand and permitting grazing and mineral exploration and development activities on the other hand. This provision in the 1980 Colorado Wilderness Act simply mandates such a similar balance for wilderness study areas, but requires that the laws "generally applicable to lands in the National Forest System" provide the standard for managing the study areas.

Enactment of this provision underscores Congress expectation that all State and Federal air pollution. water pollution, endangered species, reclamation, access, wildlife preservation and similar laws and regulations will be administered as for all other national forest lands. However, it also emphasizes that reasonable rights of access by ground and air will be granted for grazing, energy and mineral activities, and that the land management agencies will no longer follow their past practices of providing absolute protection of wilderness values while ignoring congressional intent and the Nation's needs for energy, minerals, informed land use decisions and economically practicable exploration and grazing operations.

The language recognizes that minerals like those found in much of Colorado are essential to the manufacture of nearly all consumer products, to the machinery that is needed to manufacture those products, to basic energy needs, and to national security and defense needs.

The language also recognizes that conflict between various national interests is both inevitable and even desirable, and that the way to resolve these conflicts is by conducting the mineral and energy operations in a way that causes the least environmental damage—not by ignoring mineral and energy needs and interests until the problems and shortages become so severe that we have to respond with crash exploration and development programs.

Thus, including this language in the wilderness study section underlines Congress growing dissatisfaction with the executive branch's long-term practice of closing off wilderness study areas and other large segments of the public domain to energy and mineral operations, despite clear statutory and other statements that such an approach is contrary to congressional intent. Congress is concerned that the executive branch's approach is making it even more difficult for Congress and the American public to make informed land use decisions, address national defense and security problems, and resolve our worsening import, inflation, employment, and productivity situation.

Thus, it is expected that mineral operations will proceed in the congressionally designated wilderness study areas, in accordance with the laws generally applicable to the National Forest System, on the presumption that any harm to the wilderness character of the land can be repaired through reclamation, just as has already occurred (with or without man's assistance) in many of the Colorado areas being designated as wilderness today. It is also expected that the Wilderness Act's provisions for energy and mineral exploration and production activities in designated wilderness areas shall be followed until December 31, 1983—and that leasing, claim staking, motorized on-the-ground access, drilling, development and mining shall be permitted in these areas.

OH BE JOYFUL STUDY AREA

Despite intense opposition from many multiple use groups in Colorado, the Colorado National Forest Wilderness Act of 1980 places the Oh Be Joyful Creek area in a further wilderness study classification.

I have reservations about this decision. Not only does the area have only marginal wilderness qualities and extremely high energy, mineral and nonwilderness recreation values, it also was recommended for nonwilderness by the Forest Service, the Department of Agriculture, President Carter and again by the Forest Service, when the agency was asked earlier this year to reconsider its earlier recommendation.

I have gone along with the decision of the conferees on this issue only because, after much discussion they were graciously willing to accept language which I drafted to cover the mineral exploration issue and the conclusion of this last wilderness study effort. Because this language is so unique, I would like to review it briefly, just so there will be no misunderstanding as to its purpose and intent.

Oh Be Joyful is the only congressionally designated wilderness study area in Colorado for which the terms of the Wilderness Act, rather than the laws generally applicable to lands in the National Forest System, will control oil, gas, and mineral operations within the study area during the period of departmental and congressional review. I would like to make it absolutely clear that the intent of this language is to make sure the Oh Be Joyful area is, in fact, kept open to energy and mineral exploration and development operations.

Section 4(d)(3) of the 1964 Wilderness Act sets a somewhat higher standard for access, drilling, reclamation, and other energy and mineral activities in designated wilderness areas. However, that section clearly states and underscores Congress clear intent that these exploration and development activities—including motorized, on-the-ground access—shall be permitted. I intend and fully expect that this shall be the case for the Oh Be Joyful study area, as well.

The second point I would like to make absolutely clear is that the Oh Be Joyful Wilderness Study Area is to be returned to nonwilderness multiple use management instantly upon the happening of one of the following events: First, a nonwilderness recommendation by the President; or second, the expiration of 2 years, without Congress having acted to designate the area as wilderness, from the date on which the President recommends that Oh Be Joyful be designated as wilderness.

To be frank, I expect a nonwilderness decision at an early date. As I have already noted, the area has only marginal wilderness value, extremely high nonwilderness value, and has already been recommended three times for nonwilderness. The nonwilderness values and characteristics include the presence of oil and gas leases throughout the area; patented and unpatented mining claims over two-thirds of the area; natural gas and mineral exploration activities planned or already underway; grazing allotments; a heavily used four-wheel-drive road up the middle of the drainage; and a watershed which may have to be developed sometime in the future to serve the needs of the town of Crested Butte.

At the moment, the watershed is not being used in any way by the town of Crested Butte; it is only a potential secondary watershed. But watershed development could not proceed if the area is designated as wilderness, without a special authorization by the President.

In any case, watershed protection is not a Wilderness Act criterion for wilderness designation, and this watershed will be fully protected by a wide variety of State and Federal water laws. Furthermore, it does not appear that Oh Be Joyful Creek's waters will be contaminated by the proposed Mount Emmons molybdenum project, since the mining plan does not contemplate using that creek but, rather, another one for water supply and wastewater treatment.

Finally, even if the area is returned to nonwilderness multiple use management, all the general land and environmental laws and regulations of the United States and the State of Colorado would continue to apply and would fully protect the soil, plant, wildlife, and scenic values in the area. For these reasons, I believe the fears that nonwilderness management will lead to the destruction of this area are unfounded.

LEGISLATIVE HISTORY OF THE COLORADO WILDERNESS BILLS

Mr. President, a large number of people have been carefully tracking the progress of the Colorado National Forest Wilderness Act of 1980. For their benefit, and to help all who are interested to understand the process by which the compromises have been developed, my staff has prepared the following summary of the various bills which have been considered during the past 2 years, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material rial was ordered to be printed in the RECORD as follows:

COLORADO RARE II LEGISLATION

COMPARISON OF BILLS, WITH DESCRIPTIONS

Title of policy provision or wilderness designation	Administration recommendations	House bill (H.R. 5487)	Hart bill (S. 2123)	Armstrong bill (S. 2741)	Hart-Armstrong Senate bill (H.R. 5487)	House-Senate conference bill (H.R. 5487)
Title of bill	NA	Essentially same as WLA.	Same as Armstrong	Colorado National Forest Wilderness Act of 1980.	Same as Armstrong	None.
Findings and intent	NA	None	None	Statement of congressional findings and intent relative to wilderness and nonwilderness designations.	do	Essentially same as Armstrong, but list of nonwilderness values was deleted.
Wilderness designation	See below	See below	See below	See below for list of areas and acreage; designates new wilderness areas.	See below	See below.
Valid existing rights	NA	Same as WLA	Same as Armstrong	Subject to valid existing rights, areas shall be managed according to 1964 Wilderness Act.	Same as Armstrong	Same as Armstrong.
Maps	NA	do	do	Preparation of maps of new wilderness areas.	do	Do.
Wilderness study areas	See below	See below	See below	See below for list of areas and acreage; special study for Wheeler area and continuing wilderness study for certain other areas; USFS "further planning" areas not affected.	Essentially the same as WLA, except that Lost Creek further planning area is placed partly in wilderness and partly in nonwilderness; permits mineral and grazing operations to continue.	Essentially same as Armstrong except that Oh Be Joyful is added as special wilderness study area: 2-yr study period; study management applies until NW recommendation by President or for 2 yr after W recommendation; Wilderness Act applies for mineral operations.

Footnotes at end of table.

COLORADO RARE II LEGISLATION

COMPARISON OF BILLS, WITH DESCRIPTIONS—Continued

Title of policy provision or wilderness designation	Administration recommendations	House bill (H.R. 5487)	Hart bill (S. 2123)	Armstrong bill (S. 2741)	Hart-Armstrong Senate bill (H.R. 5487)	House-Senate conference bill (H.R. 5487)
Release language	NA	None	None	Congress does not intend to designate areas not designated by this act; nondesignated areas are returned to NW multiple use; no further study for single purpose wilderness (i.e., no RARE III); land management planning process cannot be used as basis of further wilderness-related lawsuits; RARE II EIS is legally and factually sufficient, and no court may consider lawsuits on Colorado part of EIS.	Agricultural Department and Congress have reviewed Colorado RARE II areas; RARE II EIS shall not be subject to judicial review for Colorado lands; with certain exceptions, all Colorado RARE II lands were adequately reviewed under RARE II, and Agriculture Department shall not review them again for wilderness until revision of first generation land management plans; released areas need not be managed to protect wilderness values; no RARE III in Colorado.	Same as Senate.
Extension of 1984 minerals deadline.	NA	do	do	Extended Wilderness Act's 1984 deadline on mineral exploration and development.	None	None.
Grazing	NA	None (report only)	None (report only)	Placed major provisions of House Committee report on grazing practices into statute itself.	Agriculture Department shall interpret and administer grazing regulations in accordance with guidelines contained in House Committee report (applies only to Colorado).	Essentially same as Senate version, except that provision applies nationally and language states specifically that Wilderness Act is not being amended.
Access	NA	None	None	Owners of lands within wilderness areas shall be permitted reasonable access.	Same as Armstrong	None—Access to all USFS and BLM lands in United States is provided for by new Alaska lands legislation.
Fires and insects	NA	do	do	Forest Service shall review its fire, insect and disease control policies to insure protection of wilderness and adjacent areas.	do	Same as Armstrong.
Buffer zones	NA	do	do	USFS shall not establish "sight and sound" buffer zones around wilderness areas.	do	Do.
Rocky Mountain National Park.	NA	do	do	None	Modifies boundaries of Rocky Mountain National Park, to make them conform more with natural terrain features; addresses several land and water development issues related to these park areas.	Same as Senate bill, except that Twin Sisters area is retained in the park.

Title of policy provision or wilderness designation	Administration recommendations	House bill (H.R. 5487)	Hart bill (S. 2123)	Armstrong bill (S. 2741)	Hart-Armstrong Senate bill (H.R. 5487)	House-Senate conference bill (H.R. 5487)
Wilderness:						
Big Blue	59, 500	100, 000	100, 000	93, 120	83, 100	97, 700
Cache La Poudre	9, 400	9, 400	9, 400	9, 400	9, 400	9, 400
Collegiate Peaks	193, 500	155, 000	193, 500	150, 000	168, 000	159, 900
Comanche Peak	74, 000	59, 500	73, 100	59, 500	71, 400	65, 700
Holy Cross	121, 400	101, 400	130, 600	105, 000	134, 000	126, 000
La Garita	122, 000	60, 000	60, 000	60, 000	60, 000	60, 000
Lizard Head	19, 000	40, 000	40, 000	35, 000	34, 200	40, 000
Lost Creek	71, 000	0	71, 000	69, 000	106, 000	106, 000
Maroon Bells	109, 100	101, 500	101, 500	87, 000	100, 000	103, 000
Mount Evans	74, 000	74, 000	74, 000	74, 000	73, 000	73, 000
Mount Massive	26, 700	26, 000	26, 000	25, 500	26, 000	26, 000
Mount Sneffels	16, 200	16, 200	16, 200	16, 200	16, 200	16, 200
Mount Zirkel	113, 000	68, 800	90, 600	61, 800	68, 000	68, 500
Neota	9, 900	9, 900	9, 900	9, 900	9, 900	9, 900
Never Summer	14, 900	14, 900	26, 900	9, 280	14, 300	14, 100
Raggeds	61, 000	67, 000	71, 500	61, 100	68, 300	68, 000
Rawah	49, 200	48, 900	48, 900	48, 900	48, 800	48, 930
South San Juan	134, 000	130, 000	157, 500	76, 800	130, 000	130, 000
St. Louis Peak	13, 300	0	13, 300	10, 240	[1] 0	[1] 0
Weminuche	66, 000	66, 000	66, 000	66, 000	66, 000	66, 000
West Elk	150, 000	130, 000	133, 500	119, 100	131, 500	133, 000
Buffalo Peaks	56, 900	0	0	0	0	0
Greenhorn Mountain	22, 300	0	0	0	0	0
Hermosa	75, 600	0	0	0	0	0
Kannah Creek	30, 200	0	0	0	0	0
Pawnee	12, 800	0	0	0	0	0
Platte River	800	0	0	0	0	0
Piedra	41, 500	0	0	0	0	0
Roubedeau	16, 700	0	0	0	0	0
Spanish Peaks	19, 600	0	0	0	0	0
Tabeguache	7, 800	0	0	0	0	0
West Needle	15, 800	0	0	0	0	0
Total	2, 028, 700	1, 278, 500	1, 513, 400	1, 246, 840	1, 418, 100	1, 421, 330
Further study:						
Wheeler Geological	0	11, 000	50, 000	11, 000	21, 000	14, 000
Buffalo Peaks	0	0	0	0	56, 900	56, 900
Fossil Ridge	0	0	30, 000	0	54, 700	54, 700
Greenhorn Mountain	0	0	0	0	22, 300	22, 300
Oh Be Joyful	0	0	0	0	0	5, 500
Piedra	0	0	0	0	41, 500	41, 500
Sangre de Cristo	0	0	0	0	221, 000	221, 000
South San Juan additions	0	0	0	0	32, 800	32, 800
Spanish Peaks	0	0	0	0	19, 600	19, 600
Vasquez Peak	0	0	(2)	(2)	13, 300	13, 300
West Needle	0	0	0	0	15, 800	15, 800
Total		11, 000	80, 000	11, 000	498, 900	497, 400

Title of policy provision or wilderness designation	Administration recommendations	House bill (H.R. 5487)	Hart bill (S. 2123)	Armstrong bill (S. 2741)	Hart-Armstrong Senate bill (H.R. 5487)	House-Senate conference bill (H.R. 5487)
USFS further planning:						
Cannibal Plateau	31,900	31,900	31,900	31,900	31,900	39,900
Lost Creek	58,040	58,040	58,040	58,040	[3]0	[3]0
Service Creek	39,860	39,860	39,860	39,860	39,860	39,860
St. Louis Peak	12,800	12,800	12,800	12,800	12,800	12,800
Williams Fork	74,820	74,820	74,820	74,820	74,820	74,820
Totals	217,420	217,420	217,420	217,420	159,380	159,380
Released areas:						
NW recommends	4,000,000	(4)	(5)	[6]4,000,000	[7]3,900,000	[7]3,900,000
Hermosa	0	(?)	(5)	[6]75,600	75,600	75,600
Kannah	0	(?)	(5)	[6]30,200	30,200	30,200
Pawnee Grass	0	(?)	(5)	[6]12,800	12,800	12,800
Roubideau	0	(?)	(5)	[6]16,000	16,000	16,000
Tabeguache	0	(?)	(5)	[6]7,800	7,800	7,800
Plus undesignated portions of administration wilderness recs actually put in wilderness	0	228,700	6,200	260,360	89,100	85,870
Totals	[7]4,000,000	(?)	(?)	[7]4,890,760	[7]4,131,500	[7]4,128,270

[1] Vasquez Park study area.

[2] St. Louis Peak Wilderness.

[3] Part went wilderness.

[4] Not done.

[5] Not done—Decisions never actually made prior to Armstrong-Hart compromise.

[6] Plus acreage Senate and conference bills put in further study, except Wheeler: 488,000 acres.

[7] Approximate.

CONCLUDING REMARKS

Mr. ARMSTRONG. Mr. President, this is a well balanced bill. It designates large additional tracts of national forest land as wilderness; includes examples of land forms and ecosystems not already in the National Wilderness Preservation System; and protects some of our most valuable land, wildlife and environmental values to a greater extent than would be possible in the absence of wilderness designation.

But at the same time, this legislation also addresses a number of very valid nonwilderness concerns which have been raised repeatedly by many westerners. These include release language and statutory provisions regarding access, grazing, fire and insect control, buffer zones, and the conduct of continuing wilderness reviews in the State of Colorado.

These provisions address problems which have become more and more serious as our wilderness system has grown in size and changed in character. With the passage of this Colorado legislation, the National Wilderness Preservation System has grown to over 79 million acres in Alaska and the lower 48 States. This is more land than the entire State of New Mexico. It is an immense amount of land, by any standard.

Had these policy provisions not been included in the Colorado bill, I would not have been able to support such a large increase in my State's wilderness acreage. But, in the long run, I think these policy provisions will result in a much better National Wilderness Preservation System, and one which creates far fewer unintended side effects—side effects which will be felt much more strongly in the Western States, where the overwhelming majority of our Nation's wilderness areas are located.

Mr. President, this bill is a compromise. For more than a year, my colleagues and I have worked with our counterparts in the House and with literally hundreds of interested individuals in groups to draft a bill which is reasonably, if not completely, satisfactory to all concerned. Thanks to the patience and skill of my colleagues and their staffs, I believe we have succeeded in doing so.

● Mr. McCLURE. Mr. President, after 8 years and two comprehensive studies, the Department of Agriculture announced its recommendations for use of 62 million acres of unroaded areas in the National Forests in January of 1979. In April of the same year, the administration made its recommendations to Congress on these same acres, and now the Congress is tackling this highly controversial issue through State wilderness bills.

The process has been and will continue to be a difficult one. Those members and staffs who have worked on the Colorado wilderness bill now before the Senate can attest to that. Their efforts, which have extended over the past 2 years with hearings, meetings and markup sessions, are to be commended. There was a genuine effort to attain a compromise and, while I realize there are differing views on the outcome, the Colorado delegation has voiced support of the bill.

As a conferee on the Colorado wilderness bill, I would like to take this opportunity to expand upon a few issues discussed at that conference.

First, the conferees decided to designate the Oh-Be-Joyful Area as a wilderness study area. This small tract, compromising 5,500 acres, had been studied by the forest service under RARE II and was not recommended for wilderness. It was not included in the Senate bill, nor in the original House version, and rightly so.

The entire area is highly mineralized, and exploration activity is ongoing in the Oh-Be-Joyful drainage. Oil and gas leases cover the entire drainage, and drilling activity is planned as early as next summer. Over two-thirds of the area is either patented or unpatented claims and access to these claims is on the four-wheel drive road that runs through the middle of the drainage. The area is also allotted for grazing.

While the wilderness proponents advocate the designation of this area for watershed protection, it should be pointed out that watershed protection is not and should not be the only criteria for designating an area as wilderness. As I understand it, the area is only a potential secondary watershed for the town of Crested Butte. As a wilderness study area, it is imperative that the mineral resource potential of the area be given equal consideration.

The need to fully understand the potential mineral resource of a wilderness or proposed wilderness area is a concept carefully considered by the Congress back in 1964 when it enacted the Wilderness Act. Specifically, the Congress then included mineral exploration and development language so that informed decisions on land use designations could be made. The present and future Congress must stand behind this commitment if it is to make informed decisions.

Inclusion of the Oh-Be-Joyful Area in the wilderness study category was a compromise. Unable to reach a decision between wilderness or nonwilderness designation, the conferees reached a compromise that will allow time to develop more information on which Congress can and must make a decision in the near future. I believe the language agreed on will enable the collection of such data, the formation of a recommendation to Congress, and a reasonable time period during which the area will be managed under the provisions of the Wilderness Act.

The second topic I wish to cover is grazing. The compatibility of grazing and wilderness protection is a concept also recognized by the Congress in 1964. Again, Congress provided specific language to allow grazing in wilderness areas. However, since the passage of the 1964 act, substantial worries have surfaced as to the implementation of this provision.

The issue at hand is to insure that existing grazing permittees be allowed to continue economically viable grazing operations in wilderness areas. The purpose of the statutory language in the Colorado conference report is to aid in this effort by insuring that rules, regulations and practices of the Department of Agriculture, in relation to grazing activities in National Forest Wilderness areas, will in fact be in line with the intent of Congress.

The last topic I must address is one which did not come up at the conference. The provision relating to release language in the Colorado wilderness bill was agreeable to both Houses and to the

Colorado delegation. Therefore it was not appropriate for conference consideration. However, I am not in similar agreement. Before I go into any detail on this I would like to turn to my colleague, Mr. HATFIELD, who also has concerns with the release language incorporated in the Colorado conference report.

Mr. HATFIELD. Mr. President, although this legislation applies nominally only to Colorado and several other States, it raises at least one issue of national concern and of particular concern to the State of Oregon which I want to address briefly.

The bill contains, for Colorado, so-called release language which addresses the issue of how the Forest Service should plan and manage areas which were studied during RARE II and were found not suited for wilderness or further planning. Without going into all the details, the language in effect provides for a fairly short period of time during which these lands need not be restudied for wilderness. It also permits them to be managed for multiple use purposes regardless of the fact that they may be again studied for wilderness sometime in the future.

This release language was adopted from a formulation developed in connection with a California wilderness bill which passed the House but on which there has been no Senate action. I supported the addition of this release language to the Colorado bill because it addressed the problem of delaying lawsuits on roadless forest lands, because it had the support of both Colorado Senators, and because at the time it was the best that could be obtained.

A number of my constituents, including those in the timber industry, believe this California-Colorado release language is inadequate because lands already found unsuited for wilderness could again be restudied for wilderness in the very near future. That, in turn, creates uncertainties about timber supply from the national forests and makes it extremely difficult to plan and modernize capital facilities.

When the House approved the California version of this release language last summer, statements were made that this language would become boilerplate for wilderness bills in other States.

However, the Oregon wilderness bill, which passed the Senate in November of 1979, contained release provisions different from those in the House language. Besides the New Mexico bill, the only other bill with release to gain Senate approval was the Alaska lands bill. We used the so-called California release language as a general model in Alaska, but there are significant provisions added to this language which are designed to maintain and enhance timber supply from the national forests.

Without going into more detail, I just want to serve notice now that in the next Congress it is my intention to reexamine the release language issues. I hope no one is under the misapprehension that the present release language will be automatically added to any future wilderness bills.

I would like now to ask the distinguished Senator from Idaho, who is the incoming chairman of the Committee on Energy and Natural Resources, if it is also his intenton in the next Congress to fully examine the release language question.

Mr. McCLURE. Mr. President. I would like to thank Mr. HATFIELD for his comments and commitment to examine the release language issue. I am extremely concerned about the formulation of this language and the effort of various congressional Members to pass this language along with all wilderness bills.

Actually, the language should serve as a basis to work from. As Senator HATFIELD stated, there have been some wilderness bills which have passed with this language, as well as some with modifications of that language. I would like to reiterate his comments that the Alaska lands bill contained special provisions, while the New Mexico wilderness bill contained a modification regarding further planning areas.

Efforts to modify and expand upon the so-called California release language should be emphasized in the 97th Congress. Serving as chairman of the Committee on Energy and Natural Resources in the next Congress, I intend to see that the release language issue be thoroughly examined as a part of any State, regional or national bill that seeks to resolve the issues of RARE II.

I have no problem with the so-called sufficiency aspects of the present release language. The sufficiency language ratifies the RARE II final environmental statement as to Colorado and frees the FES from court review.

My problem is with the brief length of time during which the RARE II nonwilderness areas would be free from further restudy for wilderness. Under the formulation in the Colorado bill, another restudy of these lands could begin as soon as 1986, and would certainly be undertaken by the early 1990's. That simply is too short a time period.

Land that was not suited for wilderness in 1979, the date of the RARE II report, is simply not going to suddenly become suited for wilderness a few short years later.

Our Nation is in the throes of a major resource crisis. National forests are a major and congressionally recognized source of many vital resources ranging from oil and gas to timber to hardrock minerals. The national forests are also a significant provider of pristine wilderness areas, which we all agree are also necessary for our Nation.

What concerns me, however, is that there be some finality to the wilderness review process, so that multiple use can also be made of key areas of our national forests. Many of the roadless areas found not suited for wilderness have nonetheless been tied up in de facto wilderness for a decade or more. It is time now that these land use questions be resolved with some reasonable degree of finality.

I am not prepared to say at this time whether these nonwilderness areas should be placed into multiple use in perpetuity or whether wilderness restudy should be provided at some point in the future, perhaps 30 years from now. But I do want to make it clear that providing for wilderness restudy in these areas somewhere between 1986 and the early 1990s is just too soon.

I am looking forward next year to an entire re-examination on a national basis of the release language issue and I assure the Senator from Oregon that I will be depending significantly on his wisdom in this matter.

Mr. HATFIELD. I thank the Senator for his assurances on this point. I share his concerns and I look forward to working with him in the next Congress to finally resolve this troublesome issue.●

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SANGRE DE CRISTO DEVELOPMENT CORPORATION

Mr. MATSUNAGA. Mr. President, on behalf of Mr. JACKSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1972.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1972) entitled "An Act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from the Sangre de Cristo Development Corporation", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That (a) the Secretary of the Interior is authorized to reimburse persons who are determined by the Secretary to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated (a corporation incorporated under the laws of the State of New Mexico), for subdivision lots on the Pueblo of Tesuque Indian Reservation near Santa Fe, New Mexico. The Secretary is authorized to reimburse such persons for the amounts they have expended in the acquisition of a sublease or subleases and upon receipt of such compensation such persons must relinquish all claims or rights, if any, they may have arising from their sublease.

(b) Applications for reimbursement under this Act shall be in such form and contain such information as the Secretary of the Interior, by regulation, shall prescribe. No application for reimbursement shall be considered by the Secretary unless it is submitted on or before the date of expiration of the twenty-four-month period following the date of enactment of this Act.

(c) Subject to the availability of appropriations, the Secretary shall reimburse those applicants who are determined to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated, pursuant to its master lease with Tesuque Pueblo initially approved May 24, 1970, by the Bureau of Indian Affairs and subsequently disapproved on August 24, 1977. As used in this Act, the term "bona fide purchasers" shall mean anyone who purchased a sublease in an arm's-length transaction, for value and without notice.

(d) Within the one-hundred-and-eighty-day period following the date of the enactment of this Act, the Secretary of the Interior shall take such action as may be necessary to inform purchasers of such subleases from the Sangre de Cristo Development Company, Incorporated, of the fact that the Secretary of the Interior has authority to reimburse any such person determined by the Secretary to be a bona fide purchaser of such sublease for the amounts expended by such purchaser in the acquisition of such sublease. The Secretary shall further inform such purchasers that any application for reimbursement must be submitted on or before the date of expiration of the twenty-four-month period following the date of the enactment of this Act.

Sec. 2. (a) Subject to the availability of appropriations, the Secretary of the Interior shall reimburse bona fide creditors of the Sangre de Cristo Development Company, Incorporated, who shall have been certified as such by the United States District Court for the District of New Mexico, Bankruptcy Division, in the action entitled "Sangre de Cristo Development Company, Incorporated, No. 77–1044 in Bankruptcy", for the amount the court determines is owing to such creditors from such corporation. The United States shall have a right to intervene in such action as its interests may warrant in consideration of the provisions of this section and shall have the rights of a party in interest under section 502 of title II, United States Code. No person or entity having or having had an equity interest in the Sangre de Cristo Development Company, Incorporated, shall be deemed to be a bona fide creditor of the corporation for purposes of this section.

(b) Any creditor, who has accepted a sublease from the corporation for subdivision lots in compensation for services or materials provided to the corporation and who is otherwise a bona fide creditor under subsection (a) of this section, may be reimbursed pursuant to subsection (a) for the actual value of such services or materials upon certification by the court as provided in subsection (a) or upon proof satisfactory to the Secretary.

Sec. 3. Jurisdiction is hereby conferred on the United States District Court for the District of New Mexico to hear, determine, and render judgment on any legal claim for damages, under existing law, that the Sangre de Cristo Development Company, Incorporated, may have against the United States arising from the action of the United States in the initial approval and subsequent disapproval of the lease described in section 1(c) of this Act or from the preparation of the environmental impact statement attendant to such lease. Such action must be filed within one year from the date of enactment of this Act and jurisdiction conferred by this section includes jurisdiction of any setoff, counterclaim, or other claim or demand whatever on the part of the United States against such corporation.

Sec. 4. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1 and 2 of this Act.

Amend the title so as to read: "An Act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes.".

● Mr. BUMPERS. Mr. President, S. 1972 authorizes the Secretary of the Interior to reimburse bona fide purchasers of subleases from the Sangre de Cristo Development Co., Inc., for subdivision lots on the pueblo of Tesuque Indian Reservation in New Mexico. The sublessees would be reimbursed for the amount they expended in return for the relinquishment of any claim they have arising from such subleases.

S. 1972 also authorizes the Secretary to reimburse bona fide creditors of the corporation who have been so certified by the Federal district court having jurisdiction over the bankruptcy petition of the corporation. The United States is given the right to intervene in that action as its interests may appear. The subsection makes clear that no existing or former owner or investor in the corporation shall be considred a bona fide creditor for purposes of this legislation.

Finally, S. 1972 confers jurisdiction on the U.S. District Court of New Mexico over any action filed by the corporation for damages against the United States arising out of the lease transaction. The section does not create a cause of action against the United States which does not already exist under existing law. It merely "opens the courthouse door" if the corporation does not have any existing authority to sue the United States. Any rights the United States may have against the corporation for offsets or counterclaims is preserved.●

● Mr. DOMENICI. Mr. President, I submit for the Record a letter to Senator Jackson from Secretary of the Interior dated December 3, 1980.

The letter follows:

U.S. Department of the Interior,
Washington, D.C., December 3, 1980.

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We understand that the House-passed version of S. 1972, a bill "To authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes" is now before your Committee for its consideration.

Although we would prefer passage of the Senate-passed bill, we have no objection to passage by the Senate of the House-passed bill.

S. 1972, as passed by the House, would authorize the Secretary of the Interior to reimburse both bona fide purchasers of subleases from the Sangre de Cristo Development Corporation and bona fide creditors of the corporation who have been so certified by the Federal District Court having jurisdiction over the bankruptcy petition of the corporation. The bill would also confer jurisdiction on the U.S. District Court of New Mexico over any action filed by the corporation for damages against the United States arising out of the lease transaction. The Senate-passed bill would only authorize reimbursement of the purchasers of the aforementioned subleases.

We have previously estimated the cost of reimbursing the sublessees would be approximately $600,000. We also have roughly estimated that the cost of reimbursing the outside creditors would be approximately $365,000. In light of the lease disapproval situation, we have no objection to this additional reimbursement.

We also believe that the section that confers jurisdiction on the U.S. District Court will not lead to any additional costs to the Federal Government. Although the section would allow the shareholders to have their claims heard in Federal Court, we strongly believe that the shareholders have no legal claim against the United States.

We therefore have no objection to passage of the House-passed version of S. 1972.

Sincerely,

James A. Joseph,
Under Secretary.●

● Mr. SCHMITT. Mr. President, I wish to express great satisfaction today over final congressional passage of S. 1972, legislation authorizing the Secretary of Interior to reimburse "bona fide" purchasers of subleases from the Sangre de Cristo Development Corporation in Tesuque, N. Mex. The bill, as passed by the House, also authorizes the Secretary of Interior to reimburse "bona fide" creditors of the corporation who have been so certified by the Federal district court having jurisdiction over the bankruptcy petition of the corporation.

In April of 1970, the Governor of Tesuque Pueblo executed a lease with the Sangre de Cristo Development Corp. for the development of a residential subdivision on a 1,400-acre tract of Pueblo land. The master lease was for a 99-year term and proposed the subdivision of the tract into residential parcels for the sale of subleases. In May of 1970 the Bureau of Indian Affairs approved the lease.

Subsequently, a court suit was entered by those opposed to the development (*Davis* v. *Morton*, 335 F. Supp. 1258) charging that the Department of the Interior was required by the National Environmental Policy Act to prepare an environmental impact statement before approval of the lease. The Court of Appeals for the Tenth Circuit upheld the compliance with the National Environmental Policy Act.

The Department completed the required environmental impact statement in July of 1977. The Tesuque Pueblo Council rescinded its consent to the lease after consideration of all potential impacts on the Pueblo by the development, and the Department withdrew its approval of the lease based on information in the EIS in August 1977.

The Solicitor's Office of the Department of the Interior has advised that the United States is not liable in money damages to any of the parties. However, they also advise that it is unclear whether the disapproval of the master lease may have affected sublease purchasers who, under the law, may be considered bona fide purchasers. Under the law, when rights are vested and are then conveyed to bona fide purchasers for value, in good faith and without notice, any later attempt to cut off the rights of those persons usually fails.

This Senator, my distinguished senior colleague, Senator Domenici, the Energy and Natural Resources Committee, and the Department of the Interior have conferred and reached an agreement on the language that is in the bill. I am extremely gratified that "bona fide" purchasers of subleases in the Colonias de Santa Fe development will receive compensation for lots they bought with high expectations and good faith, then lost through no fault of their own. I am happy to have helped the sublessees recoup the loss of their original investment. Hopefully, reimbursement by the Secretary of the Interior will help to ease their inconvenience and disappointment.●

Mr. MATSUNAGA. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

CRATER LAKE NATIONAL PARK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1053.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2318) to revise the boundary of Crater Lake National Park in the State of Oregon and for other purposes.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1821

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. JACKSON, proposes an unprinted amendment numbered 1821.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 24, add the following new section:

"SEC. To make possible more effective protection of the Alpine Lakes Wilderness and more comprehensive and effective management of the management unit within the Alpine Lakes Area, established by the Alpine Lakes Area Management Act of 1976, the Secretary of Agriculture is authorized to acquire any or all of the following described lands in the State of Washington: in township 23 north, range 9 east, Willamette meridian, the southeast quarter of section 24. Such lands may be acquired by donation or exchange for national forest lands or other lands administered by the Forest Service in the same state having a value approximately equal to the value of the lands so acquired, as determined by the Secretary of Agriculture: *Provided*, That the Secretary may accept cash or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged. Any lands acquired pursuant to this section shall, upon acceptance of title, become part of the Mt. Baker-Snoqualmie National Forest."

● Mr. JACKSON. Mr. President, this amendment would authorize the Forest Service to acquire by exchange or donation up to 160 acres of land now managed by the State of Washington in the vicinity of Thompson Lake. This area is located adjacent to the boundary of the Alpine Lakes Wilderness Area. The wilderness boundary was drawn in 1976 to coincide with the existing Mt. Baker-Snoqualmie National Forest boundary in this area. However, that boundary bisects the basin that forms the natural backdrop for Thompson Lake, and a State timber sale is planned on these slopes if the Forest Service is not authorized to acquire the land through exchange.

The purpose of the legislation is to permit the Forest Service to acquire the lands within the designated quarter section between the lakeshore and the ridgetop. These lands define the visual setting for the lake. It is not intended that the authorized exchanges should involve land beyond that which is required to fulfill this purpose.

The measure has the support of the local Congressman, Mr. BONKER, the Forest Service, and the Washington Department of Natural Resources.

I urge my colleagues to adopt this amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1821) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth," approved May 22, 1902 (32 Stat. 202), is amended to read as follows:

"That in order to preserve for the benefit, education, and inspiration of the people of the United States certain unique and ancient volcanic features, including Crater Lake, together with significant forest and fish and wildlife resources, there is hereby established the Crater Lake National Park in the State of Oregon. The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, "Crater Lake National Park, Oregon," numbered 106-80,001, and dated February, 1980, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Lands, waters, and interests therein within the boundary of the park which were within the boundary of any national forest are excluded from such national forest and the boundary of such national forest is revised accordingly."

(b) The Act entitled "An Act to add certain land to the Crater Lake National Park in the State of Oregon, and for other purposes", approved May 14, 1932 (47 Stat. 155), is repealed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL CLIMATE PROGRAM

Mr. MATSUNAGA. Mr. President, on behalf of Mr. CANNON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1391.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1391) entitled "An Act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983", do pass with the following amendments:

(1) Page 1, line 12, after "1980,", insert "and".

(2) Page 1, strike out all after line 13 over to and including line 2 on page 2, and insert "of which amount not less than $2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.".

SEC. 2. Section 6(b) of the National Weather Modification Policy Act of 1976 (15 U.S.C. 330e) is amended to read as follows: "There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years 1973 through 1980, and $100,000 for the fiscal year ending September 30, 1981, to carry out the provisions of this chapter.".

Amend the title so as to read: "An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal year 1981, and for other purposes.".

Mr. MATSUNAGA. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 547 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 547) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3351.

The resolution (S. Res. 547) was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 3351, a bill to amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis.

Such a waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to H.R. 3351, as reported by the Committee on Armed Services.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF CHAMPUS RATES BY CERTAIN DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1185.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3351) to amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis.

The bill (H.R. 3351) was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF CERTAIN OFFICERS OF THE NATIONAL GUARD OF THE VIRGIN ISLANDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1186.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5856) to amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel.

The bill (H.R. 5856) was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEPSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the budget waiver, Senate Resolution 548.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 548) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7626.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 548) is as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 7626, a bill to amend Title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

Such a waiver is necesary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the begining of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to H.R. 7626, as reported by the Committee on Armed Services.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JEPSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MILITARY PAY AND ALLOWANCES BENEFITS ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1187.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7626) to amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Pay and Allowances Benefits Act of 1980".

SPECIAL PAY FOR NUCLEAR DUTY

SEC. 2. (a) (1) Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$5,000" and "$4,000" and inserting in lieu thereof "$7,000" and "$5,600".

(2) Subsection (e) of such section is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(b) (1) Section 312b of such title is amended—

(A) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(B) by inserting above subsection (b), as redesignated by clause (A), the following new subsection (a):

"(a) (1) Under regulations prescribed by the Secretary of the Navy, a candidate who is selected for naval nuclear power training and who executes a written agreement to participate in the officer nuclear training program may be paid an accession bonus of $3,000 upon acceptance by the Secretary of the written agreement.

"(2) The Secretary shall prescribe by regulation the conditions under which a candidate who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.".

(2) Subsection (c) of section 312b of such title, as redesignated by paragraph (1) (A), is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(3) Subsection (d) of section 312b of such title, as redesignated by paragraph (1) (A), is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(c) (1) Subsection (a) of section 312c of such title is amended by striking out "$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$6,000 for each nuclear service year ending before October 1, 1987".

(2) Subsection (b) of such section is amended by striking out "$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$3,500 for each nuclear service year ending before October 1, 1987".

(3) Subsection (e) of such section is amended to read as follows:

"(e) For the purposes of this section, a 'nuclear service year' is any fiscal year beginning before October 1, 1987.".

(d) (1) The amendments made by subsection (a) (1) shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(2) The amendemnts made by subsection (b) (1) shall apply only with respect to agreements executed under section 212b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(3) The amendments made by subsection (c) shall become effective on the first day of the first month following the month in which this section is enacted.

INCENTIVE PAY FOR SUBMARINE DUTY

SEC. 3. (a) Section 301 (a) of title 37, United States Code, is amended by striking out classes (2) and (3) and renumbering clauses (4) through (12) as clauses (2) through (10), respectively.

(b) Section 301 (c) of such title is amended by striking out "clause (4), (5), (6), (7), (8), (9), (10), (11), or (12)" and inserting in lieu thereof "clause (2), (3), (4), (5), (6), (7), (8), (9), or (10)".

(c) Title 37, United States Code, is amended by inserting after section 301b the following new section:

"§ 341. Incentive pay: Submarine duty

"(a) (1) Subject to regulations described by the President, a member of the Navy who is entitled to basic pay is also entitled to submarine duty incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational submarine duty required by orders.

"(2) Submarine duty incentive pay shall be restricted to regular and reserve members who hold or are in training leading to a submarine duty designator and who are in and remain in the submarine service on a career basis.

"(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service, a member must perform the prescribed operational submarine duties for at least six of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he will be entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service.

"(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any member at the completion of either 12, 18, or 26 years of submarine service, such member shall be entitled to monthly incentive pay in the amount set forth in subsection (b) of this section for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

"(5) For the purposes of this section, the text 'operational submarine duty' means duty—

"(A) while actually attached under competent orders (by designated officers) to a submarine (including, in the case of nuclear-powered submarines, periods of training and rehabilitation after assignment thereto), or, in the case of a member qualified in submarines, as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

"(i) during one calendar month: 48 hours;

"(ii) during any two consecutive calendar months when the requirements of clause (A) of this paragraph have not been met: 96 hours; or

"(iii) during any three consecutive calendar months when the requirements of clause (B) of this paragraph have not been met: 144 hours;

"(B) while receiving instruction to prepare for assignment to a submarine of advanced design, or

"(C) while receiving instruction to prepare for a position of increased responsibility on a submarine.

"(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty pay as follows:

"SUBMARINE PAY—ENLISTED MEMBERS

" Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9	$165	$165	$165	$200	$220	$230	$235	$245	$255	$265	$265	$265	$265	$265
E-8	165	165	165	185	200	220	230	235	245	245	255	255	255	255
E-7	165	165	165	185	200	195	205	220	230	230	230	230	230	230
E-6	115	125	130	160	170	180	190	195	195	195	195	195	195	195
E-5	105	115	115	130	140	145	145	145	145	145	145	145	145	145
E-4	60	70	75	125	130	130	130	130	130	130	130	130	130	130
E-3	60	65	70	105	105	65	65	65	65	65	65	65	65	65
E-2	55	65	65	65	65	65	65	65	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55	55	55	55	55	55	55	55

"SUBMARINE PAY—COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
0-10	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
0-9	265	265	265	265	265	265	265	265	265	265	265	265	265	265
0-8	265	265	265	265	265	265	265	265	265	265	265	265	265	265
0-7	265	265	265	265	265	265	265	265	265	440	395	305	265	265
0-6	440	440	440	440	440	440	440	440	440	440	395	305	265	265
0-5	440	440	440	440	440	440	440	440	440	440	395	350	265	265
0-4	270	270	270	320	440	440	440	440	440	440	395	350	265	265
0-3	265	265	265	290	440	440	440	440	440	440	395	350	265	265
0-2	175	175	175	175	175	175	265	265	265	265	265	265	265	265
0-1	130	130	130	130	130	130	265	265	265	265	265	265	265	265

"SUBMARINE PAY—WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
W-4	$175	$230	$230	$230	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
W-3	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-2	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-1	175	230	230	230	265	265	265	265	265	265	265	265	265	265

"(c) A member must have a submarine related duty designator to be eligible for continuous submarine duty incentive pay. In addition, an officer who fails selection for assignment as a submarine executive officer or commanding officer or who declines to serve in either such billet may not be paid continuous submarine duty incentive pay.

"(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of the Navy who is entitled to compensation under section 226 of this title, performs, under orders, duty described in subsection (a) of this section for members entitled to basic pay, he is entitled to an increase in compensation equal to 1/32 of the monthly incentive pay authorized by subsection (b) of this section for the performance of that duty by a member of a corresponding grade and years of submarine service or officer service, as appropriate, who is entitled to basic pay. Such member is entitled to the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

"(e) The Secretary of Defense shall report to the Congress before October 1 each year—

"(1) the number of enlisted members and the number of officers who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (b) of this section; and

"(2) the number of such enlisted members and officers who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing command staff duties, and who were not performing submarine duties at all.".

(d) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301b the following new item:

"301c. Incentive pay: Submarine duty.".

(e) The amendments made by this subsection shall become effective on the first day of the first month following the month in which this Act is enacted.

SPECIAL PAY FOR CAREER SEA DUTY

SEC. 4. (a) Section 305a of title 37. United States Code, is amended to read as follows:

"§ 305a. Special pay: career sea pay

"(a) Under regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b) of this section.

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"CAREER SEA PAY—ENLISTED MEMBERS

"Pay grade	Years of sea duty												
	Less than 1	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
E-4	50	60	125	160	175	175	175	175	175	175	175	175	175
E-5	60	70	140	175	185	190	205	220	220	220	220	220	220
E-6	125	135	170	190	210	215	225	235	245	255	255	255	255
E-7	135	145	215	235	255	260	265	265	270	275	280	300	310
E-8	165	180	225	255	265	270	280	285	290	300	310	310	310
E-9	175	195	235	265	280	290	310	310	310	310	310	310	310

"CAREER SEA PAY—WARRANT OFFICERS

"Pay grade	Years of sea duty												
	Less than 1	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
W-1	130	135	140	150	170	175	200	250	270	275	280	290	300
W-2	150	150	150	150	170	260	265	265	270	274	280	290	310
W-3	150	150	150	150	170	270	280	285	290	300	310	310	310
W-4	150	150	150	150	170	290	310	310	310	310	310	310	310

"CAREER SEA PAY—COMMISSIONED OFFICERS

"Pay grade	Years of sea duty												
	Less than 1	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
0-1E [1]	150	150	150	150	175	185	190	195	205	215	225	225	235
0-2E [1]	150	150	150	150	180	195	200	205	215	225	235	235	235
0-3E [1]	150	150	150	150	190	205	210	215	225	235	250	250	250
0-3	130	140	150	155	160	160	165	170	170	170	170	170	170
0-4	150	170	175	185	190	200	205	215	215	220	220	220	220
0-5	0	225	225	225	225	225	225	230	245	250	260	265	265
0-6	0	225	225	225	230	230	240	255	265	280	290	300	310

"[1] Commissioned officers with previous service as enlisted members or as noncommissioned warrant officers.

"(c) Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section and who has more than three consecutive years of sea duty, while on a current or successive tour of sea duty, is also entitled to a career sea pay premium in the amount of $100 a month.

"(d) In this section—

"(1) 'Sea duty' means service performed by a member—

"(A) while such member is permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway; or

"(B) while such member is permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more.

A ship is considered away from its homeport for purposes of clause (B) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.

"(2) 'Ship' means a self-propelled ship or vessel in an active status which is equipped with berthing and dining facilities.".

(b) The amendment made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted.

INCENTIVES FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS

SEC. 5. (a) (1) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section.

"§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than $50 per month, as prescribed by the Secretary concerned.

"(b) A member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 is not entitled to the special pay authorized by this section for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"314. Special pay: qualified enlisted members extending duty at designated locations overseas.".

(b) (1) Chapter 40 of title 10, United States Code, is amended by adding at the end thereof of the following new section:

"§ 705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b) of this section. Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

"(b) The benefits authorized by subsection (a) of this section are—

"(1) a period of rest and recuperative absence for not more than 30 days; or

"(2) a period of rest and recuperative absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return.

"(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness and will not tend to increase the number of dependents of military personnel at a location designated under subsection (a) (3) of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas.".

(c) (1) Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.

(2) Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.

AUTHORITY TO PERMIT CERTAIN MEMBERS TO ELECT TO RECEIVE QUARTERS ALLOWANCE INSTEAD OF QUARTERS OR HOUSING; CHARGES FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES

SEC. 6. Section 403 of title 37, United States Code, is amended by adding at the end the following new subsections:

"(k) (1) During the period beginning January 1, 1981, and ending December 31, 1981, a member of a uniformed service described in paragraph (2) of this subsection, other than a member on sea duty, who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to his grade, rank, or rating and adequate for himself may elect not to occupy those quarters or that housing facility and instead to receive the basic allowance for quarters prescribed for his pay grade by this section.

"(2) Notwithstanding the provisions of section 403(c) of this title, during the period beginning January 1, 1981, and ending December 31, 1981, the Secretary concerned may permit a member described in paragraph (3) of this subsection who is on sea duty to elect not to occupy the quarters furnished him and instead to receive the basic allowance for quarters prescribed for his pay grade by this section, except that basic allowance for quarters may not be paid to any such member while the unit to which he is assigned is deployed for a period in excess of 90 days.

"(3) The Secretary concerned may permit an election referred to in paragraph (1) or (2) of this subsection in the case of—

"(A) an enlisted member without dependents who is in a pay grade above E-6;

"(B) a warrant officer without dependents who is in a pay grade above WO-1 and who has more than 4 years of service; or

"(C) a commissioned officer without dependents who is in a pay grade below O-3 and who has more than 6 years of active service.

"(l) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fee established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 15-year period beginning with the completion of such construction.".

PERMANENT AUTHORITY FOR SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 7. Section 209(d) of title 37, United States Code, relating to members of precommissioning programs, is amended—

(1) by striking out "(1)" before "Except when"; and

(2) by striking out paragraph (2).

REPEAL OF AUTHORITY TO WAIVE CERTAIN PROVISIONS RELATING THE ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES

SEC. 8. Section 520 of title 10, United States Code, is amended—

(1) by striking out the subsection designation "(a)" at the beginning of such section; and

(2) by striking out all of subsection (b).

ACCRUED LEAVE

SEC. 9. Section 701(b) of title 10, United States Code, is amended by inserting "or a member assigned to a deploying ship, mobile unit, or to such other duty as may be prescribed in regulations issued by the Secretary concerned," after "title 37".

REVISION OF DEFINITION OF "REGULAR COMPENSATION" AND REGULAR MILITARY COMPENSATION (RMC)

SEC. 10. Paragraph (25) of section 101 of title 37, United States Code, is amended by inserting "(including any variable housing allowance)" after "basic allowance for quarters".

TERMS OF CERTAIN MEMBERS OF THE BOARD OF VISITORS TO THE SERVICE ACADEMIES

SEC. 11. (a) Section 4355(b) of title 10, United States Code, is amended to read as follows:

"(b) The persons designated by the President serve for three years each and until their successors are appointed and qualified. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(b) Section 6968 (b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each and until their successors are appointed and qualified. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(c) Section 9355 (b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each and until their successors are appointed and qualified. The President shall designate two persons each year to succeed the members whose terms expire that year.".

UP AMENDMENT NO. 1822

(Purpose: To make technical and clarifying changes and to modify the provisions relating to quarters allowances and career sea pay for officers)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I send to the desk an amendment which is joined in by Mr. JEPSEN, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. NUNN and Mr. JEPSEN, proposes an unprinted amendment numbered 1822.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Pay and Allowances Benefits Act of 1980".

SPECIAL PAY FOR NUCLEAR DUTY

SEC. 2. (a) (1) Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$5,000" and "$4,000" and inserting in lieu thereof "$7,000" and "$5,600".

(2) Subsection (e) of such section is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(b) (1) Section 312b of such title is amended—

(A) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(B) by inserting above subsection (b), as redesignated by clause (A), the following new subsection (a):

"(a) (1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear submarine propulsion plants may be paid a bonus of $3,000 upon acceptance by the Secretary of the written agreement.

"(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.".

(2) Subsection (c) of section 312b of such title as redesignated by paragraph (1) (A), is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(3) Subsection (d) of section 312b of such title, as redesignated by paragraph (1) (A), is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(c) (1) Subsection (a) of section 312c of such title is amended by striking out "$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$6,000 for each nuclear service year ending before October 1, 1987".

(2) Subsection (b) of such section is amended by striking out "$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$3,500 for each nuclear service year ending before October 1, 1987".

(3) Subsection (e) of such section is amended to read as follows:

"(e) For the purposes of this section, a 'nuclear service year' is any fiscal year beginning before October 1, 1987.".

(d) (1) The amendments made by subsection (a) (1) shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(2) The amendments made by subsection (b) (1) shall apply only with respect to

agreements executed under section 312b (a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(3) The amendments made by subsection (c) shall become effective on the first day of the first month following the month in which this section is enacted.

INCENTIVE PAY FOR SUBMARINE DUTY

SEC. 3. (a) Section 301 (a) of title 37, United States Code, is amended by striking out clauses (2) and (3) and redesignating clauses (4) through (12) as clauses (2) through (10), respectively.

(b) Section 301 (b) of such title is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striikng out paragraph (2).

(c) Section 301 (c) of such title is amended by striking out "clause (4), (5), (6), (7), (8), (9), (10), (11), or (12)" and inserting in lieu thereof "clause (2), (3), (4), (5), (6), (7), (8), (9), or (10)".

(d) Title 37, United States Code, is :'

(d) Title 37, United States Code, is amended by inserting after section 301b the following new section:

"§ 301c. Incentive pay: Submarine duty

"(a)(1) Subject to regulations prescribed by the President, a member of the Navy who is entitled to basic pay is also entitled to submarine duty incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational submarine duty required by orders.

"(2) Submarine duty incentive pay shall be restricted to members who hold or are in training leading to a submarine duty designator and who are in and remain in the submarine service on a career basis.

"(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title), a member must perform operational submarine duties for at least six of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title).

"(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under section 205 of this title), such member shall be entitled to that pay in the amount set forth in subsection (b) of this section for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

"(5) For the purposes of this section, the term—

"(A) 'Operational submarine duty' means duty—

"(i) while attached under competent orders to a submarine, while undergoing training preliminary to assignment to a nuclear-powered submarine, while undergoing rehabilitation after assignment to a nuclear-powered submarine, or, in the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

"(I) during one calendar month: 48 hours, except that hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

"(II) during any two consecutive calendar months when the requirements of subclause (I) of this clause have not been met: 96 hours; or

"(III) during any three consecutive calendar months when the requirements of subclause (II) of this clause have not been met: 144 hours;

"(ii) while receiving instruction to prepare for assignment to a submarine of advanced design, or

(iii) while receiving instruction to prepare for a position of increased responsibility on a submarine.

"(B) 'Submarine service' means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

"(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$165	$165	$165	$200	$220	$230	$235	$245	$255	$265	$265	$265	$265	$265
E-8	165	165	165	185	200	220	230	235	245	245	255	255	255	255
E-7	165	165	165	185	190	195	205	220	230	230	230	230	230	230
E-6	115	125	130	160	170	180	190	195	195	195	195	195	195	195
E-5	105	115	115	130	140	145	145	145	145	145	145	145	145	145
E-4	60	70	75	125	130	130	130	130	130	130	130	130	130	130
E-3	60	65	70	70	105	65	65	65	65	65	65	65	65	65
E-2	55	65	65	65	65	65	65	65	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55	55	55	55	55	55	55	55

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0														
0-10	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
0-9	265	265	265	265	265	265	265	265	265	265	265	265	265	265
-8	265	265	265	265	265	265	265	265	265	265	265	265	265	265
0-7	265	265	265	265	265	265	265	265	265	400	395	395	305	265
0-6	440	440	440	440	440	440	440	440	440	440	395	395	305	265
0-5	440	440	440	440	440	440	440	440	440	440	395	395	350	265
0-4	270	270	270	300	440	440	440	440	440	440	395	395	350	265
0-3	265	265	265	290	440	440	440	440	440	440	395	395	350	265
0-2	175	175	175	175	175	175	265	265	265	265	265	265	265	265
0-1	130	130	130	130	·130	130	265	265	265	265	265	265	256	265

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$175	$230	$230	$230	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
W-3	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-2	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-1	175	230	230	230	265	265	265	265	265	265	265	265	265	265

"(c) (1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

"(2) An enlisted member may not be paid continuous submarine duty incentive pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

"(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of the Naval Reserve who is entitled to compensation under section 206 of this title, performs, under orders, duty on a submarine during underway operations, he is eligible for an increase in such compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) of this section for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay. Such a member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

"(e) The Secretary of Defense shall report to the Congress before January 1 each year—

"(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

"(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.".

(e) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301b the following new item:

"301c. Incentive pay: submarine duty.".

(f) Section 308 of such title is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection (e):

"(e) Any period of enlistment (including any extension of an enlistment)—

"(1) which is incurred by a member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 301c of this title; and

"(2) for which no bonus is otherwise payable under this section,

may, under regulations prescribed by the Secretary of the Navy, be considered as part of an immediately subsequent term of reenlistment, or as part of an immediately subsequent voluntary extension of an enlistment, for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus.".

(g) The amendments made by this subsection shall become effective on the first day of the first month following the month in which this Act is enacted.

SPECIAL PAY FOR CAREER SEA DUTY

SEC. 4. (a) Section 305a of title 37, United States Code, is amended to read as follows:

"§ 305a. Special pay: Career sea pay

"(a) Under regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b) of this section.

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"ENLISTED MEMBERS

"Pay grade	Years of sea duty												
	1 or Less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
E-4	50	60	125	160	175	175	175	175	175	175	175	175	175
E-5	60	70	140	175	185	190	205	220	220	220	220	220	220
E-6	125	135	170	190	210	215	225	235	245	255	255	255	255
E-7	135	145	215	235	255	260	265	265	270	275	280	300	310
E-8	165	180	225	255	265	270	280	285	290	300	310	310	310
E-9	175	195	235	265	280	290	310	310	310	310	310	310	310

"WARRANT OFFICERS

"Pay grade	Years of sea duty												
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
W-1	130	135	140	150	170	175	200	250	270	275	280	290	300
W-2	150	150	150	150	170	260	265	265	270	275	280	290	310
W-3	150	150	150	150	170	270	280	285	290	300	310	310	310
W-4	150	150	150	150	170	290	310	310	310	310	310	310	310

"COMMISSIONED OFFICERS

"Pay grade	Years of sea duty									
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
0-1 [1]	150	160	185	190	195	205	215	225	225	240
0-2 [1]	150	160	185	190	195	205	215	225	225	240
0-3	150	160	185	190	195	205	215	225	225	240
0-4	185	190	200	205	215	215	220	225	225	240
0-5	225	225	225	225	230	245	250	260	265	265
0-6	225	230	230	240	255	265	280	290	300	310

"[1] Commissioned officers with at least 4 yr of active service as enlisted members or as noncommissioned warrant officers.

"(c) Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section who has served 36 consecutive months of sea duty is entitled to a career sea pay premium of $100 a month for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member.

"(d) For the purposes of this section, the term 'sea duty' means duty performed by a member—

"(1) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway; or

"(2) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more. A ship is considered away from its homeport for purposes of clause (B) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.".

(b) The amendment made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for any months after the month in which this section is enacted.

INCENTIVES FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS

SEC. 5. (a) (1) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than $50 per month, as prescribed by the Secretary concerned.

"(b) A member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 is not entitled to the special pay authorized by this section for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"314. Special pay: qualified enlisted members extending duty at designated location overseas.".

(b) (1) Chapter 40 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b). Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

"(b) The benefits authorized by subsection (a) are—

"(1) a period of rest and recuperative absence for not more than 30 days; or

"(2) a period of rest and recuperative absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return.

"(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas.".

(c) (1) Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.

(2) Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.

BASIC ALLOWANCE FOR QUARTERS IN LIEU OF ASSIGNED QUARTERS FOR CERTAIN MEMBERS WITHOUT DEPENDENTS

SEC. 6. (a) The second sentence of subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking out "except as provided by regulations prescribed under" and inserting in lieu thereof "subject to the provisions of"; and

(2) by striking out "commissioned officer" and "C–3" and inserting in lieu thereof "member" and "F–6", respectively.

(b) Subsection (c) of such section is amended to read as follows:

"(c) (1) A member of a uniform service without dependents is not entitled to a basic allowance for quarters while he is on field duty unless his commanding officer certifies that the member was necessarily required to procure quarters at his expense.

"(2) A member of a uniformed service without dependents who is in a pay grade below pay grade E–7 is not entitled to a basic allowance for quarters while he is on sea duty. A member of a uniformed service without dependents who is in a pay grade above E–6 and who is on sea duty is not entitled to a basic allowance for quarters while the unit to which he is assigned is deployed for a period in excess of 90 days.

"(3) For the purposes of this subsection, duty for a period of less than three months is not considered to be field duty or sea duty.".

(c) Subsection (j) of such section is amended—

(1) by inserting "(1)" after the subsection designation "(j)"; and

(2) by adding the following new paragraph:

"(2) The Secretary concerned may deny the right to make an election under subsection (b) of this section if he determines that the exercise of such an election would adversely affect military discipline or military readiness.".

(d) The amendments made by this section shall only apply to payment of basic allowance for quarters for months after September 1980.

CHARGES FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES

SEC. 7. Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fee established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 15-year period beginning with the completion of such construction.".

PERMANENT AUTHORITY FOR SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 8. Section 209(d) of title 37, United States Code, relating to members of precommissioning programs, is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

REPEAL OF AUTHORITY TO WAIVE CERTAIN PROVISIONS RELATING TO THE ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES

SEC. 9. Section 520 of title 10, United States Code, is amended—

(1) by striking out the subsection designation "(a)"; and

(2) by striking out subsection (b).

ACCRUED LEAVE

SEC. 10. Section 701(f) of title 10, United States Code, is amended by inserting "or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section," after "title 37".

REVISION ON DEFINITION OF "REGULAR COMPENSATION" AND "REGULAR MILITARY COMPENSATION (RMC)"

SEC. 11. Paragraph (25) of section 101 of title 37, United States Code, is amended by inserting "(including any variable housing allowance or station housing allowance)" after "basic allowance for quarters".

TERMS OF OFFICE OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS; APPLICATION OF THE ETHICS IN GOVERNMENT ACT OF 1978 TO THE JUDGES AND EMPLOYEES OF SUCH COURT

SEC. 12. (a) Section 867(a) (1) (article 67 (a) (1)) of title 10, United States Code, is amended by striking out the third sentence.

(b) The term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act shall expire (1) on the date the term of such judge would have expired under the law in effect on the day before such date of enactment, or (2) ten years after the date on which such judge took office as a judge of the United States Court of Military Appeals, whichever is later.

(c) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(1) by inserting "United States Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the United States Court of Military Appeals".

TERMS OF CERTAIN MEMBERS OF THE BOARD OF VISITORS TO THE SERVICE ACADEMIES

SEC. 13. (a) Section 4355(b) of title 10, United States Code, is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(b) Section 6968(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(c) Section 9355(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

Mr. NUNN. Mr. President, the Military Pay and Benefits Allowances Act of 1980, H.R. 7626, also referred to as the Fair Benefit Act, will significantly increase the rates of sea pay, submarine pay, and nuclear officer pay and make other changes to current law with respect to military personnel.

H.R. 7626 passed the House of Representatives on September 15, 1980. The Manpower and Personnel Subcommittee held a hearing on September 26, 1980, and the administration submitted new proposals on sea pay, submarine pay, and nuclear officer pay on November 4. The subcommittee unanimously approved, on November 19, a modified amendment that I sponsored along with Senators JEPSEN, EXON, WARNER, and COHEN.

ENLISTED SEA PAY

The purpose of sea pay is to provide a special payment to personnel serving on sea duty in recognition of the greater than normal rigors of duty at sea. Increasing sea pay is a way to specifically target manpower dollars in an efficient way to improve Navy retention problems.

This committee approved changes in enlisted sea pay rates in 1978 as part of our recommendations on the fiscal year 1979 authorization bill. Those recommendations, which were enacted into law, were the first changes in sea pay since 1949. The Congress also approved a 15-percent increase in sea pay rates earlier this year as part of the so-called Warner-Nunn amendment.

There are three important aspects to the committee's recommendations on sea pay. First, sea pay rates are substantially increased. Second, the amount of sea pay will depend on grade and years of service at sea. Third, there is a premium of $100 per month to those personnel who have spent 3 or more consecutive years at sea, that is with no intervening shore assignment.

OFFICER SEA PAY

The committee amendment includes the reinstitution of career sea pay for officers. Historically, sea pay has been most often applied as a differential pay for officers. From 1835 to 1908, Navy officers at sea were paid more than Navy officers on other assignments. However, the concept was that a Navy officer was not performing full duties if he was not at sea. It was only while on sea duty that a Navy officer was paid comparably to an Army officer.

In 1908, this distinction was changed, and all Navy officers were paid solely on the basis of grade and service. In addition, those at sea were paid an additional 10 percent over their base pay while performing sea duty.

In 1949, Congress eliminated sea duty pay for officers based on the argument that sea duty was normal service for Navy officers and did not deserve extra pay.

The committee now recommends that officer sea pay be reinstituted because of the arduous duty involved in long deployments and because of retention problems among Navy officers in certain skills. Monthly rates of sea pay would range from $130 to $310 and would be paid to officers in grade O–3 (lieutenant) through O–6 (captain) based on grade and cumulative years of service at sea—the same structure as for enlisted personnel. Junior officers who previously served as enlisted personnel would also be paid sea pay rates based on grade and cumulative years of service at sea.

SUBMARINE INCENTIVE PAY FOR OFFICERS AND ENLISTED PERSONNEL

Special pay for submarine duty also has a long history. The Nation's first submarine was commissioned in 1900. Shortly thereafter, a special pay of $5 per month plus $1 a day for any day the submarine spent submerged was authorized.

The current rates of submarine pay were last changed in 1955 and range from $50 per month for an E–1 to $245 per month for a senior captain.

The Navy's critical shortage of nuclear submarine officers is one of the most serious personnel problems in the military. From fiscal year 1976 to fiscal year 1979, the Navy was only able to access 1,750 new officers compared to its goal of 2,496, about 70 percent. These shortages place increasing operational responsibility on the nuclear submarine officers who are in the service with long tours at sea and in some cases, with back-to-back sea duty assignments. At the same time, these well-trained nuclear officers are very attracted to the growing civilian nuclear power industry.

As a result of the Navy's inabiilty to access enough officers which then results in extra demands on current officers, retention is a serious problem. For the past 3 years nuclear officer retention has averaged 38 percent and is predicted to decrease to 28 percent in fiscal year 1981.

Similarly, the submarine-enlisted community suffers from a large shortfall in senior grade petty officers, and there is a requirement for a significantly large percentage of the submarine enlisted crew to be senior petty officers.

The committee recommendation includes approval of the new submarine duty pay rates proposed by the administration and the recommendation that the submarine duty pay for officers be converted to an incentive pay that is similar to flight pay. A submarine officer will be continuously eligible for the incentive pay, provided specified amounts of operational submarine duty are accumulated. As long as he meets those operational requirements, he will receive the submarine incentive pay, even when assigned to shore duty.

The administration's proposal did not recommend converting enlisted submarine pay into a similar incentive pay. The committee amendment would pay enlisted submarine pay on the same basis as the officers—that is, as an incentive pay, which the enlisted member will receive whether or not he is assigned to the submarine as long as he meets specific operational requirements.

The Navy's submarine community is not that large. It represents about 5 or 6 percent of Naval personnel. The expansion of submarine duty pay to an incentive pay to include those years spent on shore duty will increase the attractiveness of the submarine career path, which will continue to remain dominated by sea duty and should increase retention.

NUCLEAR OFFICER SPECIAL PAYS

I have previously outlined the serious problems in attracting and retaining nuclear officers. In 1976, Congress enacted accession and continuation bonuses for these officers. The committee amendment includes approval of the administration's recommendation to increase the accession bonus from $3,000 to $6,000, to increase the continuation bonus paid in return for an additional 4 years of obligated service from a total of $20,000 to a total of $28,000, and an increase in the annual incentive bonus paid each year to those who remain on active duty but do not obligate themselves for 4 additional years from $4,000 to $6,000. The full Armed Services Committee unanimously approved those recommendations on December 2, 1980.

OTHER PROVISIONS

The bill also includes several other smaller provisions:

A new overseas extension pay of up to $50 per month for personnel in certain skills who extend duties at designated locations overseas to 12 months. Alternatively, a member could choose additional periods of rest and recuperation in lieu of pay;

An authorization for senior enlisted and certain officer personnel without dependents to live off post and receive a basic allowance for quarters;

A provision to allow the Service Secretary to extend the benefit of accumulating leave to members on ships or other locations on long deployments;

A provision to continue the present practice of basing charges for house trailer parking pads on DOD's cost of construction or maintenance;

A permanent extension of the Marine Corps platoon leader class program;

A change in the definition of regular-military compensation in law to include the new variable housing allowance and overseas station housing allowance. This will not affect the pay anyone receives;

An amendment to section 302 of the fiscal year 1981 authorization bill with regard to the procedures for waiving restrictions on the enlistment of persons who score below a certain level on the Armed Forces qualification test. The amendment deletes the provision on the waiver and the two-House concurrence approving the waiver;

A provision to allow the Board of Visitors at the Service Academies to serve until their successors are appointed; and

A provision to allow the judges of the Court of Military Appeals to serve 15 years from the date of their appointment and to allow present judges to serve for 10 years.

TOTAL COST OF H.R. 7626

This bill will cost $130 million in fiscal year 1981 and $1 billion in 1982 and future years. The total cost from fiscal year 1981 to fiscal year 1985 is $847 million—most of which is accounted for by the increase in sea pay.

Mr. President, because this session of Congress is rapidly coming to an end, there is no time for a conference with the House on this bill. In a spirit of compromise we have worked with the House committee since the Senate version was reported.

The amendment I recommend includes three changes on substantive matters reflecting our discussions with our House colleagues:

Expanding the optional BAQ provision to all officers unless the Secretary concerned determines that readiness and discipline requires officers or senior enlisted men to live on base;

Deleting sea pay for officers with less than 3 years sea duty;

Deleting the requirement for the Service Secretary to determine the impact on the number of dependents overseas of the nonmonetary incentives authorized as part of the new overseas extension pay; and

A restructuring of sea pay rates for junior officers.

INCREASES IN PAY DURING THE SECOND SESSION OF THE 96TH CONGRESS

Mr. President, during 1980, in this session of Congress, Congress has enacted 32 separate amendments which change military compensation and other benefits. This bill, H.R. 7626, and H.R. 3351, dealing with CHAMPUS rates will bring the total number of pay amendments to 39, with a total cost of $5.1 billion in fiscal year 1981 and $29.9 billion over 5 years. These items will increase military personnel costs in the defense budget by about 15 percent in fiscal year 1981. I ask that a list of these various items be inserted in the RECORD.

The largest cost item is the 11.7-percent pay raise—$3.2 billion in fiscal year 1981 and $19.1 billion over 5 years. The extension and increases in enlistment and reenlistment bonuses, the new variable housing allowance, and the increased mileage reimbursement for permanent change of station moves, will each cost over $1 billion in the next 5 years. There are a wide range of benefit changes from adding well-baby care under CHAMPUS to increases in survivor benefits.

Not all military personnel will receive increases as a result of each item. All military personnel will receive an 11.7-percent increase even if they live in barracks, receive no other special pay, and do not move. Pilots who do receive other pays such as a variable housing allowance could receive increases of over 50 percent.

Regular military compensation (RMC)—the usual measure for pay—includes four items: Basic pay, basic allowance for subsistence, basic allowance for quarters, and the tax advantage from the tax-free allowances. RMC for fiscal year 1980 increased over a year ago from 3 percent (for 3- and 4-star generals) to 17 percent (for first lieutenants). In most grades, RMC increased by 13 to 14 percent reflecting the 11.7-percent pay raise, the 10-percent additional increase in the basic allowance for subsistence, and the tax advantage. I ask unanimous consent that a table showing regular military compensation by grade be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, the new variable housing allowance is not included in RMC and as implemented by DOD, this new allowance will cost $550 million in fiscal year 1981—about the same cost as a 2-percent across-the-board pay increase. An estimated 98 percent of all military personnel living off post will receive a variable housing allowance.

Mr. President, I hope all Senators will review these significant changes that have been made to military compensation and benefits. This Congress had done much to address the need for increased military pay and to target increases toward critical skill areas like pilots, doctors, nuclear submarine officers, and naval personnel at sea. But having accomplished this, we cannot assume that these changes or future increases in pay will solve the increasing problems in military manpower. Adequate levels of pay are necessary but are not sufficient to provide enough young people of high talent for military service. Current All-Volunteer Force policies do not provide the patriotic incentives or the attitude of necessary service to country that are needed. Military manpower problems must remain as a high priority for Congress and the American people.

Exhibit 1

Grade	Regular military compensation	
	1979	1980
O-10 General/admiral	62, 966	64, 660
O-9 Lieutenant general/vice admiral	62, 930	64, 632
O-8 Major general/rear admiral	59, 940	64, 614
O-7 Brig General/rear admiral	53, 024	60, 051
O-6 Colonel/captain	43, 962	49, 788
O-5 Lieutenant colonel/commander	35, 847	40, 517
O-4 Major/lieutenant commander	29, 609	33, 458
O-3 Captain/lieutenant	24, 858	28, 115
O-2 1st lieutenant (junior grade)	19, 711	22, 417
O-1 2d lieutenant/ensign	14, 291	16, 708
E-9 Sergeant major/master chief petty officer	24, 320	27, 587
E-8 1st sergeant/senior chief petty officer	20, 667	23, 403
E-7 Sergeant 1st class/chief petty officer	17, 848	20, 163
E-6 Staff sergeant/petty officer 1st class	15, 155	17, 151
E-5 Sergeant/petty officer 2d class	12, 837	14, 480
E-4 Corporal/petty officer 3d class	10, 932	12, 449
E-3 Private 1st class/seaman	9, 706	11, 060
E-2 Private/seaman apprentice	9, 016	10, 243
E-1 Private/seaman recruit	8, 276	9, 399

MILITARY PAY, ALLOWANCE, AND BENEFITS CHANGES DURING 1980

[Costs in millions of dollars of outlays]

	Fiscal year—					Total 5-year costs
	1981	1982	1983	1984	1985	
A. Amendments in fiscal year 1981 authorization bill:						
1. 11.7 percent pay raise [1]	3, 194	3, 510	3, 816	4, 136	4, 446	19, 102
2. Increase and 2-yr. extension of enlistment/reenlistment bonuses for active service	425	609	48	4		1, 806
3. Increase in maximum per diem allowance from $35 to $50 and from $50 to $75 in high cost areas	143	146	150	153	156	748
4. Pilot continuation bonus [2]	100	129	140	152	163	684
5. CHAMPUS increases for well-baby care and handicapped dependent care	16	17	18	19	20	90
6. Increase in allowance for moving a house trailer	12	14	15	16	17	74
7. Family separation allowance for E–4 and below	12	12	12	12	12	60
8. Active duty educational assistance test program	8	27	20	7	10	72
9. Extension of enlistment and reenlistment bonuses for the Selected Reserve	58	62	72	75	81	348
10. Selective Reserve affiliation bonus	28		28			56
11. Extends educational assistance to Selected Reserve and increases maximum from $2,000 to $4,000	3	6	8	11	10	38
12. Individual Ready Reserve enlistment/reenlistment bonus	10	2	2	2		16
13. Extension of Marine Corps PLC program	1	1				2
14. Denial of veterans benefits to those who fail to complete 2 years' service	–4	–12	–17	–21	–24	–78
Subtotal — Authorization bill	4, 006	4, 523	5, 312	4, 566	4, 891	22, 298
B. Nunn/Warner amendments and other changes in H.R. 5168:						
15. Variable housing allowance [3]	550	601	655	711	770	3, 287
16. Increase PCS mileage reimbursement from 10 to 18½ cents	174	191	207	224	242	1, 038
17. 10 percent increase in subsistence allowance	152	166	181	196	213	908
18. Increase flight pay 25 percent	53	53	53	53	53	265
19. Increase sea pay	5	3	3	3	3	17
20. Provide new officer pay scales for WO's and save pay for former WO and enlisted	(4)	(4)	(4)	(4)	(4)	(4)
21. Advance pay upon registration of an allotment						
22. Provide 20-year retirement for enlisted reservists	3	4	5	7	8	27
Subtotal—Nunn/Warner	937	1, 018	1, 104	1, 194	1, 289	5, 542
C. Changes in doctor's pay bill:						
23. Increase in DOD medical pay	39	67	88	106	127	427
Offsetting savings	–15	–28	–42	–59	–83	–227
24. Increase in PHS medical pay	4	7	8	9	10	38
Subtotal—doctor's pay	28	46	54	56	54	238
D. Increases in Survivor Benefit Act:						
25. SBP changes (retired pay)	36	55	75	96	120	382
E. Changes in omnibus personnel bill (H.R. 5766):						
26. Quarters reimbursement on sea duty	9					9
27. Benefits for National Guardsmen on full-time active duty	6	9	12	15	19	61
28. Increase in ROTC scholarships [5]	1	4	6	7	8	26
29. Requirement for Government reimbursement for failure to serve	–1	–1	–1	–1	–1	–5
30. Funding for Soldiers and Airmen's Home		18	19	21	22	80
Subtotal—H.R. 5766	15	30	36	42	48	171
F. Compensation amendment included in DOPMA (S. 1918):						
31. Payment of subsistence allowances to enlisted members on TDY	2	43	46	49	51	191
32. In areas in officer severance pay	3	21	21	21	21	87
Subtotal—S. 1918	5	64	67	70	72	278
G. Changes in Military Pay and Allowances Benefit Act (H.R. 7626):						
33. Increased submarine pay	16	21	21	21	21	98
34. Increased nuclear officer bonuses	3	8	8	8	8	34
35. Increased sea pay	100	149	151	153	154	708
36. Pay for voluntary overseas extension	–22	3	3	3	3	–6
37. Optional BAQ to single personnel	33	36	40	44	47	200
38. Marine Corps PLC	0	0	1	1	1	5
Subtotal—H.R. 7626	130	217	224	230	234	1, 035
H. Changes in CHAMPUS outpatient rates (H.R. 3351):						
39. Authorizing CHAMPUS inpatient rates for ambulatory surgery	–. 2	–. 3	–. 4	–. 5	–. 6	–2. 0
Total—Compensation amendments enac ted:						
Active duty pay and benefits	4, 757	5, 505	5, 347	5, 713	6, 131	27, 450
Reserve pay and benefits	406	412	486	498	535	2, 337
Retired pay	39	59	80	103	128	409
Other	–45	–23	–41	–60	–86	–275
Total enacted	5, 157	5, 953	5, 872	6, 254	6, 708	29, 921

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[1] Costs based on CBO estimate of total cost of pay raise without absorption. The President's January 1981 budget estimated that $846 million (40 percent) of the proposed 7.4 percent pay raise would be absorbed, that is, offset by other reductions and efficiencies.

[2] The pilot continuation bonus authorized up to 4 months' basic pay for each year of continued service between 6 and 18 years of service. CBO has estimated the potential cost at $249 million in 1981. The DOD has stated the cost in 1981 will be $20 million since the bonuses would be offered to Navy pilots. The Senate Armed Services Committee has estimated the fiscal year 1981 costs at $100 million. Fiscal years 1982–85 costs are estimated by CBO based on DOD plans.

[3] Based on DOD press release of Oct. 15, 1980.

[4] Less than $100,000.

[5] CBO estimate is based on DOD plans to increase ROTC scholarships by 2,000, rather than 5,500 authorized in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JEPSEN. Mr. President, it seems that the Senator from Colorado desires recognition before we get to a final vote on H.R. 7626.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it is my understanding that this is the sea pay bill which provides some extra incentives to keep our sailors aboard ship.

Have I correctly identified the measure that is the pending business of the Senate?

Mr. JEPSEN. That is accurate, so far as it goes.

Mr. ARMSTRONG. I wish to make a couple of observations.

First, I compliment the Senator from Iowa and the others who have brought this message before us tonight. I believe that enactment of this measure is worthy and in fact is essential.

We have had testimony before committees of the Senate that the Secretary of the Navy and the CNO have been forced to beach ships of the Navy because we did not have enough sailors to keep them operating. That would be a horrendous situation if we had a large Navy. But, as a matter of fact, the number of warships which the United States has that it potentially could put to sea has declined by more than half in recent years.

This trend has occurred in the face of an enormous expansion of the Soviet navy and at a time when this country is increasingly dependent on the sea lines of communication for our economic well-being and for our national security. So there is no question that we need to do something to increase the desirability of service on our Nation's ships.

I compliment the sponsors of this measure for their efforts.

Mr. President, I would be remiss if I did not call to the attention of all Senators the need for a comprehensive review of the pay scales of all military and naval personnel.

As the distinguished Senator from Hawaii (Mr. MATSUNAGA) and others will recall, we have talked over and over again in this Chamber about the need to increase the general pay level of the Nation's sailors, soldiers, and airmen. While passage of this sea pay bill is worthy and is a constructive step, it does not to any degree—at least in the judgment of the Senator from Colorado—lessen the need for an across-the-board pay increase.

This Nation's uniformed personnel are paid at a shockingly low level. During the last 6 years, the real pay—that is, the after-inflation pay—of the Nation's military personnel has fallen by more than 20 percent. We have the spectacle of the seamen, even a skilled technician aboard ship, working 100 hours a week and drawing for that a lower paycheck than his civilian counterpart might earn for working in a fast-food outlet. Is it any wonder that it is harder for us to get qualified people to go to sea, to go into the Army, and to serve their Nation in the traditional uniformed services?

Mr. President, the reason why I speak about this at this time is to express my approval of this bill and my belief that, early next year, we must bring to the floor of the Senate for a vote a comprehensive pay package for the Nation's military personnel, along the lines of the bill which Senator MAGNUSON and I, together with about two dozen fellow Senators, have proposed in the past, which has been very nearly adopted on a number of occasions—and which, in fact, was partially implemented by action of the Armed Services Committee last year.

I inquire of the Senator from Iowa his thoughts and whether or not it is his plan, as chairman of the subcommittee which will have jurisdiction over this matter, to hold hearings on this subject and to look expeditiously into the pay question.

Mr. JEPSEN. Mr. President, I assure my colleague, the Senator from Colorado, that we are going to hold hearings and we are going to take a comprehensive look and approach with respect to this matter.

I also suggest, with respect to his words, which have been ably stated and well-spoken, that we have something besides pay, that we have other problems in connection with our men and women in uniform in this country. You can buy head power and hand power, but you cannot purchase heart power.

We have something that really needs looking into, and we intend to do that. I look forward to working with and expecting the counsel and the wisdom of the Senator from Colorado which he always brings to bear on everything he takes to task.

Mr. ARMSTRONG. Mr. President, I very much appreciate the kind words of the Senator from Iowa. I must say that I am heartened by his act of interest in this issue, because he certainly is in a position—and he has the expertise and the knowledge—to bring efforts to bear on this problem and to reach a solution.

I share his feelings that there are many factors with respect to our military personnel. Pay is only one.

However, I say to the Senator from Iowa and all other Senators that it is a terrible blow to the prestige and the standing and the morale of military personnel when we say to them, implicitly, that we hold them in such low esteem while everybody else in our society is getting a pay raise and they do not. That is the message Congress has sent to our military personnel year after year.

I am pleased that during 1980, with the help and support of the Senator from Iowa and others, we have been able to get a partial increase and a partial catch-up that is long overdue.

I am sure that more than just the money involved is the message that has gone out across the world to our service personnel, that somebody cares, that Congress is paying attention, that Congress highly values and esteems the services performed by our military personnel. For that, more than just the money, I am grateful to the Armed Services Committee, the Senator from Iowa, the Senator from Hawaii, and the others who have provided leadership in this effort.

Mr. MATSUNAGA. Mr. President, I join the Senator from Colorado in his request for an early hearing on a more comprehensive bill; and I join the Senator from Colorado in commending the Senator from Iowa and the Senator from Georgia for bringing the pending measure before the Senate.

While this is not fully what the Senator from Colorado and I had expected, this is a step in the right direction. I do hope that, in the next Congress, full consideration will be given by the Armed Services Committee to the bills that the Senator from Colorado and I have cosponsored, to make the military personnel of the United States proud of themselves, proud to be serving in the uniform of Uncle Sam, and that they will not need to rely on food stamps to make a living.

I thank the Senator from Iowa.

Mr. JEPSEN. I thank the Senator from Hawaii for his remarks. There is obvious bipartisan concern. We will look forward to some real work on this next year.

Mr. EXON. Mr. President, I have been listening with keen interest to the sounds of alarm that I continue to hear in on the Chamber, from the Senator from Hawaii and the Senator from Colorado. I wish to assure both of my colleagues and my friends that as a member of the Armed Services Committee and of the Manpower Personnel Subcommittee of that important committee that despite their fears, I think that the Armed Services Committee, including Senator JEPSEN from Iowa, and myself, and Senator NUNN, and many others, are fully aware of the situation that exists. I think it will be well once again for them to express the appreciation for the Armed Services Committee having full recognition of some of the concerns as they have had.

It just so happens that in the last year we have made significant pay increases to all members of the armed services. This bill particularly refers to Navy personnel, submarine personnel, sea duty personnel, which we think were deserving of some rather significant pay increases which have been provided. I certainly say that there are all of us on the Armed Services Committee who share the concerns that have been expressed here, and I just hope that the rest of the Senate will recognize that while we think it is critically important to increase the pay of our military personnel, we must realize and recognize that we have budget restraints and constraints in the Armed Services Committee as well as all of the other committees of the Senate which are charged with the responsibilities of meeting the principal needs of the areas in which they serve while keeping a careful eye on overall expenditures of the Federal Government.

The PRESIDING OFFICER. If there be no further amendment to be proposed the question is one agreeing to the committee amendment in the nature of a substitute.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (H.R. 7626) was passed.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEPSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GREATER FLEXIBILITY IN ORDERING RESERVES TO ACTIVE DUTY

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 1188.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 7682) to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with amendments, as follows:

> On page 1, strike line 3, through and including page 2, line 8, and insert the following:
>
> That subsection (e) of section 672 of title 10, United States Code, is amended to read as follows:
>
> On page 2, after line 25, insert the following:
>
> SEC. 4. Section 517 of title 10, United States Code, relating to the authorized daily average in enlisted members that may be on active duty in the grades of E–8 and E–9, is amended—
>
> (1) by inserting "(a)" before "Except";
>
> (2) by adding the following new sentence: "In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force."; and
>
> (3) by adding the following new subsection:
>
> "(b) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components of the armed forces may not exceed the number prescribed for the

grade and the armed force in the following table:

"Grade	Army	Navy	Air Force
E-9	209	140	71
E-8	823	302	302".

The amendments were agreed to en bloc.

Mr. MATSUNAGA. Mr. President, I move for the passage of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 7682) was passed.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEPSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF LEADERSHIP TIME TO 1 MINUTE EACH

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow the time of the two leaders be reduced to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following Senators be recognized following the recognition of the two leaders under the order: Messrs. MORGAN, INOUYE, and WARNER, each for not to exceed 15 minutes, not necessarily in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar, U.S. Air Force on page 7, page 8, page 9, page 10, page 11, page 12, page 13, page 14, page 15, and under the U.S. Army on page 16, page 17, page 18, page 19, page 20, page 21, page 22, and U.S. Navy on page 22, and the nominations placed on the Secretary's desk in the Coast Guard, Air Force, Army, Navy, and Marine Corps shown on page 23.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, all of the nominations appearing on the Executive Calendar identified by the majority leader beginning at page 7 under U.S. Air Force and continuing through the bottom of page 23 are cleared on our calendar, and we have no objection to their consideration and confirmation.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc and that the motion to reconsider en bloc be laid on the table and that the President be notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

The nominations considered and confirmed en bloc are as follows:

U.S. AIR FORCE

Brig. Gen. James Taylor, Jr., to the regular grade of major general.

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code:

Brig. Gen. Spence M. Armstrong, to be major general.

Brig. Gen. Stanley C. Beck, to be major general.

Brig. Gen. Theodore D. Broadwater, to be major general.

Brig. Gen. James R. Brown, to be major general.

Brig. Gen. Richard A. Burpee, to be major general.

Brig. Gen. Melvin F. Chubb, Jr., to be major general.

Brig. Gen. Neil L. Eddins, to be major general.

Brig. Gen. Donald L. Evans, to be major general.

Brig. Gen. James L. Gardner, Jr., to be major general.

Brig. Gen. Harry A. Goodall, to be major general.

Brig. Gen. Jack I. Gregory, to be major general.

Brig. Gen. Titus C. Hall, to be major general.

Brig. Gen. Stanley C. Kolodny, to be major general.

Brig. Gen. William G. MacLaren, Jr., to be major general.

Brig. Gen. Leo Marquez, to be major general.

Brig. Gen. William E. Masterson, to be major general.

Brig. Gen. Robert J. McCarthy, to be major general.

Brig. Gen. Keith D. McCartney, to be major general.

Brig. Gen. Marvin C. Patton, to be major general.

Brig. Gen. Milton R. Peterson, to be major general.

Brig. Gen. James C. Pfautz, to be major general.

Brig. Gen. John L. Pickitt, to be major general.

Brig. Gen. Winston D. Powers, to be major general.

Brig. Gen. Graham W. Rider, to be major general.

Brig. Gen. Albert G. Rogers, to be major general.

Brig. Gen. Walter C. Schrupp, to be major general.

Brig. Gen. Carl R. Smith, to be major general.

Brig. Gen. Click D. Smith, Jr., to be major general.

Brig. Gen. Perry M. Smith, to be major general.

Brig. Gen. James P. Smothermon, to be major general.

Brig Gen. Casper T. Spangrud, to be major general.

Brig. Gen. Howard R. Unger, to be major general.

The following officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

Maj. Gen. Christopher S. Adams, to be major general.

Lt. Gen. Charles C. Blanton, to be major general.

Maj. Gen. Robert M. Bond, to be major general.

Maj. Gen. James R. Brickel, to be major general.

Maj. Gen. Bruce K. Brown, to be major general.

Maj. Gen. George M. Browning, Jr., to be major general.

Maj. Gen. Gerald J. Carey, Jr., to be major general.

Maj. Gen. Robert F. Coverdale, to be major general.

Maj. Gen. Charles L. Donnelly, Jr., to be major general.

Maj. Gen. Herbert L. Emanuel, to be major general.

Maj. Gen. Billy B. Forsman, to be major general.

Brig. Gen. James L. Gardner, Jr., to be major general.

Lt. Gen. Philip C. Gast, to be major general.

Maj. Gen. Dewey K. K. Lowe, to be major general.

Maj. Gen. Waymond C. Nutt, to be major general.

Maj. Gen. Earl T. O'Loughlin, to be major general.

Lt. Gen. Lawrence A. Skantze, to be major general.

Brig. Gen. Click D. Smith, Jr., to be major general.

Maj. Gen. Herman O. Thomson, to be major general.

Maj. Gen. Jasper A. Welch, Jr., to be major general.

Maj. Gen. James H. Ahmann, to be brigadier general.

Maj. Gen. James I. Baginski, to be brigadier general.

Brig. Gen. Stanley C. Beck, to be brigadier general.

Brig. Gen. Schuyler Bissell, to be brigadier general.

Maj. Gen. Richard T. Boverie, to be brigadier general.

Brig. Gen. John A. Brashear, to be brigadier general.

Brig. Gen. William R. Brooksher, to be brigadier general.

Maj. Gen. Bill V. Brown, to be brigadier general.

Maj. Gen. Louis C. Buckman, to be brigadier general.

Brig. Gen. Robert E. Chapman, brigadier general.

Maj. Gen. James E. Dalton, to be brigadier general.

Brig. Gen. Neil L. Eddins, to be brigadier general.

Maj. Gen. Jay T. Edwards III, to be brigadier general.

Brig. Gen. Jack I. Gregory, to be brigadier general.

Brig. Gen. David M. Hall, to be brigadier general.

Brig. Gen. Titus C. Hall, to be brigadier general.

Brig. Gen. Richard D. Hansen, to be brigadier general.

Maj. Gen. Guy L. Hecker, to be brigadier general.

Maj. Gen. Robert T. Herres, to be brigadier general.

Brig. Gen. Avon C. James, to be brigadier general.

Brig. Gen. Charles W. Lamb, to be brigadier general.

Brig. Gen. Leo Marquez, to be brigadier general.

Brig. Gen. William E. Masterson, to be brigadier general.

Brig. Gen. Robert F. McCarthy, to be brigadier general.

Brig. Gen. Robert E. Messerli, to be brigadier general.

Brig. Gen. Horace W. Miller, to be brigadier general.

Brig. Gen. Joseph D. Mirth, to be brigadier general.

Maj. Gen. Harry A. Morris, to be brigadier general.

Brig. Gen. Richard D. Murray, to be brigadier general.

Brig. Gen. James C. Pfautz, to be brigadier general.

Brig. Gen. Richard W. Phillips, Jr., to be brigadier general.

Brig. Gen. Winston D. Powers, to be brigadier general.

Lt. Gen. John S. Pustay, to be brigadier general.

Brig. Gen. Robert H. Reed, to be brigadier general.

Brig. Gen. Walter C. Schrupp, to be brigadier general.

Brig. Gen. Jerry W. Tietge, to be brigadier general.

Brig. Gen. Edward L. Tixier, to be brigadier general.

Brig. Gen. William T. Twinting, to be brigadier general.

Brig. Gen. Howard R. Unger, to be brigadier general.

Brig. Gen. Thomas E. Wolters, to be brigadier general.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

Brig. Gen. Jack R. Brasher, to be major general.

Brig. Gen. Harry L. Cochran, Jr., to be major general.

Brig. Gen. Wayne C. Gatlin, to be major general.

Brig. Gen. Robert A. Neal, to be major general.

Brig. Gen. Darrol G. Schroeder, to be major general.

Col. Richard B. Almour, to be brigadier general.

Col. James L. Dawson, to be brigadier general.

Col. William J. DeNuccio, to be brigadier general.

Col. James J. Hanlon, to be brigadier general.

Col. David B. Hoff, to be brigadier general.

Col. Robert A. Johnson, to be brigadier general.

Col. Robert W. McDonald, to be brigadier general.

Col. Fred M. Rosenbaum, to be brigadier general.

Col. Robert W. Schaumann, to be brigadier general.

Col. Paul A. Schempp, to be brigadier general.

Col. Edward Schneider, to be brigadier general.

Col. James D. Shepherd, to be brigadier general.

Col. William M. Whittaker, to be brigadier general.

U.S. Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

Lt. Gen. Vernon Anthony Walters, to be lieutenant general.

The Army National Guard of the United States officer named herein for appointment as a Reserved Commissioned Officer of the United States, under the provisions of title 10, United States Code, sections 593(a) and 3392:

Brig. Gen. James Herbert Jomes, to be major general.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

Brig. Gen. Hugh G. Robinson, to be major general.

Brig. Gen. Charles W. Bagnal, to be major general.

Brig. Gen. Richard M. Wells, to be major general.

Brig. Gen. William H. Schneider, to be major general.

Brig. Gen. John W. Woodmansee, Jr., to be major general.

Brig. Gen. David E. Watts, to be major general.

Brig. Gen. Lawrence F. Skibbie, to be major general.

Brig. Gen. Arthur E. Brown, Jr., to be major general.

Brig. Gen. Niles J. Fulwyler, to be major general.

Brig. Gen. Vincent E. Falter, to be major general.

Brig. Gen. Benjamin E. Doty, to be major general.

Brig. Gen. Andrew H. Anderson, to be major general.

Brig. Gen. Elmer D. Pendleton, Jr., to be major general.

Brig. Gen. John R. Galvin, to be major general.

Brig. Gen. Paul P. Burns, to be major general.

Brig. Gen. Edward L. Trobaugh, to be major general.

Brig. Gen. Ames E. Albro, Jr., to be major general.

Brig. Gen. William C. Moore, to be major general.

Brig. Gen. Edward C. O'Connor, to be major general.

Brig. Gen. Carl H. McNair, Jr., to be major general.

Brig. Gen. Vaughn O. Lang, to be major general.

Brig. Gen. Robert C. Forman, to be major general.

Brig. Gen. Dale A. Vesser, to be major general.

Brig. Gen. Charles D. Franklin, to be major general.

Brig. Gen. Arthur Holmes, Jr., to be major general.

Brig. Gen. Robert H. Forman, to be major general.

Brig. Gen. Thurman E. Anderson, to be major general.

Brig. Gen. William S. deCamp, to be major general.

Brig. Gen. Aaron L. Lilley, Jr., to be major general.

Brig. Gen. Andrew P. Chambers, to be major general.

Brig. Gen. George E. Marine, to be major general.

Brig. Gen. Walter J. Mehl, to be major general.

Brig. Gen. Robert J. Donahue, to be major general.

Brig. Gen. John S. Crosby, to be major general.

Brig. Gen. James N. Ellis, to be major general.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3306:

Brig. Gen. Elmer D. Pendleton, Jr., to be brigadier general.

Brig. Gen. Richard M. Wells, to be brigadier general.

Brig. Gen. Robert H. Forman, to be brigadier general.

Brig. Gen. George E. Marine, to be brigadier general.

Brig. Gen. William C. Moore, to be brigadier general.

Brig. Gen. Niles J. Fulwyler to be brigadier general.

Brig. Gen. Vaughn O. Lang, to be brigadier general.

Brig. Gen. David E. Watts to be brigadier general.

Brig. Gen. Edward C. O'Connor, to be brigadier general.

Brig. Gen. Arthur Holmes, Jr., to be brigadier general.

Brig. Gen. Robert J. Donahue, to be brigadier general.

Brig. Gen. Walter J. Mehl, to be brigadier general.

Brig. Gen. Arthur E. Brown, to be brigadier general.

Brig. Gen. Thurman E. Anderson, to be brigadier general.

Brig. Gen. Benjamin E. Doty, to be brigadier general.

Brig. Gen. Charles D. Franklin, to be brigadier general.

Brig. Gen. Andrew H. Anderson, to be brigadier general.

Brig. Gen. Aaron L. Lilley, Jr., to be brigadier general.

Brig. Gen. Vincent E. Falter, to be brigadier general.

Brig. Gen. Ames S. Albro, Jr., to be brigadier general.

Brig. Gen. Dale A. Vesser, to be brigadier general.

Brig. Gen. Hugh G. Robinson, to be brigadier general.

Brig. Gen. Lawrence F. Skibbie, to be brigadier general.

Brig. Gen. John R. Galvin, to be brigadier general.

Brig. Gen. Robert C. Forman, to be brigadier general.

Brig. Gen. Andrew P. Chambers, to be brigadier general.

Brig. Gen. John S. Crosby, to be brigadier general.

Brig. Gen. Paul P. Burns, to be brigadier general.

Brig. Gen. Carl H. McNair, to be brigadier general.

Brig. Gen. Edward L. Trobaugh, to be brigadier general.

Maj. Gen. Howard F. Stone, to be brigadier general.

Maj. Gen. Fred K. Mahaffey, to be brigadier general.

Maj. Gen. Henry H. Harper, to be brigadier general.

U.S. Navy

Rear Adm. Richard A. Miller, U.S. Navy, to be Director of Budget and Reports.

The following-named reserve captains of the line and staff corps of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Lemuel Owings Warfield, to be rear admiral.

Russell William Gorman, to be rear admiral.

Joseph Francis Callo, Jr., to be rear admiral.

Raymond Roger Couture, to be rear admiral.

James Burnett Reap, to be rear admiral.

John Rodney Grubb, to be rear admiral.

William Donald Daniels, to be rear admiral.

MEDICAL CORPS

John Francis Kurtzke, to be rear admiral.

SUPPLY CORPS

Thomas Gerard Lilly, to be rear admiral.

CHAPLAIN CORPS

Emmett Owen Floyd, to be rear admiral.

CIVIL ENGINEER CORPS

Thomas Smothers Maddock, to be rear admiral.

DENTAL CORPS

William Harris Molle, to be rear admiral.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD, AIR FORCE, ARMY, NAVY AND MARINE CORPS

Coast Guard nominations beginning Hubert T. Blomquist, to be captain, and ending Joseph L. Valenti, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Coast Guard nominations beginning Henry B. Traver, to be commander, and ending Bruce R. Frail, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 1980.

Air Force nominations beginning Nishan Aghajanian, to be colonel, and ending David J. E. Strate, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Michael A. Abair, to be major, and ending Robert H. Zellers, to be major, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Robert A. Aboe, to be first lieutenant, and ending Neville W. Womack, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Robert M. Hassan, to be major, and ending Elmer J. Wojtanowski, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Army nominations beginning Allen D. Adams, Jr., to be colonel, and ending Donald I. Bernstein, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record November 12, 1980.

Army nominations beginning Walter G. Ashley, to be colonel, and ending Roger L. Rankin, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning George M. Adams, to be chief warrant officer, and ending Craig Chapman, to be permanent ensign and temporary lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on September 29, 1980.

Navy nominations beginning James D. Cotelingam, to be lieutenant commander, and ending Luis G. Estrera, Jr., to be commander, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 1980.

Navy nominations beginning Richard C. Allen, to be captain, and ending Joyce A. Weber, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning John W. Poundstone, to be commander, and ending Bruce W. Jackson, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Christopher H. Ward, to be lieutenant commander, and ending Mark B. Samuels, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Craig S. Abernathy, to be ensign, and ending Thomas J. Zymanek, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Leroy E. Addison II, to be chief warrant officer, and ending John H. Young, to be chief warrant officer, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Edward S. Amis, Jr., to be captain, and ending Nicola J. Stewart, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 1980.

Navy nominations beginning Charles S. Abbot, to be commander, and ending Paula J. Tyler, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 1980.

Navy nominations beginning Robert B. Campbell, to be lieutenant commander, and ending Suzanna M. Zukowski, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 21, 1980.

Marine Corps nominations beginning Robert L. Adams, to be lieutenant colonel, and ending Sara J. Harper, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 1980.

Marine Corps nominations beginning Henry A. Dierker, to be lieutenant colonel, and ending Eric D. Zobel, to be major, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Marine Corps nominations beginning Evangelis J. Babauta, to be second lieutenant, and ending Gregory H. Swain, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF FOUR REPUBLICAN SENATE COLLEAGUES

Mr. THURMOND. Mr. President, I rise to pay tribute to four fine gentlemen who have served their States and Nation with honor and distinction and who will not be with us when the 97th Congress convenes—Senators Milton Young of North Dakota, Richard Schweiker of Pennsylvania, Jacob Javits of New York, and Henry Bellmon of Oklahoma. It has been an honor and pleasure to serve in the U.S. Senate with each of these dedicated public servants. I will miss them next year, for each has been a warm friend.

I now desire to say a few words about each of these retiring Senators.

SENATOR MILTON R. YOUNG

Mr. President, among the Senators leaving this distinguished body at the conclusion of the 96th Congress is Senator Milton R. Young of North Dakota.

Senator Young has served with distinction in the Senate for the past 35 years. His unflagging dedication and patriotic devotion to duty is beyond reproof. I have the highest regard for Senator Young's ability as a Senator and for his impeccable integrity as a man.

Mr. President, our colleague Milton Young has served this country not only faithfully, but well. He has been at the center of major decisions in this country since the end of World War II, and his wise counsel and firm leadership have been of immeasurable benefit to the welfare of the country.

Senator Young's superlative work as a member of the Senate Appropriations and Agriculture Committees has earned him the respect of all his colleagues. His contributions to the welfare of those persons engaged in agricultural occupations are innumerable.

I am proud to have worked with Milton Young in the U.S. Senate. He has brought both skill and courtesy to this distinguished body. I shall always think of Senator Young as a good friend, and remember with pleasure our years together in the Senate.

SENATOR RICHARD S. SCHWEIKER

Mr. President, I also wish to pay tribute today to a long time friend and colleague, Senator Richard Schweiker of Pennsylvania, who will be retiring from the Senate at the conclusion of this Congress.

Senator Schweiker has been a Member of this body since 1969. Prior to that time, he was a member of the U.S. Navy, serving aboard an aircraft carrier in World War II; and a 4-term Member of the House of Representatives. He has been honored with the "Outstanding Young Man of Pennsylvania Award" by the Pennsylvania Jaycees; the "Distinguished Alumnus Award" by Pennsylvania State University; and the "Samuel H. Daroff Humanitarian Award" by the Anti-Defamation League, B'nai B'rith.

During his service in this body, Richard Schweiker has been an able and conscientious Senator with a firm commitment to America. He is a man who has fought vigorously to progress the ideals he believes in, and has shown the courage to speak out on controversial issues of the day. This is a trait too often found lacking in many who hold public office.

Dick Schweiker made decisions based on what he felt to be the best interests of the country, a norm from which it might be said he deviated only once—that being his decision not to run for reelection to the U.S. Senate. I sincerely hope that Senator Schweiker's voluntary withdrawal from this body will in no way signal the end of his distinguished record of public service, for men and women of his stature are not easily replaced.

I shall regret seeing him leave our ranks, but he does so with our Nation's gratitude, and I wish him and his lovely wife good health and happiness in the years ahead.

SENATOR JACOB JAVITS

Mr. President, Senator Jacob K. Javits, a longtime friend and colleague, also will be leaving the Senate at the conclusion of this Congress.

Senator JAVITS has served in this body for the past 23 years, and in that time has shown himself to be a Senator of diligence and unquestioned integrity. His service for the people of New York and of America has earned him the respect of Senators on both sides of the aisle.

Senator JAVITS' record of public service is as long as it is notable. He has served with distinction as a member of the U.S. Army, with service in the Second World War, Member of the House of Representatives, attorney general of New York, and Member of the U.S. Senate. To all of these positions Senator JAVITS has brought the highest degree of duty and purpose.

Senator JAVITS over the years has taken many positions with which I have disagreed. However, when we have disagreed we have done so in an amiable fashion, and I always respected him for his convictions. When in opposition, I always found Senator JAVITS to be a formidable opponent, and when we were together, I found him to be an equally powerful ally.

I will always consider JACOB JAVITS a good friend, and will remember with fondness our years together in this body. I consider him a gentleman and a scholar. I congratulate him on his fine service to his country, and wish him good health and happiness in the years ahead.

SENATOR HENRY BELLMON

Mr. President, Senator HENRY BELLMON is also among the Senators leaving this body at the end of this Congress.

It has been a distinct pleasure and privilege for me to serve with Senator BELLMON, and I have always known him to be a man upon whose judgment I could rely. He has always shown himself to be a man of intelligence and ability and one who could transcend party boundaries for the higher good of his State and Nation.

HENRY BELLMON is a man of integrity and humility who saw his role as servant to the people as one of honor and trust. His sensitivity to his fellow Americans enabled him to understand their needs and to work effectively on their behalf.

I have always been able to rely on Senator BELLMON for sound advice and discreet judgement. It has been a pleasure working with him, and his service in the Senate is marked by distinction.

Senator BELLMON's firm commitment to American ideals and his unswerving devotion and loyalty to our Nation will be long remembered by people across this great land. His gracious manner and gentlemanly bearing have made him a credit to this august body. I regret seeing him leave our ranks, but he does so with my best wishes for the years ahead.

TRIBUTES TO DEPARTING SENATORS

SENATOR MILTON YOUNG

Mr. DOMENICI. Mr. President, the most honorable Senator and my good friend, MILTON R. YOUNG, has a career of distinguished service to the people that goes back as far as 1924 when he served on school, township, and county boards in North Dakota. He was elected to the Senate in 1946, and holds the unique distinction of never being defeated for reelection to any political office.

I am sad that he is resigning this year, for he is the one link that spans the years between the old and the new Republican majorities in the Senate. When Senator YOUNG steps down at the end of the Congress as dean of the Republican Senators, he will have served longer than any Republican in the history of the U.S. Senate.

But longevity alone is not the tribute I pay here today. Senator YOUNG has faithfully served his constituency and this Nation, not just marking time as a senior Senator, but has dedicated himself to working hard on the important committees of Appropriations and Agriculture, Nutrition, and Forestry. He has faithfully served on these two committees more than any present Member of Congress.

He will be sorely missed during the next Congress. His wisdom, hard work, and dedication to serving both his constituency and the Nation will be long remembered by his friends and colleagues here today.

SENATOR JACOB JAVITS

If there is one word to describe my good friend and Senate colleague, the most honorable Senator from New York, JACOB K. JAVITS, it is reform. From the time he was a young man, working his way through law school in New York, he could always be found on the side of right and justice. He joined the Republican Party, which was then the reform party, in New York led by the great mayor, Fiorello LaGuardia and in 1946, he was elected to Congress from the upper Manhattan district of New York.

His has been the example of the tireless crusader, working hard for what he has believed in, and though many times he ran into strong opposition, he has, throughout all his battles, been well respected not only by myself, but by many of his colleagues, both Democrat and Republican, during his brilliant 24-year career in the Senate.

We in the Senate will miss his presence dearly in this next Congress. His knowledge and guidance could well be used by many of the new Senators coming in. Senator JAVITS was an individual, above all, and he shed the lesser influences of party loyalties or special interests for what he felt was the greater duty—to vote with his conscience, for what he thought was right. If there is a monument, if there is a tribute to my good friend, Senator JAVITS, this is it—he worked to reform what was wrong in America.

SENATOR HENRY BELLMON

The prairie statesman is stepping down, retiring from his Senate seat when this Congress comes to an end, but the efforts and the legacy of this humble farmer-rancher will not soon be forgotten.

The most honorable Senator HENRY BELLMON of Oklahoma has been one of my closest friends here in the Senate and his principled stands for fiscal responsibility in Government are a shining example to all his colleagues in the Senate.

Senator BELLMON has told us that 12 years is enough, but I would have to respectfully, and selfishly, disagree. We need men of courage like the distinguished Senator from Oklahoma for leadership as we move into this uncertain decade of the eighties.

Senator BELLMON, who was twice decorated for bravery during World War II and awarded the Silver Star for "conspicuous gallantry and intrepidity" during the battle of Iwo Jima, was never one to back down from a fight. He has been one of the strongest advocates for fiscal responsibility in Government spending in the Senate and it was through his leadership and tireless efforts that the Senate passed the first budget resolution. As a former Governor of a no-deficit State, it could be no other way and Senator BELLMON, assuming the position of ranking minority member of the Budget Committee, made the firm commitment toward a balanced budget and the reduction of Federal budget deficits.

Serving on the Budget Committee with Senator BELLMON as my mentor, I have learned many things about the workings of the Federal Government and the workings of the Federal budget. It is my duty, as it is the duty of my Senate colleagues here before me today, and also those who will become Senators in the coming year, to carry on his commitment, his work, toward a budget process that is fiscally responsible to the American people.

No one thought 12 years ago that this plain spoken farmer-rancher from Oklahoma would shine forth as one of the Senate's most thoughtful and independent Members, often going against the grain of his own party, his own constituency, and his own political philosophy to hold the line on excessive Government spending. But that is exactly what has happened in just 12 short years.

His departure from the Senate has been mourned by both Republicans and Democrats alike, and I feel humbled by the fact that my good friend, the prairie statesman from Oklahoma, has left some pretty large shoes of responsibility to fill on the Budget Committee when he steps down at the end of this Congress.

SENATOR RICHARD S. SCHWEIKER

My good friend from Pennsylvania, the Honorable RICHARD S. SCHWEIKER has had a career that many would consider complete for a man much older. He served valiantly during World War II aboard an aircraft carrier and returned home to begin a career of service to his community in both the private and the public sector. The awards of merit and service given to him by his fellow Pennsylvanians are too numerous to mention, but suffice it to say, he has worked unselfishly for others for many years.

Senator SCHWEIKER was elected to the House of Representatives in 1960 and served four terms, noted by his exceptional work in the House Armed Services Committee. In 1968, he ran for the Senate in Pennslyvania, and was elected, serving two terms, and is the ranking minority member on the Appropriations and the Labor and Human Resources Committees.

So respected was he for his strong convictions, President-elect Ronald Reagan, running for the Republican Presidential nomination in 1976, selected Senator Schweiker as his Vice Presidential running mate, the first time ever that a Vice President has been selected before the party's nomination.

Truly an influential Republican and dedicated Senator, Richard S. Schweiker will be sorely missed by his friends and colleagues he leaves behind with his retirement. His efforts and accomplishments will be long remembered in the Senate.

TRIBUTE TO HENRY BELLMON

Mr. HATFIELD. Mr. President, I want to add my tribute to my good friend Henry Bellmon during this special time to give him the honor so richly due him.

At a recent reception honoring Henry and Shirley my message read, "How I hate to see you leave the Senate." I feel that in double measure today as I reflect upon Henry's role in facilitating communication amongst those of us in this special place. Even in the very last days of his tenure he has been spending his time making certain that the flow of information between the Budget, Finance, and Appropriations Committees is sufficient for the challenges before us in the 97th Congress.

Often, when complimented for tasks accomplished so well, Henry would protest that he was nothing more than a dirt farmer. But to me it has always been obvious that he gained and shared deep and abundant wisdom from knowing who he was as part of the soil from which he had sprung.

Henry Bellmon's political sagacity has seemed to me to be always far more profound than that from others of more academic or cosmopolitan background. So many times he has cut through the rhetoric to arrive at the heart of an issue. His thoughtful arguments on behalf of his positions were always a reflection of his principles thoroughly documented. Time and again he has been an inspiration to me and his influence has not been simply in what he said, but in what kind of man he is.

Since the days when we were Governors, I have had a special admiration for the Bellmons as a great team, and I pray that the Lord will give Henry and Shirley many fruitful years nurturing their family and pursuing their personal interests.

TRIBUTE TO RICHARD S. SCHWEIKER

Mr. President, with the retirement of Dick Schweiker we are losing a colleague in the Senate who has been uniquely committed to meeting human needs. Throughout his career as a Federal legislator, Dick has worked aggressively to improve the health and well-being of all our Nation's people.

It has been my privilege to work with Dick Schweiker on the Appropriations and Rules and Administration Committees and I have continually admired his determination in combating dreaded diseases of our time, promoting quality health care, and improving working conditions for many Americans. In his dual role as ranking Republican on both the Labor and Human Resources Committee and the Labor, Health and Human Services and Education Appropriations Subcommittee he has led the way in sponsoring legislation to these ends, spurring his colleagues to action.

Although Dick's contributions during his tenure in the Senate are impressive. I recall that during his many years of service in the House of Representatives he was equally dedicated to advancing the effectiveness of our Armed Forces and providing a basis for development of the All-Volunteer Army. In the 20 years Dick Schweiker has represented the people of Pennsylvania in Congress, he has established an impressive record of public service. I am convinced that the United States will continue to benefit from the skill and dedication my good friend Dick Schweiker brings to Government. I expect, and look forward to, many more years of our working together for the good of our Nation.

TRIBUTES TO DEPARTING SENATORS

Mr. JOHNSTON. Mr. President, I submit for the Record tributes to my retiring colleagues.

TRIBUTE TO FRANK CHURCH

Mr. President, I have been very fortunate in serving with Frank Church in the Senate. My observations of him on the Energy Committee reveal that he is a resourceful technician, an eloquent spokesman for the environment, and most of all, a Senator who always spoke for what he felt was the correct policy for the country.

Whatever Frank did, it was always done with vim and vigor and always valued by his colleagues. His work throughout the Senate bolstered my impression of his honesty and forthrightness.

Mr. President, Justice Black once remarked that—

> Man may seem free in any society as long as he accepts the postulates of that society, but he may only be free if the society allows its postulates to be questioned.

Throughout his long Senate career, Frank Church has asked tough questions, allowing him and his colleagues to formulate good policy from the answers. I will miss his questions, his steady hand, and, most of all, his presence in the Senate.

TRIBUTE TO JOHN DURKIN

Mr. President, the "easy solutions" to our energy problems pale before what is really the complex interaction of numerous fuel sources, markets, and technologies. To see these relationships as a whole is very difficult. Many times members of the Energy Committee have to rely on other members for their advice in their demonstrated expertise.

John Durkin, as recent chairman of the Subcommittee on Conservation, was the moderator many times on our full committee on conservation matters. In this role, he never failed to spark the debate, lead the faithful, and challenge the opposition. Although I did not always agree with his mechanisms, I always agreed with his commitment for a national energy policy that is fair and sensible for all Americans.

John will be sorely missed. My best wishes and respect go with him.

TRIBUTE TO GEORGE M'GOVERN

For almost a quarter of a century, the distinguished senior Senator from South Dakota has served the American people in either an elected or appointed Federal office. These years have brought dramatic changes to the lives of all Americans and George McGovern has been an important voice in so many of these changes that it is practically impossible to even begin to list them all. In each instance, however, few would dispute that this man has added immensely to the quality of the debate by his consistently knowledgeable and thought-provoking presentation of his point of view on each issue.

One of the many issues on which the Senator from South Dakota has demonstrated forceful leadership is combating hunger for all people. As Director of the Food for Peace program and as a Member of the Senate, his was a key voice in improving and expanding our overseas food donation programs. Many of the poorest people in the poorest countries of the world now receive food assistance in large part due to his efforts.

The same compassion which Senator McGovern brought to the Public Law 480 program is reflected in his hard and diligent work to begin and improve many of the domestic feeding programs which now assure that no needy American child or elderly citizen must go to bed hungry or suffer from malnutrition because he or she had no money to buy a decent meal. Many forget that this was not the case some 20 years ago and that severe malnutrition problems were rampant among infants and young children in the poorest parts of our cities and in rural poverty areas.

It is easy to forget that 20 years ago, many poor children went to school hungry and many of our elderly citizens who had worked hard all their lives went to bed hungry because they found they could not buy food on limited fixed incomes. George McGovern played a key role in bringing these problems to the attention of the American people and seeking ways to alleviate this suffering at home and overseas.

Mr. President, I have been lucky to have worked with Senator McGovern over the last 8 years and I have always found that his cogent remarks enlightened the debate even though I was not always convinced that his point of view should prevail. I know that we will all miss having George McGovern in the Senate, but I know that the many contributions he has made over the last 18 years will remain with us throughout the years ahead.

TRIBUTE TO MILTON A. YOUNG

Mr. President, after more than 35 years of distinguished service in the U.S. Senate, my good friend and colleague from North Dakota, Senator MILTON YOUNG has decided to retire. He will be sorely missed by all who had the pleasure of serving with him in the Senate.

MILTON YOUNG's career in public service extends back to July 1924. He has continuously held public office since that time and has never been defeated for reelection. As the Republican dean of the Senate, MILTON has served consecutively longer than any other Republican in the history of the U.S. Senate. His is truly a remarkable record by a truly remarkable man.

As the ranking Republican member of the Senate Appropriations Committee, a committee upon which I also serve, it has been my privilege to observe his detailed knowledge of the matters brought before that committee and to seek his sage advice on innumerable matters of mutual concern. MILTON has always been free with his advice, thoughtful in his actions, and considerate in his dealings with all the members of that committee.

The retirement of this soft-spoken giant among men will not only be a loss for the people of North Dakota he had represented for so long and so well, it will truly be a loss for our Nation. A MILTON YOUNG only comes along very infrequently and I know I join my colleagues on both sides of the aisle in wishing for him the very best in health and happiness in the coming years.

TRIBUTE TO JACOB K. JAVITS

Mr. President, today I join with my colleagues from both sides of the aisle in paying tribute to a Member of the U.S. Senate who has earned the well deserved respect and admiration of all his fellow colleagues and indeed our entire Nation. That man is JACOB K. JAVITS, Senator from the State of New York.

It is virtually impossible to list or summarize the contributions JACK JAVITS has made to his country throughout his distinguished career of public service. Following service in the U.S. Army during World War II, Senator JAVITS began a career in the Congress that spanned nearly one-third of a century, including four terms in the House of Representatives and four terms in the Senate.

While it may be impossible to innumerate all his many accomplishments I know that JACK would consider his authorship of the War Powers Act and the Employees Retirement Income Security Act as two of his most noteworthy legislative victories.

Senator JAVITS has been called the Senate's lawyer for his depth of understanding and meaning of the law, a sobriquet he has richly earned. His skill as a negotiator and his eloquence in debate are unmatched and will be solely missed by all of us.

A JACK JAVITS appears on our country's stage very rarely. Today I join with all his friends and colleagues in the Senate in wishing him the very best in health and happiness in his life ahead.

TRIBUTE TO HERMAN E. TALMADGE

Mr. President, it has been my pleasure to have served these past 8 years in the U.S. Senate with a man who has had the most positive effect on the farmers of my State and our Nation than any other single individual in the history of our country. That man is my very good friend and Senate colleague, Senator HERMAN EUGENE TALMADGE of Georgia.

Senator TALMADGE's record of public service to the people of his native State of Georgia began in 1947, when upon the death of his father, the Georgia General Assembly elected him to the governorship of that State. Senator TALMADGE was subsequently elected Governor and served in that capacity until 1955. He first came to the Senate in 1957 and has served continuously since that time.

To all who have known him, HERMAN TALMADGE has always displayed the courtesy and understanding that are the mark of a true gentleman. I in particular have come to admire and respect his untiring devotion to his State and to our Nation. His insight into the most complex of our time has marked him as a pillar of strength for his more junior colleagues.

As the chairman of the Senate Agriculture Committee, he has distinguished himself and won the respect and admiration of all who had the pleasure of observing him in that most important role. He has fought and won untold battles to keep American agriculture preeminent throughout the world. His leadership and knowledge in this field is unequaled and will be sorely missed by us all.

I know that I join all of my colleagues in wishing HERMAN the very best in health and happiness in his life ahead.

TRIBUTE TO DONALD STEWART

As meteorites flash across the sky providing moments of light and brilliance so too has the resourceful and shrewd DONALD STEWART of Alabama passed through the corridors of Congress. Although soft-spoken, he was an effective advocate of the interests of Alabama. As a member of the Agriculture, Nutrition, and Forestry Committee, the farmers of his State and the Nation are better off today because of his service. His membership on the Banking, Housing, and Urban Affairs Committee will also be remembered for the insights he provided regarding the housing and financing needs of rural areas.

Housing conditions have greatly improved since DONALD STEWART came to the Senate, and much has been accomplished through his diligent efforts. No one who attended the hearings on disaster relief in the Select Committee on Small Business will forget his sensitivity and understanding of the plight of the disaster victim. The interests of our Nation have been well served by this man who reflects the progressive and positive changes which have taken place in my native South.

TRIBUTE TO ADLAI STEVENSON III

Mr. President—

> American history is largely the history of men rising to the demands of their time in an office which afforded them all the power necessary to govern. Lincoln and Roosevelt didn't quibble over Constitutional or procedural niceties. They governed.

That passage, excerpted from a speech of Senator ADLAI STEVENSON, is what first came to mind when I pondered how I would begin my tribute to our outstanding colleague from Illinois.

We are all aware of ADLAI's political family history—the son of a former Governor and two-time Presidential candidate, grandson of a former Illinois secretary of state and great-grandson of a former Illinois Congressman and Vice President of the United States. But ADLAI did not choose a political career based solely on the accomplishments of his ancestors. ADLAI STEVENSON III chose this path because of his great ambition and because he "could never remember being interested in any other line of work." It was a goal that he strived for and one that he achieved with eloquence and individuality.

Elected to the U.S. Senate in 1970 to fill the unexpired term of the late Senator Everett M. Dirksen and reelected in 1974, he has served as chairman of the Select Committee on Ethics, member of the Banking, Housing, and Urban Affairs Committee, and member of the Commerce, Science, and Transportation Committee. Having developed a significant role in the Senate, ADLAI played a major role in developing a policy for dealing with this Nation's energy crisis. In addition, he was successful in his efforts to reorganize the committee system of the Senate. As chairman of three subcommittees he was all too knowledgable of the challenge put before him by such a task. But he rose to this challenge as all great men "rise to the demands of their time."

Mr. President, I am sure I speak for my other colleagues when I say that ADLAI STEVENSON will be truly missed. We wish him well.

TRIBUTE TO GAYLORD NELSON

GAYLORD NELSON is a man who has never been noted for sloganeering or extravagant self praise. Instead, GAYLORD NELSON is a quiet achiever, a man who by quiet, diligent effort and persuasion created the conditions and the environment within which the spirit and ingenuity of American enterprise would flourish.

As a spokesman for small businesses and the small businessman, GAYLORD NELSON had no equal. While the press and others railed against regulatory excesses which straddle American industry, GAYLORD NELSON constructively and without demagoguery proceeded to legislate away those excesses which hindered the growth of small businesses. Long before others rallied behind the slogans promoting capital formation and business incentives, GAYLORD NELSON had succeeded in including in the Tax Code some of the most progressive and effective tax proposals in these areas for small business. To many, Gaylord Nelson was "Mr. Small Business."

Although he was always cognizant of the importance and the needs of small business, Gaylord also cared about the needs of the workers upon whom the success of small businesses depend. As a member of the Senator Labor and Human Resources Committee, Gaylord will be remembered as a Senator who was able to weigh different viewpoints and articulate a balanced approach to seemingly intractable problems and incompatible interests. The Senate will sorely miss the constructive contributions of Gaylord Nelson. I wish him well as he pursues other avenues of public service

TRIBUTE TO MIKE GRAVEL

Mr. President, today I join with my colleagues in paying tribute to a man we have all grown to admire and respect, Senator Mike Gravel of Alaska. During my 8 years in the Senate, I have come to not only know and respect Mike's judgment and earnestness, but to also count on him as my friend.

Senator Gravel began his career of public service to the people of Alaska in 1962 when he was elected to the Alaskan House of Representatives. He would eventually become speaker of that body in 1965. Three years later, Mike was elected by the people of Alaska to serve as U.S. Senator and has served continuously since that time.

As a member of both the Senate Finance and Environment and Public Works Committees, Mike has worked diligently to promote the Nation's economic development and to marshal our country's natural resources for the benefit of all the American people. He was an integral part of the successful effort to bring water to the arid West and flood and hurricane protection to coastal areas such as those that exist in my State of Louisiana.

Mr. President, I have had the gratifying privilege of working closely with Mike Gravel on these occasions and must say that those moments have been among the most rewarding ones of my Senate career. I know I speak for many of my fellow Members when I say that Mike Gravel, friend and colleague, will be greatly missed.

TRIBUTE TO RICHARD STONE

Mr. President, Dick Stone espouses that resource for which his native State of Florida is the most famous, "sunshine." One of his first acts as a Senator was to remove the front door of his office, a gesture which shed light upon the openness of a democracy, the ideals of which are often lost in the enormity of our 20th century bureaucracy.

As a Member of the Senate, Dick Stone has had the foresight to sponsor and promote legislation which will be of great consequence in meeting the challenges we will face in the 1980's. Of significant note is his diligence in striving to create a program of energy self-sufficiency, through providing various stimuli for greater domestic production, and research in the area of synthetic fuels. As an advocate of a strong defense and a strengthened foreign policy, Dick Stone has been instrumental in laying the groundwork for a more assertive role for this Nation abroad.

In setting such priorities, Dick Stone has, at the same time, sought to limit Government spending in those areas where it has appeared excessive. Dick Stone is certainly one who practices what he preaches, as evidenced by the fact that he took unprecedented steps in cutting his own office expenditures.

The record Dick Stone has compiled—as a legislator and as a true representative of his constituency—and the recognition he has earned along the way, most certainly serve to inspire us all. The work he has begun we have yet to build on, and I know I speak for all my colleagues when I say that we will remember him when doing so.

TRIBUTE TO ROBERT MORGAN

Mr. President, I can think of no other appropriate words than efficiency and effectiveness—terms which go hand in hand—to use in describing Robert Morgan's work, both as a Member of this body and as a leader within his own State. In climbing the ranks to a position of national prominence within the U.S. Senate Robert Morgan distinguished himself as an innovator, one who determines his goals and strives for them in a most diligent and organized manner.

Robert Morgan's ability to coordinate those around him was first recognized by the members of the North Carolina State Senate, who selected him as their president pro tempore in 1965. It was undoubtedly the admirable record which that body compiled under Robert Morgan's leadership that led the citizens of North Carolina to elect him—3 years later—to the position of attorney general. In this capacity, Robert Morgan undertook the ambitious task of reorganizing the department which he headed, an endeavor which could well have ended in disaster. The results of this project, however, were most admirable, and simulated similar undertakings by comparable State agencies throughout the land. Robert Morgan's managerial skills and creativity as North Carolina's foremost legal authority were the impetus for his election to the U.S. Senate.

As a Senator, Robert Morgan has served well both his constituency and mine. In speaking for all rural Americans, Robert Morgan has endeavored to see that their special needs are recognized and accommodated. This is particularly important to North Carolina and to Louisiana, two largely agricultural States, as well as to our Nation's agrarian community as a whole, in an era when the small farm is rapidly becoming an institution of the past.

While Robert Morgan will no longer be a familiar face within the Senate Chamber I dare say that we have not heard the last of him. The efficiency—and hence the effectiveness—with which he has mastered the challenges before him, at all levels of government, are certainly too striking to be dismissed. I personally, am going to miss Robert very much, but I know that his State and our Nation have yet to prosper from his abilities.

TRIBUTE TO JOHN CULVER

Mr. President, the healthy tension between growth needs and environmental concerns is well recognized in States such as Iowa which gave the Congress the able and articulate John Culver. Throughout his tenure in the Senate the senior Senator from Iowa has earned well-deserved respect for his thorough knowledge of many issues, but particularly for those issues which have helped improve the quality of our environment. Future generations will have substantially better lives because of this Senator's leadership and ability.

I know many Louisianians will enjoy for years the newly created Bogue Chitto and Tensas Basin National Wildlife Refuges which Senator Culver successfully shepherded through the Environment and Public Works Committee earlier this year. Without Senator Culver's foresight and support these great bottomland hardwood tracts would not have a chance of being saved.

While I have not agreed with Senator Culver on every issue, I have utmost respect for his thoughtful careful presentation of the facts of whatever matter was in dispute. I, for one, will sorely miss his presence in this body, for he always helped raise the quality of the debate by his total comprehension of even the most complex matters being discussed. John Culver will not be with us next year, but his many legislative accomplishments will and for that we can all be profoundly grateful.

TRIBUTE TO BIRCH BAYH

Mr. President, as chairman of the Subcommittee on the Constitution, the senior Senator from Indiana has overseen the most fundamental aspect of our Government—proposed changes in the basic framework of our Government. This is an awesome responsibility and he can be proud of the manner in which he has faced some of the most controversial issues of the day. It would have been easy to try to duck many of these proposals, but Birch Bayh always confronted them directly. He can and should be proud of the legacy he has left us of strong and fair leadership on these critically important issues.

Senator Bayh's contributions over the last 18 years cover the whole spectrum and it would be virtually impossible to even try to list the highlights. Most recently however, I had the distinct pleasure of working closely with him in developing a consensus on title II of the Energy Security Act which created a major gasohol program, a program for which Birch worked long before it was the popular solution to the energy crisis. Throughout our discussions it was more than apparent that he was well versed in all aspects of ethanol production and his was a major voice in obtaining approval for the billion dollar program now underway.

I consider it a privilege to have had the opportunity to work with Birch Bayh for the last 8 years. He has left us with a remarkable record, one of which both he and the people of Indian can be proud. I expect to continue to hear from this

Senator in the years ahead because a man of his ability and talent will no doubt remain on the national scene for a number of years to come.

TRIBUTE TO DICK SCHWEIKER

Mr. President, after 20 years of distinguished service on Capitol Hill, my good friend and colleague, DICK SCHWEIKER, has decided to retire. His retirement comes at a time when he could have easily been reelected and would have played an even larger role in Congress.

As ranking Republican on both the Labor and Human Resources Committee and the Labor, Health, and Human Services Appropriations Subcommittee, DICK's influence in the field of public health and welfare has been extremely important. This is evidenced by the long list of community service and humanitarian awards he has received.

Of special note is his outstanding leadership in the fight against diabetes, especially among juveniles. The Juvenile Diabetes Foundation bestowed upon him their Humanitarian Award in 1974 and 1977 and their Man of the Year Award in 1978, and the American Diabetes Association presented him the Dr. Charles H. Best Award in 1974. To be able to leave this one major mark on a very serious illness is, in my opinion, worth all the long hours, days, and years of hard work. Particularly so when a congressional career can so often be a very thankless task.

There is no doubt in my mind that DICK's varied talents will be sought out in earnest by all who know him and his accomplishments, so while we will miss his service in the Halls of Congress, I know that in whatever endeavor he chooses to involve himself, those around him will benefit from the fruits of his labor and wisdom.

TRIBUTE TO ABE RIBICOFF

Mr. President, in 1954 an underdog candidate for Governor of Connecticut went on the air to deliver one of the most remarkable speeches in modern political history.

The candidate was ABRAHAM RIBICOFF. The subject of his speech: "The American Dream," a dream "that any boy, no matter what his economic, social or religious background might be, has the right to aspire and to achieve anything open to anyone in this great society of ours."

Rarely has anyone defined with such simple eloquence the true meaning of justice, freedom, and opportunity in our society. And rarely has anyone given so much of themselves to see that American dream fulfilled.

Through more than 40 years of public service, ABE RIBICOFF has been an unfailing champion of the ordinary man, a powerful advocate for the powerless, the downtrodden and oppressed.

The people of Connecticut still remember the concern he demonstrated in his first year as Governor when he personally took charge of relief operations for the homeless victims of a massive flood. With that gesture—and a thousand others like it over the years—we have seen in ABE RIBICOFF a very special quality, a unique sensitivity to the concerns and problems of his fellow man.

As a U.S. Senator, his compassion and sense of fairness have been particularly evident in his service on the Finance Committee, where he has fought to reform our tax laws in order to give more equitable treatment to the poor and elderly.

ABE RIBICOFF has won countless friends during his years in Washington. But he has also made one enemy. His enemy has been the wasteful excesses of the Federal bureaucracy. As chairman of the Governmental Affairs Committee he has fought valiantly, through sunset legislation and other measures, to eliminate waste and inefficiency in government.

Mr. President, when Senator Ribicoff retires at the end of his current term, he will leave behind a Government that is not only more efficient, but more just and more compassionate. And because of that, the "American dream" he spoke of more than a quarter century ago is a little more secure.

I know I speak for many others here in the Senate, in Connecticut, and throughout the Nation, in expressing my gratitude to ABE RIBICOFF—an outstanding public servant, a champion of the people, and one of the truly extraordinary men of our time.

A TRIBUTE TO RICHARD S. SCHWEIKER

Mr. TALMADGE. Mr. President, it is my honor and privilege to pay tribute today to the distinguished Senator from Pennsylvania, RICHARD S. SCHWEIKER.

Senator SCHWEIKER has gained much respect during his years in the Senate and in the House of Representatives. I cherish our friendship and I admire his hard work and dedication.

In the House of Representatives, he served on the Government Operations and Armed Services Committees. He authored the "Schweiker Act" for cash awards to military service personnel for cost-cutting ideas, resulting in savings of more than $1 billion to taxpayers.

In the Senate, he is ranking member on both the Labor and Human Resources Committee and the Labor-Health and Human Service Appropriations Subcommittee and has played a major role in authorizing legislation and appropriations for labor, health, education, aging, and public welfare matters. He has become widely known for his experience in defense and foreign affairs and for his publication, "How to End the Draft."

Senator SCHWEIKER should also be recognized for his dedication to legislation to combat diabetes. He has been a leader in the fight against diabetes, and authored bills creating the National Commission on Diabetes and the National Diabetes Advisory Board.

I salute Senator SCHWEIKER for his excellent service to the people of Pennsylvania and the Nation. I wish him every success and happiness in his future endeavors.

A TRIBUTE TO HENRY BELLMON

Mr. President, it is a great honor for me to pay tribute to the distinguished Senator from Oklahoma, HENRY BELLMON.

HENRY BELLMON is a dedicated and hardworking Member of the Senate and I treasure the friendship we have shared over the years. I have had the opportunity to work with him on many occasions and applaud the contributions he has made to the U.S. Senate.

During his 12 years in the Senate, he has worked on several major pieces of legislation including coal mine safety, postal reform, tax and welfare reform, and Indian affairs.

Senator BELLMON and I have served together on the Senate Committee on Agriculture, Nutrition, and Forestry. He has made many important contributions in the field of agriculture including the Agriculture Act of 1970, the Farm Credit Act of 1971, the Rural Development Act of 1972, the Agricultural Act of 1978, and the Agricultural Credit Assistance Act of 1978. He has been an outstanding spokesman for our Nation's farmers and I commend him on the accomplishments he has made in their behalf.

In addition, in 1975, Senator BELLMON became the first ranking minority member of the Senate Budget Committee and has been one of the Senate's strongest advocates for fiscal responsibility.

HENRY BELLMON is a man of great personal integrity and deep wisdom. He has served the people of Oklahoma and our Nation with extraordinary dedication. I salute his excellent record and I wish for him every success in the future.

THE PORK MARKET

Mr. PRESSLER. Mr. President, as 1981 approaches, there have been many economic predictions offered. Among those speculations is that food prices will rise substantially during the upcoming year.

My home State of South Dakota is a major food producer. In fact, agriculture is our primary industry. Perhaps one of the agriculture areas which warrants a close look is pork production. The pork market has been unstable, directly affecting the prices of other meats as well.

Mr. President, the new Congress and new administration must seek to promote a stable pork market—a market which gives a fair price to the producer and a consumer cost which allows for a high level of consumption.

A fine article appeared in the Wall Street Journal of October 8, 1980, which specifically discusses this situation.

Mr. President, for the benefit of my colleagues who wish to further acquaint themselves with this subject, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEAT PRICES WILL SURGE IN 1981, EXPERTS SAY; PORK TO LEAD THE WAY

LID ON BEEF PRICES IS LIFTED

(By Terri Minsky and David P. Garino)

Meat prices could rise 15 percent by mid-1981—partly because Myron Laffoon's pigs are dying.

About this time of year, the Romney, Ind., farmer's sows give birth to litters of pigs. Usually he gets about nine pigs per litter, but this year, he says, "whole litters are dying three days after they're born" because his sows suffered during the hot, dry summer. Moreover, other farmers, hurt by skyrocketing costs, are purposely cutting pig production by breeding fewer sows.

Whether by accident or by design, farmers are raising fewer pigs this winter, and by next spring, pork supplies will trail far behind this year's level. And even though beef and poultry supplies are expected to rise, economists say that increase can't make up the difference.

As a result, says a recent bulletin from Cargill Inc., a big grain-trading company, "The farm outlook now bears little similarity to that causing concern last spring," when farmers were contending with a glut of both grain and hogs and complaining about low prices.

EFFECTS WIDESPREAD

Now, enconomists predict that every kind of meat will become more expensive next year. The whole economy will be affected. Because meat prices account for a third of the consumer food price index, food prices are expected to climb 12 percent in the first half of 1981. Furthermore, food prices make up about 20 percent of the overall consumer price indext, so that "when meat prices start taking off, everything takes off," say Dennis Steadman, agricultural economist with Chase Manhattan Corp's Chase Econometrics unit.

Pork prices will stage the steepest increase—23 percent by mid-1981, according to Wharton Econometric Forecasting Associates, Agriculture Department economists see pork prices rising at least 25 percent and Mr. Steadman puts the incease possibly as high as 30 percent. By June, retail pork prices will average $1.65 a pound, up from $1.30 now, he says. He adds that bacon, which was regularly featured for 89 cents a pound last summer, will average $2 next summer.

Such increases will push up beef and poultry prices as well. Abundant, cheap pork this year was "a ball and chain on beef prices," says Daniel Manternach, an official of the Prefessional Farmers of America. Too much pork was around for prices of competing meats to rise. But now, higher pork prices will allow beef prices to climb 10 percent to 15 percent by mid-1981, economists estimate.

SAMPLE BEEF PRICES

George L. Abraham, president of Abraham & Associates, an economic-research concern, says the average price of choice beef next June will reach $2.75 a pound, up from $2.30 last June. Sirloin steak will sell for $3.60 next year, up from $3.20, and hamburger for $1.75, up from $1.50 earlier this year, he says. Other economists expect a pound of chicken to cost about 76 cents next spring, up from 66 cents in 1980.

Supermarket shoppers "are getting off nicely this year, but they won't be so fortunate in 1981," observes John Jokerst, economist for Doane Agricultural Services Inc.

Such forecasts already have spurred some consumers to start hoarding. Marguerite McCarthy, a Pittsburgh housewife, says she and her husband bought a 16-cubic-foot freezer to store meat. "We're going to start stocking up now," she says. "Every time there's a sale, I'm going to buy $30 worth of meat. I know it isn't going to get less expensive, and I won't buy anything I think is overpriced. We'd turn vegetarian first."

The expected surge in prices is partly due to the bargain pork that shoppers found at meat counters this year. Farmers raised a record 55.5 million hogs and pigs in 1980 and produced 16.5 billion pounds of pork. So until the drought hit the Midwest this summer, hog farmers there had been losing money on every animal they sold. "We were getting as low as 28 cents a pound for our hogs," says George Pettit, a Princeton, Ky., farmer, "It was costing me 42 cents a pound just to raise them."

HOGS' PROBLEMS

Then came the searing heat. Because hogs don't have sweat glands, they usually are too uncomfortable to eat when they are hot. Many died, and sows often had still-births. Farmers also feared that hogs mated last summer won't produce offspring because heat reduces the male's fertility. That crop of pigs is being born now.

Currently, Mr. Pettit is getting about 50 cents a pound for hogs, but he still plans to cut his pork production by a third because the drought also sent feed prices soaring. A bushel of corn now sells in Kentucky for $3.30, over 30 percent more than it did last spring. "The price of grain is just plain old for sure going to dictate the price of meat," Mr. Pettit says.

Charles N. Shaw, an economist with the Agriculture Department, says hog farmers will produce two billion fewer pounds of pork in 1981. The average meat eater will consume 66 pounds of pork next year, down from the 75 pounds he is likely to eat by the end of 1980, Mr. Shaw adds.

Beef supplies should rise 600 million pounds in the first half of 1981, not enough to replace the diminished stocks of pork. Even if cattlemen wanted to make up that difference, they are hampered by bovine biology. A cow takes nine months to produce a single calf, and another two years is needed to raise the calf to market weight.

Poultry supplies also will expand early next year, but economists expect little more than a 2 percent increase from the 11 billion pounds produced last year. The summer heat hit chickens harder than any other animal. Nearly 10 million birds died, and the survivors were laying eggs only every other day instead of every day. John M. Urbanchuk of Wharton Econometrics adds that about 25 percent of the eggs laid during the hot, dry weather probably won't even hatch. Chicken prices have already climbed to 72 cents a pound from 62 cents earlier this year.

And although poultry producers can turn production around quickly—the time from conception to market-ready chicken is only 11 weeks—economists say chicken farmers will be cautious about expanding. They cite higher feed prices and the fact that, as recently as last spring, farmers were losing about 12 cents on every bird they sold.

Altogether, meat supplies should drop about a billion pounds next year from 1980's 49.4 billion pounds. As a result, the average meat eater will consume about 10 pounds less meat next year than this year.

But even if disposable income increases next year, consumers still probably won't have much of a taste for high-priced meat. Marvin Duncan, agricultural economist at the Federal Reserve Bank of Kansas City, says consumers will continue to switch to less expensive foods. Earlier this year, they switched to pork and chicken, he says, "not because beef was unavailable or high-priced, but because the others were cheap."

And some consumers profess that their tastes have changed. "We used to have beef every Sunday," says Thelma Smith, an official at a black Catholic agency in Pittsburgh. "But now we eat more fish, and beef is very low on our totem pole. We don't really miss it."

THE IMPORTANCE OF AGRICULTURE

Mr. PRESSLER. Mr. President, today I wish to address an issue of fundamental importance to all Americans. Very simply, that issue is agriculture.

Agriculture is the most basic and efficient industry in our country. My State of South Dakota thrives on the bounty that agriculture produces. But South Dakota and other agricultural States are not the only ones who benefit from a strong and healthy agriculture; consumers, businesses and laborers alike benefit throughout the cycle from production to consumption, which generates the true, renewable wealth of this great country.

We all know that farming is a risky business. Nature can be a strong ally, but also a worthy opponent, as this year's drought has shown all too well. But nature's forces have been aggravated by inconsistent and ineffective political and governmental policies. The embargo, which I have fought since it was first imposed, is the most visible of these policies. Other policies such as tight credit and excessive regulations may be less visible, but can be equally destructive to agriculture.

Mr. President, it is time to recognize the vital importance of agriculture. And the new administration and the new leadership in the Senate have an excellent opportunity to make a strong, healthy agriculture a reality. Returning the Department of Agriculture to an advocate for agriculture producers is one step to bring about this reality. Presidential and congressional commitment to agriculture is also important—indeed, necessary. I cannot stress strongly enough the need for a healthy agriculture. I urge my colleagues—rural and urban alike—to recognize the importance of agriculture and give agriculture the priority it so richly deserves.

STEPHEN BREYER NOMINATION

Mr. Pressler. Mr. President, I rise in support of the judicial nomination of Stephen G. Breyer to the First U.S. Circuit Court of Appeals.

My association with Mr. Breyer goes back to 1968 when I was a student of his at Harvard Law School. He was considered one of the more brilliant and able professors at that time by both the students and faculty. I remember that he was able to impart much enthusiasm for the law to students and inspired in many of us a great interest in the workings of our legal system. While I served as president of the Pow-Wow Moot Court Debating Club at Harvard, we were particularly fortunate to have Mr. Breyer as the faculty adviser. In this role, Mr. Breyer devoted much of his own time and effort for the students' benefit, and he and his wonderful wife, Joanna, once entertained the entire club in their home.

Mr. Breyer brings to this appointment a long and distinguished record of accomplishments in the legal field. He graduated with highest honors from Stanford University, was a Marshall scholar at Oxford, and graduated from the Harvard Law School. While at Harvard, he was editor-in-chief of the "Law Review."

Following graduation, Mr. Breyer was a law clerk on the U.S. Supreme Court and subsequently practiced for 2 years with the U.S. Department of Justice, and later served as an assistant special prosecutor. Mr. Breyer was a professor of law for 10 years at Harvard Law School and also has taught in the Harvard School of Government. He has published a number of notable books and articles pertaining to law and government.

For the past 2 years, Mr. Breyer has served as the chief counsel of the Senate Judiciary Committee, where he has dealt with a number of deregulation bills as well as legislation pertaining to the criminal code and court reform.

In this later role, Mr. Breyer has been in the closest personal contact with the members of the Judiciary Committee who have strongly supported his nomination. It is a tribute to his abilities and to his personal character that he has the confidence of both the majority and minority members of this committee. Many other Members of the Senate have had the opportunity to work with Mr. Breyer in the past 2 years, and he enjoys a fine reputation in this body.

Mr. President, both from my personal knowledge of this nominee and from an examination of his record of legal accomplishments, I believe he is extremely well-qualified for the position to which he has been nominated. His broad background and keen intellect will serve him well on the circuit court of appeals. I urge my colleagues to also support Mr. Breyer's nomination.

PHILIP M. KLUTZNICK

Mr. PELL. Mr. President, as the Carter administration enters its waning days, the Nation will soon be losing the services of one of the most effective Commerce secretaries in recent memory Philip M. Klutznick, in his brief tenure of 13 months, has streamlined the operation of the Commerce Department and been instrumental in several legislative initiatives to help revitalize American business.

Although his name is well identified with progressive ideas such as the export trading company legislation, it is in the area of patent law reform that Philip Klutznick will be best remembered as Commerce Secretary. He has contributed substantially to the development of a rationalized patent policy which will assist our Nation's ability to utilize innovations.

Within the Commerce Department, Phil Klutznick has set new standards of excellence and challenged employees to perform to the utmost of their abilities. His habit of arriving at work before 7 a.m. has been adopted by a surprising number of employees, as has his lifelong commitment to a sense of professionalism.

In essence, Phil Klutznick has brought to the Commerce Department the same qualities which have served him so well during a 40-year career in law, real estate development, finance, and Government. His public service extends through the administration of seven Presidents, including a term as Commissioner of Public Housing under Franklin Roosevelt. Mr. Klutznick was a member of U.S. delegations to the United Nations under Presidents Eisenhower and Kennedy. In the Kennedy administration, he was a principal deputy to his longtime friend Adlai Stevenson at the United Nations and served as Ambassador to the United Nations Economic and Social Council.

Throughout his distinguished career, Phil Klutznick has been given of himself generously in service to the underprivileged. His strong sense of compassion was evident during his service at the United Nations, where he led efforts for a broader attack against poverty, illiteracy, and disease in developing countries. Later, he served under President Ford as a member of the President's Committee on Indo-Chinese Refugees, helping to assist the resettlement in the United States of thousands of people fleeing Southeast Asia.

Nowhere, however, is Phil Klutznick's compassion more evident than in his untiring labors on behalf of the State of Israel. He has served as president of the World Jewish Congress, chairman of the Institute of Jewish Policy Planning, and honorary international president of B'nai B'rith. His commitment to his faith impressed me deeply when he was kind enough to spend a few hours recently at the historic, Truro Synagogue in Newport, the oldest synagogue in America.

I join my colleagues in wishing Phil Klutznick a long and full life. He has a wonderful family of five children and 13 grandchildren, and I know they will be a source of genuine pleasure to him in the future. But as I look at a man like Phil Klutznick, who has devoted so much of his life to public service. I do not expect him to retire or "fade away." At "73 going on 50," I expect we will continue to see him doing what he has always done so well—giving of himself to improve the lives of other people.

THIS IS NOT THE TIME TO INCREASE CONGRESSIONAL SALARIES

Mr. HARRY F. BYRD, JR. Mr. President, I rise to express strong opposition to the action of the Senate Appropriations Committee in adding to the continuing resolution a provision which would raise the pay of Members of the Congress, Federal judges, and other top officials of the Government.

Under the committee's proposal, congressional pay would rise from the present $60,662 to $70,900, an increase of nearly 17 percent.

Such action would be very unwise, indeed destructive.

How can the Congress fight inflation if it gives itself a 17-percent salary increase?

If inflation is to be controlled, Washington, D.C. must set the tone and pace. If the Appropriations Committee proposal is approved, it would send the Nation exactly the wrong signal.

Just a month ago, the people of the United States sent a clear message to Washington. They are, I believe, willing to make a sacrifice and to follow decisive new leadership to fight inflation.

But there must be leadership; there must be discipline; there must be responsibility.

And the leadership must come from Washington—and the discipline and the responsibility must begin in Washington, D.C., indeed in the Congress.

What kind of leadership, what kind of example, will the Congress give to the Nation if it grants itself a pay raise at this time?

If we permit this increase, we will be sending a message back to the people of the country, who spoke so clearly in November—a message that despite the results of the elections, despite roaring inflation, despite a national debt approaching one trillion dollars and skyrocketing interest rates, it is still spending as usual in Washington.

Not only that, but if the Senate lets this proposal go through, it will be repudiating its own action taken on September 10, when it approved by a vote of 78 to 13 the proposal of the distinguished majority leader to impose a ceiling on top-level Federal salaries.

Surely nothing has occurred since September 10 that could possibly justify abandonment of the position which the Senate took then. If anything, the need to set an example of sacrifice for the Nation has become more urgent.

I say again, the people are looking for responsible leadership here in Washington.

If we permit this pay increase to take effect, the people will be infuriated.

And in my view, rightly so.

NOMINATION OF A. W. CLAUSEN

Mr. HAYAKAWA. Mr. President, I rise in support of A. W. "Tom" Clausen's nomination to replace the incumbent Robert McNamara as the president of the World Bank.

Mr. Clausen's reputation as financier and altruist uniquely qualifies him to head the World Bank. For 11 years, Tom Clausen has been at the helm of the Bank of America. The responsibilities as president and chief executive of America's largest commercial bank have led him to travel throughout the world where he has observed first hand the problems facing underdeveloped countries.

The international banking community will recognize Mr. Clausen as a colleague with outstanding credentials. Such confidence will facilitate increased monetary expenditures in the bond markets. He also enjoys the unique position of bipartisan support, thereby enabling him to deal effectively with both Houses of Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD Hobart Rowen's article, "The New World Bank Head A. W. Clausen: Sensitive Pragmatist," that appeared in the Washington Post on November 9.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEW WORLD BANK HEAD A.W. CLAUSEN: SENSITIVE PRAGMATIST

Ronald Reagan and Jimmy Carter deserve a lot of credit for cutting a deal prior to the election that put partisan considerations behind, by (in effect) jointly endorsing the appointment of California banker A. W. "Tom" Clausen to succeed Robert S. McNamara as president of the World Bank.

Carter saw the need of proposing a high-caliber executive to the bank as assurance of a smooth transition in case, as one aide put it, "the unthinkable happens on election day." Reagan, on the other hand, could have chosen to reject in advance anyone selected by Carter, on the ground that it was not his responsibility. Instead, Reagan aide George Shultz publicly praised Clausen's selection.

The "unthinkable" (and more) did, of course, happen on election day. Given the result, it would have been impractical for Carter to propose a nominee for the bank job. And while Reagan on his own might have named Clausen or someone equally competent, the issue would not have been decided until next March or April. The job might even have shifted into the hands of an ultraconservative Reagan supporter like former Treasury Secretary William E. Simon.

In Clausen, the bank and world community get a George Bush Republican, a conservative but broad-gauged man, sensitive to the need for maintaining the fiscal integrity of the bank yet not obvious to the massive needs of Third World countries.

When he takes over in mid-1981, he will face the difficult task of finding ways to finance the enormously enlarged lending program designed by McNamara.

Around the World Bank, there is a certain amount of natural uneasiness about the changes a Clausen regime will bring. An executive there noted "Clausen knows retail and commercial banking. But in a development bank, you need a wider and more global perspective. You look at a whole country, not just the project, to decide on creditworthiness. This is a bank like no other bank."

When McNamara took over the bank from George Woods 12 years ago, it was lending very little money relative to its potential. But McNamara has expanded the loan program so dramatically that the bank at this stage either must have more capital or change the rules so that it can lend more generously from its existing equity base.

That will require a first-class sales job by Clausen: Both the capital markets and the governmental shareholders will have to go along, and the perception inside and outside the bank is that this will not be an easy assignment.

Clausen also has to deal with the World Bank bureaucracy—4,000 employes of many different nationalities, including 3,000 professionals. "Clausen will find that coming in here is more like taking over the presidency of a university than running the Bank of America or General Motors," says one bank insider. "He'll probably have to develop a new technique for communicating with them, getting their confidence and support."

My guess is that Clausen—who is less uptight in personal relationships than McNamara—will adjust easily to such problems. Basically, in the time I have known him at the Bank of America, and as one of the key forces in the private but influential International Monetary Conference (sponsored by the American Bankers Association), he has always been pragmatic.

Clausen was one of the few big commercial bankers outside of New York who saw the need in 1976 to prevent the Big Apple from going bankrupt. Two days after former President Ford had announced he would veto any New York bail-out bill, Clausen told me that "there is no other way" out of the New York City financial mess than a substantial program of temporary federal aid.

Republican banker Clausen thus understood what Republican President Ford did not—that New York City going belly-up, triggering in all likelihood a New York State default—would be a shock to the stability of the whole world. (If Ford had sensed that as well as Clausen, he might still be in the White House today.)

Clausen has a good feel for the increasing interdependence of the world's individual economies. One of his pet private projects has been to try to bring Presidents Carter and Lopez Portillo of Mexico together in a way that will help develop the Mexican economy and assure the U.S. increasing supplies of natural gas.

Now Clausen must face the awesome task of trying to ease the huge financial burden triggered by skyrocketing oil prices. He acknowledged in an interview with Washington Post reporter Peter Behr that the next few years will be critical. The old-line, industrial democracies face economic stagnation and aren't anxious to cough up lots of new aid money. The wealthy Arab nations want more control in both the bank and the IMF before they put additional money on the line.

The problems seem so intractable that Clausen deserves a tip of the hat for agreeing to leave his 40th floor Bank of America office in San Francisco, with its magnificent view, for the murkier perspectives in Washington. He must have been swayed by McNamara's job description of the bank presidency: "It's a helluva job if you're excited by the prospects of it. I would have paid to have it."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

REPORT ON EXECUTIVE ORDERS ISSUED WITH RESPECT TO THE SITUATION IN IRAN—PM 270

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

On November 14, 1979, in Executive Order No. 12170 I declared a national emergency to deal with the threat to the national security, foreign policy and economy of the United States constituted by the situation in Iran. That declaration was made pursuant to the authority vested in me as President by the Constitution and statutes of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the National Emergencies Act (50 U.S.C. 1601 *et seq.*). I reported that declaration to the Congress on November 14, 1979, pursuant to Section 204(b) of the International Emergency Economic Powers Act (the Act).

On April 7, 1980, I issued Executive Order No. 12205, pursuant to the November 14, 1979, declaration of national emergency, which provided for certain trade, financial and other measures against Iran and its nationals. I reported that action to the Congress on April 7, 1980, pursuant to Section 204(b) of the Act.

On April 17, 1980, in Executive Order No. 12211 I declared a national emergency to deal with the threat to the national security, foreign policy and economy of the United States that was referred to in Executive Order No. 12170 and Executive Order No. 12205 and to deal with the added unusual and extraordinary threat to the national security, foreign policy and economy of the United States created by subsequent events in Iran and neighboring countries, including the Soviet invasion of Afghanistan. That declaration was made pursuant to the authority vested in me as President by the Constitution and statutes of the United States, including the Act, and the National Emergencies Act. I reported that declaration to the Congress on April 17, 1980, pursuant to Section 204(b) of the Act.

Pursuant to Section 204(c) of the Act (50 U.S.C. 1703(c)), I hereby report to the Congress with respect to action that I have taken since April 17, 1980, pursuant to Executive Orders Nos. 12170, 12205 and 12211 and with respect to such changes as have occurred concerning the information previously reported to the Congress.

1. Pursuant to the three Executive Orders, the Department of the Treasury, acting under my delegation of authority to the Secretary of the Treasury, has issued a series of regulations that prohibit imports of goods and services from Iran or of Iranian origin (other than the news dissemination), payments or transfers of funds or other property to any person in Iran (except for news-gathering activities and family remittances) and payments and transactions in support of travel to or travel and maintenance within Iran of U.S. citizens and U.S. permanent resident aliens.

2. As I directed in Executive Order No. 12211, prior licenses for transactions by persons subject to the jurisdiction of the United States with Iran Air, the National Iranian Oil Company and the National Gas Company have been revoked with the effect that their offices in the United States have been closed down.

3. Pursuant to Executive Orders Nos. 12170 and 12211, the Department of the Treasury, acting under my delegation of authority to the Secretary of the Treasury, issued on July 2, 1980, a proposed rule which would require that certain types of blocked Iranian property be held in interest-bearing status. Comments have been received on the proposed rule, but a final rule has not yet been issued.

4. The Justice Department has filed Suggestions of Interest with all courts considering litigation involving the Government of Iran, its agencies and instrumentalities asking those courts to stay proceedings for ninety days in cases pending before them in light of the serious foreign policy consequences of further proceedings at this time. A number of courts have granted this request, including the only two Courts of Appeals to rule on the requested stay. Other courts have denied the request and are proceeding to consider the merits of the cases pending before them.

5. A census of blocked Iranian assets and claims against Iran and Iranian entities, which was provided for in regulations issued by the Department of the Treasury on April 9, 1980. has been undertaken.

6. On November 2, 1980, the Iranian Parliament adopted a resolution establishing its terms for the release of the

hostages. Since that time various messages have been transmitted between the Government of Iran and the Government of the United States using the Government of Algeria as an intermediary.

7. On November 12, 1980, I transmitted to the Congress a Notice of the continuance after November 14, 1980, of the national emergency which I declared in Executive Order No. 12170.

8. The national emergencies which I declared in connection with the threat to the national security, foreign policy and economy of the United States arising from events in Iran during November 1979, and subsequent events in Iran and neighboring countries, including the Soviet invasion of Afghanistan, continue to exist. Those threats and the rationale for taking steps under the Act continue to the present time. I shall continue to exercise the powers at my disposal to deal with those threats.

9. I am transmitting herewith regulations issued since April 17, 1980, pursuant to the three Executive Orders referred to above, together with the proposed rule requiring that certain types of blocked Iranian property be held in interest-bearing status.

JIMMY CARTER.

THE WHITE HOUSE, *December 4, 1980.*

MESSAGES FROM THE HOUSE

At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the following bill:

H.R. 7020. An act to amend the Solid Waste Disposal Act to provide authorities to respond to releases of hazardous waste from inactive hazardous waste sites which endanger public health and the environment, to establish a Hazardous Waste Response Fund to be funded by a system of fees, to establish prohibitions and requirements concerning inactive hazardous waste sites, to provide for liability of persons responsible for releases of hazardous waste at such sites, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 949. An act for the relief of Welita F. Sebastian;

H.R. 2432. An act for the relief of Ronald Regespi Doliente;

H.R. 2433. An act for the relief of Zora Singh Sunga;

H.R. 2872. An act for the relief of Olivia Manaois Abrasaldo;

H.R. 3707. An act for the relief of Joy Marsia Dehaney;

H.R. 4793. An act for the relief of Simon Ifergan Meara;

H.R. 6044. An act for the relief of Woo Jung He;

H.R. 8362. An act for the relief of Equity Advertising Agency, Incorporated;

H.R. 8363. An act for the relief of the Seattle Post-Intelligencer; and

H.R. 8364. An act for the relief of the News Tribune.

ENROLLED BILLS SIGNED

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its clerks announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 2728. An act to amend the Indian Health Care Improvement Act and the Public Health Service Act with repect to Indian health care, and for other purposes;

S. 3074. An act to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes;

S. 3235. An act to clarify certain effective date provisions of the Customs Court Act of 1980;

H.R. 927. An act for the relief of Doctor Ka Chun Wong, and his wife, Marilyn Wong;

H.R. 6243. An act to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designated as the "R. Shaefer Heard Park";

H.R. 6258. An act providing for reinstatement and validation of United States oil and gas leases numbered C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595;

H.R. 6410. An act to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes;

H.R. 6975. An act to extend certain temporary tax provisions, and for other purposes;

H.R. 7385. An act to authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes;

H.R. 7765. An act to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981;

H.R. 8388. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy; and

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. MORGAN).

At 7:58 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7018) to extend the Federal Insecticide, Rodenticide, and Fungicide Act until September 30, 1981, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980."

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1298) to designate the U.S. Post Office and Federal Building in Huntington, W. Va., as the "Sidney L. Christie Federal Building."

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2163) to provide for the conservation and enhancement of the salmon and steelhead resources of Washington State, assistance to the treaty and nontreaty harvesters of those resources, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7591) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 11, 28, 33, 69, 72, 76, 82, and 84 to the bill, and agrees thereto; and recedes from its disagreement to the amendments of the Senate numbered 3, 12, 40, 47, 62, 70, 85, 88, 89, 90, 91, 92, 93, and 94 to the bill, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 7865) to provide for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2720. An act to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2134. An act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

The message further announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 136. A concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of the bill (S. 988).

The message also announced that the House passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7033. An act to designate certain lands in the Monongahela National Forest, West Virginia, as the Cranberry Wilderness Area, to establish the Cranberry Glades National Botanical Area, to establish the Cranberry Back Country, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 449. A concurrent resolution to authorize the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States."

HOUSE MEASURES REFERRED

The following bills were read twice by their titles, and referred as indicated:

H.R. 949. An act for the relief of Welita F. Sebastian; to the Committee on the Judiciary.

H.R. 2432. An act for the relief of Ronald Regespi Doliente; to the Committee on the Judiciary.

H.R. 2433. An act for the relief of Zora Singh Sunga; to the Committee on the Judiciary.

H.R. 2872. An act for the relief of Olivia Manaois Abrasaldo; to the Committee on the Judiciary.

H.R. 3707. An act for the relief of Joy Marsia Dehaney; to the Committee on the Judiciary.

H.R. 4793. An act for the relief of Simon Ifergan Meara; to the Committee on the Judiciary.

H.R. 6044. An act for the relief of Woo Jung He: to the Committee on the Judiciary.

H.R. 8362. An act for the relief of Equity Advertising Agency, Incorporated; to the Committee on Governmental Affairs.

H.R. 8363. An act for the relief of the Seattle Post-Intelligencer; to the Committee on Governmental Affairs.

H.R. 8364. An act for the relief of the News Tribune; to the Committee on Governmental Affairs.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. MORGAN) announced that on today, December 4, 1980, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1835. An act to extend the Joint Funding Simplification Act of 1974;

H.R. 6942. An act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes; and

H.R. 8228. An act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

ENROLLED BILL PRESENTED

The Secretary reported that on today, December 4, 1980, he had presented to the President of the United States the following enrolled bill:

S. 1835. An act to extend the Joint Fund Simplification Act of 1974.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-936. A petition from a citizen of Konawa, Okla. calling on the U.S. Senate to strengthen America's security; to the Committee on Armed Services.

POM-937. A petition from a citizen of Oroville, Calif., concerning certain appointments in the Reagan administration; ordered to lie on the table.

POM-938. A petition from a citizen of Grants Pass, Oreg., concerning appointments in the Reagan administration; ordered to lie on the table.

POM-939. A petition from a citizen of Brielle, N.J., concerning certain appointments in the Reagan administration; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 550. An original resolution to elect the Senator from New York, Mr. Javits, Chairman of the Committee on Foreign Relations for the calendar day December 4, 1980.

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 3637. An act to carry out the obligations of the United States under the International Coffee Agreement, 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes.

H.J. Res. 570. Joint resolution to provide for a temporary increase in the public debt limit.

By Mr. LONG, from the Committee on Finance, with amendments:

H.J. Res. 598. Joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

H.J. Res. 636. Joint resolution to provide for a temporary increase in the public debt limit.

By Mr. STENNIS, from the Committee on Armed Services:

A special report entitled "Military Implications Of The Proposed Salt II Treaty Relating To The National Defense" (Rept. No. 96-1054).

By Mr. HOLLINGS, from the Committee on the Budget, without amendment:

S. Res. 542. A resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S.J. Res. 189.

S. Res. 548. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7626.

S. Res. 546. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7694.

S. Res. 547. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3351.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

H.R. 6228. An act to amend the Communications Act of 1934, to provide that the Federal Communications Commission, in considering applications for the renewal of broadcasting station licenses, shall not take into account any ownership interests of the applicant in other broadcasting stations or in other communications media, and for other purposes (Rept. No. 96-1055).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation:

Captain Kelly E. Taggart, to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration, with the grade of rear admiral (upper half).

(The above nomination reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENSON:

S. 3239. A bill to establish an industrial development bank for the United States; to the Committee on Banking, Housing, and Urban Development.

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 3240. A bill to prohibit the removal before January 1, 1982, of houseboats or floating cabins from water resource areas under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. JEPSEN:

S. 3241. A bill for the relief of Emanuel F. Lenkersdorf; to the Committee on the Judiciary.

S. 3242. A bill to amend the Older Americans Act of 1965 to assure that nutrition projects under that Act may include meals in a congregate setting or home delivered meals, or both, and for other purposes; to the Committee on Labor and Human Resources.

S. 3243. A bill to amend the Home Energy Assistance Act of 1980 to assure that double payments for home energy assistance are not made on behalf of tenants in housing projects assisted by Federal, State, or local governments, and for other purposes; to the Committee on Labor and Human Resources.

S. 3244. A bill to amend the Older Americans Act of 1965 to provide special emphasis for employment opportunities for the elderly with skills relating to home repair, to provide for demonstration projects under which private business is encouraged to employ the elderly for the installation of security devices in their residences, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HAYAKAWA:

S. 3245. A bill to modify Federal restrictions with regard to discrimination in clinical investigations involving prisoners as subjects; to the Committee on Labor and Human Resources.

By Mr. SASSER:

S. 3246. A bill to enhance the ability of the Federal Government to collect delinquent debts; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON:

S. 3239. A bill to establish an industrial development bank for the United States; to the Committee on Banking, Housing, and Urban Affairs.

INDUSTRIAL DEVELOPMENT BANK ACT OF 1980

Mr. STEVENSON. Mr. President, Mr. Reagan's promise to "get Government off the backs of the American people" won votes, but offers little direction for economic policy. It ignores the growing clamor from business and labor for protection from competition, painful adjustments and distasteful workings of the market—increasing attempts by business and labor to get on the back of Government.

One year ago Congress, besieged by labor and industry lobbyists, awarded a $1.5 billion bailout to the failing Chrysler Corp. That firm's viability is as questionable as ever. Moreover Chrysler's bailout exacerbated the difficulties for more competitive companies such as Ford and AMC. The massive diversion of credit to a marginal firm, ostensibly to "save" some 90,000 jobs, did nothing to ease the adjustment burdens of twice that many autoworkers who may be laid off permanently as the industry retools over the next few years.

More recently, an election year package for the steel industry—import protection, tax breaks on investment and regulatory concessions—subsidized the industry while avoiding unpleasant questions about the roots of its competitive problems, including high wages, weak management and insufficient R. & D. The result is subsidized competition and, therefore, reduced market shares for efficient producers like Inland Steel. It also means increased costs and diminished competitiveness in world markets for users of steel, including the already depressed auto industry.

Many efforts are underway to subsidize the auto industry. This week the House passed a resolution to authorize its protection from foreign competition.

The list of protected and subsidized industries grows larger each year, locking the country into an unproductive economic structure, fueling inflation, eroding competitiveness and building in high levels of unemployment. Mr. Reagan could arrest the spread of the Chrysler syndrome. But, so far, Mr. Reagan has found political pressures compelling. He reversed his position on the Chrysler bailout. His views on auto import protection are not altogether clear, but recently he suggested the Carter administration's subsidization of the steel industry did not go far enough.

The Nation can ill afford to continue subordinating long-range economic imperatives to short-range political expediencies. More pragmatic nations, such as Japan and West Germany, develop ways to unite the strengths of government and the marketplace. We emulate the British, combining their weaknesses, overregulating some parts of the economy and undersupporting others. While other countries develop the capacity to analyze long-term economic trends and use Government resources to promote growth industries, we pick the losers.

Our economic problems are structural and largely insensitive to conventional fiscal and monetary remedies. The new enthusiasts of supply-side management will meet with little more success than the old demand managers. Aggregate macroeconomic measures assume an efficiently working economy and cannot get at the roots of our competitive difficulties, such as wage and price rigidities, or the sheltering of declining sectors which squeeze off growth and employment opportunities elsewhere in the economy. Restrictive fiscal policy retards productive investment for the long term, as for transportation, housing, energy and the space program, in favor of defense programs and transfer payments. Restrictive monetary policy increases interest rates, adding costs to the production of goods and services.

It likewise retards long-term investment in favor of short-run, frequently speculative, investment. Liberal fiscal and monetary policies are at least as mischievous, all of which is to say that we must begin to decide what needs to be done for the long term, and concede that how a nation spends its resources is as important as how much it spends. This reliance on macroeconomics be it supply or demand management, be it fiscal or monetary methods, betrays the failure of our politics, as well as our economics. It becomes an excuse for avoiding hard choices.

The central problem for the United States in the coming years has to do not with "reindustrialization" or revitalization of an aging economic structure, but with restoring flexibility to the economy. Economic growth and international competitiveness depend on the productivity gains which come from the constant reallocation of resources from declining to higher productivity industries. Government should facilitate, not block, this process of structural economic adjustment, help displaced industrial workers find stable, high wage, long-term employment, spur economic diversification in depressed regions, enhance the growth of new sectors and speed the restructuring of old ones.

The legislation I introduce today to establish an Industrial Development Bank affords a comprehensive, carefully defined approach to these needs. This bill is one product of many years of work in the Senate on U.S. competitiveness problems, including industrial innovation, export policy and sectoral weaknesses. The Bank is designed to mobilize private capital for three carefully circumscribed categories of industrial development projects in which the private sector tends to underinvest: First, high-risk, high-technology undertakings with relatively long leadtimes; second, investments in public infrastructure such as port facilities and railroad beds; and third, modernization and reorganization of basic industries.

The Bank's three financing windows would operate with different project review procedures, selection criteria and financing patterns. Thus, the Bank is explicitly designed to provide a mechanism for systematic review of competing, long-term industrial development needs. This legislation requires that each project—whether steel industry modernization, research on robotics, or the upgrading of port facilities—be analyzed, not on an ad hoc basis, but in comparison to the potential returns on alternative investments and the implications for long-term U.S. competitiveness. The Industrial Development Bank would supply a needed long-range view of directions for the U.S. economy. It would recognize the linkages between regional development, infrastructure investments, and support for industrial development. It would provide a mechanism for coordination of Federal policies which affect industry and for more cost-effective management of existing Federal economic development and public investment expenditures.

In no case would the Bank's resources supplant private funding; its purpose is to use small amounts of public financing to make strategically important, longer-term, high-risk investments more attractive commercially. Nor could the Bank's resources be used to bail out failing corporations; its charter would not permit subsidies to financially troubled firms. The concerns of this legislation are the management of structural economic change and the long-term vitality of the U.S. economy. The premise is that we must devise sounder ways of dealing with the difficult problems of declining industries than the costly subsidization of marginal, uncompetitive companies.

The Bank's charter would permit support for modernization strategies, reorganization and the development of new technologies which can revitalize basic industries. But it is envisioned that such support would normally be undertaken on a generic or cooperative basis among several firms in an industry. It could support modernization for the viable industrial survivors of reorganizations that are the market's way of squeezing out excess capacity in basic industries as steel and autos.

The Industrial Development Bank would be wholly Government-owned, but managed by an independent nine-man Board of Directors, to include the Secretaries of Commerce, Treasury, and Transportation, ex officio. The remaining Directors, all appointed by the President subject to Senate confirmation, would offer balanced representation of the financial, business and technical communities.

The Bank would be capitalized at $1 billion and authorized to issue obligations up to 10 times its subscribed capital stock. Assistance is defined to include advances, loans, loan guarantees and interest subsidies, but to exclude grants-in-aid. The aggregate amount of assistance permitted outstanding at any one time is $5 billion, including not more than $4 billion in loan guarantees. Congressional notification would be required for assistance granted in excess of $100 million.

The high-technology window would absorb relatively little of the Bank's capital, but is perhaps the area of greatest long-range significance. Growth sectors clearly offer high returns to investors, but there is an established tendency for private markets to underallocate credit for the development of advanced technologies no matter how great the eventual commercial potential. Modest Federal loan guarantees or interest subsidies can stimulate capital flows from private sources to promising firms in the early phases of new product and process development. The IDB Board would include representatives from the technical community to assist the Bank in identifying promising high-technology projects.

Even in industries where U.S. technological leadership is clear, competitiveness may be undermined by Government support for high technology industries in countries such as Japan, Germany, Canada, France, Italy, Austria, and Sweden. Key growth industries such as semiconductors, biotechnologies, robotics and telecommunications in foreign countries receive Government subsidies which make capital available at lower rates of interest than are available to U.S. companies. This legislation does not instruct the subsidization of U.S. high-technology industries, but it provides that the U.S. competitive position be monitored and affords a mechanism to assure U.S. firms access to comparable financing should it be required for competitive equality.

The bank's second window deals with the financing of public infrastructure projects such as port facilities, railroad beds, or an Alaska natural gas pipeline. There is an established role for Federal financing of such investments, where the returns to society exceed returns to private investors or local governments and thereby discourage adequate levels of private funding.

Transition to new patterns of energy usage, resource-efficient industrial production and distribution will demand substantially increased investments in transportation infrastructure over the coming decade. Such investments could be overseen by the Industrial Development Bank, rather than through scattered ad hoc appropriations. The bank would be able to mobilize capital more efficiently and invest it more prudently than is likely with the ad hoc financings of a political process.

The bank could also insure that infrastructure projects are designed to complement changing patterns of industrial development and regional growth.

The bank's third window would deal with the adjustment problems of mature industries. Assistance to firms in this category is carefully restricted to support for the development of new technologies and innovative production strategies which offer a basis for long-term competitiveness. The legislation precludes aid to uncompetitive firms and explicitly directs the Board to use its resources to promote industry restructuring. Loan guarantees could be used to help fast-growing "minimills" purchase and retrofit the assets of unprofitable integrated steel plants. The bank could help implement the large-scale steel modernization plan outlined in a recent Office of Technology Assessment report on "Technology and Steel Industry Competitiveness."

The Industrial Development Bank could not have bailed out Chrysler, but it could have helped companies such as Ford and AMC acquire and adapt Chrysler's productive assets smoothly. It could aid the U.S. auto industry in the fuel-efficient cars, just as the German Government underwrote the development of the Volkswagen Rabbit in the early 1970's.

In a range of other troubled sectors, from apparel to consumer electronics, the Industrial Development Bank would have the resources to implement strategies for restored competitiveness devised in conjunction with the Commerce Department, along the lines of the Department's highly successful footwear industry revitalization program. The key to such efforts is careful sector analysis and the development of new production and marketing strategies—not Federal handouts.

The institutional arrangements set forth in this legislation—a credit agency whose financing decisions are insulated from political pressures working closely with the Department chiefly responsible for sector analysis and industrial policy—are carefully conceived. Federal aid to industry must be carefully defined. The provision of capital alone rarely returns sick industries to health; tomorrow's industrial giants are not the ones clamoring for Government credit today. The Nation must give greater attention to economic efficiency in the making of policy which affects industry and less attention to short-term political expediencies.

The legislation I introduce recognizes these things. It also recognizes that U.S. industry cannot win against the government supported industries of foreign nations without effective assistance and coherent policies from its own Government. Government investments are being made now in industry, technological innovation, regional development, and public infrastructure but through fragmented, uncoordinated, and underfinanced programs only marginally concerned with improving industrial competitiveness.

An independent, carefully chartered, professionally managed Industrial Development Bank can bring coherence to these investments and begin allocating some resources to the future. The Nation must do so if it is to compete successfully in a rapidly changing, highly competitive world. It is not enough to get Government off the back of industry—or industry on the back of Government. Neither laissez-faire nor Government planning guarantees resources allocated wisely, or in the magnitudes required to meet the competition from more pragmatic nations.

Our reluctance as a nation to evolve our own pragmatic ways of using Government to promote industrial development and ease sectoral transitions leaves us vulnerable to more politicized responses which are short-sighted formulae for long-term economic decline. We can go on bailing out the geriatrics, penalizing success, or we can utilize our strengths and invest in the future.

Mr. President, I will not be a Member of the Congress next year but I urge the Congress to consider this measure.

It represents a constructive alternative to the subsidies and bailouts exemplified by the curent efforts to protect the automobile industry from foreign competition.

Mr. President, I ask unanimous consent that a section-by-section analysis of this bill be printed in the RECORD and also that the bill be printed in the RECORD.

There being no objection, the bill and the analysis were ordered to be printed in the RECORD, as follows:

S. 3239

TITLE I. FINDINGS AND PURPOSES

SECTION 101. This Act may be cited as the "Industrial Development Bank Act of 1980".

FINDINGS

SEC. 102. The Congress finds and declares that—

(a) the ability of United States producers to compete effectively in both domestic and foreign markets is critical to the nation's social and economic welfare and to the national security;

(b) U.S. competitiveness has been hampered by declining productivity growth, both absolutely and relative to that of other industrialized nations which has slowed economic growth, increased unemployment, fueled inflation, contributed to balance of payments deficits and weakened the international position of the dollar;

(c) major factors in the lagging rate of productivity growth include sluggish reallocation of national resources from declining, low-productivity enterprises to high-productivity industries, insufficient aggregate levels of capital investment, and declining expenditures for long-range research and development;

(d) U.S. competitiveness in strategically important high-technology industries is also impaired by the diversion of funds for the subsidization of declining industries and failure to match foreign government subsidies and other forms of assistance provided to competitors in strategically important growth industries; and

(e) traditional sources of capital, whether public or private, may be inadequate or unavailable on competitive terms to meet three categories of industrial development needs: (1) the specialized needs of high technology industries, which often involve high risk undertakings with relatively long lead-times, (2) adequate levels of public investment in infrastructure projects, and (3) long-range strategies for the revitalization of basic industries.

SEC. 103. The purposes of this Act are—

(a) to assure the availability of capital funds for three categories of projects which are strategically important to the nation's industrial development and international competitiveness; and

(b) to encourage coordination of federal policies which affect industrial development in order to promote U.S. industrial competitiveness.

TITLE II. CORPORATE STATES, GENERAL POWERS AND TAX STATUS

SEC. 201. (a) There is hereby created The United States Industrial Development Bank (hereafter referred to as the "Bank"). The Bank shall constitute an independent agency of the United States and neither the Bank nor any of its functions, powers or duties shall be transferred to or consolidated with any other department, agency, or corporation of the United States Government unless the Congress shall otherwise by law provide.

(b) The principal office of the Bank shall be located in the District of Columbia. The Bank may establish offices elsewhere in the United States as determined by the Board of Directors of the Bank. The Bank is deemed to be a resident of the District of Columbia.

(c) The general powers of the Bank shall be those set forth in section 206.

SEC. 202. (a) The powers of the Bank shall be vested in the Board of Directors, except those functions, powers and duties vested in the Chairman or Vice-Chairman by or pursuant to this Act.

(b) The Board of Directors shall consist of a Chairman and Vice-Chairman and seven other Directors. Three of the Directors shall be the Secretary of Commerce, the Secretary of the Treasury and the Secretary of Transportation, who shall be members ex officio. The Chairman and Vice-Chairman and the remaining four Directors shall be individuals appointed by the President, by and with the advice and consent of the Senate, and shall be appointed with due regard for achieving a balanced representation from among the financial, business and technical communities. Not more than three Directors appointed by the President shall be members of the same political party. The Chairman shall devote full working time to the affairs of the Bank and shall hold no other salaried position.

(c) The term of each Director appointed by the President shall be six years. Of the Directors first appointed, the Chairman shall serve as Chairman for a term of six years, the Vice-Chairman shall serve as Vice-Chairman for a term of five years, one Director shall serve for a term of four years, one Director shall serve for a term of three years, one Director shall serve for a term of two years, and one Director shall serve for a term of one year. Upon the expiration of the initial term of each initial Director, each Director appointed thereafter shall serve for a term of six years. Whenever a vacancy shall occur among the Directors appointed by the President, the President shall appoint, by and with the advice and consent of the Senate, an individual to fill such vacancy for the remainder of the applicable term. Upon the expiration of a term, a Director may continue in office until a successor has been appointed and confirmed.

(d) Any Director may be removed from office by the President only for neglect of duty, or malfeasance in office.

(e) The President shall designate at the time of appointment of a Director, whether such Director will serve in either a full-time or part-time capacity. Directors serving in a part-time capacity, other than those serving ex officio, may not hold any full-time salaried position in the Federal Government or in any State or local government. Directors serving in a full-time capacity shall hold no other salaried position.

(f) The Board of Directors shall meet at any time pursuant to the call of the Chairman and as may be provided by the bylaws of the Bank but not less than quarterly. A majority of the Directors then in office shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of all members of the Board of Directors. The Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Bank.

(g) The levels of compensation of the Board of Directors shall be fixed initially by the President and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the President.

Sec. 203. (a) The Chairman shall be the chief executive officer of the Bank, and shall be responsible for the management and direction of the Bank. The Vice-Chairman shall serve as Chairman during the absence or disability of, or in the event of a vacancy in the office of Chairman of the Bank, and shall at other times perform such functions as the Chairman of the Bank may from time to time prescribe.

(b) The Board of Directors shall—

(1) establish the offices and appoint such officers of the Bank as may be necessary to discharge the business of the Bank; and

(2) to fix the compensation, in accordance with the provisions of title 5, United States Code, (except as authorized in subsection (c) of this section) of individual officer positions and categories of such other personnel as may be necessary for the discharge of the Bank's functions and the transaction of its business.

(c) The Chairman shall—

(1) define the duties of the officers and employees of the Bank and provide a system of organization to fix responsibility and promote efficiency;

(2) have the authority to place 30 positions in GS 16, GS 17 and GS 18, in addition to those permitted under existing law. The provisions of title 5, United States Code governing classification and appointment in the competitive service shall not apply to 20 of such positions, as designated by the Chairman;

(3) have the authority to obtain the services and fix the compensation of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

Sec. 204. The Board of Directors may, by resolution, delegate to the Chairman, the Vice-Chairman or the other Directors, such of the functions, powers and duties assigned to the Board under this Act as the Board deems appropriate.

Sec. 205. (a) Except as permitted by section (c), no Director shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Bank, in which, to his or her knowledge, he or she, his or her spouse, minor child, partner, or an organization (other than the Bank) in which he or she is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(b) Action by a Director contrary to the prohibition contained in subsection (a) shall be cause for removal of such Director pursuant to section 201(d), but shall not impair or otherwise affect the validity of any otherwise lawful action by the Bank in which the Director or officer participated.

(c) The prohibition contained in subsection (a) shall not apply if the Director first advises the Board of Directors of the nature of the particular matter in which he or she proposes to participate and makes full disclosure of such financial interest, and the Board of Directors determines by majority vote that the financial interest is too remote or too inconsequential to affect the integrity of such Director's services for the Bank in that matter. The Director involved shall not participate in such determination.

Sec. 206. In carrying out the purposes of this Act, the Bank shall have the power—

(1) to adopt, alter, and rescind bylaws and to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with individuals and private or governmental entities consistent with the purposes and provisions of this Act;

(3) to lease, purchase or otherwise acquire and dispose of such real property as may be necessary for the transaction of its business;

(4) to acquire and dispose of personal and intangible property (including money);

(5) to sue and be sued, subject to the provisions of sections 506 and 507, in its corporate name and to complain and defend in any State or Federal court of competent jurisdiction;

(6) to select, employ, and fix the compensation, subject to the provisions of section 202, of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the bank and to define their authorities and duties, require bonds of them and fix the penalties thereof;

(7) to make provision for and designate such committees, and the functions thereof, as the Board of Directors may deem necessary or desirable;

(8) to determine and prescribe the manner in which obligations of the Bank shall be incurred and its expenses allowed and paid;

(9) to exercise all other lawful powers neecssarily or reasonably related to the establishment and conduct of a corporate entity, to the achievement of its purposes and the exercise of its powers, purposes, functions, duties, and authorized activities;

(10) to use the United States mails on the same terms and conditions as the executive departments of the United States Government; and

(11) with the consent of any board, commission, independent establishment, or executive department of the executive branch to make use of services and facilities thereof, with or without reimbursement, in carrying out the provisions of this Act.

TAX STATUS

Sec. 207. The Bank, its franchise, capital, reserves, surplus, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property owned in fee by the Bank shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof.

TITLE III. FINANCIAL ASSISTANCE

GENERAL DEFINITIONS

Sec. 301. As used in this Act—

(a) the term "entity" means any individual, corporation, company, municipality, association, firm, partnership, joint venture, society, or other private or public entity which is engaged, or proposes to engage, in industrial development projects designed to enhance productivity and international competitiveness, and

(b) the term "financial assistance" means any form of advance, extension of credit, or guarantee, including, without limitation, loans or guarantees of obligations, and interest subsidies but excluding grants-in-aid.

AUTHORIZATION OF FINANCIAL ASSISTANCE

Sec. 302. Subject to the limitations set forth in this title, the Bank is authorized and empowered, upon such terms and conditions as it may determine, to provide financial assistance to any entity which is engaged, or proposes to engage, in a project described in section 303(b) in order to enable such entity to finance the ownership, construction, conversion, or expansion of productive facilities; or the acquisition of equipment, plant, machinery, supplies, or materials or the acquisition or development of land, mineral rights and services.

Financial assistance, and the terms and conditions thereof, may be renewed, modified, or extended by the Board of Directors as it may determine, subject to the process of submission to Congress as set forth in section 306 in the case of financial assistance which in the first instance or due to renewal, modification, or extension exceeds $100,000,-000. No provision of this Act shall be deemed or construed so as to require or obligate the Bank to provide financial assistance to any individual project or particular type of project. All contractual commitments of the Bank to provide financial assistance shall be general obligations of the United States backed by its full faith and credit.

PROJECTS TO WHICH FINANCIAL ASSISTANCE MAY BE PROVIDED

Sec. 303. (a) The Bank is empowered to provide financial assistance for any project which fulfills the eligibility conditions set forth in subsection (b) below, and when selecting projects to receive financial assistance, shall consider, in consultation with the Secretary of Commerce—

(1) the contribution to be made to national industrial development, enhanced productivity, and international competitiveness;

(2) the economic benefits to be derived from such assistance compared to the benefits from alternative uses of the resources by government or private market allocation of such resources;

(3) the economic benefits to be derived from such assistance compared to the economic costs of a failure to provide such assistance;

(4) the long-term viability of the project, firm and industry in question;

(5) technological advances and production trends affecting the project, firm and industry in question;

(6) domestic and foreign competition affecting the project, firm and industry in question;

(7) general economic trends and their effects on the project, firm and industry in question;

(8) the long-term prospects for improving the productivity and potential for innovation of the industry in question;

(9) the likelihood of eventual repayment of the Bank's financial assistance;

(10) the effect of a project on United States industry and agriculture generally and on employment and price stability in the United States; and

(11) the negative effect of a project which may tend to reduce competition within United States industry or confer upon participating firms a significant competitive advantage over other domestic firms in the same industry. Financing from sources other than the Bank, preferably private sources, shall be sought in connection with any project for which financial assistance is provided.

(b) The Bank shall provide financial assistance only for those projects which in the judgment of the Board of Directors—

(1) would not otherwise receive sufficient financing upon terms which would make them commercially feasible, or enable the applicant to meet foreign competition;

(2) employ, develop or stimulate the production and application of, technologies, processes, or techniques which are useful to the development of innovative products or production strategies which would lead to productivity gains, modernization, or restructuring in basic industries; or

(3) provide needed investments in public infrastructure, including, but not limited to, roads, ports, waterways, railroads, and energy transportation facilities.

Assistance shall not be provided if the applicant does not display satisfactory levels of efficiency, management capacity, or meet other similar criteria which are customarily considered by private sources of financing before making an investment decision.

LIMITATIONS ON PROVISION OF FINANCIAL ASSISTANCE

SEC. 304. (a) Financial assistance provided by the Bank shall be made upon such terms, and subject to such conditions and restrictions including the vesting of patent rights, as shall be deemed by the Board of Directors to be commensurate with the purposes of this Act and the needs of the recipient. Adequate provision shall be made by the Bank to insure that, when financial assistance provided by the Bank results in the profitable operation of a project, the Bank shares in such profits on a basis commensurate with the degree of risk assumed by the Bank.

(b) Interest rates, terms of repayment, and other conditions of any financial assistance granted by the Bank to any recipient shall not be more favorable than the prevailing rates, terms, and conditions available to borrowers in the private market for activities of a similar scale and nature, unless the Bank finds that more favorable rates, terms, or conditions are essential to the undertaking or completion of the project, or are necessary in order to meet foreign competition.

(c) The Bank shall not have outstanding at any one time financial assistance in aggregate amount in excess of $5,000,000,000. In calculating total financial assistance, the Bank shall count not less than 25 per centum of any guarantees outstanding; for this purpose the aggregate amount of guarantees outstanding at any one time shall not exceed $4,000,000,000.

(d) No financial assistance may be provided unless an application therefor has been submitted to the Bank in such manner and containing such information as the Bank may require, and the Bank has reviewed such application, taking into account alternative means of financing the same industrial development need. Nothing herein shall preclude the Bank from providing financial assistance to two or more similar projects if it determines such assistance is appropriate and consistent with the purposes of this Act.

LOAN GUARANTEES MADE BY THE BANK

SEC. 305. The Bank is specifically authorized, on such terms and conditions as the Board of Directors may prescribe, to guarantee any lender against loss in whole or in part of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to any entity in accordance with the purposes of this Act. All guarantees entered into by the Bank under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America. Any guarantee made by the Bank under this section shall not be terminated, canceled, or otherwise revoked, except in accordance with the terms thereof; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder. The Bank shall be entitled to recover from the borrower, or from any other person liable therefor, the amount of all payments made pursuant to any guarantee entered into under this Act, and upon making any such payment, the Bank shall be subrogated to all the rights of the recipient thereof.

NOTIFICATION TO CONGRESS

SEC. 306. In the event the Bank has given final approval to a loan or guarantee or other financial assistance or combination thereof in any amount which equals or exceeds $100,000,000, the Bank shall submit to the Congress with respect to such loan, guarantee, or other financial assistance or combination thereof, a detailed statement describing and explaining the transaction. Such statement shall contain—

(1) description of the purposes of the financial assistance, the identity of the recipients of the financial assistance, an estimate of the impact of the project to be assisted; and

(2) a full explanation of the reasons for Bank financing of the transaction, the amount of financial assistance to be provided and terms of repayment and rates in the case of loans and a report from the Secretary of Commerce on the contribution of the project to industrial development.

FEES

SEC. 307. The Bank shall charge reasonable fees for issuing guarantees and for making commitments to provide other forms of financial assistance pursuant to this title.

ACCESS TO INFORMATION

SEC. 308. Every applicant for financial assistance under this Act, shall, as a condition precedent thereto, consent to such examinations as the Bank may require for the purposes of this Act, and shall further consent that any reports or examinations of the applicant by constituted authorities may be furnished by such authorities to the Bank upon request therefor. The Bank shall require such reports as it deems necessary from any entity receiving financial assistance under this Act regarding activities carried out pursuant to this Act. The Bank is authorized to prescribe the keeping of records with respect to all financial assistance and shall have access to such records at all reasonable times for the purposes of insuring compliance with the terms and conditions upon which financial assistance was provided.

TITLE IV. CAPITALIZATION AND FINANCE

CAPITAL STOCK OF THE BANK AND DIVIDENDS

SEC. 401. The Bank shall have capital stock of $1,000,000,000 subscribed by the United States of America acting by and through the Secretary of the Treasury, payment for which shall be subject to call in whole or in part by the Board of Directors of the Bank. There is hereby authorized to be appropriated to the Secretary of the Treasury $1,000,000,000 for the purpose of making payment upon such subscription when called. Not later than one hundred and eighty days after the close of each fiscal year of the Bank, the Bank shall declare and shall thereafter pay a dividend on its outstanding capital stock, in an amount determined in the discretion of the Board of Directors but not less than the amount, computed by multiplying a percentage determined by the Secretary of the Treasury, taking into account the current average annual percentage yield on marketable obligations of the United States as of the close of such fiscal year, times the paid in value of such outstanding capital stock, except that the Bank may defer payment of any such dividend if the Bank has no earned surplus as of the close of such fiscal year or the Board of Directors determines that the funds otherwise available for payment of the dividend should, in furtherance of the purposes of this Act, be used to provide financial assistance pursuant to title III of this Act. Any dividend deferred pursuant to this section shall, until paid, bear interest at a rate, determined by the Secretary of the Treasury and adjusted at the commencement of each fiscal year, taking into consideration the then current average annual percentage yield on marketable obligations of the United States.

OBLIGATIONS OF THE BANK

SEC. 402. (a) The Bank is authorized to issue and to have outstanding at any one time its own notes, debentures, bonds, or other obligations in an amount aggregating not more than the sum of ten times its subscribed capital stock in order to provide the financial assistance authorized under this Act, subject to such annual limitations as may be provided in an appropriation Act, except that the Bank shall not issue any such obligation without the prior concurrence of the Secretary of the Treasury as to the method, source, interest rate, timing, and other terms and conditions of such obligation. The Secretary of the Treasury may direct that any such issuance by the Bank be sold to the Department of Treasury for its own account of to the Federal Financing Bank.

(b) For purposes of purchasing the obligations of the Bank pursuant to this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this section shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest due on obligations of the Bank held by the Treasury may be deferred, at the discretion of the Secretary, but any such deferred interest shall bear interest at the rate specified in this section. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this section shall be treated as public debt transactions of the United States.

(c) All obligations of the Bank issued under this section shall be fully and unconditionally guaranteed as to principal and interest and shall constitute general obligations of the United States, backed by the full faith and credit of the Government of the United States of America. Such guarantee shall be expressed on the face of all such obligations.

BUDGETARY TREATMENT

SEC. 403. The receipts and disbursements of the Secretary of the Treasury in connection with the purchase or redemption of, and income from, capital stock of the Bank shall not be included in the totals of the budget of the United States Government. The receipts and disbursements of the Bank in the discharge of its functions shall be included in the totals of the budget of the United States Government and shall be subject to annual limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

LAWFUL INVESTMENT

SEC. 404. Obligations of the Bank issued pursuant to this Act shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer of officers thereof.

FORMS OF NOTES, BONDS, AND OTHER OBLIGATIONS

SEC. 405. In order that the Bank may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this Act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Bank, to be held in the Treasury subject to delivery, upon order of the Bank. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other obligations.

MONEYS OF THE BANK

SEC. 406. All moneys of the Bank not otherwise employed may be—

(a) deposited with the Treasury of the United States subject to withdrawal by the Bank, by check drawn on the Treasury of the United States by a Treasury disbursing officer,

(b) with the approval of the Secretary of the Treasury, deposited in any Federal Reserve Bank, or

(c) with the approval of the Secretary of the Treasury, and by authorization of the Board of Directors of the Bank, used in the purchase for redemption and retirement of any notes, debentures, bonds, or other obligations issued by the Bank.

FISCAL YEAR, REVIEWS AND AUDITS

SEC. 407. (a) The fiscal year of the Bank shall coincide with the fiscal year of the United States Government.

(b) On or before June 30 in any year, the Bank shall submit to the Director of the Office of Management and Budget a financial and management plan, in such detail as the Director may prescribe, for the succeeding fiscal year.

(c) The Bank shall retain a firm or firms of nationally recognized public accountants who shall prepare and report an annual audit of the accounts of the Bank including the statement identified in section 106 of the Government Corporation Control Act. The General Accounting Office is authorized to conduct such audits of the accounts, and to report upon the same to Congress, as such Office shall deem necessary or as Congress may request. All books, accounts, financial records, reports, files, papers, and property belonging to or in use by the Authority and necessary to facilitate an audit shall be made available to the person or persons conducting the audit and facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

REPORTS

SEC. 408. (a) The Bank shall submit a quarterly report to the Congress and the President. The report will state the aggregate sums then outstanding or committed as loans, loan guarantees, or other financial assistance and a listing of the entities which are the recipients thereof.

The quarterly report in which any expenditure or commitment to an entity or project is first noted shall contain a brief description of the factors considered by the Board of Directors in making such expenditure or commitment. The report shall also show, on an unaudited basis, the assets and liabilities of the Bank as of the end of the Bank's fiscal quarter preceding the date of the report and the number, functions, and compensation of persons employed or under contract by the Bank at salary rates exceeding $2,500 per month.

(b) The Bank shall submit to the Congress and the President an annual report containing the audited financial statements and report prepared by the independent public accountants pursuant to section 407. The annual report shall also contain, in addition to the information required in the quarterly report, a general description of the Bank's operations during the year, a specific description of each project or activity in which the Bank is involved, a status report on each such project or activity, and an evaluation of the contribution which the project or activity has made and is expected to make in fulfilling the purposes of this Act.

TITLE V—UNLAWFUL ACTS, PENALTIES, AND SUITS AGAINST THE CORPORATION FALSE STATEMENTS

SEC. 501. Whoever makes any false statement, knowing or having reason to believe it to be false, or whoever knowingly overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under this part, extension thereof by renewal, deferment of action, or otherwise, or the acceptance of influencing in any way the action of the Bank for the purpose of obtaining money, property, contract rights, or anything of value, under this part, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years or both.

FORGERY

SEC. 502. Whoever—

(1) falsely makes, forges, or counterfeits any agreement, instrument, contract, or other obligation or thing of value, which purports to have been issued by the Bank; or

(2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited agreement, instrument, contract, or other obligation or thing of value, which purports to have been issued by the Bank, knowing the same to be false, forged, or counterfeited; or

(3) falsely alters any agreement, instrument, contract, or other obligation or thing of value, issued by the Bank; or

(4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any falsely altered agreement, instrument, contracts, or other obligation or thing of value, issued by the Bank, knowing the same to be falsely altered, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

MISAPPROPRIATION OF FUNDS AND UNAUTHORIZED ACTIVITIES

SEC. 503. (a) Whoever—

(1) embezzles, extracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to the Bank;

(2) makes any false entry in any book, report, or statement of or to the Bank or, without being duly authorized, draws any bond, other obligation, draft, bill of exchange, mortgage, judgment, or decree thereof, with intent to defraud the Bank, any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Bank;

(3) participates in, shares in, or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Bank with intent to defraud; or

(4) gives to any person any unauthorized information concerning any future action or plan of the Bank, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company, bank, or corporation, receiving financial assistance from the Bank, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both. With respect to paragraph (4), the Bank is authorized to obtain injunctive relief against the threatened misuse of information.

(b) Whoever falsely assumes or pretends to be a Director, officer, or employee acting under authority of the Bank, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

INFRINGEMENT ON NAME

SEC. 504. (a) No person or other government entity may use the words "United States Industrial Development Bank" or a combination of these words in a manner which is likely to mislead or deceive.

(b) A violation of this section may be enjoined at the suit of the Bank.

ADDITIONAL PENALTIES

SEC. 505. In addition to any penalties imposed as a result of a violation of any provision of this subtitle or section, the Bank shall have the authority to bring an action to recover damages for losses incurred by the Bank or any profit or gain acquired by the defendant as a result of a violation of any section of this subtitle.

SUITS BY THE BANK

SEC. 506. (a) The Bank may bring an action in any United States district court or any other appropriate court to enforce compliance with the provisions of the Act or any agreement related thereto and such court shall have jurisdiction to enforce such compliance and enter such orders as may be appropriate.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this part.

(c) Nothing in this section shall be deemed or construed to prevent the enforcement of the other provisions of this Act by appropriate officers of the United States.

CIVIL ACTIONS AGAINST THE BANK

SEC. 507. District courts of the United States shall have original jurisdiction for all civil actions against the Bank: *Provided, however*, That the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) shall apply to the Bank as if it were a Federal agency and any judgment or compromised claim resulting from any action thereunder shall be paid by the Bank from its funds: *And provided further*, That the Bank shall be liable for contract claims only if such claims are based upon a written contract to which the Bank is an executing party. The liability of the Bank shall be limited to the assets of the Bank.

SECTION-BY-SECTION ANALYSIS

Section 101 provides that the Act may be cited as the "Industrial Development Bank Act of 1980".

Section 102 includes six findings by Congress pointing out the importance of productivity growth to U.S. competitiveness in domestic and foreign markets and the need for alternative sources of capital for industrial development projects.

Section 103 states that the purposes of the Act are to assure the availability of capital funds for three specified categories of industrial development needs and to encourage the coordination of federal policies affecting industrial development.

Section 201 provides for the establishment of the United States Industrial Devlopment Bank as an independent agency of the United States.

Section 202(a) vests in the Board of Directors the powers of the Bank, except for the functions, powers and duties vested in the Chairman and Vice-Chairman.

Section 202(b) provides that the Board of Directors shall consist of a Chairman, a Vice-Chairman and seven other Directors. Three of the Directors shall be the Secretaries of Commerce, Treasury and Transportation who shall serve ex officio. The Chairman, Vice-Chairman and remaning four Directors shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the Directors appointed by the President shall be members of the same political party. The Chairman shall serve full time and hold no other salaried position.

Section 202(c) provides that the Directors shall serve six year staggered terms, with the term of the Chairman being six years. In the event of a vacancy, the President shall appoint an individual, by and with the advice and consent of the Senate, for the remainder of the term.

Section 202(d) provides that a Director may be removed from office by the President only for neglect of duty or malfeasance in office.

Section 202(e) provides that the President shall designate, at the time a Director, other than the Chairman, is appointed, whether the Director will serve in a full-time or part-time capacity. Directors serving in a part-time capacity, other than those serving ex officio, may not hold any full-time salaried position in any Federal, state or local government. Directors serving in a full-time capacity may not hold any other salaried position.

Section 202(f) provides that the Board of Directors shall meet at any time pursuant to the call of the Chairman, or as provided in the Bank's by-laws, but no less than quarterly. A majority of the Directors then in office shall constitute a quorum; any action of the Board of Directors shall be effected by majority vote of all the Directors. The Board is empowered to adopt and amend such by-laws as are necessary for the proper management and functioning of the Bank.

Section 202(g) provides that the compensation of the Board shall be fixed initially by the President and adjusted upon the recommendation of the Board with the concurrence of the President.

Section 203(a) provides that the Chairman shall be the chief executive officer of the Bank, with the Vice-Chairman acting as Chairman in the event of the absence or disability of the Chairman.

Section 203(b) provides that the Board of Directors shall establish such offices and appoint such officers as may be necessary, and shall fix the compensation of officers and other personnel of the Bank.

Section 203(c) provides that the Chairman shall define the duties of the officers and employees of the Bank and provide a system of organization and gives the Chairman additional authority with respect to employees, experts and consultants.

Section 204 provides that the Board of Directors may, by resolution, delegate its functions, powers and duties to the Chairman, Vice-Chairman, or other Directors.

Section 205 prohibits a Director from voting on a matter in which the Director or the Director's spouse, minor child, partner or employee or certain specified categories of entities, has a financial interest. Action in violation of this prohibition is cause for removal pursuant to section 201 (d), but does not impair or otherwise affect the validity of any action which otherwise would be lawful. The prohibition does not, however, apply if the Director has disclosed the interest to the Board and the Board determines, by vote of a majority of the other Directors, that the financial interest is too remote or too inconsequential to affect the integrity of such Director's services for the Bank in that matter.

Section 206 sets forth the general powers of the Bank, including the authority to exercise all lawful powers necessarily or reasonably related to the achievement of the Bank's purposes.

Section 207 provides that the Bank and its franchise, capital, reserves, surplus and income, shall be exempt from taxation by federal, state or local governments. However, any real property owned in fee by the Bank shall be subject to State or local taxation to the same extent as other similarly situated and used real estate.

Section 301 defines the term "entity" to include any individual, or public or private entity, which is engaged or proposes to engage in industrial development projects designed to enhance productivity and international competitiveness. The term "financial assistance" specifically is defined to include advances, loans, loan guarantees and interest subsidies, but specifically excludes grants-in-aid.

Section 302 authorizes the Bank to provide financial assistance to entities which meet the criteria set forth in section 303(b). The Bank is not obligated, however, to provide financial assistance to any individual project or type of project. Contractual commitments of the Bank to provide financial assistance shall be general obligations of the United States, backed by its full faith and credit.

Section 303(a) sets forth 11 criteria to be considered by the Bank, in consultation with the Secretary of Commerce, in selecting projects to receive financial assistance.

Section 303(b) provides that financial assistance is to be given only to projects which would not otherwise receive adequate financing upon terms which would make them commercially feasible or enable the applicant to meet foreign competition. It must also be determined by the Board that the project will (a) develop, or stimulate the development of, technologies, processes or techniques which will lead to productivity gains, or modernization or restructuring in basic industries or (b) provide needed investments in public infrastructure. Applicants for financial assistance must display satisfactory levels of efficiency, management capacity and meet other similar criteria.

Section 304(a) states that financial assistance shall be provided by the Bank upon such terms and conditions, including restrictions on the vesting of patent rights, as are deemed by the Board to be commensurate with the purposes of the Act and the needs of the recipient. The Bank shall insure that it shares in any profits generated by a project to which the Bank has provided financial assistance on a basis commensurate with the degree of risk assumed by the Bank.

Section 304(b) provides that the interest rates, terms of repayment and other conditions of financial assistance extended by the Bank shall not be more favorable than the prevailing rates, terms and conditions available to borrowers in the private market, unless the Bank finds that more favorable rates, terms and conditions are essential to the undertaking or completion of the project, or are necessary in order to meet foreign competition.

Section 304(c) limits the aggregate amount of financial assistance outstanding at any one time at $5,000,000,000. Not less than 25 per centum of guarantees outstanding shall be counted in calculating total financial assistance. The aggregate amount of guarantees outstanding at any one time shall not exceed $4,000,000,000.

Section 304(d) provides that financial assistance may not be provided unless an application, containing such information as the Bank may require, has been submitted therefor and reviewed by the Bank. The Bank is to take into account alternative means of financing. The Bank is not prohibited from providing financial assistance to two or more similar projects where appropriate and consistent with the purposes of the Act.

Section 305 specifically authorizes the Bank to guarantee any lender against loss of principal or interest from obligations issued to an entity in accordance with the purposes of the Act. Such guarantees shall constitute general obligations of the United States backed by the full faith and credit of the United States Government. Guarantees made by the Bank: may not be terminated, canceled or otherwise revoked except in accordance with their terms; shall be conclusive evidence of the guarantee's compliance with the provisions of this Act; and shall be valid and incontestable in the hands of a good faith holder. The Bank is entitled to recover from the borrower the amount of all payments made pursuant to any guarantee entered into under the Act, and upon making any such payment, the Bank shall be subrogated to all the rights of the recipient.

Section 306 requires the Bank to notify Congress when it has given final approval to a loan, guarantee or other financial assistance in an amount equal to or greater than $100,000,000. The information to be provided in such notification includes a description of the purposes, amount and terms of the financial assistance, the identity of the recipient and the reasons for providing the financial assistance.

Section 307 provides that the Bank shall charge reasonable fees for issuing guarantees and making commitments to provide other forms of financial assistance.

Section 308 sets forth the requirements for record-keeping, examinations and reports by applicants and recipients.

Section 401 provides that the Bank shall have capital stock of $1,000,000,000 and authorizes that amount to be appropriated to the Secretary of the Treasury for the purpose of making payment upon the subscription of such stock. Requirements for the dividends are set forth.

Section 402 authorizes the Bank, with the concurrence of the Secretary of the Treasury, to issue and to have outstanding, its own notes, debentures, bonds or other obligations in an amount up to ten times the sum of the Bank's subscribed capital stock, and prescribes the terms upon which purchases of obligations may be made and interest may be paid. Obligations of the Bank are to be guaranteed as to principal and interest and shall constitute general obligations of the United States Government.

Section 403 provides that receipts and disbursements of the Secretary of the Treasury in connection with the purchase or redemption of the Banks capital stock shall not be included in the totals of the budget of the United States. Receipts and disbursements of the Bank in discharge of its functions shall be included in the totals of the budget and shall be subject to the statutory limitations on annual budget outlays.

Section 404 provides that obligations issued by the Bank shall be lawful investments and may be accepted as security for all fiduciary, trust and public funds whose investment or deposit is under the authority or control of the United States.

Section 405 authorizes the Secretary of the Treasury to prepare appropriate forms for the issuance of the Bank's obligations and contains provision for reimbursement of expenses incurred and the disposition of the plates and dies used.

Section 406 authorizes the deposit of all moneys of the Bank not otherwise employed with the Treasury of the United States, and, with the approval of the Secretary of the Treasury, in any Federal Reserve Bank. Such moneys may also be used to redeem or retire the Bank's obligations, if approved by the Secretary of the Treasury and authorized by the Board.

Section 407 provides that the fiscal year of the Bank shall coincide with that of the United States Government, requires the Bank to submit a financial and management plan and provides for an annual audit of the Bank's accounts.

Section 408 requires the Bank to submit quarterly reports, and an annual report containing the audited financial statement of the Bank, to the Congress and the President.

Section 501 makes it unlawful to knowingly make a false statement for the purpose of obtaining financial assistance, punishable by a fine of not more than $5,000 or by imprisonment, or both.

Section 502 provides that whoever is guilty of forgery shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Section 503 provides that whoever is guilty of embezzlement, or making false entries with intent to defraud, providing unauthorized information concerning future plans of the Bank, or, having such knowledge, invests or speculates in the securities and property of any entity receiving financial assistance from the Bank shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years or both. The Bank is authorized to obtain injunctive relief against the threatened misuse of information.

Whoever falsely assumes or pretends to be acting under authority of the Bank and acts as such, or as such demands or obtains anything of value shall be fined not more than $1,000 or imprisoned not more than three years, or both.

Section 504 prohibits the use of the words "United States Industrial Development Bank" in any manner which is likely to mislead or deceive. The Bank is authorized to seek injunctive relief for violations of this prohibition.

Section 505 authorizes the Bank to bring an action to cover damage for any losses incurred by the Bank or for any profit or gain acquired as a result of violations of the Act, in addition to any other penalties that may be imposed.

Section 506 authorizes the Bank to bring an action in a United States district court, or any other appropriate court, to enforce compliance with the provisions of the Act, or any agreement related thereto. This authority is not in derogation of the enforcement of other provisions of the Act.

Section 507 provides that United States district courts shall have original jurisdiction of all civil actions against the Bank. The Bank shall be liable for contract claims only if they are based upon a written contract to which the Bank is a party. The liability of the Bank is limited to its assets.

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 3240. A bill to prohibit the removal before January 1, 1982, of houseboats or floating cabins from water resource areas under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

LAKE ALLATOONA LEGISLATION

● Mr. NUNN. Mr. President, today I am introducing legislation on behalf of myself and Senator TALMADGE to bring attention to the national management policy on the U.S. Army Corps of Engineers' lakes. Users of the lakes in my State are alarmed at the direction of guidelines being implemented by the corps to limit the enjoyment of these water resource projects by requiring the removal of any floating boat house by December 31, 1980, and by phasing out any facility for human habitation on the lakeshore by January 31, 1993.

On Lake Allatoona, Ga., floating cabins have existed since 1950. At the present time 94 such structures are moored representing an investment of approximately $1.5 million. In 1971 the corps notified these owners that no leases would be granted after the December 1980 deadline. Since that time the corps has issued national policy guidelines citing floating boat houses as private exclusive use of public property and mandating their removal from five other corps' lakes in Tennessee, New Mexico, Arkansas, and Texas.

Congress did delegate authority to the Department of the Army, and, through it, to the Chief of the Army Corps of Engineers, to establish and enforce regulations pertaining to recreation and resource management areas. This was done through a number of legislative acts especially the Water Resource Development Act which provides in part:

> The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest.

Mr. President, the majority of these owners of floating boat houses and lakeshore cabins are members of organized clubs and civic groups which apply for permission to lease this public property, pay a reasonable fee, maintain their leased grounds and surrounding area and derive mutual enjoyment of the lake in a responsible manner.

The Boy Scouts, Girl Scouts, church organizations and many other "private users" now have leases on only 10 to 15 miles of the total 225-mile shoreline of Lake Allatoona and protect the lake's environment with the same care as the park rangers. I am told that at no time have any of the public facilities which now exist on Lake Allatoona been overcrowded nor has anyone been turned away from the use and enjoyment of the lake because of the lack of space or facilities available.

Mr. President, I recognize the responsibility of the corps to carry out its delegated authority. However, I share my constituents' concern over the policy being implemented and would like some review by Congress as to its overall objectives. The measure which Senator TALMADGE and I have introduced today will merely postpone the effective date for the removal of floating cabins for 1 year, giving the Environment and Public Works Committee adequate time to review these administrative directives.●

By Mr. JEPSEN:

S. 3241. A bill for the relief of Emanuel F. Lenkersdorf; to the Committee on the Judiciary.

EMANUEL F. LENKERSDORF

Mr. JEPSEN. Mr. President, I send to the desk a bill for the relief of Emanuel F. Lenkersdorf, and ask that it be read twice and reported to the appropriate committee.

Mr. Lenkersdorf is a citizen of Germany, 21 years of age, and is in this country on a student visa. He is currently attending Northern Virginia Community College.

Mr. Lenkersdorf's parents are native Germans who came to North America and resided in Mexico City at the time of his birth. He lived there until he was 9 years old, at which time his family moved to Ohio. After 4 years, his father chose to do missionary work among the Indian population of southern Mexico.

At the age of 15, Mr. Lenkersdorf returned to the United States to live with his guardian parents in Waverly, Iowa where he attended high school.

Mr. Lenkersdorf has spent virtually all his adult life in the United States. He does not identify with either his German or Mexican background. He has tried to obtain resident status, but thus far has been unsuccessful.

Mr. President, I am of the opinion that Emanuel Lenkersdorf has identified with this country. Second, he has a strong desire to become a permanent resident and citizen at the appropriate time. To return him either to Germany or to Mexico at this time would be unfortunate and undesirable for all concerned. Therefore, on behalf of Emanuel Lenkersdorf, I submit this bill and ask that his case be afforded the appropriate attention.

By Mr. JEPSEN:

S. 3242. A bill to amend the Older Americans Act of 1965 to assure that nutrition projects under that Act may include meals in a congregate setting or home delivered meals, or both, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICANS AMENDMENTS OF 1980

Mr. JEPSEN. Mr. President, I send to the desk a bill which amends the Older Americans Act of 1965 to assure that nutrition projects under the act may include meals in a congregate setting or home delivered-meals, or both.

Mr. President, this bill is specifically designed to preserve the existence and integrity of home-delivered meals, more commonly referred to as "Meals on Wheels." Last year 33 of my colleagues in the Senate joined me in sending a letter to the Administration on Aging and Secretary Harris regarding the Department's rule concerning home-delivered meals. The rule would have limited meals on wheels programs eligible for Federal subsidies to only those which also operate a congregate feeding program and subsequently placed many private, nonprofit, voluntary programs in serious jeopardy.

Fortunately, after receiving our letter the Department redrafted its rules to reflect the concerns raised about preserving private volunteer providers of home-delivered meals. The new rule would allow meals on wheel funding as long as there is a congregate meal provider in the area.

This bill will make the Department's rule a matter of law. Although, I have no reason to doubt or to question the incoming administration's sensitivity to this issue, I nevertheless believe that the preservation of private volunteer groups or organizations should have the maximum flexibility of operation. It is my intention to reintroduce this bill in the 97th Congress and seek its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1980".

SEC. 2. (a) Section 307(a)(13)(B) of the Older Americans Act of 1965 is amended to read as follows:

"(B) each project will provide meals in a congregate setting or provide home delivered meals based upon a determination of need made by the recipient of a grant or contract entered into under this title, or both;".

(b) Section 307(a)(13)(D) of such Act is amended by inserting after the clause designation the following: "in the case of meals served in a congregate setting,".

By Mr. JEPSEN:

S. 3243. A bill to amend the Home Energy Assistance Act of 1980 to assure that double payments for home energy assistance are not made on behalf of tenants in housing projects assisted by Federal, State, or local governments, and for other purposes; to the Committee on Labor and Human Resources.

HOME ENERGY ASSISTANCE ACT AMENDMENTS

Mr. JEPSEN. Mr. President, I send to the desk a bill and ask that it be read twice and referred to the appropriate committee.

Mr. President, the bill which I have submitted is designed to correct a problem in the allocation of fuel assistance payments by the Federal Government.

It has been brought to my attention by officials from the State of Iowa that double payments of home energy assistance are being made to tenants by the Federal Government. My immediate concern is with the HUD section 8 housing program. The bill as drafted would prohibit double payments for home energy assistance in Federal housing projects and any other Federal home energy assistance program.

The purpose of this bill is to hopefully eliminate any waste and to limit abuse of Federal assistance for home energy assistance. In a time of scarce and limited resources, it is essential that the Federal Government manage and monitor its programs in order to utilize their maximum potential for those who are truly in need.

Mr. President, it has been brought to my attention that this bill may be unnecessary in view of existing regulations. Regardless, it is my opinion that in spite of these regulations there is a problem of double payments. It is my intention to reintroduce this bill in the 97th Congress. However, if it is necessary to withdraw the bill, I will respectfully do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308(b) of the Home Energy Assistance Act of 1980 is amended—

(1) by inserting "(A)" after "(8)" in clause (8),

(2) by inserting "and" at the end of clause (8), and

(3) by adding after clause (8) the following new subclause:

"(B) describe procedures to assure that home energy assistance payments made under clause (3)(B) are not made with respect to tenants for payments for home energy assistance made under any other Federal law, any State law, or any local ordinance;".

By Mr. JEPSEN:

S. 3244. A bill to amend the Older Americans Act of 1965 to provide special emphasis for employment opportunities for the elderly with skills relating to home repair, to provide for demonstration projects under which private business is encouraged to employ the elderly for the installation of security devices in their residences, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICANS AMENDMENTS OF 1980

Mr. JEPSEN. Mr. President, I send a bill to the desk and ask that it be read twice and reported to the appropriate committee.

Mr. President, this bill is designed to extend employment opportunities to older Americans with home repair skills by providing demonstration projects from private business as an incentive. Mr. President, this bill is also designed to assist older Americans the opportunity to continue working with dignity and with compensation. This includes employee demonstration projects from the private sector with special emphasis on home repair. The second concern is to help older Americans feel secure in their homes. Under the bill, State and local governments would be able to utilize funding for the installation of security devices in the residences of older Americans under the Older Americans Act. Older Americans should have the opportunity and the right to work and to be secure. This bill seeks to address those concerns.

I believe that older Americans can provide a vital service with this bill. We must begin now to address the employment opportunities of older Americans if we are going to realize their full potential between now and the year 2000.

The Secretary of Health and Human Services will have the authority to develop the demonstration project, and to coordinate with the appropriate State agency. The Secretary shall also have the authority to make grants to employees, who in turn will pay at least part of the compensation.

Mr. President, it is my intention to provide interested parties with a copy of this bill for their service and comment upon adjournment. I hope that comments on the bill will be forthcoming in order that I may reintroduce it in the 97th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1980".

SEC. 2. (a) Section 321(a)(4) of the Older Americans Act of 1965 is amended—

(1) by inserting "(A)" after "designed";

(2) by striking out "or" and inserting in lieu thereof a semicolon and "(B)"; and

(3) by inserting before the semicolon at the end thereof the following: "; or (C) to prevent unlawful entry into residences of elderly individuals, through the installation of security devices and through structural modifications or alterations of such residences".

(b) Section 421(b)(1)(A) of the Older Americans Act of 1965 is amended—

(1) by inserting "(i)" after "them" the first place it appears therein; and

(2) by inserting after "minimum standards," the following: "and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry;".

SEC. 3. Section 502(b)(1)(C) of the Older Americans Act of 1965 is amended—

(1) by inserting "(i)" after "(C)";

(2) by inserting at the end thereof "and"; and

(3) by adding at the end thereof the following new subclause:

"(ii) will give special consideration to each project which employs eligible individuals in home repair services;".

SEC. 4. Part C of title IV of the Older Americans Act of 1965 is amended by adding at the end thereof the following new section:

"HOME REPAIR DEMONSTRATION PROJECTS

"SEC. 426. The Secretary may, after consultation with the appropriate State agency designated under section 305(a)(1), make grants to employers to pay, in accordance with the provisions of this section, part of the cost of developing and carrying out model projects which show promise of utilizing the talent of older individuals in the area of home repairs. The agreement relating to each such project shall contain provisions designed to assure that the employer will pay at least part of the compensation of older individuals involved in carrying out the project.".

By Mr. SASSER:

S. 3246. A bill to enhance the ability of the Federal Government to collect delinquent debts; to the Committee on Governmental Affairs.

DEBT COLLECTION PRACTICES IMPROVEMENTS ACT OF 1980

● Mr. SASSER. Mr. President, I rise today in support of S. 3246, the Debt Collection Practice Improvements Act of 1980.

Last spring I reported to my colleagues about the effort exerted by the Federal agencies to collect just debts owed to the Treasury of the United States. The many GAO reports on Government debt collection efforts chronicle a history of ineptitude and indifference. The reports also indicate that staggering sums of money—as much as $1 billion a year in 1979 alone—are actually written off as uncollectable debts.

Unlike private institutions, the Federal Government has no coherent policy designed to recover money loaned to domestic and foreign institutions and individuals. In fiscal year 1979 OMB reports that $175 billion is owed to the Government. Of this figure $47 billion is due to be repaid. The General Accounting Office has estimated that anywhere between $26 and $35 billion of this amount may be delinquent and that at least one quarter, and possibly one third of that delinquent debt will be lost to the Government. To put this loss in perspective, the recovery of the lowest estimated figure would be sufficient to cover the proposed outlays for 1980 for the Department of Justice, the Department of State, the entire appropriations for the legislative branch and we would still have almost a $500 million surplus to be used where most needed. Clearly, recovery of these funds would be an important step toward reducing waste and increasing the confidence the people of this country have in the fiscal responsibility and restraint of their Government.

The GAO information led Senator PERCY and me to introduce S. 3160, the Debt Collection Act of 1980. This legislation is based on the recommendations contained in several GAO reports. The bill would allow Federal agencies to transmit the names of loan defaulters to credit bureaus as is commonly done in the private sector. We felt that S. 3160 was a start in the right direction, a meaningful effort to reverse the Federal Government's poor debt collection efforts.

On November 19 and 20, the Governmental Affairs Committee held hearings on S. 3160. Much of the testimony was supportive and encouraging. The distinguished Comptroller General, Elmer Staats, testified in support of S. 3160, but suggested a number of additional steps not addressed in S. 3160.

The Comptroller's suggestions included charging interest on debts owed the Government, preventing overpayments, contracting for debt collection assistance, collecting delinquent debt by offset, more aggressive collection from Federal employees, using IRS locator assistance in tracking down delinquent debts and clarification of the intent of the 6-year statute of limitations on debt collection.

Some of these suggestions can be addressed administratively, others require further study, but three of the suggestions warrant immediate action. The Comptroller General specifically recommended legislation to:

Provide authority to collect general debts owed the Government by offset from a Federal Employee's salary,

Recognize that the 6-year statute of limitations does not prohibit the offset of debts owned to the Government, and

Remove the restrictions on redisclosure of a debtor's address that has been obtained from IRS.

The Debt Collection Practice Improvements Act of 1980, which I introduced today, responds to the Comptroller General's recommendation. The bill does three things: First, it provides for an offset from the salary of a Federal employee who is indebted to the Federal Government. Second, it clarifies the statute of limitations provision of title 28 of the United States Code, by explaining that the section does not prevent the United States from collecting a claim against an individual by offsetting that amount against moneys payable by the United States to that individual. Finally, the bill amends the Internal Revenue Code to provide that the IRS may disclose a taxpayer's mailing address to an agency directly engaged in an activity pertaining to the collection of a Federal claim against that taxpayer. The bill also would allow an agency, under limited circumstances, to redisclose that information to consumer reporting agencies or debt collection agencies.

This bill compliments and expands upon S. 3160, which Senator PERCY and I and several of our colleagues have already introduced. Federal debt collection is a problem desperately in need of attention. The Debt Collection Practice Improvements Act of 1980, along with the Debt Collection Act of 1980 mark the beginning of the congressional response to a wasteful and intolerable situation. Both bills deserve careful Senate consideration in the 97th Congress.●

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. MOYNIHAN, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 219, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions.

AMENDMENTS SUBMITTED FOR PRINTING

FAIR HOUSING ACT AMENDMENTS OF 1980

AMENDMENT NO. 2644

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (H.R. 5200) to amend title VIII of the act commonly known as the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

NEGOTIATION OF LIMITS ON IMPORTATION OF AUTOMOBILES AND TRUCKS

AMENDMENTS NOS. 2645 THROUGH 2647

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON submitted three amendments intended to be proposed by him to the joint resolution (S.J. Res. 193) authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

FAIR HOUSING ACT AMENDMENTS OF 1980

AMENDMENTS NOS. 2648 THROUGH 2854

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted 207 amendments intended to be proposed by him to the bill (H.R. 5200) to amend title VIII of the act commonly known as the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

Mr. HATCH. Mr. President, because of my concern over the fact that H.R. 5200, the Fair Housing Act Amendments, the subject of the pending motion to proceed, has never been accorded hearings by the Senate, I am introducing a relatively large number of amendments designed to make it a more responsible measure. I ask unanimous consent that the text of the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2648

On page 25, line 2, immediately following "person" insert "granted leave to intervene".

AMENDMENT NO. 2649

On page 24, line 11, insert immediately following "and", "in the event of a finding of a willful violation".

AMENDMENT NO. 2650

On page 24, line 2, insert immediately following "complaint," "and to obtain the issuance of such number of subpoenas duces tecum and subpoenas ad tesificandum as he deems necessary to his defense".

Amendment No. 2651

On page 24, line 12, strike the number "$10,000" and insert "$5,000".

Amendment No. 2652

On page 24, line 1, strike out "The respondent" and all that follows through line 4 "record." and insert in lieu thereof "The hearing shall be conducted according to the Federal Rules of Civil Procedure."

Amendment No. 2653

On page 23, line 20, strike "charge", and all that follows through line 23 "Secretary." and insert in lieu thereof "charge".

Amendment No. 2654

On page 23, strike the word "thirty" in line 175 and insert in its place the words "one hundred twenty".

Amendment No. 2655

On page 23, line 12, insert the following after the word "Complaint": "and copies of all reports, documents, analyses and other information from whatever source adduced which were considered in any respect in preparing the Complaint".

Amendment No. 2656

On page 23, lines 16 and 17, strike the words "and with the consent of all other parties".

Amendment No. 2657

On page 23, line 20, following "shall" insert "only" and on line 21 strike out "and any" and all that follows through line 23 "Secretary."

Amendment No. 2658

On page 23, line 18, immediately following "notice," insert "On notice to the Secretary, Respondent may reschedule the hearing to a date not more than sixty days later than the original hearing date."

Amendment No. 2659

On page 21, line 9, strike out "if the Secretary" and all that follows through line 16 "of such agency.", and insert in lieu thereof "if the State or fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title."

Amendment No. 2660

On page 19, line 17, insert after "subpenas" "and interrogatories".

Amendment No. 2661

On page 19, line 1, strike out "or new rules" and all that follows through line 2.

Amendment No. 2662

On page 18, line 22, strike out "one year" and insert in lieu thereof "six months".

Amendment No. 2663

On page 17, line 23, strike out ", or" and all that follows through line 24 "initiative,"

Amendment No. 2664

On page 7, line 8, strike out "unless such" and all that follows through line 10.

Amendment No. 2665

On page 7, line 12, strike section (a) and all that follows through page 9, line 6, and redesignate the following subsections accordingly.

Amendment No. 2666

On page 3, line 3, strike out "includes any" and all that follows through line 6, and insert in lieu thereof "shall be limited to any person whose bona fide attempt or offer to purchase, sell, lease or rent, or whose bona fide attempt to obtain insurance or financing for a dwelling has been denied on the basis of race, color, religion, sex, handicap, or national origin, or made subject to terms of purchase, sale, lease, rental or acquisition which discriminate on such basis."

Amendment No. 2667

On page 3, line 4 strike out "or" and all that follows through line 6.

Amendment No. 2668

On page 2, line 23, strike out "or (3)" and all that follows through line 24 "such an impairment;"

Amendment No. 2669

On page 3, line 6, strike out "occur.", and insert in lieu thereof "occur. Except that as used in Sections 810 and 811 'aggrieved person' shall be limited to a person whose bona fide attempt or offer to purchase, sell, lease or rent, or whose bona fide attempt to obtain insurance or financing for a dwelling has been denied on the basis of race, color, religion, sex, handicap, or national origin, or made subject to terms of purchase, sale, lease, rental, or acquisition which discriminates on such bases."

Amendment No. 2670

On page 24, line 4, insert immediately following "person" "who has made a bona fide offer to buy, sell or rent, lease, or otherwise transfer real estate to buy, or otherwise obtain real estate financing or insurance."

Amendment No. 2671

On page 9, line 16, strike out "the Senate." and insert in lieu thereof "the Senate, in addition to the Committee on Banking, Finance and Urban Affairs of the House and the Committee on Banking, Housing and Urban Affairs of the Senate."

Amendment No. 2672

On page 7 strike lines 6–10 and on page 23, line 1, "The Secretary shall" and all that follows through page 23, line 3 ending "title."

Amendment No. 2673

On page 24, line 4, strike "Any aggrieved person" and all that follows through line 8 "sent testimony."

Amendment No. 2674

On page 26, line 25, insert a new subsection, "(f) For purposes of the proceedings under this section, an aggrieved person shall be limited to a person whose bona fide attempt or offer to purchase, sell, lease or rent, or whose bona fide attempt to obtain insurance or financing for a dwelling has been denied on the basis of race, color, religion, sex, handicap, or national origin, or made subject to terms of purchase, sale, lease, rental, or acquisition which discriminates on such bases."

Amendment No. 2675

On page 19, line 1, strike out "section or new" and all that follows through line 2 and insert in lieu thereof "section. The Secretary shall promulgate rules under this title only describing the Department's administration of its own programs".

Amendment No. 2676

On page 18, line 24, strike out "The Secretary" and all that follows through page 19, line 2.

Amendment No. 2677

On page 3, line 6, strike out " "." and insert "In any case, an aggrieved person may not have received, or contracted to receive, funds for determining such discriminatory housing practices.".

Amendment No. 2678

On page 3, line 20, following "all dwellings" insert "completed for occupancy".

Amendment No. 2679

On page 2, line 20, strike out "(1) a" and all that follows through page 3, line 2, and insert in lieu thereof "a record of having a physical or mental impairment which substantially limits one or more of such person's major life activities."

Amendment No. 2680

On page 27, line 5, strike the words "occurred or terminated" and insert "should reasonably have become known."

Amendment No. 2681

On page 27, strike lines 16, 17 and 18.

Amendment No. 2682

On page 27, in line 18 strike the word "importance." and insert the words "importance and if the court determines that such intervention will not add to the parties litigation costs and expenses or otherwise impair their respective rights."

Amendment No. 2683

On page 27, strike lines 17 and 18 and insert "file a brief amicus curiae with the permission of the parties or by leave of court for substantial interest shown if permission is denied."

Amendment No. 2684

On page 24, strike line 6 and all of line 7 except the words "and to pre-".

Amendment No. 2685

On page 24, strike all of line 4 except for the words "ing on the record" strike all of lines 5 through 7 and the words "sent testimony" on line 8 and insert: "The rights and interests of the aggrieved person shall be represented by the Secretary and he shall have no independent standing or right to intervene or be represented in the proceeding."

Amendment No. 2686

On page 24, after the word "held" in line 1 insert: "and the respondent has refused to meet with the aggrieved person at a reasonably convenient time and place."

Amendment No. 2687

On page 24, after the word "held" in line 1 insert: "Nor may any hearing commence under this Section if the Respondent has offered in writing to submit the controversy to binding arbitration before a panel of the American Arbitration Association."

Amendment No. 2688

On page 25, strike "any aggrieved person shall be" on line 9 and all that follows through line 10 inclusive and insert in lieu thereof: "the aggrieved person on whose complaint the Secretary initiated the administrative proceeding shall be deemed a party, shall be bound by the result, and shall be foreclosed from further relief under this Title."

Amendment No. 2689

On page 23, in line 2 after the word "which" insert the words: "the claim involves alleged denial of brokerage services under Section 806 of this Title."

Amendment No. 2690

On page 23, in line 2 after the word "which" insert the words: "the claim involves alleged discrimination or other practices prohibited by this Title by an agency of state or local government."

Amendment No. 2691

On page 23, in line 2 after the word "which" insert the words: "investigation was initiated by a person or organization which within the preceding two years has been an employee or consultant to the Secretary or the recipient, directly or indirectly of funding under a grant or appropriation issued by the Secretary."

Amendment No. 2692

On page 22, strike the words "an action" on line 12 and lines 13 through 20 inclusive and insert the words "such information as the Secretary may have concerning the alleged housing violation shall be submitted to the Attorney General with the recommendations of the Secretary for action."

Amendment No. 2693

On page 20, line 22 strike the words "certified by the Secretary under this paragraph," and strike the word "certified" in line 25, and on page 21 strike the word "certified" in line 1 and strike all but the words "such charge" on line 3 and strike lines 4 through 25 inclusive in their entirety."

Amendment No. 2694

On page 21, line 15, strike the words "and past performance."

Amendment No. 2695

On Page 23, in line 2 after the word "which" insert the words "the aggrieved person is not a person whose bona fide offer or attempt to purchase, sell, lease, rent or to obtain insurance or financing has been denied on the basis of race, color, religion, sex, handicap or national origin or made subject to terms of purchase, sale, rental or acquisition which discriminates on such basis."

Amendment No. 2696

On page 23, in line 2 after the word "which" insert the words: "the aggrieved person is a person who claims to have been denied the benefits or advantages of living in an integrated society, or community."

Amendment No. 2697

On page 22, strike lines 21 through 25 inclusive and on page 23, strike lines 1 through 8 inclusive.

Amendment No. 2698

On page 23, in line 2 insert the words "local zoning ordinances and policies or" before the words "land use controls".

Amendment No. 2699

On page 6, line 11, immediately following "appears." "add a new subsection (j):

"(j) To attempt to entrap any person into engaging in any prohibited practice."

Amendment No. 2700

On page 22, strike all of line 18 other than the word "dure." and strike lines 19 and 20.

Amendment No. 2701

On page 15, line 1, strike the word "disapproval" and insert the word "approval."

Amendment No. 2702

On page 16, line 2, strike the word "disapprove" and insert the word "approve."

Amendment No. 2703

On page 16, line 19, strike the word "disapproval" and insert the word "approval."

Amendment No. 2704

On page 17, line 13, strike the words "or rejection of" and on line 14 strike the word "disapproval" and insert the word "approval".

Amendment No. 2705

On page 3, line 3, strike out "includes any" and all that follows through line 6, and insert in lieu thereof "shall be limited to any person whose bona fide attempt or offer to purchase, sell, lease or rent, or whose bona fide attempt to obtain insurance or financing for a dwelling has been denied on the basis of race, color, religion, sex, handicap, or national origin, or made subject to terms of purchase, sale, lease, rental or acquisition which discriminate on such basis.

Amendment No. 2706

On page 9, line 23, strike the word "disapproves" and insert the word "approve" and on page 10, line 18, strike the word "disapproving" and insert the word "approving" and on page 10, line 20, strike the words "rule may go into effect immediately." and insert the words "rule shall not be implemented."

Amendment No. 2707

On page 8, strikes lines 1 through 25 inclusive and lines 1 through 6 inclusive on page 9.

Amendment No. 2708

On page 7, strike lines 24 and 25.

Amendment No. 2709

On page 6, line 8, insert following "used." a new subsection (h):

"(h) For any employee or agency of a State or local government to take action, or to deny any privilege, license, or permit, and thereby prevent the establishment of any community residence operated for the purpose of providing residential services or supervision for eight or fewer persons who have a handicap, unless such community residence or its proposed use—

"(1) would not meet an established, applicable Federal, State, or local health, safety, or program standard; or

"(2) violates, or would violate, a comprehensive land use plan or zoning ordinance for the geographical area for which the employee or agency has jurisdiction and such land use plan or zoning ordinance as enforced would permit the establishment of such community residence in other equally suitable locations. The granting or denial of variances in the past shall be deemed a part of such plan or ordinance.".

Amendment No. 2710

On page 22, strike the words "an action" on line 12 and lines 13 through 20 inclusive and insert the words "such information as the Secretary may have concerning the alleged housing violations shall be submitted to the Attorney General with the recommendations of the Secretary for action."

Amendment No. 2711

On page 17, lines 23 and 24, strike the words "or the Secretary or the Secretary's own initiative."

Amendment No. 2712

On page 20, line 25, strike out "Except with" and all that follows through "certified agency,".

Amendment No. 2713

On page 22, line 13, following "brought" insert "by the Attorney General".

Amendment No. 2714

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of one or more suicide attempts in the preceding five years."

Amendment No. 2715

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of active lesbianism."

Amendment No. 2716

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of rape."

Amendment No. 2717

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of armed robbery or other violent crime."

Amendment No. 2718

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of voluntary manslaughter."

Amendment No. 2719

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of convictions of lewd and lascivious conduct."

Amendment No. 2720

On page 3, line 6, strike out "."." and insert "In any case, an aggrieved person may not have received, or contracted to receive funds for determining such discriminatory housing practices."."

Amendment No. 2721

On page 3, line 20, strike "except as ex-" and all that follows and insert the following: "(4) strike subsection (b) in its entirety and renumber following subsections accordingly."

Amendment No. 2722

On page 3, line 6, insert immediately thereafter: "A person shall not claim to be an "aggrieved person" hereunder if the only effect of a discriminatory housing practice is to deny him the advantage of living in an integrated society."

Amendment No. 2723

On page 4, line 13, insert after the word "dwelling." "Previous differentials based on loss experience attributable to occupancy by persons of any race, color, religion, sex, handicap, or national origin shall not be deemed discriminatory."

Amendment No. 2724

On page 4, lines 17 and 18, strike the words "or of any person associated with such buyer or renter."

Amendment No. 2725

On page 4, line 13, strike the word "dwelling." and insert in lieu thereof "dwelling, unless an actuarial basis for such refusal or discrimination can be reasonably established."

Amendment No. 2726

On page 5, line 15, strike "afford handicapped persons enjoyment," and insert in lieu thereof: "provide handicapped persons with".

Amendment No. 2727

On page 5, line 8, insert after the word "agreement" "and provides a reasonable cash bond or other security."

Amendment No. 2728

On page 6, lines 10 and 11, strike the word "handicap" and insert the words "physical challenge" thereafter.

Amendment No. 2729

On page 6, line 11, immediately following "appears." insert the following "add a new subsection (h):

"(h) To establish any community or neighborhood quota or goal, percentage or otherwise, directly or indirectly, of persons of a particular race, color, religion, sex or national origin."

Amendment No. 2730

On page 6, line 11, immediately following "appears." add a new section (k):

"(k) To accept cooperation, except as an officer of the law or duly licensed investigator, for the purposes of identifying housing discrimination and other prohibited practice under this Section."

Amendment No. 2731

On page 6, line 11, immediately following "appears." add a new subsection:

"(1) To take any action to discourage or encourage any person's housing choice for the purpose of either promoting integration or preventing resegregation."

Amendment No. 2732

On page 6, line 16, strike out "any person" and on line 17 strike out "whose business" and insert in lieu thereof: "any bank, building or bar association, insurance company or other corporation, association, firm, or enterprise whose business".

Amendment No. 2733

On page 6, line 16, after the word "unlawful" insert the following: "for any owner, seller, or landlord as for".

Amendment No. 2734

On page 6, line 18, after the word "property," insert the words "and for their clients, principals, or employers".

Amendment No. 2735

On page 6, line 2, strike the words "sons; or" and insert "sons: *Provided, however,* That any such modification rejected in writing by at least 25 per centum of other adult dwelling occupants shall be deemed unreasonable; or".

Amendment No. 2736

On page 6, lines 4 and 5, strike the word "materially".

Amendment No. 2737

On page 5, line 4, insert after the word "handicap" the words "at their own expense and cost".

Amendment No. 2738

On page 6, line 25, strike the word "origin." and insert ." origin, provided, however, that differences reasonably reflecting loss, cost, or other experience in serving any particular group of persons having a common race, color, religion, sex, handicap or national origin shall not be deemed unlawful discrimination."

Amendment No. 2739

On page 7, line 9, following the word "title." insert the following: "The intent required hereunder may not be presumed and the stated purpose of the requirement shall be *prima facie* evidence of such intent."

Amendment No. 2740

On page 7, line 12, insert immediately following Sec. 7. a new subsection (a):

"(a) Section 803(a) of the Act entitled "an Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 1, 1968) is amended by striking "the Secretary of Housing and Urban Development" and inserting in lieu thereof "the Attorney General of the United States."

Reletter subsequent subsections accordingly.

Amendment No. 2741

On page 7, lines 16-23, strike all of (1) and insert the following "(1) by striking 'the Secretary' and insert in lieu thereof "The Attorney General". Strike "(3)" in its entirety.

Amendment No. 2742

On page 7, strike lines 16 through 23 inclusive in their entirety.

Amendment No. 2743

On page 7, immediately following line 5, insert new subsection (f):

"(f) Section 806 of such Act is amended by striking the word "origin." in the last line and inserting in lieu thereof: "origin, provided, however, that participation in a multiple listing service which is a committee or wholly owned subsidiary of a real estate board or other brokers organization may lawfully be conditioned on membership in the parent board or organization provided access to such membership is available on reasonable and nondiscriminatory terms.

Reletter all subsequent subsections accordingly.

Amendment No. 2744

On page 7, line 4, insert the word "all" after the word "consideration", strike the words "other than" and insert in lieu thereof the words "he deems relevant to or to have an impact on value not excluding, or applicable,".

Amendment No. 2745

On page 9, line 9, insert immediately following "development.": "Strike "the Secretary" and insert in lieu thereof "the Attorney General."

Amendment No. 2746

On page 9, line 7, strike out subsection (b) in its entirety and renumber successive paragraphs accordingly."

Amendment No. 2747

On page 18, lines 9 and 10, strike the words "and shall contain such information and be in such form as the Secretary requires." and insert thereafter: "and shall state in detail the specific discriminatory housing practice alleged, the dates it occurred, the names of all parties alleged to be involved, and all other relevant facts known by the aggrieved person, who shall be bound by the allegations of his complaint."

Amendment No. 2748

On page 18, in line 20, insert the words "less than $500 nor" after the words "fined not" and on line 21 strike "year," and insert "year, and upon conviction shall be disqualified from further employment by the Secretary for a period of not less than one year or more than five years."

Amendment No. 2749

On page 18, line 22, strike the words "1 year" and insert the words "180 days."

Amendment No. 2750

On page 18, line 22, strike the words "1 year" and insert the words "270 days."

Amendment No. 2751

On page 11, strike lines 3 through 7 inclusive.

Amendment No. 2752

On page page 18, line 4, following "investigation thereof." insert "Provided, however, that the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures."

Amendment No. 2753

On page 18, lines 23 and 24, strike the words "or terminated."

Amendment No. 2754

On page 2, strike lines 13 through 17 inclusive.

Amendment No. 2755

On page 3, insert immediately following line 21: "Amend section 803(a) to strike the words "of subsection (b)" from the first sentence thereof."

Amendment No. 2756

On page 3, insert immediately following line 21: Amend section 803(a) to strike from subsection (1)(B) the words "under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;"

Amendment No. 2757

On page 3, insert immediately following line 21: Amend section 803(a) to strike from subsection (1)(c) the words "under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title."

Amendment No. 2758

On page 3, insert immediately after line 21: Amend section 803(a) to strike from subsection (1)(C) the words "*Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution;"

Amendment No. 2759

On page 3, insert immediately following line 21: Amend section 803(a) to strike from subsection (1)(D) the words "under loan or grant contracts entered into after November 20, 1962."

Amendment No. 2760

On page 3, insert immediately following line 21: Amend section 803 to strike subsection 803(a)(1) in its entirety and to amend section 803(a)(2) to read as follows: "To all dwellings, except as exempted by subsection (b)."

Amendment No. 2761

On page 3, insert immediately following line 21: Amend section 803 to strike subsection 803(a)(1) in its entirely and to amend section 803(a)(2) to read as follows: "To all dwellings."

AMENDMENT No. 2762

On page 2, line 2, strike "Civil Rights Act of 1968" and insert in lieu thereof: "Equal Housing Opportunity Act." and make other conforming changes.

AMENDMENT No. 2763

On page 2, line 20, strike the word "handicap" and substitute in lieu thereof the words "functional impairment".

AMENDMENT No. 2764

On page 2, line 20, strike the word "handicap" and substitute in lieu thereof the words "physical challenge".

AMENDMENT No. 2765

On page 2, line 21, strike the word "substantially" and substitute in lieu thereof the word "materially".

AMENDMENT No. 2766

On page 2, line 21, strike the word "substantially" and substitute in lieu thereof the word "significantly".

AMENDMENT No. 2767

On page 2, lines 22–23, delete the words "(2) a record of having such an impairment or (3)" and substitute in lieu thereof the words "or (2)".

AMENDMENT No. 2768

On page 2, line 25, after the word "alcoholism" insert a comma and the words "marajuana usage".

AMENDMENT No. 2769

On page 2, lines 24 and 25, strike the word "current" and insert after the words "drug abuse," the words "unless such impairment is certified by a physician satisfactory to the landlord to have been totally cured."

AMENDMENT No. 2770

On page 2, lines 24 and 25, strike the word "current" and insert after the words "drug abuse," the words "unless such impairment is certified by a physician satisfactory to the landlord to have been totally cured for a period of twelve months."

AMENDMENT No. 2771

On page 2, after line 11 insert the new purpose:

"Section 801 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended:

(1) by inserting immediately after "United States does not mandate or require integrated housing except as such integration results from the voluntary, individual housing decisions. Every program or practice which is intended to produce integration or segregation or otherwise interfere with the right of people to select the home they want and can afford is contrary to this policy."

AMENDMENT No. 2772

On page 3, line 2, immediately following "others." add: "For purposes of this section, major life activities shall be defined as the capacity to see, hear, walk unaided, or the capacity to live completely unattended."

AMENDMENT No. 2773

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of conviction for arson."

AMENDMENT No. 2774

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of conviction for child abuse."

AMENDMENT No. 2775

On page 3, line 2, strike "others." and insert in lieu thereof "others, including but not limited to the following: a past or present record of active homosexuality."

AMENDMENT No. 2776

On page 18, line 25, strike the words "whether charges should be brought" and on page 19, line 1, strike the words "under this section or".

AMENDMENT No. 2777

On page 18, lines 23 and 24, strike the words "occurred or terminated" and insert "should reasonably have become known."

AMENDMENT No. 2778

On page 19, strike lines 3 through 14 inclusive.

AMENDMENT No. 2779

On page 19, line 3, strike the word "such" and on line 4 strike the word "charge" and insert the words "housing practices."

AMENDMENT No. 2780

On page 19, strike lines 15 through 20.

AMENDMENT No. 2781

On page 19, strike lines 15 through 20 and insert:

"Upon written application to the Secretary any person who is part of an investigation of housing practices shall be entitled to have access at reasonable times to all materials and information secured by the Secretary in the course of or related to such investigation. Such access shall be subject to claims of privileges other than that of "work product" asserted by the Secretary and upheld by a United States district court for the district in which the investigation is taking place."

AMENDMENT No. 2782

On page 20, line 25, strike out "Except with" and all that follows through page 21, line 1 "certified agency,".

AMENDMENT No. 2783

On page 20, line 22, strike the words "certified by the Secretary under this paragraph," and strike the word "certified" in line 25 and on page 21 strike the word "certified" in line 1 and strike all but the words "such charge" on line 3 and strike lines 4 through 25 inclusive in their entirety."

AMENDMENT No. 2784

On page 21, strike all of line 3 after the word "charge", all of lines 4 through 7 inclusive and the words "reasonable promptness." on line 8.

AMENDMENT No. 2785

On page 21, strike the words, "the procedures followed" on line 10 and the words "by that agency" on line 11.

AMENDMENT No. 2786

On page 21, line 15, strike the words "and past performance."

AMENDMENT No. 2787

On page 22, line 12, strike the words "an action" and lines 13 through 20 inclusive and insert the words "the aggrieved person shall be so informed and advised to pursue such judicial remedies as he may deem appropriate."

AMENDMENT No. 2788

On page 22, strike lines 19 and 20 and insert "be commenced after the initiation of administrative proceedings under section 810."

AMENDMENT No. 2789

On page 22, line 20, after the word "Title." insert: "No temporary restraining order or other orders granting preliminary or temporary relief shall issue without bond or other guarantee of indemnification of the respondent against any and all losses and costs, including reasonable attorney's fees, suffered by reason of such order."

AMENDMENT No. 2790

On page 22, line 20, after the word "Title." insert: "In the event preliminary or temporary relief does not issue, the Secretary shall pay all costs incurred by the respondent in opposing its issuance including reasonable attorneys fees."

AMENDMENT No. 2791

On page 22, on line 23, strike the words "file an administrative com-" and on line 24 strike the words "plaint under section 81(a) of this title or".

AMENDMENT No. 2792

On page 22, line 13, following "brought" insert "by the Attorney General".

AMENDMENT No. 2793

On page 24, line 9, insert immediately following "make", the word "written".

AMENDMENT. No. 2794

On page 25, on line 21 after the word "determination." insert: "or if the findings of fact or conclusions of law have been based on evidence or testimony improperly admitted by the administrative law judge under the Federal Rules of Evidence or otherwise."

AMENDMENT No. 2795

On page 26, line 7 after the word "who" insert the words "knowingly and willfully."

AMENDMENT No. 2796

On page 26, line 12 insert after the word "viewable" the words "*Provided, however,* That before any civil penalty may be assessed, the respondent shall be notified of the specific violations of the final order of which he is charged in writing and shall be granted ten days after receipt of such notice in which to cure such violations."

AMENDMENT No. 2797

On page 27, line 4, strike "2" and insert "1".

AMENDMENT No. 2798

On page 27, line 5, strike the words "or terminated."

AMENDMENT No. 2799

On page 27, in line 23, after the word "security." insert: "Upon application by a defendant any trial or appellate court may, in such circumstances as it deems just, appoint an attorney for such defendant and may authorize the defense of the action without the payment of fees or costs."

AMENDMENT No. 2800

On page 27, in line 23 strike the words "costs or security." and insert "or costs, *Provided, however,* That no bond or security for costs or damages suffered by the defendant or as a result of the filing of the suit or any preliminary or temporary relief as granted shall be waived."

AMENDMENT No. 2801

On page 27, in line 23 strike the word "security." and insert the words "security provided the attorney appointed by the court is not compensated under a contingent fee agreement."

AMENDMENT No. 2802

On page 27, line 9 strike "charge." and insert "charge, or commence or continue any investigation based thereon".

AMENDMENT No. 2803

On page 27, line 9 strike "charge." and insert "charge, or commence or continue on investigation based thereon, or to provide the aggrieved person with documents, evidence or other information developed in any investigation or proceeding under section 810 hereof."

AMENDMENT No. 2804

On page 27, in line 14, strike the words "commenced the hearing" and in line 15 strike the words "on the record" and insert "filed a complain against respondent."

AMENDMENT No. 2805

On page 28, in line 1, strike the word "relief," and all that follows through line 2 and insert the word "relief."

AMENDMENT No. 2806

On page 28, in line 2 strike the word "damages." and insert the words "damages, *Provided, however,* That no award shall affect any contract of sale, encumbrance, or lease existant before the invoice of such award, and invoking a bona fide purchaser, encumbrancer, or tenant without actual nature of the complaint filed by the aggrieved person in the civil action."

AMENDMENT No. 2807

On page 7, immediately following line 5, insert a new subsection (f):

"(f) Amend section 806 to insert the words "brokerage firm, partnership, proprietorship or company," before the words "multiple listing service."

Reletter subsequent subsections accordingly.

AMENDMENT No. 2808

On page 7, add a new subsection to Section 6 to"

Amend section 807 to strike from the first sentence thereof the words "unless membership in such religion is restricted on account of race, color, or national origin."

AMENDMENT No. 2809

On page 7, add a new subsection to section 7 to:

Amend section 808(a) to strike the words "Secretary of Housing and Urban Development" and to insert in lieu thereof "the Attorney General."

AMENDMENT No. 2810

On page 7, add a new subsection to section 7 to: Amend section 808 by striking all of subsection (b).

AMENDMENT No. 2811

On page 9, insert immediately following line 6 a new subsection (4)

"(4) Amend section 808(c)(1) to strike the words "Insofar as possible" from the third sentence thereof."

AMENDMENT No. 2812

Insert wherever appropriate:

Amend section 801 of title VIII to add:

"Fair housing as used in this title shall not mean integrated housing except as integrated housing is the natural result of free housing choice."

AMENDMENT No. 2813

Insert wherever appropriate:

Amend section 801 of title VIII to add:

"Limitation of free housing choice by any person, including a governmental instrumentality, for any purpose, including achievement of integration or prevention of resegregation, shall be a violation of the policy of this title."

AMENDMENT No. 2814

On page 2, line 13, insert immediately following "SEC. 4."

Amend section 802(d) to insert after the word "fiduciaries" the words "agencies or instrumentalities of local or state government".

AMENDMENT No. 2815

On page 2, line 13, insert immediately following "SEC. 4."

Amend section 802(d) to insert after the words "unincorporated organizations" the words "churches and religious organizations".

AMENDMENT No. 2816

On page 2, line 13, insert immediately following "SEC. 4."

Amend section 802(d) to insert after the words "labor organizations" the words "homeowners associations".

AMENDMENT No. 2817

On page 2, line 13, insert immediately following "SEC. 4."

Amend section 802(d) to insert after the words "labor organizations" the words "fair housing organizations and associations".

AMENDMENT No. 2818

Amend section 801 of title VIII to read:

"SEC. 801. It is the policy of the United States to provide, within constitutional limitations, the right of all citizens equal opportunity to purchase or rent housing which they desire and can afford."

AMENDMENT No. 2819

On page 2, immediately following line 11, insert the following: Amend section 801. It is the policy of the United States to provide, within constitutional limitations, equal housing opportunity for all American citizens."

AMENDMENT No. 2820

On page 3, insert immediately following line 21: Amend section 803 to strike subsection 803(b)(2) in its entirety.

AMENDMENT No. 2821

On page 3, insert immediately following line 21:

Amend section 803 to strike subsection 803 (b)(1) in its entirety and to insert in lieu thereof a new subsection to read as follows:

"(1) any single-family house sold or rented by an owner directly or using the services of a real estate broker, agent or salesman."

AMENDMENT No. 2822

On page 3, insert immediately following line 21:

Amend section 803 to strike the word "three" in the first "proviso" of subsection 803(b)(1) and insert the word "five".

AMENDMENT No. 2823

On page 3, insert immediately following line 21:

Amend section 803 to strike subsection 803 (c) in its entirety and insert the following in lieu thereof:

"For purposes of subsection (b) a person shall be deemed to be in the business of selling or renting dwellings other than one he has occupied as a residence."

AMENDMENT No. 2824

On page 3, insert immediately following line 21: Amend section 803 to strike in its entirety subsection 803(c)(2).

AMENDMENT No. 2825

On page 4, strike lines 4 through 5 inclusive and insert in lieu thereof:

"(b) Amend Section 804(d) to strike the words "For profit."

AMENDMENT No. 2826

On page 3, line 2, immediately following "others." add: "For purposes of this section, major life activities shall be defined as the capacity to see, hear, walk unaided, or the capacity to live completely unattended."

AMENDMENT No. 2827

On page 4, insert immediately following line 5 a new subsection (c):

"(c) Amend section 804(a) to insert the word "handicap" after the word "sex."

Reletter subsequent subsections accordingly.

AMENDMENT No. 2828

On page 4, insert immediately following line 5 a new subsection (c):

"(c) Amend section 804(b) to insert the word "handicap" after the word "sex."

Reletter subsequent subsections accordingly.

AMENDMENT No. 2829

On page 4, insert immediately following line 5 a new subsection (c):

"(c) Amend section 804(e) to insert after the words "for profit" the words "or for the purpose of promoting integration or preventing resegregation".

Reletter subsequent subsections accordingly.

AMENDMENT No. 2830

On page 6, strike lines 17 and 18.

AMENDMENT No. 2831

On page 29, line 24, strike the words "the issuance of any court order" and insert the words "the filing of a complaint".

AMENDMENT No. 2832

On page 29, strike lines 7 through 11 inclusive and the words "same as a private person" on line 12 and insert:

"SEC. 814. (a) In any action or proceeding under section 811 or section 813 of this title, the court shall award the defendant, if the prevailing party, three times the reasonable attorney, expert witness fees, and other costs of defense. If the prevailing party is not the defendant, the court in its descretion may allow reasonable expert witness fees and costs other than attorneys' fees. In any action or proceeding under section 812 of this title, the court shall allow the prevailing party reasonable attorney and expert witness fees as part of the costs and may require a bond or other security to insure payment of the same".

AMENDMENT No. 2833

On page 29, strike lines 7 through 11 inclusive and the words "same as private person" on line 12 and insert:

"SEC. 814. (a) In any action or proceeding under this title, the court shall allow a prevailing party (other than the United States with respect to attorneys' fees) reasonable attorney and expert witness fees as part of the costs, and the United States shall be liable for such costs the same as a private person".

AMENDMENT No. 2834

On page 29, strike lines 1 through 4 inclusive.

Amendment No. 2835

On page 3, insert immediately following line 21: Amend section 803 to strike subsection 803(b) (1) in its entirety.

Amendment No. 2836

On page 3, insert immediately following line 21: Amend section 803 to strike subsection 803(b) in its entirety.

Amendment No. 2837

On page 24, line 11, immediately following "appropriate", insert the following: "but not including compensatory damages or awards of attorneys' fees to any intervenor".

Amendment No. 2838

On page 7, insert immediately following "Sec. 7." on line 12: Amend section 808 by striking entirely subsection 803(a) and substituting in lieu thereof: "The authority and responsibility for administering this Act shall be in the Attorney General, provided that the Secretary of Housing and Urban Development shall have authority and responsibilities as provided in subsection 808(c)."

Amendment No. 2839

On page 7, insert immediately following "Sec. 7." on line 12: "Amend section 808 by striking entirely from subsection 808(c) all of subsection 808(c) (2)".

Amendment No. 2840

On page 6, strike lines 16 through 25 inclusive.

Amendment No. 2841

On page 25, strike all of lines 14 to 20 inclusive, through the word "determination" on line 21, strike the words "Based on a" on line 25, and an page 26, strike lines 1 and 2 and all of line 3 except the words "All pro-", and insert in lieu thereof the following: "Court shall conduct a trial de nòvo of all issues of fact and conclusions of law raised by the petition for judicial review and any cross petitions which might be filed."

Amendment No. 2842

On page 29, line 16, strike the words after the word "title" and all of line 17 and insert the words "the defendant, if the prevailing party, shall".

Amendment No. 2843

On page 29, line 18, insert after the word "awarded" the words "up to three times his".

Amendment No. 2844

On page 29, line 17, strike the word "may" and insert the word "shall."

Amendment No. 2845

On page 29, line 16, strike the words after "title" and all of line 17 except for the words "may be" and insert the words "the defendant, if the prevailing party,".

Amendment No. 2846

On page 29, strike lines 20 through 22 inclusive.

Amendment No. 2847

On page 29, line 22, strike the words "and cause the case to be in every way expedited."

Amendment No. 2848

On page 28, in line 2, strike the word "willful" and insert the words "knowing and intentional."

Amendment No. 2849

On page 28, in line 5, strike the words "person or".

Amendment No. 2850

On page 28, in line 7, strike the words "or that," strike all of line 8 and 9 and the words "public importance" in line 10.

Amendment No. 2851

On page 28, strike lines 12 through 21 inclusive.

Amendment No. 2852

On page 28, strike lines 12 through 21 inclusive and insert: "(b) The Attorney General may bring a civil action in an appropriate United States district court to enforce any consent decree or final order that is referred for enforcement by the Secretary."

Amendment No. 2853

On page 28, strike the words "(1) to enforce any" in line 13, strike all of lines 14 and 15 and all of line 16 except for the word "to".

Amendment No. 2854

On page 28, strike lines 12 through 21 inclusive and insert:

"(b) The Attorney General may bring a civil action in an appropriate United States district court to remedy any discriminatory housing practice."

FEDERAL POLICY FOR DISPOSAL OF SPENT FUEL FROM CIVILIAN NUCLEAR PLANTS

Amendment No. 2855

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the amendment of the House of Representatives to the bill (S. 2189) to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes.

FAIR HOUSING ACT AMENDMENTS OF 1980

Amendment No. 2856

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (H.R. 5200) to amend title VIII of the act commonly called known as the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

CONTINUING APPROPRIATIONS, 1981

Amendment No. 2857

(Ordered to be printed and to lie on the table.)

Mr. RIEGLE submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 637) making further continuing appropriations for the fiscal year 1981, and for other purposes.

NOTICES OF HEARINGS

SELECT COMMITTEE ON ETHICS

Mr. HEFLIN. Mr. President, as chairman of the Select Committee on Ethics I wish to announce that on December 4, pursuant to Senate Resolution 109, agreed to by the Senate on February 1, 1980, the committee will resume hearings on revision of the Senate's Code of Official Conduct. The hearings will be held on the afternoon of December 4 in room 6226 Dirksen Senate Office Building from the hours of 2 to 5 p.m. At that time, we will take testimony from Members who wish to express their views on revision of the code. Any Member desiring to testify should contact the staff of the committee at 42981.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT GENERALLY

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management Generally of the Senate Committee on Finance will hold the fourth in a series of hearings on special oil taxes in which Senator Bradley will participate.

The hearing will be held on Friday, December 12 in room 2221 of the Dirksen Senate Office Building, and will begin at 9 a.m.

The following witnesses will testify at the hearing:

Henry Jacoby, Sloan School of Management, Massachusetts Institute of Technology; William Hogan, John F. Kennedy School of Government, Harvard University; Philip Verleger, Yale University; Alvin Alm, John F. Kennedy School of Government, Harvard University.

Witnesses who are not scheduled to make an oral presentation, and others who desire to present their views to the subcommittee, are urged to prepare a written statement for submission and inclusion in the printed record of the hearing. These written statements should be typewritten, not more than 25 double-spaced pages in length, and mailed with five copies to Michael Stern, Staff Director, Committee on Finance, room 2227, Dirksen Senate Office Building, Washington, D.C. 20510, not later than December 15, 1980.

ADDITIONAL STATEMENTS

THE GEOPOLITICS OF OIL

● Mr. JACKSON. Mr. President, on November 20, the Senate Committee on Energy and Natural Resources released its staff report on the geopolitics of oil. This report is the culmination of over a year's study by the committee of the worldwide implications of the growing scarcity of oil. The public response to the release of the report has been overwhelming. The committee has received hundreds of requests for copies of the report and television, newspaper, and radio commentaries have praised it.

One example of the public comments received on the report appeared in the lead editorial in the Washington Star on November 28, 1980. The editorial described the report as, "required reading" for the incoming administration and for anyone seriously interested in the energy problem. I ask that the editorial be printed in the Record.

The inauguration of a new President and new Congress will give this country an opportunity to embark on a new program that can address the national security dangers implicit in the free world's dependence upon imported oil. The staff report on the geopolitics of oil deserves careful consideration by all those who will participate in the development of our new energy and national security policy. A final version of the report will be available after December 5, 1980, which will include the individual comments of members of the committee.

The editorial follows:

[From the Washington Star, Nov. 28, 1980]

THE GATHERING CRISIS

Since the U.S. must apparently rely on foreign energy sources past the turn of the century, sources known to be unstable, what is required to prevent interruptions in the world oil supply? What role is the U.S. prepared to play in defending what President Carter has called its "vital interest?"

Some grim reading on the subject comes from the staff of the Senate Committee on Energy and Natural Resources, which a year ago began hearings on the geopolitics of oil. One conclusion: "Energy self-sufficiency cannot be accomplished in this century, let alone within the next 10 years. Even if all the initiatives enacted by Congress succeed in meeting their objectives, the U.S. will still import several million barrels of oil per day at the end of the 1980s."

That is the key to it. And the true danger is the extent to which the West today sits on the edge of economic instability. The Iran-Iraq war has already tightened the balance between supply and demand. Yet, as the Senate report says, another major supply interruption could occur at any time. And, the report adds, no program designed to enhance domestic supplies could shield us from the results.

U.S. energy programs have often been appropriate—in particular measures to reduce imports and increase alternative energy sources. But, again, a concentration on energy independence has led to long-term policies which do nothing to eliminate the immediate dangers facing the West.

One recommendation, not surprisingly, is that the Strategic Petroleum Reserve be filled as rapidly as possible. The slow fill has been something of a scandal. "Apart from its value as a cost-effective means of cushioning the economic losses from supply disruptions," the report says, "the SPR may also be an essential component to military strategies for protecting our vital security interests in the Persian Gulf." And "each additional barrel of stored oil has the potential to offset close to $200 in GNP loss . . ."

The Senate report adds that "an effective program for the 1980s must go beyond mere oil-sharing arrangements, long-term target-setting and periodic consultations. It must also incorporate important new elements of international financial and fiscal policy . . . foreign policy . . . and energy and military contingency planning." In the same spirit, Professor Robert Tucker goes so far as to urge (in a recent Commentary) a permanent U.S. military presence in the Gulf region, arguing that "there has long been a near universal determination in the West not to acknowledge the stark alternatives that confront us in the Persian Gulf."

The committee report on what it calls the "gathering energy crisis" sets forth the stark alternatives plainly enough. It suggests that the energy dilemma really cannot be grasped through its separate parts, although some initiatives—conservation, creation of synthetic fuels, energy-sharing, military stability in the Middle East—certainly may be undertaken separately. Forming a coherent energy strategy will require, above all, concentration on the geopolitical problems that frame it.

It is, as we said, grim reading. But the situation is grim. And grimmer still would be the effect of policies that do not vigorously protect U.S. interests, and those of its allies. It is hard to imagine a more difficult problem for the incoming administration; but, in facing it, "The Geopolitics of Oil" ought to be required reading.●

THE VIRGINIA AIR NATIONAL GUARD TO GET A-7 AIRCRAFT

Mr. WARNER. Mr. President, the Air National Guard has earned wide recognition for its high degree of professionalism and combat readiness.

The 192d Tactical Fighter Group, based at Byrd Field, Sandstrom, Va., is Virginia's element of the Air National Guard. Together with other Virginians, I share in our admiration of the record of the 192d. It is, Mr. President, a source of deep satisfaction to learn that Virginia's Air Guard will be able to make an even more effective contribution to our national security.

It is my understanding that the Virginia Air Guard Tactical Fighter Group has been selected to be modernized with Vought A7–D aircraft.

Thus, the Virginia Air Guard will have a vastly enhanced combat capability. The A7–D, with which the 192d Group will be modernized, is the aircraft with which our U.S. Air Force Tactical Air Command won the Royal Air Force tactical strafing and bombing competition in 1977 and 1978, the most recent years that this international meet has been held.

Also, it is noteworthy that an Air National Guard unit, equipped with A7–D's was selected by the Tactical Air Command to provide the tactical air support for the first overseas operation of the U.S. Rapid Deployment Force.

Eight A7–D's of the New Mexico Air National Guard took off from Pease Air Force Base in New Hampshire and flew nonstop to the R.D.F.'s Egyptian base. Only 2½ hours after landing six A7–D's took off for an operational mission. Such a degree of operational readiness, after such a long and grueling flight demonstrates our national ability to put U.S. based tactical air on short notice into the troubled Persian Gulf area. It demonstrates, too, that the Air National Guard, when equipped with these modern long-range tactical aircraft, is in the front line of our defense forces.

I would like to point out, additionally, that when the Virginia Air Guard is equipped with A7–D's, it will also be in line to be augmented and further modernized with the two-place A7–K which will provide both increased training efficiency and combat effectiveness. The Air Guard deserves such modernization.

In that connection, I, like others in this Senate, am grateful to the National Guard Association for its work and success in support of the continuing A7–K program which will benefit, as it develops, Virginia's 192d Group and all other A–7 Air Guard units.●

THE COPPER CAUCUS MEETING

● Mr. DOMENICI. Mr. President, the Senate Copper Caucus has scheduled a meeting to discuss copper industry problems and potential remedies. The meeting is scheduled for Thursday, December 11, at 2:30 p.m. in room 3110 Dirksen Senate Office Building.

The Copper Caucus has invited a number of people to participate in the meeting, including those from industry, labor, and the Federal Government. We are asking for views and comments on copper industry problems and potential solutions, including possible legislative initiatives in the next Congress. Anyone interested in the copper industry and the serious problems they are facing is invited to attend the session.

We have great concern that the recent mothballing of the ARCO-Anaconda smelter and refinery in Montana is but the tip of an iceberg that is going to carry more and more copper industry jobs, smelting capacity, and refining capacity to foreign shores. This, of course, causes great hardship that tears apart our local communities and undermines the strategic and industrial base of this Nation. The Copper Caucus will continue this effort into the next Congress and invites participation.●

OUR NATIONAL HERITAGE

● Mr. DOMENICI. Mr. President, I speak today on an issue of concern to the social and environmental health and well being of the people of this Nation. The desirability and need for the expansion of the national park system, the wilderness system and related areas in this country is well documented. Congress has been especially responsive to these needs throughout the 204-year history of the United States. We have established 325 units in the national park system of 78 million acres, 22 million acres within the national wilderness preservation system, 3,000 miles of wild and scenic rivers, 189 million acres in the national forest system, and 33 million acres in the national wildlife refuge system. The 96th Congress has recently added 84.8 million acres to these various categories in the Alaska lands bill. In my own State of New Mexico Congress added 609,000 acres to the national wilderness preservation system. We know the American people have a vital interest in the classification of these national resources, and Congress has been most responsive and generous in so designating those lands.

Mr. President, I believe the time has come for us to look beyond establishing more, and take a hard look at maintaining and improving the quality of this vast national heritage that we have already identified and protected through legislative acts.

I submit for the RECORD an article from the Christian Science Monitor which describes very well the need to coordinate peoples use of these lands with environmental requirements.

The article follows:

NEEDED: A NEW KIND OF TOURIST

In Britain you can't wander among the awesome prehistoric monoliths of Stonehenge anymore; you have to keep your distance because of damage done by previous tourists. In the United States the time is coming when you will have to make reservations to visit some of the national parks;

the preservation of the wilderness demands control of human impact on it. All over the world the shrines of tourism are threatened by what tourism does to them.

A new kind of tourist is needed, one enlisted to help preserve the places he visits.

Many travelers already respect the sights and sites they enjoy. They don't litter, don't deface. But with the growth of tourism even "normal" wear and tear can be too much. Pollution of the air and water increases. According to a forthcoming report from the Organization for Economic Cooperation and Development (OECD), environmental degradation in certain areas has gone so far that tourism is declining in them.

With a membership of 24 industrial countries, the OECD is concerned about the environment for fundamental economic reasons. It sees that, if the tourist industry is to flourish, so must the environment that attracts tourists. It suggests linking tourist-promotion efforts with environmental considerations. It wants all nations to foster the sort of tourism that can perpetuate itself by stressing the visitor's part in protecting the environment.

Of course, no one has to wait for a nudge from OECD to start being the right species of tourist. Have you been kind to a national park today?

Mr. President, obviously a concerted management and public education program on the part of our land management agencies is required. They have been doing a good job but require a redoubling of efforts to help achieve these ends. It would be most appropriate if the national, regional, and local environmental organizations would place their efforts, now that many of their public land classification goals have been met, into public education and awareness programs to protect these lands from overuse, damage, and degradation.

I submit for the Record an article from the Wall Street Journal by David P. Garino provides a comparative description of public land camping versus private enterprise camping.

The article follows:

The Latest Thing in Condominiums Is Merely an Open Piece of Land

(By David P. Garino)

Smokey the Bear and Sierra Club purists may wince, but the condominium campground has arrived.

An increasing number of urban Americans, some of them condominium apartment dwellers in the city, have plunked down several thousand dollars apiece to guarantee that somewhere in the countryside not far from home they'll always have a place to pitch a tent or park a recreational vehicle.

Condo camping may lack the euphoria of a Rocky Mountain high, but it seems to satisfy the cravings of some families for easy access to a bit of open space without spending a bundle for gasoline.

JOINING PARADISE

"It's only a 45-minute drive, and I don't have to fight much traffic," says Joseph Pluff of Merriam, Kans., explaining why he paid a $3,795 membership fee and $60 annual dues to join Lake Paradise campground.

Condo campers at Lake Paradise, about 25 miles from the Kansas City metropolitan area at Lone Jack, Mo., have the run of 171-acres of partially forested, slightly rolling, countryside. There are four lakes stocked with catfish plus the usual range of campground activities. Campers can store their trailers for $6 a month. Membership has doubled in the past year to about 2,100, despite a $1,500 increase in the membership fee. Rick Stucy, the camp's president, says "there hasn't been any softening of demand."

NUMBERS INCREASE

Lake Paradise members can camp anywhere on their acreage. Some other condo campgrounds require members to buy a specific lot. There are an estimated 100 condominium camps around the country, compared to about 45 two years ago.

Why pay several thousand dollars for a campsite when state and national parks charge nominal fees? Shirley Ashen of Independence, Mo., says she was irritated by "loud, blaring music" from other campers at public parks but was "afraid to say anything." Lake Paradise, however, "is quiet and peaceful," she says.

Peace and quiet are camp policy. Mr. Stucy has hired security guards "to keep the undesirables and riffraff out." Guards are stationed at the entrance and roam about the park. "Campers really appreciate seeing a badge once in a while," Mr. Stucy says.

Mr. President, not all of us can afford to invest in private camping facilities, nor would we want to. Obviously it falls to our public land management agencies to work with the recreational visitor to provide a quality recreational experience for all. These agencies tend to be "land poor" in the sense that Congress has provided enabling and authorizing legislation for classification and acquisition, but funds to provide the quality recreational experience on these lands tend to be inadequate.

The Comptroller General of the United States, in response to the request of the senior Senator from Oregon, my good friend, Senator Hatfield, published on October 10, 1980, a report (CED–80–115) dealing with health and safety standards for facilities in national parks and national forests. The GAO, in that report estimated that to correct identified health and safety deficiencies alone, on the parks and forests would cost well over $1 billion.

In that report the GAO recommends that Congress:

Give priority to funding projects for repairing and upgrading facilities with the most serious health and safety hazards at parks and forests.

Repeal section 402 of Public Law 96–87 (93 stat. 666) to permit the Park Service to increase entrance fees and direct that the Park and Forest Services use funds resulting from increased entrance and camping fees for health and safety projects in the parks and forests where they are collected.

Require that the Secretaries of Agriculture and the Interior periodically report on the condition of the facilities until they are improved to meet all health and safety standards.

In short, Mr. President, it is time we realized that the environmental quality of our national recreational lands is dependent upon not only the capabilities of the land management agencies, and the willingness of Congress to support those agencies, but also it is dependent upon the users of those lands.

I urge that in the 97th Congress we direct our efforts for these public lands to improving and maintaining their environmental quality.●

THE STATE OF CIVIL LIBERTIES

● Mr. JAVITS. Mr. President, this assessment from so distinguished a source as one of the major advocates of civil liberties in the United States, Senator Mathias of Maryland, is of great interest and importance to all Americans at a time of great ferment in our values and laws. I submit it for the Record so that it may be as widely available for reading as it so richly deserves to be.

The statement follows:

Statement by Senator Charles McC. Mathias, Jr.

Four weeks ago tonight—at just about this time—the American people pulled the plug on Jimmy Carter. They were fed up. They wanted a change.

Believe me, the gurgle was heard around the world. I am just back from a trip to Europe where people couldn't talk about anything else. Everywhere I went—from Lisbon to Paris and all points in between—I got the same insistent, persistent question: "Has America turned fundamentally to the right?"

Meanwhile, back here in America, pollsters, pundits, politicians and just plain people have been asking themselves and each other, exactly the same question ever since the election. Everyone is trying to figure out how broad a mandate the American people have bestowed on Ronald Reagan.

I don't pretend to know the answer to that question. I have some ideas about it, but I don't think anyone can know the answer so soon. What troubles me—and I think it should trouble you too—is that some groups and individuals seem to have drawn a lesson from the election that it doesn't teach. There are disquieting signs on Capital Hill, for example, that the election results are taken as a license to declare open season on our civil liberties.

Personally, I think the only lesson this election teaches is that over four difficult years the American people became apprehensive about the future. They reflected on Ronald Reagan's simple question: "Are you better off now than you were four years ago?" And they gave their answer at the polls.

So, I don't think we need look any further than the failures of the Carter Administration to plumb the meaning of the election—inflation and unemployment, up; American prestige and power, down.

Certainly, I can see no justification for construing the election results as an invitation to undo two decades of progress in assuring all Americans their civil rights and their civil liberties.

But, as a friend and as a fellow civil libertarian, I must warn you that in this election forces surfaced in our society that threaten our historic commitment to protecting minority rights. These forces will not soon, nor easily be laid to rest.

If you doubt the seriousness of my warning, ask yourself these questions.

Why should it take an hour-long conversation with Marc Tanenbaum to convince Jerry Falwell that God hears the prayers of Jews?

What does it portend for civil liberties when the prospective chairman of the Senate Judiciary Committee favors repealing the Voting Rights Act?

How comfortable can we feel about any of our civil rights achievements, if members of the Senate can use procedural tactics, including funding, with impunity to circumvent the legislative process?

Last spring, in the name of balancing the federal budget, Senator Helms introduced an amendment to cut the funds for the Civil Rights Commission in half. When a colleague remarked that it looked as if he were trying to kill the Commission, Senator Helms replied, "Right". Happily, that particular amendment failed.

But last month, the appropriations process was successfully breached when the Senate passed a bill amended to forbid the Justice Department from spending money on legal cases which involve busing to further school desegregation.

That action raises the red flag of danger above our liberties. It shows that now, without debate, without deliberation, simply by adding riders to appropriations bills, it is possible to gut the civil rights legislation we worked so hard to enact in the 1960s.

I do not maintain that our policy on school busing is immutable and sacrosanct. Indeed, I have argued for taking another look at how effective an instrument it has been in promoting desegregation and for creating a better alternative. But I do adamantly maintain that programs and policies adopted to promote equal justice in our society are not up for grabs. If changes are to be made in them, let them be made through the normal legislative process after careful deliberation, after hearings where all sides are aired and all shades of opinion are expressed. Or let them be made through the judicial process—but not through the backdoor—not by abusing the appropriations process.

The threat to our civil liberties is not an isolated phenomenon found only in the Senate. Danger flags dot the horizon from coast to coast. In May, the leader of the U.S. Nazi Party got 43 percent of the vote in the Republican Primary in North Carolina; a month later the Grand Dragon of the California Ku Klux Klan won the Democratic Primary in that state's 43rd Congressional District.

In my state, Maryland, the Ku Klux Klan is recruiting in the high schools and burning crosses on suburban lawns. And, nationwide, as I need not tell this audience, there have been ominous outbreaks of anti-semitism recently.

I don't mean to sound alarmist but I think it is significant that political scientists recently have taken to comparing conditions and attitudes in the United States today with those that prevailed in the Weimar Republic in the 1920s, paving the way for the Nazi takeover.

Kevin Phillips in the November Harper's found these parallels:

"A middle class undercut by inflation, cultural malaise, military defeat, frustrated nationalism, loss of faith in institutions."

No one would deny, I think, that those conditions exist in the United States today. It is our job to see that they do not lead us down the road to disaster.

If we are to avoid the Weimar experience, we must take alarm at the slightest feint in the direction of our civil liberties. I believe it was Pastor Martin Niemoller who said:

"When they came for the communists, I didn't speak out because I wasn't a communist. When they came for the Jews, I didn't speak out because I wasn't a Jew. When they came for the Catholics, I didn't speak out because I wasn't a Catholic. Finally, when they came for me, there was no one left to speak out."

Let us not make the same mistake. Let us speak out now. Let us examine with microscopic care the Heritage Foundation report which warns that "the threat to the internal security of the republic is greater today than at any time since World War II."

Its recommendations include reviving at least one of the internal security committees in Congress, ending restrictions on mail openings by the FBI and relaxing current safeguards governing FBI break-ins and wiretaps.

As a refugee from President Nixon's Enemie's List, I admit to a special sensitivity about relaxing those safeguards. And, as one of those targeted for defeat this year by the self-styled Moral Majority, I admit to a certain bias where that group is concerned.

But I believe those experiences also give me the right to speak as I am speaking to you tonight. Those who have been through the fire know best how to damp its flames.

In times of great change—and this is such a time—it is often useful to look at ourselves and our society through the eyes of an impartial witness. An astute British observer of America has written:

"Even if the Republicans should make a clean sweep, even if the State Department is cleaned out from the Secretary to the doorkeepers, even if the Pentagon is purged from the Joint Chiefs of Staff to the leaders of the rescue teams who find lost visitors, one problem of American policy will remain: the problem of the existence in the American mind, of what I call the illusion of omnipotence. This is the illusion that any situation which distresses or endangers the United States can only exist because some Americans have been fools or knaves. . . .

"The idea that I am trying to describe is expressed by Senators and columnists, by candidates, by preachers, by people overheard in taverns and club cars, in drugstores and restaurants—the idea that the whole world, the great globe itself, can be moving in directions annoying or dangerous to the American people only because some elected or nonelected Americans are tools or knaves."

These are the observations of Dennis Brogan, longtime professor of political science at Cambridge and author of many books about the United States. They were intended as a warning to thoughtful Americans on the eve of the election of 1952. They are no less valid today.

The curtain then had just gone up on Senator Joseph R. McCarthy, who played the villan in a tragedy that rent and stained the fabric of American society.

Let us resolve together here and now not to become the audience for a revival of that sordid melodrama.●

POETS IN CUBAN PRISONS

● Mr. JACKSON. Mr. President, 3 years ago 47 Senators appealed to Fidel Castro on humanitarian grounds to arrange for the early release of three political prisoners in Cuba: Huber Matos, Angel Cuadra, and Armando Valladares. After 20 years of extremely harsh imprisonment, Matos was released last year by Castro and allowed to leave Cuba. Cuadra and Valladares are still being held by Castro.

Cuadra and Valladares are poets who have suffered extraordinarily for their views. Both have been adopted by Amnesty International as "prisoners of conscience." My continued concern over the fate of these two prisoners is well expressed in a letter to the editor of the New York Times by officials of the Writers-in-Prison Committee of International P.E.N. I ask that this letter, published in the New York Times of October 12, 1980, be printed in the RECORD.

The letter follows:

POETS LINGERING IN CUBAN PRISONS

To the Editor:

Earlier this year, the Cuban Government made a great splash when it announced that all who wanted to leave the country might do so, and thousands of its citizens, including many with criminal records, were allowed to go abroad. Yet Cuba continues to hold two prisoners whose only "crime" has been to write poetry that is politically unpalatable to the Government: Armando Valladares and Angel Cuadra Landrove.

The case of Valladares is particularly shocking. He has been a prisoner for the last 20 years, has been paralyzed as a result of his prison experience, is a chronic asthma sufferer and is now confined to a wheelchair.

Almost a year ago, as a reprisal for the publication in France of a book of his poetry, he was moved to the grim, remote prison of Boniato, deprived of his possessions and all books, including the Bible, and forbidden any correspondence or family visits.

At the same time, his elderly parents and his sister, having received permission to go to the United States, were turned back at the 11th hour and told that they would only be allowed to leave if Valladares wrote a letter to the foreign press denouncing the publication of his poems.

We have reason to believe that in the cases of Valladares and Cuadra the Cuban political police may be settling purely personal accounts and that the full extent of the petty persecutions endured by these prisoners is not known to the highest levels of Government. President Castro recently granted permission for the distinguished Cuban poet, Heberto Padilla, who could no longer be published in Cuba, to move to the United States.

It would add still further to his credit if he were now to release Armando Valladares and Angel Cuadra Landrove and thus put an end to this uncivilized practice of imprisoning writers.

MICHAEL SCAMMELL,
PER WASTBERG,
PETER ELSTOB.

LONDON, *September 26, 1980.*

PROTECTIONISM XIII

● Mr. HEINZ. Mr. President, in the continuing public policy debate concerning free trade versus protectionism a plethora of articles have surfaced which have attempted to analyze the issues involved. Fundamental perceptions of various economic and social objectives are frequently at issue. A recent article by Raymond Ahearn done for the Congressional Research Service and entitled "Free Trade Versus Protectionism: An Analysis of the Issue" serves as a perceptive analysis of what issues are at stake.

As expressed by Ahearn the free trade versus protectionism debate "raises many controversial and unresolved questions" which are of great significance for our understanding the "background and basis for almost all trade policy issues." Put forth in simple terms the objectives of free trade seek the goals of economic efficiency and the reliance on the market mechanism while in contrast protectionist arguments emphasize goals such as job security, community ties, status, and income distribution.

This article effectively puts in perspective the various arguments advanced by each side, allowing the reader a comprehensive understanding of the issues. As the article concludes:

> The policy issues surrounding the free trade vs. protectionism controversy involve trade-offs. There are economic gains to be realized from a liberal world trading economy. There are also undeniable costs of adjustment associated with trade liberalization and changing international economic competitive conditions, most of which fall on individual workers and producers displaced by increased trade and investment. The problem most importantly is that the losers do not comprise the same group as the gainers; thus there is a basic conflict of interest between groups in any policy decision to either raise or lower trade barriers.

In reading this article, however, I would not want anyone to overstate the conflicts between protectionism and free trade and in doing so to ignore ways to ameliorate those conflicts.

First of all, to the extent that free trade means trade functioning according to free market principles, then a number of so-called protectionist actions, such as antidumping or countervailing duty cases, are in fact efforts to reinstate true free market principles. A subsidy is as much an unfair practice and a deviation from the market as a tariff or quota, and other nations are not going to eliminate either simply because we ask them to. True free trade will be the product of extensive and difficult negotiations—on subsidies as well as tariff barriers. The MTN made some important steps in that direction, but all concede more needs to be done.

Second, no one should ignore the significance of the term "adjustment" when used in the context of free trade policies. Protectionism in its worst form—the simple desire to keep foreign products out of the country so American industry does not have to complete with them—invariably grows out of threatened industries facing genuine long-term adjustment problems internally which have been brought to the point of crisis by substantial imports.

At that point confrontation is usually inevitable. It is possible, however, at an earlier point in the process, to identify industries moving in this direction and to assist them in making adjustments necessary to avoid this kind of difficult situation.

We do not do that well now, and we have not been successful at developing programs to do better. One of my priorities in the forthcoming Congress will be to seek to develop both better adjustment programs as well as a better attitude toward concept of adjustment on the part of policymakers as well as impacted industries.

Mr. President, I submit for the RECORD Mr. Ahern's article.

The article follows:

FREE TRADE VERSUS PROTECTIONISM: AN ANALYSIS OF THE ISSUE *

(By Raymond Ahearn)

I. INTRODUCTION

In the aftermath of the OPEC oil price increase and resultant worldwide recession, both of which helped foster high levels of unemployment and large imbalances in world payments, free trade or trade liberalization policies have been compromised in many different countries. A recent International Monetary Fund report determined that in 1976, despite an increase in world trade, a large number of countries and a greater proportion of world trade became more subject to restrictive policies.[1] This, according to the report, related especially to an increasing number of non-tariff barriers to imports, which were supported to a greater extent by the negotiation of export restraint agreements. In the words of a leading business journal, a movement toward "creeping cartelization" of international trade is taking place. Although there is no real way of quantifying and comparing degrees of liberal trade versus protectionist policies in specific countries, it is evident that industries in most industrialized countries have increased their demands for protection from what are labeled as low-cost and job-destroying imports.

In the United States, the Administration is committed to supporting a liberal trade policy. This is particularly evident by a commitment to pursue a substantial liberalization of trade through the multilateral trade negotiations presently taking place in Geneva. At the same time serious problems of import competition are being experienced by many industries in the United States. Import-sensitive industries such as footwear, television, textiles, steel, and sugar, have attempted to obtain protection from foreign competition. In arguing for protection, spokesmen for the producers and the workers often put forth arguments which challenge a liberal trade policy. The intellectual debate for each of the import problems tends to be cast within the classical free-trade-protectionism framework—the issues of which are examined below in detail. This debate, which raises many controversial and unresolved questions, has great significance for understanding the background and basis for almost all trade policy issues. It should be emphasized that this analysis does not encompass in any detail the broad political and foreign issues of trade policy (e.g. treatment of Communist countries, trade embargo, and preferential tariff treatment of developing countries).

This analysis is not intended as a critique or a prediction of the future course of U.S. trade policy. Nor is it designed to understand the trade policy formulation process. Rather its goals is to shed light on why the free trade—protectionism controversy persists and to outline what issues are at stake. As in any continuing public policy controversy, differing perspectives with regard to the role of varied objectives and goals of society are fundamentally at issue. Different economic and social assumptions and facts are marshalled by free trader and protectionist alike to support their arguments. In terms of objectives, the free trade view places heavy emphasis on the goal of economic efficiency and reliance on the market mechanism while some of the more powerful protectionist arguments stress other objectives such as job security, community ties, status and income distribution. Simply given these conflicting evaluations of social priorities, it is understandable why the controversy has persisted throughout the history of the United States.

II. THE GAINS FROM INTERNATIONAL TRADE

Simply stated, international trade (just as interregional trade) occurs because no country is equally efficient in the production of every commodity. Each country has different advantages (location, climate, skilled labor, capital, technological superiority etc.) that allow it to produce a given product at less relative cost than another country can. The essence of comparative advantage does not require each country to produce every item which it can produce more efficiently (in an absolute sense) than another country. The gain rather comes from concentrating on those activities in which the country can produce a given product at a unit cost which is lower in relative terms (that is, compared to the cost of production of alternative goods it can produce) than is the case in other countries (regions). Thus, each country should concentrate on producing those goods in which it has this so-called comparative advantage, and trade them for those products in which another country has such advantage. In the end, all will gain. Proponents of trade liberalization or freer trade maintain that such policy will lead each country to obtain, given available resources, a higher level of consumption and production than would take place without trade.[2]

Consumption gains arise because consumers can obtain a larger quantity and variety of products at lower prices.[3] Production gains arise because of improvements in efficiency obtained through specialization. Just as important, imports provide competitive pressures on U.S. industries which tend to limit price increases (i.e. limit inflation) and encourage greater productive efficiency and innovation. Subcompact automobile imports, for example, helped pressure U.S. producers into building smaller cars.

The bottom line of the free trade viewpoint is really an efficiency argument for the optimal allocation of resources within a society. Assuming that the costs of restrictions are significant (however measured), the question arises why protectionism in the form of governmental decisions and pleas by various groups within societies exists. There are two basic explanations of the protectionist phenomenon.

The first deals with qualifications to the free trade doctrine which tend to compromise or make less clear the gains from international trade. The second involves arguments for protectionism, most of which entail different objectives of various individuals or groups within society.

III. QUALIFICATIONS TO THE FREE TRADE DOCTRINE

No country completely adheres to the free trade doctrine. Many contemporary free traders have reservations about the free trade ideal, often because of the doctrine's dependence on many restrictive and somewhat unrealistic assumptions. Some of the assumptions most often held up for attack include (1) immobility of the factors of production (land, labor, capital) among countries; (2) income distribution within countries; and (3) equilibrium exchange rates.[4]

1. Factor immobility among countries.—During the development of the theory of comparative advantages in the 19th Century, trade was largely limited to raw materials and finished goods, and the amount of capital, labor, and land was assumed to be fixed for each country. In today's world, however, a great variety of goods are produced and many intermediate parts of components are traded, often between parent and subsidiary of a multinational corporation (MNC). Moreover, because of the rapid growth in transfers of capital, skills, and technology abroad, generally by MNCs. It can no longer be realisticaly assumed that the factors of production of individual countries are fixed.

Minimally, what is clear from these changes is that greater factor mobility makes perception of the comparative advantages of various countries less clear and more difficult to discern. In addition, a world of rapid transfer of capital and technology is likely to lead to more rapid changes in the comparative advantages of various countries. This in itself potentially could cause displacements of specialization and trading patterns more rapidly and with increased frequency.

2. Income distribution.—Through international specialization in production and trade, production of exports or commodities in which a country has a comparative advantage expands, while production of imports or commodities in which a country has a comparative advantage contracts. This leads to a redistribution of national income with the incomes of those factors in export industries expanding while incomes of those engaged in import-competing industries are falling. The implication is clear; import-competing industries might be better off seeking to prevent trade liberalization. In addition to those who compete directly with foreign firms for sales in the home market, domestic firms supplying the import-competing firms with raw materials and components may also tend to support restrictive trade policy based on a perception of their own economic self-interest.

3. Equilibrium exchange rates.—During the development of the classical free trade model, gold formed the standard of value on which each national currency was based.

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As a result, currencies tended to be exchanged at "equilibrium" rates, i.e., exchange rates which are likely to reflect the true intrinsic currency values of each country. With the breakdown of the gold standard exchange rate determination became increasingly subject to political manipulation. The absence of a mechanism for assuring equilibrium exchange rates severely jeopardized the case for free trade in the 1960's and continues to be a concern today. Overvalued currencies (as the dollar was in the 1960's) discriminate unfairly against home country exports and tend to exacerbate the problems of import competition. Conversely, undervalued currencies (as the Deutsch Mark was during the 1960's) provide a huge subsidy to export-oriented industries and shield import-competing industries from foreign competition. A world monetary system which produces equilibrium exchange rates, thus, is crucial to the free trade theory of expanding and mutually beneficial trading relationships. Imbalanced exchange rates, on the other hand, tend to distort the natural lines of comparative advantage.

In summary, the above qualifications and reservations to the classical assumptions of the pure theory of international trade do not necessarily undermine the theory's fundamental validity. Most of the assumptions can be modified or qualified so that the central notion—that there are mutual gains from international trade—is still valid. But in practice the mere fact that there are substantial qualifications weakens the impact and certainty of the gains from trade and trade liberalization policies.

IV. ARGUMENTS FOR PROTECTIONISM

Restrictions on trade, such as tariffs and non-tariff barriers, tend to eliminate both the production and consumption gains from trade. One study estimated that these costs for the United States reached between $10 and $15 billion annually.[5] A second study estimated the total costs to the United States of existing tariff and quota barriers to trade to average from $7.5 billion to $10.5 billion per year.[6] Although there are problems with the validity of any estimates of this nature, the question arises, given the significant welfare gains from free trade, why protectionism, in the form of governmental decisions and pleas by various groups within societies, exists? Most commonly, the arguments from protectionism or conversely the rationale for departures from the free trade position are based both on national self-interest and also the self-interest of various groups and individuals within a society.

A. Changing economic factors and national self-interest

A country's interest and commitment to free trade may vary over time, depending on a variety of changing factors. Shifts or changes in balance of payments positions, particularly merchandise trade balances, terms of trade, domestic economic situation, and other national social and political objectives may all influence a country from time to time to oppose trade liberalization efforts or to increase trade restrictions.

1. Trade balance.—A balance of trade deficit often tends to foster pressures for increased trade restrictions designed to cut expenditures on imports or to provide increased export promotion efforts. The United States, which incurred a $26 billion trade deficit for 1977, is currently experiencing both pressures. It is often argued that an increase in trade restrictions will reduce the value of imports and improve the trade balance. Similarly, an attempt to promote exports would also improve the trade balance.

On the import side, it is often argued that several factors will negate the intended effect. The first and most direct countervailing effect is associated with the possibility of retaliation against the country's exports. Additional factors could lead to a reduction in the country's exports. A reduction in imports would lead to reduced foreign exchange earnings in the rest of the world and, thus, lessen other countries' ability to pay for imports by causing a shortage of dollars abroad from the United States. A reduction in U.S. imports, under an international monetary regime of flexible exchange rates, would tend to lead to an appreciation of the dollar. This in turn would lead to increased U.S. imports. This same exchange rate mechanism would tend to undermine attempts to narrow the trade balance through export promotion efforts. As U.S. exports are promoted and increase in value, the dollar exchange rate would tend to appreciate and undermine the competitiveness of U.S. exports. It is thus often argued that policies designed to insure flexibility in foreign exchange rates or other fiscal and monetary policies concerned with balance of payments equilibrium are more appropriate than trade restrictions to cure a balance of trade deficit.

2. Terms of trade.—A country may under certain conditions be able to improve its terms of trade (basically obtain more units of imports for the same units of exports) or material well-being by imposing restrictions on its exports or imports if such action would result in a decline of the products it buys from abroad or a rise in the prices of its exports. Sufficient monopoly power is needed for such a policy. If foreign countries do not retaliate, such policies would tend to improve the terms under which exports exchange for imports in the international marketplace, and hence improve the aggregate level of real income of the economy. Cartels and producer associations, such as oil and coffee respectively, engage in such practices, improving member countries' terms of trade in the process.

A subpart of this argument applies to the United States' alleged monopoly power in the development of new products. While these products of the United States are still new, monopolistic prices can be charged. It has been argued that such gains have been undermined in recent years by the increased speed and rapidity with which multinational corporations transfer technology abroad. Organized labor is apprehensive about what this technology means for U.S. employment and real wages.[7] Organized labor thus often makes arguments to restrict technology, capital, and trade flows in an effort to prevent this from happening.

3. Domestic economic conditions.—A country's decision to take a more protectionist position may be caused by domestic economic conditions—particularly inflation and unemployment. High inflation rates tend to deter countries from raising import restrictions, since such barriers cut back on the supply of imports and raise domestic prices. One interpretation is that many countries unilaterally reduced import barriers in 1973–74 because inflation had replaced unemployment as the most significant economic problem.[8] Canada and Australia, during this period, unilaterally cut tariffs while the United States revoked or suspended import quotas on oil, steel, meat, sugar and cheese. Simultaneously, a concern with domestic inflation often leads countries to apply controls on significant exports that might be in short supply domestically. The U.S. export controls on soybeans in 1973 is a recent example.

In a situation where a country is experiencing a high level of unemployment, countries might try to depreciate their currencies (which would make imports more expensive), increase import barriers, and promote exports through subsidies and other activities. Because an important assumption of the case for liberal trade is the full employment of a country's resources, a situation of persisting unemployment of crucial resources provides the circumstances under which a country may be better off to either restrict imports or subsidize exports.[9] The standard arguments for not erecting trade restrictions when unemployment persists are (1) that macroeconomic tools of fiscal and monetary policy are more efficient in stimulating aggregate employment and, (2) that trade restrictions may be offset by foreign retaliation.

4. National economic, social, and political objectives.—Both import and export trade restrictions are also imposed (or removed) from time to time to fulfill national economic development policies, national social and political goals or national defense needs. Protection for "infant industries", until that industry becomes internationally competitive; heavy tariffs or prohibitions on pornography or drugs; and import and export restrictions on various kinds of military hardware are all examples of trade restrictions arising because of national economic, social, or political objectives. The exclusion of Communist countries from receiving Export-Import Bank financing; the trade embargo of Cuba; antiboycott provisions in the Export Administration Act; and the elimination of OPEC countries from receiving preferential tariff treatment (GSP) for developing countries are all examples of recent U.S. actions which fit these categories. Examples from other countries similarly could be documented.

B. Group or individual interest and protectionism

It is fairly easy to see why international trade leads some individual producers and labor groups to argue for increased trade restrictions. Most commonly, a producer or labor group arguing for protection takes a micro—as opposed to a macro-economic view of the gains from trade. Free trade versus protectionism arguments, thus often cast the rather all-encompassing and somewhat abstract national economic interest against the clearly defined self-interest of American workers and producers of a particular industry.

The arguments, however, often entail philosophical assumptions which fall outside the realm of economic objectives, narrowly defined. The liberal trade assumption of increased consumption and production leading to satisfaction of human wants confronts different objectives of many of those directly affected by trade. Objectives such as job security and satisfaction from performing a particular job, community ties, and personal status all have to be weighed against the marginal welfare gains which liberalized trading relationships supposedly foster. In cases where different objectives are being weighed and considered, there simply is no scientific method for deciding how to rank social priorities. All that can be done is to describe the likely consequences and implications of particular arguments. This one can try to do by examining the four most common arguments articulated for protection and the most common liberal trade response.

It becomes clear from an evaluation of the various arguments that the often presented dichotomy between the national economic interest and the self-interest of individual groups tends to be an oversimplification. Any action to raise or lower trade barriers may help producers and workers competing against the particular imported product by increasing domestic production and prices. But often times the United States exports products (particularly raw materials and machinery) to the foreign producer of the import-competing product. U.S. exports also often use imports as components of a final product. Thus, any trade restriction, just as any effort to reduce trade barriers, will most

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directly help some groups and hurt others. Each group tries to define its interests to coincide with the national economic interests. The conflicting claims which result and, most importantly, the differing objectives and priorities of varied groups are the primary reasons why the liberal trade vs. protectionism controversy persists.

1. Domestic market share.—A common argument for protectionism relates to an alleged right of domestic producers to a certain percentage share of the domestic market. Recent examples include suggestions that foreign imports not be allowed to exceed anywhere from 10 to 50 percent of the domestic market for a given product or industry. This domestic market share argument often has national security or other noneconomic justifications. In national security terms, what are the political or military consequences of allowing complete dependence on foreign production of guns, aircraft, and fuels? The answer becomes much less clear, however, in evaluating domestic production of other items ranging from automobiles and apparel to pencils and umbrellas.

One noneconomic interpretation of the domestic market share view maintains that involvement in goods-producing activities (as opposed to services) are vital to the standard of living and quality of life in the United States. The critique is that "American society cannot prosper in the long run, if the national economy is dominated by hamburger stands, motels, importers, international banks, without the broad base of industries and production." In strictly economic terms, it is difficult to see how the development of a more service-oriented economy would inhibit growth, yet it is for the sociologist to analyze what effect this trend might have on the quality of life. Here again it should be emphasized that the people in the goods producing sector can lose from liberal trade while producers of services are more unlikely to lose simply because services are not traded internationally. On the other hand, who is to say that the quality of relationships fostered by industrial production is not qualitatively different and more important than those of the service-producing sector?

The liberal trade criticism of the domestic market share argument is that if greater self-sufficiency in all products is undertaken, the subsequent increased production of import competing goods will lead eventually to a transfer of resources away from the export sector. A country, unless it gives its goods away, can only continue to export by continuing to import. Exports, many economists would maintain, are the costs of trade while imports are the benefits. In other words, a country's welfare is determined not by what it produces but rather by what it consumes.[11]

2. Fair trade.—A common comment often expressed is that a particular individual or producer is not against international trade per se, but that it must be fair trade. The allegation is often made that the deck is stacked against the United States because foreign countries either pay "slave wages" or engage in unfair trading practices such as dumping and subsidies. Both charges are distinct and deserve separate treatment.

Criticisms of the low wage and low fringe benefit economies are often put forth to imply that the United States can lose by trading with such countries. The protectionist attempts to equalize the costs of production between foreign and domestic producers. Such an equalization, however, would tend to undermine the basis for gains from trade.

The liberal trade critique is that wage rates reflect differences in productivity between countries. Such productivity differences are the essence of the international division of labor. U.S. exporters are able to compete with foreign producers who pay lower wages because of high productivity. Industries in the United States which generally find that high wages raise their costs above their foreign competitors tend to be low productivity industries. In fact, the highest wages in the United States are generally found in export industries, such as aerospace, electrical machinery and machine tools, and are a consequence of high productivity (output per man hour). U.S. exports generate much higher wages than U.S. import-competing industries because the U.S. exports largely high productivity and specialized products and imports low productivity and standardized products.[12]

The liberal trade policy prescription is to reallocate resources from low productivity to high productivity industries, a prescription which is increasingly difficult to implement in times of high unemployment. It also maintains that if the major concern is actually for the "inhuman" and low wage conditions of foreign workers, then increased and not decreased trade will lead to an improvement in their working conditions.

The liberal trade viewpoint has much more difficulty in responding to charges of unfair trading practices such as dumping of goods in the U.S. market and export subsidies from foreign governments. According to protectionist complaints, these devices have no relevance to the liberal trade doctrine. Conditions and practices in the real world, it is alleged, have changed and undermined the validity of the free-trade doctrine.

There are basically three liberal trade responses to the increasing allegations of unfair trading practices. The first is simply that they should be negotiated away. The second is that there are existing antidumping and countervailing statutes which are designed to remedy situations where dumping and subsidies are being used. Protectionists, however, often indicate that reliance on existing statutory remedies and current procedures is time consuming, costly, and generally ineffective. Vigorous and aggressive implementation of existing statutes dealing with unfair trading practices, thus, is often called for. The problem, however, of vigorous enforcement against unfair trading practices is that if the defensive action is overly large, it can become a protectionist device in its own right. The problem, thus, of determining whether a particular action is fair or unfair is matched only by the difficulty of determining whether a reaction is purely defensive and justifiable or protectionist in nature.

A more extreme liberal trade viewpoint is that "fair competition" is not an objective in itself. The purpose of international trade is simply to obtain goods on the most advantageous terms. If foreign governments elect to subsidize U.S. consumption, then this country can increase its welfare by obtaining imports at bargain prices. In short, to interfere because a foreign producer has a cost or price advantage (for whatever reasons) is to undermine the very principle of specialization and trade.[3] Qualifications to this laissez-faire policy involve two circumstances: (1) monopolization of the import market by a foreign concern and (2) situations in which domestic producers are injured by a temporary influx of imports.[4]

3. Imports and jobs.—Perhaps the most important single item in the protectionist sentiment in the United States concerns the question of jobs. Many Americans, including many journalists and editors, hold the view that imports are bad and exports are good, primarily because of their job-displacing and job-creating effects. Currently, the huge 1977 $26 billion merchandise trade deficit contributes to the feeling that import competition must be limited or strongly regulated in order to preserve American jobs.

Great interest is presently attached to quantitatively ascertaining whether U.S. exports create more jobs than U.S. imports displace: [15] In making estimates of this sort, many arbitrary assumptions (e.g. concerning Government policy, prices, and technological relationships) have to be made and various complicated factors which affect both the net export creation and net import creation effects considered. For example, on the export side, jobs dependent on the import content of exports must be subtracted from the gross employment creation effect of exports. Similarly, on the import side, exports used as components or inputs in imports (e.g. U.S. leather exported to foreign shoe producing countries); jobs associated with noncompetitive imports (i.e. those products such as jute, bananas, and cashmere not produced domestically); jobs dependent on the marketing, transportation, and processing of imports; and jobs created by additional consumer expenditures made available by cheaper imports all should be subtracted from the gross import displacement figure.

Estimates which have been made of the net employment effect have ranged anywhere from large negative to substantial positive figures for given years. Even if these estimates did not entail many arbitrary assumptions and involve uncertain and complicated relationships for which confirming data are lacking, it is unclear whether any policy implications would readily and necessarily follow.

This is particularly true because a portion of the net import displacement estimates usually represents jobs that would be gained if imports were limited as well as jobs that are lost. The jobs gained or created portion assumes that domestic resources such as people with the required skills could be reallocated to produce the goods domestically without affecting export production.

In a practical sense, of course, any serious and extensive effort to replace imports with domestic production would likely lead to foreign retaliation against U.S. exports. The job consequences of such action are often cited by the administration in emphasizing that 1 out of every 6 manufacturing jobs in the United States produces for the export market.[16] There is also the Leontief paradox that $1 million of U.S. exports exceeds the labor requirements for $1 million of import-competing industries.[17] In addition, in a world of floating exchange rates U.S. exports would also tend to suffer as a result of import restrictions because of the tendency of the dollar to appreciate under such conditions. Most generally, the ultimate free trade argument is that exports are the price of imports and the restriction of one part of foreign trade is bound to affect the other.

Although estimates of various job creation or displacement due to trade are fraught with uncertainty, various econometric studies agree on one point: job losses caused by changes in domestic demand and labor productivity are much more significant (ranging from six to nine times more important) than job losses due to trade.[18] The overall finding of these studies is that the magnitude of job losses due to trade is not significant. This is a macro-economic point of view. Nevertheless, the impact of imports on particular industries (usually low-skilled and labor-intensive) is likely to be quite serious, mainly because imports are not distributed evenly across the whole manufacturing sector.

The point is important because aggregate import displacement data are meaningless to those most directly affected. A steel, television or footwear union, for example, obviously does not view imports from the broad perspective of the whole economy. They are concerned with the fate of their own jobs. A loss of a permanent job often entails loss of seniority, health benefits, and pension rights. As one commentator has stated, a job loss of 10,000 can ruin a union and twelve plant closings can bury an industry.[19] Who is to say, in the final analysis, that the workers'

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values of economic security and stability should not be accorded a higher priority by society than the supposed higher welfare gains associated with increased trade? In practice, the liberal trade response is to advocate a program of adjustment assistance to help import-impacted firms and workers adjust to import competition, or to devise solutions which slow down or moderate the speed and rapidity with which job-displacements caused by international trade occur. In this context, it is increasingly argued that the acceleration of competitive pressures is in no small measure fostered by the increasingly important role which multi-national corporations play in transferring both capital and technology abroad.

4. Foreign direct investment and jobs.—In addition to the potential displacement effects of imports, U.S. multinational firms which transfer production facilities abroad also displace American jobs. Very few dispute the fact that when a U.S. firm closes down a plant and relocates abroad, U.S. jobs are lost. The controversy, however, is whether movements of capital, technology and even licensing agreements results in a net reduction of U.S. employment opportunities. The reason the net impact is in doubt results from the fact that U.S. foreign direct investment can have both positive and negative effects on jobs.

In calculating the net effect of foreign direct investment on U.S. employment, three relationships have to be examined—two of which contribute positively (increase) U.S. employment and one which displaces (decreases) U.S. employment. Effects which increase employment include the following: (1) U.S. employment created in the production of U.S. exports which could not have occurred if U.S. firms were not operating abroad and (2) U.S. employment created of a managerial or service nature solely to carry out the firm's operations abroad. The job-displacing relationship entails an estimate of what would have occurred in the United States if the production of their foreign affiliates could have been carried out in the United States.[20]

The major problem in ascertaining magnitudes for the major relationships lies in trying to answer various hypothetical questions: What would have happened if U.S. multinationals had not invested abroad? Would U.S. firms have retained foreign market shares while continuing to supply it from U.S. plants, or would markets have been lost to foreign producers had the foreign investment not been made? One study, which made a variety of "reasonable" but unsubstantiated assumptions about each of the effects, found it was possible to derive estimates ranging from a net creation of 240,000 jobs to a net loss of 666,000 jobs. The study concluded that "unequivocal statements as to the impact of multinational corporation operations on domestic employment must be rejected, as they are, perforce, built on hidden or unhidden assumptions."[21]

The question, thus, of whether more jobs are created or destroyed by foreign direct investment is not easily answered. More evidence exists, however, on the occupational coverage (i.e., whether the jobs destroyed or created are similar or different). Most generally, the job-displacing effect will fall predominantly on both skilled and semi-skilled production workers, while the job creation effects will benefit managerial, clerical and other professions (e.g., advertising, law).

Are these changes on balance good or bad? Here again it depends on the viewpoint taken, impacts analyzed, and the arguments utilized or ignored. If the concern is for the economy as a whole, the argument for free flow of capital abroad is similar to the economic reasoning that makes the case for free trade. If capital resources move where they are employed most productively, then such investment improves the allocation of the world's resources and represents a long-run benefit to the United States. If capital employed abroad makes a better return than capital employed at home, its employment abroad makes for a bigger domestic national income.[22] Concentration of resources where they will be relatively more productive is the central notion behind comparative advantage—which in theory leads to higher U.S. production and consumption.

Yet, the same theory which holds that the whole economy may benefit again admits that labor may be adversely affected if capital is diverted from domestic to foreign investment. One study argued that to the extent that domestic capital formation is displaced by foreign investment, the level of income originating in the U.S. as well as labor's share in national income will be reduced.[23]

There are other reasons why labor groups view the growth of foreign direct investment and the transfer of technology by multinational corporations with great alarm. Most fundamentally, job security and bargaining power may be affected by those developments. With capital, management, and technology extremely mobile across borders, sharp changes in trade can occur, often displacing workers and particular lines of production with increased rapidity. If capital and technology were not free to go abroad, it is likely that U.S. producers would have to produce solely for the internal market. This would tend to improve the job security of the U.S. production workers in affected industries. The bargaining power of labor groups would also be strengthened if the U.S. firm could not threaten foreign expansion as a wedge against labor demands.[24]

It is clear from these observations that it is strongly within the interest of certain labor groups and producers to support stronger regulation of both imports and exports of technology and capital. Such demands for protection, however, raise fundamental challenges to the liberal world economy which U.S. trade policy has attempted to foster.

V. CONCLUSIONS

The policy issues surrounding the free trade vs. protectionism controversy involve trade-offs. There are economic gains to be realized from a liberal world trading economy. There are also undeniable costs of adjustment associated with trade liberalization, and changing international economic competitive conditions, most of which fall on individual workers and producers displaced by increased trade and investment. The problem most importantly is that the losers do not comprise the same group as the gainers; thus there is a basic conflict of interest between groups in any policy decision to either raise or lower trade barriers.

The fact that there are gainers and losers in any decision to expand or restrict trade is not new. Jobs have been destroyed, particularly product lines undersold, or particular skills and training made obsolete by increased international trade and investment for many years. What appears to be new is the quickened pace of these displacements in recent years. No one factor is primarily responsible for this acceleration. Significantly lower levels of growth both in foreign and U.S. markets, increasing levels of foreign direct investment, trade liberalization, and increasing supply capabilities of other countries often fostered by subsidies and aggressive pricing tactics are some of the primary reasons the impact of imports of the U.S. economy has become an issue of great interest.

The response by the United States to particular problems faced by import-impacted industries has been a mixture of both free-trade and protectionist policies. U.S. trade policy has consistently reaffirmed that a liberal worldwide trading network is necessary for providing maximum economic well-being to its citizens in the long run, and that a policy of completely limiting international trade and investment in an effort to avoid losses to individual groups in the long run would be counter-productive. Yet basic human values require that those workers and producers with obsolete skills or non-competitive products be compensated for their losses or allowed time to adjust to the new economic environment over a period of time.

In summary, the free trade-protectionism debate illuminates why trade policy in the United States over the years has reflected both elements of liberal trade and protectionism. Most all trade policy decisions must take into consideration these opposing philosophies. Specifically, the reputed welfare gains of liberal trade which accrue to the nation as a whole must be weighed against the losses incurred by particular firms and workers. This often entails the very difficult task of comparing and attempting to rank different social priorities.

Underlying the free trade-protectionism policy dilemma are many unresolved and difficult questions. Are the qualifications to the free trade doctrine sufficiently great so as to invalidate its major recommendations? Does the increasing growth of U.S. capital and technology flows undermine traditional trade theory? Does the continued growth of import-sensitive industries asking for protection indicate a decline in the competitive position of the United States? Should increased world and national welfare gains be given higher priority than the values of economic security and stability for particular workers and producers? Are there effective and feasible ways to compensate the losers from expanding trade so that everyone gains? Are full-employment, a growing world economy, low levels of inflation, equilibrium exchange rates, and effective adjustment assistance programs the necessary conditions for an open and competitive world economy? There are no simple answers to any of these questions, yet their interpretations by various groups will be fundamental to the resolution of trade policy issues in the future.

FOOTNOTES

*U.S. Library of Congress. Congressional Research Service. Free trade versus protectionism: an analysis of the issue [by] Raymond Ahearn. [Washington] 1978. 34 p. Report no. 78–32 E.

[1] International Monetary Fund. Exchange Restrictions: 28th Annual Report, pp. 4–5.

[2] A formal explanation may be found in Sodersten, Bo. International Economies, p. 64–73.

[3] Most observers maintain that imports bring great benefits to American consumers. Yet some individuals and groups maintain that the presumed lower cost of imports is not passed on to the consumer, but merely results in higher markups and profits for the seller. One recent committee print, U.S. Congress, House Ways and Means Subcommittee on International Trade, Library of Congress Study on Imports and Consumer Prices, p. 10, citing the lack of satisfactory data, called for further study by a committee of Congress or the International Trade Commission on the relationship between imports and consumer prices.

[4] A listing of assumptions built into the model can be found in Heller, H. Robert. International Trade: Theory and Empirical Evidence, p. 5–6.

[5] Bergsten, C. Fred. The Cost of Import Restrictions to American Consumers, p 4.

[6] Magee, Stephen P. The Welfare Effects of Restrictions on U.S. Trade, p. 701.

[7] Cooper, Richard N. Economic Assumptions of the Case for Liberal Trade, p. 28.

[8] Bergsten, C. Fred, Ed. Toward a World Trade–Policy: The Maidenhead Papers, pp. 97–107.

[9] Cooper, op cit., p. 22.

[10] AFL–CIO. An American Trade Union's

View of International Trade and Investment, p. 80.

[11] Reed, Lawrence W. Is There an Unfavorable Balance of Trade? p. 397–402.

[12] Branson, William H. and Junz, Helen B. Trends in U.S. Trade and Comparative Advantage, p. 285–345.

[13] Yeager, Leland B. and Tuerck, David G. Foreign Trade and U.S. Policy, p. 125.

[14] Wares, William A. The Theory of Dumping and American Commercial Policy, p. 88.

[15] For a summary of this voluminous literature, see U.S. Congress. House Ways and Means Subcommittee on International Trade. The Impact of International Trade on U.S. Employment: A Survey of Literature, p. 22.

[16] Bergsten, C. Fred. Should U.S. Curb Imports? p. 25.

[17] Baldwin, Robert E. Determinants of the Commodity Structure of U.S. Trade, p. 126–146.

[18] Frank, Charles R. Foreign Trade and Domestic Aid, p. 23–39.

[19] Ross, Irvin's Labor's Big Push to Protectionism, p. 95.

[20] Hawkins, Robert G. Job Displacement and the Multinational Firm: A Methodological Review, p. 8–14.

[21] Ibid., p. 29.

[22] Yeager and Tuerck. Op. cit., p. 177.

[23] Musgrave, Peggy B. Direct Investment Abroad and the Multinational Effects on the United States Economy, p. XIX.

[24] Hughes, Helen, Ed. Prospects for Partnership: Industrialization and Trade Policies.●

FEDERAL REGULATION OF TENDER OFFERS

● Mr. LUGAR. Mr. President, too often in our history the Federal Government has, without sufficient consideration, encroached into areas of regulation better left to the States.

Federal preemption of State law is always a highly controversial subject. At the request of the Securities and Exchange Commission, Senators WILLIAMS and PROXMIRE introduced S. 3188 which would establish Federal preemption over State laws dealing with tender offers. In the last few decades tender offers have become an increasingly popular means of acquiring an existing company. Tender offers usually are made by conglomerates or other large companies and are directed at a smaller target company.

Currently, case law is unclear on the issue of Federal preemption. It should be pointed out that State regulation and Federal regulation of tender offers do not necessarily have the same objective. The purpose of the so-called Williams Act, which is now 12 years old and is administered by the Securities and Exchange Commission, was to assure that stockholders would receive full and complete disclosure of all facts necessary for them to make a rational decision with regard to a tender offer. Federal statutes are noncommittal and neutral as between the offeror and the offeree, so long as there is full disclosure.

States tend to favor resident shareholders and target companies against the offerors which are often invading conglomerates. There are often legitimate reasons for this State interest. The State is concerned that its employed citizens not lose their jobs if the new owners go out of business. They are concerned that shareholders receive fair treatment. The State's employment base could be severely impacted. This could have serious repercussions on the State tax base. For these and other reasons, many States have enacted their own statutes as safeguards in tender offers.

The courts frequently have found that the Williams Act was not intended to preempt State statutes, and that the latter do not conflict with the Williams Act.

Nevertheless, the Federal Government is once again attempting to prohibit the expression of legitimate State interests. The legislation recommended by the Securities and Exchange Commission would not only preempt conflicting State tender offer laws, but also those where there is no conflict.

If this is accomplished; among the consequences will be:

First. Time within which shareholders must make their investment decisions would be shortened to 20 days—much too little for unsophisticated stockholders to make informed decisions.

Second. The SEC bill would reduce or eliminate hearing requirements. In many cases the hearing process in States such as Indiana, Ohio, and Virginia has brought to light important facts which otherwise would never have been made public—all inuring to the benefit of the shareholders of the target. The abbreviated time schedule could preclude the target company from seeking timely alternative offers—which have historically bid up the price of shares, for the benefit of stockholders.

By and large the present State regulatory pattern seems to have worked well. State interests have been protected and the Federal interest has not been adversely affected. States having limited contact with a target sometimes defer to the State which has a better claim to regulate the offer, and this practice should be encouraged. While there has been a lot of talk about the alleged "chilling effect" of State tender offer laws, the fact of the matter is that such laws have not stopped tender offers. Some courts have held that State tender offer laws in fact complement rather than destroy the Federal regulatory scheme.

Under these circumstances, preemption may be contrary to the basic principles of federalism which underlie the very structure of our Government. Conscientious State officials have in many cases creatively and beneficially administered State laws reflecting special State concerns for corporations and shareholders. Is it appropriate to strip them of those powers? To the contrary, should not innovative State initiatives be encouraged?

Modifications of existing law regarding tender offers would also be made by the proposed Federal Securities Code. If that proposal receives consideration in the next Congress, then it would provide a useful forum in which to consider the need for change in Federal tender offer law.

In short, Senators WILLIAMS and PROXMIRE have introduced a complex and controversial proposal which, in my view, warrants careful analysis. Different and possibly irreconcilable opinions are held by securities administrators corporate executives, individual shareholders, and other members of the investment community. We should not prejudge. But we should demand that the proponents truly demonstrate its need.●

HUD APPROPRIATIONS

● Mr. BUMPERS. Mr. President, yesterday we agreed to the conference report on the appropriations for the Department of Housing and Urban Development which includes an essential appropriation of $122,000,000 for the Solar Energy and Energy Conservation Bank.

This bank was created by the synfuels legislation which also created the Energy Security Corporation to help finance the development of synthetic fuels. Although the Corporation received larger amounts of notice, attention and, above all, money, the bank is more important because it will make a more immediate and significant contribution toward solving our energy problems, and it will do so at far less cost.

Even more important, creating the bank was an historic step because it recognizes conservation as a permanent and necessary part of our energy strategy, not a temporary bandage. The bank will help finance the purchase and installation of solar and conservation devices. It will provide "up front" money to allow homeowners to insulate their homes. People are already burdened with staggering utility bills and the other inflationary effects of increasing oil prices. Consequently, they cannot afford to insulate their homes properly, even though they would be able to pay for the utility bills. The bank's activities will remove the financial barrier to achieving economical energy efficiency.

That achievement is incalculably important, because it will demonstrate that conservation should be not equated with a reduced lifestyle. Until now, our conservation policies have short-sightedly compelled people merely to do without, to live uncomfortably, to circumscribe their activities unnecessarily. Consequently, some people may mistakenly oppose spending on conservation programs, incorrectly equating conservation with deprivation. The opposite is true. Hardships result from high utility bills, which, until now, we have alleviated this burden only by subsidizing the utility bills of the poor. Rather than solving the problem, this approach merely exacerbates it as more people are impoverished by ever-increasing utility bills.

Similarly, the money devoted to purchasing and installing solar devices is exceptionally well spent. Using solar energy conserves diminishing liquid fuels, so that they can be used for more specialized purposes. This alternative is cheaper than producing synthetic fuels. The bank's expenditures for solar devices will help stimulate a new industry, capable of employing the unemployed, exporting its products and rewarding private investors.

The solar energy and energy conservation bank will achieve these exceptional goals if it is given a proper chance to work. This appropriation completes the first step in that direction.●

LT. GEN. WILLIS D. CRITTENBERGER

● Mr. TOWER. Mr. President, during almost 50 years service in the defense of our nation, Lt. Gen. Willis Crittenberger embodied the American ideals of patriotism and devotion to duty.

General Crittenberger began his military career at the U.S. Military Academy at West point in 1913. By his retirement in 1952, he saw the Army go from horses to missiles. His service spanned the globe—from a cavalry unit on the Mexico border to the Mediterranean theater during World War II to the Caribbean defense command.

The end of his military career did not curtail his defense of freedom. He assumed leadership of the Free Europe Committee, including Radio Free Europe.

General Crittenberger's three sons shared their father's belief in the importance of service. One son, Willis Dale Jr., is a retired major general. Two others died in battle—Townsend Woodhull, who was killed in action in Germany in 1945, and Dale Jackson, who was killed in action in Vietnam in 1969.

Mr. President, I commend to my colleagues the following biographical sketch of General Crittenberger, and ask that it be included in the Record as a tribute to this great American's life.

A Lifetime of Service to His Country

Lieutenant General Willis D. Crittenberger, U.S. Army (Retired) was born on December 2, 1890 in Anderson, Indiana, and grew up there. After attending Braden Preparatory School in Highland Falls, N.Y., he went on to graduate from the U.S. Military Academy at West Point in 1913. He was commissioned a 2nd Lieutenant of cavalry in the U.S. Army, and throughout his military career, he held every command from platoon through Army. His first assignment was with A Troop, 3rd Cavalry, in Texas. In 1916, he became aide-de-camp to General James Parker, who commanded all cavalry units along the Mexican border. During this time General Crittenberger saw action on the Rio Grande River, when he was ordered to defend the bridge between Brownsville, Texas, and Matamoros, Mexico, against attacking Mexican irregulars.

Throughout his career, General Crittenberger served as an instructor in horsemanship at the Academy and at the Cavalry School at Ft. Riley, Kansas. At West Point, he was also an instructor in Military Topography and Graphics, and Tactics. He completed advanced courses in the Cavalry School at Ft. Riley, served on the War Department General Staff, Washington, D.C., and was a student at the Army War College. He was assigned command of the 2nd Cavalry, at Ft. Bliss, Texas. Following this, he served as Assistant Chief of Staff for Intelligence (G–2) at Hq. Philippine Department.

Later, General Crittenberger joined the pioneers of armor at Ft. Knox, Ky., and was active in mechanizing the Cavalry. He served as a staff officer and commander in the 1st Cavalry, Mechanized, and in the 7th Cavalry Brigade. In 1938, he joined the Office of the Chief of Cavalry in Washington in duties connected with the development of armored forces. With two other officers he drew up the first Table of Organization for an Army Armored Division, a plan which was still in effect with only slight modifications at the time of his retirement in 1952. In 1940, he was the first Chief of Staff of the newly organized 1st Armored Division. In 1940–42, he commanded the 2nd Armored Brigade, 2d Armored Division, and later became its Commanding General. In August, 1942, he organized and commanded the III Armored Corps, taking it to England in January, 1944.

Two months later, he was ordered to the Mediterranean Theater of Operations, to command the IV Corps, composed of Allied forces of American Infantry, Mountain troops, and Armored divisions, Indian and Brazilian Infantry divisions, a South African Armored division, Italian Infantry and Engineers, and British Artillery. The IV Corps entered combat south of Rome, Italy, and in 326 days of continuous combat, fought its way up the shinbone of the Italian boot to the final surrender of German forces in Northwest Italy. The surrender of the Army of Liguria signaled the beginning of the end for German forces in Italy and elsewhere on the Western Front. In the final campaign in Northwest Italy, the IV Corps was assigned a minor role—a holding action while the main Allied thrust fought its way up the eastern side of Italy. However, two situations occurred: The enemy resisted the IV Corps attack, and General Crittenberger saw a weak spot in the enemy lines. He immediately seized the initiative, throwing the 1st Armored Division and supporting infantry through the opening. An all-out advance followed. IV Corps armor left the Appenine Mountains and crossed the Po River, sealing Alpine passes that prevented the enemy forces in Italy from joining the main German armies in their last stand in Europe.

After the war, General Crittenberger served as Commanding General of the Caribbean Defense Command and the Panama Canal Department from 1945 to 1947. The following year, he became the first Unified Commander-in-Chief of all U.S. forces in that command area, including army, navy, and air force units. He returned to the U.S. in 1948, and from that year until he took command of the 1st Army in 1950, he served in the Office of the Joint Chiefs of Staff, the UN, and NATO.

Following his military career, General Crittenberger led the Greater New York Fund for three years, after which he assumed leadership of The Free Europe Committee, Inc., including Radio Free Europe. He was also advisor on Civil Defense for New York City, a grand trustee of Sigma Chi Fraternity, Commander of the N.Y. Chapter of The Military Order of the World Wars, and as a member of the Board of Directors of the N.Y. Chapters of the American Red Cross and the YMCA.

General Crittenberger has been awarded numerous military and other honors, among them the U.S. Distinguished Service Medal with Oak-Leaf Cluster, the BSM with V and Cluster. Foreign decorations were awarded by Argentina, Brazil (4), Chile, Colombia, Ecuador, France (2), Guatemala, Italy (3 awards, including the Military Order of Malta), Mexico, Panama, Peru, and the UK. The citizens of Milano, Italy, presented him a statue of Saint Ambrosio in recognition of his victory in Northwest Italy. Other awards include the Chauncey M. Depew Medallion for Distinguished Public Service. He also served as President and director of the U.S. Association of Cavalry and later Armor, and as president of the Association of Graduates of the U.S. Military Academy. An excellent horseman, he often rode in horse shows and exhibitions, and played polo during his early years.

On June 23, 1917, he married Josephine Frost Woodhull in San Antonio, Texas, and had three sons: Willis Dale, Jr., now a retired Major General; a second son, Townsend Woodhull, who was killed in action at the Remagen Bridgehead area, Germany, in March, 1945; and a third son, Colonel Dale Jackson, who was killed in action in Vietnam, in September, 1969. His wife, Josephine, died in December, 1978. General Crittenberger is survived by his son and daughter-in-law, Major General and Mrs. W.D. Crittenberger, Jr., USA (Ret.), a second daughter-in-law, Mrs. Dale J. Crittenberger, eleven grandchildren, and five great grandchildren.

One can easily say that General Crittenberger saw it all—from horse soldiering to the launching of missiles! A pioneer in the development and application of armor, a strategist, a tactician, an administrator, a field general, an Army commander, a beacon in the field of public service—all these and other attributes made him the man he was. Now, he answered his last bugle call, and joins that long, distinguished line of heroic Americans, from Washington to Eisenhower, and we mourn him for so many reasons. Mostly, because he was our friend.●

REPORT OF THE COMMISSION ON UNITED STATES-BRAZILIAN RELATIONS

● Mr. LUGAR. Mr. President, some time ago a group of 25 private U.S. citizens formed a commission to study relations between the United States and Brazil. After months of work this group has produced an excellent and timely report which I would like to share with all colleagues.

The report of the commission on United States-Brazilian Relations notes that Brazil has the sixth largest population and one of the 10 largest economies of any country in the world. The report quite correctly concludes that "Brazil in the 1980's is of profound consequence to the United States—perhaps more now than ever before."

The commission's work has been sponsored by the Center of Brazilian Studies at the Johns Hopkins University School of Advanced International Studies in Washington, D.C., and the Center for Inter-American Relations in New York. I commend the work of the commission and ask that its report be printed in the Record.

The report follows:

The Report of the Commission on United States-Brazilian Relations

This Commission is persuaded that the United States has a vital stake in the emergence, everywhere, of succesful, open societies. Such societies are self-confident. They are more capable of independent, constructive international behavior than societies flawed by contradictions and hostilities against themselves and against others. They are more able to pursue their national destinies at creative peace with themselves and with other nations of the world.

If the United States has a vital interest in the emergence of succesful societies in the world, we are also persuaded that this interest is seldom greater than in Brazil. It is the fifth nation on the globe in size, and the second largest in this hemisphere. It has the sixth greatest population in the world.

In the last 15 years, Brazil's remarkable growth has made it one of the 10 most important economies in the world. With an annual gross national product of over $200 billion, its output is nearly twice Mexico's, three times Argentina's and approaches Canada's and Italy's.

Brazil is a world leader in the production of coffee, sugar, cocoa, beans, manioc, cotton and oil seed crops. It is becoming a major producer of beef, soybeans, corn, rice, citrus and other commodities. It has enormous resources of manganese, and is the world's second exporter of iron ore. Bauxite, copper, tin, nickel and uranium reserves exist in Brazil in dimensions still not fully known. Its manufactures exports are growing. Its Itaipu hydroelectric dam, a joint undertaking with Paraguay, is the world's largest, and Brazil has tremendous, still untapped, hydroelectric potential.

In the same 15 years in which Brazil has charted such remarkable economic progress, it has also evolved into a far more complex, multifaceted society. Under military governments since 1964, it is now exploring a gradual opening of its political system. The anticipation of expanded direct popular elections and the restoration of full civil rights have gained the support of virtually every major sector of Brazilian society and the attention of peoples everywhere concerned with the future of democracy.

But Brazil's recent political, social and economic accomplishments must be seen against the difficulties it still faces—unequal distribution of the benefits of growth; widespread poverty, especially in the Northeast; a population growing faster than the capacity to create new jobs at minimally acceptable pay; a severe energy crisis exacerbated by heavy dependence on imported oil; and the largest foreign debt in the developing world. In 1980, inflation topped 100 percent, the highest in Brazil's history.

There is no denying the fact that Brazil's relationship with the United States has changed dramatically in the past 15 years. This is in part the result of Brazilians' efforts to reduce what they saw as a too-great dependence on the United States. It is also related to shifts in the distribution of power in the world. But no matter what the nature and relative weight of the factors that produced the transformation, the transition from dependence to greater autonomy that was rooted in the 1950s, given form in the mid-1960s and accelerated in the 1970s, was essentially complete as this decade began.

The Commission is convinced that Brazil in the 1980s is of profound consequence to the United States—perhaps more now than ever before. Lamentably, most Americans know little about Brazil's potential, its accomplishments or its problems. Fewer yet appreciate the uniqueness of Brazil's history, language and rich culture in Latin America. Yet our two nations share too much, our common aspirations and our mutual interests are too great, to allow such distance to persist. Brazil is a country now joining the first rank of nations. In the future the United States will relate to it as an equal.

Prescriptions for a United States-Brazilian Relationship

The United States' relationship with Brazil for the decade ahead must begin with an understanding that our basic objectives there are long term. Our policy now and in the near future must be informed by our ultimate interest. This, the Commission believes, is Brazil's emergence as a successful, independent power, not hostile to our interests and disposed to play a constructive role in the world community.

In pursuing this interest the United States must recognize that

Brazil has a different vision of the world, a different role and different responsibilities than we. It will look to its own interests first;

For some time Brazil will be wary of obligations and responsibilities that it perceives as inhibiting its freedom of action;

Many Brazilians believe, at the same time, that the United States has great influence over Brazil's future;

While convergences of interests and opportunities for cooperation will arise, Brazil cannot be expected to respond positively to all issues of importance to the United States, and

Our responsibilities as a superpower and our domestic economic and political constraints inevitably limit our ability to respond to Brazil's concerns.

Some irritation and conflict is inevitable in the decade ahead. Experience shows, however, that even marked divergences of interests need not damage a sound relationship. We must have the confidence to understand and appreciate our differences on important world issues and to take advantage of mutual interests when they occur.

The Brazilian Opening and U.S. Interests

The current opening of the political process in Brazil is an important event, for Brazil and for the world. If Brazil can manage the transition from a closed to an open political system, even in the face of an increasingly unpredictable international economic environment, it will be a heartening reaffirmation of the democratic principle.

The Commission believes that a responsive, democratic system is most likely to accommodate the conflicts and tensions of modernization in Brazil and this is in the United States' national interest. The Commission also recognizes that Brazil's political opening is marked by uncertainty. Political evolution may lead, as we hope, to broad, effective participation and a government more responsive to the general will. But a breakdown of the existing national consensus could also lead to a reversion to authoritarianism, or it could lead to other less flexible, less tolerant systems of government. The stakes are high, for Brazil and for the United States.*

On Our Security Relations

Brazilians are agreed that whatever opportunities and obstacles confront them, they must set their own priorities for Brazil's role in the world. At the same time, in a rapidly changing world where competition for power is intense, our relations with Brazil are important to us. The Commission recognizes that relations between military establishments are an important aspect of relations between nations. The United States should be ready to share with Brazil our views on security issues, both global and hemispheric, and to facilitate contacts among military professionals of both countries.

U.S. strategic interests in the hemisphere and in the South Atlantic are best served by a Brazil that is economically and politically strong, confident, and able to pursue its independent course in the world community—a Brazil that values friendly, warm relations with the United States, as we do with Brazil. We should not presume that Brazil automatically shares our security interests, the global interests of a superpower. The Commission believes that a special security relationship, one that might appear to single out Brazil as our surrogate in the hemisphere, or encourage it to project force beyond its own borders, is neither necessary nor desirable at this time.*

The Dimensions of Our Economic Relations

U.S. economic relations with Brazil are intense. The United States is Brazil's largest single, national market, largest supplier, largest source of bank finance, and largest foreign investor. Despite Brazil's deliberate efforts to diversify its economic partnerships, the ties between our two nations in commerce, banking and business continue strong and grow in absolute terms each year.

Thus the United States cannot ignore Brazil's present economic difficulties. Energy deficient, Brazil's growth since 1974 has been made possible by drawing heavily on external savings. Brazil now has a foreign debt of over $55 billion, a record among developing countries. A growing share of its export earnings are used to pay for oil imports. At the same time, more of its internal resources must be directed from other investments to developing oil substitutes and stimulating the agricultural sector. Simultaneous with these expanded demands for resources, a virtual consensus has emerged among Brazilians for a more equitable distribution of the benefits of economic growth, especially to meet the pressing needs of the poorest.

It is in our own national interest that Brazil succeed in meeting these challenges. At stake are not only private profits, but more importantly, a productive and mutually satisfying bilateral relationship, and our hopes for a cooperative, expanding global economy.

The Commission recognizes that no nation can develop another and that the predominant effort to meet Brazil's contemporary economic challenge must be Brazilian. The Commission also recognizes that the United States alone cannot greatly alter the international environment to enhance Brazil's prospects. But together with the other industrial and developing countries, there are a number of measures that can be taken to this end.

ACCESS TO EXTERNAL SAVINGS

In the first instance, we cannot allow Brazil's financial difficulties to go unanswered. Its debt service ratio has long challenged conventional standards of commercial bank risk, though it has shown recent improvement. The Commission recognizes that Brazil has used external savings to aid its development, but its growth has not been dependent primarily on the use of foreign capital. It has had a high domestic savings rate which, although it has weighed heavily on the poor in Brazil, has allowed it invariably to finance close to 90 percent of its investment needs from domestic sources. But foreign capital has been important recently and could be crucial in the months and years ahead. Today, uneasiness within the private international banking system, which has borne much of the burden of recycling petrodollars and now finds itself heavily exposed in countries like Brazil, could jeopardize Brazil's continued access to foreign capital.

Though we do not ignore the effects of past internal miscalculations, or the concerns of many Brazilians about the appropriate balance between the public and private sectors, we are persuaded that Brazil's present economic difficulties stem in major part from external circumstances beyond Brazil's control. Therefore, solutions must be sought not only in more effective internal economic policy, but also in more reliable long-term external financing that will give Brazil latitude to restructure its economy to meet new energy costs and rising social demands.

A major new program of bilateral official concessional aid is not the answer. Nor can we assume that the private international financial system, responsive as it has been in the past, can, under existing circumstances, take on the entire responsibility. If Brazil's foreseeable capital requirements are to be met through continued resort to external resources, the Commission sees a need to strengthen public international financial institutions. We urge a forceful United States leadership role to that end. Specifically, we recommend

Support for expanding the participation

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*See "Members' Comments."

of the World Bank and International Monetary Fund in petrodollar recycling;

Involvement in assuring that these institutions and other development banks pay special heed to social objectives and basic human needs in designing and implementing stabilization and longer-term programs, and

Congressional appropriations to meet our present commitments to the development banks and recognition of the need for expanded capital for these institutions.

TRADE

Trade is another important side of the U.S.-Brazilian economic relationship. Trade and capital flows are the means to expanded growth in a global economy, and today Brazil must export to meet its financial obligations.

The Commission is acutely aware of growing protectionist sentiments in the United States. There is a real danger that developing countries seeking to expand their exports will be seen in this country as a special source of competitive pressure. In fact, compared to Europe and Japan, they account for a small proportion of our imports of industrial products, and U.S. trade surpluses with many of them have eased our own petroleum deficit.

Our domestic economic ailments—slow growth, low rates of capital formation, high unemployment, lagging productivity increases, inflation—cannot be cured by raising import barriers. This only encourages others to do likewise and leads to mutual losses rather than shared benefits. Clearly, during the 1980s, the United States must pursue a comprehensive policy of economic renewal. Without more rapid and secure growth in our economy, pressures for import restrictions could become irresistible. The Commission believes that increased market restraints would exact a high price in our relations with Brazil and with other developing countries. The United States, Europe and Japan share an obligation to promote an international economic environment that encourages growth—internal and external—for both industrialized and industrializing countries. A new GATT safeguard code that does not discriminate against developing countries and that sets limits to protection would be a first step in that direction.

It is equally essential, on the other hand, that Brazil pursue world markets for its products within the recognized rules of international commerce. Brazil has liberalized its trade policies in recent months. Future export subsidies and the dumping of goods abroad below the cost of production at home, however, could inspire retaliation in this country. This is an important consideration for Brazilian policymakers, of course, but the United States can also help create a world environment that reduces the incentives for Brazil to produce and export at the expense of others. Thus

To assure that potential bilateral trade conflicts are averted where possible, the Commission believes a continuing consultative process is essential, and

Within the rules of fair trade, we urge continuation of the post-war policy of liberal trade relations that has been so important in Western economic expansion.

The costs to us of making Brazil's struggle for growth and equity more difficult would be high. Beyond impairing the long-term U.S. interest in a healthy bilateral relationship, such a short-sighted policy would, precisely because of Brazil's visible role in the world economics system, lead to conflict among the principal industrial countries and to deterioration of relations with the developing world generally.*

ON ENERGY

We add a further urgent word on energy, since it is Brazil's economic Achilles' heel. Today over half of every Brazilian export dollar must be used to pay for petroleum imports. Brazil's petroleum bill is spiraling in spite of monumental—and successful—efforts to reduce consumption and to find substitutes for oil. Beyond the domestic strains, dependence on imported petroleum has reduced the flexibility of Brazilian foreign policy. United States economic and foreign policies have also suffered serious dislocations as a result of the oil price hikes. As the hemisphere's two largest petroleum importers, Brazil and the United States share an elemental interest in finding answers to the present world energy crisis. Yet, the energy crisis to date, rather than contributing to a sense of our common future, has been in some respects divisive. In particular, serious friction arose when the United States perceived Brazil's desire to pursue the technology, economies and prestige associated with the full nuclear cycle as a precedent seriously damaging to the global effort to contain the proliferation of nuclear explosives. Fortunately, this conflict, in which principle and high policy were engaged on both sides, eased, and a fundamental misunderstanding was averted. With the relaxing of the U.S. stance, and further examination in Brazil of the role of nuclear power in its energy balance, the Commission believes that cooperation along the energy spectrum is possible. It is certainly desirable.

Brazil now supplies 80 percent of its electricity needs from its vast hydroelectric potential and is emphasizing fuel alcohol, in which it has an extraordinary technological base, for its automobiles. These facts remind us of the importance of applying all available sources of technology to the current world energy crisis, and of coordinating our national energy policies toward the common goal of reducing reliance on oil.

The United States has been slow in devising a domestic strategy for reducing import dependence. The crucial missing link in our own energy policy is the absence of international cooperation in developing alternatives to petroleum. We must not continue in default of our international responsibilities. We can make no greater contribution to our own, Brazil's and the world's economic future than to lend our full support and influence to the development of complementary domestic and international solutions to the energy supply problem.

Therefore, the Commission

Urges that the United States seek ways to channel our technological, institutional and financial capabilities into developing international mechanisms to meet the energy crisis;

Recommends strong U.S. support for the proposal for a new and separate World Bank energy facility. No nation can benefit more than Brazil from strengthened international financial institutions in the present crisis, and

Urges direct cooperation with Brazil in its efforts to find and exploit substitutes for petroleum. Coal, shale oil, hydroelectric power, long-distance transmission technology, biomass, solar and nuclear energy substitutes must be explored.

THE TIES OF LANGUAGE AND CULTURE

We now turn from the more tangible elements of our relationship to what ultimately may be more significant—the ways our two nations perceive each other. For the moment, that aspect of our relationship is weak. We each know something about the other, but not enough, and not always correctly. The Commission believes that over the long run, the harmony of our relationship will rest on our cultural linkages, and these should be nurtured.

Many channels are available for expanding awareness of Brazil in this country and for improving understanding of the United States in Brazil. They include

Eliminating bureaucratic rigidities in exchange-of-people programs conducted by the United States International Communication Agency (USICA);

Restoring funding for the "Fulbright" academic exchage programs to 1960 levels in real terms;

Encouraging the U.S. private sector to sponsor programs, like the Rhodes Scholar program, to send talented U.S. students to Brazil and bring Brazilian students here;

Establishing an arts fellowship program similar to the National Endowment for the Arts program with Japan and the United Kingdom, and

Encouraging USICA to take the leadership in bringing a major festival of Brazilian culture to the United States in exercise of its "other mandate" to educate U.S. citizens about other nations.

The Commission particularly laments the poor state of Portuguese language instruction in the United States. Federal leverage and funds should be applied to raise the low levels of U.S. competence in Portuguese. Special seminars for "less commonly taught languages" and assistance to high schools with heavy emphasis on language instruction can be tried. Moreover, U.S. universities should start treating Portuguese language instruction as more than a stepchild of their Spanish departments.

Finally, Congress should waive the U.S. visa demanded of Brazilian tourists without delay, thereby eliminating one of the factors that presently inhibits travel between our two countries. Such action would surely invite relief from Brazil's visa requirement for U.S. citizens.

THE DIMENSION OF OUR PRIVATE TIES

Most of our report thus far has related to the arena of official contacts between governments. But this is only a small part of the relationship between our two countries. Also significant are the ties between people, firms and institutions—contacts that offer daily opportunities to enhance U.S.-Brazilian relations. Indeed, given the marked decline in the official programs that link us, the private sector becomes an important base on which future relations can be built.

THE BUSINESS SECTOR

The most extensive and intensive U.S. contacts in Brazil are those of U.S. businesses operating there. Our firms have invested large sums in Brazil, more than in any other developing country. They have done so in response to the enormous potential of the Brazilian market. Most have tried to be good citizens of Brazil, engaging in philanthropy, contributing to scholarships for Brazilians, and promoting Brazil with their home offices. In short, they have been active partners in Brazil's development, adapting to its changing needs and industrialization policies and contributing to its growth. Both countries have profited from the partnership.

But we also believe that the Brazilian environment for foreign investment, as favorable as most countries', can be improved, and that Brazil could take fuller development advantage of the resources of the international private sector. At the same time, we are persuaded that private U.S. industrial and banking firms can also do more in their own relations in Brazil. We urge them to

Make a greater effort to reach out for a deeper understanding of Brazil's own national identity and culture, and

Vigorously encourage indigenous training, technology development and research in their offices and plants in Brazil.

THE TRANSFER OF PRIVATE TECHNOLOGY

Market circumstances, not governments, dominate corporate decisions to invest and to transfer technology abroad. The relationship between U.S. transnational firms and

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*See "Members' Comments."

Brazil has been and will be an esentially private one. As Brazil seeks to develop its indigenous technological capabilities, differences will inevitably occur with its transnational partners. Both U.S. and Brazilian firms should recognize the vital role of new technology, U.S. and Brazilian, to Brazil's future. They should take the initiative in identifying opportunities for trade involving technology and for expanding Brazil's own technology base.

PRIVATE INSTITUTIONAL RELATIONS

The numerous ways in which our private, professional, educational and philanthropic institutions could play a role in Brazil's development are impressive. Our reservoir of talent in health care, medicine, science, education, ocean technology, agriculture, trade union organization, the media, the arts and sports is barely tapped. This talent could offer tremendous assistance to Brazil's own efforts to enhance the lives and well-being of its citizens.

The Commission urges greater efforts by U.S. private institutions to work with Brazil in these areas of common concern.

MANAGING THE RELATIONSHIP FOR THE FUTURE

The preceding sections established that the issues foreseeable in the U.S.–Brazilian relationship present formidable challenges. Given the complexity and dynamism of our interactions and the volatile global environment of the 1980s, unseen situations of friction and opportunities for cooperation will surely arise.

Brazil's future does not lie solely in its relationship with us. It has and will have an active foreign policy of its own and wide-ranging ties with other nations in the Third World, Africa and the Amazon Basin. Its trade and diplomacy will intensify with Mexico, Venezuela, Argentina, the Andean Pact, and perhaps more gradually, with the Caribbean Basin. Its economic interests in the socialist countries will continue to expand. In turn, Brazil may find that its growing banking and commercial links to Western Europe and Japan, as well as its own increased international prestige and weight, will perhaps suggest some form of association with developed-world economic institutions.

For all these reasons, our own relations with Brazil will have many dimensions in the years ahead. The Commission is convinced that continuous, frank consultations are the key to effective management of those relations. We have considered the consultative mechanism established in 1976. But thus far we find that the scope, intensity and vigor of consultations have not been adequate for today's multifaceted relationship. Future consultations should

Address all aspects of official relations—bilateral, regional and global;

Be designed and conducted to anticipate and forestall problems, not just to deal with issues already arisen, and

Explore possibilities for international cooperation on matters of multinational concern, such as nuclear proliferation and arms control policies.

In simple terms, we recommend consultations that would assure that both countries understand one another's positions and concerns at all times. They should embrace the full range of relations. They should address broad strategic questions as well as more concrete, immediate issues like energy and trade. They should deal with the bilateral and the multilateral aspects of these questions.

CONCLUSION

United States-Brazilian relations must, of course, be seen within the broader context of relations in the Western Hemisphere and in the world. The need to nurture our ties with Brazil does not imply that we are less concerned with our relations with other nations of the hemisphere.

However, we believe Brazil is important to the United States on its own terms. We believe the United States has a great stake in Brazil's future successes. As it moves toward more open politics and participation. Brazil has been struck by a world economic and financial storm. It is important for the United States that Brazil weather that storm.

The Commission believes this is so because we share a common view of the future. It is a vision of a community of nations, at peace with one another, each committed to the enhancement of the lives of its citizens, and of a world system in which the sums are positive and the benefits of growth are increasingly equitably distributed. Brazil will play an important role in this world system. Our country can contribute to making that role positive and meaningful. It is in our certain interest to do so.

MEMBERS' COMMENTS

I am confident that virtually all my colleagues recognize the desirability of support for the struggle within Brazil to expand and institutionalize the political opening. Friends and enemies of the open society are struggling to shape the future in Brazil. The same struggle goes on in every country, including our own. The important question is whether, within Brazil, the advocates or opponents of authentic democracy will emerge victorious. Those of us who believe that open societies are intrinsically more humane, as well as more efficient, cannot help but sympathize passionately with our many counterparts in Brazil.—(Tom J. Farer; also endorsing Thomas E. Skidmore.)

The Commission's recommendation that the United States continue a unilateral "policy of liberal trade regulations" vis-a-vis Brazil is inappropriate. While the United States has traditionally enjoyed a favorable balance of trade with Brazil, it is unrealistic to suggest that this relationship will continue. This Report vividly portrays the mounting pressure which foreign debt places on Brazil's finances. In concert with its burgeoning industrial capacity, Brazil's recent aggressive moves into new product lines for export is not surprising. The implication is clear. In the ensuing decade, Brazil will attempt to vastly expand its exports to the United States.

Our trade relationship with Brazil has multilateral implications. Brazil is viewed by many emerging nations as a model for development. Our choice is to approach trade with Brazil pragmatically or suffer continuing economic dislocations as developing nations come on stream.

The U.S. economy cannot absorb unrestricted imports and maintain employment at current levels. Within this context, the Commission correctly perceives growing political pressure for a rational policy of fair trade, the central feature of which would be negotiated import quotas allocated on a global basis in those sectors where import penetration has significantly diminished domestic employment.

This approach links import increments to the ability of the U.S. economy to absorb them. It avoids the massive disruptions in domestic markets which result from corresponding fluctuations in output from the exporting countries. Negotiated import quotas allow Brazil to know the potential size of its U.S. market in advance and plan accordingly. Moreover, allocation on a global basis prevents the rapid shift of Brazil's share of the U.S. market to other nations where production costs are even lower. Consequently, a rational policy of fair trade can protect job opportunities in exporting as well as importing nations.

In the absence of a rational policy of fair trade, the political climate in the United States presents the decided potential for protectionist backlash which would have severe repercussions in the broader arena of U.S.-Brazilian relations.

The Commission's call for "A new GATT safeguard code that does not . . . set limits to protection" conflicts with the compelling need for a rational policy of fair trade and is, therefore, untenable.—(Sol L. Chaikin.)

I am concerned that in the Commission's proper concern for the bigger, longer picture we have forgone mention of more immediate bilateral issues and opportunities. Urgent threats to Brazil's economic and political future directly affect our national interests. We must look for specific opportunities to promote our bilateral relations.

Our formal military cooperation was disrupted at the beginning of this administration. Be it to export U.S. military equipment, to coordinate defense of the South Atlantic, or to retain the traditional strong relations between our nations' militaries, I believe it is in the U.S. national interest to renegotiate and reestablish closer military relations within the terms of our original treaty obligations.

The energy field offers enormous opportunities for bilateral cooperation. As the two largest consumers and markets for imported petroleum in the New World, our bargaining power should be enhanced by unity. We share a common interest in developing alternative energy technologies, be they nuclear, gasohol, solar or other. Such bilateral collaboration should, of course, be open to others in a position to contribute seriously.

Principles of trade are multinational, but trade itself is bilateral. We are Brazil's largest market and our exports to Brazil have earned us a trade surplus in the past. If we are concerned about rising protectionism threatening the relationship, we should express more than general concern. Market agreements assuring controlled access to the vital U.S. market have been successfully negotiated with Japan. Such bilateral discussions with Brazil might be politically acceptable and advantageous to both countries.

We ought not limit our concerns on balance of payments and financial issues to the hope that international financial institutions will resolve Brazil's balance of payments crisis. Current level of debt owed our banks, our level of foreign investment in Brazil and our exports are too great and too much at risk. In addition, the strategic political damage that would occur if Brazil were to lose the current gamble extends to many other Third World countries. The United States should give serious consideration to refinancing Brazil's bank and trade debt.

President-elect Reagan has made it clear he wishes to relate directly with those countries considered "our friends." Surely Brazil has met that test over the years. There is a new opportunity to enrich our relationship with specific measure now.—(Rodman C. Rockefeller.)

With regard to defense matters, it is, I believe, essential that we not thrust Brazil away from us as just another, larger, Third World country. Brazil is essential to our security and we are equally so to theirs and some recognition should be given to this inescapable fact.

The world is not yet a safe place and we should seek some sort of mutually acceptable security arrangements with Brazil and Argentina. The Cuban adventures in Africa as Soviet surrogates are of vital concern to them and to us.

We simply cannot ignore the past close alliance between Brazil and ourselves. We must find a way to bring it up to date.—(Vernon A. Walters (LTG, USA (Ret)).●

THE FARMERS HOME ADMINISTRATION

● Mr. TALMADGE. Mr. President, as chairman of the Senate Committee on

Agriculture, Nutrition, and Forestry, I am particularly pleased to note the outstanding record of service of the Farmers Home Administration (FmHA) to the people and communities of rural America. The recent upturn in nonmetropolitan population has been accompanied by significant demands for rural capital to permit the growth in economy and jobs that is needed in the American countryside. The loan and grant programs of Farmers Home have greatly contributed toward filling this pressing need for capital and improving the quality of life in rural America.

During the 1970's, the volume and complexity of Farmers Home lending increased enormously. Loans and grants in all programs totaled $2.4 billion in fiscal year 1970. When the Carter administration took office, this figure had already grown to $7 billion. Over the past 4 years, Congress and the administration have continued to place increased responsibilities and programs upon FmHA. The recently enacted Energy Security Act of 1980 thrust the agency into the forefront of meeting the Nation's energy needs, and other bills have placed increased pressure on the agency to assist rural families, farms, and businesses impacted by natural disasters. As a result, Farmers Home loans and grants are expected to reach an alltime record of $15 billion in fiscal year 1981.

The Farmers Home Administration has met its increased program responsibility in a competent and responsible way. However, this growth has placed a severe burden on the agency, because there have been no significant increases in staffing to administer this program growth. When the new Congress convenes and a new administration takes office next month, I would hope that a major priority would be to secure adequate staffing for FmHA. Such action is essential, because without these steps, I fear the efficient functioning of their programs, and their ability to help the people of rural America, will be threatened.

A frank analysis of recent contributions made by FmHA toward alleviating the rural investment capital shortage, along with some of the problems currently faced by the agency, are contained in a paper prepared for the annual U.S. Department of Agriculture outlook conference by James E. Thornton, Associate Administrator of the agency.

I ask that this informative speech be printed in the RECORD.

The speech follows, with the exception of certain graphs which are not reproducible in the RECORD.

REVIEW AND OUTLOOK: FARMERS HOME ADMINISTRATION LENDING

(By James E. Thornton)

Throughout its 45-year history, the Farmers Home Administration has played an increasingly important role in meeting the credit needs of rural America.

The number of FmHA loan and grant programs, the scope of those programs, the agency's annual loan volume, and the number and amount of loans outstanding all have grown.

FmHA's role has been and continues to be that of a lender of last resort providing financing to borrowers unable to get all or part of the credit they need from other lenders at reasonable rates and terms.

The agency's growth attests to the need for this supplemental credit. We have no doubt this need will be as great or greater in the years ahead as it has been in the past.

But while we have no doubt that the need for FmHA's programs will continue to grow, we are deeply concerned about FmHA's ability to serve its borrowers and to protect the interests of the government.

The size of the agency's field force has not kept pace with the growth in loan volume and loans outstanding. The ability of FmHA's National Finance Office in St. Louis to provide service to borrowers and staff has not developed as it should have.

This has led to unconscionable delays in disbursing funds for loans which have been approved. It has meant that the agency's field staff has not been provided the timely information it needs to properly supervise borrowers—supervision which is essential for these borrowers to succeed and to protect the government's interest in its collateral.

The result has been an alarming increase in loan delinquencies and expected increases in foreclosures. Unless the conditions that have led to these situations are corrected, we foresee serious future consequences for our programs and for the economics of rural areas.

TABLE I.—FmHA LOANS AND GRANTS, FISCAL YEAR 1980

	Number of loans or grants	Amount
Farmer programs:		
Farm operating loans	32, 211	$874, 829, 000
Farm ownership loans	12, 972	954, 052, 080
Recreation loans (individual)	26	2, 276, 000
Emergency loans	54, 394	2, 266, 890, 320
Economic emergency loans	44, 887	2, 185, 483, 140
Grazing association loans	3	4, 245, 000
Soil and water loans (individual)	2, 602	54, 635, 900
Irrigation and drainage loans	6	483, 800
Indian tribe land acquisition loans	3	6, 380, 000
Farmer programs, total	147, 104	6, 349, 275, 240
Rural housing programs:		
Low-moderate income housing loans	104, 224	2, 825, 740, 950
Guaranteed above-moderate income housing loans	597	18, 865, 830
Very-low-income repair loans	7, 570	21, 923, 910
Very-low-income repair grants	8, 589	23, 999, 990
Rural rental housing loans	1, 539	881, 336, 140
Rural assistance programs:		
Rental housing (19,617 units)		389, 845, 950
Labor housing (383 units)		3, 144, 050
Farm labor housing loans	196	24, 576, 970
Farm labor housing grants	25	22, 279, 100
Site loans	11	1, 251, 390
Self-help housing grants	48	6, 198, 740
Rural housing supervisory assistance grants	19	1, 500, 000
Housing programs, total	122, 818	4, 220, 663, 020
Community programs:		
Water and waste disposal loans	1, 825	699, 999, 700
Water and waste disposal grants	1, 011	298, 734, 300
Development grants other than FmHA	343	55, 638, 470
Community facility loans	674	240, 000, 000
Industrial development grants	196	9, 968, 610
Watershed and flood prevention loans	10	9, 893, 000
Resource conservation and development loans	8	1, 818, 700
Rural development planning grants (ADA)	184	6, 000, 000
Community programs, total	4, 251	1, 322, 052, 780
Business and industrial loans	1, 160	1, 073, 766, 920
FmHA program totals:		
Loans	264, 918	12, 148, 448, 750
Grants (FmHA)	10, 072	761, 670, 740
Other than FmHA grants	343	55, 638, 470
Total, FmHA program	275, 333	12, 965, 757, 960

Near-Record Lending in Fiscal Year 1980:

The year just past, fiscal year 1980, was a near-record year for FmHA. As Table I shows, the agency-made loans and grants totaling nearly $13 billion to more than 275,000 recipients.

The FY 1980 total was next to an all-time high. The record was set in fiscal year 1979, when FmHA made nearly 295,000 loans and grants for a total of nearly $14.7 billion.

Congress has not yet approved the FmHA budget for fiscal year 1981. The appropriation bill approved by the House provides for a total $12.2 billion in FmHA loans and grants for the current fiscal year. (See Table II)

TABLE II. *FmHA budget approved by House—Fiscal year 1981*

[In billions]

Farm loans	$5.7
Rural housing loans and grants	4.6
Rural development loans and grants	1.9
Total	12.2

That total does not include a recently revised estimate for FmHA emergency disaster loans for the current fiscal year. Nor does it include estimates for two new FmHA programs: emergency disaster loans for actual losses from natural disasters to borrowers able to get credit elsewhere and loans for facilities producing non-petroleum fuel which FmHA will make under the Energy Security Act. Adding these estimates to the total in the House bill brings the grand total for fiscal year 1981 to approximately $15 billion—a new all-time record.

Share of Total Farm Debt Increases:

One indicator of FmHA's role as a supplemental lender is its share of total outstanding U.S. farm debt.

The FmHA share is a small proportion of the total of all lenders. But it has increased steadily in recent years. If our projections for lending to farmers in fiscal year 1981 are borne out, it will continue to increase.

According to estimates by the U.S. Department of Agriculture's Economics and Statistics Service, FmHA will hold $20.4 billion in farm loans on January 1, 1981—11.5 percent of the total of $177.7 billion ESS estimates will be outstanding on that date.

Its share of the total outstanding January 1, 1980 was 9.9 percent—$15.6 billion of a total of $157.3 billion. On January 1, 1979, FmHA held 7.3 percent of the total—$9.9 billion out of $136.1 billion.

FmHA's share of estimated total farm real estate debt outstanding on January 1, 1981 ranks behind those of other institutional lenders and individuals and others.

The agency will hold an estimated 8.7 percent—$8.3 billion—of the $95.4 billion ESS estimates will be outstanding on January 1, 1981. FmHA held 8.0 percent—$6.6 billion—of the $82.1 billion outstanding January 1, 1980.

FmHA ranks after institutional lenders and merchants and dealers who provide financing for buyers in its share of total non-real estate farm debt.

The ESS estimates FmHA's share of total non-real estate farm debt outstanding January 1, 1981, will be 14.7 percent—$12.1 billion out of $82.3 billion. That compares to 11.9 percent of the total on January 1, 1980—$9.0 billion of $75.2 billion.

Growth in Past Four Years:

Farmers Home Administration's growth has been particularly evident during the past four years. Its all-time, 45-year total volume of loans and grants is approximately $86 billion. Loans and grants totaling more than half of that—$45 billion—were made in fiscal years 1977 through 1980.

During that period, FmHA became a major force in rural development lending. Its nonfarm rural development loans and grants—for housing, essential community facilities, and business and industry—accounted for about half of the agency's total loan and grant volume in fiscal years 1979 and 1980.

FmHA has begun numerous new programs, and made numerous significant changes in existing programs, during the past four years. These include:

Limited resources farm loans: These are made to family farmers and ranchers who not only cannot get credit elsewhere but cannot afford to pay the normal interest on FmHA farm loans. They include farm ownership loans, for up to 40 years, and operating loans for up to seven years. The current interest rate is 5 percent. More than 22,000 of these loans have been made for about $1 billion. Limited resource borrowers "graduate" to higher interest rates when their situations improve.

Economic emergency loans: Congress created this program in 1978 to provide loans to farmers caught in a credit crunch caused by tight credit conditions, high production costs, and/or low prices.

EE Loans originally were made for refinancing debts, operating expenses, and farm real estate. Regulations adopted by FmHA earlier this year severely restrict their use for refinancing.

Targeting loans: A policy of earmarking loan funds for borrowers who need the loans most. Twenty-five percent of farm loan funds are targeted for limited resource borrowers. Twenty-five percent of funds for subsidized single family housing loan funds are targeted for families with less than half of the median community income. Seventy-five percent of the number of single-family housing loans in fiscal year 1980 were subsidized. Communities of less than 5,500 population are given priority for community facility loans.

Expanded business and industrial loan program: Loan guarantees under this program were expanded from $350 million to $1 billion per fiscal year, but this fiscal year will be reduced $750 million and to $500 million in all likelihood in 1982.

New Grant programs: FmHA began making rural development planning grants to district development commissions, and administering a program of grants to prepare for development of housing and utility systems in communities where coal and uranium mining has been expanded.

Rural rental assistance: Funds were made available for an existing program to supplement rent paid by tenants to operators of rural rental housing for senior citizens and other low-income people.

Population increase for community facility loans and grants: Towns of up to 20,000 now are eligible for loans and grants for community facilities other than water and waste disposal systems. The ceiling for Water and Waste Disposal loans and grants remains at 10,000.

Home weatherization loans: Loans for improving rural homes to resist weather, billed to owners through rural electric cooperatives or other utility systems.

Limited foreclosure policy for farm loans: FmHA will not foreclose on a delinquent farm borrower affected by circumstances beyond his or her control but with a reasonable change of success. The agency will foreclose only as a last resort, to protect the government's interest.

Higher farm loan ceilings, other changes: Farm loan ceilings per borrower were raised from the unrealistically low levels of $60,000 for operating loans and $100,000 for farm ownership loans to the present levels for insured loans of $100,000 for operating loans and $200,000 for ownership loans; and for guaranteed loans, $200,000 for operating loans and $300,000 for ownership loans.

Farm loans to family partnerships and cooperations, formerly prohibited, now are permitted. The interest rate for farm loans was increased to a formula rate based on the cost of money to the government, plus up to 1 percent, for borrowers able to afford that rate.

Small-scale hydroelectric loans: FmHA has approved loans to add to and reactivate seven small hydroelectric plants and for an engineering study at small dam sites.

Economic Emergency Loan Program Extended:

Congress this year extended the Economic Emergency loan program to September 30, 1981. It originally had been scheduled to expire May 15, 1980. An additional $2 billion was provided for the program; the original $4 billion had been used.

FmHA loaned $1.15 billion of the additional $2 billion by the end of fiscal year 1980. The agency will have an estimated $1.3 to $1.4 billion for EE loans this fiscal year if it is permitted to re-lend principal that has been collected. Otherwise it will have $850 million for EE loans.

The law mandated a study of EE borrowers to determine if the program had met its objectives and if it should be extended beyond the current expiration date. FmHA has completed this study and will report its findings soon.

Another law placed ceilings on FmHA emergency disaster loans and provided for phasing out such loans for purposes of major changes in farming operations and annual production expenses.

Loans for actual losses from natural disasters are limited to the amount of loss or $500,000—whichever is less. Loans for major changes and annual production expenses were limited to $1.5 million per borrower for fiscal year 1980. They're limited to $1 million per borrower for fiscal year 1981; $500,000 for fiscal year 1982, and will be eliminated after fiscal year 1982.

Takeover of SBA Farm Lending:

Congress this year granted FmHA authority to make loans that previously had been made by the Small Business Administration to farmers who suffer losses from natural disasters.

This change virtually takes SBA out of the farm loan business—a business SBA had not wanted to be in. SBA said its staff lacked the knowledge of agriculture needed to make and service farm loans, and that FmHA was better equipped to handle that job.

The new authority represents a major change for FmHA, since SBA made, and FmHA now will make, loans to farmers who are able to get credit from commercial or cooperative lenders or other sources. FmHA previously has made loans only to borrowers unable to get credit elsewhere. That requirement remains in effect for all other FmHA loan programs.

Credit-worthy borrowers will face stringent restrictions on the new FmHA loans. They'll be made only in designated areas hit by natural disasters for actual losses caused by these disasters—not for annual production expenses or major changes in operations.

The loans will be limited to $500,000 or the actual amount of loss—whichever is less—per borrower. They'll carry a cost-of-money interest rate. They'll be for losses from disasters occuring on or after July 3, 1980, the day after the Small Business Development Act of 1980, which gave FmHA this authority, became law.

FmHA etsimates the new loans to credit-worthy borrowers will add $400 million to its emergency disaster loan program for fiscal year 1980.

Synthetic Fuel Loans:

FmHA has begun financing plants which will produce non-petroleum fuel. It's an important new area of lending for the agency—a program designed to help reduce the nation's dependence on imported petroleum.

The loans will be made under Title II of the Energy Security Act of 1980, also called the Biomass Energy and Alcohol Fuels Act of 1980. The act assigns responsibility for financing plants producing synthetic fuel to USDA and the U.S. Department of Energy. DOE will finance plants capable of producing 15 million or more gallons of fuel alcohol per year; FmHA, those which will produce fewer than 15 million gallons.

FmHA will make insured loans of $1 million or less per project for small-scale plants. These will be mainly on farms and will be capable of producing up to 300,000 to 500,000 gallons of fuel alcohol or the equivalent per year. FmHA will guarantee loans for intermediate-scale plants which will produce up to 15 million gallons per year.

Most of the plants we finance will use corn as a feedstock, but some will use other crops. Most will produce fuel alcohol but some will produce methane, wood pellets, or other forms of biomass fuel.

Insured biomass loans will be at the formula, cost-of-money interest rate. Guaranteed loans will be at rates negotiated by borrowers and lenders. Loans will be for up to 30 years or for the expected useful life of the facility—whichever is less.

Loans submitted under this program cannot be for more than 90 percent of construction costs and then FmHA will only be able to guarantee up to 90 percent of the principal amount of such loans.

FmHA will make or guarantee loans only for construction, acquisition, or conversion of plants—not for working capital. We will give priority to applications for plants which will use non-petroleum fuel for primary heat in the production process.

Congress has allocated $525 million for FmHA biomass loans in fiscal years 1981 and 1982. FmHA expects to make about 170 to 200 insured loans for about $150 million, and to guarantee 25 to 30 loans for about $385 million.

The geographic and population restrictions that apply to other FmHA programs do not apply to its biomass loans.

Before the new biomass loan program went into effect, FmHA guaranteed 29 loans totaling $377.8 million for plants producing fuel alcohol under its Business and Industrial Loan Program.

Plants financed under the B&I program will produce an estimated 264 million gallons of fuel alcohol per year. Those financed under the new program are expected to produce an estimated 260 million gallons of fuel alcohol or the equivalent per year. The total—524 million gallons—is more than the national goal of production of 500 million gallons of fuel alcohol by the end of 1981 and more than half of the goal of 920 million gallons or the equivalent by the end of 1982.

Most of the plants are expected to use corn as a feedstock. If all used corn, they would use about 225 million bushels per year.

Farmers Home also will finance on-farm production of synthetic fuel under its farm loan programs. Plants financed under these programs will be extremely small-scale, since the loans will be subject to the normal loan ceilings. The volume of these loans may be about $10 million for the fiscal year.

Record Emergency Disaster Loan Volume:

The FmHA outlook for Fiscal Year 1981 includes a record volume of disaster emergency loans. Based on a survey of state FmHA offices conducted late this summer, we estimate these loans could total $5.1 billion this fiscal year.

If this estimate holds, disaster emergency loans will be by far the main type of FmHA lending this fiscal year, and the main reason total loan volume will be at a record high. The estimated $5.1 billion is more than twice the $2.27 billion volume of disaster emergency loans in fiscal 1980.

This year's widespread and prolonged drought is the main reason for the expected huge volume of emergency disaster loans. At the start of this fiscal year on October 1, nearly half of the nation's counties, 1,416 counties in 23 states, had been designated emergency disaster areas due to drought alone.

Most of the nearly 54,000 disaster emergency loans FmHA made during the past fiscal year were due to drought. In many parts of the country, the full extent of loss wasn't evident at the start of the new fiscal year. Thus, a number of eligible farmers in those areas applied for loans after the start of the fiscal year, or have yet to apply.

Economic emergency loans volume will be down this fiscal year, since the funds available for these loans will be less than the $2.2 billion used for 45,000 EE loans in fiscal 1980.

We expect that the dollar volume of regular farm loans this fiscal year will be about the same as in fiscal 1980. The number of loans may be down as much as 10 percent, since continued inflation means bigger loans.

Sharp increases recently in the liquidity of many rural banks should help reduce operating loan demands this next year that otherwise might have been directed toward FmHA.

Less Ability to Serve Farmers: Lack of funds is among the reasons FmHA will be less able than before to meet farmers' credit needs in the coming fiscal year. The other reasons: lack of personnel and inordinate delays in disbursing funds after loans are approved due largely to required quarterly apportionments of appropriated funds.

Some states have backlogs of applications that far exceed the funds they will have available for non-emergency farm loans this fiscal year. Farmers have complained, with justification, about waiting a year or more for funds after their FmHA loans are approved.

Among other things, FmHA will be less able to refinance farmers who need to restructure their debts in order to stay in business. While refinancing was one of the main purposes of the EE program when it was begun, FmHA adopted regulations severely restricting the use of EE loans for refinancing early this year due to abuses of the program and the need to make funds stretch to the end of fiscal 1981

EM, FO, and OL loans still may be used for refinancing. But their use for this purpose is limited by ceilings on the loans, which may be less than a farmer needs to stay in business.

More foreclosures may be the result. FmHA will stick to its policy of foreclosing only as a last resort. But private lenders may foreclose on borrowers who FmHA is unable to help.

Personnel, Computer Capacity Lag:

FmHA's field staff has grown at a much slower rate than its loan volume and loans outstanding. The gap becomes wider every year.

Graph I shows the drop in FmHA staff years relative to annual loan volume and total amount of loans outstanding. Graph II compares FmHA's ceiling for permanent full-time employees with their workload: the number of loans made and serviced. That permanent full-time ceiling now is less than 9,000; temporary and part-time employees bring the total to about 12,000.

Graph III shows the growth in number of borrowers with loans outstanding, now 1.35 million. Graph VI compares annual percentage changes in total number of borrowers and number with delinquent loans.

Graph V shows numbers of delinquent borrowers in FmHA's major programs on March 31, 1977 through 1980. Graph VI shows the growth in outstanding principal balance of delinquent loans.

The increasing number of delinquent borrowers is shown on Graph VII. Graph VIII show number of borrowers and amounts delinquent by length of delinquency. Graph IX portrays the growth in average sizes of outstanding and delinquent emergency and single family housing loans.

Temporary Employees, County Committees:

FmHA has hired or will hire 1,228 temporary employees this fall to help county FmHA offices process applications for disaster emergency loans and service existing loans.

The agency hopes to use county FmHA committees to review delinquent and problem loans and help problem borrowers develop realistic farm plans. We also hope to raise the pay of county FmHA committee members from the present $12 a day plus travel to the level of members of county Agricultural Stabilization and Conservation Service committee members: $39 a day plus travel.

It's anticipated that county FmHA committee members will work mainly with disaster emergency loan borrowers. Unfortunately, there are no plans to provide sufficient numbers of additional staff for other FmHA farm loan programs and for the growing number of non-farm rural development programs.

The ability of FmHA's St. Louis Finance Office to provide service to the field is bad and is growing worse.

This office processes all disbursements and collections of money handled by the agency. It also maintains all borrower accounts and is responsible for the generation of all financial management reports needed by both field offices and national headquarters. Its automated accounting system and the computer hardware housing it is over 10 years old and is grossly inadequate to handle the growth and complexity of agency needs today—to say nothing of tomorrow's needs.

Failure to resolve these problems in the immediate future may force FmHA to shut down entirely or to reduce its operations to minimal levels.

Guaranteed Loan Changes:

When FmHA gained the authority under the Rural Development Act of 1972 to guarantee loans by commercial and cooperative lenders, it was expected that the use of guaranteed loans would grow rapidly, possibly eclipsing FmHA's own insured loan programs.

This didn't happen, except for the Business and Industrial loan program, which consists almost entirely of guaranteed loans. FmHA guarantees farm and housing loans, but guaranteed loans account for extremely small proportions of those programs.

FmHA suspended guaranteeing EE and EM loans early this year. We resumed guaranteeing EE loans this month, and hope to resume guaranteeing EM loans soon, with changes that should make guaranteed EM loans more attractive to lenders.

The law limits the interest rate charged borrowers unable to get credit elsewhere for guaranteed disaster emergency loans for actual losses to 5 percent. FmHA had paid lenders who make these loans a subsidy amounting to the difference between 5 percent and the government's cost of money. The subsidy in the future may be slightly larger: the difference between 5 percent and a rate agreed on by borrower and lender but not more than the lender's rate to his best farm borrowers.

For guaranteed emergency loans to borrowers able to get credit elsewhere, the government would pay lenders a subsidy amounting to the difference between the cost-of-money rate and the lender's best rate to his best farm customers.

FmHA now has authority to guarantee disaster emergency loans with variable interest rates, and can make and guarantee line-of-credit emergency loans.

Secondary market:

Lenders have complained about the lack of a secondary market for the guaranteed parts of farm loans, in contrast to B&I loans which enjoy a ready secondary market. At least four states now provide a secondary market for guaranteed farm loans.

They do this by issuing tax-exempt bonds and using the proceeds to buy the guaranteed portions of guaranteed farm loans. Since these agricultural development bonds carry favorable interest rates, lenders can make guaranteed loans at favorable interest rates.

The growing use of tax-exempt bond proceeds for such purposes is currently under review by both OMB and by the Department of Treasury at the request of FmHA.

Bankers and others have proposed over the years that the total amounts specified for guaranteed loan programs be counted as reserves against losses rather than ceilings. They have argued that such a plan is practical since losses in guaranteed loan programs have been almost nil.

There is interest in such a proposal in the current "lame duck" session of Congress. Under this plan, a 3 to 1 leverage ratio would be applied to guaranteed loans under the Energy Security Act. Only one-third of the amount of each loan would count against total lending under the program. Such an amendment already has been passed in the Senate and is expected to survive a conference with the House soon.

Rural Development Credit System:

While these changes may help, they won't solve the basic problem: meeting the growing demand FmHA faces as the main government source of credit for farming and rural development.

One of the innovative proposals for meeting this demand is for the creation of a rural development credit system. A Presidential rural development study commission which reported its findings in 1970 called for setting up such a system.

The original Senate version of the Rural Development Act of 1972 (although not the final act) would have established, among other things, a new nonfarm Rural Development Credit and Investment System modeled generally on the successful experience of the Farm Credit System with the initial capitalization provided by Federal Funds, and repayment over time achieved through equity participation of borrowers and banks.

What should be appreciated about that proposal was the recognition that the emerging capital needs of rural communities and businesses were not likely to be satisfied through any single Federal agency. It is unlikely that American agriculture would be where it is today had not the Farm Credit System been established early in the 1930's. Most of rural America consists of small towns, with small banks in them that have only limited reserves. This lack of investment power by rural banks and lack of venture capital inhibits the ability of rural areas to share equitably in the Nation's growth and development. Additionally, many small communities cannot respond quickly either to decline or growth because they do not have the tax base or do not need enough money to issue bonds large enough for money market competition.

Federal programs designed to help alleviate many of the rural conditions cited above have grown tremendously. But only a few are designed to reach out into rural regions effectively. This is why the role of the Farmers Home Administration has expanded so dramatically into the fields of rural housing, community development and economic stimulation. The FmHA, with its network of State, substate and county offices; direct lending and grant activities; and its highly decentralized decisionmaking system, can only expect more, not less, pressure to expand its activities within the rural areas.

The crucial question, however, is how realistic it is to expect FmHA to continue to absorb or assume the role as principal development agency in rural areas. The possible dichotomy of missions that the agency may be faced with must be examined, namely, its historical position of serving as lender-of-last-resort, as opposed to an expanding mission of supporting general community and economic development within rural regions. Are these two goals compatible or conflicting?

I believe that by definition, development demands a strategic view beyond merely making annual commitments of money. One way by which large amounts of development capital might be made available in rural areas in the future is through the establishment of a new Rural Development Credit System similar to but totally separate from the Farm Credit System. Such a system could respond to emerging rural development capital needs and head off possible conflicts in mission orientation within FmHA. Such a system also would be free of the red tape and bureaucratic constraints normally imposed on federal agencies, such as personnel ceilings and salary limitations.

The system would involve an initial capital investment by the federal government, phased in over a reasonable length of time, for example, 10 years. All of this capital would eventually be paid back to the Treasury as borrower equity investment in the system. The system would be authorized to sell its own securities in the central money markets on the basis of a prescribed leveraging of its equity capital. Borrowers would be required to purchase equity in the system based on a small percentage of their loan amount. Loans would actually be made to borrowers either through participating commercial banks or the system's own offices.

Millions of Americans and their families are now moving back to small towns and medium-sized cities throughout the rural areas of the nation—a significant reversal of the demographic trends of the nineteen thirties through the sixties. These demographic changes, combined with other factors influencing the supply and demand of capital in rural areas, suggest that both the government and the private financial sector should rethink their traditional roles to help meet the capital needs of rural areas in the future.●

RURAL TRANSPORTATION COOPERATIVES: A PROMISING INNOVATION

● Mr. **BAUCUS**. Mr. President, the 96th Congress soon will adjourn. During this Congress, Members in this Chamber—Democrat and Republican—grappled with one transportation problem after another. These problems know no ideological boundaries, for transportation issues belie political partisanship.

Unfortunately, the 96th Congress record of dealing with transportation problems is, at best, one of mixed success. Too often, we found ourselves in the position of reacting rather than acting on serious transportation matters. The bankruptcies of the Milwaukee and Rock Island Railroads are but two prominent examples.

Mr. President, the biggest question mark confronting our Nation's agricultural producers and shippers today is the availability and cost of transportation. Although transportation problems have plagued farmers for decades, our agricultural transportation network has experienced a precipitous decline in recent years. The bankruptcy of the Rock Island and Milwaukee Railroads, the deterioration of roads and bridges, bottlenecks on the inland waterways and congestion at the port facilities all have combined to produce a transportation system that is increasingly unable to meet the demands placed upon it. Today, at the very moment in our Nation's history when we must sell millions of tons of grain abroad to bolster a sagging industrial economy, our country's ability to move massive harvests from the heartland to seaports is seriously strained.

The importance of revitalizing our agricultural transportation network cannot be overestimated. As a national, bipartisan task force on rural transportation recently stated:

> Transportation is . . . the lifeblood of commerce. In agriculture it is vital, both because of the geographic dispersion of farming, and because export of agricultural products has become essential to the nation's balance of international payments.

Unless we move forward now to resolve our transportation problems, American farmers will be unable to move grain into export markets at reasonable costs. Agricultural production will decline, while the prices consumers pay for groceries will increase.

Last month, the U.S. Department of Agriculture announced an innovative pilot program on rural and agricultural transportation. The program is designed to test whether rural transportation services can be improved by forming transportation cooperatives. Under USDA auspices, an inter-agency rural transportation cooperative task force will oversee the pilot program. Mr. President, without objection, I would like to insert in the record an outline of steps involved in the pilot program as outlined by USDA. The outline of steps follows:

OUTLINE OF STEPS INVOLVED IN DEMONSTRATIONS

First. The task force will prepare and circulate to all State Governors requests for proposals.

Second. The States will select projects to be proposed. The States will indicate the kind and degree of State and local support that seems likely to be available for funding a project. If a proposal is for the purchase and rehabilitation or repair of a rail line approved for abandonment, or expected to be approved, the State must indicate that Federal and/or State subsidy will continue service on the line for up to 36 months to provide time for analysis, planning and implementation.

The State may propose a cooperative demonstration project for transportation in any rural area and the task force will attempt to assist the State in understanding how USDA authorizations and competencies can be drawn upon in generating a demonstration of this type of a rural transportation cooperative.

Third. The task force will select up to a maximum of six of the proposals submitted and in collaboration with the specific States, develop analysis and planning steps and negotiate budgets for the analysis and planning. The task force recommends that $300,000 be allocated for transfer to the States in the form of planning grants. The task force further recommends that no State will receive more than $60,000 in Federal funds for analysis and planning activities.

Fourth. The State will contract with Land Grant institutions of higher learning or other competent organizations for analyses and plans for their proposed projects. Upon review of the findings of the analysis and/or plans, a State may decide not to complete the proposal for task force review. If so, the State must provide full information about the nature of findings that resulted in the decision not to complete the proposal application.

Fifth. The task force will review the completed proposal applications and select one or two for demonstration purposes. The task force will provide technical assistance in organizational and financial aspects of any proposed transportation cooperatives.

Sixth. The task force will monitor implementation of selected plans, and performance of the project-created service organizations for a year or two after organization.

Mr. President, this pilot program holds great promise for innovation and creativity in rebuilding a vital segment of our transportation system. To get the economy back on track, to put Americans back on track, to put Americans back to work, to reindustrialize America and increase exports, we will need a sound rural transportation infrastructure.

The cooperative concept has enjoyed a long and innovative history in rural America. Rural areas have imaginatively utilized the cooperative concept to overcome a host of barriers—including credit, supply, energy and communications—endemic to the rural economy and community. Rural areas—characterized as they are by vast distances and sparse populations—have had to be creative in obtaining vital services.

Like the rural electric cooperatives established in the 1930s, rural transportation cooperatives would provide rural communities an option by which they can develop and sustain the transportation they require and are willing to use and pay for. A rural transportation cooperative would determine the modes needed for efficient operation, be they rail, truck, barge, air, public or commodity transportation. It would have the ailibty to link up with other cooperatives, or private-sector transportation operations, and have the option of contracting out the operating of their system or operating it themselves.

Mr. President, when the next Congress convenes, I strongly urge my colleagues on both sides of the aisle to support this very important demonstration project. It may not be the salvation to our agricultural transportation problems. No single solution or program can be. But it does offer hope for grain farmers, elevator operators, and other businessmen who share the task of producing the commodities so vital to our economic health.

Many farmers, agricultural and shipping groups, and rural organizations have endorsed the demonstration project. They will be following its development closely.●

DOROTHY DAY

● Mr. DURENBERGER. Mr. President, the world this week lost a great citizen. The poor lost a great friend. All of us have lost a great inspiration.

The death of Dorothy Day has left every person who cares about their fellow men and women with an emptiness. Few people have the ability to replace Miss Day's works. Tragically, even fewer people have the desire to replace Dorothy Day's work among the poor, the infirm and the forgotten.

Dorothy Day's causes were not always popular. More than once she was jeered and even shot at. Even her many accomplishments were often overshadowed by the size of her tasks. She fed, clothed and housed countless thousands of people, but there were always many more thousands, even millions, she could not reach.

Even so, her achievements, when measured one-by-one, were spectacular. Her Catholic worker hospitality houses, soup kitchens and medical clinics have spread from the Bowery of New York City to virtually every major American city. Her "Catholic Worker" newspaper inspired the million who have read it over the years. Her love for her neighbors, whoever they might be, gave strength to others, just as her own faith in God and her religion gave strength to her.

Some of her critics thought of Dorothy Day as a throwback to an earlier time when neighbors helped neighbors, not because they had to or because they could receive a government grant, but because it was the right thing to do. It was the good thing to do. For Dorothy Day, it was the only thing to do.

Even those who admired Miss Day could not follow her example. All too often, we have tried to duplicate the efforts of Dorothy Day by setting up government agencies. But government agencies can't provide the love and caring of Dorothy Day and her band of workers.

Dorothy Day was the essence of volunteerism: A person who contributed to her community out of love, duty and concern. Dorothy Day was unique, but all across our country there are millions of people trying to follow her example. They are serving their communities and providing services with love and caring and skill. No one can do all the things that Miss Day did, but with her same spirit of volunteerism, we can accomplish through numbers what she did through her remarkable ability.

Dorothy Day showed the world that a volunteer can accomplish things that a government agency could never duplicate. If the example of her life convinces policymakers of that fact, Dorothy Day will have left a priceless legacy.

I ask that Colman McCarthy's article on Dorothy Day be printed in the Record.

The article follows:

A Life of Exquisite "Foolishness"

(By Colman McCarthy)

New York.—As though the poor and forgotten don't have hard enough times, now they are without Dorothy Day. She died last Saturday in Maryhouse, a Lower East Side shelter that she ran for homeless women. Miss Day had spent most of her 83 years in the simplest but rarest form of humane service: feeding, clothing and housing whoever of the earth's wretched came to her. "We confess to being fools," she said once about herself and her small band of pacifists and personalists, "and we wish we were more so."

For the tens of thousands of anonymous poor who have been comforted by Dorothy Day since she co-founded The Catholic Worker in 1933, the foolishness has been more than adequate. At her wake the other night, street people kneeled before her pine-box coffin and wept in prayers for a woman they had come to believe was a saint. These were the "underprivileged," a term used with mock laughter around here because none of the poor of the Lower East Side remembers when society's privileges were passed out in the first place.

In this Bowery area of Manhattan, the conscience of Dorothy Day has been institutionalized in her Catholic Worker "houses of hospitality." But the establishment of such facilities—not only in New York but in about 40 other cities—was about the only concession she made to organizational mercy. In a half-century's worth of books, columns, speeches and conversations, Dorothy Day argued that the problem of poverty was its being left too much to professional problem-solvers. People with empty bellies get turned into Profound Questions, with poverty brokers on the hunt for Profound Answers. In seminar after seminar and report after report, the poor are given the bum's rush. In the end, as Miss Day said, "there are all too few who will consider themselves servants, who will give up their lives to serve others."

As a religious person who prayed daily—mass and communion, the Psalms, the rosary—Dorothy Day used her faith as a buffer against burnout and despair. Fittingly, it will have to be taken on faith that her life of service made a difference. She issued no progress reports on neighborhood improvement, summoned no task forces on how to achieve greater efficiency on the daily soup line. Nor did she ever run "follow-up studies" on whether the derelicts of the Bowery renounced their drunken and quarrelsome ways. As her favorite saint, Theresa of Lisieux, taught, results don't matter to the prayerful.

On the subject of results, Dorothy Day had a philosophy of divine patience: "We continue feeding our neighbors and clothing and sheltering them, and the more we do it the more we realize that the most important thing is to love. There are several families with us, destitute to an unbelievable extent, and there, too, is nothing to do but love. What I mean is that there is no chance of rehabilitation,' no chance, so far as we see, of changing them; certainly no chance of adjusting them to this abominable world about them, and who wants them adjusted anyway?"

That was from the June 1946 issue of The Catholic Worker newspaper, a monthly that has been a voice of pacifism and justice since 1933. Yesterday, as her body was carried along an impoverished block to a Catholic church for a requiem mass, the local destitution was as unbelievable as ever. The jobless and homeless are so thick in the streets that "Holy Mother City," as Miss Day called it, makes no pretence of even counting them.

It may be just as well. Counters get in the way when there is soup to be made. Even worse, getting too close to the government means a trade-off that Miss Day resisted mightily in both words and action. "The state believes in war," she said, "and as pacifists and philosophical anarchists, we don't."

Because she served the poor for so long and with such tireless intensity, Dorothy Day had a national constituency of remarkable breadth. She was more than merely the conscience of the left. Whether it was a young millionaire named John F. Kennedy who came to see her (in 1943) or one of the starving, she exuded authenticity. It was so well known that Dorothy Day lived among the poor—shared their table, stood in their lines, endured the daily insecurity—that The Catholic Worker became known as the one charity in which the money truly did reach the poor.

"It is a strange vocation to love the destitute and dissolute," Miss Day wrote a few years ago. But it is one that keeps attracting the young who come to The Catholic Worker as a place to brew the soup and clean the toilets, which is also the work of peacemakers. They are against military wars for sure, but their pacifism resists the violence of the economic wars. "We refuse to fight for a materialistic system that cripples so many of its citizens," The Catholic Worker has been saying for half a century.

At the requiem mass, the prayers for the dead were sung joyously. A conviction was shared, just as surely as the Eucharist itself was shared, that here was one of Christ's faithful—one who full-heartedly followed what she called "the strange upside-down teaching of the Gospel." The mourning poor best understood: this life of exquisite foolishness made absolute sense.●

FOREIGN RELATIONS' NEAR EAST SUBCOMMITTEE STAFF REPORTS ON THE SAHARA CONFLICT, TUNISIA, AND ISRAEL

● Mr. STONE. Mr. President, one of the most satisfying experiences of my Senate career has been serving as chairman of the Senate Subcommittee on Near Eastern and South Asian Affairs of the Senate Foreign Relations Committee. The subcommittee has been focusing on analyses of numerous issues and challenges facing the United States in this region. In July the committee authorized Barry Schochet and Graeme Bannerman, the principal professional staff members dealing with this region to travel to Morocco, Algeria, Tunisia, Egypt, Jordan, and Israel in order to report to the committee and the Senate on several of these issues. They were accompanied by Stan Sienkiewicz, professional staff member of the minority staff.

This team produced three important staff reports which I now ask to be inserted in the Record for public view. They are entitled, first, "North Africa and the Conflict in the Western Sahara"; second, "Tunisia Trip Report"; and third, "United States-Israel Relations: The Need to Understand and Address Israel's Security and Economic Problems." They present important questions of policy for the incoming administration and the Congress in an area of the world which is of vital interest to the United States. I ask at this time that the reports be printed in the Record in full.

The reports follows:

United States-Israel Relations: The Need To Understand and Address Israel's Security and Economic Problems

PROLOGUE

The purpose of this report is to convey the perceptions and concerns of a wide range of Israeli military, business, and technical, as well as political, leaders with present U.S.-Israeli bilateral relations. After nine days in Israel in July 1980, and meetings with the leaders of the Likud coalition, the Labor Party opposition, the military, bankers, industrialists, academics, journalists, and representatives of virtually every sector of Israeli society, we came away with strong and clear impressions of the reasons why the people of Israel are greatly troubled.

They are troubled by inflation, by the failure of Camp David to achieve true normalization of relations with Egypt, and most of all with their perception of a drift away from America's long-standing commitment to the strength and security of Israel. Their frustration with the U.S. is not primarily because of American differences with Israel's government or political issues but is instead the perception that Washington is reducing American support for Israel.

Israeli frustration is increased by the belief that Israel has made great security and economic sacrifices in order to obtain the peace agreement with Egypt and has not received commensurate American recognition of its problems. Israel turned over the Sinai oil fields which it developed at great cost and has given up its strategic depth in the Sinai. These actions have adversely affected Israel's economy and security. Moreever, many Israelis believe the United States is moving away from its traditional long-standing commitment to the safety and security of Israel in exchange for hopes of improving relations with the Arab world and securing oil supplies from the Middle East. These perceptions have the real potential of undermining our ability to convince Israel to take further political risks in solving the difficult questions which must be answered to determine the future of the occupied territories of the West Bank and Gaza.

The problems with which Israeli society is most concerned on a daily basis are not those of the ups and downs of the autonomy process. Rather, they emanate from a difficult economic situation. Other concerns are related to the peace process where the blossom of peace which sprung forward in 1979 has begun to wither. Growing relations between the United States and moderate Arab states, including the supply of high technology military equipment, joint military exercises, and possible use of facilities diminishes the relative strength of U.S.-Israeli relations. Substantive difficulties which are being felt in the economy and the military are directly related to the Egyptian-Israeli peace agreement.

The cumulative effect of these problems has created an atmosphere in Israel in which United States policy makers and implementers are looked upon with suspicion. This feeling is not only held by members of the existing government, but was widely reflected throughout society. While some policy differences have certainly existed between the United States and Israel for a considerable period of time, the critical change today is that Israelis feel that American concern for their safety and security has been diminished at the expense of settlement of the Palestinian question in all of its aspects. Israelis are greatly concerned that the concentration of US policy on the autonomy talks and political issues has resulted in the neglect and possible abandonment of Israel's security and economic viability as a US policy goal. This basic concern seems to run deep throughout all segments of Israeli society.

I. ISRAEL'S STRATEGIC AND SECURITY CONSIDERATIONS

Israel's military planners are worried about American strategic policy in the Middle East. Their concern is manifested not only in regard to Israel's own defense requirements but also toward the perceived lack of American strategic goals and a lack of will to implement these goals. Since the 1973 war, Israelis have been worried by the growth of arms ties between the United States and Saudi Arabia, Egypt and Jordan. Now that the US is providing sophisticated advanced American equipment to countries which have engaged in conflict with Israel. Israelis observe that in a future war Israel would most probably be fighting for the first time against American equipment and American trained personnel. Since Israel has always relied upon a qualitative advantage rather than a quantitative advantage, the improved quality of US arms and training in the hands of Arab states is most troublesome.

Israeli military planners also expressed concern about the lack of American will to obtain objectives in the region. The fall of the Shah of Iran was a shock. The relative speed of the revolution and the lack of American resistance to the political tide which brought in the Ayatollah Khomeini is viewed with dismay. Israel's perception of the United States as a credible and reliable ally has been weakened. The United States' strategic goals in the Middle East and whether Israel is being factored in them is unclear.

Top Israeli military officials state that a major action which Washington could take for the defense of Israel is for the United States to act on its own to defend its interest in the Middle East. Relying on unstable Arab governments, even friendly Arab regimes, will not succeed. To the Israelis, massive arms shipments to Saudi Arabia are reminiscent of Iran. Close strategic cooperation with Egypt is also viewed as questionable for American interests. If Sadat should fall, then it is felt by the Israelis that US strategic planning for the Middle East would come unraveled. No single force can be relied upon to protect Persian Gulf oil or the stability of the various regimes of the region.

One major question that is asked by Israeli strategic planners is: "With whom are you going to coordinate your operations in the Middle East?" Another question raised repeatedly is whether U.S. political and military policy makers still view Israel as having strategic importance to the U.S. They fail to see why they are excluded from U.S. strategic plans. While realizing political difficulties for the United States in openly coordinating with Israel, the Israelis fail to understand why we do not share strategic thinking at other levels. This concern goes directly to the degree of the United States commitment to protect Israel's security. To the contrary, the sale, training and speedy delivery of advanced aircraft to Egypt, 100 M60A3 tanks to Jordan, and a consistently growing supply line to Saudi Arabia, are examples of why Israel questions America's security commitment. Israelis remember the British attitude in earlier wars. The British supplied both sides and decided to remain neutral by resupplying neither side. This action, however, affected Israel much more severely than the Arabs.

Eastern Front: Israel is increasingly concerned with the growing military capability of the "Eastern Front" in which the Israelis include Syria, Iraq, Jordan and Saudi Arabia. Israeli military planners see the United States as being unconcerned with this threat. This lack of concern, in the Israeli view, is manifested by the continuing supply of weapons to Jordan and Saudi Arabia with no evident understanding or concern for the resulting potential threat to Israel. Moreover, Israeli military planners are disappointed that strategic coordination between the United States and Israel regarding the Eastern Front buildup is nonexistent.

Israelis view the Eastern Front as follows:

Syria: The military relationship between the Soviet Union and Syria is growing closer because of the weakness of Assad's regime. A friendship and military cooperation treaty with the Soviets is predicted. Soviet training goes on at an escalated rate and the Syrian military is much improved as a result of lessons learned during the October War. Additionally, Syria has doubled the number of its helicopter-borne transports, tripled its air defense capability, and it has increased the number of commando battalions to 20. Syria now has 3100 tanks, 1600 APC's 560 aircraft, and 2200 artillery pieces.

Iraq: Iraqi military improvements are of extreme concern. Baghdad has doubled the size of its armies since the 1973 war. The Iraqis are now receiving MIG–23's MIG–25's, T–72 tanks, and self-propelled artillery. Moreover, the Iraqis have improved their ability to project expeditionary forces against Israel. They have 1200 tank transporters. The Israelis believe they could face six Iraqi divisions, including 1500 tanks, 1400 APC's, 550 artillery pieces, and 100 advanced aircraft including MIG–25's, should a conflict arise. Iraq's efforts to assume leadership in the Arab world, especially on the issue of "regaining occupied Arab territory" gives substance to this concern.

Jordan: Jordan's military reorganization since the 1973 war also concerns the Israelis. Jordan now has a sophisticated US-supplied I–HAWK air defense system. Lack of air defense kept King Hussein out of the 1973 war. Jordan's military, long recognized as being the best among the Arab forces, is now fully armored and mechanized. Development plans now include more tanks, computerized artillery, and night vision capability. In essence, the Israelis see Jordan as becoming an attack oriented army fully capable of joining in a future conflict against Israel. Jordan now has four divisions, 700 tanks, 1070 APC's, 530 artillery pieces, and 115 aircraft.

Saudi Arabia: The Israeli military views the massive US military relationship with Saudi Arabia as troublesome because sophisticated advanced weaponry provided to the Saudis could be used against Israel. They opposed the sale of F–15's to the Saudis in 1978 on the grounds that these aircraft were more sophisticated than the Saudis needed and threatened Israel. The recently reported Saudi desire to increase the F–15 offensive capability substantiated the concerns of Israel's military planners. As is, Israelis now take Saudi air and other forces into consideration in their planning. Men and materiel cannot be fully concentrated on other fronts. Israelis feel that Saudi expeditionary forces in another conflict could include at least 30 advanced aircraft and 180 tanks. Moreover, the Tabuk base in northwestern Saudi Arabia with three armored brigades is ominously close to Israel.

A joint military command reportedly has been established between Syria, Jordan, and Saudi Arabia. Although the effectiveness of this command has been questioned because of political considerations, the Israelis observed that there is indeed joint radar command between Syria and Jordan, total coordination of military information between Syria and Jordan and possibly Iraq and Saudi Arabia. Iraq has been urging Jordan to purchase advanced radar to use in the "H–3" area of Jordan's eastern panhandle near Iraq. The basic concern for the Israelis is that the overall level of joint command is much better than in 1973.

Iraqi Nuclear Development: Proposed French shipments of enriched uranium and Italy's actual shipment of a "hot cell" reprocessing facility to Iraq has intensified Israeli fears of facing an Iraqi opponent with nuclear weapons.

The Israelis feel that Iraqi nuclear development with a goal of acquiring nuclear weapons is clearly being undertaken. Israelis contend that Iraq is going to develop its own uranium deposits and is going to purchase a plant for producing nuclear fuel. The Israeli military believes Iraq has the potential for nuclear weapons by 1985 at the latest.

Egypt. Although the Israelis are sensitive to their new relations with Egypt, military planners, nevertheless, must take Egypt's forces into consideration. They believe that the US is providing Cairo with aircraft too sophisticated for its needs. F–5's, which were initially proposed for Egypt, would seem a more sensible response to Egypt's likely defense needs rather than the F–4's and F–16's which are being provided. They worry that Egypt may receive F–15's in the future and observe that Egypt may well receive 50 Mirage–5 aircraft from France.

Even if Egypt merely deploys troops to the Sinai during a conflict, Israel will be forced to deploy its own troops in return which will reduce Israel's forces elsewhere. Should Egypt enter another conflict, Israel is concerned with Cairo's enhanced capability resulting from American equipment, spare parts, training and maintenance. Moreover, Egypt has obtained strategic advantage by the return of Sinai. Egypt has ten divisions, 2110 tanks, 2600 APC's, 2050 artillery pieces and 560 aircraft.

Sinai Air and Naval Facilities. The Israelis have expressed much surprise that the United States has not pushed the notion of obtaining use of the airbase at Etzion and the airbase and naval facilities at Sharm al-Sheik (Ophira). The facilities at Etzion are truly excellent. A Pentagon team, which was sent to assess it prior to the Negev relocation project, called Etzion the finest tactical operational air facility in the world. The commander at Etzion stated that it could easily support two or three United States wings. The facilities include underground water, fuel, and communications systems as well as 10,000 foot runways (three kilometers). The airbase at Ophira could take 1½ US squadrons.

Israel has already started to reduce some facilities at Etzion and by summer of 1981 will begin reducing its operational capability. Planes will be moved over between October 1981 and January 1982.

II. ISRAEL'S ECONOMIC CONCERNS

The euphoria of peace with Egypt has been diminished by economic burdens which the peace treaty as brought about. In pure financial terms the burden of peace for Israel is worse today than before the Sinai withdrawal.

A program of enforced austerity and restrictive economic policies was begun by the government in late 1979 in response to Israel's critical economic situation. Inflation had jumped from a 60 per cent annual rate in the first quarter of 1979 to 170 per cent in the last quarter and both the balance of payments deficit and consumption continued to rise unabated.

Yigael Hurvitz, the newly named Minister of Finance, announced in early 1980 a series of highly restrictive policies to cool the economy which included:

Major cuts in the budget, affecting both civilian and military sectors;

A restrictive monetary policy;

Phase out of subsidies on food, transportation and other essentials;

The full linkage of development and investment loans to the value of the US dollar;

Wages decreased in real terms; and

Decreased levels of credit with higher interest rates.

Yet it is clearly known within Israel that even with the restrictive policies of the past year and potential new restrictions, the economy has been severely strained by two factors—both directly resulting from the peace agreement:

A staggering increase in the cost of imported oil to replace that returned to Egypt;

Large increases both in the cost of building the Negev airbases and military infrastructure and importing defense items.

A. Oil costs

Had Israel not given back the Sinai oil fields, it would have been self-sufficient in oil production by 1981. Now oil import costs alone will increase Israel's balance of payments deficit by $700 million this year. These costs have risen from a level of $800 million in 1978, to $1.7 billion in 1979 and $2.4 billion in 1980—even though the quantity of oil imported is declining. Gasoline and fuel oil prices have been raised five times within the past year at levels of 20 percent to 30 percent each time. The price which Israel has to pay for oil is much higher than OPEC prices, severely hampering Israel's attempts to balance its trade deficit by cutting consumption and increasing exports. Oil price increases account for almost all of the $1 billion increase in Israel's imports. Its trade deficit has been stabilized at $4.5 billion this year, instead of $6 billion as earlier projected, only because exports were increased $500 million and other imports were reduced by $500 million to make up for oil import costs.

Israel's oil supply situation is quite tenuous. Prior to 1979 almost 40 per cent of Israel's oil needs came from Iran, a source now unavailable. The remainder came from its Sinai fields and long term contracts. Now only 38 per cent of its total usage is based on long-term contract with Egypt and Mexico. Today, while most countries obtain only 7 to 8 per cent of their oil from the spot market, approximately 50 per cent of Israel's oil needs comes from the spot market. Thus, when a situation exists in which the world oil supply is in a glut situation and spot market prices are lowered, Israel is able to purchase oil at approximately the same price as its long term contract. However, should oil supplies diminish and spot market prices escalate, Israel's oil costs will be dramatically affected.

Israel's daily use of oil is approximately 170,000 barrels. Presently, almost all of Israel's energy consumption is in the form of crude oil. However, next year Israel will open the first of several planned large-scale coal generating power plants in order to reduce its dependency on oil. This new Hadera plant should, within four years, reduce Israel's total oil requirements by 20 per cent alone. In eight to ten years, all of Israel's electricity production, 40 per cent of its total oil use, should be converted away from oil.

B. Defense costs

Israel's defense burden is the other major factor weighing upon its economic state of affairs. The 1973 war and the withdrawal of Sinai forces and infrastructure into the Negev has escalated Israel's defense spending. The three billion dollars which the U.S. provided in special aid for building a Negev military infrastructure ($800 million grant, $2.2 million loan) will not nearly cover the final cost of these projects. The total amount of economic and military aid from the U.S. from 1970–1979 was $13.1 billion, which is less than Israel spent for defense purchases alone in this period. Israel purchased $14.3 billion in defense imports from 1970–1979, only half of Israel's total defense expenditures which are 30 per cent of Israel's GNP. These defense imports were necessary because of the greatly inflated cost of defense materiel and the large-scale arming of the Arab states by the U.S. as well as the Soviets and Europeans. Israel's military and political leaders are faced with the necessity of sustaining the qualitative gap in Israel's favor by constantly upgrading and replacing equipment as the quantitative gap in armaments increases because of huge Arab arms purchases.

Israel now faces a period which the Governor of the Bank of Israel terms "stagflation". Because of increased oil and defense costs, the inflation rate is not being reduced even though the trade deficit has improved by 5 per cent. As of September 1980 the annual inflation rate was running at 120 per cent. The government has revised its budget for fiscal year 1980 and both the Bank of Israel and Finance Minister Hurvitz are calling for either a freeze on wages, prices and taxes or a slow down in economic activity resulting in less production and higher unemployment which could cause severe social strains.

Israel's economic strains have been placed directly on the shoulders of its people. Almost all government subsidies have been abolished and formerly subsidized items such as bread, cooking oil, public transportation and electricity have doubled or even tripled since November 1979. Milk products have risen 3½ fold. Gasoline and fuel oil prices have risen by 200 per cent. Municipal taxes have been raised by 120 per cent and health insurance premiums by 150 per cent. Taxes on cars, television sets and personal imported items run at 200–300 per cent of their value. Interest rates on loans, where available, are 140 percent or more. Total credit has dropped 25 per cent in real terms in 1980.

As a result of budgetary cuts, the level of basic services is being reduced. No new school, hospital, or public construction is being undertaken. In fact, classes and hospital beds are being reduced. Public housing starts are being reduced—worsening the housing shortage.

Unemployment has risen from 1.5 per cent to a level of 4.5 per cent. Israel's economic and resulting human strains are the main topic of conversation and concern and are the graphic result of conditions which have arisen as a result of the peace treaty with Egypt. There is much concern about the effect of these conditions on Israel's democratic institutions in a region in which governments are threatened by decreases in food subsidies alone.

C. Outstanding bilateral economic issues

During our discussions we addressed a series of bilateral economic issues which are irritants in our relations:

1. U.S.-Israel Oil Agreement. On March 26, 1979 and June 22, 1979, the United States and Israel signed a Memorandum of Agreement providing that the United States will make oil available for purchase by Israel upon notification in an emergency situation. The conditions under which Israel could invoke its prerogative to purchase oil from the United States have not yet been agreed upon by the parties.

In June 1980 a U.S. delegation led by Assistant Secretary of State Dean Hinton visited Israel where an agreement was unable to be reached. The topics to be discussed involved two categories:

The oil agreement itself; and

Research and Development cooperation.

Regarding the oil agreement, the issue to be solved is defining the triggering mechanism which would invoke United States action under the agreement. Israel's position is that the oil agreement should be invoked if oil becomes too expensive for its economy, as opposed to it being unavailable at any cost only. The United States position seems to be that the only way in which the United States will invoke this agreement is if Israel cannot obtain oil at any price.

The second major area of US-Israel oil talks is Research and Development Cooperation. Scientists and private sources in Israel have done a tremendous amount of research on solar energy and other alternative energy sources. Last October, a Research and Development Agreement between the US and Israel was signed. However, no substantive programs have arisen from that agreement. For example, Israel has discovered large areas of oil shale and is desirous of entering into mutual cooperation with the Department of Energy or US corporations such as Tasco in oil shale research and development projects. Israel is also asking for off-shore oil exploration assistance from the United States. These requests are yet to be answered.

2. Memorandum of Understanding (MOU) Between US and Israel on US Purchases of Israeli Defense Articles. On the day of the peace treaty between Israel and Egypt, March 26, 1979, a Memorandum of Understanding (MOU) was signed between the US and Israel setting out a commitment by the Department of Defense to procure defense articles from Israel if at all possible. To date, little has been purchased by the Defense Department. The following items have been discussed in detail and are being considered:

81 millimeter (mm) and 120 mm ammunition from Soltam Industries. The US army has expressed serious interest in purchasing this ammunition and howitzers as well from Soltam. Last fall a US Army team visited Soltam and determined that its ammunition was the best suited for US Army purchases. Currently, this type of ammunition is being supplied by Britain. Although the survey team recommended purchasing Soltam ammunition, nothing has been done by the Defense Department. The total amount of the transaction could run $200 million over a period of several years. Soltam recently had to lay off close to 1,000 workers because of the lack of production scheduling.

DOD Procurement for the Rapid Deployment Force. Many companies in Israel such as Tadiran are expert in the production and supply of military equipment which is ideally suited for the Middle East Rapid Deployment Force (RDF). Dr. Perry, Assistant Secretary of DOD Research and Development, has told the Israeli Ministry of Defense that he would consider such procurement.

3. Transfer of Technology in Co-Production of Engines for Advanced Aircraft. When both former Defense Minister Weizmann and Prime Minister Begin visited the President earlier this year they reportedly received oral commitments from the President to allow the transfer of technology and actual co-production of the General Electric 404 engine that would be used in a new Israel-manufactured advanced aircraft. The transfer and co-production agreement process consists of three stages. The first two stages, transfer of technological information and the transfer of prototypes to Israel Aircraft Industries, have been approved. The third stage, approval of the technology transfer for local manufacturing in Israel, has not been approved.

4. Production of Advanced Fighter Aircraft to Israel. The President stated, in a letter to Senator Hubert Humphrey on May 12, 1977, that Israel was exempted from PD–13 constraints on arms exports. He noted that the United States had "special responsibilities" toward Israel in this regard and "the particular consideration that therefore must be given to our military arms and co-production arrangements with Israel." Presuming that the United States intends to supply Israel with follow-on advanced fighter aircraft, it would clearly benefit Israel economically to be allowed the opportunity to co-produce or subcontract future advanced fighter aircraft with US manufacturers. American manufacturers have indicated an interest in entering into production arrangements with Israel for future advanced aircraft supply and possible export to other countries.

5. Continued Merkava Tank Production. Within the past several years the United States has allowed co-production of an advanced tank in Israel in which 50 per cent of the funds for the tanks are spent in the United States. This program has allowed Israel to produce a sophisticated tank at a savings of $400,000 per tank and has substituted for the otherwise needed purchase of approximately 170 M60 tanks. This program is a good example of providing funds for Israel to produce its own products while it purchases substantial quantities of materials in the United States. This project is in need of further funding.

III. CONCLUSIONS

President Carter publicly stated that a "reassessment" of relations between the United States and Israel is not and will not be taking place. However, many leaders with whom we met in Israel put this statement into question based on security and economic concerns.

The body politic of Israel is undergoing great political, economic and security stress—much of which has arisen as a direct result of the Camp David process. Israel entered into this process knowing full well of the difficulties which would follow upon return of the Sinai oil fields and military infrastructure. However, Israeli political, economic and military leaders have been surprised, discouraged and even angered by what is perceived as a lack of interest and understanding by the United States of the effect of the peace process upon Israel.

Israelis have difficulty understanding why they have been left out of US strategic planning for the Middle East. The Israeli military has considerable expertise which is a resource to tap for US military planning. One major Israeli political leader stated to us, "Unless it is accepted that the security needs and problems of the United States and Israel are connected, then the moral commitment can disappear under pressure".

Israeli officials note with concern that the oil agreement between the United States and Israel has not been finalized after over a year of continuing discussions. They are also concerned with the fact that the MOU on defense purchasing from Israeli sources has never been acted upon. They also wonder why the license for the transfer of technology to produce US engines for Israeli advanced aircraft, orally promised to Prime Minister Begin by the President last spring, has not been granted. They wonder why the United States is building up Egyptian bases at great cost in both money and time with an uncertain future rather than working out an immediate arrangement to utilize the Sinai bases at Etzion and Sharm al Sheik? Why does the United States supply sophisticated advanced weaponry such as F–4's, F–15's, M60A3 tanks, and other systems to Egypt, Jordan and Saudi Arabia—making necessary more Israeli defense expenditures? Does the United States realize that were it not for the fact that Israel gave back its Sinai oil fields and military infrastructure, it would probably not be in need of economic assistance today? Is the Administration planning a more creative approach to help Israel strengthen its economy?

The major focal points of both personal and political concern in Israel today are its economy and security. The Israelis believe the focusing of American attention on Israel's settlement policy, Jerusalem legislation, and the autonomy negotiations has not been matched by equal concern for Israel's security and economic problems.

The provision of economic and military aid to Israel in its present form is essential in the immediate future. But Israeli economic leaders want very much to break away from an ever increasing debt to the U.S. They seek instead to enter into a partnership of productivity with the United States in which the economic burden of oil and defense imports can be offset by increased exports and trading opportunities with the U.S. By increasing the production and export of technology and goods to the U.S., Israel can begin to alter its economic position and strengthen its own military production capability.

The primary concern in the economic area is that U.S. policy makers do not understand Israel's economic problems—which in no small part result from the peace agreement. Former Ambassador Robert Strauss' trip of August 1979 is cited as an example of the U.S. diverting attention from Israel's economic problems to political concerns. That trip was to concentrate on Israel's economic condition. Instead, Ambassador Strauss received last minute instructions from the White House to explore modifying UN Resolution 242.

Many wonder whether the U.S. is holding Israel's economic and military strength hostage to future political and territorial compromises. The record gives rise to this question. If the U.S. does not address these issues in good faith, if agreements are not finalized, if finalized agreements are not acted upon, if more interest in Israel's security and economy is not shown—then future political goals may not be in the offing.

TUNISIA TRIP REPORT

INTRODUCTION AND SUMMARY

Tunisia is a Western-oriented Arab state, strategically located on the northern coast of Africa. The Tunisians have long viewed themselves as the bridge between Europe and Africa and between the Arab East and Arab West.

Since independence 25 years ago, Tunisia has established an impressive record of social progress and economic growth. In contrast to her neighbors, Tunisia has maintained a relatively free and liberal political system. This has been possible to a large extent because of the personal dominance of President Habib Bourguiba and his commitment to economic development and social progress rather than to a substantial military establishment. The concentration on social development rather than military preparedness was a luxury which the Tunisians could afford so long as the state experienced internal stability and was not directly threatened by its neighbors. Both of these conditions may well be changing.

In January of this year, several dozen Libyan trained terrorists were infiltrated into the town of Gafsa through Algeria. After several days of skirmishes, the Tunisian military was able to kill or capture most of the infiltrators. The Tunisians were most concerned with reports that Libya was prepared to intervene militarily on behalf of the rebels had they been able to establish a foothold, and call for such intervention.

This incident has seriously shaken the Tunisian Government's confidence in its ability to meet all of the challenges now apparently facing this moderate regime.

At the same time, the long tenure in office of President Bourguiba appears to be approaching its end. While in surprisingly good health, President Bourguiba, who is about 77, cannot be expected to remain the dominant force in Tunisian affairs for too long into the future. The disabling illness of Prime Minister Nouira, the heir apparent, has increased the political uncertainties surrounding the prospective succession.

These uncertainties could contribute to domestic unrest and potentially to a reorientation of Tunisia's foreign policy. Arab nationalists at home and abroad have long criticized Bourguiba for not adopting a more confrontational attitude toward the West as well as for not giving greater support to the Palestinians. High unemployment may provide the social issue which opponents of the regime can use to muster domestic support. A continuing uneven distribution of wealth, though better than most third world states and the focus of continuing government attention, could also strengthen the regime's opponents.

The ability of the United States and other friendly states to influence the course of events in Tunisia during the coming crucial years is limited. Nevertheless, America's willingness to assist Tunisia in a very difficult period is widely seen in Tunisia and in other moderate Arab states as an essential political gesture to a friend at a difficult time. The absence of such support may well strengthen the hand of the opposition, and of those within the Tunisian polity who would reorient Tunisia's pro-Western, moderate stance. The burden to assisting Tunisia at this time is not being put to the United States alone. France, friendly Arab states, and international financial institutions are all aiding the Tunisians, and expected to increase their support.

The specific issues which the Administration and the Congress must consider are:

A Tunisian request for a five-year commitment for foreign military sales credits on the order of $60-$80 million per year; and

A decision on whether the United States will maintain its modest but politically significant development assistance program levels (approximately $25 million in FY 81), or phase them out as is currently planned.

In light of the external threat highlighted by the attack on Gafsa, the government of Tunisia has decided that it must improve Tunisia's military posture. This decision was reached only reluctantly because of the associated costs which will reduce the government's ability to pursue its social programs. The Tunisian plans are modest by all standards—a squadron of F-5s, some tanks, anti-tank weapons, and an improved air defense system. While a firm decision has apparently not yet been reached, the Administration has expressed some sympathy for the Tunisian request.

With regard to continued development assistance, the Administration has apparently decided that no request will be made to the Congress for new program authority. The decision, according to Administration officials, was passed on the belief that the Tunisians have crossed a threshold in per capita GNP and therefore should "graduate" from the status of development assistance recipient. Programs which have been funded in the past will continue for several years until they are completed; however, no new development assistance is to be programmed.

The Government of Tunisia was surprised and disappointed by this decision. Their disappointment was, to some degree, intensified because the Carter Administration has been profuse in its public expression of support for Tunisia following the Gafsa raid. Similarly, the Congress, in a Joint Resolution, had expressed its desire to assist Tunisia during this difficult period. In contrast to the impression conveyed by these gestures, the Government of Tunisia has instead discovered that aid would not be increased but rather would be cut off. Tunisians contend that the crucial impact of this decision is political, and its timing is very unfortunate. A reduction in U.S. aid now, when Tunisia is most vulnerable, may well weaken the forces of moderation at home and encourage Tunisia's opponents abroad.

Historical Setting.—Tunisia has a long and distinct history which has left its unique imprint on the national landscape. The modern state derives its name from its capital Tunis, originally a Phoenician colony. The influence of ancient Carthage, the capital of the Western Phoenician empire, remains a source of pride to many history-conscious Tunisians. To the Romans the entire province was called Africa and was the center of their African empire.

The earliest historical records indicate that this region . . . Arab tribes entered the area between the seventh and twelfth centuries. While never numbering more than a tenth of the population, the Arabs became culturally dominant in Tunisia by the end of the Middle Ages. Tunisia, thus, differs significantly from Algeria and Morocco where those who still speak Berber languages have a significant political and cultural role. Other conquerors and colonizers, including Turks, Greeks, Italians and the French, have also left their marks upon Tunisian society.

The great Berber empires of the Middle Ages included Tunisia. Under the Ottomans, the Beys of Tunis asserted their autonomy, and maintained it until the establishment of the French protectorate in 1881. The Tunisian national movement which led to independence found expression with the establishment of the Destour (Constitution) Party in 1920. In 1934 Habib Bourguiba formed the Neo Destour (New Constitution) Party. The independence movement gained momentum after World War II, and by July 1954, in the face of growing popular unrest, France had to introduce some 70,000 troops to maintain order and security. In that year, negotiations with France began and led to full independence two years later. In 1957, the Tunisian Constituent Assembly abolished the monarchy and proclaimed a republic, with Habib Bourguiba as president. He was reelected unopposed four times, in 1959, 1964, 1969 and 1974. In 1976, he was proclaimed President for life.

Relations with France were strained following independence. Over 3,000 French officials remained behind and nearly 250,000 French and Italian citizens dominated the economy. The French armed forces retained facilities, most notably the large complex at Bizerte.

The greatest irritant to Franco-Tunisian relations, however, was the continuing struggle in Algeria. Thousands of Algerians seeking safety from the war of independence found refuge in Tunisia. The NLF established its headquarters in Tunis. Nearly 25,000 Algerian revolutionaries also were based in Tunisia and often crossed the porous border. The French, for their part, used their Tunisian bases to strike at the rebels including an air strike on a Tunisian border village in which the rebels had located a gun emplacement.

Franco-Tunisian relations reached their nadir in the early 1960's. In July 1961 Tunisian irregulars, reportedly supported by the Tunisian army, clashed with the French at Bizerte. More than 1,000 Tunisians were killed. Despite their military victory, the incident set in train events which finally forced the French to withdraw all troops from Tunisia by October 1963. In 1964, President Bourguiba announced that henceforth only Tunisian nationals could own land and thousands of acres of the best farmland were nationalized without indemnity. The exodus of most of the European community followed. The French Government, in turn, responded by cancelling loans and assistance, and by restricting Tunisian imports.

From this low point, Franco-Tunisian relations have improved steadily. Algerian independence and the termination of the last vestiges of the French colonial presence removed the two principal irritants in bilateral relations, and Tunisia is now closely tied to France. France receives 17 percent of Tunisian exports, provides military assistance and training, and most importantly, has shown a willingness to come to Tunisia's assistance in times of need. France is currently supplying $80 million in military assistance and considerable economic aid.

Governmental Structure.—Tunisians were leaders among the Muslim states in adopting Western constitutional precepts. In 1861 the Bey of Tunis introduced a Western style constitution. This document became a model for reform throughout much of the Islamic world.

The current Tunisian Constitution, which went into effect on June 1, 1959, provides for a strong executive form of government under the President of the Republic, who is both Head of State and the Chief Executive. It further provides for an independent judiciary and for a separate legislature.

The President is aided in his executive functions by a Council of Ministers, over which he presides. The work of the government is carried out under the direction of the Prime Minister, according to the guidance of the President. Ministers, including the Prime Minister, are named directly by the President and serve at his pleasure. The President is also supreme commander of the armed forces.

Tunisian law provides for a multi-party system, although no other party has been formed since the Tunisian Communist Party was outlawed in 1963. The ruling Destourian Socialist Party (re-named in 1964) has effectively dominated Tunisian political life since 1934. Its membership is said to number more than 600,000 and is drawn from all economic and social classes.

Although several dissident groups have considered forming rival political organizations in Tunisia, none of these projects has been realized. Some opposition groups, such as the Tunisian Communist party and traditional political opponents of Bourguiba have set up opposition parties abroad. Their followings in Tunisia apparently are small.

The General Union of Tunisian Workers (UGTT) is the second most influential organization in Tunisian political life. It is a relatively independent labor organization claiming membership of more than half a million. It has traditionaly close ties to the AFL-CIO and is staunchly anti-communist.

UGTT opposition to the government came to a head in January 1978 when months of government/labor confrontation culminated in a 24-hour general strike which degenerated into riots. The army was called in to restore order. The riots, according to the government, were largely politically inspired. Approximately 100 people were killed and hundreds imprisoned. All of those arrested, including Habib Achour, the head of the labor movement, have since been released from prison. The government also removed UGTT leaders and installed a more malleable group. The anniversary of the 1977 strike provided a pretext for the staging of this year's January 27 attack on the mining town of Gafsa.

Foreign Relations.—Tunisia is a non-aligned nation which maintains friendly relations with both West and East. The Bourguiba government, however, has placed particular emphasis on its relations with the West.

Tunisia's foreign policy has been marked by moderation. In the Middle East, Tunisia has played an active diplomatic role in seeking a peaceful solution to the Arab-Israeli dispute. In 1965 President Bourguiba shocked the Arab world by observing, while in Jericho on the Jordanian West Bank, that the Arabs must realize that the state of Israel exists, and accommodate themselves to its existence. This pronouncement led to Tunisia's subsequent isolation from much of the Arab world. Since then, however, most Arab governments have come around to the Bourguiba position.

Within the past year, Tunisia has supported the United States strongly in condemning the Soviet invasion of Afghanistan and in condemning the hostage crisis in Iran. In the U.N. Security Council, the Tunisians cast the swing vote on sanctions against Iran despite considerable pressure from radical Arab states. Tunis has become the new headquarters of the Arab League—having been moved from Cairo following the conclusion of the Peace Treaty between Egypt and Israel. As such, Tunisia now plays a somewhat more important role in Arab Councils as the host to their meetings. A Tunisian, Habib Chatti, is Secretary General of the Islamic Conference, as well.

Tunisia's foreign policy is influenced by its relative military weakness in comparison to its neighbors, Algeria and Libya. Tunisian relations with Algeria are reasonably good, but those with Libya are at a very low point in the wake of the attack on Gafsa. Following that attack, Tunisia has revised its military program in pursuit of a significant improvement in its capabilities and sought political and economic support from other Arab and African states and from the West, most notably France and the U.S.

Although Tunisia and the United States are not linked by security treaties, relations have been close. American support for Tunisian independence and security is longstanding. Congressional support for Tunisia has also been strong, with American economic and technical assistance provided to Tunisia under a bilateral agreement since 1957.

Political Conditions.—Tunisia's economic success, stability and moderation are based substantially on favorable social and political conditions. The population, while very young, is relatively well-educated and homogeneous. There is comparatively little evidence of any deep or extreme domestic opposition to the regime. The relative economic success, however, has led to rapidly rising expectations, which, coupled with the potential for substantial near-term economic problems—particularly unemployment—could pose the potential for unprecedented levels of domestic discontent.

Tunisians are also concerned about the day when President Bourguiba passes from the scene. Bourguiba has dominated the Tunisian political scene since before the country won its independence. People wonder how long he can continue to exercise effective leadership. Under the constitution, should the President die or become incapacitated, the Prime Minister would become the Chief Executive until new elections could be held.

Since 1970, Hedi Nouira, a man of some political stature in Tunisia, had been the Prime Minister and it was widely assumed that he would succceed to real political leadership as well as to the Presidency should President Bourguiba die or become incapacitated. Unfortunately, Prime Minister Nouira was forced to step down this spring because of poor health, leaving no successor of comparable political stature. The current Prime Minister Muhammed Mzalli has won high marks for his handling of the affairs of state but few observers believe he has yet obtained the national standing to effect a smooth transition. Tunisians, therefore, for the first time in their independent history must face the possibility of some political uncertainty, associated with a political succession.

Finally, the Gafsa incident has greatly exacerbated Tunisian concern about their ability to protect themselves from military attack. The terrorists were trained and equipped by Libya and infiltrated into Tunisia from Libya and Algeria, although the Tunisians do not believe that Algeria was involved. The Tunisians, therefore, must look with some suspicion at both neighbors. The Libyans appear to be the greater threat.

National Security.—Tunisia's major security problem stems from its marked military weakness compared to its two neighbors. Compared to Algeria, Tunisia has only a third the population and far less wealth which could be allocated to defense. Compared to Libya, Tunisia's population is more than double but its GNP is less than a third. Thus, Tunisia cannot maintain the high levels of military expenditure which her neighbors do. In addition, of course, Tunisia's policy of limiting the allocation of resources to the military in favor of economic and social development, has left its military, though competent, well-trained, and well led, small and woefully underequipped.

Table I compares the military potential of Tunisia to that of its two immediate neighbors. It does not take into account the significant advantage Tunisia may have in the quality of its personnel. At the same time, Libya's ability to hire large numbers of Soviet bloc and other foreigners to train and even serve as mercenaries in her armed forces, is also not taken into account.

TABLE I

	Algeria	Tunisia	Libya
Population (millions)	19	6. 4	2. 9
GNP (billions)	$16	$6	$19
Estimated defense budget (millions)	$605	$145	$450
Armed Forces (manpower)	90, 000	23, 000	42, 000
Army (manpower)	78, 000	18, 000	35, 000
Tanks	500	50	+2, 000
Armored personnel carriers	450	60	600
Modern combat aircraft	260	14	+200
Helicopters	70	20	50

The current Tunisian five-year defense plan is a successor to the five-year plan of 1976–1980, the first major multi-year military program in the country's history. The United States helped to formulate that program (the FY '76–'80 so-called Habib Plan) and promised to assist in its implementation with foreign military sales credits of about $125 million over five years. The US FMS program has fallen about $20 million short through FY 1980. An amendment to the Foreign Assistance Act for FY 1981 offered by Senator Percy and agreed to by the Senate would authorize an additional $15 million, moving closer to fulfilling this program, provided that the FY '81 Appropriation Bill or continuing Resolution does not have the effect of a further reduction. The impact of inflation over the past five years, however, has substantially reduced the buying power of these credits. Thus, the effect in terms of the equipment Tunisia had originally planned to finance with US FMS credits, is a shortfall of 30 to 40 percent.

The other significant military assistance program with Tunisia has been our International Military Education and Training Program (IMET), annually among the largest programs at roughly $1 million. As a result of this process, a substantial number of Tunisian officers and non-commissioned officers have been trained in the US, speak English, and thus provide a very significant capacity to absorb U.S. equipment efficiently and rapidly.

The 1976–80 five-year plan was quite modest and aimed at a minimal mechanization of Tunisia's Army, the addition of rudimentary close air support capability, and the acquisition of short-range mobile air defenses consisting of Chaparral Launchers and air defense guns.

Since the Gafsa raid, the Government of Tunisia has accelerated and modified its preparation of the second five-year plan. They now plan a tentative five-year modernization program with the following objectives:

Completing the mechanization of two Army brigades;

Adding some anti-tank capability;

Equipping and organizing a mobile strategic reserve of one armored brigade and one air mobile brigade;

Obtaining a modest air intercept capability; and

Adding coastal patrol vessels to Tunisia's small and badly over-stretched navy.

The cost is anticipated to be about $1 billion. The Tunisians have turned to France and to the United States with requests for each to provide one-third of the financing for this program. Tunisia plans to provide the final third domestically. As a special envoy from his father, Habib Bourguiba Jr. visited in Washington to discuss this matter with President Carter and former Secretary of State Vance. A US military survey team visited Tunisia and this July produced a report which is unambiguously supportive of the Tunisian plans.

Tunisia's defense planners traditionally have emphasized the development of a high-quality, well-trained manpower base and infrastructure, while deferring major equipment purchases. They have been successful. The military appears well-trained, highly-professional and fully capable of quickly and effectively absorbing the equipment programmed in the forthcoming five-year plan. Many Tunisian officers and non-commissioned offifficers are US-trained and competent in English as well as French. In the Air Force, English has replaced French as the language of instruction. The adequacy of available funding is the primary question in the way of implementing their modernization blueprint.

Tunisia's strategy is not predicated upon an attempt to match Libya or Algeria in equipment. Rather, it is designed to equip Tunisia to respond rapidly and effectively to guerrilla raids, such as that which took place at Gafsa, and at the same time to enhance their ability to meet and hold a conventional amored thrust. This would enhance Tunisia's deterrent to a direct military threat from her neighbors, and should one emerge, give friendly states time to come to Tunisian assistance. The Tunisian armed forces can, today, give a more than adequate account of themselves and there is little doubt that the kinds of equipment the Tunisians plan to purchase will yield a large payoff in improved military potential. Contrary to what comparative numbers might suggest, an adequate national defense for Tunisia is by no means beyond reach. Thus, the modest projected military modernization plan can go a long way toward stabilizing the security situation in North Africa.

Economy.—The Tunisian economy is a mixed economy combining state ownership, private enterprise, and cooperatives. Tunisian economic planning has been marked by pragmatism and moderation rather than by any particular philosophy. In the 1960's, the Tunisians attempted an ambitious program of collectivization. After several years of unrest and declining production, however, the government reversed this policy and moved back toward greater reliance on private sector economic activity.

Stimulated partly by the shift back toward private enterprise, Tunisia has demonstrated an enviable record of economic growth, more than doubling Real Gross Domestic Product during the 1970–1979 decade. Despite serious problems in the agricultural sector in recent years, Tunisia's average annual growth rate during the first three years of the current Fifth Development Plan (1977–81) has been 6.3%, impressive although short of the 7.5% predicted. Per capita GNP at current prices has also increased and income distribution is reasonably good with median family incomes reaching nearly $4,000 in Tunis and about $1,650 in rural areas. Nevertheless, Tunisian officials remain sensitive to the disparities of wealth, particularly between the urbanized northern coast and the southern interior and express their intention to focus greater government investment upon the interior.

Growing industrial development and increased revenues from tourism, oil, and phosphates have also contributed to Tunisia's impressive record of growth in the 1970's. The Tunisian government, moreover, has been successful in attracting foreign investment and foreign assistance. The United States, France, other European nations as well as Saudi Arabia and Kuwait have provided the bulk of this assistance.

Tunisia, however, still faces serious problems including growing unemployment, balance-of-payment deficits, and a growing foreign debt burden. Unemployment officially stands at approximately 25 percent but may be as high as 42 percent when "underemployment" is figured into the equation. To further complicate this problem, European nations have begun to restrict the number of foreign and thus Tunisian workers in recent years and the government of Turnisia has made the political decision to limit employment of Tunisian nationals in Libya. Many of the 80,000 currently in Libya are apparently returning. Thus, more Tunisians will need employment at home. As a consequence the level of worker remittances is beginning to fall somewhat. Currently, remittances account for approximately $500 million per year, twice the level of Tunisia's hard currency earnings from tourism. The 1977–81 development plan understandably focuses on the creation of more jobs.

Agriculture is the sector which needs most attention. While still the largest employer, occupying over half the population, this sector has performed poorly. In 1979, for instance, real agricultural growth was only 1.5 percent. While weather conditions are in a substantial part to blame for the poor showing in agriculture, they are only a part of the problem. Lack of adequate research, uneven availability of fertilizers, pesticides, improved seed, and extension services to farmers, also contribute to this record. In addition, the lack of credit facilities, incentive-stifling government controls on distribution, sale, and prices of key commodities are serious impediments to the performance of the sector. Tunisia, thus, has failed to achieve self-sufficiency in food production and is unlikely to do so in the near term. As a result, nearly 800,000 metric tons of wheat is likely to be imported this year.

These problems pose very serious challenges to the Tunisian government. Nevertheless, Tunisian officials are hopeful that they can be met successfully. Most government officials with whom the staff delegation met recognize the difficulty of their task. They assert, however, that with some outside assistance, economic growth can continue and the rising expectations of the Tunisian people can be met. Many emphasize the need to focus more attention on the agricultural sector.

Focusing on the economic challenge has been substantially complicated by political conditions in North Africa. The attack on Gafsa shocked Tunisians into the realization that a greater percentage of their resources has to be spent on National Defense. This decision, however, has been taken reluctantly. Tunisia has historically spent less than ten percent of the national budget on defense as compared to one-third on education. This fortunate allocation of resources appears to be facing a significant modification.

Developmental Assistance.—Official U.S. grant and loan assistance has totaled about $1 billion (see Table II), about one-third of all the foreign assistance which Tunisia has received. By 1978, the Tunisians had repaid nearly $150 million of the loans, resulting in a net U.S. aid flow of some $820 million between 1946 and 1978. For FY 79, U.S. economic assistance to Tunisia totalled some $35 million, split between Development Assistance Programs and Food for Peace. FY 80 is estimated at some $10 million less, due largely to the failure of the Congress to pass the FY 80 Foreign Aid Appropriation Bill, and FY 81 proposed at some $7 million more, or $42.7 million. For FY 82, the Administration plans no new development assistance program request thus probably cutting the total aid flow well below $20 million.

A serious difference exists between the Tunisian and American governments on the issue of developmental assistance. The Administration has notified the Tunisians that, following the $25 million requested for FY 81, no new U.S. assistance will be allocated for Tunisia. Programs which have been funded in the past will be completed over the next several years.

The Carter Administration has developed its AID program for Tunisia since FY 78 with the intention of terminating it in FY 82. This decision appears to have been based on two related premises:

TABLE II

U.S. OVERSEAS LOANS AND GRANTS—OBLIGATIONS AND LOAN AUTHORIZATIONS

COUNTRY: TUNISIA

[U.S. fiscal years, millions of dollars]

Program	Post-war Relief period 1946–48	Marshall plan period 1949–52	Mutual security Act period 1953–61	Foreign Assistance Act period 1962–75	1976	Transition quarter	1977	1978	Total FAA period 1962–78	Total loans and grants 1946–78[1]	Repayments and interest 1946–78	Total less repayments and interest 1946–78[1]
I. Econ. assist. total		0.2	241.0	545.9	11.7	0.9	23.9	38.7	621.0	834.6	142.1	692.5
Loans			49.0	297.8	2.3		13.1	18.5	331.7	368.3	142.1	226.2
Grants		0.2	192.0	248.1	9.4	.9	10.8	20.2	289.3	466.3		466.3
A. Aid and predecessor			138.2	221.0	2.5	.4	10.9	20.1	254.9	366.5	68.4	298.1
Loans[2]			45.6	161.5			6.2	9.5	177.2	210.8	68.4	142.4
Grants			92.6	59.5	2.5	.4	4.7	10.6	77.7	155.7		155.7
Sec. supp. assist				(17.3)					(17.3)	(11.6)		
B. Food for peace		.2	102.8	312.4	7.9	.2	12.0	17.6	350.0	452.5	73.7	378.8
Loans			3.4	136.3	2.3		6.9	9.0	154.5	157.5	73.7	83.8
Grants		.2	99.4	176.1	5.6	.2	5.1	8.6	195.5	295.0		295.0
Title I total			10.6	136.5	2.3		6.9	9.0	154.7	164.9	73.7	91.2
Repay. in dollar loans				75.2	2.3		6.9	9.0	93.4	93.0	29.0	64.0
Pay. in for. curr			10.6	61.3					61.3	71.9	44.7	27.2
Title II total		.2	92.2	175.9	5.6	.2	5.1	8.6	195.3	287.6		287.6
E. relief, ec. dev. and WFP			90.3	149.3	4.6	.1	.5	2.4	156.9	247.2		247.2
Vol. relief agency		.2	1.9	26.6	1.0	.1	4.6	6.2	38.4	40.4		40.4
C. Other econ. assist				12.5	1.3	.3	1.0	1.0	16.1	15.6		15.6
Loans												
Grants				12.5	1.3	.3	1.3	1.0	16.1	15.6		15.6
Peace corps				12.5	1.3	.3	1.0	1.0	16.1	15.6		15.6
Other												
II. Mil. assist. total			9.4	52.8	15.7	10.1	25.4	26.1	130.2	139.8	13.5	126.3
Loans			2.6	9.7	15.0	10.0	25.0	25.0	84.7	87.5	13.5	74.0
Grants			6.8	43.1	.7	.1	.4	1.1	5.5	52.3		52.3
A. Map grants			6.8	33.3	.2	.1	(3)	(3)	33.7	40.5		40.5
B. Credit sales, FMS			2.6	9.7	15.0	10.0	25.0	25.0	84.7	87.5	13.5	74.0
C. Intl mil. ed. trng			(3)	2.9	.5		.4	1.1	4.9	4.9		4.9
D. Tran-excess stock			(3)	6.9					6.9	6.9		6.9
E. Other grants												
III. Total econ. and mil		.2	250.4	598.7	27.4	11.0	49.3	64.8	751.2	974.4	155.6	818.8
Loans			51.6	307.5	17.3	10.0	38.1	43.5	416.4	455.8	155.6	300.2
Grants		.2	198.8	291.2	10.1	1.0	11.2	21.3	334.8	518.6		518.6
Other U.S. loans			1.7	27.5	8.4	14.3			50.2	50.9	35.5	15.4
Ex-im Bank loans			1.7	6.0	8.4	14.3			28.7	30.2	11.9	18.3
All other				21.5					21.5	20.7	23.6	–2.9

[1] Values in these columns are net of deobligations. See general notes, reporting concepts.

[2] Includes capitalized interest on prior-year loans.

[3] Less than $50,000.

With relatively high GNP growth rate during the past decade, Tunisia has reached a threshold beyond which real growth could become self-sustaining;

Per capita GNP has reached a level which removes Tunisia from the list of most needy nations.

The validity of these premises is at this point unclear. Much of the capital investment which has given such a lift to the GNP has not been in areas of marketable productivity. Rather, large sums have been put into urban housing, sanitation, health and other basic services. While vital to a developing society, these areas do not do much to sustain growth in GNP. This investment, moreover, has been uneven. The urban areas have thus far been the primary beneficiary. A great need exists to improve the agricultural sector and the lot of the people of central Tunisia. These are the areas upon which Tunisian authorities are concentrating in the forthcoming five-year plan and they look to the United States for continuing assistance. U.S. and Tunisian officials alike agree that high unemployment, low farm income, and the lack of social services in rural areas need immediate attention and if this attention is received, significant improvements can be made. These are the areas in which the Tunisians looked to the United States for assistance.

The second premise is also subject to some dispute. The Tunisian GNP figures vary widely depending on the source. They may be artifically high because of the large sums in remittances and grants from abroad which have only limited impact in terms of sustaining economic growth. Furthermore, many nations receiving developmental assistance have a higher GNP per capita.

While the economic impact of the decision to terminate developmental assistance worries the Tunisians, its political significance is of greater concern. They fear that a reduction in U.S. assistance now, when they face the most serious challenge to their security in over two decades, will serve to weaken the forces of moderation at home and encourage opponents abroad.

U.S. Administration officials contend that the Tunisian government has known for two years that developmental assistance would be terminated in FY 81 and that the decision to do so should come as no surprise. The Tunisians assert that circumstances have changed significantly since that decision was made two years ago. At that time, Tunisia faced few outside threats, the political transition to President Bourguiba's successors was not in question, and there was no apparent need to accelerate the improvement of the defense establishment. Now the requirement to divert domestic resources to military preparation as well as the prospective increased debt burden associated with the hoped-for French and U.S. military credits add a substantial new economic burden to an already difficult situation.

All this was altered following the Gafsa incident and the Tunisians believe that the United States should recognize that change.

The Tunisians were surprised and disappointed by the decision because it appears at variance with Administration and Congressional expressions of support following the Gafsa incident. Habib Bourguiba Jr. personally met with President Carter and was assured of continued support for the independence, sovereignty and integrity of Tunisia. The Congress adopted a Joint Resolution expressing similar sentiments. To the Tunisians, the decisions to terminate developmental assistance contrasts sharply with these public statements.

NORTH AFRICA AND THE CONFLICT IN THE WESTERN SAHARA

(A Staff Report on a July, 1980, Visit to Algeria and Morocco)

Background: In the Summer of 1979 the Administration initiated a process of consultation with Congress concerning a possible change in the partial arms embargo imposed upon Morocco two years before. In 1977 the Administration had determined that the use of U.S.-supplied equipment against the Libyan and Algerian-supported Polisario guerillas in the Western Sahara violated the bilateral U.S.-Moroccan Arms Sales Agreement of 1960 (copy attached). Consequently, the partial embargo was imposed. By the Spring of 1979, the situation had changed significantly. Polisario attacks were being carried increasingly into territory internationally recognized as Moroccan. The Administration, therefore, raised with Congress the question of whether U.S. policy on limiting arms sales to Morocco should be altered.

A Foreign Relations Committee staff delegation was sent to Morocco, Algeria, and Mauritania in August of 1979. Upon returning, the three staff members reported to the Committee making three different recommendations ranging from effectively lifting the partial embargo to retaining it. Following exhaustive discussions, the Chairman and Ranking Republican Member sent a letter to the President urging a significant relaxation of the partial embargo and the appointment of a new ambassador, and reiterating the Committee's support for a negotiated settlement of the Western Sahara issue.

Subsequently, the Administration forwarded to the Congress a proposed military sales package for Morocco which included a 6 OV-10 aircraft, 20 Hughes 500-D helicopters, 12 F-5 aircraft. Resolutions disapproving this sale were introduced in both Houses, but did not gain sufficient support to block the sale. Deliveries under this package will begin in December of 1980.

In July 1980 a second staff delegation visited Morocco and Algeria to review this situation. The delegation toured Polisario camps around Tindouf in Southern Algeria, met with a number of Polisario leaders, and discussed the prospects for peace with Algerian and Moroccan officials. This memorandum reports on that visit and on subsequent discussions with officials in the Executive Branch and with others in Washington.

I. CURRENT IMPRESSIONS OF THE WESTERN SAHARA CONFLICT

The military situation

Most observers believe that the Moroccan military performance has improved significantly during the past year. On June 21, 1980, for example, a large, well-equipped Polisario force attacked Guelta Zemmur, in the Western Sahara, with some 600 men and 400 vehicles. After a day-long battle, the attackers were driven off and pursued by Moroccan Air Force fighters, according to some reports, across the Mauritanian border. The Moroccans had advance warning this time and approximately 1,400 defenders were well-prepared. In addition to the success in battle, this was reportedly the second of three recent instances in which Moroccan aircraft have crossed international borders in pursuit of retreating Polisario forces. One such crossing supposedly involved Algeria. Despite private protests, however, Algeria has said nothing publicly.

The morale of Moroccan forces apparently has been improved as a result of these recent military engagements. The increased Moroccan success appears largely due to the following changes in their military operations:

Local commanders have been given greater tactical and strategic freedom. In the past, significant operational and even logistics decisions had to be cleared with Rabat. The long chain of command had a negative impact on the war effort. Since the King named Brigadier Achmed Dlimi to operational command of the forces in the Western Sahara, substantial operational freedom has been permitted to field commanders.

Air and ground forces now are coordinating their efforts more effectively. In addition, the delivery of more F-1 Mirages, and the greater availability of pilots and crews over time have increased the Royal Air Force's effectiveness. The Moroccans consider cluster bombs, which the French have apparently already sold them, to be highly effective against Polisario Land Rovers, and high-ranking officers expressed great interest in the possible purchase of CBUs from the United States.

The Moroccans have apparently achieved better surveillance and intelligence and have shifted from a strategy of trying to hold empty territory in favor of striking at the Polisario forces when they can be found in a timely fashion with three mobile desert task forces, formed over the past year.

The quality of Polisario personnel may also have suffered some decline. In a June 29, 1980, Polisario attack in Morocco proper, for the first time, no surface-to-air missiles were fired at the supporting Royal Air Force aircraft, a possible indication of declining technical skill among the Polisario. Moroccans claim that attackers are being tied to their land rovers in order to prevent them from escaping and to avoid leaving casualties on the battlefield.

Polisario casualties may soon become (or may already be) a significant factor. Estimates are that Polisario casualties run from 1,000 to 1,500 men. Many of the original Polisario fighters had been trained by the Spanish in the early 1970s, and the number of these troops probably has been reduced by casualties. Moreover, the population base in the Tindouf area from which the Polisario draws its combatants is estimated at between 70,000 and 120,000 which indicates the rough limits on the ability of the Polisario to replace casualties. Estimates of Polisario combatants have been put at between 10,000 and 12,000 for some time, and some as low as 7,000. A few significant Moroccan successes could seriously strain the Polisario's ability to mount large operations. Observers cautioned, however, that the Polisario are likely to modify their tactics in response to such Moroccan success. Thus, after some period of consolidation, a resurgence of Polisario attacks using new tactics could be anticipated. In this connection, there are rumors that some 75 to 150 Polisario have been sent to Libyan and Palestinian training camps, possibly for terrorist training.

In view of the apparent shift in favor of Morocco on the battlefield, and the substantial casualties which the Polisario have probably taken over the past year, a significant weakening of their military position may be taking place. In retrospect, it seems likely that the Polisario made a significant miscalculation in escalating the magnitude of their attacks as well as in attacking Morocco proper, apparently in the hope of forcing a quasi-military solution and an internal weakening of the King's position. This has clearly not occurred.

Paralleling their battlefield successes, the Moroccans have made considerable progress in establishing a civilian base in the Western Sahara. In a conscious effort to win the support of the local population, services and housing have been greatly improved and civilian settlement promoted. The Moroccans now are confident that a large majority of Western Saharans favor union with Morocco.

The Polisario

The staff delegation spent 24 hours with the Polisario in the Tindouf region of Algeria touring their camps, their schools, clinics, and the "national hospital". Captured Moroccan military equipment and Moroccan prisoners were displayed. Extensive talks with various Polisario leaders including Mohamed Lamine Ould Ahmed, the "Prime Minister" of the Saharan Democratic Arab Republic (SDAR), and with the "governor" and counsel of the El Aivn were also held. An evening visit to the "27th of February" school for women included dinner with another member of the political council of the Polisario, a rally which included both classical and modern song and dance geared toward ideological themes, and our meeting with Mohamed Lamine Ould Ahmed.

Several broad conclusions and observations stand out:

The political leadership of the Polisario is attempting, with apparent success, to indoctrinate the camp population. No matter where the Tindouf refugees may have originated, there is a constant inculcation of "Saharan" identification at the expense of tribal ties. When questioned on tribal origin of their parents, our interlocuters maintained that they were Saharans and had no tribal ties. Even if no Saharan identity existed in the past, one may well emerge in the future. In addition, the Polisario is providing services—hospitals, education, and food—which are unavailable elsewhere in the region. With visible pride they pointed out that their "National Hospital" was better than anything available in Mauritania. In this way, the Polisario camps may prove to be a magnet for people from throughout the drought-striken Sahel, and it would be important to establish, if we can, whether the population of the camps has been static or appears to be growing.

When possible, people from the "liberated territories" in the Western Sahara are apparently brought to the camps and no attempts have been made to establish control of civilian areas in the Western Sahara. It would be useful to establish whether significant numbers of people have been so-shifted in recent years, and whether such shifts are largely forcible.

The total number of Saharans is disputed. The standard Polisario claims for the total number of "Saharaouis" is some 750,000. Any such figure must of necessity include a majority from well beyond the confines of the former Spanish Sahara. Polisario leaders assert that the population of the camps ranges from 120,000 to 200,000. Our own estimates were that 120,000 would be the upper limit and that there may be as few as 70,000. This latter figure is close to most U.S. Government estimates. A Spanish census in 1974 put the population at some 74,000.

Polisario leaders asserted their desire to have positive relations with the United States. They told us, however, that the sale of U.S. weapons to Morocco would not only extend the conflict in the Western Sahara but would damage the prospects for positive relations between the United States and the SADR. The Polisario liaison officer in Algiers stated that he thought the Polisario would be satisfied if the United States would remain neutral in the conflict. He did not expect U.S. support of the Polisario, but rather the halting of further arms sales to Morocco. This appears to be the principal Polisario goal in their contacts with Americans.

Most Polisario leaders denied that they sought the downfall of King Hassan of Morocco, but there were contrary statements as well. A common argument among the Polisario leaders was that unless Morocco entered negotiations to resolve the conflict, the King would fall as a result of internal discontent and pressures. The Polisario appeared to underestimate, by a wide margin, the depth of popular Moroccan support for the war, and to significantly overestimate the impact of the war on the Moroccan economy. They, nevertheless, do appear to expect a protracted conflict.

All of the Polisario leaders with whom we met showed virtually no sign of flexibility on negotiations. They were uniformly prepared only to negotiate the mode and pace of Moroccan withdrawal from the Western Sahara.

Morocco's Views. No fundamental change in the Moroccan strategic position on the Saharan issue is evident. However, some changes in tactics appear to be emerging. They do not appear willing to negotiate away sovereignty over any more "Moroccan territory". Nevertheless, the Moroccans have adopted more flexible tactics on the political front which appear related to their improved military performance.

At the July, 1980, meeting of the Organization of African Unity (OAU), the Moroccans shifted their position on negotiations. For the first time, the King's representatives agreed to meet with "all interested parties", which presumably includes the Polisario. Despite these apparent concessions, Morocco's critics have characterized the July OAU summit as a setback for Rabat. A serious split was revealed when twenty-six of the fifty member states indicated that they would support the admission of the Saharawi Arab Democratic Republic (SADR) to the OAU. Polisario backers—Algeria, Libya, Ethiopia, Angola, and Mozambique—seemed determined to force the issue. Only after several of Morocco's friends, among them Egypt, Tunisia, the Sudan, Ivory Coast, Zaire, and Senegal, threatened to join Morocco in leaving the OAU if the issue were pressed, did the members decide to postpone further discussion on the admission of the SADR until the "Council of Sages" again looked into the issue.

Morocco was encouraged by the meeting. For the first time, Rabat felt that its friends and allies would stand up and be counted. Moreover, the Moroccans believe the willingness of several of the key African states to leave the OAU of SADR admission if pressed is likely to give pause to some of the Polisario's less zealous supporters.

Algeria and the Western Sahara. Algerian officials continue to assert that continuation of the conflict could destabilize the region. Algeria opposes U.S. military support for Morocco as prolonging the Western Sahara struggle, and the creation of an independent Saharan Democratic Arab Republic is viewed as inevitable in Algiers. They continue to assert that their support for the Polisario is based upon their duty to assist authentic national liberation movements, and ironically point out that they received such support from Morocco and Tunisia during their own independence struggle with France. Blame for the continuing conflict, according to the Algerians, rests solely on the Moroccans who refuse to negotiate with the Polisario.

Relations between Algeria and Morocco were formally broken over the Saharan conflict. Each country, however, still maintains consulates in the other and private, high-level contacts continue intermittently. Algeria has refused to negotiate with Morocco as King Hassan of Morocco has suggested. Algeria contends that it cannot negotiate over the status of an independent country. Nevertheless, recent indications are that the Algerians may be prepared to accept the Moroccan suggestion that all interested parties sit down to negotiate.

Algerian officials deny that there is any geopolitical rivalry with Morocco which affects their view of the Western Sahara. This position is sometimes immediately undermined as Algerians often criticize Morocco for having territorial ambitions including not only the Western Sahara but also much of what has become Algeria proper. These Algerian concerns are fed by continued pronouncements from Moroccan nationalists who feel that much Moroccan territory was stripped from the Kingdom by the French when at the time of Morocco's independence, it appeared that Algeria would remain a "department" (or province) of France. Therefore, from an Algerian perspective, the diversion of Moroccan ambitions and resources into a protracted Saharan conflict may well serve the purpose of keeping Moroccan nationalist attention away from other territorial issues involving Algerian territory.

II. U.S. RELATIONS IN NORTH AFRICA

Morocco: Of primary concern to Moroccans is the perceived unwillingness of the United States to support Morocco politically on the Western Sahara conflict. Moroccans have difficulty comprehending why the United States does not side with Morocco, a long-standing friend and ally, against Algeria and Libya, anti-American Soviet clients, and their creation, the Polisario.

Arms supplies continue to be an irritant in bilateral relations. While gratified at last year's decision to lift the partial arms embargo, many Moroccans express concern over the delay in actual deliveries. In addition, United States seeks to link the actual delivery of these arms to further "progress" in negotiations, that is to what they fear are expected to be further Moroccan concessions. They do not consider the U.S. position as even-handed, as they see little or no U.S. effort to persuade Algeria to make similar concessions. American political aims for the Western Sahara are unclear to them, which leads to further confusion. Moroccans across the political spectrum do not understand why the justice of their claims fails to win American support.

The future of U.S. policy toward Morocco, Tunisia, and Algeria—particularly toward Algeria—is a great Moroccan concern. Their worry is that United States' desire to strengthen its friends such as Morocco will continue to be manifested more in rhetoric than in action. On the other hand, U.S. actions are seen as strengthening the Algerians. By refusing to take pro-Moroccan positions in international forums and by imposing the now-defunct partial arms embargo, the United States has, in the Moroccan view, effectively sided with Algeria. Many Moroccans fear that U.S.-Algerian economic ties put Algeria in a stronger position with the U.S. than is Morocco.

U.S.-Moroccan Economic Ties: Morocco, like most non-oil producing developing countries, has suffered substantial economic difficulties and faces a highly uncertain future as a result of the rise in energy prices. Morocco also imports most of its manufactured goods as it does not yet have an extensive industrial base. Its exports consist primarily of phosphates, oranges and other fruits, wine, olives, and other agricultural products. Phosphate production is the backbone of the Moroccan export economy. Nearly 70 percent of the world's presently known phosphate reserves are in Morocco.

Traditional problem areas for the Moroccan economy include the need for large imports of basic commodities including oil, wheat, and cereal products. Unemployment and under-employment remain high and the problems appear to be getting worse because of continuing high population growth, although population planning programs appear to have begun to take hold in recent years.

Beginning in late 1977, a severe fall in phosphate prices coupled with the rise in oil prices created major new economic problems. The previous, relatively-rapid Moroccan economic growth rates declined significantly. The economic slow-down suffered by Morocco's European trading partners, lagging Moroccan agricultural production, and high military expenditures partly associated with the war in the Western Sahara created additional difficulties. Morocco reacted in 1978 by scaling down its development plans and imposing import controls. New taxes were recently added. After two years of austerity and import restraint, the government of Morocco will almost certainly have to initiate some programs aimed at economic growth in order to meet the growing demand for jobs and a better standard of living.

The Sahara war is another element in Morocco's economic problems. There are unverifiable estimates that it costs approximately $1 million per day; however, Saudi aid may cover much, if not all, of these costs. Although that aid was stopped sometime in 1978, it has apparently been resumed. We have never been certain of the amount, purpose, or terms of the Saudi assistance, however, we do know that Saudi Arabia is financing the $235 million package of U.S. arms notified to Congress in January, 1980, as well as a variety of economic development projects.

U.S. Assistance: The United States has contributed to Morocco's economic development for several decades. The historical total of U.S. military and economic assistance, both grants and loans, exceeds $1.25 billion. In recent years, however, U.S. economic assistance has been of secondary importance compared to military sales. As a consequence, the United States is widely viewed as merely the supplier of arms and this image served to reduce American political influence somewhat. Given Morocco's difficult economic situation and its relative success on the battlefield, it may be appropriate for the United States to consider an increase in economic assistance to Morocco in order to supplement the current military relationship. While it is unlikely that developmental assistance will supplant military credits as the politically most important form of assistance while the Saharan conflict continues, a more balanced aid policy may well help to demonstrate the American commitment to the Moroccan people.

Morocco is in need of assistance and offers a variety of areas in which U.S. support could have a significant impact.

Energy Development: The Moroccans are looking seriously to their large deposits of oil shale as a potential means of reducing their dependence on imported oil in the long term. The Moroccan government seems eager to work closely with the U.S. in establishing such an energy program. In addition to oil shale development, this program could include technical assistance in prospecting for natural gas and petroleum.

Mineral Development: Morocco has some significant, but as yet undeveloped mineral deposits, including strategically important cobalt, and potentially a wide spectrum of other resources. The government is anxious to develop these resources with U.S. assistance.

Fisheries: Morocco lies adjacent to some of the world's richest fishing areas which currently are benefitting Europe and other states more than the Moroccans who are hindered by outmoded fishing techniques and antiquated equipment. The United States could do much to help Morocco develop this sector.

Assistance in other areas could contribute significantly to Moroccan development. These include telecommunications, computer technology, water development, and manufacturing. A general consensus exists that the American private sector has as much to contribute as does the public sector, but for any multi-faceted development plan to be successful the United States Government will have to take the lead.

The Administration could better promote American private sector investment in Morocco. In this connection, the U.S.-Moroccan Tax Convention is now pending before the Committee. This Treaty was signed in August of 1977 and sent to the Senate in May of 1978. Some minor issues which have only recently arisen remain to be resolved, but no difficulties are expected. U.S. businessmen in Morocco believe that early action could be quite helpful to the investment climate. The most serious issues pertaining to the Treaty, in fact, have little to do with Morocco. The U.S.-Moroccan Treaty happens to be the first of a number of tax treaties between the United States and developing countries, and, thus, a variety of general issues which have not been a problem between the U.S. and developed countries have arisen in the context of the Treaty with Morocco. Therefore, the sooner the Committee can address the broad issue of U.S.-tax agreements with Third World states the sooner the U.S.-Moroccan Treaty can be considered.

The Moroccan Domestic Scene. Members of Parliament across the political spectrum expressed the view that the Moroccan monarchy is a legitimate and unifying institution, and there is little evidence that the monoarchy per se is likely to be the focus of internal discontent during the near term.

The Parliament was established by King Hassan in 1977 as a link between the monarchy and the people and is composed of directly-elected representatives. Although the responsibilities of this legislature are limited, it is widely viewed as a significant step in the evolution toward greater responsiveness to popular needs and desires. Even Socialist Party leaders who are the most outspoken critics of the government, concede this point. Nevertheless, the Socialists contend that the King has not gone far enough or fast enough in liberalizing the political system. They also believe that if Parliament were "truly" representative they would have more than the present 15 seats. However, they emphasize their desire to work within the political system.

Opposition deputies freely expressed dissatisfaction concerning the conduct of the Saharan war, usually arguing that it was not being prosecuted sufficiently vigorously, along with a variety of domestic political and economic issues. The position of much of the political opposition deputies would appear to circumscribe the King's latitude to make concessions. Many were prepared to point out that their political position has improved significantly in recent years. In the past, opponents of the regime have been subjected to imprisonment, torture, and letter bomb attacks. They now speak openly and without visible fear. Former political prisoners are serving in Parliament. The press freely criticizes the government. Virtually all political prisoners have by now been freed.

An overwhelming majority of Parliamentarians support the King. They emphasize the "legitimacy" of Morocco's monarchy and contrast it to others such as that of the Shah of Iran. Many point out that it is the monarchy which unifies Berbers, Arabs, Saharans, and others as Moroccans and that without it, an equally effective unifying force would have to be invented. King Hassan's ability to govern appears to have been enhanced during the past year not only by improved military performance in the Sahara conflict, but also, as a result of the perception that the domestic political system does afford room for political dissent. In addition, most observers seem to believe that further political liberalization is likely.

U.S.-Algerian Relations: U.S.-Algerian bilateral relations fall into two broad categories, economic and political. Commercial relations are dominated by Algerian gas and oil sales to the United States and by the sale of U.S. technology of various kinds to Algeria. The economic relationship is substantial.

On the political side of the ledger, the Algerians argue that they are truly nonaligned. Although they maintain a large-scale military supply relationship with the Soviet Union, the Algerians contend they have no intention of becoming either a Communist society or a Soviet client. To support this view, they note that no significant Soviet military presence or facilities are allowed in Algeria.

Government officials emphasize their desire to continue to improve relations with the United States and express some concern about the common American perception that the Algerian government is radical and anti-American. To counter this perception they observe that while Algeria does not support the Egyptian-Israeli peace treaty, the government is willing to accept any solution to the Palestinian problem that is agreeable to the Palestinians. This solution could involve autonomy for the West Bank or an independent Palestinian state. They would rather leave this issue to the eastern Arabs as Algeria is geographically distant from the Middle East. We were told that President Chadli Benjedid has stated that the existence of Israel is a fact which cannot be changed and, therefore, must be accepted. Algerian officials say they oppose international terrorist activities.

The problem in U.S.-Algerian relations, however, lies in the wide spectrum of political issues on which the U.S. and Algeria differ. Algeria refused to condemn the Soviet invasion of Afghanistan and was one of a minority of Arab government which participated in the Olympics. On North-South issues, the Algerians have been outspoken critics of the industrialized states. Algiers supports anti-American "liberation" groups throughout the world. There are profound disagreements on the issue of the Western Sahara. Across the entire spectrum of political issues, it is difficult to find many areas of agreement.

On the economic side of the ledger, relations are good. Since 1976 the United States has been Algeria's largest trading partner. The Algerians, however, have a considerable trade surplus with the U.S. resulting principally from the sale of oil and natural gas. United States manufacturers have found Algiers an increasingly receptive market. This dichotomy of warm economic ties and cool political relations is likely to continue for some time.

CONCLUSION

Morocco's position in the Western Sahara is stronger politically and militarily than a year ago. As a result, King Hassan appears to be evidencing greater flexibility on the question of negotiating. The change in the U.S. arms sales policy seems to have had some influence on the shift in Morocco's stance, the absence of deliveries notwithstanding. By contrast, Algeria has shown little or no flexibility and the Polisario remains uncompromising. Simultaneously, the Moroccans are somewhat more openly critical of U.S. unwillingness to offer greater support on this issue, which Moroccan political leaders are persuaded, has significant East-West implications.

Despite perceived political and military successes, most Moroccans admit that the war increases the difficulties which their economy faces over the next few years. The economic problems have the potential of causing domestic political unrest which is not in Moroccan or Western interests. If internal discontent induces a crackdown, the tentative steps toward a more open political scene which have occurred over the past several years could be undermined. Possibly, over time, economic difficulties could enflame discontent over the failure to win the Sahara War and even generate a coup attempt. Any change of regime in Morocco can be expected to bring less moderate and less Western-oriented regime to power. Any regime in order to win popular support will have to prosecute the war more vigorously, risking a wider conflict in North Africa.

In recent years, U.S. economic assistance to Morocco has been of secondary importance to military sales, and Moroccan economic problems have grown to at least a comparable importance to the Western Sahara War. If the U.S. has a stake in the continuation of a favorable relationship with Morocco and the continuation of a reasonably pro-Western gradually-liberalizing government, the problem of Morocco's economy should concern us as much as to war. The U.S.'s modest development aid support could well be increased to good effect, demonstrating again, U.S. support for Morocco and the Moroccan people. Morocco, moreover, offers a great variety of areas where such assistance can have an early impact. The U.S. Government can also take further steps to promote U.S. private investment in Morocco.

U.S.-Algerian relations are presently correct and perhaps even modestly improving. The Algerians would like to establish better relations; however, serious political differences exist and U.S. influence in Algiers is limited. Our economic relations, nevertheless, are substantial.

United States interests would appear to dictate quiet efforts to improve relations with Algeria. Such a move would not likely bear much fruit in the near-term, but over the longer run such a process could well prove helpful, even on the Western Sahara issue. Algeria, however, remains dependent on the Soviet Union for military equipment and strongly attached to third world anti-Americanism. Under the best circumstances, U.S.-Algerian relations are unlikely to improve markedly.●

NINE-DIGIT ZIP CODE PROGRAM SHOULD BE DELAYED

● Mr. SASSER. Mr. President, I urge my colleagues to carefully consider the U.S. Postal Service's forthcoming program of having a nine-digit ZIP code for delivery of the mail.

Recently, the Subcommittee on Energy, Nuclear Proliferation, and Federal Services, chaired by Senator JOHN GLENN, held a hearing on this matter. The testimony we heard was most illuminating.

We found that business mailers had serious concerns about the workability of the ZIP code system, doubting the utility of going to a 9-digit ZIP code system where there would be enough ZIP codes to fill a 10-volume, 30,000-page book.

We found that business mailers estimated that the average cost per business of converting to the system would range from $500,000 to $1 million and that the Postal Service will have to go back to the Postal Board of Governors to further reduce postal costs to have business comply with the system.

We found that the Postal Service does not expect to realize $500 million annual savings from the system until 1986 though the Postal Service expects to spend over $1 billion before that time to put the system in place and though the Postal Service has not even estimated the overall postal rate reductions it will have to give the business community to comply with the system.

We found serious reservations by large mailers whether the performance of the Postal Service would be improved since many of these large mailers already have presort programs that seem to be as efficient as the proposed nine-digit ZIP code system.

Thus, while the Postal Service claims to have looked at this system for 4 years, the recent Governmental Affairs Committee hearing was the first opportunity that the Postal Service has taken to brief the Congress on the system—even though they propose to put the system into effect this coming February.

In short, the Postal Service is ready to embark into the unknown and there is very little in the public record at this point to prove conclusively that the nine-digit ZIP code will be cost efficient or improve productivity in moving the mails.

Mr. President, until the public record is set forth with more clarity and persuasiveness, I would urge my colleagues to look carefully at the nine-digit ZIP code system lest we plunge the American public into a chaotic and counterproductive experiment.

Mr. President, I ask that at this time my statement that I offered at the recent Governmental Affairs Committee hearing on the nine-digit ZIP code be printed in full.

The statement follows:

SENATOR SASSER: STATEMENT FOR NINE-DIGIT ZIP CODE HEARING

Mr. Chairman, let me commend you for holding these hearings on the implementation of the nine-digit ZIP code program by the U.S. Postal Service in February of 1981.

These hearings are necessary for the Congress to have much better information about the proposed change in the ZIP code system than we presently have. Without the information that can be gained from these hearings, we may embark on a program that is counterproductive and confusing to the American people.

Mr. Chairman, the reports I've received indicate serious misgivings about the workability of the nine-digit ZIP code system. I doubt whether the American public is ready for it and I doubt whether American businesses which already do substantial pre-sorting of their mail, will find the nine-digit ZIP code any bargain either.

Preliminary reports by large mailing concerns cast substantial doubt on whether the nine-digit ZIP code will reduce their mailing costs. Indeed, retooling for the nine-digit ZIP code may increase their mailing costs significantly.

On top of that Mr. Chairman, the Postal Service has, in effect, given this proposal "special delivery" treatment. Only last July it announced that the implementation of the nine-digit system would occur next February. Since that time, the Postal Service has determined that they may have to invest at least $1 billion dollars in optical scanners to run this new nine-digit program—even though the Postal Service's own estimates of the savings from the program may only run to $500 million dollars in the short-term. And if the Postal Service must further reduce mailing rates to business concerns for them to comply with the nine-digit ZIP code, the cost of this system could soar. In short, Mr. Chairman, the Postal Service has once again not given the Congress a full explanation of the costs and benefits of moving to this new mailing system.

Furthermore, Mr. Chairman, what are the service implications for the mailing public that does not comply with the nine-digit ZIP code? Will they receive second-rate service when they don't have a nine-digit ZIP code? Will their mail delivery be slowed down in favor of those that have a nine-digit ZIP code? These are questions that have not been adequately answered by the Postal Service in the course of this experiment.

Also, Mr. Chairman, I might add that ever since this experiment was proposed by the Postal Service, neither I nor any of the staff that I work with on the Governmental Affairs Committee has been contacted so that we may have full-scale briefings about this project. Yet, this comes at a time when the Postal Service continues to argue that it must receive an annual $920 million dollar Federal subsidy and when it projects that the cost of mailing a first-class letter will increase to 20 cents in the near future.

We are having more and more expense in these Postal Service experiments, less and less assurance that it will result in substantial postal savings, and no assurance whatsoever that the American public understands and accepts the need for such a change.

Finally, and most importantly, Mr. Chairman, is the human impact of this move. Some 97 percent of the American people now faithfully use the five-digit ZIP code system. But it took 17 long years to acclimate them to do so.

Aside from the merits this proposal has, it comes across as another step in the chilling tendency to reduce Americans to nothing more than a series of numbers.

Even George Orwell, in 1984, didn't foresee such a dehumanizing trend.

Already, an American adult is nothing more than a driver's license number, a bank account number, or a series of digits in one data bank or another. If this system were implemented early next year, it wouldn't surprise me if some frustrated and confused person writes their nine-digit social security number—and not the ZIP code—on the front of an envelope.

I say let's not zap the American people with more ZIP.

This sort of approach to changing the ZIP code process is just too much, too soon, for too many Americans. That is why I have joined with Senators Durenberger, Boren, Baucus, Melcher, Pryor, Leahy, Jepsen, Dole, Hayakawa, and Humphrey in cosponsoring an amendment to the Treasury/Postal Appropriations bill that will block implementation of the nine-digit ZIP code until there is further information forthcoming from the Postal Service about the change. The Postal Service owes it to the American public and their Congress to provide us with such information before we embark on this very risky adventure.

Thank you.

Mr. SASSER. Mr. President, there as always is a very human side to these matters. Recently, I received an unsolicited letter from Mr. Richard Jones, publisher of the Lake County Banner, commenting on the nine-digit ZIP code.

His brief letter speaks volumes on this matter, and I ask that his letter to me on this subject be printed in the RECORD at this point.

The letter follows:

BANNER PRINTING CO.,
Tiptonville, Tenn., November 22, 1980.

Senator JIM SASSER,
Washington, D.C.

DEAR SENATOR SASSER: We have seen the quality of postal service decline for some time now. Newspapers, even those as small as ours, have gone to other distribution systems. Newspapers have gone along with many, many rate increases that have been extremely costly to subscribers while we do more and more of the sorting and delivery ourselves. If it helped the service to patrons we would be 100 percent for it. The service to patrons has not improved. It has gotten worse. Parcel post business is being taken over by UPS, Federal Express and other systems, because we can't depend on the U.S. mails.

We discontinued mailing the Lake County Banner to Ridgely several years ago because the Postal Service sent them right past Ridgely to Memphis, a 200-mile round trip, and we couldn't wait that long. It is only eight miles to Ridgely. Wynnburg, four miles away, got the same treatment. So, we deliver to the post office ourselves and pay the post office the same amount as if they carried them.

We have had at least two different sets of ZIP codes since the system was started. Now the Postal Service proposes another revision. This would separate a little town like Tiptonville into two ZIP code areas. That is ridiculous. It also is not cheap. A ZIP code isn't needed to tell a postman which side of Main Street Jim Jones lives on. ZIP codes don't mean anything in a town with only 500 or 600 houses. Yet, we are forced to go along with the expensive change-over, and we get nothing in return except more money wasted. If it costs us several hundred dollars, how many millions must it cost taxpayers across the United States? What our subcribers keep telling us is this: "We don't mind paying 15 cents or 20 cents for postage stamps if we could just get some good old 2-cent service like that we had years ago.

If a new set of ZIP codes meant anything except another gigantic expense that taxpayers don't need, we would say—fine. If it served a really useful purpose and was worth the cost, we would say—fine. As it is, we just aren't getting our money's worth now and we don't think a useless ZIP code change in all the little towns like Tiptonville across this Nation will make anything better—just more costly.

Please try to put the brakes on this unending, useless expense to taxpayers. I don't write many letters to Washington but I am positive you need to know how Tennesseeans feel on this subject.

Sincerely,

RICHARD JONES,
Publisher.

THE EFFECT OF FEDERAL RESEARCH AND DEVELOPMENT ON PRIVATE ENTERPRISE

● Mr. MATHIAS. Mr. President, David Soergel, an economy and technology analyst from Potomac, Md., has written several articles in the past few years on the subject of Government-sponsored research and development, both in Government agencies and in private industry. Mr. Soergel raises provocative questions about the imposing size and scope of Federal involvement in some fields of technological and industrial innovation, and he is concerned about its long-term effects on private enterprise. Because of what he sees as the preemptive influence of Federal research and development on private sector activity, he concludes that small firms with independent new ideas cannot compete with established firms, that innovation has languished, and that the whole economy is developing a bad case of hardening of the arteries.

I am sure that my colleagues will be interested to examine and weigh Mr. Soergel's diagnosis of the effects of Federal research and development on the Nation's economy. I submit for the RECORD his recent essay, "The Death of Venture Capital," which was published in the August 1980 edition of Government Executive.

The essay follows:

THE DEATH OF VENTURE CAPITAL

The National Science Foundation's recent report, U.S. Scientists and Engineers, 1978, contains some revealing data. Most U.S. scientists and engineers (S&Es) who decide and start new ventures are nevertheless not responsible for finishing them. They cannot claim rewards for successes, be penalized for failures, nor can their venturing activities be comparatively measured. Yet their scientific and technical activities have a significant influence on our future society, economy, and world trade position.

In 1978 the U.S. tax system took $14 billion out of private capital markets to finance venturing activities which were started but not finished.

According to NSF's 1978 employment data, 38 percent of the Nation's S&Es were employed by organizations whose plants, equipments, and other capital assets are not privately owned. Their comparative performances are not measurable by profits, stock and bond market prices, returns on ownership equities, or the future expectations of any of these. The employing organizations are the so-called "nonprofits," located in both private and public sectors. They, of course, don't pay any federal income taxes either.

Most nonprofit-employed scientists and engineers work in the earliest innovative phases of basic and applied research—the creation and early exploration of ideas—and a smaller number develop some ideas to a production position. But, with rare exception, their activities stop short of production, distribution, and consumer sales.

SUBSTANTIAL NUMBERS

Because they do not finish what they start, it is impossible to judge whether nonprofits should continue "in business," become larger or smaller, or even how much their S&E employees ought to be paid. For example, they started a supersonic transport that never flew, "new technology" houses that were never bought, and a special city bus that was never produced, yet they still remain "in business," and some have even significantly expanded their operations and raised their pay levels.

Overall, nearly 1 million S&Es were both privately and publicly employed during 1978 to create and bring ideas to a production position by activities known as "research and development" (R&D), a term which means a lot to the S&Es who perform it, but means little to all others who pay for it in product prices and through the tax system.

In 1978, 132,000 S&Es were employed in basic research activities, 146,000 in applied research, and 400,000 in development and, added to these numbers of direct S&E employment, was 200,000 administrative R&D personnel. This personnel build-up roughly traces innovation's cost accumulation as an idea "moves" to a production position.

These are the members of our society who already have or will determine the future market choices for all 222 million U.S. citizens—for national security, new energy supply, transportation, health delivery, plus all other future goods and services. In a large measure, they will contribute to the health and security of our future society, the productivity, efficiency and stability of our future economy, employment, world trade position, and, with exception of Government's share of national income, our future gross national product.

A different and more revealing data organization is by "nonprofit and industry S&E/R&D employment." Organizing NSF's data in this fashion we find that of the nearly one million S&Es, 300,000 were employed by nonprofits and 614,000 by industry.

The R&D assignments of industries' S&E employees were heavily concentrated in the development category (351,000), and for nonprofits, in the basic and applied research categories (168,000), not adding in a prorata share of R&D administrators in either case. This R&D employment distribution suggests that nonprofits were busy starting new ventures, and industry was either busy finishing them, or finishing its own independently started ventures.

GOVERNMENT DOMINATES

The NSF data also allows a closer look at the kinds of nonprofit organizations that employ S&Es to perform innovative R&D activities. Most were employed by educational institutions (100,000), with Federal agency and nationalized laboratories running a close second (87,000). State and local governments also employed an impressive number of S&Es for R&D activity, almost 40,000. Close behind state and local governments were private nonprofit organizations, such as SRI, Batelle Memorial Institute and the Franklin Institute, with 35,000 employment—overall, about 300,000 S&Es were employed by organizations that don't finish what they start, nor do they pay federal taxes on income. (U.S. Scientists and Engineers, 1978, pg. 51).

If we ask, who paid their S&E employees' salaries and benefits, we find it was mainly U.S. taxpayers. In fiscal 1978, Federal Government obligated $26.4 billion to pay for R&D activities, and $14 billion went to nonprofits and $12.4 billion to industry. (Federal Funds for R&D, 1977, 1978, and 1979 Detailed Statistical Tables, NSF 78–312, pgs. 2, 3.) If 1978's statistical S&E personnel cost was $46,000 per year, then all 300,000 nonprofit-employed S&Es who were assigned R&D activities would have been paid by U.S. taxpayers.

FINANCIAL ORIGINS

This leads to an inescapable conclusion. Apparently, in 1978, nearly all new ventures were started by Federal agency "peer" or "proposal" committees acting as surrogates for private investors, and congressional committees authorized and appropriated the required R&D money acting as "boards of trustees" of a large nonprofit corporation, perhaps rivaling the Soviet Union in size.

Private firms employed the remaining 62 percent of the nation's S&Es who were assigned innovative R&D activities. They may or may not finish development and produce whatever it is that the nonprofits had started, and also start their own independent ventures by performing company-sponsored basic and applied research. But most of industries' independent R&D money (which comes from tax-deductable consumer sales income and corporate savings) is spent in the development category to product-improve, rather than to product-innovate.

By concentrating in the development category, most R&D-spending firms milk the last dollar out of already existing production capital. They mainly develop product improvements, such as more attractive tail lights, auto styling and cheaper "old technology" product designs which, to produce, require only minor and low risk investments to adapt already existing production capital.

Brand new and major capital investments are rarely made because new and novel products which are not producible by only minor variations to current capital are rarely ventured. This is not meant to imply that new and novel products will not be introduced by heavily capitalized firms, only that the timing for such introductions will be keyed more to capital depreciation schedules, than to the schedules of consumer demands, national goals such as energy independence and environmental protection, or to the earlier schedules of technological opportunities as they may arise.

New technical enterprises are generally acknowledged as the nation's major source for new, novel, and high risk products. But the U.S. tax code has nearly eliminated entrepreneurs from our society and economy. Tax-deductibility of internal cash-flow gained from consumer sales is one tax feature which favor business expansions over new enterprise starts. Entrepreneurs who hope to advance their positions by starting new enterprises, win or lose, are income-less during an extended and costly search for outside financial support.

As sources for internal cash-flow, they have little choice but draw from after-tax family savings and refinanced personal property, such as houses and autos, to pay the costs for preparing and marketing detailed technical and financial proposals which they hope will interest outside investors.

A profit-related tax incentive to venture new ideas carries no meaning at all for those who are not yet in business, but hope to be in the future.

Another tax code feature further disadvantages entrepreneurs. Highly progressive individual income tax rates favor corporate over individual savings (46 percent max rate vs. 70 percent max rate) which additionally concentrates corporate control over private R&D. As important, the most highly taxed individuals in our society are also the nation's risk-takers. Their income comes from interest on loans and dividends from equity stocks, and it is precisely these individuals that entrepreneurs hope to attract to their new ventures.

The tax code's distribution of unequal venture entitlements throughout America's economy is a primary cause for the growing problem of industrial economic concentrations, a stagflated economy by protecting obsoleted production capital, and a worsening position in world trade.

As noted by Noble, Laureate Friedrick Hayek, corporations are "virtually privileged by the U.S. tax system; it strengthens the position of established corporations against newcomers, checks economic progress and makes for rigidity." To this may be added, it also makes our domestic products "sitting ducks" for foreign imports.

In sum, most new and innovative ventures are started within a bureaucratic, political, and noneconomic environment using taxpayers' money—not within a competitive and free market economy financed by distributed and competitive private investors. Industry mainly improves its current products by the expenditure of tax-deductible sales income—a tax incentive which is meaningless to entrepreneurs—and corporate savings favored in tax law over individual savings, again relatively disadvantaging entrepreneurs.

In the event of product failure, were the early nonprofit technical activities at fault, or did private producers simply botch the job? All can legitimately point their fingers at each other while the legal community handsomely benefits to resolve what is, in fact, a deep-seated institutional flaw in public R&D policies.

CONGRESS AT FAULT

Clearly, public R&D policies promote a remarkable disconnect between authority to start and responsibility to finish—a stark violation of a universally accepted management principle, and the tax code promotes business expansions over new enterprise starts. In brief, the beginnings of new ventures are apparently more "Federalized" than they are individually "privatized," and industry's current capital is protected from enterpreneurial challege by the U.S. tax system.

It's also apparent that the term "private enterprise" is losing, indeed has already lost, its original meaning, and ought to be replaced when identifying our underlying economic system. Our defenders of economic freedom—our congressional members—should be the ones to decide. But so far they have said little about this public policy thrust to convert a private enterprise and free market economy, to a collectivized and centrally, commanded one, possibly because they have played a major collective role in causing it.●

ROY S. JONES, JR.

● Mr. TSONGAS. Mr. President, 2 days ago President Carter signed into law one of the most historic conservation bills in the history of the United States, the Alaska National Interest Lands Conservation Act.

The list of individuals who deserve credit for this extraordinary legislative accomplishment is extremely long, headed by the President of the United States. However, my purpose today is one too often forgotten at the climax of great national events, the critical role of members of our staffs.

I want particularly to pay tribute to a young man, Roy S. Jones, Jr., who I have had the very great privilege of working with during the past year and a half. Roy Jones is the counsel on oversight of the House Committee on Interior and Insular Affairs. At the time last year when the Senate Energy Committee began work on the Alaska bill, I asked Chairman Mo Udall to detail Roy Jones to my staff because of his great experience and expertise on the legislation.

Since that time, he has served as counsel to me and to Richard Arenberg of my staff on the Alaska legislation and is, in all truth, one of the individuals most responsible for the passage of the Alaska lands bill. His tireless efforts led directly to the resolution of the most difficult and hotly contested issues surrounding the bill. The two greatest examples of his contribution and skills at mediation were his efforts in negotiating the compromise which made possible legislative language assuring both the operation of the borax mine in Misty Fjords and the protection of the area's critical fisheries and other incomparable natural resources and his participation in the group of Senate staffers who shaped the final substitute legislation which passed the Congress and became the law.

Roy Jones' sense of balance and fairness, his pragmatic perspective and his commitment to sound national policy became legendary among all of those who worked so hard on this bill over the past months. My own chief legislative assistant often said of him, "The most effective and fastest way to get a good Alaska lands bill would be to lock Roy Jones in a closet, let him debate both sides, and wait for him to emerge with a fair solution."

Mr. President, Roy S. Jones, Jr. was born at Maxwell Field, Ala., on February 16, 1942. He was raised in Douglas, Ga., and Winter Haven, Fla., where he graduated in 1960 from Winter Haven High School. In 1964, he graduated from the U.S. Military Academy at West Point, where he attained the highest rank of cadet captain and was voted by his peers to be their representative the to cadet honor committee.

A paratrooper and ranger, he served with the 3d Armored Division in Hanau, Germany, from 1964 to 1967. He concluded his tour of duty in Germany as the commanding officer of an Honest John rocket battery.

From 1967 to 1968, he served with the 1st Infantry Division in the Republic of Vietnam. In Vietnam, he served as the fire direction officer for the 6/15th artillery howitzer battalion attached to special forces camps along the Cambodian border responsible for directing all of the artillery and helicopter defense of the people and the city of Saigon against rockets and mortars. He was awarded three bronze stars, the Vietnamese Cross of Gallantry with Silver Star, and the Army Commendation Medal—and received an advanced promotion to the rank of major at age 27.

In 1970, he became a legislative assistant to Congressman James A. Haley of Florida, who was chairman of the House Interior Committee, to which I was assigned as a freshman Congressman in 1975.

In 1973, Roy Jones received a juris doctor degree from the University of Maryland Law School. In 1974, he became a member of the District of Columbia Bar and the Florida Bar. In 1975, he became the counsel on oversight of the House Interior Committee.

Roy Jones' list of accomplishments goes on and on. He was instrumental in the passage of the Big Cypress National Preserve legislation and in the drafting of the first Alaska lands bill in the House.

Mr. President, I owe Roy Jones a great debt for the service he has done on my behalf during all of the deliberations of the Alaska lands bill; and I deeply believe, more importantly, that all of us in this Congress and the Nation owe him a debt of gratitude for his role in this accomplishment. This tribute, in a small way, is an effort to recognize that role.●

VOTERS REJECT NUCLEAR POWER

● Mr. KENNEDY. Mr. President, I submit for the Record a copy of an article which appeared in the Critical Mass Energy Journal entitled "The Untold Election Story." This article reports that in this last election, more than 6 million Americans in eight States cast votes on questions concerning the future of nuclear power. It found that Americans voted 52 to 48 percent against nuclear power. I think it is especially significant that this vote occurred during an election which has been interpreted by many commentators as auguring an era of conservativism.

The article follows:

THE UNTOLD ELECTION STORY—AMERICANS VOTE 52 PERCENT TO 48 PERCENT AGAINST NUCLEAR POWER

(By Whayne Dillehay)

In Election Year 1980, more than 6 million Americans in eight states cast votes on questions concerning the future of nuclear power. Yet, in a year when the political trends generally went against those advocating safe energy and opposing nuclear technology, more than half of all the votes cast were in support of restricting or curtailing atomic energy.

This tremendous showing by the anti-nuclear and environmental community came despite unprecedented amounts of money pumped into pro-nuclear campaigns in each of the states where nuclear energy was a voter issue. Overall, pro-nuclear forces spent more than $3 million to halt the tide of nuclear opposition. Nuclear industry opponents spent only $300,000. The industry paid nearly $1 for every vote they received.

Voter referenda, initiatives and non-binding public-policy questions appeared on ballots in Maine, Montana, Florida, Washington, South Dakota, Missouri, Oregon and Massachusetts. Three states came away with a majority of voters in clear opposition to nuclear technology and two others narrowly lost by margins of less than four percent.

For the industry, the results—even where they turned out to be in favor of the nuclear option—were anything but encouraging. The very fact that the issues were brought up in an election year at all sent the huge corporations such as Westinghouse, General Electric and scores of nuclear utilities scurrying. In almost every case where anti-nuclear activists fell short of their referenda goals, there were vows by supporters of the measure to try again as soon as 1981.

Here is a summary of the results of the nuclear ballot questions:

Washington—By an overwhelming margin of three to one, state voters approved a referendum which will ban the storage and disposal of non-medical nuclear wastes generated out of state. Provisions for setting up special waste storage arrangements with states in the Pacific Northwest is also included in the measure. Significant also in Washington's vote were related election results which tossed out pro-nuclear Governor Dixy Lee Ray during the Democratic primary and declined to send controversial Democrat Rep. Mike McCormack back to Washington for another term. McCormack was a staunch supporter of atomic energy in the House of Representatives.

Oregon—Linking the future construction of any nuclear power plants in the state to a proven and tested solution to the problem of permanently disposing of commercial reactor waste was passed here. The referendum also requires a state-wide vote before any plants could be built. The measure passed by 53 percent to 47 percent.

Missouri—Similar to the Oregon measure in linking a permanent waste facility to the operation of any nuclear plants, the state ballot question also would have required utilities to set up funds for decommissioning reactors before they were allowed to begin operation. The measure failed by a margin of 39 percent to 61 percent. Complicating the issue was the fact that the state's first reactor (Callaway I) is more than 75 percent complete, giving the industry ammunition to raise the spectre of utility bill cost increases if the plant is not completed on schedule. The industry forces opposing the referendum spent nearly $2 million on the campaign, compared to $50,000 for the referendum supporters.

Montana—State voters narrowly defeated a measure which would have banned the disposal of all non-medical and non-educational radioactive material in the state. The bill did leave the door open for uranium mining, but would have banned milling and processing of the ore in the state. The referendum received 49.6 percent of the votes in its support and 50.4 in opposition. The results were unexpected since a statewide referendum in 1979 requiring voter approval of any nuclear plants in the state passed by a comfortable margin.

South Dakota—In another close vote, voters turned down a proposal which would have required voter approval of any nuclear facility, including power plants, uranium mines and waste facilities. The vote was 48 percent in favor and 52 percent opposed.

Massachusetts—Part of the election ballot in 31 state congressional districts were questions regarding proposals to restrict nuclear technology in the state. The questions ranged from regulating nuclear transport to opposing new atomic plants. The questions were part of a state tradition of having "public policy questions" on each election ballot to guide state legislators in assessing public opinion. Although the results of the measures are not binding, they frequently dictate policies elected officials adopt. Of the 31 questions, 25 earned a majority of the votes in favor of restricting nuclear power.

Maine—In a special election of September 23, Main voters rejected a referendum calling for the shutdown of an operating reactor and a ban on future plants. The margin was 56 percent to 42 percent.

Jacksonville, FL—In a public relations ploy, city council members in the Westinghouse-dominated city placed on the ballot a non-binding "pro-nuclear question" asking voters if they supported a nuclear power plant being constructed to supply electricity for Jacksonville. The measure was approved by 68 percent of the voters.

Taken as a whole in this election year, almost 6.2 million people voted on one of the nuclear issues. Of that total, 3.3 million—52 percent—voted in favor of retricting or curtailing the nuclear option.●

THE COMMONSENSE OF GEORGE McGOVERN

● Mr. KENNEDY. Mr. President, in a thoughtful and perceptive article entitled "The New Right and the Old Paranoia" that will appear in January 1981, our colleague, Senator George McGovern has set out the concerns shared by many Americans over this negative challenge to the American political system.

Senator McGovern—who was himself to fall victim to the New Right when he was defeated in his courageous bid for reelection—correctly identifies the New Right groups as the real "radicals" trading in emotional single issues that inflame, rather than educate or inform, American voters.

As a partial answer to this problem, Senator McGovern has announced the formation of "Americans for Common Sense"—a coalition that has a twofold purpose.

First, to develop a workable, realistic and pragmatic agenda for progressive Americans and, second, to take that agenda to the Nation through grassroots action that can become a positive counterforce to the negativism of the New Right.

Senator McGovern has based his public life on the politics of hope and the challenge of doing better. His new coalition offers him another forum to continue his great service to the country. I wish him well.

With the thought that all Members of the Senate, regardless of political philosophy, can benefit from Senator McGovern's comments, I ask that his article be printed in the Record.

The article follows:

THE NEW RIGHT AND THE OLD PARANOIA

(By George McGovern)

A prominent hero of the "old" right, who had had an encounter with some members of what is called the New Right, acknowledged what he judged to be their good qualities—conviction, hard work and determination—then added, "But if they disagree with you one bit, you're a no-good s.o.b."

The speaker was the senior Republican Senator from Arizona, Barry Goldwater, who'd incurred the wrath of the New Right by backing President Ford in 1976 because he considered some of Ronald Reagan's positions extreme, particularly with reference to the Panama Canal.

The incident, though not of lasting consequence, is illuminating. If the impeccably conservative Senator from Arizona cannot stay out of trouble with the true believers of the New Right, what hope can there be for the rest of us? Not much, I should think, because we aren't dealing with a normal political group able and willing to press its views in our democratic arena and then accept the outcome, favorable or unfavorable, with a measure of good cheer. We're dealing—not for the first time in our nation's history—with political evangelists, angry and intolerant, incapable of believing that they can be mistaken or that those with whom they disagree might have honorable intentions.

They call themselves conservative, but their zealotry, self-righteousness and vindictiveness toward those with whom they disagree connote something radically different from the authentic conservatism of, say, Robert Taft or Senator Goldwater, or of Senator Robert Dole in more recent years. True conservatism—if one who is not known as conservative may presume to define it—connotes care and restraint in the initiation of change, not for fear of change itself but for fear of its possibly harmful, unintended consequences. It also connotes careful thinking—care in the marshaling of facts and restraint in the drawing of conclusions. It is in those respects that true conservatism is at fundamental odds with the thinking of the New Right, which proffers its beliefs as revealed truths to which it brooks no opposition.

The tradition from which the New Right springs is not the modern conservative tradition of Taft and Goldwater, still less that of the nation's founders, of Washington, Hamilton and the Adamses. Instead, it flows from what historian Richard Hofstadter has described as the "paranoid style" in American politics, not a mainstream in our affairs but a presistent one, characterized by "heated exaggeration, suspiciousness and conspirational fantasy."

It has been directed at various times in our history at Catholics, Freemasons, Jews, Blacks, particular foreign countries, radicals in general, communism in general and, more recently, the communism of only certain countries——notably, Russia and Cuba. At the core of the paranoid style is the feeling of persecution and victimization: Far from feeling all-powerful, the paranoiac in politics tends to regard himself as a righteous innocent set upon by powerful, wicked and unscrupulous conspirators. Paranoia in politics is by no means unique to America; indeed, its supreme manifestations in this century, vastly exceeding anything in the American experience, have been in Nazi Germany and Stalinist Russia. It occurs—and tends to recur—only in a much attenuated form in America. It arises in times of anxiety and uncertainty, especially in the face of threats from abroad—real, imaginary or real but exaggerated—transformed by the paranoid mind into the threat of subversion or betrayal from within. The late Senator Joseph McCarthy, for instance, showed little interest in the real threat of Stalinist Russia. "How," he asked in 1951, "can we account for our present situation unless we believe that men high in this Government are concerting to deliver us to disaster? This must be the product of a conspiracy on a scale so immense as to dwarf any previous such venture in the history of man."

The contemporary New Right, in the tradition inherited from McCarthy, sees American society as rotten with decay, disintegrating in weakness, unaccountably sold out by officeholders who willfully seek to betray their public trust. Senators who supported the Panama Canal treaties—two thirds of all Senators, in fact—are perceived to have done so not because they considered it, even if mistakenly, to be in the national interest but because, for some unfathomable reason, they actually wished to weaken and betray our country. Perceived in that way, we are not merely political opponents to be opposed and outvoted if possible but enemies to be eliminated—"targeted" is one of their favorite words.

Punishment, revenge, targeting and other such Draconian terms make up the working political vocabulary of the New Right. Even as an avowed liberal who has engaged in heated debates with conservatives on many foreign and domestic issues in the course of 18 years in the Senate, I find this militant vocabulary startlingly new. To the best of my knowledge, neither Senator John Stennis nor Senator Goldwater, for example, both advocates of certain kinds of military spending that I have thought excessive, have cherished hopes of punishing me, literally or figuratively. But to the radical right, by contrast, policy differences are not questions of judgment to be negotiated and compromised but are conflicts between absolute good and absolute evil to be fought out to a finish. New Right activists are best understood not as political operators of the kind familiar to both Republican and Democratic parties but as political theologians, priestly exorcists, in the service of a cause without content.

The driving force of the New Right is fear, born of the crises and uncertainities of our age. We have lived, over the past 50 years, in a condition of more or less permanent crisis: the Great Depression and the Second World War, the Korean War and the Cold War, the divisive and unsuccessful war in Vietnam, recurrent confrontations with the other superpower set against the threat of nuclear war, the unanticipated energy crisis, and now, largely as a result of those other strains, the gradual slide of our economy into diminishing productivity, declining living standards and apparently permanent inflation. As time passes and these problems persist, defying solution, seeming to grow worse instead of better, the conviction takes hold that events are out of control, that our problems are intractable and government is helpless to alleviate them. In such suroundings, paranoid fear, which is always rooted partly in reality, takes root and flourishes, extending beyond the bounds of reality into a fantasy world of nightmare and menace. A pervading sense of helplessness takes hold: Forign adversaries are seen as growing more powerful and threatening while our own country is seen as growing steadily weaker and more helpless.

The essential characteristic of these fears, which makes them more difficult to deal with, is that they are not so much false as distorted and exaggerated: The Soviet Union is powerful and threatening and our own relative power in the world has declined, as it had to from the days when much of the rest of the world lay prostrate from the ravages of World War Two. The paranoid element is in the leap beyond these facts, to the perception of the Soviet Union as not just powerful and ambitious but as all-powerful and recklessly relentless in the pursuit of its ambitions, and the perception of ourselves as not simply reduced in relative power, from primacy to something closer to parity, but, diminished and humiliated, reduced, in the paranoid perception, to the "pitiful, helpless giant" of Richard Nixon's conjuring.

Helpless is perhaps the key word. There being nothing more intolerable than to feel helpless against problem and threat, the paranoid mind redefines the problem in terms of causes that can be ascertained and acted upon. The rivalry with the Soviet Union ceases to be a circumstance of modern history—who can do anything about that?—and becomes instead the result of the willful stripping away of our nation's strength by deluded or treasonous liberals. Trends, forces and circumstances are unsatisfactory targets for the fear-driven wrath of our extremists of the right. Conspiracies and scapegoats are required—conspiracies because they can be readily ascertained and convincingly denounced, and scapegoats because they can be reached and punished. A serviceable scapegoat must be, of course, almost by definition, accessible. It is noteworthy that the New Right has little to say about Brezhnev or Castro, just as McCarthy seldom mentioned Stalin. Its maledictions are directed instead against other Americans—"liberals" who, unlike Brezhnev and Castro, are accessible through its media blitzes and direct mailings.

Aside from the suspicion, malice and ill will generated by the paranoid politics of the New Right, the principal harm wrought by its fear-and-hate campaigns is the degradation of political dialog in our country. Attention is distracted from the serious, pressing issues that government can and should act upon—inflation, unemployment, taxes, housing, health care, the SALT treaty, the defense budget—and the political dialog is diverted into demeaning irrelevancies; issues, for example, of private morality and personal lifestyle that, in a free society, are only marginally if at all the Government's business.

For my own part, I have no particular reluctance to discuss these matters, but I would prefer to do so as an individual rather than as a public official, because private matters are not the business of public officials. I personally feel no need of the preachments of the radical right for guidance in the love of God and family, and I doubt that the citizens of South Dakota need or want such guidance from me or any other public servant, because that is not what they hired us for. And if they did not hire public servants to lecture them on personal morality, I doubt that they require that service from self-appointed political zealots who, in Samuel Butler's phrase, would be "equally horrified at hearing the Christian religion doubted, and at seeing it practiced." There is a big difference between moralizing and morality in politics. Moralizing, in which the New Right specializes, consists primarily in condemning the behavior and opinions of others. Morality has more to do with one's own standards and personal example.

Having pointed with alarm to the excesses of the New Right, and to the degradation of the political process caused by its zealotry and unprincipled methods, I conclude, nonetheless, with an expression of qualified optimism for the restoration of civility to our politics. My optimism is based on the track records of paranoid political movements in the past: They tend, after doing greater or lesser harm, to burn out, becoming victims of their own narrowness, obsession with ideological purity and basic poverty of ideas. They tend to weary and alienate their audience with scarcely credible charges and repetitious invective, like Mark Twain's preacher in Tom Sawyer, who "dealt in limitless fire and brimstone and thinned the predestined elect down to a company so small as to be hardly worth the saving."●

FOREIGN POLICY UNDER A NEW ADMINISTRATION AND A NEW CONGRESS

● Mr. KENNEDY. Mr. President, one of the most thoughtful statements which I have seen concerning foreign policy under a new administration and a new Congress was made recently by J. Brian Atwood, Assistant Secretary of State for Congressional Relations. In a recent speech before the Commercial Club of Boston, Mr. Atwood stressed that just as the election results have forced us to rethink our approaches to politics, we as a Nation must similarly rethink our goals and methods of foreign policy. I agree with Mr. Atwood that there is a need for a more coherent, unified approach to foreign policy and national security. Furthermore, his warning against platitudes which do little more than further aggravate an already irritated public deserves our attention. Mr. Atwood warns the incoming Congress and Mr. Reagan that "Our people want to understand the Nation's challenges. They want to know the sacrifices they will be asked to make. They want to see what the future holds more clearly. And they will only follow a President who describes that future accurately and candidly."

As Mr. Atwood asserts, ours is indeed an era of great and rapid change. The next decade will present some of the most formidable challenges to ever confront our Nation. I agree with Mr. Atwood that we can best meet these challenges by continuing the process of strategic arms limitation, strengthening our relations in China, acting as a force for peaceful change in Central America, southern Africa and elsewhere, continuing to pursue a lasting peace in the Middle East, developing a strong export policy, and forestalling international chaos in the allocation of resources and the distribution of wealth, to name only a few of the key issues ahead of us.

Mr. President, Assistant Secretary of State Atwood will be leaving Government work after 16 years of dedicated service. We in the Senate will miss his presence as the Department of State's link to Congress, a position which he has fulfilled with distinction. In this period of reflection for him, Mr. Atwood has eloquently presented many of the ideas and issues which the new Congress and the new administration should consider as they begin to chart a future national security course for our nation. I request that the full text of his speech be printed in the RECORD.

The text follows:

THE NEW CONGRESS AND PRESIDENT REAGAN'S FOREIGN POLICY

(By J. Brian Atwood)

What many have called the longest election campaign in our history has finally come to its conclusion. Campaigns have always tested our patience, but in years past it seemed easier to escape. Now we are inundated with political rhetoric—through the mail, on television and radio, on the telephone, at the supermarket . . . even in church. One of the triumphs of our Democratic system is that campaigns end.

It has been said of political campaigns: "Nowhere are prejudices more mistaken for truth, passion for reason, and invective for demonstrated that change—even revolutionishes of the campaign fade, the stark realities once again come into focus.

Last Tuesday the United States once again demonstrated that change—even revolutionary change—can emerge from the electoral process. Governor Reagan has won a magnificent, sweeping victory. There can be no question that he now possesses a mandate to implement his programs. And a Congress has been elected which reflects his conservative philosophy.

When President-elect Reagan takes office, he will immediately be faced with the intractable, tough problems that make up the Presidential agenda. These problems do not lend themselves to neat, simple answers. In most cases, the President will have only "least-worst" options from which to choose. It has been written that the tragedy of our government's decision process is that "some problems have no solution; none of the alternatives are intellectually consistent or morally uncompromising; and whatever decision is taken will harm somebody."

Looking over Mr. Reagan's shoulder will be a Republican Senate and a Democratic, but more conservative, House. The election returns may make Congress look like an attractive partner to Governor Reagan's transition team. But my first word of advice—as someone who has worked with a Democratic Congress for four years—is . . . beware of your friends. When the honeymoon is over, those who rode to Washington on Mr. Reagan's coattails will be spending much of their time holding his feet to the fire.

As President Reagan begins to struggle with a world full of gray areas, his congressional friends will still be focussing on the starker contrast between black and white. Just as Democrats did during Jimmy Carter's tenure, many Republicans will blame the bureaucracy for contaminating the campaign promises. But the realities of decision-making in a complicated and fast-changing world will do much more to moderate a President's campaign positions than a bureaucracy.

What are the world realities that President Reagan will face in 1981? How will he reconcile his political positions with the foreign policy pressures he will undoubtedly feel? How will he maintain the support of those who believe in him on Capitol Hill? Let's look at the issues and see.

The SALT II Treaty may be the first issue President Reagan will address. Will he withdraw it from the Senate as he said he would? Will he try to renegotiate to get a better deal for our side? Perhaps. But he will be warned against that by our staunchest NATO allies.

Last year we pressed our European friends to agree to modernize our theater nuclear forces. We wanted to enhance our deterrent capability in the face of a Soviet build-up of more modern, medium-range missiles in Eastern Europe. Many European parliamentarians were skeptical of this threat and many others thought the best way to deal with it was to negotiate arms control agreements. Indeed, it would have been impossible politically for most European governments to accept this vital modernization program had we not linked the proposal to the SALT process.

If SALT is dead, so, too, might be the program to beef up NATO's tactical nuclear force.

Even more disturbing, an end of the SALT process could play directly into Soviet desires to divide the NATO alliance. Countries like Germany, Denmark, Belgium and the Netherlands believe very strongly in arms control. And they believe it makes good, pragmatic sense to negotiate with the Soviets on a range of military and non-military issues. If we terminate the SALT process, they could well pick it up themselves. The end result could be the end of the Atlantic Alliance and the "Finlandization" of Europe as key NATO nations seek to protect themselves by reaching accommodations with the Soviet Union.

President Reagan may face this choice in January. If, because of his own strong commitment to NATO, he decides he must support SALT II, will the new Congress support his decision?

Governor Reagan is already aware of China's sensitivity on the Taiwan issue. His comments during the campaign to the effect that we should formalize our relations with Taiwan brought on a strong rejoinder from the PRC.

Our position on Taiwan has its origins in the Shanghai Communique, signed by President Nixon in February 1972. In that document the United States acknowledged "that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States Government does not challenge that position."

In December 1978 President Carter announced the normalization of relations between China and the U.S. In so doing, he committed our nation to a one-China policy and official recognition was withdrawn from Taiwan while a special law, the Taiwan Relations Act, was passed to permit an ongoing unofficial relationship.

President Reagan will find that the PRC will watch his Administration closely to see that the agreements undertaken by Presidents Nixon and Carter are adhered to strictly.

He will also find that our unofficial relationship with Taiwan has worked well under the Taiwan Relations Act.

Taiwan's overall foreign trade last year increased by 31% over 1978 levels, while U.S. investment and two-way U.S. trade increased by 15% and 23%, respectively.

Tensions between the PRC and Taiwan are diminished.

Travel to the U.S. from Taiwan increased nearly 60% in 1979.

Five agreements have been negotiated and concluded between the two entities set up under the Taiwan Relations Act to implement the relationship.

And we have continued to sell defensive arms to Taiwan.

Confronted with these facts, will President Reagan move to change the policy of our country? If he does not change it, will the new Congress challenge his decision?

Another highly charged foreign policy challenge is posed by the revolutionary changes occurring in Central America. We have sought to moderate this change by adopting policies which seek to strengthen the moderate center in Nicaragua, El Salvador, Honduras and Panama.

We have provided aid to Nicaragua to rebuild its economy, with special emphasis on the private sector. In doing so, we are competing in a positive way with Marxist elements in that country who may not wish to see the hand of the moderate forces—the Church, the labor unions, the political parties, the press and the private sector—strengthened.

In El Salvador we support a civilian-military junta which is carrying out a reform program which seeks to redress endemic dissatisfaction with the status quo. The junta is trying to control political extremists who would rather advance their cause by violent revolution. Both extremes look to us, the powerful neighbor to the north, for the slightest hint that their extreme position would be countenanced.

When we ratified the Panama Canal Treaty, we eliminated the most emotional issue in our relations with the entire region. Despite the doomsday scenarios heard so often during the Senate debate, the Canal is being run as efficiently as ever before. "U.S. News and World Report" recently reported that the treaty is a major success . . . the influence of Castro is "on the wane" . . . the Canal is still moving ships efficiently between the Atlantic and the Pacific at the rate of 38 a day, just as before . . . U.S. workers are happy . . . and Panama's economy is growing, thus providing a stable political environment for the Canal's operations.

Will President Reagan see the need to change these policies? If he decides not to, will the new Congress support him?

When the new President looks to Africa, he will see a continent of nations which are, for the most part, more friendly toward the United States than they were four years ago.

He will see an independent Zimbabwe, a country whose moderate government is seeking to rebuild an economy devastated by war . . . a country which, if it can develop its agricultural sector, could become the breadbasket for much of Africa . . . a country which desperately needs our help if it is to stay its course of pro-Western moderation.

He will look to Nigeria, the most populous country of Africa . . . a country which supplies petroleum for one out of every twelve gallons of gasoline used by Americans . . . a country which rallies other African nations in the effort to rid the contienent of apartheid, the system of racial separation practiced in South Africa.

He will be confronted with our longstanding effort to bring about a peaceful transfer of power in Namibia, a territory now illegally administered by South Africa. The South African Government will watch closely to see if there is any shift in the American resolve to negotiate for free and fair elections in Namibia, a process which will lead to independence. And the Africans of Namibia and the surrounding countries will be watching, too . . . they will be watching to see whether their future is to be decided at the negotiating table or on the battlefield.

He will look to the war between Ethiopia and Somalia. We have been critical of Somalia's violation of Ethiopia's territorial integrity in an Area called the Ogaden. Both countries and all of Africa will be waiting to see whether we will continue to uphold this universally accepted principle, a principle which is deeply embedded in the politics of an Africa apportioned by colonial boundaries and fearful of separatist movements.

These are the hard choices that will face President Reagan in Africa. If he decides to maintain our current policies, will the new Congress support him?

American interests in the Middle East led President Carter to invest a major portion of his Presidency in the Camp David process. On the foundation of uncompromising support for the security and territorial integrity of the state of Israel, our nation helped construct a peace treaty between Egypt and Israel. And we launched a process designed to allow the Palestinian people an opportunity to participate in the determination of their own future. We continue to feel that this process offers the best opportunity for a lasting, comprehensive peace in the Middle East.

Our role as a mediator in the negotiations on the status of the West Bank and the meaning of the word "autonomy" as it appears in the Camp David Agreement, has caused our government to be critical of unilateral actions by both Egypt and Israel which disrupt the negotiations. It is not an easy role for any Administration to play.

Mr. Reagan will soon find that the balanced approach of a truly honest broker carries with it political costs, both domestic and foreign. If he adopts this approach, will the new Congress support him?

During the campaign, Governor Reagan committed himself to finding new markets for American goods. He was critical of our unfavorable balance of trade and he promised to take steps to reduce our trade deficit. This is a goal that all Americans support.

It is clear that structural changes can be made in our laws to encourage exports. But if President Reagan's commitment is to be fulfilled, he will also have to grapple with an international marketplace which is increasingly volatile and unpredictable. If the next Administration is going to move us from deficit to surplus, a truly comprehensive approach to trade will be needed.

The first reality that President Reagan will face is that the United States now has more trade with the so-called Third World than we have with all of Europe and Japan combined. The second reality is that these markets could be made more predictable—and probably more lucrative—by assuring that the international monetary system is equipped to cushion these nations from external shocks such as those created by OPEC price increases.

Mr. Reagan will confront a Third World seeking a new economic order . . . a Third World looking for more help from the International Monetary Fund . . . a Third World demanding trade concessions and more private investment in their economies . . . and a Third World seeking to possess the technology and the techniques of development.

As these countries seek a new order, our own government should not be scared away by the rhetoric. We have been understandably reluctant to engage the so-called Group of 77—a coalition of Third World nations—in negotiations over these issues for fear that we would be unable to control the dynamic. But if President Reagan is serious about expanding our export trade, he will have to address this challenge.

If, through these negotiations, we can create a more predictable world system . . . if we can create a system which minimizes the impact of external factors on nations' economies, thereby isolating the internal weaknesses . . . if we can do these things, it will be well worth playing the game.

But will the new Congress support a process which is bound to be controversial? Or will Congress seek to redress trade problems solely by restricting imports?

Finally, if and when President Reagan is able to extricate himself from the myriad of crises which make up his daily agenda, he will look to a future which offers the greatest challenge of all. It is a future which demands urgent and bold initiative. It is a future which presents our Nation with its greatest threat . . . the threat of international chaos.

Not long ago our Government released a report which described the projected world condition in the year 2000. This report—called "Global 2000"—concluded that "if present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now."

If President Reagan's Administration is to have any success in building the public support necessary for the programs we need to make "Global 2000" a lie, he will have to convince the people that these pending crises are real.

He will have to tell the people that the world's population will grow from 4 billion to 6.5 billion by the year 2000, severely taxing the world's economic, political and ecological systems.

He will have to tell the people that hunger will spread unless we take steps to produce more food.

He will have to tell the people that energy shortages and oil costs, which are substantially disrupting our own society, can easily bankrupt the Third World countries and disrupt the global financial structure, unless we take steps now to recycle petrodollars and to reduce the disparity in energy use between North and South.

He will have to tell the people that the world's forests—now disappearing at a rate of 20 million hectares a year, an area half the size of the state of California—will be severely depleted, unless we take steps now to reverse this deterioration.

And he will have to tell the people that he will desperately need the foreign aid resources to advance our interests and to bring economic and political stability to a turbulent world.

I have no doubt that President Reagan has the ability to communicate a sense of urgency about these problems; he has demonstrated that he can project his ideas in a believable, easy style. But, as Walter Lippman once said, "Politicians had better not be right too soon."

Will the new President take on this political challenge? Will the new Congress support him "if he is right too soon" about the problems of "Global 2000"? Will the new Congress provide the foreign aid resources necessary to meet this challenge—a challenge described in the Brandt Commission Report on International Development as one of "survival"?

This is a time of reflection for me, as I prepare to leave government after 16 years. For the past four years, I have worked at the nexus of politics and diplomacy, attempting to gain Congressional support for foreign policies which were frequently unpopular, often misunderstood, sometimes contradictory, and usually realistic given the chaotic state of the world in which we live.

During my time in Washington, I have seen the gap between public perception and world reality widen to dangerous proportions. I have seen the urgent appeals of Presidents fall on unbelieving ears. And I have seen frustration replace reason as a basis for Congressional action on national policy.

We now have an opportunity for a new beginning. . . a new beginning ordained by our constitutional system. Let us hope that the new Administration will learn from our contemporary history.

Let us hope that the new Administration will understand that a fragmented and divided national security community will produce the perception of incoherent thinking.

Too many agencies have a piece of the foreign policy action. Every department and agency in government negotiates international agreements. The State Department lost control of this process long begore the Carter Administration.

No wonder we focus so much attention on the National Security Advisor—he is the only focal point for a hodgepodge of national security interests. And, if he chooses to enter the game as an active, ambitious advocate, the system breaks down even further.

Let us hope that the new Administration will understand that confrontation with Congress over constitutional responsibilities is a no-win proposition. For the most part, our Administration avoided these legal and procedural squabbles and we were able to win the major battles on substantive grounds.

Congress has a role to play in the making of American foreign policy, as an overseer, as a brake and as a purveyor of legitimacy. But Congress should be warned against finetuning our diplomacy to the point where lawyers are more important participants at the negotiating table than diplomats.

Finally, let us hope that the new Administration will understand that the public wants to be levelled with. Appeals to emotion or nostalgia are palliatives whose political benefits dissipate quickly when reality sets in.

Our people want to understand the nation's challenges. They want to know the sacrifices they will be asked to make. They want to see what the future holds more clearly. And they will only follow a President who describes that future accurately and candidly.

Thomas Wolfe wrote about another difficult era of American history in his novel *You Can't Go Home Again*. I think this quote describes our current political malady while offering hope for a better, if different, future:

"'Conditions are fundamentally sound,' they said—by which they meant to reassure themselves that nothing now was really changed, that things were as they always had been as they always would be. But they were wrong. They did not know that you can't go home again. America had come to the end of something, and to the beginning of something else. But no one knew what that something else would be, and out of the change and uncertainty and the wrongness of the leaders grew fear and desperation. Through it all there was only one certainty, though no one saw it yet. America was still America, and whatever new thing came of it would be American."

The year was 1929. America survived the Depression and the war that followed. And the America that emerged was still America . . . stronger, more self-assured, perhaps more socially conscious . . . but it was still America.

Ronald Reagan will soon begin to address the Presidential agenda for the 1980's and our nation wishes him well. If he can address that agenda in partnership with the Congress, he will improve his chances for success.

It is a difficult agenda for any mortal person, even more difficult than the one we faced in 1929. It is an agenda whose bottom-line goal is the survival of the world as we know it. It is a difficult agenda, but as Edward R. Murrow once said, "Difficulty is the one excuse that history never accepts."

Thank you.●

WHAT IS HOLDING UP OIL SHALE

● Mr. McCLURE. Mr. President, pending on the calendar is H.R. 7941, the oil shale off-tract leasing bill. Passed unanimously by the House, reported unanimously by the Senate Energy Committee, the bill now languishes.

That is unfortunate, Mr. President, because without the authority provided in the bill to lease land for storage of spent shale and siting of oil shale facilities, development of tract C–a in Colorado will be needlessly delayed. The costs of that delay will be borne not only by Gulf and Standard of Indiana, who jointly bid $210 million for the tract in 1974, but by all Americans searching for reasonable cost alternatives to foreign oil.

H.R. 7941 does not give authority to the Department of the Interior to issue leases for mining. The leasing authority is simply for siting of ancillary facilities and storage of spent shale. These "off-tract" leases, needed particularly in the case of Rio Blanco's tract C–a, would permit the valuable oil shale resources of prototype leases to be more fully recovered.

Failure to obtain the use of off-tract surface lands would negatively affect the recovery of in-place oil shale reserves may be recovered. Without the 5,000 acre off-tract lease for storage of spent shale from lease tract C–a, the estimated recoverable reserves would be decreased from 5 billion barrels to at most 1.6 billion barrels. If room and pillar mining were utilized, the recovery would be as low as 0.8 billion barrels. Open pit mining, possible for tract C–a given only 200 feet of overburden and 1,150 feet of oil shale, would not be economical unless the off-tract lease is issued.

The current administration, in testimony before the Energy and Natural Resources Committee, has proposed another four prototype oil shale leases between 1980 and 1985. With existing statutory requirements for land use planning, environmental assessments, and tract selection and evaluation, it is doubtful that more than four new leases could be issued in that time frame. These leases, too, may require off-tract acreage for facilities siting and spent shale storage. Thus H.R. 7941 includes authority for off-tract leases through 1985.

The bill contains environmental protections and authority for the Department of the Interior to set other conditions. The bill states, for example:

> The Secretary may issue such additional leases after consideration of the environmental and other resource values and other possible uses of the lands to be covered by the leases and upon a determination that the public interest would be served thereby.

The bill also states that such a lease could not be mined and that the lease—

> Shall contain such provisions as (the Secretary) determines are needed for proper protection of environmental and other resource values.

H.R. 7941 also requires that the lessee pay an annual, adjustable rental reflecting fair market value for the use of lands covered by the lease.

Additional protections are cited in the Senate committee report:

> The Committee expects that the Secretary shall, prior to the issuance of additional leases authorized by section 21(d), review

> alternative oil shale waste disposal methods and locations, and reasonable options for the siting of other facilities. The Committee expects that the land use planning process established by section 202 of the Federal Land Policy and Management Act of 1976 will be followed, and that actions, if any, required by section 102(2)(C) of the National Environmental Policy Act of 1969 will be taken before any additional lease is issued.

In testimony before the Energy Committee on September 9, 1980, Interior Under Secretary James Joseph spoke of the existing statutory requirements before off-tract leases can be issued including the assessment of resources use conflicts under provisions of the Federal Land Policy and Management Act, the National Environmental Policy Act of 1969, and "a variety of other legislation and Executive orders focused on protection of specific values and resources, such as threatened and endangered wildlife species."

Speaking of the 1985 limit on authority for off-tract oil shale leasing, Undersecretary Joseph stated:

> It is our view that providing for such "off-site" leases for the holders of pre-1985 oil shale leases would permit the most efficient mining of oil shale resources, especially in the richest areas, since mining tracts would no longer have to accommodate the processing facilities and spent shale, as well as the development operation itself. As I said before, we have limited the availability of such leases to those who hold leases issued prior to 1985, which will include all of the leases issued under the Prototype Program. If, on the basis of the Prototype Program experience, it is determined that further authority is needed, we will seek such authority for leases issued during and after 1985.

Thus the current administration finds no problem with the 1985 limit and suggests that the off-tract leasing authority be utilized for prototype leasing up to that time.

To limit the bill's authority to existing leases via last minute amendment is to issue the bill's demise in this Congress. Both sides of the aisle in the House have already let it be known they would not accept such an amendment.

Mr. President, as this Congress draws to a close, we should act positively by passing H.R. 7941 to facilitate development of current and future prototype oil shale leases. As my colleagues from Colorado, Wyoming, and Utah recognize, legislation to establish authority for off-tract leasing is vitally important for the economical and practical development of prototype lease tracts.

Mr. President, I would hope we can move H.R. 7941 before we adjourn.

Mr. President, I ask that a September 16, 1980 letter from Rio Blanco to Senator FORD be printed into the RECORD.

The letter follows:

RIO BLANCO OIL SHALE CO.,
Denver, Colo., September 16, 1980.

Hon. WENDELL H. FORD,
Chairman, Energy Resource and Materials Production Subcommittee, Energy and Natural Resources Committee, Washington, D.C.

DEAR MR. CHAIRMAN: During my testimony before your Subcommittee on S. 2858 on September 9, 1980, there was discussion and, I believe, some confusion concerning the Rio Blanco Oil Shale Company's estimates of off-tract land requirements under different development scenarios for Tract C-a. The purpose of this letter is to provide for the record information concerning our off-tract land requirements and clarify any misunderstandings that might have resulted from my testimony.

Detailed engineering design of a major oil shale plant facility requires that the precise location and terrain for that plant be known because many aspects of engineering and design for the plant and support facilities are site-specific. Because we do not now know whether off-tract uses will be authorized or the location of these uses should they be authorized, the information shown below is necessarily approximate:

Scenario	Acres required: Plant site	Acres required: Spent shale disposal
Lurgi single unit demonstration module	20	[1] 430
Modified in situ	1,200	3,900
Open pit	1,800	4,050

[1] Includes crushing plant and support facilities.

Scenario 1: The Lurgi-Ruhrgas demonstration module in Scenario 1 is a 4400 ton-per-day demonstration retort capable of producing 2000 barrels of shale oil per day. The demonstration plant, crushing facilities, and spent shale disposal would be located on 450 acres of land immediately north of Tract C–a. The small (20 acre) open pit mine to supply ore to the plant would be located on Tract C–a.

Scenario 2: Modified in-situ as set forth in Scenario 2 assumes the use of off-tract lands for plant siting and spent shale disposal. Although substantially less ore is brought to the surface for processing and retorting under this scenario than would occur under the open pit mining scenario, very large quantities of low BTU by-product gas are produced using this technology. Because of this, very large amounts of acreage are required for the siting of cleanup, conditioning and utilization facilities. If off-tract land is not available, the entire surface area of Tract C–a would be required for plant and facility siting and processed shale disposal for Scenario 2.

Scenario 3: Open pit mining contemplates the use of off-tract public lands for the siting of plant and related support facilities as well as for the disposal of spent shale. The open pit project depicted in Scenario 3 is simply not economically viable if off-tract lands are not available. This is because the entire surface area would not be large enough for plant siting and spent shale disposal. The alternative of moving and re-handling spent shale two and three times is neither practical nor economical.

It should be recognized that the average overburden in the area of the initial open pit on Tract C–a is approximately 200 feet thick. The oil shale resource in that area has an average thickness of 1150 feet. This means that about 1350 feet of material, over a surface area of about 700 acres, must be mined and disposed of before backfilling of the open pit may take place. Rio Blanco estimates that this may take 20 to 30 years, depending upon the pace of development. In Rio Blanco's planning it has been contemplated that the spent shale disposal area would be contoured and would not exceed 750 feet in height above the average elevation. This visual or aesthetic height limitation means that the surface area covered will be larger than the area of the open pit from which the material was originally removed.

Finally, as I indicated in my testimony, the failure to obtain the use of off-tract surface lands determines the extent to which the in-place oil shale reserves may be recovered. Set forth below is our best judgment of recovery rates under the available extraction processes.

ESTIMATED RECOVERABLE RESERVES

[In billions of barrels]

Extraction process	With off-tract land	Without off-tract land
Open pit surface retorting	5	0.
Modified in situ, surface retorting.	2	1.3–1.6.
Room and pillar, surface retorting.	1	0.8 or 0.9.

The reductions shown for modified in situ and room and pillar underground mining result from safety considerations in the siting of the plant site over active mining areas. There might also be additional reductions due to the need for larger pillars to support the additional weight imposed by the processed shale if it is stored over the underground mine or the modified in-situ projects.

Those of us who have been actively working to bring Tract C-a to the point of commercial development since 1974 believe that the nation should, as the prototype oil shale program initially contemplated, have the benefit of an open pit oil shale mining and retorting demonstration project. This is, we believe, the only way that the technology, the economics and the environmental considerations can be fully ascertained. Further, there are inherent technical, economic, environmental and resource recovery limitations associated with underground mining and modified in-situ technology. Should any of these prove to be severe, the open pit technology should be fully tested and advanced to the level that informed judgments can be made as to its acceptability as an option for developing the nation's huge reserves of oil shale and producing needed synthetic liquid fuels.

I hope this information is responsive to the Committee's concerns. If we can supply you with any other information please let me know.

Very truly yours,

J. B. MILLER.●

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will come in at 9:45 a.m. tomorrow.

Upon the completion of the orders for the recognition of Senators, the Senate will resume consideration under the cloture rule of the motion to proceed to take up the fair housing bill. Once that motion is disposed of under the order, the Senate will then vote on the motion to invoke cloture on the nomination of Mr. Breyer, after which, after the disposition of both cloture votes, both votes and the disposition of the matter clotured, if cloture is invoked and/or the disposition of the matter clotured the Senate will then proceed to the consideration of the revenue sharing legislation.

There will be rollcall votes tomorrow.

Following the disposition of the fair housing legislation and revenue sharing, the Senate at some point will take up the defense appropriations conference report which should come over from the House tomorrow. The Senate also at some point will take up the continuing resolution, and there is some regulatory reform legislation which I hope can be taken up.

There are other matters which can be cleared for action, many or most of which should be done by unanimous consent. There may be action on some of the tax bills. There have been discussions in connection therewith today.

So what I am saying I think adds up to a very busy day tomorrow, a long day tomorrow, with rollcall votes throughout the day.

There is a slight beacon of hope that one might see on a very dark night at the other end of a long and circuitous tunnel, that hope being that the Senate could complete action tomorrow night on all these measures and be ready to adjourn sine die.

I doubt that matters will be expedited in such fashion that that hope can be realized, in which case the Senate will be in on Saturday. If action is not completed on Saturday on the measures, then the Senate will go over the Sabbath in accordance with the instructions which came down long, long ago, and will convene on Monday.

I think that is about it. I hope that Senators will be prepared to work long hours on tomorrow, stay in town and work on Saturday, if need be, and, after some respite from arduous toil, be prepared to work again on Monday and subsequent thereto, if necessary.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order entered previously, that the Senate stand in recess until 9:45 tomorrow morning.

The motion was agreed to; and at 11:40 p.m. the Senate recessed until Friday, December 5, 1980 at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 4, 1980:

IN THE AIR FORCE

Brig. Gen. James Taylor, Jr., [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force for promotion to the Regular grade of major general and for appointment as the Deputy Judge Advocate General, U.S. Air Force, under the provisions of chapter 839 and section 8072(d), title 10 of the United States Code.

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Spence M. Armstrong, [redacted]FR, Regular Air Force.

Brig. Gen. Stanley C. Beck, [redacted] FR, Regular Air Force.

Brig. Gen. Theodore D. Broadwater, [redacted]FR, Regular Air Force.

Brig. Gen. James R. Brown, [redacted] FR, Regular Air Force.

Brig. Gen. Richard A. Burpee, [redacted] FR, Regular Air Force.

Brig. Gen. Melvin F. Chubb, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Neil L. Eddins, [redacted] FR, Regular Air Force.

Brig. Gen. Donald L. Evans, [redacted] FR, Regular Air Force.

Brig. Gen. James L. Gardner, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Harry A. Goodall, [redacted] FR, Regular Air Force.

Brig. Gen. Jack I. Gregory, [redacted] FR, Regular Air Force.

Brig. Gen. Titus C. Hall [redacted] FR, Regular Air Force.

Brig. Gen. Stanley C. Kolodny, [redacted]FR, Regular Air Force, Medical.

Brig. Gen. William G. MacLaren, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Leo Marquez, [redacted] FR, Regular Air Force.

Brig. Gen. William E. Masterson, [redacted]FR, Regular Air Force.

Brig. Gen. Robert F. McCarthy, [redacted]FR, Regular Air Force.

Brig. Gen. Keith D. McCartney, [redacted]FR, Regular Air Force.

Brig. Gen. Marvin C. Patton, [redacted]FR, Regular Air Force.

Brig. Gen. Milton R. Peterson, [redacted]FR, Regular Air Force.

Brig. Gen. James C. Pfautz, [redacted]FR, Regular Air Force.

Brig. Gen. John L. Pickitt, [redacted] FR, Regular Air Force.

Brig. Gen. Winston D. Powers, [redacted]FR, Regular Air Force.

Brig. Gen. Graham W. Rider, [redacted]FR, Regular Air Force.

Brig. Gen. Albert G. Rogers, [redacted]FR, Regular Air Force.

Brig. Gen. Walter C. Schrupp, [redacted]FR, Regular Air Force.

Brig. Gen. Carl R. Smith, [redacted] FR, Regular Air Force.

Brig. Gen. Click D. Smith, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Perry M. Smith, [redacted] FR, Regular Air Force.

Brig. Gen. James P. Smothermon, [redacted]FR, Regular Air Force.

Brig. Gen. Casper T. Spangrud, [redacted]FR, Regular Air Force.

Brig. Gen. Howard R. Unger, [redacted]FR, Regular Air Force, Medical.

The following officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Christopher S. Adams, Jr., [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Charles C. Blanton, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert M. Bond, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. James R. Brickel, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Bruce K. Brown, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George M. Browning, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Gerald J. Carey, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert F. Coverdale, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Charles L. Donnelly, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Herbert L. Emanuel, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Billy B. Forsman, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. James L. Gardner, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Philip C. Gast [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Dewey K. K. Lowe, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Waymond C. Nutt, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Earl T. O'Loughlin, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Lawrence A. Skantze, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. Click D. Smith, Jr., [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Herman O. Thompson, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jasper A. Welch, Jr., [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Maj. Gen. James H. Ahmann, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James I. Baginski, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Stanley C. Beck, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Schuyler Bissell, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Richard T. Boverie, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John A. Brashear, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William R. Brooksher, [redacted]FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Bill V. Brown, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Louis C. Buckman, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Chapman, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James E. Dalton, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Neil L. Eddins, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Jay T. Edwards III, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack I. Gregory, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. David M. Hall, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Titus C. Hall [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Hansen, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force, Medical.

Maj. Gen. Guy L. Hecker, Jr., [redacted] FR, (colonel, Regular Air Force) U.S. Air Force, Medical.

Maj. Gen. Robert T. Herres, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Avon C. James, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles W. Lamb, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Leo Marquez, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William E. Masterson, [redacted]R, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert F. McCarthy, [redacted]FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Masserli, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Horace W. Miller, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Joseph D. Mirth [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Harry A. Morris [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Murray, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James C. Pfautz [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard W. Phillips, Jr., [redacted]R, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Winston D. Powers, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Lt. Gen. John S. Pustay [redacted]FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert H. Reed [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter C. Schrupp, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jerry W. Tietge [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward L. Tixier, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William T. Twinting, [redacted]R, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard R. Unger, [redacted], FR, (colonel, Regular Air Force) U.S. Air Force Medical.

Brig. Gen. Thomas E. Wolters, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Jack R. Brasher [redacted] FG, Air National Guard of the United States.

Brig. Gen. Harry L. Cochran, Jr., [redacted]G, Air National Guard of the United States.

Brig. Gen. Wayne C. Gatlin, [redacted] FG, Air National Guard of the United States.

Brig. Gen. Robert A. Neal, [redacted] FG, Air National Guard of the United States.

Brig. Gen. Darrol G. Schroeder, [redacted]G, Air National Guard of the United States.

To be brigadier general

Col. Richard B. Almour [redacted] FG, Air National Guard of the United States.

Col. James L. Dawson, [redacted] FG, Air National Guard of the United States.

Col. William J. DeNuccio, [redacted] FG, Air National Guard of the United States.

Col. James J. Hanlon [redacted] FG, Air National Guard of the United States.

Col. David B. Hoff, [redacted] FG, Air National Guard of the United States.

Col. Robert A. Johnson, Sr., [redacted] FG, Air National Guard of the United States.

Col. Robert W. McDonald, [redacted] FG, Air National Guard of the United States.

Col. Fred M. Rosenbaum, [redacted] FG, Air National Guard of the United States.

Col. Robert W. Schaumann, [redacted] FG, Air National Guard of the United States.

Col. Paul A. Schempp, [redacted] FG, Air National Guard of the United States.

Col. Edward Schneider, [redacted] FG, Air National Guard of the United States.

Col. James D. Shepherd [redacted] FG, Air National Guard of the United States.

Col. William M. Whittaker, [redacted] FG, Air National Guard of the United States.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Vernon Anthony Walters, [redacted] (age 63), Army of the United States (major general, U.S. Army Retired Reserve).

The Army National Guard of the United States

The following-named officer named herein for appointment as a Reserve Commissioned Officer of the United States, under the provisions of title 10, United States Code, sections 593(a) and 3392.

To be major general

Brig. Gen. James Herbert Jones, [redacted].

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Hugh G. Robinson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles W. Bagnal, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard M. Wells, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William H. Schneider, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John W. Woodmansee, Jr., 311-34-0886, Army of the United States (colonel, U.S. Army).

Brig. Gen. David E. Watts [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence F. Skibbie, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur E. Brown, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Niles J. Fulwyler, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent E. Falter [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin E. Doty, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew H. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer D. Pendleton, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. Galvin [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul B. Burns [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward L. Trobaugh, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Ames S. Albro, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen William C. Moore, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward C. O'Connor, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Carl H. McNair, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vaughn O. Lang [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert C. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Dale A. Vesser [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Franklin, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Holmes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen Robert H. Forman [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Thurman E. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William S. deCamp, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Aaron L. Lilley, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew P. Chambers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George E. Marine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter J. Mehl [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Donahue, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John S. Crosby [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James N. Ellis [redacted], Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Elmer D. Pendleton, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard M. Wells, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert H. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. George E. Marine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William C. Moore, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Niles J. Fulwyler, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vaughn O. Lang [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. David E. Watts [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward C. O'Connor, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Holmes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert J. Donahue, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter J. Mehl, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur E. Brown, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thurman E. Anderson, [redacted] Army of the United States (colonel U.S. Army).

Brig. Gen. Benjamin E. Doty, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles D. Franklin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew H. Anderson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Aaron L. Lilley, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent E. Falter, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Ames S. Albro, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Dale A. Vesser, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh G. Robinson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence F. Skibbie, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John R. Galvin [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert C. Forman, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew P. Chambers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John S. Crosby [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul P. Burns [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Carl H. McNair, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward L. Trobaugh, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Howard F. Stone, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Fred K. Mahaffey, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry H. Harper, [redacted], Army of the United States (colonel, U.S. Army).

IN THE NAVY

Rear Adm. Richard A. Miller, U.S. Navy, to be Director of Budget and Reports in the Department of the Navy for a term of 3 years pursuant to title 10, United States Code, section 5064.

The following-named reserve captains of the line and staff corps of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Lemuel Owings Warfield
Russell William Gorman
Joseph Francis Callo, Jr.
Raymond Roger Couture
James Burnett Reap
John Rodney Grubb
William Donald Daniels

MEDICAL CORPS

John Francis Kurtzke

SUPPLY CORPS

Thomas Gerald Lilly

CHAPLAIN CORPS

Emmett Owen Floyd

CIVIL ENGINEER CORPS

Thomas Smothers Maddock

DENTAL CORPS

William Harris Molle

IN THE COAST GUARD

Coast Guard nominations beginning Hubert T. Blomquist, to be captain, and ending Joseph L. Valenti, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Coast Guard nominations beginning Henry B. Traver, to be commander, and ending Bruce R. Frail, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 1980.

IN THE AIR FORCE

Air Force nominations beginning Nishan Aghajanian, to be colonel, and ending David J. E. Strate, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Michael A. Abair, to be major, and ending Robert H. Zellers, to be major, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Robert A. Aboe, to be first lieutenant, and ending Neville W. Womack, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Air Force nominations beginning Robert M. Hassan, to be major, and ending Elmer J. Wojtanowski, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

IN THE ARMY

Army nominations beginning Allen D. Adams, Jr., to be colonel and ending Donald I. Bernstein, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Army nominations beginning Walter G. Ashley, to be colonel, and ending Roger L. Rankin, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

IN THE NAVY

Navy nominations beginning George M. Adams, to be chief warrant officer, and ending Craig Chapman, to be permanent ensign and temporary lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record of September 29, 1980.

Navy nominations beginning James D. Cotelingham, to be lieutenant commander, and ending Luis G. Estrera, Jr., to be commander which nominations were received by the Senate and appeared in the Congressional Record of September 30, 1980.

Navy nominations beginning Richard S. Allen, to be captain, and ending Joyce A. Weber, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning John W. Poundstone, to be commander, and ending Bruce W. Jackson, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Christopher H. Ward, to be lieutenant commander, and ending Mark B. Samuels, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Craig S. Abernathy, to be ensign, and ending Thomas J. Zymanek, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Leroy E. Addison II, to be chief warrant officer, and ending John H. Young, to be chief warrant officer, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Navy nominations beginning Edward S. Amis, Jr., to be captain, and ending Nicola J. Stewart, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 1980.

Navy nominations beginning Charles S. Abbot, to be commander, and ending Paula J. Tyler, to be commander which nominations were received by the Senate and appeared in the Congressional Record on November 14, 1980.

Navy nominations beginning Robert B. Campbell, to be lieutenant commander, and ending Suzanna M. Zukowski, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 21, 1980.

IN THE MARINE CORPS

Marine Corps nominations beginning Robert L. Adams, to be lieutenant colonel, and ending Sara J. Harper, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 1980.

Marine Corps nominations beginning Henry A. Dierker, to be lieutenant colonel, and ending Eric D. Zobel, to be major, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

Marine Corps nominations beginning Evangelis J. Babauta, to be second lieutnant, and ending Gregory H. Swain, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 1980.

EXTENSIONS OF REMARKS

POPULATION CHANGE AND GOVERNMENT POLICYMAKING: IT IS TIME FOR A CHANGE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. PURSELL. Mr. Speaker, recently I had the opportunity of speaking to the American Public Health Association's 1980 annual meeting in Detroit about an increasingly important subject—population change—and its implications for government policymaking. I have been asked to share these thoughts with my colleagues in the Congress and I would like to do so at this time:

SPEECH OF CARL PURSELL

It is an honor for me to be here to speak to you today, and it is a special pleasure to have the American Public Health Association meeting here in Detroit.

This election year, more than any other I have been through, I find that voters are questioning whether the federal government really works for them. What people want to know is whether the government can even organize and control itself.

The voters are not satisfied with speeches and rhetoric. They want concrete answers to their questions. That is why you find more and more Members of Congress looking to the federal budget process to give their constituents some answers. If we can balance the budget and live under our own budget ceilings in Congress, we can show the voters that we are trying to control the federal government.

You can agree or disagree with the economic merits of a balanced federal budget. But the desire to show control over the budget and the government itself is a powerful political force in this election year.

Obviously, a balanced budget and effective budget ceilings are not proof that the government is truly in control of itself, much less that it works. They are simply strong symbols that stand out. The budget is easier to identify than trying to look through the literally thousands of federal programs that operate today.

I do want you to know that if I had to select one of those thousands of programs as an example of legislation that has worked, there is no question in my mind that it would be federal funding for family planning. Title X of the Public Health Service Act is a program that serves personal well-being, fosters good family life, and meets the government's need for fiscal prudence.

Other panelists here can tell you about the number of people who have been served, the numbers of programs which have been organized, and the exact federal dollars that have been saved.

But as a Member of Congress and as a supporter of responsible parenthood, I can tell you that Title X is in the best interest of the reproductive rights and health of all Americans. It helps us strengthen the family and enhances health and well-being.

As a member of the House Education, Health and Human Services Appropriations Subcommittees, I can tell you that Title X ranks high among programs as a sound government investment. It supports health services cost-effectively. It helps people to make the choices that are right for themselves. And it supports important research and mandates department-wide coordination.

Of course, Title X is not perfect. Millions of poor women and teenagers still cannot get the family planning services they want and need. And I am sure many of you could tell me about problems you have with the administration of the program. But Title X works. It has worked for the well-being of all Americans, under Republican and Democratic Administrations alike.

I believe that it is vital for Title X to continue to work, with Congressional reauthorization next year of a strong program. We have to meet our goal of allowing all Americans the chance to have safe and effective methods of family planning.

My work on the Appropriations Committee has taught me a lot about the importance of family planning programs and the role of the federal government in supporting them. It has also taught me a lot about the fiscal importance of other population issues.

Population changes affect government programs, and that is an important issue many of us are just coming to understand. There are changes in how many people there are in the United States, how old we are, and where we live—all of these changes make a difference in the way government programs work. They have become important issues of dollars and common sense.

I will give you an example. Last winter, I attended a special briefing for the appropriations subcommittee. The speakers talked about how changes in the age structure of the United States population deeply affect federal welfare payments.

Women who became mothers when they were teenagers are the biggest group receiving AFDC payments. In 1975, households with teenage mothers accounted for half of all AFDC expenditures: $4.7 billion. Because of the enormous post World War II baby boom generation, we have recently had more teenager mothers than ever before—despite the fact that the rate of teenage births is almost half what it was 20 years ago. It is no wonder welfare costs are up. The growing number of teenagers has offset dramatic reductions in the rate of teenage childbearing!

This population explosion among youths has other implications. Unemployment is high among teenagers and other youth, and it is disastrously high among minority teenagers. The enormous baby boom generation is one important reason why unemployment has been so high, with skyrocketing costs for government. That is why the new multibillion dollar Youth Act is needed to get at the terrible problems of this age group—lack of education and lack of job experience. I have worked actively in the House for passage of the Youth Employment Act, and we have been successful.

Now I am alarmed for the future of our senior citizens and older Americans' programs. Just looking at the demographic changes ahead, I am deeply concerned that our government programs—the gains we have made to help older Americans—will be threatened in the future. As the baby boom generation matures and heads toward retirement in just 35 years, their numbers will explode even minimum social security payments, far beyond the current system's capacity to pay for them. And the health care needs of this generation 40 to 50 years from now will test the limits of Medicare.

Watch the Veterans Administration over the next 10 years as an example of what changes in our age structure will do to our government services. Last year, there were about 2.7 million veterans who were over age 65. They are all eligible for health care supported by the VA. In another ten years, 7.2 million veterans will be over 65, and by 1995, almost eight million will be. That is almost a threefold increase in only 15 years.

We have to take care of our older people. We want to take care of them. The Veterans Administration will be a study in coping with massive population changes. Just because of the increasing numbers eligible for their care, you can be sure the VA will not be the same again. You can also be sure that the VA as a health care system for veterans, no matter what their numbers, will be a major political issue.

As I said before, these kinds of population changes are issues of dollars and common sense. They are going to cost the federal government billions of dollars, and we must plan ahead. If we don't, government will not be able to work effectively—especially for the massive bulge in our population of older people during the early part of the next century. And that is going to affect just about everyone in this room!

I have observed that these population changes are gaining political visibility. From my vantage point on the appropriations committee, I can see that bit by bit politicians are beginning to recognize that health care, employment, and retirement problems are all affected by population changes. Population changes add to the budget impact of other changes we want to have, and they threaten our ability to control expenditures. We need to plan ahead to avoid problems.

I do not need to remind you of the growing local political recognition of population change. It means big dollars in our government budgets today. There is the city of Detroit suit against the Census Bureau. The people in New York City and in many other cities and towns are protesting low census counts. But in defense of the Census, we do have a town here in Michigan—it's Clawson, which is just north of Detroit—where the Mayor had a little census count of his own taken and found almost the same number as the Census Bureau. But with each person worth $50 or more, depending on the particular federal programs for individual towns and cities, that "small" difference could mean a lot, especially over a decade!

A Congressional Research Service study shows that today, more than 100 different federal programs weigh some measure of population before allocating federal funds. As a consequence, city governments, who now depend on federal money for more than half of their budgets, have become very concerned about the accuracy of population counts.

Now, you probably know that population is used in many different ways in these allocation decisions. Sometimes the results are surprising. For instance, you also know that during recent years one of the major changes in our population has been the shift from the Northeast and Midwest to the South and Southwest. It has spawned in Congress the Frostbelt-Sunbelt split over

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

funding. I am a member of the Northeast-Midwest Coalition. A few years ago the population changes and the political forces such as our Coalition led to the idea of a "growth lag factor," which was legislated by Congress. It is one factor in determining dollar allocations under the Department of Housing and Urban Development's Community Development Block Grant program, a $4 billion government program. If a community is losing population or experiencing a slowing in its growth, it can receive a grant under a formula that considers its growth lag, along with other factors, and gives it extra money for growing more slowly. Ironically, this kind of change in considering population changes in funding decisions could work to the disadvantage of the city whose population turned out to be growing faster than expected, as a result of any Census Bureau adjustments.

Believe me, the politics of how population is counted and how the numbers are used in funding decisions has only just begun. It even reaches into the Office of Management and Budget. OMB is probably the single most powerful agency in the federal government. During the past two years, it has tried to use the Administration's budget document to show how population changes need to be taken into account in long term planning for education, health care, employment, armed services, housing, law enforcement, and retirement—just to name some.

In addition, it is now distributing a series of technical staff papers on this subject. After considerable pressure, these papers are now available to the public. One of them says, "U.S. population trends warrant substantial and incessant policy review. Policy-makers should keep more or less continually under review factors that may significantly affect fertility decisions, immigration policy and prospects for the U.S. as a whole * * *."

In the rest of government, we are just beginning to see some planning that takes population changes into account. But these examples are scattered and uncoordinated.

One example is that the White House Domestic Policy staff did an intensive analysis of demographic trends in preparing the Youth Employment Act. They decided that the population changes made youth unemployment a manageable issue.

Another example came from Congressional initiative. Congress urged, in the early 1970's, that the Veterans Administration had better focus its planning on the big increase in older veterans in the near future. Today, the VA's report on "The Aging Veteran" shapes much of the debate over health care for veterans.

Other examples: The Federal Council on Aging and the National Institute on Aging are preparing detailed analyses of the projected changes in the nation's future older population. And Congress has directed its Select Commission on Immigration and Refugee Policy to examine the population impacts of immigration trends.

So we can see that population is being noticed more and more, both by Congress and the Administration. But there is no coordination.

For instance, the Environmental Protection Agency carefully regulates the use of local population projections when it considers funding the construction of new sewage treatment plants. This is the largest federal public works program! But in another multibillion dollar public works program, the Urban Mass Transportation Administration, individual project officers decide whether or not to challenge the population projections a community uses when it seeks funds for a public transportation system.

In the Defense Department, the Army and the Navy use different methods and go to different sources to determine the numbers they should use in figuring out the pool of potential recruits for their branch of the armed services. Even the different federal agencies on aging collect their demographics on older people independently of one another!

The problem is not a lack of political recognition of the importance of population changes and population numbers. The problem is a lack of coordination and visible leadership.

The Office of Management and Budget is the best illustration of my point.

This year, a new Commerce research project found that current estimates of population are usually used in funding decisions. OMB has had regulations to coordinate the use of current population numbers since 1975, but no one has enforced them and their use is conflicting and inconsistent.

Also, the management side of OMB has been working for two years to come up with a plan for regulating the use of population projections in all federal forward funding. The key to OMB's projections regulations is the development of a new population projection by the Census Bureau—one that would combine demographic and ecomomic trends. But the budget side of OMB, not knowing what the management side was doing on projections regulations, pushed to cut back Census' funding for the work it would be doing on projections.

Still another part of OMB—the Fiscal Analaysis Division—came up with the idea of the Administration's budget statements on population changes, and it got them included in the President's message. But this division did not know about either OMB's work on projections or OMB's cutting back Census' funding.

Some people are impressed because the Director of OMB has given speeches on the significance of population changes, and he has called for his budget officers to ask about these issues in the annual reviews of agency budgets. But no one has been given the responsibility to make sure this happens. And so it doesn't.

OMB knows that population changes need to be considered in setting policy. It knows the political and budget significance of sound population numbers. And it knows that the way population numbers are used in funding decisions can make a difference in expenditures.

But population changes are not an established concern in OMB. They have no coordination, no responsibility, no visibility. In fact, it is my understanding that there are not even any population specialists in the Office of Management and Budget.

This is an example of a part of the federal government that is not in control of itself. If government just coordinated what it is already doing in a haphazard and slipshod way, government would work better. We need responsible government, and I think it is time for people who are concerned about population changes—which should be all of us—to start talking about what could be done.

I have some suggestions which I think are worth talking about. My ideas are based on the examples I just gave you of problems in our planning today. These examples, I might tell you, come from research done by Peters Willson and Deborah Oakley, who have investigated the problems in some detail. Based on these findings and my own observations, these are some ideas.

The place for clear visibility and coordination about population factors should begin with a change in OMB.

OMB should have an Office of Population as part of the Director's staff. This office should:

Oversee the collection and use of population numbers;

Ensure enforcement of existing regulations about use of population data;

Head the work of a new population analysis division in the Budget Review;

Division to make sure that population changes are accounted for in the annual budget-making cycle;

Chair a new interdepartmental task force of Assistant Secretaries and Agency Administrators for Planning and Evaluation in order to identify the need for further analysis of population changes in program planning, in order to coordinate this analysis, and in order to integrate the findings into policy development. He or she should also be a member of the interdepartmental population research committee; and

Prepare a biennial report for the Congress, reporting on the effects of population changes in program costs, administration and policy setting as well as evaluating the consequences of increased coordination. The report should be sent to the Appropriations Committees, Government Operations, and the Joint Economic Committee.

I said at the outset of my comments that voters and Members of Congress look to controlling the budget as evidence that we are in control of the government. We, here in this room, recognize that the size and shape of the federal budget reflects the size and age structure of the nation's population. To have government programs that work in a cost effective way, we must have an organizational focus for our consideration of population changes. We cannot afford to waste money on government programs that are based on the wrong demographic assumptions—or on no demographics at all. Population change will affect our future needs for government services, and we have to plan now for the right government programs.

I hope you find these suggestions thought-provoking, and I want to thank you again for the opportunity to speak to you today.●

U.S. EDUCATION DEPARTMENT FIT FOR AN EARLY DEMISE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. ERLENBORN. Mr. Speaker, when the Congress acted last year to create a Department of Education, many of us warned of the undesirable consequences that would follow.

Now that the Department is in existence, our worst fears are being borne out. They are described in lucid and concise fashion by J. Wade Gilley, Secretary of Education of the Commonwealth of Virginia, in a letter to the editor of the New York Times which was printed in the December 2 edition of that paper. I ask unanimous consent to reprint below Mr. Gilley's outstanding exposition of reasons for abolishing the Department.

[From the New York Times, Dec. 2, 1980]

U.S. EDUCATION DEPARTMENT FIT FOR AN EARLY DEMISE

To the EDITOR:

I would like to urge President-elect Reagan to fulfill the commitment of the Republican Party's 1980 platform and abolish the United States Department of Education, and to do it in his first year in office.

There are many reasons why this new Federal department should be abolished:

It was not and is not needed. It was created by gerrymandering programs from other departments to fulfill a campaign promise to one special-interest group.

There is already ample evidence, in the form of the department's efforts to establish a singular Washington way of dealing with the educational problems of children whose primary language is not English, to indicate that, if left intact, this department will grow into a national school board, dictating curriculum and course content from the Nation's capital.

The department has already been politicized by the current Administration.

Hundreds of Federal employees have been added to the public payroll, thus diverting valuable resources which could be better used to educate children. Further, the presence of these employees will divert the attention of educators from serious matters to such "issuettes" as whether or not Chesterfield County in Virginia can have majorettes.

The question then is, How?

The answer is very simply that legitimate functions that can better be administered by other departments of government should be immediately transferred, especially functions such as education for overseas dependents and the Office of Civil Rights. There is no justification for a United States Secretary of Education to have administrative control over the education of any children, including those being educated by the Defense Department. Any educational agency at the national level should provide leadership and be a national resource for education, rather than being a regulation issuer and enforcer.

A U.S. Office of Education, headed by a commissioner or a director and occupying a position in Federal Government similar to that of the National Science Foundation, would be far more appropriate than a Department of Education.

It is important that the Reagan Administration recognize the 20-year trend toward making public education a ward of the Federal Government and the inclination of Federal bureaucrats to dictate one way of doing anything and everything in schools and colleges all across the country.

There was precious little support in the education community throughout the country for the creation of a Department of Education, and its difficulty in getting through the Congress over almost three years, along with the changes that will occur in that body in January 1981, suggest that there will be the necessary support for correcting this mistake once and for all.

Education in the United States has always been a state and local responsibility and function, and it should remain so. A nation with the best educational system in the world and a commitment to educational opportunity unequaled in history needs no radical changes but rather a commitment to the principles and purposes that have carried us this far.

J. Wade Gilley,
Secretary of Education,
Commonwealth of Virginia.●

JANET HELLER EARNS STATE 4-H AWARD

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. LENT. Mr. Speaker, I would like to call my colleagues' attention to a very exceptional young lady I am very proud to represent. Miss Janet Heller of Oceanside, N.Y., has earned significant recognition as 1 of 47 young people in the entire United States named a State winner in the national 4-H health awards program. I'm sure my colleagues join me in congratulating Janet and extending my very best wishes for her future.

Janet has achieved one of the highest goals in 4-H work, and was honored with her counterparts at the National 4-H Congress reception and dinner in Chicago on December 1, 1980. Through the years, Janet has worked very hard and devoted numerous hours to earn this honor of 4-H State winner in the health field. Her concern for others and leadership abilities were readily recognized by the Eli Lilly and Kraft Co's., sponsors of the 4-H health program, and her talents were rewarded.

With the destiny of this country in the capable hands of young people such as Janet Heller, I look toward the future with optimism. These young people's enthusiasm, dedication, and intelligence are exactly what the United States needs to maintain its high standards and high quality of life for its citizens.●

IT IS YOUR BUSINESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. PHILIP M. CRANE. Mr. Speaker, I wish to submit for the Record a section of an article which appeared in the Los Angeles Times, Sunday, November 16, 1980, concerning the use by business interests of various communications media. At a time when Americans are apparently increasingly interested in the business and economic issues of our times, it is particularly appropriate to note the high praise of the Los Angeles Times for a television program produced here in Washington, D.C. by the Chamber of Commerce of the United States of America. The program, televised weekly by 128 television stations across the Nation, is "It's Your Business," moderated by Ms. Karna Small. Dr. Richard L. Lesher, president of the U.S. Chamber of Commerce, is a regular member of the panel.

The article, entitled "Business Increasingly Uses (in Both Senses) Media To Push Views," highlights all communications efforts of the U.S. Chamber, including Nation's Business and Washington Report, but singles out "It's Your Business" for fostering lively debate.

In commenting on the U.S. Chamber of Commerce, the writer, A. Kent MacDougall, states: "No group better exemplifies the aboveboard portion of business' advocacy offensive than the U.S. Chamber of Commerce."

Mr. Speaker, I submit this section of the Los Angeles Times article for the Record so my colleagues may become more familiar with the outstanding television program being produced by the U.S. Chamber of Commerce here in Washington, D.C.

Business Increasingly Uses (in Both Senses) Media To Push Views

(By A. Kent MacDougall)

No group better exemplifies the aboveboard portion of business' advocacy offensive than the U.S. Chamber of Commerce. Not content to depend on traditional dissemination of information and policy statements to the news media, the Chamber is creating its own media programs to take business' message directly into American homes.

Besides publishing Nation's Business, whose 1.3 million circulation makes it the most widely distributed business magazine, the U.S. Chamber last year started a weekly newspaper, Washington Report, that it now sends to 750,000 subscribers. And to supplement the weekly panel discussion program, "What's the Issue?" that it has distributed free to 400 radio stations for years, the Chamber since last year has been producing a weekly television panel discussion show, "It's Your Business." Rather than presenting just business' side, "It's Your Business" fosters lively debate between liberal congressmen, labor union leaders, consumer advocates and others on one side, and conservative congressmen, corporate executives and other business advocates on the other side. Of the four panelists on each program, one appears every week—Richard Lesher, the Chamber's president. Karna Small, who formerly anchored a local Washington television newscast, is the moderator.

"It's Your Business," which is carried by 128 commercial TV stations, including KTLA (Channel 5) and KWHY (Channel 22) in Los Angeles, will eventually be produced in the Chamber's own $4 million studios. Now under construction at Chamber headquarters in downtown Washington, the studios will have the capacity to beam this and other programs by satellite direct to TV stations and cable TV systems across the country. Other programs on business and economics that the Chamber foresees telecasting include a half-hour weekly business news program, educational programs for high school students, and occasional prime-time specials.●

SUCCESSFUL PARENTING

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. McKAY. Mr. Speaker, over the course of the 10 years in which it has been my privilege to serve the people of Utah's First District in this great representative body I have thought it important to help focus the Nation's attention upon, among other things, the problems and challenges which confront the family. As we look for ways to strengthen our Nation in the watershed years before us, and for ways to preserve and improve upon the virtues which have made this the great Nation it is, we must look first for ways to assure the health and vitality of the American family.

In the context of past discussion which I have presented to this forum on this subject I would like today to call to the attention of my colleagues excerpts of an address offered by America's Mother of the Year for the year 1979, Mrs. Frances Davis Burtenshaw. Mrs. Burtenshaw not only is a constituent of mine, she and her husband Claude are close family friends as well. I know from experience the wealth of insight which she brings to the subject of her message, "Successful Parenting."

The address follows:

SUCCESSFUL PARENTING

(By Mrs. Frances Davis Burtenshaw)

Successful parenting: both words are difficult for me to use, even though they are common to us all; "parenting," mostly, because "successful" is in front of it.

Parenting, like many similar words: teaching, doctoring, selling, suggests an activity and a relationship. For instance, teaching is a two-sided relationship, involving a teacher and a student learner; doctoring—a doctor and a patient; selling—a merchant and a customer, and so on. Likewise, parenting involves mother, father and children. Teaching, doctoring or selling seem simple enough; such relationships are fairly understandable. We know when they begin and end.

But parenting is more complicated. Initially we can indentify how and when the relationship begins—with the birth of the child. The place is a house or apartment, the place called home. The duration of the activity is continuous, almost endless; a fairly long period—15 to 20 years—and longer. The time seems short once it's passed now that our children are all married and away from the home, but it seems a long time while it's happening. The parenting activities include many functions and often strained relationships. The more the children—the more of everything: feeding, diapering; playing, fighting; scolding, encouraging; loving, hating; caring, ignoring; enjoying, frustrating; waiting, rushing; coming, going; working, sleeping; teaching, learning. Parenting includes many "INGS". And they involve all and more of available parent resources and on occasion exhaust the parents' emotional resources.

There seems to be many approaches to the parenting activities. Even though the beginning is clear, the ending is not and once it's begun, it's endless. The children are followed by grandchildren, and great-grandchildren.

The difference in approaches and results raises questions about purpose and methods. The purposes of other activities—teaching, doctoring or selling—are stated in terms of doing something for one of the participants: teaching, for the student; doctoring, for the patient; selling, for the customer. Following this pattern, parenting is for the child. Fulfilling the child's needs becomes the purposes of parenting. In this true story, James Dobson notes in his book "Hide or Seek," the significance of a parental relationship on a child.

"His mother was a dominating woman who found it difficult to love anyone. His father died a few months before the child's birth, so his mother had to work long hours from his earliest childhood.

"She gave him no affection, no love, no discipline, and no training during these early years. She even forbade him to call her at work. Other children had little to do with him, so he was alone most of the time. He was ugly, poor and untrained and unlovable.

"Despite a high IQ, he failed academically, and finally dropped out during his third year of high school. He thought he might find a new acceptance in the Marine Corps, but his problems went with him. The other marines laughed at him and ridiculed him. He fought back, resisted authority, and was thrown out of the marines. So there he was—a young man in his early twenties—absolutely friendless. He was small and scrawny in stature with an adolescent squeak to his voice. He had no talent, no skill, no sense of worthiness. He didn't even have a driver's license.

"Once again he thought he could run from his problems, so he went to live in a foreign country. But he was rejected there too. He married a girl and brought her back to America with him. Soon, she began to develop the same contempt for him that everyone else displayed. She bore him two children, but he never enjoyed the respect that a father should have. His marriage continued to crumble. His wife demanded more and more and more things that he could not provide. She learned to bully him. On one occasion, she locked him in the bathroom for punishment. Finally, she forced him to leave.

"He tried to make it on his own, but he was terribly lonely. After days of solitude, he went home and begged her to take him back. But she laughed at him. Finally, he pleaded no more. No one wanted him. No one had ever wanted him. He was perhaps the most rejected man of our time.

"The next day, he was strangely different. He arose, went to the garage, and took down a rifle he had hidden there. He carried it with him to his newly acquired job. And from a window on the third floor of that building, shortly after noon, Nov. 22, 1963, he sent two shells crashing into the head of John F. Kennedy.

"Lee Harvey Oswald, the rejected, unlovable failure, a nobody—killed the man, who had everything he lacked. Every day of his life, Lee Harvey Oswald, experienced the crushing awareness of his own nothingness."

The Dobson account is impressive because it emphasizes the parenting role. For him parenting caused the difference between the outcome of two children: Lee Harvey Oswald and John F. Kennedy. The difference was noted in more than two lives. The nation was injured and blessed by the different parenting. And now, let me with Dr. Dobson state my first principle of successful parenting which begins by a parent believing that the parent-child relationship is for the child.

There is a second feature to parenting. This was proposed by the American Mothers Committee, the organization that honored me with their title. The final question in the nomination form asks "Describe how the candidate's children are achieving their potential." This question implies that a parent can have a positive influence on a child and also suggests that a parent has a tremendous responsibility. My guilty conscience was pricked. My failures came crowding in on me.

I remember many things our children did not do that I wanted them to. One boy was sent from his third grade class because he refused to read poetry. Two children disliked piano lessons and never practiced, and none of the others learned to play really well—at least as well as I thought they could. I remembered one night when we searched to find a daughter who left the house, after we had offended her with harsh words. I can still feel the embarrassment when our son was suspended from high school for leaving his shirt tail out; waiting for another son until the early hours of morning when he should have been in at midnight. And a hundred other disappointing and frustrating experiences with our children, which I thought indicated something about our failure, and possibly theirs, to achieve their potential.

My next thought took a different turn. How, I thought, can anyone know a child's potential, particularly mine—know their talents and possibilities well enough to judge whether they are being fulfilled. Who would be their judges? Our children were puzzled, too, but they did not worry long about who could judge, or who knew their potential, for they proposed an answer. Let me summarize it. The potential of a child is difficult to determine. A mother wonders long hours about each of her children; she wants them to succeed. She may have a dream for each that is totally unrealistic and be totally frustrated when they fail, because their talents or potential were not equal to her dreams. Or her dreams may fit the talents of her children, but her dominating ways destroy the child's interests rather than develop them. My children felt that parents sometimes fail to understand an important element of a parent-child relationship. For them, that element is sharing with the child—the dream-making activities. When parent and child explore together the child's interests and capabilities, the chances of success are increased. Exploring the child's capabilities, they said, is ongoing, never completed, for much may be discovered and fulfilled long after the child leaves home, because the parents' sharing, stimulating influence continues.

My children concluded that no one knew their potential or could judge their achievement. But this was not important to them; rather they felt that a caring, respectful relationship encouraged the discovery and development of their talents.

I remembered, too, some more pleasant experiences. One of my girls, who I thought had the least talent, because she often failed—finally after much encouragement, became the best at the piano. She learned to dance and is now a choreographer. Even though she was the shyest in public performances, she majored in public speaking and became a teacher. The boy who hated his poetry class later discovered that he liked poetry and wrote some. While in the sixth grade, another son became interested in biology; he was able to see microbes in water from a ditch with a microscope we bought and led him to study medicine.

I wish I had learned what my children claimed I knew, when they said that successful parenting is sharing with a child the awakening of his potential and the encouragement of its development.

My third and final feature is the most difficult and follows closely the second. (Parents remember their frustrations when they were young and reckon with them today.) It's about the parent-child relationship as it changes. It begins with the infant child totally dependent upon parents. That dependency permits and justifies a control over the child's environment and behavior. But the child grows, and like the Lee Harvey Oswalds, begins a search for becoming somebody. Not many months pass until the child tests the parents' controls. He soon wants down from his mother's lap; he wants to feed himself; he wants out of the play pen; he does not want to take a nap; he does not like spinach. I have suggested enough to remind us of the child's endless quest for independence. You can hear a thousand variations of irritating responses: "I have to go," "Why can't I take the car?," "You never let me do anything," "I hate you!", "I will never come back!"

A reported million American runaway children per year, the suspected annual 8-9 million child abuse cases, 2,000 children deaths from parental abuse—all suggest some serious unresolved parent-child confrontations. The demand for independence often brings revolution.

There are numerous theories about managing the problem. The one we all claim to dislike most, but use most, is the old method of discipline. The theory in its religious form claims that the child is a born sinner and is determined to do evil. The sooner the parent knows this, the better, for then the parent can, by asserting his authority, break the will of the child. Once the superior role of the parent is established and the child is subdued, the child can be successfully directed to his adulthood and responsible citizenship. This theory has many forms with and without religious implications.

There is another theory with as many variations as the first that we point to these days. We are sure that many of our neighbors have adopted it—much to our dismay. In derision, we refer to it as permissiveness. Many of us claim that permissiveness pervades not just the home but the whole of society. We learn most about it from its opponents. They claim that the child is not disciplined, that he is without restraints. The child is left to experiment and find his own values and purposes. The believers, however, stress that freedom and independence are the important features of the theory for maturation, for only those self-discovered values are useful.

The variations of the two positions, if we place them on a continuum, seem to cover all the theories. None of us disagree with the purpose claimed by all—a responsible person. I wish I knew the appropriate theory. Our experience found that each of our eight needed a separate approach. One child responded occasionally to firm discipline; another became worse with even the slightest scolding; one responded to the slightest suggestion; another argued with any suggestion. I think we learned that we not only shared the search for potential, but as also shared the search for discipline. And in this sharing activity, we learned that when genuine caring was offered, controls could be replaced with trust.

We learned, sometimes too late, that a parent-invented rule or a parent arbitarily impose one, destroyed rather than maintained a relationship. And when it did, a child's resentment negated most of what we wanted to accomplish. We never made rules about what to wear, length of hair, whom to date, or exactly when to come home. We occasionally asked, "Is that dress too short—or too long? Do you need a hair cut? Who is your date tonight? What time can we expect you home?"

I believe we learned, along with our children, the meaning of responsibility. I think we once thought the word was just a synonym for unquestioned obedience—obedience to rules, response to orders, but we learned that a response can be far more controlling when it is a response to the child's own beliefs, his feeling of obligation, commitment to his purpose and from his moral and spiritual values. He then is accountable to others, and is responsive to the needs of neighbors and friends.

It did not take much encouragement to our fifteen-year old son, when he had offended a neighbor, to call and apologize—or when with some prankish friends he removed the blue lights from a neighbor's outdoor Christmas tree and replaced them with white ones. He soon returned them with a sincere apology. He wanted to repay us for the purchase of a car we bought him in his senior year of high school. It did not take such encouragement to have our daughters work away from home in the summers, in such places as the Teton's or in Washington D.C., to share in the cost of their college education. Two of them choose, at our invitation to write checks on our bank account. A bit of a shock came to my husband one day when he received a call, "I just wrote a check for $1100." "Fine," my husband said, "We'll cover it."

Our approach, if we need give a theoretical explanation, uses the elements of freedom and independence of the permissiveness but it accepts some of the values of the conservative theory.

We hope that through all of this, our children gained a conscience, a feeling of responsibility toward a neighbor, because they believed such values as is contained in the New Testament story of the Good Samaritan. I hope they believe that a neighbor is anybody in need. Since they left home, we are pleased with their responses. We hope they feel comfortable and responsible to a community about its needs and we hope they have learned service skills so they can respond to neighbors' needs.

We also mean that responsibility is confidence in self—the child's self. We found, I believe, that religious beliefs that claim that the individual is important and accountable, inspire confidence, and that church participation is self-assuring and directs interests confidently toward and away from self. We believe that a responsibility to self and the world is possible when a child has confidence in his thinking and speaking—about the decisions of a career, the choice of a mate, and the caring response to a family.

Let me repeat the three points:

1. Successful parenting begins when the parents believe that the parent-child relationship is for the child.

2. Successful parenting is sharing with a child the awakening of his potential and encouraging its development.

3. Parenting is successfully completed when the child becomes totally responsible.

Well, as I say, we were often late in learning the important things about parenting and even later in practicing the things we knew. But I am ready now to conclude my third point about successful parenting. I haven't fully developed the theory. I don't know how. After all, I'm only the mother-half of a parent.

But I have a conclusion: Successful parenting is completed when the child has become responsible—to self, neighbors, mankind; to his life's purpose and values. Responsibility is a control word. We may say that an individual, a child, will govern himself by the principles which he believes.●

SALUTE TO THE SWEETWATER FIRE DEPARTMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DUNCAN of Tennessee. Mr. Speaker, as this holiday season approaches, I hope all of my colleagues will take a few moments to pause and thank those who helped make this past year a safe and secure year. In the town of Sweetwater, Tenn., in Monroe County in my district, the citizens are thankful for the Sweetwater Fire Department.

The Sweetwater Fire Department's 12 full-time and 21 volunteer firefighters have kept a constant vigil over their community during the past year, answering almost 70 calls so far this year. Some of these calls have involved extremely serious situations, including major textile mill fires in nearby Philadelphia and Niota; a gasoline tanker/automobile crash and fire on Interstate 75; and assistance to the State of Tennessee's hazardous materials spill team.

However, not all of the Sweetwater Fire Department's good work has involved actual firefighting. This department has also provided its town's business houses with two complete inspections this year; they have participated in several parades which were held on holidays; the department watered baseball and softball fields during the summer months and kept them fit for play; they have conducted fire drills and training classes at schools, hospitals, and nursing homes; and they watered small trees on city property which were planted by Sweetwater's garden club.

Sweetwater's Fire Department is headed by Chief Lynn Phillips, who has 12 years of service. His assistant chief is Charles Vincent, also a 12-year veteran. Captains Herbert Franks and James Keele have, respectively, 8 and 7 years of service. Full-time firefighters are Ray Harper, Ellis Shult, Raymond Best, W. D. Fry, Johnny Wiggins, Jack Powell, Jr., Sterling Robinson, and Robert Watson. Richard Rowe serves as the town's fire commissioner.

Undoubtedly, the town of Sweetwater owes these men a great deal of gratitude for the services they have performed throughout the past year, and the peace of mind they have brought to their community. I am proud to have these men and this department in my district. They represent the finest in the Nation's fine tradition of firefighting. I hope all of the Members of this Congress will join me in saluting the Sweetwater Fire Department, and in wishing its members another year of distinguished service to their fine community.●

A TRIBUTE TO JENNIFER ANN SALEEBEY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. FROST. Mr. Speaker, I would like to take this opportunity to congratulate a young constituent of mine for her recent and continuing accomplishments. Ms. Jennifer Ann Saleebey of Arlington, Tex., has recently been appointed concertmaster of the Greater Fort Worth Youth Orchestra for the 1980-81 school year.

This is but the latest in a series of leadership positions Jennifer has won in the music field in the Fort Worth area and in the State of Texas. For the third year in a row, she has been chosen concertmaster of the Arlington, Tex., High School Orchestra. For the past 2 years, she has been the concertmaster of the All-Region High School Orchestra. And for the past 3 years, she has been selected for the All-State Symphony Orchestra in Texas.

I am extremely proud of Jennifer for her accomplishments not only in music but also in all aspects of her high school work. For her efforts, I offer her my heartiest congratulations.●

WAGE-PRICE CONTROLS—AND REAGAN?

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. WEISS. Mr. Speaker, the difficulty of reviving our economy and halting inflation will soon become apparent to President-elect Ronald Reagan. As every President learns, it is one thing to make campaign promises about economic policy, and another thing to correct our economic problems.

As the attached article points out, wage and price controls are the most effective means of fighting inflation while stimulating the economy and creating new jobs.

I have advocated the necessity of imposing wage and price controls since 1978, when I first introduced legislation to give the President authority to apply such measures. Ronald Reagan may also discover that controls are preferable to any other form of economic management, according to the article's author, James M. Stone, who is Chairman of the Commodity Futures Trading Commission. I urge my colleagues to read his argument with care.

Mr. Stone's article, which appeared in the New York Times on December 3, follows:

ON WAGE-PRICE CONTROLS

WASHINGTON.—I did not vote for Ronald Reagan, and I am anything but enamored of the current vogue in neoconservative economic thinking. I find one important area, however, where the new administration, somewhat involuntarily, could well find itself charting the proper course.

The Reagan administration is more likely than any moderate Republican or conservative Democratic ticket to accept the wage and price controls that our economy inevitably requires.

It is easier to predict what cannot happen in the economy than what will happen. One thing is clear: Without such controls, we cannot have tax cuts, new incentives for investment, a larger defense budget, and reduced inflation all at the same time.

The Office of Management and Budget, probably optimistically, predicts a $30 billion deficit for the fiscal year ending Sept. 30, 1981. If the incoming administration reduces taxes or raises defense spending, the deficit will be larger. A 10 percent tax cut would cost roughly $20 billion; commonly discussed depreciation speedups would add at least another $5 billion. There is talk of raising the defense budget by $15 billion or more. And there is no way to close the overall gap with cuts in non-defense spending. This would require more than a 9 percent reduction in nondefense expenditures beyond what anyone has suggested is realistic. If the fiscal 1981 budget, designed for a large deficit, is inflationary, the new administration's budget, as it is now being discussed, may be destined to be more so by far.

The genuine policy possibilities that will face the Reagan administration are threefold, and some of them is likely to appeal to the new President.

Economic activity will probably have been successfully stimulated by early 1982. Inflation would then have been stimulated as well. Administration theorists may well argue that improved productivity is the answer to inflation even if it means enduring a decade of pain, and they might call for patience. This first option would without doubt be unpalatable to the Senate's Republican leadership, which would be justifiably unwilling to risk its hard-won majority status on the shaky constructs of neo-classical academic economists. Inflation in the "teens" brought the Republicans to office; inflation in the "20's" would remove them.

The second possible course to be considered would be reversal of the economy's engines. Contraction, not expansion, has been the favorite approach in Washington for nearly a decade. It remains the preference of the solid middle-of-the-road in both parties. The idea is to hold back economic growth, to dance on the edge of serious recession, and thus to cool the fires of inflation. It hasn't worked very well, either economically or politically. Fiscal restraint, moreover, in the form of further spending cuts or any meaningful tax increases would be out of the question.

The temptation would be to use monetary restraint. This, too, holds little promise. Accelerated consumer spending and demand for investment funds would be exerting upward pressure on already high bank rates. Slower monetary growth, whatever its long-run impact, would have the immediate effect of exerting still more upward pressure. Increases in interest rates have, in turn, perverse consequences for inflation in the short run. High interest rates for consumer credit and housing pass directly into the Consumer Price Index. Monetary restraint in the short term cannot be the answer to inflation; it will be part of the problem.

The third possibility is wage and price controls. Liberal Democrats and conservative Republicans form an unaccustomed union in their rejection of contractionist economics. The liberals decry the unemployment effects of contraction. Conservatives find unacceptable its low growth and low profit consequences. Both favor a policy of expansion. Where the two extremes differ is on a question of fact. The Democratic left realizes that stimulus without a price policy, particularly in an economy subject to outside shocks in the energy sector, will lead to intolerable inflation. The Republican right has promised the best of all worlds but will soon be confronted with intractable reality.

In the end, the Reagan administration must either abandon the goal of economic expansion or accept the discipline that must accompany it. It would be painful for a Reagan White House to adopt the program of wage and price controls proposed by Senator Edward M. Kennedy—but, then again, Richard M. Nixon went that way, too.

Considering the three options the new administration may face in 1982, a program of controls may, ironically, look the least unattractive to the conservatives in the White House. Others of us will be pleased to support it. If inflation is ever to be checked, expansionism with controls is the best hope.●

THE UNITED STATES MUST HELP ITALY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. SOLARZ. Mr. Speaker, I rise to urge my colleagues to support H.R. 8388, which provides $50 million in desperately needed funds for the victims of the tragic earthquake in southern Italy. This earthquake, measuring 6.8 on the Richter scale, has caused the worst natural disaster in Western Europe in half a century. The death toll already stands at over 3,000 and, with approximately 2,000 people still missing, is virtually certain to rise further. Another 8,000 Italians have been injured, and more than 250,000 have been rendered homeless.

The Italian Government is making a massive effort to cope with the enormous needs created by the earthquake. Some 37,000 soldiers, firemen, and policemen are assisting in the rescue efforts. More than $1.3 billion in emergency funds have already been allocated, and it is estimated that the Italian Government will ultimately spend $6 billion—or 2 percent of its gross domestic product—on its relief and reconstruction program.

But even this huge Italian effort is insufficient to meet all of the needs. Generous assistance from the international community is both a humanitarian and a moral necessity. So far, more than 14 countries and a number of international organizations have made contributions of money, food, blankets, and other relief supplies. The European Economic Community alone is presently considering a $200 million contribution to Italy.

Furthermore, there have been a tremendous outpouring of assistance from private voluntary agencies and concerned individuals. The Red Cross societies in 15 countries have made substantial contributions of supplies and money. In my own community, thousands of dollars have already been raised by generous individuals anxious to help alleviate the suffering of the earthquake's victims.

The U.S. Government must do its share. Italy is one of our closest allies and has been supportive of the United

States on a number of vital issues, including the strengthening of NATO and coordinating policies on Afghanistan and the U.S. hostages in Iran. In addition, the United States has a proud tradition of providing emergency relief and reconstruction assistance whenever natural disasters have occurred—in the Sahel in 1974, in Guatemala in 1976, in the Caribbean in 1980, and in numerous other instances. In 1976, when a far less destructive earthquake struck Italy's Friuli district, the Congress promptly provided $25 million for disaster relief. An additional $25 million was appropriated the following year when it became clear that these funds were essential to support Italy's reconstruction efforts.

I urge my colleagues to respect the United States time-honored tradition of providing prompt disaster relief assistance by voting in favor of this $50 million in aid for the Italian earthquake victims. And let us make it clear to the Italian people that this is merely the first installment of our assistance. As Italy formulates its plans for the long-term rehabilitation of the victims and the reconstruction of the earthquake zone, the American people and the Congress are fully prepared to respond generously and assist in this essential effort.●

FUTURE BUSINESS LEADERS OF AMERICA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. HUBBARD. Mr. Speaker, a fine young man, Tom Wilson, of Bardwell, Ky., worked as an intern in my office last summer. Tom serves as the national vice president, southern region, of Future Business Leaders of America-Phi Beta Lambda (FBLA-PBL) and spoke with me during the summer about the important work of this organization. I would like to call the attention of my colleagues to FBLA-PBL by means of an informational letter sent to me by Tom Wilson.

In the past year, our nation's economy has not been in the best of shape. Double digit inflation, an apparent recession, and a very real increase in the cost of energy have plagued our country. Many would say that these problems demonstrate the failure of free enterprise. But such a conclusion is incorrect. Part of the problem is that we have not practiced true free enterprise enough lately. More emphasis placed on private enterprise and the marketplace and less reliance on government programs and regulations would help our economic situation improve.

One organization that believes in free enterprise is the Future Business Leaders of America-Phi Beta Lambda (FBLA-PBL). FBLA-PBL is a non-profit, vocational education organization for students interested in business or business education careers. It is composed of three divisions: FBLA at the high school level, PBL at the post-secondary and college level, and Alumni. There are nearly 200,000 active members in 8,000 chartered chapters across the country.

FBLA-PBL is in the fifth year of Project Awareness, in which members learn about our free enterprise system and share that information through publicity efforts, local chapter projects, etc. The overall purpose of the organization is to give students a chance to learn, first-hand, about the business community as they develop vocational competencies that will enable them to pursue careers in business.

Since competition is recognized as a major part of our free enterprise system, FBLA-PBL sponsors a National Leadership Conference (NLC) that begins with competition at the local, district, and state levels. Members compete in many competitive events, including accounting, data processing, public speaking, and parliamentary procedure. During the year, projects involving FBLA-PBL include professional, service, fundraising, career development, civic, and social awareness activities. State advisers help coordinate these activities, reporting to the national association headquarters in Reston, Virginia, a suburb of Washington, D.C. Headed by Edward Miller, FBLA-PBL's President and CEO, a staff of fifteen helps chapters and advisers and acts as liaison among student organizations, professional and business organizations, and government agencies.

Members of Future Business Leaders of America-Phi Beta Lambda are preparing now for a future in business. By working to preserve our free enterprise system that stresses freedom, individuality, and the marketplace, they're helping make sure there will be a future worth preparing for.●

TRIBUTE TO DOROTHY DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. BROWN of California. Mr. Speaker, I would like to add my word of thanks for the twin gifts of peacemaking and love of the poor which she gave us by her example. In a recent editorial devoted to Ms. Day, Colman McCarthy singles out the importance of actual love of the poor which is so often missing in institutional efforts to improve their condition. The Congress of the United States has written many laws generously intended to improve in lasting ways the condition of the poor, both in the United States and in the less developed countries. We would be failing to profit by the life-long example of Ms. Day if we chose to ignore the constant danger that our institutional efforts to aid the poor can and almost certainly will go wrong if we fail to remain personally involved in the task. In the spirit, not of sweeping condemnation of a program intended to help the poor, but rather of encouragement to mend and prevent what can go wrong, I wish to include here, along with Colman McCarthy's remarks, a recent description of difficulties encountered in a generously motivated program. At the same time I would like to add my hope that the memory of Dorothy Day will preserve in us the awareness that alleviation of worldwide poverty and hunger is the most humane way to that other of Ms. Day's—and our's—most precious goal: the securing of world peace.

The generously motivated program to which I refer is Public Law 480 food aid. The difficulties encountered by the program are set forth, among other criticisms of foreign aid, in a small book by Frances Moore Lappe, et al., "Aid As Obstacle." I include below a short section of her work. In it we see how programs designed to help the poor can be turned to the opposite effect. As a legislator whose work, like all legislators, involves trying to do various kinds of good by means of building institutions or institutionalized systems of some sort, the weaknesses of institutions in serving the needs of the poor is a constant headache. We do not have the option to give up on institutions. Even Dorothy Day built a modest one. But we do need to understand the lesson of Ms. Day's life, a lesson which throws light on many of the criticisms in Lappe's work, and that is when there is no real involvement with the programs meant to serve the poor, no good, and often much evil is done.

The editorial and excerpts from the book follow:

[From the Washington Post, Dec. 3, 1980]

A Life of Exquisite Foolishness

(By Colman McCarthy)

New York.—As though the poor and forgotten don't have hard enough times, now they are without Dorothy Day. She died last Saturday in Maryhouse, a Lower East Side shelter that she ran for homeless women. Miss Day had spent most of her 83 years in the simpliest but rarest form of humane service; feeding, clothing and housing whoever of the earth's wretched came to her. "We confess to being fools," she said once about herself and her small band of pacifists and personalists, "and we wish we were more so."

For the tens of thousands of anonymous poor who have been comforted by Dorothy Day since she co-founded The Catholic Worker in 1933, the foolishness has been more than adequate. At her wake the other night, street people kneeled before her pinebox coffin and wept in prayers for a woman they had come to believe was a saint. These were the "underprivileged," a term used with mock laughter around here because none of the poor of the Lower East Side remembers when society's privileges were passed out in the first place.

In this Bowery area of Manhattan, the conscience of Dorothy Day has been institutionalized in her Catholic Worker "houses of hospitality." But the establishment of such facilities—not only in New York but in about 40 other cities—was about the only concession she made to organizational mercy. In a half-century's worth of books, columns, speeches and conversations, Dorothy Day argued that the problem of poverty was its being left too much to professional problem-solvers. People with empty bellies get turned into Profound Questions, with poverty brokers on the hunt for Profound Answers. In seminar after seminar and report after report, the poor are given the bum's rush. In the end, as Miss Day said, "there are all too few who will consider themselves servants, who will give up their lives to serve others."

As a religous person who prayed daily—mass and communion, the Psalms, the rosary—Dorothy Day used her faith as a buffer against burnout and despair. Fittingly, it will have to be taken on faith that her life of service made a difference. She issued no progress reports on neighborhood improvement, summoned no task forces on how to achieve greater efficiency on the daily soup line. Nor did she ever run "follow-up studies" on whether the derelicts of the Bowery renounced their drunken and quarrelsome ways. As her favorite saint, Theresa of Lisieux, taught, results don't matter to the prayerful.

On the subject of results, Dorothy Day had a philosophy of divine patience: "We continue feeding our neighbors and clothing and sheltering them, and the more we do it the more we realize that the most important thing is to love. There are several families with us, destitute to an unbelievable extent, and there, too, is nothing to do but love. What I mean is that there is no chance of rehabilitation, no chance, so far as we see, of changing them; certainly no chance of adjusting them to this abominable world about them, and who wants them adjusted anyway?"

That was from the June 1946 issue of The Catholic Worker newspaper, a monthly that has been a voice of pacifism and justice since 1933. Yesterday, as her body was carried along an impoverished block to a Catholic church for a requiem mass, the local destitution is as unbelievable as ever. The jobless and homeless are so thick in the streets that "Holy, Mother City," as Miss Day called it, makes no pretense of even counting them.

It may be just as well. Counters get in the way when there is soup to be made. Even worse, getting too close to the government means a trade-off that Miss Day resisted mightily in both words and action. "The state believes in war," she said, "and as pacifists and philosophical anarchists, we don't."

Because she served the poor for so long and with such tireless intensity, Dorothy Day had a national constituency of remarkable breadth. She was more than merely the conscience of the left. Whether it was a young millionaire named John F. Kennedy who came to see her (in 1943) or one of the starving, she exuded authenticity. It was so well known that Dorothy Day lived among the poor—shared their table, stood in their lines, endured the daily insecurity—that The Catholic Worker became known as the one charity in which the money truly did reach the poor.

"It is a strange vocation to love the destitute and dissolute," Miss Day wrote a few years ago. But it is one that keeps attracting the young who come to The Catholic Worker as a place to brew the soup and clean the toilets, which is also the work of peace-makers. They are against military wars for sure, but their pacifism resists the violence of the economic wars. "We refuse to fight for a materialistic system that cripples so many of its citizens," The Catholic Worker has been saying for half a century.

At the requiem mass, the prayers for the dead were sung joyously. A conviction was shared, just as surely as the Eucharist itself was shared, that here was one of Christ's faithful—one who full-heartedly followed what she called "the strange upside-down teaching of the Gospel." The mourning poor best understood: this life of exquisite foolishness made absolute sense.

"AID AS OBSTACLE," TWENTY QUESTIONS ABOUT OUR FOREIGN AID AND THE HUNGRY

(By Frances Moore Lappe, Joseph Collins, and David Kinley)

Question 14: What happens when food aid goes to a country where the majority of the people are hungry?

Response. Bangladesh is the fourth largest recipient of U.S. food aid. Most people think that food aid to a country with so many hungry people surely must be helping the country.

Today, one-third of Bangladesh's sizable food aid comes from the United States. Since 1974, about 90 percent of U.S. food aid to Bangladesh has been under Titles I and III of P.L. 480, which provides dollar credits to buy the U.S.-produced food. The government of Bangladesh, therefore, has virtually total control over what it does with the food. Like most purchasers of Title I food aid, the Bangladesh government sells most of it through a ration system that allows cardholders to buy a portion of their food at a substantial subsidy. The government then uses the proceeds from these sales for general budgetary support.

Our colleagues Betsy Hartmann and James Boyce found that most of this food goes to those who could afford the regular market price—members of the urban middle class. Conservative World Bank figures confirm their observations: 27 percent of the food aid goes to police, military and civil services and to employees of large enterprises; 30 percent goes to predominantly middle class cardholders in six major cities; and nine percent goes to supply mills for grinding flour for urban bakeries. The few ration cards held by the marginally employed living in Dacca's slums were revoked in 1975 by the government.

While 85 to 90 percent of the people of Bangladesh live in rural areas and many are undernourished, a mere one-third of the rationed food grains are allotted to rural families. In theory, rural ration cards allow for the purchase of half the amount of subsidized food allotted to an urban cardholder. In practice, rural cardholders can buy even less—in part because fulfillment of their allotment depends on the food left over after the urban allotments. Moreover, rural ration dealers sell much of the food they receive on the black market and pocket the cash; a dealership is a coveted political favor.

AID economist Joseph Stepaneck estimates that in practice "approximately 80 percent of the rationed-supplied food serves those with cash in towns and cities." The government's concentration of food aid on the urban middle class is deliberate. The ratio system is designed, in the words of a 1976 U.S. Embassy cable, ". . . to keep potentially active Dacca dwellers supplied with low-priced food grains." "Active," of course, is a euphemism for politically active.

Food aid fails to feed Bangladesh's hungry; it also helps perpetuate hunger. Earlier we pointed out that the Bangladesh government has neglected agriculture, increasing the budget allotted to agricultural development by only five percent in real dollars between 1972 and 1977. Food aid, many observers agree, is fundamental to that neglect. In the words of a Swedish International Development Agency (SIDA) evaluation of rural and agricultural policies of the Bangladesh government, "Food aid has, in short, enabled the government to continue with its policy of neglect of agriculture (and of land reform), a policy which has forced the government to rely more and more heavily upon imported food. . . ." Even the U.S. embassy in Dacca acknowledged in a 1976 cable to Washington that ". . . the incentive for Bangladesh government leaders to devote attention, resources and talent to the problem of increasing domestic food-grain production is reduced by the security provided by U.S. and other donors' food assistance." This reduced incentive is welcomed by the Bangladesh government. It is widely understood that to increase food production as well as to ensure access to the food produced would require a thorough restructuring of control over productive resources. That this is the last thing the military dictatorship wants is fully demonstrated by the brutal police and army repression it employs to crush popular movements by and for the poor majority.

Finally, the case of Bangladesh illustrates that those who believe that "humanitarian" stipulations on food aid legislation will ensure that food gets to hungry people overlook one central fact: food aid helps to finance a narrowly based, unpopular and, therefore, militarized government. Revenues from the sale of food aid through the Bangladesh ration system provide roughly one-fifth of the country's operating budget. Of this operating budget, 27 percent goes for "defense, justice, and peace." The operation of jails falls under the budget heading. Amnesty International estimates there are 10,000 to 15,000 political prisoners held under "inhuman conditions." Some of the food aid revenue which flows into government coffers undoubtedly goes to the 12,000-man militarized police Special Task Force trained for "special drives and mopping-up operations" against civilian dissenters.

The Bangladesh government recognizes how much its own survival depends on food aid and wants the aid to continue. "Today it would be a budgetary disaster for the Bangladesh government if domestic production increased so much that the foreign donors refused to supply food aid," notes the SIDA evaluation cited above. Thus government officials underrepresent actual harvests in order to strengthen their case for food aid. According to some estimates, grain harvests are, in fact, adequate to feed the entire population. (This does not take into account the considerable non-grain production and the barely tapped rich agricultural potential.)●

TRIBUTE TO SAMUEL L. DEVINE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, 22 years ago SAM DEVINE and I arrived in the House of Representatives together. I have had the good fortune to know him and to respect his contribution to this great House with increasing admiration through these many years. There is no Member of this House with greater loyalty, dedication, and character than SAM DEVINE.

As ranking Republican Member on the House Interstate and Foreign Commerce Committee, SAM DEVINE has made a great contribution to our national prestige. His dedication to fiscal responsibility has been a hallmark of his service in Congress. Sam Devine has done a great job at representing consumer interests on the Health and Environment Subcommittee of the Consumer Protection and Finance Committee.

Sam Devine will be missed by the House, and by the many constituents of the 12th District of Ohio who knew how well he represented them.●

CONGRESSMAN RAY ROBERTS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CLEVELAND. Mr. Speaker, the retirement of Ray Roberts at the end of this Congress removes from our midst a true friend and able legislator whose balanced contribution to water resource development and environmental protection will long endure to the benefit of this country.

It has taken real courage for the gentleman from Texas to fight for the programs he believes in these days when public works has become a dirty word to so many, and to strive to make commonsense prevail in our environmental programs.

That courage is just one measure of Ray Roberts' stature, and I would also like to add another dimension. My principal area of responsibility on the Committee on Public Works and Transportation has been in the area of oversight. And, as any member of an oversight subcommittee of any committee knows, the leadership of the legislative subcommittees sometimes tend to get overprotective of their turf and to resist oversight into their legislation.

Not so with Ray Roberts. If our oversight activity has focused on any program in recent years, it has been the Clean Water Act. And far from resisting our forays into his territory, Ray Roberts has encouraged them and been extremely receptive to legislative amendments based on our findings.

It is not only this constructive working relationship, but Ray Roberts' warm friendship that I will miss when we leave this body at the end of this session.●

TRIBUTE TO HON. RAY ROBERTS

HON. JOHN HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HAMMERSCHMIDT. Mr. Speaker, when this 96th Congress finally adjourns, so also will a particularly distinguished Member of this body adjourn from public life. I am speaking, of course, of the gentleman from Texas, my dear friend and colleague, Chairman Ray Roberts.

During the 14 years that I have been a Member of the House of Representatives, it has been my privilege to serve with Ray Roberts in two battle-scarred arenas—both in the Committee on Veterans' Affairs and in the Public Works and Transportation Subcommittee on Water Resources. I have had the opportunity to observe at first hand the qualities that will be sorely missed when he hangs up his spurs.

His knowledge, his understanding, his determination, his courage, his decisiveness—all hallmarks of his leadership in both committees—have served well the Nation's veterans and the citizens of the Fourth District of Texas.

Though fiercely partisan, as any party loyalist should be, he has always placed the interests of the Nation's veterans above partisan politics. He is truly a statesman who has never been reluctant to criticize or condemn the action of any administration. Republican or Democratic, when in his judgment it adversely affected the veterans' benefit program. He has been especially active in continually seeking adequate funds for veterans' hospitals.

As chairman of the Committee on Veterans' Affairs, he has been a prime mover in developing the veterans' benefit program as it exists today.

As chairman of the Water Resources Committee Ray Roberts has earned an enviable reputation as a leader in the development and conservation of the Nation's water resources.

Before coming to Washington, Chairman Roberts' record of public service began, first as a naval officer who served with distinction in the Pacific during World War II and later as a member of the Texas State Senate.

Mr. Speaker, the retirement of this distinguished Texan from these hallowed halls and the helm of the Committee on Veterans' Affairs saddens all of us.

When the 97th Congress convenes, the presence of this statesman, legislator, naval officer, and gentleman will be sorely missed. As Ray Roberts embarks upon his retirement and returns to some of his favorite diversions—boating and fishing—I wish him every happiness. May he catch "the one that got away" and may he always have smooth sailing.●

SAM DEVINE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of California. Mr. Speaker, I shall miss serving with our colleague Sam Devine. You can always count on Sam as a friend and as a solid proponent of responsible, limited government. We shall miss his steady, dedicated leadership and so will the Nation. Examples of Sam's leadership qualities are many. He founded the Good Guys Club. He is a great chairman of the Republican Conference. I was pleased and privileged to serve with Sam while he was ranking Republican on the Interstate and Foreign Commerce Committee.

Sam really is the quintessential public servant because of his abilities and his ideals and unquestioned integrity. He is a lawyer—cum laude graduate of Notre Dame Law School. He is a former State legislator, FBI agent, and prosecuting attorney. An unabashed patriot, Sam Devine has served and will continue to serve his country with distinction.

Sam, we wish you the best. You truly are a good guy.●

TRIBUTE TO RAY ROBERTS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PICKLE. Mr. Speaker, I am privileged to be able to say that not only is Ray Roberts one of my close colleagues in the House, but he is also a long-time personal friend as well. I join with others in paying tribute to this man's distinguished public service career and lamenting the fact that he will not be with us next year.

Ray and I go back a long way. We both served in the National Youth Administration back in the late 1930's. Ray's goal then was to help young people out of the Depression, and he has been guided by the same motivation even today.

As chairman of the Veterans' Affairs Committee, Ray Roberts has been in the position to help millions of people, the men and women who deserve our thanks perhaps more than any other group. He has distinguished himself as an advocate for veterans' causes so we will not forget the work they do in defending our country.

As chairman of the Water Resources Subcommittee, Ray might be criticized by some for being a "pork barreller." But nothing could be less true. Ray has shown a strong interest in the water development needs and flood prevention requirements and recreation desires of millions of people. It is his work that has helped to provide more resources and protection for whole communities in a balanced way, for which we are all grateful.

As the man who succeeded our late Speaker Sam Rayburn, Ray Roberts followed distinguished company, but distinguished himself with his own record in his own distinctive way. As a friend and as a colleague, I'll miss Ray Roberts. But after a life dedicated to public service, he has "paid his dues," and we appreciate his work for our country.●

HERO'S COMMENTARY ON VETERANS DAY

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. EVANS of Georgia. Mr. Speaker, on Veterans Day, November 11, as we paid tribute to those who have served in our Armed Forces, one man took the occasion to give thanks for the opportunity to defend our Nation. Col. John D. Williams, who hails from Fitzgerald and Ocilla, Ga., has had an outstanding military career and was twice decorated for heroism in Southeast Asia combat. I think his comments are worthy of our attention.

COMMENTARY

(By Col. John D. Williams, U.S.A.F)

Veterans Day is a holiday which exemplifies the finest of American traditions as our citizens express their gratitude to the men and women who have served in the armed forces. And yet, as an Air Force officer with nearly 25 years of service, I feel that military people themselves should feel grateful. Grateful for the opportunity to do something important for their country. For playing a part in the vital mission of defense. For the chance to live in "exciting times".

Every aspect of my own career thus far has been both exciting and rewarding. And my present assignment with the Military Airlift Command (MAC) is probably the most challenging of all. MAC is one of the Air Force's major commands and we are responsible for several major missions which serve the Air Force and the Department of Defense. We provide the airlift for the deployment and employment of combat forces and their equipment, and we fly in supplies for these forces. In the past year we airlifted almost a million and a half passengers, and 286,000 tons of cargo to installations throughout the United States and around the globe.

We project America's military power wherever our national interests require. We are the principal means of rapidly deploying our military forces to deter aggression and can rightly claim to be "the backbone of deterrence". We also fly worldwide humanitarian airlift missions and just recently airlifted tons of cots, blankets and other supplies to Algeria in the wake of a tragic earthquake which took the lives of thousands and left tens of thousands homeless.

Another of our important missions is that of MAC's Aerospace Rescue and Recovery Service (ARRS) which is responsible for maintaining a world-wide capability to search for, locate and recover those in danger. Just last month, ARRS played a key role in the largest sea rescue in history when some 500 passengers were rescued from the burning cruise ship, Prinsendam. The ARRS people also fly the dangerous, but life saving, tropical storm reconnaissance missions to give people in the storm's path a few crucial extra hours of warning.

And speaking of weather, the Air Weather Service (AWS) is also part of MAC. They operate a worldwide network of weather facilities to provide continuous weather support to all Air Force and Army units worldwide. They fly on the "hurricane hunter" missions into the "eye" of the storm to get needed data. The Air Weather Service operates at the leading edge of the state of the art, using advanced computers and satellites to keep step with the metereological needs of the space age.

Finally, our Aerospace Audiovisual Service (AAVS) is the Air Force's manager of photography and is charged, along with other tasks, with documenting all Air Force missions.

Our command has some 87,000 active duty military and civilian personnel assigned to accomplish our multifaceted worldwide responsibilities. Added to their resources and absolutely vital to our mission accomplishment are the Air Force Reserve and Air National Guard units which fly a major proportion of our missions.

We have over 1,000 aircraft in the command including helicopters, C-9 Nightingales for aeromedical evacuation, and the world's largest cargo plane, the C-5 Galaxy. We are also actively involved in the development of a new airplane, the "CX" (Cargo Experimental) which will give us a greatly improved capability to deploy and employ American forces wherever they may be needed to protect our national interests.

It is small wonder, then, that the personnel of our Military Airlift Command—this writer included—are proud of their command and grateful for the chance to serve the nation in such a meaningful way.●

REPRESENTATIVE TIM LEE CARTER

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DANIELSON. Mr. Speaker, it is a pleasure to join with my colleagues in honoring Dr. TIM LEE CARTER for the service he has given the Nation in his 16 years as a Representative of the Fifth District of Kentucky.

As one of the few practicing physicians to serve in the House, TIM has brought a unique perspective to our debates. Despite our partisan differences, I know that his thoughful input will be sorely missed in the future deliberations of the House of Representatives.

I value his friendship and certainly wish him and Mrs. Carter the very best in whatever undertakings they may choose in the future.●

ITALIAN EARTHQUAKE RELIEF

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. WEISS. Mr. Speaker, today President Carter will sign into law legislation providing $50 million to aid earthquake victims in Italy, which received the support of this body several days ago. The devastation caused by the natural disaster which struck on November 23 is unmeasurable, and we should assure Italy that our concern for the welfare of its people does not end with the $50 million.

The damage done far exceeds the thousands dead and the many more thousands injured. The lives of hundreds of thousands of Italians, in southern Italy and throughout the world, have been irreparably disrupted. The financial aid provided by the U.S. Government and by private individuals will play an important role in helping to comfort those directly affected. But far more important is the compassion and support we can and must continue to give.

We should not forget that the tragic aftermath of the earthquake will continue for many years. Long past the time when the $50 million is spent, the people of the Italian provinces of Salerno, Naples, Potenza, and Avellino will need our aid and compassion. It is an important tradition of American policy to provide relief quickly to human tragedies around the world. But we must make certain that we continue to provide our help so long as it is needed.

The extent of the damage in Italy will not be known for some time. There is no way for us to replace what has been lost. What we can be doing is to help these people to rebuild their lives. This will require of us not only the immediate action we are providing but a commitment to the future of the Italian people.●

THE HONORABLE TIM LEE CARTER

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RAHALL. Mr. Speaker, I have had the honor, as all of us have, to serve with the distinguished gentlemen from Kentucky, TIM LEE CARTER, and I would like to thank my friend, the chairman of the House Education and Labor Committee, Mr. PERKINS, for taking this special order today so that we can pay tribute to Dr. CARTER for his 16 years of dedicated public service in this House.

TIM LEE CARTER's life has been one committed to his fellow man. His career is medicine, and he has practiced it well. From his home in Tompkinsville, Ky., he took his knowledge and dedication into World War II when he volunteered for the military service as a combat medic.

There may be no record of the lives he saved, but his work is remembered by the Bronze Star and Combat Medical Badge he received.

Since 1964, he practiced another trade, that of a Congressman from the Fifth District of Kentucky, and he did so very well.

When the 97th Congress begins its work next January, one of the top priorities will be the issue of health care in this Nation. TIM LEE CARTER is a man we will certainly miss. His expertise, his wisdom and dedication will be lacking, but we can all be proud to have served with him.

He is a good man, a warm man, and friend to us all.●

THE CONTINUING TRAGEDY IN IRELAND

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Ms. FERRARO. Mr. Speaker, on Monday, three women inmates of the Irish jail in Armagh began a hunger strike in support of that being waged by seven male prisoners at the Maze Prison. The expansion of this tragic hunger strike by these women is an alarming occurrence which mandates the immediate appeal for a peaceful settlement of this crises.

Since October 27, the seven men at the Maze have ingested nothing other than water. Reports from the prison indicate that their health is rapidly deteriorating. Demonstrations against the treatment of these men have already begun; should the fast lead to their deaths, violence will almost certainly break out in the highly charged emotional atmosphere.

Regardless of one's position on the Irish situation, it is obvious that this matter raises grave questions regarding human rights violations. The Irish dilemma is an internal matter which must be solved by the Government of Great Britain. Those of us, however, who have been involved in the effort to find a peaceful and equitable solution to this problem cannot simply sit back and allow the treatment of the prisoners go on without protest.

Once again, we must appeal to the Government of Great Britain to set forth a new peace initiative for all of Ireland that will put an end to the gross violations of human rights occurring in Northern Ireland. The time has come for an end to the British occupation of Irish soil. A united Ireland is long overdue and I urge my colleagues to join with me in the effort to attain peace and justice in that nation.●

PEGGY VAN RAALTE TO BE HONORED ON 80TH BIRTHDAY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. WYDLER. Mr. Speaker, a most remarkable lady will be honored on December 9, 1980, by over 100 of her friends and associates, at a party marking her 80th birthday. Mrs. Byron E. (Peggy) Van Raalte, an active volunteer in more than half a dozen causes, has, thus far, had a volunteer career spanning almost 60 years. She has donated her services to more than 40 organizations and has held leadership positions in at least 25 of them.

Mrs. Van Raalte began her volunteer activities as a young woman growing up in Massachusetts and continued them during the early years of her marriage in New York City. But Nassau County has received the greatest benefit from her dedication and expertise as a volunteer. After moving to Lawrence shortly after World War II, Peggy, as she is known to hundreds of friends all over the county, continued her work for Red Cross, eventually rising to the leadership role in the Five Towns Chapter. It was then that her organizational talent was recognized by others and she became deeply involved in such activities as the Nassau County Health and Welfare Council, the Five Towns Economic Opportunity Commission, Family Service Association of America, National Council of Jewish Women, and Peninsula Counseling Center, in which she presently serves as an officer of the board.

Mrs. Van Raalte was a member of the advisory board of the Adelphi School of Social Work for 10 years, active with the Berkshire Music Center at Tanglewood, and the Pro Art Symphony League Board of Hofstra University and the Five Towns Music and Art Foundation of which she was the first president.

Among dozens of citations, are Community Service Award, Nassau County Medical Society; National Association of Social Workers, named her Public Citizen of the Year, 1974; Nassau County Senior Citizen of the Year, 1972, and Long Island Jewish Hospital Senior Citizen of the Year, 1975. The list could go on and on.

Mrs. Van Raalte remains a strong advocate of the important role of the volunteer as an essential part of the social and economic fabric of this Nation. Peggy Van Raalte, a great-grandmother at 80 years, is a most able, dynamic, knowledgeable volunteer. She has given of herself and her talent over many years, and continues to share her talents for the benefit of her community. We wish her a very happy 80th birthday and hope she will continue her most distinguished career.●

GOLDEN LEAF APPRECIATION DAY

HON. IKE ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. ANDREWS of North Carolina. Mr. Speaker, it was my pleasure on Monday to join with Gov. James B. Hunt, Jr., our distinguished former colleague, Hon. Horace R. Kornegay, president of the Tobacco Institute, and a number of others in Raleigh for Golden Leaf Appreciation Day.

The speeches I heard by Governor Hunt and Mr. Kornegay document the economic importance of tobacco to North Carolina and to the Nation, and it is my hope that my colleagues from outside the tobacco-producing areas will take a few minutes to read them.

The speeches are inserted at this point in the RECORD.

GOLDEN LEAF APPRECIATION DAY

REMARKS OF GOV. JIM HUNT

Today we are announcing the results of an important new study which shows the tremendous contribution tobacco makes to North Carolina's economy.

As Governor, I have been pleased to champion the cause of tobacco because in North Carolina, tobacco is not just a commodity: It's a way of life. Tobacco provides the income families need to live and work on family farms.

I want to congratulate the members of the Tobacco Institute and its president, Horace Kornegay, for having the vision to seek out and distribute this information.

In 1978, the Wharton Applied Research Center of the University of Pennsylvania began a preliminary study; this year they have produced the final product. Not only have they provided nationwide information, they have also given data for each of the States. For North Carolina they have produced figures for each of our one hundred counties.

This study, the first of its kind, tells us what we need to know about the jobs, income and taxes that stem directly from the tobacco industry. But it does more: It goes on to identify the indirect contributions. It shows how tobacco multiplies and ripples throughout the entire economy to the benefit of people in all walks of life.

Our State grows more tobacco and manufactures more tobacco products than any other.

Nearly 148,000 jobs in our State derive from tobacco. Ranked by employment, North Carolina is first nationally in tobacco farming, first in tobacco manufacturing and second in auction warehousing. We mean to protect those jobs. They produce nearly $1.6 billion dollars in total wages.

Tobacco accounts for one job in every 15 and one dollar of every 16 in our State.

Last year, North Carolinians, directly and indirectly involved with the tobacco economy, paid the Federal Government more than $278 million in cigarette excise taxes, social security taxes, personal and corporate income taxes.

In addition to the federal dollars derived from tobacco, more than three cents of every State tax dollar collected in North Carolina in 1979 come directly from tobacco. That includes $35.2 million in excise and sales taxes on tobacco products. These tobacco-generated tax revenues provide government services to all North Carolinians—whether they smoke or not.

I need not go into great detail regarding the mass of information contained in the eleven volumes of this report. I urge you to find the time to study it. You will find the data available for your home counties—data you should know and will want to know.

This is an unprecedented economic document. It serves to alert and inform and activate. Thanks to it, we can now reach out and join hands with a wider community.

We can communicate with people in other industries—paper, packaging, fuel, trucking, advertising, banking.

We can say to them with credibility: "Your jobs and your income depend on tobacco."

The figures reinforce the theme of today's meeting: "Tobacco means people. * * * Together we mean business."

It's wonderful to see all segments of the tobacco family represented here today. This report has brought us together today. It shows that all of you and all North Carolinians have a stake in this great industry.

I hope today's event will be just the first of many occasions where the tobacco family joins together to demonstrate our unity and to show our pride in our tobacco heritage.

REMARKS OF HORACE KORNEGAY

Thank you Governor Hunt. You have made this day an auspicious occasion, one we will remember with pride.

Today is an interesting point in time—the beginning of the end of the first year of a new decade. It is a point in time sufficient to provide a glimpse of the shape of things to come in the 80's.

I truly believe that history will record this period as a decade of growth, vitality and, yes, even victory for the tobacco community nationally and globally.

I look forward to the 80's with confidence * * * confidence in and confidence for tobacco.

My confidence draws its strength from my confidence in all of you fine people assembled here today—

From Governor Hunt * * * From the distinguished men seated on each side of me * * * From the thousands of people they represent * * * From all of you in this distinguished audience.

And not least of all, my confidence is strengthened by the millions upon millions in this country and throughout the world who, given the freedom of choice, will choose to smoke America's Golden Leaf.

There are tides in the new affairs of man; They ebb and flow. Right now, the tide is rising for tobacco. It is rising because the tobacco economy is fundamentally sound, basically strong and potentially on the upswing.

A major reason is the ever-growing worldwide popularity of "American blended" cigarettes. France may have her champagne; Japan may have her Sonys; Germany her Volkswagens—but the United States has American-blended cigarettes. In that category, we are Number One. And, never forget, "American blended" means "American tobacco."

Look at the dynamic surge in U.S. cigarette exports during the 1970's.

From 45 billion units a year with an annual value of just over 325 million dollars during the 1972-1976 period.

To an estimated 90 million units valued at one billion dollars in 1980.

Double the volume and triple the value * * * in less than 10 years.

Further grounds for optimism comes from the news that Japan has agreed to reduce import duties on cigarettes, cigars and pipe tobacco. This and the other trade concessions to the U.S. tobacco industry could increase sales there from 35 million dollars. An anticipated ten-fold increase in one market.

Everybody knows that tobacco creates controversy, less well known—or maybe known but ignored—is the fact that tobacco also creates value which is measured in megastatistics.

Only recently—thanks to the Wharton Study—can we see the extent and magnitude of tobacco's contribution. I would hope that the tremendous contribution that tobacco makes to the national economy will cause some of our leaders on the Federal, State, and local level, to think about tobacco in a new way.

Let me list a few of the facts and figures about tobacco they might reflect on.

In 1979 America's Golden Leaf created in all 50 States a grand total of:

2 million jobs of all kinds,

30 billion dollars in wages and earnings,

15.5 billion dollars in capital investment,

22 billion dollars in taxes,

A 58 billion dollar contribution to the Gross National Product.

I would hope that some of our leaders would reflect on the positive significance and economic importance of tobacco to the millions of their fellow Americans who grow it, manufacture it, and sell it.

I would hope that they would also reflect on the millions upon millions of their fellow Americans who make it all possible by exercising their freedom to buy and smoke tobacco.

I would hope that they would open their minds to the simple fact that every pack of cigarettes sold in our free American market society contributes roughly one dollar and 88 cents to the national economy—of which the Federal, State and local tax collectors skim off 72 cents.

Many factors influence the future growth of the tobacco market. Among them are economic variables such as prices, taxes, disposable income, population growth, inflation, GNP, and so on. I am no economic expert and will leave their discussion to others. There is one factor, however, which I do know something about. It may be a major influence on the shape of the future. I refer, of course, to anti-smoking pressure.

Conventional wisdom has it that escalating anti-smoking activities are beginning to be reflected in a leveling of per capita consumption. That may be, but that figure may not be the significant measure. Notwithstanding the anti-smoking barrage, the number of smokers is on the uptrend. The nearly 49 million smokers in 1972 increased to over 55 million in 1978—a gain of more than 12 percent.

But let us not be lulled into a false sense of security. You will have ample opportunity to stand up and speak out in defense of tobacco. There is no profit in standing by and suffering in silence.

Tobacco will continue to be attacked at the Federal, State and local levels as places of recreation, transportation, and employment become zones of repression. In Congress, we can expect new and ingenious legislation to harass this industry and its consumers. Attempts to drag smoking into controversies such as air pollution, occupational disease, fire safety, life insurance, workers' compensation and oral contraceptives. Attempts to involve tobacco in the much wider controversy over "environment versus lifestyle" as the cause of ill health.

The new attacks, however, have an odor of desperation about them. They grow out of the frustration that stems from 20 years of failure to resolve the many unanswered questions in the case against tobacco and 20 years of failure to propagandize people into quitting.

After all the anti-smokers' labors, the question of smoking and health is still a question. The indictment of tobacco is still based largely on statistical data and the drawing of conclusions which are not supported by all the evidence.

Regardless of tobacco's contributions to the economy, the controversy about smoking and health must be resolved by scientific research. Meantime, the Tobacco Institute believes that full, free and informed discussion of tobacco is in the public interest.

I am sure that you share that belief with us.

The simplistic case against tobacco as the single most important cause of illness—which, of course, was never established—has suffered a loss of credibility. Each day's newspapers and each night's network news brings out new scientific findings pointing toward new suspects.

As a result it may be becoming apparent that our opponents can't compromise with objective reality, can't ignore the gaps in knowledge, and can't assert that they possess the truth when, in fact, they only have a loose grip on a hypothesis.

I would hope that we can—all of us—transport this attitude into the 80's. If we do, I am confident that when we reconvene here in 1990, my text will be all hosannas and hallelujahs.

Let us never forget that we tobacco people are a proud people—with much to be proud about. We share certain things of value in common, including a belief in hard work, a commitment to family, community and the American way of life. Most importantly we share the conviction that the Golden Leaf is as crucial to our national economic well-being today as it was for our forefathers in the early 1600's.

As we advance further into the 80's, let us resolve here and now, to take pride in our past and be confident of our future.●

TRIBUTE TO RAY ROBERTS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, it is with a sense of privilege and a distinct honor to add a few words of tribute to our distinquished colleague RAY ROBERTS. The Red River Valley which encompasses the Fourth Congressional District of Texas has produced some of the Nation's leading Democratic statesmen. From the Oklahoma side of the river came former House Speaker Carl Albert and from the Texas side came Sam Rayburn who was Speaker for longer than anyone else in American history. My colleague, RAY ROBERTS, embodies the heritage of the valley to produce America's greatest public servants.

With RAY's retirement, after 18 years of service in the House, the American people are losing a giant who has worked tirelessly for the veterans of this Nation. With 18 years and 3 terms as chairman, RAY's expertise and leadership at the helm of the Veteran's Affairs Committee will be sorely missed. During his years of service, he has played a major role in shaping effective legislation to improve veterans hospitals and programs. A veteran himself, RAY left the staff of Sam Rayburn during the beginning of World War II and reported immediately for duty with the U.S. Navy. He returned to Rayburn's staff after the war with seven combat stars. Without question RAY's foresight and vision and commitment to our Armed Forces will be difficult to replace, of not impossible.

RAY ROBERT's record speaks for itself. As chairman of the Water Resources Subcommittee, he has been a leader in the development and conservation of the Nation's water resources. He is the author of the Clean Water Act of 1977, a landmark piece of legislation in this century.

It has been an honor and a joy to count RAY ROBERTS as a friend. I wish RAY a very long and happy retirement.

He will be sorely missed by his constituents, his fellow Members and the Nation; but I sincerely hope that Ray will continue to enjoy health and good fortune, as well as finding the time to share his great leadership ability on important issues facing the Nation in the years ahead.●

TRIBUTE TO TIM LEE CARTER

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. SNYDER. Mr. Speaker, When Tim Lee Carter starts off a floor statement, he almost always starts off by addressing the Members of the Chamber as "dear friends" and the amazing thing is that most, if not all, of us really are his friends. And I know for a fact that most of us, on both sides of the aisle, have learned to depend on his advice, whether it be advice on how to take care of a nagging head cold or advice on a major piece of legislation. We are going to miss our friend and his sage advice.

When you have a man with such a range of interests and experience—a man who has coached basketball, who has instructed soldiers on the care and feeding of an M-1 carbine, who won a Bronze Star and a Combat Medical Badge in war, and who ferried across flood swollen rivers to deliver babies in peace. A man who watches birds in his spare time and raises black angus cattle on the Cumberland, you have a man who will definitely be missed because there simply aren't many people around with that wealth of experience.

And his legislative experience and knowledge will be missed too. In his 16 years in the House of Representatives, Congress has not enacted a single piece of health legislation which did not bear the imprint of his compassion and commonsense.

Although he was a member of the minority party here, Tim Lee never saw his role as a spoiler or an obstructionist and to his credit, he has been a prime mover and an initiator of legislation. I know he is particularly proud—as he should be—of his contributions to preventive health and health planning laws and especially to the Child Health Assurance Act in which he played such a pivotal role.

So Congress will miss Tim Lee Carter, and I will definitely be sorry to see him go.

On the other hand, I am happy that he is going out in style—going out the way he came in—a winner. He is leaving the puzzle palace on the Potomac with his integrity in tact, his grip still firm, and secure in the knowledge that he has contributed to the future health and well-being of every American.

He has turned in a record that he should be proud of—the constituents of the Fifth Congressional District should be proud of—and which all of us as Kentuckians can be proud of.●

ROBERT GIAIMO

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RODINO. Mr. Speaker, I want to join my colleagues in honoring Bob Giaimo, who has served in this House with honor and distinction since 1959.

As Bob leaves Congress at the end of this term, he takes with him memories of many hard fought battles from his work on the Appropriations Committee and more recently as chairman of the Budget Committee. I was privileged to stand with Bob as he opposed continued U.S. military involvement in Southeast Asia.

As Budget Committee chairman, Bob Giaimo took one of the most difficult jobs in this House and did an outstanding job. He strengthened the budget process and helped Congress prepare to meet the social challenges of the 1980's while maintaining a commitment to hold down inflation.

I have been proud to serve with Bob Giaimo and I know that the House will greatly miss this most thoughtful and dedicated Member.

I wish him good health and good luck in the future.●

THE PRESS: NOT IMMUNE FROM CRITICISM—PART 1

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. McDONALD. Mr. Speaker, James Fenimore Cooper wrote the following:

> If newspapers are useful in overthrowing tyrants, it is only to establish a tyranny of their own. The press tyrannizes over public men, letters, the arts, the state and even over private life. Under the pretense of protecting public morals, it is corrupting them to the core and under the semblance of maintaining liberty, it is gradually establishing despotism as ruthless, as grasping and one that is quite as vulgar as that of and * * * state known. With loud professions of freedom of opinion, there is no tolerance; with a parade of patriotism, no sacrifice of interests; and with fulsome panegyrics on propriety, too frequently, no decency.

These comments by the famous author are not a general indictment on my part of the press across America. In fact, most local weekly newspapers, the medium-sized daily newspapers, the smaller radio and television stations—particularly those inside my district—generally do a rather good job in news coverage and they attempt to be fair and honest in their reporting and on their editorial pages. This is true, too, of some larger daily newspapers, such as the Chattanooga News-Free Press, just north of my district.

My following comments are aimed primarily at the three national television networks, some national columnists, the major wire services and such newspapers as the Washington Post, the New York Times, the Atlanta Constitution, the Chicago Sun-Times, the Boston Globe, and others. In other words, the so-called establishment press.

Generalizations are perhaps risky—but that has never stopped the national press. With that in mind, it seems to be a valid view that virtually all of the establishment news-media types seem to be clones of each other.

Almost without exception, the clones have a liberal philosophical outlook regarding the role of the Federal Govenment. Usually, they favor more and more spending for various social programs and uniformly condemn what they call the military-industrial complex or the Pentagon for all of society's ills.

Those who believe in a classical interpretation of our Constitution are almost invariably referred to by this segment of the press as extremists, ultraconservatives, rightwingers, reactionaries, radicals, or mossbacks—usually with not so subtle hints that neo-Nazism is really behind the motives of those who seek to restore limited Federal governmental operations, restore a sound economy, and attain a superior defense for our Nation.

On the other hand, liberals are usually referred to by this same press as moderates or middle-of-the-roaders. Raving Socialists are usually the only ones ever referred to as liberals by the establishment press.

All of us in public life, at one time or the other, have been the victims of vicious, false attacks by biased reporters and editors.

Only an immature, insecure individual would object to honest, constructive criticism by the press or the public. We are well aware of and deeply appreciate our freedom of speech and the press as guaranteed by the Constitution. However, I am concerned by the lack of concern and responsibility on the part of some segments of the national news media in regard to the rest of the Constitution—notably the 9th and 10th amendments to that noble document—and for common fairness and decency.

While in theory, public servants and individuals who are maliciously and falsely attacked can write a letter to the editor as a complaint in the case of the printed media; demand equal time to scurrilous assaults by the electronic media; insist on retractions or file civil lawsuits charging libel or slander, these are rarely sufficient to correct the sometimes incredible damage to a person's reputation by an irresponsible segment of the news media.

Regarding letters to the editor: Many times they are not printed at all. If published, they are often buried and seldom noticed. And in any case, as many of us know from experience, it is virtually impossible for the truth or a correction to ever catch up with a falsehood.

The equal time provisions as I understand them do not apply to so-called news programs presented by the electronic news media so that approach is not feasible.

Retractions are as difficult to extract from newspapers as an impacted tooth from a wounded lion. While the so-called clarification and amplification or correction columns published by a few newspapers may appear to offer a solution to this problem, they are usually inconspicuous and rarely touch the audience that a large front page story or lead editorial reaches.

And although libel or slander lawsuits are perhaps theoretically possible for nonpublic individuals—if one does not consider the cost for initiating such action—this avenue is a virtual dead end insofar as public figures are concerned because of various court rulings.

Of course, some newsmen, when faced with these arguments in favor of more responsibility on part of the press, will loftily assert, "Well, you can buy a printing press, too." This ignores the reality that individuals, in particular, and most public figures, in general, have neither the time nor the resources to compete on a weekly or daily basis with already established news media outlets.

It is easy for governmental officials and Members of Congress, in particular, to fold under the pressure of relentless attacks from the liberal news media. But when officials with public trust toss their principles behind them for a public relations advantage, they betray both the U.S. Constitution and the people they represent.

Having been on the receiving end of malicious and false attacks from certain segments of the news media—notably the Atlanta Constitution just south of my district—I have resolved to utilize one of the only forums available to display unscrupulous members of the press to public scrutiny themselves.

From this time forth, when members of the establishment press contact me or my press secretary, they may find all or part of their conversations subject to being placed in the RECORD, along with well-defined exposure of any false or misleading articles they write in their respective publications. I make this commitment with no feeling of arrogance but simply as one who has had enough of abuses of freedom of the press. I hope my conservative colleagues will do the same when they are faced with similar situations in the performance of their duties.

The next part of this report will be the first example of what I intend to do when faced with ignorant, arrogant, dishonest, or biased reporters or editors.●

REPORT OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. SIMON. Mr. Speaker, over the Thanksgiving recess I had a chance to read the report of the U.S. Advisory Commission on Public Diplomacy, a group that is specifically devised to take a look at the USICA.

That brief report is well worth reading.

The Commission is chaired by the respected president of Middlebury College in Vermont, Dr. Olin Robison, and I'm pleased to say it has among its members two distinguished citizens of the State of Illinois, Dr. John Hope Franklin, professor of history at the University of Chicago, and Lewis Manilow, an attorney and a leader in cultural affairs.

Among other things the report points out:

> The highly successful exchange of persons program has been reduced by almost 50 percent over the past fifteen years.
>
> The Voice of America is just now beginning to broadcast to Afghanistan in Dari; it does not broadcast to Spain in Spanish, to Japan in Japanese.

They suggest that the Voice of America, which at the present time has very weak signals beaming to central Asia, central China, Eastern Europe, and the Near East, should be strengthened; that the Fulbright research scholars to developing countries, which are now very minimal, should be increased.

The report talks to the needs of American security in an enlightened fashion, and I hope my colleagues will ask their staff members to get a copy of the report and read it.●

TRIBUTE TO BOB GIAIMO

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is indeed a pleasure to rise on behalf of my colleague, BOB GIAIMO, who retires this year, as I will, after 22 years in the House. We were both members of the freshman class together back in January 1959, and I have greatly enjoyed his friendship over these many years.

His record in Congress has been outstanding, particularly as it relates to our national budget. His chairmanship of the House Budget Committee has been an assignment which very few people could have handled as capably as he has. It is not an enviable job for sure, yet BOB GIAIMO has tackled it, and has upheld the standards set by law in keeping congressional spending within established limits. He has ridden herd on congressional committees, been a watchdog in alerting all of us to the dangers of exceeding these limitations, and has been a voice of reason in setting congressional fiscal policy, since the 1974 Budget Act established those limitations.

BOB GIAIMO has been a hardworking, and dedicated representative of the people of his district in Connecticut, and is the kind of guy you want on your team. He is a delightful person with a great sense of humor, and the ability not to take himself too seriously, a quality that is essential in our business. My best wishes to you and your family, BOB, and I wish you lots of success in your private career ahead.●

H.R. 8205—THE PUBLIC RIGHT TO COMMENT ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mrs. SNOWE. Mr. Speaker, as you know, I introduced H.R. 8205 on September 24, 1980. It is a very brief bill—two pages in length—but it is a bill which I believe will have an enormous impact in restoring the confidence of the American people in the Federal Government. The dramatic increase in Federal regulations of our everyday lives over the last decade has created tremendous frustration on the part of individual citizens, small businessmen, labor leaders, and many others who are desperately attempting to come to grips with the behemoth Federal bureaucracy and the tangled web of regulations which it spins.

Perhaps the most common feeling of frustration emanates from the perception that the views of individual citizens are insignificant to the bureaucratic decisionmaking process. Many feel that they are on the outside looking in at major decisions being made, about which they are not consulted and about which their views are not considered important.

It is out of my concern to simplify governmental processes and to expand the role of public participation in agency decisional processes that I have introduced H.R. 8205. I would like to take this opportunity to explain in some detail the objections of the bill and the legal background upon which the bill is predicated so that my colleagues, here, and others, will have the necessary information to give full attention to the important issues addressed by the bill.

Very simply stated, the bill makes two rather brief, but significant, changes in the Administrative Procedure Act (APA), the provisions of which are found at title 5, United States Code, section 551 et seq.

It should be recalled that the Administrative Procedure Act, which was originally enacted in 1946 and has continued without major modifications since then, governs virtually all of the independent regulatory agencies, the Cabinet departments, and the principal executives agencies in their day-to-day conduct of Federal business.

In its broad outline of the procedures applicable to the most major decisionmaking activities of Federal agencies, the APA establishes the basic method of operation for such agencies as the Interstate Commerce Commission, the Securities Exchange Commission, the Civil Aeronautics Board, the Federal Communications Commission, most of the Cabinet departments, and a list of other executive agencies too long to name.

The APA sets forth the procedures for the promulgation of rules by these agencies, it establishes the procedural requirements for adjudicatory proceedings relating to the enforcement of agency regulations, it governs most aspects of the procedures applicable to Federal licensing, and it sets forth the rules governing the judicial review of agency actions in Federal court.

A principal component of the APA, and incidentally the origin of much of the public frustration with Government, is the process of rulemaking. It is toward this aspect of agency operation that H.R. 8205 directs itself.

We are all aware that Federal agencies have broad statutory powers to promulgate rules and regulations, which have the force and effect of law. Many have questioned the propriety of the breadth of discretion accorded to many agencies under enactments of the Congress. And in many respects, I concur. But as we have seen, the difficult task of addressing genuine reform of agency authority is a matter which may only be conducted on an agency-by-agency basis. However, the APA is applicable to virtually all of the major Federal agencies, for it is the APA which imposes the procedural requirements governing rulemaking.

I believe that modest changes in the APA rulemaking requirements can do much to accomplish quickly a general change in the atmosphere of agency decisionmaking that will improve public involvement in Government.

Generally, under the APA there are two avenues down which Federal agencies proceed in rulemaking. The first is the so-called informal rulemaking process. Informal rulemaking requirements under the APA impose upon the agency the obligation to give notice to the public in the Federal Register of any proposed rule and to permit, under title 5, United States Code, section 553(c), "Interested persons an opportunity to participate in the rulemaking through the submission of written data, views, or arguments with or without the opportunity for oral presentation."

This informal process has come to be known, for rather obvious reasons, as notice and comment.

When the notice and comment process is used in rulemaking, interested persons have the widest possible latitude to present their own views on the proposal under consideration by the agency. Comments can, and frequently do, take the form of criticisms of the agency proposals and suggestions for improvement. Comments can take the form of factual presentations or discussions of the impact of a proposed rule on a particular enterprise. Comments also frequently include very technical statements relating to the proposal prepared by recognized experts in private enterprise. Legal arguments and views may be advanced in comments. In practice, there are few constraints on the kind of information which may be communicated to any agency through the comment process. But, even though the vast bulk of Federal regulations are promulgated through this informal process, few citizens avail themselves of the opportunity to submit comments.

The second avenue for agency rulemaking the more formal rulemaking process established under title 5 United States Code section 556. These formal hearing requirements only apply where statutes expressly require that rules be promulgated "on the record after opportunity for hearing." Formal rulemaking is an adversary process involving a hearing which is usually presided over by an administrative law judge. An agency proposes a rule in the same fashion as in informal rulemaking and then convenes a hearing for the purpose of finding facts and making recommendations for fiscal agency action.

During this hearing, the agency staff, as well as other participants, are given the opportunity to call witnesses to give testimony, to present evidence, and to make recommendations on the final agency action. The proceeding is generally conducted in a fashion similar in many respects to that of a local trial court. The specific requirements of a formal rulemaking proceeding are set forth in title 5 United States Code section 556, which presently provides as follows:

§ 556. Hearings; presiding employees; power duties; burden of proof; evidence; record of decision

(a) This section applies, according to the visions thereof, to hearings required by section 553 or 554 of this title to be conducted in accordance with this section.

(b) There shall preside at the taking of evidence—

(1) the agency;

(2) one or more members of the body which comprises the agency; or

(3) one or more hearing examiners appointed under section 3105 of this title.

This subchapter does not supersede the conduct of specified classes of proceedings, in whole or in part by or before boards or other employees specially provided for by or designated under statute. The functions of presiding employees and of employees participating in decisions in accordance with section 557 of this title shall be conducted in an impartial manner. A presiding or participating employee may at any time disqualify himself. On the filing in good faith of a timely and sufficient affidavit of personal bias or other disqualification of a presiding or participating employee, the agency shall determine the matter as a part of the record and decision in the case.

(c) Subject to published rules of the agency and within its powers, employees presiding at hearings may—

(1) administer oaths and affirmations;

(2) issue subpenas authorized by law;

(3) rule on offers of proof and receive relevant evidence;

(4) take depositions or have depositions taken when the ends of justice would be served;

(5) regulate the course of the hearing;

(6) hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) dispose of procedural requests or similar matters;

(8) make or recommend decisions in accordance with section 557 of this title; and

(9) take other action authorized by agency rule consistent with this subchapter.

(d) Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(e) The transcript of testimony and exhibits together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 of this title and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

Mr. Speaker, formal rulemaking differs substantially from informal notice and comment, in that with informal rulemaking there is no record of a proceeding established, and no finding of fact made on the basis of an adversary process. Formal rulemaking results in an agency decision which must be based upon the record evidence of the proceeding.

Upon judicial review, informal rulemaking must withstand challenges based upon arbitrary and capricious standards, whereas in formal rulemaking it must be additionally demonstrated that the decision on the final rule was based upon substantial evidence. See, *Universal Camera Corp.* v. *National Labor Relations Board,* 340 U.S. 474 (1951).

These two rulemaking alternatives—formal and informal—generally define the approaches available to Federal agencies to implement rulemaking functions under statutory law. It should be observed, however, that agencies have a great deal of flexibility in the conduct proceedings for rulemaking, so long as the minimum procedural requirements of the APA are met. In the Supreme Court's recent decision of *Vermont Yankee* v. *N.R.D.C.,* 435 U.S. 519 (1978), the breadth of agency procedural discretion was broadly outlined.

The tendency, however, has been for agencies to adopt complicated rules of procedure, particularly for formal rulemaking, well beyond that required by law. Indeed, these procedures often discourage public participation. With this brief background on APA rulemaking, it is appropriate to turn now to H.R. 8205, which proposes two modest changes in APA rulemaking procedures. Specifically, H.R. 8205 provides as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Public Right to Comment Act".
>
> SEC. 2. (a) Section 553(c) of title 5, United States Code is amended by striking out the first sentence and inserting in lieu thereof the following: "Any person shall have the right to participate in the rule making through the submission of written data, views, or arguments, within not less than 30 days after the publication in the Federal Register required by this section. The agency may give any person the opportunity to make an oral presentation if the agency determines that such presentation may assist the agency in the rule making.".
>
> (b) Section 556 of such title is amended by redesignating subsection (e) as subsection (f) and by inserting immediately before such subsection the following new subsection:
>
> "(e) Any person, not a party to a rule making, shall have the right to participate in a rule making subject to this section through the submission of written data, views, or arguments, within not less than 30 days after the publication in the Federal Register required under section 553(b) of this title. Persons making such a submission shall not become parties to the rule making. The presiding employee shall consider any relevant matter presented in submission and may invite any party to present evidence with respect to such matter. Submissions made under this subsection shall be maintained in a separate portion of the public record of the rule making, but shall not constitute any portion of the exclusive record for the decision.".

H.R. 8205 would guarantee as a matter of legal right that any person could participate in rulemaking—either formal or informal—through the submission of comments. Second, H.R. 8205 would assure that a meaningful period was accorded to participants to make such comments—not less than 30 days—in both formal and informal rulemaking.

In effect, the provisions of the bill would greatly expand the opportunity for individuals, small businessmen, and others to meaningfully participate on an informal basis in all rulemaking subject to the APA.

Let me, if I may, explain the effect of H.R. 8205 in greater detail. Under section 2(a) of the bill, the present language of 5 United States Code section 553 would be amended so that in informal rulemaking any person would have the right to submit comments. At present Federal agencies retain the discretion to determine whether or not there is an adequate legal interest on the part of a potential commentor prior to considering the comments. As a matter of practice, most agencies simply receive all comments. Thus, the bill codifies present practice by proceeding from the assumption that anyone who is interested enough to take the time and make the effort should be eligible to submit comments. The right to make comments in informal rulemaking would be assured. But more importantly, the bill would assure the opportunity to make timely and meaningful comments.

At present, the APA provides no statutory assurance as to the length of the comment period. Agencies have wide latitude to use their own discretion to determine how long they will receive comments. Frequently, the public notice and practical communication of proposed rules occurs so near short agency deadlines for comments, that many who might make their views known are discouraged from commenting because of the deadline. H.R. 8205 would impose a statutory period of not less than 30 days for the receipt of public comments.

The only exception which would be permitted to this 30-day comment period would be the present exception which permits an agency to proceed before the completion of comments for good cause found under 5 United States Code section 553(b), that notice and comment are "impractical, unnecessary, or contrary to the public interest."

But in light of the new statutory 30-day requirement for public comment, it is expected that the agencies and the courts, in ultimately enforcing the requirement, would only permit the suspension of the comment period for those few immediate agency actions necessary for emergencies, for the preservation of life or property, or for the most extraordinary needs of the Government.

By imposing a 30-day requirement, the Congress would make clear that agency rulemaking should only occur after receipt of comments, and the present judicial deference to agency determinations of need or expediency as a justification for the suspension of the public comment period should not continue.

In addition to these basic, but important, changes in the informal rulemaking process under the APA, H.R. 8205 would make significant changes in formal rulemaking in order to permit comments.

Section 2(b) of the bill provides for a simplified method whereby any person could submit comments in the formal rulemaking proceedings without becoming subject to all of the complexities presently involved in the participation in formal rulemaking. Simply stated, the bill would permit public comment in formal rulemaking in essentially the same fashion as it would be permitted in informal rulemaking. Anyone could submit information, views, data, legal, or technical arguments with regard to a formal rule. Those comments would be compiled by the agency in a separate and public portion of the record of the proceeding and would be available for all to scrutinize. These comments could then serve as a basis of information for all of those who are actual parties to the proceeding.

The submission of comments would be a matter or right, as in informal rulemaking. But, the submission of comments would not require party status or permission from the agency. The term "party" is a term of statutory art under the APA. It is defined under 5 United States Code section 551(3) as including "a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes," a very technical concept.

The term "party" is the key term describing those who are permitted to fully participate in formal rulemaking proceedings under title 5, United States Code, section 556. In order to participate, one must become a party. In order to become a party an individual or a business must typically have a legal interest in the outcome of the rulemaking proceeding. Such a person must presently seek separate permission from the agency to participate as a party, and if such permission is granted the person becomes a party subject to both privileges and responsibilities.

A party must typically comply with a long list of procedural requirements imposed by agency regulations. These pleading and practice requirements usually impose upon a party the obligation to serve copies of filed documents upon all other parties. In addition, documents must be prepared in accordance with a specified format. And, once admitted to a proceeding, a party may be required to respond to certain filings of other parties or waive rights to object to certain matters. A party may be subject to subpena to testify or to produce documents for the proceeding, and may encounter great expense in order to address both legal and technical issues.

While limited party status may be granted, most of these obligations on a party arise even if the party merely wishes to state a simple view on the issues of the rulemaking proceeding.

Because procedural rules vary from agency to agency to such an extent, legal representation becomes a necessity. Only those with the deepest of pockets can realistically have an impact on the outcome without running the risk of enormous economic commitments. It is simply impossible for individuals and small businessmen, and others with limited financial resources to make a meaningful contribution to the decisionmaking process.

H.R. 8205 would permit persons wishing to state their views to make an election. A person could decide whether to become a full fledged party under present requirements, or whether to become a commentor, without the full rights but also without the full burdens of party participation.

Persons electing to file comments would not, and could not, simultaneously have party status.

The approach taken by H.R. 8205 in this regard would greatly facilitate the simple communication of information to agencies on the verge of making complex decisions in the form of rulemaking—information, which might not otherwise be made available to the agency or to the other parties to the rulemaking. Many who do not now participate in rulemaking for the purpose of stating their views and providing their assessment of the impact of proposed rules would be greatly encouraged to avail themselves of this opportunity to communicate with Government.

Without a large expenditure of resources, individuals and small businessmen could make their views known and avoid the burdens associated with full party status participation in rulemaking.

This simplified opportunity to comment might well eliminate many of the unnecessary and time-consuming steps in formal rulemaking by permitting a quicker development of issues and information needed to address those issues.

In short, the bill is intended to provide a simple alternative to expand the degree of public participation in rulemaking at virtually no expense to the Government and without adding further delay in the regulatory process.

The basic adversary nature of formal rulemaking would be preserved under the bill. The importance of the evidentiary requirements to the ultimate decision on the proposed rule necessitates that the comments which are submitted not be regarded as record evidence but instead serve the special purpose of providing a base of information and views which could in turn be used by the parties—both the agency and private parties—to further develop the information to be formally presented as evidence before the administrative law judge.

Where significant issues or critical facts are developed by the comments, those persons who have elected to be formal parties could utilize the comments to present their own evidence or testimony in support of positions or alternatives suggested by the comments. The presiding officer, the administrative law judge, could invite the parties, including the agency representatives, to present their views on significant comments. And where comments are merely repetitious or do not properly focus on the issues raised in the rulemaking, the parties could direct their efforts toward other more constructive comments. Agency staff, all parties, all commentors, and the public would have access to both the comments submitted as well as the formal record of the proceeding.

In using the comments to prepare for their own presentation, parties could seek to have commentors with a particular view or with vital expertise to appear voluntarily as a witness in the proceeding to further provide information pertinent to the issues.

The use of the comments in this fashion would not change the adversary nature of the proceeding nor supplant the applicable rules of evidence, for the separate maintenance of the comments in the public file would assure that without further action the comments would not constitute record evidence in the proceeding. Unless the comments were used for the further development of record evidence or record testimony, they would not constitute the evidentiary or exclusive record upon which the agency, and ultimately the courts, would adjudge the legal adequacy of the rulemaking proceeding.

By permitting two types of participation in formal rulemaking—commentors and parties—rulemaking would be simplified for many who have an interest in the affairs of Government, but who do not now have the resources needed to state their views.

Whether the rulemaking was formal under title 5, United States Code, section 556 or informal under title 5, United States Code, section 553, persons interested in stating their views would have the opportunity to make comments in a manner identical in each type of proceeding.

With regard to formal rulemaking, the bill would assure, as in informal rulemaking, that at least a 30-day period would be available for interested persons to make comments.

The Congress has been searching for legislative devices to provide some relief to citizens from the burdensome Federal regulatory process. Just this year, we passed the Regulatory Flexibility Act, Public Law 96-354, which was designed to improve agency decisionmaking by requiring that Federal agencies give more advanced notice to the public on rulemaking through the publication of a regulatory agenda. In addition, the new law also imposes for the first time a statutory obligation for agencies to conduct an extensive evaluation and analysis of the impact of proposed regulations—prior to proposal. And, at the time of final promulgation of regulations under the new law, agencies are obliged to provide a more detailed explanation of the operation and meaning of rules. The new law imposes a type of periodic review of existing regulations for the purpose of eliminating the excess baggage of unnecessary regulations.

I believe that the Regulatory Flexibility Act is a step in the right direction. It will have the effect of providing more complete information to the public at each step of the rulemaking process, and will require more extensive and sound consideration before agencies act to propose rules.

The proposal which I have offered with H.R. 8205 is entirely compatible with the objectives of the new act and would complement its objective of improving meaningful public access to Government. Better advanced preparation of rule proposals by Federal agencies will undoubtedly provide better information to the public upon which it may evaluate proposed actions. The public should be in a better position to offer concrete suggestions and further improvements, as well being better able to articulate views in support and in opposition to proposed rules.

H.R. 8205 provides an uncomplicated and inexpensive method of encouraging greater public participation in rulemaking.

In recent years the Congress has examined a variety of proposals intended to accomplish this worthy objective. We have considered public funding of participants. Committees in both the House of Representatives and the Senate conducted hearings in 1977 to consider ways of improving public participation in agency proceedings.

In one of the major congressional studies on public participation, specific barriers to more effective public participation were identified and specific suggestions for legislation were made. This study observed:

> The effect of . . . elaborate [agency procedural] rules discourage vigorous citizen participation in administrative proceedings, something which we consider to be a valuable contribution to agency deliberation.
>
> We propose that Congress amend the Administrative Procedure Act to establish a general interest standard for intervention in regulatory agency proceedings.
>
> Legislation should include a presumption favoring intervention by members of the public in agency rule making and adjudicative proceedings, and an instruction to liberally construe these standards in order to effect that legislative purpose. See, Study on Federal Regulation, Proceedings, Senate Governmental Affairs Committee, 95th Congress, 1st Session (1977), at p. 49.

Although H.R. 8205 confines itself to rulemaking, it is a major step toward this objective. It would allow all persons to have access to the rulemaking process.

I believe that H.R. 8205 is a way for the Congress to signal to all Americans that bureaucracy does not have to be conducted behind closed doors and we have an obligation to make that contribution possible by removing the complicated procedural burdens now imposed by agencies.

I ask for the support of all of my colleagues in the consideration of this important piece of legislation. Thank you.●

TRIBUTE TO JOHN BUCHANAN

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ERLENBORN. Mr. Speaker, with the adjournment of the 96th Congress, this house will be losing one of its most esteemed colleagues, JOHN BUCHANAN. Almost anyone who knows JOHN looks upon him as an effective legislator and knows, too, that he is an ordained minister. I would like to pay tribute to my good friend in the language of his original profession with my version of a familiar and treasured hymn:

His eyes have seen the Glory of the heights of Capitol Hill,
He has labored in the bosom of the legislative mill,
His stamp has been imprinted on many a good bill,
And now he's marching on—
Glory, glory, John Buchanan,
Glory, glory, John Buchanan,
Glory, glory, John Buchanan,
And he'll go marching on!●

HON. ROBERT N. GIAIMO

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BRADEMAS. Mr. Speaker, BOB GIAIMO and I began our service in the House together in 1959. During most of those 22 years we stood together and now we shall leave together.

BOB GIAIMO's intelligence and his dedication have illumined this institution. He distinguished himself as a selfless and hard-working member of the Appropriations Committee and of its Defense Subcommittee, but never did BOB GIAIMO do more effective service to our country than in this Congress when he chaired the Budget Committee of the House of Representatives.

As head of the Budget Committee during these past 2 years of economic turmoil, BOB GIAIMO worked valiantly to hold expenditures down while maintaining funding for programs essential to the people of the United States.

Mr. Speaker, I shall long treasure the years during which I have had the pleasure and privilege of having been associated with my friend and distinguished colleague from Connecticut, ROBERT GIAIMO.●

A TRIBUTE TO "BUB" LANG

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MATHIS. Mr. Speaker, rarely have the annals of journalism been graced with a man of the character and objectivity of W. L. "Bub" Lang. Bub recently ended his 41-year career as editor of the Omega News in my district in southwest Georgia.

Bub exemplifies qualities for which all journalists strive. We regret that he retired, but are grateful for the legacy he leaves behind. Although Bub won't be editing the Omega News, he is remaining active in his hometown.

I'd like to share with other Members of this esteemed body, two articles which appeared in the final edition edited by Bub on October 30, 1980:

LEGACY OF THE OMEGA NEWS

(By Bub Lang)

"I didn't want to take it with me, so I decided to get out before then." With practical words like these, W. L. (Bub) Lang has carried on a 41-year career in the small town weekly newspaper tradition. Lang ended his career at the Omega News Oct. 30, 1980.

In talking with Lang, it is obvious that he is the embodiment of the small town editor. About his profession, he says, "It's been a challenge. Folks try to compare it with the Atlanta Journal or even the Tifton Gazette, but there is just no comparison. The small town weekly is in a class by itself. The editor has to be everything, including the janitor. Folks just don't understand that."

When asked if he has any regrets, the short, gray-haired fellow leans back against a piece of the machinery that has been his livelihood for 41 years. "I don't have any particular regrets. I can see from a financial point where I would have been better off, but I like what I'm doing.

"I always thought it was marvelous to take a clean sheet of paper with no description and turn it into some something with character—something that people wanted to have."

The people, they have made it all worth it for Bub Lang. He proudly boasts, "I still have some of my charter subscribers. Yes sir, some people have been getting the News since 1939." Only in a small town weekly can one find this type of loyalty to the subscribers.

Taking his black-rimmed glasses off, Lang wipes his forehead which has increased over the years due to a loss of hair. He then peers intently and speaks, as if to himself, about the obligation he felt to the subscribers. "I thought briefly of being an airline pilot after the war. Airlines needed people and I had the training; however, I had an obligation to the people who got the News. My word was on the line and there was no honorable way out. I haven't ever thought of quitting since then."

Lang compares working on the paper with marriage. He says, "It's sort of like marriage. You either love your mate or get a divorce. You have to love it (newspaper business) or it will kill you."

However, Lang maintains that it is a noble profession. He calls it a "challenge" for a young person that can be very fulfilling.

Obviously, Lang has handled the challenge well over the past 41 years.

BRIEF HISTORY OF THE OMEGA NEWS

The Omega News was conceived in the depression year of 1939 and Volume 1, No. 1 was run off on a hand-fed job press on Feb. 9 of that year. The sheet size was 11x17 in. and when folded a page was 3 col. x 9 inches. The News was mailed free to Omega city and rural box holders.

In 1940 the News purchased a regular newspaper press and changed the size of the paper to its present size of six columns, 20 inches. At that time subscriptions were solicited at fifty cents per year and a second class mailing permit was obtained. The main thing lacking then was a type-setting machine and all the copy was farmed out to be set in type. This was done at one time or another by Observer Printers, Rhodens, and last by Mr. Hugh Parrish of the Sparks Eagle.

In 1940 the News purchased a Linotype machine and the publication has been independent since that time.

W. L. (Bob) Lang was the first editor and publisher of the News. He took a temporary leave of absence in WW II from 1942 to 1945 and served in the U. S. Navy as a bomber pilot. During his enlistment the News was published by his father, the late J. W. Lang, assisted by Mr. Hugh Parrish, editor and publisher of the Sparks Eagle. Mr. Parrish would set the type on his Linotype machine in Sparks on Wed. and bring it to Omega and run it off the press on Thursday. Following his release from service W. L. (Bub) Lang once again assumed the duties of editor and publisher of the News and has continued in that capacity until the present time.

During WW II, in 1943 he married Ima Jo Garrett, daughter of Editor H. W. Garrett, publisher of the Doerun Courier, and she has become a close assistant in publishing the Omega News, which has not missed a single publication date since 1939.●

TRIBUTE TO JOHN BUCHANAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DERWINSKI. Mr. Speaker, JOHN BUCHANAN is held in high esteem by every Member of this House. He is an able, honorable, and dedicated public servant, who is a credit to public office and to this Congress. Therefore, it is of special regret that JOHN will not be among us after the end of this session.

As a Member of the House for the past 16 years, JOHN has been a voice of reason and sound public policy. As fellow members of the House Foreign Affairs Committee, I have witnessed JOHN's outstanding work in the area of international relations. He accepted and filled with distinction many committee assignments, and has established a reputation as a intelligent and diligent member of the committee. In addition, he has been in the forefront on efforts to implement meaningful solutions and effective action on behalf of our Nation in his jurisdiction as a member of the Education and Labor Committee.

JOHN BUCHANAN brought honor and distinction to this Chamber; and while we are saddened that he will not be returning, we are indeed fortunate to have benefited from his contributions.

I join in wishing JOHN and his wife, Elizabeth and his family many years of health and happiness, and assure him that he will be missed here on the House floor in the days ahead.●

HOT WATER GENERATES ST. PAUL INTEREST

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. VENTO. Mr. Speaker, I would like to call the attention of my colleagues to the city of St. Paul's pioneer development of a centralized hot water district heating system. Once implemented, this project will lead to significant fuel savings, improved environmental conditions, and cooperation between the public and private sectors of our city. It is estimated that within 20 years the net fuel savings of the fully developed system will be equivalent to nearly 49 million barrels of oil.

Hot water district heating is a centralized heating system which heats water at one source and then pipes it to the individual homes or buildings in the area. This centralization does away with inefficient, expensive individual boilers and concentrates more effective pollution control devices on one smokestack. Hot water is used in place of steam in order to extend the radius of service from 1 mile to 40.

The system is economical. Initially, St. Paul will build a 200-megawatt system over 5 years at a cost of $70 million. At first it will be costly, but it is estimated that within 2 to 5 years the initial 90 buildings—including 4 hospitals—will begin to realize the economic advantages. The 200-megawatt system will annually save 3,600,000 gallons of oil and 1 billion cubic feet of natural gas.

Over 90 percent of the power for the system will come from an upgraded powerplant which will recycle waste heat that presently is lost. At this time, the plant only utilizes one-third of the potential energy in the coal, while it significantly affects our environment. A centralized system with a retrofitted plant will relieve pollution in the area.

Cooperation by all sectors of the community has been a characteristic of this project since its inception. The city of St. Paul, the St. Paul building owners and managers, the St. Paul Chamber of Commerce, the State of Minnesota, Northern States Power Co., and the local trade and labor organizations first proposed to the U.S. Department of Energy that St. Paul become the model project for hot water heating development in the United States. This project has exemplified how governmental, business, and labor cooperation, can succeed and can better meet the needs of the community.

This project is committed to expansion. Eventually the 200-megawatt system will expand to a 2,600-megawatt one, move from the central city to residential areas, and encompass the whole St. Paul-Minneapolis area. It is hoped that other communities will follow St. Paul's example and that hot water district heating will help alleviate our Nation's energy problems.

At this time, I would like to share with my colleagues a recent article on this important St. Paul project.

HOT WATER GENERATES ST. PAUL INTEREST

(By Monica Westerlund)

Following nearly four years of intensive study and research, the benefits of hot water district heating may soon become a reality in St. Paul, Minnesota. As the nucleus of a proposed 2600 MW system in the Minneapolis/St. Paul area, the initial St. Paul system is expected to begin construction in 1981.

The proposed overall system for the Twin Cities area was detailed in the 1979 third quarter issue of District Heating. As stated in the article, specific studies made by the Studsvik Energiteknik AB in cooperation with the U.S. Department of Energy, the Minnesota Energy Agency, and Northern States Power Company cited favorable results and indicated that further investigation of the implementation in the Twin Cities area should be made. The Studsvik study estimated that within a 20 year period, the net fuel savings of a 2600 MW system in Minneapolis/St. Paul would be equivalent of nearly 49 million barrels of oil.

In addition to fuel savings, implementation of a hot water district heating system in St. Paul would mean improved environmental quality. Swedish experience has shown that environmental pollution has been significantly reduced in cities using district heating. One of the main reasons for this reduction is that district heating implementation would eliminate the use of hundreds of individual heating systems and smoke stacks throughout the city. The use of only one smoke stack at district heating's central heating source means that larger, more efficient pollution abatement devices not usually found on the smaller stacks could be installed.

With these potential benefits in mind, the City of St. Paul, having over 8000 degree days in a heating season, a heavy dependence on disappearing fossil fuels and a desire for improved environmental quality, identified the hot water district heating concept as particularly suited to St. Paul's needs. The City's 75 year old steam district heating system was rapidly deteriorating and in need of repair. The choices were few. The steam system could be repaired for an extensive amount of money; it could be abandoned—leaving over 130 customers without a heating source, or it could be replaced by a hot water district heating system—shown to be technically feasible in the Twin Cities area.

Seeing the need for the City of St. Paul as well as the State of Minnesota to become energy self-sufficient, the City of St. Paul headed by Mayor George Latimer, the St. Paul Building Owners and Managers, the St. Paul Chamber of Commerce, the State of Minnesota, Northern States Power Company, and the local trade and labor organizations proposed that St. Paul become the pilot project for hot water district heating development in the United States. Nowhere else in the United States had this concept been implemented on this scale. In July 1979 the U.S. Department of Energy accepted St. Paul's proposal and agreed to provide consolidated funding for the project with the State of Minnesota, City of St. Paul, and Northern States Power Company. It was truly a cooperative undertaking!

The St. Paul group established a nonprofit company, the St. Paul District Heating Development Company, Inc. (DHDC), to develop its new hot water district heating demonstration system. As a symbol of the cooperative effort found in St. Paul and needed by others to promote energy conservation and awareness, the Company's Board of Directors was structured to include representatives from energy users, energy suppliers and governmental agencies. Hans O. Nyman was selected by the Board to head the Company's management team. Nyman had previously been a hot water district heating consultant to the Minnesota Energy Agency while on leave from the Uppsala Kraftvarme AB in Sweden. While at Uppsala, Nyman designed and supervised growth and construction of their over 800 MW hot water district heating system. The Uppsala system is presently serving 75 percent of the city's total heating market.

Under Nyman's direction, the management team, including two employees on loan from the Northern States Power Company, undertook its assigned tasks for an initial two year planning period. The potential system to be developed in the core area of St. Paul will require nearly five years of planning and construction at a total cost near $50 million.

During the initial two year period, however, the management team will conduct the various tasks needed to bring the project to its construction stage. These tasks include defining the St. Paul building heat load, determining building conversion methods and costs, analyzing St. Paul area heat sources, defining the piping distribution system, and determining the cost of thermal energy and the economic feasibility of the system. In October 1979, the team produced preliminary study results signifying continuance of the project on its proposed time schedule as presented in Figure 1.

FIGURE 1.—MAJOR PROJECT EVENTS

Establish system owner	Fall 1980.
Begin detailed design	October 1980.
Obtain system financing	June 1981.
Begin system construction	July 1981.
Begin Capitol Complex conversion	Summer 1982.
Begin potential hospital hook-ups	Summer 1983.
Retrofit High Bridge T–6 to cogeneration	Summer 1984.
Complete demonstration system construction	Fall 1986.

During a transition period, energy produced by boilers will be used as the heat source. Later, the High Bridge Plant will be retrofitted to cogeneration—an energy conservation method which will increase the system's efficiency even more. The completed 200 MW system will save 3,600,000 gallons of oil and 1,000,000 MCF of natural gas annually.

The conceptual engineering design and economic feasibility studies are scheduled for completion in August 1980. The final studies presently underway will bring the system to its construction phase about one year away. With these study results and previous information which has been gathered, the company expects a final go ahead for construction. Favorable results of the DHDC studies will pave the way for hot water district heating development—and resulting environmental and economic benefits—throughout the United States.●

TRIBUTE TO BOB GIAIMO

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, I take this opportunity to honor Congressman Robert N. Giaimo of Connecticut, an outgoing Member of the House of Representatives who has served in this Chamber with distinction for over 20 years. Our colleague has worked hard and long hours this year on the continuing budget resolution. His tireless efforts as chairman of the House Committee on the Budget deserve our plaudits and applause. I have also had the pleasure of serving with my esteemed colleague on the House Appropriations Committee and will miss his wise counsel and advice. In fact many of us looked to him for counsel and leadership. He offered us the quality known as wisdom, and we will miss him.

We should note that Bob Giaimo in his 22 years of service has brought to the deliberations of the House a strong sense of personal conviction, integrity, and high moral character. In establishing an outstanding record of public service, he has contributed creatively and constructively to legislation advancing the welfare of the Nation.

Bob has been a tireless and dedicated legislator, and his love of his work, State, and Nation has had a positive influence on all who have known and worked with him.

I am happy to join my colleagues in expressing our appreciation for having had the honor of serving with him and in extending to him our best wishes in his future endeavors.●

REPRESENTATIVE JOHN HALL BUCHANAN, JR.

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DANIELSON. Mr. Speaker, I have a very special sadness and regret in noting that John Buchanan will not be rejoining us during the upcoming 97th Congress.

"Bucky"—a nickname which I have fondly bestowed upon him—is one of those Members who always votes according to his conscience, even under what are, at times, the most difficult circumstances. As we all know, that conscientious voting pattern contributed decisively to the fact that he was not reelected.

Alabama voters felt so strongly that he should be returned to Congress that they tried to revive the Whig Party, but, regrettably, the courts in that State did not allow that effort to succeed.

We will miss John's moral guidance and spiritual leadership in the future, and I hope fervently that his constituents will see the error of their ways and send him back to Congress 2 years hence.●

SINGLE-ISSUE GROUPS AND SINGLE-ISSUE POLITICS

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. LLOYD. Mr. Speaker, in this postelection period much is being said and written about the growing influence of single-issue groups and the rise of single-issue politics. In a discussion with my intern, Johnny Ellis, it became evident that single-issue politics has itself become an issue and one that we cannot afford to ignore. This is clearly an issue that demands the careful thought and attention of every Representative. As a departing Member of this body and one interested in this subject, I offer my comments.

Single-issue groups have been a part of our political system since the founding of this Nation. The abolitionist, prohibitionist, civil rights leader, and the antiwar protester each had a voice because pressure was effectively brought to bear on politicians. Today, single-issue groups focused on abortion, gun control, nuclear power, and many other issues, are doing the same thing. I am the first to point to the fact that people organizing around an issue to make their views known is a positive aspect of pluralist society. Indeed, the men who founded this Nation purposefully structured our federal system to deal with the natural development of factions. Our political structure gives everyone a voice and each should be heard. That is why I have to take a hard look at the system when a few voices are screaming and very little is being accomplished in the way of good public policy.

As single-issue groups proliferate, there is clearly a narrowing of interest. In terms of society, fragmentation seems to be a condition that the American people deal with rather well. But when narrowly focused issue groups square off in the political arena, things grind to a halt.

The emotionalism of issues like abortion and gun control practically rule out reasoned discussion. When you talk to the people who represent these groups, it is very clear that on their issue there is no compromise. You are with them 100 percent or you are against them 100 percent. They would rather continue the fight than to commit what might be viewed as a sellout. The inevitable result is policy with serious flaws or paralysis of the system and no policy at all.

I have several ideas as to why single-issue groups have become so numerous and powerful in the last few years. At the grassroots level, I think people are fed up with politicians who cannot deliver on their promises and with a government that appears to move at a snail's pace on some issues and not at all on others. People who believe strongly about an issue have decided to take things into their own hands. They have organized and they have set up shop in Washington, D.C. I also think that these groups have grown due to the confusion of the average American. The average person who works hard for a living does not have the time to keep up with every complex issue that comes down the pike. Instead, many people have started to pick an issue they have a strong feeling about and they follow their Congressman on that issue. Single-issue groups cater to those people with newsletters and publications that put things in black and white. It is terrific that people are being kept informed of what is going on in Congress, but when a Member's record is reported on 5 votes out of 500 cast, I have to say to these groups, "Take your blinders off and look at the entire record."

Single-issue groups have learned to use the latest technology to promote their causes. With the push of a button, direct mail can generate money, new members, or a letterwriting campaign. Legislative updates keep the emotion high. I do not mention this to be critical of the method or to complain about the heat that a Congressman receives, but just as another reason why more of these groups exist today.

We here in Congress deserve much of the blame for the current situation. Single-issue groups have filled a power vacuum created by our weakened party system. In the past, the parties served as referees for these groups and helped to mediate between the decisionmakers and those who wanted to affect the decisions. Single-issue groups have become powerful because there has been no check on their power. Other people see this success and they organize around an issue and enter the system. I call for the strengthening of our parties not to protect officeholders, but rather to serve as consensus-builders. In addition to revitalized parties, I see the need for a revamping of the committee system to make policy construction a reasonable alternative to policy obstruction. Also, Congress needs to take another long hard look at individual and group campaign contributions.

I believe that single-issue groups have a positive role to play in our political system. It is the responsibility of the Congress to take the actions necessary to allow these groups to have the positive benefit of involvement rather than the negative effect of divisiveness. Single-issue goups are important because they draw people into the political process as well as voice the opinions of voters on crucial issues. Every voice must be heard. Compromises must be struck. We need a return to commonsense in our approach to the issues of our time. It is in everyone's interest to strike a balance between self-interest and the common-interest because in the long run they are the same.●

TRIBUTE TO HON. RAY ROBERTS OF TEXAS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am honored to pay tribute to the very distinguished gentleman from Texas, Ray Roberts. Ray has had a remarkable nine terms in Congress working loyally for the people of the Fourth District of Texas. Everybody knows that Ray has the honor of serving in the seat once held by our great Speaker, Sam Rayburn. He has continued to uphold the integrity and honesty which characterized Sam Rayburn. Your colleagues continue to place that respect and trust in you.

Ray has been a more than able chairman of the Veterans Affairs Committee. He has been a great champion of veteran's interests for many years. As chairman of the Water Resources Subcommittee he will always be remembered as the author of the successful Clean Water Act of 1977.

Ray, the Fourth District and this great body of Congress will always remember your great service and your sincere friendship. You can be proud of all that you have done. I wish you and your family the best in the years ahead.●

TRIBUTE TO DR. TIM LEE CARTER

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday December 3, 1980

● Mr. ERLENBORN. Mr. Speaker, a fine gentlemen from Kentucky will be leaving us at the close of this session, Dr. Tim Lee Carter.

Having been first elected to Congress at the same time as Tim Lee, I am especially saddened by his departure. Tim Lee has been more than a good friend. He has been an adviser in health matters, a subject in which, as a physician himself, he has brought an uncommon expertise to Congress.

For most of the past 16 years, the offices of Kentucky's 5th District and Illinois' 14th have been in close proximity, so Tim Lee and I have also been longtime neighbors. As we all know, the relationships you develop with neighboring Capitol Hill offices are as important as those you develop with your neighbors at home.

For these reasons and more, I will miss the good doctor. I wish him and Kathleen, Godspeed and a long life in good health.●

PROPOXYPHENE OVERSIGHT HEARING

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. WAXMAN. Mr. Speaker, on May 21, 1980, the Subcommittee on Health and the Environment conducted an oversight hearing on the cause and extent of adverse health effects associated with abuse and misuse of the analgesic propoxyphene (Darvon). Upon conclusion of public testimony, witnesses were requested to submit additional comments they considered appropriate to the subcommittee's consideration of this important issue.

Unfortunately, a supplementary statement prepared and submitted by the Public Citizen Health Research Group (PCHRG) was accidentally omitted from the printed transcript of the May 21 hearing. In order for Members and the public to have an opportunity to review this document, I insert a complete copy of the PCHRG statement in the Record at this point and ask that the statement be considered a part of the subcommittee's official hearing record:

August 7, 1980.

Hon. Henry A. Waxman,
Chairman, Committee on Interstate and Foreign Commerce, Subcommittee on Health and the Environment, Rayburn House Office Building, Washington, D.C.

Dear Chairman Waxman: The following is a supplement to Dr. Sidney Wolfe's May 21, 1980 testimony concerning propoxyphene before the Subcommittee on Health and the Environment:

According to a July 28, 1980 Department of Health and Human Services (HHS) press release derived from a notice published in the July 1980 FDA Drug Bulletin,[1] the Food and Drug Administration "advised physicians to write 'no refill' on prescriptions for propoxyphene (products)" and "suggested that physicians write their propoxyphene prescriptions, rather than calling them in to pharmacists."[2] The announcement of the no refill campaign, which was sent to all physicians and pharmacists, represents HHS's first attempt to urge doctors to voluntarily do what Schedule II controls would make mandatory. Coupled with the April 17, 1980 United Nations decision to place production quotas on the active ingredient propoxyphene, the HHS recommendation constitutes another major step toward a legal change in the status of propoxyphene products from Controlled Substances Schedule IV to Schedule II.

The HHS action follows recent attacks on Eli Lilly and Company for failing to adequately warn physicians and patients about the hazards of propoxyphene products. For example, in a February 5, 1980 FDA memo reviewing the IMS National Detailing Audit survey of Lilly's "educational campaign"—which Lilly interpreted as showing that "physicians have a very high awareness level of precautions applicable to the prescribing of Darvon products"[3]—FDA Prescription Drug Labeling Staff Psychologist Dr. Louis Morris commented on Lilly's failure to impart information on propoxyphene's risks:

"Although the probed recall questions show a high rate of physicians agreeing that caution is needed when prescribing Darvon, the unaided recall questions suggest that this information is not part of the physicians' active repertoire of information utilized when making prescribing decisions."[4]

In addition, the results of a May-June 1980 Bureau of Drugs study show that pharmacy dispensement of patient package inserts (PPIs) and warning stickers for propoxyphene products is "less than adequate."[5] Although Lilly claims that "approximately 85 percent of the pharmacies (the company has) queried have the PPI and vial sticker on hand and 84 percent are actively dispensing the information,"[6] the FDA propoxyphene pharmacy survey results indicate low pharmacy compliance with disseminating information on propoxyphene products. Out of 103 Darvocet-N and 51 propoxyphene prescriptions filled during the field study period:

"1. The PPI was dispensed spontaneously with 7 of the 154 prescriptions filled.

"2. The majority of people failed to receive a PPI even if one was requested and 47 percent received no information (taking into account dispensing of the physician package insert).

"3. Forty-four percent (68 observers) received neither the sticker or PPI even if requested."[7]

According to the survey report, "the most frequent reason offered (for not dispensing the PPI) was that there was no PPI for this drug. The second most frequent reason was that none was in stock."[8]

Lilly officials recently stated that "since the majority of (propoxyphene) deaths are suicides, there is a limit as to how much of a decline in deaths can be realized regardless of educational efforts."[9] "The decreased use of propoxyphene will simply result in increased use of other drugs (such as amitriptyline and codeine) that are equally available for this purpose."[10]

While it is true that medical examiner mentions for amitriptyline are increasing, there is no evidence which implies that decreased propoxyphene utilization is causal. Lilly's Quarterly Report to the FDA describes "increased demand for oral codeine preparations"[11] in conjunction with decreased propoxyphene use. When emergency room mentions for propoxyphene in 24 metropolitan areas from the 4 quarters of 1979 are compared with the average mentions of the previous 6 quarters (July 1977–December 1978), the results show that decreased prescribing of propoxyphene and the attendant decrease in abuse has not been accompanied, either locally or nationally, by increased codeine abuse as suggested by Lilly.[12]

Although Lilly has implied that only 0.5 percent of patients obtaining propoxyphene precriptions acquired quantities inconsistent with the products' labeled dosage regimens, a recent FDA-sponsored study[13][14] found significant overacquisition of propoxyphene products via refills. Of the 11.6 million national propoxyphene users during February-November 1978:

426,000 people had their prescriptions refilled at a rate that enabled them to consume over 180 pills a month, or more than the recommended daily dose of 6 per day.

72,420 people obtained, via refills, over 360 pills a month or more than twice the maximum recommended daily dose of 6 per day—an amount sufficient to cause addiction when used regularly.[15]

In light of this evidence of potential propoxyphene abuse, it is clear that Lilly's figure of 0.5 percent fails to consider refills as a significant data element. Since almost 50 percent of propoxyphene prescriptions are dispensed as refills,[16] and refills are an essential factor in supporting the abuse of propoxyphene, a more valid assessment of the abuse of propoxyphene products can be made by Lilly if total prescription estimates are used in their analyses.

Moreover, Lilly insists on using 1977—the only recent year in which deaths increased despite decreased prescribing—as a point of comparison from which to derive trends in abuse. Their consistent usage of peak abuse periods distorts the statistics and makes the decreases in deaths and emergency room mentions appear more striking than they actually are.

Table 1 shows the analogous downward trends for prescription sales and abuse incidents for propoxyphene during the past 4 years:

TABLE 1.—TRENDS IN PROPOXYPHENE USE AND ABUSE

	1976	1977	1978	1979
Millions of prescriptions [1]	37	33.5	31	24.9
Emergency room mentions [2] (for ⅕ of United States)	3,941	3,758	3,352	2,817
Deaths [3] (for ⅕ of United States)	497	571	440	([4])

[1] Ibid., 1978 and 1979 editions.

[2] DEA computer run, Mar. 31, 1980, tape of consistently reporting medical examiners and emergency rooms.

[3] Ibid.

[4] Data incomplete.

Between 1976 and 1978, propoxyphene prescriptions fell 16 percent and deaths decreased by 12 percent. Between 1976 and 1979, propoxyphene prescriptions fell 33 percent while emergency room mentions for this drug experienced a 29 percent decrease. According to officials at the National Institute on Drug Abuse (NIDA), 1978 is the last year with complete death data, and the first quarter of 1979 is the last period with complete death data. Lilly consistently uses medical examiner data past the first quarter of 1979 despite the fact that these statistics are still provisional.

In sum, general concern about the safety and efficacy of propoxyphene products has already contributed to a reduction in prescriptions and abuse incidents. The only way to accelerate these decreases is via an immediate transfer of all propoxyphene-containing products to Schedule II. Putting these drugs into Schedule II—thereby disallowing refills—will greatly reduce the numbers of injuries and deaths predictably associated with the easy availability of propoxyphene products.

Sincerely,

SIDNEY M. WOLFE, M.D.,
Director.

PAULINE SOBEL,
Scientific Research Assistant.

FOOTNOTES

[1] FDA Drug bulletin, vol. 10, No. 2, p. 11.

[2] U.S. Department of Health and Human Services, "HHS News," July 28, 1980, p. 1.

[3] Eli Lilly & Co., second quarterly report on propoxyphene, Jan. 24, 1980, p. 11.

[4] Morris, L., memorandum on the Lilly quarterly report on Darvon, to the Director of the Division of Drug Experience, Feb. 5, 1980.

[5] Memorandum of Darvon conference between FDA and Lilly officials, June 19, 1980, p. 2.

[6] Ibid., p. 2.

[7] "FDA Propoxyphene Pharmacy Survey—Preliminary Results."

[8] Ibid.

[9] Minutes of Darvon conference, June 19, 1980 op. cit., p. 2.

[10] The Indianapolis Star, July 29, 1980, p. 13.

[11] Lilly quarterly report on propoxyphene, op. cit., p. 13.

[12] NIDA, action/warning lists, Feb. 15 and Apr. 15, 1980.

[13] Drug Use Analysis Branch, FDA, "Propoxyphene: Analysis of Potential Patient Use and Misuse," June 1979.

[14] Kennedy, D. L. and Burke, L. B., "Propoxyphene: An Example of the Need for Increased Pharmacist/Patient Interaction," American Pharmacology, NS19:45-46, 1979.

[15] FDA Drug bulletin, February-March 1979, p. 2.

[16] National prescription audit, therapeutic category report, IMS America, Ambler, Pa., 1979.●

TRIBUTE TO RAY ROBERTS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

Mr. PERKINS. Mr. Speaker, the work of RAY ROBERTS in his 18 years in the House cannot be measured, because the communities that he has helped and the people he has helped, are beyond enumeration. As chairman of the Water Resources Subcommittee, his knowledge of national needs in that area is extremely extensive. There is not a community in any corner of the country where water resources are involved that he is not familiar with, and that he has not tried to help whenever he could. I know that thousands of Appalachian residents are grateful to him for his efforts in flood control and I know if they could speak on the floor today, they would say thank you to him, so on their behalf I wish to say "thanks, RAY ROBERTS." I hope he will not let his expertise go to waste, but continue to communicate with us and help us, in a well earned retirement.

TRIBUTE TO JOHN BUCHANAN

HON. JON HINSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HINSON. Mr. Speaker, it is a pleasure and a privilege to join with my colleagues in honoring and paying tribute to Congressman JOHN BUCHANAN. I want to express my deep gratitude for his personal friendship and for the example he set for me on the Committee on Education and Labor.

As a freshman Congressman, during the past 2 years, I have greatly appreciated the leadership of JOHN BUCHANAN regarding legislation falling within the jurisdiction of the Committee on Education and Labor and its Subcommittee on Elementary, Secondary, and Vocational Education. Through his diligent efforts and positive contribution, the Higher Education Act reauthorization and the child nutrition and school lunch program reauthorization were shaped into viable legislation which sustained these necessary and important programs while accommodating the need for budgetary restraint and fiscal responsibility. He never hesitated to plunge in and fight for what he thought was right and essential for the betterment of our Nation's educational system.

I recall with great warmth an incident which took place when JOHN had been invited to speak to the Southeastern Association of Educational Opportunity program personnel. He was unable to accept the invitation to the meeting, which was to be held in my district, and was kind enough to suggest me as a replacement. Not only this, but he requested a staff member of the Education and Labor Committee to prepare my remarks and brief me on the specific issues of importance to this group. This sense of fairplay and the extra effort required to provide a break for a green, freshman Congressman are integral to JOHN's reputation as a fairminded, objective legislator.

JOHN BUCHANAN's friendship through the years has been especially meaningful to me. He served as interim pastor at the Riverside Baptist Church, which my wife and I attended, for 5 years. Since that time, he has served as a deacon and he sings in the choir. His commitment and dedication to the Riverside congregation and to his faith have served as an inspiration for the entire membership. My wife, Cynthia, and I have both gained a great deal through our friendship with the BUCHANANS, and I extend my very best wishes for their success and happiness in future endeavors.

In closing, I applaud the outstanding representation which JOHN BUCHANAN has provided for the people of the Sixth District of Alabama and this Nation. The Congress and the Nation will miss his presence as they continue to benefit from his legislative accomplishments.●

WIFE OF PETER W. RODINO PASSES AWAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. RINALDO. Mr. Speaker, it is with deep sadness that I express my condolences to our colleague, Representative PETER RODINO, JR., upon the loss of his wonderful wife, Mrs. Marianna Stango Rodino, who died Wednesday in Monmouth Medical Center, Long Branch, N.J., after a lingering illness.

The loss of a loved one is an emotion-draining experience, and my heart goes out to my colleague during his period of grief.

Mrs. Rodino was a gracious and generous woman, and an outstanding individual who served her community and fellow citizen well. She was deeply religious and charitable and was active in numerous community organizations. She was a member of St. Gerard's Ladies Guild in Newark, a member of the Catholic Daughters of America, member of the board of the Kessler Institute for Rehabilitation in West Orange, and a chairwoman of the Essex County March of Dimes.

A devout Catholic, she cherished three papal audiences with Pope Pius XII, Pope John XXIII, and Pope Paul VI, and prized a papal rosary given to her by Pope John XXIII.

Another highlight in her life occurred this past July when a home for the aged in Majano, Italy, was dedicated in her honor. The U.S. Government aided in the reconstruction of Majano after it was destroyed by an earthquake in 1976. Representative Rodino was a sponsor of the legislation providing the reconstruction money.

The passing of Mrs. Rodino is a great loss for all of us who knew and loved her. Her absence will be deeply felt.●

CIVIL RIGHTS COMMISSION DISCUSSES AFFIRMATIVE ACTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. EDWARDS of California. Mr. Speaker, on October 15, 1980, the U.S. Commission on Civil Rights issued a "Statement on Civil Rights and the 96th Congress." This statement expressed the Commission's strong concern regarding eight amendments then pending before the lame duck session of the 96th Congress. One of these amendments introduced by Congressman Robert Walker was attached to the appropriations bill for the Departments of Labor, Health and Human Services, and related agencies. The Walker amendment prohibits ratios, quotas, or other numerical requirements in employment or admissions policies or practices. In its October 15 statement, the Commission pointed out that the Federal judiciary, together with the Federal executive and legislative branches, had recognized the need for numerically based affirmative remedies to end racial, ethnic, religious, and sex discrimination.

On October 17, Congressman Walker, in a letter to the Commission, took issue with their opposition to his amendment. That letter was printed in the November 13 Congressional Record (page E4942). The Commission has responded to Congressman Walker's letter, and I believe it deserves the attention of our colleagues. The Commission's letter follows:

U.S. Civil Rights Commission,
Washington, D.C., October 27, 1980.

Hon. Robert S. Walker,
House of Representatives,
Washington, D.C.

Dear Representative Walker: I have read with interest your letter of October 17, 1980, regarding the Commission's comments on the amendment you have sponsored to the appropriations bill for the Departments of Labor, Health and Human Services, and Education. As you know, the Commission has opposed this amendment since you first introduced it in 1977. The Commission believes its effect, if enacted, would be to jeopardize the government's ability to enforce significant civil rights measures.

I am concerned however, that you regard the Commission's opposition to the eight recently passed amendments to various appropriations bills, including your amendment, as a personal attack and a distortion of your intent in introducing the measure. The Commission's opposition to the eight amendments, as you will note in the attached copy of our "Statement on Civil Rights and the 96th Congress" and in the October 16, 1980, Washington Post article which you quoted, has always focused on the effect of enactment of these measures as a group, rather than the intent of the individual Members of Congress who have introudced them. I believe that a careful reading of the Commission's language will lead you to the same conclusion.

The Commission, of course, has studied the remarks you have made on the various occasions you have presented this amendment to the House. We are aware of your support for the concept of affirmative action and your opposition to "quotas or other numerical requirements." We certainly share the objective of achieving a society where differences of race, ethnicity, and sex are merely differences, and in which all persons have the "opportunity to compete on an equal basis and to be judged on individual merit." It appears that your views differ, then, not on the end to be reached, but on the means by which we reach that end.

All three branches of the Federal government, as well as the private sector, have recognized that numerically-based affirmative remedies are sometimes the most effective means of combating discrimination. These measures have been referred to as "numerical requirements," "quotas," "set asides," "ratios," and even, by some, as "goals and timetables." They include any and all forms of "preferential" treatment expressed in numerical terms. The issue is whether such "numerical requirements" are necessary and appropriate in particular situations. The Commission believes they are.

Such numerical requirements are not, as you suggest, merely a "bureaucratic invention of convenience." Employers and unions in the private sector, as well as the courts, have found numerically-based remedies to be appropriate, necessary, and sometimes the only effective means by which to combat discrimination. In cases involving established discrimination by employers or unions, the Federal courts have often found that quotas or other numerical requirements are essential to make meaningful progress where judicial admonitions to provide equal opportunity, and other less clear-cut measures, had proved ineffective. See, e.g., *Morrow* v. *Dillard*, 580 F. 2d 1284 (5th Cir. 1978); *NAACP* v. *Allen*, 493 F.2d 614 (5th Cir. 1974); *Vulcan Soc'y* v. *Civil Serv. Comm'n*, 490 F.2d 387 (2d Cir. 1973). Even in cases where unlawful discrimination has only been alleged by one party and denied by the other, the parties have negotiated with Federal agencies and mutually agreed to use such numerical requirements, including ratio selection procedures. *EEOC* v. *American Tel. & Tel. Co.*, 556 F.2d 167 (3d Cir. 1977), cert. denied, 438 U.S. 915 (1978); *United States* v. *Allegheny-Ludlum Indus., Inc.*, 517 F.2d 826 (5th Cir. 1975), cert. denied, 425 U.S. 944 (1976).

Although the Supreme Court has not yet definitively ruled on the constitutionality of governmentally imposed numerical requirements, it has upheld the legality of such remedies and expressed strong support for the use of numerical requirements to eliminate discrimination. In *Fullilove* v. *Klutznick*, 100 S. Ct. 2758 (1980), the Court upheld a "quota" provision in the Public Works Employment Act of 1977, which required State and local governments, absent an administrative waiver, to set-aside ten percent of all Federal funds granted for public works contracts to procure services or supplies from minority business enterprises. In *United Steelworkers of America* v. *Weber*, 443 U.S. 193 (1979), the Court approved a training program negotiated voluntarily between an employer and union that required that at least half of all employees selected for craft training be black, until a specific percentage of black craft workers in the work force was reached. In *Regents of the University of California* v. *Bakke*, 438 U.S. 265 (1978), five of the Justices, albeit with different rationales, supported numerical requirements of the kind your amendment would proscribe. Id. at 272 (Powell, J., opinion); and at 324 (Brennan, White, Marshall, and Blackmun, JJ., concurring in part, dissenting in part). In numerous school desegregation cases, the Court has ordered school authorities to seek to make all schools fall within a specified percentage range of minority to nonminority children. See, e.g., *Swann* v. *Charlotte-Mecklenburg Bd., of Educ.*, 402 U.S. 1, 25 (1971). Finally, the Court has consistently declined to hear cases challenging as "unlawful quotas" the "goals and timetables" provisions required in affirmative action plans under Executive Order Number 11246. See, e.g., *Contractor Ass'n of Eastern Pa.* v. *Sec'y of Labor*, 442 F.2d 159 (3d Cir.), cert. denied, 404 U.S. 854 (1971).

This Commission firmly believes that numerical requirements can be proper and necessary ingredients of affirmative action plans. Without these enforcement mechanisms, the Federal government will not be able to make the promises contained in the civil rights laws a reality.

The Commission strongly opposes invidious measures designed to stigmatize and exclude individuals because of their race, sex, or national origin. However, we support affirmative numerical remedies, such as those employed and upheld by the courts, that are necessary to provide equal opportunity. Both the public and private sectors have recognized that such numerical requirements are sometimes the most, and occasionally the only, effective remedy available to them to eliminate discrimination. Because the amendment you have introduced, if enacted, would prohibit such affirmative remedies in Federally enforced employment and education programs, we must oppose its adoption. Our opposition is directed at the deleterious effect enactment of the eight amendments, including your measure, would have. Our statements are not personal attacks on the intent of the individual Members of Congress who have sponsored these amendments.

I appreciate your willingness to share your views with us, and I hope the above information will serve to clarify the Commission's position in this matter.

Sincerely,

ARTHUR S. FLEMMING,
Chairman.●

SENTIMENTAL JOURNEY: REMEMBER, AMERICA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. WHITEHURST. Mr. Speaker, early in April of 1981, all veterans of our armed services will be invited to participate in a full week of events honoring those who have served our Nation in uniform. The program will be called "Sentimental Journey: Remember, America," and it will include live military demonstrations, public forums, receptions, performances by national artists, and other appropriate entertainment. All of these events will take place in the city of Virginia Beach and at the various military installations in the Tidewater area of Virginia.

Mr. Speaker, I regard this as a marvelous opportunity to rekindle our patriotic spirit and to remind all Americans of the great sacrifices made by millions of our countrymen in the cause of freedom. I am delighted that sentimental journey will take place in my congressional district, and I invite all of my colleagues and their constituents to share as much of the period from Friday, April 3, through Sunday, April 12, with us as possible.

From the Great War early in this century through the Vietnam conflict, there is a place in this celebration for all veterans and all who share their love for the United States. I look forward to being a participant and reliving the proud days of my own service to my country.●

IMPROVING CHILD HEALTH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. SOLARZ. Mr. Speaker, as you and many of my fellow representatives may be aware, the Select Panel for the Promotion of Child Health has released its findings concerning the need to improve the quality and availability of child health services. Members of the panel presented a report of the results of 18 months of study by 17 nationally recognized experts to Representative WAXMAN and Senator KENNEDY on December 2.

The panel's recommendations provide a blueprint for us to follow in planning legislation during the 97th Congress. Specifically, the report stresses the need for a coherent program of child health services such as those contained in the Child Health Assurance Act which the Senate did not pass during this session.

I urge my colleagues to become familiar with the report and to work with me on improving the health of our children. They are counting on us.

The panel's summarized "Plan for Action" follows:

PLAN FOR ACTION

The Select Panel for the Promotion of Child Health views the spectacular improvements in child health achieved by this nation in the past half century as providing a firm foundation on which to build for the future. We have identified the areas in which major problems persist and further improvements are urgently needed.

To clarify the interrelationship among the many recommendations we make throughout the report, we propose three sets of goals.

(1) The first set of goals is directed at assuring that all needed health and health-related services are available and accessible to all infants, children, adolescents, and pregnant women:

First, to assure universal access to three essential sets of services: prenatal, delivery, and postnatal care, comprehensive care for children through age 5, and family planning services.

Second, to bring about the more effective operation of governmental activities aimed at improving maternal and child health.

Third, to improve the organization of health services to reach those population groups with special needs or at special risk, including adolescents, chronically impaired children, children in institutions and foster care, and children in the families of migrant and farm workers and Native Americans.

Fourth, to ensure that a family's economic status shall not be a bar to the receipt of needed health services or determine the nature and source of such services, and that the use of such services shall never reduce a family to penury.

Fifth, to ensure that every child from birth to age 18 and every pregnant woman has access to a source of continuing primary care.

Sixth, to ensure that every family, child, and pregnant woman has access to all services identified as "needed," not merely those basic minimal services which are part of our first goal. This includes genetic, dental, and mental health services and services to respond to health problems with major social and behavioral components.

(2) The second set of goals we propose addresses the influences on maternal and child health which lie beyond the reach of personal health services:

First, to encourage all efforts aimed at reducing accidents and risks in the physical environment, and to bring about greater recognition of the particular vulnerability of children and pregnant women to environmental risks.

Second, to promote greater understanding and acceptance of the critical role of nutrition by private industry, government, the media, the schools, and community groups as well as by the health system.

Third, to enlist the schools, the media, industry, and voluntary associations, as well as the health system, in far more vigorous efforts to help individuals adopt and sustain behaviors that enhance health and well being.

(3) The third set of goals we propose is directed at building the knowledge base necessary to further enhance maternal and child health:

First, to encourage both the public and private sector to pursue a wide range of research spanning not only the biomedical and behavioral sciences, but also the population-based sciences and health service research.

Second, to recognize that fundamental research remains the cornerstone of many past and future advances in health.

Third, to ensure that an adequate portion of research support is directed to the special health problems of mothers and children.

It is clear the progress toward achieving these goals will require integrated and coherent action. We recognize the difficulties involved in achieving such action, especially if the necessary steps involve any fundamental change. With an eye to constraints on both available public funds and advocacy energies, we suggest that many changes can be made incrementally without diminishing their effectiveness, as long as there is a clear vision of long-term goals. We urge policymakers and advocates, in adopting such an approach, not to lose sight of the relationships among the parts.

Progress toward these goals will also require considerable attention to detail. For this reason, we devote the second volume of our report to spelling out the implications of our recommendations for immediate action to improve five federal programs with a major impact on child health: Medicaid and EPSDT, the WIC Supplemental Food Program, Title V (Maternal and Child Health and Crippled Children's Programs) of the Social Security Act, the Education for All Handicapped Children Act (P.L. 94-142), and Community Mental Health Centers and Service Systems. In volume III the Panel also presents a compendium of background data on various aspects of maternal and child health.●

CHRIST EVANGELICAL LUTHERAN CHURCH

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Ms. FERRARO. Mr. Speaker, I would like to take this opportunity to call to the attention of my distinguished colleagues the Centennial of Christ Evangelical Lutheran Church in Ozone Park, N.Y.

For a century this church has been working very closely with our community. The Christ Evangelical Lutheran Church has brought a spiritual closeness to our neighborhoods and has been instrumental in working with our community so that it is a better place to live.

The Christ Evangelical Lutheran Church has sponsored many community service programs over the past 100 years. These programs range from youth group and sport activities to senior citizen programs. The church has also taken an active role in the civic affairs of the Ninth Congressional District. Among its recently held events was an anticrime night.

The Christ Evangelical Lutheran Church is to be commended for their dedication to those values in life which are often ignored, but are invaluable in our everyday lives: family, community, and devotion to God.●

U.S. SPECIAL FORCES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. BENNETT. Mr. Speaker, against the backdrop of rhetoric today regarding our commitment to meet the expanding Soviet threat with greater defense spending in order to fund high technology systems, I believe it essential that we continue to comprehensively evaluate our country's military requirements from the prospective of total preparedness.

Today our projected defense growth is oriented primarily toward Europe and dealing with confrontation in this highly volatile area. While this investment is important for obvious reasons, we must be ready to respond to any test in any theater. Many recent events worldwide should lead us to believe that unconventional warfare forces may well become an increasingly important element in our defense equation. U.S. Special Forces—Navy Sea, Air, Land Teams (SEALS), Army Special Forces (SF) and their Air Force counterpart—provide us with a unique capability to meet challenges of an unconventional and destructive nature. Their future is vital as our record in meeting this kind of threat is self-evident. Whether or not our investment has been adequate may need to be examined more closely.

A thoughtful analysis of this military capability is offered in the November issue of the "Naval Institute Proceedings." The authors of this article are well qualified to address the real issue—both are former members of our special forces. Mr. Fitzgerald, a former congressional staffer, served as a staff representative to the U.S. Senate Committee on Armed Services and was a Navy SEAL. Mr. Messing, a Green Beret officer in the Army Reserve, is the past president of the National Defense Council. I highly recommend its reading by my congressional colleagues.

WHAT FUTURE FOR SPECIAL FORCES?

(By David Fitzgerald)

It is a cliche among defense analysts and policymakers that a nation is always planning to fight the last war. The United States may not be planning to fight its last conflict, but it is probably planning to fight the wrong one.

The recent Senate action to authorize $5 billion more in defense expenditures than requested by the Carter Administration reflects a growing mood throughout the nation that the United States must take serious action to shore up its military capabilities. The additions made by the Senate, however, only reinforce the basic thrust of the administration's proposals which emphasized sophisticated systems and quick fixes. There has been little demonstrable appreciation of the fact that these systems might be the least useful for the United States in the conflicts with which it will most likely be confronted most often in the next decade.

During the next 20 years, revolutions, civil wars, ethnic hostilities, border wars, and proxy conflicts will be the order of the day. Our experiences in World Wars I and II offer few guidelines for U.S. policy in such situations.

Moreover, the instrumentalities of conflict will change. The U.S. embassy in Teheran will not be the last occupied American installation. The American ambassador in Kabul will not be the last U.S. diplomat attacked or assassinated. The thrust of growing terrorist attacks against U.S. industrial facilities both at home and abroad will not go unexploited.

In short, unconventional warfare will be the leitmotif of the 1980s. While low-level violence has occurred at other times in history, at no time has it been as pervasive or as potentially destructive as it will be. In an era when conflicts will continue to be resolved through the use of force, unconventional warfare provides a means of resolving disputes while tiptoeing around the nuclear trip wire.

Thus, the United States will be faced with the necessity of performing more rescue missions, counter-terrorist exercises, and other delicate special operations. Is the United States prepared?

The recent debacle in the Iranian desert suggests an unqualified "no." Many of the reasons for the unsuccessful rescue mission were specific to that particular operation. However, the rescue raid was undercut by deep and pervasive problems which exist throughout the U.S. armed forces. Among these problems are insufficient manpower, inadequate operations and maintenance, and ineffective command and control.

The impact of these problems is particularly severe for U.S. unconventional forces, like U.S. Special Forces (SF) and Navy Seals. As a consequence, the effectiveness of these forces is becoming increasingly questionable at the time when the need for them is heightened. Current proposals raise even more serious questions regarding their future usefulness.

In the U.S. Army, active duty Special Forces strength is just over 3,500 personnel, allocated among the 5th, 7th, and 10th Special Forces Groups and their attached elements. This is the lowest active duty authorization for Special Forces since the late 1950s. The Joint Chiefs of Staff project that they would need several times as many Special Forces to meet wartime requirements. It is unlikely that additional needs could be made up from SF groups in the reserve component, which itself is at its lowest authorization level in 20 years.

Despite these shortfalls, current plans call for additional reduction of Army Special Forces by almost 15 percent by the beginning of fiscal year 1981.

The rationale for the reduction is not altogether clear. It appears to be part of a plan to shift the same number of positions to units of other types. The purpose of the shift, however, has been left unstated.

Similarly, in the Navy, the Congress has not seen special forces as an important dimension of U.S. combat capabilities. The Seals, for example, have never had an admiral as commanding officer. In the fierce competition for limited defense dollars, the Seals have frequently come out on the short end.

The one combat situation in which special forces are least valuable—a conventional war in Europe—is the most unlikely to occur. Should the United States again find itself fighting abroad, it will more likely be in the deserts of the Middle East, the bush country of Africa, or the jungles of Southeast Asia. It is in these situations that unconventional forces prove their worth. Moreover, they can be adapted to respond to the wave of terrorists attacks and unconventional conflicts that will inevitably mark the 1980s.

Lately, Americans have been bombarded with a host of examples demonstrating the need for bolstering America's defense. And we must build up military capability. But we must do so in a way that makes sense for the world in which we live. We should not be dazzled by glamorous hardware or mesmerized by bogus strategies for unlikely contingencies. U.S. unconventional forces have proven their value time and again. To cut these forces further in attempts to strengthen U.S. defense in other areas would be to take a dangerous step in the wrong direction.●

HUNGER STRIKE AT LONG KESH PRISON

HON. RAPHAEL MUSTO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MUSTO. Mr. Speaker, as a member of the ad hoc Congressional Committee for Irish Affairs, I wish to join with our distinguished chairman, MARIO BIAGGI, in expressing concern about the 6-week-old hunger strike involving seven prisoners in the Long Kesh prison in Northern Ireland.

The appeal we are making today is for a humanitarian resolution of this crisis before any of the prisoners are forced to die. It appears as though all dialog between the two sides has ceased. This will serve as a fundamental obstacle to a resolution.

I endorse the effort of the ad hoc committee to involve the United Nations in a mediating capacity to reopen the lines of communication so that the framework of a humanitarian resolution can be established.

There has been enough suffering in Northern Ireland over the past 10 years. Yet, if this current hunger strike is allowed to continue until it results in the deaths of the prisoners, more suffering will ensue. The United States with its concern for human rights should be in the forefront in trying to convince the British Government to recognize the profound human rights considerations of this current crisis.●

THE NEXT GREAT DEBATE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. PEYSER. Mr. Speaker, much has been written over the past months regarding the Presidential debates of the last campaign. I thought the following article, written by Lee Hanna and Edward Hymoff, would be of interest to many of my colleagues. Edward Hymoff, is a distinguished constituent of mine and I am pleased to insert the text of his article, "The Next Great Debate":

THE NEXT GREAT DEBATE

The Great Debates of 1980 are political history. It is time now to look ahead to presidential debates of the future.

It's apparent that neither of the major party candidates served the public interest in the campaign of 1980. There were only two debates. And President Carter appeared in only one of them. Ronald Reagan and Jimmy Carter refused to accept the three opportunities proposed by the League of Women Voters to debate the issues that affect us all. Nor would they permit their vice presidential candidates to meet in the debate offered by the League.

Throughout a long and dismal campaign, the public was propagandized and exploited—fed half-truths and oftentimes questionable information in paid political advertising and canned speeches.

No wonder there was widespread public apathy and disillusionment. In this telecommunications age in which we live, the public expects more than 90-second snippets on the evening news and wire service summaries in their newspapers.

The message of the 1980 public opinion polls to the candidates was clear: "We want you, President Carter and Governor Reagan, to come together in a face-to-face debate so that we can take your measure on our terms, not yours."

In mid-October a poll taken by the Global 2000 public interest group indicated that 73 percent of the public wanted debates and that 38 percent of the respondents were at that time undecided.

Unfortunately for the public, campaign strategists made the debates a political football. President Carter refused to participate in the Baltimore debate sponsored by the League because he didn't want to dignify John Anderson's candidacy.

Governor Reagan's handlers agreed to the Baltimore debate but, fearing a major oratorical faux pas by their candidate, insisted that it be limited to one hour instead of the 90 minutes the League had planned.

President Carter's refusal to appear in Baltimore was condemned in major newspapers across the country. He was lampooned in political cartoons, and although a few columnists viewed this as good campagin tactics on the part of the Carter crowd, nobody made the case that the president was acting in the public interest.

Meanwhile, preparations were under way in Louisville, Ky., where the League had scheduled a Vice Presidential debate on Oct. 2, and in Portland, Oreg., during the week of Oct. 13, where foreign affairs and national security would be the topics that night.

Hundreds of volunteers in each city worked long hours planning for the great event. Tens of thousands of dollars were donated by civic-minded business leaders and citizens to help defray the costs of the debates. There would be deep disappointment. The President once again turned down a three-way debate.

The Anderson Factor:

Prior to the Baltimore debate, Anderson had met criteria set by the League and appeared to be a viable candidate with at least 15 percent support according to national polls. However, following that debate, Anderson dropped in the polls and was no longer eligible to participate. So the League invited Reagan and Carter to the one-on-one debate each said he wanted. But Reagan, leading in the polls, used Anderson as a ploy to avoid the one-on-one with the President. It wasn't until the third week in October when his lead diminished that Reagan's men came around to the idea that his interest would best be served by taking on the President face-to-face.

The public interest, of course, was never a consideration. That is where the League of Women Voters comes in. For 60 years the non-partisan League has been committed to citizen education and the effective participation of Americans in the governmental and political process. And the most critical element is the citizen who votes on Election Day.

The League in 1980 proposed three Presidential debates and one debate between the Vice Presidential candidates. As it turned out the public had only one opportunity to see the major candidates. For 90 minutes they confronted each other on the major issues of our time. True, one debate was better than none. True, 120 million Americans watched it. But, it is also true that they deserved more and better than they got.

Looking to 1984, Presidential debates must be a part of the political process. The public needs them. The times demand them.●

LESTER WOLFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RODINO. Mr. Speaker, I want to join with my colleagues in paying tribute to LESTER WOLFF, who has been a leader in many areas of concern to us all.

In his 16 years in the House, LES has rendered outstanding service in the field of foreign affairs. As chairman of our Foreign Affairs Committee's Subcommittee on Asian and Pacific Affairs and as a member of the Subcommittee on International Security and Scientific Affairs he has been an effective spokesman for human rights and civil liberties throughout the world and an eloquent advocate of efforts to bring peace to areas suffering from strife and tension. His expertise was recognized in 1977 when he served as U.S. representative to the United Nations General Assembly.

LES also serves on the Committee on Veterans' Affairs and I have long looked to him for guidance on legislation to provide essential assistance to our Nation's veterans. He has been a leading advocate of better educational opportunities for members of the armed services from the Vietnam era.

We all owe LES a debt for his invaluable, pioneering service as chairman of the Select Committee on Narcotics Abuse and Control, on which I have the privilege of serving. Through this forum he has aroused the awareness of our citizens to the urgency and enormity of the drug abuse problem and helped in the development of Government efforts to combat the illegal narcotics traffic.

I will personally miss my friend LES, this genial and affable man who is my next door neighbor on the fourth floor of the Rayburn Building. I know all of us will miss his dedicated and effective leadership.●

REASSESSING THE MARCOS GOVERNMENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. STARK. Mr. Speaker, I would like to bring to the attention of my colleagues the following report prepared for the World Bank on the political prospects of the Marcos government in the Philippines. This unusually blunt assessment projects increasing unrest in the Philippines, which could result in a military government or a parliamentary system in which President Marcos would have difficulty staying in power.

As one of the top recipients of U.S. economic and military aid, the Marcos government receives substantial support from the United States. This should not, however, blind Congress to the realities of the political situation in the Philippines. I urge my colleagues to carefully examine the following condensed version of the report and reconsider the wisdom of our present policies toward the Marcos government.

POLITICAL AND ADMINISTRATIVE BASES FOR ECONOMIC POLICY IN THE PHILIPPINES

INTRODUCTION

1. The Philippines faces impressive opportunities for economic growth and modernization. However, this growth potential can be realized only if a number of political, administrative, and economic preconditions are met to undertake necessary economic reforms and to maintain a positive climate for growth. In particular, the viability of the economic liberalization reforms, supported in part by the conditions of the 1980 industrial/structural adjustment loan, depends on the political and administrative capacity of the government to implement the program without provoking highly destabilizing reactions.

2. Because martial law has been in effect in the Philippines since 1972, some of the political and administrative implications of long-term social and economic trends have yet to become obvious. To a certain degree, politics has been "frozen" by the suspension of Congressional activities and political rights, as well as by the exile of major opposition leaders. Therefore some of the potential implications of such trends as continuing urbanization, increasing regional inequality, and economic restructuring (to name just a few), should the political situation change significantly, are a matter of anticipation rather than established fact. And, of course, whether the political situation is indeed likely to change significantly, through restoration of democratic practice, the replacement of President Marcos, or any other transformation, is another question that must be addressed.

3. To anticipate the impact of these trends and potential political changes on the Philippine economy, this paper examines how Marcos political support and opposition are likely to be affected by:

(a) Long-term social and economic trends;

(b) Political changes due to the existence of martial law; and

(c) The economic restructuring of Marcos economic program thus far.

Possible changes resulting from a change in the form or leadership of government are outlined next. Finally, the administrative capacity of the government is reviewed in light of the difficulties of implementing both massive industrial programs and grassroots development.

4. The analysis suggests the following consequences of these trends:

(a) Increasing pressures for urban- (rather than rural-) oriented economic policy;

(b) increasing attention to income-distributional questions, debated in a political arena gradually becoming more defined by economic class divisions than by "vertical" coalitions;

(c) increasing domestic opposition to the industrial promotion strategy;

(d) increasing precariousness of the current administration, which could result in the lifting of martial law under a parliamentary system in which President Marcos, even if initially situated as Prime Minister, would have serious difficulty remaining in power; or a military government;

(e) increasing nationalistic pressures under any of these scenarios;

(f) vulnerability of the "technocrats" in retaining their economic policy management positions if the administration should change; and

(g) little improvement in the administrative capacity of the bureaucracy, and hence in undertaking or even attempting rural development projects.

POLITICAL IMPACT OF SOCIOECONOMIC TRENDS

8. *Urbanization.* Urbanization has brought two political changes to the Philippines, with opposite potential effects on the strength of the centralized control applied by President Marcos. As the primarily rural power base of the former economic and political leaders declines in the face of the shift to the cities, the urban demands and potential for pressure in favor of urban-oriented policies naturally increase.

9. The political decline of regional, rural-based leaders is reinforced by the relative decline of the rural sector as the bulwark of the Philippine economy, in addition to changes within the rural sector. The old power bases of the wealthiest families formerly competing with Marcos have shrunk as the traditional agricultural export products (e.g., sugar) have been gradually supplanted in importance by manufactured goods, as land reform has reduced large-scale holdings (e.g., in rice production), and, as in the case of coconuts, production has become tightly controlled by the Government.

10. While the population shift to the cities (particularly Metro Manila) has created a much larger labor pool to fuel industrial expansion, the constellation of urban unemployment, urban slums, and labor unions of growing size has shifted government concern considerably toward the metropolis and away from the countryside.

11. Thus far, Marcos has kept tight control over the labor unions, which were restructured under martial law such that national-level, governmentally-controlled organs in turn control the local unions in each industry. The emasculated unions deal primarily with minor issues, and martial law prohibits strikes in "vital industries" and politically oriented strikes in any industry. As for urban poverty, the most visible part of Marcos' poverty program has been in urban slum upgrading, to palliate urban dissatisfaction.

12. Nevertheless, a politically sensitive economic strategy cannot ignore the fact that it is in the urban areas where the level of political awareness is highest and the possibility of new sources of disruption the greatest. The centralization trends in government, the economy, and the regional balance (with Manila and Marcos' cash-crop-oriented home region of Ilocos—also on Luzon—becoming increasingly prominent) push economic policymakers to be more urban-oriented in policy choices, on issues ranging from the relative prices of agricultural vs. manufactured goods to the focus of economic development.

13. *Income concentration.* Though recent trends in actual income distribution are inevitably uncertain, there is an almost universal perception in the Philippines that the income distribution is deteriorating. This perception is reinforced by declining real wage rates and by the government's concurrence in the Five-Year Development Plan 1978-82 that regional disparities in income distribution have been increasing.

14. The political implication of this perception of a worsening distribution of income has been, as one might expect, to detract from the popularity of the Marcos administration and to bring into question the sincerity and competence of the "New Society" program, which was to bring greater economic equality to the Philippines by stripping away the political and economic power of the "oligarchy." Marcos' justification of martial law, which had included the argument that the economic elite had a stranglehold over the economy through its political power, is weakened by any evidence that the martial law arrangement cannot reverse the trend of income concentration.

15. The policy implication, then, is greater pressure on the administration to alter the reality and perceptions of income concentration, but thus far no viable approach has been found to surmount the difficulty of improving real wages for urban workers, maintaining profits for their employers, and keeping up the incomes of rural food producers. The Government has shown little administrative effectiveness in attacking the problem of rural poverty at the grassroots level through programs like Mexico's PIDER. Consequently the Government's preference for a massive industrial program reflects an attempt (which many consider to be desperate) to use an administratively-controllable program to avoid the tradeoff by triggering a much higher growth rate that would permit the "boom" atmosphere to overshadow the distributional question. If industrial promotion does not yield a boom that benefits all sectors, the highly visible advantages going to the urban industrial sector will exacerbate the resentments and conflicts over income distribution.

POLITICAL PROSPECTS

30. As opposition to martial law mounts, the possibilities for change are influenced by maneuvering by both Marcos and the opposition. Even before martial law was declared, the constitutional reform initiated by Marcos culminated in a draft constitution establishing a new parliamentary arrangement, which was immediately attacked as a mechanism for permitting Marcos to remain in power as Prime Minister. The constitution was approved via a highly controversial referendum after martial law was imposed, but in practice is to take effect only after martial law is lifted. It is not at all unlikely that Marcos, perhaps within the year, will try to avail himself of this opportunity to become Prime Minister so as to remain in power without relying on martial law, which increasingly has become a liability.

31. However, the opposition, which has criticized martial law as an integral part of its attack on Marcos, in fact opposes both martial law and Marcos' leadership per se for a host of political and economic reasons that would persist even if martial law had never been imposed. The basic conflicts over political power and economic structure, and the explicit attacks on Marcos for corruption, violation of human rights and failure to protect national interests vis-a-vis foreign capital, will not disappear with the lifting of martial law. Because Marcos' opposition would not be content with the elimination of martial law with Marcos' power intact, the reopening of partisan politics is likely to intensify rather than to resolve the confrontation between pro- and anti-Marcos forces.

32. The guerrilla challenge is mounted by the New People's Army, whose strength and potential are unknown factors. An armed wing of the Communist Party reestablished by Jose Ma Sison in 1968 on the theoretical basis of Mao Tse-tung's thoughts, it is not clear whether the NPA is a revival of the Hukbalahap or an offshoot of the original extreme left movement. Before martial law, the NPA had been active in various regions of the country, and like the Moro National Liberation Front, pinned down substantial numbers of the armed forces. There have been periodic outbursts of radical and peasant insurrection in Central and Southern Luzon. In contrast to the communist insurgents in pre-1975 South Viet Nam, Laos and Cambodia, however, the NPA has no immediately available nearby sanctuary or source of resupply and reinforcements. It has no leader of the stature of Ho Chi Minh, and is not widely regarded as a premier champion of national liberation. Apparently, most Filipinos remain staunch anticommunists. To date, there has been nothing substantial that suggests that the NPA is capable or will soon be capable of engaging the armed forces in full-scale land warfare. But it could appear as the main armed opponent of the Government if things fall apart dramatically after Marcos.

33. *The Catholic Church.* Although it has been generally assumed that the Church, at least potentially, could play an influential role in the nation's political life, the Church's official role vis-a-vis the martial law government has been ambivalent, if not altogether supportive of the regime. The explanation of this lies in the fact that the Catholic Bishops' Conference of the Philippines (CBCP), which decides the official policy for 5,000 priests in the country, is split into three groups with different approaches to the role of the Church: traditionalists, "critical" moderates, and radicals.

34. Apart from the armed forces, the Catholic Church is said to be the only organization which has a potential of mobilizing mass action against martial law and working for the restoration of civil liberties and the calling of free elections as mandated in both the 1935 and the 1973 Constitutions. However, the likelihood of the Catholic Church (given the philosophical split between the traditional and moderate groups on the one hand and the radical faction on the other) taking such a step is remote. Moreover, it is highly doubtful that Marcos will risk a head-on collision with the Catholic Church; he may come to some kind of accommodation with the nonradical factions by offering, as quid pro quo for the Catholic Church's maintenance of its policy of "critical collaboration," a guarantee that Government will not pursue plans to legalize abortion, institute absolute divorce, or impose taxes on Church properties.

35. Unless there is a significant shift in the loyalties and inclinations of the bishops who make up the CBCP, the radicals' criticisms of the "New Society" will remain a minority viewpoint and are unlikely to be parlayed into official ecclesiastical policy. Yet the impact of radical priests on the populace they influence may have important long-term effects.

36. *The Students.* In a similar manner to other groups, dissent has also grown dramatically among the students in the Philippines' 68-odd universities and colleges. Students who seemed intimidated in the past few years have once again taken to the streets, first protesting on issues such as tuition fees, teaching standards, oil prices, American imperialism and later demanding an end to martial law itself. What makes the current protests remarkable is that they are resurfacing despite years of authoritarianism (most of today's youths were not even teenagers yet when Marcos introduced emergency rule and ended student power in the Philippines).

37. Significantly, economic grievances, more than politics or the lack of it, are the main issues in the student disaffection. Unease has been deepened not only by the hike in higher education costs but by a draft law called the Education Bill No. 524 (1980) which many see as a threat to academic freedom.

38. However, despite this recent surge of student activities, many feel the Philippine youths of today are, in general, a different group from those of the 1960s. Unlike the militancy of the 1960s (most of today's more militant leaders have either been arrested or are hiding in the hills and jungles) the students now are more concerned with economic issues and future career prospects. If given a certain amount of academic freedom and some relief to the country's economic problems, many observers feel, the student restlessness can be mitigated.

39. In Mindanao (especially Iligan and Cotabato provinces), the NPA is relatively weak while the Christian-Muslim conflict has increased since martial law and also as a result of the Manila government's policies. By 1972, the Muslims had organized themselves into the Moro National Liberation Front (MNLF), organized on the pattern of the Palestinian National Liberation Front. The threat to secede became real as the MNLF movement was better organized under the leadership of Nur Misuari and had gained the sympathy of the Muslim countries. The MNLF supposedly receives foreign support from the Islamic Secretariat which gives the MNLF the same status as the PLO. Improving relations with Malaysia and Indonesia have somewhat helped Marcos in his dealings with the Muslims. It was due to the efforts of Malaysia and Indonesia alone in the Islamic conference (1972) that moderate resolutions were adopted on the Philippine Muslims rather than condemning the Philippine Government. Both these countries are at the same time putting pressure on the Philippines to settle the Muslim problems for the sake of stability in the ASEAN region.

40. Although the military remains frustrated by the Manila government's restraint on full retaliation against the intermittent Moro raids, the chances of a compromise on autonomy are fairly high. It is unlikely that the Moros will give up their struggle and Marcos has enough problems with his other political opponents to pressure him into a compromise.

41. Because of the deterioration of his support, Marcos has been urged by his own supporters to make provisions for an orderly succession of power within the martial law regime. He has hesitated to name a successor officially, perhaps for fear of triggering a power struggle. More recently, the President has placed the eventual choice of his successor into the hands of the Interim Assembly, but the Assembly is not accepted as legitimate by those who regard its members as docile servants of the Marcos regime.

42. In these volatile circumstances, the power bases of each group, untested for nearly a decade in the open arena of congress, are highly unpredictable. The old politicians displaced by Marcos, now living in exile or limited in their political action if still residing in the Philippines, have benefited from Marcos' unpopularity and the unity of being in opposition to a nondemocratic government. However, these politicians, including such prominent exile figures as Aquino and Manglapus, did not escape the general discrediting of politicians that brought on the crisis of the late 1960s and early 1970s. If they were to become viable political contenders once again, the popular image of the corrupt politician could detract from their popularity as much as it could from that of Marcos.

43. The technocrats, too, in theory could comprise a political force, but they have never had to demonstrate or cultivate a base of support. There is no evidence that the economic expansion of the first five years of martial law has created a favorable image of the technocrats that could offset the blame they have incurred for the sluggish growth, higher inflation, and unemployment of the past few years. Nor is there any indication that the technocrats have established a political alliance with any domestic economic or social sector except for the small circle of Marcos associates who would be in a highly precarious position in the event of Marcos' downfall.

44. The combination of Marcos' declining popularity, the tenuous support for the traditional politicians of the opposition, and the absence of support for the technocrats leaves a vacuum that may well be filled by the military. Even in 1972, before the military had gained the status and resources it now enjoys, the possibility of a military coup d' etat was plausible enough to occasion widespread speculation. Now that martial law rather than military intervention bears the onus for untracking Philippine democracy, the military could be expected to be even less restrained on the grounds of reluctance to undermine the democratic tradition. Furthermore, one consequence of the military's greater involvement in the operation of state-controlled enterprises has been that the armed forces now have greater institutional stakes in maintaining this system intact, and therefore may be more prone to intervene in order to protect these interests.

45. For the short term (i.e., the next three years), however, military intervention against Marcos is unlikely because of the close ties between Marcos and the top officers. The armed forces have been expanded greatly under martial law, and much of that expansion has entailed the recruitment and rapid promotion of the President's fellow Ilocanos. There has been in particular a rapid expansion in size, armaments and authority of the Philippine Constabulary, the country's internal peacekeeping force. Eighteen of its 22 generals (at a recent count) were from the Ilocos region. The key and most favored element of the Constabulary is the Presidential Security organization under the command of General Fabian Ver, the President's cousin and close confidant, who also controls a formidable intelligence net. Presidential security is organized physically into serveral rings. At the center is the almost wholly Ilocano presidential guard, a large and well-equipped force barracked in the presidential palace grounds. Next comes METROCOM, the Manila area constabulary command which is also heavily Ilocano in composition. It can command the police forces of Greater Manila as well as various private security agencies, both of which too consist largely of Ilocanos. North of the Capital are two more strong and reputedly heavily Ilocano units, the First Infantry Division at Fort Magsaysay, and Task Force Lawin, a multi-service force employed ordinarily to pursue the New People's Army. Finally, it is reported that all young men in the Ilocos region receive special military training, a privilege or duty not shared by their fellows in other regions.

POLICY SHIFTS IN THE POST-MARTIAL-LAW ERA

46. For the Philippines' political future beyond the next 3-5 years it would be difficult to rank the likelihood of the three plausible scenarios: continued control by Marcos, restoration of democratic practices dominated by the current opposition, and military intervention. Each would imply a different atmosphere for the choice and implementation of economic policy.

47. The economic policy preferences of a military government are completely uncharted, since the common front presented by Marcos and his allies, including the military, may or may not conceal significant differences in preferred approaches. Moreover, if a military government were to assume power some time after Marcos was deposed, the composition of the top echelons could be quite different from what it is today—e.g., less dominated by pro-Marcos Ilocanos. Only two considerations can be stated with any degree of confidence. First, the younger officers, whose political attitudes were molded by the more radical period of the 1960s, will be assuming higher positions within the military in the coming years. Second, the military, given its expectable preoccupation with national security and self-reliance, is likely to be at least somewhat more nationalistic in its orientation than Marcos has been.

48. Somewhat more confident speculations can be developed for likely political effects bearing on the prospects of the current economic approach under the scenario of restored democratic practice, under either a presidential-congressional or parliamentary system:

(a) In as much as Congress was, and probably again, would be more sensitive than the executive to local constituency interests, regional development (i.e., the balance of regional development supported by central government investments and policies) would probably be more even-handed, rather than dictated by economic forces, the president's priorities, or a coherent regional policy.

(b) Because the "technocrats" have been strongly associated with the incumbent administration and with the current economic strategy, rather than cultivating a neutral image, their (at least temporary) removal from positions of policymaking is likely, should the government change hands. The technocrats have no power base except through their connection with Marcos and his close allies, making it unlikely that they could battle back into power unless and until the new administration wants them.

(c) The nationalist position of Marcos' opposition commits them to support nationalist legislation, even if at rather high economic costs. If not, the precarious interclass coalition cemented by the nationalism issue would be jeopardized. An industrial program based on foreign investment would in all likelihood come under strong attack.●

JAMES HANLEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RODINO. Mr. Speaker, the House Post Office and Civil Service

Committee is losing a dedicated and effective chairman with Jim Hanley's departure from Congress.

While best known for his expertise and knowledge of operations of the executive branch and the Postal Service, Jim Hanley has served the Nation in other important areas. In 1975, he headed a Banking Committee task force studying the effects of economic recession in the American automobile industry. In 1976 he was cochairman of an ad hoc committee established to study the fiscal crisis of New York City. From 1974 to 1976 he served on the Commission to Review the National Policy Toward Gambling.

In the international field, Jim represented the Congress on a factfinding mission to Europe in 1978. In 1979 he represented the Congress on an official visit to the People's Republic of China, and during the 94th, 95th, and 96th Congresses he has served on the United States-Canada Interparliamentary Group.

I hope we can look forward to the benefit of Jim's advice and counsel in the years ahead.●

NATIONAL SECURITY ISSUE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. CHARLES H. WILSON of California. Mr. Speaker, with the national security issue foremost in everyone's mind during these times of increasing international tension, it is appropriate that a recent speech presented by Mr. John Ford, staff director for the Armed Services Committee, be reviewed by each Member.

Mr. Ford's observations and comments on our defense posture and the need to further support our capabilities with meaningful dollar expenditures. Mr. Ford has called upon the people, the Congress, and the defense community to recognize that:

> There are some difficult problems which do not admit of rapid solution and which cannot be solved solely by money in the defense budget. We will fall far short of what is needed to maintain our current forces throughout this century if we continue "business as usual".

I recommend that each of you read Mr. Ford's statement and I insert it in the Record at this time:

Speech to American Defense Preparedness Association, November 20, 1980

(By John J. Ford)

I don't think any one here would quarrel with the conclusion that the election results reflect, among other things, a deep uneasiness on the part of the American voter about our defense capability relative to the Soviet Union and our capacity to protect our interest on the world stage.

In certain quarters the results are seen as a great and sudden upsurge in the support for national defense programs among the electorate. It is my own view, if one looks at the matter over the perspective of time, that it is more correct to say that the American voter is returning to his historic position regarding national defense.

We have come through a period of about 10 years where there was a strong and extraordinary resistence to expenditures on defense programs; a resistence due mostly to our involvement in an unpopular war.

That defense had for too long taken up too large a part of the federal budget was a view held sincerely by a substantial number of members. But equally important was the perception that such a view reflected the opinion of a majority of the American people, a perception enforced by the media and by oft-quoted prominent individuals in academia and other walks of life. The reaction to the war sometimes created remarkably intense and persistent reaction to national security policies entirely unrelated to the war in the first place.

It is my belief that the movement opposing defense spending was an aberration that has historic parallels to other post-war periods, and what we are seeing now is a return to a normal position on the part of the majority of American voters vis-a-vis national defense. The American blue collar worker, the American farmer, is rather inspiring in his unfailing capacity for common sense. And his basic position is to keep your powder dry and be ready to defend yourself.

Whatever your view of history, however, all seem to agree that the recent election culminates the return of a consensus in support of an adequate national defense budget. When some of the most noted defense budget slashers are turned out of office, when George McGovern comes out for a new manned bomber before the election, and when Eldridge Cleaver comes out for a return to draft registration, surely you can be forgiven for concluding that the millenium has arrived.

Certainly a sense of euphoria is in the air these days in the Pentagon. So the euphoria is understandable and I would not want to dampen it. But we might reflect that elections provide votes and support, and maybe mandates, but what they do not automatically provide is money.

And if we say that we now have support for adequate defense budgets, we have to ask ourselves what do we mean by "adequate." So I think we might take a few minutes to talk about what we are facing in terms of defense budget requirements. When we do I think we are going to see that we are faced with the necesssity of changing the way we do some things if we are going to have the dollars that many of us think we need. And finally, I think we might reflect on the fact that there are some difficult problems which do not admit of rapid solution and which can not be solved solely by money in the defense budget.

The result of the 10-year period that I refer to as an aberrant period in terms of public support for defense programs, coupled with the budgetary diversion during the Vietnam War, has meant about a 15-year period of deferred modernization for our armed forces.

Now everybody knows about the deferrals in strategic programs—that our manned bomber production line closed in 1962; that the Minuteman was in place in the early 60's; that the Trident is coming along so late in the replacement cycle that it looks doubtful that we will have sufficient tubes at sea before the Polaris and Poseidons reach their normal retirement point. Everybody knows that because all 3 legs of the strategic triad need to be modernized, the price tag is going to be enormous.

If you look at the approach of those who were trying to cut defense budgets in the early and mid-70's, they invariably concentrated their attack on specific high-cost programs—the B-1, the nuclear carrier, and so on. They spent very little time looking for dollar savings in other areas. I hope that the new leaders of the Pentagon are not going to make the same mistake in reverse; that they are not going to equate adequate readiness solely with rapid completion of strategic modernization programs, necessary though such programs might be.

In press reports of defense increases being studied by the new administration, the emphasis is heavily on strategic programs, and of the names mentioned as working on defense transition matters, the majority appear to be men who have made their reputations as experts on strategic policy.

But it is not just in the strategic programs where modernization has been deferred. It is a pervasive condition throughout the armed forces. We have been for several years in a blivet situation—trying to put 10 pounds of defense in the 7-pound bag we were willing to buy.

And I am concerned that we might neglect the high/low mix—requirements of high priority but low visibility.

Mr. Jim Wade, the Special Assistant to the Secretary of Defense for Atomic Energy matters and one of the most distinguished public servants who has served in the Pentagon, has calculated that the current replacement value of all equipment in the present inventory of the military services in constant fiscal 1981 dollars is about $1.5 trillion. To maintain this inventory at the current level and with the current average retirement ages, would require an annual procurement budget of over $56 billion. I am talking here of all kinds of equipment—combat vehicles, helicopters, ships, aircraft, missiles, guns, torpedoes, radars, strategic and space systems, and so on. Again, this assumes maintaining the present average retirement age (that is something like 25 years for combat vehicles, 20 years for helicopters, 30 years for surface ships and submarines, 25 years for aircraft, and so on.)

The fiscal 1981 appropriation bill for defense, as it passed the House, contained—even with a $3.6 billion Congressional add-on—$44.2 billion for procurement. It can be seen that this is about $12 billion short of the annual replacement cost. If we do not adequately fund replacement costs it means that equipment gets older or the size of the force is reduced. Keep in mind additional costs are involved if one talks about increasing the size of the force, that is, the numbers of systems.

Another factor that plays in this consideration is the growth in unit cost. Mr. Wade has estimated that over the past 20-30 years successor systems have been more costly than their predecessors in constant dollar terms by roughly 5.4 percent per year. So this unit cost growth requires an equivalent growth in the procurement account as a whole just to stay even. If the growth in the procurement account does not match or exceed the growth in unit cost, then either the age of the systems in the force will rise, or the inventory level will decline.

Non-procurement accounts are likely to be level or to increase and provide no cushion to make more funds available for procurement. For example, military retired cost will likely continue to rise until the mid-1990's; personnel accounts are likely to rise because of increased pay requirements; O&M accounts are likely to demand increases related to an attempt to improve short-term readiness. Other areas, such as the military construction program, are expected to take about the same level of budget dollars as in the past.

In addition, there are some areas of defense capability which have been almost wholly neglected and where further deferral creates significant future risk. To name just two examples:

Our nuclear facilities base, the laboratories and plants producing material for nuclear weapons, has been almost wholly deprived of modernization funds for more than a decade and extensive and inevitably costly rebuilding programs can not be put off much longer.

In the area of chemical warfare, offensive capability is almost nonexistent and our defensive capability not much better. We lack the means to protect our troops from offensive capability that we know the Soviets possess. If you still believe that the Soviets are not prepared for offensive chemical warfare, then you probably also believe that the tooth fairy is going to bring each of you a B-1 for Christmas.

Mr. Wade concluded, in his gloomy analysis, that we will fall far short of what is needed to maintain our current forces throughout this century if we continue "business as usual."

The saving clause is "business as usual"—how can we change it to buy what we need for less.

PROCUREMENT PROCESSES

The climate of change that ushers in the new year will provide an opportunity to examine some basic ways we do things in our defense establishment.

We are told the election results are a mandate to eliminate waste, inefficiency and frills. Surely the electorate which is prepared to see a substantial increase in defense spending is going to demand elimination of inefficiencies as part of the bargain.

There are a number of areas where we are almost compelled to look for better ways of doing things. One such is our industrial capability.

As most of you know, a panel of the Armed Services Committee is presently looking into the defense industrial base. The panel has had extraordinarily interesting hearings to date and we are all waiting eagerly for its report.

The panel's efforts have spotlighted some serious problems: the long lead requirements for critical components of weapons systems; the problems of capital formation and plant modernization; limitations on multi-year contracting; the critical problem of strategic materials. (For some reason the Good Lord put a substantial portion of the strategic minerals of the world south of the Zambezi River in Africa.)

Solving some of the problems of our defense industrial base is going to take time.

But there are other areas ripe for change. In particular, I suggest we ask if money can be saved in our processes as well as in our programs.

First of all, I think we have to concentrate on trying to take steps out of the procurement process. In the 60's it took on the average 8 years to get a weapon system from the drawing board to deployment. At the present time it is over 10 years. By contrast, the Polaris submarine went from the drawing board to deployment in less than 5 years. Nike-Ajax was developed in 2 years, Hawk in 5. Additional restraints and hurdles have been placed in the procurement process from time to time in response to specific problems. But they have been institutionalized and made rigid. The effect has been to stretch out the development process. At the same time, there has been a tendency to treat as if chipped in stone new procedures and policies so that they stay in effect irrespective of changes in the economic climate. Do procurement policies that went into effect at a time when the annual inflation rate was 3 percent still make sense today?

Wouldn't it be a marvelous morale booster for our own military officers and wouldn't it be a marvelous signal to send to the Soviets if we could again deploy a major needed system in less than 5 years?

If the electorate responds so well to promises to reduce excessive federal regulations, how much joy could we provide them by simplifying defense procurement regulations—and how much money could be saved?

At last count Federal procurement regulations numbered 64,000 pages. And half of those were in the Department of Defense. Of those 64,000 pages, approximately 22,000 are revised annually. There are more than 5,000 detailed Federal product specifications and performance standards. Contract provisions tell federal suppliers, and sometimes their subcontractors, how they must perform their accounting functions, report their costs, and keep their records, and these apply in some cases to contracts as low as $2,500.

To the extent that these regulations discourage some people from participating in defense business means a reduction in competition. We still have less than half of our defense contracts on a competitive bid basis. This is true although studies have consistently shown that competitive procurement when feasible reduces federal cost.

There is one Rand Corporation study which found procurements where items developed were quite similar to commercial products but the cost was 100 percent higher.

Modest reforms of federal procurement procedures could produce large savings.

A forthcoming CBO study, under the exceptionally able leadership of David Chu and Bob Hale, estimates that by increasing the volume of defense procurement subject to competition from 44 to 60 percent and eliminating excessive implementation of federal specifications and standards on about half of all major weapons procurement, spending in the first full year could be reduced by $1 billion. This could go to about $5 billion in the fifth year, the report estimates.

DON'T REINVENT THE WHEEL

I think as a concomitant of such an effort we ought to provide a severe penalty for the next procurement manager who reinvents the wheel.

I wonder how much could be saved over time in small and unglamorous procurements by a more vigorous use of off-the-shelf procurement and by resisting the temptation to have a full-cycle development program where none is needed.

But let me recite one small example of what I am talking about; the kind of things that never make the headlines or, perhaps, never make it to the attention of top policy-makers.

Commercial long-haul cargo is almost totally containerized today. The Army has a long-standing problem in its capacity to handle containers, either over a beach or in the field. The British Army had the same problem. In 1977, the British Army went to a commercial firm that had produced a lightweight container handling system, tested the equipment at the manufacturer's site, and found it acceptable. As of this date, the British Army has fielded some 40 systems, for example, with their forces in West Germany. The British have incurred only the negligible administrative cost of witnessing and evaluating the test conducted by the commercial developer (to British Army standards) plus the cost of purchasing the 40 systems. The British cost for the systems was about $2 million.

The system as I understand it consists of 4 electro-hydraulic jackposts and an electric console. The system efficiently transfers containers on and off transportation vehicles, such as trailer trucks, in 30 minutes or less it does not require any highly trained personnel or complicated additional expensive equipment. Operator training can be completed in less than one hour. It is particularly suited to field locations where the volume of use does not warrant very expensive high-tonnage cranes or the use of specially trained personnel.

The system costs approximately $50,000 per unit; the piece of equipment that will perform the same task is a 30-ton crane, costing between $170,000 and $200,000.

The U.S. Army was introduced to the system, at the initiative of the U.S. Foreign Science and Technology Center, at the time as the British Army. The U.S. Army, after a field demonstration in August 1977 at Fort Story, Virginia, purchased two trial units and has tested them intermittently over the last 18 months. So far, all U.S. testing has been very favorable and the manufacturer has developed and incorporated some improvements as a result of constructive comments from U.S. Army tests.

Drafts of proposals have circulated in the Army since May 1978 but to date no formal requirement has been approved for this type of equipment.

An Army document, a draft Letter of Agreement, notes that about $2 million has been spent to date in engineering development (there are zero R&D dollars spent) and provides a likely funding profile that projects expenditures of about $1.7 million in current dollars between now and FY 1985. (The document, incidentally, refers to "fly away cost" of $52,000 per unit.) The document calls for an approved letter of agreement in the second quarter of fiscal year 1982 and complete evaluation of the candidate equipment in fiscal year 1983.

This document, incidentally, was coordinated through about 11 Army commands.

In other words, the Army has spent $2 million for testing with the prospect of spending almost another $2 million for more testing through 1985. In contrast, the British have 40 systems in the field providing improved logistics readiness, plus actual in-use field testing.

Somebody has to tell me how a country that can plan, lay out and achieve a program to go to the moon in 9 years needs 7 years to test and field a piece of equipment to handle containerized cargo.

There are, I am sure, many other examples like this that one can find where millions of dollars could be saved by shortening and simplifying the decision and procurement process.

It also occurs to me that buying to the maximum extent possible from off-the-shelf procurement has a direct impact on the readiness of our defense industrial base. To the extent that we are buying commercially available equipment, there is a production facility in readiness that we do not have to create and bring on line. And we would have a built-in product improvement program since the manufacturer has his own incentives for making periodic improvements in his equipment.

By the way, there is in this document an annex called the "mission profile." It includes the following on the "threat": "The lightweight container handler is vulnerable to those threats specifically directed at ammunition supply points and low volume expedient-type container handling operations. These threats include nuclear, non-nuclear, air and missile strikes, artillery fire, and direct action by helicopter assault and special operations forces, and chemical attack and air delivery munitions."

In other words, it's going to be in the war zone so it's likely to be hit by the weapons that everything else in the war zone will likely be hit by, but somebody feels compelled to put that information down on paper.

Finally, as I stated earlier, there are some problems which do not admit of rapid solution and which are not going to be solved wholly by adding money to the defense budget.

The paramount problem in this category is manpower.

There are serious manpower problems in the Defense industry that have to be addressed chiefly by organizations such as yours. The Ichord panel has found that there will be a projected shortage of 250,000 machinists in defense industry by 1985. A concomitant of this is the shortage of engineers. You might reflect on the fact that the Soviets graduate 300,000 engineers a year compared to our 50,000.

We are still not certain what the computer age will do to us in terms of skilled manpower requirements. Mr. Dale Church, until recently the Deputy Under Secretary of Defense for Acquisition Policy, projected that if the growth in the use of computers continued at its present rate, by 1985 every man, woman and child in the United States would have to be a computer programmer for DOD to meet its software requirements.

The most critical manpower problem, however, and perhaps the most critical problem in the whole national security arena, is in the armed forces.

Not only are we not achieving the retention we want, but the quality of new recruits is low. More than one in three service members do not complete their first enlistment. Education levels have dropped. The Army has been getting a decrease in the proportion of high school graduates at a time when the nation as a whole has been achieving a higher percentage of high school graduates.

The Reserves are short hundreds of thousands of men.

The essential point is that the Army is not getting a cross section of American youth. The brilliant sociologist Charles Moskos, of the University of Chicago, states that we have allowed a situation to develop where the middle class is not represented in the all-volunteer force.

The Congress has approved recently a return to draft registration. But there is still substantial resistence in our society to the idea of returning to compulsory service, and idea which is a fact of life, by the way, in virtually all other western democracies.

I wonder what it says about a society if the children of the middle class are led to believe that they can have all of the benefits of our society with virtually no thought of being liable to some service to their country?

If we are not prepared to deal with conscription, could we not at least make volunteer service a prerequisite for federal largess?

Mr. Moskos points out that what we have now is the GI bill without the GI. The simple fact is that educational benefits now available conflict with the efforts of the all-volunteer force to attract the most qualified youth.

For 1980 alone, federal aid to college students, in various grant and loan programs, will reach more than $4.4 billion and this is projected to increase to over $7 billion by 1985. For some of these programs there is no needs test whatsoever. It is paradoxical that those who are the strongest supporters of educational programs are most strongly against conscription. Yet the competition to military enlistments by these free options for advanced education are major reasons why we may be drifting back toward conscription.

I commend to your attention the proposals of Mr. Moskos, incorporated in an article in the Public Interest in the Fall 1980 issue. He proposes a program of national service in exchange for educational benefits and a GI bill to assure the highest benefits go to those who serve on active military duty.

In summary, gentlemen, my message is that resources allocation is still the name of the game. And my thesis is that in time of budget increases, priority decisions are tougher than in time of budget decreases.

But we have an atmosphere, a climate that allows for fruitful change. And if we are going to improve the military posture of the United States, there is plenty of work available for all of us.●

TRIBUTE TO CONGRESSMAN BOB WILSON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with profound respect that I rise to pay tribute to one of our Members who will be retiring this year after 28 years of service to this body.

Bob Wilson has been an outstanding representative of the people of San Diego, Calif., through almost three decades of enormous change in that area of the country. He has been a loyal member of the opposition having served for many years as chairman of the National Republican Congressional Committee.

Bob Wilson's continuous fight to assure that our Armed Forces are the best equipped, the best trained, and the best supported military force in the world has been admired by all Americans. His role as ranking minority member of the Armed Services Committee has been a meaningful contribution to our national security.

As one who has admired and respected Bob Wilson for 22 years, I want to add my congratulations to the many others of his friends who honor him today.●

TRIBUTE TO BOB WILSON

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FOUNTAIN. Mr. Speaker, I wish to pay tribute to my distinguished colleague and dear friend, Bob Wilson. This Chamber will surely miss the eloquent voice and steady, competent head and hand of the honorable gentleman from California.

Bob and I started our long and fruitful friendship when we entered the 83d Congress together back in 1953. It may be of interest to note that our class of incoming legislators in that year is still admirably represented by Speaker Tip O'Neill, Minority Leader John Rhodes, and Government Operations Chairman Jack Brooks. In fact, I believe as a group, those of us who came here to the 83d Congress rank fifth in the House.

Our freshman class started what is known as the 83d club; and although we do not have an opportunity to get together very often anymore, we recently had the honor of visiting with Bob and his lovely wife, Shirley, in their home here in Washington. That get-together provided a chance for many of us to reminisce about the past, and think about the future, not just the Congress, but of America.

However, reflecting on a future Congress without Bob Wilson is a very difficult experience.

Bob, who has been the ranking member on the House Armed Services Committee, has always been a staunch defender of a strong American military posture. And while Bob and I are members of different political parties, we have shared the goal of a strong national defense.

Indeed, in his nearly three decades in Congress, Bob has always been an able and conscientious voice in this body.

As an ally in the fight to reduce Federal spending and balance the budget, Bob has been a guiding light in the quest to return Government to fiscal responsibility. Furthermore, Bob has been in the forefront of those of us who are trying to diminish the overbearing power of the Federal Government in the lives of individual Americans. In other words, Bob has been an articulate spokesman for less Government intervention and more freedom for the people of this country.

Mr. Speaker, I am proud to have served with Bob Wilson; and I feel very fortunate to have been his good friend for these many years.

Bob has been a partisan in the best sense of the word—a strong ally as well as a noble adversary.

I share with my fellow Members a great sense of loss; but I know this country is a better place, having been served so devotedly and courageously by Bob Wilson.

For myself, and my wife, Christine, I want to wish him and his lovely wife, Shirley, an abundance of success and good health wherever they may go or reside and in whatever they undertake together.●

A TRIBUTE TO JOHN F. SNEDEKER

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. O'NEILL. Mr. Speaker, John F. Snedeker has served the Commonwealth of Massachusetts and its citizens in a manner that has been characterized by both an administrative excellence and a generous pattern of response to the needs of the community.

As commissioner of the metropolitan district commission, and most recently, as executive director of the Boston Water and Sewer Commission, Jack Snedeker has demonstrated a commitment to the public which is both unique in its approach and inspiring in its spirit.

During his tenture at the metropolitan district commission, Jack Snedeker was publicly recognized for his program development and policy implementation. In his capacity as commissioner of the metropolitan district commission, he was responsible for the reform of its personnel system, for managing three July Fourth Arthur Fiedler Esplanade Concerts which attracted over 1 million citizens, and in addition served as director of the metropolitan district commission storm control center, which served as the base of operation for the Commonwealth of Massachusetts during the great blizzard of 1978.

In November of 1978, the Massachusetts Chapter of the American Association of Public Administrators honored Jack by naming him their "Public Administrator of the Year."

In December of 1978, Jack Snedeker became executive director of the Boston Water and Sewer Commission. In less than 2 years in that position he has lowered and stabilized the city's water rate, has restructured the billing and customer service system, and has established both short- and long-term programs for the rehabilitation and repair of the Boston water and sewer systems.

Currently Jack is serving as the Massachusetts chairman of the United Cerebral Palsy Telethon to be held in January 1981.

As he leaves public service to embark upon a new career, Jack Snedeker leaves a void which will be difficult, if not impossible, to fill. He deserves all the accolades which he has received and takes with him the best wishes of those who have worked with him in the past.●

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON HEALTH AND SAFETY FOR THE 96TH CONGRESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. GAYDOS. Mr. Speaker, as chairman of the Subcommittee on Health and Safety I would like to report to the Members of the House on the subcommittee activities during the 96th Congress.

The subcommittee has general jurisdiction over matters related to the health and safety of workers, and the health and safety of youth campers.

Specifically, subcommittee jurisdiction encompasses the following public laws: Occupational Safety and Health Act of 1970 (91-596), Federal Mine Safety and Health Act of 1977 (95-164).

The subcommittee, during 1979 and 1980, held 60 days of oversight hearings on the following laws within its jurisdiction:

(a) Occupational Safety and Health Act of 1970—37 days.

(b) Federal Mine Safety and Health Act of 1977—23 days.

Additionally, the subcommittee conducted a field trip to Tinker Air Force Base in conjunction with its oversight of the Occupational Safety and Health Act, and field trips to southwestern Missouri to visit surface and underground limestone mines, and to Nucla, Colo., to visit uranium and vanadium mines in conjunction with its oversight of the Federal Mine Safety and Health Act of 1977.

LEGISLATIVE ACTIVITIES

A. MINE SAFETY AND HEALTH

The Federal Mine Safety and Health Act of 1977 was enacted into law on November 9, 1977.

Commencing in early 1979, certain bills were introduced to amend the Act by excluding stone mines and sand and gravel mines from the jurisdiction of the Act. While the main impetus for these bills came from the concern of operators of stone mines and sand and gravel mines with the training standard promulgated by the Mine Safety and Health Administration (MSHA), other interested and affected parties expressed concern over other aspects of the Act and its enforcement.

Accordingly, the Subcommittee believed that extensive oversight hearings were called for and such hearings were held in 1979 and 1980.

The various organizations and businesses which would have been affected by the bills introduced in 1979 and 1980 to amend the Federal Mine Safety and Health Act of 1977 testified during the oversight hearings. This is discussed at length further in this report under "Oversight Activities".

B. OCCUPATIONAL SAFETY AND HEALTH ACT

The main thrust of the Subcommittee's activities involved extensive oversight of both occupational safety and health of the federal employee as well as the effectiveness and the relationship of state OSHA plans with the Occupational Safety and Health Administration.

The Subcommittee did not conduct any legislative hearings.

OVERSIGHT HEARINGS

A. MINE SAFETY AND HEALTH

I. Background

Prior to 1977 metal and non-metallic mines were subject to the jurisdiction of the "Federal Metal and Non-metallic Mine Safety Act of 1966" and coal mines were subject to the jurisdiction of the "Federal Coal Mine Health and Safety Act of 1969".

There were certain differences in the manner of implementation of each Act, but by 1977 it was apparent that the accidents, injuries and fatalities in all types of mines were unacceptable.

Accordingly, in 1977, the "Federal Mine Safety and Health Act of 1977" was enacted into law. It provided, inter alia, for:

1. The repeal of the "Federal Metal and Non-metallic Act".

2. The merger of all mine safety and health jurisdiction under one Act—with separate standards for the specific types of mines.

3. Transfer of the jurisdiction for mine safety and health from the Department of the Interior to the Department of Labor.

4. A minimum of four annual inspections of all underground mines and a minimum of two annual inspections of all surface mines. (Heretofore only underground coal mines were required to have a minimum of four annual inspections.)

5. Each mine operator was required to prepare a training plan, approved by the Mine Safety and Health Administration and to provide 40 hours of training to new underground miners and 24 hours of training for new surface miners, with hazard training for all others and an annual refresher training of eight hours for all miners.

6. Mandatory citations and fines for all violations.

7. The establishment of the independent "Federal Mine Safety and Health Review Commission".

Early in 1979 concern was expressed by representatives of the stone and sand and gravel industries with respect to the implementation of the safety and health training requirements of both the Act and the Standard issued pursuant thereto.

In response to these concerns the Subcommittee instituted oversight hearings on March 20, 1979, which continued on through September 30, 1980.

Certain Members of Congress testified before the Subcommittee, as well as representatives of the following:

National Limestone Institute, Inc.
National Crushed Stone Association.
National Sand and Gravel Association.
National Industrial Sand Association.
National Clay Pipe Institute.
Assoc. General Contractors of America.
North Carolina Aggregates Association.
Pennsylvania Aggregates Association.
United Cement, Lime & Gypsum Workers International Union, AFL-CIO.
Industrial Union Department AFL-CIO.
National Lime Association.
National Association of Counties.
United Steelworkers of America AFL-CIO.
Mine Safety and Health Administration Secretary Lagather.
American Mining Congress.
National Constructors Association.
United Mine Workers of America.
Building & Construction Trades Dept. AFL-CIO.
Association of Bituminous Contractors.
Western Small Miners Association.
Certain small owner-operators of Anthracite Mines.

During the Hearings the following concerns were expressed with respect to the Act and its implementation:

1. The training requirements of the Act were too onerous on small operators.

2. On-site consultation was not available to mine operators.

3. The citation and assessment procedure was uncertain and unfair.

4. Mine operators were cited for violations committed by independent contractors.

5. MSHA was applying coal mining standards to noncoal mine operations.

6. The standards enforced by MSHA were vague and uncertain and allow for arbitrary interpretation and enforcement.

7. The Act should not apply to stone, sand and gravel and clay mines.

8. The Act should not apply to surface mine construction.

9. The Act should not apply to small owner-operator metal mines.

10. The Act should not apply to small owner-operator anthracite coal mines.

II. Summary of Hearing Testimony

1. The training requirements of the Act were too onerous on small surface mine operators.

In support of this, certain industry representatives contended that even though a new employee had prior experience in the operation of equipment, such as a bulldozer at a construction site, that when employed at a sand and gravel mine or a stone mine, he must be given 24 hours of training. Assistant Secretary Lagather categorically denied this to be required by MSHA. He stated that with respect to surface mines, where a new employee has experience operating equipment at a site other than a mine, he only has to be shown by the operator the particular hazards he may be exposed to. This could take ten minutes or an hour, depending on the particular mine site. In response to queries concerning the nature of training plans required by MSHA, Mr. Lagather stated in his testimony that most of what MSHA requires is very minor. He noted that not only does MSHA provide the operators with assistance in preparing these plans, but it also provides them with the forms. Furthermore, according to Mr. Lagather, there are many plans that are only one, two, or three pages, and much of this only calls for checking off those specific items in the MSHA form which pertain to a given mine site.

It became clear throughout the hearings that there was a substantial amount of misinterpretation and understanding concerning the application of the training standard, i.e., that a soft drink vending machine salesman had to be given extensive training or that other visitors such as "rock hounds" had to be provided training by the operator. Assistant Secretary Lagather denied this, and stated that the operator's obligation was simply to point out the specific hazards such person would be exposed to. This could be accomplished by a check list, signs or oral instructions.

2. On-site consultation was not available to mine operators.

When initially alleged by industry representatives in early 1979, this was true. But in November 1979, Assistant Secretary Lagather announced the initiation of a compliance assistance visit (CAV) program in non-coal mining operations, whereby operators could request such visit without any citations to be issued in the following situations:

a. A new mine not yet producing,

b. Seasonal, closed or abandoned mines prior to reopening,

c. New installations or new equipment in an operating mine prior to their becoming operational.

As of September 1980, there were 2,126 compliance assistance visits, of which 1,800 involved stone mines and sand and gravel mines.

3. The citation and assessment procedure was uncertain and unfair.

In support of this contention industry representatives stated that the system of proposing fines leads to an uneven application of consideration of negligence and good faith points. Additionally, it was contended that the procedure for contesting citations and assessments did not provide operators with a reasonable opportunity to resolve the matter prior to consideration by the Federal Mine Safety and Health Review Commission.

During his appearance before the Subcommittee on October 30, 1979, Assistant Secretary Lagather stated that he had some concerns with respect to the manner of assessing fines, and stated his intention to undertake a comprehensive review of the assessment system.

This review has been completed. On November 7, 1980, the Mine Safety and Health Administration issue a proposed rule "which would make significant changes in the current rules for proposing civil penalties. . ." All interested parties have 90 days within which to submit comments on this proposal.

The proposed rule specifically addresses the application of the negligence and good faith criterion.

4. Mine operators were cited for violations committed by independent contractors.

This condition did in fact exist during 1979, as there were no standards defining an independent contractor.

But on July 1, 1980, the Mine Safety and Health Administration published its final rule setting forth the procedures and requirements for the identification of independent contractors. This rule states that independent contractors will be responsible for their own violations.

5. MSHA was applying coal mining standards to non-coal operations.

While stone and sand and gravel industry representatives contended that coal mining standards were being applied to non-coal operations, what in fact they were saying is that two standards, namely, the training standard and the standard for the assessment of civil penalties did not distinguish between coal and non-coal operations.

But, all the other standards being implemented with respect to stone and sand and gravel mines were those standards issued pursuant to the Federal Metal and Non-metallic Mine Safety Act.

Even with respect to the standards on training and assessment of civil penalties, however, those were not "coal Mine standards" but rather "mine" standards. The training standard did not require stone and sand and gravel operators to provide training that was applicable only to coal mines. Rather, the standard required them to train their miners with respect to the hazards in their particular mine.

Furthermore, the standard for the assessment of fines did make a distinction in the basis of evaluating the size of an operator, i.e., work hours for non-coal and tonnage for coal.

6. The standards enforced by MSHA are vague and uncertain and allow for arbitrary interpretation and enforcement.

This was a basic criticism made by the stone and sand and gravel industries.

But it must be considered that those standards which were issued pursuant to the 1966 Act were generally considered advisory in nature. Furthermore, the 1966 Act did not provide for the issuance of citations and the assessment of fines.

The 1977 Act, however, with the requirement of minimum annual inspections and mandatory citations and fines, was intended to strengthen the heretofore weak protection afforded metal and non-metallic miners. Accordingly, many standards which may have been glossed over before are now mandatory.

But Assistant Secretary Lagather, has, in any case, undertaken an extensive review of the standards which pertain to metal and non-metallic surface and underground mines. The advance notice of this proposed rulemaking occurred on March 25, 1980.

There has been a significant response by industry and MSHA is currently reviewing the comments it has received, and plans to provide industry representatives with an additional opportunity to participate in drafting the revision and/or revocation of existing standards and the issuance of new standards.

7. Sand and gravel and stone mines should not be subject to the Federal Mine Safety and Health Act.

While the industry representatives expressed concern with the training standard, the citation and assessment procedure, and the standards implemented by MSHA, they placed great emphasis on the contention that stone mines and sand and gravel mines were safe operations which should not be included in an Act which pertained to other types of mining. But, Assistant Secretary of Labor for Mine Safety and Health Lagather pointed out that in each year since 1974, sand and gravel and stone operations have consistently accounted for about ½ of all metal and nonmetal mining fatalities. Since 1974, the sand and gravel fatality rate has been consistently higher than the overall rate of all metal and non-metal mines. The injury-severity rate for sand and gravel operations has been consistently higher than the overall metal and non-metal rate for the same period. With respect to stone mining the disabling injury frequency rate has been higher than the overall metal and nonmetal rate since 1972.

8. The Act should not apply to surface mine construction.

The support for this contention came from contractors who perform work at mine sites as well as at other locations. At the latter they are subject to OSHA construction standards, whereas, currently MSHA has no standard applicable to minesite construction.

MSHA has, however, made available for public comment draft mine construction standards and anticipates that the standards will be formally proposed in December 1980.

These standards are virtually identical to the Occupational Safety and Health Administration's construction standards.

9. The Act should not apply to small owner-operator metal mines.

This contention was made by several small uranium-vanadium operators from Western Colorado. The basis for such contention was the operators' concern with the MSHA training standard, the standards applicable to metal mining and the procedure for issuing citations and assessing fines, with the latter being of greatest concern.

As has been set forth in 2, 3 and 6 above, MSHA is currently in the process of addressing these matters.

10. The Act should not apply to small owner-operator anthracite coal mines.

This was the contention of certain small owner-operators of anthracite mines who appeared before the Subcommittee on September 30, 1980.

Basically, they criticized the MSHA inspection, and citation and assessment procedures.

III. Other Subcommittee Activities With Respect to Mine Safety and Health

The Subcommittee has been involved with various other matters requiring a continuing involvement in conferences and discussions with MSHA, industry representatives, labor organizations and individuals. These matters involved, among others:

1. The annual Labor-HEW Appropriations, where amendments were added:

(a) For fiscal year 1980 to exclude the mining of sand, gravel, surface stone, surface clay, colloidal phosphate, surface limestone and shell dredging from the training requirements of the Act, and

(b) For fiscal year 1981, to exclude surface mining of stone, clay, colloidal phosphate, sand or gravel from the jurisdiction of the Act.

2. In the Multi-Employer Pension Plan Amendments Act of 1980, the Senate added language to exclude any surface mining of stone, clay, colloidal phosphate, sand and gravel from the jurisdiction of the Act. This

provision was deleted from the Bill during House consideration.

3. The proposal or promulgation by MSHA of:

(a) Standards for dependent contractors.

(b) Revision of standards for civil penalties.

(c) Review of standards for stone and sand and gravel mining.

(d) Procedure for compliance assistance visits (CAV).

B. OCCUPATIONAL SAFETY AND HEALTH

1. Occupational Safety and Health of the Federal Employee

I. Background

Section 19 of the Occupational Safety and Health Act provides in part:

"It shall be the responsibility of the Head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under Section 6 . . ."

It further provides that the head of each agency shall consult with and make annual reports to the Secretary of Labor who shall submit to the President annually a summary of the agency reports with evaluations and recommendations.

Pursuant to the statute two Executive Orders were issued (prior to 1980), the second of which was issued on September 29, 1974. It set forth detailed provisions on the responsibilities of each Federal agency for instituting and maintaining an occupational safety and health program. It further stated that the Secretary of Labor, "shall provide leadership and guidance to the heads of agencies to assist them in fulfilling their occupational safety and health responsibilities by . . ."

In the ensuing period since 1974, concern has been expressed as to the effectiveness of Federal agencies in complying with the Occupational Safety and Health Act, the Executive Order and the regulations issued by the Department of Labor pursuant thereto.

Accordingly, the Subcommittee conducted 26 days of oversight hearings and one field trip to assess the effectiveness of Federal agency programs.

Appearing before the Subcommittee were representatives of the following:

Dept. of Agriculture.

Dept. of the Interior.

Dept. of Commerce.

Public Employee Dept., AFL-CIO.

Dept. of Housing and Urban Development.

American Federation of Government Employees AFL-CIO.

Metal Trades Dept. AFL-CIO.

National Federation of Federal Employees.

Laborers' International Union of North America AFL-CIO.

National Association of Letter Carriers, AFL-CIO.

Dept. of Transportation—Coast Guard.

Dept. of Transportation—FAA and All Residual Agencies, General Services Administration.

American Postal Workers Union AFL-CIO.

U.S. Postal Service.

National Treasury Employees Union.

Occupational Safety and Health Administration.

Environmental Protection Agency.

Dept. of Justice.

Dept. of State.

Dept. of Health, Education and Welfare.

Federal Communications Commission.

Smithsonian Institution.

Dept. of the Air Force.

Dept. of the Army.

Dept. of the Navy.

Dept. of Defense.

In evaluating the effectiveness of the various Federal agency programs, whose representatives appeared before the Subcommittee, the following general line of questioning was pursued:

(a) Does the "designated safety and health official" have the requisite authority and does he or she, in fact, carry out their responsibilities?

(b) Does the agency have an effective job safety and health inspection program?

(c) Are inspections unannounced?

(d) Does the agency employ qualified safety compliance officers and industrial hygienists?

(e) Does the agency promptly abate safety and health hazards?

(f) Does the agency have an effective accident-reporting system?

(g) Is an analysis made of accidents, injuries and fatalities to determine the appropriate measures necessary to eliminate or reduce them?

(h) What measures, in fact, has the agency taken?

(i) Does the agency have an effective safety and health training program for all employees?

(j) Are employees properly informed of their rights to a safe and healthful workplace?

(k) Does the agency have an effective procedure for responding to employee complaints about safety and health conditions?

(l) Are employees guaranteed protection against discrimination for making complaints of unsafe or unhealthful workplace conditions?

(m) What is the relationship between the agency and employee collective bargaining representatives on safety and health matters?

(n) Does the agency have an effective joint labor-management safety and health committee?

(o) What health research is being conducted by the agency with respect to the existence of possible toxic substances in the workplace?

(p) What is the relationship of the agency with the Occupational Safety and Health Administration?

(q) To what extent does the agency use the services of that organization?

(r) What is the agency's accident-injury-illness and fatality rate and how does it compare with other Federal agencies as well as with the private sector?

II. Summary of Hearing Testimony

In reviewing the occupational safety and health programs of the various Federal agencies, whose representatives appeared before the subcommittee, it became apparent that there are substantial differences in the degree of compliance with the Occupational Safety and Health Act, the Executive Order of September 28, 1974, and the OSHA regulations issued pursuant thereto.

On February 26, 1980, President Carter issued Executive Order No. 12196 revoking the prior Executive Order of September 28, 1974, and setting forth new requirements for Federal agencies to follow with respect to occupational safety and health programs.

On October 21, 1980, the Occupational Safety and Health Administration issued its final rule implementing the Executive Order. According to Assistant Secretary of Labor Dr. Bingham:

"The program elements issued today cover all aspects of an effective safety and health program, including:

The staff and expertise necessary for a federal agency to administer and evaluate its safety and health program;

The responsibilities of the agencies, supervisors and employees;

Mandatory compliance by federal agencies with applicable OSHA standards and conditions under which alternate or supplementary standards may be approved by the Secretary of Labor;

The conduct of inspections and abatement of hazards;

The contributions of OSHA and the General Services Administration to safety and health in the federal workplace;

The composition and authority of labor-management job safety and health committees;

Employee safety and health rights;

Training, recordkeeping and reporting requirements; and

The role of Field Federal Safety and Health Councils.

2. State Occupational Safety and Health Programs

I. Background

Section 18 of the Occupational Safety and Health Act provides in part:

"(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment * * *"

Pursuant to this, 22 states, Puerto Rico and the Virgin Islands, have approved state occupational safety and health plans.

In 1974, litigation commenced with respect to the criteria used by the Secretary of Labor in approving state plans.

This culminated in a decision by the U.S. District Court for the District of Columbia on December 5, 1978, ordering OSHA to establish compliance staffing levels for safety inspectors and industrial hygienists in states with approved OSHA state programs necessary to provide "fully effective" worker protection.

In September 1979, OSHA proposed a draft response to the Court setting out specific bench-marks for each state plan. With minor exception, these bench-marks called for increases in the number of safety officers and industrial hygienists employed by each state plan.

Following the request of certain Members of Congress, the Subcommittee initiated a series of 10 oversight hearings into the effectiveness of state OSHA plans and their relationship with the Occupational Safety and Health Administration. Appearing before the Subcommittee were representatives of state plans for the states of: Kentucky, Michigan, Minnesota, New Mexico, North Carolina, Oklahoma (consultation services only), South Carolina, Virginia, and Wyoming.

Additionally, Dr. Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health testified before the Subcommittee.

During the hearings the state plan representatives expressed their concerns with respect to:

(a) The impact of the "bench-mark" requirements on their respective state OSHA plans, and

(b) What they perceived to be a breakdown in the partnership relationship between state OSHA plans and the Occupational Safety and Health Administration.

II. Summary of Hearing Testimony

(a) The impact of the bench-mark requirements on State OSHA plans

The state OSHA plan representatives contended that, while, in their opinion, additional personnel could be effectively used in their programs, that the number proposed by the bench-marks were not necessary, and that if required to comply with them, the future of their state OSHA plan could be placed in jeopardy. Specifically, they contended that, with respect to industrial hygienists, not only did they not need the number required by the bench-marks, but there would be a serious problem of finding qualified industrial hygienists.

Dr. Bingham pointed out that the proposed "bench-marks" provided a state OSHA plan a five-year period for compliance with the required number of safety inspectors and a ten-year period for complying with the required number of industrial hygienists.

She further stated that a state OSHA plan will have an opportunity to submit specific arguments demonstrating that either an increase or decrease in the bench-mark numbers is appropriate.

Additionally, Dr. Bingham stated that no state will be required to devote more resources than to match the 50% provided Federally.

The proposed staffing bench-mark for state OSHA plans is now under consideration by the U.S. District Court for the District of Columbia. Thirteen state OSHA plans have filed an Amici Curiae brief with the Court setting forth their position with respect to the bench-mark requirements.

(b) The Partnership Relationship Between State OSHA Plans and the Occupational Safety and Health Administration

The various state OSHA plan representatives contended they were not considered equal partners with the Occupational Safety and Health Administration in that there appeared to be a general break-down in the communication between them and OSHA. They contended they were not provided sufficient opportunity to participate in policy development, standard-making, and that their relationship with OSHA was through area and regional offices rather than with the national office of OSHA.

Dr. Bingham stated that the volume of OSHA policy development made it infeasible to involve the states extensively in the many decisions OSHA must make.

She further stated that with respect to standard-making state OSHA plans are encouraged to participate and while several have participated, most have not.

Finally, she stated that with respect to the partnership relationship, "The Federal agency is given a leadership role which does not lend itself to a traditional partnership of equality as I believe a number of states desire. It has been my continued intent and desire to maintain a cooperative and amicable relationship with the states, seeking their input and advice on issues and promoting the continuance of effective state occupational safety and health plans."

III. Other Subcommittee Activities With Respect to Occupational Safety and Health

The Subcommittee has been involved with various other matters requiring a continuing involvement in conferences and discussions with OSHA, industry representatives, state officials, labor organizations, and individuals. These matters involved, among others:

1. The annual Labor-HEW appropriations, where amendments were added for fiscal year 1980 and 1981, to place various limits on the activities of the Occupational Safety and Health Administration.

2. In the Multi-Employer Pension Plan Amendments Act of 1980, the Senate added language limiting the exercise of jurisdiction of the Occupational Safety and Health Administration. This provision was deleted from the bill during House consideration.

3. The proposal or promulgation by OSHA of:

(a) The standard on cancer policy.

(b) The beryllium standard.

(c) The cotton dust standard.

(d) The lead standard.

(e) The labeling standard.

(f) The standard on access to employee exposure and medical records.

4. The issuance by OSHA of the health hazard alert on benzidene, o-tolidine and o-dianisidine based dyes.

I would like to take this opportunity to thank Members of Congress and others who have appeared as witnesses before the Subcommittee on Health and Safety, and I would particularly like to thank members of the Subcommittee who have been so cooperative throughout the 96th Congress.●

TRIBUTE TO HARLEY O. STAGGERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DINGELL. Mr. Speaker, as a tribute upon the retirement of Representative Harley O. Staggers of West Virginia, a sugar maple, the West Virginia State tree, was dedicated in his honor on the U.S. Capitol grounds at 12:15 p.m. The following is a text of my remarks:

Tribute to Hon. Harley O. Staggers: Tree Planting Ceremony

This is a fond gathering of friends, colleagues and admirers of Harley O Staggers. As the 96th Congress draws to a close so does a most distinguished and exemplary House career—a career of accomplishment that has enriched this House and, indeed, the whole of the American people. I need not recite those accomplishments for they are legion.

It is an occasion such as this one that reveals the true inadequacy and single dimension of words of praise for a man of humanity, who deserves and demands far more. Perhaps, nothing more need be said than, Harley, we know you, we love you, and will sorely miss you. While your career in the House closes, the esteem and affection that we hold for you in our hearts will only continue to grow as the years pass. For that reason, it is fitting that we dedicate in friendship, respect and love the placement and enduring growth of this West Virginia Sugar Maple to the memory, courage and compassion of the man from West Virginia.●

PLIGHT OF HANDICAPPED AMERICANS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. LONG of Maryland. Mr. Speaker, I wish to share with my colleagues a story written by one of my constituents, Mr. Roger Antaya, which dramatizes the plight of all handicapped Americans who travel abroad. All of us, especially the U.S. airline industry, must be more sensitive to the needs of handicapped Americans.

Plight of Handicapped Americans

(By Roger Antaya)

Since the age of 4 I have been confined to a wheelchair, the result of polio. In my childhood I was as happy as any. The handicapped children I have seen in hospitals are usually cheerful. Only as they grow older do they become uncomfortable in their limitations.

As maturity stalked me, I also noticed these changes. My friends started to move about, first on bicycles, then in cars, and lately by airplane. This summer it happened that all my best friends were living in Europe. I decided to join them, if only for a few weeks. So, 20 years after polio rearranged my life, I traveled, on my own for the first time, to see an old college friend then living in Bordeaux, France.

My mother and father drove me to Dulles Airport through the soft Virginia evening. We waited in the terminal. Pan Am Flight 106 was due to leave for London in about an hour. I nervously checked the pockets of my new jacket, chatted with my parents and glanced over the other passengers collecting by the departure gate.

He came unnoticed out of the crowd, an official looking gentleman with an RAF-type moustache barring his solemn face. Identifying himself as Mr. Danziger, a representative of Pan Am, he quietly informed me that since I was in a wheelchair and proposed to go alone, his airline would not allow me to board the plane.

Up to that time my worries had been of the usual tourist sort: the connecting flight, the French language, the French water. Suddenly the fact of being handicapped was thrust back into the foreground.

Mr. Danziger was correct in his interpretation of the Pan American rules. Their system classified me as a WCHC, an unexplained acronym meaning that I could not walk up steps to board the aircraft or make my way to a seat without assistance. They require that such a passenger must travel with an "attendant," someone to carry the person on and off the plane and, most important, to be responsible for him or her in the event of any emergency.

An additional irritation is that the handicapped passenger must pay full fare for the compulsory "attendant." Under government regulations this policy is perfectly legal. American air carriers can refuse to transport anyone when they feel it might be "inimical to safety" to do so.

The rules were on one side of the scales. On the other was my presence, bags packed and reservations confirmed. Mr. Danziger's decision was to allow me on the flight, but without any special assistance from Pan Am.

My father went out with me to the 747. There was no problem getting the chair through the plane door. We maneuvered it to within a few feet of my seat, which was nose to nose with the movie screen. He lifted me across the short distance, said good luck, and that was that. The trip to London was uneventful. The film was out of focus.

England should be much better, I thought. That welfare state is supposed to be quite considerate of the physically handicapped. This turned out to be both true and false.

WAIT ON AN EMPTY PLANE

We landed at Heathrow in a warm haze of pollution. All the others disembarked. I waited. Several minutes passed. Workers came aboard to clean the airplane. I watched the food being loaded for the next passengers. Finally I asked a stewardess what the delay was all about. She told me the ambulance was on its way. Though I knew my own wheelchair was going with my other luggage to the plane for France, the idea of traveling by ambulance was still more than slightly annoying.

Eventually an airport fire department ambulance pulled alongside. Two firemen climbed the ramp with a narrow carrying chair. It looked to be the sort of thing one might easily fall off of. After a discussion on how to do it they lifted me onto the chair and loosely fastened the straps. With little faith in my helpers, I held on as tightly as I could until coming to rest inside their truck. There the three of us had another discussion, this one about where I should be taken. My flight to Bordeaux was on British Airways, so I suggested the airline's terminal building. They agreed.

Still balanced uncertainly on that carrying chair, I was set down beside a British Airways counter. My arrival left everyone there at a loss. One fireman went off looking for someone to take charge. The other stood behind me and made small talk. Perhaps he sensed that I was ill-at-ease in my situation, unable to move, held in a half reclining position on the floor of a huge and crowded terminal building.

The wandering fireman returned in a few minutes with an elderly functionary of some sort. He handed me a landing card, the short form those entering the country have to fill out for the immigration authorities. I stared at it, wondering if it was necessary for a person there only in transit like myself. "Can you write?" said the old man. "I am a graduate student," I answered, trying to sound mordant. Someone laughed. Maybe it was simple fatigue, but I could only manage half a smile.

While I wrote out the card the man explained that my being there was a mistake, that I should never have been brought to the terminal and certainly could not remain there. He had no ideas as to where they should have taken me; that was someone else's problem. Arguing fell flat. No one in that place could or would make a decision. We left.

INFIRMARY WAIT REQUIRED

Back in the ambulance they radioed for instructions. The voice directed us to the airport infirmary. This was where we were supposed to have gone from the start. The policy at Heathrow, as nearly as I could determine, is that any passenger unable to walk waits for a connecting flight at the hospital.●

TRIBUTE TO BOB WILSON

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FINDLEY. Mr. Speaker, 20 years ago when I attended an indoctrination meeting for newly elected Members of Congress our distinguished colleague from California, Bob Wilson, who was then in a leadership capacity with the Republican National Congressional Committee, gave a talk to the assembled freshmen. He gave hints on behavior, precedent, courtesies, procedures that I have never forgotten. In fact, I am often reminded of these recommendations as I go about my daily business on the House floor and in dealing with agencies of the executive branch.

Since my college days, I have been a strong advocate of the eventual federation of the democracies which have demonstrated their ability in self government and the preservation of basic liberties. It is far-reaching, some say visionary, idea and I have always been comforted and strengthened in this endeavor because Bob Wilson has always been willing to be a cosponsor of this proposal. He is one of those rare stalwarts who never is deflected by cross currents from his main objectives, one of which is the military strength of the United States.

Most important of all, he is a fine human being. I will miss his wise counsel and friendship.●

TRIBUTE TO TIM LEE CARTER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BINGHAM. Mr. Speaker, Dr. Tim Lee Carter, to whom we rightly pay tribute this evening, is one of nature's gentlemen.

While I have not shared any committee assignments with the good doctor, we have been office neighbors and it has often been my pleasure to have a chance to chat with him on the way to or from the floor.

I have many times admired the views expressed by Dr. Carter in debate, views that revealed the depth of his concern for his fellow human beings.

As I have said, Dr. Carter is a gentleman. Everything about him is gentle—except for his handshake. As to that, we can call it hearty.

We shall miss you, Tim Lee, and we wish you all the best in whatever you undertake.●

HANDGUN MISUSE IN OCTOBER

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DRINAN. Mr. Speaker, the number of lives that are lost in this country due to the misuse of handguns continues to increase. In the month of October, 585 people were killed, bringing the yearly total to 6,660.

As the 96th Congress comes to a close, I urge the American people to reassess the situation that now exists in the absence of tough gun control legislation. I believe that those who wish to use guns responsibly can continue to own and operate firearms under legislation that I have supported in this Congress. At the same time, handgun control legislation would save countless lives.

As a reminder of those who have perished due to handgun misuse, I insert into the Record the list of media-reported handgun deaths during the month of October as compiled by Handgun Control, Inc. The list follows:

OCTOBER 1980

ALABAMA (11)

R. Bryant, C. Edwards, R. Farmer, L. McKenzie, H. Minnifield, W. Nicholson, J. Spivey, L. Spivey, R. Spivey, Sr., S. Spivey, and N. Walker, Jr.

ARIZONA (7)

S. Burnam, R. Duarte, M. Hatmaker, G. Madison, Jr., G. Mosley, S. Peters, and unid. male.

ARKANSAS (8)

R. Anderson, J. Hampton, J. Hunt, C. Paige, V. Stocker, O. Wesley, D. Winston, and C. Young.

CALIFORNIA (53)

J. Adair, D. Aguilar, M. Aguilar, A. Alderson, A. Alkire, P. Ares, L. Bocook, H. Carrasco, J. Cherry, R. Clarke, D. Dotson, W. Drake, R. Duardo, M. Fisher, B. Floyd, J. Godina, M. Gonzalez, M. Gonzalez, W. Gooden, Jr., R. Green, D. Halyard, N. Hitchcock, E. Houle, C. Joiner, J. Kelly, R. Lopez, A. Martinez, J. Martinez, M. Martinez, E. McDermand, H. McDermand, and H. Murray, Jr.

J. Nieves, K. Patton, D. Price, O. Ramos, F. Richini, H. Silber, W. Spears, J. Swindall, C. Temple, A. Totten, B. Tucker, C. Vasquez, M. Watson, D. Witmond, A. Zimmerman, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, and unid. male.

COLORADO (15)

J. Berndt, K. Gonzales, C. King, D. Long, J. Long, V. Newman, R. Porter, S. Quintana, R. Rinehart, M. Shook, T. Snyder, J. Tackett, C. Tyler, J. West, and unid. male.

CONNECTICUT (2)

P. Hass and R. Millette.

DELAWARE (1)

V. Sowards.

DISTRICT OF COLUMBIA (5)

D. Johnson, M. Pitts, G. Russell, G. Shaw, and J. Tate.

FLORIDA (24)

R. Avery, S. Barnes, G. Bell, C. Betancourt, D. Calfas, L. Casavilla, D. Counce, C. Dressler, L. Dressler, E. Ebersole, M. Gardener, E. Jordon, W. Plummer, J. Price, F. Robinson, A. Sanford, J. Sieg, A. Terrinoni, B. Thomas, R. Tucker, S. Wilson, Sr., unid. male, unid. male, and unid. male.

GEORGIA (13)

F. Aires, Jr., D. Broyles, W. Fortner, M. Douglass, H. Hall, G. Hare, R. Harris, S. Keeley, M. McCoy, J. Noles, A. Robinson, S. Rustin, and unid. male.

HAWAII (5)

R. Bowen, F. Quirantes, Jr., P. Serraon, R. Yoshioka, and unid. male.

ILLINOIS (78)

A. Alvarez, D. Bailey, F. Bailey, P. Balderos, C. Bell, E. Bermudez, R. Bernier, D. Bradley, J. Brown, J. Burns, E. Calderon, E. Carter, J. Cash, E. Cisneros, R. Coats, J. Cooper, A. DeJesus, K. Diversey, W. Drake, R. Drummer, C. Erant, G. Erby, D. Frazier, D. Gamble, W. Gonzalez, L. Grayer, J. Griffin, J. Guzman, W. Hatten, M. Higgins, G. Hoffman, J. Johnson, L. King, L. Koster, R. Lacoco, J. Lind, and O. Lopez.

D. Lynn, D. Marron, P. Mason, J. Mayes, L. Mendez, C. Miller, S. Moncada, L.

Morgan, B. Myers, R. Newton, A. Pacheco, T. Pacis, H. Patz, S. Payne, F. Puente, R. Rexach, R. Roberson, U. Roberts, W. Russin, D. Shelock, R. Shroeder, B. Sims, G. Stevens, P. Stewart, B. Stone, K. Stryker, P. Tisdale, W. Thomas, J. Torres, N. Venzar, D. Walker, E. Walker, K. Walker, R. Webster, R. Weinberg, M. Wheeler, N. Williams, R. Williams, J. Wilson, E. Woods, and unid. male.

INDIANA (10)

E. Barnes, D. Davis, E. Davis, S. Green, A. Huffman, C. Keeley, J. Lind, K. Thompson, C. Wilbourn, and unid. female.

IOWA (1)

L. Martin.

KANSAS (2)

A. Clay and P. Sharon.

KENTUCKY (10)

S. Brock, B. Coleman, R. Hynes, K. Ladd, H. Lucas, G. Robinson, E. Thacker, B. Vanmeter, R. Wilson, and unid. female.

LOUISIANA (16)

K. Ayers, D. Burton, M. Enloe, C. Ferguson, S. Garland, C. Hillard, R. Jenkins, R. Kennington, J. Miller, J. Montgomery, J. Nichols, D. O'Sullivan, M. Robinson, J. Smith, L. Verrett, and A. Walden.

MARYLAND (27)

G. Aumiller, R. Baker, J. Bates, P. Brown, R. Bruno, C. Cherry, A. Chiles, K. Dehns, F. Donnally III, E. Evans, R. Gray, L. Harding, D. Henning, C. Hill, M. Johnson, E. Jones, S. Jones, D. Klingenstein, J. Marenka, M. Peoples, T. Peterson, C. Richroach, C. Roeder, W. Rollins, C. Rush, R. Singleton, and B. Young.

MASSACHUSETTS (7)

E. Bigham, W. Butkiewicz, A. Cardozo, W. Durney, D. Gatlin, M. Graziano, and A. Mavilia, Jr.

MICHIGAN (46)

W. Aby, L. Barnett, J. Brandt, E. Browder, M. Chambers, D. Cole, J. Crenshaw, J. Crossley, A. Curtis, D. Davis, E. Davis, H. Davis, D. Dupuie, V. Eggleston, P. Ellington, V. Gaither, R. Graham, A. Grant, D. Graves, A. Heath, A. Hester, and D. Jackson.

E. Jones, G. Jones, P. Lang, C. Lee, J. Lemons, D. Lobaito, U. Lobaito, R. McChristian, J. McQueen, L. Moten, A. Parker, J. Ragounan, J. Robb, O. Solomon, D. Staffney, D. Stokes, Jr., T. Strozier, C. Talley, Jr., F. Turnbull, B. Vann, J. Venie, G. Williams, J. Williams, and N. Zoma.

MINNESOTA (1)

T. Buttweiler.

MISSISSIPPI (3)

W. Bell, Jr., E. Logan, and L. Lott.

MISSOURI (32)

J. Adams, W. Bays, R. Blaylock, W. Boldon, R. Bryant, E. Cantrell, F. Dodd, A. Domann, C. Griffin, L. Harris, H. Headd, D. Herman, C. Logan, E. Ince, L. Lyngar, M. Martin.

A. McHenry, G. Moulat, S. Poston, J. Rader, J. Simon, R. Taylor, R. Trower, T. Tucker, C. Turner, S. Updegraff, N. Vincent, C. Williams, L. Williams, J. Wood, R. Wright, and E. Wynn.

MONTANA (2)

D. Casey and A. Pardue.

NEBRASKA (1)

L. Harris.

NEVADA (3)

L. Cosey, J. Schweizer, and L. Weatherspoon.

NEW HAMPSHIRE (1)

R. Breault.

NEW JERSEY (3)

J. Dept, E. Suits, and G. Suits.

NEW MEXICO (1)

L. Kelly.

NEW YORK (30)

C. Alevera, A. Beiner, L. Bush, A. Covington, R. Diaz, C. Dipisa, J. Dumain, A. Fiore, G. Ghikas, R. Marrero, H. McLean, S. Michell, D. Mohammed, P. Morris, A. Munyon, C. Olivera, L. Ortiz, A. Pena, R. Penzone, A. Prifti, R. Rannie, E. Ray, G. Reyes, S. Rivera, C. Sanchez, T. Vecchio, Sr., B. Watson, C. Williams, T. Wooders, and unid. male.

NORTH CAROLINA (12)

H. Chance, J. Dildy, C. Dockery III, L. Graves, N. Heath, P. Heath, A. Hodges, R. Houston, E. McGill, J. Pratt, S. Redd, and G. Smith.

OHIO (23)

D. Benander, K. Benander, H. Burks, K. Cardwell, K. Davis, N. Harris, R. Hicks, J. Hoskins, E. Johnson, R. Lee, W. Lewin, J. Marshall, A. Minter, E. Modrzynski, R. Montgomery, Jr., J. Morris, E. Roush, R. Roush, J. Thomas T. Thompson, J. Watson, Jr., R. Wilson, and A. Wyrick, Jr.

OKLAHOMA (9)

G. Austin, R. Bomgardner, D. Cloud, R. Cochrell, A. Hardey, C. Mullens, D. Roberts, L. Sexton, and S. Tointigh.

OREGON (4)

R. White, R. Willey, unid. male, and unid. male.

PENNSYLVANIA (16)

R. Augustine, J. Buzzinotti, R. Campbell, S. Campbell, F. Cappiarola, Sr., C. Colon, C. Devetsco, E. Harris, W. Hurd, K. McClellan, B. McNeill, R. Rahn, W. Shaw, F. Sindone, R. Walker, and G. Wolchansky.

SOUTH CAROLINA (1)

T. Patel.

TENNESSEE (14)

M. Bowers, R. Buchanan, F. Carney, K. Christmon, I. Ledford, K. Morin, R. Morris, A. Oliver, G. Reffner, S. Showkeir, J. Smith, B. Underberg, M. Warren, and E. Wright.

TEXAS (70)

J. Alvarez, F. Arauza, A. Barrett, B. Bley, R. Cammino, J. Castillo, M. Castro, J. Ceballos, M. Cedillo, R. Coleman, D. Crader, R. Damm, J. Davis, L. Davis, R. Della Torre, C. Dotson, M. Duchin, E. Emdellin, E. Euresti, P. Flores, R. Flores, J. Franklin, P. Gallardo, S. Garcia, D. Gibson, J. Guidry, V. Guttierrez, H. Hernandez, D. Hinds, J. Horvatich, L. Hottinger, J. Huizar, B. Igo, D. Jackson, and C. Jiminez.

L. Lee, Jr., R. Lerma, G. Martin, J. Martin, V. Matthews, R. McNamara, L. Moore, C. Morales, J. Natividad, D. Owens, S. Owens, J. Peters, J. Quintero, F. Ramos, A. Rivas, Jr., G. Rives, M. Rodriguez, J. Sanford, R. Sanford, C. Shaffer, S. Sosa, J. Veloz, D. Villanueva, V. Wells, K. Williams, A. Ybarra, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. male, unid. female.

UTAH (1)

R. Nessen.

VIRGINIA (12)

J. Badgley, G. Carter, J. Cheeks, T. Flynn, C. Koutos, C. Mellon, W. Mills, M. Posey, E. Smith, Jr., A. Vincent, M. Vincent, and M. White.

WASHINGTON (4)

R. Marquez, J. Stewart, M. Wiley, and unid. male.

WISCONSIN (1)

R. Lowrey.●

JEROME AMBRO

HON. PETER W. RODINO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RODINO. Mr. Speaker, in a short 6 years Jerry Ambro has become a valued and respected Member of the House.

Before coming to Congress Jerry served as supervisor of the Town of Huntington, N.Y., where he managed the affairs of a municipality of 215,000. This background of experience in local government served to enhance the thoughtful, enthusiastic, and capable efforts he undertook on Federal programs and policies coming under the jurisdiction of the Public Works and Transportation and the Science and Technology Committees on which he served.

Jerry was chairman of the Freshman Caucus for the first half of 1976 and was vice chairman of the House Environmental Study Conference in the 95th Congress. He was also cochairman of the House Task Force on Industrial Innovation. With these responsibilities Jerry had a fine vantage point to focus on the complex and related problems of the environment and economic development which confront our Nation, and we will greatly miss his participation in our efforts to deal with these issues.

Those of us who worked with Jerry on matters of special interest and concern to members of Italian heritage will long remember the talent, judgment, and energy he brought to our deliberations.

I have no doubt of Jerry's success in the future, for I am confident his talents and abilities will be recognized and effectively utilized in any future challenges he may undertake.●

THE FDA IS AT IT AGAIN!

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. HYDE. Mr. Speaker, the Food and Drug Administration (FDA) is beginning to put into place regulations that will require so-called patient package inserts to accompany certain prescription drugs when the product is dispensed by a pharmacist to the consumer. The stated purpose of the agency's regulations is to make consumers more knowledgeable about the medications they are taking so that potent drugs can be used safely and effectively.

Obviously, the promotion of the safe and effective use of prescription drugs is a very laudable endeavor, but if we take the time to thoroughly scrutinize some of the particulars of this federally mandated program, there are a number of major drawbacks to FDA's regulatory scheme which would beg the question as to why this PPI rule was ever implemented.

Notwithstanding the projected costs of FDA's final regulations that have been estimated in excess of $60 million over the next 3 years, I have some serious reservations regarding the selection of certain drugs that must be accompanied by these PPI leaflets. One of the drugs that FDA has selected is bendectin. This medication is prescribed to treat nausea or morning sickness in pregnant women. Unfortunately, there have been some recent studies showing a possible link that bendectin may cause birth defects. If this is the case that such a product may result in the birth of a deformed child, I do not believe that a piece of paper is the answer to this serious problem. Either the product should be removed from the marketplace if these studies are accurate or the significant consequences of therapy, namely, the potential for the mother giving birth to a deformed baby must be thoroughly discussed by the doctor with the patient prior to prescribing the drug. I raise this point because I do not believe that by requiring a pharmacist to hand out a PPI with each bendectin prescription gives us any concrete guarantee that the woman receiving the PPI will read the leaflet before taking the drug. Simply stated, I think that FDA is putting the cart before the horse. And second, if the patient has the foresight to read the PPI, it would be my guess that she will not take the drug and will return the medication to her local pharmacy demanding a refund. As my colleagues may or may not know, returned prescriptions cannot be redispensed to another patient which will mean that drug stores will incur significant economic losses when this happens.

Let me site another glaring example of the pitfalls of FDA's PPI program. Progestational drugs are another category of products that require PPI's. These medications are used for the treatment of advanced cancer in humans. My concern in this situation is that many patients may not have been told by their doctors and they have cancer, but will learn that they have this terrible disease from a mandated piece of paper. Some critics might respond by saying that the physician should have already told the patient that he or she is being treated for cancer. I adamantly disagree because I believe that it should be the physician's decision as to how and when the patient should be informed of the seriousness of the illness. In essence, this intrusion of a mandatory PPI for progestational drugs that may alert the patient that the prescribed theapy is for treating cancer before the individual is consulted by a doctor usurps virtually every major principle in modern health care in which the well-being of the patient is foremost.

While I have only taken the time to illustrate two critical weaknesses in this FDA program which seems to be creating more problems than it will solve, I am sure that there are many others that will be brought to our attention as the agency phases in this controversial regulation. In all likelihood, PPI's will create havoc in the physicians-patient-pharmacist relationship while needlessly causing higher health care costs, especially for prescription drug products. Thus, it is my intention to contact President-elect Ronald Reagan on this matter and recommend that the total implementation of the PPI program be temporarily halted so that we can study PPI's more carefully. From my perspective and from my discussions with various pharmacy organizations and leading drugstore chains, including Osco and Walgreens which are located in my congressional district, I firmly believe that the goals of educating consumers about the proper and safe use of prescription drugs can be achieved voluntarily with better results as opposed to this straitjacket approach that FDA has developed. If indeed the Congress and the new administration are committed to allowing the pharmaceutical community and the health care professions to seek innovative solutions to the need for providing important drug information, we should allow the drug companies and pharmacists to do so with the utmost flexibility by eliminating this extremely rigid regulation.●

RICHARDSON PREYER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. OTTINGER. Mr. Speaker, I am pleased to join today in paying tribute to Congressman RICHARDSON PREYER, affectionately known to many of us as, "Judge," for his 12 years of distinguished service in the U.S. Congress.

It has been my distinct privilege to serve with Judge PREYER on the Interstate and Foreign Commerce Committee. To that committee and the entire House he brought leadership, fairness, and total dedication to his duties as a Representative.

During his 12 years in Congress, RICHARDSON PREYER made it known that his district was his first concern. He proudly and tirelessly worked for all the people of North Carolina's Sixth District rich and poor, black and white.

For RICHARDSON PREYER, the word distinguished is more than a mere formality. Those of us who have served with him have indeed been accorded a great honor. I know I speak for all my colleagues when I say that we will genuinely miss RICHARDSON PREYER.●

RACE AND SEX DISCRIMINATION IN INSURANCE AND ANNUITIES MUST BE ELIMINATED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. ANNUNZIO. Mr. Speaker, legislation is now pending in Congress to eliminate discrimination in insurance and annuities on the basis of race, color, religion, sex, or national origin. In the House, our distinguished colleague, JOHN D. DINGELL, of Michigan, introduced H.R. 100, which I, and over 85 Members of the House, have cosponsored.

H.R. 100 has already attracted the support of many organizations. Among these are the following: Leadership Conference on Civil Rights; American Association of University Women; AFL-CIO; American Civil Liberties Union; NAACP; Women's Equity Action League (WEAL); American Association of University Professors; Mexican-American Legal Defense Fund; National Organization for Women (NOW); Interdepartmental Task Force on Women; National Women's Political Caucus; Women, U.S.A.; and many other groups.

A similar bill was later introduced in the Senate, S. 2477, by Senator HATFIELD and five other Senators.

Initial hearings on H.R. 100 were conducted by the Consumer Protection and Finance Subcommittee chaired by our distinguished colleague JAMES A. SCHEUER, of New York. Congressman DINGELL's testimony of August 28 on the bill set forth, with great perspicacity, the reasons for enacting the bill and effectively rebutted the arguments of insurance industry representatives who opposed the bill.

I believe that his statement will aid all Members of Congress, and the general public, in their understanding of the issues relating to the elimination of discrimination in insurance and annuities on the basis of race, color, religion, sex, or national origin. I, therefore, request that his statement be inserted here in the CONGRESSIONAL RECORD.

Congressman DINGELL's statement follows:

STATEMENT BY JOHN D. DINGELL ON H.R. 100

Mr. Chairman and Members of the Subcommittee, I thank you for this opportunity to discuss H.R. 100, and to assist you in considering it. This bill, which I introduced on the first day of the 96th Congress (January 15, 1979), is now cosponsored by 83 Members of this House.

1. STRUCTURE OF THE BILL

This bill has one single, simple, narrow, objective—to eliminate discrimination, on the basis of race, color, religion, sex, or national origin, in insurance and annuities. It prohibits such discrimination in all phases of insurance and annuities—in access and availability of coverage and underwriting; in the terms, conditions, rates, benefits, and requirements of the insurance and annuity contracts; and in the methods for determining them.

As I said, this bill deals only with discrimination based on race, color, religion, sex, or national origin. It would not do anything else. It would not in any other way interfere with any state's power to regulate the insurance industry. It would not affect any other type of action by any insurance company.

This bill was drafted on the pattern of three existing laws which are now part of the established law of this nation, namely:

Title VII of the Civil Rights Act of 1964, which prohibits such discrimination in employment;

Title VIII of the Civil Rights Act of 1968, which prohibits such discrimination in housing;

The Equal Credit Opportunity Act, which prohibits such discrimination in consumer credit and finance.

Like the employment and housing antidiscrimination laws, this bill places primary jurisdiction in the states to deal with such discrimination in insurance and annuities. Thus, the bill specifically provides that any complaint that an insurer has committed an unlawful discriminatory act—i.e., based on race, color, religion, sex, or national origin—must first be filed with the appropriate state agency, if the state has a law prohibiting such discrimination and an agency to administer and enforce that state law. Only if the state has no such law or agency, or fails to resolve the complaint to the satisfaction of the complainant, will this bill authorize a proceeding before a Federal agency or court. This contingent authority will, of course, encourage the enactment of state laws prohibiting such discrimination. It will also help make the administration of the state law more effective, because the state can then proceed to eliminate discrimination based on race, color, religion, sex, or national origin, without any fear that such action may result in insurance companies or their contracts moving to another state which allows such discrimination.

II. WHY H.R. 100 SHOULD BE ENACTED

After long and tumultuous debate and conflict, this nation has firmly committed itself to eliminating discrimination based on race, color, religion, sex, or national origin. This principle is now part of our fundamental law and doctrine. We have made great strides toward making that principle into living reality—in employment, public accommodations, housing, credit, government regulation and government benefits, transportation, recreation, voting, education, athletics, and many other areas of life. Although we have not yet fully achieved equality of opportunity and treatment in all these areas, we are surely moving forward in our efforts to eliminate discrimination based on race, color, religion, sex, or national origin.

However, one of the greatest remaining gaps is in insurance and annuities. The business of insurance is ripe with discrimination. Blacks are heavily discriminated against in property, accident, casualty and health insurance, and more subtly in other forms of insurance. The February 1979 report to the Civil Rights Commission from seven midwestern state advisory committees has charged that the insurance industry, by refusing or limiting property and liability insurance to blacks because of their race, has helped accelerate the decline of large parts of our nation's cities.

Sex discrimination in insurance and annuities is blatant and widespread. Because of such discrimination:

Women receive smaller monthly annuity payments than do men.

Men must pay higher premiums for the same amount of life insurance, or get lesser amounts of insurance coverage for the same premium, than do women. (Ironically, since most men designate women as their beneficiaries, the impact of such smaller amounts of insurance falls on women.)

Many men pay higher premiums for auto insurance than do women, even though their sex is not causally related to the risk.

Men who elect joint and survivor annuities suffer greater reduction in their primary annuities than do similarly situated women.

Women are denied coverage, or receive lesser benefits than men, under health and disability insurance policies.

This sort of discrimination has widespread impact on millions of men and women. Our national policy of ending discrimination on the basis of race, color, religion, sex or national origin demands that such discrimination be abolished.

III. THE INSURANCE INDUSTRY'S ARGUMENTS AGAINST THE BILL SHOULD BE REJECTED

(a) *The McCarran-Ferguson argument*

Industry representatives say that H.R. 100 is contrary to the 1945 McCarran-Ferguson Act (15 U.S.C. 1011-1015) which declared that the business of insurance shall be subject to regulation by the states and that "No Act of Congress shall * * * supersede any laws enacted by any state * * * regulating the business of insurance.* * *" However, industry representatives blithely fail to quote the next words of the McCarran-Ferguson Act which say:

"* * * unless such Act specifically relates to the business of insurance."

Thus, the McCarran-Ferguson Act expressly contemplated the enactment of Federal legislation which "specifically relates to the business of insurance." Indeed, that Act was later amended to make clear that various Federal laws are applicable to the business of insurance—such as the Sherman Act, Clayton Act, Federal Trade Commission Act, Robinson-Patman Anti-Discrimination Act, National Labor Relations Act, Fair Labor Standards Act, and others. H.R. 100 "specifically relates to the business of insurance." Therefore, it is fully compatible with the McCarran-Ferguson Act and in no way changes or amends that Act.

(b) *The "life expectancy" argument*

Insurance industry representatives argue with bombastic vehemence that "women as a group have longer life expectancy than men as a group" and therefore it is "fair" to pay women lesser periodic annuity benefits than men, and to charge men higher premiums than women for life insurance (or to provide lesser amounts of insurance to men than to women for the same premium).

This type of argument was used for many years, by the life insurance industry and by state insurance commissioners, to justify charging blacks one-third higher premiums, or providing them one-third lesser coverage or benefits, on life insurance policies, than white persons—because white persons as a group have a longer life expectancy than black persons as a group. Only after several states (Massachusetts, Connecticut, Ohio, New York, Michigan, Rhode Island, Minnesota, New Jersey, etc.) enacted laws prohibiting such race discrimination in life insurance premiums, did insurance companies operating in those states gradually discontinue charging different premiums on life insurance for black and for white persons. However, they continued to underwrite policies for blacks more strictly than for white persons, and for a long period, to discourage issuance of insurance to blacks, by, for example, paying no commissions to agents making such sales.[1]

However, there are many states where no such laws exist, or where the state law permits any classification which is "actuarially" established. For example, last year we were informed:

By the Kentucky State Insurance Department, that Kentucky law permits "race classification relative to life and health * * * when determined through valid actuarial tables. * * * Race classification would be justifiable in every situation where valid actuarial tables indicate that race is a significant variable in estimating future losses under insurance contracts."

By the Nevada State Insurance Division, that "if an insurer were able to statistically justify rate/classification differentials based on reliable data, it would appear proper to authorize such rates for usage in Nevada whether they were based on color, religion, or whatever."

The life insurance industry recongizes at the present time that our national policy and many state laws frown on racial and religious discrimination generally. So its representatives now say that insurance discrimination "on the basis of race, color, religion, or national origin . . . would be contrary to both public policy and to general ethics." They resort to the life expectancy argument to justify sex discrimination, but ignore the life expectancy differences between white and nonwhite persons. They also ignore, for example, the fact that Mormons and Seventh Day Adventists have longer life expectancy than white persons generally,[2] and that Jews have shorter life expectancy at age 65 than the total population at that age.[3]

Thus, the insurance industry is quite inconsistent in saying that the life expectancy argument justifies sex discrimination, but not discrimination because of race (or religion). Yet there is no basic difference between sex discriminaiton and race discrimination. Each is just as immoral and harmful as the other. Each imposes group discrimination on an individual because of an immutable factor (race, sex) even though that factor may not be causally related to the life expectancy of that individual.

The insurance industry representatives attempt to minimize the inconsistency in their "race vs. sex" arguments by saying that the mortality differences between whites and blacks "coincide with socio-economic conditions"; that the former differences "have narrowed"; and that "In fact, tables from the National Center for Health Statistics indicate the life expectancy of a white male age 65 and a nonwhite male age 65 are exactly equal." They argue that mortality differences between males and females "are biological, stemming from different chromosome structures of the two sexes," are partly "due to the different levels of production of prostaglandins between the sexes," and "are widening."

Those arguments are unsound. Even if the black-white differences in life expectancy are due to "socio-economic conditions," those differences exist now, and the "socio-economic conditions" will probably continue to exist for a long time. Their cost impact is no different than that of similar present and future life expectancy differences resulting from "biological" conditions. Moreover, it is highly questionable whether the differences in male-female mortality are truly "biological." They certainly have not been universal or constant. They have varied in each generation, and in different geographic areas, and have been affected by changing life styles and the adequacy of medical care, food, epidemics, etc. There are many countries where females have had, or now have, lesser life expectancy (or, what is more pertinent to insurance and annuities computation, greater mortality rates) than males. In the United States around 1920 female mortality at various ages exceeded male mortality.

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[1] Frederick L. Hoffman, "History of the Prudential Insurance Company of America," pp. 137-139; 153. 185, 207-209 (1900); Marquis James, "The Metropolitan Life—A Study in Business Growth," pp. 338-339, 448, footnotes 69, 70 (1947); Haley Fiske and Raymond V. Carpenter, "An Epoch in Life Insurance," pp. 12, 45 (2nd ed., 1924).

[2] James E. Enstrom, "Cancer Mortality Among Mormons," 36 Cancer 825 (Journal of American Cancer Society, 1975).

[3] S. J. Fauman and A. J. Mayer, "Jewish Mortality in the United States," Ethnic Groups of America: Their Morbidity, Mortality and Behavior Disorders, Vol. I—The Jews, chap. 3, p. 33; reprinted, 41 Human Biol. 416 (1969).

The industry's reference to equal male white vs. male nonwhite "life expectancy at age 65" evades the facts that white males have longer life expectancy than nonwhite males at every age from birth to age 64, and that white females have longer life expectancy than nonwhite females at every age from birth to age 71.[4]

Since life insurance and annuities are computed on the basis of mortality rates at ages when premiums are paid, not on life expectancy figures, here are the comparable differences between white and black mortality rates, as shown on the United States Life Tables: 1969-71, published by the National Center for Health Statistics (May 1975):

MORTALITY RATES

[PER 100,000]

	White males	Black males
At birth	892	1,522
At age 10	34	49
At age 20	190	372
At age 30	170	558
At age 40	340	966
At age 45	555	1,309
At age 50	892	1,788
At age 55	1,452	2,445
At age 60	2,258	3,308
At age 65	3,386	4,386
At age 70	4,916	5,965
At age 75	7,231	7,887

MORTALITY RATES

[PER 100,000]

	White females	Black females
At birth	686	1,170
At age 10	25	34
At age 20	44	124
At age 30	84	236
At age 40	193	543
At age 45	308	773
At age 50	466	1,068
At age 55	699	1,456
At age 60	1,027	2,018
At age 65	1,563	2,847
At age 70	2,513	4,026
At age 75	4,255	5,431

MORTALITY RATES

[per 100,000]

	Total white population	Total black population
At birth	792	1,348
At age 10	29	41
At age 20	126	242
At age 30	127	383
At age 40	265	735
At age 45	428	1,020
At age 50	673	1,403
At age 55	1,062	1,916
At age 60	1,612	2,614
At age 65	2,397	3,537
At age 70	3,557	4,887
At age 75	5,491	6,514

The differences in mortality rates between males and females are somewhat smaller at some ages, and somewhat larger at other ages, than the differences between whites and blacks. Those differences do not justify our failure to apply the national policy of nondiscrimination equally to both race and sex discrimination. Sex mortality differences are heavily influenced by the behavior and environment of the respective sexes. One-third of the excess of male over female deaths results from emphysema and lung cancer (which are linked to cigarette smoking), homicide, suicide, accidents, and liver cirrhosis (which is linked to alcohol consumption), and well over one-third (41 percent) of such excess results from coronary heart disease (which is linked to cigarette smoking and coronary-prone behavior patterns).[5] These behaviors and self-abuses, as well as the risks of occupational hazards, are more common, in our present culture, with men than with women. But as women increasingly engage in the activities and occupations of men, such causes of death kill more and more women.

Furthermore, the life insurance industry's argument about life expectancy is based on a distortion of the "average" woman and the "average" man. The fact is that most men have the same death age as most women, i.e., they can be paired at death age. For example, the Teachers Insurance and Annuity Association and College Retirement Equities Fund (TIAA-CREF), which provides insurance and annuities to professors and administrative personnel at 4,314 colleges and institutions, filed figures in the *Manhart* case in the U.S. Supreme Court, concerning the survival experience of 100,000 males and 100,000 females retiring at age 65. TIAA-CREF's figures showed:

86,193 women had the same death age as 86,193 men;

13,807 more males then females died at ages 66-80; and

13,807 more females than males died at ages 81-100.

Thus, because less than 14 percent of the women did not match the death ages of the men, all the women receive lesser monthly retirement benefits than all men, and all men receive more monthly retirement benefits than all the women. And for the same reason, all the men are required to pay higher premiums for life insurance, or receive lesser amounts of insurance for the same premiums, or incur greater reduction in their primary annuity when they elect joint and survivor annuities, than do all the similarly situated women.

The insurance industry uses the gender classification because it is easy to apply. Gender is immutable—easily recognized—rarely changed. The insurance industry largely ignores other more relevant classification criteria affecting the life expectancy of people, such as smoking habits, physical condition, geographic location, family health history, recreational and occupational activities, etc. Indeed, with respect to annuities, the industry recognizes only sex and age as significant risk classifications.

Only a few companies have in recent years used some of these relevant criteria. For example, on October 22, 1979, the State Mutual Life Assurance Company of America presented a study to the Annual Meeting of the Society of Actuaries in Bal Harbour, Florida, which disclosed the company's analysis of mortality differences between smokers and non-smokers of cigarettes. That analysis covered 15 years experience involving 77,000 policy years of smokers for $2.7 billion of life insurance and 127,000 policy years of non-smokers for $5.6 billion of life insurance issued subject to medical examination. The Company's statistics showed that at many ages the mortality differentials between smokers and non-smokers exceeded the corresponding differentials between male and female mortality. For example, at age 32, a non-smoker man has a life expectancy 7.3 years longer than a smoking man, as compared to a 5 years differential between male and female life expectancy on the 1965-70 Basic Tables. But according to State Mutual's President and Chief Executive Officer, W. Douglas Bell, only 30 of the approximately 1,800 life insurance companies in the United States now offer lower premium rates for non-smokers. The other companies simply ignore the smoking factor so far as premium rates are concerned.

The insurance industry's failure to use other classifications besides sex gives a hollow ring to its statement that "Fairness requires that each class of risk be charged rates appropriate to the costs arising from the class."

(c) *Judicial decisions reject the argument that sex (or race) discrimination in insurance and annuities can be justified by actuarial tables showing longer life expectancy for a group (of females, or whites) than for another group (of males, or blacks)*

The insurance industry's life expectancy argument, based on actuarial statistics, has been rejected by recent court decisions under Title VII of the Civil Rights Act of 1964. These cases were instituted by employees and retirees, and by the Equal Employment Opportunity Commission, to enforce the prohibition of Title VII against sex discrimination in employment, as applied to fringe benefits such as insurance and pensions and annuities provided to employees.

On April 25, 1978, the U.S. Supreme Court squarely rejected the argument that sex discrimination in a pension plan can be justified on the basis of actuarial statistics which indicate longer life expectancy for a group of females and for a group of males. *Los Angeles Department of Water & Power* v. *Manhart*, 435 U.S. 702.

The Manhart case involved an employer-operated pension plan requiring women employees to make greater payments than men employees to a pension plan. The Supreme Court ruled that the statutory prohibition of Title VII against sex discrimination focuses "on the individual." Therefore, the Court said:

(Title VII) "precludes treatment of individuals as simply components of a racial, religious, sexual, or national class. If height is required for a job, a tall woman may not be refused employment merely because, on the average, women are too short. Even a true generalization about the class is an insufficient reason for (treating differently) an individual to whom the generalization does not apply" because "there is no assurance that any individual woman (or man) * * * will actually fit the generalization * * *"

The Supreme Court noted: "Many women do not live as long as the average man and many men outlive the average woman."

The Manhart decision clearly ruled that Title VII prohibits sex-based differentials in an annuity even though that differential is based on a characteristic (longer average life expectancy) which is statistically identifiable to a group of persons of one gender, but actually false as to the individual members within that group.

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[4] National Center for Health Statistics, Vital Statistics of the United States, 1976, Vol. II, sec. 5, Life Tables, Table 5-3.

[5] Dr. Ingrid Waldron, "An Analysis of Causes of Sex Differences in Morbidity and Mortality" (Sixth Vanderbilt University Conference on Frontiers of Sociology); Waldron, "Why Do Women Live Longer Than Men," 2 Journal of Human Stress (March 1976) and ibid., Part II (June 1976).

The insurance industry representatives try to pooh-pooh the Manhart ruling.

(1) They say the Manhart decision prohibits only gender-differentiated contributions by employees to a pension plan, but not unequal benefits from that plan. However, although that case involved unequal contributions, the principle of the decision applies to both contributions and benefits—and several later Federal court decisions specifically so ruled in the following cases, three of which involved insurance companies operating employer pension plans:

EEOC v. *Colby College, et al.* 589 F. 2d 1139 (1st Circ., Dec. 1978);

Spirt v. *TIAA-CREF,* 475 F. Supp. 1298 and 1316 (S.D., N.Y. Aug.-Sept. 1979);

Peters v. *Wayne State Univ., et al.,* 20 FEP Cas. 1621 (E.D. Mich. Sept. 1979); and

Norris v. *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans,* 22 FEP Cas. 1059 (U.S. Dist. Ct., Ariz., March 13, 1980).

(2) They say the *Manhart* opinion "limited the scope of its decision so that there would not be a serious impact on traditional pension and insurance practices," and they quote the Court's statement that it did "not suggest that the statute (Title VII) was intended to revolutionize the insurance and pension industry." But the Court referred to only two possible aspects of pension and insurance practices: (i) letting retirees receive their total accumulated pension annuity to purchase annuities in the open market; and (ii) "the insuance industry's practice of considering the composition of an employer's work force in determining the probable cost of a retirement or death benefit plan." (435 U.S. at 717-718). Neither of these issues was involved in the *Manhart* case. The statement that Title VII was not intended to revolutionize the insurance and pension industry simply indicated that Title VII of the 1964 Act applies only to employment-related discrimination, not to discrimination under direct insurance or annuity contracts which are not employment related.

The really significant thing about these decisions—which the insurance industry representatives shudder to acknowledge—is that under Title VII sex discrimination in insurance and annuities, and the use of sex-based statistics to effectuate such discrimination, is being outlawed in employment related plans. Almost all defined benefit pension plans and group insurance plans are already gender-neutral (including the plans of most of the largest corporations, the Federal Government's Civil Service Retirement and employee insurance plans, and others). Many of these plans are operated by insurance companies. Hence, the pressure of litigation under Title VII will compel them to operate such plans under gender-neutral requirements. But they and their competitors will be able to use sex discriminatory criteria for insurance and annuity contracts which are not employment related.

This schizophrenic split in the insurance industry will tend to hinder effective employer compliance with Title VII of the 1964 Civil Rights Act when their insurers refuse to cooperate. Furthermore, the availability of discriminatory insurance plans will encourage some employers to abandon their pension plans and thereby force their employees to purchase annuities and insurance on their own in the open market. H.R. 100, by applying a uniform nondiscriminatory requirement to all of the insurance and annuity market, will prevent these possible consequences.

(d) State Laws are not adequate to prevent discrimination on the basis of race, color religion, sex or national origin

The life insurance industry errs in arguing that state laws are adequate to prevent the discriminations that H.R. 100 would prohibit.

(1) The Industry's representatives say that "every state has an Unfair Trade Practice Act which prohibits unfair discrimination" and that such laws prohibit classification on the basis of race, color, religion or national origin.

According to the information we have received from the Library of Congress, 48 states (all except New York and Montana) have enacted statutes similar to section 4(7) (a) and (b) of the model act recommended by the National Association of Insurance Commissioners. However, these provisions are quite limited.

(i) They prohibit only "unfair discrimination between individuals of the same class and equal expectation of life" or "of essentially the same hazard." Thus the prohibition against "unfair discrimination" is virtually meaningless so far as concerns classification on the basis of race, color, religion, sex, or national origin, because statistics can show that the members of the respective classes do not have "equal expectation of life" or are not "of essentially the same hazard."

(ii) They are limited to life and health insurance (except in 19 states whose provisions appear to apply to insurance generally).

(iii) None of the state Fair Trade Acts specifically refers to race, color, religion, or national origin (or sex), and there apparently have been no court decisions holding that these laws apply to any of these criteria.

(2) The insurance industry representatives then point to the Model Regulation to Eliminate Unfair Sex Discrimination that is recommended by the National Association of Insurance Commissioners and says that 19 states have adopted it "and in addition fourteen states have statutes which prohibit unfair discrimination because of sex with respect to conditions, availability and benefits of policies."

However, the Model Regulation prohibits sex discrimination only with regard to availability, coverage and conditions of insurance. It does not prohibit sex discrimination with regard to rates and costs.

Furthermore, the "additional" state statutes concerning sex discrimination are very limited. Some specifically permit "actuarial" distinctions based on sex, some apply only to automobile or property insurance, and all the others apply only to availability and do not prohibit sex discrimination in rates and costs. Indeed, every state has statutes which embed sex discrimination into the laws by specifically designating sex-based statistical tables for use in computing reserves, cash values, etc.

(e) "Actuarial" statistics provide only generalized bases for partial estimates of mortality rates and are not properly used

The insurance industry relies on "actuarial" statistics as justifying its sex discrimination. Yet, ironically, the sex-differentiated actuarial tables it uses for life insurance have not been based on female mortality experience. Instead, the industry has simply used male-based mortality tables and applied an arbitrary setback of 3 years (or 5 or 6 years in some states) as a substitute at every age to construct a "female" table.[6]

Although separate female-based mortality tables were constructed for annuity purposes, they are not widely used because they are not regarded as credible.[7]

The use of such sex-differentiated tables has focused only on gender differentials while ignoring other factors which have greater impact on mortality or morbidity and are more causally related to the risk involved.

Furthermore, different sex-differentiated tables have generally been applied for insurance than for annuity purposes. For example, at age 30, the 1958 C.S.O. Table is used to charge premiums for a female under a life insurance policy on an assumed mortality rate of 199 deaths per 10,000, while payout rates on an annuity contract for the same person are computed on the 1971 I.A.M. Table which shows a mortality rate of 47 deaths per 10,000 at that age.[8] Thus, one table is used to justify higher than necessary insurance premiums, and the other to justify lower than necessary annuity benefits. In addition, the data generally used is in dollars of exposure, rather than numbers of individual deaths, a method which further distorts sex mortality rates since males carry at least 10 times the amount of insurance that females carry.[9]

(f) The insurance industry's "cost impact" argument is greatly overblown

The insurance industry argues that the elimination of sex discrimination in insurance and annuities will "substantially impair life insurers' financial strength and their ability to carry out their long term obligations." It should be remembered that the same kind of gloom-and-doom predictions were uttered when the States enacted laws prohibiting race discrimination in insurance rates—but those predictions did not materialize.

Furthermore, H.R. 100 contains specific provisions to enable any insurer to increase rates in the future if its need to comply with the nondiscrimination requirements of H.R. 100 affects its ability to do so. Such increases would of course be subject to review and approval (or modification or rejection) by the state insurance agency. This provision for future rate adjustment, if needed for payment of obligations, is somewhat analogous to the method used to finance increases in social security payments.

In any event, the industry's rate structures have enormous built-in margins to protect the company. Its rates are based on highly conservative mortality tables, and at interest rates (usually 2½ or 3 percent) which are far below their investment earnings (of 8 to 12 percent and more). These margins will in almost all cases surely be adequate to carry the insurer's obligations under this bill.

The insurance industry did not charge men and women sex-differentiated rates for life insurance until the 1950's, or later. (For example, TIAA-CREF first used sex-differentiated rates for individual life insurance in July 1958, and for collective life insurance in January 1972.) The industry did not go broke when it had gender-neutral premium rates and benefits. It will not go broke when H.R. 100 becomes law.

The industry has provided no evidence, but only its hysterical fears, that the use of unisex mortality tables will adversely affect it. It is relevant to note that TIAA-CREF, which recently received approval from many states to use merged-gender mortality tables for its annuity rates, did study their potentially impact. TIAA-CREF reported that adoption of such merged-gender tables "will be actuarially sound." It tested "scenarios of highly unlikely anti-selection" and concluded:

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[6] Society of Actuaries, Report of Special Committee to Recommend New Mortality Tables for Valuation (July 1979).

[7] Fellers and Jackson, "Non-Insured Pensioner Mortality: The UP-1984 Tables," 25 Proceedings, Conference of Actuaries in Public Practice 456, 459 (1976).

[8] Greenlee & Keh, "The 1971 Group Annuity Mortality Table," 23 Transactions, Society of Actuaries 569, 601 (Nov. 1971); Cherry, "The 1971 Individual Annuity Mortality Table," ibid., 496, Table 9.

[9] Transactions, Society of Actuaries, 1975 Reports of Mortality and Morbidity Experience, Table 9, p. 1, 17.

> That even the "worst income option election scenario would increase the cost of benefits under the merged-gender table by only about 1.25 percent. This increase in cost would be covered by about ⅔ of a year's set back to the mortality table, or by about a ¼ percent decrease in the pay-out annuity interest rate."
>
> That even a "dramatic" shift in male-female participation ratios would produce no greater costs and they could be handled in the same way, as well as by adjustments in deferred annuity guarantees.[10]

IV CONCLUSION

H.R. 100 will help protect consumers, business people, poor people, widows, orphans. It will bring the entire insurance and annuity industry into conformity with our nation's determined tradition against discrimination on the basis of race, color, religion, sex or national origin. It will not intrude in any other way on state power to regulate that industry, or on any other aspect of the business of insurance. It will eliminate the disparity in insurance and annuities between sex-neutral requirements of Title VII as now applied by the courts to employment-related benefits, and the industry's present discriminatory practice in all other forms of insurance and annuities, and will thus prevent possible frustration of Title VII's nondiscrimination mandate. It is a bill whose enactment is long overdue.

I appreciate and thank you for this opportunity to testify in support of its early enactment.●

A TRIBUTE TO RAY ROBERTS

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. LEATH of Texas. Mr. Speaker, I want to join my colleagues in paying tribute to a great American, my friend Ray Roberts. Last year when Ray announced his plans to leave the Congress at the close of this session, I expressed to my colleagues my regrets that he had made this decision. Although he has given a great portion of his life to public service and has earned the right to pursue his endeavors in the private sector, his leadership in the Congress will be sorely missed. Veterans of our Nation will have suffered the greatest loss.

I have been privileged to serve with Ray as a member of the Committee on Veterans' Affairs and I now know why he is considered the chief spokesman for veterans and their dependents. In the 2 years I have served with him on the committee, I have watched him fight with the President, the Office of Management and Budget, and others who have on occasion attempted to take actions that would adversely impact on veterans benefits and services. Never once has he shirked his responsibility. He has had many fights for veterans and has won most, if not all, of them. That is the reason he is held in such high esteem.

Mr. Speaker, I have also been privileged to serve with Ray as a member of the Public Works Committee. The people of Texas and all of the Southwest will miss him because no single individual in this body has been more responsible for bringing water to this area of the country than Ray Roberts. As chairman of the powerful Water Resources Subcommittee, he has done as much, if not more, in this area than any other single individual. We all thank him for his accomplishments in the water resources area.

Mr. Speaker, I could go on and on about Ray Roberts but I shall not do so because I know he has no desire for us to display his public record. I can tell you, however, that his record is an outstanding one and we are all going to miss him. As he leaves this body, I want to join his many colleagues and friends in wishing him continuing good health and happiness.●

ITALY EARTHQUAKE VICTIMS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Ms. HOLTZMAN. Mr. Speaker, I wholeheartedly support H.R. 8388, the bill to provide $50 million in emergency aid for the victims of the earthquake in Italy.

We know that no amount of money can ever compensate the survivors for the incalculable losses they have suffered—for the deaths of their family members and friends, or for the destruction of the communities of which they and their forebears had been a part for centuries. But we Americans can give concrete expression to our deep sympathy and concern by doing all in our power to assist the survivors in concrete ways. I hope that the aid we are voting on today will be used immediately to insure that those who lived through the earthquake do not now fall victim to cold, hunger, and disease.●

TRIBUTE TO RAY ROBERTS

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GINN. Mr. Speaker, my good friend and colleague, Ray Roberts, came to the Congress in the footsteps of a giant of the House, Speaker Sam Rayburn. He had worked on the staff of the Speaker and succeeded him in office in 1962.

Events have proven that a giant of a man was replaced by a giant of a man. Ray Roberts in his 18 years of service has carried on a tradition of the Fourth District of Texas by attaining one of the most remarkable records of accomplishment in the Congress.

Ray Roberts is my friend and my counselor. He has been my colleague on the House Public Works and Transportation Committee, and he has been my leader in many areas through his service as chairman of the Water Resources Subcommittee.

Now we have come to a time of transition with Ray's decision to enter his well-deserved retirement from active service in the Congress. His will be a loss that we will feel for many years to come, but I respect his decision.

I will not attempt to recite the list of Ray Roberts' accomplishments because others have already done so with great eloquence. But I do want to add some personal observations.

In my mind, Ray Roberts has set himself apart from the majority of the House by looking beyond strictly parochial questions in Government. He has recognized his duty as a Congressman with a national responsibility, and he has had the courage to honor that responsibility.

Ray has done that in many ways, but most especially he has done it in his service on the Public Works Committee. He has been a leader in the development and conservation of the Nation's water resources, and was the author of the Clean Water Act of 1977.

In a sense, there is no need for us to offer a testament to Ray Roberts' accomplishments. That is because he has given us a living monument to this service through countless water projects, conservation projects, and the other work that he has fashioned throughout this Nation.

When a child swims in a clear stream a generation from now, he will, in a real sense, have Ray Roberts to thank. When a community meets its water needs a generation from now, it quite likely will be because Ray Roberts had the vision to see that need.

Mr. Speaker, I regret that we will be losing Ray's service in the Congress, and I am proud that he is my friend, and I commend him for his multitude of achievements.●

SAM DEVINE

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. TAYLOR. Mr. Speaker, one of the uncounted perquisites that is bestowed upon Members who serve in this House is the opportunity to work with people of exceptionally high character and great ability. Such an individual is my good friend, the gentleman from Ohio, Sam Devine.

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[10] Letter, TIAA-CREF Vice President and Actuary, to Supervising Actuary Life Bureau, New York State Insurance Department January 11, 1980).

Sam's qualities of leadership, his sincerity and his dedication to the principles that have made America the great Nation that it is, have meant much to those of us who have served in this body.

When he closes out his distinguished career at the end of this Congress, the America people will have lost a legislative friend who has spent his years of public service working to bring about a government based on sound economic policies, a national defense system that is respected by our friends and adversaries alike, and a government that helps those in need at the same time it encourages initiative and self-reliance among our people.

I will personally miss Sam's friendship and wise counsel. He has helped me over the rough spots, been supportive of my legislative efforts and has never hesitated to be of assistance when asked.

We wish him good luck and good health, he will be missed.●

REPRESENTATIVE BOB WILSON

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. KEMP. Mr. Speaker, it is with a sense of privilege and distinct honor that I add these words of tribute to our distinguished colleague, Bob Wilson.

Long before I came to the Congress, Bob was a mentor of mine.

When I was with the Chargers in San Diego, he had the patience to introduce me to the political world. As a freshman in this body, he continued his stewardship in my behalf and his friendship has meant a great deal to me and my family.

For this, and much, much more, I shall always be grateful to Bob Wilson.

What can I add to what has already been said about Bob?

No Congressman has been a better friend to the men and women of our Armed Forces or to the veterans of this Nation than Bob. No one has worked harder to help assure peace through strength than he has through his contributions to the deliberations and legislation considered and guided through the House Armed Services Committee and through this Chamber.

That Bob Wilson is the recipient of the Non-Commissioned Officers' L. Mendel Rivers Legislative Award, the National Security Award, plaudits from the American Military Retirees' Association, and many other honors for his devotion to the maintenance of America's freedom is clearly understandable. But even more than such richly deserved recognition, we must remember the legacy he has bestowed upon us.

The paths that he has cleared must be maintained and broadened if we are to be worthy of the example Bob Wilson has set for us. For a colleague who devoted 28 years to an uncompromising fight for defense of American freedom, we can do no less.

Bob, your contributions are indelible. We will continue to seek your counsel and leadership.

Let me add my personal best wishes to Shirley, your children, and grandchildren.

And as they say in the fleet you served so faithfully, "Well done."●

BILL HARSHA—MR. TRANSPORTATION

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GUYER. Mr. Speaker, the people of Ohio and the Members of the U.S. Congress will be missing one of our foremost colleagues and finest experts on transportation that we have seen in our time.

Bill Harsha has not only served his district with great distinction, but has contributed wisdom and expertise that has improved life for all Americans.

Bill gained international reputation as a master innovator of all modes of transportation.

Through his insight and service, perception and future looking, Bill put together better ways for people and goods to get from one place to another, in better time, in better convenience, and with maximum safety.

Whether waterways or airways, highways, or mass transit, Bill's name is engraved indelibly as a hallmark of improved safety and movement.

We in Ohio who know him best, better know what his labors have done for our people. We also know he has been invited to foreign countries to explain to their people how transportation works with minimum cost and inconvenience, yet with maximum safety and service.

Whether Bill turns next to a responsible position in government, consultant in the private sector, or just the well-deserved role of enjoying the things he helped make possible, we know Bill will be at home. We also know Bill's genial personality, capacity for achievement, and ability to share the concerns of others, will enhance whatever he does, and wherever he lives. We wish him the best.●

ROSA PARKS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CORMAN. Mr. Speaker, on December 1, 1955, Mrs. Rosa Parks, riding a Montgomery, Ala., city bus, refused to give up her seat to a white man and move to the back of the bus as she was ordered by the busdriver. Four days later, Mrs. Parks was fined $14 in police court and a mass bus boycott by thousands of blacks was underway in Montgomery. The courage of Rosa Parks, her demand for respect and equitable treatment under the law, provided the stimulation for the beginning of what we now call our civil rights movement. The dignity and spirit of one woman plus her concern for the rights of all Americans established the example which was soon embraced by countless numbers of people, of every color, throughout the United States.

It is an honor for me to join my colleagues in expressing a tribute to Rosa Parks on the 25th anniversary of a memorable day in the advancement of civil rights and human dignity.●

KIM DAE JUNG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. PORTER. Mr. Speaker, South Korean opposition leader Kim Dae Jung is under death sentence by the Chun military government. Unless United States and international pressure is brought, Kim will be executed. The United States, a strong supporter of South Korea, both with U.S. troops and treasure, cannot allow this to happen. The American people will not stand for this mock trial and the brutal execution of the leader of the opposing party in South Korea. We have spent too much American blood and resources for the past 35 years to stand idly by while a sham procedure and the murder of Kim Dae Jung is carried out. Japan has joined us in protesting the barbarous process underway in South Korea.

It is in the security interest of the United States and its allies in Asia to oppose the execution of Kim Dae Jung. I urge Members to speak out in the Congress on this important issue and to support H. Con. Res. 437. This resolution calls for immediate reconsideration by the Government of South Korea of the process condemning Kim Dae Jung. Congress should pass this resolution and urge an immediate return to democratic procedures in South Korea.●

TRIBUTE TO TIM LEE CARTER

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DRINAN. Mr. Speaker, it is with regret that I join my colleagues in saying farewell to the distinguished Member of the House from Kentucky, Dr. TIM LEE CARTER.

TIM is a man who seems to leave his mark on every endeavor to which he sets his mind. After graduating from the medical school at the University of Tennessee, he volunteered for service in the U.S. Army where he was awarded the Bronze Star Medal and the Combat Medical Badge.

During his lengthy term in Congress, his ideas, always clear and unwavering, made him a prominent member of the Commerce Committee and especially of its Subcommittee on Health and the Environment.

Highly knowledgeable in the field of health, his contributions to the subcommittee, the entire House and the public have been observed again and again by numerous organizations, among them the American Medical Association which presented its highest award to him, and the American Dental Association which made him an honorary member. His unwavering stand on clean air standards and fluoridation projects have earned him respect on both sides of the aisle.

At home he served his community well through his medical practice and his chairmanship of the Board of Education of Monroe County. His accomplishments there have been instrumental in sending him to Congress for 8 consecutive years.

While TIM's absence in this House will be disappointing and apparent, his exemplary performance to all he has served is assurance of his continued success.●

TRIBUTE TO PETER KOSTMAYER

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LEDERER. Mr. Speaker, I rise today to honor our colleague, PETER KOSTMAYER, who leaves the Congress at the close of this term.

I have served with PETE for 4 years since we both came to the Congress in 1977. PETE took up the work and issues of his district from the first developing a reputation for hard work and marshaling the facts. He has won significant legislative victories for the people of the Bucks and Montgomery Counties district and for the whole State of Pennsylvania. His mark in his two terms here will serve as an example to the many new and younger Members coming to serve in the next Congress.

We all know that PETE will continue to serve the people of the State as he continues his career. At a relatively young age, he has already made a significant national contribution. I am sure he will do much more in the future.●

TRIBUTE TO LIONEL VAN DEERLIN

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, one of the most surprising and unfortunate losses in this disastrous election year was that of LIONEL VAN DEERLIN. LIONEL served California's 42d Congressional District with distinction for 18 years.

As Chair of the Commerce Subcommittee on Communications, he has led a long fight for reform of antiquated statutes regulating the television, radio, and telephone industries. His leadership in this field will be sorely missed in the 97th Congress.

I am sure I join all my colleagues, and especially the California delegation, in wishing LIONEL good fortune in his future endeavors.●

TRIBUTE TO PETER H. KOSTMAYER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ROSENTHAL. Mr. Speaker, in the 4 years that he has served in this house, PETER KOSTMAYER has convincingly proven to me and his other colleagues that he is both a remarkable young man and an eminently competent Congressman.

PETER and I have served together for the last two Congresses on the Committee on Government Operations. On that committee, PETER was appreciated for his ability and integrity. He consistently fought for the rights of individuals and particularly the consumers of America. PETER's devotion to environmental issues and the practice of good and efficient government have been exemplary.

PETER has a keen insight into how this institution operates and how best to get things done in government. His accomplishments are overwhelming for so short a term of service.

It is unusual to find in one person both dedication to principles and issues and the ability to articulate and operationalize them. PETER is in my judgment that unique combination.

On both a personal and professional level I will miss PETER. I hope he will continue his life of public service. Our country cannot afford to lose men of his caliber and commitment.●

TRIBUTE TO CHARLIE VANIK

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Ms. FERRARO. Mr. Speaker, on October 5, 1980, an article appeared in the Washington Post on the subject of CHARLIE VANIK's leaving Congress. The article began this way:

> Let's be right up front about it: the ugly lucre of the U.S. election system is driving Representative CHARLIE VANIK out of Congress, and it's a shame.

The article went on to explain that after 13 terms in the House, CHARLIE VANIK was leaving because he refused to sully his independence and his integrity by going out and raising campaign money.

It came as quite a surprise to his colleagues and to his many friends both here in Washington and at home in Cleveland. But really, it should not have. For throughout the quarter-century he served in Congress, CHARLIE VANIK was the essence of independence and integrity.

America's working people, its middle-class taxpayers, have had a true champion in CHARLIE VANIK. He has combined intelligence, energy, eloquence, and great persuasiveness in becoming one of the most productive Members of Congress.

His work on the Ways and Means Subcommittee on Trade has earned the deep respect even of those who differed with him on policy issues. One of the greatest tributes that CHARLIE VANIK has received came from a spokesman for the Emergency Committee for American Trade, an organization that represents multinational corporations. The spokesman said:

> He is always coming after us, criticizing us on our tax payments, but VANIK has been an absolutely outstanding chairman.

All of us in the House, as well as the people of this country he has served so well, will miss CHARLIE VANIK. He has grown to be a leader, and a teacher, and, as the man said, an absolutely outstanding chairman.

There is another thing that brings a touch of sadness to CHARLIE's leaving. For many years, the House has been treated to the sartorial splendor of two of its most admired Members—CHARLIE VANIK, AND BOB ECKHARDT. Now BOB and CHARLIE are both leaving us, and the cause of good legislation, and the appreciation of bow ties, will be the worse off.

Let us be right up front about it. We are going to miss CHARLIE VANIK.●

TRIBUTE TO REPRESENTATIVE JIM LLOYD

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, it is a privilege and a pleasure to honor my good friend and colleague Congressman Jim Lloyd of California.

The residents of the 35th District of California have been extremely fortunate to be represented by such a dedicated, conscientious, and capable legislator during the past years. I am sure they will miss his fair, hard-working, and effective representation of their interests.

With regard to his service in this Chamber, I would like to pay particular attention to the outstanding service Jim has rendered the Democratic Members of the House through his work on the Armed Services Committee. He brought to the Congress an understanding of modern weapons systems and their value when related to an effective national defense. Because of his knowledge in this area, Jim was able to communicate to his colleagues the true defense needs of the Nation at a time when underfunded military budgets were the norm rather than exception.

I am sure that when Jim leaves the Halls of Congress, he will still render service to his country and will indeed give his counsel and advice to those Members voting on particular items of our defense budget.

In fact I feel certain that Jim Lloyd will again be urged by his many friends to take up his career in public service where his talents can be such a valuable contribution to society and look forward eagerly to the day when we again can work together.●

TRIBUTE TO BIZZ JOHNSON

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CLEVELAND. Mr. Speaker, I too wish to express my best wishes to Bizz Johnson, who has had the increasingly thankless job of being chairman of the Public Works Committee for the past 4 years.

Over the years we have shared a number of concerns with respect to the many programs under the jurisdiction of the committee, concerns that are rooted in one common conviction. That is that the economy of this country is not indestructible; that in spite of the vitality of our industrial sector, its capacity to withstand bureaucratic bludgeoning and to absorb the skyrocketing costs of regulation is not endless.

These concerns have lent impetus to his work on the committee, particularly in the area of the regulatory requirements imposed by the Clean Water Act. He recognizes the tremendous diversity of this country and the needs of private business as well as the public sector, and has made no apology for that, as indeed none is warranted.

These convictions have served him well on the committee and served the committee and the country well, and those who follow will do well to be guided by them.

I wish Bizz Johnson well in his retirement and, though I also leave this body at the end of this session, I hope we can manage to keep in touch.●

TRIBUTE TO HON. CHARLES H. WILSON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DINGELL. Mr. Speaker, I am pleased to join in this tribute to Charles H. Wilson on his long and distinguished career in this Chamber.

As a trusted and able legislator, he leaves many friends here. Charlie has been a valued Member, providing seasoned leadership in grappling with the Nation's most pressing problems. Few have labored so tirelessly in dedication to good government and concern for the public interest.

I join with my colleagues in wishing Charlie the best in the future, and I trust that he will continue to be a source of advice and good counsel to those of us who remain.●

MENDEL DAVIS, A MAN OF COURAGE

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MATHIS. Mr. Speaker, first, I wish to thank my friend from South Carolina, Mr. Derrick, for allowing me and other Members to participate in this special order. And I associate myself with the remarks made by the gentleman, and by others.

It has been my good fortune to have known, and served in this great body with Mendel Davis since the moment he arrived here. And it may be correct to say that our friendship and affection for one another is as close as any two Members who have ever served.

To call him a friend is a severe understatement, just as to call him a public servant would be. He is much more. I strongly believe that those qualities that make him such a treasured friend also make him the outstanding public servant that he has been and is.

Mendel is a man of courage and of wisdom. A man of vision and of strength. He is a man of honor and integrity. He is a man of dedication and of justice. He is also a man of compassion and of concern. A man of caring and a man of peace.

Since Mendel Davis came to this body, and replaced me as the youngest Member of the 92d Congress, he has been a strong and articulate spokesman for a strong national defense, believing, as I do, that a strong defense is the surest way to insure the peace that we crave.

Mendel Davis has come to be recognized far beyond these hallowed Halls as one who advocates a sensible defense policy, and in doing so, has followed in the footsteps of his godfather and mentor, the late Mendel Rivers.

Mendel has also made lasting and meaningful contributions in several other areas in this House. And his work on the Committee on House Administration afforded him the opportunity to have a positive impact on the election laws of this Nation. He has been a strong and able leader in the battle for equal access to the election process for all Americans.

His specific legislative accomplishments are too lengthy to be listed, but they are known to Members of this body.

There can be no doubt that Mendel Davis will be remembered for his legislative ability, and while he has compiled a record all of us can envy in creative and positive legislation, he will, in my judgment, be more remembered for the strength and magnetism of that personality.

That personality and that character that drew Members to him and caused them to respect and admire him as did his constituency in the First District of South Carolina.

He shall be remembered here as a doer, and one who delivered. As one who knew and practiced the art of compromise without ever forsaking those principles that are deeply ingrained as the waters that flow under the Cooper River Bridge in his beloved Charleston.

I have traveled that district with Mendel, as he has traveled mine with me. And from the swaying palms of Hilton Head to the mossy cypress of Hell Hole Swamp, he enjoys the unabashed affection of those he has served.

Had he chosen to continue his career in this body, he would have been here for as long as he desired.

His decision to take leave from the day-to-day demands of political life is respected and admired by this Member, whose decision to move into the private sector was the result of a different decisionmaking process.

Sharon joins me in wishing for Mendel and all his family, especially Lila and Elizabeth, nothing but the very best in the years ahead.●

TRIBUTE TO BIZZ JOHNSON

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I rise to pay tribute today to a fellow Member from California, Harold T. (Bizz) Johnson. I feel a great sadness and a deep sense of regret about his departure from Congress.

His skills and accomplishments have earned Bizz wide respect as a hardworking and dedicated legislator. He will be leaving behind valuable contributions as chair of the Committee on Public Works and Transportation and as dean of the California congressional delegation.

Bizz will be sorely missed by the many who have had the privilege of working with him and by the constituents who have had the benefit of his representation during his 22 years in the House.●

A TRIBUTE TO JAMES C. CORMAN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BRADEMAS. Mr. Speaker, the remarkable career that Jim Corman, our distinguished colleague from California, has had in this body is about to end. It has for me been a great privilege to have served with Jim Corman in this body for the past 20 years.

As a senior member of the Ways and Means Committee and chairman of the Subcommittee on Public Assistance and Unemployment Compensation in the 96th Congress, Congressman Corman has made significant contributions to public policy.

Throughout his service, Jim has been a strong supporter of tax reform and the leading advocate in this body of a comprehensive national health insurance program.

On this side of the aisle, all of us have benefited from his dedicated leadership of our Congressional Campaign Committee.

Mr. Speaker, I am proud to have been associated with James Corman and shall always treasure the years we spent together in this House.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. CORCORAN. Mr. Speaker, I was not present when the House considered the conference report to the Agriculture appropriations bill for fiscal year 1981, H.R. 7591, and the conference report to the Federal Insecticide, Fungicide, and Rodenticide Act, H.R. 7018. Had I been present, I would have supported both conference reports.●

SAM DEVINE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. JOHNSON of California. Mr. Speaker, I wish to take this opportunity to join my colleagues in paying tribute to a fine and industrious legislator, Sam Devine. I know Sam Devine well. I have had the great pleasure of working with him in his capacity as ranking minority member on the Interstate and Foreign Commerce Committee on many varied and important issues.

I have found him always to be fair minded and cooperative, with an intense devotion to achieving the highest standards of bipartisan legislation aimed at representing the combined interests of all concerned as he worked to create bills to reflect a national strategy of peace through strength; to prevent overregulation of navigable airspace; to encourage economic growth and modernization through increased capital investment and expended employment opportunities; to express Congress desire to balance the budget; to exempt social security benefits from taxation; and many others.

In all areas, Sam Devine has served the Congress and the country with distinction. If I may paraphrase John Donne, the House as a whole will be diminished by its loss.●

TRIBUTE OF CHARLES H. WILSON

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, I am pleased to have the opportunity to join my colleagues in paying tribute to my good friend Charles H. Wilson of California.

My colleague's admirable work on behalf of our country's Armed Forces and our Nation's national security and his efforts to reform the Postal Service will be long remembered. Indeed, as a member of the Armed Services Committee, he brought his foresight and knowledge to bear in the handling of crucial assignments. His efforts in heading a special committee panel on SALT II and the Comprehensive Test Ban Treaty were crucial to our strategic balance of power. This panel released three reports which were critical of SALT II and its effect on the strategic balance—a position I and many of us in Congress share.

In the area of postal reform, Charlie Wilson's efforts will truly be missed. He has been a consistent and strong advocate for improving this country's mail service.

Charlie's warmth and expertise will be sorely missed by us all in the challenging years ahead. Charlie, I wish you much happiness and continued success in your new endeavors.

TRIBUTE TO PETER H. KOSTMAYER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I join with my colleagues from Pennsylvania to pay tribute to a young and very distinguished Member who is leaving the House this year, Pete Kostmayer. Pete has been here a short time yet he has done a lot during his tenure, and in doing so, has made this a better institution.

I have come to know Pete Kostmayer well in his short term here, and have found him to be one of the hardest working Members we have. I have had the pleasure of serving with him on the Government Operations Committee. His work on the Environment, Energy, and Natural Resources Subcommittee has resulted in positive, important environmental legislation—one which preserved part of the Delaware River as a wild and scenic river. He also serves on the Interior Committee and on the Energy and Environment Subcommittee. His work on reimposing price controls on home heating oil and seeing that small business rather than large corporations benefit from part of the research and development budget authorizations.

When Pete became one of the 44 freshman Democrats to serve on the Democratic Steering and Policy Committee which is chaired by the Speaker, it is no surprise that he would become an effective leader and an established legislator. I wish we could have had more time to work together. It is the fair, concerned, and competent people, like Pete Kostmayer who give this Congress a good reputation. He is one whom we all respect and admire for his outstanding effort.

The people of the Eighth District can be proud of your faithful service to them and to us. You will be greatly missed. Good luck in your future endeavors.●

TRIBUTE TO PETER H. KOSTMAYER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. OTTINGER. Mr. Speaker, it is a privilege to join my colleagues today in this well-deserved tribute to my friend and colleague, PETER KOSTMAYER. It has been a rewarding experience to have known PETER, and I am honored to have served with him in the House of Representatives.

As a member of two important energy subcommittees, PETER has been in the forefront of efforts to preserve America's environment. He received the Pennsylvania Sierra Club's Man of the Year Award in 1977. He is the author of legislation to preserve one-third of the Delaware River as a wild and scenic river.

He has demonstrated concern and effective action on behalf of those historically underrepresented in Government. As a courageous defender of civil rights, PETER has consistently supported programs which defended individuals from Government and corporate abuses.

The Eighth Congressional District of Pennsylvania will be losing a devoted advocate in Washington. I know PETER KOSTMAYER's valued contributions, dedication, and high ethical standards will be greatly missed here. I wish him all the best.●

ELLA GRASSO

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOFFETT. Mr. Speaker, it is with sadness and deep regret that I learned today of the imminent resignation of my State's Governor, Ella Grasso.

A woman of unparalleled ability, she quite clearly ranks among the top public servants and political personalities to represent our State in the last 25 years.

Her contributions to our State and our people have been invaluable. As the man who now represents the congressional district that Mrs. Grasso herself represented prior to her election as Governor, I can attest to the high regard in which she is held.

Governor Grasso possesses a remarkable day-to-day, on-the-scene knowledge of her State. Whether it was the devastation of a flood, the horrors of a tornado in Windsor Locks, or the crippling impact of a massive blizzard, she was always there, on the scene, reaching out and helping. She is a woman of infinite compassion.

She also has displayed another capacity: In a time of divisions, she has developed a broad base of support. This is quite remarkable, in a time when it has become increasingly difficult to reach a consensus on most issues confronting the country.

We shall continue to call on her for her advice and her guidance. Our wishes and our prayers are with her.●

GOLDWATER (ARIZONA) AND GOLDWATER (CALIFORNIA)

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. GOLDWATER. Mr. Speaker, in July of this year, I had the extraordinary honor to introduce my father, Senator BARRY GOLDWATER of Arizona, to those assembled at the Republican National Convention in Detroit, Mich. It was a highlight of my life, and I would like to share the experience, and the wisdom of my father's remarks, with my colleagues:

Four years ago in Kansas City, I was honored to introduce my father to the Republican National Convention. I enjoyed it so much I thought I would do it again.

Four years ago was a supreme moment for a proud son, not only to serve with him in the Congress, but to actually introduce him to the Convention. I thought that moment could never be duplicated.

Perhaps I was wrong, because today I sense a more profound urgency for the people of this nation to rededicate themselves to the high principles and goals that have symbolized his career.

The senior senator from Arizona has come a long way from that bleak November of 1964. Sixteen years later, principles he stood for are being trumpeted by politicians everywhere: balance the budget; stop strangling people with taxes; deal with our enemies through strength, not weakness; fight for national standards of ethics and values; bring back the true meaning of the American Dream.

Question: a prophet in his own time? To use one of his favorite phrases: Damn right. Almost every single thing he advocated and predicted in 1964 has come to pass.

Since that cold day over 27 years ago when he first took the oath of office in the U.S. Senate, until this very hour, Barry Goldwater has summoned us forth with a clarion call to do battle for America.

As one of America's premier statesmen, the man from Arizona has stood in the trenches—often alone—never giving one inch of ground in the defense of freedom.

And once again, as the Republican Party stands on the threshold of victory, Barry Goldwater is ready again to give his all to elect his old friend Ronald Reagan as President.

Barry Goldwater, grandson of Polish immigrants who fled tyranny 130 years ago. Barry Goldwater, steeped in the rugged individualism of the Old West. Barry Goldwater, taught values, ethics, and universal truths by his mother—one of the most remarkable women who ever lived. Barry Goldwater, defending his country in its hour of need. Barry Goldwater, statesman, senator, Air Force general, author, explorer, and lecturer.

Yet, through it all, finding time for his family, teaching his kids right from wrong and partner with my mother in one of the greatest love stories ever.

Yes, I'll praise my father, praise him for devoting a lifetime to decency and truth. I'll praise him, even though some skeptics were skeptical, doubters doubted, and critics were critical, for in my heart he was always right. It is therefore with love, honor and respect that I present to you my father, one of this nation's great leaders, Senator Barry Goldwater.

BARRY GOLDWATER'S SPEECH

Thank you, thank you folks. Thank you, I think I will accept your nomination. Okay, first of all, I don't want to surprise my oldest son too much, but this is his birthday. And I wanted to wish him a very happy 42nd birthday and to tell him that all this jazz about life doesn't start at 40, and that's all it is; it gets better as it goes on. Barry, I thank you very much from the bottom of my heart.

And I'd like to take a moment because I know your mother is watching this and I have to say thank you to her for making you possible. Thank you.

Now if you get tired of seeing me come to these conventions on crutches, believe me, I get tired of being on them. But, if you had to work around Washington, D.C., I think you'd probably wind up on crutches, in fact, I know some people back there who should be using crutches under their brains.

My fellow Americans, I thank you for this great honor, and I am particularly proud to be here with my fellow Arizonans and to be able to stand with them when we ratify the name of our next President, Ronald Reagan. Now let me suggest these few moments together might be spent in a recital of the tragic miscalculations of President Carter and his administration:

Those economic decisions which have given us the highest rate of inflation in our history.

Those foreign policy decisions which have cost us the respect of our enemies and destroyed the confidence of our friends throughout the world.

Those military decisions which have reduced us to the rank of a second-rate power.

My years of dedication to the problems of national defense compel me at this time to call history as my witness that weakness leads to war.

My friends, if this country had been adequately armed back in the 1930's there never would have been a World War II. If we'd had leadership worthy of the name, Vietnam wouldn't have lasted more than a few days. And let me suggest to you that if our country had been adequately armed and prepared, and another big if, if our leaders had displayed the guts and the courage America is noted for, no country in this world would have ever taken hostages from us.

Yes, my friends, we might spend our time together criticizing, but in my humble opinion, we can serve a much much greater purpose.

We are gathered here as Americans and as representatives of the Republican Party. We are united by our commitment to the basic truths proclaimed in that living document, the Declaration of Independence.

Let me suggest that we are here tonight most importantly, to reaffirm our faith in those truths:

We believe in freedom.

We believe in liberty without license.

We believe that because all men share equally in the love of Almighty God, every man, every man must be equal before the law.

We believe the citizen is sovereign, not people who gather in a hidden room in the White House.

We believe all legitimate government rests upon the informed consent of the governed.

Now, we have not abandoned nor deserted these basic beliefs and yet this beloved country of ours stands in great peril. Our fellow countrymen are distraught, confused, alarmed and uncertain. Fear and distress abound.

And, our one task is to set before this nation a course which can correct the errors of the past and lead us forward.

Now to all of you assembled here tonight—to those watching these proceedings on television or listening to the radio, it is my solemn belief we must order a dramatic change in the direction this country is headed.

There must be a change from distrust of our government to confidence in it. There must be a change from weakness and uncertainty and weakness to strength and trust. There must be a change from fear to faith.

We must turn our backs ladies and gentlemen on the false promises of something for nothing and perpetual care and eternal bliss offered by the advocates of those who support a super-federal state.

My friends, we must penetrate the deception, and I use the word kindly, of those who have distorted and misrepresented our Constitution as an excuse for endless tinkering with our society and reaffirm our understanding of the Constitution as the document which guarantees individual freedom and demands individual responsibility.

Ladies and gentlemen, we believe in the Republican philosophy of government—honesty, isn't that a word we hear too little of. Honesty, when the President of our country stands on the deck of an aircraft carrier just returned from combat and promises increased pay and that night said that he'd veto it. We don't have to put up with that, and we can change it soon. We believe in fiscal responsibility—full value of each dollar taken in taxes—and an acceptable tax burden which will not destroy individual initiative. Ladies and gentlemen, we believe these ideas offer the best hope of the future to the American people and to the free world.

Yes, we are partisan Republicans. We gather here tonight encouraged by the primary elections—by the polls which indicate that an ever increasing number of Americans are dissatisfied with the policies and programs of that element of the Democratic Party which has controlled and misdirected this nation without interruption since January, 1955.

Oh, to be sure, we have had Republicans in the White House, but let me remind you since that January of 1955, the Democrats have controlled the Congress of the United States. It is the Congress, let me repeat that it is the Congress, which runs the country and determines the spending that creates and then fails to control the bureaucracy which is destroying us.

Now our enemies overseas have grown stronger while we have grown weaker. In fact I might say that the present administration has acted like a weather vane in its approach to the military budget.

The American people are not hopelessly parochial in their worldview. They recognize the relentless determination of the Soviet Union to conquer the world for communism. They are not cowards. They do not subscribe to the belief, "It is better to be red than dead." We will eagerly support the rebuilding of our military capabilities. We understand that it is the first responsibility, and please listen to this, it is the first responsibility of the central government to provide for the common defense. And, if there is any more reason needed for a change in November in the White House, I don't know what it is. I don't want to trust the future of my country to people who do not understand that one of the responsibilities is to defend our people, wherever they are, and their property and their freedom. And, we are skeptical of deceitful leaders who first propose and then abandon new strengths in our defense arsenal. Now, most important of these strengths are to be found in our personnel from the lowest ranking enlisted man to the highest ranking officer and their jobs must be made more appealing, more attractive and more rewarding.

The American people I will remind you, are not oblivious to history. They understand the greatest guarantee of peace is to be so strong no aggressor nation will be tempted to test that strength. Other nations in the free world, dismayed and confused by the aimless, inconsistent, contradictory foreign policy of the United States have lost confidence in our leadership. Ladies and gentlemen, we must restore that confidence. We must adopt a foreign policy of consistency and stability built upon our willingness to use every power we have to keep the peace.

Now the American economy deserves a look. The American free enterprise system was once the model that all other countries sought to follow. The American free enterprise system produced more products and more services and distributed them more equitably to more people than any other service ever devised. And yet, we have people in Washington who want to take us into socialism and nationalism, controlled by the state. At this moment, our system, the American economic system, my friends, is in deep trouble.

There is widespread unemployment. Taxes, local, state and federal take almost forty-seven cents of every dollar earned.

Inflation, as you've been reminded, robs the worker's paychecks, destroys the savings of the elderly. And the major responsibility for this escalating inflation properly belongs to the federal government—reckless federal spending—deficit spending and excessive waste—unbalanced budgets—desertion of the gold standard and removing the silver from our coins. All of these actions taken together have destroyed world confidence in our dollar.

Now, we have resorted to an elaborate, overlapping, conflicting system of public subsidy which does an injustice to the taxpayer by claiming an unfair share of his earnings and destroys the self-confidence and the self-respect of the subsidized. Gentlemen and ladies, the American people are weary, they are fed up, they are angry. They have seen their substance wasted, their individual freedoms diminished. They are ready for a change.

They want a strong America.

They want a prosperous America.

They want a better, brighter, more secure future for their children and their childrens' children. They understand that the uninterrupted, one party rule of the United States has held its people hostage by the concept of a super government wielding unlimited powers to coerce, direct and govern their lives. They want a change from a welfare state to one in which the employable work.

Ladies and gentlemen, keep one thing in mind, the only reason we are here, the only reason there is a United States, the only reason our old ancestors like my old Polish grandfather came to this country was for freedom.

I'll make this statement that workers of America are unwilling to permit the truly needy to go hungry, but they are outraged by the massive frauds perpetuated by those who won't work. The American taxpayers will gladly support every proper governmental activity, but they are sick of the reckless, extravagant waste of public funds.

In our eagerness to create a heaven on earth—to protect every man from his folly—we have created a monstrous bureaucracy. However well intentioned these efforts, they have operated to diminish the individual citizen's responsibility, freedom, faith in government and in the future of our American institutions.

And fellow Americans, one of the most incredible developments in American history is the manner in which this nation gave itself a self-inflicted wound. We literally burned out our eyes and cut off our ears. I refer to what the Democrats did to practically destroy the CIA and the other elements of our national intelligence community whose mission is to keep us informed on the many threats to our security. We require intelligence on all areas around the world—above all, we must know what the Soviets are up to—we must know all we can about the Islamic crescent. (You think it's hot in Arizona, this is the hottest damn place I've been all day.) We must know the truth about unstable countries, the new nations of Africa and the turbulent Caribbean next door. This may make you angry but, there are some among us who do not believe in our system. It is, therefore, a matter of the highest priority that we reconstitute and rebuild a national intelligence collection capability sufficient to give us the assurance that this country will not be subjected to another Pearl Harbor.

We are gathered here tonight to name new leaders to carry the Republican banner in this Fall's election. We are (God Almighty, where did they get all this heat from), here to offer this nation a course of action which will enlist the people's support, reasonable proposals sustained by both history and our recent experience.

We are partisan Republicans, but before we were Republicans we were Americans. Let us go forth—let us go forth from this convention as Americans first. Let us without rancor, without guile, without exaggerations, present the truth to our fellow citizens.

Let me remind you the Republican Party was born in a moment of great national peril. The continued existence of the Republic changed, hanging in the balance, when men of good will and good conscience were divided.

I share the conviction that Divine Providence gave us Abraham Lincoln. I am persuaded that his steadfast purpose—his compassionate wisdom bound up the nations' wounds so this house of freedom and justice might endure for Americans. We are Americans, we are the inheritors of the most precious legacy ever bequeathed to man.

I deem the perils of the present moment are no greater than the perils we have faced in the past. I do not find the American people deficient in courage nor in their devotion to the cause of freedom. Oh, confused perhaps, frustrated certainly, questioning the course we have followed, yes, but eager and willing to make any sacrifice necessary to preserve and protect this great, noble experiment in human freedom offered to the world a little more than two hundred years ago.

Yes, again, let us then go forth from this convention as servants of the Republic—as the bearers of truth—offering common sense remedies—resting on historical understanding. Let us study the errors of the past without alleging meanness of motive. Let us seek to unite rather than to divide.

Finally, as Republicans, we must not fail in our goal of changing the course of this nation. We must hold sacred our traditions of loyalty and morality. We must guard against destructive, false criticism and apathy. We must not surrender to a feeling of helplessness.

I truly believe Divine Providence has provided us with an opportunity to save this great country of ours and if we leave these gatherings dedicated to that purpose, our duty as Republicans will have been nobly done.

And before I leave, ladies and gentlemen, let me make a plea, not as a Republican, not as one who lived through probably one of the most devisive periods that any party of our country ever lived through. If we are not happy with every dot and comma in the platform adopted by this party, all right, let's live with what we got that we like. I don't like all of it, but it is mine. Let's give the new President, Ronald Reagan everything that we have in us.

I can tell you there is no worse feeling than to go forth in this country as I did and try to do my best, which wasn't good enough, which by the way I never regretted. But to look back, and realize that with a little less harping, a little less nit-picking, a little more willingness to share, a little more willingness to give in, we cannot be a party of thousands and thousands of interpretations of morality or immorality or ethics or conservatism or middle of the road or liberal. We are Republicans, we love our Republic; and our job, ladies and gentlemen, is to defend it.

Let me tell you, save it, because I have reached that point in my life, not a long life, but I'll tell you it has been an interesting one; I've reached a point where I don't think we have much more time. For this might be the last Republician Convention, and in two weeks, the last Democrat Convention, there are forces working against our country. There are selfish forces working for their own interests in our country, and our country was built upon the concept that freedom came from God and that it belongs to all people, as long as we don't abuse the rights that have been given us.●

TRIBUTE TO THE MEMBERS OF THE NEW YORK DELEGATION RETIRING THIS YEAR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is a pleasure and an honor to add my tributes to so many others on the occasion of the retirement from Congress of these seven members of the New York delegation. All of them are my good friends, all of them are respected colleagues, and all of them I have known since they arrived in Congress.

Congressman Jack Murphy, who came to Congress in 1962, has provided outstanding leadership both in his assignments as chairman of the Merchant Marine and Fisheries Committee, and as chairman of the Consumer Protection Subcommittee where he has been a champion of consumer interests. His many assignments as our country's representative on many occasions in international forums has given him an added opportunity to represent the Nation's best interests.

My own personal admiration of him stems from his influential and key position as an advocate for aid to New York City during the time that my Subcommittee on Economic Stabilization was considering this legislation. He is a forceful, and brilliant advocate of his constituents' best interests and that of our Nation.

John Wydler, another veteran of 18 years, has also left his indelible mark on our great House, with his skilled and intelligent handling of scientific matters on the Science and Technology Committee, I have admired his reasoned approach to the oversight functions of our shared membership on the Government Operations Committee, and his skilled handling of the revenue sharing legislation on the floor of the House. He was also a tower of strength on the conference committee on the Energy Security Act.

Jim Hanley has ably represented the people of Syracuse, N.Y., for 16 distinguished years, and I have greatly respected and enjoyed his role as a fellow member of the Housing and Community Development Subcommittee of Banking, Finance and Urban Affairs. Jim has been a dedicated and well informed member of this group—one who has understood the problems of the big cities, and who has helped to shape the national policy on housing over the past decade.

Lester Wolff has been more than a colleague. He has also been a neighbor in the same corridor of the Rayburn Building, so we have shared an extra friendship that has come from sharing rides on elevators and walks down hallways. Lester has been a wonderful spokesman for the Foreign Affairs Committee on many occasions, and he made a particular contribution in his chairmanship of the Select Committee on Narcotics Abuse and Control.

Bob McEwan has ably represented the northern section of New York State, and yet was equally supportive of help to New York City. He has been a strong advocate of national security and has ably served as a member of the Appropriations Subcommittee on Military Construction.

Elizabeth Holtzman has been an extremely articulate and highly respected Member of the House, and of the best interests of New York. As a member of the House Judiciary Committee, she performed with distinction at the Watergate hearings, and has long been a strong supporter of human rights.

Jerry Ambro has served with distinction as a Representative from Long Island since 1974. His concern for the military security of our country has been recognized by all who have observed him both as a member of the Public Works and Transportation Committee, and as a member of the Science and Technology Committee. His experience as a former local official has brought an understanding and sympathy to the problems of his district.●

THE AMERICAN UNIVERSITY OF BEIRUT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DERWINSKI. Mr. Speaker, one of the outstanding institutions in the Near East, for its contributions to the intellectual, cultural, and economic life of the entire region, is the American University of Beirut. Engrossed in a remarkable recovery from the effects of the Lebanese civil war, under the able leadership of Dr. Harold E. Hoelscher, former head of the Institute for Research on Interactions of Technology and Society at the University of Pittsburgh, the American University of Beirut continues to be a showcase in the area for American-style education. There have been many close calls for the AUB, especially during the height of the civil war's fratricide and destruction. Nevertheless, at a time when it seemed that there were no exemptions to the growing voilence, none of the many armed groups succumbed to attack the AUB itself. It has survived, fortunately, to recuperate and rededicate itself to its mission.

An article about the American University of Beirut, written by Ihsan A. Hijazi, appeared in the New York Times Sunday Magazine on April 20, 1980. "The American University in Beirut Recovering Past Glory," is reprinted below:

THE AMERICAN U. IN BEIRUT RECOVERING PAST GLORY

Beirut, Lebanon.—The American University of Beirut, founded as a Protestant missionary institution and chartered by the New York State Board of Regents, is in the midst of a remarkable recovery from the impact of the Lebanese civil war. While the university's problems, especially financial, are by no means over, the 114-year-old institution retains its standing as the most modern and sophisticated center of higher learning in the Middle East.

Only five years ago, the university was plagued by politics on campus, budget deficits and the civil war. The school, which has graduated thousands of doctors, engineers, nurses, educators and top government leaders, appears to have survived.

Dubbed "Guerrilla U" during the civil war because it was under the protection of the main Palestinian commando group, El-Fatah, the school, almost half of whose students are Moslem, is again a major outlet for Western orientation and a showcase for American-style education—while not forgetting its Middle East surroundings. It now looks for aid from the Arab countries and in return is offering its long experience in technological matters, badly needed in the area.

In 1975, the school began its Services Corporation, selling consultations to governments and private businesses, especially in the Persian Gulf area. Dr. Harold E. Hoelscher, the university's president, has toured the Arab states promoting the university, saying, "Give us the funds we require and we will give you highly educated men needed for Arab development."

Dr. Hoelscher, formerly the director of the Institute of Technology at the University of Pittsburgh, came to his current post in August 1977. He soon decided that the university, which had been helped during the war by an $8 million low-interest loan from the Lebanese Government, would no longer be run on loans. "Our problem is not money, but how to use it," he told the administration.

Asked in an interview published in a campus magazine why he thought Arabs should support a foreign institution, Dr. Hoelscher replied: "Firstly, A.U.B. is not a foreign univerisity, not in any sense at all. It is clearly not a foreigner. Its faculty are more than 70 percent from this world region. Its programs are focused on the problems of the Middle East and the Arab world. It currently works collaboratively with agencies in a dozen of the Arab states throughout the region on problems of importance to the development of those states. This is not the record of a foreigner."

The majority of the non-American members of the faculty received their education in the United States and employ American educational technology. The liberal-arts curriculum is similar to that in the United States and the orientation is similar to that of American universities.

The overwhelming majority of the students, professors and teachers are Lebanese. More Arabic than English is heard on campus.

Above all, the university, which occupies 73 acres of prime real estate overlooking the Mediterranean in the predominantly Moslem West Beirut, is a private institution. With schools of arts and sciences, medicine, engineering and architecture, agriculture and health sciences, it grants degrees under the authority of the New York State Board of Regents. A modern hospital with 420 beds is adjacent to the campus.

Of this year's 4,102 students, 47 percent are Moslem, despite the fact that an Egyptian-financed institution, the Beirut Arab University, is also in West Beirut. The overall total, though 700 fewer than before the Lebanese civil war, is 1,000 more than during the war.

Seventeen of the 25 members of the trustees and most of the school's top administrators are American. School officials repeatedly point out, however, that when the university experienced its worst financial difficulty, a loan from the Lebanese Government, and not the United States or any other outside source, bailed it out.

While some students complain that the standard of education has dropped since the civil war, because of the departure of many professors, others believe the standard is still the highest in the region. Many students from high schools here and in other Arab countries have been refused admission because their levels were not considered high enough.

A Lebanese physics major said. "What is helpful about the university is that I can enroll in any university in the United States for my postgraduate courses."

"A degree from this school is competitive when I seek a job after graduation," an economics student said. A third-year medical student said that he could practice medicine and become a general practitioner after graduation even if he did not go abroad for specialization.

A 20-year-old Lebanese-American coed who was born here said: "A.U.B. is ideal. I can stay in Lebanon and have an American education at the same time."

The university has managed to avoid falling under the influence of any Government, including that of the United States, despite American aid.

Last year, 12 percent of the school's budget of $36 million came from the United States Agency for International Aid. Grants and gifts, some from Arab graduates, accounted for a large portion of the budget, and tuition provided 26 percent more. In 1973 an offer of $10 million from Libya—if the school became an Arab nationalist institution—was turned down.

There has been a sharp decline in American willingness to contribute to the school in recent years. Observers attribute this to the belief that the university, being in an Arab country, should profit from the great Arab wealth, and an impression that the school has become a center of Arab radicalism.

Among its graduates are Dr. George Habash, the general secretary of the militant Popular Front for the Liberation of Palestine, and his former colleague, the late Dr. Wadie Haddad. Dr. Haddad was known as the mastermind of terrorist operations abroad, especially aircraft-hijacking.

The Minister of Agrarian Reforms in the Marxist regime of Babrak Karmal in Afghanistan, Fadulrahim Mumend, is also a graduate of the school.

But 19 of those who signed the United Nations Charter in San Francisco in 1945 were also graduates, including Lebanon's former Foreign Minister, Charles Malik, now a member of the country's main Christian rightist alliance. Dr. Selim al-Hoss and Mudar Badran, Prime Ministers of Lebanon and Jordan, respectively, are two other graduates.

American University's first president, the Rev. Daniel Bliss, a Presbyterian missionary, set forward the institution's motto: "That they may have life and have it more abundantly."

In his inauguration speech, Mr. Bliss said, "This college is for all conditions and classes of men without regard to color, nationality, race or religion."

Though the war inflicted little damage to the campus, it did not spare the school altogether. In 1976, two of its deans were shot and killed by an irate student.

"It was regarded as an isolated case unrelated to the civil strife," said the school's public-relations director, Radwan Mawlawi. "We were not a target because we were respected by both sides."

"Students have cooled off politically," said the university's vice president, Dr. Samir K. Thabet. "They are more interested now in their studies and less in political issues."●

SEPARATION OF POWERS: A BASIC TENET OF OUR POLITICAL SYSTEM

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. PURSELL. Mr. Speaker, during the recent House consideration of the second concurrent budget resolution for fiscal year 1981 (H. Con. Res. 448), I was one of only three members of my party to vote against the Latta amendment, which was defeated by a vote of 154 to 232. That amendment, in effect, would have allowed the President to impound—in other words, not spend—funds appropriated by Congress.

Frankly, I did not enjoy voting against my good friend from Ohio and most of my Republican colleagues. As one who firmly believes that holding down Government spending is an essential first step in successfully attacking our serious economic problems, I have greatly appreciated DEL LATTA's yeoman efforts as the ranking member of the House Budget Committee.

I fully understand that his amendment to House Concurrent Resolution 448 was simply another attempt to help meet this vital goal. However, in the process it also unfortunately would have violated one of the basic tenets of our political system, that of "Separation of Powers."

Our Founding Fathers deliberately and carefully divided the power of National Government among three separate, distinct branches—legislative, executive, and judicial. Writing in Federalist No. 47, James Madison said:

> No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that . . . the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.

Under this arrangement, decisions as to the raising and spending of money clearly are to be made by the legislative branch. Article I, section 8 of the Constitution expressly states that, "The Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

Each year the President makes recommendations as to revenues and expenditures. The Congress, in turn, passes appropriate authorization and appropriations bills, and the administration implements those decisions. Meanwhile, during the course of the year, the President may see the desirability of making adjustments in these recommendations and decisions. Accordingly, formal procedures for supplemental appropriations and the impoundment of funds have been established, so as not to violate the separation of powers.

The Congressional Budget and Impoundment Control Act of 1974 provides for two types of impoundment: deferral and rescission—both involving a recommendation by the President and a final decision by Congress. In cases of deferral, the President transmits to Congress a message asking for permission to delay spending funds already appropriated. If either House passes a resolution disapproving such a proposal, the amount to be deferred shall be made available for obligation.

A rescission would result in appropriated funds not being spent at all, and requires enactment of a rescission bill by both Houses of Congress.

Pragmatism suggests than when a President's politics are in harmony with those of a Member of Congress, that particular Representative might be willing to relinquish his responsibilities and let the President unilaterally make the hard decisions with respect to impoundments. However, one would likely be of a far different mind when the Oval Office is occupied by someone of divergent views.

For example, would those pressing for the Latta amendment be willing to extend a President less defense minded that Mr. Reagan the power to impound funds appropriated for the procurement and operation of important weapons systems, without the approval of Congress? In that regard, it should be noted that impoundments are possible only in the so-called discretionary programs for which entitlements have not been established, and it is estimated that 70 to 85 percent of such programs are in the area of defense.

The "Separation of Powers" doctrine has met the test of time. We should not let pragmatism turn back the clock over 200 years, no matter how worthy the goal. Rather, the people's elected Representatives—the Congress—have an obligation to exercise their constitutional duties and insure responsible spending practices.

As a Member of the House of Representatives and its Appropriations Committee, I pledge my continued best efforts toward this important objective and look forward with hopeful anticipation to significant progress during the upcoming 97th Congress.●

ECONOMIC GROWTH—IT IS EVERYBODY'S BUSINESS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. KEMP. Mr. Speaker, there is a new book in town that every Member of Congress should take time to read. "Economic Progress—It's Everybody's Business," was written by Dr. Richard Lesher, the president of the U.S. Chamber of Commerce, and a man who is also, I am delighted to say, my personal friend.

I have admired all Dick has accomplished since taking over at the chamber in 1975. In just these last 5 years, he has doubled the organization's membership and sharpened its overall effectiveness to the point where Time magazine was moved to call it "The most broadly respected business lobby in Washington."

When you read his book, you can understand why he is succeeding so well. Dick is a man of action and ideas who believes in people. More precisely, he is a believer, as I am, in incentive economics, which is to say he believes people will accomplish remarkable feats whenever they are given the incentive to try. But as he points out, often with humor, and always with keen logic, in recent years Americans have been deprived of incentives to succeed, and instead, actually encouraged by Washington to fail.

In "Economic Progress—It's Everybody's Business," he rips apart the arguments of those whose policies of high tax rates, deficit financing, and soft money have done so much to weaken our economy. He counters convincingly that providing stronger incentives through real rewards for every person willing to work, save, and invest is the most exciting and potentially successful idea in America today.

Dr. Lesher addresses all the problems each of us here is grappling with daily—from inflation to recession, taxation, regulation, productivity, the environment, health, welfare, and others. Throughout, his writing is guided by a deep faith in the unlimited power and potential of our enterprise system, and its entrepreneurs, when set free.

Mr. Speaker, the stunning election of Governor Reagan and the dramatic changes voted in the makeup of the 97th Congress reflect a clear desire of Americans to take control of the destiny of their country once again. Dick Lesher's book is tailored perfectly for this moment in our history. Economic growth really is everybody's business, and Dick Lesher provides the new administration a blueprint on what must be done so that all Americans can enjoy the blessings of progress, prosperity, and individual freedom. I strongly urge my colleagues to read it.●

REPEAL THE WINDFALL PROFIT TAX

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. ASHBROOK. Mr. Speaker, the first order of business in the 97th Congress ought to be the repeal of all of the bad laws passed by the 96th. One of the many legislative disasters engineered by the present Congress is the so-called windfall profit tax. This ill-advised tax removes billions of dollars from the private, productive sector of the economy which could and would be used for exploration and development of new energy. It turns that capital over to the Federal Government, which to the best of my knowledge, does not produce one drop of oil.

While the liberal proponents of this confiscatory tax like to talk a lot about "big oil", they fail to tell you that it is the small businessman and the royalty owner who feels the pinch. Stripper wells, those wells which produce less than 10 barrels of oil per day, account for 16 percent of the American oil produced. As a result of the windfall profit tax, that number will shrink and we will grow more and more dependent on Arab oil.

I recently had the opportunity to read an excellent article in the Oil Daily which I would like to share with my colleagues. The article was written by Richard L. Vockel, a resident of my congressional district, who is currently serving a term as president of the National Stripper Well Association. Dick's article is clear and concise and should be recommended reading for those of my colleagues who share the concerns of the productive sector. To those Members of Congress who fail to see the disastrous impact of the windfall profit tax, particularly as it affects stripper well production, I would also recommend the article:

REDUCING STRIPPER WELL INCOME WITH WINDFALL TAX IS MISTAKE

(By Richard L. Vockel)

The National Stripper Well Association plans to play an active role in the year ahead in efforts by producer organizations and others to get the oil windfall profit tax of 1980 overturned by the courts or repealed or substantially amended by the new Congress.

We will be acting out of self interest, but we will also be acting in what we sincerely believe is in the best interest of this nation.

It should be evident to all that our heavy dependence on foreign sources of supply of oil—especially in the unstable Middle East—puts this nation is grave danger. Each day's development in that war-torn area further underlines this.

It should be equally evident that if we are to reduce this dependence and reduce this danger, the United States must make every effort to develop its own energy resources. If we fail to make that effort we are endangering our economy and placing our very security in jeopardy.

TRAGIC MISTAKE

In such a setting, the levying of a heavy, punitive tax on the domestic oil producing industry is a tragic mistake. It can only slow down our search for more domestic oil reserves and delay the development of supplemental energy supplies.

It is elementary that money taken out of the industry cannot be spent by the industry in searching for and developing additional domestic oil supplies. And the so-called windfall profit tax will take $227 billion away from the industry during the decade ahead.

The story told by the cold statistics on the stripper well segment of the producing industry shows clearly the impact of incentives on the effort to find and produce more oil.

Stripper wells are those producing 10 barrels a day, or less, per well. Clearly, this is not "big oil" but "little oil." Yet the combined output of these wells amounted to more than 394 million barrels in 1979—about 16 percent of the nation's total crude oil production. Thus, the role these wells play is a highly important one because if stripper wells are abandoned the oil is left in the ground, lost to this nation and its consumers.

Our association and the Interstate Oil Compact Commission jointly gather and publish each year the statistics on stripper well operations.

These reports show that in the post-war years when this country was turning increasingly to "cheap" foreign oil, stripper well operations declined along with the domestic producing industry.

In the early Seventies before the oil embargo in the winter of 1973-74, stripper oil production was declining at an average rate of 15 million barrels a year. This simply meant that wells were being abandoned earlier and earlier because it was no longer economic to keep them in operation.

Congress finally realized that the low prices being allowed under federal oil price controls were hitting hardest the production by stripper well operators. Congress then, at the end of 1973, exempted stripper oil from price controls.

DECLINE ARRESTED

As a result of improving the price for stripper oil, the decline in production slowed to a halt. Last year, there was an increase over the previous year even though U.S. crude oil production from all wells had continued to decline.

In addition, there was an increase in the number of stripper wells being kept in operation and a sharp drop in the number of wells being abandoned annually. For example, there were more than 18,000 wells closed down in 1971 but less than 8,000 abandoned in 1979.

The net effect of the improved economic climate for stripper oil production was that millions of barrels of oil are now being produced that would not have been produced had the pre-1973 conditions continued.

In a nation where oil is becoming harder and more costly to find, it makes sense to produce as much oil as possible from the discoveries that are made. This is the role of the stripper well operator.

Yet in the face of this need, Congress this year passed the windfall profit tax, which isn't a tax on profit at all but on production. It should be called what it is, an excise tax.

STRIPPERS HIT

This tax has hit stripper well operators and their royalty owners particularly hard because it has had the effect of a substantial rollback in the price they receive for their oil. For other categories of oil that are still under price control, the current phasing out of those controls means higher prices and the tax is only on that increase in price over the base price. But since stripper oil had been decontrolled earlier, the tax reduces the price stripper well operators and their royalty owners receive for their oil.

This reduction amounts to around $6 a barrel for independent stripper well operators and about $12 a barrel for integrated companies and for all royalty owners.

With a reduced flow of income, stripper well operators are necessarily curtailing their efforts to drill new wells, rework old ones and apply secondary recovery methods.

A TYPICAL CASE

The experience related recently by a stripper well operator in Kansas is typical. He said he had planned on drilling 16 wells this year if the windfall tax were not passed. But since it was passed, he has reduced his drilling program to nine wells because of his reduced cash flow.

Such reduced activity can only lead to reduced oil production. That, in turn, means a continuing increase in our dependence on foreign oil.

Critics of the petroleum industry have said there is no point in letting domestic producers get the marketplace price because it will not result in an increase in oil production. The stripper well figures we have cited show clearly that this simply is not so.

It is important that government leaders and the general public realize that in punishing the oil industry with the windfall profit tax they are, in reality, punishing the public and the nation.

If we can rebuild our domestic energy industry—and we have the resources to do so—everyone will profit. We will not only be able to reduce the dangerous dependence on overseas suppliers but, with adequate supplies, energy prices will level off.

Americans have waited a long time to get started on an all-out effort to rebuild our own energy strength. As a result, we continue to be at the mercy of others, unable to control our own energy fate. The windfall profit tax worsens this situation at the very time we need to remove as many obstacles as possible from the path of more energy development.

The National Stripper Well Association was founded in 1934 to concentrate its efforts on problems and interests of the stripper well division of the domestic producing industry.

We have worked to this end over the years in cooperation with the Independent Petroleum Association of America and other producer organizations. In doing so, we have sought to act in the best interest of the nation as a whole because without a strong and healthy nation, all of us will be imperiled.●

IF I WERE PRESIDENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. HUBBARD. Mr. Speaker, to nurture her students' interest in the 1980 Presidential election, Charlene Beasley asked her fifth graders at Lone Oak Elementary School in Paducah, Ky., to write essays explaining what they would do if they were elected President. The fifth graders' essays were at times humorous, but often displayed a remarkable amount of insight. I would like to share with my colleagues two of these essays, which follow.

Dwayne Sutton authored this first essay:

> If I were President I would lower the taxes and cut down on the gas prices, plus I would cut down on the interest loans. I would go over to Iran and say, "If you don't give us the hostages, I will bomb your country personally myself."
>
> I would put up new schools where the children could have more education. Plus I would put up more parks where the children could have fun there, and play games like softball, basketball, football and play on the swings and the merry-go-round. This is what I would do.

Nancy Harper wrote the second essay:

> If I were President I would concern myself with home affairs first, such as jobs, feeding our own poor people, and housing, too. Next, I would work on our foreign affairs, such as export and import goods. I would then concern myself with foreign aid food for other countries. I would also keep up a strong military power for our defense. But the most important thing is to free the hostages and bring them home, safe and sound. Then lower gas prices and food and housing prices too.●

DISASTER RELIEF FOR VICTIMS OF RECENT EARTHQUAKES IN SOUTHERN ITALY

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. ATKINSON. Mr. Speaker, I would like to commend the House of Representatives for the swift passage of H.R. 8388, to authorize appropriations for disaster assistance for the victims of the recent Italian earthquakes. The $50 million which was authorized for this purpose will add to the assistance which has come from both private and public sources in the United States, Italy, and the international community. The swiftness with which we in the House have reacted should serve as testimony to our recognition of Italy's role as one of this country's most loyal allies and fast friends. Certainly, the contributions made by Italians to the quality of life here in America, from Christopher Columbus to the present, is deserved of our greatest consideration. Of course, a disaster of this magnitude inspires our sympathy no matter where in the world it occurs, but the strong ties between our two nations makes that concern even greater.

A number of organizations have already begun relief programs which have been exemplary of the compassion and warmth that so typifies the American people. The National Italian American Foundation, the Order of the Sons of Italy, the Catholic Relief Service, the American National Red Cross, the Seventh Day Adventist World Service, the Salvation Army, the Save the Children Federation, the Church World Service, the Baptist World Alliance, the World Relief Commission, the Church of Jesus Christ of Latter Day Saints, the Jewish Joint Distribution Committee, and many other charitable organizations are doing important work to relieve the suffering caused by this catastrophe.

I would also like to comment the Italian Government for the cooperation they have given to my office and other congressional offices in our efforts to ascertain the safety and well-being of Italian relatives and friends of our districts' residents. This cooperation has enabled us to provide assistance in the confirmation of names on the casualty lists.

Many people have contacted our offices to learn how they could help through private organizations. Contributions of food, clothing, and money are being accepted by each of the organizations I mentioned earlier as well as the Italian Earthquake Relief Fund.

Mr. Speaker, our prayers are with the people of Italy in this tragic hour. Our Government is attempting to help in every way possible and the American people will extend every effort in the private sector to increase that aid.

It is in the true spirit of this holiday season and our respect for humanity that we do everything possible to assist now.●

ANTISEMITISM IN FRANCE—A DEPLORABLE CONDITION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. BIAGGI. Mr. Speaker, this past Sunday, the New York Times Magazine featured an excellent article entitled "The Jewish Question in France." I wish to present this article to the attention of my colleagues.

The article discusses a matter of profound concern to me—the rise of antisemitism in France. It presents the issue of antisemitism in a historical perspective but which makes this recent upsurge in violent antisemitic acts most deplorable.

Clearly one of the most brazen acts of hatred ever occurred last month in the bombing of the Rue Copernic Synagogue in Paris. Here four persons were killed on the eve of the Simhat-Torah holiday. The world was horrified at the depravity of the act. Although this fire bombing was one of the most violent, it is by no means an isolated event. According to the New York Times Magazine article:

> It has been estimated that there have been between 120 and 140 antisemitic incidents around France over the past 5 years. Most of these involved painting antisemitic slogans on Jewish-owned buildings, synagogues and in cemeteries. In 1979, a Jewish child care center was firebombed, leaving 32 injured and there were several victimless incidents involving Molotov cocktails. There was a sudden upsurge in antisemitic violence in the 2 weeks before the Rue Copernic bombing, including the machinegunning of a synagogue and several other buildings.

The U.S. Government must convey its strongest concerns about this problem to the French Government. It is vital that the Jewish citizens of France be protected from the elements of hate which exist in that nation.

The Jewish community is currently observing Chanukah, the Festival of Lights. It is a joyous observance but this year's celebration is tempered by the realities of the present day world. On this occasion, let us pledge solidarity in resisting antisemitism wherever it exists.

THE JEWISH QUESTION IN FRANCE

(By Richard Eder)

The bombing of a Paris synagogue last month which resulted in four deaths prompted a nation to search its soul regarding the specter of anti-Semitism that has haunted its modern history from the Bourbons through the Nazi occupation.

"For the first time since the last war, a deliberate effort has been made to kill Frenchmen because they were Jews." The statement flashed over the Agence France-Presse wire less than an hour after the murderous bombing of the Rue Copernic synagogue last month. It was just about the first public thing said about the bombing, and perhaps the best. Very little in the flood of commentary, analysis and argument that followed managed to locate so succinctly and so precisely France's pain.

Wire services rarely make phrases, particularly during the breaking moments of a story, but the France-Presse lead was borrowed over and over—without attribution—in the days that followed. There is a great deal that is murky about the Rue Copernic bombing, which left four dead and 15 injured. In fact, as of this writing, virtually nothing useful seems to have been discovered about it. Its implications, however, have given rise to a whole disputatious interplay of politics, recrimination, international concern and national self-questioning.

Yet a good deal of what the French have been trying to say about themselves was said in that early moment. An anonymous journalist in a hurry had found that the lead of his story was not blood and numbers, but a moral and historical reflection. His need to denounce a shadow from the past was the motif that led all others in the days that followed. It brought out the biggest crowd of marching Parisians—somewhere between 100,000 and 200,000—in a decade.

They did not know themselves precisely what they were marching against. One militant French Jewish leader, asked whether his followers would take reprisals, countered with his own question: "What would the target be?"

There were some attempts to strike back at known French Nazis, Marc Frederiksen, the bank-clerk leader of the most conspicuous of various small neo-Nazi organizations, was beaten up and stabbed. Another Nazi was set upon and injected with fluid around his nipples to make them puff up and give him—temporarily—breasts: a grotesque mockery of the would-be storm trooper's billy-goat swagger.

But police investigation of the known Nazi groups, whose membership around the country may add up to between 3,000 and 4,000, turned up no apparent connection with the bombing. There has been speculation about a link with the right-wing extremist groups responsible for recent bombings in Munich and Bologna, but not evidence for this is reported to have been found. The fact that the motorcycle in which the bomb was placed had been purchased by a man using a faked Cypriot passport swung suspicious toward the Middle East. The French police and intelligence services seem to have suspected a link with Libya—possibly, in their view, in retaliation for efforts by French operatives to "destabilize" Col. Muammar el-Qaddafi—or with some splinter Palestinian faction. Other reports, none confirmed, have pointed to Armenian extremists and to a Nazi cell in Bonn.

Which leads to a question. If the Rue Copernic bombing was the work of some splinter Nazi group, smaller even than the small ones known to the police; or if it was financed by the Libyans as a bit of destabilizing retaliation against the French; or if it was carried out by some other group essentially extraneous to the affairs of the country; in short, if it was the work of something other than a significant native anti-Semitic movement, then what was the subsequent national self-examination all about? Why the influx of American Jewish representatives or New York City Mayor Edward I. Koch's fulminations against the French? And what were the French marching against?

They were marching against ghosts. They were marching against a nightmare, which is a good thing to do when you wake up from one—if, that is, it helps keep you from falling asleep again.

It seems an odd thing to recall in this context, but "as happy as God in France" is an old saying among the Jews of a Europe that grew harsher the farther east they found themselves. True, there were anti-Jewish riots in France at the height of the Dreyfus affair toward the end of the 19th century, and a brutality of language in the conservative press and among Royalist public and politicians that is chilling to read. Edouard Drumont's scurrilous newspaper, La Libre Parole (he also wrote "La France Juive," one of the major anti-Semitic books), described the courtroom at Major Dreyfus's trial as being full of "people with long, crooked noses." There was talk of pogroms in some newspapers and calls for abolishing the citizenship of Jews.

But the pogroms were in Russia and Poland, not in France; many French Jews were as convinced as other, conservative Frenchmen of Dreyfus's guilt; and the right of Jews to equal citizenship—granted by the French Revolution before it was recognized anywhere else in Europe—was never in real question until the Germans came in 1940.

If ideological anti-Semitism had its spectacular flare-ups in 19th-century France, it was because the whole nation was fighting itself for an identity. With alternating spells of the monarchy and the republic, and battles between those who broke pens and sometimes heads on behalf, respectively, of raison d'etat (the interest of the state) and the Rights of Man, the French Revolution didn't really end until the First World War. Some would argue that it hasn't quite ended to this day.

Many segments of society were drawn in, willingly or otherwise, on one side or other, and subjected to mutual hair-raising abuse: Protestants, the Catholic clergy, Freemasons, republicans and monarchists of at least three different and embattled houses. ("Let us strangle the last king with the guts of the last priest," wrote Denis Diderot, a thinker who influenced the French Revolution. Try substituting "Jewish financier" and "Freemason" for an idea of the other brands of venomous rhetoric.)

According to Leon Poliakov, a leading French historian of anti-Semitism, the Jews became the target of the traditional right somewhat later than other groups, notably the Protestants and the Masons. It was only after Napoleon organized and gave official status to Jewish representative bodies that they were included in the general anger against the Emperor's works by those who believed that France was herself only if she was Catholic under a Bourbon monarchy. At other points in the turbulent 19th century, the Jews—tending to be middle class—were among the targets of those who, like Proudhon and Fourier, believed that France was herself only if she was socialist and egalitarian.

France's capitulation to the Germans, the setting up of the Vichy regime and the deportation and murder of one-quarter to one-fifth of her Jewish population drastically changed the meaning and significance of French anti-Semitism. What happened to France's Jews is a special brand on the conscience of the country.

Perhaps it is not quite fair to say that most Frenchmen acquiesced in the deportation of fellow Frenchmen. To submit is not the same as to acquiesce. But an overwhelming majority of the French did acquiesce in something, and a national sense of shame still survives because of it. They accepted the notion that France could leave the war and save herself by an accommodation through Marshall Pétain, with the Germans. They did not know that this initial capitulation would mean a daily capitulation thereafter.

At first, they could point to benefits: only half the territory occupied (until 1942) and the preservation of their old Verdun hero and of their functionaries and police, the French state apparatus. But the price rose steadily. What the French had saved became contaminated by being used for German purposes—unwillingly, in many cases, but there was no drawing the line when the German purposes grew monstrous. French officials drew up list of French Jews. French policemen rounded up those French Jews—under instructions not to talk to them lest they soften and to make sure that household pets were put in safekeeping with the concierge—and the Germans took them away and gassed them. Between 70,000 and 80,000 were killed.

What had been a vice became a governing vice, an enforced vice. Schoolchildren were marched into an exhibit showing them how to tell Jews from other Frenchmen. Yellow stars were put on the official clothes ration. Pétain's regime issued a Jewish statute more stringent than the Nuremberg Racial Laws.

The memory of collaboration is still a burden in France, a sense of acknowledged wrong mingled in some cases with a whiff of defensiveness, of justification. French defeat in 1940 was not complete enough, and French victory in 1945—de Gaulle insisted it was a French victory—was not convincing enough, to purge the national conscience. (One curious belief that has grown up among many Frenchmen is that Pétain and de Gaulle had a secret agreement: Each would defend France, the former by dealing with the Germans, the latter by fighting them.)

But one area of conscience that the French have drawn a sober lesson from, even without fully facing or discussing it, has been the wartime fate of the country's Jews. For a quarter-century or so after the war's end, any public or even semipublic expression of anti-Semitism was taboo.

In 1967, Gen. Charles de Gaulle spoke of the Jews as "an elite people, sure of itself and dominating." He was referring to the Israelis and he may not—given his own belief that a people should have a proud sense of destiny—have intended to be disparaging. Nevertheless, the phrase was startling, and it loosened the taboo a bit. French foreign policy moved from close support of Israel to a policy of chilliness, combined with friendly dealings with the Palestine Liberation Organization (P.L.O.). The French left took up the cause of the Palestinians. It is more than probable that a measure of dammed-up anti-Semitism on the part of both the right and the left found its way into the newly opened channel of doubting Israel.

Which is not to say that criticism of Israel or support for the P.L.O. is the same as anti-Semitism. Some French Jewish leaders have come close to saying this, but not most; and when Israeli Prime Minister Menachem Begin said it, there was wide reaction in France that this was inviting a dangerous confusion of two different things.

Raymond Aron, who is the archangel of French political commentators and Jewish, remarked that Prime Minister Begin "had surely missed an opportunity to be quiet." He continued: "If all those who deplored aspects of Israel's policy were to be considered anti-Semites, there would be more of them in Israel than in France."

In any event, the most significant event connected with the Rue Copernic incident may not have been the bomb itself. Until more is known about who placed the bomb, it remains horrifying but politically ambiguous. On the other hand, it precipitated a kind of instant test of the state of the French spirit.

There was an immediate race not only to denounce the bombing but to declare that anti-Semitism was an unqualified evil. To Americans this may not seem remarkable, but in France, it is a significant point that denunciations came from every conceivable political and social sector that aspires to public approval. I do not include the Nazi splinter groups, whose aspiration is self-approval.

It was not merely that everybody denounced anti-Semitism; nor that, after painful hesitation, the most disparate political groups suspended their denial of each other's legitimacy and marched lumpily and grumpily—but for five hours and in the rain—from the Place de la Nation to the Place de la République. Their rivalry was diverted to analyzing and denouncing each other's denunciations, finding them insufficiently fervent or tainted with subconscious reservations.

When Prime Minister Raymond Barre denounced "the odious crime that was aimed at Jews going to synagogue and made victims of innocent Frenchman walking along Rue Copernic," he was probably trying to express the thought that action against Jews was action against all the French. But the statment was awkward enough to allow him to be accused of suggesting that the Jews and the French were different. In other words, in France in 1980, the ranks of public opposition to anti-Semitism are so politically desirable that you have to queue up and submit to critical inspection to get in.

Raymond Aron, who grew up in the 1930's and remembers battling on the streets against right-wing, Jew-baiting student gangs, says that "there has never been so little anti-Semitism in France as today."

Annie Kriegel, a professor of political philosophy who is Jewish and fought with the Grenoble resistance during the war, is even more emphatic. "In the daily relation of neighbors, in professional relationships, in politics and public life, it is radically excluded that we can argue any touch of anti-Semitism," she says. "It may be there in a latent fashion, as an emotion. But there is no longer, as there used to be in France, any structure of receptiveness for it."

There have been charges of neo-Nazi infiltration into the police, but the figures finally produced by the Interior Minister, after considerable pushing, do not seem alarming. Two detective-inspectors and 16 uniformed policemen's names were listed in the files of various extremist groups. Out of a national police force in a country of 53 million inhabitants, this is not a great many.

There have also been charges—one of them by an investigating judge—that the police have dragged their feet and made something of a botch of a continuing investigation of extremist right-wing groups. There are accusations that members of the Government, including President Valéry Giscard d'Estaing and Prime Minister Barre, showed insensitivity to the dangers of the extreme right and to anti-Semitic vandalism preceding the Rue Copernic attack.

It is estimated that there have been between 120 and 140 anti-Semitic incidents around France over the past five years. Most of these involved painting anti-Semitic slogans on Jewish-owned buildings or on synagogues or in cemeteries. But, in 1979, a Jewish child-care center was fire-bombed, leaving 32 injured; and there were several victimless incidents involving Molotov cocktails. There was a sudden upsurge in anti-Semitic violence in the two weeks before the Rue Copernic bombing, including the machine-gunning of a synagouge and several other buildings. There were no victims.

Nonetheless, it is generally conceded that France has never been as little open to overt or organized anti-Semitic activity as in the past few decades. True, a recent poll showed that 12 percent of Frenchmen thought there were too many Jews in the country. (The size of the Jewish community in French is estimated at 750,000.) But the figure was down from three years ago, and was less than the 49 percent who felt there were too many North Africans, the 28 percent who felt there were too many blacks and the 16 percent who felt there were too many Spaniards.

Such figures as Professor Poliakov and Guy de Rothschild, a leading member of the Jewish community in France, say that the latent anti-Semitism that exists is closely related, in fact, to a general French tendency to xenophobia.

"France is a profoundly unitary country," de Rothschild said in a recent interview in Figaro magazine. "Aside from a handful of Corsicans or Bretons, a Frenchman will not say, 'I am French, but I am also a Norman—or an Aquitanian.' . . . The French do not understand that anybody should be less than 100 percent French."

There is, undoubtedly, on the part of many French, particularly in the provinces, a kind of cultural solipsism, an inability to imagine that anyone can be French and not be just like them. One French Jew, a man of high culture and considerable prominence, recalls that, as a sergeant at the start of the last war, he used to get up at 3 in the morning in order to be able to read for a while. As it happened, he was reading St. Augustine in Latin when the chaplain, a Breton priest, came upon him. "You know Latin," the chaplain said. "That's wonderful. You can assist me at mass." The other man said that he would like to help but he couldn't because he was Jewish. "Look here," the chaplain said, "if you don't want to get up early in the morning, just say so. You don't have to make up a story about being Jewish, you, a person who knows Latin."

If the reaction to the Rue Copernic bombing seems to show that French institutions and public opinion have retained a fairly healthy resistance to anti-Semitism, there is still some question as to how stable and profound such a resistance may prove to be.

Professor Kriegel, for example, is concerned about the tendency of political forces, while deploring the bombing, to use it as a divisive issue. "It is not comforting," she said, "to see the readiness of part of the left to make another Dreyfus affair out of it." She had in mind a point that a number of historians have made: If anti-Semitism was partly responsible for Major Dreyfus's being framed in the first place, the protest over it and the reaction against it soon dragged France into a rending battle between right and left that ended up, among other things, by heightening the anti-Semitism the protest was meant to root out.

There was certainly divisiveness and political maneuvering in the reaction to Rue Copernic. The Communist Party dominated the protest march, carrying a banner that made the breathtakingly convenient claim that "Anti-Communism Is Racism."

The pro-Socialist newspaper Le Matin, which had been steadily denouncing the Communists for their support of the Soviet invasion of Afghanistan and their refusal to speak up for the Polish strikers, suddenly forgot all this—for one day only, it is true—to say that the most urgent task was creating unity on the left. On the other hand, some members of the Government chose to see nothing but political maneuvering in the effort to mobilize a protest, as if a synagogue bombing were not worth making a fuss about.

There is no sign that the political squabbling has weakened the general stand against anti-Semitism. Nevertheless, the Jewish communities in France are worried, both for immediate and for long-term reasons. Most obviously, they are afraid of more bombings or other attacks; and they are organizing security measures and youth patrols to protect Jewish centers. They hope to reduce the need for the present conspicious display of armed police guards, fearing that in the long run such a display will create the effect of a ghetto.

There are other fears. Claude Kelman, one of the leaders of the Coordinating Committee of French Jewish Organizations, thinks there are a number of underlying factors present in France that could stimulate, eventually, a new growth of anti-Semitism.

"You have xenophobia," he said. "You have an economic depression and unemployment. You have the divisions of the political left and right. And you have an international situation that stimulates attacks on Israel and, inevitably, upon Jews."

Guy de Rothschild, who speaks with unfailing moderation about the dangers of anti-Semitism in France, doubts, nevertheless, that in any near future the Jewish community will lose the sense of insecurity that it acquired in the Second World War and that has been reawakened by the Rue Copernic bombing. He tells the story of the camel.

A Jew in a Russian shtetl sees a friend from a nearby village come running up the road, terrified. "Why are you running?" he asks. "We are at peace. There are no wars, there are no pogroms."

"But they are killing camels," says the other.

"And what have camels to do with you?" the first Jew asks.

"So they are beginning with camels, but who's to say where they will stop?"●

TRIBUTE TO HON. RAPHAEL MUSTO

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I would like to pay tribute to the distinguished gentleman from my home State of Pennsylvania who is leaving after a short but accomplished career in this House, Hon. RAY MUSTO.

RAY has been a long-time representative in the Pennsylvania House where his late father served a dedicated career. The people of the 11th District have been lucky to have had his representative expertise. As the former Pennsylvania House Labor-Relations Committee vice chairman, RAY has brought his experience to the Education and Labor Committee and to the Subcommittee on Health and Safety. I am sure you will carry your energy and talents into other areas of service to the people of Pennsylvania.

RAY, you have been a trusted colleague and friend. I wish you luck in your next career.●

PERCEPTIONS OF RACIAL VIOLENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. CONYERS. Mr. Speaker, in recent months newspapers and magazines have reported extensively on what many observers regard to be a disturbing increase in racial and intergroup violence in the country. This violence has manifested itself in a variety of ways—random racial killings in a dozen cities; attacks on civil rights leaders; the excessive use of force by police in inner cities; armed confrontations at political demonstrations; and in threats of violence directed at minority groups on university campuses.

The context of racial and intergroup violence will be the subject of a House Subcommittee on Crime hearing on Tuesday, December 9, 1980, beginning at 9:30 a.m. in 2237 Rayburn. The hearing will examine the nature and causes of the violence, the adequacy of Federal efforts to monitor its extent as well as to prosecute the perpetrators, any links that may exist between governmental agencies and private violence-prone organizations, and the means to avert further violence.

In addition to the actual incidents of violence that have occurred, a dangerous psychological climate and set of perceptions has emerged that reinforces the violence. Racist organizations appear to have reached the conclusion that their activities are no longer so disreputable. Violent organizations are conducting their activities more openly and flagrantly. Growing numbers of citizens have come to believe that conspiracies exist, and some are seeking ways to defend themselves.

The New York Times on November 30, 1980, published an account of the impact of the violence on black citizens and their perceptions of its causes and consequences. I commend the following article: "Perception Growing Among Blacks That Violent Incidents Are Linked," written by Nathaniel Sheppard, Jr., to my colleagues.

PERCEPTION GROWING AMONG BLACKS THAT VIOLENT INCIDENTS ARE LINKED

YOUNGSTOWN, OHIO.—It was the night after Halloween and a 15-year-old black girl named Veronica Vaughan was walking home from a party with a friend, unaware that three white youths were cruising her neighborhood in a pickup truck, shooting at blacks with a .22-caliber rifle.

The gunman had failed to hit anyone. Another of the youths criticized him for being a bad shot, the police said later, so the youth gave the rifle to his critic and told him to see if he could do any better. The truck turned a corner.

A black couple on the sidewalk came into view. A shot rang out. One of the blacks fell to the pavement. It was Veronica Vaughan, three blocks from where she lived with her parents, friends of the city's police chief.

A stunned Youngstown reacted angrily. Both blacks and whites deplored Miss Vaughan's killing as senseless, but many of the blacks saw it as more than an isolated event. For them, the killing gave credence to a growing perception among blacks here and in other cities that a series of violent incidents against blacks is a result of a national conspiracy to terrorize and kill them.

Justice Department officials stress that there is no compelling evidence of a conspiracy even though violence against blacks appears to be increasing. They acknowledge that they have not conducted an extensive investigation of whether there is a conspiracy, but they say the perception that one exists is widespread and growing.

In the New York City area, where there has been little unusual racial violence, blacks interviewed said that there had been an increase in tension but that they did not necessarily believe there was a conspiracy. But in such cities as Atlanta, Buffalo, Cincinnati, Indianapolis, Portland, Ore., and Salt Lake City, violent and highly publicized attacks on blacks and increasing activity by the Ku Klux Klan and other white extremist groups have created or heightened the perception of conspiracy, leaders of civil rights groups said in a series of interviews.

"There is certainly a lot of violence directed against blacks and its gratuitous character makes it more frightening than ever before," said Drew S. Days 3d, the Justice Department's Assistant Attorney General for civil rights. "But there is no concrete evidence one way or the other to say there is or isn't a conspiracy."

Indeed, many blacks, including some civil rights activists, cite as evidence of a conspiracy attacks that have not been proved to be race-related. Frequently mentioned as evidence, for example, are the murders of at least 11 black children in Atlanta; the authorities say they have no clue about the race of the killer or killers.

"But," said Mr. Days, "the more incidents, the more the perception."

The incident in Youngstown illustrates how the perception grows, fueled by rumor, the violence itself and the frequent antagonism between the police and the black community.

Only a week before Miss Vaughan was killed, this depressed steel-mill city of 120,000 people was gripped by apprehension because of persistent rumors that Klan members were planning to come here to bomb a black high school and kill 10 blacks before Halloween. Some blacks were chased off the streets by whites in cars and bullets were fired through the windshields of some cars owned by blacks, but, as Halloween passed, no blacks had been murdered.

YOUTHS CHARGED WITH MURDER

Then came the Vaughan shooting. Three youths were arrested shortly afterward and charged with her murder. One said that he and his friends had decided to go out to shoot blacks because he had been "jumped by a couple of niggers" a short time earlier and was tired of such treatment. The father of one of the youths pleaded no contest to contributing to the delinquency of a minor for allowing them to use the truck even though he knew of their plans.

Civil rights activists said they had learned privately from police sources that a large quantity of literature advocating white supremacy had been found at the home of one of the suspects. The police would neither confirm nor deny this publicly, and many blacks assumed that the report must be true.

A predominantly black group of ministers appealed to the Justice Department to investigate whether the Vaughan slaying and other attacks elsewhere were part of a national conspiracy by white extremists.

"We are concerned because looking at the national trend, the killings of blacks in Buffalo, the missing black children in Atlanta and the assassination attempt on Vernon Jordan, there could be a link," said the Rev. Lonnie Simon, a spokesman for the Interdenominational Ministerial Alliance. "We don't know, but we want it looked into."

THERE IS ALMOST A HYSTERIA

Leaders of civil rights organizations elsewhere share the view.

"There is almost a hysteria in black communities because of the belief that there is a conspiracy," said the Rev. Jesse Jackson, leader of the Chicago-based Operation PUSH. "Blacks correlate events in Buffalo, Atlanta and other cities with the events in government such as Reagan opening up his campaign talking about state's rights and minority rule in South Africa, and the right-wing element in the church.

"Without question there is a psychological conspiracy," Mr. Jackson continued.

"Racism has become fashionable again and feelings of guilt toward blacks have turned to feelings of hostility. This country has taken a definite swing toward fascism. To understand the problem, you have to look beyond the guy who fires the gun, you have to consider the climate of permissiveness in which he acts.

"Now, we are seen as the cause of making the economy sick. Whites say money for busing has made the schools collapse and that affirmative action is the reason they don't have jobs."

Mr. Jackson said he could offer no evidence to support his assertion, but he said he believed the shooting of Mr. Jordan, the executive director of the National Urban League, was part of a calculated plan to murder black civil rights activists. He asserted that he and Benjamin Hooks, executive director of the N.A.A.C.P., were among the other targets.

REAL RIGHT TO BE CONCERNED

Mr. Hooks is less certain that there is a conspiracy.

"I can understand very easily why, with the physical brutality, the passage of the antibusing amendment by the Senate, the attacks on affirmative action and verdicts like those for the six Klansmen in Greensboro, how people can link events," Mr. Hooks said. "Blacks have a very real right to be concerned.

"Those who are prone to violence read the paper and look at television and are ticked off to do things," he said. "There may not be a conspiracy but the more they hear antiblack utterances the more they are encouraged to do things they might not do in another climate."

Mr. Hooks said that as the head of the N.A.A.C.P. he had to "consider my remarks carefully" but that, speaking as an individual, "my judgments are different."

"My personal sense is almost right with those of the people" who believe there is a conspiracy, he said. He said the eagerness on the part of many blacks to believe, in the absense of proof, that there was a conspiracy was a measure of the degree of panic that the perceived climate of the nation had instilled among blacks.

KLAN AND NEO-NAZI GROUPS CITED

Blacks interviewed cited the Klan and neo-Nazi groups as being responsible for the conspiracy, and Mr. Jackson said he thought that Federal law-enforcement agencies might also be playing a role.

The N.A.A.C.P. held two days of meetings last week at which local affiliates discussed a possible conspiracy against blacks. "We wanted to look for common threads in events," Mr. Hooks said.

In the New York City area, leaders of civil rights groups say they do not necessarily believe that there is a national conspiracy against blacks. They say blacks in New York are not feeling the kind of fear that is gripping blacks in other cities, but they point out that, except for cross burnings on Long Island last summer, their area has experienced few racial incidents.

Nevertheless, activists in the metropolitan area said that a civil rights retrenchment was increasing tensions between blacks and whites, and they blamed the nation's economic decline for the change.

"When there is high unemployment, there has to be someone to blame," said Larry Wood, acting executive director of the Urban League of Long Island. "Minorities have kind of become the whipping boy. A great many white people feel their rights are being violated and they're being penalized" by affirmative action and other advances made by minorities.

The idea that there is an orchestrated plan to harass blacks began to arise publicly about three years ago when some civil rights activists asserted that whites were mounting a campaign to drive black elected officials from office.

In 1978, Mr. Hooks and Mr. Jordan, speaking at their organizations' annual conventions, warned that a "new wave of conservatism" was sweeping the country, threatening civil rights accomplishments through attacks on affirmative action programs.

Then, in the last year, a spate of racially motivated attacks on blacks has been highly publicized along with accounts of paramilitary training and other activities by the Klan and other white extremist groups. As a result, the notion that there is an organized plan to harass blacks has expanded to include a conspiracy to commit violence against blacks.

FIVE KILLED IN NORTH CAROLINA

Last November it was the fatal shooting by Klan members of five members of the Communist Workers Party, including a black woman, at an anti-Klan rally in Greensboro, N.C.

A sampling of other violent incidents includes the wounding in April of four black women on a street in Chattanooga, Tenn., shortly after two crosses were discovered burning nearby. Three Klan members were charged with firing a shotgun into their legs.

In May white policemen were acquitted on charges stemming from the beating death of a black insurance executive in Miami. The acquittals led to two bloody racial clashes in that city.

Then, shortly after 11 p.m. on June 8, two black teen-agers in Cincinnati were killed by sniper fire as they went to buy hotdogs from a neighborhood store. Rumors of a conspiracy swept through the city.

RIOTING IN CHATTANOOGA

In July in Chattanooga, after two of the three Klansmen were acquitted in the shooting of the four women and the third was convicted on a reduced charge after he admitted firing the gun, four nights of rioting broke out and eight policemen were injured.

In August, two young black men in Salt Lake City were killed by sniper fire as they jogged with two white women. In the days before the shooting, a burning mattress was thrown on the steps of a black church and a cross was burned at a transit authority workshop where a black man was employed. A racially pejorative photograph made its way into the yearbook of one of the city's high schools.

In September, four blacks in Buffalo were killed by sniper fire within 36 hours by an assailant who witnesses said was white, beginning a two-month series of violent racial incidents in Buffalo. In October, two black taxi drivers were murdered and their hearts were cut out. The race of their killer has not been established.

Later, animal hearts were left in a locker room used mostly by black workers at the Bethelem Steel Company and in a bathroom used mostly by blacks at the downtown public library.

ATTEMPTED MURDER IN A HOSPITAL

A cross was burned in a black neighborhood and a black patient was attacked in his room in the Erie County Medical Center. A nurse who surprised the attacker told the authorities that a white man was trying to strangle the patient and that he said "I hate niggers" as he fled.

At the end of October, after weeks of speculative newspaper articles, a man wanted for questioning in the racial sniper-killings of 10 blacks in five states, Joseph Paul Franklin, was arrested in Florida. He was indicted on Federal charges of violating the Salt Lake City joggers' civil rights by killing them; investigations into the other killings continue.

On Monday, two white men linked to the Klan in court testimony pleaded guilty in Federal court in Detroit to a charge of plotting to shoot a black man last summer, and a third alleged Klansman pleaded guilty to charges of trying to burn down the home of a black couple living in predominantly white Romulus, a suburb of Detroit. The three entered the guilty pleas after bargaining for reduced sentences.

Despite efforts by the authorities in various cities to squelch the notion that there is a link between various incidents, including setting up rumor control centers, the suspicion of a conspiracy persists.

In Youngstown, the police chief said the Vaughan killing was an abberration.

"I suppose that if I were black and kept hearing about all the things happening like in Buffalo and Atlanta, I would worry a bit too," said Stanley Peterson, the white chief of police of Youngstown. But the killing here was not part of a conspiracy."●

A TRIBUTE TO CONGRESSMAN RAPHAEL MUSTO

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LEDERER. Mr. Speaker, I rise today to honor our colleague, RAY MUSTO, who leaves the Congress at the end of this term.

RAY left the Pennsylvania State House to serve northeastern Pennsylvania in the Congress in April and has shown a dedication and depth of understanding of the complicated workings of the Congress. This comes from the many years of public service RAY brought with him as well as the legislative experience. RAY has given all of us a fine example to continue.

I know we will see many great things from RAY as he pursues his career. I bid farewell to a fond friend.●

AN OPEN LETTER TO HOUSE COLLEAGUES

HON. JOHN W. JENRETTE, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. JENRETTE. Mr. Speaker, on October 7, 1980, a Federal petit jury in the Federal District Court for the District of Columbia returned a verdict against me for involvement in the so-called Abscam affair, finding that I had violated certain Federal conspiracy and bribery statutes.

I make no pretenses to being fully objective about my participation in this Federal Bureau of Investigation sting operation. However, I humbly submit there are aspects about Abscam that have ominous implications for some of the foundations which helped shape our democratic form of government. I lay these considerations before you in the hope and expectation that each of you in this august body will dispassionately reflect upon them. I lay these considerations before you in hopes of jarring your memories to recall the oft-repeated admonitions of the Founding Fathers about the dangers inherent in big government. I lay these considerations before you in the genuine hope that you—collectively, will recognize the urgency and feel the need to redress the abuses so readily apparent.

Some of the grounds upon which my trial defense was predicated were those of entrapment and targeting by the Federal Bureau of Investigation. I felt—and still feel—that I was the victim of systematic hounding by Government law enforcement authorities who, for reasons that are now becoming increasingly clear, were out to get me. In order to give flesh to my contentions, it was absolutely necessary to gain possession of all pertinent Government documents, memorandums, and the like that shed light on the thought process undergirding Abscam.

During both pretrial discovery and at the trial itself, Kenneth Robinson, defense counsel, attempted on numerous occasions to prevail upon the prosecutors to turn over any and all materials relating to the operation. The prosecutors relinquished a small number of papers and some innocuous miscellaneous material. Assurances were then given that no other relevant information on Abscam was in the possession of the Government. In a very real sense the denial of the existence of any other materials had the effect of emasculating these defenses.

At trial, counsel cross-examined a number of FBI prosecution witnesses who either had knowledge of or had played instrumental roles in Abscam. In one form or another each of those agents was asked whether any papers, memorandums, correspondence, and the like existed chronicling the genesis of Abscam. Each and every one of the agents responded under oath in the negative to this line of questioning. Without exception, each and every one of the agents subtly suggested that I had blundered into the operation, that I was merely a victim of my own vices.

Then suddenly, and as if by magic, subsequent to the jury verdict it was discovered the authorities were sitting on some 25 volumes of documents that, when stacked, reach over 6 feet in height. All these nonexistent documents relate to Abscam.

There can be no persuasive argument proffered by anyone that these materials were not relevant to the defense. After all, I was in court because I got caught up in Abscam, and this is precisely what the 6 feet of materials relate to. This massive attempt at deception casts an ever darkening cloud over the jury's verdict, and portends ill for the integrity of the judicial process. Discovery of this paper trail strongly suggests that certain Federal law enforcement agents committed material perjury. And the repeated denials of the existence of these materials raises the inference that something damaging to the Government's case can be gleaned therefrom. I submit that time will prove me correct.

But as important as this revelation is to me personally, it pales in comparison to the significance of the undercurrents of thought giving rise to Abscam. What I allude to is more than just desperate fantasy in a vain attempt to exculpate JOHN JENRETTE. What I allude to is much greater than JOHN JENRETTE will ever be. What I allude to is the conscious and deliberate concoction of a scheme, which was subsequently put in motion, to compromise the integrity of the legislative branch.

Contained within the text of the Federalist Papers and other tracts by the Founding Fathers are dissertations about the evils inherent in big government. The warnings therein are not mere abstract perceptions. These warnings are the product of our forefathers having either lived and experienced or seen the inexorable corrupting influence of concentration of power. A power that, if left unchecked, invariably leads to erosion of individual liberties and freedom. It was these real and legitimate fears that led to the system of checks and balances woven into the text of our Constitution. And while this system has proved, over the years, to be cumbersome and unwieldly, it has been somewhat effective in perserving the preeminence of the individual vis-a-vis government.

The FBI's Abscam operation poses a fundamental challenge to the basic fabric of this system and, in a broader sense, has disquieting implications for the American public at large. It was not long ago that we learned the FBI had been surreptitiously collecting information on Members of Congress. Neither was it long ago that revelations by FBI illegal break-ins, wiretaps, smear campaigns, and blackmail against American citizens commanded front page coverage in our Nation's newspapers. Many of us felt that those revelations, coupled with the groundswell of public indignation, would curtail FBI abuses in the future. When all the facts are made public, they will show we were guilty of the same type of naivete that subjected Prime Minister Neville Chamberlain to opprobrium after the outbreak of World War II.

Fellow Members, when the contents of those files are revealed I believe they will show a startling contempt for the legislative arm of Government. Information in these files will demonstrate not only was I a target of an insidious plot but that other Members as well were targeted. Further, I suggest it is more than just fortuitous circumstance when this operation was put into motion.

Far-reaching legislation which, for the very first time since the FBI's inception, will spell out the Bureau's parameters for surveillance and investigation is now before Congress. It is becoming increasingly apparent that the Bureau, with Abscam as its vehicle, intends to intimidate Congress into granting license to a broad range of previously used questionable investigative techniques and practices. This will be obvious to many of you when the FBI charter legislation comes up for debate and consideration again next year.

If we, as a people, are going to remain faithful to those principles upon which this truly great Nation was founded, we cannot countenance the FBI's attempted trampling of the rights of those who have the power to address its illegal and immoral investigative techniques. Abscam opened the door to a fascist litmus test of each and every individual citizen in this country. This type of test is neither right nor constitutional. The truth of this assertion is beginning to unfold already. Only a few days ago Judge John Fullam rejected some of the outrageous techniques used in an Abscam sting operation in the Philadelphia area, throwing out two guilty verdicts on the grounds of Government overreaching.

I urge all my colleagues to insist upon reviewing the documents surrounding the entire Abscam operation. As mentioned before, there are over 25 volumes of documents and memorandums.

I submit that when the curtain finally falls on this episode, I will be vindicated.

Today I am formally requesting that the Judiciary Committee of both the House and Senate conduct a full investigation into Abscam. I am doing so because the issues respecting Abscam pierce the heart of what our democracy is all about.●

ROBERT McEWAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RODINO. Mr. Speaker, although Bob McEwan and I are on opposite sides of the aisle, he has my admiration as a colleague and I am happy to count him as a good friend.

Bob has a long record of dedicated public service. Prior to coming to Congress he served 11 years in the New York Senate and he has been a valued Member of the House for 16 years.

As a senior member of the House Appropriations Committee he approached his legislative responsibilities with dedication and integrity. I know his knowledge and judgment on funding for military construction and for Treasury and Post Office operations and programs will be missed on the committee, particularly at a time when budgetary and fiscal matters will be of paramount importance.

I wish Bob success and happiness in the years ahead.●

LET US LOOK CLOSELY AT THE F/A-18

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. VENTO. Mr. Speaker, since I wrote my colleagues on November 19 detailing the alarming proliferation of signs of trouble with the F/A-18 program, the situation has become even worse.

The cost figure for a 1366 aircraft program has been reported in Armed Forces Journal as now exceeding over $40 billion—$10 billion more than reported in the September selected acquisition report (SAR). The article further notes that the Defense Department Comptroller had to force the Navy to reveal the real costs of the program to Congress. This indicates not only a shocking disregard by the Navy for the legal basis of the SAR but also a discredit to Navy denials of my earlier statements that costs of the F/A-18 are out of control.

Further serious problems have occurred with the engine. The F-404 engine used to be considered the best part of the F/A-18. Now Defense Week, in a special edition of December 3, has revealed that a blue-ribbon panel has advised the commander of Naval Air Systems Command of grave problems with the F-404 engine.

The report, whose findings the Navy did not see fit to report to the Office of the Deputy Under Secretary of Defense for Research and Engineering, reads:

NAVY FINDS F-404 ENGINE FLAWS

(By Richard Barnard)

The Navy's F-404 design review team has concluded that turbine rotor parts in General Electric's F-404 turbofan engine used in the F-18 aircraft probably will not last as long as predicted and should be redesigned "to optimize life capability." In the interim, the Navy should "immediately impose [restrictive] life limits for all F-404 rotor parts," according to the review team's November 4 report to Vice Adm. Ernest Seymour, commander of the Naval Air Systems Command (NavAir).

The F-404 design review team—government and industry aircraft engineers and metallurgists—was established to review the manufacture and design of the F-404 in the wake of the September 8 crash of an F-18 *Hornet* at Farnborough, England. The crash was caused by the failure of the low pressure turbine disk in the aircraft's right engine.

The review team recommended that the F-404's low pressure turbine disk, which is supposed to last 360 flight hours, should be replaced after 280 flight hours, the team's report indicates. Also, the disk itself should be redesigned, the report says. According to other sources, redesign of the disk and two other parts—the low pressure torque cone and high pressure turbine retainers—will consist principally of changing the number and size of bolt holes in each part.

In addition, the report suggests "recommended initial life limits" of 400 hours for the engine's high pressure turbine disk, rather than the 1,700 hours for which it was designed. The F404's high pressure turbine retainers were accorded a new "life limit" of 280 hours rather than the 330 hours initially anticipated, and the life limit of the engine's low pressure turbine seal was reduced from 360 hours to 280. All told, three rotor parts are to be redesigned and the life limits of seven parts will be reduced, the report says. The review team added a caveat: "All these lives are initial recommendations and can be increased as testing analysis warrants."

A General Electric spokesman said any comment on the review team's report must come from the Navy. Navy officials did not respond to *Defense Week's* queries about the report.

The F404 design review team is chaired by Cmdr. Kent Clark, chief of NavAir's large turbine engine branch. Its nine members include Gerald Lindsey, professor of aeronautics and fatigue and fracture mechanics at the Naval Post Graduate School; Robert Mahorter, a metallurgist at the Naval Air Development Center; Ernest Ranalli, head of structural analysis for Grumman Aerospace Corp.; and Robert Dreshfield, a metallurgist at the National Aeronautics and Space Administration's Lewis Research Center in Cleveland, Ohio.

A central problem with the F404's turbine rotor parts, the report maintains, is that material properties—such as resistance to thermal and vibratory stresses—of Rene 95, a powder mesh, nickel-based alloy developed by General Electric, "were state-of-the-art but placed little emphasis on fracture toughness and crack propagation. Fracture toughness [was] compromised to achieve high ultimate strength. Life cycle fatigue goals for Rene 95 have never been fully achieved." In addition to nickel, Rene 95 contains chromium, cobalt, tungsten and 15 other elements. It was developed in 1973 by General Electric laboratories in Evendale, Ohio, for use in turbine components, and is used in at least seven parts of the F404: the low pressure turbine disk, low pressure turbine seal, high pressure turbine disk, high pressure turbine blade retainers, OBP seal, the high pressure turbine AFT shaft, and the rear compressor spool.

Furthermore, the property characterization for the hot isostatic pressing (HIP) method used in the production of turbine parts with Rene 95 is "not fully understood," partially because the HIP process was developed concurrently with the F404 engine, the report says. Production of turbine rotor parts has evolved from casting, to a combination of HIP and forging methods, to HIP only, according to the review team's report.

Hot isostatic pressing is a way of molding a turbine part into shape. A fine powder—in this case, 150-grain Rene 95—is loaded into a container which is placed in a furnace or autoclave and subjected for two hours to a temperature of 2050 degrees Farenheit and pressure of 15,000 pounds per square inch. The container collapses, squeezing the powder particles together to give them a plastic quality and form a solid alloy in the desired shape. The part is then machined and ultrasonically inspected.

Though critical of certain characteristics of Rene 95 and of the HIP process, the review team noted that GE's control of the particle size of Rene 95 powder—an important factor in production—and cleanliness of the entire production process "have improved significantly since early parts were made."

The review team had no accolades for GE's performance in another critical part of the production process, however. GE's methodology for predicting the usable life of its turbine rotor parts is "suspect," the team's report says, and has led to "unpredicted life cycle fatigue failures in four different [rotor] parts," which were not identified in the report. GE's "life analyses were overly optimistic and did not account for [the] developmental state" of the materials and processes used to manufacture turbine rotor parts for the F404, the report maintains.

As for the particular low pressure turbine disk failure which caused the crash at Farnborough, the F404 review team theorized that it may have been prompted by "a fracture emanating from a large undetected flaw" or "a life cycle fatigue fracture caused by higher than expected stresses, temperatures or cyclic loading." The fact that GE was developing its manufacturing process as it developed the engine, combined with the "lack of confidence in GE stress analysis suggests a combination of both theories," the report says. Interestingly, the report and an accompanying memorandum characterize the disk failure as the central cause of the crash. Navy Secretary Edward Hidalgo's October 31 letter to Rep. Bruce Vento (D-Minn.), described the disk failure as a secondary cause of the crash and stated that the primary cause had not been determined.

In addition to redesign of three F404 rotor parts and the imposition of lowered life limits on all rotor parts, the design review team recommended that GE:

Accelerate the review and test verification of the latest GE strength and life analyses.

Require the application of advanced nondestructive inspection techniques for critical Rene 95 parts.

Expedite the correction of ECMS (electronic control monitoring system) problems to allow management of life limits based upon [engine] cycles rather than flight hours.

Revamp its logistical plan to account for lower life limits of certain F404 rotor parts.

Conduct a design review of two other GE engines which also use turbine rotor parts of Rene 95: the F101 augmented turbofan derivative fighter engine developed for possible use in the Navy's F-14 Tomcat interceptor and the Air Force's F-16 and F-15 tactical fighters; and the T700 turboshaft engine used in the Army's Black Hawk and AH-64 advanced attack helicopters.

Require demage tolerant life analyses and tests for all existing and redesigned F404 rotor parts.

Investigate the feasibility of substituting other alloys for Rene 95 in all parts not requiring the high strength properties of Rene 95.

Evaluate the relative merits of using only the hot isostatic pressing process to produce turbine rotor parts compared to a combination of HIP and forging processes.

The emergence of the engine as yet another problem area of the F/A-18 is a matter of serious concern. It underscores the need for extreme prudence in deciding on procurement rates of the aircraft.

A year or two ago, it was fashionable to predict a coming disaster in naval aviation due to a lack of aircraft. The current administration's 5-year plan seeks to solve this problem through expanded aircraft procurement. Unfortunately, over half of these aircraft were intended to be F/A-18's.

The spiraling test and cost problems of the F/A-18 lead one to question whether overreliance on this aircraft as the core of our naval aviation is not in fact leading us to another disaster—caused by starvation of other essential programs to support the purchase of defective aircraft.

Australia was to have decided on a fighter purchase this week, with the F/A-18 being a leading candidate. However, today the Australian Defense Minister, Mr. D. J. Killen, announced a delay in the decision, saying:

> In the case of the F/A-18, the reservations are of a more fundamental nature (than the F-16). The government recognized last year that the F/A-18 was still in early development and that because of this, there were considerable uncertainties in assessment of the final cost, operational capabilities and other factors.

However, the aircraft's potential advantages were judged to be sufficiently attractive to make those risks acceptable for the purposes of further evaluation. During the evaluation and subsequently, a number of substantial technical problems have been encountered in the development of the F/A-18. The best scientific and engineering advice is that sufficient testing on the F/A-18 is not expected to be completed before mid-1981 to establish reasonable confidence that the changes required in the development of the aircraft have been successful. This advice comes from the chief defense scientist and the chief of Air Force technical services and others. To reject such advice and proceed with selection would, in the Government's view, be quite imprudent.

The counsel of prudence by Mr. Killen to his House of Commons is one worthy of imitation by this Congress. I believe this House should study the F/A-18 problem much more carefully and ask whether the vast expense is warranted or whether the Navy's needs and our national needs would be better served by expanded purchases of aircraft currently in production for the Navy and Air Force.●

TRIBUTE TO HON. JOHN WYDLER

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DUNCAN of Oregon. JOHN WYDLER is one of those people you just can't help liking. I know. I have tried and failed. No matter how obnoxious JOHN is in the gym—and he can be pretty obnoxious—you can't help but admire him for the skill with which he approaches each legislative problem. Anyone who can attract and keep a wife as lovely and intelligent as Brenda cannot be all bad. A spark will be missing from Congress next year. I join my colleagues in wishing JOHN a very happy retirement.●

TRIBUTE TO RAY ROBERTS

HON. DONALD ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ALBOSTA. Mr. Speaker, I rise to pay tribute today to a man who has served with distinction and honor in the House of Representatives. As a member of the House Public Works and Transportation Committee, and particularly the Subcommittee on Water Resources, I have had the great opportunity to work closely with RAY.

His expertise and assistance have been invaluable during my first term on the Public Works and Transportation Committee. In matters such as water pollution control, flood control and prevention, and water resources development, RAY ROBERTS has been a leading force in Congress. The progress that has been made in these areas is due to people like RAY ROBERTS.

RAY ROBERTS has also been a great leader on behalf of this Nation's veterans. As chairman of the House Veterans Affairs Committee, RAY has championed their cause and he has been in the forefront of legislation providing better benefits to the many men and women who have served our country with honor and distinction. I know the high regard RAY is held in by veterans around the country who have seen him go to bat for them along with other Members of Congress to improve and expand this Nation's veterans programs.

The kind of leadership RAY ROBERTS has shown will be missed in the 97th Congress. However, I am glad I had the opportunity to serve with RAY and I hope that he will find success and happiness in whatever future endeavors he chooses to pursue.●

NUCLEAR REGULATORY COMMISSION MAY NOT LAWFULLY FUND INTERVENORS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. McCORMACK. Mr. Speaker, I have today received an opinion from the Comptroller General of the United States that concludes that the Nuclear Regulatory Commission may not lawfully use its funds to implement the procedural cost reduction program for intervenors announced by the Commission in the Federal Register on July 25, 1980. Essentially, the NRC had implemented a program to provide one free transcript to intervenors upon request and to provide other free services amounting to about $1,000 a day.

I wrote to the Nuclear Regulatory Commission on July 31, 1980, along with Congressmen BERYL ANTHONY, Jr., TOM BEVILL, JOHN WYDLER, DAVID SATTERFIELD, and PHIL GRAMM, stating that we felt that the establishment of the pilot program was inconsistent with the legislative history of the fiscal year 1980 appropriations and with the then-proposed language of the fiscal year 1981 appropriations bill. We asked the NRC to suspend the program.

The NRC responded on August 22, 1980, that they did not consider the procedural assistance program to be "funds for intervenors."

Since I did not agree with their interpretation, I asked the Comptroller General for his opinion in a letter dated September 27, 1980. The Comptroller General returned a four-page opinion agreeing that the program was illegal. I also recieved a copy of the letter to the Chairman of the Nuclear Regulatory Commission from the Comptroller General advising him of its decision.

I have now been advised that the NRC has temporarily suspended this program until it has had an opportunity to fully evaluate the Comptroller General's opinion. I hope that all agencies will recognize that they must follow the law and the intent of Congress in implementing their missions. Now and then an agency attempts to follow its own guidance in defiance of the clear intent of the law. I hope that this correspondence will constitute a clear signal to the NRC, and to all Federal agencies.

The four letters to which I have referred follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1980.
JOHN F. AHEARNE,
Chairman,
Nuclear Regulatory Commission,
Washington, D.C.

DEAR DR. AHEARNE: The Nuclear Regulatory Commission announced, in the July 25, 1980, Federal Register (page 49535), that it is establishing a one-year pilot program of in-kind assistance to intervenors. This assistance, described as "procedural assistance", is an indirect mechanism for using appropriated funds for the benefit of intervenors, and represents an expenditure of many thousands of dollars. The rule intentionally excludes applicants for plant licenses, thereby discriminating against applicants in favor of intervenors, and is without question a kind of intervenor funding that the Congress has forbidden the NRC to undertake.

In your February 4, 1980, letter to Congressman McCormack on this subject you stated, "Let me assure you that the Commission has every intention of abiding by the judgment of Congress on matters foreclosed from Commission discretion." If the Commission does not wish to appear duplicitous in the eyes of Congress, it should immediately suspend the effectiveness of this rule.

As you know, the House has already passed, in the fiscal year 1981 NRC Appropriations bill, a specific prohibition on any compensation to intervenors. For this fiscal year, the Appropriations Report (H. Rept. 96-293) was intended to forbid the Commission from any type of intervenor funding. As the Comptroller General noted to your General Counsel in a letter dated January 25, 1980, although this report language is not part of the law, "* * * This does not mean agencies are free to ignore clearly expressed legislative history applicable to the use of appropriated funds. They ignore such expressions of intent at the peril of strained relations with Congress."

Another example of Congressional sentiment against intervenor funding in the nuclear area should also be noted. In its action on the fiscal year 1981 DOE Authorization bill, the Committee on Science and Technology directed that no funds shall be provided "* * * to any person * * * advocating a position on such activity."

We are of the opinion that the establishment of the pilot program described in the Federal Register is inconsistent with the legislative history on intervenor funding, and the NRC's plans to implement this program should be suspended. We would appreciate your reply to this suggestion at the earliest practical date.

Sincerely,

MIKE MCCORMACK,
TOM BEVILL,
DAVID E. SATTERFIELD,
BERYL ANTHONY, Jr.,
JOHN W. WYDLER,
PHIL GRAMM,
Members of Congress.

NUCLEAR REGULATORY COMMISSION,
Washington, D.C., August 22, 1980.
Hon. MIKE MCCORMACK,
Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the letter of July 31, 1980, signed by you and five other members of Congress, requesting information on the Commission's pilot program for procedural assistance. I would be pleased to explain the Commission's position.

As you noted, there is legislative history applicable to the use of fiscal year 1980 funds that prohibits "funds for intervenors." Although the Commission was informed by the Comptroller General that it is not legally bound by this history, the Commission has followed the Congressional guidance. Most recently, for example, the Commission refused to provide any funds for intervenors to call expert witnesses in the Three Mile Island, Unit One restart proceeding. Copies of the Commission's decisions on this matter are attached to this letter.

The Commission did not adopt its pilot program without serious consideration of whether such a program would be consistent with the Committee guidance. The Commission has asked me to provide you with a copy of a November 21, 1979, memorandum from its General Counsel to Commissioner Kennedy which discusses this issue. In the memorandum (attached to this letter), the General Counsel concluded, and the Commission agreed, that the pilot program should not be considered as "funds for intervenors."

I hope that this letter is responsive to your concerns. If further information is desired, please feel free to contact me.

Sincerely,

JOHN F. AHEARNE,
Chairman.

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 22, 1980.
HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I am writing to request that the GAO provide its opinion concerning the propriety of a proposed procedural cost reduction program for intervenors in Nuclear Regulatory Commission proceedings. The program is described in the July 25, 1980 Federal Register at page 49535. Essentially, the program will provide one free transcript to intervenors upon request and will also provide certain other free services.

In response to a letter from six Members of Congress suggesting that the program was not in accordance with the intent of Congress and requesting that the program be suspended, the NRC responded that the program is both within the law and consistent with Congress' guidance on intervenor funding.

Your opinion letter dated January 25, 1980 (File: B92288), advised that while it may be strictly legal for NRC to implement an intervenor funding program, it would not be in keeping with Congressional guidance. The NRC has indicated its intent to comply with Congressional guidance.

The NRC letter and legal opinion are attached for your use. Please provide us with your views on the following:

1. Is the procedural cost reduction program (PCRP) consistent with congressional guidance provided in the NRC appropriation reports for fiscal year 1980? Would it be consistent with the law assuming Section 502 of H.R. 7590, the fiscal year 1981 Appropriation bill, becomes law?

2. Is PCRP consistent with the Independent Office Appropriation Act of 1952 and the Office of Management and Budget Circular No. A-25?

3. Please consider whether NRC's program of procedural assistance provides benefits to an identifiable recipient or the general public pursuant to OMB circular No. A-25. Also, please consider whether an intervenor with a stated purpose of opposing nuclear power development should be considered, without investigation into actual motives, a recipient engaged in protecting the public health and safety. Finally, please consider whether the applicant is also engaged in protecting the public health and safety and whether NRC's PRCP program unfairly discriminates against the applicant because it does not allow him the same cost reductions.

It would be helpful if your response could be available by November 24, 1980, so that we might take further action as early in this program as possible. Should questions arise concerning the topics to be covered, please contact Mr. Louis Ventre, Counsel for the Subcommittee, at 225-8056.

Thank you for your cooperation on this matter.

Sincerely,

MIKE MCCORMACK,
Chairman, Subcommittee on Energy Research and Production.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington D.C., December 3, 1980.
Hon. JOHN F. AHEARNE,
Chairman,
Nuclear Regulatory Commission.

DEAR MR. CHAIRMAN: We are enclosing for your information our letter of this date to the Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, House of Representatives. In our letter we conclude that the Nuclear Regulatory Commission may not lawfully use funds appropriated by the Energy and Water Development Appropriation Act, 1981, Pub. L. No. 96-367, 94 Stat. 1331, to implement the procedural cost reduction program announced by the Commission in the Federal Register on July 25, 1980 (45 Fed. Reg. 49535).

Sincerely yours,

ELMER B. STAATS.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., December 3, 1980.
Hon. MIKE MCCORMACK,
Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, House of Representatives.

DEAR MR. CHAIRMAN: You have requested our opinion on the propriety of the procedural cost reduction program for intervenors being instituted by the Nuclear Regulatory Commission. This program is designed to ease the economic burden on intervenors in the Commission's adjudicatory proceedings by providing free copies of transcripts and by copying and serving without charge certain of the documents the intervenors need to participate in the proceedings. Under the program the Commission has also reduced from 20 to 2 the number of copies of filings required of all parties.

For the reasons indicated below, we conclude that, with the exception of the reduction of required copies, the Commission may not lawfully use its fiscal year 1981 appropriation to implement the cost reduction program.

The Commission's adoption of the program was announced in the Federal Register on July 25, 1980 (45 Fed. Reg. 49535). The program was effected by means of three amendments to the Commission's regulations relating to adjudicatory licensing proceedings in 10 CFR Part 2. First, Section 2.708(d) of that part was amended by reducing from 20 to 2 the number of copies of pleadings or other documents that every party to the proceeding is required to file. Second, Section 2.712 was amended by adding a provision that, except in antitrust proceedings, the Commission will copy and serve, at no cost to the party, the party's testimony, proposed findings of fact and conclusions of law, and responses to discovery requests. This free copying and service is available to all parties to the proceeding except the applicant for the license. Third, Section 2.750 was amended by adding a provision allowing the presiding officer at the proceeding to provide a free transcript of the proceeding to any party, other than the applicant, at the same time that the Commission staff receives its copies.

Funds for carrying out the Commission's functions for fiscal year 1981, were appropriated by the Energy and Water Development Appropriation Act, 1981, Pub. L. No. 96-367, 94 Stat. 1331. Section 502 of this Act provides:

"None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act." (94 Stat. 1345)

It is clear from this language that if the procedural cost reduction program will pay the expenses of intervenors in the Commission's adjudicatory proceedings the Commission may not use funds appropriated by the fiscal year 1981 Appropriation Act to implement the program.

Obivously the cost reduction program will apply to the Commission's adjudicatory proceedings. The very title of the Federal Register announcement ("Procedural Assistance in Adjudicatory Licensing Proceedings") and the Federal Register summary ("NRC is amending its regulations in order to provide a one-year pilot program of procedural assistance in adjudicatory proceedings * * *") make this clear.

It is equally clear that the beneficiaries of the program are to be intervenors in the Commission's proceedings. The amended regulations state that the free transcripts, copies, and service, are to be provided to parties "other than the applicant." The explanatory material in the Federal Register announcement indicates that procedural assistance will be offered "to all intervenors without qualification" (45 Fed. Reg. 49535), that copies of transcripts will be "mailed to intervenors" (Id. at 49536), and that the free copies of documents will reduce costs "to intervenors" (Id.).

Finally, it is certain that the program will "pay the expenses of" the intervenors. Clearly if the Commission did not adopt the cost reduction program then the costs of purchasing transcripts and copying and serving documents would be expenses that the intervenors would have to bear if they were to participate in the Commission's proceedings. By bearing these costs itself, the Commission is necessarily paying expenses of the intervenors even though the Commission is not making any cash payments directly to the intervenors.

Although the Commission's amended regulations speak of copies "without cost" to the intervenor, and of "free" transcripts, these copies and transcripts will not be "without cost" or "free" to the Commission. The Commission will have to expend its appropriated moneys to make copies of documents and to pay the reporters the price of the transcripts.

The Commission itself, in its Federal Register announcement recognizes that it will be paying intervenor expenses. The announcement indicates that intervenors might ordinarily pay as much as $1,000 per day to obtain transcripts and that by providing them to the intervenors at its own expense the Commission is providing "an expensive service," 45 Fed. Reg. 49535. Further, by providing free copies of certain documents and by serving them on behalf of the intervenors, the Commission would be performing "a service which would have high payoff in terms of reducing costs to intervenors * * *" Id. at 49536.

Therefore, we must conclude that if the Commission implements its procedural cost reduction program using its fiscal year 1981 appropriations it will be violating Section 502 of the Appropriation Act.

The Commission's legal analysis, submitted with the request for our opinion, discusses language in the House report on the fiscal year 1980 Commission Appropriations Act that "The budget request and the committee recommendation do not include funds for intervenors." (H.R. Report No. 96-243, 96th Cong., 1st session 136 (June 7, 1979). The language of Pub. L. No. 96-367, quoted above, however, is stronger because it precludes paying the expenses of or otherwise compensating intervenors in addition to precluding the direct provision of funds to intervenors. The legal analysis also asserts that our 1976 decision on Commission intervenor funding, B-92288, February 19, 1976, found "no legal problems" with procedural cost reductions of the sort now proposed. However, the context of the discussion of cost reduction in that decision was limited to "simplifying procedures and eliminating unnecessary or unduly burdensome requirements" rather than shifting the cost burden of unchanged procedures and requirements from intervenors to the Commission.

Our conclusion does not apply to the Commission's amended regulation which states that all parties to the proceeding need file only the original and 2 copies of pleadings and other documents instead of the original and 20 copies which was formerly required. In our opinion by making this amendment the Commission is not paying intervenors' expenses, but rather is eliminating an adjudication cost for all of the parties by modifying its procedural requirements. As indicated in the previous paragraph, we determined in our 1976 decision that the Commission does have the authority to simplify procedures or eliminate unnecessary or unduly burdensome requirements which increases parties' costs in participating in the Commission's proceedings. B-92288, February 19, 1976.

The Federal Register announcement indicates that the 20 copy requirement was "for the Commission's convenience for internal informational distribution * * *" 45 Fed. Reg. 49536. Further, these 20 copies only partially met the Commission's needs and the Commission therefore produced additional copies. Therefore, the cost of producing the 20 copies was not a necessary expense of participating in the Commission's proceedings, but rather was an instance of the Commission requiring the parties to bear part of their own expenses. By eliminating this requirement for all parties, including intervenors, the Commission is not paying intervenor's expenses.

In your letter you posed questions concerning whether the Commission's program was consistent with the wishes of the Congress as expressed at H.R. Report No. 96-243, 96th Cong., 1st Sess. 139 (1979); with the Independent Offices Appropriation Act of 1952, 31 U.S.C. § 483a; and with Office of Management and Budget Circular No. A-25. The enactment of Pub. L. No. 96-367, after you sent your letter, makes it unnecessary, in our opinion, to address the other questions posed in your letter. We have discussed this with a member of the subcommittee staff who indicated that in the interest of avoiding unnecessary delay we need not answer the other questions in your letter.

Sincerely yours,

ELMER B. STAATS.●

TRIBUTE TO HON. CHARLES A. VANIK

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. BRADEMAS. Mr. Speaker, for more than a quarter of a century this body has had the privilege of having CHARLES VANIK among its Members. During that time CHARLIE has distinguished himself as one of its hardest workers and most progressive Members, and certainly no Member of the House is more engaging personally than CHARLIE.

As a member of the Ways and Means Committee, CHARLIE VANIK has been a leader in efforts to reform the tax code and has labored successfully in behalf of free trade.

He has been in the forefront of efforts to secure unfettered emigration for people forced to live under totalitarian regimes.

Mr. Speaker, the years of my own service in this body have been made more pleasurable and productive because of our distinguished colleague from Ohio. CHARLIE VANIK will be sorely missed, and I wish him well.●

TRIBUTE TO JOHN A. CALLAHAN

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. SHANNON. Mr. Speaker, I would like to take this opportunity to pay tribute to a great labor leader and one of the most outstanding citizens of Massachusetts, John A. Callahan.

John recently retired after serving 44 years as one of labor's strongest voices in Massachusetts. His roots in organized labor go back to the beginning of the united labor movement in America. In 1936, at the age of 25, he joined his first labor union because in his words, "I realized that in order for labor to move ahead, they'd have to do it as one voice." In Massachusetts, John became that voice.

John worked his way up the union ladder rung by rung. Shortly after joining the International brotherhood of Electrical Workers local union, John became its secretary and then business manager. Following that, he was elected president of the Massachusetts American Federation of Labor, and continued as president when the AFL merged with the Congress of Industrial Organizations in 1958. One year later he was appointed the commissioner of labor and industry by Governor Foster Furcolo, and served under the two following administrations. Following that, he served as director of the Massachusetts State Labor Council's committee on political education.

Still, with all that he has done, John considers his work as director of education for the State labor council his most important and rewarding experience. In that position, he has re-invigorated a labor-sponsored program which awards $40,000 in scholarship money throughout the State.

I am proud to inform my colleagues that tomorrow night the prestigious Labor Guild's Cardinal Cushing Award will be bestowed upon John. Surely there is no more a deserving person. I am particularly proud that John comes from my hometown of Lawrence, Mass. I would like to extend to him my warmest congratulations and wish him the best of luck in his retirement.●

TRIBUTE TO HON. RICHARDSON PREYER

SPEECH OF

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, I am very pleased to join with my colleagues in paying tribute to Richardson Preyer, who will unfortunately not be returning next year. The judge is a gentleman of great integrity and ability, a man who has accomplished a great deal very quietly without fanfare or flamboyance. He will be sorely missed in the 97th Congress.●

BIOMEDICAL RESEARCH

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MAGUIRE. Mr. Speaker, the conference process prevents individual Members from filing additional or dissenting views as they are serving as Representatives of the House. Although I had deep reservations about the conference report, I am a devoted advocate of our Nation's biomedical research efforts and could not in good conscience refuse to sign the report. Nevertheless, I believe the House gave up many too many of the important and significant features of the legislation which the House overwhelmingly passed.

In summary, I believe there are three: First, the bill no longer contains an authorization process for each research institute. Only NCI and the Heart Institute will continue to undergo scrutiny and oversight during their authorization processes; second, the contract review provisions which were contained in amendments which I offered have been stripped from the bill. These constituted if you will, a microlevel of oversight where each institute's advisory council would review expensive contracts for intramural research; and third, the funding level, which the House supported, has been cut drastically. None of these changes are helpful or make the bill any more worthy of support.

Rather than maintaining our research authority under continuing resolutions, we should support this bill. But all of my colleagues should be aware that it was a much better bill when it left the House than the returning conference product would indicate.

Had I had an opportunity to file additional views on the conference report these views would have been stated in the following terms:

ADDITIONAL VIEWS OF REPRESENTATIVE MAGUIRE

As a signator of the Conference Report, I recommend passage of the Health Research Act of 1980. There are few programs more worthy of support in the Federal government than those represented by our biomedical research efforts. There are few higher or more noble goals of government than the eradication of diseases which afflict our population and which inflict such immense personal and economic hardship on our citizens. This bill and the funding contained herein will bring us closer to the day when diseases like cancer, diabetes and arthritis become more controllable and even curable.

However, in the course of negotiations with the Senate, some substantial improvements in the management of these disease prevention, diagnosis and treatment programs were lost. And what is indeed significant and ironic about the elimination of these provisions is the fact that they could have represented efficiencies and cost-savings which the electorate seemed to be supporting in the election just past. What's more, these management changes were supported on a bi-partisan basis.

AUTHORIZATIONS: THE ESSENCE OF OVERSIGHT

The 96th Congress was dubbed, very early in the sessions, "the Oversight Congress." That is, rather than creating more new and expensive programs, this Congress was going to focus on the manner in which existing programs operated in hopes of eliminating waste and making our efforts more cost-efficient and effective. The Health Subcommittee took this mandate to heart in our reexamination of the National Institutes of Health.

Current law provides authorizations of appropriations for the National Cancer Institute; the National Heart, Lung, and Blood Institute, special arthritis and diabetes programs within the National Institute of Arthritis, Metabolism and Digestive Diseases; and National Research Service Awards.

Other national research institutes currently obtain appropriations under the authority of section 301(a), Title III of the Public Health Service Act, which essentially provides such sums as may be necessary. The Committee proposal provides consistency in Congressional funding process for all of NIH (Health Research Act of 1980, Report No. 96-997, p. 28.)

As this passage indicates, only two of the research institutes under current law are forced to withstand Congressional scrutiny under the authorization process. It was the intention of the Subcommittee, not to "sunset" the authority of the institutes as some in the biomedical research community feared, but to give NIH the type of reasoned and responsible review which all government programs undergo.

This format has worked successfully in the past. In 1978, for example, based on extensive hearings which our Subcommittee held, the Congress passed sweeping and significant amendments to the statute authorizing the National Cancer Institute. We redirected the focus of NCI to insure that more weight was given to cancer prevention programs in addition to the important research which was on-going in search of a cure for that dread disease. The Commerce Committee Report on the Biomedical Research and Research Training Amendments of 1978 said of these changes, "(t)he authorizing legislation may, of course, be amended at any time to accommodate changing needs, including changes in direction and emphasis of existing programs or establishment of new ones." (H. Rept. 95-1192 at 12).

Congress was acknowledging that, even in biomedical research, oversight was necessary. When the Health Research Act of 1980 passed the House on August 28, 1980, the authorization process for all of the institutes was intact. Unfortunately this provision was shorn from the conference report.

OVERSIGHT ON THE MICROLEVEL

During our extensive hearings on the legislation, even the most vigorous advocates of a full-funded biomedical research program supported the concept of oversight. Mr. Sheldon Samuels, director of the Industrial Union Department of the AFL-CIO, who is also a distinguished member of the President's National Cancer Advisory Board, strongly advocated surveillance of substantial research contracts.

Mr. Waxman. Mr. Samuels, from your testimony I gather you feel that NIH Advisory Council should be involved in reviewing and making recommendations on NCI contracts.

Mr. Samuels. Yes sir.

Mr. Waxman. Could you tell the Committee what dollar amount would trigger such a review and recommendation?

Mr. Samuels. I would think that any contract over $75 to $100,000 should trigger that mechanism.

H.R. 7036 contained specific review authority for each of the research institutes' advisory councils to examine contracts for intramural research. This authority, this important opportunity for oversight, was also removed from the legislation. The Advisory Councils are established, in part, to insure that the Institutes, on a day-to-day basis, are following their research priorities in a sound and reasonable manner. To prevent them from reviewing contracts, which establish the funding for implementing priorities, makes their mission virtually meaningless.

FUNDING

The Committee of the Whole House on the State of the Union wisely rejected an amendment restricting the funding increase scheduled by our Committee for the National Institutes of Health. This amendment, rejected on a division, would have limited the increases for NIH to 13 percent, a figure based upon the anticipated rate of inflation for 1981. Thus, the House stated that substantial increases in the authorization levels for the Institutes would be appropriate, especially because the oversight processes, which I have described, would be in-place to insure that the monies would be properly spent.

Despite the fact that the amendment was rejected and the House voted 292-48 to pass the bill with the substantial increases, the legislation returns to the House with conference figures even below those rejected by the House of August 28. Funding will be set at fiscal year 1980 authorizations plus CBO projections of increases in the C.P.I. Thus, the increase for fiscal year 1981 will be 9.57 percent; the increase for fiscal year 1982 will be 9.18 percent. While funding for NIH is fairly substantial, the figures for fiscal years 1981 and 1982 are very much below what the Committee believed was necessary and what the House thought was appropriate and approved.

CONCLUSION

The schedule of the House and the date of passage of H.R. 7036 are the culprits responsible for the disappointing loss of ground suffered by the House conferees. It is difficult to predict when legislation like H.R. 7036, which so thoughtfully restructured our nation's biomedical research program, will again surface for consideration by this body. Rather than simply putting these programs on a continuing resolution, with all of the attendant uncertainty, I do recommend passage of the Conference product despite its significant deficiencies.●

TRIBUTE TO DAWSON MATHIS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BIAGGI. Mr. Speaker, I wish to pay tribute to a good friend and distinguished colleague, Dawson Mathis.

The constituents of his Second Congressional District of Georgia, and this body will dearly miss the dedicated and responsible service Dawson has provided over the past decade.

As the youngest Member of Congress when he was elected in 1970 at the age of 29, Dawson has championed the causes of his constituency with a tremendous amount of energy and determination.

Being fiercely loyal to the interests of his south Georgia constituency, Dawson positioned himself as a key member and subcommittee chairman of the House Agriculture Committee. He was the chief sponsor of the Agriculture Trade Act of 1978, establishing trade offices throughout the world to promote American farm crops. The agricultural community will be losing one of its leading voices.

Dawson has also served admirably and effectively on the House Committee on Interior and Insular Affairs, where he has made admirable contributions to the preservation of our Nation's natural resources and the development of domestic energy resources.

As one who shares Dawson's firm belief in "peace through strength," I have been most impressed with his devotion to strengthening and preserving our Nation's role as leader of the free world.

Mr. Speaker, I will deeply miss Dawson on both a professional and personal level, as I know many others in the Congress will. However, fully recognizing Dawson's superior talent and energy, I have no doubt he will continue to serve this great nation of ours in some major capacity for many years to come. I wish him all the best in whatever future endeavors he may choose—he deserves it.●

RACIAL AND INTERGROUP VIOLENCE ON THE RISE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. CONYERS. Mr. Speaker, to deal with the rising incidence of racial and group violence in the Nation, the House Subcommittee on Crime, which I chair, will hold a hearing on Tuesday, December 9, at 9:30 a.m. in 2237 Rayburn House Office Building.

Numerous private research organizations, as well as Government agencies, have documented the growth of racial tensions and intergroup violence in cities, on university campuses, and in places of employment. The Department of Justice, for example, recently reported that cases involving the Ku Klux Klan have risen 189 percent in the first 6 months of 1980, as compared to the same period 1 year ago. Not a day passes without the publication of articles and documents highlighting such incidences.

The subcommittee's hearing will focus on the nature and causes of the violence, the adequacy of Federal law enforcement efforts to protect citizens, any links that may exist between governmental bodies and private violence prone organizations, and on the means to avert future violence.

The Anti-Defamation League of B'nai B'rith has amassed a great deal of documentation on social violence, and the following report of their executive committee, released on October 23, 1980, provides important information on one particular context of violence, the rise of Ku Klux Klan activity. I urge my colleagues to review the following document:

KU KLUX KLAN PARAMILITARY ACTIVITIES

The propensity for violence and lawlessness of the Ku Klux Klan is a matter of public record. Over the years, members of the hooded order have been convicted of acts of racial terrorism, including murder, bombings, assault with deadly weapons and arson. Even now, Klansmen are on trial or serving prison sentences for crimes committed in the recent past. Indeed, the record shows that the current KKK organizations, despite the spurious claim of some of their spokesmen that they represent a "new Klan," have behaved no less lawlessly than did earlier generations of Klansmen.

There now arises evidence of the danger of new Klan violence of an even more serious kind. In camps and clandestine training sites in various parts of the country, members of the KKK and other Klan-like racist groups are engaged in paramilitary training programs. Some of these activities have been labelled by their sponsors as training for "defense," and others have been called "survival" courses. Regardless of the label applied, it is clear that armed racists, pathological haters of blacks, Jews and other minority groups, are engaged in paramilitary training for guerrilla warfare against their purported enemies. The outcome can only be more violence and tragedy.

What follows is a rundown of known paramilitary training programs operated by the Ku Klux Klan and similar racist groups.

ALABAMA

The Klan paramilitary organization in Alabama is conducted by the Invisible Empire, Knights of the KKK, which is headed nationally by Bill Wilkinson, of Denham Springs, La. "The Invisible," as it is called, is the most violence-prone of the several national Klan groupings. It first gained national attention in May, 1979, when some 100 of its members engaged in a violent confrontation with members of the Southern Christian Leadership Conference in Decatur, Ala., at which four persons were shot.

In September, 1980, Wilkinson's organization revealed a paramilitary campsite it operates somewhere (unspecified) not far from Cullman, Ala. The "Commander" of the Klan trainees is Terry Tucker, the Exalted Cyclops of the Cullman KKK Klavern.

Activities at the camp, which is named "My Lai," include target practice with M-16 rifles, running and crawling through an obstacle course, studying guerrilla warfare tactics and practicing search-and-destroy missions. Ten men and one woman were seen at the camp, all dressed in military-style fatigues. The full squad, according to the Klan, consists of 15 persons.

Roger Handley, Grand Dragon of "The Invisible" in Alabama, has said that the Cullman paramilitary unit is but one of several in the state, and that campsites are changed every three months.

The exact location of the "My Lai" camp is unknown, but it may be a 47 acre property in North Jefferson County owned by Grand Dragon Roger Handley which has been used as a Klan youth camp. Some 30 boys and girls were given Klan training there in the summer of 1979. The training consisted of indoctrination in racism and lessons in the use of guns.

Terry Tucker, the "Commander" of the special forces unit, has claimed that similar Klan paramilitary units are training in Mississippi, Georgia, Tennessee, and two unnamed Northern states. He did not specify where they are located. State and federal law enforcement officials in Georgia have said they are unaware of any Klan military-style training camp in that state.

CALIFORNIA

There is no evidence that the California Ku Klux Klan is itself conducting paramilitary training activities, but it encourages and promotes them by distributing manuals and handbooks of instruction in terrorism and guerrilla warfare. No fewer than eleven different works on the subject are sold by the KKK's book service, the White Point Publishing Co., 308 Sunbeam Lane, Fallbrook, CA. Among them are various U.S. Army manuals containing instructions on how to make bombs, grenades, mines, chemical explosives, fuses and detonators. One of the army manuals, entitled "Incendiaries," is described by the Klan's book service as a "must" for "all studies of pyrotechnics." Among the other titles offered are "Explosives and Bomb Disposal Guides," "Bombs and Bombing," "Boobytraps," "Unconventional Warfare Devices and Techniques," "Field Fortifications," "The Chemistry of Powder and Explosives" and "Explosives and Demolitions." Another manual offered is "The Anarchist Cookbook," which has also been a favorite of various far-left terrorists. The *Saturday Review* wrote of the "Anarchist Cookbook" that "this book, quite literally, is a manual for murder. It provides specific information for the home manufacturer of bombs, grenades, and other devices for killing and maiming people."

The KKK book service also promotes German Nazi propaganda, including works by Hitler and Goebbels.

The California KKK, under the leadership of Grand Dragon Tom Metzger, currently a candidate for Congress in the 43rd Congressional district, has an armed, uniformed and helmeted "security" force which repeatedly has been involved in violent clashes with the police and anti-Klan demonstrators.

CONNECTICUT

The Ku Klux Klan in Connecticut is a relatively new branch of Bill Wilkinson's Invisible Empire. Its first public activities consisted of two rallies and crossburnings on a weekend in September, 1980, in Scotland, Connecticut, attended by 800-1000 persons, most of them supporters of the Klan. Some 100 new members were signed up at the rallies, where the main speaker was Wilkinson himself. Some violence occurred at the rallies, and arrests occurred when anti-Klan demonstrators attempted to confront the Klan supporters.

Shortly after the rallies, the Connecticut Grand Dragon, Gary Piscottano, a 27-year-old security guard from Southington, announced that the KKK had begun to operate "guerrilla camps" in the state, where practice shooting and other paramilitary training activities were taking place. He stated that the training in Connecticut was not as military-like as that in Alabama, and claimed "we're strictly defensive." He refused to divulge the site(s) of the training activities.

The September Klan rallies in Scotland took place on the property of Francis Rood, a former member of the paramilitary Minutemen who took part in a 1968 shooting raid on a pacifist camp in Voluntown, Conn.

ILLINOIS

The small central Illinois town of Louisville—located about 100 miles east of St. Louis on Route 45—is the headquarters site of national organization known as the Christian Patriots Defense League (CPDL). The League, under the leadership of John R. Harrell, has in its ranks some current members and former members of the Ku Klux Klan. It also shares with the Klan a racist ideology and a belief that white, Christian Americans should arm themselves in preparation for a forthcoming cataclysmic racial war. The enemy Harrell and his followers believe, will be blacks, Cubans, Mexicans, Haitians, Southeast Asians and other immigrants and racially "impure" Americans. The CPDL is more cautious about openly expressing its animosity toward Jews, but there is abundant evidence that it is anti-Semitic.

CPDL members do not wear robes and hoods, but the group's similarity to the Klan was illustrated by a violent episode that occurred in March, 1980 in Orlando, Florida, where a unit of the United Klans of America (UKA) broke away and joined the CPDL en masse. The violence broke out when the UKA invaded a meeting of the defectors and attempted forcibly to show them the error of their ways.

The Christian Patriots Defense League sponsors regular gatherings of hundreds of its members on John Harrell's 55-acre estate in Louisville, at which paramilitary "survival" lessons are taught. The "survival" instructions are conducted under the aegis of the Citizens Emergency Defense System, the "defense" arm of Harrell's "patriotic" movement. Recent gatherings occurred in the early summer and fall of 1980. The summer meeting, from June 27th to July 1st, brought some 400-500 persons, mainly from Midwestern states, where they received courses in Guns and Reloading; Camouflage, Demolition and Chemical Warfare; Survival Weapons; Combat medics; Marksmanship; Guard Dog Training; SWAT (Personal, Home and Community Defense); Knife Fighting; Archery, Crossbow and Black Powder Guns; and Street Action. The paramilitary instructions were interspersed with lectures on such topics as Racial Problems and Solutions; Health and Natural Foods; Women's Responsibility to God and Country; The Real Enemy: Zionism, Communism, Socialism, etc.; Bible Answers to Racial Questions; and, The Holocaust: Design to Destroy Christianity.

On the final day of the program, there was a demonstration of guerrilla warfare maneuvers by a team dressed in camouflage uniforms, with their faces blackened.

Heading the Citizens Emergency Defense System is B. F. M. von Stahl, a retired U.S. Army colonel who saw active duty in World War II and Vietnam. Some of the instructors were also retired military officers.

An example of the content of the courses taught at the conference was one on Emergency Tools and Weapons, given by Charles E. Kehrberg, of Michigan, who was described as "an alert, informed American who recognizes the jeopardy in which Christianity and the White Race in general finds (sic) themselves." Kehrberg told his listeners, "Your basic survival weapon is a .12 gauge shotgun. It's legal, it's deadly and the ammunition is easy to obtain." He taught his course dressed in combat fatigues with "survival" equipment displayed on a table in front of him, which included a bullet-proof vest, a first-aid kit, a canteen, and a field pack.

The course on Survival Weapons was given by Robert Lisenby, of North Carolina, a Vietnam veteran listed in the printed program as "qualified to instruct and train in weaponry, patrolling, map reading, explosives, SWAT, family survival, mountain warfare * * *" Lisenby illustrated his instructions with semi-automatic weapons and demonstrated how they could be made fully automatic with a conversion kit which he displayed.

Harrell's Louisville estate, the site of these CPDL gatherings, contains the CPDL headquarters building, which is an enlarged replica of George Washington's home in Mt. Vernon, plus 16 other buildings. It also has a lake and a 1400-ft. airstrip.

In addition to the Christian Patriots Defense League and the Citizen's Emergency Defense System, Harrell also heads two other groups, the Christian Conservative Churches of America and the Paul Revere Clubs. Harrell was a successful businessman and a one time candidate for U.S. Senate from Illinois. He says he has been repeatedly charged with evasion of taxes by IRS, which he claims still has a $500,000 tax lien against him. In the 1960's, Harrell was arrested, charged and convicted of harboring a U.S. Marine deserter and resisting federal officers. He was sentenced to 10 years in federal prison, of which he actually served four, in the federal penitentiaries at Terre Haute, Indiana and Leavenworth, Kansas.

Harrell is attempting to purchase or obtain the free use of property in other states for "survival" and paramilitary training activities. Some property has already been acquired in Missouri, 25 miles from Fort Lenord Wood.

NORTH CAROLINA

There is a paramilitary training camp in Johnstown County, North Carolina where members of the Ku Klux Klan, the neo-Nazi National Socialist Party of America (NSPA) and the National States Rights Party (NSRP) practice guerrilla warfare dressed in army fatigues and brandishing semiautomatic weapons and handguns. The facility is operated by the NSPA, whose Johnstown County leader, Glenn Miller, of Angier, N.C., a former master sergeant in the Green Berets, owns the property. The North Carolina Nazis refer to their paramilitary program as "storm trooper training" and those who go through it become members of the party's Security Division (SD). The SD uniform consists of black shirts with swastika armbands. Klansmen who train at the camp are members of the KKK Security Guard, who wear grey uniforms and tall black boots. The Johnstown County camp is located on state road 1312, near Benson, N.C.

Some of the members of the groups which train at the camp were arrested in connection with the Greensboro shooting episode in which five members of the Communist Workers Party were killed in November, 1979. The three hate groups involved, the KKK, NSPA and NSRP, forged an alliance, the "United Racist Front," in September, 1979, two months before the Greensboro shootings occurred. The alliance was formed at a lodge in Louisburg, N.C. owned by Millard Weston, a local NSRP leader. Some 100 members of the three organizations were in attendance, many of them armed.

In addition to the Johnstown County camp, there is a paramilitary training facility in Davies County, N.C. used solely by the neo-Nazis. The camp is located south of Winston-Salem and those who train there are from the Winston-Salem NSPA unit. Training takes place every Saturday.

TEXAS

The paramilitary arm of the Ku Klux Klan in Texas calls itself the "Texas Emergency Reserve" (TER) and includes in its ranks members of two Klan groups, the Knights of the Ku Klux Klan and the smaller Original Knights of the KKK. The TER conducts training activities two weekends each month at various sites in rural East Texas. One such encampment is located "roughly 10 miles outside Anhuac." On the first and third Sundays of the month, Klansman gather in Deer Park, a Houston suburb, from which they are transported to the camp.

The TER is believed to have a membership of from 200 to 500, many of them veterans of various branches of the armed forces. Some have been active-duty members of the U.S. Army stationed at Fort Hood, who were observed wearing fatigues and bearing firearms while serving as security guards at a Klan rally in Euless, Texas in June, 1979 and at the national convention of the Knights of the KKK in New Orleans, over the 1979 Labor Day weekend.

The Anhuac Camp is a 50 acre plot where guerrilla warfare is taught to armed TER members by two instructors, one of them Louis Beam, Grand Dragon of the Texas KKK. The training includes tactical maneuvers, military drills, map reading and weapons proficiency. The weapons include Colt AR-15 assault rifles with a special grenade launch attachment.

Grand Dragon Beam has stated that the Klan military training is more rigorous than that which is given at Fort Hood.

The Anhuac camp was temporarily shut down recently because of the publicity it has received.●

TRIBUTE TO HON. JIM LLOYD

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, I am delighted to join my colleagues in paying tribute to JIM LLOYD, who unfortunately will not be returning next year. JIM came, and I returned, to Congress together at the beginning of the 94th Congress, and we will both be making our exits this year. JIM and I are also both naval aviators—and everyone knows what unusually fine, decent, and able people naval aviators are. JIM has had a very impressive career both in the military and in Congress, a career of which he should be exceedingly proud. He had the good sense to attend college in Oregon for a while, which I am sure accounts for all his later success in life.

I wish JIM the very best; he will be missed by this body.●

TRIBUTE TO CHARLES VANIK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. OTTINGER. Mr. Speaker, for 26 years, CHARLIE VANIK has upheld this body's highest traditions. In that time, he has consistently fought to preserve human rights around the globe and to insure social justice at home.

CHARLIE has been the leader in the House in advocating a trade policy which recognizes both the need to stimulate trade and preserve human rights. His 1974 amendment, which tied the granting of most-favored-nation status to the emigration policies of the potential grantee, recognized the principle that a nation which violates human rights must pay a price for those acts.

As ranking member of the Committee on Ways and Means and chairman of the Subcommittee on Trade, he has led the Congress tax reform efforts and been a staunch advocate of consumer interests. Recognizing the devastating impact of import competition on American workers, he shepherded through Congress the Trade Adjustment Assistance Act.

In his final days as a Member of this body, CHARLIE has not abandoned his ideals or his efforts. Thus, he admirably refused to sign the budget reconciliation conference report, a document which denies even the most basic standards of social and economic justice.

This body will sorely miss CHARLIE VANIK, and I am sure we all wish him well in his new life.●

TRIBUTE TO HON. RAY ROBERTS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JEFFORDS. Mr. Speaker, I would like to join my colleagues in honoring Congressman RAY ROBERTS, chairman of the House Veterans' Affairs Committee, for his many years of dedicated service to the veterans in this country.

I feel very fortunate, as a veteran, to have RAY ROBERTS, as the leader, in the House for veterans legislation. Other veterans in this country share this sentiment as well.

Congressman ROBERTS has pushed and pulled to get through many vital veterans bills. For instance, in the 95th Congress, he saw the need for certain reform measures in the current VA pension program. He proposed the Improved Pension Act which made it more equitable for veterans receiving both social security benefits and a veterans pension. This bill became law.

Congressman ROBERTS has also worked very hard to insure that disabled veterans receive above adequate vocational training. His interest and action in this area have gained him a great deal of respect by the veterans organizations in this country.

I want to personally commend RAY ROBERTS, for being the prime mover behind one of the best bills passed this session, the Veterans' Administration's Health Care Amendments of 1980. This much needed bill, now public law, makes permanent the special incentive pay for VA doctors and also establishes a scholarship program to encourage young doctors to use their talents at a VA medical facility.

There are certainly many other instances I could bring up to add to what I have already said but the overall point has been made. Congressman ROBERTS has performed his job and he has done it well. For many years he has served his constituency and veterans in this country with a fine understanding of their needs. He will be sorely missed by them and his colleagues in Congress.

I want to personally wish RAY ROBERTS, the very best in his retirement years.●

MONTGOMERY BUS BOYCOTT

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, it was a simple incident—but a simple incident that sparked a revolution. She was a quiet, unassuming woman who had never caused trouble. But she was tired, she had worked hard all day, and she saw no reason why she should have to get up and move to the back of the bus because a white person wanted her seat. With her refusal, she became a genuine hero, a model of courage and principle. Monday was the 25th anniversary of the beginning of the Montgomery bus boycott that was the result of Mrs. Parks' refusal to move to the back of the bus and a good time to reflect on what those 25 years have wrought. They have been years of violent confrontation and quiet victory, of riots in Watts and Harlem, and of the passage of the Civil Rights Act of 1964, of the brutal murders of Martin Luther King, Jr., and Medgar Evers, and of the election of a black mayor in Birmingham, Ala.—of victory and defeat.

I am one of a declining number of those members who participated in the debates and the struggles surrounding the passage of that first Civil Rights Act. I recall the courage of Congressman Charles Weltner of Alabama, who was the author of a brilliant, eloquent, syndicated article on the bombing of the church in Birmingham. Weltner had the courage to change his position and vote for the conference report on the Civil Rights Act of 1964, becoming the first Member from south of the Mason-Dixon line to support civil rights.

We have come a long way since the Civil Rights Act, since the days of poll taxes, "separate but equal," and "white only" signs above drinking fountains. But we still have a long way to go. We cannot rest easy as long as any individual is denied the opportunity to reach his or her potential because of race, sex, or national origin. As long as a community of blacks is denied running water by an all-white city council, as long as schools in black communities are inferior to those in white communities, as long as the mortality rate of black babies is higher than that of white babies, our task is not finished.

The freedoms of none of us are secure as long as the freedoms of any of us are threatened. Mrs. Parks understood that—let us not forget. Let us continue to work for that day when affirmative action programs are unnecessary, when race and sex and national origin are immaterial, and when we can accomplish all of which we are capable without these extraneous factors either aiding or hampering our efforts.●

TOM STEED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to honor a very dedicated public servant and distinguished Member of this House who is not returning next year. Tom Steed and I came to Congress together in 1949, and since that time my friend from Oklahoma has dignified this House by his concern for people and dedication to the best interests of our Nation.

As chairman of the Appropriations Subcommittee on Treasury, Postal, and General Government, Tom Steed has worked to guarantee that our Government services are performing up to the highest standards.

The people of Oklahoma's Fourth District have had a loyal and conscientious Representative in Tom Steed, and his presence will be missed in the House.

Mr. Speaker, the Congress has been fortunate to have Tom Steed's service and I wish him all the best in the future.●

TRIBUTE TO JIM LLOYD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BIAGGI. Mr. Speaker, the House today pays tribute to one of its finest Members Jim Lloyd, who for the past 6 years has so ably represented the citizens of the 35th Congressional District in California.

In just 6 years, Jim has emerged as an effective and sensible legislator. He served with distinction as a Member of the House Select Committee on Aging, of which I am an original Member The hearings conducted in Jim's district by our committee have produced some important legislation to benefit our seniors.

Jim's previous roles have included those of skilled pilot, successful businessman, dedicated professor, city councilman and mayor of West Covina, Calif.

His distinguished Navy career, which began in 1942, spanned 21 years and included service in both WWII and the Korean war. At his last duty station, Guantanamo Bay in Cuba, he served as public information officer during Bay of Pigs and the Cuban missile crisis. An accomplished pilot, Jim served as a naval aviator in the South Pacific. He has kept sharp his flying talent even while in Congress by flying such aircrafts as army helicopters, military fighter/attack aircraft, and NASA's Space Shuttle landing simulator. He is currently an active member of the Aircraft Owners and Pilots Association.

He officially retired as a lieutenant commander for the Navy in 1963. He and his wife together established a small business, Lloyd's Public Relations and Advertising, in 1966. That same year, he received his master's degree in political science from the University of Southern California. He spent 3 years teaching political science at Mount San Antonio College. He is deeply involved in a wide range of community and civic activities, and holds membership in such organizations as the League of Women Voters, the NAACP, and Pi Sigma Alpha—a national political science honor society.

His distinguished career in Government began with his election to the West Covina City Council. He later served as mayor of that same city. He was elected to the House of Representatives in 1974, and brought with him to this institution that same pride, integrity, and high-spirited determination which gave him success in all his previous endeavors. He personifies the high ideals for which this Congress stands, and will be sorely missed by us all.

It has been my distinct privilege to serve with Jim Lloyd these past 6 years, and I wish him every success in the future.●

TRIBUTE TO HON. BILL HARSHA

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, although Bill is a member of the opposition, he is a gentleman I respect as a hard-hitter who fights hard for the things in which he believes. Bill's word is his bond—when he tells you he is going to do something, you can always rest easy that he will do it. Bill is the highly respected ranking Republican on the Public Works and Transportation Committee. His expertise on water issues will be missed next year. Bill has given the people of Ohio and the country 20 years of dedicated service.●

TRIBUTE TO RETIRING CONGRESSMAN McEWEN

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. CONABLE. Mr. Speaker, I have known Bob McEwen longer than any other Member of this body. He and I served together in the New York State Senate and came to Congress at the same time. Ours is a friendship for which I have never had one moment of regret.

Bob McEwen is the kind of individual with whom one can enter into a direct personal relationship expecting and receiving honesty, loyalty, consideration and the kind of understanding on which true friendship is built. He does not mince words, but he makes a serious effort to put himself in the other fellow's shoes and to understand opinions that differ from his own. He is a human being first, and an intellect or a set of character traits second.

His service in the Congress has been first class, showing a balance of support for the interests of his local constituency and concern for the overall interests of the Nation. Few have been more tireless in pursuit of the prerogatives of his district, and yet he has never let parochial interests blind him to the fact that he was serving here as a national legislator. His work for the St. Lawrence Seaway has been exemplary; his advocacy of an active role for Camp Drum compelling; his lobbying in behalf of Lake Placid's Winter Olympics a classic example of one person's effectiveness as part of a large collective like the Congress. He can look back on his service here with personal satisfaction for these achievements in behalf of his neighbors, but as a responsible and hard-working member of the Appropriations Committee, he can also feel that he has well served the Nation as a whole.

Bob McEwen is a fine man, and association with him has added satisfaction to my public service. None of us serves in a vacuum, and we can all think of colleagues with whom we would just as soon not have served. Bob's presence in our body, however, has added to my pride in my job and that is a gift from him for which I shall be always grateful. He has served here at considerable sacrifice to his family—and his family impulses are strong—which should make us all doubly grateful. Pat McEwen has also served her country well in her cheerful support of her husband's public service, despite a crippling ailment and what must have been a difficult loneliness.

I want to thank them both, to express my sincere affection and best wishes for a productive and shared retirement, and to promise them that our friendship shall continue into the life that follows Congress.●

IN HONOR OF PHILIP M. KLUTZNIK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PORTER. Mr. Speaker, we have been fortunate to have an individual of such high caliber associated with our Federal Government as the outgoing Secretary of Commerce, Philip M. Klutznik.

Long active and highly respected in both the private and public sectors, Mr. Klutznik lent his expertise to successfully bridge the gap between these two spheres. Serving in Federal Government posts under seven Presidents, he consistently promoted our country's best interests abroad, concurrently encouraging us to further our humanitarian and economic assistance to other nations in need.

As Secretary of Commerce he has been instrumental in his efforts toward the enactment of import legislation. Export trading legislation, for example, has been kept alive largely at his hand. His contributions toward the implementation of fair trade policy and the betterment of our trading position in the world have been invaluable.

Philip Klutznik's service to our country and to the world has been exemplary. The people of our Nation are reassured in the knowledge that he will continue to give us his fine counsel and guidance as we address the problems that face us in years to come.●

TRIBUTE TO JOHN BUCHANAN

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. SHELBY. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Congressman John Buchanan who is leaving the House after 16 years of effective, diligent service to the people of the Sixth District of Alabama.

During the 2 years we served together here in the House, John has been a positive asset to the Alabama delegation, always willing to help another Member with a difficult situation. In his role as ranking minority member of the Subcommittee on Postsecondary Education of the Committee on Education and Labor, he pursued the best interests of education in this country. As a member of the Committee on Foreign Affairs, John proved to be a dedicated and progressive leader. In addition he was a very active member of the Steel Caucus and strived mightily to assist the steel industry through its current plight.

I will miss John and hope he will return to visit his friends in the House often in the future.●

TRIBUTE TO HON. ROBERT McEWEN

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, Robert McEwen is a man I respect highly—not because we are political allies, but because of his Scottish heritage. And everyone knows that Scots are truly remarkable people. I had the pleasure of working with Bob on the St. Lawrence Seaway. I have always found him to be a very able legislator who has shown a tremendous dedication to his constituents. Even when I disagree with him politically, I always have to respect Bob for the fine way in which he conducts himself. I wish him a very productive and happy retirement.●

TRIBUTE TO TIM LEE CARTER

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to pay tribute to a dedicated colleague and fine friend, the Honorable Tim Lee Carter of Kentucky, who is retiring at the end of this session. An outstanding public servant, I am sure I share the sentiments of my distinguished colleagues in the House when I say we will all miss his expertise and sensitivity as a legislator. He should leave Congress content in the knowledge that his State of Kentucky and the Nation are extremely grateful for having such a gentleman serve in Congress.

When Dr. Carter announced he would not return to Congress I was deeply saddened because it meant that I would no longer have the privilege of working with him. In his eight terms in Congress he has made a name for himself as a man who felt no detail was ever too small, or no problem ever too large to solve. He was a leader who did his job with little or no fanfare, a man with a wealth of knowledge he shared with us at all times.

I served with Dr. Carter on the Small Business Committee where he was a valuable and irreplaceable advocate for small businessmen across the country. He was instrumental while serving on the Subcommittee on Oversight and Minority Enterprise, in helping secure passage of legislation designed to improve business opportunities for minority businessmen. Thanks to his efforts the committee has been able to better address problems facing these entrepreneurs today.

Due to Tim's experience as a practicing physician in Kentucky he was very concerned in seeing to it that Congress addressed the health care needs of the Nation. While serving on the Committee on Interstate and Foreign Commerce he helped enact legislation in the areas of providing clean and safe drinking water, mental health, and was a strong supporter of community health centers in cities and towns across the Nation.

Dr. Carter has served the U.S. Congress well in the years he has been here, and though I do not know what he plans to do upon leaving Washington, I am quite sure he will put into his future the intensity and sensitivity he shared with us here. I wish him the best of luck and good health in the years to come.●

TRIBUTE TO AL ULLMAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GEPHARDT. Mr. Speaker, the Pacific Northwest is famous for many things besides the power bill, Mount St. Helens, and other natural splendors. I suspect the birth of two men a few decades ago was not noted at the time. Nor was their scholarship at Whitman College, their legal talents at Columbia University, or their subsequent teaching careers in their home States. But when Bill Douglas and Al Ullman went East as young men, the region did take note and the country has been better for it ever since.

Justice Douglas once said that "those in power want only to perpetuate it." As a member of the Ways and Means Committee for the past 4 years, I have observed our distinguished chairman and can truly say that Al Ullman wanted only to serve. Douglas also said: "I hope to be remembered as someone who made the Earth a little more beautiful." He must have been thinking about Al Ullman as well, for a kinder, more sincere man cannot be found.

No trail bears his name—no opinion bears his words—no laws cater to his special interests. But when I take my oath in the 97th Congress to support and defend the Constitution against all enemies, foreign and domestic; to take this obligation freely and without purpose of evasion; and to well and faithfully discharge the duties of the office I am about to enter, I might as well be echoing what the people of Oregon know in their hearts and minds—that this is what Al Ullman's life has been all about.●

TRIBUTE TO HON. HAROLD T. (BIZZ) JOHNSON

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, Bizz and I used to be neighbors back in the sixties when I was representing Oregon's Fourth District right across the border from his. We served together on the Interior Committee at that time. I remembered Bizz as a very wise and respected member in the sixties, and when I came back in 1974, I found him to be even more of a leader and legislative mastermind. There are few Members in this body held in higher esteem. He leaves here with the respect, admiration, and affection of his colleagues, especially me.●

TRIBUTE TO DAVID SATTERFIELD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. McCLORY. Mr. Speaker, the large turnover which is being experienced in the House of Representatives between now and January 5, 1981, means that many of our experienced and effective lawmakers are converting to other types of professional or business activities.

In the case of our colleague, Congressman DAVID SATTERFIELD of the Third District of Virginia, who has chosen to voluntarily retire from this body after long service here, I am reminded that DAVE and I have had many intimate experiences together on legislative and other issues relating to our public service as well as in personal contacts in which my wife, Doris, and I have shared personal and social activities with Anne and DAVE SATTERFIELD.

Congressman DAVID SATTERFIELD has brought a rich background of military and legal experience, as well as a wealth of other public and civic services, to this body. The Nation has benefited from DAVID SATTERFIELD's wise judgments and from his effective espousal of interests of primary concern to the devoted veterans of our Nation's military services and their families.

During his long and effective work as a Representative in the U.S. Congress, DAVID SATTERFIELD has gained the respect and affection of his colleagues.

While we will miss DAVE and his contributions to the overall tasks which we undertake here, we are understanding of his decision to leave us. On a purely personal basis I want to express to DAVID SATTERFIELD my deepest respect for his ability as a lawmaker and as a disciplined and highly honorable gentleman and to convey the good wishes of my wife, Doris, and me to Anne and DAVE SATTERFIELD for good health and much happiness.●

TRIBUTE TO RICHARD H. ICHORD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DICKINSON. Mr. Speaker, I am sorry to be making this tribute to the distinguished chairman of the Research and Development Subcommittee, House Committee on Armed Services, because his departure will be a major loss to the Congress and to the cause of rebuilding the national security of the United States.

I have had the honor of knowing DICK during my 16 years in the House. He preceded me here by 4 years. Though we work on opposite sides of the aisle, I have always respected him as one of the greatest conservative patriots to ever sit in this House. As senior minority member of the Subcommittee on Research and Development for the past several years, I have had the pleasure of working with DICK as my chairman. Ours has been an extremely close, cooperative relationship. DICK has been the model team leader, always going out of his way to be considerate of minority views and input. Under his leadership we have made great strides in developing the military systems needed by our Armed Forces, while at the same time eliminating millions of dollars in waste of the taxpayers' money. I do not believe there is a subcommittee in the House which is more effective, more dedicated, or more productive than the Research and Development Subcommittee under DICK's leadership. I will certainly miss him as my chairman.

I believe history will grade DICK very highly for another contribution he made to the Congress and the security of the American people. DICK was chairman of the House Committee on Internal Security before it was abolished by a naive, liberal House. This committee carried out the task of monitoring persons and/or activities that were dedicated to weakening, and destruction of, our country. Unfortunately, I believe history will prove that dissolution of this activity will have been comparable to another form of unilateral disarmament.

A no more loyal, honest, dedicated, or patriotic man ever served in this body than DICK ICHORD and I am one of his greatest admirers. Military research and development and our national security effort, in general, have lost a strong and effective spokesman. The Congress is losing a principled Member who always voted unselfishly for what he felt best for the country regardless of the political consequences. His shoes will not be easily filled. I will greatly miss him as a colleague and my wife, Barbara, and I wish DICK, and his lovely wife, Penny, Godspeed in their future endeavors.●

TRIBUTE TO HON. AL ULLMAN OF OREGON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, not often do we get the chance to pay tribute to such prominent gentlemen as the distinguished Representative from Oregon, AL ULLMAN. I go back a long time with AL and we have had a strong friendship ever since I came into the Congress in 1959. AL may remember when the Speaker, Sam Rayburn, appointed JACK BROOKS, AL ULLMAN, and me to represent the House in West Germany in 1959.

For 24 years the people of the Second District of Oregon have been fortunate to have had effective and representative leadership—the kind which produces good legislation and excellent service. There are so many good things to say about AL ULLMAN. He has done so much over the past 12 terms.

History will always note AL as being the well established chairman of the Committee on Ways and Means, a position he has held with distinction. During his tenure he has adopted two major tax reductions in 1975 and 1978, and the extensive Tax Reform Act of 1976. In addition, he has been an able chairman of the Joint Committee on Taxation. AL has been a real leader behind energy legislation, particularly the National Energy Act of 1978.

AL ULLMAN's career is one which his district and this great House of Representatives can be very proud. AL, your leadership and dedication will be greatly missed. To you and your wife Audrey and family, good luck in the years ahead.●

TRIBUTE TO HON. LAMAR GUDGER

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, it is with great sadness that I see LAMAR GUDGER leave Congress. LAMAR is a shrewd country lawyer, whom I have found to be on the right side of most issues. I am very proud of his friendship. He has served the 11th District of North Carolina and the Nation well, and he will be missed next year. Like me, LAMAR retired involuntarily, but I wish him the very best for the years to come.●

TRIBUTE TO HON. LIONEL VAN DEERLIN

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RUSSO. Mr. Speaker, I have considered it a privilege and an honor to know and work with LIONEL VAN DEERLIN. When I served on the Communications Subcommittee, I found the chairman not only a capable leader but a fair one. I saw him take on major and controversial issues and establish himself as a leader in the field of communications.

I owe a personal debt to VAN because I consider him not only a friend but my mentor—one who worked with me and educated me in the field of communications. He has my admiration and respect, as I am sure he does that of countless others. He has served with dedication and distinction, and we will surely miss his legislative talents here.

I would close by saying that I consider VAN one of the finest gentlemen in the House of Representatives. I wish him all the best because it is no less than he deserves.●

TRIBUTE TO AL ULLMAN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring AL ULLMAN, Congressman from the Second District of Oregon, who will not be returning for the 97th Congress.

Over the years, AL has distinguished himself far beyond the confines of Oregon's Second District. He is a national legislator.

As the chairman of the Ways and Means Committee, AL demonstrated the expert leadership ability necessary to handle the complex legislation which comes before the committee such as tax reform, energy, and public pensions.

His leadership will be sorely missed.

There is no doubt that AL ULLMAN has earned the respect of both his constituents in the Second District of Oregon, and his colleagues in the House of Representatives. I sincerely wish he and his family the best for the future.●

JOHN McCORMACK

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JEFFORDS. Mr. Speaker, there have been many excellent statements made paying tribute to the former Speaker of the House, John W. McCormack. I was not serving in the House of Representatives when he was Speaker, but I became aware of his superb qualities some years ago when I made a visit to Washington D.C. I had the opportunity to be in Washington in 1969, soon after being elected attorney general of the State of Vermont. Upon being introduced to Speaker McCormack through his staff, I was deeply impressed by the personal attention he showed to me. Not only did he take the time to personally introduce me to his staff, he invited me to accompany him at his morning press conference with the news media. For someone's first trip into the Washington intrigue, this was a most memorable experience, but more importantly, it demonstrated to me his deep compassion for people and especially his interest in young people pursuing politics.

I shall always remember the Speaker with my fondest memories.●

TRIBUTE TO JIM CORMAN, LIONEL VAN DEERLIN AND CHARLES H. WILSON

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, it is with great sadness that I see the ranks of the class of the 88th Congress depleted this year. It was my pleasure to be a Member of this class, along with LIONEL VAN DEERLIN, and CHARLES H. WILSON. And we were fortunate that JIM CORMAN had come a term ahead of us and was able to provide some leadership for a group of very green freshmen. California is losing three fine Representatives with the loss of these three exceptionally able men. Those of us who came to Congress in the early sixties have maintained an unusual closeness. I am looking forward to many fine reunions.●

TRIBUTE TO JOHN BUCHANAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STOKES. Mr. Speaker, I would like to thank the distinguished gentleman from Alabama, Mr. EDWARDS, for taking this special order so that we can salute our colleague Hon. JOHN BUCHANAN who will not be returning for the 97th Congress.

Like others in Congress, I have come to respect and admire JOHN BUCHANAN. Mr. Speaker, my good friend has compiled an impressive record of service in this body during his 16-year tenure. His legislative skill and leadership will be missed greatly as we enter the 97th Congress.

Mr. Speaker, although I do not share any committee assignments with JOHN, I have had the pleasure of working with him by virtue of his role as the ranking minority member on the Postsecondary Education Subcommittee of the Committee on Education and Labor. Although we sit on opposite sides of the aisle, JOHN has always been responsive and willing to give my positions on education issues serious consideration.

Just recently, Mr. Speaker, JOHN was instrumental in getting the House conferees to agree to an amendment tacked to the Senate higher education bill for a preventive health education facility at Tuskegee Institute.

As the sponsor of the bill in the House, I approached JOHN on this matter. JOHN served as a spokesman for the amendment in the conference. This is only one instance of his assistance and cooperation with me.

In addition to JOHN's achievements in the area of education, Mr. Speaker, he is noted throughout the world for his work in the area of human rights. A Southern Baptist minister, JOHN has been at the forefront of the struggle for human rights of Soviet dissidents, Jews, and oppressed people around the world. His efforts have not gone unnoticed.

JOHN was appointed a member of the U.S. Delegation to the United Nations Commission on Human Rights and was elected by the Speaker of the House to serve on the Commission on Security and Cooperation in Europe which popularly is known as the Helsinki Commission.

Mr. Speaker, it is evident that JOHN has played an integral role in shaping American domestic policy as it relates to the education of our people as well as American foreign policy particularly in reference to the human rights issue. These two issues are in the forefront of our minds as we strive in the 1980's to make this Nation and this world a better place to live.

Mr. Speaker, if for no other reasons than these, JOHN BUCHANAN's leadership will be sorely missed by people around the globe. I am sorry to see him leave this esteemed body, but I know we have not heard the last of him. I join my colleagues in wishing JOHN the very best in the future.●

THE HONORABLE AL ULLMAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DINGELL. Mr. Speaker, it is with regret that this body will lose a Member of the stature of AL ULLMAN. The loss of his unique skills, his knowledge, and vast experience will leave a great void.

AL has been a leader in the House and a master of the legislative art as witnessed during his tenure as chairman of the Ways and Means Committee. He is respected for his fairness and patience as well as his abilities to mold consensus and translate divergent views into effective legislative action. The legislation he has successfully guided to enactment over many years represents tireless efforts on behalf of the public interest.

It has been my privilege to work with AL ULLMAN and my good wishes go with him for health and happiness in his future endeavors. Needless to say, he leaves many friends.●

TRIBUTE TO JIM LLOYD

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RUSSO. Mr. Speaker, a popular subject for congressional debate these days is the need to strengthen the Armed Forces and boost the quality of military personnel. Someone who knows a lot about this situation is Jim Lloyd, and I can tell you that if all men of the military were as solid and dependable as this 21-year veteran of the Navy, then our country would be served by only the best. For the past 5 years, Jim Lloyd has served his constituents in the 35th District of California in a manner deserving of a 21-gun salute—loyal and dedicated to his constituents, and an inspiration to his colleagues in the House.

Not everyone is aware of Jim's talents beside those on the House floor. He can pilot the skies in anything from a fighter plane to a 747, and he can command the basketball court with a shot and dribble that rivals the finest athletes on Capitol Hill. Not surprisingly, when Jim helped direct the congressional basketball team, we had an undefeated season, scoring handy victories over the White House and Federal agency teams.

It is with great sadness that I must say goodbye to my good friend Jim Lloyd. He's been a tremendous support to me, and I am sure other Members share my desire to salute him and wish him the best.●

TRIBUTE TO HON. RICHARDSON PREYER

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues in honoring Richardson Preyer, who will be leaving the House at the end of the 96th Congress. The House will be losing one of its finest Members.

Rich Preyer served with great distinction in developing and implementing financial disclosure requirements for Members of Congress. He performed a major service for the House as an influential member of the Select Committee on Ethics, a difficult and unrewarding assignment.

His achievements go beyond ethics legislation—he has been a major opponent of efforts by the auto industry to roll back air pollution standards.

I am certain he will perform any future endeavor with the same integrity and wisdom which he showed in the House.●

TRIBUTE TO JOHN McCORMACK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FISH. Mr. Speaker, I would like to take this opportunity to pay tribute to former Speaker John McCormack, a great man and a dedicated public servant. When I came to the House in 1969 John McCormack was the Speaker, and one of the most powerful men in the Congress. Our paths crossed only briefly, which was my loss, for he was always gracious to me and I respected his leadership, fairness, and strength of character. He often spoke of his love of the institution of the House of Representatives and this was not lost on this younger Member.●

TRIBUTE TO HON. JEROME AMBRO

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, I did my best to help get Jerry reelected by succumbing to his masterful logic and commonsense which persuaded me to help him with air traffic control improvements in his district. There are more control towers and radar in the Fourth District in New York than in any other place in the country. Jerry has been a very able legislator and member of the Public Works and Transportation Committee and the Science and Technology Committee. He will be missed next year, but my guess is that he will be back.●

TRIBUTE TO THE LATE SPEAKER JOHN W. McCORMACK

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ROSENTHAL. Mr. Speaker, much has been said in this House over the past few days about the late John W. McCormack, former Speaker of the House of Representatives, who died in Boston last week.

He richly deserved all those tributes—first, because he was a decent and honorable human being, and second, because over the years he had made an invaluable contribution to the quality and the integrity of the Congress. Unfortunately, his kind are few and far between.

He never forgot his humble beginnings, and his entire life was dedicated to service to his fellow man. He loved people, and they returned that love.

He served in the Army during World War I, and then entered politics, spending several years in the Massachusetts House of Representatives and the Senate, where he was Democratic floor leader in 1925 and 1926. He was subsequently elected to the U.S. House of Representatives and spent almost 43 years here in unselfish service to his country. He worked his way up through the Democratic leadership and became Speaker in January 1962, a post he filled admirably until he retired in 1971.

When I first came to Congress a month after he had been elected Speaker, I found him accessible, friendly, helpful and more than willing to guide and counsel me as a newcomer and neophyte. I found his sage advice invaluable, and was deeply grateful to him for his personal concern and interest over the years we served together. He was, in my opinion, a master politician, and a gentleman of the old school—a combination of qualities which highlighted his entire legislative career, and set him apart as a very special individual.

He left his mark on the Congress and on this Nation, as a man highly principled, tremendously loyal, and completely honest. We are the better for it.●

TRIBUTE TO HON. AL ULLMAN

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. REUSS. Mr. Speaker, I am pleased to add to this well-deserved tribute to our distinguished colleague, Congressman Al Ullman. Al's productive, 24-year congressional career will end with this Congress, but he will long be remembered for his effective chairmanship of two important committees and for his central role in bringing beneficial and lasting reform to this body.

In 1974, as a key member of the House Democratic Caucus, Al helped to achieve rule changes which resulted in major reforms in antiquated House committee procedures—reforms which have provided for a more open and effective Congress. That same caucus wisely elected Al as the first chairman of the new Budget Committee. Al had championed the creation of that committee in order to restore to Congress its constitutional role in formulating national fiscal policy and spending priorities. After only a few months, however, he took on the difficult post of chairman of the Ways and Means Committee.

Al brought to his new assignment his admirable democratic ideals and leadership qualities. His tenure on Ways and Means has been a model of openness and free debate. Al had always demonstrated strong support for social programs. As chairman of the committee with jurisdiction over social security, public assistance, and unemployment compensation, however, he consistently concerned himself with the fiscal impact of those programs. Through contentious debate on divisive issues, Al's sense of decency and fairness has never wavered. His moderate and solicitous style of leadership has been in the best tradition of democratic government and will be missed.●

TRIBUTE TO AL ULLMAN

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. UDALL. Mr. Speaker, Al Ullman's retirement is a loss to the Congress and the whole country. He brought honor and commonsense to this Chamber and handled one of the most high-pressured assignments in the House forthrightly and well.

Al is a pleasure to work with—a fair, reliable, and dedicated Congressman who has been a real credit to his State and to the people of his district.

I am sad that he is leaving.●

TRIBUTE TO HON. CHARLIE VANIK

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, Charlie Vanik is a politician of the old school, who has left his mark in the field of taxation. The Ways and Means Committee will be without one of its real experts next year. Charlie has managed to remain in Congress for 26 years without ever forgetting the Populist views that brought him here in the first place. Once again, Charlie has proven to be wiser than the rest of us—he has elected to retire voluntarily. We wish him the best for the years to come. After so many years of dedicated service, he surely deserves it.●

ROSA PARKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. STOKES. Mr. Speaker, I want to thank my distinguished colleague from Michigan, Mr. Conyers, for taking out this special order in remembrance of December 1, 1955. I especially commend the gentleman for reminding us of Rosa Parks on that fateful day.

It is important for us all to remember this anniversary, for it was December 1, 1955, that Rosa Parks refused to tolerate the humiliation and indignity of subordination. By the simple act of refusing to give up her bus seat for a white man, she refused to accept a system which allocated fundamental rights on the basis of racial heritage. By refusing to stand on that bus in 1955, Rosa Parks forced America to recognize the injustice and inhumanness of its laws.

Mr. Speaker, certainly the events of that day did not suddenly transform race relations in this country. Nor has the journey toward economic, social, and political justice ended. In fact, many of the inequities that Rosa Parks confronted in 1955 remain true today. And perhaps Rosa Parks' task was less complex because her obstacles were vividly defined. Black Americans in the 1980's, on the other hand, are faced with a system that more cleverly disguises injustice, hatred, and bigotry.

Yet, this is not to minimize either Rosa Parks' courage nor the significance of her actions. The dignity and the strength that she demonstrated led to an 11-month bus boycott in protest to Ms. Parks' conviction. The sacrifice and courage of the boycott participants was spirited, for the most part, by her steadfast and enduring commitment to justice.

The boycott, in turn, spirited a movement within black communities nationwide in protest of Rosa Parks' conviction specifically, and racism and injustice in general. Ultimately, the Montgomery bus system's segregationist policies reached the Supreme Court. In November 1955, the Court ruled in favor of Rosa Parks and against Jim Crow. I consider it monumental that this single individual, Rosa Parks, not only helped to overturn an age-old practice and forced the highest court in the land to examine the matter, but she helped create a new consciousness and sensibility in America that lives today.

Mr. Speaker, we must not forget December 1, 1955, as we must not forget Rosa Parks on that day. And we must not forget that the battle is far from won.●

THE HONORABLE AL ULLMAN

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. SCHULZE. Mr. Speaker, I am pleased to take this opportunity to offer my warm congratulations to Congressman Al Ullman on his 24 years of exemplary service in the House of Representatives.

As acting chairman in 1973 and 1974, Al guided the Ways and Means Committee with grace and tact through a most difficult period of transition. The positive, steadying effects of his leadership are most evident when the accomplishments of the committee during his tenure as chairman are reviewed, including two substantive tax reductions in 1975 and 1978 and a major tax reform measure in 1976. He has pioneered a number of innovative concepts to address the long-term needs of our Nation in a number of areas such as social security, health care, and natural resource management. As a Ways and Means member since 1976, I have come to respect his judgment in matters about which we disagee as well as those in which we are in accord.

Despite the heavy demands of his committee responsibilities, Al has been an effective advocate for his constituents in Oregon's Second Congressional District. He leaves us with an impressive record of accomplishments and a healthy and vital Ways and Means Committee to his credit. I am sure that all of my colleagues join with me in wishing Al happiness and satisfaction in all that he undertakes in the future.●

TRIBUTE TO HON. SAM DEVINE

HON. ROBERT B. DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. DUNCAN. Mr. Speaker, I have had the pleasure of working with Sam Devine twice—back in the sixties when I was representing Oregon's Fourth District, and for the past 6 years. Sam and I both served in the Naval Reserves, and we share a very special love for this country that we have garnered both from our service in the Navy and in Congress. I respect Sam greatly—he has served this district well for the past 22 years.●

TRIBUTE TO JIM LLOYD

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. AKAKA. Mr. Speaker, today, I would like to pay tribute to my "big brother" and close friend, Congressman Jim Lloyd. When I first came to Washington as a freshman Congressman 4 years ago, Jim took me under his wing, shared his office and staff with me and basically helped me understand the congressional process—in short, he taught me the ropes. But Jim was more than a teacher for me.

He and his gracious wife Jackie made me feel especially welcome in Washington, which was no small feat, considering the fact that my own home is over 5,000 miles away. In the beginning, they made me feel like I belonged in Washington, and that the Nation's Capital was indeed a place I could call home. I hold a special place in my heart for Jim's friendship over the past 6 years.

Not only has Jim Lloyd been a close friend of mine for the past 6 years, he has also been an extremely effective and well-respected legislator. As a retired naval aviator, Jim was a natural for his assignment to the House Armed Services Committee. Because of his technical training and background, he was also well suited to a position on the House Science and Technology Committee on which he served for 6 years. As a member of the Committee on Aging, Jim was instrumental in challenging FAA regulations on mandatory retirement of commercial pilots at age 60. In short, in the course of his career here in Washington, Jim has continued to remain involved in all aspects of aviation matters and has indeed been a responsive and creative spokesman for aviation interests, be they military, commercial, or general interests.

I will miss Jim when he returns to his home. I have always looked forward to working with him on issues both great and small. It is my hope that he will be back to lead us again in the 98th Congress.

My wife and family join me in wishing this very special friend and colleague a fond aloha.●

CONGRESSMAN JIM CORMAN

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I rise with sadness in my heart at the departure of my respected colleague, Jim Corman. Certainly one of the most disastrous losses in this year's elections was Jim's defeat.

Jim was a champion of the workingman and the poor and served them admirably in his position as chairman of the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation. Throughout his 20-year career in the House, he led many fights to reform a tax system which too often rewards the wealthy at the expense of the poor and middle class.

Jim was also the chairman of the Democratic Campaign Committee, providing invaluable financial assistance to many Democratic candidates in the difficult election years 1976-80.●

ACTRESS LIV ULLMANN'S ADDRESS TO THE WOMEN'S NATIONAL DEMOCRATIC CLUB

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. BARNES. Mr. Speaker, Liv Ullmann recently addressed the Women's National Democratic Club. Ms. Ullmann is well known as an actress, but also deserves to be known for her work on behalf of UNICEF. I am inserting the text of her recent remarks so that my colleagues can share the benefits of her observations.

Liv Ullmann's Talk to the Women's National Democratic Club, November 10, 1980

Dear women and men, thank you very much for having me here today. And thank you especially for allowing me to come, not as an actress, but as a mother and as a woman.

But if I am to say anything about my profession, I would like to remind you of the very first play I did in the theater. It was based on the "Diary of Anne Frank" and was about a little girl who had to hide from the Germans in an attic in Holland for two years before she was found and sent to a concentration camp to die. The last words we did in the play I will never remember as clearly as after this last year. Anne Frank says to her diary, "I believe that deep down all human beings are good."

A year ago I was in Auschwitz for the first time. We were making a documentary about children who survived the Holocaust. I was together with a woman of my age. Her father, mother, sisters, brothers—everybody—had died in the gas chambers, and she was back for the first time. I watched her go down in the gas chamber. She stood with her head bowed. She didn't cry. She didn't say anything. And then she went off and sat in the grass. And the image of Anne sitting there will be an image I'm always going to carry around.

Why did it happen? Did it change anything? Did we learn anything?

I was at the border of Cambodia. It was when it was completely closed and we wanted to come in with food and medicine and doctors, but we were not allowed. I was together with Elie Wiesel, a Jewish refugee who also survived Auschwitz. He said, "At least they in there know that we are here, they know that the world has not forgotten them." We must not forget them.

I am here today to tell you about some of the children who are too weak to stand up for themselves and who must not be forgotten. I will read you a little letter from a refugee who is now an immigrant in America.

She wrote: "Very painful treatment by Pol Pot soldiers forced my brothers, sisters and parents to work in the concentration camps. Great sorrow, great oppression. My soul lives helplessly alone. When Pol Pot was destroyed, I returned to look for my family. Just a few words—all the members of my family were killed, eight children and my mother and father. Oh, my God. Just tears dropping down. I am alone."

Or Paul, who is 13:

"I would like to go back and clean the temples. I miss them very much. Of course, I miss my parents, too, but I don't know whether I will find them when I go back. The temples and the mountains are sure to be there, but father and mother, I am not sure."

Or a little girl in one of the refugee camps in Thailand who told me, "Sometimes I cry, but only when it is raining so the other children won't see."

To be a refugee must be like when we, as children and also often as adults, feel loneliness in the middle of a crowd. To be a refugee must be days and nights of longing that is never fulfilled, like a love that is never returned, a loss that is never replaced.

I remember an old lady. She was sitting in one of the camps rocking back and forth, back and forth. Her bed was her home, which she shared with two other families and everything that belonged to them.

Another old lady in a refugee leprosy camp was lying like a little baby and crying and crying. But the moment somebody held her tight she would stop crying and the moment they let go of her she would start crying again. But there was always somebody there to hold her.

Or a little girl in another camp in Thailand who was in a big crowd of children. We were playing, and she was wearing my hat and my bag and holding my hand and for a moment she was like the privileged one, the one walking with a grownup. But suddenly she gave away my hat and my bag and my hand to another child and picked up a little boy who was crying. In the midst of her privileges, she felt for somebody smaller—and she smiled.

What I remember most from all these camps was the smiles of the children. If you opened up my heart you would find the most beautiful collection of smiles that all these children gave. A sweet memory that I wish I could share with everybody.

There are other children who don't smile . . . those children who are in boats going from Vietnam to Thailand and who meet pirates in the South China Sea. They are raped, killed, and thrown overboard and the children sometimes watch their whole family die. There are other children who just disappear mysteriously and are later found in brothels in Thailand.

Money alone will not help these children, but that we are aware that we don't forget will help.

World opinion is what these children need and, most of all, they need love. A hand to hold. We should not help because it is brave to fight for them, but because it is cowardly not to. Worst of all is indifference, which kills love.

America is a nation of immigrants. Welcome those who reach this place, but not with guilt, because guilt itself is a prison for emotion and love never emerged from it. Better to remember the Emma Lazarus poem written on the Statue of Liberty:

"Here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose face is the imprisoned lightning, and her name Mother of Exiles . . . Give me your tired, your poor, your huddled masses yearning to breathe free . . . Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door."

Since becoming associated with UNICEF, I have travelled in a very different way than I used to as an actress. I have done travels for UNICEF as a very privileged woman, as one who has choices in life. But I started to see my privilege as a duty. A possibility given to me. A seed that can bear fruit.

I have learned that very much in my life and work that I thought had to be in a certain way was possible to change but only if the motive and the aim is one of importance. I have also learned that I can stand to become unpopular or to seem stupid and questionable. I can stand it because I have pride in myself, feeling of self.

I have seen what other women can accomplish. Not in the least are women in the

Third World, women who sometimes have a working day of 14 or 15 hours. They must collect water, farm, and provide child care. But even after all these hours they have time and want to learn. They go to the community centre and learn about family planning and take nutrition studies and classes in health care.

The tasks of improving the lives of today's children depend on broader changes in the world of which those children are a part. One of the most important concerns is the change of the role and the right of women.

An improvement in the lives of women is necessary in and of itself, but it is also necessary for the well being of children. The quality of life for the child begins with the quality of life for the mother.

UNICEF is one of the few assistance agencies which has tried to direct appropriate activities specifically towards easing the burden of women. UNICEF has always perceived itself as having a mandate directly for women in their important capacity as mothers. Women's rights is not just one more issue, as many people involved in social development discover when they find themselves unsure whether to go for programmes specifically benefitting women, or considering women within the context of every programme. Women are part of every issue. Women are half of the world's adults. Until the decision makers are prepared to accept this—and they are, let's face it, mostly men—the contibutions to society by women will never count, nor be counted.

I wanted to find out about this world in which I am a woman. I went on a long journey and I came back awakened. My journey was unique only because it changed my life. It was my personal journey. Filling me with images that were never before part of my world and my references. A journey of discoveries. I went to where the hungry live and to where the refugees live, and I am still travelling. Travelling in a world I share with the 800 million people living in absolute poverty. A world of more than 10 million refugees, of whom two-thirds are children and women. A world where an estimated 15 million children die each year of malnutrition or related diseases. If I don't recognize them as individuals, how can I then comprehend the individual unbelievable numbers?

The greatest needs lie—in food, water, health, housing, education, prevention and rehabilitation of disability and helping refugee children. For example, it is a fact that safe water—a source of life and health for those who have access to it—is a source of sickness and death for those who don't. Four-fifths of the children living in the developing world's rural areas and more than one-fifth of those in towns and cities are deprived of this most basic right. And the result is that millions of children die from water-related diseases before reaching their first birthday. And millions more live in permanent ill health. The obvious conclusion is that the task of improving the health of the world's vulnerable children is far more a task of prevention than one of cure. All too many children live in what is less than a shack and in the company of rats. Parents—amidst all this hopelessness and resignation to their children. Our aim should be to bring nearer the day when all children will have adequate housing which they and their parents can make into, and call, a home.

The growing problem of refugees and displaced persons is occasionally headlined by sudden and dramatic emergency examples, and yet the problem has become persistent to the point of permanency. There are more than 10 million refugees in the world today and half of them are children. Their plight is particularly acute because many of them are deprived not only of physical needs but also of home, family, community and nationality—the very elements of personal identity and minimal security.

Meeting women in the Third World, as I did most recently in Bangladesh, India and Sri Lanka, was like meeting sisters. We don't speak the same language but when you touch, when you smile, when through an interpreter you start to speak to each other, you feel that so much is shared and that they have so much that we don't.

When I told about some of our institutions for our elderly people, people in the Third World didn't believe it. When I told about divorcing, they didn't believe it.

I remember a little girl in an orphanage. She was sitting with me on a bed and was admiring my dress, touching it, looking at it. I was admiring the little ring that she was wearing on the hand. And suddenly she takes off the ring and she gives it to me.

I remember a village we came to, and everybody there was very, very happy. A new water pump was installed, not only a new one but the first one. Many women in this village now no longer had to go back and forth for hours each day just to get the essential water. And they let me put my hand on this pump to feel the pressure of the water. And the feeling of this pressure I will never forget. Neither will I forget the man who installs the water pump. He showed me the mark of his profession which is a blue spot on the hand from pressing and pressing for water. It is also an image of hope.

I remember another village where we went inspecting toilets. For me who has seen the luxurious toilets of Hollywood where people really don't do those things, it was very strange because suddenly here we were watching the change in the life of a village just because they had got three holes in the earth that are giving them health and convenience through water and sanitation projects. It's good to have experienced the contrasts of the world.

Or my little favorite girl from a very, very poor village in Bangladesh. She took my hand and she was dragging me along and she was talking and talking. And she was smiling, one of those smiles again. And I didn't understand what she was saying so I asked the interpreter. And this little girl from the poor village was telling me, "I want to show you everything that is wonderful in my life. I want to show you my home, my family and everything that grows." And I thought of the words of Anne Frank, "I believe deep down that all human beings are good." The way this little girl seemed to believe it.

Let us not let them down.●

HONORING JIM LLOYD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DINGELL. Mr. Speaker, I am honored to join in this tribute to an outstanding colleague, JIM LLOYD.

JIM's leaving this great body culminates a distinguished career in which he has served his district and the Nation well. His expertise, legislative skills, and ability to move forward solutions to many of the Nation's problems are but a measure of the dimensions of his many significant contributions and achievements.

During his tenure, JIM has won many friends from both sides of the political aisle with his patience, understanding, and cooperation.

I join my colleagues in wishing JIM all the best for the future, and I am proud to have had the opportunity to work and serve with him.●

THE HONORABLE JOHN McCORMACK: MY SPEAKER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PICKLE. Mr. Speaker, the most memorable occasion for any new Member of Congress is the moment he takes the oath of office. It was my privilege to be sworn into Congress by the Honorable John McCormack, and I can never forget that moment or this great man. For over 10 years, John McCormack was my friend and advisor, benefactor and counselor. I will always be grateful to have known this wonderful individual.

John McCormack was a friend of the Texas delegation for a long time. For some 20 years, he served as majority leader under Speaker Sam Rayburn. I do not believe any two men in the Congress could ever develop a closer working relationship or high regard for their goals or aspirations as Speaker Sam Rayburn and Speaker John McCormack. We in Texas like to think there has always been a close relation between the States of Texas and Massachusetts. We have often said there was an "Austin to Boston axis." This condition definitely occurred when Sam Rayburn and John McCormack worked together. There was certainly a Texas to Massachusetts axis when John McCormack became Speaker and our great Texan Lyndon B. Johnson became President. We have felt this individually, professionally, and legislatively—and it is a good feeling.

On many occasions during the years I served with Speaker McCormack, I was privileged to see him address delegations from my district and to enjoy his company when my delegation met with legislative leaders. Texas never had a better friend than John McCormack, and we loved him dearly.

We in Congress know something about the legislative achievements of this great and kind man. Coming from South Boston, John McCormack was dedicated to advancing the programs of Franklin D. Roosevelt during the Depression and New Deal years—and later in the New Frontier days of John F. Kennedy. Few men in America have contributed more to the growth and development of our modern system of government than John McCormack and I daresay few men, if any, have ever helped the "little man" more.

There was another side of Speaker McCormack, however, that we all like to recall. That was his great love affair with his wife, Harriet. I hope all the Members could read a chapter in Peggy Stanton's book, "the Daniel Dilemma." This chapter constitutes one of the most moving descriptions of character and integrity and love of John McCormack that has been written to date. It is a love story to savor, prompting you to want to pause again and say a prayer of thanksgiving that this man came our way. He was a great American, perhaps one of the greatest of our time. All of us are enriched for having known this good and saintly man.●

HAROLD T. JOHNSON, JAMES C. CORMAN, JIM LLOYD, LIONEL VAN DEERLIN, AND CHARLES H. WILSON

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ROE. Mr. Speaker, I am most honored to rise to day and salute five fine lawmakers from California, including Bizz Johnson, the fine outgoing chairman of the House Public Works Committee, who will not be with us in the new 97th Congress.

As chairman of the Public Works Economic Development Subcommittee, I have had the great honor of working alongside Bizz Johnson for many years.

His leadership abilities have provided the direction needed to open new horizons in dealing with the numerous difficult matters facing the Public Works Committee on a daily basis.

Bizz Johnson must be given credit for the passage of landmark legislation in the areas of economic development, mass transportation, highway programs, water quality, and flood control.

But Bizz Johnson himself would never take the credit himself for those successes. He is the kind of man who is more interested in seeing that the job gets done than in garnering pats on the back for himself.

Many times, his dedication and perseverance made the difference in seeing that a bill, which he deemed essential to the welfare of the Nation, was approved.

A man of his stature will be greatly missed.

Jim Corman, Harold Johnson, Jim Lloyd, Lionel Van Deerlin, and Charles H. Wilson will also be sorely missed in the Halls of Congress. They have all served their Nation and the people of California with high distinction during their service in Congress.●

TRIBUTE TO HON. JIM HANLEY

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DUNCAN of Oregon. Mr. Speaker, Jim Hanley has been my dear friend during both of my careers—back when I was representing Oregon's Fourth District in the sixties and in my reincarnation as Representative of the Third District. And Jim and I remained good friends in the interim. Jim has made a great contribution to his great State of New York and to the Nation for the past 16 years. I'm sure he could have won reelection for many more years had he chosen not to retire. But certainly, there is no one more deserving of a quiet and peaceful retirement than Jim Hanley. He will be missed.●

TRIBUTE TO LIONEL VAN DEERLIN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. CHAPPELL. Mr. Speaker, this body will surely miss Lionel Van Deerlin, of California, the communications/broadcast expert on Capitol Hill. Our colleague has worked hard and long hours on the House subcommittee most closely connected with the subject of broadcasting and his broad knowledge in this area is august.

Lionel's political history is long and notable. A print and broadcast journalist in San Diego before his first election to Congress in 1962, Lionel had 10 years of experience on the communications panel prior to becoming chairman. As chairman of the Communications Subcommittee, he worked hard to revise the 1934 Federal Communications Act, to adapt it to emerging communications methods such as cable TV and satellites.

Lionel was in the forefront—always encouraging the development of new technologies and new ideas across the entire spectrum of communications. And he worked hard to convince his colleagues of the importance of deregulation in this vital area which touches on the life of nearly every citizen.

Drawing on his own background as a newsman to pose questions as well as solutions for the myriad of problems that came before the committee, Lionel Van Deerlin has been forceful and forthright in the statement of his positions. His political courage has been manifest in many situations.

With close to two decades of service here, Lionel Van Deerlin has won many friends, and he has been a genuine friend to many. I shall miss Lionel and wish him all success and happiness for the future.●

TRIBUTE TO BIZZ JOHNSON

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, at the end of this session Congress will lose one of its most distinguished and capable Members, Congressman Harold T. (Bizz) Johnson of California. I have known Bizz for more than 10 years and in that time I have grown to respect his judgments and his ability to get things done.

Throughout his career, Bizz has worked to improve the quality of our Nation's waters not only through strong environmental laws but also through water resource programs such as his leadership role in stimulating the Nation's efforts in desalination of sea and brackish water. He has also worked to increase the quality of life for Americans through his efforts to pass a multimillion-dollar water and power conservation and development program and to sponsor legislation to facilitate enforcement of national forest regulations against fire carelessness and litterbugs.

Bizz Johnson is a man with a firm commitment to the environment, dedicated to promoting a better life for all of our citizens, and a foremost supporter of a strong America. As chairman of the House Committee on Public Works and Transportation, he has left his mark in all areas of the committee's jurisdiction including aviation and airport development, economic development, public buildings and grounds, highway projects, mass transit projects, water and flood control projects, and water quality control efforts.

As chairman of this vital committee, Bizz has been one of the principal architects of legislation making the first meaningful reforms in 40 years in regulating the airline and motor carrier industries.

Bizz individually and collectively, we wish you the very best in retirement from the Congress, although we know that a man of your abilities will not be retiring completely from your efforts to seek a better way of life for your fellow Americans.●

TRIBUTE TO JOHN WYDLER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. RODINO. Mr. Speaker, John Wydler's decision to retire from Congress after 18 years will be a great loss to his district in New York. He has served his constituents with ability, energy, and dedication. In the House we will miss his knowledge and expertise on legislation coming under the jurisdiction of the committees on which he served. He was a leader in several major areas of national importance.

As ranking Republican on the Science and Technology Committee JACK WYDLER pushed for technological improvement and development which will be vital to our country in the years ahead. He played a key role in development of nonpetroleum energy sources legislation.

I know JACK best as the champion of the general revenue-sharing program which we both strongly support. Very recently he led the fight on the House floor which resulted in passage of the bill to assure continuation of this critical assistance to our States.

JACK is a concerned and committed Member of Congress whom I am proud to call my friend, and I wish him success and happiness in his future career.●

TRIBUTE TO MENDEL DAVIS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. CHAPPELL. Mr. Speaker, I would like to take this opportunity to join my colleagues in honoring my good friend, Congressman MENDEL JACKSON DAVIS, for his contributions to this body during his 9 years in Congress.

MENDEL has come to be a special person for his efforts to assure just and reasonable pay for junior enlisted personnel in the armed services—an often overlooked group. His work on the Armed Services Committee, particularly the Subcommittee on Military Compensation has been outstanding. MENDEL has especially represented the Charleston area well and his military constituency throughout that district will most certainly miss the services he has rendered in behalf of the active duty and the retired military communities.

Throughout his long and distinguished career in the House of Representatives, MENDEL has demonstrated substantial legislative skills, diligence as a responsive Representative, and has been a forceful spokesman for adequate compensation for our armed services which are so vital to our national security.

I know that MENDEL will be missed by his constituents, by his colleagues on the Armed Services Committee as well as the entire membership of the House. He will be particularly missed by those who have persistently endeavored to insure that our Nation is capable of providing for its own security and for the peace of the world. I wish him the very best in the years to come, in whatever endeavors he might undertake.●

JIM LLOYD

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I rise today to pay tribute to a departing colleague, my good friend JIM LLOYD. JIM has served California's 35th Congressional District with distinction for the past 6 years.

JIM LLOYD's experience as a Navy pilot has given him special insight into some of the major military aircraft programs considered by Congress. This expertise will be missed by his colleagues who sought his advice on these matters.

JIM's departure is unfortunate for the House and I wish him well in his future endeavors.●

TRIBUTE HONORING JOHN McCORMACK, FORMER SPEAKER OF THE HOUSE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with great humility and pride that I add my small voice to the many who have honored our former Speaker, John McCormack.

When I first arrived in Congress, Sam Rayburn was Speaker, and his teammate as majority leader was John W. McCormack. When John McCormack took over in 1962, it was a very different type of leadership that took charge of the unwieldy legislative body known as the House of Representatives. Yet, despite his different style, John McCormack was very much in charge of the House. No one ever doubted this, and no one who knew him and worked under his tutelage will forget the influence he has had on their careers.

The House was a real home to John McCormack. For 42 years he represented the Ninth Congressional District of Massachusetts. Both John McCormack and his devoted wife Harriet treated the Members of this House as their family. Having no children of their own, they devoted themselves to his career as their first priority in life, and as Speaker he gave it his personal influence and his insistence on honesty, loyalty, and dedication to service.

John McCormack understood politics. He was a brilliant tactician; he knew how to get things done; and he knew how and when to compromise to achieve his purposes. The tradition from which he emerged is today carried on by his successor and friend, "TIP" O'NEILL.

Together, they represent a Massachusetts tradition which has had a profound influence on American history and been responsible for a generation of legislation which has benefited the people of this Nation. It has had special influence on the lives of the millions of Americans who have gained rights and higher standards of living because of the liberal legislation this Congress has exacted.

Let us hope that this House will continue, the same tradition which Speaker McCormack so nobly exemplified.●

TRIBUTE TO LIONEL VAN DEERLIN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. McCLORY. Mr. Speaker, I noted with great surprise the defeat at the polls of my friend and colleague, Congressman LIONEL VAN DEERLIN.

VAN and I were elected to the House of Representatives at the same time and are members of the so-called "88 Club"—indicating 18 years of continous service in this body.

For his own part, VAN has achieved marked success on the Interstate and Foreign Commerce Committee, where he rose to become chairman of the Subcommittee on Communications. VAN came to the House fully prepared for this position, as he brought with him an expertise which he acquired during long service in the communications industry as an active participant in radio and television broadcasting. He has devoted long hours in his efforts to achieve a reorganization and restructuring of the entire communications industry, particularly in light of new modes of communication developed in recent years through advanced technology and scientific discoveries.

Mr. Speaker, VAN and his wife, Mary Jo, have been close personal friends of my wife, Doris, and me, and we wish them much happiness and success in their future endeavors.●

FOUR CALIFORNIA MEMBERS LEAVING THE HOUSE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PANETTA. Mr. Speaker, this is a sad moment for the House and for the State and people of California, for we all are losing the services of four excellent, committed public servants. In the years I have served in this body. I have come to know each of these men, and I know we will miss the special contributions each of them made.

In order of seniority, I begin with BIZZ JOHNSON. This House does not need to be informed of the tremendous accomplishments for which BIZZ can claim credit. As chairman of the Committee on Public Works and Transportation, BIZZ has been the power behind the vital hydroelectric and other projects necessary to building our country's energy supply and conserving our water resources. He has been particularly important to our State in this role, and his absence will create a major gap in the State's influence in this body. In addition, BIZZ has been an outstanding leader of the California delegation, and we will not easily replace him.

The less fortunate segments of our society have had no better friend in the Congress over the past 20 years than JIM CORMAN. As a ranking member of the Committee on Ways and Means and chairman of the Subcommittee on Public Assistance and Unemployment Compensation, JIM has worked tirelessly to make our system of taxation more equitable and to improve our welfare laws. His goal has always been making ours a more just and compassionate society. JIM has the respect of this entire body, and the country will miss his skills, his integrity, and his sense of fairness.

LIONEL VAN DEERLIN has served in this body since 1963, and he has represented his area and the rest of the State with great distinction. LIONEL has become particularly involved in the tremendous reforms that are afoot in the communications industry, and his chairmanship of the Subcommittee on Communications has been an exercise in intelligence and leadership. It is unfortunate that he is leaving now before his hard work can be brought to fruition, but the final reforms in this area will be a lasting tribute to his skill and dedication.

Finally, we will all miss JIM LLOYD a great deal, particularly for his extensive knowledge of vital defense matters. His expertise in this area has truly made him an indispensable source of information and advice for the entire House of Representatives as well as an effective overseer of our Defense Establishment. The Nation needs men of JIM'S experience and skill in the Congress, and we will all be much the worse for his departure.

Mr. Speaker, these are four excellent men, all dedicated to the public well-being. In addition, they have been good friends and colleagues, and I will miss them a great deal. I know all of my colleagues in the House join me in wishing them the best of luck in the future.●

HOUSE OF REPRESENTATIVES—*Friday, December 5, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The Lord is my shepherd, I shall not want.—Psalms 23:1.

O Lord, we ask Your blessing on people everywhere who are in need of Your protection and care. We remember in our prayers those people and nations who feel threatened by the events and circumstances of our time. Even as we thank You, O Lord, for the freedoms that we cherish, we reach out to all Your creation who cannot share in the liberty we know. We recognize that by ourselves and by our might we cannot face the uncertainties of the days, and we seek Your providence, that as the shepherd cares for his flock, so You will watch over us and support us with Your everlasting arms. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3351. An act to amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis.

H.R. 5856. An act to amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel; and

H.R. 7815. An act to recognize the meritorious achievements of certain individuals by providing for the designation of certain post offices in their honor, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5487) entitled "An act to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7591) entitled "An act making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 3, 12, 40, 47, 62, 70, 85, 88, 89, 90, 91, 92, 93, and 94 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8061) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 8, 10, 36, and 37 to the above-entitled bill.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983; and

S. 1972. An act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from the Sangre de Cristo Development Corp.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7217. An act to enact certain provisions relative to units of the National Park System in the State of Hawaii, and for other purposes;

H.R. 7306. An act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes;

H.R. 7626. An act to amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes; and

H.R. 7682. An act to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2318. An act to revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

The message also announced that the House of Representatives be notified of the election of the Honorable MILTON R. YOUNG, a Senator from the State of North Dakota, as President of the Senate pro tempore, to hold that office for the calendar day of Friday, December 5, 1980, vice the Honorable WARREN G. MAGNUSON (excused).

LEGISLATIVE PROGRAM

(Mr. ADDABBO asked and was given permission to address the House for 1 minute.)

Mr. ADDABBO. Mr. Speaker, pursuant to House Resolution 821, with the approval of the Speaker, I announce that the present plans are to consider later today the conference report on the bill (H.R. 8105) making appropriations for the Department of Defense, fiscal year 1981.

Mr. Speaker, I also announce the program for today. The House will consider the conference report on the Senate bill (S. 1615) for the relief of James R. Thornwell.

TRIBUTES TO THE HONORABLE JOSEPH L. FISHER AND HERBERT E. HARRIS OF VIRGINIA

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, in this Chamber we make widespread use of the word "gentleman." We "yield to the gentleman" and "thank the gentleman," and in all ways attempt to emphasize the gentlemanliness of our male Members.

There is one of our number who the word fits as though it were his own personal mantle. That man is the distinguished Member from the 10th Virginia District, JOE FISHER.

He epitomizes the qualities we all wish we had, but seldom do. JOE FISHER was one of those people who could disagree with you without being disagreeable, and I wish him well in his next undertaking.

JOE is highly knowledgeable, and dedicated to those principles in which he believes.

JOE is a personal friend. He and his wife, Peggy, have my best wishes for an abundance of the good things of life in the years ahead.

Mr. Speaker, as we approach the end of this Congress, we must say farewell to two Virginians, HERB HARRIS and JOE FISHER. Their departure leaves me a crowd of one on this side of the aisle insofar as the Virginia delegation is concerned.

HERB has labored diligently in support of the interests of the civil servants who reside in his district and has worked hard and well—and successfully—in securing mass transit and other benefits for the area.

HERB has my best wishes in his new endeavors when he leaves this body.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

FRANCISCO SA CARNEIRO

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, in behalf of myself and my colleague from California, Tony Coelho, I wish to express our deep sense of sadness at the loss of Francisco Sa Carneiro, the Prime Minister of Portugal. Mr. Sa Carneiro died yesterday in a plane crash in Portugal.

As Members of this body know, under the newly elected leadership of Sa Carneiro, Portugal was strengthening its ties with the United States. Just one example of their friendship is that Portugal was the first country to support the U.S. trade embargo against Iran.

Francisco Sa Carneiro was the architect of the Democratic Alliance which recently gained a clear victory in the recent elections in Portugal. And, to quote from an article in today's Washington Post:

> It will be difficult for the Democratic Alliance politicians to find a man with the stature and prestige of Sa Carneiro to take his place and keep the alliance together.

Mr. Speaker, this country has lost a great friend and ally with the death of Sa Carneiro. However, it is our hope that the political and economic climate he was forging will be continued by his successor.

RELAXATION OF BUMPER STANDARDS IN NHTSA BILL

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, at the proper time this morning there will be offered an authorization bill for NHTSA and a vote on suspension of the rules. This bill would include a relaxation of the bumper standards. That was a bill which I was instrumental in getting through this House about 8 years ago.

I would like the opportunity at that time to speak against such measure. I would hope that if it were necessary to do so, that this body would do the courtesy to this Member on what had appeared to be the last day that he will serve, to speak against the dismantlement of the bumper standard bill.

ASSASSINATIONS IN EL SALVADOR

(Ms. OAKAR asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I am saddened, shocked, and angered over the brutal abductions and assassinations of four missionaries in El Salvador, two of whom were from my native city of Cleveland.

For too long our Government has given foreign aid to a corrupt, reprehensible government who are despicable violators of human rights.

The conference report on the foreign aid that we passed without a recorded vote contained money for this despicable government. Most knowledgeable people believe that this Government of El Salvador directly or indirectly was responsible for the deaths not only of these missionaries, but such other notables as Archbishop Oscar Romero last March.

We cannot remain silent on this issue any longer. I call upon the President, Congress, and the State Department to quit supporting this corrupt government.

On a personal note, I knew Sister Kazel. She died where she wanted to be—serving the poor, the orphaned—attending to the physical and spiritual needs of these poor, helpless children and adults. Her death cannot and must not be forgotten, but must reinforce and reawaken a new consciousness for the thousands of these less fortunate. Her death demands that we immediately reexamine our foreign policies in El Salvador and throughout the world.

LIMITATION ON GOVERNMENT RECORDKEEPING AND ACTIONS ACT

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, on June 6, 1980, my colleague from the 13th District of Texas, Congressman Jack Hightower, and I introduced H.R. 7506, the Limitation on Government Recordkeeping and Actions Act of 1980, which would provide relief for businesses and individuals from the confusing and conflicting regulations emanating from Federal departments and agencies.

During the month of October, members of the National Federation of Independent Business were polled, through NFIB's questionnaire, Congressional Mandate, and the results of that poll, just released, were overwhelmingly in support of H.R. 7506.

Throughout the United States, 90 percent of the NFIB members favored limiting the length of time the Federal Government can require records to be retained to 4 years, with only 7 percent opposing such legislation.

With this type of support from every corner of the country, Congressman Hightower and I will be reintroducing the bill at the beginning of the 97th session. There are currently 56 cosponsors for H.R. 7506 and I would strongly encourage each of my colleagues to join Congressman Hightower and myself in cosponsoring this vital legislation.

□ 1010

FREEDOM FOR THE WILMINGTON 10

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, on December 4, 1977, the following letter was sent to Congressmen Mitchell of Maryland, Edwards of California, Fauntroy, Drinan, Stark, and Miller of California:

> Dear Sirs: On behalf of all of the members of the Wilmington Ten, I wish to express my sincere appreciation to you for coming to North Carolina. I trust that your mission will be successful.
>
> The continued persecution and incarceration of the Wilmington Ten has now become a national and international disgrace to human dignity and justice. We are ten innocent victims of a racially motivated and executed systematic frame-up.
>
> During this welcomed Advent season before Christmas, let us pray and struggle not only for the just freedom of the Wilmington Ten but also for the freedom and salvation of all of the victimized and oppressed throughout the world.
>
> We shall overcome!
>
> For human rights, in Christ name,
>
> Rev. Benjamin F. Chavis, Jr.,
> *McCain State Prison.*

Yesterday, 1 year from the date of the receipt of that letter, the appeals court overturned the convictions of the Wilmington 10 in North Carolina and called for new trials because of the grievous errors and the conduct on behalf of the State in the prosecution of those 10 individuals. I want to thank, and I think every Member of this House ought to thank, the efforts and the faith of Congressman Don Edwards who got Members of this House to speak out against the conviction of the Wilmington 10 and led the fight that has finally set these young people free.

POLAND

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the situation in Poland has now reached the critical stage.

Whatever the nature of our response to Soviet actions it should not be the short-term mixture of hard rhetoric and soft action.

Last year I called upon the President to form a Conference of the Industrial Democracies in order to bring together the nations of the West, plus Japan and a few others, to act in common against all threats to the values we share.

If the Soviet Union does invade Poland, the industrial democracies must immediately agree to a common course of action.

It might be said that our allies will not join us because they did not join us during the Soviet invasion of Afghanistan. My reply is that if the West and Japan do not recognize what the invasion of Poland would mean, the will to survive is so far gone that no action taken unilaterally by the United States will have any meaning.

Nothing less than the soul of the West is at stake. If the Western nations and Japan choose to see any Polish invasion as an isolated incident in which they have no common interest, that great soul is dead. And if that is the case we better find out sooner than later.

UNITED STATES SHOULD REFUSE TO FINANCE U.S.S.R. INTERVENTION IN POLAND

(Mr. RITTER asked and was given permission to address the House for 1 minute.)

Mr. RITTER. Mr. Speaker, About 3 months ago, some 228 Members of the House of Representatives joined in cosponoring my resolution insisting on Soviet nonintervention into Poland.

At this time the Congress must make another strong statement indicating that if the Soviets do invade they will incur serious consequences from Western nations.

Over the years the Soviets have proved to be insensitive to world opinion. In light of this, one of the most effective deterrents is the potential for severe curtailment of the massive financial credits and loans extended to them by Western industrial nations.

Therefore, I believe that it is important that the U.S.S.R. recognize that invasion of Poland at this time could mean curtailment of economic financing and trade through loans and credits which Western governments and banks have for years been building with the U.S.S.R. and on which the economy of the U.S.S.R. has become dependent.

The resolution which I introduced yesterday calls upon the United States to take the lead with the NATO allies, plus Japan and Australia, in refusing to finance the U.S.S.R.'s aggressive behavior.

TIME TO PRESSURE SOVIETS ON HELSINKI

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr Speaker, the time has come to warn the Soviet Union that the United States will not be a party to a Soviet sham and fraud on human rights at the Madrid Helsinki Accord Review Conference.

While the Soviet troops are poised in a state of military readiness on the closed borders of Poland and the clear pattern of Soviet abuse, repression and intimidation continues, the Congress and the American people have the duty to warn the Soviets that we will not tolerate continued Soviet noncompliance with the Helsinki accord. House Joint Resolution 638 that I have introduced makes that point. I urge Members' full support.

Yesterday the nine European Community nations including France, England, and West Germany, meeting at the summit in Luxembourg, issued a joint communique insisting that the Soviets live up to the accord signed in 1975. The final communique underscores that "Compliance is both the basis of the C.S.C.E. process and a precondition of its continuance."

The nine reaffirmed their determination not to be content with apparent results at Madrid. Pressure must be brought to bear on the Soviets, Mr. Speaker, and I urge this Congress to help make clear to them that barring substantial progress at Madrid and in its aftermath, this Nation no longer will confer on them the benefits they bargained for and received at Helsinki 5 years ago.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, it is my intention, pursuant to House Resolution 821, to call up after expiration of 1 hour, the conference report on S. 1996, a bill to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, which was filed yesterday.

Mr. BAUMAN. Mr. Speaker, will the gentleman from Washington yield?

Mr. FOLEY. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, earlier today the program was announced. I am wondering what is the determination of the leadership about the eventuality should the other body not pass the continuing resolution at what might be called a reasonable hour. Is there a plan to go over to Monday to finish the business then?

Mr. FOLEY. Mr. Speaker, I am not in a position to inform the gentleman in any official way on the plans of the leadership. They are being discussed by the majority leader and the Speaker with the minority leadership at this time. I believe that there will be an announcement forthcoming very shortly about the leadership's intentions.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for yielding.

FURTHER LEGISLATIVE PROGRAM

Mr. DANIELSON. Mr. Speaker, first I would like to announce that in addition to the program for today which was previously announced, the program will include three suspensions as follows:

H.R. 8406, pneumococcal vaccine;

H.R. 8379, NHTSA, as amended; and

S. 1784, Alaska Federal-Civilian Energy Efficiency Swap Act of 1980.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I will be pleased to yield to the gentleman from Illinois.

Mr. MICHEL. Is it still the intention of the leadership on the other side then to cluster the votes on those suspensions if such should be required?

Mr. DANIELSON. Mr. Speaker, I thank the gentleman for posing the question. I neglected to point out that the votes on these bills will be postponed until completion of debate on all suspensions.

CONFERENCE REPORT ON S. 1615, FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON. Mr. Speaker, I call up the conference report on the Senate bill (S. 1615) for the relief of James R. Thornwell.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 821, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, December 4, 1980, page 32150).

The SPEAKER pro tempore. The gentleman from California (Mr. DANIELSON) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, this is a conference report. This bill is not now being taken up for the first time. This bill is a private bill, and I will concede it is a rare situation in which the House has to go through conference and come back on the conference report on a bill to provide private relief for a person who has been injured by some act of our Government.

This bill is for the relief of one James R. Thornwell who, as a member of the U.S. Army, was subjected to experimentation with the compound LSD, which, I state, we can all take notice today is a drug, a compound of wide and dramatic effect upon the human mind and body. Thornwell was force-fed LSD.

The bill was introduced in the other body many months ago by calling for a payment of $1,700,000 to settle the claims of Thornwell.

□ 1020

In the proceedings in the other body, at which time testimony was taken and the merits of the case were looked into, the other body amended that bill to provide a $1 million payment to settle the claims.

It then came to the House of Representatives. We did have a companion bill already introduced. It was sent to the Subcommittee on Administrative Law and Government Relations, which I have the honor of chairing. The subcommittee took testimony on the bill. We had reports, from the Department of Defense, the U.S. Army, from the Justice Department and others, establishing the fact, the degree, and the nature of the injuries which Mr. Thornwell had sustained while a member of the Army.

In the Judiciary Subcommittee, because of the facts alleged, and there was no evidence to the contrary, that this person's personality had been badly deformed, that his capacities have been greatly limited, we amended into the bill a trust provision since we felt that he could not manage his money himself.

We put in a trust provision requiring that any money be paid to a corporate trustee, which would of course have the supervision of the courts of the State in which he lived to be paid out to him as he would need it throughout the remainder of his life.

In that form, the subcommittee passed the bill, retaining the $1 million payment clause, to the full Committee on the Judiciary, and in the full Committee on the Judiciary by an amendment offered by the gentleman from Michigan (Mr. SAWYER), the amount of the demand was lowered to $250,000. In other respects, the bill remains the same.

That bill, as amended, was taken up here on the floor of the House and was passed overwhelmingly on a suspension, on the 16th day of September.

The bill was then sent back to the other body for consideration. The other body refused to accept the House amendments, and asked for a conference to resolve the issue. We were not able to have conferees appointed until Tuesday of this week.

The normal procedure of getting a conference on unanimous consent was always objected to, so we went through a formal proceeding, and finally, through the work of the Committee on the Judiciary, conferees were appointed by the Speaker. We had a conference on Tuesday last which was followed up by some discussions on Wednesday, and the conference report is now before us.

In essence, the conference report does one thing and one thing only. The bill is untouched except that the House, having had a position of $250,000, the other body having had a position of $1 million, we literally split the difference, and the conference report as it is before us at this moment calls for a payment of $625,000.

Mr. DAN DANIEL. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this conference report.

The two gentlemen in the other body in whose State this man resides are in support of this bill. The Army is in strong support of it. I believe it has a great deal of merit, and I hope very much the House shall look upon it with favor.

Mr. DANIELSON. I thank the gentleman from Virginia for his support.

I would like to point this out. I am ready; I am willing; and I am able to go into the details of the damage suffered by Mr. Thornwell. I respectfully submit that it would serve no useful purpose to do so at this time. This bill has already passed the other body. It has passed this body, and in the procedures followed in the Congress, we have gone through a conference. The conference report has now been signed by all of the conferees from the other body, a bipartisan selection, Republican and Democrat alike.

On this side, it has been signed or agreed to by all of the members of the conference of the majority party, though not by the minority party. There is one issue, and one issue only, I repeat, in this conference. That is the amount in controversy.

The judgment, the will of this House, was $250,000. The will of the other body was $1 million. We followed the time-honored tradition of splitting the difference right down the middle, but I do not mind telling this body, Mr. Speaker, that there was great reluctance on the part of the conferees from the other body. They felt, and they feel to this day, that there should be a minimum of $1,200,000 in damages.

The bill at the million-dollar level was supported by the Department of Defense, was supported by the Department of Justice, and was amply supported by evidence before the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I want to correct a statement made by the gentleman from California. This bill in the House did not go on a suspension calendar. It went on the unanimous-consent Private Bill Calendar and went through with the $250,000 award.

First, I might say there is a serious question in my mind whether this bill ought to have ever been in the Congress. There is a lawsuit under the Federal Tort Claims Act pending on this before Judge Richie in the U.S. District Court, which is precisely where it belongs.

Let me just go over a few of the facts. This gentleman, Mr. Thornwell, was an outstanding high school student, was given a full scholarship to a college in South Carolina. After about a year or year and a half, he found this unsatisfying, quit and joined the Army.

When he was over in France, he had custody of classified material as a clerk.

Two files of this classified and highly sensitive material disappeared from his custody, and he subsequently was charged with stealing it under specifications in a court martial, he, claiming that he threw them in the river in Orleans, France.

The Army was deeply suspicious that sensitive files had been disposed of other than being thrown in the river, and they thereupon engaged in a 7-week-long interrogation of the gentleman, using sodium pentothal, LSD, hypnosis and various other things. They were never able to shake his story, and at this point, it had become so embarrassed over its own conduct that the Army merely discharged him, dropped the court martial and forgot it.

The gentleman subsequently migrated to California, where he is now—and this was some 20 years ago—where he has since then been living on the beach, as they say.

He has had a difficulty in maintaining constant relationships, particularly with jobs. He keeps a job for 3 or 4 months and quits.

All we have, all the subcommittee ever got, and all, to my knowledge the Senate ever got, was the report of a set of testing psychologists. These are not M.D.'s These are Ph. D's, hired by his lawyers.

There has never been any medical testimony. The subcommittee never even saw this gentleman. He was never called to be interrogated or observed.

The Army desperately wants to get rid of this problem. They would be glad to see us pay him $10 million to bury it, so long as it does not come out of the Army's budget. But when we are talking about compensating this man, we are talking about compensating him with taxpayers' money not out of the Army budget.

What are his injuries as alleged by his own testing psychologists, which is the only medical evidence we have, and it is not medical. It is psychological.

First of all, they tested him and said he tests "bright-normal." He is in the 82d percentile of the whole population.

Second, the test indicates no organic brain damage of any type in psychological testing.

Third, his memeory is fine and unimpaired. His difficulty is that he does not like the company of other people. He prefers his own company, which they admit is not unusual, but they say going back to his teenage records he was apparently of a different ilk and was more gregarious.

☐ 1030

His main problem in getting along, is his inability to associate with a job or to work for any period longer than several months.

To propose under this circumstances that we give this man anything like $1 million or $625,000 tax free is absolutely outrageous in my opinion. I offered an amendment and it is carried 20 to 10 in the full Judiciary Committee, to reduce it to $250,000.

The bill ought not to be here to begin with, but $250,000 was about as low an amount as I thought, in light of the Army pushing it and the other body pushing it, the gentleman from California and his subcommittee pushing it, that I could get it reduced to, and we did and got it through.

Over in the conference now they have raised it to $625,000 as compensation to this gentleman.

At the conclusion of this discussion I propose that we recommit this conference report to the conference with instructions to the conferees to not go in excess of $435,000. I would stay with the $250,000 except I think we have to get what we can get and $435,000 splits the difference between this $625,000 and the $250,000. It is still outrageous, but I have to be cognizant of realities here. So this is what I intend to do.

His difficulty, again, is that he just does not want to work. There are a lot of people in this country that have not had LSD that do not want to work. I have had the medical school at the University of Michigan check the medical literature and they find no reported case in the medical literature where this kind of a reaction, chronic and continuing over 16 years, ever occurred from LSD ingestion. What they get instead is flashback reactions where somebody might jump out a window or do something like that, but no disassociative thing continuing over 19 years where the person just prefers his own company. He is of high intelligence, has a good memory and so forth, but just not like to work.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this conference report, strongly opposing the excessive amount of taxpayers' funds which the conferees have decided to award to Mr. Thornwell.

There are three basic issues that I think have this bill fail on its merits. First, Mr. Thornwell is not deserving of this amount of money. When one seeks equity, one has got to come in with clean hands. While the deliberate administration of LSD by an agency of the Federal Government to anyone is reprehensible, the only reason Mr. Thornwell was under investigation in France was because of the allegations that he purloined some classified documents and threw them into the Loire River and the Army Intelligence did conclude that Mr. Thornwell was involved in that.

But, second, the amount of $625,000 as approved by the conference to be placed in trust will give Mr. Thornwell a rather cushy income for the rest of his life. Presently the U.S. Treasury is paying approximately 15 percent on its short-term obligations and $625,000 at 15 percent will mean that the income in this trust arrangement is over $90,000 per year. So it looks highly unlikely that the trustees who would be managing this arrangement on Mr. Thornwell's behalf will ever have to delve into principal in order to keep Mr. Thornwell in the situation to which he has become accustomed.

I think we need recall what happened in this House just a few weeks ago when the House, by unanimous consent, appropriated $400,000 to Dr. Halla Brown, is a physician practicing in Washington, D.C., who was made a quadraplegic as a result of negligence caused by a Panamanian diplomat driving an uninsured automobile. Here we give a successful physician only $400,000 on equity priciples, but we give Mr. Thornwell, who certainly does not have the record of Dr. Brown, $625,000.

This is excessive. Mr. Thornwell's case is not as strong as Dr. Brown's as far as being deserving. I would hope that the motion to recommit by the gentleman from Michigan (Mr. SAWYER) will prevail so that at least some equity in the amount of the award that would be given to Mr. Thornwell would prevail.

I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, I hate to take an inordinate amount of time on a matter of this sort, but I think it is a mistake that we are here in the first place, as has been stated, considering this subject matter.

In the first place, the matter is in court and it belongs there.

In the second place, we have gone this far in the legislative process making mistake after mistake, I think. Why compound that error further by approving a conference report, as has been stated here, that awards in a manner that some of us have to consider as unjust, an amount of money that comes out of the taxpayers' pockets that is far in excess of what could provide for the needs of the gentleman in question, even if he never worked another day in his life, and yet leave the principal amount to some collateral heirs who, incidentally, do not seem to be helping him at the present time. They might be a lot more helpful once he gets an award.

I am concerned that we continue to consider bills like this on the basis of the position taken by, in this case, the Department of Army and the Department of Justice, saying "we want to get rid of a problem." They even have identified to us the wrong problem.

But that aside, they would like to get rid of the problem, not out of their budget, but otherwise out of the general Treasury, and that general Treasury money comes out of the pocket of the American workers who have already told us very distinctly, "We are tired of it."

Exercising a little bit of commonsense and discretion in this case I think would be wise. The gentleman from Michigan (Mr. SAWYER) has indicated his intent to offer a motion that would split the difference, so to speak, between what the Judiciary Committee on the House side considered to be reasonable, $250,000, and the figure that was arrived at in conference in a rather unusual kind of bargaining, which seemed to be mainly one-sided, of $625,000.

The sum of $435,000 is proposed by the gentleman from Michigan. If we are going to spend the taxpayers' money, and some amount is going to be allotted, let us at least make it somewhat more reasonable than the $625,000. We ought not to be handling cases like this in the first place on the basis of out-and-out awards of this sort. We have no assurance, for example, that the gentleman in question is going to seek and have paid for—of course, he will have the means and the trust to pay for it—but if he is going to seek the attention, medical attention and psychological attention that might be needed, or just the normal health care requirements, if they are going to be met. Probably someone in this circumstance should be helped for the remainder of his lifetime, as other veterans are, through the Veterans' Administration rather than making lump sum settlements of cases like this. We are too far down the pike for that sort of thing to be considered in this case.

□ 1040

In case anyone brings up the question of the Olson family where there was an administration of LSD and the gentleman in question there lost his life when he jumped through a window, there is no loss of life involved in this case. There was a larger sum awarded in that case to the widow and three children of Mr. Olson, a total of $750,000; and here we are talking about $625,000 for one man who has not lost his life, who has not lost his faculties, who did not appear before the subcommittee in person, who has offered no medical evidence, only psychological testing results, to support the claim that is before us.

I would urge that the motion of the gentleman from Michigan (Mr. SAWYER) be supported to refer this matter back to the conferees with instructions that no more than $435,000 be reported back in the conference report.

Mr. DANIELSON. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HUGHES) and ask him to yield back whatever time he does not use.

Mr. HUGHES. Mr. Speaker, we are spending a great deal of time on one private relief bill, but it is an important bill. I respect my colleague, the gentleman from Michigan (Mr. SAWYER) very much. He is a very able member of our Committee on the Judiciary, and I am sure he was a very fine, competent trial lawyer in the days that he practiced law. But the fact of the matter is that the Thornwell case presents some very serious concerns to the U.S. Government. It is a unique case. It is without precedent. The Army wants to get rid of the case for a number of reasons, not the least of which is it is embarrassing and it could have a profound impact upon our effort to recruit young people into the All-Volunteer Army.

It is significant also in that it has the potential of eroding a very important doctrine, the Feres doctrine, which in essence says that members of the Armed Forces are not eligible to have a waiver of sovereign immunity. It is also important to the extent that the Government of the United States could be liable for a lot more than $625,000 if the Federal Court finds in favor of Mr. Thornwell as they may very well do.

I sat as a member of the conference committee and was not at all happy with the fact that we ended up with $625,000—I wish it were somewhat less. I am not really sure what the proper amount should be; but the amount that we arrived at was less than satisfactory to our colleagues on the Senate side, as my colleague well knows. We spent more time in this conference haggling about the proper amount. We split the difference with the Senate, and that is the best we can do. The Army and the Department of Justice want to get rid of the case and for very, very good reasons. For us to be talking about $625,000 as opposed to what my colleague now wants, $435,000, really does not make sense at this point. All parties involved at this point want to settle the case and not have the Court upset the applecart, so to speak.

I do not know what a jury would have brought in were the claimant entitled to one. I can tell my colleague I tried cases like he did for many, many years. I do not think $625,000 in this instance is totally out of line—indeed if that sum is rejected and we start over next year the Senate may get its way with the $1.2 million demanded in conference.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I will be happy to yield to my colleague, although he has had ample time.

Mr. SAWYER. I just want to correct the gentleman. It is not in the Court of Claims. It is in the U.S. district court. It is under the Tort Claims Act, so there will be no jury.

Mr. HUGHES. I understand that.

Mr. SAWYER. The gentleman said the Court of Claims and a jury.

Mr. HUGHES. No, I understand. In this instance, a jury is not applicable. The gentleman is correct. I did not intend to convey that impression.

I do not know what the court would award under these circumstances. The gentleman has described in very simplistic terms the psychological and psychiatric problems that this man has had over the years. I frankly do not know at this point what type of deep-rooted problems he has had. The fact of the matter is, he had a very severe reaction when LSD was administered to him while he was in the service. In fact, those who administered it did it for that very reason. That is what makes this case so unique; and LSD has destroyed so many lives that I am personally aware of, and I am sure my colleagues are aware of. We still do not totally understand the full impact of the administration of LSD on individuals and what it does to their long-term behavior. So I do not see that anything could be gained at this point by arguing what the impact has been on this man, or to what degree it has changed his life. The fact of the matter is it has, in fact, had an adverse impact.

My colleague acknowledges that something is due him. The only question is, what amount? And I do not think we are that far off the mark when we try to settle it at this point so that we do not expose the Government to greater risk or not visit upon the Army any further adverse publicity. I might say to my colleague, the gentleman from Ohio (Mr. KINDNESS), that under the terms of this settlement, it is in complete settlement of all claims including veterans' benefits.

Mr. Speaker, I yield back the balance of my time and urge my colleagues to support the bill.

Mr. DANIELSON. Mr. Speaker, I yield 5 minutes or such portion thereof as he may consume to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I would like to follow up on some of the comments of my colleague, the gentleman from New Jersey (Mr. HUGHES). I think there are three issues in this case. One is, is there responsibility on the part of the Army, even if there is no legal liability? And I think that the answer is "Yes." We have a man who over 20 years age was force-fed LSD during the course of an investigation without his consent.

I would like to read a portion of a letter the general counsel of the Army wrote to our chairman, the gentleman from California (Mr. DANIELSON) on December 1.

> The circumstances surrounding the prolonged detention and interrogation of Mr. Thornwell, the surreptitious administration of LSD to him in June 1961, and the subsequent failure by the Army to advise him that he had been given LSD or to provide him appropriate care for almost fifteen years after the fact, are set out in my predecessor's report. Suffice it to say that, due to the unconscionable nature of the wrongs done him—

Here is the U.S. Army saying, "due to the unconscionable nature of the wrongs done to him"—

> we feel the Army has a moral obligation to compensate Mr. Thornwell adequately for his injuries.

Both the Department of Justice and the Department of the Army have acknowledged that this man was wronged by being force-fed LSD and, therefore, we made the judgment yes, there is some responsibility to compensate him.

Incidentally, while we have kind of downplayed his condition, the facts indicate that the man has, during this period of time and afterward, become somewhat of a—using this term in the kindest sense I can say—mental vegetable. Therefore, the LSD did have enormous effect.

Second, what should the amount of this compromise be? The House said $250,000, based upon the amendment of the gentleman from Michigan (Mr. SAWYER). The Senate said $1 million, based upon the strong effort of the Senators, as well as both Senators from the State of South Carolina, including Senator STROM THURMOND, the new chairman of the Senate Judiciary Committee.

The conferees compromised at $625,000. I agree with the gentleman from New Jersey (Mr. HUGHES). I would like to have seen it a little less where we would have had to come up with some sort of reasonable compromise. But it did not happen.

The third point I have, and this is the point my colleague, the gentleman from New Jersey (Mr. HUGHES) made so well, is what happens if this case is not settled? What happens if, in fact, Mr. Thornwell is successful in a court of law in getting a large amount of damages from the Government of the United States? Not only do the taxpayers lose because the court recovery is so much greater, but the real problem is what happens to the thousands of soldiers who have been subjected to chemical testing, in nuclear testing, and had contact with agent orange. If in fact a court decision would award Mr. Thornwell damages as a result of this case, the liability of the United States would be monumental in future cases dealing with similar issues. As most of my colleagues know right now, a soldier in uniform is, for the most part, limited in liability to what he would get under disability in veterans' programs.

That, of course, is the doctrine of the Feres case, that there is no waiver of that kind of situation. Without this compromise, the Feres decision will be in jeopardy.

So I am saying that for all of these reasons, while the amount may be in somewhat of a dispute, this Congress owes the taxpayers, I think, an obligation to get the best possible deal, given all of the circumstances, and I think all of those circumstances dictate an acceptance of this conference report.

I will be glad to yield to my colleague, the gentleman from Wisconsin.

Mr. SENSENBRENNER. I am somewhat curious, in listening to the gentleman's argument, why Mr. Thornwell would be deserving of $625,000, given his background and the fact that his injuries have not been completely debilitating, when Dr. Halla Brown received only $400,000 when she was a successful practicing physician in the Washington, D.C., area and was rendered a quadraplegic as a result of an automobile accident.

Mr. GLICKMAN. In the first place, the gentleman is talking about cases which are substantively entirely different. Dr. Brown was much older than Mr. Thornwell was. The Government was not involved actively in the administration of LSD to Dr. Brown. But I think, again, that we could argue day and night whether it ought to be $400,000, $500,000, $600,000, or $700,000, but I think we have established that there is at least some moral responsibility on the part of this Government to compensate Mr. Thornwell, who was a young man at the time these injuries occurred, as opposed to Dr. Brown, who was an older woman at the time they occurred. In the second place, compromise. We have both Senators from South Carolina strongly favoring this legislation. We have split the difference. I think that is an appropriate place for Congress to come down on.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes, or such part of it as he may use, to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I simply rise in support of the motion of the gentleman from Michigan.

I was not privileged to serve on the subcommittee that heard this evidence, but I was present at the deliberations of the Judiciary Committee and, quite frankly, even at that moment I felt that $250,000 was excessive under the circumstances. I have heard nothing today which would alter my view of that.

If I could have the attention of the gentleman from California, the chairman of the subcommittee, just to help me with my recollection of what took place, did Mr. Thornwell ever appear before the gentleman's subcommittee and testify in this regard?

Mr. DANIELSON. If the gentleman will yield, not before my subcommittee.

Mr. BUTLER. May I ask the gentleman one more question further?

What medical testimony as to the amount of damages was adduced? Did any physicians testify?

Mr. DANIELSON. I have a summary here. Medical testimony established a claim which would be $587,800 which, coupled with the other testimony of loss of $1,063,000, came to an aggregate of $1,700,000.

Mr. BUTLER. I am not asking for figures; I am asking if a physician testified.

Mr. DANIELSON. I know the gentleman did not ask for the figures, but I thought he might like to have them. They are free, no extra charge.

Mr. BUTLER. I thank the gentleman. Could the gentleman now go back to my question—and I yield to the gentleman—and tell us the names of any physicians who testified before the subcommittee?

Mr. DANIELSON. There were no physicians who testified before my subcommittee. There were physicians who testified elsewhere, and I have the summary of the information.

Mr. BUTLER. So in arriving at this figure, the gentleman did not have the benefit of the witness, Mr. Thornwell, you did not examine him to find the degree of damage to him, or you were not able to judge his demeanor as a result of this experience and all of the psychological damage, you formed no judgments, independent judgments of the claimant before your subcommittee; is that a fair statement?

Mr. DANIELSON. The question demands two answers. I was able to form a valid judgment as to the amount, but not from the live testimony of a physician. I had, as is common in the House of Representatives, a great deal of highly credible hearsay testimony. As the gentleman knows, we rarely put witnesses under oath in our committee hearings. We rely upon information supplied to us by interested parties, pro and con. We did have the information of the U.S. Army, the Department of Defense, the Department of Justice, all of whom had looked into it. They were very credible. I relied upon their testimony, as we do in the most important affairs of the House of Representatives.

Mr. BUTLER. I thank the gentleman for his response.

Mr. Speaker, it seems to me that the basis for arriving at a figure here is pretty thin. We have Mr. Thornwells demeanor; his psychological damage is the basis of the claim. Yet the committee itself did not examine him. The problem of damage is a medical question, and yet no physician, no medical doctor testified before the subcommittee.

These figures as to the extent of his damage are pulled out of the air. I am not satisfied, in my own judgment, that we have medical testimony to justify an expenditure of any great amount. But certainly the million dollars first suggested by the Senate, the $625,000 under consideration, far exceeds what is reasonable. So I am here because it is the only opportunity I have to reduce the amount of, the suggested figure. I support the motion of the gentleman from Michigan and I would urge my colleagues to do likewise.

Mr. SAWYER. Mr. Speaker, I yield myself 5 minutes, or such part of it as I may use.

Mr. Speaker, let me just make a little additional point to the colloquy that just occurred between the gentleman from Virginia and the gentleman from California.

There is no medical testimony, either in the House records or in the Senate and nobody ever saw this man. All that we have is the psychologists, Ph. D.'s who were hired by his lawyers. Now, normally you might rely on the Army or the Department of Defense. But in this case, as I said when I first spoke, they are so humiliated by their behavior in this situation some 20 years ago that they would like to see any amount of taxpayers' money put out to quiet this thing down and have it go away. They are not willing to have it come out of their own budget, but they are perfectly delighted to see anything that we are willing to pay to get rid of it. So they have a self-interest in this situation and, therefore, are not really as reliable as they might be under other circumstances.

Let me just read directly from the report of his own testing psychologist hired by his lawyers. When we hear such statements, as we did from the gentleman from Kansas, that this man is a vegetable, bear in mind that we are talking about compensation for injuries, not punitive damages against anyone for his behavior. It says:

> According to psychological examination, he has an intelligence which is classified as bright normal, at approximately the 82nd percentile of the population. Further, the psychological test results also do not point strongly in the direction of diagnosing organic brain damage.

Further reading directly from his own testing psychologist, forensic psychologist, reports:

> Tests of memory indicate no significant memory loss.

And when it is boiled down, he just does not like permanent associations, particularly with work. And he has held a number of different jobs for periods of 3, 4, 6 months, and quit and went back on the beach. He prefers his own company to that of other people. This is what the damages are when we are talking, even, about $250,000.

I do not know of any court of law—and here it is not going to be a jury and it is not going to be the Federal Court of Claims; it is going to be the U.S. district court—that would award anything that looks like $250,000 for that kind of injury, namely, "a bad attitude." Sometimes I get a bad attitude. This man apparently has a kind of permanent bad attitude; but he is certainly not a vegetable. He is in the 82d intelligence percentile of the entire population. There is no memory loss, no organic brain damage, no medical, not one whit of medical testimony. And the medical literature does not indicate that "bad attitudes" flow from LSD; flashback things, where people all of a sudden might do something impulsive or literally crazy, do. But not just a permanent bad attitude vis-a-vis holding a job or working. And, you know, you say lightly, "What is $200,000 one way or another?" Well, to the American taxpayer, the individuals, $200,000 is a lot of money. And while it is all right to compensate damages, to just make an award to avoid the embarrassment of the Army and sweep this thing under the rug, without one scintilla of medical or psychiatric evidence to support the damages is outrageous. Even his own psychologists merely say he has "a bad attitude," but everything else is fine. There is no tie-in with LSD, which, anyway, a testing psychologist could not do because he is not qualified to do and would not be permitted to do.

The medical literature indicates these kinds of symptoms are not related in any history contained in medical literature to the ingestion of LSD. It is just a plain, bad attitude—apparently, maybe the same attitude that impelled the man to walk out of college where he had a full ride scholarship, impelled the man to steal and throw in the river Army documents, and lets him live on the beach in California.

I am willing to go to $435,000, and I gag on that; but $625,000 of American taxpayers' money, tax free to this man with a bad attitude because of something the Army wants to sweep under the rug, I still think is absolutely outrageous, and I even feel bad about the $425,000.

Mr. Speaker, I yield to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. I am interested in what the gentleman may know about the arrangements with the lawyers. How much are the lawyers going to take out of whatever he gets? Is it a percentage or is it a fee?

Mr. SAWYER. They are given 10 percent under the bill, as the bill now stands, $62,500.

Mr. CHARLES H. WILSON of California. They get 10 percent of whatever the amount is that Congress awards; is that right? Ten percent of whatever is awarded?

Mr. SAWYER. Yes. And if the conference report stands, $62,500 is what the lawyers will receive.

Mr. CHARLES H. WILSON of California. I see. That is pretty cheap compared to the going rate here in Washington. Very cheap.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

I would like to close on this branch of the proceedings and say, for the benefit of my good friend, the gentleman from California (Mr. CHARLES H. WILSON), that we did put a provision in the bill to the effect that no amount in excess of 10 percent of the sum paid could be used for attorneys' fees, agents, et cetera.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Virginia.

Mr. HARRIS. I just want to rise in support of the conference report. It, in fact, splits the difference with the Senate. It is the way to resolve this issue.

I do not think there is any argument that the gentleman should be compensated. We have spent a great deal of time arguing as to the exact amount. The Senate put the amount at $1 million and we put it at $250,000. We compromised at $625,000, or thereabouts. I think we should adopt the conference report and I think we should try to somehow bring justice to a case where the Government did a very egregious act against one of its citizens.

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Mr. DANIELSON. Mr. Speaker, Members of the House, I want to close by straightening out a few items that had been touched upon. Comments were made about veterans benefits. Under the terms of our conference report and the bill, this settlement would cause him to waive all veterans benefits which he might otherwise receive. Nothing else, in other words, can be obtained by him. Likewise, he would not be eligible for any compensation from the Department of Defense.

This is a full, final, and complete settlement. We have limited attorneys' fees, as I mentioned before, to not to exceed 10 percent. The management of the funds has been carefully placed in the hands of a trustee, so that they cannot be wasted or squandered by the beneficiary.

I would like to point out to all of my colleagues here who are interested in the Department of Defense, the Department of the Army, and to all those within the sound of my voice, that the Department of Defense urges in the most unequivocal language that we pass this conference report. As a matter of fact, their urging was based on a proposed settlement of $1 million rather than on the reduced figure of $625,000. In their own language, the Army describes this claim as "the unconscionable nature of the wrongs perpetrated upon James R. Thornwell."

The Army has pointed out that if it is necessary for the Court of Claims to create a cause of action which does not now exist in order to give some relief to this gentleman, that would also open the door to some 7,000 soldiers who have heretofore been involved in clinical testing, 250,000 in nuclear testing, and 2 million who claim that they have been exposed to agent orange.

The Army itself has received, they tell us, thousands of letters relating to this matter and urging settlement. Twice, it has appeared on the television program, "60 Minutes." It has been in many newspaper stories.

I again call upon all of my colleagues who are familiar with the law and those who are within the sound of my voice—that the U.S. Department of Justice, states that the factual context of this case is both deplorable and unique, and we have the unequivocal support of the Department of Justice to settle this case at the figure of $1 million, let alone the $625,000 we have before us.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I am always pleased to yield to my friend from California.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I am wondering if this would have come about, the settlement the gentleman is asking for today, if not for the "60 Minutes" show. Is that what brought the whole thing about, or was the Army conscious that they have made a mistake and were they going to make retribution to this individual?

Mr. DANIELSON. I cannot answer categorically, but the bills were introduced in the other body many, many months ago; and my opinion is that it is one of these matters that came about fairly recently, and we simply have to dispose of it one way or another. I cannot give a categorical answer.

But here we are, Mr. Speaker. In the other body the conferees all signed, Republican and Democrat alike. Probably the strongest advocate of this bill in the other body was the senior Senator from South Carolina, who will in a few weeks be the chairman of the Senate Judiciary Committee, and who has an absolutely unimpeachable record for not being a giveaway artist. He is staunchly, firmly in support of this bill.

Mr. Speaker, the subcommittee I chair is a subcommittee on equity. We carry forward the policy of the British Crown in our history, ex gratia. It is an act out of grace. There is no legal remedy to which this gentleman can resort unless one is created by the courts. We do not want the courts to be overreaching and creating a new remedy. This is a matter of equity. All persons concerned concede that an award should be made. Even my distinguished opponents admit that there should be an award, but they think it should be less.

Mr. Speaker, this is a bill that calls for relief, and I call upon my colleagues to grant that relief. Let us vote for this conference report, and let us vote down, out of hand, any proposed amendments to it.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. SAWYER. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman from Michigan opposed to the conference report as it currently stands?

Mr. SAWYER. Yes, I am. I refused to sign, and so did everyone on this side.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SAWYER moves to recommit the conference report on the bill, S. 1615, for the relief of James R. Thornwell, to the committee on conference with instructions to report it back with the amendment, as follows: Strike out "$625,000" and insert in lieu thereof "$435,000".

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SAWYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

Members will record their presence by electronic device.

The vote will now be taken on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 172, nays 191, not voting 69, as follows:

[Roll No. 671]

YEAS—172

Abdnor
Anderson, Ill.
Andrews, N.Dak.
Archer
Atkinson
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Beilenson
Bereuter
Bethune
Bevill
Biaggi
Breaux
Brooks
Broomfield
Broyhill
Buchanan
Butler
Campbell
Carney
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Davis, Mich.
Devine
Dicks
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ind.
Findley
Fish
Fithian
Flippo
Forsythe
Fountain
Fowler
Frenzel
Gaydos
Goodling
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hefner
Heftel
Hillis
Hinson

Holt
Hopkins
Horton
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Colo.
Kemp
Kindness
Kramer
Lagomarsino
Leach, Iowa
Leath, Tex.
Lee
Lent
Lewis
Loeffler
Lott
Lujan
Lungren
McCloskey
McDonald
McEwen
McKinney
Madigan
Marks
Marriott
Martin
Mattox
Michel
Miller, Ohio
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Nichols
Pashayan
Paul
Petri
Porter
Pritchard
Quayle
Quillen
Railsback
Regula
Rhodes
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Stangeland
Stanton
Steed
Stockman
Stump
Tauke
Tauzin
Taylor
Trible
Udall
Van Deerlin
Vander Jagt
Walker
Wampler
Whitehurst
Whitley
Whittaker
Williams, Ohio
Wilson, Tex.
Winn
Wydler
Wylie
Yatron
Young, Fla.

NAYS—191

Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnes
Bedell
Benjamin
Bennett
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brown, Calif.
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Cavanaugh
Clay
Conyers
Corman
Crockett
Daniel, Dan
Danielson
Davis, S.C.
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
English
Evans, Ga.
Fary
Fascell
Fazio
Fisher
Florio
Foley
Frost
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hance
Harkin
Harris
Holland
Hollenbeck
Holtzman
Howard
Hubbard
Hughes
Hutto
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, La.
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
McHugh
Maguire
Markey
Mathis
Matsui
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Murtha
Musto
Natcher
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Smith, Iowa
Solarz
Spence
St Germain
Stack
Staggers
Stark
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Traxler
Ullman
Vanik
Vento
Volkmer
Walgren
Watkins
Weiss
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wirth
Wolpe
Wright
Wyatt
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—69

Alexander
Anthony
Applegate
Ashbrook
Beard, R.I.
Bonker
Brown, Ohio
Carter
Chisholm
Coelho
Collins, Ill.
Conable
Cotter
Crane, Philip
Daschle
Deckard
Derwinski
Dickinson
Dodd
Dougherty
Duncan, Oreg.
Early
Erlenborn
Fenwick
Ferraro
Ford, Mich.
Ford, Tenn.
Fuqua
Garcia
Giaimo
Gingrich
Ginn
Goldwater
Hanley
Hawkins
Hightower
Hutchinson
Jenrette
Kelly
LaFalce
Latta
Lederer
Livingston
Luken
Lundine
McClory
McCormack
McDade
McKay
Marlenee
Moffett
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Pursell
Rodino
Schroeder
Spellman
Symms
Thomas
Thompson
Waxman
Weaver
White
Wolff
Yates
Young, Alaska

☐ 1120

The Clerk announced the following pairs:

Ms. Ferraro with Mr. Ashbrook.
Mr. Rodino with Mr. Livingston.
Mr. Thompson with Mr. Marlenee.
Mr. Murphy of Illinois with Mr. Derwinski.
Mr. Applegate with Mr. Erlenborn.
Mrs. Chisholm with Mr. Latta.
Mr. Cotter with Mr. O'Brien.
Mr. Early with Mr. Pursell.
Mr. Yates with Mr. Symms.
Mr. Fuqua with Mr. McClory.
Mr. Hanley with Mr. Conable.
Mr. Hawkins with Mr. Carter.
Mr. Lederer with Mr. Brown of Ohio.
Mr. Waxman with Mr. Deckard.
Mr. Wolff with Mr. Dickinson.
Mr. Moffett with Mr. McDade.
Mr. Garcia with Mr. Thomas.
Mr. Alexander with Mr. Young of Alaska.
Mr. Anthony with Mr. Philip M. Crane.
Mr. Coelho with Mr. Dougherty.
Mrs. Collins of Illinois with Mrs. Fenwick.
Mr. Lundine with Mr. Gingrich.
Mr. White with Mr. Goldwater.
Mr. Hightower with Mr. Kelly.
Mr. Dodd with Mr. Daschle.
Mr. Ford of Michigan with Mr. Duncan of Oregon.
Mr. LaFalce with Mr. Jenrette.
Mr. Ginn with Mr. Hutchinson.
Mrs. Schroeder with Mr. Nedzi.
Mr. Giaimo with Mr. McKay.
Mr. Ford of Tennessee with Mr. Murphy of New York.
Mr. Luken with Mr. Weaver.
Mr. McCormack with Mr. Neal.
Mr. Bonker with Mr. Beard of Rhode Island.

Messrs. STAGGERS, LEACH of Louisiana, JOHN L. BURTON, DINGELL, OBERSTAR, ROSE, and RAHALL changed their votes from "yea" to "nay."

Mr. LOTT changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SAWYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 249, noes 98, not voting 85, as follows:

[Roll No. 672]

AYES—249

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Ashley
Aspin
Atkinson
Bailey
Baldus
Barnard
Barnes
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burlison
Burton, John
Campbell
Carr
Cavanaugh
Chappell
Clay
Clinger
Coleman
Conte
Corcoran
Corman
Coughlin
Crockett
D'Amours
Daniel, Dan
Danielson
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Fountain
Frost
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Jeffords
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
Kramer
Leach, Iowa
Leach, La.
Lehman
Leland
Levitas
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
McHugh
McKinney
Maguire
Markey
Marks
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Quayle
Quillen
Rahall
Railsback
Ratchford
Reuss
Rhodes
Richmond
Rinaldo
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Snowe
Snyder
Solarz
Spence
St Germain
Stack
Staggers
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Weiss
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolpe
Wright
Wyatt
Young, Mo.
Zablocki
Zeferetti

NOES—98

Applegate
Archer
Badham
Beard, Tenn.
Beilenson
Bereuter
Bethune
Burgener
Butler
Byron
Carney
Cheney
Clausen
Cleveland
Collins, Tex.

Courter
Crane, Daniel
Daniel, R. W.
Devine
Duncan, Tenn.
Edwards, Okla.
Emery
Erdahl
Evans, Ind.
Forsythe
Fowler
Frenzel
Gaydos
Goodling
Gradison
Gramm
Green
Grisham
Guyer
Hagedorn
Hansen
Harsha
Hillis
Hinson
Ireland
Jacobs
Jeffries
Jenkins
Kindness
Lagomarsino
Leath, Tex.
Lee
Lent
Lewis
Lott
Lungren
McDonald
McEwen
Madigan
Marriott
Miller, Ohio
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Paul
Petri
Porter
Pritchard
Regula
Robinson
Roth
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Solomon
Stangeland
Stanton
Stockman
Stump
Taylor
Trible
Vander Jagt
Walker
Wampler
Whitehurst
Whitley
Whittaker
Winn
Wydler
Wylie
Yatron
Young, Fla.

NOT VOTING—85

Alexander
Anthony
Ashbrook
AuCoin
Bafalis
Bauman
Beard, R.I.
Bolling
Bonior
Bonker
Brown, Ohio
Burton, Phillip
Carter
Chisholm
Coelho
Collins, Ill.
Conable
Conyers
Cotter
Crane, Philip
Daschle
Deckard
Derwinski
Dickinson
Dodd
Dougherty
Duncan, Oreg.
Early
Erlenborn
Fenwick
Ferraro
Ford, Mich.
Ford, Tenn.
Fuqua
Garcia
Giaimo
Gingrich
Ginn
Goldwater
Grassley
Guarini
Hanley
Hightower
Hutchinson
Jenrette
Johnson, Colo.
Kelly
Kemp
Kogovsek
LaFalce
Latta
Lederer
Livingston
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McKay
Marlenee
Moffett
Minish
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Pursell
Rangel
Ritter
Rodino
Schroeder
Spellman
Symms
Thomas
Thompson
Waxman
Weaver
White
Wilson, Bob
Wilson, C. H.
Wolff
Yates
Young, Alaska

□ 1130

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Ashbrook against.

Ms. Ferraro for, with Mr. Bafalis against.

Mr. Dickinson for, with Mr. Philip M. Crane against.

Mr. McClory for, with Mr. Latta against.

Mr. Pursell for, with Mr. Thomas against.

Mr. Young of Alaska for, with Mr. Brown of Ohio against.

Until further notice:

Mr. Moffett with Mr. Bauman.

Mr. AuCoin with Mr. Conable.

Mr. Ford of Michigan with Mrs. Fenwick.

Mr. Beard of Rhode Island with Mr. Gingrich.

Mr. Bonior of Michigan with Mr. Daschle.

Mr. Fuqua with Mr. Derwinski.

Mr. Ginn with Mr. Goldwater.

Mr. Minish with Mr. Grassley.

Mr. McCormack with Mr. Dougherty.

Mr. Bonker with Mr. Erlenborn.

Mr. Phillip Burton with Mr. Hutchinson.

Mrs. Chisholm with Mr. Johnson of Colorado.

Mrs. Collins of Illinois with Mr. McDade.

Mr. Hightower with Mr. Ritter.

Mr. LaFalce with Mr. Symms.

Mr. Wolff with Mr. Marlenee.

Mr. Yates with Mr. Bob Wilson.

Mr. Waxman with Mr. McKay.

Mr. Thompson with Mr. Murphy of New York.

Mrs. Schroeder with Mr. O'Brien.

Mr. Rangel with Mr. Giaimo.

Mr. Nedzi with Mr. Anthony.

Mr. Murphy of Illinois with Mr. Alexander.

Mr. Neal with Mr. Carter.

Mr. Weaver with Mr. Coelho.

Mr. White with Mr. Conyers.

Mr. Livingston with Mr. Dodd.

Mr. Lederer with Mr. Duncan of Oregon.

Mr. Lukin with Mr. Ford of Tennessee.

Mr. Lundine with Mr. Garcia.

Mr. McCloskey with Mr. Hanley.

Mr. Early with Mr. Guarini.

Mr. Cotter with Mr. Jenrette.

Mr. Deckard with Mr. Kelly.

Mr. Charles H. Wilson of California with Mr. Kogovsek.

Mr. LAGOMARSINO changed his vote from "aye" to "no."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER LEGISLATION ON PRIVATE CALENDAR PASSED OVER WITHOUT PREJUDICE ON WEDNESDAY, DECEMBER 3, 1980

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take up those items on the Private Calendar of Wednesday, December 3, 1980, which were passed over without prejudice at that time, and I will bring them up one at a time, if I may.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FRED W. SLOAT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 551) for the relief of Fred W. Sloat of Salt Lake City, Utah.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I will not object, but can my colleague from California tell me that these series of five private bills which the gentleman is bringing up have been looked at by the Committee on the Judiciary and appear to be in good shape? Is that correct?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. DANIELSON. Yes, I can represent that the bills I am about to bring up individually, each and all of them, have been passed by the Committee on the Judiciary. They have been reviewed by the minority, as well as the majority side; and I do not know of any objection whatsoever to them.

Mr. ROUSSELOT. And any bills that were in potential controversy are not to be brought up? Is that correct?

Mr. DANIELSON. That is correct.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred W. Sloat of Salt Lake City, Utah, the sum of $4,728.24 as reimbursement for back military pay (plus accrued interest) which was withheld from the said Mr. Sloat by the United States Army as a payment for a vehicle which was commandeered from the said Mr. Sloat in Luxembourg during World War II.

SEC. 2. No part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LARRY GRATHWOHL

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 576) for the relief of Larry Grathwohl.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 1662 of title 38, United States Code, (relating to the time limitations for completing a program of education) the Administrator of Veterans' Affairs is authorized to grant Larry Grathwohl of Castro Valley, California, an extension of the applicable delimiting period for completion of a program of education under chapter 34 of title 38, United States Code, not to exceed twenty-three months, to begin on the date of the enactment of this Act, the said Larry Grathwohl having been unable to fully utilize his educational assistance benefits under such chapter for more than three years after his honorable discharge from the Armed Forces of the United States and before the expiration of the delimiting period applicable to him, as the result of performing undercover informer service for the Federal Bureau of Investigation.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GERALD W. FRYE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1307) for the relief of Gerald W. Frye.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is authorized and directed to pay out of any appropriations or other funds available for the reimbursement of relocation expenses under section 5724a of title 5, United States Code, to Gerald W. Frye, $4,212.30. Such sum shall be in full satisfaction of any claim by Gerald W. Frye, an employee of the Defense Logistics Agency transferred from Orlando, Florida, to Burlington, North Carolina, for expenses—

(1) which were incurred in connection with the sale of his residence, and

(2) for which he would have been reimbursed under section 5724a and the implementing regulations but for the fact such sale was not completed within the required time limit prescribed in paragraph 2-6.13 of the Federal Travel Regulations, FPMR 101-7, May 1973, because of his reliance on erroneous information given him by an officer of such agency.

SEC. 2. No part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JEWISH EMPLOYMENT VOCATIONAL SERVICE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 444) for the relief of the Jewish Employment Vocational Service, Saint Louis, Mo.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of sums appropriated to the payment of claims, the sum of $57,000 to the Jewish Employment Vocational Service, 1727 Locust Street, Saint Louis, Missouri, a nonprofit charity that operates the Jewish Employment Vocational Service Workshop, a workshop for the training and rehabilitation of blind and other severely handicapped workers, which produces certain commodities purchased by the United States in accordance with the Act entitled "An Act to create a Committee on Purchases of Blind-Made Products, and for other purposes" (52 Stat. 1196).

(b) Payment under this section shall be in full satisfaction of all claims by such Jewish Employment Vocational Service against the United States for certain antifainting capsules (ammonia inhalant ampules) manufactured by such workshop, that were seized, condemned, and destroyed pursuant to orders on December 29, and 30, 1977, by the United States District Court for the Eastern District of Missouri.

SEC. 2. Notwithstanding any contract to the contrary, no amount of the sum appropriated in the first section of this Act shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim. Any person who violates the provisions of this section is guilty of a misdemeanor punishable by a fine in an amount not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1140

JOE L. FRAZIER

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 453) for the relief of Joe L. Frazier of Elko, Nev.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe L. Frazier of Elko, Nevada, the sum of $1,857.70 as reimbursement for expenses incurred by the said Mr. Frazier in transporting household goods to Nairobi, Kenya, from New Meadows, Idaho, in 1973. All such expenses were incurred while the said Mr. Frazier was an employee of the United States Forest Service and was on temporary assignment to the United States Agency for International Development.

SEC. 2. No part of the amount appropriated by this Act in excess of 15 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DANIELSON. Mr. Speaker, I have no other such bills. I thank the Chair.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter and tabulations on the conference report on the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 8105, DEFENSE DEPARTMENT APPROPRIATIONS, 1981

Mr. ADDABBO. Mr. Speaker, pursuant to the unanimous-consent request granted December 2, 1980, I call up the conference report on the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 821, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 4, 1980, page 32201.)

The SPEAKER pro tempore. The gentleman from New York (Mr. ADDABBO) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. EDWARDS) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with considerable pride and a great deal of relief that the conferees on the Defense appropriation bill are able to bring this conference report to the House today.

I first want to take this opportunity to thank my colleague, the gentleman from Alabama, JACK EDWARDS, the ranking minority member of the committee and all the members of the committee for their patience and help in bringing this bill to the floor today.

My special commendation to our staff who diligently worked many hours over the recess and weekends to have this bill ready to this point.

I commend and thank my colleague and our colleague, the gentleman from Connecticut, BOB GIAIMO, the chairman of the Budget Committee, for his help, not only for his work on the Budget Committee and his work on the reconciliation conference reports, but in between all that work he gave of himself, of his time and expertise, in working on this conference report. We will miss him sorely in the next Congress, as we will miss our colleague, the gentleman from Missouri, BILL BURLISON, who has done yeoman work not only as a member of this subcommittee, but also as a member of the Select Committee on Intelligence. We wish them both well.

Mr. Speaker, I think it is good for the House, good for the military services, and good for the country that we have been able to reach agreement and that the Department of Defense will be able to proceed on an orderly basis with its programs for fiscal year 1981. The House had been able to pass the bill in September, prior to the beginning of a new fiscal year but the Senate had not.

The conference agreement provides $1.1 billion less than the Senate appropriation. The House conferees found it quite difficult in the present environment to hold the line on spending for the Department of Defense. It was only with great effort that we were able to persuade the Senate to agree to reductions in the Senate bill totaling $1.1 billion.

All of the conferees, I am sure, feel that we must maintain a strong national defense. Some of us believe that we do not provide a strong national defense just by spending more and more money. We believe that we have to carefully scrutinize defense requests, and while we want to provide the money for those things which really give us necessary additional national defense, we feel that we must resist the pressures to provide funds for items in the name of defense which are either of marginal value or will provide no real defense capability.

The defense bill is big and I do not think there is any debate on that question. Roughly, $160 billion is an awesome sum and there is a great workload involved in handling a bill providing such a sum. The conferees had 530 separate-line items on which the House and the Senate had taken different positions before them in the conference. That we were able to act on all these items, and debate a number of them at considerable length, is, I believe, quite remarkable. It shows that we were dedicated to providing a defense appropriation bill before the close of this session of Congress. We all felt that good management in the Department of Defense would be quite difficult without the base of an appropriation act. We feel that national security would not be well served by the failure to enact this legislation. So, we moved as expeditiously as possible to do so.

In the conference agreement, we provided $33 billion for military personnel, principally for the pay and allowances and transportation of our military personnel. We provided almost $14 billion for retired military pay.

We provided $51.8 billion for operation and maintenance, that is, for the day to day operations of the military services, including the cost of fuel which is rising rapidly for the military as it is for all of us. We provided $44.9 billion for the procurement of military hardware and $16 billion for research, development, test, and evaluation of new military systems.

In the military personnel appropriations, we provided for the new incentives for our All-Volunteer Force. We provided the various bonuses and increases in allowances included in the Nunn-Warner legislation and otherwise. This includes such things as variable housing allowances, reenlistment bonuses, family separation allowances, trailer allowances, basic allowances for quarters, and other incentives to join the military service and to remain there once members of the military service.

In the area of operation and maintenance, the conferees provide $480 million above budgeted amount for fuel for the military services. The Department of Defense has been hard hit by the OPEC fuel price increases which have affected all of us and the conferees are concerned that reductions in the amount of fuel necessary for the training required in the military services would lead to a decrease in readiness. We have provided additional funds for this purpose. As other petroleum price increases are realized, further increases in this area will be required.

Both the House and the Senate provided funds substantially in excess of the budget, in excess by about $1 billion, for the procurement of aircraft by the Navy. We all found the budget which was presented, to be totally inadequate in this area. The budget did not provide for the procurement of the number of airplanes which the Navy anticipated losing during the year. We found this to be totally unacceptable and provided additional funds above the budget for such important Navy aircraft as the EA-6B, the F-14A, the P-3C, and the AV-8B. Other important Navy weapons for which additional funds are provided are the Tomahawk cruise missile, the standard missile, the Mark 48 torpedo, and the Captor mine.

In the area of Navy shipbuilding, additional funds totaling some one-half billion dollars more than the funds requested in the budget were provided for the SSN-688 nuclear attack submarine. Additional funds were provided for the Aegis cruiser which will provide a great improvement in antiair defense for the fleet.

One of the important areas in shipbuilding is in the area of sealift. We are all fearful that we may be required at some time to move military men and equipment to such remote areas as the Persian Gulf or the Indian Ocean and feel that both additional capacity and modernization in ships available for this purpose are required. The budget requested and the Senate had provided for a so-called TAK-X maritime prepositioning ship, a newly designed ship for which design has not been completed and which would not be available for some years. The House felt that the requirement in this area is more immediate and that by the acquisition and conversion of available existing commercial ships, such sealift could be provided more rapidly. Therefore, funds totaling $285 million were provided for this purpose.

The conferees have directed the Navy to study the requirement and the availability of such ships and to report back to Congress on what, in the view of the Navy, is the best way to proceed in this area. Funds in the amount of $174 million which had been included by the Senate for the TAK-X ship to be constructed for the Navy were denied.

In the Air Force, one of the programs which was most controversial involves the possible need for a new strategic manned bomber. The Senate had included $75 million in procurement funds for such a bomber, and $300 million for research and development. The House had provided $175 million for research and development only. The House conferees were adamant that no procurement moneys are needed at this time since no decision has been made as to what new aircraft, if any, will be procured. After such a decision has been made, the aircraft selected must be developed before it could be procured. We did agree to provide $300 million in research and development funds for this purpose.

In line with the actions taken with regard to the Navy in the provision of additional aircraft, we provided funds for the new two-seat version of the A-10 attack aircraft for the Air Force as well as additional funds for the F-15 fighter aircraft.

In research and development, the House conferees were able to hold the line against Senate increases very well. The budget requested and the Senate provided $764 million in funds for nonsystem research and development designated for inflation. This was over and above the amounts provided for the various weapons system programs and projects. The House deleted these funds with the thought that some inflation was already built into the budget estimate and that since much of the nonsystem research and development for which the funds were requested was level of effort kind of work anyway, the funds could be deleted and then if some of them are required in a supplemental bill at a later time it could be provided. It was with a great deal of difficulty that we were able to persuade the Senate conferees to agree with this position and delete $586 million of the $764 million proposed by the House.

One of the largest and most controversial programs in research and development is the MX intercontinental ballistic missile program of the Air Force. The budget requested $1.564 billion for this purpose. The House deleted $120 million in the belief that the MX program has been and continues to be redefined and redirected to the extent that the program has been slowed and as a result, the full amount of funds requested are not required. The Senate had restored the full amount. We labored long and hard to convince them to adopt our position. They would not and we settled for a $60 million reduction in the MX program.

Mr. Speaker, the statement of the managers in the conference report is quite complete in that it includes line item listings of the various programs and amounts approved and I would refer this to my colleagues who are interested in specific programs.

Mr. Speaker, I wish that we had had more time for this conference. I feel that in our feeling that the most important thing which we had to do was to have a defense appropriation bill, that we had to agree to the funding of some programs and projects which will not turn out to be useful. I think that we must recognize that we were not able to give the full consideration to some of the programs that we would have liked and that we must scrutinize those programs very carefully in the future. I hope the new administration will assist in this endeavor.

As I said at the beginning of my remarks, all of us want to provide for a strong national defense, but it is not only senseless but counterproductive to wastefully fund programs and projects in the name of national defense which do not in fact add to our military strength.

Mr. Speaker, there are a number of general provisions in the bill which were of interest to one House or the other. You will recall that when the defense appropriation bill was considered in the House, I was successful by a majority of over 40 votes in deleting a provision of the bill which was known as the Maybank amendment which prohibited the Department of Defense from paying a price differential to place contracts in geographical areas where there is a high level of unemployment. I believe that the modification provision is important. I believe that it is a move in the direction toward strengthening the economy of the country, and strengthening our overall national defense. The Senate had restored the provision which was stricken in the House.

In the conference we were not able to persuade the Senate to completely agree with the House position but they did agree to important revisions. We have brought back to you language which does permit the Defense Logistics Agency of the Department of Defense to pay a price differential in order to place contracts in areas of high unemployment. There is a ceiling of $3.4 billion on the amount that can be spent for this purpose.

Mr. Speaker, I believe the Defense appropriation conference report we bring before you today is a fair bill and I ask for its immediate adoption.

Under leave granted, I submit for printing in the Record summary tabulations.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	Enacted 1980	Estimates 1981	House 1981	Senate 1981	Conference 1981	1980 enacted	1981 estimate	House bill	Senate bill
RECAPITULATION									
Title I—Military personnel	$30,650,522,000	$32,129,120,000	$32,225,820,000	$33,163,249,000	$33,074,349,000	+$2,423,827,000	+$945,229,000	+$848,529,000	−$88,900,000
Transfer from other accounts	(109,141,000)					(−109,141,000)			
Title II—Retired military personnel	11,964,700,000	13,987,800,000	13,887,800,000	13,887,800,000	13,887,800,000	+1,923,100,000	−100,000,000		
Title III—Operation and maintenance	45,694,895,000	51,188,023,000	51,865,401,000	51,322,413,000	51,768,663,000	+6,073,768,000	+580,640,000	−96,738,000	+446,250,000
Transfer from other accounts	(403,001,000)	(253,400,000)	(186,200,000)	(226,200,000)	(226,200,000)	(−176,801,000)	(−27,200,000)	(+40,000,000)	
Title IV—Procurement	35,528,139,000	40,639,342,000	44,240,005,000	45,512,805,000	44,909,424,000	+9,381,285,000	+4,270,082,000	+669,419,000	−603,331,000
Proceeds from foreign sales	(106,000,000)			(60,000,000)		(−106,000,000)			(−60,000,000)
Transfer from other accounts	(322,620,000)		(56,700,000)	(27,900,000)	(27,900,000)	(−294,720,000)	(+27,900,000)	(−28,800,000)	
Title V—Research development and evaluation	13,449,459,000	16,475,555,000	14,916,582,000	16,885,679,000	16,022,716,000	+2,573,257,000	−452,839,000	+1,106,134,000	−862,963,000
Transfer from other accounts	(63,086,000)		(1,966,000)		(1,966,000)	(−61,120,000)	(+1,966,000)		(+1,966,000)
Title VI—Special foreign currency program	6,667,000	2,760,000	2,760,000	2,760,000	2,760,000	−3,907,000			
Title VII—General provisions (additional transfer authority sec. 734)	(1,000,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(−250,000,000)			
Title VIII—Related agencies	63,523,000	73,824,000	73,124,000	73,124,000	73,124,000	+9,601,000	−700,000		
Total, Department of Defense (NOA)	137,357,905,000	154,496,424,000	157,211,492,000	160,847,830,000	159,738,836,000	+22,380,931,000	+5,242,412,000	+2,527,344,000	−1,108,994,000
Proceeds from foreign sales	(106,000,000)			(60,000,000)		(−106,000,000)			(−60,000,000)
Transfer from other accounts	(897,848,000)	(253,400,000)	(244,866,000)	(254,100,000)	(256,066,000)	(−641,782,000)	(+2,666,000)	(+11,200,000)	(+1,966,000)
Total funding available	138,361,753,000	154,749,824,000	157,456,358,000	161,161,930,000	159,994,902,000	+21,633,149,000	+5,245,078,000	+2,538,544,000	−1,167,028,000
Transfer authority	(1,000,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(−250,000,000)			
Distribution by organizational component:									
Army	33,198,837,000	38,243,341,000	38,029,947,000	38,896,800,000	38,588,252,000	+5,389,415,000	+344,911,000	+558,305,000	−308,549,000
Transfer from other accounts	(198,375,000)	(4,700,000)		(5,000,000)	(5,000,000)	(−193,375,000)	(+300,000)	(+5,000,000)	
Navy	46,187,493,000	50,111,077,000	52,748,533,000	54,128,136,000	53,629,731,000	+7,441,238,000	+3,517,654,000	+880,198,000	−499,405,000
Transfer from other accounts	(456,982,000)	(137,200,000)	(195,866,000)	(193,100,000)	(195,066,000)	(−261,916,000)	(+57,866,000)	(−800,000)	(+1,966,000)
Air Force	40,323,765,000	46,195,379,000	46,776,693,000	47,942,462,000	47,726,531,000	+7,402,766,000	+1,531,152,000	+949,838,000	−215,931,000
Proceeds from foreign sales	(106,000,000)			(60,000,000)		(−106,000,000)			(−60,000,000)
Transfer from other accounts	(242,491,000)	(111,500,000)	(49,000,000)	(56,000,000)	(56,000,000)	(−186,491,000)	(−55,500,000)	(+7,000,000)	
Defense agencies/OSD	5,619,587,000	5,885,003,000	5,695,395,000	5,919,508,000	5,834,398,000	+214,811,000	−50,605,000	+139,003,000	−85,110,000
Retired military personnel	11,964,700,000	13,987,800,000	13,887,800,000	13,887,800,000	13,887,800,000	+1,923,100,000	−100,000,000		
Related agencies	63,523,000	73,824,000	73,124,000	73,124,000	73,124,000	+9,601,000	−700,000		
Total, Department of Defense (NOA)	137,357,905,000	154,496,424,000	157,211,492,000	160,847,830,000	159,738,836,000	+22,380,931,000	+5,242,412,000	+2,527,344,000	−1,108,794,000
Proceeds from foreign sales	(106,000,000)			(60,000,000)		(−106,000,000)			(−60,000,000)
Transfer from other accounts	(897,848,000)	(243,400,000)	(244,866,000)	(254,100,000)	(256,066,000)	(−641,782,000)	(+2,666,000)	(+11,200,000)	(+1,966,000)
Total funding available	138,361,753,000	154,749,824,000	157,456,358,000	161,161,930,000	159,994,902,000	+21.633,149,000	+5,245,078,000	+2,538,544,000	−1,167,028,000
Transfer authority	(1,000,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(750,000,000)	(−250,000,000)			

Mr. EDWARDS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the committee, the gentleman from New York (Mr. ADDABBO) has just presented an excellent summary of the conference report on the fiscal year 1981 defense appropriations bill. For that reason, I will not dwell on the details of the report, but instead would simply like to offer a few observations.

Before I do, I would like to say to the Members of the House that it has been a tough year dealing with this defense bill, but it has been a pleasure and a joy working with our chairman, the gentleman from New York (Mr. ADDABBO), the members of the committee and the staff. We have all worked hard and I think the product that we bring to you is worthy of that work.

I think it was a good conference. An overriding consideration was the need to complete action on the bill before the end of the session. There was the pressure of time. The product of our labor is, therefore, a long way from being perfect, and I have some concerns of my own, but it was the very best we could do under the circumstances. It constitutes a good compromise, particularly in view of the emerging national consensus for a stronger national defense posture—an effort we can build upon in the future.

The conference agreement on the defense bill provides $160 billion in appropriations. This is $2.5 billion over the House figure, $1.2 billion under the Senate figure, and $5.2 billion over the President's budget request.

For the first time in a number of years, we have exceeded the President's budget request for defense by a very substantial margin. It is a step in the right direction, a first step toward correcting some of the most serious deficiencies in our defense establishment.

Most would have to agree that $160 billion is a very large sum of money. It should and will buy a lot of defense, but those of you who have studied our military requirements as I have done would also agree that much more is needed if we are ever to whip the Armed Forces into shape again.

I believe that we could have added $10 to $15 billion this year alone just to meet some of the very pressing needs, but the additional budget authority and authorization was simply not available to do it.

The trend in defense appropriations is good, but this effort must be sustained in the future. Further increases will be needed next year and in subsequent budgets.

Our work on the Defense Subcommittee is cut out for us. We will have the responsibility to see to it that all this additional money is spent wisely and with a sense of purpose. We must be sure that it is used to purchase some real military power and not a lot of junk. We tried to guard against that possibility during the conference.

I am not impressed with ever-increasing defense budgets if we do not spend the money selectively. Throwing money is not the answer. Rather, careful thought and prudent use of our resources will buy the best defense.

There is wide agreement that a new strategy is needed. None has been forthcoming in recent years, and this situation has created chaos during the annual review of the defense budget in Congress.

If the coming defense buildup is to be fully supported in Congress and sustained in future years, then some new sense of direction—a new set of defense policies and strategy must be developed.

The new administration must give the Congress some policy guidance. Otherwise the Congress will be unable to resolve the major procurement issues that have been so hotly debated in recent years. These concern the future of the manned bomber, the future shape and and composition of the Navy, and the question of how to deploy forces rapidly overseas, to name a few. The lack of guidance creates waste and we need to make every defense dollar count.

I believe that once the new strategy is developed and presented to the Congress, these issues could be resolved in a more rational manner.

I believe that the bill before you today addresses the most critical problems confronting the military today—pay and retention, readiness, and the modernization of aging and poorly maintained equipment and weapons.

There is one area where I wish we could have done more, and that concerns fuel, which equates to flying and steaming hours and training and readiness. Because of the rapid increase in fuel prices, the House added $800 million to the bill. The Senate, by comparison, added none on the assumption that this problem would be covered by a supplemental request sometime next year. In the end, the conferees agreed to add about $500 million for fuel. We could have added at least $1 billion over the budget to maintain the current flying and steaming hour programs.

Overall, I believe that the agreement reached on the defense bill in conference will make a valuable contribution toward increasing our military strength and I urge the adoption of the conference report.

□ 1150

Mr. ICHORD. Mr. Speaker, will the gentleman yield for a clarification?

Mr. EDWARDS of Alabama. I am delighted to yield to the gentleman from Missouri.

Mr. ICHORD. As the gentleman from Alabama knows, as does the distinguished conference chairman, I have been very interested in the $19 million for equipping the proposed binary facility at Pine Bluff, Ark. I observe that that was deleted without prejudice.

As the gentleman also knows, I personally consider this as the most important defense issue facing the Nation. The gentleman knows the chemical warfare capability of our potential adversaries. He knows what is happening to our own chemical warfare capability.

I understand one of the conferees from the other body threatened to filibuster if this $19 million was included in the conference report and I can well understand the concern of the House conferees. But my concern is I have been trying to get the United States of America to make this decision for 5 years now. I had a personal commitment out of President Ford at one time to do it but somewhere down in the bowels of the disarmament agency the so-called little green man appears, reverses commonsense, and our Nation continues to disarm itself from the standpoint of chemical warfare capability.

Could the gentleman elaborate upon what the conferees will do insofar as reprograming is concerned if meaningful decisions are made down at the White House, if they ever are made, and I rather doubt if they will be made, even by the incoming administration?

Mr. EDWARDS of Alabama. First let me say that the gentleman substantially states the case as I understand it. We were faced with at least a threat of extended debate in the other body if the money stayed in our conference report.

We did write language which I feel is very strong and which, in effect, says we want the Army to come back to us with its plans and programs for developing the binary chemicals. We have expressed our intention to consider any reprograming. That was not actually in the conference report as written but we have certainly taken that position on the House side.

This Member feels very strongly that it was most unfortunate that we had to drop this item out of the conference but, as I said in my statement, we felt a clear need to get this bill through. There was too much in here to allow it to go by on a continuing resolution.

So I think that most of the conferees are fully prepared, as we go back into our subcommittees, to work further toward the goal the gentleman has stated.

Mr. ICHORD. If the gentleman will yield further, could I ask the chairman of the subcommittee, the distinguished gentleman from New York (Mr. Addabbo) is that the meaning of the magical words, "without prejudice," that the subcommittee will consider a reprograming?

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr ADDABBO. If the new administration sends up a request, we will consider it.

Mr. ICHORD. I appreciate the gentleman yielding.

Mr. PURSELL. Mr. Speaker, will the gentleman yield?

Mr EDWARDS of Alabama. I yield to the gentleman from Michigan.

Mr. PURSELL. I first want to congratulate both the gentleman from Alabama (Mr. Edwards) as well as the majority side and the gentleman from New York (Mr. Addabbo) for an excellent compromise in respect to the repeal of the Maybank amendment for establishing a level of $3.4 billion to purchase materials in States like Michigan who have heavy unemployment and the Northeast-Midwest Coalition. Coming from Michigan, we do not get much defense money. We need jobs and diversity to promote our economic future. This new Federal policy change, after 27 years, will test our resolve to assist areas of unemployment and broaden Michigan's economic interest while at the same time be in the interest of our national security. This is an important balance in writing public policy which serves the best interest of this Nation.

I appreciate your leadership and congratulate the gentleman and the committee. I will support conference report, H.R. 8105.

Mr. EDWARDS of Alabama. I thank the gentleman from Michigan (Mr. Pursell).

I will say to the House that probably we spent as much time on this issue in conference as any other. The language that is contained in the conference report on the partial repeal of the Maybank amendment is the product of great debate and a major compromise on the part of all parties to the conference. I think under the circumstances we came out of the conference with the best language that was available, whether one is for it or against it. As it has turned out, it will give the Pentagon a chance to put it to the test, to see how it works. I am sure that we will be looking at the operation of it carefully to make sure that it is not abused.

Mr. ADDABBO. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. Dicks), a valuable member of the subcommittee.

Mr. DICKS. Mr. Speaker, I take this time to be very brief and state my support for this conference report. I believe the bill that has been worked out between the House and the Senate conferees lays the basis for an increased effort in national defense.

I think my colleagues, both the chairman and ranking member, who have done an excellent job in putting this bill together, along with our very professional staff, have clearly outlined the parameters of the legislation.

I think there was one issue addressed this year, however, that deserves special mention. That is the question of military pay and benefits. The so-called Nunn-Warner retention pay package, was enacted earlier this year. It laid out a series of initiatives to improve our efforts to retain quality people in our All-Volunteer Force. This conference committee report funds that Nunn-Warner package in its entirety.

□ 1200

Beyond that it also provides a commitment for a 11.7-percent pay increase; and I believe when you couple those two things, you take a significant step toward solving the problems that we face in our All-Volunteer Force. But it is only a beginning. We still must look at educational benefits and other approaches if we are to stop this tragic problem of losing the very best people in our All-Volunteer Force. The funds for an educational test included in the conference agreement can help guide us in these efforts.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to my colleague and friend, the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding. I would like to share in support for his statement and thank him for making those comments about the retention of skilled personnel in our armed services. There is no more important project before this next Congress than to put back into place those benefits and that compensation and the sound dollar that ultimately everybody depends upon that will allow us to retain those people, because the hemorrhaging of our armed services today is causing such a problem with morale, causing such a problem with manning the ships, and causing such a problem in Europe and even with our NATO allies that I consider it to be—as the gentleman does—one of the high priorities of this Congress and certainly the next Congress.

I would join the gentleman as I did in supporting the Nunn-Warner bill and cosponsoring it in measures to index the wages of our military, in providing the GI bill, the Armstrong bill from the Senate, bringing back those types of benefits that would help us retain the skilled personnel and people who are so important to the preservation of peace.

Mr. DICKS. I want to tell the gentleman from New York (Mr. KEMP) who I worked with very closely this year to encourage the authorizing committee to move on this. I also think together we were able to convince our colleagues, who also supported this effort, that it did deserve a priority attention that it had never received before. In my judgment, this is going to be a great challenge to the new administration, and I am glad that my colleague, the gentleman from New York, and I will be again able, I think, to work on this problem in the next Congress because it is a critical problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADDABBO. Mr. Speaker, I yield 2 additional minutes to the gentleman from Washington (Mr. DICKS).

Mr. BEARD of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to my colleague, the gentleman from Tennessee.

Mr. BEARD of Tennessee. Mr. Speaker, I thank the gentleman. I want to compliment the gentleman for his remarks. I, too, am pleased to see the direction we are going in, at least of having finally acknowledged that there is a critical personnel problem in our services; and I would also remind our Members that this is our Volunteer Army and not the military's Volunteer Army. I would also remind them that Utopia is not around the corner as a result of having passed the Nunn-Warner bill. There are many other critical problems that have not been brought to the forefront sufficiently enough. For example, we promise free medical care to our young servicemen while we are paying them below-average wages when the facts are they are not receiving free medical care, when the facts are more and more of our junior enlisted men are having to go out on Champus which is like giving an individual a check he cannot cash.

The facts are when you go to Europe, you find that the primary health officers at some of our places in Europe are paramedics, and there are no doctors available. The facts are you find that there is only one neurosurgeon in the European sector for our Army.

I would hope that some of the Members would take the time to go over to Europe and look at the housing and the facilities that we are requiring our young people to live in. They are shambles. Yet we stand up and express concern about the retention rate.

This is one of the reasons why 37 percent of the kids joining the military today quit before their first tour of duty. So I plead with the Members that when we leave, patting ourselves on the back for having supported the Nunn-Warner pay bill, we come back dedicated next year to looking for a long-range solution in trying to make this system work.

Mr. DICKS. Mr. Speaker, I want to say to my colleague, the gentleman from Tennessee (Mr. BEARD) that he is absolutely correct. As I said, this is a first step. No one would suggest that this will take care of all the retention-related problems that we have.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADDABBO. Mr. Speaker, I yield 1 additional minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, we have to look at educational benefits. We have to look at continued increases in compensation, and we also have to look at these other lacking-facility problems that my colleague has mentiond. I just want to say to my friend, the gentleman from Tennessee, who has served valuably on the Committee on Armed Services that I think the gentleman is going to get the kind of support that he needs in the future from the Committee on Appropriations on these issues; and, of course, the gentleman takes the lead on the Committee on Armed Services in providing an authorization bill so that we can address these problems.

Mr. BEARD of Tennessee. Mr. Speaker, will the gentleman yield further?

Mr. DICKS. I will yield to the gentleman.

Mr. BEARD of Tennessee. Mr. Speaker, I think we should jointly, in a bipartisan way plead with the Reagan administration that they allow the military leadership to come forth before the committees and be totally open and totally honest in pointing out what their problems are and putting the monkey on our back as to coming up with the funding or whatever is required. I do not think that has been allowed in the past, not only under this administration but under past administrations, of rather than acknowledging the critical problems, let us hide them through a numbers game.

I think it is time we start being honest about the problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADDABBO. Mr. Speaker, I yield 30 additional seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, it seems to me when the Chief of Naval Operations comes before our committee and says that the most critical problem that he faces is manning, and when the Chief of Staff of the Army says that we have a hollow Army, it seems to me that we ought to take that professional opinion and do something about it; and I want to say to my friend, the gentleman from Tennessee (Mr. BEARD), that I will work with the gentleman on a bipartisan basis to achieve that objective.

Mr. Speaker, I urge the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADDABBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. FOLEY).

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I would appreciate it if the gentleman from Alabama would respond to a question. What I would like to bring out is the issue concerning operation and maintenance. I had an opportunity to visit some of our bases in both Europe and the Far East as a member of the Military Construction Subcommittee of the Committee on Appropriations. It was quite apparent to me that one of the serious problems that we have is an inadequate maintenance program. Facilities are inadequate, the ability of our troops to take care of the equipment that they already have has clearly been one of the serious problems in terms of readiness. I would like to ask the gentleman from Alabama (Mr. EDWARDS) what kind of a response in terms of support is in this conference report for operation and maintenance?

Mr. EDWARDS of Alabama. Mr. Speaker, if the gentleman will yield, the conference report includes $51.7 billion for operation and maintenance. That is over half a billion dollars more than was budgeted. The administration, in fact, did a little better job this year on O. & M. than they have done in the past. We then went a little over half a billion dollars more than the budget. So I would think that we are moving in the right direction on O. & M.

I would also like to say to the gentleman that because of what our committee has been saying and doing over the last year or so that we have gotten a lot more attention from the Pentagon and the administration on O. & M. I think the gentleman will see budgets of the future increasing considerably along that line, even compared to other items such as procurement.

Mr. REGULA. Is it the gentleman's judgment, then, that this budget is substantially increased in terms of its emphasis on O. & M. funding?

Mr. EDWARDS of Alabama. I think we are clearly on the upbeat as far as O. & M. is concerned.

Mr. REGULA. I thank the gentleman and yield back the balance of my time.

(By unanimous consent, Mr. ANNUNZIO was allowed to speak out of order.)

U.S. EARTHQUAKE AID TO ITALY IS A GOOD INVESTMENT

Mr. ANNUNZIO. Mr. Speaker, in 16 years that I have been in Congress I have never been more distressed than when I read a United Press International news dispatch this morning in which a Member of this body predicted that the $50 million that Congress has appropriated for the Italian earthquake victims will be "stolen or wasted by the notoriously corrupt and inefficient Italian bureaucracy."

It was a cruel, heartless statement and I know from firsthand experience that the statement is untrue. In 1976 when a large section of northern Italy was hit by another devastating earthquake, Congress appropriated $50 million to help rebuild the earthquake-stricken area. That money was channeled through the Agency for International Development, the same agency that will handle the disbursement of the latest $50 million. Contrary to what has been published, there will be no loss of the $50 million. And I stand before you today as a Member of this body and as an Italian American, and a proud Italian American, to pledge that the United States of America will be proud of what it has done.

In 1979 I visited the Friuli region of Italy that was devastated by the 1976 earthquake. I saw how the $50 million was spent. I dedicated a school in the city of Maniago Libero that was built with American funds. I visited the construction sites where hospitals, trade schools and homes for the old people were underway and I visited AID headquarters where the complete plans for the expenditure of the $50 million were displayed. Every penny was accounted for. The entire AID operation was composed of a staff of only five people, every one of them working 24 hours a day to help rebuild Italy.

Every place I went in the earthquake area there were huge signs thanking the American Government for its assistance and every Italian that I met from mayors to state officials, to men and women on the street, thanked me as a Representative of our country for our assistance.

Certainly, there have been problems with the distribution of food and medical supplies for the earthquake victims. But we are not dealing with some neighborhood fire. We are dealing with the death of perhaps as many as 10,000 people and destruction that is so widespread that it is impossible to comprehend the magnitude of the damage. I recall instances in this country where there have been similar foul-ups in tragedies of a far smaller nature. The $50 million that Congress spent to rebuild Italy in 1976 is one of the most outstanding examples of how foreign aid should be used and it is the greatest example of a program without any waste. I predict that the $50 million appropriated this week will achieve the same results without waste, theft, or corruption.

Mr. Speaker, it is taking every ounce of control that I have to make this statement. Perhaps in another setting and in another time I would not be as controlled.

In closing I wish the Member would have the grace to retract his statement because it is unwarranted, unfounded, and unfair.

□ 1210

Mr. ADDABBO. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, like my colleague, the gentleman from Illinois, I rise, too, in strong protest over the comments made from a Member of this body. I spoke to the Member of this body, and he obviously functions with an absence of intelligence with relation to the manner in which these moneys are distributed. He is under the impression that a check will be hand delivered to the representative of another government. If he took time out and was not belabored with a mentality that concerns me, he would know that the Agency for International Development will be in charge with relation to the relief and reconstruction and rehabilitation in the earthquake area in this instance, as it has been in many other instances.

The fact of the matter is that this House passed unanimously a $50 million relief fund authorization the early part of this week, and I can say with pride that I was delighted and privileged to participate for more than one reason. I am American of Italian origin. My overriding concern is the manner in which Americans in our Nation are perceived by people across the world. We are a nation of heart and compassion, and we have responded in this case as we have in many other nations and in many other cases in the past.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I, too, am very distressed about this newspaper story in regard to the $50 million for Italy voted by the House, which, incidentally, was my amendment in the full Appropriations Committee when we drafted the continuing resolution.

I visited Italy several years ago when I was on a trip with the Speaker of the House, Mr. O'NEILL, and my good friend, EDDIE PATTEN, and a bipartisan delegation. I left the delegation in England and went to northern Italy and dedicated a school there which had been reconstructed with U.S. help. I visited all of northern Italy, which had been struck by an earthquake in 1976. We had approved several appropriations amounting to $53 million in three different installments. That program in northern Italy, which is similar to the program that will be undertaken in southern Italy, is directed by a fellow who worked for AID by the name of Arturo Constantino.

Mr. Constantino has run one of the tightest ships that I have seen in my 22 years on the Appropriations Committee and on the Foreign Operations Subcommittee. Every single contract has to go out to bid and has to go to the lowest bidder. As the gentleman from Illinois (Mr. ANNUNZIO) mentioned, there is a staff of only five people. Very, very, very little money at all has gone into overhead. The $53 million has gone into schools, into hospitals, into housing for the elderly, in an area that was completely devastated by the 1976 earthquake. This will also be the case in southern Italy.

I hope the person who has made this terrible accusation will be man enough to take the floor of this House and offer the Italian Government and the Italian people, who have suffered so much in this earthquake and in the past, his apologies. These people have suffered through the worst natural disaster in Western Europe in half a century. They have stood by the United States in both the Afghanistan and Iranian crises. They deserve our help, not narrow-minded criticism. The author of this criticism should be ashamed of himself.

Mr. EDWARDS of Alabama. Mr. Speaker, I have no further requests for time.

Mr. ADDABBO. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in opposition to the conference report. I think it clearly departs from the last budget resolution that we passed. I think that it has not been definitive enough with regard the many weapons systems programs.

While now more than ever, the need to maintain a strong military is essential, we cannot guarantee this goal simply by pouring money into the myriad of defense programs. Like any other agency, there exists fat that can be trimmed from the defense budget. Our limited financial resources cannot be squandered on programs that do not significantly contribute to our defense capabilities. It is essential that Congress and the administration conduct a thorough review of defense expenditures and eliminate or redirect unnecessary funding.

The authorizing and appropriations committees have undertaken this effort and have made significant progress in this area. Yet this bill does not fully reflect those efforts. This appropriation ignores the wisdom of the budget procedure by failing to eliminate nonproductive Government spending.

Let me bring to my colleagues' attention one such example, with which I am most familiar, the F/A–18 aircraft.

The F/A–18 was originally promoted as being a less costly alternative to the F–14. It was a relatively modest $12.5 billion program for 800 aircraft. Over the fiscal years to 1979, the program inched up despite mounting overhead. In 1979, the program was expanded to 1,366 aircraft but the unit cost remained the same. From fiscal year 1980 to 1981 the cost went from $24 to $29 billion. Now we know the fiscal year 1982 cost will be $40 billion—but ironically, new alternatives such as the AV–8B are still being promoted.

The F/A–18 was devised as an air superiority fighter for limited wars—but its time is past. Now the U.S. Navy must face a threatening Soviet fleet—a task the F/A–18 cannot meet.

Even the aircraft itself has problems—although it was well known to have airframe and performance problems, now we discover the engine and the controls are imperfect.

In contrast, the F–16 originated at the same time as the F–18, 200 of which are in service at close to their projected cost. The F/A–18 still is in the developmental stage.

This is a classic case of a failed program. Costs are out of control with ineffective delivery of benefits. The program has blind rather than reasoned support.

The House report required certification that the aircraft worked as originally advertised to the House. Now the conference report allows procrastination and continuation of a plane which is of questionable benefit.

Mr. Speaker, I believe the time has come that the good of the U.S. Navy requires that the F/A–18 be eliminated. This I believe will lead to stronger Navy: a Navy not compromised by adherence to a clearly discredited program.

An integral segment of a strong defense is a strong economy. The funneling of funds into questionable defense projects can only weaken our economy and our defense policies.

I specifically take issue with the F/A–18 report language which I think is inadequate. The House had good language on the F–18. I think the language in this conference has weakened that initial House language, although there still is some report language in the conference report. I hope that we can finally resolve this and other issues with regard to this defense appropriation report language to more carefully monitor the increase in defense spending that characterize this report.

● Mr. McDADE. Mr. Speaker, I rise to support this conference report. I commend the chairman, ranking minority and each and every member of the Defense Subcommittee for the 3 days of grueling work necessary to produce this conference report.

Specifically, I want to support the agreement of the conferees on the production of the M–509, the new heavy artillery shell. This vitally important shell has been 10 years in development and is now ready to produce. The decision by the conferees to produce this shell at the Scranton Army Ammunition Plant means that very rapid production can begin on the shell and, as an extra dividend, the continuation of the only active heavy artillery ammunition plant remaining in the United States. In the face of questionable assumptions of the Army concerning the economic and readiness impact created by the manufacture of this round, it is clear that the decision of the conferees was a sound one.

Once again, I express my appreciation for the hard work of the conferees and the high quality of their work.

I urge my colleagues to support it.●

Mr. ADDABBO. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, on page 32208 is the language we agreed to relative to the F–18 program. I do not believe the conferees have weakened the language from that in the House report. As a matter of fact, we include deficiencies in the recent accidents of the F–18 in the conference language and I can assure the gentleman from Minnesota the subcommittee will carefully review these questions and the funding as we proceed.

Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 36, not voting 75, as follows:

[Roll No. 673]

YEAS—321

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Archer
Aspin
Atkinson
Badham
Bafalis
Bailey
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boggs
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conte
Corcoran
Corman
Coughlin
Courter
Crane, Daniel
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, S.C.
de la Garza
Deckard
Derrick
Devine
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Findley
Fisher
Fithian
Florio
Foley
Fountain
Fowler
Frenzel
Frost
Gaydos
Gephardt
Giaimo
Gibbons
Nelson
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hillis
Hinson
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lehman
Lent
Levitas
Lewis
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McCloskey
McCormack
McDonald
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stratton
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—36

AuCoin
Baldus
Beilenson
Bingham
Bonior
Broomfield
Brown, Calif.
Burton, Phillip
Cavanaugh
Clay
Conyers
Dellums
Drinan
Edwards, Calif.
Forsythe
Harkin
Holtzman
Johnson, Colo.
Kastenmeier
Leland
Maguire
Mikulski
Miller, Calif.
Mitchell, Md.
Ottinger
Paul
Rahall
Reuss
Richmond
Seiberling
Stark
Stokes
Studds
Vanik
Vento
Weiss

NOT VOTING—75

Anthony
Ashbrook
Ashley
Beard, R.I.
Boland
Bolling
Brown, Ohio
Burton, John
Carter
Chisholm
Coelho
Collins, Ill.
Conable
Cotter
Crane, Philip
Daschle
Davis, Mich.
Derwinski
Dickinson
Dodd
Early
Erdahl
Erlenborn
Fazio
Fenwick
Ferraro
Fish
Flippo
Ford, Mich.
Ford, Tenn.
Fuqua
Garcia
Ginn
Goldwater
Hightower
Holland
Hollenbeck
Hutchinson
Jenrette
Kelly
LaFalce
Latta
Lederer
Livingston
Lloyd
Luken
Lundine
McClory
McDade
McEwen
Minish
Moffett
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Roberts
Rodino
Roth
Schroeder
Spellman
Stockman
Symms
Thomas
Thompson
Waxman
Weaver
White
Williams, Ohio
Wilson, C. H.
Wolff
Yates
Young, Alaska

□ 1230

The Clerk announced the following pairs:

Ms. Ferraro with Mr. Ashbrook.
Mr. Rodino with Mr. Fish.
Mr. Thompson with Mr. O'Brien.
Mr. Cotter with Mr. Roth.
Mr. Early with Mr. Stockman.
Mr. Fazio with Mr. Goldwater.
Mr. Flippo with Mr. Hollenbeck.
Mr. Boland with Mr. Philip M. Crane.
Mr. John L. Burton with Mr. Conable.
Mrs. Chisholm with Mr. Brown of Ohio.
Mr. Dodd with Mr. Carter.
Mr. Lederer with Mr. Derwinski.
Mr. Lundine with Mr. Dickinson.
Mr. LaFalce with Mr. Livingston.
Mr. Fuqua with Mr. McClory.
Mr. Ford of Michigan with Mr. McDade.
Mr. Minish with Mr. Erlenborn.
Mr. Moffett with Mrs. Fenwick.
Mr. Murphy of Illinois with Mr. Symms.
Mr. Wolff with Mr. Thomas.
Mr. Yates with Mr. Williams of Ohio.
Mr. Ginn with Mr. Young of Alaska.
Mr. Garcia with Mr. Hutchinson.
Mr. Coelho with Mr. Kelly.
Mrs. Collins of Illinois with Mr. Latta.
Mr. Daschle with Mr. McEwen.
Mr. Jenrette with Mr. Beard of Rhode Island.
Mr. Nolan with Mr. Ashley.
Mr. Neal with Mr. Anthony.
Mr. Murphy of New York with Mr. Ford of Tennessee.
Mr. Weaver with Mr. Hightower.
Mr. White with Mr. Holland.
Mr. Luken with Mr. Nedzi.
Mr. Lloyd with Mrs. Schroeder.
Mr. Roberts with Mr. Erdahl.
Mr. Davis of Michigan with Mr. Charles H. Wilson of California.

Mr. CAVANAUGH changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The Clerk will designate the first amendment in disagreement.

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the Senate amendments Nos. 13, 17, 20, 23, 27, 30, 37, 72, 74, 77, and 81 be considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Senate amendment number 13 reads as follows: Page 6, line 22, after "$12,249,579,000," insert "and in addition, $5,000,000, which shall be derived by transfer from "Army Stock Fund",".

Senate amendment number 17 reads as follows: Page 7, line 18, after "1980/1981" " insert "; and $7,000,000 shall be derived by transfer from "Navy Stock Fund" ".

Senate amendment number 20 reads as follows: Page 8, line 6, after "availability" insert "of which not less than $24,000,000 shall be available for such work at the Ship Repair Facilities, Guam: *Provided further*, That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources".

Senate amendment number 23 reads as follows: Page 8, line 15, after "1980/1982" " insert "; and $1,000,000 shall be derived by transfer from "Marine Corps Stock Fund" ".

Senate amendment number 27 reads as follows: Page 9, line 8, after "1982" insert "; and $7,000,000 shall be derived by transfer from "Air Force Stock Fund" ".

Senate amendment number 30 reads as follows: Page 9, line 16, after "$4,014,895,000" insert, "and in addition $20,000,000, which shall be derived by transfer from 'Defense Stock Fund' ".

Senate amendment number 37 reads as follows: Page 13, line 16, after "4311" insert ": *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313".

Senate amendment number 72 reads as follows: Page 49, line 18, after "optometrist," insert "podiatrist,".

Senate amendment number 74 reads as follows: Page 49, line 18, after "nurse-midwife," insert "or, for the purpose of conducting a test during fiscal year 1981, by a certified psychiatric nurse, other certified nurse practitioner or certified clinical social worker,".

Senate amendment number 77 reads as follows: Page 55, strike out lines 15 to 18, inclusive, and insert:

SEC. 760. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Senate amendment number 81 reads as follows: Page 58, after line 10, insert:

SEC. 765. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendments of the Senate numbers 13, 17, 20, 23, 27, 30, 37, 72, 74, 77, and 81, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 4 line 2, strike out "$288,274,000" and insert "$297,003,000".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concure therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$302,003,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 10: Page 6, line 2, strike out "$320,600,000" and insert "$340,472,000".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$341,172,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 31: Page 10, line 10, strike out "$485,993,000" and insert "$487,993,000".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$488,393,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 11, line 4, strike out "$28,654,000" and insert "$28,694,000".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$28,854,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 40: Page 15, line 18, strike out "$1,533,600,000" and insert "$1,555,500,000".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following "$1,519,800,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 69: Page 31, line 9, strike out "amended." and insert "amended; and (1) the purchase of right-hand-drive vehicles without regard to any maximum price limitation otherwise established by law".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "amended; and (1) the purchase of right-hand-drive vehicles not to excess $12,000 per vehicle.".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 70: Page 38, strike out lines 1 to 7, inclusive, and insert:

Sec. 719. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows: In lieu of matter stricken and inserted by said amendment, insert the following:

"Sec. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligations during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army."

Mr. ADDABBO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 71: Page 41, line 21, after "possessions:" insert "*Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocation:".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert "*Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $3,400,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further*, That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 percent:"

Mr. ADDABBO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 75: Page 52, strike out lines 3 to 18, inclusive.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Addabbo moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Sec. 751. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1980, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That if enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers Training Corps units are revised, then the revised standards may be used to determine compliance with this provision, in lieu of the standards cited above.

Mr. ADDABBO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 79: Page 58, after line 3, insert:

Sec. 764. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "764–A".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 59, after line 18, insert:

SEC. 767. The appropriation "Foreign Currency Fluctuations, Defense" shall not be available hereafter to transfer funds between that account and appropriations available to the Department of Defense for military personnel expenses with regard to obligations incurred after September 30, 1980.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows: In lieu of section number named in said amendment, insert the following: "767–A".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 88: Page 60, after line 21, insert:

SEC. 770. During the current fiscal year, not to exceed $125 million of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1986 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing prepaid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section: *Provided further*, That the Government's share of the cost of benefits to be provided will not exceed 85 per centum of the total cost of such benefits.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 770. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing prepaid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section."

Mr. ADDABBO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion was agreed to.

□ 1240

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 90: Page 60, after line 21, insert:

SEC. 772. (a) The Act entitled "An Act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes", approved March 3, 1905 (33 Stat. 1270), is amended by inserting "or for other public purposes" after "in conformity with the terms of this Act".

(b) The Secretary of the Army shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the State of Maine under the authority of the Act referred to in subsection (a) into conformity with the amendment made by such subsection.

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "771".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 60, after line 21, insert:

SEC. 774. Subsection (c) of section 1124 of title 10, United States Code, is amended to read as follows:

"(c) An award under this section may be paid notwithstanding the member's death, separation, or retirement from the armed force concerned. However, the suggestion, invention, or scientific achievement forming the basis for the award must have been made while the member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.".

MOTION OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ADDABBO moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of section number 774 named in said amendment, insert the following: "772".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the various motions was laid on the table.

PERSONAL EXPLANATION

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, on the previous rollcall, No. 673, on passage of the conference report on H.R. 8105, Defense Department appropriations, 1981, I was mistakenly recorded as voting "no" because of mechanical malfunction of the voting machine. I voted "yea" on this measure and request that the RECORD show my support for this conference report. I ask unanimous consent that this statement appear following this vote in the permanent RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING GREATER FLEXIBILITY FOR ARMED SERVICES IN ORDERING RESERVES TO ACTIVE DUTY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7682) to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

(1) Page 1, strike out all after line 2, over to and including line 4 on page 2, and insert: That subsection (e) of section 672 of title 10, United States Code, is amended to read as follows:

Page 2, after line 19, insert:

SEC. 4. Section 517 of title 10, United States Code, relating to the authorized daily average in enlisted members that may be on active duty in the grades of E–8 and E–9, is amended—

(1) by inserting "(a)" before "Except";

(2) by adding the following new sentence: "In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force."; and

(3) by adding the following new subsection:

"(b) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components of the armed forces may not exceed the number prescribed for the grade and the armed force in the following table:

"Grade	Army	Navy	Air Force
E–9	209	140	71
E–8	823	302	302".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. HOLT. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I shall not object, but I would yield to the gentleman from Mississippi to give us an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, H.R. 7682 as it passed the House had four separate provisions.

Section 1(a) would repeal the requirement in title 10 that the Director of Selective Service make a determination that a member of the Standby Reserve is available for duty before the member may be involuntarily ordered to active duty in time of war or national emergency.

Section 1(b) would clarify the existing law concerning the amount of time a ready reservist is allowed between the time ordered to active duty and the time the reservist actually enters on active duty.

Section 2 would amend 673(b) of title 10, United States Code, to increase from 50,000 to 100,000 the number of Selected reservists the President may order to active duty for a period up to 90 days without a declaration of national emergency.

Section 3 of the bill would amend section 6(d) of the Military Selective Service Act to repeal the requirement that a Reserve officer ordered to active duty for training must serve for not less than 3 months.

The Senate amendment simply deletes section 1(a) which eliminates the requirement for the Director of Selective Service to screen Standby reservists because this provision has already been enacted as a part of H.R. 5766 that was signed by the President on September 24, 1980.

The Senate also amended section 517 of title 10 which establishes grade limitations on the number of E–8's and E–9's on active duty to provide sufficient flexibility in this outdated provision to permit additional numbers of E–8's and E–9's who are now on active duty in full-time support of the Guard and Reserve.

Mrs. HOLT. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

Mr. Speaker, I rise in support of H.R. 7682.

As Mr. MONTGOMERY has indicated, the bill as it passed the House had four provisions. Three of the provisions are minor changes intended to conform out-of-date reserve laws with the role now played by Reserves in our defense structure.

The principal provision in this bill, would increase the President's authority to order Selected reservists to active duty without a declaration of national emergency. The President's current authority to order up to 50,000 members of the Selected Reserve to active duty for a period of less than 90 days without declaring a national emergency has had a significant impact on energizing the Reserve program, but, more importantly, it has encouraged the Active Forces to rely on and utilize the substantial capability of the Reserves.

The Senate amendments are as follows:

The first Senate amendment to the Reserve Readiness bill deletes the provision that would terminate the requirement for the Director of Selective Service to screen Standby reservists before they can be called to active duty. The Senate was correct in deleting this provision since it has already been enacted as part of an earlier bill (H.R. 5766, enacted on September 24, 1980).

The second Senate amendment is a new provision that would authorize the services to have additional E–8's and E–9's on active duty to support Reserve components. It is clear that the additional noncommissioned officers are necessary if our Reserve components are to meet the challenges confronting them over the next several years, and I applaud this amendment.

Mr. Speaker, this legislation is another important step in improving the capability of the Reserves and should be supported. I urge the Members to support it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi (Mr. MONTGOMERY)?

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

PNEUMOCOCCAL VACCINE

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8406) to amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration.

The Clerk read as follows:

H.R. 8406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(B) by striking out "and" at the end of paragraph (8);

(C) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (9) the following paragraph:

"(10) pneumococcal vaccine and its administration.".

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (10) and (11) of section 1861(s)" and inserting in lieu thereof "paragraphs (11) and (12) of section 1861(s)".

(3) Section 1862(a) of such Act is amended—

(A) by inserting ", or, in the case of items and services described in section 1861(s) (10), which are not reasonable and necessary for the prevention of illness" before the semicolon at the end of paragraph (1), and

(B) by inserting "(except as otherwise allowed under section 1861(s) (10) and paragraph (101)" in paragraph (7) after "immunizations".

(b) (1) Section 1833(a) of such Act (as amended by sections 932(a) (1) (B), 934(d), and 942 of the Medicare and Medicaid Amendments of 1980) is amended—

(A) by striking out "and" before "(G)" in paragraph (1);

(B) by inserting at the end of paragraph (1) the following: "and (H) with respect to items and services described in section 1861(s) (10), the amounts paid shall be 100 percent of the reasonable charges for such items and services,";

(C) by inserting "and to items and services described in section 1861(s) (10)" in paragraph (2) (A) after "home health services"; and

(D) by inserting "(other than for items and services described in section 1861(s) (10))" in paragraph (3) after "but in no case may the payment for such services".

(2) The first sentence of section 1833(b) of such Act is amended by inserting "(A)" in clause (2) after "expenses incurred", and by inserting before the comma at the end of such clause the following: ", or (B) for items and services described in section 1861 (s) (10)".

(3) Subparagraph (A) of section 1861(aa) (1) of such Act is amended by inserting before the comma at the end the following: "and items and services described in section 1861(s) (10)".

(4) Section 1866(a) (2) (A) of such Act is amended by adding at the end the following new sentence: "A provider of services may not impose a charge under clause (ii) of the first sentence of this subparagraph with respect to items and services described in section 1861(s) (10) for which payment is made under part B.".

SEC. 2. The amendments made by this Act shall take effect on, and apply to services furnished on or after, July 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. RANGEL) will be recognized for 20 minutes, and the gentleman from New York (Mr. LEE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. In the absence of my colleague, Mr. WAXMAN, I am asking the House to consider H.R. 8406, a bill to provide coverage for pneumococcal vaccine under the medicare program.

This provision has been adopted by both the Ways and Means Committee and the Interstate and Foreign Commerce Committee. It originally passed the House as part of H.R. 7765, the Reconciliation Act of 1980. However, it was not agreed to by the conferees on that omnibus legislation. The failure to include coverage of pneumococcal did not represent, I believe, any lack of support by members of either party or by conferees of either body for the provision itself. Rather, the pneumococcal provision fell victim to disagreements over major tax, savings, and benefit provisions of the bill.

It was not agreed to in the rush to final action because it represented a small initial cost to the medicare program, and so it was lumped into the category of "cost" items that the Senate refused. However, in any realistic sense, this is not a cost item. The relatively small initial cost required to cover the vaccine disappears within 3 years because of the savings which begin to accrue from the prevention of long hospital stays and death from pneumonia.

It is important to recognize just what this provision is: It adds coverage under medicare of a vaccine which can virtually wipe out pneumococcal pneumonia among the elderly, where it represents a major cause of death; 90 percent of the people who die from pneumococcal pneumonia are over the age of 65. Estimates are that medicare spends several hundred million dollars each year to treat pneumococcal pneumonia cases among the elderly, mostly through expenditures for inpatient hospital care—one of the fastest rising costs in the medicare program. It is simply reasonable policy to avoid these expenditures if we can.

I believe that if the House returns this provision to the Senate, it will be adopted. It stands on its own merits. It is as cost-effective an expenditure as this Congress could make. I urge my colleagues' support.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I do yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Speaker, I thank the distinguished chairman for yielding. I am proud of having been one of the original sponsors of this proposal and I want to associate myself with the gentleman's remarks and with the work the gentleman's committee and the Waxman committee has done on this matter. This is clearly a case of a preventive health strategy which, as the chairman has pointed out, results in preventing illness and death and at the same time saves money. That is the sort of thing that we ought to be doing more frequently here. I commend the gentleman. This bill will save lives among senior citizens and it will save dollars in the medicare program and, therefore, dollars to the taxpayer.

I commend the gentleman for presenting this bill to the House and I urge all my colleagues to support it.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the absence of the gentleman from Kentucky, Dr. CARTER, I rise to strongly support this legislation which would provide medicare coverage of pneumococcal vaccine.

This is a tremendously important preventive measure which can save thousands of lives as well as millions of treatment dollars that would otherwise have to be paid by medicare and thus the taxpayer.

Mr. Speaker, this measure is worthy of strong support from both sides of the aisle. In fact, it was added to H.R. 3990 in our subcommittee with bipartisan support and was approved by both committees, Commerce and Ways and Means, which have jurisdiction over medicare. Finally, this provision was adopted by the House as part of H.R. 7765, the House version of budget reconciliation.

Moreover, our own office of technology assessment studied this issue extensively, and found it to be both life-saving and cost effective.

With a relatively modest investment of funds in the first years of the program, we can expect to save millions of dollars in treatment costs that medicare would otherwise be obligated to pay.

Just consider these facts:

Pneumonia is the leading infectious cause of death, and the fifth overall cause of death in the United States.

Pneumococcal pneumonia is by far the most important and widespread of all bacterial pneumonias, and according to the Surgeon General, approximately 54,000 Americans die each year from this disease.

Currently medicare pays over 300 million annually for hospitalization costs of beneficiaries who have been afflicted with this form of pneumonia.

The Congressional Budget Office estimated that the pneumococcal vaccine provision if adopted as a medicare benefit, would prolong the lives of over 5 thousand medicare enrollees and that by the fourth year of the program savings would begin to accrue.

In sum Mr. Speaker, this bill would rectify our current medicare policy whereby we spend millions of dollars to treat a preventable disease, but not a penny to prevent it.

In closing, Mr. Speaker, I urge my colleagues to support this bill so that thousands of older Americans who might otherwise become afflicted with this form of pneumonia, may instead have an opportunity to lead productive lives.

Thank you.

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Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Speaker, I am delighted to rise in support of H.R. 8406, to provide medicare coverage for pneumococcal vaccine As my colleagues Mr. WAXMAN and Dr. CARTER have pointed out, pneumococcal pneumonia accounts for more than 48,000 deaths annually among persons 65 and over, at an estimated cost to medicare of $300 million a year.

Mr. Speaker, pride of authorship is not a cost in points in this debate, but I would like for my colleagues to know that this legislation originated from an inquiry made by a physician in my congressional district, Dr. Charles Lovell, a young doctor who treats a large number of elderly minority patients. On the basis of his comments, I pursued the question through the Office of Technology Assessment and obtained a copy of their excellent study. Their conclusions were that providing this vaccine through medicare would save about 75 percent of the hospital costs and 55 percent of the physician costs presently incurred for the treatment of pneumococcal pneumonia. Older citizens as a group are particularly susceptible to serious illness such as pneumonia, and making this vaccine available not only would be cost-effective, it would also contribute to the quality of life for those over 65.

My original bill, H.R. 6066, was introduced a year ago and was incorporated into the $10.2 billion package approved by the House in September. Regrettably, the conferees did not accept it because of technical questions, but support for the medicare provision exists in both bodies, and the bill before us today deserves passage. H.R. 6066, I am pleased to be able to add, gained 23 cosponsors, to all of whom I am deeply grateful.

Even though we are in the closing days of the 96th Congress, we should hasten to pass this measure and send it to the President for his signature, so that this vaccine will immediately be available, and elderly Americans will not be exposed to the hazards of pneumococcal pneumonia through another winter.

Permit me to add, Mr. Speaker, that my original bill also provided for influenza vaccine to be included. However, there was not the strong documentation for it that OTA had provided for the pneumococcal vaccine. Accordingly, I have requested, and Chairman STAGGERS has graciously consented to authorize, a study by OTA of influenza vaccine. I look forward to the results, and I commend Chairman STAGGERS, as well as Dr. CARTER and Mr. WAXMAN, for their superb efforts to improve the quality of life for older Americans through improved health care.

H.R. 8406 has my wholehearted support. Dr. Lovell can be proud of what he got started, and I hope that my colleagues in both bodies will carry it through to a positive conclusion before the adjournment of the 96th Congress.

Thank you, Mr. Speaker.

Mr. RANGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. LELAND).

Mr. LELAND. Mr. Speaker, I rise to solicit support for H.R. 8406, the pneumococcal pneumonia vaccination for all senior citizens under title 18 of the Social Security Act.

H.R. 8406 will extend medicare coverage, without deductibility or copayment, to include immunization against pneumococcal pneumonia. There are several reasons for this bill, but most importantly, it would make available to all senior citizens protection against a serious and potentially fatal illness. In addition, the cost-benefit ratio for administering this vaccine is highly favorable, both in saved hospitalization costs and in the quality of life for senior citizens.

Pneumonia is the fifth leading cause of death in the United States. Pneumococcal pneumonia accounts for 54,000 deaths, 3 million out-patient visits, 7 million days of hospitalization and 24 million days of disability in the United States annually. In 1978, an Office of Technology Assessment analysis showed an expenditure of $135 million for treatment of pneumococcal pneumonia. Those 65 and over accounted for almost one-half of that expenditure, or $63 million. These statistics are astounding.

A vaccine has been available since 1977 which provides highly effective protection against the predominant types of pneumococci. This vaccine, for which one-half of the development costs were paid by the Federal Government, is 90-percent effective in prevention of pneumococcal disease in adults. Also, the vaccine is different than influenza vaccines; no fatal reactions have been reported and those vaccinated experience a very low rate of fever or local reaction. Therefore, liability is not a problem as it has been for the swine flu vaccine.

The OTA study (a review of selected Federal vaccines and immunizations policies, September 1979), concludes that vaccination against pneumococcal pneumonia is a cost-effective means to prolong healthy and productive lives for elderly vaccinees. Administration of the vaccine will cost approximately $11 per person. This cost is now specifically excluded from medicare reimbursements. However, the average $2,000 hospital bill for treatment of pneumococcal pneumonia is reimbursed by medicare. Such a policy is inconsistent, particularly because we now have a complete analysis of the costs under a variety of conditions.

The pattern of decreasing net costs stems from the vaccine's conferring of immunity that lasts for 5 to 8 years. Over time, the number of medicare recipients who would be immunized and protected by the vaccine would ultimately increase. New vaccinations would decrease, at the same time more cases of pneumococcal pneumonia would be averted. The number of medicare recipients vaccinated each year determines the cost of providing the vaccine. Ultimately, the vaccination rate influences the number of deaths and pneumonia cases averted and the savings in treatment costs. The initial rate of recipients would result in both higher initial costs and much higher subsequent savings. Pneumococcal pneumonia deaths averted therefore increase future medicare recipients, and thus outlays. According to the congressional budget office, the medical care costs for these recipients can be called "offsetting costs" which would be $1 million in 1981 and would increase to more than $91 million by 1985.

I do not have to stand here and tell you that the senior citizens population is increasing each year. With that increase comes more spending by the Federal Government to treat our senior citizens. The results of the QTA analysis demonstrate a cost-effective means to employ preventive medicine to avoid disease rather than to continue to play exorbitant Federal dollars for unnecessary illness. As we are all concerned about a balanced Federal budget, H.R. 8406 will save the Federal Government millions of dollars each year for the medicare program and will send a strong message to this Nation's senior citizen population that we want them to live, as much as possible, healthy lives.

The passage of this bill providing for vaccination against pneumococcal pneumonia, would bring good news for millions of our senior citizens who are plagued by the possibility of contracting this virulent strain of pneumonia. We can choose to act on the basis of this careful study, to preserve health rather than merely treat disease. It is my sincere hope that you will join my colleagues and me, and support the passage of this bill.

□ 1300

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LELAND).

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I will yield to my colleague, the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I want to compliment the gentleman from Texas, my colleague in the well, for his efforts in behalf of this bill. I think his work has been exemplary in working out an extremely good bill. I want to join him in what he has said here in favor of the bill.

Mr. LELAND. Mr. Speaker, I thank the gentleman.

Mr. LEE. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I rise in support of H.R. 8406 which would provide medicare coverage of pneumococcal pneumonia vaccine.

As ranking Republican on the Commerce Committee, I urge my colleagues to support this important preventive measure, which would help save the lives of thousands of medicare beneficiaries.

Moreover with the investment of relatively small Federal expenditures in the first years of the program, adoption of this bill will yield important long-term savings for the medicare program.

Mr. Speaker, an extensive analysis of this proposal conducted by the Office of Technology Assessment has found it to be cost effective. Moreover, this provision has received the support of both committees which have jurisdiction over the medicare program. In addition, it has passed the House as part of our budget reconciliation bill.

The provisions of the bill have already been passed by the House of Representatives once this year, and they deserve the overwhelming support of the Members of this body again.

The present medicare law on pneumococcal pneumonia vaccine simply does not make sense. As it currently works, medicare spends over $60 million a year to treat cases of pneumonia, but it is prohibited from spending any money to prevent the illness. It does not take an advanced degree in economics to know that it is far more economical to spend $12 for a vaccine to prevent the disease now than to spend $2,000 for hospitalization costs to treat it later.

It is also far more humane. The Congressional Budget Office has estimated that medicare reimbursement for the pneumonia vaccine will save 5,000 lives in the next 5 years. And of course, several thousand more will be spared the suffering and prolonged recuperation period which accompanies this illness in the elderly.

Both the Congressional Budget Office and the Office of Technology Assessment have concluded that the pneumonia vaccine is cost-effective. According to the OTA—

> Medicare reimbursement for pneumococcal vaccine could be the first health care benefit that returns a dollar net profit on its initial investment, in addition to improving people's health.

The CBO analysis confirms the potential for long-term savings. Although the program will cost $42 million, $21 million, and $17 million for the first 3 years, by the fourth year the program will begin yielding net savings. Savings of $6 million are expected in the fourth year, and $11 million in the fifth year. This trend of increasing savings should continue; as hospital costs continue to increase, hospitalization reductions resulting from pneumococcal vaccination will generate larger and larger savings.

The Interstate and Foreign Commerce Committee and the Ways and Means Committee overwhelmingly approved the vaccine reimbursement authority earlier this year, and the House approved its inclusion in the House Budget Reconciliation bill. Unfortunately, it was one of a group of provisions which was dropped from the bill in the rush to get a conference agreement.

Because H.R. 8406 does not become effective until July 1, 1981, the anticipated effect on the 1981 budget will be nil.

I urge my colleagues to approve H.R. 8406.

● Mr. CARTER. Mr. Speaker, I strongly support H.R. 8406 which would amend medicare to provide coverage of pneumococcal vaccine and its administration.

As a physician I submit there is no better health care strategy than one which takes full advantage of proven preventive measures. The bill we are considering today provides such an opportunity with regard to the prevention of pneumococcal pneumonia, a disease estimated to take the lives of more than 54,000 Americans each year.

Unfortunately, current medicare law prohibits reimbursement for immunizations. Thus, medicare now addresses the pneumonia problem from the "treatment end" only, and as a result, medicare spends hundreds of millions of dollars annually for the hospitalization costs of beneficiaries afflicted with this disease.

The measure before us today provides an opportunity to correct that incongruous policy. If adopted, H.R. 8406 would provide medicare payment for the costs of the pneumococcal vaccine and its administration. In addition, the bill would waive coinsurance and deductibles for this preventive service. Finally, provisions are included to insure that payment is made only for necessary and reasonable costs.

According to a comprehensive assessment by the Office of Technology Assessment, this vaccine is safe and effective. Moreover, the Congressional Budget Office's analysis predicts that this vaccine reimbursement program would begin saving medicare dollars within 4 years after its implementation.

In conclusion, Mr. Speaker, I trust that my colleagues will agree that the evidence in favor of this provision is convincing. I would add that the bill is supported by Members on both sides of the aisle and that it has received the approval of both committees which have jurisdiction over the medicare program, namely, the Commerce Committee, and Ways and Means. Indeed, it was my pleasure to join with several of my colleagues in the health subcommittee in offering this provision as an amendment to H.R. 3990 earlier this year. In addition, as you know, this proposal passed the House as part of H.R. 7765, the House version of budget reconciliation.

Finally, I would like to thank several of my colleagues who have been particularly interested in this preventive initiative. It has been a special pleasure to work with my distinguished Subcommittee Chairman, HENRY WAXMAN, and with my respected Commerce Committee Chairman, HARLEY STAGGERS, on this important provision.

In addition, I have greatly appreciated the support of several other colleagues, including Congressman BROYHILL, Congressman LEE, Congressman LELAND, Congressman MAGUIRE, and Congressman RANGEL. Finally, I want to commend Congressman WHITEHURST for his early efforts on behalf of this measure which will no doubt produce tremendous dividends both in lives extended and millions of dollars saved. Let us hope adoption of this measure will set the stage for additional legislative recognition of the benefits from a preventive approach to health care.●

● Mr. WAXMAN. Mr. Speaker, I strongly support adoption of the provision to include coverage of the pneumococcal vaccine in the medicare program. My colleague, Dr. TIM LEE CARTER, and I introduced H.R. 8406 to make one last attempt to find a way to secure action on this provision which is so sensible, so cost effective, and has such broad support.

I want to express my appreciation to my colleague, Congressman RANGEL, chairman of the Health Subcommittee of the Ways and Means Committee, for handling this bill on the floor. His cooperation and that of the members of the Ways and Means Committee has been excellent. And the broad support by members of the Commerce Committee is also testimony to the value of this legislation.

This provision was included in the omnibus reconciliation bill, H.R. 7765. Unfortunately, the Senate conferees did not accept its inclusion in the final conference report on the reconciliation legislation, primarily, I believe, because of concerns about the appropriateness of that vehicle for such a change in the medicare law. To allow this legislation to fail because of procedural objections is indefensible. Pneumonia is the leading infectious cause of death in the United States, and pneumococcal is by far the most important and widespread of all bacterial pneumonias. The elderly are particularly susceptible to the illness, and they suffer more serious consequences when they contract the disease. This vaccine can do much to eliminate the disease.

Much has been said on this floor over the last few weeks about the need to cut back on Government spending to balance the Federal budget. This legislation gives the Members of this body a chance to vote for a program which saves not only money, but also saves lives. It is a compassionate and sensible thing for us to do. I urge its passage.●

● Mr. STAGGERS. Mr. Speaker, I support the legislation offered by the chairman of the Health Subcommittee of the Ways and Means Committee, Mr. RANGEL.

The current medicare law as it applies to pneumococcal pneumonia simply makes no sense. It is shortsighted to spend millions each year on treatment when we could be reducing the incidence of the illness by paying for the vaccine.

Pneumonia is one of the most serious illnesses an elderly person can contract. In many cases, the illness is prolonged and painful. There is no logic in a medicare system which will pay for the high treatment costs of the illness but will not reimburse for the minimal costs of vaccinating against the illness. Such a system wastes money, and more tragically, it wastes lives and causes needless suffering.

This provision was supported by the members of the Committee on Interstate and Foreign Commerce. It should become law. I urge the Members to support it.●

● Mr. ULLMAN. Mr. Speaker, I rise in strong support of H.R. 8406, a bill which authorizes medicare reimbursement for pneumococcal vaccine and its administration, with no deductible or coinsurance.

All existing studies show that this would prolong the lives of over 5,000 aged medicare enrollees. There would be a minimal cost to medicare, and the vaccine—which was only licensed for use in the United States in 1978—has been shown to be safe and effective. A CBO report clearly demonstrates this:

> Pneumonia caused the deaths of almost 39,000 aged persons in 1977 and accounts for substantial morbidity as well. It ranks as the sixth most common reason for hospitalization among the aged in the United States, accounting for over 2.2 million days of hospital care.
>
> Pneumonia also accounts for significant expenditures by the Medicare program. Under current policies, Medicare outlays for the treatment of pneumonia are projected to exceed $600 million in 1981.
>
> A vaccine to prevent pneumococcal pneumonia was licensed for use in the United States in 1978. No reliable data are currently available on the number of persons vaccinated to date.
>
> Studies have indicated that the vaccine is effective and safe. Those persons vaccinated should experience a reduction in pneumonia incidence of 5 to 20 percent. Between 10 and 35 percent of pneumonia cases are pneumococcal, and the current formulation of the vaccine protects against strains accounting for 75 percent of pneumococcal cases occurring in the United States. The vaccine is believed to be 80 percent effective against these strains.
>
> At present, pneumococcal vaccine is believed to be safe, especially when compared to other vaccines. Only mild transitory side effects (local soreness at the injection site, low grade fever) have been reported. Since its chemical base is different from that of most other vaccines such as ones for influenza, no cases of Guillain-Barre Syndrome are expected and none have been reported thus far. The experience with the vaccine is still limited, however, and new adverse reactions might be found.●

● Mr. ROTH. Mr. Speaker, I rise in support of H.R. 8406, a bill that would provide medicare coverage for pneumococcal vaccine.

I cosponsored the original measure which was included in the omnibus reconciliation bill, H.R. 7765. Regrettably, the Senate conferees did not accept its inclusion in the final conference report because of procedural objections, according to Chairman WAXMAN.

Our older citizens as a group are particularly susceptible to serious illness such as pneumonia. A recent study by the Office of Technology Assessment concluded that the vaccine would save medicare about 75 percent of the hospital costs and about 55 percent of the physician costs incurred in the treatment of pneumococcal pneumonia.●

Mr. LEE. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I have no further requests for time. I yield back the balance of my time and ask for support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 8406.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP ACT OF 1980

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1784) to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska, and for other purposes, as amended.

The Clerk read as follows:

S. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be referred to as the "Alaska Federal-Civilian Energy Efficiency Swap Act of 1980".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "non-Federal electric energy" means electric energy generated by any fa-

cility other than a federally owned electric generating facility.

(2) The term "agency" means the head of any department, agency, or instrumentality of the United States.

(3) The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term "non-Federal person" means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

AUTHORITY TO SELL CERTAIN ELECTRIC ENERGY

SEC. 3. (a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where such energy is available from other local sources, if the agency determines that—

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any department, agency, or instrumentality of the United States;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

(b) Federally generated electric energy sold by an agency as provided in subsection (a) shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

PURCHASE AUTHORITY

SEC. 4. For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy, taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

SAVINGS PROVISIONS

SEC. 5. (a) Nothing in this Act shall be construed as requiring or authorizing any department, agency, or instrumentality of the United States to construct any new electric generating facility or related facility, to modify any existing facility, or to employ reserve or standby equipment in order to accommodate the needs of any non-Federal person for electric energy.

(b) Revenues received by any agency pursuant to section 3 of this Act from the sale of electric energy generated from any facility of such agency shall be available to the agency without fiscal year limitation for the purchase of fuel and for operation, maintenance, and other costs associated with such facility.

(c) The authorities of this Act shall be exercised for such periods and pursuant to such terms and conditions as the agency concerned deems necessary consistent with the provisions of this Act and consistent with its responsibilities under other provisions of law.

(d) All contracts or other agreements executed under this Act, notwithstanding any other provision of law, shall be negotiated and executed by the agency selling or purchasing electric energy under this Act.

REPORTS

SEC. 6. (a) The Secretary of Energy shall biennially report to the Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives on the actions taken pursuant to this Act by any agency. The report shall include an analysis of the costs of electric energy purchased or sold as provided in this Act, the revenues and profits generated from such sales, and the oil and natural gas conserved as a result of any such purchases and sales. Such agencies shall cooperate with the Secretary of Energy in providing information for the purpose of such report.

(b) The Secretary of Energy shall conduct a study to determine whether and to what extent the provisions of section 3 of this Act should be extended to apply to electric power generated by coal-fired Federal electric generating facilities located in the United States outside of Alaska. The study shall identify such facilities, their capacity and purpose and other pertinent information. The Secretary shall provide by October 1, 1981, a report of such study, together with appropriate recommendations for legislation, to the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

The SPEAKER pro tempore. Is a second demanded?

Mr. CHENEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) will be recognized for 20 minutes, and the gentleman from Wyoming (Mr. CHENEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I believe it appropriate to set forth our committee's understanding of the substitute provisions and the need for this bill. I believe that Chairman Udall will agree with these comments.

LEGISLATIVE BACKGROUND

S. 1784 as passed by the Senate authorizes Cabinet-level departments, including the Departments of Interior, Commerce, Energy, and Defense, to enter into arrangements with private and public utilities in Alaska to sell to such utilities on a wholesale basis surplus electric power generated at coal-fired Federal facilities in Alaska if the sale would reduce costs to the utilities or the Federal departments and conserve oil or gas. The bill provides a pricing formula aimed at recovering incremental costs, plus one-half the savings to the utilities. The sales are to be made at no increase in costs to the Federal agency. Indeed, a profit is contemplated.

The Senate passed the bill on September 25, 1980. A companion bill, H.R. 5393, by Mr. YOUNG of Alaska, was introduced on that day. The bills were jointly referred to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs.

On November 17, 1980, the Subcommittee on Energy and Power held a hearing on the bills. Earlier, the Interior Committee also held a hearing on the bills.

At the hearings, the administration witnesses supported the bill, but recommended some changes in response to questions raised by myself and concerns raised by the Interior Department about the effect of the bill on other laws. Congressman YOUNG also testified in support of the bill.

The Subcommittee on Energy and Power of our committee reported the bill favorably on December 2, 1980, in the form of a substitute developed jointly with the Interior Committee. Time did not allow consideration by the full Commerce Committee or the Interior Committee.

GENERAL EXPLANATION

The DOE testified that the bill would reduce oil consumption by about 5 million gallons per year.

The primary interest of the bill is to permit certain defense installations in Alaska which now produce electricity and steam for defense installations to make available surplus electricity to such utilities as the Golden Valley Electric Association and the Fairbanks Municipal Utility System without cost to the Federal Government and without providing any subsidy. Indeed, we expect that the Government will make a profit.

Presently, 10 U.S.C. 2481 permits such sales where it is in the "public interest," unless the service is "not available" from other local sources. These utilities have sought such sales, but the DOD has declined to provide them, except in emergencies, such as the 1973 Arab embargo, because the service is available from other local sources. In a November 8, 1975, letter to Senator STEVENS, Assistant Secretary of the Army, Harold L. Brownman, explained why the Army would not extend a contract to continue to supply such power. He said:

> The definition of local sources, as used in the above cited statute, includes the generating capability of the Fairbanks Municipal Utilities system as well as oil-fired generating capability of the Golden Valley Electric Association. Currently there is no indication of a scarcity of oil in the area such as existed during the energy crisis in December 1973 when the original contract was approved.
>
> Accordingly, there is no longer any legal basis for continued sale of power from the South Power Plant at Fort Wainwright and I have instructed the Chief of Engineers to not approve the extension of the contract.

In a later letter, dated September 4, 1979, to an Alaskan State senator, the Army said the law "does not permit the Army to sell electric power" to the association "for the purpose of saving the association money." The Army also said:

> The military elements of the Department of Defense are not and should not be active in the sale of public utilities services. To do so would place them in competition with or in support of selected portions of the private sector.

The committee generally agrees with the Army, however, the bill seeks to permit sales where the purpose is to conserve oil and natural gas and promote the use of coal, and not to create competition problems. The provisions of 10 U.S.C. 2481 are not affected by this bill. This is separate authority for Defense and other agencies to provide power where conservation and coal use are possible. Furthermore, there is no evidence of such competition problems in this case. Saving money for a utility or community also is not the basis for any agreement, although such savings are expected to occur and the Federal agency will share in them.

Also the DOE said:

> Section 5 is of particular interest for Federal installations in or near remote villages and cities in Alaska. The local utilities are typically small consumer-owned cooperatives. To the extent that it is feasible for the Federal installations to purchase utility power in lieu of producing it themselves, the utilities would gain better opportunities to improve efficiency and lower costs to consumers.
>
> Testimony at the Senate hearings identified two such specific examples—Air Force installations in the vicinity of Kotzebue and Naknek. The local utilities are the Kotzebue Electric Association and Naknek Electric Association, cooperatives organized under the Rural Electrification Act. The cooperatives and the Federal installations each operate diesel generators for their power supplies. If the two Air Force sites purchased power from the utilities, the power production at utility generators would increase approximately 50 percent. The combined loads would increase efficiency in scheduling generator units. We do not have specific estimates of oil and dollar savings, but they could be significant.
>
> Also identified at the Senate hearings is the possibility under the bill that military bases in the Anchorage area could purchase economy energy from local utilities in a manner that would increase overall efficiency of natural gas-fired generators in that area.

The bill would permit such purchases.

The DOD witness said the DOD has no objection to the legislation.

SECTION-BY-SECTION ANALYSIS OF S. 1784, AS AMENDED

SECTION 1—SHORT TITLE

This section sets forth the short title.

SECTION 2—DEFINITIONS

This section defines the terms used in the bill.

S. 1784 applies only to Cabinet-level Departments. However, since other, non-Cabinet level agencies have installations in Alaska, the definition has been changed to apply to all Federal agencies.

SECTION 3—AUTHORITY TO SELL CERTAIN ELECTRIC ENERGY

The purposes of this section are to conserve oil and natural gas and to provide for the greater use of coal. The Army, in the above-mentioned letter of September 4, 1979, noted that the Golden Valley Electric Association (GVEA) which could benefit by the bill has, as of 1979, sufficient oil to operate. The Army letter added the GVEA "is attempting to obtain permission to sell such oil on the world market at a profit." Clearly, that is not the purpose of this bill. The committees expect that oil will be conserved and would not look with favor on any proposal that would result in such sales on behalf of the association.

The section authorizes and encourages Federal agencies in Alaska to sell electric energy from Federal generating facilities to non-Federal public or private electric utilities. This authority is to be exercised, notwithstanding 10 U.S.C. 2481. Before exercising this discretionary authority, the selling agency must determine that:

The energy is generated by coal-fired facilities;

The energy is surplus to the agency's own needs to carry out its mission responsibilites and is in excess of the energy specifically generated for consumption by, or necessary to serve the requirements of, any agency;

The costs to the ultimate consumer of the surplus energy is less than the costs, absent the sale, that such consumer and its utility would incur for such energy; and

The sale will result in a reduction in total consumption of oil or natural gas by the purchaser.

Once agreements are reached covering the sale, the agency must insure that these conditions continue. As the DOE testified, the "Government is not required to maintain extra capacity for purpose of sale of energy to utilities."

The bill requires that the selling agency determine the price of the energy to be sold. The price must be sufficient to recover all fuel and variable operation and maintenance costs, plus one-half of the savings. This provision should produce additional revenues for the DOD to offset appropriations for these facilities. The term "variable" as used here is intended to mean those costs attributable to the additional generation. This should result in a savings to the Treasury. We expect the agencies to establish effective accounting procedures that will clearly show the extent of the costs involved, as well as the profits.

SECTION 4—PURCHASE AUTHORITY

The purposes of this provision are to conserve oil and natural gas and to encourage economy and efficiency. We are advised that this section merely restates current Federal policy.

The section encourages Federal agencies to purchase electric energy from non-Federal utilities in Alaska to operate their facilities. The agencies would do so when it is consistent with the laws applicable to the agencies and their mission and when it is practicable. It is intended that the agency insure that before reading any agreement to purchase, there will be adequate system reliability. The utility must insure that the power will be provided to meet the agency's needs at all times.

The purchase must not increase costs to the Federal agency or the utilities' consumers. Indeed, it should reduce Federal costs. Ideally, the objective is to also reduce costs to the consumers of the utilities. Where an agency already has generating facilities, it must consider the remaining useful life of the facility and the cost of maintaining the facility in a standby situation when considering whether or not the purchase will result in increased costs to the agency.

SECTION 5—SAVINGS PROVISIONS

This section makes it clear that the bill does not authorize construction or modification of generating facilities. It provides that revenues from the sales will be available to the agencies. It provides that the agencies will determine the period or periods of sale and purchase under sections 3 and 4 and the terms and conditions of each agreement for such sale or purchase. It also makes it clear that each agency will negotiate and execute each contract. We expect the agencies to periodically review these agreements to determine if they should be modified or even terminated.

SECTION 6—REPORTS

The section provides for reports every 2 years by the DOE.

Finally, the substitute provides for a DOE study to determine whether the sale provisions of the bill should be extended to other areas of the Nation.

I want to stress that the Federal agencies are given considerable flexibility in carrying out the provisions of this bill fairly, reasonably, and consistent with their mission. However, this flexibility should not be used to thwart the purposes of sections 3 and 4. If such sales and purchases are appropriate under the bill, they should be made.

I urge adoption of the bill.

Mr. CHENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill and want to compliment our very able colleague from Alaska, DON YOUNG, for his initiative in providing such a sensible legislative response to a situation that must appear very senseless indeed to his Alaskan constituents.

The gentleman from Alaska is attending to urgent legislative business in Alaska today and is unable to be here to speak on behalf of the bill. He asked me to extend his personal thanks to the chairmen and ranking members of both the Interior and Commerce Committees for their excellent work in perfecting the bill and bringing it to the floor today.

Mr. Speaker, the bill simply permits the Federal Government to sell coal-fired electrical power to civilian users in Alaska under four very carefully defined conditions. Those conditions are:

First. There must be no cost to the Federal Government. As a matter of fact, what will happen is that the Federal Government will either make money or save money, but the bill makes it impossible for the Federal Government to lose money in the transaction.

Second. The cost to the consumer must be less than the cost of alternative power.

Third. The power to be sold must be surplus to the Government's own needs.

Fourth. The power must come from

coal-fired generators, thus reducing the demand on oil- or gas-fired generators.

The other side of the swap is that the bill permits Federal agencies to buy power from civilian utilities if the purchase results in savings to the Federal Government without increasing the civilian cost.

Others have very ably explained the background and need for this bill. I will add only that Alaskans have every right to criticize the Federal Government when they see Federal installations with large unused surplus generating capacity at coal-fired plants while the President urges the civilian population to conserve energy generated from scarce oil and gas. With this bill, Congress is demonstrating to Alaskan citizens that the Federal Government is willing to cooperate in that conservation effort by doing what we can to encourage the efficient use of coal-generated power.

To recap briefly:

The bill guarantees that the Federal Government will save money—and probably make money—at no cost to the taxpayers. And it guarantees that any energy sales or purchases must benefit both the buyer and the seller in two ways: They each save money and they each save oil or gas.

It is such a sensible, commonsense approach that we all have to wonder why it was not done long ago. I would hope that it will be enacted swiftly today and signed into law immediately, so that the savings in both money and oil can be realized this winter.

Mr. MOORHEAD of California. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I am happy to yield to my colleague, the gentleman from California.

Mr. MOORHEAD of California. Mr. Speaker, I rise in strong support of S. 1784, Alaska Federal Civilian Energy Efficiency Swap Act. This noncontroversial legislation was reported unanimously by the Energy and Power Subcommittee. The bill will not cost anything. In fact, it is expected to return a small profit to the Federal Government.

S. 1784 is a good conservation bill in that surplus coal-fired generation of electricity can, under the provisions of the bill, be sold by Federal installations in Alaska to public and private utilities in Alaska if:

First, the sale would reduce costs to the Federal installation or the utility;

Second, the sale would conserve oil or natural gas; and

Third, the electricity sold would be surplus to the Federal installation's requirements.

The bill would authorize Federal installations to purchase electricity from utilities in Alaska if:

First, such purchase would be consistent with other applicable laws;

Second, the purchase does not increase costs to the Federal installation or to the utility's consumers; and

Third, it is practical, after consideration of the costs of maintaining existing Federal generating facilities on a standby basis during the period of such purchase.

Reports to Congress on this program are required from the DOE every 2 years. In addition, the DOE must study, and report by October 1, 1981, whether the program could be extended to areas of the country other than Alaska.

The bill is estimated to save 500,000 gallons of oil equivalent a year, return a small profit to Federal agencies, and allow Alaskan utility consumers to purchase electricity at a lower rate than at present. No subsidies are involved. Congressman DON YOUNG of Alaska supports the bill as reported by the subcommittee, as do the utilities and Federal agencies concerned. A similar bill passed the Senate on September 25, 1980.

I urge an aye vote for this constructive cost effective conservation bill.

● Mr. YOUNG of Alaska. Mr. Speaker, I strongly support passage of S. 1784, the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980. First however, I would like to express my sincere thanks to the distinguished chairman and ranking minority member of the Subcommittee on Energy and Power, Messrs. DINGELL and BROWN and to the chairman and ranking minority member of the Subcommittee on Water and Power Resources, Messrs. KAZEN and LUJAN for the extraordinary effort put forth in order to construct legislation that is clear, concise, and effective. My gratitude is also extended to the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, Messrs. STAGGERS and BROYHILL and to the chairman and ranking member of the Committee on Interior and Insular Affairs, Messrs. UDALL and CLAUSEN for their guidance and contribution to this important legislation for Alaska.

The bill before the House today represents the result of careful deliberation and legislative construction by the members of the committees to which I have made reference. Hearings were held before the Subcommittee on Energy and Power and also before the Subcommittee on Water and Power Resources during the past year. The measure before the House of Representatives today is supported by the administration and by the State of Alaska.

The intent of the bill is clear. It is designed to conserve energy while reducing the costs of energy to Federal and civilian consumers in Alaska at no cost to the taxpayer. As a result, S. 1784 has a two-pronged approach.

First, the Alaska Energy Swap Act encourages the use of coal, conserves oil and produces revenue for the U.S. Treasury by allowing Cabinet-level departments to sell surplus coal-fired power from Federal facilities in Alaska to civilian utilities if: First, there is no cost to the Federal Government; second, the cost to the consumer is less than the cost from a traditional power sale; third, the energy sold is truly excess energy in that it is surplus to the department's own needs; and fourth, the energy is generated from coal-fired generators thereby reducing the consumption of oil or natural gas.

Second, this bill encourages Federal agencies to purchase electric energy from non-Federal utilities in Alaska when the non-Federal utilities can demonstrate that they can produce energy at a lower cost than power produced by the Federal facility. Such a purchase must not increase the cost to the adjacent civilian communities or to the Federal installation. The purpose of this provision is to encourage economic and efficient use of oil and natural gas.

A brief review of the historical development of the energy infrastructure in Alaska demonstrates the need for this legislation. It must be understood that the Federal Government, especially the military, has been a dominant force in the evolution of many Alaskan communities. Through this development, in many instances the Federal Government has created an energy infrastructure of its own and communities have grown around military installations thus creating power systems that are often duplicative. This dual generating system caused no problem until energy prices began escalating and supplies of oil from foreign countries became uncertain due to the events in the Middle East in 1973–74. Today, it is imperative that measures be taken to promote energy efficiency whenever possible. This includes operating systems at an optimum rate, reducing the consumption of oil and natural gas, and utilizing coal as much as possible.

I would like to give some examples to my colleagues how this bill may be applied in Alaska. With respect to the sale of surplus federally generated power, immediate application may be made to the Fairbanks area. Currently, the military operates coal-fired steam electrical generating plants at Fort Wainwright and Eielson Air Force Base. Under most operating conditions the generating plants at the respective installations have capacity excess to peak load and reserve requirements. During the years 1978 and 1979 the plants averaged approximately 30-percent utilization due to the reduced levels of activity, however in order to fulfill the prescribed mission, full power capability must be maintained and all the units are kept in operating readiness.

The Department of Energy has indicated that if utilization could be increased from 30 percent to 50 percent, with the excess power being sold to the civilian utilities in the Fairbanks area, it would be possible to reduce oil use on the civilian side by at least one-third or 5 million gallons of oil, based upon the years 1978–79. In addition, the substitution of coal for oil would be beneficial for the Fairbanks community for there is ready access to a plentiful source of coal. The Usebelli Coal mine near Fairbanks produces some 700,000 tons of coal per year and it has inferred reserves of over 300 million tons.

My bill would also allow Federal agencies to purchase electric energy from non-Federal utilities in Alaska to operate their facilities if such purchases result in a savings to either the civilian or Federal consumers at no increase in costs to the other. The primary goal of this provision is to conserve oil and natural gas by reaching economies of scale where possible so that the electrical generating facilities are used efficiently.

There are two examples where this provision could be applied in Alaska in the very near future: Kotzebue and Naknek. Benefits in the form of lower energy costs resulting from reaching economies of scale could save consumers in the civilian communities and on the Federal installations between 20 and 32 percent according to estimates prepared by the Kotzebue Electric Association (KEA) and the Naknek Electric Association (NEA).

KEA has endeavored since 1969 to sell power to the Federal installation near Kotzebue by demonstrating that KEA could produce power at a lower cost than that of the Federal generating facilities. NEA has also endeavored to sell power to the Federal installation near Naknek however no agreements have ever been consumated.

The legislation today makes perfectly clear that the appropriate agencies will determine the period or periods of sale and purchase and the conditions of each agreement. In addition, S. 1784 encourages the agency to negotiate and execute contracts in good faith when the price of electric energy produced by the civilian utilities is lower than energy produced by Federal generating facilities. Finally, it is important to note that this provision does not authorize the construction of new generating facilities. It merely encourages economic and efficient use of existing facilities and energy resources while benefiting consumers.

The last section of the bill provides that the Department of Energy report to Congress with respect to the implementation of the provisions of his bill. In addition, the Department of Energy is directed to study how the provisions contained within this legislation may be applied to other areas of the United States.

Mr. Speaker, once again I must emphasize that this bill is designed to save oil, encourage the use of coal and produce energy in an efficient manner. All of this can be accomplished at no expense to the American taxpayer. In fact, the pricing mechanism contained within S. 1784 will provide the participating Federal agencies with a small profit.

The distinguished members on the Subcommittee on Energy and Power and the Subcommittee on Water and Power Resources have done a great service to Alaska by considering this legislation at this time. The winter season has arrived in Alaska and the provisions in S. 1784 may be implemented in short order. The time constraints and the pressures have been severe due to the heavy legislative schedule these past few days. I wish to thank my good friends for their fine display of statesmanship in the waning hours of the 96th Congress by considering this legislation.

I urge my colleagues to support the merits of the Alaska Federal-Civilian Energy Efficiency Swap Act and the conscientious work of our colleagues on the Subcommittee on Energy and Power and the Subcommittee on Water and Power Resources.●

Mr. CHENEY. Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to my distinguished friend, the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, S. 1784 was referred jointly to the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs. The Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs, which I chair, held a hearing on a similar House bill, H.R. 5393, introduced by Mr. YOUNG of Alaska, but did not further consider the bill because, at the time of the hearing, the administration had not developed a position on the legislation. Subsequently, when the bill S. 1784 was considered in the Senate, the administration was able to support it, but suggested some modifications. The Senate passed the bill and since that time, certain other modifications have been worked out with the affected Federal agencies and these are incorporated in the amended bill. They protect the interests of the United States.

The House amendment to the bill extends the authority to enter into agreements in Alaska for the sale of surplus power generated at coal-fired facilities to all Federal agencies, not just certain Cabinet-level departments as provided in the Senate bill. This is an improvement since it is quite possible that some non-Cabinet-level agencies might be able to provide surplus power to remote villages in Alaska under the authority of the bill.

I would like to emphasize the fact that the authority granted is entirely discretionary. No Federal agency would be required to make sales of surplus power and, in fact, could not do so unless a finding were made that the sale would result in lower consumer costs and would also result in reducing the total consumption of oil or gas by the purchaser.

The amendment also provides for a study to be made to determine whether or not other areas of the country might benefit from similar action, resulting in reductions in the consumption of oil and gas.

Mr. Speaker, I urge approval of S. 1784, as amended.

● Mr. BROWN of Ohio. Mr. Speaker, today, by our vote on S. 1784, we have the unusually fortunate opportunity to create the conservation of an estimated 500,000 gallons of oil a year, return a small profit to the Nation's taxpayers, and encourage the use of coal by Federal, public, and private utilities in Alaska.

S. 1784 is the rarest energy conservation bill for the following reason: It costs the Federal Government no money at all and will, in fact, produce a small profit for the agencies involved through the sale of surplus energy.

S. 1784 is a bill without controversy which authorizes Federal installations in Alaska to contract to sell surplus electricity generated by coal-fired plants to public and private utilities in Alaska. These sales will increase the efficiency of the Federal coal-fired plants. These sales will enable the public and private utilities to conserve oil and natural gas now relied upon for all their electricity needs. These sales will in no way restrict the supply of electricity to the various Federal installations, including military bases, because the only authorized sales are of genuine surplus electricity. If the Federal installations at any time require this surplus energy for their own needs, the contract sales to utilities will be interrupted.

The bill also authorizes Federal installations to purchase surplus energy from public and private utilities in Alaska in those cases where the purchase would be consistent with other laws, would result in a more efficient use of energy, would not increase costs to the Federal installation, and would be practical, given the costs of maintaining the Federal generating facilities on a standby basis.

This bill's application is limited to the unique circumstances in Alaska. The bill does provide the Secretary of Energy to study the expansion of this program to other areas of the country. The Subcommittee on Energy and Power added this study provision to explore this matter; we have not heard of a similar situation in any other area.

S. 1784, Mr. Speaker, is a well-drafted bill supported on both sides of the aisle. I conclude by reminding my colleagues that S. 1784 will both save energy and save money, and will generate a return to the Nation's taxpayers.●

● Mr. UDALL. Mr. Speaker, the bill before the House authorizes Federal entities to sell surplus capacity to non-Federal entities if such sale will result in reduced consumption of oil or natural gas and if the sale will result in lower electrical costs to Federal or civilian consumers.

The present law has been interpreted to prohibit such sale by a Federal agency if power is available from other sources in the area.

At present, in the Fairbanks area, the military operates coal-fired steam electrical generating plants at Fort Wainwright and at Eilson Air Force Base. Under most operating conditions either plant has capacity excess to its requirements. In the same area, two civilian utilities, Golden Valley Electricity Association and Fairbanks Municipal Utility System, generate about 30 percent of their power by oil. The Department of Energy has estimated that purchase of surplus power by these civilian utilities in the years 1979 and 1978 would have reduced oil use on the civilian units by at least one-third.

This is a desirable reduction. The bill authorizes these Federal agencies to sell their surplus capacity to such utilities in order to reduce use of oil and gas. At the same time, the bill specifically makes clear that "surplus power" does not include power that could be generated by bringing reserve or standby equipment into operation. Therefore, the Federal plants will not have to do more than operate at increased capacity.

The second part of the swap authorizes Federal agencies to purchase power from non-Federal entities only if the purchase will result in a savings to civilian customers and will not result in an increase in cost to Federal consumers, or vice versa.

This section is consistent with existing DOD policy which requires the military to purchase power from other sources whenever the cost is less than or equal to the cost of generating the power from their own system.

It is my understanding that two civilian utilities in Alaska are currently negotiating sales of surplus capacity. These two consumer-owned utilities estimate that sales consistent with DOD requirements could save consumers on the two systems between 20–32 percent of costs.

The energy swap authorized here

should be of great benefit to the consumers of Alaska without unduly burdening the power resources of the military. I urge your support for the House substitute.●

Mr. DINGELL. Mr. Speaker, I have no further requests for time at this time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the Senate bill, S. 1784, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide certain authority for the purchase and sale of electric energy by Federal departments in Alaska, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DESIGNATING FEBRUARY 11, 1980, "NATIONAL INVENTORS' DAY"

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 337) designating February 11, 1980, "National Inventors' Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 337

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1980, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On line 6, change delete "1980" and substitute "1981".

Mr. KASTENMEIER. Mr. Speaker, House Joint Resolution 337 designates February 11, 1981, as National Inventor's Day. February 11 is the birthday of America's greatest inventor, Thomas Edison. The resolution is cosponsored by 222 Members of the House—a majority, who have responded to the efforts of the National Council of Patent Law Associations to have this day set aside as a time to honor those people who have sparked the great technological advancement of our Nation—our inventors.

Mr. Speaker, I am bringing up the resolution with the approval of the Committee on Post Office and Civil Service. Unfortunately the chairman of that committee is not present today and is unable personally to make the request. However, I am informed that all the committee's rules with respect to designation of special days have been complied with and that the resolution is in order. It is imperative that the House act today if the Senate is to be able to clear the measure before adjournment.

The amendment merely corrects a mistake in the date.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Designating February 11, 1981, 'National Inventor's Day.'"

A motion to reconsider was laid on the table.

☐ 1310

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL EXPLANATION

Mr. DANIELSON. Mr. Speaker, I was present on the floor yesterday, December 4, 1980, when the House voted on rollcall No. 666, to agree to an amendment to an amendment in the nature of a substitute for H.R. 6417, the surface transportation authorization, that requires project contracts over $500,000 to use articles, materials, and supplies manufactured or produced in the United States.

At the time of the vote I was engaged in serious negotiations concerning a bill which was my responsibility and failed to cast my vote because of an oversight. Had I voted, I would have voted "aye."

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1980

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8379) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1980".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended (1) by striking out "and" after "1977,"; and (2) by inserting after "1978" the following: ", $48,500,000 for the fiscal year ending September 30, 1980, $53,350,000 for the fiscal year ending September 30, 1981, and $61,300,000 for the fiscal year ending September 30, 1982".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended (1) by striking out "and" after "1977;"; and (2) by inserting after "1978" the following: "; $400,000 for the fiscal year ending September 30, 1980; $425,000 for the fiscal year ending September 30, 1981; and $450,000 for the fiscal year ending September 30, 1982".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended (1) by striking out "and" after "1977;"; and (2) by inserting after "1978" the following: "; $2,400,000 for the fiscal year ending September 30, 1980; $1,500,000 for the fiscal year ending September 30, 1981; and $1,650,000 for the fiscal year ending September 30, 1982".

(d) The first sentence of section 321 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1964) is amended (1) by striking out "and" after "1977;"; and (2) by inserting after "1978" the following: "; $300,000 for the fiscal year ending September 30, 1980; and $300,000 for the fiscal year ending September 30, 1981".

(e) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended (1) by striking out "and" after "1977;"; and (2) by inserting after "1978" the following: "; $300,000 for the fiscal year ending September 30, 1980; $300,000 for the fiscal year ending September 30, 1981; and $300,000 for the fiscal year ending September 30, 1982".

BUMPER STANDARDS

SEC. 3. Section 102 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1912) is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of this Act, and except as provided in paragraph (2) of this subsection, any impact test velocity specified in the bumper standard established in part 581 of title 49, Code of Federal Regulations, as in effect on the effective date of this subsection, shall be 2.5 miles per hour for longitudinal impact test procedures and 1.5 miles per hour for corner impact test procedures.

"(2) The Secretary shall not have any authority to establish any impact test velocity exceeding those established in paragraph (1) before September 1, 1982.

"(3) In order to provide consumers with the most cost-effective bumper system, the Secretary shall, not later than 18 months after the close of model year 1982, promulgate a bumper standard in accordance with the requirements of subsection (b)(1). The provisions of subsection (d) shall be applicable to the promulgation of such standard.".

ANNUAL REPORT ON BUMPER STANDARDS

SEC. 4. (a) Section 112 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1922) is amended to read as follows:

"REPORTS

"SEC. 112. As a separate part of the comprehensive report submitted under section 120 (a) of the National Traffic and Motor Vehicle Safety Act of 1966, the Secretary shall submit to the President for transmittal to the Congress an annual report regarding the progress made during the reporting period on carrying out the purposes of this title. Such report shall include a statement of the cost savings which have resulted from the administration of this title, and such recommendations for further legislative or other action as the Secretary considers to be appropriate.".

(b) Section 120(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1408(a)) is amended by adding at the end thereof the following new sentence: "In addition, such report shall include, as a separate part, the annual report required under section 112 of the Motor Vehicle Information and Cost Savings Act.".

ODOMETER EXEMPTIONS

Sec. 5. Section 408 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988) is amended by adding at the end thereof the following new subsection:

"(d) In prescribing rules under this section, the Secretary may exempt those classes of motor vehicles for which the Secretary finds that odometer readings have no meaningful relation to value or performance. In making such an exemption, the Secretary shall publish, together with the rule containing the exemption, the findings of fact which support the exemption and a detailed analysis of the reasons for such exemption.".

PUBLIC NOTICE OF TIRE DEFECTS; TIRE REGISTRATION

Sec. 6. (a) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph:

"(4) in the case of a tire (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

(b) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended by inserting before the last sentence thereof the following new sentence: "The Secretary shall not establish any rule which requires a dealer or distributor to complete or compile such records or information, but the Secretary shall require any such dealer or distributor to furnish the first purchaser of a tire with a form (containing the tire identification number of such tire) which such purchaser may complete and return directly to the manufacturer of the tire which he has purchased.".

NATIONAL MAXIMUM SPEED LIMIT

Sec. 7. Section 154(e) of title 23, United States Code, is amended by striking out "all vehicles or".

OCCUPANT RESTRAINT SYSTEMS

Sec. 8. Part A of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391 et seq.) is amended by adding at the end thereof the following new section:

"OCCUPANT RESTRAINT SYSTEMS

"Sec. 126. (a) The Secretary, not later than 60 days after the effective date of this section, shall amend Standard 208 so as to bring such standard into conformity with the requirements of subsection (b). Such amendment shall take effect not later than 75 days after the effective date of this section.

"(b) The amendment to Standard 208 required in subsecton (a) shall provide that—

"(1) each manufacturer which manufactures a combined toal of more than 1,600,000 passenger cars in the United States and in any foreign nation in the model year beginning September 1, 1978, and which sells a total of more than 200,000 passenger cars in the United States in such model year, shall—

"(A) for the model year beginning September 1, 1982, install a passive occupant restraint system which complies with the requirements of Standard 208 in each passenger car which has a wheelbase which does not exceed 100 inches; and

"(B) for the model year beginning September 1, 1983, and for each model year thereafter, install a passive occupant restraint system which complies with the requirements of Standard 208 in each passenger car;

"(2) beginning with the model year beginning September 1, 1982, each passive seatbelt assembly in stalled in a passenger car shall be detachable by the user in a manner which does not impair the subsequent reattachment and performance of such assembly; and

"(3) each manufacturer (other than any manufacturer specified in paragraph (1)) shall be exempt from any provision in Standard 208 which requires the installation of any passive occupant restraint system in any passenger car model which has a wheelbase exceeding 100 inches but not exceeding 114 inches, if such passenger car model will cease to be produced on or before December 31, 1982.

"(c) The schedule of compliance set forth in Standard 208 shall be amended by the Secretary to the extent necessary to conform with the schedule of compliance established in subsection (b)(1)(A) and subsection (b)(1)(B).

"(d) For purposes of this section, the term 'Standard 208' means Federal Motor Vehicle Safety Standard 208 (49 Code of Federal Regulations 571.208). Any reference to such standard in this section shall be construed to include any amendment to such standard which may be made by the Secretary after the effective date of this section.".

The SPEAKER pro tempore. Is a second demanded?

Mr. DANIEL B. CRANE. Mr. Speaker, I demand a second.

Mr. ECKHARDT. Mr. Speaker, I should like to ask through the Speaker if the person demanding the second is against the bill.

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. Daniel B. Crane) state whether he is opposed to the bill?

Mr. DANIEL B. CRANE. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies. Without objection, a second will be considered as ordered.

Mr. ECKHARDT. Mr. Speaker, I object to the ordering of a second, and on that I demand tellers.

Tellers were ordered, and the Speaker pro tempore appointed as tellers Mr. Dingell and Mr. Eckhardt.

The House divided, and the tellers reported that there were—yeas 29, nays 17.

Mr. ECKHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 86, answered "present" 1, not voting 124, as follows:

[Roll No. 674]

YEAS—221

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Archer
Aspin
Badham
Bafalis
Bailey
Barnard
Bauman
Benjamin
Bennett
Bereuter
Bethune
Bevill
Blanchard
Boggs
Bolling
Boner
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Corcoran
Courter
Crane, Daniel
Crockett
Daniel, R. W.
Danielson
Dannemeyer
de la Garza
Deckard
Derrick
Dicks
Dingell
Dornan
Dougherty
Downey
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Ertel
Evans, Ind.
Fary
Findley
Fithian
Forsythe
Fountain
Fowler
Frenzel
Frost
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Grassley
Gray
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Heckler
Hefner
Heftel
Hillis
Hinson
Holt
Hopkins
Hubbard
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kildee
Kogovsek
Kramer
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Lewis
Loeffler
Lott
Lujan
Lungren
McCormack
McDonald
McKinney
Marks
Marriott
Martin
Mattox
Mazzoli
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nichols
Oakar
Oberstar
Pashayan
Patten
Paul
Pease
Pickle
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Regula
Rinaldo
Ritter
Roberts
Robinson
Roe
Rousselot
Royer
Rudd
Russo
Sabo
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Stangeland
Stanton
Steed
Stenholm
Stewart
Stump
Synar
Tauke
Tauzin
Traxler
Trible
Ullman
Vander Jagt
Volkmer
Walker
Wampler
Watkins
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Winn
Wolpe
Wyatt
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—86

Anderson, Calif.
Anderson, Ill.
Atkinson
AuCoin
Baldus
Barnes
Bedell
Beilenson
Bingham
Bonior
Bonker
Brademas
Burton, Phillip
Cavanaugh
Clay
Conte
Conyers
Corman
D'Amours
Dellums
Dixon
Donnelly
Drinan
Eckhardt
Edgar
Edwards, Calif.
Fascell
Fisher
Foley
Gilman
Gore
Green
Guarini
Hall, Ohio
Harkin
Harris
Holtzman
Howard
Jeffords
Kastenmeier
Leland
Long, Md.
Lowry
McCloskey
McKay
Maguire
Matsui
Mavroules
Mica
Mikulski
Miller, Calif.
Mineta
Minish

Moakley
Nowak
Ottinger
Panetta
Patterson
Pepper
Perkins
Peyser
Porter
Pritchard
Rangel
Ratchford
Rhodes
Richmond
Rosenthal
Roybal
Seiberling
Shannon
Simon
Solarz
Stack
Stokes
Studds
Swift
Udall
Van Deerlin
Vanik
Vento
Walgren
Weiss
Williams, Mont.
Wirth
Wylie

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—124

Anthony
Applegate
Ashbrook
Ashley
Beard, R.I.
Beard, Tenn.
Biaggi
Boland
Breaux
Broomfield
Brown, Calif.
Brown, Ohio
Burton, John
Carter
Chappell
Chisholm
Coelho
Collins, Ill.
Conable
Cotter
Coughlin
Crane, Philip
Daniel, Dan
Daschle
Davis, Mich.
Davis, S.C.
Derwinski
Devine
Dickinson
Dodd
Duncan, Oreg.
Early
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Fazio
Fenwick
Ferraro
Fish
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Fuqua
Garcia
Gaydos
Giaimo
Ginn
Goldwater
Gramm
Harsha
Hawkins
Hightower
Holland
Hollenbeck
Horton
Huckaby
Hutchinson
Ichord
Jenrette
Kelly
Kindness
Kostmayer
LaFalce
Latta
Lederer
Levitas
Livingston
Lloyd
Long, La.
Luken
Lundine
McClory
McDade
McEwen
McHugh
Madigan
Markey
Marlenee
Mathis
Mitchell, Md.
Moffett
Montgomery
Mottl
Murphy, Ill.
Murphy, N.Y.
Musto
Neal
Nedzi
Nelson
Nolan
O'Brien
Obey
Petri
Preyer
Reuss
Rodino
Rose
Rostenkowski
Roth
Santini
Satterfield
Schroeder
Spellman
Staggers
Stark
Stockman
Stratton
Symms
Taylor
Thomas
Thompson
Waxman
Weaver
White
Whitley
Wilson, Bob
Wilson, C. H.
Wolff
Wright
Wydler
Yates
Young, Alaska

☐ 1330

Mr. LOWRY changed his vote from "yea" to "nay."

Mr. ROE changed his vote from "nay" to "yea."

Mr. LEHMAN changed his vote from "nay" to "present."

So a second was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McCORMACK). The gentleman from Michigan (Mr. DINGELL) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. DANIEL B. CRANE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am delighted to be a cosponsor of H.R. 8379, the NHTSA authorization bill, with my dear friend and colleague, the gentleman from North Carolina (Mr. BROYHILL), and a number of other colleagues.

Mr. Speaker, as Chairman STAGGERS of our Commerce Committee has stated, this is a compromise bill. It is a sound compromise, and I believe it contains the best solution to the issue of occupant safety devices in passenger automobiles.

It also resolves a number of other important issues. It is a compromise that has been worked out and agreed to by several Members of the House and by the Senate. It is a substitute for the legislation which was brought up yesterday and which was defeated, S. 1159. Today. in H.R. 8379, this is again an attempt to see to it that the consumer has an opportunity for choice in the purchase of passive restraints without mandating air bags in passenger automobiles.

As my colleagues will remember, there is a continuing effort to foist airbags on the American consumer and to deny him a free choice between those mechanisms and other passive restraints which work as well or perhaps better and probably for less money than in airbags.

As recently as October 1, 1980, the House voted down the S. 1159 NHTSA conference report by 68 votes because it contained provisions which mandated air bags. This new compromise legislation H.R. 8379 would deal with the questions raised yesterday in the debate on the S. 1159 NHTSA authorization bill where the rule was rejected by the House by a significant vote. The defeat of the S. 1159 conference report and the rule thereon required the gentleman from North Carolina and me to prepare a new NHTSA authorization bill, which is before the House today on the suspension calendar. The House leadership has agreed to this. My good friend, the chairman of the committee, Mr. STAGGERS, has agreed to bring this matter before us, and my friend from New York, the chairman of the subcommittee, has agreed that the matter shall come before the House.

The bill before us, H.R. 8379, does a number of things. It maintains the bumper standards which were in the bill yesterday before us and which would have been in the conference report. It reverses the rule during which small cars and large cars must have airbags or other passive restraints, automatic safety belts, moving the small cars forward 1 year, and giving the larger cars an additional 2 years, something which makes a great deal of sense in view of the consumer safety issues involved, since small cars appear, on the basis of tests, to be less safe than the larger vehicles.

This is, I think, an important measure to help the American consumers and the American auto industry. The bill has the support of the automobile dealers, all manufacturers, foreign and domestic. It also has the support of automobile suppliers and other interested groups.

Today I note that organized labor is not opposing this legislation, and Secretary of Transportation Neil Goldschmidt has informed me that he and the Department of Transportation do not object to the bill before us, H.R. 8379.

In addition to the reversal of order of compliance, H.R. 8379 also incorporates, as did the conference report, a 1-year delay on the motor vehicle safety standard 208, something that was in the conference report on which the rule was rejected but something which I support. Inasmuch as it is now certain that the administration has set out with us to provide the 1-year delay in the reversal of order of compliance, we believe that this compromise bill is fully supportive of major objectives of the administration. The offensive provisions relating to design standards requiring airbags on certain cars of the five largest manufacturers, and something which was extremely offensive, in that it caused a great deal of trouble, and preference for foreign manufacturers over U.S. manufacturers, and something which contributed in a large part to the defeat of the legislation, has been excised by the bill before us.

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The choice of occupant restraint systems will remain available in the marketplace as some manufacturers are planning to install airbags voluntarily. Others are engineering for the excellent passive belt system which is already available on some manufacturer's small cars, such as Volkswagen of America, and which provide significant and striking safety improvements for the American motoring public.

While the largest volume manufacturers—Ford, GM, VW, Toyota, and Nissan, must comply first with small size cars in 1983 all other manufacturers must comply with the schedules contained in existing motor vehicle safety standard 208, which means that by 1984 all such vehicles must have passive restraint equipment installed. But, the passive restraint equipment is not proscribed here by design. It may simply be put forward as needed. In addition to this, we take care of the tire safety issues addressed in the conference report, and which our good friend from New Jersey (Mr. RINALDO) was so interested in.

Also, as is contained in the original Motor Vehicle Safety Act, I know there is nothing in this compromise that removes any authority of the Secretary of DOT to amend the Motor Vehicle Safety Standard.

Mr. Speaker, I wish to clarify for the Record that section 8 of H.R. 8379 does not amend any existing provision of law, nor does it enact a new provision of law with respect to occupant restraint systems. Instead section 8 directs the Secretary of Transportation to amend an existing motor vehicle safety standard previously established by the Secretary pursuant to section 103 of Public Law 89–563. This is the exact procedure followed in the conference report on S. 1159.

After the Secretary has amended Safety Standard 208 to conform to the requirements of section 8 of this bill, the amended standard would be subject to further amendment or revocation in the manner provided in section 103 of the National Traffic and Motor Vehicle Safety Act of 1966.

Section 103 of Public Law 89–563 authorizes the establishment of Federal motor vehicle safety standards, sets forth the procedure to be used in establishing such standards, provides for the amendment or revocation of motor vehicle safety standards, and sets forth the criteria to be followed by the Secretary in establishing, amending, or revoking motor vehicle safety standards. There is nothing in H.R. 8379 that affects the responsibilities of the Secretary for the promulgation, amendment and revocation of Federal motor vehicle safety standards.

It is clear that the Secretary has a continuing responsibility under section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 to make sure that Safety Standard 208 "is reasonable, practicable, and appropriate for the particular type of motor vehicle, or item of motor vehicle equipment for which it is prescribed." In doing so, he must consider the circumstances at the time it is to become effective, taking into account changes in technology, consumer preferences, or the economic circumstances of manufacturers to the extent that they relate to the criteria that the Secretary is directed to follow by section 103.

Mr. DANIEL B. CRANE. Mr. Speaker, I oppose the bill because of the authorization of over $163 million by the appropriation over the next 3 years. I would hope that such funds could be reduced.

I will now yield 5 minutes to my colleague from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding. I rise in support of this bill. The gentleman from Michigan has already explained what this bill does.

This bill is to correct the problems that were debated fully on the conference report that was defeated on yesterday. The conference report had some offending material in it with respect to the airbag standard. What this bill does is to correct that problem.

During the debate yesterday on the conference report, those of us who were opposed to it promised the Members that if the conference report was defeated, that we would work in a bipartisan effort to introduce legislation and to present legislation here on the floor that would do the right thing. That is what H.R. 8379 does. The gentleman from Michigan has explained, that the passive restraint standard has been reversed with respect to small cars and large cars and that the implementation date has been delayed so that the automobile manufacturers will not be required to meet that standard next year, as they would have been required under present law.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, does the gentleman recall that on yesterday, when you, the author of this bill today, and Mr. DINGELL were talking about putting up a bill, that I was at that time assured that the bill that you would put up would not contain any language which altered the bumper standard provisions? I was shown at that time a bill that was to be offered, which did not include an alteration of bumper standards. Is that not correct,

Mr. BROYHILL. I am not aware of that conversation. I was not privy to that conversation or to that agreement. Let me state my own position, if I could reclaim my time, with respect to the bumper standard.

I am sympathetic to the position of the gentleman from Texas with respect to the bumper standard. However, I would point out in all fairness that the language which is in the bill is a compromise, and that though it does say that the bumper standard exceeding 2.5 miles per hour cannot be established before September 1, 1982, I would point out to the gentleman that the rest of the language does not in any way reduce the authority of the agency to write rules and regulations in this area.

In effect, what this section on page 3 of the bill does is this: It requires the agency to do some more homework, to do some more study, to do some more analysis to assure us that a more stringent standard is in fact cost effective and that it is beneficial to consumers. That is what this whole debate has been all about. If we go to a higher standard, would that be beneficial from a cost standpoint to consumers. And so, the delay in implementing the standard gives the agency time to make those determinations, to make those studies, to make those analytical analyses so that we can have that assurance.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. BROYHILL. I will be glad to yield.

Mr. ECKHARDT. This is the question I was asking: I understand the gentleman made no commitment to me with respect to what was in the bill, but does the gentleman not recognize that the bill that was circulated yesterday as the bill that would be offered if the conference report went down had the bumper standard provisions stricken out of it so that the bumper standard authority of NHTSA would remain the same. That is the instrument I was shown yesterday.

Mr. BROYHILL. I would yield at this time to the gentleman from Michigan (Mr. DINGELL) so that he can respond.

Mr. DINGELL. I thank the gentleman. We circulated no bill which had anything stricken out or included. We indicated that we would, if we could, bring up the bill without the bumper standards in it. The gentleman should be advised that the Speaker told the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Michigan that the bill could not come up because the chairman of the full committee objected to it because the bumper standard provisions had been removed from the bill that is now before us. So, to satisfy Mr. STAGGERS and the Speaker, we have put the bumper standards in, and that is the reason we have been able to get the bill up at this particular time.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. DANIEL B. CRANE. Mr. Speaker, I yield 5 additional minutes to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding. I would like to explain to the Members and also to the gentleman from Texas that the bill that we are discussing and debating at this time, H.R. 8379, was introduced on November 21. This bill has not been dropped in the hopper just in the last few hours. This is a bill that has been pending at the Speaker's desk for some days.

I would also point out to the gentleman from Texas and to other Members where this language came from. This language came from the conference report which the gentleman supported yesterday, so I would suggest that if he voted for the conference report yesterday, that he can in good conscience support this bill today. The only thing that we have deleted from H.R. 8379 is the language dealing with the mandatory airbag provisions. Otherwise, it is like the conference report and has very broad bipartisan support here. I would hope that the gentleman would let us go ahead and pass this bill now, send it to the Senate, and send it to the President's desk.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. BROYHILL. Yes.

Mr. ECKHARDT. The gentleman will recall that on October 1, 1980, I opposed the bill as it was offered at that time.

I thought at that time that there was sufficient time to come back and correct the bill. The time ran out and we had to compromise. The bill yesterday was a compromise that was agreed to by both General Motors, Ford, and certain other automobile companies. It included at least the option of airbags in one lined cars for each of the five largest sellers of their product in the United States. But that is not in this bill.

I can compromise; I can trade for one thing if another good item is put in the bill, but this bill is a total sellout to the automobile companies.

Mr. BROYHILL. I take issue with the gentleman. This bill, like the conference report which the gentleman and others supported yesterday, except for the provision that is offensive to many of us, which added a mandatory design standard.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Speaker, is there anything in the bill which is being introduced today which prohibits an automobile company from making available airbags if they want to do so?

Mr. BROYHILL. The automobile companies can offer airbags as an option on a voluntary basis. Some of them are going to do that.

Mr. FOUNTAIN. But not mandated to do it?

Mr. BROYHILL. That is right.

Mr. FOUNTAIN. I thank the gentleman.

Mr. DANIEL B. CRANE. Mr. Speaker, I yield 5 minutes to my colleague from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Speaker, I rise in support of H.R. 8379.

I think this legislation can be accurately characterized as emergency legislation.

It contains several provisions which must be passed at this time.

First, this bill includes an authorization for the National Highway Traffic Safety Administration for fiscal years 1980, 1981, and 1982.

Second, it also includes two changes

in the occupant restraint standard which are of critical importance to the domestic auto industry at this time.

I would like to discuss these changes briefly.

Standard 208 presently provides that all auto manufacturers must equip their cars with a passive occupant restraint system that complies with the standard over a 3-year period, starting with model year 1982 and running through model year 1984. The standard further requires that large cars are to be so equipped for model year 1982, intermediate size cars for model year 1983, and small cars for model year 1984.

This constitutes a 2-year advantage which will work against the sale of domestically produced cars at a time when we are already experiencing a 40-percent unemployment rate in our auto industry.

It is important to note that there is no reasonable justification for this schedule in terms of highway safety.

As a matter of fact, the occupants of small cars are involved in eight times the number of fatal accidents as are the occupants of large cars.

H.R. 8379 corrects this problem by reversing the standard's order for the large auto manufacturers so that small cars will be required to comply first.

These changes will better serve the interests of safety on our highways and, at the same time, provide relief to our domestic automobile industry.

Also included is a 1-year delay in the implementation of the standard for these auto manufacturers.

This should allow them some lead time within which to change their production plans to accommodate the standard's new order.

Needless to say, time is of the essence.

We can not wait any longer to make these changes.

The present standard will be going into effect soon, September 1, 1981. The domestic auto manufacturers are already beginning to invest millions of dollars to comply with the standard—all to their competitive detriment.

Certainly that money could be better spent to meet the competition and get our autoworkers back on the payroll.

Finally, the bill includes other important provisions which have my full support.

One of the provisions changes the current mandatory tire registration system required of tire dealers and distributors into a voluntary program for consumers. This should increase tire registration, provide significant dollar savings to dealers, and consumers, and reduce the dealers' paperwork burden.

Another provision authorizes the Secretary of Transportation to require the manufacturers to give public notice of a tire recall, if and when he determines such notice to be in the public interest.

Suffice it to say that my statements in support of the bill constitute some of the many reasons that we should vote for it. You have and will be hearing other equally compelling arguments for this bill.

I urge my colleagues to vote for H.R. 8379.

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Mr. MAGUIRE. Would my colleague from New Jersey yield to me when he has a moment?

Mr. RINALDO. I will yield at this time for a moment.

Mr. MAGUIRE. If I could ask the gentleman for one moment, because the opponents of this bill have had no time on either side. I think the gentleman has a few minutes remaining. I will be happy to wait for the gentleman if he would be so kind.

Mr. RINALDO. First I want to finish my statement on my own time.

Let me conclude by saying that all of the controversial items and particularly the discussion on the airbags which was the heart of the controversy have been removed from this bill.

I was on the other side yesterday. I was for the bill yesterday, and I recognized that this is a good bill. I recognize more importantly, that something has to be done now. That is why I am arguing so fervently in favor of this bill.

I would hope that it would be strongly supported by everyone in this House.

The SPEAKER pro tempore. The time of the gentleman from New Jersey (Mr. RINALDO) has expired.

Mr. MAGUIRE. The gentleman from New Jersey only consumed 4 minutes.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the subcommittee, the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, the disagreement in this House pro and con airbags is very well known. We had the debate on the matter yesterday and we had a vote on the matter yesterday. That is now yesterday's battle. As President Grover Cleveland told us over a century ago, we are faced with a condition and not a theory. In theory this could be an improved bill. The condition is, however, that the automobile industry is in a state of crisis that we are all familiar with. We must urgently give some assistance to the industry.

This bill provides the same assistance to the industry that the conference report provided yesterday absent the airbag provision, which I deeply regret. However, this is the only ball game in town. There are over 1 million unemployed members of the auto industry who are suffering. The industry is suffering. It is being desperately threatened by foreign imports which have a totally unfair competitive advantage.

This bill is urgently needed.

Mr. MAGUIRE. Mr. Speaker, would the gentleman yield to me so that the opposition can have 1 minute?

Mr. SCHEUER. I will yield a half minute to the gentleman.

Mr. MAGUIRE. I thank the gentleman for yielding.

Several points must be made in this debate. First of all, NHTSA has already been funded. Second, there has been a 15-year delay on implementing any kind of a standard. We are talking about 9,000 lives a year and 65,000 injuries.

This bill, if it passes today, delays and sabotages once again the effort to protect people from those losses of life and from those injuries.

Insurance companies have testified that the data show that we will have a net savings of dollars by going ahead with the option on passive restraints. Investigations that have been done shown that the American people—and GM has data to show—that the American people want to have the option. Yet there is not a single car being manufactured in the United States today that provides that option to the buyer.

We have a Senate which is not going to receive this bill with any great interest. We are wasting our time here today. We ought to reject this approach and go back to the progress that has been made legislatively and adopt yesterday's conference report.

I thank the gentleman for yielding.

I think finally it is appalling that those of us who are against this bill have absolutely no time in this debate.

Mr. SCHEUER. I can only say, at another time, on another occasion, and in another battle, who knows what my position would be. In terms of the emergency situation facing our automobile industry, we have to put aside the battles of the past and concentrate on giving aid to the industry.

Second, let it not be forgotten by my colleague from New Jersey and others that this does renew the franchise for NHTSA for 2 years so they can continue their lifesaving function of aiding and assisting and abetting safety in the automobile industry.

So putting aside all of the arguments in the past that are not relevant today, I urge my colleagues to vote for this bill.

The SPEAKER pro tempore. The gentleman from New York (Mr. SCHEUER) has been yielded 4 minutes. That leaves a total of 10 minutes for the gentleman from Michigan (Mr. DINGELL) and 5 minutes for the gentleman from Illinois (Mr. DANIEL B. CRANE).

The gentleman from Illinois (Mr. DANIEL B. CRANE) is recognized.

Mr. DANIEL B. CRANE. Mr. Speaker, I would like to yield 4 minutes to my colleague from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. Thank you, Mr. Speaker.

I thank the gentleman from Illinois for yielding to me at this time.

I hope there are a lot of people monitoring this debate in the various offices. There is a lot in this legislation that I could approve of, that I could accept. But I would hope we are all clear on exactly what it is that we are giving away to get this little bit of good done in this legislation. For the first time in the 6 years since I have been a Member of this body, and I suspect for the first time in the experience of many of us as Members of this body, we are, by this bill, revoking, rolling back, eliminating a proven, tested, cost-efficient standard that has been saving consumers money, that has been helping us to conserve use of gasoline and that is a 5-mile-per-hour bumper standard which, make no mistake about it, is now in place. This 5-mile-per-hour bumper standard is now in place. These bumpers are on the automobiles that we are driving today. They are saving us, conservatively figured, about $300 million a year for consumers. That is pretty cost efficient. But we want to roll this back and do you know why? We want to roll this back because there is a plant in West Virginia which cannot meet the standards. But guess what else is new? That plant in West Virginia has since announced that it is going to close. Its employment is down about 75 percent. That is irrelevant. We ought to be voting here for consumers. We ought to be voting for people whose automobile insurance bills are going to go down unless we turn back this bill and whose repair costs are going to go up.

Mr. RAHALL. Mr. Speaker, would the gentleman yield?

Mr. D'AMOURS. I do not have much time. The gentleman from New Jersey just mentioned—we have to underline this—the appropriations being authorized are already appropriated. We are not doing anything with this authorization.

□ 1400

The appropriation has already passed.

Another point: Airbags. This legislation does not have a whole lot to do with airbags. As a matter of fact, this legislation puts back all captive restraints for a year. That includes seatbelts. Do not kid yourself by thinking that by voting for this you are somehow doing something about airbags. What you are doing is rolling back the installation of all passive restraints on automobiles and I do not think we want to do that.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. This would be optional, would it not?

Mr. D'AMOURS. Absolutely.

Mr. MAGUIRE. For the American consumer to make a choice. But they cannot choose if the cars do not have the option, is that not correct?

Mr. D'AMOURS. The gentleman is absolutely correct.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield with regard to his argument on the bumpers?

Mr. D'AMOURS. I do yield to the gentleman from North Carolina.

Mr. BROYHILL. I have a great deal of sympathy with what the gentleman is saying, as I explained in the colloquy with the gentleman from Texas. However, there is a great deal of information coming from both sides as to what the cost effectiveness of the 5-mile-an-hour bumper is.

Mr. D'AMOURS. The cost effectiveness has been tested not only by NHTSA but the Insurance Institute for Highway Safety. Every time a final report has been issued it has been determined to be really cost effective.

Mr. BROYHILL. I thank the gentleman for the NHTSA figures. However, we concede because 5-mile-an-hour bumpers are heavier, that they are going to cost more. In fact, it is going to cost as much $500 million with cars equipped with 5-mile-an-hour bumpers over 2½-mile bumpers.

Mr. D'AMOURS. NHTSA published a restudy in December of this year showing that, depending on whether or not the body was unitized, that that may not be true.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished subcommittee chairman for yielding.

Mr. Speaker, on October 1 when the House failed to pass this conference report due to not obtaining the necessary two-thirds vote that was required, I supported the conference report at that time, although I did have and still have serious misgivings about mandating passive restraints systems. However, this conference report or this legislation that has come to us today does delete that mandatory position and does, I believe, provide relief to our American automobile industry. The previous speaker, the gentleman from New Hampshire, has referred to the rollback of the bumper standards in this legislation, from the 5-mile-per-hour standard at present to the 2.5 miles the legislation would provide. I would like to draw my colleague's attention to certain facts. Of course, various studies were quoted by the gentleman in regard to NHTSA's recommendations on this issue. However, I am quoting from a letter Joan Claybrook of the Traffic Safety Administration wrote to General Motors on April 15:

> NHTSA's analysis indicates that, if the Part 581 Bumper Standard were modified to require 2.5 mph front and rear barrier and pendulum impacts and 1.5 mph corner pendulum impacts and if manufacturers took full advantage of the primary and secondary weight reductions made possible by such a modification, combined fuel economy values would be increased by 0.3 miles per gallon.

General Motors had written a letter in agreement with this analysis and with this statement. Joan Claybrook of NHTSA has admitted there would be a cost savings of 0.3 miles per gallon if the 2.5-mile-per-hour bumper standard were adopted.

This 0.3-mile-per-gallon savings would, of course, equate to approximately 63 million gallons of gasoline that would be saved per year by the American consumers. General Motors has indicated that figure could go as high as 93 millions of gallons of gasoline.

Mr. Speaker, NHTSA's own studies were biased. This was reinforced by the Council on Wage and Price Stability who reports—

> Unfortunately NHTSA's final assessment of the bumper standard appears to include some very questionable estimates of costs and some assumptions about benefits that require more substantiation. The Council should take on the role of urging NHTSA to clarify these problems and its answers before embracing the 5.0 m.p.h. bumper standard as most cost beneficial.

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield on a very important point?

Mr. RAHALL. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. Was that study made in consideration of installation of light bumpers or was that study made as to fuel efficiency on the installation of the heavy steel bumpers that Houdaille manufactures?

Mr. RAHALL. This study was made to show the benefit to the consumers and cost effectiveness of these proposed rollbacks and bumper standards.

Mr. D'AMOURS. The point is if you cannot——

Mr. RAHALL. And I believe from Joan Claybrook's own figures, we have seen the rollback to the 2.5 miles per hour would indeed provide benefits to the American consumer.

Mr. D'AMOURS. But the lighter bumpers can be installed and they do save gasoline. Now, Houdaille cannot make lighter bumpers so it would save gasoline——

Mr. RAHALL. I do not think the issue here is what Houdaille can do. Mr. Speaker, I think the issue here is cost effectiveness to the American consumer and fuel efficiency, if we are going to reduce our reliance upon the foreign import. We must try to provide the cost efficiency that will allow our American automobile industry to survive in these difficult years ahead.

Mr. D'AMOURS. I would grant the gentleman that the cost effectiveness—Houdaille cannot make a good bumper, so it is cost effective for them to reduce the requirements, but there are companies that can make good bumpers and also save us gasoline.

Mr. RAHALL. If the gentleman will yield me my time, let me quote very quickly from the Department of Transportation critique of the June 1 bumper standard assessment. In their analysis on this issue, they have shown that the 2.5-mile-per-hour bumper standard, as compared to the 5-mile-per-hour standard, would produce 20.32 vehicle-miles per gallon as compared to 19.90 vehicle-miles per gallon under the 5.0 bumper standard.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks so that I might include the figures from the Department of Transportation which show the savings in vehicles per mile granted by 2.5 mile-per-hour standard over the 5-mile-per-hour standard.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman from Michigan for yielding this time to me. I do regret that the purported opponents have yielded very little of their time to some of my colleagues in opposition.

Mr. Speaker, this is probably the last time I shall take this well. I take this well in the same spirit that I have taken it in the 14 years I have been here. I do not want to see the special interests win in every battle against the general public, and that is what is happening here. Who is Houdaille? Houdaille is a big manufacturing company, one of the Fortune 500, that happens to operate a plant that makes inefficient heavy steel bumpers in West Virginia.

Houdaille alone was the cause of putting the provision in this bill that takes the requirement that automobile manufacturers make bumpers out of something other than tinsel, that they make bumpers that will withstand a collision at the same speed that a person may walk into a wall without skinning his nose.

What have we in this bill? A reduction of the bumper standard from 5 to 2½ miles per hour. One-and-a-half miles per hour from a side blow.

When is this House going to stand up and represent consumers, represent people; Are we to be a brokerage house between the various special interests that want to make trades to make legislation fit their own businesses? Houdaille is not going out of business because they cannot make those heavy bumpers in West Virginia but they are going to quit their plant there anyway within a matter of days. Do we have to respond to every blandishment of every company when the cost to the public is in the neighborhood of $100 or $200 more for any collision between 2½ miles and 5 miles an hour?

☐ 1410

What has happened? Yesterday, the gentleman from Michigan succeeded—and the votes of him and the gentleman from North Carolina alone would have changed the vote yesterday—succeeded in defeating a compromise that was satisfactory to the two American automobile companies affected. It was not satisfactory to the three foreign companies that would be affected with respect to the matter of airbags.

It was a reasonable compromise. I voted for it even though it had some things, as the gentleman from North Carolina said, that I did not like. But what we have got today is a complete surrender to the automobile industry, and anyone who wants to make inefficient bumpers.

At what point will we stop? At what point will we protect the public? We were presented with a bill yesterday that could come up again on Tuesday of next week and could pass both Houses. We are now confronted with a piece of legislation that probably will not be accepted by the Senate and which is a disgrace to this body to pass.

I have a very special interest in this bill. In 1972, I drove a Saab automobile with a test driver into a bulldozer between the Rayburn and Longworth Buildings. Its bumper sustained no injury and fully protected the car from damage. That many years ago—8 years ago—bumpers were made that would withstand that kind of crash. It was six years before we got bumper standards requiring that there be no damage in a collision at 5 miles an hour, and for 2 years the public has received the benefit of those requirements.

Now that means the difference between no cost when you back your car into a light post at 5 miles an hour and about a $450 cost that used to occur because the bumper had not been properly constructed.

Now, after the bumper standard has been in effect for 2 years, we are going to take it off again. We are going to take it off, and we are going to tell NHTSA they cannot put it back on until 1982.

Mr. DANIEL B. CRANE. Mr. Speaker, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LELAND).

Mr. LELAND. I thank the gentleman for yielding.

Let me associate myself with the comments of my colleague the gentleman from Texas (Mr. ECKHARDT).

I rise in opposition to this bill before us mainly because I feel the same way with the same intensity that my colleague feels. To reverse decisions that have been made in behalf of the people of America and their safety, in my estimation, is a matter of madness and in the vernacular of the community from whence I come, this bill is jive.

I would hope we would consider it, as it is high time we can exercise, in reversals of safety in health matters like this, because we are talking about human lives and not just money.

Now we have already heard from the gentleman from Texas, my colleague, that in fact these kinds of measures, these health and safety measures that have been implemented already, have saved the taxpayers thousands and thousands of dollars under medicare and other instances or programs like this.

But at the same time what we are talking about now is losing 9,000 lives. It has been estimated that 65,000 injuries would be committed if in fact this bill is passed. I would hope that in the wisdom of this House that my colleagues would join me in opposing this bill.

● Mr. CONYERS. Mr. Speaker, I stand to oppose this legislation because it is an exercise in futility. A number of key U.S. Senators, led by Senator JOHN WARNER, have promised that this bill will never pass in the Senate. So why are we considering it? We are considering it because yesterday this body, by three votes, defeated a bill supported by the largest coalition of diverse organizations who have ever joined together to support an auto safety measure. The Carter administration, Ford Motor Co., General Motors, the insurance industry, and consumer organizations all asked us to pass S. 1159, the auto safety conference report. If we had done that, that bill would have moved to the President and been signed into law. Instead, we are now wasting our time and the major beneficiaries of our action yesterday are the Japanese automobile manufacturers—the only group actively opposed to that legislation.

In the major battles between the public interest and the automobile industry I have generally found it proper and appropriate to support the public interest. Yesterday, those interests merged and I was pleased to be able to vote for that bill because it would have been a great assistance to the U.S. automobile industry in its present time of need with hundreds of thousands of their workers unemployed. I simply cannot understand why any Member of Congress concerned about the present state of affairs in Detroit would either fight against or vote against that fine legislation.

The rationale we are now being presented with is to support instead this trunketed bill which will never become law. But I have a better suggestion. Let us defeat this bill so that we can go back and do our business properly by enacting into law the legislation which will go directly from the House of Representatives to the President's desk, and which has the broad support of all interested parties.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 8379, as amended.

The question was taken.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 126, answered "present" 2, not voting 99, as follows:

[Roll No. 675]

YEAS—205

Abdnor
Addabbo
Akaka
Albosta
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Archer
Atkinson
Badham
Bafalis
Bailey
Bauman
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boner
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broyhill
Burgener
Burlison
Butler
Byron
Campbell
Carr
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Corcoran
Courter
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Deckard
Derrick
Derwinski
Dingell
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Evans, Del.
Fary
Findley
Fisher
Ford, Mich.
Forsythe
Fountain
Frenzel
Frost
Gaydos
Gibbons
Gingrich
Goodling
Gradison
Gramm
Grassley
Grisham
Guarini
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hance
Hanley
Hansen
Harsha
Hefner
Hillis
Hinson
Holt
Hopkins
Horton
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kildee
Kindness
Kramer
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lent
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Lungren
McCormack
Madigan
Marks
Marlenee
Martin
Mazzoli
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nichols
Oberstar
Pashayan
Patten
Pease
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rose
Rostenkowski
Rousselot
Royer
Rudd
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster

Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Staggers
Stangeland
Steed
Stenholm
Stockman
Stump
Tauke
Tauzin
Taylor
Traxler
Trible
Vander Jagt
Walker
Wampler
Watkins
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wolpe
Wright
Wyatt
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—126

Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
AuCoin
Baldus
Barnes
Bedell
Beilenson
Bingham
Boggs
Bolling
Bonior
Bonker
Brademas
Brown, Calif.
Burton, Phillip
Cavanaugh
Clay
Conte
Conyers
Coughlin
Crane, Daniel
Crockett
D'Amours
Danielson
Dellums
Dicks
Dixon
Donnelly
Dougherty
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fithian
Florio
Foley
Fowler
Gephardt
Giaimo
Gilman
Glickman
Gore
Gray
Green
Gudger
Harris
Hawkins
Heckler
Heftel
Holtzman
Howard
Hughes
Jeffords
Johnson, Calif.
Kastenmeier
Leland
Levitas
Lowry
McCloskey
McDonald
McHugh
McKinney
Maguire
Markey
Marriott
Matsui
Mattox
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Nelson
Nolan
Nowak
Oakar
Obey
Ottinger
Panetta
Paul
Pepper
Perkins
Peyser
Pritchard
Rangel
Ratchford
Reuss
Richmond
Roberts
Rosenthal
Roybal
Russo
Sabo
Seiberling
Shannon
Simon
Solarz
Stack
Stanton
Stark
Stokes
Studds
Swift
Synar
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Weiss
Williams, Mont.
Wirth
Wylie

ANSWERED "PRESENT"—2

Gonzalez
Lehman

NOT VOTING—99

Anthony
Applegate
Ashbrook
Barnard
Beard, R.I.
Beard, Tenn.
Boland
Breaux
Broomfield
Brown, Ohio
Buchanan
Burton, John
Carney
Carter
Chappell
Chisholm
Cleveland
Coelho
Collins, Ill.
Conable
Corman
Cotter
Crane, Philip
Daschle
Davis, Mich.
Davis, S.C.
Devine
Dickinson
Dodd
Early
Erdahl
Erlenborn
Fenwick
Ferraro
Fish
Flippo
Ford, Tenn.
Fuqua
Garcia
Ginn
Goldwater
Hall, Ohio
Hammerschmidt
Harkin
Hightower
Holland
Hollenbeck
Hutchinson
Jenkins
Jenrette
Johnson, Colo.
Kelly
Kogovsek
Kostmayer
LaFalce
Latta
Lederer
Livingston
Luken
Lundine
McClory
McDade
McEwen
McKay
Mathis
Mavroules
Moffett
Mottl
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
O'Brien
Patterson
Petri
Railsback
Rodino
Roe
Roth
Santini
Schroeder
Smith, Iowa
Spellman
St Germain
Stewart
Stratton
Symms
Thomas
Thompson
Ullman
Waxman
Weaver
White
Whitley
Wilson, C. H.
Wolff
Wydler
Yates
Young, Alaska

☐ 1430

The Clerk announced the following pairs:

Ms. Ferraro with Mr. Ashbrook.
Mr. Rodino with Mr. Beard of Tennessee.
Mr. Fuqua with Mr. Broomfield.
Mr. Breaux with Mr. Goldwater.
Mr. Boland with Mr. Hammerschmidt.
Mr. Applegate with Mr. Brown of Ohio.
Mr. Chappell with Mr. Buchanan.
Mr. Cotter with Mr. O'Brien.
Mr. Early with Mr. Petri.
Mr. Flippo with Mr. Roth.
Mr. LaFalce with Mr. Symms.
Mr. Lederer with Mr. McClory.
Mr. Mavroules with Mr. McDade.
Mr. Moffett with Mr. Erlenborn.
Mr. Murphy of New York with Mrs. Fenwick.
Mr. Roe with Mr. Carter.
Mr. Santini with Mr. Carney.
Mr. St Germain with Mr. Hollenbeck.
Mr. Thompson with Mr. Hutchinson.
Mr. Waxman with Mr. Thomas.
Mr. Wolff with Mr. Wydler.
Mr. Yates with Mr. McEwen.
Mr. Barnard with Mr. Livingston.
Mr. John L. Burton with Mr. Dickinson.
Mr. Garcia with Mr. Devine.
Mr. Hightower with Mr. Conable.
Mr. Murphy of Illinois with Mr. Cleveland.
Mr. Mottl with Mr. Philip M. Crane.
Mr. Patterson with Mr. Davis of Michigan.
Mr. Lundine with Mr. Fish.
Mr. McKay with Mr. Johnson of Colorado.
Mr. Davis of South Carolina and Mr. Kelly.
Mr. Corman with Mr. Latta.
Mrs. Chisholm with Mr. Young of Alaska.
Mrs. Coelho with Mr. Erdahl.
Mr. Anthony with Mr. Daschle.
Mrs. Collins of Illinois with Mr. Beard of Rhode Island.
Mr. Ginn with Mr. Ford of Tennessee.
Mr. Hall of Ohio with Mr. Harkin.
Mr. Jenkins with Mr. Holland.
Mr. Kogovsek with Mr. Jenrette.
Mr. Kostmayer with Mr. Luken.
Mr. Mathis with Mr. Neal.
Mrs. Schroeder with Mr. Railsback.
Mr. Smith of Iowa with Mr. Stewart.
Mr. Weaver with Mr. Charles H. Wilson of California.
Mr. Whitley with Mr. White.
Mr. Dodd with Mr. Nedzi.

Messrs. ASPIN, HUGHES, VOLKMER, GRAY, and Mrs. HECKLER changed their votes from "yea" to "nay."

Mr. ANDREWS of North Carolina changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MILITARY PAY AND ALLOWANCES BENEFIT ACT OF 1980

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7626) to amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Pay and Allowances Benefits Act of 1980".

SPECIAL PAY FOR NUCLEAR DUTY

SEC. 2. (a)(1) Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$5,000" and "$4,000" and inserting in lieu thereof "$7,000" and "$5,600".

(2) Subsection (e) of such section is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(b)(1) Section 312b of such title is amended—

(A) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(B) by inserting above subsection (b), as redesignated by clause (A), the following new subsection (a):

"(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear submarine propulsion plants may be paid a bonus of $3,000 upon acceptance by the Secretary of the written agreement.

"(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.".

(2) Subsection (c) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(3) Subsection (d) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(c)(1) Subsection (a) of section 312c of such title is amended by striking out "$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$6,000 for each nuclear service year ending before October 1, 1987".

(2) Subsection (b) of such section is amended by striking out "$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$3,500 for each nuclear service year ending before October 1, 1987".

(3) Subsection (e) of such section is amended to read as follows:

"(e) For the purposes of this section, a 'nuclear service year' is any fiscal year beginning before October 1, 1987.".

(d)(1) The amendments made by subsection (a)(1) shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(2) The amendments made by subsection (b)(1) shall apply only with respect to agreements executed under section 312b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

(3) The amendments made by subsection (c) shall become effective on the first day of the first month following the month in which this section is enacted.

INCENTIVE PAY FOR SUBMARINE DUTY

SEC. 3. (a) Section 301(a) of title 37, United States Code, is amended by striking out clauses (2) and (3) and redesignating clauses (4) through (12) as clauses (2) through (10), respectively.

(b) Section 301(b) of such title is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

(c) Section 301(c) of such title is amended by striking out "clause (4), (5), (6), (7), (8), (9), (10), (11), or (12)" and inserting in lieu thereof "clause (2), (3), (4), (5), (6), (7), (8), (9), or (10)".

(d) Title 37, United States Code, is amended by inserting after section 301b the following new section:

"§ 301c. Incentive pay: submarine duty

"(a)(1) Subject to regulations prescribed by the President, a member of the Navy who is entitled to basic pay is also entitled to submarine duty incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational submarine duty required by orders.

"(2) Submarine duty incentive pay shall be restricted to members who hold or are in training leading to a submarine duty designator and who are in and remain in the submarine service on a career basis.

"(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title), a member must perform operational submarine duties for at least six of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title).

"(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under section 205 of this title), such member shall be entitled to that pay in the amount set forth in subsection (b) of this section for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

"(5) For the purposes of this section, the term—

"(A) 'Operational submarine duty' means duty—

"(i) while attached under competent orders to a submarine, while undergoing training preliminary to assignment to a nuclear-powered submarine, while undergoing rehabilitation after assignment to a nuclear-powered submarine, or, in the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

"(I) during one calendar month: 48 hours, except that hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

"(II) during any two consecutive calendar months when the requirements of subclause (I) of this clause have not been met: 96 hours; or

"(III) during any three consecutive calendar months when the requirements of subclause (II) of this clause have not been met: 144 hours;

"(ii) while receiving instruction to prepare for assignment to a submarine of advanced design, or

"(iii) while receiving instruction to prepare for a position of increased responsibility on a submarine.

"(B) 'Submarine service' means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

"(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$165	$165	$165	$200	$220	$230	$235	$245	$255	$265	$265	$265	$265	$265
E-8	165	165	165	185	200	220	230	235	245	245	255	255	255	255
E-7	165	165	165	185	190	195	205	220	230	230	230	230	230	230
E-6	115	125	130	160	170	180	190	195	195	195	195	195	195	195
E-5	105	115	115	130	140	145	145	145.	145	145	145	145	145	145
E-4	60	70	75	125	130	130	130	130	130	130	130	130	130	130
E-3	60	65	70	70	105	65	65	65	65	65	65	65	65	65
E-2	55	65	65	65	65	65	65	65	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55	55	55	55	55	55	55	55

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0-10	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
0-9	265	265	265	265	265	265	265	265	265	265	265	265	265	265
0-8	265	265	265	265	265	265	265	265	265	265	265	265	265	265
0-7	265	265	265	265	265	265	265	265	265	400	395	395	305	265
0-6	440	440	440	440	440	440	440	440	440	440	395	395	305	265
0-5	440	440	440	440	440	440	440	440	440	440	395	395	350	265
0-4	270	270	270	300	440	440	440	440	440	440	395	395	350	265
0-3	265	265	265	290	440	440	440	440	440	440	395	395	350	265
0-2	175	175	175	175	175	175	265	265	265	265	265	265	265	265
0-1	130	130	130	130	130	130	265	265	265	265	265	265	265	265

"WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$175	$230	$230	$230	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
W-3	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-2	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-1	175	230	230	230	265	265	265	265	265	265	265	265	265	265

"(c)(1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

"(2) An enlisted member may not be paid continuous submarine duty incentive pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

"(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of the Naval Reserve who is entitled to compensation under section 206 of this title, performs, under orders, duty on a submarine during underway operations, he is eligible for an increase in such compensation equal to 1/30 of the monthly incentive pay authorized by subsection (b) of this section for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay. Such a member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

"(e) The Secretary of Defense shall report to the Congress before January 1 each year—

"(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

"(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.".

(e) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301b the following new item:

"301c. Incentive pay: submarine duty.".

(f) Section 308 of such title is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection (e):

"(e) Any period of enlistment (including any extension of an enlistment)—

"(1) which is incurred by a member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 301c of this title; and

"(2) for which no bonus is otherwise payable under this section,

may, under regulations prescribed by the Secretary of the Navy, be considered as part of an immediately subsequent term of reenlistment, or as part of an immediately subsequent voluntary extension of an enlistment, for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus.".

(g) The amendments made by this subsection shall become effective on the first day of the first month following the month in which this Act is enacted.

SPECIAL PAY FOR CAREER SEA DUTY

SEC. 4. (a) Section 305a of title 37, United States Code, is amended to read as follows:

"§ 305a. Special pay: career sea pay

"(a) Under regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b) of this section.

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"ENLISTED MEMBERS

"Pay grade	Years of sea duty												
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
E-4	$50	$60	$125	$160	$175	$175	$175	$175	$175	$175	$175	$175	$175
E-5	60	70	140	175	185	190	205	220	220	220	220	220	220
E-6	125	135	170	190	210	215	225	235	245	255	255	255	255
E-7	135	145	215	235	255	260	265	265	270	275	280	300	310
E-8	165	180	225	255	265	270	280	285	290	300	310	310	310
E-9	175	195	235	265	280	290	310	310	310	310	310	310	310

"WARRANT OFFICERS

"Pay grade	Years of sea duty												
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
W-1	$130	$135	$140	$150	$170	$175	$200	$250	$270	$275	$280	$290	$300
W-2	150	150	150	150	170	260	265	265	270	275	280	290	310
W-3	150	150	150	150	170	270	280	285	290	300	310	310	310
W-4	150	150	150	150	170	290	310	310	310	310	310	310	310

"COMMISSIONED OFFICERS

"Pay grade	Years of sea duty									
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
O-1 [1]	$150	$160	$185	$190	$195	$205	$215	$225	$225	$240
O-2 [1]	150	160	185	190	195	205	215	225	225	240
O-3	150	160	185	190	195	205	215	225	225	240
O-4	185	190	200	205	215	215	220	225	225	240
O-5	225	225	225	225	230	245	250	260	265	265
O-6	225	230	230	240	255	265	280	290	300	310

"[1] Commissioned officers with at least 4 years of active service as enlisted members or as noncommissioned warrant officers.

"(c) Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section who has served 36 consecutive months of sea duty is entitled to a career sea pay premium of $100 a month for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member.

"(d) For the purposes of this section, the term 'sea duty' means duty performed by a member—

"(1) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway; or

"(2) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more. A ship is considered away from its homeport for purposes of clause (B) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.".

(b) The amendment made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted.

INCENTIVES FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS

SEC. 5. (a) (1) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than $50 per month, as prescribed by the Secretary concerned.

"(b) A member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 is not entitled to the special pay authorized by this section for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"314. Special pay: qualified enlisted members extending duty at designated locations overseas.".

(b) (1) Chapter 40 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b). Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

"(b) The benefits authorized by subsection (a) are—

"(1) a period of rest and recuperative absence for not more than 30 days; or

"(2) a period of rest and recuperative absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return.

"(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas.".

(c) (1) Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.

(2) Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.

BASIC ALLOWANCE FOR QUARTERS IN LIEU OF ASSIGNED QUARTERS FOR CERTAIN MEMBERS WITHOUT DEPENDENTS

SEC. 6. (a) The second sentence of subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking out "except as provided by regulations prescribed under" and inserting in lieu thereof "subject to the provisions of"; and

(2) by striking out "commissioned officer" and "C–3" and inserting in lieu thereof "member" and "F–6", respectively.

(b) Subsection (c) of such section is amended to read as follows:

"(c) (1) A member of a uniformed service without dependents is not entitled to a basic allowance for quarters while he is on field duty unless his commanding officer certifies that the member was necessarily required to procure quarters at his expense.

"(2) A member of a uniformed service without dependents who is in a pay grade below pay grade E–7 is not entitled to a basic allowance for quarters while he is on sea duty. A member of a uniformed service without dependents who is in a pay grade above E–6 and who is on sea duty is not entitled to a basic allowance for quarters while the unit to which he is assigned is deployed for a period in excess of 90 days.

"(3) For the purposes of this subsection, duty for a period of less than three months is not considered to be field duty or sea duty.".

(c) Subsection (j) of such section is amended—

(1) by inserting "(1)" after the subsection designation "(j)"; and

(2) by adding the following new paragraph:

"(2) The Secretary concerned may deny the right to make an election under subsection (b) of this section if he determines that the exercise of such an election would adversely affect military discipline or military readiness.".

(d) The amendments made by this section shall only apply to payment of basic allowance for quarters for months after September 1980.

CHARGES FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES

SEC. 7. Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fee established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 15-year period beginning with the completion of such construction.".

PERMANENT AUTHORITY FOR SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 8. Section 209 (d) of title 37, United States Code, relating to members of precommissioning programs, is amended—

(1) by striking out "(1)" after the subsection designation "(d)"; and

(2) by striking out paragraph (2).

REPEAL OF AUTHORITY TO WAIVE CERTAIN PROVISIONS RELATING TO THE ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES

SEC. 9. Section 520 of title 10, United States Code, is amended—

(1) by striking out the subsection designation "(a)"; and

(2) by striking out subsection (b).

ACCRUED LEAVE

SEC. 10. Section 701 (f) of title 10, United States Code, is amended by inserting "or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section," after "title 37".

REVISION ON DEFINITION OF "REGULAR COMPENSATION" AND "REGULAR MILITARY COMPENSATION (RMC)"

SEC. 11. Paragraph (25) of section 101 of title 37, United States Code, is amended by inserting "(including any variable housing allowance or station housing allowance)" after "basic allowance for quarters".

TERMS OF OFFICE OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS; APPLICATION OF THE ETHICS IN GOVERNMENT ACT OF 1978 TO THE JUDGES AND EMPLOYEES OF SUCH COURT

SEC. 12. (a) Section 867(a) (1) (article 67 (a) (1)) of title 10, United States Code, is amended by striking out the third sentence.

(b) The term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act shall expire (1) on the date the term of such judge would have expired under the law in effect on the day before such date of enactment, or (2) ten years after the date on which such judge took office as a judge of the United States Court of Military Appeals, whichever is later.

(c) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(1) by inserting "United States Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the United States Court of Military Appeals".

TERMS OF CERTAIN MEMBERS OF THE BOARD OF VISITORS TO THE SERVICE ACADEMIES

SEC. 13. (a) Section 4355(b) of title 10, United States Code, is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(b) Section 6968(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(c) Section 9355(b) of such title is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

Mr. NICHOLS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. MITCHELL of New York. Mr. Speaker, reserving the right to object, I do not intend to object, but I would like to give the chairman of our committee, the gentleman from Alabama (Mr. NICHOLS) an opportunity to explain this amendment.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of New York. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding. This bill represents the residual of the congressional compensation initiatives that have been taken this year for military personnel.

The House-passed bill would have provided entitlement for single senior NCOs and petty officers and and all single officers to live off base and draw basic allowances for quarters.

Second, a 25 percent increase in pay for submarines and nuclear-qualified officers.

Finally, a new incentive program for enlisted members who agreed to extend beyond their tour overseas.

The other body accepted most of these provisions and, in addition, increased further the rates for special pay for submariners and nuclear-qualified officers.

The other body also amended the bill by revising the rates and structure of existing sea pay and extending that pay to officers.

Mr. Speaker, these are good changes and will serve well to address the major retention problems we face today.

Before concluding action on this measure, I want to pay well-deserved tribute to Mr. Robert Emmerichs of the committee staff for the outstanding assistance he has rendered to the Military Compensation Subcommittee that I have been privileged to chair during the 96th Congress. Mr. Emmerichs, by the application of tireless effort and the devotion of his exceptional intellectual and analytic ability has contributed much to the enviable record of the 96th Congress in compensation improvements for all military personnel in general, and for military health professionals, in particular. The quality of these compensation improvements and the final form of the Defense Officer Personnel Management Act are due in no small part to Bob's efforts. He is a good example of what committee staff personnel should be.

Having mentioned the Defense Officer Personnel Management Act, I know that John Ford, the staff director of the Committee on Armed Services is particularly well-pleased that this legislation is now awaiting the President's signature. Before Mr. Ford became the staff director he was responsible for the intial development and passage of that legislation by the House during both the 94th and 95th Congresses. His early efforts were essential to paving the way for enactment of that landmark legislation.

Mr. MITCHELL of New York. Mr. Speaker, further reserving the right to object, I thank the gentleman for his explanation. I strongly support the bill, as amended.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Alabama?

There was no objection.

A motion to reconsider was laid on the table.

☐ 1440

CONFERENCE REPORT ON S. 1996, WOOD RESIDUE UTILIZATION ACT OF 1980

Mr. DE LA GARZA. Mr. Speaker, I call up the conference report on the Senate bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, and ask for its immediate consideration.

The Cleark read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 821, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House, page H11995, of December 4, 1980.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on the bill S. 1996. The report authorizes the Secretary of Agriculture to carry out pilot wood residue utilization projects and demonstrations and a pilot wood residue removal program. The purpose of these pilot projects and programs is to develop and make available information on feasible methods to increase and improve the use of the enormous quantity of wood residues which result from timber harvesting and other forestry activities.

The conferees on the part of the House bring back to you today a conference report that, in most respects, represents the bill previously agreed to by the House. The numerous technical and other minor differences between the bills as passed by the House and the Senate were resolved by the conferees by adoption of the House provisions.

The major substantive difference between the bills involved the amounts of appropriations to be authorized and whether the residue removal credits are to be subject to the limitation on authorizations. Under the legislation, the credits are to be made available to purchasers of national forest system timber to compensate them for removing residues from the forests to points of prospective use for sale by the Secretary.

The Senate bill authorized appropriations for pilot projects and demonstrations of $50 million each year for the 5 fiscal years 1982 through 1986. It imposed no limitation on the amount of residue removal credits. The House amendment imposed a limit on the total cost of the pilot projects, demonstrations, and residue removal credits of $35 million for the 5 fiscal years 1981 through 1985. It also authorized appropriations of up to a total of $2.5 million for those 5 fiscal years for carrying out other provisions of the act.

The conference report authorizes appropriations of not to exceed $25 million for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects, demonstrations and residue removal credits, as well as the other provisions of the act. It also provides that not to exceed $2.5 million of such amount may be appropriated for administrative expenses to carry out the act for the period beginning October 1, 1981, and ending September 30, 1986.

The conference report establishes an appropriation limitation which is significantly lower than that approved in the Senate bill, though higher than that approved in the House amendment, and the report retains the House provision which subjects the residue removal credits to the appropriation limitation. The report adopts the Senate provision which would initiate the 5-year pilot programs beginning with fiscal 1982, rather than fiscal 1981, as provided in the House bill.

The Acting Secretary of Agriculture, in a letter dated December 2, 1980, to the managers on the part of the House, stated that the Department prefers the House version of the bill, modified to start the program in fiscal 1982. The administration has long favored subjecting the residue removal credits to the appropriation limitation.

The conference report represents a reasonable compromise on the issue of the funding level for the important pilot programs which are authorized. It otherwise substantially reflects the provisions previously adopted by the House.

I urge the Members to join me in support of enactment of this report.

Mr. WAMPLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. I thank the distinguished chairman, the ranking minority member, the gentleman from Virginia (Mr. WAMPLER) for yielding.

I would like to raise the question of whether or not Congress has the assurance from the administration that the President will sign this bill in the form in which the House-Senate conferees reported it.

I inquire about this because administration officials during the conference made the following statement with respect to the Secretary of Agriculture's position on this matter:

> He remains firm on the residue removal credit as part of the appropriation, but flexible on the 37 and ½ [million dollars]. The $37.5-million figure was adopted about two years ago.

Apparently the Forest Service representative indicated that a letter would be forthcoming that indicated that the $37.5 million cap that the administration stated that they wanted placed on this bill was flexible and would be increased by the Secretary.

However, I have in my hand a letter signed by Acting Secretary Dale Hathaway, dated December 2, 1980, wherein the Acting Secretary states that the Department prefers the House-passed version and states:

> The House bill would authorize a total appropriation of $37.5 million for the 5-year program.

Nowhere in that letter is there any indication whatsoever that the administration is willing to go up to $125 million for the program encompassed by this legislation.

That is exactly where the administration was on April 16, 1980, when we reported this legislation when Secretary Bergland said:

> We estimate the cost of administering this program, if amended as we recommended, would be $37,500,000 for the 5-year period.

Unless the chairman has some information in writing other than this letter, then I must assume that the administration opposes this legislation with the higher figure.

So in closing, I would ask: Does anybody with the majority party have any new light to shed on this point that I have raised here of whether or not they favor the additional level above $37.5 million all the way up to $124 million?

I would yield to the gentleman from Texas (Mr. DE LA GARZA), the chairman of the subcommittee, if he would like to speak to that point.

Mr. DE LA GARZA. I appreciate the gentleman's yielding, and I would state to the gentleman that there is no other communication from the administration, aside from the letter that the gentleman has referred to, either favorably or unfavorably. The only expectation that we have is that it is merely an authorization subject, of course, to the appropriations process, and not having heard anything to the contrary, we assumed hopefully that the legislation would be signed.

Mr. GRASSLEY. I would suggest that the Members of the House be cognizant of the fact that this bill did pass the House at the $37.5 million level, and it has since come out of the conference committee at $125 million. This bill probably would not have been brought up on suspension when it was brought up if the cap had not been agreed to which was placed on this bill on the floor of this House, different from what the bill was reported from the committee.

So I would like to have the Members consider that point in their resolution of this issue.

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 1996, the Wood Utilization Act of 1980.

For several years now, my colleagues in both the House and the Senate have worked on this particular piece of legislation to hammer out an acceptable bill designed to develop, demonstrate, and make available information on feasible methods to utilize wood wastes and unmerchantable wood on our public and private forest lands that have the potential for commercial, residential, and industrial applications. I believe we have reached a good compromise in the conference report before us today.

Every year, we have hundreds of millions of tons of wood residue left on the floors of our forests stemming from timber harvesting and forest protection and management activities, and from the manufacture of forest products, including woodpulp. In addition, we have millions of acres of insect infested and diseased timber not being utilized for any purpose, as well as fire-damaged timber and irregular shaped timber stands which do not meet quality specifications for the lumber industry. Given the high cost of energy today, as well as the increasing cost of wood and wood products, we can no longer ignore the potential to effectively utilize wood wastes and underutilized wood.

With ongoing technology, I feel confident that the 5-year period covered by this bill will bring us to the point of more efficiently utilizing wood wastes and wood products. It will enhance better regeneration of our renewable natural resources, as well as provide better wildlife habitats, soil and water conservation practices, and better land management practices.

S. 1996 authorizes appropriations of not to exceed $25 million for each of the fiscal years 1982 through 1986 to carry out pilot projects and demonstrations. This sum also includes residue removal credits so that there is a cap on money and credits authorized to be appropriated.

The bill provides for a two-part program funded over a 5-year period to encourage the efficient utilization of wood from the Nation's public and private forest lands. This would be accomplished through the establishment of pilot projects and demonstrations which would implement feasible means of improving the utilization of wood and wood residues resulting from timber harvesting and the manufacture of wood products.

The second part of the program would require purchasers of national forest timber, as a condition of sale, to remove the wood residues remaining from their harvesting operations to a designated point of use. In return, the purchaser would earn a "residue removal credit" that would be applied to the purchase price of the timber. These wood residues, which could be slash, down timber, woody plants, and standing live or dead trees which are presently unmerchantable and surplus to our growing stock needs, would be taken to a wood concentration or distribution center, either Government or commercially operated, or a wood manufacturing facility, where they would be sold by the Federal Government at appraised value for further processing or for use as fuel.

Timber purchasers would not be required to remove wood residues where the cost of removal would exceed their anticipated value. The conference report prescribes that the incentive would be considered as "moneys received" by the Federal Government so as not to impact on the payments received by State and local governments for Federal timber sales.

I am not sure the appropriations need match the amount authorized but that can best be determined by the Reagan administration.

The provisions in the legislation will be beneficial to both the public and private sectors. The U.S. Forest Service will be working cooperatively with State forestry agencies, universities, other Federal agencies and private organizations.

Mr. Speaker, the conference report on S. 1996 is a multipurpose, multifaceted bill which, if properly utilized, could set us on a path not only to provide an alternative energy source and more wood products, but to more efficiently utilize a renewable natural resource and thus achieve better management of our land, water and wildlife.

If budgetary restraints in the period fiscal years 1982 through 1986 do not permit the Reagan administration to fully fund this program, surely House action today recognizes this fact and acknowledges that the conference report may promise more than any administration can realistically deliver.

I urge my colleagues to support the conference report before us today.

I have no further requests for time, Mr. Speaker. I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume. In addition to the explanation which I have offered, and the further explanation offered by the gentleman from Virginia (Mr. WAMPLER), I would like to mention to the distinguished gentleman from Iowa (Mr. GRASSLEY) that his position was so forcefully presented in regard to subjecting the credits to the appropriation limitation that such a provision is contained in the conference report.

● Mr. WEAVER. Mr. Speaker, the conference report on S. 1996, the Wood Residue Utilization Act of 1980, represents a fair compromise between the House and Senate bills. The Senate agreed to the ceiling on the residue credit removal program and the House agreed to an increased authorization for appropriation.

Under the conference agreement, the Forest Service has an opportunity to develop an adequate wood residue program consistent with the bill I introduced in 1978 and the bill reported from the Agriculture Committee.

The conference report does not address the proportion of the authorization or appropriation which should be allocated to each of the two parts of the program. The Forest Service has suggested that half of the funds appropriated be made available for the pilot projects and half be used for the residue credit removal program.

Because the residue credit program is designed to pay for itself, half of the money appropriated for the program will be returned to the people of the United States through the sale of wood residues for energy and other purposes.

As chairman of the Forests Subcommittee, I find this proposal to be consistent with the views of those who voted for the bill and who testified in support of the bill before the Forests Subcommittee. I encourage the Forest Service to request funds for the Wood Residue Utilization Act, and to do so in the manner which they have suggested. I would also like to take this opportunity to thank all of those who have supported the Wood Residue Utilization Act of 1980.●

Mr. DE LA GARZA. Mr. Speaker, with that, I have no further requests, and I yield back the balance of my time. I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JOHN E. MOSS FEDERAL BUILDING—U.S. COURTHOUSE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8404) to designate the Federal building-U.S. courthouse in Sacramento, Calif., the "John E. Moss Federal Building-U.S. Courthouse".

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building-United States Courthouse, 650 Capitol Mall, Sacramento, California, shall hereafter be known and designated as the "John E. Moss Federal Building-United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John E. Moss Federal Building-United States Courthouse".

Mr. LEVITAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8404 will rename the Federal building and U.S. courthouse in Sacramento after John E. Moss. Most of us here had the pleasure of serving with John E. Moss, who represented the Third Congressional District of California for 13 terms, up to his retirement 2 years ago.

The Congressman authored the Freedom of Information Act and otherwise sought to obtain accountability in Government. John Moss enjoyed a well-earned reputation as "Mr. Congressional Oversight," a vigorous advocate of the need for Congress to engage in oversight, to look at laws carefully to determine whether they are being properly administered, and effective, so as to determine whether they needed to be amended or abolished. He zealously guarded the independence of Congress and worked hard to help the Congress reassert itself as a coequal branch of Government against the face of Executive abuse of power.

During the first half of his tenure here in the House, John chaired the Government Operations Subcommittee on Government Information and Individual Liberties. During the latter half of his congressional career, he chaired the Interstate and Foreign Commerce Subcommittee on Consumer Protection and Finance, and concluded by chairing that committee's Subcommittee on Oversight and Investigations. While chairing those various subcommittees, he passed many significant laws in the fields of Government information and consumer protection, in addition to his oversight activities.

I am pleased, therefore, to urge the support of my colleagues for this bill. To rename a Federal building and U.S. courthouse in Sacramento after this distinguished statesman is appropriate and timely.

● Mr. JOHNSON of California. Mr. Speaker, it is a source of great pleasure to sponsor this legislation. John Emerson Moss is a personal friend whom I served with throughout most of his 26 years in the House of Representatives. His congressional district bordered mine in California. Among other things, I can personally attest to the fact that he was an able, effective advocate for the interests of his constituents, and all Californians.

John retired one Congress ago and has continued a very active schedule. He helped found, and is now the chairman of the board of the First Commercial Bank of Sacramento. He is a member of a Federal advisory committee on automobile safety and engaged in other civic activities, while still spending much time with his devoted wife, Jean, and his very lively grandchildren.

John's service while in Congress went far beyond responding to the needs of his constituents. He regarded himself as being, in effect, a member of what amounts to the board of directors of the world's largest corporation, actively setting policy for our country. He sponsored many major laws which will long have an impact on us all.

He will possibly best be remembered for his authorship of the Freedom of Information Act, and the many years of struggle that led to the passage of this legislation which brought sunshine to some of the darkest corners of our Government. Since information is power, as it has long been said, any government truly of the people, must have the doors of government opened to the people which it serves.

Fiercely independent and strongly supportive of the needs of consumers, John Moss succeeded in pushing numerous bills which have helped protect the public. He is the principal sponsor of the Magnuson-Moss Consumer Protection Warranty and Federal Trade Commission Improvements Act, the Consumer Product Safety Act, the Poison Prevention Packaging Act, and the National Traffic and Motor Vehicle Safety Act.

Accordingly it is, indeed, appropriate to rename the Federal Courthouse and Office Building in Sacramento after a man who gave so much to that community and to the Nation. Like that building, his accomplishments are destined to outlive us all. This legislation deserves the complete support of this body.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1450

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LOUIS C. WYMAN FOREST EXPERIMENT STATION

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8338) to designate the facility known as the Northeastern Forest Experiment Station in Durham, N.H., as the "Louis C. Wyman Forest Experiment Station."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The facility known as the Northeastern Forest Experiment Station in Durham, New Hampshire, shall hereafter be known, called, and designated as the "Louis C. Wyman Forest Experiment Station". Any reference in any law, map, regulations, document, record, or other paper of the United States to such experiment station shall be deemed to be a reference to the "Louis C. Wyman Forest Experiment Station".

SEC. 2. This legislation shall become effective January 3, 1981.

Mr. LEVITAS. Mr. Speaker, I rise in support of H.R. 8338, a bill to designate the facility known as the Northeastern Forest Experiment Station in Durham, N.H., as the "Louis C. Wyman Forest Experiment Station."

Born in Manchester, N.H., on March 16, 1917, Mr. Wyman was graduated with honors from the University of New Hampshire in 1938 and from the Harvard Law School, cum laude, in 1941. He was president of the Harvard Legal Aid Bureau and permanent secretary of his law class. Shortly after receiving his law degree, Mr. Wyman became a lieutenant in the U.S. Naval Reserve, with service in the Alaskan theatre from 1942 to 1946.

Following World War II, Mr. Wyman held several important legal positions. He served as the general counsel to the Senate Committee on Campaign Expenditures; as secretary to Senator Styles Bridges; and counsel, from 1948 to 1949, to the Joint Committee on Foreign Economic Cooperation.

From 1953 to 1961, Mr. Wyman was attorney general of New Hampshire. At the same time, he held other important legal positions, including chairmanship of the New Hampshire Commission on Interstate Cooperation and the Committee on Internal Security of the National Association of Attorneys General. Mr. Wyman also was president of the National Associations of Attorneys General in 1957, and from 1961 to 1963 he was chairman of the American Bar Association's standing Committee on Jurisprudence and Law Reform.

Mr. Wyman was first elected to the House of Representatives in 1962, and he was reelected four times, until retiring in 1975. He was a member of the Appropriations Committee.

Despite his many professional accomplishments, Mr. Wyman has been able to devote much time to civic activities. For example, he has been a member of the Sons of the American Revolution, Masons, Elks, American Legion, Veterans of Foreign Wars, and board of directors of the New Hampshire Council on World Affairs.

Mr. Wyman has had a long and impressive legal and professional career, and designating a facility in his honor would be an appropriate tribute to him.

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 8338 and respectfully urge its enactment.

I recall Louis Wyman's service with us in the House and retain an appreciation for his dedication to this institution. As a member of the Defense Appropriations Subcommittee, Louis worked hard to assure a strong national defense, and especially for adequate resources for the Navy's vital mission. He was one of the original sponsors of the Model Cities Act and, as ranking minority member of the Legislative Branch Appropriations Subcommittee, demonstrated his concern that the House of Representatives have the ability to live up to its responsibilities.

Louis Wyman is a leading citizen of the State of New Hampshire. He is a past attorney general of that State, represented New Hampshire's First District in this body for many years, briefly served New Hampshire in the U.S. Senate, and now sits as a judge on New Hampshire's Superior Court.

It is very appropriate that the Forest Research Laboratory at Durham, N.H., be named after this illustrious citizen of New Hampshire, and I therefore urge adoption of H.R. 8338.●

● Mr. CLEVELAND. Mr. Speaker, I very much appreciate the committee's consideration of legislation to name the Forest Research Laboratory in Durham, N.H., after our former colleague, Louis Wyman.

Following service in the Navy during World War II and a stint with the Senate Appropriations Committee staff in which he oversaw the implementation of the Marshall plan, Louis was appointed attorney general for the State of New Hampshire. While attorney general he was elected president of the National Association of Attorneys General.

As we know, Louis is a former Member of this body representing New Hampshire's First Congressional District. And again, his public service was marked with distinction: Louis was selected for service on the House Appropriations Committee as a freshman, the third freshman to be appointed in this century. He served on the Defense Subcommittee and was ranking minority member of the Legislative Subcommittee. Louis briefly served New Hampshire as a Member of the U.S. Senate.

Mr. Speaker, it is particularly appropriate that the Forest Research Laboratory at Durham be named after Louis Wyman. Louis has been a conservationist throughout his life. As a Member of Congress, he worked to protect the Sandwich Notch Tract—one of New Hampshire's more scenic areas—by its addition to the White Mountain National Forest. As attorney general of New Hampshire, he was responsible for one of the first laws in the Nation prohibiting waste discharge from boats. As a result, New Hampshire's Lake Winnipesaukee remains drinking water pure despite extensive development.

I have hunted with Louis. I have fished with Louis. I have enjoyed many hours in the camp he built himself at the edge of the White Mountain National Forest. There is no one who has a higher regard for our forests; no one with a deeper reverence for the quiet wonders of nature.

Mr. Speaker, nothing could be more appropriate than naming a forest research laboratory for this fine man. I urge the committee's approval.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THOMAS J. McINTYRE FEDERAL BUILDING

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8377) to designate the Federal Building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. STRANGELAND. Mr. Speaker reserving the right to object, I do so for the purpose of yielding to the gentleman from Georiga (Mr. LEVITAS) to explain the bill.

Mr. LEVITAS. If the gentleman will yield, Mr. Speaker, it is my purpose, in the event that the reservation is withdrawn, to offer an amendment to the bill which would add a provision providing authorization for an emergency authorization to make repairs to the roof and primary structure of the National Visitors Center at Union Station, in the amount of $11 million. I would offer this amendment, in the event the reservation is withdrawn.

I might add that the amendment and the emergency authorization would make no determination as to the future use of the station or as to any major renovations or repairs. This amendment is solely for the purpose of assuring that the roof can be maintained and to assure that the structural repairs necessary to support the building can be kept in place, including structural repairs to the north wall of the concourse, the roof structural repairs to the main entrance stone ceiling, and electrical vaults, updating of the electrical system in the public areas and installation of a fire suppression system. In addition, the amendment authorizes the Architect of the Capitol to furnish steam heat to the Union Station/National Visitor Center complex.

Mr. STANGELAND. Mr. Speaker, as the distinguished gentleman from Georgia has pointed out, we are deeply concerned over the acute deterioration of the National Visitor Center/Union Station Building. Some of us recently toured the center and were appalled over the terrible conditions existing there. In its present condition, Union Station is a danger to those entering the building; it is unusable as a visitor center or a railroad station. Further, it is a disgrace to the taxpayer that we continue paying $3.5 million each year in order to purchase this facility and then stand by only to see it crumble.

This center must be preserved and funds are desperately required for this project if we are to halt the decay and save the building. We feel an obligation and a responsibility to preserve and maintain this national treasure. It is particularly for these reasons that I support this amendment that will provide the necessary funds to take care of the emergency repairs. I ask the support of my colleagues in adopting this amendment.

Mr. LEVITAS. If the gentleman will yield further, I would like to commend the gentleman for his statement and for the statesmanlike attitude and approach with which the gentleman and the minority has dealt with this matter. I think in this situation it is a disgrace for the people of this Nation not to take this minimal step to preserve this important structure until a final resolution can be made.

I thank the gentleman for his support.

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 8377 and respectfully urge its adoption by the House.

Senator McIntyre ably served New Hampshire in the U.S. Senate for over 16 years. His service in that body centered on his assignments to both the Armed Services and Banking, Housing and Urban Affairs Committees. I recall his special concern that adequate emphasis be placed on military research and development—a concern which the current world situation demonstrates was acute foresight on Tom McIntyre's part. I also recall Tom's, quiet wit, a characteristic he used with great effect in representing the interests of New Hampshire.

Mr. Speaker, New Hampshire was well-served by the efforts of Tom McIntyre in the U.S. Senate. It is indeed fitting and appropriate that the Federal Building in Portsmouth, N.H. be named after him in commemoration of those efforts.

I therefore urge adoption of H.R. 8377.●

● Mr. D'AMOURS. Mr. Speaker, in company with my distinguished colleague from New Hampshire, the Honorable JAMES CLEVELAND, it is my privilege to introduce H.R. 8377, a bill to designate the Federal building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building."

As many of you know, Thomas J. McIntyre represented my home State in the U.S. Senate from 1963 to 1979.

He brought talent and dedication to that office, and he served his State and his constituents wisely and well.

And he brought something else to the Senate, Mr. Speaker. He brought a commitment to what he saw as the best interests of the country that was matched only by his courage and integrity.

In that regard, those of us who know him well will be keenly disappointed if the next anthology of public figures who sacrificed career for principle does not pay him just tribute.

Tom McIntyre also brought to the office a sense of decency, a spirit of good will, and a willingness to cooperate that, together with his abilities, earned him the friendship and respect of his colleagues. Because he was held in such warm esteem he was able to accomplish much more for his native State than might otherwise have been the case.

The respect, the friendship and the support he deservedly earned in his many years as a member of the Senate Committee on Armed Services, and as chairman of the Committee's Subcommittee on Research and Development, for example, surely augmented his efforts in behalf of the Portsmouth, N.H. Naval Shipyard and the nearby Pease Air Force Base, military installations Tom McIntyre championed as invaluable components of a strong national defense capability.

His knowledge of military matters was unquestioned; Vice President MONDALE called him "the Senate's foremost expert on military research and development issues." But expertise alone does not insure accomplishment, and it was Senate majority leader ROBERT BYRD who described precisely what it was that made Tom McIntyre so effective.

Senator BYRD said:

> He spent many, many hours reviewing thousands of research and development programs in his careful and thorough fashion, working closely with the committee chairman, Senator Stennis, and other members of the committee to reach agreement on the issues. On numerous occasions, it was his recommendation which provided the common denominator for reaching an agreement. And on the Senate floor, Mr. McIntyre was often relied upon by Democrats and Republicans to clarify an issue or to help achieve a consensus among his colleagues.

In the same manner, he was able to bridge political differences and with bipartisan support for legislation establishing a Commission on Federal Paperwork to make recommendation on how to cut the burden of Federal paperwork and redtape on the private sector, approval of NOW accounts that pay bank customers interest on their checking accounts, and a number of other measures in the areas of trade and health care and alternative energy.

With regard to the last, President Carter once described Senator McIntyre as "the Nation's leading advocate of solar energy."

In sum, Mr. Speaker, Thomas J. McIntyre honored the office of U.S. Senator, he honored his native State and he honored his beloved country in dimensions that surely justify the permanent memorializing of his name on a Federal building.

He served his counry in war and in peace with courage and with honor. And when that moment came, as it comes to many in public life, he served his conscience with the same courage and honor and accepted the political consequences with grace and with dignity.

Mr. Speaker, a final comment if I may.

I have spoken here of Tom McIntyre's decency and good will and his success in working with those who did not share his politics. I would like to underscore that point by noting for the record the truly remarkable friendship that developed and persists to this day between Tom McIntyre and former Senator Norris Cotton. These two, one a Democrat, the other a Republican, together represented New Hampshire in the Senate for many years. They grew to respect one another. They grew to like one another. They grew to work in harmony and with great effectiveness for the State in which both were born.

Of that relationship, Norris Cotton once said, and I quote:

> I never considered a difference of opinion in politics, in religion, in philosophy, as cause for withdrawing from a friend. I haven't a better friend, a closer friend, in this world than Tom McIntyre.

It was that friend, Tom McIntyre, who introduced the bill in the Senate to designate the Federal Building in Manchester, N.H., the "Norris Cotton Federal Building."

In that spirit, Mr. Speaker, I ask my colleagues of both parties to support H.R. 8377 and I thank Congressman CLEVELAND for his generous cosponsorship of this measure.●

● Mr. CLEVELAND. Mr. Speaker, the honorable Thomas J. McIntyre of New Hampshire served with distinction in the U.S. Senate for over 16 years, and it is entirely appropriate that the Congress honor the long and effective service provided the State of New Hampshire and the Nation by my friend and former colleague.

I am, therefore, pleased to be a sponsor of H.R. 8377, which would designate the Federal Building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building." Accordingly, I urge my colleagues to support this bill so that we may pay tribute to one who served with such ability and dedication and contributed so much to the betterment of our Nation and its people during a decade and a half of service as a Senator from New Hampshire.

Thomas McIntyre is a native of Laconia, N.H., and a graduate of Dartmouth College and Boston University Law School. He served with great valor in World War II, retiring as a major, after earning four battle stars, the Combat Infantry Badge, and the Bronze Star with Oak Leaf Cluster for meritorious achievement.

He began a career of public service with his election in 1949 to the office of Mayor of Laconia, and in 1953 he became Laconia City solicitor.

Throughout his Senate career, which began in November 1962, Tom McIntyre was a concerned legislator, serving on the Committees on Armed Services and Banking, Housing, and Urban Affairs. He was chairman of the Armed Services Subcommittee on Research and Development and chairman of the Banking, Housing, and Urban Affairs Subcommittee on Financial Institutions. He also served on the Joint Committee on Defense Production and the Select Committee on Small Business.

Mr. Speaker, I invite my colleagues in this body to join with me in support of this tribute, encompassed in H.R. 8377, to a distinguished former Member of the U.S. Senate, the Honorable Thomas J. McIntyre, who served the people of New Hampshire and the Nation so well for so long.●

● Mr. JOHNSON of California. Mr. Speaker, I rise in support of the amendment offered by my colleague and distinguished friend, Mr. LEVITAS, of Georgia. The Visitors Center is badly needed for the greater Washington Metropolitan area. The arguments in its favor are clear and many. I will not take the time today to elaborate on them. I would make this one point.

I think all of us recognize that there is a need for a focal point where visitors to our Nation's Capital from throughout the world can find a place where the necessary information as to who, what, when, where, and how as to visiting an area can be properly and advantageously answered.

Victor Hugo one said:

> There is nothing stronger than an idea whose time has come.

It is my firm belief despite present difficulties the Visitors Center will one day come into fruition and become a meaningful part of the future development of this great National Capital. I am proud to have played a part in this. I hope in the future to continue to play whatever part I can as a private citizen.

May I personally congratulate the gentleman from Georgia, chairman of the Subcommittee on Public Buildings and Grounds, Mr. LEVITAS, for his outstanding job during this session not only on this piece of legislation but with all the bills, prospectuses, and all matters the subcommittee considered during the year. He has been diligent. He has been fair. He has protected the interest of the public. He has been a true chairman.●

Mr. STANGELAND. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 80 Daniel Street, Portsmouth, New Hampshire (commonly known as the Federal Building), shall hereafter be known, called, and designated as the "Thomas J. McIntyre Federal Building". Any reference in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Thomas J. McIntyre Federal Building.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: At the end of the bill add the following new sections:

SEC. 2. The Architect of the Capitol may enter into a contract or other agreement with the Secretary of Interior providing for the Architect of the Capitol to furnish steam from the Capitol powerplant to the Union Station-National Visitor Center complex. Under such contract, the Secretary of Interior shall pay for such steam at rates, not less than cost, and shall connect the Union Station-National Visitor Center complex with the Capitol powerplant steam lines without expenses to the Congress.

SEC. 3. (a) There is hereby authorized to be appropriated to the Secretary of the Interior for the fiscal year ending September 30, 1981, the sum of $11,000,000 for the purpose of making emergency repairs to the primary structure and roofs of the National Visitor Center in the District of Columbia and for the purpose of providing protection of the structural elements of the unfinished parking facility and southeast ramp at such Center. Such sum shall remain available until expended.

(b) Prior to entering into any contract for the repairs or protection authorized by subsection (a) of this section, the Secretary of the Interior shall consult with the Secretary of Transportation regarding the planning for such repairs or protection.

Mr. LEVITAS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING CONTRACTING FOR SERVICES WITH OUTSIDE FIRMS BY ARCHITECT OF THE CAPITOL

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 2069) to authorize the Architect of the Capitol to contract for personal services with individuals, firms, partnerships, corporations, associations, and other legal entities, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. STANGELAND. Mr. Speaker, reserving the right to object, I understand that the authority that the Architect is seeking is similar to that already in existing law for some agencies and departments such as GSA and DOD. On that basis the minority has no objection to S. 2069. However, I am wondering if the gentleman from Georgia could give me an assurance that the committee will monitor the contracts entered into under this authority to make sure that it will not substantially increase the cost of operating the Architect's office?

Mr. LEVITAS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for his question. I can assure the gentleman that, upon the passage of this legislation, it will be the purpose of the chairman of the subcommittee to write a letter to the Architect, directing that reports of any contracts entered into must be filed with the committee within 30 days following the entering into of such contracts.

The gentleman is also completely correct that other agencies of Government already possess this authority and, third, that no contract can be entered into by the Architect under the authority of this legislation unless authorized by one of the commissions or committees under which the Architect functions.

Mr. STANGELAND. Mr. Speaker, with that explanation, I will support the bill, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, could the gentleman from Georgia tell us the nature of what contracts the Architect needs to enter into on the basis of consultants? It is my impression that the appropriations for the Architect's Office have been handled on an annual basis through legislative appropriations. Why cannot the employees that he might need be hired in that fashion, as opposed to consultants? What sort of consultants does he need?

Mr. LEVITAS. If the gentleman will yield, I can give the gentleman an example of the type of situation that the Architect has found himself in in the past. During the renovation of the old FBI Building, when the Congress took over the operation of that renovation project, it became necessary for the Architect to supervise that particular operation. There were required to be 14 separate individual signatures for him to enter into a contract for the consulting services in connection with that project, rather than being able to enter into a contract with the firm, of which the 14 individuals were a part. In the last two decades there has been an ever-widening trend among professionals to practice in the form of associations and professional corporations. Congress has recognized this trend by authorizing executive branch agencies engaged in construction projects for the Government to contract with architectural, engineering and other such consulting firms and associations, rather than with individuals; and where there is an association of the sort I have described, present law requires the Architect to enter into a contract with each of the individuals of the firm who are to participate in the contract, rather than with the association itself.

The Department of Defense and the General Services Administrator already have similiar authority.

□ 1500

The Architect is still required to contract with individual professionals to service for projects with which he is charged on behalf of the Congress and the Supreme Court as opposed to having them open to contract with the entity rather than with the members of the association. This does not give him a carte blanche to go out and enter into contracts which are otherwise not authorized. It simply lets him make contracts with associations, corporations, and firms rather than individual professionals.

Mr. BAUMAN. Further reserving the right to object, is the gentleman saying that he already has the unlimited authority to contract with individuals as consultants?

Mr. LEVITAS. That is correct .

Mr. BAUMAN. This extends that right to corporations or associations?

Mr. LEVITAS. That is correct.

Mr. BAUMAN. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1142, AUTHORIZING APPROPRIATIONS TO SECRETARY OF THE INTERIOR FOR SERVICES NECESSARY TO NONPERFORMING ARTS FUNCTIONS OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight to file the conference report on the Senate bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 96-1530)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 761) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981.".

SEC. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976.

And the Senate agree to the same.

HAROLD T. JOHNSON,
ELLIOTT H. LEVITAS,
MIKE MCCORMACK,
RONNIE G. FLIPPO,
BRIAN DONNELLY,
W. H. HARSHA,
ARLAN STANGELAND,
ROBERT LIVINGSTON,
Managers on the Part of the House.
JENNINGS RANDOLPH,
DANIEL P. MOYNIHAN,
ROBERT STAFFORD,
JOHN H. CHAFEE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate amendment to the House amendment was a substitute for the House amendment.

The House recedes from its disagreement to the amendment of the Senate to the amendment of the House with an amendment which is a substitute for the Senate amendment and the House amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION

House amendment

Amends section 6(e) of the John F. Kennedy Center Act to authorize $4,287,000 for fiscal year 1980 for support services necessary for the nonperforming arts functions of the Kennedy Center.

Senate amendment

Amends section 6(e) of the John F. Kennedy Center Act to authorize $4,287,000 for fiscal year 1980 and $4,400,000 for fiscal year 1981 for support services necessary for the nonperforming arts functions of the Kennedy Center.

Conference substitute

Same as Senate amendment authorizing $4,287,000 for fiscal year ending September 30, 1980, and not to exceed $4,400,000 for fiscal year ending September 30, 1981.

HONORARY TRUSTEE

House amendment

Designates Ralph E. Becker an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976 and directs the Secretary of the Interior to place a plaque appropriately honoring Mr. Becker in the grand foyer of the Center.

Senate amendment

Directs the Secretary of the Interior to place at an appropriate location in the John F. Kennedy Center for the Performing Arts a plaque honoring the service of Ralph E. Becker.

Conference substitute

Designates Ralph E. Becker an honorary trustee of the Kennedy Center.

HAROLD T. JOHNSON,
ELLIOTT H. LEVITAS,
MIKE MCCORMACK,
RONNIE G. FLIPPO,
BRIAN DONNELLY,
W. H. HARSHA,
ARLAN STANGELAND,
ROBERT LIVINGSTON,
Managers on the Part of the House.
JENNINGS RANDOLPH,
DANIEL P. MOYNIHAN,
ROBERT STAFFORD,
JOHN H. CHAFEE,
Managers on the Part of the Senate.

REVISING BOUNDARY OF CRATER LAKE NATIONAL PARK IN STATE OF OREGON

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2318) to revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth," approved May 22, 1902 (32 Stat. 202), is amended to read as follows:

"That in order to preserve for the benefit, education, and inspiration of the people of the United States certain unique and ancient volcanic features, including Crater Lake, together with significant forest and fish and wildlife resources, there is hereby established the Crater Lake National Park in the State of Oregon. The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, "Crater Lake National Park, Oregon," numbered 106-80,001, and dated February, 1980, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Lands, waters, and interests therein within the boundary of the park which were within the boundary of any national forest are excluded from such national forest and the boundary of such national forest is revised accordingly."

(b) The Act entitled "An Act to add certain land to the Crater Lake National Park in the State of Oregon, and for other purposes", approved May 14, 1932 (47 Stat. 155), is repealed.

SEC. 2. To make possible more effective protection of the Alpine Lakes Wilderness and more comprehensive and effective management of the management unit within the Alpine Lakes Area, established by the Alpine Lakes Area Management Act of 1976, the Secretary of Agriculture is authorized to acquire any or all of the following described lands in the State of Washington: in township 23 north, range 9 east, Willamette meridian, the southeast quarter of section 24. Such lands may be acquired by donation or exchange for national forest lands or other lands administered by the Forest Service in the same state having a value approximately equal to the value of the lands so acquired, as determined by the Secretary of Agriculture: *Provided,* That the Secretary may accept cash or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged. Any lands acquired pursuant to this section shall, upon acceptance of title, become part of the Mt. Baker-Snoqualmie National Forest.

Mr. PHILLIP BURTON. Mr. Speaker, the Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. Speaker, S. 2318 would expand the magnificent Crater Lake National Park in Oregon by some 24,000 acres. Crater Lake National Park was established in 1902 to protect a beautiful freshwater lake nestled in the crater of an extinct volcano. Since the lake itself was viewed as its primary feature, straight-line boundaries generally following land survey section lines were drawn. These boundaries did not follow the natural features of the land area, nor did they include significant geological features associated with the park.

The additional area to be added by the enactment of S. 2318 will rationalize the boundaries and enhance the protection of this remarkable area. We are all indebted to Senator MARK HATFIELD for his leadership in making this measure possible and to Congressman JIM WEAVER, of our committee for his strong support of this measure.

S. 2318 also includes a small boundary adjustment affecting the Alpine Lakes Wilderness in Washington State. This would authorize the U.S. Forest Service to exchange lands with the Washington State Department of Natural Resources so as to acquire up to 160 acres of land now managed by the State in the vicinity of Thompson Lake. The current boundary bisects the basin that forms the natural backdrop for Thompson Lake, and a state timber sale is planned on these slopes if the Forest Service is not authorized to acquire the land through exchange.

The purpose of the legislation is to permit the Forest Service to acquire within the designated quarter section the land between the lakeshore and the ridgetop that defines the visual setting for the lake. It is not intended that the authorized exchanges should involve land beyond that which is required to fulfill this purpose.

Representative DON BONKER has taken the initiative to bring this matter to the attention of our committee, and we are happy to see this improvement consummated.

PROVIDING FOR ORDERLY DISPOSAL OF CERTAIN FEDERAL LANDS IN NEVADA AND FOR ACQUISITION OF CERTAIN LANDS IN LAKE TAHOE BASIN

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7306) to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, line 2, strike out "States." and insert "States: *Provided*, That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.".

Page 4, line 7, strike out "Twenty" and insert "Ten".

Page 4, line 16, strike out all after "municipality." down to and including "States." in line 21.

Page 7, line 7, strike out "September 8, 1980" and insert "the date of enactment of this Act".

Page 7, line 18, after "California" insert ", the Tahoe Regional Planning Agency".

Page 7, lines 23 and 24, strike out "on or before December 31, 1980," and insert "within six months of the date of enactment of this Act,".

Page 8, strike out lines 7 to 12, inclusive.

Page 8, line 13, strike out "(D)" and insert "(C)".

Page 8, line 14, strike out all after "means" down to and including "includes" in line 18.

Page 9, line 8, after "tation:" insert "and".

Page 9, strike out lines 9, 10, and 11.

Page 9, line 12, strike out "(v)" and insert "(iv)".

Page 9, line 14, strike out "(E)" and insert "(D)".

Page 9, line 20, after "agencies" insert ", the Tahoe Regional Planning Agency".

Page 9, line 23, after "acquisition." insert "The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis.".

Page 10, line 7, strike out all after "lands" down to and including "(2)" in line 9.

Page 10, line 25, strike out "air, water, or visual qualities" and insert "water quality".

Page 11, line 4, after "Agriculture" insert "with the concurrence of the Tahoe Regional Planning Agency".

Page 11, line 11, strike out "air, water, or visual qualities" and insert "water quality".

Page 11, line 14, strike out "air, water and visual qualities" and insert "water quality".

Page 11, line 22, strike out "September 8, 1980," and insert "the date of enactment of this Act,".

Page 13, line 5, after "Agriculture" insert "with concurrence of the Tahoe Regional Planning Agency".

Page 14, line 9, strike out "1981" and insert "1982,".

Page 14, line 10, strike out "1982." and insert "1983.".

Page 14, line 16, after "years." insert: "Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965.".

Page 15, line 1, strike out "1980." and insert "1981.".

Page 15, after line 4, insert:

SEC. 4. (a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Marjorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. SEBELIUS. Mr. Speaker, reserving the right to object, I lend my very reluctant support to the adoption of the Senate amendments to H.R. 7306, a bill to provide increased protection for Lake Tahoe in California and Nevada. My reluctance is not due to anything relative to the Lake Tahoe amendments, but rather is due to the fact that the Senate amendments include a nongermane provision which will divest from our National Park System one of its very previous components—the Mar-a-Lago National Historic Site in the State of Florida. I absolutely deplore this action, and it is only because this amendment is attached to a bill that is very meritorious otherwise, that I am compelled to raise a fuss about the entire bill. Obviously, time and temperament will not permit the House to reject this particular Senate amendment and send the bill back to the Senate.

I, for one, as the ranking minority member of the Subcommittee on National Parks and Insular Affairs, have long defended the retention of this magnificent mansion as a unit of our National Park System. The property is the Palm Beach summer home of the late millionairess, Marjorie Merriweather Post. It is one of the few remaining palacial private homes of its type in the United States; its architecture, setting, and composition are particularly grand. It offers a magnificent opportunity to preserve and make available to the American public a chance to appreciate the opulent life style of an era which has faded from the American social scene.

The home, and the life style associated with it during Mrs. Post's residence, are a part of our American history which should be preserved and represented in our national park system.

There have been numerous arguments set forth as to why retention of this property by the Federal Goverment is ill-advised. I just strongly disagree, and I am most saddened to see the action taken that this amendment represents. The best interests of the citizens of the United States, and of future generations of Americans yet to come, will suffer a needless and shameful loss as a result of this provision. I am most sorry about it.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Speaker, I would like to fully endorse the gentleman's remarks, and fully associate myself with the gentleman's remarks. It is one of the lamentable aspects of this session that we are confronted with this absolutely insoluble dilemma with reference to the Mar-A-Lago situation.

The gentleman and I have been in full agreement on this matter over the years, and I just wish that this amendment had been attached to some other item. With reference to the Lake Tahoe amendments, some of them are clarifying what we intended. Some of them are amendments that may not be as bad as they might appear, and some of them I would have preferred not to take, but here again in the waning moments I reluctantly do take the Senate amendments and would note that it is a less adequate bill than that which we sent to the Senate. In any event, this is a much needed, and a remarkable achievement given the realities of this current time and day.

Mr. PHILLIP BURTON. Mr. Speaker, I am accepting the Senate amendments to H.R. 7306. However, I would like to make clear that the Senate amendment regarding concurrence of the Tahoe Regional Planning Agency prior to acquisition of land without the consent of the owner, is applicable only to the authorities granted to the Secretary of Agriculture by this act and in no way affects authorities of the Secretary of Agriculture granted by other law.

It should also be noted that our intent in defining "improved land" in section 3(c)(4)(A) was that the "single family dwelling" be inclusive of other outbuildings or structures related to and necessary for the reasonable use of the primary dwelling.

Mr. SEBELIUS. I thank the gentleman for those remarks.

Mr. Speaker, I withdraw my reservation of obligation.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

ENACTING CERTAIN PROVISIONS RELATIVE TO UNITS OF NATIONAL PARK SYSTEM IN STATE OF HAWAII

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7217) an act to enact certain provisions relative to units of the National Park System in the State of Hawaii, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 9, line 14, strike out "There" and insert "Effective, October 1, 1981, there".

Page 9, strike out all after line 19 over to and including line 4 on page 13 and insert:

SEC. 201. In furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 6666), the Secretary of the Interior is authorized to provide financial assistance for the operation, maintenance and protection of the historic sailing ship *Falls of Clyde*, located in Honolulu Harbor, Hawaii. Such authorization shall terminate at such time as the *Falls of Clyde* is no longer located in the State of Hawaii.

Page 13, after line 4, insert:

SEC. 202. Authority to enter into contracts or cooperative agreements, to incur obligations or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Page 13, after line 4, insert:

TITLE III

SEC. 301. This title may be cited as the "Native Hawaiians Study Commission Act".

NATIVE HAWAIIANS STUDY COMMISSION

SEC. 302. (a) There is hereby established the Native Hawaiians Study Commission (hereinafter in this title referred to as the "Commission").

(b) The Commission shall be composed of nine members appointed by the President. Not more than three of such members shall be residents of the State of Hawaii.

(c) The Chairman and Vice Chairman of the Commission shall be designated by the President at the time of appointment.

(d) Vacancies in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission and shall be filled in the same manner in which the original appointments were made.

(e) The President shall call the first meeting of the Commission not more than ninety days after the date of the enactment of this title.

(f) Five members of the Commission shall constitute a quorum, but a smaller number specified by the Commission may conduct hearings.

(g) Each member of the Commission shall receive $100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are full-time officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

SEC. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.

(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and copies of all written comments on the draft submitted to the Commission under paragraph (c) to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(e) The Commission shall make recommendations to the Congress based on its findings and conclusions under subsection (a) of this section.

TERMINATION OF THE COMMISSION

SEC. 304. Except as provided in subsection (b) of section 307, upon the expiration of the sixty-day period following the submission of the report required by section 303, the Commission shall cease to exist.

DEFINITIONS

SEC. 305. For the purposes of this title, the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian islands prior to 1778.

SAVINGS CLAUSES

SEC. 306. No provision of this title shall be construed as—

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Native Hawaiians to sue the United States or any of its offices; or

(2) constituting a precedent for reopening, renegotiating, or legislating any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

SEC. 307. (a) There are hereby authorized to be appropriated for fiscal years 1982 and 1983 such sums as are necessary to carry out the provisions of this title. Until October 1, 1981, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 304.

Amend the title so as to read: "An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes.".

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON. Mr. Speaker, I am very pleased to see final passage of legislation to establish the Kalaupapa National Historical Park on the island of Molokai in the State of Hawaii. This park will preserve the incredible history of the Kalaupapa leprosy settlement while protecting the lifestyle of those remaining patients in the settlement. On initial passage of this bill in the House on May 19, 1980, I spoke of those selfless people who have worked so long and hard to bring this dream to reality, and while I shall not repeat the list of names, I again wish to commend their efforts.

Mr. Speaker, title III of H.R. 7217 provides for the establishment of the Native Hawaiian Study Commission. The purpose of the commission is to conduct a comprehensive study of the needs and concerns of the Native Hawaiian people, whose ancestors were Natives of the Hawaiian Islands prior to 1778. The members of the commission shall be appointed by the President of the United States; a membership of nine, with not more than three shall be residents of the State of Hawaii.

Mr. Speaker, may I first commend my distinguished colleague on the other side of the aisle, the gentleman from Colorado, Mr. JIM JOHNSON, for his recommendations and helpful advice on how the Congress might best proceed in establishing this commission. I also want to commend my good friends and colleagues from Hawaii, Congressmen DANIEL AKAKA and CEC HEFTEL for their valuable contributions and input for the development of this legislation. Needless to say, I certainly want to commend also the tremendous efforts made by our distinguished Senators from Hawaii, SPARK MATSUNAGA and DANIEL INOUYE.

Mr. Speaker, it is my sincere hope that 2 years from now, the findings and recommendations from this commission, relative to the past and current problems now facing the Native Hawaiian population in the State of Hawaii and elsewhere, will be such that it will establish a base upon which the Congress can then decide on the best possible approach to assist the Native Hawaiians. Mr. Speaker, the Native Hawaiians definitely need help, and after holding hearings last year in Hawaii on this legislation, I am convinced more than ever of the need to establish this commission; and I might add that the Congress does have a responsibility to these people.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

TRIBUTE TO THE HONORABLE KEITH SEBELIUS OF KANSAS

(Mr. PHILLIP BURTON asked and was given permission to address the House for 1 minute.)

Mr. PHILLIP BURTON. Mr. Speaker, this is a really very sad occasion for me and for all of the many friends of our dear colleague, the gentleman from Kansas (Mr. SEBELIUS). Although there have been special orders relating to the career of this most wonderful, warm, and decent representative of the people not only of his district and State, but of the country as well, I do not think the absolutely remarkable achievements in the last 4 years' work by the Subcommittee on National Parks would have been conceivable, much less possible, without the thoughtful, concerned commitment of the gentleman from Kansas (Mr. SEBELIUS).

KEITH is a person who loves this land, believes it should be protected, but protected in a responsible way rather than with some excessive intrusion of the governmental process. Truly, his career has been studded with achievement after achievement. That is noted by all of us who have worked not only in this area, but observing his efforts on the Committee on Agriculture. By happenstance the Republican Party was in the minority. If it would have been in the majority, the genius, the gentleman farmer, if you will, from Kansas, would have been the author of so much of this legislation we have enacted over the last 4 years rather than the gentleman from California.

KEITH, I shall miss you personally. I regret that it is at this hour—at the end of a busy week—that I have this occasion to bring this matter to the attention of our colleagues, but I had just learned within the hour that this may well be the last legislative day that you grace these Chambers with your presence, with your dignity, with your kindness, and with your friendship. For all these considerations and more, we are going to very, very sorely miss you personally, and the Nation is going to sorely miss your presence and contribution.

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Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I am just delighted that my friend and working colleague, the chairman of our Subcommittee on National Parks and Insular Affairs, the gentleman from California (Mr. PHILLIP BURTON), has taken this opportunity to say these kind words about our departing colleague, KEITH SEBELIUS from Kansas.

While the gentleman might refer to the words, "concern" and a "commitment" to the national parks cause, I would also like to add another "c word," and that is "considerate." He has operated as one of the most considerate members of this committee, considerate on the side of the individual who has a concern in their congressional district, and also considerate of the national interest in trying to maintain the kind of checks and balances necessary to conform to the criteria set up by the National Parks Advisory Committee.

It is my hope that if and when there is an opening on the National Parks Advisory Committee, I can solicit the support of our distinguished subcommittee chairman and the Members of this Congress to ask that the gentleman from Kansas be appointed to that National Parks Advisory Committee, because I know of no one who has done a better job, working with the very demanding and genial subcommittee chairman from California to offer what I think have been very constructive and creative proposals which have added immeasurably to the National Parks System.

Mr. PHILLIP BURTON. Mr. Speaker, if I may reclaim my time, the gentleman from California need not at some future point enlist my reaction to that superb proposal, but I would note historically that, as I recall it, they have picked outgoing chairs of either this subcommittee or of our counterpart on the Senate side.

Without regard to the added factor that we have a new administration of the party of the gentleman from Kansas in light of his stellar performance; and if we are not able to ascertain between now and Tuesday that there will be a vacancy immediately forthcoming, the gentleman from California will join with his colleagues and send to the Senate an amendment that will open up another slot with the exclusive purpose in mind that the service of the gentleman from Kansas to his country in this very important area not be lost.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I will be pleased to cooperate with the gentleman from California (Mr. PHILLIP BURTON) in either a legislative or administrative effort to accomplish that objective.

Mr. PHILLIP BURTON. Mr. Speaker, I will just assure the gentleman that if he does not blink, he will see what we will do next Tuesday.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair will state that he knows that all the Members of this House would be pleased to join in these comments concerning the gentleman from Kansas (Mr. SEBELIUS).

INTRODUCTION OF LEGISLATION TO AMEND BANKING LAWS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MOORHEAD of Pennsylvania. Mr Speaker, the world of money, credit, and financial transactions is not limited by political boundaries.

Foreign banks recognize this fact—they are doing business in the United States.

American banks recognize this fact—they are doing business abroad.

Within the United States, our laws do not recognize this fact.

In recognition of this fact, I am today introducing legislation on which the next Congress can focus.

The first two bills would permit nationwide branching through amendment of the banking laws or the Bank Holding Company Act.

It may be that, upon study, Congress will decide that a change to nationwide banking is too precipitous a change to make all at once and that a regional approach to banking is a more cautious and reasonable step. The next two bills I am introducing would permit branching throughout the entire standard metropolitan statistical area within which the bank or holding company is located.

This SMSA approach to banking would also solve the unique problem of banks located in the District of Columbia. In the event the next Congress did not want to apply SMSA banking across the Nation, the last two bills which I am introducing would limit SMSA banking to the Washington, D.C., metropolitan area.

The subject matter of this legislation has been covered in several studies over the years including the Hunt Commission report and the House Banking Committee's FINE study.

I would have preferred to await the publication of financial institutions in the national economy, the White House study on this issue, required by the International Banking Act, which may suggest a different approach. However, my time in Congress is fast running out and I must act today.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time in order to inquire of the acting majority leader as to the program for the balance of the day, possibly next week, and the balance of the session.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the acting majority leader.

Mr. MURTHA. Mr. Speaker, all of our legislative business is complete right now. There may be unanimous consent requests on Tuesday when we plan to come back at 3 o'clock.

In addition to that, there may be some suspensions, but there will be at least an hour's notice if any suspensions would come up. There are no suspensions or no unanimous consent requests that we know of right now. Conference reports of course, may be brought up at any time.

Mr. MICHEL. Mr. Speaker, to recap what the gentleman has said, we would expect to adjourn over until Tuesday next and not meet until 3 p.m. on that date, and that if there are suspensions to be scheduled for that day, we will be given at least an hour's notice to that effect, is that correct?

Mr. MURTHA. The gentleman is correct.

Mr. MICHEL. Has the gentleman any intelligence as to whether or not we may be in a position to act on the continuing resolution on Tuesday?

Mr. MURTHA. We just do not know when it will come over to us, but we will act as soon as it comes over to the House from the Senate.

Mr. MICHEL. Is there anything other than the continuing resolution that is imperative that we pass before adjourning sine die?

Mr. MURTHA. We have no legislation of that type right now.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

Can the gentleman from Pennsylvania (Mr. MURTHA) tell us, has there been a discussion of the potential vetoed legislation?

Mr. MURTHA. That could come up possibly Tuesday.

Mr. ROUSSELOT. Is that for sure?

Mr. MURTHA. No, it is only possible. The only thing I expect later on is revenue sharing.

The SPEAKER. The Chair will inform the Members that the White House will send that up on Tuesday. We are aware of the fact that the members of Appropriations Committees of both Houses, the House and Senate, are working informally on it. This is the same amendment that is in the continuing resolution.

Knowing that the President would also veto that, they are trying to work out language that would be acceptable. If such language is acceptable, when the veto would come in, we would hope that a motion would be made by the gentleman from Mississippi (Mr. WHITTEN) to refer to his committee. So it could very well be that there would be no action on it on the part of the House. That is the present possibility.

Mr. MICHEL. I thank the Speaker.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, are there any other potential conference reports or anything like that that might come up?

Mr. MURTHA. Mr. Speaker, if the gentleman will yield, it is possible that the revenue sharing and the debt limit conference reports might come up.

Mr. ROUSSELOT. I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I appreciate the gentleman's responding to our inquiries.

ADJOURNMENT TO 3 P.M., TUESDAY, DECEMBER 9, 1980

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 3 p.m. on Tuesday, December 9.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule may be dispensed with on Wednesday, December 10, 1980.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND AUTHORIZING THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until December 9, 1980, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign any enrolled bills and joint resolutions, duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Small Business:

COMMITTEE ON SMALL BUSINESS,
Washington, D.C., December 3, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of H. Res. 722, 96th Congress, this is to advise you that on December 2, 1980, John M. Fitzgibbons, Esquire, a former employee of the Committee, has been served with a subpoena to appear for the purpose of taking his deposition in an action entitled In Re: IBP Confidential Business Documents Litigation, M.D.L. No. 428. The subpoena also requires him to bring with him "all documents relating in any manner to Iowa Beef Processors, Inc. or Hughes A. Bagley." It is apparent that the deposition involves Committee activities during a study and investigation of problems of small business involved in the production, slaughtering, processing and marketing of commodities, including meat, and thus is related to the official functions of the House. The documents involved are all records of the Committee, and thus involves the production or dislosure of documents relating to the official functions of the House.

We are examining the subpoena and will advise you of determinations made pursuant to the provisions of Section 3 of H. Res. 722.

With best wishes, I am,

Sincerely,

NEAL SMITH, *Chairman.*

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce:

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS OF THE COMMITTEE ON INTERSTATE AND FOREIGN
COMMERCE,
Washington, D.C., December 4, 1980.
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of H. Res. 722, 96th Congress, this is to advise you that on December 2, 1980, Charles E. Chatman, Esquire, a former employee of the Subcommittee, has been served with a subpoena to appear for the purpose of taking his deposition in an action entitled In Re: IBP Confidential Business Documents Litigation, M.D.L. No. 428. The subpoena also requires him to bring with him "all documents relating in any manner to Iowa Beef Processor, Inc. or Hughes A. Bagley." It is apparent that the deposition involves Subcommittee activities during a study and investigation of problems involved in the production, slaughtering, processing and marketing of commodities, including meat in interstate commerce, and thus is related to the official functions of the House. The documents involved are all records of the Subcommittee, and thus involves the production or disclosure of documents relating to the official functions of the House. As such, I hereby request that you provide representation to Mr. Chatman insofar as he is called upon to discuss matters within the purview of his employment with the Subcommittee.

We are examining the subpoena and will advise you of determinations made pursuant to the provisions of Section 3 of H. Res. 722.

Sincerely,

BOB ECKHARDT,
Chairman, Subcommittee on Oversight and Investigations.

THE VOICE OF AMERICA'S RUSSIAN SERVICE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, in recent weeks there has been criticism, and I believe unfounded criticism, of the Voice of America's Russian Service.

As a member of the Commission on Security and Cooperation in Europe, I have listened to witness after witness describe the value of the Voice's broadcasts into the Soviet Union and the extent to which these individuals have gone just to hear what the Voice has to say.

This is not to say that the Voice's Russian broadcast service is perfect. I know of no Federal agency, private organization, or independent news organization which is. There are major differences among members of the Soviet dissident movement outside the U.S.S.R. and these may, from time to time, be reflected in the Russian service.

But I will say to our colleagues that I believe the Voice is comprised of many very dedicated and able people who are doing a tremendous job despite the constraints, monetary and personnel, which we in the Congress, in response to administration recommendations, have placed upon it and on the International Communication Agency as a whole.

I would like to call to the attention of our colleagues two letters which I believe are relevant to the quality of the Voice's Russian Service. The first is a letter from Alexandre Solzhenitsyn to the chief of the Russian Service commending its programing.

The second is a letter from Voice Director Mary Bitterman in answer to the changes concerning the Voice.

Mr. Speaker, I must admit that I have had some problems with some of the appointments made by the Carter administration within the foreign affairs agencies. These appointments have not always given the type of leadership which I believe to be best for our country.

Mary Bitterman is not among this group. In the 10 months in which she has served as Director of the Voice, she has done an outstanding job not only with the programing, but with the morale of the personnel as well. She has brought a dynamism which has long been lacking but which has been sorely needed at the Voice.

I have also talked with Mrs. Bitterman about her recommendations for the future of the Voice and believe them to be right on target. It is my sincere hope that she will be asked to remain to implement these recommendations.

In a world of expanding communications, we need to enhance our own communications and, hence, understanding. Regrettably, we have not done so.

The Republican Party platform specifically addresses this concern and I believe the Reagan administration will work to expand the capabilities of the Voice and of the other aspects of the International Communication Agency.

During the years in which it has been my privilege to serve as the ranking minority member of the subcommittee which has oversight and funding authority for the ICA and the Voice, I have been at once impressed by the actions of the Agency on the one hand and frustrated by the severe constraints placed upon it on the other.

The fact of the matter is, the Voice is not doing all it could do because it does not have what it needs to get the job done. It does not have the resources, personnel or monetary and this is coupled with the problem of locating individuals proficient in the many languages in which the Voice now broadcasts or in which it would like to broadcast.

Notwithstanding these limitations, I believe the Voice is doing an essential job in telling the story of the great reality of this country and providing information to the peoples of many lands who thirst for truth.

I would hope that our colleagues would take the time to read these two letters and encourage them to do so.

INTERNATIONAL COMMUNICATION
AGENCY,
Washington, D.C., November 20, 1980.

DEAR JOHN: Knowing of your interest in the Voice of America, I wanted to share with you our reaction to Jack Anderson's column on the VOA Russian Service. While I appreciate the uniqueness of Mr. Anderson's investigative reports, I feel compelled to place his assertions in this case into perspective.

Mr. Anderson's November 18 article "VOA in Russian: Embarrassing Voice" does a disservice to the dedicated employees of the Voice of America and to the readers of his column. It is a collection of a few facts, many half-truths and a number of downright erroneous statements.

The Voice of America Russian Service broadcasts 14 hours per day, seven days a week. It is staffed by Russian-speaking professionals who labor under the same intense deadline pressures that their commercial colleagues do at NBC, ABC and CBS, but with the added factor of having to translate everything into a second language. All the staffers speak Russian, but are of many backgrounds. A few are relatively recent arrivals in this country, but most were either born here or immigrated decades ago. As in any organization, each staffer has his or her professional strengths and weaknesses. All had to pass a qualifying examination in translation and announcing to be hired, just as all had to pass a security background check.

Are there internal problems in VOA's Russian Service? Yes. But Mr. Anderson has not presented them accurately. Allow me to address the points he raised.

The article cites errors in VOA Russian broadcasts. Without question, under the intense pressures of translation and broadcast deadlines, some errors have occurred. VOA has recognized this and has made major efforts to correct it. In June 1980, for example, the Russian Service instituted an editor-of-the-day system that has tightened up program control greatly, a fact explained in detail to Mr. Anderson's researcher but not mentioned in the article. I think it is significant that the "bloopers" we could verify from Mr. Anderson's list were two and three years old.

Mr. Anderson described an instance of an "unfair promotion." An incident did occur in early 1979 in which a producer reported another employee as having been under the influence of alcohol while in a studio in the evening preparing a broadcast to the Soviet Union. Questioned by his supervisors, the employee denied the charge. He has had an excellent, even exceptional job history at VOA and is a very productive staffer. He was promoted not because of "bureaucratic buddy-buddyism," but because he was the most qualified person for the job.

The question of the amount and kind of coverage given Soviet dissidents is a perennial issue. Mr. Anderson is correct in the thrust of this portion of his article, but not in his particulars. VOA responsibly covers news of interest to Soviet listeners, including "dissidents" news. I would cite our coverage of Andrei Sakharov's exile to Gorky, the many international hearings that have been held in his name, all of the public hearings held by the U.S. CSCE Commission and our present detailed coverage of the CSCE Conference in Madrid as prime examples of in-depth, authoritative journalism in this field. We do insist that all news be verifiable, and to achieve this we normally require two independent sources.

VOA is under regular pressure from many sides to carry more information of specific cases involving Soviet dissidents and refuseniks. That is natural and we sympathize with the motives of the people that urge this on us. But VOA must maintain its standards of verifiability. If VOA reports are "distorted due to the paucity and one-sideness of broadcast information on the internal Soviet scene, it is in large measure due to the same limitations that face all Western media, including the newspapers that carry Mr. Anderson's column.

The quotation from instructions to a VOA Russian employee to stop collecting examples of mistakes in broadcasts, is accurate, as far as it goes. Seeing a self-appointed inspector search through old scripts for errors in full view of the staff members who had written those scripts was having a devastating effect on staff morale, and it had to be stopped. What Mr. Anderson did not report was even more important. In a separate memorandum and a later meeting with supervisors, the employee was urged to concentrate on current broadcasts and to point out any mistakes she spotted before airtime.

Mr. Anderson's use of the loaded term "emigre" is demeaning, and carries the connotation of "alien." VOA Russian Chief Victor Franzusoff, who is described as an "emigre Russian," came to this country in 1938 and became a U.S. citizen in 1940, while serving in the U.S. Army. He served for two years in the European theatre in World War II. Does Mr. Anderson mean to imply that naturalized Americans are less worthy than born ones?

While making a passing reference questioning the effectiveness of VOA Russian broadcasts, Anderson's article never really addresses that subject. I would like to set the record straight. Most people who are acquainted with the Soviet Union know that VOA Russian-language shortwave broadcasts are one of the very few channels of outside information open to Soviet citizens. When former Soviet dissident Aleksandr Ginzburg came to Washington shortly after the famous Dissidents-for-Spies swap in 1979, he said "Literally everyone who reads a newspaper in the Soviet Union listens to the Voice of America." Letters from listeners, interviews with recent emigrants and reports from the U.S. Embassy in Moscow confirm this startling statement. VOA has been cited freely as a source of information in public lectures in Moscow, and it is clear that the Kremlin leadership relies on VOA as a source of information about U.S. policy, particularly in times of international crisis. Estimates done by our friendly competitors, BBC, Deutsche Welle and Radio Liberty, confirm that VOA listenership is far ahead of the other three. An M.I.T. study judged weekly Soviet adult listenership to be 27.5 million.

My career in broadcasting has brought me into contact with industry professionals in our own country and throughout the world. The Voice of America's staff, functioning under rather difficult circumstances, is the most dedicated group of broadcasters I have known.

Sincerely yours,
Mary G. F. Bitterman,
Director.

[Translation of letter received by VOA-Russian Service]

To: The Chief of the Russian Section of the Voice of America-V.A. Franzusoff

To: Co-worker of the Russian Section O. V. Volkonsky

Gentlemen: I am a constant and grateful listener to your historical broadcasts, "Thirty-Five Years Ago".

I also receive requests from the USSR to thank you for these broadcasts and to continue them in their present form.

I would like to emphasize, although you know this yourselves, that it is almost impossible to imagine correctly the course of basic international events by information given out within the Soviet Union. Such a situation was particularly acute in the immediate post-war years, when listening to Western broadcasts was not yet widespread, and, besides, they were fiercely jammed. That is why the events of the first post-war years are greatly distorted or not clear in the minds of our population. That is why your broadcasts are of such exceptionally informative worth. And I am writing this letter to ask that you on no account discontinue this series, but continue it further, year after year.

I also appeal to you with the following request: could you supply the All-Russian Memorial Library with all the scripts of these broadcasts? Our Library would preserve them as part of our history for future Russian readers who today are deprived of the possibility of listening to these broadcasts or have missed some of them. I would be extremely grateful to you for such a gift. It would not be necessary to send each script separately, but in large packets, once every three months. And, if possible, to include all those broadcasts up to the present time—to

With gratitude and best wishes.

A. Solzhenitsyn.

November 28, 1980.

□ 1640

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of this special order, the gentleman from Indiana (Mr. Brademas).

TRIBUTES TO HON. JOHN BRADEMAS AND HON. MIKE McCORMACK

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Murtha) is recognized for 60 minutes.

Mr. MURTHA. Mr. Speaker, I rise today to extend tribute to a member of this body who unquestionably deserves the sobriquet "super congressman." I refer, of course, to our leader and our friend, John Brademas of Indiana, who is leaving this House after 22 years of service.

Rarely in the nearly 200 years of this institution has there been a Member who has contributed so much to the House, to Congress, to the Nation, to his State and to his district.

For two decades, as a man of action and a man of ideas, as a doer and a thinker, he brought unbridled energy, a keen, wide-ranging mind and a zest for politics to an extraordinary array of issues.

Throughout his service he stood steadfast as a defender of the rights of every American to share in our society. He was an advocate for the poor, the sick, the handicapped, the black, the Hispanic, the unemployed—indeed of every person who by virtue of race, creed, color or accident of birth was denied rights and benefits accruing to others.

Mr. Speaker, I am truly astounded when I look back over the legislation enacted through the efforts of John Brademas. I am impressed at its quantity. I am impressed by its quality. This legislation effects the lives of all of us. They are monuments to a man and to his ideals—monuments that will live on long after he and those of us who have had the honor of serving with him are gone from this Chamber.

For all of his 22 years in this body, John Brademas has served with extraordinary distinction on the Education and Labor Committee. For many years he was chairman of the Select Education Subcommittee. He currently is a member of the Subcommittees on Postsecondary Education, Select Education and Labor-Management Relations. He is also a member of the House Administration Committee and of the Joint Committee on the Library.

In addition, of course, he has been our whip for the past two Congresses, and served as chief deputy whip and as an assistant whip before that.

His work on the Education and Labor Committee earned for him a particular reputation for leadership in education and the arts. The New York Times has described him as "Congress' most articulate and effective spokesman for aid to culture," and in 1975 he was voted one of the Nation's top four most influential leaders in higher education by Change magazine's poll of 4,000 college and university presidents, foundation executives, journalists and government officials.

He played a principal role in helping write most major legislation concerning elementary and secondary education, higher education, vocational education, services for the elderly and handicapped, and Federal support for libraries, museums and the arts and humanities. He is chief architect of the National Institute of Education, the principal Federal agency supporting research in education, and was a major sponsor of the Higher Education Act of 1972 and the Higher Education Amendments of 1976.

John Brademas was also chief House sponsor of the Education for All Handicapped Children Act; the Arts, Humanities and Cultural Affairs Act; Arts and Artifacts Indemnity Act; the Older Americans Comprehensive Services Amendments of 1975; and the Museum Services Act, which created the Institute of Museum Services.

As a member of the House Administration Committee, John was principal author of major provisions, including public financing of Presidential campaigns, of the 1974 and 1976 Federal Election Campaign Act Amendments. He was also chief sponsor of the law which assured ownership by the Federal Government of the tapes, papers, and other documents of the Nixon Presidency.

In the 95th Congress, John was chief House author of the Comprehensive Older Americans Act amendments; Alcohol and Drug Abuse Education Act amendments; Environmental Education Act amendments; the White House Conferences on the Arts and the Humanities Act; and the comprehensive rehabilitation services amendments. which created the National Institute of Handicapped Research.

He was also chief sponsor of the Library Services and Construction Act amendments, Age Discrimination Act amendments, education of the handicapped amendments, and child abuse prevention and treatment amendments—all enacted in 1977.

In addition, Mr. Speaker, John Brademas has been an ardent proponent of a strong legislative branch and was in the forefront of Members who successfully brought to Congress a reassertion of the authority guaranteed in our Constitution.

As the whip, John Brademas created an effective organization that kept us informed and together. The evidence of its effectiveness lies in one undeniable fact—in his 4 years as whip, his prediction of the Democratic vote on the issues for which he sought support was in error only once.

John Brademas is a native Hoosier. He was born in Mishawaka, Ind., a suburb of South Bend, on March 2, 1927. After World War II service in the Navy, he was a veterans national scholar at Harvard University, where he was graduated with a B.A., magna cum laude, in 1949, and was elected to Phi Beta Kappa, from 1950 to 1953, he studied as a Rhodes scholar at Oxford University, England, receiving the degree of doctor of philosophy in social studies in 1954. In 1972 he was elected an honorary fellow of Brasenose College, his college at Oxford.

After serving as a legislative assistant to Congressman Lud Ashley of Ohio, another of our colleagues who is leaving this year, John worked as an administrative assistant for the late Senator Patrick McNamara of Michigan. In 1955 and 1956, as executive assistant to Adlai E. Stevenson, he was in charge of research on issues during the 1956 Presidential campaign. Prior to his election to Congress, he was assistant professor of political science at Saint Mary's College, Notre Dame, Ind.

Mr. Speaker, John Brademas has been awarded honorary degrees by 18 colleges and universities, including the University of Notre Dame and Indiana State University; the City College of New York; Brandeis, Colgate, Tufts and DePauw Universities; and Middlebury, Union and Saint Mary's Colleges.

John Brademas is a former member both of the National Commission on Financing Post-Secondary Education and the National Historic Publications and Records Commission.

A former member of the board of overseers of Harvard, John serves on the overseers' committee to visit the graduate school of education as well as the committee to visit the department of political science, Massachusetts Institute of Technology, the advisory council to the college of arts and letters at the university of Notre Dame and boards of the Dumbarton Oaks Research Library and Collection and the Woodrow Wilson International Center for Scholars. John is also a member of the senate of Phi Beta Kappa.

He is a member of the central committee of the World Council of Churches and was a delegate from the United Methodist Church to the fifth assembly of the WCC held in Nairobi in 1975.

He is a member of the Council on Foreign Relations, the Trilateral Commission, and the Century Association.

In 1977, John chaired the first official congressional delegation during the Carter administration to visit the People's Republic of China. In 1979, he led a delegation of Members of the House of Representatives who met in Moscow with members of the Supreme Soviet of the U.S.S.R. He has led other congressional delegations on official visits to Europe and Latin America.

He is author of the book "Anarchosyndicalism in Spain, 1930–1937," published by Ariel, Barcelona, 1974, as well as numerous essays and articles.

In 1980 John was, with Leonard Bernstein and Eubie Blake, one of the first three recipients of the George Foster Peabody Award for outstanding contribution to music in America by the Peabody Conservatory of Music, Baltimore.

He is a fellow of the American Academy of Arts and Sciences. In 1978 he received the annual award for "Distinguished Service to the Arts of the American Academy" and Institute of Arts and Letters.

In the 1978–79 edition of "Who's Who in America," he was one of eight Americans (Bruno Bettleheim, Agnes DeMille, John Hope Franklin, Alex Haley, Helen Hayes, Hubert H. Humphrey, and Philip Cortelyou Johnson) to receive "citations for significant contributions to society."

John is married to the former Mary Ellen Briggs, of Bloomfield Hills, Mich. Mrs. Brademas, a physician, is a graduate of the Georgetown University School of Medicine and is presently a resident in dermatology at the Johns Hopkins Hospital, Baltimore.

Mr. Speaker, in this summary I have touched only on the highlights of the distinguished career of our colleague.

His service in the House of Representatives epitomizes what a Congressman should be. Those of us who will remain and those who follow him and us will find no better person to emulate.

Mr. Speaker, I request unanimous consent to include at this point a list of the honorary degrees received by John Brademas and a list of other awards tended him during his distinguished career.

HONORARY DEGREES

Columbia College, Chicago, Illinois; Doctor of Laws, 1966.

Brandeis University, Waltham, Massachusetts; Doctor of Humane Letters, 1967.

Middlebury College, Middlebury, Vermont; Doctor of Laws, 1967.

Saint Mary's College, Notre Dame, Indiana; Doctor of Laws, 1967.

University of Notre Dame, Notre Dame, Indiana; Doctor of Laws, 1949.

Ball State University, Muncie, Indiana; Doctor of Laws, 1973.

Marian College, Indianapolis, Indiana; Doctor of Laws, 1973.

Mount Saint Mary's College, Newburgh, New York; Doctor of Humane Letters, 1974.

University of Evansville, Evansville, Indiana; Doctor of Humane Letters, 1974.

Tufts University, Medford, Massachusetts; Doctor of Laws, 1976.

Colgate University, Hamilton, New York; Doctor of Humane Letters, 1978.

DePauw University, Greencastle, Indiana; Doctor of Laws, 1978.

University of Hartford, Hartford, Connecticut; Doctor of Humane Letters, 1978.

University of Maryland/Baltimore, Baltimore, Maryland; Doctor of Laws, 1978.

The City College of New York, New York, New York; Doctor of Humane Letters, 1979.

Indiana State University, Terre Haute, Indiana; Doctor of Laws, 1979.

Union College, Schenectady, New York; Doctor of Laws, 1980.

The American University, Washington, D.C.; Doctor of Humane Letters, 1980.

OTHER AWARDS

Humanist of the Year, National Association for Humanities Education, 1978.

Governmental Actvities Award, United Cerebral Palsy, 1978.

Honorary Fellow, Association of Science-Technology Centers, 1977.

Gold Key Award, Amercan Congress of Rehabilitation Medicine, 1976.

NRA President's Award, National Rehabilitation Association, 1976.

Caritas Society Award for Outstanding Contributions in Field of Mental Retardation, 1975.

Distinguished Service Award, American Association of University Presses, 1975.

Distinguished Service Award, Council of Chief State School Officers, 1975.

Distinguished Service Award, Conservation Education Association, 1974.

Distinguished Service Award, Council of State Administrators of Vocational Rehabilitation, 1973.

Award of Merit, National Council of Senior Citizens, 1972.

Fourth Annual Cultural Award, Recording Industry Association of America, 1972.

Teacher's College (Columbia University) Medal for Distinguished Service, 1969.

National Education Association Award for Distinguished Service, 1968.

Award for Distinguished Service in International Education, Institute of International Education, 1966.

One of America's Ten Outstanding Young Men of 1962, U.S. Junior Chamber of Commerce.

Office of Secretariat of the Order of St. Andrew, conferred by Patriarch Athenagoras I, Ecumenical Patriarch of Eastern Orthodoxy, 1967.

□ 1530

Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

It is a privilege for me to join in this tribute to our exceptional friend, John Brademas. I think if each of us were asked to list 10 legislators who have made the greatest contributions of all those we had known, the name John Brademas predictably would appear on every list, and that would be true of lists made by Democratic Members and Republican Members as well.

It seems to me that there may be two basic types of people who come to this institution and serve as Members of the U.S. House of Representatives.

One of those types is composed of Members for whom the purpose in being here is to be released. For these particular Members, most of the things they do and think and plan are aimed at the primary purpose simply of staying here.

Then there is another group for whom the purpose in being elected is to serve. For these people, their purpose in being here is to make a change, to make an improvement, to be genuine service to this institution and to our Nation. John Brademas most emphatically belongs in this latter group.

Just as cream rises to the top, real ability is recognized by one's colleagues, and the kind of ability that John Brademas possesses would rise to the top in any institution of which he ever might seek to be a part. Surely John Brademas is among the very best and the brightest to have served in this Congress. He reflects credit not only upon our institution and upon the Nation that it represents. He would reflect credit upon any institution or organization of human endeavor. John Brademas practices the scholarship and the fellowship that bespeak his humanity. He combines the questing of an inquisitive mind with the practicality of a political practitioner, a modern man who knows what needs to be done and how to get it done.

As majority whip, John Brademas has worked closely with many of us, and we have had the privilege of seeing that rare type of leadership that he exemplifies. Every Thursday morning, he has presided at a whip meeting and has very adroitly directed the Members chosen from their respective zones into an organization of people whose goals are united for the coming week.

Daily we have seen him stand at this east door of our Chamber as critical votes arose, giving guidance and leadership to Members as they entered the Chamber. We know that his strength has been as the strength not only of 10, but perhaps even of 100 on certain critical issues.

We will miss John Brademas here, and yet, he casts a lengthy shadow which does not disappear with his leaving our Chamber.

We hope that whatever he does, he will be happy. We know that whatever institution has the benefit of his services will be blessed. We have been individually enriched for having had the privilege of knowing John Brademas. We feel, I know, truly grateful for his friendship, and for the rare gift of having been allowed to associate as closely as we have with so gifted and extraordinary a man.

Mr. MURTHA. Mr. Speaker, I now yield to the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me for the opportunity to say a few words about this exceptional, this extraordinary, this outstanding, this wonderful Member of Congress, the gentleman from Indiana, Mr. John Brademas.

Mr. Speaker, 22 years ago, John Brademas and I were elected to Congress, and just less than 22 years ago we came here to this Chamber. We rapidly became close friends, and congressional allies. If you will remember about 15 years ago, John, we started working on the legislation to create the arts and humanities foundation.

☐ 1540

We have served together in the whip organization, and for the past 4 or so years since you became the whip, I have served as one of your assistants; so we have had an intimate relationship in the leadership of the Congress. I can say there is nobody for whom I have greater fondness and respect than I do for John Brademas. As my colleague from Pennsylvania has said, he has an outstanding record of helping the needy in this country, the needy and the disadvantaged.

I would like to suggest that he has done something else that makes him extraordinary. He is a leader in improving the quality of life for all of the citizens of America.

The gentleman has recounted his educational achievements. I would say he is the "thinking person's" Member of Congress. He has been the idea man, the thinking man, the person we want to be associated with because he is always on the right track.

To John and to Mary Ellen, I want you to know that Lucy and I have treasured our friendship with both of you and we wish you the very, very best in the future, I hope we continue the friendship that we have had over these last 22 years.

I thank the gentleman for yielding.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. Mr. Speaker, I thank the gentleman for yielding and commend him for taking these special orders. I want to associate myself with his remarks, those of the distinguished majority leader and those of the gentleman from Pennsylvania who preceded me.

Mr. Speaker, it has always seemed to me that the Congress is like a mirror reflecting what the American people are. One sees reflected here the idealism, the pragmatism, the patriotism, sometimes the irascibility of the American people themselves, but always their diversity, their beauty and their strength.

It seems to me that one sees reflected in the Member whom we honor this day the finest qualities that have made this Nation great.

John Brademas is not just a Member of the Congress. He is a leader of the Congress. He is a born leader, a leader in political life, a leader in education and in the arts, and a Christian leader as well.

He is a scholar and a statesman. It seems to me that he reflects those qualities we most need in this body and in our Nation's political leadership.

So I am pleased to join with my colleagues in paying tribute to a man who stands tall in any company and who is strong in the company of the strong.

I thank the gentleman for yielding.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding.

I wanted to rise at this time because I think it is particularly appropriate that I be able to say once again before we finish this session, I associate myself with the remarks of the gentleman from Alabama who himself has become a great leader in education in this body in his years of service and we will miss him, too.

I have had the privilege of serving 16 years with John Brademas on the Education and Labor Committee. I should really say under John Brademas on the Education and Labor Committee. He has been and has become as close as a brother to me and one of the closest friends that I have made since I came to this body. He has always been available to be helpful and supportive and he is one to whom many of us from my period particularly coming into the Congress looked to for advice over the years.

Mr. Speaker. I am pleased to join my colleagues today in paying tribute to John Brademas whose distinguished career of 22 years in the House of Representatives will be ending at the conclusion of this Congress. During my 16 years in the House, John and I have served together on the Education and Labor Committee. He has been a friend, an ally and a wise counselor.

The litany of John's legislative achievements is long and impressive. Landmark to serve the handicapped, and the elderly, to promote education and cultural activity and to protect the rights and safety of working people all bear the mark of John Brademas' creativity and leadership.

This record of legislative achievement demonstrates two fundamental features of John Brademas' career in the House of Representatives. First, his career has been a model of public service. Through hard work, perseverance, the political skills of accommodation, compromise and coalition building and the application of high intelligence, sound judgment and practical wisdom, John Brademas has made a notable contribution to governing our Nation for more than two decades.

Second, John Brademas' legislative actions have been pre-eminently guided toward the goal of protecting and serving the vulnerable of our society—the poor, the aged, the young, the ill, and the handicapped. This combination of legislative effectiveness and humanitarian concern capsule John's contributions to our Nation and have earned for him my highest admiration and that of his colleagues and informed citizens throughout the Nation.

The House of Representatives and this country have been enriched and well served by John Brademas. We will be diminished by his absence from the next Congress. I join my colleagues in wishing John and Mary Ellen happiness and success in the future.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I associate myself with the remarks of the gentleman from Pennsylvania (Mr. Murtha) who I thank for having placed into the Record the biographical data of our honoree today. It should be a matter of record, because it sets a standard for any who wish to serve in this great body.

You know, I wish to and I do state publicly my great respect and admiration for John Brademas, who has made such a tremendous contribution to his district, his State, and to our country. His contribution exceeds that which is expected of a person elected to this body and special note should be made of it. There is another aspect I wish to touch upon. I personally have a deep, deep love for this House of Representatives as do many of us. This House is unique in government throughout the world. Almost every nation has an executive, a powerful executive of one kind or another. Almost every nation has some kind of a forum for resolving its disputes; but there are fewer and fewer each day of nations in this world which have a truly representative form of government, which have a legislative body in which the people themselves rule. That is what we have in the House of Representatives.

JOHN BRADEMAS constantly seeks to improve the functioning of the House of Representatives, and so far as I am concerned, it is only so long as the House of Representatives functions well that this country, that this Republic, can remain free and can live up to the ideals of freedom and representative democracy that were set for it by the Founding Fathers nearly 200 years ago.

So I thank JOHN BRADEMAS for what he has done to help the structure, the institution itself, of the House of Representatives to remain strong and free, with its integrity unimpaired and functioning well as in the people's House.

There are many fine Members of the Congress and I am sure that there have been for the past 200 years; but it is only now and then that one comes along who is so outstanding in his performance and so dedicated in his pursuit of his ideals that he stands out as does JOHN BRADEMAS. His contribution to our Nation, his service, is a national asset and his leaving here is, as I see it, a national loss. With JOHN BRADEMAS leaving this House of Representatives we are richer for his having been here, but we are going to have to search to find someone to replace him.

As for me, I feel a personal loss at the departure of JOHN BRADEMAS. I do not really know why, except that I admire the way that he meets and discharges his responsibilities so much that I have tried to emulate him and now that my guide will be gone, I will have to remember the precepts which he has set.

I have had the honor of working with him as a whip for 10 years, first as an assistant whip and later, while he has been majority whip, as deputy whip. Every moment of it has been a pleasure. It is an experience that anybody in this country would treasure.

Additionally, I had the great pleasure of traveling with him to the Soviet Union in 1975. We met with the officials of that country and JOHN BRADEMAS, as usual, stood out among the crowd. Then again, in early 1977, through the generosity of our great Speaker, TIP O'NEILL, I was placed on the team with JOHN BRADEMAS and we made the first official visit to the People's Republic of China after President Carter took office. While there we had many long and intense conversations with the top level officials of the Government of the People's Republic and, after our return, we reported to the Speaker and to the Secretary of State on our findings and recommendations. I am certain that our reports were a major factor in the decision later to normalize our relations with the PRC. The leadership of JOHN BRADEMAS made the success of that visit possible.

I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding to me.

I say God bless JOHN BRADEMAS and his beautiful wife. I think we will see them around some more.

Mr. MURTHA. I yield to the distinguished Speaker, the gentleman from Massachusetts.

Mr. O'NEILL. I want to thank the gentleman from Pennsylvania for yielding. I think it is beautiful that he has seen fit to get a special hour today so that we may honor our mutual friend of so many years, JOHN BRADEMAS.

It is, indeed, with profound emotion and mixed feelings that I take the microphone at this time to pay tribute to one of the finest public servants I have had the good fortune to know, to a Member of the House whom I have loved so dearly, and to a leader of our party who has been my most closest confidente and personal friend.

□ 1550

Mr. Speaker, I speak with deep regret to see this man of such high caliber, integrity, principle, and brilliance depart from this Chamber. JOHN and I go way back in this leadership, and we have worked together as a team. I looked at him as my protege.

When I was the majority whip, he was the assistant whip. When I became majority leader, he became chief deputy whip. When I became Speaker, he became the majority whip. He has been the greatest source of strength and loyalty to me throughout my years as a Member of the House leadership.

I have seen the service of the whip organization grow. When I took it over 10 years ago it was just a routine organization. The whips who have followed me have done a magnificent job, and JOHN has given it a special sparkle; he has given it real meaning; he has given it understanding. He has come up with some innovative ideas that have kept the Members of our party better informed and more knowledgeable about the legislative process.

We have heard many accolades about JOHN and we have gilded the lily.

We are all familiar with JOHN's fine intellect and extraordinary educational background. Despite his brilliance, his Rhodes Scholarship, and all the academic accolades that JOHN has received over the years, he has remained a warm, sensitive, and caring Member who has the same compassion and concern for equality and justice in American life that I have. Maybe that is why JOHN and I developed such a warm friendship in the House, because we shared the same progressive philosophy that espoused honor and dignity for our senior citizens, greater civil and human rights for all Americans and a commitment to the development of the greatest resource we have in this Nation—the education of our young.

No Member of the House has been a finer champion of educational opportunities for America's young people than JOHN BRADEMAS. He has been the Nation's leading architect of all the Federal elementary and secondary educational programs of the last generation and he has been the House patron of the arts. Outstanding men are seldom passive in their outlook or approach, and JOHN BRADEMAS has never been a passive legislator. In every legislative task before him, JOHN has been an indefatigable crusader.

JOHN, I could go on and on in words of praise for your contribution to the House, the Democratic Party, and the Nation. I want to say from the bottom of a grateful heart, thank you for a job superbly performed, thank you for the privilege of your friendship. Millie and I are eternally grateful for the good fortune of being close friends with you and your beautiful wife, Mary Ellen.

JOHN, I am going to miss you dearly. I do not know where you will go, and what the commencement of a new life will be for you, but I want to say to you that I wish you all the happiness in the world. Wherever you go, I know that you will have the same success as you did in the House, and you will be judged by your peers with high marks of excellence.

JOHN, I want you to know in the minds of the Members of this House and in the mind of this individual, we all love you dearly. You have been an outstanding person and you can leave with the self-satisfaction of knowing "I have truly done my part for my country, my community and my party."

Good luck, JOHN. I know that the road ahead is going to be a sweet one for you because wherever you go, success has to be with you. You have the ability, the charm, the charisma and the talent, and you have so much to offer, and so much more to give.

Good luck, JOHN. You know, my door is always open to you and Mary Ellen, and may God's blessings follow all your future endeavors.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I want to add my words and best wishes to those of my colleagues, to say what a great Congressman and a fine person JOHN BRADEMAS truly is.

It is hard for me to believe that he has served for the length of time that he has, but his service during those years has consistently been that of distinction. He has done as excellent a job for the people of his district, his State, and his country as any Congressman I know. He has devoted his time in Congress to nothing less than the general enrichment of the quality of life for all of us.

He has brought to bear his remarkable intelligence and his considerable capacity for hard work in furthering the causes of education, the arts, the elderly, the handicapped, museums, libraries, and—not least of all—the efficient, orderly, and ethical functioning of this body.

In particular, from his position as chairman of the Subcommittees on Post Secondary Education and Select Education, he has been a major force in the areas of higher education—through the Higher Education Act Amendments of 1976—and of vocational education.

He has also done a great deal for Federal assistance to the arts and humanities. He was the chief House sponsor of, among others, the Arts, Humanities, and Cultural Affairs Act; the Arts, Artifacts, and Indemnity Act; the Museum Services Act; the White House Conference on the Arts and Humanities Act; and the Library Services and Construction Act Amendments.

He never failed to understand the concerns and fight for the rights of the poor, the elderly, the handicapped, and all those who are not as fortunate as the rest of us. In addition to his many other legislative accomplishments and his leadership duties, he found time to work for the Education for All Handicapped Children Act, the Older Americans Comprehensive Services Amendments of 1975, the Comprehensive Rehabilitation Services Amendments of 1978, and the 1977 Comprehensive Older Americans Act Amendments, Alcohol and Drug Abuse Education Act Amendments, Age Discrimination Act Amendments, and Child Abuse Prevention and Treatment Amendments.

I personally have had an opportunity to work with John in my capacity as an at-large whip, and I have found him to be an effective and dedicated majority whip. I think anyone who has been involved will testify that, under John, the whip meetings have consistently served as they should, setting the goals and coordinating the policies of the majority party, while at the same time seeking to cooperate with the minority party.

John always remained dedicated to the ideals of the party in extremely trying times, as we seek to discover new ways to deal with difficult new situations and circumstances. And, on the floor, all Members can testify that John has handled his duties diligently and well.

John will be sorely missed here, but I have no doubt that wherever he goes he will continue to make the same kinds of invaluable contributions, and I wish him well.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, I am delighted to join my colleagues in honoring John Brademas and his extraordinary service to Indiana and the Nation.

John holds special meaning for many of us from Indiana. He is a giant. His personal example and leadership have inspired us. His contributions in Congress derive from his diligence, intelligence, tolerance, and nobleness of purpose. His legislative achievements are legion. Common among them are the themes of compassion for the needy, opportunity for all, enhancement of personal, and community life through education and the arts, pursuit of peace and principle in world affairs.

We wish the very best and know that his contributions to our country will continue and grow.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, it is difficult for me to say goodby to those in the House whose names I consider to be synonymous with the highest principles and traditions here. One such man is John Brademas, whose position as majority whip in the 95th and 96th Congresses has capped a long and distinguished career which began with his election to the House in 1958.

I have total admiration for John and for everything he stands for as a Member of Congress. John's career has been guided by his belief in scholarly work, excellence in education, and creativity and progress in the arts and humanities. He has always had a clear view of the direction in which this Nation should be heading, and all of his actions here have been taken based upon how well we can progress toward that future. In a difficult time when economic and social pressures upon the country and its leaders have caused the Nation's will to be diffused in many directions, John has never taken the parochial or narrow view. He has remained committed to his beliefs, and has consistently examined each issue in light of his guiding principles and within the broad perspective of responsible national policy goals.

Mr. Speaker, John's great personal strength and his vision for the future have always made him a model for the newer Members of the House. He has set the highest standards for us to follow, and leaves a wealth of contributions to our Nation. I am certain that he will continue to contribute to his country far beyond his stay here. I join my colleagues in wishing John the very best in the future.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I very deeply, both professionally and personally, regret the departure of John Brademas from this institution. I think when I will think of John and his career here two things will most readily come to mind. One is his sense of purpose and the other is his sense of grace.

□ 1600

We look at people in this institution and are reminded of a great variety of things. But I think when we look at John Brademas' career, we will recall most of all his intelligent concern, his concern for children. As has been said so eloquently by other people in the past, a nation which does not look sufficiently after the needs of its children is a nation which has really lost its sense of purpose. John kept this Nation looking very closely at the needs of children for all of his years here.

He also looked at the welfare of the state of the arts which enoble the human spirit and make us all a little bit better than we would otherwise be.

He has always shown a deep concern for the welfare of his own political party which is, I believe, a premier qualification for anyone who really wants to do the Nation itself a good public service.

And, he has exhibited always a tremendous concern for the manner in which political institutions in this country evolve, trying to see to it that evolution is both practical and consistent with the Constitution and the rights which are guaranteed to all Americans under the Constitution.

I think that we will also remember his imagination, and we will remember his tremendous range, both as a politician and as a human being.

I know it is painful to leave this place involuntarily, but I hope that John understands that his loss in the election was certainly not due to any problems associated with John Brademas. I am reminded of something which, of all people, Archy the Cockroach said in the book "The Life and Times of Archie and Mehitabel" when Archy observed, "now and then there is a person born who is so unlucky that he runs into accidents that started out to happen to somebody else."

I think that is what happened to John is this election. He ran into an accident which started out to happen to somebody else; he ran into an economic situation which started out to happen to somebody else. And I think that is the reason—and the only reason—that John Brademas will not be providing the quality of leadership to this House in future years that he has provided all through the years—and when I say that, I emphasize the word "quality." I think all of us recognize that in John Brademas we have a quality public servant, a quality Member of Congress, and a quality human being.

Mr. MURTHA. I yield to the distinguished dean of the Wisconsin delegation (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding. At the very opening I want to commend him and thank him for taking this special order, giving us this opportunity to pay tribute to a great American. Indiana has lost a great representative. The Congress has lost a great leader with the loss of John Brademas. We will miss you, John.

Certainly the gentleman from Pennsylvania (Mr. Murtha) has enumerated many of John's accomplishments. He has spoken of the many accomplishments that John Brademas has achieved over the years in legislation dealing with education, culture, the arts, and sciences. I am confident that what he has done and what he will continue to do in the future will enrich the heritage of our great country. The service and dedication of our great friend, John, will be an inspiration to us all.

Mr. Speaker, John was a leader, and he was a tenacious fighter for his cause. I know. We had some differences; and he fought for his position. But, John was also a great legislator who knew how to compromise. And he always had his country's interests uppermost in his actions.

Our colleague, the gentleman from California (Mr. Danielson) mentioned the U.S.S.R. trip that he and John Brademas took. I happened to be on the same trip. He said that you can really begin to know a person when you travel with him. On this trip I had an opportunity to observe John taking notes profusely. He took them right along, every word, so well that I thought for a moment he knew shorthand. He was conscientious and diligent and dedicated in the way that he did his work on that trip that he had a priceless report which he shared with his colleagues and with the administration.

This is only an example, Mr. Speaker, of how John Brademas worked while he was on a study mission; and it is an example of how thoroughly and conscientiously he worked representing his people with dedication and perseverance in the Congress.

I am sure, Mr. Speaker, that our colleagues will agree we all are better for having had the opportunity of working with and having a friend such as John. He has enriched our lives as our paths have crossed. I predict, Mr. Speaker, that we have not heard the last of his accomplishments because John will probably come back. Hopefully he will, but maybe he is destined for even better things outside of Congress. If so, his future, as was his past, will be outstanding.

I join our colleagues, Mr. Speaker, in wishing him well; and to his lovely wife, everything of the best. May every effort and every one of his accomplishments in the future enrich his life as he has enriched ours in the years that he has served in Congress.

Good luck and God bless you, John.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from New York (Mr. Rangel).

Mr. RANGEL. I thank the gentleman in the well for giving me this opportunity to say so long to a dear friend and a person that I have come to love and admire during my decade here in the U.S. Congress.

I have to admit that I did not know just how the people of Indiana had elected John Brademas, because coming from the city of New York, I had heard so much about John and the arts, long before I had the chance to meet him. I had heard of his work in the sciences, that he was urbane, sophisticated. It was not just the image I had of people from Indiana. Of course, that is the reason why, perhaps, so many New Yorkers have not been able to persuade people that we fully appreciate the great breadth of this country.

So now that I see that certain people in Indiana have rejected the eloquent voice of John Brademas, maybe I find out I was right in the beginning. Hopefully we in New York will be able once again to know that you belong to us just as much as our museums, our schools, our children. Our older people have always thought and suggested to me that when you get to Washington, make certain you look up John Brademas, because indeed your position here in the Congress was not one that was restricted to your congressional district, but one that so many people in the great city and State of New York admired so much.

I guess one of the things that you still try to understand, "and hope that you can do the same thing if you are fortunate enough to be in the same position" is that having been appointed or selected by some of my colleagues in the New York area to serve with John Brademas as the whip here is an awesome and powerful position, one which is known not only in this country but outside of it. And to see how John Brademas was able to develop the whip organization as a tool of education to give assistance to Members of Congress, to prepare information and documents, to make it possible for us to go back home with more detailed and technical information of the bills that we struggle through and debate each and every day.

So all of us, whether a part of the whip organization or just Members of Congress, all felt that we knew a little more, we were giving a little more, we were better prepared because John shared the power and the tools of his office with all of us.

I cannot believe that what did happen in fact has happened. I never thought that people could become so frustrated that the caliber and quality of the public servants was just disregarded because they wanted to show the voters that they did have the power to make changes.

But then again I suspect that all of us have had what appeared to be setbacks in some part of our lives, and we look back now and realize that perhaps in the long run it was a good thing that did happen.

□ 1610

When I think of all of the talent, all of the personality, the charm, all of the intelligence and all of the warmth that John Brademas has, perhaps as the people of Indiana have said, that they did not want him to continue to serve here, that we in the Congress should say that John has so many arenas where his leadership would be so welcome, that all I know is that I will miss him, I would persuade him to come back here because, selfishly, I need him, and I think that my colleagues would need him. But from an unselfish point of view, John, I just hope that the highest zenith that you reach for, that you never think you did it by yourself but you call upon your friends and ask for help even if you do not need it so that we can feel that we are still a part of your great life.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I could not add to the glowing remarks about our friend, John Brademas. I can only say that I am privileged to have served with him these past 4 years in the Congress.

Obviously, John Brademas is a scholar, he is a true legislator, and he is a good friend. Back in Lafayette County, Mo., if someone is a good, warm friend, if he is trustworthy and loyal, we say he is "all right." John Brademas is "all right."

I say that when the future scholars study the Congressional Record and the history of this U.S. Congress, those scholars will see the fine, scholarly hand of John Brademas through 22 years of his work here.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. I thank the gentleman for giving us this oportunity to say a little bit of what we feel about John Brademas as he leaves us.

Mr. Speaker, certainly there was no greater blow that fell on that night of the tidal wave of November 4 than the loss of our Democratic whip. He is probably in many ways the most distinguished Member of this body and one who has given to us a sense of pride in the institution, that he was a part of it. No one has probably attracted more attention in more institutions and more parts of the country than John Brademas through his work for so many different constituencies, but particularly for the arts and humanities and for the educational community.

At the same time that he had this great public distinction, he has been truly a Member's Member, always helpful, always understanding and ready to serve the membership in any way that he could. At one time I served with him on the House Administration Committee. And in recent years he has performed a key role on that committee as chairman of the Accounts Subcommittee. Throughout his service on that committee, he has always had in mind trying to help Members to solve their problems, to overcome the difficulties and the pressures that beset us all. Certainly no one in this body, I think I can safely say, worked harder at the job.

We have all witnessed the fact that John, with his many talents, had the talent of being able to do 2 or 3 things at once. We have seen him participating in meetings and at the same time going through a prodigious pile of papers having to do with all kinds of activities and interests, because his interests were so very wide and, in that sense, too, he was a kind of renaissance man in our midst.

I am sure, as the chairman of the Foreign Affairs Committee said, John Brademas has a great future. We hate to see him leave the Halls of Congress. Perhaps he will be back on Capitol Hill one day. I certainly hope so. But whatever he does, whether it is in political life or in the world of education, I am sure that he will continue to perform the outstanding public service to his fellow human beings that he has performed in his many years here with us in the House.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Kostmayer).

Mr. KOSTMAYER. Mr. Speaker, many of those who have spoken have served for a long time with the gentleman from Indiana. I have not. I have been here for only 4 years. But the gentleman and I have something in common. We were both defeated for reelection last November 4, and neither of us will be returning to the 97th Congress. His loss is far more serious than mine. Mine is inconsequential. His is not.

I recall vividly those occasions upon which the gentleman from Indiana either threatened to or actually did break my arm here as I came in the east door, when I theratened to depart from the doctrine of our great national Democratic Party, which I did on occasion, and wish now today that I had done with more frequency, perhaps.

But I only rise to say that the admiration and respect in which the gentleman from Indiana is held is not limited to those Members who have had the privilege of serving with him for almost a quarter of a century. It is held by many of us. I knew and respected him before I came to the Congress. I respect him and know him better now. And I rise simply to thank him for his work, not on my own behalf, but I think on behalf of the Eighth District of Pennsylvania and of my own State—our schoolchildren, our working people, those who are in trouble or in difficulty, those who care about the arts.

The legacy of John Brademas will live long past his own service here. In my own congressional district across my own State, and across the country his work will be seen for generations to come.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Speaker, unlike the preceding speaker, I had the special advantage and privilege of working with John Brademas on the Education and Labor Committee for a number of years. As a freshman Congressman, I was assigned to that august committee, with wide eyes and wonderment, and I wondered just how I would function and how I would fit into it, like many of my predecessors, and some of the younger folks who followed. And I was fortunate to be assigned to his subcommittee, where I had the advantage of his stewardship. He was not like some, authoritarian, and he was not like others, all-knowing, although he knew it all. He was understanding, but he taught best by example. He was quiet, he was skillful, adroit, knowledgeable, committed and, above all, considerate. He worked very closely with the members of the committee.

It was a pleasure to know that your contribution would be weighed on its merits and could possibly be incorporated into the final legislative product that he initiated. The Older Americans Act, which bears his indelible imprint, should stand as a legislative monument long after this day is gone and has served as the pioneer legislation for the aging community which is growing so rapidly. It bears the name of John Brademas and should forever be hailed as Brademas legislation.

☐ 1620

But, this was the mark of the craftsman, the legislative craftsman. He knew how it worked and he knew how to make it happen. In that committee, he was an important part of the leadership, where we both served under Chairman Carl Perkins.

But, on a broader basis, John Brademas as the general legislator who was concerned about the interest of all the people of our country, has reflected and is reflected in legislation that bears his name; ofttimes not his name, but his imprint. They are recorded in the books of this Nation's laws. Ofttimes remaining faithful to his philosophy, with concern for humans, he voted to his political peril.

But, that was one of the great characteristics of John Brademas. He believed in something and pursued it relentlessly, and never to withdraw. His could truly be called a profile in courage. He knew the sentiment of the Nation and the shift in attitude and philosophies with relation to assisting the young, the old, the unfortunate, and the working man. It was shifting away from his basic position, shifting away from the basic position of the Democratic Party, but he never wavered.

Unfortunately, it brought about his defeat. It was his defeat, but it was the people's loss. Another dimension of John is his ability to reach out beyond Congress. He has reached out into areas of all social, fiscal, and educational society that should be the envy of every Member of this House.

He has legions of friends in uncommon places, and I am sure they will hold him in good stead. They have, of course, broadened his life; but more importantly, he has enriched theirs.

Mr. Speaker, there are few Members of this body that make the kinds of contributions to this institution that touch the lives of so many Americans as our colleague, John Brademas, has during his congressional career. For 22 years, John has served the people of Indiana's Third Congressional District with the same fierce devotion which has earned him the reputation he holds among us today. For me, his departure from this body indicates that one of our greatest advocates for humanistic and social causes in this Nation will not soon be replaced.

Elected to the House in 1958, John has risen through the ranks of our Democratic Party to become majority whip, the third-ranking member of the majority leadership. His career before his election had been ample preparation for his work in Congress. After service in the Navy, he graduated from Harvard University magna cum laude in 1949 and was elected to Phi Beta Kappa. From 1950 to 1953 he was a Rhodes Scholar at Oxford University where he received his Ph. D. in 1954. From 1955 to 1956 he served as Executive Assistant to Adlai E. Stevenson and directed research on issues in the early months of Stevenson's campaign for President. Before his election to Congress, he was assistant professor of political science at St. Mary's College in Indiana.

I have had the distinct pleasure and privilege of working with John on numerous issues of mutual concern and interest during my 12 years in this body. As a Greek-American, he has championed the cause of Cyprus, as well leading the fight to embargo the selling of U.S. arms to Turkey. As a representative of one of the largest Greek-American districts in the Nation, I joined with John in 1974 in this effort when Turkey unlawfully invaded Cyprus with American weapons.

As a result of that illegal and immoral act, there still remain 2,000 Greek Cypriots who are missing and unaccounted for as well as thousands who have become refugees in their own land. His dedication to this noble, yet controversial cause, earned him the respect and devotion of not only Greek-Americans, but all Americans who unilaterally support the principles of human rights.

As the senior New York member on the House Education and Labor Committee, I have joined with John in working for landmark legislative achievements for education and the arts. As chairman of the Select Education Subcommittee, he was the architect of the Education for all Handicapped Children Act, the major Federal vehicle to provide disabled children with a free and appropriate education. His advocacy for the handicapped and their rights as individuals has been unparalleled in this Congress. As chairman, he also was responsible for the creation of the National Institute of Education, as well as provided and supported amendments to support services to the elderly, for vocational rehabilitation, libraries, higher education, child abuse prevention and treatment, and elementary and secondary education.

During his 20 years of service on the Education and Labor Committee, the arts in America have had an effective and articulate spokesman for their causes. As the author of the Humanities and Cultural Affairs Act, Arts and Artifacts Indemnity Act, and the Museum Services Act, John helped establish a Federal role in the arts which has served to bring arts and culture to millions of Americans. His work in this area was most recently noted as he was, with Leonard Bernstein and Eubie Blake, one of the first three recipients of the George Foster Peabody Award for Outstanding Contribution to Music in America by the Peabody Conservatory of Music in Baltimore.

This session I joined with him at hearings which we held at Lincoln Center in my home city of New York on the reauthorization of the National Foundation for the Arts and Humanities Act. I was able to witness firsthand the respect that our witnesses, leaders in this area, felt for John and his commitment to the advancement of culture. I have no doubt that his future endeavors, wherever they lead him, will serve to continue his support for and promotion of the arts in this Nation.

While I am saddened that one of our most active and respected colleagues will not be with us next year, I am confident that the future holds many fine opportunities for John Brademas to continue the work he began here. As a lifelong public servant, I am sure that he will continue to advocate causes and issues which will help those in our society who are not best able to help themselves. His work on behalf of arts and humanities will no doubt be carried on in the private sector and his dedication to education will certainly continue. As a colleague, I wish him success and as a friend, I wish him continued health and happiness in order that he may take on new and exciting challenges.

On a personal note, John has always been a friend and in that light, his departure will sadden me deeply. We have spent many hours together in the shaping of legislation for causes we both believe in. His wise counsel and contributions will be something I will long remember and admire. John Brademas has a very bright future ahead of him and I know that my colleagues join me in wishing him all the best.

● **Mr. ROSTENKOWSKI. Mr. Speaker,**

as the 96th Congress draws to a close, I am proud to say that I have served with a man as capable as John Brademas.

For 22 years John has served with distinction in a variety of noteworthy posts—subcommittee chairman, chief deputy majority whip, and of course, most recently as majority whip. In each of these posts he has brought distinction to himself and to this body. I do want to make special mention that the four years in which we have served together in the leadership have been challenging as well as most interesting. And during these years John has been not only fair in his dealings with me, but also very helpful and considerate.

In thinking of John I must make a reference to Winston Churchill. After Churchill's electoral defeat in 1945, he was not only offered a dukedom by the king, but also the prestigious Order of the Garter. In response to all of this, Churchill reportedly said:

> Why should I accept the Order of the Garter from his majesty, when the people have just given me the order of the boot?

Knowing John Brademas the way I do, he is probably saying to himself right now: "Why am I getting all of these embarrassing tributes?" The answer, John, is very simple—we just can't help ourselves. You mean too much to us.●

● Mr. RODINO. Mr. Speaker, I could not let this session of Congress close without saying a few words about our distinguished majority whip, John Brademas, who will not be returning to Congress.

Few Members of this House work as hard or produce as much for their constituents and this Nation as John Brademas. Since he came to Congress in 1959, John has built a solid record of accomplishment as he has worked to improve higher education in America and make it more accessible to the disadvantaged of our society. His personal commitment to equal educational opportunity for all Americans has benefited millions of our citizens.

John Brademas has used his position as majority whip to help his colleagues and he has been a good friend and wise counselor to me and many others. I believe it is a tremendous loss for this institution and the Nation that this intelligent, sensitive, and courageous man will not return to the House.

I know that whatever field John Brademas chooses to pursue in the future will benefit greatly from his outstanding abilities.

I am privileged to have served with him and I wish him only good things in the future.●

● Mr. EVANS of Indiana. Mr. Speaker, I rise to add my accolades to those of my colleagues for our esteemed majority whip, John Brademas.

All of you know John Brademas as a distinguished, learned leader of the Members of this House. I would like to also comment that John Brademas is also one of the finest contributions the State of Indiana has made to this Nation. John brought intelligence, wisdom, and a keen ability articulate the broader spectrum of issues, to the Congress and ultimately to the leadership of the House. We are all fortunate that his talent was used to the welfare of this Chamber and this country. So few have the opportunity to serve and even fewer have the ability to serve as well as John Brademas.

I wish my fellow Hoosier, the dean of the Indiana delegation, the majority whip of the House of Representatives, and my personal friend the best of luck. But most of all, I wish to thank him for the quality of service he has given to the State of Indiana, to the Democratic Party, to the House of Representatives and to the United States of America.●

● Mr. HILLIS. Mr. Speaker, for 10 years, I have had the fortune of serving in the House with John Brademas. For 10 years, I have admired the ways in which he has served the people of Indiana and the dedication he has given to his party. Although we have sometimes disagreed on philosophy, I have never questioned John's commitment to serving his constituents. John Brademas represents everything that is good about our institution; he stands for dignity, loyalty, diligence, honor, faithfulness to ideals, cooperation, and practicality.

When fellow Hoosiers were in need, as thousands upon thousands have been in the past few years, John was there. He responded to the needs of Indiana, working with the rest of our delegation in countless nonpartisan efforts to relieve the stresses of extended unemployment and all of the associated problems that have plagued our great State. In spite of constant demands on his time as majority whip, John Brademas always made time for Hoosiers and always gave total attention to their needs.

Today, we honor John Brademas, as we should. John has honored this institution for 22 years with his presence. As he leaves us, he will take with him irreplaceable memories, and he will leave us the legacy of true stewardship.

It is with great affection that I join my colleagues today in honoring a Hoosier, a legislator, a friend: John Brademas, Congressman from Indiana.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague from Pennsylvania, Mr. Murtha, for taking this special order today so that we can salute a man who has made an indelible mark on this Congress—the honorable John Brademas.

Mr. Speaker, a few Members can boast of the legislative achievements of my good friend John Brademas. In his position as majority leader and his tireless service to the Democratic Members in this body, John has commanded the respect of his colleagues. We will miss leadership of this magnitude in the 97th Congress.

Mr. Speaker, John was first elected to the U.S. House of Representatives in 1958 from the Third District in Indiana. Armed with an exhaustive list of academic achievements including selection as a Rhodes scholar, John came to this body with impeccable academic credentials, a determination to get the job done and an uncanny sensitivity to the needs of the American people. With these tools, he has chiseled himself a permanent place in the history of this Nation.

Mr. Speaker, I think that on such an occasion as this, it is appropriate to review the career of the honoree. I would like to take a moment to do that.

Mr. Speaker, John has been a champion of legislation in the area of education during his tenure in Congress. As a leader on the Education and Labor Committee, he has earned a national reputation for major initiatives in this field. He has had a large impact on major elementary and secondary education legislation, higher education legislation, vocational education legislation, and legislation regarding educational services for the elderly and the handicapped.

Mr. Speaker, John is credited as being the chief architect of the National Institute of Education. He was a major sponsor of the Omnibus Education Act and the Higher Education Amendments of 1976.

Mr. Speaker, as you can see, John has been a legislative craftsman and bulwark in this Congress for many years. I join my colleagues in wishing this outstanding man the very best in the future.●

● Mr. BENJAMIN. Mr. Speaker, for the past 22 years, Majority Whip John Brademas an urbane, eloquent, intense intellectual from South Bend, has represented north central Indiana in the U.S. House of Representatives.

For 22 years, this Methodist of Greek descent, naval veteran, former college professor and congressional staffer won honors for his legislative skills which supported the cause of education and the humanities as well as older and less fortunate Americans.

For 22 years, supercongressman John Brademas excelled with distinction demonstrating the depth, knowledge, and understanding which gained him Phi Beta Kappa honors at Harvard and a Rhodes scholarship at Oxford.

For 18 of these years, John was my political hero and a living legend and inspiration to those of us who were just beginning our Government service.

For the past 4 years, John has been a friend, adviser, and supporter—and a political godfather to the Democrats of the Hoosier congressional delegation.

Beyond all of these distinctions, attributes and qualities, John Brademas has become a pillar of this institution—leaving an impressive imprint never exceeded and seldom matched.

Today represents another milestone in the life of John Brademas—but it certainly is not final. I know that his future will be as bright as his past.●

● Mr. YATES. Mr. Speaker, in book 10 of Plato's "Republic," Socrates calls for the exile of all artists from his perfect state because of their power to challenge, inspire, and thrill the intellect and emotions of the people, qualities obviously dangerous to rulers attempting to control and independent and strong willed citizenry.

Over 2 millenia later, our colleague

John Brademas of Greek descent, has shown the wisdom and the foresight to demonstrate that Socrates was wrong. Through his work in the creation and continued support of the National Endowments for the Arts and the Humanities, John has proved that ideas are the essence of a free society, and that the government can and must encourage the development of the creative spirit. It is with a great deal of sadness that I note the departure from the Congress of John Brademas, the universally acknowledged "Mr. Arts."

But this is only one of his talents. Since his first appearance in the House of Representatives in 1959, John has spearheaded legislation providing for aid for education, libraries, the elderly, and the handicapped. As a former college professor and Rhodes Scholar, his concern has always been for the enrichment of the people and the betterment of their lives. His dedication to ideas has been matched only by his political acumen, an ability which has been shown again and again through his leadership and many legislative successes as democratic whip.

As one who has worked closely with John over the years, and especially in arts related legislation and in whip business, I will sorely miss his counsel, his insights, and his support. I will always treasure his friendship. I trust that his advice and his ability will remain close at hand for the benefit of the Congress and the Nation.●

● Mr. BLANCHARD. Mr. Speaker, it has been my distinct honor to work with John for the past 6 years. As the Democratic whip, John bridged the gap which too often existed between young Members and the older Members, between new Members and their more senior colleagues. This important role has been almost completely overlooked in the analysis of earlier reforms and present conflicts in our political process.

I have had the pleasure of working with John on a number of issues, and as one of his whips from Michigan. No one has given more time in behalf of so many people and so many issues in this Congress than John Brademas. I can only hope that the people he represents know how much he has given to improve the quality of our Government. I wonder if even those who supported John over the years in his district, and those who support him now, can ever fully appreciate what an outstanding leader he has been for our country.

John Brademas has and will always epitomize all that is good, just, fair and humane in American politics. I am certain that he will be called upon in the future for his advice and leadership on important public issues, and thus his advice, his experience, and his commitment will not be lost to the Congress.

As for myself, I know I will miss John Brademas not only as my leader, but as my friend.●

● Mr. DRINAN. Mr. Speaker, it is really impossible to underestimate the tragic loss of John Brademas to the Congress of the United States. He has been an exceptionally fine, and extraordinary, really an eminent Member of this body.

Whenever people tend to disparage the quality of the Congress, I always mention John Brademas, a graduate magna cum laude from Harvard University, a member of Phi Beta Kappa, a Rhodes Scholar, a theologian, and a very learned person.

John Brademas is quite literally the author and architect of the Federal programs that give aid to higher education and to the arts and humanities in America. He has also demonstrated his talents by being the very able and effective whip of the majority party.

The works and accomplishments of John Brademas are legendary. I am particularly proud of his contributions as a member of the Central Committee of the World Council of Churches. He has been a national and international figure in ecumenical circles and is most highly regarded for his contributions in that important area.

I was pleased to be at the marriage of John Brademas to Dr. Mary Ellen Briggs. I send to her and to John my very best wishes for his continued success. We will watch his next career and know that he will go from triumph to triumph so that we will be, if possible, even prouder of him in the future than we are of him today.●

● Mr. MYERS of Indiana. Mr. Speaker, I rise to add my sincerest best wishes to our colleague from Indiana, John Brademas. While we often differed on our approach to the problems facing our Nation, I respect his unwavering stand on behalf of those programs and policies about which he felt so strongly.

His reputation as "Mr. Education" and a leader in the effort to protect and enhance the fine arts of our Nation were well-earned. I join with his many friends in commending his 22 years of service to the people of the Third District, the State of Indiana, and indeed the entire Nation.

We wish Mr. Brademas all the best as he takes on new challenges and extend across the political aisle a sincere hand of friendship and appreciation for his many accomplishments while serving with distinction as a Member of the U.S. House of Representatives.●

● Mr. BEVILL. Mr. Speaker, throughout his entire career in the Congress, John Brademas has demonstrated remarkable legislative ability, shown true concern for his constituents, and also has provided his colleagues with outstanding leadership as the majority whip.

It was my good fortune to begin serving in the whip organization when I first came to Congress in 1967. It was through this service that I came to know John.

Throughout the 14 years that it has been my pleasure to work with John, he has always proven himself to be a most generous friend and advisor. The information he has compiled and distributed to the Members has been of the highest caliber, and has been most helpful.

John's diligent service as whip has taken a great deal of effort and time, and he has made many personal sacrifices for the good of his colleagues and his country. It is my opinion that John Brademas will be regarded as one of the most outstanding whips in history, and I personally want to thank him for the tremendous job he has done, and wish him the best as he leaves Congress.

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable John Brademas, the House majority whip, who is retiring at the close of the 96th Congress after 22 years of service in the House of Representatives.

Elected to the 84th Congress in 1958, John Brademas has given dedicated and devoted service to his constituents of the Third District of Indiana, and has compiled an outstanding record during his distinguished career. His diligent efforts as the majority whip in the 95th and 96th Congresses, and as a member of the Joint Committee on the Library of Congress, have been both fruitful and beneficial to the citizens of this Nation.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know John well as a fellow member of the House Administration Committee, where he was the chairman of the Subcommittee on Accounts. He is a dedicated and devoted American, and a Congressman of outstanding ability and courage.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has John Brademas. As a member of the House Education and Labor Committee, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's educational institutions and in the interest of decent working conditions and employment for all of our citizens. Indeed, these successful efforts have made America a more prosperous and productive country.

John is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to John Brademas my best wishes for continued success in devotion to the highest principles.●

● Mr. FITHIAN. Mr. Speaker, I would like to take this opportunity to express my deep regret that Congressman John Brademas will be leaving the House of Representatives at the end of the 96th Congress. I have had the pleasure and benefit of working with Congressman Brademas for the last 6 years.

The Congress and the Nation will sorely miss the leadership that Congressman Brademas has shown on countless issues, but none more so than in the area of education and the arts. For it is in these areas that Congressman John Brademas has led the fight for better education and for the promotion of the arts—a successful fight that has brought considerable benefit to millions of Americans across the country. Without the leadership and dedication of Congressman Brademas, our Nation would not have reached the high level of attainment and achievement we have enjoyed over the past two decades. The Nation owes John Brademas a well-deserved thank you for these contributions.

As Democratic majority whip, Congressman Brademas was a vigorous leader who kept in close touch with his colleagues and implemented many innovative approaches to the legislative process. He was always fair and considerate of all Members—on both sides of the aisle.

As the dean of the Indiana delegation, Congressman Brademas has worked on problems affecting the Hoosier State, and I have had a special opportunity to work with him. He has always demonstrated a thoughtfulness and dedication to the job of representing his particular Hoosier constituents in the Third District over the course of 22 years. His constituents will miss his service to the district.

In sharing a common border between our congressional districts, Congressman Brademas and I have had occasion to share many common problems, and over the last 6 years we have worked together on them. As an example, the Indiana Dunes National Lakeshore Park is located in both our districts along the Lake Michigan shore. His help to complete the park boundaries and develop the park's facilities have been very much appreciated.

The list of Congressman Brademas' accomplishments over the more than two decades would be too long to enumerate in this space, but the Third District, the State of Indiana, and the Nation will much regret the loss of this great public servant. His commitment and dedication to a better world will be sorely missed by our Nation. His legislative and administrative contributions to the Congress will be sorely missed by all who serve in the House.

I salute Congressman Brademas for his valuable service and many contributions to American society, and I wish him the very best in whatever challenge or endeavor he undertakes now.●

● Mr. HUGHES. Mr. Speaker, it is a great privilege to join with so many of my colleagues to say a few words about our distinguished majority whip, John Brademas.

John Brademas is an exceptional man in a body of exceptional people. His talents are many and his list of accomplishments is long and substantial.

Different people will remember him for different reasons. His devotion to arts and education is legendary. Every important piece of legislation in these areas for the past 22 years has been influenced by John Brademas.

The Greek-American community will cherish his memory for all the work he has done to promote better understanding between Greece and the United States.

Democratic Members will remember him for his grace and effectiveness as majority leader who was able to forge compromises between warring factions using his inherent dignity and good humor.

Republicans will remember him as fair but formidable adversary who fought to preserve his party's position when it really counted.

And I will remember John Brademas as a good teacher and good friend. I will miss his leadership as will the rest of this body when he retires at the end of the 96th Congress.

He will be written about by historians and political scientists as a consummate legislator who was truly devoted to the House of Representatives.●

● Mr. VAN DEERLIN. Mr. Speaker, John Brademas is often praised as a patron of the arts, or as a Rhodes scholar who remained unspoiled by Oxford—even, at one time, as the most eligible bachelor in Washington.

He was all these things, of course. To my thinking, though, the truest measure of John's contribution in this body was the superb service provided us as majority whip.

Its very name suggests that the institution of the whip stems from a day when it was something very different—an office bent on enforcing party discipline. As it evolved in more recent times, the whip's office has provided an important service to members—in an era where raw discipline has given way to consensus.

Under no party whip has that service been more reliable nor more helpful than under John Brademas. Each of us Democrats is in his debt.●

Mr. MURTHA. Mr. Speaker, let me just conclude, if the Speaker would permit me, to say that I have seen, of course, many special orders, and I have heard many brilliant careers, but never more distinguished a career prior to coming to Congress; never a more brilliant record has any person had. I think it is a real tribute to you, John, that the Speaker and the majority leader and so many Members would take every possible moment of this special order. All of us are going to miss you, and I can only say that the country is better because you have served 22 years in Congress.

TRIBUTE TO THE HONORABLE MIKE McCORMACK OF WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Foley) is recognized for 60 minutes.

Mr. FOLEY. Mr. Speaker, the purpose for which I took the special order was to pay my respects and the respects of other Members of Congress to our colleague from Washington, Mike McCormack. However, I know that Mr. McCormack would like to have an opportunity for Members who were unable to continue the discussion of the special order on behalf of the whip organization taken by the gentleman from Pennsylvania (Mr. Murtha), concerning John Brademas, be continued.

Mr. Speaker, at this time I would yield to the distinguished gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding. It is typical of his generosity to do so. The axis between Indiana and Washington State grows stronger.

Mr. Speaker, a few days ago the Indiana delegation, the entire delegation of minority and majority Members, presented to the Honorable John Brademas, the majority party whip of the House of Representatives, the plaque from which I read now, and I think that the record ought to show the sentiments stated by our entire delegation:

> Dear Treasured Friend, John: We take pride in the splendid distinction you have brought to our delegation. You have displayed in the Halls of Congress singular erudition, industry, and grace during a turbulent and divisive era in the history of our Republic. Your imaginative and masterful mark is etched deeply in this institution. For a fifth of a century you have been the principal congressional guardian of American education. The eloquence and precision with which you have written and spoken in the House have set a tone for rational discussion of debatable issues.
>
> Your parliamentary career, not unlike that of Churchill, has been one of letters and inspiration. You leave behind monuments of towering achievement. We shall miss you less because so much of you remains with us.

Mr. Speaker, that is signed by the entire delegation from Indiana to the U.S. House of Representatives, and dated December 1.

Mr. Speaker, I would like to add my own personal words concerning my dear colleague, John Brademas. John preceded the gentleman in the well and me to the Congress by two, or three, or four terms, and so he was an inspiration to my class in the 89th Congress when we arrived already.

I think I would like to say for the record that I profoundly admire the manner in which Mr. Brademas has accepted the unpredictable, and inevitably unpredictable, nature of American politics. It is true of American politics and it is true of the politics of the United Kingdom as well. Churchill, a towering political figure of all time, was turned aside by his constituency at about the time he had led his nation in its darkest hour.

Mr. Brademas is something beyond—beyond the Halls of Congress. He is American history. He is known across the face of the Earth for his accomplishments. He brings distinction not just to the Indiana delegation, but to the entire Congress and the entire history of the Congress.

He has accepted the political reverse with dignity and grace and good humor. Now, that is easy enough to say, but if anybody has ever experienced losing an election for Congress after he has served in the Congress for a time, as I have so experienced, he or she can tell you that it calls forth—calls forth strength of character to display the behavior that Mr. Brademas has displayed over the past several weeks.

In my part of the country there is a saying that class will out, and John Brademas is the living proof of that. His accomplishment, not unlike those of our late and lamented colleague, Al Lowenstein, vastly transcend the immediate consequences of the political process and are forever in American history. The gentleman from Indiana is a scholar, and any time John Brademas has spoken in debate in this House, whether you agreed with him or whether you did not, you know that he spoke without malice. You know that he spoke with objectivity.

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And above all, you know that he spoke with respect for you and your ideas if you and your ideas differed on the occasion.

Two of John's favorite quotes from Abraham Lincoln are, first, Lincoln's words:

> I shall do nothing out of malice. What I deal in is too vast for malice.

JOHN, that may be your favorite quote, but it also is a perfect description of your career in the Congress.

The other quote is Lincoln saying:

> I have never willing planted a thorn in any man.

JOHN BRADEMAS is the youngest and the most vital and the most promising, in terms of the future, piece of history I have ever known.

I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I thank my colleague for yielding.

We have all heard about the extraordinary accomplishments of our colleague, Mr. BRADEMAS, in the field of scholarship, his vast knowledge, his list of legislative victories contributing to almost every aspect of our national life, his legislative and programmatic initiatives that almost boggle the mind of an average Member of Congress.

That kind of accomplishment over a period of 22 years seems almost too difficult to comprehend much less than have accomplished. I will not repeat the well-documented tributes that my colleagues have made to JOHN. I would like to say just a few things. First, I have traveled with Congressman BRADEMAS abroad, in England and several other countries, in all parts of the Soviet Union. Wherever he has gone in this world, first his reputation has preceded him, a reputation which not only honors and dignifies him, but honors and dignifies all Members who have accompanied him. One can feel proud to be a Member of Congress traveling with JOHN BRADEMAS and finding the respect and seriousness with which we are treated because of the reputation of Congressman BRADEMAS that has preceded us all.

Then, when he performs one is filled with great pride, with great pride at being a Member of Congress, at being a member of whatever that particular CODEL was for the extraordinary image of confidence, scholarship, statesmanship, and noble leadership that Congressman BRADEMAS has exuded. It has given all of us a credibility and a seriousness of purpose which perhaps we did not merit, but being in his presence and by his side and as a member of his mission we were all enobled beyond perhaps our capacity to contribute to our capacity to perform.

Let me also say, and this has been said on this subject, how much this House values JOHN BRADEMAS simply as a warm, personal friend. I came to this House in January of 1965 and went on the Committee on Education and Labor. There were three men there who particularly showed me great kindness, great care, great concern, and great affection: Congressman JOHN BRADEMAS, Congressman FRANK THOMPSON, and Congressman JIM O'HARA. They have all left the scene now and for me, I feel a sense of enormous sadness that an era has ended. These were three alltime greats. But Congressman BRADEMAS was primus inter pares. He was first among equals. He was the first of the greats.

When I came on the Committee on Education and Labor, he never failed, not only to listen to me and to counsel with me when I came to him for help, but to seek me out and to give me ideas and suggestions and guidance as to how I could be more effective and where I could be more effective in whatever efforts. When I came to him with legislative and programmatic ideas that I thought in the normal course of action a junior Member develops and then a senior Member puts in with his name on it, he said, "None of that. You have an excellent idea here and this should be a Scheuer program or a Scheuer amendment or a Scheuer contribution."

He befriended me during the 8 years that I served on the Education Committee in a never-ending flow of counsel, advice, wisdom, and warm friendship.

Then when I lost my seat the same time as my predecessor here, Congressman Jacobs, lost his seat in 1972, he came to New York for a farewell dinner for me. That was an enormous act of friendship, to go to that trouble and to take that time. Then, during the 2 years that I was out, he was absolutely unsparing in his efforts to help me in the various formal and informal ways to make a comeback here. This is a kind of pattern of friendship that is impossible to value. This is the kind of pattern of friendship that one never forgets. Since I have been back these last 3 or 4 years, that same flow of friendship and love and concern and support and encouragement has persisted.

Congressman BRADEMAS' contributions and his impact on this body is such that one feels that he has contributed and finished a full lifetime of service here. Such has been his contributions that it is difficult for each of us to perceive and understand that he is still a young man with most of his professional career still ahead of him. It is difficult to believe that he could have accomplished what he has accomplished at age 53. At age 53 most of us still have the capstones of our careers ahead of us. I suspect and in fact I am totally secure in the conviction that this will be the case with Congressman BRADEMAS.

I have served on the Interstate and Foreign Commerce Committee and I have served on the Science and Technology Committee. I have had occasion to go to some of these missile launchings and rocket launchings. I have seen on a number of occasions how a missile takes off in fiery splendor and soars to the point where it almost passes out of sight. Then, for a time it seems suspended in midair and it flutters and "phumfs" and "phumps" a little, almost as if somebody gave it a kick in the pants. Then, in a glorious burst it starts in an enormous arc and disappears out of sight. I suspect these are the days and times when Congressman BRADEMAS is "phumping" and "futzing" and "putzing" just as that rocket does. I suspect it will not be very long before there is an enormous additional exposure and a soaring of progress on a wide arc just like the missile where his accomplishments in the future will overshadow his almost unbelievable accomplishments in the last 22 years.

I suspect that the people on this floor and the people in this House are going to stand by in a fraternity of love and affection, and admiration and respect watching that second stage of the rocket as it takes off as I am positive and sure that it will in the very near future on that enormous arc, that second arc of contribution and service to his fellow citizens and to America.

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

I would like to join in praise for JOHN BRADEMAS. I have submitted remarks at the desk. I had the privilege of serving on the whip group. JOHN BRADEMAS was always fair to me and we learned more than in any other place what was going on in this House at the whip meetings, thanks to JOHN BRADEMAS.

Mr. Speaker, with the end of the 96th Congress, we will be losing one of our most effective legislators—JOHN BRADEMAS of Indiana. For 22 years he has labored diligently on behalf of those issues and causes that best represented his concerns for the future of our Nation.

As majority whip, JOHN has been most effective. In fact, he was probably more effective than some of us who did not always agree with his position would have liked. But JOHN has always been here in the thick of the legislative battles and more often than not was able to round up the votes to give his side of the issue the margin of victory.

Another title JOHN BRADEMAS has worn proudly and rightfully so was "Mr. Arts and Humanities." He has long been the champion in the House of legislation to promote improved programs of arts and humanities in our Nation. Many of the national cultural programs we have in America today are thanks to JOHN BRADEMAS.

Mr. Speaker, at this time, we do not know who will be filling the shoes of JOHN BRADEMAS in the 97th Congress, but we do know that his successor as majority whip will have a tough time measuring up to the dedication and abilities of JOHN. I join with my colleagues today in wishing him well in the years ahead.

Mr. FOLEY. Mr. Speaker, before I yield to the gentleman, I want to say personally that I wish the time were not so constraining a factor, that I and others here would like to have an opportunity to say more about JOHN BRADEMAS.

Let me just say that in all the things that have been said about him, I could not agree more that he has reached the finest that this body has to offer in representation to his constituency and concern for the broader constituency of the disadvantaged, of all those who are concerned about education and science in our country, those who are concerned about the arts and humanities, and those who are concerned about the great cultural traditions and problems that move in the world.

JOHN BRADEMAS has been an enormous international as well as national figure.

We are all, as Richard Bolling said, at heart parochials and our first concern is our district. John has never failed for one moment to consider and be concerned first of all about the people of his district. But in so many other ways his brilliance and his intelligence and his concern has given great contributions to the country and indeed to the entire world.

I suppose, as many have said, one of the things that I am very grateful for is that wherever he has gone, whatever forum he has appeared in or spoken before, he has given great luster to his country and to the House of Representatives. For that, John, we are all grateful.

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Mr. BRADEMAS. Mr. Speaker, I thank my distinguished colleague and friend from Washington, (Mr. Foley,) for yielding.

As I thank him for his gracious remarks, I want also to express my appreciation to my colleague in the whip organization, the gentleman from Pennsylvania (Mr. Murtha) for having taken this special order and to all of those who have been kind enough to speak in such warm and gracious terms about my service in the House of Representatives. For a time, Mr. Speaker, I thought I was being buried alive but it was not an altogether disagreeable experience.

Mr. Speaker, I would especially like to express my appreciation to the distinguished majority leader, the gentleman from Texas (Mr. Wright) and the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. O'Neill), for what they have said. It has been one of the great honors of my service in Congress to have been the majority whip because of the confidence that Speaker O'Neill, Majority Leader Wright, and my colleagues in the Democratic Caucus have placed in me.

I take this time only, Mr. Speaker, to say thank you, to say thank you to the Members of the House of Representatives who have spoken today; to say thank you to my colleagues on both sides of the aisle with whom I have had the privilege of serving these last 22 years; to say thank you to the outstanding persons who have served on my staffs over the years of my service, to say thank you to the people of the Third Congressional District of Indiana for the privilege of having represented them in the House; to say thank you for having had the honor of taking part for so long, albeit with but one voice and one vote, in making the decisions that affect the future of our country.

I am a strong believer in our separation of powers Constitution, Mr. Speaker, a strong believer in the coequal status of Congress in our political and constitutional system.

I am a strong believer in the process of free give and take that characterizes the American democracy.

I am a strong believer in the proposition that a vigorous and open politics is essential to a vigorous and open society.

And I am, accordingly, Mr. Speaker, a strong believer in the profession—the vocation, if you will—of politician.

Mr. Speaker, thank you.

Mr. FOLEY. Mr. Speaker, I know leave has been granted for all Members to revise and extend their remarks in the Record in the special order on behalf of Mr. Brademas and that many of us will want to take advantage of that opportunity to further extend our remarks on his magnificent service.

Mr. Speaker, there is a second sad duty that I have tonight, both an honor and a duty, somewhat tinged with sadness to reluctantly rise to express along with others here our farewell to a close friend and colleague from Washington State, Mike McCormack.

Mike McCormack has served his district, the great central Washington district of Washington State and his country with great distinction, with dedication and with perseverance for 10 years. He has been one of the most knowledgeable and one of the most dedicated Members of Congress who has served here in this last decade and, especially, he has served with an enormous distinction in the field of energy.

Mike first came to Congress in 1971. I can still recall the unprecedented privilege that he was granted in being selected as chairman of the House Task Force on Energy. It was a job that he attacked with his customary zeal and energy and later as chairman of the newly created Subcommittee on Energy. He became the first second-term Member to lead a major subcommittee in this field in modern history.

Mr. Speaker, Mike is well-known and justifiably so for both his deep belief and his major accomplishments in the field of nuclear energy. He has also taken the time to share this expertise with his colleagues. Some of us, through our service on our committee, have had an opportunity to gain some special knowledge but I think few Members in Congress can compare in the depth of their knowledge and capacity in any field with Mike McCormack in the general field of energy and particularly in the field of nuclear energy.

Whether one in the Congress has always agreed—and I have, of course, always agreed with him on this subject—whether people have agreed with him on the precise issues of energy or not, they have always found him ready and willing to give of his abilities and knowledge in discussions, on the floor of the House and off. He has been, perhaps, in addition to other areas, one of the most dedicated Members I have known, just in the sense of his capacity for work. Few people in the Congress have had the constant energetic commitment to this task, this responsibility as has Mike McCormack. I know a little bit about that because he is my next door neighbor and we travel back and forth sometimes on the same plane and certainly on the same schedule and I know the responsibility one has to undertake representing a very large congressional district of many tens of thousands of square miles with many, many countless communities.

In addition to all of his work, Mike has been one who has always gone constantly back to his district, held meetings, visited with his constituents throughout this vast area. It has been the kind of responsibility shared by others here which is a total demanding one sometimes it seems. It is almost impossible to have any personal leisure life in the commitment of such an overwhelming demand on one's time.

By the way, in his concern for energy, he is probably known principally outside the Congress for his concern with nuclear energy. Sometimes people in the Congress have primarily associated him with that, but he has been also vitally involved with the concerns of renewable energy such as solar energy and geothermal. He was the first to authorize solar energy and cooling in the act of 1974, in the Geothermal Energy Research and Development Act of 1974, the Electric Vehicle Act of 1976, the Photovoltaic Energy Act of 1978 and most recently the extremely important Fusion, Energy Research and Demonstration Act of 1980.

He has been the principal sponsor of these important milestones in the development of energy policy.

In this regard, he has made an impact during his years here that will be felt and appreciated by the Nation for many, many years to come. They will certainly be felt. I hope they will be appreciated because I think those who will have some knowledge of the development of energy policy in this country will know of the contributions Mike McCormack has made and appreciate them.

I think all of us realize that in some of our most important contributions the satisfaction is not so much that you are going to be remembered for it, but that you know that perhaps you have been able to make life better for some of your fellow citizens.

In the field of energy, Mike McCormack's efforts will make life better for tens of millions of his fellow citizens and for decades and decades to come. That is an extremely rich reward for anyone's service. I know that Mike takes from his service here the knowledge that he has made that kind of a contribution. Few Members can take so great a consciousness of service as this.

□ 1650

It is also true that in all of these things there are personal relationships which are severed to a degree when a colleague leaves the Congress, and there are people here this evening who want to have an opportunity to say a word or two of appreciation for Mike.

There are many more who will be adding their words in the Record who, because of commitments, were not able to be here tonight.

But, Mr. Speaker, I want to say that as one who was in the Congress when Mike first came and is going to miss him very, very much in the coming Congress, Mike, we salute you, and we wish you and Margaret every success in the future. Your work here deserves, from all of your constituents, from all of the people of our State and region, and from all of the people of the country, a warm "Well done."

I would be happy to recognize the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, for over two decades, I have had the pleasure of knowing and working with MIKE McCORMACK. We served in the State House and Senate together, and, for the past 8 years, we have served together in the Congress of the United States.

MIKE McCORMACK has been a dedicated public servant. Those of us in the Washington delegation have come to respect not only MIKE's vast knowledge of energy, but his own personal energy as well. He is truly a tireless worker; devoting endless hours to helping the people of his district and the entire Nation.

Every place where MIKE has served, he has gained the respect and admiration of his colleagues for the unrelenting manner in which he pursued his convictions. He has never been afraid to fight for what he believes in, no matter who the opposition was, regardless of what the odds for winning were supposed to be. I could not begin to recite all the important legislative initiatives—both in Washington, D.C. and Washington State—which bear the handiwork of MIKE McCORMACK. But quantity alone is not the measure of a good legislator. Quality is the key. And I can attest to the exceptional quality of MIKE's work. Not only is he a great fighter for principles, he's also placed importance on the many details which must necessarily be a part of good legislation.

Though MIKE is leaving this body, I am sure he will remain actively involved with many of the issues he has worked so hard for during his legislative career. I wish both MIKE and his wife Margaret all the best and look forward to enjoying many more years of friendship with them.

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the distinguished gentleman in the well for giving me the privilege of joining him and our other colleagues here this afternoon in paying deserved tribute to one of those Members we are going to miss most, one of those Members whose presence here the country can ill afford to lose, MIKE McCORMACK.

We all know of course the famous words of Winston Churchill that democracy is the worst system of government ever known to man except every other system that anybody has ever tried. And yet, a democracy oftentimes makes monstrous mistakes.

Many, many mistakes have been made by the sovereign people of America in the elections which have just been held. We all know that there are leaving this House some of the ablest, most dedicated and best Members that we have in this body, men whose wisdom and experience and knowledge are invaluable to the well-being of this country. Yet sometimes the people for reasons that would not be valued too highly by an objective appraisal, throw out such worthy and deserving Members.

I think MIKE McCORMACK is a conspicuous example of that mistake or error on the part of the sovereign people of his district. I do not, of course, question their right to choose their own representative. I am only concerned about this House. I am a Member of this House, and am affected by the quality and kind of colleague that I have. My district is a part of America, and it is entitled to the best representation from the other districts of this country who sit in this chamber.

MIKE McCORMACK was the kind of knowledgeable man that America in this critical nuclear age most needs for her guidance and for her leadership. He was respected by every Member of this House on both sides of the aisle. When he spoke in the field of nuclear power, one of the most critical that we have facing this country today, in respect to the danger from nuclear weapons, and in respect to the danger from nuclear waste of one sort or another, with which we have all in this very week been dealing, when he spoke on that critical subject, perhaps the best-informed man on that subject in this House, he was listened to with respect and confidence by every Member of this body.

It is going to be a great loss for us in the future in dealing with those critical subjects not to have the wise counsel, the invaluable experience and the dedication and patriotic sentiment of MIKE McCORMACK.

Besides being knowledgeable, MIKE McCORMACK is a great gentleman, a man whom all of us esteem highly as a friend, a man who is a credit to this body in his demeanor as well as in his achievements. So I am just sad to add my own voice to those that have been heard here this afternoon in tribute to what MIKE McCORMACK has done for his country through this House of Representatives and to say that our affectionate good wishes and our prayers for his long life and great happiness will go with him.

I thank the able gentleman.

Mr. FOLEY. Mr. Speaker, I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I, too, join in commending my dear friend, my long-time friend, MIKE McCORMACK, as he is about to leave us.

MIKE and I came into the Congress together in the 92d Congress. As I recall, there were just over 60 of us in that group. I counted just a few minutes ago. We are down to 17. I do not know if that means the best 17 or the worst 17. But we will be a lot worse off in the absence of MIKE.

I have worked with MIKE all these 10 years, and I wish I could work with him for another 10, but alas that is not the way it is going to be.

I echo the words of my dear friend, the gentleman from Florida, Mr. CLAUDE PEPPER, in saying we are losing a tremendous asset. There could not possibly be a parliamentary body in the world that would not dearly love to have a true, complete, honest-to-goodness expert in the field of physics among its members.

You know, all I have ever had to do when a problem in physics comes up is to turn to MIKE and say, "Hey, what in the world is a kilowatt hour," or "What is an ampere?" or, "How can you use heat from solar energy to cool a room?" You know, he had the answer every time.

And speaking of watts, you know I always figured that he not only has watts, but he has wits as well. That is a unique combination, but I love you, MIKE. I wish to dickens you were staying here, because something is going to come up some day, and I am going to have to find a difference between a Phillips head and a plain screwdriver, and I do not know who I am going to ask.

The challenge you have given us has stimulated—it really has—my interest in physics. I actually bought and am halfway through reading a book on physics, and it is largely MIKE McCORMACK's fault.

As a result of that, I have learned two words which demonstrate the scope of MIKE's knowledge. He knows everything about physics from quark to cosmos, and that is a long way. Thanks for being with us, MIKE, and good luck to you and your family.

□ 1700

Mr. FOLEY. Mr. Speaker, I thank the gentleman from California.

I yield to my distinguished colleague, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want first of all to commend the dean of our delegation for taking this special order.

It is, indeed, difficult to follow my good friend the gentleman from California, but also my good friend from Florida, who I think said it as well as it could be said.

Mr. Speaker, when the 97th Congress convenes next January, it will begin its work without a man who has served his district, the State of Washington and the Nation with high distinction.

This man is my friend and colleague MIKE McCORMACK.

For the past 10 years, I have had many opportunities to work with MIKE on various bills and projects affecting Washington State. During that time, I have witnessed firsthand his ability, diligence, and personal devotion to the citizens of our State and to the best interests of all Americans.

This devotion is clearly evident from his work on the Public Works and Transportation Committee and on the Science and Technology Committee.

As chairman of the Energy Research and Production Subcommittee, MIKE has taken the lead in developing realistic and balanced energy conservation and production programs.

MIKE has authored solar energy legislation including the Solar Heating and Cooling Demonstration Act; the Solar Omnibus Research, Development and Demonstration Act; and the Solar Photovoltaic Energy Act.

He has taken the lead in establishing a new Apollo-type program for magnetic fusion and has introduced other fusion and geothermal research and development legislation.

Additionally, he has sponsored bills which deal with the problems of nuclear waste management and the safety of nuclear powerplants.

Mike's work in this area has helped to provide energy from domestic sources, protect public health and stabilize our national economy.

But Mike McCormack has shown himself to be much more than just a progressive innovator in the field of energy. Many times, he has worked in support of humanitarian and social programs, for civil rights, education and the environment.

For his efforts in these areas, our State and the Nation owes Mike McCormack a great debt of gratitude.

At this time, I join with my colleagues in extending my best wishes to Mike and his wife Margaret, and I hope that we will see them both frequently in the future.

Mr. FOLEY. Mr. Speaker, I yield to my distinguished colleague, the gentleman from Washington (Mr. Swift).

Mr. SWIFT. Mr. Speaker, I am, alas, not of the scientific mind. I never could follow the course of a drop of blood from the brain to the toe and back again. Chemistry, I always thought, was a foreign language. The mysteries of the inclined plane have always escaped me and I will never be able to deal with the concept of torque.

What is unfortunate is that I am not alone, either in this society or in this body, that the departure of Mike McCormack will create a unique vacuum in this institution. Since he came here in the 92d Congress, Mike has provided the valued insight of an energy scientist. He is one of the handful of people in this institution who brought his vast technical experience on technological questions to public policy. He spoke for our Nation on energy problems often, more as an educator than a politician, providing a wealth of information for us more technologically ignorant Members. He was honest and sincere and forceful in discharging those duties.

Sadly, with the departure of just this one Member of this body, a very, very large vacuum has been created in this House, and this vacuum comes at a time when more and more of the questions ahead of us are technological, rather than ideological. Energy is still a towering problem, for our Nation, and in particular, for Mike's own region of the country, the Pacific Northwest.

Too often we find ourselves debating dogma instead of solution, grappling with problems so technical in nature that very few of us have the tools to adequately deal with them. Now a Member that many of us relied on for that information is leaving.

Mr. Speaker, Mike McCormack's departure, for that reason if for no other, will be an acute loss to all of us and to this Nation.

Mr. FOLEY. Mr. Speaker, I yield to the distinguished gentleman from Kansas (Mr. Glickman).

Mr. GLICKMAN. Mr. Speaker, I appreciate my chairman yielding.

I just thought I would come down to the House to say that I have been privileged to serve in this institution for 4 years. There are people here who are extraordinary. There are others who are not, just like any other line of work that exists in the world; but Mike McCormack is truly an extraordinary human being. I have not always agreed with him on energy issues, but his intelligence is unequaled in this place. He does leave an enormous void. I do not think there are any people of his caliber and his vocational ability to take his place.

I hope that those of us who are not schooled can begin to develop some of those talents; but he was one Member here I always knew was a man of depth and that is something that I hope we can provide in future Congresses in the area of energy; but he can take with him the knowledge that he among few people truly contributed to energy independence in America and truly contributed to the education of other Members of Congress. There are not very many people around here who can say that.

I am sorry to see him go. I know he will be an active participant in energy and other areas that interest him from the outside looking in.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Kansas.

I yield to my distinguished colleague, the gentleman from Washington (Mr. Lowry).

Mr. LOWRY. Mr. Speaker, I thank the dean of our delegation for taking this time to give us the opportunity to speak of a colleague that we hold in such high regard.

We have all known Mike for a long time. I used to work for him when he was chairman of the revenue committee of the Washington State senate. He worked 15 hours a day then. He works 15 hours a day now. We used to say, those of us that were staff people, that McCormack is a workaholic; but that really, truly, was not the case. Mike McCormack is a human being dedicated to making this a better world for other human beings. He was willing to put in those extensive hours because he knew that the things he was working on were that important.

He is one of the few that really will be able to in the future say, "I was part of the history that answered some of these most vital questions and problems."

Of course, within that, most of us have been referring to energy, in which Mike is unparalleled in this House for his expertise and his value. He will be greatly missed.

I wanted to mention a few other things beyond Mike's outstanding energy record though, because Congressman Mike McCormack was a Congressman that had the courage to allow his convictions on the very vital and politically dangerous issues of this day: Protecting the civil liberties and the rights of individuals on very tough issues, the rights of minorities that are under fire today, the rights of women that are under fire today, and the rights of the elderly and the poor and of every child to a quality education regardless of ability to pay. Mike McCormack knew that the House and our Constitution and our Bill of Rights must stand to protect individuals against the abuse of their individual rights by others that would try to impose their opinions upon others and by the abuse of Government power upon individual rights.

Mike McCormack will be missed greatly as an expert on energy, but he will also be missed and remembered as a Congressman that always stood for his convictions on those very tough social issues.

My wife and I value warmly our friendship with Mike and Margaret McCormack. We look forward to many continued years of that friendship.

☐ 1710

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the distinguished gentleman from Illinois (Mr. Simon).

Mr. SIMON. I thank my colleague for yielding. I am a little out of breath having run over here to join in paying tribute. I had hoped to be here to pay tribute also to our colleague from Indiana, John Brademas, but I wanted to at least briefly come over and join the others who have acknowledged the major contribution that Mike McCormack has made.

I was sitting over there on one of those seats when a few days ago Mike McCormack, as usual, was in the middle of some bill—I hate to say it, Mike, I do not even remember what the bill was—but he was up there denouncing it vigorously and telling us all what we should be doing. My colleague who was sitting next to me said:

> You know, I don't always vote with Mike McCormack, but when we think that we are losing people of the quality of Mike McCormack and Richardson Preyer, what an infinitely poorer House this is.

That is true.

In a sense, Mike McCormack and John Brademas, both of whom have been lauded here this afternoon, are Jeffersonian type of people, as is the gentleman in the well who is putting all this together. Mike McCormack and another man the gentleman in the well knew very well, Paul Douglas, the three of you, Tom Foley, Mike McCormack, and Paul Douglas fit together well because you can talk about anything.

What we need in this body are not simply one-dimensional people, but people who have a sense of perspective, a sense of balance. Mike McCormack has given us that.

The people of Washington have made a decision. I mean no disrespect to the gentleman who defeated Mike McCormack. I do not know the man. But the people of Washington have made a decision that, at least from my perspective, has made this Nation a poorer Nation.

But I also know Mike McCormack well enough to believe that he is going to continue to contribute. Mike McCormack is not going to go sit on a rocking chair somewhere.

I just want to join those who say this Nation needs Mike McCormack to continue to enlighten us and lead us, as he has in the past.

Mr. FOLEY. I thank the gentleman from Illinois.

Mr. McKAY. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the distinguished gentleman from Utah (Mr. McKay).

Mr. McKAY. I appreciate the gentleman yielding and his efforts in putting together this special order.

Mike and I came to Congress in the 92d group and were among those who were in the leadership of that group and its first officers. It has been my pleasure to have a close relationship with Mike and his wife.

As my colleagues know, there is one responsibility that none of us can shirk and that is being what we are. What we are rubs off on others. We receive of others what they are, and there is no way we can avoid that if we associate with them. That association with Mike has been a positive one in my life as he has outlined particularly the energy field, because that is his expertise of life, but also the fact of being as he is, a person of concern, one who feels a great urgency for the necessities of our national security, our economy, and the well-being of people who need jobs and who need some way to make a living, and without being priced out of the field for housing or for whatever it is that relates, because energy is the bottom line. We can talk about cutting inflation. There is no way to stop inflation until we get control of energy and have an ample supply of energy so that the price can come into place. That is the only way we can do it.

We can talk about all of the rest of the items, but they are cosmetic. We can balance the Federal budget and that will help a little, but it will never help to the extent that energy will.

Mike McCormack was the kingpin in this.

I recall when Mike McCormack stood in the well here several years ago when people were talking about atomic energy and how it was the bane of our lives and how terrible it was, and people were quoting Dr. This and Dr. That. Mike stood in the well and outlined each doctor. There was not one of those doctors who were writing and becoming the oracles of energy across this country that had any expertise in the field of energy and atomic research as Mike had. They were doctors of philosophy, doctors of music, doctors of whatever, who were selling articles all over the country but did not know anything about energy. But Mike took them on and laid out the facts. A lot of those great quoted people now have faded into the background because what they were doing was publicizing for profit in national magazines. But Mike stood up.

He is one who has contributed much and is willing to serve the country. He is a personal friend and I appreciate his service. I am sorry to see him go, although he and I have something in common. At least we can commiserate. There are some things we can emphasize with and sympathize, but until you have been through some things you do not really know what it is like. Of course, it hurts to lose, but maybe the windows will open some place else. Mike McCormack is one who will open a window if it is not opened for him.

I appreciate his service and the great service he has done for this country and his example. I hope it will be observed hereafter.

Mr. FOLEY. I thank the gentleman from Utah.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield now to the gentleman from Wisconsin (Mr. Zablocki), the very distinguished chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. I thank the chairman of the Agriculture Committee and our esteemed colleague and my very respected friend for yielding. I wish to commend and thank him for giving us this opportunity to pay tribute to Mike McCormack, a great American. His leaving will be a great loss to us.

I have had an opportunity to see Mike work. Moreover I have worked with him on conferences where scientific matters were discussed. If anybody has any doubt of his grasp and knowledge in that field, he only has to see, as I did, how Mike was respected for his expertise even by those who opposed his views. There is no doubt about the loss that his leaving will be to this House and to our country. I submit, Mr. Speaker, he is one of the most knowledgeable Members in the House on scientific issues.

Mike McCormack is conscientious, hard working, and dedicated, always practical and amiable. Even when things did not go his way, he had always a smile.

We will miss his expertise. His service to his State, the State of Washington, and our Nation will be missed. So it is with sadness that we say goodbye to Mike. But it really is not a goodby because I am sure he will be back either in this august body or certainly in Washington giving his counsel and advice. At the same time, I know he deserves a bit of a rest and I hope that he will take a few weeks because up until now, he has been one person who cannot and will not sit in a rocker and do nothing at all. But I know that he will be back to contribute to our country's interests in this vital area of science and technology, an area in which he is so very, very able.

Therefore, we wish Mike and his wife great happiness and every success in all of their future endeavors.

□ 1720

Mr. FOLEY. Mr. Speaker, I thank the distinguished gentleman.

● Mr. JOHNSON of California. Mr. Speaker, I deem it a privilege to join my many colleagues in paying tribute to the outstanding service in the U.S. House of Representatives of Mike McCormack.

Mike has been a stellar member of the Committee on Public Works and Transportation, which it has been my honor to chair. Mike came on the committee as soon as he was elected to the Congress and has served with distinction on the Water Resources Subcommittee, which he has been a member of for 10 years, the Surface Transportation Subcommittee, the Economic Development Subcommittee, the Public Buildings and Grounds Subcommittee, and the Oversight and Review Subcommittee.

A great deal of the legislation which passes through the Committee on Public Works and Transportation contains technical, scientific issues which normally might be left to experts outside the committee. Mike, however, because of his scientific background and great intelligence, was always able to provide knowledgeable counsel on such issues. I understand he performed much the same functions for the Committee on Science and Technology.

Mr. Speaker, Mike McCormack will be deeply missed by his constituents in Washington State and by the entire Nation, but I do not think he will be missed anywhere more than on the Committee on Public Works and Transportation.●

● Mr. REUSS. Mr. Speaker, I thank my distinguished colleague, Tom Foley, for providing this opportunity to congratulate Congressman Mike McCormack for his 10 years of outstanding service as a Member of this body.

Rarely, in my experience, has one Representative possessed such expertise and influence in a vital and complex area as has Mike McCormack on the issue of energy. As chairman of the Subcommittee on Energy and Production, Mike has labored unceasingly for the adoption of energy policies and programs to reduce U.S. dependence on imported oil. He has not limited his efforts by a narrow approach, but has introduced successful legislation for a wide range of research programs in solar, geothermal, and nuclear energy sources, as well as in electric vehicles. His broad vision and understanding of the energy problem have extended his efforts to the achievement of an essential balance among energy production, environmental stability, and economic stability.

For instance, Mike has sponsored legislation on nuclear waste management and nuclear powerplant safety, which could help to make atomic energy a more acceptable alternative. His farsighted Fusion Research, Development, and Demonstration Act of 1980, which I was pleased to cosponsor, holds out the hope of a safe, clean energy source for our Nation's future.

I regret that Mike McCormack will not be returning in the 97th Congress, but the wide range of visionary energy programs which he has set in motion will serve as a testament to his decade of achievement as a Member of this body.●

● Mr. BROOKS. Mr. Speaker, I would like to join my colleagues in paying tribute to one of this body's most respected and dedicated Members, Mike McCormack.

Mike is one of the most knowledgeable Members of the House of Representatives on nuclear matters and has contributed greatly to the enactment of numerous energy and environmental laws. He has certainly served our Nation well during his tenure in the House and he will be missed.

I know that whatever he chooses for the future will be a success due to his energies and abilities. I wish him the best.●

● Mr. MONTGOMERY. Mr. Speaker, it is with a great deal of regret that I rise today to bid a fond farewell to our colleague Mike McCormack of Washington. For 10 years he has been a most valued Member of this body and his contributions will not be forgotten.

I am particularly mindful of the reasoned approach he always took toward nuclear energy in America and his leadership in this area. He was always able to approach the subject with well proven facts to back his arguments and to dispel the arguments of hysteria put forth by others. Those of us who believe that nuclear energy must be a part of our future energy resources in this Nation will be losing the most authorative voice on this subject with the close of the 96th Congress.

Mr. Speaker, in other legislative areas, I have always been impressed with Mike's methodical mind and his ability to get right to the point of every issue. Perhaps an old cliche best sums up Mike's debating qualities in that he was always able to get to the meat of the coconut.

We all wish Mike McCormack the best in the years to come and express appreciation to him for his many contributions to this body and our Nation over the last decade. ●

● Mr. ANDERSON of California. Mr. Speaker, this time of year when many of us are in high spirits, looking forward to the holidays and the opportunity to return to our homes, families, and friends in our districts, our joy is tempered by the knowledge that some of our friends will not be joining us when we return for the 97th Congress in January. One of these friends and colleagues we will be missing is the Honorable Mike McCormack.

It has been my pleasure to serve through the 1970's with Mike. We have worked together, both in the full House, and on the Public Works and Transportation Committee. I suppose the best way to really get to know a person is to sit through endless hours of hearings and markups with them. I think that the time we have spent together on the Surface Transportation and Water Resources Subcommittees, and in full committee, fully qualifies me to say something about Mike.

Mike is a persistent man, and a fighter. When he sets out to do something, and might not be successful on his first attempt, he keeps on plugging away, tenaciously. Often, these efforts have bucked current trends or popular fads. And usually, the test of time has indicated that he has been right.

Mike was an early, and dedicated, environmentalist. It is a tremendous irony that some of those who have opposed him in the past few years—for speaking out on behalf of an unpopular cause—were those whose cause he had championed when it was unpopular. But Mike, as chairman of the Energy Research and Production Subcommittee, has always supported the research and development of new energy sources. And the country has been better for it.

And Mike's constituents in the State of Washington have benefited tremendously over the years as a result of their Congressman's service in the Nation's Capital. Not only has his Fourth District and the State benefited, but the whole Western region of our country will miss not having him in Washington in the years ahead. Mike has been a man who has understood Western problems, and been able to explain them to Representatives from elsewhere in the country.

The West, and this Nation, does not have enough leaders; men and women who pursue what is right in the face of long odds. Mike McCormack was one such leader, and when the 97th Congress commences we will all miss not having him with us.

I do not know at this time what Mike will be doing next year, but Lee and I wish him, his wife Margaret, and their family all the best.●

● Mr. McCLORY. Mr. Speaker, with the retirement of our colleague, Mike McCormack, of the State of Washington, we are experiencing the departure of one who has brought great professional talents and hard work to the office of Representative in Congress.

Mike McCormack and I shared many similar views on critical issues, particularly on subjects relating to science and technology. Our interest in the subject of nuclear power, consistent with essential public safety requirements has meant that we have discussed this issue on various occasions while dealing with the broad subject of our Nation's energy needs.

In connection with the voluntary conversion of our traditional system of weights and measures to the metric system, Mike McCormack and I have tried to provide enlightenment and reason in this area where frequent emotional concerns becloud the issue.

Mr. Speaker, my wife Doris and I have enjoyed a close association with Mike and Margaret McCormack. The McCormack's, like Doris and I, make our home on Capitol Hill and we are frequently together on social occasions and in purely personal contacts.

While the voters of Mike McCormack's district have decided to replace him, I am sure that Mike will find many opportunities for useful service and that he and his wife Margaret will have much to offer to our society as they pursue less active but, nevertheless, constructive careers beyond these halls.

We join at this time in extending to Mike and Margaret McCormack our affection, respect and wish for them a full measure of good health and much happiness.●

● Mr. MURPHY of Illinois. Mr. Speaker, the Nation and the Congress are losing an intelligent and influential person with the departure of Mike McCormack from this House. Mike is a distinguished scientists whose detailed knowledge of nuclear and fusion power has enabled him to be an effective spokesman on these issues. Indeed, the landmark bill passed by this Congress to promote fusion energy is a testimony to Mike's persuasiveness and persistence. The bill stands as Mike's legacy in the annals of congressional history, and will someday be regarded as a milestone in America's effort to become more energy self-reliant.

Mr. Speaker, it is my hope that Mike McCormack will continue to provide his expertise to future Congresses on vital energy issues. America will need his vision if we are to look beyond our current shortages and find creative and resourceful ways of meeting our energy needs in the future.●

● Mr. PATTEN. Mr. Speaker, we cannot help but rate Members of Congress and I believe that Mike McCormack is among the top 10 percent of the Members of this body. He has always scored high with me as being an effective Congressman.

Mike McCormack has been the leader in calling this Nation's attention to the potential of fusion energy. I share his hopes and convictions that fusion technology is the answer to our problem of energy dependence. I shall never forget his remarks when he brought his fusion energy bill to the floor earlier this year. I just wish that every American could have heard him, and that every American could share our enthusiasm for this technology. I know that without his interest and support, the Princeton Plasma Physics Laboratory's research and development program would not have been the success that it is. Because this facility is in my congressional district, I can say confidently that Mike McCormack has made a profound impact on my area as well as on the entire Nation.

He is dedicated and a leader. He will be sorely missed in this great body. And I wish him well.●

● Mr. CLINGER. Mr. Speaker, as chairman of the House Subcommittee on Energy and Production, Representative Mike McCormack has been a key leader in Congress in solving our Nation's energy problems. He well understands the critical role of research and development in applying new technologies that contribute to full utilization of our domestic energy resources and conservation efforts. When so many in Congress are concerned with dealing with present day problems, Representative McCormack has the foresight to tap into the scienti- has the foresight to tap into the scientific community for both short- and long-term solutions.

One of his major contributions during the 96th Congress was the passage of the Fusion Energy Research, Development, and Demonstration Act of 1980. The scientific community had discovered the secrets of fusion power in the laboratory and were now ready to push ahead with a demonstration fusion powerplant. Realizing that fusion power held the potential for "an absolutely unlimited source of energy for all humanity for all time," he shepherded landmark legislation through Congress in record time.

I deeply regret the parting of Mike McCormack from the Halls of the House of Representatives. The memory of his deeds may be lost as the laws of today gather dust over time but his mark on the betterment of mankind will be felt forever.●

● Mrs. BOUQUARD. Mr. Speaker, it has been my very great privilege throughout my 6 years of service in this body, to have been associated with my good friend, the gentleman from Washington, Mike McCormack. There have been very few who have served in this Chamber with greater distinction or ability than Mike McCormack. We will all sorely miss his expertise, knowledge, and hard work during the next Congress. Perhaps more so than anyone now serving in this Chamber, Mike McCormack has been responsible for the formulation of a comprehensive national energy policy that looks toward the continued production of energy as an integral part of our national prosperity. His leadership in the effort to establish fusion energy as a viable energy source for the future is well known to the House, but he has been equally active in support of such alternative technologies as solar power, conservation, and geothermal energy resource development.

I think that perhaps the greatest influence on my development as a member of the Science and Technology Committee was the opportunity to learn from Mike. Certainly, his advice and experience have proven to be a wealth of information to me as I have tried to fulfill my responsibilities. No one can doubt that Mike McCormack's retirement will be an active one. We can only hope that his activities will keep him in touch with his many friends and admirers in the House.

Mike, I join with your many friends in wishing you and your wife Margaret the very best for the future, and I trust that you will still be available to steer those of us who remain behind down the right energy paths.●

● Mr. DRINAN. Mr. Speaker, I came to the Congress with Mike McCormack and have admired all of his extraordinarily valuable work in the area of energy. He is the author of numerous energy and environmental laws and is the author and prime sponsor of some of the most important energy legislation enacted by the Congress during the decade that he has served with us in the House.

Mike McCormack had a distinguished record even before coming to the Congress in 1970. He had served in the Washington State House of Representatives for 4 years and in the Washington State Senate for 10 years. In addition, he was a scientist with a graduate degree in that area.

As Mike McCormack. begins his third career, I and his many friends in the House wish him every continued success. We convey to him and to his lovely wife, Margaret, our admiration, our appreciation and our affection.●

● Mr. SCHULZE. Mr. Speaker, I am pleased to join my colleagues in this tribute to Congressman Mike McCormack, who has well served his constituents of Washington's Fourth District, the Congress and the Nation these past 10 years.

Mike's creative and tireless efforts as a member of the Committee on Science and Technology, including his chairmanship of the Subcommittee on Energy Research and Production and his service as second-ranking majority member on the Subcommittee on Energy Development and Applications, have laid the foundation for America's energy future. To address our dangerous dependence on foreign sources of oil, he has authored legislation to facilitate the development of a variety of alternative forms of energy such as solar, nuclear and geothermal power. A man of many talents, he has also served with great distinction on the Committee on Public Works and Transportation.

The hallmark of Mike's work in the energy field has been his perspective of the broad economic and environmental context in which alternate source development must necessarily occur. This is but one illustration of his practical, positive approach to many complex issues the House has faced during his tenure.

Mike McCormack's sound judgment will be missed. I join my colleagues in commending him today, and in wishing him Godspeed.●

● Mr. HORTON. Mr. Speaker, it is my pleasure to join my colleagues in paying tribute to our friend and well-respected colleague, Congressman Mike McCormack. Unfortunately, Mike will be leaving the Congress when this session comes to a close.

Throughout his service in the House of Representatives and to his constituents in Washington's Fourth Congressional District, Mike McCormack has established a record of excellence and accomplishment. The number of measures which gained congressional approval as a result of his leadership and skill include the 1970 Thermal Power Siting Act, Federal Solar Heating and Cooling Demonstration Act of 1974, the Geothermal Research, Development and Demonstration Act of 1974, and the Electric Vehicle Research and Demonstration Act of 1976, to mention but a few.

In his 10 years as a Member of the House, Mike has been a highly effective member of the House Science and Technology Committee where he served as chairman of the Subcommittee on Energy Research and Production. In this capacity he always worked with dedication and cooperation. His many contributions, particularly those mentioned earlier, represent an important legacy to this institution and to the Nation.

Mike has been a good friend and dedicated Member of this House. I wish him well as he prepares to take on new responsibilities following the close of this session of the 96th Congress.●

● Mr. JONES of Tennessee. Mr. Speaker, we all have reasons for hating to see a Member such as Mike McCormack leave this body. Some of them are personal, some are not so personal. My reasons are both.

Mike McCormack is one of those people I consider a real friend in this body. He has never refused to assist me in any way possible. The other reason is that I have enormous respect for his judgment and thoughts on issues that relate to science and technology. He has been a strong voice in the House on those issues and has brought with him into this body an expertise that is rare.

We are all going to miss Mike's presence here, but we are going to miss even more his insight and his knowledge about scientific issues that are sure to face us in the future. I hope that he will remain near us so that country people like myself can be near enough to him to get his advice and counsel on those issues.

I wish for Mike the best of luck in the future, and I know his expertise will be well used in the future.●

● Mr. PRICE. Mr. Speaker, it is with deep regret that I take note of the fact that Mike McCormack is leaving us at the end of this session, Mike's unique qualifications in the highly technical matters concerning energy, provided this body with the true facts it needed to contend with the energy problems the Nation faces. Coupled with his great professional knowledge of the field and his actual experience in carrying out highly technical energy projects, Mike applied inexhaustible personal energy to help guide us in our energy-related legislative activities. I sincerely hope that whatever he does next in his already illustrious career, it includes continued inputs to the solution of our critical energy dilemma.

I am sure everyone joins me in wishing Mike every success and reward in whatever he takes on in the future. I also want to express the hope that included in his future is a return to the membership of this body where he has already contributed so much and can contribute so much more to help our Nation.●

● Mr. ADDABBO. Mr. Speaker, it is an honor to have the opportunity today to join my distinguished colleagues in a tribute to one of Washington State's most dedicated Representatives ever to serve in the House of Representatives, the Honorable Mike McCormack, who is retiring after 10 years of outstanding service to the Nation. A good friend of all us here, I am sure I do not stand alone when I say his expertise and leadership will be sorely missed.

Mike was undoubtedly one of the most articulate and responsive men to serve in the House in recent memory. A man deeply committed to serving his people, he has shown the ability to comprehend some of the most difficult issues facing Congress today, his efforts assisting countless Americans.

At a time when our Nation is struggling to meet its long- and short-term supplies of energy the people of our country have turned to Congress to provide workable solutions. Mike McCormack has been one man in Congress who has worked hard to solve our energy needs. While serving on the Committee on Science and Technology, where he was chairman of the Subcommittee on Energy Research and Production, he has been a leader working for an energy policy that would reduce U.S. dependence on imported oil, while keeping in mind that our environment still must be protected. He has been author of a number of pieces of legislation concerning this issue, among them the Solar Heating and Cooling Demonstration Act of 1974 and the Fusion Research, Development, and Demonstration Act of 1980.

Certainly not a one issue Congressman, Mike has lent his support to many humanitarian, civil rights, and social action programs, working hard to help those who do not have the power to help themselves.

I wish Mike the very best of luck in the future, keeping in mind that he must take the opportunity to come back and visit a Chamber where his accomplishments will long be remembered.●

● Mr. RITTER. Mr. Speaker, I join with my many colleagues in expressing our appreciation to Mike McCormack for all his great achievements in the Congress and in wishing him well in his further endeavors.

Being a scientist with a research background, I related well to Mike McCormack in many ways. We served together on the Committee on Science and Technology. In that committee, we oversee and authorize programs that are on the frontiers of knowledge in many fields. This is essential for a technological society to operate. Yet, in the frequent deluges of other responsibilities for the Congress, there is often the temptation to slight in our efforts to truly follow the scientific and technical facts. Mike McCormack has set high standards for his technically trained colleagues to follow in keeping abreast of the technical information before us.

I have fond memories of Mike McCormack with a Geiger counter measuring the radioactivity coming from the walls of our Capitol Hill buildings. I was continually impressed when Mike McCormack refuted technical facts and numbers of expert witnesses, or even supplemented their numbers and facts with information in his vast memory. All of this is just and proper. My colleagues who have legal or economic background supplement and correct assertions in those fields. For a democracy with a mixture of technology, law, and economics to function well and fairly, their representatives must be critical and knowing in all these areas. Mike McCormack has set the standards for those of us who are scientists to properly cover these responsibilities in Federal Government.

I am confident that Mike McCormack will be able to continue his national contribution to science. It is my hope that the Congress will still be able to gain from his insights by visits and communications that he will make.●

● Mr. HALL of Texas. Mr. Speaker, I thank the distinguished gentleman from Washington and chairman of the Agriculture Committee, for calling this special order to honor our friend and colleague, Mike McCormack. The State of Washington can be justifiably proud of the tremendous contribution that Mike McCormack has made to Congress and the Nation. He is an able and dedicated Member of this body, and his absence will be sorely felt during the next Congress.

Mike McCormack is an active, conscientious public servant. He has been subjected to a great deal of misguided criticism from those environmental extremists who want to shut this Nation down and return to the Stone Age. But Mike McCormack has stood his ground. He loves his country, and long before it was fashionable, Mike McCormack was urging government and the private sector to use all available means to develop alternate sources of energy.

Like the title of the late Dean Acheson's book, the gentleman from Washington was "Present at the Beginning" in his unrelenting efforts to warn the people of this Nation about energy shortages.

Some of the most important legislation passed by the Congress in recent years dealing with the exploration, demonstration, and development of energy sources such as solar and geothermal had their genesis with Mike McCormack. He is an innovative lawmaker with a keen mind based upon scientific and technological training, and for the past 10 years this wealth of experience has benefited all of us.

Few people anywhere can match the experience and expertise that Mike McCormack has in the field of nuclear energy. He has done a magnificent job—often a lonely job—in offsetting the scare tactics used by some groups who want to strip away our nuclear energy potential and make us more dependent on foreign oil. As a valuable member of the Science and Technology Committee, he has provided dynamic leadership in the field of energy, and filling the void created by his absence will not be easy.

Mike McCormack is a good friend. I admire and respect his judgment. The future for him is bright, an I expect we will be hearing more from him in the years ahead.●

● Mr. ROYER. Mr. Speaker, I wish to add my voice to the chorus of Members who are singing the praises of Mike McCormack. Mike was my friend and mentor on energy issues on the Energy Development and Applications Subcommittee of the Committee on Science and Technology. I was privileged to be the minority floor manager on two of the major energy bills which issued from our committee and which were so forcefully championed by Mike for and on behalf of the majority. I am indeed proud of my small contribution toward the passage of both of these measures, and even more proud to have been associated with Mike on these bills. Years from now, God willing, when cheap, safe, fusion power is readily available to the people of America, Mike McCormack will be the one to thank—for he stood fast against hysterical, unreasoning diatribes by those who are opposed to this source of energy.

His calm understanding of the promises of nuclear and fusion energy, with a full appreciation of the risks and technological advances with which we can deal with them, should serve as a model to us all. Quite frankly, I am concerned that this House of Representatives is losing one of the most qualified, respected voices in support of nuclear and fusion energy. I call upon all of you, his colleagues who will be seated in the 97th Congress, to carry on his fine work so that we can ultimately loose ourselves from the yoke of OPEC oil.

I will miss you, Mike, but the people of America have been rewarded by your service. And those rewards will be multiplied in the years ahead when the work you have started here and in previous Congresses is completed. I am only glad that I will be able to share in that reward, and that I was able to participate with you, Mike, in the legislation that will, ultimately, lead us to light.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Mike McCormack, who is retiring at the close of the 96th Congress.

Mike McCormack has given 10 years of dedicated and devoted service to his constituents of the Fourth District of Washington, and has compiled a splendid record of excellence and ability. His diligent efforts as a member of the House Public Works and Transportation Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Mike McCormack. As chairman of the Subcommittee on Energy Research and Production of the House Science and Technology Committee, his leadership was without parallel in the enactment into law of vital legislation to make our Nation self-sufficient in energy. He was the author of the Federal Solar Heating and Cooling Demonstration Act of 1974, the Geothermal Research, Development and Demonstration Act of 1974, the Electric Vehicle Research and Demonstration Act of 1976, and was instrumental in the formation of many other energy initiatives.

Mike is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Mike McCormack my best wishes for continued success in devotion to the highest principles.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Mike McCormack, Congressman from the Fourth District of Washington, who is leaving the House after the 96th Congress.

Mike and I learned "the ropes" in the House together, having come to Congress in the same year, 1971.

Mike's talents as a nuclear power expert and scientist have given him high stature in the House and in the Nation. He probably knows as much about the scientific and engineering complexities of nuclear power—indeed of all kinds of power—as anyone in the Congress.

I have enjoyed serving in the House with Mike, his leadership will be sorely missed in the years to come.

I sincerely wish Mike and Mrs. McCormack the best in the future.●

● Mr. FUQUA. Mr. Speaker, as we move toward final adjournment of the 96th Congress, it is appropriate that we formally recognize the service of our colleagues who will not return for the next Congress. I want to pay tribute to my friend, Mike McCormack, who is leaving the Congress after 10 years of dedicated and productive service to the State of Washington's Fourth Congressional District. He has not only served his constituents well and faithfully, but worked hard for his State and region, and made indispensably important contributions to improving the Nation's energy policy.

Mike McCormack has been highly successful in handling his congressional responsibilities, especially those relating to his membership on the Committee on Science and Technology, in part because of his scientific training and experience. He earned his B.S. and M.S. degrees in chemistry at Washington State University and thereafter was employed as a research scientist at the Hanford project near Richland, Wash., from 1959 until 1970. From 1956 to 1970, he served in both houses of the Washington State Legislature, where he was effective in encouraging industrial development and initiating practical programs for environmental protection.

Mike McCormack has served in the U.S. Congress on both the Committee on Public Works and Transportation, and the Committee on Science and Technology. He currently serves on the Science Committee as Chairman of the Subcommittee on Energy Research and Production, and in this role has taken an especially aggressive and sincere interest in national problems and opportunities relating to energy. Mike McCormack conceived and guided to passage the Solar Heating and Cooling Demonstration Act of 1974; the Solar Omnibus Research, Development and Demonstration Act of 1974; the Geothermal Energy Research, Development and Demonstration Act of 1974; the Electric Vehicle Act of 1976; and the Solar Photovoltaic Energy Act of 1978.

Mike McCormack has also taken the lead in establishing a national commitment to developing nuclear fusion as a source of energy, by conceiving the Fusion Energy Research, Development and Demonstration Act of 1980, which was signed into law on October 7 of this year. Because the fuel for production of energy by fusion is inexhaustible, development of the capability for exploitation of fusion energy, as provided in this law, makes this legislation one of the most important technological matters ever to come before the Congress.

Mike McCormack's leadership in the field of energy and scientific affairs has brought him national recognition by numerous institutions and professional organizations. For example, he was awarded an honorary doctorate in engineering by the Stevens Institute of Technology, elected a Fellow by the American Association for the Advancement of Science, and designated "Solar Energy Man of the Year" by the Solar Energy Industries Association in 1975.

The U.S. House of Representatives will be losing one of its most effective and articulate Members when Mike McCormack leaves. He has proved himself to be a reliable and trustworthy confidant, a sincere and honest colleague, a strong ally, and a formidable adversary at times. He has consistently put the good of the Nation ahead of personal or political benefit. His leadership in promoting a sound energy policy for the country will stand as documentation of his foresight, good judgment and dedicated service with us. His high sense of duty and professionalism will be sorely missed.

Because Mike McCormack is intellectually and physically vigorous and is leaving the House of Representatives with a record of distinction and honor, he will have many opportunities for interesting and important future endeavors. Whether he chooses to work in the private sector or the public sector, his influence will continue to be enlightened and healthy for the Nation. I look forward to his continued friendship and advice.●

○ Mr. RAHALL. Mr. Speaker, the energy issue is one that has been with us for some time now, and it is an issue with which we will continue to grapple in the future. I regret, that this issue will be dealt with by this body, without the knowledge and expertise of a true energy expert, Mike McCormack of the State of Washington.

For 10 years, Mike McCormack has put his background to work as a scientist to advance alternative energy concepts. As chairman of the subcommittee on Energy Research and Production, he has been a true leader and strong advocate of America becoming energy self-sufficient.

As a member of the Public Works and Transportation Committee, I have had the honor to serve with him, and have always been impressed by his wisdom and dedication to the important issues of our day.

Mike McCormack is a man who will certainly be missed in the 97th Congress. But I am sure, he will be called upon from time to time, by not only his former colleagues, but by others throughout this great Nation, to solicit his views and suggestions to solve the long problem that has gripped this country.●

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FOLEY. There are many, many Members who have already submitted statements and who have served with Mike McCormack on his committee, Members on both sides of the aisle who have benefited by the enormous capacity and knowledge that he has given to this House. It has been said by other Members; and in closing, I do not want to repeat it, but we are unfortunately a rather impoverished body here when it comes to some special disciplines.

In the field of science and technology, few Members—a few on each side of the aisle—can claim some special background and expertise. We are poor enough in these areas, and now to lose perhaps our principal expert and our principal resource. But as my friend, the gentleman from Washington (Mr. Lowry) said, it goes beyond knowledge and expertise and energy and reflects a loss to this House because of the commitment and the special quality of courage that Mike exercised.

One cannot, I think, enlarge too much on how important in today's congressional life is that quality of independence and courage. Without that, the glitter of intelligence, the brilliance of knowledge, the depth of background can be important, but it cannot translate into real service without the capacity to stand up for those convictions and to exercise that intelligence and to display that commitment as Mike has done so uniquely.

Before he came to Congress, he was a scientist, he was a teacher, and he was a legislator. In the Congress, he was a scientist and a teacher, because we needed that great educative capacity, and he was an extremely fine legislator.

I know that in his professional life, after his congressional service, he will bring those qualities of experience together as no one in this country has an opportunity to do in his chosen field of expertise to render the kind of service, the continued service to the hundreds of millions of people not only in this country but in all the countries of the world who face the challenge of energy and energy sufficiency in the coming years and have reason, whether they ever know his name, to thank Mike McCormack.

I yield to my friend, the gentleman from Washington, Mike McCormack.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for yielding. I want to say how honored I am, how flattered I am, honored that he and all of the others would come here today to make these statements and how flattered I am with what he has said. Certainly this sort of tribute, this sort of friendship is the kind of thing that makes all of the heartaches and all of the pain of leaving worthwhile. One of the things I thought of as I sat here and listened to some of these statements, especially that by Joe Pritchard, was that I only wish I could have had all of you saying these things in my district during the campaign period.

I want to pay a special tribute especially to you, Joe Pritchard. I want to pay a special tribute to the Washington State delegation. Over and over again it has been said that Washington State has the best congressional delegation in the country and I have always felt that. I have always taken a great pride in associating with all of you here from Washington State and a great pride in representing the State that we love so much.

Most important, it has been the high standard of conduct and decorum and service that have been set by those who have come before us representing the people of Washington State that have made this possible. I must say that I have been very proud to have this extraordinary privilege of serving with you, representing the people of this State. Of course, there is no doubt about the fact these have been the best 10 years of my life in terms of richness, fullness, and opportunity to serve.

I was intrigued by what Mike Lowry said when he got off the subject of energy, because you know—and Pritch knows this—when I came back here I had no intention, no thought of becoming so deeply involved in energy matters. We were involved in other things. I was involved in environmental protection, and reclamation programs, and civil liberties, and tax policy, and education, and women's rights and senior citizens' programs. These were the things that we thought about when we came back here.

This whole business of energy had sort of been thrust upon us and thrust upon me. It is not the sort of thing—although I feel that I have done everything that I can to help—I feel I really came here to do. It is sort of a strange irony that this is the image of me, although I do not reject it and I do not object to it. It always seems to me that I had more interests in my life than that, and I particularly appreciate Mike Lowry mentioning that.

I simply want to say serving here has been a great honor and a wonderful experience for me. The friendship that all of you have extended to me has been wonderful. The thoughts that you have put down in the Record today have been flattering and wonderful for me.

I do not know what the future is going to bring, but I can only say that if at some time in the future some one of you becomes confused between an ampere and an ampule on your debate on the floor, you may hear my voice coming out of the gallery saying, "Will the gentleman yield?"

Thank you very much.

TRIBUTE TO THE HONORABLE ROBERT E. BAUMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. Holt) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, I have taken this time this evening to pay tribute to our colleague, the gentleman from Maryland, Bob Bauman.

Mr. Speaker, when Representative Bob Bauman, my colleague from Maryland, leaves this House upon the conclusion of the 96th Congress, we will be losing a brilliant legislator.

There is not one of us who has not experienced his wit, his high art in the use of parliamentary devices, his keen analytical grasp of issues.

I believe the Speaker and the majority leader have learned to respect him as a worthy opponent, and I know that we on the minority side have depended heavily on him to challenge majority positions.

If we could award a doctorate degree for mastery of the House rules, then it should have been awarded to Bob Bauman. He made it his business to be expert in the rules and precedents and employ them to insure fairness to the minority, to prevent enactment of harmful legislation, and to allow amendments that improved legislation.

Bob Bauman has been a catalytic agent, inciting debate to compel clarification of issues and the impact of legislation. He has provided valuable services to the House and to his country.

When Bob Bauman came to Congress in 1973, he was well-equipped by education and experience to be a first-rate Represenative. He had served as a page in both House and Senate in his youth, and he sharpened his legislative skills as a Maryland State senator for 3 years before his election to Congress.

He comes from the beautiful Eastern Shore of Maryland, which enriches the life of our region with harvests of seafood and farm products. He has represented the people of his district with great diligence and a deep concern for their interests.

When we work in the next session of Congress, and when plodding through legislation, I think we will remember this spirited advocate whose sharp wit and clever moves could revive attention to the business at hand.

Although the late hour prevents many of Bob's friends from being here, they have expressed a desire to participate and have added their tribute.

He has been my good friend here in Congress, and I hope the House will join me in wishing him well as he leaves us to pursue other interests. My prayers are with Bob and Carol and their children for much success and happiness in the future.

☐ 1730

Mr. ROUSSELOT. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I will be happy to yield to my colleague, the gentleman from California.

Mr. ROUSSELOT. I appreciate our colleague taking this time to express our appreciation to Bob Bauman for his service in the House of Representatives.

Mr. Speaker, it has been fascinating to watch, in the last few days, Members coming to those of us who sit here at the same microphone with Bob Bauman and who have shared it so many times with Bob—John Ashbrook, Henson Moore, Steve Symms—who has now gone over to the other body—Dan Lungren—and these Members come to us and say, "Who will take Bob Bauman's place?" And we all know too well that there is no way that anybody can really fill the shoes of Bob Bauman. He has carved out for himself, for the House of Representatives and for the whole Congress a real place in history. Bob has created a seat of purpose, has built a legacy of service that will be very, very difficult to preserve. It may not be at all possible—not many believe we can find such a skillful servant.

Our colleagues have called him the watchdog, the conscience, the prod of this House. Bob Bauman has been given all of these titles and deservedly so. In fact, he has served such a worthwhile and incredibly good purpose in this House of Representatives, that it becomes difficult to recount all incidents.

This whole job of "Watchdog" was probably best expressed in a recent addition of the National Journal, July 12, 1980:

> It is Robert E. Bauman of Maryland who has carried the role of vigilant minority watchdog to new lengths. In fact, in the past year, Bauman has occasionally seemed to be the most powerful House Member simply by virtue of his extraordinary knowledge and use of the House rules and procedures and his willingness to offend his colleagues. Not without cause has Bauman sometimes been called the acting Speaker of the House.
>
> The seemingly routine July 2 debate on adopting the conference report on the fiscal 1980 supplemental appropriations bill is illustrative. In a virtuoso improvisational performance, Bauman single-handedly forced the House to rewrite a bill that had not only been prepared by conferees but had been tentatively approved by the House. In the process, he tied the Democrats in such parliamentary knots that they dropped about $500 million in foreign aid and badly needed authority for the Export-Import Bank of the United States.
>
> Ultimately, the Democrats succeeded in pushing through their minimum demand: that the House meet President Carter's plea to provide $75 million in aid for what Bauman calls "Marxist Nicaragua." But Bauman so embarassed and infuriated the Democrats that Majority Leader Jim Wright, D-Texas, accused Bauman of trying to be Secretary of State. That brought a loud cheer from the Republican side.

Some times in a rare moment when Bob will step off of the floor, Members will come here to this desk and ask of our Republican leadership or some of these who share this microphone with Bob, "Well, who is going to get a quorum call here, or who is going to make sure that we have a vote on this particular issue? These Members will then say, "Now, understand I do not want to call for the vote because I have got this complication or a special circumstance, but can we get Bob Bauman to do it?" Somebody has to make sure that we get a vote on this amendment or this appropriation? And if Bob Bauman will not do it, who will?"

So I, too, want to join with my colleague, the gentlewoman from Maryland (Mrs. Holt) whose district joins Bob Bauman's.

Bob Bauman, we are grateful, we appreciate what you have done. We will try in every way possible to live up to the high standards you have set for the House of Representatives in being that watchdog.

Most of us are who will speak tonight, are not just friends but admirers of this man who was so willing to dedicate himself on so many occasions to challenge what he considered to be a misunderstanding of the rules, a misunderstanding of procedure, a misunderstanding of proper direction. We are admirers who will miss that talent—that skill but also a real friend.

As our colleague (Mrs. Holt) has already stated, his wife Carol also has been a worker in the vineyard here in Washington, D.C. We know right now she is working on the transition team over there to try to make sure we get good, competent people to move in with the new administration. And their fine family has also stood by Bob Bauman in so many good and positive ways, and we say to them: We appreciate the way you encourage and supported Bob Bauman in his effort to be a model of high performance in the House of Representatives.

We do hope that Bob Bauman will return to the House he knows so well. BOB BAUMAN can be of service to this House again because he has served his constituents, his colleagues, and the country so well. I will not try to speculate on that time of return at this juncture, but I will say: BOB, we are so grateful for what you have done for this House of Representatives and our country we do hope that you will consider returning to be among us. I cannot tell you how many people have said, "We need a BOB BAUMAN; we need that kind of consistent, regular, day-by-day, hour-by-hour, minute-by-minute monitoring on this floor. We need to make sure that the House of Representatives lives up to its highest standards." By having a BOB BAUMAN present and "reserving the right to object."

Thank you for what you have done. Thank you for the guidance, the help that you have given to so many of us. We thank you for your parliamentary expertise, because it is needed. We say, please do not forget us and come back some time in the not too distant future.

I thank my colleague (Mrs. HOLT) for taking this time.

Mr. BARNES. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I will be happy to yield to the gentleman from Maryland.

Mr. BARNES. I thank the gentlewoman from Maryland for yielding, and I thank her for giving Members of the House this opportunity to note the departure from the House of Representatives of our colleague from Maryland, BOB BAUMAN.

As the gentlewoman knows, I speak from a rather different perspective than that of the gentlewoman in the well and the gentleman from California (Mr. ROUSSELOT) who has just spoken. It has been a very rare instance during my term in office here, just 2 years, that BOB and I have agreed on any issue. Our names are next to each other in the alphabet on the wall. And I can usually tell how I am going to vote by walking through the doors of the House and glancing up on the wall and seeing how BOB voted, and I know that I will be pretty safe that I will do what I believe is right by voting the opposite. We have almost never agreed on issues. But that has not kept me from recognizing the extraordinary abilities of BOB BAUMAN.

I do not think there is anybody in this House, Democrat or Republican, who would not agree that BOB is one of the most able and talented and aggressive legislators who has ever served in this institution. There are so many instances that could be cited. The gentleman from California mentioned the fact that BOB has been regarded as a watchdog.

I recall the time when BOB stood on the floor and said, "Well, some have called me a watchdog." He was concerned about a certain piece of legislation that was before the body at that moment. He said, "Well, if that is my role here, then * * *" and he howled like a dog in the night, and that one howl, I believe, changed the outcome of the vote with respect to that legislation because he so clearly made his views known to his colleagues. It did not affect some of us, but it rounded up support and intensified the support that was there from the opponents of the particular legislation that BOB was concerned about. And the fact that he made his opposition so well known through that unusual mechanism, which brought attention to the nickname that he has deservedly gained in the House, is a simple example of many that could be cited of BOB BAUMAN's effectiveness, unfortunately—and the reputation that he so deservedly has for effectiveness.

☐ 1740

BOB is a creature of this room. BOB was a page in this room. He held every job, as I understand it, that there is to hold in that little room off the corner known as the Republican Cloak Room, including when he left here as a staffer, manager of the Republican Cloak Room. He came back here as a Member of the House. There probably is no one among us who is more a creature of this institution, and it may be said of BOBBY, no one among us for whom it is more difficult to leave.

As BOB leaves, I want him to know that, as maddening as his actions often were, because they were so effective often to many of us on this side of the aisle, we always recognized the talent, the ability, the dedication of an extraordinarily able Member of this institution. He leaves with a reputation as a legislator that will be difficult for a lot of us to match.

I would suggest to the incoming freshmen, both Democrats and Republicans, that they look back at the way BOB BAUMAN mastered the rules of this House if they want to find out how to be effective around here. If anybody were to follow his lesson of how to learn these rules, how to learn how to work within this institution and be effective, and if anyone could come close to matching his abilities, he or she would find himself or herself to be a very effective Member indeed of the U.S. House of Representatives.

As has been said by the prior speakers, I think BOB ought to know that he leaves with the prayers of a lot of us on both sides of the aisle, and that he and his family have our prayers for his future. I say as a Democrat with some regret, I am totally confident that we have not heard the last of BOB BAUMAN in public service in one way or another in the United States.

I thank the gentlewoman for yielding.

Mrs. HOLT. I thank the gentleman from Maryland.

Mr. BADHAM. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from California.

Mr. BADHAM. Mr. Speaker, I thank the gentlewoman and our dear friend from the State of Maryland for taking this special order. I think even the words, "special order," are somewhat fitting because indeed this is special.

I would like to say about our friend and colleague BOB BAUMAN that myself, as a legislator for the past 18 years in State and Federal legislatures, that I have with the exception of a 6-month period been in the minority for the total of 18 years in legislative bodies. And for our friends on the other side of the aisle, I hope you will have the opportunity to share that wonderful experience sometime.

But, we are a society of order and rule, and to keep any sort of deliberative body on a keel that is even requires the use of rules. But, it requires even more than that an understanding and an ability to manipulate properly those rules to prevent the tyranny of the majority. BOB BAUMAN's special role in this body, and as was said, as a creature literally of this House, as a person who spent, I believe, more than half of his life in service to the public, most that in this body in one form or one capacity or another, BOB BAUMAN has been the minority of the House of Representative's keel that kept this House operating within a framework of the rules that kept from a tyranny of the majority on the minority side.

For this, he gained sometimes the peak, sometimes the exasperation, but I think honestly at all times the respect and the love of this membership of this body for that necessary role that he performed.

I consider it a great pleasure and a high spot in my life to have had the opportunity to serve with BOB BAUMAN in this House, because I think all of us—and I pride myself as one who has a great respect for this idea of rule and order, because that is all we have when it comes right down to it to keep us from a mob action in any kind of a body—beyond that I would like to say, and I think it should be said, that these past several months have just been an awfully tough thing, literally hell, for BOB, for Carol, for their family.

I want to take this time not only to commend and give the greatest of respect to BOB's ability as a legislator, a keeper of the rules, but as a human being he has dedicated that great portion of his life. My wife Anne and I have had the opportunity on occasion to be in the Bauman home as guests. We have the greatest of respect for BOB and Carol, and I take this time to indicate that I know that the membership of this House on both sides of the aisle maintains a willing love and respect for BOB, for Carol, and their family in the extremely difficult times that they have faced, and unfortunately probably must face for some time in the future.

But we all, I think, not only owe a debt of gratitude to BOB, but want to express our love and respect and best wishes for their future, and to convey to them the knowledge that we care and we expect to see the Baumans around here for a long time into the future.

So, on behalf of those who cannot be here with us this evening and myself and my family, we just wish the very best to the Baumans.

I would like to thank our special lady from Maryland again for taking this time.

Mrs. HOLT. I thank the gentleman from California.

Mr. MONTGOMERY. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman for yielding. I would also like to thank the gentlewoman from Maryland for taking this time so that we can express our feelings about Bob Bauman.

Bob is a friend, and he will be missed as a friend, and he will be missed as a legislator.

You know, he has really done a service and duty for this country in being in the Congress of the United States. I know that many times, all the time I have known Bob since he has been in the House of Representatives, he stayed on the House floor when we have been in session. He stayed longer than any other person that I have ever known since I have been in Congress, staying here, watching the legislative process, being sure that things were run right within the rules, the way he thought they should have been run.

Now, the gentleman from California (Mr. Rousselot) touched on an important point, and I am guilty of that also. Sometimes, when we did not want to call a vote or call a quorum call because then it would not be popular with Members or with the general public, but it was a vote that was needed, we would go to Bob Bauman and we would ask him to do it. Most of the time, he would take that criticism and he would make those calls that were necessary.

We wish Bob the best in his future life, and I am sure we will be hearing again from Bob Bauman.

Mr. Speaker, I thank the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman from Mississippi.

Mr. BURGENER. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from California.

Mr. BURGENER. Mr. Speaker, I thank the gentlewoman and my very good friend and colleague from Maryland for taking this time to honor Bob Bauman. I want to join with enthusiasm and regret all mixed together. If anyone was a product of this House and this area of our beautiful country, it was Bob Bauman, the graduate of the Page School, representing his beautiful district on the Eastern Shore of Maryland, the School of Foreign Studies at Georgetown, Georgetown Law School. He grew up here; this is it. This is his entire base, and he is a true historian. So, he is a product of this House.

His leaving is going to mean something to me that I do not like. I may have to learn the rules of this body. It was so easy before to go ask Bob, so easy when we had an amendment or a motion or something to accomplish of importance to each Member, to his or her district; much easier than the laborious task of sitting here and studying the rule book, spending the endless hours on the floor. Just ask Bob. That is what I did. Now, what do I do? I am going to have to learn the rules.

□ 1750

Every legislative body needs a Bob Bauman. They need him badly—a burr under the saddle, an irritant of the most constructive nature, one who does not believe in the axiom, "to get along, go along," not at all.

He believed that to keep this place from becoming a jungle you have to have rules. The miracle about this place, to me, is that it works at all. With 435 Members with diverse philosophies, differing constituencies, different personalities, coming from great diverse parts of the country that are so different, it is a miracle that it works at all. It works because we have rules and we have people like Bob Bauman who insist that the rules be followed. Irritating as that might be in a given instance or annoying as that might be when the easy way would be to brush over it and circumvent the rules, that truly would make this place a jungle. So we needed him and we needed him very, very much.

I hope others will try to fill and in some way will at least in part carry those duties that he carried so well and so faithfully.

So I thank the gentlewoman from Maryland for taking the time.

I thank him for giving such a large part of his life to this body. I say to Bob Bauman, well done, and the best of everything in the future. We will see lots more of Bob Bauman.

Mrs. HOLT. Mr. Speaker, I thank the gentleman from California.

I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Speaker, I thank the gentlewoman from Maryland.

Bob Bauman, who has played the role of watchdog for the minority in the last several sessions, is appreciated by many of us and we are sorry to see him go. I think man is really tested and judged by how he operates when the road of life gets steep. Unfortunately, for Bob the road is pretty steep right now. But I believe that he is going to persevere through this time of adversity. I think many of us are going to be glad to give him a hand, to help him. With his talents, I think he can play an important role and offer a great service to the Government in which he has great skills.

So I look to him to play an important role in the Government and I wish him and his wife the very best in the coming years.

Mrs. HOLT. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. Holt) for yielding.

I certainly want to commend her for taking this time to pay tribute to Bob Bauman. As our colleague from Maryland (Congressman Michael Barnes) pays tribute to Bob Bauman, so, too, is the gentleman from Wisconsin—though perhaps for some other reasons. Certainly the minority of minorities is going to be lessened by one.

I remember a "triumvirate" which our Chief of Staff, Dr. Jack Brady, would always remind me to talk to whenever I had a unanimous consent request to make to bring up legislation. When I came to the Chambers he would remind me to see and to talk to "B, J, J," Bob, John and John—Bob Bauman, John Rousselot, and John Ashbrook. Now, I will only have to talk to John Rousselot and John Ashbrook.

As for Bob Bauman, he has been an able and dedicated and hard-working Member of Congress. Although we have not always agreed, and as a matter of fact I often voted differently than Bob did, nevertheless, one must give credit where credit is due. He has been able, dedicated, and certainly a parliamentary expert.

Now some say he was obstreperous and others would say not necessarily so. One thing is sure, however, and that is that he could be talked to. As a matter of fact, whenever I talked to Bob about not objecting to a unanimous consent request, he would say, "Oh, no, not me, I would not object," and he would not. He kept his word, I must say. As a matter of fact, I really am sorry he will not be here in the 97th Congress because I think in this coming Congress, the gentleman from Wisconsin being an eternal optimist, we could get Bob to vote for foreign aid.

And if he voted for foreign aid, the foreign aid bill would be passed unanimously.

Mr. Speaker, I am not only sorry we are not going to have him here to vote for foreign aid but because Bob was a hard-working Member.

Mr. Speaker, I wish to join our colleagues in wishing Bob and his lovely wife, Carol, every success and best wishes.

Mrs. HOLT. Mr. Speaker, I thank the gentleman from Wisconsin.

I yield now to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I thank and commend the gentlewoman from Maryland for taking this special order on behalf of our colleague, Congressman Bob Bauman of Maryland.

He will be remembered, remembered for the immensity of his ability as a parliamentarian and at times that ability was overwhelming. Because of the ability that he had as a parliamentarian here and the respect of opponents and proponents on the various issues, and the pieces of legislation that came on the floor, his diligence and pursuit of legislative objectives was demonstrated in this ability in an uncanny way many times. Because of this, he was able to search and identify flaws in floor procedure time after time, and on many occasions brought order out of chaos because of his own actions on the floor.

I appreciate him for the positive, successful actions that he engaged in. Many of them brought success to the minority side.

I think that this must be appreciated by all who observed him in action and knew him. I wish him God's blessing. I wish him personal good fortune for his future.

I thank the gentlewoman from Maryland.

Mrs. HOLT. Mr. Speaker, I thank the gentleman from Arizona.

Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I would like to join my colleagues in paying tribute of Bob Bauman. Bob showed us his parliamentary wizardry many times as a minority member of the House Rules Committee. His knowledge and his skill at using parliamentary procedure is legendary.

Bob worked hard as the ranking minority member on the Subcommittee on Rules of the House which I presently chair. He showed cooperation and a dedication to work with the majority whenever possible. I wanted to express my appreciation for his valuable services.

Bob dedicated his life to the House of Representatives. He started working here as a page and graduated from the Capitol Page School in the Library of Congress. He then served in various staff positions before his election to the House during my first term in Congress.

I cannot overstate his knowledge and understanding of the House procedures. Although our names are listed in opposite columns on nearly every rollcall, this never affected our personal friendship. I will miss his incredible wit and sincerity in the House, I wish him luck and good fortune in the future.

Mrs. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from Utah.

Mr. MARRIOTT. Mr. Speaker, I thank the gentlewoman for yielding.

I would just like to take this opportunity to express to the House and to Bob, particularly, my sincere appreciation for all the good things he has done for me and for the other Members of this House.

I think all of us in the minority owe him a debt of gratitude. In every life, I suppose, some rain must fall, and I know that Bob has had to suffer because of some of the circumstances that have taken place. But I think he will grow because of that experience. I think he will be back and I think he will continue to make a great contribution to this House and to American politics.

So I would just simply rise to thank you for having this special order to tell Bob how much I appreciate all he has done for this body and to wish him and his family the very best.

Mrs. HOLT. Mr. Speaker, I yield to the gentleman from Washington (Mr. Lowry).

Mr. LOWRY. Mr. Speaker, I thank the gentlewoman for yielding.

I like and respect Bob Bauman. I am a freshman Member of Congress. It has been my opportunity to serve on the Merchant Marine Committee and the Panama Canal Subcommittee with Bob Bauman. I soon learned why we could not get anybody else from my party to take that position on the Panama Canal Subcommittee because of what a tremendous job Bob Bauman did with a philosophy much different than mine.

Like the gentleman from Maryland who spoke before and the distinguished chairman of the Foreign Affairs Committee, I, too, am almost always in the opposite column from Bob Bauman, but his word is good and he is a man of his convictions.

I respect him and my family wishes his family all the best in the future and our prayers go with them.

Mrs. HOLT. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentlewoman for yielding. I commend her for taking this special order.

I am truly sorry that Bob Bauman will not be with us in the 97th Congress, especially when it appears that many of the things he has been talking about and fighting for, for these many years on the horizon, are about to happen.

□ 1800

Now Bob Bauman when you first meet him or first observe him in legislative debates, he might not appear to have much of a sense of humor but when you get to know him and as you watch how he works, I think that is probably one of his finest attributes.

I am particularly pleased and proud of the work that Bob Bauman has done in the field of foreign affairs. He has pointed out and led the way in many areas where I think the majority of this Congress, of this House, had been wrong and they have learned to regret it later when they found that Bob Bauman was right.

I know H. R. Gross was described as the watchdog of the Treasury in the U.S. House of Representatives and there were those who, several years ago now, describe Bob Bauman as falling heir to that mantel. Well, without in any way trying to downgrade H. R. Gross, I think that Bob Bauman even exceeded the talent and ability of H. R. Gross in that regard.

We can all remember special instances where that happened.

I am, as I say, sorry that he will not be with us. I think we will see him here again and I want to wish him and his family the very best and again commend the gentlewoman for taking this special order.

Mrs. HOLT. Mr. Speaker, I now yield to the gentleman from Texas (Mr. Hall).

Mr. HALL of Texas. Mr. Speaker, I would also like to thank the gentlewoman for taking out this special order. There is not a great deal more than can be said that has not already been said by those who have preceded me.

I would like to say that Bob Bauman was especially helpful to me, a young Member of this body, a few months ago, along with John Rousselot, when we had a bottlers' bill we were trying to get discharged from the Committee on the Judiciary. On the evening when we had about 208 or 209 Members who had signed that petition, I went to Bob and John and told them we needed some signatures to discharge it. Inside of 15 minutes that petition had been discharged, not only by people on their side of the aisle but people they have talked with on the other side of the aisle. I will always be grateful to Bob Bauman for helping in that particular situation.

I do not know of anyone in this body who will be able to take his place as the person who keeps everybody going in the right direction. I know we have no one on the Democratic side and I know of no one who will be able to fill that void on the Republican side. I am sure that every man can be replaced, but on the horizon, now, I see no one who can do it. Bob Bauman is my friend. He has been from the first day that I came to this body and he will remain as such when he leaves. I wish his Godspeed.

Mr. LOTT. Mr. Speaker, Bob Bauman has probably been the most effective legislator I have seen in the 12 years I have been in Washington, both as a staff member for 4 years and as a Member of Congress. He has done a great job in his committee work and here on the floor as a watchdog for us all. I fear that that role that he has performed will not be filled again any time soon.

I served with Bob on the Committee on Merchant Marine and Fisheries when I first came to Congress, and I have served now with him on the Rules Committee. I have never seen such dedication to duty as he exhibited, both in committee, with his attendance, with his participation, and with his efforts to make an imprint on legislation for the country in a way that he thought was best for his country, and also his position here on the floor of the House.

So many times the rest of us were off in our offices making calls or seeing constituents when Bob was here looking after us all.

He has done a great job. I know that life is going to be full and rewarding for Bob as he goes from this body into other positions. Hopefully, those that will be in this city so we can continue to benefit from the knowledge that he has of this body and of this city.

I just want to say now that I appreciate the great work he has done. I feel personally obligated to him. I think we all should. I want to wish him and his fine family the very best.

I know these are difficult times for him, but I know in time he is going to be rewarded for the work he did for all of us.

Mrs. HOLT. I thank the gentleman from Texas.

● Mr. ABDNOR. Mr. Speaker, all of us in the House of Representatives—indeed, all of us in this great Nation—have benefited from the nimble mind and parliamentary genius of Bob Bauman.

His knowledge of and skills with the House rules have richly earned the admiration of adversaries as well as his many friends.

Bob's devotion to this great body has been a lifelong crusade beginning back in the days he served as a page. Indeed, so has been his devotion to this beloved country of ours.

His ability to articulate his position, to do instantaneous verbal battle on virtually any subject of legislation or facet of our parliamentary procedures, and to pursue an issue to its heart and essence have given us far better legislation than would have been the case had he been less determined.

I join all my colleagues in wishing Bob well.●

Mr. HYDE. Mr. Speaker, the last election saw the narrow defeat of the single most effective Member of Congress I have ever witnessed.

My friend Robert E. Bauman of Maryland has been a force for great good, not only for his party and district but for all America. He brought great scholarship, vigilance and energy to the laborious yet vital work of legislating. But, Mr. Speaker, most of all he was an inspiration to we lesser mortals by his relentless courage in standing down through argument and parliamentary skill many a formidable adversary.

As a Republican, Bob has been in the minority, and so his courage included taking on the superior Members of the opposite party time and time again. He made this Member extremely proud to be his colleague throughout his 7 years of distinguished service.

I am the richer for having served with him. I have learned from him to fight on for those principles I hold most dear, and never to dispair no matter what the obstacles may be.

Bob Bauman is one Member who cannot be replaced. I will miss him, but look forward to his early return to this body, when he will resume slaying legislative dragons to our awe and admiration. Meanwhile, God bless you and protect you Bob Bauman.

● Mr. SHUMWAY. Mr. Speaker, it is with profound regret that I say goodby to my good friend and colleague, Bob Bauman, and I am confident that all Members of this body realize the loss his departure will be.

Bob is far more than a responsible and concerned legislator—he is a man with a brilliant grasp of the rules of this House, as well as the ability to insure that those rules are used in an equitable manner. It is the Bob Baumans of our Nation who make certain that the "system works," and that both parties are afforded the opportunity to voice their views.

It is to me a great irony that perhaps the most eloquent conservative voice in the House will not be with us to participate in the new, more conservative Congress. However, I gain a sense of satisfaction from the realization that Bob is to be credited with a major role in bringing that change about. Throughout his tenure in the Congress, he has demonstrated dogged determination and unflagging tenacity in his efforts to make the conservative viewpoint known.

Bob's love for his Eastern Shore district is well known, even to those of us from the other side of the country. Maryland's First District has every reason for great pride in the representation Bob Bauman has given, and the Nation is equally indebted to his conscientious efforts.

I consider it a privilege to call Bob Bauman my friend, and I will most certainly miss him in the coming months. He and his family have my most sincere wishes for fulfillment, and for peace of mind. Bob Bauman's leadership has been a guiding light to me during my freshman term in office, and I can think of no one who will fill his shoes.●

● Mr. TAYLOR. Mr. Speaker, as we bring to a close the 96th Congress and take a few moments to give special recognition to some of our colleagues who will not be with us when we convene again in 1981, I believe that a note of appreciation should be extended to Robert E. Bauman, the Representative from Maryland's First District, who has served this body so skillfully since entering the Congress 8 years ago.

Bob has been a masterful parliamentarian whose grasp of the Rules of the House have made him one of our most articulate and able debators.

He has had a significant impact on much of the important legislation that has been considered by this body through his ability to get at the heart of the issue and successfully argue his point.

His unique command of House procedures and his ability to forcefully enunciate his position has forced his opponents in debate to do their homework and be knowledgeable about the most minute detail of their legislation in order to respond to the penetrating questions he is certain to propound. I believe that the measures we have enacted have been made better because of his contribution.

Bob Bauman will not be here when the 97th Congress meets in January but he has so clearly demonstrated that one voice can make a difference that he will have an impact on the legislative process for many years to come.●

● Mr. BIAGGI. Mr. Speaker, I wish to pay tribute to one of this body's most skilled and eloquent orators, Bob Bauman.

Legendary for his parliamentary prowess, Bob has gained respect on both sides of the aisle. No matter whether you agree or disagree with Bob's outspoken stands on a wide range of issues, one cannot help but admire his ability to present a case both forcefully and articulately.

Certainly, a great deal of the parliamentary expertise and legislative knowledge Bob possesses is a result of his association with this body long before he became a Member in 1973. Between the years of 1953 and 1968, Bob served the House in various capacities, including House page, and minority staff member on the House Judiciary Committee and House floor.

A champion of many causes, Bob has been a leading voice for increased veterans benefits, a strong national defense, tax relief, and American energy independence. Using his sharp wit and keen intellect, he has never missed an opportunity to espouse the importance of fiscal responsibility.

I am proud to say that Bob and I have worked together on many important issues. As an original member of the House Select Committee on Aging, I must commend Bob for his tireless and effective work on behalf of the elderly. During his more than 8 years of congressional service, the senior citizens of our Nation have had no greater friend than Bob Bauman.

This year alone, he has been a powerful force in preventing the taxation of social security benefits, maintaining the current twice-annual cost of living adjustment (COLA) for Federal retirees, and successfully opposing efforts to severely cut the vital Meals on Wheels program for the elderly.

As chairman of the House Subcommittee on Coast Guard and Navigation, I must give Bob special praise for his fierce loyalty to the recreational boating interests of his Maryland eastern shore constituents. With Bob helping to lead the way, recreational boaters across the country proved themselves a power to be reckoned with.

He was one of the first to testify against the discriminatory and unfair Department of Energy proposal to ban weekend boating as a way to conserve energy. With the likes of Bob Bauman presenting an overwhelming case against the proposal, it was ultimately withdrawn.

Certainly, the highlight of the year for our Nation's 50 million recreational boaters was enactment of the "Recreational Boating Safety and Facilities Improvement Act of 1980." This landmark legislation authorizes $20 million in boating tax revenue to go directly to improving boating safety and facilities programs. As the author of this legislation, I am convinced that without Bob Bauman's active support, this bill would never have sailed so smoothly through the Congress.

On behalf of all boaters in Bob's First Congressional District, and across the Nation, I wish to thank Bob for the major contribution he made to this extremely valuable effort.

Speaking as a friend and colleague, I know Bob will not relent in his outspoken support of the causes he cherishes so deeply, and I am thankful for this fact.

Mr. Speaker, Bob Bauman is a loyal and important friend to some and a noble adversary to others. No matter which, the special skills and flair he brought to the House floor will not soon be forgotten.

I wish Bob all the best in whatever future he may choose.●

● Mr. DERWINSKI. Mr. Speaker, I wish to join the Members in commending our colleague, Bob Bauman, for his effective service in the Congress over the past 7 years. It is my hope that Bob will stage a comeback in the First District of Maryland in the next election, and will remain active in Government and politics and in the conservative causes he has espoused.

Of all the Members who will be leaving after this session of the Congress, Bob will be missed more than any other individual on the floor of the House. He spent a great deal of time on the floor exhibiting his parliamentarian and legislative abilities; and he definitely could be called one of the truly effective legislators in the House. Even the Democrat Members of Congress, who were particularly victimized by Bob's legislative skill, should grudgingly attest to his expertise and effectiveness.

Unfortunately, Bob was involved in a difficult campaign under unusually difficult circumstances. But the close results of that race in my judgment, showed a substantial vote of confidence by the citizens of the First District. His service to his constituents and to the State of Maryland was truly outstanding.

Again, I can only say that I hope Bob will again join us, and in the meantime remain active in community affairs. I wish Bob and his wife, Carol, the very best in the years ahead.●

Mrs. HOLT. Mr. Speaker, I thank all of the speakers who have paid tribute to our colleague. I know that there are many others who have expressed their views in writing.

GENERAL LEAVE

Mrs. HOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order that I have been granted this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TRIBUTE TO AL BALDUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized 60 minutes.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order, a tribute to Al Baldus.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, with the adjournment of the 96th Congress we will lose one of our most respected and able colleagues, our good friend from Wisconsin, Representative Al Baldus. Al has served in the Congress for 6 years with distinction, dedication, and unusual ability.

Mr. Speaker, without a doubt, the loss of Al Baldus is a disappointment to our fellow Democrats who have had the honor of serving with him in the House of Representatives. It has been a pleasure for me to work closely with Al on issues of concern to our State of Wisconsin and the Nation. Particularly on agriculture issues he was my mentor. I can personally attest to his driving sense of duty, to his fine character and integrity, and to his keen political sense and sharp mind. Al is one of the most effective Members of the House and I am sorry to see him leave us. His word was his bond even on difficult votes and issues not popular in his district when the legislation was in our country's national or security interest he voted with courage and conviction.

In many instances, Al's practical and thorough approach to issues has had a profound impact on legislation. As we all know, Al has a knack for compromise and was in many cases sought out to serve on conference committees. He fights for his positions, but is skilled enough to know exactly when a compromise is in order.

Al is also a methodical worker and it has been often mentioned that he compares his style to the way a German immigrant would build a house—with a strong foundation and sturdy timbers.

Mr. Speaker, it is typical that Al Baldus has made a deep impact on the Congress after serving only three terms. In those 6 years he has managed to obtain the support of labor, agriculture, and business groups. When he was a freshman on the Agriculture Committee he quickly gained the respect of his more senior colleagues. On the Small Business Committee, Al was elected chairman of the Dairy and Poultry Subcommittee at an early date.

In those two committee assignments, Al has made a name for himself. He is a champion of adequate price supports for dairy and other agriculture products, and has also been a strong advocate of the family farm system of agriculture. He worked hard on issues in the best interests of small businesses including the elimination of excessive redtape.

Mr. Speaker, one of the many admirable things about Al Baldus is that he never forgets experiences he has had or knowledge he has obtained over the years. He was brought up on his father's farm where he experienced firsthand the rural life.

Later, he became a farm machinery salesman where he gained an understanding of the business field.

For 25 years Al enjoyed a successful business career, one which allowed him to travel extensively throughout western Wisconsin. After witnessing the problems of farmers and small businessmen in the State, Al was thoroughly prepared to handle his committee assignments expertly.

Al also spent 8 years in the State legislature where he rose to become the assistant majority leader. There, too, he implemented measures that reflected his philosophy and benefited the residents of Wisconsin.

Mr. Speaker, it was a pleasure to serve with Al Baldus. He is one of the finest human beings I have ever known and he has a bright future ahead of him. Indeed we all hope he will return to Congress if he so chooses. It is a personal privilege for me to extend my best wishes to Al, his lovely wife, Lolly, and his children Debbie, Bruce, Becky, John, and Daniel. Good luck, Al!

Mr. Speaker, I now yield to the gentleman from Missouri (Mr. Skelton).

□ 1310

Mr. SKELTON. I thank the gentleman for yielding.

I would like to add my brief comments to the gentleman's concerning our friend, Al Baldus, who is leaving this body at this time. I have had the pleasure of serving on both the Committee on Agriculture and the Committee on Small Business with Al Baldus.

As a result of being with him, I have learned to know him well, to respect his abilities, to respect his hard work and to respect his judgment.

Most of all, I would like to add, Mr. Speaker, that he has been a good friend, a good friend to all who desired his friendship. Those times when advice was sought, he gave good counsel and good advice. Al Baldus was good enough to come to my district and meet with my constituents in dealing with agriculture and dealing with small business. I will never forget the great impact he made and the friendship he brought with him.

I wish him well. I wish his charming and lovely wife Lolly, well, as well as their children. We will miss them, but we hope we see so much of them in the days ahead.

Thank you again for taking this special order.

● Mr. JONES of Tennessee. Mr. Speaker, it is with great regret that I will see our colleague Al Baldus leave this House. I have gotten to know him quite well since he first came here in 1975. He has served on the Agriculture Committee with me and on the subcommittee I have chaired. In that close association, I have come to respect his views and the energy and talents that he brought to our committee's discussions of the important issues facing the farmers of this country.

Al Baldus has been a champion of rural interests and the American farmer. He has always sought to confront issues with the intent of refining solutions to important problems making these solutions more effective and more efficient. His leaving will be a big loss, not only of our committee, but also for the farmers of this country. He understands rural problems and problems relating to agriculture, and he has been an effective voice for the legislation drafted to resolve those problems.

As Al Baldus leaves us, I want to wish for him the best and also in the future my hope that we will not have seen the last of him. I know that he will succeed in any endeavor he may wish to undertake in the future.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in this well-deserved tribute to my distinguished colleague and fellow Wisconsinite, Alvin Baldus, who will not be returning next Congress. Al has been a diligent and effective member of our Wisconsin delegation, and I have enjoyed working with him over the past 6 years.

Al's major interests since his election to Congress have been small business and agriculture, befitting the constituency of his district. Despite the rural character of much of our State, Al became the first Wisconsin legislator since 1966, in either the House or the Senate, to serve on an Agriculture Committee. He rose very quickly to the chairmanship of the Subcommittee on Dairy and Poultry, enhancing his efforts on behalf of the largest milk-producing area in the country, which he represents. Al has been a consistent spokesman for meaningful price supports for dairy and other agricultural commodities, and has been a strong defender of the family farm, of which he is a product.

An extremely hard-working and conscientious legislator, Al's respect and influence among his colleagues belie his relatively brief tenure. Always practical and amiable, never strident or uncompromising, Al has served his district and State extremely well, in the best tradition of Wisconsin progressivism. I wish Al and his wonderful family, of which he is so justifiably proud, great happiness in future years. Our State delegation and the entire Congress will be poorer for Al's absence.●

● Mr. FOLEY. Mr. Speaker, I want to join my colleagues in putting on record our great respect and admiration for Al Baldus, who has been one of the most able and valuable members of the House Committee on Agriculture.

As chairman of the Agriculture Committee, I have had the good fortune to work with Al during the 94th, 95th, and 96th Congresses. Through these 6 years I have come, with my colleagues, to depend on and deeply appreciate his capacity for understanding, analysis of difficult economic problems, fairness, and hard work.

Particularly during these past 2 years, in which he has served as chairman of the Dairy and Poultry Subcommittee, we have come to see Al Baldus as an outstanding and effective legislator. He was able to use his skills and knowledge of the issues to play a key role in the development and passage of several major pieces of legislation, particularly those dealing with protection for the dairy farmers of America.

Al's work in Congress has concentrated on issues which are often complex and controversial. His handling of these matters, based on a thorough understanding of how agriculture affects the welfare of all Americans, amounts to a contribution to the well-being of farmers and the general public which deserves praise and respect.

For myself, I feel a sense of gratitude for Al Baldus great contribution to the work of the Agriculture Committee and a sense of loss in knowing that he is leaving the House at the end of the current session. I know that all other members of the Committee will miss his expertise, help and friendship, and I know that all of us wish Al well in whatever he does in the years ahead.●

● Mr. SMITH of Iowa. When the 97th Congress convenes in January, the House Small Business Committee will be without many of its current senior members. One we will sorely miss is Al Baldus of Wisconsin.

During his 6 years of service on the committee, Al has been a tireless supporter of small business. In the 95th Congress, under Al's chairmanship of the Small Business Subcommittee on Energy, Environment, Safety and Research, we completed action on a bill to provide low interest loans for small solar and related energy technology businesses seeking to manufacture, market, install, and service energy devices. He guided the bill through subcommittee, full committee, and the House. The bill was quickly signed into law and during the past 2 years, it has provided much needed assistance to many small businesses in the rapidly growing energy field.

Al's work on this bill was typical of his devotion to his congressional career. He held hearings across the Nation receiving testimony from more than 60 witnesses involved in the solar industry. He worked tirelessly on the measure for well over a year until it reached fruition.

The small business community across the Nation and most especially the people of Wisconsin can be proud of Al Baldus' leadership and record in the Congress.●

● Mr. SENSENBRENNER. Mr. Speaker, I am happy to join my colleagues in honoring Al Baldus. I had the pleasure of working with Al in the Wisconsin State Assembly for 6 years where he served with the same conviction to principle and dedication to his district as he has in the House of Representatives. As a member of the Agriculture Committee, Al has always been the champion of the farmer. He has been especially effective in promoting the concerns of diary and poultry farmers as chairman of the Subcommittee on Dairy and Poultry. His diligent efforts to maintain dairy price supports at 80 percent of parity will always be appreciated by the dairymen of Wisconsin.

Al will be remembered by us for his devotion to excellence and his loyalty to his constituents. I will remember him as an honest and hardworking legislator who never lost sight of the interests of his country. Al has all my best wishes in his future endeavors.●

Mr. ZABLOCKI. I thank the gentleman.

Mr. Speaker, the hour is late, and there are other Members of Congress who have left their tributes to Al Baldus for me to insert. I know that we all hope that he will be back, because we do know of his past contributions to this great body.

I am now delighted to yield to our dear friend, Al Baldus.

Mr. BALDUS. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. Zablocki), the dean of our delegation, and who certainly has been a guiding light and spirit for me in the Congress.

This has been a tremendous sense of honor, a tremendous obligation to serve in Congress. It has been an honor.

I had the opportunity to serve in the State legislature for 8 years prior to my 6-year term in Congress. Congress is a lot different than the State legislature.

I spent some time the first couple of months wondering how Congress got in this shape and how long it would take to get it straightened out, and slowly I began to learn that because of the customs and traditions and the problems that Congress faces, every problem is 50 States big. Every problem has probably been around for a good long time already and has been maturing for a while before we in Congress get to the time when we work on solving that problem and finally coming to a solution. It is different. It is a different body probably than any other in the world.

It has been a distinct honor and a pleasure and certainly an honor for me to serve with the Wisconsin delegation, a fine delegation, Democratic and Republican, and an honor to serve with every Member of the Congress.

I have enjoyed my service on the Committee on Agriculture and the Committee on Small Business. I feel I have made a contribution, and I look forward to the contributions that the Wisconsin delegation, Democratic and Republican, will be making to the Nation in the future. I hope that I will be able to maintain some associations as a former Member with the Members of Congress.

Thank you very much.

Mr. ZABLOCKI. We certainly, Mr. Speaker, hope that our colleague, Al Baldus, if he so chooses, will make the decision to come back to us, and he will be most welcome.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order, a tribute to Al Baldus.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A TRIBUTE TO RICHARD H. ICHORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Skelton) is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, I asked for this special order to commemorate 20 years of remarkable service of the fine gentleman from Missouri, Congressman Richard Ichord.

He is, as we all know, retiring after 20 years of distinguished and dedicated service in this House of Representatives. Congressman Ichord is a native Missourian, Missouri University graduate, as well as a graduate of the Missouri University School of Law, practicing attorney in Texas County, a State representative, the youngest speaker of the Missouri House of Representatives; and he came to this Congress in 1960.

As a matter of fact, it is interesting to note that in the 1972 Almanac of American Politics, Congressman Ichord is described as a classic Missouri Democrat. I think that those are fitting and fair words. Congressman Ichord became chairman of the House Internal Security Committee in 1969 at the age of 42, which made him the youngest man to chair any standing committee of the Congress since the Legislative Reorganization Act of 1946.

As chairman of that committee, he conducted investigations into campus disorders, the Ku Klux Klan, and various subversive groups.

Congressman Ichord took the controversial House Un-American Activities

Committee, changed its name, and reformed the committee format.

In 1974, the functions of this committee were transferred to the House Committee on the Judiciary under a resolution drafted by Congressman Ichord.

In 1963, Congressman Ichord became a member of the House Committee on Armed Services and has served on that committee until the present time.

As a member of the House Committee on Armed Services, he chaired a number investigative committees, the most important of which were the investigations of the M-16 rifle program and the investigation of commercial air travel accommodations for servicemen on authorized leave.

He received nationwide acclaim in both instances for the effective results and the success of the investigations.

He also formally chaired the Subcommittee on Human Relations, and in 1975, he was elected chairman of the Subcommittee on Military Installation and Facilities.

As chairman of the latter, he led the transition of Fort Leonard Wood, Mo., from a temporary facility of World War II vintage to a modern engineering training center, and indeed, all permanent construction at Fort Leonard Wood has occurred since Congressman Ichord came to Congress in January of 1961.

In the year 1977, Congressman Ichord became chairman of the Subcommittee on Research and Development of the House Committee on Armed Services, which oversees a large budget. In the 1981 fiscal budget, it is a $17 billion budget. As chairman of this subcommittee he has been an outspoken critic of defense acquisition delays, deterioration of the U.S. military capability as compared to the Soviet Union and the transfer of critical U.S. technology to Communist countries.

□ 1820

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield at that point?

Mr. SKELTON. I will certainly yield to my distinguished friend, the gentleman from Mississippi.

Mr. MONTGOMERY. I would like to thank the gentleman in the well for getting this time that we might talk about Dick Ichord, who is now retiring.

I had the privilege, as the gentleman in the well knows, who now serves on the Armed Services Committee, of serving with Richard Ichord for 10 years on the Armed Services Committee. The gentleman mentioned about Dick being chairman of the Subcommittee on Research and Development of the Armed Services Committee.

I believe really for the survival of this Nation that that is the most important subcommittee that we have in the Congress of the United States, that we have the military forces, we have the best equipment and the research for our men and women for their survival and for the survival of this Nation. Dick Ichord is probably the most qualified man in this country on military weapons, on what our Nation needs and the problems that it faces.

We are certainly going to miss him. They say you can all be replaced in Congress, but I really say this with all sincerity that we are going to miss Dick Ichord over in the Armed Services Committee as much as any Member that has ever served in this Congress in relationship to our military posture and our military situation.

I take this opportunity to wish him and Penny, his charming wife, the best. We hope that he does stay in the Washington area, that he can give us advice and give us counsel on what is best for our Nation in the military situation we find ourselves now, totally involved with the Soviet Union. He will be greatly missed by this body.

I thank the gentleman for yielding.

Mr. SKELTON. I certainly thank the gentleman from Mississippi for his very kind and accurate remarks about Congressman Ichord.

We all know that Congressman Ichord is a fiscal conservative. He has led the effort in cutting defense spending waste. He has tried to insure a better program of coordination in weapons development.

As a member of the Armed Services Committee, Congressman Ichord also currently serves on the Defense Industrial Preparedness Panel and the NATO Readiness Panel. He also serves on the Subcommittee on Investigations.

For nearly 20 years now, Congressman Ichord has also led the effort to balance the Federal budget, seeing Federal deficits as a cause and not a cure for inflation. As part of this effort, Congressman Ichord has chaired a special committee to investigate a balanced Federal budget and he has consistently cosponsored a constitutional amendment to mandate a Federal balanced budget.

In 1975 he was also appointed to the Small Business Committee. I had the great privilege of serving on that committee with him. He has been a consistent champion of America's small businessmen.

Congressman Ichord has been most active in the areas of regulatory reform and Federal paperwork reduction.

Also, he is a leader in the Small Business Committee effort to investigate the gasoline marketing practices of the large oil companies to insure that the small independent gasoline retailers retain their rightful share of the market.

Mr. Speaker, Congressman Dick Ichord is one of those people who can be paid the highest compliment that can be given to a U.S. Representative. He stands steadfast in his well thought out beliefs and he stands steadfast in the principles without concern for the fires of criticism that they may create.

There is a word for such a person. That word is "statesman." The people of Missouri's Eighth Congressional District and the people of this Nation have been represented by one of the finest statesmen. His concern and his love and belief in our Nation is of the highest order, as evidenced by his vision for a national self-discipline and resulting military strength. This vision for America, held by the Honorable Richard Ichord, can be found in such statements as his when he said, "To be a good citizen of this Republic requires constant devotion to duty and country."

Mr. Speaker, it can be displayed in his excellent work on the Armed Services Committee. On this subject Congressman Ichord has said that future peace can only be sustained by the rebuilding of America's military strength and preparedness, which in turn will restore the balance of power.

In the area of national defense, Congressman Ichord has had few peers in the history of our Nation. Just yesterday I had the privilege of witnessing a solemn ceremony where the U.S. Army presented a medal and a certificate of appreciation, entitled the Distinguished Civilian Service Medal and Award, to Congressman Richard Ichord of Missouri. It was most well deserved.

I wish my friend and colleague, Dick Ichord, all the best in the days ahead. I wish him and his charming wife, Penny, much happiness and success on down the road. I join with my colleagues today in honoring retiring U.S. Representative Richard Ichord of Missouri. His presence and his influence will be sorely missed in the days ahead.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McKAY. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I certainly yield to the gentleman from Utah.

Mr. McKAY. I appreciate the gentleman taking this time for Dick Ichord of Missouri, who has been of great service to his country and his State in carrying forth as a man who is not to be intimidated by threats or pressure groups as to what he stood for. Many a time he stood in the well against great odds to carry forth those things he felt very strongly about in national defense, national security, the investigative committee that he headed for some time over the subversive activities in this Nation and in all those kinds of things Dick Ichord was one who stood up and was counted time after time for the good of this Nation.

It is because of people like him that this Nation stands today and it can never be any better than its people. It represents the people and their attitudes and morals and their integrity and learning. Dick was one who represented them well in this Congress. I want to thank him for the association I have had and the opportunity I have had to serve with him here, as has the gentleman in the well.

Mr. SKELTON. I thank the gentleman so much for adding to this tribute.

Mr. MARRIOTT. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I certainly do yield to the gentleman from Utah.

Mr. MARRIOTT. Mr. Speaker, I would just like to make a comment about Dick if I may. I have not known him real well, but we have had a chance to serve on the Small Business Committee together and on behalf of all of us Republicans on the Committee on Small Business and all my colleagues here, Dick, we would like to thank you for the good job you have done and for the many years of service you have put into this body and the great accomplishments you have had. I want to wish you the best in the future.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. Yes, I yield to my friend, the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding and commend him for taking out a special order on our colleague, Richard Ichord of Missouri.

I very much appreciate Dick Ichord as a friend, as a colleague, and although we are not of the same party, I will tell you that many, many times, I supported the types of legislation, the issues that he stood for, with pride.

Dick Ichord is appreciated by this Representative from Arizona, because he fully understood the nature of our security needs in the world among the family of nations. He understood the adversary nature of international communism, which is not very well understood by many of our fellow citizens and I sometimes suspect by our colleagues here in Congress.

□ 1830

The nature of international communism's need to devour its neighbors in order to satisfy the deceitful imposition of its growth and its worthwhileness to its people, without the respect for the individual, is something that I think we are going to have to fully understand in the future in order to pursue a course of security for the people of the United States of America.

I do commend Dick Ichord for the actions that he consistently and continuously took to try to improve our security as a Nation in order that we might continue to exist as a free people. I thank the gentleman again for taking up this special order and wish our colleague, Congressman Ichord, every good fortune in the tasks that he will undertake in the future. I suspect that he will continue as he has in the past and during his career to be very, very interested in what happens to our country, the United States of America.

Mr. SKELTON. I thank the gentleman.

● Mr. JONES of Tennessee. Mr. Speaker, this effort to recognize the many years of outstanding service to this Nation by our colleague Dick Ichord is most appropriate. He has been one of the most effective Members of Congress to have served in this body, both for his district and for our country.

His 20 years of representation will stand as tribute to his dedication and devotion to the people of his Missouri district, and the people of this country. He has always stood as a champion for a strong national defensive posture and has exerted tremendous influence in the deliberations of the Armed Services Committee. He is a fair man and one who knows how to analyze the issues objectively.

The people of the Eighth District of Missouri can be proud of Dick Ichord. As a personal friend, I will miss his presence here and I know that this body will miss his leadership and expertise. I wish for him and his family many happy years in retirement.●

● Mr. MONTGOMERY. Mr. Speaker, when the 96th Congress finally winds down, I will be losing one of my strongest allies in our never ending battle for a stronger defense and a more responsible fiscal policy on the part of the Federal Government. I, of course, refer to the retirement of Dick Ichord of Missouri, who for 20 years has been "my leader" on these matters.

It has been my privilege to serve with Dick on the House Armed Services Committee and to benefit from his knowledge and expertise in defense matters. One of the most important contributions Dick Ichord has made to this body and our Nation has been his constant warnings that we are allowing our military capabilities slip behind those of the Soviet Union and as a result endangering the American people and the future of the free world.

It must be said that Dick has never advocated spending money for defense simply to give our Armed Forces a larger share of the Federal budget. His advocacy for a stronger defense has always been based on his long held view that America must be able to deal from a position of strength in world affairs and that the best way to prevent war is to be totally prepared to defend against war. As Dick Ichord has so often said "Weakness invites attack, while strength preserves the peace."

Mr. Speaker, just as Dick Ichord believes in a strong national defense, he also believes in a strong national economy based on a responsible fiscal policy.

Our colleague from Missouri has long fought for this Congress and every administration to tighten its belt and adopt a more sane fiscal policy that would lead to a balanced Federal budget. Dick, like so many of us, realizes that the spending policies of the Federal Government are the main culprit of our present economic problems.

Yes, Dick Ichord will be retiring at the end of the 96th Congress, but his accomplishments will long live in our memories and we who remain will always be grateful to have served with Dick Ichord, one of this body's most valued Members for many decades. Mr. Speaker, I wish the best for a close friend and dedicated colleague whose retirement will leave a void in the House of Representatives. We salute you Dick and express our heartfelt appreciation for your dedication to make America a better and stronger nation.●

● Mr. HALL of Texas. Mr. Speaker, Dick Ichord is an outstanding American who deserves the praise and respect of all Americans who are concerned over the future of their country, and I commend the gentleman from Missouri for taking this order to commemorate Dick Ichord's illustrious career.

When I was initially elected to this body over 4 years ago, one of the first people I wanted to get to know was Dick Ichord. I know that he was born in Texas County, Mo., which elevated his status considerably in my mind. But more important, I was aware of his dedication to keeping this Nation sufficiently strong to deter foreign aggression.

An unpretentious man with a keen wit and forthright demeanor, Dick Ichord epitomizes the "show me" symbol of his native State of Missouri.

He came to the Congress 20 years ago fully equipped to take on the realities of parliamentary democracy having served previously as speaker of the Missouri House of Representatives at the tender age of 33. He loves the give and take of politics, and he is respected by all who come into contact with him, regardless of their political philosophy.

At a critical time in our history when America has been retreating on every front around the globe, we desperately need people with the experience and knowledge that Dick Ichord possesses of world affairs. As a member of the House Armed Services Committee, he has been an effective spokesman for adequate military preparedness, which is so essential to maintaining the peace.

Dick Ichord understands the nature of aggression, whether it be of the type employed by the Soviets in Afghanistan or the constant undermining of legitimate governments around the world by the Soviets and their stooges. He does not choose to be a Paul Revere shouting at every village crossroads of impending doom, but in a firm, quiet and academic way Dick Ichord reminds us that America is only so strong as the will of her people to resist aggression is strong.

Dick Ichord knows full well that America must be the arsenal of democracy. As chairman of the Research and Development Subcommittee, he has taken a lead in upgrading weapons systems and applying American ingenuity to our defense R. & D. Every man and woman wearing the uniform of our Armed Forces owes him a debt of gratitude, because Dick Ichord has struggled long and hard to make certain that if America ever goes to war again, its soldiers, sailors, and airmen will have the best equipment and weapons of war that can be found.

Dick Ichord is a great patriot and a gentleman in the classic sense. I am saddened that he decided to retire at such a young age, because the Nation needs him now more than ever. It is imperative that he remain in the forefront of the effort by all Americans to resist Communist aggression and promote freedom everywhere, and I will continue to look to him for guidance and leadership in the future.●

● Mr. STOKES. Mr. Speaker, I want to commend the gentleman in the well, Mr. Skelton, for taking out this special order so that we can pay tribute to one of the most able and respected Members of this House. Mr. Speaker, Dick Ichord uniquely carved out his own niche in this institution.

I first met Dick when I came to the House in the 91st Congress. He and I met under very special and unique circumstances. I would like to relate those circumstances in order to put into perspective the relationship I first encountered with him.

When I sought my committee assignment, I wanted to be on the Education and Labor Committee. CHARLIE VANIK of Ohio was my member on the Committee on Committees and as such it was his responsibility to try to get me the committee assignment I sought. CHARLIE came to me and said he could get me assigned to the Education and Labor Committee but they also wanted me to accept an assignment on the House Un-American Activities Committee.

I said to CHARLIE VANIK, "CHARLIE, I have just signed a petition to have the committee abolished." CHARLIE said he knew that but that by accepting this assignment, I would be doing the liberal Democrats of the House a favor. He explained that my presence there would bring a liberal perspective to the committee that was very important.

After a great deal of persuasion, I accepted assignment to this committee which later became the House Internal Security Committee. DICK ICHORD was chairman of this committee and I knew that philosophically he and I did not agree so I anticipated that he and I would have many disagreements.

Mr. Speaker, DICK ICHORD won my respect from the first committee meeting I attended. He realized that I had a special role to fulfill on the committee and he did everything humanly possible to see that I was afforded the opportunity to do my job on the committee. He protected my rights in every respect and was at all times courteous and considerate.

It was on that committee by working with DICK in his capacity as chairman that I realized his tremendous legal ability and his knowledge of constitutional law. He and I had many legal skirmishes on constitutional questions and I think we both enjoyed the hours of legal debate in which we engaged. At any rate, I grew to know and respect him as one of the most skilled and competent legislators I have ever known.

I have seen him display his brilliant legal mind on many occasions on the floor of the House over the last 12 years since I have been in this body. While we may have differed philosophically on many issues, as lawyers I think we came very close to thinking alike on many legal and constitutional questions.

DICK and I often chatted briefly in the cloakroom or on the floor of the House. I enjoyed those conversations. He was a personable, thoughtful, incisive and intelligent man who fought unrelentingly for his point of view in any forum. But he always did so as a gentleman and a scholar.

Mr. Speaker, last year I had occasion to attend DICK's book party on the occasion of the release of a book he wrote. This book reflects much of his philosophy but is also a reflection of DICK's keen legal ability.

DICK ICHORD will be missed in this body. His commitment to his constituents and this Nation was well established during his tenure here. I will miss him. He is a man for whom I have tremendous respect and admiration. I wish him continued success in every respect as he retires from this Chamber.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. RICHARD H. ICHORD, who is retiring at the close of the 96th Congress.

DICK ICHORD has given 20 years of dedicated and devoted service to his constituents of the Eighth District of Missouri, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Small Business Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has DICK ICHORD. As the chairman of the Subcommittee on Research and Development of the House Armed Services Committee he has exerted admirable leadership in opposition to communist aggression and has implemented meaningful and effective action to keep our Nation strong and to protect our precious heritage of liberty.

DICK is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to RICHARD H. ICHORD my best wishes for continued success in devotion to the highest principles.●

● Mrs. HOLT. Mr. Speaker, as the 96th Congress is winding down, we have had the opportunity to pay tribute to several fine Members of this body. One of the finest is RICHARD ICHORD. After 20 years in the House, DICK is retiring. I have spent many of those years serving with him on the Armed Services Committee, and during that time have come to respect and admire his legislative abilities and commitment to our national defense. No Member has been more dedicated to preserving the stature and capabilities of our military than DICK ICHORD. Although of different parties, we have shared the same goals for our Armed Forces. It has been a pleasure to work with Congressman ICHORD in the pursuit of these goals and I personally have benefited from his sound judgment and responsible approach to national defense.

His commitment to America has never been more evident than when he served as chairman of the House Un-American Activities Committee. Always concerned with our ability to remain an open and free society, he was able to guide his committee and the American intelligence community to greater heights and efficiency. We were a safer Nation with his leadership in those matters.

We will miss our colleague from Missouri. I wish him and Penny well in their future endeavors and I know they will enjoy success at whatever they attempt. It is we in the Congress who will be a little less whole without RICHARD ICHORD.●

● Mr. DAN DANIEL. Mr. Speaker, at the end of each Congress this body must say goodby to some of its Members who leave our ranks for one reason or another. Often this is a sad occasion for those who remain, but never has it been more so for this Member than in the case of the distinguished gentleman from Missouri, the Honorable RICHARD ICHORD.

For two decades the Congress and most especially the country have benefited from this man's intellect, talents, and concern. He has served with honor and distinction as chairman of the Subcommittee on Research and Development, one of the most demanding subcommittees of the Committee on Armed Services.

It is a mark of the man's concern for our Nation's well-being that despite the fact he knew he was leaving this body he accepted willingly chairmanship of a special subcommittee to examine our defense industrial base. Without going into the details, the subcommittee's findings have been of shortages of one kind or another; but in the case of DICK ICHORD we find no shortage of leadership, dedication to purpose, loyalty, or knowledge.

All men and women hope when they move on that they have left a mark on the place where they were to aid those who follow. The gentleman from Missouri has done this, and we all shall benefit from his many contributions.●

● Mr. ANDERSON of California. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the finest gentlemen in Congress, the distinguished representative from Missouri, the Honorable RICHARD ICHORD.

For the past 12 years I have had the privilege of serving with DICK in this Chamber. During that time he has proven to be a brilliant and dedicated legislator. His work on the Armed Services and Small Business Committees has been exceptional and he has driven himself without mercy to produce legislation of lasting benefit not only to his constituency but to the entire Nation. Besides being chairman of the Armed Services Subcommittee on Research and Development, DICK has made his time available to be a member of the congressional rural caucus; the congressional steel caucus; the Democratic Research Organization; and has also served as cochairman of the Coalition for Peace Through Strength. His energy, drive, and enthusiasm is without parallel.

DICK had the uncanny ability of seeming to be present everywhere at the same time. It did not matter whether it was a social function or working on legislation in behalf of this country, DICK was there. This ubiquity was, I am sure, noticed not only by myself but also by most of my colleagues. I feel, however, that DICK would like to be remembered best as chairman of the Subcommittee on Research and Development. For it is through his powerful and competent chairmanship of this committee that the United States has been able to remain second to none in the area of national defense.

The decision by DICK to retire at the end of this Congress will be a real loss to the good people of Missouri who saw fit to send him to Washington 10 times to represent them. It will also be a real loss to all the people of this Nation, for the beneficial influence he has had on legislation, and especially on the R. & D. activities of the armed services, will be difficult, if not impossible, to replace.

My wife Lee joins me in wishing Dick and his wife, Millicent, and their three children, Richard, Pamela, and Kyle, well in all their future endeavors.●

● Mr. VAN DEERLIN. Mr. Speaker, it becomes trite to hear one of us say, "I often disagreed with So and So, but have always held the highest respect for him."

As it applies to Dick Ichord, I could go even further. On most social and economic issues, our respective voting records would show that we have rarely agreed with one another. Yet I consider Dick one of my real friends in Congress.

I have found that to get the full picture of a legislator, it is useful to spend some time in his district. Inasmuch as the Eighth District of Missouri includes the magnificent though little known Ozark National Scenic Riverways, the Van Deerlin family has twice utilized it as a summer vacation spot. And there, along the lively Current River—in an area bursting with springs in such abundance as to dazzle a southern Californian—you quickly learn why Dick Ichord could have held this seat as long as his name was on the ballot.

Most of those river folk are not rich in worldly goods, but they share what they have—with one another and with strangers. The welcome sign is always out.

No Congressman could have had a more loyal constituency. And those of us who know him well could have no better friend than their man in Washington for lo these 20 years—Richard Ichord.●

● Mr. MITCHELL of New York. Mr. Speaker, I would like to take this opportunity to pay tribute to the Honorable Richard Ichord of Missouri. As the chairman of the Research and Development Subcommittee of the House Armed Services Committee, of which I am a member, Dick has served with distinction. He is truly a master of the complex and occasionally arcane subject of military technology. His superb command of the details involving a multitude of weapon systems has made him an invaluable asset to every Member of this body concerned with the ability of our military to keep pace with changing technology.

I wish to applaud his expertise, his even-handed leadership, and his guidance. His departure from the House of Representatives will mean a loss to his colleagues, his constituents, and to every American who shares his concern for the maintenance of America's defenses in the preservation of our Nation's security and peace throughout the world.●

● Mr. HORTON. Mr. Speaker, it is my pleasure to join my many colleagues in honoring our good friend and colleague, Dick Ichord for his 20 years of outstanding service in the House of Representatives and to the constituents of Missouri's Eighth Congressional District.

Throughout his 20 years in the House, Dick Ichord has established an impressive legislative record exemplified by his work on the House Committee on Armed Services. As a member of that committee, he served as chairman of the Research and Development Subcommittee. He was both a forceful and effective advocate of a strong national defense whenever the Armed Services Committee brought a bill to the floor.

During his congressional service, Dick also served as a member of the Interior and Insular Affairs Committee and the Committee on Post Office and Civil Service. As a member of the House Small Business Committee, Dick played an important and constructive role on the Subcommittee on Antitrust, and Restraint of Trade Activities Affecting Small Business.

Dick's important contributions to this institution represent a lasting legacy. I am hopeful that we will continue to have his counsel. I join my colleagues in wishing Dick the best as he prepares to retire from the Congress.●

● Mr. YOUNG of Missouri. Mr. Speaker, I have had the unique privilege of serving with my good friend Dick Ichord in both the Missouri House and, for the last 4 years, in Congress. As a junior member of the Missouri General Assembly in the 1950's, I watched his masterly parliamentary performances, first as speaker pro tempore of the House and then in 1959, as speaker. It was there that Dick showed his commitment to fiscal conservatism and budget-balancing, a commitment that has continued to this day.

In Congress, Dick has been a brilliant generalist in an era of narrow specialization. He has been a leader in natural resource conservation, spearheading flood control, recreational and water supply projects in Missouri. He reformed the House Un-American Activities Committee a decade ago, changing its name to the House Internal Security Committee and conducting responsible investigations into the Ku Klux Klan and various subversive groups. Then, in 1974, he drafted a resolution that transferred the committee's functions to the House Judiciary Committee.

A member of the House Armed Services Committee since 1963, he has chaired a number of important investigations, including the probe into the M-16 rifle program. After a stint as chairman of the Subcommittee on Military Installations and Facilities, he became chairman of the Research and Development Subcommittee in 1977. From that vantage point, he was one of the first to note—and seek to correct—the deterioration of the American military capability vis a vis the Soviet Union. At the same time, he has led the effort to cut waste in defense spending.

It is one of Dick's deepest regrets that his prime concerns—budget balancing and military preparedness—have not yet been resolved as he departs. But one of his legacies is the attention he has focused on these issues. I am certain, too, that he will continue to carry the banner forward in private life. In closing, I want to wish the best of luck to a great legislator and a longtime friend.●

● Mr. DICKINSON. Mr. Speaker, I am indeed sorry to be making this tribute to the distinguished chairman of the Research and Development Subcommittee, House Committee on Armed Services, because his departure will be a major loss to the Congress and to the cause of rebuilding the national security of the United States.

I have had the honor of knowing Dick during my 16 years in the House. He preceded me here by 4 years. Though we work on opposite sides of the aisle, I have always respected him as one of the greatest conservative patriots to ever sit in this House. As senior minority member of the Subcommittee on Research and Development for the past several years, I have had the pleasure of working with Dick as my chairman.

Ours has been an extremely close, cooperative relationship. Dick has been the model team leader, always going out of his way to be considerate of minority views and input. Under his leadership we have made great strides in developing the military systems needed by our Armed Forces, while at the same time eliminating millions of dollars in waste of the taxpayers' money. I do not believe there is a subcommittee in the House which is more effective, more dedicated, or more productive than the Research and Development Subcommittee under Dick's leadership. I will certainly miss him as my chairman.

I believe history will grade Dick very highly for another contribution he made to the Congress and the security of the American people. Dick was chairman of the House Committee on Internal Security before it was abolished by a naive, liberal House. This committee carried out the task of monitoring persons and/or activities that were dedicated to weakening and destroying our country. Unfortunately, I believe history will prove that dissolution of this activity will have been comparable to another form of unilateral disarmament.

A no more loyal, honest, dedicated, or patriotic man ever served in this body than Dick Ichord and I am one of his greatest admirers. Military research and development and our national security effort, in general, have lost a strong and effective spokesman. The Congress is losing a principled Member who always voted unselfishly for what he felt best for the country regardless of the political consequences. His shoes will not be easily filled. I will greatly miss him as a colleague and my wife, Barbara, and I wish Dick, and his lovely wife, Penny, Godspeed in their future endeavors.●

● Mr. LONG of Maryland. Mr. Speaker, the people of this Nation, especially the residents of Missouri's Eighth Congressional District, are losing a most distinguished Congressman.

Since his election in 1960, a period of service 2 years longer than my own, Dick has survived five redistrictings because his constituents have never failed to recognize the excellent service and representation he has provided. As chairman of the House Armed Services Subcommittee on Research and Development, Dick fought to insure a strong U.S. defense and has gained this Chamber's respect and gratitude for his knowledge of military matters.

My colleagues will join me in wishing

Dick and his gracious wife, Millicent, the best in the years to come.●

● Mr. SHUMWAY. Mr. Speaker, when our friend and colleague, Richard Ichord, retires from service in the House at the end of this session, he will leave behind a most impressive legacy of leadership.

Throughout his working career, Richard Ichord has demonstrated that leadership ability. Prior to his election to Congress, he served as a member of the Missouri State House of Representatives from 1952–1960. He was elected speaker pro tem of that body in 1957, and speaker in 1959. Clearly, then, he was well prepared and fully qualified to assume the role of a Federal legislator upon his election to the 87th Congress in 1960. His 20 years of service in this House have been marked by accomplishment, concern, and responsibility, and the people of the Eighth District of Missouri are indeed fortunate to have had his able representation.

Richard Ichord will be missed, and his distinguished record will not be forgotten. As a member of the Committee on Small Business, the Committee on Armed Services, and as chairman of the Armed Services Research and Development Subcommittee, his actions have been admirable. While I have only been privileged to work with him for the last 2 of his 20 years in office, I have been impressed by his abilities and privileged to be his colleague.

I would like to take this opportunity to extend every best wish for continued fulfillment to Richard Ichord and his family, and to thank him for the years he has given to this Congress.●

● Mr. TAYLOR. Mr. Speaker, although our party affiliation have placed us on opposite sides of the aisle, I have always been proud to associate myself with the political philosophy espoused by the gentleman from Missouri, my good friend and congressional district neighbor, Richard Ichord.

I know of no one in this body who has been more concerned about the state of the Nation's defense and the drift of our foreign policy than has Dick Ichord. And, I know of no one in the Congress who has worked harder or spoken more eloquently on the need to strengthen both.

The people of America owe Dick Ichord a debt of gratitude for his untiring and effective support of legislation aimed at keeping the United States strong, with a military deterrent capability second to none and a foreign policy that is respected by our allies and adversaries alike.

Richard Ichord has been a credit to this body. He has courageously spoken out on controversial issues always willing to let the chips fall where they may. He has been a dedicated and dependable representative for his constituents and, he has served his district, State and Nation with high honor and good humor.

It is unfortunate that we do not have more Dick Ichords in the Congress. However, we can at least content ourselves with the knowledge that the colleague we have been privileged to know and work with has set a high standard for those of us who will continue to serve.●

● Mr. ADDABBO. Mr. Speaker, the retirement of the Honorable Richard Ichord deprives the House of Representatives and the people of the State of Missouri, with one of the most effective and concerned legislative minds this body has ever known. As this Congress concludes its business we have been asked to say farewell to our colleagues who are closing out distinguished careers. One such person is a dear friend and co-worker, Richard Ichord, to whom I would now like to pay tribute to. He is a man who has been the consumate public servant to his people and whose work in the House will long be remembered.

Dick and I both came to Washington at about the same time and since our initial terms we have become the best of friends and I consider it a privilege to have served with him, and I consider myself a better legislator because of that association. Upon arriving in the House, he quickly earned the respect of his colleagues for his painstaking research, long hours on the job, and his sincere dedication in helping others, whether it was a colleague or a constituent.

In Dick's two decades of service he has become one of those individuals who, behind the scenes, has been a major force in helping to enact vital legislation. Though there were times we may have disagreed on some areas, in such situations, no man could have been more effective, yet more gracious. A man of achievement, his legislative accomplishments are many, accomplishments which have benefited millions of Americans across our country.

He served with distinction on the House Armed Services Committee, where he recently served as chairman of the all important Research and Development Committee. It takes a very special man who can oversee a budget of $13 billion and as we all know, Dick is certainly such a man, a man whose work in maintaining the future of our defense forces has been outstanding. As a member of the Small Business Committee, Dick has become an irreplaceable colleague and those of us who serve on Small Business will find our jobs far more difficult now that he is leaving.

Richard Ichord's departure from Congress leaves a void that will be difficult, if not impossible, to fill. He has said that though he is leaving Congress, he will never retire from public life, and I am sure I speak for all of us when I say I am confident that he will be as successful and dedicated in his new career, as he was in his old.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in honoring Richard Ichord, Congressman from the Eighth District of Missouri, who has announced his retirement at the close of the 96th Congress.

I commend Dick for his 20 years of devoted work in the House. He served the people of the Eighth District and the Nation with skill and dedication.

I extend to Dick and his family best wishes for happiness in the years to come.●

● Mr. BROOKS. Mr. Speaker, I want to take this opportunity to extend my best wishes to my good friend and colleague, Richard Ichord, as he makes his new plans for the coming year. Congress, the Nation, and his constituents in the Eighth District of Missouri are facing a great loss as he retires from this body. I am gratified to have an opportunity to pay tribute to Dick—a gentlemen in the truest sense of the word.

During his 20 years of service he has served with distinction and pride. He successfully blended his wide range of experience with a firm commitment to serve the best interests of this Nation. Dick will certainly be missed on the House Committees on Armed Services and Small Business where he has done an excellent job.

I am sad to see him leave. Dick's good mind, conscientious hard work, and practical approach to the problems we have faced will be missed.●

● Mr. HANSEN. Mr. Speaker, Richard Ichord has been a pillar of strength in Congress for preserving America and our traditional values and institutions. As one slated to serve on his Committee on Un-American Activities at the time of its phase-out, I had admired his competence as chairman in handling very sensitive situations, particularly in the volatile days of the 1960's with the unfortunate raging backlash of whole elements of our society against duty and responsibility.

Dick Ichord has been an unusually responsible Member of Congress in domestic and foreign affairs during a time of tremendous upheaval and strain. No doubt his efforts have contributed greatly to maintaining our strength and resolve to meet these challenges even when it meant standing with the few to hold the line against majority tyranny or the colossal mistakes of political expedience.

The Congress and the Nation are better for the gallant service of Dick Ichord, but we will miss his steady hand in the important decisions ahead. I join his many friends and colleagues in commending the gentleman from Missouri for a job well done and in wishing him a satisfying and enjoyable new life as a private citizen.●

● Mr. LOEFFLER. Mr. Speaker, many of this body's most respected Members will not be coming back in the new Congress. Among them will be one of this country's staunchest believers in a strong defense policy: Richard Ichord.

We can ill afford to lose many of the Richard Ichord mold.

Serving as chairman of the Research and Development Subcommittee of the Armed Services Committee, Dick Ichord has always believed that the best defense policy is a defense policy placing America beyond conventional and strategic vulnerability. As chairman of this important subcommittee, he has worked tirelessly to assure us that we have no reason to fear for our vital national security.

His expertise and energies go beyond national defense, however. In his 20 years of outstanding public service to the people of the Eighth Congressional District of Missouri, Dick Ichord fought successfully for numerous worthy causes. He served at one time on the Committees on Interior and Insular Affairs; and on the Post Office and Civil Service Committee. In addition to his work on armed services in this, the 96th Congress, Dick also has been an ardent defender of our Nation's small enterprenuers as a member of the Committee on Small Business.

His is a record of accomplishment—on behalf of his district, and his Nation. Those of us who worked with him always knew where Dick Ichord stood on the issues. And we always knew where we stood with him as his friend.

I will miss his caliber of representation in this body—and his friendship.●

● Mr. QUILLEN. Mr. Speaker, it is with great pleasure that I join my colleagues in paying tribute to Congressman Richard Ichord for his 20 years of outstanding service in the House of Representatives.

I remember so well the Armed Services Committee trip which we took together and Dick headed. His interest, dedication, and expertise in the field of defense were a shining star to all the countries we visited.

His fine record and the many contributions Dick has made, not only to his constitutents in the Eighth District of Missouri but to the whole country, will not be forgotten, and he will be sorely missed by all his friends here in the Congress.

I know he will continue his high level of service as he moves on to new and even greater challenges, and I am sure the future holds many more wonderful things in store for him.

My thoughts and best wishes will be ever present with Dick for every success and happiness in the future, and I am sure my colleagues join me in congratulating him for a job well done.●

● Mr. DERWINSKI. Mr. Speaker, with the adjournment of the 96th Congress, we will lose one of our most highly respected and competent Members of Congress, our colleague and friend, Dick Ichord.

Dick has contributed significantly to strengthening our defense policies through his leadership on the House Armed Services Committee. He has been an important figure in championing our commitment to establishing a stronger national security policy, and meeting our defense needs. He will be missed as a key member of this committee. In addition, his service on the Small Business Committee has given ample evidence of his legislative skills and abilities.

Having traveled with Dick on several Interparliamentary Union group meetings, I have witnessed him as a most vigorous and articulate spokesman for U.S. foreign policy. Dick has distinguished himself as a important addition to our U.S. delegation, and I have gotten to know and respect his talents and abilities in representing our country.

Dick has served our Nation with dedication and integrity for the past 20 years. We can all be thankful for his immense contributions while serving in this body. As a strong proponent of service to his constituents, Dick has provided an outstanding degree of leadership and provided an effective liaison between the Federal Government and Eighth District of Missouri.

We will all miss the privilege of serving with Dick in this body. However, I would like to join with my colleagues in wishing him the very best in his future endeavors. I hope that Dick and his wife, Millicent, will enjoy a healthy, happy and successful future.●

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRIBUTE TO GUNN McKAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. Marriott) is recognized for 30 minutes.

Mr. MARRIOTT. Mr. Speaker, the hour is late and I will not be long, but I would like to pay my respects to my good friend from Utah, Gunn McKay.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I am happy to yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I would like to say I have served with many great legislators and many of them have been praised today, but Gunn McKay is one of the greatest that I have ever had the pleasure and privilege of serving with.

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I am happy to yield to the gentleman from California.

Mr. BURGENER. I want to thank my colleague from Utah (Mr. Marriott) for taking this special order. I do not want Gunn McKay to get out of here without having to sit through and listen to me for just a few moments.

I feel especially close to Gunn McKay, and I will very much miss him. I know that whatever he does in the future he will make a very large contribution to public affairs, whether it is here, whether it is in Utah, his home State. I know that contribution will be a large one.

I feel especially close to him for a number of reasons. First of all, we share a common heritage. His home State of Utah, as that of the gentleman in the well, is my home State. I was born, reared and raised in Utah. We share a common heritage. Our forefathers, our grandparents, and our parents were pioneers, Mormons, members of the Latter Day Saints Church, and came to Utah many many years ago, and we share that common heritage. Gunn McKay, members of his family were my school teachers in school. I spent all of the days of my life until I was married and moved to my new adopted home in California in Utah, but I will always consider myself a displaced, misplaced Utahan.

Anyway, Gunn McKay is always around to admonish me and to urge and insist that I be just a bit more faithful, a little more devout, a little more on the straight and narrow, a little more of a better person. I do not know if he is going to succeed in those efforts, but he sure tries. I appreciate it.

In this House I have the honor and privilege to serve on the Appropriations Committee. We have served together on that same committee now for 6 years and, more specifically, we have served together on the Subcommittee of Interior where I certainly under his leadership and tutelage have helped him fight the battles of the West. The battles of the West are many and important.

They deal with water, critical matters of water to the West. They deal with the matter of public lands and their use. They deal with the matters of in lieu taxation of public lands and how that relates to local government. They deal with our vast natural resources, our national parks and our national monuments and the most judicious and careful use and efforts to conserve and to use lands in the best public interests. So I have thoroughly enjoyed that relationship and that association, and I shall always treasure it. Long after Gunn McKay has gone from here, Utah will not be forgotten by this body and by this committee because of his efforts and because of his interest generally in the West, not just his own district, not just his own State.

Second, the committee on which I do not serve, but he chaired, the Military Construction Subcommittee of the Committee on Appropriations, has been of great help to me, to my district, and to my community under his leadership.

I remember the trauma of the Naval Hospital in San Diego. Here was a proposed $300 million Naval Hospital, a great training facility, a great facility for the U.S. Navy, for the military, for military families, for retired Navy, Marine Corps, and so on. The proposal is to build a great new hospital and there was a great division of opinion about this.

It might interest my colleague, Gunn McKay of Utah, to know that just today, this very day, December 5, the Secretary of the Navy has selected Balboa Park in Florida Canyon as the site for the hospital. I am pleased with that. I was prepared to support either site, as was Chairman McKay of the Military Construction Subcommittee.

This is going to be a great facility for all of the people who work on it to build it—it is going to take years to build—and the many thousands of families of the military personnel themselves, their families, as they use that great facility which will come into being, I hope they will remember, and I will remind them, of Gunn McKay's contribution to that great facility coming into being. His judicious stewardship of shepherding that sensitive matter, a very large expenditure of public funds, and we all hope a wise one, through his committee played a significant role in making this become a reality.

So I say to you, Gunn McKay and I thank the gentleman from Utah (Mr. Marriott) for bringing it all to us, God bless you and your family and your every future endeavor. This place, this country is better for your having been here.

Mr. MARRIOTT. I thank the gentleman very much.

Mr. Speaker, I rise today to honor my good friend and colleague from Utah, Congressman Gunn McKay, who will be leaving when this year comes to an end after 10 years of good and faithful and honorable service.

While Gunn and I are of different political persuasions and have differed often on the methods of approaching the problems of our State and Nation, I have developed a great respect for the integrity of Gunn McKay's commitment to public life. Not only has he been here 10 years, but he served 2 years prior to that in the State legislature. He has a very good background and depth in legislative matters.

Daniel Webster once said:

> Let us develop the resources of our land—call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

I think as Congressman McKay leaves this body he can hold his head up high knowing that he has accomplished many things worthy of remembering.

☐ 1840

Gunn was first elected in 1970, and during that time has never in any way discredited his State or the great traditions of this institution. In fact, Gunn has been a credit to this institution and will be a credit to any institution with which he associates in the future.

More than once I have had the occasion to engage Gunn on the issues, both publicly and privately. Gunn has a good knowledge of the issues and was well prepared before ever casting a single vote on the floor of this body.

Gunn has been a forceful, diligent, and hard-working Representative who has paid equal attention to his duties here and to his constituents back home. Gunn and his wife, Donna, have had a strong commitment to the stability of family life, not only their own, which includes 10 lovely children—more than anyone else, I believe, in the Congress—but of all society as a whole. He has cosponsored with me the national family bill for 4 consecutive years, and those who know him know of his deep and abiding commitment to the quality of family life in America and greatly respect him for it.

Gunn has been a good church man, a good citizen, a good family man, and those are the kinds of people that this Congress needs most of all.

Gunn McKay's desire to serve is exemplified by the work he did as a member of the Committee on Appropriations in helping develop a multiple-use concept for public lands and helping promote and save the central Utah water project when it was on the White House hit list and helping open the door to significant synfuel development.

He has been a real friend of the West and of the United States as a whole.

I would be happy to yield to my friend, the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. I thank my very good friend, the gentleman from Utah (Mr. Marriott), for taking this special order out for our colleague, Representative McKay, and I simply want to say that I learned in a short time to appreciate the gentleman from Utah's great ability as a Member of Congress, a very effective Member of Congress. I appreciate him also because he is a neighbor. Districtwise, we join districts, Arizona and Utah, and I also share a heritage with him inasmuch as my own grandfather led a wagon train into Arizona, Springerville, Ariz., in 1875, where he settled. So we have a great deal in common.

I want to say that Congressman McKay has played a very major role in moving legislation of vital importance to the West, because he understands the needs of the West, and this is something that can be appreciated by those of us who live in the West because we do not have water. We cannot survive without water. Our lands are barren compared to the lush foliage of the lands here in the East, so sometimes it takes 100 acres of land just to raise one head of cattle or one lone animal.

So these are some of the things that are so important and important that the person who is moving them, the Congressman who is moving them, must understand.

Aside from that, and observing his actions in the Congress here, I have noted that he has demonstrated immense integrity and also diligence in carrying forth his responsibilities because he feels very sincerely that these responsibilities as a Representative of the people must be tended to not only hourly but by the minute, and I commend him for that.

I will miss him as a member—a new member I might add—of the Committee on Appropriations where I have also observed him in action. I wish him the very best of good fortune, to him, to his family, and God's blessings.

Thank you for taking this special order.

Mr. MARRIOTT. Gunn McKay has cosponsored the very important oil shale bill to open up more public lands for oil shale development and was a chief sponsor of the tar sands bill. For many years, Gunn was the lone voice in the wilderness promoting these ideas and they are now beginning to become fashionable. I want to thank him for the work he has done in pioneering some of those efforts.

He has done a great job in keeping Hill Air Force Base a viable base for Utah, done work for the Indians, for water development, and, of course, the list could go on, if we had the time.

Gunn was the least tenured Congressman ever to be named to chair a subcommittee in the House, namely, the Appropriations Subcommittee on Military Construction. There he achieved acclaim for his thoroughness and leadership. He worked to expand our allies' share of NATO construction in Europe. He was there when it came to balancing the needs of military projects in Utah as well as the needs of the country at large. Gunn McKay has served well as a member of the Steel Caucus, the Copper Caucus, the Travel and Tourism Caucus, and the Rural Caucus. He has worked to break down the barriers to energy development and has fought to make America energy-independent.

Today we are engaged in an extremely important debate over the MX missile designed for deployment in Utah. Gunn McKay has taken an objective, thoughtful stand on this issue without regard for public opinion polls and the whims of public opinion. He has tried to analyze the issues, study them thoroughly, and make those decisions which are best for the country as a whole, the State, and everyone involved.

I can simply and honestly say that Gunn McKay has been an honorable and notable public servant. The Brigham Young University knew exactly what they were doing in 1977 when they awarded Gunn McKay the prestigious Abraham O. Smoot public service award.

I will miss the warm and personal association I have had with Gunn these past 4 years. I sincerely wish him and Donna the very best. I know that wherever he goes and whatever he does, his influence will be felt, and all of those around him will be better for it.

So, Gunn, from the State of Utah, from all of your colleagues here, from me personally, thanks, God bless, and good luck.

I would be delighted to yield to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Mr. Speaker, I thank the gentleman for yielding. I was sitting in my office about 5, 10 minutes ago. I noticed my good friend Gunn McKay was coming up for his very small portion of his share of the laudations that accompany us here today. Gunn McKay and I came into the Congress together in the 92d Congress, just 10 years ago, and I do not think there is anyone whom I have enjoyed knowing more than I have enjoyed Gunn McKay. He is an eminently decent man, and they are hard to come by. I just hope we have some more like you, Gunn.

I have had a little fun with Gunn McKay. I am not going to go through that story now, Gunn. You do not have to worry. I have had a little fun with him over the years. It is the story you tell about when you met your Aunt Lecky over in Scotland one time. That is as far as I will go. You can continue it to your friends, if you wish.

I enjoyed that. It tickled something in me, a responsive bone that really meant something really good to me. But, GUNN McKAY, you are an old friend. You are a dear friend. You are the type of friend that I just hate to see go, but you meant a lot to me and you meant a lot to the country, and I am grateful that you were here for 10 years. I know that you and your wife, Donna, will have a wonderful life from here on out. I do promise that if ever I come through beautiful, bountiful Utah, I am going to stop in and see you and we will shake hands and talk about old times, which in retrospect will probably seem far greater than they are today.

One other thing troubles me. With you leaving, GUNN McKAY, from Utah, and here is BOB DUNCAN, leaving also from the Northwest, what is going to happen to the Scottish Caucus? It certainly is right down to the fundamentals at this point. See that you get somebody else. You are both great. There sits my good friend, the gentleman from Alabama, BUCKY BUCHANAN, laughing. Another decent person. It is time for me to get out of here before I get maudlin. Bless you, GUNN. Take care of yourself.

□ 1850

Mr. DUNCAN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I will be happy to yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. I thank the gentleman for yielding.

Sometimes I think instead of special orders these ought to be called sad orders, because it is sad. I regret, as I know everyone does, the departure of each of our brethren from this body, whether he be on one side of the aisle or the other. But in every group, in every association that we have, there are some people with whom we feel a special affinity.

I think from the very first time that I returned to my second reincarnation in the Congress and met GUNN McKAY, I felt that special affinity and closeness to him. Perhaps it was because I could always count on his suits being more rumpled than mine, or perhaps it was because I knew his shoes would not be polished. But he is one of the homespun philosophers of this body, even though he comes from one of the "eastern provinces," the State of Utah—back in what some people call the Midwest, but which we in Oregon call the East. He still had those homespun Western characteristics.

When the gentleman from California (Mr. DANIELSON) promised not to repeat a story that GUNN has told me, that is absolutely redundant and unnecessary because GUNN has already repeated the same story many times over to each one of us. The one that I am particularly fond of is the one about the old sheepherder up in the hills in Utah, and it does not make any difference what the circumstances are, what the issue is, that old sheepherder has always got the answer, and he is the guy that GUNN has been listening to.

GUNN represents really to me the people of Utah, and that is why I find it most incongruous that he is not going to be back, because whether the issue is one on the arts and humanities or what, on the Interior Committee he spoke with knowledge and empathy and understanding. And when he spoke of the land from whence all wealth comes, one knew that he loved the land. And when he spoke in defense of the rights of the Indians, one knew that he had the empathy and the compassion and the understanding which brings out the best in an American Congressman.

I recall the words of Kahlil Gibran who wrote, as my colleagues know, a series of lectures on significant events and significant characteristics and significant problems of our life. I recall that he wrote of love, and the words were asked, "Master, speak to us of love." I do not recall all that was said, but I recall very distinctly that the master said, "Let there be spaces in your togetherness."

Unfortunately, there will be spaces in our togetherness with our departed colleagues, and there will be spaces in my friendship with GUNN McKAY, but that friendship will never terminate, and I look forward to the narrowing of those spaces and the resumption of this close and very prolific relationship that he and I have had.

I thank the gentleman for taking this special order and for yielding to me.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I will be happy to yield to the gentleman from Alabama.

Mr. BUCHANAN. I want to thank my friend for taking this special order and join him in words of tribute to our colleague GUNN McKAY. I think it is safe to say that some of us have more in common than we wish were the case at this point in history, and having shared the experience of involuntary retirement, I feel a special kinship to my friend. But I would just as soon not be in that club, and I would just as soon he were not either.

I have observed his work on his committees and also as a member of the executive committee of the Steel Caucus where I have worked very closely with him. As has been the case with all of his service in the Congress, we have relied upon his keen mind, his unerring good judgment, his concern not just for the people of his own district but for our country and for all the people of our country, and I must say that I have come to rely upon the qualities of integrity and character which have marked his service here and marked his life. It has been a privilege to serve with you, GUNN, and we thank God for you.

I thank the gentleman for taking this special order.

Mr. MARRIOTT. I thank the gentleman very much.

Mr. LOWRY. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I will be happy to yield to the gentleman from Washington.

Mr. LOWRY. I thank the gentleman for yielding.

I thank the gentleman from Utah (Mr. MARRIOTT) for taking this time to give us an opportunity to in a very short way give tribute to a man on whom we could spend many more hours than we are.

As a new Member from the West, I will say we are going to miss GUNN McKAY. In the West we need the work that GUNN McKAY did on the Interior Committee, as the gentleman in the well has mentioned, and in many other ways also. As a new Member, I especially appreciate the help that GUNN McKAY has been to us when we have had our problems in the West—and they are very specific things, and I mean that very much.

Our other new Members are our friend, the gentleman from Montana (Mr. WILLIAMS), and our friend, the gentleman from Colorado (Mr. KOGOVSEK), and many others. We greatly appreciate that service to our constituency. But I think more than anything else I have been impressed by GUNN McKAY's real belief in this democracy in which we serve. It is the will of the people that runs this country, and if we listen to the words he said many times, that always comes through. That always comes through. It is our institution of democracy. It is the responsibility of this House to represent those people, and I believe few Members take that more to heart than does our colleague, GUNN McKAY. He is going to be very missed.

I thank the gentleman from Utah (Mr. MARRIOTT) very much for giving us the opportunity to pay tribute to GUNN McKAY.

Mr. MARRIOTT. I thank the gentleman. I suppose there is going to be and has been a lot of weeping, wailing, and gnashing of teeth because of these so-called lameducks, but I simply want to say that the gentleman from Alabama (Mr. BUCHANAN), the gentleman from Oregon (Mr. DUNCAN), and the gentleman from Utah (Mr. McKAY), although they will be leaving us, take with them a reputation which is absolutely super. I think that when all the smoke has cleared and everything has come and gone, that reputation will last forever. I congratulate all of these Members for the great work they have done.

I do not know much about Congressman McKAY's wrinkled suits or whether his shoes were shined. I never did like his jokes, so I hope in his retirement he will find some new ones. But I do know that he leaves this body with a great reputation, and I applaud him for that. I know that, of course, will last forever.

Mr. McKAY. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I will be happy to yield to my good friend.

Mr. McKAY. Mr. Speaker, I appreciate the gentleman's yielding, and I appreciate his kindness in calling this special order. Maybe that is above and beyond the call of duty, but it is a kindly act which I appreciate.

I would just like to say maybe it is bordering on love when people stand around here for 3 hours waiting to say a few kind words, and I appreciate that.

However, I would not want to be guilty of the sin of ingratitude. I want to say that the greatest experiences of my life have dealt with people and their personalities and what they have to offer as individuals in their character as well as their knowledge and their willingness to interact with each other, which is the purpose of this whole world, and all else is akin and adjunct to that, and all things are for people.

I just want to say thanks to all those in the House—and there are many—who have assisted. All have added something to my life. As I said earlier in a previous order of the House, there is none of us can avoid the responsibility of being what we are and what we shed off to others and we receive from others. So my blessings have been multitudinous in this House in meeting with so many great people, great personalities that I have observed, profiles in courage here year after year. If I can say to the people of this country one thing, it would be that there are the greatest who serve here and who do their level best to serve their people. There are some who stumble, yes, but nowhere else, I think, will you find a greater group who work so hard with all of their talents that they have to serve their country and the people in it.

I thank the gentleman and all those who participated for their association. It has been one of the great experiences of my life.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

I rushed over here when I knew my friend, Gunn McKay, from the 92d class was being honored today, and I arrived a moment too late to fit it in normally. But let me just with respect to the gentleman from Utah, Gunn McKay, a truly decent and wonderful gentleman, state that we came together in 1971.

□ 1900

The gentleman from Utah was elected immediately as leader of our class of freshman Democrats. He gave outstanding service from the very beginning, and was one of the first people to have been honored by appointment to one of the top three committees right off the bat. He served on the Appropriations Committee with the gentleman from Oregon (Mr. Duncan), with whom he is now sitting, and it was with great distinction.

I remember the success of the man, not just in the legislative field, but in the athletic field. I would ask for one moment to explain a remembrance back in the days when the Utah Stars were in the ABA, and the Kentucky Colonels were also in the American Basketball Association. As part of a little, I guess one would say a little venture to give a little publicity to the American Basketball Association, the two teams were playing for the championship, and they sponsored a great shoot off between the gentleman from Utah and the gentleman from Kentucky; not with guns and six-guns like maybe in Utah you fellows may have used to settle your battles, but with this round basketball painted red, white and blue.

I remember the gentleman from Kentucky went down to the gym and practiced, and thought he was in pretty good shape. He did not see the gentleman from Utah there. But, the gentleman from Utah showed up on the appointed day in Louisville, Ky., and took to the floor. The gentleman from Kentucky took to the floor. I must say that the gentleman from Kentucky was embarrassed by the gentleman from Utah. He sank every one of his free throws, I do believe, and I think the gentleman from Kentucky got 1 out of the 10 we were allowed. So, I was disgraced in front of my own constituents, but by a very fine gentleman and a good friend, a person whose example to us in family matters is particularly strong. I know that the Church of Latter Day Saints is extremely devoted to family unity and family togetherness, and family virtues, and I think the gentleman from Utah has exemplified those virtues from the moment he came to the House.

His departure in truth can be honestly said as a diminution of the House. I wish him and his family the very best. I hope that they have much health and much happiness and much fulfillment in the years ahead.

Mr. MARRIOTT. I thank the gentleman from Kentucky.

I did not know the gentleman from Utah was a basketball player. That is a new one on me, but the Utah Jazz maybe could use a new guard, and that is a good possibility for future employment.

Mr. Speaker, I thank you for the opportunity of saying a few words about our colleague, Gunn McKay.

● Mr. YATES. Mr. Speaker, Gunn McKay has been an outstanding Congressman. He has served Utah and the Nation with distinction, and his contributions to the country's welfare will be appreciated for generations.

As one of my colleagues on the Appropriations Committee, Gunn has been especially effective in two areas vital to national security—defense and energy. Gunn is a dedicated, vigorous chairman of the Military Construction Subcommittee. And he has been an active, perceptive member of the Interior Subcommittee which I chair. His expertise in the field of energy has been one of the driving forces behind the subcommittee's aggressive synthetics fuels program, a program which is already reaping benefits for the Nation.

Gunn has been a close friend and a respected colleague. We wish him well, and we are confident that he will continue to contribute his strong advocacy and expert knowledge to the vital issues that confront us.●

● Mr. WHITTEN. Mr. Speaker, today I have the privilege of joining with my colleagues in paying tribute to our good friend Gunn McKay.

Gunn has honored us with his presence in Congress for the past 10 years. He has been a valuable member of the Appropriations Committee and has served the Nation well as the chairman of the Military Construction Subcommittee.

His love of the West and his dedication to the thousands of citizens he represented in Utah is well known. His respect for life and his unyielding conscience as a legislator is something we all could follow.

As we say goodby to Gunn, we wish for him the best of everything the future holds for such a good man. Gunn, we hope you will allow us to call upon you and your wisdom and counsel when needed.●

● Mr. DRINAN. Mr. Speaker, Gunn McKay and I were elected to the 92d Congress on November 3, 1970. Since that time, he has distinguished himself as a very able member and chairman of the House Appropriations Committee.

Even before coming to Congress, Gunn McKay was an experienced legislator having served in the Utah House of Representatives from 1962 to 1966 and as administrative assistant to Gov. Calvin Rampton from 1967 to 1970.

Gunn McKay has been a devoted and dedicated member of his church where he has been exceptionally active.

All of the friends of Gunn McKay know that a new phase of his career is opening and that it will be as distinguished as those years which he gave to the Congress of the United States.

I send to Gunn and to his wife, Donna, my very best wishes for his continued success and happiness.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Gunn McKay, who is retiring at the close of the 96th Congress.

Gunn has given 10 years of dedicated and devoted service to his constituents of the First District of Utah, and has compiled an outstanding record during his distinguished career. His diligent efforts as a member of the House Appropriations Committee and the chairman of its Subcommittee on Military Construction have been both fruitful and beneficial to the citizens of this Nation, and indeed these successful efforts have made America a stronger country and more effective against threats to our precious heritage of liberty.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Gunn McKay. He has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of individual citizens caught in the bewildering maze of outrageous Federal bureaucracy.

Gunn is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Gunn McKay my best wishes for continued success in devotion to the highest principles.●

● Mr. MILLER of Ohio. Mr. Speaker, I would like to pay tribute to my good friend and office neighbor Gunn McKay. For the last 10 years, Gunn McKay has ably served the people of Utah's First District. For a number of those years I have had the pleasure of serving with Gunn on the House Appropriations Committee. In this capacity I got to know him quite well. The better I got to know him the more I appreciated the nature of the man. Very competent, very hardworking, he was a pleasure to work with.

GUNN McKAY was the type of service-minded Congressman for whom no problem was too small. Always willing to listen and to lend a helping hand, he built a laudable record of public service during his five terms in Congress. Open minded and fair—you always knew where GUNN McKAY stood.

Caught up in this fall's Republican landslide he now must take leave of Congress. He goes leaving behind a lot of friends. Though he sat on the other side of the aisle and we disagreed on many issues, he never let political philosophy stand in the path of personal friendship.

GUNN McKAY is a very nice guy who will be missed by all who knew and worked with him. I wish him every success in his future endeavors. May his future pursuits bring him much success, and may he and his lovely wife, Donna, and their 10 children enjoy the happiness they so richly deserve.●

● Mr. MOAKLEY. Mr. Speaker, I am pleased to have this opportunity to join with my colleagues in paying tribute to a fine Congressman, GUNN McKAY.

GUNN has made numerous contributions to the welfare of his State and of the country, both before he came to Congress—as a businessman, a teacher, and in various capacities in the government of the State of Utah—and here in Congress. In the decade of his service in the Congress, GUNN has proven himself to be an able and effective legislator, particularly in his capacity as chairman of the Subcommittee on Military Construction Appropriations.

I personally had occasion to work with GUNN when a major naval installation in my district was scheduled to be closed, and I will always be grateful for the help and assistance he offered them.

He worked closely with me and with the Defense Department to alleviate the impact of the closure. As a result of his tireless determination, the site and facilities of the Boston Navy Yard are in partial use today. And, they are the subject of continuing redevelopment, which is designed to provide military and civilian uses that have significantly curtailed the economic and employment consequences of the base closing.

The task of overseeing, examining and analyzing the many Pentagon decisions on base transfers, construction and closings can often be a thankless task. But it is one which GUNN has carried out very judiciously, and he has always conducted himself with unquestioned dedication and integrity.

The Appropriations Committee and the House will not be the same without GUNN McKAY. We will miss him, but we wish him Godspeed in all his future endeavors.●

● Mr. ANDERSON of California. Mr. Speaker, when the 97th Congress convenes in January, many of our friends and colleagues will not be returning. One of the finest missing with that group will be Congressman GUNN McKAY.

Throughout the 1970's, GUNN McKAY has represented his constituents, and the State of Utah, in an outstanding fashion. No lesser description could be appropriately used in describing the service that GUNN provided, not only to the people from his State, but to those everywhere in our Nation.

GUNN McKAY has been the type of Congressman on whom you cannot correctly attach a label. He is not a liberal, and he is not a conservative. He is an American, and he is a leader, and at times this combination has led him to take stands that might be considered either "left" or "right." But GUNN is much too thoughtful to ever believe that there can be a single "right" way to react to every problem that comes up. I believe it was Abraham Lincoln who said that "consistency is the hobgoblin of little minds." Well, GUNN McKAY has done one thing consistently, and I believe it is something which Lincoln would approve; Congressman McKAY has consistently done what he believes is best for the people of Utah's First District.

As chairman of the important Appropriations Subcommittee on Military Construction, GUNN McKAY took on a national leadership role. And in that role, he has performed admirably. He was advocating a strong national defense, with secure military facilities, long before such a position was politically popular.

We here in the House will surely miss GUNN McKAY; we will miss him as a friend, and we will miss him as an individual to whom we could turn for good advice. But, with time, these roles will come to be filled by others. But the Nation, and the people of Utah will miss Congressman McKAY for so long as he remains outside of public service.

GUNN McKAY has been a strong, effective, and respected legislator. Lee and I wish GUNN, his wife Donna, and their entire family all the best in their future endeavors. Certainly, he deserves it for the time that he has spent serving his country.●

● Mr. LONG of Maryland. Mr. Speaker, it is truly sad that this House will, after a decade, be without the presence, the integrity and the skills of GUNN McKAY when we convene in January. I shall be losing one of my best friends.

It has been a pleasure and a privilege to serve with GUNN on the Appropriations Committee, and especially to have worked closely with him on the Interior Subcommittee and the Military Construction Subcommittee, which he has so ably chaired since January 1977.

As Military Construction chairman, GUNN presided over numerous major projects involving difficult and sensitive decisions directly affecting our national security, including the Space Shuttle, the MX missile, the relocation of U.S. troops in the Panama Canal, U.S. relations with other NATO allies, development of U.S. bases in the Persian Gulf-Indian Ocean area and base realinements and closures in the United States.

Throughout these delicate deliberations, GUNN has time and again been the leader, the problem-solver and the defender of tax dollars—never losing sight of the needs of national defense.

Similarly, as senior member of the Interior Appropriations Subcommittee, GUNN has helped shape public policy in a crucial decade during which the subcommittee dealt with national lands management, problems confronting our Indian tribes, development of fossil fuel resources, creation of synthetic fuels and research on renewable energy sources. His knowledge, tenacity, sense of humor and deep commitment to public service have been reflected throughout 10 years.

We shall miss those qualities, the willingness to work hard and tackle tough issues, and that warm friendship GUNN has offered to us all. My best wishes go with GUNN, Donna and their family in the coming years.●

● Mr. BEVILL. Mr. Speaker, GUNN McKAY has become one of this Nation's most respected people on the needs of the country's military forces.

GUNN's effective leadership of the Appropriations Subcommittee on Military Construction has been very beneficial to the Nation's defense capabilities.

GUNN McKAY's dedication to the continued military strength of the United States deserves our respect and appreciation.

It has been my pleasure to serve with GUNN on the Appropriations Committee and on the executive committee of the Congressional Steel Caucus.

I have seen his sincere concern for the people of his district and for the Nation as a whole, and I feel he has given himself, fully, to his job, and I respect his accomplishments.

I also have great respect for GUNN's legislative abilities and for the perseverance he has always exhibited in pursuing quality legislation.

I am sure that his colleagues in the House will miss GUNN McKAY's wise counsel and his congeniality. I will, personally, miss his good friendship, as well.

I wish him the best as he leaves Congress.●

● Mrs. HOLT. Mr. Speaker, as our colleague GUNN McKAY leaves this great body after 10 years of dedicated and capable service, it is an honor to say a few words of tribute. I never served in committee with GUNN, but I had the opportunity to know him at weekly prayer breakfast.

GUNN McKAY is one of the truly gentle men in this Congress. He is friendly beyond patronizing; kind and magnanimous. GUNN is a deeply religious man and he brings those convictions to all that he does. He is very articulate and succinct, and when speaking before a group he always put the issue in perspective. GUNN's ability to use these qualities when debating or speaking freely resulted in a legislator with a positive approach to government, who never failed to personify his goals for mankind. Personally, I will miss GUNN McKAY, and in the House we will all miss the goodness that is so specially GUNN's.●

U.S. INTERNATIONAL COMMUNICATION AGENCY PERFORMS VITAL FUNCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 30 minutes.

Mr. BUCHANAN. Mr. Speaker, during the many years in which it has been my privilege to serve on the International Operations Subcommittee, I have expressed my concern over the continuing reductions in the personnel levels and the funding in constant dollar terms of the programs carried out by the U.S. International Communication Agency (USICA). In my judgment, the Voice of America, the Fulbright-Hays program and our cultural exchanges, our international publications, our libraries, and the other ICA programs are a vital function not only of our foreign policy, but of our defense policy as well.

For too long, they have been neglected and permitted to decline. At a time when world communication is expanding our efforts to communicate with the world are declining.

The U.S. Advisory Commission on Public Diplomacy, created along with the USICA in 1978, has recently submitted its first report on that Agency. This is a very important report which makes a number of recommendations concerning the future of the Agency and of U.S. foreign policy.

Included in the recommendations are those to increase USICA's resources, beef up its Office of Research and give the USICA Director a permanent seat on the National Security Council.

With a new administration, Mr. Speaker, we have the opportunity to reverse the damage caused by the neglect of these programs and it is my hope that the recommendations of the Advisory Commission will be reflected in the fiscal 1982 budget for USICA.

I would like to take this opportunity to commend Dr. Olin Robison, chairman of the Advisory Commission as well as the other members of the Commission for their thoughtful report.

The following recommendations section of the Advisory Commission's report outlines some of the problems USICA faces and the means to overcome them to the enhancement of our overall foreign policy objectives.

A. RECOMMENDATION

1. As an investment in national security, the Congress and the President should substantially increase the resources this nation commits to the conduct of public diplomacy.

The Commission recommends that USICA's budget be increased by $200 million.

The Commission recommends that the President raise USICA's personnel ceiling by 30 percent.

The Commission recommends that Congress exempt public diplomacy activities from government-wide travel reductions.

Budget

In 1981, the United States will spend $162 billion on national defense. The proposed FY-1981 budget for USICA is $448 million—approximately 0.3 percent of what we devote to military spending.

The Commission strongly believes that it is in the national interest to view public diplomacy as an indispensable element in America's national security.

The strength of our country derives as much from the ideas we represent as it does from the military and economic power we exercise in support of those ideas. Soviet dissidents, the mass exodus of Cubans, Cambodians, and Vietnamese to freedom in the U.S., the spread of the human rights movement worldwide are recent manifestations of the power of these ideas.

Current across-the-board military increases are justified in terms of the nation's defense. They are not, however, an exclusive guarantor of national security.

All of us are concerned—and rightly so—that we not slip into military weakness. We are steadily modernizing our military posture. Yet cutting back our other international programs contributes to another kind of weakness, every bit as dangerous. It cuts back our arsenal of influence. Our support for liberty in the world—our defense of American and Western interests—cannot be mounted with military weapons alone. The battle for American influence in the world requires more than rockets, certainly more than rhetoric. It requires the resources that make our diplomacy effective." Secretary of State Edmund Muskie, addressing the New York Council on Foreign Relations. July 7, 1980.

"If you give us scholarships, that is far better than giving us 100 tanks . . . While the Soviet Union offers hundreds of scholarships to Yemeni students and military officers, getting scholarships to the United States has been like pulling teeth without anesthesia."—A senior advisor to President Saleh of Yemen, quoted in the New York Times, May 7, 1980.

USICA today is operating in real dollar terms with less than one-half the money the same programs had in the mid-1960's. If it were operating at those levels today, the Agency's budget would approach one billion dollars. Instead, its proposed budget for FY-1981 is $448 million.

Moreover, United States investment in public diplomacy is low in comparison with that of both our allies and our adversaries. A report issued by the General Accounting Office last year, The Public Diplomacy of Other Countries: Implications for the United States, found that in absolute terms the U.S. is outspent by both the Soviet Union and France and is nearly matched by West Germany. France, West Germany, the Soviet Union, Japan, and Britain all spend a higher percentage of their national budget on public diplomacy than does the United States.

Cultural and information programs as a percentage of annual budget [1]

[In percent]

France	0.7
West Germany	0.6
USSR	0.3
Japan	0.21
Britain	0.18
United States [2]	0.1

[1] Source: General Accounting Office, 1979.

[2] Includes Radio Free Europe/Radio Liberty.

USICA is rarely granted new funds to respond to international crises and opportunities, and all too often it is forced to reprogram from existing resources. Because of fiscal constraints, the Agency has been forced to cut vital programs and forgo significant opportunities.

Here are a few recent examples:

The Voice of America does not have the funds to convert from the vacuum tube equipment of an earlier generation to the more reliable and cost-effective solid-state systems of today.

The highly successful exchange of persons program has been reduced by almost 50 percent over the past 15 years.

USICA was forced to divert funds from other important programs to finance long overdue increases in the Voice of America's Persian broadcasts to Iran.

USICA has 32 principal posts in Africa; 18 are staffed by only one American officer.

The $100,000 cost of evacuating Agency personnel from Iran, Afghanistan, and Pakistan was taken from USICA's current budget, forcing cuts elsewhere. Unlike the State Department, USICA has no emergency fund.

America Illustrated, the United States Government magazine that is sent to the USSR in exchange for Soviet Life, has lost its impressive size; its editorial content and staff are being reduced.

The Voice of America is just now beginning to broadcast to Afghanistan in Dari; it does not broadcast to Spain in Spanish, to Japan in Japanese. . . .

On March 3, 1980, then Secretary of State Cyrus Vance told the Chicago Council on Foreign Relations: "Precisely because the world has become a more dangerous place in recent months, we will continue to work to defuse its dangers." Decreasing our military vulnerability is one way to "defuse," but it is not the only way. As Ambassador Fernand Spaak noted on April 21, 1980, speaking for the Commission of the European Communities in the U.S.:

> It is the friendships and understanding that are built between ordinary men and women that will ultimately decide the nature of relations between nations and continents . . . we have to go further and deepen (our) understanding beyond the official and diplomatic level. Our peoples themselves have to know one another better. . . .

Public diplomacy is in the front line of this effort, and if USICA is to perform effectively it must be given additional resources. The current level of support is simply inadequate.

An 18-year-old student of politics from Dublin recently wrote to VOA complaining,

"That it is 100 times easier to tune to Moscow than to the VOA . . . This should be a matter of national security. The propaganda war waged by Radio Moscow is sowing the seeds of Marxist revolution and anti-Americanism among the poor and oppressed . . . It is all the more effective because the voice of truth is weak."

The $200 million increased funding we recommend would merely permit the Agency to retain its current share of 0.1% of the total annual United States budget of FY-81, now estimated at $696 billion. A prudent assessment of our national security needs requires that we do no less.

Can the nation afford:

Weak VOA signals beamed to Central Asia, Central China, Eastern Europe, and the Near East? $70 million.

Not to initiate a modest USICA program in Zimbabwe, supporting the emergence of a new democracy? $500,000.

Not to support a major effort to address joint economic concerns through cooperative research with our European allies? $500,000.

Not to produce a major exhibit for a tour in China, responding to the special needs of two nations trying to close a thirty-year gap? $4 million.

Not to increase the number of USICA officers overseas by 10 percent in order to strengthen the impact of public diplomacy? $10 million.

Not to send Fulbright research scholars to developing countries with which we now have only limited contact and little exchange? $5 million.

Not to convert 19 VOA broadcasting studios to solid-state equipment? $2 million.

Not to convert from radioteletype to modern word-processing equipment for worldwide transmission of press items? $3.5 million.

Not to send our officers overseas with an adequate command of the local language? $2.8 million.

These are but a few examples. The Commission is not now recommending new programs. It is simply stating that what USICA is required to do demands resources which it currently lacks.

At the Commission's request, some Agency elements have outlined their requirements beyond the limits imposed by OMB and the Director of the Agency. Their persuasive and detailed justifications for increased budgets have clearly identified the severity of USICA's fiscal constraints.

Personnel

USICA's budget is not its only diminishing resource. Also reduced is public diplomacy's most valuable asset—the American officer overseas and the staff required to render professional support.

Agency officers serving throughout the world provide the most direct, substantive, and effective link between the United States and the groups, organizations, institutions, and leaders in the countries to which they are assigned. Yet due to Federal hiring limitations and employment ceiling reductions, USICA is losing several hundred more positions this year.

The Commission finds this deplorable, not only because of the impact on ongoing programs, but because it continues a fifteen-year trend. In Western Europe alone the number of American and foreign national employees has declined 81 percent since 1954. USICA's overall employment level has decreased by 30 percent since 1964. The cumulative impact of these reductions makes prospective cuts impossible to absorb.

Unresolved personnel problems exist in any large organization, in or out of government. This is no less true of USICA. However, the Commission believes that these are, by and large, difficulties apart from the question of sufficient staff. USICA does not have enough people around the world to do well those tasks which it is enjoined by legislation to do.

The Commission recommends that the President raise USICA's personnel ceiling by 30 percent.

The Commission is also convinced that the quality of USICA's language training must be improved to the point where more officers not only speak but think in the language of the country to which they are assigned. Courses should be designed specifically for USICA's personnel. Comprehension of the nuances and implications of words is requisite to full participation in the world of ideas, opinions, and perceptions of foreign peoples.

TRAVELING AND SHIPPING

Pursuant to Public Law 96-86 (1979), the Office of Management and Budget has imposed across-the-board restrictions on government travel and shipping. This applies despite the special needs of the foreign affairs agencies, and despite the existing overall inadequate budget available to USICA.

As a result of these restrictions:

There are now several countries where USICA's officers are confined to the capital city.

USICA's book distribution program has been severely curtailed.

Agency engineers are unable to maintain adequately USICA's overseas equipment.

Agency journalists—press and radio—are prohibited from traveling to some of the events on which they must file worldwide reports.

These are but examples of a depressingly long list. The Commission recommends that the Congress and the Office of Management and Budget exempt public diplomacy activities from these restrictions, and take the necessary measures to correct this setting of program policy by budgetary default.

2. USICA's Office of Research, with its focus on foreign public opinion, is critically important to all of the Agency's activities. It should be given independent organizational status, additional funds, and assigned the responsibility for evaluating program effectiveness.

The Commission recommends that the Office of Research report directly to the Agency's Director.

The Commission recommends that the Office of Research be granted an immediate increase of at least 100 percent of its current budget.

The Commission recommends that the Office of Research assume responsibility for evaluating the effectiveness of Agency programs.

The function of research in USICA is to advise the Director concerning foreign public opinion, to assess foreign attitudes toward specific policies and issues, and to evaluate the reasons for them. The Office of Research must identify what people think, and why, determining the basis on which foreign publics have formed their opinions. It should estimate the reaction of foreign publics to policy options under consideration by the Agency and the Administration. Research reports and analyses should become an integral part of Congressional and Executive foreign policy deliberations.

In addition, the Commission believes that the Office of Research should be responsible for assessing program effectiveness. Before the Agency sets policies governing the use of its many communication and exchange programs, the effectiveness of existing programs should be measured. The Office of Research should assume this function, providing substantive data to help management guide the allocation of resources on an Agency-wide basis.

The Commission notes that USICA does support some assessment programs: overseas inspections of Agency posts are conducted periodically; major resource allocation decisions are made annually through the Zero Based Budget (ZBB) process; and a new office has been formed to provide Agency managers with access to computer-based records of an estimated 20,000 separate items or services produced by USICA each year. However, the Agency must establish an independent evaluation staff within the Office of Research to identify what works, where it works, and why.

At present the Office of Research is required to filter its proposals and results through too many bureaucratic layers. The validity of research and its utility require maximum independence. In order to eliminate undue controls from external sources, the Office of Research should report directly to the Agency's Director.

The research budget for USICA represents 0.6 percent of the Agency's total allocation. The paucity of funds for contract research studies (less than $700,000) has forced the Office to limit its major efforts to only 14 countries worldwide. Foreign public opinion trends are not routinely available, and important surveys are not undertaken because of budget restrictions. In addition, social scientists in USICA are unable to travel within the U.S. with sufficient frequency to remain in touch with other scholars engaged in relevant research, and too often they are excluded from participating in international seminars because of travel cuts.

The Office of Research should be granted an immediate increase of at least 100 percent of its current budget. There should be far more studies initiated by USICA, such as the one recently headlined in The Washington Post:

"STUDY SEES DANGER IN SOVIETS' INABILITY TO UNDERSTAND U.S.

"Soviet inability to comprehend the workings of the American system is currently producing a 'dangerous' perception gap between the two nations, according to an unusual U.S. government research study.

"At a time of exceptional tension between Moscow and Washington, the study found, 'The situation is dangerous precisely because Soviet experts themselves tend to believe that they in fact understand American society'. . . .

"These findings emerge from a unique research project sponsored by the U.S. International Communication Agency.—Murrey Maruder, Washington Post, July 11, 1980."

The methodology was unique, the findings were suprising, and deliberations on the implications for U.S. foreign policy are now going on at the highest levels of government. This kind of effort should be routine for USICA, providing crucial insights and perspectives all too often absent in the government's decision-making process.

Many Agency officers are not sufficiently aware of research as an indispensable policy and program guide. There are too many instances in which research is not utilized because of ignorance of social science research capabilities. Junior officers should be rotated through the Research Office on a regular basis, thereby assuring a worldwide cadre of research-sensitive officers in the years to come.

3. The Commission recommends that the Director of USICA be assigned a permanent seat on the National Security Council.

USICA is required to "insure that our government adequately understands foreign opinion and culture for policy-making purposes." To do so, the Agency must become a full participant rather than just an occasionally-consulted observer in the foreign policy decision-making process.

USICA's professionals communicate beyond the sphere of traditional diplomacy. In the countries to which they are assigned Agency officers meet daily with students and educators, journalists and artisans, government officials and political leaders in and out of power. The Agency assesses foreign public opinions, public attitudes, trends, and developments. Overseas, USICA's expertise is acknowledged and used. Most U.S. ambassadors are aware of the unique contributions the Agency makes to the development of strong bilateral ties between the U.S. and other nations.

In Washington, this is all too frequently not the case. Increasingly, U.S. foreign policy decisions must reflect a greater sensitivity to foreign cultures, to foreign public opinions, perceptions, and priorities. USICA has this sensitivity which should be considered in deliberations at the highest level. Congress and the President have jointly determined that USICA's Director shall serve as "the principal advisor to the President, the National Security Council and the Secretary of State."

Only as a member of the National Security Council can the Director fulfill this obligation regularly and effectively.

B. ADDITIONAL OBSERVATIONS

The Commission's most urgent concern remains the inadequate resources available to USICA. However, the following issues warrant mention in this Report as important areas to which further attention must be directed.

1. UNESCO

Freedom of the press, one of democracy's fundamental values, finds expression internationally in the final act of the Helsinki accords (Commission on Security and Cooperation in Europe), in the UN's Universal Declaration of Human Rights and in

UNESCO General Conference statements. The exercise of this freedom in today's world is increasingly dependent on technological and professional capability.

Industrialized nations have a superior capacity to collect and distribute information, and this superiority has been challenged by many developing countries as inhibiting their ability to tell their stories, in their words, from their perspectives, both internally and externally.

The Commission believes it is in the national interest, as well as in the interest of other countries, for the United States to assist in fashioning a free and equitable flow of information worldwide. USICA's role in past U.S. commitments to address the current imbalances has yet to be adequately defined, and the Commission notes that while there has been some progress, it is not nearly enough.

2. Domestic dissemination

One of USICA's predecessors—the U.S. Information Agency—was legislatively prohibited from making any of its products designed for overseas use available within the United States.[14] When USICA was created, this prohibition was inherited. At the time of its formation, however, USICA was given responsibility for enhancing the ability of Americans to understand other cultures. Pending further study, the Commission does not now recommend the removal of the old prohibition, but it does suggest that the issue be reexamined by Congress and the Agency. There is a need to assess the products USICA creates, and to harmonize what may be an archaic rule with the public's right of access to government data.

3. USICA's audience

The Agency's policy toward international audiences is necessarily mixed. The Voice of America reaches a mass audience, as do major exhibits and press placement efforts in foreign countries.

However, many other Agency endeavors are focused on carefully chosen leaders and opinion-makers in each country. The Commission suggests that budget restrictions and personnel limitations play an inordinately decisive role in determining the Agency's audience policy. Both USICA and the Congress are urged to explore the necessity of reaching a greater number of people worldwide and to allocate funds accordingly.

4. Budget autonomy

The relationship between USICA and the State Department is intended to permit maximum independence for the Agency, while avoiding unnecessary duplication of effort or expenditure overseas. A recent letter from the retiring OMB official responsible for all foreign affairs and defense agency budgets recommended serious interference with USICA's fiscal independence. The Commission is reluctant to see budgetary authority affecting USICA delegated to the Secretary of State. This would likely, in the Commission's view, unnecessarily compromise the autonomy USICA must have to fulfill its mission. The intent of Congress was clear: USICA is to receive official U.S. policy guidance from the Secretary of State, but USICA constitutes an independent agency of the United States Government—responsible to the President.

5. Personnel

Alluded to in the recommendations is the Commission's concern about the personal situation in USICA, apart from the fact that there are simply not enough people. The Commission is not, at this time, prepared to identify discrete problems and to pose appropriate suggestions for their solution.

However, we do want to register our awareness of the fact that morale among some Agency employees is low, and that, in our opinion, the reorganization of 2½ years ago can no longer be cited as cause. There are administrative problems internally.

We believe this subject to be of such fundamental importance that further study is required.

* * * * *

This report contains the Commission's evaluation of the need for USICA. As taxpayers, citizens, and informed advisory, we present our unanimous conviction that USICA is an unknown but indispensable partner in the national security effort, one that we, as a nation, can no longer afford to ignore.

ACTION NEEDED NOW TO CUT HIGH INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 30 minutes.

● Mr. HANSEN. Mr. Speaker the current alarming surge of interest rates toward 20 percent for the second time this year severely threatens the economic well-being of all Americans and must be dealt with immediately. I have submitted a solid plan of action to President-elect Reagan which I herewith draw to the attention of my colleagues and submit for the RECORD.

DECEMBER 2, 1980.

Hon. PAUL LAXALT,
Russell Senate Office Building,
Washington, D.C.

DEAR PAUL: Your statement on national TV claiming that immediate reduction of the current high interest rates is a more vital priority than cutting the alarming rate of inflation was right on target.

If we do not provide in a matter of days some measure of relief and hope, a dangerously large part of America's business and industrial community will be damaged beyond repair. The housing and automobile industries are into a second back-breaking round of sky-high interest rates within a six-month period after depleting reserves and assets to withstand the first assault. And the retail merchant must have a successful Christmas sales season to reduce stocks and build reserves for the following slack season.

Today's increase of the Prime Rate to 18½ percent, with promise of 20 percent or more in short order, demands that something be done—and now. The present Administration is obviously incapable of dealing with this emergency which means the Reagan Aminis-tration must act now to protect itself and provide relief for millions of worried and threatened Americans.

There are many crucial weeks remaining before an official President Reagan can take action—weeks which can be economically fatal for millions of Americans and huge portions of our business and industrial community. But, significant announcements of intended action made now as Cabinet appointments are released can create a needed psychological lift, based on anticipated incentives and hope for reliable economic stability, which can spark an immediate downturn of interest rates and upturn of business activity.

It may yet be possible to salvage the last few weeks of the Christmas merchandising season, instill some confidence into those concerned farmers now planning for the new crop year, and put enough energy into the housing and automobile industries to save a lot of businesses and a lot of jobs and help us to better "hit the ground running" on January 20th.

I am enclosing a letter of particulars for President-elect Reagan, which I promised your office, and hope it will provide ideas to move immediately against these outrageous interest rates. I appreciate your getting this to the Governor and his key economic advisors. Further staff assistance and information are available to you at any time.

You will note I did not cover the possibility of a Reagan-Volcker meeting to discuss means for reducing interest rates as you suggested in the interview because of the Chairman's recent uncompromising testimony before the House Banking Committee, but some good no doubt might come of such a visit. Also, I did not mention more extreme ideas, such as price, wage and interest controls and excess profits legislation on banks, even though they again may have some impact, particularly of a "jawbone" nature. However, we certainly cannot ignore the potential positive impact of reducing the burden of government over-regulation.

Nevertheless, I hope we will not be bashful or tardy about taking action that is needed now. To the American people, regardless of transition time, Ronald Reagan was elected, is President, and should act swiftly and decisively.

I am grateful for your friendship and key leadership role in giving America this new day and new hope. It's great to be on the team.

Sincerely,

GEORGE HANSEN,
Member of Congress.

DECEMBER 2, 1980.

Hon. RONALD REAGAN,
President-elect, United States of America, Transition Office, Washington, D.C.

Re Immediate action to reduce interest rates.

Personal attention: Senator PAUL LAXALT.

DEAR MR. PRESIDENT-ELECT: As the Ranking Republican of the House Domestic Monetary Policy Subcommittee, I have for several months thoroughly investigated the inter-relationship between inflation, interest rates, and the nation's money supply—and warned of the impending economic disaster we face from prolonged deficit spending policies and political manipulation of the nation's credit markets.

It is most unfortunate that presidential transition occurs at a time when a weak and failing economy needs the firmest hand possible. Our most pressing challenge is to find the means which will be most effective for short-term survival as well as for long-term recovery—a course which can only be determined with an understanding of recent actions which have caused Americans everywhere to demand change and immediate relief.

In the spring of this year, money supply was suddenly strangled, as the rate of growth was arbitrarily reduced to zero and then actually went negative. At the same time, interest rates soared to the neighborhood of 17 to 20 percent.

Then, as the 1980 general election approached, the trade-off between interest rates and printing press money was worked the other way. When I spoke about this matter on the Floor of the House at the beginning of October, the annual rate of growth of the money supply had been expanding alarmingly and was running 17 to 20 percent while interest rates skidded down to 11 percent. Thus, twenty percent interest rates were being swept under the rug until after the election by speeding up the printing presses to 20 percent (even then President Carter was unsuccessfully calling for additional money expansion and was obscuring the real inflation rate by altering methods of calculation).

At the time, I pointed out that this manipulation of the money supply "reduces the pain now, and that is good for an irresponsible Administration facing reelection, but a few months from now it can only result in another burst of inflation and higher mortgage rates than we have seen yet." And now we are reaping the whirlwind, as I predicted.

Indeed, we have the worst of both worlds: While record deficit spending continues to keep seam-bursting pressure on the economy, money supply has been growing for six months at rates around 15 and 16 percent, and it's buying us nothing in interest rate reductions. Instead, rates are now obviously going to challenge and perhaps surpass the levels reached in the spring—witness today's rise in prime to 18½ percent. Those small businesses who obtained some needed relief in the early summer of 1980 may now find that their luck has finally run out. More extended than ever, they face a truly grim business climate.

For years, the Banking Committee has been saying, both Democrat and Republican, that monetary growth has to be brought down and stabilized. During 1980 alone, money growth has varied from minus 10 percent to plus 20 percent, while interest rates—the key Federal Funds rate, for example—have varied from over 19 percent to under 9 percent. Even many of those members of the Banking Committee who generally urge more spending and more deficits and more taxes have agreed that it is time to stop this insane roller coaster of money spurts and crunches.

We apparently have to expect on the basis of past performance that the Federal Reserve is not going to stabilize monetary policy. Recent statements to Congress indicate no willingness whatever to face up to the inflationary pressures of federal deficit spending and reconsider the appalling deficiencies in operating procedures that have led to soaring interest rates even while bank reserves are being shoveled into the system at an alarming rate.

As President-elect, I'm sure you feel a deep responsibility, consistent with the statutory independence of the Federal Reserve, to seek a change in monetary policy. This can be done (1) by calling on the Federal Reserve to moderate its policies and discard its disastrous procedures such as lagged reserve accounting and non-borrowed reserve targeting, and (2) by stating an intention to appoint to the Board at the earliest opportunity persons who reflect this thinking and have indeed been leaders in developing alternative policies.

If one or two suitable appointments were made to key posts—such as Undersecretary for Monetary Affairs—you would not only give a strong signal that might induce the Federal Reserve to alter its policies and procedures, but you also would cause immediate announcement effects on markets. If the Federal Reserve can become more cooperative in dealing realistically and effectively with the nation's economic needs and problems, possibly no other action would be necessary. Beyond appointments, however, you can in addition support statutory changes in the Federal Reserve Act which will recognize inflation as a significant economic problem—and the vital part unwise monetary policy has had in aggravating and perpetuating inflation and the role good policy can play in stopping it.

There are a number of possible steps which can be taken immediately to begin the process of recovery. However, our most pressing need is to secure immediate relief from dangerously high interest rates generated by the destabilizing policies of the Carter Federal Reserve. Long-term relief, of course, can only be gained by defeating inflationary deficit spending which will permit a stable monetary policy over a period of years. Some immediate recovery in credit markets can be expected if you announce unalterable support and particulars for such a long-range policy. But substantial short-term relief requires fast-acting measures that build a base for long-term credibility and create an immediate psychology of hope which will inspire confidence and activity among businessmen and consumers.

The immediate magic necessary is to put forces in action which will result in significant interest rate reduction. The following measures are proposed to effect this reduction of interest rates while not compromising, and in fact building a base for, permanent inflation control:

I. Initiatives which can be taken:

A. Emergency cutbacks in government outlays. These are not budget reductions, but delays of expenditures or even outright eliminations (through possible rescissions). The objective is to reduce government borrowing below plan for a period of a few months, enough time to permit some business recovery by giving the private sector more credit supplies without having to print more money. I make no effort to detail possible cutbacks here, but they can be derived through your own preliminary studies and from prime information available to the transition teams. Additional stimuli with little or no Treasury outlay can be given for business and construction activity through selective advancement of commitment dates on obligations the government is already planning to undertake. Such activity provides a signal for action without any early drain on government resources.

B. Abandon all government debt operations in the medium and long-term issues and concentrate all necessary borrowing in short-term securities. This accomplishes two things: First, it emphasizes the Reagan Administration's determination to defeat inflation, because it anticipates lower interest rates and thus borrowing costs that would flow from reduced inflation rates in the foreseeable future. Second, it takes pressure off the parts of the credit markets which are especially important to the housing industry and for car buyers, two particularly depressed and interest-rate-sensitive sectors.

C. Sell some gold. It is within the discretion of the Secretary of the Treasury to sell gold, and it could be done in imaginative ways which permit American citizens at large to buy it, if private sector refiners and coiners and distributors are consciously involved. Through the sale of gold, government borrowing can actually be reduced for a time, and the monetary base simultaneously reduced, thus pointing the way to lower monetary growth, even while federal spending is unaffected.

II. Measures requiring legislative action:

A. Alter the Budget Act to prohibit new borrowing. This would not affect validity of existing debt, nor would it affect loan guarantees, such as for housing through FHA. But it would mean ultimately the end of additional pressure on the credit markets by government. This revocation of Uncle Sam's credit cards is incorporated in the Interest and Inflation Reduction Act which I introduced in this Congress, a copy of which is attached.

B. Make control of inflation through stable monetary policy the explicit, statutory mission of the Federal Reserve and the Federal Open Market Committee. This could be done voluntarily by the Federal Reserve, but experience indicates that legislative direction is needed—and such legislation is already available in draft form.

C. Amend the Internal Revenue Code to permit accelerated write-offs of capital investments which increases funds available for business expansion and modernizing and provides jobs.

D. Enact a one-shot tax credit for new American automobiles purchased or firmly ordered after December 1, 1980 and before June 30, 1981, the credit to be applied against taxes for calendar 1981. This can stand on its own and incorporates incentives which is a more desirable option than an import freeze—even a temporary one which only provides holding imports to the previous year's level.

The measures described are beneficial both as aspirin and penicillin. Aspirin for the short-term necessary to get the fever down and save the patient while penicillin for the long-term is needed for recovery. The announcement of the medication itself, even before it can be administered, provides considerable relief to the patient and all concerned and similar anticipation can work in the economy in coaxing the interest rates down. This was very evident in the "Reagan Rally" in the stock market after your election. The announcement-effects from merely stating that any of the above will be undertaken or supported by the Reagan Administration can be very large and such effects may be enough to get us over the hump that is being left behind by the Carter Administration which now has the nation's business community and their employees on the ropes. Announcements now can bring psychological relief now to push interest rates down.

Respectfully yours,

GEORGE HANSEN,
Member of Congress.

CARTER PUSHING FED PRINTING OF FUNNY MONEY TO WIN ELECTION

WASHINGTON, D.C.—Congressman George Hansen (R-Id), addressing a Lions club in Pocatello this week, charged that President Carter is deliberately and openly calling for the Federal Reserve to dangerously overexpand the nation's money supply in order to put an artificial lid on high interest rates to assure his own re-election.

In a statement prepared for the final October printing of the Congressional Record, reporting on recent disturbing trends in interest rates and money supply growth, Hansen called for an immediate end to the Carter Administration's scandalous election-year manipulations.

The Idaho Congressman noted that interest rates soared to 20 percent earlier this year when the money supply was being strangled, while more recently interest rates stagnated because the Federal Reserve has been recklessly expanding the money supply at a 20 percent rate.

"This is done," he said, "when the Federal Reserve buys vast amounts of government debt by printing huge amounts of funny money, which will result in even higher rates of inflation."

Hansen called for a permanent end to the monetary policy roller-coaster, through passage of provisions of H.R. 8223 where Congress would write specific monetary targets into law.

He said, "the bill, which was recently reported favorably by the Subcommittee on Domestic Monetary Policy, of which I am the Ranking Minority Member, can be moved along quickly and easily modified to implement the needed Congressional guidelines."

[From the CONGRESSIONAL RECORD, Oct. 2, 1980]

FEDERAL RESERVE GENERATING NEW SURGE OF INFLATION

Mr. HANSEN. Mr. Speaker, once again, inflation is being stoked up by the Federal Reserve. After knocking the economy for a loop with interest rates that remained too high for too long, the Federal Reserve has now set out to reaccelerate inflation by letting the money supply go out of control.

In the spring of this year, money supply was suddenly strangled, as the rate of growth was reduced to zero and then actually went negative. At the same time, interest rates soared to the neighborhood of 17 to 20 percent.

Now the trade-off between interest rates and printing press money is being worked the other way. Over the last several weeks, the annual rate of growth of the money supply has been running to 17 to 20 percent. A fiscally incompetent administration has brought us to the point at which the purchase of vast amounts of Government debt by the Federal Reserve is the only way to keep interest rates from exploding. The 18-percent interest rates are being swept under the rug until after the election by speeding up the printing presses to 18 percent. That reduces the pain now, and that is good for an irresponsible administration facing reelection, but a few months from now it can only result in another burst of inflation and higher mortgage rates than we have seen yet.

For years, the Banking Committee has been saying, both Democrat and Republican, that monetary growth has to be brought down and stabilized. During 1980 alone, money growth has varied from minus 10 percent to plus 20 percent, while interest rates—the key Federal funds rate, for example—have varied from over 19 percent to under 9 percent.

Even those members of the Banking Committee who urge more spending and more deficits and more taxes have agreed that it is time to stop this insane roller coaster of money spurts and crunches. On September 10, the Subcommittee on Domestic Monetary Policy, on which I sit as ranking minority member, agreed with only one dissent to write into the law some statutory discipline for Federal Reserve monetary policy. All the piously stated intentions of the Federal Reserve to steadily wind down money growth have come to nothing, so the subcommittee decided to put the targets into law and prevent this stupid boom-and-bust cycle that the White House and the Federal Reserve are apparently intent on perpetuating for strictly political reasons.

The bill also contains a provision to abolish the Federal Open Market Committee, which is now charged with monetary policymaking. Many Republicans are opposed to this provision, and it can be hoped that some other way can be found to get at the objective desired by the bill's author, Banking Committee Chairman **Henry Reuss**. But what ought to be noticed is that setting the money supply targets into law makes the question of who implements that statutory policy, whether the Open Market Committee or the Board of Governors, of much less importance.

In the face of 18- to 20-percent money growth, and only mildly rising interest rates, the administration several weeks ago called on the Federal Reserve to man the printing presses and hype the economy even more to hold down the interest rates at the cost of exploding inflation well after the election. We can expect this pressure to continue, and the printing presses to work overtime, until November 5. We should not be surprised if the Secretary of the Treasury, and even the President himself, publicly demand more funny money from the Federal Reserve. But after the election, we can look for another lurch in policy, another sudden dip on the monetary roller coaster—and then look out, fellow Americans, because your businesses and your jobs are again on the line.

It is no secret that all this is going on. And the sickening uncertainty about the future of interest rates and inflation is exactly why businessmen across the country are so afraid to invest in more production and more employment. A sluggish economy with heartbreaking stagnation in employment is the immediate price we are paying for these stop-and-race policies; inflation at a roaring rate is the price we will pay next year.

The only real solution for this mess is for Congress to get rid of the problem permanently, by adopting the statutory limits on money growth that are contained in H.R. 8223.

Interest and Deflation Reduction Act

Dear Colleague: We are witnessing a startling collapse of the Carter Presidency both in domestic affairs and in foreign policy—a collapse so destructive and complete that in just three years we have seen our ramparts fall from the Middle East to the Caribbean, while at home the great American economy is sputtering to a halt as bankruptcy threatens millions of farmers and businessmen and unemployment skyrockets along with taxes, inflation and interest rates.

People are worried as gasoline prices double and they see their President pour more coals on the fires of inflation by raising the price another 10 cents per gallon with more to come from the new windfall profits tax.

People are worried as they see themselves being priced out of a home and even a car.

And what is the government now doing? Instead of taking away Uncle Sam's credit cards for his billion-dollar deficit-spending spree, which has given America the twin terrors of 20 percent interest and 20 percent inflation, the Carter Administration is putting the blame on the people by taking away their credit cards.

As a Senior Member of the House Banking and Finance Committee, I have continuously challenged the President, the Congress and the Federal Reserve System over their disastrous monetary policies.

But now, the most urgent fight of all is to immediately reduce taxes, interest and inflation so we can put America back to work, save the farmer and family businessman and again make it possible for people to buy a home, a car and live without fear that they'll soon be out of work and out of money.

To do this, I am taking the lead in a new legislative approach which has attracted great interest. It is the Interest and Inflation Reduction Act (IIRA), designed to cut off Uncle Sam's credit so he can't force the American people out of business by hogging some $40 billion out of the nation's credit market each year. It stops the President, the Congress and the Federal Reserve from dealing in deficit spending operations.

I strongly urge your co-sponsorship and support of the IIRA (attached) so we can provide a rallying point for concerned Americans and demonstrate a positive effort to end the danger and misery of high interest and inflation rates.

Please call my Legislative Assistant L. Arlen Withers at 5–5531 to co-sponsor or for further information.

Sincerely,

George Hansen,
Member of Congress.

Principle Points of the Interest and Inflation Reduction Act

Rescinds Presidential authority to propose new borrowing as a means of financing Federal government spending, and prohibits Congress from considering such borrowing in the budget process.

Makes the existing temporary statutory debt limit permanent.

Sets a constant general level of domestic prices as the guide for Federal Open Market Committee operations, thus makes zero inflation the objective of monetary policy.

Prohibits the Federal Reserve from trying to support Treasury security prices or otherwise accommodating Federal government borrowing.

Goes beyond balanced-budget proposals because it limits both on- and off-budget borrowing; but does not limit loan guarantees—such as through the Farmers Home Administration, nor does it limit borrowing by government-sponsored enterprises—such as the Federal National Mortgage Association.

By freezing the level of debt subject to statutory limit, the Act effectively prevents Federal trust funds from investing their surpluses in Treasury debt (the new Energy Security Trust Fund is already so limited; thus, the Act works by stopping Treasury borrowing to cover Federal funds deficits and off-budget deficits ($47.1 billion in FY 81) and by forcing trust fund surpluses ($13.8 billion in FY 81) into the credit market as loans to private borrowers, so the aggregate pressure on the credit market is relieved by both demand reduction and supply increase.

For comparison with the above figures, total funds raised by nonfinancial sectors in domestic markets are now running to about $400 billion (this is not an exact figure, since it is subject to wide variations because of business cycles; e.g., seasonally adjusted annual rates varied from $461 billion in the third quarter of 1979 to $348 billion in the fourth quarter).

H.R. 6788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

Section 1. The Congress finds that—

(a) urgent and immediate measures are needed to end high interest rates and inflation;

(b) a significant cause of high interest rates and inflation is the pressure of Federal Government borrowing on domestic credit markets, draining off funds otherwise available to the American people for productive private uses;

(c) Federal deficit spending is responsible for massive Federal Government borrowing;

(d) attempts to limit spending and taxes have failed, and the only alternative which will limit deficit spending is to limit absolutely the ability of the Federal Government to borrow; and

(e) the Executive, the Congress, and the Federal Reserve must all be simultaneously limited, if any significant curb on Federal borrowing is to be effective.

SHORT TITLE

Sec. 2. The short title of this Act shall be the "Interest and Inflation Reduction Act."

RESCISSION OF PRESIDENTIAL AUTHORITY

Sec. 3. Section 202 of the Budget and Accounting Act, 1921 (31 U.S.C. 13), is amended by striking "loans," from subsection (a).

RESCISSION OF CONGRESSIONAL AUTHORITY; RULES

Sec. 4. (a) Subsection (a) of section 301 of the Congressional Budget Act of 1974 (12 U.S.C. 1322(a)) is amended by striking the words "or the deficit" in paragraph (3) and the words "increased or" in paragraph (5).

(b) Subsection (a) of section 303 of the Congressional Budget Act of 1975 (12 U.S.C. 1324(a)) is amended by striking paragraph (3), by adding the word "or" at the end of paragraph (2), and by renumbering paragraph (4) to (3).

(c) Subsection (a) of section 310 of the Congressional Budget Act of 1974 (12 U.S.C. 1331(a)) is amended by striking paragraph (3), by adding the word "or" at the end of paragraph (2), by renumbering paragraph (4) to (3), and by striking the words ", and (3)" in paragraph (4) and inserting before "(2)" in that paragraph the word "and".

(d) Title II of the Act of September 29, 1979, relating to the public debt limit (Public Law 96–78), is hereby repealed.

(e) Title IV of the Congressional Budget Act of 1974 (12 U.S.C. 1351 et seq.) is amended by adding a new section as follows:

"SEC. (a) PROHIBITION OF NET NEW BORROWING.—No bill or resolution, nor any amendment to any bill or resolution, shall be considered in either the House of Representatives or the Senate, if—

"(1) the enactment of such bill or resolution as reported, or

"(2) the adoption and enactment of such amendment

would violate the limit on the public debt imposed by the Second Liberty Bond Act, as amended, nor shall any conference report on any such bill or resolution be considered in either the House of Representatives or the Senate if the enactment of such bill or resolution in the form recommended in such conference report would violate that limit or cause it to be violated.

"(b) The limitations imposed by this section shall not be applicable during the period of a national emergency.".

PERMANENT DEBT LIMITATION

SEC. 5. Subsection (a) of section 101 of the Act of September 29, 1979, relating to the public debt limit (Public Law 96–78), is hereby amended by—

(a) striking all from the beginning through the words "May 31, 1980,"; and

(b) striking the words "shall be temporarily" and inserting in lieu thereof the word "is".

PROHIBITION ON SECURITIES MARKET INTERVENTION BY FEDERAL RESERVE

SEC. 6. (a) Subsection (c) of section 12A of the Federal Reserve Act (12 U.S.C. 263) is amended to read as follows:

"(c) The time, character, and volume of all purchases and sales of paper described in section 14 of this Act as eligible for open-market operations shall be governed with a view to maintaining a constant general level of domestic prices and avoiding destabilizing changes in total purchasing power, and to that end shall foster a steady growth in the aggregate of checkable deposits and currency in circulation approximately equal to the long-run growth in real national product: *Provided, however,* That stabilization of the market for securities of the United States Treasury, or accommodation of borrowing actions of the United States Treasury shall not be considered to be an appropriate principle by which such purchases and sales should be governed.".

(b) Subsection (b) of section 14 of the Federal Reserve Act (12 U.S.C. 355) is amended by adding a new paragraph at the end thereof, as follows:

"(3) Nothing in this subsection shall be construed as permitting purchases and sales for the purpose of stabilizing the market for United States Treasury securities, or accommodating borrowing by the United States Treasury.".

(c) Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by inserting at the end of the sixth sentence thereof the following: ", except that no condition in the market for United States Treasury securities, particularly the yield or discount price at which new such securities are sold, shall be considered a reason for deviating from the objectives and plans so disclosed.".

Hansen Sponsors New Act To Cut High Inflation and Interest Rates

WASHINGTON, D.C.—Rep. George Hansen (R-Id) today introduced legislation designed to prohibit the Federal Government from "hogging the money market, driving up interest rates and sending inflation sky-high."

Hansen, speaking on the floor of the House of Representatives, said the Interest ánd Inflation Reduction Act (IIRA) which he introduced and which, if promptly passed, would provide an end to high interest rates and a psychological boost for the markets, would stop the cries of anguish from American citizens "being hit with 18 percent salvos of inflation and interest rates from the terrible twin barrels of an economic shotgun which is ripping the nation's economy.

The Idaho lawmaker, a senior member of the House Banking and Finance Committee, pointed out that he has sponsored many bills designed to balance the budget, but said, "IIRA is a more practical approach to gain broad support because it speaks directly to the interest and inflation crisis people are complaining about and goes directly to the heart of the credit problem by preventing the President, the Congress and the Federal Reserve system from deficit spending operations."

"The IIRA stops the Federal Government from borrowing money so desperately needed by private citizens by freezing the public debt limit at the present level, rescinding the authority of the President to propose new borrowing in his budget, by ending the authority of the Congress under the budget act to consider new borrowing, and prohibiting the Federal Reserve from accommodating deficits by ballooning the money supply and jacking-up interest rates."

"In plain words, although it does not impair the validity of presently-issued debt, and does not require a paydown of the public debt, it does prevent any addition to the present swollen debt of the government."

The IIRA, Hansen said, will provide desperately needed help for Middle America and all America is invited to join in obtaining early and favorable consideration. Passage will provide "quick, substantial and practical relief to beleaguered small businesses, family farms and private individuals, especially those who are trying to hang onto a job or buy a home."●

PROBLEMS AT THE EEOC AND DEPARTMENT OF LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 15 minutes.

● Mr. CORCORAN. Mr. Speaker, recently I discussed a continuing problem with several of my constituents. That problem is the flagrant mismanagement of the operations of the Equal Employment Opportunity Commission and specifically the Chicago North Office of Federal Contract Compliance Programs of the Department of Labor. Three businesses, all in my district, Stephens-Adamson, Inc., Lyon Metal Products, Inc., and Barber-Greene Co., all of Aurora, Ill., have been frustrated by the way the EEOC performs on-site compliance reviews at their respective facilities.

All three groups point to a similar problem in their correspondence and related material to me regarding EEOC, the overregulated businesses who are at the mercy of those unelected, faceless bureaucrats. I truly hope that the 97th Congress and the incoming administration will reverse this deplorable situation—it surely cannot get any worse. I will be working toward those ends.

Mr. Speaker, at this time, I would like to insert in the RECORD copies of the correspondence and other materials sent to me by these three businesses about their EEOC problems:

AURORA, ILL.

Hon. THOMAS CORCORAN,
House of Representatives,
Washington, D.C.

DEAR TOM: Acting as a private citizen, I writing to you to express my sincere concern and dismay regarding the harassment tactics which are prevalent with the Chicago North Office of Federal Contract Compliance Programs of the U.S. Department of Labor.

Seven years ago today I came to Stephens-Adamson, Inc. at Aurora, Illinois to take full responsibility for all phases of industrial relations. Over that period of time I have conscientiously focused our employment activities toward the affirmative improvement of our utilization of females, minorities, the handicapped, impoverished, veterans and ex-offenders. For the past two years we have been commended by the National Alliance of Business for exceeding our pledges toward the hiring of the foregoing categories of individuals. All this has occurred in the face of drastic reductions in our work force.

Stephens-Adamson rarely does any government contract work, and to my knowledge the only current work we have underway for the U.S. Government is a program where we were literally implored to provide our services.

Each time we have undergone an on-site compliance review it has been conducted in cavalier fashion—with an incredible imposition of demands for comprehensive statistical data. Many, many hours of data gathering and reporting are spent in an atmosphere that we are guilty until we establish our innocence. The development of hiring goals is predicated on "negotiation" as to availability figures within categories of jobs. One company in the same area may have one figure to go by for a specific category while a neighboring firm may have an entirely different figure

But the frustrating and perplexing situation which simply is capricious is that the compliance officer who conducted our on-site audit held a closing conference with the President of our company in which conference he indicated we were in compliance and commended us for our good faith efforts in hiring females in our factory; his boss eventually determined that the "on-site compliance review indicates serious EEO deficiencies." He then went on to impose burdensome and arbitrary requirements which I believe are not only unwarranted, but also contradictory to the findings of the compliance review upon which his determination was made.

In my opinion, the vast majority of managers in industry believe in nondiscrimination just as they advocate a safe and healthy work environment. We have seen industry come to regard OSHA as an adversary rather than as an ally. The same trend is evident as to the administration of EEO standards.

I grew up in an atmosphere of trust of government. The atmosphere is changing. Counter-productive harassment will not promote a spirit of cooperation. What has happened with me is happening throughout industry and business. It must be stopped.

Very truly yours,

DENNIS M. ROYALTY.

BARBER-GREENE COMPANY
[Interoffice Correspondence]

From: R. A. Andreasen.
To: W. A. Greene.
Subject: Synopsis 1980 Affirmative Action Audit Aurora Plant.

The Aurora Plant's Affirmative Action Plan has been audited in the spring of 1977, the spring of 1978 and in February 1980. During both the 1977 and 1978 audits, our plan and our personnel practices were found to be in compliance. (Copies of the compliance letters are attached.)

During the 1977 and the 1978 audits, particular attention was focused on our hiring practices in the Steel Shop where the entry level jobs are heavy and dirty and for those reasons were not offered to females.

During the 1980 audit, the OFCC representatives spent four days thoroughly reviewing female and minority jobs applications received during the period of 9-1-78 to 8-31-79. They also reviewed the personnel records of all entry level hires made during that period.

As a result of this intensive review, the Aurora Plant was found to be in non-compliance for discriminatory hiring practices due to an insufficient number of females in the Steel Shop in entry level jobs, as a penalty, the OFCC requires us to make entry level Steel Shop job offers to the 107 females who applied for a job during the period of September 1, 1978 through August 31, 1979 until six accept the job.

These six females are then to be given "retroactive pay and other appropriate relief for the period." We estimate this cost to be between $75,000 and $100,000 considering the wages and overtime involved.

We believe this to be unfair since the rules were changed without informing us of the change. However, after being advised of the "alleged discrimination in hiring practice," we immediately hired two females for entry level Steel Shop jobs.

At a recent meeting with the District Director, Ben West, we presented this point of view. He disagreed and stated that the previous audits were performed by either incompetent individuals or individuals who were ignorant of the law and we should be penalized since we were not in compliance with the law regardless of the compliance letters we had received previously. We continue to believe this is unfair and as a result, Mr. West has told us to expect a letter from the Regional OFCC Office in Chicago requesting our attendance at an administrative hearing on this matter. This letter has not been received as of this date.

BARBER-GREENE COMPANY

[Interoffice Correspondence]

From: L. H. Bernstein.
To: W. A. Greene.
Subject: 1980 Affirmative Action Audit—Aurora Plant.

Before I relate my experiences with our present audit, it is necessary to go back in time to two (2) previous on-site audits.

In very early 1977, the Aurora Plant's AAP for the fiscal year September 1, 1976 through August 31, 1977 was audited by a representative of the Defense Logistics Agency, Defense Contract Administration Services, Department of Defense. As a result of the audit, this plan was found to meet the requirements of Executive Order 11246.

Again in early 1978, the Aurora Plant's AAP for the fiscal year September 1, 1977 through August 31, 1978 was audited. This plan was also found to be in compliance with Executive Order 11246.

During both audits considerable time was devoted to discussing entry level positions for qualified female applicants. I explained to the auditors, at length, why we did not assign females into entry level positions within the Steel Shop. We discussed the heavy, dirty work in the Steel Shop and why it was not a good career path for individuals with potential, especially females. As is evidenced by the two (2) letters of compliance, both auditors found our hiring practices to be in keeping with their Affirmative Action requirements. Based on this total acceptance of the Aurora Plant's AAP, we continued to assign females into entry level positions in every department except the Steel Shop.

During the on-site audit conducted in early 1978, we negotiated and accepted labor market "Availability Percentages" for all EEO job categories with the compliance officer.

In late November 1979, the U. S. Department of Labor Employment Standards Administration, Office of Federal Contract Compliance Programs called and requested a copy of the Aurora Plant's current Affirmative Action Plan within 30 days. They agreed to our request to meet with them in December to make certain our plan format was in accordance with their wishes. At the meeting, we learned that the format of the AAP was incorrect and required revision. The plan format we used was based on the guidelines established by the Compliance Officer during the 1978 audit. A deadline of January 2, 1980 was given to completely revise the AAP and deliver a copy to the O'Hare OFCC Office. I requested a short extension since our facility was to be closed from December 21 to January 2. The extension was granted but later rescinded. Consequently, it was necessary to work most of the Christmas Holiday Season to revise the plan to conform to their requirements. The plan was hand-carried to the OFCC Office on January 2, 1980.

Shortly after submitting the plan, an on-site audit was scheduled. We were visited by two (2) auditors who reviewed all female and minority applications for entry level positions for the period of September 1, 1978 through August 31, 1979. They also reviewed the personnel files of all entry level hires for that same period Their review of these records required four (4) full days. During this 4-day period, we were not informed of the information they were seeking.

After completing their 4-day review, we were given a list of female employees they wished to interview privately. I was not made aware of the questions or answers that took place during these interviews.

Following the four (4) day review of our records, I was given an opportunity to discuss the situation with the auditors. I was asked many questions and answered each honestly and candidly. During that discussion, I was advised that our hiring practices relative to entry level positions in the Steel Shop (Fabricator Trainee Job Classification) were discriminatory and the "Availability Percentages" (agreed to by the auditor in 1978) were much too low. Nothing was resolved at this meeting.

A few days later, the OFCC called to schedule another visit. During this meeting, the auditors indicated they wanted to again review the records they had previously reviewed for four days. (Following the completion of the first review, we were told to refile the records as they were no longer needed.)

During the telephone conversation scheduling this meeting, I asked the auditor to bring relevant statistics to prove their contention that the "Availability Percentages" for the local labor market were much higher than had been agreed to during the previous audit. They did not give me this data. After further discussion on "Availability Percentages," we agreed to increase the "Availability Percentages" for Female Laborers to 20%. There was no data to support this concession by me. We further agreed to hire females into the entry level job classification of "Fabricator Trainee" in the Steel Shop. Following this meeting by a few days, two (2) females did accept positions in this classification.

During the closing conference, the auditors stated that with the possible exception of our problem in the "Fabricator Trainee" job classification, the remainder of the AAP for the Aurora Plant was satisfactory. They stated they would review our alleged Steel Shop discriminatory hiring practice with their superior prior to making a determination on a course of action.

The next contact with the OFCC was their letter of April 22, 1980 which cited the penalty for our alleged failure to hire females for the "Fabricator Trainee" job classification. The penalty imposed was to offer "Fabricator Trainee" jobs to a group of 107 females (who had applied for jobs during the September 1, 1978–August 31, 1979 period) until six accepted that position. Retroactive pay and other appropriate relief was to be given to these new hires. This was the substance of the non-compliance letter. (Copy is attached.)

Based on the direction of this letter, we scheduled a meeting with the District Office, Office of Federal Contract Compliance Programs at their O'Hare office for the morning of May 13, 1980.

After arriving at the O'Hare office for the May 13 meeting, we were informed that a policy change from the Regional OFCC Office revoked their authority to meet with us. We learned that a "Show Cause" letter from the Regional OFCC Office would be sent to us outlining the future course of action.

Prior to receiving the "Show Cause" letter, I received a telephone call from the District OFCC Office detailing additional deficiencies in the Aurora Plant's AAP. I asked that the alleged deficiencies be put in writing and received an OFCC letter dated May 27, 1980 which outlined three (3) additional alleged deficiencies.

Following receipt of this letter, I called the District OFCC Office and requested that these newly cited deficiencies be made a part of the "Show Cause" letter and become a part of the future conciliation procedure.

In late August, a "Show Cause" letter, dated August 20, 1980, was received from the Assistant Regional Administrator, Office of Federal Contract Compliance Programs, Employment Standards Administration, Region V, United States Department of Labor. The letter included the three additional alleged deficiencies as well as the alleged discriminatory hiring practice charge.

Based on this letter, a meeting was held on September 17, 1980 with the District Director, Ben West, and two of his colleagues. During the meeting with Mr. West, we defended our non-hiring of females into the "Fabricator Trainee" jobs on the basis of the two previous audits during which the practice was thoroughly reviewed and in both audits, we were found to be in compliance. Mr. West stated that the compliance officers involved in those audits were either "incompetent or ignorant of the law." We stated that we thought it was unfair to "change the rules in the middle of the game" without communicating the change to the players and then penalizing them for an alleged violation of which they were unaware. We also pointed out that as soon as we learned of our alleged discriminatory hiring practice, we did hire females into the job classification in question. We also questioned what would occur a year from now when the compliance officer might invoke a penalty for another alleged discriminatory practice that these gentlemen failed to bring to our attention.

Mr. West was not persuaded to our point of view and in concluding the meeting indicated that we would receive a letter from the Regional OFCC Office which would request our attendance at an administrative hearing. As of this date, October 2, 1980, the letter has not been received.

I have attempted to outline the significant events of this experience in a chronological sequence. Many other issues were discussed during the several days of the audit. It is not possible to recall each point discussed but in all instances their questions were answered candidly and honestly.

LYON METAL PRODUCTS, INC.,
Aurora, Ill., November 21, 1980.
Hon. TOM CORCORAN,
Longworth House Office Building,
Washington, D.C.

DEAR TOM: It was a pleasure to discuss our problems with the federal government with you, Ralph Andreasen, Dennis Royalty and Bob Fisher. I hope the information below will be of some help.

As you may recall, our review by the Office of Federal Contract Compliance began in November 1979. Although we still do not have an official letter indicating that our Affirmative Action Plan is in compliance, we have finally been assured verbally that we are indeed in compliance.

To say it has been a year of frustration is putting it mildly. We have always cooperated with representatives of the EEOC. Frequently we have sent them information which is nothing more than a duplicate of what we had sent previously. We can only presume that the original material was either misfiled or lost.

On one occasion (in December 1979) we were given a few days to revise certain material and deliver the revision to the OFCC office in Wood Dale. We requested a few days grace (much as the EEOC representatives have requested of us on many occasions) and were denied any additional time. Instead we were told that unless our material was postmarked no later than a specific date in December, the OFCC would issue a "show cause" order. There appeared to be no way that we could meet their deadline. Nevertheless, with the help of a dedicated staff we produced the required documents, hand delivered to the OFCC office.

You would think that sometime soon after that we would at least receive an acknowledgment indicating that the material had been received. We heard nothing further from them until the following February!

We have hired an outside consultant who is an expert in the statistics required by EEOC. This help has not been cheap. However, if we had not contracted for such help, we would have ended up spending several hundred thousands of dollars as the result of penalties which would have been imposed on us by OFCC. I shudder when I think how close we came to accepting the government's statistics (which were proven by our consultant to be wrong!).

Finally, what disturbs us most of all is the fact that despite our many years of good faith bargaining with our unions and what we considered top-notch personnel policies and practices, we have to go through an ordeal such as described above. It seems to be a situation where you are guilty until proven innocent. I wonder sometimes what smaller companies do when they are faced with dictatorial demands and do not have the money or the ability to fight back. We have always attempted to follow the law and we have had an affirmative action plan long before the government ever came up with their idea of just how employees should be treated. Yet we have to go through the time-consuming harassment such as we have endured for the past year!

I hope that you will find time to discuss this matter with your colleagues and that we may expect some changes after the first of the year.

Best regards.

Sincerely,

WILLIAM C. WARREN,
Vice President.●

GORDON TECH FOOTBALL TEAM VICTORIOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNIZO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is with pride that I bring the attention of my colleagues to the victorious achievement of the football team of Chicago's Gordon Technical High School, which is located in the 11th District I am honored to represent at 3633 North California Avenue.

Father Edwin F. Mitrenga, C.R., principal, taught at the school for 9 years before he became principal 8 years ago, and his noble example of service is most commendable. His leadership has made Gordon Tech a vital and inspiring part of our Northwest Side Chicago Community.

The Gordon Tech team recently won the State of Illinois class 6–A football title, finishing the season with a 12–1 record. This splendid victory represents an outstanding record of excellence and accomplishment, and I extend my warmest congratulations to every member of the team, their coaches, and their assistants.

Those names follow:

GORDON TECH FOOTBALL TEAM

Head Football Coach and Athletic Director: Tom Winiecki.

Team Members: Greg Jacobson, Dave Dietz, Don Johson, Timothy Ryan, Brad Luczak, Kevin Jennings, Ricky Smith, Carry Lewandowski, Pete Moe, Lucius Hardman, Mickey Mortorano, Ron Glad, Martin Calkins, David Taghon, Ricardo Gonzalev, Pat McAvoy, Pat Alshafi, Jeffrey Kummrer, Thomas Hartnet, James Wozniak, Laroy Foster, Timothy O'Brien, Robert Cozzini, Steven Holley, Taso Vasilakos, Ray Wildeboer, Don Kroski, William Jeske, Bill Stuckey, Robert Schmidt, Patrick Jennings, Greg Schaffrath, Alex Escardo, John Laframboise, John Morris, William Gannon, Bret Patti, Timothy Galus, Andrew Williams, Todd Neimark, Robert Bernardini, Ronald Plantz, Edward Cendejas, Jim Leyden, Bernie Lyons, Joe O'Neill, Cornelius Foley, Alvin Jones, Tim Jacobs, Jerome Kinsey, Peter Penkala.

Assistant Coaches: John Hoerster, Bill Wynn, Dan Vajac, John Gruber, Jerry Jasinski, Bob Carskie, Mark Puchalski, Bill Hennessey, Mike Hennessey, John Urban.

Team Physician: Robert Hamilton, M.D.

Team Trainer: Clarence Bronco Telkes.

Assistant Director and Moderator: Reverend Ron Dernick, C.R.

Statistician: Kathleen Pisarek.

Head Student Trainer: Carl Niedorowski.

Assistant Trainers and Managers: Caeser Castroverde, Gary Wyshel, Hector Ledesma, Bill Harp, Jose Munoz.●

A WORD OF THANKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 5 minutes.

● Mr. JOHNSON of California. Mr. Speaker, I want to take this occasion to express my deep gratitude to those Members of this body who expressed themselves so generously Wednesday about my service in the Congress during a special order.

While their words may have been more generous than just, their thoughts and their words mean a great deal to me. I believe the most treasured thing a Member of Congress can take with him when he leaves these hallowed halls is the respect of his colleagues. The many gracious remarks yesterday and the thoughts that lie behind them will be in my mind as long as I live, and I will treasure them among my most precious possessions.

Mark Twain said that he could live for 2 months on a good compliment. With this as a yardstick, I will be sustained for many years to come by the statements rendered yesterday.●

FACTSHEET FOR WOMEN IN THE FOURTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

● Mr. DRINAN. Mr. Speaker, I thought my colleagues would be interested in the following factsheet I prepared describing the legal rights, benefits, and services available to women in my congressional district:

FACTSHEET ON WOMEN'S RIGHTS

JOB DISCRIMINATION

The Civil Rights Act of 1964 prohibits employment discrimination on the basis of sex, as well as race, color, age, national origin, ancestry, or religious creed. Violations of this act may be reported to the Equal Employment Opportunity Commission (EEOC) at:

Equal Employment Opportunity Commission, 150 Causeway St., Suite 1000, Boston 02114. (617 223–4335.

The EEOC also distributes a publication, entitled "Guidelines on Discrimination Because of Sex," which outlines the law as it pertains to the issue of pregnancy.

The Massachusetts Commission Against Discrimination (MCAD) also handles complaints of persons employed in the state of Massachusetts. MCAD offices are:

Massachusetts Commission Against Discrimination, One Ashburton Place, Room 101, Boston 02108, (617) 727–3990, (617) 727–3991.

Massachusetts Commission Against Discrimination, 75A Grove St., Worcester 01605. (617) 752–2722.

The Revenue Sharing Act, as amended in 1976, prohibits any state or local government program receiving Revenue Sharing funds from discriminating on the basis of sex. And complaint to the office of Revenue Sharing (ORS) will trigger an ORS investigation. The American Civil Liberties Union (ACLU) of Georgia has published a complaint manual containing regulations and guidelines for preparing a complaint. The ACLU also advises persons who file complaints with the ORS to monitor the ORS in order to insure a thorough and accurate investigation. Send complaints to:

Civil Rights Division, Office of Revenue Sharing, 2401 E St., NW., Washington, D.C. 20226.

For a copy of "Filing a Discrimination Complaint With Revenue Sharing," send $7.50 to:

American Civil Liberties Union of Georgia, 88 Walton St. NW., Atlanta, Georgia 31303. (404) 523–5398.

The Law Enforcement Assistance Administration (LEAA), which provides funding for many local law enforcement agencies and court programs, investigates complaints within its jurisdiction. The LEAA can be contacted at:

Office of Civil Rights Compliance, Law Enforcement Assistance Administration, 633 Indiana Ave. NW., Washington, D.C. 20531. (202) 724-5980.

"A Working Woman's Guide To Her Job Rights," a Labor Department brochure, elaborates upon rights and benefits pertaining to working women. For a copy of this publication, contact the Department of Labor at:

Department of Labor, Room 1001, John F. Kennedy Building, Boston 02203. (617) 223-4036.

SMALL BUSINESS

The recently created Office of Women's Business Enterprise, a division of the Small Business Administration (SBA), provides services to small businesses which are at least 51 percent owned by women.

For financial and management assistance and information regarding small business development centers and institutes, contact the SBA district office at:

Small Business Administration, 150 Causeway St., Boston 02114. (617) 223-3196.

This office also provides procurement assistance. Contact:

Ethel Fredricks, Women-In-Business Coordinator. (617) 223-3340.

"A Small Business Guide—A Directory of Federal Government Business Assistance Programs for Women Business Owners," an SBA publication, details federal loans and grants available for women-owned businesses and lists those federal agencies which employ the services of small businesses. Copies of this publication and of "The Bottom Line on Equal Enterprise in America" can be obtained through the SBA district office.

SOCIAL SERVICE

Women may receive social security benefits either as wives or as workers. A married woman who does not work outside the home qualifies for protection and Medicare coverage in the event that her husband retires, becomes disabled, or dies. Under certain circumstances, divorcees and remarried widows may also be eligible for benefits.

Working women are entitled to the same social security benefits as men. Paycheck deductions count toward monthly retirement income, and, while on the job, women are covered under disability and survivor's protection. A woman, her children, and her husband, if he is over 60 years of age, may receive checks if she becomes disabled. The husband, children, and parents may also receive payments in the event of the wife's death. To qualify for benefits, a woman must earn credit for a certain amount of work. Credit earning is cumulative over the span of years involved, including intermittent years during which one is not working. This could be significant, for instance, for women who take time off to raise children.

Married persons can receive retirement checks based either on their spouse's work record or their own. A woman with a high earning record will probably be eligible for higher benefits on her own work record than on her husband's record.

Two Social Security Administration (SSA) publications entitled "A Woman's Guide to Social Security" and "Women and Social Security" further explain women's rights and benefits. Copies of these pamphlets are distributed by the SSA office in Boston:

Social Security Administration, 31 Saint James Ave., Room 250, Boston, MA 02116. (617) 423-3700.

TAX CREDITS FOR DAY CARE

The Tax Reform Act of 1976 replaced the federal income tax deduction for child and dependent care services with a tax credit. After your federal tax has been computed, 20 percent of expenses incurred for child/dependent care may be subtracted, up to $400 for one child or $800 for two or more children under age 15.

This credit is available to those who do not itemize their deductions as well as those who do, to married couples if both spouses work full or part-time, or if one spouse works while the other is a student or incapable of self care, and to single parents.

For further information, ask for a free copy of tax publication 503, "Child Care and Disabled Dependent Care," from the Internal Revenue Service. In Boston, call (617) 367-1040 to obtain a copy of this publication; within the 617 area, call toll free 1-800-892-0288. Or contact the Internal Revenue Service at:

Internal Revenue Service, John F. Kennedy Building, Government Center, Boston 02203. (617) 523-1040.

DOMESTIC VIOLENCE

During the last five years, Massachusetts has passed legislation creating a new substantive criminal offense for physical abuse of a family or household member. State statutes have provisions for protection orders and police intervention. These statutes also appropriate funds for services to violent families and establish standards for operation of shelters for battered women.

If you are a victim of domestic violence, the Montachusett Task Force on Battered Women offers medical, legal and welfare advocacy. They have counseling Monday through Friday from 9:30 a.m. until 2:00 p.m., and their hotline takes calls 24 hours a day, 7 days a week. They are also able to give referrals to other shelters and services in the area. Please contact:

Montachusett Task Force on Battered Women, P.O. Box 911, Fitchburg 02140. (617) 342-9355.

EMERGE offers small, male led, group counseling for men who batter their wives. Please contact:

EMERGE: Men's Counseling, 25 Huntington Avenue, Boston 02116. (617) 267-7690.

CREDIT RIGHTS

The Federal Equal Credit Opportunity Act, effective October 28, 1975 and since strengthened by amendments, has increased the availability of credit to women. While credit is a privilege, dependent on your ability to pay, and is not a right, the Act guarantees that women have the same access to credit as a man in the same financial situation. The Act prohibits a great many discriminatory practices, some of which include:

Refusing credit because of a change in marital status;

Refusing a married woman a separate account even though she would qualify if she were single;

Demanding financial information about a spouse when the applicant is individually creditworthy;

Refusing to extend or continue credit because your age makes you ineligible for credit insurance.

To learn more about your right to equal credit, or to file a complaint, contact:

Regional Office, Federal Trade Commission, 150 Causeway Street, Boston, MA 02114. (617) 223-6621.

MATERNITY LEAVE

The Pregnancy Discrimination Act of 1978 prohibits discrimination against women employees because of pregnancy, childbirth or related medical conditions. All areas of employment are covered, including hiring, firing, promotion, and seniority rights as well as fringe benefits such as sick leave and health insurance. As amended by the Pregnancy Discrimination Act, Title VII now requires employers to treat pregnancy, childbirth and other related conditions the same as other medical conditions which affect employees.

The Act, which covers all institutions with fifteen or more employees, requires that institutions may not discriminate against women workers in all employment related policies and practices, including:

Recruiting and hiring;
Awarding tenure;
Determining or changing compensation;
Promotion;
Class assignments;
Seniority;
Granting leaves of absence;
Providing fringe benefits;
Offering tuition assistance;
Providing sabbaticals and
All other terms, conditions or privileges of employment.

If you feel that you have been discriminated against and would like to file a complaint or obtain more information, please contact:

Massachusetts Commission Against Discrimination, 1 Ashburton Place, Room 601, Boston, MA 02114. (617) 727-3990.

DISPLACED HOMEMAKERS

A displaced homemaker is a woman who, after working at home providing unpaid services for family members for a substantial number of years while being supported by the income of another family member or through public assistance, is experiencing difficulty in obtaining or upgrading employment.

If your income is below 70 per cent of the lower living standard income level, you are eligible for services provided by the Comprehensive Employment and Training Act (CETA). Second Wind II, operated through CETA funds, offers job skills, training, secretarial skills, and individual and group counseling. After a 22 week training period, starting January 5, 1981 and ending June 5, 1981, Second Wind is often able to match job openings in the area with eligible women.

For more information about Second Wind, contact:

Fran Felder-Gehling, Second Wind II, Roosevelt School, Fay Road, Framingham, MA 01701. (617) 620-0877.

If your income is above 70 per cent of the lower living standard income level, you are not eligible for CETA, but may take advantage of services provided by the Massachusetts Department of Cooperative Education (DCE). They offer a range of personal and academic counseling including training for use of transferable skills, goal identification, career and interest testing, and the development of self confidence and self esteem. A one credit course which covers job search skills, resume writing, and job search techniques, and which offers an internship experience is also available at the DCE.

If you would like to participate in this program or obtain more information, please contact:

Carol Beargeron, Department of Cooperative Education, Mount Wachusett Community College, Green Street, Gardner, MA 01440. (617) 638-6600.●

THE NEW MERCANTILISM AND THE FAILURE OF U.S. GOVERNMENT RESPONSE: INTERNATIONAL INFORMATION FLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 15 minutes.

● Mr. PREYER. Mr. Speaker, on Tuesday the Committee on Government Operations voted to issue a report and recommendations regarding the response of the executive branch to the problems emerging from the imposition of barriers to the flow of information throughout the world. The report, entitled "International Information Flow: Forging a New Framework," details the failure of the U.S. Government to effectively respond to the problems resulting from the emerging information barriers. The report also outlines the inadequacy of current Government organization. This study was the result of a yearlong investigation by the Subcommittee on Government Information and Individual Rights, which I have chaired for the last 4 years.

In simple economic terms, the United States is threatened with the loss of billions of dollars. In one of the few economic sectors in which American businesses hold a competitive edge—telecommunications and computer products and services—our ability to compete is threatened. At risk is a multibillion-dollar export sector growing at a rate of more than 30 percent each year.

The health and growth of other economic sectors dependent on the "information industries," such as international finance, are equally threatened—with billions more at stake. Barriers to the international flow of information also threaten injury to fundamental democratic freedoms and individual rights throughout the world.

The subcommittee investigation found that, in the face of these emerging threats, the U.S. Government is unprepared. It has developed neither comprehensive plans nor a coherent strategy for responding to the policies of other nations which may damage U.S. interests. The U.S. Government does not have even the organizational structure to develop such policies, coordinate its actions, and effectively protect U.S. interests. The report describes the problems emerging from the worldwide reconsideration of international communications policies and the flow of information. It explores the inability of current U.S. Government organization to respond to those problems; and it recommends a basic reorganization of Government activities in international communications and information policy.

While the report examines the past and current inadequacies of existing Government organization, these are not the only reasons for reorganization. Even if the existing organization had worked well in the past, it is incapable of providing the coordination of Government action and the development of policy necessary to anticipate and respond to the rapid change in international communications and the growth of barriers to the flow of information. The current organization is based on a dangerously obsolete compartmentalization of Government policymaking. The world has changed and continues to change with increasing speed. Yet, the U.S. Government holds to an organizational structure the essential weaknesses of which have been recognized for more than a decade.

The United States cannot afford an organization of Government which does not assure the most effective representation of U.S. interests.

For that reason, I am introducing today legislation which translates the recommendations of the report into statute. I do not believe that we can wait to begin the debate and process which will lead to an organization of the Government that will effectively represent our Nation's interests. I hope that the newly elected President and his administration will act quickly, in concert with the Congress, to remedy the organizational problems—the confusion, conflicts and lack of coordination—which have so far plagued the executive branch. I know that my colleagues on the Committee on Government Operations and in this House share my concern and sense of urgency.

The text of the bill follows:

H.R. 8443

A bill to reorganize the international communications activities of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Communications Reorganization Act of 1980".

ESTABLISHMENT OF COUNCIL ON INTERNATIONAL COMMUNICATIONS AND INFORMATION; FUNCTIONS

SEC. 2. (a) (1) There is established in the Executive Office of the President, for a period of five years beginning one month after the date of enactment of this Act, a Council on International Communications and Information (hereinafter in this Act referred to as the "Council"). The Council shall be composed of—

(A) an Executive Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate;

(B) the Secretary of State;

(C) the Secretary of Commerce;

(D) the Chairman of the Federal Communications Commission;

(E) the United States Trade Representative;

(F) the Director of the Office of Management and Budget; and

(G) the Assistant to the President for National Security Affairs.

(2) The Executive Secretary shall preside at meetings of the Council.

(3) The Council shall have a staff to be headed by the Executive Secretary. The Executive Secretary is authorized to exercise the powers of the Council established in section 3.

(b) The Council shall, under the direction of the President, develop and implement a uniform, consistent, and comprehensive United States policy on international communications and information and shall advise the President with respect to international communications and information. In order to implement such policy, to avoid duplicative activities and conflicting policies among Federal agencies, and to assure the greatest possible cooperation among such agencies, the Council shall—

(1) review and approve, disapprove, or modify any action or proposed action by any agency undertaken (A) under sections 2–3, 2–4, 2–5, and 5–2 of Executive Order 12046 of March 27, 1978 or (B) under Executive Order 12048 of March 27, 1978;

(2) coordinate the policies and activities of all Federal agencies involving international communications and information; and

(3) review all policy determinations of Federal agencies, and all proposed statements of United States policy by such agencies, relating to international communications and information, and approve, disapprove, or modify any such policy determination or proposed statement.

(c) The Council shall serve as the office of the Federal Government to which citizens and United States businesses may bring problems and concerns regarding international communications and information. The Council shall delegate to appropriate agencies responsibility to respond to such concerns and problems.

(d) The provisions of subsection (b)(3) shall not apply to any action or determination of an independent regulatory agency made pursuant to the rulemaking or adjudicatory procedures set forth in sections 553, 554, 556, or 557 of title 5, United States Code, or comparable statutory rule making or adjudicatory procedures.

(e) The Council shall, from time to time, make such recommendations and such reports to the President as it deems appropriate or as the President directs.

POWERS

SEC. 3. For the purpose of carrying out its functions under this Act, the Council may—

(1) subject to the civil service and classification laws, appoint and fix the compensation of such officers and employees as the Council considers necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of basic pay payable for grade GS–18 of the General Schedule provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) promulgate such regulations concerning its procedures and operations as may be necessary;

(4) utilize those services, personnel, and facilities of the Department of State, the Department of Commerce, the International Communications Agency, and the United States Trade Representative, that are used for international communications and information activities;

(5) utilize, with their consent, the services, personnel, and facilities of any other Federal agency;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Council and on such terms as the Council considers appropriate, with any agency or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)); and

(8) adopt an official seal, which shall be judicially noticed.

COOPERATION OF OTHER AGENCIES

SEC. 4. (a) All Federal agencies shall provide the Council with any information which the Council determines is necessary to carry out its functions, except to the extent that an agency is prohibited by statute from disclosing information to another agency.

(b) No Federal agency may issue any policy statement, engage in any consultation, establish any policy, or implement any change in policy, relating to international communications or information, unless such agency first submits to the Council such statement, policy, or policy change or notifies the Council of the nature of such proposed consultation and—

(1) the Council approves such statement, policy, policy change, or consultation;

(2) the Council modifies such statement, policy, policy change, or consultation, in which case the statement, policy, or policy change may be issued or consultation made only as so modified; or

(3) 60 days elapse after such submission or notification and the Council does not approve, modify, or disapprove the submission or notification.

(c) The provisions of subsection (b) shall not apply with respect to any action or determination of an independent regulatory agency made pursuant to the rulemaking or adjudicatory procedures set forth in section 553, 554, 556, or 557 of title 5, United States Code, or comparable statutory rule making or adjudicatory procedures.

ADVISORY COMMITTEE

SEC. 5. (a) The Council shall establish an Advisory Committee on International Communications and Information (hereinafter in this Act referred to as the "Committee") to provide overall policy guidance to the Council with respect to the functions of the Council. The Committee shall be composed of not more than 20 individuals and shall include representatives of labor, manufacturers, service industries, small business, consumer interests, the legal profession, and the general public.

(b) The Committee shall meet at the call of the Executive Secretary to provide policy advice, technical advice and information, and advice on other factors relevant to the activities of the Council. A meeting of the Committee shall be called and held at least once each calendar quarter.

(c) The Council shall, before approving under this Act any statement of new or changed United States policy relating to international communications and information, consult with the Committee for the purpose of obtaining the views of the Committee on the effect of the proposed submission on the social and economic interests of the United States.

(d) The Council shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the activities of the Committee.

(e) The Council shall adopt procedures for consulting with and obtaining information and advice from the Committee on a continuing and timely basis. Such consultation shall include the provision of information to the Committee as to (1) significant issues and developments, and (2) overall objectives and positions of the United States with respect to the activities of the Council. The Council shall not be bound by the advice or recommendations of the Committee but the Council shall inform the Committee of failures to accept such advice or recommendations. The Council shall submit an annual report to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate on consultations with the Committee, issues involved in such consultations, and the reasons for not accepting any advice or recommendations of the Committee.

INTERAGENCY COMMITTEE

SEC. 6. (a) There is established an interagency committee which shall be composed of the Chairman of the Federal Trade Commission, the Secretary of Defense, the Secretary of Labor, the Secretary of the Treasury, the Postmaster General, the Chairman of the Federal Reserve Board, the Administrator of the National Aeronautics and Space Administration, and the Director of the International Communications Agency.

(b) The interagency committee shall consider and advise the Council with respect to problems which Federal agencies encounter in the performance of their responsibilities with respect to international communications and information.

CONFIDENTIAL INFORMATION

SEC. 7. Any information submitted by a person to the Council, the Committee, or the interagency committee established in section 6 of this Act, which is exempt from disclosure pursuant to 5 U.S.C. 552(b)(4) [relating to trade secrets and confidential commercial information]—

(1) shall not, except as provided in paragraph (2), be disclosed without the consent of the person who submitted the information; and

(2) may be disclosed—

(A) to officers and employees of the United States designated by the Council or Committee,

(B) to any appropriate committee in Congress, upon the request of such committee,

(C) to the Committee, or

(B) pursuant to court order,

where the Council has taken appropriate steps to inform the recipient of the confidential nature of the information.

STATE DEPARTMENT

SEC. 8. (a) There is established in the Department of State a Bureau of International Communications and Information. The Bureau shall be administered by an Assistant Secretary of State for International Communications and Information who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Bureau established by subsection (a) shall, under the direction of the Secretary of State, carry out all functions of the Secretary of State under Executive Order 12046, and coordinate all other activities within the Department of State regarding international communications and information.

SPECIAL AMBASSADOR FOR TELECOMMUNICATIONS AND INFORMATION SERVICES

SEC. 9. (a) There shall be in the Office of the United States Trade Representative a Special Ambassador for Telecommunications and Information Services who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Special Ambassador appointed pursuant to subsection (a) shall, under the direction of the United States Trade Representative, carry out all negotiations, which are the responsibility of the United States Trade Representative, involving trade in telecommunications and information products and services.

FEDERAL COMMUNICATIONS COMMISSION

SEC. 10. (a) There is established within the Federal Communications Commission an Office of International Communications to be headed by an officer who shall be designated by the Commission and who shall act under the direction of the Chief of the Common Carrier Bureau of the Federal Communications Commission.

(b) The Office established by subsection (a) shall carry out all functions of the Federal Communications Commission under the Communications Act of 1934 relating to international common carrier communications and related telecommunications services.

REPORT OF COUNCIL

SEC. 11. The Council shall submit simultaneously to the President and to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate—

(1) not later than 3 months after the date of the enactment of this Act, and periodically thereafter, a report setting forth the Council's plans for fulfilling its responsibilities under this Act, including its priorities for responding to problems and developing policies with respect to international communications and information; and

(2) not later than 16 months after the date of the enactment of this Act, a report setting forth any legislative or administrative recommendations necessary to further coordinate and establish a uniform, consistent, and comprehensive United States policy with respect to international communications and information.

AMENDMENTS

SEC. 12. (a) Section 5315 of title 5, United States Code, is amended by striking out "(13)" immediately after "Assistant Secretaries of State" and inserting in lieu thereof "(14)".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Executive Secretary, Council on International Communications and Information.

"Special Ambassador for Telecommunications and Information Services."

DEFINITIONS

SEC. 13. For purposes of this Act—

(1) "appropriate committee in Congress" means any committee or subcommittee of the House of Representatives or the Senate having legislative or oversight jurisdiction over the subject matter involved; and

(2) "independent regulatory agency" means the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission and the Securities Exchange Commission.●

AMERICAN MEDICAL ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 10 minutes.

● Mr. ROBERTS. Mr. Speaker, it has been called to my attention that the American Medical Association has conveyed to VA physicians the impression that the Association played a major role in the passage of the Veterans' Administration Health Care Amendments of 1980 (Public Law 96–330). A letter writing campaign is now underway informing physicians that the AMA, "through its expert lobbying effort," helped secure the passage of this major piece of legislation. Mr. Speaker, if a role was played at all by the AMA, I am unaware of it.

To my knowledge, the American Medical Association made no effort, nor did it take any position, on the Veterans' Administration Health Care Amendments of 1980, which did make the physicians and dentists special pay permanent.

During our hearings on this measure, the AMA did not present testimony for or against the bill.

In searching our files we are unaware of a single piece of correspondence from the association concerning their position on this measure. I have checked with the Senate Veterans' Affairs Committee and, to my knowledge, the association neither presented testimony nor submitted any statement for or against the bill in that body. The point is, Mr. Speaker, if any effort at all was made by the association, we are unaware of it. Certainly there was no major effort made and I can assure you the position of the

AMA had nothing to do with our passage of the bill.

Mr. Speaker, I am sure VA physicians are well aware of how this legislation came about. They worked directly with us in helping develop the legislation. Members of the House and Senate supported it overwhelmingly because they were convinced that the legislation was necessary if the quality of medical care for our Nation's sick and disabled veterans is to be maintained at a high level. To my knowledge, we received no help from AMA. We ran into extreme opposition by the Office of Management and Budget. It was reported the Secretary of Defense recommended that the bill be vetoed. The bill was vetoed by the President and we had to overcome many other adversities before the bill was signed into law. But the real reason the legislation was enacted into law was because of the overwhelming support the measure received, on its merits, from Members of the House and Senate. Its passage did not hinge on the efforts of the AMA, or any other association. There follows a copy of the AMA letter that has apparently been sent to VA physicians regarding this matter:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., November 3, 1980.

DEAR DOCTOR: Your National Professional Association—the AMA—is supporting you on two critical issues.

1. The AMA, through its expert lobbying effort, recently played a major role in the adoption of the Veterans Administration Physician and Dentists Pay Comparability Act of 1975, which made permanent the special pay provisions for VA physicians. The act provides a maximum increase of up to $30,000 a year above standard pay levels. The AMA successfully argued that this provision would maintain and attract highly qualified physicians to the VA service.

2. The AMA has also asked the county societies and the local VA hospitals to look into the potential contribution of the VA facility to the total health care of the community. We are, at the same time, exploring the many areas of non-VA community health resources that can assist in the care of VA patients.

Why you should become a member of the AMA:

Your AMA represents and supports all segments of the physician population in the U.S. and speaks as a single voice in the best interest of the medical profession. It is through this single voice, united and strong, that we can continue to influence the future of American medicine.

In 1981, the American Medical Association will continue to support the Veterans Administration as well as all physicians on critical issues which will affect organized medicine. We invite you to become a member of the AMA. Only through your active participation can we continue to represent your interests in Washington.

Please take the time now to send your dues in the enclosed post-paid reply envelope. It is only through your active participation that the AMA can support and represent you and your VA colleagues at the national level.

Sincerely,

ROBERT B. HUNTER, M.D.

P.S. AMA bylaws state that if eligible, membership is required in your county and state associations before joining AMA.

Mr. Speaker, I would advise the Chief Medical Director and all VA physicians to closely monitor future actions of the American Medical Association as such actions relate to veterans health care because it may be making an effort in the future to dismantle the Department of Medicine and Surgery of the Veterans' Administration as a viable health care delivery system. We have reasons to believe that some in the association may have a desire to drastically reduce the scope of the VA hospital system or to eliminate it entirely by mandating that veterans receive their care through a fee-basis program in the private sector. There follows a resolution recently considered by the American Medical Association's House of Delegates, my response thereto, and the most recent response I have received from Nicholas M. Griffin, secretary of the association:

RESOLUTION 111—MAINSTREAMING MEDICAL SERVICES TO THE VETERAN

RECOMMENDATION

Mr. Speaker, your Reference Committee recommends that Resolution 111 be referred to the Board of Trustees.

Resolution 111 would state as policy of the AMA that every individual injured or diseased as a proximate result of service in the uniformed services of the United States should have, as a matter of right, access to any appropriate care that person needs and desires, paid for by the people of the United States. The Resolution would also declare that all persons who have served in the uniformed services, who need medical care and who cannot themselves pay for it, should have access to appropriate care, paid for by the people of the United States. The Resolution in addition asks that the AMA propose effective and appropriate recommendations to the Congress in order to mainstream and upgrade medical care for veterans of our uniformed services.

The Reference Committee received a variety of views on this Resolution. Certain testimony indicated strong concern about the impact of the creation of new or expanded VA facilities relative to the problem of overbedding, with its adverse impact on cost-containment. Testimony expressed the need for continued accessibility to high quality medical care for veterans, stressing the advantages of care in the private sector. The Committee has reviewed the language in the resolves and concurs with the concerns expressed at the hearing about its broad scope, but questions whether the resolves reflect the sentiments expressed at the hearing.

The Committee is sympathetic with the objectives of the Resolution to place VA care in the "mainstream" of medical care and is aware of current AMA policy in support of bringing the VA health care system under the same types of review and regulation imposed on the private care system such as the federal health planning and PSRO review.

The Committee believes that an indepth study of the delivery of health care through the VA would be desirable and this can best be accomplished by referring this Resolution to the Board of Trustees, as requested by the representative of the Board at the hearing.

AUGUST 25, 1980.

Dr. ROBERT B. HUNTER,
President, American Medical Association,
Washington, D.C.

DEAR DOCTOR HUNTER: It was with profound dismay that I reviewed Resolution 111, "Mainstreaming of the Veterans Administration," offered for adoption on July 22nd at the 130th Meeting of the American Medical Association House of Delegates. It should be apparent to even the most uninformed layman that this Resolution is a thinly veiled attempt to dismantle the Department of Medicine and Surgery of the Veterans Administration as a viable health care delivery service, and to substitute for it a system of treatment for all veterans, service-connected and non-service-connected, on a fee-basis program in the private sector.

Although the Resolution properly was referred back to the Board of Trustees. I am appalled that it would even be considered worthy of debate within an American Medical Association group. Harmonious cooperation beween the Veterans Administration, this Committee and the AMA is of long-standing and the record will, I believe, show that each organization has been consistent in its support for the policies and the goals of the other.

The VA health care delivery system is now celebrating its fiftieth anniversary as an entitlement granted to our veterans by a grateful Nation. This system has always been maintained separately and distinctly from other public and private health facilities in accordance with the clear and consistent mandate from the American people through their elected Representatives.

There is substantial evidence that this Administration, through the Department of Health and Human Services and other social service agencies, would like to strip the VA health care delivery system of its charter to provide exclusively for the medical needs of veterans and incorporate the entire Department of Medicine and Surgery facilities as the nucleus of a national health insurance plan. I believe, Doctor Hunter, that it ill behooves your organization which has been so resistive of socialized medicine and oppressive government intrusion into private health care to consider a plan which would place 30 million veterans into the same category as welfare recipients.

Needless to say, I am extremely disappointed in your Association's attempt to intrude into the VA health-care system, and request that you communicate my remarks to the Board of Trustees.

Sincerely,

RAY ROBERTS,
Chairman.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., September 8, 1980.

Hon. RAY ROBERTS,
Chairman, U.S. House of Representatives, Committee on Veterans' Affairs, 335 Cannon House Office Building, Washington, D.C.

DEAR MR. ROBERTS: Robert B. Hunter, M.D. has asked me to respond to your recent letter concerning the Veterans' Administration-related resolution (Resolution 111) placed before the American Medical Association's House of Delegates at their July, 1980 Annual Meeting. You are correct: that resolution was not adopted, but instead referred to the AMA's Council on Medical Service for study and subsequent report at the June, 1981 Annual Meeting of the Association—when action will be taken.

On behalf of Doctor Hunter, thank you for your comments, which I will of course share with the Council on Medical Service as it review Resolution 111. Additionally, the Council will be meeting in Washington, D.C. on January 10–11, 1981 (at the Madison Hotel), and I would be happy to arrange a mutually convenient time for you or your representative to make a presentation to them on this subject, should you desire.

Again, thank you for sharing your views with us; please let me know if your office would like to be represented at our January 10–11, 1980 meeting.

Sincerely,

NICHOLAS M. GRIFFIN.

Mr. Speaker, I shall leave the Congress at the close of this session; however, those who follow me in positions of leadership are absolutely determined to keep the veterans hospital and health care system in place as is. No one is going to tamper with it and the AMA and others who may desire to do so should understand that it is not going to happen. I am confident of that fact.●

BLUE CROSS WILL NOT COVER SERVICES OF NURSE-MIDWIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

● Mr. WEAVER. Mr. Speaker, it is a curious fact, as we in Congress search every nook and cranny of Government for ways to cut the Federal budget and balance our Nation's books, that we continue to perpetuate certain Government practices which are both wasteful and unwise.

I mentioned one such case in a 1-minute speech Tuesday, and I would like to elaborate on it here. It is a fact that the vast majority of babies born in the world have been, and are still being born at home. Birth is an aspect of the human experience in which the medical arts are unavoidably and essentially involved, but it is not a medical problem, in the same sense that tuberculosis and cancer are medical problems. Only in the United States, with our emphasis on a hospital based medical system, is it customary to deliver the newborn in the confines of a hospital's maternity ward. Even this picture is changing, however, as an increasing number of American couples are choosing to avail themselves of the possibility of employing trained medical personnel to help them in delivering their children at home.

The American medical profession has responded, in its own way, to this increase in demand for home, family centered deliveries. There are now, in many States, certified nurse-midwives who perform home deliveries and offer extensive prenatal and postnatal care. Unfortunately, neither the Federal Government nor the private health insurance industry can be said to have made such great strides into the present. Although some States, such as Maryland, require that comprehensive health insurance providers cover the services of nurse-midwives as an integral part of their maternity coverage, many insurance companies will only pay for such services in those jurisdictions where they are forced to by State law.

This has forced a particularly poignant problem on all the Federal and congressional employees who might choose to have a home birth performed by one of the many qualified and certified nurse-midwives in the Washington, D.C., area. This is because Blue Cross-Blue Shield, the major health plan for most Government workers, has decided not to pay for deliveries that are performed by nurse-midwives.

Despite the fact that such deliveries cost less than half of the minimum cost for a hospital delivery performed by an obstetrician; despite the fact that the prenatal and postnatal care offered as a matter of course by nurse-midwives is often far superior to the same care offered by obstetricians, and also more comprehensive; despite the normally recognized right of patients to choose the mode of care which best meets their needs; and despite the increasing demand for home, family-centered maternity care, the Blue Cross-Blue Shield Health Insurance Plan offered by the Office of Personnel Management to Federal Employees militates against such care.

What is the effect of this shortsighted policy? It is to force couples who wish to have a home delivery performed by a nurse-midwife to go to a hospital and have the delivery performed by an obstetrician instead. It is to build in to this major health care plan a totally unnecessary, burdensome inflationary factor. The effect, in fact, is to double the minimum cost of delivering a baby under the plan. The effect is to further institutionalize the practice of treating pregnancy as an exotic disease of which a healthy birth is the hoped for outcome, and to suppress the wishes of the many Americans who would rather regard pregnancy and birth as the high point in the emotional and physical life of a healthy woman.

It is not enough to lay these serious mistakes at the door of Blue Cross only—this plan is written and administered under the auspices of the Office of Personnel Management, an arm of the Federal Government. It certainly does not reflect well on the foresight or budget-consciousness of that office that they have allowed such a serious policy mistake to become embedded in the health plan which they offer to Federal employees.●

PRIME INTEREST RATE CONTINUES TO CLIMB

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BOUQUARD) is recognized for 5 minutes.

● Mrs. BOUQUARD. Mr. Speaker, the economic news of recent days has cast gloom over the holiday expectations of millions of Americans, consumers and retailers alike. The continued climb of the prime interest rate—yesterday raised to 18½ percent—has placed both the strength and the pace of our economic recovery in serious doubt. The underlying strength of inflation appears undiminished, and the efforts of the Federal Reserve Board to combat it with the solitary weapon of high interest rates is only adding to the economic burden of working Americans. A number of crucial basic industries, such as homebuilding, automobiles and retail trade, are being severely handicapped by the exploding cost of credit. These are the industries that have suffered most during the recession, and are now in the greatest need of economic relief.

I continue to believe that only lasting solution to inflation will be a long-range approach of reducing Federal spending and targeting tax cuts into those areas that stimulate savings and productivity. We cannot successfully rebuild a healthy economy by choking off the supply of money needed for expansion. High interest rates only exacerbate the inflation problem.●

ASIA IN THE 1980'S: OPPORTUNITIES FOR PROGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 60 minutes.

● Mr. WOLFF. Mr. Speaker, for 16 years it has been my privilege to serve the people of Long Island in the Congress. For the last 5 years, I have had the high honor of serving as a subcommittee chairman on the Committee on Foreign Affairs. I would like to address the House today from the standpoint of my role as chairman of, first, the Subcommittee on Future Foreign Policy, and then, for the past 3 years, the Subcommittee on Asian and Pacific Affairs.

The United States today stands on the road of a bright new era in Asia, a road of potential peace throughout the region, of new relations with the peoples and governments of Asia and the Pacific, and of economic growth beyond any in our history.

We also stand on a road fraught with potential pitfalls: The economic and social perils of the "north-south" dilemma; the threat to regional security posed by Vietnam, her "boat people," and her occupation of Cambodia; the ability of the United States to live up to our "free trade" values in the face of increasing competition from our friends and allies in Asia; the continued application of human rights to strategic realities.

All these and many more signposts on the road the American people must travel in Asia serve as both beacons and warning lights which we must constantly strive to understand and to accept, as we work with the people of Asia in together reaching solutions to the dilemmas, and opportunities now before us.

In my role as chairman of the Subcommittees on Future Foreign Policy, and Asian and Pacific Affairs, as well as my responsibilities as chairman of the House Select Committee on Narcotics Abuse and Control, I have had the opportunity to travel throughout Asia, and the world.

These study missions have been a unique opportunity for me to discuss with the leaders of our friends and allies, and with the leaders of our adversaries, the role of the United States, and what is expected of us throughout the globe.

I have also been blessed with the opportunity to meet with the private citizens of these nations, to discuss with them their hopes and fears for the future, and to see how the American dream meets their realities, and how better we might cooperate in building our futures together.

That will be my principal theme today—building our futures together in

Asia and the world. While we have no choice but to do this, I think that our duty to our children, and to the children of Asia and the world, also demands that we approach our task in a positive spirit. Our challenge is also our opportunity.

While it is not my lot to continue to walk this road as a Member of Congress, I shall be on the road still as a private citizen. Here are some of the thoughts and concerns I take with me:

THE UNITED STATES AS A PACIFIC NATION

The biggest change in my years in the Congress has taken place in terms of the shift of emphasis from Europe as our major trade partner to the fact that we now carry out more trade with Asia than with Western Europe. With the opening to China, this situation is bound to increase.

Thus, as a Pacific nation, the United States will have even greater strategic, political, and economic interests in Asia than in the past. This process will be accelerated, because the basically negative involvement characterized by the Vietnam era has been replaced, over the past 4 years, by a basically positive era.

The American economic and strategic position in Asia has stabilized, and the questions raised by the U.S. withdrawal from Vietnam have largely been answered. The signing of the Philippines bases agreement, securing for the next decade our strategic foundations in Southeast Asia, has largely dissipated the anxieties created by the shifting policies of the threat of troop withdrawal from South Korea.

Similarly, the United States-Japan economic and strategic alliance now contributes to the security of all of Asia. Likewise, U.S. diplomatic support for the Association of Southeast Asian Nations (ASEAN), and growing Congressional recognition of the importance of ASEAN as an entity, and the ASEAN nations as individuals, particularly congressional support for countering the threat to Thailand gives the United States a firm underpinning throughout the region.

Finally, the emerging economic and strategic relationship with the People's Republic of China—while posing some serious questions I shall address further on—basically represents the cement on the building blocks of a strong and positive American involvement with the governments and peoples of East Asia and the Pacific.

I will discuss south Asia in a moment, but will comment only that the picture there, with rare exceptions, is not so positive. At present, the risks far outweigh the opportunities, and at least part of the problem is structural within the U.S. approach to the region.

But at the outset, I will discuss east Asia and the Pacific, within the framework I have outlined above, from the standpoint of various nations within the region.

JAPAN

As noted above, the United States-Japan alliance remains the corner-stone of our Asian policy. I see this alliance as a vital element contributing not only to the security of northeast Asia, but to the stability of the entire Asian-Pacific region.

From my meetings with Prime Ministers Fukuda, Ohira, Suzuki, and their colleagues, I can say that we agree that as allies, we share a common concern for the security of Japan. For my part, I have sought to stress over the years the concept of "burden sharing," that is, the need for Japan to make real and substantial increases in its defense spending.

However, "burden sharing" does not simply mean increased military spending, and it clearly does not mean the rearming of Japan. Rearmament is neither in the domestic interests of Japan, nor the strategic or political interests of the region. Rather, what I have sought to emphasize in my discussions with Japanese Government and business leaders is the need for Japan to assume a greater share of the costs involved in the stationing and maintenance of American forces in the region.

I am pleased to be able to say to the House that there has been great progress in this regard, although much remains to be done.

In a broader sense, I have also sought to define "burden sharing" for Japan in terms of a greater assumption of the financial burden for the social and economic development of the Asian region. Here, too, I have found a receptive audience in Japan, and am pleased to call the attention of the House to Japan's role in funding the Indochinese refugee resettlement programs throughout the world.

I would also note a point which many Americans may be unaware of, that is, Japan's preeminent role as a regional and world "banker," particularly for the operations and programs of the Asian Development Bank, and the World Bank.

A recent poll taken by Potomac Associates contains a very interesting conclusion regarding the attitudes of Americans toward Japan. Specifically, the poll found that despite the increasing pressure of Japanese goods on the U.S. market, and thus, on the U.S. unemployment situation, the American public continues to regard Japan and her people as our staunch friends and allies.

I make this point because it is critical to continuing the maturing relationship between our two peoples. At the same time, we cannot dismiss the fact that real economic problems confront our two peoples, which, left unresolved over a period of time, may adversely affect the overall texture of our relations.

Over the past few years, in meetings with various Japanese officials, including their special trade negotiators, Ministers Ushiba and Okita, I have stressed that our objective should be to expand the volume of trade, rather than to build trade barriers.

As our colleague, Jim Jones, has recently reported, Japan is now on a path of increasing openness to genuine two-way trade. Much remains to be done, however. A key concept in this regard must be the practice of reciprocity. If we are to allow others to trade freely in the United States, then we must insist that American companies be allowed equal access to the markets of our trade partners, to be able to expand their share of that market.

PEOPLE'S REPUBLIC OF CHINA

It goes without saying that perhaps the biggest change in the Asian environment in the past decade has been the United States opening to the People's Republic of China.

I am proud to be able to say that the Subcommittee on Asian and Pacific Affairs has been in the forefront of defining the issues surrounding the normalization of relations with China, while maintaining our traditional support of Taiwan.

Looking back historically, the subcommittee played a significant role in the normalization process. In the summer of 1978, during our second mission to China, we met with Senior Vice Premier Deng Xiaoping in the Great Hall of the People.

At this meeting, Deng gave the first public indications that China was prepared to meet the United States halfway in its concerns for Taiwan, and on the critical issues which had held up normalization since the initial openings in 1972.

Less than 5 months later, the accommodations suggested in our meetings were effected, and President Carter announced on December 15, 1978, that relations would open between Washington and Peking.

Looking at the reality of that accommodation, we have been able to establish diplomatic relations with the PRC while also maintaining strong social and economic relations with Taiwan.

The key to this was legally defining the strategic relationship between the American people and the people of Taiwan in the Kennedy-Wolff amendment to the Taiwan Relations Act. By our amendment, which was incorporated into the act by the Foreign Affairs Committee, the United States made clear its strategic concerns for continued peace and stability in the region.

For the Mainland, over the past 2 years, and particularly from our study mission this past January, the subcommittee has been engaged in fleshing out the framework of normalization. That is, we have endeavored through the provision of most-favored-nation treatment for the PRC, through OPIC guarantees, and other measures, to expand and deepen the broad economic, commercial, educational, and cultural relations which should form the basis of a long and enduring relationship—a stable relationship—between our two peoples.

I think that we have succeeded in the initial stages of these endeavors. At the same time, a matter of major concern must be the strategic questions involved in the evolution of our relations with China, particularly as they impact directly on the Soviet Union, and on the triangular relationship between Moscow, Washington, and Peking.

When I discussed United States-China issues with members of the Supreme Soviet in Moscow in August 1979, I stressed that the United States was not playing an "anti-Soviet China card." Frankly, in the ensuing months, this so-called "China card" has come sharply into question, particularly as it relates to the overall U.S. strategic response to Soviet activities in Afghanistan, and the collapse of the SALT process.

I remain concerned about the overall direction and pace of our growing military and strategic relationship with the People's Republic of China. I do not believe that a stable and enduring relationship can be built solely on enmity toward a third country. It depends upon mutual and common interests.

And thus I would urge the Congress to explore in detail the implications for our foreign policy and security interests in Asia, and throughout the globe, of the growing strategic and military relationship with China.

If we are to move ahead in this area, let us move ahead with a clear understanding of what we are about, and a clear understanding of what our goals—and therefore what our limits—really are. If we do not have these understandings, then both the Chinese and the Soviets, not to mention the American people, and our allies throughout the region, and in Western Europe, will have legitimate concerns about the immediate and long-range implications of our relations with China.

TAIWAN

I have already noted the security aspect to the Taiwan Relations Act, and the role the subcommittee was able to play in this important part of continuing relations with the people of Taiwan.

For the future, the economic and social relations between the United States and Taiwan will be an essential part of the American presence and interest in Asia. These relations face now, and will continue to face the same opportunities, and barriers, which characterize U.S. trade relations with the other industrialized areas of east and south Asia.

Key to pursuing these relations in a positive manner, one which encourages the growth which should be expected, will be continued congressional oversight of the Taiwan Relations Act. The Congress must make sure that the interests of the American people on Taiwan are not subordinated to other interests in a manner which contradicts either the intent or the letter of the act as passed by Congress.

SOUTH KOREA

I came to the chairmanship of the subcommittee during a critical period in United States-South Korean relations, and I leave the subcommittee in the midst of yet another. In the first instance, the role of the Congress was vital in reaching eventual settlement of the crisis.

In the present instance, involving the basic human rights of the Korean people, as well as the economic situation facing the industralized world, the Congress likewise is playing, and must continue to play, a key role.

The subcommittee has made its position well known, publicly and privately, through hearings and personal communications, on the present human rights situation in South Korea. It is a matter of great personal regret that I will not as a Member be able to see this crisis through, but I am confident that the Congress will continue to exercise strong oversight over the legitimate interests of the United States.

Key to those interests will be continuing the strong American support for South Korea's strategic integrity. I have already noted the problems caused by the shifting U.S. policies on removing our ground forces from South Korea. No doubt this policy will be revived at some point in the future, but I hope that when this happens, it will take place only after the most careful consideration of all the factors involved, and only after careful consultation with the Congress, with Japan, and our other allies, and, of course, with the Government of South Korea.

THE PHILIPPINES

I have already noted the vital role played by the bases at Clark and Subic, and the importance of the negotiations to further cement United States-Philippine relations.

However, the twin problems of human rights and economic difficulties remain to be settled in the Philippines. I, and the subcommittee, have repeatedly expressed our view that continued nationwide martial law in the Philippines is contributing to instability, rather than aiding stability.

On the economic front, the role of the international financial institutions in working with the experts who manage the Philippine economy will remain critical. As a consequence, the Congress must enhance its oversight of the U.S. role in the international financial institutions.

More critically, the United States must not allow shortsighted policies or prejudices to lessen our support for the World Bank, the Asian Development Bank, which is based in Manila, or the other major sources of development capital and projects for the developing nations of the world.

It is important that the Congress stress the continuing strong ties which bind the American and Filipino people. These ties will continue to be expressed in both economic and security relations, and the United States must be seen to support both the internal and external security of the Philippines.

SOUTHEAST ASIA

The Subcommittee has repeatedly visited the nations of Southeast Asia—both Communist and non-Communist—in the past several years. We have sought to take the initiative in redefining the interests of the United States in this region following our withdrawal from Vietnam in 1975.

Those interests are both strategic and economic, and our concerns involved both the political stability of the region, and its strategic security.

THAILAND

For the past 2 years, Thailand has had to deal not only with the military threat posed by Vietnamese forces along the Thai-Kampuchean border, but also with the massive influx of refugees caused by the conflict in Kampuchea, and internal problems in Laos.

Notwithstanding its own, pressing economic and social problems, Thailand has met splendidly its humanitarian obligations to provide assistance and shelter, under the United Nations and other international voluntary agencies, to these victims of war and repression.

During this period, the subcommittee has been privileged to play a leading role in reaffirming our commitment to the security of Thailand, increasing the FMS authorization substantially in both fiscal year 1980 and fiscal year 1981, and doing all in our power to assist Thailand in meeting the refugee emergency.

For the future, Thailand needs and merits continued and enhanced U.S. economic and security assistance, both as a member of ASEAN, and as a key U.S. friend and ally in the region.

ASEAN: THE ENTITY

In addition to signing the Philippine Bases agreements, and reaffirming the Manila pact relative to Thailand's security, we have moved to solidify our relations with the individual states of the Association of Southeast Asian Nations (ASEAN), and with ASEAN as an institution.

We regard the increased political, and economic cohesiveness of ASEAN as a positive force contributing to the stability of the region. Our policy must be to encourage even greater cohesion through open economic and trade policies, and clear diplomatic support.

In this context, I hope that the Congress will push ahead with the recommendation of the subcommittee that the United States name an Ambassador to ASEAN, to serve in the same way we have an Ambassador to the United Nations, to NATO, and to other vital international institutions.

SINGAPORE

Singapore, a key member of the ASEAN group both for its expertise, its trade volume, and it leadership in Asia, will be an increasingly important trade partner of the United States, and already holds a major portion of U.S. trade with Asia.

For the future, while maintaining a basically prowestern but nonalined strategic stance, the United States and Singapore can also look to greater cooperation in strategic concerns as serving both our bilateral interests, and the interests of the region.

MALAYSIA

Like Thailand, Indonesia, and the Philippines, Malaysia has served as a country of first asylum for countless thousands of boat people fleeing from repression in Vietnam. Notwithstanding the political and social tensions caused by the arrival of the refugees, the Government of Malaysia has continued to provide shelter and humanitarian assistance to those arriving on its shores.

To the extent we have been able to bring international attention to the refugee problem and facilitate international cooperation in resettlement of the boat people, I believe this subcommittee has been instrumental in helping Malaysia to meet this unprecedented emergency.

In our economic relations we have, in a spirit of compromise and mutual understanding, sought to resolve our differences. As a result, we have concluded a rubber agreement and are moving toward the conclusion of an agreement on tin.

On a personal level, the subcommittee has enjoyed the warmest and most cordial of personal relations with members of the Malaysian Government both in Kuala Lumpur, and here in Washington. It is my hope that these relations will continue, and will deepen in the future.

INDONESIA

In the past few years, United States-Indonesian relations have been increasingly productive for both nations. Much progress has been made in the past year. The subcommittee is proud of its role in helping Indonesia resolve the situation of the people on East Timor. Even more, the subcommittee is proud of its role in working with the Government of Indonesia in a constructive fashion to see to the well-being of the people of East Timor, hopes that the progressive steps taken by the Government of Indonesia in meeting this challenge will continue.

For the future, much remains to be done, and I am confident that the Congress will continue to play a constructive role on this issue.

Regarding overall United States-Indonesian relations, the role of Indonesia as an OPEC nation but one which has continued to help the United States toward a solution of its energy problems, and as a major population center needing and meriting continued international development cooperation, are considerations which must be factored into U.S. policy, and must be borne in mind by Congress in its oversight capacity.

LAOS

Many Americans do not realize that the United States maintains diplomatic relations with the Communist nation of Laos, despite our lack of relations with either Vietnam or Cambodia.

For political and diplomatic reasons, it has been difficult for the subcommittee to carry out its hopes of increasing U.S. relations with Laos, particularly in the humanitarian assistance area. For the future, I personally would hope that the Congress will clear the way for U.S. assistance in helping the Lao to remove the unexploded ordnance which continues to cost so many Lao their lives.

There is also a major humanitarian problem in Laos posed by the continuing reports of the use of lethal chemical agents—"poison gas"—against the Hmong hill tribes. The subcommittee held two hearings on this important strategic issue, and hopes that the Congress will continue to urge the Government of Laos, the Vietnamese, and the Soviet Union, to stop using lethal chemical agents on the Hmong.

Finally, I will discuss in a later section the situation surrounding the issue of our men still listed as missing in action, or as prisoners of war from the Indochina conflict.

However, I must note that no accounting has ever been received on the many hundreds of men shot down, or captured on the ground in Laos. I hope that as U.S. relations with Laos deepen, we can cooperate in this truly humanitarian endeavor, securing a final accounting for our MIA's and POW's.

AUSTRALIA AND NEW ZEALAND

As for our traditional friends and allies, Australia and New Zealand, I believe we can together contribute to the stability of the emerging nations and entities of the Pacific.

Militarily, the ANZUS alliance remains a functional entity which we can rely on, despite the many changes in the region since World War II. Over the past 4 years, we have moved toward increasingly close cooperation with our ANZUS partners, and I believe that this trend should be encouraged in the future.

We particularly can cooperate with Australia and New Zealand as we seek to assist the social and economic development of the emerging southwest Pacific island nations. By so doing, we can contribute to the long-term stability of this region, for which we bear a special responsibility.

In the same spirit, we must approach the yet unresolved commercial and legal issues affecting our relations with Australia and New Zealand. Mutual understanding and good will are required, but I am confident that these qualities abound in our relations. And the resolution of these will only serve to strengthen our ties with our Pacific neighbors.

THE PACIFIC ISLANDS

Our commitment to the political and economic development of the Micronesian islands under the terms of the United Nations Trusteeship Agreement will remain firm as we assist the Micronesian people in making a transition to a new, more independent political status of their own choosing.

I have watched with growing concern over the years the increasing dependence of Micronesians on U.S. subsidies. In this regard, the Compact of Free Association which was recently initialed by U.S. negotiators and representatives of the three Micronesian states presents both them and us with an opportunity to establish new directions toward self-sufficiency in the Pacific islands.

The initialing of the Compact of Free Association represents a culmination of more than 8 years of difficult negotiations during which all the parties concerned eventually came to a better understanding of one another's needs and interests. If the Micronesian people approve this agreement in a plebescite, the compact will then be submitted to the Congress for its approval. The need for a positive response by the Congress can hardly be overstated. During World War II, we learned how precious a speck of land in the Pacific can be. The Compact of Free Association will preserve U.S. security interests in the western Pacific and at the same time will contribute to political and economic development of the Micronesian people. Congressional approval of the Compact of Free Association will demonstrate the U.S. commitment to and support for the peaceful evolution of democratic governments in all the Pacific island states and will signal to our friends and allies in Asia our firm commitment to the continued security of the Pacific region.

Under their new status, the Micronesian states will no longer be U.S. territories. In accordance with the defense agreements contained in the compact, they will conduct their own independent foreign policies.

This will, in turn, require us to develop a new relationship with the Micronesian governments through the Department of State and through the congressional committees which have primary jurisdiction in foreign affairs. To continue to deal with the Micronesians through the domestic policy apparatus of the past three decades not only would be a gratuitous insult to them, but would also represent a return to a colonialist view of the Pacific island peoples and their governments.

The Pacific island states are assuming a new importance and a new stature. If we are to make a genuinely constructive contribution to the development of the Micronesian states and to the newly independent states of Polynesia and Melanesia, we must develop a new awareness and sensitivity to their special needs—not as a homogenous group of "islanders" but as distinct cultural, political and economic entities whose security we will ensure and whose independence we will forever respect.

PAPUA NEW GUINEA

Ever since its mission to Papua New Guinea nearly 3 years ago, the subcommittee has regarded this island nation as an important leader for small third world nations to watch regarding enlightened governmental and developmental policies.

The subcommittee has worked to encourage a greater U.S. economic assistance role, consonant with the development plans of the PNG government.

For the future, the subcommittee urges greater congressional attention to the economic needs of nations like Papua New Guinea as they seek to develop access to world markets. Particularly, the subcommittee urges consideration for these nations as they seek to insulate themselves from the vagaries of the world commodity markets, while they generate the capital needed to carry out their modernization.

SOUTH ASIA: THE SUBCONTINENT

Our interests and concerns for Asia extend into the subcontinent, including the troubled people of Afghanistan.

Here, the subcommittee over the past 4 years has sought to identify and define U.S. policy towards the region as a whole, as well as the bilateral interests between the United States and the individual nations. We have sought to promote the cause of stability in the face of historical antagonisms as deep and as threatening as any in the world.

PAKISTAN AND INDIA

These antagonisms reflect often conflicting interests, both for the individual nations, and for the United States. For example, while we continue to strive for constructive relations with Pakistan, particularly in view of that nation's critical economic condition, and its present strategic threat from the Soviet invasion of Afghanistan, other U.S. concerns have run counter to these interests.

In our meetings with President Zia and his ministers, and from our missions to India, and our meetings with Prime Ministers Desai, and Ms. Ghandi we have sought to stress what we feel is a common interest in resisting nuclear proliferation on the subcontinent.

But we have run headlong into the traditional distrust between Islamabad and New Delhi, compounded by a concern on the part of the nations of the subcontinent that the superpower rivalry between the United States and the Soviet Union not be allowed to dictate policies or events relating to the people of the region.

Today and tomorrow, in my view, security and stability on the subcontinent will be a function of the critical factor of nuclear nonproliferation.

Accordingly, I have helped lead the fight in the House to see that the law is strictly enforced with regard to the shipment of nuclear fuel to India, and in view of its domestic nuclear program with regard to assistance to Pakistan.

I believe that the principles embodied in the Nonproliferation Act must apply equally to all nations.

It is my hope that the economic and social development of the subcontinent will eventually predominate over the security concerns which have, to date, consumed so many lives, so much passion, and so much treasure which cannot be replaced.

While not wishing to exaggerate the role or influence of the United States in helping to achieve this, I reiterate the subcommittee's contention that both U.S. policy to the region, and the region as a whole would benefit from the appointment of an Assistant Secretary of State for South Asia.

Upgrading the region from a deputy assistantship is long overdue for political, economic and strategic reasons. Long a major world population center, the subcontinent is on the way to becoming a major economic power as well. Thus, even absent the strategic concerns highlighted by the Soviet invasion of Afghanistan, it seems clear that an Assistant Secretary of State for South Asia should be created, and I would hope that the next Congress will follow the subcommittee's recommendation on this point.

SRI LANKA

Not all of our policies regarding the subcontinent have been hampered by contradictions between our interests on a bilateral level. One of the major success stories of recent years is the growing relationship between the United States and the island democracy of Sri Lanka.

In addition to cooperating in the growing economic and social progress of Sri Lanka, we have seen Sri Lanka assume a front rank in the movement of the nonalined nations, a position which has enabled Sri Lanka to be a voice of reason in helping to define the issues of the "north-south" struggle, and to endeavor to keep the nonalined movement from partisan involvement in the various great power rivalries.

AFGHANISTAN

The subcommittee has not been able to visit Afghanistan since the outbreak of the civil war there 2 years ago, the tragic death of our friend and Ambassador, Adolph Dubs, and the Soviet invasion of last Christmas.

Instead, our efforts have been directed at publicizing the plight of the now 1 million refugees from Afghanistan who have fled into neighboring Pakistan, and into Iran.

We have twice visited refugee camps in Pakistan, and have helped secure United Nations sponsorship for those camps. The subcommittee was also instrumental in persuading the President to proclaim "Afghanistan Relief Week" this past summer, and in helping to organize and sponsor the Afghanistan Relief Committee.

The work of this relief committee, and the task of caring for the victims of the Soviet invasion of Afghanistan, must remain a major agenda item of the next Congress.

BURMA

The visit of this subcommittee to Rangoon, at the invitation of the Burmese Government, in January 1979, represented the first visit of a congressional delegation to Burma in well over a decade.

Our mission signified, I believe, a mutual interest in broadening relations between our two peoples. On our part, we recognized the efforts the Government of Burma was making to interdict traffic in illicit opium and made clear our interest in cooperating with them in this regard.

Much has been accomplished, but even greater efforts will be required. And I believe that our visit was a first step in this direction.

The subcommittee was instrumental in securing a meaningful IMET program for Burma, acting on our conviction that properly used and supervised, the IMET program is one of the most effective "ambassadors of goodwill" our nation possesses.

At present, the United States maintains a very modest AID relationship with Burma. For the future, however, this relationship should be broadened and deepened, consonant with Burma's development plans and needs. I hope that there will be increased personal contact between the Congress and the Burmese Government and people as a vital part of this growing relationship.

BANGLADESH

Indicative of our concern toward the people of the Subcontinent have been our efforts to provide both food and development assistance to the people of Bangladesh.

We recognize the efforts of the government of Bangladesh to increase agricultural production, to increase job opportunities and to reduce population growth. In this regard, we hope to be able to increase our present aid effort, $165 million in food and development assistance, in the years ahead.

NEPAL

It is one of my great regrets that I was not able to lead a mission to Nepal as chairman of the subcommittee. This small but strategically significant nation is a good friend to the United States.

Our traditional policy toward Nepal has been one of support, and it has served us well. I would hope that the Congress will continue this support, particularly at this critical time in Nepal's economic growth.

CRITICAL PROBLEMS FOR THE 1980'S

I have now completed my "tour d'horizon" of the responsibilities and accomplishments of the Subcommittee on Asian and Pacific Affairs over the past several years. While I have sought to emphasize the positive, I have not shrunk from listing the hard tasks ahead. I would now like to suggest some of the broad problems which we must confront over the next decade, problems which transcend particular nations or bilateral interests.

HUMAN RIGHTS

I have constantly sought to emphasize that the American interest in and concern for human rights is not a specific bilateral matter, nor is it an anomaly in U.S. foreign policy, one which apparently arose under one Presidency and will recede under another.

The question of human rights in Asia, as throughout the world, is not an academic or even a strictly humanitarian concern. Rather, human rights are inextricably bound up in the continued well-being and security of our friends and allies throughout Asia, and hence the strategic interests of the United States.

Whether it is the Manila Pact, the Mutual Security Treaty between South Korea and the United States, or the Taiwan Relations Act, our Nation has long been on record as acting on the premise that the stability of the nations of Asia is related to our own security. In evaluating human rights in Asia, I do not believe we can or should adopt a monolithic or absolutist approach. We must be sensitive to the politics, culture, and overall climate in each nation.

There is, I feel, a significant difference between the pervasive or consistent denial of human rights by or stemming from the central authorities, versus intermittent or individual abuses stemming from inadequate sensitivity or supervision.

At the same time, we must be alert to differentiate between the legitimate use of emergency powers, as opposed to abuses stemming from manufactured or exaggerated circumstances. In particular, we must recognize that martial law itself will lead to social tensions. Thus, in the absence of an external "clear and present danger," the "threat" posed by these tensions should not, in my view, constitute a legitimate reason for continuing martial law.

It is both commonsense and self-interest to state that strong, stable, and healthy governments are better able to cope with outside threats. This is the dimension which has arisen through examination of our human rights policies over the past 4 years which I hope will be continued and deepened over the next decade. As the nations of the world become increasingly educated, as the peasants move in from the farms to become urban workers, the nations of the Third World, in particular, will experience rising social tensions and pressures which must explode, if the human rights of the people are not anticipated and respected.

Thus, human rights policies in Asia must be an integral part of our foreign policy precisely because it will strengthen our friends and allies, not weaken them. We must forge an alliance between the human rights policies of our Government and our strategic posture—this is one of the vital tasks facing the Congress and the American people over the next decade.

NARCOTICS: CONTINUING CHALLENGE

Among the plethora of difficult foreign policy questions facing the United States, international narcotics control stands out as one of the issues with which we have had only tentative success. This is due to the ever increasing demand for illicit substances not only in the United States, as was the case in the past, but throughout Western Europe and other countries as well.

What are the principal causes for this persistent dilemma? Historically, the shifting nature of narcotics trafficking has been such that it appears that no sooner does one source region come under control another source invariably develops.

This particular problem will require Federal authorities to enhance their ability to project where potential source nations are emerging, and respond to this situation with comprehensive contingency planning. This can only be achieved through effective interagency coordination, a factor which has often been lacking in the past.

Our most recent and still current opium source region, southwest Asia, portends a possible flood of heroin throughout urban America.

The impact of this heroin has already been felt in the Northeast. The tremendous surge in the production of opium in southwest Asia represents the clearest and most present drug danger to our global society today. The political and economic turmoil in the region has rendered attempts to control cultivation and trafficking in Iran and Afghanistan virtually ineffectual. Consequently the amount of opium poppies that were cultivated in Iran, Pakistan, and Afghanistan in 1979 was estimated to have reached 1,600 tons.

At this juncture, I must commend the efforts put forth by the Government of President Zia Ul-Haq of Pakistan which in the past year, by implementing an opium production ban, has been successful in dramatically reducing the 1980 opium yield.

In Afghanistan, it is ironic that the Soviet invasion and the subsequent effort to subjugate the people has also been partly responsible for reducing the illegal export of opium. This is due to the disruption of traditional trafficking routes, however, rather than any Soviet or Afghanistan policies.

If and when the political climate returns to normal I believe we must attempt to assist these nations in solving their problems and impress upon them the need for strict control of the opium growing areas.

As signatories to the Single Convention on Narcotics, all nations have a responsibility to the global community to do everything possible to control domestic narcotics production.

Although there was a dramatic reduction in the amount of opium produced in Southeast Asia due to adverse weather conditions, the Golden Triangle nonetheless produced 160 tons of opium in 1979. Here again the political and military situation has impeded efforts to control this production. In my visits to Thailand I visited the Kampuchean refugee camps and saw firsthand that the Thais have been forced to divert their resources to deal with this tragedy.

The production and smuggling of marihuana and cocaine from Central and South America is still a major problem for the United States. We are facing a veritable invasion of these substances, and we have been making every effort to cooperate on both a bilateral and multilateral basis with regional nations. Although some of these nations have willingly worked together with the United States, a number of other nations have been somewhat less than cooperative.

I am very concerned over two trends which could spell increased trouble not only in the narcotics control sphere, but also in exacerbating delicate political and economic situations:

First, there are indications which suggest that several lesser developed countries are coming to view the narcotics trade as a method of bringing their trade payments into balance. According to the State Department, in one country, Bolivia, members of the current junta have not only condoned the trafficking of cocaine but some officials have been actively involved.

Second, evidence which I have secured leads me to believe that there is an increasing and ominous connection between major terrorist organizations and narcotics trafficking. These terrorists view narcotics as a potential revenue source in order to purchase weapons to carry out insurgent activities.

Global narcotics control cooperative mechanisms must be enhanced and nations must come to view this as a problem just as perilous as the most serious health hazards which we have overcome. Along these lines, I have proposed that a major international drug abuse victim nations conference be convened in Pakistan in 1981, in order to provide the representatives of the various nations a forum to discuss these problems. At the same time, drug abuse professionals could share information as part of a process of international cooperation which simply must be encouraged by our Government, and all governments of good will.

Despite the increasing presence of dangerous narcotics worldwide, and what appears to be insurmountable odds, I am confident that if we all unite and confront this problem—a problem which knows no political or ideological boundaries—we will eventually triumph.

RFFUGEES

I have already indicated the vital importance of continuing support for the refugee programs in Southeast Asia, and Afghanistan. I mention them again, at this point, to reemphasize the critical need to insure that the world continues to enlarge its share of the financial burden of caring for refugees, while the United States continues its role of moral leadership.

I am proud that the subcommittee was able to play a critical role in helping to publicize the situation of the refugees from Vietnam, Cambodia, and Laos, and then to help secure the funding needed to care for these people in the camps, and to resettle them throughout the world. This has been a positive element contributing toward stability in Southeast Asia, because it relieved the nearly intolerable pressures brought by the refugee exodus on Thailand, Malaysia, and Indonesia as well as lifting the entire burden of relief from their shoulders.

For the future, this burden must be shared. The United States has to date taken the full brunt of the refugee resettlement program, in terms of both money, and homes for people.

While the U.N. Geneva Conference helped spread the burden somewhat, and helped persuade Vietnam to lessen the flow of refugees, we today still face a very tough situation. Particularly in Thailand, where Cambodian and Lao refugees continue to strain the political and social fabric of our close friend and ally, the world community must respond as never before to the situation.

NUCLEAR NONPROLIFERATION

I have already discussed the threat to world peace represented by the nuclear development policies of Pakistan, and the India-Pakistan rivalry.

Contributing to this dilemma is the continuing refusal of the People's Republic of China to sign the Nonproliferation Treaty, and the inability of the United States and the Soviet Union to resume talks on the Indian Ocean.

Each of these dilemmas deepens the other. It is difficult to say who should, or must "give" first. But, clearly, the common interests of all should mandate that a unified approach by all the concerned parties must be made over the next decade.

INDIAN OCEAN POLICY

As noted in this regard, the subcommittee has continually lamented the lack of a coherent U.S. policy to the Indian Ocean/subcontinent region. This is not simply due to the structural split between the Middle East and the subcontinent on the one hand, and east Asia on the other, over in the Department of State.

The Congress, as well as the executive branch, must change its thinking about the region to recognize that this major population center has now become a major strategic center in its own right, and that U.S. policies must be coordinated with the nations both bilaterally, and as a region.

MIA'S/POW'S: A RESOLUTION OF THE INDOCHINA DILEMMA

Through the years, the subcommittee, together with the House POW/MIA task force, has diligently pursued a resolution to the ongoing tragedy represented by our men still listed as missing in action, or as prisoners of war from the Indochina conflict.

Twice, in 1979 and 1980, the subcommittee visited Hanoi to discuss with senior Vietnamese officials a resolution of this issue. I regret that thus far, our efforts have not produced the cooperation which has been promised by the Vietnamese.

Nevertheless, I believe that under the continued leadership of the task force, the issue will be pursued to a successful conclusion, and that this resolution may pave the way for a new era of cooperation in Southeast Asia.

Recently, the subcommittee joined with the National League of Families, with our Nation's major veterans organizations, and with concerned private citizens in a nationwide petition campaign to show Hanoi that the American people still demand a final accounting of our men.

I was privileged to help present to our United Nations Ambassador the signatures of more than 200,000 of our fellow Americans, and to hear him promise to deliver to the Vietnamese delegation to the United Nations the many thousands of petitions bearing our witness.

I trust that this national outpouring of concern will make it impossible for Hanoi to say, as its representatives said to me last January, "We didn't know you still cared."

As I said at that time, I do not think it possible for the United States to begin to normalize relations with Vietnam until the MIA/POW issue is resolved. The fact that this linkage is unfortunate does not lessen its reliability.

UNITED STATES-VIETNAM RELATIONS

The broader questions involved in the United States-Vietnam conundrum are obvious:

Two years after its invasion of Cambodia, Vietnamese troops remain on the Thai border, threatening stability throughout the region. A civil war continues within Cambodia, and refugees continue to pour out of neighboring Laos.

The United States together with the ASEAN nations must find a formula for peace in Southeast Asia, and Cambodia is the key to that dilemma. We support the ASEAN nation's call for the removal of all foreign troops from Cambodia, and the right of the Cambodian people to self-determination.

Whatever our efforts in this regard, they must be met with reciprocity on the part of Vietnam; a willingness to resolve this most dangerous issued would go far to pave the way for an era of cooperation between the Communist and non-Communist nations of Southeast Asia, and between the United States and those nations.

OPPORTUNITY FOR THE FUTURE: THE PACIFIC COMMUNITY

During my 16 years in Congress, I have witnessed a remarkable transformation of U.S. trade patterns with the world. Over this period, U.S. trade with Asia has come to rival and even exceed in dollar amounts the trade with our traditional partners in Western Europe.

Our economic future is inextricably linked with our Asian and Pacific neighbors. Not only is this true of the United States, but also for the nations of the region, as we become increasingly interdependent in this era of shrinking oil reserves, rising costs, and increased competition.

For the past several years, the subcommittee has sought to bring an increased awareness of Asia and the Pacific as a region of importance to United States and global prosperity. Specifically, we have conducted a series of hearings on the concept of the "Pacific Community," during which we have explored the idea of creating an institution to facilitate consultation on regional, social and economic issues.

This reflects a growing recognition throughout the region of the institutional void which has developed as economic interdependencies within the region have increased.

Perceptions of how best to proceed with the idea have passed through several stages of development, and now there is a growing consensus that a new, international entity for government-to-government cooperation must be preceded by an evolutionary process involving private individuals from the various nations of the region.

It is my fervant hope that the Pacific community concept will become a framework for a more coherent and foreward looking policy in Asia, a policy which views the region in terms of its total economic and social dynamics, and the capacity of its member nations for mutually supported growth.

For my own part, upon my retirement from the Congress, I will continue to do everything within my power to promote discussion of the Pacific community concept through new, private initiatives now underway.

In conclusion, the United States can gain a new stature in the coming decade if it renews its efforts to understand the transformations taking place within the region. With improved comprehension of how this Nation's vital national interests interact with the hopes and needs of the peoples of Asia, I see ahead a decade of progress and hope for all.●

INACCURATE STATEMENT MADE REGARDING ITALIAN RELIEF AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

● Mr. MINISH. Mr. Speaker, in the 18 years I have spent in Congress, I have never encountered a more irresponsible statement than that which was attributed to a Member of this body in this morning's Washington Post predicting that the $50 million which Congress appropriated for relief of the Italian earthquake victims will be used for "lining the pockets of politicians instead of helping the suffering."

It was a totally inaccurate statement, and I know that the charges are unfounded. In 1976 and 1978, when similar disasters struck Italy, our aid was effective and indeed essential to getting Italy back on its feet. That money was channeled through the Agency for International Development, the same agency which will handle the disbursement of this year's relief. Contrary to one Member's assertions, this money now will be spent responsibly and judiciously, as it was on those previous occasions. Following the 1976 and 1978 earthquakes, our money was spent first for immediate demands of food, clothing, shelter, and sanitary and medical equipment, then later for schools, hospitals, and other facilities which stand today as proof that we did not aid Italy in vain.

The critical thing about American aid is that it is on its way now, when it is needed most. While there have been problems with the distribution of food and medical supplies for the earthquake victims, we must not forget the magnitude of this tragedy. We are dealing with the loss of perhaps 10,000 lives and destruction that is so widespread it is impossible to comprehend. There have been instances in this country of worse foul-ups in tragedies of a far smaller nature.

Along with other Members of this body, I have been vigorously engaged in raising funds for the victims of this crisis. I am gratified to report that our efforts in New Jersey alone have raised pledges of thousands of desperately needed dollars. But my pride in our own private efforts does not blind me to the fact that, while we have been raising and collecting the pledges, the American Government has acted. We have acted promptly, and we have acted properly. The money is there and the supplies are already moving, now when they are needed. Delay in this matter kills, Mr. Speaker, advocating obstruction at this time is unthinkable. Out of respect for human life, we must act now.

The statements as reported are distasteful to the great majority of American people who see through their hypocrisy. To date, our people have contributed thousands of dollars and countless hours of effort in attempting to relieve the grief and suffering the earthquakes have caused. It would be tragic if such statements in any way hindered their spirit of American generosity.

A gentleman does not kick people when they are down, Mr. Speaker. The Congress has acted in the highest traditions of American goodness and commonsense. As an American of Italian descent, I am proud that we have done so.●

OUTRAGE EXPRESSED OVER DEATH OF AMERICAN MISSIONARIES IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, the citizens of my community are outraged at the cruel attack on American missionaries in El Salvador. Two of the victims were residents of my area.

The missions in El Salvador are sponsored by the Cleveland Catholic Diocese.

The missionaries were engaged in service to the ill and the needy—they were on a mission of mercy—unrelated to the political unrest of El Salvador.

Those responsible for this useless attack on human decency must be brought to account.●

IN MEMORIAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, it was with deep sadness that I learned of the death of four Americans in El Salvador. Two of the women, Sister Rita Kazel and Ms. Jean Donovan, were natives of Cleveland, Ohio. It was my privilege to have known Sister Rita for some time.

These women had dedicated their lives to the service of the poor and the oppressed. Despite the turmoil and violence around them, they remained in El Salvador and died there, doing the work that they knew had to be done. Repeatedly, these fine people, and others who worked with them, warned this Congress of the terrible conditions in El Salvador. Many people working there told me of the murder of innocent peasants and of priests and others who worked with the poor.

They had strong evidence that the Government of that country was at least tacitly involved with these problems. They asked us to stop our military aid to this Government. And yet, by voice vote this week, the Congress passed the conference report on the foreign aid authorization bill which contains another $5.5 million in military aid for the brutal Government of El Salvador.

The tragic deaths of these four women should make us dedicate our work so that this government will not continue to support oppressive regimes with military aid. Until we break the connection between our country and these dictatorships, I am afraid that such killings may continue. The death of Sister Rita and her three companions must not be an end, but should mark a beginning of a reawakening of this Nation's conscience to the plight of the poor of the world. We must make a commitment to change U.S.-foreign policy from one of support for oppression to that of helping the poor.●

CONGRESSMAN FISHER'S VIEWS ON SUPERFUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FISHER) is recognized for 10 minutes.

● Mr. FISHER. Mr. Speaker, due to an administrative error, my floor remarks on the superfund bill, H.R. 7020, were omitted from Wednesday, December 3, RECORD. The thrust of my remarks follows:

I urge my colleagues to vote for the superfund bill which is before us today.

Now this bill is not perfect. It is scaled down from the original House proposal which covered cleanup costs of future oil spills. Furthermore, the fund is not large enough to deal with the over 1,000 abandoned toxic waste sites across country which the EPA says pose an immediate danger to the public. The financial provisions of the bill are not tightly drawn and certain administrative problems will have to be worked out.

But, offsetting these admitted deficiencies, there are very major benefits. Let me cite a few of them.

People are demanding action to clean up toxic wastes and prevent future damages. The Love Canals of the country continue to threaten the lives of many and are causing irreparable damage to the environment. People want protection against the ravages and the uncertainties of toxic materials that have been deposited in thousands of places around the country.

Government, that is the Congress, has a profound obligation to create some means for dealing with the problems of toxic wastes that were improperly disposed of many years ago and have only recently been discovered to be contaminating both the land and water around us. We must also be prepared to respond to any future chemical spills.

Industry will finance seven-eights of the fund, and much of this can later be recovered through legal suits. Therefore, this program does not overload the budget.

Most important of all, we will be saying to the 225 million people in this country that we are underway, that we are not powerless, hamstrung, or bound up in our own routines to the point where we cannot do what we know must be done. If we pass this bill, we will be asserting the leadership that the American people have a right to expect and we will be taking a constructive initiative. And as we go along, we can improve the operations of the program established by this bill. If Congress does not act now to provide this start, a marvelous opportunity will be lost to show the American people that one of the major problems of our time can be coped with.

With only a few days left for this Congress and with the Senate hung up in filibusters and unfinished business, the only way to assure that this bill will become law is to pass the bill as it is.

I strongly urge my colleagues to vote for this bill without further amendment to convince the public that additional pollution of the environment through toxic waste will no longer be tolerated.●

FILARTIGA AGAINST PENA

(Mr. DOWNEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. DOWNEY. Mr. Speaker, the U.S. Court of Appeals for the Second Circuit recently reached a decision in the case of Filartiga against Pena. Because this opinion is so important in the international human rights field, I wanted to bring it to the attention of my colleagues.

The text follows:

[U.S. Court of Appeals for the Second Circuit, No. 191—September Term, 1979]

DOLLY M. E. FILARTIGA AND JOEL FILARTIGA, PLAINTIFFS-APPELLANTS, *v.* AMERICO NORBERTO PENA-IRALA, DEFENDANT-APPELLEE

(ARGUED OCTOBER 16, 1979, DECIDED JUNE 30, 1980)

DOCKET NO. 79-6090

Before: Feinberg, *Chief Judge,* Kaufman and Kearse,[*] *Circuit Judges.*

Appeal from a judgment of the United States District Court for the Eastern District of New York, Eugene H. Nickerson, *District Judge,* dismissing appellants' complaint for want of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(c).

Reversed.

Peter Weiss, Esq., New York, N. Y. (Rhonda Copelon, Esq., John Corwin, Esq., and Jose Antonio Lugo, Esq., Center for Constitutional Rights, and Michael Maggio, Esq., Goren & Maggio, of counsel), *for Plaintiffs-Appellants.*

Murry D. Brochin, Esq., Newark, New Jersey (Lowenstein, Sandler, Brochin, Kohl, Fisher & Boylan, P.C., of counsel), *for Defendant-Appellee.*

Irving Gornstein, Attorney, Department of Justice, Washington, D.C. (Drew S. Days, III, Assistant Attorney General, John E. Huerta, Deputy Assistant Attorney General, Roberts B. Owen, Legal Advisor, William T. Lake, Deputy Legal Advisor, Stefan A. Riesenfeld, Charles Runyon and Linda A. Baumann, Attorneys, Department of State, Washington, D.C.), *for the United States as* Amicus Curiae.

Donald L. Doernberg, Esq., New York, N.Y., and David Weissbrodt, Esq., Minneapolis, Minnesota, *for Amnesty International-U.S.A., International League for Human Rights, and the Lawyers' Committee for International Human Rights as* Amicus Curiae.

Allan Abbot Tuttle, Esq., and Steven M. Schneebaum, Esq., Washington, D.C., *for The International Human Rights Law Group, The Council on Hemispheric Affairs and the Washington Office on Latin America as* Amicus Curiae.

Kaufman, *Circuit Judge:*

Upon ratification of the Constitution, the thirteen former colonies were fused into a single nation, one which, in its relations with foreign states, is bound both to observe and construe the accepted norms of international law, formerly known as the law of nations. Under the Articles of Confederation, the several states had interpreted and applied this body of doctrine as a part of their common law, but with the founding of the "more perfect Union" of 1789, the law of nations became preeminently a federal concern.

Inplementing the constitutional mandate for national control over foreign relations, the First Congress established original district court jurisdiction over "all causes where an alien sues for a tort only [committed] in violation of the law of nations." Judiciary Act of 1789, ch. 20, § 9(b), 1 Stat. 67, 77 (1789), *codified at* 28 U.S.C. § 1350. Construing this rarely-invoked provision, we hold that deliberate torture perpetrated under color of official authority violates universally accepted norms of the international law of human rights, regardless of the nationality of the parties. Thus, whenever an alleged torturer is found and served with process by an alien within our borders, § 1350 provides federal jurisdiction. Accordingly we reverse the judgment of the district court dismissing the complaint for want of federal jurisdiction.

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[*] The late Judge Smith was a member of the original panel in this case. After his unfortunate death, Judge Kearse was designated to fill his place pursuant to Local Rule § 0.14(b).

I

The appellants, plaintiffs below, are citizens of the Republic of Paraguay. Dr. Joel Filartiga, a physician, describes himself as a longstanding opponent of the government of President Alfredo Stroessner, which has held power in Paraguay since 1954. His daughter, Dolly Filartiga, arrived in the United States in 1978 under a visitor's visa, and has since applied for permanent political asylum. The Filartigas brought this action in the Eastern District of New York against Americo Norberto Pena-Irala (Pena), also a citizen of Paraguay, for wrongfully causing the death of Dr. Filartiga's seventeen-year old son, Joelito. Because the district court dismissed the action for want of subject matter jurisdiction, we must accept as true the allegations contained in the Filartigas' complaint and affidavits for purposes of this appeal.

The appellants contend that on March 29, 1976, Joelito Filartiga was kidnapped and tortured to death by Pena, who was then Inspector General of Police in Asuncion, Paraguay. Later that day, the police brought Dolly Filartiga to Pena's home where she was confronted with the body of her brother, which evidenced marks of severe torture. As she fled, horrified, from the house, Pena followed after her shouting, "Here you have what you have been looking for for so long and what you deserve. Now shut up." The Filartigas claim that Joelito was tortured and killed in retaliation for his father's political activities and beliefs.

Shortly thereafter, Dr. Filartiga commenced a criminal action in the Paraguayan courts against Pena and the police for the murder of his son. As a result, Dr. Filartiga's attorney was arrested and brought to police headquarters where, shackled to a wall, Pena threatened him with death. This attorney, it is alleged, has since been disbarred without just cause.

During the course of the Paraguayan criminal proceeding, which is apparently still pending after four years, another man, Hugo Duarte, confessed to the murder. Duarte, who was a member of the Pena household,[1] claimed that he had discovered his wife and Joelito in *flagrante delicto*, and that the crime was one of passion. The Filartigas have submitted a photograph of Joelito's corpse showing injuries they believe refute this claim. Dolly Filartiga, moreover, has stated that she will offer evidence of three independent autopsies demonstrating that her brother's death "was the result of professional methods of torture." Despite his confession, Duarte, we are told, has never been convicted or sentenced in connection with the crime.

In July of 1978, Pena sold his house in Paraguay and entered the United States under a visitor's visa. He was accompanied by Juana Bautista Fernandez Villalba, who had lived with him in Paraguay. The couple remained in the United States beyond the term of their visas, and were living in Brooklyn, New York, when Dolly Filartiga, who was then living in Washington, D.C., learned of their presence. Acting on information provided by Dolly, the Immigration and Naturalization Service arrested Pena and his companion, both of whom were subsequently ordered deported on April 5, 1979 following a hearing. They had then resided in the United States for more than nine months.

Almost immediately, Dolly caused Pena to be served with a summons and civil complaint at the Brooklyn Navy Yard, where he was being held pending deportation. The complaint alleged that Pena had wrongfully caused Joelito's death by torture and sought compensatory and punitive damages of $10,000,000. The Filartigas also sought to enjoin Pena's deportation to ensure his availability for testimony at trial.[2] The cause of action is stated as arising under "wrongful death statutes; the U.N. Charter; the Universal Declaration on Human Rights; the U.N. Declaration Against Torture; the American Declaration of the Rights and Duties of Man; and other pertinent declarations, documents and practices constituting the customary international law of human rights and the law of nations," as well as 28 U.S.C. § 1350, Article II, sec 2 and the Supremacy Clause of the U.S. Constitution. Jurisdiction is claimed under the general federal question provision, 28 U.S.C. § 1331 and, principally on this appeal, under the Alien Tort Statute, 28 U.S.C. § 1350.[3]

Judge Nickerson stayed the order of deportation, and Pena immediately moved to dismiss the complaint on the grounds that subject matter jurisdiction was absent and for *forum non conveniens*. On the jurisdictional issue, there has been no suggestion that Pena claims diplomatic immunity from suit. The Filartigas submitted the affidavits of a number of distinguished international legal scholars, who stated unanimously that the law of nations prohibits absolutely the use of torture as alleged in the complaint.[4] Pena, in support of his motion to dismiss on the ground of *forum non conveniens*, submitted the affidavit of his Paraguayan counsel, Jose Emilio Gorostiaga, who averred that Paraguayan law provides a full and adequate civil remedy for the wrong alleged.[5] Dr. Filartiga has not commenced such an action, however, believing that further resort to the courts of his own country would be futile.

Judge Nickerson heard argument on the motion to dismiss on May 14, 1979, and on May 15 dismissed the complaint on jurisdictional grounds.[6] The district judge recognized the strength of appellants' argument that official torture violates an emerging norm of customary international law. Nonetheless, he felt constrained by dicta contained in two recent opinions of this Court, *Dreyfus v. von Finck*, 534 F.2d 24 (2d Cir.), *cert. denied*, 429 U.S. 835 (1976); *ITT v. Vencap, Ltd.*, 519 F.2d 1001 (2d Cir. 1975), to construe narrowly "the law of nations," as employed in § 1350, as excluding that law which governs a state's treatment of its own citizens.

The district court continued the stay of deportation for forty-eight hours while appellants applied for further stays. These applications were denied by a panel of this Court on May 22, 1979, and by the Supreme Court two days later. Shortly thereafter, Pena and his companion returned to Paraguay.

II

Appellants rest their principal argument in support of federal jurisdiction upon the Alien Tort Statute, 28 U.S.C. § 1350, which provides: "The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." Since appellants do not contend that their action arises directly under a treaty of the United States,[7] a threshold question on the jurisdictional issue is whether the conduct alleged violates the law of nations. In light of the universal condemnation of torture in numerous international agreements, and the renunciation of torture as an instrument of official policy by virtually all of the nations of the world (in principle if not in practice), we find that an act of torture committed by a state official against one held in detention violates established norms of the international law of human rights, and hence the law of nations.

The Supreme Court has enumerated the appropriate sources of international law. The law of nations "may be ascertained by consulting the works of jurists, writing professedly on public law; or by the general usage and practice of nations; or by judicial decisions recognizing and enforcing that law." *United States* v. *Smith*, 18 U.S. (5 Wheat.) 153, 160–61 (1820); *Lopes v. Reederei Richard Schroder*, 225 F. Supp. 292, 295 (E.D. Pa. 1963). In *Smith*, a statute proscribing "the crime of piracy [on the high seas] as defined by the law of nations," 3 Stat. 510(a) (1819), was held sufficiently determinate in meaning to afford the basis for a death sentence. The *Smith* Court discovered among the works of Lord Bacon, Grotius, Bochard and other commentators a genuine consensus that rendered the crime "sufficiently and constitutionally defined." *Smith, supra*, 18 U.S. (5 Wheat.) at 162.

The Paquete Habana, 175 U.S. 677 (1900), reaffirmed that where there is no treaty, and no controlling executive or legislative act or judicial decision, resort must be had to the customs and usages of civilized nations; and, as evidence of these, to the works of jurists and commentators, who by years of labor, research and experience, have made themselves peculiarly well acquainted with the subjects of which they treat. Such works are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is. *Id.* at 700.

Modern international sources confirm the propriety of this approach.[8]

Habana is particularly instructive for present purposes, for it held that the traditional prohibition against seizure of an enemy's coastal fishing vessels during wartime, a standard that began as one of comity only, has ripened over the preceding century into "a settled rule of international law" by "the general assent of civilized nations." *Id.* at 694; *accord, id.* at 686. Thus it is clear that courts must interpret international law not as it was in 1789, but as it has evolved and exists among the nations of the world today. *See Ware* v. *Hylton*, 3 U.S. (3 Dall.) 198 (1796) (distinguishing between "ancient," and "modern" law of nations).

The requirement that a rule command the "general assent of civilized nations" to become binding upon them all is a stringent one. Were this not so, the courts of one nation might feel free to impose idiosyncratic legal rules upon others, in the name of applying international law. Thus, in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964), the Court declined to pass on the validity of the Cuban government's expropriation of a foreign-owned corporation's assets, noting the sharply conflicting views on the issue propounded by the capital-exporting, capital-importing, socialist and capitalist nations. *Id.* at 428–30.

The case at bar presents us with a situation diametrically opposed to the conflicted state of law that confronted the *Sabbatino* Court. Indeed, to paraphrase that Court's statement, *id.* at 428, there are few, if any, issues in international law today on which opinion seems to be united as the limitations on a state's power to torture persons held in its custody.

The United Nations Charter (a treaty of the United States, *see* 59 Stat. 1033 (1945)) makes it clear that in this modern age a state's treatment of its own citizens is a matter of international concern. It provides:

> With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations . . . the United Nations shall promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinctions as to race, sex, language or religion. *Id.* Art. 55.

And further:

> All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55. *Id.* Art. 56.

While this broad mandate has been held not to be wholly self-executing, *Hitai* v. *Immigration and Naturalization Service*, 343 F.2d 466, 468 (2d Cir. 1965), this observation alone does not end our inquiry.[9] For although there is no universal agreement as to the

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Footnote at end of article.

precise extent of the "human rights and fundamental freedoms" guaranteed to all by the Charter, there is at present no dissent from the view that the guaranties include, at a bare minimum, the right to be free from torture. This prohibition has become part of customary international law, as evidenced and defined by the Universal Declaration of Human Rights, General Assembly Resolution 217 (III)(A) (Dec. 10, 1948) which states, in the plainest terms, "no one shall be subjected to torture." [10] The General Assembly has declared that the Charter precepts embodied in this Universal Declaration "constitute basic principles of international law." G.A. Res. 2625 (XXV) (Oct. 24, 1970).

Particularly relevant is the Declaration on the Protection of All Persons from Being Subjected to Torture, General Assembly Resolution 3452, 30 U.N. GAOR Supp., (n. 34) 91, U.S. Doc. A/1034 (1975), which is set out in full in the margin.[11] The Declaration expressly prohibits any state from permitting the dastardly and totally inhuman act of torture. Torture, in turn, is defined as "any act by which severe pain and suffering, whether physcial or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as . . . intimidating him or other persons." The Declaration goes on to provide that "[w]here it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation, in accordance with national law." This Declaration, like the Declaration of Human Rights before it, was adopted without dissent by the General Assembly. Nayar, "Human Rights: The United Nations and United States Foreign Policy," 19 *Harv. Int'l L.J.* 813, 816 n.18 (1978).

These U.N. declarations are significant because they specify with great precision the obligations of member nations under the Charter. Since their adoption, "[m]embers can no longer contend that they do not know what human rights they promised in the Charter to promote." Sohn, "A Short History of United Nations Documents on Human Rights," in *The United Nations and Human Rights, 18th Report of the Commission* (Commission to Study the Organization of Peace ed. 1968). Moreover, a U.N. Declaration is, according to one authoritative definition, "a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated." 34 U.N. ESCOR, Supp. (No. 8) 15, U.N. Doc. E/cn./4/1/610 (1962) (memorandum of Office of Legal Affairs, U.N. Secretariat). Accordingly, it has been observed that the Universal Declaration of Human Rights "no longer fits into the dichotomy of 'binding treaty' against 'non-binding pronouncement,' but is rather an authoritative statement of the international community." *E. Schwelb, Human Rights and the International Community* 70 (1964). Thus, a Declaration creates an expectation of adherence, and "insofar as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down rules binding upon the States." 34 U.N. ESCOR, *supra,* Indeed, several commentators have concluded that the Universal Declaration has become, *in toto,* a part of binding, customary international law. Nayar, *supra,* at 816–17; Waldlock, "Human Rights in Contemporary International Law and the Significance of the European Convention," *Int'l & Comp. L.Q.,* Supp. Publ. No. 11 at 15 (1965).

Turning to the act of torture, we have little difficulty discerning its universal renunciation in the modern usage and practice of nations. *Smith, supra,* 18 U.S. (5 Wheat.) at 160–61. The international consensus surrounding torture has found expression in numerous international treaties and accords, *E.g. American Convention on Human Rights, Art.* 5 OAS Treat Series No. 36 at 1, OAS Off. Rec. OEA/Ser 4 v/II 23. doc. 21, rev. 2 (English ed., 1975) ("No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment"); International Covenant on Civil and Political Rights, U.N. General Assembly Res. 2200 (XXI)A, U.N. Doc. A/6316 (Dec. 16, 1966) (identical language); European Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 3, Council of Europe, European Treaty Series No. 5 (1968), 213 U.N.T.S. 211 (*semble*). The substance of these international agreements is reflected in modern municipal—*i.e.* national—law as well. Although torture was once a routine concomitant of criminal interrogations in many nations, during the modern and hopefully more enlightened era it has been universally renounced. According to one survey, torture is prohibited, expressly or implicitly, by the constitutions of over fifty-five nations,[12] including both the United States [13] and Paraguay.[14] Our State Department reports a general recognition of this principle:

> There now exists an international consensus that recognizes basic human rights and obligations owed by all governments to their citizens. . . . There is no doubt that these rights are often violated; but virtually all governments acknowledge their validity.

Department of State, *Country Reports on Human Rights for 1979,* published as Joint Comm. Print, House Comm. on Foreign Affairs, and Senate Comm. on Foreign Relations, 96th Cong. 2d Sess. (Feb. 4, 1980), Introduction at 1. We have been directed to no assertion by any contemporary state of a right to torture its own or another nation's citizens. Indeed, United States diplomatic contacts confirm the universal abhorrence with which torture is viewed:

> In exchanges between United States embassies and all foreign states with which the United States maintains relations, it has been the Department of State's general experience that no government has asserted a right to torture its own nationals. Where reports of torture elicit some credence, a state usually responds by denial or, less frequently, by asserting that the conduct was unauthorized or constituted rough treatment short of torture.[15]

Memorandum of the United States as *Amicus Curiae* at 16 n.34.

Having examined the sources from which customary international law is derived—the usage of nations, judicial opinions and the works of jurists [16]—we conclude that official torture is now prohibited by the law of nations. The prohibition is clear and unambiguous, and admits of no distinction between treatment of aliens and citizens. Accordingly, we must conclude that the dictum in *Dreyfus* v. *von Finck, supra,* 534 F. 2d at 31, to the effect that "violations of international law do not occur when the aggrieved parties are nationals of the acting state," is clearly out of tune with the current usage and practice of international law. The treaties and accords cited above, as well as the express foreign policy of our own government,[17] all make it clear that international law confers fundamental rights upon all people vis-a-vis their own governments. While the ultimate scope of those rights will be a subject for continuing refinement and elaboration, we hold that the right to be free from torture is now among them. We therefore turn to the question whether the other requirements for jurisdiction are met.

III

Appellee submits that even if the tort alleged is a violation of modern international law, federal jurisdiction may not be exercised consistent with the dictates of Article III of the Constitution. The claim is without merit. Common law courts of general jurisdiction regularly adjudicate transitory tort claims between individuals over whom they exercise personal jurisdiction, wherever the tort occurred. Moreover, as part of an articulated scheme of federal control over external affairs, Congress provided, in the First Judiciary Act, Sec. 9(b), 1 Stat. 73, 77 (1789), for federal jurisdiction over suits by aliens where principles of international law are in issue. The constitutional basis for the Alien Tort Statute is the Law of Nations, which has always been part of the federal common law.

It is not extraordinary for a court to adjudicate a tort claim arising outside of its territorial jurisdiction. A state or nation has a legitimate interest in the orderly resolution of disputes among those within its borders, and where the *lex loci delicti commissi* is applied, it is an expression of comity to give effect to the laws of the state where the wrong occurred. Thus, Lord Mansfied in *Mostyn* v. *Fabrigas,* 1 Cowp. 161 (1774), *quoted in McKenna* v. *Fisk,* 42 U.S. (1 How.) 241, 248 (1843) said:

> [I]f A becomes indebted to B, or commits a tort upon his person or upon his personal property in Paris, an action in either case may be maintained against A in England, if he is there found . . . . [A]s to transitory actions, there is not a colour of doubt but that any action which is transitory may be laid in any county in England, though the matter arises beyond the seas.

Mostyn came into our law as the original basis for state court jurisdiction over out-of-state torts, *McKenna* v. *Fisk, supra,* 42 U.S. (1 How.) 241 (personal injury suits *held* transitory); *Dennick* v. *Railroad Co.,* 103 U.S. 11 (1880) (wrongful death action *held* transitory), and it has not lost its force in suits to recover for a wrongful death occurring upon foreign soil, *Slater* v. *Mexican National Railroad Co.,* 194 U.S. 120 (1904), as long as the conduct complained of was unlawful where performed. *Restatement (Second) of Foreign Relations Law of the United States* § 19 (1965). Here, where *in personam* jurisdiction has been obtained over the defendant, the parties agree that the acts alleged would violate Paraguayan law, and the policies of the forum are consistent with the foreign law,[18] state court jurisdiction would be proper. Indeed, appellees conceded as much at oral argument.

Recalling that *Mostyn* was freshly decided at the time the Constitution was ratified, we proceed to consider whether the First Congress acted constitutionally in vesting jurisdiction over "foreign suits," *Slater, supra,* 194 U.S. at 124, alleging torts committed in violation of the law of nations. A case properly "aris[es] under the . . . laws of the United States" for Article III purposes if grounded upon statutes enacted by Congress or upon the common law of the United States. *See Illinois* v. *City of Milwaukee,* 406 U.S. 91, 99–100 (1972); *Ivy Broadcasting Co., Inc.* v. *American Tel. & Tel. Co.,* 391 F.2d 486, 492 (2d Cir. 1968). The law of nations forms an integral part of the common law, and a review of the history surrounding the adoption of the Constitution demonstrates that it became a part of the common law *of the United States* upon the adoption of the Constitution. Therefore, the enactment of the Alien Tort Statute was authorized by Article III.

During the eighteenth century, it was taken for granted on both sides of the Atlantic that the law of nations forms a part of the common law. 1 Blackstone, Commentaries 263–64 (1st Ed. 1765–69); 4 *id.* at 67.[19] Under the Articles of Confederation, the Pennsylvania Court of Oyer and Terminer at Philadelphia, *per* McKean, Chief Justice, applied the law of nations to the criminal prosecution of the Chevalier de Longchamps for his assault upon the person of the French

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Consul-General to the United States noting that "[t]his law, in its full extent, is a part of the law of this state. . . ." *Respublica* v. *DeLongchamps,* 1 U.S. (1 Dall.) 113, 119 (1784). Thus, a leading commentator has written:

> It is an ancient and a salutary feature of the Anglo-American legal tradition that the Law of Nations is a part of the law of the land to be ascertained and administered, like any other, in the appropriate case. This doctrine was originally conceived and formulated in England in response to the demands of an expanding commerce and under the influence of theories widely accepted in the late sixteenth, the seventeenth and the eighteenth centuries. It was brought to America in the colonial years as part of the legal heritage from England. It was well understood by men of legal learning in America in the eighteenth century when the United Colonies broke away from England to unite effectively, a little later, in the United States of America.

Dickenson, "The Law of Nations as Part of the National Law of the United States," 101 *U. Pa. L. Rev.* 26, 27 (1952).

Indeed, Dickenson goes on to demonstrate, *id.* at 34–41, that one of the principal defects of the Confederation that our Constitution was intended to remedy was the central government's inability to "cause infractions of treaties or of the law of nations, to be punished." 1 Farrand, Records of the Federal Convention 19 (Rev. ed. 1937) (Notes of James Madison). And, in Jefferson's words, the very purpose of the proposed Union was "[t]o make us one nation as to foreign concerns, and keep us distinct in domestic ones." Dickenson, *supra,* at 36 n.28.

As ratified, the judiciary article contained no express reference to cases arising under the law of nations. Indeed, the only express reference to that body of law is contained in Article I, sec. 8, cl. 10, which grants to the Congress the power to "define and punish . . . offenses against the law of nations." Appellees seize upon this circumstance and advance the proposition that the law of nations forms a part of the laws of the United States only to the extent that Congress has acted to define it. This extravagant claim is amply refuted by the numerous decisions applying rules of international law uncodified in any act of Congress. *E.g., Ware* v. *Hylton,* 3 U.S. (3 Dall.) 198 (1796); *The Paquete Habana, supra,* 175 U.S. 677; *Sabbatino, supra,* 376 U.S. 398 (1964). A similar argument was offered to and rejected by the Supreme Court in *United States* v. *Smith, supra,* 18 U.S. (5 Wheat.) 153, 158–60, and we reject it today. As John Jay wrote in *The Federalist* No. 3, at 22 (1 Bourne ed. 1901), "Under the national government, treaties and articles of treaties, as well as the laws of nations, will always be expounded in one sense and executed in the same manner, whereas adjudications on the same points and questions in the thirteen states will not always accord or be consistent." Federal jurisdiction over cases involving international law is clear.

Thus, it was hardly a radical initiative for Chief Justice Marshall to state in *The Nereide,* 13 U.S. (9 Cranch) 388, 422 (1815), that in the absence of a congressional enactment,[20] United States courts are "bound by the law of nations, which is a part of the law of the land." These words were echoed in *The Paquete Habana, supra,* 175 U.S. at 700: "[i]nternational law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination."

The Filartigas urge that 28 U.S.C, § 1350 be treated as an exercise of Congress's power to define offenses against the law of nations. While such a reading is possible, *see Lincoln Mills* v. *Textile Workers,* 353 U.S. 488 (1957) (jurisdictional statute authorizes judicial explication of federal common law), we believe it is sufficient here to construe the Alien Tort Statute, not as granting new rights to aliens, but simply as opening the federal courts for adjudication of the rights already recognized by international law. The statute nonetheless does inform our analysis of Article III, for we recognize that questions of jurisdiction "must be considered part of an organic growth—part of an evolutionary process," and that the history of the judiciary article gives meaning to its pithy phrases. *Romero* v. *International Operating Co.,* 358 U.S. 354, 360 (1959). The Framers' overreaching concern that control over international affairs be vested in the new national government to safeguard the standing of the United States among the nations of the world therefore reinforces the result we reach today.

Although the Alien Tort Statute has rarely been the basis for jurisdiction during its long history,[21] in light of the foregoing discussion, there can be little doubt that this action is property brought in federal court.[22] This is undeniably an action by an alien, for a tort only, committed in violation of the law of nations. The paucity of suits successfully maintained under the section is readily attributable to the statute's requirement of alleging a "*violation* of the law of nations" (emphasis supplied) at the jurisdictional threshold. Courts have, accordingly, engaged in a more searching preliminary review of the merits than is required, for example, under the more flexible "arising under" formulation. *Compare O'Reilly de Camara* v. *Brooke,* 209 U.S. 45, 52 (1907) (question of Alien Tort Statute jurisdiction disposed of "on the merits") Holmes, J.), with *Bell* v. *Hood,* 327 U.S. 678 (1946) (general federal question jurisdiction not defeated by the possibility that the averments in the complaint may fail to state a cause of action). Thus, the narrowing construction that the Alien Tort Statute has previously received reflects the fact that earlier cases did not involve such well-established, universally recognized norms of international law that are here at issue.

For example, the statute does not confer jurisdiction over an action by a Luxembourgeois international investment trust's suit for fraud, conversion and corporate waste. *IIT* v. *Vencap,* 519 F.2d 1001, 1015, (1975). In *IIT,* Judge Friendly astutely noted that the mere fact that every nation's municipal law may prohibit theft does not incorporate "the Eighth Commandment, 'Thou Shalt not steal' . . . [into] the law of nations." It is only where the nations of the world have demonstrated that the wrong is of mutual, and not merely several, concern, by means of express international accords, that a wrong generally recognized becomes an international law violation within the meaning of the statute. Other recent § 1350 cases are similarly distinguishable.[23]

IIT adopted a dictum from *Lopes* v. *Reederei Richard Schroder,* 225 F. Supp. 292 (E.D. Pa. 1963) to the effect that "a violation of the law of nations arises only when there has been 'a violation by one or more individuals of those standards, rules or customs (a) affecting the relationship between states or between an individual and a foreign state and (b) used by those states for their common good and/or in dealings *inter se.*' " *ITT, supra,* 519 F.2d at 1015, *quoting Lopes, supra,* 225 F. Supp. at 297. We have no quarrel with this formulation so long as it be understood that the courts are not to prejudge the scope of the issues that the nations of the world may deem important to their interrelationships, and thus to their common good. As one commentator has noted: the sphere of domestic jurisdiction is not an irreducible sphere of rights which are somehow inherent, natural, or fundamental. It does not create an impenetrable barrier to the development of international law. Matters of domestic jurisdiction are not those which are unregulated by international law, but those which are left by international law for regulation by States. There are, therefore, no matters which are domestic by their 'nature.' All are susceptible of international legal regulation and may become the subjects of new rules of customary law of treaty obligations. Preuss, "Article 2, Paragraph 7 of the Charter of the United Nations and Matters of Domestic Jurisdiction," Hague *Receuil* (Extract, 149) at 8, *reprinted in* H. Briggs, *The Law of Nations* 24 (1952). Here the nations have made it their business, both through international accords and unilateral action,[24] to be concerned with domestic human rights violations to this magnitude. The case before us therefore falls within the *Lopes/IIT* rule.

Since federal jurisdiction may properly be exercised over the Filartigas' claim, the action must be remanded for further proceedings. Appellee Pena, however, advances several additional points that lie beyond the scope of our holding on jurisdiction. Both to emphasize the boundaries of our holding, and to clarify some of the issues reserved for the district court on remand, we will address these contentions briefly.

IV

Pena argues that the customary law of nations, as reflected in treaties and declarations that are not self-executing, should not be applied as rules of decision in this case. In doing so, he confuses the question of federal jurisdiction under the Alien Tort Statute, which requires consideration of the law of nations, with the issue of the choice of law to be applied, which will be addressed at a later stage in the proceedings. The two issues are distinct. Our holding on subject matter jurisdiction decides only whether Congress intended to confer judicial power, and whether it is authorized to do so by Article III. The choice of law inquiry is a much broader one, primarily concerned with fairness, *see Home Insurance Co.* v. *Dick,* 281 U.S. 397 (1930); consequently, it looks to wholly different considerations. *See Lauritzen* v. *Larsen,* 345 U.S. 571 (1954). Should the district court decide that the *Lauritzen* analysis requires it to apply Paraguayan law, our courts will not have occasion to consider what law would govern a suit under the Alien Tort Statute where the challenged conduct is actionable under the law of the forum and the law of nations, but not the law of the jurisdiction in which the tort occurred.[25]

Pena also argues that "[i]f the conduct complained of is alleged to be the act of the Paraguayan government, the suit is barred by the Act of State doctrine." This argument was not advanced below, and is therefore not before us on this appeal. We note in passing, however, that we doubt whether action by a state official in violation of the Constitution and laws of the Republic of Paraguay, and wholly unratified by that nation's government, could properly be characterized as an act of state. *See Banco Nacionale de Cuba* v. *Sabbatino, supra,* 376 U.S. 398; *Underhill* v. *Hernandez,* 168 U.S. 250 (1897). Paraguay's renunciation of torture as a legitimate instrument of state policy, however, does not strip the tort of its character as an international law violation, if it in fact occurred under color of government authority. *See* Declaration on the Protection of All Persons from Being Subjected to Torture *supra* note 11; *cf. Ex parte Young,* 209 U.S. 123 (1908) (state official subject to suit for constitutional violations despite immunity of state).

Finally, we have already stated that we do not reach the critical question of *forum non conveniens,* since it was not considered

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below. In closing, however, we noted that the foreign relations implications of this and other issues the district court will be required to adjudicate on remand underscores the wisdom of the First Congress in vesting jurisdiction over such claims in the federal district courts through the Alien Tort Statute Questions of this nature are fraught with implications for the nation as a whole, and therefore should not be left to the potentially varying adjudications of the courts of the fifty states.

In the twentieth century the international community has come to recognize ute. Questions of this nature are fraught disregard of basic human rights and particularly the right to be free of torture. Spurred first by the Great War, and then the Second, civilized nations have banded together to prescribe acceptable norms of international behavior. From the ashes of the Second World War arose the United Nations Organization, amid hopes that an era of peace and cooperation had at last begun. Though many of these aspirations have remained elusive goals, that circumstance cannot diminish the true progress that has been made. In the modern age, humanitarian and practical considerations have combined to lead the nations of the world to recognize that respect for fundamental human rights is in their individual and collective interest. Among the rights universally proclaimed by all nations, as we have noted, is the right to be free of physical torture. Indeed, for purposes of civil liability, the torturer has become—like the pirate and slave trader before him—*hostis humani generis*, an enemy of all mankind. Our holding today, giving effect to a jurisdictional provision enacted by our First Congress, is a small but important step in the fulfillment of the ageless dream to free all people from brutal violence.●

FOOTNOTES

[1] Duarte is the son of Pena's companion, Juana Bautista Fernandez Villalba, who later accompanied Pena to the United States.

[2] Several officials of the Immigration and Naturalization Service were named as defendants in connection with this portion of the action. Because Pena has now been deported, the federal defendants are no longer parties to this suit, and the claims against them are not before us on this appeal.

[3] Jurisdiction was also invoked pursuant to 28 U.S.C. §§ 1651, 2201 & 2202, presumably in connection with appellants' attempt to delay Pena's return to Paraguay.

[4] Richard Falk, the Albert G. Milbank Professor of International Law and Practice at Princeton University, and a former Vice President of the American Society of International Law, avers that, in his judgment, "it is now beyond reasonable doubt that torture of a person held in detention that results in severe harm or death is a violation of the law of nations." Thomas Franck, professor of international law at New York University and Director of the New York University Center for International Studies offers his opinion that torture has now been rejected by virtually all nations, although it was once commonly used to extract confessions. Richard Lillich, the Howard W. Smith Professor of Law at the University of Virginia School of Law, concludes, after a lengthy review of the authorities, that officially perpetrated torture is "a violation of international law (formerly called the law of nations)." Finally, Myres MacDougal, a former Sterling Professor of Law at the Yale Law School, and a past President of the American Society of International Law, states that torture is an offense against the law of nations, and that "it has long been recognized that such offenses virtually affect relations between states."

[5] The Gorostiaga affidavit states that a father whose son has been wrongfully killed may in addition to commencing a criminal proceeding bring a civil action for damages against the person responsible. Accordingly, Mr. Filartiga has the right to commence a civil action against Mr. Duarte and Mr. Pena-Irala since he accuses them both of responsibility for his son's death. He may commence such a civil action either simultaneously with the commencement of the criminal proceeding, during the time that the criminal proceeding lasts, or within a year after the criminal proceeding has terminated. In either event, however, the civil action may not proceed to judgment until the criminal proceeding has been disposed of. If the defendant is found not guilty because he was not the author of the case under investigation in the criminal proceeding, no civil action for indemnity for damages based upon the same deed investigated in the criminal proceeding, can prosper or succeed.

[6] The court below accordingly did not consider the motion to discuss on *forum non conveniens* grounds, which is not before us on this appeal.

[7] Appellants "associate themselves with" the argument of some of the *amici curiae* that their claim arises directly under a treaty of the United States, Brief for Appellants at 23 n.*, but nonetheless primarily rely upon treaties and other international instruments as evidence of an emerging norm of customary international law, rather than independent sources of law.

[8] The Statute of the International Court of Justice, Art. 38 & 59, June 26, 1945, 59 Stat. 1055, 1060 (1945) provides:

Art. 38—1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

Art. 95.—The decision of the Court has no binding force except between the parties and in respect of that particular case.

[9] We observe that this Court has previously utilized the U.N. Charter and the Charter of the Organization of American States, another non-self-executing agreement, as evidence of binding principles of international law. *United States* v. *Toscanino*, 500 F.2d 267 (2d Cir. 1974). In that case, our government's duty under international law to refrain from kidnapping a criminal defendant from within the borders of another nation, where formal extradition procedures existed, infringed the personal rights of the defendant, whose international law claims were thereupon remanded for a hearing in the district court.

[10] Eighteen nations have incorporated the Universal Declaration into their own constitutions. 48 *Revue Internationale de Droit Penal* Nos. 3 & 4, at 211 (1977).

[11]

Article 1

1. For the purpose of this Declaration, torture means an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent or incidental to lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offense to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No state may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each state shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practiced within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each state shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each state shall ensure that all acts of torture as defined in Article I are offenses under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the state concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in Article I has been committed, the competent authorities of the state concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under Article 8 or Article 9 establishes that an act of torture as defined in Article I appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation, in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceeding.

[12] 48 *Revue Internationale de Droit Penal* Nos. 3 & 4 at 208 (1977).

[13] U.S. Const., amend. VIII ("cruel and unusual punishments" prohibited); *id.* amend. XIV.

[14] Constitution of Paraguay, Art. 45 (prohibiting torture and other cruel treatment).

[15] The fact that the prohibition of torture is often honored in the breach does not diminish its binding effect as a norm of international law. As one commentator has put it, "The best evidence for the existence of international law is that every actual State recognizes that it does exist and that it is itself under an obligation to observe it. States often violate international law, just as individuals often violate municipal law; but no more than individuals do States defend their violations by claiming that they are above the law." J. Brierly, *The Outlook for International Law* 4-5 (Oxford 1944).

[16] *See* note 4, *supra: see also Ireland* v. *United Kingdom,* Judgment of Jan. 18, 1978 (European Court of Human Rights), *summarized in* [1978] Yearbook, European Convention on Human Rights 602 (Council of Europe) (holding that Britain's subjection of prisoners to sleep deprivation, hooding, exposure to hissing noise, reduced diet and standing against a wall for hours was "inhuman and degrading," but not "torture" within meaning of European Convention on Human Rights).

[17] *E.g.,* 22 U.S.C. § 2304(2) ("Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."); 22 U.S.C. § 2151(a) ("The Congress finds that fundamental political, economic, and technological changes have resulted in the interdependence of nations. The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms").

[18] Conduct of the type alleged here would be actionable under 42 U.S.C. § 1983 or, undoubtedly, the Constitution, if performed by a government official.

[19] As Lord Stowell said in *The Maria,* 165 Eng. Rep. 955, 958 (Adm. 1807). "In the first place it is to be recollected, that this is a Court of the Law of Nations, though sitting here under the authority of the King of Great Britain. It belongs to the nations Great Britain. It belongs to other nations as well as to our own; and what foreigners have a right to demand from it, is the administration of the law of nations, simply, and exclusively of the introduction of principles borrowed from own municipal jurisprudence, to which it is well known, they have at all times expressed no inconsiderable repugnance."

[20] The plainest evidence that international law has an existence in the federal courts independent of acts of Congress is the longstanding rule of construction first enunciated by Chief Justice Marshall: "an act of congress ought never to be construed to violate the law of nations, if any other possible construction remains . . ." *The Charming Betsy,* 6 U.S. (2 Cranch) 132, 143 (1804), *quoted in Lauritzen* v. *Larsen,* 345 U.S. 571, 578 (1953).

[21] Section 1350 afforded the basis for jurisdiction over a child custody suit between aliens in *Adra* v. *Clift,* 195 F. Supp. 857 (D. Md. 1961), with a falsified passport supplying the requisite international law violation. In *Bolchos* v. *Darrell,* 3 Fed. Cas. 810 (D.S.C. 1795), the Alien Tort Statute provided an alternative basis of jurisdiction over a suit to determine title to slaves on board an enemy vessel taken on the high seas.

[22] We recognize that our reasoning might also sustain jurisdiction under the general federal question provision, 28 U.S.C. § 1331. We prefer, however, to rest our decision upon the Alien Tort Statute, in light of that provision's close coincidence with the jurisdictional facts presented in this case. *See Romero* v. *International Terminal Operating Co.,* 358 U.S. 354 (1959).

[23] *Dreyfus* v. *Finck,* 534 F.2d 24 (2d Cir.), *cert. denied,* 429 U.S. 835 (1976), concerned a forced sale of property, and thus sought to invoke international law in an area in which no consensus view existed. *See Sabbatino, supra,* 376 U.S. at 428. Similiary, *Benjamins* v. *British European Airways,* 572 F.2d 913 (2d Cir. 1978), *cert. denied,* 439 U.S. 1114 (1979), held only that an air disaster, even if caused by "willful" negligence, does not constitute a law of nations violation. *Id.* at 916. In *Khedivial Line, S.A.E.* v. *Seafarers' International Union,* 278 F.2d 49 (2d Cir. 1960), we found that the "right" to free access to the ports of a foreign nation was at best a rule of comity, and not a binding rule of international law.

The cases from other circuits are distinguishable in like manner. The court in *Huynh Thi Anh* v. *Levi,* 586 F.2d 625 (6th Cir. 1978), was unable to discern from the traditional sources of the law of nations "a universal or generally accepted substantive rule or principle" governing child custody, *id.* at 629, and therefore held jurisdiction to be lacking. *Cf Nguyen Da Yen* v. *Kissinger,* 528 F.2d 1194, 1201 n.13 (9th Cir. 1975) ("the illegal seizure, removal and detention of an alien against his will in a foreign country would appear to be a tort . . . and it may well be a tort in violation of the 'law of nations' ") (§ 1350 question not reached due to inadequate briefing). Finally, the district court in *Lopes* v. *Reederei Richard Schroder,* 225 F. Supp. 292 (E.D. Pa. 1963) simply found that the doctrine of seaworthiness, upon which the plaintiff relied, was a uniquely American concept, and therefore not a part of the law of nations.

[24] As President Carter stated in his address to the United Nations on March 17. 1977:

All the signatories of the United Nations Charter have pledged themselves to observe and to respect basic human rights. Thus no member of the United Nations can claim that mistreatment of the citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world.

Reprinted in 78 Department of State Bull. 322 (1977); see note 17, *supra.*

[25] In taking that broad range of factors into account, the district court may well decide that fairness requires it to apply Paraguayan law to the instant case. *See Slater* v. *Mexican National Railway Co.,* 194 U.S. 120 (1904). Such a decision would not retroactively oust the federal court of subject matter jurisdiction, even though plaintiff's cause of action would no longer properly be "created" by a law of the United States. *See American Well Works Co. v. Lane & Bowler Co.,* 241 U.S. 257, 260 (1916) (Holmes, J.). Once federal jurisdiction is established by a colorable claim under federal law at a preliminary stage of the proceeding, subsequent dismissal of that claim (here, the claim under the general international proscription of torture) does not deprive the court of jurisdiction previously established. *See Hagans* v. *Lavine,* 415 U.S. 528 (1974); *Romero* v. *International Terminal Operating Co.,* 358 U.S. 354 (1959); *Bell* v. *Hood,* 327 U.S. 678 (1946). *Cf. Huynh Thi Ahn, supra,* 586 F.2d at 633 (choice of municipal law ousts § 1350 jurisdiction when no international norms exist.)

[24] As President Carter stated in his ad- exist.) ●

LEAVE OF ABSENCE

By unanimous consent. leave of absence was granted as follows:

To Ms. Ferraro at the request of Mr. Wright), for today, on account of official business.

Mr. Fish (at the request of Mr. Rhodes), for December 5, 1980, after 12 o'clock noon, on account of attending a funeral.

Mr. Lederer (at the request of Mr. Wright), for today, on account of a necessary absence.

Mr. Hollenbeck (at the request of Mr. Rhodes), for December 5, 1980, after 12 o'clock noon, on account of attending a funeral.

Mr. McClory (at the request of Mr. Rhodes), for today, on account of attending a funeral.

Mr. Yates (at the request of Mr. Wright), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Skelton, for 60 minutes today.

(The following Members (at the request of Mr. Solomon) to revise and extend their remarks and include extraneous material:)

Mr. Dannemeyer, for 30 minutes, today.

Mr. Marriott, for 30 minutes, today.

Mr. Paul, for 60 minutes, today.

Mr. Buchanan, for 30 minutes, today.

Mr. Hansen, for 30 minutes, today.

Mr. Corcoran, for 15 minutes, today.

Mr. Don Clausen, for 60 minutes, Tuesday, December 9.

Mr. Lagomarsino, for 60 minutes, Tuesday, December 9.

(The following Members (at the request of Mr. Mineta) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 30 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. LaFalce, for 60 minutes, today.
Mr. Johnson of California, for 5 minutes, today.
Mr. Drinan, for 10 minutes, today.
Mr. Preyer, for 15 minutes, today.
Mr. Roberts, for 10 minutes, today.
Mr. Weaver, for 10 minutes, today.
Mrs. Bouquard, for 5 minutes today.
Mr. Bonior of Michigan, for 15 minutes, today.
Mr. Wolff, for 60 minutes, today.
Mr. Minish, for 10 minutes, today.
Mr. Vanik, for 5 minutes, today.
Mr. Conyers, for 60 minutes, today.
Ms. Oakar, for 5 minutes, today.
Mr. Fisher, for 10 minutes, today.
Mr. Fisher, for 10 minutes, December 9, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Downey, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $2,259.75.

Mr. Stokes, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,063.25.

(The following Members (at the request of Mr. Solomon) and to include extraneous material:)

Mr. Williams of Ohio.
Mr. Paul.
Mr. Rudd.
Mr. Spence in two instances.
Mr. Royer in two instances.
Mr. Fish.
Mr. Forsythe.
Mr. Solomon.
Mr. Gilman in three instances.
Mr. Daniel B. Crane.
Mr. Hyde.
Mr. Buchanan.
Mr. Carney.
Mr. Wydler in two instances.
Mr. Regula.
Mr. Stanton.
Mr. Carter.
Mr. Hopkins.
Mr. Rudd.
Mr. Abdnor.
Mr. Frenzel.
Mr. Vander Jagt.
Mr. Rousselot.
Mr. Ritter.

(The following Members (at the request of Mr. Mineta), and to include extraneous matter:)

Mr. Solarz.
Mr. Minish in two instances.
Mr. Rodino.
Mr. Gudger.
Mr. Fascell in five instances.
Mr. Mattox in two instances.
Mr. Pease.
Mr. Daschle in two instances.
Mr. Clay.
Mr. Cotter.
Mr. Pease in two instances.
Mr. Zablocki.
Mr. Ichord in two instances.
Mr. Florio.
Mr. McDonald.
Mr. Mitchell of Maryland in two instances.
Mr. Jenkins.
Mr. Mottl.
Mr. Charles Wilson of Texas.
Mr. Moakley in 10 instances.
Mr. Gaydos in three instances.
Mr. Coelho.
Mr. Edwards of California.
Mr. Brodhead.
Mr. Akaka.
Mr. Weiss.
Mr. Fauntroy.
Mr. Oberstar.
Mr. Sharp.
Mr. Rangel.
Mr. Lehman.
Mr. Kostmayer in two instances.
Mr. Ottinger in two instances.
Mr. Wolff.
Mr. Hance.
Mr. Conyers.
Mr. Fazio in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 988. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes;

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, and for other purposes.

S. 1972. An act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from and creditors of, the Sangre de Cristo Development Co., Inc., and for other purposes; and

S. 2134. An act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the U.S. Supreme Court Building.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7018. An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes;

H.R. 7631. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 8061. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes; and

H.J. Res. 205. Joint resolution authorizing appropriations of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

BILLS PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On December 3, 1980:

H.R. 6086. An act to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country;

H.R. 6211. An act to authorize the Secretary of the Interior to issue certain patents under the Color of Title Act;

H.R. 6889. An act entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980";

H.R. 7724. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 7466. An act to amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status; and

H.R. 7805. An act to authorize appropriations for the American Folklife Center for the fiscal years 1982, 1983, and 1984.

On December 4, 1980:

H.R. 6942. An act to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes;

H.R. 7584. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 7765. An act to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981; and

H.R. 8228. An act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

ADJOURNMENT

Mr. LOWRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Tuesday, December 9, 1980, at 3 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third quarter of calendar year 1980 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Duncan	7/3	7/6	Italy		273.00						273.00
	7/6	7/8	Egypt		125.36						125.36
	7/8	7/12	Israel		400.00						400.00
	7/12	7/13	Ireland		106.00						106.00
Transportation by DOD							3,535.89				3,535.89
Hon. Jack Hightower	7/25	7/27	Canada		137.61						137.61
Transportation by DOD							273.20				273.20
Hon. William Lehman	8/4	8/6	Nicaragua		225.00						225.00
	8/6	8/9	Honduras		225.00		333.00				558.00
Hon. J. Kenneth Robinson	8/3	8/5	England		252.00						252.00
	8/5	8/6	West Germany		78.00						78.00
	8/6	8/7	Denmark		115.00						115.00
	8/7	8/8	Norway		186.00						186.00
	8/8	8/9	Iceland		75.00						75.00
Transportation by DOD							4,794.86				4,794.86
Hon. Tom Steed	7/8	7/10	Canada		225.00		410.64				635.64
Terry Bevels	8/4	8/6	Nicaragua		225.00						225.00
	8/6	8/9	Honduras		225.00						225.00
	8/10		United States		50.00		699.00				749.00
Aubrey A. Gunnels	7/8	7/10	Canada		225.00		385.02				610.02
Terry R. Peel	7/6	7/9	Saudi Arabia		300.00						300.00
	7/9	7/11	Oman		150.00						150.00
	7/11	7/11	Somalia								
	7/11	7/14	Kenya		225.00						225.00
	7/14	7/14	Sudan								
	7/14	7/16	Egypt		150.00						150.00
	7/16	7/17	West Germany		75.00						75.00
Commercial transportation							2,886.75				2,886.75
Transportation by DOD							2,845.75				2,845.75
Donald P. Smith	7/6	7/9	Saudi Arabia		300.00						300.00
	7/9	7/11	Oman		150.00						150.00
	7/11	7/11	Somalia								
	7/11	7/14	Kenya		225.00						225.00
	7/14	7/14	Sudan								
	7/14	7/16	Egypt		150.00						150.00
	7/16	7/17	West Germany		75.00						75.00
Commercial transportation							2,886.75				2,886.75
Transportation by DOD							2,845.75				2,845.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

JAMIE WHITTEN,
Chairman, Committee on Appropriations.

Oct. 30, 1980.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ichord, Congressman Richard H.	8/31	9/3	England	209.72	507.00					209.72	507.00
Committee total					507.00						507.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE,
Chairman, Committee on Armed Services.

Nov. 21, 1980.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5785. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of the proposed conversion to contractor performance of the guard services function at the Naval Undersea Systems Center, New London, Conn., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5786. A letter from the Secretary of Education, transmitting the second annual report on implementation of the Education for All Handicapped Children Act, pursuant to section 618(d)(1) of the act (Public Law 94-142); to the Committee on Education and Labor.

5787. A letter from the Comptroller General of the United States, transmitting a report on the audit of the United States Capitol Historical Society for the year ended January 31, 1980, pursuant to section 431 of the Legislative Reorganization Act of 1970 (GGD-81-15, December 4, 1980); to the Committee on Government Operations.

5788. A letter from the Secretary of the Interior, transmitting the annual report listing (1) areas of national significance with potential for inclusion in the National Park System, and (2) areas included on the Registry of Natural Landmarks and areas of national significance included on the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources, pursuant to section 8 of Public Law 91-383, as amended (H. Doc. No. 96-394); to the Committee on Interior and Insular Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. Report on Allocation of Budget totals under the Second Concurrent Resolution on the Budget for fiscal year 1981 (Rept. No. 96-1529). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEVITAS: Committee of conference. Conference report on S. 1142 (Rept. No. 96-1530). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 8429. A bill to authorize the Secretary of the Interior to provide to the State of South Dakota funds for the development and implementation of plans for the mitigation of economic losses to the State which have occurred as a result of the taking of land within South Dakota for the Missouri River Basin project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. AKAKA:

H.R. 8430. A bill to compensate those persons who served as enlisted members in the Philippine Scouts and the insular force of the U.S. Navy during World War II for the difference between their actual pay and allowances, and the pay and allowances authorized for other enlisted members of the Regular Army and the Regular Navy of corresponding grades and length of service; to the Committee on Armed Services.

H.R. 8431. A bill for the relief of certain natives of the Philippines who served in the United States Armed Forces during World War II; to the Committee on the Judiciary.

By Mr. DOWNEY:

H.R. 8432. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of the deduction of contributions to parents and students savings accounts for educational purposes; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 8433. A bill to amend the Internal Revenue Code of 1954 with respect to the valuation of bank holding company assets for the purpose of determining the amount certain private foundations are required to distribute; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 8434. A bill to amend the Internal Revenue Code of 1954 to repeal the Family Rental Tax; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 8435. A bill to prohibit the removal before January 1, 1982, of houseboats or floating cabins from water resource areas under the jurisdiction of the Corps of Engineers; to the Committee on Public Works and Transportation.

By Mr. McDONALD:

H.R. 8436. A bill to prohibit the removal before January 1, 1982, of houseboats or floating cabins from water resource areas under the jurisdiction of the Corps of Engineers; to the Committee on Public Works and Transportation.

By Mr. MOORHEAD of Pennsylvania:

H.R. 8437. A bill to authorize any national bank to establish branches outside of the State in which such national bank is located and to authorize any bank holding company to acquire control of banks located outside of the State in which such bank holding company is located; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8438. A bill to authorize any bank holding company to acquire control of banks located outside of the State in which such bank holding company is located; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8439. A bill to authorize any bank holding company to acquire control of banks, and any national bank to establish branches throughout the standard metropolitan statistical area in which such bank holding company or national bank is located; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8440. A bill to authorize any bank holding company to acquire control of banks located throughout the standard metropolitan statistical area in which such bank bank holding company is located; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8441. A bill to authorize any bank holding company located in the standard metropolitan statistical area in which the District of Columbia is located to acquire control of banks located throughout such area; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8442. A bill to authorize any national bank located in the standard metropolitan statistical area in which the District of Columbia is located to establish branches throughout such area and to authorize any bank holding company in such area to acquire control of banks throughout such area; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PREYER (for himself, Mr. Fascell, Mr. Van Deerlin, Mr. Drinan, Mr. English, Mr. Evans of Indiana, Mr. Kostmayer, Mr. Weiss, Mr. Matsui, Mr. Goldwater, Mr. Brooks, Mr. Butler, and Mr. Kindness):

H.R. 8443. A bill to reorganize the international communications activities of the Federal Government; jointly, to the Committees on Interstate and Foreign Commerce and Foreign Affairs.

By Mr. FISH:

H. Con. Res. 455. Concurrent resolution expressing the sense of the Congress that, upon the release of the Americans held hostage in Iran, the United States should pay to each hostage an amount equal to twice the sum of all pay and allowances earned by such hostage during the period of captivity; jointly to the Committees on Foreign Affairs and Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7254: Mr. Gilman, Mr. Moakley, Mr. Seiberling, Mr. Maguire, and Mr. Ford of Tennessee.

H.R. 7983: Mr. Moffett and Mrs. Spellman.

H.R. 8367: Mr. Young of Alaska, Mr. Lujan, Mr. Murphy of Illinois, Mr. Whittaker, Mrs. Holt, and Mr. Bevill.

H.R. 8424: Mr. McCloskey and Mr. Bafalis.

H. Con. Res. 346: Mr. Bereuter.

H. Con. Res. 443: Mr. Mitchell of Maryland and Mr. Ottinger.

H. Con. Res. 450: Mr. McDade.

H. Con. Res. 454: Mr. Whitehurst, Mr. Yatron, Mr. Hansen, Mr. Corrada, Mr. Robinson, and Mr. Rinaldo.

H. Res. 144: Mr. Pritchard, Mr. Marriott, Mrs. Collins of Illinois, Mr. Hyde, Mr. Ford of Tennessee, Mr. Lederer, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Yates, Mr. Hubbard, Mr. Anderson of California, Mr. Mavroules, Mr. Van Deerlin, Mr. Bennett, Mr. Fascell, Mr. Beard of Rhode Island, Mr. Boner of Tennessee, Mr. Findley, Mrs. Spellman, Mr. Gibbons, Mr. Rosenthal, Mr. McDade, Mr. Dodd, Mr. Young of Florida, Mr. Lehman, Mr. Holland, Mr. English, Mr. Edwards of California, Mr. Chappell, Mr. Duncan of Tennessee, Mr. Nowak, Mr. Ratchford, Mr. Reuss, Mr. John L. Burton, Mr. Coelho, Mr. Horton, Mr. Andrews of North Carolina, Mr. Tauke, Mr. Stokes, Mr. Stark, Mr. Jeffords, Mr. Bonker, Mrs. Byron, Mr. Frost, Mr. Guyer, Mr. Winn, Mr. D'Amours, Mr. Moffett, Mr. AuCoin, Mr. Guarini, Mr. Florio, Mr. Young of Missouri, Mr. Williams of Montana, Mr. Daschle, Mrs. Bouquard, Mr. Mica, Mr. Pickle, Mr. Kogovsek, Mr. Lent, Mr. Jones of North Carolina, and Mr. Peyser.

SENATE—*Friday, December 5, 1980*

(*Legislative day of Thursday, November 20, 1980*)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. YOUNG).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Blessed are the pure in heart for they shall see God.—Matthew 5: 8.

Let us pray.

"O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home

"Under the shadow of Thy throne
Thy saints have dwelt secure;
Sufficient is Thine arm alone,
And our defense is sure

"O God, our help in ages past,
Our hope for years to come,
Be Thou our God while life shall last,
And our eternal home."
—ISAAC WATTS, 1719.

O Lord, let Thy benediction be upon the 96th Congress of the United States.

Confirm all that is right. Correct all that is wrong. Provide for all that is unfinished. And with one accord may we praise Thee for Thy goodness and mercy.

Now go in peace
Remember the poor
Be kindly disposed one to another
And may the blessed God's love go with you and abide with you forever.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with and that it be approved to date as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE PRESIDENT PRO TEMPORE

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that a precedent be broken and that the President pro tempore be permitted to address the Senate from the chair for as long as he wishes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESS TO THE SENATE BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore (Mr. YOUNG). This is indeed a great honor and privilege for me, one that I never expected to come.

I have more seniority than any Republican in the history of the Senate. One Senator has served about a year and a half longer, but there is a break in his service.

I really never thought this day would come. And it would not have except for the thoughtfulness and kindness and consideration of the majority leader, Senator ROBERT C. BYRD, and the minority leader, Senator BAKER, and one of my longtime friends, Senator MAGNUSON, for relinquishing his important assignment of President pro tempore for this 1 day.

This one day will live a long time in my life and always a most pleasant memory.

There is something unusual, too, that I would like to mention. I was the last Senator sworn in by the late Vice President Truman before he became President. I was greatly honored that yesterday Vice President MONDALE administered the oath of office. He is a great Vice President, very popular, and a long-time good friend of mine.

So this is a great honor and one of the best days of my lifetime. I thank the leadership and all of the Members of the Senate for making this possible.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I rise only to acknowledge that the distinguished occupant of the chair, the President pro tempore, looks and appears to this body as if he had occupied it for many years and graces that position to the great benefit of this body.

I thank the distinguished acting minority leader for making it possible for him to speak at this point. I express my appreciation to the majority leader and to Senator MAGNUSON, particularly, for making this occurrence possible.

Mr. MATSUNAGA. Mr. President, this certainly is a precedent-breaking event. I know that the Senator now seated in the chair will go down in history not only for the many great contributions he has made as a Senator from his own State, but having broken a great precedent of the Senate by presiding as a minority Member over the majority party.

Mr. ROBERT C. BYRD. Mr. President, who has the first special order this morning?

The PRESIDENT pro tempore. The Senator from North Carolina will be recognized.

Mr. MORGAN. Mr. President, I am happy to yield to the Senator from North Dakota.

Mr. BURDICK. Mr. President, how little did I think I would be addressing my colleague as the Presiding Officer of this august body on this day. I certainly want to join with the other Senators in commenting upon the uniqueness of this day. It does the State of North Dakota great honor.

To my colleague, congratulations on this very special day.

RECOGNITION OF SENATOR MORGAN

The PRESIDENT pro tempore. The Senator from North Carolina is recognized for not to exceed 15 minutes.

INVASION OF LEGISLATIVE POWERS OF THE CONGRESS

Mr. MORGAN. Mr. President, at the end of this month, I will be ending my term as U.S. Senator; 6 years ago when I came here, I was appointed to a very important committee by the majority leader, the Honorable Mike Mansfield, the Select Committee on Intelligence. I served on that committee for a number of years. My recollection is I served 4 years.

During that period of time, I served along with our distinguished Vice President of the United States who was then Senator MONDALE, and the distinguished Senator from Pennsylvania, Senator SCHWEIKER, on a Subcommittee of the Intelligence Committee for domestic intelligence in which we dealt with such problems as COINTEL, the abuse of power by police agencies including the FBI, the IRS and other intelligence agencies.

During the last 4 years I have been privileged to serve on the Select Committee on Ethics which has had jurisdiction over a number of very difficult and very trying problems involving Members of the Senate.

As I leave this Senate, I am concerned about some of the problems that confront it. Not unduly, because as a student of history, I recall that throughout the history of this Congress, there have been turbulent and trying times.

But with the good work and the good faith of men and women of this Nation, those matters have always been resolved in the name of freedom, or have most always been resolved in the name of freedom, and the preservation of our democracy.

Since I am leaving, I want to speak on a subject that gives me some concern, arising out of my 6 years of experience on these two committees. Because I am leaving the Senate and have no official interest or special concern after I leave the Senate, I think I am in a unique position to express some of my concerns about some of the activities that have been going on in light of my 6 years experience.

For nearly a year now, the mass media has reported in detail a series of cases characterized as the Abscam operation of the Federal Bureau of Investigation. These cases are now before the courts. Under the statute law of the United States, there are only two parties to any criminal case, that of the prosecuting authority representing the people and the defendant. I am content, under the Constitution, to allow the courts to decide the cases as restricted to the parties before them. However, the Senate has already taken official notice of the charges by referring the matter to the Ethics Committee thereby indicating that the Senate itself is concerned.

I might say here, Mr. President, parenthetically, I doubt that there will be any further action before the Ethics Committee concerning these matters while I am in the Senate. But should there be, I will remove myself so I will have no further involvement and therefore I feel free to speak of my concerns.

Of course, the Senate is concerned, and properly so, with the standard of ethics and its application to all Members of the Senate. But it is to a larger issue, the constitutional prerogatives and duties of the U.S. Senate, that I wish to speak.

A most distinguished jurist, Judge Fullam, has found that both entrapment and violation of due process exists in these Abscam cases as a matter of law. That issue will be ultimately and finally decided by the courts. The question arises as to whether or not the U.S. prosecuting authorities were guilty of violating the constitutional rights of the U.S. Senate as distinct from the defendants, by setting up, specifically, tactics designed to entrap, primarily, Members of the governing body.

As far as criminal law goes, as distinguished from the constitutional law, the courts are divided on the meaning of the law. Perhaps, the Abscam cases will result in a much clearer definition. This is ardently to be desired for people who pride themselves that they live under a government of law and are entitled to a clear definition of the law. So is the Senate. But it is not to these individual rights to which I address myself.

I am much more concerned with deeper and more basic definitions of the Constitution, the tripartite division of our Government. Probably the most distinguishing feature of the constitutional law of all the English speaking peoples, particularly the American, is that the provisional becomes the institutional. The jurisdiction of the U.S. Supreme Court, itself, was established by the happenstance of one comparatively small case: Marbury against Madison. From that single case of asserted jurisdiction by the Supreme Court, the whole edifice of the ultimate power of the U.S. Supreme Court has been built.

I submit that by the announced targeting of the FBI in the Abscam cases, the executive department may well be asserting and usurping supervisory and surveillance powers over the Congress of the United States.

I say again, by the targeting of the Congress rather than individual Members who have demonstrated a propensity to violate the law, the executive branch has overstepped its bounds by aiming at an institution of Government rather than people.

Be it noted that the boundaries of the three major parts of the U.S. Government are vague and flexible. From time to time, various Presidents have challenged the Supreme Court jurisdiction, among them Jefferson, Jackson and Lincoln, declaring that the executive department has the right to determine its own jurisdiction. We may fairly assume that these distinguished Presidents were jealous of the maintenance of the three departments of Government as they were of protecting the Executive domain. I submit, therefore, that the vigilance of the U.S. Congress in protecting the legislative domain is no less compelling than it is upon the executive department.

In fact, it is my opinion that such duty is superior, for as clearly demonstrated by the Constitution itself, while the Government of the United States is divided into three parts, there was no doubt in the minds of the Founding Fathers as to which, in the final analysis, was to be supreme. That is established by article I, section 1 of the U.S. Constitution declaring that final power is in the Congress.

It is to that great constitutional question that I address myself as I depart the Senate. I believe that Congress must exercise great vigilance in the protection of its constitutional rights because in that manner it will protect not only its prerogatives, but the rights of the people.

I see in the Abscam cases the beginning of an institution which, if allowed to proceed unchecked, may result in a permanent invasion of the prerogatives of Congress. If that becomes the accepted norm, the executive department could keep under constant threat and intimidation the Members of the Congress by a special bureau of the Department of Justice.

Such constant surveillance and temptation of Members of Congress could introduce into the norm of its everyday life a secret police under the control of the executive department. Such an investigative body, it is obvious, would be an institutionalized Damoclean sword hanging over the heads of each Member of the Congress and capable of being used against each individual and by this leverage to control legislation.

Members of Congress would be unable to carry on the vast body of constituent business without fear of being framed. For the present open door policy of complete communication with constituents as now prevailing, there would be substituted an atmosphere of circumspection and suspicion between the Members of the Congress and the public, a blow at the faith of the people in their Government.

Unspoken, but historically present, is the danger of coercion of witnesses by law enforcement bodies to help compromise public officials. This is no small part of the appalling risk ensuing from ignoring the basic tenets of the Constitution. Thus, as part of the evidence in the Abscam cases, the Chase Manhattan National Bank, in furthering the fiction of the Government in its entrapment tactics, falsely declared that the fictitious sheik had a balance of $400 million when, in fact, neither the sheik nor such credit existed.

If one of the country's most respected and honorable institutions could be induced or coerced to enter such a scheme, one can only imagine what lesser and weaker citizens would do under similar suggestion or coercion from the FBI or by any other investigative body making the Congress the target.

I should point out, Mr. President, they are making the Congress the target, rather than an individual for which some given cause or reason may exist. Moreover, can it be supposed that the rewards offered to such institutional collaborationists would be less than the rewards offered to the ordinary characterless variety of police informers? A standing institutionalized bonus for informing, or worse, bearing false witness against one's neighbor would make the United States a vast police state.

The invasions of the prerogatives of the Congress are not the less dangerous because they appear to have been initiated without the knowledge and consent of the leaders of the executive department, more particularly the President of the United States. On the contrary, they are more constitutionally dangerous, for if allowed to pass unchallenged, any law enforcement officer in any jurisdiction throughout the length and breadth of this land, large or small, can set up the machinery for the destruction of a Member of the U.S. House of Representatives or the U.S. Senate, or local public officials or anyone else of that kind.

Thus, quite aside from the Abscam cases and on the much larger issues of the Constitution, the Abscam cases pose the issue of the constitutionality of the Executive surveillance as opposed to congressional power. Clearly the independence of the legislative bodies are at issue.

Can the executive department invade the prerogatives of the Congress on the basis of asserting that the criminal law, a totally subsidiary statute gives it the right to investigate, to induce and to indict a Member of the Congress on a fiction totally within the discretion of the executive department? I emphasize "totally" there.

In my opinion no greater issue ever confronted this Republic, for if this is allowed to go unchallenged, every Member of the Congress must be aware in the performance of his duties that they might be construed in the light of an Executive conspiracy against him, that in effect, there is a political price on his head, payable to the man who can bring him down.

I do not have all of the answers, Mr. President, but I was concerned, some year or two ago, that the Attorney General of the United States, Judge Bell, a man for whom I have great respect, announced at a press conference that he had so many Governors, so many State legislators and so many county sheriffs under investigation. This, in itself, could be considered somewhat intimidating.

I am trying to paint the overall picture, not deal with the individual crime, where there is evidence that a given individual has committed or is about to commit a crime. I am talking now about a general broad picture, where entire bodies or organizations are ordinarily subjected to this sort of thing.

I am therefore suggesting, Mr. President, and I hope it will come to pass, that the Senate will look into this matter, discuss this matter, and investigate fully these cases as they unfold, lest they set the precedent for a surreptitious entrapment by the executive department to control and invade the constitutional preserves inalienably established in the Congress by article I, section I of the U.S. Constitution.

I say again, Mr. President, I served on the Subcommittee on Domestic Intelligence. My specific assignment was to look into the actions of the Internal Revenue Service in prior years with regard to what we believed and what we found was the use of that agency for purposes other than to collect taxes—in many cases, for political purposes. So I point out again the dangers that I have seen in these 6 years.

I repeat that the Abscam cases in and of themselves are of secondary interest compared with this constitutional crisis. Those cases must be solved in the courts and in the Ethics Committee by themselves. I am talking about the constitutional problem. The Abscam cases concern living men, and living men come and go, and pass away, but the establishment of an investigative unit, secretive, under the control of the executive, whose target is the Congress of the United States, is not a passing interest. This first step has been taken in the Abscam cases.

Mr. President, I say again that we have heard much of the number of indictments arising out of this targeting of Congress, but no one has disclosed to my knowledge, publicly, how many Members of Congress were approached who rejected the initial approach. I think in fairness to the Members of Congress who will be here after I am gone that, somewhere, sometime, it ought to be made clear that there were many other approaches than those for whom indictments have been made.

I think when that is done and if it is done—and I hope it will be done—then the dangers of which I speak this morning will become clear. That is the targeting of a whole body or a whole branch or a whole agency of this or any other government.

There is no such thing as an insignificant threat to American liberty. A secret police bureau with right of entrapment is a threat to every American citizen as well as the Congress.

Hence, I urge that a nonpartisan committee be considered at once to investigate the extent to which the Constitution and the legislative preserves of the Congress of the United States have been invaded, and that all appropriate records of such invasion be made immediately available, so that the Congress itself can define its boundaries. I think in so doing, we shall find whether or not Congress itself was targeted rather than individual Members who might have shown some inclination one way or another. I say I know of no evidence, one way or the other, of individual Members, but I am saying that all of the records ought to be made available to this Congress so that Congress will know whether or not the Congress itself was targeted. This should be instituted immediately.

It is for Congress to say, not the executive department, where the boundaries of the executive investigatory power end and the presumption of the honor as well as the legislative power of the U.S. Senate begins. No proceeding at any time or at any place takes precedence over the duty of the U.S. Congress to protect the Constitution of the United States.

Mr. President, I yield back the remaining portion of my time.

ORDER OF BUSINESS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to use up the 10 minutes of Senator INOUYE's time.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

S. 3247—PORTS AND NAVIGATION IMPROVEMENT ACT OF 1980

Mr. JOHNSTON. Mr. President, The distinguished Senator from Virginia (Mr. WARNER) and I are today introducing a bill to authorize navigation improvements at Norfolk and Mobile harbors, and to provide 55 foot, deep-draft access to New Orleans and Baton Rouge. The bill authorizes and directs an expedited procedure under which these improvements are to be accomplished. The legislation also provides procedures for consideration of priority improvements at other ports and harbors as these are developed.

Each of these three ports and harbors have been under intensive study. in the case of the port of New Orleans, for some 7 or 8 years. The environmental impact statements are virtually complete and the public review process of each of these projects is well underway. Cost-benefit ratios on each have been determined. In the case of deep-draft access to New Orleans and Baton Rouge, the cost-benefit ratio is on the order of 8.5-to-1.

Mr. President. the timeliness of this particular legislation is brought about by our need to export coal. The exportation of coal—the mining of coal, and the burning of coal worldwide—has been a very high priority, not just in this administration, which has been in office for 4 years, but in the Ford and the Nixon administrations prior to that.

But through all these administrations, the bottlenecks in the ability to mine, transport, burn, and particularly export coal, have prevented this Nation and the world from realizing the tremendous benefits and potential of coal as an energy source.

So, Mr. President, hearings have been held not just this year, but over a period of years, to determine what those bottlenecks are to the proper exportation and utilization of coal. What would prevent the President's policy, as announced at the Venice summit meeting, of doubling the use of coal worldwide by 1990 as a goal, from coming about? More than anything else, it is the logjam—or the coaljam, shall we say—at our Nation's ports.

The three ports identified in this bill are not meant to be exclusive. They are identified because they are further along in the process. The corps has completed environmental studies, the economic studies, the cost-benefit analysis, and, indeed, the preliminary design is well on its way. We have identified these three ports because they are further along in the development and review process.

However, the legislation sets a mechanism by which other ports can, and, indeed, should be considered on a priority and expedited basis as that study process ripens, and they are likewise submitted to the Congress for action.

Mr. President, this step taken in this bill, if passed, will be the single most important action to push this country forward as the world's leading exporter of coal and to push forward the burning and utilization of coal worldwide.

Mr. President, it is important for everyone to realize that the burning of coal anywhere in the world, insofar as it displaces oil, is just as good for the local energy crisis, for the domestic energy crisis, as the burning of that coal in this country because, to the extent that a ton of coal is burned in Amsterdam it displaces a number of barrels of oil used there, and frees up oil for use in this and other countries around the world.

For that reason, Mr. President, to be able to export massive quantities of coal, the goal of 100 million tons a year has been set, I believe by 1990, in the Venice summit, is a doable goal. But in order to make our coal more competitive, restricted port depths and other problems which add as much as $9 to the cost of a ton of American coal, must be eliminated.

So, I am very pleased to join with my distinguished colleague from Virginia in introducing this legislation. This is a signal piece of legislation which can really get this Nation moving. Instead of just talk about mining and exporting coal, this bill provides the essential improvement that will get us moving in that direction.

It should shave at least 5 years off the time needed to provide these critical improvements and when international commerce will actually be able to use these ports with a 55-foot channel.

So, Mr. President, I hope my colleagues in the Senate and our colleagues in the House will look favorably upon the Warner-Johnston bill, and will pass it quickly in the next Congress.

Mr. President, I yield the remainder of my time to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Louisiana for joining with me on this measure.

Mr. President, I send the bill to the desk and ask that the first two paragraphs be read.

The PRESIDING OFFICER. Is the Senator asking for its immediate consideration?

Mr. WARNER. No, I am not.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill to declare and recognize the vital importance of ports and harbors to this country's economy and national defense, and the world's economy and energy self-sufficiency, and to authorize expeditious construction of essential river and harbor improvements in order to promote domestic commerce and U.S. export capabilities for coal and other commodities.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COAL PORT CRISIS

Mr. WARNER. Mr. President, today 101 of the world's coal colliers lie at anchor at the Port of Hampton Roads awaiting the loading of their precious energy cargo, which is needed all over the world.

These ships are not alone. Others like them are caught in similar traffic jams at other American ports.

Together, these idle vessels are symbolic of the problem that is facing all of our Nation's coal ports and America's entire export coal market: Enormous demand being serviced by inadequate facilities, creating costly bottlenecks.

This problem has been with us throughout most of 1980, growing in size and significance with every passing day.

This bottleneck bodes ill for America's national security and economic well-being, as well as for the other nations of the free world.

Like many of my colleagues, I have been extremely concerned about this potential for harm to America's national interest. I have held extensive meetings with parties involved in America's coal export markets, as well as meetings with coal-buying delegations from our free-world allies—all in an effort to arrive at some consensus as to what action the Federal Government can take to help resolve this problem, to protect and preserve America's national interest and the continued viability of the free world.

In these meetings, one clear consensus did emerge: That the one action the Federal Government should and must take is to dredge our Nation's coal ports and harbors so that they will remain economically competitive with other coal ports of the world.

These economic leaders, both foreign and domestic, were not only imploring that our coal ports be dredged deeper. they coupled this request with a very important caveat, and indeed a warning: That for these dredging actions to be of any use to America's coal export industry, the actions must be undertaken in the very near future and completed in 4 to 5 years time.

Upon examining the process which the Federal Government now follows in undertaking dredging projects, I found it to be unwieldy, cumbersome, complicated and unnecessarily time consuming. It is not at all uncommon for major dredging projects, like those currently envisioned for meeting the demands of America's coal export market, to take up to 15 years—or even more—to complete under the current dredging process.

It became readily apparent to me that if America is going to meet the world demand for coal in timely fashion, what is needed is a new dredging process—an expedited dredging process.

It is equally apparent that, if America is to retain its prominent place in the world coal export market, this new and expedited dredging process must be put in place—immediately—to correct our Nation's obvious problems in moving coal for the world market.

On the Federal level, that means that fast-track, priority action must be undertaken to deepen at least a few of our Nation's coal ports—immediately—as evidence of America's continued commitment to provide the needed coal resources at a competitive price for those energy-dependent free world nations.

It also means that a process must be put in place—immediately—to bring additional dredging projects on line as soon as other ports can meet appropriate criteria.

In an effort to meet these needs, I have introduced today—on behalf of myself and the distinguished Senator from Louisiana (Mr. JOHNSTON) and with the support of a number of our colleagues—the Ports and Navigation Improvement Act of 1980. I ask unanimous consent that it be printed in the RECORD following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, this bill provides for first, an expedited process for dredging porjects; second, expedited environmental review of such projects; third, expedited congressional review of such projects; fourth, expedited judicial review of claims filed against such projects; and fifth, advanced engineering and design moneys when available for such projects while awaiting the congressional appropriations process.

The expedited dredging process proivded in this bill can be utilized by any of our Nation's ports, no matter what goods or commodities pass through their facilities, if they are selected as essential to the national interests as set forth in this bill.

Thus, while waterways may qualify to receive the expedited treatment set forth in this bill, not all ports will qualify automatically.

To this end, the bill directs immediate navigational improvements at three specifically named ports already meeting certain specific criteria—and it also sets forth authorization criteria for other priority navigational improvement projects in the future.

In preparing this legislation, my associates and I conducted a thorough examination of our Nation's coal ports' proposed dredging plans, in order to determine which ports and harbors have reached a sufficiently advanced stage to qualify at once for priority and expedited treatment.

In an effort to identify at least one such coal port on each of our Nation's coasts, we consulted with and sought advice from a broad spectrum of both public and private groups involved in America's coal export market.

We asked them to nominate only those port projects which were far enough along in the advanced planning stage that they could legitimately be accorded expedited treatment without doing violence to current administrative procedures or to the intent of our authorization process.

We wanted nominations only for those ports that will already have met all engineering, economic and environmental tests called for in the current process.

We wanted only those projects which will have had all supporting, substantive information accumulated and documented in the Corps of Engineers' reports—and which will have complied with all laws, including environmental laws, by the time Congress reviews these projects when it passes on the final environmental impact statement for each, as provided for in the bill.

The almost unanimous consensus of the spectrum of interests we consulted was that projects at only three ports on two of our coasts currently meet these criteria.

As a result, the three projects—Norfolk Harbor and Channels, Va.; Mobile Harbor, Ala.; and deep-draft access to the ports of New Orleans and Baton Rouge, La.—were specifically listed in section 4 of the bill. Upon subsequent approval of Congress, pursuant to provisions of section 4, these three projects would be allowed to begin their proposed improvements immediately.

I recognize that there are a great many of our Nation's coal ports—both existing and proposed—which have come forward with or are contemplating navigation improvements.

Let there be no misunderstanding. The fact that these other coal ports—or, for that matter, any of the Nation's some 180 other ports and harbors—are not specifically mentioned in section 4 does not and will not prevent them from taking advantage of the various expedited procedures and measures set forth in this bill.

To assure this opportunity for additional ports, a later provision of the bill sets forth criteria by which ports, other than those specifically named, may qualify for expedited treatment.

In section 4, Congress is given the opportunity to review and pass upon the three named projects on at least three different occasions. The first review would be during consideration of this bill; the second would occur when the final EIS for each project is submitted to Congress for its determination; and the third review would come annually when funds are sought for each project in the appropriations process.

Thus, it is readily apparent that the intent of the customary congressional authorization process—that Congress after due consideration passes upon individual navigational improvements—is not circumvented. This bill modifies only the procedure by which the intent of Congress is satisfied—only the form, and not the substance, of the authorization process.

Just as this bill seeks to expedite—but not circumvent—the process of congressional authorization, it also seeks to speed—but not weaken—the process of environmental review.

It is not the intent of this Senator to ignore, weaken or destroy any of the environmental standards and safeguards that are encompassed in a body of environmental laws which have been enacted in response to the expectations of the American public.

Section 4 of the bill sets forth an expedited environmental review process which is the standard utilized throughout the measure. This section requires that each of the potential navigational improvements envisioned by this bill must comply with all of the substantive environmental laws and regulations in effect at the time.

The bill's environmental review process provides that the final environmental impact statement for any project be submitted to Congress for its consideration. The final EIS may be disapproved by concurrent resolution within a 60-day period if Congress finds that the final EIS is not adequate or does not demonstrate compliance with pertinent environmental laws.

Section 5 establishes a process for approval of future navigational improvement projects which satisfy the objectives, purposes and criteria set forth in this act. The environmental review process established in section 4 is also required for those navigational improvement projects approved under section 5 of this act. In addition, section 6 sets forth a procedure to expedite development of the final EIS for each project.

The procedure set forth in section 4, providing Congress the opportunity to disapprove of the final EIS for each of the three named projects, is adopted in section 6 to be applied also to those future projects approved in section 5. And, of course, any section 5 project may be disapproved by Congress if it finds that the project does not fulfill the purposes and objectives of this act.

Section 7 prescribes an expedited judicial review process modeled after that contained in the Trans-Alaska Pipeline Act—another major project built to aid the movement of energy products vital to America's national security and essential to America's drive toward energy self-sufficiency.

The last section of the bill is an appropriation authorization which allows the expenditure of available moneys for advanced engineering and design and other necessary studies for improvements authorized by the act, pending specific congressional appropriations.

Mr. President, as I said at the outset, what is desperately needed now, in order to assist timely movement of America's coal to foreign markets, is an expedited dredging program—significantly speeding up the present dredging process and creating deep draft navigation improvements promptly.

I believe that the Ports and Navigation Improvement Act, just introduced, can bring us to this precious goal.

The act will save a very significant amount of time in the dredging process, not only for the three projects specified in the bill, but for future projects.

A review by the U.S. Army Corps of Engineers shows that the 36 projects completed from 1973 to 1975 required an average of 24.4 years from authorization of a study to completion of construction. While many projects take less time, many projects, like those envisioned by this bill, inevitably take more time.

A review of studies only from 1976 through 1979 reveals an almost 50-percent increase in time over the earlier projects in getting a report to Congress for authorization. When one realizes that we have not had a water resources authorization bill enacted in more than 4 years, it is easy to see the potential for further lengthening the time to get these vital and essential projects going and completed.

The Corps of Engineers has estimated that, under the expedited procedures set out in the Ports and Navigation Improvement Act of 1980, the current average time for the dredging process could be reduced to a range of 10 to 15 years. The corps believes that most projects could be completed in about 10 years.

Thus, the expedited procedures called for by this bill would cut the current process time by more than half.

And, in so doing, the bill would help meet a desperate need to improve our export capabilities.

For nearly 30 years, the United States has been the world's leading coal exporter.

As has been pointed out many times, an expanding world coal market offers great opportunity to the United States. Exporting coal serves U.S. foreign policy goals by helping our allies reduce their dependence on OPEC energy supplies. It could mean substantial contributions to our international trade balance—possibly as much as $16 billion by the year 2000—tens of thousands of new jobs in the coalfields and service industries, increased national income, reduced inflationary pressures, and greater tax revenues for governments at all levels.

However, all of these rosy dreams may fade, as foreign coal-purchasing nations have warned us, unless deep-draft projects for some of our coal ports are undertaken and completed in very short order.

The corps estimates that, under the expedited procedures of this bill, the navigation improvements for the three projects specifically listed in the act can be completed in 8 years or less. This is possible because these three projects have had a long headstart over all other coal related projects, having had studies for the three projects initiated several years ago by the Corps of Engineers.

The Ports and Navigation Improvement Act of 1980 will allow America to meet the challenge posed by the world coal market—and it provides America the vehicle to meet future world export challenges posed by other commodities.

Failure to enact such a measure would allow a golden opportunity to slip away—the opportunity for America to compete at a decided advantage in world export markets.

Inaction could well consign America's ports, and ultimately America herself, to a stagnant backwater of the international trade export market.

Thus, Mr. President, the bill introduced today has far-reaching significance—for our national defense, for our energy security, for our economic well-being, and for the free world.

It is not a simple measure—nor do Senator JOHNSTON and I, or the others of our colleagues who will join us as cosponsors, believe it to be a perfect measure.

That is why we are introducing it today, as the 96th Congress moves into its closing hours.

We invite the attention of our colleagues to the problem it addresses—to the concepts it presents—to the procedures it proposes.

We invite both support and criticism. We invite suggestions and refinement. We invite debate. Most of all, we invite action.

This measure is not the last word, nor is it the first. We hope, however, that it will prove to be an important word, and one worth listening to.

When the 97th Congress convenes in January, this legislation will be reintroduced—perhaps in its present form, perhaps in refined form. But the effort will continue.

This Senator, for one—along with others of like mind—will do his utmost to see that the resolution of the crisis in America's coal ports receives the priority attention it deserves in the deliberations of the 97th Congress.

Mr. President, I ask unanimous consent to have added as cosponsors the distinguished chairman of the Armed Services Committee (Mr. STENNIS), my friend from Alabama (Mr. HEFLIN), and my friend from Pennsylvania (Mr. HEINZ).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask that the RECORD remain open throughout the remainder of this day so that my other colleagues might insert in the RECORD any remarks they may wish to make with respect to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ports and Navigation Improvement Act of 1980."

SEC. 2. (a) The Congress finds that many of the nation's ports, harbors, rivers, and other waterways of this nation serve vital and essential National and public interests of this country in

(1) providing for the safe and efficient conduct of defense transportation essential to this country's National defense and free world security.

(2) providing for the continued conduct of National and international waterborne trade, commerce, and transportation, of coal and other commodities necessary to the economic stability and well-being of this country, our balance of trade with other nations, and the value of our currency, and

(3) assisting in our National effort to achieve energy self-sufficiency and promote free world energy independence including efforts to expedite the development, transportation, and export of the abundant deposits of coal possessed by this Nation.

(b) The Congress further finds and declares that many of the nation's ports, harbors, rivers and other waterways are seriously inadequate to serve the vital and essential national interests of this country as specified in Section 2(a) of this Act.

SEC. 3. The purposes and objectives of this Act are:

(a) to direct navigation improvements, on an expedited and priority basis, at the locations specified in Sec. 4 of this Act, which the Congress hereby finds to be economically justified, engineeringly feasible, and essential to economic revitalization and free world energy independence for safe and efficient interstate and international transportation of the nation's coal and other commodities,

(b) to authorize such other navigation improvements of the nation's ports, harbors, rivers and other waterways determined by the Secretary of the Army, acting through the Chief of Engineers, to be economically justified, engineeringly feasible and essential for national defense or interstate and international commerce pursuant to this Act.

(c) to provide a uniform procedure for judicial review of the navigation improvements authorized by this Act, and of all actions taken pursuant to this Act (and all matters pertaining thereto).

SEC. 4. In furtherance of the purposes of this Act and notwithstanding any other provision of law, except as provided herein, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to undertake, on an expedited and priority basis, navigation improvements at the following locations, to a minimum depth of 55 feet in accordance with such plans as the Chief of Engineers determines to be advisable:

Norfolk Harbor and Channels, Virginia;
Mobile Harbor, Alabama; and
Deep-draft Access to the Ports of New Orleans and Baton Rouge, Louisiana.

These improvements may be accomplished as separable projects or as separable units or features within such projects, with agreements with non-Federal interests providing for non-Federal cooperation for each such project, feature or unit. These improvements will be subject to such conditions as the Chief of Engineers determines to be necessary to protect or minimize harm to the environment of the area. Prior to initiation of construction of each of the projects to be constructed pursuant to this section and within one year of the date of enactment of this Act, the Chief of Engineers shall submit to Congress a final environmental impact statement for each project demonstrating compliance, as determined by the Chief of Engineers, with the National Environmental Policy Act of 1969, the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements as determined to be pertinent by the Chief of Engineers. The improvements authorized by this section shall be undertaken for each of the projects to be constructed without further action under the National Environmental Policy Act of 1969, the Clean Water Act, the Fish and Wildlife Coordination Act, and other statutory requirements addressed in each Chief of Engineers environmental impact statement for each project unless the Congress disapproves of any such final environmental impact statement by concurrent resolution within sixty calendar days of receipt by Congress of such statement. In the event that Congress does not disapprove such final environmental impact statement by concurrent resolution within such period of time, absence of such Congressional action shall constitute a finding and determination by Congress that the policies, purposes, and requirements of said statutes have been satisfied in connection with the navigation improvement.

SEC. 5. In furtherance of the purposes of this Act and notwithstanding any other provision of law, except as provided herein, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to develop, improve and maintain the nation's rivers, harbors, and other waterways, at such depths and dimensions and with such facilities, determined to be economically justified and engineeringly feasible, and otherwise sufficient as determined in the discretion of the Secretary, to insure the safe and efficient conduct of defense transportation or foreign and domestic commerce. Such work is to be prosecuted, at Federal expense, for the essential national purposes served and national benefits attained subject only to requirements of non-Federal cooperation that have been enacted by Congress or such requirements of non-Federal cooperation that the Secretary of the Army determines would be applicable if the work were specifically authorized for undertaking pursuant to provisions of Federal law requiring such non-Federal cooperation.

SEC. 6. The navigation improvements authorized by Section 5 of this Act will be subject to such conditions as the Chief of Engineers determines to be necessary to protect or minimize harm to the environment of the area. Prior to initiation of any such work, the Chief of Engineers shall submit to Congress a final environmental impact statement for such improvements demonstrating compliance, as determined by the Chief of Engineers with the National Environmental Policy Act of 1969, the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements as determined to be pertinent by the Chief of Engineers. Each such statement shall be submitted to Congress within one year of the date of the completion of the draft environmental impact statement, which draft EIS shall in turn, be completed on an expedited basis, subject to timetables and other requirements determined by the Chief of Engineers to be necessary and reasonable. Other federal agency heads having responsibilities therewith shall provide input as they deem appropriate in accordance with such timetables and requirements. The plan of improvement addressed by each such Chief of Engineers environmental impact statement shall be undertaken without further action under the National Environmental Policy Act of 1969, the Clean Water Act, the Fish and Wildlife Coordination Act, and other statutory requirements addressed in the statement unless the Congress disapproves of any such statement by concurrent resolution within sixty calendar days of its receipt of the statement. In the event that Congress does not disapprove such final environmental impact statement by concurrent resolution within such period of time, absence of such Congressional action shall constitute a finding and determination by Congress that the policies, purposes, and requirements of said statutes have been satisfied in connection with the navigation improvement.

SEC. 7. Environmental impact statements for projects and improvements authorized by this Act, findings and determinations by Congress pursuant to Section 4 and Section 6 of this Act, and actions to carry out such projects and improvements shall not be subject to judicial review under any law except that: (a) claims alleging the invalidity of this Act may be brought within sixty days following its enactment; (b) claims alleging the inadequacy of a final environmental impact statement transmitted to Congress pursuant to provisions of this Act may be brought within sixty days following the date of a finding and determination by Congress pursuant to Sections 4 and 6 of this Act; and (c) claims alleging that an action to carry out projects and improvements authorized by this Act will deny rights under the Constitution of the United States, or that such action is beyond the scope of authority conferred by this Act, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States District Court, for a district where the improvement is to be located, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, or any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this Act except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this Act. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

SEC. 8. There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the purposes of this Act. Pending the appropriation of such sums, the Secretary of the Army, acting through the Chief of Engineers, may allot, from existing Department of the Army civil works appropriations such sums as are necessary for immediate prosecution of advanced engineering and design and other necessary studies for the improvements herein authorized.

Mr. HEFLIN. Mr. President, I am delighted to join Senator WARNER and Senator JOHNSTON in cosponsoring the Ports and Navigation Improvement Act of 1980.

This legislation, in my judgment, will go a long way toward solving our energy problems and our problems of balance of trade in the international market.

As we know, we have been faced with a trade deficit in the international market for some time.

Mobile, Ala., is one of the three ports that are specifically named in this legislation as being essential to our Nation's energy security. Other ports in the country, of course, can have fast-track navigation improvement projects under the bill.

The fact that we have selected the heart of an area which has waterway transportation developing throughout the Appalachian coalfields will mean a great deal for the Nation's energy independence.

The proposed legislation would allow all of our Nation's ports, if they have navigational projects which are selected as essential to the national interests set forth in the bill, to take advantage of the following:

First, an expedited process for dredging projects;

Second, a fast-tracked environmental review of such projects;

Third, an expedited congressional review of such projects;

Fourth, an expedited judicial review of claims filed against such projects; and

Fifth, advanced engineering and design moneys for such authorized projects while awaiting the congressional appropriations process.

Mr. President, it is undisputed that during the past years the overseas demand for American coal—metallurgical and steam—has increased very significantly. Strikes in Australia and Poland and continuing problems in South Africa have had a very positive and profound impact upon the demand for American coal exports. Unstable and unreliable Mideastern oil plus skyrocketing OPEC oil prices have played an equally important role in boosting our coal export market.

The explosion of the foreign demand for American coal has created the great potential for using coal to reduce our allies' excessive reliance on imported oil. We can become the Saudi Arabia of steam coal exporters if we can enhance our port capacity to transport the coal expeditiously and efficiently to the overseas market.

Mr. President, coal is the most likely economic energy source of the future. It can and, in fact, ought to supply a substantially larger portion of the world's energy needs than it has previously.

Historically, the United States has always been the largest exporter of metallurgical coal. Yet, the International Energy Agency (IEA) has predicted that the United States will have to export 100 million tons of steam coal by 1990 and 300 million tons by 2000 to meet free world energy needs.

While the United States will export approximately 70 million tons of coal this year, statistics show that we could be producing at least an additional 100 million tons of coal per year if we had the market and capability to ship it. The market, in my judgment, is there. Moreover, statistics show that we have approximately 1.7 trillion tons of coal reserves.

Mr. President, having proved unequivocally our coal production ability and our coal reserves, which should last for hundreds of years, let me direct your attention to our coal export problems. Essentially, they are threefold: port congestion, poor loading facilities, and ineffective transportation.

Our existing ports are not physically capable of handling the sharp rise in coal export demands. Many ships are waiting at some of our east coast ports for as long as a month. Mr. President, this is perhaps the most constraining problem that our port capacity faces right now.

One quick way to alleviate this congestion on the East Coast is to divert some of the coal shipments to the Gulf Coast ports.

Last fiscal year, the Alabama State Docks exported some 5 million tons of coal. With expansion of certain coal facilities there this fiscal year, Alabama plans to increase its coal exports to approximately 8 million tons.

Another important way to relieve our port congestion is to expand our present port capacities. We also need new ports and piers with modern loading and ground storage facilities. Moreover, we need to dredge harbors to the necessary depths to accommodate larger vessels.

The Ports and Navigational Improvement Act of 1980 would provide the mechanisms to relieve the port congestion heretofore described in an expeditious manner. It would authorize all of our Nation's ports which have navigational projects designated as essential to the national interest to obtain port and navigational improvements, pursuant to an expedited process.

Mr. President, the McDuffy Terminal in Mobile, Ala., is such a port. It is specifically designated in this legislation as a port which is essential to this Nation's interest in achieving energy self-sufficiency. It is a prime candidate for navigation improvements. In fact, Mr. President, the Secretary of the Army, acting by and through the Chief of Engineers, has already conducted a study on navigation improvements of the Mobile Harbor.

The Corps of Engineers have found that improvements of the existing Mobile Harbor project are warranted to provide channel depths and width necessary to meet the expected harbor growth. Of the estimated total first cost of the navigation improvement, $51,678,000 of the $392,028,000 is non-Federal money. While no final action has been taken to date, it is clear that the State of Alabama is serious about its commitment to help reduce coal port congestion.

You see, Mr. President, it is of critical importance that the Mobile Harbor be deepened to at least 55 feet so that larger vessels can be used to handle the significant increase in navigation traffic when the Tennessee-Tombigbee Waterway project is completed. The Tenn-Tom, which will connect the Tennessee River with the Tombigbee River, will connect about 16,000 miles of existing waterways in mid-America with the Port of Mobile.

Nearly one-tenth of the U.S. coal reserves is in Alabama. Four of Alabama's major coal fields are already located in the Tenn-Tom region. The life expectancy of Alabama's coal reserves is approximately 1,000 years. Therefore, the State of Alabama will be playing a vital role in domestic and world coal markets for at least ten centuries.

Mr. President, if the United States is to become the Saudi Arabia of steam coal exporters, it will be imperative that we develop our port capacities to move the coal to its overseas market expeditiously and efficiently. "Fast-track" legislation is a sine qua non for this monumental challenge. I, therefore, urge my colleagues to act immediately and in a positive manner on this dire legislation called Ports and Navigational Improvement Act of 1980.

Mr. STENNIS. Mr. President, are we under controlled time?

The PRESIDING OFFICER. There are 5 minutes remaining under the order for the Senator from Virginia (Mr. WARNER).

Mr. STENNIS. I do not want to take the time of the Senator from Virginia. I understood that I had 5 minutes this morning.

The PRESIDING OFFICER. Without objection, the Senator may have the 5 minutes remaining to the Senator from Hawaii (Mr. INOUYE).

Mr. STENNIS. Mr. President, I strongly support this bill which I am sponsoring with my distinguished colleagues to develop and modernize our ports and harbors. I believe that this measure addresses an urgent need for the continued growth and health of our economy. In my 33 years in the Senate, I have been deeply interested and personally involved in the development of the Nation's water transportation. In particular, I have witnessed the tremendous growth of our domestic and international waterborne commerce and I have come to realize the importance of having well developed ports to handle ocean and river commerce. It is my belief that the ability to engage in waterborne trade is a requisite to sustained economic growth. Billions of dollars have been invested by the port industry and by the Federal Government in harbor and channel dredging, and for the development of port terminal facilities. These investments by the port industry and the Government were necessary to take full advantage of the changes in cargo handling techniques, ship design, and international trade patterns. If this Nation is to remain economically strong, we must continue to invest to keep pace with new opportunities. This measure will permit our Nation to take advantage of the great potential for economic growth by trade, particularly in coal and agricultural products.

Mr. President, these are not mere words. These are the conclusions to which I have come based upon testimony by highly responsible sources in many fields, but particularly in hearings with respect to our situation in energy and new energy sources.

Study after study has indicated that the trend clearly points toward greater international trade and that through this trade new jobs, social mobility, and continued economic prosperity will follow. Since 1970 our national merchandise exports have nearly doubled. Several recent studies performed by the Department of Commerce indicate that in the very near future the port facilities will have to increase many-fold to satisfy the demand forecast for the turn of the century. In my own State of Mississippi, the Department of Commerce indicates that we can expect the cargo handled through the Mississippi ports to increase by 400 percent by the year 2000. Up and down the coast of the United States and around the Gulf, there are similar projections.

It is my belief that we must act now to be ready for the increase in commerce which is sure to come. I urge my colleagues to support this bill. I believe that its provisions to expedite the review and approval of projects while retaining a proper congressional oversight and control are what is needed to get the development of these ports off dead center. I am behind this bill 100 percent, and will push for early consideration and passage of this measure.

I conclude by emphasizing that this is the way to go. It is a part of the necessary way to go to meet the demands on our Nation to have successful international trade, in order to retain our economy in such shape that we can continue as a leader in the free world. Otherwise, we will be relegated to a second-rate position.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Mississippi.

He mentioned that we need action now. It is obvious, of course, that this Congress cannot act on this bill, but it is purposely put before our colleagues today—and, indeed, to the whole of the United States and the free world—because much of the free world is tremendously interested in the actions we take.

We hope that in the intervening period between now and the next Congress, we can receive a good deal of suggestions and criticisms so that this bill may be refined in a manner that will meet with the overwhelming support of the Senate. Soon, it will be introduced in the House, and I am optimistic that it will receive overwhelming support in the House and will be sent to the President as expeditously as possible.

● Mr. MATHIAS. Mr. President, as Senators have been quick to recognize, there has been a tremendous upsurge in demand for American coal over the past year. It seems that many industries in Europe and Japan are finding that they can run their operations more economically on our coal than on OPEC oil. As a result, the coal exporting facilities of a number of ports, Baltimore among them, are pushed to the limit. In fact, we have reached the point where the Port of Quebec now exports large amounts of U.S. coal because U.S. ports cannot handle the demand. Hence the need for the introduction of the Ports and Navigation Improvement Act of 1980.

The sudden demand for coal has changed the dynamics of the world energy marketplace. Foreign interest in our coal underlines the wisdom of our national effort to shift energy reliance to coal. As the late Mae West once said: "It's hard to have too much of a good thing." But the strain of the escalation in demand for coal exports has caused serious problems for our ports. And our customers in Europe are becoming restless with the delivery service. It is imperative that we work to improve our port facilities and harbors.

At this very moment dozens of ships lie outside U.S. ports awaiting their turns at coal-loading facilities at an average daily cost per ship of $20,000.

We must come to grips with the problems associated with export coal and we must move quickly or this great opportunity may be lost. I certainly commend my colleagues for the tremendous amount of energy and time they have invested into trying to formulate legislation which addresses this complex problem. I fully support the concept of this measure, for it is imperative that we devise ways to expedite the dredging permit process and to upgrade our port facilities. I believe the interest of the Nation would be best served by taking a close look at the needs of all the ports that have potential in this area.

The Port of Baltimore is fast becoming one of the central coal-export ports in the Nation. And that is not just my biased opinion. It is the judgment of coal producers and carriers who, in 1980, invested more money into Baltimore's port facilities than any other port in the Nation. The enormous investment required is clearly illustrated in the recent report Governor Harry Hughes of Maryland submitted to the Department of Energy's Coal Export Task Force.

The report states that $145 million of industrial revenue bonds have been committed for new or expanded export coal facilities, of which $90 million has already been expended. By the mid-1980's, Maryland will be able to export between 36 and 46 million tons of coal a year and a conservative projection of total investment in facilities by the mid-1980's is placed approximately at $270 million. The report also cites the existence of rail and port facilities necessary to accommodate these projects. Chessie System, the largest coal carrier in the country, plans to invest close to $400 million over the next 4 years.

But, Maryland's port has its full share of problems precipitated by the great jump in coal demand. Anyone crossing the Bay Bridge this summer must have been struck by the great grey fleet of anchored cargo vessels lining the channel. This summer I crossed the bay in a motor launch and picked my way through the convoy. I counted 28 ships waiting in line. The waiting period for a vacancy at the loading docks in Baltimore has grown to 30 days. And the problem does not stop when the ship reaches the dock; because of the insufficient depths in the Baltimore channel, 50 percent of the ships leaving the Port of Baltimore leave loaded under capacity.

I commend my colleagues for undertaking this initiative. OPEC has thrown down a challenge to American inventive genius, and the degree of our boldness in responding to the challenge has immense long-range implications for our own energy independence and ultimately, the price of OPEC oil. We must find ways to get those ships out of the bay and onto the oceans and our coal into furnaces around the world. This legislation is a step in the right direction and I look forward to working with my colleagues to further refine it to include, among other things, improvements to the Port of Baltimore.●

PORTS AND NAVIGATIONAL IMPROVEMENT ACT OF 1980

Mr. HEINZ. Mr. President, I am pleased to join my distinguished colleague from Virginia (Senator WARNER) and my distinguished colleague from Louisiana (Mr. JOHNSTON) in offering this critical piece of legislation—which I would hope will receive expedited consideration when it is reintroduced next year.

Representing the Nation's third largest coal producing State, I am convinced that the only way to insure that our economy is never again held hostage by foreign oil is to remove the current regulatory, transportation, and other barriers to increased coal utilization.

Passage of the Ports and Navigational Improvements Act would help expedite development of the efficient, intermodal—that means rail, highway, and waterborne—coal transportation system that we must have if we are ever to attain the national goal of energy independence.

Rather than exporting our capital base to and importing inflation from the OPEC countries, America can and must itself become the OPEC of coal. My own State of Pennsylvania is a case in point.

The third largest coal-producing State, Pennsylvania, now produces some 80 million tons of coal per year. Based on proven recoverable reserves, however, Pennsylvania could increase its coal production by 50 percent a year—and still maintain this increased production level for at least the next 200 years.

Put another way, the original block of coal in Pennsylvania was 1 mile high, 1 mile wide, and 17 miles long. Today, that block of coal is 1 mile high, 1 mile wide, and 13 miles long.

How does this translate into reduced dependence on imported oil? One ton of coal is the rough equivalent of 4.5 barrels of oil. Currently, the United States imports about 3 billion barrels of petroleum per year. Therefore, the 120 million tons of coal which the State could produce each year represent the equivalent of 540 million barrels of oil—or 18 percent of what we now import.

Despite the potential for my State to become the Saudi Arabia of coal it has not. What has happened as a result of oil embargoes and shortages and escalating prices? Since 1975, Pennsylvania coal production has increased only 1 percent a year. In the midst of our current national energy crisis, Pennsylvania coal mines are laying off workers.

Which dramatizes the need for this legislation. Pennsylvania and other coal-producing States have not realized their potential to help meet the Nation's energy needs in substantial part because the internal transportation system necessary to serve expanding domestic and international markets is grossly deficient. In Pennsylvania, our system of highways and bridges has fallen into disrepair. Our railroads need upgrading and modernizing.

Port facilities at Erie, Pittsburgh, and Philadelphia are aging and undersized. Consider, for example, the Port of Philadelphia, through which one might expect vastly increased quantities of coal to be transported to facilitate conversion of oil-powered utilities in the Northeast and New England and to serve burgeoning export markets in the Far East, Europe, and elsewhere. The Port of Philadelphia now has a 6-week backlog of coal waiting to be loaded because its coal loading facilities are so inadequate.

Inland, at the world's largest inland port—my home city of Pittsburgh—the existing navigation structures are literally falling apart. The waterways are the lifeline of the Ohio and Monongahela River Valley; on them travel the coal, steel, and other goods on which over nearly half a million jobs in more than 100 communities directly depend. And yet these main arteries are bleeding profusely, as breakdowns and delays at various lock and dam structures create added costs for all those whose business depends upon river transport.

Clearly, improvements to our inland navigation system are essential before this Nation can realize its potential as the OPEC of coal.

As an example of the relative efficiency of river transport, consider the enormous coke plant at United States Steel's Clairton works, which consumes 30,000 tons of coal per day, virtually all delivered by barge. This plant is the keystone for the entire United States Steel operation in the valley for it supplies the coke and much of the gas without which the rest of the steel-producing plants in the valley could not operate. Any operating interruptions at Clairton works affect steel and chemical production schedules at the United States Steel facilities throughout the Pittsburgh district.

To put the importance of water transport in perspective, consider how Clairton's daily needs might be met absent an efficient navigation system. The 30,000 tons of coal consumed per day at Clairton takes roughly 25 barges to transport.

One barge is the equivalent of 15 rail cars, so 375 cars would be needed daily to furnish coal by rail—if there were facilities at the plant to take coal in this fashion.

Alternatively, 1 barge is the equivalent of 60 trucks; so it would take 1,500 trucks daily to furnish the coal needed at Clairton. This would create traffic problems from Pittsburgh to Monongahela.

This is not to suggest, however, that river transport replaces other transportation modes. Rather, it complements them. For example, an analysis of 89 shipments of coal along the Monongahela River in Pennsylvania found that 50 used a combination of rail and barge (rail as much as 106 miles) and 21 used a combination of truck and barge (average length of truck shipment: 10 miles). In fact, a study of industrial sites on the waterways in the Pittsburgh district found that for every ton of coal, petroleum, or alcohols brought in by barge, a ton of finished product moves out of the plant by rail or truck.

Thus, for a relatively minor investment in navigation facilities, enormous economic benefits can be realized. For example, since 1872, $134,881,000 have been appropriated by the Federal Government to build, purchase, improve, and reconstruct all the locks and dams along the Monongahela River. This amounts to an investment in steel and coal related industries alone of only $300 per job.

Considering all the development and industrialization made possible by these navigation improvements, these would seem modest sums indeed.

And on "America's fourth seacoast"—the Great Lakes—port facilities at Erie could be upgraded to handle as much as 10 million tons of coal per year.

So that my distinguished colleagues can have a better idea of the urgent need for these port and navigation improvements at Erie, Philadelphia, and Pittsburgh, I ask unanimous consent that there be inserted in the RECORD the following documents:

Exhibit 1, a letter I sent recently to the Department of Transportation urging that the national energy transportation study emphasize the need for upgraded port facilities to increase the shipment of coal both domestically and for export, and describing the needs of the ports of Erie and Philadelphia; and

Exhibit 2, a factsheet on the need for legislation I introduced earlier this year to authorize navigation improvements on the Monongahela River near Pittsburgh.

In closing, I look forward to working with Senators JOHNSTON and WARNER toward passage of this measure early next year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, D.C., November 3, 1980.

Mr. WILLIAM JOHNSTON,
Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation, Washington, D.C.

DEAR MR. JOHNSTON: This is to request that as part of the National Energy Transportation Study, greater emphasis be placed on the need to develop port facilities for the shipment of coal both domestically and for export. The Study should address the need for upgraded port facilities as part of an intermodal transportation system as well as the need for improvements to certain ports: in my state of Pennsylvania, for example, Erie and Philadelphia.

Focusing on exports, and as an indication of the potential for vastly increased exports of U.S. coal, the World Coal Study projects an increase in world coal production of 2.5 to 3 times and an increase in world trade in coal of 10 to 15 times by the end of the century. Not only is U.S. coal competitive overseas—often costing less than coal produced in the importing country—the U.S. coal industry is operating at almost 100 tons under capacity. In response to skyrocketing demand, U.S. exports of steam coal are projected to increase from 2.5 million tons in 1979 to 15–20 million tons in 1985; to 25–50 million tons in 1990; and to 70–150 million tons by the year 2000. In addition, metallurgical coal exports are projected to be an additional 50 million tons per year.

These projections notwithstanding, the capability of the United States to supply much of the growth in the world's energy needs—or whether it instead will be supplied with coal from Australia, South Africa, Canada and other competitors—depends upon our ability to overcome short-term transportation obstacles. As recent press reports have indicated, virtually every coal port on the Atlantic and Gulf Coasts is faced with long, costly delays. These delays may well wipe out the competitive advantage that U.S. coal now enjoys. For example, a 75,000 long ton vessel waiting to load for 30 days would—because of demurrage charges—add a $6 charge to each long ton of coal delivered. Moreover, the inability to load coal in a timely manner backs up the entire transportation system, causing coal producers to put mines on short weeks or lay off workers.

As an example of the inadequacy of existing coal loading facilities and the effect of this inadequacy on domestic coal production, consider my state of Pennsylvania. The potentical increases in Pennsylvania coal production are very much dependent upon improvements to port facilities in Erie and Philadelphia.

To demonstrate the potential for increased coal production in Pennsylvania graphically, the original block of coal in Pennsylvania can be envisioned as a rectangle one mile high, one mile wide, and 17 miles long. Today, that block of Pennsylvania coal is one mile high, one mile wide, and still 13 miles long. Pennsylvania coal production—now 80 million tons of coal per year—has increased only 1 percent per year since 1975. Based on proven recoverable reserves, however, Pennsylvania could increase its coal production by 50 percent—and maintain this increased level of production for at least the next 200 years.

The potential implications for reducing U.S. dependence on imported oil are clear:

One ton of coal is equivalent to 4.5 barrels of oil;

The U.S. imports some three billion barrels of petroleum per year; and

Therefore, the 120 million tons of coal that the state could produce represents the equivalent of 540 million barrels of oil—or 18 percent of U.S. petroleum imports.

In Pennsylvania, as in other states, inadequate coal loading port facilities are a major obstacle to realization of this potential. At the Port of Philadelphia, for example, the Conrail facilities at Pier 124 have a capacity of only two million net tons of coal per year. Currently, there is a six-week backlog of coal waiting to be loaded there. Similarly, at the Port of Erie, officials have installed a temporary radial stacker until permanent coal loading facilities can hopefully be constructed.

Projects planned by the state government in Pennsylvania will alleviate only part of the pressure on these port facilities. State bond issues under consideration would finance a $24 million modernization project at the Port of Philadelphia to finance expansion of the capacity of Pier 124 to ten million tons and, at Erie, a $10 million project to construct a permanent coal loading facility capable of handling five million tons per year, with storage capacity of two million tons.

These projects, although long overdue, will not in themselves be sufficient to help Pennsylvania realize its coal production potential. For these reasons, I plan to introduce legislation at the beginning of the next Congress to supplement state efforts.

For the Port of Philadelphia, I propose legislation to develop a comprehensive plan for the eventual reopening of Port Richmond—an abandoned coal loading facility owned by Conrail—as a major coal export facility capable of handling up to 30 million tons of coal per year. Because of the vast export potential, I would expect that actual construction of such a facility would be financed with private capital.

At the Port of Erie, Federal action on three fronts is needed to ensure that the potential for this port to serve domestic and overseas markets via shipments on the Saint Lawrence Seaway is in fact realized.

First, repayment of the debt on the Saint Lawrence Seaway must be stretched out from the current 50-year term to 80 years. Otherwise, Seaway tolls—which will be renegotiated with Canada next year—will escalate as debt service will climb from $2.5 million per year to $5 million. Tolls charged users of the Seaway pay all operations and maintenance costs (this is typically not the case for other inland navigation projects or coastal ports). Moreover, users of ports on "America's fourth seacoast" also pay, through tolls, the retirement of the $110 million debt on the Seaway. Passage of this legislation would not forgive the debt nor would it erase the competitive disadvantage now experienced by Great Lakes ports because of the tolls charged to pay operations and maintenance costs and retire debt. It would merely keep tolls from escalating above the inflation rate.

Second, Interstate Highway 79 needs to be extended from its current terminus at Twelfth Street and Erie to connect with E. Sixth Street. This direct access is needed so that trucks carrying coal and other products to the port do not have to traverse downtown commercial and residential streets. Already truck traffic to the port is about 700,000 tons per year; assuming 20-ton trucks, this volume of traffic translates into 3,500 trucks per year. Traffic is expected to increase even further as coal shipment facilities are developed.

Third, rail lines should not be abandoned that are essential for the transport of coal to port facilities at Erie. As an example of such abandonment, a 27-mile link between Corry and Titusville was abandoned several years ago. Other such abandonments in the Erie area are now under consideration by Conrail.

In short, the need to improve coal port facilities to facilitate increased domestic coal production is so critical that I feel it needs to be explicitly addressed as part of the National Energy Transportation Study. In addition, the Study should cite specific examples of what needs to be done at ports like Erie and Philadelphia to augment their coal loading capability.

I hope that you will be able to incorporate these considerations in the Study. Should you have any questions about this request, please do not hesitate to contact me or my Legislative Assistant, Mike Lockerby (Telephone 224–6324).

Thank you.

Sincerely,

John Heinz,
U.S. Senate.

The Secretary of Transportation,
Washington, D.C.

Hon. John Heinz,
U.S. Senate,
Washington, D.C.

Dear Senator Heinz: I appreciate your detailed and thoughtful letter of November 3 on the subject of consideration of coal export facility needs in the National Energy Transportation Study (NETS).

Because the surge in the export coal market began only recently, its transportation implications could not be examined in the NETS preliminary report. We may be able to incorporate into the final report the findings of the Interagency Coal Exports Task Force, formed to examine current transport problems. In any case, the information contained in your letter, which has been placed in our open docket, will supplement the work of the Task Force.

We share your view of the future energy situation and are making every effort to anticipate its transportation needs.

Sincerely,

William B. Johnston,
Assistant Secretary for Policy and International Affairs.

Exhibit 2

Fact Sheet: Monongahela Waterways Improvement Act of 1980

PURPOSE

To authorize replacement of Lock and Dam Numbers 7 and 8 on the Monongahela River with facilities adequate to meet existing and projected navigation needs.

JUSTIFICATION

Economic Importance of the Monongahela River Waterways.

The following statistics dramatize the importance of maintaining the Monongahela River waterways as an efficient transportation system not only to the economy of the region but to the national economy as well, especially in terms of meeting the national goal of energy independence:

(1) Pittsburgh is the world's largest inland port.

(2) The Monongahela River Waterways system, comprising only one percent of the nation's inland navigable waters, carries twelve percent of the nation's river traffic.

(3) Rivers in the Pittsburgh area move 67 million tons of cargo per year, 48 million tons of which is coal.

(4) One 15-barge tow can carry cargo equivalent to that carried by 2¼ one hundred car trains or cargo equivalent to that carried by 900 large semi (25 tons) trucks.

(5) Pittsburgh has more river terminals—267—than any other port.

The Need to Replace Lock and Dam Numbers 7 and 8.

Existing Lock and Dam Numbers 7 and 8 need replacement because they are:

(1) increasingly costly to repair or rebuild;

(2) inefficient for present waterway traffic; and

(3) inadequate for future commerce.

INCREASING REPAIR AND REPLACEMENT COSTS

As these facilities, now over 50 years old, continue to age, they are increasingly subject to breakdowns and maintenance problems. In fact, several months ago Lock Number 7 was closed for stopgap repairs.

In addition to direct repair costs, traffic delays at the locks—now at the limits of their economic and physical capacity—down time, and lock outages result in expensive delays for barge operators and the recipients of their cargo. Of the traffic on the Monongahela River, 99 percent is coal used in either steel production or electric power generation. Thus, slowdowns and breakdowns in these lock structures affect the steel mills and electric power installations upon which thousands of jobs and the economic vitality of communities in the river valley directly depend. More than 100 communities in the area have steel as their economic base; in addition to those in the steel industry, there are over 12,000 jobs in companies whose existence depends upon the rivers for transportation of raw materials and finished products.

As these replacement projects are delayed, estimated construction costs continue to escalate. In 1976, when both projects were ready for construction appropriations, replacement costs were estimated at $75 million. Since that time, the estimated cost has increased to at least $113 million.

INADEQUACY FOR CURRENT WATERWAY TRAFFIC

Freight traffic through these locks has increased from 627,000 tons in 1925 when they opened to 8 million tons in 1968, and is projected to be over 14 million tons in 1990.

Replacement of Lock and Dam Numbers 7 and 8 was part of an overall improvement plan for the Monongahela River. During the 1950's and 1960's, some $80 million was spent to modernize three facilities above these locks and dams—Morgantown, Hildebrand, and Opekiska—and one below, at Maxwell.

Despite this expenditure of $80 million, the flow of traffic on the Monogahela River has not improved—because of the bottleneck in the middle caused by the aging and inadequately sized structures at Grays Landing and Point Marion. This bottleneck is illustrated graphically in the accompanying diagram.

The replacement projects which were proposed in the 1972 Chief of Engineers report and which would be authorized under the legislation offered by Senator Heinz would result in locks of dimensions sufficient to handle existing and projected river traffic.

INADEQUACY FOR PROJECTED WATERWAY TRAFFIC

Already the capacity of Lock and Dam Numbers 7 and 8 is strained. As part of the national program of energy independence, the Monongahela River Waterways System can expect to carry vastly increased quantities of coal as mining activities increase and synthetic fuels development proceeds. A large proportion of this coal will likely be transported by barge. To carry eight million tons of coal annually requires 666 barges. By contrast, an equivalent amount carried by rail requires 79,000 cars and by highway, 319,680 trucks.

In fact, the SRC–2 coal liquefaction plant is now slated for the Monongahela River in West Virginia just two miles from Point Marion Lock. This facility will use an estimated 11 million tons of coal per year, at least half of which is projected to arrive by barge.

BACKGROUND

Constucted in 1925, Lock and Dam Numbers 7 and 8 measure 56 feet by 360 feet. As the accompanying chronology of events shows, the Army Corps of Engineers has studied the desirability of replacing the existing locks and dams, pursuant to provisions of the Rivers and Harbors Act of 1909. In his report of May 5, 1972, the Chief of Engineers recommended replacing Lock and Dam Number 7 at a new site (Grays Landing) 2.8 miles downstream from the existing site, and replacing Lock Number 8 at the existing site (Point Marion). The report recommended that the new locks be constructed to dimensions of 84 feet by 720 feet to provide adequate facilities for existing and projected navigation. The Secretary of the Army subsequently approved these projects, and the House and Senate Public Works Committees were notified of this approval. In fiscal years 1975, 1976, and 1977, Congress appropriated funds for the Corps to proceed with the advanced engineering and design work on these projects.

Since that time, however, work on these projects has been suspended by the Corps. This suspension is the result of a Federal court opinion rendered in litigation concerning Lock Number 26 on the Mississippi River. Specifically, the court ruled in this case that authorization of lock replacement involving either a change in location or an increase in lock size exceeded the authority granted to the Secretary of the Army under Section 6 of the 1909 Act. As a result of the Lock Number 26 decision, replacement projects for which either a change in location or increase in lock size is contemplated—as in the cases of Lock and Dam Number 7 and Lock Number 8—require specific congressional consideration and authorization. The legislation offered by Senator Heinz would afford the specific congressional authorization required in these two cases.

CHRONOLOGY OF EVENTS

GRAYS LANDING AND POINT MARION LOCKS AND DAMS (NUMBERS 7 AND 8), MONONGAHELA RIVER

May 1957: Completion of Middle Monongahela River Report.

This report recommended the replacement of Monongahela River Locks and Dams 5 and 6 by Maxwell Lock and Dam and the reconstruction of Dam 4. Also contained in this report was the conclusion that Lock and Dam 7 would require replacement at a later date and that the most appropriate facility would be an 84 ft. by 720 ft. lock located at the Grays Landing site. This size was chosen to be compatible with traffic on the Middle Monongahela River and at Maxwell.

April 1958: Secretary of the Army authorizes construction of Maxwell Lock and Dam and reconstruction of Dam 4 on the basis of the above report.

March 1964: Work initiated on Replacement Report for Lock and Dam 7.

November 1965: Replacement Report for Lock and Dam 7 (Grays Landing) forwarded to Ohio River Division for review.

Problems developed over type of dam (fixed crest or gated) to be used at Grays Landing site. Also, benefit calculation procedures were being revised by Office of the Chief Engineer.

February 1967: Replacement Report returned by Ohio River Division for revisions.

June 1967: Lock and Dam 7 Replacement Report combined with report on Lock 8.

August 1968: Combined Report submitted.

November 1968: Additional clarifying material request by Ohio River Division. Benefit calculating procedures still being completed.

January 1969: Report again returned for revisions.

June 1970: Final submission of Replacement Report to Ohio River Division.

July 1970: Division Engineers Public Notice, Replacement Report forwarded to Rivers and Harbors Board for review.

September 1970: Rivers and Harbors Board approves project.

May 1972: Chief of Engineers sends report to Secretary of the Army.

May 1973: Secretary of the Army sends report to OMB.

September 1973: OMB Approval.

November 1973: Secretary of the Army authorizes project.

January 1974: Work begins on preparation of Phase I General Design Memo for Grays Landing and Point Marion projects.

September 1975: Draft Phase I General Design Memo completed and forwarded to Ohio River Division review.

October 1975: Comments on report from Ohio River Division Major problems areas centered on:

(1) Land acquisition policies for area between new Grays Landing site and old Lock 7;

(2) Downstream approach conditions at the new Point Marion Lock (Number 8); and

(3) Additional supportive data necessary for projections of river commerce.

November 1975: District response to comments.

Public meeting for project scheduled for December 1975. Delayed until further notice by Office of the Chief Engineer (Lock 26 controversy at this time).

February 1976: Additional comments from Ohio River Division. Land acquisition policies and downstream approach conditions at Point Marion remain as major problem areas.

April 1976: Response to comments.

January 1977: Letter from General Graves indicating Secretary of the Army had rescinded authorization of Grays Landing and Point Marion. Also indicated that existing Draft Phase I General Design Memo was appropriate starting point for authorizing legislation by Congress.

FAIR HOUSING AMENDMENTS ACT OF 1980

The PRESIDING OFFICER. The clerk will state the ending question.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of H.R. 5200.

The PRESIDING OFFICER. Who yields time?

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, not to exceed 15 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORT IMPROVEMENT—A LEGISLATIVE PRIORITY

Mr. ROBERT C. BYRD. Mr. President, it has become increasingly apparent that America's vast coal reserves can be used to lessen the dependence of the United States and other industrialized nations on Persian Gulf oil. Forecasts of future worldwide coal demand point to significant improvements which must be made in our coal transportation network to handle this new trade. Annual coal production is expected to increase sharply in the next 10 years due, in large measure, to the intent of our European allies to displace oil with coal for the generation of electricity. With steam coal exports projected to exceed 100 million tons by 1900, the adequacy of American port facilities has become a crucial issue.

The recently released world coal study concludes that a major expansion of U.S. port capacity is required to meet coal export demands. The geographic diversity of coal producers will demand new coal export facilities on the gulf and west coasts, as well as on the east coast, where the bulk of current exports now originate. Capital requirements for these port improvements will be high—perhaps as much as $1 billion. If construction is to proceed rapidly, regulatory restraints and permitting requirements must be eased.

Over the past several months, I have met with delegations from a number of countries, including Spain, Italy, and France, who have visited the United States to express their interest in obtaining long-range coal supply contracts. These delegations have all indicated some reservations about purchasing American coal, particularly in regard to the ability of our coastal ports to handle the increased coal trade. I have consistently offered the assurance that improvement of our ports is a top legislative priority, which will be addressed in the early days of the 97th Congress.

I welcome the initiative introduced today by my distinguished colleagues from Louisiana (Mr. JOHNSTON) and Virginia (Mr. WARNER). This is the type of legislation which will be needed to accelerate the dredging and overall improvement of our Nation's ports and harbors. It is unfortunate that insufficient time remains in this Congress to give this bill the consideration it deserves. However, I am confident that comprehensive port improvement legislation will enjoy far-reaching bipartisan support in the next Congress. Most assuredly, the issues raised in this bill, such as fast-track environmental review and expedited engineering and design appropriations, will be examined carefully by the committees of appropriate jurisdiction.

The economically recoverable reserves of American coal are more than sufficient to support the greatly expanded worldwide use of coal well into the next century. The substitution of coal for oil or natural gas is fundamental to reduced dependence on foreign oil. Expanded coal trade will produce jobs for Americans and improve our balance of trade.

We cannot afford to miss the opportunity to make American coal a staple of worldwide energy production.

Mr. WARNER. Mr. President, I wish to thank the distinguished majority leader for joining with us this morning in addressing our colleagues with respect to the need for legislation to dredge America's harbors to accommodate the ever-increasing demand for America's coal.

Throughout my service in this Congress, the majority leader has taken the lead in the coal caucus, inviting to his office those persons in the private sector as well as the Government and particularly from the White House who have responsibilities in this area.

It has been his leadership and encouragement to me as well as to my colleagues that has provided us with the impetus to go forward with this legislation.

I wish to acknowledge now that there is no other Member of the Senate who has taken a greater interest in this subject and shown any greater leadership, and I wish to pay my highest respect to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

FAREWELL TO SENATOR ADLAI STEVENSON

Mr. ROBERT C. BYRD. Mr. President, ADLAI STEVENSON decided some time ago that he would retire from service in the Senate. However, those of us who have come to know and admire Senator STEVENSON can say with certainty that he will continue to serve the interest of his country in his private pursuits.

In looking back on ADLAI STEVENSON'S 10 years in the Senate, we see a man who was always looking toward the future, a Senator often ahead of the times.

Long before the Arab oil embargo of 1973, he warned that the Nation faced an energy crisis because of its dependence on imported oil. In 1972 and again in the early part of 1973, Senator STEVENSON made compelling arguments before the Appropriations Committee for increased Federal support for the development of coal gasification as an alternative source of energy. Sharing with him an appreciation of the energy potential represented by the vast coal reserves in our own States, I worked closely with Senator STEVENSON in these early efforts and, over the years, on many other matters.

Senator STEVENSON'S longstanding concern for the ability of the U.S. economy to compete in a highly competitive world is another example of his early recognition of an emerging national issue.

His initiatives, as chairman of the Banking Committee's Subcommittee on International Finance and the Commerce Committee's Subcommittee on Science, Technology and Space, in the development of industrial policy reflect years of attention to the need for policies that enable industry to compete in the world, so that the United States can prosper without inflation. He has urged the creation of a national industrial development bank to promote growth of high technology industries, eliminate infrastructure bottlenecks, and revitalize basic industries. I support this concept and was pleased to note that Senator STEVENSON introduced a bill on December 4, 1980, to create such an institution.

His interests have been widespread, but always farsighted. In the intelligence Committee, he took up the responsibility for the quality of U.S. intelligence, and in the Banking Committee he has been a voice for support for strengthening the increasingly strained international monetary system.

Senator STEVENSON'S efforts have borne fruit—reform of the Export-Import Bank, the Export Administration Act, the International Banking Act, the Stevenson-Wydler Technology Innovation Act of 1980, and Senate passage of the Export Trading Company Act are examples. His work has given the Senate a basis for continuing efforts to meet the challenges of the 1980's.

ADLAI STEVENSON has long been a voice of reason and balance in the Senate. His judgment, vision, and fellowship will be missed by all of us.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FAIR HOUSING AMENDMENTS ACT OF 1980

The PRESIDING OFFICER. The clerk will state the pending motion.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of H.R. 5200.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ARMSTRONG. Mr. President, fate has caused me to be here this morning to delay the proceedings while those who are working behind the scenes to compromise this issue complete their work. I have come here this morning fully prepared to address the Senate at great length. I have a briefcase full of remarks, and I have no doubt that the Nation will be well served if I deliver a torrent of words. Yet I am also mindful of the ancient adage that they also serve who stand and wait. Therefore, unless there are those who prefer that the proceedings continue, I would be pleased to serve my term of filibuster duty in a quorum call mode, and I will, therefore, suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold his request?

Mr. ARMSTRONG. Of course.

Mr. ROBERT C. BYRD. Mr. President, I would be delighted to hear the Senator expound on the subject before the Senate.

I have always felt that a so-called filibuster, and this I will say qualifies as such, if it is to serve any purpose at all, it is through the enlightenment of the people which it affords, and I do not think a quorum call is enlightening the people, nor do quorum calls enlighten Senators.

But the purposes of a filibuster can be well served if indeed our colleagues in the Senate are enlightened and the people are enlightened through the press which is ever present, omnipresent, omniscient, and perhaps not omnipotent, but nevertheless I feel that some good is from time to time derived from the extended, prolonged discussions which are sometimes rightly, sometimes not so rightly, termed as filibusters.

I, therefore, wait with great expectancy and with anticipation, no apprehension whatsoever, but a great deal of excitement to the words which I am sure can flow from the larynx of the distinguished Senator from Colorado, and I would certainly hope that as we near Christmas time he would not disappoint me or any of my colleagues or those who are listening and waiting with open mouth and bated breath, and let us hear from him as to the virtues or the nonvirtues, the merits or the demerits of the pending motion before the Senate.

I hope that history will not lose this opportunity to embrace within its bosom the wisdom that is encompassed in this briefcase of bulging papers that is carried by the distinguished Senator from Colorado.

I, therefore, take my seat hoping that what I have said will give him encouragement.

Mr. ARMSTRONG. Mr. President, I thank the distinguished majority leader. What Senator could fail to be inspired by his observations and his invitation to address the Senate?

I am mindful of the fact that the Senator from Colorado, a relative newcomer not only to the Senate but certainly a relative newcomer to this process of extended debate, could learn much from the majority leader who is the master not only of the rules and procedures of the Senate but also, I recall from years past, the master of the filibuster.

So, it is with certainly a degree of enthusiasm but at the same time I must say some reservations that I address myself to the task at hand.

Mr. President, as I understand the situation in which we find ourselves the pending motion is the motion to proceed to the consideration of H.R. 5200. Evidently, the Senate has voted, I recall, to invoke cloture and, therefore, there is a limited amount of time in which we may debate this motion but up to 100 hours of debate may occur.

So that I may gage my remarks accordingly and know how best to organize my thoughts and arguments, I would inquire of the Chair, if I could be informed of how many of the 100 hours yet remain?

The PRESIDING OFFICER. The Senator may inquire that of the Chair.

Mr. ARMSTRONG. I thank the Chair, and I do inquire.

The PRESIDING OFFICER. There are slightly less than 88 hours remaining.

Mr. ARMSTRONG. Mr. President, this is an issue of some magnitude and, while I feel it is probable that I can sum up my thoughts in something less than 88 hours, I am comforted by the realization that once we have taken up to and not to exceed 88 hours of further debate on the motion to take up the bill there will then occur, as I understand it, a vote on the motion, that is, Shall the Senate proceed to the consideration of H.R. 5200?

In the event that motion should pass, as I would anticipate that it might very well, would it then be in order to move to reconsider the motion to proceed to the consideration of H.R. 5200?

The PRESIDING OFFICER. It would be in order. The Senator is correct.

Mr. ARMSTRONG. Would that be a debatable motion?

The PRESIDING OFFICER. It would be a debatable motion.

Mr. ARMSTRONG. Would it be subject to a time limitation on debate?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. ARMSTRONG. In that event or by cloture——

Mr. ROBERT C. BYRD. Mr. President, I would suggest that the Chair reflect upon this issue before the Chair proceeds—already too far.

The PRESIDING OFFICER. The Chair would have to reconsider his decision and give it some thought, and I will check again with the Parliamentarian.

Mr. ARMSTRONG. Mr. President, while this is being researched, I would like to recall that last night at a similar moment I noted that members of the press corps were peering earnestly over the gallery railing above the Chair and were extended quite a distance out over the railing, and I had a horrible impulse just at that moment to cry out, "Don't jump."

The PRESIDING OFFICER. The Chair, speaking as the Senator from Michigan, is glad the Senator restrained that impulse. [Laughter.]

Mr. ARMSTRONG. Is the Chair prepared to comment on my inquiry or I can move on to other matters?

The PRESIDING OFFICER. The Chair would like to give the inquiry some additional consideration.

Mr. ARMSTRONG. Well, Mr. President, once we have disposed then of the motion to reconsider the vote on the motion to take up the consideration of H.R. 5200, assuming, first, that the motion to proceed passes, and assuming the motion to reconsider, after having been fully debated and possibly even subject to a cloture motion and then postcloture discussion, then it is my understanding that the bill itself would be before the Senate for unlimited purposes, and that we would then consider it at whatever length the body might choose; that all Senators would be privileged to speak as often as they might wish to do so and at as great a length as they might wish to do so, and offer amendments, and it would be in order at some point in time for the majority leader or some other Senator to propound a cloture motion.

In that event, Mr. President, if a cloture motion were filed, I presume we are not talking about an event which would occur, say, Thursday or Friday of next week, if at that time we were proceeding to debate the bill H.R. 5200, and a cloture motion were to be filed at that stage to limit the debate, then, Mr. President, am I correct in my understanding that it would require 3 days before cloture could be granted?

The PRESIDING OFFICER. I wonder if the Senator would restate the end of the question, with a brief summary at the beginning?

Mr. ARMSTRONG. Mr. President, if it should so happen that, say, a week or 10 days from now we were debating the bill H.R. 5200, continuing to debate it, then at that stage of the game a cloture motion were filed, when would the cloture vote occur? Let us say it was filed a week from today.

The PRESIDING OFFICER. The cloture vote is after a live quorum 1 hour after the Senate meets on the following day but one after the cloture motion is filed.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, if the Senator would wish I would like to get him a rule book and he can read it himself.

Mr. ARMSTRONG. Under the circumstances I would say to the majority leader I might be disposed to read it to the Senate.

Mr. ROBERT C. BYRD. That is all right. The Senator only has 1 hour, and I will object to any time being yielded to him, so it would be fine if he could read for a full hour or what is left of the hour. I doubt that the the press would be straining over the balcony in the event the Senator read from the rule book.

Mr. ARMSTRONG. Mr. President, I did not hear the majority leader's observation about time being yielded to me. Did I understand that the majority leader would be disposed to object if another Member sought to yield time to me?

Mr. ROBERT C. BYRD. Well, when I said that I had an impulse that I might object. But upon further reflection I might not object. I might be so entranced with the eloquence of the Senator that I would not object. As a matter of fact, I might be unable to object.

Mr. ARMSTRONG. Mr. President, I should proceed with the objective in mind of providing a sufficiently entertaining and persuasive discussion so that in the unlikely event that another Senator should seek to yield all or a portion of his time to the Senator from Colorado that the majority leader would not be disposed to object.

Mr. ROBERT C. BYRD. If I might ask a serious question, what does the Senator think of the signal that is going out to the country by virtue of the filibuster against this legislation? Would he care to enlighten me and his colleagues with an answer to that question?

Mr. ARMSTRONG. Mr. President, I would be happy to respond to the majority leader on that point. I do not know, of course, how this filibuster is being received out in the country, but my suspicion is that it is being viewed by most people in the Nation as another indication that the Congress of the United States has a serious inversion of its legislative priorities.

If the majority leader will recall, when he first announced the possibility of a postelection lameduck session, I immediately came to the floor and objected very vigorously to even entertaining the thought of such a session.

It was my belief then, which I reiterated on a number of occasions prior to the preelection recess, and which I hold even more strongly today, that for us to have a lameduck legislative session is really a poor reflection on the Congress of the United States.

Let me explain.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ARMSTRONG. Yes, of course, I would be happy to yield.

Mr. ROBERT C. BYRD. Does the Senator's salary or does my salary, with respect to myself, did my salary terminate at the election?

Mr. ARMSTRONG. Well, I would say to the majority leader that I am not sure I can connect up his question to the issue of whether or not we should be in postelection session.

Mr. ROBERT C. BYRD. That is what I am getting to.

Mr. ARMSTRONG So far as I know, the salary of all Members continues until the end of the term for which they have been constitutionally elected.

Mr. ROBERT C. BYRD. That is correct.

By what Holy Writ do we take the position that once the election is over the Congress should not be in session to fulfill its responsibilities to the people?

Mr. ARMSTRONG. Mr. President, the reason why I so strenuously object to a postelection session is completely unrelated to the salary of Members, but goes instead to two other issues.

First, that by the suggestion of a postelection session we tempt Members and the body to put off the decision on very important pending business.

When this first surfaced, when the idea came to the attention of Senators back in the late summer, there was still the hope that we could enact the budget resolution in a timely manner; there was, in the opinion of the Senator from Colorado, still time enough to act upon the appropriations bills and upon the relatively short list of what I would have termed must legislation.

The effect, it seems to me, of proposing a lameduck postelection session was to put off until after the election the final decisions on the issues which were among the most controversial and among the most important facing the Senate.

It is my belief if there is meaning and purpose in the election system, it is to give the voters an opportunity to pass judgment on the work which has been done by those whom they elect to serve in public office, including the United States Senate. In other words, I think the people of this country wanted to have a chance in the November 1980 election to know how their Congressmen, how their Senators, and how their other public officials discharged their tasks, including a vote on the budget resolution, a vote on the appropriations bills, a vote on the tax cut, and other legislation which, in the minds of many people, I believe the vast majority of the voters in the Nation, were the high priority matters of legislation. So that is the first reason why just as a matter of principle I believe that a postelection session should be avoided if at all possible.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, the Congress has passed a good bit of legislation in this postelection session. The Senate has passed an Interior appropriations bill, the State, Justice appropriations bill, the District of Columbia appropriations bill, the Defense appropriations bill, and an Agriculture appropriations bill. It has passed the second concurrent budget resolution, passed the superfund legislation, passed the paperwork reduction bill, and hopefully it will pass fair housing legislation.

There is no reason whatsoever in the rulebook, in the statutes of this country, or in Holy Writ that Congress cannot or should not be in session after an election.

There is business to be done. There is work to do. I think we have a responsibility to do it. Our contracts do not provide for an extended vacation after the election. Our contracts do not provide for the termination of our duties to the people after the election while we continue to draw our pay. There is work to be done. And 62 Senators out of 100 on yesterday indicated that they felt we should vote on the motion to proceed to the fair housing bill. Now that is a super majority. That is not a majority of one. That is a super majority. And yet what we see is a filibuster, a determined filibuster, to stop this legislation.

I must say that it is to the credit to Senators on both sides of the question that they have been meeting through yesterday afternoon and evening and are meeting at this time, right now, to try to resolve some of the thorny issues that are involved.

I hope that they will be successful in doing that. I have a feeling that where men are persistent in trying to reach a reasonable basis for agreement they can do so and will do so. And I have hope that they will.

But as to the Senator's point, vis-a-vis a postelection session. I am afraid that even among the people who may oppose the particular legislation at issue here, I am afraid that even they would agree that Congress has work to do. And there is no question that if there is work to do, it should come back to do it.

Now we had our problems with getting legislation to the floor before the election I sought time agreements on many issues, on many pieces of legislation, and was unable to get them.

So not being able to complete our work, we had no alternative but to come back after the election and do our work.

I would hope that we would continue in our efforts to pass the legislation that the people deserve to have passed, which would include the defense appropriation conference report, the revenue sharing legislation, and certainly the continuing resolution and the fair housing bill before we then go home.

Mr. ARMSTRONG. Mr. President, to continue my observations about the lame-duck session, just to recap. First, I think, as a matter of principle, it is a mistake to deliberately plan a post-election lameduck session because it invites the postponement of important business until after the election.

The majority leader has pointed out that we have enacted or are about to enact a number of important bills in the postelection session and, of course, he is correct in making this observation.

Precisely the reason why we have had to do so is that we put everything off before the election. If we had a firm deadline to end our business prior to the election, we would have been finished then instead of having to come back.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ARMSTRONG. Of course. I am happy to yield.

Mr. ROBERT C. BYRD. I did not hear the Senator from his very visible desk over there on the other side of the Chamber speaking from day to day urging that we meet on Saturdays or going into the evenings, so we would not have to come back after the election. I would have welcomed that kind of support.

I wish we would have had the kind of support that the Senator apparently is ready to give and I am sure that he will give to the majority leader in the 97th Congress. I expect to hear the Senator over there urging Saturday sessions, late sessions, long session, and I await with great anticipation his doing that.

Would the Senator explain why we have not had this support and urging, urging long sessions, Saturday sessions? The Senator might well have urged that we not take the Lincoln holiday and that we not take the Easter break, although far be it for me to believe he would want to do that.

But if the Senate had not taken all of these breaks, it might very well have avoided coming back after the election. But Senators insist on these breaks. "Let's have a break for the Lincoln Day holiday." Ten days. Ten days.

I am awaiting to hear the distinguished Senator to state that henceforth, come the next Congress, he will oppose long holiday breaks; he will be opposed to a 10-day break for Lincoln's birthday; he will insist on just having the birthday itself recognized. The Senate could well afford to be out 1 day, could it not, for Lincoln's birthday?

Mr. ARMSTRONG. Mr. President, the majority leader has once again shown us an example of his skill in argument for which he is justly famed. He first asked me what is wrong with the "lameduck" session and then, before I have had a chance to really explain that, he has posed yet another question.

Now the majority leader well knows that I have been seated in the far corner of the room. What he may not realize is that I have watched him with great care. I have learned something from observing the way in which he turns the direction of the discussion in a direction which is favorable to him.

Therefore, before I respond to his inquiry about scheduling—and I have much to say on the subject of late night sessions, Saturday sessions, the Lincoln Day recess and summer holidays and when Congress should adjourn—I would like to state just one more reason why I personally object to the concept of a "lameduck" postelection session, except in those cases of true emergency, such as a natural disaster, war or something of that kind. That reason is that, while it is true that Senators are elected for their full term—their pay continues, their contracts, their charter with the voters continues until the expiration of their term in January following the election—it seems to me as a matter of practice it fosters irresponsibility to have large numbers of Senators and Representatives who will not be returning, nonetheless continue to legislate.

In many cases, the bills which are proposed for consideration are matters about which there is substantial controversy. It seems to me unfortunate, really, an abuse of the spirit of the legislative and representative process, if not the letter of course, to have people who have been voted out of office nonetheless come back to Washington to continue to legislate.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ARMSTRONG. Of course. I will be happy to yield, with the understanding that if the majority leader is asking me yet another question I shall simply put it on the list following his earlier question about the late sessions, the Lincoln birthday recess and the summer holidays.

Mr. ROBERT C. BYRD. Mr. President, with great trepidation and considerable timidity, I call to the attention of the Senate that we are both proceeding out of order. In the spirit—the Senator used the word "spirit"—in the spirit of a filibuster under rule XXII, we should be speaking on the subject before the Senate.

A point of order could very well be made that what is now developing here is not germane to the subject.

I would suggest that we both avoid, from here on, violating the spirit and the verbiage of the rule. I shall continue to listen and await with great anticipation—as a matter of fact, I will forgo my lunch if the Senator's hour lasts that long—to hear him expound upon the subject before the Senate and explain why the Senate should send a signal to the country, especially those who are filibustering against the fair housing legislation, why that signal should go out to Americans that we are going to deny them their just rights when it comes to finding a place to live.

I would hope that we would refrain now from violating the rule and stay on the subject.

Mr. ARMSTRONG. Mr. President, I think the suggestion of the majority leader is a good one. I would like, with his indulgence, to make just an observation or two about the scheduling of the Senate because of the question he has raised.

I would like to acknowledge publicly something I have said to him privately.

Mr. ROBERT C. BYRD. The Senator raised the subject when he started talking about the lameduck session.

Mr. ARMSTRONG. The majority leader raised the subject when he asked me what kind of signal he thought I was transmitting by conducting this filibuster.

Mr. ROBERT C. BYRD. No, that was germane to the subject matter.

Mr. ARMSTRONG. Well, Mr. President, if it is the desire of the majority leader that I not comment on the scheduling, I will be happy to move on to other matters which I believe are fully germane to the subject. I was merely going to make the observation that I have been personally appreciative, as I have expressed to the majority leader privately, for the fact that during the early part of the year, of this session, he did give us an opportunity to better organize our lives by setting up a schedule of nonlegislative Fridays so that we would have a regular opportunity to be home with our constituents and to serve the other functions for which we are elected. Of course, as the majority leader knows and has often commented, Senators are elected to do more than just be in this Chamber. They are also elected to be at home with their people, and to learn from those they serve how they feel about legislation and how it will affect them.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ARMSTRONG. Of course.

Mr. ROBERT C. BYRD. Mr. President. I have been home with my people. I visited all 55 of my counties in West Virginia this year with personal appearances in each of those 55 counties. That has not kept me away from the Senate. I would suggest if the Senator wants to, that he expound on this subject at a later time.

I think I would make the point of order that we are both out of order in discussing a nongermane matter.

Mr. ARMSTRONG. Mr. President, I am tempted to see what kind of a precedent would be set if the majority leader makes a point of order against us both.

Mr. President, let me return to the question of this extended debate, this filibuster, on the Fair Housing Act Amendments and how it would be received by the country.

In my opinion, most people throughout the Nation will view what is happening in Washington this week as an example of inverted priorities by the Congress of the United States. Notwithstanding what I have already said about the undesirability of lameduck sessions, if we were here debating the tax cut, a matter which I think most people in this country feel is an urgent requirement, an urgent priority, which the business of the country thinks needs to be enacted at an early date, a bill which has been recommended in one form or another by the leadership of both parties in the Congress and also by the President-elect, I think the country would feel that we were proceeding to do their business, even though with some reservations about doing so in the setting of a post-election session.

If we were coming to grips in a serious, thoughtful way with the institutional problems of inflation, with the budgetary process, I think that that would be viewed as a useful service for us to perform for the people of this country.

But when we come back to simply take up a bill like this, which, whether it is worthy or not—and I have some doubts as to its intrinsic merit—when we come back to take up a bill which is clearly not an emergency, which does not deal with any great national disaster, which does not deal with some unforeseen development in international relations, which does not address itself to the fact that interest rates are rising and have risen to the point that it is impossible for most people in this country to afford housing, which is driving many businesses under, destroying job opportunities—if we were addressing ourselves to those issues, I think the people of this country would find some comfort and satisfaction in such a session.

But when we come back and simply pick up a bill which has been on the calendar for some time, which was acted on, as I recall, by the House some months ago, 3 or 4 months before the close of the pre-election session, I think most people in the country will simply think, "Well, it is business as usual in Washington, D.C."

I sometimes wonder, as a matter of fact, whether or not our constituents think we manufacture work to provide a reason for us to be here rather than coming home to find out what is on the minds of the voters and what are the thoughts of people who are living under the legislation which we enact.

Mr. President, I suppose that during the last year—and I have made no tabulation of this—I have had at least 1,000 people spontaneously mention to me the need to do something to bring inflation under control. I am talking not only about people who are my constituents, who have come up to me at town meetings, or who have called me on the telephone to relate personal stories of inconvenience or tragedy, but I am also talking about people I have met on airplanes and other public places who did not necessarily know I was a Member of the U.S. Senate, but who simply had a heart-felt concern about the tremendous run-up in consumer prices, a run-up which has certainly worked a great hardship on virtually every family in the Nation, every business in the Nation, and which has caused a smothering of the productive growth of this country, which has resulted in unemployment, and in the case of people on fixed income has really had some heartbreaking consequences. Some people of my acquaintance are virtually in the position of not being able to have enough to cover their necessary living expenses.

I suppose I have had at least 1,000 people mention this subject to me spontaneously in a spirit of concern during the last year. I imagine that during the same period of time I have had at least 10,000 letters on this subject. Yet, Mr. President, I do not recall one person, I cannot think of one instance in the last year when any person, either in my capacity as a Senator or in any other capacity in a public or private place, has come up to me and said, "It is a crisis, it is urgent that we pass new fair housing legislation." That is not to say that there might not be some merit in the bill now pending. I have my reservations about it, which I will mention in a moment.

But on the question of priorities, if my experience is typical and I expect it is, if most Members have had the same experience as I just described, of having hundreds or thousands of their constituents saying that the No. 1 problem is inflation, and no one has spontaneously raised the question of this fair housing legislation, so-called, H.R. 5200, it would not surprise me if people out in the country are greeting these post-election proceedings either with indifference or disdain. If they stop to think about it, it is probably with the idea of, "Wouldn't you know it, here the country is hemorrhaging from every corner and Congress is back there working on a fair housing bill."

So, Mr. President, it seems to me that this is a most untimely thing for us to be doing. First, because it is the wrong time of year to be doing it after the election; second, because it represents an inversion of our priorities, and, third, because it detracts the attention of the legislators and the Nation from other legislation which should, in my opinion, be dealt with promptly.

Mr. President, before I talk at any length about the merits of this legislation, perhaps it would be well for me to put into perspective some of the specific provisions of the bill which is now pending. It is my understanding that this legislation, H.R. 5200, came before the Senate having been placed directly on the Senate calendar, and that there was no Senate report on this bill outlining its provisions as passed by the House.

Mr. ARMSTRONG. The House action, as I mentioned earlier, occurred in mid-June of this year and in broad brush, the following is my understanding of what the bill would do:

First, H.R. 5200 would amend title VIII of the 1968 Civil Rights Act, those provisions relating to fair housing, in the following manner. First, the bill would expand its coverage to include the handicapped by broadening the definition of discriminatory housing practices to include any title VIII violation so that noncompliance with any section of the act—not just noncompliance with the section dealing with discrimination in the sale, rental and financing of housing in the provision of brokerage services as under the present law, but any violation of any section of the act—would be actionable under the new enforcement provisions; second, by extending the act protection for the first time to handicapped persons as a class and by adding to the definition section the term, "aggrieved person."

Mr. President, at the present time, an aggrieved person is defined under present law as anyone claiming to have been injured by discriminatory housing practices or believing that he will be irrovocably injured by discriminatory housing practices which are about to occur.

Second, H.R. 5200, if enacted in its present form, will continue the exemption provided under current law for owners of up to three single-family units who do not use a real estate broker or agent or who do not sell more than one home every 2 years. This particular provision, I understand, was added as an amendment. It was not contained in the original bill, but was added as an amendment when the bill was considered in the other body.

The third provision in H.R. 5200 is to make it unlawful for any person whose business includes selling, brokering, appraising real estate, securing first and second mortgages—this aimed at the practice, so-called, of red-lining—and securing loans and insurance, but providing that it is not a violation for appraisers to take into consideration factors other than national origin, sex, or handicap; and third, minimum lot sizes for residences is not prohibited, unless imposed with the intent to discriminate.

A fourth provision of this proposal is to allow either the House or Senate to veto regulations proposed by the Department of HUD or any other Federal agency pursuant to fair housing laws.

The fifth provision is to require HUD to refer any case involving land use matters to the Attorney General.

The sixth provision is to require that administrative law judges be appointed by the Justice Department, prohibiting appointment of anyone who has been a HUD investigator or prosecutor within the last 2 years and allowing dismissal of the administrative law judges only for cause and after hearing.

A seventh provision of this legislation is to empower HUD to initiate administrative actions on its own or on behalf of individuals filing complaints with HUD, with the aggrieved party required to file discrimination charges with HUD within 1 year of an alleged violation, and the HUD Secretary required to give the alleged violator notice after complaint within 10 days of receipt.

The eighth provision of this proposal is to allow administrative law judges, after a hearing, to order violators to cease discriminatory practices and to assess civil penalties of up to $10,000 with appeal from the administrative law judges' decision allowed in Federal district court where the property is located.

The ninth provision of this legislation is to allow the Attorney General, at the request of HUD, to bring housing discrimination suits in Federal court on behalf of individuals.

The 10th provision of this legislation is to require HUD to refer any housing complaint to a State agency if such has been certified by HUD as having enforcement procedures equivalent to HUD's and to require that privately initiated bias suits be brought in Federal court no later than 2 years after alleged discriminatory housing practices.

Mr. President, before going into greater detail on the pending legislation, I should like to make a couple of observations about what I believe to be a better way to solve the Nation's problems in housing, particularly a better approach to coping with the need for fair housing. I call to the attention of all Senators the experience in my own State of Colorado. One of the reasons I am personally disposed to leave greater discretion in such matters to the States rather than asserting national jurisdiction is that, with respect to nondiscrimination in public accommodations, in housing and so on, in many instances, my own State has had antidiscrimination legislation on the books for more than 80 years, in fact, since before the turn of the century in some cases—the same kind of provisions which have only within recent memory been considered by the Congress of the United States. I point this out because, in many instances, the imposition of Federal legislation in States like Colorado and, I am sure, many of the others will have little or no real effect in terms of improving to any degree the relationship between the buyers and sellers or renters of real estate, but will add another layer of enforcement, with its inevitable costs to both the buyers and sellers, and the additional burden upon the process of real estate transactions.

Certainly, we are all aware that such regulations can have and frequently have had a very injurious effect. In some instances, Mr. President, the effect of such regulations has been particularly unfortunate, even though the goal was worthy and laudable. What comes to mind as an apt analogy is the Voter Rights Act. We all agree that it is reprehensible for any citizen of this country to have his voting rights denied. Yet, in the passage of the amendments to the Voting Rights Act a few years ago, Congress most unwisely adopted a mathematical formula which arbitrarily extended the provisions of that act into many States which had previously not been covered. Once covered, the States and the local jurisdictions within these States found that they could not move the boundaries of State legislator districts or the internal county boundaries for county commissioners unless they were given approval to do so by the Federal officials who had, by this unwise legislation, been given supervision over local election procedures.

When this bill was considered and adopted, I was a member of the other body and I pointed out how foolish it was for the provisions of this act to be extended to my State—for example, to El Paso County, Colo., which is the county that is best known for its largest city, Colorado Springs. That Voter Rights Act extended to El Paso County because a certain mathematical formula which applied to voting results indicated what appeared to the drafters of that legislation to be some form of discrimination against voters of certain ethnic backgrounds. I pointed out to my colleagues at the time that it was preposterous to extend the effect of such legislation and voter rights supervision to El Paso County, Colo., because there had never been, to my knowledge, a single proven case of voter discrimination in that county—not one, so far as I am aware.

Moreover, to the best of my knowledge, there had never been prior to that time, nor since as far as I am aware, a single allegation that any voter had been denied the right to vote, or to register, or in any way had been deprived of constitutional rights.

Indeed, in El Paso County, as in virtually every county of my State, the local election officials conduct a very vigorous bipartisan, civic good government campaign to encourage every person who is actually or potentially eligible to vote to do so.

How does that bear on this legislation we are now considering?

Mr. President, it seems to me that the bearing is a very clear one. We all agree with the idea and the ideal of full rights for all voters. Have the rights of any voters been enhanced by the passage of the most recent set of voting rights amendments?

I think it is very doubtful it can be shown that is the case. Certainly, in my own State it is not the case.

What has happened is that we have inconvenienced and infringed on the rights of local citizens to determine matters which are, in their essence, completely local.

I believe that precisely the same thing will happen if we enact these Fair Housing Act Amendments of 1980 in their present form.

The mere fact that such legislation comes before us with a noble title, that it holds itself out as legislation which will assist some persons to obtain a better shake in housing than they are now able to get, really does not prove the case insofar as I am aware. That case has not been persuasively stated at any point by any Senator.

That is not to say there is not some good in this legislation. I note with pleasure that the legislation contains a provision which would allow either the House or the Senate to veto regulations adopted by the Department of HUD, or any other Federal agency, pursuant to fair housing laws.

Certainly, that is a commonsense provision which I could support and which, indeed, I would like to see extended to all Federal agencies.

It seems only reasonable to me that Congress should retain the power to overturn those regulations with which we disagree.

After all, Members of Congress are the elected policymakers. Ours is the ultimate accountability to the people of this country. To permit us to be preempted, as we so often are by the nonelected appointed members of regulatory agencies, would seem most unwise.

So I think that provision of this bill, although it is necessarily quite narrowly drawn, is a worthwhile idea and one with which I would be pleased to associate myself.

But, in broad brush, this legislation simply imposes additional burdens, the possibility of additional litigation, the imposition of new procedures that must be complied with. It really just adds to the difficulty of buying and selling real estate, and making other real estate transactions.

I do not know whether Senators think it is important that it would further impede the free market in real estate. But I happen to think, as one who is concerned about the housing crisis in this country, that it certainly does represent an inversion of priorities for the Congress to be having a lengthy debate on this matter while ignoring the other component ingredients of the true housing crisis.

I say to the backers of this legislation that there are people whose right to buy a house has been denied. I feel, as I am sure all Senators do, that this is reprehensible.

But for every person who has been unable to obtain a house because of discrimination based on race, color, national origin, religious background, or condition of handicap, for every such person who has been denied adequate housing or the opportunity to buy or sell housing freely in this country, I would say to the President, to the majority leader, to all Senators, that there have been 100, 1,000, 10,000, who have been unable to secure for themselves and their families adequate housing because of economic reasons.

Mr. President, I recall vividly not too many years ago when my wife and I were first married, when practically the first thing we thought about was going out to buy a house. It was not all that many years ago, and we bought one of the nicest houses in the little town where we live, not the most expensive, but one of the nicest, in one of the nicest neighborhoods, and we paid $24,000 for that house.

Mr. President, when we did that, I put $2,000 down on that house, and I wrote in as a condition in the contract that if I could not obtain a loan for $22,000, at interest not to exceed 6 percent, that I was not going to be obligated to close that transaction.

The long and the short of it is that I was able to obtain such financing. My wife and I, not too many years after we were married, moved into this beautiful little house in Aurora, Colo., at $142 a month.

Mr. President, that house is probably worth nearly $100,000—actually, it is still only worth $24,000, but if it were to be sold, I suppose somebody would offer it for sale for $100,000, and that it might be sold at such a figure.

I imagine that if a young couple, like my wife and I were in those days, went down to Western Federal Savings to get a loan, as we did 15 years or so ago, that they would be told the interest rate would not be 6 percent, that the interest rate would be 17 percent or 18 percent—I have no idea what the interest rate would be today—but, certainly, the payments would not be $142 a month, but would be 8 or 10 times that amount.

Mr. President, inflation and rising interest rates are the real bar to fair and adequate housing in this country. So I suggest again that it is an inversion of priorities for the Senate to agonize over this legislation, even though there is some portion of it to which we might all agree. But to spend the time of the Senate on this matter while refusing to come to grips with the economic problems which have wracked this Nation and which are the largest single barrier to adequate and fair housing in this country, seems to me to be a very strange thing.

It is no wonder that people in this country feel that their elected representatives, their Senators and Congressmen, are out of touch.

Mr. President, it is a funny thing, out our way in Colorado just about the most important thing that a Senator or a Representative can do is to stay in touch with his people at home, to know what is troubling them, to know what their concerns are.

Just about the most devastating thing that can be said about somebody who serves in public office is, "He is out of touch," or in the case of a Federal official, a person privileged to serve in the U.S. House of Representatives or the U.S. Senate, "Well, that person has gone to Washington and gotten Potomac fever."

Mr. President, I think most people in this country think we have a Congress full of people who have gotten Potomac fever, who are concerned with problems of this country in a priority scheme that does not match up with what people are thinking of back home.

Mr. President, I want to sum up my remarks in a moment, but in order to gauge my time, I ask the Chair how much time I have remaining to speak.

The PRESIDING OFFICER. The Senator has 9 minutes and 19 seconds.

Mr. ARMSTRONG. I thank the Chair.

Mr. President, upon the expiration of the time which I am allocated, do I understand that there will then remain 87 hours of additional debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. ARMSTRONG. Could I also inquire of the Chair, if it would be in order for another Senator to yield to me additional time, or not?

The PRESIDING OFFICER. Under the rules, only four Senators can yield time. They are the majority leader, the minority leader, the majority floor manager, and the minority floor manager.

Mr. ARMSTRONG. All other Senators must use their 1 hour?

The PRESIDING OFFICER. They must either use it or yield it to one of those four.

Mr. ARMSTRONG. I thank the Chair.

Mr. BAKER. Does the Senator want more time?

Mr. ARMSTRONG. I thank the Senator from Tennessee for his inquiry. No, it was not my purpose initially to secure additional time, but only to be sure how much more I had remaining.

It is my hope—in fact, it is my belief—I say to the distinguished minority leader that, behind the scenes, a resolution of this issue is being effected. I am confident that most Senators are not eager to have the Senate continue much longer on this.

While the distinguished minority leader has been off the floor, I have made my own observations about the kind of spectacle I think we are making for the country. The reason for my inquiry was not to seek time but merely to ascertain the parliamentary situation.

Mr. President, in the time remaining to me, then, let me just sum up how I see this issue.

First of all, this is a matter that should have been handled prior to the election. It was passed by the other body in June of this year. There is no reason for it to have been delayed until now. It could have been taken up, if it was deemed to be a high-priority item.

Second, while there are some aspects that may be worthwhile, in large measure it is a flawed bill because it contains provisions which are unnecessary, which unduly infringe upon local officials, or which, more important, are provisions which unduly infringe upon the rights of buyers and sellers in the private real estate market.

Third, I object to the further consideration of this legislation—and therefore intend to vote against the motion to proceed to the consideration of H.R. 5200—because this legislation, in essence, is displacing the consideration that otherwise could be given to matters of the utmost priority.

In my opinion, the public is little concerned about this bill. They are greatly concerned about the problem of inflation, of rising prices, about the declining productivity of this Nation, about the growing inability of this Nation's business concerns and workers to compete effectively in international markets, about the sense that the economy is sort of off the track, that the wheels are coming off our economic bandwagon, and that Congress, instead of coming to grips with such problems, is really doing little or nothing.

It is my hope that upon completion of action on H.R. 5200, and after we have adjourned, Senators will begin to think in long-range terms about how we are going to deal with this problem when we reconvene in January. My belief is that the first item which will be on our agenda, and to be propounded by the new President in January, will be a broad-gaged solution to the economic ills which face this country. I hope he will present us with a package which will include not only a substantial reduction in the rate of personal and corporate taxation in this country but also the corresponding reductions in Federal spending which will enable us to cut taxes and balance the Federal budget.

If we do that, if we make a credible start on doing that early next year, then I would expect inflation to cool quite rapidly; because, as we all know, inflation is partly economic but to a very large degree is psychological in its nature.

I believe that if the country saw us doing something about that, the inflationary expectation would be discounted quite quickly.

How would this affect housing? In my opinion, it would affect housing in a very dramatic way, because I would expect that, under those circumstances, interest rates would begin to fall. This Nation cannot live very long with the prime rate at 18.5 percent or 19 percent, with mortgage rates at unprecedented levels.

I begin to hear now the fear expressed that unless we can get these interest rates back down to something reasonable, there may be failures in the financial institution industry. There already are many business failures in the real estate and homebuilding industries.

I believe that it would be well for Senators to address themselves to these concerns rather to any other matters, no matter how worthy, of lesser priority.

It will be my advice to the President-elect that when he comes into office, he will have just about one turn at bat. He is not even going to get one inning in which to propose and pass his program. He is going to get just about one chance to hit a home run. It will not matter whether he gets a single, a double, or a triple hit. In my opinion, when he comes up for his turn at bat, the only thing that will count, for the country's sake, will be if he can hit a home run, if he can present a comprehensive package which is bold enough to really address the range of issues and concerns of this country. At the same time, it should be sufficiently cautious and balanced that it will be passed quickly by Congress, so that it will not be seen as reckless, even though bold. That is my approach to this problem.

Mr. President, with the indulgence of the majority leader, before I suggest the absence of a quorum, I should like to comment for a moment on the question of extended vacations for Members of the Senate.

I feel very keenly that——

Mr. ROBERT C. BYRD. Mr. President, I call attention to the requirement under the rule that remarks be germane.

Mr. ARMSTRONG. Mr. President, with that in mind, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I yield.

Mr. ROBERT C. BYRD. Mr. President, this is on my time.

I wish to express appreciation to the distinguished Senator.

Our earlier words of persiflage and badinage have been to the point and germane and have been interesting, and I believe they make contribution to the debate.

If the Senator wishes to yield the floor, I will seek to obtain the floor just for a couple of minutes. If he does not, I should like to have a couple of minutes on my own time.

Mr. ARMSTRONG. Mr. President, I will be pleased to do that, if I may just add one more thought about the process through which we are going.

Though I am personally critical about taking up this bill at this time, I do believe that the process we are pursuing is a good process, not so much in what may be said on the floor about the bill but in the fact that it provides the focus and the backdrop against which a compromise perhaps can be engineered.

Of course, the majority leader is the master of such compromises and often has been able to bring together interests which initially were at cross purposes. I believe it important for those who——

The PRESIDING OFFICER. The time allotted to the Senator from Colorado has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator 2 minutes from my time.

Mr. ARMSTRONG. I thank the majority leader.

The true significance of it is that by providing a safety valve to delay—briefly, at least—the consideration of this bill, we give a chance for conflicting and competing interests to try to reconcile their differences of opinion.

I am sure that, while I do not approve of taking up this bill at this time, it is important that those who see what is happening in the Chamber or read the record of this proceeding understand that behind the horseplay and behind the elaborate contrived remarks designed really to stall for time there is a serious and worthy purpose which is within the best tradition of the Senate.

I appreciate the majority leader briefly yielding to me to conclude on that note.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. President, the efforts of Senators on both sides of the aisle and on both sides of the question to reach a compromise are continuing. I hope that they will be successful. A good bit of time has been utilized on yesterday for discussion of the matter before the Senate and as a result the program of the Senate has been thrown considerably off schedule.

I hope that the efforts to reach a compromise will still be successful today. If that could be achieved I should think that there would be a faint chance for completion of our work today and the Senate might be able to adjourn sine die. I believe that hope, however, is fast fading. I, therefore, suggest to my colleagues that they be prepared to stay in session into next week, Monday, Tuesday, Wednesday, whatever is necessary to complete the work of the Senate. We have not only the fair housing legislation, but there are also the continuing resolution, the revenue sharing legislation, the defense appropriations conference report, and other important legislative matters which remain to be consummated before the Senate adjourns sine die.

So I suggest that our respective cloakrooms for that matter inform Senators that we will very likely be in session into next week, and how far beyond I cannot say. It depends upon the progress the Senate is able to make on this measure, the fair housing bill, and on the other measures which I have indicated that it is imperative to act upon.

Mr. BAKER. Mr. President, will the Senator yield to me on my time?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I thank the majority leader for the information he has now provided.

I ask unanimous consent, Mr. President, that this will not be charged as a speech under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the majority leader for providing that information. I have put our cloakroom on notice and they in turn have now initiated a hot line to all Republican Senators' offices to expect that we will be in session tomorrow and at least until midweek, and I reiterate that now in light of the statement just made by the distinguished majority leader. I do not believe there is much chance that we could finish sine die this day. I expect it will take us into next week before we can complete the work of Congress and adjourn for the session.

It is my understanding that the other body will go out this afternoon. The House of Representatives will go out this afternoon at 3 and not return until Tuesday. That makes it almost certain, it seems to me, that it will be necessary for us to be here next week.

I inquire of the majority leader what his plans might be in respect to a session on Saturday since we are going to be here next week anyhow and more particularly what his plans, if he could share those plans with me, may be for a session of the Senate today and especially how late we might be in session today.

Mr. ROBERT C. BYRD. Mr. President, the session today and until such time as the present matter before the Senate is resolved is under constraints of the cloture rule. Under the cloture rule the Senate cannot turn to other business until it completes action on the business that has been clotured. Therefore, we have no alternative, as I see it, but to continue to work on the fair housing legislation to attempt to get a compromise thereon, and, of course, if unanimous consent can be gotten perhaps the Senate could turn to other business from time to time.

I also express the hope, and I take this opportunity to do so, in response to the inquiry from the distinguished Republican leader, that the Senate may be allowed to proceed to vote on the motion to takeup. The matter would then be before the Senate. The fair housing bill itself would be before the Senate, and Senators could continue to address their remarks to that legislation, and that in itself would open the way for the Senate to act on other matters at least for a while.

Once the motion is voted up or down, then the cloture vote would occur on the nomination of Mr. Breyer and upon the disposition of that matter the Senate would, under the order previously entered, turn to the revenue sharing legislation. But until the motion is voted on and disposed of one way or the other, the Senate cannot turn to other matters until the time provided for under rule XXII has expired.

I talked with the Speaker last afternoon late and told him what the situation was here in the Senate and indicated to him at that time that I saw very little hope that the Senate would complete its work today and in which event the Senate would be in tomorrow and certainly into Monday and possibly Tuesday or beyond. So, he has now informed me that the House of Representatives will go out today and will not be in tomorrow, will not be in Monday, but will be in next Tuesday.

So I think that our course is clear. We simply stay with the matter that is before the Senate until it is disposed of and perhaps from time to time if unanimous consent can be given turn to other matters if they can be cleared.

But again I express the hope that Senators allow the Senate to dispose of the motion which has been clotured and which is now before the Senate so that the bill itself could be before the Senate and in the meantime certain other matters included in the order previously entered could be disposed of, to wit, the Breyer nomination and the revenue sharing resolution.

Mr. BAKER. Mr. President, again on the same basis as my previous request, I advise my friend, the majority leader, that it is not possible at this time to agree to proceed to the consideration of the motion to proceed. However, I agree with him, absolutely and entirely that we should try to move other necessary legislation. And I am willing if he so desires, to ask our staffs to see if we can put together a reasonable package of other legislation that we might proceed to by unanimous consent, notwithstanding the provisions of rule XXII.

I, however, urge the majority leader to give us consideration on a time to conclude the session today because it is Friday. It had been thought of as the day for adjournment sine die. Virtually every Senator has plans of some sort. Most of them will have to readjust their plans in order to accommodate the requirements the majority leader has spoken of for next week. So maybe we could work out and I am willing to try to work out, some package of bills that we could proceed to by unanimous consent. I also hope we could work out some sort of an arrangement on the time certain to conclude the activities of the Senate today.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will allow me now, I would not suggest that the time to conclude business would be early. If we could go out over until Monday it would be my suggestion that we go out only if the time on Saturday be counted under the cloture rule. I think that if Senators are going to filibuster, we should filibuster by the rules and filibusters should not be easy, but I think that the suggestion is good, to the extent that we proceed to see if there are other matters that we can take up and dispose of while those Senators who are seeking a compromise are continuing to work in a dedicated fashion, as they are.

Mr. BAKER. Mr. President, if the Senator will yield to me, I would think there are a number of things on which we may agree as a package. On the business of charging time on Saturday if the Senate went over to Monday, obviously I would not be prepared to yield to that. It would be a high price to pay. I would be prepared to examine that, examine the prospects, and report back to the majority leader. But I am encouraged enough to set our respective staffs to the task of trying to find a package.

Mr. ROBERT C. BYRD. I would be delighted to participate. It would be fruitful up to a point.

Mr. BAKER. I thank the Chair.

Mr. PERCY. Mr. President, one question Senator BAKER asked the majority leader—and the Senator from Illinois is prepared to stay here Saturday, Monday, Tuesday, Wednesday to dispose of this legislation, and I am for it—the question that was raised about tonight, I do not mind a session tonight, but I would not want to be running back and forth for votes.

Is it possible to clarify if there will be a session tonight, if so, that it can be done in such a way that there will not be votes, because a lot of us do have plans?

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to respond?

Mr. PERCY. Yes.

Mr. ROBERT C. BYRD. It all depends. It all depends—I am not going to say at 7 minutes of 12 today that we will not have a session tonight. We have a filibuster going. But I must say in the same voice that there is a very dedicated and conscientious effort being made by Members on both sides of the question to work out a resolution of the issues. But I cannot say at this point how late a session we will have today. Obviously we are not going to conclude our work today. We will go until we can get more work done.

In any event, if we are going to have a filibuster, I want the hours to count. If we are going to make it easy on ourselves, let the hours count.

Mr. PERCY. If it is possible at all, Mr. Leader, is it the intention to run until midnight, which is fine so long as we could have enough time—not that I would not want to hear every word that is being said—but a lot of us have other plans, and if we could have enough time to get back for votes, as we seemed to work out last night, when it worked well.

Mr. ROBERT C. BYRD. Well, it did not work out so fine, but it worked out.

Mr. PERCY. I appreciate that.

Mr. ROBERT C. BYRD. Senators got away from the floor and we could not get them back. Some Senators could not get back.

But in any event, we were able to transact business.

I cannot indicate at this point what hour the Senate will finish its work today. I too am a Senator, and I am subject to the same restrictions that other Senators are confronted with. I happen to have a desire to get home once in a while myself. I also have a family. I think the rain falls alike on the just and on the unjust, and I happen to be included. We will just go and work right ahead.

Mr. PERCY. Mr. President, I do intend to speak on the fair housing bill. I will be very brief in my comments. I am for it and I want to state why I am for it, and why I hope it will be enacted in this Congress. But I also respect the objections of other Members and they are within rights in doing what they are doing.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, the fair housing bill has been referred to as "the most important piece of civil rights legislation in the last decade." The bill certainly contains numerous provisions which will dramatically increase the power of the Federal Government to enforce fair housing. As an example of the many new enforcement procedures provided by this bill, H.R. 5200 allows that:

The Attorney General could bring civil action on behalf of an individual.

HUD would be able to initiate investigations without waiting for complaints to be filed;

HUD would investigate complaints and develop the case for the complainant;

The individual bringing his/her own civil action would be provided an attorney; and

Certified State and local agencies would still receive the case from HUD to allow local action but under H.R. 5200 they will be required to act within 90 days to keep HUD from recalling the case. Additionally, H.R. 5200 allows HUD to continue simultaneous action if the State or local agency consents—such consent is a requirement for that agency to receive HUD funding.

All of the foregoing provisions represent a dramatic expansion and strengthening of enforcement of fair housing. There is one provision of H.R. 5200, however, which is not only counterproductive to the good intentions of the bill but is also a basic infringement on individual rights. That provision, section 811 of H.R. 5200 would establish in the Department of Justice an administrative law judge who would be able to hear the cases originated by HUD, the Department of Justice to hear the cases originated by HUD, and would then be able to penalize the accused up to $10,000—with the money going to the Government and not to a "complainant."

This tribunal, only one of four forums for adjudication included in H.R. 5200, has been characterized "the heart of the bill." If the tribunal is eliminated from H.R. 5200, HUD could still originate, investigate and prosecute fair housing complaints. The judge would remain in the Federal courts and easier access to court action would be provided.

The administrative law judge procedure, therefore, can only be considered the "heart of the bill" if the aim of the bill is to increase Federal bureaucracy, and that Mr. President, is exactly what this bill is. It is not so much a civil rights bill as it is a big bureaucracy bill creating yet another layer of bureaucrats and expanding the role and size of the Federal Government. Mr. President, I want to point out several allegations raised by some groups and then rebut their allegations with the facts:

ALLEGATIONS

The bill will remedy discrimination by providing a variety of enforcement procedures. Most cases will be resolved through conciliation or through State action. The administrative tribunal will be used in "few situations" since it has been shown that "hearings and orders are very rarely needed, but the possibility of resorting to this authority is what makes the parties take the process seriously."

FACT

While it is true that H.R. 5200 requires HUD to refer cases to certified States, the bill also allows HUD to recall the case if the agency has not acted within 90 days and HUD may continue to act simultaneously with the State if State consent is given. It is also important to note that presently only 22 States are certified; therefore, with all of the newly required enforcement procedures provided in this bill, even fewer States will retain their certification.

Conciliation agreements may be easier to reach when the "threat" of using litigation and assessing large penalties are available, but the bill provides three other routes for such litigation. The tribunal, therefore, is excess machinery, unless it is viewed as such a biased forum that, faced with the cost of defense before HUD and the doubtful chance of prevailing, the accused would be pressured to abandon even meritorious defenses and settle even spurious claims.

ALLEGATION

The administrative hearing would be fair to all sides since the procedure is subject to the Administrative Procedure Act which insures the law judge be a separate part of the agency; both parties be allowed to subpena evidence; and the accused be allowed to testify and cross-examine.

FACT

This allegation represents the barest gloss of the issue of fairness.

First. It ignores that the administrative law judge is hired by HUD, paid by HUD, and housed in HUD facilities. It also ignores the probability if not the certainty that administrative law judge appointments will go to the most experienced and dedicated HUD employees who are precisely the employees with the most bias toward HUD policies.

In effect, what we are saying is that it is not traditional in law and judicial procedure in this country if we are going to allow HUD to be the accuser, the judge, and the jury.

How can anybody think that is a fair procedure, that we not continue with the judicial procedure as tradition in law in this country.

Second. It ignores the fact that HUD is the complainant in every proceeding and hence has unlimited resources relative to the resources available to the accused. Further ignored are the procedural burdens imposed on the accused, including, but by no means limited to:

The denial of the right to use interrogatories—an inexpensive method of obtaining information.

The need for HUD approval of subpenas.

The absence of the right to have subpenas after the investigation is closed or to compel the appearance of an unwilling witness or to use testimony obtained in the investigation at the hearing.

The right of the complainant to proceed in a private court action even after a finding of no reasonable cause by HUD.

The absolute right of the complainant to intervene in the hearing, conduct a separate investigation, and make a presentation independent of that of HUD.

Therefore, the cost to the accused is considerable while HUD's resources are unlimited. Additionally, if the accused waits for HUD to decide that an administrative hearing will be held, he or she will be at a significant disadvantage. The accused will have 30 days to prepare a case, compared to HUD's 9-month preparation. The accused, precluded from obtaining evidence by the methods used by HUD, may have to rely solely on his own testimony at the hearing.

ALLEGATION

Establishment of an administrative tribunal to handle fair housing cases would not set a precedent since 17 Federal agencies now have similar authority.

FACT

This allegation completely glosses over the impact of the cost of an appeal on the accused to defend himself. The economic impact of a de novo review in the district court is not felt by the complainant who has his costs paid by HUD, or by HUD whose costs are paid by the taxpayers. It is felt, instead, by the respondent who cannot obtain a contingent fee defense and who must therefore advance, if not ultimately pay, all of his legal costs and expenses.

The de novo review is a time-consuming, costly additional layer of litigation in the controversy. If the Federal court is to review de novo only on the basis of the record and either take additional evidence or remand for further proceedings to complete the record, the Federal court could as easily and expeditiously hear the case originally, especially if Federal magistrates were used to facilitate the proceedings.

The assertion that the Federal judge will decide independently what the outcome will be is simply not supported by the House committee report which states specifically:

> (T)his supplementation procedure is intended to be utilized sparingly—only in those cases where the evidence was improperly excluded below, or some other factor supports a conclusion, as provided in the bill, that there is "a compelling need for further evidence to support a factual determination." *It is not intended that the judicial review be transformed into a trial de novo.* To the maximum extent *possible, the record established in the administrative proceeding should be relied upon. This will diminish duplication of effort, and take advantage of the special expertise of HUD administrative law judges with respect to housing and Title III violations.* (Emphasis added) H.R. Report No. 96-865, 96th Cong., 2nd Session at 22-23.

It is well established that cases seeking to obtain a "de novo review" of an administrative law judge's decision in Federal court are subject to an "arbitrary and capricious" standard. The committee report clearly intends that the court defer to the "special expertise" of HUD administrative law judges with respect to housing and title VIII violations." Moreover, there is no opportunity for the reviewing Federal court to judge the demeanor and credibility of the witnesses, or evaluate the influence of evidence improperly admitted, or to review new evidence except in support of a factual determination already made.

ALLEGATION

The "victims of discrimination" would still have right to have their cases heard in court; in fact this right would be strengthened. The "victim" would be required to choose which forum to use, however.

FACT

No reason is suggested as to how the creation of an administrative enforcement authority in HUD could possibly strengthen the right to have a case decided in court when such authority would indisputably be an alternative to the court.

In point of fact, since the creation of the tribunal would require "true victims" of discrimination to choose the forum to be used for litigation, if the "victim" chooses the ALJ he or she loses the opportunity to recover the punitive, actual and compensatory damages available through court action. The HUD tribunal could not award such money damages. For this reason, proper counseling of any person actually denied housing would require a recommendation against a tribunal proceeding.

This leaves only the "tester" free to use the HUD tribunal since they have no interest in buying residential real estate but an active interest in instigating litigation against real estate lenders, insurers, and brokers, using a variety of devices and subterfuges.

ALLEGATION

It is necessary to have both the ALJ tribunal and Federal court enforcement in the bill. The advantages of each are different: The tribunal is simple, speedy, less expensive and allows the Government to provide support; the court trial would be used for complex cases which require sophisticated interpretation of the law.

FACT

The assertions made regarding the administrative procedure are transparently specious:

SIMPLICITY

Any simplicity which may exist in the administrative procedure favors HUD but certainly not the respondent. The suggestion that "lawyers for the parties are not needed" is incredible. Obviously, the complainant will not need a lawyer since he will be represented by HUD. But nowhere in the legislation or report is it suggested that HUD lawyers will not be involved and if they are, then perforce the respondent must be represented.

Moreover, the lack of traditional rules of evidence and procedure makes the need for legal representation even more imperative, especially since a court will review the appellate record and no new issues can be introduced on appeal.

The history of administrative tribunals, and the proposed tribunal should be no exception, is that their very lack of procedure and rules create the need for special legal training and experience not usually acquired in the normal legal practice. This means the creation of a new class of administrative agency lawyer such as those which have been necessitated by NLRB, FTC, ICC, and SEC proceedings.

SPEED

An administrative procedure is not necessarily speedier than a court trial. GAO has cited the abuse of time of other administrative hearing procedures. HUD envisions using only 7 ALJ's for the whole country and still expects speed. Additionally, HUD has 300 days from the filing of a complaint to the beginning of an administrative hearing—a case filed in court can be heard as soon as it is on the schedule and by using the magistrates' system, this can be an expeditious proceeding.

COST REDUCTION

It is true that the proposed ALJ procedure will reduce the expenses of the complainant—in fact it can eliminate them entirely since HUD assumes such expenses. It is not true that the procedure reduces the expense of the accused. On the contrary, it will increase them to prohibitive levels as it subjects the respondent to preliminary investigation at the State level, preliminary investigation at the HUD level and a full administrative proceeding before the HUD tribunal before he can reach the Federal courts.

There can be no question, given the nature and powers of the tribunal, that it will decide the most complex and important legal questions which will arise in the fair housing field. This is simply because it is the "tester," not the minority homebuyer, that seeks to define such concepts as "integrated society" and "benign steering" in terms of fair housing law. It is likewise the "tester," and not the minority homebuyer, who seeks to define the limits of the zoning authority of local communities under fair housing laws and to test its impact on the creation of minority housing.

The adverse effects of having such important questions resolved in the ALJ forum cannot be minimized.

Mr. President, let me say in closing that this bill should not even be before us. As a matter of fact, the Senate and the House should not even be in session.

We should have completed our work prior to this election.

There has not been a lame duck—or may I call it a lame turkey—session of Congress in a Presidential election year since 1948, and for very good reasons. I am convinced that people who have been defeated in the polls, in either body—either in the House or the Senate—should not be voting on important measures of this kind and making decisions, when they have been rejected by their own constituents.

However, we are involved in a Presidential election year, with the entire House of Representatives up for reelection, and a conscious decision was made on the part of the present administration. They did not want us to finish our work on the budget, did not want us to comply with our own laws of passing the second concurrent binding budget resolution by September 15. The rest of the country has to abide by laws passed by Congress, and I suggest that they expect that we abide by our own laws.

But we do not. We are still in violation of the Budget Act by not completing our work. We did not work late in September. We did not have our usual Saturday sessions. We could have stayed in October but we simply deliberately did not because the balanced budget of the June first concurrent budget resolution deteriorated in a $40 to $50 billion deficit.

It was not desired by President Carter and his administration for the American taxpayers to find that out. Obviously it did not do him any good.

So we continue with our lame turkey session back here for 3 weeks. We never should have existed. The American people deserve more, and I suggest that after the results of this election, the overwhelming defeat of the policies of this administration and the change to majority rule of the Republicans in this body should send someone a message. But it obviously has not.

So here we are in a lame duck session considering bills with 18 Senators that will not be here anymore, either through defeat or voluntary leaving. The very most we should have been doing in this lame duck session was the necessary appropriations bills and gone home. I suggest that is what the American people would like us to do, and the sooner we get out of business, the better off the American people will be.

But we are operating with a Congress that has had great changes. So forgetting the merits of the substance or the demerits of this particular bill we should not even be considering it. It should be brought up before a new Congress and a new Senate with a new President.

Maybe that is what we should have done with all the money bills as well. We were promised we would be out tonight but because of this particular bill and others that should never have been brought up in the first place, we will be here next week. These bills simply should not have been considered by a lameduck session.

I do not think any legislation should have been considered except the necessary appropriations bills to keep this Government going. But we will continue on and apparently we have not gotten the message of the election of November 4. There have been some dramatic changes and I suggest the sooner we get out of session the better off the country will be rather than operating with a lot of Senators and Congressmen who will no longer be here in January.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. GARN. I am happy to yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the Senator suggests that the Senate complete its business and go home. May I suggest most respectfully that the Senator could be helpful in bringing this about if he can persuade his colleagues to continue in their efforts to resolve the issues in the fair housing bill which they are doing, and both sides are still working, so that we can dispose of that measure and get on to the other business. The sooner we dispose of the fair housing legislation, the sooner the Senate will be able to complete its business and go home.

Mr. GARN. I appreciate what the distinguished majority leader has said. I have great respect for him and the difficulties any majority leader has in trying to control and run 100 individual Senators from various States around this country.

I am not a party to those negotiations. I hope they can come to some resolution of the problem.

The point I was making, with all due respect to my distinguished colleague from West Virginia, is that I did not think the bill should ever have been brought up in a lameduck session with many Senators who will not be here next year or that we should have ever had a lameduck session to begin with. We have a difference of opinion on that.

I felt very strongly that it was necessary to stay past October 1. It was more important to do the Nation's business than to go home and campaign, and I have a general aversion to lameduck sessions whether they be in State legislatures of this country or in Congress.

So, that was the point I was trying to make and I agree with the majority leader. I hope we can get on with the work. I certainly cannot agree to this bill as it is presently written and will continue to do what I can to delay or stall it until some resolution is agreed to by those who are directly involved or until it is taken down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBRT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GARN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The legislative clerk continued the call of the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. The pending question before the Senate is on the motion to proceed to the consideration of H.R. 5200.

Mr. DOLE. Mr. President, as one who voted to invoke cloture on the motion to proceed, it has been my hope that we might be able to work out some agreement. Some of us have been engaged in that effort and will probably continue to do so, though it is difficult to be here and be negotiating at the same time.

But I would suggest that there are some areas of interest that must be confronted. There are at least a couple of areas that I think we discussed at length. One is with reference to intent, one is whether or not there should be a jury trial and, if so, in what areas, and in what circumstances. And there are, as one might expect, various degrees of concern, various degrees of commitment with reference to not only these areas but a number of other differences of opinion in the bill before us.

The Senator from Kansas also believes that it is fair to state that there are some who feel that at this stage in the session we should not pass this legislation, not because it may or may not be meritorious, but because of the rather sharp differences of opinion. And, of course, with the new administration, there are some who feel that perhaps a Republican administration, also committed to fair housing, could do as good or a better job as far as drafting and passing legislation next year.

So while these matters have been discussed, the distinguished Senator from Utah, Senator HATCH, has been leading the discussion on this side, with the active input of the distinguished chairman to be of this committee, Senator THURMOND, and others of us who probably have played a lesser role in the discussions.

But the point the Senator from Kansas makes is that they have been good faith discussions, an effort by both sides to see if some compromise can be reached. And, if not, it appears to this Senator we ought to just say we cannot agree on a compromise and then the leadership can determine whether we are going to continue this filibuster and then get into the next filibuster and spend the next couple of weeks trying to resolve the issue.

But there are wide differences of opinion. The Senator from Kansas voted to report this bill to the Senate floor. The Senator from Kansas, as I have indicated, voted to invoke cloture with reference to the motion to proceed. I do not see any problem with proceeding with discussion of the legislation itself, though this Senator has suggested areas of disagreement and areas that should be amended.

But there is no question about the right to be free from discrimination in the purchase and rental of housing, and the concomitant right to be free from discrimination in obtaining financing and insurance for such housing, are rights enjoyed by most Americans. For decades, however, disabled Americans have not enjoyed such rights, primarily because America's disabled and non-disabled citizens have been isolated from one another.

And that is one of the features in this legislation, not only does it direct its efforts to remove discrimination with reference to race, but also with reference to those who have a disability.

Mr. President, this legislation will extend the protection of title VIII to handicapped persons. It will make it unlawful to refuse to rent or sell to a blind, deaf, retarded, or otherwise physically or mentally disabled person because of that person's disability. This provision will insure that all citizens, diabled and non-disabled, will no longer be isolated from one another.

TRIAL BY JURY

Mr. President, when the Senate Judiciary Committee considered the Fair Housing Amendments Act, I offered an amendment that mandated a trial by jury at the magistrate level.

It is the belief of the Senator from Kansas that fair housing complaints cannot be properly adjudicated before an administrative law judge. Any person who faces the possibility of a $10,000 fine (and a court order providing "appropriate relief") should have all the protection afforded by case law and the U.S. Constitution particularly the right to a trial by jury. Housing discrimination complaints against individuals should be heard in a judicial rather than an administrative forum.

Although it has been traditional in the American justice system to have a jury panel consisting of 12 members, there is no exact constitutional requirement as to number. By establishing a statutory limitation as to the maximum size for a jury to sit in fair housing proceedings, it is my intent that the right to a jury trial be preserved and yet seek to minimize delay and cost for jury selection and operation.

Mr. President, one of the most important features of the amendment offered by the Senator from Kansas—and I understand there are literally hundreds of amendments at the desk with reference to this legislation—is the provision which calls for a mechanical recording of the proceedings. The purpose is simply to allow for the recording of the hearing or trial by means of a tape recorder or other recording device, so as to be able to obtain a permanent record of what transpired but to fall short of a requirement for a full transcript to be produced unless necessary for purposes of appeal.

One of the chronic problems of court congestion and delay as well as expense has been the practice in the Federal courts to provide for complete verbatim transcripts of all court proceedings. Just the mechanical process of transcribing and reproducing these accounts can involve months and even years of delay as well as expense that can run into several dollars per page of transcrip. Administrative proceedings often generate thousands of pages of transcript which are seldom, if ever, used in their totality.

The Senator from Kansas is mindful of the demonstration projects funded by the Law Enforcement Assistance Administration which explored the feasibility of several mechanical and electronic aids to the preparation of court transcripts. Studies were conducted involving the use of computers, multitrack tape recorders, videotaping and even training of court reporters in new techniques all of which were designed to improve the quality, accuracy and timeliness of transcripts or to prove out the feasibility of acceptable alternatives to reporter-produced verbatim transcripts.

One such promising project was the LEAA evaluation of the "Gimelli" method developed by an experienced court reporter, Mr. Joseph Gimelli. This method involves the use of a twin track tape recorder. On one channel, a literal recording is being made of the proceedings while on the second channel a trained reporter is dictating the proceedings and in the process punctuating and indexing the testimony so that a competent typist could prepare a full transcript or extracts thereof by referring to the indexing system and retrieving appropriate portions of the recording. The method can be taught to persons having an adequate mastery of the English language in a matter of weeks rather than years for conventional shorthand training.

Whatever method or methods might be deemed appropriate, Mr. President, it is essential that the judicial conference review existing state of the art in this field and develop appropriate regulations to permit expedited, low cost methods to be utilized. Although this may seem like a mundane, ministerial matter it is far from it. Too often the quality of justice is strained beyond the point of no return by delay and excessive costs. There is evidence to support the inclusion of this provision so that what too often has been a major bottleneck and severe economic hardship on the parties to Federal litigation can be significantly reduced.

I would also suggest with reference to the jury trial provision that there are a number of variations of that. As I have indicated, the Constitution does not require a jury of 12. It could be a jury of six. We could work out some way to expedite that proceeding such as the one I have just suggested, the one with reference to the transcript, or at least a record of the proceedings.

TRAFFIC VIOLATIONS

Mr. President, in the District of Columbia even traffic violations have the rights to trial by jury, certainly individuals who have been accused of housing discrimination are entitled to a trial by jury.

U.S. CONSTITUTION

The U.S. Constitution provides in article II, section II, that:

> The trial of all crimes except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

This is a fundamental constitutional principle, though some will argue we are talking about a civil case on the one hand and a criminal case with reference to this provision.

PUNITIVE DAMAGES

The argument can be made that because the $10,000 fine in the bill is a civil fine and not a criminal penalty, no right to a jury trial exists. The Senator from Kansas does not accept this argument.

Imposition of $10,000 fine is punitive in nature. This fine will not make the aggrieved person "whole." It is not a penalty imposed to reimburse the Government for the expenses of litigation. The single purpose is to deter unlawful acts by the threat of punishment.

Mr. President, as a cosponsor of this important piece of legislation, the Senator from Kansas believes that no house or apartment door should be closed to any citizen who is in need of a place to live. Fair housing is the law of the land and that law must be effectively enforced.

Mr. President, I just suggest that that is the area that we have been trying to accommodate in discussions with the distinguished Senator from Massachusetts (Mr. Kennedy), the present chairman of Judiciary Committee; with the Attorney General, Mr. Civiletti; with other outstanding and high ranking officials from the Justice Department; with recognized civil rights experts and lawyers, and those of us on the committee itself, Senator Hatch, Senator Mathias, and myself, along with Senator Baker, the minority leader, and certainly with the active cooperation of the majority leader, Senator Byrd.

Whether or not any agreement could be reached, I think, should be determined within the next 2 or 3 hours, because it seems to this Senator that, just to indicate that, somehow, we are nearing an accord when the facts may be otherwise does not serve the interest of the Senate, does not serve the interest of those who may support this legislation, nor does it serve the interest of those who actively oppose this legislation or any effort to compromise on this legislation.

Mr. President, the Senator from Kansas will be discussing other areas of disagreement in this legislation at a later time this afternoon, some of which we may be able to compromise and some of which may not be compromised, because it is the feeling of this Senator that there are, as I have indicated previously, good-faith efforts underway. But there comes a time when we must make a judgment whether or not those efforts will bear any fruit.

Also, I indicate again that there may not be any so-called "fair housing legislation" passed this year. We are only a few weeks away from another year and another administration, and there still will be the interest—in fact, the interest may be heightened—in so-called fair housing legislation.

It occurs to the Senator from Kansas

that whatever may happen today in the discussions or over the weekend, or early next week, this Senator finds a commitment by most of those who have been participating, directly or indirectly, to the principle that there must be some effective enforcement of the act. I find support for inclusion of the handicapped, because, certainly, they are concerned about discrimination as much as anybody might be concerned, and they are entitled to the same protection.

But, again, in addition to the two major areas of trial by jury—some would say in every case and some would say in nearly every case, some would make some exceptions and the question of intent that the distinguished Senator from Utah has discussed so eloquently in the negotiating sessions and on the Senate floor, there are other areas of disagreement. While the focus, the past couple of days, may have been just on these two areas, there are probably numerous other less significant but still very important areas of disagreement.

Mr. President, this Senator, because of the hour, is scheduled to attend a meeting now in the office of the distinguished majority leader on another matter we hope to conclude before adjournment this year. I pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. How much time remains of my hour?

The PRESIDING OFFICER. The Senator has 40½ minutes remaining.

Mr. DOLE. If I yield the floor at this time, will I be permitted the floor again without unanimous consent?

Mr. LEAHY. Mr. President, will the Senator repeat that?

Mr. DOLE. I was about to ask unanimous consent that I may be recognized again to use the remaining 40 minutes without its being characterized as a second speech. The purpose is, I might say to the Senator from Vermont, that I must be at a meeting, as I have indicated, with the majority leader in his office to discuss other matters that we must dispose of before the Senate adjourns.

Mr. LEAHY. Reserving the right to object, Mr. President, the Senator has raised a point and I am also advised that the distinguished Senator from Mississippi has some extraneous matter he wishes to speak on for 2 or 3 minutes. I wonder if the Senator would wish to have the Senator from Mississippi interrupt for 3 minutes without losing his right to the floor?

I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may yield the floor and resume his speech at another time without its being considered a second speech.

Mr. DOLE. I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

RESTORING A BIPARTISAN APPROACH TO FOREIGN POLICY

Mr. STENNIS. Mr. President, I believe that the most demanding problem which President Reagan will face when he takes office will be the establishment of an effective nonpartisan foreign policy and program for international economic security. It is clear to me that both the security of this country and our future economic prosperity are directly related to the economic health and stability of the free world nations wherever located. The United States is called on to carry a vast and difficult leadership role. For our own well being we must exrecise that leadership. I feel very strongly that for this Nation to be able to effectively execute this leadership role we must do so with a nonpolitical, nonpartisan approach.

When I joined the Senate over 30 years ago, the 80th Congress was controlled by the Republicans, with a sitting Democratic President. President Truman, and the leadership of the Senate, through joint efforts and understandings, established firmly that the U.S. foreign policy was nonpolitical and not formed by party effort.

The first major vote that I cast here in the Senate was related to the establishment of the initial stages of the so-called Marshall Plan. This was the plan that would help western Europe, including Germany and also Japan recover from the terrible devastation of World War II. This was near the beginning of bipartisan consultations and support, led by President Truman, then Secretary of State Gen. George Marshall and many others from each major political party.

I remember especially that the late Senator Arthur Vandenberg of Michigan was a leading member and a prime mover in the conferences which planned this aid program and subsequent steps in building our post World War II foreign policy. That policy was a high success for awhile. The membership included Senators and Representatives from both major political parties.

I can well remember Senator Vandenberg's stirring challenges in Senate floor debates in support of the foreign policy measures. Later, Senator Vandenberg's great nonpartisan leadership in foreign affairs was borne out further when he introduced a resolution on June 11, 1948 expressing approval of the general principles of defense pacts which would strengthen the United Nations, thus paving the way for the North Atlantic Treaty Organization. This NATO alliance, in my view, militarily stopped the spread of Soviet controlled communism in western Europe, which had already succeeded in Poland and Czechoslovakia. Following the NATO alliance our Nation joined further alliances designed to protect our allies and trade in the Pacific and the Eastern Mediterranean. These alliances were made in a spirit of cooperation and consultation without regard to politics or party.

In the last decade, perhaps as early as the end of the Korean war, I have witnessed a gradual breakup in our nonpartisan, nonpolitical approach to foreign policy. I am not certain of all of the causes. One reason is that the United Nations was unable to be as successful as expected. I also think that the war in Vietnam, which was very unpopular, helped to break down the principles of a united effort in our foreign affairs. But whatever the reasons, the nonparty approach to our foreign policy which was once rather well established in the early years following World War II has been seriously eroded.

Without dwelling further on why the bipartisan policy broke down, I am fully convinced that the well being of our future compels us to concentrate on the reestablishment of a nonpartisan, nonpolitical foreign policy. We have reached a point in our history where I believe we have to either go forward and exercise our international role with one voice on foreign policy unified in support of the Chief Executive, or we will have to retract and retrench to a position of relative isolation from world affairs. The latter course would cause us to suffer grave economic and security consequences which would be certain to follow. We must take the only other realistic and rational alternative, that is, we must move ahead in world leadership.

We are the most powerful Nation ever to exist in the history of the world, both economically and militarily. The wealth, affluence and the quality of life of our citizens depends on our ability to wisely use that power. The problems of energy, the problems of international competition and the problems of meeting the needs of a growing world population are upon us and must be treated with resolve and steady commitment. Dealing with these problems will require long range, careful planning.

The nature of the effort itself does not lend itself to the changes in political leadership or the heated assertations of a political campaign. Of course there will be dissent and debate. This is healthy and necessary. However, I believe that it is of paramount importance that the international community, friend and foe alike, fully understand that the setting of the foreign policy of the United States is with the President, based on policies largely evolved through bipartisan effort and that he speaks with one voice for our Nation. Once the policy is so formulated and decided, we in the Congress shall then stand behind the President as a unified government.

To rebuild a bipartisan American foreign policy will require the establishment of a broad nonpolitical base of the finest thinkers and leaders in foreign policy. A nonpolitical forum for the discussion and formulation of foreign policy must be revived. A means for consultation between the legislative and executive branches of government, the academic community, the foreign affairs professionals, and our allies should be established. President-elect Reagan has said that he "will work hard to rebuild a bipartisan base for American foreign policy." I will certainly support him in this effort, and I urge my colleagues to do the same. We look to him for leadership and definition of just what he meant. I believe that the reestablishment of a bipartisan foreign policy must be pursued as a top priority task. I do not believe that our foreign policy responsibilities could stand the wear and tear of another Presidential campaign.

That is one of the concerns I have. This means that if we were to allow the continued formulation and implementation of foreign policy on a partisan basis it is my belief that the credibility of our Nation's leadership would be seriously damaged and we could not continue as the major leader of the free world and as a major international power if we neglect this important matter. The loss of our credibility as a world leader would relegate us to an isolationist position. From this, I believe that there would follow a certain and grave loss of trade and economic strength. The economic stagnation and setbacks which would follow would be a disaster for the future of our country.

There is only one rational alternative. We are a young nation. Our people have the imagination, the technical know-how and the resolve to lead the world into a secure, more prosperous future. Putting our differences aside and working together, of course, will not be easy. It will require patience and a willingness to cooperate between the administration and the Congress. I have been encouraged by President-elect Reagan's initial steps and statements on foreign policy. I pledge my support to the restablishment of the principle which was established in my early days in the Senate, which is best summed up in the words of the late Senator Vandenberg: "Politics stops at the water's edge."

Mr. President, we can make those days and those policies come back into reality.

Mr. President, I thank the Chair, and I thank the Senator from Kansas for yielding to me.

The PRESIDING OFFICER. Who yields time?

CALL OF THE ROLL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THURMOND. I object, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the quorum call.

The legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 42 Leg.]

Baker
Baucus
Bumpers
Byrd, Robert C.
Cochran
DeConcini
Helms
Pryor
Thurmond
Weicker
Young

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from North Carolina (Mr. Morgan), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Florida (Mr. Stone), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. Pressler), the Senator from Texas (Mr. Tower), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

The PRESIDING OFFICER (Mr. Leahy). Have all Senators in the Chamber voted?

The result was announced—yeas 78, nays 5, as follows:

[Rollcall Vote No. 508 Leg.]

YEAS—78

Armstrong
Baker
Baucus
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tsongas
Warner
Williams
Young
Zorinsky

NAYS—5

Goldwater
Hayakawa
Johnston
Proxmire
Weicker

NOT VOTING—17

Bayh
Cannon
Church
Cohen
Durkin
Gravel
Javits
Magnuson
Mathias
Morgan
Nelson
Pressler
Ribicoff
Stone
Talmadge
Tower
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I yield 1 hour under the aggregation of hours pursuant to the provisions of rule XXII relating to leadership time to the distinguished Senator from Iowa (Mr. Jepsen).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that I may speak for 30 seconds in behalf of the late Mrs. Peter Rodino.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF MRS. MARIANNA RODINO

Mr. DeCONCINI. Mr. President, I was deeply saddened to learn yesterday of the death of Mrs. Peter Rodino.

Mrs. Rodino was a life-long resident of Newark, N.J. and a very active participant in community organizations. She was a member of the Catholic Daughters of America, the Kessler Institute for Rehabilitation, the St. Gerard Ladies Guild, and served as chairlady of the Essex County March of Dimes.

Her good will and hard work for the benefit of others extended as well to Italy, which she visited many times. In recognition of her work, a home for the aged which was built with the help of the United States in Majano, Italy, a town destroyed by earthquakes in 1976, was named the Marianna Stango Rodino Center.

The center was dedicated with the words of Ambassador Richard Gardner, who called it "a gift of the American people to the people of Majan in Udine, who were stricken by earthquakes in 1976."

Mrs. Rodino has also been a model wife and mother to her husband and children. From the beginning of Chairman Rodino's career in Congress, she offered her support, and he has called her "my best campaigner."

When the Peter Rodino Federal Building in Newark was dedicated, Chairman Rodino said, "without Ann's support and love and understanding I would not have been able to serve the people of the 10th district and the Nation as I have done."

Mr. President, I offer my heartfelt and deepest sympathies to the Rodino family in this time of loss. I hope they will be comforted by the memory of her love, and by the knowledge of her long and very full life.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DeCONCINI. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to associate myself with the remarks of the able Senator from Arizona on the death of Mrs. Rodino.

Representative Rodino, of course, is chairman of the Judiciary Committee in the House. His good companion has passed away and we all send him our deepest sympathy during this time of grief.

Mr. SARBANES. Mr. President, I want to join with my distinguished colleague, Mr. DeConcini, in an expression of deep sadness at the passing of Mrs. Peter Rodino. Mr. President, Ann Rodino was a lovely lady, a woman of great warmth and charm. She shared her husband's political career and indeed contributed significantly to it. The strong family life of PETER and Ann Rodino has been a model for all to emulate. All who knew her were drawn to her side by the genuine friendship she evidenced and her deep sensitivity.

Mr. President, at this time of their loss, my heartfelt sympathies go to the Rodino family. May they draw comfort from the memory of all that Ann Rodino meant not only to them but to all of us who were privileged to have been her friends.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. PERCY. Mr. President, on Wednesday of this week, and once again yesterday, I voted to invoke cloture on the motion to proceed to the consideration of the amendments to the Fair Housing Act of 1980.

As a cosponsor of the original legislation that led to the enactment of this historic civil rights law, I am strongly in support of improving the mechanism for the enforcement of the act. I believe the bill has come far enough along in the legislative process to deserve consideration this year before we adjourn. Some very bad legislation has been enacted in haste in the closing days of a Congress and I do not wish to see that happen on something as important as fair housing. I am prepared to stay here through the weekend, and next week, and longer, if necessary, to get a bill this year.

I would like to make clear, however, that I do not think the Senate should be asked to "swallow" the House bill whole. I do not agree with every provision of either the House bill or the Senate committee bill, but I believe that problem can be resolved by getting the bill on the floor for full debate and opening it to amendment.

Senators DECONCINI and THURMOND have an amendment to keep the adjudication of fair housing cases within the Federal court system, instead of in an executive department—as is the case in the House bill—or in an independent commission, as proposed by the Senate Judiciary Committee. I intend to vote for this amendment when it is proposed and believe it represents a considerable improvement over the current enforcement mechanism.

Senator HATCH has an amendment which raises some interesting questions about "intent versus effect" in discrimination matters. I have not yet made a decision about that amendment, and I would like to see it fully debated and understood by all Senators before we vote on it.

Mr. President, I urge my colleagues on the Judiciary Committee to press forward in their negotiations for a suitable compromise bill that can be accepted by both Houses and enacted this year. Some very basic, very vital constitutional rights are at stake here and there is no question in my mind about the role of equal housing opportunity as an important factor in a stable society. Delay at this point is neither necessary nor desirable and I look forward to a speedy resolution of this situation.

I would like to make the additional observation, Mr. President, that we continue year after year in the Senate to have votes on busing. If we could just find some way to guarantee equal opportunity in housing for all people in this country, regardless of race, I believe we would be able to solve, over a period of time, the problem of segregation in our schools, and the associated problem of unequal educational opportunities. Segregated neighborhoods result in segregated schools.

I agree that busing should be used only as the last resort. There are better methods of guaranteeing equal opportunity in our schools. Busing has not worked well at all. But I have consistently and steadily opposed any attempt by legislation to deprive the courts of their ability to order busing if that is absolutely the only way, I repeat; the only way to achieve equality of educational opportunity.

We need this fair housing bill to guarantee equal opportunity in housing for people who have the financial means, who qualify in every way for homeownership, except that they lack the apparent "right" color of skin. This, to me, is just a deplorable situation and I certainly feel that we must move forward on a bill now.

We fought the battle on behalf of equal employment opportunity legislation and had all kinds of opposition to that. It is very seldom now that you hear much of an argument about that.

If we are going to offer equality of opportunity to Americans, regardless of race, color, or creed, it should be in every aspect of life: employment, education, and housing. So I urge my colleagues on the Judiciary Committee to do everything they can to resolve some of the differences that are holding up the passage of this important bill.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the requirement under the rules that the debate be germane to the issue on which cloture has been invoked, except by unanimous consent.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator from Iowa.

Mr. JEPSEN. Mr. President, the Federal enforcement and judicial decisions under title 8 are at a turning point. The question before us is, H.R. 8200 and S. 506. The question in these bills is whether the now well-established federally enforced procedures of statistical racial mixing used in education and employment will be completely extended to housing.

Both H.R. 5200 and S. 506 give a new impetus to Federal housing enforcement efforts. With the provision making administrative law judges the new adjudicators of civil rights in housing, the intention is to speed up enforcement and to handle even more cases in this field. By adding housing insurance, real estate appraising, zoning and land use, and the fixing of interest on real estate loans to the already covered activities of selling, renting, making representations about housing, of neighborhoods, housing loans, brokerage services and bills, extend considerations of Federal civil rights laws to every transaction associated with housing, both public and private.

There can hardly be a more sensitive area of litigation than a housing discrimination suit involving, as it does, a coalition between property rights and civil rights.

In times past, the Supreme Court has acquiesced to the congressional delegation of judicial authority to administrative agencies because the issues concerned, such as individual eligibility for social security benefits, were issues the courts did not want to be bothered with or because the issue, such as communication licenses, were technical in nature and better handled by those with technical expertise.

Fair housing amendments, either the House-passed bill, H.R. 5200, or the Senate bill, S. 506, transform civil and property rights into technical issues to be dealt with by nonjudicial means.

Mr. President, indeed this is a very revolutionary idea. It is also an idea I am unprepared to support. It assumes too much. It assumes that civil and property rights can be turned into technical issues. It assumes that these administrative law judges have or can acquire the knowledge to dispense with these issues as technical questions. It assumes the American public supports increasing the bureaucracy of the Federal Government to deal with adjudication of these issues. It assumes the executive branch of Government as an advocator of fair housing, using increased powers to file complaints, investigate them, and then prosecute them.

These same rights and powers should be allowed likewise to judge them.

These bills also assume the Magistrates Act of 1978 establishing magistrate courts should not be used for resolving fair housing issues, but yet another system is needed.

It further assumes a potential fine does not warrant a trial by jury to protect the rights of the accused.

Mr. President, for the record, I want to repeat that.

It further assumes that a potential $10,000 fine does not warrant a trial by jury to protect the rights of the accused.

It further assumes that a person who is denied access to housing does not deserve to receive damages because true damages cannot be awarded by an ALJ.

I say to my fellow colleagues, we are not debating a technical question of eligibility. We are debating the right of every American to receive adequate housing of his or her choice within their means. We are debating a right to guarantee access to a basic need—housing. We are debating how best to guarantee this access.

I strongly support granting the executive branch the powers to enforce this right, but I believe all rights must be protected within this sphere, and adjudication within the executive branch does not offer this means. Adjudication should remain within the judicial branch of Government. While we are all anxious to protect housing rights, we cannot afford to ignore other fundamental rights of due process. A more reasonable balance is needed than is offered by this proposed legislation.

I would like to share with my colleagues a letter distributed by the Chamber of Commerce of the United States of America on September 12, 1980, which is written in opposition to the provision in S. 506 creating an administrative law judge process for the purpose of hearing housing discrimination cases.

The letter was written to the Members of the Senate. It is from Hilton Davis, vice president of Legislative and Political Affairs of the U.S. Chamber of Commerce. The letter states:

> Before the Senate takes up the Fair Housing Bill, I'd like you to know that the Chamber of Commerce of the U.S. is greatly troubled by one aspect of this measure—namely, the provision to establish administrative tribunals to hear complaints. Not only would this create more federal bureaucracy; it also would be one more step towards eroding the Constitutional objective of checks and balances.
>
> Advancing human progress is the basic mission of the U.S. Chamber. Accordingly, the Chamber strongly supports the concept of equal opportunity for all citizens.
>
> Experience has shown that one of the greatest threats to freedom and human progress is uncontrolled government. The genius of the American system of government, as prescribed by our Constitution, has been its recognition of the need to limit government and control it through the separation of powers into three co-equal branches. In considering any legislation, therefore, Congress should be extremely cautious not to make any alterations that would weaken the system of checks and balances established by the Constitution.
>
> The Fair Housing Bill deals with complex and emotional issues. In your deliberations on this bill, the Chamber requests that you consider carefully whether the establishment of a separate quasi-judicial body in the form of administrative tribunals is a more efficient and effective way to ensure equal access to housing that the system of independent courts established by the Constitution. We urge you to consider carefully how this proposal impacts on our system of checks and balances. The fragmentation of judicial responsibility is not in the long-term public interest.

Mr. President, we are here today to decide whether to proceed to the discussion of H.R. 5200, the Fair Housing Amendments Act of 1980. The issue of fair housing is one which I am sure all my colleagues would agree is of vital interest to all citizens. Let me repeat, this legislation which is being addressed today is of vital interest to all citizens and the one central issue is whether Congress should set up a bureaucratic apparatus under the jurisdiction of the executive branch for the purpose of hearing and passing judgment on discrimination cases.

We are considering legislation which could conceivably affect every citizen in the United States of America because the bill, as reported, would create an additional bureaucracy which is open-ended in its scope, with administrative law judges, all of which is paid for by the taxpayer.

The scope of this legislation is broad and rightly deserves an ample amount of time for consideration and debate, unrestricted by time constraints. The Senate is best served during these closing days of the 96th Congress by addressing those issues of a fiscal nature which must be taken care of: The appropriations bills, reconciliation of the budget, and that legislation which has been seriously deliberated by conference committees.

Now, Mr. President, lest I be misunderstood, I am not arguing against the idea of fair housing. I agree that every citizen of this country has the right to live where he or she wishes, provided that that citizen can meet the economic criteria. I am aware that some people are describing this particular bill as the greatest civil rights legislation of the decade. However, in the emotion of the issue, we are forgetting one very important aspect of this legislation: has anyone fully addressed in detail the procedural problems inherent in the administrative law process, not to mention the one-sided forum created when a judge, under salary by the executive branch, sits in judgment of a citizen of this country accused of violating the fair housing laws—not regulations dealing with health and safety or social security payments?

Why is this even being considered as a viable alternative?

The proponents would say, well, it is faster to use the administrative law judge process, but, although I thoroughly believe that the intent of their hearts is positive, it is real, it is well meaning, they do talk in ideals and not in practical thoughts.

The following questions cannot be answered by my well-meaning colleagues who talk about this bill with such fervor. This legislation, Mr. President, if passed with or without the provision creating the administrative law judge, would necessarily increase the number of housing discrimination cases which, if not settled by a strengthened conciliation process, could conceivably reach the point of needing a fair forum for hearing.

Before an administrative law judge is created, certain questions must be addressed: How many of these administrative law judges will be created? The budget process calls for approximately seven judges—seven judges for the entire United States of America.

And, of course, should this provision be enacted, and I certainly hope it will not be, how long do you think it will be before this number is increased? Or, from a different perspective, what do you think would happen if this number were not increased should this be passed?

Then, if this legislation is successful in helping to curb the amount of discrimination in housing in this country, Mr. President, what will then happen to all those administrative law judges who have been appointed to their position?

It is likely then that unless Congress acts to reduce the budget and cut the program, the position of those ALJ's is a shaky one unless they can justify their position by expanding their power.

That is the way bureaucracy grows. Expanding their powers to land use, insurance, and other property issues.

HUD has already drawn up regulations, supposedly under the authority of the existing fair housing law, which openly declare their intent to regulate in these areas which heretofore have been, and rightly belong, under the jurisdiction of the judicial branch of our Government.

Mr. President, on November 4 of this year of our Lord 1980 somebody should have gotten the message. Mr. and Mrs. Main Street America were saying something.

We cannot deny the mandate of the voters in this country who are tired of big government and have shown unqualified support for reducing the cost of government.

So, among other reasons, and not the most important, but among other reasons, and the many reasons, why, I ask, is this provision in this legislation, which creates this additional bureaucracy, perceived as the only means of achieving fair housing?

Why not use the judicial system which is in place? Why not expand the power of the Federal magistrates?

Really serious, Mr. President, really serious about fair housing and addressing the problem of discrimination, to even consider passing legislation and saying that we are going to take care of the discrimination in housing, rentals, and leasing, with seven judges for the whole United States of America? And ignore the fact that we have Federal magistrates throughout this country already in place? Ignore the fact that a Federal magistrate is authorized for every Federal judge in this country in order that housing discriminations could be resolved in a very expeditious manner, in a fair forum, at a location convenient to all concerned?

What is the compulsion behind this drive by those saying that we must have a new bureaucracy, ALJ's, we must have seven administrative law judges—that is what the CBO previously estimated.

Initially, no ALJ—that is assuming there are seven, as the CBO previously estimated—could be as convenient as the magistrate who would have facilities at his disposal for hearing the case, and it is still open to question as to just where the hearing before the ALJ's will take place.

Is it possible that someone could say we have discrimination on a rental property in Des Moines, Iowa, and the hearing will take place in Denver, Colorado? If it is, who will pay the expenses for the person filing the complaint in Des Moines, Iowa, to go to Denver, Colo., to appear before a politically appointed—independently, at least, politically appointed—bureaucrat who sits as judge, jury, investigator, prosecutor, over a thousand miles away, who has never been in the State of Iowa, let alone the city of Des Moines?

Mr. President, there are just too many questions, too many questions in this legislation that have not been answered, and which must be thoroughly considered, not in general terms, but in procedural terms. They must be thought out in detail and not be hurriedly voted on in these closing days, these last hours, of a Congress that is tired and that is openly interested in going home.

In all good faith and with all due respect, Mr. President, I do not favor proceeding toward consideration of this bill at this time, and I urge my colleagues to join me.

Mr. President, I would like to share with my colleagues some thoughts offered by the Heritage Foundation in their Issue Bulletin on August 13, 1980, concerning the fair-housing amendments.

The Bulletin, entitled "Fair Housing Amendments: Collision Between Property Rights and Civil Rights," is most appropriate to be considered at this time, and I share some of its contents with the Senators.

On July 30, the Senate Judiciary Committee reported S. 506, a bill concerning amendments to Title VIII (housing discrimination) of the Civil Rights Act of 1968. The bill was substantially marked up by both the Constitutional Subcommittee and the full Senate Judiciary Committee. Previously, on June 11, the House of Representatives had passed its own version of the bill, H.R. 5200, sponsored by Representative Don Edwards (D-Cal.).

The purpose of the two bills is to make federal enforcement of existing housing discrimination laws more powerful and more expeditious. Substantive law concerning housing discrimination began in 1962 with Executive Order 11063 which forbade discrimination because of race, color, creed, or national origin in housing financed through federal assistance. It covered housing provided through mortgage insurance by the Federal Housing Administration, through loan guarantees by the Veterans' Administration, and in federally assisted public housing. Title VI of the Civil Rights Act of 1964 extended the federal efforts in housing discrimination by including under its coverage all housing in urban areas as well as all public housing that received federal financial assistance. In 1968, with the passage of Title VIII of the Civil Rights Act, Congress acted to prohibit discrimination in the sale or rental of all housing, private and public.

[Excerpt]

DEFINITIONS

Under current law, it is unlawful—

I emphasize, Mr. President, that it is unlawful—

for private individuals or corporations to engage in "discriminatory housing practices" in the sale or rental of housing, or in the provision of brokerage services, based on race, color, religion, sex, or national origin.

H.R. 5200 and S. 506 broaden the definition of "discriminatory" to include any failure by HUD or other government agencies to "affirmatively" administer Title VIII of the Civil Rights Act. Thus, individuals could sue the government if they felt that Title VIII was not being enforced satisfactorily.

Under current law, a "direct victim" of housing discrimination can bring a suit immediately into federal court while an "aggrieved person" must bring his complaint to HUD. Current law defines an "aggrieved person" as "any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur." The two bills permit an aggrieved person to bring his suit directly into federal courts.

S. 506 redefines an "aggrieved person" by eliminating from coverage those who "believe" that they have been victims of discrimination. Earlier this year, HUD had announced that it would begin to send federal employees into neighborhoods to act as "testors" for housing discrimination. S. 506 excludes this kind of entrapment by limiting its coverage to persons who are making "bona fide" attempts to purchase or rent housing.

EXEMPTIONS

Under current law, persons exempt from the power of Title VIII are those attempting to sell or rent a single-family home who live in the home before the transaction, those absentee owners who seek to sell or rent not more than three single-family homes, those owners seeking to sell or rent a unit of a four-unit dwelling who live in one of the units. But all those exemptions apply only to those who sell or rent their homes privately, that is, without the use of any real estate agents or brokers or any advertising. Additionally, religious institutions or "private clubs not open to the public" are exempt from the scope of Title VIII. The two bills retain all these exemptions and, additionally, exempt local zoning ordinances that require minimum lot sizes unless such ordinances were enacted with discriminatory intent.

PROHIBITED PRACTICES

Under current law, it is unlawful to discriminate on the basis of race, color, religion, sex or national origin in the sale or rental of housing, in making representations about housing or neighborhoods, in making housing loans, and in the provision of real estate brokerage services.

ENFORCEMENT

Under current law, any person who "claims to have been injured" or "believes that he will be irrevocably injured" by a discriminatory housing practice must file a complaint with the Department of HUD within 180 days of the alleged infraction. HUD may try to correct the alleged discriminatory housing practice by "voluntary compliance." If this is unsuccessful, the aggrieved person may bring a civil suit in federal district court, but only if a judicial remedy is not available under a state or local law. Additionally, the Attorney General may file a suit on behalf of any aggrieved person or group of persons. As a remedy, a court may issue temporary or permanent injunctions, temporary restraining orders, or other judicial orders and may award actual damages and not more than $1,000 punitive damages, together with court costs and "reasonable" attorney's fees for a prevailing plaintiff.

H.R. 5200 completely revamps the enforcement procedures. An aggrieved person or HUD itself could bring a complaint to the Department of HUD.

Imagine that. HUD, all by itself, can bring a complaint.

The Department, or a state housing agency certified by HUD, would make an effort to correct the alleged discriminatory practice by "voluntary compliance." If unsuccessful, HUD could file a complaint before administrative law judges (ALJs) of the Justice Department or request the Attorney General to bring a civil suit in a federal court. Additionally, the Attorney General could initiate suits in a federal district court on his own, as could the aggrieved person.

If the case is referred to an administrative law judge, an administrative hearing would be held at which the judge would issue findings of fact, conclusions of law and, where appropriate, compensatory and injunctive relief together with penalties of up to $10,000. HUD could not review the decision of an ALJ, but any party to an administrative ruling could appeal the ruling in a federal district court which would be able to make a de novo determination of the adequacy of the finding of fact and conclusions of law. Prevailing parties in both administrative hearings and civil suits could receive attorney's fees. Suits concerning zoning and land use could be brought to court by the Attorney General only.

S. 506 provides for another enforcement procedure. Housing discrimination complaints would be filed with the Department of HUD where an attempt would be made to resolve the complaint by voluntary compliance or conciliation, or, if the parties involved agreed, by binding arbitration. HUD could also refer the case to a state housing agency certified by HUD but the referral must be complete, that is, HUD could not take the case back if dissatisfied with the state agency's handling of the case. HUD could also refer the case to the Attorney General, who would bring the case into federal court. Alternatively, HUD could refer the case to an administrative law hearing.

Under S. 506, administrative law judges hearing housing discrimination complaints would be employees of a new agency, the Fair Housing Review Commission, an independent commission headed by three commissioners, not more than two of whom could be from the same political party. Commissioners would sit for six-year overlapping terms. Decisions of ALJs would be reviewed by a panel of the commission consisting of one of the commissioners and two other ALJs. This panel could overturn any decision. Administrative law judges of the commission could not decide cases involving local land use or zoning practices or any "novel issue of law or fact." Such cases would be handled in federal courts by way of the initiative of the Attorney General. Monetary penalties imposed by ALJs would be the same as in H.R. 5200.

Any losing party to an administrative hearing could seek judicial review in a federal court of appeals. The standard for review would be the presumed conclusiveness of the findings of fact of an ALJ if supported by substantial evidence.

LEGISLATIVE VETO

H.R. 5200 provides for a congressional veto over any rules and regulations promulgated under Title VIII. S. 506 contains no such provision. Under H.R. 5200, any agency proposing a regulation under Title VIII must submit that regulation to the judiciary committees of both Houses of Congress. The regulation would not become effective if (1) both Houses of Congress adopt a concurrent resolution of disapproval within 90 days, or (2) one House adopts a resolution of disapproval within 60 days and the other House does not disapprove that resolution within 30 days.

ADMINISTRATIVE ENFORCEMENT OF CIVIL RIGHTS

Under current law, the Secretary of HUD has sweeping powers, the most prominent of which is the threatened cancellation of federal funds, to back his ability to negotiate "voluntary compliance" in housing discrimination disputes. Nevertheless, only the Attorney General has the power to bring a Title VIII housing discrimination suit into federal courts, although, in fact, the Attorney General normally acts upon the recommendation of the Secretary of HUD.

The Equal Employment Opportunity Commission has the statutory authority to sue individuals in employment discrimination cases, but must refer any possible suits against any level of government or against a governmental agency to the Attorney General. Overall, the primary responsibility for the enforcement of the many federal civil rights laws (i.e., the authority to sue in court) resides with the Attorney General. Other departments and agencies are restricted to the use of whatever "voluntary compliance" procedures they can concoct.

With respect to housing discrimination, H.R. 5200 creates a completely new procedure for the enforcement of civil rights—the administrative law hearing. And with this creation the bill alters the normal practice and procedure of administrative law.

Administrative law is the law that governs all the practices and procedures by which the agencies and departments of the federal government carry out federal programs and enforce federal laws. Congress codified the practice of administrative law by passing the Administrative Procedures Act (APA) in 1946. The APA applies to any "authority" of the United States (any one of which is called an "agency" whether it is an agency, department, commission, etc.) except for the Congress, the federal judiciary, the governments of territories or possessions, and military commissions or court martials. Agencies are empowered to promulgate "rules," and such a power is the source of the familiar government regulations; in fact, it is nothing less than agency lawmaking. Additionally, agencies also issue "rules" which are often arrived at by means of an adjudication process. Such adjudications normally involve only a few parties and are for the purpose of settling factual disputes. Agency adjudications are presided over by administrative law judges (ALJs) and their usual course of business is to decide relatively non-controversial issues concerning licenses, permits, registrations, and eligibilities for government benefits. Today, almost 1100 administrative judges work in thirty different federal agencies, and over half of them settle benefits disputes in the Social Security Administration.

Administrative law governs the so-called fourth branch of government, the federal bureaucracy. Most agencies exercise all three of the constitutional powers of government: executive, legislative, and judicial. Since the 1825 case of *Wayman* v. *Southard*, the Supreme Court has upheld the authority of Congress to delegate its legislative authority to administrative agencies. And the Twentieth Century Supreme Court has several times held that judicial authority may be conferred on agencies (e.g., in *RFC* v. *Bankers Trust Co.* 318 U.S. 163, 1943).

(Mr. BAUCUS assumed the chair.)

Mr. JEPSEN (continuing):

Under the Administrative Procedures Act, the authority to make rules and orders is delegated to the agencies themselves, not to any administrative law judges who are employees of the agencies. And while the APA protects the independence of ALJs to make decisions as they see fit, the chief officer or board of officers of any agency retains summary power to review and overturn such decisions.

The authority over the delegated power, the obligation, and the duty rest with the agency, not with the ALJ. Findings of fact of an ALJ are not binding on an agency, and, in fact, a federal circuit court has said that the powers of an agency to review an initial or recommended decision of an examiner are greater than those of an appellate court reviewing the decision of a trial court (*NLRP* v. *APW Products Co.*, 1963).

It can be seen that H.R. 5200 breaks with the APA by forbidding the Secretary of HUD from reviewing housing discrimination decisions of ALJs and thereby grants an altogether new authority to the decisions of administrative law judges.

Even though they are judicial in character, administrative adjudications are not courts and, therefore, are not exercises of the Article III judicial power of the Constitution. Such adjudications are, like other actions of agencies, methods of determining policy. H.R. 5200, by eliminating the review by agency heads, would transform them into what amounts to trial courts of first resort.

This is made clear by the fact that federal courts, in reviewing the decisions of ALJs, commonly show great deference to their findings of fact. There is no constitutional right to judicial review of administrative action. And Congress may grant or withhold judicial review of administrative action as it sees fit. When judicial review is authorized, it is the common practice for courts to presume that an agency's interpretation of its governing statutes is adequate.

That is our fault, that is Congress fault, throughout these years.

Different courts have ruled again and again that they will not review in detail an agency's findings of fact, but will consider only whether the facts are based on substantial evidence.

Under certain statutes and programs, Congress has provided that a party appealing an administrative decision is entitled to a trial de novo, that is, a completely new trial both as to the facts of a case and as to the rulings of law. But, even for such a new trial, the courts have accorded deference to the findings of fact of the agencies. H.R. 5200 invents a new kind of judicial review, a de novo determination. It is not altogether clear what a de novo determination would be—it would likely be defined by a court at some time—but it seems that it would be something between a complete trial de novo and a court's presumptions as to the validity of the findings of fact.

Seemingly, under H.R. 5200, a reviewing judge would take a look at the adequacy of the findings of fact, but would not reopen the inquiry into those findings. Thus, the normal custom of judicial review of administrative action would seem to prevail—albeit without the review of an ALJ's decision by an agency itself. Under S. 506, with its inclusion of a review of ALJ decisions by the Fair Housing Review Commission, normal administrative practices would completely prevail. Reviewing judges would inquire whether the findings were based on "substantial evidence." Judicial review of administrative findings carries a weighty presumption that the findings have been substantially proved. So, it can be presumed from both bills that most housing discrimination cases decided by an ALJ would be final. Additionally, it is the intention of both bills to award an appealing party the right to a trial by jury as provided by the Seventh Amendment to the Constitution. A trial de novo, that is, a completely new trial, would guarantee a jury trial to the appealing party. A de novo determination seemingly does not guarantee a trial by jury.

Mr. President, it is most obvious from these facts that this bill, whatever the well-meaning intent may be, ends up as as a masquerade as far as legislation is concerned to protect civil rights.

Mr. President, it is obvious from these facts that this bill which is masquerading as a bill to protect civil rights will really create severe problems. It is clear that this legislation would severely limit the rights to a jury trial and that it would once again set up a vast Federal bureaucracy to deal with a problem which could be handled more effectively through another approach. The American people have learned—unfortunately the hard way—that Federal bureaucracies solve few problems but create many more of their own.

There are certainly problems with the administrative procedure when it is well suited to a problem. When the administrative procedure does not offer a real practical answer to a problem, the due process concerns are multiplied. This legislation will limit due process as it thrusts administrative proceedings in areas where they have never been used.

Mr. President, during the debate today, we will hear much said about the importance of this legislation to the issue of civil rights. Now it appears to me that the issue at hand is not whether we should support the idea of fair housing, but instead the central issue is "By what means can the interests of fair housing best be served?" Indeed, we are talking about how to best enforce the fair housing laws—through an expedited court procedure or through a newly created additional bureaucratic system of questionable size, in an as yet unknown location, funded with an unknown amount of Federal funds.

Mr. President, are we willing to address the improvement of a known quantity—and I am speaking of the Federal court system—or do we want to take the greater chance of creating an unknown quantity?

The opposition claims that the removal of the administrative law judge provision in this bill would "gut the bill." First of all, I disagree with this assessment. This fair housing bill would markedly improve the ability of the Department of HUD to enforce the fair housing laws. I disagree with that assessment. For those cases which cannot be resolved by conciliation, the bill provides an administrative law procedure.

But why, Mr. President, is the administrative law judge process considered so desirable? It is not unusual for an administrative law judge hearing process from start to finish to take upwards of 1 year. And I would remind you, Mr. President, as I stated earlier, that the bill proposes that we have seven for the United States of America.

In the most routine case, it is often 6 months, and in only a few instances does the procedure take less than 90 days.

In my home State at this time, it was or will soon be below zero. That is very cold.

It seems to me that it would be rather administratively ridiculous to have a complaint filed by someone in Des Moines, Iowa, and have them travel to one of the seven administrative law judges somewhere else in the country to appear before an administrative law judge who would look at the facts, investigate them, determine their validity, prosecute, cross-examine, I assume explain the rights of both parties concerned, since he is both judge, jury, and prosecutor, and investigator, and then, if followed true to form, in the time that usually transpires in administrative law procedure or a law judge hearing, sometime within a minimum of 90 days upward of 1 year, render some type of arbitrary, individual decision and maybe even penalty.

Compare this, Mr. President, with the situation where we have an expanded

Federal judiciary of over 450 Federal magistrates and several hundred Federal judges—who are located conveniently in every State and who average in many States only a small number of cases, in some States as little as 20 per judge. That is total cases—criminal and civil—and most are of a relatively routine nature.

Mr. President, continued expansion of authority of the Federal magistrates for the hearing of housing discrimination cases should be considered as a viable alternative to that procedure, as proposed in S. 506.

Mr. President, there is an amendment by one of my colleagues that would provide for just such a procedure and system.

Mr. President, there are those who favor this measure as it was voted out of the Judiciary Committee. These proponents make various claims on behalf of the administrative law judge—that is ALJ—process for adjudicating citizens versus citizen fair housing claims of discrimination.

I would suggest that in these closing hours of this Congress that more time should be available to examine closely some of the more commonly made allegations. These allegations are known to both the proponents and the opponents of this proposed legislation. There are many claims and many points of contention and many questions that ought to be cleared up. If time were available and hearings were conducted in the normal legislative process now that these unanswered questions have been proposed, I believe, as is true with our legislative process, as slow as it sometimes seems to be, that they would all be cleared up during the course of these deliberations.

The PRESIDING OFFICER. All of the time of the Senator from Iowa has expired.

Mr. JEPSEN. Mr. President, I now move that under rule XXII that we extend the remaining time of this debate by 50 hours.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to table the motion.

Mr. HATCH. Objection. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Did the Chair rule on this?

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. HATCH. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JEPSEN. Mr. President, a quorum call is underway. A motion is not in order.

The PRESIDING OFFICER. The quorum call was rescinded by unanimous consent and the motion was made.

Mr. HATCH. It was not rescinded.

Mr. ROBERT C. BYRD The objection was too late.

Mr. HATCH. No; it was not. I objected immediately.

Mr. ROBERT C. BYRD. The Chair announced it immediately.

Mr. HATCH. Recapitulate the record.

Mr. ROBERT C. BYRD. The motion is not debatable.

Mr. HATCH. Mr. President, I move to recapitulate the record to show whether or not the objection came before or after the Chair ruled on the consent request.

The PRESIDING OFFICER. There is no such motion to rule upon.

Mr. HATCH. Mr. President, I demand a recapitulation.

Mr. ROBERT C. BYRD. The pending motion is not debatable.

Mr. JEPSEN. Mr. President, I appeal the ruling of the Chair as to the time the objection was made.

The PRESIDING OFFICER. A recapitulation is in reference to a vote. The question is on the motion to table. As many as are in favor say aye.

Mr. HATCH. Mr. President, I object. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair clear the well of Senators and staff.

The PRESIDING OFFICER. Will Senators please clear the well?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Washington (Mr. MAGNUSON), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. JAVITS), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 61, nays 29, as follows:

[Rollcall Vote No. 509 Leg.]

YEAS—61

Baucus
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cranston
Culver
DeConcini
Dole
Durenberger
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Johnston
Kassebaum
Kennedy
Leahy
Levin
Long
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Thurmond
Tsongas
Weicker
Williams
Young
Zorinsky

NAYS—29

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Danforth
Domenici
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Helms
Humphrey
Jepsen
Laxalt
Lugar
McClure
Morgan
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Tower
Wallop
Warner

NOT VOTING—10

Bayh
Church
Cohen
Javits
Magnuson
Nelson
Pressler
Ribicoff
Stone
Talmadge

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—may I have the attention of the Senate?

Mr. HELMS. May we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. ROBERT C. BYRD. Mr. President, I ask that staff people and Senators clear the well.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

The Senate will be in order. The Senate is not in order.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed for not to exceed 1 hour on the Defense appropriations conference report and that the time be equally divided between Mr. YOUNG and Mr. STENNIS.

Mr. BAKER. Mr. President, reserving the right to object, I am prepared to join the majority leader in trying to arrange a time to do the Defense appropriation bill. But, as the majority leader has pointed out, it requires unanimous consent to lay aside the matter at hand and proceed to it.

If we could have a few moments to talk about that and see if we can make an arrangement that is mutually satisfactory, I think we can arrive at that agreement. But I cannot at this moment.

I hope the majority leader will not press that at this point. If he does, it will be necessary to object.

But I reiterate that I am willing to sit down and try to work out what things we can do by unanimous consent, because the business of the Senate must go forward and there are other matters besides this that must be done, as well.

So I hope the majority leader might withhold that for a moment and that we might try to sit down and work that arrangement out.

Mr. ROBERT C. BYRD. Mr. President, I am willing to work that out, but we have had our staffs working for a considerable length of time now trying to develop a package of items that can be acted on by unanimous consent.

The distinguished ranking member of the Defense appropriation bill is on the floor, has been patiently waiting on the floor; the distinguished manager of the conference report (Mr. STENNIS) has been patiently waiting on the floor; this is the first opportunity I have had to take the floor since—well, early on. The filibusterers have had the floor.

At least we could get the Defense appropriation conference report out of the way. That is the matter that ought to be taken care of before the Senate adjourns. It can be done in 1 hour, or less.

Both of these eminent Senators have been patiently waiting on the floor for an opportunity to have it brought up.

I see no reason why the Senate cannot agree to dispose of this conference report in the course of an hour. If it takes longer, we can get additional time.

But I will be perfectly willing, in accordance with the minority leader's request, to withhold the request and pull it back for now.

But I would hope we could give these Senators some idea so that they can dispose of this conference report. Mr. STENNIS has to go home.

Mr. STENNIS. Mr. President, will the Senator yield for just one statement?

Mr. ROBERT C. BYRD. Yes.

Mr. STENNIS. I fully appreciate the problems confronting our two leaders. It is not an easy matter.

This bill did have a unanimous report of all the conferees, House and Senate, and we do not hear any objection here now.

I do not think there will be any debate on it. Some may want to make a few comments. It passed the House without a ripple, this conference report, this morning—that is, at 1 o'clock it was sent over here. If we should get in a mixup and not approve it now and have to operate on a continuing resolution, it would be a tragic thing in view of all the extra programs we have started here that cannot come under it.

So I hope we can continue to work on this matter and get it through.

I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I have had staff members of the Democratic policy staff attempting to work out an agreement, may I say to the distinguished minority leader, on this conference report to see if we can reach an agreement to call it up now and dispose of it within 1 hour.

I thought of no better way to get the attention of the Senate and see if the conference report could be brought up under those circumstances than to present the request that I made.

Mr. BAKER. Mr. President, reserving the right to object for a brief moment, and I hope the majority leader will now withdraw his request so it will not be necessary for me to object.

I would state, Mr. President, that in addition to discussing this matter on the floor earlier today with the hope, which will be reflected in today's RECORD, that we could arrive at a package of things which we could do by unanimous consent this afternoon, and to establish a time to recess the Senate this afternoon, and to resume consideration of the measure at hand on Monday, and possibly even charge the time on Saturday against the time allocated under the rule for cloture.

I am convinced that our respective staffs, who have worked together for much of the day, do, in fact, have such a package. I am convinced the only question at hand is whether or not we can agree on the balance of those details.

Now, I too, want to do this this afternoon. I think it is important to do this afternoon. But I think it is also a matter of just pure consideration for our colleagues that we find out what we are going to do for the balance of this day and tomorrow and what we are going to do on the beginning of next week.

So I hope the majority leader will withdraw that request. I will be happy to pursue the matter with him further, and possibly we can work out an arrangement.

Mr. ROBERT C. BYRD. Mr. President, I cannot advise our colleagues as to what we are going to do the remainder of the day and the evening as long as those who insist on keeping the Senate from voting on the motion to proceed to the fair housing bill—which motion was clotured on yesterday and supported by 62 Senators, a super-majority—insists on keeping the matter from coming to a vote.

I must say that Members on both sides have been negotiating in good faith in attempting to reach a compromise, and I hope that those efforts will continue.

However, I do not see reason why the Senate has to wait on a package of bills. Why cannot the Senate go ahead and dispose of this Defense appropriations conference report? Both the chairman, Mr. STENNIS, and the ranking minority member, Mr. YOUNG, are in the Chamber and have been in the Chamber, patiently waiting.

I have had a staff member working on this particular item for hours. I knew of no better way than to present it to the open Senate. We can continue to try to develop a package, I say to my friend from Tennessee, but why not proceed with at least the conference report at this time?

Mr. BAKER. Mr. President, reserving the right to object, why not go ahead and decide what we are going to do, because it requires unanimous consent? I am willing to do that.

The majority leader has had his staffman working on this matter, and I have had my staffman working on it all day. I think the problem is between the distinguished majority leader and the minority leader, not between our staffs.

Mr. ROBERT C. BYRD. I am not aware of any problem. What is the Senator's proposal?

Mr. BAKER. That we decide what time we are going to finish our consideration of the measure today and what we are going to do tomorrow.

Mr. ROBERT C. BYRD. What is the Senator's suggestion as to a package?

Mr. BAKER. I hope we can have the Defense appropriation conference report, which is the matter at hand, which we are going to consider, and I suggest that we have a very short time limitation on that matter. I am prepared, for example, to suggest that we have an hour, equally divided, on that conference report and that we take it up now.

Mr. ROBERT C. BYRD. The distinguished manager of the conference report and Mr. YOUNG are willing to have 1 hour, equally divided.

Mr. BAKER. I think we are very close on that point.

Mr. ROBERT C. BYRD. Why do we not say 1 hour? [Laughter.]

Mr. BAKER. I think that if we can agree on that, we should move on to the next item, which, according to the list I have here, would be Calendar No. 974. I do not know what that is, but somebody can help me with it. Beyond that, we have Calendar No. 1064, Calendar No. 1158, a House message on S. 2726.

Mr. ROBERT C. BYRD. What is 1064 and what is 1158?

Mr. BAKER. Why do we not find out? Will the staff help us with that?

The point is that there is a substantial package of proposals we have made.

Mr ROBERT C. BYRD. Let us see what they are and see if we can get an agreement on it.

My staff advises me, I say to the distinguished minority leader, that it has not seen the proposed package.

Mr. BAKER. Why do we not do it right here? This is a good time.

Mr. ROBERT C. BYRD. It is a good time.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Defense appropriation conference report for not to exceed 1 hour, the hour to be divided equally between the distinguished manager of the bill and the distinguished ranking minority member.

Mr. BAKER. Mr. President, that is not what we are talking about. We are talking about putting together a package of things on which we could work the remainder of the afternoon.

Mr. ROBERT C. BYRD. All right, let us proceed to put together a package.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MITCHELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending question.

The legislative clerk read as follows:

> Motion to proceed to the consideration of H.R. 5200, an act to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures of enforcement of fair housing, and for other purposes.

Mr. HELMS. Mr. President, was a motion for the reconsideration of the previous vote made?

The PRESIDING OFFICER. It was not made.

Mr. HELMS. It was offered by a Senator who did not have the floor, is that correct?

The PRESIDING OFFICER. No Senator having the floor made such a motion.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

SISTER ITA FORD, SISTER MAURA CLARKE, SISTER DOROTHY KAZEL, JEAN DONOVAN

Mr. MOYNIHAN. Mr. President, the front page of today's Washington Post brought us news that filled me with grief and a terrible feeling that this world of ours still has a capacity for committing unspeakable evil.

I speak of the murders in cold-blood of three nuns and a Catholic laywoman in El Salvador. Sister Ita Ford, Sister Maura Clarke, Sister Dorothy Kazel, and Jean Donovan went to El Salvador, hoping to lessen the pain of that tortured country, hoping to bring a bit of joy to its people. They went with the purest of intentions: they loved their God and believed that they could love him best by caring for his people—the poor, the war-weary, the sick, the little children.

Goodness, at least for the moment, has been overwhelmed by the darkest evil imaginable. These four decent and holy women, two from my own New York, were murdered in a most brutal way. Their murderers, who apparently committed this crime for political reasons, have profaned what is sacred to mankind. They have desecrated and cruelly rejected what can only be regarded as one of God's greatest gifts—people who serve without hoping for reward, people who are radiant in innocence, people who have what the New Testament calls purity of heart.

I am certain, Mr. President, that these four women—Ita, Maura, Dorothy, and Jean—would not seek vengeance, a sentiment that they could not countenance. They would no doubt pray to God that their murderers might be forgiven. They would use the very prayer of Christ himself: "Father, forgive them; for they know not what they do."

Mr. President, I ask that we pause to remember these women, and to thank God that our world had them while it did.

TRIBUTE TO SENATOR JAVITS

Mr. RIEGLE. Mr. President, I would like to, so that everyone is clear on my intent, state that I want to make just a few remarks about one of our retiring colleagues. I will be brief in doing so, but I would just like to share these remarks. I suspect, he not being within earshot tonight, I hope he will find these thoughts in the RECORD.

Many outstanding Senators are about to leave the Senate, and each one deserves special recognition in his own way. I want to share some thoughts just now about a colleague from the other side of the aisle where years ago we both served in Congress as Republicans. I speak of Senator JAVITS.

Of Senators over the years, JACK JAVITS clearly ranks as one of the very finest ever to serve.

His human qualities and legislative skills and accomplishments are of legendary proportions. His lifetime of public service is a model of patriotism and the finest personal commitment to the public interests. I have always greatly admired his independent voice and leadership within the Republican Party.

I shall always consider it a privilege to have served with Senator JAVITS and to have seen him work with such marvelous dedication and skill.

Had he employed his legal talents in the private sector, he doubtless would have earned great private wealth. Instead, the wealth earned by his life's work takes the form of public good accruing to all, and New York, the Nation, and the world are the better for it.

It is my hope that his example will lift and inspire the Senate in the years ahead, and that this generous and good man will receive all of the human blessings possible in the years ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLISH SOVEREIGNTY

Mr. BIDEN. Mr. President, we have all followed the events in Poland very closely since August. There was no blood shed nor even fighting in the streets. But there was a determination on the part of the workers led by Lesa Walesa to be heard in the upper councils of the Communist party.

The achievement by Polish workers after the first weeks of demonstrations and sit-down strikes was the establishment of a confederation of union workers—the first of its kind in the Soviet bloc of nations. Over the next weeks, the alliance of the workers' new trade union, Solidarity, together with the intellectuals of Warsaw and Crackow, pressed the Polish Government for written assurance of the right to strike. Most threatening of all—to the Polish leadership as well as to the Soviet Union—was the emerging rivalry of the new trade union to party supremacy.

The Polish leadersship was summoned to Moscow. A compromise was worked out and the threatened strike petered out. Consequently, the crisis was averted.

Recent weeks have seen the creation of new Polish workers' demands. Demands for freedom have a way of growing on what they are fed. Compromise changes have been made last week in the Polish politburo from a more conservative to a more Polish-nationalist oriented group of men. But there are limits to the demands that Poland can achieve by virtue of her unhappy geography.

These political constraints did not start in 1945 with the Soviet Union. For centuries Poland with her paucity of natural resources has fallen under the domination of either Germany or Russia. Her appearance on the map of Europe has been a tragic game of now you see it, now you do not.

As it stands today—in the context of the oppressive Soviet empire—the achievement of the Poles is significant. But the moment may be approaching when this achieved success could be lost. Soviet troops are poised for mobilization. The Soviet Politiburo seems to recognize that military intervention into a country that has cherished freedom for 400 years—perhaps because there has been so little of it—would have dire consequences. The Soviet military machine is a powerful one. No one doubts that ultimately—given the landscape of Poland—no military resistance in Poland could survive.

But in a country such as Poland when you violate her integrity and crush her spirit, what have you left? A sullen mass of people that will hold its breath for another day—certainly not a country that the Soviet Union can call the "corner stone of the Warsaw Pact Alliance."

The Soviets do not hesitate on the Polish border out of consideration for morality. I doubt whether the Helsinki accords to which the Soviet Union is a signatory and which pledges each participating member to refrain from using force, direct or indirect, against another participating country is the principal factor holding them at the border. I also doubt whether the U.N. charter which pledges each nation to respect another's national sovereignty is the principal reason Moscow hesitates. Nor do I believe it is Soviet respect for a people with their own language, culture and inalienable rights.

In my opinion, it is the recognition of the nature of the national aspirations of the Polish people and fear of her independent spirit which keeps the Soviet army on the other side of the Polish borders. Should the Soviet Union decide to roll in their troops and their tanks into Poland, how will they ever make the country work again?

Should the Soviet Union decide to disrespect their neighbor to the West, there shall be strong penalties. The strongest penalty of all shall come from the Polish people themselves. But the United States and her allies around the world, particularly in Western Europe will not stand indifferent to a brutal transgression of international law. Despite the interregnum that will take place in the next few weeks while the newly elected Republicans organize a transfer of power both in the executive and legislative branches, the U.S. Senate and Congress as a whole are engaged in a coordinated plan of appropriate response with its West European allies.

The United States should at this point be involved in such a coordination. While the Soviet invasion of Afghanistan caught the West by surprise, a Soviet military intervention in Poland would not.

Should the Soviet Union be contemplating a military intervention in Poland—even under the pretext of doing so "at the request of the Polish Government"—they should profoundly and reflectively reconsider such a request. And this reconsideration should be made in light of the Soviets own self-interest. If I may be so presumptuous to suggest a military solution to the "Polish problem" from the Soviet perspective would cost the Soviet Union far more politically and economically from the United States and Western Europe than they could ever possibly gain.

With these thoughts, I, as a Senator about to become the former chairman of the Senate Foreign Relations European Affairs Subcommittee, respectfully suggest that the outgoing Democratic administration and the incoming Republican administration join bipartisan hands in continuous and firm resolve to decide on just what these penalties should be if the Soviets attempt to impose a so-called military "solution" in Poland.

It is also my suggestion—and again I speak as only one Senator—that at the NATO ministerial meeting in Brussels next week the United States and our Western Allies carefully coordinate the appropriate response to any transgression of Polish national sovereignty.

I am persuaded that the American people and the people of Western Europe would all view any outside interference in the Polish crisis as altering the conditions of East-West relations as they have hopefully emerged in the last decade.

Mr. President, to conclude, let me say that I do not believe it is either necessary or wise for the Western alliance to suggest what course of action they would take in the event that the Soviets were to move. But I do think it is critical both for East-West relations and for West-West relations that we be sure what we are about; that there be a joint resolve, a resolve that is shared not only by the outgoing Democratic administration and an incoming Republican administration, a bipartisan resolve in this country, and also a resolve that is equally shared by our NATO allies and the United States and our allies around the world.

Each of us will have to pay different prices for different penalties imposed, and we should see to it that we all share the burden equally, but we should see to it that we are prepared and ready to undertake such a burden.

To do less would be to impact upon our own national security and it would surely be to let down all that we stand for.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

ALLIES NONPERFORMANCE IN DEFENSE SPENDING

Mr. PROXMIRE. Mr. President, on November 25, I reported to the Senate mounting, undeniable evidence that many, if not most of our NATO allies are falling behind the agreed upon 3 percent real growth defense goal. I called attention then to recent news reports which confirmed my analysis of a year earlier that, as they face recessions, West Germany, Great Britain, and many others will not meet their pledges to increase defense spending. My conclusion was that our allies apparent reneging or foot dragging on increasing defense spending suggested something about the way the Europeans view their priorities and their military requirements.

Now the Chicago Tribune in its issue of November 30, 1980, reports additional evidence that nearly every European member of NATO will fail to meet its commitment to increase defense spending by at least 3 percent a year in real terms. The Tribune points out that—

> The time is long past when the United States can take up the defense slack for Europe . . . There is not enough room left in the budget or in the American voter's reservoir of patience to continue subsidizing European armies.

I fully agree with the position of the Tribune on this matter.

Our worldwide commitments require that our NATO allies assume their fair share of responsibility for their fundamental defense. The United States can no longer be expected to shoulder the burden of European defense.

I ask unanimous consent to have printed in the RECORD the editorial from the Chicago Tribune, November 30, 1980, entitled "Our Exasperating Allies" and quotations from other newspapers on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUR EXASPERATING ALLIES

For nearly three years, America's European allies have been grumbling about our foreign policy. Inconsistent, they said. Unpredictable. Undependable.

And they were right. The Carter administration has clearly been out of its depth in dealing with foreign affairs. But just as the Carter administration is being swept aside by a new one that promises greater consistency, the Europeans themselves are becoming inconsistent and undependable. Nearly every European member of NATO is weaseling on commitments to increase defense spending by at least 3 percent a year in real terms.

Some of the members have good excuses. The economies of Turkey and Portugal are wrecks, and there is little hope they can increase defense spending. Greece is only now arranging for its return to the military wing of NATO after its prolonged dispute with Turkey over the invasion of Cyprus. Of the others, only Norway, Iceland, and tiny Luxembourg are expected to meet the commitment. Italy, Denmark, Belgium, and the Netherlands almost certainly will fall short, and the biggest members, Britain and West Germany, are refusing to promise that the goal will be met.

[Ironically, the biggest increases in spending probably will come in France, which quit the military side of the alliance 13 years ago and is not committed to the 3 percent figure.]

The public explanation for this foot-dragging is that the European economies are in straitened circumstances, a complaint that Americans will not easily accept. Most of the West European economies are in better shape than that of the U.S. [Nine of the 15 NATO countries have a higher per capita income than the U.S., yet most are spending less per capita on defense. Belgium, for example, spends $363 per citizen on its armed forces while the American figure is $520.]

The United States is also providing a disproportionate share of the NATO budget—60 percent in 1980. Europeans point out that the U.S. share has been dropping, but it has not been dropping in proportion to the phenomenal growth in European economies during the last two decades.

A more likely explanation for the allies' reluctance to bear their fair share of NATO defense spending can be found in European dissatisfaction with the failure of SALT II. High hopes had been placed on the SALT process for defusing tensions between NATO and the Soviet Union, and the Europeans may be using the defense spending issue as leverage to push Washington to get the SALT process going again.

That is a legitimate concern, and it is one the Reagan administration must address. The control of strategic weapons is the best possible basis for building a credible defense for the West.

But the Europeans' refusal to provide for their own defense is the worst possible basis for negotiating a strategic arms agreement. If the Soviets see that the allies are being divided over the spending issue, they will do everything they can to promote that division. And if the division is tied to the strategic arms problem, the Russians will see to it that the problem does not get solved.

But more to the point, the time is long past when the United States can take up the defense slack for Europe. Despite planned increases of 5 to 7 percent in the Reagan administration, the U.S. is being called upon to fill dangerous power vacuums elsewhere, notably in the Middle East. There is not enough room left in the budget or in the American voter's reservoir of patience to continue subsidizing European armies. Europe has come a long way from the uncertain poverty of the postwar years, when the United States willingly assumed burdens beyond the capacity of a devastated continent. Americans have been dependable allies in the past, and we have a right to expect dependability from Europe in the future.

QUOTES

(The West German newspaper Die Welt commented recently on the issue of European contributions to NATO saying in part.)

Discussions of this issue will have to be conducted soberly, bearing in mind what must be done but also the limits of what can be paid for. All this should be done without deadlines and without political emotions, which often lead to unjustified accusations that the Germans are trying to shirk their financial responsibilities.

But Bonn will not be able to evade the American point that in the eighties West Germany will have to pay far more for the alliance than it is doing proportionally now.

We are not the paymasters of NATO. But we will not be able to afford to measure our defense needs against the payment index of other unwilling or incapable partners.

(And from the Daily Telegraph, London.)

West European governments should wake up to the fact that the direction of American foreign policy is going to be very different from what it has been for the past five years or more, once President-elect Reagan takes office. . . . What European governments must remember—and what they have forgotten—is that the American role in NATO and in East-West relations is every bit as important now as it was in the immediate post-war years.

There is no way, for example, in which West Germany can follow an independent foreign policy with Russia as Chancellor Schmidt sometimes seems to want. The same applies to France, though President Giscard like to pretend otherwise. Unless Europe wants to be excluded altogether from a direct Washington-Moscow relationship, it will have to drop its daydreaming.

SURVIVAL AND THE NEED FOR INTERNATIONAL COOPERATION

Mr. PROXMIRE. Mr. President, the Nazi Holocaust of the 1940's must be considered the low point of Western civilization. Six million Jews were killed as a result of the Nazi death machine. By 1945, only a very small percentage of European Jews had been able to survive the holocaust.

Reeve Robert Brenner, in his book, "The Faith and Doubt of Holocaust Survivors," reminds us of the horrible acts of genocide that were committed by the Nazis.

Brenner writes admiringly of the "Unknown Diarist of Lodz Ghetto" who was unable to survive a Nazi concentration camp but whose intimate memoirs remain to remind us of the utter pain and degradation to which victims were subjected.

In a truly poignant passage from his dairy, the unknown victim wrote:

> Despair increases steadily as does the terrible hunger, the like of which mankind has not yet suffered. With complete assurance we may say that they (the Germans) have not left us even a job of that which is called body or soul . . . but shall we survive? Is it possible to come out of such unimaginable depths, of such unfathomable abysses?

Although the anonymous diarist had gone through so much agony, his moral sensitivity remained intact.

We may ask ourselves the same questions today—"Shall we survive? Is it possible to come out of such unimaginable depths?" The world is faced with crises that many believe threaten the very survival of the human race. The Iran hostage situation, the collapse of the SALT II treaty, the Iraq-Iran war, the volatile energy crisis, all present a threat to world peace and human survival. Cooperation between the political leaders of all nations is needed to deal with these crises in order to insure our survival. Granted, this is not an easy task, but it is absolutely necessary.

By the same token, cooperation among nations is needed to insure that acts of genocide never occur again. Since the Genocide Convention was written, over 80 countries have ratified it. This is an example of world cooperation at work, and moves countries closer to preventing another holocaust. Yet the United States has not joined other nations in ratifying the treaty. Since the United States has long been considered a leader in promoting world harmony, it is shocking that we have not taken positive action on the Genocide Convention.

Mr. President, this problem can be easily corrected. The U.S. Senate must approve the Genocide Treaty as quickly as possible.

The PRESIDING OFFICER. The Senator from Kentucky.

REFORM OF IMMIGRATION LAWS

Mr. HUDDLESTON. Mr. President, on the agenda of the 97th Congress should be the reform of our immigration laws. Over the past year, legal and illegal immigration has grown to a level approaching 2 million people annually. This is not an insignificant factor. By comparison, the total natural increase in the U.S. population in the 12 months ending in June of this year was slightly less than 1.6 million.

To regain control over immigration, we need to act prudently on a number of different fronts. Total levels of immigration need to be decided upon that take into account our national economic, resource and social policies. The impact these additional people have on our labor force needs to be assessed. The adequacy of our legal deterrents to unlawful immigration must be confronted. The particular problems of the countries from which these people come must also be part of the question. Unfortunately, most advocates of immigration policy reform concentrate on only one of the numerous policy areas that need examination.

Earlier this year, Mr. President, an article appeared in the National Forum by Peter R. Huessy, then an assistant to the president of the Environmental Fund. In a refreshing approach to this problem, the author advocated a comprehensive policy of immigration reform. I recommend this material to my colleagues on both sides of this Chamber and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ILLEGAL IMMIGRATION: FOREIGN POPULATION AND ITS IMPACT ON THE AMERICAN FUTURE

(By Peter R. Huessy)

WHY MEXICAN VILLAGERS KEEP HEADING NORTH[1]

In Mexican villages such as Huecorio, poverty-stricken people pay substantial sums to be smuggled across our borders. They work as dishwashers or with General Motors, sometimes abused or held in literal bondage under threat of deportation. Half the men in the village are now in the United States.

SAGEBRUSH SLUMS: POOR LATIN SETTLEMENTS IN SOUTH TEXAS UNCURBED, UNSERVICED[2]

Along the *Rio Grande*, unserviced, uncurbed settlements are spreading, described as a "timebomb, quietly ticking away in a no-man's land", imperiling health and well-being throughout the valley. As the *colonias* become denser, the contamination of their shallow wells and irrigation ditches increases.

ILLEGAL ALIENS IN NEW YORK: A LIFE OF FEAR, COSTLY TO ALL[3]

In an apartment in a bleak part of New York City, four Haitians huddle without heat in the midst of winter. They fear to complain, however, for the landlord will report them—they are illegally in the United States. Even so, such conditions are excused because they keep "marginal buildings" on the tax rolls.

TWENTY-TWO ALIENS ARRESTED ON CONSTRUCTION SITE[4]

On a Virginia construction site, a large number of the employees are illegal immigrants, earning an average of $16,000 a year. The foreman is also unlawfully here—in addition to receiving kickbacks from their wages and smuggling other aliens as well.

While these are four stories of unlawful migration, they are ultimately the stark reality of the population crisis come home. From hundreds of miles away, people are pushed out of rural poverty and urban slums. They come from over sixty nations, with Mexico, El Salvador, China, Haiti, Guatemala, India, the Dominican Republic, Peru, Korea, Thailand, Greece, Pakistan, the Philippines, Nigeria, Kenya, Colombia and Iran the prime source nations. These people leave their homelands, cross our borders, enter our cities, and remain. Anywhere from six to twelve million may live here now. Four million or more may be employed.

As a result, the United States is probably growing more rapidly than most other industrialized nations. As many as 3½ million people may be added to our national landscape each year, a number exceeded only by the annual growth in India and China (World Population Estimates, The Environmental Fund, 1978).

If this should continue, says a senior World Bank official and former cabinet member, the United States population would increase by upwards of 40 million people over and above the projected increase due to births and legal immigration by the dawn of the next century. No less important today than fifteen years ago is former Secretary of the Interior Stewart Udall's warning: "The cry of the sanderling is drowned only by the roar of an exploding population."

In the past fifteen years, while the number of border patrol and immigration personnel has increased only marginally, the number of apprehensions for "surreptitious entry" has mushroomed. From less than 50,000 in 1964, they now exceed 1,000,000 annually. An additional 500,000–1,000,000 people enter the country with either forged documents or temporary visas, and then fail to return home. Many more enter undetected. The United States holds the distinction of being the only one of 160 nations in the world to tolerate such a wholesale violation of its national sovereignty. And this is in addition to a lawful immigration process which admitted over 600,000 people last year as permanent residents, a number greater than the immigrants admitted by all other countries in the world combined.

Compounding these problems are the actions of some senior Immigration and Naturalization Service (I.N.S.) officials who are subtly undermining many of the laws they administer: enforcement personnel are shifted to other duties, severely undermining what little discouragement there is to unlawful migration; and the Legal Services Administration, (fully funded with tax dollars), is spending millions defending those who have deliberately violated our immigration statutes, though it is against the law for public funds to be spent for such purposes.

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[1] *Washington Post*, December 4, 1977, p. C1.

[2] *The Wall Street Journal*, May 30, 1979, p. 1.

[3] *The New York Times*, March 18, 1979, p. A1.

[4] *Washington Post*, June 20, 1979, p. B4.

What is the cause of this unprecedented movement of people across the frontiers of this globe? It is in large part due to the population explosion of the past century. Contrary to popular mythology, it is alive and reverberating in every corner of the globe. Each year, an additional 80, perhaps even 90, million people climb on board Mother Earth, when only two decades ago the number was 60 million.

According to the U.S. Bureau of the Census, the world's population is growing at 1.9 percent a year, unchanged during this decade and a very small one-tenth of one percent less than in the period 1965–70. The rate at which the countries of Latin America are growing often surpasses 2 percent annually, which, if continued, will double their populations in less than 35 years. In that same short time, another 100 million people south of the Rio Grande will be needing employment. But today, according to R. W. Fox of the Inter-American Development Bank, between 25–70 percent of the labor force in these countries is without work. In the developing world as a whole, there will be an additional one billion new job seekers in the next two decades; nearly two billion additional people.

Most governments, including those in Latin America, seem to care little about solving the pressing problem of population growth. Some even advocate increased numbers; most find current population growth "satisfactory" (*Pan American Health*, Vol. 7, 1976). These attitudes are a reflection of what one might call a "national machismo." As the current increase in human numbers gradually undermines and then swallows many of the economic improvements that have been made, the hoped-for and too-easily-expected "demographic transition" has become little more than a fleeting hope.

To alleviate this growing imbalance, some, such as Luis Velarde of the U.S. Catholic Conference (see *Christian Science Monitor*, March 14, 1979), have advocated that the United States open its borders as a "safety valve" for the hemisphere's growing labor force. It would seem self-evident, but obviously it needs to be noted that the United States cannot absorb the world's people any more than it can police them. If the U.S. were to accept but a two and one-half years increase in the world's population, our own population would be doubled. What kind of a drain on the world's resources and environment would we then become? How much grain could we export, when our own consumption has nearly doubled? What help will we be to our European allies if our economy is seriously strained?

Those who advocate the continuation of the *status quo*, of *de facto* open borders, betray an unfortunate and profound ignorance of environmental and population matters. The United States, no less than the ancient civilizations of Egypt, Mesopotamia, or India and no less than the present-day societies of the Sahel, Haiti and Bangladesh, cannot escape the environmental principle of "carrying capacity." We must learn to live by the maxim: only a limited number of people can live in dignity with a fixed environment on a renewable and sustainable basis (see "Resource Trends and Population Policy: A Time for Reassessment", Lester R. Brown, *Worldwatch Paper* 29, May 1979).

Since 1970 alone, the United States has grown by over 20 million people. A third of this growth may be due to illegal immigration. If we had had the wisdom to stabilize our human numbers ten years ago, there would be no need for a single nuclear power plant, nor for the billions of dollars to keep them operating. There would be no need to import one drop of Iranian of Nigerian oil. The value of our currency would be greater, as U.S. inflation would be less. A population equal to that of 1950 would make us completely independent of imported petroleum.

But the U.S. population did not stabilize in 1950, or 1970, nor will it in 1980. Our future's increased numbers will consume more and more of our natural resources, all finite, some renewable and some not. But these additional people will *not* create additional suppiles of fresh water, petroleum or topsoil.

In the past decade, notes Lester Brown, the per capita suppiles of such critical resources as cereals, wood, cotton, beef, fish, mutton, and petroleum have declined on a worldwide basis. Grasslands, oceans, forests and croplands are coming under heavy pressure (See Lester Brown's "Population, Cropland, and Food Prices," *National Forum*, Spring 1979). In too many countries, their productivity is declining or has collapsed. Overfishing is now the rule, overgrazing is commonplace, forests are shrinking rapidly, the topsoil is being washed and blown away. The resulting serious inflation is the predominant characteristic of our age.

Should the U.S. population continue to grow, the strain on the world's resources will continue to worsen. Coupled with a shrinking *useable* U.S. resource base—whether oil, timber, croplands, water or hard minerals—we will become more and more dependent upon foreign supplies, unstable and expensive as they are, further exacerbating inflation and debasing our currency. The environmental and capital costs of resource use will escalate as well.

The record of the past 35 years, during which 80 million people have been added to the U.S. landscape, need not be repeated by adding as many more in the next generation. We are already losing 3–5 million acres of precious farmland under a growing number of new shopping centers, sewage plants, power installations, mines, highways and subdivisions. As a result, the cost of farming—and the cost of food—rapidly increases, with the price of land, machinery, fertilizer and water leading the way.

The water table of the Texas High Plains is being drained so that the area will soon have to return to dry land farming. Consequently, a significant portion of our national cotton and soybean crop will be curtailed. Water supplies in the municipal regions of Arizona and Florida are being increasingly fouled and depleted, notwithstanding the growth-booster's delight with the prodigious growth of the sunbelt.

Agriculture, the mainstay of the American economy, finds itself in many areas "unable to gain new supplies or even maintain current allotments (of water) against the rising needs . . . of burgeoning, metropolitan areas and energy development" (see "The Embattled West," *The Washinton Post*, June 18, 1979). Wetlands and estuaries are becoming increasingly polluted and filled, as the demand for new housing, industrial development and farmland increases.

The demands of our numbers may already exceed the renewable supply of water, food, and fiber, and certainly are approaching the limits of the finite supplies of such resources as petroleum. As a result, the environmental costs of supplying our country with additional units of wood, energy, water, food and clothing are rising rapidly. The population explosion—both here and abroad—has quite literally forced us to start living on the environmental and resource capital of Mother Nature; the income may no longer sustain us.

In the last two decades of the twentieth century, America must come to grips with the two concerns of population growth and environmental protection. The first task before us is to dispel the myths surrounding unlawful immigration. Some say that the problem is small and unimportant. But the problem is not so much the numbers here but those elsewhere. In Latin America alone, there are 350 million people, growing at a rate of 2–3 percent annually, with a work force only marginally employed. If we do nothing about these millions seeking employment here, who will?

Some say that these unlawful residents take only jobs that Americans do not want. Yet the vast majority of workers in those areas of employment most frequented by unlawful immigrants—garbage collection, street cleaning, dishwashing, maid-service, day-labor, etc.—*are* Americans. There is no occupation in which a majority of workers are unlawful immigrants. How can it thus be argued that Americans will not perform such tasks when millions do so each day? And finally, what kind of arrogance is it that claims that while certain "menial" jobs are beneath the dignity of Americans to perform, they are not beneath the dignity of other human beings as well?

It is also said that since we do not know the exact number of unlawful immigrants residing in the United States, any corrective action would be premature, (See Charles Keely's "Counting the Uncountable: Estimates of Undocumented Aliens in the United States," *Population and Development Review*). Such logic would lead to the closing of all police stations because the number of criminals is not exactly known.

An additional myth which is quite popular is the assertion that all illegal immigrants eventually return to Mexico and thus do not become permanent additions to our population. The M.I.T. study upon which this spurious conclusion was based—conducted by Wayne A. Cornelius—contains serious errors. It examined only a small number of people *living in Mexico* who had returned from working in the United States. No attempt was made to examine the number of illegal immigrants living in this country (or the associated push for bilingual education, unprecedented in our history). Obviously, the study could not tell anything about those people who have not returned, especially from the countries other than Mexico.

Some say that our need for Mexican petroleum is so great that we dare not control the flow of people northward. But Mexico's oil exports, even by the late 1980s, may not reach 2½ million barrels daily, of which only a portion might be available to the United States. Our *increase in numbers* at that time, however, would be consuming more than we will be able to import from Mexico. If we continue our "de facto" policy of permitting large-scale illegal immigration, in return for access to Mexican petroleum, we will be simply increasing our dependence upon foreign oil. The imported energy, however, will be of a transient nature, while the damaging population pressures will become permanent.

Finally, Mexico's oil income may not substantially alter the pressing unemployment problems, low agricultural productivity and high birth rates endemic to that country. It will create employment to be sure, but primarily skilled jobs, and few of them at that. Inflation will be made worse in many of the oil-boom areas, as has happened in other oil producting countries.

I believe the United States can no longer afford not to enforce, properly and humanely, our immigration laws. We cannot exist as a democracy, if a flouting of our national sovereignty is continued. According to Secretary of Labor Marshall (*APF Reporter*, June 1978), a democracy cannot flourish "with an underclass outside its basic laws. If history is any guide, perhaps the first generation of illegal aliens will endure their privations in relative silence. But you can rest assured that the children of these illegal aliens will be the focus of a civil rights movement in the 1980s."

As it is, illegal immigration represents a serious "civil liberties problem." The perpetuation of an underclass of people, apart from and unprotected by the law, subject to abuse, and themselves openly in defiance of the law, is a prescription for social strife of great magnitude.

An overwhelming majority of Americans—91 percent—of every political, religious, ethnic and economic background, want an end to illegal immigration (Roper Poll, 1978). A growing number of organizations with national constituencies—the National Parks and Conservation Association, the Sierra Club, the Federation for American Immigration Reform, Americans for the Rights of Citizens, the V.F.W., the American Legion, The Urban League, The National Governor's Association, and The Environmental Fund—have begun the difficult but necessary task of moving the U.S. toward prudent population policies. Congressmen Paul Simon, Clarence Long and Tony Coelho and Senators Walter Huddleston and Dennis DeConcini are leading a reluctant Congress in the same direction.

A five-part proposal has become the basis of discussions concerning ways to control illegal immigration. First, it should be made unlawful to hire those not entitled to work in this country. Second, a work-permit system, utilizing an upgraded social security card, should be implemented to verify each person's right to employment. Third, development policies in the countries with high unemployment should be created with special emphasis on both the creation of the small family norm and broadly owned rural enterprises and agricultural development. Fourth, the Immigration and Naturalization Service must be provided with the leadership and funds necessary to carry out its lawful and essential duties. And, finally, a carefully structured program of temporary agricultural guest-workers, limited in numbers and duration, might be established.

Making it unlawful to hire those illegally here, or otherwise not entitled to work, would at long last remove the inconsistency in our immigration law which has nurtured the growth in unlawful immigration. (It is presently illegal for these people to work, but entirely legal to hire them).

Each job applicant must be treated equally, with documentation required to verify the right to employment. The experience of several European democracies demonstrates that such a work-permit system works quite well, preventing discrimination as well as providing easy legal recourse for those discriminated against.

Though it is now necessary to prove citizenship in order to obtain a social security card, legislation is needed to further tighten the process. Legislation is also needed to insure that the birth certificates of deceased persons are appropriately marked so as to combat their fraudulent use.

A work-permit policy need only apply to the new workers in our work force—those changing jobs and those entering the work force for the first time—thus gradually bringing all employes into the system over time, avoiding the cost and difficulty of a sudden switch in policy.

The most creative and important part of this proposal is that it avoids the potential for discrimination that has existed in previous proposals which make only the employment of illegal aliens a crime. If a record of employee social security account numbers is maintained, immigration officials need only check this and thus not harass legitimate employees. With such protection of the U.S. job market, employment opportunities in the United States for people illegally here would largely disappear.

Finally, this policy recognizes that the core of illegal immigration is rooted in the population explosion in the rest of the world. No doubt the United States should assist other countries, upon invitation, in establishing widespread economic incentive and disincentive programs which make small families attractive. Such policies have been successfully undertaken by South Korea, Sri Lanka, and Singapore.

If other governments see no need to check the population growth looming so large on their national horizons, the United States should not compound this folly and ignore its own population growth. As long as national leaders, attached as they are to positions of privilege and power, can avoid facing the population problem, little will be accomplished in the way of social and economic reform, whether in Asia, Latin America or Africa. Our continued tolerance of such massive illegal immigration relieves many of these nations from facing their economic problems honestly, and thus is but another of the "hidden props" with which we help keep many despots in power.

Our Commissioner of Immigration has stated (*Christian Science Monitor,* March 14, 1979):

"As a sovereign nation, we have to control our own territory and our future. . . . We are not exercising our true sovereignty by allowing a blatant disregard of the laws governing admission into the United States. The need to do so is so basic and simple that it transcends economics and other parochial considerations of special interest groups."

We must do these things for a number of reasons—to preserve and protect a livable environment, to maintain a decent standard of living for our children, and most of all, to insure that this democracy, "the last, best hope of mankind" will flourish. Only as such a nation, can our promise as a refuge from persecution, for even one person, continue to be fulfilled.

PRIVILEGES OF THE FLOOR—H.R. 8105

Mr. BELLMON. Mr. President, I ask unanimous consent that Don Ferrell and Blythe Thomas of my staff be allowed on the floor of the U.S. Senate during the consideration of H.R. 8105, Defense appropriations conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEEDED CHANGES IN THE CONGRESSIONAL BUDGET ACT

Mr. BELLMON. Mr. President, I want to share with the Senate some thoughts on needed improvements in the Congressional Budget Act of 1974.

I first want to thank my good friend and colleague, Senator PERCY, for pushing me to pull together these thoughts. Senator PERCY was one of the original architects of the Budget Act, and through his service on the Governmental Affairs Committee has continued to keep a close eye on the evolution of the budget process. Here on the Senate floor, Senator PERCY has been one of the strongest supporters of the budget process as the Senate has dealt with many tough issues that the process has forced to the forefront.

I also want to thank the Senators and former Senators with whom I have served on the Budget Committee over the past 6 years. I am proud that we have been able to develop the budget process to the point where it is highly unlikely Congress will ever scrap the process and return to the old, pre-1975 fragmented ways of dealing with economic and fiscal policy.

I owe special thanks to those who have chaired the committee—Senators Muskie and HOLLINGS. They have been bipartisan in their approach and they have been wise in dealing with the thousands of individual decisions that have been faced by the Budget Committee since its inception.

The fact that my good friend Senator DOMENICI will chair the Budget Committee beginning in January gives me assurance that the process will continue to develop as a key part of congressional decisionmaking. Senator DOMENICI brings to the chairmanship of the committee an exceptionally keen mind and 5 years of experience on the committee. He probably does not need my advice on ways to improve the Budget Act or the budget process, but I nevertheless give it to him, Senator PERCY, Senator HOLLINGS, and the rest of my colleagues for such use as they may see fit.

While I feel the Budget Act has stood the test of experience reasonably well, I do believe that it is time Congress evaluated that experience against today's realities and improved the act wherever needed.

The recently completed House-Senate conference on the second budget resolution for fiscal year 1981 agreed that the Budget Act should be thoroughly reviewed in the next Congress. The second budget resolution contains the following provision:

> The Congress recognizes that (other than for certain minor changes adopted at the start of the Ninety-sixth Congress as revisions to the rules of the House) there have been no changes to the Budget Act of 1974. It is the sense of the Congress that after six years of experience under the Budget Act, the time is right for considering revisions and modifications to the Budget Act so as to improve the congressional budget process. Accordingly, the Congress believes that a review of the Budget Act and the congressional budget process should be undertaken without delay.

Senator DOMENICI, the incoming chairman of the Budget Committee, has indicated that he plans to schedule hearings by the Budget Committee within the next few months on possible amendments to the Budget Act. I am sure it will be advantageous for the Budget and Governmental Affairs Committees to work together in seeking ways to improve the budget process. Also, a task force of the House Budget Committee, chaired by Representative MINETA, held hearings several months ago on possible Budget Act revisions. I understand Mr. MINETA plans to introduce a bill to revise the Budget Act early in the next session.

The following are the key areas in which I see the need for changes in the Budget Act:

CREDIT BUDGETING

It is very important that congressional budget resolutions begin to include effective controls over the amount of Federal loans and loan guarantees which can be committed in each fiscal year. The first and second budget resolutions for fiscal year 1981 include some modest steps in this regard. A task force established by the Senate Budget Committee has held hearings on this subject and will undoubtedly have some recommendations for the full committee next year.

Senator PERCY's bill (S. 2151) is the most thoughtful credit budgeting proposal that has been developed so far. My own view, however, is that there is need to go further than his bill goes in sorting out the whole credit picture. I believe, for example, that we should separate conceptually the treatment of direct loan activity from other types of budget authority. I think we are mixing apples and oranges now in a rather confusing way. Expenditures which become balance sheet assets are surely not the same as expenditures which remain liabilities of the Federal Government.

I would change the present classification of those direct loan programs which are on-budget—gross lending is scored as budget authority and the excess of loans over receipts is scored as outlays—and integrate them with the loan and loan guarantee programs which are now off-budget. I believe all this credit activity should be controlled through new budget categories for loans and loan guarantees. Both of these categories should be subdivided according to the budget functions to which the various programs relate. The enforcement mechanisms to accompany these categories may need to be somewhat different from those for the rest of the budget.

On the other hand, I believe implicit interest subsidies, default payments, and administrative costs of loan programs should be included in budget authority and outlays. Also, the act should include criteria for determining when loans are default, since there are wide variations on default determinations among Federal programs.

Consideration also should be given to precluding understatement of Federal activity through devices such as the Federal Financing Bank moving on-budget loans off-budget.

TREATMENT OF TRUST AND REVOLVING FUNDS

We now treat payroll tax collections for social security and unemployment insurance as revenues and score them as budget authority. Those treatments are troublesome. For instance, when we reduce outlays in a trust fund program, we actually increase budget authority because the trust fund has more reserves which earn more interest. Thus, our present concepts mix "desirable" budget authority—that is, increased receipts by trust funds—with "undesirable" budget authority which connotes spending increases in most programs.

I propose that a new category called trust fund receipts be established and that the collection of these earmarked taxes be treated much like other offsetting receipts. This change would go a long way toward putting budget authority on a consistent conceptual basis.

There are also large revolving funds which probably should be treated in a similar manner to what I am suggesting for trust funds. Current "setting" priorities disguise the magnitude of the Federal activity and cause it to be largely ignored in Federal economic and fiscal policymaking.

OFF-BUDGET SPENDING

I suggest that budget concepts be altered so that budget deficit and additions to the public debt are identical each year. This would reduce confusion—at least on the Hill. It would also put the real deficit—or surplus—before the public. The biggest and most crucial step would be to bring all off-budget outlays on-budget. I think there will be general support now for doing this, even though it will make the goal of a balanced budget even harder to reach. There will also need to be changes in the treatment of trust fund deficits and Treasury balances in order to make deficit/surplus figures and public debt changes identical.

RECONCILIATION

Our experience of the past 2 years has shown that reconciliation tied to the second budget resolution, as the Budget Act provides, simply comes too late in the fiscal year. In addition to the practical reality that Congress at least every other year will be under pressure to wind up its business and get out of town by October 1, there simply is little appetite that late in the session for biting the bullet on a set of tough budget decisions. In addition, the beginning of the fiscal year in October 1 makes the late September timeframe specified in the act for reconciliation almost unworkable.

This year's experience with reconciliation attached to the first budget resolution seems to me the way to go. Section 301(b)(2) of the act provides that the first resolution may include "any other provision which is appropriate to carry out the purposes of this act." This is probably a sufficient basis for establishing the practice of including reconciliation provisions routinely in first resolutions, but revising the Budget Act to authorize specifically the inclusion of reconciliation requirements in first budget resolution would help to establish the practice.

There is one other major lesson to be learned from this year's "first ever" use of the reconciliation procedure: Two House committees succeeded in forcing into the reconciliation bill a series of program extensions and expansions which increased spending. While this year's reconciliation bill is still a major achievement, I believe it is essential to amend the Budget Act to preclude inclusion in future reconciliation bills of provisions which do not produce net savings—estimated by CBO—over the first 5 years.

MULTIYEAR BUDGET

As you know, the Senate has been moving steadily toward multiyear budgeting. The House has this year made significant steps to come along. I believe we will shortly have a budget which contains agreed upon totals for at least 3 years. There is at present, however, no enforcement power behind the budget targets for out years. It is not a simple matter to build an enforcement procedure for multiple years, since it is unlikely that legislative or appropriation actions taken in a given timeframe will create enough spending in out years to cause either the budget aggregates or even the functional totals to be exceeded.

My view is that we should change the act so as to make the Budget Committee serve as a gatekeeper on bills which take effect in future years or which have their major spending impact in the out years. For example, the act could be amended to provide that any bill which creates—or authorizes—new spending beginning in future years, or which creates—or authorizes—future year spending more than a specified percentage—perhaps 10—over spending for the budget year, will require a waiver before being in order. This would enable the Budget Committees to use the out-year assumptions underlying the budget resolution to challenge particularly blatant "ballooning" of spending after the budget year. While the Budget Committee's opposition to a waiver would be subject to override on the Senate floor, this type of provision would certainly have an inhibiting effect on the reporting of legislation with substantial out-year spending effects.

EFFECTIVE DATES OF REVENUE CHANGES

The Budget Act clearly needs to be tightened to reduce the opportunities for circumventing the revenue floor by shifting forward the effective dates of tax reduction legislation. One device that has been used is to make a tax change effective very late in a fiscal year so that it has minimal effect in the year for which a budget resolution exists, but a much larger effect in future years. Another loophole is created by section 303(b) which permits consideration of revenue legislation which first takes effect in a fiscal year more than 1 year beyond the fiscal year for which a budget resolution exists.

Ironically, the multiyear enforcement problem is actually easier to solve for revenues than it is for spending. All it will take for revenues is an amendment to the act placing the out-year revenue numbers on the same legal basis as the 1-year numbers currently are. As I have already discussed, the enforcement problem on out-year spending is considerably more complicated.

POINTS OF ORDER AGAINST BILLS EXCEEDING CROSSWALK TOTALS

The present enforcement tools, even on a 1-year basis, are very limited. No point of order can be raised unless spending under a bill would exceed the aggregate totals in the budget. A point of order certainly should lie against bills which will cause spending to exceed committee allocations under second budget resolutions. I personally believe the point of order should also be available to help enforce the targets of the first budget resolution as well.

The first budget resolution for fiscal year 1981 included a temporary provision for delayed enrollment of bills which exceed committee allocations. I believe that a somewhat stronger provision should be included in the Budget Act itself.

In the case of the Appropriations Committee, I would favor making the point of order lie against individual subcommittee allocations. Otherwise, the Senate can be faced with situations in which the last bill out of Appropriations runs the totals appropriated considerably over the budget, but the feasibility of making the committee live within its total simply does not exist because the last bill concerns defense or other essential spending.

ENTITLEMENT PROGRAM EXEMPTIONS

I propose that, so far as possible, we get rid of special provisions on entitlement programs so that there is more adequate budgetary control over these. For example, there is no requirement under section 402(a) that entitlement bills be reported by May 15. I do not see why Congress should not discipline the timetable on entitlement programs so that it can see early in the year the potential spending increases for both entitlements and appropriated programs. Indeed, social security bills are totally exempt from the May 15 reporting date, even if they deal with nonentitlement programs, so long as they contain some entitlement features. (Section 402(e) (2)).

Section 401(d)(1)(A) exempts social security bills from the requirement that bills which would exceed committee allocations be referred to the Appropriations Committee. I see no reason for that exemption. On the contrary, it seems to me to hold potential for considerable mischief.

Finally, section 401(a) leaves a wide-open path for entitlements to be timed so as to totally evade control by the budget process. For example, there is no impediment under section 401 to enactment between January 1 and May 15 of a calendar year of entitlement legislation having an effective date of October 1 of the same year—even though no budget resolution is yet in place. Likewise, there is no impediment at any time to enactment of entitlement legislation creating spending in future years. Clearly, Congress needs to strengthen its institutional capacity to resist increases in entitlement spending.

CONFERENCE REPORTS ON BUDGET RESOLUTION

Both the Senate and House Parliamentarians have ruled that conference agreements on budget resolutions which contain any numbers that are "outside the range" of the position of the two Houses going into conference must be reported in technical disagreement. This makes the conference reports subject to amendment on the floor of the Senate. The act should be amended to provide that only the budget aggregates—revenues, budget authority, outlays, deficit—and not the numbers for each function, must be within the range of differences between the Houses in order for there to be a full conference agreement. This change will reduce the potential for delays and brinksmanship between the two Houses over conflicting priorities.

CBO COST ESTIMATES FOR CONFERENCE REPORTS ON SPENDING BILLS

Experience has shown that we need to amend section 403 to require that updated CBO cost estimates be included in conference reports on spending bills. As we all know, bills are frequently rewritten extensively in conference. The Congress is still acting on conference reports without carefully-developed cost estimates on the final bills. This should be remedied as quickly as possible.

EVASION OF MAY 15 REPORTING DEADLINES

There is a serious loophole in the May 15 deadline for reporting authorization bills. Committees are increasingly adopting the practice of filing incomplete bills, and even dummy bills, to satisfy the formal requirement. They then rely on committee floor amendments, often accepted without real debate, to clean up the bills. This practice should be stopped before it spreads. One way to do it would be to provide a point of order against committee amendments. Another possibility would be to require amendments to be offered by the committee, or by Senators signing the reports, to be printed and summarized in the RECORD at least 3 days before the bill is considered.

TWO-YEAR BUDGETS, AUTHORIZATIONS AND APPROPRIATIONS

For the longer run, I think we must start working to get the Congress on a 2-year fiscal period. There is simply too much time pressure associated with the 1-year fiscal period for effective oversight to be done and other aspects of congressional decisionmaking to be carried out efficiently. I am pleased that Senator BAKER, our incoming majority leader, has expressed serious interest in this fundamental change. Senator BUMPERS and others have also recommended that the Congress "un jam" its calendar and increase time for program oversight by moving to a biennial cycle for most money decisions.

CONFORMANCE OF BUDGET AND APPROPRIATIONS SUBDIVISIONS OF THE BUDGET

I have been an advocate of the adoption for appropriation purposes of the functional divisions used in the executive branch and congressional budgets. It is clear that a great deal of confusion exists because of the use in the appropriation process of the traditional 13 bills organized by departments and agencies, while the budget process uses a "functions and missions" approach.

I have had some second thoughts on this recently, however, and am no longer certain that it would be wise to put the two processes on the same information base. If the allocations/crosswalking process can be strengthened and become better understood, and if points of order can be made available to help enforce the allocations, this might be a better course than the one I earlier advocated.

RESCISSIONS AND DEFERRALS

A careful review should be made of experience to date under title X, the impoundment control provisions. One problem that needs attention is the present "all or nothing" situation on deferrals. I believe it is essential to provide a simple procedure under which Congress can approve part of a deferral proposed by the President when it decides not to go along with an entire proposed deferral.

TECHNICAL CHANGES

There are a couple of aspects of the timetable set forth in the Budget Act that simply have proven unworkable. One of these is the date for the submission of the President's current services estimates. By agreement with the Budget Committees, OMB began about 3 years ago to submit these estimates in January as part of the President's budget submission. This was essential because the President's economic forecast is not available in November when the Budget Act says the current services estimates are to be submitted. Therefore, the problem quickly arose of the current services estimates being submitted on a different economic base than was used in preparing the budget proposals submitted in January. The switch in timing of the current services estimates has caused no problems and should be included in the Budget Act.

Likewise, the CBO annual reports and economic forecasts are now submitted to the Budget Committees in January or February rather than in April as projected in the Budget Act. The Budget Committees simply must have this material earlier than the Budget Act provides in order for it to be used in preparations for markup of the first budget resolution.

Mr. President, I thank you and my other colleagues for your time. I hope these comments will be useful to those who conduct the examination of the Budget Act to which Congress is now committed.

THE PRIME TIME PROGRAM IN RHODE ISLAND

Mr. PELL. Mr. President, I would like to take this opportunity to recognize the innovative and successful humanities program for senior citizens that is operating under the direction of the National Council on Aging through a grant from the National Endowment for the Humanities. I would also like my colleagues to be aware of a program in my own State of Rhode Island that is based upon the National Council on Aging's model.

The program in Rhode Island is called "prime time." It is dedicated to the social and cultural nourishment of senior citizens and, from all reports, has expanded the lives of its participants. Prime time is based upon the assumption that education and the arts are relevant to older people and that they can make a significant contribution to the cultural heritage of our country.

As chairman of the Subcommittee on Education, Arts and the Humanities, I cannot think of a program more deserving of support. The prime time program in Rhode Island is open to all seniors and anyone else interested in finding out more about it. It began as a discussion group in the tradition of the English coffeehouses. Prime time has continued to grow and now regularly hears from guest speakers on topics ranging from social security to the cost of higher education.

I am delighted with the popularity of this program and hope that it will continue to expand. I have long been concerned that the words "senior citizen" conjure up thoughts of inactivity and retirement. Ironically, however, in school seniors are usually the most informed, active and productive individuals. I hope that our country's attitude about seniors will change and that the wealth of their experience and their potential contribution to our society may be recognized.

The prime time program is moving us closer to this goal and I hope that it will be used as a model for other States to develop new programs for their senior citizens.

Mr. President, I request unanimous consent to have included in the RECORD an article from the October 19 edition of the Providence Journal Bulletin.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIME TIME REGARDS FOOD FOR THOUGHT AS A BASIC NEED OF THE ELDERLY

(By Bob McCreanor)

A year ago in South County, about a dozen elderly and near-elderly got together to form an organization with objectives that give a new dimension of service to themselves and others.

Called Prime Time, the organization seeks to "nourish our minds and spirits," something the Prime Timers see as a basic need, along with the more obvious necessities.

They feel it is "equally basic to live rich lives, to grow, to develop skills and talents, to expand our minds and spirits and to continue contributing to our society. While we are vigorous, vital and productive, we are happy. It also removes a burden from society and our families."

Four members of Prime Time, Mrs. Emma Sacco, president pro tem, Mrs. Sunny Fisher, Mrs. Eleanor Carlson and Eugene Kennerly, summed up the activities and aspirations of this unusual, if not unique, organization. While recognizing the importance of strong programs and agencies insuring that the elderly have proper shelter, health care, transportation and other material needs, Prime Time goes beyond them to the social, cultural and intellectual nourishment that an active mind demands throughout life.

"Not enough attention is being paid to the independent, the able elderly and their more sophisticated needs," Mrs. Sacco said. "There is a need to change the image of the elderly as people in nursing homes or who have to be shuttled by bus."

Much of the conversation, in a room Prime Time uses at the University of Rhode Island in Kingston, dealt with continuing education opportunities for the elderly. Among other things, Prime Time would like to see the minimum age for the waiving of tuition reduced to 55, from 65, at state colleges.

It notes that for the age group it is concerned with "established social contacts and family life may change drastically or end abruptly, and loneliness, sometimes isolation, becomes a serious problem."

Prime Time wants effectiveness-training workshops, short courses, discussion groups to help people handle personal, family and social relationships in ways that "enrich their prime time." Prime Time stresses personal enrichment, and it wants opportunities for the elderly to achieve it through, among other things, active participation in or appreciation of the arts.

The group's basic public activities since its founding, as a conversation and book discussion group, has been the sponsoring of speakers and discussions on a variety of subjects. Speakers have included a representative from the Social Security Administration, an investment broker, a hypnotherapist and literary figures.

Prime Time emphasizes that it is not academically oriented, that membership has nothing to do with a person's formal-education background. Its interests range as wide as the needs of the elderly.

Its members feel that Prime Time, with its added dimension of service, has a role to play in what is called the aging network, the complex of agencies and people that make up the elderly and their services.

"Our interests have been recognized as valid," Mrs. Sacco said.

An "important spinoff" foreseen in Prime Time is the developing of "friendships and a healthy social interaction" among people with similar goals and problems. Prime Time is not intended to be a local organization. Prime Timers are interested in anyone who shares their views.

Prime Time meets on Sunday's at 1:30 in the student lounge of the Memorial Union at URL. Mrs. Sacco invites anyone interested in knowing more about the organization or in offering ideas on programs that can be pursued to join the informal discussion today or later. Information can also be obtained by calling 783-4138 or 789-0109.

Strong evidence that Prime Time has valid interests is found in the Public Policy Agenda 1980-81 of the National Council on the Aging (NCOA). Under the heading "Humanities," NCOA says it recognizes that the intellectual, social, psychological and educational needs of the aging can be as important as their physical needs. "NCOA's Humanities Program has discovered a keen desire to engage in humanistic endeavors in every segment of America's aging population. The humanities offer all older Americans a way of satisfying their desires for learning and sharing, and of enhancing their sense of self-worth." NCOA says that "humanistic activity has become a part of the everyday life of many of those enrolled in the Senior Centers Humanities Program," which it sponsors through a grant from the National Endowment for the Humanities.

"Though many of them were not familiar with the term 'humanities,' participants have brought the word to life and given it a new and dynamic definition by exploratory discussions of their experiences and opinions," says NCOA, whose policy recommendations include that:

Responding to the fundamental human needs for education and intellectual growth at all ages be a recognized priority at all levels of government.

Our society recognize that education is a continuing process and that educational opportunities should be broadened to assure expression of the wealth of experience of the nation's older population.

Humanists, educators and society be made to realize that older Americans constitute a valuable resource as commentators on American social and cultural history and as interpreters of the traditions, folkways, literature and language which enrich our multicultural heritage.

The National Endowment for the Humanities continue its interest in and support for the involvement of older people in cultural and humanistic endeavors.

The 1981 White House Conference of Aging fully examine the role of the humanities in enriching the lives of older people and in improving public attitudes toward aging and the elderly.

Programs supported by local and state councils on humanities increasingly consider the older American in allocation of funds.

Public libraries, historical societies and other cultural and humanistic institutions increasingly make their programs and services accessible and interesting to older patrons . . . and become directly involved in developing and designing creative programs for and about aging.

Public schools begin to use older Americans to explain local and family history. They must call on older Americans with expertise or experience to act as lecturers, aides and classroom resources. The resulting intergenerational communication will break down the stereotypes and misconceptions applied to both age groups.

Senior centers increasingly involve a broad range of cultural resources and institutions in their programming. In so doing, they will help assure a broad humanistic perspective on aging within our society and a more integrated, multidimensional life for older Americans.

OIL SHALE: THE REASONABLE PACE OF DEVELOPMENT AND OFF-TRACT LEASING

Mr. HART. Mr. President, the Senate Energy Committee has reported H.R. 7941 to provide off-tract leasing related to oil shale. I strongly oppose one provision in that bill. At this time, I would like to express my general philosophy regarding the development of oil shale as well as my particular comments on this proposed legislation.

During the past several years, I have been working with my colleagues in the Congress, with the administration, with the Colorado State and local governments, and with the prospective oil shale industry to provide economic incentives and other Federal policies to promote the safe development of synthetic fuels. My own State of Colorado contains over 80 percent of the oil shale resources in this country. The amount of reserves is potentially larger than all of the conventional oil reserves in the Middle East and Africa combined.

The development of shale oil poses a grand opportunity, but at the same time, a potential threat to my home State of Colorado. Therefore, I take special interest in legislation which pertains to the development of oil shale resources.

As chairman of the Senate Budget Committee's Special Subcommittee on Synthetic Fuels last year, I investigated in detail appropriate economic incentives to accelerate investment in prototype demonstration plans for oil shale technologies. As a continuation of that investment, this year I chaired two field hearings in Colorado. These hearings focused on the maximum feasible rate of development of an oil shale industry, as well as on the maximum ultimate size of the industry, in light of such considerations as air quality, water supply, and community development.

Due to the urgent need of this Nation to eliminate its dependence on imported oil, particularly from the Middle East, I advocate putting this country on an energy budget. That energy budget would lead to the elimination of oil imports by the year 1990. To an important degree, reducing oil imports depends on the safe development of synthetic fuels, particularly shale oil.

Based on testimony at the hearings this year and other investigations, I believe the oil shale industry in Colorado and nearby States can reasonably grow to produce approximately half a million barrels of oil per day in the late 1980's. If these early plants are successful economically and demonstrate that they are environmentally sound, I believe these plants can be duplicated so that total oil shale production can reach about a million barrels of oil per day in the early to mid 1990's.

A million barrels of shale oil a day would be extremely significant in helping this country reach energy independence. The potential for producing even more shale oil rests less with economic considerations than environmental ones. In particular, the cleaner the first generation plants can be, the greater the potential for larger amounts of production from second generation plants in the future. In particular, for example, if the first generation plants create so much air pollution that the upper limits of air pollution health regulations are needed, then development of future plants would be constrained.

In summary, my philosophy on oil shale is twofold. We should proceed with all dispatch to demonstrate the various oil shale technologies. Federal incentives or other Federal policies should be enacted where necessary to demonstrate all promising technologies. But, we should not be so hasty with prototype plants that we risk unsound environmental impacts which would degrade the quality of life in Colorado and, just as importantly, limit the future development of the oil shale industry.

OFF-TRACT LEASING

This past spring I introduced S. 2858, a bill to provide new authority for leasing off-tract lands for oil shale development. After an enormous amount of investigation, I decided testing the open pit mining technology for oil shale production would require the leasing of off-tract lands for disposal of overburden and some waste materials.

During this investigation, I found that open pit mining could offer economic as well as some environmental advantages to the alternative approaches. However, because of the potential hazards of open pit mining, my legislation would allow off-tract lands to be leased for open pit mining only by holders of existing prototype leases. My legislative proposal embodies the policy objective of providing for a demonstration of the open pit mining concept, but not providing for the full-scale commercial development of open pit mining at this time.

Due to the location of the resource, open pit mining for oil shale is limited to two counties in western Colorado. This is in the Piceance Creek Basin where the thickness of the shale reserve is so great that it is economically feasible to dig through over 500 feet of overburden to the shale resource. Because of the concentration of activity caused by the development of these resources in Colorado, we must insure that the development of these resources is sound. The legislation which I introduced, S. 2858, would do this. Unfortunately, however, H.R. 7941, which was reported by the Senate Energy Committee, has a key provision which could allow for unsound development of shale resources.

The critical policy difference between my bill and the Senate-reported H.R. 7941 lies in the 1985 date in the latter bill. The Senate-reported bill would allow off-tract leases to be awarded to the holder of any oil shale lease in existence prior to 1985. I am greatly concerned that this provision could allow off-tract leasing to a full-scale commercial lease program before we know all of the effects of such development.

Although commercial leasing before 1985 is unlikely under the Department of the Interior's present plans, it is entirely possible that the Department of the Interior could accelerate its leasing schedule. In particular, the Department of the Interior could complete the programmatic environmental impact statement for commercial leasing within the next 2 years. A year later, by 1983, the entire Piceance Creek basin in Colorado could be leased.

If the provisions of H.R. 7941 were to become law, then the Department of the Interior could lease adjacent lands to all of these future leases to allow open pit mining over tens of thousands of acres in the Piceance Creek basin.

When open pit mining may prove to be an economical and environmentally safe method of oil shale production, I must oppose legislation that could allow open pit mining to proceed at large commercial scales until this is demonstrated first in a prototype program. For this reason, I strongly oppose passage of H.R. 7941 as it presently stands.

I have worked with members of the House Interior Committee as well as the Senate Energy Committee to try to reach a compromise on this bill. I could support this bill if the 1985 date moved back to 1980 to limit off-tract leases only to current leaseholders. With the 1980 date, this legislation would allow off-tract leases, any time in the future, to any of the existing prototype oil shale leases. In future years if it is deemed desirable and safe to proceed with more off-tract leases to permit more open pit mining, the provisions of this legislation could be extended.

OTHER NEEDED CONSIDERATIONS

After the introduction of my bill, S. 2858, and after Energy Committee hearings, several minor issues were brought up to improve this bill. These issues pertain to fair market value of the land, to the applicability of existing environmental legislation, and to the method of payments for the perspective leases.

If H.R. 7941 is brought to the Senate floor and amended to change the 1985 date back to 1980, I will add legislative history to explain the intent of the Congress in these matters.

First, I believe the Congress should reassert the applicability of the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969. Prior to the issuance of leases provided by this legislation, the Secretary of the Interior, in consultation with the Governor of the affected State, should review and evaluate all reasonable alternative oil shale waste disposal, management, or other use methods and locations, and all reasonable options for the siting of other facilities pursuant to the Federal Land Policy and Management Act and the National Environmental Policy Act.

Second, the terms of the lease for off-tract lands should include provisions for the advanced payment of royalties. Under existing laws, the payments made for oil shale leases are shared with the affected States. The State of Colorado's oil shale trust fund uses these revenues to help communities support the necessary public investments to support the population and economic growth caused by rapid energy development.

The State has a problem in acquiring sufficient revenues to help communities in advance of this rapid development. Therefore, the terms of these off-tract leases should include provisions for the companies to make their annual payments in advance. These advance payments, of course, would substitute for the annual payments for a later period of years.

Third, any leases made for off-tract lands should include in their value any oil shale resources which are rendered less productive as a result of the surface storage of overburden or waste materials from adjacent operations. Thus, in determining such fair market value, the Secretary of the Interior should at a minimum take into account the surface value of the land and the value of uses foregone or rendered more difficult as a result of disposal.

When I introduced S. 2858 earlier this year, I urged my colleagues to exercise all speed in passing this bill. This speed appeared to be necessary at the time because one company was in immediate need of off-tract lands adjacent to a prototype lease.

This company was then engaged in a demonstration of the modified in-situ process. However, the company wished to maintain the option of shifting to the open-pit mining technique in the future. Were the company to switch to open-pit mining technique in the future, it would need to locate its above-ground retorting facilities off the existing tract. If the facilities had to be located on the existing tract, they would have to be dismantled and moved off tract at a later date in order to allow open-pit mining.

Thus, the intent of S. 2858 was to allow the immediate sale of an off-tract lease to provide for above-ground processing facilities and, of course, to provide for off-tract overburden storage area in the event the company chose the open-pit technique at a later date.

Since the introduction of my legislation, this company has successfully negotiated an agreement with the State of Colorado to provide an off-tract site adjacent to its existing lease. The company will purchase other lands elsewhere in Colorado having high value for wildlife to swap with the State's lands adjacent to their present oil shale lease.

This site is only a few hundred acres and is suitable for the above-ground processing retorts associated with the existing planned level of activity at the site. Thus, the company can design and locate its above-ground retorts off its adjacent tract without needing a Federal lease for off-tract lands.

I believe there is still a need to pass this legislation to provide off-tract leasing. However, the need is not so urgent at this time that the Senate should consider legislation which does not fully protect Colorado from potential harm in the future. Thus, if agreement cannot be reached to modify the 1985 provisions of H.R. 7941, I believe the Senate should wait until next year to consider this legislation with more time for deliberation on these matters.

SENATOR WARREN G. MAGNUSON

Mr. ROBERT C. BYRD. Mr. President, now finishing his sixth full term, Senator MAGNUSON—or "MAGGIE," as his constituents and colleagues know him—has served in the Senate since 1944. Before that time, he was a Member of the House of Representatives. During his years of service to his State and to the Nation, he has compiled a record of accomplishments that is long, impressive, and far reaching. He has been a leader in a variety of fields—health, education, consumer protection, the environment, and employment—all of which have significant impact upon the everyday lives of the American people.

Throughout his career, Senator MAGNUSON—known in many circles as "Mr. Health"—has been one of the strongest congressional advocates of medical research and assistance. In his first term in Congress, he cosponsored a bill to create the National Cancer Institute. As a freshman Senator, he introduced a bill to create the National Science Foundation, and the first medicare bill. He also authored legislation which established the National Health Services Corps, which recruits and assigns health professionals to serve in medically underserved areas.

During his 11 years as chairman of the Appropriations Subcommittee responsible for health and social programs, Senator MAGNUSON was able to champion his longstanding interest in the health and well-being of the American people.

Another of MAGGIE's hallmarks has been his concern for consumers. As chairman of the Senate Commerce Committee for 23 years, his efforts to protect consumers are legendary. He is the author of more consumer protection legislation than any other Member of the Senate.

Senator MAGNUSON's career is filled with numerous other examples of his active involvement in issues of national and international importance. It has been an honor to work with "MAGGIE."

SENATOR DONALD STEWART

Mr. ROBERT C. BYRD. Mr. President, DONALD W. STEWART's service in the Senate has been a brief 2 years. I prefer not to measure that service so much in time as I do in DON's hard work and the resulting accomplishments for the people of Alabama and his Senate colleagues.

When DON came into office, one of his first concerns was adequate health care in rural areas of Alabama. He maintained that Alabama could best decide how to combat Alabama's problems. Today, the new Office of Rural Health Affairs in Alabama is not only helping rural communities throughout the State, but is serving as a model for the rest of the country.

Working within his committee assignments on the Agriculture, Small Business, and Banking Committees, DON STEWART has gone to task to save the small businessmen in this country, the family farmers in the State of Alabama. He has fought the interest rate policies of the Federal Reserve Board that he believes are most damaging to the farmers and small businessmen.

Working with the chairman of the Senate Agriculture Committee, DONALD helped to develop the legislation establishing a national alcohol fuels program. The program will help farmers and consumers better manage the energy crisis and supply shortages. It will bring a new industry to farmers and small businessmen.

In today's times, we do not need another politician criticizing the shape of the country. We need someone who jumps in with his sleeves rolled up and begins working toward solutions. DON STEWART came to the Senate working, and made his positive presence felt by all of us. I thank Senator STEWART for his service to this body and to the people of Alabama.

SENATOR GEORGE McGOVERN

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from South Dakota, GEORGE McGOVERN, is a man who has devoted most of his adult life to public service and to the Democratic Party. Throughout these years, he has displayed the kind of public-spirited dedication and leadership which earned him his party's highest accolade in 1972, when he was nominated for the Office of the President of the United States.

These qualities—dedication and leadership—have also been the hallmark of GEORGE McGOVERN's service in the U.S. Senate. For 18 years he has dedicated himself and led the way to the development of sounder programs in agriculture, energy, and foreign policy.

Indeed no man has worked harder to make the programs in these areas more responsive to the Nation's needs and requirements. Take, for example, Senator McGOVERN's pioneering work in the field of hunger and nutrition. Because of the 1968 McGovern resolution, the Senate established the Select Committee on Nutrition and Human Needs. This committee, in turn, has made an enormous contribution in focusing public attention on this Nation's nutritional requirements.

For this and for so many other contributions, this country owes GEORGE McGOVERN a deep debt of gratitude—and a lot more. In particular it owes him a debt of gratitude for never hesitating to take an unpopular position and to stand up for his convictions.

As evidence of these fine attributes, if any be needed, one has only to point to Senator McGOVERN's early but prescient opposition to our military involvement in Vietnam. As a result of this and so many other issues, his courage and foresight are recognized as legendary.

I commend Senator McGOVERN for his service to the Senate and to the Nation.

SENATOR FRANK CHURCH

Mr. ROBERT C. BYRD. Mr. President, Senator FRANK CHURCH has ably served the Senate and the Nation for 24 years.

As an especially effective Member of this body, as chairman of the Foreign Relations Committee and as a knowledgeable and articulate contributor to a wide range of public issues, FRANK CHURCH has been an esteemed colleague and a close friend.

Senator CHURCH was elected to the Senate at the age of 32, and shortly after that, he quickly earned his repuation as a man of integrity, intelligence and courage. Just as quickly, he earned his reputation as one of the most competent and effective legislators in the Senate—for his own State of Idaho, for the protection of the elderly, and for his contributions in the foreign policy area.

In the 96th Congress, I know that Senator CHURCH is especially proud of two accomplishments: First, his bill to establish the River of No Return Wilderness Center in central Idaho; and second, his sponsorship of the Reclamation Reform Act of 1979. These are the kinds of legisiative initiatives on which FRANK CHURCH has taken the lead, not only for the benefit of Idaho but for the benefit of the Nation as a whole.

The elderly have been one of Senator CHURCH's special interests over the years. And as many know, he has often referred to his service as chairman of the Senate Aging Committee as "perhaps the most satisfying of my Senate career." This is understandable, for his contributions to the needs and well-being of the Nation's senior citizens have been many indeed.

Senator CHURCH is probably best known to the country as the chairman of the Foreign Relations Committee. Here his leadership has proved crucial on numerous matters. To cite just one example: Following the decision to recognize the People's Republic of China, the Foreign Relations Committee, under FRANK CHURCH's direction, approved sound and sensible legislation to assure continued friendly relations with the people of Taiwan. The Senate as a whole adopted this legislation by the overwhelming vote of 90 to 6.

In all of these areas, it has been my special pleasure to work with Senator CHURCH. He has been an extremely effective member of the Senate leadership team, and he has contributed greatly to the creativity and drive of the Senate itself. For all of these reasons—and a lot more—I will greatly miss my esteemed colleague and close friend.

SENATOR BIRCH BAYH

Mr. ROBERT C. BYRD. Mr. President, when BIRCH BAYH was sworn in as a Senator from Indiana back in 1963, practically no one in the country had ever heard of "gasohol." Now, as Senator BAYH prepares to leave this body, gasohol is known to one and all as an American alternative to imported oil. This is largely due to the efforts of Senator BAYH.

In his 18-year career in the U.S. Senate, BIRCH BAYH has brought vitality, imagination, and determination to his duties.

As chairman of the Transportation Subcommittee of the Committee on Appropriations, Senator BAYH was involved with the operation of the highway trust fund. The interstate highway system, the main beneficiary of the fund, has been substantially completed in the past few years under the stewardship of Senator BAYH. An amendment sponsored by BIRCH BAYH to Surface Transportation Assistance Act of 1978, created the National Alcohol Fuels Commission.

In addition, Senator BAYH has chaired the Subcommittee on the Constitution of the Judiciary Committee, which considered and reported the equal rights amendment, and its extension, passed by the Senate. Senator BAYH is regarded as a sound student of the Constitution—knowledge which has served him well in this body.

As chairman of the Select Committee on Intelligence, BIRCH BAYH sought to maintain a strong and effective intelligence establishment, but insisted that such a network not interfere with the constitutional rights of the citizens of this country. While this kind of balance has been difficult to achieve, the effort is absolutely necessary in order to preserve our free society.

Senator BAYH has taken on difficult tasks during his service to Indiana and the United States. He has not flinched or retreated from any legislative battle. His perseverance and commitment will be sorely missed.

SENATOR JOHN CULVER

Mr. ROBERT C. BYRD. Mr. President, Andrew Jackson said, "One man with courage makes a majority." Senator JOHN CULVER has made a valuable contribution during the 6 years he has represented the people of Iowa.

JOHN CULVER has been a leader as a member of the Committee on Armed Services. He has consistently called attention to the need for enhanced U.S. military readiness. His foresight was evident in the spring of 1975 when the Senate approved his amendment requiring an annual report on readiness, which became permanent law in 1977.

He has urged greater coordination within NATO. His proposals have helped form a basis for NATO's long-term defense program.

In addition to his vigorous leadership on the readiness issue, as chairman of the Armed Services Committee's Subcommittee on Research and Development, the Senator from Iowa has pressed the Pentagon to emphasize less complex equipment and pay greater attention to built-in reliability. He has stressed the importance of maintaining the readiness of existing equipment.

JOHN CULVER's commonsense approach to our military needs has made him an exceptionally valuable member of the Armed Services Committee.

In addition to serving on Armed Services, Senator CULVER has also been a member of the Committees on the Environment and Public Works, on the Judiciary, and on Small Business.

He has been a friend of the family farmer. He coauthored the 1977 farm bill amendment to prohibit large nonfarm corporations and trusts from receiving payments under commodities programs.

Senator CULVER has consistently made his views known, even when they were unpopular. He is owed a debt of gratitude for the integrity and courage he has demonstrated in his service to the people of Iowa and the Nation.

SENATOR JOHN DURKIN

Mr. ROBERT C. BYRD. Mr. President, during his 6 years in office, Senator DURKIN built an impressive record of legislative initiatives and achievements.

The development of a national energy policy was the predominant domestic issue of this Congress. As a member of the Energy and Natural Resources Committee, JOHN DURKIN contributed a great deal to Congress' efforts to reduce U.S. dependence on foreign oil. He has long been an advocate of alternative energy sources and greater energy efficiency in homes, business, and industry.

Senator DURKIN authored and guided to passage the small-scale hydroelectric feasibility and construction loan program. The program will provide financial assistance to accelerate the conversion of dams to small-scale hydroelectric powerplants: A clean, efficient source of energy which will help both New Hampshire and other States gain greater energy self-sufficiency.

JOHN DURKIN introduced the bill—now law—creating the solar bank, which will provide low-interest loans to consumers to purchase cost-saving solar energy systems. The program will also create many new jobs.

In energy and in other areas, Senator DURKIN has ably served his State and the Nation. He has made considerable and long-lasting contributions in the field of transportation. As a member of the Veterans' Affairs Committee and the Appropriations Subcommittee responsible for veterans' programs, he has sought adequate funding for disabled and disadvantaged veterans. He has worked hard for legislation to enhance and stabilize the lives of our senior citizens.

Senator JOHN A. DURKIN has readily come forward to address the major issues facing this country. His active role in helping to formulate Federal policies and programs will have lasting benefits. His positive contributions will be missed in the Senate.

THE CRIPPLED GIANT

Mr. MOYNIHAN. Mr. President, the New York Daily News has long been marked by its talent for reporting the news with a special verve, precision, and conciseness. These traits are abundantly in evidence in a seven-part series on our military that the Daily News published last month.

Anyone who reads this series, entitled "The Crippled Giant," will be treated to a first-rate collection of data, analysis, and reports from our military personnel around the world.

Mr. President, the four Daily News reporters, all military veterans, who produced this series deserve to be congratulated. I give you their names: Joseph Volz, Richard Edmonds, Bob Herbert, and Alton Slagle. They are all true professionals, and they have done much to enhance the fine reputation of the Daily News.

Michael J. O'Neill, the editor and executive vice president of the Daily News, is to be commended for encouraging his staff to produce a high quality series like this one.

I ask unanimous consent that "The Crippled Giant" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Nov. 9, 1980]

THE CRIPPLED GIANT: READY FOR WAR? HELL, NO!

(By Joseph Volz)

The once mighty U.S. military machine that crushed Germany and Japan in World War II is today a crippled giant.

Its planes, its ships, its guns, its tanks still look awesome, but they rest on a fragile base that is dangerously weak in men, money and materiel.

This became all too apparent to a team of four Daily News reporters who spent two months visiting bases from Pearl Harbor to Fort Bragg, from the bleak missile sites of the Dakotas to the sands of Fort Bliss, asking one basic question: "Are we ready for war, any war?"

The answer, from hundreds of officers and enlisted men who will do the fighting if conflict comes, was almost unanimous: "Hell, no!"

Some samples of our wheezing military machine:

Three F–15 Eagles, the world's best fighter plane, sit on the tarmac at Luke (Ariz.) Air Force Base, looking sleek and lethal. A visitor notices that they are tied down by ropes? Why? Because they have been so stripped of engines and parts to supply other planes that they are only hollow shells, likely to blow away in the desert wind.

The aircraft carriers *Nimitz* and *Eisenhower* make a secret rendezvous in mid-Atlantic. The *Eisenhower*, heading to the Mideast, does not have enough Phoenix missiles for its F–14 Tomcats. So the *Nimitz*, returning from its Mideast station, stops to transfer its weapons to the *Ike*.

Army troops in training at Ft. Benning, Ga., gather eagerly once a week to watch a cadre fire a TOW missile, the infantry's major anti-tank weapon. That's as close as they come. The TOW costs too much ($3,200 unarmed, $12,000 with warhead) to let everybody train with it.

These are, of course, only selected symptoms of the military muscular dystrophy afflicting our armed forces. Today U.S. defense outlays account for almost a third of the entire federal budget and are rising toward $200 billion a year.

Yet estimates are that in its present state of readiness the Air Force could fight only seven days before running into serious breakdowns from a lack of maintenance and spare parts. A recent Congressional study showed that an F–4 Phantom in flight is likely to suffer a parts failure every 24 minutes.

Langley Air Force Base in Virginia, a major F–15 installation, failed a key readiness test last month when it was unable to get enough planes operational. The result was a drastic shakeup in command.

Even now the Navy has trouble getting some ships to sea without borrowing key personnel from other vessels. At Pearl Harbor, the destroyer USS Strauss passed an inspection only by borrowing two chief petty officers from another ship. The deception came apart when the same inspectors ran across the same two petty officers on their own vessel.

As for the Army, it is generally acknowledged that of the 10 combat divisions stationed in the U.S., only six are in any kind of shape to fight. At Fort Ord, Calif., home of the sad-sack 7th Infantry Division, a sad-eyed captain said, "We don't even have the equipment to get across a river if it's over our heads."

Some of these Army divisions (by far the best is the 82d Airborne) are part of the U.S. Rapid Deployment Joint Task Force that was mobilized last spring to intervene, if necessary, in the Persian Gulf area. Rapid deployment looks good on paper, but is hampered by the questionable state of readiness of troops and support aircraft. Its biggest problem: a critical shortage of air transport to get it to the scene.

In a recent interview, Army Gen. Volney F. Warner said that for the next few years the U.S. might run the risk of losing the 82d Airborne (18,000 men) and a special Marine brigade (16,000 men) of the RDF in any test with superior Soviet forces.

"That's the kind of thing we ought to think about," Warner said.

The conventional wisdom has been that even though everything else was falling apart, at least our nuclear deterrent force, the "triad" of land and sea-based missiles and B-52 bombers, was in good shape.

One wonders.

As everybody knows, the B-52 is older than some of the pilots who fly it. One pilot told a News reporter: "On every single flight things break down—a radar set, the automatic pilot, the terrain avoidance system for flying at low altitude."

Those 1,000 nuclear-tipped Minutemen missiles planted in the Plains states are largely untested, except on the practice range. And they have become sitting ducks to the increasingly more accurate, and more powerful, Soviet missiles. Only the third part of the triad, the 656 missiles carried on submarines, remain beyond the reach of Russian anti-submarine warfare techniques, for now.

Relaxing in his shirt sleeves aboard his Air Force Jet Star not long ago, Defense Secretary Harold Brown insisted that the "important question" is not how well the military performs in peacetime readiness tests, but how well it will acquit itself in combat. Parts and personnel scarcities, Brown contends, will be rapidly overcome if the nation is actually at war.

"Are we able to go to war, if necessary, and fight effectively?" asked Brown. "Let me assure you, the answer to that question is yes."

In the labyrinths of the Pentagon, where 30,000 generals, colonels, sergeants and secretaries struggle to keep the creaking war machine running, News reporters were told that only professional military planners are qualified to judge if the U.S. is ready for battle.

The reporters therefore went to the three uniformed leaders of the Army, Navy and Air Force. All three rejected repeated requests for interviews, although two—The Army's Gen. Edward Meyer and the Air Force's Gen. Lew Allen—had indicated they would be available.

But that was before Secretary Brown gave a speech at El Paso, Tex., stoutly defending U.S. readiness, and later chasitised a two-star Army general who wrote a contrary view.

So what is the answer?

Privately, key officers in all branches of service admit to many problems. Critics on Capitol Hill are convinced of it. And nowhere is the distress more obvious than among those in the field; the Air Force crew chief who keeps the F-15 Eagle flying—some of the time; the Navy commander who is paid $25,000 a year to operate a $300 million destroyer, if he can muster a crew; above all the wives of enlisted men who must survive on food stamps and bring up their families in squalid, second-class housing.

The lack of parts plagues everybody. One infantry supply officer likes to call himself "Mr. Goodwrench," but the sad fact is that it may sometimes be difficult to find a wrench.

There is such widespread "borrowing" of parts that an entire vocabulary has sprung up. In the Air Force, F-15 cannibalizing is called "K-balling." When the Navy strips down a new F-14 fighter, the pillaged plane is called the "rob plane." And the Army junkyard, where mechanics go for jeep parts first, is called the "can point," short for "cannibalization point."

Far more critical is the manpower drain. The Navy, hardest hit, is short some 23,000 petty officers—the middle management people—who actually run the ships and train the new crewmen. The big reason for the exodus: poor pay even with a just-passed 11.7% raise and an increase in housing allowances.

Adm. Thomas Hayward, chief of naval operations: "A janitor at a large Midwest automobile plant earns the same salary as a highly-skilled chief petty officer with 17 years experience."

Because the chiefs are not available to run the engine rooms, the radar and the sonar, ships flunk readiness tests and are delayed in port. Adm. James Watkins, vice chief of naval operations, says that in the past year alone the "number of ships reported marginally combat-ready has doubled and the number reported not combat-ready has quadrupled."

In the Air Force, combat-experienced pilots are so few that the cynical joke around the nation's air bases is: "Delta is more combat-ready than we are."

Pilots are leaving in staggering numbers for the plush commercial airlane salaries. As of March 6, 1980, the loss of pilots in the key category of 6 to 11 years experience was a whopping 71% a year.

Of course, there are some encouraging factors. One myth that should be exploded is that today's soldiers, sailors and airmen are not as bright or as dedicated as those who served in the draftee days which ended seven years ago.

Granted, this is a matter of opinion, but the News team unanimously agreed that the troops interviewed were capable and had a good attitude even if pay remains miserable.

There is no question, however, that today's military suffers from some of the same personnel problems that plague civilian business or industry.

One is that today's high school graduates often don't read very well. At the U.S. Naval Training Center in San Diego, for example, Lt. Diane Nibbs doesn't have time for anything related to naval matters.

She runs a reading center. Nibbs says that 143 of the recruits who arrived at boot camp in August could not read above a sixth-grade level; 223 could not read above an eighth-grade level.

The problem is even worse in the Army. Maj. Lou Kresge said his goal at the Armor School at Fort Knox, Ky., was "writing a manual for the fifth-grade level with lots of pictures and little words."

Though the reading level is low, does it really make a difference in how a serviceman does his job?

Capt. Kevin Huddy, an infantry company commander: "I don't think reading and writing affects a soldier's ability to be a rifleman." There is a big "but," though.

"But if you have a soldier who can't read being taught by a sergeant who doesn't have much experience, it's a problem."

The best way to find out why experienced men—and even the not-so-experienced—are leaving the service is to talk to the wives.

Arlene Nadeau, a Navy wife and a Navy daughter, invited a visitor to her modest San Diego apartment. Before long she was scribbling her monthly household budget on a piece of cardboard with a Navy blue marking pencil.

"We get $580 a month, including quarters' allowance, and almost half of it goes for rent," she said. Nadeau, whose husband is getting out to go to forestry school, is one of thousands of military wives eligible for food stamps, which the government supplies to families earning less than the poverty level of $7,150 per year.

How and why did the greatest military machine the world had ever seen decline to this sorry state in only 35 years? It is unfair to blame the Carter administration, which did not arrive in Washington until 1977, for the neglect of decades. Yet it is just as simplistic for the administration to make it appear that this country possesses an armed force of overpowering might.

It is extremely unlikely that any President could substantially improve the quality of the military in four years. It takes longer than that to design new weapons, to recruit the forces needed, to persuade Congress to spend the money.

And even then, how does the Defense Department make sure that the money it does get from Congress is not wasted? The examples of waste are legion; painters painting parts of the new aircraft carrier Eisenhower 10 times . . . the Navy paying more than $1 for an eyebolt that can be bought for 15 cents at a hardware store . . . the Army stockpiling a 30-year supply of a helicopter screw that will be on hand a decade after the chopper is in the junkyard.

And, on top of that, says Rep. Peter Peyser (D-Westchester), the Army tried to retool old screws rather than dip into the stockpile.

There are things that military leaders cannot be completely blamed for—such as manufacturers not meeting specifications, or overcharging. Every major weapons system in recent times (like many civilian projects) has cost substantially more than the companies estimated.

The newest project, the 200 MX mobile intercontinental missiles, which will be hidden in 4,600 "garages," will be the most expensive military or civilian project ever undertaken. (Pentagon planners like to argue that inflation is the problem and that the $34 billion to be spent over a period of 10 years really isn't that much).

But the questions are: Do we really need this missile which if it is ever built, will cost a lot more than $34 billion? And will it do what we expect it to do?

These problems are so complicated, and take so long to resolve, that no one man, neither the President nor the secretary of defense, has much control over the outcome.

Often, presidents get much less than their predecessors bargained for. The giant C-5A transport, built by Lockheed, is a classic case. That's the plane that cost $2 billion more than projected, although the Pentagon didn't bother to tell Congress until an Air Force cost expert, A. Ernest Fitzgerald told Sen. William Proxmire (D-Wisc.) and got fired for, as he put it, "committing truth."

The C-5A was supposed to land on dirt runways, for example, so that it could fly the troops or tanks right to the battlefield.

The Air Force discovered the plane could not do that. It also has been plagued by wing cracks since the beginning, and flight time has been cut back to preserve the giant plane. These 70 planes and 234 C-141s will fly equipment and troops to the Persian Gulf or anywhere else in a hurry. But because the C-5A cost more than expected, there are fewer of them.

Contending that the best way to avoid procurement fiascos is more thorough planning, the House Armed Services Committee has formed a "Readiness Panel" headed by Rep. Bob Carr (D-Mich.), who is going to try to make sense out of what Pentagon planners say.

Carr called in the top planners recently, but they were hesitant to commit themselves.

Maj. Gen William Campbell, director of Air Force programs, exasperated a hawkish committee member Rep. Marjorie Holt

(R-Md.), who said at one point: "Yes or No. Are we ready?"

"We are ready in some of our plans and some of our missions," the general said.

"We are not ready and you know we are not and everybody else knows we are not," Holt said.

This country's ability to conduct future wars five or 10 years from now depends on what the Pentagon planners are doing right now. And, of course, it also depends on how much the public is willing to pay for defense.

Building huge new sophisticated weapons, paying competitive salaries, medical benefits and housing allowances to the troops and providing the necessary spare parts and bases will be breathtakingly expensive.

Fortunately, there are some bright spots. The MX missile and the Army's XM1 tank are formidable new weapons. Even the ancient B–52 will become a more viable weapon in a few years when it is equipped with cruise missiles. Belatedly, too, the military is beginning to authorize more money for training and spare parts.

And Americans can still take pride in the fact that U.S. technology remains first-rate, as the Iraqi-Iran War is demonstrating. The Mideast battle has turned into a virtual testing ground for U.S. and Soviet weapons—particularly in the air.

U.S.-made F–4s and F–14s, flown sparingly by the Iranians, are doing a superb job against the Soviet-equipped Iraqi Air Force. The Pentagon also likes to argue that the U.S. and NATO troops in Germany are far more ready for combat than their counterpart in this country. Yet the U.S. and its NATO allies still trail the Soviets in sheer numbers of weapons save for warheads and aircraft (chart). And the Soviets are rapidly catching up in almost every area of weapons development.

The Defense Boss Demurs

(By Joseph Volz)

As Defense Secretary Harold Brown flew back to the Pentagon recently after telling the El Paso Rotary Club that the military was in the very best of hands, he couldn't help but wonder out loud why so many people—even his generals and admirals—were so concerned about the state of combat readiness.

Standing in the cramped aisle of his tiny Lockheed Jetstar (eight passengers, crew of four), Brown argued that the military chiefs "are pushing for more money, more resources by saying everything is fine."

No one can accuse the top uniformed leaders of saying everything is fine. General Edward Meyer, Army chief of staff, for example, claims he is the head of a "hollow Army."

Brown tried to interpret what Meyer means.

"Meyer's saying, bring back some noncommissioned officers and then the charts will show we're ready," said Brown. Meyer was not available to say what he was saying.

Meyer has 16 divisions under his command—10 of those in the United States. Partly because of massive NCO shortages, but also because of antiquated equipment and lack of parts, there are those who say the public is really being fooled if it thinks 16 divisions could go off to war tomorrow—or even next month.

Brown was asked if, really, the Army doesn't have only about 12 prepared divisions.

"Your idea is not so bad, provided you describe the Soviet Army as 50 divisions (of 173 divisions)."

Brown argued that not only is the U.S. ready to fight but that there are people who overestimate the ability of the Soviets to get their huge numbers of troops, tanks, planes and subs mobilized.

Many Soviet divisions are understrength, said Brown, who added that the Soviets have trouble keeping skilled personnel in uniform, too.

He conceded that "Soviet ground forces equipment is fully competitive with the U.S. but we have a big lead in data processing, which has given us a good head start on precision guided munitions. For example, we've built small highly accurate long-range cruise missiles and they don't have them."

He also contended that the U.S. has anti-submarine warfare advantages once again because of "data processing skills that the Soviets lag on."

Brown is a former wunderkind who graduated at age 15 from the Bronx High School of Science with a 99.5 average. After receiving a doctorate in physics from Columbia at 23, he went to work at the famed Livermore Laboratory in California, becoming a protege of Dr. Edward Teller, developer of the hydrogen bomb.

Most of Brown's adult life has been spent in the defense field. Yet, when asked to comment on the doubts of the uniformed leaders, he sounds more like he majored in diplomacy than physics.

Asked if the U.S. military suffers "serious deficiencies," as General Lew Allen, Air Force chief of Staff contends, Brown replied: "What Allen says is legitimate. The Soviets are getting more capable. That is not saying we're not able to fight."

[From the New York Daily News, Nov. 10, 1980]

The Crippled Giant: The 7-Day Air Force

(By Richard Edmonds)

Holloman Air Force Base, N.M.—A desert sunrise warmed the dull gray finish of Capt. Fred Richardson's fighter as the lanky instructor pilot from Iowa climbed into the cockpit.

His F–15 Eagle, the world's most formidable combat aircraft, was parked in ramp space assigned to the 7th Tactical Fighter Squadron, a key 25-plane component of America's Rapid Deployment Force. The Eagle's big, boxy air scoops and sandpaper-textured, radar absorbent paint gave the bird a hulk-like appearance.

A gang of ground support troops, most of them kids just out of high school led by a 19-year-old blond—and female—crew chief wiped the dew off the jet's canopy and topped its fuel tanks. The girl in charge of maintaining the F–15 had her responsibilities thrust upon her after just eight weeks in formal tech school and one year in the field as a mechanic. She makes about $125 a week.

In the cockpit, Richardson conducted a preflight dialog with the Eagle. His fingers raced over computer keyboards, tuning up the $20 million weapon. For the benefit of his backseat rider in the F–15B, a two-seat trainer, he recited the checklist over the intercom.

"Missiles safe, guns safe, arm ejection seat," he intoned to his strapped-in observer from The News. "Doesn't that stuff sound better than a stewardess telling you to keep your seatback fully upright?

"I'll never fly one of those airline buses. I'm an Eagle driver."

He tapped commands into the radar set that would enable him to find, track and kill an unseen enemy in the face of predicted, overwhelming numerical odds. A built-in computer served to test all the other equipment abroad.

Richardson's panel indicators all lit up green. That meant the Eagle stood ready for war games over New Mexico, and Richardson would get his sortie—strictly defined as one airplane taking off and landing. The sortie is the fundamental building block of Air Force readiness, and the yardstick by which it is measured.

Yet the profound and dedicated effort of such men as Richardson and the men and women who support him on the ground is no longer enough. Fewer and fewer sorties are being flown each day. While few commanders doubt that the Air Force could launch 80 percent of it fighters in an emergency, interviews reveal that it could not sustain itself in battle for more than seven days. It could not even begin to go the distance.

An F–15 pilot assigned to the "Deadly Jesters," the 461st Tactical Fighter Squadron, at Luke Air Force Base, Ariz., said: "We don't have enough missiles. I don't think we could last more than three days in Europe. I've been there. We have planes on runway alert in Germany with no armament on them. They'd have to ram the enemy."

The Air Force does not have enough armament. It is also undermanned.

Since 1976, the yearly loss of experienced pilots in the critical 6-to-11-year's service group has risen from 49 percent to 71 percent. Experienced crewmen are leaving, too, for private industry and much higher pay.

More critical than general flying experience is combat flying experience. Now, five years after Vietnam, only 14 percent of Tactical Air Command pilots have it. In an air war, most pilot deaths occur within the first 10 sorties.

That fact, and that fact alone, motivated Richardson to perform at his best that day at Holloman when he "busted off" the runway leading a flight of four Eagles into a mock dogfight.

Streaking to 18,000 feet at an astonishing rate of climb, he checked on his wingman, Capt. Chris Tucker, who was flying close enough to use hand signals. No problems so far. To the right, now flying level at just under the speed of sound, were the other F–15s, piloted by Maj. Jim Neu and Maj. Bob Fogelsong. Except for the flight leader, the others flew standard single-seat planes. They flew with their heads turned 90 degrees, their eyes fixed on Richardson's wingtips.

This was the ultimate in combat flying, the fighting wing. "Watch how we communicate," Richardson said over the intercom. He then stomped on a rudder pedal and the fighter lurched violently to the right. The four-ship formation immediately tightened in, wingtip over wingtip. "We are just one enemy radar target now," Richardson said, instead of four."

A week before this sortie, Maj. Gen. John Chain, chief of Air Force operations and readiness, told The News:

"If I had money I could fix everything. I came into the Air Force in 1956. Up to the end of the Vietnam War, the Air Force portion of the federal budget had remained constant between $52 and $57 billion measured in 1980 dollars). Then, after the war and through the middle '70s, we took a 35 percent cut in our budget."

Speaking from Chain's basement bunker-office in the Pentagon, an Air Force spokesman added: "Spending has increased this year. But at the present rate we will not have the people and equipment we need until 1987."

Lt. Col. Howard Jones, a career fighter pilot, said: "Our ability to react is almost nil. It is valid to see the situation in those terms."

At Luke Air Force Base, Gen. William Gorton, base commander, said: "Every eight or nine weeks the Soviets produce as many brand new, very capable fighter planes as I have on this base."

Col. John J. Staud deputy commander for maintenance, 338th Tactical Fighter Wing, Hill Air Force Base, Utah, said: "We have made do with less for so long. We have tried to 'work smarter,' then we started working our people harder."

Staud continued: "When you work a

smart person harder, he starts stealing parts from other aircraft in order to generate sorties. That is cannibalization. You end up with twice the amount of work, and the maintenance chain breaks. It's insidious."

Luke is the home of the 555th Tactical Fighter Squadron, also known as 'The Triple Nickle." The unit distinguished itself with 39 Mig kills in Vietnam and was one of the first to receive Eagles as replacements for banged-up, wrinkled and cracked F-4 Phantom jets.

The "Nickle's" pilots and maintenance troops are motivated to the extreme. Squadron banners proclaim: "Home of the Biggest Mig Parts Distributor in Southeast Asia." Hand-painted wall murals depict scenes of Migs in flames, with enemy pilots nailed in the cross-hairs of a gun camera. A caption reads: "Anything Less is Rubbish."

More ominous than the threat of Migs, was the apparent result of federally misallocated Air Force budget funds. Congress had paid for new airplanes to replace an obsolete fleet of F-4s, but the new F-15s and F-16s were arriving without spare parts, munitions, or adequate pay for the people who fly and maintain them.

Col. Jim Vorhies, a veteran pilot in charge of F-15 maintenance at Luke, said: "The government made up its mind in 1970 to build an airplane that a kid could fix if he had the parts.

"One of the biggest mistakes was making the equipment smart. That led us into the trap of thinking the people who worked on the equipment or used it didn't have to be smart.

We can pull the engine out of an F-15 in 15 minutes and replace it in less than two hours. My kids can walk up to an Eagle and dismantle the entire bird with four simple tools.

"The problem comes when you pull out a line-replaceable unit and there isn't one on the shelf to replace it."

All parts wear out, he said, under conditions that attempt to duplicate combat. The Eagle's twin F-100 engines, built by Pratt & Whitney, have become maintenance nightmares.

The turbofan engine, which also powers the new, lightweight F-16 air-to-ground fighter, is a phenomenal performer—when it works. Pushed to its limits, the engine can self-destruct.

Vorhies, in order to offset the problem, is constantly stripping down engines and examining them for wear. He attempts to rebuild engines before their required time, which is measured in "cycles." A cycle simply is a run-up to full power, then back to idle.

Vorhies' engine shop is spotlessly clean—almost as clean as his empty parts shelves. He reached to the bottom of a nearly depleted small parts bin and came up with a small bolt needed to repair the "hot section" of an F-100 engine.

"This bolt costs $68," he said. "Each." Then he dipped into another bin and came up with a handful of bolts of similar size and shape. "These cost $2 each."

He explained that the cheap bolts were mass produced throughout the jet engine industry. But the exorbitantly priced bolt had to be specially ordered from a "sole-source" contractor. Moreover, the order had to be small because the Air Force is not yet ready to invest funds for the proper amounts of "bench stock"—items always on hand—since the F-15 engine "was still sorting out its parts requirements."

An F-15 pilot at Luke told The News that Vorhies is in great demand in private industry. "He is an engine expert," the pilot said. "He's also obsessed with safety. We had three cannibalized F-15s on the ramp and he ordered them tied down with ropes.

"Of course, I don't think that had to do only with safety. It was to prevent them from being blown away. The planes were missing so many parts, they were just shells," the pilot said.

Gorton, Luke's commander, added: "The cannibalization rate is unacceptable. The engine is absolutely superb, but we've gone through a long period of downtime because of high use rates. I get a little uptight when people say the engine is too complex to maintain. That's too simplistic a response. We've gone around 'canning' everything in sight (to keep it flying). The F-15 is a national asset."

The balance—between flying hours and the amount of downtime devoted to proper maintenance—is easily upset in war. At a peacetime training base such as Luke, signs take a bit longer to show. Nonetheless, when pressure from headquarters is applied to generate sorties, short run gains in productivity (flying hours) are outweighed by spare parts crises sooner or later.

When the Air Force fiscal year started on Oct. 1, the word was out from TAC Headquarters that Commanding Gen. W. L. Creech wanted each fighter plane to fly 25 sorties a month. At the best of bases, the average was 15 to 18, and as low as eight or nine at others.

At Luke, Col. Bob Ruark, commander of three F-15 squadrons, broke the news to Vorhies about the requirement to do more flying. At an informal meeting in Ruark's office, Vorhies protested: "Our heat exchanger problem is producing about 20 broken engines a month. The health of the fleet is at stake."

Ruark, a Vietnam combat pilot of considerable renown, stood firm. Vorhies conceded and promised to "do even more with less." He added: "Look, Bob, I don't have anything to gain from this except frustration. Fly like that and you'll run the fleet into the ground in a matter of weeks."

Nuts and bolts were the furthest thing from instructor-pilot Richardson's mind when his flight of Eagles came off the airborne refueling tanker with 4,000 extra pounds of jet fuel apiece.

As his four Eagles steered to enter airspace reserved for dogfighting, the flight split into two elements. Neu and Fogelsong peeled off to fly against Richardson and Tucker, two on two.

Richardson and Tucker had planned their moves in a pre-dawn skull session. Off the lead Eagle's left wing, Tucker's head was lowered in the cockpit. He took a last glance at the battle maneuvers scribbled on the kneeboard taped to his leg.

Richardson signaled Tucker, then pitched the two-seat Eagle furiously into a mind-boggling dive. "Two-two slice right," he radioed. Tucker's Eagle shoelaced in and out of Richardson's flight path. Both knew that Fogelsong and Neu had already established radar contact, so they attempted to "cross-lock" and confound their opponents' computers.

The knife-stroke turns made the F-15 shudder. The twin-tail fins shuddered, helmeted heads whipped against canopy frames. A reporter's notepads whirled through the cockpit.

Richardson literally flung his plane at the ground when the "enemy" Eagles drew into visual range. Then he grunted against six times the force of gravity in a full-power climb to avoid Fogelson's gun camera. In the zoom, vision grayed out as blood drained from the brain. But Fogelsong stayed on his tail. "I'll tell you right now, you're turning the wrong way," Fogelsong, the winner, radioed.

The engagement lasted five minutes. After the third pass in the aerial jousting lanes, the four Eagles were down to minimum fuel. "Bingo fuel. All players, knock it off," Richardson directed. The formation turned back to Holloman.

At Holloman, Col. Hal Dortch, 49th Tactical Fighter Wing commander, keeps only four F-15s loaded with live air-to-air missiles and shells. These planes are kept ready as part of the Rapid Deployment Force. Most pilots interviewed at four fighter bases were showing their fangs and were eager for a real fight, although cost conceded they would not stand a change against waves of Migs.

"I'll tell you why I'm staying in," said F-15 pilot Stub Henderson. "I want to shoot me an airplane!"

Richardson himself wears a pinky ring inscribed with the words "radar, heat, gun." He is symbolically married to his armament, four radar-guided AIM-7 Sparrows, four heat-seeking, AIM-9 Sidewinders and 940 rounds of high-explosive, incendiary 20 mm gun ammo.

But are there enough missiles, and more important, will the pilots be allowed to fire them?

Lt. Tim McManus, 24, one of the youngest Eagle drivers, doesn't think so: "They're sending us into battle with not enough armament."

Pentagon sources close to the munitions issue confirmed that F-15 squadrons will carry to war only a one and a half days' supply of Mig-killing missiles. And then? Curtains?

Pilots also climb into their cockpit with a set of ground rules known as "Rules of Engagement." In Vietnam, those rules specified that the enemy must be positively identified by sight before firing.

To get around this rigid requirement, the command is experimenting with a simple optical telescopic sight on the F-15. When asked about the gunsight known as "Eagle Eye," Maj. Roger Pierce, a tactics expert at Fighter Weapons School, Nellis Air Force Base, Las Vegas, commented: "It appears ludicrous to me. It's a piece of World War I equipment on a World War III airplane."

Telescope or not, the sighting rule was necessary, argued readiness chief Gen. Chain, to protect our own planes.

Pilots obviously disagree, and nobody has really addressed that problem yet. Then there's the matter of "risk kits"—reserve spare parts kits flown into war zones.

These kits contain enough aircraft parts to fly an F-15 for about seven days. Additional support is planned to arrive in the second airlift wave in under two weeks time.

Question: What happens between weeks one and two?

"Our real support in the battle zone depends, actually, on military sealift, not airlift," said a senior pilot at Holloman. "Only about 5% arrives by air. Ever try to airlift bombs and missiles? It's not very efficient."

Highly placed Pentagon sources also revealed that risk kits themselves are cannibalized routinely. "Hell, I did it all the time when I was a wing commander," said one military executive.

At the Luke Officers Club, an F-15 pilot from the 461st Tactical Fighter Squadron, said: "All this talk about spares and no support! When war comes, I think it will come pretty fast.

"We were deployed to Germany, and they were telling us to expect about 8-to-1 odds in the air—a 'target-rich' environment. I'll fight three against me all day long. But I've also heard that the Russians will throw 20 Migs at each of us. How am I going to last in that meat-grinder.

Off They Go! Our Fighters Can't Answer the Bell

(By Richard Edmonds)

Langley Air Force Base, Va.—This past summer the 1st Tactical Fighter Wing, an elite combat unit stationed just outside the nation's capital, suffered the most devastating blow that can befall a military organization in peacetime: it flunked its operational readiness inspection.

The so-called "First Fighters," assumed to be capable of launching at least 75% of its planes in a scramble, was barely able to get airborne. Within hours after a full alert was ordered, a team of examiners canceled the entire exercise.

In consequence, the commanding officer, Col. Donald Miller, and several of his deputies were relieved and disappeared so totally into the protective military bureaucracy that The News has been unable even to learn their new assignments.

Over the past two months, The News traveled to four other fighter bases in order to find out what happened at Langley. Since all operational readiness inspections are classified, the inspection team report could not be obtained. The wing's pilots were placed off limits to reporters.

Earlier this year, Rep. Jack Edwards (R-Ala.), made a spot check at Langley and found that only 20 of the 1st's planes were fully combat-ready.

Of the 40-odd planes that were not fully capable, 20 were "hangar queens" grounded for repairs in excess of three weeks. Air Force officials told Edwards that probably 80% of the planes could be made ready by using emergency spare parts kits, so-called war reserve spares or "risk kits."

It came out, however, that the commander had looted his war spares. "Hell, I used to do it all the time when I was a wing commander," said one Pentagon officer. "But I was scrupulously honest about it. My superiors knew about it."

By all accounts, the 1st's commanding officer had been handed an almost impossible job. His main responsibility was to keep his command up to combat strength. But he also was charged with training two other fighter wings before their assignment overseas.

In a typical operational readiness inspection, the unit is given simulated intelligence reports that war is near, resulting in a full-readiness alert. Col. Paul F. Rost, commander of the 34th Tactical Fighter Squadron, an F–16 Falcon unit at Hill Air Force Base, Utah, said: "We don't expect to be fighting the war here, so the ORI is an exercise that simulates taking us out of the United States."

He explained that the inspectors first check to see how well a commander can mobilize his unit. "Second," Rost said, "you see how many mission-capable planes you can generate in a given period of hours. Third, you launch your fighters and fly to the battle area, and fourth, the inspection team watches how well you do in air combat. Our training is geared to this year around."

Congressional sources say that the 1st Fighter Wing's commanding officer had attempted to give his superiors the impression that the wing was flying many more missions—or sorties—per month than was actually the case.

"In a smooth-running fighter wing, the average is about 15 sorties per plane. At Langley, they dropped to eight," said a senior officer at Nellis Air Force Base, Nev. Pentagon sources confirmed that figure.

Whether the Air Force brass was aware that the 1st was in the midst of a spare-parts crisis is unclear. They knew beforehand, however, that its pilots were in a poor state of readiness because of the low number of hours flown. In the months leading to the inspection, a special team of combat-training "opponents" was dispatched to Langley from the Fighter Weapons School at Nellis.

Maj. Phil White of the 64th Fighter Weapons Squadron at Nellis, said: "We spent a lot of time at the 1st Fighter Wing." White's pilots, known as "The Aggressors," fly F–5 Tiger jets that resemble Mig 21 and Mig 23 Soviet fighters. Their combat maneuvers are those of Soviet pilots, and they're in great demand.

"We can only fill 25 percent of the requests we get world-wide," White said.

Langley's pilots never got the chance to prove their fighting mettle to the inspection team.

[From the New York Daily News, Nov. 11, 1980]

THE CRIPPLED GIANTS B–52: EAGLE OR TURKEY?

(By Bob Herbert and Alton Slagle)

ELLSWORTH AIR FORCE BASE, S.D.—The runway stretches east to west along the flat, windy plain, a wide ribbon of concrete nearly three miles long and more than a quarter century old. It was built for the B–36, and reinforced for the B–52, the monstrous old bomber of the United States' Strategic Air Force. Besides ourselves, standing on the deck of the control tower, only three people on base know there is about to be a full-scale alert.

Jets dot the asphalt taxiways and concrete parking areas where the big planes stand ready. Two miles away, in a low brick building, always-ready crews await the claxon, the loud signal that will send them to those planes and, in a real emergency, will head the big bombers and their awesome nuclear load out, hopefully, to destroy the enemy.

Suddenly there is the horn, sounding, in the words of Air Force Maj. Robert Glymph, like a frustrated, over-sexed frog. The six-man crews scramble, piling into pickups parked behind their building. Red lights flash and regular base traffic halts. Emergency vehicles—fire trucks, ambulances—appear on the taxiways in the alert area. Bursts of smoke rise from the big bombers as explosive cartridges fire, starting their eight jet engines in two rather than the normal eight minutes. In an actual emergency, enemy missiles would take only 30 minutes to reach our Minutemen silos dug into the Black Hills rising in the distance; minutes count.

An EC–135 command plane, a military version of the Boeing 707, pulls out, followed by another. KC–135 tanker planes take their place in line. With these, the B–52s could, if needed, extend their nearly 10,000-mile range through air-to-air refueling and fly, said one pilot, "as long as the crew can stand it."

Slowly, the B–52s begin to roll out, two, now three, now four, five They look ominous with their camouflage paint, their drooping wings, 185 feet tip to tip, their tails rising in the air taller than a four-story building. In the old days, these goliaths would have taken off at 12-second intervals, streaking into the sky in a fearsome display of military might. Now, to save fuel, they merely roll to the end of the runway and return to their parking areas along aging taxiways that crumble and chip beneath their half-million pounds.

But today something is wrong. Only three bombers make the runway. The alert is scrubbed; an engine failed to start on one plane, and its pilot, now out of the exercise, halted the rollout when it appeared—incorrectly as it turned out—that two other bombers were on a ground collision course.

The bombers are old. Here at Ellsworth are the latest versions, the H-model, and they were delivered in 1962. The B–52A first flew in 1954. It isn't unusual to find crewmen younger than the planes they fly, and trouble is no stranger.

"We curse this old beast every flight because it sits there and breaks down around us," says Capt. Robert Ball, a 30-year-old crew chief from Stony Brook, L.I. He is standing beneath the nose of one of the big planes he takes aloft about four times a month on training exercises. "Every single flight, we'll have things break down. The terrain avoidance system for flying at low altitude works about one time out of 10." The B–52 was designed to fly at altitudes above 50,000 feet, where it is most efficient; now, to avoid radar detection and enemy fighters, it flies the treetops. A large portion of the Soviet defense budget goes for ground-based radar and fighters.

Most of the spare parts here are out of stock, and the companies that once made them no longer are tooled for the job. Crewmen often make parts themselves, or cannibalize other planes. Because of this special tooling, a part that cost $30 in the '50s might cost $1,000 now.

"It's not very reassuring," says Ball, "when you ask the maintenance crew chief, 'How's the plane?' and he says 'Fine,' and you say, 'Want to fly with us?' and he says, 'No way you're gonna get me in that plane!'"

A lack of manpower is hurting maintenance, and has caused a cutback in the number of crews. There once were 24 six-man crews on 11 planes; it's down to 18, and even so, says Ball, "If we could get up to 18 as fully authorized crews, it wouldn't be so bad."

Crewmen are getting older. Six years ago, there were no majors or above flying the planes; now majors, lieutenant colonels, men with 16, 17 years' experience, are serving on crews, working an average 50-hour week for less than half the money paid civilian pilots. And because of fuel conservation, they fly less than half the time they once did.

"We don't have the flying time available to train the younger guys," says Ball. "Operational readiness of both crews and aircraft have come way down. There normally are 30 B–52s here. The last operational readiness test we had, we couldn't get five in the air."

In fairness, this would not be so in an emergency.

"We always play to the safe side," explains Ball, sitting with his crewmen in the day room of the alert building after the scrubbed exercise. "We only had seven engines, but usually we can get off with six."

The crewmen are once more ready, wearing their green Nomex-Dupont fire retardant flight suits and expecting their boss, Col. Wayne W. Lambert, a no-nonsense Georgian and vice commander of the 28th Bombardment Wing, to reschedule the exercise some time during the 26 hours left in their seven-day alert period. It's four minutes from here to the plane in a battered 1970 Dodge 200 pickup that isn't, says the crew, "in the greatest of shape."

Sometimes an alert catches them asleep, and they're conditioned to dressing on the run. "When the alarm goes off in the morning at home," says Ball with a grin, "I'm halfway down the hall before I realize where I am."

In the tough South Dakota winters, adds good natured S/Sgt. Paul Ritter, the crew's gunner and only noncom, alerts always seem to take place when you're in the shower with your head filled with shampoo.

"Your hair freezes before you get to the plane," says Ritter, who joined the Air Force on Jan. 25, 1972, and thus has more service time than anyone on the crew. He is laughing at the thought. Ritter has served on domestic bases and in Thailand and Germany. He married his wife Brenda, a Paterson, N.J., native he met in New Mexico, and eight days later was shipped to Europe; he next saw her five months later.

There are other problems.

"Things always go wrong at home when you're on alert," says Ball. His navigator, Lt. Ira Maltz of Houston, adds, "we had four tornadoes last summer; I was on alert during all of them."

But these are situations common to anyone familiar with service life. Far more serious is the condition of the planes these men must fly.

"For as old as it is, and for what it's been through, it's a good plane," says Capt. James Fitch, a sub radar navigator who comes from northeastern Pennsylvania. But, he admits, today "it's a challenge."

"Maintenance crews are young and inexperienced. A lot of parts are not manufactured anymore. We cannibalize other planes. Sometimes you'll fly without a certain part. Technology is starting to run away from the plane. It's in a vacuum tube technology state. Updating of bombing and navigation systems is long overdue. It makes the mission harder." Pilots, he says, fight to get the best planes. "They know which aircraft are the hangar queens."

Crew comfort on the big old planes seems virtually an after thought. The crew compartment is unbelievably cramped-six seats, four on the flight deck, two below and only one place to stand erect, in the hatch with half of you on each deck. There is one bunk in the H-model, but, says Fitch, "it's mostly full of parachutes and life preservers." The B–52 is noisy, crowded and uncomfortable, but these are airmen, and they like to fly.

"The best job in the Air Force is right here," says Ritter, who like other servicemen was just last month given an 11.7 percent increase in his $742-a-month pay, augmented by $106-a-month flight pay.

It gets me by," he says. 'But I live in base housing; I couldn't afford to live downtown."

That housing is old, and there's not enough of it.

Ellsworth was built beginning in 1942, and through 1949 hosted wings of B–17s, P–61s and B–29s. Then its mission switched to the B–36. B–52s joined the scene beginning in 1957, and three years later Minuteman missiles were added to the base's responsibility. Now Ellsworth is the largest of 26 operational bases in the Strategic Air Command, with a double-sized bomber wing—two squadrons of B–52s, one each of KC–135 tankers and EC–135 command planes. It is host to the 44th Strategic Missile Wing, one of six Minuteman bases in the central United States. Here are 5,600 servicemen, 7,000 dependents and 400 civilian employees drawn from nearby Rapid City, a pleasant community nestled at the base of the Black Hills, 20 miles from Mount Rushmore.

For these nearly 13,000 servicemen and families are 1,893 base housing units, so many live offbase, using housing allowances that only sometimes cover expenses.

In addition to housing units, Ellsworth has 300 buildings, 78 percent of them considered energy inefficient. Only 19 percent are structurally sound and built to mission requirements; 52 percent are substandard but usable, and 29 percent are judged totally unsuited to their job, but are used anyway. Maintenance and repair costs for these aging structures has risen from $3.8 million in fiscal 1979 to $7.5 million this year.

"We need $2.5 million just to hold the line," says Bill Crawford, the base's chief engineer. "We need $3.5 million to begin to eat into the backlog." That backlog now totals $124 million, including $16 million to repair roofs damaged by the area's sometimes severe hail storms.

"Most of the money spent over the past few years has been for operational needs, weapons systems, not people-things," says Crawford, sitting in a briefing room near his office in a converted dormitory originally built for operators of the old Nike missile. "It's a challenge," he admits, "to try and maintain these facilities with the money we have."

If the buildings are old and inefficient, so is much of the rolling stock, the 850 vehicles—ditch diggers, snowplows, trucks, jeep sedans—that make this big base go, and here, too, are problems.

"You pay dues for the age and mileage of the fleet," says Sr. M/Sgt. Earl Aylward, whose maintenance headquarters provides transportation support for both the bomber and missile wings. But he is realistic. "We'll make it with what we've got. We all have to understand the shortage of dollars. The mission comes first."

And that mission is the job of dedicated men named Ball and Maltz and Fitch and Ritter and the others in Ball's crew: Lt. Amos Watkins of Michigan, the co-pilot, and Lt. John Clotfelter of Montana, the electronics warfare officer, and in other crews like them. The planes are old and ailing, but the men who make them fly are the ultimate weapon, and their dedication shows through in the face of a fearsome double threat.

These are the men who in an emergency must get their creaking bomber in the air with its sinister load and head for the enemy halfway around the world, faced with the knowledge that their mission is caused by enemy missiles which at that same moment are streaking toward the Minuteman silos that dot this statement—and toward their own homes.

"We're prepared to go to war when we have to," says Ball. "Hopefully we won't have to. Neither one of us, crew or families, is going to be around afterwards. Every one of us might have to die."

[From the New York Daily News, Nov. 12, 1980]

THE CRIPPLED GIANT: FIRST, THE GOOD NEWS: THE 82D

(By Alton Slagle)

FORT BRAGG, N.C.—The C–130 Hercules thundered into the drop zone only 800 feet off the ground, its speed slowed from 300 miles an hour to 145. From its rear doors the troops poured out at less than one-second intervals, 92 of them, fully combat-loaded. White parachutes billowed open and floated silently to the ground as the noise of the big plane faded. Behind were other planes, other men.

These were the troops of the 82d Airborne Division, and they're ready for war. They practice here, about one jump a month, and they'd like more. To the gung-ho troopers, those seconds in the air make up for the hours of guard duty and lawn mowing and weapons cleaning and jeep maintenance.

An important part of the new Rapid Deployment Joint Task Force, the 82d must be ready to fly at a moment's notice anywhere in the world, engage the enemy when it hits the ground, and do it all within 18 hours. To maintain this capability, one of its three units is constantly on alert, another on standby, while the third takes care of the more mundane tasks of running a big post.

The operating word is priority. It's what makes the 82d and its parent, the 18th Airborne Corps, work. The 18th is the only airborne outfit in the free world, and its officers, right up through its commander, battle wise Lt. Gen. Thomas H. Tackaberry, admit the advantage.

The 18th includes not only the 82d Airborne, but the fabled Green Berets, stationed here, the 101st Airborne Assault Division at Fort Campbell, Ky., and a civil affairs battalion, the only unit of its kind in the active Army, formed to serve as a link between the military and the civilian population in time of war.

"I would say that our units are somewhat special in many respects," says Tackaberry, a pleasant-faced, gray-haired, rock-hard ex-enlisted man who has seen action in three wars. He was sitting comfortably on a sofa in his spacious corner office, dressed in combat fatigues with creases so sharp they seemed capable of cutting the upholstery.

"They think they're special," he says of the 50,000 troops under his command. "And we try to engender this, because it's important for them to feel they are special. Psychologically, they can do more. Our troops have a lot of confidence in themselves. Physically and mentally we're ready. So, it boils down to the equipment. Well, we have a higher priority than most units."

There are lacks, of course. Just like the rest of the Army, the 18th Airborne Corps has suffered a drain in middle management, its noncommissioned and junior officers. It's short on linguists, communicators and supply specialists. Much of its equipment is old. Because the corps is designed to move long distances in a hurry and arrive by parachute, equipment is light; because it's light, it wears out faster.

"But by and large," says Tackaberry confidently, "we can go into combat against any army in the world—and the only army you're really comparing here is the Soviet's.

"That doesn't mean that we're pleased with everything, and that we're not concerned about the future."

While the Airborne can do its job, Tackaberry does point out a major problem: "The weakness for the American forces is the sustainment of those forces once they get there. I'm talking about bringing in ammunition, field helicopters, aircraft, food, water. Our problem is not in getting there initially, but getting the backup."

"In the last 10 years, we haven't put a lot of money into buying supplies," he says. "We haven't stocked certain ammunition—and we can shoot up certain kinds of ammunition in a hurry. There are certain types of missiles that we don't have lots of. Somebody's got to produce those. A lot of our production is cold. How long it would take to get those assembly lines back into gear, I have no idea.

"We've put money into huge systems—and I'm not saying we don't need those—tanks and planes, the MX missile, Stealth aircraft, submarines. But Congress sometimes forgets that we've got to buy the plain old gun and truck and radio set. We're not buying the everyday equipment we need for combat. That worries me. The American public has got to realize that they've got to make a few sacrifices for this insurance policy that's the United States armed forces. If you don't pay for a good army, you don't get a good army."

But despite its problems, the 18th Airborne Corps looks good, and nowhere does it look better than out in the boonies of this huge base where its men and machines are constantly worked.

This day, with Tackaberry present they were going through a "Capex", a capabilities exercise, dropping men and equipment in an awesome demonstration of the 82d Division's power.

First out were prepackaged bundles containing antitank mines, barrier materials, antitank weapons, 81mm mortars, ammunition of all calibers, gasoline, rations and water, stowed neatly in 2,200-pound lots that can be dropped from either high or low altitude. It's called "door-to-door delivery."

Up to 16 such containers can be carried non-stop 2,500 miles aboard Hercules planes, or 26 of them—a total of 61,000 pounds—aboard the larger C–141 Starlifter jets, which can fly either equipment or 123 paratroopers 4,400 miles at 450 miles an hour.

The equipment drops gently beneath parachutes 65 feet in diameter. Once on the ground, it can be unloaded in minutes.

Next comes the heavy equipment: Sheridan tanks, three-quarter ton trunks, 1½-ton Gamma Goat vehicles, each mounted on a cardboard honeycomb base to cushion the fall. They are pulled from the rear of the plane attached to cargo chutes, each 100 feet in diameter, each capable of dropping 3,500 pounds (as many as eight are used for some equipment).

Then the men, the sky suddenly blossoming with them floating to earth beneath steerable chutes, their bodies combat-ready, feet and knees together.

The final exercise is to test the most difficult and exacting method of heavy-equipment delivery: "Lapes," for low altitude parachute extraction system. It is used in certain circumstances where there is a beach, a road or a relatively level field available.

With this method, loads up to 37,000 pounds—howitzers, tanks, bulldozers—can be delivered to battle. To make the drop, the plane descends to 200 feet. A drogue chute pops out as the big Hercules drops down to just five feet off the ground. The load is pulled out the rear of the plane and deposited, gently, it is hoped, on the ground. But on this day it didn't come off.

Something was not quite right with the plane. In a combat situation, the drop would have proceeded, but, an officer explained, not in training.

"We could lose a half-million dollar item of equipment," he said, "and we're just not prepared to do that."

So the exercise ended, and the men returned to the main base for the rest of a training day that included classroom and field work, calisthenics, and running—as much as eight miles a day. Running at Fort Bragg is a virtual obsession; everyone right up to Tackaberry does it regularly.

Complaints were few. Soldiers must volunteer for the Airborne, and they know beforehand that it's a demanding outfit. The dropout rate at the airborne school at Fort Benning, Ga., is about 25%. Most of the ones who make it want to stay.

"Our mission is different from that of other divisions," said Lt. Ken Davis, a movie-handsome young readiness officer from Atlanta. "We must be able to deploy within 18 hours and, based on that mission, we have higher priorities." Priorities, again. The secret of the 82d's success.

Equipment? Said Capt. Robert Franks, division maintenance and material readiness officer: "We haven't had that many delays as far as spare parts go. We do have rather old engineer construction equipment, and it requires a lot of effort and micro-management on our part to keep those items combat-ready. We find the parts anywhere and everywhere possible to keep the equipment rolling."

Col. James H. Johnson, commander of the division's 3d Infantry Brigade, agreed with Davis that the 82d's exotic mission earns it the highest priority that keeps it one of the Army's best, and at a troop strength usually at or over 100% while other units are down to 70% or 80%.

"The 82d always has been one of our country's strategic reserve forces," he said. "We enjoy a history of high readiness because we have to be ready to move on call. We don't have the time to mobilize and train and marshal as if we were traveling by ship."

Yet even the 82d suffers somewhat from the malaise that has debilitated our once-robust military.

"Our technology just hasn't been making the forward moves that the other side has. To win, you've got to have the best equipment. We used to say the other side had a quantitative edge but that we had a qualitative edge. We can't say that anymore. They've got the quantity and now they've demonstrated that they have the quality as well, and we're in trouble. Am I satisfied with what we have to fight with? Obviously, no."

Another Breed of Cat

(By Joseph Volz)

Fort Ord, Calif.—At this fog-shrouded Army base two hours south of San Francisco, the once-proud 7th Infantry Division is preparing to walk to war.

It has just about no other way to get to the fighting. The 7th is a low-priority division with scarcely any armored personnel carriers or helicopters. And, as a light infantry division in comparison to a mechanized division, it has hardly any firepower, either.

Asked how ready the 7th was, Col. W. F. Fiske, division support officer, replied: "Well, if we're not 16th in readiness out of 16 divisions, we're probably 15th. We're certainly not number one or two.

"The division is a reflection of what the American people are willing to pay for. The taxpayers—and Pentagon planners—have almost forgotten the 7th."

For example, the troops at Fort Ord must forage in the junkyard for spare parts for the few vehicles they do have—jeeps, cargo trucks and Gamma Goat troop carriers. They don't call it the junkyard, of course. It's the "can point (cannibalization point)."

"We use a controlled substitution program here," said Chief Warrant Officer George Sessen, who presides over 125 vehicles in the 3d Battalion, 32d Infantry motor pool. Asked what that meant, he replied, wryly, "cannibalization."

Sessen is chiefly occupied with keeping the high-priority vehicles in operation—among them the jeeps that pull the TOW anti-tank missiles to the battlefield. A good many of the others are on the disabled list for quite a while.

"My jeep was out of action for two months for lack of a new part," said Maj. Frank Lake, battalion executive officer.

In a nutshell, the 7th is not the 82d Airborne, that super-ready division of paratroops from Fort Bragg. In fact, it literally has trouble keeping its head above water.

"If we run into a river too deep to ford, we're out of luck," said a captain. The division's engineer battalion, a reserve unit, is supposed to bridge the rivers that the 7th might have to cross, but the reservists never train and are only at 38 percent of their troop strength.

The officers and men of the 7th are as hard-working and dedicated as any in the Army, but they operate under enormous drawbacks dictated by the Pentagon's priority makers, who simply don't have enough money to go around.

The 7th, for example is a "roundout" division, meaning it has only 10,800 full-time soldiers in two combat brigades and a support brigade. Its other 2,000-man brigade is a unit of the Oregon National Guard, weekend warriors stationed hundreds of miles away.

There is no way the division could be mobilized in six weeks, which is the maximum time allotted for a combat-ready rating. For one thing, rounding up the Oregon guardsmen, along with a 500-man reserve tank battalion in Arizona, could take months.

Ironically, the Oregon guardsmen have a higher percentage of battle experience sergeants than the regular Army brigades in the division; they are Vietnam veterans who joined the National Guard to make a little extra money. On the other hand, the Guard is severely short on privates.

At Fort Ord, there are plenty of privates, but a real lack of combat-tested sergeants. A division should have 65 percent of its authorized number of sergeants in order to be classed combat-ready, but the 7th has only 58 percent.

Col. Joseph Alton, commander of the 1st Brigade, said: "Today, with so few master sergeants and first sergeants, the non-commissioned officers simply don't have enough experience. The younger sergeants don't have the same credibility with the troops."

The housing picture is a little brighter.

The old two-story wooden firetraps of World War II are being replaced with dorms housing three to a room—with bath.

But does the relatively tender treatment today's soldiers receive—compared to the spartan environment of World War I and II—make them better soldiers?

"The draftee Army was a good Army," said Alton, who wasn't old enough for World War II but did serve in Vietnam. "The worst soldiers were the enlistees. The Army needs people to win the first battle, dependable, trainable people who can withstand the trauma. The Army is not a sanctuary for misfits."

One reason for the improved amenities barracks life is to induce the troops—however they compare as soldiers with an earlier generation—to "re-up," or re-enlist. Unhappily, it is a failing effort in today's volunteer Army.

Even with personal applied psychology at re-enlistment time, Alton has been able to persuade only 15% of the 1,536 soldiers in his brigade to remain in uniform. In fact, "re-enlistment" is a dirty word at Fort Ord.

"We hold 'career-transition' seminars when enlistments are ending, but we don't mention re-enlistment," Alton said. "We discuss writing a resume, the job skills required in civilian life, and the prospects. When we're all through, sometimes the soldier says he thinks the best thing to do is stay in the Army."

The 7th, which piled up some impressive victories in World War II—the legendary Vinegar Joe Stilwell was its first commanding officer after Pearl Harbor—is now training for what seems to be guerilla warfare, the type of hit-and-run fighting the Afghanis are employing against the Soviets.

But an Army spokesman here noted: "We don't have the transportation. Readiness is measured by mobility."

The Army likes to call the infantryman "the ultimate weapon," the man who takes and holds enemy-territory. But there are majors and colonels here and throughout the Army who are beginning to wonder if the infantryman is not really marching into obsolescence.

"You go to the Army Command and General Staff College at Fort Leavenworth," a major said, "and they talk about the infantryman some day fighting on a battlefield where tac nukes (tactical nuclear bombs) and CBW (chemical biological warfare) are being used on him. The battlefield might be huge—an entire country. What's the infantryman with his M-16 rifle supposed to do even if he does survive?"

Fastest Gun in the World

(By Alton Slagle)

McDill Air Force Base, Fla.—It squats at the extreme end of a runway on a peninsula jutting into Tampa Bay, a half-buried, white, two-story concrete bunker built years ago for the Air Force's Strategic Air Command. It is ringed with coils of barbed wire, and at an entrance gate, beneath a frail metal awning, an armed soldier checks credentials.

This is the headquarters of the United States Rapid Deployment Joint Task Force, established last March 1 as an answer to this country's troubles in the Persian Gulf. Here, 142 officers and 116 enlisted planners, 36% Armyy, 17% Navy, 32% Air Force and 13% Marine, are ready at any moment to assemble a multi-service force capable of rushing to war—or, more hopefully, rushing out in a show of force to deter war.

At least, that's the idea. The RDF has its detractors, those who contend it is nothing but a paper tiger, that it hasn't the air or sealift capabilities to get men to war and, if it did, the sustainability is not there.

The idea of the RDF is to provide a coordinated, four-service force quickly capable of combatting aggression—especially in the Middle East, where it now would seem most likely to occur.

But no less an authority than former Defense Secretary James R. Schlesinger has argued that the RDF is not rapid, not capable of deployment, not even a force.

"There is nothing *rapid* about the RDF, either in the extended period of its creation or in its prospective speed of movement," he wrote in September. "It is not much of a *force*, since it cannot be brought to bear in a manner to fulfill its assigned mission, and it is certainly not a *new* force. Its potential for deployment remains to be demonstrated."

Sitting in his small, windowless office deep inside this bunker, Maj-Gen. Robert C. Taylor, sharp, personable deputy commander of the RDF, a 48-year-old Illinois-born Air Force fighter pilot, explained for purpose behind the force, and answered its critics.

"This is a menu of forces," he said. "We look at this menu and select our specific force to match the requirements, then move out. "We could go anywhere from a company or battalion-sized unit with appropriate tactical air and naval support all the way to an entire 200,000-man force. In joint training, we bring the Air Force, Navy, Army and Marine Corps together, we orchestrate the fire power."

This is strictly a headquarters unit. There are no fighting forces here. In an emergency, the planners here would designate whatever forces they wanted—drawing from the Army's 82d Airborne Division, the 101st Air Assault Division, the 24th Mechanized Infantry Division, any of three Marine amphibious forces, the Air Force's Tactical or Strategic Air Commands and its military airlift units, and Navy battle groups, including ships now on station in the Indian Ocean. Then the headquarters unit here would load aboard planes and fly to meet that force in the battle zone.

We can put a very significant force on the ground anywhere in the world in 48 hours or less," Taylor said.

"We're the first to admit that not every division, not every one of the forces designated for the RDF, is in the highest category of readiness. But there's a lot more capability in our forces than we give ourselves credit for."

Military planners acknowledge, however, a lack of airlift capability, and a shortage of ships to move a sizeable unit halfway around the world.

"The RDF is woefully short of airlift capability," Lt. Gen. Kelly H. Burke, Air Force deputy chief of staff for research development and acquisition and a member of the Air Force Council, told The News last week. And sealift?

"Our sealift capabilities are great for sustained operations, but the two to three weeks it takes it to get places could be the difference between winning and losing. The most likely potential trouble spots tend to be halfway around the world." And then there's the problem, once there, of finding a suitable port to offload supplies.

Ideally, Burke said, a division of troops should be in action within days, but "we can't even begin to deploy one division over a period of weeks."

"Sure we've got a lot of problems," said one officer. "Logistics, munitions, manpower skill. But if someone said, 'you're going to war,' the main problem has just been solved. You go with what you've got."

[From the New York Daily News, Nov. 13, 1980]

THE CRIPPLED GIANTS: TRAINING—THAT'S THE KEY!

(By Alton Slagle)

FORT CAMPBELL, KY.—The soldier stood atop the big tower, nervously gripping a rope. His task was to go over the edge, face-first, and lower himself to earth. It's a drill called the Australian rappel, and it's scary as hell.

He hesitated, gripped tighter and fell forward. Suddenly he was horizontal to the ground 35 feet below. His muscular body tensed. His face was frozen in fear.

"I can't do it, sir," he yelled.

"You will do it, sir," came the sarcastic reply. And he did, hesitantly at first. Finally, his feet touched the ground and a grin spread across his young face. He had just passed one of the roughest tests of the Air Assault School, "the toughest 10 days in the Army."

Organized in 1974, the school has trained 22,000 volunteers from the 101st Airborne Division here, from our other armed forces and National Guard units, even from some civilian Swat teams, and from the armies of allies around the world—Britain, France, Canada, Australia and others. It teaches them the dangerous art of air assault, and the badge they earn is a rare and proud one.

"What we're doing here is taking our normal soldier—not Special Forces—our normal soldier, a cook, an infantryman, an artilleryman—and making him the best possible soldier," said Capt. Douglas E. Doty, the school's wiry, no-nonsense commandant.

"We're not spending a whole lot of extra money; we're not doing things that are exotic. We're talking good, hard-nosed training. We call it the toughest 10 days in the Army, and for most of our kids, it is."

An example, from the students' welcoming bulletin:

"Individuals demonstrating fear of heights or upper body weakness will be determined to be a safety hazard and will be dropped from the course."

"They have to pass every test, every obstacle," said Doty. "We push them very hard physically, mentally, emotionally and professionally. We don't give them any slack. They live up to standards. Right now our graduation rate is just over 50 percent. That's how tough it is."

It also is about the last school in the Army with no separate standards for women.

"They do male chinups, male pushups, the runs and forced marches in the same time and in the same formation as the men," said Doty. "If they can't, they're gone." In six years, 190 women have graduated.

A look at the schedule makes you wonder why anyone would want to volunteer. The troops must master a new skill every hour.

"This is a kicker of a school," Doty said. "You must be in superb physical condition. You do doubletime everywhere. You pay for mistakes in pushups. If you're missing any equipment, we give you a five-pound brick to replace it."

There is classroom work—on air assault history, aircraft familiarization, pathfinder techniques, medivac procedures, hand-to-hand combat, aircraft safety. But more, this is hands on training, learning by doing, and conquering fear. You do things such as hooking onto a rope and dangling 150 feet beneath a moving helicopter. You do forced marches with full equipment—with a series of chinups and pushups afterward. You vault over walls, any way you can.

Consider this exercise, as described by Doty: Stand on a 4x4-inch beam, two feet off the ground; jump and climb to a middle beam eight feet high; jump to a top beam and do a forward somersault 16 feet off the ground, then hang from the top beam—and drop.

"It takes a lot out of you," said the captain. He's right.

Or try a "confidence climb" three stories up a ladder to see how you handle heights. And finish the whole thing with a two-mile run in 18 minutes.

"It doesn't matter who you are or what rank you are," said Doty. "You're gonna get hot, you're gonna get tired, you're gonna get sore. But that's what being a soldier is all about."

At this point, you've finished the second of 10 days. Then it gets tough. Day and night helicopter assaults. Exercises in eight-man teams with a 400-pound log. Situps and pushups, capped by a 56-minute, four-mile forced march with full equipment. You jump from the open door of a helicopter hovering at 70 feet to a tiny platform built atop a 60-foot tree, then make your way to the ground. Then climb a waving rope ladder back up the chopper, with full field equipment.

"It's physically demanding," said Doty, again with monumental understatement. "There is some fear involved." Indeed!

Next try rappeling down from a helicopter hanging at 110 feet, or later from 85 feet at night, with no light so that you go out into a void unable to see the ground. Doty calls this one "a big confidence builder."

Then you learn to sling-load heavy equipment—jeeps and Gamma Goats and trucks and howitzers—so that they can be lifted by helicopter into a battle zone. This task is rewarded by a five-mile forced march.

But wait. There's Day 10. Graduation Day. That one begins with a 10-mile road march, in full gear, in 2 hours and 20 minutes—6¾ miles on pavement, the rest on gravel that eats up your feet. Most students have to run four or five miles to make it in time. The record, held by one of the 101st Division's "Screaming Eagles," is 1 hour, 13 minutes, 30 seconds.

Graduation exercises are topped off with three chinups and five pushups, but by then who's counting? A piece of cake.

"At first I said, 'God, it's tough,'" said 18-year-old Michael Oden of Farmingdale, L.I., who's in for three years' active duty followed by three years' reserve service. "But if you pay attention, there's nothing to worry about. It's blind faith." The toughest part, Oden admits, is the rappel off that tower. He had just finished it.

"It's a good confidence builder, all right," said Charles Burgess, a 23-year-old student from Washington Heights. "I had a great fear of heights, they cured me of it."

"We try to make it tough," said S/Sgt. William D. Austin, one of the course's 28 hand-picked enlisted instructors. "We have some outstanding soldiers coming into the Army today. Very mature." And, by now, very tough.

"They're highly motivated," added Sgt. Derek Vaultz of Brooklyn, another instructor. He was wearing full camouflage makeup and sporting a dagger after having just completed a body-bruising hand-to-hand combat demonstration for the benefit of a reporter. "If they're not, we'll motivate them." You have to believe him.

Training in today's all-volunteer Army isn't as tough everyplace as it is here at Campbell. But no matter where it occurs—at Georgia's Fort Benning, with its Basic Infantry Training School for enlisted men, its officer and airborne training facilities, and the war-ready 197th Infantry Brigade; at Fort Hood, Tex., where the 1st Cavalry and 2d Armored Divisions share a motor pool three miles in extent that contains an eighth of the combat power of the Army; in the thousands of acres of North Carolina piney woods, where the officers of Fort Bragg teach the elite 82d Airborne Division—today's Army training is still demanding.

It is carried out despite aging equipment, a shortage of noncommissioned and junior officers, and cutbacks in ammunition for the ranges.

Earlier this year, Gen. John R. Guthrie, head of the Army's Material Development and Readiness Command, warned Gen. Edward C. Meyer, the chief of staff, that because of budget cuts over the previous three years his agency had been unable to meet its rate of supply and maintenance. This affects the Army in general, training in particular. Left was a backlog of unserviced ammunition and equipment rivaling, and sometimes exceeding, the period just after the Vietnam War. A staggering 153,000 tons of ammunition, 7 percent of the Army's entire stock and an essential commodity in training, was reported unusable earlier this year because it was either defective, had been poorly maintained or was overage.

Personnel, too, are affected. Thanks to a shortage of non-coms, young corporals at Fort Hood find themselves on the training range in command of a four-man tank crew, a sergeant's job. Middle management non-coms in one brigade there are at 55 percent of strength. Another report this year showed six of the Army's 10 combat divisions stationed within the continental United States are unfit to fight. None of the divisions, each with 16,500 to 18,000 soldiers, was rated fully ready for combat; the 82d was the best, with only minor problems.

These cutbacks and shortages have come at the same time the military is coping with another fact of modern warfare: the sophistication and expense of weapons and ammunition.

"We've kind of priced ourselves out of training," said Lt. Col. Sam O'Neal, a ruddy, heavy-set Fort Bragg battalion commander whose troops at the moment were on 24-hour alert. "Some of the weapons systems, and the ammunition, are very expensive."

The Army's largest antitank weapon is the TOW missile (TOW stands for tube launched, optically tracked, wire command, link guided missile, and it's as expensive as the name would imply). A highly effective weapon capable of penetrating any known tank armor, it is too expensive to fire on routine training exercises. One missile with a simulated warhead costs $3,200; a complete missile costs $12,000. Obviously, not every soldier in the field is going to get a crack at it.

"Maybe only the honor graduate of a class of 40 or 50 gets to fire the weapon," said O'Neal. "My allocation for the year might be 15 of these particular rounds."

At the Army Infantry School at Fort Benning, one TOW missile is fired each week while the troops watch. They've tried to invent simulators, but, said O'Neal, "There's nothing like the real experience of having fired that weapon. There's just not a simulator made that will duplicate the noise, the dust, the possible overpressure when the missile goes off.

"We've gone to infra-red sensors that allow you to shoot and get a signal back that says 'if this had been a live missile, you would—or would not—have hit the target.' It costs about two cents to punch off a laser beam as opposed to punching of $12,000 of the taxpayers' money. But the difference is that the adrenalin isn't flowing."

"Quite a bit of this sophistication is necessary," he said. "I'm just sorry that sophistication and cost go hand-in-hand."

Still, said O'Neal, in many instances the best solution to a situation is the individual soldier with his weapon. "There are many missions that he and only he can accomplish."

That's why there is so much emphasis in training on the M–16 rifle, the M–203 grenade launcher, the M–60 submachine gun, and so much attention to the old-fashion, individual aspects of war—camouflage paint, foxholes, shelter-halves, mapping, and on hand-to-hand urban and jungle assault.

Mock villages have been built at Fort Campbell and Fort Benning, simulating those that would be found in Western Europe. The Campbell village is in a small clearing in a remote training area that is a 15-minute helicopter ride from the main post. Its hollow buildings cluster around village squares. It even has a jail from which "prisoner" rescues are rehearsed.

The Benning village is another matter. On the main post, behind a Cyclone fence, this is a helter-skelter collection of worn-out, condemned wooden barracks and overturned junked trucks that was put together at virtually no cost to the government by a dedicated training sergeant who has made it a pet project.

Sgt. Marion Reeves should be named "mayor" of this village, which is ripped up daily by the assaults of opposing teams taking the Infantry Officers' Basic Course, a tough, 14-week hands-on field training program that has replaced the "gentlemen's" officer schools of the past.

Reeves and Lt. Col. John C. Burlingame, a training development officer, walk through the village with pride, ignoring the acrid smell of burning tires, the noise from dozens of M–16 rifles firing blanks as the troops wage their battle. "We're proud of this; we did it ourselves," said Burlingame. "We didn't ask anybody for anything. That strongpoint probably cost $100."

"Where did he get all this stuff?" a reporter asked Burlingame, a tall, husky, blond Burt Lancaster look-alike who can scarcely hide his dedication to this new form of officer training.

"Don't ask," he answered, flashing white teeth and kicking a dusty sofa. Sergeants have their ways. Some things never change.

The training the young lieutenants get from this course is unforgettable, the critiques in the field more meaningful than dry classroom work, and they're eager for more of it.

In order to adequately conduct training at Benning, the 197th Infantry Bridgade must be brought into play for school support. That's not the job it's designed to do. The bridgade is supposed to maintain its own readiness for war.

"If we had the manpower to form a separate school support unit, the brigade would be free to do its own job," said Burlingame.

More non-com instructors also could improve the level of instruction.

"You can't do it on a 50-to-1 ratio," said Lt. Vic Carpenter, a 1978 Air Force Academy graduate now stationed at McCord Air Force Base and temporarily at Benning for the offiers' school. In my basic security police course, the training ratio was 11 students to four instructors." With too few instructors, he said, you have too many students trying to tell the other students things, and they don't even know themselves."

Training at the urban village is as realistic as possible under the circumstances. The students are divided into attack and defense units. They plan their own strategy and stage their raid, firing their rifles, rappeling up walls and storming buildings as if the war were real. Explosive charges planted in metal drums go off at intervals, sending heavy smoke curling through the "streets" and adding to the sounds, sights, and smell of battle.

This is all done under the watchful eye of non-com instructors who announce "kills" and later conduct critiques. Then the teams switch sides and fight again.

"We want to get our people out of the classroom," said Burlingame. "The war's out here."

Next year, even more realism will be added when simulators are brought to the battle. Lasers attached to weapons will make contact with sensors worn by the soldiers, so that actual "kills" can be recorded.

"It will make the exercises much more authentic," said Burlingame. "It won't be necessary for an instructor to tap a student on the back and say, "that's it, you're dead'."

"The officer program is designed very simply," said Capt. Joseph Bryan, an instructor—"to produce a lieutenant who can lead, who can do everything better than everyone else when he gets to his platoon. Ten years ago we had non-coms who could teach the lieutenant everything he needed to know. We don't have that luxury any more. We don't have the professionalism among the non-coms that we used to have. Vietnam hurt us. We lost an awful lot of non-coms. Strength is very low on that level."

Bryan is pleased with the current crop of young officers, however. He calls them "motivated, intelligent, the best I've ever seen."

"We don't have the people we used to have; that's tough luck. But we've still got to do the job. We're well aware of the world situation."

Col. William Shackelford, director of the school, is equally complimentary of his students; he calls them "good and tough."

"It's a hard, dirty course," he said. "We're not training the lieutenant to be nice and pretty; we're training him to head his platoon in battle. There's no proud peacock image training going on here. It's intense."

"Yeah, we need more people," he said. "The Army's short. But when you come down to the quality training, the Infantry School is taking care of business. We have an awesome obligation to train our leaders and soldiers so they can fight and win and survive. That's a heavy obligation, and everybody here understands it."

There are nine classes a year, turning out about 2,000 officers training in all of the basic skills of the infantry soldier at the platoon level. They learn ranger patrolling, platoon tactics, land navigation, tank-killing, close combat, military leadership, communications and land-mine warfare.

"I wish I'd gone through a course like this," said Col. J. M. Nichols, commander of the 2d Student Battalion. "This is probably the best program the Army's ever had to train lieutenants."

"If we'd had this course during Vietnam, it sure as hell would have helped," Bryan added.

Enlisted training is equally as realistic. At Benning where the Basic Infantry Training School turns out 600 soldiers a week, students on field maneuvers wear camouflage fatigues and foliage as they go through live fire exercises, moving up a hill, through the forest, to secure an "enemy" position. They learn to destroy a tank that has just run over their foxholes, using a hand-held antitank weapon. Even though the tank is not actually fired on, the exercise helps the soldiers conquer their fear of the big, loud, lumbering monster rumbling inches overhead.

At Campbell, soldiers learn to quickly load and unload the Army's fast new Sikorsky Black Hawk helicopters.

At Hood, on the hot plains of central Texas, the troops use an elaborate and often muddy target course as they drive—and attack with—the M–60A1 tank (there are $111 million worth of them at Hood). And they are trying out the sleek new turbine-driven Chrysler XM1 tank, just coming on line.

The training is as realistic as money and equipment will allow, and is carried out despite continual—and the instructors say penny-wise and unwarranted—cutbacks in things such as live M–16 ammunition used on the firing ranges. The Pentagon last month ordered just such a cutback at Benning, a situation familiar to officers throughout the Army.

"It's a constant battle," said one officer. "How are you going to train soldiers without ammunition?"

According to Col. Hal C. Van Meter, wiry and enthusiastic commander of the 1st Infantry Training Brigade at Benning, it costs $6,000 to $8,000 for the 700 hours of formal instruction the new infantry soldier gets in a 12-week course. But despite the fact that half of those soldiers have not finished high school, and that many of them have trouble reading fifth-grade-level training manuals, he is proud of the way his instructors ("We've got the best trainers in the entire U.S. Army") can turn raw and often undisciplined recruits into soldiers.

"These men are as good as any soldier who's ever come in the Army," he said firmly. "These kids will fight for America."

Training takes its toll on the instructors, however. There have been eight divorces among Van Meter's officers. His 700 non-coms work 17-hour days, and weekends, often giving up their off-duty time to continue working with a student who needs extra help on a one-to-one basis. Training brigades are authorized 12 sergeants. Most have only six.

There's no overtime in the Army. The instructors will tell you that their compensation comes on the parade fields when the new soldiers, stiff and proud, pass in review on graduation day and go off to new assignments around the world.

They are a different breed from yesterday's drafted soldiers, less disciplined, less educated. The Pentagon admitted to Congress recently that 30 percent of recruits taken into military service last year were in the lowest acceptable category of mental aptitude, rather than 5 percent, as it had reported earlier. Among Army recruits, including those passing through Van Meter's basic course at Benning, 46 percent were in the lowest category, rather than the 9 percent previously reported. The figures were revised after the Pentagon found technical errors in the method used to record test scores.

Sensitive about such matters because of congressional criticism of the quality of its all-voluntary force, the Pentagon tried to soften the blow by adding that "millions of low-scoring soldiers, sailors airmen and marines served their nation well in the past, both in war and in peace, and they continue to do so today."

And the officers in the training fields are equally confident that, with proper leadership, the men they turn out are capable of fighting.

"We have a different frame of reference about training now," said Capt. Andrew Szeliga, readiness officer for the 82d Airborne Division. "Our society is more liberalized, and the people coming in are a lot more outspoken. But with enough time, enough effort, just about everybody can be trained."

And the soldier?

Said Pvt. Ronald Murray of 122 Lexington Ave., Manhattan, as he waited his turn on a muddy rifle range at Benning: "It ain't heaven, and it ain't hell. The Army in the trenches is no game."

[From the New York Daily News, Nov. 14, 1980]

THE CRIPPLED GIANT—IT COULD HAPPEN AGAIN

(By Joseph Volz and Bob Herbert)

PEARL HARBOR.—The now-famous motto "Remember Pearl Harbor" was going to remind generations of Americans that never again would the U.S. Navy be as poorly prepared for war as it was on Dec. 7, 1941.

Even now, 39 years later, visitors are deeply moved as they stand in the stark-white concrete and steel memorial to the USS Arizona and gaze down at the sunken battleship, clearly visible in the 39 feet of ripping blue-green water.

Oil continues to seep from the Arizona and the rusted foundation of its number three gun turret extends above the water line. Just below the surface, permanently entombed in the battleship, are the remains of the 1,102 officers and enlisted men who were trapped when the ship was bombed and torpedoed without warning by the attacking Japanese.

Eighteen other ships were sunk or badly damaged in the attack and more than 2,300 Americans were killed. But has the lesson of Pearl Harbor really been learned?

Not according to retired Admiral Ulysses Sharp, former commander of the Pacific fleet, who argues "we are in greater danger today than at any time since Pearl Harbor.

And not according to retired Admiral Isaac C. Kidd Jr., whose father went down with the Arizona. Kidd estimates the Navy and the U.S. Merchant Marine would encounter "staggering, horrendous" losses of up to 50 percent in a sea war with the Russians.

And not according to an extremely high-ranking Pentagon official, who asked not to be identified because his assessment of the situation conflicts with the public stand now being taken by the Carter administration. "We've got too many ships that can't sail, too many planes that can't fly, not enough ammunition and not nearly enough men."

There are no more battleships at Pearl Harbor, but a mile across the harbor from the Arizona memorial are 30 to 40 smaller ships—destroyers, guided missile frigates, destroyer escorts. They are not in good shape. Many of them have trouble just getting out to sea, let alone going to war.

For example, the USS Strauss, a destroyer that had served in Vietnam, was laid up for two years because of parts shortages. When the parts finally came in, the Strauss didn't have enough men. Its crew had to resort to trickery to pass its sea readiness inspection—it quietly borrowed two key chief petty officers from another ship.

The inspectors were none the wiser until they inspected another destroyer a few days later. Sure enough, there were the two red-faced chiefs back on their original ship.

The word went down from the high command at Pearl that this type of cheating was intolerable and would be stopped. But the problems continue, and they're not just at Pearl. They extend to most of the 540 Navy ships.

In their official briefing on aircraft readiness at the Oceana Naval Air Station in Virginia, Navy officials like to say, "From the national security standpoint, naval aviation is our cutting edge. Presently, the only slim margin of superiority we hold over the Soviet navy is our ability to operate high-performance and aircraft (F–14s) from the decks of carriers at sea."

But the Soviets are in the process of correcting that problem by building carriers themselves.

If the F–14 is the cutting edge that edge is no longer razor sharp. And Vice Admiral George E. R. Kinnear II, commander of the Atlantic Fleet's Naval Air Force, candidly admits that nearly half of his fighter planes can't fly. Like the ships, they're lined up waiting for repairs, sometimes for as long as a year or two.

When asked how such a dire situation had developed, Kinnear cited the loss of trained repair personnel to civilian jobs that pay a lot more money, the chronic spare parts shortage, the Navy's failure to retain its pilots (who, like the repair crews, leave in droves for high paying civilian jobs) and the Pentagon's preference for buying new planes rather than repairing the ones it already has.

The Navy tries to present the best face possible to the public, but the problems are myriad and too severe to keep hidden.

For example, there was a lot of cheering and celebrating a few months ago when the Navy's showpiece ship, the nuclear-powered aircraft carrier Nimitz returned from the Persian Gulf to its home base at Norfolk, Va.

The crew had spent 141 days beneath the relentlessly hot Middle Eastern sun in a show of strength designed to demonstrate to the Russians and any other potential enemies the kind of military might they would face if they dared tamper with America's interests in the oil-rich region.

As the Nimitz approached Norfolk, President Carter—accompanied by dozens of reporters and photographers—helicoptered to the deck of the carrier so he would be the first to greet the sailors and pilots on their return. The President was cheered wildly and the whole affair made a big splash on the network news that night.

What was not widely reported was that a few day earlier the Nimitz had made a secret rendezvous in mid-ocean with its relief carrier, the USS Eisenhower, to transfer the Nimitz's stock of Phoenix missiles and other ammunition to the Eisenhower.

The Navy does not have enough of the missiles—the basic anti-aircraft weapon of its F14 fighter planes—to supply all of its carriers.

The Phoenix problem is not the only ammunition shortfall faced by the Navy. The Mark-48 submarine torpedo, primary weapon against Russian subs, is in short supply, too. Pentagon and Congressional sources say there are only enough Mark-48s available to sustain $1\frac{1}{2}$ patrols per attack sub.

"In other words," said one congressional staffer, "we have to win real quick or else we'll run out of ammo."

The key question, of course, is what happens if the U.S. has to go to war? Admiral James Watkins, vice chief of naval operations, told the Senate Armed Services Committee recently:

"Over the past two years the number of ships reported marginally combat ready and not combat ready have been increasing steadily. In the past year, the number of ships reported marginally combat ready has doubled and those reported not combat ready has quadrupled."

Some of the Navy's foulups, whether due to inadequate equipment or shortages of manpower or some combination of the two, seem to point to an extraordinary level of ineptitude.

Last spring, after completing a successful patrol in the Persian Gulf, a Navy fighter pilot landed his F–14 Tomcat on the deck of the wrong aircraft carrier.

The pilot, and the rest of Fighter Squadron 143, were supposed to return to the deck of the carrier Eisenhower. Through some mixup, the wing commander ordered them all to land on the carrier Constellation. The mixup was discovered at the last minute, but one pilot didn't get the word.

"Can you imagine," said an officer at Norfolk, home base for the Eisenhower, "what it would have been like if they'd all come down on the Constellation?"

Another puzzling development came about in connection with the Navy's desperate efforts to solve its manpower shortage. Under a plan known as the "Selective Manning Experiment" the Navy intended to trade personnel among three Norfolk-based ships, the Thomas C. Hart, the Donald B. Beary and the Ainsworth, to ensure that at least one would be combat ready at all times. Of the two remaining ships, one would be capable only of conducting operations in the western Atlantic and the other would have to remain in port.

The experiment was tentatively scheduled to take place in mid-September. When the deadline rolled around, however, one of the ships had already been deployed to the Mideast.

Just why the ships are having trouble getting to sea is demonstrated by a visit to virtually any of the warships at Pearl. The other day a group of officers and enlisted men gathered in the wardroom of the USS Somers, a destroyer which flunked an engineering test a few years ago, to discuss some of their problems.

"My equipment is older than I am," complained Seaman Richard Bezik. "It's wrong to constantly waste money in upkeeping equipment rather than upgrading it."

There were nods of agreement around the room. "Sometimes we have to wait four to eight months for a part," said the ship's engineering officer. The only way to get around that, a chief petty officer added, is to use "cumshaw," which the dictionary defines as a term used by beggars seeking gifts. It's an honorable custom in the Navy. The chief explained how it works:

"You make an informal deal with the chief on another ship that might be in overhaul. He gives you his part because he won't need it for a year or so and, hopefully, the replacement part will have arrived by then."

Cumshaw. The new Navy.

Despite ammunition shortages, the lack of spare parts, old equipment, ineptitude, the biggest problem on the Somers and on Navy ships and planes from Pearl to Norfolk is the steady drain of experienced personnel, especially petty officers who have been in for 8–14 years.

Navy officials cite inflation, limits imposed by the Carter administration in recent years on military pay increases, and the salaries and benefits offered by civilian employers as the primary reasons so many people are leaving.

Those, however, are problems faced by all branches of the military. There are also certain other factors that are peculiar to the Navy.

Foremost is the fact that sailors are often at sea for six, seven, eight or nine months at a time, away from families and friends, cooped up in abominable living conditions.

The USS Richard E. Byrd, a guided missile destroyer now in overhaul at Norfolk, spent six months in the Persian Gulf this year. Its crew members like to point out that there were absolutely no frills during the deployment. The enlisted men sleep in narrow bunks stacked in tiers of three with only 18 inches between the top of one mattress and the bottom of another. Each man has a wall locker in which to store his personal belongings. The locker is only eight inches wide.

As one sailor noted, the weather was hot throughout the deployment, quarters were cramped, everyone seemed to get on everybody else's nerves and, above all, there was "not a woman in sight."

John Carlos Vaquer, a 23-year-old fire control technician who prides himself on his personal appearance, said the absence of privacy can be maddening. "I need my room," he said. "I have a lot of clothes, knick-knacks and things. There's no room to put them. When you want to look yourself over in a decent mirror, you can't."

Stephen Hatherley, a sonar technician, complained that people around him were smoking marijuana. "I'm against drugs totally," he said. "I had a bunch of people busted."

Not surprisingly, that caused even more friction. The other sailors began harassing Hatherley, "calling me 'narc' and things like that," he said.

And so it goes. Marriages break up, girlfriends at home find new boyfriends, babies are born while daddy is at sea—the difficulties are endless. Thus, as the Navy retention officers have found out, it doesn't take a great deal to lure these men out of the service.

Chief Petty Officer Les Bruce, whose job is to try and keep sailors in the Navy, gave a vivid example of why his job is so tough. The Navy will train a new enlistee as a nuclear power specialist and give him years of invaluable experience working on a nuclear-powered sub, he said.

After 10 years this specialist will still be earning only $910 a month, even with the latest pay increase, Bruce said. The specialist has a highly-marketable skill, however, "and a company like Con Edison will start him at $18,000 to $24,000-a-year, give him a car, and pay him up to $50 a day extra if he's working away from his home area."

It's awfully difficult to convince that guy he should stay in the Navy, Bruce said.

As a result of the manpower problem and the severe parts shortages, today's Navy cannot mobilize its fleet as quickly as the 1941 Navy.

The Arizona and the 96 other Pacific Fleet ships that were here that fateful Sunday morning 39 years ago were in "Readiness Condition Three," which means they could have steamed out of the harbor within 12 hours if they had received advance warning of the attack.

Some of the ships here now would need 96 hours to get out of the harbor—in an age when a flurry of Soviet missiles, flying at 15,000 miles per hour, could destroy Pearl Harbor within 30 minutes after takeoff from Russia.

Said one officer stationed at Pearl, "If we didn't have a Navy and were starting from scratch, and we told people that we planned to come up with a Navy like this, we could never get anyone to come in."

IT CAN'T DO THE JOB

(By Bob Herbert)

NORFOLK, VA.—The USS Caloosahatchee is big, old, ugly and monumentally heavy with its cargo of eight million gallons of fuel oil, 600 tons of bombs and 500 tons of groceries.

She's a replenishment ship—"sort of an ocean-going earth mother," according to one metaphor-mixing sailor—designed to carry supplies and ammunition to aircraft carriers, destroyers and other ships already at sea.

To her crew, the Caloosahatchee is known affectionately as "The Gas Passer." To her skipper, Navy Capt. Frederick J. Metz, she's a problem.

Metz doesn't have enough men, and the men he has don't have enough experience. His "kids" are dedicated, he says, "and they'll work their butts off for you." But many of them are only half as old as the ship, which was built in 1944, and they haven't been in the Navy very long.

"My primary concern is not my operational commitment but what I can safely do," says Metz. "Without extremely competent people, I'll blow this ship up. I'll kill somebody."

Metz is an emotional man who cares deeply for his crew. While escorting a visitor around the ship, he repeatedly interrupts the conversation to slap somebody on the back, or offer a word of encouragement, or lend a hand with some shipboard task.

It bothers Metz to see his crew struggling with jobs that would be routine if the Navy had enough men. He expects the Caloosahatchee to sail in February without 70 or 80 of the sailors she needs. And that problem is further complicated, he says, by the fact that "my primary mission is replenishing but that's where I'm manned the least."

The situation is bizarre. The Caloosahatchee has 11 loading stations—six on one side of the ship and five on the other. But Metz only has enough men to operate five of the stations. The ship will deploy with six of its stations shut down.

Walking along the ship's massive cargo deck, the captain points to a locked door. "That's the Post Office," he says. "It's closed because we don't have a postal clerk." He hopes to get one in a couple of months. In the meantime, the sailors can send and receive mail but they don't have access to other postal services, such as the purchase of stamps or money orders.

This month the ship will lose three cooks. Will it get three more? Who knows. But unkind as it may sound, shortages of cooks and postal clerks are not critical. It's the loss of technically trained people that really hurts.

"I'm in the Navy 24 years," Metz says wearily. "I went to Vietnam four times and it's sort of frightening to me as a taxpayer and American citizen to see what is happening to us."

Metz is not the only one upset at the way things are going. During a bull session in the Caloosahatchee's wardroom, Machinist's Mate Richard Doll, a chief petty officer with 16 years and 10 months in the Navy, quivered with anger as he explained how he became "fed up with the whole system" and why he has decided to pack his gear and get out.

It is almost unheard of for a man to voluntarily leave the service when he is just three years and two months away from retirement at half pay. But Doll says the job satisfaction he once enjoyed has been destroyed by the manpower shortage, broken down equipment, 20-hour work days, and the chronic absence of parts.

"I'm the leading petty officer for the machinery division," Doll says. "I expect to be supervising with the experience I have—the things I can teach. Instead, I end up with a few of my (experienced) colleagues doing all the work . . . trying to keep these tired old buckets of crap running. I'm sick to death of the whole thing. I'm getting out Monday."

Doll, whose hometown is in Cheyenne, Wyo., was asked how his wife feels about his decision to get out of the Navy after almost 17 years.

"My wife is not particularly concerned," he says with a grunt of disgust, "because she's leaving me anyway, primarily because I'm gone so much and because even when we're here we don't have any time off anyway."

Seated across from Doll is Marty Adams, a 22-year-old bosun's mate from Texas who has been in the Navy since 1977 and is getting out in January. "I just came off leave," he explains, "and I talked to the Texas Utility Generating Co. They offered me a job driving a tandem axle diesel dump truck. They're going to pay me $7.66 an hour, time and a half for Saturdays, double time for Sundays, and triple time on holidays. Am I looking forward to it? Hell yes, I am. I'd leave today if I could."

Up in the captain's private cabin, Metz stressed that he was not whining or complaining and that he and his men are ready to carry on with their mission, even if it means going to war.

"If I went to war right now, I could sustain operations," Metz says. "But I would be limited operationally and I don't know how long it would be before we reach the breaking point."

Meanwhile, the crew of the Caloosahatchee is preparing to go back to sea in February. And like captains throughout the Navy, Metz is looking for more people to take along.

"Right now Im saying to the bosses that if I don't get certain key people for replacements I won't be able to deploy," says Metz. "And where are they going to get these people from? Probably from another ship."

[From the New York Daily News]

THE CRIPPLED GIANT—SERVING THE FLAG AT THE POVERTY LEVEL

(By Bob Herbert)

NORFOLK, VA.—Theresa Warden, wife of Petty Officer 2d Cl. Dale Warden, thought it would be wonderfully romantic to celebrate their 10th wedding anniversary at Niagara Falls. They could get away from the kids for a while and make up for some of the many, many months Dale had spent at sea.

The daydream vanished the moment she and Dale looked at their budget. When their anniversary finally rolled around, they did what they could afford to do. They ate at a Pizza Hut on Norfolk's Hampton Boulevard and played miniature golf.

Dan and Terry Barnthouse are both in the Navy. They met, married and started a family while stationed in Iceland. Now they are assigned to Atlantic Fleet Headquarters here. They have two children and are paying off the mortgage on a three-bedroom house with a big yard.

The yard is important because that's where they grow the vegetables they can't afford to buy. "The house takes all the money," Dan explains. "We can't even start a savings account."

They can't go to the movies, either, and they can't go out to dinner. Right now, all the bills get paid, but if anything unexpected occurs, the Barnthouse's carefully arranged budget will collapse like a sand castle at high tide.

"We're into craft things," Terry says. "This year we'll make all of our Christmas presents—all wooden gifts. It not only helps with the budget, it keeps us busy in the evenings."

Angel Ryan used to be a Navy wife. That was two years ago. She lived in a two-room apartment that she now refers to as "the shack," and spent most of her time crying because her husband wasn't home. "They sent him everywhere," she says, "Italy, France, Spain, the Indian Ocean. I couldn't believe it. After a while he wouldn't send me any money. The allotment checks stopped coming. I didn't have any money at all."

From a car she pointed to a bar called the Black Knight Inn. "One night I couldn't stand it any more and I went there. With no money, I just went in there. Some sailors started buying me drinks. I got drunk. And then a guy offered me $25. He thought I was a prostitute. I took it."

The sad and sordid tales about the families of servicemen are endless. Not every family is unhappy, of course, and not every family is broke. But it sometimes seems that way as you tour the ships and bases from coast to coast and listen to several lifetimes worth of stories from around the world.

They are stories of families who seldom have a chance to establish a permanent home, where fathers are away much of the time, where wives are expected—despite near-poverty—to raise children and maintain an unrealistically rigid level of personal morality, and where child abuse is 25–30 percent above the national norm.

The money problems are staggering.

At Fort Ord, Calif., for example, there is not enough housing for the lower ranking enlisted personnel. According to Army Capt. Kevin Huddy, the average private takes home $600 a month but has to spend at least half of it for rent. And, since most of the civilian housing is miles from Ord, he needs a car, too.

That private, Huddy estimates, is $90 in the hole every month. He turns for help first to the finance company—at exorbitant interest—and then to the Red Cross.

Huddy, a beefy, sad-faced young man, says 10% of his married soldiers are on food stamps, and many participate in the Army's meal-basket program, receiving free canned goods three times a month.

At Pearl Harbor, a chief petty officer on the USS Somers complains that despite more than 10 years in the Navy he still makes so little that his teenaged daughter is eligible for free lunch at the school in Honolulu. There's a catch, however. His daughter is too ashamed to stand in the free lunch line.

"She said she just wasn't going to stand in a separate line this year—it was too embarrassing," the chief says. "So we pay."

At Luke Air Force Base in Arizona, Col. Alan P. Lurie says: "Many of my enlisted people can't get on-base housing. They're forced to move into Phoenix, an hour's drive away, and they can't afford gasoline. A married couple and a single guy will live together just to make ends meet. That is terribly, personally demoralizing."

"Well, hell, man, that's why everybody's getting out of the damned military," says Brian Foster, an ex-sailor who spent three years in San Diego. "That's the whole basis of the retention problem. Money. I didn't get out soon enough. My wife's gone. Took the kids with her."

Nothing that Congress is responsible for the pay and benefits received by the men and women in the military, Sen. William Armstrong (R-Colo.) says:

"It's hard to imagine in this day and age that an employer in the United States could get away with:

Paying new employes less than the minimum wage.

Paying skilled journeymen who have been with the firm eight to 10 years so little that they have to get food stamps in order to feed their families.

Forcing employes to work 20 to 30 hours' overtime each week without any additional compensation.

Holding cost of living increases below the rate of inflation for six out of the last seven years."

Armstrong characterized such an employer as a "latter day Simon Legree."

Arleen Nadeau is inclined to agree. She is the wife of seaman Butch Nadeau of the USS New Orleans. Seated in the living room of her garden apartment a few miles south of Pearl Harbor, the 30-year-old mother of two showed a reported from The News her monthly budget.

Including an allowance for quarters, the family earns $580 a month. The rent is $242. Gas and electricity is $35. The car is a necessity, not a luxury, Arleen points out. Gasoline is $45. Food, another necessity, is $250. That's $572. No clothes, no savings, no entertainment, no kitty for emergencies.

Eight dollars left over? Wrong. There's the small matter of the telephone bill. With nothing at all to do in the way of fun, there's a tendency to want to talk to people. Last month the Nadeau phone bill was $100.

The Nadeaus and other service families have found that it is not difficult to live under such circumstances, it is impossible. Nadeau is getting out of the Navy in a few months.

As severe as the money problems are, they do not tell the full story of the hardships faced by military families. Those hardships are similar in all branches of the service, but they are exacerbated in the Navy, where husbands and fathers regularly are sent to sea for several months at a time.

Theresa Warden, who celebrated her 10th anniversary at the Pizza Hut, explains that a Navy wife is mother and father to the kids while dad is at sea, but has to revert to being just the mother when he is home. This causes problems that seem minor on the surface but very often lead to long-term difficulties.

"It's like switching hats back and forth," says Theresa, who has three children. "Dale will say to one of the kids, 'You can't go down to Laurie's house, it's too far,' and then I'll have to tell him, 'I've been letting her go down to Laurie's for months now.' "

Who wins? Who gets to save face? Does the child get to see Laurie or not? Will Theresa spend her next anniversary in a Pizza Hut? Tune in the next time Dale comes home.

Chaplain David Hunsicker, deputy director of the Navy Family Services Center at Norfolk, explains that an incredible amount of stress develops from such apparently minor hassles when they are combined with chronic financial difficulties, enforced separations, and the absence of virtually anything for the wives to do except care for the children.

According to Hunsicker, Navy families in and around Norfolk—the largest naval base in the country—spend "in excess of $10 million for mental health services," and there are many others who would like to receive mental health counseling but cannot for one reason or another.

During a round table discussion at the Family Services Center, Hunsicker noted that the children of sailors often become angry or sad, or both, the moment their fathers are deployed. He was immediately interrupted by Sheila Peterman, whose husband, Robert, was being sent to the Indian Ocean aboard the USS Independence:

"My daughter Karma is eight and cries every time my husband leaves. She lies, and spits on the other children—she doesn't have the tools to say, 'Mommy, I miss Daddy. I want a kiss and a hug.' "

"We're talking about grief," Hunsicker says. "It's a normal, human reaction to the loss of a loved one." The children of doctors, he adds, "are the biggest bunch of wacko kids in the Navy." Because of the shortage of doctors, "they're always deployed."

The chaplain then offered what he described as a good example of the way years of minor conflicts, unrelieved stress, unintended slights and family separations eventually can spell disaster:

"A senior officer comes home and finds his daughter alone with a boy in the house. He kicks the kid out, his wife is off somewhere, so he takes off his belt and starts beating the daughter. But something has happened to her over all these years. She has lost part of her emotional response. She stands there with her arms locked and he beats and he beats and he beats and suddenly he realizes that she is saying basically, 'Go ahead, kill me. You weren't here for my first period, you made fun of my training bra and all the other things, and now I'm through with you.' He's lost her. He can't get her back now. It's too late."

The wives around the table nodded almost automatically. They all knew similar examples.

"The impasse cases get to me," Hunsicker says. "People say to me, 'I've got no money. The plastic cards are shot to hell. I can't use them anymore. The bank down the street might as well be in Tehran. The vacuum cleaner crapped out. The car is smoking. My daughter has a special problem. I have to get her to the hospital two days a week for treatment. I have no groceries. What can I do?' "

The chaplain shook his head. "I'm retiring next year for my own mental health and for the mental health of my family. I'm going home to the smallest Baptist church I can find. I don't care where it is."

In an effort to help families cope, the Navy has developed a Family Ombudsman Program, which, at Norfolk, is headed by Dotti Gandi, who has been a Navy wife for 25 years.

The program was started in the early 1970s and there are now 374 ombudsmen serving as liaisons to Navy families in the 235 separate commands in Norfolk and the vicinity.

Dotti says the women in the program offer help and referrals for every type of problem—from the inability to find child care facilities to the heaviest type of tragedy. "I think it's working well," she says, "but there are problems. Many commanding officers will appoint an ombudsman and send her a beautiful letter of appointment, but that's the last she hears from him."

Congress, too, is now trying to help ease the plight of military families. An 11.7% across-the-board pay hike took effect Oct. 1 and a benefits package sponsored by Sens. Sam Nunn (D-Ga.) and John Warner (R-Va.) will provide increases for such things as sea and flight pay, housing allowances, travel expenses and certain re-enlistment bonuses.

But the pay hike and Nunn-Warner are not likely to make a big difference in the standard of living of military dependents. "We're like shadow people," says Emily Burdick, whose husband is a soldier being transferred from upstate New York to Fort Ord, Calif. "We go where the men go and we make the best of the situation. I didn't think it would be like this and I don't think it will get any better. The pay hike won't hardly pay for a new set of draperies."

In the Air Force it's the same and in the Navy it's worse, since half the time Navy wives can't go where their men go.

"It's too much for me," says Shirley Adler of Norfolk. "When my husband is away, I don't dare go anywhere—club, dance, party—where there are other men around. The tongues start wagging, the rumors start flying. I'm like a prisoner. I have to stay home.

How many years do you think you can spend drinking coffee all day and talking to no one but other wives?"

Shirley is leaving her husband for good. She slammed the hatch on the back of her Pinto with the authority of a woman used to handling things on her own. But tears were streaming down her face. She checked the lock on the door beside the front seat where all three of her children were sitting.

"Oh, go ahead," she said. "Put it in the paper. He'll know about it before you go to press."

THE U.S. CULINARY TEAM

Mr. THURMOND. Mr. President, recently, the U.S. culinary team won 1st prize for its hot meals and 2nd prize for its cold platters entered in the 15th International Culinary Competition held in Germany.

I believe this is an outstanding honor for the members of this team and deserves recognition. These 13 chefs represented American cuisine and competed against 22 other countries to capture these awards.

Mr. President, in order that I might share with my colleagues the names of these 13 chefs and information about the U.S. culinary team, I ask unanimous consent that this information be included in the RECORD at the conclusion of my remarks.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

U.S. Culinary Team

*Ferdinand Metz, Team Manager, Culinary Institute of America, Hyde Park, New York, 2 Gold Medals.

*Klaus Friedenreich, Team Captain, Klaus' Cuisine, Daytona Beach, Florida, 3 Gold Medals.

*Gerhard Grimeissen, Del Paso Country Club, Sacramento, California, 3 Gold Medals.

*Richard Schneider, Silver Lake Inn, Clementon, New Jersey, 3 Gold Medals.

*Klaus Loos, Holiday Inn Fisherman's Wharf, San Francisco, California, 2 Gold Medals, 1 Silver Medal.

Helmut Loibl, Host International, St. Louis, Missouri, 1 Special Gold Medal designating perfect score from every judge.

Ryo Sato, Davre's, Los Angeles, California, 1 Gold Medal.

Markus Bosiger, Galleria Plaza Hotel, Houston, Texas, 1 Gold Medal.

Gunther Heiland, Fairmont Hotel, Philadelphia, Pennsylvania, 1 Gold Medal.

Roland Schaeffer, Heinz U.S.A., Pittsburgh, Pennsylvania, 1 Gold Medal.

Lyde Buchtenkirch, Culinary Institute of America, Hyde Park, New York, 1 Gold Medal; Trophy for best centerpiece on first day of show.

Daniel Hugelier, Detroit Athletic Club, Detroit, Michigan, 1 Gold Medal.

Gale O'Malley, Plaza Hotel, New York, New York, 1 Gold Medal.

Total: 21 Gold Medals, including Loibl's special Gold, and one Silver medal.

U.S. Cuisine Voted Best in International Competition

FRANKFURT.—It's official! The United States Culinary Team captured the coveted first prize for its hot meals entered in the 15th International Culinary Competition. The chefs vied against teams from 22 other countries with their turkey roulade and stuffed sea bass entries and emerged the victors.

The Team, selected by the American Culinary Federation and sponsored by Kraft Foodservice, practiced for two years prior to the seven-day event which is held every four years in this German city. Commonly called the "Culinary Olympics", this contest became the mecca of food world and attracted over 55,000 visitors from 36 countries.

National teams of chefs cooked in open-to-view kitchens adjacent to an international restaurant. The day the U.S. competed, diners lined up hours before the doors opened to get a taste of the best America had to offer. The result—the Team sold out in record-breaking time. As the restaurant manager posted the sign announcing this fact, a cheer went up from the crowd, and the Team coach exclaimed "The public has given us the gold!"

But it wasn't until the international jury evaluated the menus on the basis of: competent preparation, practical serving and presentation, taste, novelty, an orderly working place and efficient use of time that the winning team was chosen.

At the awards ceremony, the U.S. also was awarded Second Prize in the cold food platters category. This honor recognized outstanding work in pastries, centerpieces, and buffet work. In addition to the overall awards, every chef on the U.S. Team won an individual medal. The final count—21 gold medals and one silver, including one special gold medallion symbolizing the highest possible score on a single entry.

U.S. Cuisine Wins Coveted World Title

When the flame was extinguished at this year's "Olympics" in Frankfurt, Germany, it was on a gas range rather than a playing field. And victory belonged to the United States team. As the team of 13 chefs, dressed in cowboy garb, rushed to the stage to accept its gold medals, it was confirmed by the culinary world that U.S. cuisine was the international favorite.

Since the turn of the century, chefs have flocked to Frankfurt to attend the International Culinary Competition, commonly called the "Culinary Olympics." This year, the mecca of cooking professionals attracted teams from 23 countries and a record 55,000 visitors. Chefs from nations including Australia, Romania, Korea, South Africa, and most of Western Europe vied in hot and cold food categories. Their purpose was to advance new techniques and concepts of cooking through competition. They strove to meet the challenge of "bringing the greatest effect from the simplest means" while introducing unique native foods and garnishes. Business associations and schools such as Kenya Utalii College were eager to show off their abilities as well in separate booth areas.

Over the past two years the U.S. team of chefs, which has been sponsored by Kraft Foodservice in four consecutive "Olympics", practiced and perfected the entries which finally won the gold—Turkey Breast Oklahoma and Baked Sea Bass St. Augustine. The week preceding the judging found the chefs in preparation kitchen number 1 on the grounds of Frankfurt's Messegelande (fairgrounds), the site of the contest. That is where they lived, in shifts, 24 hours a day. Six chef apprentices, chosen through competition in the U.S., attended to the mundane chores of chopping, slicing, cleaning-up and preparing meals while the team created its masterpieces. Two alternate apprentices joined them just for the opportunity to work for the champs.

The first day of the show set the pattern for honors to come. Lyde Buchtenkirch, the first and only woman to be selected by the American Culinary Federation for a berth on the team, was awarded the prize for best centerpiece. Her winning bread dough sculpture was surrounded by other works of art on the U.S. cold food table. Indians, castles and wagons carved out of chocolate, salt paintings, hors d'oeuvres displays, buffet platters and hot plated meals presented cold were scrutinized by the international jury each morning of the seven-day event. The score sheets added up to an individual medal for each team member (11 gold and one silver) and an overall second prize in the cold platter category. Pastry Chef Helmut Loibl's gold medal represented perfect scores from all judges and was one of only two such awards.

Photographers and by-standers were hard-pressed to get a good view of the whole table because of the crowds interested in what America had to offer. Occasionally faces from home would appear—culinary students who had paid their own transportation to root for their team and learn from the masters. Even celebrities such as Robert Morley came to find out who was "killing the great chefs of Europe."

On the third day of the competition the U.S. team relaxed long enough to host an American Wild West party for all international competitors. While enjoying the universal language of music, guests sampled a bit of pioneer flavor at the Kraft's Circle K saloon and chuckwagon buffet. An authentic Indian tepee dominated the entrance to the party and was later donated to the Boy Scouts of the local army base.

Back in the competition arena, tension mounted as four countries a day served their hot food entries to diners in the International Restaurant. Gourmets and gourmands were delighted with choices ranging from England's veal stuffed with cheese and mushrooms, Norway's elk steak, and Japan's fish with seaweed sauce to Holland's rabbit, Canada's buffalo, and Sweden's filleted herring.

But it was the U.S. team that broke all records in selling out of its 200 portions of sea bass and turkey in one hour and 18 minutes. The judges concurred with the public's acclamation that the U.S. effort had met all the criteria: competent preparation, practical serving and presentation, taste, novelty, an orderly working place and efficient use of time.

As the U.S. chefs scaled the heights of culinary prowess, the International Herald Tribune reported news of another culinary milestone—the first privately owned restaurant in Peking opened with three tables and a female chef who offers 70 menu items to her enthusiastic patrons. Proof positive that the advancement of good food is a goal the world over and that each day chefs are exhibiting the "Olympic" spirit.

HELEN HAYES ON TURNING EIGHTY

Mr. PERCY. Mr. President, I quote from Proverbs 3: 16:

> Long life is in her right hand;
> In her left hand are riches and honour.

Mr. President, as this year's Tony awards noted, a woman deserving of this praise in Helen Hayes. One of the longest, most glowing and altogether honorable careers in the history of American Theater belongs to her. In October, Helen Hayes turned 80.

Her varied acting career has spanned most of this century. This loved and highly acclaimed performer is now turning her attention to possibly one of the most important tasks she has ever accepted. Helen Hayes is a member of the Advisory Committee to the 1981 White House Conference on Aging. Most importantly, she is working on the Confer-

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*Team members who comprise the national team, which prepared the winning hot food in the open-to-view kitchen.

ence Committee on Employment. The recommendations from this committee may well have a profound affect on the spirits and productivity of millions of current and future generations of Americans. I wish her well in this endeavor.

The employment of older workers is an issue in which the members on the Senate Special Committee on Aging, of which I am a member, has begun to review. In a series of hearings entitled: "Work After 65: Options For the '80's," we have started to review private and public sector policies which have encouraged the retirement of physically and mentally able older workers. I hope the recommendations we receive from the White House Conference Committee on Employment will help us to come up with constructive responses to the problems we are facing in this area.

In the October 20 edition of Newsweek, Helen Hayes takes "her turn" in describing her past and future careers. In the article entitled: "Reflections on Turning 80" Helen Hayes describes the importance of work in her life and her desire to "find more jobs for people beyond the mandatory retirement age."

While she reflects on her strengths in the article, she also reflects on her failings in which she states:" . . . I have to fight them. But I know that I won't give up trying until I am at least 100!" But I have this to say to Helen, quite frankly, I do not believe you will give up even then!

Mr. President, I ask unanimous consent that the article entitled "Reflections on Turning 80" appearing in the October 20 edition of Newsweek be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reflections on Turning 80

(By Helen Hayes)

When Thornton Wilder turned 75 he answered the usual questions about his feelings on the momentous occasion. He said something like, "Free! Now I can be as arbitrary, eccentric, as wayward as I like. It will all be put down to senility."

If the wise Mr. Wilder felt that way at 75, imagine his rapture at 80. That's when the real fun begins. Then the real self-indulgence sets in.

Time was when I proudly declined an arm offered to help me up and down a step. Now I tend to grab for it.

I used to comply smilingly when asked, sometimes in the middle of a meal, for an autograph. Already, I've begun to snarl.

I shall refuse any longer to be the fount of wisdom on how to launch a career in everything from acting to rose growing.

Up until now I answered all letters, each one individually. Lately I have begun to follow the John Barrymore system of dealing with such mail. It is simple. You let the letters collect until the pile becomes formidable, and then you chuck the whole thing away.

In brief, I am casting off the shackles of celebrity.

I have enjoyed being famous and respected. I have, indeed, and I have tried to live up to the public's image of me.

SEARING PAIN

I loved a lot in my life, which is not to say that a lot of things don't happen in everyone's life, my own included, that cannot be controlled and that bring searing pain. A child dies, someone loved dearly dies. But I have learned that we can meet the setbacks of life with grace, and I think that is what the theater and my religion taught me.

There is great discipline in the theater, and learning that discipline, absorbing it, accepting it, strengthened me to walk straight through life.

It taught me how to deal with a crowded life and that is a hard thing to do with equanimity because a lot of people get overstrained and fall apart when too many pressures push in around them.

There is a discipline in handling audiences and in handling yourself with the people who are always around in the theater. When you are a star, you are sort of like the captain of a ship. You must learn how to cope with the troubles of everyone in the company because they come to you for help.

The theater also taught me how to get through life with some kind of order, because order is the main thing in the theater as it is in life.

These are the kinds of lessons that all of us, not just actors and actresses, learn through long experience.

Believe it or not, I am turning over a new leaf at 80. I am about to launch myself on a career that does not draw limelight or too much public notice. A cozy career.

I accepted an invitation to become a member of the Advisory Committee to the White House Conference on Aging, which started planning earlier this year and which culminates with a national meeting in Washington, D.C., in 1981.

I also asked to serve on the Conference's committee on employment. I would like to see us find more jobs for people beyond the mandatory retirement age who financially need to work or for people who want to work because of a deep need to do something they find meaningful.

For me, work has been as much a part of the fabric of my life as food and shelter and love. I think it is to many. And as a nation we cannot afford to waste the valuable resource older workers represent—particularly since more and more of us are getting older. One out of every nine Americans today is 65 or over, and that will increase to one out of every six Americans early in the next century.

We need more job opportunities for older people because they have so much to give.

You see, to me, acting was giving. Why do we always say an actor gives a performance? Because I know that to give a fine performance, you have to give of yourself, you have to work and try, try, try every night to do better than you did the night before.

When friends asked what they could do for my birthday this year, I said, Let's have a birthday party at the Actors' Fund Home in Englewood, N.J.

This lovely place is for theater people to retire and it has always been supported by people active in the theater. It is not just for actors and actresses but for all those who have given their lives to the theater.

So on Oct. 12 that is where I officially celebrated turning 80. And for the first time in my life I have actively sought notice from the media. I want the world to know how the theater takes care of its own.

SPIRIT

Loneliness is a dreadful problem for a lot of older people. It seems to me it can start back in youth when people get scars on their spirit the way they get them on their physical beings. They can carry those scars on their spirit through life.

These scars can spoil the older years and become incurable because no one ever told those so afflicted that being alone is not a catastrophe. Being alone can be a gift.

Having led an overcrowded life, I treasure being alone as much as I treasure my friends. It is true that I loved the theater, rejoiced in being a part of it, relished appreciation for what I did when I felt I did it well. But what I did not enjoy are the trappings of fame.

I feel like the great Confucius writing about having tried to live an orderly life with discipline, grace and giving, and I have no right to be lecturing.

People think I am such an optimistic person. That is not so. I am very morbid at times. I have to fight to be optimistic. I get into these dark Irish moods and I have to reason my way out of them.

I also find, now that I'm older, that I want to skim over a lot of things. I do not want to delve with great thoroughness even into my hobbies. I become annoyed about details related to my garden. I start a good book and then I don't want to finish it but prefer to start a new one.

These are failings and I have to fight them. But I know that I won't give up trying until I am at least 100.

THE GENERAL REVENUE-SHARING PROGRAM

Mr. FORD. Mr. President, I rise to indicate my strong support for the general revenue-sharing program, and to urge Senate action on this needed measure.

Congress has an obligation to carefully scrutinize every Federal expenditure of taxpayer dollars. Given the seriousness of the Nation s budgetary and economic probelms, no program can be completely isolated from the review process. However, this does not mean that good and sound Federal programs should be dismantled or eliminated.

The general revenue-sharing program is one example of a Federal aid program that has functioned very well over the years. This program has met critical needs of State and local governments by helping to reduce dependency on property taxes and providing discretionary funding necessary to maintain satisfactory levels of essential services.

Besides being a major part of the intergovernmental grant system, it is one of the most efficient Government programs. More than any other existing program, GRS represents an efficient use of taxpayers money while returning decisionmaking power to the level of government closest to the people. Compared to categorical grant programs which return 69 cents on a dollar in services, GRS returns 99 cents. It has created no new large Washington bureaucracy. In fact, the entire program is administered efficiently by approximately 200 Federal employees.

Mr. President. the Federal Government has been all too willing to assume functions which are properly those of State and local governments. Today, however, the Senate will have an excellent opportunity to express its faith in the State and local governments capacity to perform functions which are properly local responsibilities. General revenue sharing is essential to the maintenance of a well balanced intergovernmental grant system. It fosters intergovernmental cooperation and preserves the political autonomy of State and local governments.

The GRS program has sent more than $50 billion back to State and local governments since 1972 to help them in maintaining essential services. The State of Kentucky alone has received approximately a billion dollars over this period.

As Governor, I saw the value of revenue sharing at the State level and at the local level. I continue to believe that the government closest to the people is best. They are better able to decide priorities for their community, and general revenue sharing gives them greater ability to do just that. Yet, considerable debate and controversy continues to surround the issue of whether the State share should be eliminated. I believe this would be a serious mistake.

Many States are in desperate need of revenue-sharing funds. In my own State of Kentucky, for example, we are operating on a very tight budget. If State revenue sharing is eliminated, Kentucky's fiscal problem will be worsened.

Mr. President, I ask unanimous consent that a letter from the Governor of Kentucky, John Y. Brown, Jr. be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Frankfort, Ky., September 19, 1980.

HON. WENDELL H. FORD,
Dirksen Building,
Washington, D.C.

DEAR WENDELL: It is my understanding that the re-enactment of federal revenue sharing will be brought up for consideration by the U.S. Senate next week and that there is a proposed amendment to authorize state participation in fiscal years 1982 and 1983. Although this authorization will not provide any revenue sharing funds to the states in fiscal year 1981, it will allow Congress to determine the appropriate level of such funding in future years through the appropriations process. I would, therefore, like to take this opportunity to express my strong support for the continued participation by the states in the federal revenue sharing program and in particular for the proposed amendment authorizing that participation in 1982 and 1983.

Revenue sharing has been a very meaningful program for Kentucky, and since its inception in 1972 state government has received nearly $315 million, the great majority of which has been used in the area of capital construction. Because these funds have not been placed in operating programs, it does not mean that they have been spent merely on cosmetic brick and mortar.

Over the years, revenue sharing funds have been used to maintain and renovate our prisons, mental health and mental retardation facilities, and our parks system; to provide grant funds to local governments for convention centers and riverports; and to provide considerable construction funds for our vocational education facilities, community colleges, and universities, including $42.9 million for the new regional teaching hospital currently under construction in downtown Louisville. The current 1980–82 Executive Budget includes $7.5 million for grants to local riverport authorities to spur economic development; $5.5 million for necessary renovations at Eastern State Hospital to meet life safety code, fire safety code, and other requirements; $3.9 million for the construction of a new housing unit at the Kentucky State Penitentiary; $2 million for needed repairs to state-owned dams. Without revenue sharing funds, many projects now completed could simply not have been done at all, and the loss of revenue sharing in the 1981 federal budget will severely impact our 1980–82 construction program.

As you know, state government in Kentucky is currently facing a $114 million shortfall in projected general fund revenues as well as continuing problems in maintaining road fund revenues. Eliminating the state share of revenue sharing for 1981 will mean a loss of $58 million to our 1980–82 construction program, which even further compounds the revenue problems facing the Commonwealth. In past years, it would have been possible to temporarily absorb such a loss in revenue sharing dollars with the state's surplus. However, at the close of fiscal year 1979–80, this surplus only amounted to $13.6 million. The loss of revenue sharing dollars will not just mean a shuffling of funds, but a real curtailment of projects designed to improve the lives of our citizens.

I sincerely urge your support of the proposed amendment to authorize state participation in the federal revenue sharing program. Such funding may well determine whether many critical projects can be initiated on behalf of our citizens.

Sincerely,

JOHN Y. BROWN, Jr.,
Governor.

Mr. FORD. Mr. President, Governor Brown's letter points out the importance of State revenue-sharing funds to the State of Kentucky. Since the first revenue-sharing checks were issued on December 8, 1972, Kentucky's State share has amounted to more than $315 million. These funds have been used to finance a large number of worthwhile projects, including badly needed capital construction. Moreover, the State share has been used to support not only State functions, but has also been passed through to assist localities.

Revenue sharing has been most important to local governments: Small and large; rural and urban. The largest county in my State, for example, receives approximately $9.2 milllion annually—13.5 percent of its total budgeted revenues for fiscal year 1980–81—through the revenue-sharing program. It would be impossible for this county to replace these funds without increasing taxes or drastically cutting services. In fact, if revenue sharing is discontinued, many local governments will have to do both—cut services and increase taxes.

Without question, the loss of general revenue-sharing funds, whether State or local, would cause severe financial problems for local governments.

I regret that local governments have been unable to budget with any certainty because of the delay in this bill's consideration. Fortunately, if Congress acts now, the local governments will not be further inconvenienced. I am assured that the first payment to local governments under this legislation will not be delayed. It is expected to be sent out in the early days of January.

Mr. President, I support swift passage of this legislation without weakening amendments.

Mr. GARN. Mr. President, I thank the former Governor of Kentucky for speaking up on revenue sharing.

As a former mayor, I wholeheartedly agree with what the Senator said in his statement in support of it because it is something that certainly should be reenacted before we adjourn, if we do nothing else.

I feel there is no more important legislation than that for the cities, counties, and States of this country.

Mr. FORD. Mr. President, I thank my good friend from Utah for approving of my remarks wholeheartedly. It indicates that we are on the same wavelength on revenue sharing.

I think it is somewhat disturbing to those people who are saddled with the responsibility—if I can use that terminology—to finance our cities, counties, and States based on something that they do not know when it is coming.

Revenue sharing has become a very vital part of the political life there. Many things can be given our constituents that are of value because the decisions made, as they relate to the needs of the community, can be made by the citizen at the local level through the use of revenue sharing.

I have been a strong advocate of revenue sharing. We had a revenue-sharing proposal accepted by the legislature when I was Governor in Kentucky in relation to the severance tax, going back to the communities, the counties, where the resource was extracted. It was applied and sent back to the counties and communities.

So, revenue sharing has been one of the things I approved of the philosophy and use of.

Mr. GARN. I say to my distinguished colleague that the philosophy is as important as the money because it was the first time in a long series of events that transferred back, away from local and State government, to the Federal Government, of reversing that trend and giving local mayors, Governors, and State legislators the opportunity to make decisions affecting their own areas.

I commend my distinguished colleague from Kentucky.

A PACIFIC COMMUNITY

Mr. PERCY. Mr. President, an important meeting took place in Australia in September. The Australian National University hosted a nongovernmental conference on the concept of a Pacific community. It was attended by Japan, the United States, Canada, Australia, New Zealand, Singapore, Indonesia, Thailand, the Philippines, Malaysia, South Korea, and the Southwest Pacific island nations. Assistant Secretary of State Richard Holbrooke, Lawrence Krause from Brookings, and Richard Wheeler, senior vice president for Citibank attended for the United States. The conference brought together academics, businessmen and Government officials acting in a private capacity.

A Pacific community is now and will probably continue emerging without the assistance of an institutionalized framework. As trade grows, as industrialization proceeds, and as regional investment patterns develop, a process of regional self-identification will strengthen. The question addressed by the conference was whether a more structured approach is needed to gain more quickly the benefits of regional cooperation. That question was not fully answered and still needs to be explored.

But the conference did take some important steps. It singled out at least three issues as areas for concentration at this point:

First. Industralization and trade;

Second. Energy production, use and trade; and

Third. And direct investment, including codes of behavior on international investment issues.

Participants also recommended that an unofficial, standing committee of about 25 persons be established to coordinate an expansion of information exchanges within the region and to set up task forces to undertake studies of issues for regional cooperation.

Mr. President, I believe that this is an important beginning for the Pacific community concept and I urge our own Government to support it and to participate in its development.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. PERCY. Mr. President, on Sunday, December 7, just 2 days from now, the John F. Kennedy Center for the Performing Arts will celebrate what has in 3 short years become an important American tradition—the "Kennedy Center Honors." Five individuals—Leonard Bernstein, James Cagney, Agnes DeMille, Lynn Fontanne, and Leontyne Price—will be honored at the White House and saluted by their fellow artists in the Kennedy Center Opera House for their distinguished contributions to American cultural life. A television broadcast of the evening's performance will be broadcast nationwide by the CBS network on December 27. As the Kennedy Center heads toward its 10th anniversary next September, it is, I think, apparent to all that its performance record and events like the "Kennedy Center Honors" have made it America's premiere performing arts center and one that is shared by all of our citizens.

In addition to the annual broadcasts of the "Honors Gala," the Kennedy Center's outstanding programing will be shared nationwide for the first time on public television, WQED Pittsburgh, and the Center recently announced a 3-year series of cultural programs for public television. "Kennedy Center Tonight," funded principally by the Shell Co.'s foundation with support also provided by the Corporation for Public Broadcasting, will embrace a variety of the performing arts—dance, drama, opera, and symphony—and will include both live and recorded programs in 12 specials to be aired over the next 3 years. "Kennedy Center Tonight" provides a marvelous opportunity for the Center's broad range of programing to reach audiences across the country.

Since opening its doors in 1971, the Kennedy Center has welcomed 40 million people from all parts of the United States and throughout the world. Nearly 10,000 performances have been presented on its four stages emphasizing quality and the broadest possible public participation, evidenced by the fact that more than 1 million people—students, the elderly, handicapped persons and enlisted military personnel—have attended performances at half-price through the specially priced ticket program, the most extensive program of its kind offered by any American arts institution.

The Kennedy Center has been able to carry out congressionally-mandated performing arts programing and public service activities as the National Cultural Center and to absorb the costs of such efforts as the specially priced ticket program principally through support from private corporations, foundations, and individuals—more than $15 million since the Center opened. For the coming year, the Corporate Fund for the Performing Arts—organized by major American corporations to support the Kennedy Center—will seek to raise $1.7 million to further extend the Center's national outreach programs as well as its efforts to develop new talent and audiences across the country. James L. Ferguson, chairman and chief executive of General Foods Corp. has served as chairman of the 1980 corporate fund campaign.

During the past year fund contributions were received from the following:

Corporate Leadership Circle

(Gifts of $50,000 and up)

American Telephone and Telegraph Company.
Atlantic Richfield Foundation.
Conoco, Inc.
Exxon Corporation.
General Foods Corporation.
International Business Machines Corporation.
Mobil Foundation, Inc.
The Prudential Foundation.
Revlon Foundation, Inc.
Standard Oil Company (Indiana).

Corporate Patrons

(Gifts of $25,000)

CBS Inc.
Champion International Corporation.
R. J. Reynolds Industries, Inc.
Texaco Philanthropic Foundation, Inc.
Time, Inc.
United States Steel Foundation, Inc.
The Xerox Foundation.

Corporate Sponsors

(Gifts of $10,000)

Alcoa Foundation.
Allied Chemical Foundation.
Anheuser-Busch Foundation.
Bethlehem Steel Corporation.
The Chase Manhattan Bank.
Coastal State Gas Corporation.
The Coca-Cola Company.
E. I. Dupont De Nemours & Company, Inc.
Ford Motor Company Fund.
General Electric Company.
General Motors Foundation, Inc.
Gulf Oil Corporation.
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As the John F. Kennedy Center for the Performing Arts approaches the anniversary of its first decade as the Nation's showcase for the performing arts, its artistic, educational and public service programing documents how well it has fulfilled its mandate as a living memorial to the late President Kennedy. It is a great honor for me to serve on its Board of Trustees under the leadership of Chairman, Roger L. Stevens. In the coming months I look forward to bringing my colleagues highlights of its many programs and activities.

GAO AND INTERIOR DEPARTMENT REPORTS ON PAYMENTS IN LIEU OF TAXES (PILT)

Mr. ARMSTRONG. Mr. President, as Senators know, the conference committee has voted to fund the payments in lieu of taxes program at a level of $103 million—budget authorization—plus the $5 million deferred from the previous fiscal year. However, this funding level came only after protracted debates on this important program and represents an increase of $18 million over the level voted by the House of Representatives, in what apparently has become an annual debate on this subject. Because I expect a similar scenario next year, I take this opportunity to review a recent report of the General Accounting Office—GAO—which appears to have been a major factor in this year's action by the House of Representatives.

I. GENERAL ACCOUNTING OFFICE REPORT

The GAO report to which I am referring, "Alternatives for Achieving Greater Equities in Federal Land Payment Programs," September 25, 1979, argues that many counties receive much more money under the payments in lieu of taxes program than they would if the lands were privately owned.

My own review of this report, the PILT program and the underlying facts, however, suggest that the GAO report is misleading in several respects, contains a number of significant factual errors, uses incorrect figures and draws many erroneous conclusions. I would like to review a few of the report's more serious problems, particularly as they pertain to Colorado.

The GAO report's basic conclusion is that:

> Payments made to compensate States and counties for tax-exempt Federal land are not consistent or equitable because of the payment methods used. As a result, many counties are paid more under these programs than they would receive if the lands were privately held.

The report also stated that, in six Western States, revenues comparable to property taxes exceeded by $187 million the potential property taxes that could have been collected if the lands had been privately owned.

These conclusions are simply incorrect.

A. CALCULATION OF LAND VALUES FOR IN-LIEU-OF-TAXES PAYMENTS

Perhaps the most serious flaw in the report is the fact that the General Accounting Office chose the lowest value of private land in each of the six States it studied (grazing land) and applied this figure to the total acreage of Federal landholdings in the State, to determine what GAO felt the various counties were entitled to under the PILT program. It used this very low figure even when much of the land in question was obviously far more valuable—for timber, oil and gas, coal, oil shale, base and precious metals, skiing and other developed recreation, national parks, wildlife refuges and all of the water projects of the Bureau of Reclamation and Army Corps of Engineers.

Thus, GAO grossly understated the amount of property taxes to which the various States would be entitled were those federally owned lands actually in private hands.

In Colorado, for example, the GAO assigned a value of $0.24 revenue per acre for all Federal lands eligible for payments in lieu of taxes in the State. The report, however, did not identify how the $0.24 per acre figure was determined, other than to say it was based on the assessed value of private grazing land (the lowest land value in the State), multiplied by the average county-wide mil rate for property taxes.

A more thorough analysis of current (1979) data reveals a more realistic estimate of the property tax potential of Federal entitlement lands in Colorado, based on the comparison of the following types of Federal lands in the State, and I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Type of land	Acres	Comparable private land	Average 1979 assessed value per acre of privately owned land	Potential revenue per acre
BLM grazing land	7,369,116	Grazing/dry farm	$4.46	$0.35
BLM oil, coal, and mineral leases	627,247	Oil/coal leases	633.01	49.65
Wildlife refuges	52,292	Natural resource lands	47.28	3.71
National forests	14,386,671	do	47.28	3.71
Bureau of reclamation	316,565	do	47.28	3.71
National parks	537,352	do	47.28	3.71
Corps of Engineers	38,249	do	47.28	3.71
Total	23,327,492		[1] 49.50	[1] 3.88

[1] Average.

Source: 1979 Report on Property Taxation, State of Colorado.

Mr. ARMSTRONG. Mr. President, based on this analysis of comparable private lands, for 1979, the potential property tax revenue of the Federal PILT lands in the State of Colorado would be $90.6 million per year, or $3.88 per acre—compared with the $5.6 million ($0.24 per acre) which GAO calculated Colorado should have received under the PILT formula, and with the $7.5 million ($0.32 per acre) Colorado actually did receive in 1979. That is, Colorado would have received $90.6 million in property taxes, if these lands were privately owned, and if a more accurate estimate for assessed land value were used—one based on actual land values and actual potential land uses.

The GAO also reported that, in 1977, Colorado counties received payments similar to property taxes amounting to $26.4 million, or $1.13 per acre. However, these counties actually received only $10.8 million, an average of $0.46 per acre from all sources, as follows: $7.0 million from PILT, plus $2.4 million in mineral royalties, plus $1.4 million in forest reserve receipts.

In summary, rather than an excess of Federal payments over tax value of $20.9 million according to the GAO report, Colorado counties actually were shorted by $79.8 million, based on a tax equivalency basis, in PILT payments, mineral royalties and forest reserve receipts actually received ($90.6 million minus $10.8 million).

Several individual counties were selected by the GAO in its study, to emphasize that counties are receiving more Federal payments under Federal ownership than they would receive in taxes if the lands were under private ownership. Moffat County Colo., was one of those selected. According to the GAO report, Moffat County averages Federal payments of 26 cents per acre, compared to only 8 cents per acre in taxes for similar private grazing lands.

In fact, Moffat County averaged 10.7 cents per acre in taxes for private grazing land, not 8 cents. Apparently, the GAO did not include fire protection and water conservation district taxes.

Second, Moffat County received only 8.8 cents per acre this year for payments in lieu of taxes, and in 1977 (the year used in the GAO report) received exactly 10.0 cents per acre, not 26 cents.

Apparently, the GAO included these mineral leasing royalty payments of $200,000 received by Moffat County. These mineral lands and mineral revenues do not compare to private grazing lands. Producing oil and coal properties in Moffat County are valued from $840 to $1,860 per acre, compared to $2.40 per acre assessed value for grazing land.

An analysis of Federal acreage in Moffat County shows that approximately 1,368,000 acres of BLM lands are producing oil and coal lands. In addition, there are 41,000 acres of forest lands and 154,000 acres of national park lands. The average value of these lands would far exceed even the $2.40 per acre which the State of Colorado has calculated grazing land is worth, for tax purposes—to say nothing of the $0.24 per acre figure which was used by the General Accounting Office.

Last month in Moffat County's neighbor, Garfield County, a sale of 12,000 acres of private oil shale lands brought more than $50,000 per acre. It is hard for me to imagine that the GAO would estimate the Federal oil shale lands in Colorado to have an assessed value of only $2.40 per acre, but that is precisely the approach this report has taken.

Thus, PILT payments to Moffat and Garfield Counties, calculated on a tax equivalency basis as proposed by the GAO, would far exceed the payments actually made to these counties under the PILT program.

I think Colorado would probably be more than happy to have its PILT payments calculated on a tax equivalency basis as recommended by the GAO—at least if the land's actual value is used rather than some arbitrary and extremely low value for grazing. As noted previously, under a tax equivalency basis and using the same land assessment values that the State of Colorado uses in calculating property taxes, Colorado's counties would receive an additional $80 million per year under the PILT program. Its payments would actually be more than 12 times as high as they were in 1979 under PILT.

This would probably be the just and proper way of dealing with this issue. However, Colorado and the other Western States have never asked for higher PILT payments than the law actually calls for under its formula. They have asked only for what they believe is due them under the Payments in Lieu of Taxes Act (P.L. 94–565). That was the case this year and will most assuredly be the case next year.

B. MINERAL LEASE, ROYALTY AND PRODUCTION REVENUES

The General Accounting Office compounded its initial error (of choosing the lowest private land value for its calculations) by suggesting that BLM mineral lease and royalty revenues are comparable to local property taxes, and that large sums of lease and royalty moneys were actually paid to many of these counties and should be subtracted from PILT payments otherwise due. In this way, it overstated the in lieu of property tax revenues payable to the western counties by over $150 million.

The fact is that these mineral-related revenues go to the States, which share them with the counties only at their discretion. In some Western States, the counties do not receive any of this money; in other Western States, they receive only a small percentage of the total paid to the States. Moreover, any payments actually received by the counties are subtracted from PILT payments that would othewise be due them.

For example, the GAO report stated that $64.6 million in mineral royalties were received by counties in Nevada, New Mexico, and Montana. In fact, counties in these three States did not receive a single cent of mineral lease royalties.

In Nevada, New Mexico, and Montana, by State law, Mineral Leasing Act receipts are not shared with county government; they thus cannot be compared with local property tax receipts. In the other three States of Utah, Wyoming and Colorado, only $4.3 million of the $91.1 million reported was actually received by county government; the remaining funds are retained by the State for a variety of State programs.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the six States reviewed by the GAO.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

[In millions]

State	Mineral royalties reported by GAO	Funds actually received by counties
Colorado	$16.0	$2.4
Montana	7.1	0
Nevada	3.9	0
New Mexico	53.6	0
Utah	9.6	1.2
Wyoming	65.6	.7
Total	155.8	4.3

Mr. ARMSTRONG. Mr. President, finally, GAO's apparent assumption that the Western States are somehow obligated to share these mineral lease and production revenues for the counties, regardless of what State law may say, is itself correct. Mineral-related revenues are not property taxes.

No property owner that I am aware of is permitted to withhold his property taxes simply because he is paying severance taxes or income taxes on royalty payments when minerals are produced on his property. And no Eastern or Western State that I am aware of has ever been told that it has an obligation to pay mineral lease and royalty moneys to the counties when the lands from which those revenues come are owned privately or by the State.

II. DEPARTMENT OF THE INTERIOR STUDIES OF THE PILT PROGRAM

The Department of the Interior also completed a review of the implementation of Public Law 94–565 in June 1979. This review is also somewhat critical of the program.

For example, on page 7 of the report, the Department discusses the administrative problem arising from the unavoidable reliance on the States to furnish information on revenue-sharing funds distributed at the local government level. The Department has found inaccuracies in the submitted information, and therefore suggests the need for an audit of the program. The study concludes that, because the benefits accrue to local governments, the States lack the incentive to provide accurate and timely data about the revenue-sharing funds.

Regulations were proposed earlier this year by the Bureau of Land Management which would mandate that all revenue-sharing distributions be certified either by State auditors or public accounting firms. The final regulations should be forthcoming. In any event, a requirement for audits will add to the costs of the program administration, which at the moment is a remarkably low 0.3 percent.

Nevertheless, Congress has authorized several audit positions for the Department. However, one has to wonder whether the Department has plans for correcting the problem it identified, for these slots have yet to be filled.

The Department then criticized the structure of the PILT Act as providing a motivation for the States to change their laws in order to minimize the revenue-sharing funds distributed to local governments and therefore maximize the PILT payments.

However, as discussed above, mineral lease revenues, which are given to the States for voluntary distribution to the counties, are in no way equivalent to PILT "property tax" payments. Interior's position is simply not supportable.

Another problem discussed at length in the report is that of the numerous errors in entitlement land reports and supporting records of the agencies involved. The Department stated in its review that "the lack of coordination among agencies reporting entitlement lands has resulted in substantial errors in acreage figures used by BLM (the Bureau of Land Management) to compute payments." Several counties protested the reported acreage during the first 2 years of the program.

Although this has been only a slight administrative problem for the initial phase of the program, perhaps it will benefit public land management in the future if greater emphasis is placed on better recordkeeping.

III. CONCLUSIONS

A national survey of recipient counties has shown that the PILT funds are used by local governments in public land counties to provide basic services, as follows: A sum of 22-percent for law enforcement; 18 percent for road maintenance; 16 percent for county administration; 11 percent for public facilities; 10 percent for health programs; 8 percent for social programs; 5 percent for recreation; 3 percent for fire protection; and 7 percent for local services.

Without these PILT funds, many Colorado counties would have to curtail these important services, even as they are impacted more and more severely by energy and mineral development which is taking place to provide the basic raw materials on which American industries and jobs depend.

The General Accounting Office, and to a lesser extent the Department of the Interior, have suggested that the payments-in-lieu-of-taxes program should be overhauled and funded at a much lower level. My own analysis of the issue shows that, while some relatively minor administrative changes may be warranted, the PILT program is sound and perhaps should actually be funded at a much higher level than is presently the case, to reflect the actual values of these very substantial Federal land holdings in the Western States.

However, the Western States have never asked Congress to change the present PILT formula, so that they can receive more money than they are now entitled to receive by law. They have simply asked, as they did this year, that Congress reexamine the analysis prepared by the General Accounting Office, and maintain the proper funding levels provided under the Payments in Lieu of Taxes Act.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats, and staff members will take their seats.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, lengthy discussions have been had with respect to the following request, which, if granted, would mean that the Senate would not be in session tomorrow and would not be in session tonight, through the night.

Mr. President, I ask unanimous consent that it be in order to file a cloture motion on the fair housing bill, H.R. 5200, today; provided, further, that a vote occur on Tuesday at 11 a.m. on the motion to proceed to take up the fair housing bill; provided, further, that immediately following the vote to proceed, if it carries, the Senate vote on the motion to invoke cloture on the fair housing bill.

Ordered, further, that if the vote to invoke cloture on the fair housing bill carries by the required majority, the Senate proceed then to debate and act upon that bill until it is disposed of one way or the other, in which event, after 20 minutes of debate, to be divided equally between the parties who thus far have controlled the debate on the Breyer nomination, the Senate then proceed to vote on the cloture motion on the Breyer nomination; provided, further, that, in the alternative, in the event the vote to invoke cloture on the fair housing bill, H.R. 5200, fails, the leadership take the bill down and then immediately proceed to vote, after 20 minutes, on the cloture motion on the Breyer nomination.

Ordered, further, that there would be no further action on the fair housing bill between this moment and Tuesday. In the meantime, on Monday, other measures could be called up, under the usual procedure, after clearance between the two leaders, as is ordinarily the case.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I commend the majority leader once again for his patience and perseverance in attending and participating in a number of negotiating sessions in the course of this day.

I commend all those who have been involved, on both sides, for their diligence and attention to detail in trying to arrive at this conclusion.

I believe this is a good arrangement. It provides for an orderly disposition of important legislation at a sensitive time in this session of the Senate.

Mr. President, I should like to clarify two or three things, if I may.

To begin with, it is my understanding that under this situation, on Monday, we could transact other business as it might be agreed to by unanimous consent. I do not propose to suggest by that that there be any great difficulty with that arrangement, because I feel a keen responsibility to dispose of the necessary business of the Senate, and Monday is an ideal time to do it.

I should like to confirm, first, that, under this procedure, it would require unanimous consent, pursuant to the provisions of rule XXII, in order to lay this matter aside and take up other matters.

Mr. ROBERT C. BYRD. In accordance with the request as proposed, that would be the case.

Mr. YOUNG. Mr. President, reserving the right to object, I wonder whether the majority leader would give us some idea as to when the continuing resolution will be taken up. It has to be passed before the adjournment, and it will take at least 2 days, at best, to consider. I wonder whether the majority leader has any idea as to when we might be able to take it up.

Mr. ROBERT C. BYRD. The continuing resolution would be brought up at a time subsequent to the disposition of the fair housing bill and the Breyer nomination.

Mr. YOUNG. We will have to have at least 2 days to complete the bill.

Mr. BAKER. Mr. President, reserving the right to object, if the majority leader will yield, I ask what would be the effect of this request on the order providing for the consideration of the revenue sharing measure after the Breyer nomination as it is presently ordered.

Mr. ROBERT C. BYRD. The revenue-sharing measure would be the next order of business after the disposition of the fair housing bill and the Breyer nomination.

Mr. BAKER. I thank the majority leader.

One final question: Under the rule, as I understand it, if such request is granted to provide for the vote on the motion to proceed, followed immediately by the cloture vote on Tuesday, Members would have until 1 o'clock Monday to file qualified amendments and until an hour before the time for the vote on Tuesday to file second-degree amendments.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BAKER. Mr. President, I think it is a good arrangement.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I ask for just one brief moment before we proceed.

The PRESIDING OFFICER (Mr. SARBANES). Is there objection to the unanimous-consent request?

Without objection, so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank Mr. BAKER, Mr. KENNEDY, Mr. THURMOND, Mr. DOLE, Mr. HELMS, Mr. RIEGLE, Mr. DECONCINI, Mr. BUMPERS, Mr. BOREN, Mr. METZENBAUM, Mr. MATSUNAGA, Mr. MORTON, Mr. SARBANES, and the other Senators on the other side of the aisle for the dedication, the sincerity of purpose and conscientious effort that have gone into the creation of this agreement which I think is a good one.

I yield to the distinguished minority leader without losing my right to the floor.

Mr. BAKER. Mr. President, I thank the majority leader for yielding.

Mr. President, this has been a difficult set of negotiations. Indeed, I cannot remember very many times in my career in the Seante when there have been more difficult negotiations, but it is a tribute to every person who participated that each of them subordinated some of their wishes to the overall agreement.

I especially single out the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. HELMS), Mr. HATCH from Utah, and Mr. HUMPHREY from New Hampshire. STROM THURMOND has been persistent in his effort to see that this was handled in a way that accommodated the interests of a maximum number of people.

There are so many others, Mr. President, that I am about to omit some of them, I am sure. Senator JEPSEN from Iowa, Senator MATHIAS from Maryland, Senator CHAFEE from Rhode Island are only a few of the others who contributed in a very meaningful way.

Mr. President, may I say one other thing. I said earlier in the day that I would hope we would be able to arrange some action that might be taken by the Senate today.

I advise my friend, the majority leader, that as far as I can ascertain there would certainly be no objection to proceeding tonight to calendar items on which we have unanimous-consent agreements, if that is otherwise desirable from his standpoint, and I believe that he thinks, and I know I agree with it, that it is essential that we try to do the defense appropriation conference report yet tonight. By the way, I know of no request for a rollcall vote on that conference report on this side.

Mr. STENNIS. I do on this side.

Mr. BAKER. I assume there probably will be one by some group of Senators.

Mr. STENNIS. We think there should be a rollcall vote.

Mr. BAKER. Mr. President, I thank the majority leader.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. KENNEDY. I also express appreciation to the majority leader and also to the minority leader and to the members of the Judiciary Committee and those who have been involved in this discussion and have brought us to the point where the Senate itself was prepared to accept a consent agreement.

I think what this agreement would do effectively is permit the Senate as an institution to deal with this important issue on the basis of the merits. That is something which is of enormous importance and consequence, I think, both to this institution and to the American people. I think that the majority leader has outlined a way which is reasonable and serves the interests of the Members and most importantly serves the interests of this institution facing this question.

I express our appreciation to the majority leader and also to the minority leader for bringing us to this position.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for his kind comments. I hope that 16 Senators will be available to sign the cloture motion before we go out tonight.

DEPARTMENT OF DEFENSE APPROPRIATIONS 1981 CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the defense appropriations conference report, with the proviso that there be a time limit overall of 30 minutes to be equally divided between Mr. STENNIS and Mr. YOUNG, and it is understood that there will be a rollcall vote. I ask unanimous consent that it may be in order to order that rollcall vote at this time.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. BUMPERS. Mr. President, will the majority leader yield for a question? Does the majority leader anticipate taking up any additional bill tonight following the rollcall vote on this appropriations conference report?

Mr. ROBERT C. BYRD. I would anticipate taking up no measures requiring a rollcall vote; only unanimous-consent measures.

I yield the floor.

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on H.R. 8105 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 4, 1980.)

Mr. STENNIS. This is the conference report on the appropriations bill for fiscal 1981, Department of Defense.

If we may have quiet, Mr. President, I believe we can dispose of this matter now.

The PRESIDING OFFICER. Will the Senator suspend? The Senator is correct. The Senate will come to order.

Mr. STENNIS. Mr. President, this report now is signed by all the members of the conferees on the part of the Senate, all members from the House, and I think it is one of the most thoroughly considered and balanced conference reports on an appropriation bill that we have ever had.

The Senator from North Dakota and I and others who are most familiar do not think there is any appreciable time here that is required to present the matter.

This is a unanimous report. This, incidentally, is the largest appropriations bill that the Senate has ever passed in the history of the Nation in peacetime or in wartime. It represents some very salient points and a forward thrust of our entire military program.

I will just mention by description the special emphasis here all the way through on what we might call operational readiness, on the modernizing of our forces, on the looking forward through research and development with reference to other weaponry and items, and also the problem of inflation as we have to deal with it in these many, many accounts.

Mr. President, as I have said, each of these major items has been fully debated, considered and debated, and many of them voted on here on this floor on the contents of this bill this year, after very fine discussions in the press, the media of all kinds, even in political campaigns. We do not know of anyone who has not been furnished the information that he might need.

I do have a statement here that undertakes to outline and to describe the major parts of the bill, together with the amounts involved as to those items, and with a complete table here prepared in the usual way, with statements, all with reference to the new budget authority which, at the proper time, I will present for the record.

Of course, the Senator from North Dakota and others are prepared to answer, as am I, any questions that may come up. I hope the Senator from North Dakota will be recognized, and I yield some time for his recognition.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. YOUNG. Mr. President, I concur in the comments of the distinguished chairman of the Defense Subcommittee, Mr. STENNIS. I would like to add a few comments for emphasis.

The conference agreement for fiscal year 1981 will provide $159.7 billion for Defense. This is $1.1 billion below the Senate-passed bill and $2.5 billion over the House-passed bill.

Mr. President, the conferees agree that there is a need to increase our defense in this country and for the most part agreed to the additional funding for personnel, readiness, procurement, and research and development as contained in the Senate bill.

The conferees spent the most part of 2 days working out the differences between the two Houses and I believe that the best interests of the country and the best interests for defense have been funded in this conference report.

This is a good bill that will provide for at least most of the urgent and necessary needs for our national defense.

Mr. President, I urge the adoption of this conference report as reported.

Mr. STENNIS. I want to especially thank the Senator from North Dakota for his expertise, his service, and his participation in the deliberations on this bill.

The way things look now it may conclude the services of the Senator from North Dakota, our President pro tempore.

I can testify here to his many, many years of active service. I do not believe anyone has ever made a greater contribution year in and year out in his fine, solid, quiet, constructive way to the consideration of the many, many items, thousands of items, that he has considered that have come through this Chamber into these appropriations bills.

I call him the rock, always dependable,

always in attendance, and always well informed; a modest man but a powerful legislator, and I salute him and I am gratefully pleased that I can say that I believe I have his friendship and I do treasure it indeed. May God continue to please him.

Mr. YOUNG. The Senator from Mississippi certainly has my friendship, love and respect.

Mr. President, if I measure up to the nice things that the Senator from Mississippi had to say about me, it was because of the great knowledge and capability that I learned from him and his predecessor, the Senator from Georgia (Mr. Russell) in handling Defense appropriations. I consider Senator Russell one of the all-time great men in the Senate.

Mr. STENNIS. I thank the Senator for that and I certainly agree with what he said about the late Senator Russell. I know of his great appreciation and respect for you, and many times I have heard it expressed.

Mr. President, we are not trying to shorten this. We think a rollcall ought to be had and we appreciate the sentiment. If there are any questions anyone wishes to ask, we would be glad to answer them. There were several members of our group here who waited a while, but they were not waiting to speak. I asked them to wait here so they could answer questions.

Mr. President, on Thursday, December 4, 1980, the conferees on the Department of Defense appropriations bill reached agreement on the differences between the two Houses after three long sessions totaling almost 13 hours of deliberations.

The total amount of new budget authority in this bill is $159,738,836,000. This is $5.2 billion above the budget request. It is $2.5 billion above the House bill and $1.1 billion below the Senate bill.

Mr. President, we are already in the third month of fiscal year 1981. Since the Congress reconvened after the election, the Appropriations Committees of the House and Senate have worked very hard to complete action on this bill before final adjournment. Every significant item in this bill has been thoroughly discussed and debated. The House has already passed this conference report. I hope the Senate can act without delay.

Mr. President, this was a very harmonious conference, conducted in the spirit of compromise. There were 92 amendments made by the Senate to the House bill, including 503 individual line item or language differences. All in all, I think the conferees succeeded in putting together a bill that stands as a clear statement of this Nation's commitment to a strong national defense and enhances the capability of our military to meet our great responsibilities as a leader of the free world. At the conclusion of my remarks, I shall insert a comparative summary, by appropriation, of the conference committee's actions.

MAJOR ITEMS IN CONFERENCE

Mr. President, the final bill agreed to by the conference committee makes a substantial contribution to the dual goals of increasing the day-to-day operational readiness of our military forces and of modernizing these forces. This bill includes the funds to pay the substantial increases in military compensation which the Congress approved this year in an effort to attract and retain qualified commiitted individuals in our military services.

In the operation and maintenance area, this bill provides for improvements in the readiness of our military forces by increasing funds for aircraft flying hours, for maintenance of combat equipment, and for maintenance and repair of military facilities.

Providing sufficient funds in the operation and maintenance area is the only way to insure that our military forces are well trained and ready, and that the weapons systems they operate are well maintained. The funds included in this conference agreement, if properly managed, will accomplish that goal.

This bill continues the modernization of our strategic Triad by providing $1.5 billion to continue the research and development of the new MX intercontinental ballistic missile and $1.1 billion for the ninth Trident submarine. The conferees also agreed to provide $300 million for research and development of a new strategic bomber.

The bill includes a number of important initiatives to modernize and improve our conventional forces. For our naval forces, $803 million is included for two nuclear attack submarines; $1.6 billion for two Aegis cruisers, plus long-lead funding for additional cruisers in fiscal year 1982; and $1.5 billion for six guided missile frigates; $114 million was included to begin development of a new class of destroyers. The conferees also agreed to provide $318 million for procurement of maritime prepositioning ships and $341 million for one amphibious ship to improve our rapid deployment capability.

To improve the capacity of our ground combat forces, the bill includes $946 million for 569 XM–1 tanks; $469 million for 400 infantry fighting vehicles; $115 million for the Army's multiple-launch rocket system; and $449 million for the Patriot long-range surface-to-air missile.

Modernization of our tactical air forces continues with procurement of the Army's Black Hawk support helicopter and advanced attack helicopter; the Navy's F–14 and F–18 fighter aircraft; and the Air Force's A–10, F–15, and F–16 fighter aircraft. The conferees also provided $90 million for advanced procurement of long leadtime items for a new, improved version of the Marine Corps' vertical lift Harrier aircraft.

Under the general provisions, the conferees adopted a modification to the so-called Maybank amendment, which has been included in every Defense Appropriation Act since fiscal year 1954. This modification will allow the Department of Defense to set aside for labor surplus areas, on a trial basis, up to $3.4 billion of the contracts awarded by the Defense Logistics Agency, provided that the price differential on such contracts does not exceed 5 percent.

The conferees also adopted language limiting Federal funding for abortions which is the same as the language included in the continuing resolution for fiscal year 1981.

The total bill contains a total of $160.1 billion, which is $2.9 billion above the House bill and $700 million below the Senate bill. This is $5.6 billion above the budget request. All of the items were previously approved in the Department of Defense Authorization Act, 1981.

Some of the major items in the bill:

A total of $45 billion for procurement, which includes $946 million for 569 XM–1 tanks; $469 million for 400 infantry fighting vehicles; $449 million to initiate the Patriot air defense system; $352 million for 80 UH–60A Blackhawk helicopters; $1.6 billion for 60 F–18 aircraft; $700 million for 30 F–14A aircraft; $845 million for 42 F–15 aircraft; $1.7 billion for 180 F–16 aircraft; $370 million for 600 Roland missiles; $1.1 billion for 1 Trident submarine; $803 million for 2 SSN–688 attack submarines; $1.6 billion for 2 Aegis cruisers; and $551 million for 480 air-launched cruise missiles.

A total of $16.1 billion for research and development which includes: $37.4 million for a new light tank for the rapid deployment forces; $113.9 million for a new DDGX destroyer; $20 million for a new class carrier; $65 million for the Trident II missile; $1.5 billion for the MX missile; $300 million for a new strategic bomber; $35 million for the CX transport; and $246 million for the Space Shuttle.

A total of $33.1 billion for military personnel appropriations, which includes an increase of $1.2 billion for increases in military compensation and benefits.

A total of $52 billion for operation and maintenance, which includes additional funds for maintenance of combat equipment, repairs for defense facilities, and additional flying hours for the training of aircraft pilots.

In the general provisions on the bill, the conferees adopted:

First. Modified Maybank language which allows the Department of Defense to set aside, for labor surplus areas, a portion of contracts awarded by the Defense Logistics Agency, provided that the price differential on such contracts does not exceed 5 percent.

Second. Language on the funding of abortions by the Department of Defense that is identical to that in the Continuing Resolution Act for fiscal year 1981.

MAYBANK AMENDMENT

As Senators know, this provision has been a major issue in the conference between the Senate and House conferees on the fiscal year 1981 defense appropriation bill.

The Maybank amendment was the subject of lengthy and detailed discussions during the conference, which is now nearing completion. The Senate conferees believed deeply that the Maybank amendment had to be preserved intact to continue to encourage competition and low costs in Department of Defense procurements. Thus, the Senate conferees fought strongly for retention of Maybank. However, the House conferees were equally as resolute about repealing the Maybank amendment in its entirety; they would not budge in their demand for relaxation of the Maybank restrictions. In view of the House's position and in the interest of enacting a defense appropriation bill before adjournment, the conferees have now reached a compromise on the issue of the Maybank amendment.

The compromise agreed upon does not repeal Maybank in its entirety. Rather, it gives the Secretary of Defense the discretion, on a test basis, to waive the Maybank amendment's restrictions on a limited number of defense purchases.

First, the exception to Maybank could only be applied to contracts entered into by the Defense Logistics Agency, which purchases off-the-shelf, staple-type items for Defense agencies. Contracts for sophisticated weapon systems would remain fully subject to the Maybank amendment.

Second, the exception to Maybank would be limited to Defense Logistics Agency contracts totaling no more than $3.4 billion.

Third, no contracts involving petroleum products would be exempt from Maybank.

Fourth, the limited exception to Maybank would be done on an experimental basis. The Secretary of Defense will be required to submit, not later than July 31, 1981, a detailed report on the impact of the test program on Defense competition and costs and on employment in areas around the country affected.

I continue to believe that the restrictions imposed by the Maybank amendment are in the best interest of insuring a competitive, cost-conscious procurement process. However, I also believe that granting this limited discretion to the Secretary of Defense for 1 year will help demonstrate the importance of Maybank for that procurement process.

Mr. President, I ask unanimous consent that a comparative statement of new budget authority be printed in the RECORD.

There being no objection, the comparative statement was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

[Fiscal years]

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
TITLE I—MILITARY PERSONNEL									
Military personnel:									
Army	$10, 308, 992, 000	$10, 866, 868, 000	$10, 881, 768, 000	$11, 067, 468, 000	$11, 060, 468, 000	+$751, 476, 000	+$193, 600, 000	+$178, 700, 000	−$16, 000, 000
Transfer from other accounts	(46, 919, 000)					(−46, 919, 000)			
Navy	7, 295, 593, 000	7, 533, 294, 000	7, 644, 094, 000	7, 867, 173, 000	7, 857, 423, 000	+561, 830, 000	+324, 129, 000	+213, 329, 000	−9, 750, 000
Transfer from other accounts	(24, 572, 000)					(−24, 572, 000)			
Marine Corps	2, 224, 481, 000	2, 260, 051, 000	2, 284, 951, 000	2, 359, 836, 000	2, 350, 086, 000	+125, 605, 000	+90, 035, 000	+65, 135, 000	−9, 750, 000
Transfer from other accounts	(8, 121, 000)					(−8, 121, 000)			
Air Force	8, 385, 895, 000	8, 728, 209, 000	8, 698, 509, 000	9, 017, 309, 000	8, 976, 809, 000	+590, 414, 000	+248, 100, 000	+277, 800, 000	−41, 000, 000
Transfer from other accounts	(26, 646, 000)					(−26, 646, 000)			
Reserve personnel:									
Army	642, 341, 000	760, 200, 000	771, 200, 000	790, 050, 000	789, 150, 000	+146, 809, 000	+28, 950, 000	+17, 850, 000	−900, 000
Navy	260, 608, 000	262, 174, 000	288, 274, 000	297, 003, 000	302, 003, 000	+41, 395, 000	+39, 829, 000	+13, 729, 000	+5, 000, 000
Transfer from other accounts	(1, 775, 000)					(−1, 775, 000)			
Marine Corps	94, 049, 000	95, 224, 000	93, 424, 000	104, 567, 000	102, 767, 000	+8, 718, 000	+7, 543, 000	+9, 343, 000	−1, 800, 000
Transfer from other accounts	(1, 108, 000)					(−1, 108, 000)			
Air Force	226, 253, 000	244, 100, 000	243, 100, 000	262, 074, 000	258, 974, 000	+32, 721, 000	+14, 874, 000	+15, 874, 000	−3, 100, 000
National Guard personnel:									
Army	920, 050, 000	1, 056, 200, 000	999, 800, 000	1, 048, 297, 000	1, 035, 997, 000	+115, 947, 000	−20, 203, 000	+36, 197, 000	−12, 300, 000
Air Force	292, 260, 000	322, 800, 000	320, 600, 000	340, 472, 000	341, 172, 000	+48, 912, 000	+18, 372, 000	+20, 572, 000	+700, 000
Total, title I, new budget (obligational) authority, Military personnel	30, 650, 522, 000	32, 129, 120, 000	32, 225, 820, 000	33, 163, 249, 000	33, 074, 349, 000	+2, 423, 827, 000	+945, 229, 000	+848, 529, 000	−88, 900, 000
Transfer from other accounts	(109, 141, 000)					(−109, 141, 000)			
TITLE II—RETIRED MILITARY PERSONNEL									
Retired pay, Defense	11, 964, 700, 000	13, 987, 800 000	13, 887, 800, 000	13, 887, 800, 000	13, 887, 800, 000	+1, 923, 100, 000	−100, 000, 000		
TITLE III—OPERATION AND MAINTENANCE									
Operation and maintenance:									
Army	10, 602, 468, 000	12, 374, 564, 000	12, 249, 579, 000	12, 302, 784, 000	12, 302, 784, 000	+1, 700, 316, 000	−71, 780, 000	+53, 205, 000	
Transfer from other accounts	(67, 856, 000)	(4, 700, 000)		(5, 000, 000)	(5, 000, 000)	(−62, 856, 000)	(+300, 000)	(+5, 000, 000)	
Navy	14, 584, 463, 000	16, 635, 952, 000	16, 865, 275, 000	16, 544, 229, 000	16, 735, 394, 000	+2, 150, 931, 000	+99, 442, 000	−129, 881, 000	+191, 165, 000
Transfer from other accounts	(245, 600, 000)	(128, 500, 000)	(128, 500, 000)	(135, 500, 000)	(135, 500, 000)	(−110, 100, 000)	(+7, 000, 000)	(+7, 000, 000)	
Navy stock fund		309, 000	309, 000	309, 000	309, 000	+309, 000			
Operation and maintenance, Marine Corps	848, 590, 000	952, 900, 000	994, 200, 000	990, 050, 000	994, 200, 000	+145, 610, 000	+41, 300, 000		+4, 150, 000
Transfer from other accounts	(27, 100, 000)	(8, 700, 000)	(8, 700, 000)	(9, 700, 000)	(9, 700, 000)	(−17, 400, 000)	(+1, 000, 000)	(+1, 000, 000)	
Marine Corps stock fund		4, 108, 000	4, 108, 000	4, 108, 000	4, 108, 000	+4, 108, 000			
Operation and maintenance, Air Force	11, 925, 259, 000	13, 135, 426, 000	13, 555, 046, 000	13, 350, 741, 000	13, 555, 046, 000	+1, 629, 787, 000	+419, 620, 000		+204, 305, 000
Transfer from other accounts	(62, 445, 000)	(111, 500, 000)	(49, 000, 000)	(56, 000, 000)	(56, 000, 000)	(−6, 445, 000)	(−55, 500, 000)	(+7, 000, 000)	
Air Force stock fund		28, 300, 000	28, 300, 000	28, 300, 000	28, 300, 000	+28, 300, 000			
Operation and maintenance, Defense agencies	3, 672, 914, 000	4, 047, 855, 000	4, 014, 895, 000	4, 059, 853, 000	4, 056, 793, 000	+383, 879, 000	+8, 938, 000	+41, 898, 000	−3, 060, 000
Transfer from other accounts				(20, 000, 000)	(20, 000, 000)	(+20, 000, 000)	(+20, 000, 000)	(+20, 000, 000)	
Defense stock fund		25, 000, 000	35, 000, 000	35, 000, 000	35, 000, 000	+35, 000, 000			
Operation and maintenance:									
Army Reserve	440, 364, 000	481, 093, 000	485, 993, 000	487, 993, 000	488, 373, 000	+48, 029, 000	+7, 300, 000	+2, 400, 000	+400, 000
Navy Reserve	444, 513, 000	502, 545, 000	597, 145, 000	510, 235, 000	531, 435, 000	+86, 922, 000	+28, 890, 000	−65, 710, 000	+21, 200, 000
Marine Corps Reserve	22, 412, 000	28, 394, 000	28, 654, 000	28, 694, 000	28, 854, 000	+6, 442, 000	+460, 000	+200, 000	+160, 000
Air Force Reserve	496, 892, 000	548, 150, 000	564, 610, 000	547, 920, 000	558, 680, 000	+61, 788, 000	+10, 530, 000	−5, 930, 000	+10, 760, 000
Army National Guard	835, 933, 000	873, 550, 000	878, 990, 000	890, 820, 000	890, 820, 000	+54, 887, 000	+17, 270, 000	+11, 830, 000	
Air National Guard	1, 240, 377, 000	1, 390, 387, 000	1, 435, 307, 000	1, 391, 487, 000	1, 419, 607, 000	+179, 230, 000	+29, 220, 000	−15, 700, 000	+28, 120, 000
National Board for the Promotion of Rifle Practice Army	411, 000	425, 000	825, 000	825, 000	825, 000	+414, 000	+400, 000		
Claims, Defense	98, 200, 000	146, 800, 000	124, 900, 000	146, 800, 000	135, 850, 000	+37, 650, 000	−10, 950, 000	+10, 950, 000	+10, 950, 000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

[Fiscal years]

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
Court of Military Appeals Defense	$2, 099, 000	$2, 197, 000	$2, 197, 000	$2, 194, 000	$2, 197, 000	+$98, 000			
Liquidation of obligations 1976		68, 000	68, 000	68, 000	68, 000	+68, 000			
Foreign currency fluctuations Defense	470, 000, 000					−470, 000, 000			
XIII Olympic Winter Games	10, 000, 000					−10, 000, 000			
Total title III new budget (obligational) authority Operation and maintenance	45, 694, 895, 000	51, 188, 023, 000	51, 865, 401, 000	51, 322, 413, 000	51, 768, 663, 000	+6, 073, 768, 000	+$580, 640, 000	−$96, 738, 000	+$446, 250, 000
Transfer from other accounts	(403, 001, 000)	(253, 400, 000)	(186, 200, 000)	(226, 200, 000)	(226, 200, 000)	(−176, 801, 000)	(−27, 200, 000)	(+40, 000, 000)	
TITLE IV—PROCUREMENT									
Aircraft procurement, Army	961, 837, 000	933, 400, 000	1, 029, 600, 000	1, 076, 600, 000	1, 076, 400, 000	+114, 563, 000	+43, 653, 000	+46, 800, 000	
Missile procurement, Army	1, 140, 800, 000	1, 514, 400, 000	1, 533, 600, 000	1, 555, 500, 000	1, 519, 800, 000	+379, 000, 000	+5, 400, 000	−13, 800, 000	−35, 700, 000
Transfer from other accounts	(2, 400, 000)					(−2, 400, 000)			
Procurement of weapons and tracked combat vehicles, Army	1, 824, 100, 000	2, 519, 000, 000	2, 523, 500, 000	2, 648, 000, 000	2, 582, 200, 000	+758, 100, 000	+63, 200, 000	+58, 700, 000	−65, 800, 000
Transfer from other accounts	(12, 100, 000)					−12, 100, 000)			
Procurement of ammunition, Army	1, 232, 800, 000	1, 515, 100, 000	1, 536, 200, 000	1, 531, 000, 000	1, 531, 000, 000	+298, 200, 000	+15, 900, 000	−5, 200, 000	
Transfer from other accounts	(14, 500, 000)					−14, 500, 000			
Other procurement, Army	1, 435, 410, 000	2, 114, 058, 000	2, 177, 738, 000	2, 240, 658, 000	2, 223, 658, 000	+788, 248, 000	−109, 600, 000	+45, 920, 000	−17, 000, 000
Transfer from other accounts	(51, 400, 000)					(−51, 400, 000)			
Aircraft procurement, Navy	4, 441, 446, 000	5, 015, 300, 000	6, 057, 607, 000	6, 140, 707, 000	6, 110, 707, 000	+1, 669, 261, 000	+1, 095, 407, 000	+53, 100, 000	−30, 000, 000
Weapons procurement, Navy	1, 988, 214, 000	2, 253, 500, 000	2, 679, 829, 000	2, 818, 500, 000	2, 766, 029, 000	+777, 815, 000	+512, 529, 000	+86, 200, 000	−52, 471, 000
Transfer from other accounts	(12, 000, 000)					(−12, 000, 000)			
Shipbuilding and conversion, Navy	6, 571, 850, 000	6, 179, 200, 000	7, 244, 100, 000	7, 775, 300, 000	7, 455, 700, 000	+883, , 850, 000	+1, 276, 500, 000	+211, 600, 000	−319, 600, 000
Transfer from other accounts	(86, 120, 000)		(56, 700, 000)	(27, 900, 000)	(27, 900, 000)	(−58, 220, 000)	(+27, 900, 000)	−28, 800, 000)	
Other procurement, Navy	2, 590, 056, 000	3, 055, 547, 000	2, 983, 125, 000	3, 062, 097, 000	3, 037, 657, 000	+447, 601, 000	−17, 890, 000	+54, 532, 000	−24, 440, 000
Transfer from other accounts	(34, 700, 000)					(−34, 700, 000)			
Procurement, Marine Corps	283, 785, 000	469, 700, 000	477, 141, 000	515, 313, 000	486, 813, 000	+203, 028, 000	+17, 113, 000	+9, 672, 000	−28, 500, 000
Aircraft procurement, Air Force	7, 965, 240, 000	8, 654, 143, 000	9, 639, 329, 000	9, 689, 143, 000	9, 674, 143, 000	+1, 708, 903, 000	+1, 020, 000, 000	+34, 814, 000	−15, 000, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(30, 800, 000)					(−30, 800, 000)			
Missile procurement, Air Force	2, 160, 385, 000	3, 077, 584, 000	3, 107, 712, 000	3, 153, 417, 000	3, 140, 917, 000	+980, 532, 000	+63, 333, 000	+33, 205, 000	−12, 500, 000
Reappropriation, by transfer	15, 000, 000					−15, 000, 000			
Other procurement, Air Force	2, 634, 031, 000	3, 032, 887, 000	2, 949, 401, 000	3, 001, 742, 000	2, 999, 372, 000	+365, 341, 000	−33, 515, 000	+49, 971, 000	−2, 370, 000
Reappropriation, by transfer	3, 000, 000					−3, 000, 000			
Transfer from other accounts	(78, 600, 000)					−78, 600. 000)			
Procurement, Defense agencies	280, 185, 000	305, 523, 000	301, 123, 000	305, 028, 000	305, 028, 000	+24, 843, 000	−495, 000	+3, 905, 000	
Total, title IV, Procurement:									
New budget (obligational) authority	35, 528, 139, 000	40, 639, 342, 000	44, 240, 005, 000	45, 512, 805, 000	44, 909, 424, 000	+9, 381, 285, 000	+4, 270, 082, 000	+669, 419, 000	−603, 381, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(322, 620, 000)		(56, 700, 000)	(27, 900, 000)	(27, 900, 000)	(−294, 720, 000)	(+27, 900, 000)	(−28, 800, 000)	
TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION									
Research, development, test, and evaluation:									
Army	2, 853, 331, 000	3, 234, 483, 000	2, 961, 054, 000	3, 248, 005, 000	3, 086, 757, 000	+233, 426, 000	−147, 726, 000	+125, 703, 000	−161, 248, 000
Transfer from other accounts	(3, 200, 000)					(−3, 200, 000)			
Navy	4, 537, 433, 000	4, 862, 879, 000	4, 502, 211, 000	5, 110, 015, 000	4, 861, 160, 000	+323, 727, 000	−1, 719, 000	+358, 949, 000	−248, 855, 000
Reappropriation, by transfer			4, 086, 000		4, 086, 000	+4, 086, 000	+4, 086, 000		+4, 086, 000
Transfer from other accounts	(15, 886, 000)		(1, 966, 000)		(1, 966, 000)	(−13, 920, 000)	(+1, 966, 000)		(+1, 966, 000)
Air Force	4, 941, 943, 000	7, 033, 393, 000	6, 234, 779, 000	7, 159, 857, 000	6, 774, 011, 000	+1, 832, 068, 000	−259, 382, 000	+539, 232, 000	−385, 846, 000
Reappropriation, by transfer	37, 230, 000					−37, 230, 000			
Transfer from other accounts	(44, 000, 000					(−44, 000, 000)			
Defense agencies	1, 037, 022, 000	1, 302, 700, 000	1, 172, 352, 000	1, 325, 702, 000	1, 254, 602, 000	+217, 580, 000	−48, 098, 000	+82, 250, 000	−71, 100, 000
Director of Test and Evaluation, Defense	42, 500, 000	42, 100, 000	42, 100, 000	42, 100, 000	42, 100, 000	−400, 000			
Total, title V, Research, development, test, and evaluation:									
New budget (obligational) authority	13, 449, 459, 000	16, 475, 555, 000	14, 916, 582, 000	16, 885, 679, 000	16, 022, 716, 000	+2, 573, 257, 000	−452, 839, 000	+1, 106, 134, 000	−862, 963, 000
Transfer from other accounts	(63, 086, 000)		(1, 966, 000)		(1, 966, 000)	(−61, 120, 000)	(+1, 966, 000)		(+1, 966, 000)
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM									
Special foreign currency program	6, 667, 000	2, 760, 000	2, 760, 000	2, 760, 000	2, 760, 000	−3, 907, 000			
TITLE VII—GENERAL PROVISIONS									
Additional transfer authority, sec. 734	(1, 000, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(−250, 000, 000)			
TITLE VIII—RELATED AGENCIES									
Intelligence community staff	11, 923, 000	18, 524, 000	17, 824, 000	17, 824, 000	17, 824, 000	+5, 901, 000	−700, 000		
CIA retirement and disability system fund	51, 600, 000	55, 300, 000	55, 300, 000	55, 300, 000	55, 300, 000	+3, 700, 000			
Total, title VIII, new budget (obligational) authority, Related agencies	63, 523, 000	73, 824, 000	73, 124, 000	73, 124, 000	73, 124, 000	+9, 601, 000	−700, 000		

	New budget authority					Conference compared with—			
	1980 enacted	1981 estimates	1981 House	1981 Senate	1981 conference	1980 enacted	1981 estimate	House bill	Senate bill
RECAPITULATION									
Title I—Military personnel	$30, 650, 522, 000	$32, 129, 120, 000	$32, 225, 820, 000	$33, 163, 249, 000	$33, 074, 349, 000	+$2, 423, 827, 000	+$945, 229, 000	+$848, 529, 000	− $88, 900, 000
Transfer from other accounts	(109, 141, 000)					(−109, 141, 000)			
Title II—Retired military personnel	11, 964, 700, 000	13, 987, 800, 000	13, 887, 800, 000	13, 887, 800, 000	13, 887, 800, 000	+1, 923, 100, 000	−100, 000, 000		
Title III—Operation and maintenance	45, 694, 895, 000	51, 188, 023, 000	51, 865, 401, 000	51, 322, 413, 000	51, 768, 663, 000	+6, 073, 768, 000	+580, 640, 000	−96, 738, 000	+446, 250, 000
Transfer from other accounts	(403, 001, 000)	(253, 400, 000)	(186, 200, 000)	(226, 200, 000)	(226, 200, 000)	(−176, 801, 000)	(−27, 200, 000)	(+40, 000, 000)	
Title IV—Procurement	35, 528, 139, 000	40, 639, 342, 000	44, 240, 005, 000	45, 512, 805, 000	44, 909, 424, 000	+9, 381, 285, 000	+4, 270, 082, 000	+669, 419, 000	−603, 381, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(322, 620, 000)		(56, 700, 000)	(27, 900, 000)	(27, 900, 000)	(−294, 720, 000)	(+27, 900, 000)	(−28, 800, 000)	
Title V—Research, development, test, and evaluation	13, 449, 459, 000	16, 475, 555, 000	14, 916, 582, 000	16, 885, 679, 000	16, 022, 716, 000	+2, 573, 257, 000	−452, 839, 000	+1, 106, 134, 000	−862, 963, 000
Transfer from other accounts	(63, 086, 000)		(1, 966, 000)		(1, 966, 000)	(−61, 120, 000)	(+1, 966, 000)		(+1, 966, 000)
Title VI—Special foreign currency program	6, 667, 000	2, 760, 000	2, 760, 000	2, 760, 000	2, 760, 000	−3, 907, 000			
Title VII—General provisions (additional transfer authority, sec. 734)	(1, 000, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(−250, 000, 000)			
Title VIII—Related agencies	63, 523, 000	73, 824, 000	73, 124, 000	73, 124, 000	73, 124, 000	+9, 601, 000	−700, 000		
Total, Department of Defense (NDA)	137, 357, 905, 000	154, 496, 424, 000	157, 211, 492, 000	160, 847, 830, 000	159, 738, 836, 000	+22, 380, 931, 000	+5, 242, 412, 000	+2, 527, 344, 000	−1, 108, 994, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(897, 848, 000)	(253, 400, 000)	(244, 866, 000)	(254, 100, 000)	(256, 066, 000)	(−641, 782, 000)	(+2, 666, 000)	(+11, 200, 000)	(+1, 966, 000)
Total funding available	138, 361, 753, 000	154, 749, 824, 000	157, 456, 358, 000	161, 161, 930, 000	159, 994, 902, 000	+21, 633, 149, 000	+5, 245, 078, 000	+2, 538, 544, 000	−1, 167, 028, 000
Transfer authority	(1, 000, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(−250, 000, 000)			
Distribution by organizational component:									
Army	33, 198, 837, 000	38, 243, 341, 000	38, 029, 947, 000	38, 896, 800, 000	38, 588, 252, 000	+5, 389, 415, 000	+344, 911, 000	+558, 305, 000	−308, 548, 000
Transfer from other accounts	(198, 375, 000)	(4, 700, 000)		(5, 000, 000)	(5, 000, 000)	(−193, 375, 000)	(+300, 000)	(+5, 000, 000)	
Navy	46, 187, 493, 000	50, 111, 077, 000	52, 748, 533, 000	54, 128, 136, 000	53, 628, 731, 000	+7, 441, 238, 000	+3, 517, 654, 000	+880, 198, 000	−499, 405, 000
Transfer from other accounts	(456, 982, 000)	(137, 200, 000)	(195, 866, 000)	(193, 100, 000)	(195, 066, 000)	(−261, 916, 000)	(+57, 866, 000)	(−800, 000)	(+1, 966, 000)
Air Force	40, 323, 765, 000	46, 195, 379, 000	46, 776, 693, 000	47, 942, 462, 000	47, 726, 531, 000	(+7, 402, 766, 000)	+1, 531, 152, 000	+949, 838, 000	−215, 931, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(242, 491, 000)	(111, 500, 000)	(49, 000, 000)	(56, 000, 000)	(56, 000, 000)	(−186, 491, 000)	(−55, 500, 000)	(+7, 000, 000)	
Defense agencies/OSD	5, 619, 587, 000	5, 885, 003, 000	5, 695, 395, 000	5, 919, 508, 000	5, 834, 398, 000	+214, 811, 000	−50, 605, 000	+139, 003, 000	−85, 110, 000
Retired military personnel	11, 964, 700, 000	13, 987, 800, 000	13, 887, 800, 000	13, 887, 800, 000	13, 887, 800, 000	+1, 923, 100, 000	−100, 000, 000		
Related agencies	63, 523, 000	73, 824, 000	73, 124, 000	73, 124, 000	73, 124, 000	+9, 601, 000	−700, 000		
Total, Department of Defense (NOA)	137, 357, 905, 000	154, 496, 424, 000	157, 211, 492, 000	160, 847, 830, 000	159, 738, 836, 000	+22, 380, 931, 000	+5, 242, 412, 000	+2, 527, 344, 000	−1, 108, 794, 000
Proceeds from foreign sales	(106, 000, 000)			(60, 000, 000)		(−106, 000, 000)			(−60, 000, 000)
Transfer from other accounts	(897, 848, 000)	(253, 400, 000)	(244, 866, 000)	(254, 100, 000)	(256, 066, 000)	(−641, 782, 000)	(+2, 666, 000)	(+11, 200, 000)	(+1, 966, 000)
Total funding available	138, 361, 753, 000	154, 749, 824, 000	157, 456, 358, 000	161, 161, 930, 000	159, 994, 902, 000	+21, 633, 149, 000	+5, 245, 078, 000	+2, 538, 544, 000	−1, 167, 028, 000
Transfer authority	(1, 000, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(750, 000, 000)	(−250, 000, 000)			

Mr. STENNIS. Mr. President, this concludes my prepared remarks. I will be glad to answer any questions concerning the items in this conference report. I want to especially thank all the members of the conference, both House and Senate, for their fine work. By any standard, this bill is a clear signal for the Congress commitment to provide increased resources for our national defense. I believe it is a bill that every Senator can support without reservation.

Mr. President, I yield the floor.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, just for 1 minute let me, as a member of the Defense Subcommittee on Appropriations, express my appreciation and commendation to the distinguished chairman of the subcommittee and also chairman of the Armed Services Committee of the Senate, the Senator from Mississippi, for the manner in which he has handled this very large, very complex, and very important appropriations bill.

The expeditious way in which this conference report is being handled here tonight does not really tell the story of the tremendous number of hours that have gone into the preparation of this legislation through the initial authorization process, through the subcommittee hearing process, the full committee and, of course, the long time on the floor when the original bill was considered and passed.

But the distinguished Senator from Mississippi, with his vast knowledge, his experience, his good humor, and his dedication has made the process bearable for those of us who have just lately come to these major problems, and has, in my judgment, been the moving force in bringing together the House and the Senate in resolving some of the very difficult problems we were confronted with.

In no less way, the distinguished ranking minority member of the subcommittee—and today the President pro tempore of the U.S. Senate—the distinguished Senator from North Dakota (Mr. Young) has given the benefit of his knowledge and his experience in these matters.

I have had the opportunity of serving with Senator Young on several subcommittees. For some reason it just seems that our interests have run parallel. I do not know of any Member of the Senate who has worked harder, who is more diligent in his committee attendance and participation, and who has had more to offer to the members of the subcommittees and the full committees in bringing about the proper kind of resolution to the differences that have occurred.

I want to commend Senator Young, too. This will be the last opportunity that we will have to work together on the subcommittee, unless he decides to come back to the Senate again some day, and I hope he does. So I would like to add that with my farewell to him.

This, as has been pointed out, is the largest appropriations bill ever passed by the Congress. It is very, very significant that it is dealing with the very security of the United States.

Mr. STENNIS. Mr. President, we want to thank the Senator from Kentucky, and especially thank him, too, for the very constructive work he has done on this very bill. He has helped out in holding hearings and doing research works and other of the many things that have to go into the preparation of a bill right on through to the conference. And there he gave his time and counsel, and we had a pretty hard go. These gentlemen in the House are due a great deal of credit for the work they do. The Senator from Kentucky was right, they are always willing.

We want to especially commend and thank some very valuable members of the staff that have worked for the last 12 months out of 13 in working on this bill: Mr. Fred Rhodes, Mr. Dave Lyles, Mr. Douglas Allen, Mr. Jerry Coleman, Miss Jane McCullen, Miss Judy Spahr and Mr. Pete Bonner.

Mr. YOUNG. Will the Senator yield?

Mr. STENNIS. Yes.

Mr. YOUNG. Mr. President, I want to

especially express my appreciation for the nice comments of my friend from Kentucky. He mentioned my attendance at the many hearings. I attended at least five different committees that he chaired. He was the busiest Member of the Senate. He has become very well informed. He was very helpful on defense appropriations.

I want to join with the distinguished chairman, Mr. Stennis, in the commendation for our staff. We were fortunate in having one of the best staffs of any committee.

Mr. STENNIS. I thank the Senator.

LEGISLATIVE INTENT OF THE NAME BRAND BEEF ISSUE

Mr. DOLE. Mr. President, the Senator from Kansas submitted an amendment to the Department of Defense appropriation bill which was accepted by the Senate and the substance of which is included in the final language of the conference report on the bill approved by the House-Senate conference. The amendment has received support from the distinguished Senators from Kansas (Mrs. Kassebaum), Massachusetts (Mr. Kennedy and Mr. Tsongas), Virginia (Mr. Warner), and Maine, (Mr. Cohen), in addition to the backing of Members of the House (Mr. Sebelius, Mr. Daniel, and Mrs. Holt).

This amendment addressed the need to provide timely, quality shipments of beef to the Nation's military. It is important for morale, not to mention simple equity, that our military people and their families be able to enjoy the same high-quality beef and redmeats that the average American consumer has access to. Especially in the era of the Volunteer Army the American serviceman and his family should not be forced to make do with sometimes inferior and less attractive meat products just because his Army's procurement procedures are less concerned with his personal satisfaction than bureaucratic constraints and rules.

We must never let the redtape of our vast military bureaucracy obscure our priorities. When it is possible to provide good quality beef at low cost and in an efficient economical manner, we should not set up unnecessary roadblocks that prevent it from happening. The conference report, while deleting the amendment from the bill for procedural reasons, added the language encompassing the intent of the amendment to the report itself. This demonstrated the clear legislative intent of the Congress on this issue, clearing the roadblocks that prevented continued use of supply bulletins.

This legislation simply preserves the element of choice and flexibility for the procurement of beef, leaving it up to the military buyers of wholesale meats to decide where the most economical supply of quality and quantity redmeats products can best be obtained. The legislation leaves the system in use over the past year in place. It prevents the Defense Department from reverting to an old system that clearly has been surpassed in service to our people.

The conference report states:

> The conferees agreed to delete section 773 from the bill with the understanding that the Department of Defense should not entirely eliminate the brand-name beef supply bulletin technique for the procurement of beef. This technique should continue to be used along with the continued use of competitive requirement type contracts. However, the conferees insist that future use of supply bulletins insure that a larger number of firms, including small business, can qualify for listing on the bulletins.

The amendment states:

> None of the funds appropriated by this act may be obligated or expended for the purpose of cancelling or significantly modifying the brand name supply bulletin of the Department of Defense (as in effect on November 21, 1980) pertaining to the purchase of chilled boxbeef.

Early in 1979 in a laudable experiment to provide better service and better meat to its patrons, the Defense Logistics Agency had authorized the purchase of quality, brand-name redmeats by its commissaries for resale to military families. This experiment has worked very well, to the complete satisfaction not only of the consumers in the military system, but of those supply officers whose job it is to procure and provide beef products. Nevertheless, the defense supply system was prepared to rescind the authorization for name-brand beef despite the universal accolades by all concerned because of an inflexible reading of bureaucratic guidelines. The Defense Department position makes no sense; more than that, however, it shortchanges our military families.

LEGISLATIVE INTENT

The intent of Congress in passing this legislation is clear. The system that worked so well throughout 1980 must remain in effect. This system was a dual system, combining both the old bid process and the brand-name supply bulletin, providing maximum choice and flexibility for the military procurement officer and satisfaction for the consumer. There has been some concern that this procedure will have a detrimental effect on the ability of small businesses to compete on the supply bulletin. This is an overzealous reinterpretation of the Small Business Act, inconsistent with the interpretation that originally led to the implementation of the bulletin, that would have the effect of setting aside all military beef purchases for small businesses only.

The name brand provisions of law provide for the military consumer to also have the advantage of name-brand products in the commissaries. It is clear that a compromise between consumer satisfaction and preference for some name-brands, and small business set-asides, is intended by the Congress. It is now clear by this legislation that meat is also included within this framework. Small business set-asides will continue to furnish the vast majority of total military beef procurements, at least as much as 50 percent.

In the area of chilled boxbeef, where the latest meat packing technology is employed, the participation of name-brand suppliers on the supply bulletin insures greater consumer satisfaction—proven over the last year—at reduced costs while still providing small business opportunities.

To insure compliance with the intent of this bill, Congress has forbidden implementing or carrying out changes in procurement practices from those in effect since the spring of 1979, when the brand-name supply bulletin was added to the bid process to provide the greater flexibility possible with the wide participation of modern large suppliers in the chilled boxbeef product. The Department of Defense must continue the use of the supply bulletin now for the procurement of the military consumer's chilled boxbeef.

MODERNIZATION HAS RAISED QUALITY

For many years, beef supplied to military commissaries consisted of the least quality product permissible, delivered at the best possible price obtainable. The commissary shopper rarely got a fair shake, the beef industry has undergone many progressive changes since the 1960's. Modernization of packing houses coupled with labor saving methods have given us the boxed-beef method of shipping redmeats, which has become even more economical with rising fuel costs. Leaders in industry have adopted recognizable brand names that identify their product.

It is one of the true success stories in American agriculture. The military commissaries were reluctant at first to use this new technology. However, with the mandate from Congress to modernize their operations and with the consequent development of the commissary systems in the mid-1970's, boxbeef became an important factor in military meat procurement. When the services, particularly the Army, directed their stores to use this type product, the defense supply system again reverted to finding any supplier who would deliver any permissible quality at the lowest price. The results were often disastrous. The state of the art in boxed beef by the mid-1970's, however, had advanced to the point that reputable suppliers with recognized brand names were now servicing the commissary system.

NEW PROCEDURES PROVIDE BETTER SERVICE

In early 1979, the use of Government supply bulletins was begun to purchase brand-name beef from recognized industry leaders. This gave the commissary systems further opportunity to offer the military shopper products similar to civilian supermarkets. Use of this method of procurement was a great success and was greeted by the store operators as a valuable tool in their modernization process. For over a year, this system was used with full endorsement of the commissaries at all levels of management. Furthermore, the supply bulletin provided an excellent management tool for providing the military shopper with a product they were well pleased with because of price, quality, and service.

The Army, in particular, has tested this method of procurement during the past year. The results have been the following:

First. The commissary customer has had a consistently high-quality product available.

Second. Prices have been lowered in many areas of the country and have remained competitive in all areas.

Third. Due to the established reputation and consistent quality of the suppliers, long delays in the inspection process have been cut and fewer veterinary personnel have been required.

Fourth. Unloading time has been cut considerably saving many man-hours in the commissary work force.

Fifth. The commissary personnel at all levels, from headquarters to store level, are very satisfied with this method of procurement.

However, in July 1980, the Defense Logistics Agency decided to eliminate this method of procurement. The reasons have never been clearly identified, but apparently the action stems from one small-business complaint. Effective December 1, 1980, all supply bulletins for red meat were to be canceled, the leaders of one of our most important agricultural industries told their technology is no longer need. In 1976, the Chiles committee recommended just the opposite action. Our industry leaders should be encouraged to operate in a free enterprise system and not be restricted by excessive Government interference.

TWISTED LOGIC

The rationale being used to revert to the old, less productive system seems to rely on the concept that a meat product loses its identity when placed in the resale cabinet. The results from commissaries using brand-name beef certainly do not support that position. In fact, the results have been: Increased sales, lower prices, and compliments from the military housewife on the quality of beef she is able to purchase. Most brand-name suppliers also use signs above the meat counter to identify the product being sold at that particular store.

A method that has worked to the definite advantage of the commissary customer as well as the commissary system is now in jeopardy for what seems to be unjustified causes. This legislation provides a remedy to a shortsighted, unjustified policy by an unresponsive bureaucracy. It allows the successful present system, tested for over a year to universal acclaim, to continue. Yet, this system still retains the flexibility to deal with small-business concerns or other problems that may arise. All this language does is to assure flexibility and allow latitude for commonsense to operate.

● Mr. KENNEDY. Mr. President, I am pleased to support the conference report on the fiscal year 1981 Defense appropriations bill. The programs funded in this legislation will help to develop the military capabilities we need to protect the security and further the global interests of the United States. In adopting this report, we must recognize that a strong national defense constitutes the cornerstone of an effective foreign policy.

In the 1980's, we need to focus public policy more on our national defense. The first imperative must be to possess a clear view of the interests we hold and an unbiased analysis of the challenges we face. Such a thorough examination of America's military requirements is necessary to assure that we truly prepare for the future missions they must undertake.

The first and most basic of our interests is the strategic defense of the United States. We now possess and must continue to deploy forces that are capable of deterring and successfully responding to any attack upon the American homeland. To this end, it is imperative that we possess a credible deterrent to insure that our retaliatory forces are reliable, survivable, and capable of striking a wide range of targets. This bill maintains our strength and funds programs to improve and modernize our strategic nuclear forces in the decade ahead.

We also have a fundamental interest in the security of our NATO allies. Ours is a genuine alliance based not on coercion but on shared beliefs in democratic principles and liberty. Together, the United States and its allies far surpass all other nations in the world combined in terms of political, economic, and military power. As in the past, I continue to support efforts to strengthen NATO and to maintain close cooperation on the full spectrum of European security issues.

As my colleagues are well aware, we have joined with other Allied Governments to pledge 3 percent real growth in our respective contributions to NATO through the mid-1980's. The commitment to 3 percent real growth in NATO was based on a clear assessment of our NATO military needs, on the execution of the NATO long-term defense plan, and in response to continuing Warsaw Pact buildup. The United States will uphold its commitment; it is imperative that our allies uphold theirs.

Equally important, we must also recognize our interests in Asia. Japan is one of our staunchest allies in the world; it is also our foremost trading partner outside of North America. Let no one doubt that the security of Japan is vital to the security of the United States. I believe we must cooperate closely with Japan to protect our mutual security interests. Such cooperation is particularly important in light of the continuing Soviet military buildup.

I support continued expansion of Japanese defense efforts, within their constitutional limits. In particular, I believe Japan could fund significant improvements in areas such as antisubmarine warfare and air defense. I also support increased Japanese indirect expenditures, such as providing for a larger share of the living costs of American military personnel stationed in Japan.

In a similar fashion the United States must maintain its strong interest in the security and well-being of the Republic of Korea. At the same time, I believe we must encourage progress toward human rights and democracy to enhance stability in South Korea.

We should also reaffirm our longstanding interest in the security of Australia, New Zealand, and the Philippines. The first two countries—solid, functioning democracies—play an important role in helping to preserve stability throughout the entire Pacific region. Although it does not dominate the headlines, the ANZUS alliance is sound, and I believe it deserves our continuing strong support. The Philippines occupy a strategic location in the western Pacific. At the same time as we operate military bases from the Philippines, we must recognize that continued repression by the Marcos Government threatens the nation's stability. While we remain committed to the security of the Philippines, I look forward to the time when democracy and human rights are reestablished in that country.

The island of Taiwan is also of great importance to the United States. As we broaden and deepen our relationship with the People's Republic of China, I believe we must remain committed to political liberties and the peaceful well-being and prosperity of Taiwan.

In the Middle East, our foremost interest is in the security and independence of Israel. Israel is a stable democracy and a strategic ally that provides the West with nine armored divisions and deploys a large air force. I strongly believe our basic objective in the Middle East should be to guarantee Israel's right to exist within secure, defensible, and recognize borders as part of a lasting peace arrangement.

We must also continue to foster our deepening economic and military relationship with Egypt. I welcome the recent joint exercise of United States and Egyptian troops and look forward to continued cooperation in the future. Together Israel and Egypt constitute a bulwark against Soviet expansion. They are the cornerstones on which we must build the regional stability we seek.

The advanced industrial democracies also have a strong interest in assuring continued, unimpeded access to Persian Gulf oil. Oil dependency on this volatile region makes it imperative that the United States work closely with both our allies and our regional friends to assure that this vital interest is protected. In particular, we must support a Saudi Arabia that is free and secure from Soviet influence. But security is a two-way street. At the same time as we and our allies provide assistance to assure the security of Saudi Arabia and the other moderate states in the Persian Gulf, we must be able to count on them to assure security in access to and stability in the price of oil from that region.

We also have interests in political, economic, and social progress in the Third World. Not enough Americans realize that more than one-third of total U.S. exports are now purchased by the developing world. Over the past decade, LDC markets for American exports have grown 50 percent faster than those of the industrialized nations. At the same time, the Third World provides the United States with oil and other vital raw materials, such as bauxite and cobalt. Our economic future is affected by the Third World, just as is our continuing struggle for peace, progress, and stability worldwide.

Mr. President, before we can properly evaluate the military capability we must possess to protect these interests, we must have no illusions about the threats we face.

First, we must all recognize and respond to the reality of growing Soviet power. We have seen the Soviets engage in a steady military buildup over the past decade. Today the Soviets deploy new and powerful generations of intercontinental ballistic missiles. Today the Soviets deploy Backfire bombers which can threaten America's maritime capabilities. Today the Soviet Union continues to improve its forces in Europe. Today we see an increased Soviet naval presence in Asia. And today we see the Soviet Union enhancing its military projection capabilities. These are developments which the United States and the world dare not ignore.

Second, increased instability in the third world is an often-unnoticed and underestimated threat to the United States. In the years ahead, rapid population growth, poverty, and unemployment threaten to trigger increasing economic and social unrest in the third world. While I believe that the most effective approach lies in allocating the economic resources necessary to promote peaceful development, it is important for the United States to make clear to the Soviets, and others who attempt to exploit international turbulence, that we are militarily prepared to defend our third world interests.

Third, the spread of conventional arms, nuclear explosive capabilities and international terrorism pose growing threats to world peace and stability. We must seek to restrain this spread, and we must recognize that arms supply to terrorist organizations, and their increasing willingness to use them, make it imperative that the United States possess the force necessary to counter terrorist threats.

Mr. President, I believe that careful evaluation of the interests we hold and the threats we presently face makes clear that the possession of ready and reliable general purpose forces is America's greatest defense need. While the United States must continue to upgrade both its strategic and theater nuclear forces, we must undertake concentrated efforts to strengthen our naval, air and ground forces.

I firmly believe we must give high priority to increasing the number of effective naval combatants we deploy. This year, we are funding such important naval programs as two Aegis cruisers, designed to counter the threat posed by Backfire bombers on naval missions, as well as two nuclear attack submarines which augment our ASW capabilities. I am pleased that these programs are in this year's appropriations; we should increase our efforts in the area of fleet operational development and fleet deployment to insure that our naval forces provide the combat prowess and operating flexibility needed to carry out their naval missions in the 1980's and 1990's.

We must also deploy a formidable tactical air force. In general, the programs we have underway—after problems with our fighter engines are corrected—will give us the necessary capability to meet projected threats. Our F-14's performing air superiority and air defense missions will be complemented by F/A-18's. Our F-15's are essential for counter-air roles and are supported by the F-16, a recent addition to our inventory.

Finally, to round out our conventional defenses for the 1980's, we must continue to strengthen our ground force capabilities. We must assure that our ground forces in Europe are able to withstand and counter a sudden, explosive attack, while also being able to manage protracted hostilities. To offset the tank-heavy ground forces of the Warsaw Pact, we must modernize and expand our armored and mechanized-infantry forces. The XM-1 tank program and the M-60 conversion program provide the means to increase our tank capabilities. Even more important, we are continuing to procure large amounts of TOW antitank missiles, which is a cost-effective way of compensating for the Soviets' advantage in numbers of tanks. Other programs we are now pursuing, such as antiarmor helicopters and artillery fire support systems, will provide the increased quantitative and qualitative capabilities we will need in the next decade.

The United States must also maintain prepared, reliable, and highly mobile forces to protect our vital interests. I am concerned that our current mobility capabilities are insufficient to carry out extremely rapid deployments of effective combat units, and to sustain these units in battle. In our failure mobility planning, we must seek to enhance our airlift and sealift capabilities and to acquire increased access to reliable overseas facilities. Congress must be certain that the forces we buy will truly meet our mobility requirements.

While I support the fiscal year 1981 defense appropriations bill, I believe that, in coming years, we must work hard on technological innovation in order to move away from a concentration on a few large, expensive, and complex weapons systems. We are now approaching a point where we are making each ship and aircraft so expensive that we cannot afford to build, operate, or maintain the quantity of weapons necessary for our security. In the future, we must utilize our technology in such a manner that, while we maintain the needed capability, we deploy forces in numbers sufficient to maintain a strong defense at a high level of readiness.

In all of the conventional force missions—naval, air, and ground—one of the most critical elements we need to develop is readiness. Our ships, aircraft, armored combat vehicles, and other systems will be of greater deterrent value if they are able to perform as they were designed to—in peacetime, in crisis, and if necessary in war.

A high state of readiness is one of the clearest indicators that the United States is prepared and able to defend its interests around the world. I am concerned that, when considering the procurement of new weapons systems, we have placed too little emphasis on such basic necessities as fuel supplies, spare parts, combat training, and ammunition stocks. We must give greater attention than we have in the past to these areas of operations and maintenance, if we are to assure that we possess a full-fledged capability to perform our military missions—perhaps with little notice. Such O. & M. programs as training, support, additional ship steaming days, increased flight hours, and appropriate training simulations are mandatory for readiness.

I welcome the increased funds included in this year's budget for the improvement of our military preparedness, and I believe that this should continue to be an area of top priority.

We must also remember that America's military preparedness rests finally with the military men and women who serve our Nation. The weapons we design, produce, and deploy are only as good as the people who use them.

The fiscal year 1981 defense appropriations bill provides $1.2 billion in increased military compensation. These increases, in areas such as flight and sea pay and reenlistment bonuses, are vital to retaining our essential national resource of skilled and experienced military personnel. I strongly support these increases and I will continue to support increases in military pay and benefits which rectify our most serious manpower problem: the problem of retention.

Mr. President, providing America's military forces with a sense of mission is an important step to revitalizing our international effort as a whole. While there will be less margin for error in the future than in the past, assuring that our Armed Forces possess a clear sense of mission will leave neither friend nor foe with any doubt about America's military strength and military priorities. Moreover, I believe that achieving a sense of mission while undertaking a steady and sustained defense effort will be essential to meeting the dangerous challenges ahead. The fiscal year 1981 defense appropriations bill provides a solid start for a renewed effort to assure that the United States possesses strong military capability.●

Mr. LEVIN. Mr. President, I would like to take this opportunity to compliment our distinguished colleague from Mississippi for his prodigious efforts on behalf of our Nation's defense—as exemplified by the fiscal year 1981 Defense Appropriations Act conference report now before us.

As a member of the Committee on Armed Services, which our colleague from Mississippi chairs in addition to his duties as chairman of the Defense Appropriations Subcommittee, I can attest personally to how long and hard he has labored to improve our national security.

I have learned a great deal from working with him on the Armed Services Committee, and I shall look forward to again collaborating with him during the next Congress.

Regarding the fiscal year 1981 DOD Appropriations Act conference report we are considering, I would like to engage the distinguished chairman in a brief colloquy about a program of great potential benefit to our national security—research and development of the strategic laser communications system known as the "blue-green laser."

This program, which is operated by the Defense Advance Research Projects

Agency (DARPA) under its overall strategic technology program, could develop a highly survivable, effective means of communicating with deeply-submerged, U.S. Navy strategic ballistic missile submarines. As we all know, those submarines are the virtually invulnerable leg of our strategic nuclear TRIAD and form the very foundation of our nuclear deterrent.

Our Armed Services Committee and the full Congress, in passing the 1981 Defense Authorization Act, decided that the potential of the blue-green laser system was significant and that R. & D. on this system should be accelerated. Congress accelerated this program for fiscal year 1981 by adding $15.8 million to the budget request of $12.9 million, bringing the total authorized for fiscal year 1981 to $28.7 million.

The conference report now before us contains a total of $122.8 million for DARPA's strategic technology program for fiscal 1981, and I have been informed that the Appropriations Committee conferees of both the Senate and the House of Representatives agreed with our Armed Services Committee that the blue-green laser program should be accelerated by the appropriation of at least $20.8 million in fiscal year 1981 from the strategic technology program funds.

I just wanted to take this opportunity to confirm that this was the conferees' intentions and direction regarding this important national security program—the blue-green laser program.

Mr. STENNIS. Yes, that is correct.

Mr. MOYNIHAN. Mr. President, I commend the conferees on H.R. 8105, the 1980 defense appropriations bill, for resolving a problem that has plagued debate on military spending for almost 30 years and which has especially concerned me during my years in this body. Led by Senator Stennis and Congressman Addabbo, the conference has devised a formula repealing the so-called Maybank amendment on a test basis, thus making it possible for the Defense Department at last to follow the same procurement procedures as the rest of the Federal Government. In particular this will allow the Defense Logistics Agency to set aside certain contracts (up to a total of $3.4 billion) for labor surplus areas, whenever purchases can be made at reasonable cost. The institution of such practices can have a positive effect on areas of high unemployment in all regions of the country.

Last year I introduced a very similar amendment to the defense appropriations bill, and on November 21 of this year during debate on H.R. 8105 Senators Bradley, Levin, Biden, and I spoke at some length in this Chamber in support of repeal of the Maybank amendment. The House on September 16 had already voted for repeal by a large majority, built on bipartisan support and cutting across all regions. We urged our colleagues to examine this measure carefully in the conference. They have done so, and I thank them and congratulate them.

Mr. President, on that occasion I also commended my friends on the other side of the aisle, since their candidate for the Presidency had during the campaign taken a sympathetic stand toward repeal of the Maybank amendment. That my party may retain for itself some share of the credit for today's success, let me say that the conference could not have reached agreement without the unstinting efforts of Chairman Addabbo. He and his associates have devised a formula that will allow a fair trial of labor surplus set-asides in DOD procurement. Let our friends in the Republican Party know that we are confident that this program will work and that, as it is proved to work, we will be striving to expand it.

In the years ahead, Mr. President, the need for increases in defense spending will very likely continue to grow. However necessary, the needs for our national defense will prove expensive and even painful to meet when we consider the other ways in which we might, in a safer word, allocate our resources. For this reason, I believe that measure agreed to in conference is especially sound. It means that we can begin to ease the worry that one region or one sector of society must suffer when our country is strengthened. The Congress today declares that it wants to measure the need for defense spending on its merits, without the divisive admixture of one-sided benefits and gains for individual regions. This will increase our unity in the deliberations on defense that lie ahead of us and for this reason we will look back on today's decision with gratitude and respect.

Mr. STENNIS. Mr. President, I move the adoption of the conference report, H.R. 8105. The yeas and nays have already been ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. STENNIS. All time is yielded back.

The PRESIDING OFFICER. Both Senators yielding back the balance of their time, the question is on agreeing to the conference report. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Delaware (Mr. Biden), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Vermont (Mr. Leahy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Melcher), the Senator from North Carolina (Mr. Morgan), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Florida (Mr. Stone), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. Leahy) and the Senator from Montana (Mr. Melcher) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Maine (Mr. Cohen), the Senator from Pennsylvania (Mr. Heinz), the Senator from New York (Mr. Javits), the Senator from Kansas (Mrs. Kassebaum), the Senator from Nevada (Mr. Laxalt), the Senator from Illinois (Mr. Percy), the Senator from South Dakota (Mr. Pressler), the Senator from Delaware (Mr. Roth), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The PRESIDING OFFICER (Mr. Moynihan). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 73, nays 1, as follows:

[Rollcall Vote No. 510 Leg.]

YEAS—73

Armstrong
Baker
Baucus
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hayakawa
Heflin
Helms
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kennedy
Levin
Lugar
Mathias
Matsunaga
McClure
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tower
Tsongas
Wallop
Warner
Williams
Young
Zorinsky

NAYS—1

Hatfield

NOT VOTING—26

Bayh
Biden
Chiles
Church
Cohen
Durkin
Gravel
Heinz
Hollings
Javits
Kassebaum
Laxalt
Leahy
Long
Magnuson
McGovern
Melcher
Morgan
Nelson
Percy
Pressler
Ribicoff
Roth
Stone
Talmadge
Weicker

So the conference report was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: "$302,003,000".

Mr. STENNIS. Mr. President, we have certain matters here to meet certain technicalities, the House and the Senate, and we move that the Senate consider en bloc the amendments of the House to the amendments of the Senate. That will meet the situation, as I understand it.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Mississippi?

Without objection, it is so ordered.

The amendments en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert: "$302,003,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert: "$341,172,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert: "$488,393,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert: "$28,854,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert: "$1,519,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows: Strike out the matter stricken by said amendment, and insert: "amended; and (1) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert: "SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligations during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

"*Provided further,* That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logisitcs Agency with a cumulative value not to exceed $3,400,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further,* That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 percent."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 751. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1980, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided,* That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further,* That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further,* That if enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units are revised, then the revised standards may be used to determine compliance with this provision, in lieu of the standards cited above.

Resolved, That the House receded from its disagreement to the amendment of the Senate numbered 79 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert: "764A".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert: "767A".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 770. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided,* That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert: "771".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert: "772".

Mr. **STENNIS.** Mr. President, I ask unanimous consent that the Senate concur en bloc in the amendments of the House to the amendments of the Senate.

The **PRESIDING OFFICER.** Is there objection?

Without objection, it is so ordered.

Mr. **ROBERT C. BYRD.** Mr. President, the Senate can be proud of the Department of Defense appropriations conference report. This legislation continues the trend of sustained and sensible buildup of our Nation's defenses.

The total amount of new budget authority in this bill is $159.7 billion. This is $5.2 billion above the budget request. It is $22.3 billion greater than last year's appropriation making it, in all ways, the largest peacetime Defense funding in the history of the Republic.

The Senate can also be proud of the work of Senator STENNIS and the other Senate conferees. They did a great deal of work in a short period of time. The resulting report demonstrates the harmony and compromise with which the conference was conducted. There were 92 Senate amendments to the House bill. The new bill is $2.5 billion above the House bill and $1.1 billion below the Senate bill. The conferees succeeded in creating a bill which makes a strong statement about our Nation's commitment to maintaining its position as a leader of the free world through ready and responsive armed services.

Falling recruitment and retention rates of military personnel are the most immediate problems with our Nation's defense. In the final analysis, we will not be able to "buy" the men and women needed to serve in the military. Nonetheless, this bill will provide funds for better pay and greater benefits to stem the tide and attract more qualified recruits and retain the technically skilled personnel so desperately needed to maintain and operate sophisticated equipment and weapons.

The morale of our servicemen should be raised by increased funds for aircraft flying hours and other training, and for maintenance and repair of weapons and military facilities. The result of this will be improved readiness on the part of our military forces.

The bill continues the modernization of each leg of our strategic Triad. It will provide for procurement of new ships and aircraft for our fleet. It continues the modernization of our tactical aircraft. It sustains the much needed revampment of the Army's weaponry.

I thank Senator STENNIS and Senator YOUNG and the other conferees for producing a Department of Defense appropriations bill which effectively addresses the national defense needs of the United States.

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the motion to proceed to H.R. 5200.

Mr. ROBERT C. BYRD. I thank the Chair.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, in accordance with the provisions in the unanimous-consent agreement that was entered into earlier today, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5200, the Fair Housing Act.

Edward M. Kennedy, Donald Riegle, Howard Metzenbaum, Spark Matsunaga, Dennis DeConcini, George Mitchell, John Culver, Paul Sarbanes, Dale Bumpers, Charles McC. Mathias, Claiborne Pell, Bill Bradley, Carl Levin, Alan Cranston, William Proxmire, Tom Eagleton, Daniel Patrick Moynihan, Max Baucus, John Chafee, Robert C. Byrd.

ORDER FOR RECESS TO 11 A.M. ON MONDAY, DECEMBER 8, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 30 minutes, and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATHS OF PORTUGUESE PRIME MINISTER AND DEFENSE MINISTER

Mr. MATHIAS. Mr. President, I was deeply saddened to learn today of the tragic deaths of Portuguese Prime Minister Francisco Sa Carneiro and Defense Minister Adelino Amaro Da Costa.

I was in Portugal last month and had the opportunity to meet with a number of senior Portuguese leaders including Foreign Minister Diogo Freitas Do Amaral who assumes the ranking position in Portugal's cabinet upon the death of the Prime Minister.

I came away from my visit to Portugal with the clear picture of a country well on the road to becoming a strong, stable political democracy.

The death of two of Portugal's senior leaders comes at a difficult time. Presidential elections are scheduled for this weekend.

However, I am confident that this country and its energetic, capable people will successfully meet the challenges facing them. In meeting those challenges Portugal can count on the continued friendship of the United States and of the American people.

REPRESENTATIVE GLADYS NOON SPELLMAN

Mr. MATHIAS. Mr. President, on behalf of the Maryland Members of Congress, I shall, on the instruction of the Maryland delegation, say a few words about our friend and fellow Member, Representative GLADYS NOON SPELLMAN.

As you all know, Mrs. SPELLMAN suffered a cardiac arrest toward the end of her vigorous campaign for reelection from Maryland's Fifth District. Since then, she has been hospitalized.

No one who has served in the Congress of the United States with GLADYS SPELLMAN and who is familiar with the quality of her performance on behalf of her constituents will be surprised to hear that the voters of the Fifth District gave Mrs. SPELLMAN an overwhelming vote of confidence on November 4—she was reelected with 82 percent of the vote.

GLADYS SPELLMAN's personal strength and indomitable spirit give us confidence that she will soon resume her seat in the House of Representatives and once again enrich the deliberations of the House and of the Maryland delegation.

In the meantime, the Maryland delegation has acted to assure the citizens of the Fifth District of Maryland that there will be no hiatus in or diminution of the high caliber of service they have been accustomed to from Mrs. SPELLMAN. To that end each Maryland Member of Congress has made a personal pledge of cooperation and assistance and has offered the full resources of each congressional office.

Mrs. SPELLMAN's highly professional staff, of course, is continuing to maintain the traditions of intelligent service for which she is known. In addition, every member of the Maryland delegation is dedicated to seeing that the interests of the citizens of the Fifth Congressional District are fully protected. As a team and as individuals, we make that pledge.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Chair, in his capacity as the junior Senator from the State of New York, wishes to join the senior Senator from Maryland in his expression of sympathy for Representative SPELLMAN, for whom we have high and deserved regard.

Mr. MATHIAS. The Senator from Maryland appreciates the Chair's expression of his very generous sentiments.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF CHESAPEAKE AND OHIO DEVELOPMENT ACT

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 974.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5182) to amend the Chesapeake and Ohio Development Act to change the termination date of the Chesapeake and Ohio Canal National Historical Park Commission from the date 10 years after the effective date of such act to the date 20 years after such effective date.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, I wish to express my strong support for H.R. 5182, legislation extending the life of the Citizens Advisory Commission for the Chesapeake and Ohio Canal National Historical Park. Congressman MICHAEL BARNES introduced this legislation in the House of Representatives last year and I subsequently introduced a similar bill in the Senate. This legislation recognizes the success of the commission over the past 10 years and the broad support it has received from residents and officials of the jurisdictions bordering the C. & O. Canal National Park. The bill now before us would insure the continued existence of the commission for an additional 10 years beyond its current expiration date of January 1981.

Ever since its creation in 1971 the C. & O. Canal National Park has proven to be a uniquely valuable natural resource visited by hundreds of thousands of persons each year. Stretching for 167 miles from Washington, D.C., along the Potomac River to Cumberland, Md., the park offers a variety of attractions to the visitor. The C. & O. Canal National Historical Park winds through heavily urbanized areas, suburban communities, and rural landscapes posing very different types of management problems and hence increasing the importance of public involvement in park planning.

The Citizens Advisory Commission has been a very effective vehicle for the expression of diverse citizen views about the park and its operations. Composed of volunteer private citizens from each jurisdiction adjacent to the canal, the commission has proved to be extraordinarily successful in furnishing assistance to the National Park Service. The commission has provided valuable advice to the Park Service about both long-range planning matters and major operational questions. This involvement has contributed to strong public support and cooperation for the canal park on the part of local residents.

The cost to the Federal Government of these important services of the commission is minimal. The current citizen members of the commission and their predecessors have made invaluable contributions to effective planning for the C. & O. Canal National Park. We should continue to benefit from the commission's work in the decade ahead and I therefore strongly urge the adoption of this important legislation.

Mr. MATHIAS. Mr. President, this bill would simply extend the life of the C. & O. Canal Advisory Commission, a totally volunteer body which advises the National Park Service on the management and use of the 180 mile C. & O. Canal National Park located in the District of Columbia and Maryland. The Advisory Commission which came into being at the time the canal was designated a national park in 1971, goes out of existence after this year unless the Congress authorizes it to continue.

It has served and continues to serve a very useful citizen advisory role, representing the interests of residents of the District of Columbia, Maryland, Virginia, and West Virginia. The members have provided valuable advice regarding the canal's operation and maintenance, and have helped the Department of the Interior develop a comprehensive master plan for the long-range management of the canal.

It is my hope that my colleagues will support this legislation so that this worthwhile citizen advisory group can continue its excellent work for an additional 10 years.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HAPPY BIRTHDAY TO SENATOR THURMOND

Mr. BAKER. Mr. President, it has come to my attention through sources who shall remain anonymous that my good friend, the most distinguished senior Senator from South Carolina (Mr. THURMOND) is this day celebrating the 77th anniversary of his birth.

It is a fitting capstone, I suggest, to a week that has seen Senator THURMOND chosen as the President pro tempore and chairman of the Judiciary Committee of the next Senate of the United States. Each in its own way represents his enormous accomplishments, and each is a richly deserved tribute to our friend, the pride and the favorite son of his beloved Edgefield, S.C.

With all admiration, affection, and respect for Senator THURMOND, I must nonetheless note for the RECORD that, on the day of his birth in 1903, the President of the United States was Mr. Roosevelt, that is, Theodore Roosevelt. Furthermore, by the time I, and so many of us in this Chamber, were born, STROM THURMOND was already an accomplished graduate of Clemson University, although I believe they called it Clemson College in those days.

All of which, Mr. President, brings me to this bewildering question—Given all I have just noted, STROM my friend, why are you so much younger than the rest of us?

I am reminded on this occasion of Oliver Wendell Holmes' observation on the 70th birthday of the famous writer, Julia Ward Howe. Holmes said—

> To be 70-years-young is sometimes far more cheerful and hopeful than to be 40-years-old.

Indeed so.

I congratulate our friend from South Carolina and wish him many joyous returns of this day.

MILITARY PAY AND ALLOWANCES BENEFITS ACT OF 1980

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Maine (Mr. COHEN) on H.R. 7626, a bill considered and passed by the Senate on December 4, 1980.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR COHEN

I should like to express my strong support for the many outstanding provisions of H.R. 7626. This bill, entitled the "Military Pay and Allowances Benefits Act of 1980," will substantially increase certain special pays and bonuses, it will rectify certain inequities, and it will extend indefinitely certain benefits which were due to expire this year. Overall, this bill represents extremely good news to the men and women who serve in our nation's armed forces, and I am exceptionally proud to be a co-sponsor of this vital legislation.

Of interest to all the Services is a change in the current law authorizing the Basic Allowance for Quarters to unmarried personnel. Currently an unmarried member must be an O–4 or above to be entitled to receive BAQ. Under the "Military Pay and Allowances Benefits Act of 1980," eligibility for single BAQ will be extended to senior enlisted personnel (E–7/8/9), Warrant Officers with four years of service, junior officers (O–1 and O–2) with prior enlisted service, and O–3s and above.

I am particularly pleased that we are extending this eligibility to the senior enlisted members who are so accurately referred to as the "backbone" of the military. These are the senior NCOs upon whom each of the Services depends so heavily for leadership and stability. They are the vital individuals whose professionalism and expertise ultimately determine the success or failure of virtually every military undertaking. I have the highest respect for these dedicated individuals, and I hope that our efforts today will be perceived as a clear statement of Congressional concern for their well-being.

The Navy will be gratified to see the rates for sea pay and submarine pay increased to meaningful levels for the first time in more than 25 years. The new rates for sea pay, which range between $50 and $310 (and will include a $100 premium for those who exceed three consecutive years on sea duty), are intended to compensate our Naval personnel for the unique hardships endured by those who must spend long periods at sea.

The additional commitment this nation has assumed to protect our interests in the Indian Ocean has placed a considerable strain on our diminishing Navy. Nowhere is this additional burden more keenly felt than by those who man our ships and the families they must leave behind. Living conditions aboard ship are austere, and extended deployments mean long and frequent family separations.

The patriotic dedication of these men and their families becomes poignantly clear when one considers that they have endured these hardships in spite of an unmistakable economic disincentive in going to sea. The fact is that prior to this legislation almost every man who went to sea suffered a reduction in pay, since the current sea pay did not compensate for the loss of the Basic Allowance for Subsistence. Our efforts today will help eliminate that disincentive and reduce the burden felt by so many Navy families.

The rates for submarine pay will also be increased significantly. The Navy currently suffers shortages in the submarine service so severe that it must keep practically every submarine-trained officer on sea duty almost without interruption. Today this means that an officer must spend fifteen of his first eighteen years on sea duty. The increased rates should enable the Navy to attract more applicants to the submarine service and retain more who are already serving aboard submarines.

This effort, retaining our Navy's submariners, is of vital importance. Recent statements in the press regarding the vulnerability of both our land-based ICBMs and our strategic bombers underscore the imperative nature of maintaining a strong and healthy submarine force. Yet, over the past several years, we have seen that force diminish to disturbingly low levels as more and more highly trained men leave the submarine service.

Will we accomplish through carelessness and neglect what the Soviets cannot accomplish with their most sophisticated weapons? The effort we make today suggests we will not. These improvements should strengthen our submarine force and enable the Navy to reduce the exceptionally long periods of sea duty that have become the standards, rather than the exception.

The bills reported by the Armed Services Committee on Tuesday, December 2nd, including H.R. 7626, were supported unanimously by the members of the Committee. I consider this bipartisan statement in support of our military to be a most encouraging reflection of the spirit that is returning to our country. Throughout the nation, people are regaining their national pride and self-confidence. We are once again proud to be Americans, proud to wave the flag. I hope that same spirit pervades this body and will be apparent in its support for this vital legislation.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HYDROELECTRIC POWERPLANTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 904, S. 1420.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1420) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 2, line 7, after "Act" insert a semicolon and the following: "*Provided*, That construction by the Secretary of the Interior of the powerplants authorized in subsections (a), (g), and (i) of section 3 of this Act may not proceed prior to October 1, 1983, or if a license has been issued prior to such date to a non-Federal entity pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797) to construct said powerplant".

On page 2, line 23, after "generated" insert "by powerplants constructed";

On page 3, beginning with line 23, strike through and including line 5 on page 4, and insert the following: "(e) Hoover Dam powerplant modification, Arizona-Nevada, consisting of not more than four turbine generator units to increase the powerplant capacity by five hundred thousand kilowatts.".

On page 4, line 10, strike "(g)" and insert "(f)";

On page 4, line 14, strike "(h)" and insert "(g)";

On page 4, line 17, strike "(i)" and insert "(h)";

On page 4, line 20, strike "(j)" and insert "(i)";

On page 4, line 23, strike "(k)" and insert "(j)";

On page 5, line 1, strike "(l)" and insert "(k)";

On page 5, line 4, strike "(m)" and insert "(l)";

On page 5, line 6, strike "fifty" and insert "fifty-five";

On page 5, line 19, strike "system" and insert "marketing program";

On page 5, line 22, after the comma insert "and";

On page 5, line 23, strike "and Colorado Big Thompson powerplant";

On page 6, line 1, strike "system" and insert "marketing program";

On page 6, beginning with line 3, strike through and including line 5, and insert in lieu thereof the following: "(3) Hoover Dam powerplant peaking capacity increases shall be marketed through the Boulder Canyon project power marketing program;".

On page 6, line 15, strike "system" and insert "marketing program";

On page 7, line 5, after "appropriated" insert "beginning October 1, 1981,";

On page 7, line 11, strike the colon, insert a period and "There are also authorized to be appropriated to the Secretary of the Interior such additional sums as may be required for the operation and maintenance of the powerplant authorized by this act.";

On page 7, line 16, strike "$21,323,000" and insert "$19,150,000";

On page 7, line 18, strike "$2,843,000" and insert "$2,570,000";

On page 7, line 21, strike "$104,411,000" and insert "$87,600,000";

On page 7, line 22, strike "$21,860,000" and insert "$19,500,000";

On page 7, beginning with line 24, strike through and including line 25;

On page 8, line 1, strike "(6)" and insert "(5)";

On page 8, line 2, strike "$21,342,000" and insert "$20,300,000";

On page 8, line 3, strike "(7)" and insert "(6)";

On page 8, line 3, strike "outlet works powerplant" and insert "powerplant modifications";

On page 8, line 4, strike "$134,938,000" and insert "$279,000,000";

On page 8, line 6, strike "(8)" and insert "(7)";

On page 8, line 6, strike "$22,020,000" and insert "$21,000,000";

On page 8, line 8, strike "(9)" and insert "(8)";

On page 8, line 8, strike $2,160,000" and insert "$1,918,000";

On page 8, line 10, strike "(10)" and insert "(9)";

On page 8, line 10, strike "$9,396,000" and insert "$8,770,000";

On page 8, line 12, strike "(11)" and insert (10)";

On page 8, line 12, strike "$1,740,000" and insert "$930,000";

On page 8, line 14, strike "(12)" and insert "(11)";

On page 8, line 16, strike "$860,000" and insert "$1,240,000";

On page 8, line 16, strike "(13)" and insert "(12)";

On page 8, line 16, strike "$23,506,000" and insert "$36,300,000";

On page 8, line 18, after "appropriated" insert "beginning October 1, 1981";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is authorized to construct, operate, and maintain hydroelectric powerplants at existing reclamation project facilities at locations and in the approximate capacities set forth in section 3 of this Act: *Provided*, That construction by the Secretary of the Interior of the powerplants authorized in subsections (a), (g), and (i) of section 3 of this Act may not proceed prior to October 1, 1983, or if a license has been issued prior to such date to a non-Federal entity pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797) to construct said powerplant. In carrying out the purposes of this Act, the Secretary of the Interior is authorized to modify the capacity of the powerplant as determined to be necessary and desirable during postauthorization study and design, and after consultation with the Secretary of Energy.

SEC. 2. The Secretary of Energy is authorized to construct, operate, and maintain transmission facilities as required physically to connect the hydroelectric powerplants authorized by section 3 of this Act to existing power systems as he determines necessary to accomplish distribution and marketing of power generated by powerplants constructed pursuant to this Act.

SEC. 3. (a) Friant powerplant unit, Central Valley project, California, consisting of:

(1) a turbine generator unit of two thousand seven hundred kilowatts on the river outlet from Friant Dam;

(2) a turbine generator unit of five thousand kilowatts, on the outlet to the Madera Canal at Friant Dam; and

(3) a turbine generator unit of fifteen thousand kilowatts, on the outlet of the Friant-Kern Canal at Friant Dam.

(b) Whiskeytown powerplant unit, Central Valley project, California, consisting of a turbine generator unit of three thousand kilowatts, on the outlet works of Whiskeytown Dam.

(c) Canyon Ferry powerplant enlargement, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ninety thousand kilowatts, on the outlet works of Canyon Ferry Dam.

(d) Yellowtail Afterbay powerplant unit, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ten thousand kilowatts, on the outlet works of Yellowtail Afterbay Dam.

(e) Hoover Dam powerplant modification, Arizona-Nevada, consisting of not more than four turbine generator units to increase the powerplant capacity by five hundred thousand kilowatts.

(f) Buffalo Bill Dam powerplant replacement, Shoshone, Wyoming, consisting of a turbine generator unit of twenty thousand kilowatts, in replacement of an existing unit of five thousand kilowatts at Buffalo Bill Dam.

(g) Red Bluff powerplant unit, Central Valley project, California, consisting of three turbine generator units of five thousand kilowatts each, at Red Bluff Diversion Dam.

(h) Stony Gorge powerplant unit, Orland project, California, consisting of a turbine generator of three thousand kilowatts, on the outlet works of Stony Gorge Dam.

(i) Monticello powerplant unit, Solano project, California, consisting of a turbine generator unit of sixteen thousand kilowatts, on the outlet works of Monticello Dam.

(j) Boca powerplant unit, Truckee storage project, California-Nevada, consisting of a turbine generator unit of two thousand kilowatts, on the outlet works of Boca Dam.

(k) Prosser powerplant unit, Washoe project, California-Nevada, consisting of a turbine generator unit of one thousand kilowatts, on the outlet works of Prosser Dam.

(l) Blue Mesa powerplant, Colorado River storage project, Colorado, consisting of a turbine generator unit of fifty-five thousand kilowatts, on the outlet works of Blue Mesa Dam.

Sec. 4. (a) Hydroelectric power generated by facilities constructed pursuant to this Act shall be delivered to the Secretary of Energy for distribution and marketing through existing Federal hydroelectric power markeing systems in accordance with existing law and policy consistent with the provisions of this Act.

(b) The plants authorized by section 3 of this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several systems as follows:

(1) Friant, Red Bluff, Whiskeytown, Stony Gorge, Monticello powerplant units shall be marketed through the Central Valley project power marketing program;

(2) Canyon Ferry powerplant enlargement, Yellowtail Afterbay powerplant unit, and Buffalo Bill Dam powerplant replacement shall be marketed through the Western Division, Pick-Sloan program power marketing program;

(3) Hoover Dam powerplant peaking capacity increases shall be marketed through the Boulder Canyon project power marketing program;

(4) Boca powerplant and Prosser powerplant shall be marketed under arrangements to be made by the Secretary of Energy in accordance with authority set forth in section 4(a) of this Act; and

(5) Blue Mesa powerplant shall be marketed through the Colorado River storage project power marketing program.

Sec. 5. Powerplants authorized by this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water service contract.

Sec. 6. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the facilities authorized by this Act shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the works authorized by each subsection of section 3 is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

Sec. 7. There is hereby authorized to be appropriated beginning October 1, 1981, to the Secretary of the Interior for construction of the work authorized by this Act the amounts set forth below on the basis of January 1979 price levels plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of the Interior such additional sums as may be required for the operation and maintenance of the powerplant authorized by this Act.

(1) Friant powerplant unit, $19,150,000.

(2) Whiskeytown powerplant unit, $2,570,000.

(3) Canyon Ferry powerplant enlargement, $87,600,000.

(4) Yellowtail Afterbay powerplant, $19,500,000.

(5) Buffalo Bill Dam powerplant replacement, $20,300,000.

(6) Hoover Dam powerplant modifications, $279,000,000.

(7) Red Bluff powerplant unit, $21,000,000.

(8) Stony Gorge powerplant unit, $1,918,000.

(9) Monticello powerplant unit, $8,770,000.

(10) Boca powerplant unit, $930,000.

(11) Prosser powerplant unit, $1,240,000.

(12) Blue Mesa powerplant, $36,300,000.

There are also authorized to be appropriated beginning October 1, 1981, such sums as may be required by the Secretary of Energy to accomplish the purposes of section 2 of this Act.

UP AMENDMENT NO. 1823

Mr. BAKER. Mr. President, I send to the desk a technical amendment en bloc in behalf of the Senator from Oregon (Mr. Hatfield) and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated en bloc.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. Baker) for Mr. Hatfield proposes unprinted amendment numbered 1823 en bloc.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 24, strike "Act." and insert in lieu thereof: "Act, and to purchase replacement capacity, energy or both in order to maintain deliveries to customers during unit outages which result from construction of the powerplants authorized in this Act."

On page 2, following line 24, insert a new section 3 (and renumber subsequent sections accordingly) as follows:

"Sec. 3. During construction of powerplants authorized in this Act, the Secretary of the Interior and the Secretary of Energy shall seek to minimize the loss of capacity, energy or both to power customers due to unit outages which result from such construction. The Secretary of Energy shall seek to maintain deliveries of capacity, energy or both at contract prices to customers affected by unit outages resulting from such construction.

On page 4, line 13, following "required", insert "for the cost of replacement capacity, energy or both purchased under section 2, and"

Page 2, line 8, strike "the powerplants authorized"; insert "a powerplant designated".

Line 9, strike "subsections (a), (g), and (i)"; insert "subsection (a), (g), or (i)".

Line 13, strike "said"; insert "such".

Line 15, strike "the powerplant"; insert "a powerplant designated in section 3".

Line 16, strike "and"; insert "or".

Line 21, strike "by section 3 of"; insert "in".

Page 5, line 14, strike "plants authorized by section 3 of"; insert "powerplants authorized in".

Page 6, line 1, strike "Western Division,".

Page 6, line 16, strike "by"; insert "in".

Line 22, strike "costs of the facilities authorized by"; insert "cost of a powerplant authorized in".

Lines 24–25, strike "the works authorized by each subsection of section 3"; insert "such powerplant".

Page 7, line 5, strike "There is"; insert "(a) There are".

Line 7, strike "work authorized by"; insert "powerplants authorized in".

Line 8, strike "below"; insert "in subsection (b),".

Line 9, after "levels", insert a comma.

Line 14, strike "powerplant"; insert "powerplants".

Line 16, before "(1)", insert "(b)".

Page 8, line 4, strike "modifications"; insert "modification".

Line 15, strike linetype "$1,240,000."; insert in italics "$1,240,000.".

Line 18, before "There", insert "(c)".

Page 2, line 21, after "systems"; insert "and".

Page 5, line 11, strike "systems"; insert "programs".

Line 16, strike "systems"; insert "programs".

Mr. BAKER. Mr. President, this amendment consists of technical amendments which are at the desk, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1823) was agreed to.

UP AMENDMENT NO. 1824

(Purpose: To authorize construction of hydroelectric power facilities at Stoney Gorge Dam in California, but not prior to October 1, 1983)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. Cranston) proposes an unprinted amendment numbered 1824.

On page 2, line 9, after "(g)," insert the following:
"(h),".

Mr. CRANSTON. Mr. President, the effort of this amendment is to authorize the Interior Department to construct hydroelectric power facilities at the Stony Gorge Dam, a feature of the Orland project in California, but not before October 1, 1983 or if a license has been issued prior to that date to a non-Federal entity. The purpose of the amendment is to permit the city of Santa Clara, Calif., to pursue its application for a preliminary license from the Federal Energy Regulatory Commission to build and operate hydroelectric power facilities at the Stony Gorge Dam. The city has already applied for a preliminary license and has invested thousands of taxpayers' dollars in planning for this project.

S. 1420, as reported by the Senate Energy and Natural Resources Committee, provides for immediate authorization of Federal construction of hydroelectric power facilities at the Stony Gorge Dam. However, there are three other Federal projects included in S. 1420—Friant Dam, Red Bluff Diversion Dam, and Monticello Dam—for which Federal authorization is provided after October 1, 1983 in order to allow non-Federal entities time to pursue construction of the power themselves. Since the circumstances in the city of Santa Clara's case are the same I believe that the Stony Gorge Dam should be treated in the same fashion in the bill. That is what this amendment provides.

I understand that this amendment is acceptable to the Energy Committee, and I hope that it can be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (UP No. 1824) was agreed to.

UP AMENDMENT NO. 1825

(Purpose: To provide for a conditional authorization for construction of the Canyon Ferry powerplant enlargement, Montana and to provide for increased recreational and fish and wildlife resource opportunities in conjunction with the enlargement of the Canyon Ferry powerplant, Montana)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MELCHER, I send to the desk two amendments and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for Mr. MELCHER, proposes an unprinted amendment numbered 1825 en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, following line 20, insert the following new section:

"SEC. 8. The authorization hereinabove provided by this Act for the Canyon Ferry powerplant enlargement, Pick-Sloan Missouri Basin Program, Montana, shall become final and effective twenty months after the date of enactment; Provided, that such authorization shall not become effective if the Secretary of the Interior has transmitted a feasibility report to the Speaker of the House of Representatives and the President of the United States Senate, by the aforesaid date, establishing that the project fails to meet contemporary tests of economic justification or creates significant adverse environmental effects.

On page 7, line 15, following the word "act", insert the following sentence: "In addition there are also authorized to be appropriated beginning October 1, 1981 to the Secretary of the Interior the sum of $1,418,000 for construction of an automated gate at Lake Helena, bank stabilization, replacement of fishery access, and other fish and wildlife and recreational facilities concurrent with the construction of the Canyon Ferry powerplant enlargement."

● Mr. MELCHER. Mr. President, I rise in strong support for the Senate passage of S. 1420 by the Senate. The additional hydroelectric power resources, which are authorized by the bill, are important not only to my own State of Montana, but to the entire Western United States and the Nation. However, I would like to offer at this time an amendment to S. 1420 which affects the authorization of the additional generating capacity of Canyon Ferry Dam in the State of Montana. This amendment does not affect in any way the other project authorizations contained in the bill.

Mr. President, my amendment addresses an opportunity to provide for increased benefits to recreation and fish and wildlife resources in conjunction with the construction of the Canyon Ferry powerplant enlargement. The amendment I offer today authorizes the appropriation of $1,418,000. For the benefit of my colleagues, the existing Canyon Ferry Dam is located on the Missouri River only a few miles from Helena. The Missouri River and the associated Lakes Hauser and Helena provide outstanding recreational and fish and wildlife resources for the citizens of Lewis and Clark County and the city of Helena.

My amendment authorizes funding for a program to improve both the quality and accessibility to the public of these resources. Efforts include a bank stabilization program, an automated gate at Lake Helena to smooth river level fluctuations, and improve river access for fishermen and recreationists. I would, of course, anticipate that during the preparation of the Water and Power Resource Service's definite plan report on the project that any unanticipated opportunities for further benefits to recreation and fish and wildlife resources would be brought to my attention and the attention of the appropriate committees of the Congress.

Mr. President, S. 1420 is a good bill. The Canyon Ferry powerplant enlargement is a good project. I would hope that my amendment be adopted so as to take advantage of this additional opportunity in connection with Canyon Ferry and that the Senate proceed to approve S. 1420.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1825) was agreed to.

Mr. HATFIELD. Mr. President, in terms of national need and the productive investment of Federal resources, there are few better ways to spend $500 million than in expanding hydroelectric power generating capability at our existing Federal reclamation dams. It will provide energy—displacing oil in many instances—in an environmentally benign manner, and it will not be a net drain on the Treasury. In fact, the Government will be completely repaid, with interest.

The bill before the Senate, S. 1420, is one I introduced exactly a year ago. I am pleased that it is being moved today, and I hope it is a harbinger of future efforts by the Government to achieve the potential efficiency of its energy producing and energy using facilities. I intend to try to keep the Energy Committee focused on this potential, and keep legislation moving as the changing economics of energy development makes more activity in this area feasible. In this regard, I hope soon to move the companion bill to S. 1420, S. 1421, which will authorize detailed feasibility investigations for the next generation of power expansion projects at existing reclamation dams.

Mr. President, I wish to thank my colleagues on the committee, particularly the distinguished chairman (Mr. JACKSON), and the chairman and the ranking minority member of the subcommittee, the Senators from Idaho (Mr. CHURCH and Mr. MCCLURE).

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1420

An act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is authorized to construct, operate, and maintain hydroelectric powerplants at existing reclamation project facilities at locations and in the approximate capacities set forth in section 4 of this Act: *Provided,* That construction by the Secretary of the Interior of a powerplant designated in subsection (a), (g), (h), or (i) of section 4 of this Act may not proceed prior to October 1, 1983, or if a license has been issued prior to such date to a non-Federal entity pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797) to construct such powerplant. In carrying out the purposes of this Act, the Secretary of the Interior is authorized to modify the capacity of a powerplant designated in section 4 as determined to be necessary or desirable during postauthorization study and design, and after consultation with the Secretary of Energy.

SEC. 2. The Secretary of Energy is authorized to construct, operate, and maintain transmission facilities as required physically to connect the hydroelectric powerplants authorized in this Act to existing power systems and as he determines necessary to accomplish distribution and marketing of power generated by powerplants constructed pursuant to this Act, and to purchase replacement capacity, energy, or both in order to maintain deliveries to customers during unit outages which result from construction of the powerplants authorized in this Act.

SEC. 3. During construction of powerplants authorized in this Act, the Secretary of the Interior and the Secretary of Energy shall seek to minimize the loss of capacity, energy, or both to power customers due to unit outages which result from such construction. The Secretary of Energy shall seek to maintain deliveries of capacity, energy, or both at contract prices to customers affected by unit outages resulting from such construction.

SEC. 4. (a) Friant powerplant unit, Central Valley project, California, consisting of:

(1) a turbine generator unit of two thousand seven hundred kilowatts on the river outlet from Friant Dam;

(2) a turbine generator unit of five thousand kilowatts, on the outlet to the Madera Canal at Friant Dam; and

(3) a turbine generator unit of fifteen thousand kilowatts, on the outlet of the Friant-Kern Canal at Friant Dam.

(b) Whiskeytown powerplant unit, Central Valley project, California, consisting of a turbine generator unit of three thousand kilowatts, on the outlet works of Whiskeytown Dam.

(c) Canyon Ferry powerplant enlargement, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ninety thousand kilowatts, on the outlet works of Canyon Ferry Dam.

(d) Yellowtail Afterbay powerplant unit, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ten thousand kilowatts, on the outlet works of Yellowtail Afterbay Dam.

(e) Hoover Dam powerplant modification, Arizona-Nevada, consisting of not more than four turbine generator units to increase the powerplant capacity by five hundred thousand kilowatts.

(f) Buffalo Bill Dam powerplant replacement, Shoshone, Wyoming, consisting of a turbine generator unit of twenty thousand kilowatts, in replacement of an existing unit of five thousand kilowatts at Buffalo Bill Dam.

(g) Red Bluff powerplant unit, Central Valley project, California, consisting of three turbine generator units of five thousand kilowatts each, at Red Bluff Diversion Dam.

(h) Stony Gorge powerplant unit, Orland project, California, consisting of a turbine generator of three thousand kilowatts, on the outlet works of Stony Gorge Dam.

(i) Monticello powerplant unit, Solano project, California, consisting of a turbine generator unit of sixteen thousand kilowatts, on the outlet works of Monticello Dam.

(j) Boca powerplant unit, Truckee storage project, California-Nevada, consisting of a turbine generator unit of two thousand kilowatts, on the outlet works of Boca Dam.

(k) Prosser powerplant unit, Washoe project, California-Nevada, consisting of a turbine generator unit of one thousand kilowatts, on the outlet works of Prosser Dam.

(1) Blue Mesoa powerplant, Colorado River storage project, Colorado, consisting of a turbine generator unit of fifty-five thousand kilowatts, on the outlet works of Blue Mesa Dam.

SEC. 5. (a) Hydroelectric power generated by facilities constructed pursuant to this Act shall be delivered to the Secretary of Energy for distribution and marketing through existing Federal hydroelectric power marketing programs in accordance with existing law and policy consistent with the provisions of this Act.

(b) The powerplants authorized in this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several programs as follows:

(1) Friant, Red Bluff, Whiskeytown, Stony Gorge, Monticello powerplant units shall be marketed through the Central Valley project power marketing program;

(2) Canyon Ferry powerplant, enlargement, Yellowtail Afterbay powerplant unit, and Buffalo Bill Dam powerplant replacement shall be marketed through the Pick-Sloan program power marketing program;

(3) Hoover Dam, powerplant peaking capacity increases shall be marketed through the Boulder Canyon project power marketing program;

(4) Boca powerplant and Prosser powerplant shall be marketed under arrangements to be made by the Secretary of Energy in accordance with authority set forth in section 5(a) of this Act; and

(5) Blue Mesa powerplant shall be marketed through the Colorado River storage project power marketing program.

SEC. 6. Powerplants authorized in this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 7. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable cost of a powerplant authorized in this Act shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of such powerplant is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 8. (a). There are hereby authorized to be appropriated beginning October 1, 1981, to the Secretary of the Interior for construction of the powerplants authorized in this Act the amounts set forth in subsection (b), on the basis of January 1979 price levels, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of the Interior such additional sums as may be required for the cost of replacement capacity, energy or both purchased under section 2, and for the operation and maintenance of the powerplants authorized by this Act. In addition there are also authorized to be appropriated beginning October 1, 1981, to the Secretary of the Interior the sum of $1,418,000 for construction of an automated gate at Lake Helena, bank stabilization, replacement of fishery access, and other fish and wildlife and recreational facilities concurrent with the construction of the Canyon Ferry powerplant enlargement.

(b) (1) Friant powerplant unit, $19,150,000.

(2) Whiskeytown powerplant unit, $2,570,000.

(3) Canyon Ferry powerplant enlargement, $87,600,000.

(4) Yellowtail Afterbay powerplant, $19,500,000.

(5) Buffalo Bill Dam powerplant replacement, $20,300,000.

(6) Hoover Dam powerplant modification, $279,000,000.

(7) Red Bluff powerplant unit, $21,000,000.

(8) Stoney Gorge powerplant unit, $1,918,000.

(9) Monticello powerplant unit, $8,770,000.

(10) Boca powerplant unit, $930,000.

(11) Prosser powerplant unit, $1,240,000.

(12) Blue Mesa powerplant, $36,300,000.

(c) There are also authorized to be appropriated beginning October 1, 1981, such sums as may be required by the Secretary of Energy to accomplish the purposes of section 2 of this Act.

SEC. 9. The authorization hereinabove provided by this Act for the Canyon Ferry powerplant enlargement, Pick-Sloan Missouri Basin program, Montana, shall become final and effective twenty months after the date of enactment: *Provided*, That such authorization shall not become effective if the Secretary of the Interior has transmitted a feasibility report to the Speaker of the House of Representatives and the President of the United States Senate, by the aforesaid date, establishing that the project fails to meet contemporary tests of economic justification or creates significant adverse environmental effects.

FEDERAL POWER MARKETING REVOLVING FUND ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1064, S. 1440.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1440) to enable the Secretary of Energy to utilize revenues from power marketing, to carry out his responsibilities related to Alaska Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Power Marketing Revolving Fund Act of 1980".

SEC. 2. (a) Congress finds that it is desirable and appropriate that the revenues, borrowings from Treasury, or appropriations to the Western Area Power Administration be used for operation, maintenance, construction, and other program purposes.

(b) Other than as specifically provided herein, the present authority and duties of the Secretary of Energy relating to the Western Area Power Administration shall not be affected by this Act. The authority and duties of the Secretary referred to herein shall be exercised by the Secretary, acting by and through the Administrator of Western Area Power Administration.

SEC. 3. As used in this Act—

(a) "Secretary" means the Secretary of Energy.

(b) "Western" means Western Area Power Administration.

(c) "Electric power" means electric capacity or electric energy, or both.

(d) "Construct" or "construction" means the construction, improvement, betterment, additions to, and replacements of transmission facilities, including participating jointly with others in such activities.

(e) "Major transmission facilities" means new transmission facilities:

(1) to be used to provide services which were not previously provided by Western including facilities which are to be used for interconnecting electrical systems which have not been previously connected by federally owned facilities, or

(2) for which the total estimated construction or acquisition cost represents an increase of more than 5 per centum of the total fixed assets of Western:

Provided, however, That facilities which are not major transmission facilities under (1) above shall include but not be limited to (A) a transmission line used in whole or in part to serve a customer who, at the time of commencement of construction of the new transmission line used by Western for trans-served by Western exclusively over its facilities; or (B) a transmission facility which uses as a major portion of its route a preexisting and utilized Western right-of-way or which is adjacent to a preexisting Western transmission line used by Western for transmission of power; or (C) the rental or lease of existing transmission facilities.

SEC. 4. Subject to section 9, the Secretary shall construct, rent, lease, or otherwise acquire transmission facilities he determines are necessary to—

(a) integrate and transmit the electric power from existing or additional Federal or non-Federal generating units;

(b) provide service to customers;

(c) provide interregional transmission facilities; or

(d) maintain electrical stability and electrical reliability:

Provided, however, That the Secretary shall not construct, rent, lease, or otherwise acquire any major transmission facilities unless the expenditure of the funds for the initiation of such construction, lease, rental, or acquisition is specifically approved by Act of Congress: *Provided further,* That nothing in this Act shall authorize the crossing or other use of Federal lands under the jurisdiction of another agency except with the consent of such agency in accordance with the applicable laws and procedures of such agency or the construction of any facilities on such lands without the consent of the agency having jurisdiction of such lands, pursuant to laws applicable to those lands: *Provided further,* That for transmission facilities constructed subsequent to establishment of the Fund under the provision of this section, that the Secretary shall pay annually to local taxing authorities, within whose jurisdiction any such transmission facilities are located, and which facilities are exempt from ad valorem taxation, a fee in lieu of ad valorem taxes in an amount equal to the amount that would be paid to such taxing authorities if such transmission facilities were owned by an investor-owned utility.

SEC. 5. Subject only to the provisions of this Act, the Secretary is authorized to become a member of and to pay such dues and membership fees in such professional, utility, industry, and other societies, associations, and institutes, together with expenses related to such memberships, as the Secretary determines to be necessary or appropriate to carry out the purposes of this Act.

SEC. 6. (a) There is established as of April 1, 1981 in the Treasury of the United States a fund for Western. This fund will be called the Western Area Power Administration Fund (hereinafter referred to as the "Fund"). Except as otherwise specifically provided, revenues available for repayment of investments shall continue to be applied first to repayment of investments bearing the highest interest rates and to accomplish repayment over the repayment period established pursuant to law. The Fund shall consist of (1) all receipts, collections, and recoveries of Western in cash from all sources related to power marketing activities, including funds received in trust, (2) all moneys loaned to the Secretary pursuant to section 8 thereof, (3) any appropriations made by the Congress for the Fund, and (4) the unexpended balances of funds appropriated or otherwise made available for the use of Western, which balances are hereby authorized to be transferred to the Fund. All funds transferred hereunder shall be available for expenditure by the Secretary, as authorized in this Act or any other Act relating to Western, subject to such limitations as may be prescribed by any applicable appropriation Act effective during such period as may elapse between their transfer and the approval by the Congress of the first subsequent annual budget.

(b) The Secretary may make expenditures from such Fund, notwithstanding any existing statute requiring the deposit of such revenues or receipts in other funds, which shall have been included in the annual budget submitted to Congress, without further appropriation and without fiscal year limitation, but within such specific directives or limitations as may be included in appropriation Acts, for any purpose necessary or appropriate to carry out the duties imposed upon the Secretary pursuant to law relating to the program of Western, including but not limited to—

(1) making such payments to the Water and Power Resources Service for the credit of the Reclamation Fund, other funds or accounts, as are required by or pursuant to law to be made into such funds or accounts in connection with reclamation projects;

(2) operation, maintenance, repair, and relocation, to the extent such relocation is not provided for under paragraph (10) below, of transmission facilities;

(3) conducting electrical research, development, investigations, experimentation, tests, and other such studies;

(4) marketing of electric power;

(5) transmission over facilities of others and rental or lease of facilities;

(6) purchase of electric power (including the entitlement of electric plant capability) (A) to meet temporary deficiencies in electric power which Western is obligated by contract to supply, (B) which has been heretofore undertaken with funds appropriated for such purchase, or (C) if to be paid for with funds provided by other entities for such purpose under a trust or agency arrangement: *Provided, however,* That purchases from a specific electric plant shall be limited to ten years;

(7) defraying emergency expenditures or insuring continuous operation;

(8)(A) acquiring such goods, lands, or interests in real or personal property, and (B) paying dues and membership fees in electrical cooperatives and in such professional, utility, industry, and other societies, associations and institutes, together with expenses related to such memberships, including but not limited to the acquisitions and payments set forth in the general provisions of the annual appropriations Act for the Department of Energy, as the Secretary determines to be necessary or appropriate in carrying out the purposes of this Act;

(9) developing and implementing programs and methods by which the customers and ultimate customers of Western voluntarily may conserve and efficiently use power;

(10) construction, acquisition, and disposal of transmission facilities: *Provided, however,* That such construction or acquisition by Western may be financed with revenues from reclamation projects only to the extent that such construction or acquisition is in accord with law covering the individual projects for which the Bureau of Reclamation was formerly the power marketing agency;

(11) paying the principal, interest, premiums, discounts, and expenses, if any, in connection with the repayment of funds borrowed pursuant to section 8 of this Act, including provision for and maintenance of reserve and other funds established in connection therewith;

(12) making payments to the credit of miscellaneous receipts of the Treasury for all unpaid costs required by or pursuant to law to be charged to and returned to the general fund of the Treasury in connection with the projects from which Western markets the power; and

(13) making payments in lieu of taxes to local taxing authorities as provided in section 4 above.

(c) Expenditures for the purposes provided in section 6(b)(10) may be made from the remainder of gross receipts of Western from all sources (excluding borrowings pursuant to section 8) after first deducting funds held in trust and the costs listed in section 6(b)(1) through (b)(9), (b)(11), (b)(12), and (b)(13).

(d) Moneys heretofore or hereafter appropriated shall be used only for the purposes for which appropriated, and moneys received by the Secretary in trust shall be used only for carrying out such trust. The provisions of the Government Corporation Control Act shall be applicable to the Secretary in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act, but nothing in the proviso of section 105 of such Act shall be construed as affecting the powers and authorities granted to the Secretary elsewhere in this Act.

(e)(1) The Secretary shall keep the official record of Western's operations, expenditures, receipts, repayments of debts to the Secretary of the Treasury and payments to funds, including reclamation project funds, and shall obtain annually an independent commerical-type audit of such accounts, in accordance with generally accepted auditing standards.

(2) Notwithstanding the provisions of sections 105 and 106 of the Government Corporation Control Act, the financial transactions of Western shall be audited by the Comptroller General at such times and to such extent as the Comptroller General deems necessary, and reports of the results of each audit shall be made to the Congress within six and one-half months following the end of the fiscal year covered by the audit.

(f)(1) The Secretary shall maintain separate accounting for the individual projects of Western for which the Bureau of Reclamation was formerly the power marketing agency (Pick-Sloan Missouri Basin program, Central Valley project, Colorado River storage project (and participating projects), Provo River project, Collbran project, Rio Grande project, Boulder Canyon project, Fryingpan-Arkansas project, Parker-Davis project, Falcon and Amistad projects, and the Central Arizona project): *Provided,* That the Secretary shall make payments to the Water and Power Resources Service for the Colorado River Dam Fund, the Upper Colorado River Basin Fund, the Lower Colorado River Basin Development Fund, and the Reclamation Fund on a timely basis for repayment of reimbursable project expenses and other obligations required by statute to be made from power revenues.

(2) Amounts to be retained in the Western Fund for expenses covered in section 6(b)(3), (b)(8)(B), and (b)(9) from revenues collected from power marketing activities from reclamation projects shall not in any one year exceed 1 per centum, unless otherwise jointly determined by the Secretary and the Secretary of the Interior, of the total obligations contained in that fiscal year budget as submitted to the Congress for Western.

(3) Determination of amounts to be retained in the Western Fund for Western's operations and the amounts to be transferred to the Water and Power Resources Service under section 6(b)(1) shall be developed jointly by Western and the Water and Power Resources Service at the beginning of each fiscal year for the fiscal year in progress and shall include corrections to transactions of the previous fiscal year based on final data. Reserves and other receipts remaining in the Fund attributable to a reclamation project shall be credited to such projects and the project obligation as provided in reclamation law.

(g) All obligations incurred by the Secretary for and on behalf of a power administration pursuant to this Act shall be secured solely by Western's revenues (of the power system involved) which are derived from the sale of electric power and related services. Such obligations shall not be, nor shall they be deemed to be, general obligations of the United States of America.

Sec. 7. For cash management purposes, the Secretary may request the investment of such moneys as he deems advisable by the Secretary of the Treasury in nonmarketable obligations of the United States with maturities not to exceed one year, at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the maturities of such nonmarketable obligations.

Sec. 8. (a) The Secretary is authorized to borrow to such extent or in such amounts as are contained in appropriation Acts from the Secretary of the Treasury from time to time in the name and for and on behalf of Western to assist in financing the construction or acquisition of transmission facilities to be used by Western. The repayment of such loans shall be upon such terms and conditions as may be prescribed by the Secretary of the Treasury taking into account the manner prevailing in the open market in which utility indebtedness is repaid, the distinction between short-term borrowing to refund short-term obligations during the postconstruction period, and the useful life of the facilities for which funds are to be borrowed. Such loans shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, plus an amount sufficient in the judgment of the Secretary of the Treasury to provide a return comparable to the rates prevailing in the market for similar bonds issued by government corporations but not to exceed the interest rate which would be applied to such bonds if they were purchased by the Federal Finance Bank. For the purpose of providing the funds to be loaned pursuant to this section, the Secretary of the Treasury is authorized to use the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereinafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereinafter in force, are extended to include the loans to the Secretary under this Act. The loaned funds shall be made available to the Secretary forthwith following acceptance by the Secretary of the terms and conditions of the loan prescribed by the Secretary of the Treasury. The amount of Western loans shall not exceed $300,000,000.

(b) The principal and interest on such obligations shall be payable solely from the Secretary's net proceeds as hereinafter defined. For the purpose of this section "net proceeds" shall mean the remainder of the gross receipts of Western from all sources after first deducting funds held in trust and the costs listed in sections 6(b)(1) through 6(b)(9), and shall include reserve or other funds created from such receipts.

Sec. 9. (a) Unless specifically authorized by Act of Congress, the Secretary shall not expend funds made available under this Act, other than funds specifically appropriated by the Congress for such purpose, to acquire any operating transmission facility by condemnation: *Provided*, That this provision shall not restrict the acquisition of the right to cross such a facility by condemnation.

(b) In order to develop the transmission resources available to Western in an economic manner and to avoid duplication—

(1) Western shall cooperate in transmission system planning with utilities operating in the area served by Western and shall participate in joint construction of transmission facilities where appropriate; and

(2) Western shall provide the opportunity for participation by others, on reasonable terms, in the joint construction and ownership of transmission lines to be construced.

(c) Western shall provide written notice of the activities described in section 4 of this Act at least sixty days prior to submission of the annual budget to the Congress to entities with which Western has power related contracts. The budget submittal shall include a description of the joint planning and coordination that has taken place with regard to each transmission line construction project as required by this section. Provision shall be made for a public meeting on such budget which shall take place prior to its submission to Congress.

(d) The Secretary shall not construct transmission facilities under the authority of this Act unless the Secretary finds that a wheeling agency is unable or unwilling to provide the service determined necessary to carry out the purposes specified herein using existing facilities at costs based on the cost of service for the wheeling agency.

Sec. 10. The Secretary shall include with his annual budget submission to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives information describing the activities of Western in the preceding fiscal year, including specific identification of any construction, acquisition, and disposal of transmission facilities and summarizing expenditures pursuant to section 6(b)(1) through section 6(b)(10).

Sec. 11. Nothing in this Act shall constitute authority for Western to acquire direct ownership of electric power generating capacity or facilities, or to participate in the construction and operation of any new electric power generating project unless such capacity, facility or project is part of a research, demonstration, field-test, prototype of small-scale project.

UP AMENDMENT NO. 1826

Mr. BAKER. Mr. President, I have two amendments, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I send these amendments to the desk on behalf of the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HATFIELD, proposes an unprinted amendment numbered 1826 en bloc.

On page 1, strike the title in the two places it appears and insert in lieu thereof; "To enable the Secretary of Energy to utilize revenues from power marketing to carry out his responsibilities related to Western Area Power Administration, and for other purposes."

On page 15, line 5, strike "Federal" and insert in lieu thereof "Western Area".

On page 29, lines 2 & 3, strike "summarizing" and insert in lieu thereof "a summary of".

On page 29, line 10, strike "of" and insert in lieu thereof "or".

On p. 17, line 22, following "lands:", strike the balance of section 4 (through line 6 on p. 18) and insert in lieu thereof the following:

"*Provided further*, That, for transmission facilities constructed subsequent to establishment of the Fund under the provision of this section, Western shall pay annually to states and units of general purpose local government, within whose jurisdictions any such transmission facilities are located, an impact payment in an amount not to exceed the total amounts of money which would be received by such states and units with respect to such facilities from an investor owned utility if such facilities were owned by such a utility: *Provided further*, That no such payment may be made under this section with respect to any land or interests in land owned by the United States within the Western service area and administered by any Federal agency other than Western without regard to how the United States obtained ownership thereof including lands or interests therein acquired or withdrawn by a Federal agency for purposes of such agency and subsequently made available to Western for such facilities."

On p. 22, strike lines 9 and 10 and insert in lieu thereof the following: "(13) making impact payments as provided in section 4."

● Mr. HATFIELD. Mr. President, S. 1440 is the result of a 3-year effort on the part of the electric power interests in the service area of the Western Area Power Administration to find a better way of operating the Federal system for the mutual benefit of the agency and its customers, both public and private utilities. WAPA is the Federal marketing agent for the power produced at the dams built and operated by the Bureau of Reclamation—now Water and Power Resources Service—and the Corps of Engineers in 15 Western States.

The bill would allow WAPA to operate on a self-supporting businesslike basis through direct utilization of its own revenues and direct borrowings against those revenues.

It would permit WAPA to exercise its major functions in close coordination with the utilities and respond to always-changing loads and requirements of area regional power situations.

It would permit normal operation and maintenance activities to be performed on an optimally planned basis rather than on the basis of annual appropriations, which often bear no resemblance to rational scheduling.

It would avoid the continual shifting of funds among appropriations accounts and requests for supplemental appropriations.

It would accommodate planning for needed facility replacements on a timely basis and avoid costly postponements because of appropriation cutbacks.

It would avoid the continual problem of estimating, requesting, and receiving funds for power purchases and wheeling expenses.

It would avoid transmission construction stretchouts and delays due to the appropriations process, resulting in more efficient schedules and consequent savings to the ratepayers of the region.

It would result in better service overall to WAPA's customers at lower cost without subsidy, which has been the Bonneville Power Administration's experience since that agency was put on a self-financing basis in 1974.

In brief, the provisions of the bill create a revolving fund and borrowing authority, retain all repayment requirements of WAPA, maintain the existing basin accounts, provide that WAPA cannot embark on major new construction without congressional approval, eliminate the annual authorizations and appropriations process in WAPA power marketing, assure that power revenues are first distributed to meet obligations of the projects and the reclamation fund, require independent commerical-type audits annually, and establish a joint utility-WAPA planning process for future transmission construction.

Mr. President, this amendment affects the so-called impact payment provision in section 4, first tying it to actual impacts of Federal transmission facilities on State and local government, rather than arbitrarily establishing payment levels at whatever such governments' levels of ad valorem taxation may be. Experience shows, however, that such impacts may be very substantial, so the amendment does set an upper limit at the amount of revenue a State or local government would receive with respect to a particular facility if such facility were owned by a private utility. I believe that this uncoupling of the formula from taxation rates and coupling to actual impacts solves the two major problems the distinguished chairman of the committee has stated he had with the provision in the bill, yet it preserves the coalition of support for the bill by the many and diverse power interests in the region. I thank the distinguished chairman, Senator JACKSON, and the distinguished chairman-to-be, Senator McCLURE for their assistance and cooperation in this matter, and I urge adoption of the amendment.●

● Mr. McCLURE. Will the Senator yield for a question?

Mr. HATFIELD. Yes, certainly. I yield to my friend from Idaho.

Mr. McCLURE. Is it the intent of the Senator's amendment to assure that more than "token" payments be made to States and local governments in consideration of the impacts which may be associated with Western's new transmission facilities? I am concerned that if we uncouple these payments from the ad valorem taxation levels Western may use its discretion to make ridiculously small payments.

Mr. HATFIELD. In response to the distinguished Senator from Idaho, I would say that it is definitely the intent to require payments which realistically reflect the full measure of impacts on these governmental units from future additions to Western's transmission facilities. In establishing the levels of these payments, Western shall consider what prevailing ad valorem tax rates may be, for they are a valid indicator of the revenue requirements of such governments due to services they render in conjunction with the existence of these facilities.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1826) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for third reading, was read the third time, and passed, as follows:

The title was amended so as to read:

A bill to enable the Secretary of Energy to utilize revenues from power marketing to carry out his responsibilities related to Western Area Power Administration, and for other purposes.

FOR THE RELIEF OF ROY P. BENAVIDEZ

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. STENNIS I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 8386 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8386) for the relief of Roy P. Benavidez.

There being no objection, the Senate proceeded to consider the bill.

● Mr. BENTSEN. Mr. President, this bill was introduced for the benefit of Roy P. Benavidez at the request of the Department of Defense. The Secretary of Defense, the Joint Chiefs of Staff, and the Secretary of the Army have thoroughly reviewed this matter and have recommended this action. I have been working with Senator TOWER and my colleagues in the House on this matter since the early 1970's. Although Sergeant Benavidez received the Distinguished Service Award, I have long felt that his actions are worthy of the Congressional Medal of Honor.

Master Sergeant Benavidez served with the Fifth Special Forces Group in Vietnam. On May 2, 1968, he volunteered to join a rescue team attempting to remove a 12-man recon team of his unit that had been pinned down by enemy fire.

Upon arrival at the landing zone, Sergeant Benavidez jumped from the helicopter and was wounded twice attempting to work his way to the wounded or dead team members. Upon reaching his team members, he helped establish a defense area, started carrying wounded to the awaiting helicopter and was again hit by enemy fire.

Before all the wounded had been loaded into the helicopter, it was hit and rolled on its side. Sergeant Benavidez then removed the wounded crew members and continued to direct the defense of the group. Finding an emergency radio, he directed air strikes against the enemy to reduce the fire from the advancing enemy.

Another helicopter was called in to evacuate the team members. While seriously wounded, Sergeant Benavidez again started carrying the dead and wounded to the helicopter and was for a fourth time wounded. After getting all the dead and wounded team members on the helicopter, the sergeant finally was evacuated.

As a result of his actions, Sergeant Benavidez was later discharged from the Army with an 80-percent disability.

Mr. President, this bill would waive the time limitation contained in section 3744 of title 10, United States Code, to permit the President to award the Medal of Honor to Sergeant Benavidez. Section 3744 requires that the award be made within 3 years after the date of the act justifying the award. Although recommended by his commander for the Medal of Honor for his courageous actions, Sergeant Benavidez was denied this honor because of a lack of direct evidence. Early this year an eyewitness to the sergeant's actions was finally located and clearly established the claim for the Medal of Honor for Sergeant Benavidez.

Mr. President, because of the heroism demonstrated by Sergeant Benavidez, I am proud to sponsor this legislation which will enable him to receive the recognition and acknowledgement that he so rightly desires. I urge my colleagues to approve this legislation.●

● Mr. TOWER. Mr. President, H.R. 8386 will enable the nomination of M. Sgt. Roy P. Benavidez for the Congressional Medal of Honor. This action was recommended by the Secretary of the Army and was enthusiastically endorsed in the House of Representatives. Our action today will permit the proper recognition of a genuine American hero.

Master Sergeant Benavidez, while assigned to a special forces unit in Vietnam, is credited with having saved the lives of several wounded comrades in the face of withering enemy fire after he, too, had been severely wounded. His nomination for the Medal of Honor was made possible by testimony just recently received from the only remaining eye witness who was on the ground with Sergeant Benavidez at the time of his heroic acts.

I am confident that I speak for all Texans when I express the profound pride that I hold for Roy Benavidez. His actions are exemplary of the courage, dedication, and sacrifice that Texans have readily demonstrated throughout our history when called upon to serve their country.

I hope my colleagues will join me in support of this worthy legislation.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8386) was ordered to a third reading, was read the third time, and passed.

S. 3225 ORDERED INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 1184, S. 3225, a bill for the relief of Roy P. Benavidez be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE JOHN D. LARKINS, JR., FEDERAL BUILDING

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Randolph, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 4231, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill, H.R. 4231, to designate the "John D. Larkins, Jr., Federal Building".

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1827

Mr. ROBERT C. BYRD. I send to the desk an amendment by Mr. BENTSEN. The amendment is on behalf of Mr. BENTSEN and Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for Mr. BENTSEN and Mr. DOMENICI, proposes an unprinted amendment numbered 1827.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, after line 8, insert the following:

SEC. 2. The Public Works and Economic Development Act of 1965 is amended by adding the following new section:

"SEC. 518. (a)(1) The Secretary of Commerce (hereinafter in this section referred to as the 'Secretary') shall, in accordance with the provisions of this section, make a grant to each eligible local educational agency for the construction of school facilities in order to assist such agencies in providing education to immigrant children.

"(2) The amount of the grant to which a local educational agency is entitled under this section shall be equal to the number of immigrant children aged five to seventeen, inclusive, who are enrolled at the schools of that agency and for whom that agency provided free public education during the school year 1978–1979, multiplied by $1,000.

"(3)(A) A local education agency shall be eligible to receive a grant under this section if the number of immigrant children enrolled during such year at the schools of that agency is equal to or greater than fifty and is equal to 7 per centum or more of all children aged five to seventeen, inclusive, who are enrolled at such school during each year.

"(B) No immigrant child may be counted for the purpose of this section by any local educational agency unless—

"(i) the parents of such child reside within the school district of such agency,

"(ii) the guardian of such child resides within the school district of such agency,

"(iii) the individual having lawful control of the immigrant child resides within the school district of such agency, or

"(iv) such child resides within the school district of such agency,

"(C) Determinations with respect to the number of immigrant children by the Secretary under this section shall be made, whenever actual satisfaction data are not available, on the basis of estimates. No such determination shall operate, because of an underestimation, to deprive any local educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

"(4)(a) For purposes of this action the Federal share of the grant shall be 100 percent.

"(b) Notwithstanding the other provisions of this section, a local educational agency shall not be eligible for a grant under this section the Secretary determines that the amount determined for such agency under subsection (b) is not adequate to provide such agency with any meaningful assistance in the education of immigrant children.

"(c)(1) Not to exceed $22,500,000 per fiscal year of the funds authorized to be appropriated by section 105 of this Act for the fiscal years ending September 30, 1981, and September 30, 1982 may be expended for the purposes of making grants to carry out the program authorized by this section.

"(2) If the sum appropriated for making grants under this section is not sufficient to pay in full the total amount which local educational agencies are entitled to receive under this section, the entitlements of such local educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such entitlements within the limits of the amount so appropriated.

"(d)(1) No local educational agency shall be entitled to any grant under this section unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may require. Each such application shall—

"(A) provide that the grant made under this section be used for the construction of school facilities to be administered by such agency;

"(B) provide assurances that the application will be submitted to the appropriate State educational agency for comment;

"(C) provide that such fiscal control and fund accounting procedures will be established as may be determined by the Secretary to be necessary to insure the proper disposal of, and accounting for, Federal funds paid to the agency under this section; and

"(D) provide for the furnishing of such other information and reports as the Secretary may reasonably require to perform its functions under this section.

"(2) The Secretary shall approve an application which meets the requirements of paragraph (1) of this section. The Secretary shall not finally disapprove an application of a local educational agency except after reasonable notice and opportunity for hearing to such agency.

"(3) Whenever the Secretary after a reasonable notice and opportunity for a hearing to any local educational agency, finds that there is failure to meet the requirements of this section, the Secretary shall notify that agency that further payments will not be made to the agency under this section until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied no further payment shall be made to the local educational agency under this section.

"(e) As used in this section—

"(1) the term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency making application for assistance under this section; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) a combination of any two or more of the foregoing;

"(2) the term 'elementary school' means a day or residential school which provides elementary education, as determined under State law;

"(3) the term 'secondary school' means a day or residential school which provides secondary education, as determined under State law;

"(4) the term 'free public education' means education which is provided at public expense under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State;

"(5) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State which is a member of the South West Border Regional Commission, and located in a county designated for inclusion in such Commission on the date of enactment of this section, for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivisions of such State, or such combination of school districts or counties as are recognized in such State as an administrative agency for its public elementary or secondary schools, and such term also includes any other public institution or agency in such State having administrative control and direction of a public elementary or secondary school;

"(6) the term 'immigrant child' means a child born in the Republic of Mexico and who has legally immigrated to the United States, or born of parents who have legally immigrated from the Republic of Mexico and are not citizens of the United States (other than a child in a family which is in the United States for the purpose of representing another government in a diplomatic or similar capacity), and who is provided free public education by a local educational agency of a State;

"(7) the term 'school facilities' includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes; but such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public; and

"(8) the term 'State educational Agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law."

"(9) the term 'meaningful assistance' means a minimum grant of $50,000."

Mr. BENTSEN. Mr. President, the purpose of this amendment, is to enable border school districts throughout the Southwest to cope more effectively with the expense of educating large numbers of legal alien children.

There are three points I would like to stress in regard to my border school amendment. First, it was the subject of hearings by the Subcommittee on Regional and Community Development of the Committee on Environment and Public Works on May 16, 1978.

Second, an almost identical amendment was approved by the Senate as part of the National Public Works and Economic Development Act which is currently—and hopelessly—stalled in conference with the House for reasons entirely unrelated to this provision.

Third, I would emphasize that this amendment does not authorize the expenditure of any additional funds during fiscal year 1981.

Mr. President, with all the attention lavished on the real problem of illegal immigration into this country and exceptional refugee flows from countries like Cuba and Vietnam, we tend to overlook the fact that in the normal course of events America welcomes a very substantial number of legal immigrants every year.

During the past 3 years, for example, over 100,000 Mexican citizens have been legally admitted to this country. That is a figure greater than the population of Webb County, Tex., which includes the major border city of Laredo.

For a variety of reasons a disproportionate number of these new immigrants from Mexico, who are admitted to this country in accordance with national policy, tend to settle in border areas throughout the Southwest. Many have family in those areas, are comfortable with the language and cultural patterns of the border, and are not too far from friends and relatives left behind in Mexico.

In many ways it is ironic that the American border towns and cities called upon to host so many new immigrants are themselves among the least economically advantaged areas of America. It is a fact, Mr. President, that the poorest areas of this country are located in the Rio Grande Valley. And it is also a fact that many of these same regions have a very high proportion of legal alien children.

With immigration policy determined at the national level, I believe we have a concurrent obligation to assist those areas of our Nation most directly affected by the results of that policy. We have been quick to provide such assistance to areas that have accommodated flows of refugees from Cuba and Southeast Asia. Yet to date we have failed to recognize the long-term burden placed on border areas by our immigration policy.

Accordingly, my amendment would make a total of $45 million available in fiscal year 1981 and 1982 to border school districts for the construction of new classrooms. The program would be administered by the Secretary of Commerce through the Economic Development Administration, with funding for the construction of new educational facilities allocated on the basis of $1,000 per legal immigrant child. Only school districts with at least 7 percent alien enrollment and a minimum of 50 such students would be eligible to apply for assistance.

Mr. President, it is not enough simply to make policy. We must also be prepared to deal with the consequences of our actions. The existence of large numbers of legally admitted alien children in the schools of the poorest regions of America is a very real and legitimate problem.

My amendment will help resolve that problem. It will help these hard-pressed school districts better prepare thousands of young children for the requirements of citizenship in our country. It will help make quality education available to those who need it most.

Mr. President, I urge the adoption of this amendment.

Mr. DOMENICI. Mr. President, I am pleased to be a cosponsor of the Senator from Texas amendment. This amendment is identical to an amendment offered and accepted by the Environment and Public Works Committee and accepted by the full Senate to the National Public Works and Economic Development Act last year.

Due to extreme differences between the Senate and House versions of the bill and after months of trying to reach an agreement, the Congress opted to pass a simple extension of the EDA programs. Consequently, Senator BENTSEN's amendment was lost.

This amendment is noncontroversial to the best of my knowledge and is extremely important to the Mexican border areas of this Nation. It earmarks $45 million from existing Economic Development Administration funds for fiscal year 1981 and 1982 to counties along the border whose schools have been adversely affected by the influx of legal aliens into the area. I want to stress, Mr. President, that these border schools are growing at a rapid rate because of legal aliens coming into the area, and the money would be used to overcome the seriously crowded conditions existing in the schools.

Mr. President, there are three school districts in my State that could possibly benefit from this program. Those three districts are as follows: Cloudcroft Public School District, Hatch Valley Public School District, and Gadsden Independent School District.

This is an important amendment, and one that I urge this body to accept.

Mr. HELMS. Mr. President, it was my privilege to introduce legislation during this Congress to name the Federal building in Trenton, N.C., for Judge John D. Larkins, Jr. The building itself is already known as the "Larkins Building" to most people of the area and I feel it is appropriate to formalize this association by officially naming the building in his honor.

Judge Larkins has rendered distinguished service to the people of North Carolina and the legal profession. He retired in 1979 after serving 18 years as a U.S. district court judge. Before his appointment as judge by President Kennedy, Judge Larkins served in the North Carolina State Senate for 14 years. He was also chairman of the North Carolina Democratic Party from 1954 to 1958 and was a delegate to five Democratic National Conventions.

The Federal building in Trenton is probably one of the smallest in the Nation; it was built because of the perseverance of Judge Larkins. I am pleased that Congress is bestowing this honor on my friend. John Larkins.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1827) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and, as amended, was passed.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1981

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CULVER I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2726.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2726) entitled "An act to authorize for environmental research, development, and demonstrations for the fiscal year 1981, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1981".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) Air quality activities in the Health and Ecological Effects program, $45,243,000.

(2) Air quality activities in the Industrial Processes program, $4,099,000.

(3) Air quality activities in the Monitoring and Technical Support program, $20,825,000.

(4) Water quality activities in the Health and Ecological Effects program, $25,384,000: *Provided,* That of the funds appropriated pursuant to this paragraph, $3,600,000 may be obligated and expended on the Great Lakes Research program through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan: *Provided further,* That of the funds appropriated pursuant to this paragraph, $1,000,000 may be obligated and expended on research to develop environmentally sound methods to control aquatic weeds: *Provided further,* That of the funds appropriated pursuant to this paragraph, $950,000 may be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon.

(5) Water quality activities in the Industrial Processes program, $13,737,000.

(6) Water quality activities in the Public Sector Activities program, $14,300,000; *Provided,* That of the funds appropriated pursuant to this paragraph, $500,000 may be obligated and expended on a program to develop and demonstrate wet-weather technology at New York.

(7) Water quality activities in the Monitoring and Technical Support program $12,101,000.

(8) Drinking water activities, $29.547.000: *Provided,* That of the funds appropriated pursuant to this paragraph—

(A) $4,000,000 may be obligated and expended on the Groundwater Research program (and no part of such sum shall be subject to transfer to any other category under subsection (e)), and the Administrator shall submit to the Congress a plan for the conduct of groundwater research and the use of the results of this research within one hundred and twenty days after the date of the enactment of this Act;

(B) $12,359,000 is for the Health and Ecological Effects program;

(C) $12,180,000 is for the Public Sector Activities program; and

(D) $1,008,000 is for the Monitoring and Technical Support program.

(9) Solid waste activities in the Public Sector Activities program, $20,446,000: *Provided*, That of the funds appropriated pursuant to this paragraph—

(A) $300,000 may be obligated and expended on a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 may be obligated and expended on a program to demonstrate monitoring and isolation methods for hazardous wastes at a site in Coventry, Rhode Island;

(C) $500,000 may be obligated and expended on a program to demonstrate cleanup technologies, monitoring methods, scoping studies and related activities for hazardous wastes at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island.

(10) Pesticides activities in the Health and Ecological Effects program, $5,970,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(11) Pesticides activities in the Industrial Processes program, $2,900,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended to the extent hereafter specifically authorized by law.

(12) Pesticides activities in the Monitoring and Technical Support program, $565,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(13) Radiation activities in the Health and Ecological Effects program, $2,990,000.

(14) Radiation activities in the Monitoring and Technical Support program, $191,000.

(15) Interdisciplinary activities in the Health and Ecological Effects program, $5,232,000.

(16) Interdisciplinary activities in the Monitoring and Technical Suppport program, $2,618,000.

(17) Interdisciplinary activities in the Anticipatory Research program, $14,745,000.

(18) Toxic substances activities in the Health and Ecological Effects program, $27,876,000.

(19) Toxic substances activities in the Industrial Processes program, $1,772,000.

(20) Toxic substances activities in the Monitoring and Technical Support program, $2,688,000.

(21) Energy activities in the Health and Ecological Effects program, $49,246,000.

(22) Energy activities in the Energy Control program $53,358,000.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program management, $4,666,000.

(c) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program support, $25,213,000.

(d) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utilize funds authorized in subsection (a), (b), or (c) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

(e) Funds may be transferred between the categories listed in subsections (a), (b), and (c); except that no funds may be transferred from any particular category listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a), (b), or (c) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(f) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 15 per centum of funds appropriated to the Administrator for environmental research and development for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

AMENDMENT TO SCIENCE ADVISORY BOARD ESTABLISHMENT

SEC. 3. Section 8(a) of Public Law 95-155 (relating to the provision of advice by the Science Advisory Board) is amended by striking out "Science Advisory Board which shall provide such scientific advice as the Administrator requests" and inserting in lieu thereof "Science Advisory Board which shall provide such scientific advice as the Administrator, the President of the Senate, the Speaker of the House, or the Committees or Subcommittees of the Congress may request".

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CULVER I move that the Senate concur in the amendment of the House with further amendments which I send to the desk and ask unanimous consent that they be considered en bloc.

UP AMENDMENT NO. 1828

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment numbered 1828.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Section 2(a) of the bill is amended to read as follows:

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) for air quality activities authorized under the Clean Air Act—

(A) in the Health and Ecological Effects program, $45,243,000;

(B) in the Industrial Processes program, $4,099,000;

(C) in the Monitoring and Technical Support program, $20,825,000;

(2) for water quality activities authorized under the Clean Water Act—

(A) in the Health and Ecological Effects program, $23,884,000: *Provided*, That of the funds appropriated pursuant to this paragraph, $3,600,000 may be obligated and expended on the Great Lakes Research program through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan: *Provided further*, That of the funds appropriated pursuant to this paragraph, $1,000,000 may be obligated and expended on research to develop environmentally sound methods to control aquatic weeds; *Provided further*, That of the funds appropriated pursuant to this paragraph, $950,000 may be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon;

(B) in the Industrial Processes program, $13,737,000, of which $2,500,000 is for the Renewable Resources program;

(C) in the Public Sector Activities program, $14,300,000: *Provided*, That of the funds appropriated pursuant to this paragraph, $500,000 may be obligated and expended on a program to develop and demonstrate wet-weather technology at New York, New York.

(D) in the Monitoring and Technical Support program, $12,101,000;

(3) for water supply activities authorized under the Safe Drinking Water Act—

(A) in the Health and Ecological Effects program, $12,359,000;

(B) in the Public Sector Activities program, $4,080,000;

(C) in the Monitoring and Technical Support program, $1,008,000: *Provided*, That of the funds appropriated pursuant to this paragraph, $4,000,000 may be obligated and expended on the Groundwater Research program (and no part of such sum shall be subject to transfer to any other category under subsection (e)), and the Administrator shall submit to the Congress a plan for the conduct of groundwater research and the use of the results of this research within one hundred and twenty days after the date of the enactment of this Act;

Section 2(c) of the bill is amended to read as follows:

"(c) The aggregate authorization under subsection (a) of this section shall be limited to the sum $8,000,000 less than the total of all authorizations otherwise provided in subsection (a).".

(5) for pesticide activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act—

(A) in the Health and Ecological Effects program, $5,970,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(B) in the Industrial Processes program, $2,000,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(C) in the Monitoring and Technical Support program, $565,000: *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law.

(6) for radiation activities authorized under the Public Health Service Act—

(A) in the Health and Ecological Effects program, $2,990,000;

(B) in the Monitoring and Technical Support program, $191,000;

(7) for interdisciplinary activities—

(A) in the Health and Ecological Effects program, $5,232,000;

(B) in the Monitoring and Technical Support program, $2,868,000;

(4) for solid waste activities authorized under the Solid Waste Disposal Act, $26,446,000: *Provided*, That of the funds appropriated pursuant to this paragraph—

(A) $300,000 may be obligated and expended on a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 may be obligated and expended on a program to demonstrate monitoring and isolation methods for hazardous wastes at a site in Coventry, Rhode Island;

(C) $500,000 may be obligated and expended on a program to demonstrate cleanup technologies, monitoring methods, seeping studies and related activities for hazardous wastes at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island.

Section 3 of the bill is amended to read as follows:

"AMENDMENT TO SCIENCE ADVISORY BOARD ESTABLISHMENT

"SEC. 3. Section 8(a) of Public Law 95–155 (relating to the provision of advice by the Science Advisory Board) is amended by striking out Science Advisory Board which shall provide such scientific advice as the Administrator requests" and inserting in lieu thereof Science Advisory Board which shall provide such scientific advise as may be requested by the Administrator, the Committee on Environment and Public Works of the United States Senate, or the Committees on Science and Technology, Interstate and Foreign Commerce, or Public Works and Transportation of the House of Representatives"."

Mr. CHAFEE. Mr. President, the bill we are now considering authorizes environmental research activities conducted by the EPA during fiscal year 1981. The bill authorizes $372.9 million for research projects that will support the pollution abatement mission of the Environmental Protection Agency.

Members of the Environment and Public Works Committee consider it important that we pass this 1-year authorization of the R. & D. program so that EPA will have adequate guidance from Congress on areas where we consider research to be important.

The bill authorizes funding for the regular research programs of EPA. These authorizations include: $70.2 million for air, $64.2 million for water quality, $27.4 million for drinking water, $26.4 million for hazardous waste, $9.4 million for pesticides, $3.2 million for radiation, $22.6 million for interdisciplinary research, $36.9 million for toxic substances, $107.6 million for energy and $4.6 million for program management.

Among the specific items included in this legislation are $500,000 for studies and demonstration of cleanup technologies at hazardous waste sites in Burrillville and North Smithfield and Smithfield, R.I.; and $68,000 for a demonstration project to monitor and isolate hazardous wastes in Coventry, R.I.

These two programs and the other programs earmarked in this bill were made mandatory in an earlier version of this legislation which passed the Senate on May 22. However, because final passage of this legislation by the Senate and House now comes after the EPA appropriations bill has been completed, we have had to make these programs discretionary. Although the language is considered discretionary, Senator CULVER and I have worked long and hard in preparing this legislation and we expect EPA to carry out these programs which we consider our mandate to them.

Next year the Environment and Public Works Committee will pay close attention to all of the activities that we found it necessary to earlier mandate but which are now discretionary.

Mr. President, this is a responsible piece of legislation. It goes a long way in giving EPA the ability to conduct research in many areas where human life and the environment are damaged by pollution. I urge my colleagues to adopt the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

JAMES A. THORNWELL—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY I submit a report of the committee of conference on S. 1615 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1615) for the relief of James R. Thornwell having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 4, 1980.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

AUTHORIZING TESTIMONY ON THE PRODUCTION OF DOCUMENTS AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 557) to authorize testimony and the production of documents and representation by the Senate legal counsel.

The Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, this resolution authorizes the chairman of the Senate Permanent Subcommittee on Investigations to produce documents and material relating to the subcommittee's labor union insurance investigation. It also authorizes a former subcommittee employee to testify concerning that investigation. The documents and the former staff member's testimony have been requested by the Department of Justice in connection with its investigation, at the request of the subcommittee, of possible violations of Federal law, including the possibility of perjury before the subcommittee. The documents and testimony have also been requested by the attorney general of the State of Arizona in connection with an investigation of possible violations of law committed in Arizona by certain insurance companies or their associates. The resolution directs the Senate legal counsel to represent the subcommittee and the former staff employee to protect the privileges of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 557) was agreed to as follows:

S. Res. 557

Whereas, on December 8, 1977, the Permanent Subcommittee on Investigations requested the Department of Justice to review testimony before the Subcommittee in its investigation and public hearings entitled "Labor Union Insurance Investigation" for possible violations of Federal statutes;

Whereas, the Department of Justice has informed the Subcommittee that, based on the review of that testimony, the Department has been investigating the possibility that violations of the Federal perjury statute, 18 U.S.C. § 1621, may have occurred during the Subcommittee's proceedings;

Whereas, the Department has requested, for purposes of its investigation and use in possible future legal proceedings, the production of certain documents and materials in the possession of the Subcommittee and the testimony of W. Donald Gray, a former staff member of the Subcommittee;

Whereas, the Attorney General of the State of Arizona has notified the Subcommittee that he is conducting an investigation of whether any criminal offenses were committed in Arizona by associates of certain insurance companies and has requested, for purposes of that investigation and use in possible future legal proceedings, the production of certain documents and materials in the possession of the Subcommittee and the testimony of W. Donald Gray;

Whereas, other governmental entities and private individuals or organizations may request documents and materials in the possession of the Subcommittee relating to its Labor Union Insurance Investigation and the testimony of W. Donald Gray for use in legal proceedings;

Whereas, Title VII of the Ethics in Government Act of 1978, Public Law 95–521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the Judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate and the testimony of a former Senate Subcommittee employee concerning information acquired in the course of his official duties are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate;

Resolved, That pursuant to Section 704(a) (2) of the Act, the Senate Legal Counsel is directed to represent the Senate Permanent Subcommittee on Investigations with respect to requests and subpoenas for the production of documents and materials in the Subcommittee's possession relating to its Labor Union Insurance Investigation and to represent W. Donald Gray with respect to requests and subpoenas for testimony concerning the Labor Union Insurance Investigation;

2. That the Chairman of the Senate Permanent Subcommittee on Investigations is authorized to produce documents and materials relating to the Labor Union Insurance Investigation in response to requests of the Department of Justice, the Arizona Attorney General or other governmental entities, or in response to subpoenas issued by a proper court, except documents and materials for which he and the Senate Legal Counsel or his representative determine are privileged from disclosure;

3. That W. Donald Gray is authorized to testify concerning knowledge obtained while a Subcommittee employee in the Labor Union Insurance Investigation in response to requests by the Department of Justice, the Arizona Attorney General or other governmental entities, or in response to subpoenas issued by a proper court, except concerning matters for which the Senate Legal Counsel or his representative determine are privileged from disclosure.

The preamble was agreed to.

DESIGNATION OF FEBRUARY 11, 1981, "NATIONAL INVENTOR'S DAY"

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 337.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 337) to designate February 11, 1981, "National Inventor's Day".

The Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the joint resolution be deemed as having been read the first and second time by title and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The question is on the third reading of the resolution.

The resolution was ordered to be a read a third time, was read the third time, and passed.

SUNDRY MEASURES HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following measures be held at the desk pending further disposition: H.R. 8338, H.R. 8404, and H.R. 8406.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ABRAHAM RIBICOFF

Mr. KENNEDY. Mr. President, I regret that I was not able to come to the Senate floor on November 20, when so many of my colleagues gathered to say farewell to the distinguished senior Senator from Connecticut (ABRAHAM RIBICOFF). But I am delighted to take this opportunity to join in the tributes to a man I have known, admired, and worked closely with over the last 25 years.

For 42 years, the people of Connecticut have been electing ABE RIBICOFF to represent them as State legislator, judge, Governor, two-term Congressman, and three-term Senator. I am proud to say that along the way President Kennedy had the good judgment to appoint him as the first Secretary of the newly created Department of Health, Education, and Welfare. And I am sure that the people of Connecticut would have gladly returned him to the Senate for a fourth term if he had chosen to run again.

As Alexis de Tocqueville said, "A great leader never sets himself above his followers except in carrying responsibility." Those words symbolize ABE RIBICOFF's four decades of public service, a life's work that time and time again have revealed a deep conviction, a quiet, tenacious patience, and a calm ability to work with all for the good of all.

When ABE brought his broad range of experience and his strong principles to public service, they were translated into some of the most far sighted policies and legislation of our time. And each monument bore the unique brand of ABE RIBICOFF—his compassion, his integrity, his responsibility, his character, and his foresight.

As Secretary of the Department of Health, Education, and Welfare, ABE RIBICOFF's innate compassion turned idealistic dreams into the great social programs of our day. Reformed and comprehensive social security, medicare and medicaid, the Elementary and Secondary Education Act—all of these historic programs were developed during the tenure of Secretary Ribicoff.

In the Senate, the absolute integrity of ABE RIBICOFF has been translated into the Public Official Integrity Act, the Senate Code of Conduct, and the Civil Service Reform Act. ABE RIBICOFF has meant higher professional and ethical standards for all public officials.

As chairman of the Senate Committee on Governmental Affairs, he has led the effort for greater accountability, lower costs, and higher efficiency on the part of the Federal Government. The restraints of the Congressional Budget Act of 1974, the expanded oversight and auditing power of the General Accounting Office, and the special prosecutor who watches over highly placed officials—these are all the handiwork of ABE RIBICOFF. In his role as chairman of Subcommittee on International Trade, ABE RIBICOFF has been responsible for the Trade Act of 1974 and virtually all of our complex and necessary international trade agreements. Few deserve the title of "statesman" more than ABE RIBICOFF.

Senator RIBICOFF has an extraordinary ability to work with all members on both sides of the aisle. The result has been the development and enactment of far-reaching legislation where there would otherwise have been none. ABE RIBICOFF has never been satisfied with the short-term result or the politically expedient solution. His legislative record consistently proposes wise and lasting answers for the important challenges of our time. A fine example of the Senator's foresight and sense of responsibility is the Nuclear Nonproliferation Act of 1978, whose strict standards are even now insuring a world that will be safer from the greatest threat of our generation, the threat of nuclear war.

Mr. President, all of us are proud of our friendship with ABE RIBICOFF. His wisdom, patience with ability have graced this chamber for eighteen years. We honor him for his record of achievement, for his character and friendship, and for the honor that he in turn has brought the Senate. We wish him well in the years to come, and we are confident that the Nation will find ways to use his great talent in the future.

PATCO

Mr. CANNON. Mr. President, in the past few months a number of reports have warned of a nationwide air traffic controllers strike next March when the union's contract with the Federal Aviation Administration terminates. Earlier this month the FAA Administrator announced a contingency plan for running the airways system if such a strike were to occur. If implemented that plan would have a devastating effect on commerce in this country because of the drastic reduction in the number of flights which could be handled safely.

Such a strike, or any job action, by these Federal employees is absolutely illegal. The president of PATCO, the controllers union, told the Aviation Subcommittee during a hearing on August 25 that PATCO was not planning a strike. He also stated that union officers have advised their members that they should not engage in an illegal strike, but that they should seek to change the law. That is sound advice in my opinion as I believe any illegal job action by controllers will result in appropriate punitive actions against the controllers involved, rather than pay or benefit increases sought by the union.

Air traffic controllers are accomplished professionals for whom I as a pilot maintain a high regard. As professionals they are already well paid and certainly have the right to negotiate and organize to reach their future goals. However, any controllers who believe that their desires for unreasonable pay or benefit increases can be obtained by illegal methods are sorely mistaken and they will find determined opponents in all branches of Government, myself included.

I encourage the incoming administration to work with the controllers and to address their legitimate grievances. Certainly FAA management's relationship with the controllers can and should be improved. I also call on the Justice and Transportation Departments to enforce the law and see to it that illegal methods result in punishment and not gain.

Mrs. KASSEBAUM. Mr. President, I wish to join Senator CANNON and my other colleagues in expressing concern regarding the possibility of an air traffic controller strike sometime next year. Mr. Robert Poli, president of the Professional Air Traffic Controllers Organization (PATCO) strongly denied in his appearance on August 25 before the Senate Aviation Subcommittee that such a strike is planned or anticipated. Nevertheless, evidence to the contrary exists. It appears that PATCO has instituted a strike fund, formulated a strike plan, and briefed its employees about how to obtain food stamps and other assistance while on strike.

Estimates are that a strike could result in a loss to the economy of some $150 million a day with severe disruptions in business and tourist travel. While the Federal Aviation Administration has developed a contingency plan to deal with a work action, its primary focus is on the continuation of air travel associated with the national defense. Other air travel will be seriously curtailed.

As I said during our oversight hearings, "grievances must be responded to, pay and working conditions must be fair but illegality must be dealt with swiftly and firmly." I believe this sentiment to be shared universally by my colleagues in the Congress. An illegal strike will not engender the sympathy of the Congress for the controllers concerns.

This is not to say that we in Congress will turn a deaf ear to the controllers problems. Indeed, we are eager to be apprised of their problems and to deal with them fairly in a legally appropriate manner.

Controllers provide invaluable assistance in the safe and smooth operation of the air traffic system in this country. They are dedicated and hard-working professionals whose valuable service is appreciated by the millions who fly annually. An illegal strike would severely damage their reputation and do nothing to enhance their cause. However, I am sure that working in a cooperative effort with them in an atmosphere of mutual respect and trust we can achieve a satisfactory resolution of their concerns through legal means.

Mr. EXON. Mr. President, as the chairman knows, I too, became very concerned when it was learned at an Aviation Subcommittee hearing last August, that a possible strike by members of the Professional Air Traffic Controllers Organization may occur in March of next year around the time when the FAA/PATCO labor agreement expires. As the chairman stated, such a strike by these employees of the Federal Government is illegal. It is even more disconcerting that PATCO, knowing of the illegality of such an act, has drawn up a proposed plan to move forward with some type of strike action.

Mr. President, we also heard testimony during the subcommittee hearings relating a recent incident where an air traffic controller purposely directed a commercial airline into a thunderstorm, thereby potentially endangering the lives of all on board in an effort to stress the grievances of their professional association. We who are greatly interested and concerned with air safety were outraged at this action. This Senator, in particular, believes that our present laws on this subject need careful study in the upcoming session of the Congress to determine if changes are needed to clarify the illegality of such a blatantly irresponsible act on the part of an air traffic controller.

Finally, Mr. President, let me say that I believe it is imperative for the incoming administration to take a close look at this entire situation and attempt to address those legitimate grievances put forth by PATCO. I see a strong need for an improved relationship between the FAA and the controllers. I would also suggest that the Commerce Committee continue to stay abreast of this entire matter. Should a strike occur, I see a tremendous threat to our national defense, our commercial airline fleet, and the lives of millions of travelers. I would hope, therefore, that the new chairman of the Commerce Committee and the new chairman of the Aviation Subcommittee would agree that we will keep close tabs on this serious matter.

Mr. STEVENS. Mr. President, I concur with the comments of Senators CANNON and KASSENBAUM regarding the rumored strike of air traffic controllers next spring. Such a strike would have a devastating effect on our Nation and would be particularly crippling in my State, as most Alaskans are dependent on air transportation.

As the ranking minority member of the Civil Service and General Services Subcommittee, I have been very involved in issues faced by Federal employees and have consistently supported their efforts. I personally think that Federal employees deserve more credit than they get. Specifically, I have a high regard for air traffic controllers. They do an excellent job under circumstances which are not always the best. As a pilot, I am well aware of the tremendous responsibilities controllers have. I cannot, however, support a strike.

Air traffic controllers certainly have the right to organize and to negotiate in order to reach their goals, but a strike by these Federal employees is absolutely illegal. Further, such a strike would backfire, in my opinion. It would be opposed by all branches of Government and would undoubtedly result in actions detrimental to the controllers, rather than aid them in reaching their goals. In addition, this type of illegal action would result in a backlash, not just against air traffic controllers, but against all Federal employees which would have long-lasting and adverse effects.

It is my hope that the air traffic controllers will work with the incoming administration to resolve their legitimate issues.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that on December 4, 1980 he had approved and signed the following acts:

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1386. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes; and

S. 3193. An act to designate the Jacob K. Javits Federal Building.

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 444. An act for the relief of the Jewish Employment Vocational Service, Saint Louis, Missouri;

S. 453. An act for the relief of Joe L. Frazier of Elko, Nevada;

S. 551. An act for the relief of Fred W. Sloat of Salt Lake City, Utah;

S. 576. An act for the relief of Larry Grathwohl; and

S. 1307. An act for the relief of Gerald W. Frye.

The message also announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 7682. An act to amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the following bill:

S. 1615. An act for the relief of James R. Thornwell.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8105) making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes; recedes from its disagreement to the amendments of the

Senate numbered 13, 17, 20, 23, 27, 30, 37, 72, 74, 77, and 81 to the bill, and agrees thereto; and recedes from its disagreement to the amendments of the Senate numbered 6, 10, 31, 33, 40, 69, 70, 71, 75, 79, 83, 88, 90, and 92, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 3:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following bills and joint resolution:

S. 988. An act to amend the Public Health Service Act to revise and extend the authorities under that Act relating to national research institutes, and for other purposes;

S. 2134. An act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building;

H.R. 7018. An act to extend the Federal Insecticide, and Rodenticide Act until September 30, 1981, and for other purposes;

H.R. 7631. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 8061. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes; and

H.J. Res. 205. Joint resolution authorizing appropriations of funds for acquisition of a monument to Dr. Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. Young).

At 5:41 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following bills, without amendment:

S. 2069. An act to authorize the Architect of the Capitol to contract for personal services with individuals, firms, partnerships, corporations, associations, and other legal entities; and

S. 2318. An act to revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the following bill:

H.R. 7626. An act to amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 7217. An act to enact certain provisions relative to units of the National Park System in the State of Hawaii, and for other purposes; and

H.R. 7306. An act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1784. An act to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 8338. An act to designate the facility known as the Northeastern Forest Experiment Station in Durham, New Hampshire, as the "Louie C. Wyman Forest Experiment Station";

H.R. 8377. An act to designate the Federal Building in Portsmouth, New Hampshire, the "Thomas J. McIntyre Federal Building";

H.R. 8404. An act to designate the Federal Building-United States Courthouse in Sacramento, California, the "John E. Moss Federal Building-United States Courthouse";

H.R. 8406. An act to amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration; and

H.J. Res. 337. Joint resolution designating February 11, 1981, "National Inventors Day".

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal year 1981, and for other purposes; and

S. 1972. An act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. Young).

HOUSE MEASURES REFERRED

The following measures were read twice by their title and referred as indicated:

H.R. 7033. An act to designate certain lands in the Monongahela National Forest, West Virginia, as the Cranberry Wilderness Area, to establish the Cranberry Glades National Botanical Area, to establish the Cranberry Back Country, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 8377. An act to designate the Federal Building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building"; to the Committee on Environment and Public Works.

HOUSE MEASURES HELD AT THE DESK

The following measures were held at the desk by unanimous consent:

H.R. 8338. An act to designate the facility known as the Northeastern Forest Experiment Station in Durham, N.H., as the "Louis C. Wyman Forest Experiment Station";

H.R. 8404. An act to designate the Federal Building-U.S. Courthouse in Sacramento, Calif., the "John E. Moss Federal Building-United States Courthouse";

H.R. 8406. An act to amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration;

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred to the Committee on Rules and Administration:

H. Con. Res. 449. A concurrent resolution to authorize the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States"; to the Committee on Rules and Administration.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, December 5, 1980, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 988. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes;

S. 2134. An act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the U.S. Supreme Court Building;

S. 2728. An act to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes;

S. 3074. An act to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes;

S. 3235. An act to clarify certain effective date provisions of the Customs Court Act of 1980;

S.J. Res. 213. Joint resolution to designate the Clinical Center of the National Institutes of Health, located in Montgomery County, Md., as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. Johnston, Mr. Heflin, Mr. Stennis, and Mr. Heinz):

S. 3247. A bill to declare and recognize the vital importance of ports and harbors to this country's economy and national defense, and the world's economy and energy self-sufficiency, and to authorize expeditious construction of essential river and harbor improvements in order to promote domestic commerce and U.S. export capabilities for coal and other commodities; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 3248. A bill to require certain actions to be filed in district court; to the Committee on the Judiciary.

By Mr. CANNON:

S. 3249. A bill to establish a 24-hour polling period nationwide; to the Committee on Rules and Administration.

By Mr. PELL:

S. 3250. A bill to provide for a study of constitutional and institutional reform of the Government of the United States of America; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3251. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of Americans abroad; to the Committee on Finance.

S. 3252. A bill to amend the Internal Revenue Code to provide that, for purposes of the Federal estate tax, amounts contributed to certain cemetery companies may be deducted from the gross estate; to the Committee on Finance.

S. 3253. A bill to amend section 280 of the Internal Revenue Code of 1954 to exclude from the application of such section expenses incurred by an author of a book or similar property in the writing of such book or property; to the Committee on Finance.

S. 3254. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income of an employee the value of public transit passes provided by his employer, to provide a refundable tax credit to an employer in an amount equal to 5 percent of the cost of public transit passes provided by such employer to his employee, and for other purposes; to the Committee on Finance.

S. 3255. A bill to amend the Internal Revenue Code to clarify when the costs of maintaining an office at home may be deducted; to the Committee on Finance.

By Mr. TALMADGE (by request):

S. 3256. A bill to assure the safety and quality of our Nation's meat, poultry, and egg products by providing the Secretary of Agriculture with the authority to quarantine animals if he believes they may contain illegal residue levels; to strengthen the enforcement power of the Secretary under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Agricultural Marketing Act of 1946 by providing authority to withdraw inspection services under certain conditions to levy civil penalties for certain violations: and to provide consistent standards and penalties for bribery; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATHIAS:

S. 3257. A bill for the relief of Joon Ho Lim; to the Committee on the Judiciary.

By Mr. HEINZ:

S.J. Res. 214. Joint resolution to authorize and request the President to designate January 17 of each year as "Benjamin Franklin Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. JOHNSTON, Mr. HEFLIN, Mr. STENNIS, and Mr. HEINZ):

S. 3247. A bill to declare and recognize the vital importance of ports and harbors to this country's economy and national defense, and the world's economy and energy self-sufficiency, and to authorize expeditious construction of essential river and harbor improvements in order to promote domestic commerce and U.S. export capabilities for coal and other commodities; to the Committee on Environment and Public Works.

PORTS AND NAVIGATION IMPROVEMENTS ACT OF 1980

(Statements concerning this bill appear earlier in today's RECORD.)

By Mr. LEVIN:

S. 3248. A bill to require certain actions to be filed in district court; to the Committee on the Judiciary.

FILING OF CERTAIN ACTIONS IN DISTRICT COURT

● Mr. LEVIN. Mr. President, today I am introducing legislation which would amend the Federal Trade Commission Act to require that whenever the FTC is seeking divestiture as one possible remedy against any person, partnership or corporation under section 5 of the act, it must file such action in the appropriate district court of the United States.

Recently, there has been a great deal of discussion about the Federal Trade Commission's role in the enforcement of antitrust laws through the imposition of structural remedies in monopoly cases. There is some question as to whether or not the Congress intended to confer upon the Commission the right to order divestiture, or other similar remedies under section 5 when it adopted the Federal Trade Commission Act in 1914. I am not attempting to solve that dilemma now, but I am proposing that if the FTC is to continue to take actions under section 5 which could involve divestiture, it should do so in the courts.

Mr. President, divestiture is a drastic remedy which can involve the restructuring of an entire industry. Cases brought under section 5 of the FTC Act which may require divestiture do not involve unlawful acquisition of property. They, therefore, differ substantially from actions taken by the Commission under sections 7 and 11 of the Clayton Act. In those cases, the Congress has made it clear that the FTC should proceed against anticompetitive mergers and acquisition by ordering divestiture of illegally acquired property. In hearings on Senator HEFLIN's amendment to prohibit the FTC from ordering divestiture or other similar relief, Robert Pitofsky testified for the Commission and stated:

> At the outset, I must grant that the Federal Trade Commission Act speaks only of cease and desist orders as a remedy, leaving somewhat obscure whether structural relief such as divestiture was intended by Congress in 1914.

Under section 5 of the FTC Act, the Commission is attempting to use its broad authority to investigate unfair methods of competition to order divestiture of property.

My own belief that the FTC should seek divestiture in the court stems, in part, from having followed the Commission's case against the three ready-to-eat cereal companies. That case has generated public and media interest because there have been many questions raised in relation to it—questions about the length of the proceeding, the retirement and subsequent contractural employment of former Administrative Law Judge Harry R. Hinkes, and finally, whether or not the FTC is overstepping its boundaries in attempting to order divestiture in the cereal case.

Careful examination of the FTC's case against the three major cereal companies lends support to the need for the legislation I am introducing today. Divestiture is a drastic remedy, particularly where it does not follow unlawful acquisitions. It is imperative that the proceedings be held in a court setting where the public can have the greatest degree of confidence in the decision.

Mr. President, I hope that this bill will generate discussion about the FTC's role under section 5 of the FTC Act so that the next Congress can take some action in this regard. Finally, I would ask unanimous consent that several articles on the cereal case be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Nov. 21, 1980]

CEREALS: THE FTC WAGES A BATTLE OF QUESTIONABLE VALUE OVER YOUR BREAKFAST BOWL

Anyone who has ever faced a bowl of soggy corn flakes has probably wished worse things than divestiture on the cereal company responsible. But it's difficult to imagine even the most aggrieved consumer taking much solace in the Federal Trade Commission's attempt to break up the largest cereal firms.

For more than eight years, and at a cost of millions of dollars, the FTC staff has been attempting to prove that Kellogg, General Mills, General Foods and Quaker Oats have covertly functioned as a cereals monopoly. Victory, however, is not yet in sight. The FTC now expects a decision by late 1981, but it could easily be years later. Moreover, even if the FTC wins, it's not at all clear that the decision would hold up in court, or that consumers would gain very much.

According to the FTC, in the 15 years before the FTC complaint the four companies managed to reap $1.2 billion in excess profits. Therefore, say the FTC lawyers, if Kellogg is forced to spin off three new companies and General Mills and General Foods spin off one apiece (Quaker Oats would remain intact), potential savings to consumers would be staggering.

Kellogg's spokesmen not only challenge the FTC's monopoly profit statistics, but argue cereals might even become more expensive if plants are forced to relinquish the support of a large corporation and operate as full-fledged companies on their own.

The FTC lawyers obviously don't agree. Missing, however, in all the hurling about of charges, counter-charges and conflicting facts, is a convincing explanation of why such a case is worth more than eight years of the FTC's time.

It's not as though people are forced to buy Froot Loops. Nor does it seem that, even if the cereal companies lost the case, the precedent would have much utility in other industries.

For one thing, the FTC would have to find other concentrated industries with profit margins large enough to justify breaking things up. And then it would have to prove that the companies tacitly conspired to take advantage of consumers.

That is not an easy thing to prove. And even if it could be proved, one wonders whether Americans, given current attitudes, would tolerate the FTC trying to break up, say, the steel or auto industries.

Numerous legislators, local and national, have picked up the dangerous notion that regulation is somehow responsible for all that ails us. And they would use that notion as an excuse to dismantle not only the FTC but agencies responsible for protecting the environment and worker safety.

We happen to think the FTC is an extremely valuable entity, and would strongly oppose any attempt to cut it down. But it should not be attempting to create new types of anti-trust legislation.

That responsibility belongs elsewhere. And the sooner the FTC can figure out a graceful way to wash its hands of this business the better off it will be.

[From the New York Times, Nov. 13, 1979]

Snap, Crackle and Monopoly?

If the staff of the Federal Trade Commission has its way, Tony the Tiger may soon become an endangered species. The staff believes that breakfast cereal companies "share" a monopoly. A suit, now in its seventh year, seeks to break up the industry's manufacturing capacity and to force the big three—Kellogg, General Mills, General Foods—to give away use of their brand names.

But even if the commission's lawyers and economists are victorious, Tony may still have the last laugh. For in allowing the staff to pursue an anti-trust case with no legal precedents and little potential benefit to consumers, the Federal Trade Commission is playing into the hands of its enemies. The indiscreet use of the agency's broad discretionary authority makes it more likely that Congress will clip the wings of the consumer's most effective Washington ally.

The breakfast cereal industry is highly concentrated. One company, Kellogg, has cornered 42 percent of the market and the next three have most of the rest. The commission staff links this concentration to the industry's sales techniques, charging it with practicing "unfair methods of competition." The staff regards the steady proliferation of new cereal brands as an attempt by the major producers to distract consumer attention from the brands of lesser companies. And from the staff's perspective, offering grocers sophisticated analyses of how to maximize product turnover is part of a subtle plan by the majors to corner scarce space on supermarket shelves.

Neither complaint is backed by convincing evidence of monopolistic intent. Creating new brand names can be as easily explained as a natural response to consumer preferences. Breakfast-cereal eaters, after all, are notoriously fickle, ready to desert Candy-Colored Munchies for the latest Marshmallow-Enriched Crunchies—that is, unless they are snagged along the way by the competition's latest Honey Graham Treats. And since shelf space means life or death for food processors, it is understandable that companies would seek to convince grocers that their display techniques meant larger sales.

Even if the F.T.C.'s staff could prove its charges, the remedies proposed would mean little or nothing in potential consumer savings. Among the defendants, only Kellogg's enviable profit record suggests that greater competition might lead to lower prices. And here, too, there is cause for skepticism.

Eliminating Kellogg's exclusive use of trademarks might squeeze an extra penny or two of profit from each box of Rice Krispies, Sugar Pops and Froot Loops. But that advantage would probably be offset by higher distribution costs: in dividing Kellogg's geographically scattered manufacturing facilities among several firms, the distance the average box of cereal would travel to market would rise sharply.

The cereals case is thus an expensive exercise in antitrust theory, unworthy of the commission's time or energy. If the commissioners need any additional incentive to dismiss the suit, they might consider its impact on the long-term ability of the F.T.C. to do its job.

In a series of pathbreaking decisions in defense of consumers' rights, the current commission has threatened powerful interests ranging from funeral parlors to eyeglass retailers to physicians. And now those interests are striking back by way of the Congress, pressing for legislation to limit the F.T.C.'s powers to investigate deceptive business practices. Jettisoning the cereals prosecution would make it easier for the agency to take the heat on Capitol Hill

The cereals case was a mistake when it was initiated in 1972. Today it is a mistake waiting to become a debacle for consumers. The sooner the commissioners admit the error, and dismiss the proceedings, the better.

[From the Washington Post, Nov. 4, 1980]

Candidates Hit FTC Cereal Action

The Carter administration, in its first public statement on the Federal Trade Commission's antitrust investigation of the cereal industry, yesterday said it opposes action by the agency ordering the nation's largest cereal manufacturers to split up their operations.

The statement, contained in a paper released during a visit by Vice President Walter Mondale to Battle Creek, Mich., comes less than a week after Republican presidential candidate Ronald Reagan told Kellogg Co. the FTC's landmark antitrust case against the nation's three largest cereal companies is without merit.

Mondale said that, "after eight years" of FTC study of the cereals industry, "it is inconceivable to me and to many independent experts that divestiture would be pursued. Neither President Carter nor I would support such action."

Mondale went on to say that, while he does not think the case will be resolved by Congress, the administration "certainly would support a legislative effort to prevent the commission from forcing the cereal companies to divest themselves of key subsidiaries."

The Carter administration in recent months has made much of its support for the FTC. Just yesterday, before the Mondale statement was released, White House officials chided Reagan for his position in the cereals case.

Last week, Reagan said he would support legislation to "narrow" the FTC's authority to order divestiture in antitrust cases.

"It is clear to me that the [cereal] case under consideration has very little basis in fact and that a favorable ruling on behalf of the FTC would have a chilling effect on American industry," Reagan wrote to Kellogg Co. President William E. LaMothe.

"The cereal case is but another example of a bureaucratic crusade undertaken in the premise that the bureaucrats rather than consumers can make rational choices," Reagan wrote. The nominee also said "it was never intended" that the FTC "have the authority to order a company to divest its assets and thereby restructure an entire industry."

The Reagan statements were attacked immediately by federal antitrust experts who raised questions both about the propriety of Reagan speaking on an ongoing judicial proceeding and whether Reagan actually has studied the complex eight-year-old case. "The question is which cereals lawyer wrote the thing," said one congressional antitrust watcher.

Sen. Howard Metzenbaum (D-Ohio), chairman of the Senate antitrust subcommittee, said he was "shocked" at Reagan's "totally inappropriate interferences with the adjudicative processes of the FTC.

"Gov. Reagan has obviously injected his political objectives into an otherwise proper FTC proceeding," Metzenbaum said, noting that, during this year's flap over the agency's future, Republicans said it was improper to interfere with ongoing proceedings, particularly in antitrust matters.

Metzenbaum was not available for comment after the Carter administration announced its position.

FTC officials would not publicly comment on either position in the case.

At the same time, Lamothe said Kellogg Co. is "very pleased" to have Reagan "recognize the great danger associated" with the FTC's case. He made the statement before the Carter administration position was known. The exchange over the FTC case came as the two parties intensively campaigned in Battle Creek, Kellogg's home base, for Michigan's key 21 electoral votes. The cereals case, brought in April 1972 by a commission during the Nixon administration, is a vital political issue in that Michigan area, where congressional candidates, labor unions and others repeatedly have lambasted the FTC action.

The FTC's controversial cereals case is widely believed to be among the most important antitrust cases ever brought by the federal government.

Citing a variety of antitrust charges, the FTC staff recently concluded that the behavior of the cereal industry reveals a conspiracy that the staff alleges has cost American consumers at least $100 million a year in "overcharges." The staff recommended that the three companies divest themselves of key subsidiaries.●

By Mr. CANNON:

S. 3249. A bill to establish a twenty-four hour polling period nationwide; to the Committee on Rules and Administration.

NATIONWIDE POLLING PERIOD

● Mr. CANNON. Mr. President, we Americans cherish the right to cast our vote for our choice of candidates for elective office. On Tuesday, November 4, while many citizens in the Western States had waited to cast their votes, the news had been received that President Carter would be defeated by Governor Reagan. A number of these potential voters failed to go to the polls upon learning of the projected result.

Although these potential voters might not have altered the results in the Presidential election, the lower turnout may well have had an effect on other Federal, State, and local elections because of the substantial impact of the reported results of the Presidential election.

Modern technology and instantaneous communications have made it possible for a winner to be projected by the news media upon a fraction of the tabulated actual vote. Even though I believe this practice does not insure maximum participation in our electoral process, I do not believe that stifling a free press from reporting their projections is a reasonable solution to this problem.

Mr. President, I send to the desk a bill to amend the times for voting in Federal elections. Article II, section 1, clause 4 of the Constitution provides that—

> In the election of the President and the Vice President, Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day

shall be the same throughout the United States.

On the matter of electing Members of Congress, Article I, section 4, clause 1, of the Constitution provides that—

> The times, places, and the manner of holding elections for Senators and Representatives shall be prescribed by the legislature of each state individually, but the Congress may, by law, make or alter such regulations.

I have reviewed the various proposals introduced in both this and previous Congresses and I believe the bill I am introducing today is a reasonable proposal and should be carefully considered by the Senate. Specifically, my proposal is to have the polls close simultaneously throughout the Nation, by providing for a 24-hour voting day, beginning at 12:01 a.m. eastern standard time on the first Tuesday, following the first Monday in November. I believe this is a simple and logical solution to a problem in which citizens from Eastern States have their votes counted prior to the polls closing in the Western States. With this plan, all voters in the country, regardless of the region, could exercise their franchise conveniently at any local time during the uniform 24-hour period. The uncertainties generated by the reporting of partial election returns and their possible effects on Western States would be eliminated under the plan, since results would be based on simultaneous, nationwide tallies rather than on early, scattered, regional votes. This would eliminate any possibility of one region's voting results exerting undue influence upon another.

Although this proposal may lead to increased administrative costs, this legislation will enhance voting participation in Federal elections. There has been a decline in voting participation for the past three Presidential elections. We must seek ways to increase voter participation. We can ill afford to leave unchanged a system which increases voter apathy.

Mr. President, as an active member of the Seante Rules Committee, I will ask that committee to hold extensive hearings and act early next year on this bill, as well as on the other proposals that have been introduced to correct the inequities contained in the present system. We have an obligation to develop the best legislative solution to this problem and I will do everything I can to assist the committee in that endeavor. I ask for unanimous consent that the text of the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of title 3, United States Code, is amended by adding at the end thereof the following new sentence: "Whenever such electors are to be chosen by election in any State or the District of Columbia, the polls for that election shall be open for a 24 hour period commencing at 12:01 o'clock ante meridian, Eastern Standard Time, on such first Tuesday after the first Monday in November.".

(b) The text of section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

"The election of Representatives to the Congress commencing on the third day of January of each odd-numbered year shall begin in each State at 12:01 o'clock ante meridian, Eastern Standard Time, on the first Tuesday after the first Monday in November of the preceding even numbered year and the polling places for such election shall remain open for the 24 hour period commencing at 12:01 o'clock ante meridian, Eastern Standard Time, on such Tuesday.".●

By Mr. PELL:

S. 3250. A bill to provide for a study of constitutional and institutional reform of the Government of the United States of America; to the Committee on Governmental Affairs.

CONSTITUTIONAL AND INSTITUTIONAL REFORM ACT OF 1980

Mr. PELL. Mr. President, I am today introducing legislation establishing a blue-ribbon commission to study and make recommendations to the Congress for constitutional or other changes to improve the effectiveness of our Federal Government.

I am introducing this proposal, Mr. President, because of a growing concern that our Government is not responding as effectively as it should to the serious problems and challenges that confront our Nation and the American people in a rapidly changing world.

Increasingly, our Government's best efforts to deal effectively with such problems as inflation, energy supply, productivity, or arms control, to cite a few important examples, end in a stalemate among conflicting views and divided interests.

The result, all too often, is inaction, policies warped or diluted beyond recognition, and ultimately, frustration, stagnation, and a diminished public respect for government itself.

In my view, the sluggish response of our Government to the major challenges facing our Nation is not a judgment of the ability of any President or of the Congress and its leaders or of the Supreme Court. Nor is it a question of political party. It is instead a judgment of how well this Government as an institution responds to clearly identifiable, major problems as they arise.

Regrettably, the tendency toward frustration and stalemate in Government has held true whether the President and the Congress have been controlled by the same or by different political parties.

Indeed, I believe that President-elect Reagan, even with the momentum of his impressive election victory and with a Senate majority of his political party, will experience a good deal of frustration in his efforts to govern effectively—to successfully formulate, enact, and execute cohesive national policies.

Like his predecessors, he will find that nearly every important policy initiative will bring forth opposition from organized groups who will insist not only that their interests be considered, but that their interests should prevail, even at the cost of further stagnation.

The serious problem of governing effectively under our system of governmental checks and balances, with society increasingly fragmented into narrow economic, social, and regional interest groups, is not a partisan one.

It is a problem that I believe deserves, and indeed, demands serious nonpartisan study and consideration.

The basic function of government, after all, is to formulate, adopt, and execute policies in the general interest of the Nation.

We must, of course, also be concerned about the quality of the policies that are formulated and adopted, and we must be concerned that the execution of policies does not impinge on deeply rooted concepts of justice, due process, and humanity.

And government policies must always be formulated and executed with due regard for these concerns. But a government which cannot effectively formulate, enact, and execute policies is simply not governing well.

We all recognize that in framing our Government the Founding Fathers were acutely aware of the dangers of the abuse of centralized power and for that reason built into the Constitution a system of checks and balances between the executive, legislative, and judicial branches and between the Federal and State governments to prevent that abuse.

Without doubt these checks and balances have served our Nation and the American people very well indeed for nearly two centuries with little significant change in the basic structure of our Government.

Indeed, in the entire history of the art of government, the Constitution of the United States is and remains one of the most marvelous works of man, emulated and admired through much of the world.

This should not, however, deter us from examining with a critical eye the effectiveness of our Government. We should not ignore the fact that our Nation and the surrounding world have changed immensely in this century and indeed in just the past 20 years I have served in the Senate. These changes, both economic and technological, have increased manyfold the costs and dangers of ineffective government.

We live now in a world of instantaneous worldwide communication of both words and images. It is a world in which extraordinarily powerful weapons of mass destruction can be hurled half-way around the world in minutes.

It is a world in which the poverty of Haiti, the religious fervor of Shiite Muslims in Iran, drought in the granaries of the Soviet Union, or the actions of a single mad terrorist anywhere in the world can have immediate and serious consequences for the people of the United States.

In such a world, I submit, the margins for error and the tolerance for ineffective government both are considerably narrowed.

But just as a rapidly changing world demands more effective government, other forces have conspired to lessen the ability of our Government to act effectively.

We have experienced in the United States an erosion of the cohesive social and political forces that once were effective in forming majorities that could actually govern.

For most of our constitutional history, our national political parties have been the institutions that bridged the constitutional checks and balances and the separation of powers to make effective government possible.

Today, however, the cohesive powers of political parties and of congressional leadership have been diluted and seriously undermined by combinations of well-intended reforms and the force of new technology that has freed individual officeholders from dependence on their party for nomination, support, election, or reelection.

At the same time, new communication technology also has fragmented as never before the American people into ever narrower interest groups organized to press and pursue their individual interests.

As a result of all these changes, we have Government less able to formulate, enact, and execute policies that are cohesive and in the broad public interest, and on the other hand, an enhanced ability for any significant interest group to prevent any action it finds objectionable.

As one observer has commented, we no longer have rule by the majority or even rule by 75 percent. Today, it requires almost unanimous public consent for our Government to act, and unfortunately, when so many groups have a veto, no one has an effective government.

I believe, Mr. President, it is time that we give serious study to the need to strengthen the cohesive forces in our society and Government. I believe it is time to consider how we can again make it possible for political parties to present to the people broad and cohesive policy proposals with some real expectation that a party, once elected to power, can in fact enact and implement the proposals it has offered.

I recognize that in the wake of the recent elections there are those who believe that President-elect Reagan with the force of his electoral margin of victory and his leadership ability can in fact enact and execute the policies he has proposed. Only time will tell, but on the basis of the trends of recent decades, I believe this new administration will experience many of the same frustrations that previous administrations, Republican and Democratic, have experienced. And if that is the case, we will see also a rising frustration and dissatisfaction among the American people.

This is not a partisan proposal, and I hope that members of the Senate, on both sides of the aisle, who I know are concerned at the fragmentation of both the Congress and the American public, will join in supporting this proposal for a study of ways in which we might be able to improve the effectiveness of our Federal Government in responding to national needs.

I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Constitutional and Institutional Reform Act of 1980".

FINDINGS AND PURPOSE

SEC. 2. (a) Congress finds that—

(1) the ability of the Federal Government to effectively formulate, adopt, and execute policies and programs is essential to the well-being and security of the Nation and of its citizens;

(2) the ability to govern effectively has become increasingly important because of advances in the technologies of communications, transportation, weaponry, and production, and by an increased interdependence among the people of the world for resources and mutual peace and security;

(3) communication technology and the increased complexity of modern society have permitted and facilitated the fragmentation of the people of the Nation by narrow, special-interest groups and impeded the formation of public majorities necessary to support effective policymaking in a democratic society;

(4) national political parties which once served a vital role in effective government by bridging the constitutional separation of powers and the constitutional system of checks and balances have suffered a sharp decline in influence and effectiveness;

(5) an increasing number of critical issues confronting the Nation, involving economic policy, energy policy, environmental policy, and national security, are not being resolved in a timely and effective manner, resulting in frequent policy stalemates and economic and social stagnation; and

(6) improvement in the ability of the Federal Government to formulate, adopt, and execute policies is necessary to provide government that is both responsive to the people and effective in meeting problems which confront the Nation.

(b) It is the purpose of this Act to establish a commission to study means of improving the effectiveness of the Federal Government through changes in the Constitution of the United States or through other means and to report its findings and recommendations to the Congress.

ESTABLISHMENT OF THE COMMISSION

SEC. 3. There is established a commission to be known as the Commission on Constitutional and Governmental Reform (hereafter in this Act referred to as the "Commission")

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall—

(1) conduct a study of the circumstances, conditions, and forces which unnecessarily impede the effective formulation, adoption, and execution of policy by the Federal Government;

(2) consider, analyze and evaluate changes in the Constitution of the United States or in the laws of the United States which would increase the effectiveness of the Federal Government in formulating, adopting, and executing policies without diminishing the democratic and representative principles of the Constitution and without infringing the guarantees of individual liberty or the essential protection of the rights of political minorities;

(3) encourage broad public participation in deliberations of the Commission through hearings, symposia, debates, and other appropriate means of receiving public comments and suggestions; and

(4) prepare and submit reports to the President and to the Congress recommending changes in the Constitution or the laws of the United States which would improve the effective formulation, adoption, and execution of policy by the Government.

ORGANIZATION OF THE COMMISSION

SEC. 5. (a) The Commission shall be composed of 21 members as follows:

(1) Nine members shall be appointed by the President of the United States, three of whom shall be from the executive branch of the Government, three from private life, and three from among the Governors of the various States.

(2) Six members shall be appointed by the Speaker of the House of Representatives, three from the House of Representatives and three from private life.

(3) Six members shall be appointed by the majority leader of the Senate, three from the Senate and three from private life.

(b) Members of the Commission shall be chosen from among persons having particular knowledge and expertise in the theory and practice of government, in the history of the Constitution of the United States and the historical application of its provisions, and in the role, structure, and history of political parties in the United States. To the greatest extent possible, the membership of the Commission should reflect a balance among major political affiliations and philosophies in the United States.

POWERS AND ADMINISTRATIVE PROVISIONS

"SEC. 6. (a) The Commission may, for the purpose of carrying out its functions and duties, sit and act at such times and places, hold such hearings, take such testimony, request the attendance of such witnesses, administer such oaths, have such printing and binding done, and order such studies by any Federal agency or executive department, as the Commission deems advisable.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of an Executive Director and such additional personnel as the Commission finds necessary to enable the Commission to carry out its duties. The annual rate of compensation of the Executive Director may not exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of such title and the annual rate of compensation of all other personnel may not exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title.

(c) The Commission is authorized to enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

REPORTS; EXPIRATION

SEC. 7. (a) The Commission shall, from time to time, submit to the Congress interim reports of the activities of the Commission under this Act as the Commission deems appropriate. Within ten days after the Ninety-eighth Congress is convened, the Commission shall submit to the Congress its final report, containing all of the findings and recommendations of the Commission.

(b) Ninety days after the submission to

the Congress of the final report under subsection (a), the Commission shall cease to exist.

EXPENSES OF THE COMMISSION

Sec. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MOYNIHAN:

S. 3251. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of Americans abroad; to the Committee on Finance.

FOREIGN EARNED INCOME EXCLUSION ACT OF 1980

Mr. MOYNIHAN. Mr. President, early next year, Congress will again change the way the U.S. taxes its citizens who live abroad. We have done this twice since 1975. The next change will be the third.

The Senate Finance Committee endorsed a very complicated plan in mid-August. If that plan is enacted, people who live in developing countries or who work in export-related jobs will get a significant tax cut. Other Americans abroad will not.

What I am offering today is an alternative proposal, one that I consider both simpler and fairer.

Under the Finance Committee's plan, any American who has been abroad for at least 330 days during a 12-month period, or who has lived abroad for a full tax year, would be able to exclude his first $50,000 in "earned income" from tax. He would not have to report those earnings to the IRS. In addition, he would not have to report the difference, if any, between what he pays for housing and $5,554 a year.

Basically, "earned income" is one's wages and should not be confused with dividends or other investment income. The exclusion would apply only to wages that an individual receives from sources in a foreign country.

The exclusion would increase to $65,000—plus housing costs—once an individual has lived abroad for more than 2 consecutive years.

There is an important qualification, however. To be eligible for the exclusion, one must either work or live in a "developing country," or have income that is attributable to "extractive or export-related services."

Let me make three points about the Finance Committee's plan and, in the process, explain why I have come to offer my own proposal.

First, I am bothered by the complexity of the plan. I believe the Internal Revenue Service will find it virtually impossible to administer. Consider this, for example. An individual who lives in a developed country will be able to use the exclusion only if he has what the Finance Committee calls "qualified foreign service income." That is—

> earned income (other than wages or salary) from the performance of extractive or export-related services,

or—

> compensation for employment with an employer substantially all of whose income is derived from the performance of extractive or export-related services.

I am reading from the text of the Finance Committee's bill. There are other definitions.

The IRS is going to have to expand them, perhaps even issue a list of companies that earn "substantially all" of their income from export-related work, and those that do not. And it is going to have to find out from taxpayers which companies they work for and, in some cases, what they actually do in their jobs. This is an impossible burden.

Second, I cannot believe the committee's plan will put an end to the debate about the exclusion. There is room for endless argument about what is a "developing country," for example. Under the committee's bill, an American living in Moscow would get the exclusion, because Russia is a developing country, but an American living in Ankara, Turkey would not. This does not seem fair.

What we need most at this point is consistency. We need a law that will remain on the statute books unchanged for more than 1 or 2 years.

Finally, I believe Americans living overseas should not be taxed fully on their incomes, but for a different reason than the committee.

Americans abroad do not make the same use of the Federal Government and of its services as citizens living in the United States. Consequently, they should not have to pay as much in tax.

The committee justified the exclusion and its plan on different grounds. It did not want to tax Americans who live in developing countries, and whose standards of living may be relatively low, as heavily as Americans who live elsewhere. At the same time, it wanted to use the tax Code to promote exports. This explains why the exclusion would be restricted generally to taxpayers with export related jobs.

My reasoning leads me to a different proposal. The bill I am introducing today would create one exclusion for 80 percent of one's "earned income." That income would be exempted from U.S. tax.

Every American abroad would qualify, provided he is a legal resident of a foreign country or has been abroad for at least 330 days in a 12-month period. Where he lives and what he does for a living would be irrelevant.

The plan has two virtues. It would be easy for taxpayers to understand and for the IRS to administer. In fact, the tax Code would be made far simpler than is apparent because the Finance Committee's plan would let taxpayers choose either the $50,000 (or $65,000) exclusion or a series of hardship allowances found in the tax laws under section 913. I am proposing that we offer everyone an 80-percent exclusion and repeal section 913.

Second, my plan is more likely to be considered fair by American taxpayers. It is not easy to see why the head of Sun Oil's office in London should get a tax break, but not the bureau chief for the New York Times. Nor is the following question any easier—why should the tax laws adjust for the standard of living in Asia, but ignore variations in the standard of living within the United States?

A tax system is fair if taxpayers in like circumstances are treated in a like fashion. Taxpayers would not be so treated under the Finance Committee's plan. They would be under the measure I am proposing.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Earned Income Exclusion Act of 1980".

SEC. 2. PARTIAL EXCLUSION FOR EARNED INCOME FROM SOURCES OUTSIDE THE UNITED STATES.

(a) IN GENERAL. Section 911 of the Internal Revenue Code of 1954 (relating to income earned by individuals in certain camps) is amended to read as follows:

"SEC. 911. EARNED INCOME FROM SOURCES OUTSIDE THE UNITED STATES.

"(a) GENERAL RULE.—There shall be excluded from gross income and exempt from taxation under this subtitle 80 percent of amounts received from sources within a foreign country or countries which constitute earned income attributable to services performed during that portion of the taxable year for which the taxpayer meets the eligibility requirements of subsection (b).

"(b) ELIGIBILITY.—A taxpayer is eligible for the exclusion only if

"(1) he is a citizen of the United States and he establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, or

"(2) he is a citizen or resident of the United States and, during any period of 12 consecutive months, he is present in a foreign country or countries for at least 330 full days in such period.

"(c) LIMITATIONS.—No amount may be excluded under subsection (a) which is—

"(1) received as a pension or annuity,

"(2) included in gross income by reason of section 402(b) (relating to taxability of beneficiary of nonexempt trust), section 403(c) (relating to taxability of beneficiary under a nonqualified annuity), or section 403(d) (relating to taxability of beneficiary under certain forfeitable contracts purchased by exempt organizations), or

"(3) paid by the United States or any agency thereof to military or civilian officers or employees of the United States, or for service as a Peace Corps volunteer or volunteer leader.

"(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) DEFINITION OF EARNED INCOME.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"(2) REQUIREMENT AS TO TIME OF RECEIPT.—No amount received after the close of the taxable year following the taxable year in which the services to which the amounts are attributable are performed may be excluded under subsection (a).

"(3) DEDUCTIONS AND CREDITS ATTRIBUTABLE TO EXCLUDED INCOME NOT DEDUCTIBLE OR

CREDITABLE.—No deduction or credit against the tax imposed by this chapter shall be allowed under this title to the extent that such deduction or credit is properly allocable to or chargeable against amounts excluded from gross income under this section.

"(4) WAIVER OF PERIOD OF STAY IN FOREIGN COUNTRY.—For purposes of subsection (b), an individual who for any period is present in a foreign country and who—

"(A) leaves such foreign country—

"(i) during any period during which the Secretary determines, after consultation with the Secretary of State or his delegate, that individuals were required to leave such foreign country because of war, civil unrest, or similar adverse conditions in such foreign country which precluded the normal conduct of business by such individuals, and

"(ii) before meeting the requirements of such subsection, and

"(B) establishes to the satisfaction of the Secretary that he could reasonably have been expected to have met such requirements,

shall be treated as having met such requirements with respect to that period during which he was present in the foreign country.".

(b) CONFORMING AMENDMENTS.—Sections 37(e)(9)(B), 63(e)(2), 105(h)(3)(B)(v), 410(b)(2)(C), 879(a)(1), 1303(c)(2), 1304(c)(3), and 1348(b)(1)(A) are each amended by striking out "section 911(b)" and inserting in lieu thereof "section 911(d)(1)".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart B of part III of subchapter N of chapter I of such Code is amended by striking out the item relating to section 911 and inserting in lieu thereof the following:

"Sec. 911. Earned income from sources outside the United States."

(2) Section 43(c)(1)(C)(i) is amended by striking out "relating to income earned by individuals in certain camps outside the United States" and inserting in lieu thereof "relating to earned income from sources outside the United States".

(3) Sections 1302(b)(2)(A)(i), 1304(b)(1), 1402(a)(8), 6012(c), and 6091(b)(1)(B)(iii) are each amended by striking out "relating to income earned by employees in certain camps" and inserting in lieu thereof "relating to earned income from outside the United States".

SEC. 3. REPEAL OF DEDUCTION FOR CERTAIN EXPENSES OF LIVING ABROAD.

(a) IN GENERAL.—Section 913 of such Code (relating to deduction for certain expenses of living abroad) is hereby repealed.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart B of part III of subchapter N of chapter 1 is amended by striking out the item relating to section 913.

(2) Section 43(c)(1) is amended by striking out ", 913," as it appears in the title, by inserting "or" after the comma at the end of subparagraph (i), and by striking out subparagraph (ii).

(3) Section 6091(b)(1)(B)(iii) is amended by striking out "section 913 (relating to deduction for certain expenses of living abroad),".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1980.

By Mr. MOYNIHAN:

S. 3252. A bill to amend the Internal Revenue Code to provide that, for purposes of the Federal estate tax, amounts contributed to certain cemetery companies may be deducted from the gross estate; to the Committee on Finance.

DEDUCTION OF CERTAIN EXPENSES PAID TO CERTAIN CEMETERY COMPANIES

Mr. MOYNIHAN. Mr. President, I am introducing legislation today to permit a tax deduction to be taken by the estate of anyone who has left money in his will to a nonprofit cemetery association.

Let me say that I am prompted to do this by a decision by the second circuit court of appeals in the case *Child* v. *United States*, 540 F.2d 579 (1976).

In *Child*, a woman, Elizabeth Haas, had died in 1966 and had left a significant portion of her estate to two nonprofit cemeteries. The Grove Cemetery was given $25,000, partly for the perpetual care of a family burial plot. Another $2.5 million went to the Watertown Cemetery as a general bequest.

The executor tried to deduct both sums from Ms. Haas's estate before paying the estate taxes, on grounds that the cemeteries were charitable or religious organizations. Gifts to such organizations are tax deductible under section 2055(a) of the Federal Tax Code.

But the court said the cemeteries were neither charitable nor religious and denied the deductions.

The important point is this. Had Ms. Haas made the gifts during her lifetime, they probably could have been deducted from her income taxes. The income tax laws make contributions to charitable or religious organizations deductible, just as gifts to those groups are deductible for estate tax purposes. Such groups are known as 501(c)(3) organizations.

Gifts to "cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit" also are deductible for income tax purposes. Specific provision is made for them in section 501(c)(13). But nothing is said about such groups in the estate tax laws.

The court noted this and said it would leave "to congressional wisdom the apparent anomaly establishing different treatment of nonprofit cemetery associations for income and estate tax purposes."

I see no reason for such an anomaly.

Indeed, I see good reason why there should not be one. I believe we deny individuals equal protection of the law if we permit one person to leave money, free from estate taxes, to the church-run cemetery where he wants to be buried, but deny this to another person who wants to be buried in a private, nonprofit cemetery, instead.

My bill would make bequests to a nonprofit cemetery company tax deductible for estate tax purposes, provided the cemetery company is either owned and operated exclusively for its members or prohibited by its charter from engaging in any business other than burials. The bill would do this for bequests made by individuals who die after December 31, 1980. I ask unanimous consent, Mr. President, that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 2055 of the Internal Revenue Code of 1954 (relating to transfers for public, charitable, and religious uses) is amended by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and by inserting after paragraph (4) the following new paragraph:

"(5) to or for the use of—

"(A) a cemetery company owned and operated exclusively for the benefit of its members, or

"(B) any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose,

"if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual."

SEC. 2. Subsection (e) of section 2055 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) No deduction shall be allowed under this section for any amount of any bequest, legacy, devise, or transfer to or for the use of any organization described in subsection (a)(5) to the extent such amount is allowable as a deduction under section 2053."

SEC. 3. The amendments made by this Act shall apply to estates of decedents dying after December 31, 1980.

By Mr. MOYNIHAN:

S. 3253. A bill to amend section 280 of the Internal Revenue Code of 1954 to exclude from the application of such section expenses incurred by an author of a book or similar property in the writing of such book or property; to the Committee on Finance.

EXCLUSION OF CERTAIN WRITING EXPENSES

Mr. MOYNIHAN. Mr. President, the bill I am introducing today would clear up a possible misunderstanding about section 280 of the tax code.

Section 280 requires the production costs associated with "films, sound recordings, books and similar property" to be capitalized. That is to say, such costs must be deducted over the period when the property is generating income, rather than in the year they are incurred.

Production costs are capitalized according to a special formula. The formula requires that one keep a separate account for each movie, record or book, and estimate how much income will be made from it. One's costs are deducted at the same rate the income is received. Thus, if 75 percent of the income from a movie is to be received in year one, then 75 percent of the production costs may be deducted in the same year.

The section was put in the tax code in 1976. It was supposed to shut down so-called "production company" tax shelters, a form of shelter favored by wealthy individuals investing in movies. In such shelters, a—

> limited partnership is formed to produce a film . . . The partnership enters into an agreement with a studio, with a distributor or with an independent producer to produce a particular film. The partnership uses

> the cash method of accounting and writes off the costs of production as they are paid. Typically, the partnership is heavily leveraged and significant costs are paid with borrowed funds. The principal elements of this form of motion picture shelter are . . . deferral and leverage.

I am reading from the Senate Finance Committee's report on the 1976 "Tax Reform Act."

The committee said it had evidence that "the production company shelter may be expanding into other areas, such as the publishing field." Hence, it wrote a provision that applied to books and records, and not just to movies. The conferees agreed to what the Finance Committee proposed, with one change. They wanted production costs to be capitalized, but not the "distribution costs" associated with movies.

One thing is clear. Section 280 was aimed at the tax-shelter investor; it was not aimed at the bona fide writer or author.

Yet, I am told that an IRS agent in Manhattan ordered a freelance writer there recently to redo his taxes. Until now, the writer has simply deducted his expenses from writing as they are incurred. The IRS agent believes the writer should maintain a separate account for each article or book he writes, estimate his probable income from each, and deduct his expenses according to the section 280 formula. The writer is appealing the order within the IRS.

I would make three points about my friend, the freelance writer. The IRS agent has misconstrued the statute. A careful reading of the legislative history should persuade anyone that section 280 does not apply to writers and authors. Their expenses are not the sort of "production costs" that Congress had in mind.

Second, this is only sensible. Figuring out one's taxes is difficult enough without having to keep segregated accounts for each writing project. One tolerates a certain amount of complexity in our tax laws where it is needed to prevent tax avoidance. But to extend section 280 to bona fide writers is to require complicated rules for no good reason.

Third, writers should be treated in the same way as members of other professions. A lawyer need not capitalize his expenses with respect to each case. Think of the administrative nightmare. An individual whose trade or business is writing should not have to do so with respect to his articles or books.

My bill is easy to describe. I view it as a technical correction and one that may not be necessary. It would state plainly that section 280 does not apply to the production costs that a writer or author incurs in the creation of his own works.

The measure would take effect retroactively to taxable years beginning after December 31, 1975. That was the effective date of section 280.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 280 of the Internal Revenue Code of 1954 (relating to deductibility of certain expenditures incurred in production of films, books, records, or similar property) is amended by adding at the end thereof the following new subsection:

"(d) Certain Production Costs of Authors Excluded.—The provisions of this section shall not apply to amounts attributable to the production of a book, article or similar property to the extent such amounts are expenses incurred by the author of such property in the research for, or writing of, such book, article, or similar property.".

Sec. 2. (a) The amendments made by the first section of this Act shall take effect as if included in the amendment made by section 210(a) of the Tax Reform Act of 1976.

(b) Notwithstanding any other provision of law—

(1) the period for filing a claim for refund for any taxable year to which the amendment made by the first section of this Act applies shall, to the extent such claim for refund is attributable to such amendment, not expire before the date which is 1 year after the date of the enactment of this Act, and

(2) the period for assessing a deficiency with respect to any taxable year shall, to the extent such deficiency is attributable to a claim for refund filed as a result of the extension of any period under paragraph (1), not expire before the date which is 1 year after the date of the filing of the claim for refund.

By Mr. MOYNIHAN:

S. 3254. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income of an employee the value of public transit passes provided by his employer, to provide a refundable tax credit to an employer in an amount equal to 5 percent of the cost of public transit passes provided by such employer to his employee, and for other purposes; to the Committee on Finance.

COMMUTER TAXPAYER ASSISTANCE ACT OF 1980

Mr. MOYNIHAN. Mr. President, the bill I am introducing today would provide commuters a major incentive to use public transportation. The number of commuters who use mass transit would increase by almost 50 percent within 2 years after the proposal is enacted.

How would the bill do this? Very simply, it would encourage employers to buy their employees passes for the local subway or bus system by offering the employers a refundable tax credit for part of the cost. Congressman Gephardt has introduced an identical measure on the House side.

There are 80 million Americans in the labor force. Of them, only 15 million commute to and from work by bus or by rail. The American Public Transit Association estimates that their number would increase to 21.8 million 2 years after the Gephardt/Moynihan bill is enacted.

Let there be no mistake. This would be a major gain for energy conservation. Ten percent of the oil the United States consumes each day is used for commuting. Mr. Gephardt has estimated that a tax credit of the sort we are proposing would save the United States about 240,000 barrels a day, or 1.3 percent of the total oil consumed.

How significant a savings is this? President Carter's transportation energy initiative, announced in August last year, would have saved the United States 219,000 barrels of oil a day, and that in 1985. The savings from the tax credit would be greater and would come as early as 1982, a year after the credit has taken effect.

Let me explain how the Commuter Taxpayer Assistance Act would work. First, it would let employers who buy public-transit passes for their workers take 5 percent of the cost of the passes as a credit against their Federal taxes. The credit would be refundable for employers who do not pay enough in taxes to take full advantage of it.

Second, any program an employer sets up for his workers would have to meet two requirements. It could not discriminate in favor of higher-paid workers. The clerical staff must get the same benefits as the office supervisors. And the passes would have to be for buses, trains, streetcars, or ferryboats. No other type of public transportation would qualify.

Third, for the worker there is this benefit. His pass would not be considered "income" and he would not pay tax on it, provided he uses the pass for at least 80 percent of his daily commuting.

The program would take effect next year. It would end after 1986, unless Congress decides to extend it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Commuter Taxpayer Assistance Act of 1980".

Sec. 2. Exclusion of Value of Public Transit Passes Provided by Employer for Public Transit Commuting.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from income) is amended by redesignating section 128 as section 129 and inserting after section 127 the following new section:

"Sec. 128. Public Transit Passes Provided by Employer.

"(a) General Rule.—Gross income shall not include the value of a public transit pass distributed, under a written plan of the employer which does not discriminate in favor of employees who are officers, shareholders, or highly compensated employees, by an employer to an employee of the employer and used by such employee for transportation between the employee's residence and place of employment.

"(b) Promotional Programs.—Local transit authorities, in consultation with the Secretary of the Department of Transportation, may develop programs to encourage employers to purchase public transit passes for distribution to employees.

"(c) Substantiation.—Any employee who receives a public transit pass under this section shall demonstrate, to the satisfaction of the employer, that at least 80 percent of the employee's commutes between the employee's residence and place of employment are with use of public transit passes provided by the employer.

"(d) Prohibition Against Transferring

Public Transit Passes.—No employee who has received a public transit pass from an employer under this section may transfer such public transit pass for use by any other individual.

"(e) Definitions.—For purposes of this section—

"(1) Employee.—The term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1).

"(2) Local transit authority.—The term 'local transit authority' means any publicly owned entity which provides transportation by bus, train, streetcar, trolley, or ferryboat on a regular and continuing basis.

"(3) Public transit pass.—The term 'public transit pass' means any card, token, pass, ticket, and other item which may only be used for transportation on a bus, train, streetcar, trolley, or ferryboat."

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 128 and inserting in lieu thereof the following:

"Sec. 128. Public transit passes provided by employer.

"Sec. 129. Cross references to other Acts."

(c) Effective Dates.—The amendments made by this section shall apply to public transit passes distributed to employees after December 31, 1980, and before January 1, 1987.

Sec. 3. Credit for Purchase of Public Transit Passes by Employer for Employee.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44C the following new section:

"Sec. 44D. Purchase of Public Transit Passes by Employer for Employee.

"(a) Allowance of Credit.—In the case of an employer, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 5 percent of the cost of public transit passes which the employer has provided, without charge, to an employee of the employer.

"(b) Special Rules.—

"(1) Substantiation. The credit allowed under subsection (a) of this section shall be limited to 5 percent of the amount which the employer substantiates, with a receipt from the local transit authority, as the amount which the employer has expended for public transit passes.

"(2) Nondiscriminatory plan in writing.—No credit shall be allowed under subsection (a) of this section unless the public transit passes are distributed under a written plan of the employer which does not discriminate in favor of employees who are officers, shareholders, or highly compensated employees.

"(c) Definitions.—For purposes of this section—

"(1) Employee.—The term 'employee' does not include an individual who is an employee within the meaning of section 401 (c)(1).

"(2) Public transit pass.—The term 'public transit pass' means any card, token, pass, ticket, and other item which may only be used for transportation on a bus, train, streetcar, trolley, or ferryboat."

(b) Credit Made Refundable.—

(1) In general.—Subsection (b) of section 6401 of such Code is amended—

(A) by striking out "and 43 (relating to earned income credit)" and inserting in lieu thereof "43 (relating to earned income credit), and 44D (relating to public transit passes)"; and

(B) by striking out "and 43" and inserting in lieu thereof ", 43, and 44D".

(2) Conforming amendments.—

(A) Paragraph (5) of section 44C(b) of such Code is amended by striking out "and 43" and inserting in lieu thereof "43, and 44D".

(B) Paragraph (2) of section 55(b) of such Code is amended by striking out "and 43" and inserting in lieu thereof ", 43, and 44D".

(C) Subsection (c) of section 56 of such Code is amended by striking out "and 43" and inserting in lieu thereof "43, and 44D".

(D) Paragraph (4) of section 6201(a) of such Code is amended—

(i) by striking out "or 43" in the heading thereof and inserting in lieu thereof ", 43, or 44D"; and

(ii) by striking out "or section 43 (relating to earned income)" and inserting in lieu thereof ", section 43 (relating to earned income), or section 44D (relating to public transit passes)".

(c) Clerical Amendment.—The table of sections for subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by inserting after the item relating to section 44C the following new item:

"Sec. 44D. Purchase of public transit passes by employer for employee."

(d) Effective Dates.—The amendments made by this section shall apply to public transit passes provided to employees after December 31, 1980, and before January 1, 1987.

By Mr. MOYNIHAN:

S. 3255. A bill to amend the Internal Revenue Code to clarify when the costs of maintaining an office at home may be deducted; to the Committee on Finance.

DEDUCTION OF EXPENSES OF MAINTAINING AN OFFICE AT HOME

Mr. MOYNIHAN. Mr. President, one of the bills I am introducing today would clarify when a taxpayer may deduct the cost of maintaining an office at home.

I believe the Internal Revenue Service is misinterpreting the law.

At present, a taxpayer's expenses are deductible only if his office at home is used exclusively and on a regular basis as the taxpayer's "principal place of business." The law on this subject is at section 280A of the Internal Revenue Code. There are other requirements, as well. But what I am most concerned about is the rule that the office must be the taxpayer's "principal place of business."

It is not clear what that means. For instance, where is the principal place of business of a university professor who has an office on campus for teaching, and an office at home for private consulting?

The IRS says that it is the office on campus, if teaching is how the professor earns most of his income. The IRS looks for the principal place of the taxpayer's principal business. According to it—

> a taxpayer may have only one principal place of business regardless of the number of business activities in which the taxpayer is engaged. When a taxpayer engages in business activities at more than one location, it is necessary to determine the principal place of the taxpayer's overall business activity.

I am reading from proposed regulations that the IRS issued on August 7.

I do not think that is what Congress intended. Rather, I believe we felt that a taxpayer would have a principal place of business for each trade or business in which he is engaged. I am using the phrase "trade or business" as it is used in Code section 162.

My bill, therefore, would rewrite the statute so that there is no longer any ambiguity or room for misunderstanding.

There are three reasons why I think my interpretation of the law is correct. First, it is consistent with what Congress was trying to accomplish. Congress enacted section 280A because it wanted to provide a set of definitive rules to guide taxpayers on the deductibility of their home office expenses. The law at the time was unclear. The IRS understood the existing statute to mean one thing and the tax court understood it to mean another.

Congress also had as its aim keeping the tax deduction from being abused. Deductions were being claimed by individuals whose only business use of the home was to work occasionally at the kitchen table or in the den. What these people were writing off, however, were some of their living expenses and not business expenses, since their rent, their property taxes, and their gas and electricity bills were no higher because of the occasional work being done at home than they would have been otherwise. There was no incremental business expense.

In section 280A, Congress spelled out what elements must be present before one can say with certainty that a business use of the home has produced an incremental expense.

This was done primarily by requiring that the home office be used exclusively and on a regular basis for business. If a room is used exclusively for business, there can be no disguising living expenses as business costs. If the room also is used on a regular basis for business, one guarantees that no taxpayer will be able to claim a tax deduction for an empty room merely by taking his work there once or twice.

Nothing much is gained by insisting, in addition, that the room serve as the taxpayer's principal place of business. It does help to insure, however, that the business use is significant, which it is if the home office is the base for a trade or business.

Another reason why I think Congress meant "principal place of a trade or business" is that the Joint Tax Committee staff suggested that as the standard in a pamphlet it prepared for the Ways and Means Committee in 1975.

The pamphlet spoke of the need to limit taxpayers with offices at home to deduction for incremental business expenses. It added that—

> in the case of certain business uses of the home, it is more readily demonstrated that incremental costs are incurred by reason of the business use, e.g., where a portion of the home is exclusively used as a shop or business office in actively conducting a trade or business.

The standard proposed was a trade or business. It was not, as the IRS suggested, the principal place of the taxpayer's overall business activity.

Finally, the U.S. tax court has said the IRS is wrong. Judge Tannenwald, writing for the court in the case *Curphey* v. *Commissioner*, 73 T.C. 61 (1980), said the IRS's—

> approach of requiring that the home office be the principal place at which the taxpayer's principal business is conducted would disallow otherwise allowable deductions in connection with the use of a home office which is a principal place of business. We do not believe that Congress intended such a result.

According to the judge, what Congress wanted was for the IRS to inquire—

> whether, with respect to a particular business conducted by a taxpayer, his home office was his principal place for conducting that business.

My bill would rewrite section 280A to make that clear.

One other fact that I should mention about my bill is that it also would clarify what is meant by the phrase "exclusively used."

The office at home must be "exclusively used" as the taxpayer's principal place of business. Does that mean, for example, that the taxpayer must use the office only for the business he runs at home?

The IRS has said no, that the office may be used for more than one business purpose. I believe that is the correct interpretation. My bill would change the order of several words to rule out future misunderstandings.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Subsection (c) of section 280A of the Internal Revenue Code of 1954 (relating to exceptions for certain business or rental use) is amended by striking out paragraph (1) and inserting in lieu thereof the following—

"(1) Certain business use.—Subsection (a) shall not apply to any item to the extent such item is allocable to a portion of the dwelling unit which is exclusively used on a regular basis by the taxpayer as a place of business and—

"(A) is the principal place of a trade or business of the taxpayer,

"(B) is used by patients, clients, or customers in meeting or dealing with the taxpayer in the normal course of his trade or business, or

"(C) is a separate structure which is not attached to the dwelling unit.

"In the case of an employee, the preceding sentence shall apply only if the use referred to in the preceding sentence is for the convenience of his employer."

Sec. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1975.

By Mr. TALMADGE (by request):

S. 3256. A bill to assure the safety and quality of our Nation's meat, poultry, and egg products by providing the Secretary of Agriculture with the authority to quarantine animals if he believes they may contain illegal residue levels: to strengthen the enforcement power of the Secretary under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Agricultural Marketing Act of 1946 by providing authority to withdraw inspection services under certain conditions to levy civil penalties for certain violations; and to provide consistent standards and penalties for bribery; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SAFETY AND QUALITY AMENDMENTS OF 1980

● Mr. TALMADGE. Mr. President, I am today introducing at the request of the administration a bill developed by the Department of Agriculture to respond to changing conditions in the meat, poultry, and egg industries. According to the Secretary of Agriculture, the bill will provide the Department with adequate enforcement powers to insure that meat, poultry, and egg products are safe, wholesome, and accurately labeled. Some of the provisions of the bill are likely to prove controversial. Obviously, it will not be possible to consider the legislation in the closing days of this Congress. The introduction of the bill will, however, serve a useful purpose in encouraging full public discussion of the conditions that have prompted the development of the legislation by the Department of Agriculture.

The bill would, among other things, provide the Secretary of Agriculture with the authority to:

Require animal identification if necessary to prevent and control illegal residue levels;

Quarantine animals if he believes they may contain illegal residue levels;

Withdraw inspection services, under certain conditions, pending the outcome of administrative hearings and appeals; and

Levy civil penalties for certain violations.

Mr. President, I ask unanimous consent that the text of the bill and the letter of transmittal from the Secretary of Agriculture be printed in the Record.

There being no objection, the bill and the letter were ordered to be printed in the Record, as follows:

S. 3256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Safety and Quality Amendments of 1980".

TITLE I—WITHDRAWAL OF INSPECTION

Sec. 101. Section 401 of the Federal Meat Inspection Act (81 Stat. 597; 21 U.S.C. 671) is amended to read as follows:

"Sec. 401. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if he determines that the applicant for, or recipient of, such service is unfit to engage in any business requiring inspection under title I because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony or more than one violation of any law other than a felony based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or drugs, or fraud in connection with transactions in food or drugs; or (2) fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health.

"(b) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if the Secretary determines that due to the repeated failure of the applicant or recipient, or anyone responsibly connected with the applicant or recipient, to comply with the sanitation requirements of this Act or the regulations promulgated thereunder, or with any other requirements of this Act or the regulations promulgated thereunder, the applicant or recipient is unfit to engage in any business requiring inspection under title I of this Act.

"(c) The Secretary shall notify the applicant for, or recipient of, inspection service of such refusal or withdrawal and the reasons therefor. The applicant or recipient shall be afforded an opportunity to answer in writing and shall, upon request, be afforded an opportunity for an expedited hearing before the Secretary with respect to the merits or validity of such refusal or withdrawal. However, such refusal or withdrawal automatically shall become effective 10 days after the notification, except in any situation where the Secretary determines that the integrity of the service is seriously jeopardized it shall become effective immediately upon notification. This refusal or withdrawal shall continue in effect pending the completion of the proceeding and any appellate review thereof, unless otherwise ordered by the Secretary.

"(d) For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(e) The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after service of such order in the United States Court of Appeals for the circuit in which such person, firm, or corporation has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(f) This section shall not affect in any way other provisions of this Act or the regulations thereunder for withdrawal or suspension of inspection services under title I from establishments for failure to maintain sanitary conditions or for failure to destroy condemned carcasses, parts, meat or meat food products or for threatened forcible assault or forcible assault, intimidation, or interference with any program employee in or on account of the performance of his official duties."

Sec. 102. Section 404 of the Federal Meat Inspection Act (81 Stat. 599; 21 U.S.C. 674) is amended by deleting the words "section 7(e)" and inserting in lieu thereof the following: "sections 7(e), 25(c), 401(e), and 403(b)."

Sec. 103. Section 18 of the Poultry Products Inspection Act (82 Stat. 805; 21 U.S.C. 467) is amended to read as follows:

"Sec. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines that the applicant for, or recipient of, such service is unfit to engage in any business requiring inspection under this Act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony or more than one violation of any law other than a felony based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or drugs, or fraud in connection with transactions in food or drugs; or (2) fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health.

"(b) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if the Secretary determines that due to the repeated failure of the applicant or recipient, or anyone responsibly connected with the applicant or recipient, to comply with the sanitation requirements of this Act or the regulations promulgated thereunder, or with any other requirements of this Act or the regulations promulgated thereunder, the applicant or recipient is unfit to engage in any business requiring inspection under this Act.

"(c) The Secretary shall notify the applicant for, or recipient of, inspection service of any such refusal or withdrawal under paragraph (a) or (b) of this section and the reasons therefor. The applicant or recipient shall be afforded an opportunity to answer in writing and shall, upon request, be afforded an opportunity for an expedited hearing before the Secretary with respect to the merits or validity of such refusal or withdrawal. However, such refusal or withdrawal automatically shall become effective 10 days after the notification, except in any situation where the Secretary determines the integrity of the service is seriously jeopardized it shall become effective immediately upon notification. This refusal or withdrawal shall continue in effect pending the completion of the proceeding and any appellate review thereof, unless otherwise ordered by the Secretary.

"(d) For the purpose of paragraphs (a) and (b) of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(e) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

"(f) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after service of such order in the United States Court of Appeals for the circuit in which such person has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(g) This Section shall not affect in any way other provisions of the regulations promulgated under this Act for the suspension of inspection services from establishments for threatened forcible asault, forcible assault, intimidation, or interference with any program employee in or on account of the performance of his official duties."

SEC. 104. Section 18 of the Egg Products Inspection Act (84 Stat. 1630; 21 U.S.C. 1047) is amended to read as follows:

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any plant if he determines that the applicant for, or recipient of, such service is unfit to engage in any business requiring inspection under this Act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony or more than one violation of any law other than a felony based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or drugs, or fraud in connection with transactions in food or drugs; or (2) fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integriy needed for the conduct of operations affecting the public health.

"(b) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any plant if the Secretary determines that due to the repeated failure of the applicant or recipient, or anyone responsibly connected with the applicant or recipient, to comply with the sanitation or processing requirements of this Act or the regulations promulgated thereunder, or with any other requirements of this Act or the regulations promulgated thereunder, the applicant or recipient is unfit to engage in any business requiring inspection under this Act.

"(c) The Secretary shall notify the applicant for, or recipient of, inspection service of such refusal or withdrawal and the reasons therefor. The applicant or recipient shall be afforded an opportunity to answer in writing and shall, upon request, be afforded an opportunity for an expedited hearing before the Secretary with respect to the merits or validity of such refusal or withdrawal. However, such refusal or withdrawal automatically shall become effective 10 days after the notification, except in any situation where the Secretary determines that the integrity of the service is seriously jeopardized it shall become effective immediately upon notification. This refusal or withdrawal shall continue in effect pending the completion of the proceeding and any appellate review thereof, unless otherwise ordered by the Secretary.

"(d) For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(e) The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after service of such order in the United States Court of Appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(f) This section shall not affect in any way other provisions of this Act or the regulations thereunder for refusal, suspension or withdrawal of inspection services including, but not limited to, any such provisions with respect to assault, intimidation, impediment, obstruction or interference with any person engaged in or on account of the performance of his official duties under this Act."

TITLE II—CIVIL PENALTIES

SEC. 201. Section 405 of the Federal Meat Inspection Act (81 Stat. 599; 21 U.S.C. 675) is amended by deleting "shall be fined not more than $5,000 or imprisoned not more than three years, or both" and inserting in lieu thereof: "shall be fined not more than $10,000, or imprisoned not more than five years, or both"; and by deleting "shall be fined not more than $10,000 or imprisoned not more than ten years, or both" and inserting in lieu thereof: "shall be fined not more than $20,000, or imprisoned not more than ten years, or both"; and by adding the following at the end of the present section: "Any person who, in any manner or by any means, assaults, resists, opposes, impedes, intimidates, threatens or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be subject to the assessment of a civil penalty in accordance with section 406 of this Act."

SEC. 202. Section 406 of the Federal Meat Inspection Act (81 Stat. 599; 21 U.S.C. 676) is amended by redesignating subsection (b) as subsection (d); and by amending subsection (a), and by adding new subsections (b), (c), and (e), to read as follows:

"SEC. 406. (a) (1) Any person, firm or corporation who willfully violates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $5,000, or both.

"(2) Any person, firm, or corporation who violates any provision of this Act in a manner which involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, shall upon conviction be subject to imprisonment for not more than five years, or a fine of not more than $15,000, or both.

"(b) (1) Any person, firm, or corporation who violates any provision of this Act or any regulation issued thereeunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person, firm, or corporation is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) (2) of this section.

"(2) The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the person, firm, or corporation against whom such a violation is found under subsection (b) (1) files application for judicial review within thirty days after service of such order in the United States Court of Appeals for the circuit in which such person, firm, or corporation has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(3) If any person, firm, or corporation fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate Court of Appeals has entered filnal judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(4) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(5) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

"(c) No person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

"(e) When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by any person, firm, or corporation within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such person, firm, or corporation, as well as of such person."

SEC. 203. Section 12 of the Poultry Products Inspection Act (71 Stat. 446, as amended, 21 U.S.C. 461) is amended by deleting in subsection (c): "shall be fined not more than $5,000 or imprisoned not more than three years, or both" and inserting in lieu thereof: "shall be fined not more than $10,000, or imprisoned not more than five years, or both"; and by deleting in subsection (c): "shall be fined not more than $10,000 or imprisoned not more than ten years, or both" and inserting in lieu thereof: "shall be fined not more than $20,000, or imprisoned not more than ten years, or both"; and by adding the following at the end of the present section: "Any person who, in any manner or by any means, assaults, resists, opposes, impedes, intimidates, threatens, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be subject to the assessment of a civil penalty in accordance with subsection (b) of this section."

SEC. 204. Section 12 of the Poultry Products Inspection Act (71 Stat. 446, as amended; 21 U.S.C. 461) is amended by redesignating subsection (b) as subsection (e); and by amending subsection (a), and by adding new subsections (b) and (d), to read as follows:

"(a)(1) Any person who willfully violates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $5,000, or both.

"(2) Any person who violates any provision of this Act in a manner which involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, shall upon conviction be subject to imprisonment for not more than five years, or a fine of not more than $15,000, or both.

"(b)(1) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b)(2) of this section.

"(2) The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the person, firm, or corporation against whom such a violation is found under subsection (b)(1) files application for judicial review within thirty days after service of such order in the United States Court of Appeals for the circuit in which such person, firm, or corporation has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(4) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(5) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

"(d) When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, association, or other business unit, within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, association, or other business unit as well as of such person."

SEC. 205. Section 13 of the Poultry Products Inspection Act (71 Stat. 447; 21 U.S.C. 462) is amended by deleting the first sentence thereof.

SEC. 205A. Section 21 of the Poultry Products Inspection Act (82 Stat. 806; 21 U.S.C. 467c) is amended by deleting the words "section 8(d) or 18" and inserting in lieu thereof the following: "sections 8(d), 8a(c), 12(b) and 18(f)".

SEC. 206. Section 12 of the Egg Products Inspection Act (84 Stat. 1628; 21 U.S.C. 1041) is amended by amending subsection (a); by redesignating subsection (b) as subsection (e); by redesignating subsection (c) as subsection (b) and amending it; and by adding new subsections (c) and (d) as follows:

"(a)(1) Any person who willfully violates any provision of this Act shall, except as is otherwise specified in this section, upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $5,000, or both.

"(2) Any person who violates any provision of this Act in a manner which involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a)(8) of this Act), shall upon conviction be subject to imprisonment for not more than five years or a fine of not more than $15,000, or both.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $20,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of Title 18, United States Code. Any person who, in any manner or by any means, assaults, resists, opposes, impedes, intimidates, threatens, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be subject to the assessment of a civil penalty in accordance with subparagraph (c) of this section.

"(c)(1) Any person who violates any provision of this Act or any regulation thereunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. No penalty shall be assessed against any person under this section unless such person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of Title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order taking into account the gravity of the violation, degree of capability, and history of prior offenses; and may be reviewed only as provided in subsection (c)(2) of this section.

"(2) The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the person, firm, or corporation against whom such a violation is found under subsection (c)(1) files application for judicial review within thirty days after service of such order in the United States Court of Appeals for the circuit in which such person, firm, or corporation has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

"(4) All penalties collected under the authority of this section shall be paid into the Treasury of the United States.

"(5) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

"(d) When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

"(e) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or subsection (b) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman."

SEC. 207. Section 13 of the Egg Products Inspection Act (84 Stat. 1628; 21 U.S.C. 1042) is amended by deleting the first sentence thereof.

TITLE III—RESIDUE PREVENTION

SEC. 301. The consumption of meat or meat food products of cattle, sheep, swine, goats, horses, mules or other equines, and poultry and poultry products, which bear or contain unlawful biological residues constitutes a public health problem in this Nation. The major portion of these products produced in the Nation moves in interstate or foreign commerce. It is essential to the public interest that the health and welfare of consumers be protected; that losses to the processors of meat and meat food products, and poultry and poultry products, because of such residues be obviated; and that producers, processors and consumers be educated as to the problems regarding unlawful biological residues and the measures that can be taken to eliminate such residues. The distribution of meat and meat food products, and poultry and poultry products, which are adulterated by such residues impairs the effective regulation of wholesome meat and meat products, and wholesome poultry and poultry products, in interstate and foreign commerce, is injurious to the public welfare and destroys markets for wholesome products. It is hereby found that all articles and other animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation and education by the Secretary and cooperation by the States as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers and the interests of the processors of meat and meat food products, and poultry and poultry products.

SEC. 302. Section 1 of the Federal Meat Inspection Act (81 Stat. 584; 21 U.S.C. 601) is amended by adding the following subsections (w), (x), and (y):

"(w) The term 'biological residue' means any substance, including metabolites, remaining in or on any cattle, sheep, swine, goat, horse, mule, or other equine, or any carcass, part thereof, meat or meat food product of any such animal, as the result of treatment with or exposure of such animal or carcass, part thereof, or meat or meat food product to a pesticide chemical, food additive, color additive, or new animal drug, or any other organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

"(x) The term 'unlawful residue' means any biological residue which exceeds tolerances established under this Act or any other Federal statute for such biological residue.

"(y) The term 'new animal drug' shall have the same meaning for the purposes of this Act as under the Federal Food, Drug and Cosmetic Act."

SEC. 303. Said Federal Meat Inspection Act is further amended by adding the following new section 25:

"SEC. 25. (a) Whenever any cattle, sheep, swine, goat, horse, mule, or other equine or any carcass, part thereof, meat or meat food product of any such animal is found by the Secretary upon any premises where it is held for purposes of distribution in commerce, or during or after such distribution, or is otherwise subject to title I or II of this Act, and there is reason to believe that any such article may bear or contain any unlawful residue, it may be detained or quarantined, along with the premises at which there is reason to believe the article acquired such unlawful residue, by order of the Secretary. Any such article or premises shall remain under detention or quarantine until such time as (1) the Secretary determines, upon the basis of information furnished by the owner or possessor of the article, or the owner of the affected premises, or upon other available information, that the article or other such articles originating from such premises do not bear or contain an unlawful residue, and the order is revoked; or (2) all such articles which may bear such unlawful residue are voluntarily destroyed or otherwise disposed of in accordance with such regulations as the Secretary shall prescribe.

"(b) If, after delivering or otherwise parting with possession of any such article, any person, firm, or corporation has reason to believe that the article bears or contains any unlawful residue, such person, firm, or corporation shall promptly notify the Secretary of the basis for this belief and of the article which is believed to be affected.

"(c) Any person, firm, or corporation adversely affected by any detention or quarantine order issued by the Secretary under this section may request an expedited hearing in accordance with the regulations prescribed by the Secretary. The determination of the Secretary shall be final and conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person, firm, or corporation resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The detention or quarantine order shall remain in effect pending any hearing and final determination by the Secretary and any appeal to the proper Court of Appeals. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (42 Stat. 162, as amended, 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) Notwithstanding the provisions of the Act of June 5, 1948 (62 Stat. 344; 21 U.S.C. 695), or the provisions of any other statute, the costs of any testing conducted for the purpose of determining whether any cattle, sheep, swine, goat, horse, mule, or other equine, or any carcass, part thereof, or meat or meat food product of any such animal, which has been detained or quarantined pursuant to this section, or any such article originating from a premises quarantined pursuant to this section, is free from any unlawful residue, shall be borne by the owner of the article or premises involved, and not by the United States.

"(e) The authority conferred on the Secretary by this Act regarding unlawful residues and related animal identification with respect to persons, firms, and corporations engaged in the kinds of business in or for commerce, as specified in Section 202 of the Act, may be exercised by the Secretary with respect to persons, firms, or corporations engaged, in any State or organized Territory, in such kinds of business not in or for commerce, until the Secretary determines, after consultation with an appropriate advisory committee provided for in section 301 of the Act, that the State or Territory has at least equal authority under its laws and that such authority is exercised in a manner to effectuate the purposes of this Act regarding unlawful residues and related animal identification."

SEC. 304. Said Federal Meat Inspection Act is further amended by adding the following new section 26:

"SEC. 26. (a) Notwithstanding any other provision of this Act, the Secretary shall have the authority to require any person, firm or corporation slaughtering any cattle, sheep, swine, goat, horse, mule or other equine at any establishment preparing any such animal, carcass, part or meat or meat food product thereof for commerce, to furnish identification of ownership of such animal in a manner sufficient to enable the Secretary to determine the ownership of such animal for such period preceding its slaughter as the Secretary determines by regulation to be necessary to identify and control unlawful residues. The carcass of any such animal, which was not so identified at the time of slaughter, and the parts, meat and meat food products thereof, shall be identified, held, inspected, condemned, or otherwise handled as may be prescribed by regulation."

"(b) No person, firm, or corporation shall falsify or misrepresent to any other person, firm, or corporation or to the Secretary the identity of any current or previous owner of any cattle, sheep, swine, goat, horse, mule, or other equine or carcass thereof."

SEC. 305. Section 10 of the Federal Meat Inspection Act (81 Stat. 584, 589, as amended; 21 U.S.C. 610) is amended by changing the period at the end of subsection (d) to a semicolon and adding the following new subsections (e) and (f):

"(e) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any such article under detention or quarantine pursuant to section 25 of this Act, except under written permission of the Secretary and in accordance with the conditions stated in such written permission, or until the detention or quarantine order has been revoked by the Secretary;

"(f) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any such article which such person, firm, or corporation knows or has reason to believe bears or contains any unlawful residue."

SEC. 306. Section 202(a) of the Federal Meat Inspection Act (81 Stat. 593; 21 U.S.C. 642 (a)) is amended by adding the following new paragraph (4):

"(4) Any persons, firms, or corporations that engage, in commerce, in the business of raising any cattle, sheep, swine, goats, horses, mules or other equines, whenever the Secretary has reason to believe that articles on the premises of the person, firm, or corporation may bear or contain any unlawful residue."

SEC. 307. Section 4 of the Poultry Products Inspection Act (82 Stat. 792, as amended;

21 U.S.C. 453) is amended by adding the following subsections (cc), (dd), and (ee):

"(cc) The term 'biological residue' means any substance, including metabolites, remaining in or on any poultry, or poultry product thereof, as the result of treatment with or exposure of such poultry or poultry product to any pesticide chemical, food additive, color additive, or new animal drug or any other organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

"(dd) The term 'unlawful residue' means any biological residue which exceeds the tolerances established under this Act or any other Federal statute for such biological residue.

"(ee) The term 'new animal drug' shall have the same meaning for the purposes of this Act as under the Federal Food, Drug and Cosmetic Act."

SEC. 308. Said Poultry Products Inspection Act is further amended by adding after Sec. 8 the following new sections 8a and 8b:

"SEC. 8a. (a) Whenever any poultry or poultry product is found by the Secretary upon any premises where it is held for purposes of distribution in commerce, or during or after such distribution, or is otherwise subject to the provisions of this Act, and there is reason to believe that such article may bear or contain any unlawful residue, it may be detained or quarantined, along with the premises at which there is reason to believe the article acquired such unlawful residue, by order of the Secretary. Any such article or premises shall remain under detention or quarantine until such time as (1) the Secretary determines, upon the basis of information furnished by the owner or possessor of the article, or the owner of the affected premises, or upon other available information that the article or other such articles originating from such premises do not bear or contain an unlawful residue, and the order is revoked; or (2) all such articles which may bear such unlawful residue are voluntarily destroyed or otherwise disposed of in accordance with such regulations as the Secretary shall prescribe.

"(b) If, after delivering or otherwise parting with possession of any such article, any person has reason to believe that the article bears or contains any unlawful residue, such person shall promptly notify the Secretary of the basis for this belief and of the article which is believed to be affected.

"(c) Any person adversely affected by any detention or quarantine order issued by the Secretary under this section may request an expedited hearing in accordance with the regulations prescribed by the Secetary. The determination of the Secretary shall be final and conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The detention or quarantine order shall remain in effect pending any hearing and final determination by the Secretary and any appeal to the proper Court of Appeals. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended, 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(d) Notwithstanding the provisions of the Act of June 5, 1948 (62 Stat. 644, 21 U.S.C. 695), or the provisions of any other statute, the costs of any testing conducted for the purpose of determining whether any poultry or poultry product which has been detained or quarantined pursuant to this section, or any such article originating from a premises quarantined pursuant to this section, is free from any unlawful residue, shall be borne by the owner of the article or premises involved, and not by the United States.

"(e) The authority conferred on the Secretary by this Act regarding unlawful residues with respect to persons, firms, and corporations engaged in the kinds of business in or for commerce, as specified in Section 11 of the Act, may be exercised by the Secretary with respect to persons, firms, or corporations engaged, in any State or organized Territory, in such kinds of business not in or for commerce, until the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of the Act, that the State or Territory has at least equal authority under its laws and that such authority is exercised in a manner to effectuate the purposes of this Act regarding unlawful residues."

"SEC. 8b. (a) Notwithstanding any other provision of this Act, the Secretary shall have the authority to require any person, firm or corporation slaughtering any poultry at any establishment preparing any such poultry or poultry product thereof for commerce, to furnish identification of ownership of such poultry in a manner sufficient to enable the Secretary to determine the ownership of such poultry for such period preceding its slaughter as the Secretary determines by regulation to be necessary to identify and control unlawful residues. The carcass of any such poultry, which was not so identified at the time of slaughter, and the parts, and poultry products thereof, shall be identified, held, inspected, condemned, or otherwise handled as may be prescribed by regulation.

"(b) No person, firm, or corporation shall falsify or misrepresent to any other person, firm, or corporation or to the Secretary the identity of any current or previous owner of any poultry or poultry product."

SEC. 309. Section 9(a) of the Poultry Products Inspection Act (82 Stat. 800; 21 U.S.C. 458(a)) is amended by changing the period at the end of paragraph (5) to a semicolon and adding the following new paragraphs (6) and (7):

"(6) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any poultry or poultry product under detention or quarantine pursuant to section 8a of this Act, except under written permission of the Secretary and in accordance with the conditions stated in such written permission, or until the detention or quarantine order has been revoked by the Secretary;

"(7) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any poultry or poultry product which such person knows or has reason to believe bears or contains any unlawful residue."

SEC. 310. Section 11(b) of the Poultry Products Inspection Act (82 Stat. 801; 21 U.S.C. 460(b)) is amended by adding the following new paragraph (4):

"(4) Any persons, firms, or corporations that engage, in commerce, in the business of raising any poultry, whenever the Secretary has reason to believe that articles on the premises of the person, firm or corporation may bear or contain any unlawful residue."

TITLE IV—BRIBERY

SEC. 401. Section 22 of the Federal Meat Inspection Act (34 Stat. 1264, as amended; 21 U.S.C. 622) is amended to read as follows:

"SEC. 22. (a) Any person, firm, or corporation subject to the provisions of this Act, or any officer, agent, or employee of such person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any person authorized to perform any of the duties prescribed by this Act or by the regulations of the Secretary under this Act, any money, gift, or other thing of value, for or because of any official act performed or to be performed, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not more than $20,000 or imprisoned not more than 4 years, or both.

"(b) Any person authorized to perform any of the duties prescribed by this Act or by the regulations of the Secretary under this Act who shall seek or accept any money, gift, or other thing of value, for or because of any official act performed or to be performed, from any person, firm, or corporation engaged in any business subject to the provisions of this Act, or any officer, agent, or employee thereof, shall be guilty of a felony and, upon conviction thereof, shall be summarily discharged from office, and shall be fined not more than $20,000 or imprisoned not more than 4 years, or both."

SEC. 402. Section 12 of the Poultry Products Inspection Act (71 Stat. 446, as amended, 21 U.S.C. 461) is amended by adding a new subsection (f) to read as follows:

"(f)(1) Any person subject to the provisions of this Act, or any officer, agent, or employee of such person, who shall give, pay, or offer, directly or indirectly, to any person authorized to perform any of the duties prescribed by this Act or by the regulations of the Secretary under this Act, any money, gift, or other thing of value, for or because of any official act performed or to be performed, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not more than $20,000 or imprisoned not more than 4 years, or both.

"(2) Any person authorized to perform any of the duties prescribed by this Act or by the regulations of the Secretary under this Act who shall seek or accept any money, gift, or other thing of value, for or because of any official act performed or to be performed, from any person engaged in any business subject to the provisions of this Act, or any officer, agent, or employee thereof, shall be deemed guilty of a felony and, upon conviction thereof, shall be summarily discharged from office, and shall be fined not more than $20,000 or imprisoned not more than 4 years, or both."

SEC. 403. Subsection (h) of section 203 of the Agricultural Marketing Act of 1946 (60 Stat. 1088, as amended; 7 U.S.C. 1622(h)) is amended by inserting after the existing paragraph the following sentences:

"Any person, firm, or corporation receiving services under this section, or any officer, agent, or employee of such person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any person authorized to perform any of the duties prescribed by this subsection or by the regulations of the Secretary under this subsection, any money, gift, or other thing of value, for or because of any official act performed or to be performed, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not more than $20,000 or imprisoned not more than 4 years, or both. Any person authorized to perform any of the duties prescribed by this subsection or by the regulations of the Secretary under this subsection who shall seek or accept any money, gift, or other thing of value, for or because of any official act performed or to be performed, from any person, firm, or corporation receiving services under this subsection, or any officer, agent, or employee thereof, shall be deemed guilty of a felony and, upon conviction thereof, shall be summarily discharged from office, and shall be fined not more than $20,000 or imprisoned not more than 4 years, or both."

SEC. 404. Section 12 of the Egg Products Inspection Act (84 Stat. 1628, as amended; 21 U.S.C. 1041) is amended by adding a new subsection (f) to read as follows:

"(f)(1) Any person, subject to the provisions of this Act, or any officer, agent, or employee of such person, who shall give, pay, or offer, directly or indirectly, to any person authorized to perform any of the duties prescribed by the Act or by the regulations of the Secretary under this Act, any money, gift, or other thing of value, for or because of any official act performed or to be performed, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not more than $20,000 or imprisoned not more than 4 years, or both.

"(2) Any person authorized to perform any of the duties prescribed by this Act or by the regulations of the Secretary under this Act who shall seek or accept any money, gift, or other thing of value, for or because of any official act performed or to be performed, from any person engaged in any business subject to the provisions of this Act, or any officer, agent, or employee thereof, shall be deemed guilty of a felony and, upon conviction thereof, shall be summarily discharged from office, and shall be fined not more than $20,000 or imprisoned not more than 4 years, or both."

TITLE V—GENERAL PROVISIONS

SEC. 501. If any provision of tihs Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 502. This Act shall become effective ________.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 2, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We enclose for the consideration of the Congress a draft bill, "To assure the safety and quality of our nation's meat, poultry, and egg products by providing the Secretary of Agriculture with the authority to quarantine animals if he believes they may contain illegal residue levels; to strengthen the enforcement power of the Secretary under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Agricultural Marketing Act of 1946 by providing authority to withdraw inspection services under certain conditions; to levy civil penalties for certain violations; and to provide consistent standards and penalties for bribery." The bill would be cited as the "Food Safety and Quality Amendments of 1980."

Enactment of the bill will provide needed reform rather than fundamental change of current law. In response to changing conditions affecting the meat, poultry and egg industries, the Food Safety and Quality Amendments of 1980 are a continuation of the trend to provide full authority to assure consumers of the safety of the food supply and to provide adequate enforcement powers to carry out this task.

Federal involvement in meat inspection began with the Meat Inspection Act of 1890 as the result of the concern over the wholesomeness of livestock and the sanitary conditions under which meat products were prepared in this country. Subsequent refinements of this law came with the enactment of the Federal Meat Inspection Act of 1907 and the Wholesome Meat Act of 1967. Combined with the passage of the Poultry Products Inspection Act of 1957, as amended by the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970, these Acts, taken as a whole, represent a Federal commitment to assure that our nation's food supply is safe and wholesome.

The first problem dealt with in these amendments is the need to increase authority to deal with the growing prevalence of chemical residues. Since the end of the second World War, a "toxics revolution" has occurred as previously unknown substances have been developed and manufactured and have entered the food supply. American agriculture, including the meat and poultry industries, have become dependent on chemicals to enhance production. The residue prevention provisions of the proposed amendments are intended to remedy two specific deficiencies: first, the inability to identify the source of animals found to contain an illegal level of residues; and second, the lack of authority to quarantine other animals at the location determined to be the source of the residues. Such authority is needed to ensure that those animals also are not contaminated. This proposal would authorize changes in the Federal Meat Inspection Act and the Poultry Products Inspection Act generally in line with the recommendations for quarantine authority and animal identification requirements made by the General Accounting Office in its Report, dated April 17, 1979, Problems in Preventing the Marketing of Raw Meat and Poultry Containing Potentially Harmful Residues.

The second problem addressed by the amendments is the inability of the inspection program to take prompt and effective action that would prevent or deter certain violations of the law. To enhance the Department's enforcement authority the proposed amendments would authorize the Secretary of Agriculture to impose civil penalties for certain violations, would provide for summary refusal to provide inspection or withdrawal of inspection pending the outcome of administrative hearings and appeals, and would strengthen the integrity provisions.

The current Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act provide criminal penalties for violations of the Acts. In addition, the Secretary of Agriculture has discretionary authority to handle certain violations with a warning letter in lieu of reporting the violations for criminal prosecution. Since a criminal conviction carries with it the possibility of a jail sentence and the stigma of "criminal" prosecution is only pursued for those cases where the Department and the U.S. Attorney feel that severe penalties are appropriate. In practice, only a small percentage of the 900–1000 violation cases are referred to the Department of Justice for review for criminal prosecution each year. Most cases are closed with letters of warning or information.

This Department intends to seek a Memorandum of Understanding with the Department of Justice to clarify the criteria for identifying violations which will be disposed of by letters of warning.

The proposed legislation would permit flexibility in dealing with violations, which vary in seriousness and in the degree of culpability of the violator. Imposition of penalties through administrative proceedings will allow disposition of violations which are not insignificant but which may not warrant criminal prosecution.

With regard to withdrawal of inspection, the present Acts now provide that the Secretary may refuse inspection or withdraw inspection from any official establishment when, among other things, a person responsibly connected with that firm or official establishment has been convicted of certain crimes or, in some instances, for violations of the sanitation and operating requirements of the regulations. However, said provisions do not adequately encompass all of those who repeatedly fail to comply with the Acts and the regulations, and, in some instances, the opportunity for an adjudicatory hearing and judicial review is provided before the Secretary may act. The establishment may continue to operate until the appeal process has finally run its course. Thus, unfit establishments may continue to supply the public with product during the course of these procedings. The proposed amendments would provide for summary refusal to provide inspection or withdrawal of inspection pending the outcome of administrative hearing and appeals and would enlarge the Department's authority to deal with chronic violators.

Because of the unique pressures and opportunities for the development of improper relationships between the regulated industry and inspectors or graders, it is necessary to take the strongest possible stand against activities that can undermine the integrity of the inspection and grading programs. The integrity provisions in the proposed bribery amendments would expressly add penalties to the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Agricultural Marketing Act of 1946 for offering or receiving bribes or gratuities. These provisions also would modify the bribery provisions in the Federal Meat Inspection Act to equalize the standard of proof and penalties for conviction of industry members and government employees and make them more consistent with the general requirements contained in Title 18, U.S. Code. The amendments would also increase the penalties for violating the bribery provisions.

Enactment of the draft bill is an essential measure to protect the public health and strengthen the integrity of our food inspection system. The Office of Manageemnt and Budget advises that it has no objection to the presentation of this legislation from the standpoint of the Administration's program.

Sincerely,

BOB BERGLAND,
Secretary.●

By Mr. HEINZ:

S.J. Res. 214. Joint resolution to authorize and request the President to designate January 17 of each year as "Benjamin Franklin Day"; to the Committee on the Judiciary.

BENJAMIN FRANKLIN DAY

● Mr. HEINZ. Mr. President, today it gives me great pleasure to introduce a resolution requesting the President to designate January 17 of each year as "Benjamin Franklin Day" honoring this great American's birthday. I would like to take this opportunity to urge the swift passage of this resolution which will insure that posterity commemorates the achievements of Dr. Franklin with appropriate ceremonies and activities on Federal, State, and local levels.

The record of this unique man's public service is rich and varied. Even before this Nation had declared its independence, Franklin was one of the chief spokesmen for the American colonies in their debates with the British monarch and his ministers over self-government. As a leading Pennsylvania citizen, Dr. Franklin was appointed as a delegate to the Second Continental Congress where he was instrumental in the drafting and final passage of the Declaration of Independence.

Beginning in September of 1776, Franklin served in Europe as America's chief diplomat. Through his tireless efforts, he was able to secure financial and military aid from France during the American Revolution, hastening the end of the Revolutionary War and assuring an American victory.

The statesman Franklin was also one of the American negotiators for the Treaty of Paris which brought a formal end to the hostilities with England and recognition of the 13 former colonies as a sovereign State.

One of Franklin's most important services to our country came while he was a member of the 1787 Constitutional Convention. At the advanced age of 79, Benjamin Franklin helped to frame the U.S. Constitution. Arguing for principles we now so commonly accept, Franklin helped to define the delicate relationship between democratic ideals and institutional soundness which our Constitution so successfully embodies.

As impressive as Benjamin Franklin's public service was, his accomplishments were not restricted to these endeavors. Franklin was also an inventor, author, publisher, and scientist of repute. Many of his ideas are now taken for granted. He invented a type of stove, still manufactured today, as well as the lightning rod and bifocal eyeglasses. In addition to these achievements, he helped to establish institutions such as the fire company, library, insurance company, and hospital. In some cases, these institutions were the first of their kind in colonial America.

Pennsylvania has long been active in promoting one of its best known and most beloved sons. Spending the better part of his adult life in Philadelphia, Franklin enriched city life with many enjoyable and informative publications such as the Pennsylvania Gazette and Poor Richard's Almanac. In addition, his service as postmaster, civic leader, scientific innovator, and revolutionary spirit has been a source of pride for all Pennsylvanians. The Franklin Mint, the Franklin Institute, Independence Hall, and numerous other civic institutions, statutes, and monuments in Philadelphia each testify to Franklin's strong influence even today on the social and political life of all Pennsylvania.

Franklin exemplified in his own nature the ideals and principles upon which this Nation was built. With the enactment of this resolution we can assure that future generations will continue to remember and pay tribute to a symbol of our country's greatness.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S.J. Res. 214

Whereas Benjamin Franklin, as an inventor, author, publisher, scientist and public servant, exemplifies the imagination and ingenuity which has contributed greatly to improving the quality of American life throughout its history;

Whereas Benjamin Franklin, as a representative to the 2nd Continental Congress, was instrumental in the adoption of the Declaration of Independence as both a coauthor and signatory, and as such, is honored as one of our country's foremost patriots and founding fathers;

Whereas Benjamin Franklin's tireless efforts in the service of the nation as a statesman and a diplomat secured the invaluable support of France during the nation's most trying days;

Whereas Benjamin Franklin, as a delegate to the Constitutional Convention of 1787 and as a signer of the Constitution, helped to insure that the hard won freedoms of the new nation would be preserved for future generations; and

Whereas Benjamin Franklin was an architect and spokesman for the principles which have become the foundation and basic tenets of American life which still remain applicable today: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate January 17 of each year as "Benjamin Franklin Day" and to call upon Federal, State, and local government agencies, and the people of the United States to observe such day with appropriate programs, ceremonies and activities.●

ADDITIONAL COSPONSOR

S. 3212

At the request of Mr. Moynihan, the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of S. 3212, a bill to designate the "Thomas J. McIntyre Federal Building".

SENATE RESOLUTION 555—ORIGINAL RESOLUTION SUBMITTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. GLENN submitted the following original resolution; which was referred to the Committee on the Budget:

S. Res. 555

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 5888. Such waiver is necessary because the bill authorizes appropriations to be made for Fiscal Year 1981 and was not reported out of a Senate Committee by May 15, 1980.

SENATE RESOLUTION 556—RESOLUTION RELATING TO THE MURDER OF FOUR AMERICAN MISSIONARIES IN EL SALVADOR

Mr. METZENBAUM (for himself, Mr. Zorinsky, Mr. Tsongas, Mr. Pell, Mr. Hatfield, Mr. Chafee, Mr. Moynihan, Mr. Durenberger, Mr. Riegle, and Mr. Levin) submitted the following resolution; which was held at the desk by unanimous consent:

S. Res. 556

Whereas four American missionaries were brutally murdered in El Salvador in December 1980: Sister Dorothy Kazel, an Ursuline nun; Ms. Jean Donovan, a lay missionary; and Sisters Ita Ford and Maura Clarke, Maryknoll nuns;

Whereas the four American missionaries, assigned to the mission at La Libertad, El Salvador, had been actively assisting the poor of El Salvador by involvement in nutritional programs for young children and mothers, and by working with refugees uprooted by political violence.

Whereas El Salvador has been torn apart by senseless political violence which has claimed the life of Archbishop Oscar A. Romero and countless others; and

Whereas the murderers of Archbishop Romero and others, including Catholic priests and nuns, have not to date been identified, apprehended or brought to justice: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) deplores the brutal murder of four American missionaries in December 1980, in El Salvador; and

(2) expresses its deepest sympathy to the families of the slain, to the mission at La Libertad, El Salvador, and to the Ursuline and Maryknoll orders of nuns.

(b) It is the sense of the Senate that the President should urge the Government of El Salvador to take prompt action to bring the perpetrators of these brutal murders to justice.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. METZENBAUM. Mr. President, word has reached us today from El Salvador of the senseless, brutal murder of four American Catholic missionaries—Sister Dorothy Kazel of the Ursuline Order, Sisters Ita Ford and Maura Clarke of the Maryknoll Sisters, and Ms. Jean Donovan, a lay volunteer.

It goes without saying that decent people the world over have reacted to this odious crime with sadness, with grief, and above all with profound shock at seeing once again the foul results of the cruel and savage depravity that lurks in some dark recess of the human mind.

The sadness and the outrage that all of us feel about this tragedy is compounded in my home city of Cleveland.

Two of our own are numbered among the four martyrs of El Salvador.

Sister Dorothy Kazel, a member of the Ursuline Order, was a guidance counselor at Cleveland's Beaumont High School. She taught business at the former Ursuline Sacred Heart School in east Cleveland.

Jean Donovan, also a Clevelander, earned her master's degree at Case Western Reserve University and the La Libertad Mission, from which Sister Kazel and Ms. Donovan set out on their last journey, is a project of the Cleveland's Catholic Diocese.

What kind of people were they?

Terri Shaw, a senior associate at the Carnegie Endowment for International Peace, described them for us in an article that appeared in today's edition of the Washington Post:

As soon as I climbed into the van that sunny day in El Salvador last month, I knew they were from Ohio.

They had that same cheerful, well-scrubbed look of the women I see driving tractors or shopping in Kroger's when I visit my parents in southwestern Ohio.

Jean Donovan, 27, with her close-cropped blond hair looked like a member of the high school band.

Dorothy Kazel, 41, behind the wheel of the van, didn't look much older. She could have been a home economics teacher in my high school in suburban Cleveland.

Jean chuckled when I asked if they were from the midwest and confirmed that Ohio was their home.

The day Jean and Dorothy gave me a ride, Ms. Shaw continued, we didn't have much time to delve into the question of why two young women from Cleveland were risking their lives in El Salvador, where thousands of people have been killed in political violence this year.

They knew that working with the poor as Catholic missionaries was considered subversive by the right-wing terrorists and their allies in the armed forces who are believed to have killed hundreds of men, women and children suspected of sympathizing with the left.

But they persisted, sustained by their deep religious faith that the Lord's work lay in feeding the children of El Salvador's poor, in caring for young mothers and in ministering to the thousands of refugees

> that war and violence have driven from their homes.
>
> I called Sister Bartholomew, General Superior of the Ursuline Order in Cleveland, Terri Shaw wrote, "to ask the question I hadn't had time to ask Dorothy and Jean. Why did they stay to work in such a dangerous situation?
>
> They felt they were serving the people, Sister Bartholomew said, bringing gospel values to people in turmoil and suffering. They loved the people.

We do not know as yet the identities of the cowardly thugs who took the lives of these brave and good women.

El Salvador is afflicted with a plague of heartless terrorists who rape and murder in the name of a variety of political causes and ideologies.

But there are two things we do know, Mr. President.

The first is that the murders of the four American women are just the latest in a long and depressing string of barbarities directed at the Catholic Church and its people in El Salvador.

The second thing we know is that to date, not a single one of those responsible for a ruthless, bloody reign of mindless terror in that country has been identified, apprehended or brought to justice.

Let me call the attention of the Senate to just some of the things that have been happening in El Salvador.

I am sure that everyone here knows of the coldblooded murder last year of Archbishop Oscar Romero, shot down while in the act of saying Mass.

I am sure that all of us recall the machinegunning of the crowd that gathered for the Archbishop's funeral.

But there's more—much more.

Recently an article appeared in the weekly newspaper of the Catholic Diocese of San Salvador entitled "A Chronology of Persecution Against the Church: January to October, 1980."

Listen to just a few of the incidents that were listed.

On January 12, a nun was taken from a bus by the National Guard troops and threatened with execution.

On February 18, National Guard troops machinegunned a parish church.

On April 26, seven religious instructors were tortured and killed by a group of men that reportedly included Salvadorean Army personnel.

On June 8, security forces violently broke up meetings of Christian community groups in three separate locations.

The list goes on and on.

The Catholic paper speaks of the "horrendous killing of an entire family," of the "horrible assassination" of a member of the Salvadorean Human Rights Commission, of the explosion of a high-powered bomb that destroyed part of the archdiocesan offices and the entryway of a seminary.

Nine priests have been murdered in the past few years. Last week, two more disappeared in mysterious circumstances.

And now, four American names have been added to the long, sad list of innocent victims of this bestial violence.

Mr. President, we cannot at this time point a finger of blame—we do not know who did this foul deed.

But I say that the time has come to inform the Government of El Salvador that we demand to know.

The time has come to say that the American people want action—vigorous, timely action—to root out and bring the killers to justice.

And the time has come for civilized people everywhere to demand in the names of these four martyrs an end to the persecution of the Catholic Church in El Salvador—and above all we must cry out for an end to the madness that cut short their lives.

In that spirit, Mr. President, I offer a sense of the Senate resolution.

The resolution deplores the murders.

It expresses the Senate's deepest sympathy to the families of the slain, to the mission at La Libertad and to the Maryknoll and Ursuline Sisters.

And it calls upon the President to urge the Government of El Salvador at last to take vigorous action to bring to justice the contemptible criminals who coldly took these precious lives.

● Mr. ZORINSKY. Mr. President, as chairman of the Western Hemisphere Affairs Subcommittee, I rise in support of Senator METZENBAUM's resolution. Moreover, I want to voice a loud and clear alarm to avert a catastrophic situation in El Salvador.

El Salvador, a nation in the throes of political violence and turmoil, is on the brink of an open and horrible civil war. The nation continues its way down the path of polarization, and terrorism—a major problem in these past years—today poses such a threat to the already shaky U.S.-supported government that open warfare is rapidly becoming an inevitability. Influences from outside that country must now be brought to bear on the situation before the already damaged nation becomes a sea of blood in increasingly turbulent Central America. Responsible voices must be heard and action must be taken to help the Salvadoran people who have become the innocent victims of this frightful political terror.

I call on the Organization of American States to place all the resources and instruments at its command to quickly step in and help put an end to this situation. Hopefully, Secretary General Orfila can mobilize the OAS—perhaps convene the foreign ministers in an emergency meeting of consultation so that the nations of the Western Hemisphere collectively can bring an end to the bloodshed and violence in beleaguered El Salvador.

In this year alone, over 9,000 people have been killed—that is about 20 people every day in this tiny nation of 4½ million people. In the past months, this political violence has claimed the life of Archbishop Oscar A. Romero, politicians of the right, just last week the lives of five politicians practically wiping out the leadership of the left—and that includes moderates—and now the tragic, brutal slaying of these four innocent American church workers.

The church has been a particular target of this horrendous violence—the assassination of the Archbishop last March, a number of priests in the past few years, and now this horrible deed perpetrated against American nuns and their aide.

Reports of Salvadoran military complicity in this violence are terribly disturbing. According to reports, a Christian Democratic member of the junta could not rule out the possibility that elements of the military or the government "might have been involved" in the death of the nuns. The Maryknoll order in New York said yesterday that:

> Evidence provided by reliable sources close to the situation indicates that the military was instrumental in the disappearance and death of these four women.

Amnesty International in a communication to the United Nations referred to "the overwhelming evidence that Salvadoran troops were responsible for the detention and murder" of opposition leaders.

The Carter administration must act quickly and with vigor to impress its serious concern over this worsening situation. The United States immediately should place a hold on all assistance to El Salvador, including ESF loans and military assistance, as well as the six helicopters that were about to be delivered. If it has not already done so, I would also urge the President to recall the Army advisory group that is in El Salvador.

Furthermore, I call on President-elect Reagan to make a strong and clear statement regarding his policy toward Latin America. The upsurge in terrorist activity and violence in El Salvador and elsewhere in Central America is just one example of the need for such a statement. Rightiest forces, including the military, have been emboldened by their perception that the Reagan administration supports their position in the name of anti-communism. The left is showing signs of frustration and desperation by taking action to improve their position before the Reagan administration comes to power because of their perception that the United States will strengthen Rightiest forces.

El Salvador is clearly on the brink of a bloodbath even more horrendous and violent than this state of war which actually exists at this very moment. We, all the nations of the hemisphere, must move quickly to prevent this disaster and further bloodshed.●

● Mr. PELL. Mr. President, I wish to voice my deep concern for the rapidly deteriorating situation in El Salvador and to support Senator METZENBAUM's resolution. I also wish to support the remarks made by Senator ZORINSKY, in particular his call for action by the Organization of American States.

The tragic and violent deaths of three Maryknoll nuns and their aide in El Salvador unfortunately had to be the trigger to call the attention of the American public to the terrible deteriorating situation in El Salvador. Let not the deaths of these Americans be sounded as a signal that the people of El Salvador are doomed to even more bloody and violent turbulence.

The situation in El Salvador has been evolving over the past few years but many felt that with the ouster of the military government in October 1979 the country would be on the road to moderate rule. The U.S. Government has given its strong support for the military-civilian junta which came to power in January 1980 because of the belief that it was moderate, had popular support and was dedicated to political, social, and economic reform. The situation, however, continues to deteriorate. The political violence, perpetrated by terrorists of the extreme right and the extreme left, goes on at the rate of about 20 persons per day and for this year totals about 9,000 victims. All of this is leading to increasing polarization, with the once vibrant and important Salvadoran moderate middle sector being rapidly eliminated.

One of the most disturbing aspects of this violent campaign are the charges being made by very credible groups that the government and the army are involved in this violence. Senator ZORINSKY referred to the Maryknoll Order and to Amnesty International as among those who have made these charges.

I recall that early in the beginning of this year Archbishop Romero, from his pulpit, pleaded with the United States to temper its support for the military-civilian government and not provide military assistance. Archbishop Romero and the Salvadoran people paid for his brave stand with his assassination in March.

I want to voice my support for the proposal that the U.S. Government immediately halt all forms of assistance, economic and military, until the situation seems more stable.

Further bloodshed must be avoided before El Salvador boils over into a terrible civil war. The United States and other nations should use their influence to calm this tense situation. The Carter administration must be firm and resolute to help avoid a catastrophe. I would also call on President-elect Reagan to make a clear statement of his policy on the situation. There are too many disturbing reports that the extreme right in El Salvador and other countries of Central America perceive the incoming administration as being in full support of them in the name of anti-Communism.

I hope and pray that peace and tranquility will soon return to the nation of El Salvador and its people.●

AMENDMENTS SUBMITTED FOR PRINTING

TREATMENT OF PUBLIC UTILITY PROPERTY

AMENDMENT NO. 2858

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI (for himself, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (H.R. 6806) to amend sections 46(f) and 167(l) of the Internal Revenue Code of 1954 with respect to the treatment of public utility property.

● Mr. DOMENICI. Mr. President, during the conference on the windfall profit tax a provision was added to the legislation relating to energy tax credits. Specifically, the provision would prohibit an individual or business from claiming a Federal tax credit on that portion of an eligible solar or conservation energy device which was purchased using Federal, State, or local "subsidized energy financing." The justification for this prohibition of multiple incentives, both tax credits and Federal, State, and local loans, was that it could lead to the diversion of "substantial resources from more effective uses."

I will not argue about how much of a diversion this multiple subsidy may in fact be, although I do not feel it is great. Nor will I argue that the use of solar and conservation devices is in fact an "effective" use of our resources. What I will argue, Mr. President, is that when the Congress passed on this provision in its rush to pass the windfall tax, we threw a number of State and local loan programs into disarray.

This provision, known as the Double Dipping Provision, has caused the solar loan program in the State of New Mexico to fall into disuse because of the uncertainty created by it. My State is not alone, Mr. President, there are 12 other States with programs affected by this provision according to the information we have gathered. They include Alaska, California, Connecticut, Iowa, Maryland, Massachusetts, Montana, Oregon, Tennessee, Virginia, Washington, and Wisconsin.

My amendment would correct this confusion and set the record straight, Mr. President. It would remove State and local subsidized energy financing from that financing which would not be eligible for the Federal tax credits. It is a simple amendment with a simple purpose. I believe the Members of this body will support this amendment because States must not be prohibited from pursuing their own efforts to promote conservation and solar energy use by either direct or indirect Federal intervention.●

CONTINUING APPROPRIATIONS, 1981

AMENDMENT NO. 2859

(Ordered to be printed and to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 637) making further continuing appropriations for the fiscal year 1981, and for other purposes.

● Mr. MOYNIHAN. Mr. President, I rise to introduce an amendment to House Joint Resolution 637, a bill making further continuing appropriations, 1981. The initiative is designed to strike the pay raise that the Appropriations Committee has proposed to allow for Members of Congress and senior employees in all three branches of the Federal Government, while at the same time it retains the planned 10-percent cut in the expenses of the Senate.

There are few among us who would not personally welcome a salary increase. But it would be irresponsible and unresponsive to the clear wishes of the American people if we were to allow it to occur at this time and in this way.

For the last several years, the cost of living has increased faster than the incomes of most Americans. The result is steady erosion in the standard of living of most families.

It is widely agreed that Government deficit spending is one cause of inflation. It is widely agreed that Government spending now consumes too large a fraction of the gross national product. That, at least, is one of the clear messages delivered by the electorate on November 4, and it should be unthinkable that we should disregard it now, in the final hours of a lameduck session. It should be especially unthinkable that we would disregard it in this particular way: not by voting additional funds to the needy and those on fixed incomes—the hardest hit victims of inflation; but by voting additional funds to insulate ourselves and the highest paid employees of the Federal Government, people whose individual salaries already exceed $50,000 a year, against the effects of inflation.

We have just this week passed a budget reconciliation bill which cuts Federal spending by $4.6 billion. As a member of the Budget Committee, and a conferee for the bill, I can attest to the tremendous difficulty of this task. Are we now to turn around a very few days later and grant an increase of roughly $100 million to the highest paid employees of the Government?

I do not believe that the American people want us to vote ourselves pay raises. And I will therefore, at the appropriate time, move my initiative to maintain the prohibition against such raises that would be in effect during fiscal 1981 if H.R. 7593—the Legislative Branch Appropriations Act—had been enacted into law.

In recent weeks two Washington Post editorials have opposed this pay increase, one going so far as to describe it as part of a "rip-off," and I ask unanimous consent that they be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 25, 1980]

OLD HANDS IN THE TILL ON THE HILL

With the requisite amounts of guile and gall, members of the lame duck Congress have come up with an ingenious and expensive move that could line their pockets handsomely when they leave town in January. The plan, uncovered by Federal Diary columnist Mike Causey, would: 1) jack up the salary for each member of Congress by more than $10,000—to a total of $70,900—and 2) let members who had been defeated or who plan to retire in January cash in on a 7.7 percent cost-of-living raise that went into effect in September for already-retired federal and military personnel.

True to past grubby form, the members are playing down this version of the money game; and they have even thought up a way to package their gift to themselves so that President Carter might not be able to veto it. The idea, reported to have been cleared by Senate and House leaders, is to couple the congressional raises with raises for top federal government employees who have been unfairly stuck under a salary ceiling—and to include it in a continuing resolution that Congress must act on before adjourning.

To answer any taxpayers who don't appreciate the benefits of this arrangement, the lame-duck lawmakers will surely cite their own collective thoughtfulness as a departing Congress doing something nice for the incoming Congress—and never mind where the twain may meet. But even those members who won't be sticking around long enough to make much out of the pay raise would be able to use it in calculating their average salary for retirement benefits. This, along with that cost-of-living break that they're cutting themselves into, would mean lifetime annual annuity increases worth several thousands of dollars a year.

It all adds up to a rip-off—and if it takes a veto by President Carter, complete with a call for another session to do it until they do it right, so be it.

[From the Washington Post, Dec. 5, 1980]

Politician, Pay Thyself

On Wednesday evening, the Senate Appropriations Committee slipped a hefty congressional pay raise into a bill and whistled it off to the floor. It was the same raise they said last week they wouldn't dream of giving themselves—amounting to more than $10,000, for a total salary of $70,900. This, or any other increase that could squeak through Congress in these final hours, should be vetoed by the President.

Often the parties to these actions will retreat when the spotlight of publicity is turned on them, which could explain all the denials that were emanating from these halls when the first report of the pay-raise maneuvers appeared. And during the day yesterday, many senators were quick to rise in scripted indignation and well-rehearsed shock at the very thought of such a selfish, stealthy, wasteful act occurring in their midst. After all, members of the House had gone to considerable—well, modest—pains to include language specifically banning any such congressional pay raise.

So how does all this come out in the end? In the frantic scrambling to break stereophonic filibusters, enact continuing resolutions and pack up—in many instances for the last time—it can be quite a job discovering exactly how much money the lawmakers finally do scoop up at the cashier's window before they head for home. This time, maybe the glare has proved too bright for such a plan to get all the way through Congress. But until the crack of that final gavel, don't be too sure.

MAKING SELECT COMMITTEE ON INDIAN AFFAIRS A PERMANENT COMMITTEE OF THE SENATE

AMENDMENT NOS. 2860 THROUGH 2868

(Ordered to be printed and to lie on the table.)

Mr. Cannon submitted nine amendments intended to be proposed by him to the amendment of the Committee on Rules and Administration to the resolution (S. Res. 448) to make the Select Committee on Indian Affairs a permanent committee of the Senate.

FARM CREDIT SYSTEM ACT AMENDMENTS

AMENDMENT NOS. 2869 THROUGH 2872

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted four amendments intended to be proposed by him to the amendment of the House of Representatives to the bill (S. 1465) to amend the Farm Credit Act of 1971 to permit farm credit system institutions to improve their services to borrowers, and for other purposes.

DISCLOSURE OF CERTAIN MAILING ADDRESSES BY THE INTERNAL REVENUE SERVICE

AMENDMENT NO. 2873

(Ordered to be printed and to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (H.R. 4155) to amend the Internal Revenue Code of 1954 to allow the Internal Revenue Service to disclose the mailing addresses of individuals who have defaulted on certain student loans solely for purposes of collecting such loans.

● Mr. NUNN. Mr. President, my amendment to section 454 of the Social Security Act is specifically intended to permit States to utilize all legal methods available to them to establish paternity including, but not limited to, requiring any applicant or recipient of aid or any other individual who requests the State to furnish the child support collection or paternity determination services established under the child support title IV–D plan to initiate civil or criminal proceedings against the putative father of the child and to provide testimony and sign documents necessary to establish paternity or secure support.

Mr. President, on October 10, 1978 there was a discussion between Senators Russell Long and Herman Talmadge, chairman and ranking member of the Senate Finance Committee, on the intent of Congress as to the paternity provisions in the statute establishing the child support title IV–D program. It was clearly stated by Senator Long that the key issue was and is to establish the paternity of the child, not the method the State uses in answer to Senator Talmadge's questions in relation to the methodology a State could use to discharge its duties under the child support provisions of the Social Security Act.

Let me repeat the questions asked by Senator Talmadge and answered by Senator Long.

Mr. Talmadge. Did not the committee authorize the establishment of the child support enforcement program as the mechanism best designed to do the work required by the law to undertake to locate the father and to establish the paternity of a child born out of wedlock for both AFDC children and, if requested, for children not receiving welfare and securing support for such children which had been neglected in all but a few States?

Mr. Long. Yes.

Mr. Talmadge. Is it not true that the congressional intent was not to require any specific methodology for a State to use in the establishment of paternity, but that the State was expected to use such methodology in the manner most effective for that State?

Mr. Long. Yes.

Mr. Talmadge. Could a State discharge its duties in the establishment of paternity by the State's attorney or the district attorney or the child support authority bringing an action against the man who is alleged to be the father of the child?

Mr. Long. Yes.

Mr. Talmadge. Could a State also discharge its duties by requiring the mother of the child to appear at the court or at the office of the district attorney or other law enforcement agency responsible for establishing paternity or otherwise obtaining or enforcing support obligations to swear out or sign a warrant or other legal document necessary to initiate appropriate legal proceedings?

Mr. Long. Yes. The key issue was and is to establish the paternity of the child and to establish it through a court order, not what method the State uses.

Mr. President, if anyone knows the intent of the child support legislation it obviously has to be Senator Long, the floor manager of the original legislation and the chief advocate of the program. I was a primary sponsor of the statute together with Senator Talmadge, and I agree with the interpretation as discussed by Senators Long and Talmadge.

Following this discussion, I sent a letter to Griffin Bell, at that time Attorney General of the United States, bringing it to his attention, because at that time the Justice Department was involved in litigation concerning this question. The suit of Eloise Lee versus Califano, Skelton, Johnson and Teal, Civil Action No. CV 578–32, was filed by legal aid in the Federal District Court in the Southern District of Georgia challenging the practice of the Georiga Child Support Recovery Unit of requiring, in some cases, an applicant for public assistance to initiate legal action against the alleged father where paternity is an issue.

I forwarded an informational copy of my letter to the Counsel of the Department of Health, Education and Welfare since one of the defendants in the Georgia case was the Secretary of HEW.

Let us go further than the legislative history of the child support and establishment of paternity program, part D of title IV of the Social Security Act. Let us examine the statute itself.

A rule of statutory construction is if the statute is clear on its face, there is no need to resort to an examination of legislative history.

Section 402 (a)26 of the Social Security Act requires, as a condition of eligibility, that each applicant for or recipient of AFDC must assign to the State all accrued support rights from any other person such applicant or recipient may have in his or her own behalf, or in behalf of any other family member for whom he or she is applying for or receiving AFDC, and cooperate in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, in securing support payments, and in obtaining any money or property due the assistance group unless such applicant or recipient is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary which take into consideration the best interest of the child on whose behalf aid is claimed.

Section 454 (4) of the Social Security Act requires that a State will undertake to establish the paternity of any illegitimate child receiving AFDC and to secure support for such child from his parent—or for any other person liable for his support—unless the agency administering the AFDC program in the State determines in accordance with the standards prescribed by the Secretary that it is against the best interest of the child.

Clearly, the statute does not prohibit the State from requiring that applicants and recipients assist the State in establishing the paternity of the child and securing support from the parent.

Clearly, the statute does not mandate what legal method a State must use either in establishing the paternity of the child or in securing support for such child.

Clearly, the statute requires that the applicants of or recipient for AFDC must cooperate with the State both in establishing the paternity of any illegitimate child for whom he or she is applying for or receiving AFDC and also in securing support for any child in the assistance group or be found by the State ineligible to receive AFDC unless the State determines that it is not in the best interest of the child.

I submit this amendment today because, in spite of the above mentioned discussion, and in spite of the clear language of the statute, HHS still questions the legal methods a State may use to establish paternity and secure support for a child on whose behalf AFDC benefits are being applied for or received.

The Georgia suit is still open. The principals are now Ernestine Stalen, et al, versus Patricia Roberts Harris, et al.

In September 1980, the Department of Justice Attorneys, in accordance with the decision of Secretary Harris, filed a motion to dismiss the Secretary from HHS from the case siding with the plaintiff against Georgia.

The Secretary of HHS obviously disagrees with the statute and with Senators LONG, TALMADGE, and myself as to the intent of Congress.

Mr. President, the legal method of establishing paternity whether by a criminal statute or by a civil statute, and Georgia now has both statutes, or by a State initiating the paternity action or requiring the mother to initiate it is not the key issue to the child support and establishment of paternity program, part D of title IV of the Social Security Act. The key issue is the establishment of the paternity of the child as expressed by the Finance Committee in its report 93-1356:

> The Committee believes that all children have the right to receive support from their fathers. The Committee bill, . . . is designed to help children attain this right, including the right to have their fathers identified so that support can be obtained. The immediate result will be a lower welfare cost to the taxpayer, but, more importantly, as an effective support collection system is established, fathers will be deterred from deserting their families to welfare and children will be spared the effects of family breakup.
>
> The Committee is concerned at the extent to which the dependency on AFDC is a result of the increasing number of children on the rolls who were born out of wedlock and for whom parental support is not being provided because the identity of the father has not been determined. The Committee believes that an AFDC child has a right to have its paternity ascertained in a fair and efficient manner unless identification of the father is clearly against the best interests of the child. Although this may in some cases conflict with what a social worker considers the mothers' short-term interests, the Committee feels that the child's right to support, inheritance, and to know who his father is deserves the higher social priority.
>
> Current status of children born out of wedlock. Children whose parents have never married present a serious problem of support and care. At common law such a child was a "son of nobody" and neither parent could be held responsible for it. The original laws . . .
>
> In taking the position that a child born out of wedlock has a right to have its paternity ascertained in a fair and efficient manner, the Committee acknowledges that legislation must recognize the interest primarily at stake in the paternity action to be that of the child. Since the child cannot act on his own behalf in the short time after his birth when there is hope of finding its father, the Committee feels a mechanism should be provided to ascertain the child's paternity whenever it seems that this would both be possible and in the child's best interest.

This amendment clarifies that the States can and may use, at their discretion, all legal methods available to them under State law to establish paternity. Allowing them to require applicants for assistance to initiate legal actions for which the State Child Support Recovery Unit then assumes responsibility is certainly within the realm of available methods.●

AMERICAN VETERANS COMMITTEE'S VETERANS' AFFAIRS PLATFORM

● Mr. CRANSTON. Mr. President, the American Veterans' Committee has recently submitted to the Veterans' Affairs Committee its veterans affairs platform adopted by AVC's annual convention last June. The platform presents the organization's positions and recommendations on a wide range of vital issues, including issues directly related to veterans and veterans' benefits.

So that all Senators and the public may be made aware of AVC's views, Mr. President, I submit for the RECORD, on behalf of the Committee on Veterans' Affairs, the text of that organization's platform as it concerns veterans' issues.

The material follows:

PLATFORM OF THE AMERICAN VETERANS COMMITTEE

VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

(1) Compensation

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied:

(a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

(b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum of economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, national origin, handicap, age or religion.

(2) Reserve Programs

The world we live in, with its emphasis on speed of operation and technical superiority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide, when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

With the end of the draft and reliance on a Voluntary Army the role of the organized National Guard becomes more important than ever. Our role in the world depends largely on our ability to supplement a small standing army by a second line of defense which consists of a sufficient number of well-trained, well-equipped, and well-organized troops.

AVC believes that the National Guard is ill-fitted to serve both roles it is currently called upon to play. One role is that of assisting civil authorities in the United States in peace-time. Forces suited for that role should primarily consist of military police, possibly of infantry, with some supporting units. The other role is that of forming a part of our highly complex and sophisticated Armed Forces with guided missiles, high mobility, heavy weapons and requirements for intensive technical training.

Regrettably, while the percentage of minority group members in the regular Armed Forces is and remains relatively high, the percentage in the National Guard is low and has remained low despite certain recruiting efforts. We cannot afford to have a polarization within the Armed Forces as between the National Guard on one hand and the Regulars on the other. Since the domestic peace time tasks which the National Guard is called upon to perform may involve minority group civilian populations, the troops involved should not present the appearance of an army of occupation.

While a National Guard remains a part of the structure of our Armed Forces, incentives should be provided so that a larger number of minority group personnel with active duty experience will choose to enter and remain in the National Guard.

AVC is opposed to any policy whereby the Armed Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

(3) Benefit Dollar

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics Consumer Prices Index.

(4) Civil Service

AVC believes that veterans point preference in the civil service for nondisabled veterans should be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

(5) G.I. Bill

AVC applauded the passage of past GI Bills at the time they were adopted, and called them "responsible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive members of their communities."

AVC regrets that the GI Bill is not available to those who enter the volunteer armed forces at this time, and that delimiting dates are preventing an increasing number of those formerly entitled to GI Bill benefits from taking advantage of those benefits.

AVC favors legislation presently pending in Congress to restore the GI Bill, and hopes that its provisions will be in line with the provisions of the World War II and Korean War, adjusted for the rise in the costs of living and education.

The G.I. Bill of Rights should be administered in such manner as to guarantee the absence of discrimination.

AVC believes that experience has shown that the federal funds used to pay educational benefits for veterans have been repaid to the Treasury many times over in the form of higher income taxes collected from those whose education, financed by the G.I. Bill, has resulted in higher earnings. In addition, AVC believes that, as an incentive to enlistment in a volunter army, educational benefits are, in the long run, better both for the individual and for society than the same sum used directly to increase military pay. For the foregoing reasons, among others, AVC urges the continuation or reinstatement of in-service and post-service educational benefits.

(6) VA Hospitals

AVC believes that recent commitments within the Veterans Administration suggest a trend to upgrade and improve the VA hospital system, with particular emphasis on the following matters:

Quality and efficiency of in-patient care and service.

Quality or after and out-patient care and services. AVC will continue to monitor these trends for specific accomplishments.

AVC urges that treatment of non-service-connected disabilities in VA hospital be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies should be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

(7) Discrimination—Foreign and Domestic

We maintain that no assignment of military personnel should be made or withheld, whether within the United States or overseas, on grounds of race, color, religion, sex, ancestry, national origin, handicap or age. Our goal is to insure that no member or employee of the Armed Forces and no dependent of such person shall be subject to discriminatory treatment, on or offbase within the United States or outside the United States on the grounds of color, religion, sex, ancestry, national origin, handicap or age that the power, including the economic power, of the United States be consciously used to further this objective.

(8) Information Service

We believe that the service orientation programs should be made adequate to fully acquaint every person entering the Armed Services of all rights, privileges, and benefits he and his family are entitled to as a result of his service in the Armed Forces.

(9) Jurisdiction Over Ex-Servicemen and Civilians Accompanying the Armed Forces Overseas

We believe that ex-servicemen, military dependents and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status.

RESOLUTIONS

1. Administrative discharges

(a) AVC is gravely concerned for the thousands of ex-servicemen who have been and who continue to be returned to civilian life, stigmatized by less than honorable discharges.

(b) AVC believes that a study should be conducted to determine whether the present discharge categories (Honorable, General, Other-Than-Honorable, Bad Conduct and Dishonorable) should be retained.

(c) AVC strongly believes that enlistees who turn out, because of poor selection by recruiters or because they have qualities and attributes which the recruiters did not observe, or who, during the first three months of active service, are deemed by the military service concerned not to have the qualities that will enable them to pursue a successful military career, should be separated from the service in a manner which will not cause the individuals concerned any future difficulties. To that end, the services should develop procedures which will enable them to void enlistments retroactively; the individuals concerned should be regarded as having had no military service.

(d) So long as the current system continues, AVC strongly urges that before an individual is given a Discharge under Other Than Honorable conditions, he be given full legal assistance, including, if the individual desires it, civilian counsel, and complete constitutional protection.

(e) AVC believes that the General Discharge under Honorable Conditions should be classified as the mildest form of punitive discharge, not to be awarded except after hearing, rather than as an alternative form of Honorable Discharge, within the discretion of the authority responsible for discharging the individual concerned. The Department of Defense's contention that the possession of a General Discharge does not handicap an individual has not been borne out by the facts.

(f) A veteran who had been awarded a General Discharge under Honorable Conditions without a hearing should be granted an Honorable Discharge upon application unless the government can show good cause for the General Discharge.

(g) AVC urges DoD to adopt regulations and policies and, if necessary to seek legislation, to strengthen and improve the Discharge Review Boards and the Boards for Correction of Military Records, which changes should be directed toward simplifying and expediting the review process. Among the changes suggested are: Members of the Discharge Review Board and Boards for Correction of Military Records should be knowledgeable of the military system and independent of higher authority. Also, Discharge Review Board hearings should be held, even in Washington, D.C., outside military installations.

(h) Under current law, ex-servicemen who have obtained Honorable or General Discharges are eligible for all VA benefits, and those who have obtained Dishonorable Dischrages are not so eligible. Those who have obtained Undesirable or Bad Conduct Discharges are not so eligible. Those who have obtained Undesirable or Bad Conduct Discharges, or Discharges under Other Than Honorable Conditions may or may not obtain such benefits, depending upon an administrative decision by the VA. AVC has found that the Veterans Administration has exercised its discretion through regulations which widen the grounds on which to deny benefits in an exceedingly restrictive manner, thus depriving many ex-servicemen of benefits for which they would otherwise be eligible. AVC calls for VA to change its regulations and apply greater understanding and compassion by those charged with exercising the Administrator's discretion, and for interpretations which will exclude only the most heinous cases from veterans benefits. If the VA persists in its present practices, then AVC calls for corrective Congressional acts to redefine the VA's discretionary powers.

2. Religious freedom

AVC supports the principle of freedom of religion in the armed forces. Religious observance should be neither denied nor compelled nor exploited for non-religious purposes.

AVC recognizes the propriety of providing chaplains and chapels, because military personnel who desire to worship may not otherwise have the opportunity to do so.

AVC hails the Supreme Court ruling prohibiting compulsory chapel attendance at the service personnel on military, political, "moral," religious matters.

3. Civil rights and equal opportunity in the Armed Forces

The American Veterans Committee has a record unique among veterans organizations, of concerns for racial justice and equal opportunity in the armed forces, a record which has extended from early support for President Truman's orders to integrate the regular Army in the late 1940's to early and public support for the use of the off-limits sanction against discriminating landlords.

AVC has watched with growing concern that racial polarization, as reflected by Ku Klux Klan and other racial incidents, has continued at a distressingly high level.

AVC is aware of the efforts which have been made by successive incumbents in the position of Deputy Assistant Secretary of Defense for Equal Opportunity, in their respective brief incumbencies, to stem the tide and to create a real equality of opportunity. Unfortunately, AVC is also aware of the degree to which the staff of that office is few in number and overworked and of its relative lack of clout.

AVC is also aware of the efforts which have been made by successive incumbents in the cluding the creation of a Race Relations Institute and increasing counseling efforts throughout the military services. AVC regrets that these efforts are not yet sufficiently well funded or effective.

AVC believes that the following portions of prior resolutions on this subject are still applicable today:

1. AVC reminds those concerned with military-related costs that the cost of racial friction (lost man-hours, reduced combat effectiveness, added cost of burdens on the military justice and military confinement systems lower efficiency by those alienated) is many times greater than the cost of a Civil Rights staff large enough, well funded enough, and sufficiently well backed to do an effective job.

2. Urges the Secretary of Defense to strengthen the Office of the Deputy Assistant Secretary for Equal Opportunity, Department of Defense, in personnel and in funds to the point at which it will have a real impact.

3. Points out that among reserve and National Guard personnel with the obligation or the opportunity to serve short tours of active duty, are many with particular expertise in the civil rights area and urges that these skills be better utilized.

4. Recalls that AVC has, throughout its history, worked closely with the Department of Defense in the civil rights area, on projects such as the tour of Southern military bases by AVC leaders in 1960 and the Audit of the National Guard undertaken in 1963.

5. Offers whatever services it can render in this area to the Department of Defense.

4. Naming VA hospital

AVC supports legislation to rename the VA Hospital in Jackson, Mississippi as the Medgar Evers Hospital.

5. Better coordination between the VA and other Government hospital systems

The United States Government currently operates six separate hospital and clinic systems: Army, Navy, Air Force (operated by the Department of Defense), Public Health Service and Indian Health Service (operated by the Department of Health and Human Services, formerly HEW) and VA.

At the same time, the United States Government, operating through the Health Resources Administration, HHS, has set up a network of Health Systems Agencies and State Health Planning and Development Agencies, whose task it is to rationalize health service delivery in the non-federal sector. One of the major problems faced by these Agencies is hospital overbedding.

AVC, which has a long history of favoring nationalization of government processes, believes that federal decisions to build hospitals, to open and close hospitals, and to set up or close specialized medical, surgical and psychiatric services, should not be made until a thorough study, including both the other federal systems, and the non-federal sector through the health planning agencies, has been made; where needed services can be rendered through cross-utilization, leasing, sharing, or other means, there should be no more new building.

In addition, we ask that the secretaries responsible for the federal systems, where feasible, contract with non-federal hospitals to render services to federal beneficiaries. CHAMPUS can serve as an example.

6. The military and equal rights of women

AVC strongly supports adoption of the Equal Rights Amendment.

AVC calls for the immediate elimination of all policies, regulations, practices, and customs in the military departments which perpetuate discrimination based solely upon sex.

AVC also calls for planning so that all forms of sex discrimination based on current legislation can be abolished immediately upon the ratification of the ERA including the bar on combat assignments for women.

AVC notes with approval that the first classes containing women have just graduated from the service academies, and looks to the services to make full use of the academy trained women officers.

7. Vietnam era veterans

AVC urges the Federal government to provide the Vietnam era veteran a significant role in the planning and implementation of all programs, policies and agency actions affecting the Vietnam era veteran.

While AVC is encouraged that a Vietnam era veteran has been appointed VA Administrator, we urge that meeting the problems of the Vietnam era should be made a top priority of this Administration so that those individuals who served their country in an unpopular war can take their rightful places in society.

8. Veterans group life insurance

Whereas, Veterans Group Life Insurance created by Public Law 93–289 is a 5-year, nonrefundable term insurance program which is non-renewable and has no cash value and,

Whereas, VGLI is available only to veterans who were separated or released from service on or after April 3, 1970 and before August 1, 1974 and is not applicable to Vietnam Era Veterans released during the period 1963–1970 which includes years in which some of the heaviest conflicts occurred, and,

Whereas, the insurance programs provided to veterans of earlier conflicts provided conversion to permanent plan insurance.

Be it Resolved that AVC seek to institute legislation for an insurance program equal to that provided to veterans of the Korean conflict.

9. Veterans benefits amendments

AVC favors the following amendments to Veterans Benefits legislation:

(1) An increase in education benefits to parity, in terms of current cost-of-living and cost of education dollars, with the benefits given to World War II veterans. One way to reach parity is return to the World War II GI Bill System which provided direct payments to institutions of higher education for the costs of tuition, books and fees to supplement the subsistence allowance for veterans.

(2) Permanent legislation providing automatic cost of living and cost of education adjustments, which with a formula similar to that which adjust military and civil service retirement pay.

(3) Allow institutions of higher learning, with consent of State approval agencies, to retain educational autonomy by establishing what are satisfactory standards of progress for all students, veterans and nonveterans alike. This authority shall not relieve the institutions of their obligation under the civil rights laws.

(4) Flexibility in delimiting dates, so that veterans who, for good reasons, were unable to take advantage of educational and other benefits may have their eligibility restored. The need to stay home and raise preschool-age children should be deemed a "good reason."

(5) Making NSLI Trust Funds available as a revolving fund to finance veterans educational loans.

(6) AVC endorses the recently expanded VA-wide outreach efforts designed to identify Veterans, especially Vietnam-era and those Veterans from disadvantaged groups, and their dependents and beneficiaries for the full provision of VA benefits and services to incarcerated veterans. AVC will monitor these efforts to determine the effectiveness of VA's implementation and accomplishments.

(7) An indepth review of current policies and procedures affecting both educational institutions and student veterans. Input should be invited from educational institutions and accredited agencies, and the student veterans themselves. AVC recommends the setting up of a National Education Task Force, composed of representatives of educational institutions, and relevant agencies, and veterans, should be convened as soon as possible by the VA Administrator to develop suggestions to remedy the present inadequacies and criticisms of PL 94–502. In addition, regional Advisory Committees should be formed to serve as consulting agencies to Regional VA Offices. By having these Regional Advisory Committees representing the views and needs of the local institutions and the student veterans, the Regional VA Offices would be in a better position to make adjudications.

(8) VA should expand its counseling services and provide more contract services for Vietnam veterans, both in schools and outside the school.

10. Conference on education and employment problems of Vietnam era vets

Resolved that AVC, if it finds appropriate funding, convene a national conference to explore the current situation and seek the remedies for the educational and employment problems of Vietnam Veterans. This would provide an audit of what has been accomplished on their behalf in these areas since 1972 when AVC ran the first National Conference on Educational Problems of Vietnam Veterans.

11. Veterans and retirees residing abroad

AVC calls for a study to examine the extent to which U.S. citizens who are veterans or military retirees and who reside abroad in countries in which there are U.S. military bases should be entitled to use base facilities, and to receive service from U.S. sources, as compared to those to which they would be entitled if residing in the United States.

12. Amnesty

AVC notes with regret that President Carter's Special Discharge Program did not lead to any substantial relief for hundreds of thousands of veterans with less-than-honorable discharges because of congressional action denying benefits to veterans upgraded under the Special Discharge Program, and because of many limitations and inadequacies of the Program itself. In view of the continuing problems of veterans with less-than-honorable discharges and AVC's historic concern for these veterans. AVC calls upon the President to initiate and Congress to enact programs that could provide relief and a means of reentering civilian society for these veterans without the stigma of their discharges.

13. The VA office of human goals

AVC commends the Administrator of Veterans Affairs for setting up an Office of Human Goals with the VA, headed by an Assistant Administrator.

AVC notes that the first incumbent of that office and his deputy have both been promoted out of their positions. AVC hopes that they will be speedily replaced by strong personalities capable of reaching the objectives of the Office.

However, AVC regrets that the Office of Human Goals is still limited to an advisory, a coordinating and policy role and that it has not been given line authority over civil rights and equal opportunity programs. AVC also regrets that the VA has not allocated adequate resources for the enforcement of Title VI of the Civil Rights Act of 1964 and other civil rights statutes.

AVC hopes that the Office of Human Goals will speedily succeed in its objectives and to that end requests the Administrator to give to that Office the support, authority and resources it will need.

14. Racial disparities in punitive discharges

AVC is gravely concerned because statistics show that the number of black military personnel who receive punitive discharges (DDs and BCDs) is vastly greater than the proportion of black military personnel. AVC calls upon the Judge Advocates General of the military services to institute a searching enquiry—including a review as to the situation with respect to other minority groups—and to take whatever action may be indicated, so as to assure that minority status does not play a role in the equal administration of justice.

15. Aftereffects of toxic herbicides

AVC continues its concern regarding the health aftereffects of toxic herbicides. AVC urges the VA as well as other government and non-government agencies which may have the necessary expertise to continue their studies on a high priority basis. If a reasonable connection is shown between exposure to toxic herbicides and consequent disability, the VA is urged to pay proper compensation, including compensation retroactive to the onset of the disability.

16. Judicial review and attorney fees in VA matters

AVC supports the principle of Court Review of decisions of the Board of Appeals, and abolition of the present $10 limit for attorney's fees in VA matters which now inhibits representation of veterans by attorneys.

AVC generally supports S. 330 as passed in the U.S. Senate.

17. Retirement credit for service in segregated militia units

AVC notes that, in some states, before World War II, non-whites could not serve in the federally-recognized National Guard, but were relegated to segregated State militia units. In many cases the State militia units were kept in every respect on par with otherwise comparable federally recognized (white) units and were eventually called into federal service during World War II. Now, many years later, men who served in these units are again being penalized because they are denied retirement credit on the grounds that the units involved were not federally recognized.

AVC supports the principle of H.R. 1440 which is designed to correct this injustice.

18. Stand-by draft registration and other sources of information

AVC opposes stand-by registration solely for a military draft at this time. Should there be an emergency or national crisis of sufficient gravity to require the calling up of persons for military service, the necessary information can be obtained for existing federal and state data bases normally considered confidential, such as SSA, IRS, Census, driving license records etc., and steps can be taken now, without breaching that confidence, to ensure rapid receipt and utilization of that information when it is needed for a call-up.

19. Continuing problems of readjustment of Vietnam era veterans

AVC is aware that the problems of readjustment to postwar civilian generations of veterans far exceed those faced by earlier generations of veterans and that these problems continue. AVC applauds President Carter for his acknowledgement of the unique needs of the Vietnam era veterans. We call upon Congress and the administration to take specific actions to address and resolve these problems.

AVC notes the effort to establish an outreach program for Vietnam Veterans and approves the idea in principle. AVC will watch and evaluate this effort.●

A VICTORY IN THE BATTLE AGAINST EXCESSIVE FEDERAL PAPERWORK

● Mr. BENTSEN. Mr. President, before Congress adjourns, I wish to report on a victory—a small victory, but a victory nonetheless—in the battle against Federal paperwork.

Two years ago, at the end of the 95th Congress, the House and Senate adopted my amendment to the HUD authorization bill (Public Law 95–557) requiring that the Federal Housing Administration and the Veterans Administration adopt the same forms for their single-family housing finance and insurance programs. The Farmers Home Administration was also to participate in this effort.

Recently I received a report from the Department of Housing and Urban Development on the progress being made by the agencies under the provisions of my paperwork reduction amendment.

I am happy to report that over 20 common forms are currently being used or are being developed for use by two or more of these agencies. During the process of putting these common forms together, the agencies found a number of requirements that could be eliminated and others that could be simplified and clarified. As a result, HUD reports that "the participants in our programs will find it significantly easier to do business with the Government."

By the time this process draws to a close, the participating agencies estimate that they will have developed almost 200 new common forms for mortgages, notes and deeds of trust, replacing a wide variety of forms that applied to only one program or one agency.

When I introduced this amendment to the Housing and Community Development Amendments of 1978, I was appalled by the way in which interagency jealousies had contributed to the deluge of Federal paperwork which overwhelms the American public. The FHA and the VA each engage in similar programs for insuring mortgages on single-family homes. While the two programs serve different groups, there is much overlap in the kinds of information that must be supplied by participants and in the legal requirements. But each agency had its own set of paperwork requirements which was defended with great bureaucratic zeal, and so applicants for both VA and FHA mortgage insurance on a home for sale had to have two appraisals while mortgage lenders had to keep two sets of forms on file and train employees in the intricacies of each.

I discovered that as early as 1963 the General Accounting Office had recommended that the two agencies merge their forms. Instead, they engaged in steadfast footdragging, each agency fearing that cooperation with the other would somehow threaten its own program.

I am very pleased to see that my paperwork reduction amendment to the HUD authorization bill has turned the tide. I am also pleased to note that the Farmers Home Administration has also cooperated in this effort.

While legislation to rectify particularly burdensome examples of excessive Government paperwork will help solve the problem, we still need overall reform of the Government's paperwork process, such as S. 1411, the Paperwork Reduction Act of 1980, which I cosponsored with Senators Chiles and Danforth and which was recently enacted.

Finally, Mr. President, I point out that my paperwork reduction amendment to the HUD authorization bill did not pose any threat to any of the participating agencies, in contrast to their deeply-held fears. In fact, the agencies report that "an increased spirit of cooperation has also been an important product of this effort."

We have thus won a small victory over excessive paperwork.

It shows what can be done.

I submit for the Record the letter.

The letter follows:

Department of Housing and
Urban Development,
Washington, D.C.

Hon. Lloyd Bentsen,
Chairman, Joint Economic Committee,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Enclosed is the status report on paperwork reduction accomplishments in support of Section 905 of Public Law 95–557 and P.L. 96–153 that you requested in your September 5, 1980 letter.

In summary, the report shows that Farmers Home Administration, Veterans Administration and the Department of Housing and Urban Development have made substantial progress in developing improved, common forms and in coordinating their activities on housing programs. We have not only developed over 20 common forms that are currently or soon will be in use by two or more of the agencies, but we have also improved the working relationship among the three agencies.

Although it would be excessively costly to measure the precise number of reporting hours saved by these efforts, it is clear that the participants in our programs will find it significantly easier to do business with the Government. The process of coordinating these forms has resulted in a very exacting evaluation of the information we are requesting. As a result we have eliminated some requirements and simplified and clarified others.

An increased spirit of cooperation has also been an important product of this effort. Each agency is issuing directions to insure that new and revised forms are coordinated with the other agencies if there is a possibility of reducing the public's reporting burden. This spirit of cooperation has aided in other common efforts, such as the FmHA and HUD work to coordinate the Sections 515 and 8 programs, continued use by VA and FmHA of HUD's minimum property standards, and HUD's acceptance of VA appraisals.

Developing common mortgages, notes, and deed of trust will add nearly 200 more to the list of common forms and add another dimension to the cooperation between the Departments. Although we have encountered an obstacle in this, resulting from the "plain English" used in the model mortgage, we are confident that this problem can be resolved.

A similar report was provided to the Office of Management and Budget on September 3, 1980. This report was a joint submission by L. D. Ellwell, Farmers Home Administration; Robert D. Vaughan, Veterans Administration; Lawrence Simons, HUD; and myself.

Please do not hesitate to contact me if you have further questions or if I can be of assistance in any way.

Sincerely,

William A. Medina,
Assistant Secretary.●

HIGHWAYS

● Mr. BAUCUS. Mr. President, when the 97th Congress convenes in January, we will have to confront a most serious transportation problem that has been deferred too long. I refer to the condition of our highways and roads.

Throughout the Nation, our highways and roads have deteriorated at a far faster rate than anyone 20 years ago imagined possible. In my State of Montana, alone, for instance, highway authorities estimate that between $600 million and $1 billion will be required during the next 10 years just to repair and maintain the highway capacity we now have. Montana has approximately 76,840 miles of roadway, only 12,207 of which are paved. Of the 5,400 miles of primary highways in Montana, nearly 1,600 require immediate attention and upgrading according to Montana Department of Highway officials. No one, I am sure, needs to be alerted to the crucial importance of highways to our ability to move goods to market, particularly in rural areas where other transportation alternatives are severely limited.

Mr. President, I would like to insert in the Record two articles on highways that describe exceptionally well the problems we confront. The articles are from the very fine publications of the National Conference of State Legislatures and the Council of State Governments—"State Legislatures" and "State Government News" respectively. I recommend them highly to my colleagues.

The articles follow:

[From the State Legislature, Jan. 1980]

THE RUNDOWN, WORN OUT, UNDERFUNDED HIGHWAY BLUES

(By Lois Friedland)

There really isn't much question that the road system is deteriorating. In fact, the best estimates are that it's wearing out twice as fast as we are making the necessary repairs—and I'm not talking about just the potholes or routine maintenance. We ought to have a cycle of replacing at least the major roadway system at least every 20 years."

The speaker isn't just some driver bouncing over potholes on his way to work. He's Daniel Hanson, President of the American Road and Transportation Builders Association, a man in the position to know that "deferred maintenance" is becoming the state of the art.

The problem, in a word, is money. The cost of repairing and maintaining roads is skyrocketing, while revenue is leveling off.

According to the Federal Highway Administration, highway maintenance costs rose an incredible 328.8 percent from 1967 to September 1979. Today's figure is considerably higher, as the costs of the petroleum-based products needed for construction increase almost daily.

Meanwhile, the primary source of funds—motor fuel taxes—is generally leveling off and has actually dropped in 30 states and the District of Columbia.

The estimated revenue for 1979 is $9.8 billion, a rise in overall receipts of only .8 percent from the preceding year. The figure rose at all only because so many states raised their motor fuel taxes last year in an effort to keep pace with inflation. One of the bigger increases occurred in Michigan where revenues were up 27 percent, but other states showed significant decreases. In Delaware, for example, revenues were down 10.8 percent; in West Virginia, 14.1 percent.

Americans are driving less, and those who drive are using less gas to run today's more fuel-efficient cars. Domestic passenger-car manufacturers have improved their fleet fuel economy by 47 percent since 1974, according to the Motor Vehicle Manufacturers Association.

For state legislators, the result is a frustrating paradox: Two essential goals—energy conservation and adequate highways—appear to be in direct conflict. Ohio State Representative Fred Deering, who sponsored an unsuccessful bill last year to increase the state's gasoline tax, traces Ohio's drop in highway revenue directly to economy cars. "As many miles are being driven as before," he says, "but people are buying smaller, more fuel-efficient cars."

The gap between the money needed and the money available is becoming wider than the potholes on the highways, so state highway officials are deferring maintenance they simply can't afford to start.

Iowa, a state which has traditionally been in good shape, now plans to defer up to 50 percent of its non-interstate highway construction over the next five years; if the inflationary trend continues, even more projects will be dropped.

The primary concern today appears to be maintaining existing roads rather than building many more new ones beyond the already scheduled projects. In recent years, almost every state has actively sought ways to increase revenues earmarked for highway departments through increased motor fuel taxes, higher vehicle taxes, bond issues or the juggling of funds from one account to another. The approaches are varied and imaginative. They have to be.

AROUND THE STATES

In the decade from 1968 to 1978, 41 states and the District of Columbia increased their motor fuel taxes at least once. The average motor fuel tax went from 6.6 cents per gallon to 7.9 cents per gallon—an increase of 20 percent—yet the revenue was still considered inadequate to cover increased highway costs.

Today, every state has a cents-per-gallon motor fuel tax, ranging from a low of 5 cents per gallon in Texas to a high of 12 cents per gallon in Washington. Last year the cents-per-gallon tax went up in several states. In Arkansas, Montana, Nebraska, New Hampshire, South Carolina and South Dakota, the motor fuel taxes went up 1 cent a gallon. Pennsylvania and Delaware both hiked their motor fuel taxes by 2 cents a gallon and Oregon passed a 2 cents a gallon increase which must be approved by the voters this year. Iowa raised the gas tax from 7 to 8 cents per gallon two years ago, and by another one and a half cents this year. Several states, including Colorado, Alabama, Illinois, Mississippi, Nevada, Alaska, Minnesota and North Dakota tried unsuccessfully to raise motor fuel taxes.

Seventeen states have attempted to pass highway revenue indexing or variable gas tax bills more responsive to the effects of inflation but only two have passed, one in Washington in 1977 and another in New Mexico last year. Much controversy surrounds this method of taxation. Proponents claim that measures pegging the tax to the wholesale or retail price of motor fuel (instead of a flat rate) or those creating a percentage sales tax (which would also generate added revenue as motor fuel prices increase) take inflation into account. Opponents claim that there is less legislative control over fluctuating revenues and state legislatures could lose the right to approve state highway programs. (Decisions on highway needs and on highway finance could be handled by governor-appointed committees instead of elected officials.) Others fear that the indexing plans proposed to date don't cover all revenue sources, so the highway financing system—actually a combination of taxes designed to distribute the highway burden equitably—could be thrown into disarray. Still others worry that the cost of administering the shifting tax rates could become a burden.

Since July 1, 1977, Washington state has pegged the tax rate to the average retail price of motor fuel. Every six months a committee evaluates the latest price and the actual revenue from the number of gallons used up to that time in order to make a forecast for anticipated revenue for the following six months. The tax rate was not actually raised until July of last year when it was upped to 12 cents per gallon, the ceiling set by law.

The New Mexico law goes into effect in July. A tax of an additional cent per gallon will be added for every 10-cent increase in the wholesale price of motor fuel with a ceiling of 1 cent per year. The tax ceiling is set at no more than 11 cents through 1983. The current rate is 7 cents.

The total highway revenue, not just the motor fuel tax, has been indexed in Texas since 1977. This index is based upon a weighted annual cost of highway operations, maintenance and construction. General tax revenues are used to supplement the highway users taxes. These funds are allocated by a committee of the governor, the lieutenant governor and the state comptroller as needed.

Sophisticated politicking finally released funds for badly needed highway repairs in Illinois. During last year's regular legislative session, Governor James R. Thompson first tried to sell a new transportation plan which included a 1.5 cent increase in the motor fuel tax to pay for mass transit in the Chicago area and road and bridge construction elsewhere. When that failed, he and Chicago mayor Jane Byrne created a new plan including the 1.5 cent increase plus a 1 percent increase in sales tax in the six counties surrounding Chicago. This also failed. The matter was resolved in a special session last September when legislators approved a transportation financing proposal for annual improvements to cost one billion dollars during fiscal years 1980 through 1983. The plan includes a comprehensive restructuring of highway and public transportation finances, thus avoiding any increase in gasoline taxes. The money will go toward resurfacing more than 2,200 miles of rough pavement, improving and widening 420 intersections, and replacing or rehabilitating 650 different bridges.

After attempts to raise the motor fuel tax in Colorado failed last year, the state's General Assembly decided that 40 percent of the 3 percent sales tax levied on new and used automobiles, tires, parts and accessories—money that had been placed in the general fund—would go into the Highway Users Tax Fund. This will increase the fund by up to $30 million the first year, $33 million the second year and $36 million the third year.

"Some time in that three-year period they'll have to address the problem again but for right now they've really given us the equivalent of a 2 cents per gallon increase," commented the assistant director of the Colorado Department of Highways.

Kansas passed a $35 million state highway repair program to be financed from existing revenues. The legislature also passed a program to aid cities and counties in repairing potholes in local roads to the tune of $4 million during the first year.

Three bad winters damaged the roads in Arkansas so badly that existing revenues were insufficient to cover the costs of repairs. Legislators raised the fuel tax, appropriated additional money from the state's General Fund, increased the title transfer fee from $1.50 to $11.50 and increased vehicle registration fees.

Some states opted for a different fund-raising approach: bond issues. New York floated a $500 million bond issue for railroad and road transportation and Maine floated $16.5 million in bonds for bridge repairs and highway improvements. New Jersey arranged financing through a $475 million bond issue for several projects. Some $245 million will go to highways, another $150 million to public transportation (including park-and-ride lots) and the rest will go for local roads and bridges. A recent constitutional amendment in Missouri allocated half of the revenue from the state sales tax on motor vehicles for highway improvements, a move expected to produce an extra $40 million annually for road construction and maintenance.

FEDERAL-STATE PARTNERSHIP

During the fifties, sixties and early seventies the federal government was primarily involved in assisting the states in constructing new roads. Before the passage of the 1978 Surface Transportation Assistance Act, most federal officials thought maintenance of the roads should be left to the states. The federal government and the states worked together to build more than 40,000 miles of interstate highways. (The interstate highway system, to be completed by 1990, will incorporate about 42,500.) Some of the early roads in the system were built to last 20 years, a time span that has already elapsed. By 1978, federal officials recognized that increasing amounts of the interstate system would need rehabilitation and that the Federal Highway Trust Fund monies for states should also go for repairs.

The Surface Transportation Assistance Act included extension of the Federal Highway Trust fund for five years through September 1984. Operation of the fund was modified to insure that the interstate highway system would not be the sole program to face apportionment cuts if revenues decreased; all apportionments to the states would be reduced by an equal percentage. the act also provided that the federal share of funding for all major noninterstate highway and safety construction programs be increased to a minimum of 75 percent. The bridge program was also expanded to include repair as well as replacement and to cover some bridges not included in the federal-aid system.

The Federal-Aid Highway Act of 1978 (Title

I of the STA Act) reflects the change in national thinking. While the basic features of the existing federal-aid highway programs are continued, the programs now include more flexibility in states' use of federal funds, increased federal commitments in non-interstate highway programs, increased commitments for construction and improvement of off-system roads and an emphasis on completing the Interstate System.

Another section of the Federal-Aid Highway Act makes the Interstate resurfacing, restoration and rehabilitation (3–R) program established in the 1976 Highway Act permanent. While normal maintenance is still each state's responsibility, the federal government will now help cover the costs of reconstructing the deteriorating interstate routes receiving heavier traffic than originally anticipated. Nine hundred million dollars have been provided through 1982 to fund the 3–R work on Interstate lanes that have been in use for more than five years.

There are other factors influencing the flow of revenue into highway department coffers. Gasohol is the main one. The federal government and 16 states have removed or lowered the cents-per-gallon tax applying to this mixture of 90 percent gasoline and 10 percent alcohol in order to make gasohol more competitive with conventional gasoline. Ironically, these tax incentives, created to lure drivers into using an energy-saving fuel, may significantly decrease the amount of revenue from motor fuel taxes so badly needed by the highway departments.

Nebraska first offered gasohol users a two-cent-per-gallon motor fuel tax credit in the thirties and gasohol was widely used during World War II. During the years of inexpensive regular gas, gasohol was pretty much forgotten. By the end of 1978, however, Nebraska, Colorado and Iowa offered incentives to use gasohol. Last year, gasohol tax relief measures were considered in 34 states and adopted in 13. Arkansas, South Carolina, Louisiana and Oklahoma all exempt gasohol from the motor fuel tax. Montana allows a 7 cent per gallon reduction while Kansas and New Hampshire each offer a 5 cent reduction. North Dakota and Wyoming each allow a 4-cent reduction, South Dakota offers a 3 cent reduction and Connecticut and Maryland each allow a 1 cent reduction. Indiana legislators voted to exempt gasohol from the state sales tax. In 1979, Colorado also extended the 5 cent reduction and Nebraska increased the cents-per-gallon tax from 5 to 6 cents with the stipulation that the extra cent may be used to subsidize the building of gasohol plants.

When Iowa approved a total exemption for gasohol, no one expected the measure to amount to anything because there were so few stations in the country selling gasohol. Today, there are about 2,000 stations selling gasohol and 700 of them are in Iowa. By last spring, gasohol sales in that state had reached more than two million gallons monthly, sales which cost the state between $2.5 and $3 million in revenue during the fissal year 1979. "And that's going up drastically. We estimate it will be somewhere in the neighborhood of a million dollars a month this fiscal year," commented Gregg Barcus, Policy Analyst for the Planning and Research Division of the Department of Transportation. He claims the state's five year projections include an estimated $60 million loss in revenue through the fiscal year 1983 when the tax exemption is scheduled to end.

"Our transportation committee has come on record saying it will work for a phase-out of the exemption," Barcus added.

Major oil companies such as Phillips and Texaco are test-marketing gasohol. If gasohol use reaches even 10 percent of the motor fuel market, it could reduce state highway revenues by up to $1 billion annually, according to the Highway Users Federation.

Some legislators are showing alarm at the prediction. In Kansas, for example, legislators decreed that the 5 cent gasohol reduction will be lessened by 1 cent each year until 1984, at which time the tax will be 8 cents per gallon, the current rate per gallon of gas. The Montana gasohol tax break includes a phased-in increase whereby the per gallon tax moves from 2 cents this year to 4 cents in 1985, 6 cents in 1987 and 8 cents in 1989. The law also stipulates that the governor may suspend the lower tax rate for gasohol if he finds it inhibits proper highway maintenance or construction.

The flow of revenue is also influenced by the truckers. Federal and state highway users taxes on trucks exceeded $8.8 billion in 1977 according to the American Trucking Association. This amounted to nearly half of all state highway users taxes. So truck drivers have clout in many states, both in terms of their ability to move (or bottle-up) goods vital to a state's economy and because they generate significant revenue. The truckers are pushing for higher weight limits in several states but have met opposition from legislatures who fear that heavier loads will make the roads deteriorate even faster.

Ten states and the District of Columbia have maximum weight limits lower than the 80,000 pound limit allowed on the interstate system without loss of federal funds for construction. (Connecticut, Maryland, Pennsylvania, Iowa, Missouri, Arkansas, Mississippi, Tennessee, Illinois and Indiana.) In most of these states, the affiliates of the American Trucking Association will be pushing for higher weight limits this year. Early in 1979, the governor of Virginia raised the weight limits temporarily but many legislators oppose making the increase permanent. Although legislators in Arkansas are not scheduled to meet until 1981, Governor Bill Clinton may call a special session to discuss concerns about the declining fuel supplies. The truckers say they can carry heavier loads using the same amount of fuel and want the state to increase the weight limits. The state's substantial poultry, rice and soybean producers who rely heavily on the truckers may support the movement.

The tale of declining revenues and increasing costs of maintenance and construction is still unfolding. The outlook for the immediate future is "not too great" according to Massachusetts Representative Louis Nickinello, chairman of NCSL's Transportation Committee. The current atmosphere is "not too conducive to do much about funding" in the state legislatures or in the Congress.

U.S. Representative James J. Howard, chairman of the Subcommittee on Surface Transportation, notes, "To permit states to more easily match federal transportation dollars, we made a concerted and successful effort last year to increase the federal matching share for bridges and primary, secondary and urban systems roads in the Surface Transportation Assistance Act."

For now, Representative Howard says, "states can increase their own state taxes on gasoline. Some states to this day do not dedicate the receipts of this tax to transportation projects. Increasing the tax is not popular on the state or the federal level. My committee will continue to work closely with the state legislatures and transportation departments to guarantee that there are sufficient funds for improvement in highway and mass transportation.

The Highway Users Federation recently surveyed state legislators throughout the U.S. to discover which states could be discussing highway financing legislation this year. The federation discovered that proposals for variable fuel taxes with anticipation of immediate increases will probably be presented in Alabama, California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nebraska, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia and Wisconsin. Other proposals for variable fuel taxes—with no clear indication of when any increase will take effect—will apparently be presented in Arkansas, Florida, Iowa, Mississippi, New York, Oklahoma and Vermont. Cents-per-gallon tax increases will be sought in Arizona, Idaho, Kentucky, Maine, Maryland, Massachusetts, Minnesota, North Carolina, South Dakota, Virginia and Wisconsin.

For state legislators, the problem is one they face more and more often: using limited resources to achieve desirable but not entirely compatible purposes. Essential goals such as energy conservation, and essential products such as more fuel-efficient cars, produce the unintended side effect of reducing highway revenues—at a time when those revenues are more needed than ever before. Knowing in advance that no single solution will be fully satisfactory to everyone, legislators nevertheless must confront the hard policy choices that rest squarely and exclusively with them.

[From the State Government News, July 1980]

MILES OF BAD ROADS AHEAD FOR STATES

(By Elaine S. Knapp)

Some sections of interstate highway in Pennsylvania are in such poor shape that the speed limit is 30 mph.

"The roads are in horrendous condition," exclaimed Lois Dostalik of the Pennsylvania Department of Transportation (PennDOT). "It took 10 to 15 years to get that way and will take that long to get them back in shape."

She notes that not only Pennsylvania but a lot of states spent the last 10 years building roads, not maintaining them. Pennsylvania now plans to spend its transportation budget on maintenance, not building new roads. Its highway system is the fourth largest in the nation, with 45,000 miles of road and 27,000 bridges. "If the roads deteriorate, companies and industries will leave," Dostalik declared.

PennDOT faces a $60 million deficit June 30, even though it has pared 1,500 workers since last July, unless the legislature engineers a rescue. The legislature has balked at Republican Governor Richard Thornburgh's proposal to substitute a 6 percent tax for 6 cents of the 11-cent gasoline tax. The governor's highway plan was criticized by House Democrats.

Pennsylvania's gas tax was raised from 9 to 11 cents last year. "Pennsylvanians are driving less, so we need a percentage tax or we will find ourselves in the same bind two years from now," Dostalik said.

FEDERAL CUTBACK

President Carter's drive for a balanced budget has also hurt state highway budgets. The president ordered a ceiling of $7.7 billion on spending of federal-aid highway funds until September 30, 1980. Pennsylvania was given a limit of $104 million, although it had planned $300 million in projects. "The money is there (in the Federal Highway Trust Fund), and the federal government says we can't touch it," Dostalik complained.

The federal cutback came after $5 billion had been obligated as of mid-March, leaving only $2.7 billion to be distributed to all states for the rest of the year, reported Kenneth Kippley of the Federal Highway Administration (FHWA). States which were able to obligate most of their funds early were hurt least.

A number of states have succeeded in obtaining injunctions against the reduction in highway aid. A permanent injunction was granted in Arkansas and temporary ones in Maine, New Mexico, and Vermont.

In Arkansas, a federal judge ruled May 21 that President Carter did not legally have the power to defer federal highway funds appropriated by Congress. The decision applies only to Arkansas, however. The judge made a final ruling because otherwise the federal government would accomplish its purpose of tying up funds until September 30. The federal government had 60 days to appeal.

The federal government was ordered to submit a proposal for reapportioning the money withheld from Arkansas and, if Arkansas agrees with the amount, it is to receive the funds. Arkansas is seeking $48.5 million.

Maine obtained an order for the federal government to place $26 million above the $11.7 million the state was given in an escrow account pending resolution of the case. Final arguments were scheduled in early June.

The Federal Highway Trust Fund, which finances federal-aid highways, had a total balance of $12.5 billion at the end of federal fiscal year 1979. Revenue, primarily from the federal tax on gasoline and diesel fuel, totaled $8 billion and expenditures $7.15 billion. Any decline in revenue from motorists driving less in 1979 will not show up in the fund until 1980, according to Johnson Page of the FHWA.

The federal-aid highway system, which comprises the smallest portion of the nation's 3.8-million-mile highway system, carries most of the traffic. Some 2.3 million miles of local roads, many of them unpaved, are not eligible for federal funds. Neither can federal highway funds be used for maintenance or pothole filling.

WORN-OUT ROADS

The $23 billion spent on highways in 1978 ($7 billion federal and the rest state and local) wasn't enough to meet construction, rehabilitation, and maintenance needs, wrote James Runke, acting commissioner of Kentucky's Division of Motor Vehicle Regulation, in the Council of State Governments' 1980–1981 edition of The Book of the States. He noted, "Much of the $104 billion interstate system is in need of reconstruction, many other state and local roads are deteriorating faster than they are being repaired, and approximately 105,000 bridges are functionally or structurally obsolete."

A recent study commissioned by the Highway Users Federation found that 5,737 miles of the 42,500-mile interstate system are deficient, requiring $1 billion annually for replacement. The Surface Transportation Assistance Act of 1978 authorized funds for interstate reconstruction, rehabilitation, and resurfacing (RRR). Excluding RRR work, the estimated cost for completing the interstate work is $42.4 billion.

"Most interstate highways were predicted to have a life of 20 years, but some have worn out in 10 to 15 years because travel was heavier than predicted," reported Billy Higgins of the American Association of State Highway and Transportation Officials (AASHTO), a service agency for state transportation officials. Higgins explained that the life span of a road varies according to the type of construction and amount and type of travel it gets, with heavy trucks taking a toll on road life. In recent years, the primary and secondary road system has been neglected in favor of the interstate and states haven't been able to upgrade roads every decade due to inflation in highways costs, Higgins said.

GAS REVENUES DOWN

"Many states have had to curtail construction and maintenance," Higgins declared. State motor fuel tax revenues are declining due to a decrease in gasoline consumption. "People are still traveling, but in more fuel efficient cars," Higgins commented. (Gasoline consumption in the U.S. fell by 5.1 percent in 1979 and continued its decline in 1980.)

As an example, in North Carolina, March 1980 highway fund collections were down 30 percent over last March, from $51.4 million to $35.6 million, with half the loss in gaoline tax revenues.

At the same time that state fuel tax revenues are leveling off, construction costs are climbing. The FHWA price index shows it costs 3.5 times as much to build a road today as it did in 1967. With the interstate nearly complete, there is not much new road construction going on, Higgins said. States would like to see a shift in federal highway funding to recontruction of roads, such as the RRR program, Higgins added. Congress will need to renew the Federal Highway Trust Fund which expires in 1984.

"Most state highway budgets are not adequate to keep up with the need to resurface roads every 10 to 12 years and to reconstruct roads every twenty years," declared Randolph Russell, of the American Road and Transportation Builders Association (ARTBA). Potholes are a sign that a road needs to be repaved, Russell said. Potholes are caused by water freezing and thawing in flaws in pavement. "There's no satisfactory way for filling potholes and they will recur with the next freeze," Russell explained.

Potholes aside, Russell emphasized the main problem is funding both on the state and federal levels. "The Federal Highway Trust Fund will be in a crisis in coming years. The federal tax on gasoline has remained static since it was raised to 4 cents in 1959," Russell related. He added that ARTBA favors the motor fuel tax "because the more you drive, the more you pay." In inflationary periods, ARTBA also supports percentage gasoline taxes because "it's not effective to keep returning to the legislature for gas tax hikes," Russell concluded.

STATES HIKE GAS TAXES

Highway funding was named one of the major issues facing 1980 sessions in a Council of State Governments' poll (see State Government News, January 1980). Governors' 1980 messages stressed highway funding and at least 13 governors requested percentage gasoline levies. Increases in motor fuel taxes were before more than 30 state legislatures in 1980.

In 1980 sessions so far, at least eight states have hiked motor fuel taxes. Flat rate taxes were increased by 2 cents per gallon in Minnesota (9–11 cents), Virginia (9–11 cents), and Wisconsin (7–9 cents), by 3 cents in South Dakota (9–12 cents), and by 4 cents in Alabama (7–11 cents). Percentage taxes were adopted in the three other states.

Kentucky Governor John Y. Brown, Jr., said conversion of the 9-cent-per-gallon tax to 9 percent of the wholesale price of gasoline "was the least painful method of adjusting our road fund which was over $300 million short." He estimated it would cost the average motorist only $7 more per year.

Indiana replaced its 8-cent-a-gallon tax with a tax based on 8 percent of the price and amount of fuel sold. Adjustments may be made every six months. The tax is limited to 12 cents per gallon for the last six months of 1980, 14 cents in 1981, and 16 cents after 1981.

Nebraska's fuel tax will rise from 10.5 cents to about 13.5 cents per gallon through a 1-cent-per-gallon boost (for the city and county road funds) and a 2 percent levy on the average wholesale cost of gasoline. The state board of equalization and assessment can adjust the percentage levy, just as it now does for income and sales taxes, according to the legislative appropriation for highways. State Senator Jerome Warner, sponsor of LB 722, declared, "Currently, 46 percent of the state highway system is below acceptable standards and the backlog has been growing each year."

Washington first adopted a variable gasoline tax in 1977, with a 9-cent-per-gallon minimum and a 12-cent ceiling. The tax was raised to 12 cents in 1979.

New Mexico in 1979 enacted a variable cents-per-gallon tax law, linking the tax to the wholesale price of gasoline. The current rate is 7 cents per gallon, and the ceiling through 1983 is 11 cents.

Percentage and variable taxes are criticized because they allow tax rates to increase with inflation without specific legislative approval. The Highway Users Federation opposes indexing of motor fuel taxes. It urges that nonuser contributions to roads be increased, since society as a whole benefits from transportation, and notes that state general fund appropriations for roads increased fivefold between 1968 and 1978. The group also favors earmarking highway taxes for highway purposes.

Even in the midst of the 1978–79 taxpayers' revolt, motor fuel taxes were raised in 14 states. From 1968 to 1978, 41 states increased fuel taxes at least once, the Highway Users Federation reported.

Motor fuel is taxed by every state, ranging from a low of 5 cents in Texas to 12 cents in Washington. Texas Governor William P. Clements, Jr., said the gas tax should be raised and noted $300 million for highways came out of the general fund last year.

Motor fuel taxes provide 50 percent of all highway revenues at the state level and 70 percent at the federal level. Highways are also paid for by other user charges, such as registration and licensing fees, and by nonuser sources, including general funds.

OTHER STATE ACTIONS

In 1980 sessions, states looked at ways to rescue highway funds other than hiking gasoline taxes. Maryland earmarked a portion of the corporate income tax and the vehicle titling tax for the Transportation Trust Fund. Colorado provided $60 million in surplus funds to the highway fund. New Mexico earmarked the motor vehicle excise tax for the road fund and authorized sale of $25 million in severance tax bonds for roads. West Virginia appropriated $46.5 million for secondary roads—much less than the $78 million requested by the governor. Ohio voters rejected a $200 million bond issue for highways on the June 3 ballot.

Maine in a special session in May approved measures to correct a predicted $16.7 million shortfall in highway funding. Driver license fees were increased to raise $1.2 million. Programs were cut back and state matching for local highway funds was reduced. Hurt most will be paving projects, reported Daniel Webster, Jr., deputy commissioner of the Department of Transportation. "The original budget called for 12,050 miles in paving this summer, but due to budget cuts and inflation we'll only be able to do 400 to 500 miles," he said.

Oregon voted May 20 to restrict highway funds to highway uses, cutting out state parks. The 1979–81 budget freed $60 million for highways by funding parks from the general fund rather than the highway fund. The limitation is designed to encourage voter approval of a hike in the gas tax from 7 to 9 cents a gallon on the November ballot.

Michigan increased its diesel fuel tax from 9 to 11 cents per gallon in 1980.

Minnesota Governor Albert Quie appointed a panel to study highway needs in 1980, after vetoing a similar legislative commission. A 2-cent gas tax increase enacted in 1980 will provide $42 million toward the Department of Transportation's $126 million deficit.

GASOHOL BREAKS

In addition to the squeeze on highway budgets caused by reduced fuel consumption and inflated construction costs, tax breaks for gasohol are eating into road funds. The tax breaks were granted for the blend of 90 percent gasoline and 10 percent alcohol to encourage agriculture and reduce foreign oil consumption. At least 22 states give gasohol total or partial exemptions from motor fuel tax levies.*

Iowa, which exempted gasohol from its 10-cent gas tax in 1978–79, will tax gasohol 5 cents beginning May 1981. "Iowa is losing $1 million a month due to the exemption," declared Bob Anderson, director of the office of policy analysis in the Iowa Department of Transportation. A 1978 law increased the gas tax by 3 cents, phased in over 1979–80, and exempted gasohol until July 1983. "We thought it minor at the time," Anderson mused. The unexpected popularity of gasohol quickly ballooned into a projected $80 million loss over the five-year period for Iowa. The loss will be cut to $50 million with restoration of half the tax.

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*Alabama, Arkansas, Colorado, Connecticut, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maryland, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, Washington, and Wyoming.

Fuel consumption has declined in Iowa since 1978 and costs have increased 20 percent annually in road repair and construction. "We've had to reduce new construction and put our resources into preserving the existing system by repaving and replacing roads," Anderson said. At present funding levels, it would take 180 years to rebuild any roads built today, he added. Iowa's highway budget will also be hurt by 1980 legislative approval of heavier federal weight and longer length standards for trucks, Anderson said. A study estimated the heavier trucks would cause an additional $12.4 million in wear damage, but the legislature only increased truck fees enough to raise an additional $10 million.

As the price of gasoline continues to rise, it seems that highway funds in all states will be squeezed even tighter as revenues decline due to reduced gas use. The additional burden of the windfall profits tax and the possible import tax on oil are likely to push gasoline prices even higher, making it more difficult for states to impose stiffer gasoline taxes.●

SECRETARW OF COMMERCE PHILIP M. KLUTZNICK

● Mr. LEVIN. Mr. President, I want to join my colleagues in paying tribute to the 25th Secretary of Commerce, Philip M. Klutznick. I do so because of the respect I have for the work he has done and the respect I have for the person that he is.

I have had the opportunity to spend a good deal of time with the Secretary in the past few months. He and I campaigned together in a couple of States for President Carter. I was always impressed by the force and vigor of Phil's presentation. And in that regard I would like to corect one statement made by an associate of his when he was nominated for his post. That associate characterized him as being "72 going on 50." After having traveled with him I think Phil is 72 going on 40. And, if that experience is representiative, I would sugest that we have finally discovered the fountain of youth and it is located in the Office of the Secretary of Commerce.

More importantly, I want to comment briefly on the work that has been done under his direction. The list of legislative and admininstrative accomplishments is extraordinary, particularly in light of his short tenuer in office. Under his direction we have pased the Shippers Export Declaration Act and the Patent Reform bill. Under his guidance we have made a real progress on the Product Liability-Risk Retention Act and the Export Trading Company bill. In those administrative areas directly under his control, we have witnessed a significant increase in the morale and productivity of the employees in the Department. Additionally, Secretary Klutznick played a critical role in implementing the legislation to counter the boycott of American firms dealing with Israel which the Congress passed back in 1977. Under his leadership, the general framework established by the law was filled out fairly and effectively. He was tough but he was realistic. And under his leadership, the important objectives of this act were accomplished.

Secretary Klutznick and I have not always agreed on all issues of mutual concern. I have, for example, been concerned about the response of the Department and the administration to some of the trade problems we confront in the auto industry. But I have always found that the Secretary was available to personally discuss those concerns and that his staff was always willing to respond to any question and produce any documentation t hat I needed. I may not have always liked his answers, but I did like the promptness of his response and the honesty of his answer.

Mr. President, this country has been blessed by an abundance of men and women wiling to make real personal sacrifices to serve the public interest. Secretary Philip M. Klutznick is one such person. His contributions as Secretary of Commerce have been significant and his departure from that role will result in a real hardship for those who have counted on his personal friendship and professional advice. But I know that Phil will continue to make available his advice and that the country will continue to listen to it.●

THE PROPOSED PAY INCREASE

● Mr. MITCHELL. Mr. President, I am concerned about reports that we may vote today on the question of whether elected members of the legislative branch shall receive during the next Congress more than $10,000 more per year in salary than we have received during this Congress.

We all know the arguments which are being made to justify this substantial increase. Yes, Washington is an expensive place in which to live and raise families while maintaining a home back in our States; yes, most Senators have more social obligations than most members of the general public because of the positions we hold; yes, we can all easily put to good use the additional personal funds which this raise entails. Inflation, after all, hurts everyone.

But the questions I am compelled to ask are: Are we entitled at this time to this increase? Have we been so successful in balancing the budget that the country can afford to award us what amounts to a 16-percent increase? The answer, to both questions, must be "no."

Our job is to formulate policies which bring this Nation prosperity, guarantee its national security, protect its cherished liberties, and generally make it a better place in which to live. There is no doubt that each and every one of us in this Chamber supports these goals.

Would it not then be more appropriate, as we end the 96th Congress, to rededicate ourselves to their achievement, rather than to increase our own salaries?

Mr. President, a final thought concerns me as I consider the issue of a congressional pay raise; it would not be right for me not to acknowledge this thought today.

My State, Maine, when judged in economic terms, is very poor. In per capita income, it ranks 47th out of the 50 States. The most recent figures available indicate that the average per capita income in Maine is $7,000. Today we are considering granting ourselves an additional amount of salary which exceeds by $3,000 the annual per capita income of my constituency.

I cannot and will not vote for such an increase. I feel the bite of inflation as I know many of my colleagues do, and as my constituents certainly do. But I sought the responsibility of service in the Senate and accept the sacrifices which are necessary to leadership at this time. On several occasions this year, we have cast votes which have, in effect, asked other Americans to accept less. Having asked others to sacrifice, we cannot in good conscience refuse to sacrifice. I hope the Senate will demonstrate leadership in this fight against inflation and reject this salary increase.

Mr. President, I urge all my colleagues to reject the congressional pay raise contained in the continuing appropriations legislation.●

BLACK SUPPORT FOR GOP

● Mr. DOMENICI. Mr. President, I take this opportunity to submit to the Record a copy of an article that recently appeared in the Christian Science Monitor. The November 25 Monitor published an article entitled "New Wave of Black Politicians Emerges With Reagan, Republican Victory."

Those who have followed political trends in this country are well aware of the fact that black Americans have been traditionally identified with the Democratic Party. Since the 1930's and the administration of Franklin Roosevelt, the Democrats have relied on the black vote as a major block of support. However, the recent Presidential election marked what may well be the emergence of a new trend in American politics.

President-elect Reagan received an estimated 15 percent of the black vote. Although the number is small, it represents more than double the number of blacks who voted Republican in 1976. In States such as Arkansas and Tennessee, the black vote may have been the deciding factor that put Governor Reagan over the top in those States.

Mr. President, as a Republican, I am elated to see my party expand its base of support and begin to embrace a broader electorate. I welcome the increased support and confidence of black Americans. I recognize the difference this support made in the 1980 elections, and I hope this marks a new beginning for the Republican Party and black Americans.

The article follows:

NEW WAVE OF BLACK POLITICIANS EMERGES WITH REAGAN, REPUBLICAN VICTORY

(By Luix Overbea)

A different type of black politician is emerging as President-elect Ronald Reagan prepares to take office in January.

He is a well-dressed, middle-class, and possibly suburban black who favors the GOP, a party blacks dropped in the 1930s with the advent of Franklin D. Roosevelt's New Deal. He is a person with a subdued level of public exposure, and has only a small following among grass-roots and ghetto urban blacks.

The political strength of black people remains with the Democratic Party through the Congressional Black Caucus and various organizations of black public officials. Even with the Reagan landslide, the lone black GOP member of Congress, Melvin H. Evans, former governor of the Virgin Islands, lost.

Nevertheless, fresh black faces are surfacing with the incoming administration—Arthur E. Teele of Jacksonville, Fla., James E. Cummings of Indianapolis, Jack E. Robinson of Boston, John Plummer of Miami, Virgil Brown of Cleveland. More familiar names among Republicans also are moving into the spotlight—Dr. Gloria E. A. Toote of New York City, Arthur Fletcher of Washington, D.C., W. O. Walker of Cleveland, Dr. Aris Allen of Annapolis.

The election of Mr. Reagan also spells the revitalization of the Rev. Ralph D. Abernathy and the Rev. Hosea Williams, once powerful civil rights leaders whose stars were waning, and Mayor Charles Evers of Fayette, Miss., who could be changing partners from Democrat to Republican. They have the grass-roots connections many of the GOP's "new kids on the block" lack.

Appearance of new leadership does not mean a black stampede back to the party of Abraham Lincoln or even a soft trend toward the GOP. The last "big" vote for Republicans came in 1956 when blacks went 36 percent for Dwight D. Eisenhower. This fell to 20 percent for Richard Nixon when he lost to John F. Kennedy in 1960.

Black Republicans are rejoicing, however, because in at least two states they may have provided the margin of victory—in Arkansas where Reagan won by fewer than 5,000 votes while receiving more than 8,000 black ballots, and in Tennessee, where his edge was only 6,000 as blacks cast 16,000 votes for him, according to the Joint Center for Political Studies in Washington, D.C.

Black Republicans also show gains in state and local elections. In Miami, John Plummer became the first black state representative in the Florida state legislature in the 20th century. And, in Cleveland, Virgil Brown became the first black ever elected to the Cuyahoga County Commission.

Whether the black vote for Reagan—estimated as high as 15 percent by some sources and double the vote for President Ford in 1976—will be translated into cabinet and high level positions for blacks, remains to be seen. Black names being tossed about include Arthur E. Teele, who leads a transition team task force on transportation and who headed the Reagan-Bush campaign's efforts to win minority support; party veteran Arthur Fletcher who ran as GOP candidate for mayor of Washington, D.C., and others.

Black Republican leaders met Nov. 21–22 with Edwin Meese and other Reagan transition team leaders, but conference results have not been made public.

Angela D. Wright, who guided the black effort for the Republican National Committee, said, "It is most important at this time to get good black professionals in the new administration. The party promises a stabilized economy and more jobs. Black people need this."

Nationally, however, the Congressional Black Caucus increased from 16 to 17 members, all Democrats, including two from districts now represented by whites—Mervin Dymally of Los Angeles, former lieutenant governor of California, and Augustus Savage of Chicago.

The other new members are Harold Washington of Chicago, succeeding Rep. Bennie Stewart, and Judge George Crockett of Detroit, supplanting Rep. Charles C. Diggs, who resigned after being found guilty of taking kickbacks from his employees. All 13 representatives seeking reelection won.

Chicago now becomes the only city with three black representatives in Congress. Los Angeles, Detroit, and New York City have two each.

The Black Caucus does not plan to lament over election results. "We are definitely requesting an audience with Mr. Reagan," says Rep. Cardiss Collins of Chicago, chairman of the caucus, considered the nation's most potent black political force. She led the fight to keep President Carter off the annual Black Caucus Weekend program this year and last year.

Black dissenters have resolved the Reagan issue in another way. They organized the new Black Independent Political Party this past weekend in Philadelphia. Ronald Daniels, a professor at Kent State University, heads the movement.

Although more blacks registered and voted than ever before, says Patricia Spaulding of the Joint Center for Political Study, a black political think tank, the percentage of registered blacks who voted dropped to 60 percent, down from 64 percent in 1976. The percentage of eligible voters casting ballots, however, rose 2 percent to 40 percent this year, low in comparison to 52 percent for the nation, she notes.

Black voting on the losing side—estimated from 80 to 89 percent for Carter by various polls—made "ours an ineffective voice except for nonurban areas where blacks voted up to 50 percent for Reagan in some places," said Eddie N. Williams, president of the Joint Center.●

THE MGM GRAND HOTEL FIRE IN LAS VEGAS

● Mr. CANNON. Mr. President, on Friday, November 21, a tragic fire at the MGM Grand Hotel in Las Vegas took more than 80 lives and caused millions of dollars worth of damage. As terrible as this was, it would have been much worse in terms of deaths and injuries if not for the valliant efforts of U.S. Air Force helicopters and crews from Nellis Air Force Base near Las Vegas who rescued people from atop the burning hotel. A total of nine helicopters and crews were credited with rescuing 108 people.

The following Air Force dispatch, which I ask to have printed in full, vividly documents these efforts. I draw my colleagues' attention to it as a testament to a selfless and wonderfully efficient effort by Air Force personnel.

The dispatch follows:

RESERVISTS SAVE LIVES AT LAS VEGAS FIRE

"I rode the hoist down and was barely onto the balcony when this pregnant lady jumped right on and grabbed me around the neck. Almost choked me to death. She wasn't scared * * * just glad to see me."

Those were the words of Tech. Sgt. Daniel R. Jaramillo, an Air Force reservist with the 302nd Special Operations Squadron, who was one of 35 Air Force Reserve and Regular Air Force helicopter crew members participating in rescue operations during last Friday's MGM Grand Hotel fire in Las Vegas, Nev.

Though 84 perished in the blaze inside the mammoth 26-story structure, reserve and active duty helicopter crews flying out of nearby Nellis Air Force Base were instrumental in saving the lives of dozens of hotel guests and employees. Nobody knew for many hours how many persons were actually plucked from balconies and the roof, because keeping count in the confusion and smoke surrounding the scene was difficult, said Lt. Col. Mike Wallace of the Nellis Public Affairs Office.

Nine Air Force helicopters, including three CH–3E "Jolly green giants" from the 302nd, responded to the scene just minutes after the city's plea for help.

The call came from the Metropolitan Police Department at 7:38 a.m. and brought an immediate response from the Nellis Consolidated Command Post. By 7:55 a helicopter was airborne and less than 20 minutes later was hovering over the hotel.

Evacuation of survivors began immediately, according to Maj. Larry B. Doege, commander of Detachment 1, 57th Fighter Weapons Wing.

The three Air Force reserve helicopters and three active-duty Air Force UH–1N HUEYS from the 1st Special Operations Wing, Hurlburt Field, Fla., were at Nellis to participate in a red flag military tactics exercise. Three other USAF helicopters used were HUEYS based at Indian Springs Air Force Auxiliary Field, 40 miles north of Las Vegas.

It was an awesome sight from the air as the rescue proceeded. Smoke was heavy to the point that it was hard to see until the crews flew directly over the roof, reported major Doege.

Smoke was billowing from parts of the roof, through vents and was also coming out of windows, the major added.

The reserve aircrews, temporarily at Nellis from their home station, Luke Air Force Base, Ariz., hoisted 15 people to safety from the balconies. The reservists flew 7 hours in four flights before day's end.

In addition, Air Force HUEYS made 38 trips to the hotel's roof and rescued 93 survivors. They also airlifted firemen and rescue personnel to the roof and down again when they became exhausted.

Sergeant Jaramillo was the flight engineer aboard one of the reserve's Sikorsky "jolly green giants", a helicopter equipped with an exterior rescue sling device.

His job was to ride the sling down, climb onto the balcony, and strap people into the seats for the rescue. Once everyone was aboard the hovering helicopter, he would then ride the sling to safety.

"Our crew took eight people off the balconies in all, including a pregnant lady", Sergeant Jaramillo said. "We took them to the roof where the HUEYS were waiting to haul them away".

Most of the rescued people were transported to the city's convention center, according to local officials, where the Red Cross and other agencies had set up an aid center Others were taken to surrounding hotels.

Helicopters first arriving on the scene could just as easily have been landing in a combat zone, according to one veteran pilot, Capt. Lester F. Smith from the 302nd.

"There was a lot of smoke obscuring our vision, and we weren't able to get in on our initial passes", Captain Smith explained.

"The metro choppers (city police controlling the entire effort from their own helicopters) called us off. But then the smoke cleared and we managed to get in. The metro police did a super job in controlling the environment. Radio discipline was excellent. No extraneous chatter. They were able to position us quickly when they spotted people on the upper balconies."

To move the slings close to the upper balconies, the "jolly green giants" stayed above rooftop level to offset the diameter of their rotors. But even then, overhangs on each balcony prevented crews from moving the slings too close.

Capt. Michael A. Martin, piloting a 302nd CH–3E, solved the problem.

"I had my guy carry a cargo strap down on the hoist, and as he pulled level with the balcony. He tossed one end to the people", Captain Martin explained. "They would pull on the strap and start the sling swinging like a pendulum. Once close enough, my guy would grab the balcony railing and scale it".

Captain Martin's rescue man was Master

Sgt. James Connett. So successful was Sergeant Connett's improvised rescue technique that the procedure was quickly adopted by other crews.

"Once on the balcony, I got out and strapped the people in, one or two at a time, depending on their cooperation", Sergeant Connett said.

"It was the only way we could be assured they were in securely."

According to Sergeant Connett, many people wanted nothing to do with the sling device and had to be coaxed into the seats.

"Several people, especially the older women, wouldn't budge from where they were sitting. One said she was scared of heights . . . we were operating from 200 feet up and higher . . . but I just sweet-talked them in," the Air Force Reservist said.

Capt. David T. Ellis, who assisted with the hoist in Captain Martin's chopper, said, "on one trip, the first person in went straight to a corner and began crying. When the second person arrived, it was like a family reunion . . . lots of hugging and kissing. We even got a few hugs."

Another reservist, Tech. Sgt. James C. Hodges Jr., who also served on Captain Martin's chopper, said one lady took a set of wings she had on her dress and tried to give them to him. "She was so happy. She just wanted to give me something."●

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

● Mr. TALMADGE. Mr. President, I commend the conferees for the work they have done to expedite this very important appropriation bill. It is a good bill and merits the approval of the Congress.

I should like to comment on one item of interest to a good many farmers in my State—the item regarding the peanut price support program. The conference committee was correct, in my judgment, in recommending deletion of Senate amendment No. 96. Even though new price support legislation will come before the Congress next year, there is no good reason to prohibit appropriate variations in administration of the program in the intervening months. Some degree of flexibility in administration is essential if the legislation is to provide maximum benefit to producers with minimum difficulty to Government and minimum cost to the public. The language of the report would not preclude this.

Everything possible should be done to relieve the serious economic difficulties of the peanut producers. Drought and excessive heat last summer reduced the peanut crop 42 percent, and another 15 percent has been reduced in value by aflatoxin. Prices of shelled peanuts and peanut butter are soaring but, tragically, peanut farmers are benefitting very little from these prices. In 1981, I hope, the peanut program can be improved substantially, but in the meantime we should encourage the Secretary of Agriculture to use the present program as fully as possible to improve the peanut farmers' position in the market.

Again, I commend the conferees for their good work and in particular for putting aside the proposed amendment with respect to the peanut program.●

JAMES E. LEE, A PUBLIC SERVANT IN AGRICULTURE

● Mr. STENNIS. Mr. President, the Department of Agriculture and the American public have lost a capable and dedicated civil servant who will be sorely missed.

James Edward Lee, Assistant Administrator for farmer programs of the Farmers Home Administration, died on September 20 after 40 years of Federal service.

Born and reared on a livestock farm near Poplarville, Miss., Jim brought to his job a love of farming and a desire to help farm families with their credit needs.

Jim graduated from Mississippi State University with a degree in agricultural education and earned a master's degree in agriculture from Auburn University. He taught vocational agriculture in Alabama prior to joining the Farm Security Administration as assistant county supervisor at Florence, Ala., in 1940.

As teacher, counselor, loan maker, administrator and program manager, Jim Lee's concern always was for maintaining the progress and well being of the family in America.

Jim moved to directorship of the Farm Ownership Division of Farmers Home Administration in 1971 and became director of the Emergency Loan Division in 1975. He was named Assistant Administrator in 1978. During his tenure, he directed the lending of more than $24 billion through farmer programs, including more than $19 billion of credit in the years 1978 through 1980.

I express my personal sympathy to the members of Mr. Lee's family. He brought enthusiasm and zest to a distinguished career in government service. Among his numerous awards and honors at the Department of Agriculture were the Equal Employment Opportunity Achievement Award in 1976 and the Superior Service Award in 1978.

Jim was also a family man and leader in his church and community life. At the time of his death he was a lay leader at Fair Park Baptist Church in Alexandria, Va.; member of Toastmasters International; and an active member in the American Legion and the Izaak Walton League of America.

Jim is survived by his wife of 40 years, Janet Hardwick Lee, and four children: Patricia Crawford, Metairie, La.; Alma Carpenter, Deerfield, Ill.; James H., Lebanon, Ind.; and W. Edward, Fort Washington, Md. A brother, Johnny and two sisters, Trishia Frye and Myna Powers still reside in Poplarville. Two other sisters, Vera Bounds of Hattiesburg, Miss. and Myrtis Lee of Bogalusa, La., also survive.●

PHILIP M. KLUTZNICK, SECRETARY OF COMMERCE

● Mr. CANNON. Mr. President, it is a pleasure for me to join in this tribute to the Secretary of Commerce, Philip M. Klutznick. Although his tenure was short, his accomplishments are quite remarkable.

The Secretary's personal interest and involvement measurably aided the passage of patent reform legislation.

Secretary Klutznick's active personal involvement has been instrumental in keeping the Product Liability Risk Retention Act alive, and while I hope that we can act on this bill in the closing days it would have been difficult to get this far without his active support. Perhaps Phil Klutznick's most important contribution has been his activities in support strong supporter of the export trading of international trade. He has been a company legislation which he believes would greatly aid American businesses and address the balance of payment problem. I think the reason that Phil Klutznick has been so successful in advocating programs to promote commerce and international trade is because of his own background and experience as a businessman.

Mr. Klutznick's accomplishments as a real estate developer mark him as one of the most sucessful men in that entire industry. His successful developments include suburban housing projects as wel as the 74-story Watertower Palace in Chicago. But it is not only as a businesman that Mr. Klutznick has been active. He has also participated in civic affairs. He has been a member of the National Council of the Boy Scouts of America and was president of the World Jewish Congress.

Secretary Klutznick and his wife, Ethel, will be returning to Chicago in January and all of us I know appreciate the contribution he has made and wish them well in the future.●

TRAGIC DEATH OF PORTUGAL'S PRIME MINISTER

● Mr. PELL. Mr. President, I was shocked and deeply saddened to learn of the death yesterday in an airplane crash of Portugal's Prime Minister, Francisco Sa Carneiro, his chief assistant, Antonio Gouveia, and the minister of national defense, Adelino Amaro Da Costa.

I first came to know Dr. Sa Carneiro in February of 1976 when I was in Lisbon to assess Portugal's prospects for an orderly transition to democracy after the 1974 revolution that ended over 50 years of authoritarian right-wing dictatorship. At the time, the country's democratic forces were on the defensive in the face of a powerful onslaught by Communists and various radical left-wing groups. Dr. Sa Carneiro was one of several young and promising democratic leaders whom I met and who gave me great hope that democracy did have a chance to survive in Portugal.

Dr. Sa Carneiro and I kept in touch over the years since 1976, and I was pleased that he always came by to meet with me whenever he was in Washington. When Dr. Sa Carneiro became Prime Minister, I was convinced that he would be able to provide the kind of sound leadership that would bind the country together and restore its economic and political health. He was making excellent progress in this regard, and it is tragic that his work was so tragically interrupted.

I did not know Minister Da Costa or Mr. Gouveia personally, but I understand that they were highly able and dedicated public servants. My heart goes out to the families of all of these men and to the people of Portugal in their loss at one stroke of so many promising young leaders. Although stable democracy is new in Portugal, it has been establishing deep and strong roots among the people, and I am confident that Portugal will surmount this latest crisis in leadership as she has in the past.●

A DISCUSSION OF THE ABSCAM INVESTIGATION IS REQUESTED

● Mr. INOUYE. Mr. President, since February 2, 1980, we have witnessed the unfolding of the details of a matter which has been named Abscam. Since it first became public knowledge, legal scholars and historians have raised questions which are fundamental to the separation of powers in our form of government, and to the independence of the legislative branch of the government. I particularly refer to an article by a distinguished member of the New York bar, Jeffrey Glekel, published in the New York Law Journal on October 8, 1980. Mr. Glekel discusses the threat to legislative independence inherent in the Abscam operation. Mr. President, I submit the text of Mr. Glekel's article to be printed at the end of my remarks.

Indeed, the U.S. Court of Appeals for the Second Circuit, in considering the case on the appellate level arising out of the Abscam operation, United States against Myers (80–1309, August 8, 1980) described ABSCAM as follows:

> The Executive Branch of the Government of the United States has carried out a plan to determine whether members of the Legislative Branch and others would commit bribery offenses if presented with the opportunity to do so. In a constitutional democracy this maneuver inevitably raises sensitive issues of public policy and public law.

In February and March of this year, the Attorney General, the Assistant Attorney General in charge of Criminal Division, and the Director of the FBI testified several times before various committees in the House and Senate. Their testimony was impressive in its depiction of the controls and the close supervision they said was exercised at the highest levels of the Department of Justice and the FBI to prevent any violation of due process or attacks on the independence of the Congress. For example, I refer you to the testimony before the House Judiciary Subcommittee on Constitutional Rights on March 4, 1980.

The Assistant Attorney General in charge of the Criminal Division at the Department of Justice testified that the Department follows strict guidelines when initiating undercover investigations. The Assistant Attorney General, Philip B. Heymann, said that in general the Department requires "a well-founded suspicion of criminal activity in a sector or area before commencing an undercover operation, not only because fishing expeditions may be unfair but also for the practical reason that they would be wasteful of our scarce investigative resources."

In the specific area of investigations of public corruption, especially those investigations directed against a member of another branch of government, Mr. Heymann testified that the Department's requirements are even stricter:

> We must be fully satisfied that the public official is soliciting and willing to accept an illegal payment in return for dispensing a political favor. If it appears that the individual lacks such intent and has entered the operation on an innocent misunderstanding, perhaps generated by the misrepresentations of a deceitful non-governmental middleman, we would not pursue the individual as a target of the investigation.

Mr. President, within the past few days a distinguished Federal Judge in Philadelphia has filed an opinion which raises serious questions as to the accuracy of the testimony of these high officials of the Department of Justice and the FBI and, even more important, revives with ever-increasing urgency the concerns about the threat to the independence of Congress. I refer to the decision of Judge Fullam in *United States* v. *Jannotti*, United States District Court for the Eastern District of Pennsylvania, Criminal No. 80–166, November 26, 1980.

In discussing the general outlines of the Abscam investigation, Judge Fullam noted that the operation might have been regarded as an attractive opportunity for soliciting improper payments on the part of corrupt officials. But in practice, he noted—

> The (government's undercover) agents were free-spenders, their resources appeared virtually limitless, and Americans generally viewed oil-derived Arab wealth with resentment—if the agents had merely awaited such solicitation, it is doubtful that entrapment issues would have arisen.

Mr. President, does not this picture of free-spending government agents and their employment of a middleman described by Judge Fullam as a "career swindler" stand in direct contrast to the testimony of Mr. Heymann that the Department planned their investigations very carefully, mindful always of the scarce nature of their financial resources?

More importantly, Mr. President, does not the fact that Judge Fullam found sufficient grounds to believe that parts of Abscam constituted "governmental overreaching amounting to a violation of due process of law" make us all wonder about the assurances given to Congress by those who oversaw the Abscam investigation?

Do not the statements of Mr. Heymann that targets of undercover investigations were carefully selected ring hollow when we learn of Judge Fullam's ruling that some subjects of the Abscam investigation were not predisposed to crime based on evidence at their trial? Mr. President, these are vital issues which must be discussed before the appropriate bodies in Congress.

I am compelled to observe here that a Member of this body is presently under indictment in the Federal court in Brooklyn, N.Y. He has entered a plea of not guilty in that case and I note that Judge Fullam, in his opinion, has made findings of facts about that Senator which brings into grave question both the legitimacy and propriety of the Government's action in his case. But I stress, Mr. President, that my remarks are not intended in any way to impede or interfere with the judicial processes in that Senator's case. The judicial process in that case must be allowed to take its full course.

But the events that have unfolded this year, in Abscam and in other matters, culminating in this recent opinion in the Federal court in Philadelphia, make ever larger the concerns of the Members of this body and of informed citizens as to the threat to the independence of the Senate and the House. Mr. President, I am deeply troubled by this and I am equally troubled by the testimony earlier this year of those high officials in the Department of Justice and the FBI which a Federal court has clearly found to be, to say the least, inaccurate.

The threat to Congress is real. It is present. It exists now. It is a matter of the highest importance and urgency. Mr. President, I request that this body, through its duly constituted committees or through a select committee, undertake an inquiry at the earliest opportunity as to the circumstances surrounding the inception, the operation, the control and supervision of Abscam and inquire further into the testimony of those officials of the Department of Justice and the FBI who sought to justify this attack upon the Congress.

The article is as follows:

A CASE AGAINST ABSCAM

(By Jeffrey Glekel)

The debate concerning the Abscam investigation has thus far focused principally upon the propriety of the investigative technique employed by the Justice Department. Few if any legislators or commentators, however, have even considered the proposition that criminal prosecutions of members of Congress for receiving money in exchange for promising to perform legislative acts constitute an intolerable threat to legislative independence and should be totally forbidden. Even the thought of such a prohibition violates the instinctual conviction of most of us that elective office should not serve as a shield from the consequences of criminal conduct. But there is case to be made for this proposition, and it is a substantial one. Indeed, it was presented with a cogency difficult to improve upon in a dissenting opinion handed down in the Supreme Court of the United States less than a decade ago and authored by Justice White, joined by Justice Douglas and Brennan.[1]

Although the argument of this dissent has not prevailed as a matter of constitutional law, it raises serious questions concerning the wisdom, as a matter of policy, of prosecuting members of Congress for receiving money in connection with actual or promised legislative conduct. It demands our consideration before we approve a law enforcement policy which may do greater damage to the public welfare than the outrageous misconduct it is designed to combat.

In order to place Justice White's argument in proper perspective, it is important to keep in mind that our jurisprudence has always treated members of Congress differently in the sense that it has immunized them in a number of contexts from prosecution by the Executive. The Speech or Debate Clause of our Constitution has been consistently construed as prohibiting prosecution for legislative acts. Its function is to free legislators from the multitudinous forms of executive and judicial oversight that realistically threaten to control or influence their conduct as legislators.[2] The general rule is that "Congressmen and their aides are immune from liability for their actions within the 'legislative sphere,' . . . even though their conduct, if performed in other than legislative contexts, would in itself be unconstitutional or otherwise contrary to criminal or civil statutes." [3]

PROBLEM FOR HIGH COURT

Against this background, it is easy to understand why the constitutional permissibility of prosecuting members for receiving money in connection with their discharge of legislative functions has raised difficult problems for the Supreme Court. The issue first arose in *United States* v. *Johnson*, 383 U.S. 169 (1966), which held that a member of Congress could not be prosecuted on the basis of his delivery of a speech in the House of Representatives in exchange for compensation by special interests. Recognizing "that the instigation of criminal charges against critical or disfavored legislators by the executive in a judicial forum was the chief fear prompting the long struggle for parliamentary privilege,"[4] the *Johnson* Court declined to limit Speech and Debate Clause immunity to prosecutions predicted upon the content of speeches by members but construed it as prohibiting all prosecutions requiring proof of legislative acts or their motivation.

Thus, *Johnson* clearly established that a member may not be prosecuted for performing a corrupt legislative act such as making a speech or voting because he was paid to do so. The Court did not explicitly address the question, however, of whether the Clause prohibits prosecutions for corrupt promises to perform future legislative acts. If it does, bribery prosecutions such as those arising out of Abscam would be *constitutionally prohibited in toto*. Several years later a sharply divided Court was confronted with this question in *United States* v. *Brewster*, 408 U.S. 501 (1972), and distinguished between the performance of a corrupt legislative act, which was specifically addressed by *Johnson*, and the promise to perform such an act. The Court held that although the Speech or Debate Clause prohibits the prosecution of a member for performing a corrupt legislative act, it permits prosecution for corruptly promising to perform the act so long as the government does not rely upon proof of legislative acts. This distinction was compelled, in the Court's view, by the fact that the literal language of the Clause does not immunize conduct extending beyond the actual performance of legislative functions.[5]

VIGOROUS DISSENT

Justice White, writing also for Justices Douglas and Brennan, disagreed vigorously. He argued that the distinction between corruptly promising to perform a legislative act and the performance itself is totally illusory in terms of the policies served by the Speech or Debate Clause. Both types of prosecutions hinge upon the motives with which the member accepted money because they require the Executive to establish that the member undertook for money to be influenced in the performance of a legislative act. Consequently both prosecutions pose the same threat to legislative independence which the Speech or Debate Clause was designed to protect: arming the Executive with the power to control legislative conduct.

The nature of the threat to legislative independence posed by criminal prosecutions for receiving money in connection with legislative acts is illustrated by the hypothetical case presented by Justice White of an important Congressman who is chairman of a key committee where a vote is pending on administration-sponsored legislation. A representative of the Executive Branch is informed of allegations that private interests are paying the Congressman to oppose the legislation and communicates the charge to the legislator.

The pressure upon a Congressman to sacrifice his independence under such circumstances is enormous. Not only will he be in a better position to defeat any future criminal prosecution if he votes contrary to the allegation but, more importantly, in all likelihood he will not be prosecuted at all if he casts such a vote and otherwise conducts himself in a manner pleasing to the administration. The threat to his legislative independence will not be reduced in the slightest by his knowledge that he cannot be prosecuted for his vote but only for being bribed to do so. To prosecute a Congressman for agreeing to accept money in exchange for a promise to perform a legislative act inherently implicates legislative conduct.

DISTINCTIONS EXPLAINED

One's natural response to such an argument is to question why prosecution of members of Congress based upon corrupt legislative promises should be forbidden any more than prosecutions for murder. After all, may not the power to prosecute threaten legislative independence in both instances? As Justice White elaborated, however, there are two fundamental distinctions in terms of potential of abuse of legislative independence between prosecutions for ordinary crimes and those based upon promises to perform legislative acts.

First, in prosecutions not involving the corruption of the legislative process the manner in which a Congressman discharges his legislative functions is utterly irrelevant to the determination of his guilt or innocence. In the trial of a Congressman charged with promising to corruptly perform a legislative function, on the other hand, his defense will be greatly assisted by proof that he conducted his affairs in a manner inconsistent with the theory of the charges made against him; i.e., that his vote was in fact ultimately cast contrary to the terms of the corrupt bargain alleged.

Second, even the most vociferous critics of the moral standards of Congressmen and Senators could not plausibly maintain that a basis will frequently exist for accusing members of ordinary crimes such as murder, assault, or theft. But credible grounds for suspecting a member of improperly agreeing to perform a legislative act will be far more common. This follows not from the corrupt character of members but rather from the nature of the American political system.

It has never been thought improper for members of Congress to act with due regard for the interests of their constituents. Serving constituents is an important part of a legislator's functions—particularly of legislators who desire reelection. Although one might wish that members would act with greater regard for the general welfare, there is nothing unusual or illegal about a legislator supporting or opposing legislation serving or threatening the interests of groups of or of individual constituents. But if prosecutions for promises to perform legislative acts for corrupt reasons are permitted, members become vulnerable to abuse by the Executive each time they make a commitment to a constituent on a matter over which they have some legislative power. This will be particularly the case where grounds exist for believing that the constituent has, however indirectly, financially or otherwise rendered assistance to the member.

INFLUENCE OF CONTRIBUTIONS

The receipt of campaign contributions creates a special potential for abuse by an Executive prepared to influence legislative conduct through the threat of criminal prosecution. Campaigns are principally financed by those interested in supporting partiuclar members and their policies. Legislators consider the potential impact of their conduct upon those who supported them in the past as well as upon those whose support they hope to obtain in the future. It is quite common for constituents or special interests to indicate or imply that that support will be forthcoming or will continue if the legislator acts in a particular fashion in matters of concern to them. As Justice White put it, "mutuality of support between legislator and constituent is inevitable. Constituent contributions to a Congressman and his support of constituent interests will repeatedly coincide in time or closely follow one another. It will be the rare Congressman who never accepts campaign contributions from persons or interests whose view he has supported or will support . . ."[6] This aspect of contemporary political life creates virtually unlimited opportunities for the Executive to claim that legislative conduct has been sold. The threat or even the suggestion of criminal prosecution in such contexts create an enormous potential for Executive control of legislative behavior.

Of course a strong argument can be made that even if the potential for executive control of legislative conduct inheres in criminal prosecutions for bribery, they nevertheless must be permitted because of the overwhelming threat that corrupt conduct poses to our democratic system of government. But such a contention must be weighed against the fact that such prosecutions have been extremely rare over the course of our history and even, until the *Brewster* decision in 1972, of dubious constitutionality. Moreover, it should be noted that the unavailability of criminal prosecution would not insulate members of Congress from accountability for their misdeeds. The Constitution expressly empowers each House to punish its own members for misconduct.[7] In addition, of course, the electorate regularly receives the opportunity to pass upon the conduct of its representatives.

Even if bribery prosecutions are not to be totally forbidden, the concerns outlined above may at least counsel against the use of undercover techniques involving the instigation of bribes by law enforcement agents assuming fictitious roles and creating fictitious plots. It is true that the Abscam investigation was apparently conducted in a manner which minimizes some of the concerns expressed above. For example, the legislative action which members of Congress were bribed to support or initiate, such as the introduction of private immigration bills, did not involve matters of policy of any interest to the Executive Branch. Indeed, the scam was terminated before any legislative action was taken.

THREAT TO INDEPENDENCE

Nevertheless the practice of "targeting" particular members of Congress to determine whether they would accept bribes if presented with the opportunity to do so, which is the very essence of the Abscam operation, poses a major threat to legislative independence. The power to influence legislative conduct to some extent inherent in any prosecution is exacerbated by the use of the "sting" techniques employed in Abscam because the Executive retains discretion to decide which members will be confronted with the temptation to accept a bribe.

Of course the member may extricate himself merely by refusing the offer. But events in the real world are frequently not so black and white. Danger arises in those situations where the pre-selected legislator does not unambiguously reject the enticement or refuse to commit himself to perform a legislative act and the Executive retains discretion to determine whether to prosecute. The pendency of such a threat of prosecution against a legislator for possible crimes generated by the Executive's own action may serve as a powerful inducement for him to conform his conduct to the wishes of those who will, in the first instance, decide his fate. It is one thing to tolerate such a potential for abuse where criminal conduct has independently come to the attention of the Executive but quite another matter to permit the Executive Branch to selectively create opportunities to influence legislative conduct.

It appears on the basis of facts thus far made public that the Justice Department has succeeded in carefully crafting an undercover sting operation directed at legislators which has avoided violating the prohibitions of the Speech or Debate or Due Process

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Footnote at end of article.

Clauses, or the law of entrapment. There is no indication whatsoever, however, that those who created and approved this technically successful operation gave any consideration to the question of whether the use of such tactics to criminally prosecute selected Congressmen believed to be predisposed to act corruptly justifies the serious threat to the constitutionally based value of legislative independence which such law enforcement ventures inevitably pose. In any event the issue is far too important to our constitutional system of government to be left to the uncritical judgment of the law enforcement arm of the Executive Branch.

FOOTNOTES

[1] United States v. Brewster, 408 U.S. 501, 551 (1972).

[2] Gravel v. United States, 408 U.S. 606, 616–617 (1972).

[3] Doe v. McMillan, 412 U.S. 306, 312–313 (1973).

[4] 383 U.S. at 182.

[5] Art. I, Sec. 6 of the Constitution provides that "for any Speech or Debate in either House they [Members] shall not be questioned in any other Place."

[6] 408 U.S. at 558.

[7] Art. I, Section 6 of the Constitution empowers each House to "determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member." See also Kilbourn v. Thompson, 103 U.S. 168, 189–190 (1881).●

THE INSPECTORS GENERAL

● Mr. EAGLETON. Mr. President, beginning with the revelations about GSA in mid-1978, the public has been bombarded continually with headlines reporting the staggering level of fraud, waste, and mismanagement in Federal programs. In one stunning revelation, the Inspector General at Health, Education, and Welfare estimated that between $6.3 billion and $7.4 billion was misspent annually at his department as a result of fraud, abuse, and waste—"at a minimum." Surveying the entire landscape, an official of the General Accounting Office, knowledgeable in this area, estimated in 1978 that fraud in Federal programs ranged from $12 to $15 billion annually to perhaps as high as $25 billion.

This level of fraud, program abuse, and just plain waste in Federal programs is unacceptable. We cannot permit the squandering of billions of dollars at this time of double-digit inflation and scarce budgetary resources. It fuels the fires of inflation. It robs Federal resources which might otherwise be available to meet legitimate—even pressing—needs. It promotes understandable public cynicism about all Federal programs, eroding support for these activities.

While there are no miracle cures to these problems, there are significant steps which could improve the situation by insuring that Federal programs are administered vigilantly. Congress made important progress toward this goal with the passage of the Inspector General Act of 1978. That legislation established statutory Offices of Inspector General in 12 major executive agencies to coordinate the agencies' effort to combat fraud and waste through improved auditing and investigation. I was actively involved in passage of the 1978 legislation, and I have been gratified by the progress made by the IG offices to step up the battle against fraud, waste, and mismanagement in Federal programs.

Mr. President, a recent article by Judy G. Kopff, a program analyst with the General Accounting Office, provides a valuable perspective on the Offices of Inspector General. Ms. Kopff has reviewed some of the history leading up to the enactment of the IG legislation, analyzed the legislative history, and provided a helpful preliminary discussion of both IG accomplishments and problems and growing pains of the new offices.

Ms. Kopff received a GAO award for her thoughtful article. I commend it to my colleagues as an excellent overview of the inspector general legislation and related issues.

Mr. President, I submit Ms. Kopff's article for printing in full in the RECORD.

The article is as follows:

THE INSPECTORS GENERAL—ON-THE-SPOT WATCHDOGS

(By Judy G. Kopff)

Ms. Kopff became interested in the subject of her article after attending a panel discussion in October sponsored by the Washington Women's Network. The five female Inspectors General spoke at that time about their perspective of the Inspector General movement.

In October 1978, the President signed into law one of the most important pieces of legislation relevant to the mission of the General Accounting Office. The Inspector General Act of 1978, along with related legislation, can potentially save the Government billions of dollars. In the first annual report to Congress by the Inspector General (IG) at the Department of Health, Education, and Welfare (HEW), the IG conservatively estimated that losses from fraud, abuse, and waste at HEW totaled more than $7 billion annually. In the medicaid program alone, he estimated that 25 percent of the funds were misused. Patterned after the Office of Inspector General created in 1976 in HEW, the Inspector General Act establishes similar offices in six Federal departments and six Federal agencies. The IGs play a key role in the process of governmental accountability because their activities are designed to promote economy and efficiency and to prevent and detect fraud, abuse, waste, and mismanagement in Federal programs and expenditures.

BACKGROUND

Billy Sol Estes and the first IG

The history of the Inspector General Act of 1978 can be traced back to Billy Sol Estes, the Texas wheeler-dealer who was convicted of fraud charges in the early 1960's.

For almost a decade, beginning in the early 1950's, questionable activities by Estes had been the subject of uncoordinated scrutiny by various audit and investigative units of the Department of Agriculture (USDA) and other Federal agencies. One such activity involved a large grain storage operation under a USDA program. To comply with USDA regulations, Estes had to submit financial statements. The statements showed that his net worth had increased from $6 million to $13 million in about 6 months. The Director of USDA's Dallas Commodity Office, after looking at the statements, became suspicious and forwarded them to the Internal Revenue Service (IRS). He included a memorandum which said in effect, "If he is really doing this, you should be interested; and if he is not doing this, we would be interested." The IRS pulled Estes' tax returns and found they showed exactly the reverse. They indicated Estes owed no taxes because of multi-million dollar losses.

At that point, the IRS "promptly forgot about it," according to James Naughton, Counsel to the Intergovernmental Relations and Human Resources Subcommittee of the House Committee on Government Operations. Moreover, "they never even bothered to tell the Department of Agriculture that they might be wise to look into the situation."

Various other Federal agencies turned up facts about Billy Sol Estes in the late 1950's and early 1960's, but because they failed to coordinate their investigations, they were unable to put the whole picture into perspective.

In early 1962 an enterprising country editor wrote a series of articles in his Pecos, Texas weekly newspaper, strongly suggesting that Estes had used nonexistent fertilizer tanks as collateral to obtain multi-million dollar loans. The resulting publicity finally brought action by the Federal Government.

In response to the mishandling of the Billy Sol Estes affair, Agriculture Secretary Orville Freeman in 1962 created an "Inspector General" by consolidating auditing and investigative responsibilities under a single high-level official reporting directly to him. A motivating factor in Secretary Freeman's action undoubtedly was a comprehensive investigation conducted by Congressman L. H. Fountain's Intergovernmental Relations and Human Resources Subcommitee, which disclosed the many uncoordinated USDA investigations of Estes' operations.

The administrative initiative at USDA did not endure: in 1974, Secretary Earl Butz abolished the office and split the audit and investigative responsibilities.

While the IG office existed at Agriculture, it served as a model for the second IG position which was set up in 1972 at the Department of Housing and Urban Development in response to the subsidized housing scandals. In January 1978, the Veterans' Administration followed suit at its own initiative.

Legislative history of IG Act

The first statutorily-mandated IG office was at HEW and resulted from a comprehensive review by Congressman Fountain's subcommittee in 1974 and 1975 of the procedures and resources being used by HEW to prevent and detect fraud and program abuse in its operations. The subcommittee found that:

"HEW's operations—which then involved about 300 separate programs totalling about $118 billion annually—presented an unparalleled danger of loss from fraud and abuse . . . HEW's investigative resources were ridiculously inadequate. Although the Department had more than 129,000 full-time permanent employees, its central investigative unit had only 10 investigators with a 10-year backlog of uninvestigated cases . . .

"We found that personnel of fraud and abuse units lacked independence . . . When serious deficiencies were disclosed in reports to program officials, there was little incentive for those responsible to take prompt and aggressive corrective action which might necessitate public laundering of their own dirty linen."

Following the 1974–1975 investigation, Congressman Fountain introduced legislation in 1976 to establish the first statutory Inspector General at HEW. Despite opposition by the department, the legislation was passed by both houses of Congress was signed into law later that year.[1]

In February 1977, with the cosponsorship of Congressman Jack Brooks, Congressman Fountain introduced legislation to establish 11 more statutory offices of Inspector General in 6 other Federal departments and 5 agencies. Nine days of hearings on the Fountain proposal were held in May, June, and July 1977.

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[1] Public Law 94–905.

In the meantime, at the initiative of Congressman Brooks, a statutory Inspector General was created as part of the new Department of Energy (DOE).[2] Accordingly, the Energy Research and Development Administration, one of the components which became part of DOE, was dropped from the Fountain bill; two other agencies—Community Services Administration and Small Business Administration—were added.

On the basis of its 1977 hearings, the Fountain subcommittee found:

". . . serious deficiencies in auditing and investigative organization, procedures, and resources, such as:

Multiple audit or investigative units within a single agency, organized in fragmented fashion and without effective central leadership;

Auditors and investigators reporting to officials who were responsible for the programs under review or were devoting only a fraction of their time to audit and investigative responsibilities;

Jack of affirmative programs to look for fraud or abuse;

Instances in which investigators had been kept from looking into suspected irregularities, or even ordered to discontinue an ongoing investigation;

Potential fraud cases which had not been sent to the Department of Justice for prosecution; and

Serious shortages of audit and investigative personnel, even though such personnel repay many times their savings and recoveries."

In commenting on Congressman Fountain's proposed legislation during the 1977 hearings, each of the 12 departments and agencies covered by the Inspector General bill opposed the establishment of statutory IG offices. Congressman Fountain countered by expressing his committee's concern about ". . . the waste, the extravagance, and the abuses which we found in some agencies. And we are hopeful, if we statutorily establish an Inspector General in some or all of these agencies that it will come within that old saying of 'an ounce of prevention is worth a pound of cure.' "

Despite the departments' and agencies' opposition Congress enacted the legislation.[3]

On the day that the House passed the bill, Congressman Don Fuqua of the Committee on Government Operations commented on the need for the legislation. While pointing out that "Congress continues to have a critical role to play in agency oversight investigations," he cautioned that "the Federal Government has grown far too large for Congress to effectively police it without the benefit of an on-the-spot watchdog such as an Inspector General."

When President Jimmy Carter signed the Inspector General Act on October 12, 1978, he said

". . . The Inspector General will be of prime importance to my administration in our continuing concerted effort to root out fraud, abuse, and waste in agency programs. Over the long term, this legislation will be of great value to this administration's commitment to improving economy, efficiency, effectiveness, and integrity in the administration of Federal programs."

MAJOR PROVISIONS OF THE ACT

Houses the "watchdogs" watch

The 1978 act consolidated existing audit and investigative units into new Offices of Inspector General within each of the following 12 departments/agencies: the Departments of Agriculture, Commerce, Housing and Urban Development, Interior, Labor, and Transportation; the Environmental Protection Agency, the Community Services Administration, General Services Administration, National Aeronautics and Space Administration, Small Business Administration, and the Veterans' Administration.

These departments and agencies employ over 600,000 people and spend over $100 billion annually. They are also the departments and agencies with particular responsibility for administering most of the federally funded programs which have been major targets of fraud, abuse, and waste. Four departments omitted from the legislation are Justice, Treasury, State, and Defense.

The statutory IG offices previously created at HEW and DOE continue to function under the provisions of their own legislation. A statutory IG has also been included as part of the new Department of Education.

IG duties and responsibilities

An Inspector General's duties and responsibilities includes:

Providing policy direction for and conducting, supervising, and coordinating audits and investigations relating to the programs and opertaions of the agency.

Reviewing existing and proposed legislation and regulations relating to programs and operations of the agency and making recommendations to the head of the agency and to Congress concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations, or the prevention and detection of fraud and abuse in these programs and operations.

Recommending policies for, and conducting, supervising, or coordinating other activities carried out or financed by the agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

Recommending policies for, and conducting, supervising, or coordinating relationships between the agency and other Federal agencies, and nongovernmental entities with respect to: (a) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the agency, or (b) the identification and prosecution of participants in such fraud and abuse.

Keeping the head of the agency and Congress fully and currently informed concerning fraud or other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the agency, recommending corrective action concerning such problems, abuses, and deficiencies, and reporting on the progress made in implementing such corrective action.

The law also requires the Inspector General to prepare semi-annual reports to the Congress, including:

A description of significant problems, abuses, and inefficiencies in the administration of programs and operations.

Recommendations made by the Inspector General for corrective action.

Identification of all previous significant recommendations in which corrective action has not been completed.

A summary of matters referred to prosecutive authorities and resulting prosecutions and convictions.

A listing of each audit report completed by the Office during a reporting period.

These semi-annual reports are transmitted to the head of the agency and then to the appropriate congressional committees or subcommittees within 30 days.

If the Inspector General discovers particularly serious or flagrant problems, abuses, or deficiencies, the legislation requires that the IG immediately notify the head of the agency who, in turn, must notify the Congress within 7 days.

Additional significant provisions of the law require that:

Any 'whistle-blowers" (department employees who report possible violations to the IG) be granted confidentiality, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

The Inspector General must comply with standards established by the Comptroller General for audits of Federal establishments, organizations, programs, activities, and functions.

The Inspector General must pay particular attention to the Comptroller General's activities to avoid duplication and ensure effective coordination and cooperation.

Passage of the IG legislation clearly showed that Congress took the problem and responsibilities seriously and wanted to upgrade the auditing and investigative functions in the executive agencies. The legislation provides that the IGs' sole responsibility is to coordinate auditing and investigative efforts and other policy initiatives designed to promote the economy, efficiency, and effectiveness of the programs of their agencies.

Independence: Teeth of the "watchdogs"

In order to make the Inspectors General independent of their agency heads, Congress made them presidential appointees subject to confirmation by the Senate. Congress went a step further by requiring the President to report to Congress his reasons if he ever chooses to remove an Inspector General. And the presidential appointments are to be made "without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations."

The Inspector General reports to and is under the general supervision of the head of the department/agency. Nevertheless, the agency head may not prohibit, prevent, or limit the IG from undertaking and completing any audits or investigations which the IG deems necessary, or from issuing any subpoenas deemed necessary in the course of such audits and investigations.

The Inspector General derives additional independence from the fact that the agency head can add his or her comments to the semiannual report but cannot prevent it from going to Congress nor change its contents.

Congressman John Wydler of the House Intergovernmental Relations and Human Resources Subcommittee described the benefits of having an IG who:

". . . will not get fired as a result of criticizing the boss. Everybody has the theoretical right to criticize their boss, but it is theoretical because you know that the consequences of doing that, in most cases, are such that he would say, 'Fine, it was nice having you with us and I wish you great success in the years ahead, and I will see you around someplace.' "

The Report to the Senate Committee on Governmental Affairs on Congressman Fountain's bill explained why the audit and investigative functions are assigned to an individual whose independence is clear and whose responsibility runs directly to the agency head and ultimately to the Congress. In certain situations, evidence of waste, mismanagement, or wrongdoing may reflect on the agency head personally. In other situations, recognition of wrongdoing or waste may reflect adversely on his or her other programs and undercut congressional support for them. As a result, as the Senate report indicates, "it is a fact of life that agency managers and supervisors in the executive branch do not always identify or come forward with evidence of failings in the programs they administer."

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[2] Public Law 95–71.

[3] Public Law 95–452.

GAO's concerns with fraud and abuse

The act lists four objectives for the IG offices: (1) to supervise and coordinate audits and investigations; (2) to increase economy, efficiency, and effectiveness; (3) to prevent and detect fraud and abuse in Government programs; and (4) to keep the department/agency head and Congress informed of the IG's efforts. However, the third objective, preventing and detecting fraud and abuse, has received the most publicity and emphasis. This emphasis dates back to the 1974–1975 congressional hearings on fraud and abuse within HEW, when testimony revealed that HEW had almost no investigative capability.

Federal program officials and auditors are concerned about the emphasis on the fraud and abuse provisions. Comptroller General Elmer Staats expressed these concerns during the hearings, when he stated that an increased emphasis on fraud detection as opposed to improved management controls would not be the best use of staff.

Mr. Staats highlighted the importance of the Inspector General's audit responsibility by recommending that the bill be modified to indicate clearly that the audit function should not be subordinated to the investigative function. In stressing his belief that "the name of the organizations established by the bill will set the tone for how they operate," he suggested the title be changed to "Office of Auditor and Inspector General." He stated that the organizations created by the bill should maintain a balance between "audit," as a means of preventing fraud, and "investigations," as a means of detecting fraud that has already occurred.

Mr. Staats said he was convinced that fraud detection might draw staff away from audit. Much of the fraud which occurs in the Government's economic assistance programs, he explained, is attributable to the illegal actions of a sizeable number of people who cheat the Government out of amounts which are relatively small in themselves, but which add up to a substantial sum. If the IG offices directed most of their efforts toward detecting these instances of fraud, the Comptroller General said they would be overwhelmed by the sheer number of individual cases they must pursue.

Better use would be made of the IG staff resources, according to Mr. Staats, if most of the IG's efforts involved assisting management in implementing strong internal controls which will prevent funds from being misused in the first place. Mr. Staats added, "Strong internal audit goes hand in hand with such internal controls because audit lets management know if these controls are in existence, and functioning properly, and what modifications are needed to close any loopholes."

Although the Congress chose not to change the title of the Inspectors General, the House Committee on Government Operations attempted to alleviate GAO's concern in its report on the bill. The House report emphasizes that:

". . . the Inspectors General are to be responsible for performance of all audit functions required under the 'Accounting and Auditing Act of 1950,' including audits to determine financial integrity and compliance with pertinent laws and regulations, audits to identify inefficiency and waste, and audits to assess effectiveness in achieving program results."

GAO's support for explicitly requiring comprehensive audits and compliance with appropriate standards in the bill was based on its experience in evaluating internal audit activities of Federal agencies GAO's involvement with Federal internal audit goes back 30 years to the Accounting and Auditing Act of 1950. That act requires GAO to give consideration to the effectiveness of agency internal audit in carrying out its own audit responsibilities. Over the years, GAO has relied more and more on the work of internal auditors. Standard policy for GAO auditors includes obtaining relevant reports and working papers prepared by agency internal auditors before undertaking a review in an agency.

Because GAO frequently relies on the work of internal auditors, it must make comprehensive reviews of each agency's internal audit system. In fact, GAO has issued over the past several years more than 50 reports to heads of agencies and to the Congress on internal audit operations. Other recent GAO reports on auditing include "Financial Audits in Federal Executive Branch Agencies' (FGMSD–78–36, June 6, 1978), which disclosed a variety of weaknesses in Federal agency financial auditing, and "More Effective Action is Needed on Auditors' Findings—Millions Can be Collected or Saved" (FGMSD–79–3, October 25, 1978), which pointed out the need for more top management involvement in the auditing and investigative fuctions.

GAO recently emphasized its views on the importance of fraud prevention. A November 1979 addition to the GAO Comprehensive Audit Manual states that "the detection of fraud is not a primary reason for our making audits . . . The prevention of fraud, however, is of first importance and the responsibility for prevention rests in agency management." The section notes that any indications of fraud which come to an auditor's attention should be investigated to determine whether they should be referred to the proper criminal law enforcement agency and coordinated with the respective agency Inspector General office.

In 1979 GAO also established a Special Task Force for the Prevention of Fraud.[4] The task force's major responsibilities are to: (1) evaluate in Federal agencies the adequacy of management control systems that are necessary for the prevention of fraud, and (2) assess the adequacy of follow-up and corrective actions taken on reports of auditors and investigators.

At about the same time Mr. Staats testified at the congressional hearings on the importance of the audit function, GAO issued a report entitled, "Federal Agencies Can, and Should, Do More to Combat Fraud in Government Programs" (GGD–78–62, September 19, 1978). Included among the report's recommendations were steps for agencies to take to identify fraud more actively and systematically.

New IGs: Problems and accomplishments

Now, more than a year after the act went into effect, how do the new IGs feel about their jobs: what problems have they encountered in attempting to meet their goals? And, what goals have they accomplished so far? In interviews in November and December 1979 with 7 of the 12 new IGs, and in a meeting on December 14 of all the IGs with Mr. Staats, they candidly answered these questions.

Problems in achieving goals

The Inspectors General see five problems which must be overcome before they can achieve their goals.

First, they must transcend the traditional perception of the IG as a "supercop." SBA's Paul Boucher says, "I must reach out and show that the IG can be much more constructive, creative, and innovative, and engender within and outside SBA the belief that the role of the Inspector General extends far beyond tracking down people who break the law.

Second, they must determine what concepts should dictate how the new IG office is structured. IG Marjorie Knowles, at Labor, says this type of problem is ". . . the conceptual one of thinking through how you structure this organization to achieve the statutory goals; it's not self-evident and it's never been done before, so we have to invent, using creativity along with the recent experience of HEW, DOE, HUD, and Agriculture. It's not as if we have a lot of history to go on."

Third, they must be allocated adequate resources. Inadequate resources are a problem for all of the IGs. The Senate report on the legislation said that the failures found in Federal agency audit and investigative units were preordained; the units were "hamstrung by a lack of resources and independence" because "executive agencies have emphasized program operation over program oversight and review." Moreover, "OMB has repeatedly reduced the size of audit and investigative units in the executive agencies." The Congress found fault with itself, too, in creating this problem because "Congress has enacted legislation with very little regard for how well it could be enforced or administered."

The Department of Interior was no exception to the general problems of minimal resources and attention devoted to audit and investigation, stated Interior IG June Brown, who spoke of the office's "absolutely overwhelming workload." She describes a start with six investigators for a backlog of 1,100 investigative matters which had not been analyzed or classified. The staff could not be increased due to personnel ceiling constraints, so she converted seven vacant audit positions into investigative positions. The IG Act, however, caused an influx of new work, so the backlog grew to 1,500 before it began to decline to its current state of approximately 1,000. "Even where known problems exist, we can't investigate promptly," says Brown. The audit function at her department is also severely understaffed. Brown's semiannual report to the Congress states:

"It is statistically certain that the Federal Government [and state government] loses millions of dollars in royalty each year due to token audits of lessees. For example, recent audits of selective portions of seven Outer Continental Shelf [OCS] lessee accounts have resulted in collections/recoveries of $10.8 million. However, these are the only audits conducted over the last 13 years. There are approximately 1,000 OCS lessees upon which $1.5 billion is collected annually in royalties."

A resource problem also appears at GSA, where the IG needs additional staff resources to conduct audits. By the end of fiscal year 1981, he hopes to have 450 auditors to deal with the 5 to 7 billion dollar Federal expenditures controlled by GSA through the contracts it lets. Unfortunately, IG Muellenberg finds it "a tremendous handicap to attract high quality while collar crime investigators to a nonglamour agency like GSA."

Fourth, they must develop training programs for auditors and investigators. The IGs, in their "Executive Group to Combat Fraud, Waste, and Abuse in the Federal Government," are coordinating available training resources. "There is no higher priority of the Inspectors General than training," says USDA's Tom McBride.

The education of IG staff is also very important to Commerce IG Mary Bass. She described her present, overall situation: "No satisfactory curriculum or program is devoted to producing young people who have auditing and investigative skills required to do the job we have to do." Such a curriculum would have to include "courses on criminal law and criminal procedure, investigative techniques, psychology, accounting, auditing, and writing skills."

At Interior, the IG wants "to enhance the span of capabilities and specialties available to do this work." For example, she sees a need for more staff expertise in computer science to evaluate the department's systems and to provide guidance for developing computer systems with internal controls and security.

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[4] GAO Order 1130.1, "Handling Violations of Federal Criminal Law and Potential Fraud or Abuse in Agency Programs," issued June 1, 1979.

And fifth, they must overcome the "bureaucratic reluctance" of the auditors and investigators to work together closely. The IG law has caused "a change in the status quo—and it's human nature not to like to accept change," said one IG. Another added, "People are always nervous about the complete disruption of their jobs, particularly when they don't know how it will affect them personally."

Accomplishments

Most of the IGs believe their biggest accomplishments have been in the organizational changes they have made and the key staff they have added. Mary Bass, the only IG of those interviewed who was not appointed directly from another Federal Govenment position, remarked, however, that she doesn't consider increasing a staff to be an accomplishment. She says, "This is the Federal perspective; an accomplishment is what you do with those people once you get them."

At labor, IG Knowles believes the IG office can make long-term contributions by preventing fraud, waste, and abuse in Federal programs, so she thinks "we'd better be judged over the long term rather than look at the number of indictments." GSA's Muellenberg agrees, "I don't think in terms of so many successful investigations and so many savings of million of dollars."

Organizationally, the IG offices include a number of different types of new units. In GSA, the Office of Special Projects has seven attorneys and a few investigators and auditors. GSA's new Office of Inspections will have 80 inspectors who will be specialists in such areas as building, leasing, and automatic data processing.

Commerce established a policy unit within the IG office and charged it with developing and coordinating audits and investigations policy and developing new initatives to combat fraud, waste, and abuse in the department. IG Bass also established an Office of Legal Counsel, which provides, for the first time within the department, criminal law and investigative expertise. She also established a fraud abatement program which includes initiating or strengthening a fraud control unit, applicable management information systems, an audit leads file, and extended audit steps.

The DOT IG office is the only one which was completely reorganized. Four audit and three investigative units, which were previously decentralized, were combined to form the IG staff. IG Frank Sato has "revised the concept of operation" for his staff—they now are independent and operate under no constraints from program officials in the field.

An innovative organization concept developed by SBA's Boucher in his Inspector General Advisory Council—a forum which will provide an opportunity for an ongoing exchange of ideas between SBA employees and the IG. As described in his November memorandum to all SBA employees, members of the advisory council will meet with the Inspector General "to identify and discuss those aspects of selected programs which are susceptible to fraud and abuse and develop recommendations by which their internal controls and management could be significantly improved and strengthened." The Inspector General will forward the council's substantive program and operational recommendations to the SBA Administrator for his consideration and appropriate action.

Membership on the advisory council will be voluntary and will include SBA employees at all levels who are experienced experts in the particular program area being studied.

The advisory council concept has the wholehearted support of the SBA Administrator. In a memorandum to SBA regions and districts, he urged all interested SBA employees to volunteer for council service. He believes that the council ". . . will provide a valuable opportunity for SBA employees to help the Inspector General's Office identify the practical problems encountered in the administration of SBA programs and to assist SBA management by proposing improvement and constructive alternatives to our current operations."

In addition to setting up the IG Advisory Council, Boucher, like his counterparts, has also taken steps to consolidate audit and investigative resources, both in the central office and at the field level. For example, he has transferred certain positions from smaller field offices to regional SBA centers of activity to improve the management and administration of his field operations and to provide a more timely response to the audit and investigative needs of the IG's Office and SBA program officials.

Another step which Boucher has taken was establishing the position of Counsel to the Inspector General, patterned after the one at Commerce. The Counsel, who is independent of SBA's Office of General Counsel, provides the IG's staff with legal guidance and expertise on numerous matters related to the operations of the Office of Inspector General.

At NASA, Eldon Taylor also viewed organizational changes as his major accomplishment as IG. He gives a high priority to organization and management "to provide a strong foundation for the substantive work of the office." Seven regional audit offices and four investigations offices were consolidated into three regions—an arrangement which Taylor feels "provides greater flexibility in the use of limited staff resources and permits the IG to focus audits and investigations activities more effectively in priority areas." Both audit and investigative staffs are now located physically together. He sees two advantages in this: (1) overhead costs will be reduced and (2) different perspectives will be brought together—the auditors' documentation trial technique and the investigators' interview technique.

At the Department of Labor, IG Knowles is proud that "we've started planning a very good office, both in terms of quality of staff and structure."

June Brown's greatest achievement at the Department of Interior has been "to provide professional audit/investigative products that are accurate, objective studies which agency officials can rely on when making management decisions." "If our work isn't useful to those who must run the Department and make policy decisions," added Brown, "then there is no reason for our existence." Brown feels her office has made excellent progress in achieving this objective.

Personal glimpses of the new IGs

During Mary Bass' confirmation hearings, Senator John Warner noted that she had accomplished much during her career, "bearing in mind, and I say this with sympathy and compassion, it has not always been easy for a lady to achieve these accomplishments." Bass would agree.

At the age of 19, Bass graduated from the University of Chicago. She stayed at the university for the next 3 years to earn her law degree. For the next several years she practiced law for a social service agency in Chicago.

Over the next 20 years, the opportunities for women—or their lack—shaped her career. For example, she had wanted to work in public law, yet she is "not certain that doing so wasn't dictated by the fact that when I graduated from law school, it was virtually impossible for a woman to get a job in a private firm."

After time out to start a family, Bass' law career continued in 1966 with the City of New York. From 1968 to 1969 she was with a private law firm in Paris. At the end of 1969, she returned to New York City's law department where she held various legal positions. Prior to her appointment as Inspector General, Bass served for almost 6 years as General Counsel and Vice Chancellor for Legal Affairs of New York City's Board of Higher Education.

Bass feels her experience as an attorney for a large public institution prepared her to be an Inspector General. She notes that the problems she confronts as an IG are the same problems facing any large organization. "Working as a municipal and public lawyer is not too different from Federal practice: the Board of Higher Education, with a budget of $500 million, had the same kinds of organizational problems as the Department of Commerce." Bass believes her legal background also helps her as an IG because it has taught her to think logically and write precisely.

She has not, however, had specific experience in auditing, but she does not perceive this to be a serious drawback. She says she has a "very good auditing staff," and has found that "auditing is not something so arcane in its nature that the kinds of problems it addresses don't occur to a non-auditor. Also, Bass studied accounting both at law school and later at the Harvard University Institute for Educational Management.

Through no initiative of her own, the White House contacted Bass to ask if she would be interested in being considered for an IG position. She assumes that they were motivated by three facts: "I'm a woman, I was General Counsel and Inspector General at a large institution, and I'm good." She also assumes that "if someone sought to assemble a list of good women—as they did—my name would come up." The position fit her own sense of morality, her own abilities, and offered a tremendous challenge—so she accepted.

"Although one never knows what the future will bring," at age 44, Bass hopes to remain as Commerce's IG at least until the program is well established. She considers the position to be extremely important and, consequently, wants to stay.

"More evolutionary than revolutionary" is the way Paul Boucher describes how his IG responsibilities at the Small Business Administration fit into his employment pattern of the past 15 years. According to Boucher, in the midst of serious problems and scandals surrounding SBA's business development program, the SBA Administrator asked President Carter for help in selecting a person for the IG job.

The Administrator didn't want a "supercop"; he wanted "someone who can look beyond that—beyond just saying there's something wrong. The IG must also say, 'here's how it happened and here's how to avoid it in the future.'"

"Totally out of the blue," then Deputy Attorney General Benjamin Civiletti approached Boucher, who had been working at the Department of Justice since 1972, and asked if he'd be interested in having his name submitted to the White House along with others for consideration as IG of SBA. After quickly reviewing the IG legislation and talking to professional acquaintances who had worked in other nonstatutory IG offices, Boucher agreed.

He felt that the IG position at SBA "appeared to be a natural progression of what my inclinations were of what I'd like to do . . . I viewed it as a new challenge; a new opportunity to make meaningful contributions to SBA programs and operations." Boucher felt privileged to be considered. He describes his reaction as "pleased that Deputy Attorney General Civiletti and Attorney General Bell wished to recommend me to the President."

During his 15 years of service with the Federal Government, Boucher gained considerable experience in all facets of investigative and prosecutive functions covering a wide range of Federal criminal statutes. After receiving his B.S. degree from Merrimack College in 1963, Boucher was on active duty in the U.S. Army until January 1964. His civilian service then began as a Special Agent with Naval Intelligence, now the U.S. Naval Investigative Service, and until 1970, he engaged in a wide range of criminal and counterintelligence investigations and operations.

After receiving his law degree from Suffolk University Law School in 1969 and being admitted to the Massachusetts State Bar in early 1970, Boucher transferred to the Naval Investigative Service Headquarters in Alexandria, Virginia, to become that agency's staff legal advisor. In that capacity, he provided legal guidance to the Service's worldwide investigative staff and served as the counselor to the Director of the Naval Investigative Service.

From May 1972 to July 1979, Boucher was on the staff of the Criminal Division of the Department of Justice first as a trial attorney and later (June 1975) as the Deputy Chief of the General Crimes Section.

In providing evidence of his qualifications during his confirmation hearings before the Senate Select Committee on Small Business, Boucher noted, "In recognition of the fact that the traditional prosecutive functions, standing alone, cannot and have not brought about a reduction in certain crimes, the role of the General Crimes Section has been expanded in a significant manner as a result of its active involvement in the initiation and implementation of various crime prevention and deterrent programs." Similarly, in SBA Boucher sees his biggest challenge as assisting in management and leadership and trying to effect long-term improvement in the management of SBA's programs.

While at Justice, Boucher distinguished himself when he was requested by two Attorneys General to direct the efforts of attorneys assigned to investigate violations of Federal laws by the Central Intelligence Agency, National Security Agency, Federal Bureau of Investigation, and other U.S. intelligence and law enforcement organizations. His experience in organizing, managing, and directing the efforts of these significant task forces as well as his supervisory responsibilities as Section Chief gave him what he believes to be a solid background for his "basically management role" as SBA's IG.

At age 37, the youngest of the Inspectors General, Boucher will "have to let the future take care of itself." He considers himself a career Government employee "serving on a presidential appointment, but not serving as a political appointee," and he plans to continue his career of Government service. He has set no fixed term as to his stay at SBA, enjoys the challenges and responsibilities which go with being the Inspector General, and plans to remain there "in order to accomplish what I'd like to accomplish." Where would Boucher like to go after SBA? "I don't have any set plans as to where I go from here," he says. For the present, however, he likes "being independent and assisting the Administrator of SBA to make a meaningful contribution to and changes in SBA."

Judge Gibbs Brown believes that almost everything in Government operates on a system; therefore, understanding these systems is essential to fulfilling the very basic purpose and intent of the Inspector General Act.

Brown's business history and governmental service have provided her with the strengths and experience needed for each of the areas of expertise the law spelled out for the Inspectors General: "accounting, auditing, financial analysis law, management analysis, public administration or investigations." In private industry she was assistant comptroller of an international company, staff accountant for a public accounting firm, and college accounting instructor. Her Government service includes accounting, auditing, and systems development. From 1972 to 1975, she established and headed internal audit operations at the Navy Finance Center in Cleveland. For the next year she was Chief of Financial Systems Design, Bureau of Land Management, Department of Interior in Denver. Before becoming Interior's Inspector General, Brown spent 3 years at the Department's Bureau of Reclamation in Denver, where she directed the designing, programming, documenting, and implementing of a new integrated pay personnel system to be used by several Government agencies.

Brown received her Juris Doctor degree from the University of Denver School of Law where she majored in natural resources. She also holds a master's in business administration and a bachelor's degree in business administration from Cleveland State University, where she graduated summa cum laude. While pursuing her education, she received the University's highest honor, the President's Award, and the Raulston Award, given to the outstanding senior from the Colleges of Business and Economics, as well as a graduate teaching fellowship. She is a CPA, a member of the American Institute of Certified Public Accountants and is serving her third year on the Association of Government Accountants' National Executive Committee and the National Ethics Board. Brown received her three degrees by attending college, graduate, and law school at night over the course of 10 years, while at the same time raising her family and working full-time.

Interior's IG believes her accounting and systems design experience together with her legal training are useful in successfully executing the Inspector General responsibilities. Being an employee of the Department of Interior, she discussed the prospects and expectation of the position with Secretary Cecil Andrus and her congressional representatives from Colorado and was encouraged to apply for the position. An enthusiastic supporter of the IG legislation, Brown had also prepared legislative comments on the draft bill for the Association of Government Accountants.

At 46, Brown believes she has many more years to contribute: "I'm still trying to meet my potential." After she has met the demands of this job, she expects to look for another opportunity full of challenge. She acknowledges, "A lot of it is up to me and my ability to perform. Since I intend to perform, I assume I'll have other options."

The feminist perspective of Marjorie Fine Knowles causes her to have "a good deal of skepticism about institutions' goals and motives" and "a different understanding of the way society is structured." In most places where she has been, women were a clear minority.

Prior to her appointment as Inspector General at the Department of Labor, Knowles had served 1½ years as the Assistant General Counsel for the Inspector General Division at HEW. During that time, she was also involved in discussions of the recruitment of IGs. When the call came from the White House asking if she would be interested in an IG position, Knowles says, "I was pleased, but I knew it would be an enormous challenge and a lot of hard work."

Knowles, who is 40 years old, was educated at Smith College. She graduated in 1960 magna cum laude and earned membership in Phi Beta Kappa. She then attended Radcliffe College Graduate School for 2 years as a candidate for a Ph.D. in government, and after transferring to Harvard's Law School, received her LL.B. cum laude in 1965.

Knowles clerked for a District Judge in the Southern District of New York and served as a U.S. Attorney in the Civil Division for the Southern District of New York. She left the U.S. Attorney's Office after less than a year to be an Assistant District Attorney for New York County. Although she had wanted to work in the Criminal Division as an Assistant U.S. Attorney, "only men were allowed to work there."

From 1970 to 1972, Knowles was the Executive Director of Joint Foundation Support, Inc. in New York City. This organization provided professional and administrative staff for five foundations that focused primarily on projects designed to foster equality of opportunity for rural and urban poor people. Before her appointment as IG, Knowles was a tenured professor of law at the University of Alabama Law School. From 1976 to 1977, she was also an American Council on Education Fellow in Academic Administration.

In addition to Knowles' work experiences, her participation in community and public service activities also enhanced her qualifications. For example, she sits on the Board of Directors of the Ms. Foundation for Women and formerly served on the Advisory Board of the National Women's Political Caucus. She has also served as Chair of the Advisory Board of the Women's Rights Project of the American Civil Liberties Union.

Knowles, like each of the six other Inspector Generals interviewed, does not believe she would leave her position because of a change in administration. She will leave "only because of a change in what I can contribute."

Her personal predilections are against long-term career planning. Three years ago, she explains, statutory IG positions did not exist. If at that time she had planned what she wanted to be doing 3 years from then, she points out she would not now be the IG at Labor. "So I don't do this kind of thinking. Life is too unpredictable."

Under the cricumstances, Kurt Muellenberg decided saying "no" to the President would be very difficult.

When asked to become Inspector General at GSA, Muellenberg had been Chief of the Organized Crime and Racketeering Section of the Department of Justice's Criminal Division; he was quite happy there. "All I knew about GSA and its scandals was what I read in the newspaper."

The President had asked Attorney General Bell to give him a list of candidates for IG of GSA. Bell asked Muellenberg if he'd be interested in the job. In reading the IG Act, Muellenberg discovered that the IG's responsibilities go beyond investigations and inspections; he sensed a requirement for special management expertise. Although not trained as a manager "in the sense of going to the Kennedy School of Government" he is "not altogether clear that management by common sense isn't just as good as management by objectives." Bell and OMB Director James McIntyre told him they thought his organized crime program was very well managed, and that was a sufficient testimonial to his management capabilities.

After his initial surprise at being considered for the job, Muellenberg had mixed feelings at leaving the Department where he had worked for 14 years and which he highly regarded. Nonetheless, he was confident that he could make a real contribution at GSA and decided to take on the new responsibilities because "it's terribly gratifying for a Federal career employee to be asked by the President to take a presidential appointment."

Muellenberg's background—mainly in investigation and prosecution—made him a good IG candidate for a GSA beset with numerous allegations of scandals. Born in Germany in 1932, Muellenberg arrived in the United States in 1952. For the next 4 years he was on active duty in the U.S. Air Force. After receiving a Bachelor of Arts degree (1958) and an LL.B. (1961) from the University of Maryland, he worked as a trial attorney at the Department of Justice in the Criminal Division's Organized Crime and Racketeering Section. In 1968 and for much of 1969, he served in Detroit as Deputy Attorney in Charge of the Department's Organized Crime Strike Force and in Cleveland as Attorney in Charge of the Strike Force. In September 1970, Muellenberg returned to Washington where he served for 9 years as Deputy Chief and then Chief of the Organized Crime and Racketeering Section. In 1976 he acted briefly (10 months) as Chief of the Criminal Division's Narcotic and Dangerous Drug Section.

For all his experience, however, Muellenberg is finding that it is not an easy task to meld into a team organizational structures such as audit and investigative staffs that had previously worked separately. "I'm not sure you could hold a job like this for more than 4 or 5 years and still be effective . . . You'd be so burned out, you'd be better off to leave." After his first few months, however, Muellenberg has no plans to leave.

After initial interviews at several departments, Frank Sato told the White House he was not interested in becoming an Inspector General. He had been with the Department audit organization for almost 25 years, where he had served as the Deputy Assistant Secretary for Defense (Audit) and the Director of the Defense Audit Service. In that capacity he had a greater responsibility than some of the IG jobs for which the White House was considering him.

What changed his mind? "Vice President Mondale called me to convey the President's request that I take the position and help him restore the credibility and public confidence in the business of government. This he considered one of his top priorities, and I then accepted the challenge the job offered."

Of the various departments and agencies the White House asked him to consider, Sato chose the Department of Transportation. His experience in auditing, as opposed to investigating, makes him "right for this job because we haven't had the experience of fraud cases in this Department. Because 90 percent of the work in an IG organization is audit work, and a predominance of the staff is auditors, my extensive background in audit gives me a leg up on this kind of work."

Several people had submitted Sato's name to the White House for IG consideration, including the American Institute of Certified Public Accountants. (He is a member of the Institute and is active on a variety of committees.) Sato is National President of the Association of Government Accountants and serves on the President's Executive Group to Combat Fraud and Waste in Government.

Born in the State of Washington 51 years ago, he received a B.A. degree in business administration with a major in accounting from the University of Washington. He became a Certified Public Accountant in California, where he undertook graduate studies in engineering and management at the University of California in Los Angeles.

In 1955, after spending several months with a CPA firm in Tacoma, Washington, Sato worked with the U.S. Air Force Audit Agency in Washington, California, and Washington, D.C. (a position he held for almost 11 years). In 1965, he transferred to the Office of the Secretary of Defense, where he worked for 14 years in positions of increasing responsibility: Director for Special Activity Audits (1965–1969), Director for Audit Operations (1969–1971), Director of Defense Agencies Audits (1971–1973), Deputy Comptroller for Audit Operations (1973–1974), Deputy Assistant Secretary of Defense/Audit (1974–1979), and Director of Defense Audit Service (1977–1979).

Sato plans to stay at the Department of Transportation "until such time as the office is set up and running . . . When I'm through here and gone, the best compliment would be that I've set up a real professional outfit to carry out the task."

As a matter of general principle, "staying in this job 4 or 5 years is enough." Had Sato not taken the IG job, he would have retired in 5 years. Like the other IGs, he does not plan to resign if the administration should change. "In my judgment, right cr wrong, waste and fraud and mismanagement aren't Republican or Democrat. They don't revolve around political affiliation. I see no problems with a change in Secretary."

Eldon (Ed) Taylor is the only Inspector General who does not have a background in auditing, law, or investigations. In fact, his public administration experience caused him some difficulty in his confirmation hearings before the Senate Committee on Governmental Affairs. The IG Act, however, specifically included public administration as one of the fields of "demonstrated ability" for IGs. Ultimately, the Senate voted unanimously to confirm him.

As agency missions and programs differ, so should the background of their IGs, according to Taylor. What NASA needs in an IG, he believes, is an ability to build an organization that can perform audits useful to program management in a scientific and technological environment. Taylor's experience appears well matched to these needs.

Taylor has devoted his entire adult life to the study and practice of public administration at the Federal level. He entered the Federal service at the age of 19 as an accounting clerk with the Office of Naval Research. In the decade that followed, he completed a tour of active duty with the U.S. Air Force and served in several accounting and budgeting positions as a civilian with the Navy Department. While working for the Government, Taylor pursued his academic study of public administration. He received both his B.S. degree and his M.A. degree in public administration from American University.

From 1960 to 1970, Taylor worked for NASA, where he held several managerial and budget positions. For 8 years he was Director of Program Review and Resources Management in the Office of Space Science and Applications. During this period, he participated in the planning and budgeting of all early unmanned space and launch vehicle programs.

In 1970, Taylor was detailed to the Office of Management and Budget to help establish the Environmental Protection Agency (EPA). He later became EPA's first Deputy Assistant Administrator for Resources Management. In 1973, Taylor transferred to the National Science Foundation (NSF), where he was Deputy Assistant Director and then Assistant Director for Administration.

When Taylor learned that career civil servants were eligible for IG positions, he asked that his name be included. He expressed a preference for NASA, since he had spent most of his professional life in the science and technology field. Although he enjoyed his position at NSF, Taylor believed that the opportunity to be nominated by the President to establish the first Inspector General organization at NASA was something he'd been striving for as a public administrator. "It was that unique, creative aspect that tipped the scales and encouraged me to compete."

Taylor feels a special responsibility to his profession to perform his job well, to pave the way for future public administrators. He believes that an individual with strong managerial ability and broad experience in public administration can succeed as an IG and that he or she can develop sufficient expertise in the audit and investigations field to deal effectively with the experts carrying out these tasks.

What does 50 year old Taylor have in mind for the future? "Although no one lasts in this job indefinitely," he answered, "I don't have any plans to leave. I may even stay beyond the voluntary retirement age."

CONCLUSION

What lies ahead for the Inspectors General? The next couple of years will be crucial for them to demonstrate the administration's "concerted effort to root out fraud, abuse, and waste in all Government programs." At this point, the new IGs have not been in office long enough nor been given sufficient resources to accomplish much more than the organizational and staffing changes which they proudly described. Nonetheless, the ultimate test of the Office of the Inspector General in each department/agency will be based on the concepts developed and policies implemented by the first people in these positions. Undoubtedly, the successes they have in executing their responsibilities will be the subject of future GAO work.●

INVESTIGATIVE METHODS

● Mr. PELL. Mr. President, this morning in the Senate several of my colleagues addressed the question of the investigative methods used by Federal agents in what has become known as the "Abscam" investigations.

I am not a lawyer and accordingly I do not intend to judge or explore the fine legal distinctions that apparently are made in deciding questions of entrapment under the law and court precedents.

As a Member of the Senate, however, I do have some commonsense concerns about the methods that have or might be used by the Justice Department and the Federal Bureau of Investigation.

First, it just does not seem right to me if police authorities approach any citizen with offers of huge sums of money to perform an illegal or unethical act to test the citizen's resistance to temptation. Such a tactic, I think, is particularly repugnant when there is no evidence that the citizen being seduced has ever committed an illegal or unethical act or even indicated a willingness to do so. That just strikes me as a wrong thing for a law enforcement agency to do to any citizen.

Second, I believe there are particular dangers if this kind of investigative method is used by an arm of the executive branch of the Federal Government in relation to Members of Congress. Members of Congress are not and should not be above the law. But one need not have a very long memory to recall the days when the Director of the FBI kept a dossier on every Member of Congress with the objective of intimidation.

We certainly do not want to see a return to those days.

It is difficult to deal with these issues while legal issues involving the so-called Abscam cases are before the courts, but I believe the general concerns which I have expressed are worthy of serious thought not only by Members of the Senate, but by every American.●

A CALL TO ARMS

● Mr. GOLDWATER. Mr. President, appearing in the Foreign Service Journal of October 1980 is an article, "A Call to Arms," written by former U.S. Ambassador, Leon Poullada, who now is serving as a professor of political science at Northern Arizona University. It is as always a very well written piece, showing a lot of good intelligence and thought, and I ask that it be printed in the RECORD so that my colleagues might have the opportunity and benefit of reading it.

The article follows:

A Call to Arms

(By Leon B. Poullada)

Former Secretary of State Vance's plaintive cry at Harvard emphasizes the cruel fact that as secretary of state he was apparently unable to make the case for a strong diplomacy to the president and the nation's political leaders. But it is unfair to expect any secretary of state or the political leadership to formulate a cogent and well-articulated plan to rebuild our diplomatic arm. Secretaries of state come and go and while in office they are too swamped with crises and beleaguered with urgent meetings and foreign travel to formulate long-term measures to salvage our anemic, emaciated diplomatic establishment. It is up to the Foreign Service, itself, to those who know the details and complexities of our own needs to put forward such a plan and clothe it in an appropriate and compelling argumentation touching the core of our vital national interests. It is logical and indeed essential for the American Foreign Service Association, as the recognized representative of our career diplomats, to undertake this task.

We now have, for the first time in many years, a secretary of state with the political stature and legislative clout to rebuild and revivify our diplomacy. This is a rare opportunity—not to be missed. But we have to tell him what we need and why it is important enough to engage his attention and allegiance. In his maiden speech to the department, Secretary Muskie said:

> The conditions of your service will be a serious interest of mine and I look forward to hearing your views.

Then he added:

> I don't intend to contribute to silence. And I doubt very much that you will.

AFSA president Kenneth Bleakley responded:

> We will be looking to you for help and support and coming to you in an inspired and. I hope, responsible way and telling you what we need to provide the kind of institution that we need in order to advance United States' foreign policy interests in the decade ahead.

This exchange is a clear invitation for the professionals to tell it like it is to our vigorous and politically potent secretary.

No one who has observed the decline of American prestige abroad or the frequent diplomatic debacles of recent times can doubt that American diplomacy has fallen into a sorry state. This is the result of a long decline in resources and capabilities followed by a loss of our political leaders' confidence in diplomacy as our first line of defense. Piecemeal reforms have produced only marginal results.

The new Foreign Service Act, while a progressive piece of legislation, improving personnel benefits and terms of service, does not touch the fundamental problems of an inadequate diplomacy. What is needed now is vibrant and persuasive call to arms formulated by the professions themselves. Such a plan calls for continuity and political commitment.

As diplomacy itself is a deeply political process so any fundamental reform of the diplomatic establishment requires consistent and skillful political action. What is needed, then, is a political platform which the Association can take to the secretary and to the political leadership. It would be interesting for AFSA to poll its worldwide membership to see how much support it would muster. I suggest the following essential elements for such a platform:

PREAMBLE

Under our constitution the president has the primary responsibility for conducting the nation's foreign relations. Too often in the past, presidents have tried to cope with foreign problems by relying primarily on military solutions. These have, in the long run, proved costly and counterproductive.

We need a strong defense but our primary problem is to cope with the exceedingly complex and sensitive political and economic issues which threaten world stability and peace.

For example, although our knee-jerk response to the Middle East crisis has been to beef up our military presence in the area, in fact the problems of the Gulf states are primarily ones of political modernization and economic and social development.

Without internal stability and diplomatic cooperation American military presence will only exacerbate the problems of this volatile region. Military solutions are rarely effective to meet threats of this kind. The nuclear stalemate and the risks of mutual annihilation compel us to seek other solutions to world tensions. Unwise use of military options, as in Vietnam, have cost the nation dearly in blood and treasure.

They have disrupted our economy, alienated our youth, unbalanced our budgets and debased our coinage. As world tensions have escalated, our tendency to build vast unproductive weapons systems has prevented our seeking out the root causes of tensions and by skillful diplomacy taming them.

Our national security rests on the triad of a first-class military capability, an alert intelligence service and a vigorous, expert diplomacy. If one of these legs is weak or missing the stool will collapse. For a long time our diplomatic capability has been the weak leg. It is disconcerting and mystifying to note that in the midst of a presidential campaign only military preparedness and intelligence readiness are even mentioned by any of the major candidates.

An inadequate and demoralized diplomatic establishment is not even apprehended as an issue. If our national security interests are to be protected we need another kind of troops to man our first line of defense.

We must develop a "rapid deployment force" of disciplined people especially trained in the arts of negotiation and peaceful resolution of conflict. They must be highly sensitive to foreign cultures and yet have a deep understanding of America. They must combine the best of American ideals with an equally sophisticated understanding of foreign languages and cultural values. They must be skilled in political maneuver. They must act as bridges between cultures and as ball bearings for the smooth flow of international transactions. One would think that the grave shortcomings of such national security capabilities might well constitute a prime campaign issue.

Of course the Foreign Service of the United States was created for the specific purpose of providing the American government with professional experts trained in these essential skills. But it has not been able to fulfill its mission because it has been deprived of talent, facilities and resources needed to accomplish its essential tasks. While it is the constitutional duty of the president and his political advisers to formulate foreign policies, the translation of these policies into tangible international actions requires the expert operations of Foreign Service professionals.

There is an important difference between foreign policy and diplomacy. Foreign policy determines national goals; diplomacy translates these goals into action. Foreign policy is the primary responsibility of the nation's political leaders. Diplomacy is the specialty of professional diplomats. Both must contribute their talents to a smooth and successful conduct of foreign affairs. An analysis of our foreign relations in recent times demonstrates that many failures are caused not by flawed foreign policies but by inept diplomacy. Our foreign policies, with few exceptions, have been good ones but the strategies, tactics and maneuvers by which they have been translated into action have often been clumsy and amateurish. The main reason for this poor performance is that our professional diplomats have often been bypassed and their expert advice ignored. Delicate and intricate diplomatic initiative have been handled by inexperienced though talented amateurs.

Everyone, regardless of experience or training, considers himself quite capable of handling the most delicate diplomatic negotiations. Yet it is not easy to transplant talent from the ivory tower, the law office or the executive suite to the operating complexities of transcultural international diplomacy and we can no longer afford on-the-job training in this vital area.

THE PLATFORM

To forge a diplomatic arm that is the best in the world we need a bold, extensive, creative and imaginative plan. The essentials of such a plan would be:

1. Our diplomacy must be professionalized at all levels of operation. As a start the president's national security adviser should be a top active or retired diplomat assisted by a mixed staff of outside talent and diplomatic professionals with expert language and area capabilities and experience. This arrangement would insure that:

a. The secretary of state is the only voice speaking for the president on foreign affairs.

b. The national security staff is a healthy mixture of the highest professional competence and vigorous fresh ideas from the outside.

c. An institutional framework for professional diplomacy is created in the White House similar in prestige and professional quality to the joint chiefs of staff for the military.

d. The decisions for implementing policy would have the input of professionals with expert knowledge of the part of the world and country in question.

2. The entire Foreign Service personnel structure must be strengthened from top to bottom. Intake of junior officers must be greatly expanded and the entry system revised. It is unconscionable, given the geometric expansion of responsibilities and international activity, that the Foreign Service should have fewer officers now than 25 years ago.

3. Intensive training in diplomatic skills should be imparted to officers and staff at all levels of their careers. At present many career Foreign Service officers are not really professional diplomats in the sense that they do not know with any certainty what constitutes the essential elements of their profession. They ply their trade by the seat of their pants, resorting to ad hoc expedients and crisis reactions. An expanded corps would make professional training possible by alleviating the "man in motion" problem and relieving the pressure to fill vacancies at the expense of training slots. Since it is clear that universities do not offer education in the basic professional skills of diplomacy, all junior officers (and many mid-career and senior ones as well) would receive in-depth and rigorous training in:

a. Analytical Reporting. This is where the diplomat can make his most meaningful contribution to policy-making. Political leaders cannot make wise policies unless they know what is out there and what to expect. Most Foreign Service reporting is narrative and topical. Some of it may be interesting but journalists can do a better and faster job and as a basis for making policy it is of little use. Accurate analysis and trend forecasting, on the other hand, must be the basis for wise policy and (more importantly) for preventive diplomacy.

b. Negotiation. This is a principal diplomatic activity whether of the junior consular officer dickering to spring an American from the local jail or of an ambassador at an international conference. It is also a core skill required for conflict management and prevention. It should not be left to on-the-job training. There is a vast body of knowledge on the subject and the fledgling diplomat must master it in a rapid and organized manner.

c. Cross-cultural Operations. This skill is what distinguishes diplomats from lawyers or labor relations counselors. The diplomat must bridge his own and a foreign culture, acting as "interpreter" from one to the other. It is a vital element in discharging his representational duties effectively. He may have to operate in several foreign cultures during his career. Cross-cultural communication and persuasion is therefore essential. Techniques for penetrating, absorbing and understanding foreign value systems have been highly developed by anthropologists and other social scientists. The junior diplomat must learn these before he is turned out to operate in an alien environment.

d. Program Management. Modern diplomacy increasingly requires skills in executive decision-making, systems analysis and similar capabilities required for the direction of multi-agency programs. An understanding of, and ability to apply, development assistance philosophies and complex inter-relationships among economic, political, military, and informational programs is essential to the modern diplomat. In addition he must be taught to operate in the complex cross-currents of Washington's political and bureaucratic maelstrom.

e. Political Maneuver and Persuasion. Both at home and abroad the diplomat must quickly identify the political pressure points of a society and how to move the political levers which make things happen. Politics is the essence of diplomacy and diplomats must be action oriented: action in the cause of freedom, order, social justice, national security and peace.

4. The administration of such sophisticated instruction and subsequent graduate-level courses at various stages of a Foreign Service career requires the transformation of the Foreign Service Institute into a Graduate Foreign Service Academy of such high quality that it will attract to its faculty the finest academic and diplomatic minds.

5. In such an academy mid-career and language and area training should be expanded by a combination of in-house and external instruction. In addition specialists should be developed in such subjects as international economics, international law, environmental and scientific global problems and many others. For example, how many Foreign Service officers know anything about Islamic law? Yet some understanding of this subject is as important for the vice consul as for the ambassador operating in the vast Islamic world we have recently "discovered."

6. The entire process of recruitment and selection for the Foreign Service will have to be revised in order to produce suitable candidates for this new kind of diplomatic professional training.

a. New entrance examinations will have to be devised to test aptitudes for the diplomatic profession as defined above.

b. All junior candidates will enter the career service *only* through competitive examination. To equalize the opportunity for disadvantaged minorities an extensive internship program consisting of special courses at the Graduate Foreign Service Academy combined with work-training assignments will prepare them for the examination. When they are ready they can take the examinations with no preferential treatment along with all other candidates. This will preserve equality, dignity and effectiveness. The aim is to take in *only the best*, not to achieve some theoretical "representative" level. A winning athletic team is not produced by forcing on it artificial "representativeness" and a winning diplomatic team, which is far more important to our national security, should not be assembled on such a basis either. Equalization of opportunity should be provided *before* the entry selection process and not as part of it. In this way all accepted candidates can be confident that their success is based on merit and ability, not on artificial preference.

c. The entrance examination must be followed by the rigorous junior officer training course outlined above. New entrants would be on probationary trainee status during this period and under strict observation for academic achievement and for personality traits germane to diplomacy. Failure to qualify would result in separation at this stage. This is in line with the practice in corporate, military officer candidate and FBI trainee programs.

7. Of prime importance to this plan will be steps to revitalize morale and revivify *esprit de corps* in the Foreign Service. Because of long neglect and usurpation of diplomatic functions by the White House and Congress, the Foreign Service has slipped into a "failure mode." This must be reversed by recapturing its integrity and identity through the professionalization programs contemplated in this plan. If we want to be recognized and respected as professionals we must qualify and act as pros. We must de-emphasize demands for creature comforts. We must restore our service self-discipline and our pride in superior work under adverse personal conditions. We must again be willing, indeed enthusiastic, about tackling hardship assignments. We must recapture the élan of the 1960's Foreign Service pioneers in new African posts. If we achieve a status of respect and admiration and at the same time stand firm in our demands for the resources to serve our nation, not ourselves, the personal benefits and material rewards will follow as a matter of course.

8. To enhance Foreign Service morale we must persuade our political leaders to limit lateral entry to the absolute minimum so that promotion to higher levels remains unencumbered. The aim is to restore a proper pyramidal shape to our corps eliminating the mid-career bulges which stagnate upward mobility. Promotion must be based solely on merit and lateral entry should take place, if at all, only where it is clearly demonstrated that the necessary skills cannot be found in the ranks of career employees.

For this purpose a personal data processing system, which makes instantly available exact information concerning the skills and abilities of employees, must be provided. Ambassadorial appointments outside the career service will be made only in those rare instances where the appointee will contribute superior talents and add to the total resources of expert diplomacy, not to bestow political favor or to court powerful domestic political groups.

Diplomacy is too critical to the survival of our country to dilute it with cronyism or remnants of the spoils system. Those few who are appointed outside the career service will be chosen for their demonstrated experience in foreign affairs and knowledge of the skills of diplomacy and cultures of other countries. No career diplomat should be expected to serve under an ambassador whose diplomatic capabilities he does not respect. In cases of extreme ambassadorial incompetence career officers should simply refuse to serve under such a chief of mission and the Association should strongly support such action of last resort.

9. The expansion and strengthening of the Foreign Service will enable the State Department to staff new posts in critical areas of the world. In particular we must reopen many consulates which were closed during periods of false economy. Consular posts are a seriously underrated asset. Closure of such posts as Meshed, the principal Shiite religious pilgrimage center of Iran, have left us with intelligence blind spots in critical areas and have deprived us of valuable political, economic and cultural contacts. Our embassies, located in capitals, are often isolated from the countryside and from business centers where important developments can originate. Well-placed consulates can alert us, at a stage when preventive diplomacy is most effective, to brewing crises which escape the notice of the tumultuous capitals.

10. The entire logistical and communications capability of the department and our foreign posts will have to be overhauled. The communications network available for diplomatic action in a crisis should be at least as good and secure as that of the Strategic Air Command. It too can save lives and protect national security. By the same token the principal officer at major posts should have an airplane under his personal control (distinct from the attaché plane) for essential travel and emergencies.

11. To supervise the implementation of this plan, the president would appoint a permanent under secretary for administration. This should be a career diplomat with both overseas and wide management experience. He would serve as the general manager of the department and not be subject to rotation thus bringing to his task an element of continuity, the lack of which has foredoomed previous reform efforts.

12. To put this plan into operation will cost money and will take time. The Department of State has not been permitted to present a realistic budget request for the past 30 years, if by realistic we understand a budget which would provide levels of personnel, training and logistical support commensurate with the vastly expanded responsibilities of American diplomacy during this period. Therefore an essential part of this plan requires a straightforward and vigorous budget presentation to the secretary, the president and the congressional leadership. Such a démarche must mince no words. Do we want to create excellence in our diplomacy? If we do then we must pay for it. The costs need not be great in comparison with other national security expenditures. Indeed marginal increases applied over a period of time in the right proportions and in the right places would pay handsome dividends. Certain countervailing economies would result. For example a more highly professionalized personnel would be more self-disciplined and self-reliant enabling a shift of manpower from overstaffed administrative overhead to substantive functions. It will take time to reverse the long period of neglect and decline. But we now have a secretary leading the department who, once convinced, can make a historic contribution by laying the foundation for the finest diplomatic service in the world.

Does this plan seem too idealistic—too far removed from the political bureaucratic realities of the day? Only by aspiring for that which is beyond ourselves can we expand the horizons of possibility. The Foreign Service Act of 1946 seemed idealistic and unattainable for a long time, yet it came to pass because of the vision, the untiring effort and the creative boldness of dedicated professionals who were not afraid to dream of a new order. To a considerable extent the same may be said of the 1980 act.

We should have faith that there are political leaders in both the executive and legislative branches who understand the importance of first-rate diplomacy to the practice of peace and view it as the only viable alternative for advancing and protecting our vital national interests. These men also realize that our present capabilities leave much to be desired but, like our new secretary of state, they wait for the professionals to summon the courage and the creativity to enlighten and inspire the political leadership to move in the right direction.

Individually Foreign Service officers are highly talented, creative and ambitious but as a group many critics see us as timid, clubby, and resistant to change. We must alter this image by speaking out without fear or favor. We must no longer accept like sheep the rhetorical hypocrisy of presidents and secretaries of states who praise the Foreign Service for its dedication, talent and loyalty, but are too preoccupied with other matters to provide the tangible support we must have to be truly effective.

Too often our political leaders shy away from confrontation on our behalf with the Office of Management and Budget or congressional appropriations committees. Too often they appoint amateurs or even incompetents to positions of high diplomatic sensitivity and responsibility. We must persuade them that their political support for a modest but consistent investment in professional diplomacy will pay off in terms of national security.

To the extent that first-rate diplomacy can reduce tensions and help create an orderly world environment, we can scale down costly arms races and achieve many other savings which improve our domestic economy and contribute to the peace and prosperity of America and the world.

Those who are skeptical about the efficacy of a strong and skillful diplomacy should remember the examples of the Austrian peace treaty, the resolution of the Trieste dispute and, more recently and dramatically, the avoidance of a disastrous racial war in the heart of Africa brought about by the settlement in Rhodesia. Many more examples come to mind.

What we should ask for, then, in this "call to arms" is the means to create a new Foreign Service: creative, cohesive, highly professionalized and disciplined and able to assume leadership in the nation's foreign affairs. The nation wants and needs a Foreign Service that political leaders can sincerely admire and respect and on whose judgment and specialized skills they can draw with complete confidence.

We want American diplomacy to have a rebirth. We want its leadership and influence felt throughout the world so that tensions gradually relax and complex problems begin to dissolve. We want to help create a world that turns from conflict to human betterment, with America leading and sharing in the general revival. We want an international environment in which the arts fluorish, taxes wane, economic activity, technological innovation and human talent turn from unproductive arms races to the generation of real wealth so that social and ecological problems as well as political and economic inequities can be attacked with realistic vigor and adequate resources.

All this may seem utopian and starry-eyed to some but it is the stuff of human progress. So let us not fear to proclaim our abiding belief that a potent and effective diplomacy can make a major contribution to the creation of an era of world prosperity and peace.●

KNOW THE DISTRICT OF COLUMBIA

● MR. EAGLETON. Mr. President, a number of months ago, a publication entitled "Know the District of Columbia" was sent to my Subcommittee on Governmental Efficiency and the District of Columbia. The booklet, which was researched, written, and published by the District of Columbia League of Women Voters, has proved so valuable to my subcommittee that I would be doing a disservice not to bring it to the attention of my colleagues. It should be added to all Senate reception shelves for reference.

What makes this particular publication unique is its focus on Washington as a city——not the Federal enclave. Washington, like all metropolitan areas, has schools, recreational facilities, public libraries, hospitals, and neighborhoods, although many of us who work on Capitol Hill know only the city's monumental core.

The D.C. League now acquaints us in 125 well-written and finely illustrated pages with life in the city—neighborhoods, economc life, recreation, cultural resources, and the media—the history of the District, the governmental structure of the District, services available to citizens, voter information, and the role of the District in the wider metropolitan area. The publication also includes easy-to-read charts and a comprehensive index.

In my years as chairman of the District of Columbia Subcommittee, this is the finest description of the District I have seen, and I think my colleagues would find that almost any constituent question about the District can be answered with this one publication. Orders can be placed with the D.C. League. Prices range from $2.50 to $4 per copy, depending on the size of the order.

The District League performed yeoman's service by producing this publication and deserves both our thanks and financial support through purchases.

Mr. President, I also include for my colleague's attention an editorial from the Washington Post which further attests to the League's accomplishment.

The editorial is as follows:

LET THE LEAGUE BE YOUR GUIDE

> This is an undisguised plug for one of the best publications we've seen on the District of Columbia—its history, its complicated system of government, things to do here and answers to those questions people are always too embarrassed to ask because they think everybody else already knows. It's a bargain booklet ($2.50 to $4 a copy, depending on the order) just published by the D.C. League of Women Voters. Not only is it an impressive research effort, but the handbook—"Know the District of Columbia"—is a graphically attractive and clearly written compendium, organized for ready reference.
>
> With objectivity and up-to-date information, the book begins with a fact-filled portrait of the city—who lives here, what they do and what kinds of neighborhoods they live in and how various development efforts are affecting the economy. On one page, there is an at-a-glance box of "historical highlights" that begins in 1787, with Article I, Section 8 of the U.S. Constitution—that's the one providing for a seat of government and "exclusive" legislative powers of Congress over the District—and goes to the election of Mayor Barry and Council Chairman Arrington Dixon in 1978.
>
> One of the most valuable chapters is an explanation of how the congressional/local relationships work, how they evolved, how the budget is put together and enacted and how bills become law. Other run-downs include guides to the courts, the advisory neighborhood commissions, public schools, Metro, voter information and regional organizations.
>
> We're told that many local businesses and civic organizations are already starting to snap up copies. They should. So should the city schools, where the store of local history and information on the classroom shelves has always been woefully thin.●

THE ISSUE OF BENEFITS FOR FORMER SPOUSES UNDER THE FOREIGN SERVICE ACT OF 1980

● Mr. PELL. Mr. President, on October 1, 1980, Representative PAT SCHROEDER inserted into the CONGRESSIONAL RECORD (page 28657) a statement concerning the Foreign Service Act's provisions relating to the pension rights of the divorced spouses of Foreign Service officers.

In her statement, Mrs. SCHROEDER maintains that the conference report permits a court to reopen divorce settlements reached prior to the effective date of the act, "if the situation warrants." (Page 28659.)

Her position is not consistent with the joint explanation statement of the committee of conference, which states:

> The conference substitute adopts the Senate amendment with three modifications. First, the effective date provision (section 2403 (e)(2)) is revised to provide that the provisions relating to the rights of former spouses to receive survivor annuities shall apply only in the case of individuals who become former spouses after the effective date of the bill (February 15, 1981) . . .

The clarity of this joint explanatory statement is heightened by the transcript of the conference itself. Representative FORD objected to the Senate bill's retroactive application of the new pension provisions on grounds that they disturbed vested property rights of Foreign Service officers. The Senate conferees then proposed, as a compromise, that the new provisions be effective only "prospectively," a proposal that was quickly agreed to. The precise meaning of "prospective" became an issue, however, and led to the following colloquy:

> Senator PELL. Mr. Chairman, couldn't the definition of "prospective" be defined as divorced in the future?
>
> Representative SCHROEDER. "That is what I would define it as, so you don't go back."

The House conferees eventually voted on a motion to recede to the Senate with an amendment to prohibit the retroactive award of the new pension and survivor's benefits, which carried 6–5. After the vote, Chairman FASCELL asked the conferees to restate their understanding of the new amendment:

> Ms. SCHLUNOT. "The staff has only two questions."
>
> STAFF. "Does any former spouse now incur any right under this?"
>
> Chairman FASCELL. "The Senate says no. Does that answer your question?"

STAFF. "Yes, sir."

Representative SCHROEDER. "And we want to be sure that it is an agreement at the time of divorce. The other question I have is whether previously divorced people can go back for survivor's benefits, not retirement."

Representative FORD. "The answer we just got was, if you are a previous spouse at this time you are not covered."

Chairman FASCELL. "We have one more question."

Representative FORD. "Is there disagreement?"

Senator TSONGAS. "No."

The only exception to the prohibition against retroactivity was that contained in Representative BUCHANAN's later amendment, which allowed a Foreign Service Officer voluntarily to provide a survivor's benefit to a previously divorced spouse, but which did not give any right to such a benefit to former spouses, nor even any right or power to reopen previous divorce settlements.

There is no basis, as I see it, for Representative SCHROEDER's statement in the CONGRESSIONAL RECORD that, as to spouses divorced prior to the Act—

> Obviously, if a participant can elect to provide such benefits, a court, if the situation warrants, can order a participant to elect to provide survivor benefits.

Representative SCHROEDER's statement cannot be reconciled with Representative BUCHANAN's own statement of the purpose of his amendment, which he described as an aid to voluntary action on the part of Foreign Service officers:

> And in essence, that simply provides for a present, I think, inequity in the law, that you can't do anything for a former spouse if you desire to do so. If at the time of retirement she is not then your wife, you cannot provide for him or her if you want to.
>
> The intent—it simply permits people that the foreign service officer might desire to cover, but under present law cannot be.

Finally the Buchanan amendment itself does not contain any language that could be construed to authorize a court even to entertain a petition by a former spouse to reopen a divorce settlement or to adjust the pension rights of parties divorced before the effective date of the act.

Mrs. SCHROEDER's October 1 statement mistates another important aspect of the conferees' intentions in adopting the conference report on the Foreign Service Act. Mrs. SCHROEDER describes the Foreign Service Act's pension provisions as "precedent setting." (Page H10236)

During the conference, Representative FORD objected to the Senate position on the pension rights of divorced spouses on the grounds that it would establish a precedent that might be applied to the other services of the Federal Government. In response, Mrs. SCHROEDER herself denied that the Senate provision could be seen as precedent-setting:

> While you can say it is a precedent and so forth, it really isn't a precedent, because we are not sending all of those other people abroad. You can work for the civil service and your spouse can have a job in the private sector here, and you're not moved all over the country and you don't have the vesting problems and all of those other problems.
>
> So I think the foreign service is a unique case where this makes sense, with no social security vesting; that also makes sense. And with the divorce rates, we don't want people out forum shopping and playing those games.
>
> But if the gentleman will yield, I think if you look at the map behind us, that is the way we distinguish the foreign service from the other 47 pensions.
>
> Representative FORD. You tell all the wives of the military offcers that.
>
> Representative SCHROEDER. Well, I think the gentleman from Michigan can do that. I think he is very competant at drawing lines and understands that there are ways to make differences. And to say that you have to make one law for absolutely everybody because you're absolutely incapable of distinguishing different cases I think shortsells the gentleman from Michigan.

In addition to Mrs. SCHROEDER's own statements, the conferees' intention that the Foreign Service Act not be used as a precedent to justify similar legislation for the military and civil service can be inferred from the Senate and House reports, which repeatedly stressed the unique character of foreign service life, the deprivations imposed on the spouses of Foreign Service officers and the unique service which those spouses render to our Government.

While efforts to extend the special treatment afforded to spouses under the Foreign Service Act will be made and could depend on whether the conferees intended this act to be "precedent-setting," it should at least be made clear for the record that neither the conferees not the Congress have taken the position that it is.●

SALMON ENHANCEMENT BILL

● Mr. HATFIELD. Mr. President, as a cosponsor of S. 2163, I would like to add my voice to that of my colleagues in the favorable consideration of the salmon enhancement bill.

This legislation, developed through the efforts of Mr. MAGNUSON, Mr. PACKWOOD, Mr. JACKSON, and myself has been refined to address the critical need for a comprehensive management and enhancement plan for the salmon and steelhead resources of the Pacific Northwest. The measure would reduce the continuing conflicts between Indian and non-Indian fishermen with a minimum of court and Federal involvement and ease the severe economic dislocation of river and ocean fishermen by providing a means for redevelopment of the depleted fisheries of the Columbia.

Therefore, I applaud the Senate's affirmative action clearing this urgently needed legislation.●

SUPERFUND LEGISLATION

● Mr. TSONGAS. The purpose of this colloquy is to clarify the intent of an amendment which I offered that was included in the Stafford-Randolph substitute (H. R. 7020) to the "Superfund" legislation.

My amendment makes those carriers currently subject to section 10921 of title 49, United States Code liable for a civil penalty of $20,000 per violation for failure to comply with that section. It does not extend the Commission's jurisdiction but merely increases the fine. While the Commission has asserted that authority is necessary to transport hazardous wastes, certain firms are challenging that assertion. The amendment is not intended to prejudge pending litigation nor to preclude the Commission from spelling out its jurisdiction in this area.

Mr. CANNON. That is also my interpretation of the Senator's amendment.●

DETOXIFYING RADIATION WITH RHETORIC

● Mr. GRAVEL. Mr. President, the controversy over the radiation hazard of nuclear power boils down to two issues:

First, whether the nuclear power industry will successfully contain its radioactive poisons; and,

Second, how toxic any radiation they release is.

THE CONTAINMENT ISSUE

There is little basis for controversy now over whether the nuclear industry will successfully contain its poisons. The Three Mile Island accident, along with hundreds upon hundreds of other radiation spills at nuclear facilities, is ample evidence that promises to perfectly contain the poisons simply are not credible.

The spills today are confirmation of the predictions made by myself and others a decade ago. We realized that the nuclear industry could not be expected to achieve the miraculous levels of containment they promised. In fact, I think the nuclear promoters themselves must have privately agreed that perfect containment would not be achieved, because they have consistently fought to maintain regulations which allow them to release amounts of radiation far in excess of the promised levels.

If the nuclear promoters believed what they were promising, I do not see why they insisted on generous radiation standards. It hardly helps one's credibility to promise one thing, and then scurry about to install laws enabling one to do something entirely different.

THE TOXICITY ISSUE

No longer able to sell most of the public the idea that no radiation will be released by the nuclear power program, nuclear advocates are now engaging in a massive public relations campaign to "detoxify radiation," despite the fact that all the scientific epidemiological evidence indicates that lowdose radiation is even more toxic than previously thought.

NO FLAGS SPROUTED

The campaign is aided by two important factors. One is that radiation induced cancer and genetic injuries do not sprout flags announcing their cause.

Hence, nuclear advocates can conveniently mislead the public and Congress by proclaiming:

> We do not know a single member of the public who has died or been injured by nuclear power. Do you?

Of course, we do not know, and never will know, which individuals are the victims of low-dose radiation because the injuries do not identify themselves. Nevertheless, by studying populations which have been exposed to measured levels of radioactivity scientists can establish the link between radiation and cancer.

The controversy arises over how to interpret the scientific data these studies generate. To understand why there is a controversy today among scientists, it is useful to examine some history.

THE GOFMAN-TAMPLIN EPISODE

In the early 1960's, considerable public anxiety about the hazards of radiation was generated by the public statements of many scientists including Dr. Barry Commoner, Dr. Linus Pauling, Dr. Ernest Sternglass and numerous others concerning fallout from atom bomb tests.

To satisfy the growing chorus of complaint, the Atomic Energy Commission decided to study the problem. Two eminent scientists, Dr. John Gofman and Dr. Arthur Tamplin, were selected to do the studying. By 1969, they were convinced that the AEC's permissible dose of radiation to the public could result in 16,000 to 32,000 extra cancer deaths in the United States each year. Much to the consternation of the AEC, Gofman and Tamplin made their studies (funded at public expense) public.

A nasty campaign was launched against the two scientists. Attempts were made to censor a speech by Dr. Tamplin at a scientific meeting, his pay was docked and most of his staff was taken away. The scientists were told in a face-to-face meeting with the chairman of the congressional Joint Committee on Atomic Energy that others had tried to cross the atomic energy establishment and been disposed of; the same thing would happen to them. The President of the National Academy of Sciences made allegations to me about Gofman's scientific credibility which upon investigation turned out to be false. Eventually, both Gofman and Tamplin were forced out of their jobs at the AEC's Livermore Lab.

THE HARASSMENT CONTINUES . . .

The harassment of scientists who refuse to compromise their scientific principles when they discover troubling information about radiation did not end when Congress voted in 1974 to abolish the AEC. In the mid-1970's, former AEC employees who moved to the Department of Energy arranged to terminate funding for Dr. Thomas Mancuso, who had been commissioned by the AEC to study the health records of nuclear workers. The termination came about after Mancuso refused to join attempts to show that radiation exposure was not causing excess cancer deaths among nuclear workers.

THE BEIR COMMITTEE

Following testimony from Drs. Gofman and Tamplin to the Senate Subcommittee on Air and Water Pollution in 1969, the Secretary of Health, Education, and Welfare (Robert Finch) sent a letter to Chairman Muskie committed to the establishment of a committee to review radiation standards. That committee, under the National Academy of Sciences, came to be known as the "BEIR Committee" (BEIR standing for biological effects of ionizing radiation).

Unfortunately, most of the people appointed to the BEIR committee clearly had a conflict-of-interest problem in that they were recipients of AEC grants. Yet they were to review material by Drs. Gofman and Tamplin which had resulted in severe reprisals from that Agency. Loyalty to the AEC, or fear of similar reprisals, meant that even if they tried their best to be completely honest and fair, human nature indicated a conflict of interest problem. I urged the National Academy of Sciences to appoint disinterested scientists to BEIR (for example, without ties to the AEC or nuclear industry), but my efforts were only partially successful.

In 1972, the BEIR Committee published its first report. It indicated that Gofman and Tamplin had overestimated the cancer hazard of radiation by about 5 times. When contrasted with the nuclear promoters' claims that the permissible dose would cause no deaths and injuries to the public, the BEIR report was seen by many as a confirmation of the work of Gofman/Tamplin.

Incidentally, Mr. President, a reason the 1972 BEIR report estimates were lower than Gofman/Tamplin's was that BEIR refused to accept certain evidence Gofman/Tamplin had used concerning the radiation dose to patients who had been irradiated to treat ankylosing spondylitis. In their calculations, Gofman/Tamplin used an estimate of about 62 rads as the dose to the stomach in the patients. Without attributed explanation, BEIR estimated the dose at 250 rads, or possibly 500 rads. Thus, when analyzing radiation-induced cancer deaths among the patients, BEIR was able to arrive at radiotoxicity estimates about four to eight times lower than Gofman/Tamplin.

Interestingly, in a new draft BEIR report in 1979, the estimated dose is down to something between 67 and 89 rads, quite close to the original estimate used by Gofman/Tamplin.

BEIR III ARRIVES

This year, the BEIR committee issued its third report, known as BEIR III. The report claims that radiation really is not as bad as had been previously estimated. To reach this startling conclusion, which is at odds with all the scientific epidemiological evidence, the BEIR committee had to resort to such ridiculous tactics that the committee chairman, Dr. Edward Radford, has termed the scientific basis for the report "sheer nonsense."

One way the committee arrived at low radiation risk estimates was to simply omit extremely damaging risk assessments for very young people; the committee claimed that such assessments "appeared unreliable." So in their report, they substituted data for older people. Even if the data for young people appeared unreliable, a contention which itself is highly debatable, there can be no justification for inserting data which has no relevance to the issue at hand, and is therefore known to be unreliable.

It is interesting to note that although the establishment of the entire BEIR process was a result of the work of Gofman/Tamplin, Dr. Gofman has told me he has never received so much as one word of communication from the committee over the past decade.

Mr. President, I request that an article from the July 28, 1980, Seattle Times on the BEIR III report be printed in the Record.

The article follows:

Science Academy Lowers Estimates of Radiation Risk

(By Mark Bowden)

Amidst continuing dissension within its own ranks, the National Academy of Sciences has reduced its estimate of the health hazards posed by low-level radiation, concluding that such radiation is much less likely to cause cancer and genetic defects than previously reported.

The new estimates, scheduled for public release this month, predict that the health risks are only about one-third as great as earlier agency projections.

The estimates deal with the kind of low-level radiation encountered daily by nuclear-power-plant workers, by the general public in medical X-rays or during such episodes as last year's accident at the Three Mile Island nuclear plant.

Since the agency's findings form the scientific basis for most federal regulatory guidelines concerning radiation, one academy expert predicts that the new conclusions "will save the nuclear-power and medicine industries in this country millions, perhaps billions of dollars in coming years."

This new position is, in essence, the result of a compromise between feuding factions of the agency's Biological Effects of Ionizing Radiation Committee. A special six-member panel of scientists has worked for more than a year to resolve differences between committee members who believe present radiation safety standards are inadequate, and those who argue that the protective standards are excessive.

The compromise has not entirely satisfied either side.

Dr. Edward P. Radford, an epidemiologist at the University of Pittsburgh who is chairman of the radiation committee, charges that the scientific basis for the compromise is "sheer nonsense." Dr. Radford believes radiation safety standards are too lax. He accuses some members of his committee and the special panel of deliberately distorting data in order to find "any justification at all for lowering the risk estimates."

He has written a spirited dissent to what he disdainfully calls "the current version" of his committee's report.

Harald H. Rossi, a physicist at Columbia University who believes weak radiation poses very little health threat, has also written a dissent. He insists that the radiation committee's reworked report overestimates the hazards of low-level exposures by "10 to 30 times the figures I believe are correct."

In three reports over the past eight years (BEIR-1 in 1972, BEIR-2 in 1977 and BEIR-3 in 1979) the committee held that health effects of radiation rise and fall in direct proportion to use. This theory, which is illustrated by a straight-line graph relating dose and response, predicts that any increase in exposure to radiation, no matter how weak the dose, results in an increased incidence of cancer and genetic damage in the exposed population.

BEIR-1 was based primarily on research data from studies of Hiroshima and Nagasaki survivors, and its linear model of radiation-dose response was at odds with conventional biophysical theory. The established theory was of a gradually sloping, or quadratic, dose-response model. It predicted adverse health effects would increase very slowly at weak exposures, rising more sharply only for severe doses. Using the quadratic model, the nuclear industry could predict that no adverse health effects would result from raising people's exposure to low levels of radiation, so long as overall exposure remained within established, "safe" limits.

The linear model of radiation dose response thus spurred a major controversy over safety standards at nuclear power plants and guidelines for the use of X-rays at hospitals. It prompted debate in the medical profession over whether X-rays used to detect breast or colon cancers might be inducing an unacceptable number of cancers themselves. The same estimates have been cited by scientists who argue that public standards for allowable radiation doses should be lowered to a tenth of their present level.

A linear model of risk indicates that naturally occurring background sources of radiation nation-wide account for thousands of cancer deaths annually. Under the BEIR-3 guidelines, an additional dose of 1 rem of radiation in a year would generate from 192 to 756 more cancer cases in males, and from 344 to 1,306 more cancer cases in females, among a population of 1 million. It would cause between 70 and 353 additional cancer deaths.

When BEIR-3 was released in May of 1979, eight of the committee's 21 members dissented, all of them members of the 16-member subcommittee that attempted to define dose risks. Although the report had been publicly released and delivered to the United States Environmental Protection Agency, the agency that contracted the National Academy of Sciences to perform the study, Philip Handler, academy president, recalled BEIR-3 and appointed a special "consultative" panel to restudy the dose-response model.

"I was quite surprised when I learned that there were two groups so bitterly opposed to one another on the committee," Handler said. "I kept asking how many people were involved, and the numbers kept changing. We encourage individual dissent on reports like these, but when the voting comes out so close it tells me that the evidence being considered doesn't compel any conclusion."

Handler's decision to recall and rewrite the BEIR-3 report was "rare," he said. He could not recall another instance like it.

Details of the compromise have not been revealed, but it includes elements of both a linear and a quadratic dose-response model. It estimates that cancer risks do grow proportionate to dose levels for weak radiation, but that the rate of increased risk is only one-third of that estimated by BEIR-3. For higher levels of exposure, the compromise model predicts that risk begins to grow more rapidly.

Ultimately, the compromise model concludes that the accelerating number of cancers and birth defects seen at higher levels of exposure (in the Nagasaki and Hiroshima data) does not hold true at low levels of exposure—which means that below extremely high doses of radiation there is a safer region where weak radiation can be increased without a corresponding jump in cancer cases.

Dr. Jacob Fabrikant, a radiologist at the University of California in Berkeley who headed the "consultative" panel, said that the rewritten version more faithfully considered both sides of the raging dispute than the original BEIR-3 report.

"There is no such thing as choosing up sides and calling a vote in science," Fabrikant said. "What we had was an honest disagreement among a group of fine, distinguished scientists. The reworked version of last year's BEIR report represents, I think, the best available estimate of the risks associated with radiation exposure."

Most of the information about human response to radiation exposure comes from detailed follow-up studies of those who survived the atom-bomb blasts in Japan during World War II. In recent years, this data has been supplemented by studies of patients who received extreme radiation treatments for disorders prior to 1950, when concern began to grow about the adverse health effects of radiation doses at those levels.

In addition to the direct data in human populations, scientists on the radiation committee considered laboratory-animal studies and basic biophysical theory in analyzing the effects of low-level radiation.

There is very little direct evidence of increased cancer and genetic damage in groups exposed to low levels of radiation. Those, like Harald Rossi, who believe that risks are extremely low at low doses, see this dearth of data as proof of their opinion. Others, like Dr. Radford, argue that the numbers of additional cancers and genetic damage are so small, that they are virtually impossible to discover in a general population.

Dr. Radford, who specializes in analyzing studies like those done with the atom-bomb survivors and radiation-treated patients, insists that what new information exists shows with far greater clarity that the linear model for dose response is the correct one. Because there is a 15-to-20-year latency period for radiation-induced cancers. Dr. Radford argues that existing studies (the oldest are only 30 years old) are just beginning to yield evidence of harmful health effects.

"When the BEIR committee first came out with the linear model in 1972, it was just a theory," he said. "We were taking high-dose data from the Hiroshima and Nagasaki studies, and extrapolating downwards. But with more evidence in the BEIR-2 study, we began to see the theory proving out. With the BEIR-3 study, the evidence was even more conclusive."

Rossi, whose field of expertise is physics, interprets the Japanese data differently. He insists that it supports the quadratic model (the gradual, sloping curve that predicts a relatively "safe" region for weak radiation exposures). Rossi feels that the data strongly supports his own theories on radiobiology, and that his model is correct.

"Dr. Rossi's opinion has already been refuted by the evidence," Dr. Radford insisted. "In my opinion, most people who support his position are employed in the field of nuclear medicine or radiology, which means they have a strong personal stake in seeing the dose-risk estimates lowered. Putting these kind of people on a committee charged with assessing public health hazards is like putting a fox in to guard a hen house."

Rossi said he did not wish to respond to Dr. Radford's charges. "I don't want to get involved with name-calling or contentious arguments," Rossi said. "I consider Dr. Radford to be incorrect, and I believe the quadatic model will eventually be adopted as the correct one."

THE LARGER ISSUE

Mr. President, there is no one who is more concerned about the effects of radiation on people than I am. It is a terribly important issue, because if the radiation industry is allowed to grow as it wants to it is inevitable that large numbers of people will suffer greatly, through no fault of their own. The persistence of many radioactive poisons in the environment means that the suffering will extend to future generations, who can not even try to fight back because they are not yet born. Nothing could be more morally insulting.

But there is an even larger issue at hand here, and that is the control of information on any issue in our society. It is important to recognize that information is a product, with a cost in resources and labor. Therefore, someone has to pay for its production. In the market where information is bought and sold, buyers naturally try to buy information (product) which suits their needs. No one expects buyers to purchase other types of items which do not serve their interests, but for some reason people naively expect information to be an exception to the rule.

In our society today, Government funds most education and about half of all research and development. It is approaching a monopoly on what people teach and even on what knowledge is generated. Whatever effort is left to the private sector is largely controlled by businesses with interests to promote, which is fine so long as there are resources to provide information to counter biased information from these businesses. That is the role Government funding is supposed to play. But as we have seen in the radiation controversy, when the Government holds a certain position on an issue that funding can do anything but balance the issue.

In the case of the radiation controversy, Government funded agences such as the National Academy of Sciences, the Department of Energy and the Nuclear Regulatory Commission simply buy information which suits their need to justify the Government's support of nuclear power. Those who produce information to the contrary find their services are no longer required, and sometimes they can be the victims of smear campaigns.

I believe a solution to this problem, Mr. President, is a deemphasis of Federal research in this field, with a corresponding reduction in the taxation needed to fund it. I am certain the nuclear industry can come up with the funds it needs to buy its information, and I am also convinced, based on the raging controversy over nuclear power in the country today, that the public could buy the information it wants. Already, despite the disincentives of inflation, recession and high taxes, people are voluntarily funding nuclear research groups like the Committee for Nuclear Responsibility, the Environmental Policy Institute, the Natural Resources Defense Council, Ralph Nader's Health Research Group and numerous others.

It is ironic that although funding for these groups looks trivial next to the comfortable budgets of the Government funded outfits, they are generating extremely solid, scientific information.

Mr. President, an article in the June 25, 1975 New York Times describes some of the goings-on at the National Academy of Sciences which the President of the Academy, Dr. Philip Handler, himself terms "messy." I request that it be printed at this point in the RECORD.

The article follows:

HOW NATIONAL ACADEMY OF SCIENCE DECIDED TO HALT A NUCLEAR WASTE REPORT IS DISPUTED

(By David Burnham)

WASHINGTON, June 24.—A controversy has developed within the National Academy of Sciences over the procedures it followed in deciding abruptly to halt the publication of a report on radioactive wastes.

The draft copy of the report, prepared by the Academy at the request of the Nuclear Regulatory Commission, charged that the Energy Departments broad research program on disposing of radioactive wastes was inadequate and that its tentative commitment to one disposal method, transforming the high-level wastes from spent reactor fuel rods into a kind of glass, was premature.

The critical report had already been completely approved through the Academy's elaborate reviewing process when the decision was made to halt publication on the basis of complaints from the Energy Department and one of its contractors with a financial interest in the subject. Three months after the Academy's unusual action, a special three-man panel essentially upheld the Energy Department's complaint that the draft report was incomplete.

NEED FOR INDEPENDENT JUDGMENTS

The case highlights the difficulty of obtaining independent and informed judgments about key scientific policy matters that affect Government projects, corporate profits and public health and safety. The Acadamy is a non-Government organization chartered by Congress in 1863.

"The integrity of some of the processes of the National Acadamy of Sciences is at question," said Dr. Rustum Roy, who headed the panel of eight scientists that wrote the report, and who criticized the decision to halt its publication.

"I am aware of due process, the importance of due process in the history of our civilization," said Dr. Philip Handler, president of the Academy. "But the one thing I can't stand is a flawed report. I decided it was better to get egg on our face than let that report stand."

Dr. Handler said that because of controversy over the report on wastes and over another report, on the health effects of low-level radiation. Academy officials would in August consider possible changes in the complex processes by which such studies are developed.

STORAGE DUMP QUESTIONS

The radioactive waste report in question was undertaken two and a half years ago for the commission, which wanted information about how to license permanent storage dumps for wastes that will remain highly radioactive for centuries.

The overall conclusion of Dr. Roy's panel was that high-level waste could be safely disposed of under ground. That pleased nuclear power advocates in the Acadamy and the Government, but the panel's criticism of the Energy Department's research and its favored disposal method was less well received.

"A comprehensive and coordinated plan for research and development on waste solidification has been lacking," the Roy report said bluntly. Concerning the Energy Department's leading proposal for high-level waste disposal, the panel said that research "has been concentrated far too heavily on glass, which may, in many systems, be much less desirable than other solid waste forms."

The report was seen as possibly damaging by supporters of nuclear energy because of the growing political sentiment that construction of nuclear reactors should be halted until satisfactory methods of waste disposal are developed.

The report first ran into criticism when it was reviewed by the Roy panel's parent group, the Committee on Radioactive Waste Management. The most outspoken attack came from W. Kenneth Davis, a vice president of the Bechtel Corporation, an architectural and engineering firm that has played a major role in the commercial development of nuclear power.

In a letter to the reviewing committee on which he served, a copy of which has been obtained by the New York Times. Mr. Davis called for substantial changes in the report. The goal, he said, should be to make the report "constructive" for those who want "nuclear power to move ahead expeditiously.

Because of the objections by Mr. Davis and another committee member, the panel report was modified. In June 1978, the committee unanimously approved the report and moved it toward publication.

Dr. Handler sent a prepublication copy of it to the Nuclear Regulatory Commission, the sponsoring agency.

Copies of the report, according to Capt. Winfred Berg, a retired Navy officer and Academy staff member, also were sent to the Council on Environmental Quality, the Environmental Protection Agency and the Department of Energy.

"At 5:30 on the afternoon before Labor Day," Captain Berg said, "I got a call from the Energy Department saying there were serious questions about the adequacy of the report. I called the printers, where it was scheduled to be printed that night, and asked them to hold up the report."

Captain Berg later learned that much of the criticism had come from Battelle Laboratories. In response to an inquiry, the Energy Department said that of the $60 million the Government had spent on research on changing the waste into a glassy state, which does not rust and can be more stable than other solid forms, about 80 percent had gone to Battelle.

Informed of Captain Berg's decision, Mr. Handler decided to delay the publication of the report until it could be reviewed by a special committee.

Dr. Roy was furious, especially because publication was blocked on the basis of criticism by organizations with a financial stake. "The conflict of interest is so gross as to be mind-boggling," Dr. Roy wrote Dr. Handler.

In an interview last week, Dr. Handler said that Dr. Roy's allegations were "like a pot calling a kettle black. He has conflicts himself. He works in their field, his wife works in this field."

On Dec. 27, Thomas H. Pigford, a professor at the University of California at Berkeley and a member of the special reviewing committee, wrote the Academy that his analysis of the critical comments by the Energy Department contractors indicated that the "report does not, in fact, reflect a thorough and comprehensive review."

PUBLICATION IS RULED OUT

The Academy decided not to publish the waste report, which had cost the N.R.C. $93,237.

"This is a messy story and to pretend otherwise is absurd," Dr. Handler said in a recent interview. "How can we make sure we deal with controversial issues by the tenets of science and not name-calling? This summer our top policy people will try to adopt language for our procedural manual that will see that these kinds of problems don't happen again." ●

A CITIZENS' GUIDE TO SOLAR ENERGY

● Mr. BAUCUS. Mr. President, in my State, Montana, more and more people have become interested in (applying) solar energy. Indeed, public interest and technological advances have outpaced the work needed to bring the interest and technology together.

There are a large number of Federal programs in existence designed to promote solar energy—perhaps too many. It is often difficult to determine which ones would be helpful or even applicable to either individuals or businesses. I have long felt that if a significant switch to renewable fuels is to occur, we should be more intent upon making the information and technology available in easily usable ways.

Therefore, I recently asked my staff to prepare a short summary of some of the Federal programs that citizens might find useful if they are interested in solar energy. We have compiled such a list, and in order to keep it short, it is necessarily selective. This guide to solar energy, if I may call it that, includes separate sections on grants, loans, information sources and tax credits. We have added a short index at its end, again to make it easier for individuals to go directly to programs useful to them.

I hope this guide will increase public interest in converting to solar energy by helping people know what their government is doing and how they can use the Government resources for which their taxes are paying.

I should emphasize that while we have pulled this listing from several sources, including more lengthy compilations of the Environmental Study Conference and the Department of Energy, I would like to update and improve the list where possible. Accordingly, I would encourage anyone who makes use of this list to let me know of additions we should make and also of programs that are not worth listing. If we are going to get the most out of funding for solar energy, we must improve or get rid of programs that are wasterful, duplicative or unnecessary, and I look forward to hearing about these as well.

Finally, I want to mention another particularly helpful listing for people interested in alcohol fuels. The National Alcohol Fuels Commission has printed and kept up to date a good listing of "Federal Agency and Department Alcohol Fuels Programs." It is available through the Commission at 412 First, SE., Washington, D.C. (202) 426–6490. I know that the Commission and its staff have been very responsive to congressional requests for assistance and for copies of the listing.

I ask that a copy of the "Citizens' Guide to Solar Energy" be printed in the RECORD at the conclusions of my remarks.

The material follows:

A CITIZENS' GUIDE TO SOLAR ENERGY

SOLAR GRANTS

1. Grant Program for Schools and Hospitals—Department of Energy (DOE):

This program provides matching federal funds to public and private non-profit schools and hospitals for preliminary energy audits and purchase and installation of alternate or conservation energy measures, including solar equipment. In hardship cases, however, grants can provide 90 percent of necessary funds.

Contact: Rich Minning, Acting Director, Schools and Hospitals Program, DOE, mail stop 2H–027, 1000 Independence Ave., SW., Washington, D.C. 20585. (202) 252–9727.

2. Appropriate Technology Small Grants Program—(DOE):

This program makes grants of up to $50,000 to individuals, local non-profit organizations and institutions, State and local agencies, Indian tribes and small businesses to develop and encourage the use of alternate energy services. The use of funds can be directed towards heating and cooling, biomass conversion, wind and small hydroelectric power generators.

Contact: Anne Hegnauer, Director, Appropriate Technology, Small-Scale Technology Division, DOE, mail stop 6G-040, 1000 Independence Ave., SW., Washington, D.C. 20585. (202) 252-9104.

3. Business Development Loans and Public Investment Grants—Economic Development Administration (EDA):

Local public works and private businesses are aided by this program. The Economic Development Administration will loan or grant an average of over $1 million for projects to develop and expand the use of solar energy.

Contact: Alan Gregerman, Policy Division, EDA, DOC, Room 6226, 14th and Constitution Ave., NW., Washington, D.C. 20230. (202) 377-5103.

Under the same program, help can be obtained for projects using renewable energy for areas with severe unemployment problems.

Contact: Charles Coss, Director, Office of Public Investments, EDA, Room 7884, 14th and E Streets, NW., Washington, D.C. 20230. (202) 377-5265.

4. Emergency Energy Conservation Services—Community Services Administration (CSA):

This program has a variety of facets designed to aid low-income individuals and families. One of the projects in this program is crisis intervention aid through grants and payment guarantees, and the development and application of solar power, especially in the cases of moderate income farmers. One of the major projects funded by CSA is the National Center for Appropriate Technology in Butte. This agency was founded to develop and support local plans to aid moderate income people and communities.

Contact: Richard M. Saul, Chief, Energy Programs, CSA, Room 334, 1200-19th St., NW., Washington, D.C. 20506. (202) 632-6503.

5. Grants for State and Community Programs on Aging—Administration on Aging (AOA):

AOA attempts to aid the elderly (60 years and older) through grants and contracts to various organizations from state and area agencies to help pay energy costs. Examples of aid include help to pay fuel costs, transportation costs, energy conservation and weatherization of homes for efficient use of thermal resources.

Contact: Anita Shalit, Program Analyst, Office of Program Development, Administration on Aging, Department of Health and Human Services, North Building, Room 4639-A, 330 Independence Avenue, SW., Washington, D.C. 20201. (202) 472-3057.

6. Community Development Block Grants—Department of Housing and Urban Development (HUD):

This program is designed to aid urban communities in financing solar energy installations in housing projects. Cities with at least 50,000 residents with urban counties totaling at least 200,000 residents are automatically entitled to funds, while smaller cities, with populations less than 50,000 residents, can apply for discretionary grants. Cities that receive funds can contract with or make grants to non-profit organizations, local corporations and small business investment companies to be directed to meet community housing and energy needs, including conversion to and installation of solar energy technology.

Contact: Local: HUD area offices. Washington: James Broughman, Entitlement Cities Division, Assistant Secretary for Community Planning and Development, HUD, Room 7282, 451 7th St., SW., Washington, D.C. 20410. (202) 755-9267. James Forsberg, Director, Small Cities Program, same address. (202) 755-6322.

7. Urban Development Action Grants—(HUD):

These grants can be used for projects that use renewable energy, such as solar. The funds must be allocated to projects that provide new permanent jobs and greater revenues for needy cities or counties. Such projects may be for residential, business, industrial, commercial or local government.

Contact: David Cordish, Director UDAG, Community Planning and Development, HUD, Room 7232, 451-7th St., SW., Washington, D.C. 20410. (202) 472-3497.

SOLAR LOANS

8. Solar Energy and Energy Conservation Bank—(HUD):

This bank is not directly accessible to consumers; instead, subsidies will be provided to consumers through banks. A commercial bank will have the necessary forms for individuals to apply for the federal funds when they apply for their loans. The amount of the subsidy will depend on the individuals income, varying from 40-60 percent of the cost of solar alterations. But, a single-family home owner can receive no more than $5,000 and owners of 2-4 unit apartment houses may receive up to $2,500 per unit. Owners and builders of commercial buildings can receive 40 percent of the cost of solar equipment installation, not exceeding $100,000. Owners of apartment buildings with more than four units can also receive 40 percent subsidies up to $2,500 per unit.

Contact: Eric Nathanson, Solar Program Analyst, Office of Policy Development, Department of HUD, Room 8158, 451 7th St., SW., Washington, D.C., 20410. (202) 755-6900.

9. Section 310 Loans—(HUD):

These are direct federal loans which can be applied to rehabilitating residential and non-residential property. The loans are available at 3 percent interest for 20 years, with a maximum of $27,000 for residential, and $100,000 for non-residential property. The interest rate will increase on February 15, 1981. Priority for loans is given to low and moderate income applicants.

Contact: Local: Local office administering community developent programs. Washington: Robert I Dudge III, Director, Office of Urban Rehabilitation and Community Reinvestment, HUD, Room 7170, 451 7th St., SW., Washington, D.C., 20410. (202) 755-5685.

10. Federal Housing Administration Loans—(FHA):

The FHA will make loans to private multi-family housing owners to make improvements in energy saving by using renewable resources, such as solar. HUD sets the interest rates at not more than necessary to meet market demands, and HUD also insures these loans.

Contact: Michael C. Wells, Program Analyst, Office of Housing, HUD, Room 9220, 451-7th St., SW., Washington, D.C. 20410. (202) 755-6454.

11. Farmer's Home Administration—(FmHA):

FmHA provides loans for the development of solar energy in rural areas. These solar applications are available for assistance if they are low-cost and have been shown to be technically feasible. Examples of the uses of these loans are for solar water heaters and solar heating and cooling of residences.

Contacts: Daniel Ball, Environmental and Technology Staff Director. (202) 447-3394; Jennings Orr, Single Family Housing Administrator. (202) 447-5668; L. D. Elwell, Multi-Family and Rental Housing Manager. (202) 447-3213; Allan Broch, Farmer's Programs. (202) 447-4671; John Bowles, Community Facilities. (202) 447-7667; Robert Butler, Business and Industries Division. (202) 447-5243. 5014 S, South Building, USDA, Washington, D.C., 20250.

12. Energy Loans—Small Business Administration—(SBA):

Either direct loans or guarantees of bank loans are available through SBA to small businesses in solar energy manufacturing. Loans can be granted to all those involved in building and marketing solar equipment. Direct loans are limited to $350,000 at an interest rate which is based on the amount paid by the federal government to obtain the funds. The SBA will also guarantee 90 percent of loans up to $500,000 at an interest rate below an SBA maximum which is agreed to between the borrower and the lender.

Contact: Local: SBA district offices. Washington: Dick Wray, Office of Business Loans, SBA, 1441 L St., NW., Washington, D.C., 20416. (202) 653-6696.

13. Veteran's Administration—(V.A.):

The VA will either loan directly or guarantee loans for energy conservation and solar measures. The direct loans are given to areas with housing credit shortages. The loans guaranteed by the VA are through private lenders at the maximum legal rate set by the VA, payable over a 30 year period for equipment that meets HUD-FHA standards.

Contact: Walter Burke, Department of Veteran's Benefits, Construction Evaluation Office, Veteran's Administration, Room 353, 810 Vermont Ave., NW., Washington, D.C., 20420. (202) 389-2249.

SOLAR INFORMATION SERVICES

14. Local Public Buildings and Public-Care Institutions—(DOE):

Under this program, public buildings owned by government and non-profit, private care institutions are eligible for both energy audits and technical assistance to choose and apply solar energy measures. Institutions are recommended for government money by state energy offices.

Contact: Bill Raup, Director, Local Government Conservation Division, DOE, Mail stop 1H-027, 1000 Independence Ave., SW., Washington, D.C., 20585, (202) 252-2335.

15. Solar Energy Information Data Bank—(SEIDB):

SEIDB provides extensive information about all aspects of solar technology. A library service, including educational materials, lists of materials needed and manufacturers of such products, and research reports on selected topics, is available through SEIDB. Many of the pamphlets and information services concerning solar heating and cooling are distributed through the National Solar Heating and Cooling Information Center. The Solar Energy Research Institute answers questions on all other solar issues including applications, legal problems and formal education opportunities. Users of SEIDB can also use a Regional Solar Energy Center and the Energy Extension Service.

The Technical Information Center distributes literature dealing with the technological aspects of solar energy and will respond to specific mail and phone questions.

Contacts: Solar Information Center, Solar Energy Research Center, 1536 Cole Blvd., Golden, Colorado, 80401. (303) 231-1415. DOE Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee, 37830. (615) 483-8611. National Solar Heating and Cooling Information Center, Solar Heating, P.O. Box 1607, Rockville, Maryland, 20850. Toll Free: (800) 523-2929.

There is also information available for those who wish to design and install their own solar systems. The American Society of Heating, Refrigerating and Air Conditioning Engineers and the National Association of Home Builders will provide both publications and technical information.

Contact: ASHRAE: Director of Research and Technical Services, 345 E 47th St., New

York, New York, 10017. (212) 644–7953. NAHB: P.O. Box 1627, Rockville, Maryland, 20850. (301) 762–4200.

16. University Center Program—Economic Development Administration:

Small and medium sized businesses can receive energy audits and technical assistance through University Extension Centers.

Publications to help a firm in solving its energy problems are also available.

Contact: Glenn B. Fatzinger, Program Specialist, Office of Technical Assistance, Economic Development Administration, Room 7850, 14th St. and Constitution Ave., NW., Washington, D.C., 20230. (202) 377–4637.

17. Legal Advocacy Program—(CSA):

This program aids elderly and moderate income persons in energy matters before they turn to administrative agencies or courts. Both technical aid and legal services are available.

Contact: Miriam Charnow, Office of Community Action, Energy Division, CSA, Room 316, 1200–19th St., NW., Washington, D.C. 20506. (202) 632–6503.

18. Residential Conservation Service Program—(DOE):

Major regulated electric and gas utilities are required to provide energy audits to residential customers. In addition, they must tell customers about possible conservation measures and help them arrange the purchasing and installations of these energy saving steps.

Contact: Local: Public utilities. Washington: James R. Tanck, Director, Residential Conservation Service, Office of Buildings and Community Systems, Conservation and Solar Energy, DOE, Room 3128, 20 Massachusetts Ave., NW., Washington, D.C., 20585. (202) 376–4020.

19. Small Business Training—(SBA):

The Service Corps of Retired Executives offer seminars and counseling to small-business owners to conserve energy. Publications are also available from SBA district field offices.

Contact: Johnnie Albertson, Chief of Business Management Training, SBA, Room 602, 1441 L St., NW., Washington, D.C., 20416. (202) 653–6768.

TAX CREDITS

Residential

Homeowners and renters are eligible to receive a 40 percent tax credit on the first $10,000 spent on solar, geothermal and wind energy equipment. These credits are available through 1985 for equipment installed since 1980, but a lower credit can be taken for investments made before 1980.

Business

A 15 percent credit can be taken by businesses through 1985 on solar, geothermal, wind energy and solar process heat equipment.

Hydroelectric

Hydroelectric generating plants can take an 11 percent tax credit from 1980 through 1985. The amount of the credit depends on the size of the facility with a facility with a capability of 125 megawatts or more not eligible for a credit.

Biomass

Businesses that use equipment to provide solid fuels or alcohol fuel from biomass or to burn biomass fuels are eligible for a 10 percent tax credit. Fossil fuel is the only organic substance that does not fall into the category of biomass.

Alcohol fuel tax exemptions

Gasohol which is at least 10 percent alcohol is exempt from the four cent a gallon excise tax through 1992. A tax credit of 40 percent and 30 percent is available for alcohol which is 190 proof and between 150 and 190 proof, respectively.

Passive solar equipment

Some systems which in fact use the sun to heat and cool are not eligible for tax credits. Passive units, which are built into the design of the structure, as opposed to active ones which include solar panels added to the roof, do not qualify for a credit. For example, a south facing wall which collects heat is considered a passive unit. Some insulation may be eligible for credit if it is installed between an inside and an outside wall. Storm windows and storm doors qualify for credit.

Contact for all tax credit questions: Local Internal Revenue Service office.

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REAGAN'S ENERGY POLICY

● Mr. STEWART. Mr. President, I call to the attention of my colleagues a very interesting article which recently appeared in the Washington Post.

As a strong believer in the free enterprice system, I think that the new administration would be well-advised to follow the energy policy path of placing greater reliance on the marketplace.

I have always found it curious that some of the loudest advocates of reduced Government spending are the first in line when it comes time for the Government subsidies to be handed out. Many of these subsidies have been used to building white elephant facilities which never would have gotten off the drawing board without the Government largesse. Moreover, certain technologies, notably nuclear, oil, and now synthetic fuels, have reaped billions of dollars worth of Government hand-outs and tax subsidies while other, newer, renewable forms of energy have largely been left out in the cold. As a result, private investment has been skewed away from precisely those forms of newer, renewable energy we need to develop to secure our energy future.

All that renewable resource advocates are asking is that each of our energy options be subjected to the rigors of the marketplace. Nothing could be more American than that. I sincerely hope the new administration will choose to follow an energy policy path that will enable millions of average Americans—homeowners, businessmen, farmers, and so on—to freely choose their energy future, rather than relying on the so-called experts in Washington and on Wall Street to make their decisions for them.

I submit for the RECORD the following op-ed article by Amory B. Lovins and L. Hunter Lovins.

The article follows:

REAGAN'S ENERGY POLICY: CONSERVATIVE OR ULTRALIBERAL

(By Amory B. Lovins and L. Hunter Lovins)

As few weeks before the election, we asked a Reagan energy staffer how the governor reconciled his free-market ideology with his support of technologies—notably synthetic fuels and giant power stations—that have shown they cannot compete in a free market. His candid, if disquieting, response: "We haven't analyzed that yet."

It is too early to tell whether analysis will prevail in the battle within the Reagan transition team between the economic conservatives and the corporate socialists. The free marketers favor competition, individual choice, de-subsidization and least-cost solutions. The board-room boys are already lining up at the federal subsidy trough to resuscitate victims of an incurable attack of market forces. Will the salutary discipline of the marketplace or the whims of bureaucrats and the influence of friends guide hundreds of billions of dollars of irrevocable investments?

The Department of Energy has never followed a least-cost energy strategy: supplying the amount, type and source of energy needed to provide each energy service in the cheapest way. A costcutting approach would list on one piece of paper the various ways to provide comfort or light, run trucks or televisions, make steel or bake bread, and then recommend the cheapest ways first. Such cost ranking by the Harvard Business School energy study found that generally the best buys are efficiency improvements; next, appropriate renewable sources ("soft technologies"); next, synfuels; and last, costliest of all, central power stations. DOE has taken these options in reverse order, worst buys first.

Ninety-two percent of our energy is used as heat or vehicular fuels. The premium uses that can economically justify electricity—the costliest form of energy—are only 8 percent, and are met twice over by today's power stations. Yet electricity irrationally commands 65 percent of DOE's R&D budget. For synfuels just to get off the ground requires $20 billion in subsidies and a decade or more. But during 1973–78, the United States already got twice as much energy capacity from raising energy productivity, twice as fast, as synfuel advocates claim they can do at 10 times the cost. In 1979, some 97 percent of U.S. economic growth was fueled by wringing more work from our energy, only 3 percent by increasing energy supply. Millions of individual actions in the marketplace saved money by saving energy, outpacing the centrally planned supply programs by nearly 40 to 1. The second fastest growing contribution to energy supply has been the vast array of renewable sources. Nuclear power, subsidized by tens of billions of dollars over decades, now delivers about half as much energy as wood.

Roger Sant, federal energy conservation manager in the previous Republican administration, has analyzed in Harvard Business Review a "least-cost energy strategy" of buying the cheapest options. If pursued for the previous decade, it would have cut our 1978 purchases of oil, coal, and electricity by about 28 percent, 34 percent, and 43 percent, respectively—while providing the same energy services that we received in 1978 and costing 17 percent *less* than we actually paid for them. A new draft study for John Sawhill (now chairman of the Synthetic Fuels Corporation) finds that a least-cost strategy for 1980–2000, if GNP increased by two-thirds, could simultaneously reduce total energy use by one-fourth and nonrenewable fuel use by nearly half—with no life-style changes except a great saving in money and jobs.

Such a conservative policy, removing market imperfections and subsidies so as to "minimize consumer costs through competition," and unleash the genius of private-enterprise innovation, would be the best thing that ever happened to energy policy. It is also consistent with President-elect Reagan's opposition to synfuel subsidies and to the Energy Mobilization Board.

Yet among his strongest constituents, lopsidedly represented on his Energy Advisory Board, are the commercial advocates of precisely those energy technologies that cannot withstand competition. We heard such a synfuel promoter proclaim in Wyoming this fall that, although energy efficiency gains and solar energy are laudable, they won't amount to much in this century, so there will be, he said, a market for his costly synfuel. We responded: "That's fine; that's your business judgment. But you might be wrong. Do you want to put your stockholders' money where your mouth is? Or do you just want to take the profits if you're right and make everyone else pay the costs if you're wrong?" That is, of course, what he wanted; and he was upset to have it described as corporate socialism.

Will Reagan turn out to be a blue conservative or a red socialist? Try these litmus tests:

Will he seek to repeal the synfuel subsidies he opposed?

Will he get DOE's major corporate contractors off welfare and back to work on products they can sell in the marketplace?

Will he allow Westinghouse, et al., who say the Clinch River Breeder Reactor is such a good business deal, to pay for it themselves?

Will he refrain from bailing out the Barnwell reprocessing plant and make the nuclear industry, like the chemical industry, pay for cleaning up its own wastes?

Will he de-subsidize the energy sector? (Solar advocates sought tax credits only because conventional supply enjoys far larger subsidies—tens of billions of dollars per year. It would be better economics not to subsidize either.)

Will he allow a genuinely competitive marketplace to choose between energy conservation and production? Between big and small businesses?

Will he encourage a least-cost best-buys-first approach to providing energy services (as the California and Idaho Public Utility Commission require of their utilities)?

Will he stop the bailout of Northwest private utilities at public expense, halt TVA's trend toward ruinous overcapacity, and stop the financing of private utilities' power stations via cheap federal rural-electrification loans?

Will he cancel pork-barrel federal water projects and charge incremental water users truly incremental costs—often tens or hundreds of times what they now pay?

Will he reject lavish, spendthrift measures in favor of lean, cost-effective investments to ensure national security?

These and similar actions could infuriate some powerful constituents. Yet nibbling at the bullet would betray conservative principles and those who voted for them. It would expand unto national insolvency the federal penchant for fiscally irresponsible lemon socialism—throwing taxpayers' money at problems. If the litmus paper turns a muddy gray, a major national opportunity for efficient management will have been squandered.●

A TRIBUTE TO MIKE GRAVEL

● Mr. TALMADGE. Mr. President, I pay tribute today to the junior Senator from Alaska, the Honorable MIKE GRAVEL, who has served the people of his State and Nation with distinction in the U. S. Senate for the past 12 years.

It has been a pleasure for me to serve on the Finance Committee with MIKE since 1973 and I have admired his undying support and leadership in the development of energy in the United States. He was instrumental in the development of the Alaska pipeline that delivers crude oil to the lower 48 States and has meant greater energy independence of our Nation in the face of the OPEC cartel's blackmail.

Even before MIKE'S appointment to the Senate Finance Committee, he was already at work independently on matters of taxation, trade, and social security. He has continued in a leadership role on these matters in the Senate Finance Committee and it has been my pleasure to work with him.

Today MIKE serves as chairman of the Finance Subcommittee on Energy and the Environment and Public Works Subcommittee on Water Resources. His dedication and hard work has meant much for the development of Alaska's abundant resources while maintaining the natural beauty of his State. I join my colleagues on both sides of the aisle in saluting and thanking MIKE GRAVEL for his service to our country and I wish him every success in all his future endeavors.●

A TRIBUTE TO BIRCH BAYH

● Mr. TALMADGE. Mr. President, I rise today to pay tribute to my friend and distinguished colleague from the State of Indiana, BIRCH BAYH.

During his 18 years of service in this body, BIRCH has been the Senate's leading proponent of constitutional rights and has continually fought for working men and women, the elderly, and minorities.

I have worked closely with BIRCH to develop our alternative sources of energy in this country which are vital for future generations. We worked hand-in-hand on Senator BAYH'S amendments to the windfall profits bill, now law, which will channel funds to encourage the development and use of alcohol fuels. In addition, BIRCH authored a bill which will make great use of our excessive agricultural products and byproducts for production of alternative energy sources.

I have watched BIRCH BAYH lead the fight for constitutional rights in the Senate—authoring amendments to give 18-year-olds the right to vote, to provide for the direct election of the President of the United States, and the equal rights amendment.

These are only a few of the many contributions the Senator from Indiana has made to this body. BIRCH and I come from similar backgrounds—we are farmers, we are lawyers, we are Senators, but also important to me, Mr. President, we are friends.

I say to the Members of this honorable body that BIRCH BAYH has served his Nation with distinction and the Senate will miss his intelligence, his dedication, his leadership, and his friendship.●

A TRIBUTE TO FRANK CHURCH

● Mr. TALMADGE. Mr. President, the Senate today loses one of its most dedicated and hard-working servants of the people, the Honorable FRANK CHURCH of Idaho. FRANK and I came to the U.S. Senate in 1957—almost 24 years ago. We rank back to back in terms of seniority in this body and I have seen the Senator put his seniority to work for the people of Idaho and the United States. He is chairman of the Senate Foreign Relations Committee. He serves with distinction on the Committee on Energy and Natural Resources, where he is chairman of the Subcommittee on Energy Research and Development where he has long advocated the development of alternative energy sources.

FRANK is a champion of the outdoors for Idaho and the United States. He managed the Senate bill that created the National Wilderness System in 1964, as well as legislation establishing the "Land and Water Conservation Fund." He was author of the Wild and Scenic Rivers Act, and sponsored bills that created numerous national recreation areas throughout the United States.

While FRANK and I have not always seen eye to eye on issues, I have learned to admire and respect his opinions and his dedication in pursuing his goals.

The Senate will miss FRANK CHURCH and I wish him every success in his bright future.●

A TRIBUTE TO ROBERT MORGAN

● Mr. TALMADGE. Mr. President, it is a great pleasure and privilege for me to pay tribute to a warm friend and most distinguished colleague—ROBERT MORGAN of North Carolina.

BOB MORGAN started his political career at age 24, though still a law student, when he was elected clerk of the superior court in a small North Carolina rural county. Since that time his record has been a reflection of his capability and a monument to his convictions. Five times elected to the State senate—where he was elected president pro tempore in 1965—he distinguished himself in this body as a forceful and most effective advocate in the areas of penal reform, mental health, education, and law enforcement. As attorney general of North Carolina, he reorganized that office, making it one of the best and most efficient in the entire 50 States. As chairman of the Rural Housing Subcommittee in the U.S. Senate, he has led the fight for a rural homeownership program for low-income families and for better housing for migrant workers.

I have worked closely with BOB MORGAN on problems affecting agriculture, and I have nothing but deep admiration for his continuing and untiring efforts on behalf of the American farmer. He is an individual of great foresight, a man before his time. He was the first to introduce in the Congress a constitutional amendment for a balanced Federal budget, the first to reinstate legislation for draft registration. He did vanguard work in solar energy. He is that rare individual who will not make up his mind until he sees all sides of an issue, and once he is convinced Bob Morgan votes his conscience.

I extend to him every good wish for happiness and continued success in whatever endeavors he chooses in the coming year.●

TRIBUTE TO DONALD W. STEWART

● Mr. TALMADGE. Mr. President, I am very proud to pay tribute to a warm friend and most able colleague, the distinguished Senator from Alabama, Donald Stewart.

I have had the opportunity to work closely with Donald Stewart on the Agriculture Committee, and through this association I have gained firsthand knowledge of his expertise and capability. He was sponsor of the Rural Energy Independence Act, legislation which served as the basis for the Senate's overall alcohol fuels proposal. It was Donald Stewart who steered his landmark legislation through four separate committees and to a successful floor fight. Through his efforts, he was appointed to the joint Senate-House conference committee on the national energy bill—the only non-Energy Committee freshman designated to work on all portions of tthe American energy plan.

In addition to his contribution in moving toward U.S. energy independence, Donald Stewart has brought about important accomplishments in the areas of rural health and agriculture, and his achievements have been recognized. In keeping with a 1978 campaign commitment, he has been instrumental in establishing an office of rural health affairs in Alabama, whose worthy aim is to afford necessary health care to medically underserved areas of the State. A forceful and ardent supporter of rural development programs at both the State and national levels, he was named cochairman of the Congressional Family Farm Task Force, a bipartisan unit whose goal is to benefit small farmers in America.

Donald Stewart is dedicated to service—a man who works long and hard, an individual who has the courage to stand his ground. His is a record of distinction. For his accomplishments I commend him, and wish for him happiness, success, and all God's blessings.●

A TRIBUTE TO DICK STONE

● Mr. TALMADGE. Mr. President, it is a privilege for me to pay tribute to a warm friend and a most able colleague—Dick Stone—with whom it has been a pleasure to serve on both the Agriculture and Veterans' Affairs Committees.

As a U.S. Senator, Dick Stone is to be lauded for his strong stand on fiscal responsibility and for his far-sighted efforts to free this Nation from OPEC blackmail. As State Senator, Florida Secretary of State, and U.S. Senator, he is to be commended for his accomplishments in bettering the well-being of all Floridians. Because of Dick Stone's continuing and untiring efforts, Japan has lowered barriers to Florida citrus imports, and in 1978, 1979, and 1980 Taiwan signed multimillion dollar agreements to purchase Florida soybeans, phosphate, and citrus. Because of Dick Stone's proposal to allow States to issue bonds to pay for building interstate highways, Congress agreed in 1978 to legislation accelerating interstate construction. As a result of Dick Stone's action, the interstate system in Florida will be completed in the late 1980's, instead of after the year 2000.

I have had the opportunity—and the privilege—to work closely with Dick Stone on the Agriculture Committee. Through his able chairmanship of the Foreign Agricultural Policy Subcommittee, he has sought to bring together the Foreign Relations and the Agriculture Committees for the betterment of this country—in expanding American exports throughout the world. I have deep admiration for his extraordinary ability to reconcile opposing views into a compromise which works. Those of us who have been fortunate to know Dick Stone admire and commend his affirmative vision of mankind and his dedicated efforts, because of this vision, to better the human condition. In 1979 hearings on the food stamp program, he was deeply concerned that food stamp benefits could not buy both food and medicine for the needy. He subsequently authored legislation—now law—which helps the elderly deduct medical payments from income.

Dick Stone is a man of deep personal convictions. He is to be praised for his accomplishments and commended for his contributions. In whatever endeavors he chooses to pursue, I wish for him every success and all God's blessings.●

TRIBUTE TO WARREN G. MAGNUSON

● Mr. TALMADGE. Mr. President, it is a great privilege for me to pay tribute to the distinguished Senator from the State of Washington, Warren G. Magnuson.

In devoting a lifetime to public service, Warren G. Magnuson has served the people of Washington and the United States with compassion, commitment, and deep wisdom. As chairman of the Subcommittee on Labor/HEW, he has left his imprint on key health and social programs which are of immeasurable benefit to those in America who are most in need of help. As able chairman of the Appropriations Committee, and as ranking member of the Budget Committee, he is to be lauded for his fiscal responsibility and for his efforts in reducing excessive Federal regulations which cost this country in excess of $100 billion a year. Warren Magnuson is a champion in the area of consumer protection. Trade with mainland China—which became a reality in 1979—was long his vision, and it was through his initiative that the Senate, in 1980, voted to grant "Most-Favored Nation" trading status for the People's Republic of China.

The value of Warren Magnuson's contributions has been recognized. For his leadership in the field of basic medical research, he was awarded the 1973 Albert Lasker Public Service in Health Award—the equivalent to the American Nobel Prize in Medicine. The author of more consumer protection legislation than any Member of the Senate, he was named the 1977 Consumer of the Year by the National Consumer League. The lives of all Washingtonians, the lives of all Americans have been improved by his accomplishments. For almost a half century of dedicated service, we say thank you, Mr. Chairman, and wish for you every success in all your future endeavors.●

A TRIBUTE TO GEORGE McGOVERN

● Mr. TALMADGE. Mr. President, I have have been fortunate to have had the opportunity—and the privilege—to work closely with George McGovern on the Agriculture Committee, and I have nothing but deep admiration for his hard work and dedication in insuring the American birthright that all citizens have an adequate diet and healthy lives.

George McGovern is a man deeply concerned for the hungry of this Nation and the world. He is a man who has sought to alleviate the problem and feed the needy. His many legislative accomplishments on the Agriculture Committee stand as a monument to his deep commitment to school food service programs and nutrition for all Americans, for young and old alike. He has distinguished himself over many years as a champion of programs that help the American farmer survive in times of high prices and inclement weather.

George McGovern is a man of great sincerity, of deep compassion for his fellow man. He is a man who stands on principle and votes his conscience. The Senate—and the Nation—are fortunate to have shared his wisdom and leadership for the past 18 years. With gratitude and appreciation for the things he was able to accomplish for his State and for his country, I commend his distinguished record and wish for him well-earned happiness and success in the years ahead.●

A TRIBUTE TO JOHN A. DURKIN

● Mr. TALMADGE. Mr. President, I join today with my colleagues in honoring the senior Senator from New Hampshire, the Honorable John A. Durkin. Since coming to this body in 1975, John has quickly established himself as one of the Senate's hardest working Members. He has been a leading advocate of developing alternative, renewable energy sources while promoting increased energy efficiency in homes and businesses.

John has authored legislation to develop energy sources such as solar, wood, wind, and small-scale hydroelectric power, many of which were adopted by the Senate as part of the Omnibus Energy Act.

Senator Durkin is considered the father of small-scale hydroelectric power in the Senate. He has also authored legislation to provide tax credits for home heating oil users, the purchase of wood burning stoves, and for the installation of solar equipment.

John has also worked hard to solve the many problems confronting not only his region of the country, but the entire United States. He sponsored "Sunset" legislation to cut wasteful Government spending programs. He has pushed for legislation mandating a balanced Federal budget to help deal with runaway inflation.

John has served on the Appropriations Committee, the Energy and Natural Resources Committee, and we have served together on the Senate Committee on Veterans' Affairs.

In the Committee on Veterans' Affairs, I have watched John work to see that our former servicemen and women and their families are treated fairly and given sufficient benefits to insure that they are able to cope with runaway inflation.

Mr. President, I wish for my friend John Durkin every future success and happiness and I join with my colleagues in thanking and saluting him for his service in the U.S. Senate.●

SENATOR MILTON YOUNG

● Mr. GOLDWATER. Mr. President, it was necessary for me to be absent during the time praises were given to those Members of this body who will not be with us next year. There is not much that I can add to all that has been said but I have to go along with the idea that the Senate is not going to be the same without Milton Young, whom I now call a coresident of Arizona, Richard Schweiker of Pennsylvania, Henry Bellmon of Oklahoma, and Jack Javits of New York. It has been my honor and my pleasure to have served with these gentlemen for many years, to have argued with some, to have agreed with others, but always with the knowledge that what we were talking about was in the best interests of the United States. It is with that thought in mind that I wish to pay my special tribute to these gentlemen and at the same time to offer my thanks and the thanks of my family for all of the good that they have done for this land of ours, which people can truly call the "Land of the Free."

As long as we have honest disagreement, reached in an agreeable way and argued sensibly in the committees of this body and on the floor of the Senate, the freedoms of America will be protected. As these gentlemen travel to their homes to take up well-earned lives of rest and ease, they can carry with them the knowledge that they have performed in the manner that they said they would when they placed their hands on the Bible when first coming here, and swore to protect the Constitution of the United States.●

TRIBUTE TO SENATOR GAYLORD NELSON

● Mr. TALMADGE. Mr. President, it is a privilege and an honor for me to pay tribute today to the distinguished Senator from Wisconsin, Gaylord Nelson.

Senator Nelson is universally respected by his colleagues and since entering the Senate 18 years ago, has established a record indicative of his hard work and dedication.

As chairman of the Senate Committee on Small Business, Senator Nelson has proven to be a great leader. His determination toward solving the problems of the small business sector of the American economy has produced many accomplishments including reduced Government regulation and the National White House Confeernce on Small Business. We have had the occasion to work together on the Senate Committee on Finance and he has made many contributions in the area of tax reform. He is widely regarded as one of the Senate's finest tax writers and has been in the forefront of the major tax legislation we have today.

Senator Nelson is a warm personal friend and I am thankful for the advice he has given me over the years. He has served the people of the State of Wisconsin and the Nation with great dignity and wisdom. I salute him and I wish him much success in his future endeavors.●

TRIBUTE TO SENATOR MILTON YOUNG

● Mr. PERCY. Mr. President, it is hard for me to imagine the Senate next year without my distinguished colleague, Milt Young. He has been a fixture in the Senate longer than most of us have even been in public service. He first came to the Senate in 1945, about the same time that I was being discharged from World War II Navy Service. When he completes his 35 years in the Senate at the end of this year, he will have served longer consecutively than any other Republican in the history of the U.S. Senate.

These are impressive credentials, but there is more. Milton Young has served the public continuously since 1924 and—with a record few in this profession can claim—was never defeated for reelection. The statistical record goes on and on. Milt Young has broken almost all the records in his long service to the people of North Dakota and to the entire country.

A spry and lucid 82—he will turn 83 on December 6—Milton proves that age is not a barrier to activity and dedication. In fact, it is these intangibles that matter more than all the statistics in the book, because they reveal that Milton Young is one of the finest Senators to ever sit in Washington.

I served with my good friend and distinguished colleague a decade ago when I served on the Appropriations Committee. He was my mentor and my guide through the often-complicated ways of the Federal budget. As a freshman Senator, I deeply appreciated the understanding and patience he showed to me. He was a tower of strength then and so he remains to this day.

Mr. President, last April 6, Ward Sinclair of the Washington Post wrote a fitting tribute to Milton Young. Realizing what a giant he has been in the Senate, the Post placed the story on the front page and referred to him as a "history-making Republican U. S. Senator from North Dakota."

In this article, two brief quotes may serve to highlight the kind of man Milton Young has been in the Senate. It is a record we can all strive to emulate. The Post's Sinclair notes that—

> In person, Young is the picture of dignity. Age has bent his long frame a bit, but his face is still as leathery as it was when he left his farm in 1945 to come here as an appointee from a seat in the legislature. He is a quiet man and even at the peak of power on his committees, he is more listener than talker.

The article continues, giving the reader a flavor of the man, by quoting a committee staffer who has known Young for many years:

> He's old-school rather than showboat. He is better than a lot of the younger guys in some respects—a tenacious fighter for what he believes, devoted to his district, faithful to his duties. He has the best attendance of any Republican on Appropriations this year.

I would like to mention one other aspect of Milt's career that must give him pause for reflection this year. In the 1930's, during his early years in the North Dakota legislature, he worked to establish a strong Republican party in the State. He built a durable Republican party and he has helped lead the effort to make the national Republican party stronger, too. He was secretary to the Senate Republican Conference from 1946 to 1971, the longest time anyone of either party has served in a leadership post in the Senate in this century. Now the Republican Party has captured the White House and the Senate. In the case of the Senate, it is the first time the Republicans have been the majority since 1954. Years of hard work have paid off. Milt Young learned that lesson long ago and, in his way, helped the party reach its victory this year.

If we can show the same dedication and steadfastness that Milton has over the years, we should lead the Senate in the right direction in the next Congress. We should, above all, keep Milt's words in mind, for they form an important credo: "I have always tried to stay close to the people."

To my good friend, I wish all the best in his upcoming retirement.●

TRIBUTE TO ADLAI STEVENSON

● Mr. PERCY. Mr. President, I rise today to pay tribute to my friend and colleague from Illinois, Adlai Stevenson, who has chosen to retire voluntarily from the Senate. It has been a privilege and distinct pleasure to serve here with him.

Since his election to the Senate in 1970, we have endeavored to cooperate and work together in a nonpartisan way on behalf of the people of Illinois. There was a sense of absolute partnership between ourselves personally and our staffs when it came to an issue concerning our State. I can remember many a time when I would go to his office, or he to mine, to meet with a major, constituent group, or representative of the Illinois State government. The people of Illinois have been well served by this spirit of cooperation, and I hope it will continue when our new Senator, Alan Dixon, arrives in January.

Adlai Stevenson has made a number of significant contributions to the Nation during his term of office. Certainly high on the list is his outstanding service as a member of the Banking, Housing, and Urban Affairs Committee. In 1973, he assumed the chairmanship of its Subcommittee on International Finance and in that capacity, he has become a learned, effective, and eloquent spokesman on international trade and finance issues. His leadership in this area has been vital to our State, one of the major exporting States in the Nation.

Under Senator Stevenson's leadership, the International Finance Subcommittee conducted an extensive review of the operations of the Export-Import Bank which led in 1974 to legislation mandating major reforms in the Bank's operation. He had been a leading proponent of export development. His goal, one that I enthusiastically supported, was the elimination of unnecessary restrictions on U.S. exports while promising more effective control over exports which would adversely affect national security.

In 1978, Senator Stevenson chaired the first of a year-long series of hearings on the declining competitiveness of U.S. industry in international trade and domestic markets. In a report issued in March 1979, the subcommittee recommended the adoption of an aggressive national export policy aimed at strengthening the dollar and reducing the rapidly mounting U.S. trade deficit.

One of Senator Stevenson's greatest achievements in the recent passage here in the Senate of the Trading Companies Act of 1980, landmark legislation that will facilitate the formation of export trading companies, enabling American firms to market their products abroad more effectively. As a cosponsor of this legislation, I am proud of his leadership in this important area.

Among his other responsibilities and accomplishments, Senator Stevenson served as chairman of a special Select Committee to consider the improvement of Senate procedures. As finally approved, the reorganization streamlined the Senate's committee structure and realined committee jurisdiction in such areas as energy, the environment, and transportation. His patience and understanding during the long hours of debate over the many sensitive political questions involved were legendary, and he performed what was a very difficult task indeed with great skill and diplomacy.

Mr. President, it has also been a pleasure for Loraine and me to get to know Nancy Stevenson. She is an involved, articulate, and intelligent person and a real partner to Adlai.

Mr. President, no mention of my relationship with Adlai and his staff would be complete without a sports report. My staff and I thoroughly enjoyed 10 seasons of Illinois softball competition with Ad's Libs during which, I must confess, my staff—the Percy Kewshuns—was more often the victor. We enjoyed their friendship, their good sportsmanship, and their graciousness on the playing field. We shall miss all of them and wish them well.

Senator Stevenson has been an extraordinary Senator. I have very much enjoyed our work and association together. I wish him and Nancy the very best in the future and look forward to the contributions they will make to the country in the future.●

TRIBUTE TO SENATOR JACOB JAVITS

● Mr. PERCY. Mr. President, I rise with great sadness to say farewell to a great leader, my dear friend, mentor and colleague, Jacob Javits.

There is no other Member of the Senate to whom I have felt closer, nor any who has been a greater source of inspriation to me during the 14 years I have served in this body, than the very distinguished senior Senator from New York.

For several years, I have had the pleasure of working beside Jack Javits on the Foreign Relations Committee. It has been an education for me because Jack is one of the most knowledgeable Members of the Senate in recent memory on the whole host of foreign affairs and national security questions. His contribution to the deliberations of the committee has been immense, and it has been appreciated by both majority and minority members.

Among his most notable qualities has been his ability to bring adversaries together, to fashion the compromises which enabled the committee to move ahead on legislation, and to achieve the "possible" when Presidents and the committee were at loggerheads. In this sense, Jack Javits is a diplomat, a negotiator par excellence, a man who could act—and get others to act—in the national interest. He was always motivated by the national interest, and he pursued it with all the zeal and spirit that characterized his career in public service.

The Senate will be diminished by his departure, but there will be no forgetting him by those of us who have benefited from the wisdom, the brilliance and the utter dynamism with which he approached every issue, every challenge, every responsibility.

His work in this Chamber may be ending, but his mark on the body of American law over the last 25 years is enduring and monumental.

All working men and women in this country today, and those in the generations to come, have cause to be grateful to Jacob Javits for his courage and tenacity in their behalf. Every measure enacted in the last two decades affecting wages, employment, job safety, health and retirement bears the touch of his genius, his creativity, his compassion for all people, and his superlative skills as a legislator.

I cannot close, Mr. President, without also mentioning the extraordinary grace and dignity with which he has served all these years. We all remember some of those long and terrible nights where anger and frustration have been the rule in this Chamber, rather than the exception. At times like these, I felt I could always turn to Jack Javits for a sense of order, logic and peace amidst the discord. It is this calming influence that I believe I shall miss the most.

I shall miss sitting beside him in the Foreign Relations Committee and here in this Chamber, but I shall continue to seek his advice and counsel on many policy issues. His instincts, his expertise, his experience make him a significant natural resource which must continue to be available to the Senate and to the country.

Jacob Javits loved the Senate and he loves this country. He has given himself to both unstintingly. No member has worked harder or with greater dedication than he. His legacy to us all will indeed be difficult to match.●

TRIBUTE TO RICHARD SCHWEIKER

● Mr. PERCY. Mr. President, the senior Senator from Pennsylvania, Dick Schweiker, has chosen to leave the U.S. Senate after serving 12 years and a total of 20 years in public life, including four terms in the U.S. House of Representatives. Many people, including myself, will miss him.

Many people also are hoping what we hear is true, that he will be serving in the Reagan Cabinet, and no one would be more pleased than the Senator from Illinois because of my deep affection for him, my high regard for his intellectual power, his concern for people, and his ability to administer vast programs that are contained in the Department over which he may be given jurisdiction.

The young and the old, the uneducated and the unemployed, businessmen and workers alike—all people Dick Schweiker worked with and for—will miss him and his leadership in the U.S. Senate.

As ranking Republican on the Labor and Human Resources Committee and the Labor-Health and Human Services Appropriations Subcommittee, Dick has worked to improve the quality of life for all Americans. His leadership in the areas of health care and job creation are well known.

He has been a dedicated and articulate advocate of health care reform, so that no one in need of medical care is turned away. He has led the way in pressing for legislation to combat serious illnesses, such as diabetes, cancer, heart disease and sickle cell anemia. He authored legislation creating the National Commission on Diabetes and the National Diabetes Advisory Board.

Dick Schweiker also showed his deep concern for the welfare of people with his work on the Select Committee on Nutrition and Human needs, a committee on which I was honored to serve with him for many years.

Dick Schweiker also believed that Government did not have the answer to every problem and, in fact, created a few itself. I welcomed his support in the battle to streamline Federal regulation. He led the effort to revamp one of the most arbitrary and meddlesome regulatory agencies in the Federal Government with his Occupational Safety and Health Administration reform bill. We are still far from our goal and we will miss Dick's assistance in relieving the burden of Federal regulation on business while insuring that the important and necessary safeguards American workers deserve are not dismantled.

In the area of youth unemployment, a chronic and serious problem that we must tackle in the 97th Congress, Senator Schweiker devoted considerable effort and expertise. He contributed legislation designed to give training opportunities to unskilled workers and offered early leadership in the Senate for a youth minimum wage to make private industry a willing partner in the solution to this difficult problem.

Mr. President, next year we will embark in earnest upon a great challenge in the Senate: to reduce the size and cost of Government while making it more responsive and more efficient. This is our overwhelming mandate and I strongly support it. It is unfortunate that Dick Schweiker's retirement comes at a time when his ability to see both sides of difficult issues with a sensitivity to the needs of all the American people will be needed the most.

TRIBUTE TO WALTER F. MONDALE

● Mr. PERCY. Mr. President, few in public life have compiled records of service and accomplishment to match that of Vice President Walter Frederick Mondale. Since coming to the Senate in 1964, Fritz Mondale has earned a level of respect and credibility among both political friend and foe that is enviable. Few were more deserving of the opportunity accorded Fritz Mondale in 1977 to assume this Nation's second highest elective office, the Vice Presidency of the United States, a position which he has filled with unfailing grace and integrity these past 4 years.

I am proud to have worked with Fritz Mondale as Senatorial colleague on such legislation as the Fair Housing Act of 1968, and to have served with him on the Select Committees on Nutrition and Aging, and the Senate Banking Committee. Both as Senator from Minnesota and Presiding Officer of the Senate, Fritz Mondale was a credit to this institution.

Fritz Mondale is also a fit product of the proud political traditions of the State of Minnesota, which also produced our late beloved colleague Hubert Humphrey. Together with his wife Joan, whose contribution to the arts in the Nation's Capital was substantial, Fritz has added a touch of class to our national politics, and has been a pleasure to work with over these many years.●

TRIBUTE TO GEORGE McGOVERN

● Mr. PERCY. Mr. President, I rise to pay tribute to George McGovern. Throughout his many years in Congress he has had an immense impact on American life. I have had the pleasure of serving with him on two committees: the Foreign Relations Committee and the Select Committee on Nutrition and Human Needs, on which we served together, respectively as chairman and ranking Republican.

Although we have had our differences on issues on the Foreign Relations Committee, I always respected him for his dedicated service on the committee and his effective presentation of his views. He has been motivated by love of country and by his deep concern for world peace and humanitarian concerns. He pursued these concerns with full consideration and understanding of contrary views and he had the admiration and affection of his colleagues on the committee.

More than any other of his accomplishments, George McGovern's work on the Select Committee on Nutrition and Human Needs probably most exemplifies the man. George served as chairman of the Nutrition Committee for nearly a decade, and led the committee into areas never before explored by Congress. The committee worked on behalf of assuring an adequate diet for the poor and elderly, and for the improved health and well being of all Americans.

As chairman of the Nutrition Committee, George McGovern was in his element, working assiduously to make sure that all Americans have access to a nutritious diet. George McGovern has in many ways come to symbolize America's "social conscience." People will remember him as the champion of the poor, the hungry, the ill and elderly—the "have nots" of American society whom he has helped.

As America enters the 1980's we enter a decade of concern about productivity, economics, and increasing the size of the economic pie. As we turn to these concerns—and rightfully so—we must take care not to loose our social conscience. We will be counting on George McGovern to remind us of our responsibilities.

I might also add, more personally, that my work with George on the Nutrition Committee, particularly during the period in which I served as the committee's ranking minority member, was one of the most fruitful and enjoyable experiences of my Senate career. George McGovern has many new challenges ahead, and I look forward to seeing his future successes and the contributions he will make to our society.●

HENRY BELLMON AND THE BUDGET

● Mr. PERCY. Mr. President, I rise to pay tribute to my good friend and distinguished colleague, Henry Bellmon. In the Senate there are few Senators who command as much collegial respect and admiration as does Henry Bellmon.

Six years ago, just as Henry was being reelected to his second term in the Senate, Congress passed landmark legislation, the Congressional Budget and Impoundment Control Act. This law did two things: it provided a mechanism for congressional review of expenditures that the President felt were unnecessary. More importantly, however, it set up an entirely new process for congressional consideration of the budget.

In previous years, we had no organized way to see the budget as a whole. It was one of the greatest surprises for me, when I came to the Senate from private business, to find that we did not have a systematic budget process in place. Business would not last long without a steady and consistent budgetary review mechanism. Most households have at least some reckoning of income and outgo. But a decade ago, Congress did not have one.

Through the Government Operations Committee, Chairman Sam Ervin, Senator Muskie and I worked to draw up legislation that would put the Federal budget in order. The result was the legislation of 1974. I have always been proud of that accomplishment and have been very interested in the unfolding of the budget process these last few years.

No one has lent themselves more to making that process work than Henry Bellmon. As ranking Republican on the committee, Henry put his stamp on the actual budget process. He and Ed Muskie, who was the first chairman of the Budget Commtitee, breathed life into the piece of paper that was the Budget Reform Act. Without their dedication and commitment, the new process might have fallen of its own weight in the first years. The Senate could have rebelled at the fledgling discipline of the budget, but Ed and Henry made it work. This has been an enormous contribution to the evolution of fiscal responsibility in Congress. Henry has been in the heart of it, leading his colleagues in the right direction.

His commitment and interest have not wavered. Just last month, when the second budget resolution for fiscal year 1981 was on the floor, Henry proposed a refinement of the budget process that would give us new tools to deal with overspending. The proposal was discussed and I hope Henry's capable successor on the Budget Committee, Senator Domenici, will follow up with this recommendation. It will strengthen the budget process immeasurably.

I wish my good colleague well in his retirement. I hope it is an active one for him and that we will see and hear from him. It is a certainty that the budget will be an overriding concern in the Senate next year. As we move closer to a balanced budget, Henry can take some satisfaction in knowing that his years of work in the Senate have helped form the process that will facilitate that fiscal responsibility.●

PROTECTIONISM XIV

● Mr. HEINZ. Mr. President, a most unfortunate editorial appeared the other day in the Washington Post which raises an issue appropriate to comment on in this conclusion to my series on protectionism.

The editorial is on the trade adjustment assistance program, and I submit it for the Record.

The editorial follows:

Unfair and Uneconomic Benefits

A likely item on the Reagan administration's "hit list" is going to be the Trade Adjustment Assistance program, which gives bigger and longer-term unemployment benefits to workers who are able to make the case that their unemployment is—in some degree—directly caused by foreign imports. Enacted in the 1960s to buy organized labor's acquiescence in trade liberalization, the program remained a minor budget item until 1974, when amendments were passed enlarging its scope. It leveled off at an annual cost of about $250 million. But last year, as a result of auto industry layoffs and a stepped-up "outreach" program to encourage participation, the program exploded to a cost of $1.5 billion. Some people estimate that costs for the fiscal year just beginning will be in the $3 billion to $4 billion range.

Apart from its cost, certain features of the program make it a good target for reform. One is the highly discretionary nature of the entitlements it creates. Workers in a plant experiencing layoffs may seek 52 to 78 weeks of benefits at 70 percent of their before-tax wage—on the grounds that imports contributed "importantly" to the layoffs. Exactly what "important" means and whether the facts warrant such a finding in a given case is left to the discretion of a small and currently besieged Department of Labor staff.

The program is also inherently unfair. Except for securing labor support for trade negotiations, there is no reason to provide more generous assistance to those laid-off workers who can claim some direct connection with imports than to others who are equally needy but are affected only secondarily or not at all by trade. Even the case that is often made for compensation for government-induced losses is very weak here. Government did not make imports; it made tariffs. And while *changes* in tariffs may occasion some unemployment, there is no longer a requirement to demonstrate such a connection precisely because under the earlier rule it was almost impossible to justify a claim. The unfairness of the current program has been starkly demonstrated in the current recission, where workers in auto-parts plants that are part of an auto-manufacturing company are receiving trade benefits while workers in an identical but independent plant down the road are not because they are only "secondarily affected."

One way out of this dilemma would be to extend benefits to all laid-off workers. This would simply amount to an enormous increase in the unemployment insurance system that is not only unlikely but undesirable because of its negative effects on work incentives and, hence, economic efficiency. Another choice is simply to abolish the program. But there are reasons not to do that either. This couhtry is heading into a period of rapid change in its industrial structure. Many workers confront the bleak prospect of permanent job loss in industries where their skills are no longer needed.

A sensible assistance program might be one that restricted benefits to experienced workers who have been unable to find jobs after several weeks of search and who are willing to enroll in retraining courses or relocate to take a job in a growing area. A program along these lines would be a cost-saving replacement for the Trade Adjustment Assistance program, as well as a fair and efficient way of easing U.S. adjustment to necessary structural change.

Mr. President, this editorial well illustrates one of the blind spots many proponents of "free trade" have—an inability to recognize the obvious consequences of their policy. Clearly, in any healthy, growing economy change and adjustment are inevitable as demand patterns, levels of technological development, and comparative advantage are altered. Very simply, this means there will be winners and losers. This is elementary economics and no cause for special treatment that would distort the operation of free-market forces. The Emperor Diocletian attempted to deal with this problem by freezing prices and requiring sons to follow the trade of their fathers, all in an effort to prevent change.

As dangerous over the long term would be subsidies to keep people in uneconomic businesses.

The adjustment assistance program, of course, does not do that. It provides funds and programs to help workers make the transition from an industry with problems to one with a future.

This kind of program, important when ordinary market forces are at work, is even more critical when extraordinary forces are at play. One such force is imports, which can often have a crucial impact in severely shortening the time period of adjustment. Most import relief cases have featured very rapid increases in imports over a short period of time which make it impossible for the domestic industry to adjust. The goal of our import relief statute is to slow down—not stop—that process, and the goal of the trade adjustment assistance program is to provide funds to facilitate adjustment during that period.

It is also important to remember—and a central theme to this series on protectionism—that not all trade, not all "free trade," represents free market forces at work. Many products are dumped in this country, that is, sold at less than fair value, or sold at artificially low prices due to Government subsidy. These tactics are fundamental distortions of the market, and I have consistently called for strong U.S. action against such unfair strategies.

At the same time, however, recognizing that such calls are not always heard, it is imperative that we have an adequate adjustment program in place as well, so that if justice is not done to those who are dumping, at least mercy will be shown to the American victims of our failure to act.

I would be the first to admit, Mr. President, that the current program is not perfect, in part because adjustment itself is not an easy policy. It is interesting to note, however, that this program caused little complaint until it suddenly began costing money, because of the automobile situation. That, of course, may not be a permanent situation, depending on how quickly the auto industry recovers. The principle of the program, however, to abandon our national commitment to that principle just because it costs more now than it used to. Rather we should seek to correct the deficiencies in the program, and refocus it on more meaningful adjustment. We should not, however, pretend it would not be expensive. Our trade problems are only going to grow as the economy matures, and we have to be prepared to meet them in an enlightened, constructive way.

Simply put, the alternative to adjustment is the very kind of rabid protectionism the Post regularly attacks, and what I have been attacking these past weeks. Both the Post and the country must understand there is a cost to a liberal trade policy. We cannot have it both ways—a trade policy that promotes industrial change without any effort to help the victims of that change. The adjustment assistance program is such an effort, and it deserves our support and constructive criticism, not unwarranted attacks.

Finally, Mr. President, let me repeat the basic points of this series: free trade means—or should mean—the operation of free-market forces. That means ending dumping and subsidies as much as it means lowering trade barriers. The best way to end such tactics is to take a strong stand against them, as in our trade statutes via compensatory duties.

At the same time we should be alert to rapid economic change caused by imports and its consequences for our workers. We should seek to promote effective adjustment to those changes and not be unwilling to impose temporary import restraints to give such adjustment programs a chance to work. This is neither a "free trade" policy nor a "protectionist" policy, but I believe it is the appropriate one for the 1980's.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on December 2, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., December 2, 1980.

Dr. HANS BINNENDIJK,
Deputy Staff Director,
Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control

Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

Ernest Graves,
Lieutenant General, USA,
Directors.●

REMOVING OBSTACLES IN UNITED STATES-KOREAN TRADE

● Mr. ROTH. Mr. President, the United States has important and beneficial commercial ties with the Republic of Korea. Trade links between the United States and Korea have been strengthened due to the unprecedented economic growth that has taken place in Korea in recent years. An economically sound Korea playing an important role in the international economic system is very much in our interests in view of that nation's strategic position in Asia. I have long supported an expansion and strengthening of trade and commercial ties between the United States and Korea.

However, if such an expansion is to occur, it must be based on the principle of equality and reciprocity. This principle is clearly stated in the United States-Korean Treaty of Commerce, Friendship and Navigation, which was signed in 1956. I am concerned, however, that this important principle is currently being undermined by the failure of Korea to accord an American insurance corporation, the American Home Assurance Co. (AHA), the same rights Korean insurance companies enjoy. Such action is clearly in contravention of the agreements and principles which govern our trade relations with Korea.

As a result of the discriminatory action against AHA by Korea, in November 1979, AHA filed a formal complaint under section 301 of the Trade Act of 1974. This provision of our trade laws permits the U.S. Government to seek to correct discriminatory action against a private entity such as AHA by claiming that the rights of the United States have been abridged. Under this provision of law, the President has been granted broad authority to take action to enforce the rights of the United States once a determination has been made that an act by a foreign government is unjustifiable, unreasonable or discriminatory and that it burdens or restricts U.S. commerce.

In view of the nature of the complaint field by the AHA, the Korean Government has been officially notified, by the United States of this matter and has met with a U.S. negotiating team to discuss the issue. However, the Korean Government has not come forward with a solution to the problem and AHA is still prevented from participating in the marine insurance business, the Korean fire pool and retrocessions granted by the Korean Insurance Corporation.

It is my strong hope that the Korean Government will move ahead rapidly in the coming days and permit the resumption of negotiations on this matter before the President is forced to take retaliatory action under the Trade Act. It is not in the interest of Korea or the United States to permit this issue to go unresolved. Insurance is an important sector in the international trade in services, a rapidly expanding area of our trade. The Korean Government's discriminatory action against a U.S. corporation must be corrected if trade between our two nations is to be conducted on a reciprocal basis.

Mr. President, I ask that the recent notice in the Federal Register requesting public comment on possible options for the President in response to Korean actions against AHA be printed in the Record.

The notice follows:

Office of the United States Trade Representative

[Docket No. 301–20]

(American Home Assurance Co.; Hearing on Proposed Action)

Pursuant to Section 304(b)(1) of the Trade Act of 1974, as amended, the United States Trade Representative by this notice requests interested parties to present their views on proposed recommendations to the President for action in relation to the petition (see 44 FR 75246) filed under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) on November 5, 1979 on behalf of American Home Assurance Co.

Under section 301(a) of the Trade Act of 1974, the President is required to take all appropriate and feasible action within his power to obtain the elimination of any act, policy or practice of a foreign government which is determined to be unjustifiable, unreasonable or discriminatory and which burdens or restricts U.S. commerce. The U.S. Trade Representative, after considering the advice of the 301 Committee recommends appropriate action to the President. Under section 304 of the Trade Act of 1974, the recommendation of the USTR must be made with respect to this matter on or before December 19, 1980.

The 301 Committee is therefore considering whether the Korean practices 1) of prohibiting American Home Assurance Co. from writing marine insurance in Korea; 2) of prohibiting American Home from joining the Korean Fire Pool or writing most forms of joint venture fire insurance; and 3) of discriminating against American Home with respect to the granting of retrocessions from the Korean Reinsurance Corporation are actionable under section 301 and what, if any, action the USTR should recommend that the President take in response. The following actions have been proposed by the petitioner for consideration of an appropriate action to obtain elimination of these practices.

Denial of the right to enter U.S. ports to Korean vessels owned by shipping companies related to Korean insurance companies by denying Certificates of Financial Responsibility required under the Federal Pollution Control Act.

Imposition of substantial fees on Korean vessels owned and operated by entities related to Korean insurance companies.

Disqualification of Korean construction companies related to Korean insurance companies from bidding on U.S. government contracts other than contracts related to the support of U.S. forces in Korea.

Imposition of additional duties on imports of products manufactured by affiliates of companies related to Korean insurance companies.

Written briefs submitted by interested parties which present comments on these recommendations, suggestions for other recommendations, and all other aspects of the case will be considered if received on or before December 9, 1980. Regulations concerning the submission of briefs can be found in 15 CFR 2006.8 (45 FR 34872). Briefs should be sent, in twenty (20) copies, to Chairman, Section 301 Committee, Room 715, 1800 G Street, NW, Washington, D.C. 20506.

Jeanne S. Archibald,
Chairman, Section 301 Committee.●

PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask to have printed in the Record at this point the two notifications I have received. Classified portions of one of the notifications, which have been deleted for publication, are available to Senators in the office of the Foreign Relations Committee, room S–116 in the Capitol.

The notifications follow:

Defense Security Assistance Agency,
Washington, D.C., December 2, 1980.

Hon. Frank Church,
Chariman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 81–03, concerning the Department of the Army's proposed Letter of Offer to Switzerland for defense articles and services estimated to cost in excess of $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

Ernest Graves,
Director.

Defense Security Assistance Agency,
Washington, D.C.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81–08. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Netherlands for defense articles and services estimated to cost $20 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
Director.

[Transmittal No. 81–08]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Netherlands.
(ii) Total Estimated Value:

(In millions)	
Major defense equipment*	$17
Other	3
Total	20

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Nine thousand five hundred and ten 8-inch projectiles.

(iv) Military Department: Army (VKQ).

(v) Sales Commission, Feet, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: December 2, 1980.●

AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

● Mr. PRYOR. Mr. President, last night, the Senate adopted the conference report on the Agriculture appropriation bill. At this time I would like to call attention to language included by the conference committee in its joint explanatory statement which calls for the Department of Agriculture to "expeditiously implement section 324(c) of the Consolidated Farm and Rural Development Act."

Our Nation's farmers have suffered unprecedented losses from the recent drought. For example, soybean farmers in my State of Arkansas have suffered a reduction of 65 percent of their crop and a loss of over $500 million. Total agricultural losses in Arkansas are in excess of $860 million. Similar losses are anticipated throughout the South and Southwest.

Congress by enacting Public Law 96–438, the Consolidated Farm and Rural Development Act, has recognized the plight of the farmer. Section 324(c) of that legislation establishes an interest subsidy program on guaranteed emergency farm loans. This program allows a farmer suffering a drought-related loss to borrow the necessary funds directly from his local bank or PCA. The Farmers Home Administration subsidizes the difference between the market rate charged by the lending institution and the FmHA rate of 5 percent. Such a procedure allows the farmer to deal with his traditional source of credit while receiving a lower rate on disaster loans.

The Department of Agriculture has sought speedy implementation of this program. The Office of Management and Budget, however, has to date prevented implementation by insisting that an economic impact statement be prepared and by requiring that proposed regulation be published in the Federal Register for a specified comment period before one loan can be made.

Mr. President, next year's planting season will not wait while OMB dots every "i" and crosses every "t." Unless the program is implemented immediately, the farmers in my State and throughout the Nation will find themselves without the needed funds to make next year's crop. The Nation would be the loser with more farm bankruptcies and higher food prices.

I hope that this statement of congressional intent will force the Office of Management and Budget to withdraw its objections and allow the Department of Agriculture to implement the interest subsidy program as rapidly as possible.●

PHILIP KLUTZNICK SERVES HIS COUNTRY WELL

● Mr. RANDOLPH. Mr. President, I join in expressing tribute to Philip Klutznick, the Secretary of Commerce. During the year that he has served in this capacity, our Cabinet member has accomplished many tasks for President Carter and for the citizens of the Nation. One of the most impressive activities, and certainly one of the most challenging, has been his leadership of the Steel Tripartite Committee with Ray Marshall, the Secretary of Labor. Together these men led the committee's review and evaluation of the American steel industry and the development of innovative recommendations for revitalizing this industry.

The Steel Tripartite Committee included representatives from the administration, the steel industry, and the United Steelworkers of America. During several months, the Tripartite Committee, through intensive study and negotiation by the members of the committee's working groups, forged consensus on policy recommendations for revitalization. The recommendations covered five general areas: International trade, environmental protection, capital formation and modernization, community and worker adjustment assistance, and research and development in steel technologies.

The 38 other members of the Senate Steel Caucus share in the admiration of Philip Klutznick's leadership in this effort. We appreciated his eagerness to meet and counsel with us during the development of the Tripartite recommendations.

Phil will be pleased to know that the Environment and Public Works Committee members are proceeding to consider some of the recommendations by the Tripartite Committee, proposals to change the Clean Air Act and the Water Pollution Act for revitalization of the steel industry. Yesterday afternoon, December 4, 1980, our committee conducted a hearing on these proposals. We heard from several knowledgeable witnesses, including Ms. Michele Corash, General Counsel for the Environmental Protection Agency, Mr. George Stinson, chairman of the National Steel Corp., Mr. Lloyd McBride, president of the United Steelworkers of America, Ms. Fran Dubrowski, senior attorney for the Natural Resources Defense Council and Dr. Joel A. Hirschhorn, Project Director for the Congressional Office of Technology Assessment.

Steel policy is only a portion of the accomplishments that Philip Klutznick achieved during this past year. For these successes, and many more, I salute him. Personally, I have found him one of the most energetic and informed individuals with whom I have worked over the years. He is a doer, a believer in action. I know he will continue on an accelerated energy level as he returns to private life. Our best wishes are for continued food health and further service.●

DEATH OF PRIME MINISTER OF PORTUGAL

● Mr. KENNEDY. Mr. President, I am shocked and saddened by the news of the death of the Prime Minister of Portugal, Francisco Sa Carneiro, Defense Minister Adelino Amato da Costa, and six others in a plane crash last night in Lisbon. This crash has taken the lives of two outstanding leaders of Portugal at the peak of their careers.

I am sure all Members of the Senate wish to offer deep condolences to the relatives of all those killed in this crash, and to the Portuguese people who share in this tragedy—which I have cabled for my part to the Acting Prime Minister, Diogo Freitas do Amarol.

The grief of the Portuguese people is our grief here in the United States. Despite its occurrence just 3 days before the Presidential elections in Portugal, I am confident that the Portuguese nation will demonstrate once again the strength and durability of its democratic institutions.●

SISTER DOROTHY LU KAZEL AND MISS JEAN MARIE DONOVAN

● Mr. GLENN. Mr. President, we learned yesterday of the deaths of four American missionary women in troubled El Salvador. Two of these women, Sister Dorothy Lu Kazel and Miss Jean Marie Donovan, were Ohioans, representatives of the Roman Catholic Diocese of Cleveland, which has supported a missionary team in El Salvador these past 16 years. The other victims of El Salvador's continuing problems and violence were two Maryknoll nuns from New York, Sisters Ita Ford and Maura Clark.

In Cleveland yesterday, Bishop-elect Anthony M. Pilla paid respect to the missionaries and observed that their deaths represented the first acts of violence against any member of the Cleveland mission since its inception. Bishop-elect Pilla plans a memorial Mass at St. John Cathedral in Cleveland on Sunday. Archbishop James A. Hickey of Washington, D.C., who only recently came to the Nation's Capital from Cleveland, will also offer a Mass in their memory at St. Matthew's Cathedral here in Washington on Saturday.

Mr. President, on this occasion, I think we can all join in the words of Bishop-elect Pilla, who was quoted as saying:

> We pray for strength for the families of our missionaries in this time of grief. We pray, as well, for the people of El Salvador, that peace will soon come to that country.

Mr. President, I now ask that articles which appeared today in the Cleveland Plain Dealer and the Washington Post concerning Sister Dorothy Lu Kazel and Jean Marie Donovan be entered in the RECORD.

The article follows:

[From the Plain Dealer, Dec. 5, 1980]

Two From Here Were Known for Their Valor, Humanitarianism

(By Mairy Jayn Woge)

Sister Dorothy Lu Kazel, 41, an Ursuline nun, and Jean Marie Donovan, 27, a lay missionary, both of whom have Cleveland connections, were respected for their valor and humanitarianism by clergy and lay people alike, said a reporter who met them in September.

Lucy Komisar, a reporter for the Bergen (N.J.) Record, said the two blond Americans bouncing over the El Salvador countryside in their van were a familiar and welcome sight to the people of El Salvador, so often threatened and terrorized by the rival political armies in the country.

Komisar said that before she left El Salvador, Donovan had asked her to mail her Christmas cards in the United States that had been made by the peasants with whom the two women worked.

Komisar said she believes Kazel and Donovan were killed "because of their work with refugees." It was not popular politically, she said.

Kazel was born in Cleveland, and her parents, Joseph and Melvina Kazel, live at 24730 Shoreview Ave., Euclid. She was graduated from Ursuline College and took some courses at John Carroll University.

She had jobs at Higbee Co., the Credit Bureau of Greater Cleveland, Bailey Meter Co. and Doctors Hospital before becoming a nun. In 1960, she entered the Ursuline community.

She taught at Ursuline Sacred Heart Academy in East Cleveland and at Beaumont School for Girls.

On July 29, 1974, Kazel joined the Cleveland Catholic Diocese's Latin American mission team.

Donovan's parents, Raymond and Patricia, lived on W. 130th St. in Cleveland before she was born. Her father, an aeronautical engineer, was assigned to Bridgeport, Conn., in the 1940s when Donovan was born. The parents now live in Florida.

She came here after being graduated from Mary Washington College in Fredericksburg, Va., and received a master's degree in management accounting at Case Western Reserve University. From August 1976 through November 1978, she was employed in the consulting division of Arthur Andersen & Co.

In August 1979, Donovan went to El Salvador to work with the Cleveland diocese's mission.

Her father said from his home in Sarasota he had tried to get her to come home. She would not. "We tried to get her to come back but she thought she was doing some good," he said.

The Rev. Frank Kosem, chancellor of the Cleveland diocese, said Donovan left her accounting job "because she wanted to do more with her life."

After seeing Kazel and Donovan and others in the Cleveland team in El Salvador in February, Kosem reported, "I admire all of them for their courageous work down there."

They Felt They Were Serving the People

(By Terri Shaw)

As soon as I climbed into the van that sunny day in El Salvador last month, I knew they were from Ohio.

They had that same cheerful, well-scrubbed look of the women I see driving tractors or shopping in Kroger's when I visit my parents in southwestern Ohio.

Jean Donovan, 27, with her close-cropped blond hair looked like a member of the high school band.

Dorothy Kazel, 41, behind the wheel of the van, didn't look much older. She could have been a home economics teacher in my high school in suburban Cleveland.

Jean chuckled when I asked if they were from the Midwest and confirmed that Ohio was their home. Dorothy was an Ursuline nun and Jean a lay worker, both assigned to El Salvador by the archdiocese of Cleveland.

Yesterday morning Charles Kuralt looked out of my TV set and informed me that Jean, Dorothy and two other North American women had "disappeared" in El Salvador. Their crime apparently was that they were Catholic activists working with El Salvador's poor.

Later it was learned that the bodies of the two were discovered after they had been shot.

A friend in Washington said Jean and Dorothy had driven Tuesday night to the airport, about an hour from San Salvador, the country's capital, to pick up two Maryknoll sisters arriving from a meeting in Nicaragua. The Maryknolls, Ita Ford, 40, and Maura Clarke, 49, were based in Chalatenango, an area in northern El Salvador where the fighting between leftist guerrillas and government forces has been particularly heavy.

News reports say the burned-out van was found beside the road the next day.

The day Jean and Dorothy gave me a ride, we didn't have much time to delve into the question of why two young women from Cleveland were risking their lives in El Salvador, where thousands of people have been killed in political violence this year.

They knew that working with the poor as Catholic missionaries was considered subversive by the right-wing terrorists and their allies in the armed forces who are believed to have killed hundreds of men, women and children suspected of sympathizing with the left.

The two women even joked about the danger, saying they knew they weren't popular among "certain groups" in the country.

They said they had been doing community work in La Union, in the eastern part of El Salvador, but because of the persecution of Catholic community groups they had to suspend most of their pastoral activity.

"We're in transportation now," said Jean, explaining that much of their time was spent driving refugees from war-torn regions to church refuges like the one at the archdiocese office in San Salvador where they had picked me up.

Their homey, Midwestern accents were a refreshing change after interviewing defeated, weary Salvadoran women who told of seeing their husbands and children killed by government troops. Somehow it seemed safe in the van, even though Jean and Dorothy talked about threats they and the priests they worked with had received.

I called Sister Bartholomew, general superior of the Ursuline order in Cleveland, to ask the question I hadn't had time to ask Dorothy and Jean. Why did they stay to work in such a dangerous situation?

"They felt they were serving the people," Sister Bartholomew said, "bringing gospel values to people in turmoil and suffering. They loved the people."

MASS AT ST. MATTHEW'S

Washington Archbishop James A. Hickey will conduct a public memorial mass for the slain women Saturday at 10 a.m. at St. Matthew's Cathedral. Hickey was bishop of Cleveland before coming here in August.●

MURDER OF FOUR AMERICAN CHURCHWOMEN IN EL SALVADOR

● Mr. KENNEDY. Mr. President, in the wake of the tragic murders of five of El Salvador's leading opposition leaders on Thanksgiving Day, we have now learned of the terrible news that four American religious workers in El Salvador—three nuns and a Catholic lay worker—were abducted from their car by unknown assailants December 2. Their bodies were discovered roadside yesterday, far from their burned out vehicle.

Violence in El Salvador is now claiming completely innocent lives—including American lives. As Maryknoll and Ursuline missionaries, three dedicated nuns and a female coworker—Sisters Ita Ford, Maura Clarke, Dorothy Kazel and Ms. Jean Donovan—have been caught amidst the senseless brutality in that country.

Mr. President, the struggle for human rights in Central America is not only vital for those living in these nations, but also for Americans venturing abroad. The incoming administration must forthrightly oppose these assaults on human rights, before even more Salvadorans and Americans are again the victims of senseless violence. And as I stated in the Senate 2 days ago, the United States must end now its military aid and support which is implicating this Nation even more deeply into the cycle of violence in El Salvador.

Mr. President, I submit for the RECORD the December 4 comment of the State Department Spokesman.

The comment follows:

State Department Comment

I must with great sadness confirm that the four American women who disappeared Tuesday evening, December 2, have been found dead. Ambassador Robert White has personally established the identity of the victims. We are shocked and dismayed by the brutal murders. In behalf of the Secretary and the United States Government, I wish to extend our sincere condolences to the families, friends, and religious communities of the victims. We have expressed our deepest concerns to the Salvadoran Government and have asked for a full and thorough investigation of the circumstances leading to the deaths of the four women. The Salvadoran Government has pledged full cooperation. We are interested in seeing that the perpetrators are found promptly and brought to justice. ●

EL SALVADOR

● Mr. DURENBERGER. Mr. President, 2 days ago, I noted on the floor of this Senate that the people of El Salvador have lived under the threat of political violence for more than a year. At that time, I pointed out that the vast majority of the more than 9,000 victims of terrorism have been people whose obituaries will never appear in newspapers outside of El Salvador.

Today, I read with horror and digust of the latest incident in El Salvador, the brutal murders of four American missionaries whose only offense was compassion for the poor. As news accounts made clear, these women—three nuns and a lay worker—were aware that they faced the threat of violence, for extremists cannot tolerate those who work for sanity, decency, or stability. Extremists, of whatever political stripe, hope to bring down the existing order and to impose their own. Their targets are, therefore, precisely those who are most constructive, who contribute the most to society. This is something which we have witnessed throughout this century in nearly every country of the world.

The only way to counter extremists and terrorists is through work such as that undertaken by Sister Maura Clarke, Ms. Jean Donovan, Sister Ita Ford, and Sister Dorothy Kazel. Terrorism cannot succeed where people have a stake in stability. It cannot gain victory where people are fed, clothed, sheltered, and cared for by their governments, governments which will also encourage persons of other nations to bring their own compassion and experience to this task, as these four did, without fear of martyrdom.

In underdeveloped countries, such as El Salvador, progress toward stability requires generous amounts of money, patience, devotion, and simple courage. As I have repeatedly said here in the Senate, and elsewhere, we in this country have a vested interest, both material and moral, in such work. Far too many people throughout Central America live in poverty and misery, and they have little interest in the status quo. They will opt for radical solutions to their problems if progress is not forthcoming, and if they are not brought into the modern age by their own governments. U.S. assistance to the countries of Central America thus represents an instance where good works can have both good and highly practical results. It is precisely for this reason, of course, that people such as these latest victims of terrorism have been systematically singled out for slaughter, for their efforts are an affront to those who hold out only the politics of desperation or the peace of the graveyard. It is a measure of the bravery and devotion of these four women that they remained in El Salvador when so many others have fled.

But there is another lesson in this latest tragedy. Horrible as these deaths were, they were only the latest in a chain of violence which has claimed 9,000 victims. Yet few Americans have been aware of the conditions in El Salvador, for we tend to pay attention only to those events which are highly dramatic. It requires the death of an archbishop or of prominent political leaders or of American citizens to bring El Salvador, and other Central American countries, to the front pages of our newspapers. In other words, the American public today rightly feels outrage about this incident, but there are few in this country who have felt outrage about the other victims, for we have not heard of their deaths. There are few in this country who do not know that four Americans were brutally murdered in El Salvador, but there are few who will remember El Salvador when events elsewhere have pushed news of that country off the front pages.

Throughout our history, we have taken El Salvador and the other countries of Latin America for granted. We have pursued a foreign policy which reflects our lack of understanding and interest, a foreign policy which has been characterized by alternating cycles of panic and neglect. We have focused on events elsewhere, leaving it to those relative few who are interested to study and deal with the many countries with which we share the Western Hemisphere.

We have, therefore, lost the ability to anticipate and control events. Instead, we have too often only reacted after the fact to those incidents which are sufficiently dramatic to compel our attention. Regretably, it takes a mass murder or a natural disaster, a revolution or a coup d'etat, a diplomatic shift or an economic crisis to focus our attention on Central and South America. Then, when it is too late, we rush to treat symptoms rather than causes. We undertake a flurry of activity which is customarily too little, too late, and when we have deluded ourselves that the latest problems are solved, we once again adopt a posture of apathy and neglect.

The latest illustration of our stop-start foreign policy is provided by President Carter's reaction to the news of the murders. He has announced that he will put a hold on all U.S. assistance to El Salvador which has not been specifically obligated by contract. At stake is economic support funding in the amount of $20 million, as well as Public Law 480 and commodity credit corporation programs. The signal which the President is attempting to send is clear: He is holding the Government of El Salvador responsible for the killings. Yet this strikes me as ill-advised for two reasons.

First, the President has not yet indicated why he presumes that the government was involved in this brutal incident. Yet he has delayed our foreign aid pending a clarification of the events surrounding the murders. In other words, he has signalled a presumption of guilt, but has not adduced the necessary evidence. This is all the more surprising since we have repeatedly been advised by the Carter administration that the ruling government in El Salvador is a moderate junta caught between the brutality of the far right and the terror of the far left.

Second, El Salvador's economy is near the brink of collapse. Food stocks are limited, savings are depleted, and many people in the country must live on a hand-to-mouth basis. The assistance which we and others offer serves to keep many Salvadorans alive. If we cut off this aid, even temporarily or conditionally, we only create further misery and we only bolster the appeal of the radicals who speak of solutions to starvation and poverty. We condemn untold thousands to still more misery, and we condemn the country to less rather than more political stability. If aid is cut off, rather than increased as it should be, the response may well be either a leftist revolution or a rightist coup. We will have nurtured radicalism through the fostering of privation. This is in the interest of neither El Salvador nor the United States. Yet it typifies a policy of reaction to events.

Only when we in this country begin to manifest the patience, only when we begin to pursue the concerted and long-term policy, only when we give Latin America the regular attention necessary, can we hope to see fewer rather than more murders. Only by working as the murdered missionaries did for economic development and social justice will their work, and ours, come to fruition. Only when we learn to anticipate rather than react, to manifest concern rather than panic or apathy, can we hope to bring about the situation in which murder is a truly newsworthy event rather than a regular fact of political life.●

FAIR HOUSING AMENDMENTS ACT OF 1980

Mr. ROBERT C. BYRD. Now, Mr. President, with reference to the unanimous-consent agreement that was entered into earlier anent the fair housing bill, H.R. 5200, I ask unanimous consent that any substitute for the bill be filed no later than 1 p.m. on Monday; and, provided further, that any amendment in the first degree to such substitute have until the close of business on Monday for filing at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday the Senate will come in at 11 a.m. I expect rollcall votes throughout the day.

NO ROLLCALL VOTES BEFORE 12 NOON ON MONDAY

I ask unanimous consent that no rollcall votes occur before 12 noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. It is hoped, Mr. President, that the Senate can proceed to a message from the House—it is privileged, being a message from the House—so it would be the intention of the leadership to proceed to the consideration of the farm credit bill on Monday, Mr. President, and there are other measures that may be cleared for action that day. There are numerous messages from the House, conference reports, matters on the calendar that, hopefully, can be disposed of.

RECESS UNTIL 11 A.M. MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. on Monday.

The motion was agreed to; and at 9:20 p.m., the Senate recessed until Monday, December 8, 1980 at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate December 5, 1980:

Wallace Nathaniel Hyde, of North Carolina, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1989, vice M. A. Wright, term expiring.

SOLAR ENERGY AND ENERGY CONSERVATION BANK

Joseph S. Bracewell, of Texas, to be President of the Solar Energy and Energy Conservation Bank (new position).

EXTENSIONS OF REMARKS

PRESIDENTIAL DEBATES: SOME THOUGHTS FOR THE FUTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. OBERSTAR. Mr. Speaker, the recent Presidential campaign demonstrated a pressing need for reform of the process by which we choose our President. I believe it is fair to say that there must be a better way than the present lengthy, costly, and inefficient system.

Interest in election reform unfortunately drops sharply after the election, perhaps in a general sense of relief that the whole business is over for at least 2 years.

I believe that the American people want to see some changes made in the campaign process, including the means by which candidates appear together in debates. The negotiations that led to the one debate between President Carter and Governor Reagan were ridiculously long and complex.

In November, Curtis Beckmann, news director of WCCO Radio in Minneapolis, and president of the Radio Television News Directors Association, discussed the subject of Presidential debates in a speech at the University of Colorado.

I ask my colleagues to read Curtis Beckmann's speech. It suggests that unnecessary Government regulation may be the single greatest barrier to more realistic and more frequent debates between the major Presidential campaigns.

I would urge my colleagues to note that Mr. Beckmann does not spare the news media from criticism for its handling of this year's debates.

ECCD RADIO,
Minneapolis, Minn., December 1, 1980.

Representative JAMES L. OBERSTAR,
Cannon House Office Building,
Washington, D.C.

DEAR JIM: Enclosed are remarks I delivered last month at the University of Colorado. I pass them along for your edification.

Sincerely,

CURTIS BECKMANN

Enclosure.

PRESIDENTIAL DEBATES: BANE OR BLESSING

(By Curtis Beckmann)

One hundred and twenty million Americans gathered in what Broadcasting Magazine called an "election village" Tuesday, October 28th, to hear and see two men who vied to lead the United States through to 1984 * * * and indeed, two men who sought to lead the free world through to 1984. Joining the 120-million Americans were audiences in 13 South America countries * * * and broadcast audiences in the Pacific and in western Europe.

It was quite an "electronic village".

It was, of course, the single face-to-face joint appearance between President Jimmy Carter and his Republican challenger Ronald Reagan in the 1980 presidential election. It was the heavyweight championship of the world. It was the World Series. It was everything.

The two candidates, in the space of 90 minutes from Cleveland, Ohio, would face more voters than they could possibly hope to address from podiums and scattered broadcast appearances in the course of their year-long campaigns.

The stakes were incredibly high. The stakes were too high.

The candidates had spent hours and days preparing. Statistics were memorized. Positions on issues rehearsed.

A simple slip of the tongue could crush a multi-million dollar, months-long campaign. Huge blocks of voters could shift with every shift of an eyebrow.

At broadcast time, that "election village" came magically together and the world now watched and listened. Four years of American history could be decided in that 90 minutes from Cleveland.

The pressure had to be almost beyond human endurance.

I suggest to you today that the stakes were too high because the focus was so intense. Accordingly, in my judgement, the Carter-Reagan debate was a disservice to the American voter. It wasn't a disservice because it was broadcast or even that it occurred at all. To the contrary, it was a disservice because it was the only Carter-Reagan debate.

We deserve better.

The "Super Bowl" nature of this debate caused us in the news media to over react to it * * * that's always possible, and more likely probable, under such "one time only" circumstances. By and large, news people looked beyond this clash of campaign rhetoric * * * to speculate on the winner. In fact, in spite of the weariness of the reporters who heard the rhetoric every day, it was our first such opportunity.

The "winner syndrome" was taken to ridiculous extremes in the immediate aftermath of the debate with phone polling * * * on the air. Of what value is the answer to the question: Who won?

And there is another "syndrome". It's the "mistake syndrome" and it's an embarrassment to journalism. Consider the facts of this debate: Two men, seeking to become President of the United States, and invited to challenge one another on the same stage by answering the questions of news people. They are not permitted to refer to prepared notes. They are ill-advised to take any more than a split second to respond to a question. They do not know the questions before the debate begins.

Under these chilling conditions, some of us in the news media seem preoccupied with errors. In fact, one of my heros at the networks commented, immediately following the debate, that neither candidate had made a mistake. Those were his first words. That was his instant analysis. He's becoming less and less of a hero to me.

There has to be a better way. I will have some suggestions.

But, before we can make recommendations for the future, we should understand the past.

Four American presidential campaigns have featured some form of debates between or among candidates. Three are more historically noteworthy than the fourth * * * but each use of a debate, or series of debates, came under the aegis of a different law, or different interpretation of a law. And each set of circumstances, and resulting debate or debate series, carried a strong message that has been absolutely ignored by Congress. More on that in a moment * * * first a brief review of the four campaigns * * * their debates * * * and the rules that applied.

On June 27, 1960 * * * and remember that date * * * June 27th * * * Congress temporarily suspended Section 315 of the Communications Act of 1934 * * * to permit a series of four debates between Richard Nixon and John Kennedy.

Section 315 of the Communications Act requires broadcasters, as you perhaps know, to afford "equal opportunities" to all "legally qualified" candidates for the same office * * * when one of those candidates has been allowed to use broadcast time outside of four exemptions.

The four exemptions, include * * * one, newscasts * * * two, news documentaries * * * three, long standing news interview programs * * * and four, on the spot news stories.

It was necessary to suspend 315 in 1960 because the broadcast networks would produce the debates and without the temporary suspension the networks and their affiliates would have to supply "equal time" to 14 * * * 14 other "legally qualified" candidates for president. In a highly competitive business such as broadcasting, no broadcaster is willing to devote that air time to the fringe candidates who find their way onto presidential ballots.

Some brief notes on the Kennedy-Nixon debates in 1960 * * * Nixon's people argued for one debate * * * Kennedy's people wanted five * * * they compromised at four. * * * The first debate with domestic policy * * * the second on foreign policy * * * the third on all subjects, but it was split between Los Angeles and New York * * * and the fourth also dealt with all subjects.

* * * Kennedy was commonly regarded as having gained the most from the 1960 debates, although Nixon scored well in two of them.

Why, you ask, did Richard Nixon agree to debate? He was in an incumbent's position * * * he was the defender, Kennedy was on the attack.

The answer is simple and it goes back to the date I asked you to remember * * * June 27th. That's when Section 315 was temporarily suspended by Congress * * * several weeks before the two parties' national conventions. The impetus to temporarily suspended 315 had come from the networks * * * and Congress had responded.

Richard Nixon writes in his his first memoirs called "Six Crises" * * * that was before his seventh * * * he writes, "By the time I met with my staff to plan campaign strategy, the pressures for joint appearances in some form or other were irresistible". Nixon recognized that Kennedy would have the advantage.

When Richard Nixon wrote that book * * * in 1962 * * * he anticipated President Kennedy's decision about debates in 1964. He, Nixon, was convinced that after 1960 * * * quote * * * debates between the major party candidates will be a feature of all future presidential campaigns, regardless

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of the candidates' own parties * * * end quote.

The 1964 Kennedy campaign did not develop, of course.

The strong message from the 1960 presidential debates that has since been ignored is this * * * each broadcast averaged an audience of between 65 and 70 million Americans. Only the 1959 World Series between the White Sox and Dodgers had drawn a greater broadcast audience.

Americans in audiences of that size waited 12 years before debates became a reality again * * * but in 1972 our debate experience was not complete. There were debates * * * call them candidate forums * * * only in the presidential primaries that year * * * and because every Democrat who ever thought of himself or herself as a candidate for president * * * and that included everyone that year * * * the candidate forums, or debates, were confined to Democrats.

These forums were conducted under all provisions of Section 315 * * * "equal time." All candidates were invited and most showed up for the joint appearances. There were no hassles over "equal time" that I am aware of * * * there was sharp evidence of the lengths to which some so-called third party candidates will go to get attention. You may recall that Edward T. Coll, a 32-year-old poverty worker from Connecticut, appeared with Senators Muskie, Hartke and McGovern * * * and Los Angeles Mayor Sam Yorty. Mr. Coll emphasized a point by raising a toy rat by the tail, leaving everyone on the panel in utter embarrassment.

That candidate forum was broadcast throughout New England * * * and within a couple of hours, it also was broadcast over many Public Broadcasting Service stations around the country.

So, in 1960, Congress suspended Section 315 of the Communications Act. In 1972, it did not. There was an effort to do that * * * in fact it received nearly unanimous approval in a Senate committee. But it did not prevail in the end. There was no debate in 1972 between Richard Nixon and George McGovern.

Congress did not suspend Section 315 in 1976 either, and yet we had debates * * * again, they were debates with a strong message.

We had debates in 1976 because the Federal Communications Commission ruled that a debate produced by a non-broadcaster would reasonably constitute a "spot news" event * * * and that broadcasters could be expected to cover such an event. That coverage would fall into the fourth exemption to Section 315, spot news.

There were some provisos. There had to be a live audience. The broadcasters who covered the debate would have to broadcast it in its entirety. And, the entire broadcast would have to be live.

The FCC said later in the week of its ruling that the Public Broadcasting Service could delay its entire rebroadcast for up to 24 hours. But the main criteria remained * * * broadcast in its entirety * * * and the debate had to be performed to an audience.

Because it was produced by a non-broadcaster, League of Women Voters, the networks could cover it as a spot news event * * * one of the four exemptions to Section 315. But it was a sham.

You may recall that on the first debate between President Ford and Jimmy Carter, the sound failed * * * it failed in the broadcast coverage and not in Philadelphia's Walnut Street Theater. The candidates did not continue for 27 minutes while the program was repaired. Had the candidates been debating for the assembled audience they would have continued, in spite of the broadcasting technical failure. But they didn't.

In reality, the 1976 FCC interpretations were merely a way to get around Section 315 of the Communications Act. In any event, there was that strong message. An average of 87 million Americans tuned in on debate nights * * * 57 percent of them, according to George Gallup, considered the debates helpful in deciding whom to vote for.

There were three presidential debates in 1976 * * * and one debate featuring the candidates for Vice President.

Political scientist James MacGregor Burns said at the time, "the American presidential debate has now become an institution." He couldn't see ahead to 1980, however.

Before we get to the "why" of presidential debates in 1980, we must consider the entry into the debate picture of another federal agency. This one is the Federal Elections Commission (FEC).

The sponsoring group in 1976 * * * the League of Women Voters * * * sought funding from contributors to stage debates in 1980. They asked the Federal Elections Commission if they could receive monies from corporations and labor unions to stage debates * * * and if they did, would such contributions be construed as "contributions" to the candidates included in a debate. The FEC said yes * * * sorry.

The FEC held hearings * * * the League of Women Voters pleaded for an exemption * * * my organization, the Radio Television News Directors Association, argued to keep the FEC out of broadcasting territory already regulated by the FCC.

The FEC finally wrote rules that became effective when Congress failed to kick them back. The rules exempted organizations such as the League of Women Voters * * * provided that the debates they sponsored were "non-partisan". In its wisdom, the FEC did not define "non partisan". It came to be interpreted as meaning, however, that candidates who are showing a 15 percent approval in public opinion polls should be included in debates, whether broadcast or not. Thus we had John Anderson in one 1980 debate * * * and not in the other. His popularity had fallen.

The new FEC "non partisan" rules had been complied with * * * and FCC "equal time" rules embodied in Section 315 had been complied with * * * and now we were ready for the 1980 presidential debates.

There was one that featured the incumbent.

I have judged that one debate to have been a disservice because there was only one. But again, there was a very strong message * * * the message was an audience of 120-million Americans. One hundred twenty million Americans.

I ask you * * * does Congress need more evidence that presidential debates must become the "institution" to which James MacGregor Burns referred?

Sixty-five to 70 million Americans, four times, in 1960.

Eighty-seven million Americans, four times, in 1976. One hundred twenty million Americans once in 1980.

This is an institution whose time has come * * * candidates for the presidency can have no say * * they must debate * * * and they must debate often.

Debate formats should not be subject to negotiation by the candidates. They should have imput but others must decide finally.

The formats should permit notes * * * candidates should be given time to ponder answers to questions * * * the candidates should question each other * * * the debates should be shorter and more frequent. Maybe there should be one debate per week for eight weeks prior to the election. Maybe such a mandate from Congress could include restrictions on campaigning, except within that eight weeks. That would save every candidate money and us grief.

Who should decide which candidates are included in debates? Not the FEC. Not the FCC. Journalism. Yes, who is in a better position to judge the effectiveness of a grass roots, third party campaign than journalists who follow the candidates daily. A John Anderson may or may not have been included in debates this year * * * I don't think it would have mattered a great deal. His was a candidacy whose time had not come. Journalists should have made that decision, though, not the murky maze of ill-defined government regulation.

Now is the time to begin work on the institutionalization of presidential debates * * * Congress, in split party control, offers a bipartisan approach. President Reagan, well served by the 1980 presidential debate and mindful of its impact, should be sympathetic.

Regardless, there is sympathy for such action in one very special quarter * * * and that is the fact that millions upon millions upon millions of Americans have found presidential debates to be a valuable tool in their presidential voting decisions. That, I suggest, is a landslide mandate that our representative government cannot ignore much longer.●

JUDGE JOHN A. DANAHER

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. COTTER. Mr. Speaker, last week Judge John A. Danaher announced his resignation from his U.S. Circuit Court of Appeals judgeship. Judge Danaher will retire after a long and distinguished career during which he ably served the people of the State of Connecticut and the Nation in many capacities.

Judge Danaher began his career 58 years ago as a Federal prosecutor. He was elected to the U.S. Senate in 1938, and was selected for the appellate court in 1953 by President Eisenhower.

The dedication and determination Judge Danaher brought to his work earned him the respect of all who knew him and knew his work. He will be missed. We have been friends for a long time, and he has been a source of wisdom and information that has enriched my life. I wish him the very best during his retirement, which he so richly deserves.●

CONGRESS WAR POWERS—WHAT HAPPENED?

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. PAUL. Mr. Speaker, David Landau in the New York Times gives a good explanation of why, under the requirements of the war powers resolution of 1973, all our combat forces—including AWACS aircraft and Navy vessels—should have been removed from the Persian Gulf area.

The public statements about our neutrality in the Iran-Iraq war totally contradict our actions in introducing troops and combat ships into the war zone.

This action, along with the public vow to use American forces to keep open the Straits of Hormuz, violate the whole intent of the war powers resolution. That intent was to reinstate the proper constitutional role of the Congress in deciding when American forces should be involved overseas.

Even though the President failed to report the troop movements and naval buildup to us, and even though he failed to remove them after 60 days without our approval, the responsibility to enforce the law falls on us as well.

I urge my colleagues to read this article from the New York Times:

[From the New York Times, Dec. 3, 1980]

CONGRESS WAR POWERS—WHAT HAPPENED?

(By David E. Landau)

WASHINGTON.—There is a consensus that the "Vietnam War syndrome" has substantially weakened the President's role in the conduct of foreign and military affairs. Indeed, Ronald Reagan was elected in part for his promise to restore strong leadership in this area. However, President Carter's continued commitment of combat forces in the Persian Gulf Sector without specific Congressional authorization suggests that in fact it is Congress's power that has slipped to a dangerously low level.

If we are to avoid a complete reversion to imperial Presidential control over foreign and military policy, all United States combat forces in the Persian Gulf war zone must be withdrawn immediately. This is clearly required by the War Powers Resolution of 1973, enacted to restore the important constitutional division of power between Congress and the President in national-defense matters.

The escalation of our military involvement in Vietnam, the secret air war in Laos, and the May 1970 incursion into Cambodia dramatized the unprecedented usurpation of power in foreign and military policy by the President during the post-World War II period. By 1970, the President had virtually unfettered power to conduct unilateral military actions. Congress attempted to repair that imbalance by enacting procedures to implement the concurrent authority in the national-defense area provided for in the Constitution.

The Founding Fathers carefully balanced the war-making powers. Article I, Section 8, expressly reserves for Congress the power to declare war. Article II, Section 2, designates the President as Commander in Chief of the armed forces. Decisions about war and armed conflicts, therefore, were not vested solely in one branch of government.

The War Powers Resolution amplifies in detail the constitutional relationship between Congress and the President in the conduct of foreign affairs. The resolution carefully avoids curtailing the President's ability to respond in an emergency. It does, however, require accountability and provides for Congressional approval to sustain extended military activities.

The President must make a formal report to Congress within 48 hours whenever, without a declaration of war or other prior specific Congressional authorization, he takes action committing armed forces to hostilities abroad or increases in a significant way combat forces in foreign territory. The report must set forth the circumstances necessitating the introduction of the military, the constitutional and legislative authority under which it took place, and the estimated scope and duration of the involvement. If Congress does not declare war or authorize the specific use of the military within 60 days after the report is required to be submitted, all use of the U.S. military in a particular situation must be terminated.

The introduction of armed forces into the Persian Gulf sector falls squarely under the resolution. First, there are ongoing hostilities between Iraq and Iran, and other nations in the area are supporting each of them. Second, the President has committed combat forces to the war zone. Our fleet in the area has been substantially increased: There are now more than 30 American ships in the area that are designed for combat or combat support. On Oct. 1, President Carter ordered four Awacs—Airborne Warning and Control System—aircraft into operation in Saudi Arabia; these planes are designed to monitor hostilities and assist the military in response to such hostilities. The presence of the Awacs means that ground crews, support aircraft, and military personnel have also been sent.

America's claims that it is neutral and that its troops are not directly engaged in combat is irrelevant. The resolution mentions only the introduction of "United States Armed forces into an area engaged in hostilities or situations of imminent hostilities. Given the volatile situation, our forces could be fired upon at any time, inadvertently or intentionally, expecially since President Carter has vowed to use military force to keep open the Strait of Hormuz to vital oil-tanker passage.

Mr. Carter's military actions are not in response to an attack on the United States or any imminent threat to our national security. Rather, he has made a determination to mobilize armed forces in a hostile region. The resolution was intended to operate as a check on this very type of Presidential decision-making.

Within 48 hours after the Awacs aircraft were ordered to Saudi Arabia, Mr. Carter should have reported to Congress in compliance with the resolution. Even though a report was never issued, Congress could have specifically authorized such action. It did not. Therefore, last Monday all of our combat forces, including the Awacs aircraft and Navy ships, should have been withdrawn under the explicit terms of the resolution.

The purpose of the resolution, in the words of its preamble, is to "fulfill the intent of the framers of the Constitution" and "to insure that the collective judgment of both the Congress and the President will apply to the introduction of the United States armed forces into hostilities." The recent past should warn us that failure to comply with the resolution may draw us into a conflict before Congress and the public have had an opportunity to evaluate the situation.●

CASUALTY REPORT: ONLY THE TRUTH WAS INJURED AT THREE MILE ISLAND

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. WYDLER. Mr. Speaker, the final scientific analyses are in now on the animals who became sick or died in the area around Three Mile Island within the past year. The results confirm what the scientific and technical communities have been saying all along, that there is no evidence for ill effects to the populous or the animals around Three Mile Island as a result either of the accident or the operation of the two units of the powerplant at that location. I recommend the following article from the New York Times to my colleagues as the objective last word; it contrasts markedly with the scare stories that we have heard for months:

GOAT STORIES FROM THREE MILE ISLAND

Remember those frightening stories about deformed animals and dead vegetation around the nuclear plant at Three Mile Island? Not just the antinuclear crowd spread the tales of unusual animal deaths, stillbirths, broken bones, missing eyes—even a glowing fish. Reports came from farmers, housewives and a veterinarian who had long practiced in the area. Here was the evidence, some said, that the radiation from nuclear power plants, including even normal releases, can cause devastating biological injury.

Well, the results of a thorough investigation of plant and animal defects are now in. The inquiry was run by the Nuclear Regulatory Commission with the help of two agencies that are highly sensitive to biological harm—the Pennsylvania Department of Agriculture, looking out for farmers and livestock, and the Federal Environmental Protection Agency, which safeguards the public.

The findings are clear. None of the plant or animal defects can be attributed either to the accident or to normal nuclear operations at Three Mile Island. Many of the animal defects, in fact, were traced to the carelessness of the protesting farmers.

Calves that could not stand, or walk without staggering turned out to be suffering nutritional deficiencies; when fed mineral and vitamin supplements, their problems disappeared. Goats that failed to produce offspring were found to be victims of genetic infertility; when a new buck was tried, reproduction soared. Horses that failed to breed were found to have a chronic infection. A group of 500 parakeets, canaries and other birds that died in one two-hour period probably succumbed to toxic fumes or an overheated aviary; they showed no signs of radiation injury. A decline in the sightings of toads was hardly peculiar to Three Mile Island; it had been recorded all over the East, and for two decades, and may be attributable to pesticides. Suspicious damage to plants and trees was traced to disease and insects, not radiation. A few cases of animal anemia were nowhere near the radioactive plume.

So the horror stories evaporate. That is not unusual. People often blame a highly dramatic and frightening event for unrelated difficulties. The wise citizen withholds judgment until hysteria subsides and dispassionate investigators assemble the facts. Three Mile Island taught a lot about the defects of nuclear plants, but it caused no defects in Pennsylvania's woods and barnyards.●

THE SUCCESS OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. HYDE. Mr. Speaker, Christopher B. Cohen, the principal regional official for the U.S. Department of Health and Human Services in Chicago, recently wrote an article for the Addison Leader Chronicle in my district, which reports on the success of one Federal program that is saving millions of dollars of the taxpayers' money.

At a time when we are all concerned about high inflation and Government spending, it is heartening to know that we can occasionally come up with a program that is, in Mr. Cohen's terms, "a winner."

I take pleasure in sharing the following article on the child support enforcement program with my colleagues:

RUNAWAY PARENT ROUNDUP A WINNER FOR TAXPAYERS

Taxpayers finally have a winner. The return on their dollars for a relatively new federal program would be the envy of any race track tout or stock market speculator.

Called the Child Support Enforcement Program, this effort—which tracks down deserting parents—has resulted in a $3 return for every tax dollar spent. In fiscal year 1979 it brought in over $1.3 billion at a cost of $365 million to federal, state and local governments.

The program traces runaway parents who have failed to support their children and uses court action as an ultimate remedy to collect money owed. Without it, welfare costs would be even higher than the current $10.9 billion a year level. That's because over 80 percent of children on welfare rolls have a parent who has legal responsibility for support and is not paying it.

Here are a couple of examples of how the program works in Illinois.

After separating from her husband, Mary Smith found her children suffered on two counts: Without monetary support from their father, they were forced to become welfare recipients; what's more, they suffered emotionally from his absence. A state welfare department social worker sought out the father and arranged a family meeting. After a month of negotiations, the family got together again, and the welfare case was closed.

Helen Jones' problems were more complicated. After her divorce, she, too, had difficulty collecting child support from her ex-husband; she, too, began to receive welfare—Aid to Families with Dependent Children (AFDC). The social worker got information from Mrs. Jones about her ex-husband's whereabouts, financial status and plans. She tried to persuade him to make regular support payments, but he refused. So she turned the case over to the state's attorney's office. In court Jones stated belligerently that his car payments were more important to him than his child support payments. The state's attorney obtained a 30-day work release jail sentence for Jones. This permitted an immediate start of regular support and back payments, allowing Mrs. Jones to become independent of welfare.

These are real examples in Illinois of "success stories" (using fictitious names.)

One measure of the program's success is that 27 states reported closing of more than 14,000 welfare cases in fiscal 1979 because of child support collection. Of the total 1979 collections, $597 million was on behalf of 376,000 families receiving AFDC. Another $737 million was collected for about 349,000 families not on welfare.

HHS' purpose is to reduce welfare costs. However, families not on welfare can use the program by applying to child support enforcement offices. Thus, the program offers families a better chance to remain economically independent.

In Illinois in 1979 the Department of Public Aid collected $10.7 million at a cost of $6.9 million: $9.9 million collected in approximately 10,300 AFDC cases and $822,700 in approximately 1,250 non-AFDC cases.

The federal government pays state and local governments 75 percent of their costs for the program plus an incentive payment to encourage them to enforce court orders to collect from parents in their jurisdictions whose children live elsewhere.

In welfare cases, states keep part of the collections to reimburse themselves for paid-out welfare aid and give the rest back to the federal government, which pays for about half of the welfare aid disbursed by states. If the family is not on welfare, the mother and kids get the entire payment, minus a small service charge by the state.

This program is an important step toward reforming the national welfare system while we await congressional action on welfare reform.

It was created five years ago by an amendment pushed through by Senator Russell Long (D-La.) The legislation:

1. Required every state to set up an office to track down the absent parents or forfeit five percent of the federal welfare reimbursement for the year.

2. Required states to help not only welfare mothers, but any parent whose spouse neglected his-her financial responsibility.

3. Set up the U.S. Office of Child Support Enforcement in HHS to help states and counties establish paternity, find absent parents, and the legal action to collect from them. This office provides technical advice to the states and clears the way for using records on Social Security, federal employment and income tax filings.

The child support enforcement program is such a success—in terms not only of money gained and taxpayers' funds saved or recaptured, but of independence preserved or restored for thousands of families—that HHS aims to eventually double the amount collected.

Parents who need help in collecting child support from an absent spouse should contact their county welfare department.●

EMERGENCY FUNDS TO EARTHQUAKE VICTIMS

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. SOLOMON. Mr. Speaker, the worldwide response to the devastating Italian earthquake provides us with one more illustration that many of our allies are just not carrying their fair share of the burden in keeping the peoples of the free world strong. As all the Members in this Chamber know, this House has unanimously approved $50 million in emergency funds to ease the suffering of the earthquake victims.

But contrast this public and private American generosity with that of some of our allies: West Germany has given 600 tents, 4,400 sleeping bags, and related items; France, 160 tents and 7,000 blankets; Norway, 100 tents; Switzerland, 300 tents and 1,000 blankets; and Japan, $200,000.

Mr. Speaker, fortunately, one of the major goals of the new administration will be to foster greater solidarity and cooperation among the nations of the free world. We must make it clear to our allies that while they have every right to compete with us economically, the new prosperity they have achieved must carry with it a greater obligation in helping us defend the free world and come to the rescue when adversity strikes. For when there is adversity such as this tragic earthquake, communism is not too far behind, ready to exploit it.●

DOROTHY FULDHEIM'S TRIBUTE TO HER DAUGHTER

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. MOTTL. Mr. Speaker, the most respected news commentator in northeast Ohio is Dorothy Fuldheim whose commonsense approach to the world earned millions of followers.

She had a unique knack for explaining the tragic news of the world in a way that people could understand.

Recently, Dorothy suffered a personal tragedy—the death of her beloved daughter, Dorothy Fuldheim, Jr. In typical Dorothy Fuldheim style, she paid a tribute to her daughter which ranks among her finest commentaries.

The tribute follows:

[From the Cleveland Press, Dec. 3, 1980]

DOROTHY FULDHEIM'S TRIBUTE TO HER DAUGHTER

(The following tribute to her late daughter was delivered by Dorothy Fuldheim on Channel 5 on Monday. Like her audience, The Press was deeply touched by it and is printing it for those who missed it—or would want to hear it again.)

I would like to thank my many friends and viewers who expressed their sorrow at my loss. It is irretrievable. Much of my happiness was dependence on my daughter, Dorothy, who made my days and my years rich with affection and laughter.

She was full of grace, and she lived her life with both grace and felicity. She was tender and quick with understanding and sympathy. She was proud, too proud, to ever engage in anything but integrity and beauty. She drank in life with greed. Every sound of music, every challenging idea, every drama, all new ideas in the scientific world won her interest. She looked upon life as a rich garden, and the perfume of life intoxicated her with great excitement.

She lived fully as an aristocrat—one of the noble ones of life. Life to her was a gift, and she wore it proudly and appreciatively. Her death has not only saddened me, but I will never be whole again.

I told her daughter, Halla, my granddaughter, that we all have an appointment with God. My daughter received her summons last Monday.

I told Halla that her mother was in heaven, and was free of all pain, and that someday she and I would join her.

She said, "Will you be there?" I nodded. "And will God make you young again? . . . Will my mother be without pain? . . . And when I go to meet her, will I walk without braces and crutches?"

She reflected and then asked, "How did my mother get to heaven?" "God sent a messenger," I responded, "We all have our appointment in Samarra."

Hers was too soon, and I am left with an enormous loneliness. But while she lived she graced life. Those who knew her shared her warmth, understanding and her enormous loyalty. She was gallant and heroic, and took her anguishes quietly, with no reproaches against fate—a true aristocrat in spirit.

She was blessed with an incomparable intellect. She was a gift given to me, and for those of you who have walked in the valley of anguish, and for those of you who must someday walk through the valley, as all of us must, our tears will join and the sun will never shine as brightly as it once did for me. The sound of her voice, the music of her laughter are now denied to me.●

WILLIAM H. GORDON

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. ROUSSELOT. Mr. Speaker, recently one of the District of Columbia's outstanding and dedicated public servants left here to undertake new and greater responsibilities on the west coast. I refer to Mr. William H. Gordon, who has served as postmaster here in Washington for the past several years. His new assignment and well-earned promotion makes him Regional Director, Customer Services, for the west region of the U.S. Postal Service based in San Francisco. If his accomplishments here are any criteria he will serve well his new constituency.

Bill Gordon joined the Postal Service as a clerk in 1947. He is a native of the District of Columbia, having attended public schools here. He has been recognized as an outstanding Postal Service employee and is the recipient of numerous service and civic awards. I congratulate him and wish him well in his new assignment.●

VOLUNTARY METRIC SYSTEM

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, I bring the following article from the Danville Commercial-News of November 30, 1980, to the attention of my colleagues. This article discusses the Metric Board's first annual report to Congress. It quotes the Board on its function, success, and goals.

METRIC BOARD HANGS ON DESPITE U.S. RESISTANCE

WASHINGTON—It may be 10 years—or never—before the metric system becomes predominant in the United States, the U.S. Metric Board says in its first annual report to Congress. Either way, the board says, is OK with it.

"Our job is neither to cajole nor persuade," chairman Louis F. Polk, a Columbus, Ohio, businessman, said in the report released this week. "It is to educate, inform and assist those parties who make a voluntary decision to convert."

Nevertheless, in a news release issued with the report, the board conceded, "There is some confusion about (our) role and the national policy on metric conversion."

The board was created by the Metric Conversion Act of 1975, which neither made conversion mandatory nor set a deadline.

Set up in 1978, the $2.5 million board consists of 17 part-time members from business, labor and other walks of life. It has a full-time staff of 31.

A 1978 General Accounting Office study challenged the assumption that metrics were inevitable and claimed the cost of converting could run into the billions of dollars.

A board spokeman, William DeReuter, said conversion to metrics continues to gain momentum in some industries, notably auto manufacturing, where General Motors plans to be metric by 1982.

"G.M. isn't switching because they think it would be a nice thing to do. They're doing it because they see some cost savings involved," DeReuter said. "They won't have to keep two parts inventories."

But he said most polls show Americans oppose the growing use of the metric system, which substitutes meters, liters and grams for the English measures of yards, gallons and pounds.

The United States is one of the few nations in the world that has not converted or begun a changeover to metrics. Other holdouts are Burma, South Yemen and Brunei.●

REPRESENTATIVE SOLARZ OUTLINES CHALLENGE OF NEW ADMINISTRATION IN AFRICA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. DRINAN. Mr. Speaker, the incoming administration will be faced with important and timely decisions in all areas of foreign affairs when it assumes power next month. As Representative STEPHEN J. SOLARZ writes in today's New York Times, President-elect Reagan would be well-advised to pay particular attention to U.S. options in Africa where events in Namibia and Angola are entering a critical and sensitive stage.

By sending the right signals to these two nations, Representative SOLARZ convincingly argues, the United States can help successfully conclude the struggle for independence in Namibia, and pave the way for a reduction in Cuban military strength in Angola.

The incoming administration must use caution at each step. Reliance on the threat or actual use of U.S. military force in these sensitive diplomatic endeavors may have an adverse, if not fatal, effect on the possibility that peace may soon come to Southern Africa.

The article follows:

REAGAN AND AFRICA

WASHINGTON.—Ronald Reagan and his advisers may soon evaluate two intertwined African questions that carry potentially fateful consequences for both our alliance diplomacy and our relationships in Africa.

The issues of Namibia and Angola will represent one of the earliest tests of the Reagan administration's ability to readjust campaign rhetoric to the realities of the foreign policy challenges that the United States faces.

After years of painstakingly detailed diplomacy, virtually all substantive differences between South Africa and the South-West Africa People's Organization (known as SWAPO) with respect to a Namibian settlement have been resolved. But the fundamental question remains whether South Africa will opt for an internal settlement that excludes SWAPO and ensures a continuation of the war rather than pursue an internationally acceptable solution based upon a United Nations-supervised election among all the parties to the current conflict.

An unmistakable lesson that emerges from Rhodesia's transformation into Zimbabwe is the futility of imposing an internal settlement and systematically barring the participation of nationalist parties that have long struggled for independence and majority rule. Yet unless Mr. Reagan makes clear his preference for an internationally acceptable solution on Namibia and his unwillingness to support an internal settlement, he may tip the political scale in South Africa in favor or an internal accord.

A decision by Mr. Reagan to acquiesce in the abandonment of an internationally acceptable agreement would have seriously adverse consequences not only for our African diplomacy but also for our alliance relationships as well. Our British and West German allies, with whom we have worked on the Namibian problem, would be deeply disturbed if we undermined the talks. Mr. Reagan has frequently addressed the need to strengthen the Western alliance, and any unilateral American repudiation of the Western and United Nations initiatives on Namibia would hardly augur well for Western European cooperation on such issues as the Persian Gulf and North Atlantic Treaty Organization defense expenditures.

In Africa, a move by Mr. Reagan to recognize an internal Namibian settlement would generate severe resentment. The good will we earned through our role in bringing about a peaceful transition to majority rule in Zimbabwe would doubtless dissipate in the wake of United States compliance with an internal settlement in Namibia. Instead, to the undisguised delight of the Soviet Union, the United States would once again be labeled in Africa a supporter of minority rule.

Inseparable from our Namibian policy is the approach the United States will assume on Angola. Here Mr. Reagan will come under heavy pressure to embrace an action that can undercut the Namibian talks—repeal of the Congressional ban against United States military or paramilitary operation in Angola.

Given SWAPO's reliance on Angola for sanctuaries and support, Angola plays a critical role in the Namibian negoatiations, just as Mozambique and Zambia, the countries upon which the Rhodesian Patriotic Front was dependent, exerted decisive leverage in favor of the Zimbabwe settlement in London negotiations last year. Indeed, without the continued cooperation of the Angolans, the prospects for a Namibian settlement would probably go down the drain. Yet, by signaling the Angolans that we may embark upon covert operations to topple them from power, which is precisely how the Angolan Government would interpret a repeal of the existing prohibition on military assistance, we could seriously jeopardize a Namibian agreement.

A successful conclusion to the Namibian negotiations, on the other hand, is likely to result in a diminution or elimination of the Cuban troop presence in Angola. The Angolan Government has indicated that Cuban forces are in their country to help defend against South African attacks. Since those military strikes would presumably cease once SWAPO left Angola and South Africa departed from Namibia, both events that would occur in the context of a Namibian agreement, there is real reason to believe that the Cuban military presence would be significantly diminished if there were a Namibian settlement.

By opposing an internal settlement in Namibia and refraining from any precipitous military efforts to destabilize the Angolan Government, Mr. Reagan would have a genuine opportunity to facilitate a peaceful transition to majority rule in Namibia, while at the same time helping to bring about a reduction of the Cuban military presence in Angola.

The new President may yet find that our strategic interests in Southern Africa are more readily advanced at the bargaining table than on the battlefield.●

TRIBUTE TO JOHN NOONAN

HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. ROYER. Mr. Speaker, I rise to honor John Noonan who is retiring at the end of this year as the city attorney of South San Francisco, Calif., in my congressional district. John has lived in South San Francisco for over 33 years serving as an attorney in private practice, city councilman and city attorney.

John Noonan was born in Richmond, Va., and graduated from the University of Richmond Law School in 1942. That same year he was commissioned an ensign in the U.S. Navy. He served with distinction aboard destroyers throughout the South Pacific Theater in World War II.

John met his lovely wife Charlotte and they were married just before his release from the Navy in 1946. That same year he was admitted to the California Bar.

After serving as the deputy clerk of the California District Court of Appeals he went into private practice in 1949. John was elected to the South San Francisco City Council in 1952, and was appointed city attorney in 1956. He has served in that capacity for the past 24 years.

During his years of service, John Noonan has earned the respect and admiration of the people of South San Francisco. He guided the destiny of "South City" for nearly three decades. Integrity is his hallmark. He always performed his duties in a quiet, gentlemanly way. John could not have served South San Francisco without superb support from his wife Charlotte, and their five children, and six grandchildren.

On the evening of January 9, 1981, many friends will join together to recognize John Noonan for his lifetime of service to the city of South San Franciso.

John Noonan is truly an outstanding member of the "South City" community and deserves the recognition that he will receive at his testimonial dinner. I am proud to join his many friends in paying him tribute.●

OIL CUTOFF COULD BE DEVASTATING TO PLASTICS INDUSTRY

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. STANTON. Mr. Speaker, the problems in the Middle East pose dangers for everyone. The possibility of another cutoff of oil points up how woefully unprepared we are to deal with such an eventuality.

In a recent article in the Cleveland Plain Dealer, dated September 9, 1980, Ralph L. Harding, Jr., president of the Society of the Plastics Industry, Inc., pointed out just how devastating a cutoff of oil could be to just one segment of American industry.

Although only 1½ percent of the oil and natural gas consumed in the United States is used to produce petrochemical feedstocks from which most plastics resins are made, a decline in these raw materials of 15 percent could result in 1.8 million layoffs in the plastics and related industries. Of these 1.8 million layoffs, 30,000 could potentially come from the northeast Ohio area alone. Clearly these are worrisome figures of which we should all be aware. I commend the following article to my colleagues:

PLASTICS INDUSTRY FEARS OIL SHORTAGE

(By John Fuller)

With the war between Iran and Iraq raising the possibility of another cutoff of oil to the United States, the plastics industry is as jittery as ever.

If the war escalates and the oil flow from the Persian Gulf is threatened, federal oil allocations could go into effect.

It is the allocations that really worry the plastics industry executives. Their industry was slighted when the standby petroleum allocation priority list was approved by Congress last year, Ralph L. Harding Jr., president of the society of the Plastics Industry Inc., said yesterday.

They said this failure to give plastics a higher priority in sharing oil supplies will hurt the industry, as well as other industries that rely on plastics. The result could be layoffs of millions of workers.

About 1½% of the oil and natural gas consumed in the United States is used to produce the petrochemical feedstocks from which most plastics resins are made. From these plastics, products are made for communications, transportation, construction, packaging and health care.

In a critical shortage, the Department of Energy's oil allocation plan gives the highest priority for oil supplies to the military, agriculture, home heating and emergency agencies. Next in line would be industrial heating users, which includes the plastics industry.

Harding said the plastics industry uses the byproducts of oil as a raw-material in making plastic and not for industrial heating.

Harding said he has no argument with the designation of the highest priority items, but he said he believes petrochemical raw materials used to make plastic goods should have a higher priority than they do.

"By the government paying so much attention to fuels, we can get wiped out," said Harding.

He said the plastics industry receives an ample supply of raw materials, but he adds that a situation such as the one in the Persian Gulf could quickly change the picture.

What Harding would like to see is some assurance from the federal government that the plastics industry would get its requirement of raw materials. He said the industry should be allocated for the oil and natural gas it uses for heating purposes. He said the federal requirement for reducing lead content in gasoline takes some of the available feedstocks that traditionally have gone to his industry.

Harding said a decline in plastics supplies of just 15% could mean 1.8 million layoffs in the plastics and other industries.

In Ohio, there are about 30,000 plastics industry employes and most are in Greater Cleveland, Harding said.

He said the public does not realize that plastics more than pay their way in energy savings. He said about 200 pounds of plastic has replaced 600 pounds of steel in today's automobile and this has provided an extra mile per gallon in gasoline mileage.●

OUTRAGE IN EL SALVADOR

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. PEASE. Mr. Speaker, this morning's newspaper brings the shocking details of how three American nuns and one lay woman were kidnapped, raped, and savagely murdered within the last 72 hours in El Salvador. These four peace-loving women who dedicated their lives to helping the poor and the exploited have become the latest victims in a material and ideological power struggle.

I do not know who is responsible for this outrageous crime. Some sources inside El Salvador finger the extreme rightwing death squads seeking to topple the fragile junta which is all that stands in the way of full-scale civil war in El Salvador. Only last week five leftist leaders of the opposition to the junta were kidnaped and murdered by an extreme rightwing death squad. And over the weekend two more Salvadoran priests disappeared and are feared dead.

Others suggest that elements within the Salvadoran military and among the rightist death squads are collaborating in the senseless killings. It is also true that some leftist guerrillas in the country have not renounced violence as a means to their ends. Certainly the perpetrators of these crimes must be brought to justice by the Salvadoran authorities. Our Government should encourage this in the strongest possible terms.

But in another sense the identities of the persons who killed Ita Ford, Maura Clarke, Dorothy Kazel, and Jean Donovan are not as important as the fact that they felt free to do so. Regardless of who is responsible for such savagery, it is clear that human rights conditions in El Salvador are so bad that priests and sisters of the Catholic Church can be hunted down and killed as though it were open season.

This sorry truth should cause us to pause and reexamine our relations with the Salvadoran people. What has become of our capacity for moral outrage as individual Americans and as a nation in the face of such brutality? Are we so preoccupied with the exercise of power and ideological politics that we are unmoved by the murders of these four women? Can we not speak out in unison for a change against such barbarous attacks against priests and nuns? And at what cost do we countenance such violence and remain silent as a nation committed to championing human rights?●

THE TEN COMMANDMENTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. HUBBARD. Mr. Speaker, the U.S. Supreme Court recently ruled that Kentucky's public schools could not place copies of the Ten Commandments in their classrooms. It mattered little to the Court that private donors purchased these copies of the Ten Commandments and that no one forced Kentucky's schoolchildren to read or study the posted commandments. The Supreme Court seems so determined to wipe away all mention or hint of God in our public schools that it has overlooked the fact that a copy of the Ten Commandments hangs in a prominent place in its own chambers. Furthermore, the Supreme Court fails to recognize that the Ten Commandments serve not only as a good guide to schoolchildren for daily living but also as a fundamental basis of Western legal tradition.

I would like to introduce the text of a letter by Robert E. Amis, M.D., of Amis & Amis, P.S.C., in Hopkinsville, Ky., which highlights the detrimental impact of this Supreme Court ruling:

> Recently, to my great dismay, the Supreme Court of the United States stated that the Ten Commandments could not be legally placed on the wall in the classrooms in the State of Kentucky. This seems a great hazard to this country since our law must have some basis on which to stand. Those same words are engraved at the Supreme Court of the United States of America and are the basis of jurisprudence since the very foundation of western civilization. No society has laws apart from its religion. Religion is always the ultimate statement of what people really feel is true and law is that external outworking of those beliefs. The Supreme Court of the United States cannot decide whether or not religion will be the basis for law in our land. All they can do is decide what religion will be the basis of law in this land.
>
> It is obvious that the Supreme Court of the United States has changed from a Biblical Judeo-Christian basis for law to a humanistic basis for law. Humanism, by their own definition, is religion and they are forcing us, as a nation, to turn from a religion of redemption to a religion of destruction. They themselves are religionists and are forcing a state religion upon us.
>
> It is with great concern and outrage against this action on the part of the Supreme Court this letter is written and I want to add my voice in protest to this form of judicial tyranny.●

TERRORISM IN EL SALVADOR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. MOAKLEY. Mr. Speaker, yesterday one of my interns informed me that a very dear and close friend of her family, a person who had been like an older sister to her, was missing in El Salvador, apparently the victim of a terrorist act. Upon contacting the State Department we learned yesterday morning that Sister Ita Ford, a member of the Maryknoll Order, and her three companions had not survived.

Today, on the front page of the Washington Post, we have learned the specifics of how these four women were brutally murdered and that two of them had been raped by their attackers. The extremist right in El Salvador is suspected as being responsible for this, the latest in several assassinations of Catholic clergy in that country.

El Salvador is a Central American nation which is possessed with maintaining its feudal order—leaving the vast majority of the population without either human rights or a decent standard of living. This year alone, thousands upon thousands have died in senseless violence over who should have control. The innocent poor must survive not only their poverty but this additional destruction as well.

I cannot express my contempt for the forces who are responsible for this atrocity. I cannot imagine the type of persons who could commit such a crime. It is clear that the Government authorities in El Salvador must act swiftly to find those who are responsible for this atrocity and punish them accordingly.

Mr. Speaker, I wish to express my sympathy and affection for the families and friends of Sister Ita Ford, Sister Maura Clarke, Sister Dorothy Kazel, and Ms. Jean Donovan. I know that each of their loved ones is very proud of them this morning just as we as a Nation are proud. Each of them understood the extreme danger that surrounded their presence in El Salvador and chose to ignore that danger in order to continue their important mission.

Sister Ita and her coworkers went to El Salvador to attempt to assist in improving the despicable living conditions which exist there. They were not political activitist but only humanitarians seeking to serve their God. Their courage and dedication is something of which we can all be proud. I believe that these four women have demonstrated, collectively and singularly, the highest qualities which any individual can possess, and that we as a Nation can be justly proud of individuals of this caliber.

If we are to suggest who the young people of this country should attempt to emulate, they would be well-served in following the example of these four women. To paraphrase Senator TED KENNEDY on the death of his brother Robert, there were women "who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."●

SECOND CHRISTMAS IN CAPTIVITY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FISH. Mr. Speaker, today I am introducing a concurrent resolution which is designed to express our Government's continued support for and profound concern over the 52 Americans still held in captivity in Iran. In the face of the continuing crisis, we are reminded that the extreme pressures which bear down on the hostages and their families and relatives increase with each day the hostages remain unfree.

As we approach the second Christmas season during which the hostages remain in Iran, I feel it is appropriate for the American Congress, on behalf of the entire Nation, to convey to the hostages its wish that the American Government present a Christmas gift equal to twice the sum of all pay and allowances earned for the duration of the hostages captivity. While this gesture can in no way compensate for the exceptional hardships endured throughout this crisis, such a present, at best, is a sincere and heartfelt gesture to the hostages that our thoughts are with them at this Christmas season. The text of my resolution follows.

H. Con. Res. —

Concurrent resolution expressing the sense of the Congress that, upon the release of the Americans held hostage in Iran, the United States should pay to each hostage an amount equal to twice the sum of all pay and allowances earned by such hostage during the period of captivity

Whereas Americans have been held hostage in Iran since November 4, 1979, and are approaching their second Christmas in captivity;

Whereas the lengthy captivity of the American hostages has inflicted, and continues to inflict, severe physical hardships upon the hostages and extreme mental, emotional, and financial hardships upon the hostages and their families;

Whereas the ordeal of the American hostages and their families has been an exceptional one in the history of the Foreign Service of the United States; and

Whereas the present and future well-being of the American hostages is a matter of profound concern to the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, upon the release from captivity of the officers and employees of the United States held hostage in Iran, the United States should pay to each such hostage, in addition to any other compensation or benefits to which such hostage is entitled, an amount equal to twice the sum of all pay and allowances earned by such hostage during the period beginning November 4, 1979, and ending on the date of such release.●

BOSTON ADDRESS BY ASSISTANT SECRETARY OF STATE BRIAN ATWOOD

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. ZABLOCKI. Mr. Speaker, throughout the past 4 years, many Members of the House and Senate, particularly those on the Foreign Affairs and Foreign Relations Committees, have come to recognize and respect the exceptional ability of an outstanding individual responsible for executive-legislative relations in the foreign affairs area. Hon. Brian Atwood, Assistant Secretary of State for Congressional Relations, has, at a very young age, earned high marks for his fine service in a very challenging office. His cheerful and constructive approach to the problems of congressional relations is to be admired. Speaking personally, I will very much miss his presence in the coming years.

A good example of Brian Atwood's ability is the address he gave last month before the Commercial Club of Boston. This speech clearly laid out a comprehensive array of challenges that will face the incoming administration and the Nation. Brian Atwood's discussion therefore merits careful attention by Members of Congress and of the incoming administration.

To my mind, the most important emphasis in the address is on the need to consider Congress as each foreign policy issue is confronted. Indeed, the importance of congressional support should be given high priority in the thinking of President-elect Reagan and his foreign policy advisers. It is my hope that the next years will see a full realization of the executive-legislative partnership on the many foreign policy changes that lie ahead.

As one who has had the privilege and pleasure of working closely with Assistant Secretary Atwood, I recommend his remarks to the Members of the House:

THE NEW CONGRESS AND PRESIDENT REAGAN'S FOREIGN POLICY

What many have called the longest election campaign in our history has finally come to its conclusion. Campaigns have always tested our patience, but in years past it seemed easier to escape. Now we are inundated with political rhetoric—through the mail, on television and radio, on the telephone, at the supermarket * * * even in church. One of the triumphs of our democratic system is that campaigns end.

It has been said of political campaigns: "Nowhere are prejudices more mistaken for truth, passion for reason, and invective for documentation * * *." As the rhetorical flourishes of the campaign fade, the stark realities once again come into focus.

Last Tuesday the United States once again demonstrated that change—even revolutionary change—can emerge from the electoral process. Governor Reagan has won a magnificent, sweeping victory. There can be no question that he now possesses a mandate to implement his programs. And a Congress has been elected which reflects his conservative philosophy.

When President-elect Reagan takes office, he will immediately be faced with the intractable, tough problems that make up the Presidential agenda. These problems do not lend themselves to neat, simple answers. In most cases, the President will have only "least-worst" options from which to choose. It has been written that the tragedy of our government's decision process is that "some problems have no solution; none of the alternatives are intellectually consistent or morally uncompromising; and whatever decision is taken will harm somebody."

Looking over Mr. Reagan's shoulder will be a Republican Senate and a Democratic, but more conservative, House. The election returns may make Congress look like an attractive partner to Governor Reagan's transition team. But my first word of advice—as someone who has worked with a Democratic Congress for four years—is * * * beware of your friends. When the honeymoon is over, those who rode to Washington on Mr. Reagan's coattails will be spending much of their time holding his feet to the fire.

As President Reagan begins to struggle with a world full of gray areas, his congressional friends will still be focussing on the starker contrast between black and white. Just as Democrats did during Jimmy Carter's tenure, many Republicans will blame the bureaucracy for contaminating the campaign promises. But the realities of decision-making in a complicated and fast-changing world will do much more to moderate a President's campaign positions than a bureaucracy.

What are the world realities that President Reagan will face in 1981? How will he reconcile his political positions with the foreign policy pressures he will undoubtedly feel? How will he maintain the support of those who believe in him on Capitol Hill? Let's look at the issues and see.

The SALT II Treaty may be the first issue President Reagan will address. Will he withdraw it from the Senate as he said he would? Will he try to renegotiate to get a better deal for our side? Perhaps. But he will be warned against that by our staunchest NATO allies.

Last year we pressed for European friends to agree to modernize our theater nuclear forces. We wanted to enhance our deterrent capability in the face of a Soviet build-up of more modern, medium-range missiles in Eastern Europe. Many European parliamentarians were skeptical of this threat and many others thought the best way to deal with it was to negotiate arms control agreements. Indeed, it would have been impossible politically for most European governments to accept this vital modernization program had we not linked the proposal to the SALT process.

If SALT is dead, so, too, might be the program to beef up NATO's tactical nuclear force.

Even more disturbing, an end of the SALT process could play directly into Soviet desires to divide the NATO alliance. Countries like Germany, Denmark, Belgium and the Netherlands believe very strongly in arms control. And they believe it makes good, pragmatic sense to negotiate with the Soviets on a range of military and non-military issues. If we terminate the SALT process, they could well pick it up themselves. The end result could be the end of the Atlantic Alliance and the "Finlandization" of Europe as key NATO nations seek to protect themselves by reaching accommodations with the Soviet Union.

President Reagan may face this choice in January. If, because of his own strong commitment to NATO, he decides he must support SALT II, will the new Congress support his decision?

Governor Reagan is already aware of China's sensitivity on the Taiwan issue. His comments during the campaign to effect that we should formalize our relations with Taiwan brought on a strong rejoinder from the PRC.

Our position on Taiwan has its origins in the Shanghai Communique, signed by President Nixon in February 1972. In that document the United States acknowledged "that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States Government does not challenge that position."

In December 1978 President Carter announced the normalization of relations between China and the U.S. In so doing, he committed our nation to a one-China policy and official recognition was withdrawn from Taiwan while a special law, the Taiwan Relations Act, was passed to permit an ongoing unofficial relationship.

President Reagan will find that the PRC will watch his Administration closely to see that the agreements undertaken by Presidents Nixon and Carter are adhered to strictly.

He will also find that our unofficial relationship with Taiwan has worked well under the Taiwan Relations Act.

Taiwan's overall foreign trade last year increased by 31 percent over 1978 levels, while U.S. investment and two-way U.S. trade increased by 15 percent and 23 percent, respectively.

Tensions between the PRC and Taiwan are diminished.

Travel to the U.S. from Taiwan increased nearly 60 percent in 1979.

Five agreements have been negotiated and concluded between the two entities set up under the Taiwan Relations Act to implement the relationship.

And we have continued to sell defensive arms to Taiwan.

Confronted with these facts, will President Reagan move to change the policy of our country? If he does not change it, will the new Congress challenge his decision?

Another highly charged foreign policy challenge is posed by the revolutionary changes occurring in Central America. We have sought to moderate this change by adopting policies which seek to strengthen the moderate center in Nicaragua, El Salvador, Honduras and Panama.

We have provided aid to Nicaragua to rebuild its economy, with special emphasis on the private sector. In doing so, we are competing in a positive way with Marxist elements in that country who may not wish to see the hand of the moderate forces—the Church, the labor unions, the political parties, the press and the private sector—strengthened.

In El Salvador we support a civilian-military junta which is carrying out a reform program which seeks to redress endemic dissatisfaction with the status quo. The junta is trying to control political extremists who would rather advance their cause by violent revolution. Both extremes look to us, the powerful neighbor to the north, for the slightest hint that their extreme position would be countenanced.

When we ratified the Panama Canal Treaty, we eliminated the most emotional issue in our relations with the entire region. Despite the doomsday scenarios heard so often during the Senate debate, the Canal is being run as efficiently as ever before. "U.S. News and World Report" recently reported that the treaty is a major success * * * the influence of Castro in "on the wane" * * * the Canal is still moving ships efficiently between the Atlantic and the Pacific at the rate of 38 a day, just as before * * * U.S. workers are happy * * * and Panama's economy is growing, thus providing a stable political environment for the Canal's operations.

Will President Reagan see the need to change these policies? If he decides not to, will the new Congress support him?

When the new President looks to Africa, he will see a continent of nations which are, for the most part, more friendly toward the United States than they were four years ago.

He will see an independent Zimbabwe, a country whose moderate government is seeking to rebuild an economy devastated by war * * * a country which, if it can develop its agricultural sector, could become the breadbasket for much of Africa * * * a country which desperately needs our help if it is to stay its course of pro-Western moderation.

He will look to Nigeria, the most populous country of Africa * * * a country which supplies petroleum for one out of every twelve gallons of gasoline used by Americans * * * a country which rallies other Africa nations in the effort to rid the continent of apartheid, the system of racial separation practiced in South Africa.

He will be confronted with our long-standing effort to bring about a peaceful transfer of power in Namibia, a territory now illegally administered by South Africa. The South African Government will watch closely to see if there is any shift in the American resolve to negotiate for free and fair elections in Namibia, a process which will lead to independence. And the Africans of Namibia and the surrounding countries will be watching, too * * * they will be watching to see whether their future is to be decided at the negotiating table or on the battlefield.

He will look to the war between Ethiopia and Somalia. We have been critical of Somalia's violation of Ethiopia's territorial integrity in an area called the Ogaden. Both countries and all of Africa will be waiting to see whether we will continue to uphold this universally accepted principle, a principle which is deeply embedded in the politics of an Africa apportioned by colonial boundaries and fearful of separatist movements.

These are the hard choices that will face President Reagan in Africa. If he decides to maintain our current policies, will the new Congress support him?

American interests in the Middle East led President Carter to invest a major portion of his Presidency in the Camp David process. On the foundation of uncompromising support for the security and territorial integrity of the state of Israel, our nation helped construct a peace treaty between Egypt and Israel. And we launched a process designed to allow the Palestinian people an opportunity to participate in the determination of their own future. We continue to feel that this process offers the best opportunity for a lasting, comprehensive peace in the Middle East.

Our role as a mediator in the negotiations on the status of the West Bank and the meaning of the word "autonomy" as it appears in the Camp David Agreement, has caused our government to be critical of unilateral actions by both Egypt and Israel which disrupt the negotiations. It is not an easy role for any Administration to play.

Mr. Reagan will soon find that the balanced approach of a truly honest broker carries with it political costs, both domestic and foreign. If he adopts this approach, will the New Congress support him?

During the campaign, Governor Reagan committed himself to finding new markets for American goods. He was critical of our unfavorable balance of trade and he promised to take steps to reduce our trade deficit. This is a goal that all Americans support.

It is clear that structural changes can be made in our laws to encourage exports. But if President Reagan's commitment is to be fulfilled, he will also have to grapple with an international marketplace which is increasingly volatile and unpredictable. If the next Administration is going to move us from deficit to surplus, a truly comprehensive approach to trade will be needed.

The first reality that President Reagan will face is that the United States now has more trade with the so-called Third World than we have with all of Europe and Japan combined. The second reality is that these markets could be made more predictable—and probably more lucrative—by assuring that the international monetary system is equipped to cushion these nations from external shocks such as those created by OPEC price increases.

Mr. Reagan will confront a Third World seeking a new economic order * * * a Third World looking for more help from the International Monetary Fund * * * a Third World demanding trade concessions and more private investment in their economies * * * and a Third World seeking to possess the technology and the techniques of development.

As these countries seek a new order, our own government should not be scared away by the rhetoric. We have been understandably reluctant to engage the so-called Group of 77—a coalition of Third World nations—in negotiations over these issues for fear that we would be unable to control the dynamic. But if President Reagan is serious about expanding our export trade, he will have to address this challenge.

If, through these negotiations, we can create a more predictable world system * * * if we can create a system which minimizes the impact of external factors on nation's economies, thereby isolating the internal weaknesses * * * if we can do these things, it will be well worth playing the game.

But will the new Congress support a process which is bound to be controversial? Or will Congress seek to redress trade problems solely by restricting imports?

Finally, if and when President Reagan is able to extricate himself from the myriad of crises which make up his daily agenda, he will look to a future which offers the greatest challenge of all. It is a future which demands urgent and bold initiative. It is a future which presents our nation with its greatest threat * * * the threat of international chaos.

Not long ago our government released a report which described the projected world condition in the year 2000. This report—called "Global 2000"—concluded that "if present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now."

If President Reagan's Administration is to have any success in building the public support necessary for the programs we need to make "Global 2000" a lie, he will have to convince the people that these pending crises are real.

He will have to tell the people that the world's population will grow from 4 billion to 6.5 billion by the year 2000, severely taxing the world's economic, political and ecological systems.

He will have to tell the people that hunger will spread unless we take steps to produce more food.

He will have to tell the people that energy shortages and oil costs, which are substantially disrupting our own society, can easily bankrupt the Third World countries and disrupt the global financial structure, unless we take steps now to recycle petrodollars and to reduce the disparity in energy use between North and South.

He will have to tell the people that the world's forests—now disappearing at a rate of 20 million hectares a year, an area half the size of the state of California—will be severely depleted, unless we take steps now to reverse this deterioration.

And he will have to tell the people that he will desperately need the foreign aid resources to advance our interests and to bring economic and political stability to a turbulent world.

I have no doubt that President Reagan has the ability to communicate a sense of urgency about these problems; he has demonstrated that he can project his ideas in a believable, easy style. But, as Walter Lippmann once said, "Politicians had better not be right too soon."

Will the new President take on this political challenge? Will the new Congress support him "if he is right too soon" about the problems of "Global 2000"? Will the new Congress provide the foreign aid resources necessary to meet this challenge—a challenge described in the Brandt Commission Report on International Development as one of "survival"?

This is a time of reflection for me, as I prepare to leave government after 16 years. For the past four years, I have worked at the nexus of politics and diplomacy, attempting to gain Congressional support for foreign policies which were frequently unpopular, often misunderstood, sometimes contradictory, and usually realistic given the chaotic state of the world in which we live.

During my time in Washington, I have seen the gap between public perception and world reality widen to dangerous proportions. I have seen the urgent appeals of Presidents fall on unbelieving ears. And I have seen frustration replace reason as a basis for Congressional action on national policy.

We now have an opportunity for a new beginning * * * a new beginning ordained by our constitutional system. Let us hope that the new Administration will learn from our contemporary history.

Let us hope that the new Administration will understand that a fragmented and divided national security community will produce the perception of incoherent thinking.

Too many agencies have a piece of the foreign policy action. Every department and agency in government negotiates international agreements. The State Department lost control of this process long before the Carter Administration.

No wonder we focus so much attention on the National Security Advisor—he is the only focal point for a hodgepodge of national security interests. And, if he chooses to enter the game as an active, ambitious advocate, the system breaks down even further.

Let us hope that the new Administration will understand that confrontation with Congress over constitutional responsibilities is a no-win proposition. For the most part, our Administration avoided these legal and procedural squabbles and we were able to win the major battles on substantive grounds.

Congress has a role to play in the making of American foreign policy, as an overseer, as a brake and as a purveyor of legitimacy. But Congress should be warned against fine-tuning our diplomacy to the point where lawyers are more important participants at the negotiating table than diplomats.

Finally, let us hope that the new Administration will understand that the public wants to be leveled with. Appeals to emotion or nostalgia are palliatives whose political benefits dissipate quickly when reality sets in.

Our people want to understand the nation's challenges. They want to know the sacrifices they will be asked to make. They want to see what the future holds more clearly, and they will only follow a President who describes that future accurately and candidly.

Thomas Wolfe wrote about another difficult era of American history in his novel "You Can't Go Home Again." I think this quote describes our current political malady while offering hope for a better, if different, future: "Conditions are fundamentally sound," they said—by which they meant to reassure themselves that nothing now was really changed, that things were as they always had been, and as they always would be. But they were wrong. They did not know that you can't go home again, America had come to the end of something, and to the beginning of something else. But no one knew what that something else would be, and out of the change and uncertainty and the wrongness of the leaders grew fear and desperation. Through it all there was only one certainty, though no one saw it yet. America was still America, and whatever new thing came of it would be American.

The year was 1929. America survived the Depression and the war that followed. And the America that emerged was still America * * * stronger, more self-assured, perhaps more socially conscious * * * but it was still America.

Ronald Reagan will soon begin to address the Presidential agenda for the 1980's and our nation wishes him well. If he can address that agenda in partnership with the Congress, he will improve his chances for success.

It is a difficult agenda for any mortal person, even more difficult than the one we faced in 1929. It is an agenda whose bottom-line goal is the survival of the world as we know it. It is difficult agenda, but as Edward R. Murrow once said, "Difficulty is the one excuse that history never accepts."

Thank you.●

TRIBUTE TO MAX HARSHMAN

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. WILLIAMS of Ohio. Mr. Speaker, it is an honor to pay tribute to Mr. Max Harshman, who will be awarded the Prime Minister's Medal at the State of Israel Tribute Dinner on Sunday, December 14 at the Squaw Creek Country Club in Youngstown, Ohio. His Excellency Ephraim Evron, Ambassador of Israel to the United States, will make the presentation to Mr. Harshman for his distinguished achievements in creating a better understanding among all men, and for his outstanding support for the economic development of Israel.

The Prime Minister's Medal is conferred on outstanding citizens who have shown, through dedication and commitment, a devotion to community and service to mankind. In bestowing this award to Mr. Harshman, the State of Israel Bonds is recognizing his outstanding achievements in a wide range of areas.

What makes him a truly remarkable human being deserving of the honors bestowed upon him is his long and tireless efforts in behalf of his fellow men. In fulfillment of this role, he has served as past president of Temple El Emeth, B'nai B'rith and North Side Kiwanis, where he now serves on the boards of the organization. In addition, Mr. Harshman is also a board member of the Youngstown Jewish Federation and is a member of the Mahoning Consistory of Freemasonry's Ancient Accepted Scottish Rite.

Max Harshman is truly an outstanding member of the Youngstown community and deserves the recognition he will gain on December 14. I am proud to join his many friends in paying him tribute.●

IN RECOGNITION OF THE NEWLY FORMED RENEWABLE FUELS ASSOCIATION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. DASCHLE. Mr. Speaker, I appreciate this opportunity to bring to the attention of my colleagues who are concerned with this country's energy problem the creation of a new, and I believe badly needed, education and lobbying group designed to advance the broad spectrum of renewable energy technologies, but especially alcohol fuels and gasohol. The name of this new group, whose formation was announced just several days ago at a meeting in Myrtle Beach, S.C., is the Renewable Fuels Association, and its president and chief executive officer will be David E. Hallberg, the former administrative assistant to my good friend and colleague, Berkley Bedell from Iowa, who is known nationally for his strong support for alcohol fuels and other renewable energy technologies.

Mr. Speaker, as one of the cofounders of the Congressional Alcohol Fuels Caucus, a bipartisan group which now numbers nearly 100 Members from both the House and Senate, and as one who is strongly committed to the earliest possible commercializations of renewable energy technologies like alcohol fuels and gasohol as means of improving this country's economic and national security picture, I am pleased to see the creation of the Renewable Fuels Association. I have known Dave personally since he first came to Washington to serve on the staff of Senator James Abourezk of South Dakota, for whom I served as legislative director. Dave is a native of my State, and a resident of Sioux Falls, the largest city in my district, and I have observed his commitment to the promotion of alcohol fuels, gasohol, and the other renewable energy technologies at firsthand during his 4 years as a staff person in both the Senate and the House.

What is most encouraging about this newly formed Renewable Fuels Association is the impressive degree of depth and credibility it has as reflected by its membership at this early stage. A glance down the roster of its interim board of directors underlines the fact that alcohol fuels especially is one renewable energy technology whose time has come, a fact which is recognized by some of the leading names in private industry. Representatives from the private sector investment community include such strong firms as Blyth, Eastman, and Paine, Webber in New York, Transfirst Corp. in Chicago, and Rauscher Pierce Refsnes Leasing, Inc., in Arizona. Engineering and design firms are represented by the Boeing Co.'s Fuel Alcohol Division in Washington, and Davy McKee in Chicago. Producers of alcohol are well represented by Publicker Industries, located in Connecticut, the American Agriculture Foundation in Denver, and the National Gasohol Commission located in Lincoln, Neb. Consumers, marketers, and exporters of the high protein byproduct of alcohol production are also represented on the interim board, thus filling out the broad-based spectrum of representation that is so needed if alcohol fuels and the other renewable energy technologies are to be successful in presenting their case to policymakers in Washington and to the general public.

As a Member of Congress who is committed to bringing independence to this country in the shortest possible time, I am sure that I speak for many of my colleagues when I wish the Renewable Fuels Association the very best of success in pressing the case for alcohol fuels and the rest of the renewable energy technologies.

Thank you.●

SITUATION IN EL SALVADOR

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. BRODHEAD. Mr. Speaker, many of us have long been aware of the deplorable situation in El Salvador. We have urged the administration to reconsider its support of the regime which has presided over the deaths of more than 6,000 civilians in the past year. Despite the sentiment of many people in this country and around the world, the efforts of the Nobel prize-winning human rights organization Amnesty International, and the pleas of the late Archbishop Oscar Romero and the people of El Salvador, our Nation has persisted in its support for the so-called moderate government of El Salvador.

The news of the murder of four American Catholics, three of them nuns, who were working with the poor, is yet another chapter in a saga that cannot end too soon. These women were engaged in a heroic and dangerous mission—an effort to bring some hope and solace to a battered people—and they were cut down by those whose own narrow purposes make no allowance and recognize no value in work that is undertaken in the name of conciliation and understanding.

The responsibility for the death of these four women has not been definitely fixed and probably never will be. However, the recent history of politically motivated violence and abrogation of human rights has spoken for itself—in the murder of Archbishop Romero last spring, the disappearance of other religious leaders in El Salvador, and the massacre of opposition party leaders last week.

The United States may be strong enough to bring about an end to this senseless killing, but we cannot do it unless we make it clear that U.S. aid must not be used to perpetuate the conditions in which that violence is taking place. I know that many of my colleagues share the shock I felt at reading the report of the most recent killings, and I know that this shock has been felt by many Americans. How many more such incidents must take place before the U.S. policy toward El Salvador will change?●

TRIBUTE TO DR. GEORGE O. KOHLER

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. JOHN L. BURTON. Mr. Speaker, recently the San Francisco Federal Executive Board honored an Inverness, Calif. scientist, Dr. George O. Kohler, as the distinguished Federal employee of 1980. Dr. Kohler has been affiliated with the California Science and Education research team of the U.S. Department of Agriculture and has distinguished himself as an outstanding scientist and innovator.

"The Point Reyes Light" newspaper, a Pulitzer prize-winning publication, ran an article on November 6, 1980 about Dr. Kohler and I would like to include it here in recognition of Dr. Kohler's important contributions in the field of agriculture.

FEDERAL BOARD HONORS INVERNESS SCIENTIST

Longtime Inverness scientist Dr. George O. Kohler has been named the professional Federal employee of 1980 by the San Francisco Federal Executive Board.

Kohler, 67, has lived in West Marin since 1958.

He was recognized for a wide range of contributions to the chemistry and technology of field crops during 24 years with the local Science and Education research team of the U.S. Department of Agriculture.

Kohler is credited with developing a dehydration theory over 10 years ago which today more efficiently produces cattle and poultry feed from alfalfa.

He developed a pilot plant in his Albany laboratory and using computers proved the economic benefits of a new dehydration process for alfalfa to reap two protein-rich feeds.

Recently a model dehydration plant was built in Colorado, with the help of the Department of Agriculture and Energy, the first of its kind the this country using Kohler's design.

"There are outstanding opportunities to do long range research like my work with alfalfa in the Federal Government," Kohler explains. "But there is a little too much paperwork for scientists."

The longtime West Marin resident was born in Milwaukee, Wisconsin. He received degrees in organic and agricultural chemistry.

He received his doctorate in biochemistry from the University of Wisconsin.

Among other long range projects, his department is now working on a plan to grow kelp fields in the middle of the ocean. They plan to ferment the kelp and make methane gas from it.

Kohler will retire in January and become a scientific consultant, but will remain at the Department of Agriculture as a honorary scientist.

Dr. Kohler and his wife of 40 years, Christine, have lived in their present Inverness home on Sir Francis Drake Blvd. for seven years.

They have three children: Sylvia Luftig of Point Reyes Station, Cynthia Castner of Napa, and William Kohler who lives in Santa Clara.●

TRIBUTE TO MRS. MARIANNA STANGO RODINO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. MINISH. Mr. Speaker, we were all saddened to learn that Mrs. Marianna Stango Rodino died of a cancerous brain tumor on the morning of December 3. Mrs. Rodino had been suffering from the illness since March 1978. She was 70 years of age.

A life-long resident of Newark, N.J., Mrs. Rodino was very active in Newark community and charity organizations. She was a former chairlady of the Essex County March of Dimes, a member of the St. Gerard Ladies Guild, and A' Kempis Society, the Kessler Institute for Rehabilitation in West Orange, and the Catholic Daughters of America.

Mrs. Rodino, known as Ann, was an avid reader, traveler, and devotee of the opera, which she frequently enjoyed with her husband, Representative PETER W. RODINO, JR. She had private audiences with Popes Pius XII, John XXIII, and Paul XI. One of her most treasured possessions was a Papal rosary given to her by Pope John XXIII.

Mrs. Rodino had traveled to Italy many times and had many friends there. This past July Congressman RODINO visited the small town of Majano, Italy, in the northern province of Udine, a town which was destroyed by earthquakes in 1976, to dedicate a home for the aged that the United States helped to build in her name.

Ambassador Richard Gardner dedicated the Marianna Stango Rodino Center as "a gift of the American people to the people of Majano in Udine, who were stricken by earthquakes in 1976." Mrs. Rodino was too ill at the time to attend the ceremony.

Marianna Stango was born September 8, 1910 in Newark. Her father, Ralph Stango, emigrated from the province of Salerno, Italy to America where he met Marianna's mother, Marie, in Newark. Marianna attended Franklin Elementary School and graduated from Barringer High School in 1927. After graduation she worked as a correspondence supervisor for Prudential Life Insurance Co., Newark.

Ann met PETER RODINO after Mass one Sunday in 1926 on the steps of their church, St. Lucy's in Newark. They were still in high school. They were married on December 27, 1941, after PETER enlisted in the Army to serve in World War II.

On October 25, 1942, a daughter, Margaret, was born to Ann and PETER while he was in Africa serving in the 1st Armored Division of the U.S. Army. Captain RODINO received a telegram reading, "Baby Born." He passed out cigars appropriate for a baby boy but it wasn't until later that he learned he was the father of a baby girl.

On October 3, 1951, Peter III was born.

Margaret (Peggy) married Charles Stanziale of Newark in 1965 and they now have two children, Carla, 14, and Maria Theresa, 6.

After living with her parents on Park Avenue in Newark after the war, the Rodinos moved in 1947 to 205 Grafton Avenue, where they still reside.

When Peter Rodino ran for Congress in 1946, Mrs. Rodino organized the Peter Rodino Ladies Auxiliary, and he has said often that "she is my best campaigner."

During the 1974 impeachment hearings which Rodino chaired in the House Judiciary Committee, Rodino said his wife was "a great source of strength and comfort to me. She has helped me through the most difficult times of my life." After casting his vote to impeach President Nixon, Rodino went into his office and telephoned his wife. He cried. She told him she believed he was "doing the right thing."

When the Federal Government dedicated the Peter Rodino Federal Building in Newark in 1978, the Congressman cited his wife and family as the most important factors in his ability to serve the public. "Without Ann's support and love and understanding, I would not have been able to serve the people of the 10th District and the Nation as I have done," he said.

After becoming ill in 1978, Mrs. Rodino was treated at the National Institute of Health, Columbia Presbyterian Hospital and finally Monmouth Medical Center where she died. During her illness she received many letters and telephone calls from friends and well-wishers, including President Carter and Vice President Mondale.

Along with her husband, children, and grandchildren, Mrs. Rodino is survived by her mother Marie, and her four brothers, Ralph, Nick, Joseph, and George, all of Newark.

The wake will be held on Thursday and Friday at Spatola Funeral Home in Newark and the funeral Mass will be Saturday morning at St. Lucy's Church in Newark. In lieu of flowers, the family request that donations be made to a special fund that will go to the Marianna Stango Rodino Home for the Aged in Majano, Italy.●

LEGISLATION TO AUTHORIZE THE SOUTH DAKOTA MISSOURI RIVER BASIN ECONOMIC MITIGATION PROGRAM

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. ABDNOR. Mr. Speaker, today I have introduced legislation to enable the Federal Government to live up to its longstanding commitment to the people of my State to compensate us for losses suffered for the benefit of citizens in other States.

South Dakota relinquished over 500,000 acres for 4 huge dams on the Missouri River. The primary impetus for construction of these dams was flood control for downstream States. The bulk of the hydropower and navigation benefits go to other States as well.

South Dakota was promised irrigation development assistance to offset the loss of so much land, but the promised assistance has not been forthcoming. The reasons for the delay are both controversial and complex, but this legislation is an attempt to foster some forward movement toward fulfillment of the Federal obligation.

This legislation has been drafted according to Senate Concurrent Resolution No. 8 adopted by the 1980 session of the South Dakota Legislature, setting forth terms for deauthorization of the Oahe unit which would be acceptable to the State.

A summary of this legislation and the text of the bill itself follow:

Section 1 provides for grants to be made by the Secretary of the Interior to the State of South Dakota to prepare plans for projects to mitigate economic losses suffered by the state due to the loss of over 500,000 acres for the Federal Missouri Basin Program.

Section 2 provides for development grants to enable implementation of projects planned under Section 1. The Secretary would approve the projects prior to funding.

Section 3 sets the terms for submission of grant applications by the State.

Section 4 provides for 5 or 10 percent local cost-sharing, as proposed in President Carter's water policy initiatives. It recognizes the local contribution already made by the people of South Dakota, however, and would allow the Secretary to provide 100 percent of the front-end financing for economic mitigation projects for which 10 percent of the cost will be repaid. The State could set a higher level of repayment and would receive any additional revenue generated.

Section 5 provides for the availability to the State of hydropower which was to have been delivered for Federal irrigation projects which were to have been developed in South Dakota under the Missouri Basin Program.

Section 6 provides for deauthorization of the 190,000 acre Oahe Unit, initial stage.

Section 7 limits appropriations for planning and development grants to the amount of the projected cost of completing the Oahe Unit, initial stage.

Section 8 provides for a separate, paralled program for South Dakota Indian Tribes, which lost about 60 percent as much land as other South Dakotans, due to the Federal Missouri Basin Program.

H.R. —

A bill to authorize the Secretary of the Interior to provide to the State of South Dakota funds for the development and implementation of plans for the mitigation of economic losses to the State which have occurred as a result of the taking of land within South Dakota for the Missouri River Basin project, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PLANNING GRANTS

Section 1. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make grants to the State of South Dakota (hereinafter referred to as the "State") to develop plans for the mitigation of economic losses incurred within the State as a result of the taking of land by the United States for the Missouri River Basin project initially authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891).

(b) The grants shall cover the cost to the State of the development of economic development plans for the State or any sector thereof.

(c) The plans should, among other things, provide for the establishment or improvement of commercial, industrial, or agricultural facilities that increase, expand, or protect the economic base of the State and job opportunities in the State, including energy utilization and availability, transportation, community services, community facilities, water supplies, sewage and solid waste management systems, and irrigation.

PROJECT GRANTS

Sec. 2. The Secretary is authorized to make grants to the State to carry out the economic development plans referred to in section 1. A grant may be approved by the Secretary to carry out the plan only after the Secretary reviews the plan and determines that it is economically feasible under the terms of this Act.

APPLICATIONS

Sec. 3. A grant authorized by section 1 or 2 may be made only upon application by the State to the Secretary at such time or times and containing such information as the Secretary may prescribe. No such application shall be approved unless it—

(1) in the case of a grant to carry out a plan, sets forth, in detail, the economic development plan;

(2) provides such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State pursuant to the grant; and

(3) provides for making such reports, in such form and containing such information, as the Secretary may require, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

MAXIMUM DEVELOPMENT GRANTS

Sec. 4. (a) Federal grants under section 2 shall not exceed 95 per centum of the cost to carry out an economic development plan developed by the State under section 1 and shall not exceed 90 per centum of the cost of any economic development plan for which the State requires repayment under subsection (b), except that the Secretary may make available to the State and local sponsoring agencies 100 per centum of the cost to carry out any economic development plan for which the State or local sponsoring agencies agree to repay 10 per centum of the cost.

(b) The Secretary may, if requested to do so by the State, enter into contracts, with the State and local sponsoring agencies designated by the State, for repayment of that portion, as determined by the State, of the total cost of carrying out the plan which is not covered by the grant made by the Secretary. The terms of repayment shall be determined by the State and approved by the Secretary, except that the State may require repayment by local sponsoring agencies of an amount in addition to that required to recover 10 per centum of the cost and such additional amount shall accrue to the State.

AVAILABILITY OF HYDROPOWER

SEC. 5. Notwithstanding any other provision of law, as soon as practicable and during each calendar year thereafter, the Western Area Power Administration shall make available according to the direction of the State not less than 170,200 kilowatts of electric power and shall sell according to the direction of the State not less than 310,800,000 kilowatt hours of electric energy at a price not to exceed the cost of production and transmission of such energy, except that the State may establish a higher price, and any revenues collected in excess of the cost to the Western Area Power Administration shall accrue to the State. To qualify for the receipt of electric power or revenues under this section, the State shall submit to the Secretary a plan for the sharing of any such power or revenues with Indian tribes within the State and, after consulting with such Indian tribes, the Secretary shall determine that such plan provides for the equitable sharing of such power or revenues.

DEAUTHORIZATION OF CONSTRUCTION OF THE INITIAL STAGE OAHE UNIT, JAMES DIVISION, MISSOURI RIVER BASIN PROJECT

SEC. 6. (a) The construction, operation, and maintenance by the Secretary of the initial stage Oahe Unit, James Division, Missouri River Basin project, South Dakota, authorized by the Acts of August 3, 1968 (82 Stat. 624), and October 27, 1972 (86 Stat. 1265), for the purpose of furnishing a surface irrigation water supply and for other purposes, is hereby deauthorized and is no longer an integral physical or financial part of the comprehensive Pick-Sloan Missouri Basin program that was approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented.

(b) Those Oahe Unit works, facilities, and related properties that have been acquired or constructed shall be disposed of by the Secretary according to a plan developed by the State and approved by the Secretary under the authority of this Act.

(c) Those funds previously expended pursuant to authorities contained in the Acts of August 3, 1968 (Public Law 90-453; 82 Stat. 624), and October 27, 1972 (Public Law 92-577, 86 Stat. 1265), shall be charged against the general fund of the Treasury of the United States and shall not be charged against the Pick-Sloan Missouri Basin program, except that all costs assigned to the initial stage Oahe unit which are deferred without interest shall be retained as interest free costs of the Pick-Sloan Missouri River Basin program.

AUTHORIZATION

SEC. 7. There are authorized to be appropriated to the Secretary to carry out sections 1 and 2 of this Act for fiscal years beginning after September 30, 1981, an amount equal to the cost, in current dollars and as calculated by the Secretary, of completing the initial stage Oahe Unit, indexed by the Secretary for inflation.

GRANTS FOR INDIAN TRIBES

SEC. 8. (a) The Secretary may make grants to any Indian tribe within the State for the same purposes and on the same terms as grants may be made to the State under this Act, except that the chairman of any such tribe shall submit to the Secretary an application for such grant. Any grant made to an Indian tribe under this section shall be in accordance with the Leavitt Act (25 U.S.C. 386a).

(b) There are authorized to be appropriated to the Secretary to carry out subsection (a) of this section for fiscal years beginning after September 30, 1981, an amount which does not exceed 60 per centum of the amount appropriated to the Secretary pursuant to section 7.●

FILIPINO WAR VETERANS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. AKAKA. Mr. Speaker, today I am introducing legislation to redress a great injustice against certain members who served in our Armed Forces during World War II. This bill will compensate men in the Philippine Scouts and the Insular Force of the U.S. Navy by awarding them the balance of pay that is long overdue.

These brave men fought and died alongside American soldiers in defense of the Pacific during the war. The history of such famous battles as Bataan, Corregidor, Leyte Gulf, and Mindanao might have been written differently if not for the efforts of the Philippine enlistees. The logistic and intelligence support that these soldiers provided during these engagements was invaluable. Unforturnatly, when it came to compensation for their service, our Government was less than generous in rewarding them.

General MacArthur recruited Filipinos into the Pacific forces because he recognized the importance of supplementing his troops with skilled men familiar with the local terrain. He promised that they would receive equal pay and allowances based upon U.S. pay scales. Despite this pledge, servicemen in the Philippine Scouts and the Philippine Navy Insular Force were paid only one-half of what their U.S. counterparts received. This situation deserves to be corrected by Congress.

This bill only addresses the matter of pay. I am also working on legislation to adjust retirement benefits to reflect full compensation for service during the war.●

POLITICAL SITUATION IN SOUTH WEST AFRICA/NAMIBIA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. SPENCE. Mr. Speaker, it is unfortunate that the American people often hear only one side of a controversial issue or receive a distorted picture of events through inaccurate reporting. The existing, duly elected Government of South West Africa/Namibia feels that it is important for our country to have a clear understanding of the situation prevailing in their country.

I have received a letter from the chairman of the Council of Ministers of South West Africa/Namibia, Hon. D. F. Mudge, with which he forwards a statement issued by all Ministers of the Council deploring the action of the United Nations in recognizing and continuing to support the South West Africa Peoples Organization (SWAPO) against the legitimate interim Government of that nation. The statement characterizes SWAPO as "a Soviet bloc terrorist organization" which engages in terrorist activities against the civilian population of SWA/Namibia. The Council of Ministers points out that the taxpayers of the United States through our contributions to the United Nations are subsidizing SWAPO's terrorist activities.

Mr. Speaker, this is another case where we are helping the enemy of those who profess friendship for our country. These representatives of the legitimate, duly elected Government are anxious for the American people to know more about the political situation in their land. I am pleased to include Chairman Mudge's letter and the statement by the Council of Ministers for the attention of my colleagues:

COUNCIL OF MINISTERS OF
SOUTH WEST AFRICA/NAMIBIA,
December 1, 1980.

Hon. FLOYD SPENCE,
Member of Congress, House Office Building, Washington, D.C.

DEAR CONGRESSMAN SPENCE: I am taking the liberty of forwarding herewith a copy of a joint statement issued by our Council of Ministers recently which fairly presents the political situation as it exists today.

Since coverage in the press as well as action in the United Nations is generally so prejudicial in favor of SWAPO (South West Africa Peoples Organization), I feel that the enclosed statement may be of some benefit to you and your colleagues in evaluating this situation.

Sincerely,

D. F. MUDGE,
Chairman.

Enclosure.

STATEMENT OF THE COUNCIL OF MINISTERS OF SOUTH WEST AFRICA/NAMIBIA

1. The duly elected government of the people of Namibia (South West Africa) are much concerned that members of the U.S. Congress and the American people have an accurate perception of their country.

Namibia is at present a trust territory of South Africa, and has been promised full independence by South Africa. At present we have black majority rule based on a free and fair election, one man, one vote, and universal adult suffrage. We have more local self government than most territories under the U.S. flag, such as the Virgin Islands, Puerto Rico, American Samoa, Guam, and the Trust Territories of the Pacific.

Namibia is about one and a half times the size of Texas, with a population of some 900,000 persons.

First colonized by Germany, conquered by the British in WW I in 1915, then mandated in 1920 to Great Britain as a trust territory, (which mandate was exercised by South Africa), Namibia followed South Africa as a trust territory when that country became independent of Great Britain in 1961.

The United Nations since 1945 has sought to claim jurisdiction over Namibia. The government of Namibia disclaims any authority of the United Nations over Namibia or its people, except as Namibia may otherwise voluntarily agree. Neither the United Nations Charter nor the Covenant of the League of Nations contains any provision for U.N. assumption of authority over a trust territory unless there is an agreement. South Africa has never signed such an agreement.

During the years since the U.N. was founded in 1945, the General Assembly has become dominated by the Third World bloc in close alliance with the Communist bloc. In recent years the General Assembly has helped finance the South West Africa People's Organization (SWAPO), a once useful Namibian liberation movement but now a Soviet-bloc terrorist group murdering and abducting members of the black civilian population of Namibia from privileged sanctuaries in Marxist Angola.

Namibia has vast uranium, copper, zinc and other mineral resources, plus a West Coast deep water port capable of basing Russian nuclear submarines in a position to bisect the oil lifeline from the Persian Gulf to the U.S. and NATO countries. The people of Namibia look on the U.S. as their great and good friend. Like Americans, Namibians want to live in freedom and not under the Soviet yoke. The people of the U.S. have a national security interest in keeping Namibia as a part of the free world, and denying its mineral resources and military potential to the Communist bloc.

Namibia's 50-member National Assembly has abolished all racial discrimination. Namibia's 12 major population groups speak 8 languages and 29 dialects, and are all proportionally represented in the National Assembly. Our people, nearly 90% non-white, have exercised democracy very effectively. Namibia does not intend that the U.N. shall rig an election that SWAPO can win. Namibia will not agree to any U.N. supervised election which is simply a front to legitimize a SWAPO take-over of South West Africa/Namibia for the Soviet bloc.

The Council of Ministers of the Territory of South West Africa/Namibia consists of 12 members elected by the Territory's National Assembly from among its own ranks. It is the effective, executive government of the Territory and in that capacity addresses this statement to the U.S. Congress.

2. The Assembly and Council are at present the only legitimate and duly elected representatives of the people of the country. The people of South West Africa/Namibia, like Americans, claim the God-given and inalienable sovereign right of self-determination. In furtherance of this natural and fundamental right common to all free people, the people of SWA/Namibia on December 4, 1978, went to the polls to elect their own representatives on the basis of universal adult suffrage—one man, one vote for everyone over age eighteen.

3. The overall poll was 80.27 percent of the registered voters who in turn were 93 percent of the estimated number of eligible voters.[1]

These results were achieved despite calls by the South West African Peoples Organization (SWAPO) on their supporters to boycott the election and SWAPO threats that it would physically disrupt the election, attack polling stations and wreak vengeance on anyone voting.

4. Five political parties and groups participated in the election.[2] Some 375 voting places were used of which many were mobile units, covering a total of 1096 points which were manned by approximately 1500 voting officials and vote reporters.

5. Three hundred foreign observers attended the elections, 65 of whom were invited by the Administrator-General to observe the elections, while the remaining 235 were journalists representing newspapers, magazines, radio and television stations from all over the world. According to reports appearing in leading newspapers in the western world, the general consensus of foreign journalists was that the elections had been fair and free, probably more so than any ever held in black Africa and more so than many held in the West. These reports agreed that no effort had been spared to achieve this standard, despite the problems of distance, terrain and an electorate by and large unversed in elections.

6. The election held by the people of SWA/Namibia was the logical outgrowth of a constitutional conference consisting of the leaders of the country's 11 distinct population groups which first sat in 1975 to decide on the political future of SWA/Namibia.

The population of SWA/Namibia is heterogeneous and consists of various population groups. These at the Owambos (46.7 percent), the Whites (10.9 percent), the Damaras (8.8 percent), the Hereroes (7.5 percent), the Kavangos (6.6 percent), the Namas (4.4 percent), the Coloureds (3.8 percent), the East Caprivians (3.4 percent), the Bushmen (3 percent), the Rehoboth Basters (2.2 percent), the Tswanas (0.05 percent), and other groups totaling 2.3 percent. Most of the groups have their own languages. The numerically predominant Owambos comprise seven different tribes and have two different languages. Each group has its own traditions and its own culture. These diversities are a factor which cannot be ignored. They must be taken into account in the structure of government. Nevertheless, it is the SWA/Namibia Government's declared policy and goal to build up a cohesive national unity while recognizing the diversities which exist. And all of the groups, including the Whites, support the independence of SWA/Namibia as a unitary state.

7. The composition of the Council of Ministers reflects the various population groups, and is made up of the following persons: D. F. Mudge, Chairman (White), Dr. B. J. Africa (Baster), Mr. E. Christy (Damara), Mr. T. Imbili (Wambo), Mr. J. Julius (Coloured), Mr. P. Limbo (Caprivian), Mr. D. Luipert (Nama), Mr. W. Neef (White), Mr. R. Ngondo (Davango), Mr. G. Kasche (Bushmen), Mr. K. Riruako (Herero), and Mr. G. Tibinyane (Tswana).

8. The people of SWA/Namibia love their country. The various population groups with their different cultures, ethnic origins, family structures, languages and social patterns are nonetheless bound together in a truly representative and democratically elected government. The people, through the structure of a National Assembly duly elected on the basis of universal adult suffrage, have exercised their sovereign power to legislate an end to racial discrimination, and a beginning for educational and economic equality of opportunity. The strength of the National Assembly and the Council of Ministers lies in the fact that all population groups are represented, share power, join in decision making and the establishment of policy. In short, our heterogeneous society has found that the common denominator of shared power works for the common good of all. We would hope that the U.N. would get SWAPO off our backs so we can continue on the road to full independence and international recognition in freedom, not under Soviet domination.

9. The National Assembly makes the laws of the country, and it is the responsibility of the Council of Ministers to see that those laws are put into practice. The present structure is an interim government, pending the time when a United Nations supervised election based on the conditions agreed to between the Republic of South Africa and the five Western members of the U.N. Security Council in April 1978 becomes possible. The National Assembly has agreed to and supports that goal. However, as long as the U.N. insists that SWAPO is the sole and authentic representative of the people of SWA/Namibia, and as long as SWAPO continues its terriost activities with the support of the Soviet-bloc against the Black civilian population of SWA/Namibia, it does not seem likely that any election could be fair and free or conducted in accordance with the settlement proposal agreed between South Africa and the United Nations and concurred in by the South West Africa/Namibian leadership.

10. The people of SWA/Namibia are growing increasingly impatient about the delay along the path to full independence and recognition of the country's sovereignty by the community of nations.

11. Were it not for the biased and partial support for SWAPO by the United Nations, the people by now would be much nearer their goal of full independence and international recognition.

12. The General Assembly of the United Nations in December of 1976, in defiance of reality and in violation of the U.N. Charter, adopted a resolution designating SWAPO as the "sole and authentic representatives" of the people of SWA/Namibia. In fact, SWAPO is a Soviet-bloc terrorist organization which represents no one but the leaders who established it as a means of organizing aggression against the civilian population of Namibia. Since 1976 the U.N., through various of its agencies, has contributed millions of dollars to SWAPO, which uses these funds to finance its terrorist activities in murdering and abducting members of the Namibian black civilian population living in the northern part of the country adjacent to the southern border of Angola, which is itself in the iron grip of a Soviet-bloc Marxist government. It is the United Nations which finances the offices of SWAPO in New York, London and elsewhere and which, through the rabidly pro-SWAPO's United Nations Council for Namibia, mounts and pays for SWAPO's massive propaganda campaign throughout the world.

13. The tragedy is that American taxpayers are underwriting 25 percent of the assessed and voluntary contributions made by the United States to the United Nations. Thus, American dollars are being used by SWAPO, a Soviet-bloc "running dog" terrorist organization, to kill and maim the black civilian population of SWA/Namibia. This is hardly the kind of political activity deserving the support of either the U.N. or U.S. taxpayers. SWAPO has a long history of announcing its goal as the take-over of Namibia by force, not by democratic procedures.

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[1] The total population was estimated at 985,000 persons of which 443,441, were qualified as being old enough to vote. The number of registered voters was 412,448, or 93.01 percent. Of the registered voters, 331,055 (80.27 percent) cast their votes in the election.

[2] Of the five political parties participating in the election, the Action Front received 38,716 votes, and won six of the 50 seats in the National Assembly. The Democratic Turnhalle Alliance (DTA) received 268,130 votes and won 41 seats. The Refounded National Party (NHP) received 5,781 votes and was allocated one seat. The Liberation Front (LF) received 4,564 votes winning one seat, and the Namibia Christian Democratic Party (NCDP) received 9,973 votes, receiving one seat, making a total of 50 seats.

14. The people of SWA/Namibia are grossly disappointed in the course the United Nations has followed with respect to their country. According to the U.N. Charter its purpose is "to promote universal respect for, and observance of, human rights and fundamental freedoms for all * * *." Support of SWAPO and its leader, Sam Nujoma, is totally inconsistent with the U.N. Charter provisions. Mr. Nujoma has not been in SWA/Namibia for 20 years. He is the commander of the terrorist guerrilla forces now committing murder and abduction against the black civilian population of SWA/Namibia, under the guidance and training of Russia. Virtually all weapons employed by SWAPO in its attacks are Russian weapons, including land mines, heat-seeking rockets, machine guns, rifles, and other deadly weapons. The transport and trucks used by SWAPO are Russian. Mr. Nujoma travels periodically to Moscow, as recently as August 1, 1980, to receive further funds and instructions with respect to the Soviet effort to take over SWA/Namibia. U.N. support of SWAPO is both illegal and unconscionable.

15. The important fact is that today the government administration of SWA/Namibia is not only for the people of the country, but it is now run by the people of the country. SWAPO's armed struggle and terrorist tactics, apart from the fact that SWAPO is a Soviet-bloc surrogate, have become senseless. SWAPO has always campaigned for SWA/Namibia to be governed by Namibians. The country now *is* governed by Namibians. Whatever grounds SWAPO might originally have had for its opposition to the then established order, these grounds have now disappeared. The National Assembly and the Administrator General have legislated to abolish all forms of racial discrimination, have established a multi-racial SWA/Namibian civil service, have introduced equality of salaries and wages based on qualifications, have rescinded laws which once restricted the freedom of movement of certain groups, have initiated a system of land reform, have introduced uniform syllabuses for all schools in the Territory, have considerably extended health service, have embarked upon an intensive programme for the provision of housing—to mention but some examples of the changes that have taken place and are still taking place.

16. Nor is it necessary for SWAPO to fight for independence. South Africa has already agreed to independence for the Territory just as soon as free and fair elections are held and the elected leaders agree on a Constitution. SWAPO would do well to join in this process of peaceful and orderly change. Its continued violent opposition to what is happening in the Territory today can only be seen as a desperate and naked bid for power at any cost irrespective of the wishes of the people of the Territory.

Indeed all that SWAPO is now doing, in effect, is blocking SWA/Namibia's path to full independence and recognition of the country's sovereignty by the community of nations.

17. Like SWAPO, the United Nations has refused to recognize and to adjust to the considerable changes that have taken place in the Territory. It continues to provide financial and political support to SWAPO, and as long as it does so, it will be exceedingly difficult for the duly elected national Assembly and Council of Ministers to participate in any United Nations supervised election. Such an election would not be free and fair, and would be tilted toward the advantage of SWAPO. That is not acceptable to the Namibian people, who insist on exercising their own independent and God-given natural right to self determination free from domination or unfair influence by the United Nations, South Africa, SWAPO, or anyone else.

18. The Namibian people would hope the five western nations who sit on the U.N. Security Council will join with the duly elected National Assembly and Council of Ministers in accelerating our common goal of full independence, and recognition of the country's sovereignty by the community of nations.

19. More especially, the Namibian people hope the western members of the U.N. Security Council will exercise their influence to end the sanctuary in Angola which SWAPO now enjoys for its guerrilla bases. From these Angola bases SWAPO terrorists launch stealthy night-time raids across the border into SWA/Namibia and retreat before daylight back to safety across the Angolan border. U.N. condonation and financial support for such SWAPO tactics should outrage the sensibilities of civilized humans everywhere, particularly in the U.S. We call on world opinion to support us in asking the U.N. to cease and desist from further support for SWAPO and we urge the U.S. Congress to use its influence in this direction.●

HEALTH SCIENCES PROMOTION ACT

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. HOPKINS. Mr. Speaker, yesterday the House agreed to the conference report on S. 988, the "Health Sciences Promotion Act of 1980." The purpose of this bill is to extend the authority of our National Institutes of Health, one of the finest biomedical research institutions in the world.

While I did not oppose the conference report, I would like to note my disappointment that the final bill did not include an amendment which was unanimously approved on the floor of the House. This amendment would have directed the National Institute of Arthritis, Metabolism, and Digestive Diseases to conduct a clinical investigation of DMSO (dimethyl sulfoxide). In expressing my disappointment, I speak not only for myself, but also for the 31 million Americans, of all ages, who suffer from the crippling disease of arthritis.

When I offered this amendment, which was accepted on all sides, I stressed that clinical studies are needed to determine once and for all whether or not DMSO is the ray of hope for which millions of those suffering chronic pain are praying. I stressed that these studies are needed in order to dispel the false hopes and false claims regarding DMSO which are mounting daily.

Although the House accepted my amendment, it was not included in the final conference report. I am aware of many of the difficulties which conferees on this bill faced, including major differences between the House and Senate passed bills. I continue to maintain, however, that now is the time for a study by our Nation's experts to determine the value of DMSO as an arthritis relief remedy.

In closing, I want to express my appreciation for their assistance to Aging Committee Chairman CLAUDE PEPPER and Dr. Stanley Jacob, and also to the more than 100 Members who cosponsored H.R. 7023, directing that the Arthritis Institute conduct clinical studies of DMSO. I appreciate your support for my efforts and share your determination to finally resolve the dilemma of DMSO.●

TRIBUTE TO MORGAN MURPHY AND BENNETT STEWART

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. RAHALL. Mr. Speaker, when the 97th Congress convenes next January, the Illinois congressional delegation will be missing two of its Members, MORGAN MURPHY and BENNETT STEWART. I would like to take this opportunity to thank them for their past service, and to wish them both well in the future.

For 10 years, MORGAN MURPHY has represented the Second District of Illinois. This area of Chicago is the heart of the city's heavy industry and has been ever since the industrial revolution came to the Midwest. It is a hard-working district, and its Congressman has throughout his career been just that—hard working.

As a ranking member of the Rules Committee, and as a member of the House Intelligence Committee, MORGAN MURPHY has been a leader in this body and well respected by his colleagues.

As a former alderman in the city of Chicago, BENNETT STEWART came to Congress 2 years ago well versed in representative government. He knows public service from the grassroots, and his dedication and concern for the individual problems of the residents of the First District has won him praise in this body and at home.

Both of these men, Mr. Speaker, signify what is so great about this House. They have indeed been "representatives," and their concept of public service is one that must continue, so we can remain an effective body dealing with the concerns of our districts.●

CONGRESS MUST TAKE THE LEAD ON IMMIGRATION REFORM

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. COELHO. Mr. Speaker, a recent Gallup poll, the results of which were released last Friday, showed that 3 out of every 4 adults in this country favored a law which would make it illegal to employ a person who entered this country illegally. The poll also showed that 62 percent of the American public would support a requirement that all citizens and permanent aliens carry an identification card so that prospective employers would be able to distinguish between illegal aliens and legal jobseekers.

An October Roper poll, conducted before the Presidential debate, showed illegal immigration and refugees sixth on a list of 18 issues the public wanted discussed in the debate, higher than cutting income taxes and higher than foreign policy. Immigration showed three times the public interest the ERA did. Nonetheless, immigration was not discussed in the debate and neither Presidential candidate addressed the issue in any depth during the campaign.

Since neither President-elect Reagan nor Vice President-elect Bush has a history of concern with immigration issues, we must assume that immigration will not automatically be a priority of the new administration.

It is a priority with the American people, as the recent Gallup and Roper polls have shown and it will be up to the 97th Congress to take the lead on immigration reform. The Select Commission on Immigration and Refugee Policy will issue its long-awaited report in March, and Congress should then move quickly to begin to bring immigration policy back under control in accordance with the wishes of the American people.

I commend to my colleagues' attention the following article on the Gallup poll which appeared in the Chicago Sun-Times, Sunday, November 30, 1980:

Ban Favored on Hiring Aliens Illegally in United States

Princeton, N.J.—U.S. citizens take a hard line toward illegal aliens, with three out of every four adults (76 percent) favoring a law that would make it illegal to employ a person who has entered the United States without proper papers. Majorities in each region of the country favor such a law.

The results reported Friday closely parallel those recorded in October 1977, when 72 percent favored such a law.

In addition, 62 percent of the public supports a proposal requiring all U.S. citizens and permanent resident aliens to carry an identification card. This would make it possible for prospective employers to distinguish illegal aliens from legal job-seekers.

A proposal by President Carter to grant permanent-resident status to all aliens who entered the United States illegally and have been in the country for seven years was opposed 52-37 percent.

Here are the results by groups:

BAN ON HIRING ILLEGAL ALIENS

	Should be	Should not be	No opinion
Whites	77	18	5
Non-whites	67	21	12
College	80	16	4
High school	77	18	5
East	74	19	7
Midwest	79	14	7
South	75	19	6
West	73	23	4
White collar	77	19	4
Blue collar	76	17	7
Skilled	79	16	5
Unskilled	74	18	8

EVERYONE REQUIRED TO CARRY AN IDENTIFICATION CARD

	Should be	Should not be	No opinion
Whites	61	34	5
Non-whites	66	21	13
College	44	52	4
High school	68	27	5
East	56	39	5
Midwest	63	30	7
South	69	26	5
West	58	37	5
White collar	47	50	3
Blue collar	71	25	4
Skilled	66	32	2
Unskilled	75	18	7

ALLOW ALIENS HERE 7 YEARS TO REMAIN

	Favor	Oppose	No opinion
Whites	36	54	10
Non-whites	45	37	18
College	38	53	9
High school	35	56	9
East	41	47	12
Midwest	31	58	11
South	37	51	12
West	42	51	7
White collar	39	54	7
Blue collar	37	52	11
Skilled	36	55	9
Unskilled	38	49	13

Mexican nationals are by far the largest group of illegal immigrants in the United States, with estimates of their numbers ranging from 500,000 to as many as 4 million.

The results are based on in-person interviews with 1,556 adults, conducted in more than 300 scientifically-selected localities nationwide during the period Nov. 7-10, 1980.

For results based on a sample of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be three percentage points in either direction.●

TRIBUTE TO RAY ROBERTS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JENKINS. Mr. Speaker, it has been a rare privilege and certainly one of the real pleasures of my congressional experience thus far to have been able to know and work with Ray Roberts.

The multifaceted accomplishments and contributions of Ray Roberts while a Member of this body have been numerous and far reaching. He has transformed his commitment to those who have served our country militarily into solid legislation and positive programs which will benefit our Nation's veterans for years to come. As chairman of the House Committee on Veterans' Affairs, he has emerged as a strong and viable leader during a time of unprecedented budgetary restrictions. His record of achievement in all aspects of veterans' programs, from education, to employment, to housing, to medical care, will long stand as testimony to the vision of Ray Roberts as well as his ability to operate within the confines of reality and practicability.

This capacity to incorporate farsighted goals into the solutions to today's problems is also apparent in this man's work as ranking member of the House Public Works and Transportation Committee. As chairman of the powerful Water Resources Subcommittee, Ray Roberts, always in the vanguard, has been indispensable to his home State of Texas. In fact, probably no one has meant more to the Southwest in assuring that essential water needs are continued to be met.

Ray Roberts has enjoyed a successful professional career and a distinguished public service career. The U.S. House of Representatives has benefited from his membership as have the citizens of the Fourth District of Texas and the entire State of Texas. Without doubt, his creative and forceful influence have been and will continue to be felt by almost every American citizen.

The foresight, the energy and the ability of Ray Roberts will be missed here. Also, the man himself will be missed. He has been generous with his time and his knowledge gleaned from years of experience in the legislative arena. He has counseled and assisted. He has been a friend.

To Ray Roberts I extend my best wishes for continued good health, happiness, and many, many enriching years of productivity ahead.●

REGULATORY NEGOTIATION: DOING IT WITHOUT GOVERNMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. PEASE. Mr. Speaker, it is time for the Congress to reexamine Federal regulatory policymaking. Business, industry, labor, environmental, and consumer groups, given the proper setting, can reason together to develop fair, safe, economical rules and regulations.

Recently I introduced a bill, H.R. 8240, which would create the opportunity for such groups to negotiate mutually agreeable rules and regulations free from Government interference. The concept behind my bill is summarized in the following article from the October 25 issue of the National Journal.

Under my bill, a pilot project would be created to encourage the voluntary formation of regulatory negotiation commissions. Each commission would be composed of balanced interest groups with vital stakes in the public policy area under review. Labor, industry, and environmental groups, along with State and local officials, would be brought together to develop recommendations on what regulatory policy should be.

The chairman of the administrative conference would be assigned the responsibility of overseeing the creation of the regulatory negotiation commissions. A total of $1.4 million would be provided the chairman over a 2-year period to underwrite the costs associated with the creation and operation of the commissions. This expenditure would be a real bargain in relation to the costly Federal litigation it would forestall. The availability of grants up to $250,000 per commission would be announced in the Federal Register for the policy areas of health, safety, and the environment where rules and regulations are either (1) about to be established; or (2) about to be substantially revised. At that point, the affected interest groups, whether public or private, could be enticed to sit down together on a regulatory negotiation commission before they have assumed irreconcilable positions.

Federal agency participation would be limited to observer status in the operations of the regulatory negotiation commissions. Government officials could provide information helpful to the deliberations, but none could actually participate or vote in the negotiation proceedings. Once the ingredients of a proposed regulatory policy had been agreed upon by the commission, then the pertinent Government agencies would have 60 days to comment on the recommendations.

In the next few years, several major regulatory policies must be shaped concerning automobile emissions, the impact of water and air quality regulations on the steel industry, and the more effective management and containment of chemical wastes. Then 10 regulatory negotiation commissions authorized by my bill could have a substantial impact. In fact, the lawsuits they will eliminate the need for would alone justify their cost in my estimation. Is it not about time we try an approach that could prevent regulatory logjams rather than attempt to make sense of them afterward?

When I reintroduce this legislation in the 97th Congress, I hope it will receive the careful consideration I believe it merits.

[From the National Journal, Oct. 25, 1980]

ENERGY FOCUS—DOING IT WITHOUT THE GOVERNMENT

(By Christopher Madison)

At a time when most attention—and despair—are focused on established political institutions and processes, it is more encouraging to notice and celebrate efforts at problem solving that have sprung up outside traditional channels. The National Coal Policy Project is such an effort and, because it will soon go out of business after four years, a look back at what has been accomplished is worthwhile.

When the energy crisis collided with the environmental movement in the 1970s, coal was the natural battleground. You couldn't dig it, transport it or burn it without generating controversy. The dilemma was particularly poignant when you realized that coal was, after all, the nation's most abundant energy resource. What could be more appropriate for a harmless giant of a nation than to be so stymied by conflict that it couldn't use its own resources and had to turn to imports, ruining its economy in the process?

The National Coal Policy Project was an effort to transcend the interest-group thinking and posturing that had become second nature to the industry and the environmentalists. It was conceived by Gerald L. Decker, corporate energy manager at Dow Chemical Co., who with his industrial colleague realized that the nation had to use its coal but could do so only if there were peace between the industry and the environmental community.

Decker's environmental counterpart was Laurence I. Moss, a past president of the Sierra Club. Eventually, about 70 persons participated in the project, which was organized by Georgetown University's Center for Strategic and International Studies and financed by foundations and a few government grants.

The notion behind the project was simple. Activists on both sides of the coal issue were weary of the adversary process in the courts and administrative agencies, where most of the energy-environment conflicts ended up. The adversary forum, they realized, forced them to take positions they weren't always comfortable with. As Francis X. Murray, the project's executive director, told the Senate Select Small Business Committee last summer: "Our energy and environmental problems would seem to cry out for more cooperative approaches and a need for a sense of national consensus. Our adversary system seems poorly suited to engender more constructive attitudes." So the industry and environmental representatives agreed to meet in an informal setting and attempt to find consensus and solutions to the thorniest coal issues and problems.

They were guided by a set of negotiating principles known as the "rule of reason," a program developed by Milton R. Wessel for lawyers frustrated by traditional litigation. These principles state that the participants shouldn't use delaying tactics, withhold information or attempt to mislead each other. Dogmatism is also to be avoided.

The participants formed task forces on the major coal issues, which met regularly through 1977. The result, published in 1978, was "Where We Agree," a 900-page report containing the project's policy positions and recommendations on the major issues.

There are, among the recommendations, some surprising concessions by both sides. The environmentalists, for example, agreed that the free market should replace government regulation of energy pricing wherever possible. They also agreed, after years of strategic delay over the siting of power plants, that such decisions should be expedited, as long as efforts are made to build the plants where the energy is consumed rather than in remote areas where the coal is mined. These last two points represent industry concessions. Others include agreement that sensitive areas shouldn't be mined unless reclamation techniques are developed and that major production increases should come from the deep mines of the East as well as the strip mines of the West.

You would think that negotiating 900 pages of agreements would be the most difficult part and that it would be relatively easy, given the fact that a constituency has been developed, to put some of the recommendations into practice. Happily, this turned out to be true in at least a few cases. On surface mining regulations, the Interior Department has adopted some of the project's recommendations, albeit without giving the project credit. The Federal Energy Regulatory Commission was more direct, inviting members of the project to participate in its effort to remove regulatory barriers to co-generation—the use of byproduct heat or steam for further manufacturing processes—and drafting the regulations along the lines suggested by the project.

Members of the project couldn't work miracles, however. Its mining task force, which found itself dissatisfied with the Carter Administration's new coal leasing program, devised a new system and circulated it for comments. The reaction was negative from all sides, and the recommendations will be put on the shelf. The air pollution task force was unable to resolve a number of issues, even though there was general agreement that the Clean Air Act regulatory scheme doesn't get at the real problems, such as acid rain. So for the moment they have decided to live with the scheme because it is known, rather that risk the unknown.

Some of the project's most important accomplishments may come only after it has been disbanded. Just before Congress recessed for the election, several bills were introduced, with impressive bipartisan support, that are major recommendations of the task force. One would set up experimental "regulatory negotiation" panels, patterned after the coal project, that would try to resolve other major regulatory disputes in an informal setting. Others would encourage development of experimental pollution control systems through the use of exemptions from the existing regulations and mandate the expedited siting of coal-fired plants.

It will be up to the next Congress and President to determine what happens to these proposals. But already, something interesting has happened: people have attempted to solve their problems without resorting to the government.●

TRIBUTE TO SAM DEVINE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GOODLING. Mr. Speaker, I have just been reviewing the list of our colleagues who will not be returning to Congress for the 97th session and as my glance fell down the page it caught on the name of Sam Devine.

Here was both a name and a reputation that had come to represent one of the more dominant figures in the House for the 11 years in which he served. Here too was a person whose selflessness and energy inspired others and whose advice and wisdom I would personally turn to again and again. Why, I remember when I was first elected to Congress and my own father advised me to keep an eye on Sam because his initiatives were well-known for the sound reasoning on which they were based.

Dad and SAM had always been fast friends and earnest colleagues during the years my father served Congress, and I was soon to find out that the wonderful characteristics that my father had valued were soon made available to me as I began my way 6 years ago as a freshman Congressman.

Since that time I have had the distinct pleasure of working with SAM on the Republican Conference and was quite pleased when he was elected chairman in June 1979—a finer man for the position would be hard to find.

The relationship that the Goodling family had with SAM DEVINE will certainly be missed on both a personal and a professional level and I would just like to take this opportunity to salute the man and the many valuable achievements he has accomplished in his service to our country.●

AGENTS' IDENTITIES BILL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. EDWARDS of California. Mr. Speaker, H.R. 5615 will not come to a vote this year. Apparently, the press of other business in the lameduck session makes it impossible for us to consider this controversial legislation. However, public concern over this bill has not diminished, as numerous newspapers and press groups around the country continue to speak out, particularly against section 501(c) of the bill. That is the section that make it a crime to disclose any information which identifies a covert intelligence employee, informant, or source of operational assistance, even if the information disclosed is not based on classified material.

As an example of this public concern, I call your attention to the following editorial from the Chiristian Science Monitor.

[From the Christian Science Monitor, Nov. 20, 1980]

SPY YARN WITH A FIRST AMENDMENT SNAG

If you are a devotee of spy novels—say Helen MacInnes or John LeCarre—consider the following: An American investigative reporter exposes bribes by a high-ranking US official to a business executive in a foreign nation. After the story is published, the reporter makes a chilling discovery: The bribery was undertaken to obtain vital intelligence information. What first seemed petty graft turned out to be something far different.

We cite this hypothetical case because of the controversial Intelligence Identities Protection Act now winding its way through the US Congress. The legislation could impose profound, and dangerous, restrictions on constitutionally guaranteed rights of free speech and a free press within the United States. In the above example the reporter writing the story could actually be guilty of a serious national security infraction, notwithstanding his unearthing of graft.

At issue is a difficult problem. How does a free society go about protecting the identity—and safety—of its covert intelligence agents while at the same time preserving freedom of speech and publication? A proper balance of interests is the key. The founding fathers, it must be noted, were explicit in their endorsement of maximum freedom of expression in the First Amendment to the Constitution, which says that Congress shall make no law "abridging the freedom of speech, or of the press. . . ." By enacting legislation along the lines of the identities act, Congress could undermine the First Amendment guarantees that have so long differentiated the US from other nations.

The legislation (as now being weighed by lawmakers in both the Senate and House), would impose severe criminal sanctions for exposing undercover US intelligence operatives. A particularly disturbing aspect of the act is that it would impose criminal sanctions on any *private* citizen who publicly identifies a covert US agent. The criminal liability would accrue even if the citizen used merely public information or private sources, as distinct from classified or official documents. To ease the impact of this provision on the press, the legislation provides that the disclosure by a private citizen is a crime if made "in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States. . . ."

We agree with those civil libertarians, press organizations, and concerned lawmakers who do not find the latter provision an adequate legal "safe harbor" against the possibility of retributive or restrictive measures against the news media. Such measures could be taken either by an administration overzealous in its pursuit of "national security" or, worse still, by an administration tempted to cover up wrong-doing under the guise of protecting covert agents. The effort of the Nixon administration to hide Watergate malfeasance behind a national security cloak is an instructive reminder of what officialdom is capable of.

However, we are not unmindful of the legitimate security questions involved—and the need for the highest sense of responsibility on the part of news media. It is reprehensible that there are those within the press who would knowingly identify the names of US intelligence agents without taking into account what disclosure might mean to the lives of those individuals.

But Congress must be careful not to write into the statute books absolute restrictions closing off to public comment any type of identification of intelligence agents. It is up to intelligence agencies, after all, to do a better job of providing cover for their operatives.

There should be no tampering with the First Amendment, a constitutional guarantee that helps ensure national security in the most fundamental sense—the security deriving from freedom and the responsible exercise of it.

In addition, distinguished law professors from all across the country have criticized section 501(c) as being both unwise and unconstitutional. Perhaps the sharpest and most succinct of these criticisms came from Philip B. Kurland, professor of law at the University of Chicago and one of the Nation's leading constitutional scholars. His comments are contained in a letter to Senator EDWARD KENNEDY, chairman of the Senate Judiciary Committee, regarding S. 2216, the Senate companion bill to H.R. 5615.

Mr. Speaker, I recommend this letter to the attention of all our colleagues.

SEPTEMBER 25, 1980.

Hon. EDWARD KENNEDY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: In response to your request, I can frame my opinion on the constitutionality of Sec. 501(c) very precisely. I have little doubt that it is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published can be valid. Although I recognize the inconsistency and inconsistency in Supreme Court decisions, I should be very much surprised if that Court, not to speak of the lower federal courts, were to legitimize what is, for me, the clearest violation of the First Amendment attempted by Congress in this era.

With all good wishes,

Sincerely yours,

PHILIP B. KURLAND.●

TRIBUTE TO HON. TIM LEE CARTER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I want to join my colleagues today in special tribute to my neighbor from Kentucky, Dr. TIM LEE CARTER. It is with regret that I heard of his retirement several months ago, and it is with sadness that I see him leave us.

I think I hold something that is very dear to me in common with TIM LEE CARTER—we both come from a small town—and one of the things that has always impressed me about him was that he seems to have never forgotten where he came from and why he is here. He has sought to represent his district and has done so very well.

We are all going to miss his insight and experience with health issues that have come before this body. I have always sought his advice and counsel on those important issues and his comments did not prove wrong.

I have enjoyed serving in this body with TIM LEE CARTER and I hope that he will enjoy a happy and fruitful retirement as he leaves the House of Representatives.●

THE BREMER FOUNDATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FRENZEL. Mr. Speaker, today I am introducing a bill which is designed to correct an oversight in the Tax Reform Act of 1969 that could have the undesirable consequence of forcing the dissolution of one of the largest and most generous foundations in Minnesota, the Otto Bremer Foundation.

The Otto Bremer Foundation is a private foundation, and it is also a bankholding company. It is the only private foundation in the country to have this dual status. Due to its unique status, the foundation has been required to enter into complex negotiations with the IRS in order to insure that it is in compliance with all of the provisions of the 1969 act. For the most part, these negotiations have gone smoothly, and the foundation has gone to great lengths to keep the negotiations on the right track. Unfortunately, the foundation and the IRS have thus far been unable to determine the value of the foundation's assets for the purposes of section 4942 of the Internal Revenue Code of 1954, as the code did not make any provisions for a foundation with the Bremer Foundation's unique dual status.

Under section 4942, a private foundation is required to distribute the greater of its adjusted net income, or 5 percent of the fair market value of its assets. As the foundation's adjusted net income has been less than the 5-percent figure, the foundation has been paying out the latter amount. In this case, the value of the foundation's assets, the banks which make up the bank holding company, was determined by capitalizing the net income derived from such assets at a 6-percent-capitalization rate.

However, the IRS has inexplicably opposed this method, and wants to value the foundation's assets by computing their market value were the banks to be sold off individually. This is an unrealistic demand, as it incorrectly treats all of the banks as separate entities, when they are in fact not. They are a part of a complete banking system, and should be treated as such.

In addition, the IRS's method of valuation would place the bankholding company in direct conflict with the various bank regulators, who require that all banks maintain a sound capital position. The foundation currently maintains a very sound dividend policy, a policy which would be jeopardized if the banks were forced to significantly increase their dividends in order to meet the IRS's unreasonable demand for an increased payout.

My bill would correct this flaw in the current statute by permitting a foundation—which is also a bankholding company—to capitalize its assets at 6 percent. This would permit the Bremer Foundation to continue to meet all of its generous charitable commitments, and to maintain sound banking policies, while at the same time meeting all of the requirements set forth by the minimum payout provisions of section 4942 of the Internal Revenue Code. A copy of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 with respect to the valuation of bank holding company assets for the purpose of determining the amount certain private foundations are required to distribute

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Special Valuation for Bank Holding Company Assets.

(a) General Rule.—Subsection (e) of section 4942 of the Internal Revenue Code of 1954 (defining minimum investment return) is amended by adding at the end thereof the following new paragraph:

"(3) Special valuation.

"(A) In general.—For purposes of paragraph (1)(A), in the case of a private foundation which is a bank holding company and which has a substantial portion of its assets consisting of securities in—

"(i) banks,

"(ii) bank related companies, or

"(iii) a bank holding company,

the private foundation shall have the option of valuing the banks and bank related companies which are owned in whole or in part by the private foundation (or by any bank holding company in which the private foundation owns securities) by capitalizing the dividends paid by the banks and bank related companies at a capitalization rate of 6 percent.

"(e) Definitions.—For purposes of this paragraph—

"(i) Bank related company.—The term 'bank related company' means any corporation or company which may be acquired by a bank holding company under the provisions of paragraph (1) or (8) section 4(c) of the Bank Holding Company Act of 1956 as amended.

"(ii) Bank holding company.—The term 'bank holding company' has the same meaning as when used in the Bank Holding Company Act of 1956."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1971.●

TRIBUTE TO ROSA PARKS

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MATTOX. Mr. Speaker, I want to join my colleagues this week in honoring Rosa Parks, whose actions 25 years ago turned a burning magnifying glass on racial discrimination.

There are many examples of courage in nature: The mother bird fiercely defending her babies in the nest; the wolf, closest to man in the social sense, struggling to drag meat home to share with his family. Animals can be remarkable for their selflessness. But only man is capable of the highest kind of courage, and that is courage guided not by instinct but by thought. It is the courage that recognizes all the possibilities, then consciously decides on a dangerous course of action as the only course of action that is honorable.

That is the kind of courage that Rosa Parks displayed 25 years ago, when she refused a Montgomery bus driver's order to give up her seat to a white man. It is true she was tired after working all day, too tired to want to get up. She was also tired of injustice, and going along with a way of life that was morally wrong at its roots. Rosa Park's quiet defiance eventually taught us that we are all victims if we are afraid to speak out when human beings are systematically denied their inherent dignity.

This week of the 25th anniversary of Rosa Park's action is a fitting time to remind ourselves that the fight against injustice and discrimination is not over. The Civil Rights Act of 1964, strengthened in the House by the Fair Housing Act Amendments of 1980, and the Voting Rights Act of 1965, are being directly threatened. In the spirit of Rosa Parks we must continue to defy those who would tear down, in a burst of reaction, the laws designed to insure equal rights for all.●

CHARITY WORKERS DESERVE EQUAL TAX TREATMENT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. GINGRICH. Mr. Speaker, across the land, volunteers give time and talent to those in need. People, in the spirit of charity, are lending themselves to the sick, the hungry, and the lonely.

To visit their needy fellows, these volunteers use their personal cars, which means they need gasoline. But, the rising price of gas is making their benevolence cost-prohibitive. The good natured are simply unable to afford their own goodwill.

This circumstance is an utter shame. Further, it is our moral duty to correct the present inequity.

H.R. 5409 will do just that. Quite simply, H.R. 5409 will allow volunteer drivers to take the same deduction for mileage as business drivers.

Currently the bill has 192 cosponsors in the House. The measure has widespread support because it makes commonsense. I would like to see this bill reintroduced in the upcoming session.

Under the present law, volunteer drivers may deduct only 8 cents per mile driven from their taxes. At the same time drivers of automobiles used for a business are credited with 18.5 cents per mile. Obviously, it costs the same to run a volunteer's car as it does a commercial one. So why are we punishing the charitable volunteers?

Dozens of national organizations support H.R. 5409, from the Red Cross to the American Legion. Citizen participation activities as varied as Meals on Wheels and volunteer fire departments rely on people's cars to function. In Georgia, hospitals rely on volunteers. Rural residents get food and information, the aged and sick are visited, and victims receive aid in emergencies. We need these good people to continue in their selfless role.

Our country was started by volunteers, and the tradition of helping one another is integral to America. We have the power to not only voice our approval of this tradition, but to help it survive as well.

True, the Treasury will lose some funding, but it is a tradeoff; for if the volunteers cannot afford to provide their services, the bureaucracy will have to step in. The expense of Government intervention would obviously be greater than free-will participation on the part of citizens.

This deduction's benefits are incalculable, as the return will be an increase in human welfare.●

TRIBUTE TO HON. BOB ECKHARDT

HON. E DE LA GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. de la GARZA. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to one of the most distinguished and respected Members of the House, Bob Eckhardt, who is departing after 14 years of effective and dedicated service on behalf of the people of the Eighth District of Texas and the Nation.

I have had the pleasure of knowing and working with Bob Eckhardt for 22 years. We served together in the Texas House of Representatives for 4 years before I was first elected to serve in Congress. Two years later Bob Eckhardt was also elected to serve. While we have disagreed on many issues over the years, I have always respected him for his integrity, intelligence, and willingness to work for his beliefs. Few of the persons I have worked with have had Bob Eckhardt's courage, he has fought for his beliefs in spite of overwhelming odds and regardless of its impact on his own career.

In whatever pursuits my colleague from Texas may choose to follow in the months and years ahead, I wish him nothing but success and happiness.●

TRIBUTE TO BOB WILSON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. Burgener) for arranging this time this evening so that we might pay tribute to our colleague and friend, the gentleman from California, Bob Wilson.

It is with regret that I rise to join my colleagues in bidding farewell to one of our most deeply respected and best loved colleagues, Bob Wilson.

As has been noted here tonight, Bob's service as ranking minority member of the Committee on Armed Services has been an invaluable resource for our Nation's defense policy. Bob has played an essential role in our commitment to a strong and effective defense posture for our Nation, a priority which has become evermore important in light of recent trends in world affairs.

Bob Wilson's service as chairman of the Republican Congressional Campaign Committee from 1962 to 1973, and his leadership in the Republican ranks, have been a real boon to all of us serving in this body. Many were the times that Bob's hand was extended, offering friendship, advice, support, and encouragement. His insight and judgment earned his respect and friendship on both sides of the aisle.

Bob introduced the first legislation calling for a national oceanic organization, an effort which eventually led to the establishment of the National Oceanic Atmospheric Administration. His service in the House has been marked by his outstanding contributions not only to his district, but to his Nation. All of us will miss Bob's leadership, and the House will long remember the dedication with which Bob has served his district and his country for 28 years as a Member of this body.

I join my colleagues in wishing Bob and his family best wishes for health, happiness, and success in whatever new endeavors they pursue.●

BOB WILSON

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GOODLING. Mr. Speaker, I join with my colleagues in the House of Representatives in wishing Bob Wilson the best with his new-found retirement.

It has been my pleasure and benefit to work with Bob on the House floor. I am sure he will be missed as a ranking Republican on the Armed Services Committee, especially for the legislation he supported on behalf of military personnel and the dependents.●

GOVERNMENT AND BUSINESS—DIVIDE AND CONQUER

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. ICHORD. Mr. Speaker, the Committee on Armed Services recently commenced a series of hearings on the capability of our defense industrial base to produce the military equipment needed to insure the national security. Chairman Melvin Price appointed me to chair a 10-member panel of the full committee to examine this vital issue.

As our investigation of the capability of our defense industrial base has proceeded, a shocking picture has emerged—picture of an industrial base crippled by declining productivity, aging facilities, and machinery, shortages in critical materials, increasing lead times, skilled labor shortages, inflexible Government contracting procedures, inadequate defense budgets and burdensome Government regulations and paperwork.

Witness after witness has told the panel that an erosion of industrial capability, coupled with America's mushrooming dependence on foreign sources for minerals, is endangering our defense posture at its very foundation.

Hon. Edward Hidalgo, Secretary of the Navy, in a recent speech before the National Contract Management Association, specifically addressed many of the key elements in the Government-industry business relationship. I believe his talk highlights many of the problems that hamper the Government as it attempts to do business with the private sector.

I think Mr. Hidalgo's speech, titled: "Government and Business—Divide and Conquer," provides an excellent summary of many of the problems that beset our defense industrial base and I would like to insert it in the Record at this point.

Government and Business—Divide and Conquer

It's a great pleasure to be with you today. I have heard a lot of wonderful things about your association, and I know you are making many worthwhile contributions both to the profession of contract management and to our national defense.

Your symposium could not possibly have a more pertinent or relevant theme than the one you selected this year: "Government/Industry Roles and Relationships—a Rational Inquiry." There is great need for rational inquiry in an area where misinformation, misperception, and misguided emotion so often hold sway. I have been strong feelings on this subject for years, so I welcome this opportunity to share some views with you.

I begin with the premise that there is something fundamentally wrong in the relationship between American government and business, that it is a more serious problem than is realized and that something needs to be done about it. Indeed, unless we begin to act promptly and decisively our preeminent position in the industrialized world, now threatened, will seriously deteriorate. Either government and business devise and excute an appropriate plan for cooperative coexistence or they will find themselves increasingly divided and conquered.

This is a problem that is uniquely American. During the past 75 or 100 years a kind of hostility between government and business has been developing in this country that is notably absent in other industrial societies, especially in West Germany and Japan, two of our great allies, but also, very significantly, two of our strongest economic competitors.

It is astonishing, but true, that in most European nations, even those with leftist or socialist governments, the leading politicians and businessmen share an intimate, informed awareness of national economic interests and a broad agreement on the political measures needed to pursue them—a consensus that is absent among their counterparts in the United States. While American productivity in recent years has shown a marked decline, with severe implications for our future economic health and national defense, the nations with the best record of productivity improvement have been those in which industry, government, labor, and the academic community have worked together to achieve common goals. In this country, we have increasingly experienced an adversarial relationship among these important sectors of society.

A few years ago I represented a group of clients in Mexico. One was European, and the others were American. Every time the European went to Mexico, the first thing he did was see his ambassador and tell him what his problems were. He would look the ambassador in the eye and say, "Now do something about it. How can you help?"

My three American clients never went near the Embassy. This is a phenomenon I've watched across the years, and I've often tried to get businessmen to move away from it. But there are endless arguments for not changing, the chasm not only persists but get wider and wider.

Let me give you another example from my experience with USIA-ICA. Around 1973 I was in Saudi Arabia. In January of that year I ran into a friend in Jidda, and we wound up having lunch together. He was an executive of one of our largest corporations which was contemplating an investment in Saudi Arabia. He had with him a number of slides to tell business and government circles how great his company was. Then he told me his tale of woe.

"Eddie, I've just had the worst time in the world. I got here and I had all my wonderful slides to give this briefing and I couldn't, first of all, find a projector. Well, I got a hold of my lawyer here, I got a hold of my banker and so on and finally we came up with a projector. But then the next thing was to find someone who could operate the projector."

Then he said: "The next thing I had to do was to find the exact circle of people to whom I wanted to give this briefing."

Well I said: "Jack, what did you do about that?"

Well he said: "I went to my lawyer and I went to my banker."

I said: "You know, you amaze me."

I had with me our public affairs officer of the Embassy.

I said: "This man sitting right next to me has got about 14 projectors, as many people who know how to operate them, and his business as a public affairs officer is to know who are the decision makers in this country. Had you gone to the Embassy and asked for help which as a taxpayer you're entitled to, all of your problems could have been resolved."

I'm sure this gives you a strong message, as it did me. I kept telling the Director of USIA that this mismatch between business and government was a matter of huge concern to me. I had seen it in the 24 years I had practiced law overseas, where our businessmen going abroad would very rarely, and then ineffectually, go to our ambassador or to our economic counselor for direction and help. The other side of the coin of course, is that within our own official circles there was a lack of understanding, an inability, for countless reasons, to recognize and cope with the problem.

Now those are two clear examples of what I am talking about, but they pale in comparison with the third. The classic example of extreme loss of confidence and trust, with which I was intimately involved from the Fall of 1977 to the Fall of 1978, was the shipbuilding claims issue.

Starting back in the early 1970's and progressing ever downhill we were engaged in enormous controversies and litigation with our three principal shipbuilders: Litton Industries, Electric Boat Division of General Dynamics, and Newport News. We had more than $2½ billion in claims under contracts that were still in process of being executed.

Everyone was angry. We had about five different litigations going at once, and a number more were threatened, so the Armed Services Committee told Mr. Claytor, when he was up for confirmation as Secretary of the Navy, that the number one challenge they expected him to solve was the "shipbuilding mess."

Graham Claytor, who is a lifelong friend of mine, asked me if I would go with him to the Pentagon, mainly to see if I could do something about those claims. He brought me in as Assistant Secretary for Manpower, Reserve Affairs & Logistics.

So I began to get into that problem. That's another good half hour story all by itself, but what I would like to stress is this: as I began to feel my way around and see where the pockets of power, difficulty, prejudice, and all the hangups were, I found that the feelings between certain individuals in our Navy and DOD as a whole, and these companies, had become acutely acrimonious. There was a total chasm between the two sides, an inability to discuss, an inability to communicate, an inability to do anything except pile up resentments. It was a devastating prospect.

I saw at once that the solution lay not in charges and countercharges, or in negotiating through press releases, but through opening the blocked channels of communication. I just closed my doors and went one-on-one with my counterparts in the companies.

It soon became clear to me that the original contracts were based on a number of premises that time had proved obsolete. The Navy asked for a lot of things that couldn't be done and insisted on making changes that were terribly costly.

The shipbuilders got themselves all fouled up with mismanagement in production. They escalated their work forces dramatically and otherwise were confronted with turbulent conditions which became self-defeating.

In the middle of all these problems, double digit inflation in the middle '70s caused havoc. Ship deliveries were delayed and double digit inflation made the cost of delays two or three times what the contracts had allowed for. It was a real mess in which everybody was responsible to a degree, and yet a significant part of the problem was nobody's fault.

In spite of the complexity of the claims, once we had established a working channel of communications, in which invective and pejorative terms played no part, in which honest recognition of each other's dignity and good faith were assured, we were ultimately able to solve the disputes. Two of the three companies took substantial losses which time has verified as preferable to endless litigation. Both sides compromised and assumed a share of the burden in recognition of the fact that our Nation and our Navy needed ships, not an arsenal of legal controversy. I can vouch that after the settlements the relationship between the Navy and the shipbuilding industry changed dramatically. We've had some problems since that time, but they've been resolved in a spirit of harmony, understanding, and mutual collaboration.

This was a sobering and instructive chapter in the history of the Navy's relations with a vital segment of American industry, and it is one we can forget only at great peril to our future well-being. It showed, among other things, that we cannot allow frustrations to grow uninhibited in the complex and rapidly changing technological environment that characterizes our society. It proved that if you're divided, you're conquered.

What, may we ask, is the cause of this adversarial feeling between government and business? Is it because of the enforcement of various laws, however beneficial and necessary in their conception and ordained objectives, which create areas of severe economic and legal conflict? Is that what creates a sense of distance, of a need to maintain that distance which in turn breeds distrust? Many would argue that it is so.

Others would say that there is a fundamental dichotomy between business, which seeks the efficient and profitable way to solve a problem, and government, which generally seeks broader social objectives and a strengthening of the vast bureaucratic structure.

Still others would add that it is because government is too much involved in business, that too many decisions involving corporate capital investment are not determined by considerations of profits or the best interests of shareholders and employees, but rather on unrealistic and over-bearing bureaucratic regulations. In the words of Wernher Von Braun: "We can lick gravity, but sometimes the paperwork is overwhelming."

One last group would say it is because many government regulations seem to assume that the U.S., with its preeminent position in world trade, has both the power and the obligation to impose its moral standards on the rest of the world. This causes us to engage in a constant process of self-investigation that much of the world views with amusement or dismay. As one corporate leader asked: "Why is it that I and my American colleagues are constantly being taken to court—made to stand trial—for activities for which our counterparts in Britain and other parts of Europe are knighted, given peerages, or comparable honors?

There are elements of truth in many of these explanations of the problem, but whatever the exact truth may be, the result is the same. From my perspective, I have witnessed the encroachment of this distrust. In one such situation, as I have already explained, the application of good faith and reason narrowly averted a total breakdown in the relationship of the Navy with its principal suppliers of warships. There have been numerous other examples, none quite as alarming, but the potential for serious erosion of trust was and is present: and we must be continuously alert to the dangers and be prepared to head-off the confrontations that serve no one's interest.

Undoubtedly, many businessmen have experienced a sense of frustration as they and the industries they represent have interfaced with the government and attempted to conduct the business of national security.

While our shared goals are lofty and susceptible to clear statements of purpose, the actual doing is far from clear and concise in terms of execution.

Indeed, I can think of no more demanding professional challenge in the world of industry and commerce than that faced by businessmen engaged in the development and production of goods and services essential to national defense.

Doing business with the government can and should be profitable. Indeed, it must be if we are going to induce business to produce what government needs, but recent studies have shown that government business is significantly less profitable than comparable commercial business. This is a serious problem and has already caused some companies to retrench in their competition for government contracts and in their capital investments needed for this purpose.

Doing business with the government is and should be professionally rewarding. It must be if we are to engage the best minds and obtain the high quality products necessary for our national survival.

Government is a major consumer of goods and services and as such its activity in the market place cannot be treated as if it were just another economic entity competing for its share of the products of American industry.

On the contrary, government consumption has pronounced social, economic, and political ramifications—Congress and the constituents who elect that august body play a major role—that must be taken into account in the distribution of the opportunities it affords.

In making these decisions, there arises a welter of misunderstanding, competitive conflict, and procedural complexity.

Modern weapons systems are extremely complex, costly, and invariably involve long lead times in development and production. Here we find that free and open competition must be fenced by funding realities and the nature and imminence of the threat against which those weapons systems are designed to protect the free world. We simply cannot afford, in all cases, to fund a large number of firms in the development or production of a limited number of units of modern weapons that our operational forces require. Indeed, we cannot afford dual development for such things as nuclear powered aircraft carriers or Trident submarines. Since we must share in all development expenditures—the up-front monies—we must limit the availability of these funds to the few who prove themselves capable of producing the limited number of such weapons systems.

This calls for countless judgments and decisions, challenges and unfulfilled desires. I can say from first-hand experience that these problems occupy the full attention of the Navy's leadership, not only because of the business implications, but even deeper, the concerns for our industrial base and mobilization capability.

These are only a few highlights of the major factors impacting upon the government and its relations with business and industry. The sources of frustration and misunderstanding are there, and their number is legion.

Underlying all this discussion of business and government, private enterprise and the Navy, is the fact that we unmistakably need each other. We in government need to understand and strengthen our relationship with American industry, the industry that provides us the wherewithal: the ships, the aircraft, the vehicles and missiles that cumulatively constitute our strength and punch.

It should be axiomatic that the two must work together if we are to preserve our strength and our leadership in the world. We, the Navy—but all services for that matter—are highly technologically oriented today and will be incredibly more so in the decades ahead. This technological drive can be sustained only by a strong coalition of the military and industrial sectors of our Nation.

The U.S. economy must undergo some fundamental changes if it is to retain its economic viability in the remaining 20 years of this century. America must be reindustrialized, and we must rebuild America's productive capacity.

In order to accomplish this, we will have to make some changes in the relationships between business, government, and other major factors on the economic scene. All social groups in our country must come to realize that their common interest lies in returning our country to the path of sound, strong economic growth, and that this overrides any other conflicting interests.

We must discard the myth that "profit" is a dirty word and remember the words of the great labor leader Samuel Gompers: "Show me a company without profits, and I'll show you workers out of work." We need a new commitment to growth.

In the face of competition from the "German miracle" and "Japan Incorporated," it would be inexcusable folly to continue in the old ways that have resulted in slow economic growth and declining productivity.

We must sharpen our understanding of the strengths and corresponding weaknesses of our political system, guarantor of our freedoms, and let us not demand of it and of those who actively participate in government, what, by the very nature of things, cannot be achieved. The monolithic simplicity and, if you wish, unwavering decisiveness of the totalitarian structure is not for us, in any of its shapes and forms.

Braced with the understanding of which I speak, let each of us do whatever is in our power to demand fair play and objectivity from those in government and in the private sector who play a meaningful role in the shaping of our destiny—the executive, the legislative, the media, and the indispensable business world of our Nation.

The mutual attitude and understanding between business and government, both at home and abroad, where so many of our companies have vital interests, need strengthening, re-analysis, and refocusing to eliminate the tendency to regard the relationship as fundamentally parallel, if not adversarial.

Those in government must do their share, but so too must those in business. In the words of Irving Shapiro, Chairman of the Board of Dupont, at a symposium on this very subject at Harvard University:

"Those of us in business management have an obligation to help where possible, recognizing our own limitations, but realizing, too, that we can go a long way toward improving the climate between business and government, and ending the ancient mutually destructive, and unproductive animosity that has too long discolored the American political and economic environment."

And he went on to admonish: "What is needed are some new premises about the right and proper relationship between business and government . . . What the nation needs from business and government is an understanding that neither one of those institutions has a monopoly on intelligence or probity, or the wisdom to prescribe all by itself for the public welfare. I know of no way to build such understanding except through education and experience."

Perhaps, there is a better way. My own exposure to the problem across some 40 years tells me that what is vitally needed is a realization that our leadership in the Free World is undergoing a severe test; that we no longer possess the clear supremacy of power—military, economic and political—that was ours at the end of World War II; that we depend on others for key strategic raw materials that are indispensable to our industrial and military survival.

In a word, we need a new and broader vision of our leadership and of the ways to sustain it. This cannot happen without an enlightened effort between those who govern and those who are governed, between the public and the private sectors. Our leaders in government must show the way. A balanced measure of cooperation must be arrived at by a combined effort between government and business. Your distinguished organization can contribute significantly toward this end.●

HON. LUCIEN N. NEDZI

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. JOHNSON of California. Mr. Speaker, I rise to honor a good friend and colleague, the Honorable LUCIEN N. NEDZI of Michigan, who is retiring at the close of this session after 19 years of distinguished service in the House of Representatives.

A veteran of World War II and the Korean conflict, Congressman NEDZI has been a steadfast supporter of a sound defense policy while resisting escalation of the arms race.

In the final months of this Congress, Representative NEDZI has served as acting chairman of the House Administration Committee, in addition to his responsibilities as chairman of the Armed Services Subcommittee on Installations and Facilities and vice chairman of the Joint Committee on the Library.

Throughout his tenure in this body, our colleague has worked consistently and effectively for reforms in campaign spending, election procedure, congressional ethics, and congressional reorganization.

We wish LUCIEN, his wife Margaret, and their five children all good fortune in their return to private life.●

LUD ASHLEY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOAKLEY. Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. ROSTENKOWSKI) for giving me the opportunity to pay tribute to LUD ASHLEY. I was fortunate to serve with LUD on the then Committee on Banking and Currency during my freshman term in Congress, where I had a chance to work closely with him on legislation handled by the Subcommittee on Housing and Community Development which LUD so ably chaired for all these years. His work on that subcommittee was of great service to my constituents in Boston as well as to all those in the Nation's cities.

Probably the greatest challenge that we have faced these past few years has been the establishment of a national energy policy. In 1976, when my good friend Speaker O'NEILL created the Ad Hoc Committee on Energy, he turned to LUD ASHLEY to chair the committee. Through the hard work and persistence of LUD, we were able to pass the great majority of President Carter's energy package.

LUD has shown his sensitivity and fairness by listening to the requests of every individual Member's local housing problems, while at the same time, keeping the national housing program in perspective. He has also shown his willingness to work hard through his tireless efforts to systematically review all of the programs within the Department of Housing and Urban Development. Through his able management of the bill on the floor of the House, LUD is able to bring the Housing and Urban Development authorization for consideration under an open rule, where all of the Department's activities are completely reviewed in a single massive bill. Each and every program is subject to modification and improvement and where necessary, terminated. I believe that LUD has never failed to bring this bill to the floor for enactment in other than a timely fashion.

I think that LUD ASHLEY's management of his subcommittee could serve as a model for every committee in Congress and it is a contribution to the House far too easy to overlook. Each year, he sits down and begins a systematic review of one of the most important departments of Government. After this probing examination, a detailed authorization bill is drafted setting spending priorities of vital importance to our cities and other communities. In conjunction with this, the programs themselves are subject to detailed revision and updating. And finally, the entire package is brought before the House where we are able to look at an entire department through one comprehensive piece of legislation. On the floor LUD manages his bill with an unmatched knowledge of the subject, a real sense of fairness, and a willingness to compromise when he considers it both necessary and appropriate.

If each committee were as capably and thoughtfully managed, the Congress and the taxpayers would be better served.

LUD ASHLEY deserves our praise for this kind of work. It is with a real sense of regret that I see him leave this House. But I will always value the gentleman as a friend and I wish him well in the future.●

RETIREMENT OF BENNETT STEWART

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. FARY. Mr. Speaker, I rise today to bid a fond farewell to my good friend and colleague from Chicago, BENNETT STEWART. Even in so short a time as he has been there I have found him to be a valuable ally, and I have worked with him many times in protecting Chicago's interests.

His principal achievements stem from his position on the Appropriations Committee and especially from his position on the Transportation Subcommittee. As a member of the Public Works and Transportation Committee, I have had a chance to see firsthand the work that BEN STEWART has done to guarantee a sound transportation network for the country and a secure stream of transportation funding for the city of Chicago.

Personally, I will greatly miss the company of this fine gentleman on my frequent trips back to Chicago. Few men understand and love the city the way BENNETT STEWART does, and his retirement from the Congress will be deeply felt. I wish him the best of luck in the future and hope that he will stay in public life and continue his record of outstanding contribution to the public good.●

A 25TH ANNIVERSARY TRIBUTE TO ROSA PARKS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, countless times I've asked myself: "Where would we be if on that fateful day in 1955 sister Rosa Parks had given up her seat and moved to the back of the bus?" No resistance. No boycott. No subsequent civil-rights movement. I chagrin at the possibilities.

Within Rosa Parks there is something I call the indomitable spirit. It is something that refuses to hide, something that refuses to die. This spirit to struggle and power to prevail is in all of us. Its origin can be traced as far back as our foreparents in their indigenous lands. Yet, its destiny leaps much farther into the future than any of us could imagine. Thank God Rosa Parks decided to struggle that day.

Active in grassroots politics, Mrs. Parks had no knowledge that a boycott involving thousands would ensue. She did not know she was providing the scenario to a lesson that time could perpetuate.

Physically, it must have been an awful experience for the young and particularly for the old, reaching every destination by foot. Somehow, I can't help but believe that the indomitable spirit somehow prevailed, thus making the task substantially lighter. The boycotters in Montgomery believed in what they were doing. They were right and they knew it.

Their strategy, whether intentional or not, proved to be magnetic, nonviolent, and ultimately effective—magnetic in the sense that it drew worldwide attention. Watchdogs of human rights throughout the international scene recognized Montgomery as the American cause-celibre.

The nonviolent approach was a timely strategy. Although subjected to critical scrutiny at times, it maintained its moral fibre of peaceful perseverance.

Thousands of dollars and trotted miles later, the issue was settled. The walkers prevailed, their strategy ultimately proving effective.

Nineteen hundred and fifty-five provides us with a lesson time could perpetuate.

Considering the continuing injustices heaped upon the backs of minorities at the hands of institutional manipulators, a sophisticated and well-concerted effort similar to the Montgomery bus boycott may have to reoccur. Such an effort may be in order because institutional racism continues to run rampant throughout our society. Quite simply, minorities have yet to gain social, political, and economic parity in this country.

I am honored to submit this statement in behalf of Rosa Parks and others like her. Her rigid stance on December 1, 1955, against second-class treatment is indicative of the massive dissatisfaction with double standards. Indeed it is a struggle that we carry to this day.

May God give us the strength to struggle until we emerge victorious.●

FAREWELL TO BILL HARSHA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GILMAN. Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. LATTA) for arranging this time so that we might pay tribute to our colleague and friend, the gentleman from Ohio (BILL HARSHA).

Mr. Speaker, it is with regret that I rise to join my colleagues in bidding farewell to BILL, who has so generously given of himself and his talents to serve the people of his district, and our Nation, for the past 20 years as a Member of the House of Representatives.

BILL's expertise and experience in transportation and water development projects have helped him provide significant contributions in the legislative work of the Congress, and have been exhibited often during Bill's tenure as ranking minority member of the Committee on Public Works and Transportation.

I have long admired Bill's deep commitment to the veterans of our Nation—a commitment which I share. It has been a privilege to work with him on a number of measures to provide adequate health and other benefits for those who have served their Nation honorably and well.

Bill's contributions are obvious not only in the Congress, but in the growth and development of our Nation during the past two decades. He has been a major craftsman behind much of the important and substantive legislation which has emerged from the Public Works Committee, and his impact will be felt by people all across our Nation for a long time to come.

We will all miss Bill Harsha. I join my colleagues in extending to him and his family our best wishes for good health, success, and happiness in whatever new endeavors he may undertake.●

ROSA PARKS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. RODINO. Mr. Speaker, 25 years ago a brave woman with a sense of justice and with sore feet refused the order of a bus driver in Montgomery, Ala., to give up her seat to a white man.

Rosa Parks was arrested and jailed that Thursday evening, December 1, 1955. Her courageous action sparked a new resolution by the black people of Montgomery, attracted the brilliant leadership of Dr. Martin Luther King, Jr., inspired the Montgomery bus boycott, and led ultimately to victory over the bus company's practices through a decision by the U.S. Supreme Court.

That year of turmoil and triumph in Montgomery was one of the great chapters in the history of the civil rights movement in the United States. As we mark the 25th anniversary of the good and brave act of Rosa Parks, we are reminded of the necessity of continuing the struggle for full justice in America.

Thanks to Rosa Parks and the other committed people of Montgomery, black Americans can no longer be confined to the back of the bus or required to give up their seats.

But discrimination still stalks our land in many forms. The spirit and the kind of dedication of Rosa Parks, Dr. Martin Luther King, Jr., and the people who joined the Montgomery bus boycott are needed today to achieve full political, social, and economic justice for all Americans.●

TRIBUTE TO ROSA PARKS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CLAY. Mr. Speaker, I wish to add my words of tribute to Mrs. Rosa Parks, the mother of the modern civil rights movement, and an advocate for freedom and justice for all.

Mrs. Parks' fearless efforts and determination enabled people across the Nation and world to witness a selfless and inspirational act of caring for the human condition during a period of unrest predicated upon the most blatant form of racial segregation on public transportation.

Her decision in December 1955, refusing to be discriminated against on a Montgomery bus, represented a shining moment of truth and decency.

Mrs. Parks' courageous action in the face of adversity lit the fire that still burns for freedom. The battle has begun; her courage fired the first shot. Her willingness to rise above narrowness and strife makes this 25th anniversary of the Montgomery, Ala., bus boycott an unforgettable moment in American history.

Her angelic spirit, and love for all humanity, have earned for her the gratitude of the Nation and the world.

Mrs. Parks has kept faith with the dream of her mentor, Dr. Martin Luther King, Jr., and she has kept faith with the unconquerable spirit and will of her people who understand that troubles are not new.

Just as our beloved Harriett Tubman was called the Moses of her people in former times, Mrs. Parks becomes the Moses of her people in contemporary times.

Today, on the 25th anniversary of the Montgomery, Ala., bus boycott, a Nation salutes her for daring to make a difference in a Nation at war with itself. Mrs. Parks has certainly earned a prominent place in American history.●

JOHN BUCHANAN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GOODLING. Mr. Speaker, I join with my colleagues in the House of Representatives in wishing John Buchanan the best as he concludes his 16 years in the U.S. Congress.

It has been a delightful experience for me to work with John, who is the only Member of Congress who serves with me on both the House Committee on Foreign Affairs, the Subcommittee on Africa, and the Committee on Education and Labor, the Subcommittee on Elementary, Secondary, and Vocational Education. I have always enjoyed my association with John; we will miss his experience in the committees and wish him well as he begins new pursuits. I hope our paths cross many times in the future.●

TRIBUTE TO CHARLES A. VANIK

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. STEED. Mr. Speaker, I am happy to join in paying tribute today to Charlie Vanik, who in a distinguished career of 26 years has become one of our most respected legislative experts in the field of taxes.

He is an energetic worker whose rich background of knowledge and experience have been a constructive element to the House on which all could rely as a source of information.

I have been privileged to work with him throughout his service here, and I know his place is one that will be difficult to fill. I wish him all the best for the future.●

TRIBUTE TO HON. LUCIEN NEDZI

HON. E DE LA GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. de la GARZA. Mr. Speaker, it is my pleasure to be joining my colleagues today in paying tribute to Lucien Nedzi who is retiring from the House after 19 years of dedicated and effective public service on behalf of the people of the 14th District of Michigan and the Nation.

Lucien Nedzi is to be commended for his dedication and integrity in matters of national security. As a member of the Armed Services Committee, his knowledge of defense policy will be missed.

I sincerely wish Lucien Nedzi happiness and good fortune in the future.●

TRIBUTE TO SAM DEVINE

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CORRADA. Mr. Speaker, I would like to join my fellow colleagues in saluting the gentleman from Ohio, Mr. Sam Devine. Although I belong to a different political party I have had great respect for his enthusiasm and energy in promoting the best for this Nation.

For over two decades, Sam represented the 12th Congressional District of

Ohio. His dedication to his constituency will always be remembered and will serve as an example to many of the Members of this body.

We will all feel the loss of this outstanding man, and good friend of ours, but we all know that he will continue maintaining in the future the role of public leadership that has so distinguished him in the past.

Because of his contributions to a better America he certainly will always be an asset to our Nation.

Thank you.●

HON. PETER H. KOSTMAYER

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. PATTERSON. Mr. Speaker, the 97th Congress will sorely miss the thoughtful conscientiousness which Congressman PETER KOSTMAYER has brought to this House during the previous 4 years. I have been fortunate to serve with PETER in the 96th Congress on both the Interior Committee and the Select Committee on Committees. In both committees I have benefited from the insights he consistently brought to bear on the issues confronting us. There were instances in which we found ourselves in disagreement, but PETER is always more than willing to listen to both sides of an argument. His contributions on behalf of many important environmental issues were of particular benefit to the members of the Interior Committee. I would not be at all surprised if at some future time this body had the opportunity to welcome him back to our ranks again.●

TRIBUTE TO HON. ROBERT WILSON

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. SPENCE. Mr. Speaker, it is with both pleasure and regret that I take this opportunity to salute one of the finest Members with whom I have ever served. The retirement of BOB WILSON after 28 years of unstinting service to this House, this Nation, and the 41st District of California brings to us all a tremendous loss. But his presence in public and private life has without fail embodied the characteristics of integrity, compassion, fairness, and devotion to principle and duty which do indispensable honor to this body. It has been my privilege to know BOB both as a colleague on the Armed Services Committee and to share with him and his wife Shirley a warm personal friendship. In the course of his distinguished career, he has gained a rare and a superior degree of expertise in all areas of defense and military affairs. And most importantly, he has worked tirelessly to apply that knowledge in the best interest of our country and to provide her with the strong defense so sorely needed in these perilous times.

But his efforts and concerns have been broader still, extending to the problems of the aging and to the human individual needs of our military forces and their families. His accomplishments in these areas have earned him continued and well-deserved recognition including the Non-Commissioned Officers Association's L. Mendel Rivers Legislative Award and the Strom Thurmond Legislator of the Year Award from the American Military Retirees Association.

While BOB has been a leader in my own party which will be greatly diminished by his retirement, his even-handed approach has earned him the universal respect of his colleagues all across the political and philosophical spectrum. And he has achieved that special stature of a man of action who, at the same time, speaks with the stable and estimable voice of reason.

I join, I am sure, with all of his colleagues here in wishing BOB and Shirley the best that future years can bring. And I thank him for his counsel, his friendship, and an example of service that will endure as a standard for all of us who remain.●

TRIBUTE TO CHARLES A. VANIK

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1980

● Mr. REGULA. Mr. Speaker, we will all miss the dean of the Ohio delegation. He has been a good legislator and a cherished friend.

CHARLEY VANIK has made "independent judgment" a characteristic that is every bit as much a trademark of CHARLEY as his bow tie.

His credibility shines as an example to every Member of this body, and his contributions to the betterment of our Nation will be long remembered.●

TRIBUTE TO SAM DEVINE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. WYDLER. Mr. Speaker, SAM DEVINE has been a leading Member of the Congress in the 18 years I have served here. His loss will be a serious one for the House of Representatives and for our Nation.

He not only served his district well as a Congressman, but served the Members here well as a member of the leadership of the Republican Party and an organizer of important groups of Members to help shape the course of our Nation's history. To be effective, the Congress must be made up of strong and sound men and women, exactly the type of Representative that SAM DEVINE has always been.●

FAREWELL TO REPRESENTATIVE SAM DEVINE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATTA) for arranging this time this evening so that we might pay tribute to our colleague and friend, the gentleman from Ohio (Mr. DEVINE).

Mr. Speaker, it is with regret that I rise to join my colleagues in bidding farewell to SAM, who has so generously given of himself and his talents to serve the people of his district, and the entire Nation, for the last 22 years as a Member of the House of Representatives.

SAM's commitment to responsible fiscal policy on the part of the Federal Government, his belief in the value of the free enterprise system, and his dedication to reducing unnecessary and intrusive regulations have earned him the respect and admiration of his colleagues. His ability to put these principles into practice has been demonstrated often during his service on the Committee on House Administration, a tenure which has touched the lives of all Americans as SAM worked to reduce the interference of the Federal Government in individual lives.

Congressman DEVINE's exceptional contributions in his capacity as ranking minority member of the Committee on Interstate and Foreign Commerce speak for themselves. His sense of fairplay, and his considerable diplomatic abilities, have played a significant role in the ability of the committee to move legislation expeditiously and to operate in harmony.

Although SAM's many friends in this House come from both sides of the aisle, we Republicans owe him a special debt of gratitude for the admirable leadership he has given our party. During his tenure on the Republican Policy Committee and his chairmanship of the House Republican Conference, SAM consistently demonstrated a responsible and effective style of leadership that has won him affection and friendship as well as respect from those of us who have seen first hand his fairness and understanding in carrying out his various and sometimes demanding responsibilities.

SAM DEVINE has served this House, and the Nation, with a sense of principle and a dedication of purpose which will long leave its mark on this body. I join my colleagues in extending to Sam and his family our best wishes for good health, happiness, and success in whatever new endeavors he may pursue.●

TRIBUTE TO HON. LUCIEN NEDZI

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOAKLEY. Mr. Speaker, I would like to commend the gentleman from Michigan (Mr. Dingell) for taking this special order to afford us with an opportunity to pay tribute to our retiring colleague (Mr. Nedzi). I join all of my colleagues in wishing Lucien Nedzi well and in thanking him for his many kindnesses to me during the time I have had the great privilege of serving with him in this House.

The gentleman has been an able legislator and his record of accomplishment is one in which he may be justly proud. He is a member of the Committees on Armed Services, where he chairs the Subcommittee on Installations and Facilities, and the Committee on House Administration. He has chaired the Joint Committee on the Library and the equivalent Subcommittee in House Administration.

I think it is important to take this opportunity to comment on those committee assignments and what they say about Lucien Nedzi. These are not the kinds of committee assignments that get Members on network news or the front page. What they are, Mr. Speaker, is plain hard work. The oversight of billions of dollars spent by the Pentagon on bases and other facilities has required the gentleman to invest countless hours in highly technical, but vitally important, committee work. It is a job that he had done well and for which this House and the Nation owe him a debt of gratitude.

I can think of no job in Congress more thankless than the oversight of the closing and realinement of military bases. But it is work that he has done with fairness and judgment that has won him the esteem of all of us who serve here. He has been available to every Member affected by any Pentagon decision and has always bent over backward to minimize the harm done to their constituents. But he has been firm, also, in insuring the most effective use of defense spending.

In the wake of the closing of a major Navy installation in my district, Lucien Nedzi came to Boston to talk with my constituents and look over the facilities in person. When he returned to Washington, he worked closely with the Department of Defense and with me. Although the Boston Navy Yard is a thing of the past, that site and those facilities are in partial use today and are the subject of continuing redevelopment designed to provide military and civilian uses that have significantly curtailed the economic and employment consequences of the base closing.

His responsibilities as a member of the House Administration Committee have been equally demanding. This committee requires members who can handle the hard work of managing this complex institution in a responsible and efficient manner. He has handled these responsibilities with sensitivity and commonsense.

As the senior House member of the Joint Committee on the Library, the gentleman alternates with his Senate counterpart as chairman. In this capacity, he is responsible for the management and oversight of an extraordinary institution. The Library of Congress is of great importance to Congress and one of this Nation's most important intellectual resources. When the gentleman accepted this assignment, he knew how much work was involved and he knew it was work for which he would receive little notice or thanks.

Mr. Speaker, it is men like Lucien Nedzi who make Congress work. It is hard to imagine what would happen to this House without his kind. For nearly two decades, the gentleman has worked tirelessely for his constitutents in Michigan. He has worked with equal dedication for national concerns, particularly America's defense. But I will always remember Lucien Nedzi best for his quiet dedication to this House of Representatives and willingness to take on the real chores of this institution. He has never sought praise or thanks for this work and has been willing to take his own satisfaction from knowing that he did his job and he did it well.

I shall always be grateful for finally having this opportunity to say: "Thank you, Lucien."●

REPRESENTATIVE BOB ECKHARDT

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DANIELSON. Mr. Speaker, Bob Eckhardt is one of those statesmen who turn up only occasionally. A constant fighter for the rights of the consumer, the oppressed, the individual who finds himself beset by a system that is too big or too impersonal to care, Bob Eckhardt's fine lawyer's mind has insured fair and just treatment by our Federal laws on many occasions.

He is the kind of a watchdog we need to insure that our Nation will continue to clean up the environment, to find alternate sources of energy, and to prevent greed and profit from ruling the land.

I know that Bob will go right on working toward those goals, wherever he might choose to continue that work, but I cannot help but be sad that for the time being, at least, he will not be able to continue it as a Member of this body.●

TRIBUTE TO DEPARTING CALIFORNIA DEMOCRATIC DELEGATION

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. DANIELSON. Mr. Speaker, I am happy to have this opportunity to join with my colleagues from California to pay tribute to those of our California delegation who are leaving us after years of service and will not be with us as Members of the 97th Congress.

Unfortunately, there are five Democrats from our delegation who will not return. There is nothing which I can say about any of them which all of the Members do not already know but I welcome the opportunity to make a public record of my appreciation for them.

Bizz Johnson, from the First District, was one of the first of the California delegation to offer his assistance to me when I came to the Congress 10 years ago. Bizz and I had some experiences in common since both of us had served at one time in the California Senate. I knew Bizz Johnson by reputation long before I came to Washington and I can only say that in real life he exceeded his excellent reputation.

Bizz Johnson has rendered an awful lot of good to our country as well as to California. Drawing upon a varied background, and through his experience as a resident of the beautiful foothills and mountain areas of California, he has taken the lead in protecting our natural resources, including the Lake Tahoe basin, improving and protecting our water supply, developing parks and recreational areas and many other national treasures which will be enjoyed by future generations for a long time to come. His contributions to our country and to California are monumental and we are all grateful that he has served here in Washington.

I also wish to extend my thanks to his loyal wife, Albra, for sharing Bizz with us for all of these years. I know that he could not have done his job had it not been for her constant support and encouragement.

Jim Corman, from the 21st District, who for more than 20 years has represented a part of the San Fernando Valley, is another member of our delegation whom we will all miss.

Jim was a lawyer by training and practice before he came to Washington. He also had previous legislative experience in the Los Angeles City Council for a period of time following his release from active duty with the U.S. Marine Corps after World War II.

Here in the Congress Jim was first a member of the Judiciary Committee and then later was transferred to the Committee on Ways and Means where he has been one of the senior members in recent years. The people of America will long be grateful for the work which Jim performed as chairman of the subcommittee having jurisdiction over public welfare within the Ways and Means Committee. He had the courage to handle legislation which he felt was right and would benefit the greatest number of people, even though the subject of welfare was unpopular and cost him many votes in the recent election in which he was not returned to the Congress.

From our 31st District of California Charlie Wilson is also leaving us. With Charlie as with Bizz Johnson I shared common background which has made our relationship a most pleasant one. Charles H. Wilson was elected to the Congress in 1962 having previously served in the California Assembly. We share many mutual acquaintances and had a similar background of legislative experience and I was quick to look to him for advice and suggestions when first I came to the Congress.

Charlie Wilson has done extremely good work in legislation regulating the operation of the U.S. Postal Service. He has looked into serious problems of inefficient management of the Postal Service and is credited with compelling that operation to modernize many of its procedures in order to make it better serve the public need. Prior to Charlie Wilson, I doubt that any Member of the Congress ever made the effort to visit major post office service centers at the midnight hour during the Christmas rush. I know Charlie not only did that but brought about a lot of needed reforms as well.

I wish him and his lovely wife, Bok, the greatest happiness in their future endeavors.

From the California 35th District, my own immediate neighbor to the east, we have Jim Lloyd who has been with us for 6 years.

Jim was elected from that district after it was restructured by the California Supreme Court in 1973. The 35th has always been regarded as a politically marginal district and I doubt if anyone other than Jim Lloyd could have been elected from there as a Democrat. He always had a very difficult campaign, enormous quantities of money were brought in by the opposition in an effort to defeat him but Jim always managed to win until caught up in the 1980 Reagan landslide.

Jim Lloyd is much too young to quit public service and I hope that he will continue his political work and will soon find another avenue in which to serve our country. When it comes to serving our country Jim Lloyd is not a new hand. As a Navy fighter pilot during his first career he established an enviable record of achievement and while in the Congress, serving on the Armed Services Committee, he made an invaluable contribution because of his intimate knowledge of naval operations and particularly of naval aviation.

Jim Lloyd and his wife Jackie have always operated as a team as do my wife Candy and I. Perhaps that is why I have felt such a close identification with Jim. I wish them both the greatest of happiness.

Lionel Van Deerlin from California's 42d District is completing his 9th term in office as is Charlie Wilson. The 42d District is in San Diego County and includes what is probably the most delightful climate in America. As a result of that, and the fact that it is an area with many naval and Marine Corps installations, it is the retirement area for numerous people from the armed services. Van, a Democrat, has carried that district by huge majorities during all of the years of his tenure until the Reagan landslide of 1980. This is true despite the fact that the district has a large military population and is correspondingly very conservative in its point of view. I have always attributed Van's ability to be elected by huge majorities to the fact that he has been such a diligent Congressman, taking excellent care of the needs of the people of his district and yet reserving to himself the right to be his own man, to think his own thoughts, and to follow people-oriented policies in all of his legislative work. Most of us think of Van as being a progressive liberal. He held on to that identification and followed those policies despite the fact that his district was very conservative in composition. It was his diligence and hard work, plus his warm and outgoing personality, exceeded only by that of his wife Mary Jo, which kept Van in the forefront of politics in the extreme southwest corner of the United States.

As was everyone else, I was surprised and astounded when he did not prevail in the 1980 election. I know that Van has much more to offer and I wish him and Mary Jo the greatest of happiness. I thank them for their service to our country, and I want them to know that we will sorely miss them in the next Congress.●

IN MEMORY OF SPEAKER JOHN McCORMACK

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STEED. Mr. Speaker, when I first came here as a Member of the House at the beginning of 1949, John McCormack already was majority leader and one of long standing.

He gave me many opportunities to participate in specific legislation as well as matters of general concern to the House. As chairman of a small business subcommittee I conducted hearings in his home city to the success of which he made a substantive contribution.

I was proud to be among the first Members to endorse him for Speaker after the death of Mr. Rayburn in 1961, and throughout his tenure in that office, the second longest in our history, we enjoyed a warm relationship.

He was pleasant to work with, a man who listened well and who when he made decisions stood by them as firm and final.

After witnessing the manifestation of his fellow Bostonians at the time of his funeral last week, I can attest to the strength of the legend that John McCormack built in his lifetime and which will continue. Few public servants have held such a warm and well-loved place in the hearts of their constituents.●

TRAGEDY IN NORTHERN IRELAND

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. KOSTMAYER. Mr. Speaker, I rise today to express my deep concern over the hunger strike in the Maze Prison in Northern Ireland near Belfast.

I am sure my colleagues are all well aware of the longstanding grievances of the parties involved in the conflict in Northern Ireland. Clearly, the complexities of this conflict will not yield to simple or quick solutions. Any solutions will be arrived at only after coolheaded, objective debate, and after long hours of hard work. Much progress has been made in recent years: The British presence has diminished, and the violence on all sides has been greatly reduced. For this we are thankful, yet we still have far to go.

The hunger strike at the Maze Prison symbolizes the conflicts and the hazards on the road to justice and a final peace. There are at present seven men in the Maze prison refusing all food. They have been fasting since October 27 and their health is by now beginning to deteriorate quite seriously. As a result, tensions are rising through Northern Ireland, and the death of any of these prisoners is certain to be accompanied by renewed violence.

This need not occur. The classification of seven men as common criminals rather than as political prisoners is no cause to add their names to the long list of those who have already lost their lives there.

Mr. Speaker, I rise today to urge every party to this dispute to seek compromise now before it is too late. I appeal to everyone involved to act quickly to save these men's lives.●

THE 25TH ANNIVERSARY OF THE MONTGOMERY, ALA., BUS BOYCOTT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. CONTE. Mr. Speaker, today marks the 25th anniversary of Rosa Parks' courageous defiance of legalized segregation by refusing to relinquish her seat on a public bus in Montgomery, Ala. Her insistence upon human dignity touched a responsive chord in this country which reverberated into a national nonviolent movement for racial justice. Her actions led to the Montgomery bus boycott and the national prominence of its leader, the Reverend Martin Luther King, Jr., who would soon find himself at the helm of a burgeoning civil rights movement, nationwide. Without her stand, it is probable that this country's civil rights movement might not have been so thorough, successful, and peaceful.

The struggle for civil rights has been one of the noblest causes in our Nation's history. Therefore, it is fitting that we commemorate the beginning of that movement both as a landmark event and as an act of personal courage.●

AMERICAN GOVERNMENT HAMPERED BY GOVERNMENT REGULATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FORSYTHE. Mr. Speaker, while American medicine has made tremendous progress during the past few years, there are still serious problems in health care, some of them the result of Federal Government regulations.

I would like to commend to the attention of my colleagues an article by Mr. Harry Schwartz which appeared in the December 8, 1980, edition of Newsweek. The article accurately describes how Government regulations have fostered mediocrity and repressed excellence in American medicine. The article follows:

At his first post-election press conference, president-elect Reagan said he welcomed "input" and ideas from all Americans. So here goes:

MR. PRESIDENT-ELECT: When you are inaugurated next January, you will become the oldest elected President in American history. All of us, regardless of age, live only a second away from eternity. But at your age, the actuarial tables show that your chances of needing expert care against serious illness are substantially higher than if you were only 49 or even 59 years old. Therefore the issue of medical-care quality must mean more personally to you than it did to such youngsters as Jimmy Carter and John F. Kennedy.

First the good news: by all the usual criteria, the American people are healthier now than ever before in history. The number of senior citizens in the United States is mounting rapidly, and many of those senior citizens can, like you, enjoy life to the hilt. Many diseases that used to be mass killers or mass cripplers—diphtheria, cholera, tuberculosis, polio—are now at most minor causes of illness or death. The death rates associated with some of the degenerative diseases of advanced age—notably heart disease and stroke—have been declining. And the Nation now has more physicians and more hospitals than ever before.

Now the bad news: despite the great progress that has been made in medicine, there are still serious problems, some of them the result of Federal government policies.

Care: A word about my credentials for offering you suggestions in this field. These past 25 years my family has had more serious illness than more than 99 percent of American families. We've had to struggle with damaged hearts, blocked blood systems, brain tumors and emotional problems. More than one doctor has suggested that if there were any justice my wife and I should be awarded honorary M.D.'s as recognition of what we've had to learn the hard way rather than through books.

Much American medicine is absolutely first rate, I've learned. My father died at 76 of a heart condition, and my oldest son died at 36 of a brain tumor. But both received topnotch medical care that permitted them to enjoy years of high-quality and zestful life even while terminally ill. And my remaining children are alive only because of what physicians were able to do for them in their dire need.

But American medicine can be improved. In part that's because medical knowledge is still inadequate. As President you can do something about that by supporting medical research generously.

The core of the problems you should be aware of is the way in which the Federal government hinders physicians from doing as much as they might to help sick people.

The Food and Drug Administration, for example, regularly denies Americans access to important drugs whose use is routine in Western Europe. British medical journals show open contempt for American medical textbooks because those texts retain "obsolete" therapies American doctors must use because they are denied important pharmaceuticals. A British cardiologist I know maintains that United States treatment of certain types of heart trouble would be considered malpractice in England where key drugs like verapamil and nifedipine can be used, unlike in this country, where their everyday use is illegal.

This past decade the Department of Health and Human Services and its predecessor, HEW, have often seemed inclined to deny Americans some of the key results of recent medical progress. In my oldest son's gallant battle against his brain tumor, a key and essential weapon for his doctors was the CAT scanner. There is now general recognition that this machine is the most important advance in medical diagnosis since the original discovery of the X-ray. Yet HHS has waged what amounted to almost a holy war against the CAT scanner. Three things have happened as a result of that misguided crusade: many American hospitals and localities that need CAT scanners still do not have them; the company that invented CAT scanners suffered essential bankruptcy. And other companies and inventors working on more advanced equipment have in effect been notified that the United States is against technological progress in medicine that costs more than a few thousand dollars a machine.

Vigor: In the same vein, only a few months ago HHS Secretary Patricia Roberts Harris announced that her department will no longer routinely pay for heart transplants, though Stanford University surgeon Norman Shumway demonstrated years ago that this technique can save many desperately ill patients and restore them to vigor and even employment. Ironically, Mrs. Harris took this step at a time when in Britain there has been a popular revolt against the British Government's stinginess in this area. In 1980 popular and foundation subscriptions to hospitals have made it possible for British surgeons to do a record number of heart transplants.

Finally, government policy this past decade seems to have been aimed at fostering mediocrity and repressing excellence. One tactic has been the drive for fee equalization, an effort that seeks to penalize the superb physician who charges more because he is worth more. Another tactic has been government subsidization of so-called (and misnamed) Health Maintenance Organizations, which achieve economies by sharply limiting patients' choice in selecting a surgeon or other specialist for serious illness. A third tactic has been government emphasis on turning out masses of primary physicians who are overtrained for the minor ailments that dominate their practice. Simultaneously, highly trained and highly skilled medical specialists who can handle the most difficult cases have been made to feel unwelcome and superfluous.

These are issues that a concerned President could influence positively. Good luck and good health to you, Mr. President-elect, as you prepare to assume your enormous new responsibilities and duties.●

JOHN McCORMACK

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HANSEN. Mr. Speaker, John McCormack was Speaker of the House when I first came to Congress in 1965. I still cherish the picture of my swearing in with him. Speaker McCormack was a tough, but genial, man who was always approachable and accommodating, which was much appreciated by minority Members in those lonely days of being down by a 2-to-1 ratio.

The Speaker exhibited great breadth of character from enjoyable wit to biting satire and his occasional presentations on the floor were always looked forward to as an event to be witnessed. One striking thing I remember most was the devotion his wife and he shared throughout their years in Washington.

It was an honor for me to have shared a moment in American history with John McCormack, the gentleman from Massachusetts.●

TRIBUTE TO THOMAS L. ASHLEY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, I rise in tribute to my distinguished friend and colleague, Lud Ashley of Ohio. If ever there was a man born to public service, it was Lud. His family's tradition of such service dates back to Civil War days.

To recount Lud's many achievements in a congressional career spanning 24 years would take far too long. His expertise in the areas of budget, finance, and urban affairs are well known to this body.

During the 95th Congress in my role as chairman of the Committee on Public Works and Transportation, I was able to observe firsthand the work of Lud Ashley as chairman of the Ad Hoc Energy Committee. His was a monumental task. He was not only dedicated and tireless, but he was remarkably able to meld widely divergent viewpoints into the National Energy Conservation Policy Act. This was a landmark piece of legislation and stands as a tribute to the determination, wide-ranging knowledge, fairness, and sensitivity of Lud Ashley.

As he prepares to end his many years of congressional service, I join with my colleagues in extending to the Ashley family much happiness in the years ahead. His loss to this Chamber will be deeply felt. His unique expertise and statesmanship leave behind a large void to be filled.●

TRIBUTE TO RAY ROBERTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I appreciate this opportunity to rise today to participate in this special order for our retiring colleague, Ray Roberts. This body shall miss him greatly.

Ray Roberts has developed a reputation in his 18 years here as an expert on water resources issues and issues relating to veterans. He chaired a subcommittee on water resources and is leaving his post as chairman of the Veterans' Affairs Committee. In both positions, he provided strong leadership and expertise for the Members of this body.

I regret that he will not be with us in the next Congress but I wanted to wish him well in retirement.●

THE PRESS—NOT IMMUNE FROM CRITICISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. McDONALD. Mr. Speaker, in my previous report, I outlined a problem all of us as public figures face from time to time with irresponsible members of the press. Following is a prime example of the liberal mind set which faces constitutionalists many times when they or members of their staff are interviewed or when articles are written about them from public documents:

On October 16, 1980, Tommy Toles, my press secretary, was interviewed by Henry Eason, a staff writer for the Atlanta Constitution regarding my Federal Election Commission reports. Eason said he planned to do similar stories on each member of the Georgia delegation. Toles, as Eason later admitted, answered all his inquiries truthfully and in full. However, following are some of the biased portions of the story written by Eason and published in the October 17, 1980 edition of the Atlanta Constitution.

* * * U.S. Rep. Larry McDonald, a Georgia Democrat and member of the John Birch Society.

* * * the Marietta congressman, who has recently held the post of "war minister" in the shadow government of a coalition of ultra-conservatives.

Asked Thursday if he was aware of the Marietta congressman's reactionary political postures. * * *

McDonald * * * has aligned himself in the past with such various right-wing dictators as * * * the late Nicaraguan Generalissimo Anastasio Somoza.

In general, the congressman * * * promotes a big business economic philosophy. * * *

He has * * * called Sen. Joe McCarthy, the 1950s red-baiter, "a real hero. . . ."

McDonald could not be reached Thursday. * * *

Among his most recent economic actions has been the promotion in Congress of legislation that would increase the value of silver. Coincidentally, McDonald is an associate of fellow Bircher Bunker Hunt. * * *

You wouldn't know it from these biased sentences, but the whole thrust of the story was that my public FEC reports showed that my campaign happened to be using a political consulting firm which was also doing consulting work for then candidate and now President-elect Ronald Reagan. The story also failed to point out that that same consulting firm was also doing work for a number of other political candidates. I may be mistaken, but I thought we still had a somewhat free enterprise system in this country where one could obtain the products and services one needs without consultation with the liberal media beforehand.

My press secretary, some time after the article, contacted Eason to point out the obvious bias in his story. Following are a few excerpts—edited for brevity—from their conversation:

Toles. I do fail to see the significance of the rest of the paragraph which says "and a member of the John Birch Society." As you know, Congressman McDonald is a member of a number of conservative groups, including American Conservative Union, Americans for Constitutional Action, Conservative Caucus and Young Americans for Freedom.

Eason. I will tell you what my reason was for doing that. It is an extreme conservative group.

Toles. Isn't it your opinion that it is "an extreme right wing" organization?

Eason. Yeah. I believe it is.

Toles. Isn't the proper place for opinion on the editorial page rather than in a news story?

Eason. It's my opinion—but it's also a matter of fact.

Toles. What makes it extreme?

Eason. I also have an opinion on that.

Toles. What makes it extreme?

Eason. I'm not sure I have any interest in debating the semantics of that. I gave you my opinion—as to why I used that particular designation.

Toles. But that is still a matter of opinion though, isn't it?

Eason. Do you mean that there are people who contend that that's not an extreme right wing organization? I would find that hard to believe. It's a generally regarded opinion of practically anybody that I know that it is an extreme right wing organization.

Toles. You're stating that as a fact?

Eason. Yes.

Toles. The next thing you said: He was "war minister" in a shadow government of a coalition of ultra-conservatives. What was that in reference to?

Eason. To the statement that we have from your people about two or three years ago that he was named the war minister or defense minister of this coalition of ultra-conservatives.

Toles. Is that what WE said?

Eason. In our files.

Toles. Is that what WE said?

Eason. That is an approximation.

Toles. Would you call Secretary of Defense Harold Brown "war minister?"

Eason. Well you can be called that, yes.

Toles. Do you ordinarily call him that when you write a story about him?

Eason. You can.

Toles. Have you ever done it?

Eason. Not to my recollection but you can do that.

Toles. Why not?

Eason. Look, I have no interest in debating these things with you. If you have a problem with the story, then you write a letter to the editor.

Toles. The next thing you said: "Asked Thursday if he was aware of the Marietta congressman's reactionary political philosophies." Now to me, this is a buzz word. If you had said: "Asked Thursday if he was aware of the Marietta congressman's political postures," that's one thing.

Eason. Now that's your opinion!

Toles. Well, isn't it your opinion they're "reactionary?"

Eason. That's my judgment.

Toles. Isn't that, at the same time, an opinion in a news story * * *?

Eason. You'll have to make that decision yourself.

I'm not here to answer your questions.

Toles. Oh? In other words, you get to ask us all the questions?

Eason. That's right.

Toles. And we don't get to ask you any questions?

Eason. That's right. That's my job. It's not the congressman's job or the congressman's press secretary's to call and interview reporters.

Toles. We don't have the right to ask you why.

Eason [interrupting]. Sure you do. Listen, you're begging the issue.

Toles. You flatly stated in the story that the congressman's political postures were "reactionary." It's not attributed to anyone whatsoever.

Eason. It's a statement of fact.

Toles. In your opinion.

Eason. A matter of fact.

Toles. You talk about "right wing dictators" and you said "the late Nicaraguan Generalissimo Anastasio Somoza." Why was that term used?

Eason. Because he was the head of his armed services as well as being head of the civilian government. When you are head of the armed services and the civilian government——

Toles. You're a "generalissimo?"

Eason. When you are a uniformed general of your armed services at the same time that you are head of your civil government then that is called a generalissimo. There's nothing you can do about that.

Toles. You refer to him (Somoza) as a "right wing dictator."

Eason. I think that's pretty clear.

Toles. Are dictators elected?

Eason. Depends on whether or not they allow other political parties to participate in the process.

Toles. What if international observers said the election was fair and honest?

Eason. I really don't care what they say about the election. It's of no interest to me.

Toles. The point I'm trying to make is you say he is a dictator. And yet he was elected in elections that were fair and honest. Jimmy Carter is commander-in-chief of the armed forces of the United States but I don't find you calling him "generalissimo."

Eason. Is Jimmy Carter a uniformed general?

Toles. There is no mention about uniforms in the story.

Eason. Well, I know but this is what contributes to what you would have called editorial opinion.

Toles. Why couldn't you have called him president?

Eason. Because he was more than president. That would have been to imply that he was duly elected in free elections.

Toles. Were you aware that La Prensa, the opposition newspaper, was the largest circulation in the country and, up until the last few weeks of the war, was allowed to publish freely?

Eason. That's got nothing to do with opposition political parties.

Toles. Well, it was head of the opposition and the opposition Conservative Party was guaranteed 40 percent of the seats in the national assembly.

Eason. Listen, I know that's the opposition that was tolerated. There were other political parties that were not tolerated.

Toles. Such as?

Eason. Beg your pardon?

Toles. Such as?

Eason. Look, I haven't got the time to get into all the details with you. . . .

Toles. You said that "McDonald usually promotes a big business economic philosophy." How did you arrive at that?

Eason. Based on his voting record.

Toles. Specifically?

Eason. Well, he's given these incredibly high ratings by the U.S. Chamber of Commerce, the Round Table and all these business groups for voting their way tremendous numbers of times.

Toles. How about the National Federation of Independent Business, which gives him high ratings?

Eason. Well, he may vote for them as well but he certainly has obtained the favor of the organizations that are made up to a geat extent by big business.

Toles. By which you mean the Round Table and Chamber of Commerce?

Eason. Yeah, they're very much controlled by big business.

Toles. Your are aware, of course, that he voted against the Chrysler bailout?

Eason. Well, he may have.

Toles. Wouldn't that be quite a significant vote?

Eason. Depends on whether or not that would run counter to other political philosophies that he has. Who knows exactly why he did it but it could easily have run counter to other beliefs that he holds. Isn't that a fair assumption?

Toles. No.

Eason. So he votes against big business?

Toles. I think it's quite obvious that his voting record shows that he has voted for free enterprise and against monopoly capitalism, against monopoly government. I would safely say that he is not a proponent of "big business" in the contemporary sense of the word.

You refer to Joe McCarthy as a "1950s red-baiter."

Eason. I guess you're going to say that's a matter of opinion too.

Toles. I'm asking what does a "red-baiter" do?

Eason. I can't believe you asked that question.

Toles. Well, I'd just like to have an answer.

Eason. That's what he was.

Toles. Your opinion. Again.

Eason. No. It's a matter of fact.

Toles. There's no question in your mind that there can be any question (of Eason's statement).

Eason. No, not at all!

Toles. The next thing you say near the end of the story that "McDonald could not be reached Thursday." You called me.

Eason. Let me give you the explanation for that. See I wasn't even sure that I was going to write a story until I looked into all these things. I wanted to get his comment—after I had made a decision to write a story—I tried several numbers to get a hold of him but couldn't.

Toles. Did you not ask me, though, in regard to the congressman's philosophy—and I am his press spokesman authorized to speak for him—whether (his political consultants) they were basically compatible?

Eason. You did.

Toles. But there's no mention in the story that you even talked with me or questioned a member of his staff or anything.

Eason. Well, unfortunately, it was in the story. Unfortunately, it was not used but cut out for purposes of space not out of any sinister reason.

Toles. You said he introduced legislation "that would increase the value of silver. Coincidently, McDonald is an associate of fellow Bircher Bunker Hunt."

Eason. I didn't say it was to increase the price of silver.

Toles. The connotation is there that it was introduced to increase the price of silver when, in reality, it was introduced to purchase silver for the strategic stockpile and this was not explained. And you said he was an "associate of fellow Bircher Bunker Hunt." How is he an associate?

Eason. Well, they associate with one another. They are friends.

Toles. Well, how are they associates? That's a connotation of a business association.

Eason. No, no. If I had meant a business associate I would have said business associate.

Toles. It's kind of repetitious—or kind of begging the point to say he is an associate of a fellow Bircher.

Eason. Well, you might say so; if you were an editor on the desk you might have made that point of view.

Toles. The main thing I am disturbed about is I feel you were questioning me under false pretenses.

Eason. I absolutely was not questioning you under false pretenses.

Toles. I said, just as a curiosity, what angle are you pursuing, and you said, oh, I am doing a story on the (FEC) reports of the Georgia delegation.

Eason. I did. That's exactly what I was doing.

Toles. Okay. Where are the separate stories?

Eason. Well, I looked at the other reports; I looked at three of the other reports. I didn't see anything in there that was of great interest or significance. And since then, I've been put on three or four other assignments and I went back to get the reports and some of them weren't filed yet and I never did get back to it.

Toles. So we are going to end up with the only one with a story on our FEC reports between now and the election?

Eason. No, not necessarily. If I have an opportunity and the time to get back over there and do the other stories, I will. Now the congressman has had problems as he has defined it to me in great detail in the past with reporters from the Atlanta papers. He thinks that they are after him.

Toles. I think that this is a perfect illustration of that!

Eason. In the two-year period of time I have been up here, I have not ventured forth on a single "witch hunt" on Larry McDonald. From time to time people have come to me with little tidbits that "Larry McDonald did this. Did you know that he is involved with this?" I am not the kind of person who goes out and witchhunts.

Toles. When UPI rewrote your story it was too strong for UPI because of these editorializations.

Eason. They're not editorializations. I find it interesting that they (UPI) did that since it was a UPI reporter who said, "well, you know Larry McDonald was involved in this shadow cabinet."

Toles. Let me bring up one thing. You know as well as I do that the (Atlanta) Constitution has both opposed us in its editorial columns, which is fine—but they've been after us hot and heavy—on the news side. Whatever we do, in essence, is bad, and whatever another congressman in the delegation whom they may favor at the moment does, is good. That, in essence, has been the case.

Eason. I really don't see that, to be honest with you.

Toles. You don't see THAT in the Constitution?

Eason. I know that we have, at times in the past, gone on various investigative—projects—but as far as the news coverage of Larry McDonald over the past two years in the Constitution—I don't think you have a quarrel—The fact is I do fancy myself as a reporter who calls a spade a black son of a (expletive deleted), just as it is.—Now when I wrote one column about McDonald about a year ago and then I wrote about the business about the Soviet family, I just thought in the back of my mind, I wonder if some of those who have written adversely about McDonald in the past, I wonder if they will have some criticism of why we are writing something of a favorable nature about

Larry McDonald.—But I was pleased with the idea that we could write some leavening material about McDonald because I have talked with him. I don't find him to be the strange creature that obviously some newspapermen have found him to be.—

Toles. You know—that "war minister" as opposed to secretary of defense has a different connotation. You know "ultra" conservative has a different connotation than just "conservative." You know "reactionary" has a buzz word or negative type of meaning.—

Eason. It has the meaning I intended.

Toles. It has a negative effect—in today's contemporary usage. You know the term, "generallisimo" has a negative connotation. You know "big business economic philosophy" has a negative connotation, although it's false.—These are buzz words that you can slip in and every John Doe who reads the story will not pick up the buzz word but it will register on his mind as an emotion: "Well, yeah, that crazy McDonald is at it again" type thing. And you know that "ultra" does have a negative connotation. So does "reactionary." Regardless of whether the person is that or not.

Eason. Well you say that he isn't and I say that he is . . . How would you characterize the political philosophy of George McGovern?

Toles. Looking on a spectrum from left to right with the left being total government, right being total anarchy, and the middle being, in essence, a constitutional republic . . . George McGovern would be to the left of the constitutional republic toward the end of seeking more government.

Eason. As a matter of fact, that's not your opinion, that's a fact.

Toles. It's my opinion. You'll find a lot of political science professors who would disagree with that.

Eason. No, I think that you have stated a fact and not an opinion.

Toles. I would contend that Congressman McDonald is in the middle of that political spectrum because obviously he does not favor right wing extremism which would be anarchy and obviously he does not favor totalitarianism which would be on the far left end of the spectrum. He does favor limiting the federal government but he does believe that it has very legitimate, constitutional functions. That would put him in the middle of the spectrum . . . and not an extreme right wing individual.

Eason. You would have great difficulty convincing any or most, far and away most reporters, that Larry McDonald is in the middle of the road. You'd have a tough time doing that. I can't agree with you.

Toles. How would you define the political spectrum as you understand it then?

Eason. I would say that extreme ultra right wing would be that which tended to put into the hands of a relatively few number of people most of the power in the country.

Toles. Well, don't you describe the Soviet Union that way?

Eason. I beg your pardon?

Toles. Aren't you describing the Soviet Union?

Eason. Yes.

Toles. That's a right-wing dictatorship?

Eason. No, it's not necessarily right wing because their philosophy and what they do are very different things. They run it, in effect, very much like a right-wing dictatorship would run a government. In fact, if I had to be pushed to the wall on the subject, I would have to say that the very few bureaucrats that run that country are probably more right wing—or at least as right wing—as the Somoza people were down in Nicaragua. Now this is not a new concept.

Toles. You are getting me somewhat confused because if Larry McDonald is an ultra right-winger, that means he must be somehow compatible with the "right wing bureaucrats" in the Soviet Union. I don't think anyone in this country would buy that particular theory.

Eason. No, I wouldn't carry forward that extension. The point I was making about McDonald is not to ally him with the ruling bosses in the Soviet Union but stated his economic philosophies and his political philosophies carried to their logical extension would tend to place power in the hands of a relatively few number of Americans.

Toles. But since he favors limitations upon the federal government and allowing the states and local governments, in essence, to reside (in the sphere of influence) originally intended by our Founding Fathers (and) he feels there should be limitations upon the federal government to prevent its power and influence over individuals, how does this philosophy square with your idea?

Eason. Well, you know the answer to that. We only have one national government. There's only one way to talk about the United States of America and that is as a national government and the purpose of many of the federal programs in the economics area and the social services area is to prevent the coalescing of economic and therefore political power in the hands of a very few people. The stated purpose of the general philosophy of having the federal government involve itself at all in the economy is to keep these things from coalescing into an extreme right-wing position, an extreme conservative position.

Toles. Wouldn't it mean more government?

Eason. It would mean less government. Excuse me, I've got some calls out and I'm probably going to have to call you back.

Toles. I'm going to have to go and, I'm sorry, but we won't be able to deal with you anymore.

As those reading this exchange can easily see, this particular reporter doesn't have the foggiest idea of what he is talking about when he refers to the proper function of the Federal Government or the meaning of the terms "conservative," "liberal," "right-wing," "left-wing," "liberal," or "reactionary."

Quite obviously, he needs to read the U.S. Constitution—especially the 9th and 10th amendments—and take a high school course in civics before writing anything further as a political writer.

While he may or may not have any personal animosity toward me, it is readily apparent that he does a great disservice when writing about those of us who feel that the Federal Government has attained entirely too much power, has allowed our national defenses to slip into disarray and has caused economic disaster for our citizens.

Anyone who is even remotely knowledgeable about the philosophy of constitutionalists knows that we do not favor concentrating economic or political power in the hands of a few.

The danger we face today is not from free enterprise companies or local and State governments but rather from a Federal Government which has grown out of control.

It is apparent that some reporters and editors do have axes to grind when they write biased, slanted articles while others are merely ignorant about how our constitutional Republic was designed to operate and seek to hide that ignorance under a facade of arrogance. Others may be simply following the usually unwritten and intangible but very real liberal line established by their newspapers or networks because of personal ambition, desire for power, or monetary reward.

The reader of this two-part series can place Mr. Eason in whichever category seems appropriate.

Let me make it very clear once that although I gladly accept honest criticism and fair news reporting—whether they portray my duties in a favorable or unfavorable light—I do not intend to lie down and play dead for liberal or ignorant reporters who seek to ridicule the philosophy of constitutional government or who use the freedom they have to destroy me through ridicule and slanted articles which reveal their own bias.

While it is obvious that I shall never get the last word in such liberal newspapers as the Atlanta Constitution, I intend to display their vicious bias at every opportunity—particularly when they attempt to involve me in their vendetta against constitutional government.

Again, I make these assertions with no feeling of arrogance but simply as one who has had enough of some segments of the news media—in the words of James Fenimore Cooper—which, "under the semblance of maintaining liberty, (are) gradually establishing despotism * * *." Also, I hope my conservative colleagues will do the same.●

DR. TIM LEE CARTER

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BRINKLEY. Mr. Speaker, for more than 15 years this House has been graced with the presence and made better by the dedicated service of Dr. Tim Lee Carter, who has so ably represented Kentucky's Fifth Congressional District.

The medical expertise he has provided as a highly respected member of the House Interstate Commerce Health Subcommittee has proved invaluable in helping to guide the subcommittee's legislative actions.

As his outstanding record of service draws to a close, I am reminded of the sad words of the poem "At the Crossroads," by Richard Hovey:

You to the left and I to the right,
  For the ways of men must sever;
And it well may be for a day and a night,
  And it well may be forever.

But the glad memories evoked by the same poem remain:

With a steady swing and an open brow
We have tramped the ways together.

Together we have served in these Halls of Congress, and I know Tim Lee will continue to meet and minister to the needs of others through his special healing touch. At the prayer breakfast I have heard him pray for all of us in our daily trials and tribulations; and I shall never forget his eloquent conclusion, that when the fever of life is done, that we might all be together again in that great homecoming.

We shall miss you, Tim Lee, but the example of dedication and humility, which legacy you leave behind, will continue to strengthen us in the years ahead.●

EULOGY FOR SPEAKER JOHN McCORMACK

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MILLER of Ohio. Mr. Speaker, the passing of John McCormack saddened every one who knew and worked with him. He was a giant among men. Overcoming odds that only the most able could overcome, he rose from the ranks of the poor to a position few individuals attain, that of Speaker of the House of Representatives.

When I first came to Congress in 1967, I was sworn in by John McCormack. Though I was a member of the other party, and his side had just taken a shellacking at the polls, he treated me as if I was a long lost ally. Though a strong partisan, he never let his partisanship get in the way of his personal dealings.

At a distance, he gave the appearance of being a crusty politician, but up close he was a warm, kind, and generous man. He never took himself seriously. He rose from the ranks of the common man and went through life an unpretentious, kind, well-meaning man. His works for the common good of all people were substantial, and will serve as a lasting memorial to this great American.●

TRIBUTE TO HON. BOB ECKHARDT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is with great pleasure that I take this opportunity to express my admiration for Mr. Bob Eckhardt of Texas, who has so ably represented the Houston area of Texas since 1967.

Bob Eckhardt has been a hard-working and dedicated member of the Interstate and Foreign Commerce Committee. As chairman of the Subcommittee on Oversight and Investigations, he has led an aggressive and courageous fight to see that our national interests have been respected and upheld in our national trade policies.

As a member of the Interior and Insular Affairs Committee Bob Eckhardt has been a leading voice in protecting our national parks and in overseeing our public lands and water resources.

Congress will be poorer for having lost this loyal and dedicated public spokesman. I join in wishing him a happy and successful life when he leaves here.●

TRIBUTE TO HON. RICHARDSON PREYER

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FOWLER. Mr. Speaker, the 97th Congress will sorely miss the presence of Judge Richardson Preyer, the Representative from North Carolina's Sixth District.

I was a college student in North Carolina when Judge Preyer was beginning his political career. At that time I admired from a distance his great intelligence and skill and the reputation he had acquired as a Federal district judge. Since coming to Congress I have had the pleasure of serving with Judge Preyer, and have learned of his special knowledge and concern firsthand.

During the past several months as members of the Committee on Standards of Official Conduct, Judge Preyer and I have faced one of the most difficult and unpleasant tasks that any of us will ever have to face. His sense of fairness and justice has been invaluable, and has set a standard for all of us to follow.

In addition to being an excellent Representative for his district, Judge Preyer has been an eloquent spokesman for moderates all over the South. I am sure that he will continue to provide the kind of moral leadership that he has provided us here in whatever he decides to do next year. I know that I will continue to value his judgment.●

TRIBUTE TO CONGRESSMAN BOB ECKHARDT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to join with my colleagues in the House in honoring Bob Eckhardt, Congressman from the Eighth District of Texas, who will be leaving the House at the close of the 96th Congress.

Bob is a man of conviction, who has worked hard to represent the people of the Eighth District.

I bid Bob a fond farewell, and hopes for happiness in the future.●

IN RECOGNITION OF CHIEF JOHN E. KILCOURSE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FLORIO. Mr. Speaker, I would ask my colleagues to join with me today in recognizing the exemplary record of service of a distinguished constituent of mine, Chief John E. Kilcourse. This evening, Chief Kilcourse's friends and family will gather to honor him on the occasion of his retirement as Runnemede's chief of police after 26 years of service.

Chief Kilcourse began his police career in 1954. In 1958 he was appointed sargeant and was elevated to the rank of lieutenant in 1972. In 1978, John Kilcourse was appointed as chief of police, a post at which he has served with distinction.

During his tenure as chief of police, Chief Kilcourse has proven to be an asset not only to Runnemede, but to law enforcement throughout Camden County as well. Serving as a member of the Camden County Communications Advisory Board, Chief Kilcourse helped to develop a countrywide communications system that will greatly aid local police in performing their duties.

At this time I would like to add my congratulations and thanks, as well as those of my colleagues, to those Chief Kilcourse will receive this evening. It is small compensation for the years of service to his community.●

TRIBUTE TO HENRY MASSEY

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. JENKINS. Mr. Speaker, I would like to take this opportunity to salute a fellow Georgian who will be retiring from the Cooperative Extension Service at the end of the year.

Henry Massey, who has worked with the service for the past 25 years, has made many outstanding and significant contributions to our area.

Following two tours of active duty with the U.S. Marine Corps, Henry became associated with the University of Georgia, specializing in poultry related matters. During his tenure at the university, the poultry industry has grown in Georgia to a multibillion-dollar concern. He has also served as head of the extension poultry science department, district agent for north Georgia, and district agent for agriculture and natural resources.

Henry's achievements through research and development are far too numerous to mention. His devotion to his family, church, and civic activities has indeed been remarkable.

I would be remiss if I failed to mention Henry's culinary talents as well. Without question, his preparation of barbequed chicken is unmatched in all of north Georgia.

Mr. Speaker, the Cooperative Extension Service is losing a valued employee, but I am confident that Henry Massey's labors will long be remembered. Thank you.●

TRIBUTE TO JOHN W. McCORMACK

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STANTON. Mr. Speaker, it was a very sad journey last week for my wife, Peggy, and myself to attend the funeral of our former beloved Speaker John W. McCormack in South Boston.

As I look back over my 16 years in the House, I can find no one that I personally admired more and for whom I have had more respect than John McCormack.

Mr. Speaker, John McCormack was an inspiration to all of us. I well remember two incidents in particular during my first 6 months in the House in 1965. I first approached the Speaker on March 17 of that year. I asked him why the House of Representatives, especially since he was our leader, had to meet on St. Patrick's Day. To me it seemed almost sacreligious. The Speaker informed me that this had bothered him too for many, many years. His conscience was finally resolved, though, by starting each St. Patrick's Day the same way. He said:

> Every year on March 17, I wake up and the first thing I do is call St. Peter. I ask him if the House of Representatives should meet today. Every year from St. Peter, the answer was the same, "John, the House must meet today. The world is in such bad shape the House has to meet today."

With this he would sit back and laugh at his own joke.

One day a few months later, he signaled me to come up to the rostrum. His question was, "What is a good Irish Catholic lad like you doing on the left side of the aisle?" After joining him in laughing at his own joke, I replied, "The big trend today is integration."

Mr. Speaker, the fairness of John McCormack, his obvious love for his devoted wife, and his outstanding character should be an inspiration to all of us. His influence shall be felt for generations to come.

Peggy joins me in expressing to his nephew, Eddie, and all of his family our deepest sympathy. We both feel extremely fortunate that John W. McCormack passed our way.●

TRIBUTE TO LUCIEN NEDZI

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. JONES of Tennessee. Mr. Speaker, I am proud to take this opportunity to take part in this special order for our colleague LUCIEN NEDZI. I hate to see him leave us, but I know his retirement is a well deserved one.

I must refer to LUCIEN as Mr. Chairman because I have served with him on the House Administration Committee on which he now serves as chairman. He has brought to that committee and this House great skill as a legislator and expertise as a legislator. He has served with distinction and has been conscientious in his duties. On the Armed Services Committee, he has been known as a man who looked upon our national defense policy with fairness, but with an eye toward insuring that that policy was effective.

It is with regret that I see Mr. NEDZI leave this body. We will all miss him and the leadership he has provided throughout his congressional career.●

TRIBUTE TO RAY ROBERTS

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STEED. Mr. Speaker, when RAY ROBERTS and I leave here simultaneously at the close of this Congress it will end a pleasant and cooperative association of almost 20 years.

As successor to Sam Rayburn representing the Fourth District of Texas, RAY ROBERTS has spoken for an area very similar to my own. As neighbors we have shared many problems and viewpoints, and he has consistently been a strong and courageous spokesman for his district.

Especially in the fields of veterans affairs and public works he has been a warm friend to Oklahoma, and we wish him every happiness for the future.

His consistency of purpose in legislative decisions and his dedication to his high concept of proper public service have been landmarks that have placed him among the most valued and revered Members of the House. He has been an inspiration when hard decisions have had to be made, and a pleasure to share the job with in more happy times.

I have benefited from being associated with him and will always carry a fond memory of the work we have shared.●

TRIBUTE TO GEORGE ROGERS

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. DERRICK. Mr. Speaker, I am pleased to have this opportunity to commend George Rogers, who has brought great honor to the State of South Carolina as the winner of the 1980 Heisman Trophy, presented to the Nation's most outstanding football player.

George played 4 years as a tailback for the University of South Carolina Fighting Gamecocks. As a junior, he was named an All-American and was second in the Nation in rushing yardage.

This year, George's senior year, he led the University of South Carolina to an 8-3 season and a Gator Bowl appearance. George ended the season as the Nation's leading rusher with 1,781 yards and in fourth place on the all-time collegiate rushing list with 4,958 yards. He also led the Nation in average yards gained per game. In his last 21 games he rushed for more than 100 yards.

The statistics are impressive. Along with his athletic abilities and skill, George's determination and consistency sold sportswriters all over the Nation on George Rogers as the country's best football player.

There is a second story to the George Rogers victory. A story which is equally impressive as his athletic record. A story which has endeared George to the people of South Carolina.

George Rogers has not had an easy life. His life story is a very touching human drama. George himself says his life "could have gone the other way." From a very meager beginning in the city of Atlanta, George has brought himself up to be admired and respected by thousands of people.

His modesty and enthusiasm are trademarks. George gave lavish credit to his teammates and coaches when he was announced as winner of the Heisman Trophy. More than 10,000 South Carolinians turned out at the airport to welcome George home after the New York announcement ceremony. Students at the University of South Carolina cheered and celebrated.

George Rogers' victory in winning the Heisman Trophy was more than a win for one individual. It was a victory for student-athletes in general and for all the young men and women in our Nation who need the inspiration and hope that George Rogers has provided.

College athletics offered George more than just a chance to play football. It gave him an education and provided a new lifestyle. It meant George would not go the other way.

To George, I offer my best wishes for a truly successful and outstanding career and a rich and happy life.●

THANKS TO MY STAFF

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. KOSTMAYER. Mr. Speaker, as the 96th Congress draws to a close, and as I complete my second term in the House, I want to take this opportunity to recognize a group of people who have served me and the residents of the Eighth District of Pennsylvania so ably and so loyally, and that is my staff.

I have been blessed to have had the good fortune to work alongside so many fine men and women who have given of themselves unselfishly in the service of their community and the country.

No matter how long the hours or how burdensome the task, they have responded with enthusiasm. And they have never waivered in their commitment to make Government work for all the people.

I shall always be grateful for their hard work, and their many kindnesses to me and the people I have represented:

Edward Mitchell, Kingston, Pa.; F. H. Brewer III, Wayne, Pa.; John Seager, Perkasie, Pa.; Judith Braunston, Southampton, Pa.; Gary Felder, Yardley, Pa.; Scott Godshall, Southampton, Pa.; Marilyn Lesko, New Britain, Pa.; Michael Mael, Washington, D.C.; Patrick McNamara, Glenside, Pa.; Lynn Nesmith, Washington, D.C.; Clarke Rupert, Quakertown, Pa.; Herbert Sambol, Washington, D.C.; Alisa Sokolis, Southampton, Pa.; Margaret Swanson, Levittown, Pa.; Susan Tamny, Dublin, Pa.; Catherine Voytko, Roslyn, Pa.; Eric Rosenthal, Philadelphia, Pa.; Marianne Kuzma, Yardley, Pa.; Judy Beck, Perkasie, Pa.●

TRIBUTE TO THOMAS LUDLOW ASHLEY

HON. E DE LA GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DE LA GARZA. Mr. Speaker, I am pleased to join my colleagues today in honoring THOMAS ASHLEY upon his departure after 26 years of dedicated and effective public service in behalf of the people of the Ninth District of Ohio and the Nation.

I have had the pleasure of working with THOMAS ASHLEY on the Merchant Marine and Fisheries Committee. I am sure that all of us will be poorer without his great leadership abilities and his expertise in urban affairs and energy policy. The people of the United States should be grateful for the hard work and dedication which he showed in helping give us a coherent energy policy. THOMAS ASHLEY'S expertise and willingness to tackle big problems will be hard to replace.

THOMAS ASHLEY has my respect and best wishes for whatever course he may follow in the months and years ahead.●

TRIBUTE TO HON. LAMAR GUDGER

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FOWLER. Mr. Speaker, I would like to say a few words in tribute to a distinguished and diligent member of the North Carolina delegation, LAMAR GUDGER, who has ably served the 11th District for two terms. My own regret at his departure is eclipsed by the loss that will be felt by the House itself.

A native of Thomas Wolfe's hometown of Asheville, LAMAR served for 20 years as a State legislator from Buncombe County before his election to the House in 1976. I would just like to mention some of the highlights of LAMAR'S record as a Congressman for the past 4 years. The wide range of his committee assignments reflects his overriding concern: To represent equitably and well the interests of the average citizen. As a member of the Select Committee on Aging, LAMAR was in the forefront of the emerging movement to recognize the rights of senior citizens. While on the Judiciary Committee, Congressman GUDGER relied on the talents he acquired as a trial lawyer in Asheville to protect citizens' rights.

For example, in the Judiciary Committee last year he submitted an amendment to prevent surprise searches of individuals by State and local police. Representative GUDGER also served with eminence on the Interior Committee, representing a district that houses the Nation's most heavily-visited national park: the Great Smokey Mountain National Park.

It is this broad reach of his vision, as represented by the range of committees on which he served, which will be most missed by his colleagues. Of one thing we can be sure, whatever pursuit he undertakes will benefit from his insight, his hard work, and his sense of equity.●

ROSA PARKS

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. ALBOSTA. Mr. Speaker, this week we celebrate the 25th anniversary of a very important milestone in the birth of the American civil rights movement. It was on December 1, 1955, that a proud and determined, but simple woman by the name of Rosa Parks took the seemingly minor step of refusing to move to the back of the bus in Montgomery, Ala.

Yes; today it seems like a minor act, but in 1955, in the Deep South, what Rosa Parks did took a great deal of courage. Those were the days of strict segregation in our Nation.

We have come a long way in the last quarter of a century since Rosa took her dramatic action. We can be proud of the progress our Nation has made in the field of civil rights. The task is not over, however, by any stretch of the imagination.

The inspiration of people like Rosa Parks were the driving force of the civil rights movement. They took these actions not for fame and glory, but because of their belief in themselves and their rights as human beings and as citizens of the United States of America.

I join my colleagues in paying tribute to this brave and caring individual who put security aside in the fight to obtain for herself and for her people what was rightly theirs. Our Nation today is better for her efforts and determination to make the ideals of our Constitution a reality for all our citizens.●

TRIBUTE TO CONGRESSMAN RAY ROBERTS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. STENHOLM. Mr. Speaker, Congressman RAY ROBERTS will soon be leaving these hallowed Halls of Congress, and I wish to join with all my colleagues in paying respect to a man who has given so tirelessly and fruitfully to the work of the U.S. House of Representatives.

I have had the privilege of working with RAY here in the House for only 2 years, however this time has been well spent and I feel fortunate to have had the benefit of his wisdom and counsel as I began learning my way around Capitol Hill.

RAY'S career here in the House, which began in the 87th Congress, has been a distinguished one indeed. As chairman of the Veterans' Affairs Committee, he has been a champion and defender of rights and benefits for the veterans who have given so much for their Nation. RAY'S name is synonomous with compassion and fairness for all veterans, and I know his presence will be sorely missed both by his colleagues and by those he has served in Texas and throughout the Nation.

Let me take this opportunity to commend RAY for a job well done, and to wish him the very best as he leaves the office to which he has brought honor and distinction.●

TRIBUTE TO TIM LEE CARTER

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BUCHANAN. Mr. Speaker, the Nation will lose a dedicated public servant from the great State of Kentucky with the close of this legislative session the Honorable Tim Lee Carter.

I have had the distinct pleasure of serving with Dr. Carter in the Congress since coming to the House with him in 1964. I can say with firm conviction that there is no more compassionate or caring individual in this legislative body. Dr. Carter has impressed us all with his skill and courtesy in debate. He is a southern gentleman in the truest sense of the word.

Dr. Carter is a graduate of Western Kentucky University at Bowling Green. He then went to the medical school at the University of Tennessee in Memphis. He was graduated from there in 1937 and interned at the U.S. Marine Hospital and Chicago Maternity Center that year and the next.

As a Member of Congress, Dr. Carter has served on the Committee on Interstate and Foreign Commerce and was selected as the ranking minority member of its Subcommittee on Health and the Environment in January 1975, a post which he has held since that time. He is also ranking minority member of the Committee on Small Business' Subcommittee on SBA Oversight and Minority Enterprise.

As ranking minority member of the Health Subcommittee, Dr. Carter is widely recognized as a leading legislative expert in the health field. Many of the numerous honors and awards which he has received since coming to Congress reflect his deep, personal commitment to the health of our citizenry.

In December 1978, the American Medical Association presented Dr. Carter with its highest award, the Dr. Benjamin Rush Bicentennial Award for Citizenship and Community Service. The American Dental Association elected him in 1978 to be an honorary member as did the American Hospital Association in February of this year.

Dr. Carter has received distinguished service awards from the American Medical Association, the American Academy of General Practice, the American Podiatry Association, the National Arthritis Foundation, the National Cystic Fibrosis Research Foundation, and Medical Tribune—all for his work on health legislation.

He has also received awards from the Kentucky and American Diabetes Association, Kentucky Hospital Association, Digestive Diseases Faculties of the Universities of Louisville and Kentucky, the Kentucky State Review Committee on Family Planning, the American Academy of Pediatrics, the American Society of Hematology, the American Association of Colleges of Pharmacy, and other medical associations and foundations too numerous to mention. Suffice it to say that he is without peer and respected by all in this field noted for exceptional individuals.

Let me say in closing that Dr. Carter is also a devout Baptist Christian who practices his religion in the conduct of his daily affairs. He has been an inspiration to all who have known him and will be sorely missed in this body. I am proud to have called him colleague and friend.●

TRIBUTE TO DR. TIM LEE CARTER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, it is a genuine privilege to join the tributes to our friend and colleague of 16 years, Dr. Tim Lee Carter, as he prepares to depart from the Congress. He leaves behind him a career of dedication to the well-being of mankind which stands as a model for all. His contributions in the House of Representatives, where he has won the respect and affection of so many of his colleagues, have been almost as numerous as the honors and accolades which have come his way in the field of medicine.

Tim Lee's career spans more than six decades, beginning as a teacher in a one room schoolhouse in Kentucky, to Army captain during the Second World War, to private medical practice in his beloved State of Kentucky, to a Member of the House of Representatives. It was fitting that he should choose the Subcommittee on Health and Environment in the Committee on Interstate and Foreign Commerce which enabled him to pursue his dedication to the cause of improved health. He is a Member who has made a difference. He will not soon be forgotten.

I wish Tim Lee and his wife, Kathleen, a retirement filled with joy and continued good works.●

TIM LEE CARTER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. COLLINS of Texas. Mr. Speaker, it is a privilege to join with the Kentucky colleagues of Dr. Tim Lee Carter in paying our respects to Dr. Carter I think of Dr. Carter as more than a son of Kentucky, as he is a true son of the entire South. We are going to miss the gentleman from Kentucky with his gracious manners and considerate concern for everyone.

Serving with him on the Commerce Committee, I have always looked to Tim Lee for the leadership on subjects of health. Being a doctor, he understands medicine and with his deep compassion, he is always eager to find a way that we can improve the health and the future for everyone in this country.

Tim Lee is mighty proud of Kentucky. He is proud of his medical clinic down there in the Kentucky hills. He is proud of his beautiful farm. But what he is the most proud of are his friends and neighbors who live down there with him. And I have heard him so many times tell stories about them. With his warm heart, he has represented Kentucky so well all these many years. We are going to miss Tim Lee. But the mark he has made in Congress will be a permanent mark of achievement that will always set standards for health for the future sessions of Congress.●

SAM DEVINE

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. GRASSLEY. Mr. Speaker, I regret that I was unable to be personally present on Monday, December 1, when the gentleman from Ohio (Mr. Latta) reserved time for a special order recognizing the contributions which my friend from Ohio, Sam Devine, has made to the House of Representatives and the United States.

Others have commented on Sam's legislative record and the positive contributions he made to the cause of limiting the power and influence of the Federal Government. My remarks will focus on the personal kindness he demonstrated toward me since I began serving in the House in 1975.

Frankly, I was a little overwhelmed with new experiences and a mass of information that almost defied comprehension, much less organization. Sam Devine had served 16 years in the House and, I am confident, had just as many demands on his time and energy. Certainly he had nothing to gain from helping me to adjust to serving in the House of Representatives. Sam took the time, or he made the time available, to work with me. I felt he took a special interest in me as a person.

The comments of other Members of the House of Representatives lead me to believe that Sam took the time to assist others. He has many friends in this Chamber and the friendship far surpasses political considerations. Throughout the years Sam continued to take the time to help me gain knowledge and understanding.

Sam and I shared an honor in 1976 when we were both named to Environmental Action's dirty dozen list. That group's campaign against incumbent Members of Congress is supposed to be based on how Congressmen vote on environmental issues. In reality, those Members of Congress who favor limited Government, those Congressmen who believe that the Federal Government should not be all powerful and omnipotent, are penalized and targeted for defeat. I am proud to have been named to the dirty dozen list with my friend Sam Devine. I am proud to have served in the House of Representatives for the past 6 years with my friend from Ohio, Sam Devine.●

JOHN BUCHANAN

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JONES of Tennessee. Mr. Speaker, it is always especially hard to see a neighbor leave, and that is true about my friend and our colleague, John Buchanan of Alabama. It is with regret that I see him leave this body.

I have always had great respect for John. He has served his district and this country honorably and conscientiously. He has never taken the important issues of our time lightly and has always sought to make informed judgments on them. He has also brought dignity to his office, and he is a credit to Alabama and the institution of the House of Representatives.

Maybe one of the most important aspects of John's service has been his sensitivity to doing what he thought in his heart was the right thing to do. He has strong individual values and has not compromised them in the carrying out of his duties.

I am sorry to see him leave us. His honor, dignity, and sensitivity to human problems are all characteristics that all public institutions need, and John Buchanan's honor, dignity, and sensitivity are all characteristics we are going to miss.●

TRIBUTE TO ROBERT McEWEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BIAGGI. Mr. Speaker, I am privileged and honored to pay tribute to a distinguished legislator and public servant from my home State of New York, Robert McEwen.

For many years, Bob has effectively served not only the people of his district, but all the people of New York and the Nation. This House and the people of the 30th Congressional District of New York have been fortunate to have as their Congressman, Bob McEwen.

Bob came to Congress after a decade in the New York State Senate. Using that valuable legislative and leadership experience, he has served as a most effective member of the House Appropriations Committee—which is one of the most time-consuming jobs in Congress.

Remarkably, however, Bob never allowed any other aspect of the job to interfere with his effective constituent service.

His dedication to high principles and hard work has improved the quality of life throughout the land. Bob has represented justice and equality for all Americans, and has worked enthusiastically to provide for the hopes and aspirations of all the people he serves.

Knowing him to be a loyal and dedicated family man, I am sure Bob will enjoy and appreciate spending more time with his wife, Anita, and the family.

Serving in the House is an honor not only for the important work that we do, but also for the fine people that we meet. Bob McEwen is one of those special people. He can be very proud of his outstanding contributions to the improvement of the quality of life in his community and in American Government. I wish him all the best in his future endeavors.●

TRIBUTE TO HON. THOMAS LUDLOW ASHLEY

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DERRICK. Mr. Speaker, I would like to thank my friend and colleague, Dan Rostenkowski, for reserving this special order today so that we might have the opportunity to offer tribute to a distinguished colleague who will not be returning in January, Thomas Ludlow Ashley.

Mr. Speaker, I sincerely regret that Lud will not be returning to service in the House. His 26 years of dedicated service to this body will find few if any parallels. Beyond his work on the House Committees on Merchant Marine and Fisheries and Banking, Housing, and Urban Affairs, Lud has left his mark indelibly on this Nation's energy policy. On the issues of energy, housing, and urban policy, the House will lose both an effective and dedicated spokesman.

Lud has tackled the tough issues in a tireless and relentless manner. I have had the honor of serving on committee with this gentleman and can attest to his dedication to the legislative process.

Lud, I would like to offer you the best of luck in what I am sure will be a bright future, your presence in this Chamber will indeed be missed.●

TRIBUTE TO CONGRESSMAN MURPHY OF ILLINOIS

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. FARY. Mr. Speaker, I would like to take this time today to congratulate my good friend and colleague from Chicago, Morgan Murphy, on his retirement from Congress. After 10 years of hard work on behalf of the people of Illinois Second Congressional District, it is nice to know that he will finally have the time to do the things that he wants to do and get back to the practice of law that he loves so well.

I could spend more time than allowed me here today in listing the numerous times Morgan Murphy has come to the aid of his country. It's true he began his public life by answering the call to join the Marine Corps for 3 years and came to his country's aid in that way. But in his last 10 years as a Member of Congress he has come to America's aid on numerous occasions by doing an outstanding job in this House of Representatives.

When he first came to the House in 1970 and saw a nation divided by the Vietnam conflict, at a time when few people were aware or cared about returning veterans, it was Morgan Murphy who watched out for them and made the rest of the country aware that the veterans were wounded in several hidden ways and needed the help of all Americans in healing the most serious wound—drug addiction.

He served again as a member of the House Intelligence Committee, and at a time when grandstanding could have helped his personal career, he chose to do what was best for the country and worked quietly on this sensitive issue of such great importance to the Nation. In the Rules Committee he had to choose many times between what he wanted to do and what was good for the country. He always chose what was good for America.

Countless times I have gone to Morgan for his advice as both a friend and colleague, and each time he has gone out of his way to be helpful. His expertise as an attorney and experience as a member of the Rules Committee have been invaluable to me in representing my constituents.

Chicago will miss having this conscientious watchdog in its congressional delegation, and I will greatly miss having him as my colleague. I wish him the best of luck and hope we have not seen the last of him.●

RICHARDSON PREYER

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BUCHANAN. Mr. Speaker, it is with a deep sense of personal and professional loss that we bid goodbye to our friend and colleague, RICHARDSON PREYER.

RICHARDSON PREYER is a public servant in the truest sense of the word. Born into a wealthy southern family and heir to a pharmaceutical company fortune, PREYER heard the difficult call to public service and willingly, unselfishly followed it.

A graduate of Princeton University and Harvard Law School, he became a local judge at the age of 34. Appointed to the Federal bench in 1961, PREYER resigned that position, a lifetime appointment, to run for Governor in 1961. Although defeated in his bid for election as Governor, PREYER was undaunted and ran successfully for Congress from North Carolina's Sixth Congressional District in 1968.

PREYER's reputation for honesty, integrity, fairness, and sound judgment is known by all who are familiar with his work in this legislative body.

He has been called on by the Democratic leadership for a number of difficult and sensitive positions. He has served as the No. 2 Democrat on the House Assassinations Committee and was chairman of the subcommittee investigating the murder of President John F. Kennedy. He was charged with the responsibility of writing a code of ethics for the Members of the House and is a member of the House Ethics Committee. In each of these difficult and often controversial positions—with pitfalls literally at every turn—he has shown himself to be fair, hardworking, thoughtful and judicious.

A compassionate man, a family man, a man who has built his life on the values which have been the foundation of this great Nation—such a man is RICHARDSON PREYER. All of us who have worked with him over the past 12 years have been touched by his sincerity and diligence. He will be sorely missed by his colleagues in the House and by the country as a whole.●

TRIBUTE TO BOB WILSON

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. JOHNSON of California. Mr. Speaker, the departure of BOB WILSON from the House of Representatives is a loss not only for his consitutents of San Diego, the State of California, but for our Nation as well. The Congress is losing one of its most highly respected, hardest working Members, whose integrity is beyond reproach. He leaves a fine legacy.

Many fine words have been said about BOB WILSON and his record over the past 28 years, and I can't find one with which to disagree. His dedication to his consituents, the State, and our Nation is unequaled.

That he espouses a strong national defense and has fought diligently for the men and women who serve, and have served, our Nation in the Armed Forces is well known by all. He has demonstrated this time and time again in his long and distinguished career in Congress and in his service on the House Armed Services Committee.

Our State of California is losing one of its most ardent and loyal Representatives. I am proud indeed to have been a member of the same team.

As I look back on my years of service in the House of Representatives, one of the fondest memories I will carry with me is the wonderful friendship my wife Albra and I have enjoyed with BOB and Shirley. We wish them the very best always.●

UNJUSTIFIED ARROGANCE BY THE MORAL MAJORITY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, there are indications of an ugly hubris on the far right.

We in the Congress realize the extent of our political and philosophical differences; and while these differences sometimes result in heated debates on the direction of public policy, we endeavor to improve the well-being of all Americans. Yet there are a few extremists who presume to influence the Congress—namely, Rev. Jerry Falwell of the Moral Majority, and John Dolan of the National Conservative Political Action Committee (NCPAC). These men are intent upon purging the element of pluralism and free expression from our democratic society.

The Jacobin Maximilien Robespierre, at the height of the French Revolution, asserted that "terror is an emanation of virtue." Political disfavor by the extreme right has become the new terror. Like Robespierre, the leaders of the Moral Majority and NCPAC are intent upon frightening us into their version of goodness, thus humiliating those of commonsense into a state of submissiveness.

Nor are the leaders of the Republican Party exempt from the presumptuous threats of Mr. Falwell and Mr. Nolan. Both President-elect Reagan and Vice-Presidential designate Bush have been warned about the dangers of alienating their self-appointed, voodoistic imagemakers.

The editors of the Flint, Mich., Journal have noticed this trend, and have published two articles on the postelection rightist phenomenon. The articles follow:

NCPAC THREAT

If John T. Dolan, chairman of the National Conservative Political Action Committee, has his way, Congress—or at least the Senate—will be cleansed of the liberal point of view in two more years.

NCPAC is the right-wing group that spent more than $1 million this year to defeat certain liberal senators. Now, before the dust from the conservative landslide that swept the nation last week has even settled, Dolan and Co. has announced that it is targeting 20 more senators up for re-election in 1982 and may even go after a few House liberals, perhaps spending more than $2 million in the process.

The vengefulness and boasting exhibited by Dolan and other right-wing zealots immediately following the election led us to warn of the potential for divisiveness in this nation unless President-elect Reagan demonstrates that he does not cotton to their extremism.

This latest vow to purge the liberals reinforces our view. NCPAC's hit list for 1982, like the one it executed this year, reads like a "Who's Who" of American politics: Democratic Sens. Kennedy, Metzenbaum, Jackson, Moynihan, Proxmire, Bentsen, and Michigan's own Donald Riegle, for instance; three Republican senators including Chafee and Weicker; and possibly the likes of Jim Wright and Morris Udall in the House.

No matter your politics, no one can argue that these are not talented and dedicated public officials. But in a fit of arrogance, obviously strengthened by NCPAC's 1980 successes, Dolan has decreed that these men are largely responsible for everything that is wrong with America and that they must be removed. He was even so presumptuous as to say of Riegle: "I don't think Michigan needs this type of liberal senator."

There's only one way of thinking to the NCPAC people, and that's to think right. If a lawmaker on NCPAC's hit list wants to get off, Dolan says, let him move noticeably to the right.

John Kennedy said: "Let us not be blind to our differences—but let us also direct attention to our common interests and the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity."

Save us, then, from the John Dolans of the world.

PUT THOSE PEOPLE IN THEIR PLACE

In the wake of the election, this should be a time of healing and calls for unity, not boasting and vengefulness.

Yet leaders of certain rightwing groups are acting like conquering barbarians, spewing warnings and denunciations that, if continued, threaten to drive sharp wedges in American society. If President-elect Reagan doesn't put Jerry Falwell, Terry Dolan and others of that extremist ilk in their place—back on the fringe—Jimmy Carter's claim about the wrenching divisiveness of a Reagan victory could come true. And that would doom the Reagan presidency.

Emboldened by the extent of Reagan's win and the startling gains by conservatives in the Congress, certain banty roosters of the far right are threatening remaining liberals in the Congress with political extinction. They're even warning Reagan himself to toe the "moral" line.

A sampling of this pompous bellicosity comes from Dolan, chairman of the National Conservative Political Action Committee, which spent millions of dollars to defeat incumbent Senate liberals like George McGovern and Frank Church. Says Dolan: "If I were a liberal politician running for reelection in 1982, I would be quaking in my boots." And if Reagan's actions stray from strict conservative principles, Dolan warns, "he will pay the political price."

Such talk can only foster an "us versus them" attitude among various segments of the population, especially if it's believed Reagan shares those far-right sentiments. Already there's evidence that blacks feel politically disenfranchised by the conservative sweep. Unfortunately, Reagan did little to allay such fears in his first press conference last week following the election. He promised not to ignore the voices of right-wing groups in shaping his administration, saying, "I am going to be open to these people . . . I'm not going to separate myself from the people who elected us." Furthermore, when asked about conservatives' demands that Vice President-elect George Bush, a moderate, stick to a conservative line, Reagan dodged. He said only that he and Bush are a team and have a "growing friendship."

To Reagan's credit, however, he continues to support Sen. Howard Baker, a moderate, as the Senate's next majority leader even though Baker had strong right-wing opposition.

Despite the cloudy rhetoric, we continue to believe that Reagan is a realist, fully aware that his huge victory was as much a repudiation of President Carter and the Democratic Party as it was an embrace of him, the GOP and conservative principles. His only clear mandate from the people is to make the economy productive again and make the United States stronger abroad.

That's going to require unity in the land, not polarity. He must firmly establish that he is the president of all the people, not just the white and far right.●

TRIBUTE TO JERRY AMBRO

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. AuCOIN. Mr. Speaker, I want to take this opportunity to commend a Member of this body, a good friend, who has played a key role in legislative efforts to increase industrial innovation in the American economy. JERRY AMBRO will be leaving the House after 6 years of distinguished service to his district and to the country. Among his many contributions, JERRY served as cochairman of a the task force on industrial innovation. JERRY joined me in founding the task force because of our common concern about the state of the American economy. JERRY was among the first to recognize the need for comprehensive, coordinated actions by the Congress to encourage investment and stimulate innovation. We agreed that legislation is needed to encourage innovation as a way of increasing productivity and improving our competitive position in the world economy.

The task force which JERRY has cochaired for more than a year is working to bridge the gaps between committees in Congress. During consideration of tax legislation next year, the task force will provide information to Members on the important relationship between tax policies, innovation, and productivity. JERRY's capable assistance will be sorely missed.

It was not only in the area of economic policy that JERRY AMBRO saw the need for dramatic and innovative changes. In 1976, JERRY was elected chairman of the 94th "class" caucus. This was the group of reformers who made monumental improvements in the House. JERRY was a leader in those efforts to make the House a more responsive and responsible body. House Members and the people they represent will long be the beneficiaries of the changes which JERRY helped to fashion.

JERRY AMBRO's departure from the Congress leaves a great void. But I know he will do well in whatever he undertakes and I join my colleagues in wishing him and his family the best of luck.●

TRIBUTE TO REPRESENTATIVE THOMAS LUDLOW ASHLEY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. DANIELSON. Mr. Speaker, LUD ASHLEY is most deserving of this special tribute today. He has demonstrated his strong leadership qualities and good commonsense throughout his 26 years in the House of Representatives.

LUD ASHLEY's expertise in the field of housing and community development has brought forth programs that will benefit the cities in every one of our districts for many years to come.

He has been a good Congressman and a good friend, and I will miss him. I have a gut feeling, of course, that we have not seen the last of LUD around here yet.●

FAREWELL TO FOUR DISTINGUISHED CALIFORNIA COLLEAGUES

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. PATTERSON. Mr. Speaker, when the House convenes for the 97th Congress in January we will be without the counsel and guidance of four of our Democratic colleagues from the State of California. HAROLD "BIZZ" JOHNSON, JAMES C. CORMAN, LIONEL VAN DEERLIN and JIM LLOYD will be leaving at the end of this Congress and I would like to take this opportunity to pay tribute to these four great men.

The gentleman who has served as the dean of the California delegation, BIZZ JOHNSON, has indeed left his mark on this institution. As the chairman of the Public Works and Transportation Committee and prior to that as a member of the Interior Committee, BIZZ has played a crucial role in the development of our Nation's water resources. His tireless energies in this area have greatly benefited the State of California where water is known as liquid gold. BIZZ's leadership will sorely be missed, but his achievements will not be forgotten.

If the House ever establishes a hall of fame I am sure that JIM CORMAN would be one of the first to be admitted. His 20 years of service are sprinkled with many distinguished posts such as chairman of the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation, chairman of the Democratic Congressional Campaign Committee, member of the House ad hoc Energy Committee, and member of the National Advisory Commission on Civil Disorders. JIM will forever be known as one of the premier spokesmen for the underprivileged, the less fortunate, and the least represented people in our society. Even when it became politically unpopular to advocate the programs that literally keep millions of our citizens alive, JIM CORMAN, through his words and actions, brought to life the compassion within us, so that we could do what was right. Although JIM will not be with us next Congress, I hope the compassion will remain.

In 1962 when California created a new congressional district in San Diego, a well-known print and broadcast journalist was elected to represent that district and has served with distinction ever since. LIONEL VAN DEERLIN, one of the most qualified persons to ever chair the Communications Subcommittee, brought to his job an expertise in the communications field unmatched by any other member. VAN will also be remembered for his generous assistance to his fellow colleagues and for his role in improving rail transportation in southern California. It was my pleasure to work with him this year in promoting the Los Angeles to San Diego corridor which will serve as a tribute of his service to his constituents.

As a fellow new Member of the 94th Congress, I hold a special place in my heart for JIM LLOYD. Aside from both being elected to the 94th Congress, we also share the experience of having been city councilmen and mayors of our respective southern California cities. JIM will especially be remembered for his expertise in the area of military aircraft. As a former Navy pilot, JIM would take his interest in these new aircraft literally to the highest heights. On the Science Committee JIM used his position as chairman of the Investigations and Oversight Subcommittee to improve our relations with Mexico and to secure a natural gas agreement.

Mr. Speaker, I am proud to have served with these four distinguished Californians and I want to join with the rest of my colleagues in wishing them health, happiness, and prosperity throughout their years.●

PERSONAL EXPLANATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FAZIO. Mr. Speaker, I would like to take this opportunity to insert into the official RECORD that had I been present I would have voted in favor of the Department of Defense Appropriations bill. Regretfully, I was unavoidably detained and was unable to record my vote on this important piece of legislation.●

RISK ASSESSMENT AND THE LAW

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. RITTER. Mr. Speaker, over the last several years this country has often witnessed the following scenario: a Federal agency issuing a rule, which is then challenged on its validity and need, resulting in the matter ending up in the courts for a final decision. It is not often that we have a voice of reason speaking as to the proper role of the courts in this oft-repeated sequence of events. Judge Howard Markey clearly speaks with that voice of reason. I would like to share with my colleagues a statement Judge Markey made, which appeared in Chemical & Engineering News on November 24, 1980, and which I insert in the CONGRESSIONAL RECORD.

In my opinion, Judge Markey places the responsibility for regulation where it should be—with the people's representatives. In the 97th Congress, I look forward to working with my colleagues in Congress and the Federal agencies to continue the fight for the use of risk analysis to clarify the need for and the degree of regulation in our lives.

The article follows:

RISK ASSESSMENT AND THE LAW

I am not at all sure that federal judges, immune from the political process, should ever be involved, under any circumstances, as arbiters of the degree of risk acceptable to the public. That task is much better performed by the people's representatives in Congress, whether directly or through delegation to an agency.

The sociological-technological risk/benefit type cases, unless limited to questions of law, gives us judges too much power. I speak, of course, only for myself. Other judges may not agree. Indeed, it seems decades since a court has said, "This is a political, nonjusticiable question," and refused to hear the case on that ground. But the cases of which I speak involve broad public policy, future direction of large segments of society, level of acceptable risk, group preferment, type questions, the very thing legislatures were designed to decide.

If our republican form of democracy means anything, it means that the people, through their representatives, shall make the basic decisions controlling their lives. The type and extent of the risks acceptable in their lives is perhaps the most basic of all those decisions. The power to make those decisions final should not be even indirectly vested in a few unelected bureaucrats, who have virtual life tenure in their jobs, or in a few unelected judges who have a Constitutional life tenure.

The argument that the people and their representatives are incapable of making risk/benefit decisions simply won't wash. In the first place, that argument throws the American dream, the dream that man can govern himself, right out the window. And if we are ready to abandon the dream, the people should do it right out in the open. The dream should not die unnoticed, unannounced, and unmourned. In the second place, if the people can't decide the level of acceptable risk, the solution is to design a decision-making mechanism that will ensure that the trade-off assessment can be and is made by the people through their representatives.

So the first and primary reason for letting the what-environmental-risk-is-acceptable cup past the courts is that to let us decide is to pre-empt the people's right to govern themselves. The second reason is that it can injure the very heartbeat of a free society, the administration of justice.

The business of the federal courts is to secure Constitutional rights, to interpret federal statutes, and to set forth the law in clear terms for the guidance of a society attempting to live free, under a government of laws, not men. In a word, the business of the courts is the administration of justice. That business is impeded and may be destroyed when the people rush to the courts for broad public policy decisions like acceptable risks assessments, that is, when both legislative and judicial powers are handed to us robed beings on raised benches. Unlike the beings who inhabited the cloud-draped heights of Olympus, we judges are not gods.

If courts assess risks, the administation of justice will be severely if not fatally wounded when the people find our a big secret. Judges can't do the public policy environmental risk assessment job. That job requires legislators responsive to the people and assisted by investigative staffs gathering factual and political input from all sides. It also requires recognition that there may be no answer yet learned by science. When a body of experts had to conclude that the effect of fluorocarbons on the ozone would require years of study; when the NAS panel couldn't agree on whether saccharin posed a high or moderate risk, or even what it meant by "high" and "moderate," how can a judge be asked to decide? The courts are simply not equipped to administer justice and, at the same time, respond to the people's expectations when all the people's eggs—all their hopes and dreams, and all their risks—are placed in the federal judicial basket.●

BOB GIAIMO: HE HAS MADE THE BUDGET PROCESS WORK

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GLICKMAN. Mr. Speaker, the decision of our colleague, BOB GIAIMO, to retire will leave some mighty big shoes to be filled. As chairman of our Budget Committee, the gentleman from Connecticut has time and again pushed the House to make the hard decisions that have to be made if we are serious about making the provisions of the Budget Act work and about really cutting back on Government spending.

Certainly, we have not always agreed on budgetary priorities and spending levels, but that has not detracted in any way for the great respect I have for BOB GIAIMO, the man, or for the job he has willingly tackled with dedication. The budget is not yet in balance, we all regret that, and I feel sure that BOB GIAIMO regrets more than any of us that economic circumstances made that an impossibility this year. But BOB GIAIMO should have no regrets about the good job he has done in the Congress. He has made the difficult and complex budget process work, and he has begun the difficult battle of trimming Federal spending. Passage earlier this week of the omnibus budget reconciliation bill stands as a symbol of this man's ability to make the Congress turn rhetoric into action as far as cutting spending. During the long process toward its adoption, there were those who said it could not be done, but BOB GIAIMO forged ahead. The American taxpayers owe him special thanks for not giving up.

I regret BOB'S departure. His wisdom, his perserverance, and his exceptional competence will be sorely missed. I only hope that in the next Congress and those that follow, we will work together to made the budget process continue to work in the spirit of our fine colleague, Chairman GIAIMO.●

TRIBUTE TO ANDY MAGUIRE

HON. JAMES HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. HOWARD. Mr. Speaker, it is indeed a sad day for the New Jersey delegation and the Nation that we bid farewell to ANDY MAGUIRE, who has distinguished himself over the past 6 years as an outstanding Member of the House of Representatives.

It has been a great honor and a privilege to serve along with ANDY as a member of the New Jersey delegation.

His strong willed and energetic approach to problem solving has been an inspiration to us all and will be greatly missed as we enter the 97th Congress.

And Andy Maguire has distinguished himself beyond the confines of New Jersey and its Seventh Congressional District. He is a firm believer in a basic human right to breathe clean air, drink clean water, and live in an environment that will someday be free of hazardous and carcinogenous pollutants. As a member of the Interstate and Foreign Commerce Committee, he has been one of the most vigorous and effective legislators to fight for these causes. Congress will be losing one of its greatest fighters in the still uphill battle to find a cure for cancer.

New Jersey has looked to him for leadership and he, in turn, has been a strong and proud advocate of the State. When New Jersey's 7 million television viewers are finally accorded the right to their own programing, it will be Andy who deserves the credit.

The Congress and New Jersey have been fortunate to have Andy Maguire at their service.●

A TRIBUTE TO RAPHAEL MUSTO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BIAGGI. Mr. Speaker, I wish to pay tribute to one of our newer colleagues who will not be joining us for the next session of Congress, Raphael Musto of the 11th District of Pennsylvania.

I was pleased to have had the short, but productive association with Ray on the House Education and Labor Committee. As a new Member, he was always quick to participate in our committee activities. His concern for the working men and women of his district was best illustrated by his membership on the Subcommittee on Health and Safety, which deals with issues such as OSHA, black lung benefits, and others of direct interest to American workers. As a member of our Postsecondary Education Subcommittee, he joined us in the final stages of the reauthorization of the Higher Education Act, a landmark $48 billion bill which extends our programs for college and university students and their institutions for another 5 years.

Ray was also one of the newest members of the ad hoc congressional Committee for Irish Affairs, which I am priviledged to chair. Our work focuses upon establishing a more positive U.S. role in bringing peace and justice to all people of Northern Ireland. I was honored that one of his first actions upon his election to Congress last year was joining our 132-member ad hoc committee. He is to be commended for his commitment to this cause and should know that the Irish American community in this Nation deeply appreciated his involvement in our work.

I was also glad that Ray joined in our activities of Italo American Members of Congress, particularly this year's Second International Conference of the National Italian American Foundation. We were honored at that dinner by President Carter, Vice President Mondale as well as President-elect Reagan. It was truly a memorable evening for all Italo Americans as one of intense pride and solidarity.

The many years of public service which have been a part of Ray Musto's life are a tribute to his character and his dedication to noble causes. I know that his future will hold many opportunities to continue his work in the public eye. I wish him the best of health, happiness, and luck in all future endeavors.●

TRIBUTE TO BOB WILSON

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. COUGHLIN. Mr. Speaker, I am honored to join my colleagues in paying tribute to a dynamic public servant, an outstanding legislator, and a good friend, Hon. Bob Wilson. Bob's decision to retire from the House of Representatives at the conclusion of this 96th Congress is, indeed, a great loss both to the 41st District of California and to the House.

In his 28 years in Congress, Bob has risen from the ranks to become a prominent member of the House Armed Services Committee and the Republican Party. As ranking minority member of the Armed Services Committee, he has been instrumental in bringing about needed improvement in our Nation's defenses. In particular, he has worked tirelessly and effectively to bring about the much needed improvement in pay and benefits for military personnel. Also to Bob's long list of accomplishments must be added his 12 years of service as chairman of the National Republican Congressional Committee.

Bob's service to the 41st District, to the Nation and to his party have been invaluable; his devotion to the duties of his office and to the demands of his position irrefutable. Bob's presence will be sorely missed both by his constituents and his colleagues when the 97th Congress convenes in January. It is with heartfelt gratitude and deep appreciation that I wish him the best in all future endeavors.●

SOVIET SPACE PROGRAM

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FUQUA. Mr. Speaker, for the benefit of my colleagues, I am including in the Record recent reports in Defense Daily and Aerospace Daily of recent accomplishments of the Soviet space program. With the planned first launch of the Space Shuttle in the spring of 1981, it is time for the new administration and the Congress to establish the future long-range goals of our national civilian space program. I hope to work with the incoming administration and the Senate and plan to introduce legislation in the next Congress to assure that our Nation is in a position to compete with the Soviets for the rewards that a healthy space program has to offer. The Space Shuttle will indeed give our Nation manned access to space but auxiliary systems will be required to reduce the operational costs and increase the orbit stay time. Our national space policy should include plans and goals to exploit the benefits of a permanent manned presence in space.

[From Defense Daily]

THREE COSMONAUTS BOARD SALYUT 6

For the first time in nine years, three Soviet cosmonauts have been launched aboard a Soyuz spacecraft and are now aboard the Salyut 6 station.

Launched Thursday, Nov. 27, from Baikonur Cosmodrome aboard Soyuz T-3, Leonid Kizim, 39, flight commander; Oleg Makarov, 47, flight engineer; and Gennady Strekalov, 40, research engineer, docked with Salyut 6 on Friday, Nov. 28, and boarded the station the next day, Saturday.

The last Soviet three-man flight, aboard Soyuz 11 in 1971, ended in disaster when a leak in the reentry vehicle suffocated the three cosmonauts who were without pressure suits.

The mission of Soyuz T-3 is to determine how much life is left in the three-year old Salyut 6 station, which had been designed for only 18 months. In the past year, the Soviets have set two long duration manned mission records, the most recent for 185 days.

Alexei Leonov, former cosmonaut and deputy chief of the Gagarin cosmonaut training center, said the mission of Soyuz T-3 is to replace systems aboard the station and "to determine further opportunities to use the station and if possible to breathe new life into it."

The Soyuz T-3, besides providing additional room for the cosmonauts, makes greater use of computer systems, such as the handling of search, approach and docking of the spacecraft with Salyut 6.

Kizim and Strekalov are rookies, while Makarov is a veteran cosmonaut, who made his first flight in 1973.

Attached to the Salyut 6 station is the Progress 11 resupply spacecraft which was launched on Sept. 28, before the last crew had left the station.

The crew of Leonid Popov, 40, and Valerily Ryumin, 34, launched into space on April 9, returned to Earth on Oct. 11 after 185 days, surpassing the 175-day mission set last year. Popov and Ryumin were launched into space aboard Soyuz 35 and returned aboard Soyuz 37.

Visiting Popov and Ryumin just before their return was the crew of Soyuz 38, a guest crew which stayed for a week, returning on Sept. 26. There have been six Soviet manned missions this year—Soyuz 35, 36, 37, 38, Soyuz T-2 and Soyuz T-3.

[From Aerospace Daily]

Soviets Resume Three-Man Missions With Soyuz T-3

The Soviet Union launched the third of its new-generation Soyuz T spacecraft and docked it with the Salyut 6 space station last week. It carried the first three-member crew flown by the Soviets since three cosmonauts were killed in the Soyuz 11 re-entry accident in June 1971, and U.S. analysts speculated yesterday on whether the new mission is an attempt at a fifth long duration occupancy of the 38-month-old space station.

Soyuz T-3 was launched Nov. 27 at 5:18 p.m. Moscow time, and it docked with Salyut 6 at 6:54 p.m. the following day. Cosmonauts Leonid Kizim, the commander, Oleg Makarov, the flight engineer, and Gennady Strekalov, the research engineer, became the 13th crew to occupy Salyut 6.

There was speculation in the West that the new mission will last longer than a few days. The Tass news agency reported during the weekend that the cosmonauts were feeling well and adapting normally to weightlessness. They were reactivating Salyut 6's life support, energy and temperature regulation systems, Tass said, and they started biology experiments that they had brought with them.

The current mission is the first for a three-seat version of Soyuz T but the third for the new class of spacecraft. The first was carried out unmanned nearly a year ago—the spacecraft was launched Dec. 16, 1979, docked with Salyut 6 Dec. 19, was undocked from it March 24, 1980, and was deorbited and recovered March 26. Soyuz T-2, carrying cosmonauts Yuri Malyshev and Vladimir Aksenov, was launched to Salyut 6 on June 5, 1980, docked with it on June 6 and returned to Earth June 9.

THIRD MAN A SPECIALIST?

The Soyuz T-3 mission may be what the cosmonauts' training director, Vladimir Shatalov, was talking about during the Soyuz T-2 mission when he complained that holding long-term Salyut 6 crews to two members, and requiring that each be able to operate the Soyuz spacecraft, places a burden on the crew. If the long-term crew could be increased to three, one of them could be a specialist, Shatalov said (DAILY, June 6).

Soyuz T-2 docked with Salyut 6's aft docking unit. Soyuz T-3 is using the forward docking port because the aft facility has been occupied since Sept. 30 by the unmanned Progress 11 resupply spacecraft.

Tass reported that Soyuz T-3 includes some modifications from the T-2 spacecraft, presumably related to the three-member crew, but it said there are no fundamental changes. Kizim, the Soyuz T-3 commander, has been active in Soyuz T testing, Tass said.

Soyuz T-3 is Makarov's fourth mission. He was a crew member on Soyuz 12, the two-day mission in which the Soviets resumed manned space flight in September 1973, 27 months after the Soyuz 11 accident. In April 1975 he was aboard a Soyuz spacecraft whose mission was aborted before it attained orbit. And in January 1980 he and Vladimir Dzhanibekov flew the Soyuz 27 mission, the first of the short Salyut 6 "visits" of one week or less with which the Soviets have agumented the long-duration missions. Soyuz 27 came during the 96-day mission of Yuri Romanenko and Georgi Grechko, resulting in the first four-man occupancy of Salyut 6. Cosmonauts from other Soviet bloc countries have flown "visit" missions since then.

The Soyuz 11 mission of June 1971 set an endurance record of nearly 24 days and resulted in the first crew transfer to a Salyut. But the crew—Georgi Dobrovolsky, Valislav Volkov and Viktor Patsayev—died when a hatch leak depressurized the Soyuz 11 descent module during re-entry. Cosmonauts have worn pressure suits during re-entry since then, and this has precluded until now missions with as many as three crew members.●

HON. SAM DEVINE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. HORTON. Mr. Speaker, I am pleased to join with my colleague from Ohio, the Honorable Delbert Latta, in paying tribute to our good friend Sam Devine. Like so many of our colleagues, Sam will be leaving the House at the close of the 96th Congress. As a highly effective and accomplished Member, Sam will certainly be missed.

Since 1958, when he was elected to the 86th Congress, Sam has been admired and respected by his colleagues on both sides of the aisle. Throughout his service in the House, Sam has played important roles in a number of capacities.

For many years, Sam has been a distinguished member of the House Interstate and Foreign Commerce Committee where he served as ranking minority member until his election as chairman of the Republican Conference last year. In his capacity as ranking minority member from 1974 until 1979, Sam played an integral role in shaping such legislation as the major Amtrak authorization bill during the early part of this Congress. He also served with great skill and effectiveness on the House Administration Committee, the Republican Policy Committee, and the Executive Committee on Committees.

His many years of service in the House of Representatives stand as an inspiration to those of us who will return next year. I join his colleagues from Ohio in wishing Sam well.●

TRIBUTE TO HON. LUCIEN N. NEDZI OF MICHIGAN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, this Congress is losing some very dependable and effective leaders at the end of this session; one of them is Lucien Nedzi. For 19 years he has been of irreplaceable service to the people of the 14th District of the great State of Michigan.

During his tenure here, Lucien has been a great champion of congressional ethics as the ranking Democrat on the House Administration Committee. He has worked tirelessly for reforms in campaign expenditures and election procedures. He has been a key member of the Armed Services Committee and a strong advocate for a sensible defense policy, projecting the importance of the Nation's position as a stable military power.

It is hard to replace such men in the Congress as Lucien, because he has set such a high standard of integrity and good leadership. I am pleased to point out that I have served all my years with Lucien in the Congress and I have enjoyed the friendship and trust that we have shared over the years. This House will be at a loss without the low-keyed, yet very effective leader who has done so much to make this a truly representative body. Your efforts will never go unnoticed by your constituency who believes in you and by your colleagues who respect you. This country is stronger for your serving in the Congress.

To you and your family, I wish happiness and continued success in the future.●

TRIBUTE TO JIM LLOYD

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MOAKLEY. Mr. Speaker, it is with great sadness that I note the retirement of my good friend and neighbor in the Cannon Building, Mr. Jim Lloyd, of California.

Jim was elected to the 94th Congress in the 1974 wave of Democratic victories. A retired Navy pilot with 21 years of service, Jim brought with him to the House a wealth of experience and special insight into military preparedness which only a career in the Armed Forces can give. The Armed Services Committee on which he sat will sorely miss his expertise, particularly in the area of military aircraft.

As chairman of the Subcommittee on Investigations and Oversight, Jim quickly developed a reputation for gaining firsthand experience in his area of responsibility. Investigating developments in wide-bodied aircraft, Jim flew a number of aircraft including a DC-10, a Boeing 747, and even NASA's space shuttle landing simulator. He soon became known, in some circles, as our "flying Congressman."

One of Jim's most important contributions to our country came in connection with his work with the Committee on Science and Technology and the Select Committee on Aging. Jim was one of the primary sponsors of the Experienced Pilots Act of 1979 which came as a result of his spearheading a study of the medical validity of the mandatory retirement age for pilots. Both this legislation and the issues which it raised will clearly have a salutary effect on efforts to disprove that wornout canard that age diminishes ability.

In his work in this House, Jim has been somewhat of a renaissance man. In addition to his work on defense and technological issues and his concern for the older American, Jim has taken an avid interest in the environment, the energy crisis, international relations, and small business. Not only has he expended effort to protect Nelson bighorn sheep of the Sheep Mountain Wilderness Area, he made a significant contribution to the negotiations with Mexican President Lopez Portillo to insure an adequate supply of natural gas to the United States. Moreover, the investigations of his subcommittee into the decline of productivity within small business have addressed problems with broad ramifications. His efforts will be felt and appreciated long after he has left this body.

Jim, your colleagues and I will miss your warm congeniality and affability. As we in South Boston say to our friends, may the road rise up to meet you, may the wind be ever at your back and the Sun shine warmly on your face and may the rain fall gently on your fields. Good luck, Jim, in all your endeavors.●

A TRIBUTE TO HIS EXCELLENCY H. S. AMERASINGHE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. EVANS of Delaware. Mr. Speaker, we learned this morning of the tragic and untimely death of His Excellency Hamilton Shirley Amerasinghe, President of the Third United Nations Conference on the Law of the Sea (LOS). I am saddened by his death both because I have had the opportunity to become acquainted with Mr. Amerasinghe personally and because his death comes while the Law of the Sea Conference has not yet completed its mission.

Mr. Amerasinghe devoted a good share of his life to achieving a uniform international law of the sea. He has served as President of the Third Conference since it first convened in 1974, and prior to that he was deeply involved in U.N. programs which led to the start of the present sessions. I became acquainted with Mr. Amerasinghe while I was serving as a congressional adviser to the LOS Conference. He was a delightful, enormously capable man, who served his country, Sri Lanka, and mankind in the best traditions of diplomacy and the United Nations.

There is little doubt that the law of the sea would not be where it is today without the efforts of Shirley Amerasinghe. When the day comes that an international law of the sea is accepted and implemented around the globe, it will serve as an enduring tribute to the man from Sri Lanka.●

TRIBUTE TO JOHN W. HART, JR., "THE BEST MAILMAN IN THE UNITED STATES"

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. FAUNTROY. Mr. Speaker, I am proud to bring to the attention of my colleagues the uplifting story of one man—a public servant—who made a difference in the community where he worked.

The story is about John W. Hart, Jr., he lives in Washington, D.C., and works as a mailman in the Green Acres-Glen Cove section of Bethesda, Md. Not too long ago, residents of that neighborhood held a special celebration for Mr. Hart who retired after 29 years with the U.S. Postal Service. The Green Acres-Glen Cove community honored Mr. Hart because as one resident, John Metelsky, said, "He has been a good friend of ours and to our kids over the past 10 years."

The story of John W. Hart, Jr., and the celebration his friends in Green Acres-Glen Cove gave him has been written by Sonia Metelsky and published in two newspapers, the Bethesda-Chevy Chase Advertiser and the Suburban Record. I am delighted to share with you this story of love, friendship, and respect. I think you will understand why I am so proud that John W. Hart, Jr., is one of the distinguished citizens of our Nation's Capital.

BETHESDA NEIGHBORHOOD HONORS "BEST MAILMAN IN THE UNITED STATES"

John W. Hart, Jr., "the best mailman in the United States," was honored in a weeklong tribute by the Green Acres-Glen Cove community (Bethesda, Md.) for service above and beyond the call of duty.

For the past 23 years, he delivered their mail promptly and cheerfully. He visited their sick in hospitals, helped them solve problems, and attended their weddings and funerals. He was their confidant and friend.

Although neither snow nor rain nor heat nor gloom of night stayed John Hart from the swift completion of his appointed rounds—a lost dog, an injured child or a friendly chat delayed John a bit on occasion.

On Saturday, September 20, John hung up his mail pouch for the last time. He retired from the appropriately-named Friendship Station (Washington, D.C.) after 29 years with the U.S. Postal Service.

John's friends from the 235 houses on his route plastered telephone poles and trees with posters proclaiming: "The One and Only John Hart, Our Man of the Quarter Century!" They decorated their doors and lampposts with signs, banners and balloons bidding their favorite mailman goodbye.

About 100 of his customers gathered on Yorktown Road for an impromptu demonstration of affection. Their posters summed up the crowd's sentiment: "We Love the World's Greatest Mailman," "John Hart, Don't Depart," "Even Our Dogs Love You, John Hart," and "God Help Your Successor! (He'll Need It!)."

The community wrapped up "John Hart Week" with a family picnic on Saturday, September 27, at the Westbrook Elementary School playground in Bethesda. Afterwards, more than 350 of his friends and relatives crowded into the school auditorium for a formal ceremony where John received a $1,500 check, a Polaroid camera, gold plaque, tape recorder, blue blazer and other gifts. In addition, he received books of letters from the children and adults on his route.

The Bethesda residents also made a donation in his name to the Mount Pleasant Baptist Church of Washington, D.C., where John has been a member since 1948. While accepting the check for the church, Rev. Sidney T. Yancey said, "John is my right arm. He's never too busy to help me whenever I ask."

John led his church choir in singing gospel songs at the ceremony. A choir member and former director, he has performed in eleven states with the group. John delighted the audience with his rich baritone voice during a solo stanza in "Yours Because of Calvary," sung by the Inspirational Singers, a group of male singers formed by John 32 years ago.

The Rev. M. E. Johnson, who teaches Sunday School at the Mount Pleasant Church, and about 25 other parishioners attended the program.

Sharing the spotlight with John on stage was his wife of 32 years, Lucille. Family members in the audience included his son Jefferey; his sister Mrs. Justine McClelland of Uniontown, Pa.; his brother, James of Washington, and Charles and wife Mattie of Connellsville, Pa.; his brother-in-law Jefferson Powell and wife Janie of Washington; and many other relatives. The Hart's other son Tyrone had to work and could not attend.

Representatives of the U.S. Postal Service included Clarence Johnson, assistant manager, Arthur Coe, carrier supervisor, and Steve Brown, mail carrier, all of Friendship Station; and official Postal Service photographer Partick McCabe.

John Hart ended the event by asking his customers "not to be too hard on my successor. Give him an even break. Everyone approaches a job differently. I'll be around to see you often. If any of you needs someone to talk to, to make your life more tranquil, I'll stand by your side."

When asked why former residents would travel all the way from North Carolina and California to bid him goodbye, and why such a large group of people would turn out on a Saturday evening to honor their mail carrier, John replied, "It's simple. I love them and they love me." Then he led the audience in singing "God Bless America."

The Honor John Hart Committee, chaired by Mrs. Terry Harris of 5311 Yorktown Road in Green Acres, met at least once a month since last January. Committee members were: James "Bus" Chappelear, Pete Dunkelberger, Betsy-Fifer, Maurice Keane, Bing Leverich, W. C. "Mac" and Barbara MacDougall, Sonia Metelsky, Dave Norcross (program emcee), Suzanne Spitz, Joan Stouffs, Lyn Sutherland and Leslie Whitaker.

John was born in Louisa County, Va., on September 21, 1925. He grew up in Uniontown, Pa., and graduated in 1944 from the Georges Township High School, Fair

Chance, Pa. After graduation, he joined the U.S. Army for a two-year stint. He moved to Washington, D.C., in 1948 and worked for the Internal Revenue Service until he went to work for the U.S. Post Office Department in 1955. He and his wife Lucille live at 6534 North Capitol Street in Washington. They plan a crosss-country motor trip to celebrate his retirement.●

CLARIFICATION REGARDING MEDICARE AND MEDICAID "SWING BED" REIMBURSEMENT PROVISION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. RANGEL. Mr. Speaker, one provision of the recently approved budget reconciliation bill authorized "swing bed" reimbursement under medicare and medicaid. Under this reimbursement provision, small rural hospitals can use their beds as either acute or long-term care beds, depending on need.

I want to take this opportunity to make clear that this simplified swing bed reimbursement method is intended to be available even in the case of small rural hospitals that now maintain distinct-part skilled nursing facilities as separate cost centers, if these hospitals wish to switch to this method.

This point was inadvertently omitted from the explanation of the conference agreement, but was made by the Senate Committee on Finance in its report on H.R. 934—the swing bed provision of the final bill was patterned after that of H.R. 934—and has precedent in the House reconciliation bill which would have made swing bed reimbursement available, under conditions specified by the Secretary, even to large and urban hospitals that maintain distinct-part skilled nursing facilities.●

ROSA PARKS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FORD of Tennessee. Mr. Speaker, 25 years ago last December 1, the civil rights movement was launched by Mrs. Rosa Parks. Her story is one of the most inspirational to come out of the civil rights movement, a simple message to all that human dignity cannot interminably be undermined by brute force.

On the evening of December 1, 1955, Rosa Parks had boarded a bus in downtown Montgomery and took a seat in the so-called no man's land, an area in the center of the bus which both whites and blacks could occupy, but which blacks had to reliquish to whites who had no other seats. A white man asked for the seat and Mrs. Parks refused. She did not scream; she did not whine; she did not threaten; she did not exhort. She simply did not move, thus forcing those who would force her to move to make the next move.

Rosa Parks' arrest was a landmark in the movement to end Jim Crow—the tradition of segregation—in the country. It sparked what has been called the black revolution.

The fuse lighted by Mrs. Parks' arrest sputtered across the country in the years that followed, occasionally causing explosions of violence.

From it emerged the Montgomery bus boycott, the first public confrontation which brought the name of Martin Luther King, Jr., into the ears of America.

One year after the boycott began, on December 13, 1956, the U.S. Supreme Court invalidated Montgomery's bus segregation laws.

The bus boycott gave birth to the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and the Congress of Racial Equality. It altered the work of the NAACP and the National Urban League, and gave rise to marches, riots, beatings, assassinations, and legislation—all part of the struggle over something that was becoming known as the civil rights movement.

Mrs. Parks' arrest mobilized the forces that had been bubbling beneath the surface for years and today, she is known as the mother of the civil rights movement. Her action is a testament to the power of the single individual who takes a determined stand against injustice.●

JOHN M. MURPHY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MOAKLEY. Mr. Speaker, I would like to express my sorrow that JOHN MURPHY will leave the House after 18 years of dedicated service, not only to the residents of Staten Island, but to the Congress and the Nation.

The gentleman from New York has been one of the hardest working and most effective Members of this House for many years and we will all miss his energy, his courage, and his friendship.

JOHN has served for 4 years as chairman of the Committee on Merchant Marine and Fisheries and has been an effective and imaginative champion of many important causes on that committee. The gentleman deserves the thanks of this House for the work he has done to preserve and revitalize the American merchant marine and fishing industries. As the author of the landmark Outer Continental Shelf Lands Act, he leaves behind a memorial to his service through a balanced and far-reaching program to develop our offshore oil resources with significant environmental and economic protection for our coastal communities.

In the Committee Reform Amendments of 1974, the House made an important improvement in the tools available to the leadership to manage legislation cutting across the jurisdiction of many committees. The rule permitting the Speaker to establish ad hoc committees to process complex legislation was first used to establish the ad hoc Select Committee on the Outer Continental Shelf, which the gentleman from New York so ably chaired. It was a difficult task which the gentleman handled with sensitivity, fairness, and good judgment. Indeed his management of the ad hoc committee serves as a good model for how this new process can best be used.

The distinguished service of this highly regarded West Point graduate in the Korean conflict is well known. Equally known is that the gentleman's great courage has never deserted him in his public and private life.

I am proud to count JOHN MURPHY as a friend. We will all miss him in Congress and I wish him well.●

ITALIAN GOVERNMENT AND PEOPLE OWED AN APOLOGY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. BIAGGI. Mr. Speaker, I was incensed earlier today to read a United Press International story in which a Member of this House ruthlessly and without foundation attacked the integrity of this House and of our friend and ally, Italy.

The article charged that the $50 million in emergency earthquake aid which we provided in authorizing legislation passed unanimously this past Monday and in the continuing appropriations bill passed on Wednesday, "probably will be stolen or wasted by the notoriously corrupt and inefficient Italian bureaucracy." The Member was quoted as saying "Congress was proud of itself when we voted $50 million for Italian earthquake relief but it should not have been." He then prophesized that the aid will really be used to "line the pockets of politicians."

This statement is most unfortunate and not befitting a House Member. He is obviously oblivious to the facts of the situation. I have taken the time to speak extensively with our Department of State and more specifically to our Agency for International Development something which my colleague saw fit not to do. Had he done so, he would have discovered that AID has assumed full responsibility for the distribution of the aid package. He would have found that of this $50 million $4.2 million will be used to reimburse the Office of Diaster Assistance for the money they have provided thus far to aid in the earthquake relief effort.

Had this Member checked with AID he would have learned that the $50 million will initially be distributed by AID for immediate relief and rehabilitation activities. This will not be done until AID has done a complete assessment and evaluation of the most critical needs. Then moneys, completely under their supervision will be distributed—it will not go via any other governmental or nongovernmental unit.

Further had my colleague checked the facts, he would have learned that after a period of 60 to 90 days after the disaster was declared—November 25—relief and rehabilitation activities will end and the remaining American funds will go for the reconstruction of permanent housing.

This represents the essence of how the American aid will be used. The most critical need of the Italian nation today is housing. Estimates run as high as 300,000 Italian men, women, and children have been rendered homeless by the massive November 23 earthquake. Here again AID will be dispensing the funds in Italy following a full assessment and evaluation. So the facts are clear, the $50 million we will send to Italy is carefully controlled by our own Agency for International Development. It will not be controlled by anyone else. To contend otherwise without consulting the facts is the height of footloose and fancy-free rhetoric with irresponsible overtones.

In addition, the Member who chose to so indict the entire Italian Government and political structure seems to have forgotten the remarkable success story associated with an earlier and highly similar relief effort following a 1976 earthquake in the Friuli region of Italy. The United States dispensed a total of $55 million to the stricken region—part of an overall worldwide relief campaign. The effort was done with the full cooperation and participation of the Italian Government. Today—schools, churches, homes for the aged stand where rubble was just 4 years ago. The rich agricultural economy of the region has rebounded where there was devastation just 4 years ago. Hope has replaced hysteria—prosperity is replacing poverty—this is the Friuli experience.

This Member has insulted Italy, one of our closest friends and staunchest allies. He has insulted the first nation in the world to call for the safe release of the U.S. hostages. He has displayed an attitude of prejudice which I thought was long removed from our Nation.

I was proud to be an original sponsor of identical legislation to that which we approved this past Monday. I reiterate the fact that this bill was passed unanimously. I pose the question—where was this Member during the consideration of this legislation—why were his concerns raised only now? Yes, I am proud that the Congress has again displayed a leadership role in providing aid to the needy of the world—a role which we have assumed in so many other occasions. I would consider this legislation to be the height of responsibility and humanitarianism. However, we have been vigilant in insuring that the funds are spent for their intended purpose and not diverted or wasted. To assume otherwise is an insult to this very House.

It is much easier to be critical than to be correct. However, it would not be right to let this statement stand without repudiation. I call upon my colleague to formally apologize to the Italian Government and people.●

FIRST AMERICAN BULK CARRIER CORP.

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. CHARLES WILSON of Texas. Mr. Speaker, there is an unusual business venture underway virtually in my own backyard that merits some attention and praise. An unprecedented alliance between a maritime labor union and an American shipyard has created a new shipping company, the First American Bulk Carrier Corp., that will encourage more and more businesses to ship American.

Jesse M. Calhoon, president of the National Marine Engineers' Beneficial Association (MEBA), wanted to do something that would help the U.S.-flag shipping industry. At the same time, he had the financial security of his union to think about.

With the help of the Levingston Shipbuilding Co. in Orange, Tex., Mr. Calhoon was able to come up with something to accomplish both ends.

MEBA has invested $7 million from the union's pension fund into a combination bulk/container shipping venture that will serve Australia, the United States, and Europe.

Levingston Shipbuilding, the only shipyard in my district, put $4 million into First American. In addition to its 32 percent interest in the new line, Levingston also is building two multipurpose, energy-saving bulk/container ships that will carry containers and dry bulk cargoes around the world three times a year, each generating more than $7 million annually in ocean freight revenues.

Levingston's naval architects in Orange designed the ships to be readily adapted to military uses and, in fact, they will be among the few ships built since the mid-1950's that can carry and unload military tanks and aircraft.

I am very excited by the fact that a maritime union and a shipyard have become partners to encourage the further development of the U.S.-flag shipping industry.

MEBA's Mr. Calhoon is quick to point out that First American Bulk Carrier Corp., will not be competing with existing U.S.-flag companies.

Perhaps other industries should explore the applicability of this innovative and yet very sensible approach toward investing labor capital.●

HON. JAMES F. (JIM) LLOYD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. HORTON. Mr. Speaker, in 1974, a great many qualified and energetic individuals were elected to the 94th Congress. As a group, these individuals constituted one of the largest incoming freshmen classes. As a member of that class, Jim Lloyd quickly and effectively demonstrated his abilities as a dedicated and hard-working Congressman from California. Regrettably, he will be leaving the House when the 96th Congress adjourns later this week.

For approximately 6 years, Jim Lloyd has been an important and untiring member of the House Armed Services Committee, the Committee on Science and Technology and the Select Committee on Aging. His contributions to those committees is both well known, recognized and respected. I know from his committee colleagues that his service will be greatly missed.

I am confident Jim will bring the same dedication and excellence to whatever endeavor he next assumes. I wish him and his family well.●

RELIEF FOR SWAIN COUNTY

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. GUDGER. Mr. Speaker, I have introduced a bill (H.R. 8419) to fully resolve the agreement—known as the 1943 agreement—between the Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and the County of Swain. The legislation authorizes the Secretary of the Treasury to pay $9.5 million to Swain County, N.C., and it relieves the county of any liability to make payments on the principal and interest on a Farmers Home Administration loan secured as a result of the 1943 agreement.

The Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County entered into an agreement on July 30, 1943. Such agreement provided that the Department of the Interior would construct a "park standard" road, if funds were made available by the Congress, from Fontana Dam to the eastern boundary of the 44,000-acre addition to the Great Smoky Mountains National Park. Only a part of this road was ever constructed.

In an effort to resolve the longstanding controversy over the 1943 agreement for the construction of the North Shore Road in the Great Smoky Mountains National Park along the north shore of the Tennessee Valley Authority's Fontana Reservoir, the National Park Service and the Swain County commissioners have been negotiating the terms of a cash settlement which could be supported by the Department of the Interior and appropriated by the Congress in some form of relief for Swain County, N.C. The negotiations led to the development of the following formula for such cash settlement: The value of the old and flooded road—$1,300,000—compounded annually from 1940 through 1980 at a rate of 5 percent for a total of $9,609,582. This formula seems to be an equitable and reasonable solution to the controversy, and I have proceeded by introducing the legislation to implement this solution.

Considerable cost has already been incurred over the last 37 years trying to resolve this conflict, including countless man-years of work and hours of travel. Needless to say, sizable additional cost will result if no solution evolves.

Based on today's dollars, the estimated cost for completing the North Shore Road would be $91 million. The cost savings to the taxpayer of the $9.5 million cash settlement would be approximately $80 million—$9 dollars for every $1 spent. In view of our current budget situation, the construction-related solution is totally out of the question. However, the moral obligation of the U.S. Government to resolve this matter remains.

Interior Secretary Cecil D. Andrus has approved and signed a document supporting the $9.5 million cash settlement based on the previously described formula. As indicated earlier, I have introduced H.R. 8419 in order to implement this action. It is obvious that favorable consideration of H.R. 4819 by both Houses of Congress is virtually impossible if the House adjourns sine die today or next Tuesday. Nonetheless, however, in order to fulfill my obligation to do all I can in this important matter, I have introduced H.R. 8419 in the hope that it may serve as a model for action by a subsequent session of Congress. I interpret the Interior Secretary's decision on the cash settlement to be binding upon all parties and trust it will be fulfilled accordingly to its terms, since it appears to be in all respects regular and appropriate.

I want to congratulate President Carter, Interior Secretary Andrus, Governor Hunt, the Swain County commissioners, the ad hoc committee, and all other persons who participated in the extensive negotiations leading to this final settlement. The people of Swain County should appreciate their dedication and perseverance and should rejoice to see this lingering controversy now moving toward a final resolution.●

COLLINS' BUSING AMENDMENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. COLLINS of Texas. Mr. Speaker, the big challenge for 1981 is for Congress to improve public school education by ending busing.

Since forced busing has been imposed on America's public schools by court orders, the scholastic aptitude tests have dropped 82 points. Each year, seniors are given these comprehensive SAT examinations and every year their total academic knowledge keeps sliding downward.

My amendment was included in the Justice Department appropriations bill conference report. The bill passed the House 240-59 and was agreed to by the Senate. Then President Jimmie Carter vetoed the bill.

Education is a primary concern to all Americans. We believe in the family, the neighborhood and greater educational attainment for all Americans.

If the court should feel that there are changes that should be made for minority student education, there are several constructive alternatives that are available. Freedom of choice would allow students to go to other schools in their system.

Magnet schools provide an excellent alternative as their full curriculum is exciting and comprehensive.

In Richardson, Tex., their district has an outstanding program. They chose the Hamilton Park School in a black neighborhood. They allow half of the students to be volunteer Anglos. Anglos are accepted only where space is available and they have a waiting list until 1985. Blacks are allowed to transfer but at Hamilton Park only one black student in 5 years has requested it. This school has a full day and the program runs from 7 a.m. until 5:30. Special courses in music, theater, computer, and athletics are included. There is strong parental support, and parental interest is the major influence in improvement for education as a motivational force for children.

Forced busing has been tested over and over and always has been an educational failure. Money could be spent more efficiently and effectively in educating youngsters. In the 14 years when Dallas schools diverted their emphasis from education to transportation, the cost per pupil increased from $361 to $1,746. The schools have better teachers; but forced busing and the disciplinary problems resulting from tensions caused by children leaving their neighborhood, have resulted in lowered education for all.

With America's need to save on energy resources, why does America waste oil on forced busing? This applies only to forced busing. Busing of handicapped and rural students is in no way limited or modified by my amendment.

In discussing forced busing, we seem to have forgotten the history of how the issue arose. It began with the *Brown* decision by the Supreme Court back in 1954. There was a little black girl in Wichita, Kans., who wanted to go to a neighborhood school seven blocks from her home. She was forced because of her race to go on a bus 27 blocks to another school. The court wisely and justly said that every child in America shall be entitled to and must go to their neighborhood school. Also the court said with a firm voice that no child shall be sent to any school because of race. Now what has happened is a complete reversal. Children are being forced now to get on a bus to go across town and leave their neighborhoods. Children are being assigned to schools based on race and are allocated by racial quotas.

America must expedite the return to the neighborhood schools, so as to provide better quality education for all.●

ITALIAN EARTHQUAKE RELIEF

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. GIAIMO. Mr. Speaker, unfortunately I was not present on Monday, December 1. If I had been, I would have cosponsored and supported H.R. 8388, the bill to authorize funds for disaster assistance for the earthquake victims in Italy.

The situation in southern Italy is tragic and heartrending. The loss of life is staggering, and the property damage borders on the unbelievable.

I am pleased that the Congress has responded promptly and generously by passing H.R. 8388. So much needs to be done to help the survivors of this natural disaster, and it is vital for us to help the citizens of our faithful ally.●

TRANSIT AID FUNDS

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. HANCE. Mr. Speaker, I wish to take 1 minute to correct a misstatement of facts which appeared in an article in the print media recently and then was repeated on the House floor yesterday during debate of the transit bill. The misstatement concerned the present program under which cities are identified as to their eligibility for transit aid funds. A prominent newspaper incorrectly explained the present transit aid program and that news article was in turn used as evidence during yesterday's debate.

The news article, giving an example of transit aid, stated that Odessa, Tex., received $600,000 a year in transit subsidies even though the city has no transit system. That statement was incorrect. Odessa does not receive any mass transit aid, does not have a mass transit system, and has never applied for Federal mass transit aid. The Federal Government has never sent mass transit money to Odessa.

What should have been stated was that, under the present plan, Odessa qualifies as an eligible city which can apply for mass transit aid. The city, however, would first have to apply for such funds, meet additional qualifications, and then come up with its share in matching funds. Only after these conditions were met would the city then receive Federal mass transit funds.

I hope this clarifies the record on the subject. It was a very misleading statement, and I sincerely hope no vote was influenced by the misleading and false evidence.●

JUDICIAL REVIEW FOR VETERANS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. LEHMAN. Mr. Speaker, I recently submitted testimony before the House Veterans' Affairs Committee in support of judicial review of Veterans' Administration decisions. I would like to take this opportunity, before the adjournment of the 96th Congress, to place my testimony in the Congressional Record to show my continued commitment to VA judicial review legislation.

Statement of Hon. William Lehman

Mr. Chairman, judicial review of veterans' claims is one of the top priorities of the veterans who reside in Florida's thirteenth congressional district. As a cosponsor of H.R. 5008 and H.R. 6181, introduced by Congressman Drinan, I strongly urge the subcommittee to act favorably on this proposal.

All Americans have the right to due process. In my view, it was a serious mistake to deprive veterans of this right with regard to their VA claims.

The Veterans Administration does a good job of serving the needs of our veterans. It is not inconceivable, however, that in some cases, the VA could be wrong. In such a situation, the veteran has no further recourse.

Judicial review is available to recipients of Social Security benefits who disagree with the decisions of the Social Security Administration. It does not make sense to deny this opportunity to veterans, particularly when Social Security benefits are often similar to veterans benefits.

The VA is now able to take the part of the judge as well as that of a party to the dispute. This system is inherently weak, because it cannot ensure justice for all veterans.

Although there is not enough time remaining in this session to pass this legislation, I hope that the subcommittee's decision to hold hearings indicates a willingness to act promptly on judicial review early in the next Congress.

Thank you for your attention and consideration.●

TRIBUTE TO HON. EDDIE PATTEN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MOAKLEY. Mr. Speaker, I want to add my words and best wishes to those of my colleagues, to pay tribute to my fine friend, Eddie Patten.

No Member of Congress has a bigger or a warmer heart than Eddie Patten. He simply radiates good humor and compassion, and I don't think Eddie has ever failed to have time for those who turned to him for help or advice, no matter how unimportant the person or how small the problem.

He approaches life, the Congress, his committee duties and the people around him all in the same way—with characteristic joy and enthusiasm. He has been a schoolteacher; a lawyer; mayor of his hometown, Perth Amboy, N.J.; a county clerk; secretary of state in New Jersey; and, since 1962, a Congressman in this U.S. House of Representatives.

For these last 18 years, Eddie has served his constituents well through his position on the House Appropriations Committee, and particularly its important subcommittee on Labor, Health, Education and Welfare. In that capacity, he has worked consistently and courageously for programs that aid education and health, benefit the elderly and the poor, and protect working people.

Now when he is leaving, I know his constituents—many, if not most of whom know him personally—will miss him. The Congress will miss him, and the country will miss him. But, with his usual grace and style, he is doing a very difficult, but eminently sensible thing: he is stepping down from the labors of these many years, so that he may rest and enjoy life with his wonderful wife, Ann.

We hope and trust that we will not have heard the last of him, however, that he will continue to offer his comments—philosophical, humorous, and enlightened—to the many friends he leaves behind. We will not forget him, and we wish him well.●

FORMER SPEAKER JOHN W. McCORMACK

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, I want to commend my colleagues, Congressman Moakley and Congressman Boland, for obtaining a special order so that I and other Members will have an opportunity to pay tribute to one of the greatest leaders who ever served here, John W. McCormack.

I was deeply saddened to learn on November 22 that former Speaker McCormack had passed away. John McCormack was a good friend of mine. He was here when I arrived in Congress and he will always be remembered for his outstanding service as a great majority leader and later as a fine Speaker of the House of Representatives.

While his tremendous abilities in the public arena should be noted, the thing that stands out the most in my memory of John McCormack was his devotion to his wife. At a time when society puts so much stress and pressure on the family and we see the family unit fragmented on many occasions, John McCormack served as an outstanding example to the other Members here and indeed everyone in public life throughout our Nation. He showed that an individual could climb the pinnacles of power, handle the heaviest onslaught of time demands and public responsibilities, and yet still maintain an ideal marriage based on devotion and mutual trust and find time in every day, no matter how busy, for family life. His reverence for the sanctity of his marriage and his dedication to his wife is a powerful, modern love story.

John McCormack was a self-made man. He started off delivering newspapers at $3 a week and gradually worked his way up to becoming an attorney.

There are living monuments to John McCormack in every corner of this great land in the many programs which he shepherded through this body. I hope that the high standards, both in his public life and his personal life, which John McCormack established will live on as an example here in these Halls in the years to come.

My wife Albra and I extend our deepest sympathies to his fine family.●

VIOLENCE IN EL SALVADOR

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. WEISS. Mr. Speaker, this morning we learned of the death of four

Americans in El Salvador. Three nuns and one other U.S. citizen were found in shallow graves along a road. The ruling U.S.-backed Salvadoran Government reported its belief that rightwing extremists were responsible for the terrible murders, at the same time denying involvement of the Government in the violence.

More than 9,300 people have died in El Salvador this year as a result of the violence there. Last March, Archbishop Oscar Romero was murdered as he celebrated Mass. At the time, many analysts called Romero the greatest hope for restoring peace to the beleaguered Salvadorans. Nine priests are known to have been murdered in recent years, and two more priests have disappeared mysteriously in the past week. One week ago, five key leftist political leaders were kidnaped and murdered, heightening the crisis situation.

Many reports from El Salvador assert Government and military complicity in this violence against the church and against leftists. This Government receives direct aid from our own Government, and for this reason, if for no other, it is crucial that this House give serious consideration to what the U.S. Government can do to bring about peace in this troubled nation.

The violence is increasing in El Salvador. As we adjourn this weekend we should be aware that this nation might well explode in an all-out civil war before the 97th Congress convenes. U.S. support for the ruling government in El Salvador must end. We cannot unilaterally stop the needless killing which plagues El Salvador, but we should not contribute to it or spur it on by providing military supplies to the Government.

I am sure my colleagues will join me in expressing deepest condolences for the families of the four slain Americans. It is my hope that many of my colleagues will join me in calling for an end to the persecution of the church in El Salvador, and in praying for a quick return to peace.

The following article from this morning's Washington Post sets forth the full scope of the horror which has befallen El Salvador:

FOUR U.S. CATHOLICS KILLED IN EL SALVADOR

(By Christopher Dickey)

SAN SALVADOR, December 4.—The bodies of three nuns and a lay woman, all Americans, were exhumed from a roadside grave today 36 hours after they were reported missing. Three had been shot in the head and one in the chest, and at least two apparently had been raped.

Diplomats and Salvadoran officials said they believed the killings of the women, who sought to work with the poor here, were part of an extreme rightist plot to seize the government and eliminate Roman Catholic efforts at reform.

Nuns Ita Ford, 40, and Maura Clarke, 46, of the Maryknoll order, and Ursulan Dorothy Kazel, 40, and lay worker Jean Donovan, 27, apparently were killed Tuesday evening. Kazel and Donovan were from Cleveland and the other two from New York.

The initially unidentified bodies were found Wednesday morning about 30 miles from the capital and hastily buried by local officials who dug a single grave in a cow pasture.

They were exhumed today and identified by friends, including U.S. Ambassador Robert White, who was quoted by a reporter at the scene as saying, "This time they won't get away with it. They just won't." Later, White refused further comment. Judicial officials at the scene said at least two appeared to have been sexually molested.

Coworkers said Kazel and Donovan were in a group of church people who dined with White Monday and stayed at the U.S. residence that night.

The killings, some diplomats and officials fear, could be a final blow to the U.S.-backed coalition of military and civilians that rule this beleaguered Central American nation. Within the last several days selective, brutal terror has increased at a politically dangerous rate—this in a population of 4.8 million that has seen more than 9,000 political killings this year.

A week ago five key leftist political leaders were assassinated, precipitating the most serious crisis yet for the fragile government that barely survived its first year in power confronted by a growing guerrilla movement and the extreme right's terrorism.

The Catholic Church has been intimately involved with the struggle for reform here since many of its priests began openly advocating a restructuring of this near-feudal society in the 1970s and more recently accused the government of wanton repression. As a result, clergy have become the focus of a concerted campaign by rightist death squads, sometimes allegedly working with elements of the armed forces.

Nine priests have been killed in recent years. Last March, archbishop Oscar A. Romero, who had become a major political figure and advocate of human rights, was gunned down as he celebrated an evening mass.

In the last week, two more Salvadoran priests, Marcial Serrano and Ernesto Abrigo, disappeared under mysterious circumstances. The government has failed to bring any of the priests' killers to justice, or even to identify them.

Tonight Christian Democratic junta members Napolean Duarte and Jose Antonio Morales Ehrlich, along with two cabinet members, called a press conference and denied categorically that the government is persecuting the church.

Duarte said that in his opinion the nuns were killed by right-wing extremists as part of a series of "strategic crimes" designed to further destabilize El Salvador and overthrow the current junta.

The government spokesman announced the junta ordered an immediate investigation of the "abominable" crime. Duarte did not rule out the possibility that some elements of the military or the government "might have been involved" in the death of the women.

At the same time, right-wing commentators speculated that the killings could have been perpetrated by the leftist guerrillas to embarrass the extreme right. No group immediately claimed responsibility.

One senior Catholic official said, "this killing is simply horrendous, going beyond any limit any kind of action we've seen before. We know where these things come from but it is dangerous to say so."

The four initially were reported missing after a van was discovered burned-out and empty yesterday morning. It had been used by Kazel and Donovan to pick up the Maryknolls from the national airport, about 40 miles south of the capital.

[The Maryknoll Order issued a statement from its New York headquarters, saying "evidence provided by reliable sources close to the situation indicates that the military was instrumental in the disappearance and death of these four women."]

The murder of the American nuns is expected to complicate the task of U.S. policymakers—both of the current and incoming administrations.

The opposition, as well as international human-rights organizations and political groups in a number of countries, have charged that the goals and the methods of the junta and the extreme right are the same and that they include the same people in many instances.

[Amnesty International, the London-based human rights organization, said it had sent messages to the United Nations "pointing to the overwhelming evidence that Salvadoran troops were responsible for the detention and murder" of the opposition leaders.]

Previously, military training had included instruction on how to recognize "subversive" priests by the length of their hair, their adoption of civilian dress and their close relationships with the youth in their communities.

Although the United States has conducted military training with a "human rights component" for non-commissioned officers, many soldiers and officers still believe that the church is harboring subversives and contributing to the strength of the left here.●

MARIANNA STANGO RODINO

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. HOLLENBECK. Mr. Speaker, it is with great sorrow that I rise to extend my heartfelt condolences to the dean of the New Jersey congressional delegation and chairman of the House Judiciary Committee, PETER RODINO, on the passing of his wife, Ann.

Those of us who have known PETER have long been aware of Ann's exceptional accomplishments. Not only was she an invaluable source of strength to her husband, but distinguished herself as a leader in a wide variety of civic and cultural activities. Her unselfish determination and unflagging spirit inspired respect and admiration in all of us.

At this time of sadness, I extend to PETER, family, and friends my deepest sympathy. Ann will truly be missed by all.●

PROBLEMS OF VETERANS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. WOLFF. Mr. Speaker, during the 16 years in which I have served in this House, I have had the honor of participating in discussion and action on many important issues. As we move toward adjournment, and I toward retirement from this body, I look back with pride on the accomplishments I have achieved with the help of my colleagues and on the warm friendships we have forged in our work together. One very rewarding area in which I have been privileged to participate has been the important work of the Committee on Veterans' Affairs.

The sacrifices made by our veterans in the defense of liberty merit more than simple thanks from a grateful Nation. I am proud to have been a member of a committee that has stood up for veterans' rights and has pushed for programs adequate to meet their needs. In the 10 years that I have had the opportunity to serve as a member of the committee, we have been fortunate to be led by two very distinguished chairmen, Mr. Teague and the current chairman, my colleague Mr. ROBERTS. Both ably demonstrated their dedication to the goal of providing for our Nation's veterans and their many contributions will be remembered for a long time to come. I regret that I will not be present on the committee when my friend and colleague from Mississippi, Mr. MONTGOMERY, assumes the chair next year. But I know that veterans will be well served by his leadership and his concern for their welfare.

As a Representative from New York, I know firsthand the importance of programs and medical care to the many veterans who live in my district and the surrounding metropolitan area. For many years, Long Island veterans had been underserved in their need for VA medical care and especially for nursing home care. I felt a special measure of success when, with the support of the committee and with the valuable assistance of Mr. ADDABBO and others of my colleagues, we were able to convince the Veterans' Administration to take over the St. Alban's Naval Hospital for use as a VA nursing care facility in 1974. This has been of great value to the veterans of the whole region. The St. Albans Hospital has been kept in productive use and the long waiting list of those seeking placement there demonstrates the continuing need for this and other facilities to care for our elderly and disabled veterans.

Of special interest to me while I have served as a member of the committee were efforts to provide for the needs of veterans of the Indochina conflict. I have argued, with many others, that many of the needs of the Vietnam veterans have been inadequately served by present VA programs—that many veterans have needs for education, medical care, job training, and in other areas which have not been recognized or were not accepted as serious when these men were separated from the service.

Thus, since the 92d Congress I have joined with others to advance proposals to alleviate these needs and in each succeeding Congress I have introduced comprehensive legislation toward these goals. In an effort to confront the problems that many Vietnam veterans face in trying to support their families while pursuing education and training and in seeking to apply their benefits to job oriented technical training, I advanced proposals to allow accelerated payment of education benefits, conditional extension of the delimiting date to allow those who could not begin or complete their education to do so, and to allow veterans to use their benefits to finance their actual training in career oriented employment. On other issues of special concern to Vietnam veterans, particularly on the question of agent orange, I have introduced or supported measures to treat or compensate those veterans affected. Although we have not been successful in winning passage for the major part of this agenda, those who joined with us to push for action on these points have raised consciousness and awareness of the pressing needs facing our veterans who served in Indochina.

I believe that the concern focused on these issues did serve to assist in gains that have been made in this area over the last 10 years. And significant gains have been made by increasing the delimiting period, increasing the period of entitlement for GI bill education benefits, and most recently in establishing the vet centers to provide psychological readjustment counseling to veterans who have yet to make the successful transition to full participation in civilian life. I am proud of the part that I was able to play in these efforts and I commend the leadership of the committee for their actions to make these proposals into law.

I was pleased to have made a contribution in the area of jobs for veterans by winning passage for the appropriate steps amendment to the CETA extension of 1978. This provision, which mandates that the Department of Labor and CETA prime sponsors take appropriate steps to recognize the unique needs and the unique capabilities of Vietnam veterans into account in the formulation of jobs programs under CETA, holds the promise that these programs can make a dent in the serious unemployment problems facing many Vietnam veterans. The opportunity which I had to work with the Department of Labor in clarifying the regulations effecting this new provision hopefully will assist CETA prime sponsors in joining CETA assistance with existing programs in the VA designed to prepare veterans and promote them in career development.

Even as I prepare to leave the Congress, I see that many of these issues will continue to need investigation and attention in the years to come. Problems such as veterans' unemployment, agent orange, and others will continue to press for resolution. The future will also bring increasing pressure on the whole VA medical care system as the largest group of veterans, those of World War II, will have greater needs for health care provided by the VA. On all of these issues, there will be leaders both in the Veterans' Affairs Committee and outside of it who will work to remind this House of the needs of veterans and its duty to respond. I hope that all of my colleagues will listen, not only because of the debt we owe our Nation's veterans, but also because those young people whom we will rely on to serve in our Nation's Armed Forces will be looking at our treatment of our veteran's as an indication of the care and attention they can expect after giving their service to the Nation.

In closing, I would thank my colleagues who supported the legislative initiatives which have been made on behalf of veterans of Vietnam and of other eras, especially my colleagues Mrs. HECKLER and Mr. DASCHLE and the members of the Vietnam veterans caucus who have shared my views on many of these issues. I know that they will keep moving forward toward achieving these important goals. I would express as well my appreciation to the leadership and my colleagues of the committee for I have valued our cooperation where we have agreed and the vigorous debate on the issues where we differed. You can be sure that I will follow your future work with great interest and I extend my best wishes for future success.●

IN HONOR OF ROSA PARKS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. LELAND. Mr. Speaker, it is with great pride that I join my colleagues as we pause to remember that day in Montgomery, Ala., one-quarter of a century ago when a brave young lady, Rosa Parks, quietly spoke the words of defiance that were heard throughout this land.

Rosa Parks' spirit gave courage to the millions of Americans who suffered under a system that denied the basic humaneness of a very large segment of our society. The spark she ignited called forth the collective courage that broke down the barriers that had been erected and the movement began as we marched forward to that bright day about which Dr. King so eloquently spoke.

We have not seen the dawn of that day yet and there are those in this land who would return to those dark days. It is appropriate that we celebrate Ms. Parks' courage today and rededicate ourselves to the struggle for freedom and justice for all Americans.●

IN 1979, 4,950 WORKERS DIE ON THE JOB

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. GAYDOS. Mr. Speaker, during the 96th Congress, I have periodically provided for my colleagues inserts in the Record calling attention to some recent fatalities occurring in the workplace. The purpose of these inserts has been to remind my fellow legislators of the serious and continuous problem of providing a safe and healthful work environment.

The cases which I discussed have been taken from the back page accounts of various newspapers throughout this country. But because these isolated accounts do not make the headlines the public often fails to recognize what a pervasive occurrence this is. It is when these cases are analyzed in aggregate form that a clearer picture emerges.

Such is the case with recent figures provided by the Bureau of Labor Statistics for 1979. According to BLS data there were 4,950 work-related deaths in workplaces with 11 or more employees, and about 5.96 million work-related injuries during the same period. The survey also shows that roughly 42.6 million lost workdays resulted from work-related injuries—representing a loss equivalent to a full year's work for about 171,000 employees. In addition, workers in the private sector experienced about 148,000 new cases of occupational illness. These figures translate into approximately one job-related injury or illness for every 11 workers in the private economy during 1979.

While these statistics provide an overall picture of the problem of occupational injury, disease, and death, they tend to cloud the human dimension. Each of these numbers represents human suffering affecting not only the victims but their families and friends. The enormous extent of human suffering and grief in these cases is immeasurable.

While the problem of unsafe workplace conditions is a continuing one, it is not an intractable one. The Occupational Safety and Health Act has helped raise employers' consciousness of the need for safety and health. This has led a large number of conscientious employers toward compliance with OSHA's standards.

But unfortunately, too many employers have yet to recognize the necessity of providing a safe and healthful workplace, as evidenced by the statistics for the year 1979.

In an effort to assist those employers in providing a safe and healthful workplace, OSHA has adopted a strategy of relying on networks of peer group organizations such as unions, trade associations, educational institutes and other groups to provide the requisite education and training. OSHA has made funds available to these groups through planning and development grants. In this way OSHA is a catalyst, helping to spur business, labor, and the academic community to a concerted and cooperative effort in order to reduce workplace safety and health hazards.

The Occupational Safety and Health Admiministration has taken the initiative in providing this program to employers, it is now up to employers to demonstrate their interest in providing a safe and healthful workplace.●

A NATIONAL DECISION TO CONVERT TO METRIC HAS NOT BEEN MADE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. RUDD. Mr. Speaker, an excellent statement on the Federal Government's limited nonpromotional role in the area of metric usage in the United States was recently made by Thomas A. Hannigan, a Presidentially-appointed member of the U.S. Metric Board.

Speaking before a meeting of the First National Council on State Metrication, Mr. Hannigan noted that "a national decision to convert to the metric system has not been made." He stated:

> Legislative history of the Metric Conversion Act clearly reveals that Congress repeatedly rejected a policy of the Federal Government facilitating and encouraging conversion. The GAO reports that the 1975 Act and its legislative history show that national policy is not to prefer one system over the other but to provide for either to predominate on the basis of the voluntary actions of those affected, thus the role of the U.S. Metric Board is not to advocate conversion but to assist various sectors if and when they choose to convert.

Mr. Speaker, both the House and Senate Appropriations Committees instructed the U.S. Metric Board not to promote metric conversion in its activities, in their reports accompanying the Board's fiscal year 1981 appropriation. This action clearly confirms the intent of Congress, as stated by Mr. Hannigan.

Mr. Hannigan has provided important insight about the intended role of the Federal Government in this matter of metric usage, which will hopefully clear up public confusion. It is necessary for our citizens and businesses to know that our country has not made a national decision to convert to metric, and probably never will convert to metric, so that they will not be misled when making important economic decisions in everyday matters.

I would like to include the full text of Mr. Hannigan's remarks at this point in the Record:

SPEECH OF THOMAS A. HANNIGAN

Good afternoon Ladies and Gentlemen. It is a pleasure to be with you at this important and historic conference. I have been informed that my purpose is to stimulate thought, deliberation and meaningful discussion. I hope, beyond that, to bring you a better understanding of national policy and the role of State Government in voluntary conversion programs and the responsibility of public leaders in the area of metric conversion. As leaders in voluntary metrication, we are in many ways a lot like Columbus. When he set out on his journey he knew not where he was going; when he arrived he knew not where he was and when he returned he knew not where he had been. If we do our job right we can set our goals, be aware at any given time where we are and be fully informend of what has happened.

First, it is very important to realize there is a great deal of misunderstanding regarding national policy on metric conversion. This misunderstanding, because of incorrect and inaccurate information, is a costly and harmful cause of many unnecessary and unwanted metric initiatives. In order to minimize this waste and inefficiency, a serious effort must be made to be sure commerce, industry and the public fully understands national policy. The task is a difficult one since there are many reasons for the confusion surrounding national measurement policy. They range from the actions of well meaning, but misguided metric proponents to those of scheming bureaucrates; from the history of other converting nations, to the title of the U.S. Metric Board, which implies national conversion; from individual apathy, to blind trust in government, to the inevitiability syndrome. Even the President's letter in your program could very easily contribute to this misunderstanding. The letter takes a questionable position that "conversion to the metric system will help expand America's export market," but the National Bureau of Standards' study and the GAO study both reported that the effect of conversion on international trade is uncertain. The AFL–CIO fears there will be a flood of imports from metric countries resulting in the loss of thousands of U.S. jobs. It also includes a reference to encouraging the use of the metric system in the private sector as well as in government, which appears to be inconsistent with the Metric Conversion Act if such encouragement were not very carefully defined and implemented.

Legislative history of the Metric Conversion Act clearly reveals that Congress repeatedly rejected a policy of the Federal Government facilitating and encouraging conversion. The GAO reports that the 1975 Act and its legislative history show that national policy is not to prefer one system over the other but to provide for either to be predominate on the basis of the voluntary actions of those affected, thus the role of the U.S. Metric Board is not to advocate conversion but to assist various sectors if and when they choose to convert.

In brief, the U.S. has a policy of allowing for voluntary conversion; a choice of converting or not converting. This has been the policy since 1866 when use of the metric system was first authorized. Clearly, a national decision to convert to the metric system has not been made.

Congressional commitment to this policy had been clearly evident in the instructions to the Board from the House and Senate appropriations committees. The U.S. Metric board, I think, in response to such congressional guidance, and after much soul searching and debate, reluctantly accepts this policy.

The U.S. approach is entirely different than that of our English speaking allies, Australia, Britain and Canada. The following is a brief scenario which I hope will give you a better understanding of their conversion process. I'm sure my friend Hans Milton will disagree with my version but I have a file of Australian newspaper articles I will be glad to show you. Australians, Britains and Canadians are now wondering how did they get into this mess. Who convinced them to convert to the metric system? Why were they converting?

The metric strategy was the same in all three countries. It is clearly an international metric strategy and included generally the same sources of support and was based on the same arguments and deceptions. Their tactics consisted of a promotion campaign designed to gain sufficient support to involve the government in encouraging and facilitating metrication. Their arguments that ninety percent of the world was metric, that it was simpler, modern, scientific, inevitable and would increase exports are very debatable and very difficult to prove conversion, for these reasons, would be cost effective. Other arguments such as it would promote rationalization, standardization, decimalization and dimensional coordination are misleading, since all of these activities are merely indirect opportunities and could be achieved within the customary system much more conveniently at much less cost. In most cases the metric advocates were measurement experts and thus aware of the shortcomings of the arguments and the many problems involved in changing measurement systems which gives rise to the serious question of violation of public trust. Great emphasis was placed on the concept of voluntary conversion, but metric advocates were fully aware that freedom of choice of metric conversion would never succeed in achieving predominate use of the metric system. It served simply as a ploy, a hook, a scam, a hustle to involve government and to gain support of the private sector. The prevailing metric rationale was that any metric initiative was good even if for the wrong reason. It was assumed the sum of all individual conversions would ultimately lead to a point of no return at which time metrication would have to be mandated.

The government's role included the use of procurement to require conversion and voluntary actions by government agencies which mandated conversion for the public. The governments also conducted an intense propaganda campaign to encourage the people to think metric. Another very important activity was to encourage participation in metric planning and coordination meetings. Participants at these meetings were persuaded to produce the tables, bar charts, schedules and to declare "M-Days." As the implementation of metric plans began, troubles began. Public apathy turned to public revolt, but it was too late, the trap had been sprung, the damage had been done.

In response to mounting criticism the government contended that private organizations voluntarily set conversion schedules. On the other hand private organizations contended they merely acted in response to government policy. The general public was bewildered and outraged.

The metric advocates' next tactic was to switch arguments from one that emphasized the benefits of the metric system to one that contended that conversion has proceeded too far to turn back and that the existence of two systems was too inconvenient and costly, thus conversion must be mandated. In Britain the ten year policy that costs are impossible to calculate has been recently changed to that recommending a sophisticated cost accounting system which advocates hope will prove operating in two highly mixed measurement systems is too costly.

The British Metric Commission has been abolished and in Canada, compulsory metric legislation has been repealed and metric schedules are being postponed. In Australia, there is an organized effort to repeal mandatory conversion laws. The government is blaming private industry and private industry is blaming the government. The great tragedy is that many of these conversions were unnecessary and misguided. The fault lies with those organizations and individuals, both public and private, that assumed leadership responsibilities and betrayed their public trust.

Obviously, Australia, Britain and Canada had an entirely different approach to voluntary conversion than ours. I might add similar to UMSPA. The governments announced that conversion to the metric system within ten years was in the national interest and thus, the various sectors merely had a choice of how and when to convert. For all practical purposes, they were denied the opportunity to determine whether or not to convert.

The concept of voluntary conversion is the key to understanding our national policy. Throughout the metric debate there has been just about universal agreement that conversion should be voluntary. This cherished bromide also had the support of the Australians, the British and the Canadians. In the United States, both metric zealots and metric critics were in agreement on voluntary conversion. The fact is there is no other choice since it would be very difficult to gain support for either compelling conversion or prohibiting it. It is also a fact that freedom of choice, of measurement systems, will never bring about predominate use of the metric system. Metric proponents are thus in a dilemma, a true Catch 22. They must pay lip service to voluntary conversion but support various mechanisms to mandate it.

What is the U.S. position on voluntary conversion and why is it important? Websters defined voluntary as: (1) being brought about by ones own free choice; (2) acting on ones own accord.

I believe that within reason and practical application, this was the intent of Congress. It granted the U.S. Metric Board no authority to mandate conversion. Therefore, even a conversion plan approved by the U.S. Metric Board can not require dissenters to comply. Any form of compulsion must be approved by the U.S. Congress. In the free choice approach to conversion, competition forces decisions to be made in the marketplace and public opinion will influence the legislative process. This approach is totally consistent with our free enterprise economy and our democratic form of government.

Why is voluntary conversion so important? First and foremost, because it represents the will of the American people. Thus, it is the most politically acceptable and consistent with democratic tradition. Second, it is the most efficient and effective, because only those organizations that have incentive to change will change. In addition decisions will be made in the marketplace, not by government bureaucrats. Unnecessary, unwanted and uneconomic conversions will not be required thus minimizing inconvenience and waste. Conversion in the United States would truely be a private engineering and marketing decision limited only by public interest.

There is serious question of whether conversion can be planned for a complex two trillion dollar economy. The planning goes far beyond the change of measurement systems, it affects the variety of products produced, their price and their availability. In a sense what we are talking about is a planned economy. Everyone should be aware of the disastrous effects of planning economies in Russia, China and Cuba.

Given this exposure to other nations' experience with conversion, a better understanding of U.S. national policy and the meaning of voluntary conversion, I will briefly discuss the rules of Federal and State Governments.

The primary role of the U.S. Metric Board is to provide a means whereby states may define their role, exchange information and coordinate appropriate voluntary conversion activities among other states, consistent with current national policy.

On the other hand, states should be responsive to national policy.

1. They should establish policies which are consistent with the intent of the Metric Conversion Act of 1975;

2. They should be prepared to respond to the initiatives of industry, commerce and localities. They should only initiate action when it is clearly in the interest of the state; and

3. They must inform the public of the impact of voluntary conversion actions that affect them.

The success of U.S. metric policy is totally dependent on the objectivity and neutrality of those individuals responsible for planning and coordinating voluntary conversion activities at all levels of government.

Robert LaFollette in his book entitled "Fooling the People is a Fine Art" noted "to befool and mislead the people, to falsify public opinion, is to pervert and destroy the republican form of government."

Abraham Lincoln said "Public opinion is everything. With public sentiment, nothing can fail, without it nothing can succeed."

The point of these quotes being that, for any successful venture, it is clearly essential that government must maintain the trust and confidence of the governed. This unfortunately has not been true in the past as far as metrication is concerned. Governmental metric conversion activities have frequently been classic examples of arrogance of government where a few bureaucrats can ignore the will of the majority. The government has also been guilty, through deception and misinformation, of subverting the decision making process. This problem is caused by blind trust in government and arises when metric organizations are made up of people so convinced that conversion is right and anxious to accept the challenge of changing measurement systems, that they willingly mislead and deceive elected representatives, private sector policy makers and public officials.

Much of the criticism directed at such organizations as the U.S. Metric Board, the ICMP, the MOC and other metric committees is simply because of their pro-metric bias. This is a great tragedy because in our modern complex socio-economy these organizations are absolutely essential if we are to assure an efficient and effective response to the voluntary conversion activities.

We must realize under present national policy, it is of no importance if or when any organization converts to the metric system. There are no goals such as predominate use, there are no deadlines.

Conversion is a matter of free choice. Decisions must be made on accurate and objective information. Any organization that wishes to convert can do so and the U.S. Metric Board is responsible for ensuring the voluntary changeovers take place in the most economic and effective way, conducting necessary research and informing the public. The Board needs your participation and cooperation in areas which are clearly state responsibility. The Board is here to serve you.

Thank you.●

TRIBUTE TO SIX MEMBERS OF CALIFORNIA DELEGATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. FAZIO. Mr. Speaker, California has been dealt a very heavy blow in the loss of six of our most talented and respected Representatives. We are a State known for its defense industry With the departure of Jim Lloyd, Charles H. Wilson of California, and our friend and colleague, the ranking minority member, Bob Wilson, our ranks on the Committee on Armed Services have been decimated.

Having served on the Committee on Armed Services for part of my first term in Congress, I am fully aware of the special contributions that Jim Lloyd has made to the defense of our Nation and the industry in our State. He has been the most outspoken and aggressive representative California has had on the committee and his voice and influence will be sorely missed.

Jim is one of the most outgoing, friendly, and truly warm personalities that I have had the pleasure of serving with in public office, and I look forward with great anticipation to the day when he returns to the House.

In Jim Corman, we lost a great man of principle, who was defeated simply because he refused to compromise on the issue of civil rights for all Americans. I also want to pay particular tribute to Jim for his leadership in our delegation, and for bringing more substance and thoughtfulness to the delegation than anyone else. In addition, his contributions to the Ways and Means Health Subcommittee and the promotion within the committee of tax equity for the average American family will be remembered for some time to come.

In Lionel Van Deerlin the House has lost its leading expert on communications law, and whatever legislation is passed in the next Congress, it will bear the imprimatur of his work. We will miss the wisdom and perspective which Van has acquired and sharpened during his 18 years in the House and from which we have all learned. But I will also miss Van's poignant sense of humor which always reminded us to not take ourselves and our tasks too seriously. Van's defeat represents an even greater loss to the people of San Diego County, who suffered a double blow with the retirement of our fine friend Bob Wilson.

Of course, in Bizz Johnson, my neighbor, good friend, and mentor, a man who served in public office for 40 years both as a city councilman, mayor, State senator, and Congressman, California lost one of its greatest leaders.

Bizz and Albra, who never bought a home in Washington, living for 40 years in the same home in the same precinct in the city of Roseville, epitimize the devotion to public service that we shall all miss.

Bizz Johnson has been criticized in recent weeks for his commitment to the people he represents. How many of us in our lameduck period would be fighting for a public building in our districts just as hard as we would were we to be returning? It is this very admirable human trait which has earned him criticism in the Washington Post.

All of these gentlemen are going to be greatly missed. I know other members of the California delegation, and other Members of the House would like to add additional remarks to the record so these men can know the great affection and esteem with which they have been held by their colleagues.●

TRIBUTE TO HON. RICHARDSON PREYER

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BARNES. Mr. Speaker, I would like to join my many colleagues who have expressed their respect for Richardson Preyer, as he completes his career in the House of Representatives. The House of Representatives is losing one of its most able and respected Members. Richardson Preyer has established a record which will truly serve as an inspiration to all of us who were privileged to know him and work with him.

Though I have not served in the House during all of Judge Preyer's 12 years here, the chance to work beside him during the 96th Congress has been a very personal privilege. I first met Judge Preyer when I was an undergraduate at the University of North Carolina. In 1964, Judge Preyer sought the Democratic nomination for the office of Governor of North Carolina. Campaigning in 1964 for Richardson Preyer for Governor was one of my very first political experiences. That campaign was a model of how an honorable campaign for public office can be carried out. Judge Preyer brought to the campaign trail the dignity, intelligence, and integrity that had become known to the citizens of North Carolina in his service as a city, State, and Federal judge.

It was this character and knowlege of the law and politics which made his chairmanship of the Select Committee on Ethics so valuable. Without the guidance and skill of his chairmanship, there would not have been the enactment of the Ethics in Government Act. However, Richardson Preyer's respect transcended the formal committee process and made him one of those who my collegues and I turned on important ethical questions. Throughout the Watergate and Abscam periods, Judge Preyer has been a tower of strength, vision, and wisdom. I personally, and the House collectively, will miss him tremendously.

Richardson Preyer is one of those rare individuals who embodies the true spirit of America. The spirit which for over 200 years has made ours a government of the people, for the people, by the people. As the House faces the difficult decisions of the future, the example set by him will be a guidepost on which we will all depend.●

TRIBUTE TO FIVE MEMBERS OF CALIFORNIA DELEGATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. OBERSTAR. Mr. Speaker, there is no way to look at the results of the recent elections in California other than with sadness at the defeat of so many of our able colleagues.

The House has suffered a great loss with their defeat. We will feel that loss deeply in the 97th Congress.

Jim Corman devoted much of his great energy and talents to helping other Democratic congressional candidates win election in his position as chairman of the Democratic Congressional Campaign Committee.

He has been untiring in his efforts on behalf of the unemployed and the poor. He has been an effective force for the enactment of progressive tax legislation. The cause of tax reform will suffer because of Jim's narrow loss.

Lionel Van Deerlin has been a good friend, and a dedicated, principled legislator who will be missed in the 97th Congress.

We owe him a tremendous debt of gratitude for his willingness to undertake the herculean task of the revision of the Nation's communications laws.

I have known Bizz Johnson for many years, first as a staff member and now as a member of the committee he chairs.

He has been excruciatingly fair in his chairmanship. He has brought to the work of the committee the spirit of bipartisanship which has enabled the committee to function as it has. Few Members of this House understands the parliamentary procedures as well as Chairman Johnson. The committee and the entire House will miss this gentlemanly, knowledgeable colleague in the 97th Congress.

Jim Lloyd brought to his work on the Armed Services Committee and in the House his experience as an Air Force officer. He spoke with practical knowledge on military matters, not as a strident advocate, but as an informed, respected colleague. I know the future for someone of JIM's intelligence and creativity can only be exciting.

The past years have been difficult ones for CHARLIE WILSON. He has been a hard-working Member of this House. I wish him much happiness in the years ahead.●

TRIBUTE TO CHARLES H. WILSON

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, we are saying goodby and good luck, to far too many old friends and colleagues. The same is true, I think, for those of us who are leaving as for those who will continue to serve here in the Congress. There are far too many goodbys to be said all at once.

For myself, in the months ahead I expect finally to have the time needed to reflect on the events and accomplishments we achieved during the time we served together. One can say only a few brief words today, but I will be continuing to evaluate these years and to fully appreciate the remarkable capabilities of those who have been my colleagues here in Congress.

CHARLES H. WILSON devoted 18 years representing his constituents in the U.S. House of Representatives, following his years of service with the U.S. Army in the European theater of operations during World War II, and in the California State Legislature.

CHARLIE proudly served on the House Armed Services and Post Office and Civil Service Committees where he maintained an active interest in matters of great importance to all of us.

Good luck, CHARLIE, in your future pursuits.●

A FAREWELL TRIBUTE TO HON. ROBERT N. GIAIMO

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. MOFFETT. Mr. Speaker, BOB GIAIMO has represented Connecticut's Third District for 22 years, but he is not retiring because he has lost his vigor or his ability to fight for what he believes in. He is, rather, leaving the House of Representatives at the height of his power and professional success.

As chairman of the House Budget Committee for the last 4 years, BOB has been largely responsible for the continued existence and strength of the congressional budget process. This year, for example, he succeeded in making reconciliation a viable useful part of the budget process for the first time since it was instituted. I hope that the budget process can retain its strength and relevance once BOB leaves the Congress.

Bob's leadership and integrity have always deserved and received my respect and admiration, and I will be sorry to see him go. I first came to the House of Representatives as part of the class of 1974, a somewhat overzealous and vocal group. BOB showed us that it was possible to mix idealism with pragmatism and effectiveness in the House of Representatives. I thank him for this important lesson and for the fine example he has set for all of us; and I wish him the best of success in his future endeavors.●

TRIBUTE TO LIONEL VAN DEERLIN

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, we are saying goodby and good luck to far too many old friends and colleagues. The same is true, I think, for those of us who are leaving as for those who will continue to serve here in the Congress: There are far too many goodbys to be said all at once.

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LIONEL VAN DEERLIN—VAN—joined us back in 1963 for the 88th Congress. He brought particular knowledge and experience to the California delegation and the Congress, with his background not only in newspapers, but in radio and television as well.

It is no surprise to all who know him that VAN came to fullfill the promise he showed from the very beginning. He has an open, warm, and straightforward manner. He approaches his work with both a freshness of perspective and a seriousness of purpose. His personal qualities have helped him to become the fine legislator and public servant that he is.

In the difficult and far-reaching legislative work that he has spearheaded in the communications field, VAN has achieved accomplishments that will be more fully appreciated as time goes by. In the long run, the work that all of us do is seen to be part of an ongoing process, moving hopefully toward better and better solutions of key national problems.●

TRIBUTE TO TIM LEE CARTER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GOODLING. Mr. Speaker, Kentucky and this Congress will be losing a real representative of the people with Dr. TIM LEE CARTER's retirement at the end of this 96th Congress.

I have had the wonderful opportunity of working out some of the Nation's ills with this dedicated man, who is a physician not only of the body, but of the spirit as well. To me personally he has been a valuable counselor both with medical advice and insight into legislative issues. I have always respected the knowledge and energy he brought to the Commerce Committee's Subcommittee on Health and the Environment. His articulation of his very specialized information has been called on again and again to provide the foundation for contemporary progressive health legislation.

Wherever his future career choices take Dr. CARTER, I wish for him the very best, and continued success.●

TRIBUTE TO HON. RICHARDSON PREYER

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. COUGHLIN. Mr. Speaker, while I sincerely regret that the Honorable RICHARDSON PREYER will be leaving us at the end of the 96th Congress, nevertheless, I am pleased to join his friends and colleagues in acknowledging an outstanding legislator and public servant. For the past 12 years, RICHARDSON has served the Sixth District of North Carolina with distinction. His reputation for great integrity and good judgment is known far and wide. It is because he possesses these important character traits that RICHARDSON had often been called upon to serve in positions where only his special sensitivity would do. He has made major contributions through service on the Assassinations Committee and the Ethics Committee. In addition, this able legislator has carried a full load as a member of the Health Subcommittee of the Interstate and Foreign Commerce Committee and the Governmental Operations Committee.

Greensboro, High Point, Burlington, and the rest of the Piedmont region have benefited from his dedication and persistence. The entire country has benefited from the example RICHARDSON has set for those in public life. This well-respected Member can take just satisfaction in the hard work he has done. Our best wishes go with him.●

TRIBUTE TO JIM LLOYD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, we are saying goodby and good luck, to far too many old friends and colleagues. The same is true, I think, for those of us who are leaving as for those who will continue to serve here in the Congress: there are far too many goodbys to be said all at once.

For myself, in the months ahead I expect finally to have the time needed to reflect on the events and accomplishments we achieved during the time we served together. One can say only a few brief words today, but I will be continuing to evaluate these years and to fully appreciate the remarkable capabilities of those who have been my colleagues here in Congress.

Jim Lloyd has served the constituents of his 35th Congressional District, the State of California, and our Nation with dedication and dignity.

Jim has served with distinction at the local and Federal levels of government, as well as in the military. His concern for a strong national defense and our natural resources is well-known to all of us, and the Nation will suffer the loss of his talents and expertise.

It has been a pleasure and an honor to serve with Jim in the House of Representatives and to join with him in representing our great State of California.

My wife, Albra, and I wish Jackie and Jim much success and happiness in their new pursuits.●

THE SYRIAN-JEWISH COMMUNITY IN BROOKLYN: AN AMERICAN SUCCESS STORY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. SOLARZ. Mr. Speaker, it is my privilege to represent virtually all the Syrian Jews residing in the United States. Over the past 70 years, they have created a flourishing community in Brooklyn that constitutes one of the great success stories in the history of American immigration.

In a little more than one square mile in Brooklyn, nearly 25,000 Syrian Jews have established a tightly knit community with many unique characteristics. There they have built a vibrant network of synagogues, yeshivas, and mikvas, and preserved the customs and culture of both their ancient religion and their former homeland.

The Syrian Jewish community can pride itself on an enviable tradition of self-reliance. The closely knit family life of the Syrian Jews could well serve as a model for all Americans.

Yet, while successfully maintaining many of their traditional values and customs, the Syrian Jews have also adapted to American values and institutions. Many members of the community have assumed positions of leadership in the commercial and cultural life of the country. Both the patriotism and the philanthropic generosity of the Syrian Jews are unsurpassed by any of the numerous ethnic groups in our country.

Chronicling the wondrous history of the Syrian Jews in Brooklyn has been a man who, at age 74, reflects the social commitment, the creativity, and the zest for life of his Syrian Jewish compatriots. His name is Joseph Sutton. In his book, "Magic Carpet: Aleppo in Flatbush," Mr. Sutton makes the saga of this community come alive.

A recent article in the New York Times described Mr. Sutton's labor of love in profiling the people he knows so well. I am confident that those of my colleagues who read this moving history will agree with my assessment that the saga of the Syrian Jews, so aptly related by Mr. Sutton, represents one of the brightest strands in the colorful ethnic fabric of American life.

[From the New York Times, Nov. 12, 1980]

About New York—At 74, He Eagerly Chronicles Brooklyn's Syrian Jews

(By William E. Farrell)

Joseph Sutton smells cumin in a Middle Eastern grocery store in Brooklyn, and the pungent odor of the spice sends him back more than 65 years to the bazaars, minarets and caravansaries of his childhood in the Syrian Jewish community of Aleppo.

This bit of Proustian magic at Kings Highway and East Third Street pleases him so much that he buys a new acquaintance a supply of the stuff as a way of sharing the past. "I insist, I insist," he says. "You should know about it."

Around him, shoppers, speaking English, Arabic and Hebrew, thread their way past vats of olives, stacked loaves of flat pita bread and a bewildering assortment of condiments and sweetmeats. Mr. Sutton stops a few doors away at Adelaide's Alley, a gift shop catering to the Syrian Jews in the neighborhood. After polite talk about an impending wedding, Adelaide hands him two unsold copies of his book—a handsome work bound in red that has transformed Mr. Sutton, at the age of 74, from a retired businessman into an active scholar.

The book, which he had printed himself, is titled "Magic Carpet: Aleppo in Flatbush." It is a labor of love chronicling the 70-year history of the Syrian Jews in New York. They are, Mr. Sutton says, a minority within a minority, little-known threads in the city's vast heterogeneous tapestry.

The Syrian Jews—more than 25,000—live in less than a square mile of Flatbush, many of them concentrated around Ocean Parkway and Avenues S and T in neat middle-class homes that are no different from many other stretches of that long, bourgeois boulevard. They are Sephardic Jews, religious and clannish, and have resisted assimilation better than most groups that have called New York home.

Besides the Jewish immigrants from Syria, mostly from Damascus and Aleppo, there are former Syrian Jews who came from Egypt when President Nasser forced them out in the 1950's and, most recently, Syrian Jews living in Lebanon who fled the carnage in Beirut in the late 1970's.

Mr. Sutton's own life span mirrors the community's adjustment to New York. When he was 8 years old, he left Aleppo and joined his father, a peddler of linens, on the Lower East Side, where the Arab-speaking Jews were totally subsumed by the huge numbers of Ashkenazi Jews who had recently left Europe. The European Jews spoke Yiddish, which was unknown to the new arrivals from Syria. While their religious services were essentially the same as the Ashkenzai rites, the pronunciation of Hebrew was entirely different. Many European Jews looked on them as strange, even inferior, and the clannishness of the Syrian community intensified.

Many years passed in the Syrian Sephardic community before the term "intermarriage" meant anything other than a frowned-upon wedding between a Sephardic and an Ashkenazi Jew.

Mr. Sutton sits in a book-lined workroom in his house, drinking strong Arab coffee. For decades, he made his way in the world with only six years of formal schooling. But he spent those years reading, listening to music and teaching himself languages so that he speaks French, some Russian, Hebrew and Arabic. His Italian is mostly gleaned from opera librettos. "I'm an autodidact—you'll excuse the language."

His working years were spent as a lace importer, "a gentlemanly business," he says, that allowed him to travel in Europe and the Middle East "I kept it small because I didn't want it to eat up my life." Fifteen years ago, he began to study the experience of the Syrian Jews. He took night courses at Brooklyn College, eventually earning a bachelor's degree in sociology.

His own moves about the city paralleled those of most of the Syrian Jews, at least those who moved upward. From the Lower East Side, they moved to Williamsburg and then to "the pastures of Bensonhurst," which, because it was accessible by the Sea Beach line of the old BRT was known as "Seebeej."

In the early 1940's, the move to Flatbush began and the community focused on a new synagogue, Sha'are Zion, which is still its social hub.

Most of the male members of the community went into commerce. Trading was a mainstay of the Syrian Jews in Aleppo, and it persists here in New York today, although more and more the younger generation is going into the professions.

Mr. Sutton says there are fissures showing in the longstanding customs of the community. Arranged marriages are a thing of the not-too-distant past. Some women have gone to work outside the home. At a big social event, there will be more Scotch consumed than arak, a potent Arab concoction with a licorice taste masking a kick. But the taste for Arab music remains at such gatherings, and some members of the community still shop in the Arab section of Atlantic Avenue for records of ululating chants and sensuous belly dances.

Doing research on his community was "the happiest time of my life," Joseph Sutton says, and putting his findings between covers a close second. a number of scholars have become interested in him.

When his four children were ready to go on their own, he liquidated his business and, now, he relishes the invitations he gets to lecture at places like the New School. Last June, based on his work in "Magic Carpet," Mr. Sutton received a master's degree in sociology from Brooklyn College. "Almost on my 74th birthday, I was handed an M.A.," he says with pride.

He moves—a resident Boswell—through his small community with a new aim these days: a volume detailing the varied nicknames in the Syrian Jewish community. "Ask who 'Pickles' is," he says, "and most of us will tell you, the community is that close." He is also beginning a series of oral histories, taping the reminiscences of older members of the community.

Time, he knows, is pressing, and he wants to get it all down—because the progeny of the immigrants from Aleppo are inching away from some of the centuries-old customs that bound the Syrian Jews together thousands of miles away in the shadows of the minarets.●

CONGRESSMAN FORD LEADS EFFORT TO INCREASE STUDENT AID FOR MIDDLE INCOME FAMILIES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. BRADEMAS. Mr. Speaker, during the 95th and the 96th Congresses, our distinguished colleague, Congressman WILLIAM D. FORD of Michigan, has served in an outstanding manner as the chairman of the Subcommittee on Postsecondary Education, and it has been my pleasure to serve with him on that subcommittee.

Mr. Speaker, with Congressman FORD's farsighted and patient leadership, the Middle Income Student Assistance Act was enacted in the 95th Congress and the Education Amendments of 1980 in this Congress. Through these two laws the Federal student assistance programs have been dramatically improved. The programs are simpler for students and their parents to use and to understand. The financial aid available to low-income students has been made more adequate and more equitable.

Most significantly, however, Mr. Speaker, the programs have been modified to reflect and serve the genuine need for assistance of many students from working and middle-income families. Through these two laws, historic advances have been made toward achieving the goal of equal educational opportunity for all Americans.

The New York Times of November 16, 1980, includes an article describing in detail the important changes that have been made in the student financial assistance programs. The article follows:

MIDDLE CLASS GETS MORE AID FROM U.S.

(By Joseph Michalak)

After more than a decade in which the Federal emphasis in financial aid to higher education was on increasing access to college for disadvantaged students, the tide has turned toward helping the middle and even the upper classes.

The result is that no matter how wealthy his family is, any college-bound student who is willing to work during the summer and—along with his parents—borrow the maximum amount from the Federal government at subsidized rates can probably count on going off to college with about $7,500 in the bank.

The newest phase of this easing of the pressure on middle-class families came with the $48.4 billion higher-education bill, called the Education Amendments of 1980, which was signed by President Carter last month. Among other things, the new law:

Increases the total amount that a student can borrow under the Guaranteed Student Loan Program, which is available to students without regard for family income, from $7,500 to $12,500 over a five-year period.

Establishes a new Parent Loan Program that makes it possible for any family to borrow $3,000 more a year at 9 percent.

Excludes a family's equity in a home as a factor in determining aid eligibility for existing Federal grant programs, thus qualifying many families who are "property rich but cash poor" for programs such as the Basic and Supplemental Education Opportunity Grants.

This expansion of Federal assistance to the middle- and upper-classes has run into a barrage of criticism from civil rights and other groups on the ground that it is drawing from the financial reservoir created in 1965 to equalize educational opportunity for lower-income students.

Into addition to the debate over where Federal priorities should lie, however, are some other fundamental philosophical issues regarding the country's attitude toward the financing of higher education.

Robert Zemsky, director of the Higher Education Finance Research Institute at the University of Pennsylvania, noted that loans—as opposed to scholarships or the use of savings—are becoming increasingly important for the financing of college and that the new law will certainly intensify this trend. "Tuition, which used to be a tax on past earnings, is now becoming a tax on future earnings," he commented. "In a time of rampant inflation where loans are paid off in cheaper dollars, it no longer pays to save for college."

But the trend also carries some dangers as well. "I can imagine situations in which indebtedness will outstrip the ability of students and their families to repay," Mr. Zemsky said. "Moreover, you could end up with a situation in higher education becomes similar to what you already have in hospitals. The costs keep going up with no one containing them, and the Federal Government, like Blue Cross, end up as the third-party payer of last resort."

In recent years, institutions of higher education, operating on the policy that no student who is accepted should be denied the financing to keep him there, have come to rely on an increasing supply of Federal money as a prelude to providing any extra grants from their own funds that are indicated by a student's "needs analysis."

The Carter Administration attempted this year and in 1978, when the Middle-Income Student Assistance Act was passed, to keep down appropriations by resisting strong Congressional support for tax credits to parents faced with skyrocketing education costs, which surpass $40,000 for four years at some leading private institutions. It won its case for substituting heavily subsidized loan programs to aid any family, not just the most needy, as less costly.

Whether Mr. Reagan, who has indicated little affection for the new Department of Education, will fight for the appropriations to implement the authorizations of the newest legislation has yet to be seen.

The new law raises the current annual limit of $1,800 on Basic Educational Opportunity Grants for the neediest (which have been renamed Pell Grants) to $1,900 in 1981-82, $2,100 in 1982-83, $2,300 in 1983-84, $2,500 in 1984-85 and $2,600 in 1985-86. The four-year limit on grant was also eliminated, enabling a student to receive aid for as long as it takes to complete an undergraduate degree. there were other increases voted for campus-based programs based on need—the Supplemental Educational Opportunity Grants, College Work-Study and the National Direct Student Loans.

But of particular value to middle-income and even higher-income groups was the liberalization of the highly popular Guaranteed Student Loans, which are available to students without regard to their family's income. Interest payments are subsidized by the Government while the student is in college and for six months after graduation.

The maximum assistance per year under the G.S.L. was kept at $2,500, but the simple-interest rate for new borrowers the simple-interest rate was raised from 7 to 9 percent (it was left unchanged for previous loan holders.)

The guaranteed student loans are made by banks directly to students, and since they were first authorized in 1978 the total amount of Federally backed loans has risen from $1.95 billion to $5.3 billion. Before 1978, when only families with incomes under $25,000 were eligible for fully-subsidized loans, about a million students borrowed; more than 2.5 million do now, and the number is growing.

"Although the income distribution of GSL borrowers is not known," according to a Congressional Budget Office report, "it is fair to assume that most of the increased borrowing is occurring among middle- and higher-income students."

The Parent Loan Program permits a family to borrow up to $3,000 a year for each child in college, up to a total of $15,000. Unlike the student loans, where repayments do not have to start until six months after a student's graduation, parents will be required to begin repayment within 60 days of taking out a loan. The rules governing both kinds of loans become effective Jan. 1.

A Congressional Budget Office report memorandum assumes that there will be "a relatively low demand" for parent loans—81,000 loans amounting to $237 million.

The decision to lend to parents rather than students was seen as a response to Congressional and other critics who have been upset with the high default rate on existing student loan programs. Thomas A. Butts, Deputy Assistant Secretary of Education for Student Financial Assistance, said that parents would likely be more reliable loan repayers than students. But he also indicated that parent loans are a way to help families with their cashflow problems and not force "a sudden change in life style" to meet college costs.

Under the new law, some middle-class students whose family income was too high for the basic Educational opportunity Grants and other traditional "needs-based" Federal grants will now find themselves eligible for such aid.

The amount that a family is expected to contribute to college costs is based on a formula taking into account parent and student incomes as well as their assets. By eliminating home equity as an asset that goes into formula, the law will increase the available benefits by $276 million.

"The value of a home, which cannot be considered a liquid asset, is no indication of a family's ability to pay for college," said Richard Jerue, staff director for the United States Senate Education Committee.

According to David Longanecker of the Department of Education's Human Resources and Community Development Division, 53 percent of these new benefits will go to families with incomes of less than $15,000. But 41 percent, or $113 million, will flow to families with incomes between $15,000 and $29,999, and 6 percent—$17 million—will be distributed among families with incomes of more than $30,000.

Critics of the change argue that because low-income groups are the least likely to own homes, the actual effect is to allow more higher-income people to compete for available grants and thus to reduce the total amount that families that do not own homes will be able to get.

In another change, the total amount of savings or other assets excluded from consideration in a basic-grant application will decline from $25,000 to $10,000. This is seen as working to the advantage of homeowners rather than renters, including those who have been able to save enough to buy a house. "A student from a family which does not own a home could realize a $750 decrease in Basic Grant award from the previous year based on this formula change alone," said Mark Heffron of the American College Testing Program.

Mr. Jerue agreed in an interview that this represents "an obvious inequity" that he and other drafters of the bill sought vainly to rectify.

But Thomas Wolanin, staff director of the House subcommittee on postsecondary education, declared, "Our feeling is that people don't make housing choices on the basis of whether their children can get a few hundred extra dollars of aid under our program. No renters have written us, but as people who are aggrieved make their feelings known, we'll have to deal with it."

The most impassioned criticism thus far has come from those who believe that the net result of the new Federal emphasis is to bring down the curtain prematurely on the efforts of the last two decades to make higher education a possibility for every high school graduate who seeks it. "The 1980's will mark the end of the dream of access, choice and retention for low-income and minority students," said Edward Apodaca, director of financial aids for the University of Massachusetts at Amherst.

Mr. Wolanin, however, spoke for what, given the conservative tide running in the new Congress as well as in the Reagan Administration, is likely to be the prevailing view in the forseeable future.

"Our first priority is to help the neediest," Mr. Wolanin said, "but we also aim to help all the needy."●

JOHN W. McCORMACK—A LEGENDARY FIGURE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. ICHORD. Mr. Speaker, John W. McCormack was a legendary figure in the annals of 20th century American political life. His name is indelibly etched upon the history of our time. The occasion of his death is one of great sadness.

I had only been in Congress 2 years when the beloved Mr. McCormack became Speaker of this great House on January 10, 1962—by unanimous vote.

He was an imposing figure, physically and politically. My association with him is one of my fondest memories of my early years in Congress. He was a man of extraordinary loyalty and patience, shrewd and highly skilled in parliamentary matters, and a fiery debater. He believe in, and worked mightily for, the cause of civil rights and help for the needy. The downtrodden never had a more impassioned advocate.

The great State of Massachusetts gave John McCormack just about every political honor it could bestow. Even though he had to drop out of school at age 13 when his father died, he got himself a job in a law firm at $4 a week, taught himself law at night, passed his bar examination, and hastened into politics. He was a member of the Massachusetts House and Senate, after serving in the State constitutional convention; and then he came to the U.S. Congress, where he remained for 42 years, 8 of them as Speaker.

Perhaps we can best honor John McCormack's memory by recalling that he loved politics and he love this House. "Politics was natural to me," he said, "and I always knew I'd go into it some day." Like the 17th century founders of Boston and New England, Speaker McCormack had a calling from Providence to which he gave his unstinting devotion. He presided over one of the most productive periods of congressional history and he contributed immeasurably to the heritage of our Nation and the happiness of our lives. The country has lost one of its greatest patriots. I have lost one of my closest friends.●

TRIBUTE TO HON. THOMAS L. ASHLEY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. BRADEMAS. Mr. Speaker, few Members can lay claim to the impressive list of legislative achievements that belongs to LUD ASHLEY. In his position as chairman of the Housing Subcommittee, he has worked to provide decent and affordable shelter for all Americans and to rebuild our cities.

LUD will probably be best remembered however for his role in crafting and guiding through Congress the Nation's first comprehensive energy program. As chairman of the special ad hoc Committee on Energy, he was responsible for mastering this most complex of topics and finding the basis of agreement from conflicting forces. His success at this task has meant a more secure energy future for America.

On a personal note, Mr. Speaker, I would mention that LUD ASHLEY was my boss and friend before he was my colleague. I worked for LUD when I first came to Washington and learned from him that hard work and concern for people are the keys to success in politics.

LUD ASHLEY has left a strong imprint on me, both personally and professionally. And he has left a strong imprint on the Nation. It has been an honor to have learned from and to have served with him these past 25 years.●

THE 25TH ANNIVERSARY OF THE MONTGOMERY BUS BOYCOTT

HON. VIC FAZZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. FAZZIO. Mr. Speaker, it is only fitting that we take this time to recognize the 25th anniversary of the "birth" of the modern day civil rights movement, especially since our Nation is undergoing so many changes, with the rejuvenation of the Ku Klux Klan and the American Nazi Party and the feeling among many black Americans that the civil rights movement has ebbed somewhat since the days of its more visible advances and accomplishments.

The movement began in earnest with Ms. Rosa Parks' simple, but courageous, act of nonviolent civil disobedience which demanded an end to the indignities and humiliations that black Americans have been subjected to daily throughout history. It was her refusal to relinquish her seat to a fellow white citizen and the subsequent bus boycott led by the then-young Rev. Martin Luther King, Jr., that gave renewed meaning to the principle of nonviolence and the words "liberty and justice for all."

As Dr. King wrote to his fellow clergymen almost 8 years after the bus boycott, from the Birmingham City Jail:

> I have earnestly worked and preached against violent tension, but there is a type of constructive non-violent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having non-violence gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation.

Rosa Parks concurred with this philosophy and had the courage to begin to carry it out.

America was intended to be a place where every man and woman of all shades and religious backgrounds could be free to exercise his or her ability to contribute to the success of their families and their country. With the courage and faith of Rosa Parks and thousands of others just like her, America has moved closer to fulfilling this destiny as our forefathers had intended.

In a land of enormous wealth, great scholars, huge harvests, and miracles in medicine, we must not return to the days of old, when the needs of the sick, hungry, the elderly, and the homeless were not in favor. We must not allow those in need to become the victims and sacrificial lambs, once again, of economic progress. We can have more for all; no one has to lose when others gain. We must all stand by the justice of this truth.

It is also fitting that as we go through the periodic ebb and flow of the fight for social justice and equality, that we remember these additional words that Dr. King wrote to his fellow clergymen:

> We must use time creatively, and forever realize that the time is always ripe to do right. Now is the time to make real the promise of democracy, and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

These words still ring with truth today.

As our greatest civil rights President, Lyndon Johnson understood this, and when it was his "time" he acted to preserve in law the gains this courageous woman helped to win. President Johnson once said:

> How incredible it is that in this fragile existence we should hate and destroy one another. There are possibilities enough for all who will abandon mastery over others to pursue mastery over nature. There is world enough for all to seek their happiness in their own way.

When we "abandon mastery over others" the civil rights movement will have run its course. That moment is not in sight now, but as a result of the efforts of Rosa Parks and the entire civil rights movement, it may be a generation closer.●

TRAGEDY IN EL SALVADOR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. OBERSTAR. Mr. Speaker, the Members of this House should be outraged by the brutal murder of four American women, three of them nuns, in El Salvador. Their deaths mark another atrocity in the persecution of Roman Catholic clergy in El Salvador.

These deaths have brought to the front pages of American newspapers the tragedy of El Salvador.

Members of the clergy working for meaningful economic and social reform, to benefit the millions of El Salvadoreans in poverty, face persecution by the junta and the rightwing terrorists associated with the government.

Our fellow Americans willingly embraced the cause of their Latin American brothers and sisters. They have met the deaths of martyrs. I hope that their deaths will serve to raise the awareness of the Members of this House of the desperate situation that exists in El Salvador and of the true nature of the rightwing terrorist elements in that country.

During the civil war in Nicaragua, it was the death of an American newsman which brought home to Americans the depravity of Somoza's National Guard.

Earlier this year, I joined a number of our colleagues in urging the administration and the House Foreign Assistance Appropriations Subcommittee not to send $5.7 million in military aid to the war-torn country. Unfortunately, our appeal was rejected and that military aid was made available.

Our national interest requires a reexamination of our policy toward Latin America. At the very least, we must question how we serve our country by continuing to send military aid to El Salvador.●

TRIBUTE TO BENNETT STEWART

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. LELAND. Mr. Speaker, it is a pleasure for me to join my colleagues in paying tribute to my good friend Bennett Stewart who has served in this House with distinction and dedication.

Bennett Stewart has a long and distinguished record of public service on behalf of the people of Chicago and the citizens of Illinois. His contributions, counsel, and leadership in this body will be missed.

The people of Illinois have been well served by this gentleman who has been an educator, businessman, and legislator. He leaves this body with the great respect and lasting friendship of his colleagues and with my best wishes for his continuing success and happiness in the years ahead.●

FINANCIAL STATEMENT OF REPRESENTATIVE SHARP

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. SHARP. Mr. Speaker, as a matter of personal policy, my wife and I annually disclose our financial assets and liabilities, and our income and tax payments. To make our current disclosure available for public scrutiny, I ask that it be included in the Congressional Record.

PHILIP R. AND MARILYN A. SHARP, STATEMENT OF ASSETS AND LIABILITIES AS OF DEC. 31, 1979

Assets:	
Cash (checking and savings accounts)	$55,234
Deposit in Indiana teachers retirement fund	1,748
Deposit in teachers insurance annuity fund	708
Deposit in civil service retirement fund	20,278
Total	77,968
Investments:	
U.S. Savings Bond	200
Treasury bills	65,000
Residence in Muncie (at cost)	19,500
Muncie business building (at cost)	25,000
Residence in Arlington, Va. (at cost)	111,500
Total investments	221,200
Automobiles (1974 Chevrolet, 1979 Dodge Omni)	6,520
Total assets	305,688
Liabilities:	
Mortgage on Muncie residence	13,643
Mortgage on Arlington home	87,107
Personal loan	12,000
Total liabilities	112,750
Total assets	305,688
Less total liabilities	112,750
Net assets	192,938

STATEMENT OF INCOME AND TAXES PAID FOR 1979, PHILIP R. AND MARILYN A. SHARP

Total income for 1979	$173,299
Federal income taxes paid for 1979	63,445
Indiana income taxes paid for 1979	2,861
Property taxes paid in 1979:	
Delaware County, Ind	577
Arlington County, Va	1,477
Total taxes paid for 1979	68,360

A copy of the tax returns or any specific information will be provided to reporters upon request.●

WILMINGTON 10 ACQUITTAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. CONYERS. Mr. Speaker, an appeals court yesterday threw out the 1972 conspiracy and arson convictions of the North Carolina civil rights workers, known as the Wilmington 10, whose imprisonment prompted an international outcry about American justice. This verdict is a victory and a vindication for not only the Wilmington 10, but for the civil rights struggle as well. The members of the Congressional Black Caucus have always been convinced that the evidence never supported a conviction and that there was collusion on the part of law enforcement officers at the local, State, and Federal levels to blatantly deny due process of law to the accused. Unfortunately, people were prosecuted and served jail terms, simply to be made examples of, because they protested injustice. It is altogether fitting that the successful conclusion to this major civil rights struggle comes almost 25 years to the day after the birth of that movement in Montgomery, Ala. It is significant to note that in the 25-year period since the Montgomery bus boycott, the system can now be made to work, but only if enough people are sufficiently concerned to see that it does. This verdict comes as a breath of fresh air in a time of rising incidence of racial and intergroup violence in America. We of the Congressional Black Caucus and our friends in Congress and across the Nation must build on this victory, so that in the future it will not take 10 long years and such an incredible effort to see that justice is served.●

A TRIBUTE TO CONGRESSMAN BILL ROYER

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. PASHAYAN. Mr. Speaker, it has been my great pleasure to become acquainted with my colleague, BILL ROYER, during the 96th Congress, and I realize how much all of us shall miss his contribution in this Chamber next year.

BILL'S work on the Public Works and Transportation Committee especially in the area of trucking deregulation, stands as one of the highlights of his tenure in the House. Such a contribution, combined with a rare sense of humor and affability, have marked a fine career that we will remember.

No matter what the future holds, I wish to extend my personal best wishes.●

TRIBUTE TO JIM CORMAN

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. JOHNSON of California. Mr. Speaker, we are saying goodby and good luck to far too many old friends and colleagues. The same is true, I think, for those of us who are leaving as for those who will continue to serve here in the Congress: There are far too many goodbys to be said all at once.

For myself, in the months ahead I expect finally to have the time needed to reflect on the events and accomplishments we achieved during the time we served together. One can say only a few brief words today, but I will be continuing to evaluate these years and to fully appreciate the remarkable capabilities of those who have been my colleagues here in Congress.

JIM CORMAN has served with me here in the House of Representatives for 20 years, and I find it difficult to express my feelings about him as we both finish our service.

But the main thing I would like to say about JIM is that the privilege of serving with him has been one of the main reasons why this time in my life has been so rewarding.

I will always remember JIM as a man who fought hard for the needs of his constituents and our State, while never overlooking the needs of other individuals. His particular concern for the underprivileged of our Nation should be a source of great pride to him. He knew the risks involved in taking a stand but he still stood steadfast to his principles, as I know he will in all his future endeavors.

It is a source of great pride and satisfaction to me to claim him as both a respected colleague and a treasured friend.●

TRIBUTE TO HON. RICHARDSON PREYER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1980

● Mr. BRADEMAS. Mr. Speaker, "integrity, character, dedication"—these are the words heard most often in references to RICHARDSON PREYER. After 12 years' service in the House, this man of soft words and keen intellect takes with him that most precious of commodities—the respect of all his colleagues.

RICH'S intimate knowledge of the law combined with his sound judgment and sense of fair play have led the House leadership on more than one occasion to call on his services in resolving sensitive and often thankless matters. And in service on the Health Subcommittee he has brought equal legislative skills to bear in the fight to preserve a clean and healthful environment.

In his dealings with his colleagues, in his approach to legislation and in his style of politics, RICHARDSON PREYER has been the kind of politician envisioned by our Founding Fathers: a man who served his country when called with wit, grace, and intelligence.

I am proud, Mr. Speaker, to call RICHARDSON PREYER my friend.●

PLEBISCITE IN URUGUAY CAUSE FOR CELEBRATION

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Ms. HOLTZMAN. Mr. Speaker, the recent plebiscite in Uruguay is a cause for celebration.

In the first election held there since the military takeover 7 years ago, the people of Uruguay have voted by an impressive margin to reject a proposed constitution that would have legitimized military control over their Government.

By voting a resounding "no" to the constitution sought by the ruling generals, Uruguayans have made it clear that they seek the restoration of the political rights and freedoms they lost in 1973.

The vote was particularly significant because the military rulers campaigned vigorously for the proposed constitution, and those who opposed it were effectively denied the opportunity to organize a campaign against it.

While the outcome of the plebiscite does not guarantee that democratic government will be restored in Uruguay, the ruling generals would be wise to respond positively to the popular mandate for a return to true representative government, and an end to repression and violations of human rights.●

TRIBUTE TO HARLEY O. STAGGERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. BIAGGI. Mr. Speaker, unfortunately for this body and the country, 1980 marks the end of a most illustrious congressional career. After 32 years of distinguished service to the Second Congressional District of West Virginia, and the Nation, HARLEY O. STAGGERS is retiring.

This body will be losing one of its most effective and dynamic leaders—a man who through his deep sense of fairness and kindness has gained the respect and friendship of Members on both sides of the aisle.

HARLEY was first elected to Congress in 1948, having already distinguished himself as an educator, coach, sheriff, and naval officer. He leaves us after 16 terms, during which time he has seen the coming and going of six U.S. Presidents and has compiled an exceptional list of accomplishments.

As the powerful chairman of the House Interstate and Foreign Commerce Committee, HARLEY has played a leading role in the shaping of landmark legislation in such important and diverse areas as public health, transportation, communications, energy, consumer protection, and the environment.

Perhaps the greatest tribute to his abilities is the fact that despite his dedicated and time consuming efforts as chairman of one of this body's most important committees, he never lost sight of his No. 1 responsibility—service to his constituents. He is both loved and admired by the people he has represented so effectively for over three decades.

Mr. Speaker, this body has been blessed with many great and effective leaders—but none greater or more effective than HARLEY O. STAGGERS. He will be sorely missed, although his record should serve as an inspiration to all future Congresses. I wish him a long and richly deserved retirement.●

TRIBUTE TO BOB ECKHARDT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. STENHOLM. Mr. Speaker, I would like to take this opportunity to join with my other colleagues in paying tribute to Bob Eckhardt, who will be leaving the House at the end of this, the 96th Congress.

Bob's career in politics goes back quite a few years. Following a successful career in the Texas State Legislature, Bob was elected to the U.S. Congress and has served since the 90th Congress. His tireless and dedicated efforts on behalf of his constituents and the Nation will be remembered by his colleagues long after his departure from the House.

The Eighth District of Texas has been represented these past years by a man of genuine sincerity and dedication, which has earned him the respect and admiration of Members on both sides of the aisle. I know that I speak for all Members when I say his absence will be felt, and I extend my very best wishes to Bob as he embarks on a new phase in his life.●

TRIBUTE TO PHILIP KLUTZNICK

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RUSSO. Mr. Speaker, it is a pleasure for me to join with my colleagues in honoring Secretary Philip M. Klutznick. As a fellow Illinoisan, I take special pride in the achievements of the Secretary.

Those achievements and his successes are numerous. In both the domestic and international sphere, Philip Klutznick has proven himself to be a man of great economic acumen as well as a great humanitarian. It is the best combination. With a larger vision of the world and its problems, Philip Klutznick could apply the practical talents and skills of the businessman and economist to those problems. He could be scholar as well as developer; he could construct appeals for the United Nations General Assembly, or an industrial center in Israel.

His work with so many causes in the humanitarian fields and in civic affairs tells us something personally of the man and his values. His outstanding work, most recently accomplished at the Department of Commerce exemplifies the best of the public servant. Secretary Klutznick deserves our admiration and our thanks for a job well done.●

TRIBUTE TO BOB GIAIMO—FISCAL CONSCIENCE OF THE HOUSE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. BIAGGI. Mr. Speaker, when this 96th Congress adjourns sine die, we will be bidding a fond farewell to Bob Giaimo, who for 22 years has graced this House with his presence and his knowledge.

The people of the great city of New Haven, Conn. are proud to have Bob Giaimo as a native son. Since 1958, they have had the good judgment to have him represent them in the Congress. They have been rewarded in numerous instances by Bob's consistent commitment to constituent service. He has been one of Connecticut's major political figures for one-quarter century.

Bob Giaimo first served this House as a member of the Education and Labor Committee and in that capacity was responsible for authoring the Vocational Education Act among other important bills. In 1963, Bob became a member of the all-important Appropriations Committee where he has given especially distinguished service to the House and the Nation. Bob was especially active in the defense appropriations area and was one of the leading voices in the campaign to end the war in Vietnam.

Yet, when the history of this Congress is written—Bob Giaimo will occupy a position of prominence because of his stellar work as chairman of the House Budget Committee. Prior to assuming the position of chairman in 1976, Bob Giaimo played a major role in the legislation which established the entire congressional budget process.

The job of Budget Committee chairman is one of the most demanding of all positions in the Congress. Oftentimes, it is one of the most thankless of all jobs. Yet, Bob Giaimo has demonstrated the highest standards of fairness and professionalism as chairman, facing difficult changes head on and not shirking from making hard decisions. The New York Times paid appropriate tribute to Bob when they called him "Congress foremost budgeteer a true believer in the necessity of fiscal discipline and spending constraints."

We owe the integrity of the congressional budget process to Bob Giaimo. It has been challenged from all quarters, yet it still survives as a viable element of congressional policymaking. The American people owe a debt of gratitude to Bob Giaimo for his advocacy of reduced Federal spending and a balanced Federal budget. No man has worked harder and more effectively for fiscal responsibility than has Bob Giaimo.

I will miss Bob Giaimo who is one of my closest friends in the House. I have sought his counsel on many occasions and have always found him willing and helpful. He is a man of resoluteness, of great intellectual character, and of compassion. He is a big man not only in size but in stature. He has earned enormous respect from his colleagues on both sides of the aisle—here and in the Senate. Presidents have sought his advise many have benefited from it.

Bob Giaimo is leaving on his own accord as a winner. He is really leaving at the very height of his power and professional success. We know his lovely and supportive wife, Marion, will be glad for the extra time they will have together. Yet I want Bob to know that he will be missed dearly by his friends in the House but should feel gratified that his legacy of accomplishment and service will be a model for future House Members.●

TRIBUTE TO REPRESENTATIVE THOMAS LUDLOW ASHLEY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 1980

● Mr. RUSSO. Mr. Speaker, I am pleased to have the opportunity to praise a colleague who I greatly admire and respect, but I am sad to have to say goodbye to this good friend. He will be greatly missed here.

Lud would roll up his sleeves and put in the hard work required to complete the job. As a result he has been a real asset to Congress and the Nation and particularly his constituency have been well served. He has left his mark, both as a housing expert and as a moving force in the shaping of our energy policy.

I admire him for this hard work, but I especially appreciate his decency and integrity. Lud was the kind of colleague and friend whose word you always rely on. He was always willing to assist you, as he did me on my first amendment offered in the House. He also defeated me on it, but it says something about the man that you come away still respecting and appreciating his work.

Lud, for 25 years, has been a dedicated Member of this body. He deserves our recognition and our praise, and I wish this fine gentleman all the best. He certainly has earned it.●

TRIBUTE TO JIM CORMAN

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. RUSSO. Mr. Speaker, I have enjoyed working with Jim Corman and have watched his work on Ways and Means with great admiration. We are going to miss him.

Jim has served with distinction and with dedication his constituents and the people of this Nation. A man of principle, Jim commands the respect of those who know him. I especially admire his defense of and work for the underprivileged and the less fortunate. He brought his extensive legislative skills and talents to bear in support of these efforts, and his work outside the Congress with groups and organizations further demonstrated his caring and commitment.

Jim deserves our thanks, and he can leave here secure in the knowledge that he did a tremendous job. I wish him all the best.●

TRIBUTE TO JOHN BUCHANAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1980

● Mr. GILMAN. Mr. Speaker, I rise, to thank Jack Edwards for making possible this occasion to honor our friend and distinguished colleague, the gentleman from Alabama, John Buchanan.

John Buchanan was elected to the 89th Congress from the Sixth District of Alabama on November 3, 1964. Prior to his election he served in the Navy during World War II and then in 1949 he graduated from Southern Theological Seminary and received an L.L.D. degree from Samford University in 1967.

From 1952 to 1964 he served as pastor of churches in Tennessee, Virginia, and Alabama.

Throughout his career, John Buchanan has been an outspoken advocate of human rights for all people. He has offered inspirational leadership as a member of the U.S. delegation to the United Nations and the 28th General Assembly. In 1975, he was a congressional adviser to the American delegation to the Seventh Special Session of the United Nations. He also served as a member of the U.S. delegation to the Belgrade Conference in 1977, and the U.S. delegation to the United Nations Human Rights Commission in 1978. For 3 years he served on the U.S. delegation to the Human Rights Commission. Most recently, Congressman Buchanan has been serving on the Commission of Security and Cooperation in Europe, advocating a strong national defense.

I have been fortunate to have worked alongside Mr. Buchanan on the House Foreign Affairs Committee. His selfless dedication and deep concern for human rights has set an example for all of us.

John Buchanan was especially concerned with the fate of Christians in the Soviet Union; most recently, he worked on behalf of the group of Pentecostals who are still forced to live in the American Embassy in Moscow.

As a Baptist minister, John combined a strong conservative impulse when it came to government spending with a genuine concern for the advancement of the underprivileged. He was never afraid to tackle an unpopular cause and consistently stood up for the rights of members of minority groups, and for women. We do not really know how great our loss will be until John actually leaves this Chamber, for he has been working diligently here ever since his loss at the polls.

We are privileged to have known John. I hope that we will continue to have the benefits of his good advice, and efforts, in the future.●

TERRORISM AGAINST THE CHURCH IN EL SALVADOR

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 5, 1980

● Mr. BONKER. Mr. Speaker, will horrors never cease? Once again, we are witnesses to the brutal spectacle of four Americans—three nuns, and a lay woman—being killed in El Salvador by terrorists believed to be of the extreme right. A week ago five political leaders of the left were killed in a similar manner. Also, a week ago two Salvadorean priests, Marcial Surano and Ernesto Abrigo, disappeared.

This horrendous violence is nothing new to El Salvador. Since January 1, more than 9,300 political killings have been recorded. What is new and ominous is that the church has become a special target of right wing death squads. Especially since it has been in the forefront of advocating reform and social justice in a society that is almost feudal.

Last March, Archbishop Oscar A. Romero, was assassinated as he celebrated Mass. Along with the Archbishop, more than 20 priests and religious teachers have also been slain. This incredible assault on the church cannot be allowed to continue. No decent human can remain silent as nuns Ito Ford, Maura Clarke, Dorothy Kazel and lay woman Jean Donovan are murdered.

As chairman of the only subcommittee—International Organizations—that oversees human rights, I commend the President for suspending all American aid to El Salvador. I commend Ambassador White for all his efforts to bring peace to that troubled land. We must do all we can to bring the guilty to justice. I urge the President-elect to join in supporting and continuing this suspension of aid. I also urge him to forcefully speak out against this terror which is slowly destroying El Salvador.●